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The Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A cumulative codification guide, keyed to the *Code of Federal Regulations*, is also published monthly. The guide lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.

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THE CODIFICATION GUIDE

The Codification Guide is published monthly on a cumulative basis. It lists titles, parts, and sections of the *Code of Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1964. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

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37.1
(a) revised; (h) (7) redesignated as (8), new (7) added 5225
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42
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42.30
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42.60
Revised 16983

45
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45.1
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46
Heading revised 16194

51
Heading revised 16194

51.990
(c) (11) and (12) and (f) (10) and (11) added 14984
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53
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120.1
(j) (7) added 1802
(d) amended 7597

120.2
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120.3
(e) (5) amended 15024

120.7
(a), (b), (d), and (e) amended 7597
(b) amended 15204

120.8
Amended 7597

120.12
(c) corrected 15204

120.33
(k) amended 15204

120.36
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Amended 6254
Revised 15812

120.111
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120.142
Revised 8143

120.153
Amended 1385

120.169
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120.176
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120.180
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120.184
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121
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121.84
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121.90
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(a) amended 18496

121.91
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Revised 15813

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121.101
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121.207
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(c) amended 12461
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(d) amended 12364
(d) amended 15255
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121.210
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(c) amended 13895
(c) amended 15815
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121.213
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Amended 11917
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(d) amended 14663

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121.224
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(d) amended 12463
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(c) (1) through (5) revised; (e) amended 15917

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121.238
Introductory text of (d) revised 10509

121.239
Introductory text of (d) revised 10509

121.241
(b) amended 2675
(b) amended 5546
Introductory text of (c) revised 10509
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121.243
(b) amended 15917

121.245
(b) amended 15917

121.248
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(a) (3) added 3393
(a) (4) added 14624
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(d) amended; introductory text of (e) revised 10509
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121.263
Added 15511

121.264
Added 15511

121.265
Added 16909

121.1008
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121.1009
(c) (8) added 560

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121.1099
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(a) (2) amended 5945
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(a) (3) amended 12515
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121.1112
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121.1117
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121.1122
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(a) (2) revised 12364

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Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

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[87th Cong., 2d Sess.]

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Control Area Extension, Control Zone and Restricted Area

On September 13, 1963, a notice of proposed rulemaking was published in the FEDERAL REGISTER (28 F.R. 9955) stating that the Federal Aviation Agency was considering amendments to §§ 71.165, 71.171, and 73.54 of the Federal Aviation Regulations which would alter the boundaries of the Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor R-5402 and change the description of the Grand Forks, N. Dak. (Grand Forks AFB) control zone and the Grand Forks control area extension to require pilots to obtain prior approval from appropriate authority before using the portion of these areas within R-5402.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that an altitude designation of "Surface to 19,000 feet MSL" for the portion of R-5402 extending from the point of beginning to one nautical mile north would eliminate the need for changes in holding patterns at Grand Forks, N. Dak. Since this change will reduce the amount of airspace within R-5402, notice and public procedure thereon are unnecessary.

In consideration of the foregoing and for the reasons stated in the Notice, the following actions are taken:

1. In § 73.54 North Dakota (28 F.R. 19-37, January 26, 1963), R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor is amended to read:

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor

Boundaries. From a point of beginning at latitude 48°00'43" N., longitude 97°24'03" W., the area centered on the 001° radial of the Grand Forks AFB TACAN, extending to a point 30 nmi N, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes—

Surface to 19,000 feet MSL from the point of beginning to 1 nmi N.

Surface to flight level 270 from 1 to 3 nmi N of the point of beginning.

2,000 feet MSL to flight level 270 from 3 to 4 nmi N of the point of beginning.

3,000 feet MSL to flight level 270 from 4 to 6 nmi N of the point of beginning.

5,000 feet MSL to flight level 270 from 6 to 11 nmi N of the point of beginning.

10,000 feet MSL to flight level 270 from 11 to 15 nmi N of the point of beginning.

14,000 feet MSL to flight level 270 from 15 to 19 nmi N of the point of beginning.

17,000 feet MSL to flight level 270 from 19 to 25 nmi N of the point of beginning.

20,000 feet MSL to flight level 270 from 25 to 30 nmi N of the point of beginning.

Time of designation. Continuous.

Using agency. Grand Forks AFB Approach Control.

2. In § 71.165 (27 F.R. 220-59, November 10, 1962), the following change is made: In Grand Forks, N. Dak., "The portion of this control area extension within R-5402 shall be used only after obtaining prior approval from appropriate authority." is added.

3. In § 71.171 (27 F.R. 220-91, November 10, 1962), the following change is made: In Grand Forks, N. Dak. (Grand Forks AFB), "The portion of this control zone within R-5402 shall be used only after obtaining prior approval from appropriate authority." is added.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t. March 5, 1964.

Issued in Washington, D.C., on December 24, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63-13482; Filed, Dec. 31, 1963; 8:46 a.m.]

[Airspace Docket No. 63-CE-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Federal Airways, Control Zone and Restricted Area

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9955) stating that the Federal Aviation Agency was considering amendments to §§ 71.107, 71.143, 71.171, and 73.54 of the Federal Aviation Regulations which would alter the Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor R-5403 and modify the descriptions of the Minot, N. Dak. (Minot AFB) control zone, red Federal airway No. 46 and VOR Federal airway No. 1541.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the FAA has determined that an altitude designation of "Surface to 19,000 feet MSL" for the portion of R-5403 extending from the point of beginning to one nautical mile northwest would eliminate the need for changes in the holding patterns at Minot, N. Dak. Since this change from the action proposed in the notice is less restrictive on the public, compliance with the notice and public procedure is unnecessary.

In consideration of the foregoing and for the reasons stated in the notice, the following actions are taken:

1. In § 73.54 North Dakota (28 F.R. 19-37, January 26, 1963), R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor is amended to read:

R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor

Boundaries. From a point of beginning at Latitude 48°26'42" N., Longitude 101°25'13" W., the area centered on the 308° radial of the Minot AFB TACAN, extending to a point 30 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes—

Surface to 19,000 feet MSL from the point of beginning to 1 nmi NW.

Surface to flight level 270 from 1 to 3 nmi NW of the point of beginning.

3,000 feet MSL to flight level 270 from 3 to 4 nmi NW of the point of beginning.

4,000 feet MSL to flight level 270 from 4 to 6 nmi NW of the point of beginning.

6,000 feet MSL to flight level 270 from 6 to 14 nmi NW of the point of beginning.

14,000 feet MSL to flight level 270 from 14 to 22 nmi NW of the point of beginning.

19,000 feet MSL to flight level 270 from 22 to 30 nmi NW of the point of beginning.

Time of designation. Continuous.

Using agency. Minot AFB Approach Control.

2. In § 71.107 (27 F.R. 220-4, November 10, 1962), the following change is made: In R-46 "The portion of this airway within R-5403 shall be used only after obtaining prior approval from appropriate authority." is added.

3. In § 71.143 (27 F.R. 220-38, November 10, 1962), the following change is made: In V-1541 "The airspace within (R-5403) shall be used only after obtaining prior approval from appropriate authority." is deleted.

4. In § 71.171 (27 F.R. 220-91, November 10, 1962), the following change is made: In Minot, N. Dak. (Minot AFB), "The portion of this control zone within R-5403 shall be used only after obtaining prior approval from appropriate authority." is added.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t. March 5, 1964.

Issued in Washington, D.C., on December 24, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63-13483; Filed, Dec. 31, 1963; 8:46 a.m.]

[Airspace Docket No. 63-CE-68]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Restricted Area and Alteration of Controlled Airspace and Federal Airway

On September 14, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9995), stating that the Federal Aviation Agency was considering amendments to §§ 71.123, 71.165, 71.171, and 73.42 of the Federal Aviation Regulations which would designate the Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor R-4208 and change the descriptions of the Marquette, Mich. (K. I. Sawyer AFB) and the Marquette (Marquette County Airport) control zones, the Marquette control area extension and VOR Federal airway No. 470 to require pilots to obtain prior approval before using the portions of these areas within R-4208.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

In consideration of the foregoing and for the reasons stated in the notice, the following actions are taken:

1. In § 73.42 Michigan (28 F.R. 19-26, January 26, 1963), the following Restricted Area/Military Climb Corridor is added:

R-4208 Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor

Boundaries. From a point of beginning at latitude 46°24'13" N., longitude 87°23'04" W., the area centered on a bearing therefrom of 009°, extending to a point 30 nmi, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes—

Surface to flight level 270 from the point of beginning to 3 nmi N.

3,000 feet MSL to flight level 270 from 3 to 4 nmi N of the point of beginning.

4,000 feet MSL to flight level 270 from 4 to 6 nmi N of the point of beginning.

6,000 feet MSL to flight level 270 from 6 to 9 nmi N of the point of beginning.

9,000 feet MSL to flight level 270 from 9 to 15 nmi N of the point of beginning.

14,000 feet MSL to flight level 270 from 15 to 24 nmi N of the point of beginning.

20,000 feet MSL to flight level 270 from 24 to 30 nmi N of the point of beginning.

Time of designation. Continuous.

Using agency. K. I. Sawyer AFB Approach Control.

2. In § 71.123 (27 F.R. 220-6, November 10, 1962), the following change is made: In V-470 "The portion of this airway within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.

3. In § 71.165 (27 F.R. 220-59, November 10, 1962), the following change is made: In Marquette, Mich., "The portion of this control area extension within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.

4. In § 71.171 (27 F.R. 220-91, November 10, 1962), the following changes are made:

a. In Marquette, Mich., (K. I. Sawyer AFB), "The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.

b. In Marquette, Mich. (Marquette County Airport), "The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., March 5, 1964.

Issued in Washington, D.C., on December 24, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63-13484; Filed, Dec. 31, 1963; 8:46 a.m.]

[Airspace Docket No. 63-CE-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area, Federal Airway and Control Zone

On August 30, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9536), stating that the Federal Aviation Agency was considering amendments to §§ 71.123, 71.143, 71.171, and 73.42 of the Federal Aviation Regulations which would alter the boundaries of the Sault Ste. Marie, Mich. (Kincheloe AFB), Restricted Area/Military Climb Corridor R-4205 and change the description of the Sault Ste. Marie (Kincheloe AFB) control zone and VOR Federal airways No. 193 and No. 1509 to require pilots to obtain prior approval from appropriate authority before using the portions within R-4205.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, therefore, for the reasons stated in the notice, the following actions are taken:

1. In § 73.42 Michigan (28 F.R. 19-26, January 26, 1963), Sault Ste. Marie, Mich. (Kincheloe AFB), Restricted Area/Military Climb Corridor R-4205 is amended to read:

R-4205 Sault Ste. Marie, Mich. (Kincheloe AFB); Restricted Area/Military Climb Corridor

Boundaries. From a point of beginning at latitude 46°11'57" N., longitude 84°25'46" W., the area centered on a bearing therefrom of 150°, extending to a point 30 nmi SE, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes—

Surface to flight level 270 from the point of beginning to 3 nmi SE.

2,000 feet MSL to flight level 270 from 3 to 5 nmi SE of the point of beginning.

4,000 feet MSL to flight level 270 from 5 to 9 nmi SE of the point of beginning.

8,000 feet MSL to flight level 270 from 9 to 15 nmi SE of the point of beginning.

14,000 feet MSL to flight level 270 from 15 to 24 nmi SE of the point of beginning.

19,000 feet MSL to flight level 270 from 24 to 30 nmi SE of the point of beginning.

Time of designation. Continuous.

Using agency. Kincheloe AFB Approach Control.

2. In § 71.123 (27 F.R. 220-6, November 10, 1962), the following change is made: In V-193 (28 F.R. 9251), "The portion of this airway within R-4205 shall be used only after obtaining prior approval from appropriate authority." is added.

3. In § 71.143 (27 F.R. 220-38, November 10, 1962), the following change is made: In V-1509 (28 F.R. 1503, 28 F.R. 7424, 28 F.R. 8022), "The portion of this airway within R-4205 shall be used only after obtaining prior approval from appropriate authority." is added.

4. In § 71.171 (27 F.R. 220-91, November 10, 1962), the following change is made: In Sault Ste. Marie, Mich. (Kincheloe AFB), "The portion of this control zone within R-4205 shall be used only after obtaining prior approval from appropriate authority." is added.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

These amendments shall become effective 0001 e.s.t., March 5, 1964.

Issued in Washington, D.C., on December 24, 1963.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 63-13521; Filed, Dec. 31, 1963; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 2098; Amdt. 354]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 11 JAN. 64 OR UPON DECOMMISSIONING OF FACILITY.

City, Honolulu; State, Hawaii; Airport Name, Honolulu International; Elev., 13'; Fac. Class., SBRAZ; Ident., HL; Procedure No. 1, Amdt. 14; Eff. Date, 27 July 63; Sup. Amdt. No. 13; Dated, 30 Apr. 60

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 11 JAN. 64.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45'; Fac. Class., SABH; Ident., CHS; Procedure No. 2, Amdt. 2; Eff. Date, 5 May 62; Sup. Amdt. No. 1; Dated, 21 Apr. 62

CYS VOR	LOM	Direct	7600	T-dn	300-1	300-1	200-½
Divide Int*	LOM	Direct	7600	C-dn	500-1	500-1	500-1½
Egbert Int	LOM	Direct	7600	S-dn-26	400-1	400-1	400-1
Carpenter Int	LOM	Direct	7600	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 7600' within 10 miles.
Minimum altitude over facility on final approach crs 7500'.
Crs and distance, facility to airport, 261°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 5.1 miles after passing LOM turn left, climb to 8000' on 168° magnetic bearing from CY LOM within 10 miles or, when directed by ATC, turn right, climb to 8000' on R-348 CYS VOR within 10 miles.
Other change: Final deleted from transition Egbert Int to LOM.
*Divide Int: Int CYS VOR R-040 and GLL VOR R-347.

City, Cheyenne; State, Wyo.; Airport Name, Cheyenne Municipal; Elev., 6156'; Fac. Class., LOM; Ident., CY; Procedure No. 1, Amdt. 1; Eff. Date, 11 Jan. 64; Sup. Amdt. No. Orig.; Dated, 2 Sept. 61.

El Paso VOR	LOM	Direct	5200	T-dn	300-1	300-1	200-½
El Paso RBn	LOM	Direct	5200	C-dn	500-1	500-1	500-1½
Int R-259 ELP-VOR and NE crs ILS	LOM	Direct	5200	S-dn-22	400-1	400-1	400-1
Newman VOR	LOM	Direct	5500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs 038° Outbnd, 218° Inbnd, 6200' within 10 miles.
RADAR vectors to final approach required. Procedure turn not authorized unless approved by ATC.
Minimum altitude over facility on final approach crs 5000'.
Crs and distance, facility to airport, 218°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn left to 125°, climb to 6000', intercept and proceed SE on 150° bearing from ELP RBn within 20 miles.
Other change: Deletes transition from Rio RBn.

City, El Paso; State, Tex.; Airport Name, El Paso International; Elev., 3956'; Fac. Class., LOM; Ident., EL; Procedure No. 1, Amdt. 19; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 18; Dated 30 Mar. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
El Paso VOR	ELP RBn	Direct	5000	T-dn	300–1	300–1	200–½
Newman VOR	ELP RBn	Direct	5500	C-dn	400–1	500–1	500–1½
				S-dn-26	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 078° Outbnd, 258° Inbnd, 6500' within 10 miles.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 258°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing ELP RBn, turn left to 090°, climb to 6000' intercept and proceed SE on 120° crs from RBn within 20 miles.
Major change: Deletes transitions from Rio RBn and Clint RBn.

City, El Paso; State, Tex.; Airport Name, El Paso International; Elev., 3956'; Fac. Class., SABH; Ident., ELP; Procedure No. 2, Amdt. 2; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 1; Dated, 19 Jan. 63

PROCEDURE CANCELLED EFFECTIVE 11 JAN. 64.

City, Great Falls; State, Mont.; Airport Name, Malmstrom AFB; Elev., 3525; Fac. Class., SABHZ; Ident., GTF; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Nov. 62

Malibu Int	Trout Int° (final)	Direct	1500	T-dn	300–1	300–1	200–½
LAX LOM	Trout Int°	Direct	2000	C-dn	500–1	600–1	600–1½
				S-dn-7R/L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000' within 10.0 miles of Trout Int.°
Minimum altitude over Trout Int° on final approach crs, 1500'.**
Crs and distance, Trout Int° to Runway 7R–L, 068°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after crossing Trout Int,° climb to 2000' on crs of 068° no farther E than Downey FM/RBn.
°Trout Int: Int 068° bearing to Los Angeles LMM and 201° bearing from GCE RBn or R–337 SXC VOR.
°°Descend to airport minimums after passing Trout Int.°

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., LMM; Ident., AX; Procedure No. 2, Amdt. 3; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 2; Dated, 12 Aug. 61

Oakville Int	LOM	Direct	1900	T-dn%	300–1	300–1	200–½
Bruins RBn	LOM	Direct	1800	C-dn	500–1	500–1	500–1½
Waverly Int	LOM (final)	Direct	1700	S-dn-9	400–1	400–1	400–1
Kerrville Int	LOM	Direct	1800	A-dn	800–2	800–2	800–2
Miller Int	LOM	Direct	1900				
Memphis VOR	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 087°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ME LOM, climb to 1900' on crs 087° within 15 miles or, when directed by ATC, turn right, climb to 1900' on R–135 MEM–VOR within 15 miles.
%AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runway 14–32.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331'; Fac. Class., LOM; Ident., ME; Procedure No. 1, Amdt. 11; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 10; Dated, 9 Nov. 63

MEM VOR	LOM	Direct	1900	T-dn#	300–1	300–1	200–½
Miller Int	LOM	Direct	1900	C-dn	500–1	500–1	500–1½
Lewisburg Int	LOM	Direct	1900	S-dn-35	400–1	400–1	400–1
Walls Int	LOM	Direct	1900	A-dn	800–2	800–2	800–2
Porter Int	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 354°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing TS LOM, climb to 2500' on crs of 354° within 15 miles or, when directed by ATC, turn left, climb to 1800' on R–271 MEM–VOR within 15 miles.
Other change: Deletes transitions from Savage Int and Norfolk Int.
#AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runway 14–32.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331'; Fac. Class., LOM; Ident., TS; Procedure No. 2, Amdt. 1; Eff. Date, 11 Jan. 64; Sup. Amdt. No. Orig.; Dated, 9 Nov. 63

MLT VOR	MLT RBn	Direct	2200	T-dn	400–1	400–1	400–1
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs 114° Outbnd, 294° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs 1300'.
Crs and distance, facility to airport, 294°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing MLT RBN, make right climbing turn to 2200', return to MLT RBn. Hold E, 294° Inbnd, right turns, 1 minute.
CAUTION: 600' smokestacks 0.3 mile WSW of airport.

City, Millinocket; State, Maine; Airport Name, Millinocket Muncipal; Elev., 408'; Fac. Class., SABH; Ident., MLT; Procedure No. 1, Amdt. 2; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 1; Dated, 27 Apr. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
XX-LFR	BLI-VOR	Direct	2000	T-dn	300–1	300–1	200–½
Maple Ridge LF Int	BLI-VOR	Direct	2000	C-d	700–1	700–1	700–1½
White Rock LF Int	BLI-VOR	Direct	2000	C-dn	700–2	700–2	700–2
				A-dn	800–2	800–2	800–2
				°If aircraft equipped to receive VOR and FM simultaneously and Ferndale FM identified, the following minimums apply:			
				C-dn	700–1	700–1	700–1½
				S-dn-16	500–1	500–1	500–1

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'; over Ferndale FM, 900'.
Crs and distance, facility to airport, 146°—8.9 miles; Ferndale FM to airport, 146°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Ferndale FM, or 8.9 miles after passing BLI-VOR, turn right and return to BLI-VOR climbing to 2000'.
°If Ferndale FM not identified, minimum authorized altitude over airport, 900'.

City, Bellingham; State, Wash.; Airport Name, Bellingham Municipal; Elev., 158'; Fac. Class., H-BVOR; Ident., BLI; Procedure No. 1, Amdt. 5; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 4; Dated, 30 Nov. 63

El Paso RBn	ELP VOR	Direct	5000	T-dn	300–1	300–1	200–½
Rio Int	ELP VOR (final)*	Direct	5500	C-dn	400–1	500–1	500–1½
Newman VOR	ELP VOR	Direct	5500	S-dn-26	400–1	400–1	400–1
Giffen Int	ELP VOR (final)	Direct	5000	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 077° Outbnd, 257° Inbnd, 6500' within 10 miles.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 257°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing ELP-VOR, turn left, climb to 8500' on R-150 within 20 miles.
*Maintain 7000' until 5 miles W of Rio Int. If Rio Int not received, maintain 8000' until over ELP VOR.

City, El Paso; State, Tex.; Airport Name, El Paso International; Elev., 3956'; Fac. Class., BVORTAC; Ident., ELP; Procedure No. 1, Amdt. 16; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 15; Dated, 16 Feb. 63

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 057°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing GRW-VOR, climb to 1900' on R-057 within 15 miles or, when directed by ATC, make right turn, climbing to 1600' and return to GRW VOR.

City, Greenwood; State, Miss.; Airport Name, Municipal; Elev., 129'; Fac. Class., BVOR; Ident., GRW; Procedure No. 1, Amdt. 4; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 3; Dated, 16 Nov. 63

				T-dn°	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 107° Outbnd, 287° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 287°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing MEM–VOR, climb to 1800' on R-287 within 15 miles or, when directed by ATC, turn left and climb to 1900' on R-220 within 15 miles.
°AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runway 14–32.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 33'; Fac. Class., BVORTAC; Ident., MEM; Procedure No. 1, Amdt. 14; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 13; Dated, 9 Nov. 63

Pismo Int°	SMX–VOR (final)	Direct	1500	T-dn	300–1	300–1	200– ½
Orcutt Int	SMX–VOR	Direct	3000	C-dn	400–1	500–1	500–1½
SBP VOR	Pismo Int°	Direct	3000	S-dn-12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 316° Outbnd, 136° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 117°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles, make immediate left climbing turn, return to SMX–VOR and climb to 3000' on R–316 within 10 miles.
°Pismo Int: Int FLW VOR R–254 and SBP VOR R–126 or SMX VOR R–316.

City, Santa Maria; State, Calif.; Airport Name, Santa Maria Public; Elev., 259'; Fac. Class., VOR; Ident., SMX; Procedure No. 1, Amdt. 1; Eff. Date, 11 Jan. 64; Sup. Amdt. No. Orig.; Dated, 8 Apr. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Hartsfield Int%—	MGR-VOR	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	1000-3	1000-3	1000-3
				A-dn*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 013° Outbnd, 193° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 193°—11.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing MGR-VOR, make left turn, climbing to 1800' on R-180 within 20 miles and contact Valdosta Approach Control.
NOTES: Aircraft will not enter IFR conditions without prior approval of ATC. Pilot will close IFR flight plan with Valdosta Approach Control or Valdosta, Ga. FSS when reaching VFR conditions on approach and will proceed VFR from contact point (6 miles after passing MGR-VOR) to airport.
Other change: Deletes transition from Cotton Int.
%Hartsfield Int: Int R-006 TLH-VOR; R-159 ABY-VOR; R-071 MAI-VOR.
*No weather available to public. Alternate minimums not authorized.

City, Thomasville; State, Ga.; Airport Name, Thomasville Municipal; Elev., 264'; Fac. Class., L-BVOR; Ident., MGR; Procedure No. 1, Amdt. 2; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 1; Dated, 11 Aug. 63

Bay Int	LAX VOR	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	1000-2	1000-2	1000-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 283° Outbnd, 103° Inbnd, 3300' within 10 miles.
Minimum altitude over LAX VOR on final approach crs, 3000'; over Redondo Int, 1300'.
Crs and distance, Redondo Int to airport, 133°—2.9 miles; breakoff point to runway, 133°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing Redondo Int, make immediate left climbing turn to heading 090°, climb to 1500', turn left to intercept LGB R-272, climb to 2000' at Hermosa Int.
Major change: Deletes A-dn minimums of 800-2.

City, Torrance; State, Calif.; Airport Name, Torrance Municipal; Elev., 95'; Fac. Class., H-BVOR-DME; Ident., LAX; Procedure No. 1, Amdt. 2; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 1; Dated, 26 Dec. 63

Lee VHF Int	VLD-VOR	Direct	1800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-d-35	400-1	400-1	NA
				S-n-35	NA	NA	NA
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1800' within 10 miles.
Procedure turn nonstandard to provide separation from Moody AFB traffic.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 006°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD-VOR, make left turn, climbing to 1800' intercepting R-346 of VLD-VOR within 20 miles.
NOTES: Procedure turn nonstandard to provide separation from Moody AFB traffic. No lights on Runway 12-30.
CAUTION: Air carrier night landing not authorized on Runway 35 and night takeoff not authorized on Runway 17. Unlighted trees 1000' from approach end of Runway 35

City, Valdosta; State, Ga.; Airport Name, Valdosta Municipal; Elev., 204'; Fac. Class., BVOR; Ident., VLD; Procedure No. 1, Amdt. 10; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 9; Dated, 15 Dec. 62

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE 11 Jan. 1964.							
Norwich VOR	Groton VOR	Direct	2100	T-dn	300-1	300-1	*300-1
Salem Int	Groton VOR	Direct	2000	C-dn	900-1	900-1	900-1½
Saybrook Int	Groton VOR	Direct	2000	A-dn**	900-2	900-2	900-2
Watch Hill Int	Groton VOR	Direct	2000	#After passing Mystic Int% on final, the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½
				A-dn**	800-2	800-2	800-2

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., VOR; Ident., GON; Procedure No. TerVOR (R-241), Amdt. Orig.; Eff. Date, 16 Nov. 63 or upon commissioning of GON VOR

Radar vectoring utilizing Quonset Point RATCC authorized in accordance with approved patterns.
Procedure turn W side of crs, 061° Outbnd, 241° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, #900'.
VOR on airport.
Crs and distance, Mystic Int% to airport, 241°—2.2 miles; breakoff point to Runway, 230°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of GON VOR or 2.2 miles after passing the Mystic Int,% make climbing right turn to 1800' direct to Groton VOR, hold NE on R-061, 1-minute right turns, 241° Inbnd.
*200-½ authorized for takeoff on Runway 23 only.
**Alternate weather minimums authorized only for those who have an approved arrangement for weather service at the airport.
%Mystic Int: Int GON VOR R-061 and ORW VOR R-195.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., VOR; Ident., GON; Procedure No. TerVOR (R-061), Amdt. Orig.; Eff. Date, 11 Jan. 64 or upon commissioning of GON VOR

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE 11 JAN. 1964.							
Norwich VOR	Groton VOR	Direct	2100	T-dn	300-1	300-1	*300-1
Salem Int	Groton VOR	Direct	2000	C-dn	600-1	600-1	600-1½
Saybrook Int	Groton VOR	Direct	2000	A-dn**	800-2	800-2	800-2
Watch Hill Int	Groton VOR	Direct	2000	#After passing Island Int, the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., VOR; Ident., GON; Procedure No. TerVOR (R-320), Amdt. Orig.; Eff. Date, 16 Nov. 63 or upon commissioning of GON VOR

Radar vectoring utilizing Quonset Point RATCC authorized in accordance with approved patterns.
Procedure turn N side of crs 140° Outbnd, 320° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.#
VOR on airport.
Crs and distance, Island Int% to airport, 320°—3.4 miles; breakoff point to Runway, 330°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of GON VOR or 3.4 miles after passing Island Int, % climb to 1800' on heading 330°, make right turn direct to GON VOR. Hold NE, R-061, 1-minute right turns, 241° inbnd crs.
*200-½ authorized for takeoff on Runway 23 only.
**Alternate weather minimums authorized only for those who have an approved arrangement for weather service at the airport.
%Island Int: Int GON VOR R-140 and ORW VOR R-191

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., VOR; Ident., GON; Procedure No. TerVOR (R-140), Amdt. Orig.; Eff. Date, 11 Jan. 64 or on commissioning of GON VOR

PROCEDURE CANCELLED, EFFECTIVE 11 JAN. 1964.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., VOR; Ident., GON; Procedure No. TerVOR (R-030), Amdt. Orig.; Eff. Date, 16 Nov. 63 or upon commissioning of GON VOR

Norwich VOR	Groton VOR	Direct	2100	T-dn	300-1	300-1	*300-1-
Salem Int	Groton VOR	Direct	2000	C-dn	600-1	600-1	600-1½
Saybrook Int	Groton VOR	Direct	2000	A-dn**	800-2	800-2	800-2
Watch Hill Int	Groton VOR	Direct	2000	#After passing GON RBn, the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½

Radar vectoring utilizing Quonset Point RATCC authorized in accordance with approved patterns.
Procedure turn W side of crs, 210° Outbnd, 030° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.#
VOR on airport.
Crs and distance, GON RBn to airport, 050°—0.9 mile; breakoff point to Runway, 049°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of the GON VOR or 0.9 mile after passing GON RBn, climb to 1800' on heading 050°, make right turn direct to the GON VOR. Hold NE on R-061, 1-minute right turns, 241° Inbnd crs.
*200-½ authorized for takeoff on Runway 23 only.
**Alternate weather minimums authorized only for those who have an approved arrangement for weather service at the airport.

City, Groton; State, Conn.; Airport Name, Trumbull; Elev., 10'; Fac. Class., VOR; Ident., GON; Procedure No. TerVOR (R-210), Amdt. Orig.; Eff. Date, 11 Jan. 64 or upon commissioning of GON VOR

Hartsfield Int%—	MGR-VOR	Direct	1800	T-dn#	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				S-d-10	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 270° Outbnd, 090° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance breakoff point to end of runway, 098°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MGR-VOR, turn right, climb to 1800' on MGR R-180 within 20 miles.
NOTE: Runway 4-22 is the only runway authorized for night operations.
%Hartsfield Int: Int R-006 TLH-VOR; R-159 ABY-VOR; R-071 MAI-VOR.
#Authorized for air carriers only, that have their own arrangements for lighting.
*Authorized for air carriers only, that have their own arrangements for weather.

City, Moultrie; State, Ga.; Airport Name, Moultrie Sunset; Elev., 294'; Fac. Class., L-BVOR; Ident., MGR; Procedure No. Ter VOR-10, Amdt. 1; Eff. Date, 11 Jan. 64; Sup. Amdt. No. Orig.; Dated, 20 Oct. 62

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CYS-RBn	LOM	Direct	7600	T-dn	300-1	300-1	200-½
Silver Crown VHF Int	LOM	Direct	8800	C-dn	500-1	500-1	500-1½
CYS VOR	LOM	Direct	7600	S-dn-26	200-½	200-½	200-½
Divide Int*	LOM	Direct	7600	A-dn	600-2	600-2	600-2
Egbert VHF Int	LOM	Direct	7600				
Carpenter Int	LOM	Direct	7600				

Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 7600′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 7600′.
Altitude of glide slope and distance to approach end of runway at OM 7500′—5.1 miles, at MM 6312′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 8000′ on the 166° bearing from YS LMM within 10 miles or, when directed by ATC, turn right, climb to 8000′ on R-348 CYS VOR within 10 miles.
*Divide Int: Int CYS VOR R-040 and GLL VOR R-347.

City, Cheyenne; State Wyo.; Airport Name, Cheyenne Municipal; Elev., 6156′; Fac. Class., ILS; Ident., I-CYS; Procedure No. ILS-26, Amdt. 18; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 17; Dated, 28 Oct. 61

Salem VOR	LOM	Direct	2600	T-dn*	300-1	300-1	200-½
YIP LOM	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Creek Int	LOM (final)	Direct	2100	S-dn-3LS**	200-½	200-½	200-½
Carleton VOR	LOM (final)	Via CRL R-210 and loc crs.	2100	S-dn-3Rŧ	400-1	400-1	400-1
Dundee Int	LOM	Direct	2200	A-dn	600-2	600-2	600-2
Dundee Int	Creek Int	Via CRL R-250	2300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2160′.
Altitude of glide slope and distance to approach end of runway at LOM, 2016′—4.2 miles; at LMM, 870′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ and proceed to DW LOM or, when directed by ATC, climb to 2300′ and proceed to Park Int via QG VOR R-264.
Aircraft executing missed approach may, after being reidentified, be radar controlled.
‡400-¾ required when glide slope not utilized.
§Crs and distance, OM to Runway 3R, 030°—5.0 miles.
*Runway visual range of 2600′ authorized for takeoff in lieu of 200-½ when 200-½ is authorized, providing high intensity runway lights are in satisfactory operating condition.
**Runway visual range 2600′ also authorized for landing on Runway 3L, provided that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 839′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-3-R, Amdt. 9; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 8; Dated, 11 May 63

El Paso VOR	LOM	Direct	5200	T-dn	300-1	300-1	200-½
El Paso RBn	LOM	Direct	5200	C-dn	400-1	500-1	500-1½
Int R-239 ELP VOR and NE crs ILS	LOM	Direct	5200	S-dn-22	200-½	200-½	200-½
Newman VOR	LOM	Direct	5500	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6000′ within 10 miles.
Radar vectors to final approach required. Procedure turn not authorized unless approved by ATC.
Minimum altitude at glide slope int Inbnd 5000′.
Altitude of glide slope and distance to approach end of runway at OM, 5000′—3.7 miles; at MM, 4139′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to 125°, climb to 6000′, intercept and proceed SE on R-150 ELP VOR within 20 miles.
Other change: Deletes transition from Rio RBn.

City, El Paso; State, Tex.; Airport Name, El Paso International; Elev., 3956′; Fac. Clas., ILS; Ident., I-ELP; Procedure No. ILS-22, Amdt. 18; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 17; Dated, 23 Feb. 63

Kerrville Int	LOM	Direct	1800	T-dn%**	300-1	300-1	200-½
Oakville Int	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Bruins RBn	LOM	Direct	1900	S-dn-09#	200-½	200-½	200-½
Waverly Int*	LOM (final)	Direct	1700	A-dn	600-2	600-2	600-2
Miller Int	LOM	Direct	1900				
Memphis VOR	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side W crs, 267° Outbnd, 087° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM 1650′—4.2 miles, at MM 540′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1900′ on E crs ILS (087°) within 15 miles or, when directed by ATC, turn right, climb to 1900′ on R-135 MEM-VOR within 15 miles.
NOTE: 400-¾ required when glide slope not utilized. Touchdown point approximately 1800′ E of runway threshold.
*AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized Runway 14-32.
#Runway Visual Range 2600′ also authorized for landing on Runway 9, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 831′ shall not be made, unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 9 in lieu of 200-½ when 200-½ is authorized; provided high intensity runway lights are operational.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I-MEM; Procedure No. ILS-9, Amdt. 9; Eff. Date, 11 Jan. 64 Sup. Amdt. No. 8; Dated, 9 Nov. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MEM-VOR	Oakville Int	Direct	1900	T-dn#	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-27	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side E crs, 087° Outbnd, 267° Inbnd, 1900′ within 10 miles of Oakville Int.
No glide slope. Minimum altitude over Oakville Int on final approach crs, 1300′.
Crs and distance, Oakville Int to airport, 267°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Oakville Int, climb to 1800′ on W crs ILS within 15 miles or, when directed by ATC, turn left, climb to 1900′ on R-220 MEM-VOR within 15 miles.
#AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runway 14-32.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I-MEM; Procedure No. ILS-27, Amdt. 9; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 8; Dated, 9 Nov. 63

MEM-VOR	LOM	Direct	1900	T-dn#	300-1	300-1	200-½
Miller Int	LOM	Direct	1900	C-dn	500-1	500-1	500-1½
Lewisburg Int	LOM	Direct	1900	S-dn-35*	200-½	200-½	200-½
Walls Int	LOM	Direct	1900	A-dn	600-2	600-2	600-2
Porter Int	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1607′—4.7 miles; at MM, 514′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ on crs of 354° from LOM within 15 miles or when directed by ATC, turn left, climb to 1800′ on R-271 MEM-VOR within 15 miles.
Other change: Deletes transitions from Savage Int and Norfolk Int.
*400-¾ required when glide slope not utilized.
#AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runway 14-32.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., ILS; Ident., I-TSE; Procedure No. ILS-35, Amdt. 1; Eff. Date, 11 Jan. 64 or upon commissioning of facility

OSH VOR	LOM	Direct	2600′	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn S side of crs 268° Outbnd, 088° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs 2500′.
No glide slope.
Distance to approach end of runway at OM, 5.7 miles; at MM, 0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 2600′ on OSH VOR R-088 within 15 miles or, when directed by ATC, make right climbing turn to 2600′ on W crs ILS within 15 miles.
NOTE: No approach lights.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
*Alternate minimums not authorized 2300 to 0700 local time.

City, Oshkosh; State, Wis.; Airport Name, Winnebago County; Elev., 795′; Fac. Class., ILS; Ident., I-OSW; Procedure No. ILS-9, Amdt. 2; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 1; Dated 27 July 63

SAT-VOR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
SAT RBn	LOM	Direct	3000	C-dn	400-1	500-1	*500-1½
				S-dn-12#	200-¾	200-¾	200-½
				A-dn	600-2	600-2	*600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 303° Outbnd, 123° Inbnd, 3000′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at LOM, 2600′—5.9 miles; at LMM, 1028′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000′ on SAT-VOR R-158 within 20 miles.
*Runway 17-35 restricted to 2-engine aircraft and smaller.
#500-¾ required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport Name, San Antonio International; Elev., 808′; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS-12, Amdt. 7; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 6; Dated, 28 Apr. 62

Sioux Falls RBn	LOM	Direct	2700	T-dn*	300-1	300-1	200-½
Sioux Falls VOR	LOM	Direct	2700	C-dn	500-1	500-1	500-1½
Bestland Int‡	LOM	Direct	2700	S-dn-36**	300-¾	300-¾	300-¾
Lennox Int§	LOM	Direct	2700	A-dn	600-2	600-2	600-2

Procedure turn S side SW crs 206 Outbnd, 026 Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2626′—3.7 miles; at MM, 1623′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on NE crs of ILS within 20 miles.
CAUTION: Tower 1628′ 1.5 miles NE of LOM.
NOTE: No approach lights.
*300-1 required for takeoff Runway 15.
#500-1 required when glide slope not utilized. **400-¾ authorized for aircraft equipped to receive ILS and VOR simultaneously and R-168 FSD identified on final when glide slope not utilized.
‡Bestland Int: Int FSD VOR R-160 and 115° bearing from FS LOM.
§Lennox Int: Int FSD VOR R-222 and 267° bearing from FS LOM.

City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1428′; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS-3, Amdt. 8; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 7; Dated, 9 Nov. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AWK RBn (via bearing 351)	Carter Int**	Direct	1500	T-dn	400-1	400-1	400-1
AWK VOR (via E-045)	Carter Int**	Direct	1500	C-dn*	500-1	500-1	500-1½
12-mile DME Arc, Radials 180 thru 090 clockwise.	W crs ILS	Via 12-mile Arc	1500	S-dn-9	400-1	400-1	400-1
W crs ILS and 12-mile DME Fix	Carter Int (final)**	Via W crs ILS	700	A-dn	800-2	800-2	800-2

Procedure turn S side of crs 276° Outbnd, 096° Inbnd, 1500' within 10 miles of Carter Int.**
When authorized by ATC, DME may be used within 12 miles between radials 180 and 000 clockwise to position aircraft for final approach and elimination of procedure turn.
Minimum altitude over Carter Int** on final approach crs Inbnd, 700'.
Crs and distance, Carter Int** to airport 096°—2.5 miles.
Altitude and distance to approach end of runway at Carter Int,** 700'—2.5 miles; at AXX RBn, 095°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing Carter Int**, climb to 1500' on E crs of ILS within 20 miles.
NOTES: 1. No glide slope. No approach lights. No marker beacons. 2. Procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.
*CAUTION: Standard obstruction clearance not provided for circling N side of airport. When necessary to circle N of airport, 700' ceiling minimums apply due 420' tower 1.4 miles N.
**Carter Int: Int W crs ILS and R-245 AWK VOR.

City, Wake Island; Airport Name, Wake; Elev., 15'; Fac. Class., ILS; Ident., I-AWK; Procedure No. ILS-9, Amdt. Orig.; Eff. Date, 11 Jan. 64. LOC Only

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering altitudes by sectors and limiting distance: From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
000°	175°	40 miles	9,000	T-dn	300-1	300-1	200-½
175°	360°	40 miles	16,500	C-dn-8R, 35, 26L, 17.	*500-1	500-1	500-1½
175°	360°	20 miles	10,500	S-dn-8R, 35, 26L, 17.	*500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 17: Climb straight ahead to 7000' to EGW RBn, or when directed by ATC, make left climbing turn, proceed direct to DEN VOR at 7000'.
Runway 35: Climb to 7000' on the N course of SPO ILS to Derby Int, hold N, right turns, or when directed by ATC, make right climbing turn to 7000', proceed direct to DEN VOR at 7000'.
Runway 8R: Climb straight ahead to 7000' direct to DE LOM or, when directed by ATC, left climbing turn to 7000' direct to DEN VOR.
Runway 26L: Turn right, climb to 7000' on 345° bearing from DE LOM within 10 miles or, when directed by ATC, turn right, climb to 7000' direct to DEN VOR.
CAUTION: 5570' tank 0.8 mile ESE of airport; 5521' beacon 1.5 miles S of airport.
*400-1 for Runway 17. 500-1 required for circling S of airport due to 5570' tank and 5521' beacon.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331'; Fac. Class., Denver; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 2; Dated, 23 Mar. 63

All directions		Within 25 miles	1600	Surveillance approach			
	Radar site			T-dn	300-1	300-1	200-½
				C-dn-23, 27, and 30.	400-1	500-1	500-1½
				C-dn-5, 9, and 12.	500-1	500-1	500-1½
				S-dn-23, 27, and 30.	400-1	400-1	400-1
				S-dn-5, 9, and 12.	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of radio antenna towers 995' 7.1 miles, 1008' 6.3 miles, and 615' 10.3 miles S of radar antenna, and also must provide separation from restricted area R-2903A.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600' straight ahead, then proceed to JAX RBn or JAX VOR.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52'; Fac. Class., Imeson; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 4; Dated, 30 Mar. 63

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering altitudes by sectors and limiting distance: From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
		Within:		Surveillance approach			
040°	185°	20 miles	1900	T-dn*	300-1	300-1	200-½
185°	040°	20 miles	1800	C-dn‡	500-1	500-1	500-1½
				S-dn-27, 3, 35, 17, 9, 21.	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000' vertical separation; or 3 to 5 miles and 500' vertical separation from following towers: 1349' 9.7 miles NE, 1340' 8.0 miles NE, 975' 9.2 miles NE, and 1333' 8.7 miles NE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runways 27 and 21: Turn left, climb to 1900' on R-220 MEM-VOR within 15 miles.
Runways 3 and 9: Turn right, climb to 1900' on R-135 MEM-VOR within 15 miles.
Runway 35: Turn right, climb to 1900' on R-135 MEM-VOR within 15 miles.
Runway 17: Turn right, climb to 1900' on R-220 MEM-VOR within 15 miles.
*AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized on Runway 14-32.
‡Radar approach not authorized on Runway 14-32.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331'; Fac. Class., Memphis; Ident., Radar; Procedure No. 1, Amdt. 9; Eff. Date, 11 Jan. 64; Sup. Amdt. No. 8; Dated, 9 Nov. 63

These procedures shall become effective on the dates specified therein.
These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on December 6, 1963.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 63-12885; Filed, Dec. 31, 1963, 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1941; Amdt. 665]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the bogie beam assembly and repair or replacement of any found defective on Douglas Model DC-8 Series aircraft was published in 28 F.R. 9846.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment stated that the AD is unjustified and unnecessary because the operators are now lubricating the swivel joint. In order to assure that all operators have and continue a satisfactory inspection, rework and lubrication program for the bogie beam swivel joint, issuance of the AD is considered necessary.

Another comment recommended an extension in the inspection intervals specified in the AD. The Agency concurs with this and the AD has been revised accordingly. The Agency does not concur, however, that the 75-hour lubrication period should be extended, since frequent lubrication of the swivel joint is essential as a corrosion inhibitor, and no substantiating data has been submitted to justify an increase in time.

A comment recommended that the AD, if issued should allow salvage of parts where the corrosion depth limits or rework limits are exceeded, subject to approval of the manufacturer. The Agency concurs with this and the AD has been revised to incorporate this provision. A comment also requested that the baking and shot peening required be deferred for at least 500 hours after rework is accomplished to eliminate excessive down time. This request was not substantiated from a structural standpoint, and therefore was not adopted.

A comment to incorporate a seal around the bogie beam swivel joint cannot be fully evaluated since insufficient information was given relative to the snugness of the O-ring fit around the swivel pin. Also, no information was supplied showing the effectiveness of such a seal in keeping out moisture around the swivel pin at this location, except for the service experience provided by one operator.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Model DC-8 Series aircraft.
Compliance required as indicated.
There have been several failures of the main landing gear forward bogie beam swivel pin lower lugs due to cracking as a result of corrosion. To preclude further failures of this nature accomplish the following on both left and right forward bogie beam assemblies P/N's 5719124, 5760631, or 5760633.

(a) For bogie beam assemblies which do not incorporate the rework outlined in paragraph 2, "Accomplishment Instructions" Kit "A" or "D" of DC-8 Service Bulletin No. 32-79 dated July 11, 1962, or FAA approved equivalent, within 500 hours' time in service after the effective date of this AD, on forward bogie beam assemblies having more than 1,000 hours' time in service as of the effective date of this AD and prior to the accumulation of 1,500 hours' time in service for bogie beam assemblies having less than 1,000 hours' time in service as of the effective date of this AD and thereafter at intervals not to exceed 1,000 hours' time in service, accomplish the inspection outlined in (a)(1) and rework as necessary per (a)(2).

(1) Conduct close visual inspection of the forward bogie beam swivel joint lugs and the swivel bolt, P/N 5719288, with swivel bolt removed, for indication of cracks, using at least a 10-power glass, paying particular attention to the swivel bolt keyways of both the lower lug and the swivel bolt. Also, inspect visually for corrosion in these same areas.

(i) Any parts found cracked must be replaced with undamaged parts before further flight.

(ii) If no corrosion or cracks are found, reassemble the bogie beam and grease the swivel joint in accordance with the instructions outlined in paragraph 2C(5) of DC-8 Service Bulletin No. 32-64, before further flight.

(iii) If corrosion is found, accomplish the inspection and rework outlined in (a)(2).

(2) Determine the depth of corrosion in the manner described in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64.

(i) If corrosion in the affected areas can be removed within the tolerance limits specified in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64, and the maximum diametral clearance after removal of the corrosion does not exceed 0.010 inch between the bogie beam swivel bolt and the lug, accomplish the inspection and rework outlined in paragraph 2C(7) of Service Bulletin No. 32-64 or FAA approved equivalent, before further flight. See also (b). If maximum metal removal exceeds the limits specified in paragraphs 2C(6) or 2C(7) of Service Bulletin No. 32-64, the bogie beam must be replaced with an undamaged part before further flight, unless the part can be salvaged by reworking to FAA approved equivalent rework limits.

(ii) If corrosion in the affected areas can be removed within the tolerance limits specified in paragraph 2C(6) of DC-8 Service Bulletin No. 32-64, and the maximum diametral clearance after removal of the corrosion exceeds 0.010 inch between the bogie beam swivel bolt and lug, accomplish the inspec-

tion and interim rework outlined in paragraph 2C(8) of Service Bulletin No. 32-64, or the final rework referred to in (c), or an FAA approved equivalent before further flight.

(iii) Bogie beam assemblies incorporating the interim rework outlined in paragraph 2C(8) of Service Bulletin No. 32-64, may be continued in service not to exceed 1,500 hours' time in service from the time the interim work was accomplished. However, if this interim work is incorporated, the final inspection and rework referred to in (c) must then be accomplished prior to the accumulation of 1,500 hours' time in service from the time the interim rework was accomplished. The 1,000-hour periodic inspection is not required for bogie beams incorporating this interim rework.

(b) As an alternate measure to (a)(2)(i), if corrosion in the affected areas can be removed within the tolerance limits specified in (a)(2)(i), the inspection and rework outlined in paragraph 2D of DC-8 Service Bulletin No. 32-64 may be accomplished. Repeat the inspection, and rework as necessary, at intervals not to exceed 700 hours' time in service. If maximum metal removal exceeds the limits specified in paragraph 2C(6) or 2C(7) of Service Bulletin No. 32-64, the bogie beam must be replaced with an undamaged part before further flight unless the part can be salvaged by reworking to FAA approved equivalent rework limits.

(c) When the bogie beam has been inspected and reworked in accordance with Kit "A" or "D" of DC-8 Service Bulletin No. 32-79 or an FAA approved equivalent, the periodic inspections specified in (a) and (b) may be discontinued.

(d) Lubricate the bogie beam swivel joint at intervals not to exceed every 75 hours' time in service in accordance with the following:

(1) Subsequent to the initial inspection and/or rework per (a) or (b); lubricate in accordance with the instructions specified in paragraph 2C(5)(c) of DC-8 Service Bulletin No. 32-64.

(2) Subsequent to the final rework per (c), including those bogie beam assemblies previously modified, if Kit "A" is incorporated, lubricate in accordance with the instructions specified in paragraph 2A(6) of DC-8 Service Bulletin No. 32-79. If Kit "D" is incorporated, lubricate in accordance with the instructions specified in Figure 2, Item (20) of DC-8 Service Bulletin No. 32-79.

(e) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Bulletins Nos. 32-64, Reissue No. 3, dated April 26, 1962, and 32-79, dated July 11, 1962, cover this same subject.)

This amendment shall become effective January 31, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued at Washington, D.C., on December 23, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 63-13480; Filed, Dec. 31, 1963; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56077]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Liquidated Damages

In T.D. 53398, approved December 17, 1953, § 8.59(j) of the Customs Regulations was amended to authorize collectors of customs to cancel claims for liquidated damages incurred for failure to timely file an entry for merchandise not subject to quota which had been released under a special permit upon the payment of $10, provided the collector was satisfied that the delay in filing the entry was not due to wilful negligence and was occasioned by circumstances reasonably beyond the control of the parties. Due to increased costs, the sum of $10 no longer reimburses the Government for the expenses incurred in processing the claim, including the billing, collection, and accounting involved, nor does it constitute a sufficient deterrent to prevent recurrence of the violation. It is necessary therefore, to increase the amount to $25.

Accordingly, § 8.59(j) is amended by substituting "$25" for "$10" therein.

The citation of authority for § 8.59 is amended to read:

(Secs. 448, 484, 558, 623, 46 Stat. 714, 722, as amended, 744, as amended, 759, as amended; 19 U.S.C. 1448, 1484, 1558, 1623)

(Sec. 624, 46 Stat. 759, 19 U.S.C. 1624)

The amendment to § 8.59(j) shall be effective as to violations occurring 30 days after the date of publication of this decision in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: December 18, 1963.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 63-13316; Filed, Dec. 31, 1963; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 146, 146a, 146b, 146c, 146e]

INFECTION IN CHICKENS

Proposed Nomenclature Change

The Commissioner of Food and Drugs has evaluated information before him consisting of conclusions reached by qualified university and governmental personnel meeting under the auspices of the Animal Disease and Parasite Research Division of the Agricultural Research Service, United States Department of Agriculture. He has concluded that for the efficient enforcement of the act the food additive and antibiotic regulations should be amended with respect to nomenclature to reflect conclusions reached at that meeting with regard to Mycoplasma gallisepticum infection in chickens.

It is concluded that the term "chronic respiratory disease" should refer to infection caused by the primary infective agent Mycoplasma gallisepticum. Respiratory infections commonly associated with this disease should be called "complicated chronic respiratory disease". Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 409, 507, 59 Stat. 463 as amended, 72 Stat. 1785 as amended; 21 U.S.C. 348, 357), and delegated to the Commissioner by the Secretary (25 F.R. 8625), it is proposed to amend Parts 121, 146, 146a, 146b, 146c, 146e as hereinafter indicated.

1. It is proposed to amend §§ 121.208(d) (tables 1 and 4), 121.210(c) (table 1), 121.213(c) (table 1), 121.217(a) (table), 121.232(d) (table), 121.233(d) (table), 121.237(b) (table), and 121.252(d) (table) by deleting the words "chronic respiratory disease," wherever they appear, and substituting therefor the words "complicated chronic respiratory disease".

2. It is proposed to amend § 146.26(b)(6), (7)(i), (9), (10), (12), (13), (16)(i), and (17)(i) by deleting therefrom the words "chronic respiratory disease," and substituting therefor the words "complicated chronic respiratory disease".

3. It is proposed to amend the following sections by deleting therefrom the words "chronic respiratory disease" and substituting therefor the words "complicated chronic respiratory disease":

§ 146a.51(f)(5)(i)
§ 146a.69(f)(5)(i)
§ 146a.88(c)(5)(i)
§ 146a.93(e)(5)(iii)
§ 146b.112(f)(3)
§ 146b.115(f)(4)(iii)
§ 146b.119(f)(4)(iii)
§ 146b.125(b)(3)
§ 146b.127(c)(2)
§ 146b.129(b)(4)(iii)
§ 146c.205(f)(5)(iv)
§ 146c.219(f)(4)(iii)
§ 146e.423(c)(4)(i)
§ 146e.425(f)(4)(i)

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments (preferably in quintuplicate) on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 24, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 63-13506; Filed, Dec. 31, 1963; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1 [New], 13, 33 [New]]

[Reg. Docket No. 3025; Notice No. 63-47]

AIRCRAFT ENGINES

Proposed Airworthiness Standards

The Federal Aviation Agency is considering a proposal to recodify the airworthiness standards for aircraft engines of Part 13 of the Civil Air Regulations into Part 33 [New].

Interested persons are invited to participate in the proposed recodification by submitting such writen data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 17, 1964, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material that was announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

The object of Part 33 [New] is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of Part 33 [New] to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes involving an increased burden on the public have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules. In addition, we propose to amend Part 1 [New] by adding a definition of "30-minute power" and by amending the definition of "fire resistant". The definition of "30-minute power" is presently in Part 13. The amendment to the definition of "fire resistant" would remove the phrase "as well as aluminum alloy" from paragraph (2) of the definition and thereby make it consistent with the definition of that term in the present Civil Air Regulations.

This proposal places all of the aircraft engine airworthiness standards of Part 13 of the Civil Air Regulations in Part 33 [New]. That part of Part 13 concerning procedural requirements for type certification of aircraft engines will be recodified in Part 21 [New].

When finally adopted, Part 33 [New] will include the substance of any applicable rules or amendments adopted and made effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rulemaking have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing, it is proposed to amend Part 1—Definitions and Abbreviations [New] (14 CFR Part 1 [New]) as follows:

1. By revising the definition of "fire resistant" to read as follows:

"Fire resistant":

(1) With respect to sheet or structural members, means the capacity to with-

stand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, other flammable fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to withstand heat in dimensions appropriate for the purpose for which they are used, under the heat and other conditions likely to occur at the place concerned.

• • • • •

2. By adding a definition of "30-minute power" reading as follows:

30-minute power, with respect to helicopter turbine engines, means the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet.

In addition, it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting §§ 13.1, 13.16 (c) and (d), 13.21, 13.100, 13.101, 13.102, 13.103, 13.104 13.110, 13.111 13.112, 13.113, 13.114, 13.115, 13.116, 13.150, 13.151, 13.152, 13.153, 13.154, 13.155, 13.156, 13.157, 13.158, 13.200, 13.201, 13.202, 13.203, 13.204, 13.205, 13.210, 13.211, 13.212, 13.213, 13.214, 13.215, 13.216, 13.217, 13.250, 13.251, 13.252, 13.254, 13.255, 13.256, 13.257, 13.258, 13.259, 13.260, and adding a Part 33 [New] reading as hereinafter set forth.

This proposal is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

Issued in Washington, D.C., on December 24, 1963.

N. E. HALABY,
Administrator.

PART 33—AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES

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33.95 Engine-propeller system tests.
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33.101 Engine operating limitations.

Subpart A—General

§ 33.1 Applicability.

This part prescribes airworthiness requirements for issuing type certificates, supplemental type certificates, and changes to those certificates for aircraft engines.

[Revision note: Based on § 13.0]

§ 33.3 General.

Each applicant must show that the aircraft engine concerned meets the applicable requirements of this part.

[Revision note: Supplied]

§ 33.5 Instruction manual.

Each applicant must prepare and make available an approved manual containing instructions for the installation, operation, servicing, and maintenance of the engine.

[Revision note: Based on § 13.21]

Subpart B—Design and Construction; General

§ 33.11 Applicability.

This subpart prescribes the general design and construction requirements for reciprocating and turbine aircraft engines.

[Revision note: Supplied]

§ 33.13 Design features.

The engine may not have design features that experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts must be established by tests.

[Revision note: Combines §§ 13.100(a) and 13.200(a)]

§ 33.15 Materials.

The suitability and durability of all materials used in the engine must be established on a basis of experience or tests. These materials must conform to approved specifications that insure their having the strength and other properties assumed in the design data.

[Revision note: Combines §§ 13.101 and 13.201]

§ 33.17 Fire prevention.

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire because of structural failure, overheating, or other causes.

(b) External lines and fittings that convey flammable fluids must be at least fire resistant. Appropriate design, shielding, or routing must minimize the probability of a fire hazard caused by the deterioration of flammable fluid carrying lines from heat, vibration, or fluid pressure.

[Revision note: Combines §§ 13.102 and 13.202]

§ 33.19 Durability.

Engine design and construction must minimize the development of an unsafe condition of the engine between overhaul periods. The design of the compressor and turbine rotor cases must provide for the containment of damage from rotor blade failure.

[Revision note: Combines §§ 13.104 and 13.204]

§ 33.21 Engine cooling.

Engine design and construction must provide the necessary cooling under conditions in which the airplane is expected to operate.

[Revision note: Combines §§ 13.113 and 13.213]

§ 33.23 Engine mounting attachments.

The mounting attachments and structure of the engine must have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of the regulations in this subchapter applicable to the aircraft involved.

[Revision note: Combines §§ 13.114 and 13.214]

§ 33.25 Accessory attachments.

Accessory drives and mounting attachments must be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine must allow for the examination, adjustment, or removal of all essential engine accessories.

[Revision note: Combines §§ 13.115 and 13.215]

§ 33.27 Turbine rotors.

To minimize the probability of failure or turbine rotors—

(a) Turbine rotors must be demonstrated to be of enough strength to withstand damage inducing factors like those that might result from abnormal rotor speeds, temperatures, or vibration; and

(b) The design and functioning of engine control devices, systems, and instrumentation must give reasonable assurance that those engine operating limitations that affect turbine rotor structural integrity will not be exceeded in service.

[Revision note: Combines §§ 13.116 and 13.216]

Subpart C—Design and Construction; Reciprocating Engines

§ 33.31 Applicability.

This subpart prescribes additional design and construction requirements for reciprocating aircraft engines with which the applicant must show compliance.

[Revision note: Based on § 13.100 (first sentence)]

§ 33.33 Vibration.

The engine must be designed and constructed to function throughout its normal operating range of crankshaft rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

[Revision note: Based on § 13.103]

§ 33.35 Fuel and induction system.

(a) The fuel system of the engine must be designed and constructed to supply an appropriate mixture of fuel to the cylinders throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes must be designed and constructed to minimize the danger of ice accretion in those passages. The engine must be designed and constructed to permit the use of a means for ice prevention.

(c) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel must be specified. The applicant must show that foreign particles passing through the prescribed filtering means will not critically impair engine fuel system functioning.

(d) All passages in the induction system that conduct a mixture of fuel and air must be self-draining, to prevent a liquid lock in the cylinders, in all attitudes that the applicant establishes as those the engine can have when the aircraft in which it is installed is in the static ground attitude.

[Revision note: Based on § 13.110]

§ 33.37 Ignition system.

Each spark ignition engine must have a dual ignition system having at least two spark plugs per cylinder and two separate electric circuits with separate sources of electrical energy, or have an ignition system of equal in-flight reliability.

[Revision note: Based on § 13.111]

§ 33.39 Lubrication system.

(a) The lubrication system of the engine must be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate. In wet sump engines this requirement must be met when only one-half of the maximum lubricant supply is in the engine.

(b) The lubrication system of the engine must be designed and constructed to permit installing a means of cooling the lubricant.

(c) The crankcase must be vented to the atmosphere to preclude leakage of oil from excessive pressure in the crankcase.

[Revision note: Based on § 13.112]

Subpart D—Block Tests; Reciprocating Aircraft Engines

§ 33.41 Applicability.

This subpart prescribes the block tests and inspections to which the applicant must subject a reciprocating aircraft engine.

[Revision note: Based on § 13.150]

§ 33.43 Vibration test.

Each applicant must conduct a vibration survey to investigate crankshaft torsional and bending vibration characteristics over the operational range of crankshaft rotational speed and engine power normally used in flight (including low-power operation), from idling speed to either 110 percent of the desired maximum continuous speed rating, or 103 percent of the desired takeoff speed rating, whichever is higher. The survey must be conducted with a propeller ordinarily used on a similar engine. If a critical speed or speeds are found to be present in the operating range of the engine, they must be eliminated through design change before conducting the endurance test specified in § 33.49 or the endurance test must include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

[Revision note: Based on § 13.151]

§ 33.45 Calibration tests.

Each applicant must subject the engine to the calibration tests necessary to establish its power characteristics and the conditions for the endurance test specified in § 33.49. The results of the power characteristics calibration tests form the basis for establishing the characteristics of the engine over its entire operating range of crankshaft rotational speeds, manifold pressures, fuel/air mixture settings, and altitudes. Power ratings are based upon standard atmospheric conditions. (See also § 33.57(a).)

[Revision note: Based on § 13.152]

§ 33.47 Detonation test.

Each applicant must conduct a test to establish that the engine can function without detonation throughout its range of intended conditions of operation.

[Revision note: Based on § 13.153]

§ 33.49 Endurance test.

(a) *General.* Each applicant must conduct an endurance test of the engine (with a propeller ordinarily used on a similar engine) that includes a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (d) of this section, as applicable. The runs must be performed in the periods and order found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankshaft rotational speed must be controlled within ±3 percent of the specified values.

(b) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, each applicant must conduct the following runs:

(1) A 30-hour run consisting of alternate periods of five minutes at takeoff power and speed, and five minutes at maximum best economy cruising power or maximum recommended cruising power.

(2) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run consisting of alternate periods of 2½ hours at maximum continuous power and speed, and 2½ hours at maximum best economy cruising power or at maximum recommended cruising power.

(c) *Two-speed engines.* For engines incorporating a two-speed supercharger, each applicant must conduct the following runs:

(1) A 30-hour run consisting of alternate periods in the lower gear ratio of five minutes at takeoff power and speed, and five minutes at maximum best economy cruising power or at maximum recommended cruising power. If a takeoff rating is desired in the higher gear ratio, 15 hours of the 30-hour run must be conducted in the higher gear ratio in alternate periods of five minutes at the observed horsepower obtainable with the takeoff critical altitude manifold pressure and takeoff speed, and five minutes at 70 percent high ratio maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run consisting of alternate periods in the lower gear ratio of

one hour at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 80 percent maximum continuous speed.

(4) A 30-hour run in the higher gear ratio at maximum continuous power and speed.

(5) A five-hour run consisting of alternate periods of five minutes in each of the supercharger gear ratios. The first five minutes of the test must be conducted at normal rated speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of the normal rated manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate five minutes in the lower gear ratio will be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and one hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and one hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and one hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run consisting of alternate periods in the lower gear ratio of two hours at maximum continuous power and speed, and two hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A five-hour run in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

Where simulated altitude test equipment is not available when operating in the higher gear ratio, the runs may be conducted at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof, and the fuel-air mixtures may be adjusted rich enough to suppress detonation.

(d) *Helicopter engines.* For engines to be eligible for use on helicopters, each applicant must conduct the following series of runs:

(1) A 35-hour run consisting of alternate periods of 30 minutes each at takeoff power and speed, and at maximum continuous power and speed.

(2) A 25-hour run consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at maximum continuous speed.

(3) A 25-hour run consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(4) A 25-hour run consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at takeoff speed, and at 80 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(5) A 25-hour run consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at takeoff speed, and at either maximum continuous power at 110 percent maximum continuous speed or at takeoff power at 103 percent takeoff speed, whichever condition results in the greater speed.

(6) A 15-hour run at 105 percent maximum continuous power and 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, provided that 105 percent of the maximum continuous power is not exceeded.

[Revision note: Based on § 13.154]

§ 33.51 Operation test.

The operation test must include all testing found necessary by the Administrator to demonstrate backfire characteristics, starting, idling, acceleration, overspeeding, functioning of propeller and ignition, and any other operational characteristic of the engine. If the engine incorporates a multispeed supercharger drive, the design and construction must allow the supercharger to be shifted from operation at the lower speed ratio to the higher and the power appropriate to the manifold pressure and speed settings for maximum continuous power at the higher supercharger speed ratio must be obtainable within five seconds.

[Revision note: Based on § 13.155]

§ 33.53 Engine component tests.

(a) For those engines that cannot be adequately substantiated by endurance testing in accordance with the provisions of § 33.49 the applicant must conduct additional test to establish that components are capable of functioning reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits must be established for those components that require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

[Revision note: Based on § 13.156]

§ 33.55 Teardown inspection.

After completion of the endurance test the engine must be completely disassembled and a detailed inspection made of each engine part to check for fatigue and wear.

[Revision note: Based on § 13.157]

§ 33.57 General conduct of block tests.

(a) The applicant may, in conducting the block tests, use separate engines of identical design and construction in the vibration, calibration, detonation, endurance, and operation tests, except that, if a separate engine is used for the endurance test it must be subjected to a calibration check before starting the endurance test.

(b) The applicant may service and make minor repairs to the engine during the block tests. If major repairs or replacement of parts are necessary during the tests or in the teardown inspection, the parts in question must be subjected to any additional tests the Administrator may require.

[Revision note: Combines §§ 13.16(d) and 13.158]

§ 33.59 Engine operating limitations.

Engine operating limitations for reciprocating engines established by the Administrator are based on the engine operating conditions demonstrated during the block tests required by this part and include those relating to power, speeds, temperature, pressures, fuels, and oils which the Administrator finds necessary for safe operation of the engine.

[Revision note: Based on § 13.16(c)]

Subpart E—Design and Construction; Turbine Aircraft Engines

§ 33.61 Applicability.

This subpart prescribes additional design and construction requirements for turbine aircraft engines with which the applicant must show compliance.

[Revision note: Based on § 13.200 (1st sentence)]

§ 33.63 Vibration.

The engine must be designed and constructed to function throughout its normal operating range of rotational speeds and engine power without inducing excessive stress in any engine part because of vibration and without imparting excessive vibration forces to the aircraft structure.

[Revision note: Based on § 13.203]

§ 33.65 Surge characteristics.

The engine must be free of detrimental surge throughout its operating range in the minimum ambient air temperature in which it is to be operated.

[Revision note: Based on §13.205]

§ 33.67 Fuel and induction system.

(a) The fuel system must be designed and constructed to supply an appropriate mixture of fuel to the combustion chamber throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air, or fuel in combination with air, passes for combustion purposes must be designed and constructed to minimize the danger of ice accretion in those passages and to allow for a means of ice prevention.

(c) The engine, with all provided icing protection systems operating, must operate throughout the flight power range without the accumulation of ice on the engine components that adversely affects engine operation or that causes a serious loss of power or thrust in continuous maximum and intermittent maximum icing conditions as defined in §_____ (present § 4b.1(b) (7) and (8).

(d) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel must be specified. The applicant must demonstrate that foreign particles passing through the specified

filtering means do not critically impair engine fuel system functioning.

(e) If air is bled from the compressor for protection of the engine in icing conditions, provision must be made for positive indication that air is being directed to the proper passages.

[Revision note: Based on § 13.210]

§ 33.69 Ignition system.

Each engine must be equipped with an ignition system for starting the engine on the ground and in flight. An electric ignition system must have at least two igniters and two separate secondary electric circuits.

[Revision note: Based on § 13.211]

§ 33.71 Lubrication system.

The lubrication system must be designed and constructed to function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

[Revision note: Based on § 13.212]

§ 33.73 Power or thrust response.

The design and construction of the engine must enable an increase, under static conditions, from flight idle power or thrust to 95 percent of takeoff power or thrust in not over five seconds.

[Revision note: Based on § 13.217]

Subpart F—Block Tests; Turbine Engines

§ 33.81 Applicability.

This subpart prescribes the block tests and inspections for turbine engines. Unless otherwise stated, the controlled air extraction must be zero during all tests.

[Revision note: Based on § 13.250]

§ 33.83 Vibration test.

The applicant must conduct a vibration survey to investigate the vibration characteristics of the engine over the operational range of rotational speed and engine power. If critical vibration is found to be present in the operating range of the engine, changes in design of the engine must be made for its elimination prior to the conduct of the endurance test specified in § 33.87, or the endurance test must include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

[Revision note: Based on § 13.251]

§ 33.85 Calibration tests.

(a) The applicant must subject the engine to those calibration tests necessary to establish its power characteristics and the conditions for the endurance test specified in § 33.87. The results of the power characteristics calibration tests form the basis for establishing the characteristics of the engine over its entire operating range of speeds, pressures, temperatures, and altitudes. Power ratings are based upon standard atmospheric conditions.

(b) Prior to the endurance test the power control must be adjusted to produce the maximum allowable gas temperatures and rotor speeds at takeoff operating conditions. The adjustment may not be changed during the relevant calibration tests and the relevant runs of the endurance test.

[Revision note: Based on § 13.252]

§ 33.87 Endurance test.

(a) *General.* Each applicant must conduct an endurance test of an engine, with a propeller ordinarily used on a similar engine if the engine is designed to operate with a propeller, that must include a total of 150 hours of operation, consisting of 25 periods of six hours each as specified in either paragraph (b) or (c) of this section. The runs must be performed in the order found appropriate by the Administrator for the specific engine. During the endurance test, the engine power and thrust and the engine rotational speed may not be less than 100 percent of the specified values except that substantiating evidence must be submitted if the engine parameters are not controlled within this limitation.

(b) *Engines other than certain helicopter engines.* For all engines except helicopter engines for which a 30-minute power rating is desired the applicant must conduct the following runs:

(1) *Takeoff and idling.* One hour of alternate five-minute periods at takeoff power and thrust and at idling power and thrust. The developed powers and thrusts at takeoff and idling conditions and their corresponding rotor speed and gas temperature conditions must be as established by the power control in accordance with the schedule established by the manufacturer. The applicant may control manually during any one period the rotor speed, power, and thrust while taking data to check performance. For engines with augmented takeoff ratings which involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at takeoff must be at the augmented rating. For engines with augmented takeoff ratings which do not materially increase operating severity, the amount of running conducted at the augmented rating is determined by the Administrator. In changing the power setting after each period, the power-control lever must be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *Maximum continuous and takeoff power and thrust.* Fifteen periods each of 30 minutes' duration at maximum continuous power and thrust and 10 periods each of 30 minutes' duration at takeoff power and thrust.

(3) *Maximum continuous power and thrust.* One hour and 30 minutes at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours and 30 minutes at the successive power lever positions corresponding to at least 15 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, the thrust and power may be varied in lieu of speed. In the event significant peak vibration exists anywhere between ground idle and maximum continuous conditions, the number of increments chosen may be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not to exceed 50 percent of the total time spent in incremental running.

(5) *Acceleration and deceleration runs.* Thirty minutes of accelerations and decelerations consisting of six cycles from idling power and thrust to takeoff power and thrust and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately four and one-half minutes. In complying with the provisions of this subparagraph, the power-control lever must be moved from one extreme position to the other in not more than one second, except that, where different regimes of control operations are incorporated necessitating scheduling of the power-control level motion in going from one extreme position to the other, a longer period of time is acceptable but in no case may this time exceed two seconds.

(6) *Starts.* One hundred starts must be made, of which 25 starts must be preceded by at least a two-hour engine shutdown. Ten starts must be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten starts must be normal restarts with not longer than 15 minutes since engine shutdown. The remaining starts may be made after completion of the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and, when practicable, oil inlet temperatures must be substantiated by operation at these limits during all the takeoff and maximum continuous running of the endurance test except where the test periods are not longer than five minutes and do not always permit stabilization.

(c) *Certain helicopter engines.* For all helicopter engines for which a 30-minute power rating is desired the applicant must conduct the following series of tests:

(1) *Takeoff and idling.* One hour of alternate five-minute periods at takeoff power and thrust and at idling power and thrust. The developed powers and thrusts at takeoff and idling conditions and their corresponding rotor speed and gas temperature conditions must be as established by the power control in accordance with the schedule established by the manufacturer. During any one period the rotor speed, power, and thrust may be controlled manually while taking data to check performance. For engines with augmented takeoff ratings that involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at rated takeoff power must be at the augmented rating. In changing the power setting after each period, the power-control lever must be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *30-minute power.* Thirty minutes at 30-minute power and thrust.

(3) *Maximum continuous power and thrust.* Two hours at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours at the successive

power-lever positions corresponding with

power-lever positions corresponding with not less than 12 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed the thrust and power may be varied in lieu of speed. In the event significant peak vibrations exist anywhere between ground idle and maximum continuous conditions, the number of increments chosen must be altered to increase the amount of running conducted while being subjected to the peak vibrations up to an amount not exceeding 50 percent of the total time spent in incremental running.

(5) *Acceleration and deceleration runs.* Thirty minutes of accelerations and decelerations consisting of six cycles from idling power and thrust to takeoff power and thrust and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with the provisions of this subparagraph, the power-control lever must be moved from one extreme position to the other in not more than one second except that, where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time is acceptable but in no case may this time exceed two seconds.

(6) *Starts.* One hundred starts of which 25 starts must be preceded by at least a two-hour engine shutdown. Ten starts must be false engine starts pausing for the applicant's specified minimum fuel drainage time before attempting a normal start. Ten normal restarts must each be performed not more than 15 minutes after engine shutdown. The remaining starts may be made after completion of the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and oil inlet temperatures must be substantiated by operation at these limits during all the takeoff power, 30-minute power, and maximum continuous running of the endurance test except where the test periods are not longer than five minutes and do not permit stabilization.

[Revision note: Based on § 13.254]

§ 33.89 Operation test.

The operation test must include all testing found necessary by the Administrator to demonstrate starting, idling, acceleration, overspeeding, ignition, functioning of the propeller (if the engine is designed to operate with a propeller), and any other operational characteristic of the engine.

[Revision note: Based on § 13.255]

§ 33.91 Engine component tests.

(a) For those systems that cannot be adequately substantiated by endurance testing in accordance with the provisions of § 33.87, additional tests must be conducted to establish that components are capable of functioning reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits must be established for those components that require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

[Revision note: Based on § 13.256]

§ 33.93 Teardown inspection.

After completion of the endurance test the engine must be completely disassembled and a detailed inspection made of each engine part to check for fatigue and wear.

[Revision note: Based on § 13.257]

§ 33.95 Engine-propeller systems tests.

(a) If the engine is designed to operate with a propeller, the tests listed in paragraph (b) of this section must be conducted with a propeller installed that would ordinarily be used with a similar engine. The tests may be included in the endurance run or otherwise performed in a manner acceptable to the Administrator.

(b) (1) Feathering operation: 25 cycles.

(2) Negative torque and thrust system operation: 25 cycles from maximum continuous power.

(3) Automatic decoupler operation: 25 cycles from maximum continuous power (if repeated decoupling and recoupling in service is the intended function of the device).

(4) Reverse thrust operation: 175 cycles from the flight-idle position to full reverse and 25 cycles at maximum continuous power from full forward to full reverse thrust. At the end of each cycle the propeller must be operated in reverse pitch for a period of 30 seconds at the maximum rotational speed and power specified by the applicant for reverse pitch operation.

[Revision note: Based on § 13.259]

§ 33.97 Thrust reversers.

(a) If the engine incorporates a reverser, the endurance, calibration, operation, and vibration tests prescribed in this subpart must be run with the reverser installed. In complying with the provisions of this section, the power control lever must be moved from one extreme position to the other in not more than one second except, where regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time is acceptable but in no case may this time exceed three seconds. In addition, the test prescribed in paragraph (b) of this section must be made. This test may be scheduled as part of the endurance run.

(b) 175 reversals must be made from flight-idle forward thrust to maximum reverse thrust and 25 reversals must be made from maximum forward to maximum reverse thrust. After each reversal, the reverser must be operated at full reverse thrust for a period of one minute except that, in the case of a reverser intended for use only as a breaking means on the ground, the reverser need only be operated at full reverse thrust for a period of 30 seconds.

[Revision note: Based on § 13.260]

§ 33.99 General conduct of block tests.

(a) The applicant may, in conducting the block tests, use separate engines of identical design and construction in the vibration, calibration, endurance, and operation tests, except that if a separate engine is used for the endurance test it must be subjected to a calibration check before starting the endurance test.

(b) The applicant may service and make minor repairs to the engine during the block tests. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question must be subjected to any additional tests the Administrator finds necessary.

[Revision note: Combines §§ 13.16(d) and 13.258]

§ 33.101 Engine operating limitations.

Engine operating limitations established by the Administrator for turbine engines are based on the engine operating conditions demonstrated during the block tests required by this part and include those items relating to power, speeds, temperatures, pressure, fuels, and oils which the Administrator finds necessary for safe operation of the engine.

[Revision note: Based on § 13.16(c)]

PART 33
DISTRIBUTION TABLE

Present section	*Revised section*
13.0	33.1
13.1	[1]
13.10–13.19 (except 13.16 (c) and (d))	Part 21 [New]
16.16(c)	33.59, 33.101
13.16(d)	33.57(a), 33.99(a)
13.20	45.11 [New]
13.21	33.5
13.100 (opening sentence)	33.31
13.100(a)	13.13
13.100 (less (a))	[2]
13.101	33.15
13.102	33.17
13.103	33.33
13.104	33.19
13.110	33.35
13.111	33.37
13.112	33.39
13.113	33.21
13.114	33.23
13.115	33.25
13.116	33.27
13.150	33.41
13.151	33.43
13.152	33.45
13.153	33.47
13.154	33.49
13.155	33 51
13.156	33.53
13.157	33.55
13.158	33 57(b)
13.200 (opening sentence)	33.61
13.200(a)	33.13
13.200 (less (a))	[2]
13.201	33.15
13.202	33.17
13.203	33.63
13.204	33.19
13.205	33.65
13.210	33.67

[1] Transferred to Part 1 [New] or executed.
[2] Obsolete.

PART 33—Continued
DISTRIBUTION TABLE—continued

	Revised section
13.211	33.69
13.212	33.71
13.213	33.21
13.214	33.23
13.215	33.25
13.216	33.27
13.217	33.73
13.250	33.81
13.251	33.83
13.252	33.85
13.254	33.87
13.255	33.89
13.256	33.91
13.257	33.93
13.258	33.99(b)
13.259	33.95
13.260	33.97

[F.R. Doc. 63-13481; Filed, Dec. 31, 1963; 8:46 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-SO-78]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR AND CONTROLLED AIRSPACE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 and 71 of the Federal Aviation Regulations, the substance of which is stated below.

The Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor R-5312 is presently described as follows:

Boundaries. The area based on the 228° radial of the Seymour-Johnson AFB TACAN extending from 5 miles SW of the TACAN to 32 miles SW of the TACAN, having a width of 1 mile SE and 2.3 miles NW of the 228° radial at the beginning and a width of 2.3 miles either side of the 228° radial at the outer extremity.

Designated altitudes—

2,100 feet MSL to 15,000 feet MSL from 5 miles SW of the TACAN to 6 miles SW of the TACAN.

2,100 feet MSL to flight level 240 from 6 to 7 miles SW of the TACAN.

2,100 feet MSL to flight level 270 from 7 to 10 miles SW of the TACAN.

6,100 feet MSL to flight level 270 from 10 to 15 miles SW of the TACAN.

10,100 feet MSL to flight level 270 from 15 to 20 miles SW of the TACAN.

15,100 feet MSL to flight level 270 from 20 to 25 miles SW of the TACAN.

19,100 feet MSL to flight level 270 from 25 to 32 miles SW of the TACAN.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Raleigh-Durham, N.C., Approach Control.

Using agency. Commander, Seymour-Johnson AFB, N.C.

The Air Force has proposed to alter R-5312 in accordance with revised airspace criteria enlarging such corridors as necessary to meet air defense aircraft requirements.

This proposal would enlarge the current climb corridor but would not affect existing airway structure in the vicinity of Seymour-Johnson AFB.

If this action is taken, the Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor R-5312 would be redescribed as follows:

Boundaries. From a point of beginning at latitude 35°19'27" N., longitude 78°00'55" W., the area centered on a true bearing therefrom of 228°, extending to a point 30 nmi SW, having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes—

Surface to flight level 240 from the point of beginning to 3 nmi southwest.

2,000 feet MSL to flight level 240 from 3 to 6 nmi SW of the point of beginning.

5,000 feet MSL to flight level 240 from 6 to 11 nmi SW of the point of beginning.

10,000 feet MSL to flight level 240 from 11 to 15 nmi SW of the point of beginning.

14,000 feet MSL to flight level 240 from 15 to 19 nmi SW of the point of beginning.

16,000 feet MSL to flight level 240 from 19 to 25 nmi SW of the point of beginning.

20,000 feet MSL to flight level 240 from 25 to 30 nmi SW of the point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Raleigh-Durham Approach Control.

Using agency. Commander, Seymour-Johnson AFB, N.C.

The restricted area would coincide with a portion of the Goldsboro, N.C., control zone (§ 71.171), (27 F.R. 220–91, November 10, 1962). Therefore, if this area is designated as proposed, action would be taken to amend the control zone description to require approval from appropriate authority prior to operation within that portion of the control zone which coincides with the restricted area/military climb corridor.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on December 24, 1963.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 63-13479; Filed, Dec. 31, 1963; 8:45 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-358]

NATURAL GAS COMPANIES

Annual Report Forms; Notice of Proposed Rulemaking

DECEMBER 24, 1963.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that it is proposed to amend, effective for the reporting year 1963, § 260.1 of Subchapter G, Approved Forms, Natural Gas Act, and the Annual Report Form No. 2 prescribed thereby for natural gas companies.

2. The Report Form would be amended by the addition of two new schedules,[1] one entitled "Prepaid Gas Purchases Under Take or Pay Agreements" and the other "Obligations to Customers Under Take or Pay Gas Sales Agreements." These new schedules are, in effect, supplementary to the existing schedules in Form No. 2 "Other Deferred Credits," on page 225, and "Prepayments," on page 210, respectively. We also propose to make revisions in the instructions contained in each of the existing schedules referred to above in order only to make appropriate reference to the proposed new schedules.

3. The Commission's experience in the regulation of natural gas pipeline companies indicates that more detailed information in the areas covered by the proposed new schedules will enable it to better carry out its responsibilities.

4. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before February 17, 1964, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

5. These amendments to the Commission's regulations are proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o).

6. In consideration of the foregoing, it is proposed to amend § 260.1, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations, and FPC Form No. 2, prescribed thereby, as follows:

a. Paragraph (c) of § 260.1 would be amended by inserting in the list of schedules, following the line "Other deferred credits.", the words: "Prepaid gas purchases under take or pay agreements."

b. Paragraph (c) would be further amended by inserting in the list of schedules, following the line "Prepayments.", the words: "Obligations to customers under take or pay gas sales agreements."

c. Annual Report FPC Form No. 2, prescribed by § 260.1, would be amended by revising the instruction paragraph 2 in the schedule on page 210 entitled "Pre-

[1] Appendix filed as part of original document.

payments (Account 165)" to read as follows:

2. For any prepaid gas purchases under take or pay clauses of gas purchase agreements show the total amount and report particulars thereof as called for by the schedule, Prepaid Gas Purchases Under Take or Pay Agreements, page 210A. Show also in this schedule, but as a separate item, any prepaid gas purchases classified in Account 165, Prepayments, but not related to take or pay arrangements.

d. The said Annual Report FPC Form No. 2 would be further amended by adding the following new instruction 4. to the schedule on page 225 entitled "Other Deferred Credits (Account 253)":

4. For any undelivered gas obligations to customers under take or pay clauses of sale agreements, show the total amount and report particulars thereof as called for by the schedule, Obligations to Customers Under Take or Pay Sales Agreements, page 225A. Show also in this schedule, but as a separate item, any advance billings or receipts for gas sales or service classified in Account 253 but not related to take or pay arrangements.

e. The said Annual Report FPC Form No. 2 would be further amended by adding two new schedules (pages 210A and 225A) entitled "Obligations to Customers Under Take or Pay Gas Sales Agreements" and "Prepaid Gas Purchases Under Take or Pay Agreements", respectively, as set out in the appendix hereto.

By direction of the Commission.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 63-13494; Filed, Dec. 31, 1963; 8:46 a.m.]

[18 CFR Part 157]

[Docket No. R-254]

NATURAL GAS PIPELINE COMPANIES

Budget-Type Certificate Applications for Gas-Sales Facilities; Notice of Proposed Rulemaking

DECEMBER 24, 1963.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend § 157.7 of its regulations under the Natural Gas Act to permit the use by pipeline companies, under certain prescribed conditions, of budget-type applications for certificates of public convenience and necessity authorizing the construction of gas-sales facilities.

2. The Commission's regulations now permit the use of budget-type certificate applications for gas-purchase facilities (18 CFR 2.58) and the recent Commission Opinion No. 409[1] states that despite "real differences between blanket authorization of minor gas-purchase facilities and of gas-sales facilities, it may well be possible to provide for budget-type applications for the construction of certain types of facilities other than those used for the purchase of gas." The amendment proposed herein would implement that statement with respect to gas-sales facilities.

3. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before February 17, 1964, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

4. This amendment to the Commission's regulations is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 7, 15, and 16 thereof (52 Stat. 824, 829, 830; 56 Stat. 83, 84; 15 U.S.C. 717(f), 717n, 717o).

5. In consideration of the foregoing and noting that there is now pending before the Commission, in Docket No. R-240[2], a proposed amendment to § 157.7 relating to budget-type applications for gas-purchase facilities, it is now proposed to further amend § 157.7, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, by adding a new paragraph (c) to read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(c) *Gas-sales facilities—budget-type application.* An abbreviated application requesting a budget-type certificate authorizing the construction and operation of gas-sales facilities during a given twelve-month period may be filed upon compliance with the following:

(1) The facilities are to be used for—

(i) The sale of volumes of natural gas previously authorized under certificates for sale to existing distributors at rates on file with this Commission, where such distributors have obtained all requisite local and state authorization: *Provided,* That no abbreviated application may be filed under this provision where the distributor is required to make a contribution to the applicant for the cost of construction of facilities; or

(ii) Routine sales of natural gas to ultimate consumers who will use the gas for one or more of the following purposes: well drilling, road building, irrigation, agriculture or seasonal industrial use (e.g., alfalfa dehydration, canning); or

(iii) Miscellaneous rearrangements, i.e., changes of existing field operations or relocation of existing facilities when required by highway construction, dam construction or for other similar reasons: *Provided,* That the changes or relocations will not result in any change of service rendered by means of such facilities.

(2) The deliveries to any one distributor or consumer through the facilities to be installed will not exceed 100,000 Mcf annually and will not be used by the distributor or consumer for boiler fuel purposes.

(3) The total estimated cost of the gas-sales facilities proposed in the application does not exceed $300,000 except where the applicant's gas plant (Account No. 101, Uniform System of Accounts Prescribed for Natural Gas Companies) is $10,000,000 or less, in which case the total estimated cost of the gas-sales facilities proposed in the application shall not exceed $100,000.

(4) In addition to the information otherwise required herein, in those instances where the applicant proposes to make direct industrial sales, the application shall contain a statement showing the minimum rate at which applicant proposes to make the aforesaid direct industrial sales.

(5) The application contains a statement indicating the maximum number of laterals and service lines to be built, their maximum length and diameter, and the maximum number of delivery points to be established under the authorization. The application also contains a statement describing and estimating the cost of the gas-sales facilities which, at the time of application, are contemplated to be built.

(6) The applicant agrees that a certificate issued under this section shall be subject to the following conditions:

(i) Direct industrial sales shall be subject to curtailment and interruption if the facilities are required to meet the existing or future contract demands of applicant's customers for firm resale service.

(ii) No gas shall be sold directly to a direct industrial customer to replace or supplement gas previously purchased by such customer from a distributing utility or municipality.

(7) The applicant agrees to file with the Commission, within sixty days after expiration of the authorized construction period, a statement showing for each individual project:

(i) Description of the gas-sales facilities installed, e.g., miles and size of pipeline (including wall thickness and minimum yield point), taps, delivery points, laterals, metering facilities.

(ii) Location of gas-sales facilities installed.

(iii) Actual installed cost of gas-sales facilities subdivided by size of pipeline, taps, delivery points, laterals, metering facilities, and appurtenant facilities.

(iv) Name of distributor or consumer served.

(v) Estimated annual and peak-day deliveries.

(vi) Estimated annual revenues.

(vii) Use to which the gas was put.

(8) "Routine sales of natural gas" means those sales which normally occur on an annual basis. "Boiler fuel purposes" means the use of natural gas for electric power generation. "Distributors" means persons or municipalities engaged in the local distribution of natural gas to the public.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-13495; Filed, Dec. 31, 1963; 8:46 a.m.]

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[1] East Tennessee Natural Gas Co., Docket No. CP63-212, issued November 5, 1963.

[2] Notice of Proposed Rulemaking, 28 F.R. 4360, May 2, 1963.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 15201; RM-407]

TV BROADCAST STATIONS

Use of Airborne Television Transmitters; Order Extending Time for Filing Comments and Reply Comments

1. In a notice of proposed rule making in this proceeding, adopted on October 24, 1963 (FCC 63-974), the Commission invited comments to elicit information concerning whether reservation and regularization of the use of UHF channels for airborne educational television in the six-state Midwest area of Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin is in the public interest, and if so, how it may best be accomplished. It was stated in the Notice that interested parties might file comments on or before January 3, 1964 and reply comments on or before February 3, 1964.

2. A decision favorable to the airborne system might well have an effect on whatever nationwide UHF television assignment table is ultimately adopted by the Commission in the current rule making proceeding, "In the Matter of Fostering Expanded Use of UHF Television Channels" (Docket No. 14229). Accordingly inasmuch as the time for filing formal comments is being extended in that proceeding, the Commission is of the view that similar action should be taken in this proceeding so that the two proceedings can be correlated insofar as may be necessary or advantageous in the adoption of an allocation plan and the assignment of channels.

3. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended from January 3, 1964, to February 3, 1964, and for reply comments from February 3, 1964, to April 3, 1964.[1]

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission rules.

Adopted: December 19, 1963.

Released: December 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13492; Filed, Dec. 31, 1963; 8:46 a.m.]

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[1] It is noted that in a petition filed December 16, 1963, the National Education Association of the United States has requested a 60-day extension of time for filing both comments and reply comments in this proceeding. However, we are convinced that the extension of time granted herein is adequate.

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 16, 1963.

Dated: December 16, 1963.

CLARENCE W. MAYOTT.

[F.R. Doc. 63-13497; Filed, Dec. 31, 1963; 8:46 a.m.]

LILBERT A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 16, 1963.

Dated: December 16, 1963.

LILBERT A. MOLLMAN.

[F.R. Doc. 63-13498; Filed, Dec. 31, 1963; 8:46 a.m.]

SAMUEL R. SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) Purchase—Stock: American Bank of Commerce, Victoria, Texas.
(4) None.

This statement is made as of December 16, 1963.

Dated: December 16, 1963.

SAMUEL R. SHEPPERD.

[F.R. Doc. 63-13499; Filed, Dec. 31, 1963; 8:46 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 13, 1963.

Dated: December 13, 1963.

ALEXANDER H. WADE, Jr.

[F.R. Doc. 63-13500; Filed, Dec. 31, 1963; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

JUTE BAGGING AND BALE TIES USED IN WRAPPING COTTON

Extension of Time for Submission of Views

Notice is hereby given that, prior to making any determination regarding specifications for jute bagging and bale ties as provided for in the notice appearing in 28 F.R. 13551 (December 14, 1963), consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250, by letter postmarked not later than January 20, 1964.

This extension of time for submission of views is due to the fact that a number of interested people have notified the Department that they are unable to submit their statements by January 3, 1964, as previously required.

Signed at Washington, D.C., on December 26, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 63-13512; Filed, Dec. 31, 1963; 8:48 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

RADIO STATIONS WWVB AND WWVL

Change in Schedule

Notice of change in schedule of National Bureau of Standards Radio Stations WWVB (60 kc/s) and WWVL (20 kc/s), Fort Collins, Colorado.

Notice is hereby given that Radio Stations WWVB and WWVL will operate on a reduced schedule of six hours per day beginning January 1, 1964. The new operating hours will be from 1630 UT to 2230 UT each day. Biweekly silent periods for each station will continue in effect as previously announced in the FEDERAL REGISTER of October 23, 1963, Vol. 28, No. 207, Page 11322.

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 63-13519; Filed, Dec. 31, 1963; 8:49 a.m.]

FREQUENCY BROADCAST BY NBS AND U.S. NAVY RADIO STATIONS

Frequency Offset for 1964

The frequency broadcast by National Bureau of Standards radio stations WWV, Beltsville, Md., WWVH, Maui, Hawaii, WWVL and WWVB, Fort Collins, Colo., and U.S. Navy stations NAA, Cutler, Maine, NBA, Canal Zone, NPG, San Francisco, Calif., NPM, Lualualei, Hawaii, and NSS, Annapolis, Md., will be offset from the frequency of atomic standards by −150 parts in 10^{10} during 1964. This offset, effective 0000 u.t., 1 January 1964, is 20 parts in 10^{10} lower than during 1962 and 1963, which was −130 parts in 10^{10}. This change in broadcast frequency is made in accordance with an international agreement.

R. D. HUNTOON,
Deputy Director,
National Bureau of Standards.

T. S. BASKETT,
Captain, U.S. Navy, Superintendent, U.S. Naval Observatory.

[F.R. Doc. 63-13520; Filed, Dec. 31, 1963; 8:49 a.m.]

[Dept. Order No. 109 (Rev.)]

Office of the Secretary

BUREAU OF PUBLIC ROADS

Delegation of Authority and General Functions

The following order was issued by the Secretary of Commerce on December 12, 1963. This material supersedes Department Order No. 109 (Revised) appearing at 27 F.R. 11825–11826 of November 30, 1962.

SECTION 1. *Purpose.* The purpose of this order is to delegate authority to the Federal Highway Administrator and to describe the general functions of the Bureau of Public Roads.

SEC. 2. *General.*

.01 Pursuant to the provisions of Reorganization Plan No. 7 of 1949, the Bureau of Public Roads was assigned to the Department of Commerce, and currently functions under the provisions of Title 23, United States Code. The Bureau of Public Roads is continued as a primary organization unit of the Department of Commerce and is headed by the Federal Highway Administrator who is appointed by the President by and with the advice and consent of the Senate.

.02 The Federal Highway Administrator is assisted by the Deputy Federal Highway Administrator and the Chief Engineer. The Deputy Federal Highway Administrator and the Chief Engineer, in that order of succession, will perform the functions of the Federal Highway Administrator in the latter's absence, sickness, or inability to act, or during a vacancy in the office.

SEC. 3. *Delegation of authority.*

.01 Pursuant to the authority vested in the Secretary of Commerce by 23 U.S.C. 303(a) and Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce or the Under Secretary for Transportation may prescribe, the Federal Highway Administrator is hereby delegated the authority to perform the functions vested in the Secretary of Commerce under Title 23, United States Code, Highways, and under the Act approved July 14, 1960 (74 Stat. 526), 23 U.S.C. 313 NOTE, as amended, relating to National Driver Register Service, and all acts amendatory thereof except with respect to the apportionment of Federal-aid highway funds among the States and the promulgation of regulations.

.02 In addition, the Federal Highway Administrator shall exercise the authority of the Secretary of Commerce under the Defense Production Act of 1950, as amended, and Executive Order 10999 of February 16, 1962, with respect to all highways, roads, streets, bridges, tunnels, and appurtenant installations in time of national emergency.

.03 The Federal Highway Administrator may redelegate his authority to appropriate officials of the Bureau of Public Roads subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *General functions.*

.01 The Bureau of Public Roads shall carry out the responsibility and authority of the Secretary with respect to Federal and Federal-aid highway construction, administration, and research. More particularly, the Bureau shall: (1) in cooperation with the States, the District of Columbia, and Puerto Rico, administer Federal laws pertaining to the completion of a National System of Interstate and Defense Highways and the construction of highways on the Federal-aid primary and secondary systems and their urban extensions; (2) in cooperation with the U.S. Forest Service of the Department of Agriculture and the State highway departments, construct roads on the forest highway system; (3) construct selected main roads through public lands; (4) in cooperation with the Central American Republics, survey and construct the Inter-American Highway; and (5) conduct other programs as authorized.

.02 The Bureau of Public Roads shall provide assistance on other highway programs in behalf of other Federal agencies, and in this connection cooperate with: (1) the U.S. Forest Service of the Department of Agriculture, the National Park Service of the Department of Interior, and other Federal agencies in the construction of roads in national forests, parks, Indian Reservations, and other Federal areas; (2) the Department of State, other Federal agencies and international organizations in providing technical assistance to foreign governments in various phases of highway engineering and administration; and (3) the Secretary of Defense, or such other official as the President may designate, in meeting defense highway needs, including the construction of access roads certified as important to the national defense.

.03 The Bureau of Public Roads shall conduct, directly or in cooperation with the States, programs of planning and research on all phases of highway improvement and use.

.04 The Bureau of Public Roads shall develop and promote programs for highway safety; maintain liaison with public and private groups concerned with highway safety; and maintain a national register containing information for State driver licensing authorities regarding drivers whose licenses have been revoked or suspended for certain highway safety code violations.

SEC. 5. *Saving provisions.* All rules, regulations, orders, certificates, and delegations of authority issued by or relating to the Bureau of Public Roads or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

Effective date: December 12, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 63-13478; Filed, Dec. 31, 1963; 8:45 a.m.]

[Dept. Order No. 109 (Rev.); Organization and Function Supp. (Rev.)]

BUREAU OF PUBLIC ROADS

Organization and Assignment of Functions

The following Organization and Function Supplement to Department Order No. 109 (Revised) of December 12, 1963 supersedes the Organization and Function Supplement to Department Order No. 109 (Revised) of November 14, 1962 appearing at 27 F.R. 11824–11825 of November 30, 1962 and Amendment No. 1 thereto appearing at 28 F.R. 3182 of April 2, 1963.

SECTION 1. *Purpose.* The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Bureau of Public Roads.

SEC. 2. *Organization.*

The Bureau of Public Roads shall consist of the following organization units:

.01 Office of the Federal Highway Administrator:

The Federal Highway Administrator.
The Deputy Federal Highway Administrator.
Chief Engineer.
Special Assistant for Public Affairs.

.02 The heads of the following offices shall report directly to the Federal Highway Administrator:

1 Office of the General Counsel—

Legislation and Opinions Division.
Contracts, Claims and Compliance Division.
Lands Division.
Western Office.

2 Office of Audits and Investigations—

Compliance Division.
Investigations Division.
Audit Division.

3 Office of Administration—

Program Analysis Division.
Budget and Management Division.
Finance Division.
Personnel and Training Division.
Administrative Services Division.
Automatic Data Processing Division.

.03 The heads of the following offices and field organizations shall report to the Federal Highway Administrator through the Chief Engineer:

1 Office of Engineering and Operations—

Project Coordination Division.
Highway Standards and Design Division.
Construction and Maintenance Division.
Secondary Roads Division.
Bridge Division.
Federal Highway Projects Division.
Defense Plans and Operations Division.
Foreign Projects Division.

2 Office of Right-of-Way and Location—

Procedures Division.
Appraisal and Acquisition Division.
Systems and Location Division.

3 Office of Planning—

Current Planning Division.
Advance Planning Division.
Urban Panning Division.
National Highway Planning Division.

4 Office of Highway Safety—

Traffic Operations Division.
Driver Register Division.
Educational Services Division.
Planning and Standards Division.

5 Office of Research and Development—

Materials Research Division.
Structural Research Division.
Traffic Systems Research Division.
Hydraulic Research Division.
Economic Research Division.
Production Development Division.
Methods Development Division.
Electronic Development Division.

6 Field Organization.

SEC. 3. *Functions of the Office of the Federal Highway Administrator.*

.01 The Federal Highway Administrator plans, determines and executes the policies and programs of the Bureau of Public Roads.

.02 The Deputy Federal Highway Administrator shall assist the Federal Highway Administrator in all matters affecting the Bureau of Public Roads, and shall perform the duties of the Federal Highway Administrator during the latter's absence.

.03 The Chief Engineer shall direct the broad engineering activities of the Bureau of Public Roads, including the field operations.

.04 The Special Assistant for Public Affairs shall direct and advise on public contract activities of the Bureau of Public Roads and carry on a broad public information and publications program.

SEC. 4. *Functions of the Office of the General Counsel.* The Office of the General Counsel shall: (1) render legal advice and services to the Federal Highway Administrator and the major organizational units of the Bureau of Public Roads concerning all aspects of the Federal and Federal-aid highway programs; (2) perform all legal services and coordinate all Bureau activities in connection with its congressional legislative program and other relationships with committees of Congress; (3) acquire right-of-way for the Interstate System and defense access highways pursuant to Federal laws; (4) make legal determinations as to the eligibility of Federal-aid funds to participate in right-of-way and other highway project costs; (5) administer Bureau policies and procedures relating to State acquisition of Federal-aid right-of-way by condemnation; (6) perform legal review and interpretation of the Federal and Federal-aid contracts and related documents; (7) process contract and tort claims against the Bureau; and (8) determine legal compliance with Federal laws and regulations affecting the Federal and Federal-aid highway programs, and initiate action to assure compliance.

SEC. 5. *Functions of the Office of Audits and Investigations.*

.01 The Director, Office of Audits and Investigations shall control all activities of the field auditors, including the preparation of performance ratings, transfers, promotions, scope of audit program and work assignments. However, division and regional auditors shall be responsible to division and regional engineers for compliance with local administrative regulations.

.02 The Office of Audits and Investigations shall be responsible for: (1) audit of States' claim for reimbursement of the Federal share of the cost of approved highway projects; (2) comprehensive audit of all of the Bureau's activities and programs to (a) promote orderly and effective administration and prosecution of Federal-aid highway programs, proper and judicious expenditure of highway funds, and safeguards to Federal Government interests with respect to Federal highway programs, and (b) determine compliance with laws and with established Public Roads policies, regulations, engineering standards, approved specifications and operating procedures; (3) review and evaluation of State and Bureau administrative and accounting practices and procedures to determine the adequacy and effectiveness of management controls; (4) investigating reports or information from any source alleging irregularity, fraud, land speculation, collusion, impropriety of action on the part of Public Roads employees, State Highway personnel, or others; or any other violation of or noncompliance with requirements of legislation and administrative rules and regulations pertaining to the highway programs administered by the Bureau of Public Roads; and (5) reporting the findings of these reviews and making such recommendations as may be appropriate to the Federal Highway Administrator for his use in determining the action to be taken in the correction of deficiencies or unsatisfactory conditions.

SEC. 6. *Functions of the Office of Administration.* The Office of Administration shall provide staff services to the operating organization units of the Bureau of Public Roads in the areas of financial management, personnel management, administrative services and facilities operations budget administration, organization and management analysis, automatic data processing, and program analysis. These activities include employee recruitment, training, and utilization; budget formulation and execution; organization and management planning; manpower and facilities utilization; procurement; records, space, and property management, safety operations and drafting services; accounting operations and fiscal control systems; automatic data processing and programing systems and services; collection and dissemination of program data; and continuing analysis of program progress and financial requirements in relation to Highway Trust Fund revenues. This office shall also provide guidance and technical assistance to cooperating highway organizations in the areas of financial and administrative management.

SEC. 7. *Functions of the Office of Engineering and Operations.* The Office of Engineering and Operations shall be responsible for activities relating to program, design, construction, and maintenance of Federal-aid highways and bridges and highways on lands under Federal jurisdiction; administration of Inter-American Highway program and other cooperative highway missions in foreign countries; defense access road programs, and emergency and defense readiness plans and operations. These activities include the exercise of engineering supervision, provision of technical assistance and guidance, and the application of standard specifications and criteria developed for all aspects of highway operations.

SEC. 8. *Functions of the Office of Right-of-Way and Location.* The Office of Right-of-Way and Location shall be responsible for the designation of highway systems; determination of specific route locations for projects on the Interstate System and on the Federal-aid primary and secondary highway systems and their urban extensions; appraisal and acquisition of rights-of-way for Federal-aid projects and administration of utilities matters pertaining thereto; development of standards and guides for use of States in right-of-way appraisal and acquisition, administration, and utilization; development of procedures for administering provisions of highway legislation with respect to public hearings, archeological and paleontological salvage, and relocation and re-housing assistance for families and businesses displaced as a result of Federal-aid highway construction.

SEC. 9. *Functions of the Office of Planning.* The Office of Planning shall develop and prescribe systematic programs for: (1) master planning and long-range programing of national highway systems; (2) standards and techniques for the orderly and progressive development of integrated networks of Interstate and Federal-aid highways; (3) highway planning in metropolitan areas in relation to trends, problems, and needs peculiar to urban transportation; and (4) national highway planning from the standpoint of the total transportation facilities and needs of the nation.

SEC. 10. *Functions of the Office of Highway Safety.* The Office of Highway Safety shall (1) conduct programs designed to promote driver safety on the Nation's streets and highways, with the objective of reducing human and economic loss resulting from motor vehicle accidents; (2) develop uniform highway safety standards and accident prevention methods and techniques; (3) identify and mobilize, for application on a national scale, the local and regional efforts of all other Federal, State, and private organizations or public institutions, and of industry and allied groups having an interest in highway safety; (4) provide technical and educational services; and (5) maintain a national register containing information for State driver licensing authorities regarding drivers whose licenses have been revoked or suspended for certain highway safety code violations.

SEC. 11. *Functions of the Office of Research and Development.* The Office of Research and Development shall (1) conduct laboratory and field physical research and testing of materials, products, processes, road equipment and construction methods; (2) develop new or improved applications in highway operations; (3) conduct studies of the economic benefits and impact of highway development, and other factors affecting economics of transportation; (4) disseminate research results, conclusions, technical information, and highway revenue and expenditure statistics; (5) conduct research in highway traffic, control and safety, vehicle characteristics and performance, driver behavior and accident costs in relation to causes and highway design; and (6) conduct hydraulic research dealing with flood and water flow problems as they affect highway design and use.

SEC. 12. *Functions of the Field Organization (See Appendix A for Listing of Offices Comprising the Field Organization).* Field operations of the Bureau of Public Roads are administered as follows:

1. *Federal-aid Operations.* The field organization for Federal-aid operations consists of Regional Offices established throughout the United States, each encompassing a designated group of Division Offices which in turn are responsible for supervision of program activities in individual States.

2. *Direct Federal Construction Operations.* Regional Engineers for Regions 7, 8, 9, and 10, in addition to their Federal-aid responsibility, are responsible for administering the direct Federal construction program within their regions. The Regional Engineer for Region 15 is responsible for administering a program of direct Federal highway survey, design, and construction throughout the Eastern United States.

3. *Inter-American Highway.* The Regional Engineer for the Inter-American Highway Region is responsible for administering the Inter-American Highway program in cooperation with the Central American Republics and Panama, and for furnishing technical advice and assistance to these governments at the request of the Department of State or other United States Governmental agency or corporation.

4. *Foreign Programs.* Division Engineers for the foreign Division Offices are responsible for the performance of authorized engineering or other services, and for rendering assistance in the establishment of modern highway departments and in the training of local personnel in all phases of highway operations.

Effective date: December 12, 1963.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

APPENDIX A (REVISED)

BUREAU OF PUBLIC ROADS—FIELD ORGANIZATION

Regional and Division Offices

The location of the Regional Offices of the Bureau of Public Roads and the Divisions over which they have jurisdiction are as follows (Division Office location indicated in parenthesis):

Region number (Regional office location) and States in region (Division office location)

Region 1 (Albany, N.Y.):
- Connecticut (Hartford).
- Maine (Augusta).
- Massachusetts (Boston).
- New Hampshire (Concord).
- New Jersey (Trenton).
- New York (Albany).
- Puerto Rico (Santurce).
- Rhode Island (Providence).
- Vermont (Montpelier).

Region 2 (Hagerstown, Md.):
- Delaware (Dover).
- District of Columbia.
- Maryland (Baltimore).
- Ohio (Columbus).
- Pennsylvania (Harrisburg).
- Virginia (Richmond).
- West Virginia (Charleston).

Region 3 (Atlanta, Ga.):
- Alabama (Montgomery).
- Florida (Tallahassee).
- Georgia (Atlanta).
- Mississippi (Jackson).
- North Carolina (Raleigh).
- South Carolina (Columbia).
- Tennessee (Nashville).

Region 4 (Homewood, Ill.):
- Illinois (Springfield).
- Indiana (Indianapolis).
- Kentucky (Frankfort).
- Michigan (Lansing).
- Wisconsin (Madison).

Region 5 (Kansas City, Mo.):
- Iowa (Ames).
- Kansas (Topeka).
- Minnesota (St. Paul).
- Missouri (Jefferson City).
- Nebraska (Lincoln).
- North Dakota (Bismarck).
- South Dakota (Pierre).

Region 6 (Fort Worth, Tex.):
- Arkansas (Little Rock).
- Louisiana (Baton Rouge).
- Oklahoma (Oklahoma City).
- Texas (Austin).

Region 7 (San Francisco, Calif.):
- Arizona (Phoenix).
- California (Sacramento).
- Nevada (Carson City).
- Hawaii (Honolulu).

Region 8 (Portland, Oreg.):
- Idaho (Boise).
- Montana (Helena).
- Oregon (Salem).
- Washington (Olympia).

Region 9 (Denver, Colo.):
- Colorado (Denver).
- New Mexico (Santa Fe).
- Utah (Salt Lake City).
- Wyoming (Cheyenne).

Region 10 (Juneau, Alaska):
- Alaska (Anchorage-Fairbanks District).
- Alaska (Juneau District).

Eastern Federal Highway-Projects Office, Region 15 (Arlington, Va.): Administers programs of direct federal highway survey, design and construction in Regions 1, 2, 3, 4, 5, and 6 except western portions of North Dakota and South Dakota. District offices in: (Arlington, Virginia) (Florence, Alabama) (Gatlinburg, Tennessee) (Roanoke, Virginia).

Inter-American Highway, Region 19 (San Jose, Costa Rica):
- Costa Rica (San Jose).
- Guatemala (Guatemala City).
- Nicaragua (Managua).
- Panama (Panama City).

Foreign Programs

Missions are established in foreign countries as necessary to carry out agreements with other Federal agencies, cooperating foreign countries, and other cooperating entities.

[F.R. Doc. 63-13477; Filed, Dec. 31, 1963; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1249) has been filed by Elanco Products Company, a Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the amendment of § 121.217 *Tylosin* to provide for the safe use of tylosin phosphate in chicken feed as follows:

TYLOSIN WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN FEED

Principal ingredient	Quantity	Combined with—	Quantity	Limitations	Indications for use
Tylosin in feed	400-1000 gm. per ton.			Feed for not more than five days; as tylosin phosphate.	As an aid in the prevention of chronic respiratory disease.
Do	do			Feed for three to seven days depending upon severity of infection; as tylosin phosphate.	As an aid in the treatment of chronic respiratory disease.

Dated: December 24, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-13504; Filed, Dec. 31, 1963; 8:47 a.m.]

GENERAL ELECTRIC CO.

Notice of Filing of Petition Regarding Food Additives Resins

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1248) has been filed by General Electric Company, 1 Plastics Avenue, Pittsfield, Massachusetts, proposing the issuance of a regulation to provide for the safe use of resins, produced by the condensation of xylene-formaldehyde resins, and 4,4'-isopropylidenediphenol-epichlorohydrin epoxy resins, as coatings for containers intended for use in holding potable water and alcoholic beverage.

Dated: December 24, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 63-13505; Filed, Dec. 31, 1963; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-189]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-82. The amendment authorizes American Radiator & Standard Sanitary Corporation to possess, but not to operate, the nuclear reactor facility designated as the "UTR Test Reactor" and located on the Corporation's site at Mountain View, California, which has been previously licensed for operation under License No. R-82. The license amendment also authorizes the possession in storage of special nuclear material formerly used in connection with operation of the reactor.

The Commission has found that:

(1) The possession of the reactor and the possession of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public.

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not necessary in the public interest since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see (1) the licensee's applications for license amendment dated August 28, 1963 and November 23, 1963, and (2) a related hazards analysis prepared by the Test & Power Reactor Safety Branch of the Division of Licensing and Regulation which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 24th day of December 1963.

For the Atomic Energy Commission.

E. G. CASE,
Acting Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-82; Amdt. No. 2]

License No. R-82 is revised in its entirety to read as follows:

1. This license applies to the fifteen watt graphite and light water-moderated, nuclear reactor (hereinafter referred to as "the reactor") designated as the "UTR Test Reactor" of the UTR-1 series, which is owned by American Radiator and Standard Sanitary Corporation (hereinafter "American-Standard") and located at Mountain View, California, and described in the application dated June 29, 1961, and amendments thereto dated June 30, 1961, July 15, 1961, September 18, 1961, November 6, 1961, November 21, 1961, August 28, 1963, and November 23, 1963 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. There is reasonable assurance that the reactor and the special nuclear material contained in the fuel elements can be possessed at the designated location without endangering the health and safety of the public.

B. American-Standard is technically and financially qualified to possess the reactor and to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities for a reasonable period of time.

C. The possession of the reactor and the possession of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public.

D. American-Standard has filed with the Commission proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses American-Standard:

A. Pursuant to Section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess, but not to operate, the reactor as a utilization facility at the designated location in Mountain View, California, in accordance with the procedures and limitations described in the application.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess in storage up to 3504 grams of contained uranium-235 in fuel elements.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to possess up to 16 grams of plutonium encapsulated as a plutonium-beryllium neutron source.

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may have been produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in Section 50.54 of Part 50 and Section 70.32 of Part 70, Title 10, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission now or hereafter in effect, and to the additional conditions specified below:

A. American-Standard shall not operate the reactor.

B. American-Standard shall not load fuel into the reactor without prior authorization by the Commission.

C. In addition to those otherwise required under this license and applicable regulations, American-Standard shall keep records showing radio-activity released or discharged into the air or water beyond the effective control of American-Standard as measured at the point of such release or discharge.

D. American-Standard shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the possession of the reactor or the fuel.

5. This license is effective as of the date of issuance and shall expire at midnight August 14, 1971.

Date of issuance: December 24, 1963.

For the Atomic Energy Commission.

[F.R. Doc. 63-13474; Filed, Dec. 31, 1963; 8:45 a.m.]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that a Notice of Proposed Issuance of Facility License Amendment having been published in the FEDERAL REGISTER on November 23, 1963, 28 F.R. 12592 and no requests for a hearing having been filed following such publication, the Atomic Energy Commission has issued Amendment No. 5 to Facility License No. DPR-3 as set forth in said notice. The license authorizes Yankee Atomic Electric Company ("the licensee") to possess and operate its nuclear power facility located at Rowe, Massachusetts. The amendment authorizes operation of the facility at a maximum steady state power level of 600 megawatts thermal as requested by the licensee in an application for license amendment dated July 17, 1963. The previously authorized maximum steady state power level set forth in the technical specifications was 540 megawatts thermal.

Dated at Bethesda, Maryland, this 24th day of December 1963.

For the Atomic Energy Commission.

ESER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 63-13475; Filed, Dec. 31, 1963; 8:45 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an Order extending to February 29, 1964, the expiration date specified in Provisional Operating License No. DPR-4 issued to Saxton Nuclear Experimental Corporation, authorizing operation at thermal power levels up to 23.5 megawatts of the Saxton nuclear reactor located north of the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania.

Copies of the Commission's Order, the application dated December 3, 1963, and supplement, thereto dated December 18, 1963, filed by Saxton Nuclear Experimental Corporation are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of December 1963.

For the Atomic Energy Commission.

ESER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 63-13202; Filed, Dec. 31, 1963; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15238]

WALTER J. KING

Order To Show Cause

In the matter of Walter J. King, Glen Burnie, Maryland, order to show cause why there should not be revoked the license for Radio Station KCF-2085 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated June 14, 1963, alleging violation of § 19.61(a) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 24, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 19th day of December, 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 1211 Leonard Drive, Glen Burnie, Maryland.

Released: December 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13488; Filed, Dec. 31, 1963; 8:46 a.m.]

[Docket No. 15259]

HENRY W. SAVAGE

Order to Show Cause

In the matter of Henry W. Savage, Detroit, Michigan, order to show cause why there should not be revoked the license for Radio Station WI-7136 aboard the vessel "Bail Bonds II."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated September 19, 1963, alleging violation of § 8.364(a)(1) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 15, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an Order of Revocation should be issued; and

It is ordered, This 19th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 632 St. Clair, Detroit, Michigan.

Released: December 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13489; Filed, Dec. 31, 1963; 8:46 a.m.]

[Docket No. 15258]

CLYDE C. VAN DYNE

Order to Show Cause

In the matter of Clyde C. Van Dyne, Fresno, California; order to show cause why there should not be revoked the license for Radio Station KFD-0134 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated August 27, 1963, alleging violation of § 19.61 (a) and (f) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated September 16, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an Order of Revocation should be issued; and

It is ordered, This 19th day of December 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known ad-

dress of 4034 West Calimyrna, Fresno, California.

Released: December 20, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13491; Filed, Dec. 31, 1963; 8:46 a.m.]

[Docket Nos. 14154, 15011; FCC 63M-1360]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 14154, regulations and charges for developmental line switched service, American Telephone and Telegraph Company, Docket No. 15011, charges, practices, classifications, and regulations for and in connnection with Teletypewriter Exchange Service.

A prehearing conference having been held on December 20, 1963, for the purpose of obtaining the parties' views on a motion for continuance filed by American Telephone and Telegraph Company on November 26, 1963;

It appearing, that the requested continuance is sought in order to provide AT&T additional time to prepare exhibits reflecting its changed intention with respect to the WADS offering;

It further appearing, that no party objects to a grant of the requested relief, and that it is the intention of counsel for all parties to confer informally and to advise the Hearing Examiner within 30 days as to the earliest feasible date for the exchange of AT&T exhibits and the commencement of the hearing;

It further appearing, that the public interest would be best served by allowing AT&T reasonable time in which to prepare exhibits based on its present intentions in order that a more complete and accurate record may be made;

It is ordered, This 20th day of December 1963, that the dates now established for the exchange of AT&T exhibits and for commencement of the hearing are continued to dates to be set by subsequent order of the Hearing Examiner.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13486; Filed, Dec. 31, 1963; 8:46 a.m.]

[Docket Nos. 15190, 15191; FCC 63M-1359]

BOARDMAN BROADCASTING CO., INC., AND DANIEL ENTERPRISES, INC.

Order Following Further Prehearing Conference

In re applications of Boardman Broadcasting Company, Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886; for construction permits.

At a further prehearing conference held on December 13, 1963, all parties agreed to the following changes in the schedule of procedural steps under which this proceeding is being tried:

Dec. 16, 1963—Freeze on Boardman showing—Cancelled.
Dec. 16, 1963—Hearing on Boardman engineering presentation and exchange of non-technical presentation—Cancelled.
Jan. 2, 1964—Notification of witnesses—Cancelled.
Jan. 10, 1964—Exchange of applicant's remainder of engineering presentation and all of non-technical presentations.
Jan. 17, 1964—Engineering showings "frozen" (not to be altered in substantial part).
Jan. 20, 1964—Notification by respondent of intention to make rebuttal presentation.
Jan. 24, 1964—If respondent elects to make rebuttal presentation, exchange of that showing.
Jan. 28, 1964—Notification by parties of witnesses desired to be present for cross-examination.
Feb. 3, 1964—Hearing.

So Ordered, This 20th day of December, 1963.

Released: December 24 ,1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13487; Filed, Dec. 31, 1963; 8:46 a.m.]

[Docket Nos. 15248-15250; FCC 63-1161]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Order Designating Application for Hearing on Stated Issues

In re applications of: United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT-3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of December 1963;

The Commission, having under consideration the above captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 65, Cleveland, Ohio; and

It appearing, that the above captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) United Artists Broadcasting, Inc., a new corporation is a wholly owned subsidiary of, and is completely controlled by, United Artists Corporation, a distributor of motion picture films. United Artists Corporation has been involved in numerous antitrust actions, including a major civil antitrust suit brought by the United States in which United Artists Corporation was adjudged to be in violation of laws of the United States. Notwithstanding the fact that the applicant herein did not exist at the time of the above-mentioned violation, under the circumstances here presented the Commission must look behind the corporate veil of United Artists Broadcasting, Inc., and notice the character of the parent corporation (Mansfield Journal Co. v. Federal Communications Commission, 180 F. 2d, at page 37). Pursuant to its policy as expressed in its "Report on Uniform Policy as to Violation by Applicants of Laws of United States" (Docket No. 9572, 1RR [Part Three] Page 91: 495-503, April 1951), the Commission must determine, in the light of the past history of the parent corporation, whether the applicant has the requisite qualifications to be a broadcast licensee.

(b) Cleveland Telecasting Corp. has not furnished sufficient information respecting the naturalization of stockholder Theodore Miclau to enable a determination to be made as to whether he is a citizen of the United States. It cannot be determined, therefore, that Cleveland Telecasting Corp. is legally qualified to construct, own and operate the proposed television broadcast station.

(c) Cleveland Telecasting Corp. has, in its application, stated that the applicant corporation is not controlled, directly or indirectly, by another corporation or legal entity and that no other corporation owns 10 percent or more of the stock of the applicant corporation. Exhibits filed with the application show, however, that 31.33 percent of the authorized stock of the applicant corporation has been subscribed by Independent Music Broadcasters, Inc., a corporation. Additionally, the applicant has failed to state whether it will have and maintain absolute control of the station, its equipment, and operation, including complete supervision of the programs to be broadcast. Moreover, the applicant has failed to furnish copies of documents, instruments, contracts or understandings relating to ownership, management, use or control of the station or facilities, or any right or interest therein, although it has stated that such documents exist. The ownership, management and control of the proposed station cannot, therefore, be determined.

(d) Based on the information contained in the application of Cleveland Telecasting Corp., cash in the amount of at least $210,399 will be required for the construction and initial operation of the proposed station. The foregoing figure does not include any sum which may be payable to United States Leasing Corporation immediately upon execution of a lease. No proposed lease agreement has been filed with the application and, despite the fact that the applicant has shown figures representing the cost to it for the purchase of equipment, no equipment proposal has been submitted. To meet the initial cash requirements, applicant has shown current and liquid assets of $1,000. Applicant proposes to finance the construction and operation of the proposed station through funds obtained by subscription agreements filed by Edwin C. Bertke, James C. Heintz, Jr., Theodore Miclau, and Independent Music Broadcasters, Inc., but no financial information with respect to the ability of any of these parties to meet their commitments has been furnished. A statement filed by William L. Rinyu purporting to be a commitment to furnish funds does not appear to constitute a firm undertaking. It cannot be determined, therefore, that the applicant is financially qualified.

(e) The applications of Cleveland Telecasting Corp. and The Superior Broadcasting Corp. show that each proposes to locate its main studio at its transmitter site which is outside the corporate limits of the city of Cleveland. It must be determined, therefore, whether a grant of the application of either would be consistent with § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(f) The applications of Cleveland Telecasting Corp. and The Superior Broadcasting Corp. show that each proposes to locate its transmitter at a point 14.8 miles from the Post Office in Akron, Ohio, to which city Channel 61 is allocated, whereas § 73.610(d) and Table IV, § 73.698 of the Commission's rules require a separation of twenty miles. It must be determined, therefore, whether a grant of either of the said applications would be consistent with §§ 73.610(d) and 73.698 of the Commission's rules and, if not, whether circumstances exist which would warrant waiver of said sections.

(g) Cleveland Telecasting Corp., not having received a clearance from the Federal Aviation Agency with respect to its proposed antenna system and site, it cannot be determined that said antenna system and site would not constitute a hazard to air navigation.

(h) Based on the information contained in the application of The Superior Broadcasting Corp., cash in the amount of at least $203,814 will be required for the construction and initial operation of the proposed station. The foregoing figure may be substantially understated since the applicant appears to have made no provision for the costs of freight, installation, painting, miscellaneous costs and contingencies. Insufficient information has been furnished to enable a determination to be made as to whether the estimated costs of operation for the first year ($300,000) include rental payments for the land and buildings. If it does not, the amount of cash initially required would appear to be in excess of $208,189. To meet the said cash requirements, the applicant has shown current and liquid assets of $20,084 representing cash on hand. The applicant has submitted a letter from Union Commerce Bank which states that the bank contemplates a loan of $750,000 to the applicant upon terms and at a rate of interest to be agreed upon at some future time. Such a statement does not, in the Commission's judgment, constitute a commitment to make a loan and the proposed loan may not, therefore, be considered to be available at the present time. The applicant proposes to lease its land and buildings from Mavec and Company, a real estate firm, but no information has been furnished to indicate that Mavec and Company is financially able to meet its commitment in that respect. Accordingly, it cannot be determined that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue to be specified in connection therewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

It further appearing, that, except as indicated above, United Artists Broadcasting, Inc., is legally, financially and technically qualified to construct, own and operate the proposed television broadcast station; and that, except as indicated above, The Superior Broadcasting Corp. is legally and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of United Artists Broadcasting, Inc., Cleveland Telecasting Corp., and The Superior Broadcasting Corp. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in the light of the past conduct of United Artists Corporation, whether United Artists Broadcasting, Inc., has the requisite qualifications to be a licensee of a television broadcast station.

2. To determine whether Cleveland Telecasting Corp. is legally qualified to construct, own and operate the proposed television broadcast station.

3. In connection with the ownership and control of Cleveland Telecasting Corp., to determine:

(a) The identity and ownership interests of the stockholders;

(b) The manner in which the applicant, in the event of a grant of its application, will have and maintain control of the station, equipment, operation, and supervision of programs to be broadcast;

(c) The nature, contents and effect of any documents, instruments, contracts, agreements, or understandings which may exist, on the ownership, management, use or control of the proposed station of its facilities.

4. To determine whether Cleveland Telecasting Corp. is financially qualified to construct, own and operate the proposed television broadcast station.

5. To determine whether a grant of the application of either Cleveland Telecasting Corp. or the Superior Broadcasting Corp. would be consistent with the provisions of § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether a grant of the application of either Cleveland Telecasting Corp. or the Superior Broadcasting Corp. would be consistent with the provisions of § 73.610(d) and Table IV, § 73.698 of the Commission's rules and, if not whether circumstances exist which would warrant a waiver of said sections.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Cleveland Telecasting Corp. would constitute a hazard to air navigation.

8. To determine whether The Superior Broadcasting Corp. is financially qualified to construct, own and operate the proposed television broadcast station.

9. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That the issues in the above-captioned proceedings may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

"To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

It is further ordered, That, to avail themselves of the opportunity to be heard, United Artists Broadcasting, Inc., Cleveland Telecasting Corp., and The Superior Broadcasting Corp., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication

of such notice as required by § 1.594(g) of the rules.

Released: December 23, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13490; Filed, Dec. 31, 1963; 8:46 a.m.]

[Docket Nos. 15212; 15213; FCC 63M-1366]

TVUE ASSOCIATES, INC., AND UNITED ARTISTS BROADCASTING, INC.

Order Continuing Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for new television broadcast stations.

On the Hearing Examiner's own motion: *It is hereby ordered*, This 24th day of December 1963, that the further prehearing conference scheduled in this proceeding for January 3, 1964, is rescheduled for January 7, 1964, at 10:00 a.m. in Washington, D.C.

Released: December 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 63-13530; Filed, Dec. 31, 1963; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1166]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Order of Investigation in the Matter of Agreements

Whereas, pursuant to section 15 of the Shipping Act, 1916, Agreements Nos. 6200-7 and 6200-8, between the member lines of the U.S. Atlantic & Gulf/Australia-New Zealand Conference, as listed in the Appendix below, would modify the basic conference Agreement No. 6200, as amended, to enlarge the geographical scope of the range served by the conference to include Great Lakes and St. Lawrence River ports of the United States; would amend Article 2 to provide conference jurisdiction over rate agreements and freight contracts concluded by any line(s) operating from Canadian ports (excluding Pacific Coast ports) although the range of ports served by the Conference, as described in the preamble of the basic conference agreement, as amended, does not include Canadian ports; and would amend Article 8 with respect to conference voting procedures;

Whereas, Agreement No. 6200-B, between A/B Atlanttrafik, a regular conference member, and Montreal Australia New Zealand Line (M.A.N.Z.), an associate member of the conference, apparently would establish those two carriers as Canadian Lines within the purview of the aforesaid Article 2, and would cover Canadian ports (excluding Pacific Coast ports) as well as the United States ports covered by the scope of Agreement No. 6200, as amended, and by the proposed amendment, No. 6200-B;

Whereas, notice was published of the filing of Agreements Nos. 6200-7 and 6200-8 in the FEDERAL REGISTER on September 5 and 20, 1963, respectively, and of Agreement No. 6200-B on September 20, 1963;

Whereas, pursuant to such notices a protest and request for hearing were filed on behalf of the Dow Chemical Company and Dow Chemical International, S.A. objecting to approval of Agreement No. 6200-8, and also requesting that approval of Agreement No. 6200-B be delayed pending resolution of the question introduced during the course of hearings in Docket No. 1043 as to whether the scope of a dual-rate contract increases concurrently with an expansion of the geographical scope of a conference's range so as to be coextensive in coverage with the conference agreement;

Whereas, in connection with a proposed modification (Agreement No. 6200-6) of the basic conference agreement, A/B Atlanttrafik filed a protest against expansion of the geographical scope of the conference's range and requested a hearing with respect thereto, which was assigned Federal Maritime Commission Docket No. 1113, and the Caterpillar Tractor Company, Peoria, Illinois, filed a protest without requesting a hearing, which was assigned Docket No. 1125 and consolidated for hearing with the proceedings in Docket No. 1113;

Whereas, A/B Atlanttrafik became a conference member, and the conference thereafter, pursuant to agreement of its members, withdrew Agreement No. 6200-6 for approval and filed a motion to dismiss the proceedings in Docket Nos. 1113 and 1125, which motion the Commission granted;

Whereas, upon consideration of the agreements and protests, the Commission is of the opinion that an investigation should be undertaken to determine whether such Agreements should be approved, disapproved or modified under section 15;

Therefore, in order that a record may be developed upon which the Commission may determine to approve, disapprove or modify Agreements Nos. 6200-7, 6200-8 and 6200-B, and in order that protestants the Dow Chemical Company, Dow Chemical International, S.A., may be afforded an opportunity to publicly participate in the proceedings;

It is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing is hereby instituted to determine whether Agreements Nos. 6200-7, 6200-8 and 6200-B should be approved, disapproved or modified under section 15;

It is further ordered, That the parties to these agreements as listed in the Appendix below be made respondents in this proceeding;

It is further ordered, That this matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding Examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That action with respect to Agreements Nos. 6200-7, 6200-8 and 6200-B be held in abeyance pending the Commission's decision and order in this proceeding;

It is further ordered, That any persons, other than respondents, who desire to become parties to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 17, 1964.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, December 10, 1963.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX

U.S. Atlantic and Gulf/Australia-New Zealand Conference (6200)

American & Australian Steamship Line-Joint Service
Norton, Lilly & Company, Inc., General Agents
26 Beaver Street
New York 4, New York

Bank Line, Ltd. (The) (American & Oriental Line)
Boyd, Weir & Sewell, Inc.
24 State Street
New York 4, New York

A/B Atlanttrafik (Atlanttrafik Express Service)
Garcia & Diaz Inc., General Agents
25 Broadway
New York 4, New York

United States Lines Company (American Pioneer Line)
United States Lines
1 Broadway
New York 4, New York

Port and Associated Lines-Joint Service
Funch, Edye & Company, Inc., Agents
25 Broadway
New York 4, New York

Hamburg-Sudamerikanische Dampfschefffharts-Gesellschaft, Eggert & Amsinck
Columbus Line, Inc., General Agents
26 Broadway
New York 4, New York

Montreal Australia New Zealand Line, Ltd. (M.A.N.Z. Line)
Norton, Lilly & Company, Inc., Agents
26 Beaver Street
New York 4, New York

[F.R. Doc. 63-13518; Filed, Dec. 31, 1963; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

OLD KENT BANK AND TRUST CO.

Order Approving Consolidation of Banks

In the matter of the application of Old Kent Bank and Trust Company for approval of consolidation with Community State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Old Kent Bank and Trust Company, Grand Rapids, Michigan, a State-chartered member bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank and Community State Bank, Grandville, Michigan, under the charter and title of the former. As an incident to the consolidation, the two offices of Community State Bank would be operated as branches of Old Kent Bank and Trust Company. Notice of the proposed consolidation, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed consolidation,

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said consolidation shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 24th day of December 1963.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 63-13496; Filed, Dec. 31, 1963; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

CALIFORNIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated December 21, 1963, reading in part as follows:

I hereby determine the damage in those areas of Los Angeles County, California, adversely affected by the break in the Baldwin Hills reservoir and resultant flooding on December 14, 1963, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of California to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 21, 1963:

THE COUNTY OF:
Los Angeles

Dated: December 24, 1963.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 63-13476; Filed, Dec. 31, 1963; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin, and Governors Mills, Robertson, Shepardson, Mitchell, and Deane. Absent and not voting: Governor Balderston.

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-17555]

COLONIAL MORTGAGE SERVICE CO.

Notice of Application for Exemption

DECEMBER 24, 1963.

Notice is hereby given that Colonial Mortgage Service Company, a corporation organized under the laws of Pennsylvania ("issuer"), has filed an application pursuant to Rule 15d-20 of the General Rules and Regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15 (d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports, if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

On April 18, 1961, the issuer's Registration Statement (File No. 2-17555) covering 100,000 Common Shares was declared effective, at which time the section 15(d) undertaking became operative.

The application represents, with respect to the request for exemption, that of 119,000 total shares outstanding 117,210 shares are held by Atlas Financial Corporation, a wholly owned subsidiary of Atlas Credit Corporation. The application further represents that the balance of 1,790 shares are held by 40 shareholders of record.

The application alleges that the filing of reports by the issuer is not necessary in the public interest or for the protection of investors. The application further alleges that to a considerable degree, pertinent information is presently reflected and will continue to be reflected in the reports filed by Atlas Credit Corporation. The issuer has undertaken to furnish an annual balance sheet and an annual profit and loss statement to holders of its outstanding shares upon request.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after January 30, 1964, unless prior thereto a hearing is ordered by the Commission. Any interested person may not later than January 24, 1964, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 63-13502; Filed, Dec. 31, 1963; 8:47 a.m.]

[File No. 811-1045]

ONE MAIDEN LANE FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased to be an Investment Company

DECEMBER 26, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The One Maiden Lane Fund, Inc. ("Applicant"), c/o Saul Rubin, 261 Broadway, New York 7, New York, a management closed-end nondiversified investment company, has ceased to be an investment company.

The Applicant states that pursuant to a vote of shareholders taken at a meeting held on June 15, 1961, all of the assets of the Applicant have been distributed to the shareholders. It is further stated that Applicant will be dissolved by proclamation under section 203-a of the Tax Law of the State of New York in December of 1964.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 15, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 63-13503; Filed, Dec. 31, 1963; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 38732: *Sugar to Pittsburgh, Pa. District Points.* Filed by O. W. South, Jr., agent (No. A4430), for interested rail carriers. Rates on sugar, beet or cane, in carloads, from New Orleans, La., and other points in Louisiana to points in Pennsylvania in the Pittsburgh district.

Grounds for relief: Market competition and rate relationship.

Tariff: Supplement 2 to Southern Freight Association, agent, tariff I.C.C. S-372.

FSA 38733: *Gravel from Montezuma, Ind.* Filed by Illinois Freight Association, agent (No. 224), for and on behalf of The Baltimore and Ohio Railroad Company. Rates on screened gravel, in carloads, from Montezuma, Ind., to Garrett, Atwood and Pierson, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 141 to Baltimore and Ohio Railroad Company tariff I.C.C. 24048.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 63-13513; Filed, Dec. 31, 1963; 8:48 a.m.]

[Notice 286]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 27, 1963.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(3)) at any time but will not operate ate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Deviation No. 3) (SUPPLEMENTAL NOTICE), SAFEWAY TRAILS, INC., 320 T Street NE., Washington 18, D.C., filed November 6, 1963. Previous notice published in the November 14, 1963, issue of the FEDERAL REGISTER. Additional routes are now proposed as follows: (A) from Elkton, Md., over Maryland Highway 279 to junction Interstate Highway 95; (B) from Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95; (C) from Havre de Grace, Md., over Maryland Highway 155 to junction Interstate Highway 95; (D) from Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95; and (E) from junction Maryland Highway 24 and U.S. Highway 40 over Maryland Highway 24 to junction Interstate Highway 95, and return over the same routes, for operating convenience only.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-13514; Filed, Dec. 31, 1963; 8:48 a.m.]

[Notice 587]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 27, 1963.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 61403 (Sub-No. 94) (AMENDMENT), filed August 21, 1963, published in FEDERAL REGISTER issue November 20, 1963, republished as amended, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals syrups and oils including sorbitol*, in bulk, in tank vehicles, from Mapleton, Ill. (except from the plant site of Archer Daniels Midland Company), to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE: Common control may be involved. The purpose of this republication is to add the state of Virginia.

HEARING: Remains as assigned January 7, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 61592 (Sub-No. 14), filed December 13, 1963. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baler and binder twine*, from Chicago, Ill. and Minneapolis, Minn. to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and St. Louis, Mo.

HEARING: January 14, 1964 in Room 401, Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner David Waters.

No. MC 70451 (Sub-No. 246), filed December 13, 1963. Applicant: WATSON-WILSON TRANSPORTATION SYSTEM, INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related equipment, component parts and associated materials, and Classes A, B, and C explosives, ammunition (not included in Classes A, B, and C explosives), not component parts of explosives and ammunition*, (1) between the Iowa Ordnance Plant near Burlington, Iowa, Travis Air Force Base, Calif., Port Chicago, Calif., Sierra Ordnance Depot, at or near Herlong, Calif., Pueblo Ordnance Depot, Colo., Fort Campbell, Ky., Sandia Base, N. Mex., Lake Mead Base, Nev., Pantex, Ordnance Plant, Tex., Red River Arsenal, Tex., and Barksdale Air Force Base, La., and (2) between the Iowa Ordnance Plant located near Burlington, Iowa, Denver and Pueblo, Colo., and Amarillo, Tex.

HEARING: January 9, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Hugh M. Nicholson.

No. MC 109397 (Sub-No. 89), filed December 26, 1963. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 311, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High explosives*, from the site of the Iowa Ordnance Plant located near West Burlington, Iowa, to Los Alamos Scientific Laboratory, N. Mex.

HEARING: January 9, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Hugh M. Nicholson.

No. MC 109637 (Sub-No. 254), filed December 12, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, between points in Illinois, Indiana, and Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island.

HEARING: January 21, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Charles J. Murphy.

No. MC 113528 (Sub-No. 8), filed December 27, 1962. Applicant: MERCURY FREIGHT LINES, INC., Post Office Box 1624, 710 North Joachim, Mobile, Ala. Applicant's attorney: Drew L. Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), serving the site of the National Aeronautics and Space Administration Manned Spacecraft Center, located near Houston, Tex., and in the vicinity of Clear Lake, Tex., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: February 3, 1964, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Richard A. White.

No. MC 113908 (Sub-No. 131) (AMENDMENT), filed November 29, 1963, published FEDERAL REGISTER, issue of December 11, 1963, and republished as amended this issue. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and syrups, including sorbitol*, in bulk, in tank vehicles, from Mapletin, Ill., to points in Washington, Nevada, California, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Oklahoma, Texas, New Mexico, Arizona, Oregon, Nebraska, Missouri, and Wisconsin.

NOTE: The purpose of this republication is to show Mapleton, Ill., as the origin point in lieu of the plant site as originally published.

HEARING: Remains as assigned January 7, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 116544 (Sub-No. 49), filed December 13, 1963. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, powdered milk* containing animal or vegetable fats and ingredients, *milk products, dessert preparations, beverage preparations, milk and cream substitutes, flour mixes, cake mixes and pancake mixes*, from points in Minnesota and Wisconsin to points in Arizona, California, Nevada, New Mexico, Colorado, Kansas, Utah, Wyoming, Montana, Idaho, Washington, and Oregon.

HEARING: January 20, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 117119 (Sub-No. 130), filed December 16, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Delaware and Maryland to points in Illinois, Indiana, Iowa, Missouri, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas.

HEARING: January 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 119767 (Sub-No. 15), filed December 12, 1963. Applicant: BEAVER TRANSPORT COMPANY, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food preparations, candy and confections*, from points in Milwaukee, Wis., commercial zone and points in Waukesha and Jefferson Counties, Wis., to points in Kansas, Iowa, Missouri, Arkansas, Nebraska, Oklahoma, Texas, Louisiana, Mississippi, and Memphis, Tenn.

HEARING: January 16, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 119778 (Sub-No. 58), filed December 19, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-14 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen solutions and ammoniating solutions*, in bulk, in tank vehicles from Ketona, Ala., to points in Georgia and Florida.

NOTE: Common control may be involved.

HEARING: January 14, 1964, at the Georgia Public Service Commission, 244 Washington, Street, SW., Atlanta, Ga., before Joint Board No. 99.

No. MC 119778 (Sub-No. 59), filed December 19, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, between points in Alabama.

HEARING: January 24, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 124123 (Sub-No. 14), filed December 19, 1963. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, plastics, plastic materials, soaps, fatty acids, fatty acid materials, products and blends thereof, organic ammonia compounds, resins, varnishes, lacquers, paints, and paint materials*, in bulk, in tank and hopper-type vehicles, from Kankakee, Ill., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin.

HEARING: January 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner David Waters.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 50544 (Sub-No. 53), filed December 12, 1963. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, a corporation, 1507 Pacific Avenue, Dallas 1, Tex. Applicant's attorney: Tom Farmer (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Odessa, Tex., and junction Texas Highways 302 and 18 at or near Kermit, Tex.; from Odessa over Texas Highway 302 to junction Texas Highway 18 at or near Kermit, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 623), filed December 16, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewics, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichlorosilane*, in bulk, in tank vehicles, from Waterford, N.Y., to St. Louis, Mo., Danville, Pa., and Dallas, Tex.

No. MC 110525 (Sub-No. 624), filed December 23, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewics, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste pulp mill liquor*, in bulk, in tank vehicles, from Williamsburg, Pa., to Luke, Md.

No. MC 110525 (Sub-No. 625), filed December 23, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Cynthiana, Ky., to East St. Louis, Ill., and Remington, Ind.

No. MC 110525 (Sub-No. 626), filed December 23, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil and creosote coal tar solution*, from Swedeland, Pa. to Warsaw, Va., and Bridgeville, Del.

No. MC 112846 (Sub-No. 36) (AMENDMENT) filed December 2, 1963, published FEDERAL REGISTER issue of December 11, 1963, amended December 17, 1963, and republished, as amended, this issue. Applicant: CLARE M. MARSHALL, INC., Post Office Box 611, Oil City, Pa. Applicant's representative: Henry A. Dahn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating grease*, in bulk, in tank vehicles, from Woodhaven Village (Trenton), Mich., to Canton, Lorain, and Youngstown, Ohio and Pittsburgh, Pa.

NOTE: The purpose of this republication is to delete the destination point of Munhall and to add Pittsburgh, Pa.

No. MC 114194 (Sub-No. 59), filed December 13, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 3003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup, caramel coloring and blends*, in bulk, from Granite City, Ill. to points in Wyoming, Montana, Arizona, California, and New Mexico, and *rejected shipments*, on return.

No. MC 115716 (Sub-No. 10), filed December 13, 1963. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 1401 Osage Street, Denver Colo. Applicant's attorney: Edward C. Hastings, Suite 801, 1200 Lincoln Street, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special handling and household goods as defined by the Commission), between Ulysses and Liberal, Kans., from Ulysses, in a southerly direction over U.S. Highway 270 to Hugoton, Kans., thence in a southwesterly direction over U.S. Highway 56 to a point where U.S. Highway 56 bisects Kansas Highway 25, thence in a southerly direction over Kansas Highway 25, Oklahoma Highway 136, and U.S. Highway 64 to Guyman, Okla., thence in a northeasterly direction over U.S. Highway 54 to Liberal, and return over the same route, serving all the intermediate points (except Hooker, Okla.), and the off-route points of Johnson, Kans.

No. MC 117765 (Sub-No. 14), filed December 13, 1963. Applicant: HAHN TRUCK LINE, INC., 19 Kansas Avenue, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures and pepper*, from Lyons, Kans., to points in Oklahoma, and *rejected and refused shipments*, on return.

No. MC 124251 (Sub-No. 5), filed December 16, 1963. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's attorney: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, in bulk and in drums, in tank vehicles and in van trailers, from points in Whitfield County, Ga., to points in Florida.

PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Notice to the parties:

In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the appendix attached hereto will be held on January 8, 1964, at 9:30 a.m., U.S. standard time, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view to their simplification;

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements;

(3) The time and place or places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to:

(a) Their present operating authority,

(b) Their corporate organizations if any, ownership and control,

(c) Their Fiscal Date,

(d) Their equipment, terminals and other facilities:

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

The application and the authority sought (MC 23939 Sub-No. 152 through MC 109236 Sub-No. 14) are as follows:

No. MC 23939 (Sub-No. 152), filed December 23, 1963. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, which, because of size or weight, require the use of special equipment*, between points in California, Idaho, Nevada, Oregon, and Washington.

No. MC 74321 (Sub-No. 26), filed December 23, 1963. Applicant: B. F. WALKER, INC., 650 17th Street, Denver 2, Colo. Applicant's attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex., 78763. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities, which, because of size or weight, require the use of special equipment*, between points in California, Idaho, Nevada, Oregon, and Washington.

No. MC 106497 (Sub-No. 30), filed December 23, 1963. Applicant: PARKHILL TRUCK COMPANY, 4219 South Memorial Drive, Tulsa, Okla. Applicant's attorney: Tom. B. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size and weight, require the use of special equipment or handling, between points in California, Arizona, New Mexico, Idaho, Nevada, Wyoming, Colorado, Washington, and Oregon.

No. MC 107993 (Sub-No. 9), filed December 23, 1963. Applicant: J. J. WILLIS TRUCKING COMPANY, a corporation, 306 East Second Street, Odessa, Tex. Applicant's attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex., 78763. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size and weight, require the use of special equipment, between points in California, Idaho, Nevada, Oregon, and Washington.

No. MC 109236 (Sub-No. 14), filed December 19, 1963. Applicant: GEORGE A. SIMS, M. K. SIMS (GEORGE MILTON SIMS, ELMER L. SIMS AND BEVERLY SIMS CANDLAND, EXECUTORS), ELMER L. SIMS AND G. GRANT SIMS, doing business as SALT LAKE TRANSFER CO., a partnership, 170 West Second South Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Suite 600, El Paso Natural Gas Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size or weight require special equipment*, between points in California, Idaho, and Nevada.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notices of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8631. Authority sought for purchase by EASTERN MOTOR LINES, INC., Post Office Box 632, Warrenton, N.C., of the operating rights and property of CHARLES A. PORTER, Newberry, S.C., and for acquisition by W. S. BUGG and C. M. BULLOCK, both of Warrenton, N.C., of control of such rights and property through the purchase. Applicants' attorneys: James E. Wilson and Edward G. Villalon, 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *Lumber* (except plywood and veneer), as a *common carrier* over irregular routes, from points in South Carolina, to points in Florida, Georgia, Tennessee, and North Carolina, with certain exceptions. Vendee is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, New Jersey, Virginia, Ohio, New York, Connecticut, Illinois, Indiana, Michigan, Vermont, Massachusetts, Tennessee, South Carolina, Maine, New Hampshire, Rhode Island, Delaware, Minnesota, Georgia, Alabama, Florida, Mississippi, Kentucky, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8632. Authority sought for control by GOREA'S MOTOR EXPRESS, INC., Bleecker Street and Culver Avenue, Utica, N.Y., of PEETSMITH FREIGHT CORP., 2005 Central Avenue, Albany, N.Y., and for acquisition by PHILIP J. GOREA, 1111 Parkway East, Utica, N.Y., of control of PEETSMITH FREIGHT CORP., through the acquisition by GOREA'S MOTOR EXPRESS, INC. Applicants' attorneys: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y., 13202, and Martin Werner, 2 West 45th Street, New York, N.Y., 10036. Operating rights sought to be controlled: Certificate of registration issued December 4, 1963, in No. MC-120856 Sub-No. 1, covering the transportation of general commodities, as defined by the New York Public Service Commission, (1) over regular routes, between Schnectady and Yonkers, N.Y., serving all intermediate and numerous off-route points, and (2) over irregular routes, between points in Dutchess County, N.Y., and from points in Westchester County, to points in Orange County, N.Y. GOREA'S MOTOR EXPRESS, INC., is authorized to operate as a *common carrier* in the State of New York. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-13515; Filed, Dec. 31, 1963; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 27, 1963.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3433, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned: M.C. Case No. 17186, filed November 30, 1963. Applicant: QUICKLINE, INC., 711 Helen Avenue, Charleston, W. Va. Applicant's attorney: Homer W. Hanna, Jr., Kanawha Valley Building, Charleston, W. Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, by motor vehicles limited to a gross weight of 12,000 pounds, and requiring expedited service within Kanawha, Mason, Putnam, and Jackson Counties, W. Va., and between points and places in said counties on the one hand, and, on the other, points and places in West Virginia.

NOTE: Applicant states the above authority is subject to the following provision: any authority issued pursuant to this application may neither be transferred to nor merged with any organization, individual, or interest holding authority as an interstate motor freight carrier unless such authority be restricted to provide a similar maximum gross weight of vehicles and a similar authorized service.

HEARING: Date, time and place assigned for hearing this application will be set after proper publication of notice in the FEDERAL REGISTER. The date of hearing will be at least thirty (30) days after the date of publication.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the West Virginia Public Service Commission, Capitol Building, Charleston 5, W. Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 63-13516; Filed, Dec. 31, 1963; 8:48 a.m.]

[Notice 918]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 27, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66250. By order of December 26, 1963, the Transfer Board approved the transfer to Stone Transport, Inc., Pewaukee (Town of Brookfield), Wisconsin, of the operating rights in Certificate in No. MC 119343, issued by the Commission October, 16, 1961, to Schneider Trucking Corporation, Lannon, Wis., authorizing the transportation, over irregular routes, of rough stone and cut stone, from Lannon, Wis., and points in Menomonee and Lisbon Townships, Waukesha County, Wis., to points in Indiana, Illinois, Iowa, Minnesota, and Michigan, and empty pallets used in the transportation of rough and cut stone, from points in Indiana, Illinois, Iowa, Minnesota, and Michigan, to Lannon, Wis., and points in Menomonee and Lisbon Townships, Waukesha, Wis. Glenn R. Davis, 241 Wisconsin Avenue, Waukesha, Wis., attorney for applicants.

No. MC-FC 66382. By order of December 26, 1963, the Transfer Board approved the transfer to Raymond J. Gallagher, Cincinnati, Ohio, of Certificate in

THE UNIVERSITY OF MICHIGAN Ref

No. MC 40326, issued September 25, 1943, to Consolidated Trucking, Inc., Cincinnati, Ohio, authorizing the transportation of: General commodities, excluding household goods and other specified commodities, between Harrison, Ind., and points in Hamilton County, Ohio, and Boone, Campbell, and Kenton Counties, Ky. Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 66419. By order of December 26, 1963, the Transfer Board approved the transfer to Beck's Montclair Moving & Storage, Inc., Montclair, N.J., of the operating rights issued by the Commission December 8, 1958, under Certificate in No. MC 65025, to Donald Terdina Ross, doing business as Beck's Storage and Moving, Montclair, N.J., authorizing the transportation, over irregular routes, of household goods, between points in 9 counties in New Jersey, on the one hand, and, on the other, points in Massachusetts, Connecticut, Pennsylvania, New York, and New Jersey. Charles J. Williams, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 63-13517; Filed, Dec. 31, 1963; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 *et seq.*), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION V

Ferrara Brothers Distributing Co., Syme and Ohio Streets, Sharon, Pa. (Ohio side); effective 12-4-63 to 9-2-64 (food store; 49 employees).

REGION VI

Annes Department Store, 4810 Milwaukee Avenue, Chicago, Ill.; effective 11-22-63 to 9-2-64 (department store; 38 employees).

REGION VIII

Sav-Way Food, 701 East Davis Street, Conroe, Tex.; effective 12-18-63 to 9-2-64 (food store; 42 employees).

T.G. & Y. Stores Co. of Delaware, d.b.a. T.G. & Y. Stores Co., No. 52, Guymon, Okla.; effective 12-11-63 to 9-2-64 (variety store; 13 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

McCrory, No. 355, San Jose Lakewood Shopping Center, 1634 University Boulevard West, Jacksonville, Fla.; effective 12-16-63 to 9-2-64; selling, stockkeeping, office clerical, cashier (register operation); between 0.8 percent and 6.1 percent (variety store; 39 employees).

G. C. Murphy Co., No. 297, 301—C Agricola Shopping Center, Gadsden, Ala.; effective 12-15-63 to 9-2-64; sales clerk, stock clerk, office clerk, janitor; between 9.0 percent and 10 percent (variety store; 35 employees).

G. C. Murphy Co., No. 282, 1265 Shreve City, Shreveport, La.; effective 12-15-63 to 9-2-64; stock clerk, office clerk, janitor, sales clerk; 10 percent for each month (variety store; 40 employees).

G. C. Murphy Co., No. 295, 45 Eastgate Center, Chattanooga, Tenn.; effective 12-15-63 to 9-2-64; sales clerk, stock clerk, office clerk, janitor; between 4.7 percent and 10 percent (variety store; 58 employees).

G. C. Murphy Co., No. 288, 202 Walnut Street, Abilene, Tex.; effective 12-15-63 to 9-2-64; sales clerk, office clerk, stock clerk, janitor; 10 percent for each month (variety store; 40 employees).

G. C. Murphy Co., No. 286, 13th and Avenue "J", Lubbock, Tex.; effective 12-15-63 to 9-2-64; sales clerk, stock clerk, office clerk, janitor; 10 percent for each month (variety store; 28 employees).

G. C. Murphy Co., No. 294, 619 North Grant Avenue, Odessa, Tex.; effective 12-15-63 to 9-2-64; sales clerk, office clerk, stock clerk, janitor; 10 percent for each month (variety store; 39 employees).

G. C. Murphy Co., No. 219, 430 Seminary S., Fort Worth, Tex.; effective 12-15-63 to 9-2-64; sales clerk, stock clerk, office clerk, janitor; 10 percent for each month (variety store; 127 employees).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR, Part 519. This certificate supplements the certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowance applies to the specified month.

Newberry Shamokin Corp., No. 5, 6-12 Independence Street, Shamokin, Pa.; effective 12-0-63 to 12-31-63; 1.0 percent for the fiscal month ending in December (variety store; 23 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provision of 29 CFR 519.9.

Signed at Washington, D.C. this 23d day of December 1963.

LUTHER E. STONE, *Authorized Representative of the Administrator.*

[F.R. Doc. 63-13501; Filed, Dec. 31, 1963; 8:46 a.m.]

THE UNIVERSITY OF MICHIGAN
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* • • •

(12) One Confidential Assistant to the General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-41; Filed, Jan. 2, 1964; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER subpagraphs (2) and (3) are added to paragraph (c) of § 213.3104 as set out below.

§ 213.3104 Department of State.

• • • • • •

(c) *International Boundary and Water Commission, United States and Mexico.* • • •

(2) Not to exceed 17 Realty Officers, Appraisers, Negotiators, Specialists and Assistants, GS–5 through 14. Appointment under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

(3) Not to exceed three Administrative Assistants GS–7 through 11. Appointments under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-42; Filed, Jan. 2, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1474—FARM STORAGE FACILITIES

Subpart—Dryer Loan Program Regulations

Sec.
1474.760 General statement.
1474.761 Administration.
1474.762 Availability of loans.
1474.763 Loans made by CCC.
1474.764 Eligible borrowers.
1474.765 Loans to purchase eligible equipment.
1474.766 Terms and conditions of loan.
1474.767 Disbursement of loan.
1474.768 Service charges.
1474.769 Sale or conveyance of security.

AUTHORITY: §§ 1474.760 to 1474.769 issued under sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U.S.C. 714b, 714c.

§ 1474.760 General statement.

The regulations in this subpart and any amendments thereto, set forth the requirements with respect to loans under the Dryer Loan Program (formerly Mobile Dryer Loan Program 25 F.R. 9806, 26 F.R. 2686). These regulations authorize loans by Commodity Credit Corporation (herein referred to as "CCC") to eligible borrowers as defined in § 1474.764 in all of the United States for the purchase of mobile and stationary drying equipment.

§ 1474.761 Administration.

(a) The Farmer Programs Division will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field, the program will be administered through Agricultural Stabilization and Conservation State and county committees (herein referred to as "State committee" and "county committee," respectively).

(b) Forms will be available in Agricultural Stabilization and Conservation Service (herein referred to as "ASCS") county offices.

(c) State and county committees and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendment thereto.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) Employees of the county committees shall execute instruments in accordance with delegations of authority published in 21 F.R. 2957.

§ 1474.762 Availability of loans.

(a) *Time.* Loan applications may be submitted beginning with the date of publication of these regulations in the FEDERAL REGISTER and continuing until termination of the program.

(b) *Applications for loans.* Applications for loans shall be submitted to the county office of the county in which the farm records are maintained which will be responsible for appropriate review. Disbursements of loans will be made by sight drafts drawn on CCC by the county office.

§ 1474.763 Loans made by CCC.

Loans under this program will be made by CCC only through county offices.

§ 1474.764 Eligible borrowers.

(a) *Definition.* An eligible borrower shall be a person, who as tenant, sharelandlord, or landowner-operator, (1) produces one or more of the price support commodities, corn, oats, barley, grain sorghums, wheat, rye, soybeans, flaxseed, rice, dry edible beans, and peanuts (herein referred to as "price support commodities"), (2) desires to purchase new drying equipment needed for the conditioning of such price support commodities, and (3) has adequate storage facilities, or will obtain adequate storage facilities at the time the drying equipment is purchased. The term "person" shall mean an individual or individuals, a partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. If two or more eligible borrowers jointly obtain a loan for the joint purchase of eligible equipment, each such borrower shall sign all documents and shall be liable jointly and severally for the repayment of the loan.

(b) *Participation.* Loans will be made only to eligible borrowers. An applicant will be eligible for a loan only if, at the time his application is being considered, it appears to the county committee, from county office records and other pertinent information, that the applicant is or will be eligible for price support for the current year on all price support commodities produced by him on the farm(s) to to which the application relates: *Provided, however,* That eligibility for price support shall not be a condition of eligibility for a drying equipment loan when the proposed drying equipment is to be located in a county determined by the State committee, with the approval of the Deputy Administrator, State and County

Operations, to be a feed grain deficit county and a county in which existing storage space is not adequate. Loans other than those covered by the foregoing proviso may be called at any time if it is determined that the borrower is not eligible for price support on such commodities.

§ 1474.765 Loans to purchase eligible equipment.

(a) *General.* Loans will be made only for the purchase by the applicant of eligible equipment. Eligible equipment shall be new drying equipment of one of the types listed below which will be used in connection with the conditioning of price support commodities produced by the applicant.

(1) Mobile drying equipment.

(2) Stationary drying equipment which may be of either movable or immovable types.

The term "mobile drying equipment" as used herein means drying equipment which is designed to be moved readily from site to site and is not attached so as to become a fixture or part of any other facility or real property. Mobile drying equipment as herein defined may include dryers with wagons or trailers as integral parts of such equipment, but shall not include augers or other types of commodity handling equipment, and shall not include meters or other types of commodity testing equipment. The term "stationary drying equipment" may include permanently affixed equipment such as augers or other types of commodity handling equipment or meters or other types of commodity testing equipment. The term "movable drying equipment" as used herein means stationary drying equipment which can be dismantled, moved, and reconstructed on another site without demolishing it. All other stationary drying equipment shall be deemed "immovable".

(b) *Approved vendors.* Before the county committee executes a loan commitment the vendor named in the application must have been approved under a Supplier's Agreement made on Form CCC-308.

(c) *Unauthorized loans.* A loan shall not be approved or disbursed (1) to repair, maintain, or recondition existing equipment, or (2) for the purchase of secondhand equipment, or (3) for the purchase of equipment for use in connection with the conditioning of price support commodities which the loan applicant intends to purchase or to condition or store for others, except that an applicant who qualifies for a loan to purchase drying equipment to dry his own commodities may use such equipment to dry commodities for his neighboring producers, or (4) where it appears that the drying equipment may be attached to, or become a part of, or be made use of in any commercial operation, including but not limited to, elevators, warehouses, drying or processing plants.

§ 1474.766 Terms and conditions of loan.

(a) *Term of loan.* The maximum term of the loan will be three years from the date of the disbursement of the loan, except that the term of an individual loan may be extended and reextended for terms of not to exceed one year each if the county committee makes a written determination that the borrower is unable to meet the current payment when due because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. The principal amount of a loan will be payable in equal annual installments with interest payable annually at the rate of four percent per annum on the unpaid balance.

(b) *Security for loan.* (1) The loan well be secured by a chattel mortgage on the drying equipment, a real estate mortgage, deed of trust, or other security instrument, depending upon the type of drying equipment and the amount of the loan. A chattel mortgage may be accepted as security for loans on "mobile" drying equipment or on "movable" stationary drying equipment. A first lien on the real estate will be required in connection with all loans on "immovable" stationary drying equipment. A first lien on real estate may also be required in connection with any other loan at the discretion of the person authorized to approve the loan: *Provided, however,* That such first lien may be obtained through a subordination agreement where the real estate is subject to any other lien. In case of chattel mortgage loans on "movable" stationary drying equipment, a severance agreement must be executed and acknowledged by all persons having an interest in the land on which such drying equipment is to be placed.

(2) The eligible equipment shall be free and clear of all liens and encumbrances. The cost of recording or filing documents required in connection with a loan shall be paid by the borrower. Upon approval of an application for loan, the county committee shall execute a commitment for the loan. A loan commitment shall become null and void four months after the date the commitment is executed unless, (i) the loan has been disbursed, or (ii) on or before that date the action has been extended in writing by the county committee.

(c) *Amount of loan.* (1) The amount of any loan shall not exceed eighty-five percent of the out-of-pocket cost to the applicant of the delivered and assembled equipment. An individual loan shall be approved for less than the maximum amount when such action is necessary to protect the security interests of CCC.

(2) Except as otherwise provided herein, county committees may approve loan applications, issue loan commitments and disburse loans without prior approval of higher authority if the loan is in an amount less than $5,000. Any application for a loan in an amount of $5,000 or over shall be submitted through the State committee to the Deputy Administrator, Management, ASCS, for review and approval prior to the issuance of a loan commitment.

(d) *Downpayment.* A minimum downpayment of not less than the difference between the amount of the loan determined pursuant to paragraph (c) of this section and the actual out-of-docket cost of the drying equipment shall be made by the loan applicant to the vendor before the loan is disbursed. The downpayment shall be in cash except that a reasonable trade-in allowance for farm equipment or other tangible property may be considered as cash. If the trade-in allowance of such equipment or property is in excess of the minimum downpayment, the amount of the loan shall be reduced by the amount of such excess. If the trade-in allowance is in excess of a reasonable market value, only the reasonable market value may be counted toward the downpayment. Any additional amount required to equal the minimum downpayment shall be paid in cash by the applicant to the vendor before the loan is disbursed. A downpayment shall not include any discount, rebate, credit, deferred payment, postdated check, or promissory note to the vendor.

(e) *Repayment of loan.* The first installment, including interest, shall be payable on the first anniversary date of disbursement of the loan in cash or out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture. A like installment shall be similarly payable on each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. Payment out of such amounts shall be obtained by deduction therefrom, except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. If any installment is not paid by such anniversary date, the loan may be declared delinquent and, at the option of CCC, the loan may be called. Any delinquent amount may be paid out of any amounts due the borrower under any program carried out by the Department of Agriculture. The loan may be paid in full or in part by the borrower at any time before maturity. The borrower is required to maintain the drying equipment in good condition and repair.

(f) *Insurance.* For any loan of $1,000 or more, the borrower is required to carry insurance on the equipment during the life of the loan, at his own expense.

§ 1474.767 Disbursement of loans.

Disbursement of loan proceeds will be made when purchase of the eligible equipment has been completed, except that disbursement of the loan proceeds shall not be made in any case until the borrower furnishes satisfactory evidence of the payment of all debts on the equipment in excess of the amount of the loan. Disbursement of the loan proceeds shall be made jointly to the borrower and the vendor except that disbursement may be made to the borrower alone upon evidence satisfactory to the county committee that the entire amount due the vendor has been paid by the borrower. Except for the downpayment, such payments must have been made after the date of the application unless expressly approved by the Deputy Administrator, State and County Operations. Unless approved by the Deputy Administrator, State and County Operations, a loan shall not be approved or disbursed (a) subsequent to the expiration date of the loan commitment, or (b) if the drying equipment has been purchased or delivered prior to the date of application for loan. A downpayment will not be deemed to be a purchase.

§ 1474.768 Service charges.

A service charge of $5.00 or one percent of the amount of the loan, whichever is greater, shall be paid by the loan applicant at the time the application is made. If the application for the loan is disapproved or is not completed, $5.00 shall be retained by the county committee and the balance of the service charge, if any, shall be refunded to the applicant.

§ 1474.769 Sale or conveyance of security.

When a borrower desires to sell or convey the equipment for which the loan is made without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be by the Chairman of the county committee in the space provided in the assumption agreement for his signature. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to drying equipment located within the county. The assumption agreement form may be obtained from the county committee office.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 24, 1963.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-30; Filed, Jan. 2, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergis, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis, and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Hurton, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Per-

kins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Hughes Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Lamb, Lampasas, Lipscomb, Llano, Loving, Lynn, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Platte, Sweetwater, Teton, Uinta, Washakie, and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence, running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Jefferson County in Alabama; St. Mary Parish in Louisiana; Sioux County in North Dakota; Clermont and Geauga Counties in Ohio; McCurtain County in Oklahoma; and Floyd and Lynn Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of December 1963.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-44; Filed, Jan. 2, 1964; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-1, 709]

PART 561—DEFINITIONS

Miscellaneous Amendments

DECEMBER 27, 1963.

Resolved that, the Federal Home Loan Bank Board upon the basis of consideration by it of the advisability of amending Part 561 of the rules and regulations for Insurance of Accounts (12 CFR 561) by the addition of definitions, the substance of which is hereinafter set forth, and for the purpose of effecting such amendment hereby amends said Part 561 by adding thereto, immediately after § 561.10, the following new sections, effective February 3, 1964:

§ 561.11 Savings accounts.

The term "savings accounts" means withdrawable or repurchasable shares, investment certificates, deposits, or savings accounts held by insured members in an institution insured by the Corporation.

§ 561.12 Closing date.

The term "closing date" means any annual or semiannual closing date.

§ 561.13 Net worth.

The term "net worth" means the sum of all reserve accounts (except specific or valuation reserves), undivided profits, surplus, capital stock and any other nonwithdrawable accounts.

§ 561.14 Adjusted net worth.

The term "adjusted net worth" means net worth less 15 percent of scheduled items in 1964 and less 20 percent of scheduled items thereafter.

§ 561.15 Scheduled items.

The term "scheduled items" means slow loans, real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, and such real estate sold on contract, or by a loan, where the unpaid principal balance exceeds that permitted under otherwise applicable lending limitations or exceeds 90 percent of the value of the security, and any investment securities upon which one or more interest payments due has not been paid.

§ 561.16 Slow loans.

The term "slow loans" means:

(a) Any loan or land contract one year or more old which is the equivalent of 90 days (three months) or more contractually delinquent;

(b) Any loan less than one year old which is the equivalent of 60 days (two months) or more contractually delinquent; or

(c) Any mortgage loan, deed of trust or land contract on which taxes on the security are due and unpaid for the equivalent of two or more years.

Provided, That any mortgage loan, deed of trust or land contract on which the total indebtedness is less than 50 percent of the original amount, any loan on which all contractually required payments have been made during the preceding 12 months and any loan on which payments are being deferred by law shall not be considered to be a slow loan under paragraphs (a), (b) or (c) of this section.

§ 561.17 Risk assets.

(a) The term "risk assets" means the total assets of an insured institution less the institution's cash, government obligations, Federal Home Loan Bank stock and prepaid Federal Savings and Loan Insurance Corporation premiums, and less 60 percent of the institution's investments in insured and guaranteed loans.

(b) In computing risk assets at the close of any semiannual period, any asset which is sold or disposed of in one semiannual period and then repurchased or reacquired in the next semiannual period shall be computed as if it had not been sold or disposed of during such initial semiannual period.

§ 561.18 Cash.

The term "cash" means cash on hand, cash on deposit in banks, including Federal Home Loan Banks, and certificates of deposit, which are not pledged as security for indebtedness.

§ 561.19 Government obligations.

The term "government obligations" means obligations of, or guaranteed or insured by, or special obligations (as they may hereinafter be defined by the Board) issued by the United States, any State, county, municipality, or political subdivision of any State, district, public instrumentality or public authority.

§ 561.20 Insured loan.

The term "insured loan" means a loan that is insured, in whole or in part, or as to which the mortgage is insured, in whole or in part, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

§ 561.21 Guaranteed loan.

The term "guaranteed loan" means a loan that is guaranteed, in whole or in part, or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that, as the foregoing amendment does not necessitate any change in operations of insured savings and loan associations which are now being carried on but is merely interpretative of terms employed in the rules and regulations for Insurance of Accounts, the Board hereby finds that notice and public procedure on said amendment are unnecessary under § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR § 508.12) or section 4(a) of the Administrative Procedure Act and the Board hereby finds that, for the same reason, publication of said amendment for the period specified in section 4(c) of said Act prior to the effective date of said amendment is unnecessary.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-45; Filed, Jan. 2, 1964; 8:48 a.m.]

[No. FSLIC-1,712]

PART 563—OPERATIONS

Required Amounts and Maintenance of Federal Insurance Reserve

DECEMBER 30, 1963.

Resolved that, notice and public procedure having been duly afforded (28 F.R. 12130) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 563.13 of the rules and regulations for Insurance of Accounts (12 CFR 563.13) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said § 563.13 to read as follows, effective February 3, 1964:

§ 563.13 Required amounts and maintenance of Federal insurance reserve.

(a) *Minimum reserve level.* (1) After the fiscal year in which a certificate of insurance is issued to an insured institution, it shall build up its Federal insurance reserve account so that at the closing on the closing date preceding the anniversary of the date of insurance of accounts stated in the table set forth in this subparagraph, such reserve account shall be at least equal to the following percentage of the total of its savings accounts on such closing date:

Percentage	Anniversary	Percentage	Anniversary
0.50	2	2.75	11
0.75	3	3.0	12
1.0	4	3.25	13
1.25	5	3.50	14
1.50	6	3.75	15
1.75	7	4.0	16
2.0	8	4.25	17
2.25	9	4.50	18
2.50	10	4.75	19

5.0 percent at the twentieth anniversary and thereafter.

(2) After the fiscal year in which a certificate of insurance is issued to an insured institution, it shall build up its net worth so that at the closing on the closing date preceding the anniversary of the date of insurance of accounts stated in the table set forth in subparagraph (1) of this paragraph, its net worth shall be at least equal to the appropriate Federal insurance reserve account requirement plus 15 percent of its scheduled items in 1964 and plus 20 percent of its scheduled items thereafter.

(3) If, at any closing date, either of the levels required in subparagraphs (1) and (2) of this paragraph are not met by an insured institution, such insured institution shall credit to its Federal insurance reserve account at such time an amount equal to 25 percent of its net income or any lesser amount sufficient to meet the requirements.

(b) *Semiannual credits.* (1) An insured institution shall not be required to make any credit to its Federal insurance reserve account under this paragraph at any time when its adjusted net worth is at least 12 percent of its risk assets at the close of the semiannual period.

(2) Each insured institution, not exempted under subparagraph (1) of this paragraph, that has an adjusted net worth of at least 8 percent of its risk assets shall credit, within each semiannual period, to its Federal insurance reserve account an amount at least equal to 10 percent of its net income for the period.

(3) Each insured institution which has an adjusted net worth of less than 8 percent of its risk assets shall credit, within each semiannual period, to its Federal insurance reserve account at least the amount required by the applicable of the following requirements:

(i) An institution which has not reached its twentieth anniversary of insurance of accounts and

(a) Has less than $25,000,000 in risk assets at the close of the period shall have no requirement under this paragraph;

(b) Has at least $25,000,000 but not more than $50,000,000 in risk assets at the close of the period shall credit an amount equal to 10 percent of its net income for the period or an amount equal to 5 percent of its growth in risk assets during the period, whichever is greater; or

(c) Has more than $50,000,000 in risk assets at the close of the period shall credit an amount equal to 10 percent of its net income for the period or an amount equal to 6 percent of its growth in risk assets for the period, whichever is greater.

(ii) An institution which has reached its twentieth anniversary of insurance of accounts and

(a) Has $10,000,000 or less in risk assets at the close of the period shall credit an amount equal to 10 percent of its net income for the period; or

(b) Has over $10,000,000 in risk assets at the close of the period shall credit an amount equal to 10 percent of its net income for the period or an amount equal to 6 percent of its growth in risk assets during the period, whichever is greater.

(4) If an insured institution has made any semiannual credit to its Federal insurance reserve account, subsequent to December 31, 1963, in excess of the applicable requirement, it may apply such excess credit toward the requirements of this paragraph in future periods: *Provided,* That excess credits to the Federal insurance reserve account of an insured institution made prior to January 1, 1964, and not previously utilized, may be used to meet a maximum of 15 percent of its reserve credit requirements under this paragraph during the fiscal year commencing subsequent to December 31, 1963.

(5) An insured institution shall be required to make semiannual credits pursuant to this paragraph (b) only at such times and in such amounts as the required credits under this paragraph (b) would exceed required credits under subparagraph (3) of paragraph (a) of this section for the period.

(c) *Limitations on payment of dividends.* Any insured institution which has failed to meet the required credits under subparagraph (3) of paragraph (a) of this section or under paragraph (b) of this section shall not declare, pay or advertise dividends, for the period subsequent to the immediately succeeding dividend period, in excess of the amount approved by the Corporation.

(d) *Effective date.* The provisions of this section, as amended, shall apply to all semiannual fiscal periods, of insured institutions, commencing after December 31, 1963.

(Secs. 402, 403, 48 Stat. 1256, 1257 as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-46; Filed, Jan. 2, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1457, Amdts. 91-1, 101-1]

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

PART 101—MOORED BALLOONS, KITES, UNMANNED ROCKETS AND UNMANNED FREE BALLOONS [NEW]

Miscellaneous Amendments

On November 1, 1962, notice was given in Draft Release 62-45 (27 F.R. 10656) that the Federal Aviation Agency had under consideration a proposal to amend Part 48 of the Civil Air Regulations to include regulations governing the operation of unmanned free balloons. The notice also proposed to amend the scope of Part 60 to exclude unmanned free balloons from the air traffic rules contained therein.

Regulatory action, as proposed, is required to provide the necessary compatibility between unmanned free balloon operations and other airspace activities. It is also necessary to provide for the protection of persons and property on the ground that are not associated with the operation of unmanned free balloons.

Eleven comments were received in response to the draft release. The National Aeronautics and Space Administration, the Air Line Pilots Association, the National Aviation Trades Association, the University of Minnesota, the Aircraft Owners and Pilots Association, and the National Center for Atmospheric Research endorsed the proposal as presented. The remainder of the comments generally supported the proposal but recommended certain changes. For continuity these recommendations will be considered in the sequence of the proposed rule.

The Department of the Army recommended that the term "size/weight ratio" be amplified to state more clearly how this ratio is computed. Therefore, that portion of the rule is modified; first, by reversing the term to read "weight/size" to more clearly show that it is the total weight of the payload package applied to the area of the smallest surface of such package; second, by adding a statement as to how the exact weight/size ratio can be determined.

One comment stated that the proposed regulation did not allow an operation to be conducted through a thin transparent cirrus cloud condition even though all other operating limitations were satisfied. Accordingly, it was recommended that there be provision for operations when such a cloud condition exists. The weather requirements adopted herein are necessary precautions to ensure that the balloon is operated in a manner that makes it easily seen and avoided by airplanes. Furthermore, since it is incumbent on the pilot of an airplane to see and avoid an unmanned free balloon by giving it right-of-way, a modification in the manner suggested would nullify a major safety objective to make balloon operations compatible with those of other airspace users. Therefore, no change is made in the operating limitations regarding cloud coverage and horizontal visibility.

One comment indicated a possible misconception regarding the lighting requirement during night operations. This requirement for lighting applies to the entire balloon assembly and not just to the balloon envelope. To eliminate any doubt, that portion of the rule is modified to clearly state that the requirement to light the balloon also applies to the entire balloon assembly, whether operated as one unit or separated during the operation.

The National Pilots Association recommended that all trailing antennas be marked with colored pennants or streamers since contact with the antenna by a small aircraft could produce an adverse effect if the antenna became entangled in the propeller. A light weight antenna that would be broken by a force of less than 50 pounds, which the proposal had exempted from such marking, is not suited for such attachments. A pennant or streamer attached to a light weight antenna has the tendency to float back up into the antenna and become entangled with it. This condition could nullify the purpose of the antenna, which is to supply altitude and D/F information to the balloon operator who, in turn, forwards the position and altitude to air traffic control. On this basis, no change is being made to that section of the rule.

Two other comments contended that marking an antenna so as to be visible for a minimum of one mile was inadequate. To increase this minimum, it would be necessary to require the use of a larger pennant or streamer. This could be a most difficult requirement for the balloon operator to meet and would generate the same previously mentioned nullifying effect on the use of the antenna. Therefore, no change is made to that section of the rule.

The Department of the Air Force and the Air Transport Association pointed out that the proposal did not require the suspension system to be marked in any way. In many cases it is not necessary to require by rule that the suspension system be marked because the plastic balloon bubble with its reflective surface is recognizable long before the suspension system would be seen. Additionally, a balloon suspension system of one or more open parachutes is already well marked and may be easily recognized since they normally employ high conspicuity colors such as aviation surface orange and white. We have, however, modified the rule to require that suspension systems, other than highly conspicuously colored open parachutes, exceeding 50 feet in length must be marked with colored pennants or streamers or alternate bands of high conspicuity colors. As discussed previously, in many cases it would be technically difficult to incorporate markings that would make a balloon subsystem easily recognizable much beyond one mile. Therefore, in addition to providing notice to airmen information about programmed balloon flights, the Agency will pursue an educational program by a continual reminder in the Airman's Guide and other aeronautical publications that flight below an unmanned free balloon should be avoided. In this reminder, all pilots will be advised that these balloons may have suspension devices and trailing antennas suspended beneath them that might be invisible until the aircraft is close to the balloon. This same type of notice has proven successful in the past by reminding all pilots operating in coastal waters about airships that might have invisible cables suspended beneath them.

The U.S. Air Force and the Air Transport Association recommended that unmanned free balloons, while within positive control areas, be equipped with a functioning radar beacon transponder that would permit radar observation of the balloon by air traffic control. When Draft Release 62-45 was published, airborne radar beacon equipment was not considered readily adaptable to unmanned free balloons due to its weight and cost. In the meantime, a number of unmanned free balloons have been operated successfully utilizing beacon transponder equipment. These operations indicate that radar beacon equipment is adaptable for use on many unmanned free balloons. This equipment will undoubtedly be even more suitable when it is designed primarily for balloons with the view towards reduced weight, lower costs, and increased availability. In recognition of these matters, the Agency will issue a notice of proposed rule making to require a functioning radar beacon transponder on certain unmanned free balloons. Additionally, the use of such equipment may lend credence to a modification of certain of the weather requirements discussed earlier. During the development stages of the new notice, following the adoption of the rule contained herein, coordination with manufacturers of radar beacon equipment, balloon operators and other segments of the public will be conducted to obtain all possible opinions, recommendations, and reactions.

In view of the upward expansion of the positive control areas, all reference in the balloon position and notice requirements has been changed from 44,000 feet to 60,000 feet.

In consideration of the foregoing, Subchapter F of Chapter I of Title 14 of the Code of Federal Regulations is amended as follows:

1. By amending § 91.1(a) to read as follows:

§ 91.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing the operation of aircraft (other than moored balloons, kites, unmanned rockets, and unmanned free balloons) within the United States.

* * * * *

2. By amending the title of Part 101 [New] to read as set forth above.

3. By amending § 101.1(a) to read as follows:

§ 101.1 Applicability.

(a) This part prescribes rules governing the operation in the United States, of the following:

(1) Any balloon that is moored to the surface of the earth or an object thereon and that has a diameter of more than six feet or a gas capacity of more than 115 cubic feet.

(2) Any kite that weighs more than five pounds and is intended to be flown at the end of a rope or cable.

(3) Any unmanned rocket except:

(i) Aerial firework displays; and

(ii) Model rockets:

(*a*) Using not more than four ounces of propellant;

(*b*) Using a slow-burning propellant;

(*c*) Made of paper, wood, or breakable plastic, containing no substantial metal parts and weighing not more than 16 ounces, including the propellant; and

(*d*) Operated in a manner that does not create a hazard to persons, property, or other aircraft.

(4) Any unmanned free balloon that:

(i) Carries a payload package that weighs more than four pounds and has a weight/size ratio of more than three ounces per square inch on any surface of the package, determined by dividing the total weight in ounces of the payload package by the area in square inches of its smallest surface;

(ii) Carries a payload package that weighs more than six pounds;

(iii) Carries a payload, of two or more packages, that weighs more than 12 pounds; or

(iv) Uses a rope or other device for suspension of the payload that requires an impact force of more than 50 pounds to separate the suspended payload from the balloon.

4. By amending § 101.5 to read as follows:

§ 101.5 Operations in prohibited or restricted areas.

No person may operate a moored balloon, kite, unmanned rocket, or unmanned free balloon in a prohibited or restricted area unless he has permission from the using or controlling agency, as appropriate.

5. By adding the following new subpart at the end of Part 101:

Subpart D—Unmanned Free Balloons

Sec.
101.31 Applicability.
101.33 Operating limitations.
101.35 Equipment and marking requirements.
101.37 Notice requirements.
101.39 Balloon position reports.

AUTHORITY: §§ 101.31 to 101.39 issued under sec. 307, 313a of Federal Aviation Act of 1958, 49 U.S.C. 1348 and 1354.

§ 101.31 Applicability.

This subpart applies to the operation of unmanned free balloons. However, a person operating an unmanned free balloon within a restricted area must comply only with § 101.33 (d) and (e) and with any additional limitations that are imposed by the using or controlling agency, as appropriate.

§ 101.33 Operating limitations.

No person may operate an unmanned free balloon—

(a) Unless otherwise authorized by ATC, in a control zone below 2,000 feet above the surface, or in an airport traffic area;

(b) At any altitude where there are clouds or obscuring phenomena of more than five-tenths coverage;

(c) At any altitude below 60,000 feet standard pressure altitude where the horizontal visibility is less than five miles;

(d) During the first 1,000 feet of ascent, over a congested area of a city, town, or settlement or an open-air assembly of persons not associated with the operation; or

(e) In such a manner that impact of the balloon, or part thereof including its payload, with the surface creates a hazard to persons or property not associated with the operation.

§ 101.35 Equipment and marking requirements.

(a) No person may operate an unmanned free balloon unless it contains a barometric, timed, radio-controlled, or similar termination device and that device is activated if the weather conditions are less than those prescribed for operation under this subpart, or if a malfunction or other reasons make further operation hazardous to other air traffic or to persons or property on the surface.

(b) No person may operate an unmanned free balloon below 60,000 feet standard pressure altitude during the night (as corrected to the altitude of operation) unless the balloon and its attachments and payload, whether or not they become separated during the operation, are lighted so as to be visible for at least five miles.

(c) No person may operate an unmanned fire balloon that is equipped with a trailing antenna that requires an impact force of more than 50 pounds to break it at any point, unless the antenna has colored pennants or streamers that are attached at not more than 50 foot intervals and that are visible for at least one mile.

(d) No person may operate during the day an unmanned free balloon that is equipped with a suspension device (other than a highly conspicuously colored open parachute) more than 50 feet long, unless the suspension device is colored in alternate bands of high conspicuity colors or has colored pennants or streamers attached which are visible for at least one mile.

§ 101.37 Notice requirements.

(a) *Prelaunch notice:* Except as provided in paragraph (b) of this section, no person may operate an unmanned free balloon unless, within six to 24 hours before beginning the operation, he gives the following information to the FAA ATC facility that is nearest to the place of intended operation:

(1) The balloon identification.

(2) The estimated date and time of launching, amended as necessary to remain within plus or minus 30 minutes.

(3) The location of the launching site.

(4) The cruising altitude.

(5) The forecast trajectory and estimated time to cruising altitude or 60,000 feet standard pressure altitude, whichever is lower.

(6) The length and diameter of the balloon, length of the suspension device, weight of the payload, and length of the trailing antenna.

(7) The duration of flight.

(8) The forecast time and location of impact with the surface of the earth.

(b) For solar or cosmic disturbance investigations involving a critical time element, the information in paragraph (a) of this section shall be given within 30 minutes to 24 hours before beginning the operation.

(c) *Cancellation notice:* If the operation is canceled, the person who intended to conduct the operation shall immediately notify the nearest FAA ATC facility.

(d) *Launch notice:* Each person operating an unmanned free balloon shall notify the nearest FAA or military ATC facility of the launch time immediately after the balloon is launched.

§ 101.39 Balloon position reports.

(a) Each person operating an unmanned free balloon shall:

(1) Unless ATC requires otherwise, monitor the course of the balloon and record its position at least every two hours; and

(2) Forward any balloon position reports requested by ATC.

(b) One hour before beginning descent, each person operating an unmanned free balloon shall forward to the nearest FAA ATC facility the following information regarding the balloon:

(1) The current geographical position.

(2) The altitude.

(3) The forecast time of penetration of 60,000 feet standard pressure altitude (if applicable).

(4) The forecast trajectory for the balance of the flight.

(5) The forecast time and location of impact with the surface of the earth.

(c) If a balloon position report is not recorded for any two hour period of flight, the person operating an unmanned free balloon shall immediately notify the nearest FAA ATC facility. The notice shall include the last recorded position and any revision of the forecast trajectory. The nearest FAA ATC facility shall be notified immediately when tracking of the balloon is re-established.

(d) Each person operating an unmanned free balloon shall notify the nearest FAA ATC facility when the operation is ended.

This amendment is made under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354).

This amendment becomes effective on April 3, 1964.

Issued in Washington, D.C., on December 26, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-13; Filed, Jan. 2, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 3026; Amdt. 666]

PART 507—AIRWORTHINESS DIRECTIVES

Airborne Mechanisms Dry Vacuum Pumps

The manufacturer of Airborne Mechanisms vacuum pumps discovered that during the period from July 22, 1963, through November 5, 1963, a defective thermostat in the curing ovens exposed some of the splined drive couplings to excessive temperatures, resulting in embrittlement and likelihood of premature failure. Coupling failure results in loss of vacuum power to flight instruments required for IFR operations. In order to correct this unsafe condition, an airworthiness directive is being issued to require removal of the defective couplings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days

after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (26 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AIRBORNE MECHANISMS. Applies to all aircraft using vacuum pumps Models 113A5 and 113A8, Serial Numbers 7G2404 through 7G2676, 8G2679 through 8G2992, 9G2993 through 9G3250 and 10G3251 through 10G3714, and all vacuum pumps Models 113A1, 113A2, 113A5 and 113A8 in which the splined drive coupling, Airborne Mechanisms P/N B1001A2, has been replaced after July 22, 1963.

Compliance required within 10 hours' time in service after the effective date of this AD.

In order to remove defective splined drive couplings which render the vacuum flight instruments inoperative accomplish the following:

(a) On Piper aircraft, unless already accomplished, replace all the vacuum pump splined couplings identified in Piper Service Bulletin No. 218, in accordance with that service bulletin before further flight.

(b) On other aircraft, inspect all Airborne Mechanisms P/N B1001A2 couplings for a bright yellow band on the shoulder of the coupling. (The band is visible through the openings in the pump base.) Replace couplings which do not have a yellow band with a coupling having the yellow band before further flight.

(Airborne Mechanisms Service Letter No. 5 dated November 5, 1963, and Piper Service Bulletin No. 218 dated November 11, 1963, pertain to this same subject.)

This amendment shall become effective January 9, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-12; Filed, Jan. 2, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Exclusions From the Act

Pursuant to the authority given to the Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (72 Stat. 1721; 15 U.S.C. 70e) "to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and pursuant of the terms of this Act as may be necessary and proper for administration and enforcement", and the authority granted by section 12(b) of the Textile Fiber Products Identification Act (72 Stat. 1723; 15 U.S.C. 70j) to "exclude from the provisions of this Act other textile fiber products (1) which have an insignificant or inconsequential textile fiber content, or (2) with respect to which the disclosure of textile fiber content is not necessary for the protection of the ultimate consumer," the Federal Trade Commission on December 17, 1963, promulgated the following amendment to § 303.45 (Rule 45) of the rules and regulations under the Textile Fiber Products Identification Act (72 Stat. 1717, 15 U.S.C. 70). Upon consideration of all relevant matters, it is hereby found that notice and public procedure in this matter is unnecessary for the making of the determination to exclude the products in question from the application of the Act. Inasmuch as the amendment involves a relaxation of previous requirements of the Rules and Regulations, such amendment is hereby made effective upon publication in the FEDERAL REGISTER.

The amendment is as follows:

An amendment of paragraph (a) of § 303.45 (Rule 45) of the rules and regulations promulgated under the Textile Fiber Products Identification Act by adding a new subparagraph, designated as subparagraph (9), so as to exclude from the application of the Textile Fiber Products Identification Act certain hand woven rugs made by Navajo Indians in accordance with the terms of § 303.45 (Rule 45). Subparagraph (9) of paragraph (a) of § 303.45 (Rule 45) shall read as follows:

(9) All hand woven rugs made by Navajo Indians which have attached thereto the "Certificate of Genuineness" supplied by the Indian Arts and Crafts Board of the United States Department of Interior. The term "Navajo Indian" means any Indian who is listed on the register of the Navajo Indian Tribe or is eligible for listing thereon.

(Sec. 7, 72 Stat. 1721; 15 U.S.C. 70e, sec. 12, 72 Stat. 1723; 15 U.S.C. 70j)

By direction of the Commission.

Issued: January 2, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-36; Filed, Jan. 2, 1964; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

[T.D. 56079]

Chapter I—Bureau of Customs, Department of the Treasury

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

DECEMBER 24, 1963.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the city of Charlotte, North Carolina, is designated a customs port of entry in Customs Collection District No. 15 (North Carolina), effective upon publication of this Treasury decision in the FEDERAL REGISTER. The geographical port limits shall include that territory known as the Charlotte Perimeter Area described in section 1, Chapter 114, of the 1959 Session Laws of the State of North Carolina.

Section 1.1(c) of the Customs Regulations is amended by adding "Charlotte (T.D. 56079)" after "Beaufort-Morehead City (T.D. 55637)" in the column headed "Ports of Entry" in District No. 15 (North Carolina).

Notice of the proposed designation of Charlotte, North Carolina, as a customs port of entry was published in the FEDERAL REGISTER on November 2, 1963 (28 F.R. 11736), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

The designation of Charlotte, North Carolina, as a customs port of entry is based upon a determination that a sufficient need exists to justify such action and the designation is made for the purpose of providing for convenient compliance with Customs requirements. It is, therefore, desirable to make the customs port of entry available to the public as soon as possible and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES P. HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 64-26; Filed, Jan 2, 1964; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of Treasury

[T.D. No. 72]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

Deletion From Oral Prescription Procedure of Dihydrohydroxycodeinone (Oxycodone, Eucodal) Compounds

On November 27, 1963, a notice was published in the FEDERAL REGISTER (28 F.R. 12625), which stated that the Commissioner of Narcotics, pursuant to the provisions of section 4705(c)(2)(C) of the Internal Revenue Code of 1954 as amended (68A Stat. 551, 26 U.S.C. 4705(c)(2)(C)), and the functions thereunder delegated to the Commissioner of Narcotics by the Secretary of the Treasury (Treasury Department Order No. 180-2) September 27, 1954 (19 F.R. 6399), proposed to delete paragraph (h) of § 151.398 in Part 151 of Title 26 of the Code of Federal Regulations, which authorizes compounds of the drug dihydrohydroxycodeinone (oxycodone, Eucodal) to be obtained by oral prescription.

Interested persons were afforded an opportunity to submit views and comments. No unfavorable comments were received.

Accordingly, having determined that compounds of the drug dihydrohydroxycodeinone (oxycodone, Eucodal) possess a degree of addiction liability which results in abusive use of the oral prescription procedure, paragraph (h) of § 151.398 of Title 26 of the Code of Federal Regulations is revoked effective six months from the date of publication of this regulation and at that time the oral prescription procedure will no longer apply to these compounds.

(26 U.S.C. 4705(c)(2)(C) as amended by sec. 7, Pub. Law 88-729 (78 Stat. 1003))

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: December 30, 1963.

JAMES A. REED
Assistant Secretary of the Treasury.

[F.R. Doc. 64-63; Filed, Jan. 2, 1964; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Revised Mailing Conditions

The regulations of the Post Office Department in Part 17, as amended by 28 F.R. 1508, 28 F.R. 7346 and 28 F.R. 9480, are further amended as follows:

I. In § 17.1, paragraph (a) is amended to show that matches and lighter fluids are unmailable. As so amended, paragraph (a) reads as follows:

§ 17.1 Mailing preparations.

(a) *Packaging requirements.* In addition to the packaging standards in Part 11 of this chapter and the specific requirements for items mailable under the special rules in Part 15 of this chapter, it is recommended that parcels addressed to overseas military post offices be packed in boxes or other containers of metal, wood, or good quality fiberboard (at least 275 pound test stock). Parcels containing mailable (nontoxic and nonflammable) liquids, oils and substances which easily liquefy, must have sufficient absorbent material around the containers to take up contents in case of breakage. Matches of all kinds, lighter fluid, or lighters containing fluid are unmailable.

§ 17.2 [Amended]

II. In § 17.2 *Conditions applicable to mail addressed to certain military post offices overseas* make the following changes:

A. Insert in proper numerical order the following military APO numbers and their accompanying data:

78		X	X	[1] X			[3] X
209				[7] X			
300				[7] X			
667				[7] X			[4] X
668				[8] X			[3] X
669			X	[7] [11] X			[3] X
672				[7] [11] X			[3] X
673				[11] X			
674				[11] X			
678				[7] X			[3] X
683				[11] X			
687			X	[7] [11] X			[3] X
695				[7] [11] X			[3] X

B. Delete Military APO numbers "86, 94, 116, 257, 293, 336, 402, 680, 794, 3034, 4028" and their accompanying data.

C. Under the column headed "Other Prohibited Items" and opposite Military APO numbers "19, 168, 221, 240" insert footnote "11".

D. Amend Military APO numbers "675, 843" to read as follows:

675			X	[7] [11] X			[3] X
843		X	X	[20] [11] X			

NOTE: The corresponding Postal Manual part is 127.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-38; Filed, Jan. 2, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

National Wildlife Refuges, North Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

LAKE ILO NATIONAL WILDLIFE REFUGE

LONG LAKE NATIONAL WILDLIFE REFUGE

LOWER SOURIS NATIONAL WILDLIFE REFUGE

TEWAUKON NATIONAL WILDLIFE REFUGE
UPPER SOURIS NATIONAL WILDLIFE REFUGE

CORRECTION

In the special regulations published in the FEDERAL REGISTER, Volume 28, Issue Number 240, pages 13457 and 13458, on December 12, 1963, part (b) under such refuge heading should read as follows:

(b) Open Season: December 15, 1963 through March 22, 1964; daylight hours only.

W. P. SCHAEFER,
Acting Regional Director.

DECEMBER 26, 1963.

[F.R. Doc. 64-23; Filed, Jan. 2, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

[Docket No. AO 102–A4]

HANDLING OF PEACHES GROWN IN COUNTY OF MESA, COLORADO

Notice of Hearing With Respect to Proposed Amendments to Marketing Agreement and Order

Correction

In F.R. Doc. 63–13363 appearing in the issue for Friday, December 27, 1963, at page 14334, the docket number in brackets at the beginning of the document should read as set forth above.

[7 CFR Part 980]

ONION IMPORTS

Notice of Proposed Rule Making

Notice is hereby given of a proposed amendment to § 980.102, *Onion Import Regulation* (28 F.R. 9503, 12059), applicable to the importation of onions into the United States. This regulation is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under section 8e–1 of the act, whenever two or more marketing orders for a commodity are in effect, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.102 (28 F.R. 9503, 12059), effective since September 9, 1963, complies with the grade, size, and quality requirements for onions marketed under Marketing Order No. 958 regulating shipments of Idaho–E. Oregon onions. Grade, size, and quality regulations have also been proposed to become effective February 3, 1964, through June 30, 1964, under Marketing Order No. 959, as amended, regulating shipments of South Texas onions.

It is hereby determined that during the current onion marketing season, on and after February 3, 1964, imports of white onions, and on and after March 2, 1964, imports of all other varieties, are in most direct competition with onions produced in the South Texas production area which are marketed under grade, size, and quality regulations issued pursuant to Marketing Order No. 959, as amended (7 CFR Part 959).

Consideration will be given to any data, views, or arguments pertaining to the proposed amendment which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, not later than ten days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

In § 980.102 *Onion import regulation* (28 F.R. 9503, 12059), delete the introductory paragraph and paragraph (a), and substitute in lieu thereof a new introductory paragraph and a new paragraph (a) as set forth below. Paragraph (b) is republished for information.

§ 980.102 **Onion import regulation.**

Except as otherwise provided, during the period beginning February 3, 1964, for white onions, and March 2, 1964, for all other varieties, and continuing through June 30, 1964, no person may import dry onions, except red onions, unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other (except red) varieties—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq)

Dated: December 27, 1963.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 64–43; Filed, Jan. 2, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42, 46]

[Regulatory Docket No. 1508; Draft Release No. 62–51]

AIR CARRIER CONTINUOUS AIRWORTHINESS PROGRAM

Notice of Proposed Rule Making

The Agency will hold a public hearing at 10:00 a.m., e.s.t., on January 29, 1964, at 800 Independence Avenue SW., Washington, D.C., to receive the views of interested persons concerning proposed amendments to Parts 40, 41, 42 and 46 of the Civil Air Regulations. These amendments were proposed in a notice of proposed rule making, Draft Release No. 62–51, dated December 3, 1962, and published in the FEDERAL REGISTER (27 F.R. 12191).

The Agency is considering several changes from the proposal made in the notice. These changes resulted from a study of the comments received in response to the Notice and further analysis of the problems involved.

Set forth below is a copy of the proposed amendment to Part 40 which includes the changes. Similar amendments are proposed for Parts 41, 42 and 46.

The hearing will be an informal hearing, conducted under Section 4(b) of the Administrative Procedure Act. It will not be a judicial or evidentiary type hearing, so there will be no cross-examination of persons presenting statements at the hearing.

An Agency spokesman will open the hearing with a statement describing the proposed amendments, discussing the comments received in response to the Notice, and giving the reasons for the proposed changes. Interested persons will then have an opportunity to present their initial statements. After all initial statements have been completed, those who want to make rebuttal statements will be given an opportunity to do so, in the same order in which they made their initial statements.

Interested persons are invited to attend the hearing and present oral or written statements. Anyone who wishes to make an oral statement at the hearing should notify the Agency by January 22, 1964, stating the amount of time requested for the initial statement. Anyone who is unable to attend may submit written comments. Anyone who wishes to suggest subjects for the Agency spokesman to cover in the opening statement should notify the Agency by January 15, 1964, outlining the particular points; the Agency will consider pertinent suggestions in preparing the opening statement. Communications concerning this hearing should be addressed to the Docket Section, Federal Aviation Agency, Washington, D.C., 20553, marked "Attention: Presiding Officer, Public Hearing on Draft Release No. 62–51."

A transcript of the hearing will be made; anyone may buy a copy of the transcript from the reporter.

Issued in Washington, D.C., on December 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

It is proposed to amend Part 40 as follows:

1. By amending the undesignated center head appearing before § 40.240 to read as follows:

MAINTENANCE OF AIRPLANES

2. By amending § 40.240 to read as follows:

§ 40.240 **Responsibility for airworthiness of airplanes.**

(a) Each air carrier is primarily responsible for the airworthiness of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof.

(b) An air carrier may make arrangements with another person for the performance of any or all of the maintenance, alteration, or inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof. However, the air carrier is not relieved of the responsibility specified in paragraph (a) of this section even though that person holds a certificate from the Administrator to perform such maintenance and inspection.

3. By amending § 40.241 to read as follows:

§ 40.241 **Maintenance and inspection organization and program.**

(a) Each air carrier is primarily responsible for the performance of the maintenance, alterations and inspection of its airplanes, including airframes, powerplants, propellers, appliances, or parts thereof, in accordance with its manual and the regulations of this subchapter. An air carrier is not relieved of this responsibility even though it has arranged with another person to perform the maintenance, alterations or inspection.

(b) Each air carrier that performs any of its maintenance, or alterations, and each person with whom an air carrier arranges for the performance of any of the air carrier's maintenance or alterations, shall have a maintenance organization adequate to perform the work.

(c) Each air carrier that performs inspections in addition to maintenance or alterations must have a maintenance and inspection organization to perform that work. An air carrier may not arrange with another person to have its inspections performed in addition to its maintenance or alterations unless that person has a maintenance and inspection organization to perform that work. The structure of the organization below the executive level shall provide for the separation of the inspection functions from the maintenance and alteration functions, unless the Administrator or his authorized representative determines in a particular situation that the separation of functions is not necessary or feasible.

(d) The air carrier's manual shall contain a chart or description of the air carrier's organization required by paragraph (b) or (c) of this section and a list of persons with whom it has made arrangements for the performance of any of its maintenance, alterations, or inspections, including a general description of the work that will be performed.

(e) Each air carrier shall have a maintenance program and an inspection program to assure that:

(1) All maintenance, alterations, and inspections performed by the air carrier, or by persons with whom the air carrier has made arrangements therefor, are performed in accordance with the air carrier's manual and the regulations of this Chapter;

(2) Adequate tools, equipment, time, and personnel are provided for the performance of all maintenance, alteration, and inspection functions; and

(3) Each airplane released to service is airworthy and has been properly maintained for operation in air transportation.

(f) The air carrier's manual must contain the maintenance program and the inspection program of the air carrier which the air carrier, or the person with whom the air carrier has arranged for the performance of any maintenance, alterations, or inspections, must follow in the performance of maintenance, alterations, and inspection of its airplanes, including airframes, powerplants, propellers, appliances, and parts thereof, and must include at least the following:

(1) The method of performing the maintenance and appropriate alterations, both routine and nonroutine;

(2) A designation of the items of maintenance and alteration which must be inspected (required inspection items), which must include at least those items of maintenance and alteration which could result in a failure, malfunction, or defect endangering the safe operation of the airplane, if not performed properly or if improper parts or materials are used;

(3) The method of accomplishment of the inspection of required inspection items and a designation by occupational title of personnel authorized to perform each inspection;

(4) Procedures for the reinspection of work performed pursuant to previous inspection findings (buy-back procedures);

(5) Procedures, standards, and limits necessary for inspection and acceptance or rejection of required inspection items and for periodic inspection and calibration of precision tools, measuring devices, and test equipment;

(6) Procedures to insure that all required inspection items are inspected;

(7) Instructions to prevent any person who performs the work from performing the inspection of a required inspection item;

(8) Instructions and procedures to prevent the inspection decision of an inspector regarding a required inspection item from being countermanded by persons other than supervisory personnel of the inspection unit or an individual having overall responsibility for both maintenance and inspection; and

(9) Procedures to insure that maintenance, alterations, and inspections which are not completed as a result of shift changes or similar work interruptions are properly completed before the airplane is released to service.

(g) Only appropriately certificated individuals who have been properly trained, qualified and authorized may be utilized to inspect required inspection items.

(h) Each person performing the inspection of a required inspection item must be under the supervision and control of the inspection unit when performing the inspection.

(i) A person may not inspect a required inspection item, if he performed the maintenance or alteration.

(j) Each air carrier shall maintain a current listing of individuals who have been trained, qualified, and authorized to inspect its required inspection items. The individuals must be identified by name, occupational title, and the inspections that the individual is authorized to perform. All persons so authorized shall be informed in writing as to the extent of their responsibilities, authorities, and inspectional limitations. This list shall be available for inspection by the Administrator or his authorized representative upon request.

4. By redesignating § 40.241–1 as § 40.244–1.

5. By redesignating §§ 40.242 and 40.243 as §§ 40.243 and 40.245, respectively.

6. By adding a new § 40.242 to read as follows:

§ 40.242 **Continuing analysis and surveillance.**

(a) Each air carrier shall establish and maintain a system for the continuing analysis and surveillance of the performance and effectiveness of its maintenance program and inspection program and for the correction of any deficiency in those programs, regardless of whether such maintenance, alterations and inspections are performed by the air carrier or by another person with whom the air carrier has arranged for the performance of maintenance, alterations and inspections.

(b) Whenever the Administrator or his authorized representative finds that the maintenance program or the inspection program established by an air carrier does not contain adequate procedures or standards to meet the requirements of this Part, the air carrier shall upon notice thereof by the Administrator or his authorized representative, make such changes in these programs as are necessary to meet such requirements.

7. By adding a new § 40.244 to read as follows:

§ 40.244 **Certificate requirements.**

Each individual who is directly in charge of maintenance or alteration of any airframe, engine, propeller, or appliance, and each individual who performs the inspection of required inspection items must hold an appropriate airman certificate.

8. By amending § 40.511 to read as follows:

§ 40.511 **Airworthiness release or airplane log entry.**

(a) If maintenance, alterations or inspections are performed on an airplane, the air carrier, or the person with whom the air carrier has arranged for the performance of the maintenance, alterations, or inspections, shall prepare or cause to be prepared an airworthiness release or an appropriate entry in the airplane log before the air carrier uses the airplane in operations governed by this Part.

(b) The release or entry must:

(1) Be prepared in accordance with the procedures set forth in the air carrier's manual;

(2) Include a certification that the work was performed in accordance with the requirements of the air carrier's manual, that all required inspection items were inspected by an authorized person who made a determination that the work was satisfactorily completed, that the airplane is in condition for safe operation, and that no known condition exists that would render the airplane unairworthy; and

(3) Be signed by a person authorized to perform required inspections or a certificated mechanic, except that a certificated repairman may sign the release or entry if he performed or supervised the performance of the work.

(c) When a release form is prepared, a copy shall be given to the pilot in command and a record shall be kept for at least two months.

9. By deleting § 40.511–1.

[F.R. Doc. 64–11; Filed, Jan. 2, 1964; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. FSLIC—1, 710]

LOANS AND INVESTMENTS

Notice of Proposed Rule Making

DECEMBER 27, 1963.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 563.9) be amended by an amendment the substance of which is as follows:

Amend paragraph (a) of § 563.9 of the rules and regulations for Insurance of Accounts to read as follows:

§ 563.9 Loans and investments.

(a) *General provisions.* Insured institutions may lend and otherwise invest their funds to the extent and in the manner authorized by law: *Provided*, That, no insured institution may make, or invest its funds in, loans on the security of real estate located more than 50 miles from its principal office and outside the territory within which the institution was operating on June 27, 1934, without the prior approval of the Corporation. Such approval is hereby granted to each insured institution to the extent set forth in this section.

(1) Any insured institution may, to the extent that it has legal power to do so and without further approval of the Corporation, make, or invest its funds in, loans in an aggregate amount not exceeding 20 percent of such institution's assets on the security of real estate located more than 50 miles but not more than 100 miles from such institution's principal office and outside such territory;

(2) Any insured institution may, to the extent it has legal power to do so, without regard to said 20 percent of assets limitation and without further approval of the Corporation, make, or invest its funds in, any loan at least 20 percent of which is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as now or hereafter amended;

(3) Any insured institution may, to the extent it has legal power to do so, without regard to said 20 percent of assets limitation and without further approval of the Corporation, purchase any loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for residence purposes for not more than 4 families, located in other territory more than 50 miles from its principal office; *Provided*, that as to each loan, such insured institution will be protected by insurance as provided in the National Housing Act or the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, as now or hereafter amended; and

(4) Any insured institution which, at the close of the preceding semiannual period, had a ratio of scheduled items to risk assets of less than 2 percent, may, to the extent that it has legal power to do so, make or invest its funds in loans, originated and serviced by or through an approved Federal Housing Administration mortgagee, in an aggregate amount not exceeding 5 percent of such institution's assets on the security of real estate located in any metropolitan area in the United States as then defined in "Standard Metropolitan Statistical Areas" published by the Bureau of the Budget.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than February 3, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–9; Filed, Jan. 2, 1964; 8:45 a.m.]

[12 CFR Part 563]

[No. FSLIC—1, 711]

PARTICIPATION LOANS

Notice of Proposed Rule Making

DECEMBER 27, 1963.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR 567.1), it is hereby proposed that § 563.9–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.9–1) be amended by amendments the substance of which is as follows:

1. Amend paragraph (b) of § 563.9–1 of the rules and regulations for Insurance of Accounts to read as follows. Redesignate paragraphs (d) and (e) of § 563.9–1 as paragraphs (e) and (f), respectively, of § 563.9–1. Amend § 563.9–1 by adding immediately after paragraph (c) a new paragraph (d).

§ 563.9–1 Participation loans.

* * * * *

(b) *Retainage.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section unless the property securing the loan is located within the regular lending area, or within 100 miles from the principal office, of another lender which participates to the extent of at least fifty percent in the making of such loan. No insured institution shall purchase a participation in a loan pursuant to the approval granted by this section unless the property securing the loan is located within the regular lending area, or within 100 miles from the principal office, of the seller and the seller, at the close of the sale, has a participation of at least fifty percent in such loan. An insured institution shall not, without the prior written approval of the Corporation, sell or dispose of its participating interest or any part thereof (except to a Federal Home Loan Bank by way of security only) unless, at the close of such sale or other disposition, it has a participation of at least fifty percent in such loan. As used in this paragraph, the term "regular lending area" means the territory within fifty miles from an institution's principal office and the territory within which such institution was, within the meaning of the first sentence of § 563.9, operating on June 27, 1934.

* * * * *

"(d) *Limitations.* No insured institution shall sell a participation in any loan at any time when the percentage of such institution's scheduled items exceeds 3.5 percent of its risk assets, as reported in its most recent semiannual report.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than February 3, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–10; Filed, Jan. 2, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for a report of condition of insured banks, see F.R. Doc. 64-31, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business December 20, 1963 to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130-A—Call No. 448,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 170,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 66,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

JAMES J. SAXON,
Comptroller of the Currency and Acting Chairman of the Board of Directors of Federal Deposit Insurance Corporation.

JESSE P. WOLCOTT,
Director,
Federal Deposit Insurance Corporation.

J. L. ROBERTSON,
Acting Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 64-31; Filed, Jan. 2, 1964; 8:47 a.m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income and Dividends for the calendar year 1963 on Form 73 (revised December 1961) [1] to the Federal Deposit Insurance Corporation no later than January 15, 1964. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the preparation of Report of Income and Dividends on Form 73 (Savings)", dated December 1961.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 64-33; Filed, Jan. 2, 1964; 8:48 a.m.]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income and Dividends

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income and Dividends for the calendar year 1963 on Form 73 (Savings), revised December 1951,[1] to the Federal Deposit Insurance Corporation no later than January 15, 1964. Said Report of Income and Dividends shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated December 1962.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 64-32; Filed, Jan. 2, 1964; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 64-31, Federal Deposit Insurance Corporation, *supra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group No. 409]

CALIFORNIA

Filing of Plat of Survey and Order Providing for the Opening of Public Lands

DECEMBER 27, 1963.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Riverside, California, effective 10:00 a.m. on February 10, 1964.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 18 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, S½;
Sec. 12, All;
Sec. 13, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 35, All.

The area described above aggregates 5,129.88 acres. Plat of survey accepted September 30, 1963.

2. The following described lands lie within the California-Arizona Maneuver Area which has been contaminated by explosives as a result of use by the United States Army in 1942:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 18 E.,
Sec. 25, All;
Sec. 36, All.

The area described aggregates 1,280.00 acres.

3. The lands described in paragraph 1 above are open to application, location, selection, and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Land use characteristics: The lands described in paragraph 1 above are located east of the Iron Mountains in Ward Valley and Danby Lake lying approximately 2½–5 miles east and northeast of the Iron Mountain Pumping Plant in San Bernardino County, California. The terrain is relatively flat and lies at an average elevation of 640 feet. Access may be had via jeep trail and unimproved dirt roads.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 above are hereby opened to the filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on February 10, 1964 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a.m. on February 10, 1964.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claim must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1414 8th Street, Post Office Box 723, Riverside, California, 92502.

KEITH H. CORRIGALL,
Acting Land Office Manager.

[F.R. Doc. 64-37; Filed, Jan. 2, 1964; 8:48 a.m.]

[C-083538]

COLORADO

Revocation of Order

Pursuant to authority delegated to me by the State Director, Colorado, Bureau of Land Management, effective February 19, 1958, 23 F.R. 1098, order dated September 19, 1963, appearing as Federal Register Document 63-10235 in the issue for September 26 at pages 10430, 10431, is hereby revoked in its entirety.

This order shall become effective on January 7, 1964.

Dated: December 26, 1963.

J. ELLIOTT HALL,
Chief, Lands and Minerals.

[F.R. Doc. 64-24; Filed, Jan. 2, 1964; 8:46 a.m.]

NEW MEXICO

Change of Location for Land Office

DECEMBER 27, 1963.

Notice is hereby given that, effective January 31, 1964, the New Mexico Land Office of the Bureau of Land Management will be located at the Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico. On January 28, 29, and 30, 1964, the public land records will not be available for inspection by the public, but personnel of the Land Office will be available to receive rental payments and applications, and for consultation purposes on those dates between hours of 10:00 a.m., and 3:00 p.m., in Room 222, at the Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico. Applications received after 3:00 p.m., January 27 and before 10:00 a.m., January 31, will be considered as having been received at 10:00 a.m., January 31, 1964.

Effective February 1, 1964, the mailing address will be changed from P.O. Box 1251, to P.O. Box 1449, Santa Fe, New Mexico, 87501.

W. J. ANDERSON,
Acting State Director.

[F.R. Doc. 64-25; Filed, Jan. 2, 1964; 8:46 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Washington 04993, for the withdrawal of the lands described below, from all forms of location, prospecting, or entry under the general mining laws. The applicant desires the land to assure an adequate supply of high quality water for the operation of a fish hatchery.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

Leavenworth National Fish Hatchery Water-Supply Area

T. 23 N., R. 17 E.,
Sec. 8, SE¼;
Sec. 18, Lots 3, 6, NW¼SE¼;
Sec. 20, Lots 1, 2, NE¼NE¼, NE¼NW¼, S½N½.

The area described aggregates approximately 600.76 acres.

FREMONT W. MERRYWETHER,
Acting Officer in Charge.

[F.R. Doc. 64-35; Filed, Jan. 2, 1964; 8:48 a.m.]

[1] Filed as part of original document.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (28 F.R. 8422, 9240, 10722, 11748, and 13972) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Arena Dressed Beef Co., establishment 853, and the reference to cattle with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	267	333					
Watkins Packing Co.	269						
Empire Packing Co.	623						
Western Iowa Pork	696					(*)	
Swift and Co.	27			(*)	(*)		
Eckert Packing Co.	471		(*)				
Nation Brothers Packing Co.	694				(*)		
McCabe Packing Plant	1312				(*)		
New establishments reporting: 4; Species added: 5.							

Done at Washington, D.C., this 27th day of December 1963.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-29; Filed, Jan. 2, 1964; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 28-397]

SYLVAN L. HART, ET AL.

Order Temporarily Denying Export Privileges

In the matter of Sylvan L. Hart, also known as Sylvan L. Hayuth, doing business as Sela Electronics Co., 545 West End Avenue, New York, New York; Fred R. Gluckman, 140 Riverside Drive, New York, New York; Ludwig Kastner, George Kastner, Centropa L. K., Rossauer Lande 25, Vienna IX, Austria, and Istanbul, Turkey; respondents File 28-397.

The Export Control Investigations Division, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was requested that the order remain in effect pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings, as may be deemed proper under the law, against said respondents.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for sixty days.

The evidence presented shows that Ludwig Kastner and his son George Kastner are in the import-export business and have a place of business in Vienna, Austria, and they also do business under the name Centropa L. K. with a place of business in Istanbul, Turkey; that Sylvan L. Hart, also known as Sylvan L. Hayuth is an electronic engineer and does business under the name Sela Electronics Co. with a place of business in New York City; that Fred R. Gluckman of New York City has at times been the agent of and associated with said Hart in the conduct of the latter's business.

On the evidence submitted there is substantial basis to believe that the respondents, over a period of a number of months, were engaged in obtaining U.S. origin electronic equipment and exporting the same to Austria; that said equipment, some of which was of strategic nature, required validated export licenses for exportation; that the respondents exported and participated in the exportation of said commodities without obtaining validated export licenses in contravention of United States Export Control Act and regulations thereunder; and that said respondents will continue such conduct in contravention of said Act and regulations unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security. Accordingly, it is hereby ORDERED:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of sixty days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner, in Washington, D.C. at the earliest convenient date.

Dated: December 31, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-34; Filed, Jan. 2, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ANHEUSER-BUSCH, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1306) has been filed by Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis 18, Missouri, proposing the issuance of a regulation to provide for the safe use of carbon disulfide, carbon tetrachloride, and ethylene dichloride, alone or in combination, in the presence of pentane, as fumigants of corn grits and cracked rice used in the production of fermented malt beverages.

Dated: December 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-27; Filed, Jan. 2, 1964; 8:46 a.m.]

E. R. SQUIBB & SONS

Notice of Filing of Petition Regarding Food Additives Testosterone and Diethylstilbestrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1299) has been filed by E. R. Squibb Sons, Georges Road, New Brunswick, New Jersey, proposing the issuance of a regulation to provide for the safe use of testosterone and diethylstilbestrol in implants for beef cattle, as set forth below.

The analytical methods proposed by the Commissioner of Food and Drugs for tissue residue examination are as follows:

1. Diethylstilbestrol: Mouse uterine weight method of E. J. Umberger, G. H. Gass, and J. M. Curtis, published in "Endocrinology," volume 63, page 806.

2. Testosterone: Inunction on day-old chick's comb in an alcohol vehicle, published in "'Methods in Hormone Research," New York: Academic Press, volume II (1962), page 286.

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Testosterone	120 mg. per dose.	Diethylstilbestrol.	24 mg. per dose.	For beef cattle; for subcutaneous implantation at base of ear; one dose per animal; not to be used within 90 days of slaughter.	Growth promotion and feed efficiency.

Dated: December 27, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-28; Filed, Jan. 2, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order No. E-20319]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1963.

An agreement adopted by Joint Traffic Conference 1-2 of the International Air Transport Association relating to fares.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Traffic Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement permits the application of constructed fares via the Mid Atlantic, in effect on February 29, 1964, until April 1, 1964.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution JT12 (Mail 342) 014Z, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, that: Agreement C.A.B. 17444 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-39; Filed, Jan. 2, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CI63-979]

CONTINENTAL OIL CO. AND UNITED GAS PIPE LINE CO.

Notice of Postponement of Oral Argument

DECEMBER 26, 1963.

Notice is hereby given that the oral argument now scheduled for January 31, 1964 by notice issued on December 3, 1963 is postponed to 10:00 a.m., February 4, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-15; Filed, Jan. 2, 1964; 8:46 a.m.]

[Docket No. G-18338 etc.]

FLORIDA GAS TRANSMISSION CO. ET AL.

Findings and Order Permitting Withdrawal of Applications and Rate Schedules, Severing Dockets, and Cancelling Docket Number

DECEMBER 26, 1963.

Florida Gas Transmission Company, et al., Docket No. G-18338 etc.; Superior Oil Company, Docket No. G-19129; The Pure Oil Company, Docket No. G-19140; Sunray DX Oil Company, Docket No. G-19803; Tidewater Oil Company, Docket No. G-19971; Texaco, Inc., Docket No. G-20460; The Atlantic Refining Company, Docket No. G-20492; Tidewater Oil Company, Docket No. CI64-290.

Superior Oil Company, The Pure Oil Company, Tidewater Oil Company, and The Atlantic Refining Company have filed motions requesting permission to withdraw their certificate applications in Docket Nos. G-19129, G-19140, G-19971,[1] and G-20492, respectively, and their related rate schedules, pursuant to § 1.11 (d) of the rules of practice and procedure. The certificate applications pertain to proposed sales of natural gas to

[1] Tidewater Oil Company filed in Docket No. CI64-290 an application pursuant to section 7(b) of the Natural Gas Act and section 157.30 of the regulations thereunder to abandon service. This filing will be processed as a motion to withdraw the certificate application filed in Docket No. G-19971, and Docket No. CI64-290 will be cancelled.

Coastal Transmission Corporation, now

[Docket No. G-18221 etc.]

eral Power Commission, pursuant to sec-

Coastal Transmission Corporation, now Florida Gas Transmission Company, applicant in Docket No. G–18338, and are consolidated with Docket No. G–18338. The producers state that the proposed sales are no longer economical, desirable, or feasible, and that the project has been abandoned. No gas has been sold under the contracts comprising the related rate schedules.

The certificate applications of two other producers, Sunray DX Oil Company and Texaco Inc., in Docket Nos. G–19803 and G–20460, respectively, have previously been withdrawn pursuant to § 1.11(d) of the rules of practice and procedure; however, said dockets remain consolidated with Docket No. G–18338.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications filed in Docket Nos. G–19129, G–19140, G–19803, G–19971, G–20460, and G–20492 should be severed from the consolidated proceeding in Docket No. G–18338, et al.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the withdrawal of the certificate applications filed in Docket Nos. G–19129, G–19140, G–19971, and G–20492 should be permitted.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the withdrawal of the rate schedules related to the proposed sales should be permitted.

(4) Docket No. CI64–290 should be cancelled.

The Commission orders:

(A) The applications filed in Docket Nos. G–19129, G–19140, G–19803, G–19971, G–20460, and G–20492 be and the same are hereby severed from the consolidated proceeding in Docket No. G–18338, et al,

(B) Permission for the withdrawal of the certificate applications filed in Docket Nos. G–19129, G–19140, G–19971, and G–20492 be and the same is hereby granted.

(C) Permission for the withdrawal of the following tendered rate schedules be and the same is hereby granted:

(a) Superior Oil Company FPC Gas Rate Schedule No. 98,

(b) The Pure Oil Company FPC Gas Rate Schedule No. 50,

(c) Tidewater Oil Company FPC Gas Rate Schedule No. 94,

(d) The Atlantic Refining Company FPC Gas Rate Schedule No. 209.

(D) Docket No. CI64–290 is hereby cancelled.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–16; Filed, Jan. 2, 1964; 8:46 a.m.]

[Docket No. E–7145]

NORTHERN STATES POWER CO.

Notice of Application

DECEMBER 26, 1963.

Take notice that on December 20, 1963, an application was filed with the Federal Power Commission, pursuant to sections 203 and 204 of the Federal Power Act by Northern States Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota, and South Dakota, with its principal place of business in Minneapolis, Minnesota, seeking authorization to acquire the electric distribution system and other properties and assets of Deichen Power, Inc. (Deichen Power) and to issue not to exceed 19,000 shares of its Common Stock in connection with such acquisition.

Deichen Power is a Minnesota corporation with its principal place of business in Waseca, Minnesota. It furnishes electric service at retail to 1,317 customers from its electric distribution system which it owns and operates in parts of Blue Earth, Rice, Steele and Waseca Counties in the State of Minnesota. Included in the area served are four unincorporated communities, Clinton Falls, Meriden, Smiths Mill, and Warsaw. Diechen Power purchases all its energy requirements from the City of Waseca, which in turn purchases all its energy requirements from the Applicant.

The application is for the acquisition at base value of $800,000, as adjusted, in consideration of the delivery by Northern States Power Company of shares of its Common Stock at $35 per share, equal to such base value as adjusted. This acquisition will be made pursuant to the terms and provisions of an agreement between Northern States and Deichen Power and Harold F. Deichen, the sole stockholder of Deichen Power, dated November 27, 1963.

Deichen Power's electric distribution system consists of approximately 283 pole miles of mainline distribution, together with approximately 100 pole miles of branch lines and other related equipment and appurtenances. The application further states that Deichen is disposing of all of its electric facilities and that there will be no material change in the use of such facilities after acquisition by Northern States Power Company. Furthermore, the application states that the electric distribution system now owned by Deichen Power will be integrated into Northern States' system, its power source strengthened and its voltage uniformity improved, which will substantially improve operating efficiency in the area and that the electric rates of Northern States Power Company that would have been applicable to the new customers would result in decreases to some and increases to others.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 27, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–17; Filed, Jan. 2, 1964; 8:46 a.m.]

[Docket No. G–13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceeding, Conditionally Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity

DECEMBER 26, 1963.

Union Texas Petroleum, et al., Docket Nos. G–13221, et al.; Herman Brown, Docket No. CI61–709; Geological, Geophysical Associates, Inc. (Operator), et al.,[1] Docket No. CI61–1519.

On September 18, 1963, Geological, Geophysical Associates, Inc. (Operator), et al. (GGA), filed a motion for severance of the above-entitled GGA docket from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al. (hereinafter referred to as the Union Texas proceeding), for approval of the attached settlement offer, and for the issuance of a certificate of public convenience and necessity in accordance with the application and settlement proposal. GGA's settlement proposal was amended on November 6, 1963.

On November 21, 1963, the Estate of Herman Brown, Deceased (Brown) filed a similar motion and settlement offer in Docket No. CI61–709.

The terms of the Brown proposal and the GGA proposal, as amended, are similar to other settlements in the Union Texas proceeding which have been approved by the Commission [2] and provide for initial rates of 20.625 cents per Mcf [3] for sales of gas from south Louisiana; a five year moratorium on rate increase filings (subject to the usual exceptions) effective April 1, 1963; extension of the take-or-pay make-up periods to four years; refunds of all amounts collected in excess of the settlement rates since the dates of initial deliveries under the refund-conditioned temporary authorizations.[4]

As originally filed, GGA's offer did not provide for refunds of amounts in excess of the settlement rate collected since the date of initial delivery. This aspect of GGA's offer was objected to on September 27, 1963, by Consolidated Edison Company of New York, Inc., on October 4, 1963, by Public Service Electric and Gas Company, and on October 11, 1963, by The Brooklyn Union Gas Company. GGA's amendment filed on November 6, 1963, cured the objectionable omission.

In general, these proposals are in the public interest and we shall conditionally approve them.

Brown proposes to pay interest on all amounts to be refunded at a rate of 7 percent per annum to accrue through November 30, 1963. GGA's proposal, as amended, does not provide for interest. We shall require that GGA pay interest on the amounts to be refunded at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which GGA filed the amendment to its offer, November 30, 1963.

In the context of the proposals, we interpret the term "delivered" as used in paragraph 1 of the settlement offers to include gas required to be taken during the moratorium period but paid for and not taken and our approval is conditioned upon such interpretation. Thus, prepayments, if any, shall be made during the moratorium periods at rates no higher than the rates in effect for gas physically delivered.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61–2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61–2. The settlement proposals also provide that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61–2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61–2. These matters should be decided at the conclusion of that proceeding and our approval of the settlements will be so conditioned.

In accordance with the above we shall sever these individual dockets from the Union Texas proceeding, omit the intermediate decision in regard to these dockets,[5] and issue certificates of public convenience and necessity in accordance with the applications, settlement proposals, as amended, and conditions of this order.

The Commission finds:

(1) Each of the applicants is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) No part has opposed the waiver of the intermediate decisions in these proceedings.

The Commission orders:

(A) The motions for waiver of the intermediate decisions are granted.

(B) The matters in Docket Nos. CI61–709 and CI61–1519 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

(C) Certificates of public convenience and necessity are hereby issued to the applicants in Docket Nos. CI61–709 and CI61–1519 upon the conditions set forth herein authorizing the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposals, as amended, and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications and settlement proposals herein.

(D) The certificates granted by paragraph (C) above, are granted upon the express condition that applicants comply fully with the terms of this order and the settlement proposals, as amended, which settlements are expressly approved under the conditions of this order.

(E) Within 90 days from the date of issuance of this order, applicants shall refund to the respective pipeline purchasers the difference between the amounts collected since the dates of initial deliveries and the amounts that would have been collected under the settlement rates together with interest computed at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which the settlement proposals, as amended, were filed, November 30, 1963.

(F) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposals, as amended, each applicant shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determination, together with a release from the purchaser showing receipt of the refunds in conformity with the settlement as approved.

(G) Upon full compliance of applicants with all the terms of this order and of the settlement proposals, as amended, applicants shall be relieved of any further refund obligations in these certificate proceedings and said proceedings shall terminate.

(H) The certificates herein issued are not transferable and shall be effective only so long as applicants continue the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(I) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however*, That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(J) The grant of certificates herein and approval of the settlement proposals, as amended, is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicants, particularly any proceeding under section 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, applicants, the Commission staff, or any affected party herein in any other proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket No.	Rate schedule No.	Seller	Purchaser	Current rate (cents/Mcf)	Proposed settlement rate (cents/Mcf)
CI61–1519	1	Geological, Geophysical Associates, Inc. (Operator), et al.	Tennessee Gas Transmission Co.	23.00167	20.625
CI61–709	9	Herman Brown [1]	Texas Gas Transmission Corp.	[2] 23.25	20.625

[1] Now the estate of Herman Brown.
[2] Initial price of 23.55 cents per Mcf was conditioned down to 23.25 cents per Mcf.

[F.R. Doc. 64–21; Filed, Jan. 2, 1964; 8:46 a.m.]

[1] The application, related rate schedule and settlement proposal include the interests of the "et al." sellers set forth in the rate schedule.

[2] See orders issued August 7, 1963 (Humble Oil & Refining Company), and October 9, 1963 (Gulf Oil Corporation and Socony Mobil Oil Company, Inc.), in Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

[3] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[4] See Appendix for further details.

[5] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963.

[Docket No. G–2861 etc.]

H. F. SEARS ET AL.

Findings and Order; Correction

NOVEMBER 21, 1963.

H. F. Sears et al., Docket Nos. G–2861, et al.; The Midland National Bank, Trustee (Successor to W. L. (Pete) Lomax and J. P. Lomax), Docket No. G–4054.

In the Findings and Order Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Accepting Related Rate Schedules for Filing, Severing and Consolidat-

ing Proceeding, issued October 31, 1963 and published in the FEDERAL REGISTER November 8, 1963 (F.R. 63-11754; 28 F.R. 11940), listed in the chart under the column headed "Description and Date of Document" change "FPC Gas Rate Schedule No. 1" relating to Docket No. G-4054 to read "FPC Gas Rate Schedule No. 2".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-19; Filed, Jan. 2, 1964; 8:46 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings, Conditionally Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity

DECEMBER 26, 1963.

Union Texas Petroleum, et al., Docket No. G-13221, et al.; George R. Brown, et al., Docket No. G-18131; [1] Reuben W. Mayronne, Jr., d.b.a. Riverside Oil Company (Operator), et al., Docket No. G-20182; [1] George R. Brown (Operator), et al., Docket No. CI60-580; [2] Tidewater Oil Company (Operator), et al., Docket No. CI62-638; [2] Texas Gulf Producing Company, Docket No. CI63-772; Tidewater Oil Company, Docket No. CI63-823 and Docket No. CI63-824.

Motions for severance, for approval of settlement proposals and for issuance of certificates of public convenience and necessity in their respective dockets were filed in the above-captioned proceedings on November 8, 1963, by George R. Brown (Brown); on November 13, 1963, by Texas Gulf Producing Company (Texas Gulf); on November 15, 1963 by Tidewater Oil Company (Tidewater) and Reuben W. Mayronne, Jr., d.b.a. Riverside Oil Company (Riverside).

The settlement proposals are similar to those previously approved by the Commission [3] and provide for the issuance of permanent certificates at maximum initial rates of 20.625 cents per Mcf [4] for sales from the taxing jurisdiction of the State of Louisiana; five-year moratoria on rate increase filings commencing April 1, 1963 (subject to the usual exceptions); extension of the take-or-pay makeup periods to four years in all contracts which provide lesser make-up periods; and refunds with interest at 7 per cent per annum of amounts above the settlement rate collected for deliveries made since the effective date of the rate reductions.[5]

The effective rate during the moratorium period will be 20.625 cents per Mcf in all cases except Docket Nos. CI60-580, CI63-823 and CI63-824. In Docket No. CI60-580 Brown proposes that the certificate be issued at the initial rate of 20.25 cents per Mcf and that the increased rate in effect subject to refund in Docket No. RI62-145 (22.25 cents per Mcf) remain in effect subject to further orders of the Commission in the rate proceeding in Docket No. RI62-145. In Docket Nos. CI63-823 and CI63-824, Tidewater proposes that the initial rates of 19.75 cents per Mcf [6] and 19.25 cents per Mcf remain in effect during the moratorium period.

No answers to these motions have been received.

These proposals, generally, are in the public interest and we shall approve them subject to the following reservations and conditions.

Texas Gulf proposes to make refunds of amounts collected above the settlement rate for the period April 1, 1963, to November 1, 1963, with interest at 7 percent per annum. Since time has passed since Texas Gulf filed its offer and further collections of the higher rate may have been made, the excess must also be refunded. Our approval is so conditioned.

In keeping with our present policy, we shall require that the interest to be paid by Texas Gulf accrue through the last day of the month in which the settlement proposal was filed, November 30, 1963.

In the context of the proposals, we interpret the term "delivered" as used in paragraph 1 of the proposals to include gas required to be taken during the moratorium periods but paid for and not taken when paid for. In other words, prepayments shall not be made during the moratorium periods at rates higher than the rates in effect for gas physically delivered. Our approval of these settlements is conditioned upon such interpretation.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61-2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61-2. The settlement proposals also provide that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61-2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61-2. These matters should be decided at the conclusion of that proceeding and our approval of the settlements will be so conditioned.

In accordance with the above we shall sever these individual dockets from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al., omit the intermediate decision in regard to these dockets [7] and issue certificates of public convenience and necessity in accordance with the applications, settlement proposals and conditions of this order.

The Commission finds:

(1) Each of the applicants herein is a "natural-gas" company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Each of the applicants herein is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) No party has opposed the waiver of the intermediate decisions in these proceedings.

The Commission orders:

(A) The motions for waiver of the intermediate decisions are granted.

(B) The matters in Docket Nos. G-18131, G-20182, CI60-580, CI62-638, CI63-772, CI63-823 and CI63-824 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket No. G-13221, et al.

(C) Certificates of public convenience and necessity are hereby issued upon the conditions set forth herein to the applicants for the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposals and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications and settlement proposals herein.

(D) The certificates issued by paragraph (C) above, are granted upon the express condition that the applicants comply fully with the terms of this order and the settlement proposals which settlement proposals are expressly approved, as modified by this order; the certificate issued to Texas Gulf is granted upon the further express condition that it refund amounts above the settlement rates, if any, collected for deliveries made subsequent to November 1, 1963 and prior to the reductions required by the settlement and this order.

(E) Interest shall be paid on all amounts to be refunded under the terms of the settlements and this order (including refunds of all amounts collected for deliveries made since March 30, 1963, above that which would have been collected at the settlement rates, except in Docket No. CI60-580) at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which the settlements were filed, November 30, 1963. All refunds required by this order shall be made within 90 days from the date of issuance hereof.

(F) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposals, the applicants shall report to the Commission, in triplicate, the amount of the refunds made to each pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations; together with releases from the purchasers showing receipt of the refunds in conformity with the settlements and the conditions of this order.

(G) Upon full compliance of the applicants with all the terms of this order and of the settlement proposals as modified, the applicants shall be relieved of any further refund obligations in these certificate proceedings and said proceedings shall terminate.

(H) The certificates herein issued are not transferable and shall be effective only so long as the applicants continue the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(I) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however,* That the 30-day notice provisions of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rates as required by this order and the settlement proposals.

(J) The grant of certificates herein and approval of the settlement proposals are without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicants, particularly any proceeding under sections 4 or 5 of the Natural Gas Act and are without prejudice to claims or contentions which may be made by the Commission, applicants, the Commission staff, or any affected party herein in any other proceeding.

(K) Upon full compliance of Riverside with all the terms of this order and of its settlement proposal as modified, Supplements Nos. 1, 2 and 3 to Rate Schedule No. 2 shall be accepted for filing effective as of the date of initial delivery.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Producer	Rate schedule No.	Docket No.	Buyer	Present rate (cents/Mcf)[4]	Proposed settlement rate (cents/Mcf)[4]
George R. Brown, et al.	5	G-18131	Transco. Gas P/L Corp.	23.55	20.625
George R. Brown (Operator), et al.	7	CI60-580	United Gas P/L Co.	[5] 22.25	20.25
Texas Gulf Producing Co.	34	CI63-772	Texas Gas Trans. Corp.	20.75	20.625
Tidewater Oil Co. (Operator), et al.	115	CI62-638	Texas Gas Trans. Corp.	21.25	20.625
Tidewater Oil Co.	122	CI63-823	United Gas P/L Co.	[6] 19.75	[6] 19.75
Do.	123	CI63-824	United Gas P/L Co.	19.25	19.25
Reuben W. Mayronne, Jr., d.b.a. Riverside Oil Co. (Operator), et al.	2	G-20182	Transco. Gas P/L Corp.	21.65	20.625

[1] At 15.025 psia; inclusive of tax reimbursement.
[2] The rate increase now in effect subject to refund in Docket No. RI62-145 will continue to be collected.
[3] Tidewater listed this rate in its proposal at 19.5 cents per Mcf.

[F.R. Doc. 64-22; Filed, Jan. 2, 1964; 8:46 a.m.]

[1] Applications, related rate schedules and settlement offers include interests of "et al." sellers designated in such filings.

[2] Signatory co-owners in the contract covering this sale are Hudson Gas & Oil Corporation (Hudson) and R. E. Hibbert (Hibbert). Hudson has its own rate schedule (No. 6) on file and its own application for a certificate pending in Docket No. CI62-641. Likewise, Hibbert has his own rate schedule on file (No. 6) and his own application pending in Docket No. CI62-702.
Tidewater as operator proposes to settle as to its own interests and those of the non-signatory owners. However, the signatory co-owners are not included in the settlement.

[3] See e.g., orders issued August 7, 1963, and October 9, 1963, in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

[4] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[5] See Appendix for further details.

[6] In its motion and offer, Tidewater states that the initial rate in this docket is 19.5 cents per Mcf. However, our records show it as 19.75 cents per Mcf and the certificate herein issued will be at the latter rate.

[7] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15245]

BRILL ELECTRONICS CO.

Order to Show Cause

In the matter of Lester R. Brill, Jr. d/b as Brill Electronics Company, Allen Park, Michigan, order to show cause why there should not be revoked the license for radio station KHI-5265 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows:

Official Notice of Violation dated June 25, 1963, alleging violation of § 19.61 (a) and (f) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 31, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 26th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 17110 Cicotte, Allen Park, Michigan.

Released: December 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-6; Filed, Jan. 2, 1964; 8:45 a.m.]

[Docket No. 15247; FCC 63-1159]

FRANKLIN BROADCASTING CO. ET AL.

Order Designating Application for Hearing on Stated Issues

In re application of Franklin Broadcasting Company (transferor), and William F. Johns, Sr., and William F. Johns, Jr. (transferees), Docket No. 15247, File No. BTC-4303; for transfer of control of WLOD, Inc., Licensee of Station WLOD, Pompano Beach, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of December 1963;

The Commission having under consideration the above-captioned and described application;

It appearing, that, the above-described assignment application comes within the purview of § 1.597 of the Commission's rules, but that assignor has made a showing of unavailability of capital which constitutes an exception to the hearing requirement of the rule; and

It further appearing, that, William F. Johns, Jr., and William F. Johns, Sr., the proposed stockholders of WLOD, Inc., have acquired and disposed of interests in numerous broadcast licenses and permits; and

It further appearing, that, in view of the pattern of conduct with respect to the buying, selling and exchanging of broadcast properties on the part of the aforementioned individuals, the Commission is unable to find that a grant of the above-entitled application would serve the public interest, convenience, and necessity; and that the application must, therefore, be designated for hearing;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in light of (a) the facts in the above-captioned application and (b) the acquisitions and dispositions of interests in broadcast stations by the transferees, whether a grant of the above-captioned application would be consistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits.

2. To determine, in the light of evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-7; Filed, Jan. 2, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN KOREA

Limitation on Entry or Withdrawal From Warehouse

DECEMBER 26, 1963.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has informed the Government of Korea that pending the conclusion of discussions between the United States and the Republic of Korea on trade in cotton textiles, it is renewing for an additional twelve-month period the arrangements in effect between the two governments on the exports of cotton textiles and cotton textile products to the United States in Categories 9, 26, 45, 51 and 54, produced or manufactured in Korea, at the levels referred to below.

There is published below a letter of December 23, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts in Categories 9, 26, 45, 51 and 54 of cotton textiles and cotton textile products produced or manufactured in Korea which may be entered, or withdrawn from warehouse, for consumption in the United States from January 1, 1964, through December 31, 1964, be limited to certain designated levels.

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C., December 23, 1963.

COMMISSION OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 1, 1964, and for the period extending through December 31, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 26, 45, 51 and 54, produced or manufactured in Korea, in excess of the following levels of restraint:

Category:	*Level of Restraint*
9	1,740,000 square yards.
26	10,000,000 square yards.
45	20,000 dozen.
51	40,000 dozen.
54	25,000 dozen.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 26, 45, 51 and 54, produced or manufactured in Korea, which have been exported to the United States from Korea prior to January 1, 1964, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1963, through December 31, 1963. In the event that the levels of restraint established for the period January 1, 1963, through December 31, 1963, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Korea and with respect to imports of Korean cotton textiles and cotton textile products have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter is being published in the FEDERAL REGISTER.

Sincerely yours,
LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-3; Filed, Jan. 2, 1964; 8:45 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Limitation on Entry or Withdrawal From Warehouse

DECEMBER 26, 1963.

On September 24, 1963 the Interagency Textile Administrative Committee announced in a notice appearing at 28 F.R. 10460, September 27, 1963, that the United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, had informed Portugal that it intended, pending the conclusion of discussions with Portugal on the subject of the export of cotton textiles and cotton textile products from Portugal to the United States, to renew the arrangements in effect between the two Governments on the export of such goods to the United States in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27 produced or manufactured in Portugal, during the twelve month period beginning October 1, 1962. In a letter dated September 24, 1963 the Chairman, President's Cabinet Textile Advisory Committee directed the Commissioner of Customs to prohibit entry, or withdrawal from warehouse, for consumption in the United States of cotton textiles or cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal in excess of certain designated levels for the three month period beginning October 1, 1963 and ending December 31, 1963. The discussions between the United States and Portugal referred to above have not been finally concluded.

There is published below a letter of December 26, 1963, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, which may be entered, or withdrawn from warehouse, for consumption in the United States from January 1, 1964 through September 30, 1964, be limited to certain designated cumulative quarterly levels.

Further directives concerning the entry for consumption and withdrawal from warehouse for consumption of goods in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, may be issued upon the conclusion of the discussions referred to above between the United States and Portugal. Interested parties are advised that those discussions may result in revisions to the rate of imports permitted entry into the United States in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, for periods following the conclusion of such discussions.

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C., December 26, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive supplements my directive to you of September 24, 1963, concerning the entry of certain cotton textiles and cotton textile products produced or manufactured in Portugal. Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 1, 1964, and for the period extending through September 30, 1964, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, in excess of the following cumulative levels of restraint:

Category	Cumulative levels of restraint*	
	Oct. 1, 1963—Mar. 31, 1964	Oct. 1, 1963—Sept. 30, 1964
1	4,687,000 lbs.	7,030,000 lbs.
2	339,500 lbs.	670,000 lbs.
3	1,027,500 lbs.	1,541,250 lbs.
4	85,500 lbs.	127,000 lbs.
5	1,377,000 sq. yds.	2,065,000 sq. yds.
6	2,077,000 sq. yds.	2,616,000 sq. yds.
9	3,081,000 sq. yds.	4,622,000 sq. yds.
19	388,000 sq. yds.	574,500 sq. yds.
24	1,256,000 sq. yds.	1,884,000 sq. yds.
25	786,000 sq. yds.	1,179,000 sq. yds.
26	983,000 sq. yds.	1,474,500 sq. yds.
27	162,000 sq. yds.	243,000 sq. yds.

*All cumulative levels of restraint include the amounts authorized for entry in these categories in my directive of Sept. 24, 1963, referred to above.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1, 2, 3, 4, 5, 6, 9, 19, 24, 25, 26 and 27, produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to October 1, 1963, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1963, through September 30, 1963. In the event that the levels of restraint established for the period October 1, 1962, through September 30, 1963, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter is being published in the FEDERAL REGISTER.

Sincerely yours,
LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-4; Filed, Jan. 2, 1964; 8:45 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-587, the Commission has added the following to the list of positions for which persons appointed may be paid for the expenses of travel and transportation to their first duty stations.

Series code and grade	Position	Location	Effective date
GS-1315 all grades.	Hydrology.	Nationwide.	Dec. 17, 1963

Travel and transportation expenses may be paid for appointees to their duty stations for the positions as listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-40; Filed, Jan. 2, 1964; 8:48 a.m.]

HYDROLOGISTS

Notice of Increase in Minimum Rates of Pay

1. Under authority of section 504 of the Federal Salary Reform Act of 1962 and Executive Order 11073, the Civil Service Commission has authorized increased minimum salary rates and rate ranges for positions in grades GS-5 through GS-11 of the Hydrology Series, GS-1315-0. The increased rates for these occupational levels are as follows:

Grade	Per Annum Rates									
	1	2	3	4	5	6	7	8	9	10
GS-5	$5,225	$5,385	$5,545	$5,705	$5,865	$6,025	$6,185	$6,345	$6,505	$6,665
GS-6	5,715	5,885	6,055	6,225	6,395	6,565	6,735	6,905	7,075	7,245
GS-7	6,350	6,535	6,720	6,905	7,090	7,275	7,460	7,645	7,830	8,015
GS-8	6,700	6,910	7,115	7,320	7,525	7,730	7,935	8,140	8,345	8,550
GS-9	7,125	7,350	7,575	7,800	8,025	8,250	8,475	8,700	8,925	9,150
GS-10	7,780	8,025	8,270	8,515	8,760	9,005	9,250	9,495	9,740	9,985
GS-11	8,575	8,840	9,105	9,370	9,635	9,900	10,165	10,430	10,695	----

2. Coverage is worldwide. The new rates apply to all positions in the Hydrology Series, GS-1315-0, grades GS-5 through GS-11.

3. The increased rates will be effective December 20, 1963.

4. This action has been taken as a result of the establishment of the new series the population of which will consist, in large part, of employees reas-

THE UNIVERSITY OF MICHIGAN

MEDICAL OFFICERS

Notice of Increase of Minimum Rates of Pay

1. Under authority of section 504 of the Federal Salary Reform Act of 1962 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and the rate ranges for positions of medical officer, GS–11 through GS–14. The revised rates for these occupational levels are as follows:

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9
GS–11	$10,009	$10,370	$10,650	$10,980	$11,210	$11,490	$11,770	$12,050	$12,330
GS–12	11,989	12,389	12,630	12,950	13,230	13,510	13,94	14,270	14,609
GS–13	14,089	14,430	14,805	15,190	15,575	15,960	16,345	16,730	17,115
GS–14	15,415	15,855	16,315	16,765	17,215	17,665	18,115	18,565	19,015

2. Geographic coverage is worldwide. The new rates apply to all positions in the Medical Officer Series, GS–602–0, grades GS–11 through GS–14, of the Classification Act of 1949, as amended.

3. The increased rates will be effective on the first day of the first pay period which begins on or after January 1, 1964.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–76; Filed, Jan. 2, 1964; 8:48 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3566

AMERICAN HEART MONTH, 1964

By the President of the United States of America

A Proclamation

WHEREAS diseases of the heart and the circulatory system are responsible for over one-half the deaths occurring annually; and

WHEREAS over one-half of the ten million Americans afflicted by the cardiovascular diseases are stricken during their most productive years, thereby causing a staggering physical and economic loss to the nation; and

WHEREAS expanded research has contributed improved methods of prevention, diagnosis, and treatment of the cardiovascular diseases; and

WHEREAS substantial progress in combating those diseases is being made by comprehensive educational and community programs which have brought about swift and wide dissemination and use of such improved methods; and

WHEREAS these programs of research and education have resulted largely from the teamwork between the American Heart Association, its chapters and affiliates, and the Federal Government, particularly the Public Health Service through the National Heart Institute and the Heart Disease Control Program; and

WHEREAS the results thus far achieved in combating the cardiovascular diseases give hope that the continuation and expansion of these programs may eventually eliminate these diseases as important causes of death; and

WHEREAS it is essential to the health and well-being of our nation that our citizens be made aware of the medical, social, and economic aspects of the problem of cardiovascular diseases, and the measures being taken to combat them; and

WHEREAS the Congress, by joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating February as American Heart Month:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America do hereby proclaim the month of February 1964 as American Heart Month; and I invite the governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to give heed to the nationwide problem of the heart and blood-vessel diseases, and to support the programs required to bring about its solution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-141; Filed, Jan. 3, 1964; 9:48 a.m.]

Proclamation 3567

SAVE YOUR VISION WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS blindness is a major and increasing social and economic problem in the United States in spite of the great advances in the last two decades in medical care, vastly improved health, and increased longevity of our people; and

WHEREAS visual disorders and defects in our younger population interfere with their proper intellectual, social, and emotional development; and

WHEREAS it is essential to the health of our Nation that our citizens be aware of what is being done and what can be done to control the causes of blindness and visual impairments, and that they avail themselves of opportunities for conserving vision; and

WHEREAS the Congress, by a joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating the first week in March of each year as Save Your Vision Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 1, 1964, as Save Your Vision Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also request the medical and allied health professions, the communications industries, and all interested persons and groups to unite during the designated week in public affirmation of our Nation's effort to conserve the God-given and irreplaceable gift of vision.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of the [SEAL] Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-142; Filed, Jan. 3, 1964; 9:48 a.m.]

Proclamation 3568

UNITED STATES CUSTOMS YEAR

By the President of the United States of America

A Proclamation

WHEREAS August 1, 1964, marks the one hundred and seventy-fifth anniversary of the signing by President George Washington of legislation establishing the United States Customs Service; and

WHEREAS the United States Customs Service provided the principal revenues of the early Republic and assured its financial stability in its days of struggle; and

WHEREAS the controls on imports and exports and on shipping and trade, deemed essential by the founders of the Republic, would have been impossible without implementation by a Customs Service, honest, resourceful, and efficient; and

WHEREAS the Collector of Customs, the Custom House, and the Customs officer have stood for one hundred and seventy-five years as the symbols of Federal authority in the ports and on the waterfronts; and

WHEREAS after one hundred and seventy-five years the ever more complex demands of our economy and our civilization require the Customs Service of the Treasury Department to remain alert and ready to perform on short notice a widening variety of tasks; and

WHEREAS the Congress, by a joint resolution approved December 30, 1963, has requested the President to issue a proclamation designating 1964 as the one hundred and seventy-fifth anniversary of the establishment of the United States Customs Service:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the year 1964 as United States Customs Year; and I request the Bureau of Customs to plan and to participate in appropriate activities recognizing the anniversary to the end that it may serve as an occasion to commemorate the contributions of customs to the health and welfare of every citizen, to the national well-being, and to the development of a sound economy capable of leading the free world and assisting emerging nations.

I also call upon appropriate civic and industrial organizations to cooperate with the Customs Service in recognition of a century and three-quarters of mutually beneficial relationships.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-143; Filed, Jan. 3, 1964; 9:48 a.m.]

Rules and Regulations

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

PART 3—ORGANIZATION

Delegation of Final Authority

DECEMBER 20, 1963.

Pursuant to section 3(a) of the Administrative Procedure Act, notice is hereby given that the Commission has delegated final authority to the Secretary and, in his absence, the Acting Secretary, to grant authorizations, pursuant to the provisions of § 35.1(a) of the Commission's regulations under the Federal Power Act (18 CFR 35.1(a)), for a designated representative to post and file rate schedules of public utilities who are parties to the same rate schedule.

Accordingly, Part 3, § 3.5(a), of Title 18, Code of Federal Regulations (18 CFR 3.5(a)), is amended by adding the following paragraph:

§ 3.5 Delegations of final authority.

* * * * * * *

(a) * * *

(25) Grant authorizations, pursuant to the provisions of § 35.1(a) of this chapter for a designated representative to post and file rate schedules of public utilities who are parties to the same rate schedule.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-53; Filed, Jan. 3, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1227) filed by Wyandotte Chemicals Corporation, Wyandotte, Michigan, and other relevant material, including data submitted by The Diversey Corporation, 212 West Monroe Street, Chicago 6, Illinois, has concluded that the safe use of di- and trichloroisocyanuric acids and their sodium and potassium salts in sanitizing solutions used on food-processing equipment and utensiles has been demonstrated. Independently of the filed petition, it has been concluded that § 121.2547(b) should be amended to remove the present restriction relative to bromine content and substitute a limitation expressed in terms of available halogen determined as available chlorine. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2547 is amended by revising paragraph (b) and by adding new paragraphs (c) and (d) as follows:

§ 121.2547 Sanitizing solutions.

* * * * * * *

(b) The solutions consist of one of the following:

(1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.

(2) An aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid, or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.

(c) The solutions identified in paragraph (b)(1) of this section will provide not more than 200 parts per million of available halogen determined as available chlorine, and the solutions identified in paragraph (b)(2) of this section will provide not more than 100 parts per million of available halogen determined as available chlorine.

(d) Sanitizing agents for use in accordance with this section will bear labeling conforming to that registered with the United States Department of Agriculture.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c), 72 Stat. 1786; 21 U.S.C. 348(c))

Dated: December 30, 1963.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-74; Filed, Jan. 3, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-WE-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Zone and Alteration of Transition Area

On October 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10679) stating that the Federal Aviation Agency (FAA) proposed to revoke the Delta, Utah, control zone and alter the Delta transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendments having been published, and for reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Delta, Utah, control zone is revoked.

2. In § 71.181 (27 F.R. 220-139, November 10, 1962, the Delta, Utah, transition area is amended to read:

Delta, Utah

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°23'-00" N., longitude 112°30'35" W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E. and 8 miles W. of the Delta VOR 016° and 196° radials, extending from 10 miles N. to 20 miles S. of the VOR.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 26, 1963.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64-51; Filed, Jan. 3, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3014; Amdt. 355]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 18 JAN. 64.

City, Grand Island; State, Nebr.; Airport Name, Grand Island Municipal; Elev., 1846'; Fac. Class., SBMRLZ; Ident., GI; Procedure No. 1, Amdt. 11; Eff. Date, 8 Dec. 62; Sup. Amdt. No. 10; Dated, 18 Nov. 61

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck RBn	LOM	Direct	3300	T-dn	300-1	300-1	*200-½
Bismarck VOR	LOM	Direct	3300	C-d	400-1	500-1	500-1½
Lincoln Int**	LOM	Direct	3300	C-n	400-1½	500-1½	500-1½
Bell Int	LOM	Direct	3300	S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 3300' within 10 miles.
Crs and distance, facility to airport, 306°—5.8 miles.
Minimum altitude over LOM Inbnd final, 3000'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 3800' on 261° bearing from BIS RBn or to 3800' on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 3800' on R-336 BIS-VOR within 20 miles.
Other change: Deletes Caution Note.
*300-1 required on Runways 2, 20, 35 and 17.
**Lincoln Int: Int BIS-VOR R-262 and 306° bearing from LOM.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653'; Fac. Class., LOM; Ident. BI; Procedure No. 1, Amdt. 15; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 14; Dated, 1 June 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OR LOM (final)	Via OBK R-271 and bearing 138° to OR LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-14R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
ORD VOR	OR LOM	Direct	2500				
OBK-VOR	OR LOM	Direct	2500				
Warren Int	OR LOM	Direct	2500				
Niles Int	ORD VOR	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
Elgin Int	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 135°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing OR LOM, turn right to heading 155° and climb to 1500' then make right climbing turn to 3500' and proceed to DPA VOR via DPA R-065 or as directed by ATC turn right to heading of 155° and climb to 1500' then make right climbing turn to 2500' and proceed to Elgin Int via ORD R-271.
NOTE: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated ROMEO; Runway 14L, LOM designated LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 5; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 4; Dated, 10 July 61

Lakewood Int	OH LOM (final)	Via OBK R-271 and 318° bearing from LOM.	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
ORD VOR	OH LOM	Direct	2500				
Warren Int	ORD VOR	Direct	2500				
Niles Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK-VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 315° Outbnd, 135° Inbnd, 2500' within 10 miles.
Minimum altitude over LOM on final approach crs, 2200'.
Crs and distance, facility to airport, 135°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OH LOM turn left to heading of 120° and climb to 1500' make left climbing turn to 3500' and proceed to Evanston Int, via ORD R-075 or as directed by ATC turn left to heading of 120° climb to 1500' make left turn climb to 2500' and proceed to OBK VOR via ORD R-030 and OBK R-135.
NOTE: Aircraft executing missed approach may be radar vectored after being reidentified. Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA".
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac Class., LOM; Ident., OH; Procedure No. 2, Amdt. 4; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 3; Dated, 28 July 62

Mt. Healthy Int	SI LOM	Direct	2200	T-dn	300-1	300-1	200-½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400-1	500-1	500-1½
Union Int	SI LOM	Direct	2300	S-dn-18	400-1	400-1	400-1
CVG VOR	SI LOM	Direct	2300	A-dn	800-2	800-2	800-2
LUK LFR	SI LOM	Direct	2700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd 2000', within 10 miles.
Minimum altitude over facility on final approach crs 2000'.
Crs and distance facility to airport 180°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SI LOM, climb to 2000' on a heading of 180° to the CV LOM.
CAUTION: 1740' Tower 13 miles NE of airport. 1167' Tower 19 miles NNE of airport. 1120' Tower 11 miles NW of airport.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., LOM; Ident., SI; Procedure No. 2, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig; Dated, 4 Jan. 64

Keller Int	FTW Rbn	Direct	2000	T-dn	300-1	300-1	*200-½
Justin Int	FTW Rbn	Direct	2000	C-dn	600-1	600-1	600-1½
Joshua Int	FTW Rbn	Direct	**2200	A-dn	800-2	800-2	800-2
Roanoke Int	FTW Rbn	Direct	2000				

Radar terminal area** transition altitude 2000' within 20 miles of radar site. (Greater Southwest International Airport.) Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of 1740' TV tower 6 miles SE; 1670' tower 7 miles SE; 2340' TV tower 24 miles ESE of airport.
Radar vectoring may be used to position aircraft for final approach within 5 miles N of RBn with elimination of procedure turn.
Procedure turn E side of crs, 354° Outbnd, 174° Inbnd, 2000', within 10 miles, beyond 10 miles not authorized. (Nonstandard due to ATC requirements.)
Minimum altitude over facility on final approach crs 1500'.
Crs and distance, facility to airport 177°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing FTW RBn, climb to 2000' on the 175° bearing from FTW RBn within 20 miles.
AIR CARRIER NOTE: Reduction in landing minimums not authorized on cargo or ferry flights.
CAUTION: 956' grain elevator 1.5 miles N and 990' grain elevator 1.0 miles N of airport.
*300-1 required for takeoff Runways 9-27 and 13-31.
**2000' authorized when navigation is conducted in accordance with ATC Radar Control.

City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692'; Fac. Class., SABH; Ident, FTW; Procedure No. 1, Amdt. Orig.; Eff. Date, 18 Jan. 64, or upon commissioning of facility

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Louisville VOR	SD-LOM	Direct	2100	T-dn	300-1	300-1	200-½
Bourbon Int	SD-LOM	Direct	2500	C-dn	600-1	600-1	600-1½
Bethany Int	SD-LOM	Direct	2300	S-dn-1	600-1	600-1	600-1
Corydon Int	SD-LOM	Direct	2300	A-dn	800-2	800-2	800-2
Harbor Int	SD-LOM	Direct	2300				
Sellersburg Int	SD-LOM	Direct	2600				
New Albany Int	SD-LOM	Direct	2600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100 feet within 10 miles of SD RBn (LOM).
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 010°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing SD-LOM, make a left climbing turn to 2600' on heading 270°, intercept R-283 LOU VOR, and proceed to Corydon Int. Hold W 1-minute, right turns, 103° Inbnd.
CAUTION: 1060' tower 4 miles N; 760' tower 2 miles N of Standiford Field.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., LOM; Ident., SD; Procedure No. 1, Amdt. 22; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 21; Dated, 6 May 61

Leyton FM	SLC RBn (final)	Direct	4900	T-dn*	300-1	300-1	200-½
SLC VOR	SLC RBn	Direct	6900	C-dn	600-1	600-1	600-1½
				S-dn-16L	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 6000', within 10 miles.
Minimum altitude over facility on final approach crs, 4900'.
Crs and distance, facility to Runway 16L, 163°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SLC Rbn, make climbing right turn to 9000' on crs of 246° within 20 miles.
CAUTION: 5000' terrain 3 miles E of RBn. 4541' tower 1.3 miles SE of RBn.
*1300-2 required T-dn Runway 7.

City, Salt Lake City; State, Utah; Airport Name, L. C. Romney Field; Elev., 4226'; Fac. Class., BH; Ident., SLC; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 15 June 63

SAT-VOR	SAT RBn	Direct	2500	T-dn	300-1	300-1	200-½
SAT VOR	SAT RBn (final)	Direct	1500	C-dn	400-1	400-1	#500-1½
				S-dn-17	400-1	400-1	NA
				A-dn	800-2	800-2	#800-2
				If passage of SAT-VOR on final approach not determined, minimums become:			
				C-dn*	700-1	700-1	700-1½
				S-dn-17*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 355° Outbnd, 175° Inbnd, 2600' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, *1500'.
Crs and distance, SAT RBn to airport, 175°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing SAT RBn, climb to 2500' on 175° bearing from SAT RBn within 20 miles.
NOTE: Radar fix over SAT VOR may be used to determine VOR passage on final approach.
#Runway 17-35 restricted to 2-engine aircraft and smaller.
*Maintain 2200' until S of SAT VOR on final approach. If passage of SAT VOR not determined, minimum altitude over SAT RBn 2200'.

City, San Antonio; State, Tex.; Airport Name, San Antonio International; Elev., 808'; Fac. Class., SABHZ; Ident., SAT; Procedure No. 2, Amdt. 7; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 6; Dated, 28 Dec. 63

Shreveport LFR	LOM	Direct	3000	T-dn	300-1	300-1	200-½
Shreveport VOR	LOM	Direct	3000	C-dn	400-1	400-1	500-1½
Barksdale VOR	LOM	Direct	3000	S-dn-13	400-1	400-1	400-1
Bethany Int	LOM	Direct	3000	A-dn	800-2	800-2	800-2
Lucien Int	LOM	Direct	3000				
Beers Int	Blanchard Int*	Direct	2500				
Blanchard Int*	LOM (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns. Radar vectoring may be used to position aircraft for a final approach within 5 miles NW of LOM with elimination of procedure turn.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport 135°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 1800' on crs of 135° within 15 miles or, when directed by ATC, turn right, climb to 1800' and intercept the 180° bearing from the LOM within 15 miles.
CAUTION: Two 2049' TV antennas approximately 11 miles NNW of LOM. 1849' tower 26 miles N of LOM.
NOTE: Final approach from holding pattern at LOM not authorized; procedure turn required.
*Blanchard Int: Int of DTN R-285 and LOM bearing 315°.

City, Shreveport; State, La.; Airport Name, Greater Shreveport Municipal; Elev., 257'; Fac. Class., LOM; Ident, SH; Procedure No. 1, Amdt. 12; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 11; Dated, 25 May 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-17	600-1	600-1	600-1
				A-dn#	800-2	800-2	800-2

Procedure turn W side of crs, 346° Outbnd, 166° Inbnd, 2500'* within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 166°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing nor accomplished within 3.8 miles after passing BVO-VOR, make immediate right turn and climb to 2500', return to BVO-VOR and contact ARTC.
NOTES: (1) Public weather service not available. (2) All pilots using this procedure requested to close IFR flight plans immediately upon completion of approach with Tulsa Radio. Trans 122.1 Rec 122.2 or BVO Radio or commercial facilities.
#Alternate usage authorized for air carrier only.
*Descent below 2500' not authorized until well established on R-346 Inbnd.

City, Bartlesville; State, Okla.; Airport Name, Phillips; Elev., 715'; Fac. Class., BVOR; Ident., BVO; Procedure No. 1, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 27 Jan. 62

				T-dn	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 3600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 258°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing VOR, make a right climbing turn to 3600' and return to Jamestown VOR. Hold E on R-078 1-minute right turns, 258° Inbnd.
NOTE: Communications: 1. Weather and field conditions 122.8. 2. Contact Cleveland center for ATC clearance. 3. Aircraft radio contact with ERI APC unreliable from ground.

City, Jamestown; State, N.Y.; Airport Name, Municipal; Elev., 1725'; Fac. Class., BVOR; Ident., JHW; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 23 Aug. 58

Key West RBn	EYW-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side crs, 317° Outbnd, 137° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 137°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mile after passing EYW-VOR, turn left, climb to 1500' on R-076 within 20 miles of EYW-VOR.
NOTE: FAA Control Tower not operating on 24 hour basis.
Other changes: Deletes Note and alternate information.

City, Key West; State, Fla.; Airport Name, Key West International; Elev., 4'; Fac. Class., H-BVOR; Ident., EYW; Procedure No. 1, Amdt. 8; Eff. Date, 18 J an 64; Sup. Amdt. No. 7; Dated, 3 June 61

				T-dn	300-1	300-1	200-½
				C-dn	600-2	600-2	600-2
				S-dn-29	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 150° Outbnd, 330° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 300°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing LOU-VOR, climb to 2600' on heading 270°, intercept R-283 LOU-VOR and proceed to Corydon Int, hold W 1-minute, right turns, 103° Inbnd.
Other changes: Deletes transitions.
NOTE: Standard clearance is not provided in final approach area facility to field.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., BVORTAC; Ident., LOU; Procedure No. 1, Amdt. 6; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 5; Dated, 16 June 62

				T-d	300-1	300-1	NA
				C-d	600-2	600-2	NA
				A-d	NA	NA	NA

Procedure turn N side of crs 073° Outbnd 253° Inbnd 2500' within 10 miles.
Minimum altitude over facility on final approach crs 2000'.
Crs and distance, facility to airport 253°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing CCT-VOR, make climbing left turn to 2500', return to CCT-VOR. Hold E, 1-minute right turns, 253° Inbnd.
NOTES: 1. Weather service available from Bowling Green, Kentucky Flight Service Station. 2. No rotating beacon.

City, Madisonville; State, Ky.; Airport Name, Madisonville Municipal; Elev., 438'; Fac. Class., L-BVOR; Ident., CCT; Procedure No. 1, Amdt. Orig; Eff. Date, 18 Jan. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FNT-VOR	BMI-VOR	Direct	2400	T-dn	300-1	300-1	200-½
Twin Grove Int	BMI-VOR	Direct	2400	C-dn	500-1	500-1	500-1½
				S-dn-21	500-1	500-1	500-1
				A-dn*	NA	NA	NA

Procedure turn E side of crs, 040° Outbnd, 220° Inbnd, 2400' within 10 miles. Nonstandard due to ATC requirements.
Minimum altitude on final approach crs, 1400'.
Crs and distance, breakoff point to Runway 21, 212°—0.30 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of BMI-VOR, make immediate left turn, climbing to 2600' on R-040 BMI-VOR within 10 miles.
CAUTION: 1296' TV tower 2.7 miles SW of VOR.
NOTE: Unlighted grain elevator 1000' 1.5 miles NE of Runway 21. Weather at Bloomington Municipal not available to general public.
*800-2 authorized for air carrier with approved weather service.

City, Bloomington; State, Ill.; Airport Name, Bloomington Municipal; Elev., 875'; Fac. Class BVOR; Ident., BMI; Procedure No. TerVOR-21, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 1 July 61

Du Page VOR	Glen Int	Direct	2500	T-dn*	300-1	300-1	200-½
Naperville VOR	Glen Int	Direct	2500	C-dn	500-1	500-1	500-1½
Warren Int	Glen Int	Via APT R-288 and ORD R-223.	2500	S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Glen Int	Benson Int (final)	Direct	1900				

Procedure turn not authorized.
Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn 3 miles from Benson Int.
Minimum altitude over Benson Int on final approach crs, 1900'.
Crs and distance, Benson Int to Runway 4, 043°—3.6 miles.
Crs and distance, breakoff point to approach end of Runway 4, 038°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORD-VOR; make left turn climb to 2500', proceed to OBK-VOR via OBK R-170.
NOTE: Aircraft must be equipped with dual VOR receivers, or position be identified over Benson Int by O'Hare Radar.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3, will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L when weather is below 2000-3, will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., VOR/DME; Ident., ORD; Procedure No. TerVOR-4, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 24 Nov. 62

Papi Int	Glencoe Int	Via OBK R-076 and ORD R-033.	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
Glencoe Int	Grove Int* (final)	Direct	1800	A-dn	800-2	800-2	800-2
OBK-VOR	Glencoe Int	Direct	2000				
Niles Int	ORD VOR	Direct	2500				
Warren Int	ORD-VOR	Direct	2500				

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn 2 miles from Grove Int*.
Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 2500' within 10 miles of Grove Int*.
Minimum altitude over Grove Int* on final approach crs, 1800'.
Crs and distance, Grove Int* to Runway 22, 213°—3.8 miles.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left turn climb to 2500', proceed to OBK-VOR via ORD R-075 and OBK R-135 or, when directed by ATC, climb to 3500 and proceed to DPA VOR via ORD R-213 and DPA R-085 or as directed by ATC, climb to 1500' on ORD R-213 then make right climbing turn to 2500' and proceed to Elgin via ORD R-271.
NOTES: (1) Dual VOR receivers required or radar fix in lieu of Grove Int*. (2) Aircraft executing missed approach may after being reidentified be radar controlled.
Other change: Deletes transitions from OBK R-076, Beacon Int, Lakewood Int, Acorn Int, and OBK VOR.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD-VOR R-250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD-VOR R-306 and climb to 2000' before proceeding westbnd.
*Grove Int: Int ORD-VOR R-033 and OBK-VOR R-153.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., VOR/DME; Ident., ORD; Procedure No. TerVOR-22, Amdt. 3; Eff. Date, 18 Jan 64; Sup. Amdt. No. 2; Dated, 2 June 63

FNT-LOM	FNT VOR	Direct	2100	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF and Swartz Int* identified, the following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1

Procedure turn S side of crs, 263° Outbnd, 103° Inbnd, 2100' within 10 miles of VOR or Swartz Int*.
Minimum altitude over FNT VOR on final approach crs, 1300'.
Crs and distance, Swartz Int* to airport, 103°—4.1 miles.
Crs and distance, breakoff point to Runway 9, 091°—0.50 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make left climbing turn to 3000' and proceed to Fosters Int via FNT VOR R-340 or, when directed by ATC, climb to 2400' on FNT R-103 and return to FNT VOR.
CAUTION: Tower 21 miles NW 1599', tower 4.3 miles SE 1220'.
*Swartz Int: Int FNT VOR R-283 and 360° bearing from FNT LOM.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-9, Amdt. 2; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 1; Dated, 21 Sept. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FNT-LOM	FNT VOR	Direct	2200	T-dn	300-1	300-1	300-1½
				C-dn	300-1	300-1	300-1¼
				S-dn-23	300-1	300-1	300-1
				A-dn	300-2	300-2	300-2

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 2200' within 10 miles.
Minimum altitude over FNT VOR on final approach crs, 1600'.
Crs and distance, breakoff point to Runway 22, 229°—0.39 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over FNT VOR, make right climbing turn to 3000' and proceed to Fosters Int via FNT R-340 or, when directed by ATC, climb to 3000' on R-235 within 10 miles and return to FNT VOR.
CAUTION: Tower 21 miles NW 1599', tower 4.3 miles SE 1220'.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-23, Amdt. 2; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 1; Dated, 21 Sept. 63

PROCEDURE CANCELLED EFFECTIVE 18 JAN. 1964 OR UPON COMMISSIONING OF VORTAC FACILITY.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205'; Fac. Class., L-BVOR-DME; Ident., OLM; Procedure No. TerVOR-35, Amdt. 2; Eff. Date, 28 Oct. 61; Sup. Amdt. No. 1; Dated, 30 Sept. 61

PROCEDURE CANCELLED EFFECTIVE 18 JAN. 1964 OR UPON COMMISSIONING OF VORTAC FACILITY.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205'; Fac. Class., L-BVOR-DME; Ident., OLM; Procedure No. TerVOR-17, Amdt. 3; Eff. Date, 25 Aug. 62; Sup. Amdt. No. 2; Dated, 28 Oct. 61

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR-DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Hartstene Int/17.8-miles DME Fix R-338	OLM VOR	Direct	3000	T-dn	300-1	300-1	200-½
Harbor Int/10.0-miles DME Fix R-338	OLM VOR (final)	Direct	1100	C-dn	900-1	900-1	900-1½
Bayside Int	OLM VOR	Direct	3000	S-dn	NA	NA	NA
				A-dn	900-2	900-2	900-2
				*If aircraft equipped with VOR and DME or VOR and ADF receivers, and Budd Int% is identified the following minimums apply:			
				C-dn	600-1	600-1	600-1½
				S-dn-17	600-1	600-1	600-1

Procedure turn W side of crs 338° Outbnd 158° Inbnd 3000' within 15 miles.
Minimum altitude over Budd Int% on final approach crs 1100'; over OLM VOR 800'.
Crs and distance, Budd Int% to airport 158°—4.7 miles; OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000' on R-173 within 15 miles of OLM VOR; or when directed by ATC, turn left, climb to 3000' on R-338 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 20 miles at 2000' between R-315 clockwise to R-018 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
*If Budd Int% not identified authorized minimum over OLM VOR is 1100'.
%Budd Int: Int R-338 OLM VOR and 252°, bearing from TM LFR or 5.0-mile DME fix R-338 OLM VOR.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205'; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 1, Amdt. Orig; Eff. Date, 18 Jan. 64, or upon commissioning of VORTAC facility

15-mile DME fix R-143	OLM VOR	Direct	3000	T-dn	300-1	300-1	200-½
15-mile DME fix R-198	OLM VOR	Direct	3000	C-dn	1000-1	1000-1	1000-1½
Bayside Int	OLM VOR	Direct	3000	A-dn	1100-2	1100-2	1100-2
15-mile DME fix R-173	9-mile DME fix R-173	Direct	2000	*If aircraft equipped with VOR and DME and 5.5-mile DME fix is identified the following minimum applies:			
9-mile DME fix R-173	5.5-mile DME fix R-173	Direct	1200				
5.5-mile DME fix R-173	0.0-mile DME fix R-173	Direct	800				
				C-dn	600-1	600-1	600-1½

Procedure turn W side of crs 173° Outbnd, 353° Inbnd, 3000' within 15 miles.
Minimum altitude over 5.5-mile DME fix on final approach crs 1200'; over facility 800'*.
Crs and distance 5.5-mile DME fix to airport 353°—5.0 miles; facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing nor accomplished within 0.0 mile after passing OLM VOR, climb to 3000' on R-338 within 15 miles of OLM VOR; or when directed by ATC turn right, climb to 3000' on R-173 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 9 miles at 2000' between R-143 clockwise to R-198 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
*If 5.5-mile DME fix R-173 is not identified, authorized minimum over OLM VOR is 1200'.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205'; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. Date, 18 Jan. 64, or upon commissioning of VORTAC facility

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OH LOM (final)	Via OBK R-271 and NW crs OHA ILS.	2500	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–14L*	300–½	300–½	300–½
Niles Int	ORD VOR	Direct	2500	A-dn	600–2	600–2	600–2
Warren Int	ORD VOR	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
ORD VOR	OH LOM	Direct	2500				
OBK–VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at LOM, 2481'—5.7 miles; at LMM, 900'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to a heading of 120° and climb to 1500', make left climbing turn to 3000' and proceed to Evanston Int via ORD R-075 or, when directed by ATC (1) turn left to heading of 120° climb to 1500' make left turn climb to 3500' and proceed to OBK VOR via ORD R-090 and OBK R-135.
NOTE: Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA"; Runway 27, LOM designated "TAFT". No approach lights.
CAUTION: Takeoffs Runway 27 when weather is below 2000–3 will intercept ORD–VOR R–250 and climb to 2000' before proceeding westbnd. Takeoffs Runway 32L when wheather is below 200-3 will intercept ORD R-306 climb to 2000' before proceeding westbnd. When conducting a parallel approach, parallel ILS 14R and L procedure must be used.
*400–1 required when glide slope not utilized.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I–OHA; Procedure No. ILS–14L, Amdt. 5; Eff. Date, 18 Jan. 64; Sup Amdt. No. 4; Dated, 15 Dec. 62

Lakewood Int	OR LOM (final)	Via OBK R-271 and NW crs ORD ILS.	2200	T-dn*	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–14R*%	200–½	200–½	200–½
ORD VOR	OR LOM	Direct	2500	A-dn	600–2	600–2	600–2
Warren Int	OR LOM	Direct	2500				
Elgin Int	OR LOM	Direct	2500				
Niles Int	ORD VOR	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
OBK–VOR	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2122'—5.3 miles; at LMM, 861'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to a heading of 155° and climb to 1500', then make a right climbing turn to 3500' and proceed to DPA–VOR via R–085 or, when directed by ATC (1) turn right to a heading of 155° and climb to 1500' then make climbing right turn to 3500' and proceed to Du Page VOR via DPA VOR R–085 or as directed by ATC turn right to heading of 155° and climb to 1500' then make right climbing turn to 2500' and proceed to Elgin Int via ORD R–271.
CAUTION: When conducting a parallel approach, parallel ILS–14R and L procedure must be used.
NOTES: Aircraft executing missed approach may, after being reidentified be radar controlled. Final approach from holding pattern not applicable. Procedure turn required. Runway 14R, LOM designated "ROMEO"; Runway 14L, LOM designated "LIMA".
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD–VOR R–250 and climb to 2000' before proceeding westbnd. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD–VOR R–306 and climb to 2000' before proceeding westbnd.
*400–¾ required when glide slope not utilized.
%Runway visual range of 2600' also authorized for landing on Runway 14R; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 867' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600' authorized for takeoff in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are in satisfactory operating condition.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I–ORD; Procedure No. ILS–14R, Amdt. 8; Eff. Date, 18 Jan 64; Sup. Amdt. No. 7; Dated, 15 Dec. 62

Louisville VOR	SD–LOM	Direct	2100	T-dn*	300–1	300–1	200–½
Bourbon Int	SD–LOM	Direct	2500	C-dn	600–1	600–1	600–1½
Bethany Int	SD–LOM	Direct	2300	S-dn–9*	200–½	200–½	200–½
Corydon Int	SD–LOM	Direct	2300	A-dn	600–2	600–2	600–2
Harbor Int	SD–LOM	Direct	2300				
Sellersburg Int	SD–LOM	Direct	2600				
New Albany Int	SD–LOM	Direct	2600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of final approach crs, 190° Outbnd, 010° Inbnd, 2100' within 10 miles of SDF RBn (LOM).
Minimum altitude at glide slope Int Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM 1870–4.8 miles; at MM 665—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn to 2600' on heading 270°, intercept R–283 LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 103° Inbnd.
CAUTION: 1060' tower 4 miles N and 760' tower 2 miles N of Standiford Field.
Other change: Deletes transition from Elizabeth Int.
*400–¾ required when glide slope not utilized.
#Runway—1 only: Runway visual range 2600' also authorized for takeoff and landing on Runway–1; provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 607' shall not be made unless visual contact with the approach lights has been established, or the aircraft is clear of clouds.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., I–SDF; Ident., I–SDF; Procedure No. ILS–1, Amdt. 22; Eff. Date, 18 Jan. 64; Sup. Amdt No. 21; Dated, 6 May 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Louisville VOR	Harbor Int#	Direct	2200	T-dn	300–1	300–1	200–½
Nabb VOR	Harbor Int# (final)	Direct	2200	C-dn	600–1	600–1	600–1½
Sellersburg Int	Harbor Int#	Direct	2600	S-dn–19	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach crs within 10 miles of Harbor Int# is required.
Procedure turn E side of N crs, 010° Outbnd, 190° Inbnd, 2200' within 10 miles N of Harbor Int#. (Nonstandard due to obstructions.)
Minimum altitude over Harbor Int#, 2200'.
No glide slope or markers. Minimum altitude over Cave Hill Int* 1200'. Descend to authorized landing minimums after passing Cave Hill Int*.
Crs and distance, Harbor Int# to Runway 19, 190°—5.3 miles; Cave Hill Int* to Runway 19, 190°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Harbor Int#, make a right climbing turn to 2600' on a heading of 270°, intercept R–283 LOU VOR and proceed to Corydon Int. Hold W 1-minute, right turns, 103° Inbnd.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
CAUTION: Several high towers 3 to 9 miles N of airport in approach area to maximum 1060'.
*Cave Hill Int: Int N crs ILS and Louisville VOR R–320.
#Harbor Int: Int N crs ILS and Louisville VOR R–227.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., ILS; Ident., I–SDF; Procedure No. ILS–19, Amdt. 5; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 4; Dated, 1 Sept. 62

SDF LOM	LK–LOM	Direct	2200	T-dn	300–1	300–1	200–½
LOU VOR	LK–LOM	Direct	2200	C-dn	600–1	600–1	600–1½
Harbor Int	LK–LOM	Direct	2200	S-dn–20*	300–½	300–½	300–½
Sellersburg Int	LK–LOM	Direct	2000	A-dn	600–2	600–2	600–2
New Albany Int	LK–LOM	Direct	2000				
Bourbon Int	LK–LOM	Direct	2500				
Shelby Int	LK–LOM	Direct	2400				
Waterford Int	LK–LOM	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs 110° Outbnd, 290° Inbnd, 2200' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of Runway 29 at OM, 2141'—5.0 miles; at MM, 714'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LK LOM, climb to 2600' on heading 270°, intercept R–283 LOU–VOR and proceed to Corydon Int. Hold W 1-minute, right turns, 103° Inbnd.
NOTE: Approach light system nonstandard—not a component of ILS. Approach lights operated by the city of Louisville, Ky. The Federal Government disclaims responsibility for nonfederal navigation facilities.
*400–¾ required when glide slope not utilized.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497'; Fac. Class., ILS; Ident., I–LKS; Procedure No. ILS–29, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 1 Sept. 62

Shreveport LFR	LOM	Direct	3000	T-dn	300–1	300–1	200–½
Shreveport VOR	LOM	Direct	3000	C-dn	400–1	500–1	500–1½
Barksdale VOR	LOM	Direct	3000	S-dn–13#	200–½	200–½	200–½
Lucien Int	LOM	Direct	3000	A-dn	600–2	600–2	600–2
Bethany Int	LOM	Direct	3000				
Bears Int	Blanchard Int	Direct	2600				
Blanchard Int	LOM (final)	Direct	1400				

Radar vectoring authorized in accordance with approved patterns. Radar vectoring may be used to position aircraft for a final approach within 5 miles NW of LOM with elimination of procedure turn.
Procedure turn W side of crs 315° Outbnd, 135° Inbnd, 3000' within 10 miles. Beyond 10 miles not authorized.
Crs and distance, facility to airport 135°—3.6 miles.
Minimum altitude at glide slope interception Inbnd 1400'.
Altitude of glide slope and distance to approach end of runway at OM 1325', 3.6 miles at MM 450'—0.55 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 1800' on SE ILS crs within 20 miles or, when directed by ATC, turn right, intercept SLV VOR R–132 and climb to 1800' within 20 miles.
CAUTION: Two 2049' TV antennas approx 11 miles NNW of LOM. 1349' tower 26 miles N of LOM.
NOTE: Final approach from holding pattern at LOM not authorized; procedure turn required.
#400–¾ required when glide slope not utilized. 800–¾ when approach lights inoperative.

City, Shreveport; State, La.; Airport Name, Greater Shreveport Municipal; Elev., 257'; Fac. Class., ILS; Ident., I–SHV; Procedure No. ILS–13, Amdt. 12; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 11; Dated, 25 May 63

Shreveport LFR	Forbing Int	Direct	1800	T-dn	300–1	300–1	200–½
Shreveport VOR	Forbing Int	Direct	2300	C-dn	400–1	500–1	500–1½
Barksdale VOR	Forbing Int	Direct	1800	S-dn–31	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. Radar vectoring may be used to position aircraft for a final approach within 5 miles SE of Forbing Int with elimination of procedure turn.
Procedure turn S side of crs 135° Outbnd 315° Inbnd 1800' within 10 miles of Forbing Int. Nonstandard due to ATC requirements.
Minimum altitude over Forbing Int on final approch crs 1500'.
Crs and distance, Forbing Int to airport 315°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Forbing Int, climb to 3000' on NW crs of ILS within 10 miles, or when directed by ATC, turn left, climb to 1800' and intercept R–183 SHV–VOR within 20 miles.
CAUTION: Two 2049' TV antennas approximately 16 miles NNW, and 1349' tower 29 miles NNW of airport.

City, Shreveport; State, La.; Airport Name, Greater Shreveport Municipal; Elev., 257'; Fac. Class., ILS; Ident., I–SHV; Procedure No. ILS–31, Amdt. 6; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 5; Dated, 25 May 63

TLH LOM	Hedstrom Int*	Direct	1800	T-dn	300–1	300–1	200–½
TLH VOR	Hedstrom Int*	Direct	1800	C-dn	400–1	500–1	500–1½
TLH RBn	Hedstrom Int*	Direct	1800	S-dn–18	400–1	400–1	400–1
Havana Int	Hedstrom Int* (final)	Direct	1200	A-dn	800–2	800–2	800–2

Procedure turn W side of crs 358° Outbnd, 178° Inbnd, 1800' within 10 miles of Hedstrom Int*.
Minimum altitude over Hedstrom Int* on final approach crs 1300'.
Crs and distance Hedstrom Int* to airport 178°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Hedstrom Int*, climb straight ahead to 1600' on the S crs of the ILS within 20 miles, or turn left, climbing to 1800' on R–248 TLH–VOR and proceed to the VOR.
*Hedstrom Int: Int of N crs of localiser and R–205 TLH–VOR.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 81'; Fac. Class., ILS; Ident., I–TLH; Procedure No. ILS–18, Amdt. Orig; Eff. Date, 18 Jan. 64

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Precision approach			
000°--------	360°--------	Within 17–20 miles	3000	T-dn--------	300–1	300–1	200–½
175°--------	095°--------	Within 7–17 miles	2300	C-dn--------	600–1	600–1	600–1½
095°--------	360°--------	Within 0–7 miles	2000	S-d-2--------	300–¾	300–¾	300–¾
				S-n-2--------	400–1	400–1	400–1
				S-d-20--------	400–¾	400–¾	400–¾
				S-n-20--------	400–1½	400–1½	400–1½
				A-dn--------	800–2	800–2	800–2
				Surveillance approach			
				S-dn-14--------	600–1	600–1	600–1

Radar control will provide at least 1000′ vertical clearance within 3 miles or 500′ vertical clearance within 3 to 5 miles (inclusive) of 2249′ tower located 10.8 miles E of Lawson AAF.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 2: Turn left, climb to 2000′ on 202° crs from CSG RBn within 20 miles. Runway 20: Climb to 2000′ on 202° crs from CSG RBn within 20 miles. Runway 14: Immediate right turn, climb to 2000′ on 202° crs from CSG RBn within 20 miles.

CAUTION: Jump towers 580′ 1½ miles NE, R-3002 E and SE of Lawson AAF.

NOTE: Authorized for military use only except by prior arrangement.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232′; Fac. Class., and Ident., Lawson AAF Radar; Procedure No. 1, Amdt. 2; Eff. Date, 18 Jan 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

064°--------	270°--------	Within 20 miles	2500	**Surveillance approach**			
270°--------	028°--------	15 miles	2300	T-dn--------	300–1	300–1	200–½
028°--------	064°⅝	20 miles	5000	C-dn--------	500–1	500–1	500–1½
				S-dn-18--------	500–1	500–1	500–1
				S-dn-36--------	400–1	400–1	400–1
				A-dn--------	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 18: Climb to 2500′ on crs of 182° from GR LOM within 15 miles of airport. Runway 36: Climb to 3200′ on crs of 002° from GR LOM within 10 miles of airport.

NOTES: All bearings and distances are from radar site on Greenville Airport, with sector azimuths progressing clockwise.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047′; Fac. Class., and Ident., Greenville Radar; Procedure No. 1, Amdt. 2; Eff. Date, 18 Jan. 64 Sup. Amdt. No. 1; Dated, 4 Aug. 62

0°--------	360°--------	Within 5 miles	2500	**Surveillance approach**			
105°--------	090°--------	5–10 miles	2500	T-dn*--------	300–1	300–1	200–½
090°--------	195°--------	5–10 miles	4000	C-dn*--------	500–1	500–1	500–1½
205°--------	285°--------	10–19 miles	2500	C-n‡--------	500–1½	500–1½	500–1½
210°--------	285°--------	19–24 miles	3000	A-dn‡--------	800–2	800–2	800–2
285°--------	080°--------	10–20 miles	3000				
350°--------	080°--------	20–25 miles	4000				
080°--------	205°--------	10–17 miles	5000				

Radar vectoring utilizing Knoxville Radar authorized in accordance with approved patterns.

Distances are from radar antenna with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runways 18 and 22R: Proceed to LOM, climbing to 3000′. Runway 4L: Proceed to VOR, climbing to 3000′ or, when directed by ATC, climb to 3000′ on 070° bearing from TYS RBn or VOR R-069 within 20 miles.

NOTE: Terrain 3686′ located 15 miles SE of antenna.

*All runways.

‡Runways 18, 4L; and 22R.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 999′; Fac. Class., and Ident., Knoxville Radar; Procedure No. 1, Amdt. 6; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 5; Dated, 4 May 63

All directions--------	Radar site--------	Within 10 miles	2000	**Surveillance approach**			
All directions--------	Radar site--------	25 miles	2500	T-dn--------	300–1	300–1	200–½
				C-dn--------	600–1	600–1	600–1½
				S-dn-1--------	400–1	400–1	400–1
				S-dn-6, 11, 24, 29--	600–1	600–1	600–1
				S-dn-19*--------	500–1	500–1	500–1
				A-dn--------	800–2	800–2	800–2

Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of towers 1590′ 12 miles NNW; 1060′ 4 miles NNW and 1110′ 6 miles S of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Runway 1 and 29: Make a left climbing turn to 2400′ on heading 270°, intercept R-283 LOU VOR and proceed to Corydon Int. Hold W, 1-minute, right turns, 103° Inbnd.

Runway 6: Make a right climbing turn to 2300′ and proceed to LOU VOR. Hold SE 1-minute right turns, 300° Inbnd.

Runway 11: Climb to 2300′ direct to LOU-VOR, hold SE 1-minute right turns, 300° Inbnd.

Runway 19 and 24: Make a right climbing turn to 2600′ on a heading 270°, intercept R-283 LOU VOR and proceed to Corydon Int. Hold W 1-minute right turns, 103° Inbnd.

*On approaches to Runway 19, maintain at least 1400′ until within 3 miles of runway.

City, Louisville; State, Ky.; Airport Name, Standiford Field; Elev., 497′; Fac. Class., and; Ident., Louisville Radar; Procedure No. 1, Amdt. 3; Eff. Date, 18 Jan. 64; Sup. Amdt. No. 2; Dated, 6 May 61

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on December 13, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–1; Filed, Jan. 3, 1964; 8:48 a.m.]

[Reg. Docket No. 2096; Amdt. 353]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

Correction

In F.R. Doc. 63–12824, appearing at page 14227 of the issue for Tuesday, December 24, 1963, the following correction is made in the amendment of § 97.11(b): Under Chattanooga VOR, in the entry for procedure, the phrase reading "96° Inbnd," should read "196° Inbnd,".

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 3009; Amdt. 507]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair Model CL–44D4 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on December 13, 1963, and made effective immediately because of the safety emergency involved as to all known United States operators of Canadair Model CL–44D4 Series aircraft. The directive requires inspection and lubrication of the sealed couplings, and replacement of the couplings if bending or seizure is found. Provision also has been made in the directive to permit extension of inspection intervals where justified.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Canadair Model CL–44D4 Series aircraft by individual telegrams dated December 13, 1963. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

CANADAIR. Applies to all Model CL–44D4 Series aircraft.

Compliance required as indicated.

Due to several instances of seizure of sealed couplings in which loss of rudder control was experienced, accomplish the following on control system coupling P/N 44A53940 (14 per aircraft) excepting those which have been modified in accordance with Canadair Service Bulletin CL44D4–304 dated March 28, 1963, Revision B, dated July 11, 1963, or equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region:

(a) Within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter within 50 hours' time in service from the last inspection, perform the following:

(1) Visually inspect all sealed couplings P/N 44A53940 (14 per aircraft) in that portion extending into unpressurized areas for signs of brown staining between coupling housing and fork. If signs of brown staining are visable between coupling housing and fork, disconnect torque tubes at both ends of coupling and rotate fork to check for binding and seizure.

(2) Holding on to fork at unpressurized side of coupling, rotate and axially shift and cock rotating parts and check for freedom of movement. If there is no shaft movement, disconnect torque tubes at both ends of coupling and rotate fork to check for binding and seizure.

(3) If binding or seizure of a coupling is found, replace that coupling with the same part number or an equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region, before further flight.

(b) Within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 225 hours' time in service, and thereafter within 250 hours' time in service from the last inspection, lubricate all sealed couplings P/N 44A53940 (14 per aircraft) in accordance with the applicable air carrier's maintenance manual.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated December 13, 1963.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–50; Filed, Jan. 3, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, and who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $6.40 per man-hour per employee. A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each period of unscheduled overtime or holiday work to which the two hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; U.S.C. 576)

The foregoing amendment shall become effective January 5, 1964, when it shall supersede 7 CFR 354.1, effective July 30, 1963.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $6.12 to $6.40 commensurate with salary increases provided in the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87–793).

Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than thirty days after publication.

Done at Washington, D.C., this 31st day of December 1963.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-116; Filed, Jan. 3, 1964; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1964

On pages 13939 and 13940 of the FEDERAL REGISTER of December 21, 1963, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1964 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1964. Interested persons were given until December 23, 1963, in which to submit written data, views or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Issued at Washington, D.C., this 27th day of December 1963.

CHARLES S. MURPHY,
Under Secretary.

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine during December 1963 sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act, and these regulations shall be effective January 1, 1964.

Sec.
812.1 Sugar requirements and quota—Hawaii.
812.2 Sugar requirements and quota—Puerto Rico.
812.3 Restrictions on marketing.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1964 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1964.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1964 is 130,000 short tons, raw value, and a quota of 130,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1964.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1964 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F.R. 1943 and 27 F.R. 1450), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1964 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 201, 203, 209, 210, 412; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1112, 1119, 1120)

Statement of bases and considerations. Pursuant to section 203 of the Act, the provisions of section 201 of the Act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1963, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period are estimated to have been approximately 44,000 short tons of sugar, raw value, and 124,000 short tons of sugar, raw value, respectively.

The provisional estimate by the Bureau of Census of the total population for Hawaii as of July 1, 1963, is 694,000 and for Puerto Rico is 2,529,000. This represents an appreciable annual increase in population for Puerto Rico, over 1962, but because of the removal of a considerable number of military personnel from Hawaii the 1963 population level was about the same as 1962. No official estimate for either of these areas for 1964 is available.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1958 through 1962 sugar consumption in this area has varied from 127.0 to 137.1 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements may be higher in 1964 than in the twelve months ended October 31, 1963, when sugar marketings approximated 44,000 short tons, raw value.

In Puerto Rico during the twelve months ended October 31, 1963, marketings of sugar for local consumption totaled approximately 124,000 short tons, raw value. Refiners' inventories of sugar as of October 31, 1963 were approximately the same as those held on October 31, 1962. After making allowance for possible consumption increases in 1964 resulting from population increases, and the inventory of sugar held by refiners, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1964 may be approximately 130,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1964 local quota is not completely filled. It is therefore, desirable to establish the 1964 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1964 have been determined to be 50,000 and 130,000 short tons, raw value, respectively.

[F.R. Doc. 64-82; Filed, Jan. 3, 1964; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 45]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.345 Navel Orange Regulation 45.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 31, 1963.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 5, 1964, and ending at 12:01 a.m., P.s.t., January 12, 1964, are hereby fixed as follows:

(i) District 1: 800,000 cartons;
(ii) District 2: 191,352 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-111; Filed, Jan. 3, 1964; 8:48 a.m.]

[Lemon Reg. 90]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.390 Lemon Regulation 90.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 31, 1963.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 5, 1964, and ending at 12:01 a.m., P.s.t., January 12, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 139,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-110; Filed, Jan. 3, 1964; 8:48 a.m.]

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses for 1963-64 Fiscal Period

Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that the expenses of said committee will amount of $139,000.

It is, therefore, ordered, That paragraph (a) of § 916.202 Expenses and rate of assessment for the 1963-64 fiscal period (28 F.R. 6257) is hereby amended by deleting therefrom the amount $110,308 and substituting in lieu thereof the amount $139,000. As amended, paragraph (a) of § 916.202 reads as follows:

§ 916.202 Expenses and rate of assessment for the 1963-64 fiscal period.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1963, and ending February 29, 1964, will amount to $139,000.

* * * * * *

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, en-

gage in rule making procedure, and postpone the effective date of this amendatory order until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the increase in the budget set forth above does not involve an increase in the rate of assessment heretofore established by the Secretary (28 F.R. 6257); and (2) the said committee in the performance of its duties and functions has incurred expenses in excess of those previously thought likely to be incurred. Therefore, it is essential that this amendatory action be issued immediately so that said committee can meet its obligations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–81; Filed, Jan. 3, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Ocean Ports and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576) § 97.1 of Part 97, Title 9 of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime or holiday period and shall pay the Administrator of the Agricultural Research Service at the rate of $6.40 per man hour per employee as follows: A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the two-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than one hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective January 5, 1964, when it shall supersede 9 CFR 97.1, effective July 30, 1963.

The purpose of this amendment is to increase the hourly rate for overtime services from $6.12 to $6.40 commensurate with salary increases provided in the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87–793). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(64 Stat. 561; 5 U.S.C. 576)

Done at Washington, D.C., this 31st day of December 1963.

B. T. SHAW,
Administrator, Agricultural Research Service.

[F.R. Doc. 64–115; Filed, Jan. 3, 1964; 8:48 a.m.]

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92, §§ 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151, §§ 151.1 through 151.3.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards (Revision 3) (27 F.R. 9757), as amended (27 F.R. 11313, 26 F.R. 153, 2979, 3323, 5610, 6063, 6678, 6823, 9344), is hereby rescinded in its entirety and the following compilation of Small Business Size Standards (Revision 3) and amendments 1 through 9 thereto are substituted in lieu thereof:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms.
121.3–3 Organization.
121.3–4 Application for size determination.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA business loans.
121.3–11 Definition of small business for assistance by small business investment companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

AUTHORITY: §§ 121.3 to 121.3–12 issued under Pub. Law 85–536, sec. 5(b)6, 72 Stat. 385; § 121.3–13 issued under Public Law 87–846, sec. 213(a), 72 Stat. 384.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3 For the purposes of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * * *

SEC. 8(b) It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103 As used in this Act—

* * * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act" * * *

(c) *War Claims Act of 1948, as amended.*

SEC. 213(a) The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d) (1) and (2) and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended. * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This regulation defines "small business concerns" and establishes standards, criteria and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"); the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act"); and the War Claims Act of 1948, as amended (hereinafter referred to as the "War Claims Act").

(b) *Method of establishing size standards.* In defining industries, SBA follows the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President. The Standard Industrial Classification Manual defines industries in accordance with the existing structure of the American economy. An industry is a group of establishments engaged in the same or similar lines of economic activity. The following factors are considered in formulating industry size standards: (1) Concentration of output, (2) coverage ratio, (3) primary product specialization ratio, (4) absolute number of concerns, (5) size of industry (dollar volume), (6) employment size of industry leaders, and (7) the SBA program for which the size standard is established. In certain instances, the loan standard and procurement standard may differ for the same industry. This is due to the fact that when establishing size standards for the purpose of Government procurement, an eighth factor, Government procurement history, is used but is not a factor in formulating a size standard for the purpose of financial assistance.

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates." Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractural relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written request for a review of a size determination made by the Director, Size Standards Division.

(d) "Area of Substantial Unemployment" for the purpose of small business size determinations means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment" or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961.

If an area has been removed from the publication "Area Labor Market Trends" or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See § 121.3–2(t).)

(e) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shut-down time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(f) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit, to perform a specific Government procurement or sales contract.

(g) "Concern," except for § 121.3–13, means any business entity organized for profit with a place of business located in the United States, including, but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making size determinations, any business entity, whether organized for profit or not, and any foreign business entity shall be included.

(h) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods, provided, however, that sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(k) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

(l) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(m) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(n) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(o) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce

the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(p) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(q) "Number of employees" means that the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(r) "Protest" means a statement in writing from any responsive bidder or offerer having a valid interest in whether or not a bidder on a Government procurement or Government disposal contract is a small business within the meaning of this part. Such statement shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business. A complaint received after award of a contract or a complaint received that a concern is not a small business, but which does not meet the requirements of this subsection, will not be considered a "protest" and will not be acted upon.

(s) "Reconsideration" means a review by the Director, Size Standards Division, on written request by an interested party of a prior size determination made by an SBA regional director or his delegate based on new information furnished with the request or upon error of such regional director or delegate in making such determination.

(t) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Area Redevelopment Act (Pub. Law 87-27, sec. 5, 75 Stat. 48).

(u) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(v) "Size determination" means a ruling by SBA that a concern is or is not, or was or was not a small business within the meaning of this part.

(w) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3-3 Organization of the Size Standards Division.

(a) *Authority.* The Director, Size Standards Division, shall:

(1) Develop and recommend small business size standards to the Administrator for promulgation;

(2) Determine the size status of concerns;

(3) Conduct industry hearings pertaining to size matters;

(4) Issue interpretations of the Size Standards Regulation;

(5) Consider and determine written petitions objecting to or requesting amendment or rescission of a published size standard;

(6) Establish procedures for the implementation of all size programs; and

(7) Perform such other related functions as may be appropriate to effectuate the SBA size program; and

(8) Determine in which industries, as set forth in the SIC Manual, products or services are classified.

(b) *Delegation of functions.* The Director, Size Standards Division, may delegate to SBA regional directors authority to make size determinations.

§ 121.3-4 Application for size determination.

(a) *Original size determinations.* (1) Applications for size determinations for any purpose shall be submitted on SBA Form 355, Application for Small Business Size Determination, in duplicate, to any SBA field office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA field office or from the Small Business Administration, Washington, D.C., 20416.

(2) In cases where a regional director has been delegated authority to determine the size status of a concern, he or his delegate shall cause the application to be reviewed to insure that all facts are stated adequately. Thereafter, the regional director or his delegate shall determine the status of the concern and shall promptly notify the applicant and other interested persons of his decision in writing.

(3) In cases where the regional director has not been delegated authority to determine the size status of a concern, he shall cause the application to be reviewed to insure that all facts are stated adequately and SBA Form 355 is completed. Thereafter, the regional director or his delegate shall transmit the SBA Form 355 and all supporting documents, together with his recommendations concerning the size status of the concern, to the Size Standards Division. The Director, Size Standards Division, shall then determine the size status of the concern. He shall promptly notify the appropriate parties of his decision in writing.

(b) *Reconsideration of size determinations.* (1) If the size determination is one authorized to be made in the first instance by a regional director or his delegate and the determination has been so made, the applicant or other interested party may request reconsideration of this determination by filing such request, together with any additional information, with the regional office in which the determination was made. The regional director or his delegate shall review the additional information and, thereafter, shall submit the request for reconsideration and the file, together with a complete SBA Form 355, to the Director, Size Standards Division, who shall decide the request for reconsideration and promptly notify the appropriate parties of his decision in writing.

(2) If the Director, Size Standards Division, has made the size determination, whether initially or after determination by the regional director or his delegate, such determination shall be final except that an appeal from such determination may be taken by following the procedure set forth in § 121.3-6.

§ 121.3-5 Protest of small business status.

(a) *How to protest.* Any responsive bidder or offerer may, prior to award, question the small business status of any apparently low bidder or offerer by sending a written protest, as defined in § 121.3-2(r), to the contracting officer responsible for the particular procurement. Any contracting officer who receives such protest or who wishes to question the small business status of a bidder or offerer himself shall forward such protest record (or submit a written protest, as defined in § 121.3-2(r)) to the SBA regional office serving the area in which the protested concern is located.

(b) *Notification of protest.* Upon receipt of such protest, the SBA regional director or his delegate shall immediately notify the contracting officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The regional director or his delegate shall also advise the protested bidder or offerer of the receipt of the protest and shall forward to the protested bidder or offerer a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by Certified Mail, Return Receipt Requested. The bidder or offerer shall be advised, in writing, that: (1) It must, within three (3) days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, (2) it must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position, and (3) if it does not submit the completed SBA Form 355, SBA will rule

that the protested concern is other than a small business.

(c) *Notification of determination.* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offerer and notify the contracting officer, the protestant, and the protested bidder or offerer of its decision within ten working days, if possible.

§ 121.3-6 Appeals.

(a) *Appeals organization.* (1) The Size Appeals Board is the representative of the Administrator for reviewing size appeals.

(2) The Size Appeals Board shall consist of at least three members designated by the Administrator, one of whom shall be designed as Chairman. Alternate members shall also be designated by the Administrator. The Size Appeals Board is authorized to conduct such proceedings as it determines appropriate to enable it to consider appeals and recommend to the Administrator decisions thereon.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be taken by any concern or other interested party which has:

(i) Protested the small business status of a concern pursuant to § 121.3-5 and whose protest has been denied by the Director, Size Standards Division;

(ii) Upon reconsideration, been denied small business status by a determination of the Director pursuant to § 121.3-4; or

(iii) Been adversely affected by a decision of the Director pursuant to §§ 121.3-4 and 121.3-5.

(2) *Where to appeal.* Written Notices of Appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C., 20416.

(3) *Time for appeal.* Because of the urgency of pending procurements, appeals in such cases shall be mailed or delivered to the Chairman, Size Appeals Board, within five (5) days after receipt of the determination of the Director, Size Standards Division. All other appeals shall be so mailed or delivered within thirty (30) days after receipt of such determination. Extension of the period within which appeals can be filed may be granted in the discretion of the Chairman of the Size Appeals Board, but only for good cause.

(4) *Grounds for appeal.* Jurisdiction of the Board shall extend only to consideration of allegations that the Director, Size Standards Division, has misapplied the published Size Standards Regulation. The Board shall not consider appeals based on an allegation that a published regulation should be changed. Requests for a change in such regulation shall be made to the Director, Size Standards Division, Small Business Administration, Washington, D.C., 20416.

(5) *Notice of appeal.* No particular form is prescribed for the Notice of Appeal. The following information shall be included therein to avoid time consuming delays and necessity for further correspondence:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of the Director, Size Standards Division, is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the Director, Size Standards Division, the contracting officer if a pending procurement is involved, and other interested parties.

(d) *Statement of interested parties.* After receipt of a copy of appellant's Notice of Appeal, interested parties may file in duplicate with the Board, a statement as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C., 20416, within five (5) days of the receipt of the copy of Notice of Appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submissions of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate provided, however, that should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

§ 121.3-7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern located in Alaska, then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas*—(1) *Business loans under the Small Business Act.* Notwithstanding any other provisions of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

§ 121.3-8 Definition of small business for Government procurement.

A small business for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth below. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved. For the purpose of a procurement of a product classified into two or more industries with a different size standards, the smallest of such size standards shall be used in determining a bidder's size status. If a procurement

calls for more than one item, the bidder must meet the size standard for each item for which it submits a bid.

(a) *Construction.* Any concern bidding on a contract for construction, alteration, or repair (including painting and decorating) of buildings, bridges, roads, or other real property is classified:

(1) As small if its average annual receipts for its preceding three fiscal years do not exceed $7½ million.

(2) As small if it is bidding on a contract for dredging and its average annual receipts for its preceding three fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, and its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(3) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(4) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3356) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. Until such time as a new definition of a small business nonmanufacturer is adopted, the definition as contained in § 121.3–8(b) (27 F.R. 9757, published October 3, 1962) shall be applicable. § 121.3–8(b): *Provided*, That "Any concern which submits a bid or offer in its own name, other than a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of subsection (a) of this section [its number of employees does not exceed 500 persons], and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; *Provided, however*, If the goods to be furnished are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), nonmanufacturers (dealers and converters) shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher."

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of § 121.3–8(b) for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of § 121.3–8(c).

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its preceding three fiscal years do not exceed $1 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for trucking (local and long distance), packing and crating, and/or freight forwarding, and its annual receipts do not exceed $3 million.

NOTE: Under present SBA policy, no concern will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line: *Provided*, That its annual receipts have not exceeded $8 million during the concern's most recently completed fiscal year: *And provided further*, No more than 50 percent of such annual receipts are directly attributable to the applicant's relationship with an interstate van line. When applying for a small business size determination, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the percentage of its annual receipts attributable to its relationship with an interstate van line.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding three fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding three fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that: (i) Is primarily engaged in the logging or forest products industry; (ii) is independently owned and operated; (iii) is not dominant in its field of operation; and, (iv) together with its affiliates, its number of employees does not exceed 250 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when: (i) It is a small business within the meaning of subparagraph (1) of this paragraph, and (ii) it agrees that it will not sell more than thirty per cent (30 per cent) of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when: (i) It meets the criteria contained in subparagraph (1) of this paragraph, and (ii) it agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA business loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Director, Size Standards Division, Washington, D.C., 20416. If an applicant for an SBA business loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which it is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates' number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding three fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,000 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,000 persons;

(4) As small if it is engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any retailing concern is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is engaged in making retail sales of groceries and fresh meats and its annual sales do not exceed $2 million;

(3) As small if it is engaged in making retail sales of new or used motor vehicles and its annual sales do not exceed $3 million;

(4) As small if it is engaged in the operation of a department store and its annual sales do not exceed $2 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is engaged in the trailer courts and parks industry and its annual receipts do not exceed $100,000: *Provided*, That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days;

(5) As small if it is engaged in owning and operating a hospital and its capacity does not exceed 100 beds (excluding cribs and bassinets);

(6) As small if it is engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital, or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million.

(e) *Shopping centers.* (1) Any concern engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal income taxes, for the preceding two fiscal years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss), and (iv) it does not lease more than 25 percent of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain, it does not have more than one million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing and crating and/or freight forwarding and its annual receipts do not exceed $3 million.

NOTE: Under present SBA policy, no concern will be denied small business status for the purpose of SBA financial assistance solely because of its contractual relationship with a large interstate van line: *Provided*, That its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year. When applying for a small business loan, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the amount of its annual receipts attributable to its relationship with an interstate van line.

(g) *Wholesale.* Any wholesaling concern is small if its annual sales do not exceed $5 million. Any wholesaling concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however*, Until a definition of a small business nonmanufacturer is adopted under § 121.3–8(c), a nonmanufacturer will be considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

(a) *Small Business Claimant.* A small business claimant for the purpose of receiving priority payment from the Secretary of the Treasury under section 213(a) of the War Claims Act of 1948, as amended, is a concern which on the date of loss, damage, or destruction was a small business concern within the meaning of § 121.3–10 in effect on October 22, 1962 (27 F.R. 9757).

(b) *Request for size determination.* The Director, Size Standards Division, shall, only upon the request of the Foreign Claims Settlement Commission of the United States, determine the size status of a claimant: *Provided, however*, That said Commission certified to SBA that the claimant qualifies under section 202(a) of the War Claims Act of 1948, as amended.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 26, 1963.

EUGENE P. FOLEY,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status o SBA business loan applicants, and as alternate standards or sections 501 and 502 loans, and SBIC assistance)

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 23—Apparel and Related Products	250
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1000
2879	Agricultural chemicals, not elsewhere classified	500
2873	Agricultural pesticides	500
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1000

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 28—Chemicals and Allied Products—Continued	
2899	Chemicals and chemical preparations, not elsewhere classified	250
2814	Cyclic (coal tar) crudes	500
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2892	Explosives	750
2894	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1000
2819	Industrial inorganic chemicals, not elsewhere classified	750
2818	Industrial organic chemicals, not elsewhere classified	1000
2816	Inorganic pigments	1000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, and enamels	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2852	Putty, calking compounds, and allied products	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1000
2822	Synthetic rubber (vulcanizable elastomers)	1000
	Major Group 29—Electrical Machinery, Equipment and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1000
3611	Electric measuring instruments and test equipment	500
3612	Electric transmission and distribution equipment, not elsewhere classified	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, not elsewhere classified	500
3699	Electrical machinery, equipment, and supplies, not elsewhere classified	500
3679	Electronic components and accessories, not elsewhere classified	500
3639	Household appliances, not elsewhere classified	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1000
3632	Household refrigerators and home and farm freezers	1000
3635	Household vacuum cleaners	750
3822	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution, and specialty transformers	750
3691	Primary batteries, dry and wet	1000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3636	Sewing machines	750
3691	Storage batteries	500

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 36—Electrical Machinery, Equipment and Supplies—Continued	
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3449	Architectural and miscellaneous metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, not elsewhere classified	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, not elsewhere classified	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated plate work (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, not elsewhere classified	250
3433	Heating equipment, except electric	500
3461	Metal stampings	1,000
3481	Miscellaneous fabricated wire products	250
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2095	Animal and marine fats and oils, except grease and tallow	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured sea foods	250
2033	Canned fruits, vegetables, preserves, jams, and jellies	500
2032	Canned specialties	1000
2043	Cereal preparations	1000
2072	Chewing gum	500
2073	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring syrups, not elsewhere classified	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, not elsewhere classified	250
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables, and specialties	500

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 20—Food and Kindred Products—Continued	
2094	Grease and tallow	250
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meat packing plants	500
2022	Natural cheese	250
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2013	Sausages and other prepared meat products	500
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750
2092	Soybean oil mills	500
2023	Special dairy products	250
2093	Vegetable oil mills, except cottonseed and soybean	1000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, not elsewhere classified	250
2519	Household furniture, not elsewhere classified	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 21—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, not elsewhere classified	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Products, Except Furniture	250
	Major Group 35—Machinery, except Electrical:	
3551	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3582	Commercial laundry, dry cleaning, and pressing machines	250
3571	Computing and accounting machines, including cash registers	1000
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3509	General industrial machinery and equipment, not elsewhere classified	250
3536	Hoists, industrial cranes, and monorail systems	50

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 35—Machinery, except Electrical—Continued	
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors, trailers, and stackers	250
3519	Internal combustion engines, not elsewhere classified	1000
3591	Machine shops, jobbing and repair	250
3545	Machine tool accessories and measuring devices	250
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3599	Machinery and parts, except electrical, not elsewhere classified	250
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metalworking machinery, except machine tools	500
3532	Mining machinery and equipment, except oil field machinery and equipment	500
3579	Office machines, not elsewhere classified	500
3533	Oil field machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service-industry machines, not elsewhere classified	250
3544	Special dies and tools, die sets, jigs and fixtures	250
3559	Special industry machinery, not elsewhere classified	250
3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas, and hydraulic turb ne generator set units	1000
3552	Textile machinery	250
3572	Typewriters	1000
3584	Vacuum cleaners, industrial	250
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3964	Candles	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes, and artificial flowers	250
3992	Furs, dressed and dyed	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry, precious metal	250
3987	Lamp shades	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified	750
3999	Manufacturing industries, not elsewhere classified	250
3953	Marking devices	250
3963	Matches	500
3988	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 39—Miscellaneous Manu. Ind.—Continued	
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, not elsewhere classified	250
3995	Umbrellas, parasols, and canes	250
	Major Group 19—Ordnance and Accessories:	
1922	Ammunition loading and assembling	250
1929	Ammunition, not elsewhere classified	250
1921	Artillery ammunition	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, not elsewhere classified	250
1941	Sighting and fire control equipment	250
1951	Small arms	1000
1961	Small arms ammunition	1000
1931	Tanks and tank components	1000
	Major Group 26—Paper and Allied Products:	
2648	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, not elsewhere classified	500
2653	Corrugated and solid fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [2]	1000
2999	Products of petroleum and coal, not elsewhere classified	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1000
3357	Drawing and insulating of nonferrous wire	1000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, not elsewhere classified	250
3392	Nonferrous forgings	250
3399	Primary metal industries, not elsewhere classified	750
3334	Primary production of aluminum	1000
3331	Primary smelting and refining of copper	1000
3332	Primary smelting and refining of lead	1000
3339	Primary smelting and refining of nonferrous metals, not elsewhere classified	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1000

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 33—Primary Metal Industries—Continued	
3315	Steel wire drawing and steel nails and spikes	1000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific, and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, not elsewhere classified	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1000
3011	Tires and inner tubes	1000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete brick and block	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware) table and kitchen articles	500
3211	Flat glass	1000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, not elsewhere classified	250
3264	Porcelain electrical supplies	500
3269	Pottery products, not elsewhere classified	250
3229	Pressed and blown glass and glassware, not elsewhere classified	750
3273	Ready mixed concrete	250
3293	Steam and other packing, and pipe and boiler covering	500
3259	Structural clay products, not elsewhere classified	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized	250
2211	Broad woven fabric mills, cotton	1000
2221	Broad woven fabric mills, man-made fiber and silk	500
2231	Broad woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, not elsewhere classified	500
2298	Cordage and twine	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 22—Textile Mill Products—Continued	
2269	Dyeing and finishing textiles, not elsewhere classified	250
2391	Felt goods, except woven felts and hats	250
2261	Finishers of broad woven fabrics of cotton	500
2262	Finishers of broad woven fabrics of man-made fiber and silk	500
2251	Full fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, not elsewhere classified	250
2292	Lace goods	250
2241	Narrow fabrics and other smallwares mills: cotton, wool, silk, and man-made fiber	250
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, not elsewhere classified	250
2284	Thread mills	500
2296	Tire cord and fabric	1000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures.	
2111	Cigarettes	1000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment.	
3721	Aircraft	1000
3722	Aircraft engines and engine parts	1000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified	1000
3728	Aircraft propellers and propeller parts	1000
3732	Boat building and repairing	250
3741	Locomotives and parts	1000
3717	Motor vehicles and parts [2]	1000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Ship building and repairing	1000
3791	Trailer coaches	250
3799	Transportation equipment, not elsewhere classified	250
3713	Truck and bus bodies	500
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT

MANUFACTURING

Census Classification Code	Industry	Employment Size Standard (Number of Employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1000
1931	Tanks and tank components	1000
1951	Small arms	1000
1961	Small arms ammunition	1000
	Major Group 20—Food and Kindred Products:	
2032	Canned specialties	1000
2043	Cereal preparations	1000
2046	Wet corn milling	750
2052	Biscuit, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1000
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750
	Major Group 21—Tobacco Manufactures	
2111	Cigarettes	1000
	Major Group 22—Textile Mill Products:	
2211	Broad woven fabric mills, cotton	1000
2271	Woven carpets and rugs	750
2296	Tire cord and fabric	1000
	Major Group 26—Paper and Allied Products:	
2611	Pulp mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2654	Sanitary food containers	750
2661	Building paper and building board mills	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1000
2813	Industrial gases	1000
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2816	Inorganic pigments	1000
2818	Industrial organic chemicals, not elsewhere classified	1000
2819	Industrial inorganic chemicals, not elsewhere classified	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2822	Synthetic rubber (vulcanizable elastomers)	1000
2823	Cellulose man-made fibers	1000
2824	Synthetic organic fibers, except cellulosic	1000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2841	Soap and other detergents, except specialty cleaners	750
2892	Explosives	750
	Major Group 29—Petroleum Refining and Related Industries:	
2911	Petroleum refining [3]	1000
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and inner tubes	1000
3021	Rubber footwear	1000
3031	Reclaimed rubber	750
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1000
3221	Glass containers	750

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 32—Stone, Clay, and Glass Products—Con.	
3229	Pressed and blown glass and glassware, not elsewhere classified	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1000
3316	Cold rolled sheet, strip and bars	1000
3317	Steel pipe and tubes	1000
3331	Primary smelting and refining of copper	1000
3332	Primary smelting and refining of lead	1000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1000
3339	Primary smelting and refining of nonferrous metals, not elsewhere classified	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1000
3399	Primary metal industries, not elsewhere classified	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, except Electrical:	
3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1000
3519	Internal combustion engines, not elsewhere classified	1000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3571	Computing and accounting machines, including cash registers	1000
3572	Typewriters	1000
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

Census classification Code	Industry	Employment size standard (number of employees) [1]
	Major Group 36—Electrical Machinery, Equipment and Supplies—Continued	
3633	Household laundry equipment	1000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus	750
3671	Radio and television receiving type electron tubes, except cathode ray	1000
3672	Cathode ray picture tubes	750
3673	Transmitting, industrial, and special purpose electron tubes	750
3692	Primary batteries, dry and wet	1000
3694	Electrical equipment for internal combustion engines	750
	Major Group 37—Transportation Equipment:	
3717	Motor vehicles and parts [2]	1000
3721	Aircraft [4]	1000
3722	Aircraft engines and engine parts	1000
3723	Aircraft propellers and propeller parts	1000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified [4]	1000
3731	Ship building and repairing	1000
3741	Locomotives and parts	1000
3742	Railroad and street cars	50
	Major Group 39—Miscellaneous Manufacturing Industries:	
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[F.R. Doc. 64-8; Filed, Jan. 3, 1964; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Revisions

All relevant matters presented by interested persons regarding the proposed revisions of Parts 1, 3 and 5, Title 29, Code of Federal Regulations, published in the FEDERAL REGISTER at 27 F.R. 10761 have been carefully considered. After such consideration and pursuant to R.S. 161 (5 U.S.C. 22), section 2 of the Act of June 13, 1934 (48 Stat. 948; 40 U.S.C. 276c), section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 89; 29 U.S.C. 258), and Reorganization Plan No. 14 of 1950 (3 CFR 1949–53 Comp., p. 1007), Title 29 of the Code of Federal Regulations is hereby amended by revising Parts 1, 3 and 5 thereof in the manner indicated below.

The principal changes accomplished by the revisions are designed:

(1) To facilitate the administration of the prevailing wage provisions of the Davis-Bacon Act and its related statutes by making wage determinations effective for 120 calendar days from the date of their issuance, by providing a uniform procedure for the establishment of wage rates for classifications not included in wage determinations, and by giving the administering agencies more time for implementing changes in wage determinations.

(2) To improve the prevailing wage determination process by providing for the submission of pertinent information by the agencies requesting wage determinations.

(3) To improve the so-called Copeland "anti-kickback" regulations by eliminating the necessity of requests for permission to make payroll deductions in those instances where experience has shown that the policy and provisions of the Copeland Act will not be impeded.

(4) To aid the coordination of the administration of the labor standards provisions of the various statutes subject to Reorganization Plan No. 14 of 1950 and to help improve consistency in their enforcement by providing new reporting procedures.

(5) To improve the debarment provisions under Reorganization Plan No. 14 of 1950 by providing for a flexible period of debarment up to three years and by providing for removal from the debarred bidders list upon a demonstration of current responsibility.

(6) To improve the debarment procedure by publishing applicable rules.

(7) To provide for discretionary review by the Wage Appeals Board [created by a delegation of authority published in the FEDERAL REGISTER on this date] of wage determinations, debarment actions, assessments of liquidated damages under the Contract Work Hours Standards Act, and decisions otherwise made after hearings provided for in 29 CFR Parts 1 and 5.

These revisions shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER.

Part 1 of Title 29 of the Code of Federal Regulations is revised as follows:

PART 1—PROCEDURE FOR PREDETERMINATION OF WAGE RATES

Sec.

1.1 Purpose and scope.
1.2 Definitions.
1.3 Obtaining and compiling wage rate information.
1.4 Outline of agency construction programs.
1.5 Determination of wage rates.
1.6 Scope of consideration.
1.7 Field survey.
1.8 Hearings.
1.9 Prehearing conferences.
1.10 Hearing Examiner's proposed decision.
1.11 Submission of Hearing Examiner's proposed decision to interested persons.
1.12 Exceptions of interested persons.
1.13 Final decision.
1.14 Review by Wage Appeals Board.
1.15 Public information.

AUTHORITY: The provisions of this part issued under R.S. 161, 64 Stat. 1267; sec. 2, 48 Stat. 948; sec. 10, 61 Stat. 89; 5 U.S.C. 22, 133z–15; 40 U.S.C. 276c; 29 U.S.C. 258. Interpret or apply sec. 1, 46 Stat. 1494, 49 Stat. 1011; sec. 212 added to c. 647, 48 Stat. 1246 by sec. 14, 53 Stat. 807; sec. 602, added to c. 94, 64 Stat. 77 at 73 Stat. 681; sec. 2, 60 Stat. 1041; sec. 15, 60 Stat. 178; sec. 307(f); 63 Stat. 430; sec. 205, 64 Stat. 973; sec. 310, 65 Stat. 307; sec. 201, 64 Stat. 1248; sec. 3, 72 Stat. 532; sec. 108, 72 Stat. 895; sec. 6, 62 Stat. 1158; sec. 15, 75 Stat. 714; sec. 21, 75 Stat. 613; sec. 15, 75 Stat. 688; sec. 721, 77 Stat. 167; secs. 101, 122, 135, 205, 77 Stat. 282, 284, and 288. 40 U.S.C. 276a; 12 U.S.C. 1701q, 1715c, 1749a; 42 U.S.C. 291h, 1416,

1450, 1502; 29 U.S.C. 1114, 20 U.S.C. 636; 23 U.S.C. 113; 50 U.S.C. App. 2281; 33 U.S.C. 406e.

§ 1.1 Purpose and scope.

The regulations contained in this part set forth the procedure for the determination of wage rates pursuant to each of the following acts: Davis-Bacon Act, National Housing Act, Hospital Survey and Construction Act, Federal Airport Act, Housing Act of 1949, School Survey and Construction Act of 1950, Defense Housing and Community Facilities and Services Act of 1951, Federal-Aid Highway Act of 1956, Federal Civil Defense Act of 1950, College Housing Act of 1950, Federal Water Pollution Control Act, Area Redevelopment Act, Delaware River Basin Compact, Housing Act of 1959, and Health Professions Educational Assistance Act of 1963, Mental Retardation Facilities Construction Act, Community Mental Health Centers Act, and such other statutes as may, from time to time, confer upon the Secretary of Labor similar wage determining authority.

§ 1.2 Definitions.[1]

(a) The term "prevailing wage rate" for each classification of laborers and mechanics which the Solicitor shall regard as prevailing in an area shall mean:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification in construction in the area similar to the proposed undertaking;

(2) In the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided*, Such greater number constitutes 30 percent of those employed; or

(3) In the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) The term "area" in determining wage rates under the Davis-Bacon Act and the prevailing wage provisions of the other statutes listed in § 1.1 shall mean the city, town, village, or other civil subdivision of the State in which the work is to be performed. In determining wage rates pursuant to section 115 of the Federal-Aid Highway Act of 1956, the College Housing Act of 1950, and the Federal Water Pollution Control Act, the term "area" shall mean immediate locality of the proposed project.

(c) The term "average rate" for each classification in an area shall mean the rate obtained by adding the hourly rates paid to all workers in the classification and dividing by the total number of such workers.

(d) The term "Solicitor" shall mean the Solicitor of Labor.

§ 1.3 Obtaining and compiling wage rate information.

For the purpose of making wage rate determinations, the Solicitor shall conduct a continuing program for the obtaining and compiling of wage rate information.

(a) The Solicitor shall encourage the voluntary submission of wage rate data by contractors, contractors' associations, labor organizations, public officials, and other interested parties, reflecting wage rates paid to laborers and mechanics on various types of construction in the area. Rates must be determined, among others, for such varying types of projects as buildings, bridges, dams, highways, tunnels, sewers, power lines, railways, airports (buildings and runways), apartment houses, wharves, levees, canals, dredging, land-clearing and excavating. Accordingly, the information submitted should reflect not only that the specified wage rate or rates are paid to a particular craft in an area, but also the type or types of construction on which such rate or rates are paid.

(b) The following types of information will be considered in making wage rate determinations:

(1) Statements showing wage rates paid on projects. (Such statements should indicate the names and addresses of contractors, including subcontractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed in each classification on each project, and the respective wage rates paid such workers.);

(2) Signed collective bargaining agreements. (The Solicitor may request the parties to an agreement to submit statements certifying to its scope and application.);

(3) Wage rates determined for public construction by state and local officials pursuant to prevailing wage legislation;

(4) Information furnished by Federal and State agencies. See § 5.3 of this subtitle. (In making wage rate determinations pursuant to section 115 of the Federal-Aid Highway Act of 1956, the Solicitor shall consult with the highway department of the State in which a project in the Interstate System is to be performed. Before making a determination of wage rates for such a project he shall give due regard to the information thus obtained.);

(5) Any other information pertinent to the determination of prevailing wage rates.

(c) The Solicitor shall supplement such information obtained on a voluntary basis by such means, including the holding of hearings, and from whatever sources he deems necessary.

§ 1.4 Outline of agency construction programs.

To the extent practicable, at the beginning of each fiscal year each agency using wage determinations under any of the various statutes listed in § 1.1 shall furnish the Solicitor with a general outline of its proposed construction programs for the coming year indicating the estimated number of projects for which wage determinations will be required, the anticipated types of construction, and the locations of construction. During the fiscal year, each agency shall notify the Solicitor of any significant changes in its proposed construction programs, as outlined at the beginning of the fiscal year.

§ 1.5 Determination of wage rates.

In the event that the data compiled under § 1.3 is sufficient to determine the prevailing wage rates the Solicitor shall make a determination as to the wage rates prevailing in the area.

§ 1.6 Scope of consideration (exclusive of wage rate determinations made pursuant to the Federal-Aid Highway Act of 1956, which shall be made in accordance with § 1.3(b)(4) of this part).

(a) In making a wage rate determination projects completed more than one year prior to the date of request for the determination may, but need not be considered.

(b) If there has been no similar construction within the area in the past year, wage rates paid on the nearest similar construction may be considered.

§ 1.7 Field survey.

Whenever the Solicitor deems that the data at hand are insufficient to make a determination with respect to all the crafts necessary to perform the proposed construction work, he may have a field survey conducted in the area of the proposed project for the purpose of obtaining sufficient information upon which to make a determination of wage rates.

§ 1.8 Hearings.

Whenever he deems it necessary because of insufficiency of information or impracticality of a field survey, or both, the Solicitor may direct a hearing to be held. He shall designate a hearing examiner who shall, after notice to all interested persons, proceed to the project area and make such investigations and conduct such hearings as may be necessary to make a determination of wage rates for the project.

§ 1.9 Pre-hearing conferences.

When it appears that a pre-hearing conference will expedite proceedings, the examiner prior to the hearing may request interested persons to attend a conference to consider such matters as may expedite the hearing.

§ 1.10 Hearing examiner's proposed decision.

The hearing examiner shall make a written proposed decision in which he shall:

(a) State the procedure that he has followed;

(b) Summarize briefly the evidence and information that he has received;

(c) Analyze the evidence and information;

(d) Draft a proposed decision for the Solicitor's consideration.

§ 1.11 Submission of hearing examiner's proposed decision to interested persons.

A copy of the hearing examiner's proposed decision shall be mailed to each interested person appearing at the hearing.

§ 1.12 Exceptions of interested persons.

Any interested person may within 5 days after receipt of the hearing examiner's proposed decision file his exceptions thereto. Such exceptions shall be filed with the Chief Hearing Examiner, U.S. Department of Labor, Washington 25, D.C., for transmission to the Solicitor.

[1] These definitions are not intended to restrict the meaning of the terms as used in the applicable statutes.

§ 1.13 Decision of Solicitor.

The Solicitor shall rule upon any exceptions filed under § 1.12, and shall make a determination as to the prevailing wage rates for the project.

§ 1.14 Review by Wage Appeals Board.

Any interested person may appeal to the Wage Appeals Board for a review of a determination of wage rates by the Solicitor under this part, or any findings and conclusions made on the record of any hearings held under § 1.3(c). Any such appeal may, in the discretion of the Wage Appeals Board, be received, accepted, and decided in accordance with such procedures as the Board may establish.

§ 1.15 Public information.

Papers and documents containing information furnishing the basis for any determination of wage rates shall be available for public inspection under the procedure prescribed in § 2.6(a) of this subtitle. Copies of such papers and documents may be obtained without regard to the procedure prescribed in § 2.9 of this subtitle. The application of these procedures shall ensure that disclosure of the relevant information will be made in a manner which will not be detrimental to the public interest or to any person voluntarily submitting information who requested that such information be held confidential.

2. Part 3 of Title 29 of the Code of Federal Regulations is revised as follows:

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING OR PUBLIC WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

Sec.
- 3.1 Purpose and scope.
- 3.2 Definitions.
- 3.3 Weekly statement with respect to payment of wages.
- 3.4 Submission of weekly statements and the preservation and inspection of weekly payroll records.
- 3.5 Payroll deductions permissible without application or approval of the Secretary of Labor.
- 3.6 Payroll deductions permissible with the approval with the Secretary of Labor.
- 3.7 Applications for the approval of the Secretary of Labor.
- 3.8 Action by the Secretary of Labor upon applications.
- 3.9 Prohibited payroll deductions.
- 3.10 Methods of payment of wages.
- 3.11 Regulations part of contract.

AUTHORITY: The provisions of this part issued under R.S. 161, sec. 2, 48 Stat. 948; Reorg. Plan No. 14 of 1950, 64 Stat. 1267; 5 U.S.C. 22, 133z-note; 40 U.S.C. 276c.

§ 3.1 Purpose and scope.

This part prescribes "anti-kickback" regulations under section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c), popularly known as the Copeland Act. This part applies to any contract which is subject to Federal wage standards and which is for the construction, prosecution, completion, or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States. The part is intended to aid in the enforcement of the minimum wage provisions of the Davis-Bacon Act and the various statutes dealing with Federally-assisted construction that contain similar minimum wage provisions, including those provisions which are not subject to Reorganization Plan No. 14 (e.g., the College Housing Act of 1950, the Federal Water Pollution Control Act, and the Housing Act of 1959), and in the enforcement of the overtime provisions of the Contract Work Hours Standards Act whenever they are applicable to construction work. The part details the obligation of contractors and subcontractors relative to the weekly submission of statements regarding the wages paid on work covered thereby; sets forth the circumstances and procedures governing the making of payroll deductions from the wages of those employed on such work; and delineates the methods of payment permissible on such work.

§ 3.2 Definitions.

As used in the regulations in this part:

(a) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include, without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, powerlines, pumping stations, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals; dredging, shoring, scaffolding, drilling, blasting, excavating, clearing, and landscaping. Unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, the manufacture or furnishing of materials, articles, supplies, or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part.

(b) The terms "construction," "prosecution," "completion," or "repair" mean all types of work done on a particular building or work at the site thereof, including, without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor.

(c) The terms "public building" or "public work" include building or work for whose construction, prosecution, completion, or repair, as defined above, a Federal agency is a contracting party, regardless of whether title thereof is in a Federal agency.

(d) The term "building or work financed in whole or in part by loans or grants from the United States" includes building or work for whose construction, prosecution, completion, or repair, as defined above, payment or part payment is made directly or indirectly from funds provided by loans or grants by a Federal agency. The term does not include building or work for which Federal assistance is limited solely to loan guarantees or insurance.

(e) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work or building or work financed in whole or in part by loans or grants from the United States is "employed" and receiving "wages," regardless of any contractual relationship alleged to exist between him and the real employer.

(f) The term "any affiliated person" includes a spouse, child, parent, or other close relative of the contractor or subcontractor; a partner or officer of the contractor or subcontractor; a corporation closely connected with the contractor or subcontractor as parent, subsidiary, or otherwise, and an officer or agent of such corporation.

(g) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities.

§ 3.3 Weekly statement with respect to payment of wages.

(a) As used in this section, the term "employee" shall not apply to persons in classifications higher than that of laborer or mechanic and those who are the immediate supervisors of such employees.

(b) Each contractor or subcontractor engaged in the construction, prosecution, completion, or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from the United States, shall furnish each week a statement with respect to the wages paid each of its employees engaged on work covered by these regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages, and shall be in the following form:

WEEKLY STATEMENT OF COMPLIANCE

_____, 19____

I, _____, _____
(Name of signatory party) (Title)
do hereby state:

(1) That I pay or supervise the payment of the persons employed by _____ (Contractor or subcontractor) on the _____ (Building or work); that during the payroll period commencing on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____, all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said _____ (Contractor or subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Part 3), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

(Paragraph describing deductions, if any)

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the [Bureau of Apprenticeship and Training,] United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

_____ (Signature and title)

Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure) shall apply to such statement as provided at 72 Stat. 967 (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or fraudulent statement of entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned not more than five years, or both).

(c) The requirements of this section shall not apply to any contract of $2,000 or less.

(d) Upon a written finding by the head of a Federal agency, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements of this section subject to such conditions as the Secretary of Labor may specify.

§ 3.4 Submission of weekly statements and the preservation and inspection of weekly payroll records.

(a) Each weekly statement required under § 3.3 shall be delivered by the contractor or subcontractor, within seven days after the regular payment date of the payroll period, to a representative of a Federal or State agency in charge at the site of the building or work, or, if there is no representative of a Federal or State agency at the site of the building or work, the statement shall be mailed by the contractor or subcontractor, within such time, to a Federal or State agency contracting for or financing the building or work. After such examination and check as may be made, such statement, or a copy thereof, shall be kept available, or shall be transmitted together with a report of any violation, in accordance with applicable procedures prescribed by the United States Department of Labor.

(b) Each contractor or subcontractor shall preserve his weekly payroll records for a period of three years from date of completion of the contract. The payroll records shall set out accurately and completely the name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid. Such payroll records shall be made available at all times for inspection by the contracting officer or his authorized representative, and by authorized representatives of the Department of Labor.

§ 3.5 Payroll deductions permissible without application to or approval of the Secretary of Labor.

Deductions made under the circumstances or in the situations described in the paragraphs of this section may be made without application to and approval of the Secretary of Labor:

(a) Any deduction made in compliance with the requirements of Federal, State, or local law, such as Federal or State withholding income taxes and Federal social security taxes.

(b) Any deduction of sums previously paid to the employee as a bona fide prepayment of wages when such prepayment is made without discount or interest. A "bona fide prepayment of wages" is considered to have been made only when cash or its equivalent has been advanced to the person employed in such manner as to give him complete freedom of disposition of the advanced funds.

(c) Any deduction of amounts required by court process to be paid to another, unless, the deduction is in favor of the contractor, subcontractor, or any affiliated person, or when collusion or collaboration exists.

(d) Any deduction constituting a contribution on behalf of the person employed to funds established by the employer or representatives of employees, or both, for the purpose of providing either from principal or income, or both, medical or hospital care, pensions or annuities or retirement, death benefits, compensation for injuries, illness, accidents, sickness, or disability, or for insurance to provide any of the foregoing, or unemployment benefits, vacation pay, savings accounts, or similar payments for the benefit of employees, their families and dependents: *Provided, however,* That the following standards are met: (1) The deduction is not otherwise prohibited by law; (2) it is either: (i) Voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of or for the continuation of employment, or (ii) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees; (3) no profit or other benefit is otherwise obtained, directly or indirectly, by the contractor or subcontractor or any affiliated person in the form of commission, dividend, or otherwise; and (4) the deductions shall serve the convenience and interest of the employee.

(e) Any deduction contributing toward the purchase of United States Defense Stamps and Bonds when voluntarily authorized by the employee.

(f) Any deduction requested by the employee to enable him to repay loans to or to purchase shares in credit unions organized and operated in accordance with Federal and State credit union statutes.

(g) Any deduction voluntarily authorized by the employee for the making of contributions to governmental or quasi-governmental agencies, such as the American Red Cross.

(h) Any deduction voluntarily authorized by the employee for the making of contributions to Community Chests, United Givers Funds, and similar charitable organizations.

(i) Any deductions to pay regular union initiation fees and membership dues, not including fines or special assessments: *Provided, however,* That a collective bargaining agreement between the contractor or subcontractor and representatives of its employees provides for such deductions and the deductions are not otherwise prohibited by law.

(j) Any deduction not more than for the "reasonable cost" of board, lodging, or other facilities meeting the requirements of section 3(m) of the Fair Labor Standards Act of 1938, as amended, and Part 531 of this title. When such a deduction is made the additional records required under § 516.25(a) of this title shall be kept.

§ 3.6 Payroll deductions permissible with the approval of the Secretary of Labor.

Any contractor or subcontractor may apply to the Secretary of Labor for permission to make any deduction not permitted under § 3.5. The Secretary may grant permission whenever he finds that:

(a) The contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction either in the form of a commission, dividend, or otherwise;

(b) The deduction is not otherwise prohibited by law;

(c) The deduction is either (1) voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of employment or its continuance, or (2) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees; and

(d) The deduction serves the convenience and interest of the employee.

§ 3.7 Applications for the approval of the Secretary of Labor.

Any application for the making of payroll deductions under § 3.6 shall comply with the requirements prescribed in the following paragraphs of this section:

(a) The application shall be in writing and shall be addressed to the Secretary of Labor.

(b) The application shall identify the contract or contracts under which the work in question is to be performed. Permission will be given for deductions only on specific, identified contracts, except upon a showing of exceptional circumstances.

(c) The application shall state affirmatively that there is compliance with the standards set forth in the provisions of § 3.6. The affirmation shall be accompanied by a full statement of the facts indicating such compliance.

(d) The application shall include a description of the proposed deduction, the purpose to be served thereby, and the classes of laborers or mechanics from whose wages the proposed deduction would be made.

(e) The application shall state the name and business of any third person to whom any funds obtained from the proposed deductions are to be transmitted and the affiliation of such person, if any, with the applicant.

§ 3.8 Action by the Secretary of Labor upon applications.

The Secretary of Labor shall decide whether or not the requested deduction is permissible under provisions of § 3.6; and shall notify the applicant in writing of his decision.

§ 3.9 Prohibited payroll deductions.

Deductions not elsewhere provided for by this part and which are not found to be permissible under § 3.6 are prohibited.

§ 3.10 Methods of payment of wages.

The payment of wages shall be by cash, negotiable instruments payable on demand, or the additional forms of compensation for which deductions are permissible under this part. No other methods of payment shall be recognized on work subject to the Copeland Act.

§ 3.11 Regulations part of contract.

All contracts made with respect to the construction, prosecution, completion, or repair of any public building or public work or building or work financed in whole or in part by loans or grants from the United States covered by the regulations in this part shall expressly bind the contractor or subcontractor to comply with such of the regulations in this part as may be applicable. In this regard, see § 5.5(a) of this subtitle.

3. Part 5 of Title 29, Code of Federal Regulations, is revised as follows:

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION [1]

Sec.
5.1 Purpose and scope.
5.2 Definitions.
5.3 Procedure for requesting wage determinations.
5.4 Use and effectiveness of wage determinations.
5.5 Contract provisions and related matters.
5.6 Enforcement.
5.7 Reports to the Secretary of Labor.
5.8 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.
5.9 Suspension of funds.
5.10 Restitution; criminal action.
5.11 Department of Labor investigations; hearings.
5.12 Rulings and interpretations.
5.13 Variations, tolerances, and exemptions from Parts 1 and 3 of this subtitle and this part.
5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

AUTHORITY: The provisions of this part issued under R.S. 161, Reorg. Plan No. 14 of 1950, 64 Stat. 1267; sec. 2, 48 Stat. 948; sec. 10, 61 Stat. 89; 5 U.S.C. 22, 133z–15 note, 29 U.S.C. 258; 40 U.S.C. 276c.

§ 5.1 Purpose and scope.

(a) The regulations contained in this part are promulgated in order to coordinate the administration and enforcement of the labor standards provisions of each of the following acts by the Federal agencies responsible for their administration and such additional statutes as may from time to time confer upon the Secretary of Labor additional duties and responsibilities similar to those conferred upon him under Reorganization Plan No. 14 of 1950:

The Davis-Bacon Act (40 U.S.C. 276a–276a–7), and as extended to the Federal-Aid Highway Act of 1956 (23 U.S.C. 113).
Copeland Act (40 U.S.C. 276c).
The Contract Work Hours Standards Act (40 U.S.C. 327–330).
National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715(d) (3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h–2, 1750g).
Hospital Survey and Construction Act (42 U.S.C. 291h).
Federal Airport Act (49 U.S.C. 1114).
Housing Act of 1949 (42 U.S.C. 1459).
School Survey & Construction Act of 1950 (20 U.S.C. 636).
Defense Housing & Community Facilities & Services Act of 1951 (42 U.S.C. 15921).
United States Housing Act of 1937 (42 U.S.C. 1416).
Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281).
Area Redevelopment Act (42 U.S.C. 2518).
Delaware River Basin Compact (sec. 15.1, 75 Stat. 714).
Health Professions Educational Assistance Act of 1963 (sec. 721, 77 Stat. 167).
Mental Retardation Facilities Construction Act (secs. 101, 122, 135, 77 Stat. 282, 284, 288).
Community Mental Health Centers Act (sec. 205, 77 Stat. 292).

[1] Also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours Standards Act.

(b) Sections 5.3 and 5.4 contain the Department's procedural rules governing requests for wage determinations under the Davis-Bacon Act and its related statutes listed in § 1.1 of this subtitle and the use of such wage determinations.

§ 5.2 Definitions.

As used in this part:

(a) The term "Agency Head" means the principal official of the Federal Agency and includes those persons duly authorized to act in his behalf;

(b) The term "Contracting Officer" means the individual, his duly appointed successor, or his authorized representative who is designated and authorized to enter into contracts on behalf of the Federal agency, or other administering agency;

(c) The term "Apprentices" means persons who are indentured and employed in a bona fide apprenticeship program and individually registered by the program sponsor with a State Apprenticeship Agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no recognized Agency exists in a State, in a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor;

(d) The term "wage determination" includes the original decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original decision, issued prior to the award of the construction contract, except that under the National Housing Act changes in the decision shall be effective if made at any time prior to the beginning of construction. The use of the wage determination shall be subject to the provisions of § 5.4;

(e) The term "contract" means any contract within the scope of the labor standards provisions of any of the acts listed in § 5.1 and which is entered into for the actual construction, alteration and/or repair, including painting and decorating, of a public building or public work, or building or work financed in whole or in part from Federal funds or in accordance with guarantees of a Federal agency or financed from funds obtained by pledge of any contract of a Federal agency to make a loan, grant or annual contribution, except where a different meaning is expressly indicated;

(f) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include without limitation, buildings, structures, and improvements of all types, such as

bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, excavating, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project.

(g) The terms "construction", "prosecution", "completion", or "repair" mean all types of work done on a particular building or work at the site thereof or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project, including without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work, or under the United States Housing Act of 1937 and the Housing Act of 1949 in the construction or development of the project, by persons employed by the contractor or subcontractor. A mere token beginning of the work shall not be deemed to be the "beginning of construction" as that term is used in the National Housing Act.

(h) The term "public building" or "public work" includes building or work, the construction, prosecution, completion, or repair of which, as defined above, is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether title thereof is in a Federal agency. However, the term "initial construction" in the Federal-Aid Highway Act of 1956 does not include repair or maintenance work.

(i) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work, or building or work financed in whole or in part by loans, grants, or guarantees from the United States, is "employed" and receiving "wages", regardless of any contractual relationship alleged to exist.

(j) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities.

§ 5.3 Procedure for requesting wage determinations.

(a)(1) The Federal Agency (or State Highway Department under the Federal-Aid Highway Act of 1956) shall initially request a wage determination under the Davis-Bacon Act or any of its related prevailing wage statutes by submitting to the Solicitor of Labor, United States Department of Labor, Washington 25, D.C., a completed Department of Labor Form DB–11 or DB–11(a), whichever form is appropriate. These forms are available from the Office of the Solicitor, United States Department of Labor. The agency shall check only those classifications on DB–11 and DB–11(a) which will be needed in the performance of the work (inserting a note such as "entire schedule" or "all applicable classifications" is not sufficient). Additional classifications needed which are not on the form may be typed in the blank spaces or on a separate list and attached to the form. The agency shall not list classifications which can be fitted into classifications on the form, or classifications which are not generally recognized in the area or in the construction industry.

(2) In completing Form DB–11 or DB–11(a), the agency shall furnish:

(i) A sufficiently detailed description of the work to indicate whether heavy, highway, or building construction, or any other type of construction is involved. Additional description or separate attachment, if necessary for identification of type of project, shall be furnished.

(ii) Location of the proposed project (include distance in miles and direction from the nearest point of reference).

(iii) The agency's evaluation as to whether the project is a building, heavy, highway or other type of construction project.

(3) Such request for a wage determination shall be accompanied by any pertinent wage payment information, which may be available. This information need not accompany a request in areas where the wage patterns are clearly established. When the requesting agency is a State Highway Department under the Federal-Aid Highway Act of 1956, such agency shall also include its recommendations as to the wages which are prevailing for each classification of laborers and mechanics on similar construction in the immediate locality.

(b) Whenever the wage patterns in a particular area for a particular type of construction are well settled and whenever the agency anticipates a large volume of procurement in that area for such a type of construction, it may request the issuance of a general wage determination for use on individual contracts for that type of construction in that area. In his discretion, the Secretary of Labor may issue such a general wage determination when, after consideration of the facts and circumstances involved, he finds that the applicable statutory standards and those of Part 1 of this subtitle will be met.

(c) The time required for processing requests for wage determinations varies according to the facts and circumstances in each case. An agency should anticipate that such processing in the Department of Labor will take at least 30 days.

§ 5.4 Use and effectiveness of wage determinations.

(a) Wage determinations initially issued shall be effective for 120 calendar days from the date of such determinations. If such a wage determination is not used in the period of its effectiveness, it is void. If it appears that a wage determination may expire between bid opening and award, the agency should request a new wage determination sufficiently in advance of the bid opening to assure receipt prior thereto. However, when due to unavoidable circumstances a determination expires before award and after bid opening, the Solicitor upon a written finding to that effect by the Head of the Federal Agency in individual cases may extend the expiration date of a determination whenever he finds it necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment in the conduct of Government business.

(b) All actions modifying an original wage determination prior to the award of the contract or contracts for which the determination was sought shall be applicable thereto, but modifications received by the Federal agency (in the case of the Federal-Aid Highway Act of 1956, the State Highway Department of each State) later than 10 days before the opening of bids shall not be effective. Similarly, in the case of contracts entered into pursuant to the National Housing Act, changes or modifications in the original determination shall be effective if made prior to the beginning of construction, but shall not apply after the mortgage is initially endorsed by the Federal agency. A modification in no case will continue in effect beyond the effective period of the wage determination to which it relates.

(c) Upon his own initiative or the request of a Federal agency (or a State Highway Department under the Federal-Aid Highway Act of 1956), the Secretary shall correct any wage determination included in a contract subject to the minimum wage provisions of the statutes listed in § 1.1 of this subtitle whenever he finds such a wage determination contains clerical errors.

§ 5.5 Contract provisions and related matters.

(a) The Agency Head shall cause or require to be inserted in full in any contract subject to the labor standards provisions of any of the acts listed in § 5.1, except those subject only to the Contract Work Hours Standards Act, the following clauses or any modifications thereof to meet the particular needs of the agency if first approved by the Department of Labor:

(1) *Minimum wages.*

(i) All mechanics and laborers employed or working upon the site of the work, or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(ii) The contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the Federal agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the contracting officer shall be referred to the Secretary for final determination.

(2) *Withholding.*

The [write in name of Federal agency] may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic employed or working on the site of the work, or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, all or part of the wages required by the contract, the [Agency] may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) *Payrolls and payroll records.*

(i) Payrolls and basic payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work, or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

(ii) The contractor will submit weekly a copy of all payrolls to the [write in name of appropriate Federal agency] if the agency is a party to the contract but if the agency is not such a party the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the [write in name of agency]. The copy shall be accompanied by a statement indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance" which is required under this contract and the Copeland regulations of the Secretary of Labor (29 CFR, Part 3) shall satisfy this requirement. The contractor will make his employment records available for inspection by authorized representatives of the [write in name of agency] and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(4) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually, under a bone fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classified of work he actually performed. The contractor or subcontractor will be required to furnish written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, prior to using any apprentices on the contract work.

(5) *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

(6) *Subcontracts.* The contractor will insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (5) and (7) and such other clauses as the (write in the name of Federal agency) may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(7) *Contract termination; debarment.* A breach of clauses (1) through (6) may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

(b) In the construction of a dwelling or dewellings insured under 12 U.S.C. 1715v or 1715w, compliance with the requirements of paragraph (a) of this section may be waived by the Federal Housing Commissioner in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without full compensation for the project, voluntarily donate their construction and the Federal Housing Commissioner determines that any amounts saved thereby are fully credited to the nonprofit corporation, association, or other organization undertaking the construction.

(c) The Agency Head shall cause or require the following clauses set forth in subparagraphs (1), (2), (3) and (4) of this paragraph to be included in full in any contract subject to the Contract Work Hours Standards Act. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in subparagraph (1), the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the clause set forth in subparagraph (1), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1).

(3) *Withholding for unpaid wages and liquidated damages.* The (write in the name of the Federal agency) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in subparagraph (2).

(4) *Subcontracts.* The contractor shall insert in any subcontracts the clauses set forth in subparagraphs (1), (2), and (3) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(d) In any contract required to contain the withholding clause set forth in subparagraph (2) of paragraph (a) of this section, the Federal Agency may modify the clause in subparagraph (3) of paragraph (c) of this section so as to refer only to the withholding and determination of sums for liquidated damages.

(e) In any contract subject only to the Contract Work Hours Standards Act and not to any of the other statutes cited in § 5.1, the Agency Head shall cause or require to be inserted a clause requiring the maintenance of records containing the information specified in § 516.2(a) of this subtitle. Records containing such information shall be preserved for a period of three years from the completion of the contract.

(f) In contracts subject to section 803 of the National Housing Act, the Agency Head shall cause or require inclusion of the following clause: Every laborer and mechanic employed by the contractor or any subcontractor engaged in the construction of the project shall receive compensation at a rate of not less than one and one-half times his basic or regular rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be.

§ 5.6 Enforcement.

(a) (1) It shall be the responsibility of the Federal agency to ascertain whether the clauses required by § 5.5 have been inserted in the contracts. Agencies which do not directly enter into such contracts shall promulgate the necessary regulations or procedures to require that the contracts contain the provisions of § 5.5 or such modifications thereof which have been approved by the Department of Labor. No payment, advance, grant, loan or guarantee of funds shall be approved by the Federal agency after the beginning of construction unless there is on file with the agency a certification by the contractor that he and his subcontractors have complied or that there is a substantial dispute with respect to the required provisions.

(2) The Federal agency shall make such examination of the submitted payrolls and statements as may be necessary to assure compliance with the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1. In connection with such examination particular attention should be given to the correctness of classifications and disproportionate employment of laborers, helpers or apprentices. Such payrolls and statements shall be preserved by the agency for a period of 3 years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the 3-year period.

(3) In addition to the examination of payrolls and statements required by subparagraph (2) of this paragraph, the Federal agency shall cause investigations to be made as may be necessary to assure compliance with the labor standards clauses required by the regulations contained in this part and the applicable statutes listed in § 5.1. Projects where the contract is of short duration (6 months or less) shall be investigated before the work is accepted, if feasible. In the case of contracts which extend over a long period of time the investigation shall be made with such frequency as may be necessary to assure compliance. Such investigations shall include interviews with employees and examinations of payroll data to determine the correctness of classifications and disproportionate employment of laborers, helpers, or apprentices. Complaints of alleged violations shall be given priority and statements, written or oral, made by an employee shall be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

(b) (1) Whenever any contractor or subcontractor is found by the Secretary of Labor or the Agency Head with the concurrence of the Secretary of Labor to be in aggravated or willful violation of the labor standards provisions of any of the applicable statutes listed in § 5.1, other than the Davis-Bacon Act, such contractor or subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest shall be ineligible for a period not to exceed 3 years (from the date of publication by the Comptroller General of the name or names of said contractor or subcontractor on the ineligible list as provided below) to receive any contracts subject to any of the statutes listed in § 5.1. *Provided, however,* That the Solicitor shall direct the removal from the debarred bidders list of any contractor or subcontractor whom he has found to have demonstrated a current responsibility to comply with the labor standards provisions applicable to Federal contracts and Federally-assisted construction work subject to any of the applicable statutes listed in § 5.1. In cases arising under contracts covered by the Davis-Bacon Act, the ineligibility provision prescribed in that act shall govern.

(2) The Agency Head shall furnish to the Secretary of Labor for transmittal to the Comptroller General the names of the persons or firms who have been found to have disregarded their obligations to employees. The Comptroller General will distribute a list to all Departments of the Government giving the names of such ineligible persons or firms.

(c) (1) Whenever as a result of an investigation conducted by the Agency or the Department of Labor, the officer in charge of the Wage Determination Division, Office of the Solicitor, finds reasonable cause to believe that a contractor or subcontractor has committed willful or aggravated violations of the labor standards provisions of any of the statutes listed in § 5.1 (other than the Davis-Bacon Act), or has committed violations of the Davis-Bacon Act which constitute a disregard of its obligations to employees or subcontractors under section 3(a) thereof, the aforesaid Wage Determination Officer shall promptly notify by registered or certified mail the contractor or subcontractor and its responsible officers, if any (and any firms in which the contractor or subcontractor are known to have a substantial interest), of this finding and afford such contractor or subcontractor and any other parties notified an opportunity to present such reasons or considerations as they have to offer relating to why debarment action should not be taken under § 5.6(b) of this part or section 3(a) of the Davis-Bacon Act. The aforesaid Wage Determination Officer shall furnish to those notified a summary of the investigative findings, and shall make available to them any information disclosed by the investigation which is not privileged or found confidential for good cause. If this opportunity is requested, an informal proceeding shall be held before a hearing examiner, a regional attorney, or any other Departmental officer of appropriate ability. At the conclusion of the informal proceeding, the presiding officer shall issue his decision which shall be served by registered or certified mail upon the interested parties.

(2) Within 30 days after service of the decision, any party may file objections to the decision with the Solicitor of Labor, United States Department of Labor, Washington, D.C. Such objections shall be specific, and shall be accompanied by reasons or bases therefor. In his discretion, the Solicitor may permit oral argument. If no objections are filed, the decision of the presiding officer shall be final, except in cases under section 3 of the Davis-Bacon Act as to any action to be taken by the Comptroller General under that section.

(3) The decision of the Solicitor shall show a ruling upon each objection presented, and shall include a statement of (i) the findings and conclusions, as well as the reasons or bases therefor, upon all material issues of fact, law, or discretion presented on the record, and (ii) an appropriate order or recommendation. The decision of the Solicitor shall be final, except in cases accepted for review, upon petition, by the Wage Appeals Board[3] and in cases under section 3 of the Davis-Bacon Act as to any action to be taken by the Comptroller General under that section.

(d) Any person or firm debarred under § 5.6(b) may in writing request removal from the debarment list. The procedure for removal shall be substantially similar to the debarment procedure set forth in paragraph (c) of this section. That is, the person or firm shall have an opportunity to demonstrate in an informal proceeding a current responsibility to comply with the labor standards provisions applicable to Federal contracts and to Federally assisted construction work and to file objections to the presiding officer's decision for consideration by the Solicitor of Labor.

§ 5.7 Reports to the Secretary of Labor.

(a) *Enforcement reports.* (1) Where underpayments total less than $500.00 and are nonwillful, and where restitution has been effected and future compliance assured, the Federal agency need not submit its investigative findings and recommendations, except where the Department of Labor has expressly requested that the investigation be made. In the latter case, the investigating agency shall submit a factual summary report including any data on the amount of restitution paid, the number of workers who received restitution, liquidated damages assessed, corrective measures taken (such as "letters of notice"), and any information that may be necessary to review any recommendations for an appropriate adjustment in liquidated damages under § 5.8.

(2) Where underpayments total $500 or more, or are willful, the Federal agency shall furnish to the Department of Labor, as soon as practicable, a detailed enforcement report. The report should be prepared in accordance with the "Investigation and Enforcement Manual" published by the Department of Labor with respect to "Labor Standards Provisions Applicable to Contracts Covering Federally-Financed and Assisted Construction". In cases involving underpayments under the Davis-Bacon Act, the report should meet the reporting requirements contained in Comptroller General's Letter B-3368, dated March 19, 1957.

(b) *Semiannual enforcement reports.* To assist the Secretary of Labor in fulfilling his responsibilities under Reorganization Plan 14 of 1950, Federal agencies shall furnish the Secretary by July 15 and January 15 of each year semiannual reports on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and related acts covering the periods of January 1 through June 30 and July 1 through December 31, respectively. These reports should include the number of employee interviews conducted, the amount of restitution effected, the number of workers who received such restitution, any liquidated damages assessed, other corrective measures taken (such as "letters of notice"), and other pertinent data.

(c) *Additional information.* Upon request, the Agency Head shall transmit to the Secretary of Labor such information available to the Agency with respect to contractors and subcontractors, their contracts, and the nature of the contract work as the Secretary may find necessary for the performance of his duties with respect to the labor standards provisions referred to in this part.

(d) *Contract termination.* Where the contract is terminated by reason of violations of the labor standards a report shall be submitted to the Secretary of Labor and the Comptroller General giving the name and address of the contractor or subcontractor whose right to proceed has been terminated, the name and address of the contractor or subcontractor, if any, who is to complete the work, the amount and number of his contract, and the description of the work he is to perform.

§ 5.8 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.

(a) *Findings and recommendations by the head of the Agency.* Whenever the head of an agency finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours Standards Act and to be in excess of $100.00, is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may make recommendations to the Secretary that an appropriate adjustment in liquidated damages be made or that the contractor or subcontractor be relieved of liability for such liquidated damages. Such findings with respect to liquidated damages necessarily include findings with respect to any wage underpayments for which the liquidated damages are determined.

(b) The recommendations of the head of an agency submitted to the Department of Labor under paragraph (a) of this section shall be reviewed initially by the officer in charge of the Division of Wage Determinations. Whenever such officer concurs in the findings and recommendations of the head of the agency, he shall issue an order to that effect, which shall be the final action of the Department of Labor with respect to the issues involved. Whenever such officer makes findings differing from those of the head of the agency, his decision shall be transmitted forthwith to the Solicitor for review. The Solicitor shall issue a decision and order. In its discretion, the Wage Appeals Board may review the decision and order of the Solicitor.

(c) Whenever the head of an agency finds that a sum of liquidated damages administratively determined to be due under section 104(a) of the Contract Work Hours Standards Act and to be $100.00 or less is incorrect or that the contractor or subcontractor violated inadvertently the provisions of the Contract Work Hours Standards Act notwithstanding the exercise of due care upon the part of the contractor or subcontractor involved, he may make an appropriate adjustment in such liquidated damages or relieve the contractor or subcontractor of liability for such liquidated damages without submitting recommendations to this effect to the Secretary. This delegation of authority is made under section 105 of the Contract Work Hours Standards Act and has been found to be necessary and proper in the public interest to prevent undue hardship and to avoid serious impairment of the conduct of Government business.

§ 5.9 Suspension of funds.

In the event of failure or refusal of the contractor or any subcontractor to comply with labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1, the Federal agency shall take such action as may be necessary to cause the suspension of the payment, advance or guarantee of funds until such time as the violations are discontinued or until sufficient funds are withheld to compensate employees for the wages to which they are entitled and to cover any liquidated damages which may be due.

§ 5.10 Restitution, criminal action.

(a) The Agency Head may, in appropriate cases where violations of the labor standards stipulations required by the regulations contained in this part and the applicable statutes listed in § 5.1 resulting in underpayment of wages to employees are found to be nonwillful, order that restitution be made to such employees.

(b) In cases where the Agency Head finds substantial evidence that such violations are willful and in violation of a criminal statute, the Agency Head shall forward the matter to the Attorney General of the United States for prosecution if the facts warrant. In all such cases the Secretary of Labor shall be informed of the action taken.

§ 5.11 Department of Labor investigations, hearings.

(a) The Secretary of Labor shall cause to be made such investigations as he deems necessary, in order to obtain compliance with the labor standards provisions of the applicable statutes listed in § 5.1, or to affirm or reject the recommendations by the Head of an agency for an appropriate adjustment in liquidated damages assessed under the Contract Work Hours Standards Act. Federal agencies, contractors, subcontractors, sponsors, applicants or owners shall cooperate with any authorized representative of the Department of Labor in the inspection of records, in interviews with workers, and in all other aspects of the investigation. Any authorized representative of the Department of Labor under this section is deemed a person designated to aid in the enforcement of the overtime standards required by the Contract Work Hours Standards Act within the meaning of section 104(a) of that Act. A report of the investigation of such representative shall be transmitted to proper officers of the United States, any territory or possession, as the case may be, as required by the aforesaid section 104(a).

(b) In the event of disputes concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations, the Secretary of Labor may, upon request by a Federal agency, direct a hearing to be held. For the purpose of the hearing the Secretary of Labor shall, in writing, designate a hearing examiner who shall, after notice to all interested parties, make such investigation and conduct such hearings as may be necessary and render a decision embodying his findings and conclusions and if wages are found to be due, the amounts thereof. The hearing examiner's decision shall be sent to the interested parties and shall be final unless a petition for review of the decision by the Solicitor of Labor is filed by any such parties in quadruplicate with the Chief Hearing Examiner, United States Department of Labor, Washington 25, D.C., within 20 days after receipt thereof. The petition for review must set out separately and particularly each objection asserted. The petition for review and the record which shall include the examiner's decision then shall be certified by the hearing examiner to the Solicitor of Labor. The petitioner may file a brief (original and four copies) in support of his petition within the 20-day period and any interested party upon whom the hearing examiner's decision has been served may within 10 days after the expiration of the time for filing the petition for review, file a brief in support of, or in opposition to the hearing examiner's decision. The Solicitor of Labor's decision shall be subject to such further review by the Wage Appeals Board, as it may provide in its discretion.

§ 5.12 Rulings and interpretations.

All questions arising in any agency relating to the application and interpretation of the rules contained in this part and in Parts 1 and 3 of this subtitle, and of the labor standards provisions of any of the statutes listed in § 5.1 shall be referred to the Secretary for appropriate ruling or interpretation. The rulings and interpretations shall be authoritative and those under the Davis-Bacon Act may be relied upon as provided for in section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259). Requests for such rulings and interpretations should be addressed to the Secretary of Labor, United

[3] The Wage Appeals Board is established by Secretary of Labor's Order 32-63 published in the FEDERAL REGISTER on this date.

States Department of Labor, Washington 25, D.C.

§ 5.13 Variations, tolerances and exemptions from Parts 1 and 3 of this subtitle and this part.

The Secretary may make variations, tolerances, and exemptions from the requirements of this part and those of Parts 1 and 3 of this subtitle whenever he finds that such action is necessary and proper in the public interest or to prevent injustice and undue hardship.

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

(a) *General.* Upon his own initiative or upon the request of any Federal agency, the Secretary of Labor may provide under section 105 of the Contract Work Hours Standards Act reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of that Act whenever he finds such action to be necessary and proper in the public interest to prevent injustice, or undue hardship, or to avoid serious impairment of the conduct of Government business. Any request for such action by the Secretary shall be submitted in writing, and shall set forth the reasons for which the request is made.

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

(1) Agreements entered into by or on behalf of the Commodity Credit Corporation providing for the storing in or handling by commercial warehouses of wheat, corn, oats, barley, rye, grain sorghums, soybeans, flaxseed, rice, naval stores, tobacco, peanuts, dry beans, seeds, cotton, and wool.

(2) Sales of surplus power by the Tennessee Valley Authority to States, counties, municipalities, cooperative organization of citizens or farmers, corporations and other individuals pursuant to section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i).

(3) Contracts of $2,000.00 or less.

(4) Purchases and contracts other construction contracts in the aggregate amount of $2,500.00 or less. In arriving at the aggregate amount involved, there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising.

(5) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; and the Canal Zone.

(c) *Tolerances.* (1) The "basic rate of pay" under section 102 of the Contract Work Hours Standards Act may be computed as an hourly equivalent to the rate on which time-and-one-half overtime compensation may be computed and paid under section 7 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 207), as interpreted in Part 778 of this title. This tolerance is found to be necessary and proper in the public interest in order to prevent undue hardship.

(2) Concerning the tolerance provided in subparagraph (1) of this paragraph, the provisions of section 7(d)(2) of the Fair Labor Standards Act and § 778.7 of this title should be noted. Under these provisions, payments for occasional periods when no work is performed, due to vacations, and similar causes are excludable from the "regular rate" under the Fair Labor Standards Act. Such payments, therefore, are also excludable from the "basic rate" under the Contract Work Hours Standards Act.

(3) See § 5.8(c) providing a tolerance subdelegating authority to the heads of agencies to make appropriate adjustments in the assessment of liquidated damages totaling $100.00 or less under specified circumstances.

Signed at Washington, D.C., this 30th day of December 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-65; Filed, Jan. 3, 1964; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 34206]

PART 123—FREIGHT COMMODITY STATISTICS

Miscellaneous Amendments

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December, A.D. 1963.

By order of September 13, 1963, in the above entitled proceeding the Commission required that, effective with reports for the first quarter of 1964 or for that year, as the case might be, and thereafter until further order, class I and II railroads, other than switching or terminal companies, class A and B water carriers, maritime carriers, electric railways, and class I common and contract motor carriers of property, as specified therein, should report commodity statistics on the basis of the 3, 4, and 5-digit codes set out in 49 CFR, § 123.52 *Commodity codes required,* as prescribed therein.

On the same date the Commission instituted a rule-making proceeding, No. 34315, Commodity Statistics Reporting—Extent and Disclosure, to consider, among other things, whether to impose rules withholding all or part of commodity statistics reports of railroads, electric railways and water carriers from public inspection; and reopened Ex Parte No. 205, Motor Carrier Freight Commodity Statistics, for reconsideration with No. 34315.

By petition filed October 30, 1963, the Association of American Railroads asks for reconsideration of the order in No. 34206, and modification of the effective date, specifically: (1) That the effective date of January 1, 1964 be postponed until the first day of the calendar quarter following a final order disposing of the disclosure issue in No. 34315; or (2) that, if no change be made in the effective date, (a) class I railroads be excused from filing commodity reports under the code prescribed in No. 34206 until such final order is entered in No. 34315, or (b) the class I railroad reports filed under No. 34206 be withheld from public disclosure pending entry of such order in No. 34315; or (3) that the Commission adopt a code based entirely on the 35 2-digit groups; and (4) that, reporting classes be defined by Commission recognition and adoption of the definitions contained in the Association's 7-digit code, its "Standard Transportation Commodity Code." The named AAR code is compatible with the Bureau of the Budget's "Commodity Classification for Transportation Statistics" through the 5-digit level, and with the selected codes required to be reported under No. 34206. There were no replies to the petition.

The Association asserts that the inequality of disclosure, which it believes to exist in present reporting requirements would be increased under the order in No. 34206, which requires the reporting of more commodity detail than presently is the case, and continues the railroad reporting on a quarterly as well as annual basis. The individual commodity statistics reports by railroads, on quarterly and annual bases, would continue to be open to public inspection, while the annual reports by motor carriers would still be withheld from public inspection under 49 CFR Part 2067.

In view of the desirability that the collection of data, on the basis of the revised commodity codes in No. 34206 be made effective at the earliest possible date, the request for postponement of the January 1964 effective date will be denied. The request that class I railroads be excused from filing commodity statistics reports until disposition of No. 34315, likewise objectionable because of delay, also might render difficult or impossible the collection, at some future date, of commodity data on the basis prescribed in No. 34206. This request accordingly will be denied.

In further consideration of the desirability of establishing reporting under No. 34206 by January 1, 1964, and of the pendency in No. 34315 of questions as to the disclosure of commodity statistics reports by carriers of all modes, there would appear to be no reason why the petition should not be granted so far as it requests the withholding of individual class I railroad reports from inspection, pending disposition of No. 34315.

As the individual commodity statistics reports to be filed by railroads will be withheld from public inspection pending disposition of No. 34315, the alternative request under (3) for adoption of a 2-digit code will be denied. Further, such a code would not be in sufficient detail for Commission purposes.

The request under (4), that the Commission define its reporting classes by official recognition of the Association's 7-digit code, is proposed to make available to all modes required to report under No. 34206, an officially recognized index of commodities, as has been compiled by the railroads for their own use. It is asserted that motor carriers do not have such an index, and that, without a uniform index, the reporting of commodity statistics would lack the degree of identity which is a primary purpose of reporting under this proceeding. In a letter transmitted to all reporting carriers on November 29, 1963, the Bureau of Transport Economics and Statistics stated that the BOB commodity code and the AAR STCC index might be obtained and used in determining the various items to be included in the reporting classes of the Commission's new code until such time as the Bureau makes an index available. Accordingly, official recognition of the AAR STCC index does not appear to be required.

Upon further consideration of the matters and things involved in No. 34206, and of the petition of the Association of American Railroads, filed October 30, 1963, for reconsideration of the order therein, for modification of the effective date prescribed, and for certain other relief, as set out above, and good cause appearing therefor:

It is ordered, That the said petition of the Association of American Railroads, in so far as it requests withholding from public inspection the individual commodity statistics reports of individual class I railroads filed pursuant to the requirements in No. 34206, pending disposition of the disclosure issue in No. 34315, be and it is hereby granted, and that, said petition, in all other respects be and it is hereby denied.

It is further ordered, That the following paragraph numbered § 123.6 shall apply as to commodity statistics reports of class I railroads filed pursuant to the order of September 13, 1963, in No. 34206, Commodity Classification for Reporting Purposes:

It is further ordered, That 49 CFR Part 123 be modified and amended by adding thereto the following ordering paragraph, numbered § 123.6:

§ 123.6 Public inspection—railroad reports.

The individual commodity statistics reports of class I railroads, required to be filed, for the quarter or year beginning January 1, 1964, as the case might be, and later, under the terms of § 123.1 of the order of September 13, 1963, in No. 34206, Commodity Classification for Reporting Purposes, 49 CFR 123.1, shall not be open to public inspection, pending disposition of the disclosure issue in No. 34315, Commodity Statistics Reporting—Extent and Disclosure.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

It is further ordered, That the codes prescribed in § 123.52 *Commodity codes required* of the order of September 13, 1963, in No. 34206, for reports for the year or quarter beginning January 1, 1964, as the case might, and later, be, and they are hereby, modified and amended, as set out below, and that the codes in 49 CFR 123.52, be modified and amended in the following respects:

§ 123.52 Commodity codes required.

* * * * *

	Code	Description
Change	29112	Kerosene, distillate fuel oil, residual fuel oil and other low volatile petroleum fuels.
to read	29112	Kerosene.
Add	29113	Distillate fuel oil.
and	29117	Residual fuel oil and other low volatile petroleum fuels.
Change	41114	Articles, used exc. for repair, reconditioning see 4115, returned empty see 421, remelting see 4034.
to read	41114	Articles, used except for repair, reconditioning (41115) returned empty (421), remelting (4021).
Delete	43	Small Packaged Freight Shipments.
and	431	Small Packaged Freight Shipments, Inc. LCL or LTL.
Add	47	Small Packaged Freight Shipments.
and	471	Small Packaged Freight Shipments, Including LCL and LTL.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304, and sec. 304, 54 Stat. 933; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320, and sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

And it is further ordered, That a copy of this order shall be served upon or mailed to each railroad, electric railway, water carrier, maritime carrier, and motor carrier subject to the commodity statistics reporting requirements of 49 CFR Parts 123, 206, or 301, as the case might be, and that notice shall be given to the general public by posting a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-66; Filed, Jan. 3, 1964; 8:46 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-6]

PART 170—COMMERCIAL ZONES

Philadelphia, Pa.

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 19th day of November, A.D. 1963.

It appearing, That on July 21, 1939, the Commission, division 1, made and filed its report, 17 M.C.C. 533, and order in the above-entitled proceeding, describing the zone adjacent to and commercially a part of Philadelphia, Pa., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, That by order of said division entered in this proceeding March 19, 1962, such description was modified in certain respects;

And it further appearing, That by petition filed May 3, 1962, as amended, Delaware Valley Industrial Properties, Inc., and eight other industrial enterprises, seek modification so as to include an additional area within the limits of the commercial zone of Philadelphia, Pa.;

and good cause appearing therefor:

It is ordered, That the said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That § 170.6 as prescribed in the order entered in this proceeding on March 19, 1962 (49 CFR 170.6), be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 170.6 Philadelphia, Pa.

The zone adjacent to and commercially a part of Philadelphia, Pa., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, managment, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The area within Pennsylvania included within the corporate limits of Philadelphia and Bensalem and Lower Southhampton Townships in Bucks County; Conshohocken and West Conshohocken, Pa., and Lower Moreland, Abington, Cheltenham, Springfield, Whitemarsh, and Lower Merion Townships in Montgomery County; an area in Upper Dublin Township, Montgomery County, bounded by a line beginning at the intersection of Pennsylvania Avenue and Fort Washington Avenue and extending northeast along Fort Washington Avenue to its junction with Susquehanna Road, thence southeast along Susquehanna Road to its junction with the right of way of the Pennsylvania Railroad Company, thence southwest along the right of way of the Pennsylvania Railroad Company to Pennsylvania Avenue, thence northwest along Pennsylvania Avenue to its junction with Fort Washington Avenue, the point of beginning;

Haverford Township in Delaware County; and an area in Delaware County south and east of a line extending southward from the intersection of the western and northern boundaries of Upper Darby Township along Darby Creek to Bishop Avenue, thence south along Bishop Avenue to Baltimore Pike, thence west along Baltimore Pike to Pennsylvania Highway 320, thence south along Pennsylvania Highway 320 to the corporate limits of Chester, thence along the northern corporate limit of Chester in a westerly direction to the eastern boundary of Upper Chichester Township, thence south to the southern boundary of said township along the eastern boundary thereof, and thence west along the southern boundary of said township to the Delaware State line, and thence south along the Delaware State line to the Delaware River, and

(b) The area in New Jersey included in the corporate limits of Camden, Gloucester City, Woodlynne, Merchantville, and Palmyra Boroughs, and the area included in Pennsauken Township in Camden County.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective January 31, 1964, and shall continue in effect until the futher order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-69; Filed, Jan. 3, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Notice of Proposed Change in Fiscal Period and Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of proposed rule making relating to amendment of § 959.104 *Fiscal period* and to approval of proposed expenses and a proposed rate of assessment, as hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR Part 959), both as amended, herein referred to collectively as the order. The order regulates the handling of onions grown in designated counties in south Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any written data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER.

Amend § 959.104 as follows:

§ 959.104 Fiscal period.

The fiscal period which extends from February 1, 1963, through January 31, 1964 (28 F.R. 3852), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

* * * * *

§ 959.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1963, through July 31, 1964, by the South Texas Onion Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $45,000.00.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 31, 1963.

FLOYD F. HEDLUND, *Director, Fruit and Vegetable Division.*

[F.R. Doc. 64-80; Filed, Jan. 3, 1964; 8:48 a.m.]

[7 CFR Part 970]

CARROTS GROWN IN SOUTH TEXAS

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment for the fiscal period ending July 31, 1964, and the amended expenses for the fiscal period ending July 31, 1963, hereinafter set forth, which were recommended by the South Texas Carrot Committee, established pursuant to Marketing Agreement No. 142, and Order No. 970, both as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in certain designated counties in South Texas. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 970.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committee, established under Marketing Agreement No. 142, and Order No. 970, both as amended, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1963, through July 31, 1964, will amount to $37,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and Order No. 970, both as amended, shall be one-half cent ($0.005) per 50-pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

§ 970.203 Expenses amended.

(a) The reasonable expenses incurred by the South Texas Carrot Committee enabling such committee to perform its functions during the fiscal period ended July 31, 1963, amounted to $35,184.69. The budget for such fiscal period shall be, and is hereby, amended, pursuant to § 970.42(c) and recommendations of the committee, to approve expenses for $35,184.69. No change in the rate of assessment is necessary.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 31, 1963.

FLOYD F. HEDLUND, *Director, Fruit and Vegetable Division.*

[F.R. Doc. 64-79; Filed, Jan. 3, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Regulatory Docket No. 3031]

AIRWORTHINESS DIRECTIVES

Boeing Models 707/720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. There have been several instances of stabilizer trim difficulties attributable to the position transmitter installation. There have been other instances of the same difficulty with the stabilizer position transmitter and also with the spoiler position transmitter installation. To correct this unsafe condition, this AD requires rework of the crank arms or replacement with modified crank arms.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72

Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft, Serial Numbers 17588 through 17612, 17614 through 17652, 17658 through 17690, 17692 through 17724, 17803 through 17905, 17907 through 17930, 18012 through 18037, 18041 through 18050, 18054 through 18067, 18154 through 18167, 18240 through 18246, 18248 through 18251, 18294 through 18339, 18361 through 18357, 18372 through 18397, 18400 through 18404, 18406 through 18408, 18411 and 18412, 18414 through 18425, 18451 through 18457, 18460 and 18461.

Compliance required within 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent slippage of the crank arms on the shafts of the respective stabilizer and spoiler position transmitters, and to prevent rotation of the position transmitter in its bracket, rework the crank arms, or replace with modified crank arms, and add a washer under the nut of each clamping bolt in accordance with the Modification Data (PRR 15506) of Boeing Service Bulletin No. 1836, or FAA approved equivalent.

(Boeing Service Bulletin No. 1836 covers this same subject.)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-47; Filed, Jan. 3, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 3030]

AIRWORTHINESS DIRECTIVES

General Dynamics Models 22, 22M, 30 and 30A Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for General Dynamics Models 22, 22M, 30 and 30A aircraft. There have been several instances of slippage of the aileron trim tab dial assembly in relation to the cable drum within the aileron and rudder trim gearbox assembly and missing teeth from the aileron trim tab indicator dial gear. These difficulties result in false readings of the aileron trim tab indicator and cause unexpected aircraft roll tendencies on takeoff. To correct this unsafe condition, this AD requires inspection of the aileron trim gearbox assembly and rework or replacement.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 22, 22M, 30 and 30A aircraft.

Compliance required as indicated.

To prevent slipping of the aileron trim tab dial assembly in relation to the cable drum within the aileron and rudder trim gearbox assembly; to insure that the gear teeth on the aileron trim tab dial gear are not damaged; and to ascertain that the inside rim of the aileron trim tab dial gear is not rubbing against the sides of the hub of the aileron and rudder trim gear box, accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 500 hours' time in service from the last check, perform an operational check (see Maintenance Manual) to determine that the aileron trim tab dial indicator and the aileron trim tab deflections correspond throughout the operational range and that the aileron trim tab control knob and dial work properly without evidence of binding or slippage. If there is any evidence that the aileron trim tab dial indicator and the aileron trim tab deflections do not correspond throughout the operational range or if there is any evidence of binding or slippage in the operation of the aileron trim tab control knob and dial, rework the aircraft per (b)(1) and (b)(2) before further flight. After compliance with paragraph (b) the checks required by this paragraph may be discontinued.

(b) Within 1,500 hours' time in service after the effective date of this AD unless the modification has already been accomplished:

(1) Pin the aileron trim drum shaft to the shaft gear and the aileron trim tab dial to the aileron trim tab gear per General Dynamics/Convair 880 Service Bulletin No. 27-27, 880M Service Bulletin No. 27-34, or 990 Service Bulletin No. 27-52, as applicable, or an FAA Western Region Engineering and Manufacturing Branch approved equivalent.

(2) Conduct a visual inspection of the aileron trim tab dial gear and hub of the support within the aileron and rudder trim gearbox assembly and if there is any evidence that the gear teeth on the aileron trim tab dial gear are damaged or there is any evidence that the inside of the rim of the aileron trim tab dial gear is rubbing the hub of the support, rework the hub of the support and replace any damaged aileron trim tab dial gear with a new gear in accordance with General Dynamics/Convair 880 Service Bulletin No. 27-70, 880M Service Bulletin No. 27-37 or 990 Service Bulletin No. 27-62, as applicable, or an FAA Western Region Engineering and Manufacturing Branch approved equivalent.

(General Dynamics/Convair 880 Service Bulletins Nos. 27-27 and 27-70, 880M Service Bulletins Nos. 27-34 and 27-37, and 990 Service Bulletins Nos. 27-52 and 27-62 cover this same subject.)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-48; Filed, Jan. 3, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Regulatory Docket No. 3029]

AIRWORTHINESS DIRECTIVES

Piper Model PA-22 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Piper Model PA-22 Series aircraft. A number of nose landing gear oleo upper main bearings have been found in a deteriorated condition, due to lack of lubrication and corrosive or abrasive materials entering the bearing. Some bearings have been found inverted with the ball loading groove on the under side. In one case dislodged bearing balls had jammed the oleo in its housing, rendering the rudder control system immovable. There have also been cases of water trapped in the oleo housing by a clogged drain hole, freezing inflight and binding the oleo to its housing. To correct these unsafe conditions, this AD requires inspection of the upper bearings and replacement where necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIPER. Applies to Models PA-22, PA-22-108, PA-22-135, PA-22-150, and PA-22-160 aircraft, Serial Numbers 22-1 through 22-9848.

Compliance required within 25 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 475 hours' time in service, and every 500 hours' time in service thereafter.

(a) Remove the oleo strut, clean the upper bearing, Piper P/N 452333, and inspect the bearing to determine that its loading groove

is on the top side. Remove bearings installed with the loading grooves on the under side.

(b) Inspect removed bearings, P/N 452333, to insure that 59 balls are installed, no binding or sticking exists, and that the bearing is not worn to the point where the balls are easily dislodged through the loading groove. If any of these defects are found, replace the bearing before further flight.

(c) Whenever a bearing is removed, clean and inspect the bearing mounting area to insure that it is free of burrs, protrusions, wear or other conditions which could cause bearing misalinement with the strut. Correct deficiencies prior to reinstallation of bearing.

(d) Repack bearings, P/N 452333, with MIL-G-3278 type lubricant.

(e) Reinstall bearings, P/N 452333, with the ball loading groove on the upper side.

(f) When both a new type sealed bearing Piper P/N 452419, and a boot Piper P/N 14067-00, or FAA approved equivalents are incorporated on the aircraft, compliance with (a), (b), (d), and (e) is no longer required.

(Piper Service Letter No. 405, dated October 1, 1963, and Piper Service Memo. No. 73 pertain to this same subject.)

Issued in Washington, D.C., on December 27, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-49; Filed, Jan. 3, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS AND CO., INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 972) has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington 98, Delaware, proposing that § 121.2507 be amended to provide for the use of the following substances as optional components of food-packaging cellophane:

Acetyl tri(2-ethylhexyl) citrate or acetyl trioctyl citrate.
Acrylic acid copolymerized with one or more of the following: Methyl, ethyl, propyl, or butyl esters of acrylic acid and methacrylic acid.
Acrylonitrile polymer and acrylonitrile copolymerized with one or more of the following: Butadiene, styrene, vinyl chloride.
Alkyl ketene dimers.
Alkyl ketone waxes (C_{35}-C_{55}).
Aluminum, ammonium, calcium, lithium, magnesium, potassium, or sodium salts of fatty acids from vegetable or animal oils.
Aluminum, ammonium, magnesium, calcium, potassium, sodium, or zinc salts of the following rosins and modified rosins; Tall oil rosin, pale gum rosin, pale wood rosin, dark wod rosin, partially hydrogenated rosin, fully hydrogenated rosin, partially dimerized rosin, fully dimerized rosin, disproportionated rosin.
Behenamide.
Castor oil, sulfonated.
Di-methyl di-alkyl (C_{8}-C_{20}) ammonium chloride.
Dioctyl adipate or di(2-ethylhexyl) adipate.
Dioctyl phthalate or di(2-ethylhexyl) phthalate.
Ethylene-alkene-1 copolymers.
Ethylene copolymerized with itaconic acid or with not more than 8 percent by weight of acrylic acid and its alkyl esters or methacrylic acid and its alkyl esters.
Ethylene-vinyl acetate copolymer.
Isooctylphenyl polyethoxyethanol.
Lauryl sulfate salts:
  Ammonium.
  Magnesium.
  Postassium.
  Sodium.
Melamine formaldehyde and urea formaldehyde as separate basic polymers, and as a copolymer, that may be modified with one or more of the following: Methyl alcohol, ethyl alcohol, propyl alcohol, butyl alcohol, ammonium hydroxide, sodium hydroxide, guanidine, sodium sulfite, sulfanilic acid, sulfuric acid, formic acid, acetic acid, ethyleneimine, propyleneimine, diethylenetriamine, polyglycolamine, triethylenetetramine, tetraethylene-pentamine, triethey-amine, triethanolamine, diisopropanolamine, diaminopropane, di-aminobutane, imino-bis-butylamine, aminomethylsulfonic acid, polyamines made by reacting ethylenediamine or trimethylenediamine with dichlorethane or dichloropropane.
Methacrylic acid copolymerized with one or more of the following: Methyl, ethyl, propyl or butyl esters of acrylic acid or methacrylic acid.
N-substituted acyl sarcosines and their sodium salts.
Polyethylene glycol (average molecular weight of 300 or more).
Polyoxyethylene sorbitan monopalmitate.
Polyoxypropylene-polyoxyethylene condensate (copolymer in average molecular weight range of 1,900 to 9,000).
Polypropylene.
Polyvinyl alcohol (minimum viscosity of 4 percent aqueous solution at 20° C. of 4 centipoises).
Reaction product of tall oil fatty acids, pentaerythritol tetrastearate, phthalic anhydride.
Sodium or potassium salt of polymerized alkyl naphthalene sulfonic acids.
Sorbitan or sorbitol esters of lauric, oleic, palmitic, or stearic acids.
Spermaceti wax.
Styrene polymer.
Styrene copolymerized with butadiene.
Sulfonates of fatty acids (C_{8}-C_{18}) from vegetable or animal oils and their aluminum, ammonium, calcium, magnesium, potassium, and sodium salts.
Tricyclohexyl citrate.
Vinyl acetate polymer and vinyl acetate copolymerized with one or more of the following: Acrylonitrile, maleic acid, vinyl chloride, vinylidene chloride.
Vinylidene chloride copolymerized with one or more of the following: Acrylic acid and methacrylic acid and their methyl, ethyl, butyl, propyl, or octyl esters; acrylonitrile; itaconic acid; maleic acid; ethyleneimine; propyleneimine; vinyl chloride.

Dated: December 30, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-72; Filed, Jan. 3, 1964; 8:47 a.m.]

FOOD MACHINERY AND CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1009) has been filed by Food Machinery and Chemical Corporation, American Viscose Division, Marcus Hook, Pennsylvania, proposing that § 121.2507 be amended to provide for the following substances as optional components of food-packaging cellophane:

n-Alkyl (C_{12}-C_{18}) dimethylbenzylammonium chloride.
Aluminum hydrate.
Bentonite modified with dimethyloctadecylammonium ion.
Calcium ethyl acetoacetate.
Calcium resinate (limed rosin).
Castor oil, sulfonated, sodium salt.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Coumarone-indene resin.
Disodium ethylenediaminetetraacetate.
Dodecylbenzenesulfonate, isopropyl amine salt.
Epoxidized polybutadiene.
Erucamide.
Ethylene-alkene-1 copolymer.
Ethylene oxide condensed on propylene glycol and ethylene glycol adduct.
Fumaric acid.
Formamide.
Glycerol diacetate.
Glycerol monoacetate.
Hydroxy ethyl cellulose.
Hydroxypropyl cellulose.
Isopropyl acetate.
Isopropyl alcohol.
Ketone resin.
Lanolin.
Maleic acid adduct of butadiene-styrene copolymer.
Maleic anhydride adduct of alpha-terpinene.
Methacrylic acid and its methyl and ethyl esters alone or in combination with the following:
  Acrylic acid.
  Ethyl acrylate.
  Methyl acrylate.
Mineral oil.
Mono-*n*-butyl maleate.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.
Nylons 66, 610, and 66/610.
Octyl alcohol.
Oleiyl palmitamide.
Paraffin, synthetic.
Polyamide resins.
Polycarbonate resins.
Polyethylene wax.
Polyisobutylene.
Poly(1-pentene).
Poly(1-octadecene).
Polypropylene.
Polyvinyl stearate.
n-Propyl acetate.
n-Propyl alcohol.
Spermaceti wax.
Styrene-acrylonitrile copolymer.
Styrene-maleic anhydride resin.
Terpene resins.
Triethylene glycol diacetate.
Triethylene tetramine acetate salts.
Trisodium *N*-hydroxyethyl ethylenediaminetetraacetate.

Dated: December 30, 1963.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-73; Filed, Jan. 3, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-19417 etc.]

PAN AMERICAN PETROLEUM CORP.

Order Consolidating Proceedings and Fixing Date for Prehearing Conference, Correction

DECEMBER 20, 1963.

In the Order Consolidating Proceedings and Fixing Date for Prehearing Conference, issued December 12, 1963, and published in the FEDERAL REGISTER December 20, 1963 (F.R. Doc. 63-13120; 28 F.R. 13908-13911), substitute attached revised appendix which corrects minor typographical errors and omissions.

JOSEPH H. GUTRIDE,
Secretary.

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
G-19417	Pan American Petroleum Corp.	West Enville, Love	Cimarron Transmission Co.	277 7-20-59	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents.
CI61-153	Edwin L. Cox	do	do	31 10-17-58	[1] 15.5	[1] 15.5	Ratification 7-20-60.
CI61-308	Robert A. Hefner, Jr., et al.	do	do	1	[1] 15.5	15.0	Ratification 8-19-60.
CI61-516°	Pan American Petroleum Corp.	Woodward Area,[2] Dewey, Major and Woods.	Michigan Wisconsin Pipe Line Co.	10-17-58 330 8-25-60	[3] 19.5	[4] 15.0	*Motions to amend original certificate filed 8-30-62, 9-24-62, 2-7-63 and 3-13-63.
CI61-524°	Shell Oil Co. (Operator), et al.	Woodward Area,[2] Alfalfa, Dewey, Major, and Woods.	do	268 8-24-60	[3] 19.5	[4] 15.0	*Motion to amend original certificate filed 10-12-62.
CI61-531	Westheimer Newstadt Corp.	West Enville, Love	Cimarron Transmission Co.	2 10-17-58	[1] 15.5	15.0	Ratification 8-1-60.
CI61-554	Jerome M. Westheimer, et al.	do	do	1 10-17-58	[1] 15.5	15.0	Ratification 10-3-60.
CI61-584	Forest Oil Corp.	do	do	24 10-17-58	[1] 15.5	15.0	Ratification 8-2-60.
CI61-752°	The Atlantic Refining Co.	West Valley Center,[2] Dewey	Michigan Wisconsin Pipe Line Co.	225 10-14-60	[3] 19.5	[4] 15.0	Motion to amend original certificate filed 9-10-62.
CI61-804	Roland S. Bond	East Durant, Bryan	Lone Star Gas Co.	2 8- 5-60	16.8	15.0	
CI61-1024	Socony Mobil Oil Co., Inc. (Operator), et al.	North Custer City, Custer	Natural Gas Pipeline Co. of America.	266 10- 1-60	[5] 19.95	[1] 15.0	Subject to refund to rate determination in CI61-1024.
CI61-1067	Ray Ryan and Ray Ryan Oil Co.	East Durant, Bryan	Lone Star Gas Co.	1 7-18-60	16.8	15.0	
CI61-1244	Socony Mobil Oil Co., Inc.	Selling, Major	Panhandle Eastern Pipeline Co.	325 10-25-60	[6] 17.0	[7] 15.0	Ratification 1-13-61.
CI61-1275	Union Texas Petroleum, a Division of Allied Chemical Corp. et al.	North Custer City, Custer	Natural Gas Pipeline Co. of America.	60 10- 1-60	[5] 19.95	[1] 15.0	Subject to refund to 15.0. Ratification 1-13-61.
CI61-1281	Socony Mobil Oil Co., Inc.	Cedardale,[2] Dewey and Major.	Michigan Wisconsin Pipe Line Co.	322 1-18-61	[3] 19.5	[4] 15.0	
CI61-1306	Edwin L. Cox	West Enville, Love	Cimarron Transmission Co.	38 10-17-58	[1] 15.5	15.0	Ratification 2-6-61.
CI61-1620°	Union Oil Co. of California (Operator), et al.	Putnam, Dewey	Natural Gas Pipeline Co. of America.	58 4- 1-61	17.85	15.0	Motion to amend original certificate filed 8-30-62. Ratification 7-10-62.
CI61-1772	Pan American Petroleum Corp.	Southeast Durant, Bryan	Lone Star Gas Co.	310 5-16-61	16.8	15.0	
CI61-1796	Humble Oil & Refining Co.	Joiner City Plant, Carter	Natural Gas Pipeline Co. of America.	278 5-18-61	17.0	15.0	
CI62-27	Tam Oil, Inc.	East Durant, Bryan	Lone Star Gas Co.	1 6-20-60	16.8	15.0	
CI62-90	Sam K. Viersen	Woodward Area,[2] Major	Michigan Wisconsin Pipe Line Co.	1 6-23-61	[3] 19.5	[4] 15.0	
CI62-273	Mack Oil Co. (Operator), et al.	Joiner City Plant, Carter	Natural Gas Pipeline Co. of America.	2 6- 5-61	17.0	15.0	
CI62-471	Edwin L. Cox	East Durant, Bryan	Lone Star Gas Co.	40 6-20-60	16.8	15.0	Ratification 10-9-61.
CI62-1100	Continental Oil Co.	Doyle, Stephens	do	220 12-29-61	16.8	15.0	
CI62-1392	J. I. Goins, et al.	West Enville, Love	Cimarron Transmission Co.	1 2-18-59	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents. Ratification 3-13-62 and 3-20-62.
CI62-1500	The Hefner Co.	West Enville, Love	do	4 10-17-58	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents. Ratification 5-29-62.
CI62-1511	The Atlantic Refining Co.	Avard and Lenora, Dewey and Woods.	Panhandle Eastern Pipe Line Co.	264 5- 5-60	[6] 17.0	[7] 15.0	Ratification 5-2-62.
CI63-96	Global Oils, Inc. (Operator), et al.	Woodward Area, Major	Michigan Wisconsin Pipe Line Co.	5 5-24-62	[3] 19.5	[4] 15.0	
CI63-148	The Pure Oil Co.	Northeast Cedardale,[2] Alfalfa, Major and Woods.	do	76 5-11-62	[3] 19.5	[4] 15.0	
CI63-265	Forest Oil Corp.	Woodward Area, Major	do	27 7-12-62	[3] 19.5	[4] 15.0	
CI63-286	Pan American Petroleum Corp.	do	do	342 10-14-60	[3] 19.5	[4] 15.0	Assignment to applicant 2-1-62.
CI63-328	do	do	do	343 10-17-60	[3] 19.5	[4] 15.0	Assignment to applicant 10-31-60.
CI63-336	do	Woodward Area,[2] Major	do	344 10-14-60	[3] 19.5	[4] 15.0	Assignment to applicant 1-17-61.
CI63-337	do	do	do	345 8-24-60	[3] 19.5	[4] 15.0	Assignment to applicant 3-30-61.
CI63-356	Marathon Oil Co.	East Durant, Bryan	Lone Star Gas Co.	83 6-11-62	16.8	15.0	
CI63-381	Keener Oil Co.	Woodward Area, Dewey	Michigan Wisconsin Pipe Line Co.	6 8-20-62	[3] 19.5	[4] 15.0	
CI63-392	Sam K. Viersen, Jr.	do	do	1 6-23-61	[3] 19.5	[4] 15.0	
CI63-393	Calvert Exploration Co. (Operator), et al.	Lenora, Dewey	do	2 8-30-62	[3] 19.5	[4] 15.0	
CI63-417	Gulf Oil Corp. (Operator), et al.	Laverty, Caddo and Grady	Cities Service Gas Co.	8-21-62	16.8		No rate schedule filed. Temporary authority not requested.
CI63-459	do	North Oakdale and Lenora, Dewey and Woods.	Michigan Wisconsin Pipe Line Co.	243 8- 8-62	[3] 19.5	[4] 15.0	
CI63-462	Phillips Petroleum Co.	Woodward Area, Dewey, Major and Woods.	do	388 8- 7-62	[3] 19.5	[4] 15.0	
CI63-575	Humble Oil & Refining Co.	Woodward Area, Dewey and Major.	do	316 9-21-62	[3] 19.5	[4] 15.0	
CI63-583	Phillips Petroleum Co. (Operator), et al.	Woodward Area, Woods	Panhandle Eastern Pipe Line Co.	390 5- 5-60	[6] 17.0	[7] 15.0	Ratification 9-25-62.
CI63-615	Socony Mobil Oil Co., Inc.	Chitwood, Grady	Natural Gas Pipeline Co. of America.	223 9-14-62	16.8	15.0	
CI63-647	Cities Service Oil Co.	Woodward Area, Major and Woods.	Michigan Wisconsin Pipe Line Co.	162 10-25-62	[3] 19.5	[4] 15.0	
CI63-690	C. L. McMahon, Jr., et al.	West Enville, Love	Cimarron Transmission Co.	1 10-17-58	[1] 15.5	[1] 15.5	Subject to refund to 15.0 cents. Ratification 6-21-62.
CI63-787	Apache Corp.	Northwest Oakdale, Woods	Michigan Wisconsin Pipe Line Co.	26 11-16-62	[3] 19.5	[4] 15.0	
CI63-797	Petroleum Inc. (Operator), et al.	West Valley Center, Dewey	do	20 7-30-62	[3] 19.5	[4] 15.0	

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
CI63-976	Tidewater Oil Co	Laverty, Caddo and Grady	Cities Service Gas Co	12-17-62	16.8		No rate schedule filed. Temporary authorization not requested.
CI63-996	J. A. Chapman	Woodward Area, Major	Michigan Wisconsin Pipe Line Co.	7 12-12-62	19.5	15.0	
CI63-998	Hall-Jones No. 4, et al	Putnam City, Dewey	Panhandle Eastern Pipe Line Co.	1 2-4-63	17.0	15.0	
CI63-1002	Tidewater Oil Co	North Carter, Beckham	Arkansas Louisiana Gas Co.	126 5-3-61	17.0		Acceptance of rate schedule pending. Temporary authority not requested. Ratification 5-9-61.
CI63-1025	Sinclair Oil & Gas Co	do	do	343 5-3-61	17.0	15.0	
CI63-1026	do	North Cooper, Blaine	do	244 8-25-61	16.8	15.0	
CI63-1042	Texaco Production Co	Woodward Area, Dewey	Michigan Wisconsin Pipe Line Co.	12 12-28-62	19.5	15.0	
CI63-1060	Marathon Oil Co	do	do	84 10-9-62	19.5	15.0	
CI63-1126	Gulf Oil Corp	North Cooper and Southeast Lacy, Blaine and Kingfisher	Arkansas Louisiana Gas Co.	254 12-30-60	16.8	15.0	
CI63-1129	do	North Carter, Beckham	do	255 5-3-61	17.0	15.0	Ratification 7-20-61.
CI63-1182	do	Northwest Anthon, Custer	do	256 7-9-62	17.0	15.0	Ratification 10-29-62.
CI63-1230	Crescent Oil & Gas Corp	North Cooper, Blaine	do	9 12-30-60	16.8	15.0	Ratification 3-4-61.
CI63-1241	Union Oil Co. of California	Northwest Chester, Major	Michigan Wisconsin Pipe Line Co.	77 1-24-63	19.5	15.0	
CI63-1270	Eason Oil Co	Southeast Crane, Custer	Arkansas Louisiana Gas Co.	13 10-5-62	16.8	15.0	
CI63-1304	Apache Corp	West Valley Center and Northeast Trail, Dewey	Panhandle Eastern Pipe Line Co.	28 4-8-63	17.0	15.0	
CI63-1306	Forest Oil Corp., et al	West Valley Center, Woods	do	30 5-5-60	17.0	15.0	Ratification 1-17-63.
CI63-1427	Sun Oil Co	North Cooper, Blaine	Arkansas Louisiana Gas Co.	186 10-11-61	16.8	15.0	
CI63-1461	Cleary Petroleum, Inc. (Operator), et al.	Starr, Kingfisher	do	6 9-24-62	16.8	15.0	
CI63-1476	W. C. Pickens	West Valley Center, Dewey	Panhandle Eastern Pipe Line Co.	2 4-10-63	17.0	15.0	
CI63-1491	The Atlantic Refining Co	Northeast Trail, Dewey	do	274 4-18-63	17.0	15.0	
CI63-1519	Joe A. Humphrey	West Valley Center, Dewey	do	1 4-23-63	17.0	15.0	
CI63-1574	Edwin L. Cox	do	do	84 4-22-63	17.0	15.0	
CI63-1584	W. Ray Wallace	do	do	5- 1-63	17.0	15.0	
CI63-1585	Marathon Oil Co	Avard, Woods	do	85 5- 5-60	17.0	15.0	Ratification 7-27-62.
CI64-23	Pan American Petroleum Corp.	Starr, Kingfisher	Arkansas Louisiana Gas Co.	389 9-24-62	16.8	15.0	Ratification 5-13-63.
CI64-28	Robert P. Lammerts	North Cooper, Blaine	do	1 11-21-60	16.8	15.0	
CI64-65	Eason Oil Co	do	do	15 12-30-60	16.8	15.0	Ratification 8-28-61.
CI64-67	Pan American Petroleum Corp.	do	do	361 12-22-60	16.8	15.0	Ratification 5-13-63.
CI64-109	Global Oils, Inc	Northwest Oakdale, Woods	Michigan Wisconsin Pipe Line Co.	6 6-26-63	19.5	15.0	
CI64-121	Roland S. Bond	do	do	3 6-19-63	19.5	15.0	
CI64-139	Ashland Oil & Refining Co	Northeast Trail and West Valley Center, Dewey	Panhandle Eastern Pipe Line Co.	183 5- 6-63	17.0	15.0	
CI64-181	Carl E. Gungoll and Henry H. Gungoll	Northeast Trail, Dewey	do	3 5-25-63	17.0	15.0	
CI64-208	Gulf Oil Corp	Northwest Avard, Woods	do	257 5- 5-60	17.0	15.0	Ratification 3-6-63.
CI64-241	Petroleum Inc. (Operator), et al.	West Valley Center, Dewey	do	30 4-19-63	17.0	15.0	

[F.R. Doc. 64-2; Filed, Jan. 3, 1964; 8:45 a.m.]

[Docket No. RI64-432]

AZTEC OIL & GAS CO.

Order Accepting Rate Filing Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 27, 1963.

On November 26, 1963, Aztec Oil & Gas Company (Aztec)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitute increased rates and charges, is contained in the following designated filing:

Description: Notice of Change, dated November 14, 1963.

Purchaser and producing area: Southern Union Gathering Company (Pictured Cliffs, Mesa Verde and Dakota Formations, various fields, San Juan County, New Mexico) (San Juan Basin Area).

Rate schedule designation: Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7.

Effective date: January 1, 1964.[2]

Amount of annual increase: (1) $3,786, (2) $29,384, (3) $9,236.

Effective rate: (1) 11.0466 cents per Mcf.,[3] (2) 13.0551 cents per Mcf.,[4] [6] (3) 13.0536 cents per Mcf.[5] [6]

Proposed rate: (1) 12.0508 cents per Mcf.,[3] [7] (2) 14.0593 cents per Mcf.,[4] [7] (3) 14.0577 cents per Mcf.[5] [7]

Pressure base: 15.025 psia.

Aztec's proposed notice of change reflects a 1.0 cent per Mcf periodic increase plus proportionate tax reimbursement under a rate schedule which provides for three different rates applicable to three different producing formations in San Juan County, New Mexico.

The proposed rate of 12.0508 cents per Mcf for gas produced from the "Pictured Cliffs Formation" is below the applicable ceiling for increased rates in San Juan Basin Area and should be accepted for filing to be effective as of January 1, 1964, the contractually provided effective date.

The proposed rate of 14.0593 cents per Mcf for gas produced from the "Mesa Verde Formation" and the 14.0577 cents per Mcf rate for gas produced from the "Dakota Formation" exceed the increased ceiling of 13.0 cents per Mcf for the San Juan Basin Area as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0508 cents per Mcf rate contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7 should be accepted for filing and permitted to become effective as of January 1, 1963, the contractually provided effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the 14.0593 cents and 14.0577 cents per Mcf rates contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 12.0508 cents per Mcf rate contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7 is hereby accepted for filing and permitted to become effective as of January 1, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed 14.0593 cents and 14.0577 cents per Mcf rates and charges contained in Supplement No. 16 to Aztec's FPC Gas Rate Schedule No. 7.

(C) Pending a hearing and decision thereon, the above-designated rate supplement is hereby suspended and the use thereof deferred until June 1, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-54; Filed, Jan. 3, 1964; 8:45 a.m.]

[Docket No. CP64-100]

CITY OF OLIVET, KANSAS

Notice of Application

DECEMBER 27, 1963.

Take notice that on October 31, 1963, the City of Olivet, Kansas (Applicant) filed in Docket No. CP64-100 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Cities Service Gas Company (Cities Service) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant its daily and yearly requirements in volumes of up to 107 Mcf per day at 14.73 psia and an annual volume of 9,370 Mcf after the third year of operations.

Applicant proposes to construct facilities including a lateral pipeline to connect with Cities Service and a distribution system in the city at an estimated cost of $29,652.

Applicant states that it has arranged to finance the proposed facilities by the sale of general obligation bonds and revenue bonds.

Protest, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-55; Filed, Jan. 3, 1964; 8:45 a.m.]

[Docket No. E-7069]

INDIANA & MICHIGAN ELECTRIC CO.

Order Re-scheduling Proceedings and Denying Motion for Extension of Time

DECEMBER 5, 1963.

At the hearing in this proceeding on October 18, 1963, the Presiding Examiner fixed the following schedule:

November 4, 1963: Staff to file and serve its direct case by mail.

December 2, 1963: Indiana & Michigan Electric Company (I & M) and intervenors to file and serve their direct cases and motions to strike any part of Staff's case.

December 9, 1963: Staff to file and serve its Answers to motions to strike and Staff's motions, if any, to strike testimony filed December 2, 1963.

December 13, 1963: Answers, if any, to motions to strike filed December 9, 1963.

December 18, 1963: Commencement of cross-examination.

Staff filed its direct case and exhibits on November 4, 1963.

On August 30, 1963, I & M filed a complaint in the District Court for the Northern District of Indiana, in Civil Action No. 1476 entitled "Indiana & Michigan Electric Company, plaintiff, vs Federal Power Commission, Joseph C. Swidler, Howard Morgan, Lawrence J. O'Connor, Jr., Charles R. Ross, and Harold C. Woodward, defendants", in which I & M sought to compel this Commission to take certain actions in the proceeding pending before the Commission. On November 29, 1963, the District Judge entered an order "that the defendants and their agents be, and they are hereby, enjoined and restrained from proceeding in [the] administrative proceeding."

The injunction was to remain in effect until December 4, 1963 at four o'clock p.m., c.s.t., or such earlier time as the United States Court of Appeals or a judge thereof should rule on I & M's application for a stay.

On November 29, 1963, the Public Service Commission of Indiana filed a motion in the instant proceeding before this Commission and requested that the filing of its direct case and motions to strike be extended for a period of at least 60 days from December 2, 1963. The Indiana Commission alleged that on November 19, 1963 it had instituted an investigation into the standards for and classifications of electric services rendered by I & M in Indiana, that at least 60 days would be required to conclude the investigation, and that it wished to submit the proceedings in that investigation to the Federal Power Commission.

On December 2, 1963, the Presiding Examiner, apparently unaware of the restraining order entered by the District Court, issued an order denying the motion of the Indiana Commission for an extension of time.

On December 3, 1963, I & M appealed to the United States Court of Appeals for the Seventh Circuit from the dismissal of its complaint by the District Court judge in Civil Action 1476. I & M also requested from the Court of Appeals a further stay of the Commission proceedings in this docket. The request for a stay was denied. Thereafter, late in the afternoon of December 3, 1963, counsel for I & M by telephone advised Staff counsel of the action of the Court of Appeals. I & M's counsel wanted to know what the Commission was going to do in view of the fact that the time for filing I & M's direct case and motions to strike had passed. He suggested that the Commission could act sua sponte to prescribe a new schedule. He authorized Staff counsel to inform the Commission that he was not going to request any action by the Commission, nor was he making a request for additional time, but that it was his intent and purpose to file I & M's direct case and motions to strike on Monday, December 9, 1963. He said he could not file earlier because he had to attend the hearing before the Indiana Commission on December 5, 1963.

In view of the foregoing circumstances, although our proceedings have been delayed through the actions of I & M, it will not be unreasonable to permit I & M and intervenors to file their direct testimony and motions to strike on Monday, December 9, 1963. This, of course, will necessitate re-setting the schedule of subsequent proceedings.

[1] Address is 920 Mercantile Securities Building, Dallas 1, Texas.

[2] Contractually provided effective date.

[3] Rate for gas produced from the Pictured Cliffs Formation.

[4] Rate for gas produced from the Mesa Verde Formation.

[5] Rate for gas produced from the Dakota Formation.

[6] Rate previously suspended and is in effect subject to refund in Docket No. RI64-33.

[7] Reflects 1.0 cent per Mcf periodic increase plus proportionate tax reimbursement.

The Commission orders:

(A) The following schedule shall hereafter be in force and effect in this proceeding:

December 9, 1963: I & M and all intervenors shall file and serve their direct testimony and exhibits and their motions, if any, to strike Staff's direct testimony.

December 23, 1963: Staff shall file and serve its motions if any, to strike any of the direct testimony and exhibits which will have been filed by I & M and intervenors on December 9, 1963. Staff shall also file and serve its answers, if any, to the motions to strike, which may have been filed on December 9, 1963.

January 13, 1963: I & M and intervenors shall file and serve their answers, if any, to Staff's motions to strike filed on December 23, 1963.

January 14, 1963: Hearing to re-convene before the Presiding Examiner for rulings on motions to strike and for cross-examination.

(B) Except as set forth under paragraph (A) supra, the motion of the Public Service Commission of Indiana for an additional 60 days from December 2, 1963, to file and serve its direct case and motion to strike is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-58; Filed, Jan. 3, 1964; 8:45 a.m.]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

Order Postponing Prehearing Conference

DECEMBER 27, 1963.

Pursuant to the order of the Commission issued on October 24, 1963, a prehearing conference was held in Washington, D.C., in the above-entitled proceedings. After preliminary discussions, representatives of the Licensee, the Department of the Interior, the U.S. Forest Service, and the State of California requested additional time to conclude scheduled tests and to review evidence for the purpose of arriving at agreements on facts and issues for the purpose of shortening any hearing which might follow. They further requested that the prehearing conference be reconvened in San Francisco where the availability of records would facilitate further discussions.

Good cause having been shown, the Presiding Examiner granted the request of the parties and fixed January 7, 1964 as the date for reconvening the prehearing conference. In accordance with § 1.13(e) of the Commission's rules of practice and procedure the Presiding Examiner referred the matter to the Commission for approval of an extension of time for more than 30 days.

The Commission finds: It is in the public interest to grant the postponement requested by the parties.

The Commission orders: The action of the Presiding Examiner postponing to January 7, 1964 the prehearing conference in this proceeding is approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-59; Filed, Jan. 3, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-3]

CONSUMERS PUBLIC POWER DISTRICT FOR HALLAM NUCLEAR POWER FACILITY

Notice of Proposed Issuance of Operating Authorization

Notice is hereby given pursuant to § 115.46(b), 10 CFR Part 115, that unless within thirty (30) days after publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the U.S. Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an operating authorization (substantially as set forth in the attachment hereto) to the Consumers Public Power District which authorizes Consumers Public Power District to use and operate the Hallam Nuclear Power Facility at powers up to 256 megawatts thermal. This authorization was requested by Consumers Public Power District in its application dated April 24, 1963, and amendments thereto.

The Hallam Nuclear Power Facility is located near Hallam, Nebraska, at the Sheldon Station of the Consumers Public Power District. The sodium graphite reactor was constructed by North American Aviation, Inc., for the Atomic Energy Commission and has been operated by North American Aviation, Inc. since August 9, 1962, under a provisional operating authorization, which will be superseded by the proposed operating authorization.

The Commission has found that the application, as amended, complies with the requirements of the Commission's regulations in Title 10, Chapter I, Code of Federal Regulations.

For further details with respect to this proposed issuance, see (1) the application filed by the Consumers Public Power District dated April 24, 1963, and amendments thereto dated July 24, 1963, September 20, 1963, September 30, 1963, and November 8, 1963, (2) the report of the Advisory Committee on Reactor Safeguards (ACRS) dated October 14, 1963, (3) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, and (4) the Technical Specifications designated as Appendix "A" to the authorization, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis of the Division of Licensing and Regulation and a copy of the report of the ACRS dated October 14, 1963, may be obtained at the Public Document Room, or upon request to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Maryland, this 31st day of December 1963.

For the Atomic Energy Commission.

EBER R. PRICE, *Acting Director, Division of Licensing and Regulation.*

[Docket No. 115-3]

PROPOSED OPERATING AUTHORIZATION

1. This operating authorization applies to the sodium graphite reactor owned by the United States Atomic Energy Commission (hereinafter referred to as the "Commission") and to be operated by Consumers Public Power District (hereinafter referred to as "CPPD") under contract with the Commission. The reactor is located approximately one and one-half miles North of the Village of Hallam, Nebraska, at The Sheldon Station of the Consumers Public Power District and is described in the "Final Summary Safeguards Report for The Hallam Nuclear Power Facility", NAA-SR-5700, dated April 15, 1961, as supplemented (hereinafter referred to as the "final safeguards report").

2. Pursuant to regulations contained in Title 10 CFR, Chapter I, Part 115 and having considered the record in this matter, the Commission finds that:

A. The application for this operating authorization meets the standards and requirements of the Act and the Commission's regulations.

B. There is reasonable assurance (i) that the activities authorized by this operating authorization can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

C. CPPD is technically qualified to engage in the activities authorized by this operating authorization in accordance with the rules and regulations of the Commission;

D. The issuance of this operating authorization is not inimical to the health and safety of the public.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby authorizes CPPD, pursuant to Title 10 CFR, Chapter I, Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," to use and operate the Hallam Nuclear Power Facility as described in the final safeguards report and CPPD's application, as amended.

4. This authorization shall be deemed to contain and be subject to the conditions specified in §§ 115.42 and 115.47 of Part 115 and is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereinafter in effect; and is subject to the additional conditions specified below:

A. CPPD shall not operate the reactor at power levels in excess of 256 megawatts thermal.

B. Technical specifications: The technical specifications contained in Appendix "A" hereto are hereby incorporated into this authorization. Except as hereinafter provided, CPPD shall operate the facility in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in § 115.47 of Part 115.

C. Records: In addition to those otherwise required under this authorization and applicable rules and regulations of the Commission, CPPD shall keep the following records:

(1) Reactor operating records, including power levels and periods of operations at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of CPPD as measured at or prior to the point of such release or discharge.

(3) Records of radioactivity levels at both on-site monitoring stations and off-site sampling stations.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(6) Records of facility tests and measurements performed pursuant to the requirements of the technical specifications.

D. Reports: In addition to reports otherwise required under this license and applicable rules and regulations of the Commission:

(1) CPPD shall make an immediate report in writing to the Division of Licensing and Regulation of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation:

(a) Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the technical specifications.

(b) Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) CPPD shall make a quarterly report in writing to the Division of Licensing and Regulation of changes made in the facility design and operating procedures, pursuant to § 115.47.

(3) CPPD shall make a report in writing to the Division of Licensing and Regulation within 60 days after the completion of one month of operation of the reactor (calculated from the date of issuance of this authorization), and at the end of each one month period thereafter, which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor.

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown.

(c) Operating experience including a summary of the number of malfunctions in the control and safety systems with brief explanation of each, and a description of all emergency evacuations of the containment building.

(d) Measurements and tests performed on the nuclear systems and results thereof.

(e) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems.

(f) A description of the tests performed to demonstate that the leak rates meet the technical specifications, the results of such tests, and a description of any necessary corrective measures taken to meet the requirements of the technical specifications.

(g) Significant changes made in operating procedures and in plant organization.

(h) Radiation levels recorded at both on-site monitoring stations and off-site sampling stations.

5. This authorization shall be effective as of the date of issuance and, unless extended for good cause shown, shall expire ten (10) years from the said date; provided, however, that this authorization shall expire in any event upon termination of the contract between CPPD and the Commission for operation of the reactor.

6. Effective with its issuance, this authorization terminates and supersedes Provisional Operating Authorization DPRA-1, as amended, heretofore issued to North American Aviation, Inc.

Date of issuance:

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

Attachments: Appendix "A".

[F.R. Doc. 64-83; Filed, Jan. 3, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14949; Order E-20322]

ALLIED AIR FREIGHT, INC.

Order of Investigation and Suspension Relating to Claim Procedure

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 31st day of December 1963.

By tariff revisions[1] marked to become effective January 4, 1964, Allied Air Freight, Inc. (Allied) proposes to change its claim procedure rules by shortening the time limitations for filing loss and damage claims with the forwarder. Allied's present and proposed time limitations and the time limitations of the direct air carriers are set forth below:

Action claimant must take with respect to loss and damage claims for property shipments	Days within which claimant must take such action		
	Allied		Direct carriers
	Proposed	Effective	
1. Notice of intent to file claim (except for concealed loss or damage).			
a. on delivered shipments	7	20	(1)
b. on lost shipments	14	60	(1)
2. Report of concealed loss or damage	7	10	15
3. Filing of formal written claim	90	240	270

[1] No requirement.

In an amendment to its tariff transmittal, Allied states in support of the proposed changes that the forwarder's position in handling of claims differs from that of the direct carriers since the forwarder must have sufficient time to submit a claim to the direct carrier after receipt of the claim from the claimant. Allied also states that the proposed time limitations are adequate to permit the claimant to notify the forwarder and to file his claim.

The Board has determined, on its own initiative, to investigate the proposed rule changes. Allied's presently effective time limitations are already shorter than those of the direct carriers and of other freight forwarders generally, and it appears that Allied now has adequate time to comply with the direct carriers' rules on claim procedures. Indeed, Allied has not presented any instances in which it has been unable to comply with a direct carrier's time limitations. Because of the stringent time limitations now proposed by Allied which might serve merely to defeat otherwise valid claims, the Board will suspend the proposal pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That

1. An investigation be instituted to determine whether the provisions in paragraphs 1., 2., and 3. of Rule No. 5.1 on 3d Revised Page 20 of Allied Air Freight, Inc. C.A.B. No. 1 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful provisions;

2. Pending hearing and decision by the Board, paragraphs 1., 2., and 3. of Rule No. 5.1 on 3d Revised Page 20 of Allied Air Freight, Inc. C.A.B. No. 1, are suspended and their use deferred to and including April 2, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be set for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Allied Air Freight, Inc., which is made a party to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-77; Filed, Jan. 3, 1964; 8:48 a.m.]

[1] To Allied Air Freight, Inc. C.A.B. No. 1.

[Docket No. 14951; Order E-20324]

DOMESTIC TRUNKLINE CARRIERS; FIRST-CLASS AND FAMILY-PLAN FARES

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of December 1963.

By tariff revisions, bearing a posting date of November 21, 1963, and marked to become effective January 15, 1964, American Airlines, Inc., proposes (1) to reduce jet first-class fares, for distances over 700 miles, by progressively greater percentages as trip length increases—reductions would range from 4.5 percent (N.Y.-Chicago) to 14 percent (N.Y.-Los Angeles)—and to reduce propeller first-class fares to the same level as jet fares, and (2) to provide 25-percent family-fare discounts for first-class, business, and coach travel, from Monday noon

through 6:00 a.m. Friday. The filings do not bear an expiration date.

All the domestic trunkline carriers except Northeast Airlines, Inc., and Western Air Lines, Inc., have also filed competitive first-class fares for those markets in which they compete with American.[1] Family-fare plans similar to American's as to discount and days of the week, and applicable to first-class, one-class, business, and coach have been proposed by Continental Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.[2] However, Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc., would retain the 50-percent discount for first-class service. National Airlines, Inc., on the other hand, proposes a 25-percent discount for coach service,[3] but would retain the 50-percent discount for first-class service. American, furthermore, has added exceptions for some points to which it will continue to apply the 50-percent first-class family fare.

Seven carriers (Continental, Delta, Eastern, National, Northwest, TWA, and United) have filed complaints with the Board requesting investigation and suspension of American's proposed changes in first-class fares, and in the family plan, as well as of all the competitive tariff filings of the other trunkline carriers. American has filed an answer to the complaints. In addition to its answer, American has filed a complaint against the carriers that propose to apply a 50-percent family-fare discount to their reduced first-class fares. Braniff, Delta, Eastern, and National have filed answers to this complaint. Delta has filed a complaint against American's proposal to reinstate the 50-percent family-plan discount applicable in certain selected markets. Braniff has submitted a letter urging the Board to permit American's proposed first-class fares to go into effect until a fixed expiry date, but not supporting American's family-fare plan.

The complaints allege, inter alia, that no factual data have been submitted by American in justification for its filing; that American's proposal is directed primarily at United's one-class service, and if allowed to become effective, a counter move by United can be expected, causing a probable downward revision of one-class and coach service; that the first-class fare reductions are not related to cost and value of service, and are not justified by cost savings; that a decrease of first-class fares will spread to local service carriers and increase their subsidy requirements; and that a sizeable loss in revenue would occur, since the proposed reductions in first-class fares are in no sense promotional in nature and no sufficient number of new passengers will be generated to offset the first-class revenue dilution. The complaints further state that if American's family-plan proposal is allowed to become effective it would abort the pending family fare investigation in Docket 14813; that it would be economically unsound, unjust, and unreasonable; that it would decrease traffic, reduce revenues, and have considerable adverse effect upon the financial condition of the industry; that it would be unjustly discriminatory and unduly preferential and prejudicial; and that it would invite other competitive proposals in the rate war between American and United.

In support of its proposals (which American states are submitted to the Board as a "package" of interrelated fares to be accepted or suspended in their entirety) and in answer to the complaints, American alleges that the difference between its first-class fares and the one-class fares of United is excessive; that the price differential between one-class and coach has been added to one-class fares to arrive at its proposed first-class fare level; and that by adding first-class seats in place of the lounge seats, its potential income from first-class capacity will not be reduced. With regard to its proposed family fares, the carrier states that they will level the flow of traffic throughout the week; that better utilization of facilities and cost savings will be achieved; that the new coach family fare will reach a wider market and promote traffic; and that any loss in passenger revenues caused by the reduction of first-class fares will be offset by the increase in revenues from new family travel.

Statutory rate-making criteria and Board policy require that fares for each major class of service be established upon a sound economic basis. The application of this principle, which is basic to the sound development of the industry, is particularly important in this case in view of the magnitude of the tariff changes, their wide application as proposed by American, and the competitive impact they will have upon the domestic trunkline industry. The proposed reduction in first-class fares will further narrow the spread between first-class and coach fares below that indicated by the cost relationship of such services. The potential of such reductions for generating new traffic will be limited since they are applicable to a higher priced service, and offer no new inducement to that segment of the market whose primary consideration is price. Of greater import will be the effect of such proposals in shifting traffic from one class of service to another.

Upon consideration of the tariff proposals, the allegations in the complaints and answers and of other matters noticed herein, the Board finds that the issues raised by the requests for suspensions of the first-class fare reductions warrant investigation but not suspension. The Board does not find that the reduced first-class tariffs filed by American and other competitive carriers are unlawful and finds significant to the economics of American's proposal that there is tied to the reduction in these fares (1) a reduction in the family-fare discount and a limitation of its use from Monday noon through 6:00 a.m. Friday, which will be offsetting factors to the reduced first-class yield, and (2) American's proposal to convert its first-class lounge to revenue usage, which will reduce its first-class seat-mile costs and break-even load factor, and thereby increase the revenue potential of the first-class compartment. The Board has decided, therefore, to permit to become effective those first-class fare reductions of American and of the competing carriers that are accompanied by concurrent revisions in the family-fare plan tariffs which will limit the amount of discount to be applied to such fares to 25 percent for accompanying members of the family, and which will limit the applicability of the family plan to a period similar in duration to that period encompassed in American's filing.

The reductions in first-class fares proposed by those carriers who did not make concurrent revisions to the family-fare plan would be subject to a 50-percent discount for the carriage of an accompanying family member. This would result in these fares being so far below coach level as to appear uneconomic, unreasonable, and unjustly discriminatory. The first-class fare reductions proposed by Braniff, Delta, Eastern, and National will, therefore, be suspended.[4] These carriers will, of course, be permitted to file lower first-class fares to be competitive with American's: *Provided*, That such fares are upon the same basis as are American's, that is, subject to a family-plan discount of not greater than 25 percent for the accompanying family members and are similarly restricted as to the period of application.

The Board notes that the trunkline carriers have established various tariff provisions with respect to the number, sale, and use of lounge seats, and that carrier practices in this regard are not clear.[5] Although this order does not suspend the proposed fare reductions of those carriers whose tariffs do not provide for the sale of lounge seats, or have announced plans to eliminate lounge seats and install standard first-class seats, the Board expects that those carriers desiring to effect reductions in first-class fares to promptly make such tariff revisions as are necessary to specify clearly that the carrier will provide for sale the lounge seats on any flight. In addition, the Board expects that as soon as practicable all lounge seats will be replaced by standard seats, thereby minimizing costs and break-even load factors. Further, in order that the Board may evaluate the impact of the new reduced fares, our acceptance of such tariffs will be limited. Consequently, all carriers are requested to amend their tariffs to show an expiry date of January 31, 1965.

Turning to the proposed modifications of the family-plan discount, the Board, in Docket 14813,[6] placed under investigation the first-class family fares then offered by the domestic trunkline carriers. In instituting that investigation, the Board noted that it had entertained serious doubts that the first-class family plan is any longer a useful and economic discount for the domestic trunk operations. The Board observed that where coach service is offered the traffic generation potential of such fares is limited, and indicated concern with respect to the anomalous circumstances in which a first-class family-fare discount produces in many instances lower fares than normal ones in business-class, one-class, and coach services. Although the 50-percent discount presently in effect has apparently increased traffic in the first-class section, it is doubtful that the increase in revenue has been nearly as favorable. The modification of the family-fare discount from 50 to 25 percent and the limitation of the period of use of these fares should improve the economics of the present family-fare discount in first-class service. In addition, it will eliminate the anomaly of first-class family travel being priced lower than coach family travel and to a degree lessen the element of discrimination inherent in a promotional fare.

In view of the foregoing, the Board finds no basis for suspending the tariff proposals to decrease the discount in the family plan for first-class service. While the probable economic impact of the extension of the family plan to the other classes of services (except economy) is less clear, we are not persuaded that a carrier should be prohibited from effecting such tariffs on an experimental basis with limitations as to the period of availability of such fares. The opportunities for leveling traffic over the days of the week, and thereby improving utilization of aircraft, equipment, and manpower, are as favorable for other classes of service as with respect to the first-class family plan. Further, the offering of such a plan in business, one-class, and coach services should attract additional families of businessmen and tourists because such family fares, particularly in coach service, will be at a lower level for families than current coach service without a family plan. The Board will therefore permit the 25-percent discount provisions to become effective as proposed for first-class, business-class, one-class, and coach services. In view of the issues and the lawfulness of the proposed family-fare modifications as noted in the complaints, an investigation will be ordered with respect to such proposals and consolidated into Docket 14813.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That

1. An investigation is instituted to determine whether the fares, charges, and provisions described in the attached Appendixes A, B, and C[7] including subsequent revisions and reissues of such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares, charges, and provisions;

2. Pending hearing and decision by the Board the fares, charges, and provisions described in Appendix B are suspended and their use deferred to and including April 13, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein with respect to the fares, charges, and provisions described in Appendix C is consolidated into Docket 14813;

4. Except to the extent granted herein the requests contained in the complaints in Dockets 14893, 14895, 14896, 14897, 14898, 14899, 14900, 14919, and 14920 are denied and the complaints therein are dismissed;

5. The investigation in Docket 14951, ordered herein, be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to the proceeding in Docket 14951; and provided further that service of this order be made upon all of the parties to the proceeding in Docket 14813.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[8]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F. R. Doc. 64-78; Filed, Jan. 3, 1964; 8:48 a.m.]

[1] In addition to filing competitive first-class fare proposals TWA filed tariffs marked to become effective January 31, 1964, which would establish three distinct classes of service on nonstop transcontinental flights. Subsequently, by telegram dated December 18, 1963, the carrier advised the Board that if American's proposal is permitted to become effective TWA would be compelled to revert to its competitive tariff which it states is mutually exclusive in relation to its tariff marked to become effective January 31, 1964.

[2] On a systemwide basis, with some exceptions for Northwest.

[3] Applicable in selected competitive markets only.

[4] We will also suspend Northwest's first class fare reductions in markets where a 50-percent family-fare discount is proposed, as well as American's 50-percent first-class family fare discount proposed as an exception in certain selected markets.

[5] The Board does not accept American's contention that a tariff provision specifying the number of lounge seats available for sale is consistent with its stated practice of not selling lounge seats on segments of 500 miles or over, with passengers assigned to such seats only when there is an inadvertent oversale.

[6] Order F-20099, dated October 16, 1963.

[7] Filed as part of the original document.

[8] Joint concurrence and dissent of Murphy, Vice Chairman, and Minetti, Member, filed as part of original document.

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by First Wisconsin Bankshares Corporation, which is a bank holding company located in Milwaukee, Wisconsin, for the prior approval of the Board of the acquisition by Applicant of 80 per cent or more of the voting shares of Brookfield National Bank, Brookfield, Wisconsin, a proposed new bank.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 30th day of December 1963.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 64-60; Filed, Jan. 3, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 451]

MAINE

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1963, because of the effects of certain disasters, damage resulted to residences and business property located in Hancock, Waldo, Knox, Washington, Lincoln, Sagadahoc, Cumberland and York Counties in the State of Maine;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices

below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from wind, tide, waves and accompanying conditions occuring on or about November 30, 1963.

Offices: Small Business Administration Regional Office, 470 Atlantic Avenue, Boston, Massachusetts; Small Business Administration Branch Office, 114 Western Avenue, Augusta, Maine.

2. A temporary office will be established in Boothbay Harbor, Maine, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1964.

Dated: December 13, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-62; Filed, Jan. 3, 1964; 8:46 a.m.]

TARIFF COMMISSION

SAFETY PINS

Report to the President

DECEMBER 31, 1963.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in safety pins. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamation dated November 29, 1957, increased the rate of duty applicable to safety pins, effective after the close of business December 30, 1957. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report to the President presents statistical data with respect to safety pins and concludes that there have been no significant changes in the trade since the Commission made its last review, the results of which were reported to the President on December 31, 1962. The entire report to the President may not be made public since it contains certain information that would reveal the operations of individual firms. The Commission, therefore, is releasing the report with some portions omitted.

Copies of the Commission's public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., 20436.

DONN N. BENT,
Secretary.

[F.R. Doc. 64-71; Filed, Jan. 3, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 32-63]

WAGE APPEALS BOARD

Establishment and Functions

1. *Authority.* This order is issued pursuant to R.S. 161 (5 U.S.C. 22), Reorganization Plan No. 6 of 1950 (5 U.S.C. 611 note) and Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15 note).

2. *Purpose.* The purpose of this Order is to establish a Wage Appeals Board and to authorize the Board to carry out certain functions of the Secretary of Labor under Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15 note), any statutes subject to that Plan, which include Davis-Bacon Act (40 U.S.C. 276a-7), and as extended to the Federal-Aid Highway Act of 1956 (23 U.S.C. 113); Copeland Act (40 U.S.C. 276c); Contract Work Hours Standards Act (40 U.S.C. 327-330); National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715l(d)(3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h-2, 1750g); Hospital Survey and Construction Act (42 U.S.C. 291h); Federal Airport Act (49 U.S.C. 1114); United States Housing Act of 1937 (42 U.S.C. 1416); Housing Act of 1949 (42 U.S.C. 1459); School Survey and Construction Act of 1950 (20 U.S.C. 636); Defense Housing and Community Facilities and Services Act of 1959 (42 U.S.C. 1592i); Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281); Area Redevelopment Act (42 U.S.C. 2518); Delaware River Basin Compact (sec. 15.1, 75 Stat. 714) and also under the Federal Water Pollution Control Act (33 U.S.C. 4663); the College Housing Act of 1950 (12 U.S.C. 1749a), and the Housing Act of 1959 (12 U.S.C. 1701q), and to carry out those functions under the rules promulgated pursuant to the Plan and other authority published in 29 CFR Parts 1 and 5. The establishment of the Board and the delegations of authority thereto also necessitate some changes in the delegations of authority to the Solicitor of Labor under the statutes involved. These changes are made in Paragraph 12 of this Order.

3. *Rescission of previous Order.* General Order No. 41 of the Secretary of Labor (18 F.R. 2609) is hereby rescinded.

4. *Establishment of Wage Appeals Board.* There is hereby established a Wage Appeals Board which shall be directly responsible to the Secretary of Labor for the proper performance of the delegated authority conferred in Paragraph 8 of this Order. The Board shall operate under the rules of the Secretary of Labor interpreting or applying the statutes listed in Paragraph 2 of this Order.

5. *Composition.* The Board shall consist of three public members, one of whom shall be designated Chairman. The members of the Board shall be appointed by the Secretary of Labor, and shall be selected upon the basis of their qualifications and competence in matters within the authority of the Board.

6. *Voting.* The Chairman of the Board may, in his discretion, designate himself or any other member of the Board to decide any appeal provided the interested persons or parties have consented to the disposition of the appeal in this manner. The chairman may also direct that any appeal may be decided by a panel of any two members of the Board, but if they are unable to agree upon a decision, the case will be decided by the full Board. When an appeal is decided by all three members of the Board, a majority vote shall be necessary for decision. Any decision in any other matter shall also be by a majority vote.

7. *Location of Board proceedings.* The Board shall hold its proceedings in Washington, D.C., unless for good cause the Board orders that proceedings in a particular matter be held in another location.

8. *Authority of the Board.* The Board shall act as the authorized representative of the Secretary of Labor in deciding appeals, concerning questions of fact and law, taken in the discretion of the Board, from wage determinations issued under the Davis-Bacon Act and its related minimum wage statutes and under 29 CFR Part 1; appeals taken, in the discretion of the Board, in debarment cases arising under 29 CFR Part 5; disputes coming before the Board, in its discretion, concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations; and, in its discretion, in reviewing the recommendations of a Federal agency for appropriate adjustment of liquidated damages which are assessed under the Contract Work Hours Standards Act. On any question of law, the Board shall act on the advice of the Solicitor.

9. *Rules of practice and procedure.* The Board may recommend to the Secretary such rules as it deems necessary or appropriate for the conduct of its proceedings. The Secretary shall issue rules implementing the recommendations of the Board.

10. *Department Counsel.* The Solicitor or his designee shall represent the Department in each proceeding before the Board.

11. *Authority of Solicitor.* Except: (1) as provided in Paragraph 8 of this Order and (2) in the promulgation of general rules pursuant to Reorganization Plan No. 14 of 1950, the Solicitor of Labor shall act as the authorized representative of the Secretary of Labor in carrying out the duties and responsibilities of the Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 276a-7), Federal-Aid Highway Act of 1956 (23 U.S.C. 113), Copeland Act (40 U.S.C. 276c), Contract Work Hours Standards Act (40 U.S.C. 327-330), National Housing Act (12 U.S.C. 1713, 1715a, 1715c, 1715k, 1715(d)(3) and (4), 1715v, 1715w, 1715x, 1743, 1747, 1748b, 1748h-2, 1750g), Hospital Survey and Construction Act (42 U.S.C. 291h), Federal Airport Act (49 U.S.C. 1114), United States Housing Act of 1937 (42 U.S.C. 1416), Housing Act of 1949 (42 U.S.C. 1459), School Survey and Construction Act of 1950 (20 U.S.C. 636), Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592l), Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281), Area Redevelopment Act (42 U.S.C. 2518), the Housing Act of 1959 (12 U.S.C. 1701q), Delaware River Basin Compact (sec. 15.1, 75 Stat. 714), Federal Water Pollution Control Act (33 U.S.C. 466e), College Housing Act of 1950 (12 U.S.C. 1749a), the Tennessee Valley Authority Act (16 U.S.C. 831b), Reorganization Plan No. 14 of 1950, and the rules published in 29 CFR Parts 1, 3, and 5. The Solicitor may subdelegate his duties and responsibilities under this paragraph.

Signed at Washington, D.C., this 30th day of December 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-64; Filed, Jan. 3, 1964; 8:46 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act.

The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., division of Cluett, Peabody & Co., Inc., Buchanan, Ga.; effective 12-13-63 to 12-12-64 (men's shirts).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12-27-63 to 12-26-64 (men's work pants and shirts, semi-dress pants, sport shirts).

H. & L. Block, Inc., Decherd, Tenn.; effective 12-16-63 to 12-15-64 (men's single slacks).

Blue Bell, Inc., Prentiss County, Booneville, Miss.; effective 12-17-63 to 12-16-64 (ladies' and girls' blouses, men's and boys' shirts).

Blue Bell, Inc., Woodstock, Va.; effective 12-13-63 to 12-12-64 (ladies', girls', and boys' dungarees).

Decatur Shirt Corp., Decatur, Miss.; effective 12-21-63 to 12-20-64 (boys' sport shirts).

Edric Manufacturing Corp., 101 Bel-Air Drive, Columbia, Tenn.; effective 12-18-63 to 12-17-64 (men's sport shirts).

H & H Manufacturing Co., Statham, Ga.; effective 12-11-63 to 12-10-64 (men's dress slacks).

Hartsville Garment Corp., 226 Broadway, Hartsville, Tenn.; effective 12-14-63 to 12-13-64 (men's sport shirts).

Edward Hyman Co., Lake Street, Hazlehurst, Miss.; effective 12-20-63 to 12-19-64 (men's work shirts, work pants, and coveralls).

Livingston Shirt Corp., 308 South Church Street, Livingston, Tenn.; effective 12-16-63 to 12-15-64 (men's dress shirts, sport shirts, and pajamas).

Primo Pants Co., Versailles, Mo.; effective 12-10-63 to 12-9-64 (men's pants).

Quad Manufacturing Co., 1040 Vernon Street, Huntington, W. Va.; effective 12-13-63 to 12-12-64 (men's trousers).

Renovo Shirt Co., Inc., Mena, Ark.; effective 1-1-64 to 12-31-64 (men's shirts, ladies' and girls' blouses).

Richfield Manufacturing Co., Monroe Township, Juniata County, Richfield, Pa.; effective 12-28-63 to 12-27-64 (men's and boys' sport and dress shirts).

Salemburg Manufacturing Co., Salemburg, N.C.; effective 12-9-63 to 12-8-64 (women's cotton dresses).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; effective 12-26-63 to 12-25-64 (men's and boys' single pants).

Stahl-Urban Co., North Second Street, Brockhaven, Miss.; effective 12-19-63 to 12-18-64 (men's and boys' outerwear jackets and trousers).

Levi Strauss & Co., Post Office Box 1100, McArthur Road, Maryville, Tenn.; effective 12-12-63 to 12-11-64 (men's and boys' trousers).

Waldon Manufacturing Co., Box 915, Walnut, Miss.; effective 12-9-63 to 12-8-64 (men's workshirts and men's and boys' outerwear jackets).

Wyoming Valley Garment Co., 237 Old River Road, Wilkes-Barre, Pa.; effective 12-16-63 to 12-15-64 (men's and boys' trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Warsaw, Ind.; effective 12-9-63 to 12-8-64; 10 learners (men's and boys' dungarees).

East Salem Manufacturing Co., Delaware Township, Juniata County, Rural Delivery No. 2, Mifflintown, Pa.; effective 12-28-63 to 12-27-64; 10 learners (men's and boys' sport and dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Whitmire Hosiery Mills, Inc., Chester Highway, Whitmire, S.C.; effective 12-16-63 to 6-15-64; 10 learners for plant expansion purposes (ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ainsbrooke Corp., Carmi, Ill.; effective 12-16-63 to 12-15-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven underwear).

Sel Mor Garment Co., Inc., 316 North 18th Street, St. Louis, Mo.; effective 12-9-63 to 12-8-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Spotlight Co., Inc., Ashdown, Ark.; effective 12-14-63 to 12-13-64; 5 learners for normal labor turnover purposes (ladies' lingerie and sleepwear).

Spotlight Co., Inc., Ashdown, Ark.; effective 12-14-63 to 6-13-64; 50 learners for plant expansion purposes (ladies' lingerie and sleepwear).

The Worcester Knitting Co., Brussels Street, Worcester, Mass.; effective 12-13-63 to 12-12-64; 5 percent of the total number of factory production workers for normal labor turnover purposes (polo shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 20th day of December 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-61; Filed, Jan. 3, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241]

RAILROAD FREIGHT CARS

Investigation of Adequacy of Ownership, Car Utilization, Distribution, Rules and Practices

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December, A.D. 1963.

The Commission having under consideration the recurring freight car shortages in all areas of the country, the possibility of continuing shortages and the reduction in ownership of serviceable freight cars, has determined that there exists a need for a study of freight car supply. The initial stage of the study will be limited to consideration of the adequacy of railroad freight car supply with related subjects such as utilization, distribution, rules and practices being left to a later stage which may develop into a rule making proceeding;

It is ordered, That a proceeding be, and it is hereby, instituted under authority of Part I of the Interstate Commerce Act (49 U.S.C. 1 et seq.) including more specifically sections 1 and 12 thereof, for the purpose of ascertaining the adequacy of railroad freight car ownership.

It is further ordered, That this proceeding be, and it is hereby, assigned to Division 3 for handling and disposition.

It is further ordered, That (1) all Class I railroads, and (2) all Class II railroads and switching and terminal companies listed in Appendix A below, subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing shall be scheduled; that on or before March 1, 1964, respondents shall supply the information outlined in Appendix B below by completing and filing with the Commission at its office in Washington, D.C., six copies of the forms attached hereto as Appendices C and D.[1] Any other interested party may file representations (6 copies) within the same period. Copies need not be served upon any party.

And it is further ordered, That a copy of this order and six additional copies of Appendices C and D shall be served upon each respondent, that a copy of this order be posted in the Office of the Secretary of the Commission, and that a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A

EX PARTE NO. 241

CLASS II RAILROAD

St. Johnsbury & Lamoille County RR
Lake Erie, Franklin & Clarion RR Co.
New Jersey & New York RR Co.
Port Huron & Detroit RR Co.
Cornwall RR Co.
West Virginia Northern RR Co.
Chesapeake Western Ry.
Washington & Old Dominion RR
Columbia, Newberry & Laurens RR Co.
Durham & Southern Ry. Co.
Lancaster & Chester Ry. Co.
Live Oak, Perry & Gulf RR Co.
Mississippi Export RR Co.
St. Marys RR Co.
South Georgia Ry. Co.
Valdosta Southern RR Co.
Camas Prairie RR Co.
Cedar Rapids & Iowa City Ry. Co.
Columbia & Cowlitz Ry. Co.
Des Moines & Central Iowa Ry. Co.
Marinette, Tomahawk & Western RR Co.
Minnesota, Dakota & Western Ry. Co.
California Western RR
Central California Traction Co.
Nevada Northern Ry. Co.
Oregon, Pacific & Eastern Ry. Co.
Santa Maria Valley RR Co.
Tidewater Southern Ry. Co.
Utah Ry. Co.
Angelina & Neches River RR Co.
Ashley, Drew & Northern Ry. Co.
Louisiana Midland Ry. Co.
New Orleans & Lower Coast RR Co.
North Louisiana & Gulf RR Co.
Northeast Oklahoma RR Co.
Oklahoma City-Ada-Atoka Ry. Co.
Sands Spring Ry. Co.
Can. Nat. Lines in New England
Can. Pac. Lines in Vermont
Cambria & Indiana RR Co.
Detroit & Mackinac Ry. Co.
Genesee & Wyoming RR Co.
Montour RR Co.
Pittsburg & Shawmut RR Co.
Peabody Short Line RR
Pittsburgh, Chartiers & Youghiogheny Ry. Co.
Raritan River RR Co.
Atlantic & Danville Ry. Co.
Interstate RR Co.
Apalachicola Northern RR Co.
Atlantic & East Carolina Ry. Co.
Columbus & Greenville Ry. Co.
Meridian & Bigbee RR Co.
Mississippi Central RR Co.
Paducah & Illinois RR Co.
Tennessee, Alabama & Georgia Ry.
Winston-Salem Southbound Ry. Co.
Ft. Dodge, Des Moines & Southern Ry. Co.
Kewaunee, Green Bay & Western RR Co.
Portland Traction Co.
Waterloo RR Co.
Great Western Ry. Co.
McCloud River RR Co.
Sacramento Northern Ry.
San Diego & Arizona Eastern Ry. Co.
Trona Ry. Co.
Arkansas & Louisiana Missouri Ry. Co.
Midland Valley RR Co.
Quanah, Acme & Pacific Ry. Co.
Roscoe, Snyder & Pacific Ry. Co.
Texas & Northern Ry. Co.
Texas & New Mexico Ry. Co.

Switching and Terminal Companies

Buffalo Creek RR
Detroit Terminal RR Co.
Indiana Harbor Belt RR Co.
Lake Terminal RR Co.
Newburgh & South Shore Ry Co.
Toledo Terminal RR Co.
Aliquippa & Southern RR Co.
Baltimore & Ohio Chicago Terminal RR Co.
Bush Terminal RR Co.
Chicago Heights Terminal Transfer RR Co.
Conemaugh & Black Lick RR Co.
Monongahela Connecting RR Co.
Patapsco & Back Rivers RR Co.
River Terminal Rwy. Co.
Union RR Co. (Pennsylvania)
Norfolk & Portsmouth Belt Line RR Co.
New Orleans Public Belt RR
Terminal Rwy. Alabama State Docks
Chicago River & Indiana RR Co.
Los Angeles Junction Rwy. Co.
Peoria & Pekin Union Rwy. Co.
Manufacturers Rwy. Co.
Cuyahoga Valley Ry. Co.
Fairport, Painesville & Eastern RR Co.
Lake Erie & Eastern RR Co.
Lakefront Dock & RR Terminal Co.
South Buffalo Ry. Co.
Youngstown & Northern RR Co.
Alton & Southern
Belt Ry. of Chicago
Brooklyn Eastern District Terminal
Canton RR Co.
Chicago Produce Terminal Co.
Chicago, West Pullman & Southern RR Co.
McKeesport Connecting RR Co.
New York Dock RR
Philadelphia, Bethlehem & New England
Steelton & Highspire RR Co.
Upper Merion & Plymouth RR Co.
Birmingham Southern RR Co.
New Orleans Terminal Co.
Union Rwy. Co. (Memphis, Tenn.)
Illinois Northern Rwy.
Modesto & Empire Traction Co.
Houston Belt & Terminal Rwy. Co.
Terminal Rwy. Association

APPENDIX B

EX PARTE NO. 241

Investigation

ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Period to be covered by record of car handling shall be for a period of five weeks ending October 5, through November 2, 1963.

If peak loading of the type specified occurred on your line during a five-week period other than that designated herein, furnish weekly loading data for that peak period also as required by Item 1. Answers to questions 2 to 5 inclusive, need cover only the five weeks ended November 2.

1. Number of revenue cars loaded each week for the period specified.

(a) All cars loaded with revenue or non-revenue freight for roadhaul or Intra-terminal or Inter-terminal movement, including cars originated in a switching district on connecting lines and received for roadhaul movement.

(b) Originated on dependent short lines (not included in (a)).

(c) Reports from other than Class I railroads should include only cars which are loaded for switch movement within a terminal or for local roadhaul movement.

2. Show number of foreign cars loaded and included in total loadings during peak week.

3. Actual average daily shortage of cars for each of the five weeks covered in Item 1(a). The shortage at all stations for each working day (Monday through Friday) totaled for the entire railroad and divided by 5 should be reported as the average daily shortage for each of the five weeks. The number of cars so reported must not exceed one-fifth of the net additional number of cars that could have been loaded (had ample car supply been available) over and above number that were actually loaded.

4. Express in percentage any anticipated increase or decrease in requirements for cars during same five-week period of 1964 as used in this study.

5. Number of serviceable cars separated between system, foreign and private on line on the first day of October and on the first day of November 1963.

EQUIPMENT STATISTICS

1. Ownership of cars as of January 1, 1964.

(a) System cars in unserviceable condition as of January 1, 1964.

(b) System cars held awaiting dismantling or retirement as of January 1, 1964 (included in 1(a)).

(c) Number of cars given heavy repair during period January 1 to December 31, 1963.

2. Installation of cars during period January 1 to December 31, 1963.

(a) New cars purchased or leased.*

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased second hand.

3. Retirements of cars during period January 1 to December 31, 1963.

(a) For demolition or sale.

(b) For rebuilding.

(c) For reclassification or lease to others.

4. Estimated installation of cars during 12-month period ending December 31, 1964.

(a) New cars purchased or leased.

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased second hand.

5. Estimated retirements of cars during 12-month period ending December 31, 1964.

6. Estimated ownership of cars as of January 1, 1965.

(a) Total ownership.

(b) System bad orders.

(c) Total serviceable ownership.

[F.R. Doc. 64-70; Filed, Jan. 3, 1964; 8:47 a.m.]

[1] Appendices C and D filed as part of original document.

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 31, 1963.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38734: *Sugarbeet or cane to points in Texas and New Mexico.* Filed by Southwestern Freight Bureau, agent (No. B-8490), for interested rail carriers. Rates on sugarbeet or cane, in carloads, from points in Colorado, Idaho, Oregon, Utah, and Wyoming, also Belle Fourche, S. Dak., to points in Texas and New Mexico.

Grounds for relief: Market competition.

Tariff: Supplement 8 to Southwestern Freight Bureau, agent, tariff I.C.C. 4434.

FSA No. 38735: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 488), for interested rail carriers. Rates on chemicals, mud or mud treating compounds, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 7 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38737: *Soybeans to Cameron, S.C.* Filed by Atlantic Coast Line Railroad Company (No. 210), for itself. Rates on soybeans, in carloads, from Bennettsville, McColl and Tatum, S.C., to Cameron, S.C.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 13 to Atlantic Coast Line Railroad Company, tariff I.C.C. B-3541.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38736: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 489), for interested rail carriers. Rates on chemicals, mud or mud treating compounds, etc., in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 7 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 64-66; Filed, Jan. 3, 1964; 8:46 a.m.]

[Notice No. 919]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 31, 1963.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66470. By order of December 26, 1963, the Transfer Board approved the transfer to Hillsboro Transportation Co., Hillsboro, Ohio, of the operating rights claimed in No. MC 120064 (Sub-No. 1) under the "grandfather clause" of Section 206(a)(7)(b), Interstate Commerce Act, by White Moving & Storage Co., Greenfield, Ohio, and the substitution of transferee as applicant for a certificate of registration from this Commission corresponding to the grant of intrastate authority to transferor issued by the Public Utilities Commission of Ohio. Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio, attorney for applicants.

No. MC-FC 66483. By order of December 26, 1963, the Transfer Board approved the transfer to J-Z Motor Express, Inc., Greenwich, Conn., of Certificate in No. MC 30653, issued May 2, 1956, to Irving Sockol, doing business as J. Z. Motor Express, Greenwich, Conn., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greenwich, Conn., and New York, N.Y., serving intermediate points on U.S. Highway 1, and specified off-route points; between New Rochelle, N.Y., and points in the New York, N.Y., commercial zone; and between New Rochelle, N.Y., and points in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Fairfield County, Conn. Irving S. Rosenblum, 54 Park Row, Stamford, Conn., attorney for applicants.

No. MC-FC 66489. By order of December 26, 1963, the Transfer Board approved the transfer to Lipsky Moving and Storage Corp., 74 Sagamore St., Lynn, Mass., of the certificate in No. MC 4818, issued October 23, 1956, to Jacob Lipsky, doing business as Harry Lipsky Company, 74 Sagamore Street, Lynn, Mass., authorizing the transportation of: Household goods, between Lynn, Mass., and points in Massachusetts within 10 miles of Lynn, on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-67; Filed, Jan. 3, 1964; 8:46 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress*. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, First Session.

Approved December 30, 1963

S.J. Res. 113---------- Public Law 88-242
Joint Resolution to authorize the President to issue annually a proclamation designating the first week in March of each year as "Save Your Vision Week".

S. 1175---------- Public Law 88-249
An Act to revise the boundaries of the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

S. 1319---------- Public Law 88-251
An Act to amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents.

S. 2311---------- Public Law 88-246
An Act to provide for the preparation and printing of compilations of materials relating to annual national high school and college debate topics.

H.J. Res. 680---------- Public Law 88-255
Joint Resolution requesting the President to designate 1964 as "United States Customs Year".

H.J. Res. 778---------- Public Law 88-244
Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor.

H.J. Res. 848---------- Public Law 88-254
Joint Resolution to provide for the designation of the month of February in each year as "American Heart Month".

H.J. Res. 880---------- Public Law 88-247
Joint Resolution establishing that the second regular session of the Eighty-eighth Congress convene at noon on Tuesday, January 7, 1964.

H.R. 5338---------- Public Law 88-243
An Act to enact the Uniform Commercial Code for the District of Columbia, and for other purposes.

H.R. 6754---------- Public Law 88-250
An Act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 6868---------- Public Law 88-248
An Act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 7063---------- Public Law 88-245
An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

H.R. 7431---------- Public Law 88-252
An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1964, and for other purposes.

NOTICES

H.R. 8667 ..... Public Law 88-253
An Act authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins.

H.R. 9418 ..... Public Law 88-256
An Act to provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy.

Approved December 31, 1963

H.R. 9140 ..... Public Law 88-257
An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes.

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FEDERAL REGISTER

VOLUME 29 NUMBER 4

Washington, Tuesday, January 7, 1964

THE UNIVERSITY OF MICHIGAN
JAN 9 1964
MAIN READING ROOM

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[Updated to January 1, 1963]

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Title 3—THE PRESIDENT

Executive Order 11135

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE EASTERN, WESTERN AND SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Brotherhood of Railroad Signalmen, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees, or by their employees, in the conditions out of which the disputes arose.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 3, 1964.

LIST A

EASTERN RAILROADS

Akron, Canton & Youngstown Railroad
Ann Arbor Railroad Company
Baltimore & Ohio Railroad Company
B. & O. Chicago Terminal Railroad Company
Staten Island Rapid Transit Railway Company
Bangor & Aroostook Railroad
Bessemer & Lake Erie Railroad Company
Boston & Maine Railroad
Canadian National Railways (New England States)
Canadian Pacific Railway Company (Maine and Vermont)
Central R.R. Company of New Jersey
New York & Long Branch Railroad
Central Vermont Railway, Inc.
Cincinnati Union Terminal Company
Dayton Union Railway Company
Delaware & Hudson Railroad Corporation
Detroit & Toledo Shore Line Railroad Company
Detroit Terminal Railroad Company
Detroit, Toledo & Ironton Railroad Company
Erie-Lackawanna Railroad Company
Grand Trunk Western Railroad Company
Indianapolis Union Railway Company
Lehigh & Hudson River Railway Company
Lehigh Valley Railroad Company
Long Island Rail Road Company
Maine Central Railroad Company
Portland Terminal Company

Monon Railroad Company
Monongahela Railway Company
New York Central System
New York District (Inc. Grand Central Terminal) (Lines East)
Eastern District (Including B. & A. Division) (Lines East)
Western District (Lines West)
Cleveland Union Terminals Co.
Northern District (Michigan Central)
Southern District (C.C.C. & St. L.)
Indiana Harbor Belt Railroad Company
Troy Union R.R. Company
New York, Chicago & St. Louis Railroad Company
New York, New Haven & Hartford Railroad Company
Boston Terminal Company
New York, Susquehanna & Western Railroad Company
Pennsylvania Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Company
Port Authority Trans-Hudson Corporation
Reading Company
Washington Terminal Company
Western Maryland Railway Company

WESTERN RAILROADS

Alton & Southern Railroad
Atchison, Topeka & Santa Fe Railway
Gulf, Colorado & Santa Fe Railway
Panhandle & Santa Fe Railway
Belt Railway Company of Chicago
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago & North Western Railway Company (Inc. C. St. P. M. & O.)
Chicago & Western Indiana Railroad
Chicago, Burlington & Quincy Railroad
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul & Pacific Railroad
Chicago, Rock Island & Pacific Railroad
Colorado & Southern Railway
Denver & Rio Grande Western Railroad
Denver Union Terminal Railway
Elgin, Joliet & Eastern Railway
Ft. Worth & Denver Railway
Galveston, Houston & Henderson Railroad
Great Northern Railway
Green Bay & Western Railroad
Kewaunee, Green Bay & Western Railroad
Houston Belt & Terminal Railway
Illinois Central Railroad
Paducah & Illinois Railroad
Joint Texas Division of C.R.I.&P. Railroad and Ft.W.&D. Ry.
Kansas City Southern Railway
Louisiana & Arkansas Railway
Kansas City Terminal Railway
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad
Southern & Western Districts
Gulf District
Union Railway (Memphis)
Northern Pacific Railway
Pacific Electric Railway
Peoria & Pekin Union Railway
St. Louis-San Francisco Railway
St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
Soo Line Railroad
Southern Pacific Company (Pacific Lines)
Southern Pacific Company—Texas and Louisiana Lines (T. & N.O.)
Spokane, Portland & Seattle Railway
Oregon Electric Railway
Oregon Trunk Railway
Terminal Railroad Association of St. Louis
Texas & Pacific Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria & Western Railroad
Union Pacific Railroad
Union Terminal Company (Dallas)
Wabash Railroad
Western Pacific Railroad

SOUTHEASTERN RAILROADS

Atlanta & West Point R.R. Company
Western Railway of Alabama
Atlantic Coast Line Railroad
Birmingham Terminal Company
Chattanooga Station Company
Central of Georgia Railway Company
Chesapeake & Ohio Railway Company

Clinchfield Rail Road Company
Florida East Coast Railway
Georgia Railroad
Gulf, Mobile & Ohio Railroad Company
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Louisville & Nashville Railroad
Norfolk & Western Railway Company
Richmond, Fredericksburg & Potomac Railroad Company
Seaboard Air Line Railroad
Southern Railway
Alabama Great Southern
Cincinnati, New Orleans & Texas Pacific
Georgia Southern & Florida
Harriman & Northeastern
New Orleans & Northeastern
New Orleans Terminal Company
St. Johns River Terminal Company

[F.R. Doc. 64-192; Filed Jan. 6, 1964; 10:25 a.m.]

Executive Order 11136

ESTABLISHING THE PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS AND THE CONSUMER ADVISORY COUNCIL

WHEREAS all individuals in our society, as consumers, are significantly affected by Federal economic policies and by Federal programs to promote the welfare of consumers and to protect their interests in the marketplace; and

WHEREAS individual consumers and consumer organizations face unusual problems in attempting to assure that the views and needs of consumers receive full consideration by Federal officials who administer policies and programs affecting consumer interests; and

WHEREAS the Federal Government, serving all the people, has a special obligation to be alert to consumer needs and to advance the interest of consumers by all appropriate means, including arrangements to enable representatives of consumers to be heard in the development and administration of Federal policies and programs:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Consumer Interests (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of representatives of the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Housing and Home Finance Administrator, the Chairman of the Federal Trade Commission, and the Chairman of the Council of Economic Advisers; such other Government officials or employees as the President may designate; and such private citizens especially qualified to represent consumer interests as the President may appoint. Each Federal agency head named herein shall designate one person, who shall be an assistant secretary or official of comparable rank, to represent him on the Committee.

(c) The Chairman of the Committee shall be designated by the President from among the Federal members to serve for such term as the President may determine. The Chairman shall direct and supervise any staff employed by or detailed to the Committee.

(d) The Chairman shall invite the heads of Federal agencies not represented on the Committee to designate representatives (who shall be assistant secretaries or officials of comparable rank) to participate as *ad hoc* members of the Committee when matters affecting the responsibilities of their respective agencies are to be considered by the Committee.

SEC. 2. *Establishment of the Consumer Advisory Council.* (a) There is hereby established the Consumer Advisory Council (hereinafter referred to as the Council), which shall consist of the private citizens appointed by the President as members of the Committee. The President shall designate the Chairman of the Council from among its members.

(b) The Chairman of the Committee shall be responsible for assuring that the meetings and other activities of the Council are carried out in accordance with the relevant provisions of Executive Order 11007 of February 26, 1962, and for prescribing such additional regulations with respect to the affairs of the Council as may be necessary.

SEC. 3. *Functions of the Committee, the Federal members, and the Council.* (a) The Committee shall from time to time consider (1) the Federal policies and programs of primary importance to consumers or the unmet consumer needs which can appropriately be met through Federal action, either under existing laws or new legislation; (2) the aspects of Federal policies, programs, and operations concerning which the views of consumers should be available to Federal officials; (3) the means by which necessary liaison may be established between the Consumer Advisory Council and consumer organizations to enable

the Council to perform its functions under subsection (c), below; and (4) the manner in which consumer views can be communicated to appropriate Federal departments and agencies.

(b) The Federal agency heads enumerated in section 1(b), collectively or individually, as appropriate, (1) shall seek the advice of the Committee or the Council on matters affecting consumers, and similarly receive recommendations made on the initiative of the Committee or the Council; (2) shall be responsible for considering recommendations made by the Committee or the Council; and (3) shall take such action as is deemed to be in the general public interest, including making recommendations to the President on matters requiring action by him or by the Congress.

(c) The Council shall advise the Government on issues of broad economic policy of immediate concern to consumers, on governmental programs to meet consumer needs or to protect consumer interests, and on needed improvements in the flow of consumer research material to the public. The Council may arrange through the Chairman of the Committee for fact-finding studies to enable the Council to carry out its responsibilities. In carrying out its functions the Council shall, insofar as practicable, provide interested organizations and individuals an opportunity to present their views and recommendations to the Council for its consideration.

SEC. 4. *Federal agencies.* (a) Upon request of the Chairman of the Committee, the heads of Federal agencies shall so far as practicable provide the Committee with information and reports relating to matters within the cognizance of the Committee.

(b) Each Federal agency represented on the Committee shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

(c) The General Services Administration is hereby designated as the agency which shall provide administrative services for the Committee on a reimbursable basis.

SEC. 5. *Compensation and per diem.* For each day any person appointed from private life as a member of the Committee is engaged in meetings, or is with the approval of the Chairman of the Committee engaged in other work in pursuance of this order, such person shall receive compensation at a rate determined by the Chairman of the Committee and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 3, 1964.

[F.R. Doc. 64–193; Filed, Jan. 6, 1964; 11:30 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 519—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program, EMD 3a

RATE OF PAYMENT

For the purpose of increasing the rate of payment for the month of January 1964 from 40 cents to 50 cents per hundredweight, § 519.247 of these regulations is amended as follows:

§ 519.247 Rate of payment.

The rate of payment per 100 pounds of potatoes which meet the requirements of Specification A as defined in § 519.253 and which are diverted as prescribed in § 519.252 will be 50 cents per hundredweight from the inception of the program through January, 1964; 40 cents thereafter through February, 1964; and 30 cents thereafter to termination of the program. No payment will be made for any fractional part of 100 pounds and such quantities shall be disregarded.

Effective date. This amendment shall become effective January 1, 1964.

Dated: January 2, 1964.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 64–119; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4; Amdt. 4; Supp. 2 Amended]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1963 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948 as amended and paragraph (c) of § 831.4 of this chapter, § 831.9 of this chapter is hereby amended by amending paragraph (c) thereof to read as follows:

§ 831.9 Rates of recoverability; 1963 crop.

* * * * * * *

(c) For sugarbeets marketed under "combined individual-cossette test" contracts, the rate of commercially recoverable sugar per ton of beets shall be computed by multiplying 20 hundedweight by the percentage of sugar content on which settlement under the marketing contract is made, and then multiplying the result by 93.2 percent (the average extraction rate effective for such beets). This computation can be shortened by the use of the factor of 0.1864. As an example, a content of 16.37 would result in a rate of commercially recoverable sugar of 3.051 hundredweight. Notwithstanding the foregoing, the rate of commercially recoverable sugar on which a partial Sugar Act payment may be based and disbursed to a producer shall be computed by multiplying 20 hundredweight by the weighted average percentage of sugar content of all beets delivered by such producer, and then multiplying the result by 69.9 percent (75 percent of the average extraction rate effective for such beets). This computation can be shortened by the use of the factor 0.1398. As an example, a content of 16.37 would result in a rate of commercially recoverable sugar of 2.289 hundredweight.

Statement of bases and considerations. The amount of commercially recoverable sugar, for a crop year, on which to base Sugar Act payments to growers in a settlement area wherein sugarbeets are marketed under a "combined individual-cossette test" type contract cannot be determined until all sugarbeets marketed during such crop year, by all growers in the settlement area, have been processed. To avoid delaying 1963 Sugar Act payments to these growers, this amendment provides the basis for computing partial payments (about 75 percent of the total payment). The remainder of the payment will be disbursed when final data for the crop becomes available.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Secs. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on December 31, 1963.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

DECEMBER 31, 1963.

[F.R. Doc. 64–113; Filed, Jan. 6, 1964; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Determination Relative to Expenses and Fixing of Rate of Assessment for the 1963–64 Fiscal Year

On December 20, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 13899) regarding the expenses and rate of assessment for the 1963–64 fiscal year under Marketing Agreement No. 117, as amended, and Order No. 907, as amended (7 CFR Part 907, 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.202 Expenses and rate of assessment for the 1963–64 fiscal year.

(a) *Expenses.* The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the period November 1, 1963, through October 31, 1964, will amount to $224,300.

(b) *Rate of assessment.* The rate of assessment to be paid by each handler who first handles oranges shall be one cent ($0.01) per carton of oranges handled by such handler as the first handler thereof during the 1963–64 fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1,

1963, and the rate of assessment herein fixed will automatically apply to all assessable navel oranges beginning with such date.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 31, 1963.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–112; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On May 24, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5207) stating that the Federal Aviation Agency (FAA) proposed to alter the Springfield, Mo., control zone, designate the Springfield transition area and revoke the Springfield control area extension. On August 7, 1963, a supplemental notice of proposed rule making was published amending the original proposal (28 F.R. 8045).

Interested persons were afforded an opportunity to participate in the rule-making through the submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962, 27 F.R. 11457), the Springfield, Mo., control zone is amended to read:

Springfield, Mo.

Within a 5-mile radius of the Springfield Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.) and within 2 miles W. and 2.5 miles E. of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Springfield, Mo.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.), within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles NW. of the RBN, within 5 miles W. and 8 miles E. of the Springfield ILS localizer S. course, extending from 1 mile N. to 12 miles S. of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Springfield Municipal Airport, within 9 miles N. and 6 miles S. of the Springfield VORTAC 058° radial, extending from the 25-mile radius area to 43 miles NE. of the VORTAC, within 6 miles W. and 9 miles E. of the Springfield VORTAC 146° radial, extending from the 25-mile radius area to 41 miles SE. of the VORTAC, within 5 miles NW. and 8 miles SE. of the Dogwood, Mo., VOR 053° radial, extending from the VOR to 7 miles NE. of the VOR, and within 9 miles E. and 6 miles W. of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles SW. of the VORTAC.

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the Chattanooga, Tenn., control area extension.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–86; Filed, Jan. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63–EA–47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Area Extension and Designation of Transition Areas

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10541) stating that the Federal Aviation Agency proposed to designate the Erie, Pa., and Jamestown, N.Y., transition areas, and revoke the Erie control area extension.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.165 (27 F.R. 220–59, November 10, 1962), the following control area extension is revoked: Erie, Pa.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

a. Erie, Pa.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Erie Airport (latitude 42°04'56" N., longitude 80°10'44" W.); within 5 miles NW., and 8 miles SE. of the Erie ILS localizer SW. course, extending from the ILS OM to 12 miles SW. of the Erie VORTAC; and within 2 miles each side of the Erie RBN 054° bearing, extending from the 7-mile radius area to 8 miles NE. of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41°55'00" N., longitude 80°35'00" W.; to latitude 42°14'00" N., longitude 80°-41'00" W.; to latitude 42°37'00" N., longitude 79°15'00" W.; to latitude 42°32'00" N., longitude 78°52'00" W.; to latitude 42°11'30" N., longitude 78°52'00" W.; to latitude 42°-10'00" N., longitude 78°57'00" W.; to latitude 41°49'40" N., longitude 78°57'00" W.; thence via the N., boundary of V–72 and V–188, and the SW., boundary of V–184 to the arc of a 15-mile radius circle centered on the Erie VORTAC; thence clockwise along this arc to latitude 41°48'10" N., longitude 80°17'35" W.; to latitude 41°48'00" N., longitude 80°25'00" W.; to the point of beginning.

b. Jamestown, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Jamestown Municipal Airport (latitude 42°09'10" N., longitude 79°15'30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles NE. of the VOR; and within 2 miles each side of the 060° bearing from the Jamestown Municipal Airport, extending from the 7-mile radius area to 12 miles NE. of the airport.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–87; Filed, Jan. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Areas

On August 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9213) stating that the Federal Aviation Agency proposed to designate transition areas at Lawton, Okla., and Duncan, Okla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, § 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

1. Lawton, Okla.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), and within 8 miles W. and 5 miles E. of the Lawton VOR 357° and 177° radials, extending from 5 miles N. to 12 miles S. of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°21'00" N., longitude 98°46'00" W., to latitude 34°42'-00" N., longitude 98°46'00" W., to latitude 34°58'00" N., longitude 98°33'00" W., thence E. via latitude 34°58'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°25'50" N., longitude 97°35'10" W., to longitude 97°-25'00" W., thence S. via longitude 97°25'00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34°18'00" N., longitude 97°00'50" W.), to latitude 34°10'00" N., thence W. via this latitude, to latitude 34°10'00" N., longitude 97°49'00" W., to point of beginning, excluding the portion within R–5601A. The portion within R–5601B shall be used only after obtaining prior approval from appropriate authority.

2. Duncan, Okla.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34°28'30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE. of the VOR.

These amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 30, 1963.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–88; Filed, Jan. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63–WA–45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Amendment; Alteration of Control Area and Reporting Points

On November 27, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12612) an amendment to Part 71 of the Federal Aviation regulations which altered Control 1447 and redesignated the Brim and Catfish Intersection.

The bearings from the Galveston, Tex., radio beacon were cited incorrectly in the description of the Brim and Catfish Intersection. Action is also taken to designate the Albacore Intersection.

Because of a delay in issuing an International Notam revising the Alpha, Bravo, and Charlie routes, action is taken herein to postpone the effective date until March 5, 1964.

Since these changes are procedural in nature, notice and public procedure hereon are unnecessary and since 30 days will elapse from the time of publication of these amendments to the new effective date, this action is in compliance with section 4 of the Administrative Procedures Act.

In consideration of the foregoing, effective immediately, Airspace Docket No. 63–WA–45 (28 F.R. 12612) is hereby modified as follows:

1. In the description of the Brim Intersection "109° bearing Galveston, Tex., RBN." is deleted and "107° bearing Galveston, Tex., RBN." is substituted therefor.

2. In the description of the Catfish Intersection "108° bearing Galveston, Tex., RBN." is deleted and "106° bearing Galveston, Tex., RBN." is substituted therefor.

3. The following action is added: In § 71.209 (27 F.R. 220–172 November 10, 1962) "Albacore Intersection: INT 185° bearing Galveston, Tex., RBN, 097° bearing Corpus Christi, Tex., RBN." is deleted and "Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN." is substituted therefor.

4. In Airspace Docket No. 63–WA–45 "effective 0001 e.s.t., January 9, 1964." is deleted and "effective 0001 e.s.t., March 5, 1964." is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510. and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 3, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–165; Filed, Jan. 6, 1964; 8:50 a.m.]

[Airspace Docket No. 63–WE–13]

PART 73—SPECIAL USE AIRSPACE [NEW]

Designation of Restricted Area

The purpose of this amendment to § 73.23 of the Federal Aviation Regulations is to designate the Yuma East, Arizona, Restricted Area R–2308.

In early 1963, the Department of the Army proposed the designation of additional special use airspace north and northeast of the existing Yuma, Arizona, Restricted Area R–2307. The Army stated that R–2307 is no longer large enough to permit the accomplishment of the projects presently being conducted and those to be initiated shortly by the Yuma Proving Ground. The Army further stated that the present drone flight activities at Yuma are being conducted outside restricted airspace in accordance with a waiver to the applicable parts of Part 91 of the Federal Aviation Regulations and that the restrictions imposed by the waiver are such that the drone program requirements are not being fulfilled. Accordingly, the Army requested the designation of two new restricted areas as an adjunct to the existing R–2307.

One of the proposed areas, identified in the proposal as Yuma West, was to be utilized as an artillery firing range together with other surface to surface activities. However, subsequent to the submission of the proposal, it has been determined that due to the lack of funds, the development of this new firing range would be delayed for a least one year. In view of this delay, the Army has agreed to withdraw the request for this restricted area from the proposal.

The other area requested in the proposal, identified as Yuma East, would be utilized to contain drone flights of a research and development nature, programmed to begin in January 1964, which would otherwise be a hazard to non-participating aircraft. In addition, the restrictions to drone operations imposed by the waiver to Part 91 of the Federal Aviation Regulations would be eased by permitting drone operations to be conducted in the proposed area during times when compliance with the provisions contained in the waiver would be unduly restrictive. The Army had requested that the proposed Yuma East area be designated from the surface to 20,000 feet MSL. However, in response to public circularization of the proposal on an informal basis, a number of objections from land owners in the area were received. The objectors stated that access to their property by aerial transportation and the application of aerial farming techniques would be denied them which would thus curtail future developments plans. The State Land Commissioner of the Arizona State Land Department has also objected to this proposal stating that the proposed restricted area exceeds the boundaries of Yuma Proving Grounds and that ranchers fly to and from ranches located within the boundaries of the proposed restricted area. Therefore the Agency has made minor adjustments to the boundaries of the requested restricted area and established a floor of 1,500 feet above ground level (AGL) to provide for aerial access by land holders to their properties.

In addition, the Army has agreed to the designation of this area as joint use, and has stated that projected use of the area should permit frequent release of the airspace to the Federal Aviation Agency for use by non-participating Aircraft. This will further enhance the accessibility of the area to property holders.

Since this proposal, originally submitted by the Army early in 1963, involved a large amount of study, evaluation, and coordination, considerable time has elapsed and the Department of the Army states that it is now a matter of military urgency that the new restricted area be designated effective January 15, 1964. In order to accomplish this, the Department of the Army has requested that a provision of the Administrative Procedure Act be followed, whereby the customary notice, public procedure and 30-day period prior to effectiveness may be omitted upon finding that good cause exists. However, it should be noted herein that since this area is being designated, in part, for a program to be implemented in January 1964, completely accurate performance parameters cannot be obtained. Therefore, subsequent to the start of this new drone program, a further evaluation of the activities to be conducted in this area will have to be made to assure that the requirements of both the Army and private citizens are adequately satisfied. To this end, the Army has agreed to a temporary designation of one year.

For the reasons stated above, the Administrator finds that a requirement exists for expeditious action in the interest of safety, that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective with less than 30 days notice.

In consideration of the foregoing, the following action is taken:

In § 73.23 Arizona (28 F.R. 19–6, January 26, 1963), the following is added:

R–2308 Yuma East, Arizona

Boundaries. Beginning at latitude 33°-00'00" N., longitude 114°17'20" W.; thence N along State Highway 95 to latitude 33°28'-00" N., longitude 114°13'00" W.; to latitude 33°24'00" N., longitude 113°39'00" W.; to latitude 33°13'12" N., longitude 113°21'36" W.; to latitude 33°07'17" N., longitude 113°-24'10" W.; to latitude 33°02'00 N., longitude 113°33'50" W.; to latitude 33°02'00" N.,

longitude 113°56'30" W.; to latitude 33°00'-00" N., longitude 114°11'00" W.; to the point of beginning.

Designated altitudes. 1,500 feet above the surface to 20,000 feet MSL.

Time of designation. Continuous, January 16, 1964, to January 15, 1965.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Arizona.

This amendment shall become effective 0001 e.s.t. January 15, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64-181; Filed, Jan. 6, 1964; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1972; Amdt. 668]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707/720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring the installation of additional fire detector elements in the upper area of the engine nacelle on Boeing Models 707 and 720 Series aircraft was published in 28 F.R. 10428.

Interested persons have been afforded an opportunity to participate in the making of the amendment. All comments received were given full consideration. There were no objections to the basic intent of the directive; however, a longer compliance time than the 4,000 hours' time in service originally proposed was requested by several operators. This was to permit accomplishing the installation at time of engine overhaul in which it was pointed out that engine overhaul periods greater than 4,000 hours are now in effect. The Agency considers that this is a valid request and a compliance time not to exceed 6,000 hours' time has been established.

It was requested that the directive be worded to permit detector installations to be made in accordance with designs developed by individual operators rather than in complete conformity with Boeing Service Bulletin No. 1788. Such installations would then be evaluated individually by FAA. This latitude for approval of equivalent installations meeting the objective of the directive was originally intended and is in fact so provided for in the directive. It does not appear that any revision to the original directive is needed to provide for FAA acceptance of equivalent systems.

One operator requested that the fire detector system originally installed in the pylon area above the firewall as a customer option on certain airplanes, be accepted as meeting the intent of this directive. A technical review of this matter indicates that the detector elements in this pylon area may not be adequate to provide an early detection of fire from engine burner case burnthroughs. The location of the additional detector elements provided by Boeing Service Bulletin No. 1788, is based upon analysis of a number of engine fires involving burner case burnthroughs. The detector elements in the pylon area are too remote from the area of vulnerability of the burner case to assure that they could achieve this objective. Accordingly, acceptance of the existing fire detector elements in the pylon area cannot be considered as meeting the objective of this directive without further substantiation.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series airplanes listed in Boeing Service Bulletin No. 1788.

Compliance required within 6,000 hours' time in service after the effective date of this AD unless already accomplished.

Instances of engine burner case burn through have occurred in service resulting in damage to the nacelle and lower strut in which detection of the fire was delayed because there are no fire detector elements in the area on top of the engine. To correct this unsafe condition, the following must be accomplished:

Install additional fire detector elements (continuous or unit type) between the horizontal firewall and the top of the engine in the area between nacelle Stations 160 and 180. This additional detector installation shall be made in accordance with Boeing Service Bulletin No. 1788 dated July 11, 1963, or in accordance with an installation approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(Boeing Service Bulletin No. 1788 covers the installation applicable to the various fire detector systems as installed on different groups of airplanes.)

This amendment shall become effective February 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 30, 1963.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-85; Filed, Jan. 6, 1964; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6700]

PART 301—PROCEDURE AND ADMINISTRATION

Miscellaneous Amendments

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Act of March 31, 1961 (Public Law 87-15, 75 Stat. 40), the Federal-Aid Highway Act of 1961 (75 Stat. 122), the Tax Rate Extension Act of 1961 (75 Stat. 193), the Peace Corps Act (75 Stat. 612), the Act of October 4, 1961 (Public Law 87-370, 75 Stat. 796), the Tariff Classification Act of 1962 (76 Stat. 72), the Tax Rate Extension Act of 1962 (76 Stat. 114), the Sugar Act Amendments of 1962 (76 Stat. 156), the Act of September 25, 1962 (Public Law 87-682, 76 Stat. 575), the Self-Employed Individuals Tax Retirement Act of 1962 (76 Stat. 809), the Revenue Act of 1962 (76 Stat. 960), and the Act of October 23, 1962 (Public Law 87-870, 76 Stat. 1158), and in order to make certain other changes in such regulations, the regulations are amended as follows:

PARAGRAPH 1. Section 301.6015 is amended by revising section 6015(f) and the historical note to read as follows:

§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.

SEC. 6015. *Declaration of estimated income tax by individuals.* * * *

(f) Return as declaration or amendment. If on or before January 31 (or February 15, in the case of an individual referred to in section 6073(b), relating to income from farming or fishing) of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Secretary or his delegate—

(1) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before January 15, such return shall be considered as such declaration; and

(2) If the tax shown on the return (reduced by the sum of the credits against tax provided by part IV of subchapter A of chapter 1) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall be considered as the amendment of the declaration permitted by subsection (e) to be filed on or before January 15,

In the application of this subsection in the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the 15th or last day of the months specified in this subsection, the 15th or last day of the months which correspond thereto.

* * * * * *

[Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1000); sec. 1(a)(1), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 2. Section 301.6038 is amended by revising section 6038 and the historical note to read as follows:

§ 301.6038 Statutory provisions; information with respect to certain foreign corporations.

SEC. 6038. *Information with respect to certain foreign corporations*—(a) *Requirement*—(1) *In general.* Every United States person shall furnish, with respect to any foreign corporation which such person controls (within the meaning of subsection (d)(1)), such information as the Secretary or his delegate may prescribe by regulations relating to—

(A) The name, the principal place of business, and the nature of business of such foreign corporation, and the country under whose laws incorporated;

(B) The accumulated profits (as defined in section 902(c)) of such foreign corporation, including the items of income (whether or not included in gross income under chapter 1), deductions (whether or not allowed in computing taxable income under chapter 1), and any other items taken into account in computing such accumulated profits;

(C) A balance sheet for such foreign corporation listing assets, liabilities, and capital;

(D) Transactions between such foreign corporation and—

(i) Such person,

(ii) Any other corporation which such person controls, and

(iii) Any United States person owning, at the time the transaction takes place, 10 percent or more of the value of any class of stock outstanding of such foreign corporation; and

(E) A description of the various classes of stock outstanding, and a list showing the name and address of, and number of shares held by, each United States person who is a shareholder of record owning at any time during the annual accounting period 5 percent or more in value of any class of stock outstanding of such foreign corporation.

The Secretary or his delegate may also require the furnishing of any other information which is similar or related in nature to that specified in the preceding sentence.

(2) *Period for which information is to be furnished, etc.* The information required under paragraph (1) shall be furnished for the annual accounting period of the foreign corporation ending with or within the United States person's taxable year. The information so required shall be furnished at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

(3) *Limitation.* No information shall be required to be furnished under this subsection with respect to any foreign corporation for any annual accounting period unless such information was required to be furnished under regulations in effect on the first day of such annual accounting period.

(b) *Effect of failure to furnish information*—(1) *In general.* If a United States person fails to furnish, within the time prescribed under paragraph (2) of subsection (a), any information with respect to any foreign corporation required under paragraph (1) of subsection (a), then—

(A) In applying section 901 (relating to taxes of foreign countries and possessions of the United States) to such United States person for the taxable year, the amount of taxes (other than taxes reduced under subparagraph (B)) paid or deemed paid (other than those deemed paid under section 904(d)) to any foreign country or possession of the United States for the taxable year shall be reduced by 10 percent, and

(B) In applying sections 902 (relating to foreign tax credit for corporate stockholder in foreign corporation) and 960 (relating to special rules for foreign tax credit) to any such United States person which is a corporation (or to any person who acquires from any other person any portion of the interest of such other person in any such foreign corporation, but only to the extent of such portion) for any taxable year, the amount of taxes paid or deemed paid by each foreign corporation with respect to which such person is required to furnish information during the annual accounting period or periods with respect to which such information is required under paragraph (2) of subsection (a) shall be reduced by 10 percent.

If such failure continues 90 days or more after notice by the Secretary or his delegate to the United States person, then the amount of the reduction under this paragraph shall be 10 percent plus an additional 5 percent for each 3-month period, or fraction thereof, during which such failure to furnish information continues after the expiration of such 90-day period.

(2) *Limitation.* The amount of the reduction under paragraph (1) for each failure to furnish information with respect to a foreign corporation required under subsection (a)(1) shall not exceed whichever of the following amounts is the greater:

(A) $10,000, or

(B) The income of the foreign corporation for its annual accounting period with respect to which the failure occurs.

(3) *Special rules.* (A) No taxes shall be reduced under this subsection more than once for the same failure.

(B) For purposes of this subsection, the time prescribed under paragraph (2) of subsection (a) to furnish information (and the beginning of the 90-day period after notice by the Secretary) shall be treated as being not earlier than the last day on which (as shown to the satisfaction of the Secretary or his delegate) reasonable cause existed for failure to furnish such information.

(C) In applying subsections (a) and (b) of section 902, and in applying subsection (a) of section 960, the reduction provided by this subsection shall not apply for purposes of determining the amount of accumulated profits in excess of income, war profits, and excess profits taxes.

(c) *Two or more persons required to furnish information with respect to same foreign corporation.* Where, but for this subsection, two or more United States persons would be required to furnish information under subsection (a) with respect to the same foreign corporation for the same period, the Secretary or his delegate may by regulations provide that such information shall be required only from one person. To the extent practicable, the determination of which person shall furnish the information shall be made on the basis of actual ownership of stock.

(d) *Definitions.* For purposes of this section—

(1) *Control.* A person is in control of a corporation if such person owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock, of a corporation. If a person is in control (within the meaning of the preceding sentence) of a corporation which in turn owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote of another corporation, or owns more than 50 percent of the total value of the shares of all classes of stock of another corporation, then such person shall be treated as in control of such other corporation. For purposes of this paragraph, the rules prescribed by section 318(a) for determining ownership of stock shall apply; except that—

(A) The second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person, and

(B) In applying clause (i) of subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

(2) *Annual accounting period.* The annual accounting period of a foreign corporation is the annual period on the basis of which such corporation regularly computes its income in keeping its books.

(e) *Cross references.* (1) For provisions relating to penalties for violations of this section, see section 7203.

(2) For definition of the term "United States person", see section 7701(a)(30).

[Sec. 6038 as added by sec. 6(a), Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1014) and as amended by sec. 20(a), Revenue Act 1962 (76 Stat. 1060)]

PAR. 3. Section 301.6038-1 is amended to read as follows:

§ 301.6038-1 Information returns required of United States persons with respect to certain foreign corporations.

For provisions relating to information returns required of United States persons with respect to certain foreign corporations, see §§ 1.6038-1 and 1.6038-2 of this chapter (Income Tax Regulations).

PAR. 4. Section 301.6041 is amended by revising subsection (a) of section 6041, by deleting subsection (c) of section 6041, and by adding a historical note. These amended and added provisions read as follows:

§ 301.6041 Statutory provisions; information at source.

SEC. 6041. *Information at source*—(a) *Payments of $600 or more.* All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section 6042(a)(1), 6044(a)(1), or 6049(a)(1) applies, and other than payments with respect to which a statement is required under the authority of section 6042(a)(2), 6044(a)(2), 6045, 6049(a)(2), or 6049(a)(3)), of $600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary or his delegate, under such regulations and in such form and manner and to such extent as may be prescribed by the Secretary or his delegate, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

* * * * * *

(c) [Deleted.]

* * * * * *

[Sec. 6041 as amended by sec. 19(f), Revenue Act 1962 (76 Stat. 1058)]

PAR. 5. Section 301.6042 is amended by revising section 6042 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6042 Statutory provisions; returns regarding payments of dividends and corporate earnings and profits.

SEC. 6042. *Returns regarding payments of dividends and corporate earnings and profits*—(a) *Requirement of reporting*—(1) *In general.* Every person—

(A) Who makes payments of dividends aggregating $10 or more to any other person during any calendar year, or

(B) Who receives payments of dividends as a nominee and who makes payments aggregating $10 or more during any calendar year to any other person with respect to the dividends so received, shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(2) *Returns required by the Secretary.* Every person who makes payments of dividends aggregating less than $10 to any other

person during any calendar year shall, when required by the Secretary or his delegate, make a return setting forth the aggregate amount of such payments, and the name and address of the person to whom paid.

(b) *Dividend defined*—(1) *General rule.* For purposes of this section, the term "dividend" means—

(A) Any distribution by a corporation which is a dividend (as defined in section 316); and

(B) Any payment made by a stockbroker to any person as a substitute for a dividend (as so defined).

(2) *Exceptions.* For purposes of this section, the term "dividend" does not include—

(A) To the extent provided in regulations prescribed by the Secretary or his delegate, any distribution or payment—

(i) By a foreign corporation, or

(ii) To a foreign corporation, a nonresident alien, or a partnership not engaged in trade or business in the United States and composed in whole or in part of nonresident aliens; and

(B) Any amount described in section 1373 (relating to undistributed taxable income of electing small business corporations).

(3) *Special rule.* If the person making any payment described in subsection (a)(1)(A) or (B) is unable to determine the portion of such payment which is a dividend or is paid with respect to a dividend, he shall, for purposes of subsection (a)(1), treat the entire amount of such payment as a dividend or as an amount paid with respect to a dividend.

(c) *Statements to be furnished to persons with respect to whom information is furnished.* Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the person making such return, and

(2) The aggregate amount of payments to the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to such person as shown on the return made under subsection (a)(1) is less than $10.

(d) *Statements to be furnished by corporations to Secretary.* Every corporation shall, when required by the Secretary or his delegate—

(1) Furnish to the Secretary or his delegate a statement stating the name and address of each shareholder, and the number of shares owned by each shareholder;

(2) Furnish to the Secretary or his delegate a statement of such facts as will enable him to determine the portion of the earnings and profits of the corporation (including gains, profits, and income not taxed) accumulated during such periods as the Secretary or his delegate may specify, which have been distributed or ordered to be distributed, respectively, to its shareholders during such taxable years as the Secretary or his delegate may specify; and

(3) Furnish to the Secretary or his delegate a statement of its accumulated earnings and profits and the names and addresses of the individuals or shareholders who would be entitled to such accumulated earnings and profits if divided or distributed, and of the amounts that would be payable to each.

[Sec. 6042 as amended by sec. 19(a), Revenue Act 1962 (76 Stat. 1053)]

PAR. 6. Section 301.6042–1 is amended to read as follows:

§ 301.6042–1 Returns of information regarding payments of dividends and corporate earnings and profits.

For provisions relating to the requirement of returns of information regarding payments of dividends and corporate earnings and profits, see §§ 1.6042–1 to 1.6042–4, inclusive, of this chapter (Income Tax Regulations).

PAR. 7. Section 301.6044 is amended by revising section 6044 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6044 Statutory provisions; returns regarding payments of patronage dividends.

SEC. 6044. *Returns regarding payments of patronage dividends*—(a) *Requirement of reporting*—(1) *In general.* Except as otherwise provided in this section, every cooperative to which part I of subchapter T of chapter 1 applies, which makes payments of amounts described in subsection (b) aggregating $10 or more to any person during any calendar year, shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(2) *Returns required by the Secretary.* Every such cooperative which makes payments of amounts described in subsection (b) aggregating less than $10 to any person during any calendar year shall, when required by the Secretary or his delegate, make a return setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(b) *Amounts subject to reporting*—(1) *General rule.* Except as otherwise provided in this section, the amounts subject to reporting under subsection (a) are—

(A) The amount of any patronage dividend (as defined in section 1388(a)) which is paid in money, qualified written notices of allocation (as defined in section 1388(c)), or other property (except nonqualified written notices of allocation as defined in section 1388(d)),

(B) Any amount described in section 1382(c)(2)(A) (relating to certain nonpatronage distributions) which is paid in money, qualified written notices of allocation, or other property (except nonqualified written notices of allocation) by an organization exempt from tax under section 521 (relating to exemption of farmers' cooperatives from tax), and

(C) Any amount described in section 1382(b)(2) (relating to redemption of nonqualified written notices of allocation) and, in the case of an organization described in section 1381(a)(1), any amount described in section 1382(c)(2)(B) (relating to redemption of nonqualified written notices of allocation paid with respect to earnings derived from sources other than patronage).

(2) *Exceptions.* The provisions of subsection (a) shall not apply, to the extent provided in regulations prescribed by the Secretary or his delegate, to any payment—

(A) By a foreign corporation, or

(B) To a foreign corporation, a nonresident alien, or a partnership not engaged in trade or business in the United States and composed in whole or in part of nonresident aliens.

(c) *Exemption for certain consumer cooperatives.* A cooperative which the Secretary or his delegate determines is primarily engaged in selling at retail goods or services of a type that are generally for personal, living, or family use shall, upon application to the Secretary or his delegate, be granted exemption from the reporting requirements imposed by subsection (a). Application for exemption under this subsection shall be made in accordance with regulations prescribed by the Secretary or his delegate.

(d) *Determination of amount paid.* For purposes of this section, in determining the amount of any payment—

(1) Property (other than a qualified written notice of allocation) shall be taken into account at its fair market value, and

(2) A qualified written notice of allocation shall be taken into account at its stated dollar amount.

(e) *Statements to be furnished to persons with respect to whom information is furnished.* Every cooperative making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the cooperative making such return, and

(2) The aggregate amount of payments to the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to such person as shown on the return made under subsection (a)(1) is less than $10.

[Sec. 6044 as amended by sec. 19(b), Revenue Act 1962 (76 Stat. 1054)]

PAR. 8. Section 301.6044–1 is amended to read as follows:

§ 301.6044–1 Returns of information regarding payments of patronage dividends.

For provisions relating to the requirement of returns of information regarding payments of patronage dividends, see §§ 1.6044–1 to 1.6044–5, inclusive, of this chapter (Income Tax Regulations).

PAR. 9. Section 301.6046 is amended by revising section 6046 and the historical note to read as follows:

§ 301.6046 Statutory provisions; returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

SEC. 6046. *Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock*—(a) *Requirement of return.* A return complying with the requirements of subsection (b) shall be made by—

(1) Each United States citizen or resident who is on January 1, 1963, an officer or director of a foreign corporation, 5 percent or more in value of the stock of which is owned by a United States person (as defined in section 7701(a)(30)), or who becomes such an officer or director at any time after such date,

(2) Each United States person who on January 1, 1963, owns 5 percent or more in value of the stock of a foreign corporation, or who, at any time after such date—

(A) Acquires stock which, when added to any stock owned on January 1, 1963, has a value equal to 5 percent or more of the value of the stock of a foreign corporation, or

(B) Acquires an additional 5 percent or more in value of the stock of a foreign corporation, and

(3) Each person, who at any time after January 1, 1963, becomes a United States person while owning 5 percent or more in value of the stock of a foreign corporation.

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign corporation, such information

as the Secretary or his delegate prescribes by forms or regulations as necessary for carrying out the provisions of the income tax laws, except that in the case of persons described only in subsection (a)(1) the information required shall be limited to the names and addresses of persons described in subsection (a)(2).

(c) *Ownership of stock.* For purposes of subsection (a), stock owned directly or indirectly by a person (including, in the case of an individual, stock owned by members of his family) shall be taken into account. For purposes of the preceding sentence, the family of an individual shall be considered as including only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(d) *Time for filing.* Any return required by subsection (a) shall be filed on or before the 90th day after the day on which, under any provision of subsection (a), the United States citizen, resident, or person becomes liable to file such return.

(e) *Limitation*—(1) *General rule.* Except as provided in paragraph (2), no information shall be required to be furnished under this section with respect to any foreign corporation unless such information was required to be furnished under regulations which have been in effect for at least 90 days before the date on which the United States citizen, resident, or person becomes liable to file a return required under subsection (a).

(2) *Exception.* In the case of liability to file a return under subsection (a) arising on or after January 1, 1963, and before June 1, 1963—

(A) No information shall be required to be furnished under this section with respect to any foreign corporation unless such information was required to be furnished under regulations in effect on or before March 1, 1963, and

(B) If the date on which such regulations become effective is later than the day on which such liability arose, any return required by subsection (a) shall (in lieu of the time prescribed by subsection (d)) be filed on or before the 90th day after such date.

(f) *Cross reference.* For provisions relating to penalties for violations of this section, see sections 6679 and 7203.

[Sec. 6046 as amended by sec. 7(a), Act of Sept. 14, 1960 (Pub. Law 86–780, 74 Stat. 1016); sec. 20(b), Revenue Act 1962 (76 Stat. 1061)]

PAR. 10. Section 301.6046–1 is amended to read as follows:

§ 301.6046–1 Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

For provisions relating to requirement of returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock, see §§ 1.6046–1 to 1.6046–3, inclusive, of this chapter (Income Tax Regulations).

PAR. 11. Immediately after § 301.6046–1 there are inserted the following new sections:

§ 301.6047 Statutory provisions; information relating to certain trusts and annuity and bond purchase plans.

SEC. 6047. *Information relating to certain trusts and annuity and bond purchase plans*—(a) *Trustees and insurance companies.* The trustee of a trust described in section 401(a) which is exempt from tax under section 501(a) to which contributions have been paid under a plan on behalf of any owner-employee (as defined in section 401(c)(3)), and each insurance company or other person which is the issuer of a contract purchased by such a trust, or purchased under a plan described in section 403(a), contributions for which have been paid on behalf of any owner-employee, shall file such returns (in such form and at such times), keep such records, make such identification of contracts and funds (and accounts within such funds), and supply such information, as the Secretary or his delegate shall by forms or regulations prescribe.

(b) *Owner-employees.* Every individual on whose behalf contributions have been paid as an owner-employee (as defined in section 401(c)(3))—

(1) To a trust described in section 401(a) which is exempt from tax under section 501(a), or

(2) To an insurance company or other person under a plan described in section 403(a),

shall furnish the trustee, insurance company, or other person, as the case may be, such information at such times and in such form and manner as the Secretary or his delegate shall prescribe by forms or regulations.

(c) *Employees under qualified bond purchase plans.* Every individual in whose name a bond described in section 405(b)(1) is purchased by his employer under a qualified bond purchase plan described in section 405(a), or by a trust described in section 401(a) which is exempt from tax under section 501(a), shall furnish—

(1) To his employer or to such trust, and

(2) To the Secretary (or to such person as the Secretary may by regulations prescribe),

such information as the Secretary or his delegate shall by forms or regulations prescribe.

(d) *Cross reference.* For criminal penalty for furnishing fraudulent information, see section 7207.

[Sec. 6047 as added by sec. 7(m), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 830)]

§ 301.6047–1 Information relating to certain trusts and annuity and bond purchase plans.

For provisions relating to the requirement of returns of information regarding certain trusts and annuity and bond purchase plans, see § 1.6047–1 of this chapter (Income Tax Regulations).

§ 301.6048 Statutory provisions; returns as to creation of or transfers to certain foreign trusts.

SEC. 6048. *Returns as to creation of or transfers to certain foreign trusts*—(a) *General rule.* On or before the 90th day after—

(1) The creation of any foreign trust by a United States person, or

(2) The transfer of any money or property to a foreign trust by a United States person, the grantor in the case of an inter vivos trust, the fiduciary of an estate in the case of a testamentary trust, or the transferor, as the case may be, shall make a return in compliance with the provisions of subsection (b).

(b) *Form and contents of returns.* The returns required by subsection (a) shall be in such form and shall set forth, in respect of the foreign trust, such information as the Secretary or his delegate prescribes by regulation as necessary for carrying out the provisions of the income tax laws.

(c) *Cross references.* (1) For provisions relating to penalties for violations of this section, see sections 6677 and 7203.

(2) For definition of the term "foreign trust created by a United States person", see section 643(d).

[Sec. 6048 as added by sec. 7(f), Revenue Act 1962 (76 Stat. 987)]

§ 301.6048–1 Returns as to creation of or transfers to certain foreign trusts.

For provisions relating to the requirement of returns as to creation of or transfers to certain foreign trusts, see § 16.3–1 of this chapter (Temporary Regulations under the Revenue Act of 1962).

§ 301.6049 Statutory provisions; returns regarding payments of interest.

SEC. 6049. *Returns regarding payments of interest*—(a) *Requirement of reporting*—(1) *In general.* Every person—

(A) Who makes payments of interest (as defined in subsection (b)) aggregating $10 or more to any other person during any calendar year, or

(B) Who receives payments of interest as a nominee and who makes payments aggregating $10 or more during any calendar year to any other person with respect to the interest so received,

shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(2) *Returns required by the Secretary.* Every person who makes payments of interest (as defined in subsection (b)) aggregating less than $10 to any other person during any calendar year shall, when required by the Secretary or his delegate, make a return setting forth the aggregate amount of such payments and the name and address of the person to whom paid.

(3) *Other returns required by the Secretary.* Every corporation making payments, regardless of amounts, of interest other than interest as defined in subsection (b) shall, when required by regulations prescribed by the Secretary or his delegate, make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the amount paid and the name and address of the recipient of each such payment.

(b) *Interest defined*—(1) *General rule.* For purposes of subsections (a)(1) and (2), the term "interest" means—

(A) Interest on evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a corporation in registered form, and, to the extent provided in regulations prescribed by the Secretary or his delegate, interest on other evidences of indebtedness issued by a corporation of a type offered by corporations to the public;

(B) Interest on deposits with persons carrying on the banking business;

(C) Amounts (whether or not designated as interest) paid by a mutual savings bank, savings and loan association, building and loan association, cooperative bank, homestead association, credit union, or similar organization, in respect of deposits, investment certificates, or withdrawable or repurchasable shares;

(D) Interest on amounts held by an insurance company under an agreement to pay interest thereon; and

(E) Interest on deposits with stockholders and dealers in securities.

(2) *Exceptions.* For purposes of subsections (a)(1) and (2), the term "interest" does not include—

(A) Interest on obligations described in section 103(a)(1) or (3) (relating to interest on certain governmental obligations);

(B) To the extent provided in regulations prescribed by the Secretary or his delegate, any amount paid by or to a foreign corporation, a nonresident alien, or a partnership not engaged in trade or business in the United States and composed in whole or in part of nonresident aliens; and

(C) Any amount on which the person making payment is required to deduct and withhold a tax under section 1451 (relating to tax-free convenant [covenant] bonds), or

would be so required but for section 1451(d) (relating to benefit of personal exemptions).

(c) *Statements to be furnished to persons with respect to whom information is furnished.* Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the person making such return, and

(2) The aggregate amount of payments to the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to such person as shown on the return made under subsection (a)(1) is less than $10.

[Sec. 6049 as added by sec. 19(c), Revenue Act 1962 (76 Stat. 1055)]

§ 301.6049–1 Returns regarding payments of interest.

For provisions relating to the requirement of returns regarding payments of interest, see §§ 1.6049–1 to 1.6049–3, inclusive, of this chapter (Income Tax Regulations).

PAR. 12. Section 301.6051 is amended by revising section 6051(a) and the historical note to read as follows:

§ 301.6051 Statutory provisions; receipts for employees.

SEC. 6051. *Receipts for employees*—(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 3101 or 3402, or who would have been required to deduct and withhold a tax under section 3402 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following:

(1) The name of such person,

(2) The name of the employee (and his social security account number if wages as defined in section 3121(a) have been paid),

(3) The total amount of wages as defined in section 3401(a),

(4) The total amount deducted and withheld as tax under section 3402,

(5) The total amount of wages as defined in section 3121(a), and

(6) The total amount deducted and withheld as tax under section 3101.

In the case of compensation paid for service as a member of a uniformed service, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(2). In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3).

* * * * * *

[Sec. 6051 as amended by sec. 412, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 879); sec. 202(a)(4) Peace Corps Act (75 Stat. 626)]

PAR. 13. Section 301.6072 is amended by revising section 6072(d) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6072 Statutory provisions; time for filing income tax returns.

SEC. 6072. *Time for filing income tax returns.* * * *

(d) *Returns of cooperative associations.* In the case of an income tax return of—

(1) An exempt cooperative association described in section 1381(a)(1), or

(2) An organization described in section 1381(a)(2) which is under an obligation to pay patronage dividends (as defined in section 1388(a)) in an amount equal to at least 50 percent of its net earnings from business done with or for its patrons, or which paid patronage dividends in such an amount out of the net earnings from business done with or for patrons during the most recent taxable year for which it had such net earnings, a return made on the basis of a calendar year shall be filed on or before the 15th day of September following the close of the calendar year, and a return made on the basis of a fiscal year shall be filed on or before the 15th day of the 9th month following the close of the fiscal year.

* * * * * *

[Sec. 6072 as amended by sec. 17(b)(3), Revenue Act 1962 (76 Stat. 1051)]

PAR. 14. Section 301.6073 is amended by revising subsections (a) and (b) of section 6073 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6073 Statutory provisions; time for filing declarations of estimated income tax by individuals.

SEC. 6073. *Time for filing declarations of estimated income tax by individuals*—(a) *Individuals other than farmers or fishermen.* Declarations of estimated tax required by section 6015 from individuals regarded as neither farmers nor fishermen for the purpose of that section shall be filed on or before April 15 of the taxable year, except that if the requirements of section 6015 are first met—

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(2) After June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(b) *Farmers or fishermen.* Declarations of estimated tax required by section 6015 from individuals whose estimated gross income from farming or fishing (including oyster farming) for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year may, in lieu of the time prescribed in subsection (a), be filed at any time on or before January 15 of the succeeding taxable year.

* * * * * *

[Sec. 6073 as amended by sec. 1(a)(2), (b), (c), Act of Sept. 25, 1962 (Pub. Law 87–682, 76 Stat. 575)]

PAR. 15. Section 301.6103(a)–2 is amended to read as follows:

§ 301.6103(a)–2 Copies of returns.

Any person who may be permitted to inspect a return under section 6103 and § 301.6103(a)–1, § 301.6103(b)–1, or § 301.6103(c)–1 may be furnished with a copy of such return upon request. If the request for a copy of a return is made other than at the time of inspection of such return by the applicant, the request shall be in writing, shall adequately identify the return a copy of which is desired, and shall be accompanied by satisfactory evidence that the applicant qualifies as one of the persons or governmental agencies to whom or which inspection of the return may be permitted. Except as otherwise provided in this section, applications for copies of returns should be submitted to the Commissioner of Internal Revenue, Washington, D.C., 20224, who is authorized to furnish such copies and to certify them upon request under the official seal of his office or under the official seal of the Department of the Treasury. Where the applicant is (a) a person who may be permitted under paragraph (c) of § 301.6103(a)–1 to inspect a return, (b) an official of a State, the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States entitled to inspect returns under paragraph (d) of § 301.6103(a)–1 or under § 301.6103(b)–1, or (c) a shareholder entitled under § 301.6103(c)–1 to inspect returns of the corporation of which he is a shareholder, the application for a copy of the return should be submitted to, and such copy may be furnished by, the internal revenue officer (district director or the Director of International Operations) with whom the return was filed. Any copy so furnished by the district director or the Director of International Operations may, upon request, be certified by him under his official seal. The district director or the Director of International Operations is authorized, when so directed by the Commissioner, to furnish to any bureau or office of the Treasury Department or to any other department or agency of the Government copies of any returns which such bureau, office, department, or agency is permitted to inspect under paragraph (e) or (f) of § 301.6103(a)–1, and to certify such copies under the official seal of his office. Applications for copies of returns available to United States attorneys or attorneys of the Department of Justice pursuant to paragraph (g) or (h) of § 301.6103(a)–1 may be submitted to, and such copies may be furnished and certified under seal by, the Commissioner or, where desired, the district director or the Director of International Operations, as the case may be, with whom the returns were filed. Where such application is required to be in writing it shall be signed by the United States attorney if the copy is for his use, or by the Attorney General, the Deputy Attorney General, or an Assistant Attorney General if the copy is for the use of an attorney of the Department of Justice. The Commissioner may prescribe a reasonable fee for furnishing copies of returns.

PAR. 16. Section 301.6153 is amended by revising subsection (b) of section 6153 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6153 Statutory provisions; installment payments of estimated income tax by individuals.

SEC. 6153. *Installment payments of estimated income tax by individuals.* * * *

(b) *Farmers or fishermen.* If an individual referred to in section 6073(b) (relating to income from farming or fishing) makes a declaration of estimated tax after September 15 of the taxable year and on or before January 15 of the succeeding taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

* * * * * *

[Sec. 6153 as amended by sec. 1(a)(3), (c), Act of Sept. 25, 1962 (Pub. Law 87–682, 76 Stat. 575)]

PAR. 17. Section 301.6156 is renumbered § 301.6157, is amended by renumbering section 6156 as 6157, and a historical note is added. These amended and added provisions read as follows:

§ 301.6157 Statutory provisions; payment of taxes under provisions of the Tariff Act.

SEC. 6157. *Payment of taxes under provisions of the Tariff Act.* For collection under the provisions of the Tariff Act of 1930 of the taxes imposed by section 4501(b), and subchapters A, B, C, D, and E of chapter 38, see sections 4504 and 4601, respectively.

[Sec. 6156 as renumbered by sec. 203(c)(1), Federal-Aid Highway Act 1961 (75 Stat. 125)]

PAR. 18. Immediately after § 301.6155–1 there are inserted the following new sections:

§ 301.6156 Statutory provisions; installment payments of tax on use of highway motor vehicles.

SEC. 6156. *Installment payments of tax on use of highway motor vehicles*—(a) *Privilege to pay tax in installments.* If the taxpayer files a return of the tax imposed by section 4481 on or before the date prescribed for the filing of such return, he may elect to pay the tax shown on such return in equal installments in accordance with the following table:

If liability is incurred in:	The number of installments shall be—
July, August, or September	4
October, November, or December	3
January, February, or March	2

(b) *Dates for paying installments.* In the case of any tax payable in installments by reason of an election under subsection (a)—

(1) The first installment shall be paid on the date prescribed for payment of the tax,

(2) The second installment shall be paid on or before the last day of the third month following the calendar quarter in which the liability was incurred,

(3) The third installment (if any) shall be paid on or before the last day of the sixth month following the calendar quarter in which the liability was incurred, and

(4) The fourth installment (if any) shall be paid on or before the last day of the ninth month following the calendar quarter in which the liability was incurred.

(c) *Proration of additional tax to installments.* If an election has been made under subsection (a) in respect of tax reported on a return filed by the taxpayer and tax required to be shown but not shown on such return is assessed before the date prescribed for payment of the last installment; the additional tax shall be prorated equally to the installments for which the election was made. That part of the additional tax so prorated to any installment the date for payment of which has not arrived shall be collected at the same time as and as part of such installment. That part of the additional tax so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary or his delegate.

(d) *Acceleration of payments.* If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary or his delegate.

(e) *Section inapplicable to certain liabilities.* This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of 1972.

[Sec. 6156 as added by sec. 203(c)(1), Federal-Aid Highway Act of 1961 (75 Stat. 125)]

§ 301.6156–1 Installment payments of tax on use of highway motor vehicles.

For provisions relating to installment payments of the tax on use of highway motor vehicles, see § 41.6156–1 of this chapter (Highway Motor Vehicle Use Tax Regulations).

PAR. 19. Section 301.6325–1 is amended by revising subparagraph (1) of paragraph (a), subparagraphs (1), (i), (2), and (3) of paragraph (b), so much of subparagraph (4) of paragraph (b) as precedes subdivision (ii) thereof, and subparagraph (2) of paragraph (c). These amended provisions read as follows:

§ 301.6325–1 Release of lien or partial discharge of property.

(a) *Release of lien*—(1) *Liability satisfied or unenforceable.* Any district director may issue a certificate of release of a lien imposed with respect to any internal revenue tax, whenever he finds that the entire liability for the tax has been satisfied or has become unenforceable as a matter of law (and not merely uncollectible or unenforceable as a matter of fact). Tax liabilities frequently are unenforceable in fact for the time being, due to the temporary nonpossession by the taxpayer of discoverable property or property rights. In all cases the liability for the payment of the tax continues until satisfaction of the tax in full or until the expiration of the statutory period for collection, including such extension of the period for collection as may be agreed upon in writing by the taxpayer and the district director.

* * * * * *

(b) *Discharge of specific property from the lien*—(1) *Property double the amount of the liability.* (i) The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to any tax lien if he determines that the fair market value of that part of the property remaining subject to the lien is at least double the sum of the amount of the unsatisfied liability secured by such lien and of the amount of all other liens upon such property which have priority to such lien. In general, fair market value is that amount which one ready and willing but not compelled to buy would pay to another ready and willing but not compelled to sell the property. For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

* * * * * *

(2) *Part payment.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if there is paid over to him in part satisfaction of the liability secured by the lien an amount determined by him to be not less than the value of the interest of the United States in the property to be so discharged. In determining the amount to be paid, the district director will take into consideration all the facts and circumstances of the case, including the expenses to which the Government has been put in the matter. In no case shall the amount to be paid be less than the value of the interest of the United States in the property with respect to which the certificate of discharge is to be issued, as such value has been determined by the district director in the light of the fair market value of the property and the amount of all liens and encumbrances thereon having priority over the Federal tax lien. For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(3) *Interest of the United States valueless.* The district director may, in his discretion, issue a certificate of discharge of any part of the property subject to the lien if he determines that the interest of the United States in the property to be so discharged has no value. For information required to be submitted in an application for a certificate of discharge, see subparagraph (4) of this paragraph.

(4) *Application for certificate of discharge.* Any person desiring a certificate of discharge of property from a Federal tax lien shall submit to the district director responsible for the collection of the tax a written application in triplicate, under penalties of perjury, requesting that the certificate be issued. The application shall contain the following information:

(i) A clear description of the property with respect to which the discharge is desired (setting forth the description of each parcel of realty on a separate page) and, where applicable, of the property remaining subject to the lien;

* * * * * *

(c) *Estate or gift tax liability fully satisfied or provided for.* * * *

(2) *Application for certificate of discharge.* An application for a certificate of discharge of property from the lien for estate or gift tax should be filed with the district director responsible for the collection of the tax. It should be made in writing under penalties of perjury and should explain the circumstances that require the discharge, and should fully describe the particular items for which the discharge is desired. Where realty is involved each parcel sought to be discharged from the lien should be described on a separate page and each such description submitted in duplicate. In the case of an estate tax lien, the application should show the applicant's relationship to the estate, such as executor, heir, devisee, legatee, beneficiary, transferee, or purchaser. If the estate or gift tax return has not been filed, a statement under penalties of perjury may be required showing (i) the value of the property to be discharged, (ii) the basis for such valuation, (iii) in the case of the estate tax, the approximate value of the gross estate and the approximate

value of the total real property included in the gross estate, (iv) in the case of the gift tax, the total amount of gifts made during the calendar year and the prior calendar years subsequent to the enactment of the Revenue Act of 1932 and the approximate value of all real estate subject to the gift tax lien, and (v) if the property is to be sold or otherwise transferred, the name and address of the purchaser or transferee and the consideration, if any, paid or to be paid by him.

PAR. 20. Section 301.6412 is amended by revising subsections (a)(1) and (a)(2) of section 6412, by deleting subsections (a)(3) and (d) of section 6412, and by revising the historical note. These amended provisions read as follows:

§ 301.6412 Statutory provisions; floor stocks refunds.

SEC. 6412. *Floor stocks refunds*—(a) *In general*—(1) *Passenger automobiles, etc.* Where before July 1, 1963, any article subject to the tax imposed by section 4061(a)(2) has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after July 1, 1963, if claim for such credit or refund is filed with the Secretary or his delegate on or before November 10, 1963, based upon a request submitted to the manufacturer, producer, or importer before October 1, 1963, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before November 10, 1963, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund.

(2) *Trucks and buses, tires, tubes, tread rubber, and gasoline.* Where before October 1, 1972, any article subject to the tax imposed by section 4061(a)(1), 4071(a)(1), (3), or (4), or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale (or, in the case of tread rubber, is intended for sale or is held for use), there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, 1972, if claim for such credit or refund is filed with the Secretary or his delegate on or before February 10, 1973, based upon a request submitted to the manufacturer, producer, or importer before January 1, 1973, by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before February 10, 1973, reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline. No credit or refund shall be allowable under this paragraph with respect to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

(3) [Deleted.]

* * * * *

(d) [Deleted.]

* * * * *

[Sec. 6412 as amended by sec. 3(b)(4), Tax Rate Extension Act 1955 (69 Stat. 15); sec. 3(b)(4), Tax Rate Extension Act 1956 (70 Stat. 67); sec. 19, Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec. 208(a), Highway Revenue Act 1956 (70 Stat. 392); sec. 3(b)(4), Tax Rate Extension Act 1957 (71 Stat. 10); sec. 3(b)(4), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 162(a), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 3(b)(3), Tax Rate Extension Act 1959 (73 Stat. 158); sec. 201(c)(4), Federal-Aid Highway Act 1959 (73 Stat. 614); sec. 202(b)(3), Public Debt and Tax Rate Extension Act 1960 (74 Stat. 291); sec. 2, Act of July 6, 1960 (Pub. Law 86-592, 74 Stat. 330); sec. 2(b), Act of Mar. 31, 1961 (Pub. Law 87-15, 75 Stat. 40); sec. 208(c), (d), Federal-Aid Highway Act 1961 (75 Stat. 127); sec. 3(b)(3), Tax Rate Extension Act 1961 (75 Stat. 193); sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77); sec. 3(b)(3), Tax Rate Extension Act 1962 (76 Stat. 114); sec. 18(b), Sugar Act Amendments 1962 (76 Stat. 166)]

PAR. 21. Section 301.6416 is amended by revising paragraphs (2)(E), (2)(H), (3)(D), and (3)(E) of section 6416(b), by adding a subparagraph (F) to section 6416(b)(3), and by revising the historical note. These amended and added provisions read as follows:

§ 301.6416 Statutory provisions; certain taxes on sales and services.

SEC. 6416. *Certain taxes on sales and services.* * * *

(b) *Special cases in which tax payments considered overpayments.* * * *

(2) *Specified uses and resales.* * * *

(E) Resold to a manufacturer or producer for use by him as provided in subparagraph (A), (B), (E), or (F) of paragraph (3);

* * * * *

(H) In the case of a liquid in respect of which tax was paid under section 4041 at the rate of 3 cents or 4 cents a gallon, used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes; except that (i) this subparagraph shall apply only if the 60 percent passenger fare revenue test set forth in section 6421(b)(2) is met with respect to such quarter, and (ii) the amount of such overpayment for such quarter shall be an amount determined by multiplying 1 cent (where tax was paid at the 3-cent rate) or 2 cents (where tax was paid at the 4-cent rate) for each gallon of liquid so used by the percentage which such person's commuter fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during such quarter was of his total passenger fare revenue derived from such scheduled service during such quarter;

* * * * *

(3) *Tax-paid articles used for further manufacture, etc.* * * *

(D) In the case of a radio receiving set or an automobile radio receiving set—

(i) Such set is used by the second manufacturer or producer as a component part of any other article manufactured or produced by him, and

(ii) Such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft;

(E) In the case of—

(i) A bicycle tire (as defined in section 4221(e)(4)(B)), or

(ii) An inner tube for such a tire,

such article is used by the second manufacturer or producer as material in the manufacture or production of, or as a component part of, a bicycle (other than a rebuilt or reconditioned bicycle); or

(F) In the case of gasoline taxable under section 4081, such gasoline is used by the second manufacturer or producer, for nonfuel purposes, as a material in the manufacture or production of any other article manufactured or produced by him.

* * * * *

[Sec. 6416 as amended by sec. 2, Act of Aug. 11, 1955 (Pub. Law 355, 84th Cong., 69 Stat. 676); secs. 1(h), (i), 2(b), Act of Aug. 11, 1955 (Pub. Law 367, 84th Cong., 69 Stat. 690); sec. 2(b), Act of Apr. 2, 1956 (Pub. Law 466, 84th Cong., 70 Stat. 90); sec. 208(b), Highway Revenue Act 1956 (70 Stat. 393); sec. 4(b)(5), (6), Tax Rate Extension Act 1958 (72 Stat. 260); sec. 163(a), (c), Excise Tax Technical Changes Act 1958 (72 Stat. 1306); sec. 201(d)(1), Federal-Aid Highway Act 1959 (73 Stat. 614); sec. 3, Act of Apr. 8, 1960 (Pub. Law 86-418, 74 Stat. 38); sec. 2, Act of Sept. 14, 1960 (Pub. Law 86-781, 74 Stat. 1018); sec. 205(c), (d), Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 5(c)(3), Tax Rate Extension Act 1962 (76 Stat. 119)]

PAR. 22. Section 301.6418 is amended by revising subsection (b) of section 6418 and the historical note to read as follows:

§ 301.6418 Statutory provisions; sugar.

SEC. 6418. *Sugar.* * * *

(b) *Exportation.* Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 4501(a) has been paid, the amount of such tax shall be paid by the Secretary or his delegate to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, or to the manufacturer of the manufactured sugar or of the articles exported, if the consignor waives any claim thereto in favor of such shipper or manufacturer.

[Sec. 6418 as amended by sec. 21(b), Act of May 29, 1956 (Pub. Law 545, 84th Cong., 70 Stat. 221); sec 302(c), Tariff Classification Act 1962 (76 Stat. 77)]

PAR. 23. Section 301.6421 is amended by revising subsections (b), (d)(2), and (h) of section 6421 and the historical note to read as follows:

§ 301.6421 Statutory provisions; gasoline used for certain nonhighway purposes or by local transit systems.

SEC. 6421. *Gasoline used for certain nonhighway purposes or by local transit systems.* * * *

(b) *Local transit systems*—(1) *Allowance.* If gasoline is used during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the ultimate purchaser of such gasoline the amount determined by multiplying—

(A) 1 cent for each gallon of gasoline so used on which tax was paid at the rate of 3 cents a gallon and 2 cents for each gallon of gasoline so used on which tax was paid at the rate of 4 cents a gallon, by

(B) The percentage which the ultimate purchaser's commuter fare revenue derived from such scheduled service during such quarter was of his total passenger fare revenue derived from such scheduled service during such quarter.

(2) *Limitation.* Paragraph (1) shall apply in respect of gasoline used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during such quarter from scheduled service described in paragraph (1) by the person filing the claim was attributable to commuter fare revenue derived during such quarter by such person from such scheduled service.

* * * * *

(d) *Definitions.* * * *

(2) *Commuter fare revenue.* The term "commuter fare revenue" means revenue attributable to fares derived from the transportation of persons and attributable to—

(A) Amounts paid for transportation which do not exceed 60 cents,

(B) Amounts paid for commutation or season tickets for single trips of less than 30 miles, or

(C) Amounts paid for commutation tickets for one month or less.

* * * * *

(h) *Effective date.* This section shall apply only with respect to gasoline purchased after June 30, 1956, and before October 1, 1972.

* * * * *

[Sec. 6421 as added by sec. 208(c), Highway Revenue Act 1956 (70 Stat. 394), and as amended by sec. 2, Act of July 25, 1956 (Pub. Law 796, 84th Cong., 70 Stat. 644); secs. 168(d)(3), 164, Excise Tax Technical Changes Act 1958 (72 Stat. 1312); sec. 201(d)(2), Federal-Aid Highway Act 1959 (73 Stat. 615); sec. 201(e), Federal-Aid Highway Act 1961 (75 Stat. 124); sec. 5(c)(2), Tax Rate Extension Act 1962 (76 Stat. 118)]

PAR. 24. Section 301.6512 is amended by revising subparagraphs (A) and (B) of section 6512(b)(2), by adding a new subparagraph (C) to section 6512(b)(2), and by adding a historical note. These amended and added provisions read as follows:

§ 301.6512 Statutory provisions; limitations in case of petition to Tax Court.

SEC. 6512. *Limitations in case of petition to Tax Court.* * * *

(b) *Overpayment determined by Tax Court.* * * *

(2) *Limit on amount of credit or refund.* * * *

(A) After the mailing of the notice of deficiency,

(B) Within the period which would be applicable under section 6511(b)(2), (c), or (d), if on the date of the mailing of the notice of deficiency a claim had been filed (whether or not filed) stating the grounds upon which the Tax Court finds that there is an overpayment, or

(C) Within the period which would be applicable under section 6511(b)(2), (c), or (d), in respect of any claim for refund filed within the applicable period specified in section 6511 and before the date of the mailing of the notice of deficiency—

(i) Which had not been disallowed before that date,

(ii) Which had been disallowed before that date and in respect of which a timely suit for refund could have been commenced as of that date, or

(iii) In respect of which a suit for refund had been commenced before that date and within the period specified in section 6532.

[Sec. 6512 as amended by sec. 4, Act of Oct. 23, 1962 (Pub. Law 87-870, 76 Stat. 1161)]

PAR. 25. Section 301.6654 is amended by revising subsection (b)(1) of section 6654 and so much of subparagraph (C) of subsection (d)(1) of section 6654 as precedes clause (i), and by adding a historical note. These amended and added provisions read as follows:

§ 301.6654 Statutory provisions; failure by individual to pay estimated income tax.

SEC. 6654. *Failure by individual to pay estimated income tax.* * * *

(b) *Amount of underpayment.* * * *

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax shown on the return for the taxable year or, if no return was filed, 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for such year, over

* * * * *

(d) *Exception.* * * *

(1) * * *

(C) An amount equal to 70 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid. For purposes of this subparagraph, the taxable income shall be placed on an annualized basis by—

* * * * *

[Sec. 6654 as amended by sec. 1(a)(4), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575)]

PAR. 26. Immediately after § 301.7447 there is inserted the following new section:

§ 301.7448 Statutory provisions; annuities to widows and dependent children of judges.

SEC. 7448. *Annuities to widows and dependent children of judges*—(a) *Definitions.* For purposes of this section—

(1) The term "Tax Court" means the Tax Court of the United States.

(2) The term "judge" means the chief judge or a judge of the Tax Court, including any individual receiving retired pay (or compensation in lieu of retired pay) under section 7447 or under section 1106 of the Internal Revenue Code of 1939 whether or not performing judicial duties pursuant to section 7447(c) or pursuant to section 1106(d) of the Internal Revenue Code of 1939.

(3) The term "chief judge" means the chief judge of the Tax Court.

(4) The term "judge's salary" means the salary of a judge received under section 7443(c), retired pay received under section 7447(d), and compensation (in lieu of retired pay) received under section 7447(c).

(5) The term "survivors annuity fund" means the Tax Court judges survivors annuity fund established by this section.

(6) The term "widow" means a surviving wife of an individual, who either (A) shall have been married to such individual for at least 2 years immediately preceding his death or (B) is the mother of issue by such marriage, and who has not remarried.

(7) The term "dependent child" means an unmarried child, including a dependent stepchild or an adopted child, who is under the age of 18 years or who because of physical or mental disability is incapable of self-support.

(b) *Election.* Any judge may by written election filed with the chief judge within 6 months after the date on which he takes office after appointment or any reappointment, or within 6 months after the date upon which he first becomes eligible for retirement under section 7447(b), or within 6 months after the enactment of this section, bring himself within the purview of this section, except that, in the case of such an election by the chief judge, the election shall be filed as prescribed by the Tax Court subject to the preceding requirements as to the time of filing.

(c) *Salary deductions.* There shall be deducted and withheld from the salary of each judge electing under subsection (b) a sum equal to 3 percent of such judge's salary. The amounts so deducted and withheld from such judge's salary shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of a fund to be known as the "Tax Court judges survivors annuity fund" and said fund is appropriated for the payment of annuities, refunds, and allowances as provided by this section. Each judge electing under subsection (b) shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the provisions of this section.

(d) *Deposits in survivors annuity fund.* Each judge electing under subsection (b) shall deposit, with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the credit of the survivors annuity fund, a sum equal to 3 percent of his judge's salary and of his basic salary, pay, or compensation for service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, and for any other civilian service within the purview of section 3 of the Civil Service Retirement Act (5 U.S.C. 2253). Each such judge may elect to make such deposits in installments during the continuance of his service as a judge in such amount and under such conditions as may be determined in each instance by the chief judge. Notwithstanding the failure of a judge to make such deposit, credit shall be allowed for the service rendered, but the annuity of the widow of such judge shall be reduced by an amount equal to 10 percent of the amount of such deposit, computed as of the date of the death of such judge, unless such widow shall elect to eliminate such service entirely from credit under subsection (n), except that no deposit shall be required from a judge for any year with respect to which deductions from his salary were actually made under the Civil Service Retirement Act and no deposit shall be required for any honorable service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States.

(e) *Investment of survivors annuity fund.* The Secretary of the Treasury shall invest from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, such portions of the survivors annuity fund as in his judgment may not be immediately required for the payment of the annuities, refunds, and allowances as provided in this section. The income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of subsections (g), (h), and (j).

(f) *Crediting of deposits.* The amount deposited by or deducted and withheld from the salary of each judge electing to bring himself within the purview of this section for credit to the survivors annuity fund shall

be credited to an individual account of such judge.

(g) *Termination of service.* If the service of any judge electing under subsection (b) terminates other than pursuant to the provisions of section 7447 or other than pursuant to section 1106 of the Internal Revenue Code of 1939, the amount credited to his individual account, together with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the date of his relinquishment of office, shall be returned to him. For the purpose of this section, the service of any judge electing under subsection (b) who is not reappointed following expiration of his term but who, at the time of such expiration, is eligible for and elects to receive retired pay under section 7447 shall be deemed to have terminated pursuant to said section.

(h) *Entitlement to annuity.* In case any judge electing under subsection (b) shall die while a judge after having rendered at least 5 years of civilian service computed as prescribed in subsection (n), for the last 5 years of which the salary deductions provided for by subsection (c) or the deposits required by subsection (d) have actually been made or the salary deductions required by the Civil Service Retirement Act have actually been made—

(1) If such judge is survived by a widow but not by a dependent child, there shall be paid to such widow an annuity beginning with the day of the death of the judge or following the widow's attainment of the age of 50 years, whichever is the later, in an amount computed as provided in subsection (m); or

(2) If such judge is survived by a widow and a dependent child or children, there shall be paid to such widow an immediate annuity in an amount computed as provided in subsection (m), and there shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow, but not to exceed $900 per year divided by the number of such children or $360 per year, whichever is lesser; or

(3) If such judge leaves no surviving widow or widower but leaves a surviving dependent child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which such widow would have been entitled under paragraph (2) of this subsection had she survived, but not to exceed $480 per year.

The annuity payable to a widow under this subsection shall be terminable upon such widow's death or remarriage. The annuity payable to a child under this subsection shall be terminable upon (A) his attaining the age of 18 years, (B) his marriage, or (C) his death, whichever first occurs, except that if such child is incapable of self-support by reason of mental or physical disability his annuity shall be terminable only upon death, marriage, or recovery from such disability. In case of the death of a widow of a judge leaving a dependent child or children of the judge surviving her, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection. In any case in which the annuity of a dependent child is terminated under this subsection, the annuities of any remaining dependent child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was so terminated had not survived such judge.

(i) *Determination of dependency and disability.* Questions of dependency and disability arising under this section shall be determined by the chief judge subject to review only by the Tax Court, the decision of which shall be final and conclusive. The chief judge may order or direct at any time such medical or other examinations as he shall deem necessary to determine the facts relative to the nature and degree of disability of any dependent child who is an annuitant or applicant for annuity under this section, and may suspend or deny any such annuity for failure to submit to any examination so ordered or directed.

(j) *Payments in certain cases.* (1) In any case in which—

(A) A judge electing under subsection (b) shall die while in office (whether in regular active service or retired from such service under section 7447), before having rendered 5 years of civilian service computed as prescribed in subsection (n), or after having rendered 5 years of such civilian service but without a survivor or survivors entitled to annuity benefits provided by subsection (h), or

(B) The right of all persons entitled to annuity under subsection (h) based on the service of such judge shall terminate before a valid claim therefor shall have been established,

the total amount credited to the individual account of such judge, with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

(i) To the beneficiary or beneficiaries whom the judge may have designated by a writing filed prior to his death with the chief judge, except that in the case of the chief judge such designation shall be by a writing filed by him, prior to his death, as prescribed by the Tax Court;

(ii) If there be no such beneficiary, to the widow of such judge;

(iii) If none of the above, to the child or children of such judge and the descendants of any deceased children by representation;

(iv) If none of the above, to the parents of such judge or the survivor of them;

(v) If none of the above, to the duly appointed executor or administrator of the estate of such judge; and

(vi) If none of the above, to such other next of kin of such judge as may be determined by the chief judge to be entitled under the laws of the domicile of such judge at the time of his death.

Determination as to the widow, child, or parent of a judge for the purposes of this paragraph shall be made by the chief judge without regard to the definitions in subsections (a) (d) and (7).

(2) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid equals the total amount credited to the individual account of such judge, with interest at 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid, upon establishment of a valid claim therefor, in the order of precedence prescribed in paragraph (1).

(3) Any accrued annuity remaining unpaid upon the termination (other than by death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving annuity based upon the service of a judge shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

(A) To the duly appointed executor or administrator of the estate of such person;

(B) If there is no such executor or administrator payment may be made, after the expiration of thirty days from the date of the death of such person, to such individual or individuals as may appear in the judgment of the chief judge to be legally entitled thereto, and such payment shall be a bar to recovery by any other individual.

(k) *Payments to persons under legal disability.* Where any payment under this section is to be made to a minor, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of such claimant or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the State of residence of the claimant, the chief judge shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(l) *Method of payment of annuities.* Annuities granted under the terms of this section shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued. None of the moneys mentioned in this section shall be assignable, either in law or in equity, or subject to execution, levy, attachment, garnishment, or other legal process.

(m) *Computation of annuities.* The annuity of the widow of a judge electing under subsection (b) shall be an amount equal to the sum of (1) 1¼ percent of the average annual salary received by such judge for judicial service and any other prior allowable service during the last 5 years of such service prior to his death, or prior to his receiving retired pay under section 7447(d), whichever first occurs, multiplied by the sum of his years of judicial service, his years of prior allowable service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of prior allowable service performed as a member of the Armed Forces of the United States and his years, not exceeding 15, of prior allowable service performed as a congressional employee (as defined in section 1(c) of the Civil Service Retirement Act (5 U.S.C. 2251(c)), and (2) three-fourths of 1 percent of such average annual salary multiplied by his years of any other prior allowable service, but such annuity shall not exceed 37½ percent of such average annual salary and shall be further reduced in accordance with subsection (d), if applicable.

(n) *Includible service.* Subject to the provisions of subsection (d), the years of service of a judge which are allowable as the basis for calculating the amount of the annuity of his widow shall include his years of service as a member of the United States Board of Tax Appeals and as a judge of the Tax Court, his years of service as a Senator, Representative, Delegate, or Resident Commissioner in Congress, his years of active service as a member of the Armed Forces of the United States not exceeding 5 years in the aggregate and not including any such service for which credit is allowed for the purposes of retirement or retired pay under any other provision of law, and his years of any other civilian service within the purview of section 3 of the Civil Service Retirement Act (5 U.S.C. 2253).

(o) *Simultaneous entitlement.* Nothing contained in this section shall be construed to prevent a widow eligible therefor from simultaneously receiving an annuity under this section and any annuity to which she would otherwise be entitled under any other law without regard to this section, but in computing such other annuity service used in the computation of her annuity under this section shall not be credited.

(p) *Estimates of expenditures.* The chief judge shall submit to the Bureau of the Budget annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the survivors annuity fund, and such supplemental and deficiency estimates as may be required from time to time for the same purposes, according to law. The chief judge shall cause periodic examinations of the survivors annuity fund to be made by an actuary, who may be an actuary employed by another department of the Government temporarily assigned for the purpose, and whose findings and recommendations shall be transmitted by the chief judge to the Tax Court.

(q) *Transitional provision.* In the case of a judge who dies within 6 months after the date of enactment of this section after having rendered at least 5 years of civilian service computed as prescribed in subsection (n), but without having made an election as provided in subsection (b), an annuity shall be paid to his widow and surviving dependents as is provided in this section, as if such judge had elected on the day of his death to bring himself within the purview of this section but had not made the deposit provided for by subsection (d). An annuity shall be payable under this section computed upon the basis of the actual length of service as a judge and other allowable service of the judge and subject to the reduction required by subsection (d) even though no deposit has been made, as required by subsection (h) with respect to any of such service.

(r) *Waiver of civil service benefits.* Any judge electing under subsection (b) shall, at the time of such election, waive all benefits under the Civil Service Retirement Act. Such a waiver shall be made in the same manner and shall have the same force and effect as a waiver filed under section 7447(g)(3).

(s) *Authorization of appropriation.* Funds necessary to carry out the provisions of this section may be appropriated out of any money in the Treasury not otherwise appropriated.

[Sec. 7448 as added by sec. 1, Act of Oct. 4, 1961 (Pub. Law 87-370, 75 Stat. 796)]

PAR. 27. Section 301.7511 is amended by deleting section 7511 and adding a historical note. The amended and added provisions read as follows:

§ 301.7511 Statutory provisions; exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles.

[Sec. 7511 repealed by sec. 302(d), Tariff Classification Act 1962 (76 Stat. 77)]

Because this Treasury decision makes only technical changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: December 31, 1963.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-100; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 1—PRACTICE BEFORE THE DEPARTMENT OF THE INTERIOR

On page 13504 of the FEDERAL REGISTER of December 13, 1963 there was published a notice and text of a proposed revision of Part 1, Title 43, Code of Federal Regulations. The purpose of this revision is to bring the regulations concerning practice before the Department in harmony with the conflict of interest provisions of Public Law 87-849 (76 Stat. 1119; 18 U.S.C. 201 et. seq.).

Interested persons were given 15 days within which to submit written comments, suggestions, or objections with respect to the proposed revision. No comments, suggestions or objections have been received, and the proposed revision is hereby adopted without change and is set forth below.

The provisions of this revision are to a substantial extent based upon the requirements of Public Law 87-849 and current provisions of 43 CFR Part 1. Accordingly, the persons affected by the revision need no time to conform so as to abide by these provisions and the revision shall be effective on December 31, 1963. Also, such effective date and publication before the end of the year will permit the revised regulations to be included in the planned publication of a new edition of Title 43, Code of Federal Regulations, which will contain revisions of codified material as of January 1, 1964.

STEWART L. UDALL,
Secretary of the Interior.

DECEMBER 31, 1963.

Sec.
1.1 Purpose.
1.2 Definitions.
1.3 Who may practice.
1.4 Disqualifications.
1.5 Signature to constitute certificate.
1.6 Disciplinary proceedings.

AUTHORITY: The provisions of this Part 1 issued under sec. 5, 23 Stat. 101; 5 U.S.C. 493.

§ 1.1 Purpose.

This part governs the participation of individuals in proceedings, both formal and informal, in which rights are asserted before, or privileges sought from, the Department of the Interior.

§ 1.2 Definitions.

As used in this part the term:

(a) "Department" includes any bureau, office, or other unit of the Department of the Interior, whether in Washington, D.C., or in the field, and any officer or employee thereof;

(b) "Solicitor" means the Solicitor of the Department of the Interior or his authorized representative;

(c) "Practice" includes any action taken to support or oppose the assertion of a right before the Department or to support or oppose a request that the Department grant a privilege; and the term "practice" includes any such action whether it relates to the substance of, or to the procedural aspects of handling, a particular matter. The term "practice" does not include the preparation or filing of an application, the filing without comment of documents prepared by one other than the individual making the filing, obtaining from the Department information that is available to the public generally, or the making of inquiries respecting the status of a matter pending before the Department. Also, the term "practice" does not include the representation of an employee who is the subject of disciplinary, loyalty, or other personnel administrative proceedings.

§ 1.3 Who may practice.

(a) Only those individuals who are eligible under the provisions of this section may practice before the Department, but this provision shall not be deemed to restrict the dealings of Indian tribes or members of Indian tribes with the Department.

(b) Unless disqualified under the provisions of § 1.4 or by disciplinary action taken pursuant to § 1.6:

(1) Any individual who has been formally admitted to practice before the Department under any prior regulations and who is in good standing on December 31, 1963, shall be permitted to practice before the Department.

(2) Attorneys at law who are admitted to practice before the courts of any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Trust Territory of the Pacific Islands, or the District Court of the Virgin Islands will be permitted to practice without filing an application for such privilege.

(3) An individual who is not otherwise entitled to practice before the Department may practice in connection with a particular matter on his own behalf or on behalf of (i) a member of his family; (ii) a partnership of which he is a member; (iii) a corporation, business trust, or an association, if such individual is an officer or full-time employee; (iv) a receivership, decedent's estate, or a trust or estate of which he is the

receiver, administrator, or other similar fiduciary; (v) the lessee of a mineral lease that is subject to an operating agreement or sublease which has been approved by the Department and which grants to such individual a power of attorney; (vi) a Federal, State, county, district, territorial, or local government or agency thereof, or a government corporation, or a district or advisory board established pursuant to statute; or (vii) an association or class of individuals who have no specific interest that will be directly affected by the disposition of the particular matter.

§ 1.4 Disqualifications.

No individual may practice before the Department if such practice would violate the provisions of 18 U.S.C., secs. 203, 205, or 207.

§ 1.5 Signature to constitute certificate.

When an individual who appears in a representative capacity signs a paper in practice before the Department, his signature shall constitute his certificate:

(a) That under the provisions of this part and the law, he is authorized and qualified to represent the particular party in the matter;

(b) That, if he is the partner of a present or former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which such officer or employee of the Government or special Government employee praticipates or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise and that the matter is not the subject of such partner's official Government responsibility;

(c) That, if he is a former officer or employee, including a special Government employee, the matter in respect of which he intends to practice is not a matter in which he participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed and, if a period of one year has not passed since the termination of his employment with the Government, that the matter was not under his official responsibility as an officer or employee of the Government; and

(d) That he has read the paper; that to the best of his knowledge, information, and belief there is good ground to support its contents; that it contains no scandalous or indecent matter; and that it is not interposed for delay.

§ 1.6 Disciplinary proceedings.

(a) Disciplinary proceedings may be instituted against anyone who is practicing or has practiced before the Department on grounds that he is incompetent, unethical, or unprofessional, or that he is practicing without authority under the provisions of this part, or that he has violated any provisions of the laws and regulations governing practice before the Department, or that he has been disbarred or suspended by any court or administrative agency. Individuals practicing before the Department should observe the Canons of Professional Ethics of the American Bar Association and those of the Federal Bar Association, by which the Department will be guided in disciplinary matters.

(b) Whenever in the discretion of the Solicitor the circumstances warrant consideration of the question whether disciplinary action should be taken against an individual who is practicing or has practiced before the Department, the Solicitor shall appoint a hearing officer to consider and dispose of the case. The hearing officer shall give the individual adequate notice of, and an opportunity for a hearing on, the specific charges against him. The hearing shall afford the individual an opportunity to present evidence and cross-examine witnesses. The hearing officer shall render a decision either (1) dismissing the charges, or (2) reprimanding the individual or suspending or excluding him from practice before the Department.

(c) Within 30 days after receipt of the decision of the hearing officer reprimanding, suspending, or excluding an individual from practice before the Department, an appeal may be filed with the Solicitor, whose decision shall be final.

This revision of Part 1 shall become effective on December 31, 1963.

[F.R. Doc. 64-102; Filed, Jan. 6, 1964; 8:47 a.m.]

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3294]

[Utah 0113169]

UTAH

Adding Lands to the Cache National Forest

By virtue of the authority vested in the Secretary of the Interior by the Act of July 9, 1962 (76 Stat. 140), it is ordered as follows:

Subject to valid existing rights, the following-described lands, within the exterior boundaries of the Cache National Forest, Utah, heretofore acquired under section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), are hereby added to and reserved as a part of the Cache National Forest and hereafter shall be subject to all laws and regulations applicable thereto:

SALT LAKE MERIDIAN

T. 10 N., R. 1 W.,
sec. 19, lot 4;
sec. 31.

The areas described aggregate approximately 690 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

DECEMBER 16, 1963.

[F.R. Doc. 64-101; Filed, Jan. 6, 1964; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 114—FEDERAL ASSISTANCE UNDER PUBLIC LAW 815, 81ST CONGRESS AS AMENDED, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Deadline for Applications With Respect to Funds Available During Fiscal Year 1964

Subpart B of Part 114, 45 CFR (23 F.R. 7291, September 19, 1958, as amended by 24 F.R. 3694, May 7, 1959, 24 F.R. 7694, September 24, 1959, 25 F.R. 2531, March 25, 1960, 25 F.R. 9141, September 23, 1960, 26 F.R. 2688, March 30, 1961, 26 F.R. 9777, October 18, 1961, 27 F.R. 4028, April 27, 1962, 27 F.R. 9329, September 20, 1962, and 28 F.R. 3089, March 29, 1963), issued pursuant to Public Law 815, 81st Congress, as amended (64 Stat. 967), 20 U.S.C. 631, is hereby amended by adding a new section (§ 114.29A) in order to establish a first deadline date for filing applications with respect to funds available during the fiscal year 1964. The new section reads as follows:

§ 114.29A Deadline for applications with respect to funds available during fiscal year 1964.

For the purposes of sections 3 and 14 of the Act, June 29, 1964, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under the Act from funds then available for such purposes shall be filed.

(Sec. 208, 64 Stat. 975, as amended; 20 U.S.C. 642)

Dated: December 24, 1963.

[SEAL] WAYNE O. REED,
Acting U.S. Commissioner of Education.

Approved: December 31, 1963.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64-114; Filed, Jan. 6, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 63-1177]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration § 0.281 of its rules and regulations concerning delegations of authority to the Chief of its Broadcast Bureau; and

It appearing, that the Commission receives a number of requests each month for relocation of a main studio outside the principal city to which the station is assigned, and that many of such applications raise no public interest questions and could properly be acted on by the Chief, Broadcast Bureau, under delegated authority; and

It further appearing, that the matter ordered herein concerns internal organization and precedure and, therefore, that the prior notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that authority for the matter ordered herein is contained in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective January 8, 1964, that § 0.281(d) of the rules and regulations is amended as set forth below.

Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303

Released: December 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.281(d)(14) is added to read as follows:

§ 0.281 Authority delegated.

* * * * * * *

(d) * * *

(14) For authority to relocate the main studio outside the corporate limits of the Community to which the station is assigned, when no change in station location or identification is involved.

[F.R. Doc. 64-124; Filed, Jan. 6, 1964; 8:47 a.m.]

[FCC 63-1176]

PART 87—AVIATION SERVICES

National Defense Procedures

In the matter of amendment of Subpart A—CONELRAD, Part 87—Aviation Services of the Commission's rules to delete the present CONELRAD provisions and substitute interim National Defense Procedures.

At a session of Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration a letter from the Department of Defense to this Commission, dated April 23, 1962, stating with certain exceptions, not pertinent here, that there is no longer a requirement to control electromagnetic radiation (CONELRAD) so as to prevent the use of radio transmitters as navigational aids to an enemy; and

The Commission further having under consideration letters dated October 11, 1963 and December 4, 1963, from the Department of Defense and a letter dated October 18, 1963, from the Office of Emergency Planning requesting the Commission to retain the essence of § 9.1205 (c) and (d) until other planning provisions are made therefor; and

It appearing, that the Commission, by Order released May 24, 1963, abolished Project CONELRAD, effective June 30, 1963, and established simultaneously an Office of Emergency Communications to carry out the emergency preparedness functions which were placed upon the Commission by Executive Order 11092; and

It further appearing, that a need exists in the Aviation Services for retaining certain portions of the CONELRAD rules and for including interim procedures pending final revision of the Security Control of Air Traffic and Electromagnetic Radiation (SCATER); and

It further appearing, that in view of the need for immediate adoption of the rules for the purposes of national defense the Notice and Procedures provisions of section 4 of the Administrative Procedure Act are impracticable, and good cause exists, in accordance with section 4(c) of the Administrative Procedure Act, for having an effective date of less than 30 days; and

It further appearing, that authority for the rules herein adopted is contained in sections 4(i), 303(r), 606 (c) and (d), of the Communications Act of 1934, as amended, and Executive Order 11092;

It is ordered, That Part 87 of the Commission's rules is amended as set forth below, effective January 1, 1964.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303).

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Sections 87.161 through 87.169 are deleted and the following new §§ 87.161 through 87.165 are substituted therefor:

NATIONAL DEFENSE

§ 87.161 Scope and objective.

Sections 87.161, 87.163 and 87.165 apply to all stations in the Aviation Services and are for the purpose of providing for continued radio service and operation of facilities to the extent necessary for the safety or control of friendly aircraft during periods of air attack or imminent threat thereof or as otherwise specified in these sections.

§ 87.163 Security control of air traffic and electromagnetic radiation (SCATER).

Pending revision of the SCATER PLAN (May 7, 1957), all licensees in the Aviation Services shall comply with reasonable requests for action by the Federal Aviation Agency Air Route Traffic Control Centers, within the scope of routine tests, periods of international tension and national emergency conditions, calling for the implementation of appropriate security measures or the implementation of SCATER.

§ 87.165 Operation.

(a) Upon proclamation by the President that there exists a state of war involving the United States, and for the duration of such state of war, all licensees in the Aviation Services shall observe the following supplemental restrictions on station operations:

(1) *Domestic.* Air/ground communications within the continental United States shall be limited to those involving safety of flight; air/ground and aeronautical fixed communications on HF band frequencies shall be discontinued, except where other facilities are unavailable or inoperative and then only when appropriate security measures are employed. Security measures shall include at least the following: (i) transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(2) *International.* Air/ground communications shall be limited to those involving safety of flight and such communications in the HF band shall be discontinued, except that international air carriers arriving or departing from U.S. gateway airports may use HF band frequencies when VHF and UHF radio are inoperative, not available, or will not provide the range required; international aeronautical fixed communications may be conducted on HF band frequencies when VHF and UHF radio rity measures are employed. Security measures shall include at least the following: (i) transmit emergency traffic only, (ii) identify by means other than clear text, and (iii) make transmissions as brief as possible.

(3) *Weather transmission.* The HF band shall not be employed for transmission of clear text weather information except in emergencies; unscheduled weather reports and forecasts (not exceeding two hours ahead) may be transmitted in clear text only on VHF or higher frequencies; scheduled weather information may be transmitted in clear text only on frequency bands other than the HF band, and then only when the station involved is 200 miles or more from the nearest coast line.

(4) *Navigational aids.* To the extent that ground based navigational aids are used for communication purposes, such facilities shall be operated in accordance with the provisions of this paragraph.

(b) None of the provisions of the National Defense portion of this Subpart shall be interpreted to preclude the operation of certain stations in the Aviation Services in connection with the activities of local, state, or federal civil defense organizations, provided such operations are not in conflict with operations necessary for FAA air route traffic control, and such operations are specifically authorized by the Federal Communications Commission.

[F.R. Doc. 64-125; Filed, Jan. 6, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT TO GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

Notice of Extension of Time for Filing Comments on Proposed Amendments

On November 9, 1963, a notice of a proposed revision of the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades with Respect Thereto (7 CFR, Part 70), providing for the establishment of standards for A quality and U.S. Grade A canned whole chicken and ready-to-cook poultry roast and for making slight changes in the standards of quality of ready-to-cook poultry by limiting the amount and appearance of weepage that is visible in packages of such poultry when frozen, was published in the FEDERAL REGISTER (28 F.R. 12062) and interested persons were given 30 days within which to submit data, views and arguments. Other minor changes would also be made in the standards and the regulations. Requests for an extension of this period of time have been received by this Department.

In view of the substantial public interest in this matter, it appears that an extension of time is appropriate. Accordingly, the time within which written data, views and arguments may be submitted to the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby extended to include March 1, 1964.

Done at Washington, D.C., this 31st day of December 1963.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-121; Filed, Jan. 6, 1964; 8:47 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1006, 1007, 1014, 1015, 1016]

[Docket Nos. AO-14 A36, AO-71 A45, AO-293 A8, AO-160 A27, AO-208 A18, AO-204 A18, AO-276 A7, AO-302 A10, AO-305 A10, AO-312 A5]

MILK IN CERTAIN MARKETING AREAS

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Greater Boston, Mass.; New York-New Jersey; Washington, D.C.; Delaware Valley (previously Philadelphia, Pa., and Wilmington, Del.); Springfield, Mass.; Worcester, Mass.; Southeastern New England; Connecticut; and Upper Chesapeake Bay marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at New York City, on May 6-23, 1963, pursuant to notice thereof which was issued April 3, 1963 (28 F.R. 3419).

The material issue on the record of the hearing which is reconsidered in this revised recommended decision relates to the seasonality of the Delaware Valley order Class I price.

A recommended decision was issued October 31, 1963 (28 F.R. 12000; F.R. Doc. 63-11687) in the matter of Class I and surplus milk pricing in the 10 Northeast milk order markets. On the basis of exceptions to this recommended decision it is proposed to amend the seasonal pricing provisions of the Delaware Valley order and make necessary coordinating amendments to the provisions of the Washington, D.C., and Upper Chesapeake Bay milk orders which use the seasonally adjusted Delaware Valley order Class I price in their respective Class I price computations.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Exception was taken to the failure of the recommended decision to adopt a proposed change in the seasonality of the Delaware Valley (previously Philadelphia) order Class I price. The proposal would reduce the Class I price seasonally 45 cents per hundredweight during the second quarter (April, May and June) and increase such price seasonally 15 cents per hundredweight in the remaining three quarters. The proposal would not affect the present annual Class I price level and was unopposed at the hearing. Under the present quarterly pricing provisions the Class I price is reduced 40 cents per hundredweight seasonally (from the "annual level") in the second quarter and increased 40 cents per hundredweight seasonally in the fourth quarter. On the basis of the exception, the seasonal price pattern for the Delaware Valley market has been reconsidered.

There has been a tendency toward more even seasonal milk production in the Delaware Valley market. The proposed Class I price seasonal adjustment recognizes this improved seasonality and also will tend to improve the seasonal Class I price alignment with Class I prices in the Washington, D.C., and Upper Chesapeake Bay milk markets with which there is substantial competition for Class I sales outlets. For these reasons the Class I seasonal pricing provisions should be modified in accordance with the proposal as presented at the hearing and as described above.

As outlined above, the present seasonal price pattern in the Delaware Valley order provides for an 80-cent variation from the highest to the lowest quarterly price. The proposed seasonal pattern would provide for only a 60-cent variation from high to low. This proposed seasonal variation is closer to the 45 cent seasonal variation provided for in the Upper Chesapeake Bay and Washington, D.C., markets. Therefore, by adopting the proposal, differences in the established seasonal Class I price adjustments as between the Delaware Valley order and the Upper Chesapeake Bay and Washington, D.C., orders will be reduced even though changes in price in the Delaware Valley market will continue to take place on a quarterly basis as compared with the monthly price plan in the other markets.

This amendment to the Delaware Valley order necessitates conforming amendments to the Washington, D.C., and Upper Chesapeake Bay milk orders, which orders use the annual average Delaware Valley Class I price as a factor in their Class I price computations. Therefore, accommodating amendments to such orders also are provided for herein in order not to alter Class I price levels in such markets.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decisions.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the

findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Delaware Valley, Washington, D.C., and Upper Chesapeake Bay marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Amendments to the Delaware Valley Order:

The table in § 1004.50(a) (2) and (3) is revised to read as follows:

§ 1004.50 Class prices.

* * * * * *

(a) * * *

(2) * * *

Formula index	1st quarter (Jan., Feb., Mar.)	2d quarter (Apr., May, June)	3d quarter (July, Aug., Sept.)	4th quarter (Oct., Nov., Dec.)
At least but less than: [1]				
80.0-82.0	4.60	4.00	4.60	4.60
83.8-85.8	4.80	4.20	4.80	4.80
87.6-89.6	5.00	4.40	5.00	5.00
91.4-93.4	5.20	4.60	5.20	5.20
95.2-97.2	5.40	4.80	5.40	5.40
99.0-101.0	5.60	5.00	5.60	5.60
102.8-104.8	5.80	5.20	5.80	5.80
106.6-108.6	6.00	5.40	6.00	6.00
110.4-112.4	6.20	5.60	6.20	6.20
114.2-116.2	6.40	5.80	6.40	6.40
118.0-120.0	6.60	6.00	6.60	6.60

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls) is greater than $2.60 over the simple average of prices of selected Midwestern condensaries as reported by the Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such $2.60 variance;

Amendments to the Washington, D.C., Order:

Section 1003.50(a) (2) (i) is revised to read as follows:

§ 1003.50 Class prices.

* * * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

Amendments to the Upper Chesapeake Bay Order:

Section 1016.50(a) (2) (i) is revised to read as follows:

§ 1016.50 Class prices.

* * * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

Signed at Washington, D.C., on December 31, 1963.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-120; Filed, Jan. 6, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 63-1187]

RULES OF PRACTICE AND PROCEDURE

Statement of Program Service, Broadcast Application Forms 301, 303, 314 and 315

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration its second notice of further proposed rules making (FCC 63-1163) adopted herein on December 18, 1963, scheduling an en banc oral proceeding at the Commission's offices in Washington, D.C., on February 13, 1964;

It is ordered, That the en banc oral proceeding is hereby rescheduled for March 12, 1964: *And it is further ordered,* That all parties intending to appear before the Commission shall notify the Secretary of the Commission in writing on or before March 2, 1964, indicating the approximate amount of time they wish to use: *And it is further ordered,* That parties not participating in the oral proceeding may submit comments on or before March 12, 1964, in the form of a written statement for inclusion in the record (include an original and 14 copies of such statement).

Released: December 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-127; Filed, Jan. 6, 1964; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 15256; FCC 63-1192]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, *Table of assignments,* (FM Broadcast Stations) (San Diego, Calif.; Jamestown, N.Y.; Newton and Franklin, N.J.; Colorado Springs, Colo.; Toccoa, Ga. and Easley, S.C.; Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee, and New Berlin, Wisc.; St. Louis Park and Minneapolis, Minn.; Radford and Blacksburg, Va.; Fairhope and Mobile, Ala.; Berkeley Springs, W. Va. and Frostburg, Md.; Nantucket, Mass.; Wallace, Idaho; Crestview, Fla.; Missoula, Mont.; Spencer, Iowa; Sanford, Winter Park and Windermere, Fla.; Houston and Senatobia, Miss.; Jacksonville, Fla.; Huntington, W. Va.), Docket No. 15256; RM-484, RM-488, RM-491, RM-492, RM-500, RM-521, RM-501, RM-523, RM-503, RM-507, RM-508, RM-513, RM-526, RM-527, RM-528, RM-529, RM-531, RM-536, RM-537.

1. Notice is hereby given of proposed rule making in the above-captioned matters.

2. The Commission has before it various petitions for rule making proposing amendments in the FM Table of Assignments as discussed below:

3. *RM-484.—San Diego, Calif.* On September 12, 1963, Assembly of God of Pacific Beach, Inc., a California nonprofit corporation which engages in religious activities in California, filed a petition requesting that Channel 299 be allocated to San Diego, with a county population of 1,033,011. There are 11 FM channels allocated to this community, all of which are occupied. Petitioner states that in view of the size and importance of San Diego and its need for the program service proposed by the petitioner, an additional FM channel should be allocated to San Diego. The engineering statement filed with the petition indicates that Channel 299 will fit only into the San Diego area.

4. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
San Diego, Calif.	221, 235, 243, 247, 251, 264, 266, 275, 279, 287, 295.	221, 235, 243, 247, 251, 264, 266, 275, 279, 287, 295, 299

5. *RM-488—Jamestown, N.Y.* On September 24, 1963, Trend Radio, Inc., filed a petition for rule making requesting that Channel 269A be allocated to Jamestown, New York. The only channel presently assigned to Jamestown is 227, on which WJTN-FM is operating. Petitioner asserts that Jamestown can support two FM stations and wishes to operate an FM station there in conjunction with its AM station.

6. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Jamestown, N.Y.	227	227, 269A

7. Since Jamestown, New York, is within 250 miles of the U.S.-Canadian border, the proposal would require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947. This would also apply to several other requests in this notice.

8. *RM-491—Newton and Franklin, N.J.* On September 27, 1963, Sussex County Broadcasters, Inc. (Sussex) licensee of WNNJ and WNNJ-FM, Newton, New Jersey, filed a petition for rule making requesting the deletion of Channel 272A from Franklin, New Jersey, and its allocation to Newton to replace Channel 279 on which WNNJ-FM is presently operating. In support of its petition, Sussex states that both Newton Town and Franklin Borough are located in Sussex County, that Newton is the County Seat and has a population of 6,563 as compared with 3,624 in Franklin Borough. WNNJ-FM is operating with 2.87 kw ERP and an antenna height of 140 feet and cannot increase its facilities because of short spacing with 5 existing stations. Petitioner asserts that its use of Channel 272A would cure the multiple short spacings involved in the present assignment of WNNJ-FM and increase its service area by 82 percent.

9. On October 10, 1963, Louis Vander Plate filed an opposition to the above petition. He stated that he had filed an application for an FM station at Franklin in November, 1962; that when the Commission imposed the "freeze" it deleted Channel 272A from Franklin but that as a result of his comments and counter-proposals in the FM rule making proceeding, the Commission concluded in its Third Report, Memorandum Opinion and Order, released August 1, 1963, that the public interest would be served by the assignment of Channel 272A to Franklin, New Jersey. He has filed an application for that channel (BPH-3952).

10. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Newton, N.J.	279	272A
Franklin, N.J.	272A	

11. *RM-492.—Colorado Springs, Colorado.* On September 27, 1963, William S. Cook, permittee of AM Station KRYT, Colorado Springs, Colorado, filed a petition for rule making requesting that Channel 284 be allocated to Colorado Springs. Such an allocation would meet the separation requirements of the Commission's rules, with the exception that a site about 1 mile outside Colorado Springs would have to be chosen to meet the separation requirements from KTGM, Denver, Colorado. Colorado Springs has grown from 45,472 in 1950 to 70,194 in 1960. The 1960 population of the new Colorado Spring Urbanized Area is 100,220, an increase of 33% over the 1950 urbanized population in the general area. There are presently 3 FM channels assigned to Colorado Springs, all of which are occupied. Petitioner points to the pattern of continuing and rapid growth in Colorado Springs and the surrounding areas as evidence of the need for another channel in that community.

12. The Commission is of the opinion that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Colorado Springs, Colo.	225, 232A, 243	225, 232A, 243, 284

13. *RM-500 and RM-521. Toccoa, Georgia and Easley, South Carolina.* On October 3, 1963, Stephens County Broadcasting Co., licensee of WNEG, Toccoa, Georgia, filed a petition for rule making requesting that Channel 280A be allocated to Toccoa. At present Channel 291 is assigned to Toccoa and is in operation. WENG operates a daytime-only station and states it would apply for an FM channel if one were allocated to Toccoa so that it could operate a radio station full time.

14. On October 31, 1963, Pickens County Broadcasting Co., Inc., licensee of WELP, Easley, S.C., filed a petition requesting that Channel 280A be allocated to Easley, South Carolina. Petitioner states that Easley has a population of 8,283 and is the largest community in Pickens County with a population of 46,430. There are approximately 169,000 persons located within a 15-mile radius of Easley and approximately 378,000 within a 30-mile radius. Petitioner claims that Easley is an important and growing community and should have an FM channel assigned to it.

15. The Easley proposal conflicts with the Toccoa, Georgia request. The Commission is of the opinion that rule making should be instituted on these proposals. Therefore, comments are invited on the following alternative proposals:

City	Channel No.	
	Present	Proposed
Toccoa, Ga.	291	280A, 291
or		
Easley, S.C.		280A

16. *RM-501 and RM-523.—Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee and New Berlin, Wisconsin.* On October 4, 1963, Falls Broadcasting Corp. filed a petition requesting that Channel 252A be assigned to Menomonee Falls, a Wisconsin municipality with a population in 1960 of 18,276, an increase of 640 percent over its 1950 population. Falls Broadcasting states that this fast-growing community should have an FM allocation and proposes either of the following alternatives to accomplish this end:

City	Channel No.	
	Present	Proposed
Menomonee Falls, Wis.		252A
Green Bay, Wis.	253, 266	253, 266
or		
Menomonee Falls, Wis.		252A
Green Bay, Wis.	253, 266	230, 266
Neenah-Menasha, Wis.	230, 289	289

17. On November 1, 1963, the Commission received a petition for rule making from Voice of Christian Youth, Inc. (Voice) of Milwaukee, Wisconsin to assign Channel 252A to Milwaukee. Voice has been operating in the field of religious broadcasting for the past two years, buying 8-hour programs of time 7 days a week on a yearly basis from a local station in the Milwaukee area. Voice asserts that it has been offering a service to the Milwaukee metropolitan area which had not been previously provided. Voice has its own fully equipped studios in Milwaukee and Radio Station WBON in New Berlin, Wisconsin (a suburb of Milwaukee) has offered Voice space on their existing tower. Therefore, Voice's antenna and transmitter site would be in New Berlin.

18. A Channel 252A assignment to Menomonee Falls would be short spaced to Channel 253 at Green Bay, Wisconsin. Falls Broadcasting suggests that in the event its first alternative proposal is adopted, the grant to any future permittee at Green Bay for Channel 253 be conditioned on the placement of its transmitter so that it meets all minimum separation requirements with Channel 252A at Menomonee Falls. However, in order to meet the spacing requirements of the rules the Channel 253, transmitter site would be approximately 38 miles out of Green Bay, even if Channel 252A is not assigned to Menomonee Falls. The use of this channel at Green Bay may, therefore, not be feasible.

19. In view of the foregoing, comments are invited on the following alternatives:

City	Channel No.	
	Present	Proposed
Menomonee Falls, Wis.		252A
Green Bay, Wis.	253, 266	230, 266
Neenah-Menasha, Wis.	230, 289	289
or		
Milwaukee, Wis.	227, 235, 239, 243, 247, 256, 271, 275, 299	227, 233, 239, 243, 247, 252A, 256, 271, 275, 299
New Berlin, Wis.		252A

20. *RM-503.—St. Louis Park and Minneapolis, Minnesota.* On October 4, 1963, KRSI-FM, a Class C FM station licensed to operate at St. Louis Park, Minnesota, on Channel 281, filed a petition for rule making requesting that Channel 281 be deleted from St. Louis Park and Channel 271 be substituted for it. This would be accomplished by substituting Channel 281 for Channel 271 at Minneapolis. In support of its petition, KRSI-FM states that use of Channel 271 rather than 281 at St. Louis Park would remove the substandard spacing between KRSI-FM and all other pertinent broadcast stations and enable KRSI-FM to effect a major improvement in its facilities; and that the use of Channel 281 at Minneapolis can be effected in compliance with minimum mileage standards since there is a wide area where the Channel 281 transmitter may be used in accordance with Commission rules.

21. Contemporary Radio, Inc., licensee of FM Station WAYL-FM, Minneapolis, Minnesota, operating on Channel 241, filed an opposition to this proposal. There are two channels assigned to Minneapolis which are not occupied: 233 and 271. Contemporary pointed out that WJMC-FM is operating on Channel 242 in Rice Lake, Wisconsin, which is approximately 85 miles from the WAYL-FM transmitter site. Commission rules specify that first-adjacent channels must be separated by 150 miles. Contemporary has filed an application for permission to change frequency from Channel 241 to Channel 233. Hubbard Broadcasting, Inc. has also filed an application for Channel 233 at Minneapolis. On November 26, 1963 Contemporary Radio, Inc. filed a "Request For Correction of Memorandum Opinion and Order" issued on October 29, 1963 in Docket 14185 (FCC 63-976) and a request for reconsideration in part of that decision. Contemporary points out that in the decision the Commission denied its request for a Show Cause Order to specify Channel 233 in Minneapolis instead of its presently assigned Channel 241. Contemporary urges that the Commission failed to take into account its alternate request for Channel 271. In view of the fact that the two remaining assignments in Minneapolis are not available for grant at this time, the one having two applications on file, and the other a request for a change, it is not possible to grant the relief requested by Contemporary. We will, however, consider the instant request as a comment in this proceeding.

22. The Commission is of the view that rule making should be instituted on the above proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
St. Louis Park, Minn.	281	271
Minneapolis, Minn.	233, 241, 246, 253, 258, 262, 267, 271, 275	233, 241, 246, 253, 258, 262, 267, 275, 281

23. *RM-507.—Radford and Blacksburg, Virginia.* On October 16, 1963, WRAD Broadcasting Company, licensee of WRAD, Radford, Virginia, filed a petition requesting that Channel 269A be deleted from Blacksburg, Virginia, and assigned to Radford, Virginia, and that Channel 285A be substituted at Blacksburg. Petitioner points out that the substitution would provide an FM assignment at Radford, for which it would apply, and would also supply a channel for Blacksburg.

24. WBCR, Inc. opposed the petition. It has an application pending for Channel 269A at Blacksburg and proposes to bring the area a new service. WBCR alleges adjacent channel interference might be experienced by 285A at Blacksburg because of the proximity of a Channel 283 operation on the Virginia-West Virginia border.

25. The Commission is of the view that rule making should be instituted on this proposal and invites comments of the following:

City	Channel No.	
	Present	Proposed
Blacksburg, Va.	269A	285A
Radford, Va.		269A

26. *RM-508.—Fairhope and Mobile, Alabama.* On October 7, 1963, Eastern Shore Broadcasters, Inc., licensee of WABF, Fairhope, Alabama, filed a petition requesting that Channel 221A be deleted from Fairhope, Alabama, that Channel 225C presently assigned to Mobile be substituted for it. In support of its petition, Eastern Shore states that five Class C channels are presently assigned to Mobile, only one of which is occupied. Fairhope is located approximately 14 miles from Mobile and petitioner therefore considers Mobile and its adjacent communities with a population of 350,000 an important part of its proposed service area. Baldwin County, Alabama, in which Fairhope is located, has a population of approximately 50,000, has no local nighttime radio service and the presently assigned Channel 221A is inadequate to provide such local nighttime service to the entire County. Although our purpose in the Third Report was to allocate Class A channels generally for use in small towns, we are of the opinion that rule making should be instituted on this proposal and request comments on the following:

City	Channel No.	
	Present	Proposed
Fairhope, Ala.	221A	225
Mobile, Ala.	225, 235, 241, 248, 260	235, 421, 248, 260

27. *RM-513—Berkeley Springs, West Virginia, and Frostburg, Maryland.* Regional Broadcasting Company, applicant for a new FM station at Halfway, Maryland, proposes two alternate amendments to the FM Table of Assignments to assign a channel to Berkeley Springs, West Virginia.[1] Regional submits that it is an applicant for Channel 228A at Halfway, Maryland; that under the 25-mile rule (§ 3.203(b)) an application was filed for Berkeley Springs, West Virginia, and that the purpose of the subject request is to eliminate the need for a comparative hearing and to provide an FM outlet for each community. Western Maryland Broadcasting Co., licensee of WFRB(AM) at Frostburg, filed a petition requesting the same alternative proposals looking toward the assignment of Channel 287 to Frostburg.

28. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following alternatives:

City	Channel No.	
	Present	Proposed
Berkeley Springs, W. Va.		232A
Charles Town, W. Va.	252A	244A
Frostburg, Md.	244A	287
Oakland, Md. (Western)	285A	244A
or		
Halfway, Md.	228A	228A, 244A
Huntingdon, Pa.	244A	292A

Under the second alternative, one of the channels would be available to Berkeley Springs under the 25-mile rule. Comments are also invited on the following alternative:

City	Channel No.	
	Present	Proposed
Berkeley Springs, W. Va.		228A

29. *RM-526.—Nantucket, Massachusetts.* On November 6, 1963, the Inquirer and Mirror Publishing Company, Inc. petitioned for rule making to assign Channel 260 to Nantucket, Massachusetts. In support of its petition the Inquirer states that Nantucket, Martha's Vineyard and adjacent islands form a summer resort which attracts thousands

[1] In its original request, Regional proposed the assignment of Channel 244A to Berkeley Springs and the substitution of Channel 257A for 244A at Frostburg, Maryland. This proposal is not in conformance with the separation rules and is hereby dismissed.

of visitors. Nantucket Island had a 1960 population of 3,559; Martha's Vineyard and adjacent islands had a population of 5,329. Barnstable County encompasses all the area known as Cape Cod and had a 1960 population of 70,286. The Inquirer asserts a need exists for an FM station at Nantucket and that it will apply for said channel if it is allocated there.

30. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Nantucket, Mass.		260

31. *RM–527.—Wallace, Idaho.* On November 7, 1963, KXLY–FM, operating on Channel 260 at Spokane, Washington, filed a petition requesting that Channel 282 be substituted for Channel 258 at Wallace, Idaho. KXLY–FM is operating with a power of 2 kw and an antenna height above average terrain of 490 feet; its antenna is mounted on its AM station tower. To improve its coverage area, KXLY–FM filed an application to relocate its antenna to the tower of KXLY–TV. This application was returned by the Commission because the proposed transmitter site would be short spaced with the allocation of Channel 258 at Wallace, Idaho. Channel 258 at Wallace is not currently in use nor any applications on file for it.

32. The Commission is therefore of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Wallace, Idaho	258, 264	264, 282

33. *RM–528—Crestview, Florida.* On October 30, 1963, Everett M. McCrary, licensee of WJSB, Crestview, Florida, filed a petition requesting that an FM channel be allocated to Crestview, which is the county seat of Okaloosa County. Crestview has a population of more than 7,467 and Okaloosa County has a population of 67,000 and is a major trading center for the area. Crestview at present has two daytime-only AM stations on the air. Only one of the proposed assignments, Channel 285A, meets the spacing requirements of the rules.

34. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Crestview, Fla.		285A

35. *RM–529—Missoula, Montana.* On November 12, 1963, KGVO Broadcasters, Inc., licensee of KGVO, Missoula, filed a petition requesting that Channel 261A be added to Missoula, Montana. KGVO states that there is no FM broadcast service in Missoula, that it wishes to operate an FM station there in addition to its AM station, that a Class C station is allocated to Missoula, but that KGVO does not consider that it would be feasible at the present time to build a station meeting the power and height requirements of a Class C station.

36. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Missoula, Mont.	227, 235	227, 235, 261A

37. *RM–531. Spencer, Iowa.* The Iowa Great Lakes Broadcasting Co., licensee of Station KICD(AM) at Spencer, Iowa requests the addition of Channel 300 to this community. Iowa submits that Spencer has a population of 8,864, that it is well removed from large cities or metropolitan areas, and that it operated KICD with a power of 1 kw at daytime and only 250 watts at night. It urges that it needs a Class C facility in the community to serve the many people who are not served by its AM outlet, particularly farmers and others needing weather information, etc., and that in the event the assignment is made as requested it will file an application for a new FM station on this channel.

38. In view of the foregoing, comments are invited on the following proposal:

City	Channel No.	
	Present	Proposed
Spencer, Iowa	221A	221A, 300

39. *RM–537. Sanford, Winter Park, and Windermere, Florida.* Richard Baird, prospective applicant for a new FM station in Winter Park, Florida, requests the assignment of Channel 276A to Winter Park by deleting Channel 237A from Windermere, Florida and substituting Channel 237A for 276A at Sanford, Florida. In support of his proposal, Baird urges that the use of Channel 237A at Windermere involves a site problem with Station WIRA–FM on adjacent channel 238 at Fort Pierce, that the proposal meets all the rules, and that greater coverage will be obtained with Channel 276A at Winter Park than with 237A at Windermere and with Channel 237A at Sanford rather than Channel 276A.

40. In view of the foregoing, the Commission invites comments on the following proposal:

City	Channel No.	
	Present	Proposed
Winter Park, Fla.		276A
Sanford, Fla.	276A	237A
Windermere, Fla.	237A	

41. *RM–536—Houston and Senatobia, Mississippi.* WCPC Broadcasting Co., licensee of Radio Station WCPC (AM), requests the substitution of Class C Channel 231 for Class A Channel 228 at Houston, Mississippi by substituting Channel 224A for 232A at Senatobia, Mississippi. WCPC submits that Houston is the county seat of Chickasaw County with a population of 16,891; that it is an important market center for a wide-area and that the only local station is authorized to operate daytime only. It urges that a Class C FM station would serve a large area now without any other FM service; that the local needs of the area nighttime can only be met by a wide-area FM station; that the proposed assignments conform to all the rules; and that in the event the assignment is made as proposed it will apply for a construction permit for the Class C facility.

42. In view of the foregoing, the Commission invites comments on the following proposal:

City	Channel No.	
	Present	Proposed
Houston, Miss.	228A	231
Senatobia, Miss.	232A	224A

43. In addition to the above proposals made by interested parties, we wish to make two changes in the Table of Assignments on our own motion. Channel 223 is assigned to Jacksonville, Florida, but cannot be used there because of short-spacing with another assignment. Comments are therefore invited on the following proposal:

City	Channel No.	
	Present	Proposed
Jacksonville, Fla.	223, 236, 241, 245, 256	236, 241, 245, 256, 275

44. Channel 223 is assigned to Huntington, West Virginia, where it is removed from Channel 277 by the FM IF difference. In order to eliminate this possibility of interference, we are proposing to substitute Channel 300. Comments are therefore invited on the following proposal:

City	Channel No.	
	Present	Proposed
Huntington, W. Va.	223, 263, 277	263, 277, 300

45. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

46. Pursuant to applicable procedures set out in section 1.415 of the Commission rules, interested persons may file comments on or before February 28, 1964, and reply comments or or before March 16, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

47. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: December 27, 1963.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–126; Filed, Jan. 6, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING COMMON MERGANSERS (AMERICAN MERGANSERS)

Order Permitting Killing in, on, or Over Designated Lakes and Streams in Western Washington

It has been determined from investigations and observations made by the Bureau of Sport Fisheries and Wildlife and the Washington State Department of Game that serious depredations to trout populations in certain streams and lakes are occurring because of large numbers of common mergansers (American mergansers) present in western Washington and cannot be considered as localized injury. It was further determined that these depredations can best be minimized or alleviated by permitting depredating common mergansers (American mergansers) to be killed and taken by shooting in any affected areas under specific conditions and restrictions. This order will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Common mergansers (American mergansers) may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder, during the daylight hours only, on or over the following lakes and streams in western Washington when committing or about to commit serious depredations upon trout populations:

CLALLAM COUNTY

Sutherland Lake

COWLITZ COUNTY

Yale Reservoir

GRAYS HARBOR COUNTY

Failor Lake

ISLAND COUNTY

Cranberry Lake

JEFFERSON COUNTY

Crocker Lake
Leland Lake

KING COUNTY

Ames Lake
Beaver Lake
Desire Lake
Joy Lake
Meridian Lake
Morton Lake
North Lake
Pine Lake
Shadow Lake
Shady Lake
Star Lake
Steel Lake
Wilderness Lake

KITSAP COUNTY

Horseboe Lake
Island Lake
Kitsap Lake
Mission Lake
Scout Lake
Tiger Lake
Wildcat Lake

MASON COUNTY

Aldrich Lake
Benson Lake
Cady Lake
Clara Lake
Devereaux Lake
Haven Lake
Isabella Lake
Lost Lake
Nahwatzel Lake
Panther Lake
Phillips Lake
Spencer Lake
Tiger Lake
Trails End Lake
Trask Lake
Twin Lake
U Lake
Wooten Lake

PACIFIC COUNTY

Loomis Lake

PIERCE COUNTY

Bay Lake
Clear Lake (Eatonville)
Crescent Lake

SAN JUAN COUNTY

Hummel Lake

SKAGIT COUNTY

Beaver Lake
Cavanaugh Lake
Clear Lake
Hart Lake
Pass Lake

SNOHOMISH COUNTY

Bosworth Lake
Crabapple Lake
Flowing Lake
Goodwin Lake
Ki Lake
Loma Lake
Martha Lake (Alderwood Manor)
Martha Lake (Warm Beach)
Roesiger Lake
Serene Lake (Hwy. 99)
Shoecraft Lake
Silver Lake
Storm Lake
Wagner Lake

THURSTON COUNTY

Clear Lake (Bald Hills)
Deep Lake
Hicks Lake
Lawrence Lake
Summit Lake
Ward Lake

WHATCOM COUNTY

Silver Lake

STREAMS

Bogachiel River
Chehalis River
Cowlitz River
Dosewallips River
Duckabush River
Dungeness River
Elochoman River
Grays River
Green River
Hoh River
Humptulips River
Kalama River
Lewis River & forks
Newaukum River
Nisqually River
Nooksack River
Puyallup River
Salmon River
Satsop River
Skagit River
Skokomish River
Skykomish River
Snohomish River
Snoqualmie River
Sol Duc River
Soos River
Stillaguamish River
Tahuya River
Tilton River
Tolt River
Toutle River
Union River
Washougal River
Willapa River
Wind River
Wynooche River

(b) The authorization to kill mergansers, as contained in this order shall terminate on April 10, 1964: *Provided*, If prior to that date it is found that the emergency condition no longer exists, the killing of common mergansers (American mergansers) as permitted under this order will be terminated earlier by publication of an order of revocation in the FEDERAL REGISTER.

(c) Common mergansers (American mergansers) killed under the provisions of this order may be used for food and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any American mergansers which cannot be utilized for the purposes stated in this paragraph because of their unfitness for human consumption may be completely destroyed.

2. This order does not permit the killing of common mergansers (American mergansers) in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving depredations and is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 31, 1963.

[F.R. Doc. 64-100; Filed, Jan. 6, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1598]

CHATTANOOGA UNION STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on November 22, 1963, authorizing the respondent, Chattanooga Union Stock Yards, Chattanooga, Tennessee, to assess the current temporary schedule of rates and charges to and including January 31, 1964, unless modified or extended by further order before the latter date.

By documents filed on November 8 and December 10, 1963, the respondent requested authority to modify the current temporary schedule of rates and charges so as to provide for the assessment of full commission and yardage charges on livestock which has been offered for sale but the consignor has rejected the bid. The present tariff provision reads as follows:

Section No. 6—No sales:

When a consignor rejects the bid for livestock which has been offered for auction, the following charges will apply in place of the regular charges:

	Per head	
	Commission	Yardage
Cattle (300 lbs. and over)	$1.00	$0.00
Calves (under 300 lbs.)	.50	.00
Hogs	.50	.00
Sheep, lambs, goats	.30	.00

The proposed provisions reads as follows:

Section No. 6—No sales:

When a consignor rejects the bid for livestock which has been offered for auction, the charges will be the same as shown in sections 1, 2, 3, and 4 for regular sales.

The modification, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and the contents thereof should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 2d day of January 1964.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-122; Filed, Jan. 6, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, AND CAPITAL EXPENDITURES

Notice of Determination To Continue Survey

Pursuant to the Act of Congress approved August 31, 1954, 13 U.S.C. 181, 224, and 225, and due notice of consideration having been published November 30, 1963 (28 F.R. 12773), I have determined that certain 1963 annual data for retail trade establishments are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and are also applicable to a variety of public and business needs. This annual survey is a continuation of similar surveys conducted in previous years for collecting data covering year-end inventories, annual sales, and number of retail stores operated as of the end of the year. In addition, information on cash and credit sales and capital expenditures will be collected in connection with the 1963 Census of Business; these items are not duplicated in the 1963 Census of Business. The data are not publicly available from non-governmental or other governmental sources.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sampled stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report in total only.

Report forms will be furnished to the firms covered by the survey and will be due 15 days after receipt. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

I have therefore directed that an annual survey be conducted for the purpose of collecting these data.

RICHARD M. SCAMMON,
Director, Bureau of the Census.

[F.R. Doc. 64-84; Filed, Jan. 6, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15252]

THOMAS BROWN, JR.

Order To Show Cause

In the matter of Thomas Brown, Jr., Roslyn, Pennsylvania, Docket No. 15252; order to show cause why there should not be revoked the license for radio station WC-4468 aboard the Vessel "Sea Jeep III.".

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that pursuant to § 1.89 formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated September 16, 1963, alleging violation of §§ 8.102(a) and 8.367 (b) of the Commission's rules (now §§ 83.102(a) and 83.367(b) of the Commission's rules)."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 18, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §1.89 of the Commission's rules; and

It further appearing, that the violations of §1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued.

It is ordered, This 30th day of December 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at 1139 Bradfield Road, Roslyn, Pa., and 5239 Jefferson Street, 2d Floor, Philadelphia, Pa.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-129; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15240]

JAMES P. BRYANT

Order To Show Cause

In the matter of James P. Bryant, Lynchburg, Virginia, Docket No. 15240; order to show cause why there should not be revoked the license for Radio Station KCI-6404 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated June 12, 1963, alleging violation of §§ 19.61(a), 19.61(f), 19.61(g), and 19.62 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated June 27, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 960 Brooks Street, Lynchburg, Virginia.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-130; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15247; FCC 63M-1367]

FRANKLIN BROADCASTING CO. ET AL.

Order Continuing Hearing

In re application of Franklin Broadcasting Company (Transferor) and William F. Johns, Sr. and William F. Johns, Jr. (Transferees), Docket No. 15247, File No. BTC-4303; for transfer of control of WLOD, Inc., licensee of Station WLOD, Pompano Beach, Florida.

It is ordered, This 26th day of December 1963, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 24, 1964, in Washington, D.C.: *And it is further ordered*, That a pre-hearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., January 31, 1964.

Released: December 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-131; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket Nos. 15225, 15226; FCC 63M-1369]

GUADALUPE VALLEY TELECASTING CO., INC., AND VICTORIA TELEVISION

Order Continuing Prehearing Conference

In re applications of Guadalupe Valley Telecasting Co., Inc., Victoria, Texas, Docket No. 15225, File No. BPCT-3153; Marjorie S. Frels and Rubin S. Frels d/b as Victoria Television, Victoria, Texas, Docket No. 15226, File No. BPCT-3163; for construction permits for New Television Broadcast Stations.

The Chief Hearing Examiner having under consideration a petition in behalf of Marjorie S. Frels and Rubin S. Frels, d/b as Victoria Television, filed December 24, 1963, requesting that the prehearing conference heretofore scheduled for January 6, 1964, in the above-entitled proceeding, be postponed for a period of one week;

It appearing, that good cause is shown in support of the instant pleading, and that Guadalupe Valley Telecasting Co., Inc., and the Commission's Broadcast Bureau, the only other parties to the proceeding, do not interpose objection to a grant of the relief sought by petitioner:

It is ordered, This 27th day of December 1963, that the petition is granted, and that the prehearing conference heretofore scheduled to commence January 6, 1964, in the above-entitled proceeding, is hereby continued to January 13, 1964, and will be held in the offices of the Commission, Washington, D.C.

Released: December 30, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-132; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15251]

LUCILLE H. LONG

Order To Show Cause

In the matter of Lucille H. Long, Powder Springs, Georgia, Docket No. 15251; order to show cause why there should not be revoked the license for Radio Station KDD-1812 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, on June 8, July 29, September 25, and October 31, 1963, Citizens Radio Station KDD-1812 was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that on July 29 and September 25, 1963, a two minute silent period was not observed in the operation of Citizens Radio Station (Class D) KDD-1812 following communications by that station with other Citizens Radio stations, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that the violations of the Commission's rules as set forth above, were brought to the licensee's attention by the issuance of official notices of violation on June 11, July 30, September 26, and November 1, 1963.

It further appearing, that notwithstanding the licensee's receipt of the above-mentioned notices advising her of the violations of the Commission's rules described therein, the licensee continued to violate such rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.81(a) and 95.81(f) of the Commission's rules; and

It further appearing, that the foregoing facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 31st day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at her last known address of P.O. Box 67, Powder Springs, Georgia.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-133; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15241]

PEASE BROTHERS CO.

Order To Show Cause

In the matter of R. W. & W. L. Pease d/b as Pease Brothers Company, Vernal, Utah, Docket No. 15241; order to show cause why there should not be revoked the license for Radio Station KON-559 in the Business Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated June 21, 1963, alleging violation of § 11.64(a)(b)(1)(2) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 30, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 120 East Main Street, Vernal, Utah.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-134; Filed, Jan. 6, 1964; 8:48 a.m.]

[Docket No. 15243]

PAULS HOME IMPROVEMENTS

Order To Show Cause

In the matters of Paul Schmal d/b as Pauls Home Improvements, Atlantic City, New Jersey, Docket No. 15243; order to show cause why there should not be revoked the license for Radio Station KCC-4362 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dater June 20, 1963, alleging violation of § 19.61 (a), (c), and (f) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 16, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 2809 Atlantic Avenue, Atlantic City, New Jersey.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-135; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket No. 15253]

MITCHEL D. PHARES AND CECIL B. HUTTO

Order To Show Cause

In the matter of Mitchel D. Phares and Cecil B. Hutto, San Diego, California,

Docket No. 15253; order to show cause why there should not be revoked the license for Radio Station WR-8506 aboard the Vessel "Starlite."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated October 7, 1963, alleging violation of §§ 8.33, 8.367(b) and 8.368(e) (now §§ 83.33, 83.367(b) and 83.368(e)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 22, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 30th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 5538 Trinidad Way, San Diego, California.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-136; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket No. 15239]

PLATO P. POWERS

Order To Show Cause

In the matter of Plato P. Powers, Atlanta, Georgia, Docket No. 15239; order to show cause why there should not be revoked the license for Radio Station 6W6454 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated March 22, 1963, alleging violation of §§ 19.61(a), 19.61(f), and 19.62 of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated April 8, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 31st day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 56 Stratford Drive, Atlanta, Georgia, and 829 Hall N.W., Atlanta, Georgia, 30318.

Released: January 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-137; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket No. 15242]

A. J. RUFFIN

Order To Show Cause

In the matter of A. J. Ruffin, Atlantic Beach, Florida, Docket No. 15242; order to show cause why there should not be revoked the license for Radio Station WD-5304 aboard the vessel "Mollie and Me II."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official notice of violation dated June 10, 1963, alleging violation of § 8.367(b) of the Commission's rules."

It further appearing, that said licensee did not reply to such communica-

tion or to a follow-up letter dated July 11, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 20th day of December 1963, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 98 Church Road, Atlantic Beach, Florida.

Released: December 24, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-138; Filed, Jan. 6, 1964; 8:49 a.m.]

[Docket Nos. 15254, 15255; FCC 63-1191]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for New Television Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of December 1963;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 29, Buffalo, New York; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It appearing, that the following matters are to be considered in connection with the issues specified below:

(a) Based on the information contained in the application of Ultravision Broadcasting Company, it appears that cash in the amount of approximately $202,000 will be required for the construction and initial operation of the proposed station. The applicant's plan for financing is based upon approximately $3,000 in cash, a loan of $60,000 from Mr. Burczynski, new capital of $35,000 to be furnished by Mr. Lund, and a proposed bank loan of $150,000. The letter from Manufacturers and Traders Trust Company with reference to the $150,000 loan, however, contains no terms and appears to be conditional. Accordingly, it cannot be determined that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue to be specified in connection herewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

It further appearing, that, except as indicated above, Ultravision Broadcasting Company is legally, technically and otherwise qualified to construct, own and operate the proposed television station; and that WEBR, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, and WEBR, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Ultravision Broadcasting Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programing services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or upon petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

It is further ordered, That to avail themselves of the opportunity to be heard, Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, and WEBR, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually, or, if feasible, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: December 31, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-139; Filed, Jan. 6, 1964; 8:50 a.m.]

[Docket 15254, 15255; FCC 63M-1377]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Scheduling Hearing

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

It is ordered, This 31st day of December 1963, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m., March 16, 1964, in Washington, D.C.; that the initial prehearing conference in the proceeding will be convened by the presiding officer, at 10:00 a.m., February 5, 1964, in Washington, D.C.; and that counsel for all parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss to the fullest extent applicable, in the light of the governing issues, all of the pertinent points enumerated in § 1.251 of the Commission's rules of practice and procedure.

Released: January 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-140; Filed, Jan. 6, 1964; 8:50 a.m.]

[Canadian List No. 183]

CANADIAN BROADCAST STATIONS

Table of Assignments, Miscellaneous Amendments

DECEMBER 16, 1963.

Notification under the provisions of Part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		600 kilocycles				
CKCN	Sept Iles, Province of Quebec.	5	DA-1	U	III	NIO.
		670 kilocycles				
CFWH	Whitehorse, Yukon Territory.	1	ND	U	III	Do.
		630 kilocycles				
CKRC	Winnipeg, Manitoba	10	DA-2	U	III	NIO with increased power.
		680 kilocycles				
New	Central Newfoundland, Newfoundland.	10	DA-2	U	II	EIO 12-15-64.
		710 kilocycles				
Do	Grand Bank, Newfoundland.	1	DA-1	U	II	Do.
		900 kilocycles				
CKTS (PO: 900 kc 1 kw DA-N).	Sherbrooke, Province of Quebec.	10 D/2.5 N	DA-2	U	II	Do.
CKNW (PO: 980 kc 10 kwD/5 kw N D A-1).	New Westminster, British Columbia.	*980 kilocycles* 50	DA-1	U	III	Do.
		1240 kilocycles				
CFWH	Whitehorse, Yukon Territory.	1	ND	U	IV	Delete assignment vide 570 kc.
		1270 kilocycles				
CJCB	Sydney, Nova Scotia	10	DA-N	U	III	NIO with increased power.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-128; Filed, Jan. 6, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7146]

SOUTH CAROLINA ELECTRIC & GAS CO.

Order To Show Cause

DECEMBER 30, 1963.

The respondent, South Carolina Electric & Gas Company (Company) operates and maintains the Stevens Creek hydroelectric project in Georgia and South Carolina on the Savannah River, about 8.7 miles upstream from Augusta, Georgia. Under the provisions of an Act of Congress approved August 5, 1909 (36 Stat. 180), as extended by the Act of March 5, 1912 (37 Stat. 72) and the General Dam Act of June 23, 1910 (36 Stat. 593), the War Department issued a permit on July 20, 1910 to the Company's predecessors.

The permit was amended from time to time and the Stevens Creek project was constructed in 1913-1914. It appears, therefore, that the fifty-year permit term prescribed by the General Dam Act of 1910 has expired and the Company is operating and maintaining the Stevens Creek project works without a valid federal permit issued prior to June 10, 1920 or a license under the Federal Power Act in violation of section 23(b) of that Act (16 U.S.C. 817). The Savannah River is a navigable water of the United States. See United States v. Twin City Power Company, 350 U.S. 222.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 4(e), 4(g) and 23 thereof, that South Carolina Electric & Gas Company show cause why it should not apply for and secure a license.

The Commission orders: South Carolina Electric & Gas Company shall show cause, under oath, within 60 days from the receipt of a copy of this order, why it should not apply for and secure a license under section 4(e) of the Federal Power Act, and the Commission's regulations, for its project works on the Savannah River in the vicinity of Stevens Creek.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-95; Filed, Jan. 6, 1964; 8:46 a.m.]

[Docket No. G-7223]

STANDARD OIL COMPANY OF TEXAS AND CALIFORNIA OIL CO.

Findings and Order, etc.; Correction

DECEMBER 20, 1963.

In the Findings and Order Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Cancelling Docket Numbers, Accepting and Redesignating Related Rate Schedules for Filing, Dismissing Application, Severing and Consolidating Proceeding, issued November 29, 1963 and Published in the FEDERAL REGISTER December 11, 1963 (F.R. Doc. 63-12670; 28 F.R.-13411-13416), insert "Docket No. G-7223" in paragraph (6) of the findings and Ordering paragraph (E).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-96; Filed, Jan. 6, 1964; 8:46 a.m.]

[RI64-451—RI64-481]

AZTEC OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

DECEMBER 26, 1963.

Aztec Oil & Gas Company, Docket No. RI64-451; Ainslie Perrault (Operator), et al., Docket No. RI64-452; Delhi-Taylor Oil Corporation, Docket No. RI64-453; The Atlantic Refining Company, Docket No. RI64-454; Petroleum Corporation of Texas (Operator), et al., Docket No. RI64-455; American Petrofina Company of Texas, Docket No. RI64-456; Robert P. Tinnin, et al., Docket No. RI64-457; James A. Brown, et al., Docket No. RI64-458; Great Lakes Natural Gas Corporation, Docket No. RI64-459; El Paso Natural Gas Products Company, Docket No. RI64-460; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. RI64-461; Southwest Production Company, Docket No. RI64-462; Sinclair Oil & Gas Company, Docket No. RI64-463; Southwest Production Company (Operator), et al., Docket No. RI64-464; Sinclair Oil & Gas Company (Operator), et al., Docket No. RI64-465; Mountain States Natural Gas Corporation, Docket No. RI64-466; D. H. Bolin, Docket No. RI64-467; El Paso Natural Gas Products Company (Operator), et al., Docket No. RI64-468; Frank A. Shultz, et al., Docket No. RI64-469; Frank A. Shultz, Docket No. RI64-470; J. Glenn Turner, Docket No. RI64-471; C. W. Murchison, Docket No. RI64-472; William G. Webb, Docket No. RI64-473; H. H. Phillips, et al., Docket No. RI64-474; Compass Exploration, Inc. (Operator), et al., Docket No. RI64-475; Laurence C. Kelly, et al., Docket No. RI64-476; Joseph E. Seagram & Sons, Inc., Docket No. RI64-477; Val R. Reese & Associates, Inc., Docket No. RI64-478; La Plata Gathering System, Inc., Docket No. RI64-479; Thomas J. Quigley, et al., Docket No. RI64-480; W. P. Carr, Docket No. RI64-481.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI64-451	Aztec Oil and Gas Co., 920 Mercantile Securities Bldg., Dallas 1, Tex.	1	6	El Paso Natural Gas Co. (Mesa Verde Formation, Rio Arriba and San Juan Counties, N. Mex.) (San Juan Basin Area).	$15,717	11-26-63	[3] 1-1-64	6-1-64	[4] 13.0508	[5][6][7] 14.0551	RI64-34.
	Aztec Oil and Gas Co.	3	21	do	6,407	11-26-63	[3] 1-1-64	6-1-64	[4] 13.0508	[5][6][7] 14.0551	RI64-34.
	do	10	7	El Paso Natural Gas Co. (Basin-Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	6,446	11-26-63	[3] 1-1-64	6-1-64	[4] 13.0495	[5][6][7] 14.0536	RI64-34.
	do	14	4	do	1,456	11-26-63	[3] 1-1-64	6-1-64	[4] 13.0495	[5][6][7] 14.0536	RI64-34.
RI64-452	Ainslie Perrault (Operator), et al., 810 Mobil Bldg., Tulsa, Okla.	1	1	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	936	11-19-63	[3] 1-1-64	6-1-64	[4] 13.0	[5][6] 14.0	
	Ainslie Perrault (Operator), et al.	[2] 2	1	do	90	11-19-63	[3] 1-1-64	6-1-64	[4] 13.0	[5][6] 14.0	
RI64-453	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	54	2	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	720	11-27-63	[3] 1-1-64	6-1-64	[4] 13.0	[5][6] 14.0	
RI64-454	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex., Attn: Mr. Stuart J. Scott.	178	4	El Paso Natural Gas Co. (Aztec, Ballard, and South Blanco Fields, San Juan County, N. Mex.) (San Juan Basin Area).	903	11-22-63	[3] 1-1-64	6-1-64	[4] 13.0495	[5][6][7] 14.0536	RI64-269.
	The Atlantic Refining Co.	179	4	El Paso Natural Gas Co. (Aztec and South Blanco Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	3,000	11-22-63	[3] 1-1-64	6-1-64	[4] 13.0495	[5][6][7] 14.0536	RI64-269.
	do	180	9	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	6,882	11-22-63	[3] 1-1-64	6-1-64	[4] 13.0	[5][6] 14.0	
	do	192	2	El Paso Natural Gas Co. (Bisti-Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	200	11-22-63	[3] 1-1-64	6-1-64	13.0536	[5][6] 14.0577	RI64-269.
	do	279	4	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	187	11-22-63	[3] 1-1-64	6-1-64	[7] 13.0412	[5][6][7] 14.0454	RI64-275.
RI64-455	Petroleum Corporation of Texas (Operator), et al, P.O. Box 752, Breckenridge, Tex., Attn: C. R. Anderson, attorney.	1	2	do	722	11-26-63	[3] 1-1-64	6-1-64	[4] 13.0	[5][6] 14.0	
RI64-456	American Petrofina Co. of Texas, P.O. Box 2159, Dallas 21, Tex. Attn: Walker W. Smith, attorney.	16	17	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,299	12-2-63	[10] 1-1-64	6-2-64	[4] 13.0	[5][6] 14.0	
	American Petrofina Co. of Texas.	22	4	El Paso Natural Gas Co. (San Juan Basin Field, San Juan County, N. Mex.) (San Juan Basin Area).	101	12-2-63	[10] 1-1-64	6-2-64	[4] 13.0	[5][6] 14.0	
	do	23	4	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	508	12-2-63	[10] 1-1-64	6-2-64	[4] 13.0	[5][6] 14.0	
	do	24	5	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	171	12-2-63	[10] 1-1-64	6-2-64	[4] 13.0	[5][6] 14.0	
	do	26	14	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	284	12-2-63	[10] 1-1-64	6-2-64	[4] 13.0	[5][6] 14.0	
	do	17	4	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,011	12-2-63	[10] 1-1-64	6-2-64	13.0	[5][6] 14.0	
RI64-457	Robert P. Ttunin, et al., P.O. Box 896, Albuquerque, N. Mex.).	1	2	El Paso Natural Gas Co. (Canyon Largo Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	114	12-2-63	[10] 1-1-64	6-2-64	[11] 13.0	[5][6][11] 14.0	
RI64-458	James A. Brown, et al., Room 2107, 150 Broadway, New York, N.Y.	1	2	do	228	11-29-63	[3] 1-1-64	6-1-64	[11] 13.0	[5][6][11] 14.0	
RI64-459	Great Lakes Natural Gas Corp., 417 South Hill Street, Los Angeles 13, Calif.	1	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,100	12-5-63	[10] 1-1-64	6-1-64	[4] 13.0	[5][6] 14.0	
RI64-460	El Paso Natural Gas Products Co., P.O. Box 1161, El Paso 99, Tex.	3	3	El Paso Natural Gas Co. (Dakota and Gallup Formations, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	36,647	11-29-63	[3] 1-1-64	6-1-64	[4] 13.0495	[5][6][7] 14.0536	RI64-142.
	El Paso Natural Gas Products Co., Attn: Mr. John A. Woodward.	4	3	El Paso Natural Gas Co. (Dakota Formation, San Juan Basin Area, San Juan County, N. Mex.) (San Juan Basin Area).	827	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0495	[5][6][7] 14.053625	RI64-139.
RI64-461	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d Street, New York, N.Y., 10017.	313	7	El Paso Natural Gas Co. (Ignacio Gas Field, La Plata County, Colo.).	1,935	11-27-63	[3] 1-1-64	6-1-64	[13] 13.0	[5][6][13] 14.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI64-462	Southwest Production Co., 3106 Southland Center, Dallas, Tex., 75201, Attn: Mr. Joseph P. Driscoll.	9	1	El Paso Natural Gas Co. (various leases, Basin-Dakota field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,015	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	Southwest Production Co.	1	1	do	508	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	3	1	do	508	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	5	1	do	381	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	6	1	do	688	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	7	1	do	1,587	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	8	1	do	381	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	4	1	do	508	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0578	
	do	11	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	688	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0577	
	do	15	1	do	1,195	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0577	
RI64-463	Sinclair Oil and Gas Company, P.O. Box 521, Tulsa, Okla., 74102.	51	14	Northern Natural Gas Co. (Southeast Lea County, N. Mex.) (Permian Basin Area).	10,866	11-29-63	[10] 12-30-63	5-30-64	[15] 10.7020	[5][14][15] 11.7912	
	Sinclair Oil and Gas Co.	166	3	Northern Natural Gas Co. (Ketchum Mountain (plant 33) Irion County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	3,737	11-29-63	[10] 12-30-63	5-30-64	12.25	[5][14] 13.25	
RI64-464	Southwest Production Co. (Operator), et al., 3106 Southland Center, Dallas, Tex., 75201.	13	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	508	12-2-63	[10] 1-1-64	6-2-64	[13] 13.0	[5][6][13] 14.0577	
RI64-465	Sinclair Oil and Gas Co. (Operator), et al., P.O. Box 521, Tulsa, Okla., 74102.	90	3	Northern Natural Gas Pipeline Co. (plant No. 23 (Eldorado) Hulldale Field, Schleicher County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	20,511 114,874	11-29-63	[10] 12-30-63	5-30-64	[15] 10.75 [17] 11.25	[5][14][15] 11.75 [17] 12.25	
RI64-466	Mountain States Natural Gas Corp., P.O. Box 1362, Tulsa, Okla.	2	3	El Paso Natural Gas Co. (Basin-Dakota Field, La Plata County, Colo.).	800	11-26-63	[12] 1-1-64	6-1-64	13.0	[5][6] 14.0	
	do	6	2	do	2,000	11-26-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-467	D. H. Bolin, 1120 Oil and Gas Building, Wichita Falls, Tex.	1	4	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	938	11-26-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-468	El Paso Natural Gas Products Co. (Operator), et al.	6	5	El Paso Natural Gas Co. (Bisti Pool, San Juan County, N. Mex.) (San Juan Basin Area).	6,547	11-29-63	[12] 1-1-64	6-1-64	13.0	[5][6] 14.05775	
RI64-469	Frank A. Schultz, et al., 706 Fidelity Union Tower, Dallas, Tex.	5	12	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	587	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
	Frank A. Schultz, et al.	8	9	El Paso Natural Gas Co. (Blanco, Mesa Verde, and Basin-Dakota Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	8,937	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-470	Frank A. Schultz	7	12	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	734	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-471	J. Glenn Turner, 1900 Mercantile Dallas Bldg., Dallas, Tex.	7	18	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	6,140	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-472	C. W. Murchison, 1201 Main St., Dallas, Tex.	1	4	El Paso Natural Gas Co. (Blanco, Mesa Verde, and Basin-Dakota Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	355	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-473	William G. Webb, 1900 Mercantile Dallas Bldg., Dallas, Tex.		18	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	323	11-29-63	[12] 1-1-64	6-1-64	[8] 13.0	[5][6] 14.0	
RI64-474	H. H. Phillips, et al., Milan Bldg., San Antonio, Tex.	1	2	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex. and La Plata and Archuleta Counties, Colo.) (San Juan Basin Area).	58	12-2-63	[16] 1-1-64	6-2-64	[8] 12.0	[5][6] 14.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos
RI64-475	Compass Exploration, Inc. (Operator), et al., 101 University Blvd., Denver, Colo., 80206.	1	5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	$3,073	12-2-63	[10] 1-2-64	6-2-64	13.0	[3] [4] [13] 14.0075	
	Compass Exploration, Inc. (Operator), et al.	2	1	Southern Union Gathering Co. (Ignacio-Blanco (Mesaverde) Field, La Plata County, Colo.).	4,026	12-2-63	[10] 1-2-64	6-2-64	13.0	[3] [13] 14.001375	
	do	3	10	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	9,684	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3] [4] [13] 14.05775	
	do	4	5	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	3,360	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3] [13] 14.0	
	do	5	8	do	4,987	12-2-63	[10] 1-2-64	6-2-64	13.0	[3] [13] 14.0075	
	do	6	2	do	403	12-2-63	[10] 1-2-64	6-2-64	13.0	[3] [13] 14.0075	
	do	7	8	El Paso Natural Gas Co. (Basin-Dakota and Largo-Gallup Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	15,390	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3] [4] [13] 14.05775	
	do	8	7	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,703	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3] [4] [13] 14.05775	
	do	9	3	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,972	12-2-63	[10] 1-2-64	6-2-64	13.0	[3] [4] 14.05775	
	do	10	2	do	476	12-2-63	[10] 1-2-64	6-2-64	13.0	[3] [4] 14.05775	
RI64-476	Laurence C. Kelly, et al., 309 Bank of America Building, 9470 Santa Monica Blvd., Beverly Hills, Calif.	1	5	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	36	12-2-63	[10] 1-2-64	6-2-64	[13] 13.0	[3] [13] 14.0	
	do	1	4	do	2,274	11-29-63	[12] 1-1-64	6-1-64	[1] 13.0	[3] [4] 14.0	
RI64-477	Joseph E. Seagram and Sons, Inc., P.O. Box 747, Dallas 21, Tex., Attn: Mr. Stanley F. Davis, Jr.	22	8	El Paso Natural Gas Co. (Blanco, Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	86	11-29-63	[12] 1-1-64	6-1-64	[2] [6] 13.0495	[3] [4] [6] 14.0536	RI63-439.
	Joseph E. Seagram and Sons, Inc.	23	5	El Paso Natural Gas Co. (Aztec Pictured Cliffs Formation, San Juan County, N. Mex.) (San Juan Basin Area).	41	11-29-63	[12] 1-1-64	6-1-64	[6] 13.0536	[3] [4] [6] 14.0577	RI63-435.
RI64-478	Val R. Reese and Associates, Inc., 2620 Central Avenue SE., Albuquerque, N. Mex.	3	2	El Paso Natural Gas Co. (acreage in Rio Arriba County, N. Mex.) (San Juan Basin Area).	2,030	11-29-63	[12] 1-1-64	6-1-64	[1] [9] 13.0	[3] [4] [9] [16] 14.0	
RI64-479	La Plata Gathering System, Inc., 1900 Mercantile Dallas Bldg., Dallas 1, Tex.	3	3	El Paso Natural Gas Co. (Basin-Dakota Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	70	11-29-63	[12] 1-1-64	6-1-64	[1] 13.0	[3] [4] 14.0	
RI64-480	Thomas J. Quigley, et al., 17066 Bollinger Drive, Pacific Palisades, Calif.	1	5	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	222	11-29-63	[12] 1-1-64	6-1-64	[1] [20] 13.0	[3] [4] [20] 14.0	
RI64-481	W. P. Carr, 6700 Forest Lane, Dallas 30, Tex.	3	10	El Paso Natural Gas Co. (Bondad-Mesa Verde Field, La Plata County, Colo.).	497	12-5-63	[10] 1-5-64	6-5-64	13.0	[3] [4] 14.0	

[1] Contractually provided effective date.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[5] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[6] Formerly designated Wilshire Oil Co. of Texas (Operator) et al., FPC Gas Rate Schedule No. 2.
[7] Subject to deduction of 3.0 cents per Mcf (for construction of gathering pipeline) until Nov. 1, 1964, or earlier liquidation of Atlantic's share of $7,200 obligation.
[8] Tax reimbursement computed on basis of 11.0 cents per Mcf.
[10] The stated effective date is the first day after expiration of the required statutory notice.
[11] Applicable to gas produced below the top of the Mesa Verde formation.
[12] The stated effective date is the effective date requested by Respondent.
[13] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[14] Pressure base is 14.65 psia.
[15] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[16] For residue from gas connected to plant at date of initial delivery.
[17] Residue from gas connected to plant after initial delivery.
[18] Includes partial reimbursement for increase in Colorado Conservation Tax.
[19] For gas not produced into low pressure gathering system (250 psig).
[20] This price is for gas produced from the Mesa Verde formation.

The rate filings of certain of the Respondents listed herein, and who are more particularly identified by a footnote reference as shown in the attached tabulation, provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). The proposed rate increases filed by El Paso Natural Gas Products Company and El Paso Natural Gas Products Company (Operator), et al., are also suspended because they relate to sales made to their affiliate, El Paso Natural Gas Company.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commmission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 5, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-14; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. E-7143]

ARKANSAS POWER & LIGHT CO.

Notice of Application; Correction

DECEMBER 26, 1963.

In the Notice of Application issued December 20, 1963 and published in the FEDERAL REGISTER December 28, 1963 (F.R. Doc. 63-13405; 28 F.R. 14451) correct the protest date to read "January 20, 1964 in lieu of January 20, 1963".

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-89; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. G-12254 etc.]

PWC OIL CO. ET AL.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Cancelling Docket Number, Accepting and Redesignating Related Rate Schedules for Filing

DECEMBER 26, 1963.

In the matters of the applicants listed herein:

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on December 20, 1963, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-12254, G-12455, G-15530, G-16030, G-18828, CI60-283, CI61-1810, CI62-1116 and CI62-1195 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules as designated or redesignated in the tabulation herein, should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessesation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude

the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–15530 and CI61–1810 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate heretofore issued in Docket No. G–12455 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI62–1301.

(G) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–12254, G–18828, CI60–283, CI62–1116 and CI62–1195 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. G–16030 is hereby amended so as to provide as follows:

1. That deliveries to Transwestern from the Sitter Plant during the period January 1, 1964, to July 1, 1964, shall be limited to the amount of gas available in excess of the amount contracted to Columbian Carbon Company during said period.

2. From and after July 1, 1964, the terms and provisions of Warren's FPC Gas Rate Schedule No. 51 will apply in determining the quantity of gas which Warren is obligated to deliver and Transwestern is obligated to receive from the Sitter Plant.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The certificates heretofore issued in Docket Nos. G–3239, G–10573, G–10891, G–10892, G–12971 and G–18478 are hereby terminated.

(K) Docket No. CI63–1012 is hereby cancelled.

(L) All FPC Gas Rate Schedules relating to the abandonment of service and the deletion of acreage permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(M) The respective related rate schedules as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the date indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted: Description and date of document	Number	Supplement
G–12254 E 10–31–63	The PWC Oil Co. (Operator), et al. (successor to Walter Kuhn (Operator), et al).	Colorado Interstate Gas Co., Hugoton Gas Field, Hamilton County, Kans.	Walter Kuhn (Operator), et al., FPC GRS No. 41.	3	
			Supplemental Nos. 1 and 2.	3	1 and 2.
			Notice of succession 10–29–63.		
			Assignment 8–1–63 [1]	3	3
			Assignment 8–1–63 [2] Effective Date: Date of assignment.	3	4
G–15530 C 6–24–63	Texaco, Inc.	West Lake Natural Gasoline Co., South Lake Trammell Field, Nolan County, Tex.	Amendment 3–6–63. Effective Date: 7–25–63.	[3] 277	4
G–16030 9–16–63 [4]	Warren Petroleum Corp.	Transwestern Pipeline Co. and Columbian Carbon Co., Sitter Gasoline Plant, Wheeler County, Tex.	Amendatory Agreement 6–24–63. Effective Date: 10–17–63.	51	7
G–18828 E 11–4–63	Smith, Frankhauser, Voight & York, Agent for F. M. Anderson, et al. (successor to Richard King, Inc., et al.).	South Texas Natural Gas Gathering Co., Acreage in Hidalgo County, Tex.	Richard King, Inc., et al., FPC GRS No. 1.	1	
			Notice of succession 10–24–63.		
			Article of Amendment 10–25–60. [5]	1	1
			Letter 8–13–62 [6]	1	2
			Title of ownership 6–12–62 [7]	1	3
CI60–283 E 10–21–63	Miller & Fox Minerals Corp. (Operator), et al. (successor to Gulf Coast Minerals Management Corp. (Operator), et al.).	Hydrocarbon Transmission Co., Miller and Fox Field Area, DuVal County, Tex.	Gulf Coast Minerals Management Corporation (Operator), et al., FPC GRS No. 2	4	
			Notice of succession 10–15–63.		
			Assignment 1–2–63 [7]	4	1
CI61–1810 C 11–4–63	Continental Oil Co.	El Paso Natural Gas Co., Northwest Haynes Area, Mesa Verde Formation, Rio Arriba County, N. Mex.	Supplemental Agreement 10–16–63. [8]	198	2
CI62–1116 E 11–6–63	Dorothy Collett, agent for Raymond Oil Co. (successor to A. H. Reber).	Hope Natural Gas Co., Union District, Tyler County, W. Va.	A. H. Reber, FPC GRS No. 2.	1	
			Notice of succession 10–30–63.		
			Assignment 10–10–63 [7]	1	1
CI62–1301 (G–12455) A 2–7–63 [9]	Rhea H. Owens (Operator), et al. (successor to Ridgeway & Morrison).	Panhandle Eastern Pipe Line Co., Acreage in Beaver County, Okla.	Ridgeway & Morrison, FPC GRS No. 6.	1	
			Notice of succession 2–5–63.		
			Assignment 9–10–62	1	1
			Assignment 11–8–62	1	2
			Assignment 11–9–62 [10, 11]	1	3
CI63–1012 (CI62–1195) A 2–7–63 [12]	do	Panhandle Eastern Pipe Line Co., L. Taylor Lease, Beaver County, Okla.	Ridgeway & Morrison, FPC GRS No. 5.	2	
			Supplemental No. 1.	2	1
			Notice of succession 2–5–63.		
			Assignment 9–10–62	2	2
			Assignment 11–8–62	2	3
			Assignment 11–9–62 [10]	2	4
CI64–370 (G–12971) B 9–23–63	Barnwell Drilling Co., Inc.	Texas Eastern Transmission Corp., Fort Lynn Field, Miller County, Ark.	Notice of cancellation 9–19–63. [13]	1	10
CI64–361 (G–3239) B 9–27–63	The Hunter Co., Inc.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Notice of cancellation 11–12–63. [14]	4	7
CI64–527 A 10–31–63	W. H. Mosser, et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Contract 7–16–63 [15]	61	
CI64–528 A 10–31–63	Ferrell L. Prior, et al. d.b.a. Prior Oil Co.	Hope Natural Gas Co., Collins Settlement District, Lewis County, W. Va.	Contract 8–23–63 [15]	34	
CI64–529 A 10–31–63	Hays and Co., Agent for Jumbo Oil & Gas Co.	Hope Natural Gas Co., Warren District, Upshur County, W. Va.	Contract 8–22–63 [15]	23	
CI64–530 A 10–31–63	George T. Hill, Agent for Riggall-Griffith Oil & Gas Co.	Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Statement 8–22–63 [15]	1	
CI64–531 A 10–31–63	Roy Fulks, et al. d.b.a. Harmon Gas Co.	Hope Natural Gas Co., Baileysville District, Wyoming County, W. Va.	Contract 1–9–63 [15]	1	
CI64–532 A 10–31–63	Gerald D. Jones, et al.	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	Statement 9–4–63 [15]	2	
CI64–536 A 11–1–63	Thomas J. Blabo, Jr., et al. [16]	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 9–9–63 [15]	8	
CI64–538 (G–10891) B 11–1–63	Justin R. Querbes, Jr.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	Notice of cancellation 10–63. [14, 15]	1	2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted: Description and date of document	Number	Supplement
CI64–538 (G–10892) B 11–1–63	Estate of C. W. Robinson.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	Notice of cancellation 10–63. [14, 15]	1	2
CI64–540 A 11–4–63 [15]	Jake L. Hamon	Arkansas Louisiana Gas Co., North Spiro Field, Haskell County, Okla.	Contract 10–15–63 [15]	39	
CI64–542 A 11–4–63	N. M. Welch	Cabot Corp., Clay District, Wirt County, W. Va.	Statement (undated) [15]	1	
CI64–545 A 11–4–63	Sinclair Oil & Gas Co.	Natural Gas Pipeline Co. of America, Thomas Plant, Thomas Area, Dewey and Custer Counties, Okla.	Contract 10–2–63 [15]	262	
CI64–546 A 11–4–63	do	Northern Natural Gas Co., Follett and Kiowa Creek Fields, Lipscomb and Ochiltree Counties, Tex.	Contract 9–25–63 [15]	263	
CI64–547 A 11–4–63	Pioneer Production Corp. (Operator), et al.	Northern Natural Gas Co., Mammoth Creek, North (Cleveland) and Lipscomb Tonkawa Fields, Lipscomb County, Tex.	Contract 8–28–63 [15]	23	
CI64–548 A 11–1–63	Philip Lemon, Agent for Franz Nickolich, et al.	Cabot Corp., Murphy District, Ritchie County, W. Va.	Contract 9–20–61 [15]	15	
CI64–549 A 11–5–63	Paul F. Starr, Agent for B. W. Moore, et al.	Hope Natural Gas Co., Tygart District, Wood County, W. Va.	Statement (undated) [15]	4	
CI64–550 A 11–5–63	Ferrell L. Prior d.b.a. Prior Oil Co.	Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va.	Contract 9–12–63 [15]	35	
CI64–551 A 11–5–63	L. E. Haught, et al. d.b.a. Michael Haught Oil & Gas Co.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Contract 9–20–63 [15]	1	
CI64–552 A 11–5–63	Richard J. Wright, et al.	do	Contract 9–10–63 [15]	1	
CI64–553 A 11–5–63	Peoples Petroleum Corp., et al.	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	Contract 9–11–63 [15]	1	
CI64–555 A 11–6–63	Sunray DX Oil Co.	Northern Natural Gas Co., Southeast Como Field, Beaver County, Okla.	Contract 9–18–63 [15]	240	
CI64–558 (G–10573) B 11–7–63	Western Natural Gas Co.	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	Notice of cancellation 11–4–63. [15]	[17] 21	7
CI64–560 (G–18478) B 11–7–63	Gulf Oil Corp.	Texas Eastern Transmission Corp., John C. Robbins Field, Rusk County, Tex.	Notice of cancellation (undated). [15]	164	7

[1] Assignment from Walter Kuhn to "PWC".
[2] Assignment from William S. Millener to "PWC".
[3] Rate in effect subject to refund in Docket No. RI60–445.
[4] Amendment filed by Applicant proposes to sell the amount of gas available from its Sitter Plant in the excess of the amount contracted for by Transwestern Pipeline Co. to Columbian Carbon Co.
[5] Change in corporate name from Richard King, Inc. to Valley Ventures, Inc.
[6] Designates Smith, Frankhauser, Voight & York as operator of the properties involved.
[7] Effective Date: Date of transfer of property.
[8] Effective Date: Date of initial delivery.
[9] Originally assigned Docket No. CI63–902 which has been cancelled.
[10] Acquired acreage from Texaco, Inc. in Docket No. G–12455.
[11] Effective Date: Date of transfer of property which corresponds with the date of initial delivery.
[12] Supra.
[13] Application in Docket No. CI63–1012 will be treated as an amendment to the certificate issued in Docket No. CI62–1195 to reflect the transfer of interest. Docket No. CI63–1012 will be cancelled.
[14] Source of gas depleted.
[15] Effective Date: Date of this order.
[16] Erroneously noticed as Blabo & Willfnehr.
[17] Rate pursuant to settlement offer in Docket No. G–14737, et al., accepted by order issued 1–20–63.

[F.R. Doc. 64–18; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. CP63–296 etc.]

EL PASO NATURAL GAS CO. AND TRANSWESTERN PIPELINE CO.

Order Issuing Certificates of Public Convenience and Necessity and Severing Proceedings

DECEMBER 16, 1963.

El Paso Natural Gas Company, Docket No. CP63–296 (Phase I), CP63–296 (Phase II); Transwestern Pipeline Company, Docket No. CP64–34.

On May 6, 1963, as supplemented on May 28, 1963, and October 4, 1963, El Paso Natural Gas Company (El Paso) filed, in Docket No. CP63–296, an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act (Act) authorizing the sale, in interstate commerce, of natural gas to Southern California Gas Company and Southern Counties Gas Company of California (jointly referred to as Southern) and the construction and operation of certain compression facilities. On August 2, 1963, Transwestern Pipeline Company (Transwestern) filed, in Docket No. CP64–34, an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Act authorizing the sale, in interstate commerce, of natural gas to Pacific Lighting Gas Supply Company (Pacific Lighting).

In its application in Docket No. CP63–296, El Paso proposed to sell and deliver to Southern at its existing points of delivery near Blythe, California, and near Topock, Arizona, up to 100,000 Mcf per day [1] of natural gas, on a firm basis, for a limited term ending November 1, 1965, or upon commencement of the receipt of gas by Southern at the Arizona-California boundary under either the Rock Springs project [2] or some other permanent arrangement, whichever is the earlier. The proposed daily deliveries of 100,000 Mcf which will be sold under a new rate schedule, Rate Schedule G–1, were to be in addition to daily deliveries by El Paso to Southern of its current maximum contracted daily demand of 1,130,000 Mcf under El Paso's Rate Schedule G. The rate proposed for the new service was to be the commodity rate (currently 22.48 cents per Mcf) in effect from time to time under El Paso's Rate Schedule G. The proposal carried an obligation on the part of Southern to take or pay for an annual average quantity of 40,000 Mcf per day during 1964 and 65,000 Mcf per day during 1965. Of the volumes proposed to be delivered, 60,000 Mcf per day could be delivered through previously authorized El Paso facilities, without the construction of additional facilities.

In order to deliver the additional 40,000 Mcf per day of natural gas, El Paso proposed to construct and operate, at an estimated cost of $3,481,000, certain additional compressor stations and appurtenant facilities on its San Juan mainline in New Mexico and Arizona. These facilities would add 13,690 compressor horsepower to El Paso's system. Upon termination of the interim sales for which authorization was sought, El Paso stated that it would use the facilities to sell and deliver natural gas to its customers located east of California.

In its application in Docket No. CP64–34, Transwestern proposed to sell and deliver to Pacific Lighting at its existing delivery point near Needles, California, up to 410,000 Mcf per day of natural gas on an annual average basis. Of these volumes, 350,000 Mcf per day would be at a rate of 39.6 cents per Mcf under Transwestern's Rate Schedule CDQ–1 and 60,000 Mcf per day would be at a rate of 21 cents per Mcf under Rate Schedule LX. Transwestern is presently authorized to sell and deliver to Pacific Lighting up to 345,000 Mcf per day of natural gas on an annual average basis, of which 300,000 Mcf per day are sold under Rate Schedule CDQ–1 at 42 cents per Mcf and additional volumes are sold under Rate Schedule LX at 21 cents per Mcf. The deliveries proposed in the application in Docket No. CP64–34 can be made without the construction of additional facilities by Transwestern's reducing its delivery pressure from 800 psig to 690 psig.

By order issued October 21, 1963, the Commission consolidated the applications in the above-named dockets for the

[1] In El Paso's proposal, all volumes are at 14.9 psia at a temperature of 60° F. In Transwestern's proposal all volumes are at 14.73 psia at a temperature of 60° F.

[2] The applications behind that project were denied in El Paso Natural Gas Co., et al., Opinion No. 393, 30 FPC —, issued July 12, 1963.

purpose of hearing. Hearing was commenced on November 18, 1963, and on December 4, 1963, two separate proposed stipulations and agreements entered into by the parties to the proceeding were received into evidence without objection. On December 6, 1963, the presiding examiner certified these two stipulations and agreements to the Commission.

In brief, the stipulation and agreement relating to El Paso's application filed in Docket No. CP63–296 provides that:

(1) That docket shall be divided into two phases. Phase I shall relate to the sale and delivery of up to 60,000 Mcf per day for which no additional facilities are required and Phase II shall relate to the sale of up to an additional 40,000 Mcf per day and the facilities as proposed to be constructed and operated in El Paso's application in Docket No. CP63–296, as supplemented and heretofore filed with the Commission.

(2) With respect to Phase I, the parties stipulated and agreed to the following, in addition to other matters:

(a) A permanent certificate should be issued to El Paso, effective on or before December 31, 1963, to sell and deliver to Southern up to 60,000 Mcf per day for a limited period.

(b) El Paso shall have a firm obligation to deliver, upon advance operating arrangements, all or any portion of such volumes of gas as are requested by Southern but Southern shall have no obligation to take such volumes.

(c) The rate for all gas so delivered shall be the commodity charge in effect from time to time under El Paso's Rate Schedule G.

(d) If any portion of the years 1964 and 1965 are included in any test year in a future rate proceeding involving El Paso, El Paso agrees not to use any revenue deficiency accruing from the sale of this 60,000 Mcf per day as support for increased rates.

(3) With respect to Phase II, the parties stipulated and agreed, in addition to other matters:

(a) The issuance of a permanent certificate relating to the sale and delivery of gas described in Phase I of the stipulation and agreement shall not prejudice El Paso with respect to pursuing its application for the construction and operation of new facilities to enable it to sell and deliver an additional 40,000 Mcf per day to Southern.

(b) In the event a certificate is granted authorizing the construction of the facilities described in Phase II, the sale and delivery of up to 40,000 Mcf per day will terminate on November 1, 1965, or upon the commencement of any new service which results from any order issued by the Commission in Docket No. CP63–204, et al., whichever is the earlier.

(4) Rate Schedule G–1 shall be made available to any buyer purchasing natural gas in the State of California under El Paso's Rate Schedule G.

In brief, the stipulation and agreement relating to Transwestern's application in Docket No. CP64–34, provides, in addition to other matters:

(1) A limited term certificate of public convenience and necessity should be issued to Transwestern in Docket No. CP64–34 authorizing it to sell and deliver to Pacific Lighting up to 410,000 Mcf of gas per day on an annual average basis, and its maximum daily demand quantity shall be increased to 410,000 Mcf per day under the delivery conditions provided in its February 7, 1958, contract with Pacific Lighting as amended.

(2) The certificate shall provide for the filing of a superseding and acceptable tariff revision, appropriate service agreement and rate schedule to be effective January 1, 1964, similar to, and in place of, Transwestern's existing Rate Schedule LX which will provide a rate of 24 cents per Mcf for the sale of the first 50,000 Mcf per day sold thereunder and 21 cents per Mcf for volumes sold thereunder in excess of 50,000 Mcf per day. The daily contract demand volumes shall be the 300,000 Mcf now provided for in Transwestern's existing Rate Schedule CDQ–1 and the presently effective service agreement with Pacific Lighting.

In addition, both stipulations and agreements provide generally that the certificates shall be for a limited period ending November 1, 1965, or upon commencement of any new service which results from any order issued by the Commission in Docket Nos. CP63–204, et al., whichever is the earlier and that no part of either stipulation and agreement shall be binding unless the order to be issued by this Commission shall provide that it is without prejudice to the applications in Docket Nos. CP63–204, CP63–223, CP64–76 and CP64–91.

Counsel for El Paso and Transwestern moved for waiver of the intermediate decision procedure pursuant to § 1.30(c) of the Commission's rules of practice and procedure. No party objected to the motions.

No additional facilities need be installed in order to render the service for which authorization is requested in either Docket No. CP63–296 (Phase I) or Docket No. CP64–34. The gas to be sold pursuant to the authorization to be granted herein is not required to meet the needs of any domestic and commercial resale customers and will not be required to meet these needs immediately after November 1, 1965. Therefore, we find that the public convenience and necessity require that permanent certificates issue for the limited term of up to November 1, 1965, under the terms of the stipulations and agreements entered into by the parties to the proceeding.

The Commission further finds:

(1) Applicant, El Paso Natural Gas Company, a Delaware Corporation having its principal place of business in El Paso, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Applicant, Transwestern Pipeline Company, a Delaware corporation having its principal place of business in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales and deliveries of natural gas as proposed by Applicants, are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) Public convenience and necessity require that the certificates issued hereinafter and the rights granted thereunder should be conditioned upon Applicants' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (b), (c)(3) and (e) of § 157.20 of such regulations.

The Commission orders:

(A) The stipulations and agreements entered into and submitted to this Commission by El Paso Natural Gas Company and by Transwestern Pipeline Company and entered into the record on December 4, 1963, in Docket Nos. CP63–296, et al., are hereby accepted and approved.

(B) The proceeding in El Paso Natural Gas Company, Docket No. CP63–296, is hereby divided into two phases. Phase I shall hereafter relate to the sale and delivery of up to 60,000 Mcf of natural gas per day to Southern California Gas Company and Southern Counties Gas Company of California (Southern) for which no additional facilities are required. Phase II shall hereafter relate to the sale and delivery of up to an additional 40,000 Mcf of natural gas per day to Southern and the construction and operation of the facilities proposed in that docket.

(C) A certificate of public convenience and necessity is hereby issued authorizing El Paso Natural Gas Company to sell and deliver to Southern California Gas Company and Southern Counties Gas Company of California up to 60,000 Mcf of natural gas per day for a limited period ending November 1, 1965, or upon the commencement of any new service which results from any order issued by this Commission in Transwestern Pipeline Company, et al., Docket Nos. CP63–204, et al., whichever is the earlier.

(D) El Paso shall have a firm obligation to deliver, upon advance operating arrangements, any portion of such volumes of gas as are requested by Southern, but Southern shall have no obligation to take such gas, as provided in the stipulation and agreement herein approved.

(E) The rate for all gas so delivered by El Paso shall be the commodity charge in effect from time to time under Rate Schedule Gas contained in El Paso's FPC Gas Tariff Original Volume No. 1.

(F) If, in the future, all or any portions of the years 1964 or 1965 are included in any test year in a future rate proceeding involving El Paso, then any deficiency accruing from the sale of this 60,000 Mcf of natural gas per day during such period will not be used as support for increased rates.

(G) El Paso shall promptly file acceptable and appropriate tariff sheets required to implement its stipulation and agreement. The Commission, pursuant to § 154.51 of its regulations under the Natural Gas Act, for good cause shown hereby waives its 30-day notice requirement as set out in § 154.22 of the regulations.

(H) The certificate issued by paragraph (C) above and the rights granted thereunder shall in no way prejudice El Paso with respect to pursuing its application for the construction and operation of facilities and the sale and delivery of natural gas which now constitutes Phase II of Docket No. CP63–296.

(I) A certificate of public convenience and necessity is hereby issued authorizing Transwestern Pipeline Company to sell and deliver to Pacific Lighting Gas Supply Company up to 410,000 Mcf of natural gas per day on an annual average basis, and its maximum daily demand quantity is increased to 410,000 Mcf of natural gas per day under the delivery conditions provided in its February 7, 1958, contract, as amended, with Pacific Lighting. Said certificate is limited for a period ending November 1, 1965, or upon the commencement of any new service with results from any order issued by this Commission in Transwestern Pipeline Company, et al., Docket No. CP63–204, et al., whichever is the earlier.

(J) Transwestern shall promptly file an acceptable tariff revision, appropriate service agreement, and rate schedule similar to, and in place of, its existing Rate Schedule LX, providing a rate of 24 cents per Mcf for the sale of the first 50,000 Mcf per day sold thereunder and 21 cents per Mcf for volumes sold thereunder in excess of 50,000 Mcf per day, all such volumes to be computed on an annual average basis. The rate and purchase obligation for the contract demand volumes shall be that now provided in Transwestern's existing Rate Schedule CDQ–1 and presently effective service agreement. All such rates shall remain subject to change as now provided in its tariff and service agreement with Pacific Lighting. The Commission, pursuant to § 154.51 of its regulations under the Natural Gas Act, for good cause shown, hereby waives its 30-day notice requirement as set out in § 154.22 of the regulations.

(K) The certificates issued in paragraphs (C) and (I) above shall be without prejudice to the applications in Docket Nos. CP63–204, CP63–223, CP64–76 and CP64–91.

(L) The certificates issued in paragraphs (C) and (I) above and the rights granted thereunder are conditioned upon Applicants' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (b), (c)(3) and (e) of § 157.20 of the regulations.

(M) The sale and delivery of natural gas authorized in paragraphs (C) and (I) above shall commence, as provided by paragraph (b) of § 157.20 of the Commission's regulations under the Natural Gas Act, within one month from the date on which this order issues.

(N) A hearing on Phase II of El Paso's application in Docket No. CP63–296, as amended, will be held on January 8, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of this Commission, 441 G Street NW., Washington, D.C. All testimony and exhibits in support of Phase II shall be served in writing on all parties and the Commission staff on or before January 3, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–90; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. G–5991, etc.]

JOSEPH E. SEAGRAM & SONS, INC., TEXAS PACIFIC COAL AND OIL CO.

Order Amending Order Issuing Certificate of Public Convenience and Necessity, Amending Certificates, Substituting Applicant in Certificate Applications, Accepting and Redesignating Related Rate Schedules for Filing

DECEMBER 30, 1963.

The order of the Commission issued on December 2, 1963, in the above-entitled matter inadvertently omitted acceptance of the rate filings relating to the pending certificate applications in Docket Nos. G–19512, CI62–438, CI63–469, CI63–649 and CI63–667.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order issued December 2, 1963, in Docket Nos. G–5991, et al., be amended as hereinafter ordered.

The Commission orders:

(A) The rate filings made by Joseph E. Seagram & Sons, Inc., to succeed Texas Pacific Coal and Oil Company relating to the pending certificate applications in Docket Nos. G–19512, CI62–438, CI63–469, CI63–649 and CI63–667, are hereby redesignated and accepted for filing, subject to the applicable Commission regulations under the Natural Gas Act, to be effective November 1, 1963, as indicated in the tabulation herein.

(B) In all other respects the aforesaid order issued December 2, 1963, in Docket Nos. G–5991, et al., shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Purchaser	Field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–19512 [1] E 9–25–63	Southern Natural Gas Co.	Dexter Field, Marion County, Miss.	Texas Pacific Coal and Oil Co., FPC GRS No. 22.	30	
			Supplement No. 1	30	1
			Notice of succession 9–20–63	30	
CI62–438 [3] E 9–25–63	El Paso Natural Gas Co.	Haley South Field, Winkler County, Tex.	Agreements 5–21–63 and 9–6–63	[3] 30	2
			Texas Pacific Coal and Oil Co., FPC GRS No. 57.	65	
			Supplement Nos. 1–2	65	1–2
			Notice of succession 9–20–63	65	
CI63–469 [4] E 9–25–63	Southern Natural Gas Co.	South Barataria Field, Jefferson Parish, La.	Agreements 5–21–63 and 9–6–63	65	3
			Texas Pacific Coal and Oil Co., FPC GRS No. 64.	72	
			Notice of succession 9–20–63	72	
CI63–649 [5] E 9–25–63	El Paso Natural Gas Co.	Sawyer Field, Lea County, N. Mex.	Agreements 5–21–63 and 9–6–63	72	1
			Texas Pacific Coal and Oil Co., FPC GRS No. 65.	73	
			Notice of succession 9–20–63	73	
CI63–667 [6] E 9–25–63	do	do	Agreements 5–21–63 and 9–6–63	73	1
			Texas Pacific Coal and Oil Co., FPC GRS No. 66.	74	
			Notice of succession 9–20–63	74	
			Agreements 5–21–63 and 9–6–63	74	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

[1] Permanent certificate not issued. Temporary certificate issued 10–13–59.
[3] Rate in effect subject to refund in Docket No. R163–183.
[4] Permanent certificate not issued. Temporary certificate issued 12–11–61 conditioned price to 16.0 cents.
[5] Permanent certificate not issued. Temporary certificate issued 11–1–62.
[6] Permanent certificate not issued. Temporary certificate issued 4–26–63 conditioned the initial rate to 12.8 cents per Mcf, after deductions for shrinkage subject to refund to a floor rate of 10.1 cents per Mcf.
[9] et al.

[F.R. Doc. 64–92; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. CP63–222]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Approving Presiding Examiner's Continuance of Hearing in Excess of Thirty Days

DECEMBER 30, 1963.

The Presiding Examiner's referral of continuance of the hearing herein for more than 30 days was submitted December 10, 1963, pursuant to § 1.13(e) of the Commission's rules of practice and procedure.

Upon the completion of cross-examination of Applicant's witnesses, a motion was made by Public Service Electric and Gas Company for a continuance of 60 days in which to file the prepared testimony of its expert witnesses. After objections, the Presiding Examiner ruled, subject to approval of the Commission, that the prepared testimony should be filed on December 27, 1963, and that the hearing should reconvene on January 7, 1964.

Thereafter, on December 9, 1963, Applicant requested the Presiding Examiner to adopt the following revised schedule in lieu of the schedule previously established on the record:

(1) The evidence of the interveners in opposition to be mailed on or before January 7, 1964;

(2) The hearing to be resumed for direct and cross-examination of interveners' cases on January 28, 1964.

As grounds for said request, Applicant represented that the proposed revised schedule "would not materially delay the ultimate disposition of this proceeding since the additional time can be used profitably in preparation for the remaining steps which must be taken to bring this case to a conclusion". All parties who have entered an appearance herein have agreed to said request.

Subject to approval of the Commission, the Presiding Examiner on December 10, 1963, adopted said revised schedule.

The Commission finds: Good cause has been shown for the approval of the continuance of the hearing herein for more than 30 days.

The Commission orders: Continuance of the hearing in the above-entitled case until January 28, 1964, be and the same is hereby approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-99; Filed, Jan. 6, 1964; 8:46 a.m.]

[Docket No. G-2861 etc.]

H. F. SEARS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates and Pending Certificate Applications [1]

DECEMBER 24, 1963.

H. F. Sears, and other applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 20, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-2861 D 12-13-63	H. F. Sears	Phillips Petroleum Co., Acreage in Hutchinson County, Tex.	(1)	
G-4696, et al.	(See pp. 4 and 5).			
G-10122 C 12-16-63	Continental Oil Co.	Tennessee Gas Transmission Co., West Delta Area, Offshore, La.	19.0	15.025
G-10133 E 12-16-63	Abaca Oil Company (successor to Producing Properties, Inc.).	Colorado Interstate Gas Co., West Panhandle Field, Hutchinson County, Tex.	16.0	14.65
G-10133 E 12-16-63	Mapco Production Co. (successor to to Abaca Oil Co.).	do	16.0	14.65
G-10272 D 12-16-63	The Pure Oil Co.	Colorado Interstate Gas Co., Acreage in Beaver County, Okla.	(2)	
G-11230 C 12-12-63	Monsanto Chemical Co.	United Gas Pipe Line Co., Acreage in Victoria County, Tex.	15.6	14.65
G-14864, et al.	(See p. 6).			
G-20317 C 12-16-63	Standard Oil Co. of Texas, a division of California Oil Co.	El Paso Natural Gas Co., East Bisti Unit, San Juan County, N. Mex.	13.2486	15.025
CI60-691 C&D 12-9-63	Continental Oil Co.	Acreage in Woods, Alfalfa, Dewey and Major Counties, Okla.	[3] 15.0	14.65
CI61-1072 C 12-12-63	Marathon Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0	14.65
CI61-1151 C 12-13-63	Panhandle Development Co., Inc.	Panhandle Eastern Pipe Line Co., Acreage in Seward County, Kans.	16.0	14.65
CI64-689 A 12-13-63	Union Texas Petroleum, a division of Allied Chemical Corp., et al.	El Paso Natural Gas Co., Crosby-Devonian Field, Lea County, N. Mex.	15.8574	14.65
CI64-690 A 12-13-63	Jumbo Oil & Gas Co.	Hope Natural Gas Co., Bank District, Upshur County, W. Va.	25.0	15.325
CI64-691 A 12-13-63	Prior Oil Co.	Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI64-692 A 12-13-63	The Charles L. Hickman, et al. Oil Co.	Hope Natural Gas Co., Central District, Doddridge County, W. Va.	25.0	15.325
CI64-693 A 12-13-63	S. A. Story	Banquete Gas Co., a division of Crestmont Consolidated Corp., Plymouth and East Taft Fields, San Patricio County, Tex.	9.0	14.7
CI64-694 A 12-12-63	Logue and Patterson, et al.	Banquete Gas Co., Acreage in San Patricio County, Tex.	10.0	14.65
CI64-695 A 12-9-63	Pan American Petroleum Corp. (sucessor to Joseph E. Seagram & Sons, Inc.) (partial succession).	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	15.0	14.65
CI64-696 B 12-13-63	Socony Mobil Oil Co., Inc.	Transcontinental Gas Pipe Line Corp., Pointe Au Fer Field, Terrebonne Parish, La.	(2)	
CI64-697 A 12-16-63	Shell Oil Co.	New York State Natural Gas Corp. and The Manufacturers Light & Heat Co., Artemas Pool, Bradford County, Pa.	27.5	15.325
CI64-698 A 12-16-63	Texaco, Inc.	Northern Natural Gas Co., South Kermit Gasoline Plant, Winkler County, Tex.	16.0	14.65
CI64-699 A 12-16-63	Shell Oil Co.	Cities Service Gas Co., Northeast Waynoka Area, Woods County, Okla.	13.0	14.65
CI64-700 A 12-16-63	Prior Oil Co.	Hope Natural Gas Co., Sheridan District, Calhoun County, W. Va.	25.0	15.325
CI64-701 A 12-16-63	Marathon Oil Co.	Southern Union Gathering Co., La Plata River Area, San Juan County, N. Mex.	13.0	15.025
CI64-702 A 12-17-63	American Natural Gas Production Co.	Hope Natural Gas Co., Perry Field, Vermilion Parish, La.	20.625	15.025
CI64-703 A 12-17-63	Shell Oil Co.	Natural Gas Pipeline Co. of America, Willamar Field, Willacy County, Tex.	16.0	14.65
CI64-704 A 12-16-63	Robbins Petroleum Corp. (Operator), et al.	Lone Star Gas Co., Peatown (North Pettit 'E' and Peatown Pettit 'A' Reservoir Fields, Gregg County, Tex.	12.42	14.65
CI64-705 A 12-16-63	Pan American Petroleum Corp.	Panhandle Eastern Pipe Line Co., Mocane Gas Area, Beaver County, Okla.	17.0	14.65
CI64-706 A 12-16-63	Shell Oil Co.	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.0	14.65
CI64-707 A 12-16-63	Pan American Petroleum Corp. (successor to Cities Service Oil Co.) (Partial Succession).	Colorado Interstate Gas Co., Mocane Gas Area, Beaver County, Okla.	18.4	14.65
CI64-708 A 12-16-63	Gulf Oil Corp.	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	13.5	14.65
CI64-709 A 12-16-63	A. W. Rutter, et al. (successor to M. D. Abel, et al. d.b.a. Abel & Bancroft (Operator), et al.) (Partial Succession).	El Paso Natural Gas Co., Acreage in Upton County, Tex.	14.12	14.65
CI64-710 A 12-17-63	BTA Oil Producers (Operator) et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	16.0	14.65
CI64-711 B 12-16-63	A. C. Radford and Walter Fredericks.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	(2)	
CI64-712 B 12-17-63	Inland Natural Gasoline	El Paso Natural Gas Co., Acreage in Ector County, Tex.	(2)	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-4695, et al. E 11-15-63	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Arkansas Louisiana Gas Co., Ruston Field, Lincoln Parish, La.	13.27	15.025
G-4696	do	Texas Eastern Transmission Corp., Delhi Field, Franklin, Madison and Richland Parishes, La.	[4] 16.6212	15.025
G-4697	do	Texas Eastern Transmission Corp., Delhi Field, Richland Parish, La.	[4] 16.6212	15.025
G-4698 and G-4709	do	Southern Natural Gas Co., Bear Creek-Bryceland Field, Bienville Parish, La.	10.8	15.025
G-4699	Murphy Oil Corp. (successor to Murphy Corp.).	Mississippi River Fuel Corp., Sligo Field, Bossier Parish, La.	14.1667	15.025
G-4700 and G-4711	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Mississippi River Fuel Corp., Ruston Field, Lincoln Parish, La.	14.037	15.025
G-4701	do	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	14.32	15.025
G-4703	Murphy Oil Corp. (Operator), et al. (successor to Murphy Corp. (Operator), et al.).	Arkansas Louisiana Gas Co., Simsborn Field, Lincoln Parish, La.	13.703	15.025
G-4705	Murphy Oil Corp. (successor to Murphy Corp.).	El Paso Natural Gas Co., Spraberry Field, Upton Reagan, Glasscock and Midland Counties, Tex.	11.1056	14.65
G-4706	Murphy Oil Corp. (Operator), et al. (successor to Murphy Corp. (Operator), et al.).	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak and McMullin Counties, Tex.	9.5209	14.65
G-4707	do	Arkansas Louisiana Gas Co., Bear Creek Field, Bienville Parish, La.	12.37	15.025
G-4710	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Texas Eastern Transmission Corp., Bryceland Field, Bienville Parish, La.	[5] 16.0058	15.025
G-9176 and G-15140.	do	Arkansas Louisiana Gas Co., Greenwood-Waskom Field, Caddo Parish, La.	12.525	15.025
G-12024	Murphy Oil Corp. (successor to Murphy Corp.).	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	12.5252	15.025
G-12025	do	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	[6] 16.0058	15.025
G-12888	do	Texas Gas Transmission Corp., Sligo Field, Bossier Parish, La.	15.25	15.025
G-14135	do	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	[7] 16.0058	15.025
G-19139	do	Texas Gas Transmission Corp., Sligo Field, Bossier Parish, La.	15.25	15.025
CI60-487	Murphy Oil Corp., et al. (successor to Murphy Corp., et al.).	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	13.75	15.025
CI63-701	Murphy Oil Corp. (Operator), et al. (successor to Murphy Corp. (Operator), et al.).	Arkansas Louisiana Gas Co., Lick Creek Field, Claiborne Parish, La.	13.5	15.025
G-14864, et al. E 11-5-63	Amerada Petroleum Corp. (successor to Texoma Production Co.).	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	[8] 13.0	14.65
CI60-704 [9]	do	Michigan-Wisconsin Pipe Line Co., Laverne Field, Harper County.	17.0	14.65
CI61-1059	do	Transwestern Pipeline Co., Luther Hill Field, Ellis County, Okla.	17.0	14.65
CI61-525 [9]	do	Transwestern Pipeline Co., South Chaney Field, Ellis County, Okla.	17.0	14.65
CI61-1526	do	Transwestern Pipeline Co., Catesby Field, Ellis County, Okla.	17.0	14.65
CI61-1527	do	do	17.0	14.65
CI61-1528 [9]	do	Transwestern Pipeline Co., Shattuck Field, Ellis County, Okla.	17.0	14.65
CI61-1531 [9]	do	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.	17.0	14.65
CI61-1532 [9]	do	Transwestern Pipeline Co., North Linscott Field, Ellis County, Okla.	17.0	14.65
CI61-1533	do	Transwestern Pipeline Co., Northwest Ivanhoe Field, Beaver County, Okla.	17.0	14.65
CI63-1042 [9]	do	Michigan-Wisconsin Pipe Line Co., Lenora Field, Dewey County, Okla.	15.0	14.65
CI64-134	do	Panhandle Eastern Pipe Line Co., West Taloga Area, Dewey County, Okla.	15.0	14.65

[1] Amendment to delete acreage insofar as Whittenberg No. 4 well, from which gas is no longer being produced in interstate commerce.
[2] Acreage deleted per Agreement between parties dated Sept. 3, 1963.
[3] By assignment subject to an overriding royalty which subsequently proved to be nonproductive acreage.
[4] Includes 1.35 cents per Mcf handling charge deducted by the purchaser.
[5] Supplement No. 11, a rate increase to 16.211 cents per Mcf, suspended in Docket No. RI61-145 until 4-1-61 and until made effective subject to refund.
[6] Supplement No. 8, a rate increase to 16.211 cents per Mcf, suspended in Docket No. RI61-146 until 4-1-61 and until made effective subject to refund.
[7] Supplement No. 9, a rate increase to 16.211 cents per Mcf, suspended in Docket No. RI61-146 until made effective subject to refund.
[8] Rate in effect subject to refund in Docket No. G-20552.
[9] Pending Certificate—temporary certificate issued.
[10] Assigned.
[11] Declined in pressure.
[12] Uneconomical.

[F.R. Doc. 64-20; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. G-17987]

FERGUSON ET AL.

Order Substituting Respondent, Making Increased Rate Effective Subject To Refund Under Successor's Agreement and Undertaking, and Redesignating Proceeding

DECEMBER 31, 1963.

Ferguson Oil Company (Operator), et al. (Successor to Rupp-Ferguson Oil Company (Operator), et al.), Docket No. G-17987.

On September 30, 1963, Ferguson Oil Company (Operator), et al. (Ferguson), filed a motion requesting that the rate suspended in Docket No. G-17987 be made effective as of the date of filing of the motion. The motion is also construed as a request that Ferguson be substituted for Rupp-Ferguson Oil Company (Operator), et al. (Rupp-Ferguson) in the above-captioned rate proceeding. This proceeding relates to an increase in rate from 15 cents per Mcf to 16 cents per Mcf contained in Supplement No. 24 to Rupp-Ferguson's FPC Gas Rate Schedule No. 3 [1] for the sale of natural gas to Colorado Interstate Gas Company, from Greenwood (Sparks) Field, Morton County, Kansas which was suspended by the Commission's order issued herein on March 20, 1959, until September 1, 1959, and thereafter until such further time as it might be made effective in the manner prescribed by the Natural Gas Act. Rupp-Ferguson has not filed a motion pursuant to Section 4 of the Natural Gas Act to make the suspended rate effective.

On September 30, 1963, Ferguson also filed its agreement and undertaking to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.

By Commission order dated November 18, 1963, the certificate issued to Rupp-Ferguson in G-12783 was amended to show the succession and Rupp-Ferguson's FPC Gas Rate Schedule No. 3, as supplemented, was redesignated as Ferguson's FPC Gas Rate Schedule No. 7, as supplemented.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that Ferguson be substituted for Rupp-Ferguson in the above-captioned rate proceeding, that the proceeding be redesignated accordingly, that the successor's agreement and undertaking filed by Ferguson be accepted for filing, and that the suspended rate in Docket No. G-17987 be made effective subject to refund as of September 30, 1963.

The Commission orders:

(A) Ferguson Oil Company (Operator), et al. is substituted as respondent for Rupp-Ferguson Oil Company (Op-

[1] Rate schedule redesignated as Ferguson's FPC Gas Rate Schedule No. 7.

erator), et al. in Docket No. G–17987, and the proceeding is redesignated accordingly.

(B) The agreement and undertaking submitted by Ferguson on September 30, 1963, is hereby accepted for filing.

(C) The rate, charge, and classification set forth in Supplement No. 24 to Ferguson's FPC Gas Rate Schedule No. 7, is effective, subject to refund, as of September 30, 1963.

(D) Ferguson shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–91; Filed, Jan. 6, 1964; 8:45 a.m.]

[Docket No. RI64–339]

SOCONY MOBIL OIL COMPANY, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 30, 1963.

On December 3, 1963, Socony Mobil Oil Company, Inc. (Operator), et al. (Socony)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 28, 1963.
Purchaser and producing area: Northern Natural Gas Company (Eunice Field, Lea County, New Mexico) [Permian Basin].
Rate schedule designation: Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17.
Effective date: January 3, 1964.[2]
Amount of annual increase: $19,356.
Effective rate: 10.5445 cents.[3]
Proposed rate: 11.7212 cents per Mcf.[3][4]

Socony requests that the above submittal be substituted for the periodic increase of 1.0042 cents per Mcf from 10.5445 cents to 11.5487 cents per Mcf submitted October 30, 1963, which was suspended by order issued November 29, 1963, until May 1, 1964, in Docket No. RI64–339. Socony also requests that the suspension period for the subject filing be made to expire as of May 1, 1964. The proposed superseding filing includes reimbursement based on the total New Mexico School Tax of 2.55 percent, whereas the earlier filing only included reimbursement based on a tax rate of .55 percent. We will permit Socony to make the superseding filing. However, good cause has not been shown for suspending the superseding filing for less than the five month suspension period authorized under section 4(e) of the Act.

The proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17.

(B) Pending such hearing and decision thereon, Supplement No. 18 to Socony's FPC Gas Rate Schedule No. 17 is hereby suspended and the use thereof deferred until June 3, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–93; Filed, Jan. 6, 1964; 8:46 a.m.]

[1] Address is: 150 East 42d Street, New York, N.Y., 10017.
[2] The stated effective date is the first day after expiration of the required 30 days' notice.
[3] Rates shown at Permian Basin Area Pressure Base of 14.6 psia in lieu of contract pressure base of 15.025 psia.
[4] Periodic and tax reimbursement increase.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI

Designation

The officers appointed to the following listed positions in the Office of the Director for Northwest Operations, Region VI, are hereby designated to serve as Acting Director for Northwest Operations, Region VI, during the absence of the Director for Northwest Operations, with all the powers, functions, and duties redelegated or assigned to the Director, provided that no officer is authorized to serve as Acting Director for Northwest Operations unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

(a) Deputy Director for Northwest Operations.

(b) Area Finance Officer.

This designation supersedes the designation effective August 31, 1962 (27 F.R. 8751, August 31, 1962). (Housing and House Finance administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962).)

Effective as of the 7th day of January 1964.

[SEAL] J. G. MELVILLE, *Regional Administrator, Region VI.*

[F.R. Doc. 64–117; Filed, Jan. 6, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–517]

AMERICAN RESEARCH AND DEVELOPMENT CORP.

Certificate

DECEMBER 30, 1963.

American Research and Development Corporation ("American Research"), 200 Berkeley Street, Boston, Massachusetts, a closed-end, non-diversified management investment company, registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order of this Commission certifying to the Secretary of the Treasury prior to December 31, 1963, pursuant to section 851(e) of the Internal Revenue Code of 1954 ("Code"), that American Research is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available ("development corporations").

American Research proposes to qualify as a "regulated investment company" under section 851(e) of the Code for the fiscal year ending December 31, 1963. In order for American Research to so qualify, it is required, among other things, that this Commission enter an order making the certification requested.

The following table shows the composition of the total assets of American Research as of the calendar quarters ended March 31, 1963, June 30, 1963 and September 30, 1963:

Assets (at market value)	Mar. 31, 1963	June 30, 1963	Sept. 30, 1963
Investments representing capital furnished to corporations believed to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available	$24,899,150	$26,946,976	$30,689,197
Investments in corporations whose status has not been determined for purposes of Section 851(e) of the Code	185,916	464,305	464,305
Other investments	1,506,044	897,019	944,119
Total investments	26,501,099	28,308,300	32,097,621
Cash awaiting permanent investment or temporarily invested: Certificates of deposit and corporate short term notes	4,376,289	4,639,585	5,651,406
Other assets	201,856	179,942	182,335
Total assets	31,079,244	33,127,827	37,931,362

American Research has submitted in support of its application, which incorporates by reference similar applications made by American Research in 1955 and subsequent years, a detailed description of each of the companies whose securities are held in its portfolio and which it alleges to be a development corporation.

On the basis of an examination of the reports and information filed by American Research with the Commission pursuant to the provisions of the Investment Company Act and rules and regulations promulgated thereunder, as well as the data and information contained in American Research's applications for certificates pursuant to section 851(e) of the Internal Revenue Code of 1954 filed in previous years and in the instant application, it appears to the Commission that American Research is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available within the intent of section 851(e) of the Internal Revenue Code of 1954.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Internal Revenue Code of 1954, that American Research and Development Corporation, a closed-end nondiversified management investment company registered under the Investment Company Act of 1940, is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–105; Filed, Jan. 6, 1964; 8:47 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

DECEMBER 31, 1963.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 2, 1964 through January 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–106; Filed, Jan. 6, 1964; 8:47 a.m.]

[File No. 2–6320]

GAFFERS & SATTLER CORP.

Notice of Application for Exemption

DECEMBER 27, 1963.

Notice is hereby given that Gaffers and Sattler Corporation, a California Corporation (Applicant) has filed an application pursuant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) for an order exempting it from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that Section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission upon application and subject to appropriate terms and conditions to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of its Applicant's outstanding securities are held of record, as therein defined, and the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The Applicant states in its application that it has 652,830 shares of common stock outstanding of which 651,419 shares, representing 99.784 percent of the total outstanding, are held by Republic Corporation and the balance of 1,411 shares are held by 28 holders of record. The Applicant has undertaken to furnish all record holders of its common stock the annual and interim reports of Republic Corporation and to furnish financial information of the Applicant upon request.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after February 3, 1964 unless prior thereto a hearing is ordered by the Commission. Any interested person may not later than January 27, 1964, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64–107; Filed, Jan. 6, 1964; 8:47 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

DECEMBER 31, 1963.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security,

otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 2, 1964 through January 11, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-108; Filed, Jan. 6, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1963 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304), are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1963.

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada [1]
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon [1]
Idaho	Pennsylvania
Illinois	Rhode Island [1]
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington [1]
Michigan	West Virginia [1]
Minnesota	Wisconsin
Mississippi	Wyoming [1]
Missouri	

JOHN F. HENNING, *Acting Secretary of Labor.*

DECEMBER 31, 1963.

[F.R. Doc. 64-103; Filed, Jan. 6, 1964; 8:47 a.m.]

[1] No reduced rates were allowed to employers for taxable year 1963 under the unemployment compensation laws of these States.

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Puerto Rico
Indiana	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Texas
Maine	Utah
Maryland	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1963.

JOHN F. HENNING, *Acting Secretary of Labor.*

DECEMBER 31, 1963.

[F.R. Doc. 64-104; Filed, Jan. 6, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 920]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66407. By order of December 31, 1963, the Transfer Board approved the transfer to Essex Van and Storage, Inc., Baltimore, Md., of certificate in No. MC 44017, issued August 4, 1953, to Charles H. Chatham, Salisbury, Md., authorizing the transportation of: Agricultural commodities, coal, poultry, holly and holly wreaths, groceries, fertilizer, and household goods, from, to, or between specified points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, North Carolina, West Virginia, and the District of Columbia. Donald E. Freeman, 172 East Green Street, Westminster, Md., 21157, representative for applicants.

No. MC-FC 66493. By order of December 31, 1963, the Transfer Board approved the transfer to Denny Motor Freight, Inc., New Albany, Ind., of permits in Nos. MC 104201 (Sub-29), MC 104201 (Sub-32), MC 104201 (Sub-34), MC 104201 (Sub-35), and MC 104201 (Sub-38), issued June 28, 1949, December 22, 1949, December 23, 1949, June 21, 1951 and August 29, 1955, respectively, to Merle S. Denny, doing business as Denny Motor Freight, New Albany, Ind., authorizing the transportation, over irregular routes, of prefabricated buildings, complete, knocked down or in sections, and when transported in connection with the transportation of such buildings, component parts thereof and equipment and materials, incidental to the erection and completion of such buildings, from New Albany, Ind., and points within 1 mile thereof, to points in Pennsylvania, Kentucky, Missouri, Ohio, and Illinois; flavoring syrup, liquid sugar, and invert sugar, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Maryland, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; farm machinery and farm implements when transported in special equipment, from Louisville, Ky., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Robert C. Smith, 512 Illinois Building, Indianapolis, Ind., attorney for applicants. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., attorney for applicants.

No. MC-FC 66499. By order of December 31, 1963, the Transfer Board approved the transfer to Albert C. Davidson, Harbeson, Delaware, of certificate in No. MC 73511, issued April 24, 1956, to Harding Trucking Co., Inc., Lincoln, Delaware, authorizing the transportation, over irregular routes, of lumber, from Hebron and Salisbury, Md., to Trenton and Burlington, N.J., points in Delaware, Maryland, and those in that part of Pennsylvania east of U.S. Highway 111, and south of U.S. Highway 22, and those in that part of New Jersey south of a line beginning at Camden, N.J., and extending east along New Jersey Highway 70 (formerly New Jersey Highway 40) to Lakehurst, N.J., and

thence along New Jersey Highway 37 to the Atlantic Ocean, including points on the indicated portions of highways specified; lumber and forest products, from points in Wicomico and Somerset Counties, Md., and Sussex County, Del., to points in Pennsylvania east of the Susquehanna River and on and south of U.S. 22, those in New Jersey on and south of U.S. 22 and those in New York, N.Y., commercial zone as defined by the Commission (except those on and south of U.S. 22); from points in Sussex County, Del., to Baltimore, Md.; fruit and vegetable containers, from Hebron and Salisbury, Md., to Bridgeton, Rosenhayn, and Landisville, N.J., New York, N.Y., and points in Accomac and Northhampton Counties, Va., and those in Delaware and Maryland; building materials, from Philadelphia, Pa., and Wilmington, Del., to Hebron, Salisbury, and Fruitland, Md.; and agricultural commodities, from points in Wicomico County, Md., within 15 miles of Hebron, Md., to Philadelphia, Pittsburgh, Scranton, and Wilkes-Barre, Pa., to New York, N.Y. Albert C. Davidson, Harbeson, Del., representative for applicants.

No. MC-FC 66507. By order of December 31, 1963, the Transfer Board approved the transfer to R. W. Weaver, doing business as Weaver Truck Line, Osawatomie, Kans., of certificates in Nos. MC 109411 and MC 109411 (Sub-No. 1), issued July 21, 1948 and September 16, 1952, respectively, in the name of Dan F. Williams, Osawatomie, Kans., authorizing the transportation of: Agricultural machinery, agricultural implements, agricultural products, and emigrant movables, between Osawatomie, Kans., and points within 10 miles thereof, on the one hand, and, on the other, points in Missouri within 25 miles of the Missouri-Kansas State line; lumber, millwork, roofing materials, cement, plaster, sheet metal, building blocks, clay products, hardware, paints, varnishes, wallboard, and reinforcing steel, from Kansas City and North Kansas City, Mo., to Osawatomie, Kans.; and building blocks, clay products, and stone, from Carthage and Neosho, Mo., and points within 10 miles of each, to Osawatomie and points within 10 miles thereof. Erle W. Francis, 214 West Sixth Street, Topeka 3, Kans., attorney for applicants.

No. MC-FC 66511. By order of December 31, 1963, the Transfer Board approved the transfer to Sally Brazdon, Rosenhayn, Cumberland County, N.J., of a portion of permit in No. MC 114332, issued July 29, 1958, to Rayburn Trucking, Inc., Philadelphia, Pa., authorizing the transportation of canned goods, over irregular routes, from points in that part of Maryland east of the Chesapeake Bay to Philadelphia, Pa. V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa., attorney for applicants.

No. MC-FC 66513. By order of December 31, 1963, the Transfer Board approved the transfer to Dewey Tangwall, doing business as Tangwall Trucking, Sarona, Wis., of the certificate in No. MC 29834, issued June 4, 1957, to George Bergren and Guilford M. Bergren, a partnership, doing business as Bergren Bros., Birchwood, Wis., authorizing the transportation of: Livestock, from points as specified in Barron County, Wis., to South St. Paul and Newport, Minn.; and general commodities, excluding household goods, commodities in bulk and other specified commodities, from Minneapolis, St. Paul, South St. Paul, and Newport, Minn., to specified points in Barron County, Wis. A. R. Fowler, 2286 University Avenue, St. Paul, Minn., practitioner for applicants.

No. MC-FC 66518. By order of December 31, 1963, the Transfer Board approved the transfer to Merchant's Delivery Moving & Storage, Inc., 249 Piney Forest Road, Danville, Va., of certificate in No. MC 27455, issued May 13, 1955, to Eli Craven Gerringer, doing business as Merchants Delivery, 249 Piney Forest Road, Danville, Va., authorizing the transportation of: Household goods, between points in Pittsylvania County, Va., on the one hand, and, on the other, points in North Carolina.

No. MC-FC 66522 and 66522-A. By order of December 31, 1963, the Transfer Board approved the transfer to Newmark-Hurwitz Trucking Corp., a corporation, New York, N.Y., of corrected certificate in No. MC 124311, issued February 20, 1963, to Harold Levenson, doing business as H. Levenson Trucking Co., New York, N.Y., authorizing the transportation, over regular routes, of cut piece-goods, and trimmings, from New York, N.Y., to Perth Amboy, N.J., serving all intermediate points; and men's, ladies', and children's garments, from Perth Amboy, N.J., to New York, N.Y., serving all intermediate points; and of corrected permit in No. MC 124058, issued February 20, 1963, to Harold Levenson, New York, N.Y., authorizing the transportation, over irregular routes, of children's dresses and cut goods, piece goods, zippers, buttons, bindings, lace, and trimmings, which are used in the manufacture of children's dresses, between the plant site of Princess Dale Fashions, Inc., at East Newark, N.J., and New York, N.Y. Jerome G. Greenspan, 92 Liberty Street, New York 6, N.Y., attorney for applicants.

No. MC-FC 66528. By order of December 31, 1963, the Transfer Board approved the transfer to George Olson, doing business as Olson Truck Line, Oklee, Minn., of certificates in Nos. MC 109705 and MC 109705 (Sub-No. 2), issued October 22, 1948 and October 13, 1949, respectively, in the name of Ingvald Olson, Oklee, Minn., authorizing the transportation of general commodities, excluding household goods, over irregular routes, from Fargo, West Fargo, Union Stockyards (near West Fargo), Southwest Fargo, and Grand Forks, N. Dak., to Oklee, Minn.; livestock, from Oklee, Minn., and points within 25 miles of Oklee to Fargo, West Fargo, Union Stockyards (near West Fargo), Southwest Fargo, and Grand Forks; groceries, from Fargo, N. Dak., to Oklee, Minn.; empty containers for groceries, on return. A. R. Fowler, 2288 University Avenue, St. Paul, 55114, Minn., practitioner for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-118; Filed, Jan. 6, 1964; 8:47 a.m.]

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Washington, Wednesday, January 8, 1964

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 44, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (iii) of § 907.344 (Navel Orange Regulation 44, 28 F.R. 14490) are hereby amended to read as follows:

(i) District 1: 600,000 cartons;
(iii) District 3: 100,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 2, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–155; Filed, Jan. 7, 1964; 8:46 a.m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Miscellaneous Amendments

Notice was published in the FEDERAL REGISTER on December 13, 1963 (28 F.R. 13505), that there was under consideration a proposal to revise Subpart—Administrative Rules and Regulations (§§ 984.450 through 984.480) currently in effect under amended Marketing Agreement No. 105 and Order No. 984 (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was based on the recommendation of the Walnut Control Board and other available information.

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to final action on the proposal. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that revision of the aforesaid administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (§§ 984.450–984.480) is revised as follows:

A. Add a new section (§ 984.437) reading as follows:

§ 984.437 Method for proposing names of additional candidates to be included on the California independent grower's nomination ballot.

Any ten or more growers, whose orchards are located in California, and who marketed through other than cooperative packers an aggregate of 500 or more tons of walnuts in the preceding marketing year, may petition the Board not later than March 15 of any nomination year (on a form provided by the Board) to include on the ballot the names of a proposed candidate eligible to serve as a member and one as alternate member on the Board to represent the group specified in § 984.35(a)(5). The names proposed by such California independent growers shall be included on the ballot.

B. Revise § 984.471 to read as follows:

§ 984.471 Reports of handler carryover.

Reports of merchantable walnut carryover as of August 1, January 1, and April 1 of each marketing year shall be submitted to the Board on WCB Form No. 4 for inshell walnuts and on WCB Form No. 5 for shelled walnuts, on or before August 15, January 15, and April 15, respectively, of such marketing year.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 2, 1964. To become effective thirty days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64–156; Filed, Jan. 7, 1964; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Cumberland;

(9) All counties in Wisconsin except St. Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected reas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky, and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following county in Minnesota: Jackson;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-De Baca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(10) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add specified counties in the States of Kansas, Minnesota, Pennsylvania, and Wisconsin to the list of infected and eradication areas and delete such counties from the list of free areas as sheep scabies is known to exist in these specified counties. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such counties.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of January 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64–157; Filed, Jan. 7, 1964; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Industry Employment Size Standards for Purpose of Government Procurement

Correction

In F.R. Doc. 64–8, appearing at page 86 of the issue for Saturday, January 4, 1964, the following correction is made in Schedule B of Part 121: In the entry for Census classification code 3742, the employment size standard should be "750" instead of "50".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–67]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

Correction

In F.R. Doc. 63–13521, appearing at page 4 of the issue for Wednesday, January 1, 1964, the following correction is made in the amendment of R–4205, under § 73.42: In the entry for 8,000 feet MSL, under *Designated altitudes,* the phrase "to flight level 279" should read "to flight level 270".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–398]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Postponement of Effective Date of Amendments Requiring Improved Notice of Warsaw Convention Limit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of January 1964.

The amendments to Part 221 of the Economic Regulations, adopted October 31, 1963 by Regulation ER–395 and published at 28 F.R. 11775, provided, in essence, that effective February 1, 1964 air carriers and foreign air carriers in the United States which avail themselves of the limit on liability to passengers, as provided in Article 22(1) of the Warsaw Convention (49 Stat. 3000), shall (1) publish in their tariffs information on the Warsaw Convention liability limit; (2) deliver to passengers a prescribed notice in writing concerning such limit by one of three alternative means; and (3) post a sign containing the prescribed notice at all ticket counters and agents' offices in the United States.

Article 22(1) of the Convention provides that by special contract the carrier and the passenger may agree to a limit of liability higher than the $8,290 provided in the Convention. It has come to the Board's attention that in light of the notice requirements adopted by the Board, several air carriers engaged primarily in domestic service are considering waiving the limit of liability under the Convention.

Under the rule as drafted, carriers waiving the limit would still have to furnish the notice statement and post the sign required by the regulation upon delivery of a ticket for a connecting flight on a carrier which has not waived the limit. This results from the fact that the carrier is then acting as agent for such connecting carrier. The question arises whether impoding these requirements on a carrier which has voluntarily waived the Convention limit is an unnecessary burden and whether some other arrangement would be feasible for giving notice to the passenger in this case.

Carriers desiring to waive the Convention limit may wish to file petitions for amendment of the rule so as to relieve them of the burden of giving the notice. In order to permit the filing and consideration of such petitions and to enable carriers desiring to waive the limit to avoid the expense of printing of notices and signs if it should be determined that they need not deliver or post them, we will postpone the effective date of the amendments of Part 221 from February 1, 1964, to March 1, 1964.

We do not intend to grant further postponements of the effective date in the absence of a timely tangible indication from interested carriers that they intend to amend their tariffs waiving the limit. Accordingly, petitions for rule making, which should contain proposals for specific changes in the regulation to provide an alternate and effective means of advising passengers of the limit and set forth the carriers' plans with respect to tariff amendments, should be submitted to the Board on or before January 24, 1964.

(Sec. 204, Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(e), 403, 411, 72 Stat. 754, 758, 769; 49 U.S.C. 1371, 1373, 1381)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–178; Filed, Jan. 7, 1964; 8:48 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 3—Tort Claim Regulations

1. Subpart 3 revised in its entirety as follows:

1204.300 Scope of subpart.
1204.301 Lawsuits against NASA employees arising out of their operation of motor vehicles in the course of their employment.
1204.302 Procedures.
1204.303 Other claims—claims against the United States or the National Aeronautics and Space Administration.
1204.304 Claimant.
1204.305 Form of claim.
1204.306 Filing of claims.
1204.307 Evidence to be submitted by claimant.
1204.308 Investigation of claims.
1204.309 Payment of claims.
1204.310 Acceptance of award or settlement by claimant.
1204.311 Attorney's fees.
1204.312 NASA officials authorized to settle tort claims.

AUTHORITY: The provisions of this Subpart 3 issued under 28 U.S.C. 2671–2680 and 42 U.S.C. 2473(b)(13).

§ 1204.300 Scope of subpart.

(a) This subpart establishes procedures for the handling of lawsuits against NASA employees for property damage, or personal injury, including death, resulting from the operation of a motor vehicle by a NASA employee in the scope of his employment and designates NASA officials authorized to receive and process relevant documents in such cases.

(b) This subpart establishes procedures for the submission and settlement of claims against the United States Government for bodily injury, death and property damage or loss cognizable under the Federal Tort Claims Act (28 U.S.C. 2671–2680) or the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(13)) and designates NASA officials authorized to act upon such claims.

§ 1204.301 Lawsuits against NASA employees arising out of their operation of motor vehicles in the course of their employment.

28 U.S.C. 2679, as amended September 21, 1961, provides that the Attorney General of the United States shall defend any civil action which is brought in any court against a Government employee for damage to property or for personal injury, including death, resulting from the operation of a motor vehicle by such Government employee while acting within the scope of his office or employment. In effect, this legislation is designed to protect an employee driving a motor vehicle on Government business by converting such a civil court action against the employee into an action against the United States, provided that the employee was acting within the scope of his employment at the time of the accident. The action against the United States then becomes the plaintiff's exclusive remedy.

§ 1204.302 Procedures.

The following procedures shall be followed in the event that a civil action or proceeding is brought, in any court, against any employee of NASA (or against his estate), for damage to property, or for personal injury or death, resulting from the employee's operation of a motor vehicle while acting within the scope of his office or employment:

(a) After being served with process or pleadings in such an action, the employee (or his personal representative if the action is brought against his estate) shall immediately deliver all such process and pleadings (or an attested true copy thereof) together with a fully detailed report of the circumstances of the accident giving rise to the court action, to the following officials:

(1) The General Counsel of NASA insofar as actions against employees of NASA Headquarters are concerned; or

(2) The Chief Counsel of the NASA installation at which the employee is employed, insofar as actions against other than NASA Headquarters employees are concerned.

(b) Upon receipt of such process and pleadings, the General Counsel or the Chief Counsel of the NASA installation receiving the same shall furnish to the United States attorney for the district embracing the place where the action or proceeding is brought and the Chief of the Torts Section, Civil Division, Department of Justice, the following:

(1) Copies of all such process and pleadings in the action or proceeding, promptly upon receipt thereof; and

(2) A report containing a statement of the circumstances of the incident giving rise to the action, and all data bearing upon the question of whether the employee was acting within the scope of his office or employment with NASA at the time of the incident, at the earliest possible date, or within such time as shall be fixed by the United States Attorney upon request.

In addition, the Chief Counsels shall submit copies of all such process, pleadings, reports and other documents submitted by them to the United States Attorney to the General Counsel, NASA Headquarters, who is hereby designated to receive all such documents on behalf of the Administrator, NASA.

§ 1204.303 Other claims—claims against the United States or the National Aeronautics and Space Administration.

Under the authority of 28 U.S.C. 2671–2680 and 42 U.S.C. 2473(b)(13), the National Aeronautics and Space Administration has authority, within specified limits, to settle claims for bodily injury, death and property damage, arising out of the activities of the National Aeronautics and Space Administration. Claims shall be submitted in accordance with the provisions of this subpart.

§ 1204.304 Claimant.

(a) If the property was insured and the insurer has a right of subrogation, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim.

(b) Claims for bodily injury may be filed by the injured person or his agent or attorney.

(c) Claims for death may be filed by the personal representative of the decedent or by the administrator, executor, or guardian. When filed by an agent or attorney, the claim must show the title or capacity of the person representing the claimant and be accompanied with evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

§ 1204.305 Form of claim.

Claims should be prepared on (Standard Form 95) Claim for Damage or Injury. Copies of this form are available on request at NASA Headquarters or the appropriate field installation. All information requested therein should be given in detail. It is especially important that the amount claimed for property damage and for bodily injury be indicated in the space provided. Claims should be prepared in duplicate and signed.

§ 1204.306 Filing of claims.

(a) Claims covered by this subpart must be filed within two years after the accident or incident or death by the claimant.

(b) Claims should be submitted directly to the NASA installation whose employee is alleged to be responsible for the accident or incident, if known, or if not known, to the Office of General Counsel, National Aeronautics and Space Administration, Washington, D.C., 20546.

§ 1204.307 Evidence to be submitted by claimant.

(a) *General.* The amount claimed on account of damage to or loss of property, or on account of bodily injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. The original evidence or certified copies thereof should be attached to the original and copy of the claim.

(b) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization, and other relevant matters.

(c) *Damage to property.* In support of claims for damage to property, the claimant should submit:

(1) An itemized receipt in the case of property which has been repaired.

(2) Itemized estimates of the cost of repairs from two reliable parties who specialize in such work, in the case of unrepaired property, or

(3) Corroborative statements from two reliable, qualified persons with respect to the cost, age of the property, and salvage value in the case where the property is not economically reparable.

§ 1204.308 Investigation of claims.

When a claim is received, the official designated in § 1204.312 shall conduct such investigation as may be appropriate for a determination of the validity of the claim. The services of an investigatory group or official at any NASA installation may be obtained to assist in such investigations.

§ 1204.309 Payment of claims.

When a claim is settled, the cognizant legal counsel will prepare Voucher for Payment of Tort Claims (NASA Form 616) or Voucher for Payment Under Federal Tort Claims Act (Standard Form 1145), as appropriate. The properly prepared form will be referred to the appropriate NASA installation fiscal or financial management office.

§ 1204.310 Acceptance of award or settlement by claimant.

The acceptance by the claimant of an award, adjustment, or settlement is final and conclusive on the claimant, and constitutes a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim.

§ 1204.311 Attorney's fees.

As part of any award or settlement, reasonable attorney's fees may be allowed out of, but not in addition to, the amount of the award or settlement. If the award or settlement is $500 or more, the fee shall not exceed 10 percent of the amount of the award or settlement.

§ 1204.312 NASA officials authorized to settle tort claims.

The following NASA officials are authorized to consider, ascertain, adjust, determine, and settle claims within the limits and to the extent permitted by the provisions of 28 U.S.C. 2671–2680 and 42 U.S.C. 2473(b)(13):

(a) The General Counsel and Deputy General Counsel, NASA Headquarters, are authorized to consider, ascertain, adjust, determine, and settle any such claim.

(b) The Chief Counsel assigned to a NASA field installation is authorized to consider, ascertain, adjust, determine, and settle any such claim not exceeding $1,000 arising from the activities of that installation.

(c) In addition, authority to act on claims not exceeding $1,000 arising at:

(1) The Wallops Station is vested in the Chief Counsel, Langley Research Center.

(2) The Flight Research Center is vested in the Chief Counsel, Western Operations Office.

Effective date. The delegation of authority set forth in this subpart is effective on December 26, 1963.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 64–173; Filed, Jan. 7, 1964; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides Against Deceptive Pricing [1]

Introduction. These guides are designed to highlight certain problems in the field of price advertising which experience has demonstrated to be especially troublesome to businessmen who in good faith desire to avoid deception of the consuming public. Since the guides are not intended to serve as comprehensive or precise statements of law, but rather as practical aids to the honest businessman who seeks to conform his conduct to the requirements of fair and legitimate merchandising, they will be of no assistance to the unscrupulous few whose aim is to walk as close as possible to the line between legal and illegal conduct. They are to be considered as guides, and not as fixed rules of "do's" and don'ts", or detailed statements of the Commission's enforcement policies. The fundamental spirit of the guides will govern their application.

The basic objective of these guides is to enable the businessman to advertise his goods honestly, and to avoid offering the consumer non-existent bargains or bargains that will be misunderstood. Price advertising is particularly effective because of the universal hope of consumers to find bargains. Truthful price advertising, offering real bargains, is a benefit to all. But the advertiser must shun sales "gimmicks" which lure consumers into a mistaken belief that they are getting more for their money than is the fact.

[1] Inquiries concerning these guides and requests for copies should be addressed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C., 20580.

§ 14.10 Guides against deceptive pricing.

(a) *Former price comparisons.* (1) One of the most commonly used forms of bargain advertising is to offer a reduction from the advertiser's own former price for an article. If the former price is the actual, bona fide price at which the article was offered to the public on a regular basis for a reasonably substantial period of time, it provides a legitimate basis for the advertising of a price comparison. Where the former price is genuine, the bargain being advertised is a true one. If, on the other hand, the former price being advertised is not bona fide but fictitious—for example, where an artificial, inflated price was established for the purpose of enabling the subsequent offer of a large reduction—the "bargain" being advertised is a false one; the purchaser is not receiving the unusual value he expects. In such a case, the "reduced" price is, in reality, probably just the seller's regular price.

(2) A former price is not necessarily fictitious merely because no sales at the advertised price were made. The advertiser should be especially careful, however, in such a case, that the price is one at which the product was openly and actively offered for sale, for a reasonably substantial period of time, in the recent, regular course of his business, honestly and in good faith—and, of course, not for the purpose of establishing a fictitious higher price on which a deceptive comparison might be based. And the advertiser should scrupulously avoid any implication that a former price is a selling, not an asking price (for example, by use of such language as, "Formerly sold at $------"), unless substantial sales at that price were actually made.

(3) The following is an example of a price comparison based on a fictitious former price. John Doe is a retailer of Brand X fountain pens, which cost him $5 each. His usual markup is 50 percent over cost; that is, his regular retail price is $7.50. In order subsequently to offer an unusual "bargain", Doe begins offering Brand X at $10 per pen. He realizes that he will be able to sell no, or very few, pens at this inflated price. But he doesn't care, for he maintains that price for only a few days. Then he "cuts" the price to its usual level—$7.50—and advertises: "Terrific Bargain: X Pens, Were $10, Now Only $7.50!" This is obviously a false claim. The advertised "bargain" is not genuine.

(4) Other illustrations of fictitious price comparisons could be given. An advertiser might use a price at which he never offered the article at all; he might feature a price which was not used in the regular course of business, or which was not used in the recent past but at some remote period in the past, without making disclosure of that fact; he might use a price that was not openly offered to the public, or that was not maintained for a reasonable length of time, but was immediately reduced.

(5) If the former price is set forth in the advertisement, whether accompanied or not by descriptive terminology such as "Regularly", "Usually", "Formerly", etc., the advertiser should make certain that the former price is not a fictitious one. If the former price, or the amount or percentage of reduction, is not stated in the advertisement, as when the ad merely states, "Sale", the advertiser must take care that the amount of reduction is not so insignificant as to be meaningless. It should be sufficiently large that the consumer, if he knew what it was, would believe that a genuine bargain or saving was being offered. An advertiser who claim that an item has been "Reduced to $9.99", when the former price was $10.00, is misleading the consumer, who will understand the claim to mean that a much greater, and not merely nominal, reduction was being offered. [Guide I]

(b) *Retail price comparisons; comparable value comparisons.* (1) Another commonly used form of bargain advertising is to offer goods at prices lower than those being charged by others for the same merchandise in the advertiser's trade area (the area in which he does business). This may be done either on a temporary or a permanent basis, but in either case the advertised higher price must be based upon fact, and not be fictitious or misleading. Whenever an advertiser represents that he is selling below the prices being charged in his area for a particular article, he should be reasonably certain that the higher price he advertises does not appreciably exceed the price at which substantial sales of the article are being made in the area—that is, a sufficient number of sales so that a consumer would consider a reduction from the price to represent a genuine bargain or saving. Expressed another way, if a number of the principal retail outlets in the area are regularly selling Brand X fountain pens at $10, it is not dishonest for retailer Doe to advertise: "Brand X Pens, Price Elsewhere $10, Our Price $7.50".

(2) The following example, however, illustrates a misleading use of this advertising technique. Retailer Doe advertises Brand X pens as having a "Retail Value $15.00, My Price $7.50", when the fact is that only a few small suburban outlets in the area charge $15. All of the larger outlets located in and around the main shopping areas charge $7.50, or slightly more or less. The advertisement here would be deceptive, since the price charged by the small suburban outlets would have no real significance to Doe's customers, to whom the advertisement of "Retail Value $15.00" would suggest a prevailing, and not merely an isolated and unrepresentative, price in the area in which they shop.

(3) A closely related form of bargain advertising is to offer a reduction from the prices being charged either by the advertiser or by others in the advertiser's trade area for other merchandise of like grade and quality—in other words, comparable or competing merchandise—to that being advertised. Such advertising can serve a useful and legitimate purpose when it is made clear to the consumer that a comparison is being made with other merchandise and the other merchandise is, in fact, of essentially similar quality and obtainable in the area. The advertiser should, however, be reasonably certain, just as in the case of comparisons involving the same merchandise, that the price advertised as being the price of comparable merchandise does not exceed the price at which such merchandise is being offered by representative retail outlets in the area. For example, retailer Doe advertises Brand X pen as having "Comparable Value $15.00". Unless a reasonable number of the principal outlets in the area are offering Brand Y, an essentially similar pen, for that price, this advertisement would be deceptive. [Guide II]

(c) *Advertising retail prices which have been established or suggested by manufacturers (or other non-retail distributors).* (1) Many members of the purchasing public believe that a manufacturer's list price, or suggested retail price, is the price at which an article is generally sold. Therefore, if a reduction from this price is advertised, many people will believe that they are being offered a genuine bargain. To the extent that list or suggested retail prices do not in fact correspond to prices at which a substantial number of sales of the article in question are made, the advertisement of a reduction may mislead the consumer.

(2) There are many methods by which manufacturers' suggested retail or list prices are advertised: large scale (often nation-wide) mass-media advertising by the manufacturer himself; pre-ticketing by the manufacturer; direct mail advertising; distribution of promotional material or price lists designed for display to the public. The mechanics used are not of the essence. These Guides are concerned with any means employed for placing such prices before the consuming public.

(3) There would be little problem of deception in this area if all products were invariably sold at the retail price set by the manufacturer. However, the widespread failure to observe manufacturers' suggested or list prices, and the advent of retail discounting on a wide scale, have seriously undermined the dependability of list prices as indicators of the exact prices at which articles are in fact generally sold at retail. Changing competitive conditions have created a more acute problem of deception than may have existed previously. Today, only in the rare case are all sales of an article at the manufacturer's suggested retail or list price.

(4) But this does not mean that all list prices are fictitious and all offers of reductions from list, therefore, deceptive. Typically, a list price is a price at which articles are sold, if not everywhere, then at least in the principal retail outlets which do not conduct their business on a discount basis. It will not be deemed fictitious if it is the price at which substantial (that is, not isolated or insignificant) sales are made in the advertiser's trade area (the area in which he does business). Conversely, if the list price is significantly in excess of the highest price at which substantial sales in the trade area are made, there is a clear and serious danger of the consumer being misled by an advertised reduction from this price.

(5) This general principle applies whether the advertiser is a national or regional manufacturer (or other nonretail distributor), a mail-order or catalog distributor who deals directly with the consuming public, or a local retailer. But certain differences in the responsibility of these various types of businessmen should be noted. A retailer competing in a local area has at least a general knowledge of the prices being charged in his area. Therefore, before advertising a manufacturer's list price as a basis for comparison with his own lower price, the retailer should ascertain whether the list price is in fact the price regularly charged by principal outlets in his area.

(6) In other words, a retailer who advertises a manufacturer's or distributor's suggested retail price should be careful to avoid creating a false impression that he is offering a reduction from the price at which the product is generally sold in his trade area. If a number of the principal retail outlets in the area are regularly engaged in making sales at the manufacturer's suggested price, that price may be used in advertising by one who is selling at a lower price. If, however, the list price is being followed only by, for example, small suburban stores, house-to-house canvassers, and credit houses, accounting for only an insubstantial volume of sales in the area, advertising of the list price would be deceptive.

(7) On the other hand, a manufacturer or other distributor who does business on a large regional or national scale cannot be required to police or investigate in detail the prevailing prices of his artices throughout so large a trade area. If he advertises or disseminates a list or pre-ticketed price in good faith (i.e., as an honest estimate of the actual retail price) which does not appreciably exceed the highest price at which substantial sales are made in his trade area, he will not be chargeable with having engaged in a deceptive practice. Consider the following example:

(8) Manufacturer Roe, who makes Brand X pens and sells them throughout the United States, advertises his pen in a national magazine as having a "Suggested Retail Price $10," a price determined on the basis of a market survey. In a substantial number of representative communities, the principal retail outlets are selling the product at this price in the regular course of business and in substantial volume. Roe would not be considered to have advertised a fictitious "suggested retail price". If retailer Doe does business in one of these communities, he would not be guilty of a deceptive practice by advertising, "Brand X Pens, Manufacturer's Suggested Retail Price, $10.00, Our Price, $7.50".

(9) It bears repeating that the manufacturer, distributor or retailer must in every case act honestly and in good faith in advertising a list price, and not with the intention of establishing a basis, or creating an instrumentality, for a deceptive comparison in any local or other trade area. For instance, a manufacturer may not affix price tickets containing inflated prices as an accommodation to particular retailers who intend to use such prices as the basis for advertising fictitious price reductions. [Guide III]

(d) *Bargain offers based upon the purchase of other merchandise.* (1) Frequently, advertisers choose to offer bargains in the form of additional merchandise to be given a customer on the condition that he purchase a particular article at the price usually offered by the advertiser. The forms which such offers may take are numerous and varied, yet all have essentially the same purpose and effect. Representative of the language frequently employed in such offers are "Free", "Buy One—Get One Free", "2-For-1 Sale", "Half Price Sale", "1¢ Sale", "50% Off", etc. Literally, of course, the seller is not offering anything "free" (i.e., an unconditional gift), or ½ free, or for only 1¢, when he makes such an offer, since the purchaser is required to purchase an article in order to receive the "free" or "1¢" item. It is important, therefore, that where such a form of offer is used, care be taken not to mislead the consumer.

(2) Where the seller, in making such an offer, increases his regular price of the article required to be bought, or decreases the quantity and quality of that article, or otherwise attaches strings (other than the basic condition that the article be purchased in order for the purchaser to be entitled to the "free" or "1¢" additional merchandise) to the offer, the consumer may be deceived.

(3) Accordingly, whenever a "free", "2-for-1", "half price sale", "1¢ sale", "50% off" or similar type of offer is made, all the terms and conditions of the offer should be made clear at the outset. [Guide IV]

(e) *Miscellaneous price comparisons.* The practices covered in the provisions set forth above represent the most frequently employed forms of bargain advertising. However, there are many variations which appear from time to time and which are, in the main, controlled by the same general principles. For example, retailers should not advertise a retail price as a "wholesale" price. They should not represent that they are selling at "factory" prices when they are not selling at the prices paid by those purchasing directly from the manufacturer. They should not offer seconds or imperfect or irregular merchandise at a reduced price without disclosing that the higher comparative price refers to the price of the merchandise if perfect. They should not offer an advance sale under circumstances where they do not in good faith expect to increase the price at a later date, or make a "limited" offer which, in fact, is not limited. In all of these situations, as well as in others too numerous to mention, advertisers should make certain that the bargain offer is genuine and truthful. Doing so will serve their own interest as well as that of the public. [Guide V]

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

These guides supersede the guides against deceptive pricing adopted October 2, 1958.

Adopted: December 20, 1963.

Effective: January 8, 1964.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-160; Filed, Jan. 7, 1964; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56084]

PART 14—APPRAISEMENT

Hardboard From Sweden; Antidumping

DECEMBER 30, 1963.

After due investigation, it has been found that as of December 30, 1963, hardboard from Sweden is no longer being, or likely to be, sold in the United States at less than its fair value by any of the exporters of hardboard from Sweden as to whom the finding of dumping has not yet been revoked.

The finding of dumping made August 26, 1954, as modified by T.D.'s 54168, 54199, 55006, 55019, 55115, and 55213, is accordingly revoked in its entirety.

Section 14.13(b) of the Customs Regulations is amended by deleting the following from the list of findings of dumping currently in effect:

Merchandise	Country	T.D.	Modified by—
Hardboard	Sweden	53567	54168 54199 55006 55019 55115 55213

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-170; Filed, Jan. 7, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1714—INTERIM EMERGENCY MANAGEMENT OF RESOURCES

Section 103 of the National Security Act of 1947 (Public Law 253, 80th Congress, as amended) is the authority for the regulations in this part.

Sec.
1714.1 Purpose.
1714.2 Eligibility.
1714.3 Agreements.
1714.4 Supervision of the studies, research, and planning.
1714.5 Costs and reimbursements.
1714.6 Advances.
1714.7 Return of unexpended funds.
1714.8 Reports.

AUTHORITY: The provisions of this Part 1714 issued under sec. 103, National Security Act of 1947; P.L. 253, 80th Congress, as amended.

§ 1714.1 Purpose.

In the event of a nuclear attack, the Federal Government will act as promptly as possible to exercise its responsibility for the management of the Nation's resources and the stabilization of the economy. However, it is possible that Federal direction may be interrupted during a nuclear attack, and, consequently, State and local governments must develop a capability to manage resources and stabilize the local economy until Federal direction and control is feasible. The regulations in this part prescribe the procedures and conditions under which the Office of Emergency Planning shall provide funds to the States for the development of plans for this purpose.

§ 1714.2 Eligibility.

(a) A State, in order to participate in the program under the regulations in this part, shall appoint a State Emergency Planning Director, establish a State Emergency Resource Planning Committee, and designate supporting Task Groups for the State Emergency Resource Planning Committee.

(b) A State, in order to participate in the program under the regulations of this part, shall submit a proposal to the Office of Emergency Planning in accordance with the Administrative Manual for the Development of State Emergency Resources Management Plans.

(c) Personnel whose salaries are paid from Federal funds shall be employed under a State Merit System in accordance with the Federal Standards for a Merit System for Personnel Administration and in accordance with nondiscrimination in employment practices as described in E.O. 10925, as amended.

§ 1714.3 Agreements.

Each eligible State shall negotiate and enter into a written agreement with the Office of Emergency Planning. This agreement shall cover the scope of the studies, research, and planning for the State management of resources and stabilization of the economy during the interim period following a nuclear attack. This agreement shall also contain the maximum cost under the agreement, specify the schedule of performance, and require that performance thereunder be conducted in accordance with the procedures and criteria set forth in the Administrative Manual for the Development of State Emergency Resources Management Plans.

§ 1714.4 Supervision of the studies, research, and planning.

Agreements entered into under the regulations in this part shall be performed under the supervision and guidance of the Office of Emergency Planning. Each participant shall agree to make full use of the technical staffs and other personnel of appropriate agencies of State and local governments, and shall agree to keep its emergency planning current after the project is completed and to submit completed plans for periodic review or testing.

§ 1714.5 Costs and reimbursements.

(a) *Amount.* The reimbursable costs of any project shall not exceed the actual costs nor the amount stipulated in the project agreement.

(b) *Retroactive.* No costs shall be approved, of whatsoever nature, which were contracted for, obligated, or incurred prior to the execution of the contract.

(c) *Personnel and other expenses.* (1) Approved costs under a project shall include salaries or other compensation paid to staff or technical personnel engaged in work under the project agreement and travel, telephone communications and printing costs necessary or incident to the work, as set out in OEP Administrative Manual for the Development of State Emergency Resources Management Plans, or as acceptable to the Director, OEP.

(2) State travel regulations shall apply except that, in the absence of such regulations, travel expense shall be in accordance with Standardized Government Travel Regulations.

(d) *Salaries of employees.* (1) Salaries of regularly employed full-time personnel of a State or political subdivision shall not be reimbursed except when such personnel may be detailed to work on an approved project on a full-time basis of thirty (30) consecutive working days duration, or longer.

(2) Salaries of regularly employed full-time personnel of a State or political subdivision whose salaries are paid all or in part from Federal funds under other programs shall not be reimbursed if this involves a dual payment to the individual or a dual payment to State agencies by the Federal Government for such salaries.

(3) Salaries of the State and Local Emergency Planning Director, members of the State or Local Emergency Resource Planning Committee or task groups shall not be reimbursed.

(4) Salaries of personnel not employed in accordance with § 1714.2(c) shall not be reimbursed.

(e) *Reimbursement procedures.* Reimbursement shall be made to eligible participants for approved costs under a project upon the presentation by the eligible participants of vouchers duly executed in accordance with the applicable provisions of OEP Administrative Manual for the Development of State Emergency Resources Management Plans.

§ 1714.6 Advances.

(a) Upon execution by OEP of a project agreement and upon application by the State involved, up to three (3) months' estimated operating costs not to exceed 25 percent of the estimated cost of the project may be advanced to establish a working fund to be used solely in accordance with the regulations of this part, the provisions of the project agreement against which the advance was made, and the Administrative Manual for the Development of State Emergency Resources Management Plans.

(b) In accepting an advance of Federal funds, a State must agree to:

(1) Deposit the monies advanced in a separate fund or account under the sole custody of the treasurer or comparable fiscal officer of the State. This person is to be a bonded official.

(2) Withdraw such funds only upon the certification of the Governor or other authorized State official, and then only for the allowable costs covered by the contract against which the advance was made.

(3) Keep such records and accounts as are in accordance with accepted and prescribed methods of accounting, showing the receipt and expenditures of Federal funds advanced. Representatives of OEP or its designee and the General Accounting Office shall be granted ready access to such records and accounts.

§ 1714.7 Return of unexpended funds.

The State shall, upon completion of its studies, research, and planning pursuant to an agreement under the regulations in this part, return to the Federal Government within thirty (30) days any funds not obligated under the agreement.

§ 1714.8 Reports.

Each eligible participant shall submit quarterly progress reports of work accomplished under its agreement, such additional reports as OEP may require and a final report including actual emergency plans, organizational arrangements and operating procedures adopted for each State. The quarterly reports shall include and identify funds utilized from State sources and authorized or received from other Federally assisted programs which are not reimbursable under the regulations of this part but have been used in accomplishing the work of this program. The final product shall be an Emergency Economic and Resource Management Action Plan meeting the requirements of the "Organization and Planning Guide for State and Local Emergency Management of Resources," subject to the review and approval of the Office of Emergency Planning.

Dated: December 28, 1963.

EDWARD A. MCDERMOTT, *Director, Office of Emergency Planning.*

[F.R. Doc. 64-218; Filed, Jan. 7, 1964; 10:33 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAIN AND RELATED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1963 Price Support Programs

Unless earlier demand is made by CCC, warehouse-storage loans under 1963 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless on or before the final date for repayment specified below such loans are repaid or the producer notifies the ASCS county committee in writing that the funds have been placed in the mail, title to the unredeemed collateral shall immediately vest in CCC without a sale thereof, on the date next succeeding the final date for repayment specified below. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan, or in settlement or deliveries under the loan, the producer shall remain personally liable for the amounts specified in the Producer's Note and Loan Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate ASCS county office.

	Maturity date	Final date for repayment
	1964	*1964*
Barley—in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Feb. 29	Mar. 2
Arizona and California	Mar. 10	Mar. 10
In all other States	Apr. 30	Apr. 30
Corn—in all States	July 31	July 31
Dry edible beans [1]	Apr. 30	Apr. 30
Flaxseed—in Arizona and California	Jan. 31	Jan. 31
In all other States	Mar. 31	Mar. 31
Grain sorghums—in all States	Mar. 31	Mar. 31
Oats—in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Feb. 29	Mar. 2
In all other States	Apr. 30	Apr. 30
Rice—in all States	Apr. 30	Apr. 30
Rye—in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Feb. 29	Mar. 2
In all other States	Apr. 30	Apr. 30
Soybeans—in all States	July 31	July 31
Wheat—in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.	Feb. 29	Mar. 2
In all other States	Mar. 31	Mar. 31
Tung nuts—in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas	Oct. 31	Nov. 2

[1] In the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana and west thereof, if prior to Apr. 30, 1964, the producer requests June 30, 1964, as a maturity date, the maturity date and final date for repayment shall be June 30, 1964. Otherwise, the maturity date and final date for repayment shall be Apr. 30, 1964.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: January 2, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-123; Filed, Jan. 7, 1964; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 17]

COLUMBIA CASUALTY CO.

Termination of Authority To Qualify As Surety on Federal Bonds

JANUARY 2, 1964.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to Columbia Casualty Company, New York, New York, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated effective as of midnight December 31, 1963.

Commercial Union Insurance Company of New York, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to agreement of merger dated June 24, 1963, effective midnight December 31, 1963, and approved by the Superintendent of Insurance of the State of New York, October 10, 1963, Columbia Casualty Company, New York, New York, is merged into Commercial Union Insurance Company of New York, New York, New York, the surviving company. Commercial Union Insurance Company of New York acquires all of the assets and assumes all of the liabilities of Columbia Casualty Company. A copy of the agreement of merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by Columbia Casualty Company pursuant to the certificate of authority issued to the Company by the Secretary of the Treasury.

As a result of the merger, an underwriting limitation of $3,835,000.00 has been established for Commercial Union Insurance Company of New York, New York, New York, by the Treasury Department, effective January 1, 1964, under the company's certificate of authority to act as an acceptable surety on Federal bonds.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-171; Filed, Jan. 7, 1964; 8:47 a.m.]

[Dept. Circ. 570, 1963 Rev. Supp. No. 18]

NORTH BRITISH AND MERCANTILE INSURANCE CO. LTD.

Termination of Authority To Qualify As Reinsuring Company Only on Federal Bonds

JANUARY 2, 1964.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to North British and Mercantile Insurance Company, Limited, London, England and Edinburgh, Scotland, under Treasury Department Circular No. 297, July 5, 1922, as amended, 31 CFR 223, to qualify as a reinsuring company only on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated effective as of midnight December 31, 1963.

The Mercantile Insurance Company of America, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to a domestication agreement and an instrument of transfer and assumption, dated June 24, 1963 and effective midnight December 31, 1963, approved by the Superintendent of Insurance of the State of New York, October 22, 1963, The Mercantile Insurance Company of America, New York, New York, acquires all of the business and assets and assumes all of the liabilities of North British and Mercantile Insurance Company, Limited, London, England and Edinburgh, Scotland, United States Branch. Copies of these documents are on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of consumation of the domestication agreement and the terms of the instrument of transfer and assumption, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by North British and Mercantile Insurance Company, Limited, London, England and Edinburgh, Scotland, United States Branch, pursuant to the certificate of authority issued to the company by the Secretary of the Treasury.

As a result of the domestication and transfer, an underwriting limitation of $2,902,000.00 has been established for The Mercantile Insurance Company of America, New York, New York, by the Treasury Department, effective January 1, 1964, under the company's certificate of authority to act as an acceptable surety on Federal bonds.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-172; Filed, Jan. 7, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23-914]

NUCLEONICA S.p.A. AND FERNANDO CARONNA

Order Denying Export Privileges for an Indefinite Period

In the matter of Nucleonica S.p.A. and Fernando Caronna, Rome, Italy, Respondents.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish answers to interrogatories without good cause being shown. This application was made pursuant to § 382.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows and I find that the respondent Nucleonica, S.p.A. is a firm located in Rome, Italy, and is engaged in the manufacture and sale of radio and electronic equipment; that the respondent Fernando Caronna is the individual primarily responsible for the conduct and operations of said firm; that the aforesaid Investigations Division is conducting an investigation into the facts surrounding the exportation from the United States of certain commodities, including electronic equipment, known to have been delivered to said respondents and into the disposition of said commodities by said respondents. It is impracticable to subpoena the respondents and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Control Regulations. Said respondents have failed to furnish answers to said interrogatories as required by said section and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license or reexportation authorization, or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. During the time when any respondent corporation or successors, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: December 31, 1963.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-169; Filed, Jan. 7, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1964, the latest completion date specified in Construction Permit No. CPPR-8 for the construction of a 203 megawatt (thermal) controlled recirculation boiling water nuclear reactor to be located at a site approximately five and one-half miles northeast of Sioux Falls, South Dakota.

Copies of the Commission's order and of the application by Northern States Power Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of December, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-144; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 17 to License No. 4-3766-1 which amends the license in the following respects:

1. Increases the quantity of byproduct material which the licensee may possess at any one time at its facility near Beatty, Nevada, to 50,000 curies.

2. Increases the quantity of special nuclear material which the licensee may possess at its facility near Beatty, Nevada, to 500 grams of Uranium 235, 300 grams of Uranium 233, and 300 grams of Plutonium under conditions and limitations specified in the license.

3. Provides for the burial of packages as received by the licensee at its facility near Beatty, Nevada, provided the packages contain only solid radioactive material.

4. Prohibits the removal of solid radioactive material from containers as received by the licensee at its facility near Beatty, Nevada.

The licensee requested authority to remove byproduct and special nuclear materials from containers and to bury such material without further repackaging. The licensee did not furnish sufficient information concerning such operations. Accordingly, the authority requested cannot be granted at this time. The requested operations will be given further consideration upon the licensee's submission of additional information to correct the deficiencies in its application.

In its application Nuclear Engineering Company, Inc. requested authority to transport radioactive wastes in intrastate commerce in any containers which may be approved in the future by the Bureau of Explosives of the American Association of Railroads. The Interstate Commerce Commission has statutory authority to delegate such regulatory power to the Bureau of Explosives. The Atomic Energy Commission does not have such authority. Accordingly, this request must be denied.

The Commission has determined pursuant to the provisions of 10 CFR Part 2, 30 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations, and orders issued by the Commission. The Commission has also determined that prior public notice is not required because the license amendment does not involve consideration of safety factors significantly different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The application dated September 19, 1963, and amendment thereto dated October 30, 1963, and a memorandum prepared by the Division of Licensing and Regulation which summarizes the considerations evaluated prior to the issuance of this licensing action are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the memorandum referenced above may be obtained by request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Secretary.

The text of the amendment is set forth below.

Dated at Bethesda, Md., December 31, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[License No. 4-3766-1 (C64) Amdt. 17]

In accordance with application dated September 19, 1963, and amendment thereto dated October 30, 1963, License No. 4-3766-1 is amended as follows:

Condition 1.A.(2) is amended to read as follows:

1.A.(2) 50,000 curies of byproduct material at the facility near Beatty, Nevada.

Condition 1.C. is amended to read as follows:

1.C.(1) 450 grams of special nuclear material, of which not more than 20 grams shall be Plutonium or Uranium 233—at each of the licensee's facilities located at Cowell, California, and Kearny, New Jersey.

(2) 500 grams of Uranium 235, 300 grams of Uranium 233 and 300 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity—at its facility near Beatty, Nevada. Unity shall be determined by the following formula:

$$\frac{\text{Grams contained U 235}}{500}+\frac{\text{Grams contained U 233}}{300}+\frac{\text{Grams contained Pu}}{300}=1$$

The following conditions are added:

21. Notwithstanding any restriction or limitation on the levels of radiation emanating from containers, as set forth in the application dated October 6, 1961, which has been incorporated by reference into this license in Condition 18, the licensee may bury such containers at its facility near Beatty, Nevada, provided that:

1. The containers contain only solid radioactive material.

2. Radiation levels at accessible approaches to a burial trench do not exceed 100 mr/hr except during the placement of containers.

22. The licensee shall not remove solid radioactive wastes from containers; only liquid radioactive wastes may be solidified and repackaged as required by Conditions 12 and 18 of this license. Any package prepared by the licensee for land burial shall meet the specifications set forth in the application dated October 6, 1961.

23. Containers containing special nuclear material placed in a burial trench shall be so spaced so that there is a minimum of eight inches of earth separating each container.

Condition 15 is hereby deleted.

Date of issuance: December 31, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

MEMORANDUM BY THE DIVISION OF LICENSING AND REGULATION

By application dated September 19, 1963, and amendment thereto dated October 30, 1963, Nuclear Engineering Company, Inc., Box 594, Walnut Creek, California, requested amendment of Byproduct, Source and Special Nuclear Material License No. 4-3766-1.

This amendment provides for the following changes in the license:

1. Increases the quantity of byproduct material which the licensee may possess at any one time at its facility near Beatty, Nevada, from 2,000 curies to 50,000 curies.

2. Increases the quantity of special nuclear material which the licensee may possess at its facility near Beatty, Nevada, from a total of 450 grams, of which not more than 20 grams shall be Plutonium or Uranium 233, to 500 grams of Uranium 235, 300 grams of Uranium 233, and 300 grams of Plutonium provided that the quantity of each special nuclear material to the quantity of such material specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{Grams contained U 235}}{500}+\frac{\text{Grams contained U 233}}{300}+\frac{\text{Grams contained Pu}}{300}=1$$

3. Provides for the burial of packages as received by the licensee at its facility near Beatty, Nevada, provided the packages contain only solid radioactive material.

4. Prohibits the removal of solid radioactive material from containers as received by the licensee at its facility near Beatty, Nevada.

With respect to the increase in the quantities of byproduct and special nuclear material which the licensee may possess at any one time at its Nevada facility, there is no significant hazards considerations different from those previously evaluated. The total quantities of radioactive material do not constitute a hazard to health or property as long as the material is in approved containers. The licensee has adequate facilities and procedures for the receipt and storage of the packaged radioactive wastes. The detailed analysis is contained in the memorandum references in the Commission's Notice of Proposed Amendment of Byproduct, Source and Special Nuclear Material License dated August 16, 1962, and published in the FEDERAL REGISTER on August 21, 1962.

The licensee was formerly limited to burying packages with radiation levels at the surface of the container of not more than 200 mr/hr. The license amendment grants authority to the licensee to bury any container as received at its facility near Beatty, Nevada, provided the container has in it only solid radioactive material. The licensee has appropriate equipment and procedures to handle such containers to assure that personnel will not receive doses of radiation in excess of the limits specified in 10 CFR Part 20.

The licensee also requested authority to remove byproduct and special nuclear materials from approved containers and to bury such material without further repackaging. On the basis of the information provided by the licensee, the Commission could not determine that the licensee possesses adequate facilities, equipment, and general procedures to handle safely as much as 50,000 curies of any type of byproduct material in an unpackaged form and that the licensee could achieve satisfactory separation of the special nuclear material, i.e., a minimum of eight inches of earth between burials, if the special nuclear materials were in the forms of fines or easily dispersible material. Accordingly, the license amendment prohibits the removal of solid radioactive materials from containers. The licensee may provide further information concerning its facilities, equipment, and procedures in a subsequent application.

In view of the foregoing and information regarding the licensee's equipment, facilities, and procedures previously submitted by the licensee and to the extent authorized by the license amendment, the Atomic Energy Commission has found that:

A. The applicant's equipment, facilities and procedures are adequate to protect health and minimize danger to life and property.

B. The applicant is qualified by training and experience to carry out the operations described above in such a manner as to protect health and minimize danger to life or property.

C. The issuance of the amendment is not inimical to the common defense and security or the health and safety of the public.

[F.R. Doc. 64-145; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. 50-138]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. DPR-7 as set forth below. The license authorizes the Pacific Gas and Electric Company ("the licensee") to operate its nuclear reactor located in Humboldt County, California. The amendment deletes the second paragraph of Section 4.a. of the license which authorized the licensee to conduct a 15-day test program to demonstrate power operation of the Humboldt Bay Unit No. 3 reactor at power levels up to 230 megawatts (thermal).

The Commission has found that operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the Pacific Gas and Electric Company may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

Dated at Bethesda, Md., this 27th day of December, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[License No. DPR-7, Amdt. 6]

1. Provisional Operating License No. DPR-7 issued to Pacific Gas and Electric Company for its reactor located in Humboldt County, California, is hereby amended by deleting the second paragraph of section 4.a. thereof, which paragraph was added to Provisional Operating License DPR-7 by Amendment No. 5 dated December 3, 1963.

2. This amendment is effective as of the date of issuance.

Date of issuance: December 19, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-146; Filed Jan. 7, 1964; 8:45 a.m.]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of a notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-78 to the Trustees of Columbia University in the City of New York, authorizing construction of a TRIGA Mark II-type nuclear reactor on the campus of the University at Morningside Heights, Manhattan, New York, New York.

The license as issued was set forth in the Notice of Proposed Issuance of Construction Permit published in the FEDERAL REGISTER on December 11, 1963, 28 F.R. 13410.

Dated at Bethesda, Md., this 30th day of December 1963.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-147; Filed, Jan. 7, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-435—RI64-450]

ROSS W. COE, JR., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates*

DECEMBER 27, 1963.

Ross W. Coe, Jr., et al., Docket No. RI64-435; Skelly Oil Company, Docket No. RI64-436; Schermerhorn Oil Corporation (Operator) et al., Docket No. RI64-437; Allied Materials Corporation (Operator) et al., Docket No. RI64-438; J. M. Huber Corporation, Docket No. RI64-439; Sunray DX Oil Company, Docket No. RI64-440; Apache Corporation, Docket No. RI64-441; Graridge Corporation (Operator) et al., Docket No. RI64-442; Hamilton, Frederick C. and Ferris F. d.b.a. Hamilton Brothers, Ltd., Docket No. RI64-443; Rycade Oil Corporation, Docket No. RI64-444; Christie, Mitchell and Mitchell Company, Docket No. RI64-445; Christie, Mitchell and Mitchell Company (Operator) et al., Docket No. RI64-446; Stephen C. Clark, et al., Docket No. RI64-447; Sun Oil Company, Docket No. RI64-448; Joseph E. Seagram & Sons, Inc., d.b.a. Frankfort Oil Company, Docket No. RI64-449; General American Oil Company of Texas, Docket No. RI64-450.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

*This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [21] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket No.
RI64-435	Ross W. Coe, Jr., et al., 209 Little Bldg., Ardmore, Okla.	1	2	Colorado Interstate Gas Co. (Keyes Field, east Cimarron and west Texas Counties, Okla.) (Panhandle Area).	$309	11-20-63	1-1-64	6-1-64	[3] 15.0	[1] [4] 17.0	
RI64-436	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	93	1	Panhandle Eastern Pipe Line Co. (Hugoton Field, Hansford County, Tex.) (R.R. District No. 10).	1,483	12-6-63	1-6-64	6-6-64	11.0	[7] [8] 12.0	
RI64-437	Schermerhorn Oil Corp. (Operator), et al., P.O. Box 289, Tulsa, Okla.	16	1	Zenith Gas System, Inc. (Davis Ranch Field, Barber County, Kans.).	1,337	12-4-63	2-1-64	7-1-64	12.0	[4] 13.0	
RI64-438	Allied Materials Corp. (Operator), et al., 5101 North Pennsylvania, Oklahoma City, Okla.	1	3	Northern Natural Gas Co. (Bernstein (Morrow Upper) and South Bernstein Fields, Hansford County, Tex.) (R.R. District No. 10).	3,200	12-4-63	1-4-64	6-4-64	[3] 16.5	[1] [6] 17.5	
RI64-439	J. M. Huber Corp., 2401 East Second Ave., Denver 6, Colo.	3	4 5	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	1,908	12-5-63	1-5-64	6-5-64	[3] [7] 16.21888	[1] [6] [8] 17.23256	G-17318.
	do	18	10 12 13	Colorado Interstate Gas Co. (Greenwood (Sparks) Field, Morton, and east Stanton Counties, Kans.).	9,837	12-4-63	1-4-64	6-4-64	[3] [7] 16.34224	[1] [6] [8] 17.36363	G-17318.
RI64-440	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	212	5	Michigan Wisconsin Pipe Line (Edith South Field, Woodward Harper Counties, Okla. (Panhandle Area), and Woods County, Okla.) (Oklahoma other area).	0	12-9-63	1-10-64	6-10-64	[3] [9] [10] 15.0	[1] [6] [9] [10] 19.5	C161-1201.
		212	6		272	12-9-63	1-9-64	6-9-64	[10] [11] 17.0	[1] [6] [10] [11] 19.5	C161-1201.
	do	116	9	Colorado Interstate Gas Co. (Greenwood (Sparks) Field, Stanton County, Kans.).	2,116	12-4-63	1-4-64	6-4-64	[3] 16.0	[1] [6] [8] 17.0	G-17524.
RI64-441	Apache Corp., 823 South Detroit, Tulsa 20, Okla.	15	1	Northern Natural Gas Co. (Hansford (Lower Morrow) Field, Hutchinson County, Tex.) (R.R. District No. 10).	645	12-10-63	1-10-64	6-10-64	16.5	[1] [5] 17.5	
RI64-442	Graridge Corp. (Operator), et al., P.O. Box 782, Breckenridge, Tex.	17	5	Lone Star Gas Co. (Katie Field, Garvin County, Okla.) (Oklahoma other area).	656	12-5-63	1-5-64	6-5-64	11.0	[1] [8] 12.0	
RI64-443	Hamilton, Frederick C. and Ferris F. d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver 2, Colo.	9	3	Colorado Interstate Gas Co. (Greenwood Field, Morton County, Kans.).	630	12-6-63	1-6-64	6-6-64	[12] 16.0	[1] [5] [12] 17.0	
	do	18	4	Colorado Interstate Gas Co. (unnamed field, Morton County, Kans.).	7,594	12-6-63	1-6-64	6-6-64	[3] [7] 16.631	[1] [5] [8] 17.670	
RI64-444	Rycade Oil Corp., 1080 Bank of the Southwest Bldg., Houston, Tex.	2	6	Tennessee Gas Transmission Co. (Nelsonville Field, Austin County, Tex.) (R.R. District No. 3).	3,923	12-2-63	1-2-64	6-2-64	[13] [14] 16.16947	[1] [13] [14] [15] 19.33333	G-17364.
RI64-445	Christie, Mitchell and Mitchell Co., 12th Floor Houston Club Bldg., Houston 2, Tex.	3	15	Tennessee Gas Transmission Co. (New Ulm Field, Austin County, Tex.) (R.R. District No. 3).	474	11-29-63	1-1-64	6-1-64	[14] 16.16947	[1] [13] [14] 19.33333	G-17728.
	do	5	10	Tennessee Gas Transmission Co. (Nada Field, Colorado County, Tex.) (R.R. District No. 3).	4,113	11-29-63	1-1-64	6-1-64	[14] 16.16947	[1] [13] [14] [15] 19.33333	G-17082.
	do	6	8	Tennessee Gas Transmission Co. (North Keeran Field, Victoria County, Tex.) (R.R. District No. 2).	16,080	11-29-63	1-1-64	6-1-64	[14] [15] 15.33333	[1] [13] [14] [15] 18.0	G-17082.
RI64-446	Christie, Mitchell and Mitchell Co. (Operator), et al.	4	9	Tennessee Gas Transmission Co. (Decker's Prairie and Tomball Fields, Montgomery and Harris Counties, Tex.) (R.R. District No. 3).	31,892	11-29-63	1-1-64	6-1-64	[14] [16] 16.16947	[1] [13] [14] [16] 19.33333	G-17592.
	do	14	5	Tennessee Gas Transmission Co. (Huffsmith Field, Harris County, Tex.) (R.R. District No. 3).	4,392	11-29-63	1-1-64	6-1-64	[14] [16] 16.16947	[1] [13] [14] [16] 19.33333	G-17081.
RI64-447	Stephen C. Clark, et al., 12th Floor Houston Club Bldg., Houston 2, Tex.	1	4	Tennessee Gas Transmission Co. (North Garwood Field, Colorado County, Tex.) (R.R. District No. 3).	9,966	11-29-63	1-1-64	6-1-64	[14] [16] 16.16947	[1] [13] [14] [16] 19.33333	G-17080.
	do	2	3	Tennessee Gas Transmission Co. (Columbus Field, Colorado County, Tex.) (R.R. District No. 3).	3,860	11-29-63	1-1-64	6-1-64	[14] [16] 16.16947	[1] [13] [14] [15] 19.33333	G-17080.
RI64-448	Sun Oil Co., P.O. Box 2880, Dallas, Tex., 75221, Attn: R. L. Sullivan.	12	10	Tennessee Gas Transmission Co. (Placedo Field, Victoria County, Tex.) (R.R. District No. 2).	3,200	11-29-63	1-1-64	6-1-64	15.33333	[1] [13] 18.0	G-17274.
	Sun Oil Co., Box 2831, Beaumont, Tex., 77704, Attn: Buford R. Koehler.	27	26	Transcontinental Gas Pipe Line Corp. (North Markam and North Bay City Fields, Matagorda County, Tex.) (R.R. District No. 3).	139,103	11-29-63	1-1-64	6-1-64	[17] 14.0	[1] [17] 15.70629	
	Sun Oil Co., P.O. Box 2880, Dallas, Tex., 75221, Attn: R. L. Sullivan.	33	6	Tennessee Gas Transmission Co. (Heyser Field, Victoria County, Tex.) (R.R. District No. 2).	19,200	11-29-63	1-1-64	6-1-64	15.33333	[1] [13] 18.0	G-17274.
	Sun Oil Co., P.O. Box 2831, Beaumont, Tex., 77704, Attn: Buford R. Koehler.	70	6	Tennessee Gas Transmission Co. (Nelsonville Field, Austin County, Tex.) (R.R. District No. 3).	41,572	11-29-63	1-1-64	6-1-64	[14] [15] 16.16947	[1] [13] [14] [15] 19.33333	G-17354.
	Sun Oil Co., P.O. Box 2831, Beaumont, Tex., 77704.	63	13	United Gas Pipe Line Co. (East Gibson Field, Terrebonne Parish, La.).	2,760	11-29-63	1-1-64	6-1-64	[18] 22.25	[1] [6] [18] 22.75	RI61-276.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [21] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-449	Joseph E. Seagram & Sons, Inc., d.b.a. Frankfort Oil Co., P.O. Box 747, Dallas 21, Tex.	3	3	United Fuel Gas Co. (Deep Lake Field, Cameron Parish, La.).	$161,673	11-29-63	12-30-63	5-30-64	[17] 18.3	[1] [6] [19] 21.1	
RI64-450	General American Oil Co. of Texas, Meadows Bldg., Dallas 6, Tex.	43	5	United Gas Pipe Line Co. (Hollywood Field, Terrebonne Parish, La.).	1,205	12-4-63	1-4-64	6-4-64	[20] 22.25	[1] [6] [20] 22.75	C161-1230.

[1] The pressure base is 14.65 psia.
[2] The pressure base is 15.025 psia.
[3] Subject to upward and downward Btu adjustment.
[4] Renegotiated increase.
[5] Periodic increase.
[6] Includes 1.0 cent per Mcf charge for liquefiable hydrocarbons.
[7] Includes base rate of 16.0 cents per Mcf plus upward Btu adjustment.
[8] Includes base rate of 17.0 cents per Mcf plus upward Btu adjustment.
[9] Applicable to acreage in Woods County, Okla., under Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 212.
[10] Subject to upward Btu adjustment.
[11] Applicable to acreage in Harper and Woodward Counties, Okla., under Supplement No. 9 to Sunray's FPC Gas Rate Schedule No. 212.
[12] Subject to downward Btu adjustment.
[13] Redetermined increase.
[14] Rate subject to deduction of buyer's systemwide charge of 0.21931 cent per Mcf for nondehydrated gas.
[15] Nondehydrated gas delivered to buyer.
[16] Dehydrated gas delivered to buyer.
[17] Includes 0.21931 cent per Mcf dehydration allowance paid to seller by buyer.
[18] Includes 2.05 cents per Mcf tax reimbursement.
[19] Includes 1.5 cents per Mcf tax reimbursement.
[20] Includes 1.75 cents per Mcf tax reimbursement.
[21] The proposed effective date is the first day after expiration of the required statutory notice or, if later, the date requested by Respondent.

The filing by Ross W. Coe, Jr., et al., in Docket No. RI64-435 supersedes an earlier increased rate filing which was suspended in Docket No. G-18096. Since the earlier increased rate was never made effective subject to refund, it was superseded by the filing in Docket No. RI64-435, and will be terminated by a separate order. Allied Materials Corporation (Operator), et al., J. M. Huber Corporation, Sunray DX Oil Company, Apache Corporation, Graridge Corporation (Operator), et al., Hamilton, Frederick C. and Ferris F., d.b.a. Hamilton Brothers, Ltd., Rycade Oil Corporation, and General American Oil Company of Texas, proposed early effective dates, but good cause was not shown therefor.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 11, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-56; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. RI64-482]

DELHI-TAYLOR OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 27, 1963.

On November 27, 1963, Delhi-Taylor Oil Corporation (Delhi-Taylor)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-482	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	19	4	El Paso Natural Gas Co., (Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,987	11-27-63	[2] 1-1-64	[3] 1-2-64	[4] 11.2104	[4] [5] 12.2295	RI64-89.
	do	23	4	do	224	11-27-63	[2] 1-1-64	[3] 1-2-64	[4] 11.2104	[4] [5] 12.2295	RI64-89.
	do	47	5	El Paso Natural Gas Co., (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	49	11-27-63	[2] 1-1-64	[3] 1-2-64	[4] 11.2104	[4] [5] 12.2295	RI64-89.
	do	52	4	do	84	11-27-63	[2] 1-1-64	[3] 1-2-64	[4] 11.2104	[4] [5] 12.2295	RI64-105.
	do	53	3	do	84	11-27-63	[2] 1-1-64	[3] 1-2-64	[4] 11.2104	[4] [5] 12.2295	RI64-89.

[1] Contractually provided effective date.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[5] Reflects 1.0 cent per Mcf periodic increase plus proportionate tax reimbursement

Delhi-Taylor's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso) has protested Delhi-Taylor's rate filings. El Paso questions the right of Delhi-Taylor under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, El Paso claims there is controversy as to whether

[1] Address is: Fidelity Union Tower, Dallas 1, Texas.

or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearing provided for herein with respect to Delhi-Taylor's rate filings shall concern itself with the contractual basis of the proposed rate increases. Since the proposed increases reflect tax reimbursement, the suspension period for each may be shortened to one day from January 1, 1964, the contractually provided effective date.

The proposed increased rates and charges are below the area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56), but are suspended because of El Paso's aforementioned protest.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis for Delhi-Taylor's proposed rate filings which El Paso has protested, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commisison's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis for Delhi-Taylor's proposed rate filings which El Paso has protested.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Delhi-Taylor, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Delhi-Taylor shall file under Docket No. RI64–482 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Delhi-Taylor is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–57; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket Nos. G–8488 etc.[1]]

SOHIO PETROLEUM CO.

Order Conditionally Approving Rate Settlement Proposal, Terminating Proceedings, and Requiring Refunds

DECEMBER 30, 1963.

There is before us for consideration a petition for approval of settlement proposal and termination of proceedings filed on July 8, 1963, by Sohio Petroleum Company (Sohio) encompassing the rates for 47 of Sohio's currently effective FPC gas rate schedules.[2]

Comments have been filed by some of the participants in the settlement negotiations, all of which have been given due consideration.

In summary, the settlement proposal as submitted by Sohio provides:

(1) Settlement rates, including tax reimbursement, are equal to or less than the Commission's applicable area ceilings, with two exceptions hereinafter discussed.

(2) Sohio waives the right to file for contractually authorized increased rates until January 8, 1966. Sohio reserves the right to file for any increased rate, if contractually authorized, up to the applicable area-rate levels determined through area hearings or by amendment of the Commission's Statement of General Policy No. 61–1, or any contractually authorized increase in tax reimbursement.

(3) Amendment of Sohio's Rate Schedule Nos. 1, 3, 4, 6 and 28 to eliminate any favored nation, price redetermination or periodic price escalation clauses contained therein.

(4) Refunds, with interest at the applicable rates, under each rate schedule where rates were charged subject to refund and those which would have been collected at the settlement rate, in each instance, commencing with September 1, 1961, to the date of the issuance of this order, with the interest obligation heretofore provided for terminating on July 31, 1963.

(5) Exclusion from the settlement proposal of all Permian Basin sales, sales related to previous offers of settlement accepted by the Commission, one sale consolidated with Amerada Petroleum Corp., et al., Docket Nos. CI62–1544, et al., and all sales for which deliveries commenced after April 1, 1963.

In support of its proposal, Sohio states that the settlement rates, refunds, moratorium period and other provisions thereof, some of which are not specifically noted herein, are in the public interest in that they are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences have utilized cost-of-service studies and revenues based on contract rates to determine Sohio's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after September 1, 1961, to the date of issuance of this order, with applicable interest to August 31, 1963.

In past settlements of this type we have required interest on refunds to the date of actual refunds. However, we in this case are approving the termination of Sohio's interest obligation on August 31, 1963, because if the question of the distribution of refunds in Sinclair Oil and Gas Company settlement Docket Nos. G–9291, et al., precedent case had been resolved the order approving Sohio's proposal could have been issued on or about that date. The refunds will be approximately $1,600,000, exclusive of interest. Sohio's future revenues will be decreased approximately $700,000 annually as a result of the settlement.

Sohio's proposal contemplated full refunds to each purchaser of amounts collected, subject to refund, for the period from September 1, 1961, to date. Objections have been filed to this proposal and action has been withheld on the settlement proposal pending determination of a similar problem in the settlement of Sinclair Oil & Gas Company, Docket Nos. G–9291, et al. For the reasons set forth in our Sinclair order issued today, we shall order distribution of refunds by the same method as in Sinclair.

Sohio's total refund obligation under the settlement shall be computed as hereinbefore described. For the purpose of distributing the total refund amount, Sohio shall compute: (1) The excess revenue collected (subject to refund) above the settlement rate under each rate schedule to the date of this order; (2) The total of all excess revenues collected under (1) above. The total refund amount shall be refunded to each purchaser (where collections have been made subject to refund) in the proportion that each rate schedule's excess revenue computed under (1) above bears to the total excess revenue computed under (2) above. When the refund obligation is determined, such refund shall be first applied to Sohio's sales in the most recent month and then to each preceding month until the full refund amount under that rate schedule is made.

For the reasons set forth in our order in Hunt Oil Co., Docket Nos. G–9065, et al., Order issued July 16, 1963, ----- FPC ------, we shall condition our approval of this settlement proposal to require United Gas Pipe Line Company to retain (without interest obligation) the proportionate share of the refunds it will receive from Sohio and would flow-through to its jurisdictional pipeline customers who may assert that they are not under an obligation to pass on the refunds, and shall require these pipeline customers to submit a report setting forth their intentions with respect to any refunds they may receive and, if they do not intend to pass such sums on to their customers, why they believe they are entitled to retain such funds.

Exceptions to the applicable area ceilings are proposed by Sohio with respect to two sales: one a sale to Tennessee Gas Transmission Company (TGT) in southern Louisiana commonly known as Sohio's six parish sale, and the second is a sale in the Oklahoma Panhandle to Panhandle Eastern Pipe Line Company (Panhandle). The sale to TGT is made under Sohio's FPC Gas Rate Schedule No. 20 and was initiated under a contract dated May 2, 1949, whereby Sohio dedicated 93,000 acres to TGT spread through six south Louisiana parishes. Throughout the term of this contract Sohio has made substantial additional dedications of acreage. For example, during the 1955–1961 period, approximately 42,000 acres were added to the contract, and approximately 26,000 of these additional acres were added in 1959 or thereafter, subsequent to the date when the sales price under this contract had escalated to 22.8 cents per Mcf. The addition of acreage resulted in increased annual deliveries under this contract. The proposed settlement rate of 17.75 cents per Mcf exceeds the increased rate ceiling but is below the initial rate ceiling. In view of the above circumstances, we find the settlement rate for this sale to be proper, and approve the same.

As to the sale to Panhandle, made under Sohio's FPC Gas Rate Schedule No. 31, the proposed settlement rate is 12.2827747 cents per Mcf. This rate is the result of a periodic rate increase which was accepted for filing. However, it is above the applicable area increased rate ceiling, and for the reasons set forth in our order issued on April 25, 1963, in Gulf Oil Corporation, et al., Docket Nos. G–9520, et al., 29 F.P.C. 837, we shall condition our approval of this settlement proposal so as to require Sohio to reduce its rate under its FPC Gas Rate Schedule No. 31 to 11.3894829 cents per Mcf, which was the initial rate under said contract. Refunds under the rate schedule shall be computed as the difference between the presently effective rate, subject to refund, and 12.2827747 cents per Mcf.

We shall not approve the proposed settlement of the rate under Sohio's FPC Gas Rate Schedule No. 30 which covers a sale of natural gas in Texas Railroad District No. 3 to Union Texas Petroleum, since this rate is by contract related to that of the producer purchaser from Sohio, the purchaser's rate also being subject to suspension proceedings. Therefore, we shall exclude this sale from the settlement proposal.

The settlement proposal includes five sales for which issuance of related permanent certificates is pending. The certificate applications in Docket Nos. G–17791, G–19421 and G–20101 involve upward Btu price provisions, and are presently consolidated for hearing in the proceedings in Sunray DX Oil Company, et al., Docket Nos. G–4281, et al., relating to the Btu adjustment provisions. Accordingly, permanent certificates should be issued in such proceedings, and not through the abridged hearing procedure. We shall, however, condition our approval of the settlement proposal to require that the total rates in Docket Nos. G–19421 and G–20101 not exceed the applicable area ceiling (17 cents per Mcf) regardless of the Btu adjustment clauses contained in each of the respective rate schedules. Because most of the sales being made under temporary authority in Docket No. G–17791 are under refund condition based on the applicable area ceiling, we do not deem it necessary to further condition such authority.

Included in the settlement proposal is one sale being made under a temporary certificate, issued in Docket No. CI62–826, at 17.24 cents per Mcf in Texas Railroad Commission District No. 4 under Sohio's FPC Gas Rate Schedule No. 72 to TGT. We presently have under consideration in Amerada Petroleum Company, et al., Docket Nos. CI62–1544, et al., the issue of the proper initial in-line rate in District No. 4 subsequent to September 28, 1960. We shall approve the present settlement proposal conditioned on Sohio's agreement that the rate under such rate schedule shall be subject to the final determination in the Amerada proceeding. If by final order in the Amerada proceeding a lower rate is established than that set forth in the settlement proposal, Sohio shall make further refunds from the date of this order of the difference between the settlement rate and the rate ordered in the Amerada proceeding.

The settlement rates conditionally approved herein, shall be applicable, during the moratorium period herein provided for, to all sales of natural gas from all acreage dedicated as of the date of the issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Sohio, its successors, or assigns.

The foregoing has discussed all of the major comments filed by Long Island Lighting Company and Philadelphia Gas Works. Comments were also filed by Public Service Electric and Gas Company and Northern Natural Gas Company. These latter companies indicated support and approval of the settlement proposal. We believe the instant settlement proposal, as herein modified, and in other particulars not specifically noted or set forth herein, meets the criteria previously set forth in other of our recent settlement orders and accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein does not constitute approval of any future rate increase that may be filed under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in any future proceedings, including area rate proceedings, involving Sohio's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on July 8, 1963, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be conditionally approved and conditionally made effective subject to the modifications hereinafter ordered, and good cause exists for approving the settlement rates.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed July 8, 1963, as herein modified, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in Appendices A and B are approved and such rates shall be effective as of the date of issuance of this order.

(C) The pending certificate proceedings indicated in Appendix B hereto shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing as hereinabove provided in accordance with section 7 of the Natural Gas Act.

(D) Sohio shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order, including specifically the requirement for possible future refunds under its FPC Gas Rate Schedule No. 72.

(E) Within 45 days from the date of this order, Sohio shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal, as modified herein.

(F) Within 45 days from the date of this order, Sohio shall make refunds as hereinabove provided and shall report to the Commission, in writing, the amount of refunds made to each of its purchasers showing the amount paid and the bases for such determinations, together with releases from its purchasers showing receipt of the refunds in conformity with the approved settlement.

(G) Within 15 days from date of receipt by it of the refunds herein provided, United Gas Pipe Line Company shall submit a report to the Commission, and serve a copy thereof upon each of its jurisdictional pipeline customers, setting forth a plan for distribution of such refunds to each of its pipeline customers. The report shall show separately the amount of principal and interest, together with a computation showing the manner in which such distribution was determined. United shall retain the refunds received pursuant to this order, subject to further order of the Commission: *Provided, however,* That United shall not be required to pay interest on such funds.

(H) Any party to these proceedings or the settlement negotiations having ob-

[1] The additional dockets involved herein are set forth in Appendices A and B hereto.

[2] Sohio filed amendments to its settlement proposal on Sept. 6 and 13, 1963.

jections to the terms of this order shall, within 30 days from the date of issuance of this order, set forth such objections to the Commission and shall serve copies of such objections on all other parties.

(I) Docket Nos. G–19538, RI61–217, RI62–89, RI62–269, RI62–320, RI62–507, RI63–118, RI63–121 and RI63–147 are hereby severed from the consolidated proceedings in Docket Nos. AR61–2, et al.; Docket Nos. G–12205, G–15399, G–19255, RI60–172, RI60–255, RI61–257, RI61–365, RI61–455, RI62–86, RI62–361, RI62–428, RI62–521 and RI63–174 are hereby severed from the consolidated proceedings in Docket Nos. AR64–1, et al.; and Docket Nos. G–11512, G–15211, G–16111, G–17133, G–19478, RI60–413, and RI60–424 are hereby severed from the consolidated proceedings in Docket Nos. AR64–2, et al.

(J) Upon full compliance by Sohio with all of the terms and provisions of this order applicable to it, the section 4(e) proceedings listed in Appendices A and B hereof, and the section 5(a) proceeding in Docket No. G–18355 shall terminate.

(K) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Sohio, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Sohio or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

SOHIO PETROLEUM COMPANY—DOCKET NO. G–8488, ET AL.

Rate schedule No.	Area and field	Purchaser	Docket No. Certificate	Docket No. Sec. 4(e) rate increase	Last accepted rate [1]	Rate in effect [1]	Settlement rate [1]
	Texas Railroad Commission District No. 3						
9	El Ebanito, Tex	Tennessee Gas Transmission Co	G–4419	G–19478 RI60–413	12.12268	17.24347	(2)
28	Nordheim, Tex	Texas Eastern	G–9491	G–15211	11.6232	14.3733	[3] 14.3733
	Texas Railroad Commission District No. 3						
1	Deckers Prairie, Tex	Tennessee Gas Transmission Co	G–4206	G–17133	13.49751	16.16947	[4] 14.60
5	Nena Mills, Tex	Trunkline Gas Co	G–4359		8.1924	8.1924	8.1924
19	Fairbanks, Tex	Natural Gas Pipeline Co	G–4564	G–11512 G–16111	15.1440	17.1531	(2)
	Texas Railroad Commission District No. 4						
3	La Reforma, Tex	Tennessee Gas Transmission Co	G–4361	G–19478 RI60–413	12.12268	17.24347	[4] 14.60
4	Los Indios, Tex	do	G–4360	G–19478 RI60–413	12.12268	17.24347	[4] 14.60
6	Rachal, Tex	do	G–4367	RI60–424	12.12268	17.24347	[4] 15.00
66	Sandia Area, Tex	Trunkline Gas Co	CI62–1268		13.3743	13.3743	13.3743
67	Tiger, Tex	Southern Coast Corp	CI62–1268		8.00	8.00	8.28
68	do	do	CI62–1268		8.00	8.00	8.28
69	do	do	CI62–1268		8.00	8.00	8.28
70	do	do	CI62–1268		7.7625	7.7625	7.7625
	Texas Railroad Commission District No. 6						
40	Caledonia, Tex	Natural Gas Pipeline Co	G–13602		13.10	13.10	13.10
	South Louisiana area						
14	South Lewisburg, La	Texas Gas Trans. Co	G–4602	G–11884 RI62–269	11.6467	23.250	15.75
16	do	do	G–4603	G–11884 RI62–269	11.6467	23.250	15.75
20	Six Parish Area, La	Tennessee Gas Trans. Co	G–5214	G–16601 RI63–121	10.72633	23.675	17.75
21	South Lewisburg, La	Texas Gas Trans. Co	G–5213	G–11884 RI62–269	11.6467	23.250	15.75
24	do	do	G–5668	G–11884 RI62–269	11.6467	23.250	15.75
26	Egan, La	Transco. Gas Pipe Line Co	G–5928	G–8488 G–12660 G–18096	10.29715	23.550	15.75
26	do	do	G–5928		9.37238	9.37238	9.37238
41	do	Texas Gas Trans. Co	G–13829		12.7964	12.7964	12.7964
42	South Lewisburg, La	United Gas Pipeline Co	G–14247	RI62–320	20.25	22.25	[5] 20.25
43	Ramos, La	Texas Gas Trans. Co	G–14569	RI62–320	20.75	21.75	[5] 20.625
54	Felice Bayou, La	Southern Nat. Gas Co	CI60–489	RI63–147	20.625	22.75	20.625
46	Bayou Boullion, La	do	G–13135		23.25	23.25	20.00
49	Cross Tete, La	Coastal	G–11450	RI62–507	19.75	20.75	19.75
50	Timballer Bay, La	Tennessee Gas Trans. Co	G–13043	G–19538	18.50	23.09167	(2)
52	Calcasieu Pass, La	United Fuel Gas Co	G–10457	RI61–217 RI62–89 RI63–118	19.50	20.7	19.5
55	South Pecan Lake, La	do	CI60–501		19.50	19.50	19.50
56	Go Around Bayou, La	do	CI60–522		19.50	19.50	19.50
	North Louisiana area						
11	Delhi, La	Texas Eastern Trans. Co	G–4582	G–16634	15.2712	15.2712	15.2712
13	Hico Knowles, La	Mississippi River Fuel Co	G–4583		13.703	13.703	13.703
35	Greenwood-Waskom, La	Texas Eastern Trans Co	G–11668	G–14375 G–16634 G–19772 RI61–365 RI62–263 RI63–106	15.3905	16.6212	15.75
	Oklahoma other area						
8	West Edmond, Okla	Cities Service Gas Co	G–4362		10.50	10.50	10.50
58	Northeast Waynoka, Okla	do	CI61–780		13.00	13.00	13.00
	Oklahoma Panhandle area						
29	McFarland Unit, Okla	Natural Gas Pipeline Co	G–10274	RI61–257	[6] 15.00	[6] 16.00	[7] 15.00
31	Clapp, Okla	Panhandle Eastern Pipe Line Co	G–10623	RI62–86	12.2627747	13.1760674	11.389429

See footnotes at end of table.

APPENDIX A

SOHIO PETROLEUM COMPANY—DOCKET NO. G–8488, ET AL.—continued

Rate schedule No.	Area and field	Purchaser	Docket No. Certificate	Docket No. Sec. 4(e) rate increase	Last accepted rate [2]	Rate in effect [1]	Settlement rate [1]
	Oklahoma Panhandle area—Con.						
32	Wacker Unit, Okla	Natural Gas Pipeline Co	G–10778	G–12205 G–19255 RI60–172 RI61–363 RI62–361	16.00	17.20	16.00
33	Robinson Unit, Okla	do	G–11086	G–12205 G–19255 RI60–172 RI61–365 RI62–361	16.00	17.20	16.00
36	Mocane, Okla	Colorado Interstate Gas Co	G–12710	RI62–428	[6] 15.00	[6] 16.00	[7] 15.00
37	Camrick, Okla	Natural Gas Pipeline Co	G–12839	G–15399 RI60–255 RI61–455 RI62–428	16.20	17.20	16.2
38	Light, Okla	Panhandle Eastern Pipe Line Co	G–13334	RI62–428	15.00	16.00	15.00
39	Lofland, Okla	do	G–13808	RI62–86	12.282775	13.1760674	12.282775
59	East Camrick, Okla	Natural Gas Pipeline Co	CI61–1662	RI62–361	17.00	17.20	17.00
61	Mocane, Okla	Panhandle Eastern Pipe Line Co	CI62–506	RI63–174 [8]	16.00	16.00	16.00
76	Beaver County, Okla	Northern Natural Gas Co	CI63–411		17.00	17.00	17.00
	Montana-Wyoming area						
2	Manderson, Wyo	Montana-Dakota Utilities Co	G–2588		11.65	11.65	11.65

[1] Louisiana and Wyoming rates at 15.025 psia; all other rates at 14.65 psia unless otherwise noted. All rates include tax reimbursement, if any.
[2] Sohio has not collected any refundable monies under any of these rate schedules subsequent to Sept. 1, 1961, and has either sold or abandoned the properties involved.
[3] Sohio shall eliminate the favored-nation and price redetermination provisions contained in these rate schedules.
[4] Sohio shall eliminate the favored-nation, price redetermination and periodic escalation clauses contained in this rate schedule.
[5] Refund provisions of this order shall apply to Supplement 6 of Rate Schedule No. 42 and Supplement 3 of Rate Schedule 43 since Sohio was not required to make refunds for these Supplements in the order issued November 13, 1963 in Union Texas Petroleum et al. Docket Nos. G–13221 et al.
[6] Subject to Btu adjustment.
[7] Subject to Btu adjustment but not to exceed the applicable area ceiling.
[8] The proposed increased rate of 17.00 cents per Mcf, which is the subject of this docket, has never been placed in effect, the suspension period having terminated June 1, 1963.

APPENDIX B

PENDING CERTIFICATE APPLICATIONS, SOHIO PETROLEUM COMPANY—DOCKET NO. G–8488, ET AL.

Rate sched. No.	Area and field	Purchaser	Date of contract	Docket No. Certificate	Docket No. Sec. 4(e) rate increase	Initial rate [1]	Increased rate [1]	Rate in effect [1]	Settlement rate [1]
	Oklahoma Panhandle area								
47	Laverne, Okla	Michigan Wisc. P. L. Co	12–24–58	G–17791		[2] 17.00		[2] 17.00	[2] 17.00
51	Nocane-Laverne	Northern Nat. Gas Co	8– 1–59	G–19421	RI 62–521	[2] 16.00	[2] 16.00	[2] 16.00	[2] 16.0
53	Keyes, Okla	Colorado Interstate Gas Co	9– 1–59	G–20101		[2] 16.00		[2] 16.00	[2] 16.00
	Texas Railroad Commission District No. 4								
72	Lopena, Tex	Tennessee Gas Trans. Co	10– 3–61	CI62–826		17.24		17.24	[3] 17.24

[1] All rates are at 14.65 psia. All rates include tax reimbursements, if any.
[2] The settlement rate, in each instance, is subject to adjustment for Btu content in accordance with contractual provisions.
[3] Maximum rate including upward Btu adjustment shall not exceed 17.0 cents per Mcf.
[4] Rate shall be subject to the final determination in Amerada Petroleum Corporation Docket Nos. CI62–1644 et al. and to refund the difference between the settlement rate and rate ordered in Amerada from the date of this order.

[F.R. Doc. 64–94; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. G–8969 etc.[1]]

TEXACO INC.

Order Approving Rate Settlement Proposal, Terminating Proceedings and Prescribing Refunds

DECEMBER 30, 1963.

There is before us for consideration a motion for approval of settlement proposal and termination of proceedings filed on November 12, 1963, by Texaco Inc. (Texaco) encompassing the rates for 173 of Texaco's currently effective FPC gas rate schedules.

Comments have been filed by some of the parties to these proceedings, all of which have been given due consideration.

In summary, the settlement proposal as filed by Texaco provides:

(1) Settlement rates, including tax reimbursement, are equal to or less than the Commission's applicable area ceilings, with four exceptions hereinafter discussed;

(2) Texaco waives the right to file for contractually authorized increased rates until March 1, 1966. Texaco reserves the right to file for any increased rates, if contractually authorized, up to the applicable area-rate levels established by any order or rule of the Commission, or to file for any contractually authorized increase in tax reimbursement;

(3) Amendment of Texaco's Rate Schedule Nos. 54, 55 (basic acreage), 56, 57, 58, 59, 128, 130, 131, 132, 137, 138, 139, 141, 150, 154, 193, 257, 260, 261, 262 and 263 to eliminate any favored nation, price redetermination or periodic price escalation clauses contained therein;

(4) Refunds, with interest at the applicable rates, under rate schedules where collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with January 1, 1961, to the date of issuance of this order;

(5) Exclusion from the settlement proposal of all Permian Basin sales, sales related to previous offers of settlement accepted by the Commission, two sales recently certificated in Texaco Seaboard Inc., et al., Docket Nos. CI61–118, et al., Opinion No. 383, issued March 27, 1963, 29 F.P.C. 593, two sales, and three proceedings which only involve added acreage, presently involved in Sunray DX Oil Co., et al., Docket Nos. G–4281, et al., one sale involved in separate settlement negotiations and one involving a sale to another producer whose resale rate is under suspension.

In support of its proposal, Texaco states that the settlement rates, refunds,

[1] The additional dockets involved herein are set forth in Appendices A, B, and C below.

moratorium periods and other provisions thereof, not specifically noted herein, are in the public interest in that they are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the parties to the settlement conferences have utilized cost of service studies and revenues based on contract rates to determine Texaco's revenue-cost relationship. These studies indicate that it is appropriate that we require that refunds should be computed for sales made on and after January 1, 1961. Texaco proposes, as noted above that refunds be made up to and including the date of issuance of this order, with applicable interest to be paid on the refunds to November 30, 1963. The refunds will be approximately $7,000,000 inclusive of interest. Texaco's future revenues will be decreased approximately $2,600,000 annually as a result of the settlement.

Under the refund provisions of this order, Texaco would ordinarily have been required to refund certain sums of monies to Colorado Interstate Gas Company (Colorado Interstate) which may take the position that it is not presently under obligation to flow-through to its jurisdictional customers their proportionate share of the amount it will receive from Texaco. For the reasons set forth in our Order in Hunt Oil Co. Docket Nos. G–9065, et al., order issued July 16, 1963, ------ F.P.C. ------, we shall condition our approval of this settlement proposal to require Texaco to retain (without further interest obligation) the refunds due to Colorado Interstate in a special account and shall direct Colorado Interstate to submit a report setting forth what it intends to do with the refunds if they are made to it, and, if it proposes not to pass them on to its customers, why it believes it was entitled to these funds. Additionally, and for the same reasons, we shall require United Gas Pipe Line Company to retain (without interest obligation) the proportionate share of the refunds it will receive from Texaco and would flow-through to its jurisdictional pipeline customers who may assert that they are not under an obligation to pass on the refunds, and shall require these pipeline customers to submit a report setting forth their intentions with respect to any refunds they may receive and, if they do not intend to pass such/sums on to their customers, why they believe they are entitled to retain such funds.

Settlement rates which are exceptions to the applicable area ceilings are proposed by Texaco for four sales of natural gas made by it in south Louisiana, two covering sales to United and the other two covering sales to United Fuel Gas Company (United Fuel).[2]

One of the sales made to United is made under Texaco's FPC Gas Rate Schedulo No. 223 from the Houma and Hollywood Fields, Terrebonne Parish, Louisiana. Prior to June 2, 1960, this sale was made under an eight-year contract which was to expire in 1960. On June 2, 1960, the parties entered into a new contract for a twenty-year term, under which Texaco dedicated substantial additional acreage, which resulted in increased annual deliveries under this contract of approximately thirty percent. The current rate for gas sold under the renegotiated contract is 23.25 cents per Mcf, while the settlement rate is 17.5 cents per Mcf. The proposed settlement rate, therefore, exceeds the increased rate ceiling, but is below the initial rate ceiling. In view of the above circumstances surrounding this sale, we find the settlement rate of 17.5 cents per Mcf to be proper and approve the same.[3]

The second sale to United is made under Texaco's FPC Gas Rate Schedule No. 102 from the Duck Lake Field, St. Mary, and St. Martin Parishes, Louisiana, where the increased rate of 22.95 cents per Mcf, now being charged subject to refund, is proposed to be reduced to 18 cents per Mcf. The initial rate under which this sale was made was 13.5 cents per Mcf, however, this rate was for a period of approximately one year, at which time the contract provided that the rate would escalate to 21.2 cents per Mcf. During that period of time, the Supreme Court issued its opinion in Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672, and when Texaco subsequently filed for the agreed upon 21.2 cents it was suspended by order of the Commission, the Texas Company, Docket No. G–9576 (order issued October 28, 1955). The rate agreed upon by the parties is below the applicable area initial ceiling. We have considered all of the circumstances surrounding this sale and find them to be similar to others where we have in such circumstances, regarding other sales made in the same field, found the increased rate to be in the nature of an initial rate, the Ohio Oil Company, et al., Docket Nos. RI60–92, et al., 27 F.P.C. 1373; Cities Service Company, et al., Docket Nos. G–8921, et al., 28 F.P.C. 1108; R. H. Goodrich, et al., Docket Nos. G–8977, et al., 29 F.P.C. 397; and Hunt Oil Company, Docket Nos. G–9065, et al. (order issued July 16, 1963), -------- F.P.C. ----.

The first sale to United Fuel is made by Texaco under its Rate Schedule No. 2 from ten fields located in four south Louisiana parishes. This sale is made under a contract, dated May 22, 1953, which contained no acreage dedication, but contained a provision for a firm sales commitment of 15,000 Mcf per day. During 1960, Texaco developed additional reserves in the area and contractually increased the minimum contract to 30,000 Mcf per day. Texaco is presently selling and delivering approximately 70,000 Mcf per day to United Fuel at a rate of 20.7 cents per Mcf. Texaco proposes that the rate be reduced to 17.5 cents for the first 15,000 Mcf delivered daily (the initial contract quantity), and 19.9 cents per Mcf (the contract rate when the additional commitment was made) for the remaining daily deliveries. The assumption by Texaco of this contractual obligation to sell and deliver to United Fuel twice the original daily contract commitment, and the fact that it has been, and is now delivering twice that amount, was regarded by the parties to the settlement negotiations as being in the nature of a dedication of acreage, and an addition thereto. In view of the unique circumstances surrounding this sale, we find the settlement rates to be proper and approve the same.

The second sale to United Fuel is made by Texaco in the Valentine Field, La Fourche Parish, Louisiana. This sale is made under a contract entered into on May 22, 1953 (Texaco's Rate Schedule No. 3) and subsequent additions of acreage dedicated under said contract have substantially increased the dedicated reserves resulting in substantial increases in annual deliveries. For the reasons stated regarding Texaco's Rate Schedule No. 223, supra, and the exception approved for the proposed rate thereunder, and considering the circumstances surrounding this sale, we find Texaco's proposed reduction in rate from 20.7 cents to a settlement rate of 18.5 cents per Mcf to be proper and approve the same.

The settlement proposal also includes other rates for which issuance of related permanent certificates is pending; some of which are for deliveries presently being made under temporary authority.[4] We propose to set such proceedings for abridged hearing in accordance with section 7 of the Natural Gas Act indicating that the settlement rates, as provided for herein shall be the initial price.

On December 12, 1963, The Public Service Commission of the State of New York (PSC) filed its response to Texaco's settlement proposal. PSC confined its response to four specific features of the proposal. We shall consider them seriatim. First, PSC states that Article III, paragraph 1.(a) "* * * purports to reserve unto Texaco the right to file for increases above the settlement levels if 'at any time' the applicable Statement of General Policy No. 61–1 levels are higher." We interpret this provision as reserving to Texaco only the right, if contractually authorized, to file an increase to the increased rate level provided by order or rule of the Commission and not to have any relation to initial price levels.[5]

Second, PSC notes that the settlement rate for Texaco's Rate Schedule No. 311, covering a sale in Duval County (Railroad District No. 4), Texas, in the Lundell Field is the permanently certificated rate of 16 cents per Mcf. The contract for this sale was entered into on March 3, 1963, and a permanent certificate was issued for this sale consistent with the guide line price established by the Fifth Amendment to our Statement of General Policy No. 61–1, issued August 30, 1962. Since no proceeding has ever been initiated under section 5(a) of the Act against Texaco alone, the only proceeding wherein the subject rate is under review by this Commission is the Texas Gulf Coast Area Proceedings, AR64–2 (order issued November 27, 1963), and the lawfulness of the rate will be determined in that proceeding. Therefore, pending our final determination in that proceeding, we shall accept the settlement rate.

Third, PSC comments upon Texaco's Rate Schedule No. 6 involving a sale to United Fuel from the Erath Field in southern Louisiana. Texaco proposes to reduce its rate for this sale from 23.675 cents to 21.25 cents per Mcf. And, fourth, PSC notes that Texaco proposes to settle its Rate Schedule No. 186, covering a sale to Southern Natural Gas Company from the Felice Bayou Field in southern Louisiana at the permanently certificated price of 20.75 cents per Mcf. In regard to both of these sales it must be emphasized that both are permanently certificated, that the proposed moratorium period will apply to these sales, that the Erath Field settlement rate will result in a reduction in purchased gas cost annually of $315,000 to United Fuel, that no section 5(a) proceeding respecting these rates is pending against Texaco other than area rate proceeding, Docket No. AR61–2, and, therefore, any action to be taken by this Commission other than approval of the proposed settlement rates must await the outcome of that area proceeding. Consequently, since each of said rates are subject to the outcome of that proceeding, and by approving the proposed settlement rates a substantial and immediate benefit will enure to the consuming public, we find that the proposed rates are proper and approve the same.

Further, PSC notes that in its settlement proposal (Article V, paragraph 3, page 10) Texaco states that by submitting its proposal "Texaco is not to be bound or prejudiced in any proceeding, negotiation or matter as to any principle or method involved or presumed to be involved in determining the settlement rates provided for * * *." PSC states that it has been of the belief that the same privilege must pertain to any other party to proceedings in which a settlement proposal is filed, whether a participant in conferences, a silent bystander or signatory. PSC is correct. Section 1.18(e) of our rules of practice and procedure so provide, and in each of our orders approving a settlement we specifically so order (see for example, the order in Hunt Oil Company, Docket Nos. G–9065, et al., issued July 16, 1963, ----- F.P.C. -----). Certainly, neither PSC by being a "silent bystander" in past settlement negotiations, whether they are successful or not, nor may any other party or participant, can be said to have agreed or disagreed to any principle or method involved in attempting to reach agreement. Nor do settlements prevent parties in other proceedings from arguing their positions as to the legal effect of settlements on the rates in such other proceedings.

The foregoing has discussed all of the major comments filed by the Memphis Light, Gas and Water Division of the city of Memphis, Tennessee, Long Island Lighting Company and the Philadelphia Electric Company. Comments were also filed by the Minnesota Valley Natural Gas Company. The latter company indicated support and approval of the settlement proposal.

We believe the instant settlement proposal, as herein modified, and in other particulars not specifically noted or set forth herein, meets the criteria previously set forth in other of our recent settlement orders and accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate proceedings, involving Texaco's rates and rate schedules.

The Commission finds: The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on November 12, 1963, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered, and good cause exists for approving the settlement rates, for terminating certain proceedings and providing for refunds.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal, filed November 12, 1963, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in Appendix A below are approved and such rates shall be effective as of the date of issuance of this order.

(C) The settlement rates approved herein shall be applicable during the moratorium period herein provided for to all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Texaco, its successors or assigns.

(D) The pending certificate proceedings indicated in Appendix B below shall not be terminated on the basis of the approval of the settlement proposal, but shall be determined after hearing in accordance with section 7 of the Natural Gas Act.

(E) Within 90 days from the date of this order, Texaco shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal.

(F) Within 90 days from the date of this order, Texaco shall (1) refund (except as provided by Paragraph I hereof), with interest as specified in each docket computed to November 30, 1963, the difference between the rates collected subject to refund, on and after January 1, 1961, and the related settlement rates to the date of this order; and (2) report to the Commission, in writing, the amount of refunds made to each of its purchasers or withheld under Paragraph I hereof, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement proposal as approved herein.

(G) Docket Nos. G–13155, G–13162, G–13190, G–14062, G–14096, G–16413 and G–16536 (related to sales made by Texaco in the Permian Basin) are hereby severed from the consolidated proceedings in Docket Nos. G–8969, et al.

(H) Within 15 days from date of receipt by it of the refunds herein provided, United Gas Pipe Line Company shall submit a report to the Commission, and serve a copy thereof upon each of its jurisdictional pipeline customers, setting forth a plan for distribution of such refunds to each of its pipeline customers. The report shall show separately the amount of principal and interest, together with a computation showing the manner in which such distribution was determined. United shall retain the refunds received pursuant to this order, subject to further order of the Commission: *Provided, however,* That United shall not be required to pay interest on such funds.

(I) Texaco shall retain the refund due to Colorado Interstate Gas Company, which it shall have computed in accordance with Paragraph (F) above, in a special account, with no further interest obligation after November 30, 1963, pending Commission action and further order respecting such monies.

(J) Any party to the proceedings or settlement negotiations having objections to the terms of this order shall within 30 days from the date of issuance of this order set forth such objections in writing to the Commission (original and one copy), and by serving copies on the other parties.

(K) If as a result of any objections filed pursuant to Paragraph J hereof, the Commission by subsequent order changes Texaco's duties and obligations hereunder, Texaco's acceptance of this settlement order shall not be binding on it without its express agreement.

(L) Upon full compliance by Texaco with all the terms and provisions of this order applicable to it, the section 4(e) proceedings listed in Appendix A hereto shall terminate.

(M) Upon termination of the section for (e) proceedings listed in Appendix C hereto, in accordance with Paragraph (L) above, said proceedings shall be severed from the consolidated proceedings in Docket Nos. AR61–2, AR64–1 and AR64–2, respectively.

(N) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Texaco, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Texaco or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] United and United Fuel each had representatives who attended and actively participated in the settlement negotiations herein.

[3] See: Shell Oil Co., et al., Docket Nos. G–9446, et. al., 28 F.P.C. 257; Gulf Oil Corp., et. al., Docket Nos. G–9520, et. al., 29 F.P.C. 837; and Sinclair Oil & Gas Co., Docket Nos. G–9291, et. al., for similar circumstances where exceptions to the applicable area ceiling were granted.

[4] See Appendix B below.

[5] On Dec. 13, 1963, Texaco filed a telegram in answer to PSC's response stating: "Texaco has never considered the referenced language (Article III, Paragraph 1(a)) as granting the right for immediate filing of settlement prices under initial price ceilings and has reserved only the right for increased price filings under the then applicable increased price ceiling."

APPENDIX A

TEXACO INC.—DOCKET NOS. G-8060 ET AL.

FPC ORS No.	FPC rate area and pressure base: Field	Purchaser	Docket No.: Certificate	Rate	Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement): Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
	Colorado—15.085 psia						
45	Hiawatha	Mountain Fuel	G-4650		12.0		12.0
46	Mt. Hope-Padroni	Kansas-Nebraska	G-4651	G-18702	[2]12.826	13.742	13.0
[1] 127	Greenwood	Colorado Inter	G-6067		[2]15.384		[2]15.0
126	Graylin, Luft, Northwest Graylin	Kansas-Nebraska	G-9166		[2]3.66		3.66
174	Hiawatha	Mountain Fuel	G-13814		12.0		12.0
[1] 207	Surveyor Creek	Kansas-Nebraska	G-20132		[2]12.826		12.826
[1] 208	do	do	G-20106		[3] 9.17		9.17
197	Ignacio Blanco	El Paso Natural	G-18902		[2]12.00465		[4]13.0
	Wyoming—15.025 psia						
149	Table Rock	Colorado Inter	G-10339	RI63-225	[2]15.384	16.410	15.384
196	Garland	Montana Dakota	G-13822		[2]8.5		8.5
241	La Barge	El Paso Natural	C160-32 [7]	RI61-16	15.384	[4]15.974	15.384
[1] 288	Patrick Draw	Colorado Inter	C161-1760	RI63-347	[2]15.384	[4]16.410	15.384
307	State Line Unit	Mountain Fuel	C163-688		[2]15.0		15.0
[1] 310	Table Rock	Colorado Inter	C163-1196 [7]		[2]15.384		15.384
	Alkali Butte	Kansas-Nebraska	C163-1206 [8]		[2]15.384		15.384
	New Mexico-San Juan Basin—15.025 psia						
22	Gallegos Canyon Unit	El Paso Natural	G-4616		11.00124		11.00124
26	Blanco (Mesa Verde)	do	G-4616		12.00135		[4]13.0
27	San Juan Basin (Picture Cliffs)	do	G-4616		11.00124		11.00124
208	Blue Hills Paradox	do	G-20026		[2]11.0		11.0
210	Bisti	do	C160-6		[2]13.0		13.0
200	Basin Dakota	do	C162-1181 [7]		[4]13.0		13.0
	Undesignated						
[1] 183	Aneth Ismay	do	G-15153		17.7		17.7
[1] 202	Aneth	do	C162-1315 [7]		17.7		17.7
[1] 297	Lignite Plant	Montana-Dakota	C161-1687		16.0		16.0
	Texas RR Comm. District No. 2—14.65 psia						
61	South Cottonwood Creek	Texas Eastern	G-4620		10.86048		10.86048
124	McFaddin	United Gas	G-9033	G-15007	6.32494	14.7125	14.0
				RI62-434		15.7825	
220	North Fannin	Valley Gas	C161-65		[2]12.0		12.0
268	South Cottonwood Creek	Texas Eastern	G-7057		10.86048		10.86048
263	Boyce	United Gas	G-7054		12.1848		12.1848
264	Boyce (Altman)	do	G-7063		12.1848		12.1848
265	South Porter	do	G-7302		12.1848		12.1848
	Texas RR Comm. District No. 3—14.65 psia						
91	Old Ocean	Natural Gas PL	G-4620		11.5539		11.5539
132	Chesterville	Tennessee Gas Trans	G-4620	G-18518	13.2782	15.95016	[10] [11] 14.6
131	Deckers Prairie	do	G-4620	G-18563	13.49751	16.16947	[11] 14.6
1	Chocolate Bayou	Natural Gas PL	G-3648	G-9161 [12]	[2]15.3459	15.5476	15.3459
				G-10834 [12]		15.7499	
				G-13065 [12]		15.953	
				G-15999 [12]		17.153	
128	Southwest Hutchins	Tennessee Gas Trans	G-8389	G-18518	[2]13.49751	16.16947	[11] 14.6
137	Nelsonville	do	G-9493	G-17283	13.2782	14.41778	[10] [11] 14.6
				G-18518		15.95016	
141	Rock Island	do	G-9743	G-17283	[2]13.2782	14.41778	[10] [11] 14.6
				G-18518		15.95016	
226	Nelsonville	do	C161-1078 [7]		[2]16.16947		[10] 15.0
248	Pheasant and South Pheasant	Valley Gas	C162-280		[4]14.0		14.0
257	Chesterville	Tennessee Gas Trans	G-7056	G-18519	[2]13.2782	15.95016	[10] [11] 14.6
	Texas RR Comm. District No. 4—14.65 psia						
89	Government Wells	Tennessee Gas Trans	G-4620	G-19997	[2]12.2268	18.0952	[11] 14.6
				RI60-268		17.24347	
53	Hagist Ranch	do	G-4620	G-19997	[2]12.2268	17.24347	[11] 14.6
57	do	do	G-4620	G-19997	[2]12.2268	17.24347	[11] 14.6
56	La Reforma	do	G-4620	G-19997	[2]12.2268	18.0952	[11] 14.6
				RI60-268		17.24347	
55	Raymondville	do	G-4620	G-19997	[2]12.2268	17.24347	[11] 14.6
	Raymondville—added acreage	do	G-4620		17.24347		15.0
54	Santellana	do	G-4620	RI60-233	12.125	17.24347	[11] 14.6
94	La Gloria	Transco	G-4620		8.890883		8.890883
93	La Gloria	Natural Gas PL	G-4620		9.9989		[13] 10.8198
130	Magnolia City	Tennessee Gas Trans	G-8719	RI60-366	[2]12.2268	17.24347	[11] 14.6
134	Alfred	Alfred Prod	G-8831		[2]9.0564		9.0564
139	Odem	Tennessee Gas Trans	G-9091	RI60-180	13.125	17.24347	[11] 14.6
138	North Rincon	do	G-9705	RI60-180	13.125	17.24347	[11] 14.6
150	Piedre Lumbre	do	G-10547	RI60-180	13.125	17.24347	[11] 14.6
154	Lasopita	do	G-10992	RI60-180	13.125	17.24347	[11] 14.6
157	Alfred	Alfred Prod	G-11478		11.1056		11.1056
193	Sealgreen	Tennessee Gas Trans	G-17971	G-19997	[2]12.2268	18.0952	[11] 14.6
				RI60-268		17.24347	
199	Corpus Channel Northwest	United Gas	G-19018		15.0		15.0
208	East Plymouth	Banqueta Gas	G-20137		[2]7.0896		7.0896
212	East Taft	Texas Eastern	C161-70		[4]14.6		14.6
286	Thompsonville Northeast	Natural Gas PL	C161-677 [7]		15.0		15.0
245	Guiterres	South Texas Nat'l	C162-63 [7]		[4]15.0		15.0
258	Odem	Transco	G-7064		8.890883		8.890883
259	Luby-Petronilla	do	G-7063		8.890883		8.890883

See footnotes at end of table.

APPENDIX A—continued

TEXACO INC.—DOCKET NOS. G-8060 ET AL.—continued

FPC ORS No.	FPC rate area and pressure base: Field	Purchaser	Docket No.: Certificate	Rate	Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement): Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
	Texas RR Comm. District No. 4—14.65 psia—Continued						
260	Plymouth	Tennessee Gas Trans	G-7065	G-19898	[2]12.12268	15.0952	[11] 14.6
				RI60-269		17.24347	
261	Spartan	do	G-7069	G-19898	[2]12.12268	15.0952	[11] 14.6
				RI60-269		17.24347	
262	Riverside	do	G-7066	G-19898	11.90337	17.02416	[10] 14.0
263	Seven Sisters	do	G-7067	G-19898	[2]12.12268	15.0952	[11] 14.6
				RI60-269		17.24347	
279	East Mustang Island	Florida Gas	G-18887 [7]	RI62-486	[2]16.5	17.5	15.0
281	South Clara Driscoll	do	G-11213	RI62-486	[2]16.5	17.5	15.0
302	Rolling Hills	Texas Eastern	C163-266		[2]15.0		15.0
311	Lundell	Natural Gas PL	C163-1364		[2]16.0		16.0
	South Louisiana—15.025 psia						
102	Duck Lake	United Gas P. L	G-4821	G-8909 [12]	14.25	15.25	18.0
				G-9576 [12]		21.96	
				G-11333 [12]		22.15	
				G-13466 [12]		22.95	
223	Houma	do	G-4821	RI61-89 [12]	10.4970	23.25	17.5
6	Erath	United Fuel Gas	G-3646	G-9600 [12]	21.5	21.7	21.25
				G-11201 [12]		21.9	
				G-13579 [12]		22.1	
				G-16507 [12]		22.3	
				G-20012 [12]		23.675	
4	East Mud Lake	do	G-3643	G-9595 [12]	17.5	17.9	17.5
				G-11322 [12]		18.3	
				G-13435 [12]		18.7	
				G-16596 [12]		19.1	
				G-19917 [12]		19.5	
				RI61-150 [12]		19.9	
				RI62-157 [12]		20.3	
				RI63-79		20.7	
3	Valentine	do	G-3644	G-9593 [12]	17.5	17.9	17.5
				G-11324 [12]		18.3	
				G-13434 [12]		18.7	
				G-16587 [12]		19.1	
				G-19918 [12]		19.5	
				RI61-149 [12]		19.9	
				RI62-156 [12]		20.3	
				RI63-78		20.7	
5	Bayou Sale and Horseshoe Bayou	do	G-3645	G-9596 [12]	17.5	17.9	17.5
				G-11323 [12]		18.3	
				G-13435 [12]		18.7	
				G-16596 [12]		19.1	
				G-19918 [12]		19.5	
				RI61-149 [12]		19.9	
				RI62-156 [12]		20.3	
				RI63-77		20.7	
2	Paradis	do	G-3647	G-9594 [12]	17.5	17.9	17.5 1st 15 MMCF/D 19.9 All Over 15 MMCF/D
				G-11321 [12]		18.3	
				G-13433 [12]		18.7	
				G-16595 [12]		19.1	
				G-19915 [12]		19.5	
				RI61-148 [12]		19.9	
				RI62-155 [12]		20.3	
				RI63-77		20.7	
146	Bayou Penchant	Tennessee Gas Trans	G-10021	G-19897 [12]	18.5	23.09167	18.5
				RI61-237 [12]		23.6	
145	Main Pass Blk. 35	do	G-10026	G-19897 [12]	18.5	23.09167	18.5
				RI61-237 [12]		23.6	
186	Felice Bayou	Southern Nat'l	G-15038		[2]20.75		20.75
187	Atchafalaya	Tennessee Gas Trans	G-16068	G-19897 [12]	[2]18.5	23.09167	18.5
				RI61-237 [12]		23.6	
190	Bagley	Trunkline	G-17360	G-20433 [12]	[2]18.1	23.5	18.1
194	Welsh	United Gas P.L.	G-18174	RI63-424	[2]20.25	[14](22.25)	20.25
200	Midland	United Fuel Gas	G-19121	G-19917 [12]	[2]19.1	19.5	19.1
				RI61-150 [12]		19.9	
				RI62-157 [12]		20.3	
				RI63-79		20.7	
282	Big Lake	Am.-La. PL Co	C162-544		19.75		19.75
270	Live Oak	Transco	G-8438	G-17613 [12]	18.05	23.55	17.5
276	Maurice	United Gas P.L.	G-11070	RI62-416	20.25	22.25	20.25
	Oklahoma-Panhandle Area—14.65 psia						
164	Northeast Greenough (see Kansas area)	Panhandle East	G-12455	RI62-486	[2]16.0	17.0	16.0
172	South Greenough	do	G-18760	RI62-374	[2]15.0	16.0	15.0
214	Southeast Griggs (see Kansas area)	Transwestern	G-17879 [7]		[4]17.0		17.0
196	Camrick Southeast	Natural Gas PL	G-18652	RI61-394	[2]16.6	17.0	16.6
				RI62-347		17.2	
				RI63-347		[14](17.4)	
198	do	do	G-18898	RI61-394	[2]16.6	17.0	16.6
				RI62-347		17.2	
				RI63-347		[14](17.4)	
224	Northeast Carthage	Panhandle East	C161-288		[4]15.0		15.0
229	Northwest Dower	Natural Gas PL	C161-763	RI62-347		17.2	16.8
				RI63-347		[14](17.4)	
255	Guymon Hugoton	Cities Service	C162-712		[2]11.0		11.0
289	Mocane	Panhandle East	C162-1018 [7]		[4]17.0		17.0
11	Guymon-Hugoton	Northern Nat'l	G-4616	G-15538	[2]9.8262	12.0	11.0
12	do	do	G-4616	G-15538	[2]9.8262	12.0	11.0
13	do	do	G-4616		[4]15.0		15.0
		Kansas-Nebraska	G-4616		11.0		11.0

See footnotes at end of table.

APPENDIX A—continued

TEXACO INC.—DOCKET NOS. G-8909 ET AL.—continued

FPC GRS No.	FPC rate area and pressure base: Field	Purchaser	Docket No.: Certificate	Rate	Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement): Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
	Oklahoma-Panhandle Area—14.65 psia—Continued						
136	Guymon-Hugaton	Panhandle East	G-4616		*9.8262		[14] 10.8262
15	do	Cities Service	G-4616	G-14251 [33]	*9.8262	13.0	11.0
				G-20080		20.0	
42	Hugoton (see RR Comm. District 10).	Phillips	G-4616		*6.1949056		6.1949056
139	Camrick S.E. (see RR Comm. District 10).	Natural Gas P.L.	G-8820	G-11710 [35]	*16.0	16.2	16.0
				G-12207 [35]		16.2	
				G-12506 [35]		16.2	
				G-12635 [35]		16.2	
				G-14249 [35]		16.4	
				G-14620 [35]		16.4	
				G-14935 [35]		16.4	
				G-15071 [35]		16.4	
				G-17430		16.6	
				G-17990		16.6	
				G-18413		16.6	
				G-18564		16.6	
				R160-21		16.8	
				R160-183		16.8	
				R160-336		16.8	
				R160-359		16.8	
				R161-333		17.0	
				R161-393		17.0	
				R161-450		17.0	
				R161-507		17.0	
				R162-284		17.2	
				R162-346		17.2	
				R162-410		17.2	
				R162-434		17.2	
				R163-297		17.4	
				R163-349		[15](17.4)	
				R163-404		[16](17.4)	
				R163-418		[16](17.4)	
142	Guymon-Hugoton	Panhandle East	G-9779		*9.8262		[14] 10.8262
148	Mocane	Colorado Inter	G-10302	R162-430	*[18] 15.0/MMBTU	17.0/MMBTU	[17] 15.0/MMBTU
153	Forgan	Panhandle East	G-10724		*15.0		15.0
166	Camrick	Kansas-Nebraska	G-12568	G-16796	*16.0	16.2	16.0
				G-19949		16.4	
				R161-149		16.6	
				R162-76		16.8	
				R163-124		17.0	
[19] [20] 125	Keyes	Colorado Inter	G-8087	G-17422	15.0/MMBTU	16.0/MMBTU	[17] 15.0/MMBTU
	Carter-Knox—14.65 psia						
240	Carter-Knox	Lone Star Gas	C162-335		*16.8		16.8
	Other Oklahoma—14.65 psia						
103	Doyle-Harrell "B"	do	G-4824		*5.36		5.36
161	Northeast Waynoka	Cities Service	G-12244	G-20080	*[20] 12.0	13.0	12.0
	Northeast Waynoka—added acreage	do	G-12244		*[20] 13.0		13.0
	do	do	G-12244		*[20] 13.0		13.0
	do	do	G-12244 [T]		*[20] 13.0		13.0
	do	do	G-12244 [T]		*[20] 13.0		13.0
	do	do	G-12244		*[20] 13.0		13.0
163	Medford	do	G-12162	G-20080	*[20] 12.0	13.0	12.0
165	Waterloo No.	do	G-12534	R163-220	*11.0	12.0	11.0
253	Ringwood	Okla. Nat'l	C162-569		*11.0		11.0
301	West Marlow	Ark.-La. Gas Co	C163-55		*15.0		15.0
305	Stage Stand Southeast	Lone Star Gas	C163-397		*15.0		15.0
312	Sterling Southeast	Cities Service	C163-1438		*15.0		15.0
[19] [21] 188	Southwest Enville	Cimarron Trans	G-17015	R163-438	15.0/MMBTU	[22] 15.0/MMBTU	[20] 15.0/MMBTU
	Kansas—14.65 psia						
100	Moscow and Pleasant Valley	Cities Service	G-4824	G-19319	*11.0	20.0	11.0
98	Hugoton	Kansas-Nebraska	G-4824		*11.0		11.0
112	do	Northern Nat	G-4824		*11.0		11.0
111	do	do	G-4824		*11.0		11.0
110	do	do	G-4824	G-15538	*11.0	12.0	11.0
109	do	do	G-4824	G-15538	*11.0	12.0	11.0
108	do	do	G-4824	G-15538	*11.0	12.0	11.0
107	do	do	G-4824	G-15538	*11.0	12.0	11.0
106	do	do	G-4824	G-15538	*11.0	12.0	11.0
72	do	do	G-4824	R161-282	*11.0	15.0	11.0
242	do	Panhandle East	G-4824		*[23] 15.0/MMBTU	16.0/MMBTU	[24] 15.0/MMBTU
126	Greenwood	Colorado Inter	G-8087	G-17422	15.0/MMBTU	16.0/MMBTU	15.0/MMBTU
120	Hugoton	Northern Nat	G-8609	R161-102	*12.0	17.0	12.0
147	Hugoton-Friend	do	G-10083	R161-108	*12.0	17.0	12.0
164	Northeast Greenough (Singley-Sanders)—(See Oklahoma-panhandle).	Panhandle East	G-12455	R162-486	*16.0	17.0	16.0
[19] 167	Adams Ranch	Colorado Inter	G-12710	R163-126	15.0/MMBTU	16.0/MMBTU	[24] 15.0/MMBTU
171	Hugoton	Panhandle East	G-13752	R163-220	*12.0	13.0	12.0
173	Richfield	do	G-13751	R162-364	*16.0	17.0	16.0
214	Southeast Griggs (Snake Creek) (see Oklahoma-Panhandle).	Transwestern	G-17379 [T]		*16.0		16.0
247	Traffas	Cities Service	C162-236		*13.0		13.0
251	Hugoton	do	C162-519		*12.0		12.0
256	do	Panhandle East	C162-642		*11.0		11.0
308	South Kismet	do	C163-349		*16.0(NAG)		16.0(NAG
					*14.0(AG)		14.0(AG)
304	Mohler	do	C163-374		*16.0		16.0

See footnotes at end of table.

APPENDIX A—Continued

TEXACO INC.—DOCKET NOS. G-8909 ET AL.—continued

FPC GRS No.	FPC rate area and pressure base: Field	Purchaser	Docket No.: Certificate	Rate	Rates—cents/Mcf at area pressure base (inclusive of tax reimbursement): Not subject to refund	In effect subject to refund 7-1-63	Proposed settlement rate
	Texas RR Comm. District No. 6—14.65 psia						
264	North Lansing	Ark.-La. Gas Co	G-7062		12.5541		12.5541
287	Lassater	do	C161-1699		12.5541		12.5541
300	Mansiel	Lone Star Gas	C162-1374	R163-463	*14.49	[27] (16.56)	14.49
299	West Chapel Hill	do	C162-1370	R163-463	*14.49	[28] (16.56)	14.49
48	Bethany	United Gas P.L	G-4822		[29] 10.8876		[29] 10.8876
47	Carthage	Texas Gas Trans	G-4822		11.6288		11.6288
	Texas RR Comm. District No. 10—14.65 psia						
185	East and West Panhandle	El Paso Natural	G-16287	R163-237	*12.0	13.0	12.0
215	North Stratford	Transwestern	G-17378 [T]		17.0		17.0
201	Texas Hugoton	Phillips	G-19127		*12.0		12.0
213	do	do	C160-313		*8.0		8.0
216	Hansford	Natural Gas P.L	C160-479	R161-337	16.5	17.0	16.5
				R162-294		17.2	
				R163-297		17.4	
219	Texas Hugoton	Phillips	C160-725			*8.0	8.0
225	Twin Morrow	Natural Gas P.L	C161-456	R162-347	*16.0	17.0	16.0
226	West Panhandle	Natural Gas P.L	C161-459		*13.2		13.2
286	Dude Wilson	Transwestern	C161-895 [T]		17.0		17.0
309	Hansford	Panhandle East	C163-1111		*17.0		17.0
7	North Hutchinson	Northern Nat	G-4616	G-13735 [30]	*12.0768	13.0832	12.0768
				R163-237		14.0896	
[29] 9	West Panhandle	do	G-4616	G-20433	10.7458	11.7518	11.0
				R160-446		11.3057	
				R161-309		11.5530	
				R161-529		11.6292	
				R162-229		11.7168	
				R162-486		11.8067	
				R163-449		[31] (12.1116)	
8	do	do	G-4616	R161-337	*8.0512	12.0768	11.0
42	Texas Hugoton (see Oklahoma Panhandle).	Phillips	G-4616		6.1949056		6.1949056
150	Texas Hugoton	do	G-4616		[32] 9.5		[32] 9.5
[29] 30	do	do	G-4616		4.4665		4.4665
133	Hansford (Blakemore) (see Oklahoma Panhandle).	Natural Gas P.L	G-8820	G-11710 [35]	*16.1536	16.3536	16.1536
				G-1428		16.55744	
				G-17430 [35]		16.75936	
				R160-21		16.96128	
				R161-333		17.1632	
				R162-294		17.3651z	
				R163-297		17.56704	
143	West Panhandle	Northern Nat	G-9778	R161-337	*8.0	12.0	11.0
153	do	Phillips	G-10945		*9.0		9.0
155	East Panhandle	do	G-11205		*7.0		7.0
158	Barlow	Northern Nat	G-11682	R162-252	*15.5	[33] 16.5	15.5
				R163-199	[34] 16.5	17.5	
159	Daniel	do	G-11683	R163-237	*15.5	16.5	15.5
180	North Hutchinson and East Spearman.	do	G-14350	R163-407	*16.5	[34] (17.5)	16.5
184	Horizon	do	G-16107		*16.5		16.5
	Mississippi—15.025 psia						
101	Barterville	United Gas P.L	G-4823	G-19430	11.9787	22.773	14.0
121	Mazie	do	G-4984	G-20186	*20.0	24.0	20.0

*Initial rate.

[T] Temporary authority issued. Permanent certificate not issued.

[A] Application for certificate. Permanent certificate not issued.

[1] Rates shown are at 15.025 psia. Contract pressure base is 14.65 psia.

[2] Rate not to exceed 15 cents/Mcf with upward Btu adjustment.

[3] Total price 13 cents/Mcf inclusive of tax reimbursement and minimum guarantee for liquids.

[4] Increase to 18.974 cents applicable to only the initial acreage under contract. 15.334 cents applicable to added acreage.

[5] Change to 16.410 cents tendered 1-25-63. Suspended to 7-28-63 in RI63-347.

[6] Original rate filed was 13.00136 inclusive of tax reimbursement and minimum guarantee for liquids.

[7] Contract pressure base—15.025 psia.

[8] Contract pressure base—15.025 psia.

[9] Contract pressure base—14.73 psia.

[10] Subject to 0.2193¢ deduction for dehydration.

[11] Price is consistent with the Statement of General Policy No. 61-1, as amended, for sales under contracts w/o flexible price provisions. Texaco will amend its contracts accordingly and substitute 1 cent per Mcf fixed escalation for each five (5) year period until the end of the contract. (Not applicable to added acreage under Rate Schedule No. 55.)

[12] Filed for increase to 10.8198 cents/Mcf on 10-14-63.

[13] Change to 22.25 cents tendered 4-16-63. Suspended to 11-5-63 in RI63-424.

[14] Change to 17.4 cents tendered 1-29-63. Suspended to 8-21-63 in RI63-347.

[15] Change to 10.8262 cents per contract filed.

[16] Change to 17.4 cents tendered 1-29-63. Suspended to 9-27-63 in RI63-349. Change to 17.4 cents tendered 3-25-63. Suspended to 10-10-63 in RI63-404. Change to 17.4 cents tendered 4-17-63. Suspended to 11-5-63 in RI63-418.

[17] Total price inclusive of upward Btu adjustment not to exceed 17.0 cents/Mcf.

[18] Average Btu content—1120.

[19] Base acreage only. Added acreage consolidated in proceedings G-4281 et al.

[20] Prices shown are gross. Purchaser deducts 0.75 cent for dehydration.

[21] Average Btu content—1050.

[22] Increase to 16.0 cents tendered 5-28-63. Suspended to 12-1-63 in RI63-468.

[23] Total price inclusive of upward Btu adjustment not to exceed 15.0 cents/Mcf.

[24] Total price inclusive of upward Btu adjustment not to exceed 16.0 cents/Mcf.

[25] Average Btu content—985.

[26] Average Btu content—1064.

[27] Change to 16.56 cents tendered 5-27-63. Suspended until 12-1-63 in RI63-463.

[28] Change to 16.56 cents tendered 5-31-63. Suspended until 12-1-63 in RI63-463.

[29] Rate shown for gas well gas. Tax reimbursement varies with ratio of compressed gas versus gas well gas.

[30] Rates shown are at 14.65 psia. Contract pressure base is 16.4 psia.

[31] Change to 12.1116 cents tendered 5-17-63. Suspended until 12-1-63 in RI63-449.

[32] 9.5 cents/Mcf before .5 cent reduction for sour gas.

[33] Increase of 1 cent to 16.5 cents for waiver of processing rights.

[34] Change to 17.5 cents tendered 3-29-63. Suspended until 10-2-63 in RI63-407.

[35] Consolidated in Texaco Rate Proceeding Docket Nos. G-8909, Et Al.

[36] Consolidated in Area Rate Proceeding Docket Nos. AR61-2, Et Al.

APPENDIX B

TEXACO INC.—PENDING CERTIFICATE APPLICATIONS AND AMENDMENTS INCLUDED IN PROPOSED SETTLEMENT

Rate schedule supplement No.	Area: Field	Area: Purchaser	Date of contract	Docket No.	Initial price[2]	Settlement price[2]
	Texas R.R. District 5					
235	Nelsonville	Tennessee Gas Transmission Co.	9- 1-55	CI61-1078	[1] 16.1694[7]	[1] 16.0
	Texas R.R. District 4					
238	Thompsonville, Northeast.	Natural Gas Pipeline Co. of America.	9- 1-60	CI61-677	18.0	15.0
245	Gutierrez	South Texas Natural Gas Gathering Co.	6- 1-61	CI62-63	15.0	15.0
279	East Mustang Island	Florida Gas Transmission Co.	6-16-59	G-18887	16.5	15.0
	Texas R.R. District 10					
218	North Stratford	Transwestern Pipeline Co.	12-10-58	G-17378	17.0	17.0
286	Dude Wilson	do	12-10-58	CI61-895	17.0	17.0
	Oklahoma—Other					
161-5	Northeast Waynoka	Cities Service Gas Co.	6- 8-61	G-12244[3]	13.0	13.0
161-6	do	do	3-22-61	G-12244[3]	13.0	13.0
	Oklahoma-Panhandle					
260-1	Mocane	Panhandle Eastern Pipeline Co.	11-21-62	CI62-1018[3]	17.0	17.0
	Kansas					
214	Southeast Griggs	Transwestern Pipeline Co.	12-10-58	G-17379	16.0	16.0
	Wyoming					
211-7	LaBarge	El Paso Natural Gas Co.	5- 9-62	CI60-82[3]	15.384	15.384
310	Table Rock	Colorado Interstate Gas Co.	2-12-63	CI63-1196	15.384	15.384
321	Alkali Butte	Kansas Nebraska Natural Gas Co.	1-14-63	CI63-1200	15.384	15.384
	San Juan Basin					
290	Basin Dakota	El Paso Natural Gas Co.	3-28-62	CI62-1161	[4] 13.00135	[4] 13.0
290-2	do	do	9-24-62	CI62-1161[5]	[4] 13.00135	[4] 13.0
290-3	do	do	4-26-63	CI63-1181[5]	[4] 13.00135	[4] 13.0
290-4	do	do	5-28-63	CI63-1181[5]	[4] 13.00135	[4] 13.0
290-6	do	do	10-16-63	CI63-1181[5]	[4] 13.00135	[4] 13.0
268	Aneth	do	8-12-59	CI62-1315	17.7	17.7

[1] Subject to 0.21981 cent per Mcf dehydration charge deduction.
[2] Petition to amend certificate to include additional acreage.
[3] Inclusive of applicable tax reimbursement. Sales from San Juan and Wyoming are at 15.025 psia, other sales are at 14.65 psia.
[4] Petition to amend certificate application to include additional acreage.
[5] Includes 1.0¢ minimum for liquids.

APPENDIX C

TEXACO INC., DOCKET NOS. G-8969, ET AL.

Dockets Consolidated in AR61-2

G-8969	G-11333	G-19897	RI62-155
G-9576	G-11391	G-19916	RI62-156
G-9593	G-13426	G-19917	RI62-157
G-9594	G-13434	G-19918	RI62-416
G-9595	G-13435	G-20012	RI63-77
G-9596	G-13466	G-20483	RI63-78
G-9609	G-13579	RI61-89	RI63-79
G-11321	G-16596	RI61-148	RI63-424
G-11322	G-16597	RI61-149	
G-11323	G-16598	RI61-150	
G-11324	G-17613	RI61-237	

Dockets Consolidated in AR64-1

G-13735	G-20060	RI61-394	RI62-434
G-14248	G-20433	RI61-450	RI62-486
G-14251	RI60-21	RI61-507	RI63-124
G-14620	RI60-183	RI61-529	RI63-126
G-14935	RI60-326	RI62-76	RI63-199
G-15071	RI60-359	RI62-229	RI63-220
G-15538	RI60-446	RI62-252	RI63-297
G-16796	RI61-102	RI62-284	RI63-349
G-17422	RI61-106	RI62-294	RI63-404
G-17430	RI61-149	RI62-346	RI63-407
G-17906	RI61-282	RI62-347	RI63-418
G-18413	RI61-309	RI62-364	RI63-463
G-18564	RI61-333	RI62-374	
G-19319	RI61-337	RI62-410	
G-19949	RI61-393	RI62-430	

Dockets Consolidated in AR64-2

G-9161	G-17283	G-19898	RI60-369
G-10884	G-18516	RI60-180	RI60-366
G-13065	G-18519	RI60-233	RI62-434
G-15007	G-18563	RI60-268	RI62-486
G-15999	G-19897		

[F.R. Doc. 64-97; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket No. G-9476 etc.]

TEXAS GULF PRODUCING CO.

Order Approving Rate Settlement Proposal Terminating Proceedings and Prescribing Refunds

DECEMBER 30, 1963.

Texas Gulf Producing Company, Docket Nos. G-9476;[1] Texas Gulf Producing Company, Docket No. G-14832.

We have before us for consideration a motion for approval of settlement proposal and termination of proceedings filed on December 6, 1963, by Texas Gulf Producing Company (Texas Gulf) encompassing the rates for nineteen of Texas Gulf's currently effective gas rate schedules.

In summary, the settlement proposal as filed by Texas Gulf provides:

(1) Settlement rates, including tax reimbursement, equal to or less than the Commission's applicable area ceilings, with two exceptions hereinafter discussed;

(2) Texas Gulf waives the right to file for contractually authorized increased rates until April 1, 1966. Texas Gulf reserves the right to file for any increased rate, if contractually authorized up to the applicable area-rate levels determined through area hearings or amendment of the Commission's Statement of General Policy No. 61-1, or any contractually authorized increase in tax reimbursement;

(3) Amendment of Texas Gulf's Rate Schedule Nos. 3, 4, 6, 24, and 33 to eliminate any favored nation, price redetermination or periodic price escalation clauses contained therein;

(4) Refunds, with interest at the applicable rates, under each rate schedule where the collection was made subject to refund, of the difference between the revenues actually collected and those which would have been collected at the settlement rate, in each instance, commencing with July 1, 1961, to the date of issuance of this order;

(5) Extension of the make-up period clauses in the take-or-pay provisions in its Rate Schedule Nos. 25, 31, and 32 from the present period to ten years;

(6) Exclusion from the settlement proposal of all Permian Basin sales, one rate for which Texas Gulf file a separate settlement proposal, and one rate for which Texas Gulf has filed an application for authority to abandon.

In support of its proposal, Texas Gulf states that the settlement rates, refunds, moratorium periods and other provisions thereof, some of which are not specifically noted herein, are in the public interest in that the rates are reasonable and will provide price stability for a long period of time for natural gas moving in interstate commerce.

With respect to refunds, the various parties to the settlement conferences utilized cost-of-service studies. Their studies revealed that during the first half of 1961, increased sales, and higher initial rates started to equalize Texas Gulf's revenue-cost relationship. In view of that and all the terms of the settlement proposal, it is appropriate that refunds should be computed for sales made on and after July 1, 1961, to the date of issuance of this order, with interest to be paid on the refunds to December 31, 1963. The refunds will be approximately $833,000 exclusive of interest. Texas Gulf's future revenues will be decreased approximately $410,000 per annum as a result of the settlement.

For the reasons set forth in our order in Hunt Oil Co., Docket Nos. G-9065, et al., order issued July 16, 1963, ------ F.P.C. ------, we shall condition our approval of this settlement proposal to require United Gas Pipe Line Company to retain (without interest obligation) the proportionate share of the refunds it will receive from Texas Gulf and would flow-through to its jurisdictional pipeline customers who may assert that they are not under an obligation to pass on the refunds, and shall require these pipeline customers to submit a report setting forth their intentions with respect to any refunds they may receive and, if they do not intend to pass such sums on to their customers, why they believe they are entitled to retain such funds.

The two exceptions to the applicable area ceilings are proposed by Texas Gulf with respect to two sales made to United Gas Pipe Line Company (United)[2] in the DeLarge Field (Rate Schedule No. 31) and the Dulac Field (Rate Schedule No. 32) which are related to the sale from Bayou Rambio Field (Rate Schedule No. 25). All of the sales are in Terrebonne Parish, south Louisiana. The presently effective rate under each of the Rate Schedules is 22.05 cents per Mcf. The rates under Rate Schedule Nos. 31 and 32 are subject to section 4(e) proceedings; the rate under Rate Schedule No. 25, an initial rate, is not. Texas Gulf proposes to reduce the effective rate under each of said Rate Schedules to a settlement rate of 17.75 cents per Mcf.

Texas Gulf states in its proposal, that the participants to the negotiations considered the three sales to United as a unit. In support, Texas Gulf states that it entered into two contracts for its DeLarge and Dulac sales to United in 1949 and 1952 respectively. The contracts were for a term of ten years. Thereafter, Texas Gulf discovered substantial new reserves in the adjacent Bayou Rambio Field. After being advised by United that it would enter into twenty-year contracts for its DeLarge and Dulac sales, Texas Gulf, in 1957, entered into a twenty-year contract with United for the Bayou Rambio sale. As a result of the interdependent negotiations, Texas Gulf's reserve commitment to United in these contiguous fields increased from 43 BCF to 240 BCF; the number of leases dedicated under the contracts increased from 5 to 17; and the dedicated acreage increased from 7,850 to 9,951. Consideration of all of the circumstances surrounding these sales, and the interdependence of the renegotiation of the DeLarge and Dulac sales with the dedication of the Bayou Rambio acreage, causes us to believe them to be similar to others where we have considered such a unique situation to warrant exceptions to the applicable area ceiling, Gulf Oil Corporation, et al., Docket Nos. G-9520, et al., 29 F.P.C. 837. Therefore, we find the settlement rates for these three sales of 17.75 cents per Mcf to be proper, and approve the same.

The Public Service Commission of the State of New York has filed comments respecting the 16 cent rate under Texas Gulf's Rate Schedule No. 35 for a sale from Texas Railroad Commission District No. 4. The contract for this sale was entered into on March 3, 1963, and was permanently certificated at the guide line price established by the Fifth Amendment to our Statement of General Policy No. 61-1.

The settlement proposal includes one rate (Rate Schedule No. 30) for which issuance of a related permanent certificate is pending in Docket No. G-14832 and service is being rendered. Docket No. G-14832 is consolidated in the proceedings in Union Texas Petroleum, et al., Docket Nos. G-13221, et al., wherein the hearings were concluded on July 25, 1963. We shall sever Docket No. G-14832 from the consolidated proceedings, and shall issue Texas Gulf a certificate of public convenience and necessity herein at an initial rate of 10.297 cents per Mcf, the rate which was in effect at the time Texas Gulf filed its certificate application. The settlement rate for this sale is 15.75 cents per Mcf.

The settlement rates approved herein shall be applicable during the moratorium period herein provided for all sales of natural gas from all acreage dedicated as of the date of issuance of this order under each of the rate schedules currently on file with the Commission whether such sales are made by Texas Gulf, its successors or assigns.

We believe the settlement proposal, as herein described, and in other particulars not specifically noted, meets the criteria previously set forth in other of our recent settlement orders and accordingly we find it to be in the public interest and should be approved as hereinafter provided.

Our action herein should not be construed as constituting approval of any future rate increase, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate proceedings, involving Texas Gulf's rates and rate schedules.

The Commission finds:

(1) The proposed settlement of the subject proceedings on the basis described herein, as more fully set forth in the settlement proposal filed on December 6, 1963, as herein modified, is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that it be conditionally approved and conditionally made effective subject to the modifications hereinafter ordered, and good cause exists for approving the settlement rates, for terminating certain proceedings and providing for refunds.

(2) The sale of natural gas by Texas Gulf, as more fully described in its application, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Texas Gulf together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Texas Gulf together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and a certificate therefor should be issued.

(4) Texas Gulf is able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

The Commission orders:

(A) The settlement of these proceedings on the basis of the settlement proposal filed December 6, 1963, as herein modified, is approved and made effective subject to the following terms and conditions.

(B) The applicable settlement rates set out in the appendix hereto are approved and such rates shall be effective as of the date of issuance of this order.

(C) Within 90 days from the date of this order, Texas Gulf shall make such filings under its rate schedules as are required to make effective the terms of the settlement proposal, as modified herein.

(D) Within 90 days from the date of this order, Texas Gulf shall (1) refund, with interest as specified in each docket computed to December 31, 1963, the difference between the rates collected subject to refund, on and after July 1, 1961, and the related settlement rates to the date of this order; and (2) report to the Commission, in writing, the amount of refunds made to each of its purchasers, showing separately the amount of principal and interest so paid, and the bases used for such determination, together with releases from its purchasers showing receipt of the refunds in conformity with the settlement proposal as modified and approved herein.

(E) Within 15 days from date of receipt by it of the refunds herein provided, United Gas Pipe Line Company shall submit a report to the Commission, and serve a copy thereof upon each of its jurisdictional pipeline customers, setting forth a plan for distribution of such refunds to its jurisdictional pipeline customers. The report shall show separately the amount of principal and interest, together with a computation showing the manner in which such distribution was determined. United shall retain the refunds received pursuant to this order, subject to further order of the Commission, provided, however, that United shall not be required to pay interest on such funds.

(F) Texas Gulf shall, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order applicable to it.

(G) The proceeding in Docket No. G-14832 is hereby severed from the consolidated proceedings in Union Texas Petroleum, et al. Docket Nos. G-13221, et al., Docket Nos. G-9476, G-11536, G-13848, G-17158, G-19910, RI63-223, RI63-143 (except as they pertain to the interest of Pan American Petroleum Corporation) G-14069, G-14112, G-15056, G-17373, G-17884, G-17925, RI60-402, RI61-1403 and RI62-90 are hereby severed from the consolidated area proceedings in Docket Nos. AR61-2, et al. Docket Nos. G-16177, G-16240, G-19899, RI60-204, RI60-437 and RI63-390 are hereby severed from the consolidated area proceedings in Docket Nos. AR64-2 et al. Docket No. G-17925 is hereby severed from the consolidated proceedings in Texaco Inc., et al., Docket Nos. G-17613, et al.

(H) A certificate of public convenience and necessity be and the same is hereby issued in Docket No. G-14832, upon the terms and conditions of this order, authorizing the sale by Texas Gulf of natural gas in interstate commerce for resale together with the construction and operation of any facilities subject

[1] The additional dockets involved herein are set forth in the Appendix below.

[2] Representatives of United attended and actively participated in the settlement conferences, excepting for some discussion of an alleged claim Texas Gulf has for deficiencies in takes, not considered relevant to the negotiations.

to the jurisdiction of the Commission necessary for such sale, all as fully described in its application and exhibits thereto.

(I) The certificate granted in paragraph (H) above is not transferable and shall be effective only so long as Texas Gulf continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(J) The grant of the certificate issued in paragraph (H) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Prentice. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(K) Upon full compliance by Texas Gulf with all the terms and provisions of this order applicable to it, the section 4 (e) proceedings listed in the appendix below shall terminate, except as to the interest of Pan American Petroleum Corporation in Docket Nos. G–9476, G–11536, G–13848, G–17158, G–19910, RI61–223, RI62–75 and RI63–143.

(L) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Texas Gulf, the Commission staff, or any affected party hereto, in any proceedings now pending, or hereafter instituted by or against Texas Gulf or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Texas Gulf Producing Company—Docket Nos. G–9476, et al.

FPC GRS No.	FPC rate area and pressure base		Docket No.		Rates—Cents Mcf at area pressure base (inclusive of tax reimbursement)		
	Field	Purchaser	Certificate	Rate	Last accepted date	Rate in effect	Settlement rate [1]
	Texas RR Comm. District 2—14.65 psia						
2	Coquat	Transcontinental	G–2826	None	8.87904	8.87904	8.87904
6	North McFaddin	United Gas	G–2820	RI63–300	14.60	15.60	[3] 15.00
	Texas RR Comm. District 3—14.65 psia						
3	Columbus	Trunkline	G–4319	G–16177 RI60–204	9.25312	20.00	[3] 15.00
4	do	do	G–3056	G–16240 RI60–204	9.25312	20.00	[3] 15.00
1	North Port Neches	Texas Gas	G–2830	None	11.05	11.05	11.05
	Texas RR Comm. District 4—14.65 psia						
24	Peidre Lumbre	Tennessee	G–10849	G–19899 RI60–437	12.12268	17.243247	[3] 15.00
33	Seeligson	do	G–4288	G–19899 RI60–437	12.12268	17.243247	[3] 15.00
35	Lundell	Natural Gas PL	CI64–54	None	16.00	16.0	16.00
	Mississippi—15.025 psia						
29	Gwinville	Southern Nat	G–3146	G–14756 RI63–378	8.1456	21.00	14.00
	South Louisiana—15.025 psia						
10	Lake Long	United Fuel	G–2703	G–9476 [2] G–11536 [2] G–13848 [2] G–17158 [2] G–19910 [2] RI61–223 [2] RI62–75 [2] RI63–143 [2]	17.50	20.70	[4] 17.50
26	Gueydan	Transcontinental	G–12308 [5]	G–17925	17.50	23.55	17.50
30	Abbeville	United Gas	G–14832	G–15056 RI62–90	10.297	22.25	15.75
31	DeLarge	do	G–3010	G–17884	10.497	22.05	17.75
32	Duine	do	G–3009	G–17884	10.497	22.05	17.75
25	Bayou Rambio	do	G–12128	None	22.05	22.05	[6] 17.75
22	Clear Creek	Trunkline	G–10355	G–14099 G–17373 RI60–402	17.70	23.5	17.70
23	Rigley	do	G–11019	G–14112 G–17372 RI60–403	17.70	23.5	17.70
	North Louisiana—15.025 psia						
17	Cotton Valley	United Gas	G–3010	None	13.05076	13.05076	13.05076
	Colorado—15.025 psia						
21	Piceance Creek	El Paso	G–10228	None	11.00	11.00	11.00

[1] The total settlement rates set out above as applicable to each sale to United Gas Pipe Line Co. include a commodity rate and tax reimbursement. The tax reimbursement portion of each such total settlement rate shall be that portion expressed as tax reimbursement in each respective contract, and the remaining balance of such total settlement rate shall be considered as the commodity rate.

[2] Texas Gulf shall eliminate the favored nation, redetermination and periodic clauses from these rate schedules.

[3] Proceedings terminated except for the interest of Pan American Petroleum Corp.

[4] Settlement rate applicable to the interest of Texas Gulf only.

[5] Settlement rate applicable to the interest of Texas Gulf only. Interest of non-operator, Clegg and Hunt, is depleted and an application to abandon is pending before the Commission.

[6] Reduction is effective rate of 22.05 cents to 17.75 cents as part of unit settlement of Rate Schedule Nos. 31, 32, and 25.

[F.R. Doc. 64–98; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket Nos. RI64–487 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; [1] and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 31, 1963.

Gulf Oil Corporation, Docket No. RI64–487; Socony Mobil Oil Company, Inc., Docket No. RI64–488; Schermerhorn Oil Corporation, et al., Docket No. RI64–490; Amerada Petroleum Corporation, Docket No. RI64–492.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–487	Gulf Oil Corp., P.O. Drawer 2100, Houston, Tex., 77001.	47	6	El Paso Natural Gas Co. (South Blanco Pool, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$1,315	11–26–63	[3] 1–1–64	[3] 1–2–64	[3] 11.2104	[4] [5] 12.2295	
RI64–488	Socony Mobil Oil Co., Inc., 150 East 42d Street, New York, N.Y., 10017.	199	3	El Paso Natural Gas Company (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	65	11–27–63	[3] 1–1–64	[3] 1–2–64	[3] 11.1841	[4] [5] 12.2008	RI64–90.
RI64–490	Schermerhorn Oil Corp., et al., P.O. Box 287, Tulsa, Okla.	7	2	El Paso Natural Gas Company (South Blanco-Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	184	11–29–63	[3] 1–1–64	[3] 1–2–64	11.0	[4] [5] 12.2295	
RI64–492	Amerada Petroleum Co., P.O. Box 2040, Tulsa 2, Okla.	50	6	El Paso Natural Gas Company (San Juan Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,065	12–2–63	[4] 1–2–64	[3] 1–3–64	[4] 11.2104	[4] [5] 12.2295	RI64–58.

[2] Contractually provided effective date.
[3] The suspension period is limited to one day.
[4] Periodic rate increase.
[5] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[6] The stated effective date is the first day after expiration of the required statutory notice.

The notices of change tendered for filing by Respondents include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. Gulf Oil Corporation, Socony Mobil Oil Company, Inc., and Amerada Petroleum Corporation previously filed for this reimbursement and the buyer, El Paso Natural Gas Company (El Paso) protested the filings. El Paso questions the right of the producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 5.5 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested. Since the rate increases reflect tax reimbursement, the suspension period for each may be shortened to one day from the date shown in the above "Effective Date" column.

Respondents' proposed increased rates are below the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, 2.56), but are suspended because of El Paso's protest with respect to the tax reimbursement.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Respondents' proposed rate filings which El Paso has protested, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso has protested contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–148; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket Nos. RI64–483 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates; [1] and Allowing Rate Supplement To Become Effective Subject to Refund

DECEMBER 31, 1963.

Sinclair Oil & Gas Company (Operator), et. al., Docket No. RI64–483; Delhi-

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

Taylor Oil Corporation, Docket No. RI64-484; Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et. al., Docket No. RI64-485; Socony Mobil Oil Company, Inc. (Operator), et. al., Docket No. RI64-486; Union Texas Petroleum, a Division of Allied Chemical Corporation, et. al., Docket No. RI64-503.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-483	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 521, Tulsa, Okla., 74102.	272	6	El Paso Natural Gas Co. (Pinquenche, et al., Fields, Rio Arriba and San Juan Counties, N. Mex.) (San Juan Basin Area).	$7,903 963	11-29-63	[7] 1-1-64 [7] 1-1-64	[8] 1-2-64 6-1-64	[4] [6] 11.2116 [4] [6] 13.2308	[4] [6] [9] 12.2308 [4] [6] [9] 14.2501	RI64-108. RI64-106.
RI64-484	Delhi-Taylor Oil Corp., Fidelity Union Tower, Dallas 1, Tex.	14	6	Southern Union Gathering Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	42,762	11-27-63	[7] 1-1-64	6-1-64	[4] 13.2486	[4] [6] 14.2679	RI64-105.
	do	28	2	El Paso Natural Gas Co. (Rincon Unit, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,437	11-27-63	[7] 1-1-64	6-1-64	[4] [6] 13.2295	[4] [6] [9] 14.2486	RI64-89.
	do	31	2	El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin Area).	642	11-27-63	[7] 1-1-64	6-1-64	[4] [6] 13.2295	[4] [6] [9] 14.2486	
	do	45	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	4	11-27-63	[7] 1-1-64	6-1-64	[4] [6] 13.2295	[4] [6] [9] 14.2486	RI64-89.
	do	51	4	El Paso Natural Gas Co. (Huerfano Unit, San Juan County, N. Mex.) (San Juan Basin Area).	1,829	11-27-63	[7] 1-1-64	6-1-64	[4] [6] 13.2295	[4] [6] [9] 14.2486	RI64-89.
	do	33	2	El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin Area.	2,855	11-27-63	[7] 1-1-64	6-1-64	[4] 13.2486	[4] [6] 14.2677	RI64-89.
RI64-485	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al., P.O. Box 2120, Houston 1, Tex., Attn: Mr. Elliott G. Flowers.	45	4	Southern Union Gathering Co. (San Juan County, N. Mex.) (San Juan Basin Area).	294	11-29-63	[7] 1-1-64	6-1-64	[4] 13.2501	[4] [6] 14.2604	RI64-147.
	do	65	4	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	930	11-29-63	[7] 1-1-64	6-1-64	[4] [6] 13.2486	[4] [6] [9] 14.2501	RI64-147.
RI64-503	do	58	2	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	612	11-29-63	[7] 1-1-64	6-1-64	[4] 13.2486	[4] [6] 14.2678	RI64-149.
RI64-486	Socony Mobil Oil Co., Inc. (Operator), et al., 150 East 42d Street, New York, N.Y., 10017, Attn: H. H. Beeson, natural gas manager.	38	10	El Paso Natural Gas Co. (Jicarilla and Regina Area, Rio Arriba County, N. Mex.) (San Juan Basin Area).	41,549 3,613	11-27-63 11-27-63	[7] 1-1-64 [7] 1-1-64	6-1-64 6-1-64	[4] [10] 13.0469 [4] [11] 11.0697	[4] [6] [10] 14.0505 [4] [6] [11] 12.0433	RI64-109.

[1] The suspension period is limited to 1 day.
[2] Periodic rate increase.
[3] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[4] For gas produced from the Pictured Cliffs Formation.
[5] Reflects 1.0 cent per Mcf periodic increase plus proportional tax reimbursement.
[7] Contractually provided effective date.
[6] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[8] For gas produced from the Mesa Verde Formation.
[10] High pressure gas (above 500 psig).
[11] Low pressure gas (below 500 psig) from certain Pictured Cliffs wells in Jicarilla Area.

The notices of change tendered by Delhi-Taylor Oil Corporation (Delhi-Taylor), Sinclair Oil & Gas Company (Operator), et. al., (Sinclair) and Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et. al., (Union Texas) include partial reimbursement for the full 2.55 percent (increased from 2.0 percent to 2.55 percent effective April 1, 1963) which was previously filed by the producers. The Buyers, Southern Union Gathering Company and El Paso Natural Gas Company, protested the previous tax reimbursement and the current rates are in effect subject to refund.

El Paso Natural Gas Company (El Paso) questions the right of the producers under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, El Paso claims there is controversey as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis as well as the statutory lawfulness of the producers' rate filings.

Supplements Nos. 2, 2, 3 and 4 to Delhi-Taylor's FPC Gas Rate Schedules Nos. 28, 31, 45 and 51, respectively; the proposed rate filed by Sinclair with respect to gas produced from the Mesa Verde Formation, and Supplement No. 4 to Union Texas' FPC Gas Rate Schedule No. 65 provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 272 provides for two rates applicable to gas produced from two different formations which are referred to herein as the "Pictured Cliffs Formation" and the other as gas produced from the "Mesa Verde Formation". Sinclair's increased rate of 12.2308 cents per Mcf for gas produced from the Pictured Cliffs Formation under its aforementioned rate schedule, although below the area ceiling for increased rates it should be suspended for one day from January 1, 1964, because of El Paso's protest with respect to the tax reimbursement. Sinclair's other increased rate of 14.2501 cents per Mcf for gas produced from the Mesa Verde Formation, should be suspended for five months from January 1, 1964, because it exceeds the area ceiling price and also because of El Paso's protest with respect to the tax reimbursement.

The notice of change tendered by Socony Mobil Oil Company, Inc. (Operator), et al. (Socony), under its FPC Gas Rate Schedule No. 38 involves the sale of both high-pressure gas (above 500 psig) and low pressure gas (below 500 psig) and reflects partial reimbursement for the 0.55 percent increase from 2.0 percent to 2.55 percent in the New Mexico Oil and Gas Emergency School Tax. The increased rate (14.0505 cents per Mcf) for high pressure gas should be suspended for five months from January 1, 1964, because it exceeds the area ceiling price as set forth in the Commission's Statement of General Policy No. 61-1, as amended. The increased rate of 12.0433 cents per Mcf for low pressure gas may be accepted for filing to become effective as of January 1, 1964.

The proposed increased rates and charges contained in Supplements Nos. 6, 2, 2, 3, 4 and 2 to Delhi-Taylor's FPC Gas Rate Schedules Nos. 14, 28, 31, 45, 51 and 33, respectively, and Supplements Nos. 4, 2 and 4 to Union Texas' FPC Gas Rate Schedules Nos. 45, 53 and 65, respectively, exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0433 cents per Mcf rate for low pressure gas contained in Supplement No. 10 to Socony's FPC Gas Rate Schedule No. 38 should be accepted for filing and permitted to become effective as of January 1, 1964, the contractually provided effective date.

(2) Except for the increased rate set forth in (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for the rate filings which Southern Union Gathering Company and El Paso Natural Gas Company have protested, and the statutory lawfulness of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 12.0433 cents per Mcf rate for low pressure gas contained in Supplement No. 10 to Socony's FPC Gas Rate Schedule No. 38 should be accepted for filing and permitted to become effective as of January 1, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which Southern Union Gathering Company and El Paso Natural Gas Company have protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the increased rate set forth in paragraph (A) above.

(C) Pending hearings and decisions thereon, the above-designated rate supplements, excepting low-pressure gas sold under Supplement No. 10 to Socony's FPC Gas Rate Schedule No. 38, are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 272, insofar as it relates to gas produced from the Pictured Cliffs Formation, and suspended herein for one day in Docket No. RI64-483, shall become effective subject to refund on January 2, 1964, if within 20 days from the date of the issuance of this order Sinclair shall execute and file under Docket No. RI64-483, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved with respect to gas sold from the Pictured Cliffs Formation. Unless Sinclair is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or about February 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-149; Filed, Jan. 7, 1964; 8:45 a.m.]

[Docket Nos. RI64-517 and RI64-518]

TEX-STAR OIL & GAS CORP. AND HUMBLE OIL & REFINING CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates,[1] and Allowing Rate Changes To Become Effective Subject to Refund

DECEMBER 31, 1963.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. Tex-Star Oil & Gas Corporation's (Tex-Star) sale is made at a pressure base of 15.025 psia, and the sale made by Humble Oil & Refining Company (Humble) is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows;

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-517	Tex-Star Oil & Gas Corp., 2920 Fidelity Union Tower, Dallas 1, Tex.	29	9	El Paso Natural Gas Co. (Ignacio Mesa Verde Field, La Plata County, Colo.).	$26,400	11- 8-63	[2] 1-1-64	1-2-64	[4] 13.0	[4] [5] 14.0	
RI64-518	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	255	2	Colorado Interstate Gas Co. (Hugoton Field, Stanton and Hamilton Counties, Kans.).	146	11-12-63	[2] 1-1-64	1-2-64	[4] 12.5	[4] [5] 13.5	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[4] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquid products.
[5] Subject to downward Btu adjustment.

Tex-Star and Humble's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, 2.56). However, the suspension periods may be shortened to one day from January 1, 1964, the effective date proposed by Tex-Star and Humble.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate sup-

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

plements are hereby suspended and the use thereof deferred until January 2, 1964, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That said supplements shall become effective subject to refund on January 2, 1964, if within 20 days from the date of the issuance of this order, each respondent shall execute and file in the respective proceeding an agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the rate supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 31, 1964.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-153; Filed, Jan. 7, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14490]

INTERCONTINENTAL, U.S. INC.; ENFORCEMENT PROCEEDING

Notice of Postponement and Reassignment of Hearing

Public hearing in the above-entitled proceeding previously assigned to be held on January 14, 1964, in Washington, D.C., is hereby postponed and is now assigned to be held before the undersigned examiner on February 17, 1964, at 10:00 a.m. (e.s.t.) in Conference Room 420 at 45 Broadway, New York, New York.

Dated at Washington, D.C., January 3, 1964.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 64-179; Filed, Jan. 7, 1964; 8:48 a.m.]

[Docket 12752]

UNITED'S SERVICE TO PROVIDENCE, RHODE ISLAND

Notice of Prehearing Conference

In view of the expansion of the issues as set forth in Order E-20262, notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled proceeding will be held on January 21, 1964, at 10:00 a.m. (e.s.t.) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., January 3, 1964.

[SEAL] HENRY F. MARTIN, Jr.,
Hearing Examiner.

[F.R. Doc. 64-180; Filed, Jan. 7, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order No. 1 (Amended), Amdt. 5]

ORGANIZATION AND FUNCTIONS

Grandfather Rights of Applicants for Freight Forwarder Licenses

The purpose of this amendment is to delegate to the Managing Director additional authority with respect to the revocation of grandfather rights of applicants for freight forwarder licenses as hereinafter provided.

Section 7.04 of the basic order is hereby amended:

Authority to approve, within the framework of prescribed Commission policy and criteria, applications for licenses and to issue or reissue or transfer licenses to persons, partnerships, corporations, or associations desiring to engage in the business of ocean freight forwarding; to grant extensions of time to file the required security; to issue a letter of intent to deny and to deny any application for which the required security has not been filed; to recommend to the Commission the denial of any other application when in his judgment it is warranted; to deny any application for freight forwarder license where the Commission has signified its intent to deny the application, applicant has been officially advised of such intent, and applicant has failed, within the notice period, to request a hearing or the opportunity to show that said denial is unwarranted; and to revoke the grandfather rights of applicants for license to carry on the business of forwarding pursuant to section 44(b), Shipping Act, 1916, where the applicants have (a) requested that their application for a freight forwarder license be withdrawn; or (b) moved from their last known address and reasonable efforts to locate their present whereabouts have failed.

JOHN HARLLEE,
Rear Admiral, U.S. Navy (Retired), Chairman.

DECEMBER 11, 1963.

Section 6.03 of Commission Order 201.1 is amended to redelegate to the Director, Bureau of Domestic Regulation, the authority to revoke grandfather rights of applicants for freight forwarder licenses as provided in Commission Order No. 1 (Amended) Amendment 5.

TIMOTHY J. MAY,
Managing Director.

DECEMBER 11, 1963.

[F.R. Doc. 64-177; Filed, Jan. 7, 1964; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL BANK OF TAMPA AND UNION SECURITY & INVESTMENT CO.

Applications for Approval of Acquisition of Shares of a Bank

Notice is hereby given that the Board of Governors of the Federal Reserve System has received applications by The First National Bank of Tampa and Union Security & Investment Co., both of Tampa, Florida, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become bank holding companies through acquisition by Union Security & Investment Co. of 20,000 shares (80%) of the Second National Bank of Tampa, Tampa, Florida, a proposed new bank.

In determining whether to approve these applications, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 31st day of December 1963.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-159; Filed, Jan. 7, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1650]

BROAD STREET INVESTING CORP.

Notice of Filing of Application

JANUARY 2, 1964.

Notice is hereby given that Broad Street Investing Corporation ("Broad Street"), 65 Broadway, New York, New York, a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value in exchange for the assets of Berjo Corporation ("Berjo"). All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

Shares of Broad Street, a Maryland corporation, are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased. As of November 27, 1963, the net assets of Broad Street amounted to $282,928,198.

Berjo, a New York corporation, is an investment company having three stockholders, an individual and two trusts under the wills of deceased parties. The individual shareholder is the income beneficiary of both trusts. Berjo was incorporated in 1867 and until 1957, when it sold all of its assets, was a manufacturing organization. Since the latter date it has been engaged primarily in the business of investing and reinvesting its funds in securities.

Pursuant to an agreement between Broad Street and Berjo, all the assets of Berjo, consisting of securities with a value of approximately $1,102,808 as of November 27, 1963, will be transferred to Broad Street in exchange for shares of stock of Broad Street subject to the retention by Berjo of assets estimated by it to be sufficient to pay its liabilities, which as of November 27, 1963, were $15,410. The shares acquired by Berjo are to be distributed to Berjo stockholders on the liquidation of Berjo. None of the stockholders have any present intention of redeeming or otherwise transferring the shares of Broad Street received on such liquidation. The net asset value of Broad Street shares to be issued will equal the market value of the Berjo assets acquired, adjusted, as set forth below.

The valuation time shall be 3:30 p.m. (New York City time) on January 15, 1963, or on such date as may be mutually agreed upon. Since the exchange will be tax free for Berjo and its stockholders, Broad Street's cost basis for tax purposes for the assets acquired from Berjo will be the same as for Berjo, rather than the price actually paid by Broad Street for the assets. Of the assets to be acquired from Berjo, Broad Street intends to retain in its portfolio, subject to changes in investment conditions and considerations, securities having a market value, as of November 27, 1963, of $357,489 (includes allowance for unrealized appreciation of $110,847). The market value of those securities of Berjo which Broad Street intends to sell after the acquisition thereof amounted to $745,319 (includes allowance for unrealized appreciation of $129,812) on November 27, 1963. The unrealized appreciation on securities owned by Broad Street on November 27, 1963 amounted to $94,957,842 and realized gains on securities sold amounted to $5,456,475, of which $359,360 and $20,625 respectively, would have become applicable to the shares of Broad Street issued to Berjo if the proposed acquisition of Berjo assets had occurred on this date.

Because Broad Street may acquire securities from Berjo at a tax cost basis less than the actual price paid therefor, the sale after acquisition may result in a capital gain thereon to the present shareholders of Broad Street. An adjustment, which takes into account the possible tax consequences of the exchange, is to be made in the value of the Berjo assets to be acquired by Broad Street in accordance with the following formula:

(1) In respect of the securities of Berjo which Broad Street presently intends to sell, there will be determined the difference between the net unrealized taxable capital gain on those securities of Berjo and the portion of the realized but undistributed taxable long-term capital gain, if any, of Broad Street allocable to the aggregate shares which Broad Street is issuing to Berjo. Such difference, as of November 27, 1963, amounted to $109,187.

(2) In respect of the securities of Berjo which Broad Street presently intends to hold following acquisition, there shall be determined the difference between the net unrealized taxable capital gain on said securities and the portion of Broad Street's unrealized taxable gain, if any, allocable to the aggregate shares of Broad Street to be issued to Berjo determined on a pro forma basis giving effect to the acquisition of the assets of Berjo. Such difference, as of November 27, 1963, amounted to a negative amount of $248,513.

(3) The amount computed under (1) shall be increased by the amount, if positive, or decreased by 50 percent of the amount, if negative, computed under (2) and 12½ percent of the resulting amount, if any, shall be applied to reduce the value of the assets of Berjo to be acquired. If the valuation under the Agreement had taken place on November 27, 1963, there would have been no adjustment to the market value of the assets of Berjo to be acquired.

It is the purpose of the foregoing formula, in applying a 50 percent factor to any reduction in unrealized appreciation which may result from the acquisition of the Berjo assets, to recognize that such reduction will be of full benefit to the present shareholders of Broad Street only in the indefinite future at such time, if any, as all the present unrealized appreciation in Broad Street's portfolio is realized, whereas an immediate tax liability will result from the realization of artificial capital gains upon the sale after acquisition of certain securities acquired from Berjo. The rate of 12½ percent applied to the excess unrealized appreciation of Berjo is used as an estimated measure of the average tax rate payable on capital gains by Broad Street shareholders.

The application states that no affiliation exists between Berjo or its officers, directors or stockholders and Broad Street, its officers or directors, that the agreement was negotiated at arm's length by the two companies and that the Board of Directors of Broad Street approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses due to the fact that Broad Street is furnished investment research and administrative facilities and services at cost under its arrangement with three other investment companies for the joint ownership and operation of Union Service Corporation. The total operating expenses of Broad Street in 1962, including investment research and administrative services, amounted to 24/100 of 1 percent of the average value of assets.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the agreement, however, the shares of Broad Street are to be issued to Berjo at a price other than the public offering price stated in the prospectus, which includes a sales charge of 1.8% on sales of $500,000 or over.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any person may, not later than January 17, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-154; Filed, Jan. 7, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 921]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 3, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35386. By order of December 31, 1963, the Transfer Board approved the lease to Clifford B. Steadman, doing business as, Interior Freight Lines, Anchorage, Alaska, of the operating rights in Certificate in No. MC 119723 (Sub-No. 1), issued May 15, 1963, to William A. Hood, John W. Hood, and Richard Hood, a partnership, doing business as, Hood and Sons, Valdez, Alaska, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Valdez, Alaska, and between Valdez, Alaska, on the one hand, and, on the other, points in five specifically described portions of Alaska.

No. MC-FC 66269. By order of December 31, 1963, the Transfer Board approved the transfer to Connie Irene Twitchell, Green River, Wyo., of Certificates in Nos. MC 40971 and MC 40971 (Sub-No. 1), issued July 16, 1954, and August 20, 1958, respectively, to Doral Pallesen, Manila, Utah, authorizing the transportation of general commodities, with no exceptions, over regular routes, between Manila, Utah and Rock Springs, Wyo., serving the intermediate points of Linwood, Utah, and Green River, Wyo.; and between Linwood, Utah and Salt Lake City, Utah, serving the intermediate point of Manila, Utah; and general commodities, excluding household goods and commodities in bulk, over irregular routes, between Linwood, Utah, and points within 25 miles of Linwood. Lawrence A. Marty, Post Office Box 231, Green River, Wyo., attorney at law.

No. MC-FC 66338. By order of December 31, 1963, the Transfer Board approved the transfer to Seattle-Anchorage-Fairbanks Express, Inc., Seattle, Wash., of the operating rights issued by the Commission under Certificate in No. MC 96615, to L. H. Doolittle, doing business as Doolittle Transportation Co., Seattle, Wash., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Seattle, Wash., and the boundary of the United States and Canada at the ports of entry of Sweetgrass, Mont., and Eastport, Idaho; and of the claimed "grandfather" rights in Docket No. MC 96615 (Sub-No. 6), for which a Form BOR 98 application for a certificate has been filed under the July 12, 1960, amendments to the Interstate Commerce Act. George R. LaBissoniere, 333 Central Building, Seattle, Wash., attorney for applicants.

No. MC-FC 66392. By order of December 31, 1963, the Transfer Board approved the transfer to St. Louis Transportation Co., a corporation, Collinsville, Ill., of Certificate in No. MC 53237, issued August 22, 1961, to Hugh S. Jenkins, doing business as St. Louis Transportation Co., Columbus, Ohio, authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined, Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

No. MC-FC 66474. By order of December 31, 1963, the Transfer Board approved the transfer to David Steinman, doing business as N. Steinman Trucking Co., Scranton, Pa., of Certificate in No. MC 9071, issued January 31, 1950, to Nathan Steinman and David Steinman, a partnership, doing business as N. Steinman Trucking Co., Scranton, Pa., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Carbondale, Pa., and Scranton, Pa., as restricted, and over irregular routes, of household goods, between Scranton, Pa., on the one hand, and, on the other, points in New York and New Jersey. Emanuel Laster, Connell Building, Scranton 3, Pa., attorney for applicants.

No. MC-FC 66508. By order of December 31, 1963, the Transfer Board approved the transfer to Freeburg Transfer, Inc., Freeburg, Ill., of Certificates in Nos. MC 34772, MC 34772 (Sub-No. 5) and MC 34772 (Sub-No. 6), issued July 11, 1955, June 1, 1955, and March 22, 1960, to Clarence Reinkensmeier, doing business as Gem Transfer, Nashville, Ill., authorizing the transportation, over regular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, and also authorizing certain named commodities, between named points in Illinois and Missouri, and over irregular routes, conveyor chain and steel flight, and parts of such articles, between Nashville, Ill., and specified points in Kentucky, Pennsylvania, and West Virginia. G. F. Gunn, Jr., 314 North Broadway, St. Louis 2, Mo., attorney for applicants.

No. MC-FC 66514. By order of December 31, 1963, the Transfer Board approved the transfer to Antonellis Transportation, Inc., Quincy, Mass., of Certificate in No. MC 93050, issued October 15, 1959, to Mary C. Antonellis, doing business as L. B. Antonellis & Sons, Quincy, Mass., authorizing the transportation, over regular routes, of: General commodities, excluding household goods and commodities in bulk, and authorizing the transportation of such merchandise dealt in by grocery and food houses, between specified points in Massachusetts and Rhode Island, and over irregular routes, commodities of a general commodity nature, between points in Rhode Island, Massachusetts, Connecticut, New Jersey, and New York. Jeanne M. Hession, 5 Potosi Street, Dorchester, Mass., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary*

[F.R. Doc. 64-161; Filed, Jan. 7, 1964; 8:46 a.m.]

[Sec. 5a Application 73, Amdt. 1]

OHIO MOTOR FREIGHT TARIFF COMMITTEE, INC.

Application for Approval of Amendments to Agreement

JANUARY 3, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 30, 1963, by: Jesse L. Himmelreich, 40 West Gay Street, Columbus, Ohio, 43215.

Amendments involved: Change the bylaws so as to eliminate the requirement that at least 15 percent of the members be present at membership meetings to constitute a quorum.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-162; Filed, Jan. 7, 1964; 8:46 a.m.]

[Sec. 5a Application 46]

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Petition for Declaratory Order

DECEMBER 12, 1963.

The following petition, filed October 4, 1963, by the Southern Motor Carriers Rate Conference, Inc., relative to joint consideration of section 22 rates has been received and will be processed in the manner hereinafter indicated. Petitioner seeks a declaratory order or interpretation of the agreement. The petition was submitted by Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga., 30309. The petition asks as follows:

Under the aforesaid section 5a agreement, may the member and participating carriers hold meetings for joint consideration of rates and charges to apply on shipments moving pursuant to section 22 of the Interstate Commerce Act?

No oral hearing is contemplated at this time with respect to the petition, but interested parties, including the petitioner may, on or before 45 days from the date of this publication in the FEDERAL REGISTER, submit written verified statements containing data, views, or agruments. One signed copy and fourteen additional copies of such statements should be furnished for the use of the Commission by mailing to the Secretary of the Interstate Commerce Commission, Washington, D.C.

Subsequent to the receipt of such statements, unless oral hearing should be necessary, a report of an examiner proposing or recommending such relief as may appear warranted will be issued.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-163; Filed, Jan. 7, 1964; 8:46 a.m.]

[Sec. 5a Application 70, Amdt. 3]

WESTERN MOTOR TARIFF BUREAU, INC.

Application for Approval of Amendments to Agreements

JANUARY 3, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed December 30, 1963, by: W. J. Knoell, P.O. Box 1296, Huntington Park, Calif.

Amendments involved: Change the rules of procedure so as to eliminate the requirement that public docket meetings of each Standing Rate Committee be held monthly, but continue to provide that such meetings be scheduled by the Committees.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-164; Filed, Jan. 7, 1964; 8:46 a.m.]

[Notice 287]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 3, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10875 (Deviation No. 2), BRANCH MOTOR EXPRESS CO., 300 Maspeth Avenue, Brooklyn, N.Y., 11211, filed December 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: between Wilmington, Del. and Baltimore, Md., over Interstate Highway 95, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent route as follows: From the Delaware Memorial Bridge over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Hagerstown, and return over the same route.

No. MC 11220 (Deviation No. 10), GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn., filed December 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 61 and 70, and Interstate Highway 55, over Interstate Highway 55 to junction U.S. Highway 61 and Interstate Highway 55, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, Tenn. over U.S. Highway 61 to Blytheville, Ark., and return over the same route.

No. MC 17778 (Deviation No. 4), YALE TRANSPORT CORP., 460 12th Avenue, New York 18, N.Y., filed December 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over bypass connection to junction Interstate Highway 95 thence over Interstate Highway 95 to Baltimore, Md. (note—that portion of Interstate Highway 95 in Delaware is also known as Delaware Turnpike) and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore (also from Philadelphia over U.S. Highway 1 to Washington, and return over the same route); and from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Pennsville, N.J., thence over U.S. Highway 40 to Baltimore, and thence over U.S. Highway 1 to Washington, and return over the same route.

No. MC 28961 Sub-3 (Deviation No. 2) McDUFFEE MOTOR FREIGHT, INC., Lebanon, Ky., filed December 22, 1963. Applicant's attorney: Fred F. Bradley, Seventh Floor, McClure Building, Frankfort, Ky. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cincinnati, Ohio and Lexington, Ky., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 25 to Lexington, thence over U.S. Highway 68 to Shakertown, Ky., thence over Kentucky Highway 33 to Danville, Ky. and thence over Kentucky Highway 35 via Liberty, Ky. to Wolfe Creek Dam, Ky., and return over the same route.

No. MC 29555 (Deviation No. 5), BRIGGS TRANSPORTATION CO., INC., 2360 West County Road C., St. Paul 13, Minn., filed December 20, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dubuque, Iowa, over Wisconsin Highway 11 to Monroe, Wis., thence over Wisconsin Highway 69 to the Wisconsin-Illinois State line, and thence over Illinois High-

way 26 to Freeport, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Dubuque and Freeport over U.S. Highway 20.

No. MC 42487 (Deviation No. 23), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, Post Office Box 5138, Chicago, Ill., 60680, filed December 13, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 74 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to Hammond, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Youngstown, Ohio, over U.S. Highway 422 to Cleveland, Ohio, thence over U.S. Highway 20 to Green Creek, Ohio, thence over Ohio Highway 113 (formerly portion U.S. Highway 20) via Fremont, Ohio, to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockford, Ill., thence over U.S. Highway 51 via Beloit, Wis., to Madison, Wis., thence over U.S. Highway 12 via Tomah, Wis., to St. Paul, Minn. (also from Tomah over U.S. Highway 16 to LaCrosse, Wis., thence over U.S. Highway 61 to St. Paul), thence over U.S. Highway 12 to Minneapolis; from Chicago over U.S. Highway 34 to Galesburg, Ill.; and from Mendota, Ill., over U.S. Highway 34 to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, and return over the same routes.

No. MC 69901 (Deviation No. 1), NEWSOM TRUCKING COMPANY, INC., U.S. 31 Bypass, Columbus, Ind., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Louisville, Ky., over Interstate Highway 65 to junction U.S. Highway 31 near Taylorsville, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 31 to junction Alternate U.S. Highway 31 (formerly U.S. Highway 31), thence over Alternate U.S. Highway 31 to Columbus, Ind., thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 31E, and thence over U.S. Highway 31E, to Louisville, and return over the same route.

No. MC 78632 (Deviation No. 22), HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., filed December 23, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 70 to junction Tennessee Highway 22 at or near Huntingdon, Tenn., thence over Tennessee Highway 22 in a southward direction to junction Tennessee Highway 22 and U.S. Highway 64 and thence over U.S. Highway 64 to Memphis, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Memphis over U.S. Highway 70 to Nashville; from Memphis over U.S. Highway 64 to Chattanooga, Tenn., thence over U.S. Highway 41 to Atlanta, Ga.; and from East St. Louis, Ill. over Illinois Highway 3 to Cairo, Ill., thence over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45E to junction U.S. Highway 45, thence over U.S. Highway 45 to Selmer, Tenn., thence over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence, Ala., thence over Alabama Highway 5 to Birmingham and return over the same route.

No. MC 89037 (Deviation No. 2), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles 21, Calif., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Ashland, Oreg., over Interstate Highway 5 to a point 15 miles north of Grants Pass, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 89037 (Deviation No. 3), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles 21, Calif., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Albany, Oreg., over Interstate Highway 5 to Salem, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 89037 (Deviation No. 4), CONTINENTAL PACIFIC LINES, INC., 1501 South Central Avenue, Los Angeles 21, Calif., filed December 16, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*, over a deviation route as follows: From Salem, Oreg., over Interstate Highway 5 to Portland, Oreg., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From San Francisco, Calif., over U.S. Highway 40 to Sacramento, Calif., thence over California Highway 16 to Woodland, Calif., thence over U.S. Highway 99W to Red Bluff, Calif., and thence over U.S. Highway 99 to Seattle, Wash., and return over the same route.

No. MC 89723 (Deviation No. 4), MISSOURI PACIFIC TRUCK LINES, INC., 1218 Olive Street, St. Louis 3, Mo., filed December 19, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Topeka and Salina, Kans., over Interstate Highway 70 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Topeka over the Kansas Turnpike to Admire, Kans., thence over U.S. Highway 56 to Herington, Kans., thence over Kansas Highway 4 to junction U.S. Highway 81, and thence over U.S. Highway 81 to Salina, and return over the same route.

No. MC 112713 (Deviation No. 8), YELLOW TRANSIT FREIGHT LINES, INC., Post Office Box 8462, 92d at State line, Kansas City, Mo., filed December 18, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Kentland, Ind., thence over U.S. Highway 52 to Cincinnati, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-166; Filed, Jan. 7, 1964; 8:46 a.m.]

[Notice 588]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 3, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 155), filed December 23, 1963. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Radioactive waste materials* and *radioactive waste material containers*, serving Nuclear Engineering Company, Inc., Beatty Facility, located approximately eleven (11) miles southeast of Beatty, Nev., as an off-route point in connection with applicant's authorized regular-route operations between Salt Lake City, Utah, and Los Angeles, Calif., over U.S. Highway 91.

HEARING: January 16, 1964, at the Nevada Public Service Commission, Room 204, State Office Building, East Musser Street, Carson City, Nev., before Joint Board No. 128, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 23939 (Sub-No. 154), filed December 24, 1963. Applicant: ASHBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Helium*, between points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States, and (2) *empty shipper-owned and government-owned vehicles*, between points in the United States, on the one hand, and, on the other, points in Arizona, Kansas, New Mexico, Oklahoma, and Texas.

HEARING: January 20, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Bernard J. Hasson, Jr.

No. MC 30844 (Sub-No. 133), filed November 12, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 216, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery* from points in New Jersey and New York to points in Arkansas, Colorado, Illinois, Iowa, Missouri, Oklahoma, Tennessee, and Texas, and (2) *bakery goods and frozen foods* from points in New Jersey to points in Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

HEARING: February 12, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 38383 (Sub-No. 12), filed November 1, 1963. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1115 South State Street, Girard, Ohio. Applicant's attorneys: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and plastic pipe connections*, from Huntington, W. Va., to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Indiana, and West Virginia, and (2) *bituminized fibre conduit and conduit connections*, from Ironton, Ohio, to points in Delaware.

HEARING: February 11, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 46046 (Sub-No. 2) filed October 16, 1963. Applicant: A. B. HALL AND IDA M. HALL, a partnership, doing business as, HALL TRANSFER CO., 16 Gould Avenue, Pittsburgh 14, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Pittsburgh, Pa., and (2) between Pittsburgh, Pa., and points in Allegheny County, Pa., within thirty (30) miles of City-County Building, Pittsburgh, Pa.

NOTE: Applicant states the proposed operations will involve shipments being interchanged at Pittsburgh, Pa. It is further noted the above-described operations will be subject to the following conditions: No authority sought (1) to service points on North Side Route, the Mt. Royal Boulevard or Perry Highway, and (2) to transport household goods or office furnishings in use.

HEARING: February 3, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 56388 (Sub-No. 27), filed October 15, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Frederick County, Md., to points in Virginia (except points in the following counties: Accomack, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickinson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Nelson, Northampton, Page, Patrick, Pittsylvania, Pulaski, Roanoke, Rockingham, Rockbridge, Russell, Scott, Shenandoah, Smyth, Tazewell, Washington, Wise, and Wythe), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *refused and rejected shipments*, in return.

HEARING: February 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 56388 (Sub-No. 28), filed November 13, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Maryland and Virginia, to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: February 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 58214 (Sub-No. 4), filed August 7, 1963. Applicant: ROOT TRANSIT, INC., Hodell and Prospect Streets, Shelbyville, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Decatur, Ripley, and Dearborn Counties, and points in Shelby, Rush, and Franklin Counties, south and west of U.S. Highway 52 as off-route points, in connection with applicant's regular routes, between Indianapolis and the Indiana-Ohio State line. Restriction: Restricted against service to and from the following cities or towns: Aurora, Wilmington, Sparta, Dillsboro, Milan, Napoleon, Moores Hill, Osgood, Delaware, Versailles, Flat Rock, Homer, Manilla, Blue Ridge, Milroy, Gowdy, Moscow, Westport, Letts, St. Paul, and Elrod, Indiana. Also restricted against service to and from any city or town located on U.S. Highway 52.

NOTE: Applicant is seeking to engage in interstate commerce transporting the same commodities over the same routes that it has been authorized to serve in intrastate commerce by the Public Service Commission of Indiana.

HEARING: February 17, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Ave., Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 61396 (Sub-No. 102), filed December 16, 1963. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank vehicles, from Waverly, Mo., and points within 15 miles thereof, to points in Iowa, Kansas, Missouri, and Nebraska, and *returned and rejected shipments*, on return.

HEARING: January 24, 1964, at Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner James I. Carr.

No. MC 64112 (Sub-No. 16), filed November 5, 1963. Applicant: NORTH-EASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C., 28213. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte 3, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings and related articles*, from Charlotte, N.C., to points in Florida (except Duval County).

NOTE: Applicant states authority sought will be tacked on to present operation and from other origins interchanged at Charlotte, N.C.

HEARING: February 10, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 64112 (Sub-No. 17), filed November 5, 1963. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C., 28213. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte 3, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer and plywood*, foreign or native wood, or a mixture thereof, from Charlotte, N.C., to points in Florida (except Duval County).

NOTE: Applicant states authority sought will be tacked on to present operation and from other origins interchanged at Charlotte, N.C.

HEARING: February 11, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 69676 (Sub-No. 13), filed September 19, 1963. Applicant: BURKS PELZ TRANSFER, INC., 801-B North Wabash Street, Evansville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate, as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baby food preparations, medicinal oils, drugs, solution* and *tubing, rubber and plastic*, from Zeeland, Mich., to the plant site of Mead Johnson and Company located at Evansville, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed transportation service will be rendered under a continuing contract with Mead Johnson and Company.

HEARING: February 19, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 317, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 83539 (Sub-No. 107), filed November 22, 1963. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), *including pipe, connections, couplings and fittings*, when moving in connection therewith, from Lone Star and Bond, Tex., to points in Alabama, Mississippi, and Tennessee.

HEARING: February 21, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 85231 (Sub-No. 8), filed October 25, 1963. Applicant: FRANK WILLIAMS TRANSFER & STORAGE CO., a corporation, 204 Franklin, Mansfield, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumber's supplies and materials and enamelware*, between Shelby, Ohio, and points within five (5) miles thereof, on the one hand, and, on the other, Louisville, Ky., Detroit, Mich., and St. Louis, Mo., and points in Illinois, Indiana, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

HEARING: February 10, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 88390 (Sub-No. 4), filed September 19, 1963. Applicant: FRANK A. PFAFF, Box 100, Worthington, Armstrong County, Pa. Applicant's attorney: Jerome Solomon, 1325-27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Common and face brick, tile, sewer pipe and flue liners, and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in West Franklin Township, Armstrong County, Pa., and Logan, Hocking County, Ohio.

NOTE: Applicant states the proposed operations will be under continuing contract with Graff-Kittanning Clay Products Co., a division of Logan Clay Products Co., and the Worthington Ceramics Co., a division of Logan Clay Products Co.

HEARING: February 13, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 99730 (Sub-No. 3), filed November 8, 1963. Applicant: ALLEN J. DOAN, JOHN R. DOAN, RICHARD S. DOAN AND WILLIAM P. DOAN, doing business as DOAN'S TRANSFER & STORAGE COMPANY, a corporation, 422 West Adams Street, Harlingen, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment, pipe, iron and steel products, and heavy and bulky articles requiring specialized equipment*, to, from, and between points in Texas.

HEARING: February 27, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 100666 (Sub-No. 58), filed November 26, 1963. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logs, posts, poles, piling, pallets, crossties and lumber, including the same commodities when creosoted or chemically treated*, (1) between points in Mississippi and points in Arkansas, and (2) from points in Mississippi and Arkansas, to points in Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida.

HEARING: February 14, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 106920 (Sub-No. 20), filed November 8, 1963. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, New Bremen, Ohio. Applicant's attorney: Carroll V. Lewis, Third Floor, Ohio Building, Sidney, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, in mixed shipments with salt, from points in Schuyler and Tompkins Counties, N.Y., to points in that part of Ohio, on and west of U.S. Highway 62, and those in that part of Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 31 to junction U.S. Highway 31-E, thence extending along U.S. Highway 31-E to the Ohio River, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states it presently holds authority to transport salt from origin to destination points described herein.

HEARING: February 13, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel C. Shoup.

No. MC 106997 (Sub-No. 11), filed November 4, 1963. Applicant: ARTHUR PIERSON, 119 Water Street, Newton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sensitized photographic materials, equipment, and supplies*, (1) between Newton, N.J., on the one hand, and, on the other, Williamstown, Mass., (2) between Newton, N.J., on the one hand, and, on the other, New Hyde Park, N.Y., and (3) between Newton, N.J., on the one hand, and, on the other, Old Saybrook, Conn.

NOTE: Applicant states that above-proposed operation will be under contracts with Anken Chemical & Film Corp., Newton, N.J. It further states that if this authority is granted, authority covered in MC 106997 Sub-5 will be surrendered. Applicant holds common carrier authority under MC 108035; therefore dual operations may be involved.

HEARING: February 7, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 107064 (Sub-No. 34), filed December 18, 1963. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, fertilizers and fertilizer solutions, and liquid acids and liquid chemicals*, in bulk, in tank vehicles, between points in New Mexico and Arizona.

HEARING: January 27, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 107403 (Sub-No. 514), filed November 18, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from Painesville, Ohio, to points in New York on and west of a line beginning at Oswego, N.Y., extending over New York Highway 57 to Syracuse, and thence along U.S. Highway 11 to the Pennsylvania-New York State line.

HEARING: February 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 107403 (Sub-No. 518), filed December 20, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil, gasoline, and kerosene*, in bulk, in tank vehicles, from Changewater, Washington Township, Warren County, N.J., to points in Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming Counties, Pa.

NOTE: Common control may be involved.

HEARING: February 4, 1964, at the Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Dallas B. Russell.

No. MC 107403 (Sub-No. 521), filed December 31, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, red oil and castor oil foots and sediment*, in bulk, in tank vehicles from Dover, Ohio, to points in Indiana, Illinois, and the lower peninsula of Michigan.

NOTE: Common control may be involved.

HEARING: January 15, 1964, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Walter R. Lee.

No. MC 109365 (Sub-No. 21), filed September 9, 1963. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Ashdown, Ark. Applicant's attorney: Robert L. Garrett, Slattery Building, Shreveport, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, (1) from plant or mill sites located at Fordyce, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, and (2) from plant or mill sites located at Crossett, Ark., to points in Alabama (except Mobile), Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee (except Memphis), Texas, and Wisconsin.

NOTE: Applicant states it will transport *empty containers or other such incidental facilities* (not specified), used in transporting the plywood, and *rejected shipments* of same, on return. It is further noted that the service proposed in (1) and (2) above will originate from the Georgia-Pacific Corporation plants or mill sites located at Fordyce and Crossett, Ark.

HEARING: February 13, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 109397 (Sub-No. 81), filed November 13, 1963. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related reactor equipment, component parts and associated materials*, between points in Cattaraugus County, N.Y., and points in the United States (except Hawaii and Alaska).

HEARING: February 14, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110420 (Sub-No. 355), filed December 30, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals, red oil and castor oil foots and sediment*, in bulk, in tank vehicles, from Dover, Ohio, to points in Indiana, Illinois, and the lower peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Common control may be involved.

HEARING: January 15, 1964, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Walter R. Lee.

No. MC 110525 (Sub-No. 615), filed November 15, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jackiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carneys Point, N.J., to points in Virginia.

HEARING: February 17, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 110689 (Sub-No. 265), filed December 9, 1963. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid acids and chemicals*, (2) *liquid petroleum products, in bulk, and* (3) *compressed gases and cryogenics*, in bulk, in manifolded tube trailers and in truck trailers, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Montana, Utah, and Texas.

NOTE: Common control may be involved.

HEARING: February 24, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 111401 (Sub-No. 141) (CORRECTION), filed July 1, 1963, published in FEDERAL REGISTER issued October 9, 1963, amended December 9, 1963, and republished as amended December 18, 1963, and republished as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, Enid, Okla. Applicant's attorney: Fred M. Standley, Petroleum Building, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, liquid and dry, *petroleum and petroleum products*, liquid and dry, *crude petroleum treating compounds*, liquid and dry, *fertilizers*, liquid and dry, and *sugar*, liquid and dry, and (2) *aggregate, beet pulp, cement, coal, feed and feed ingredients, gravel, gypsum, lumber*, processed and unprocessed, *potash, rock, salt, sand, sawdust, and wood pulp*, between points in New Mexico and Arizona.

NOTE: Applicant has pending contract carrier application in MC 125020. The purpose of this republication is to delete any reference to in bulk, in tank or dump vehicles.

HEARING: Remains as assigned, January 27, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 129.

No. MC 111401 (Sub-No. 145), filed December 9, 1963. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kings Mill, Tex., to points in Illinois (except Chicago and Ringwood, Ill.).

NOTE: Applicant has a pending contract application MC 125020; therefore dual operations may be involved.

HEARING: February 26, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 112520 (Sub-No. 96), filed November 26, 1963. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphates, superphosphates, triple superphosphates and phosphate products*, from points in Hillsborough and

Polk Counties, Fla., to points in Hillsborough County, Fla.

NOTE: Common control may be involved.

HEARING: January 21, 1964, at the Florida Railroad Commission, Tallahassee, Fla., before Joint Board No. 205.

No. MC 113024 (Sub-No. 38), filed August 23, 1963. Applicant: ARLINGTON J. WILLIAMS, INC., 152 Killoran Drive, New Castle, Del. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from El Segundo and Los Angeles, Calif., to Pittsburgh and Harrisburg, Pa., Washington, D.C., and Wilmington, Del.

NOTE: Applicant states the proposed operation will be performed for the account of Sequoia Furniture Products, Inc.

HEARING: February 17, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 113267 (Sub-No. 108), filed September 23, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouse*, and (2) *frozen foods in mixed shipments with the commodities listed in (1), when moving in vehicles equipped with mechanical temperature controlled units*, (A) from Memphis, Tenn., to points in Benton, Carroll, Washington, Madison, Crawford, Franklin, Johnson, Sebastian, Logan, Scott, Polk, Montgomery, Howard, Pike, Sevier, Hempstead, Nevada, Miller, Lafayette, and Columbia Counties, Ark., and (B) between points in Arkansas. Restriction: The proposed operations will be restricted to traffic originating outside Arkansas and tendered to the applicant at any point in Arkansas for delivery and/or distribution.

NOTE: Common control may be involved.

HEARING: February 10, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Francis A. Welch.

No. MC 113362 (Sub-No. 33), filed December 9, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Marshall D. Becker, 924 City National Bank Bldg., Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, Ex Parte MC-45, in containers, from Stoneham, Karns City, Warren, North Warren, Petrolia, and Franklin, Pa. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York.

HEARING: February 5, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 113089 (Sub-No. 8), filed November 20, 1963. Applicant: ED GALLIGHER, Bowerston, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from Hanover, Ohio, to points in Delaware, District of Columbia, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that the proposed operations will be under contract with Bowerston Shale Company.

HEARING: February 13, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 114533 (Sub-No. 78), filed October 8, 1963. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, audit and accounting media, business reports and records*, between Muncie, Ind., on the one hand, and, on the other, St. Joseph and New Troy, Mich.

HEARING: February 19, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 23, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 114900 (Sub-No. 1), filed December 26, 1963. Applicant: LUTHER M. ANDERSON, doing business as ANDERSON TRUCK LINES, Grand Saline, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Mineral mixtures*, in bags and packages, *pepper*, in cartons and packages and *institutional packages of individual serving of foodstuffs and condiments*, from Grand Saline, Tex., and points within five (5) miles thereof, to points in New Mexico, and *damaged and rejected shipments*, on return.

HEARING: February 11, 1964, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

No. MC 115311 (Sub-No. 43), filed December 31, 1963. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, and in packages, from Wilsonville, Ala., to points in Louisiana, Arkansas, and Alabama, and *exempt commodities*, on return.

HEARING: January 17, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 115841 (Sub-No. 155) (AMENDMENT), filed October 11, 1963, published in FEDERAL REGISTER issue November 28, 1963, amended December 30, 1963, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Kentucky, Virginia, Georgia, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to show the addition of two (2) States to the destination territory.

HEARING: Remains as assigned January 22, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Charles J. Murphy.

No. MC 115946 (Sub-No. 30), filed October 23, 1963. Applicant: GAY TRUCKING COMPANY, a corporation, 4800 Augusta Road, Post Office Box 7055, Savannah, Ga. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, (1) from the plants and mill sites of Georgia-Pacific Corp., located at Fordyce and Crossett, Ark., to points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin, and (2) from the plants and mill sites of Georgia-Pacific Corp., located at Fordyce, Ark., to points in Louisiana and Mississippi.

NOTE: Applicant states that the service proposed in (1) above will be restricted against transportation from Crossett, Ark., to Mobile, Ala., and Memphis, Tenn.

HEARING: February 13, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 117119 (Sub-No. 125), filed November 12, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to New Orleans and Baton Rouge, La., and points in Arkansas, Mississippi, and the Memphis, Tenn., commercial zone, when previously stopped for partial unloading in the States of Kentucky, Alabama, and Tennessee, other than the Memphis commercial zone.

HEARING: February 12, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Francis A. Welch.

No. MC 117427 (Sub-No. 37), filed December 2, 1963. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles and posts*, treated and untreated, *with or without lumber* in the same vehicle, from Charleston and Florence, S.C., to points in Pennsylvania, New York, and New Jersey, and *returned or rejected shipments*, on return.

HEARING: February 7, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 117883 (Sub-No. 30), filed November 6, 1963. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission in 61 M.C.C. 209 and 766, in temperature controlled vehicles, from Union City, Ohio, to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned, refused, damaged, and rejected shipments* of the aforesaid commodities, on return.

HEARING: February 12, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 119777 (Sub-No. 20), filed November 12, 1963. Applicant: LIGON SPECIALIZED HAULER, INC., Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, as described in Appendix V, except those which because of size or weight require special equipment, between Newport and Wilder, Ky., on the one hand, and, on the other, New Orleans, La., and points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: February 10, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 119778 (Sub-No. 57), filed November 4, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from points in Mobile County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE: Common control may be involved.

HEARING: February 10, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 119778 (Sub-No. 60), filed December 19, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer ingredients*, in bags and in bulk, from Sheffield, Ala., and points within fifteen (15) miles thereof, to points in Alabama, Georgia, and North Carolina.

NOTE: Common control may be involved.

HEARING: January 22, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Joint Board No. 370.

No. MC 119934 (Sub-No. 69), filed September 1, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank and hopper type vehicles, from Springfield, Ill., to Seelyville and Evansville, Ind., and *damaged and rejected shipments*, on return.

HEARING: February 18, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 120543 (Sub-No. 16) (AMENDMENT), filed September 2, 1963, published in FEDERAL REGISTER issue December 18, 1963, amended December 23, 1963, and republished as amended this issue. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1252, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in straight or mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, in vehicles equipped with mechanical refrigeration, from points in Arizona and California, to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, and South Carolina.

NOTE: Applicant states it proposes to transport *exempt commodities*, on return. The purpose of this republication is (1) to provide a more accurate description of commodities and (2) to narrow the destination territory sought.

HEARING: Remains as assigned February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 123405 (Sub-No. 8), filed November 12, 1963. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from Milton, Pa., to Beaumont, Galveston, Houston, and Port Arthur, Tex. and points in Louisiana and Mississippi on and south of U.S. Highway 80.

NOTE: Common control may be involved.

HEARING: February 12, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 124078 (Sub-No. 92), filed December 26, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Zipperski (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, and in packages, from Wilsonville, Ala., to points in Alabama, Arkansas, Louisiana, and Texas.

NOTE: Common control may be involved.

HEARING: January 17, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 124078 (Sub-No. 93), filed December 30, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common* routes, transporting: *Limestone and limestone products*, in bulk, from points in Livingston County, Ky., to points in Indiana, Illinois, Missouri, and Tennessee.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113832, therefore dual operations may be involved.

HEARING: January 21, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 124078 (Sub-No. 94), filed December 30, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, from points in Crittenden County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832, therefore dual operations may be involved.

HEARING: January 23, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Nefflen.

No. MC 124573 (Sub-No. 7), filed December 6, 1963. Applicant: STILL FERTILIZER & GRAIN COMPANY, a corporation, Steele, Mo. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients*, from Yazoo City and Gulfport, Miss., to points in Arkansas, (2) *bagging for wrapping cotton bales*, from Gulfport, Miss., to points in Arkansas and (3) *bale ties*, from Birmingham, Ala., to points in Arkansas and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

HEARING: February 7, 1964, at the Claridge Hotel, Memphis, Tenn., before Examiner Leo M. Pellerin.

No. MC 124966 (REPUBLICATION), filed December 7, 1962. Applicant: GEORGE E. WILSON, doing business as WILSON GARAGE, Boulder City, Nev. Applicant's representative: H. E. Ringle, Post Office Box 1776, Phoenix 4, Ariz. By application filed December 7, 1962, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of wrecked, disabled, and abandoned motor vehicles, by use of wrecker equipment only, between points in Clark County, Nev., on the one hand, and, on the other, points in Mohave County, Ariz. By petition filed September 26, 1963, applicant seeks to further amend the application by restricting the application, insofar as it applies to the transportation of house trailers, to the movement of new, used, occupied, or empty house trailers, by use of wrecker equipment only, when said trailers are being towed by automobiles which become disabled for any cause, and the owners thereof or the owners' agent request service thereon. The application has been assigned for handling under modified procedure. A report and order, served November 19, 1963, effective December 19, 1963, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, by use of wrecker equipment only, (1) of wrecked, disabled, and abandoned motor vehicles, and (2) of house trailers only when drawn by automobiles which become wrecked or disabled, between points in Clark County, Nev., on the one hand, and, on the other, points in Mohave County, Ariz.; and that an appropriate certificate authorizing such operations should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a statement of the authority granted herein to transport house trailers as above indicated, during which period any interested person who may have been prejudiced by lack of proper notice, will be permitted to file an appropriate petition.

No. MC 125474 (Sub-No. 2) (AMENDMENT), filed October 31, 1963, published in FEDERAL REGISTER issue of December 25, 1963, amended January 3, 1963, and republished, as amended, this issue. Applicant: BULK HAULERS, INC., 420 West Shipyard Boulevard, Wilmington, N.C. Applicant's attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Wilmington, N.C., and points within ten (10) miles thereof and from Acme, N.C., and points within four (4) miles thereof, to points in Virginia, South Carolina, and Georgia.

NOTE: The purpose of this republication is to add "Acme, N.C., and points within four miles thereof" as an origin territory.

HEARING: Remains as assigned January 29, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 125626, filed August 23, 1963. Applicant: WILLIAMS TRUCKING, INC., Box 363, Lisbon, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wholesale building materials* to retail dealers only, from Alliance, Ohio, to points in Pennsylvania and West Virginia, and (2) *building materials*, for resale, from points in Pennsylvania and West Virginia to Alliance, Ohio.

NOTE: Applicant states the proposed service will be under a continuing contract with Alliance Wholesalers, Inc., Alliance, Ohio.

HEARING: February 14, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125661, filed September 6, 1963. Applicant: RUSSELL F. McINTOSH, doing business as, McINTOSH TRUCKING, 1244 Park Avenue, New Haven, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, roofing, and plumbing supplies*, from points in Allen County, Ind., to points in Ohio on and west of U.S. Highways 68 and 25 and on and north of U.S. Highway 36, and to points in Michigan on and south of U.S. Highway 12.

NOTE: Applicant states transportation will be restricted to retail delivery only.

HEARING: February 21, 1964, in Room 906, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125681, filed September 16, 1963. Applicant: MATERIALS TRANSPORT, INC., Sixth and Franklin, Post Office Box 60, Tell City, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump trucks, from Evansville and Newburgh, Ind., to points in Indiana, points in Kentucky on and west of U.S. Highway 31E, and that portion of Illinois on and south of U.S. Highway 36 and on and east of U.S. Highway 51.

HEARING: February 18, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125735, filed October 10, 1963. Applicant: HAYMAKER VAN & STORAGE, INCORPORATED, 903 West Wabash Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between points in Indiana.

HEARING: February 20, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 125759, filed October 18, 1963. Applicant: RAY MINSHELL, JR. AND HERBERT W. HAIDLE, doing business as MINSHELL'S EXPRESS, 317 Depot Street, Latrobe, Pa. Applicant's attorney: Thomas R. Mahady, 317 Weldon Street, Greensburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air freight and air express*, (1) from points in Westmoreland, Indiana, and Fayette Counties, Pa., to the Greater Pittsburgh Airport (Moon Township), Allegheny County, Pa., (2) from points in Indiana and Westmoreland Counties and from those points in Fayette County, north of Pennsylvania Highway 711 to the Greater Pittsburgh Airport, including the interchange of air freight and air express between other carriers operating in interstate commerce, and (3) between points in Westmoreland, and Indiana Counties and the above-designated portion of Fayette County on the one hand, and, on the other, the Cleveland Airport and Cleveland, Ohio, on emergency or rush basis when facilities are not available at the Greater Pittsburgh Airport.

NOTE: Applicant states the proposed service will be for the pickup, delivery and transportation of air freight and air express between points specified above.

HEARING: February 7, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 125813, filed November 13, 1963. Applicant: FRANK A. CRESSLER, doing business as CRESSLER'S TRUCKING, Rural Delivery No. 3, Shippensburg, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings, metal studs, pumps, pump parts, operating and installation manuals, and advertising material*, from Shippensburg, Pa. to Indianapolis, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *returned shipments of castings, studs, pumps, and pump parts*, on return.

HEARING: February 14, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub-No. 41), filed November 6, 1963. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Charles B. McInnis, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, between the north exit of the Baltimore Harbor Tunnel and the south approach access road of the Delaware Memorial Bridge, from the north exit of the Baltimore Harbor Tunnel over Interstate Highway 95 to the south approach access road of the Delaware Memorial Bridge, and return over the same route.

NOTE: Applicant states it proposes to serve all intermediate points on Interstate Highway 95, all intermediate points on the access roads between Interstate Highway 95 and U.S. Highway 40, and intermediate points on U.S. Highway 40 including, but not limited to Aberdeen, Perryville, Elkton, and Harve de Grace, Md. It is further stated that Safeway Trails, Inc. intends to take the proposed route with its authorized regular-route operations.

HEARING: February 13, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 120.

No. MC 116611 (Sub-No. 3), filed November 18, 1963. Applicant: PAN AMERICAN MOTOR COACHES, a corporation, Post Office Box 1870, Harlingen, Tex. Applicant's attorney: John R. Sims, Jr., 3600 M Street NW., Washington 7, D.C. Authority sought to operate at a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in section 203 (a)(23) of the Interstate Commerce Act, *and their baggage*, in the same vehicle, between points in the United States (except Alaska and Hawaii).

NOTE: Applicant states it has authority in MC 116611 (Sub-No. 1) to transport migrant workers, as defined in section 203(a)(23) of the Interstate Commerce Act, and their baggage, in the same vehicle, between points in Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Michigan, Minnesota, Missouri, New Mexico, Ohio, Tennessee, Texas (except points in El Paso County), and Wisconsin. It is further stated that should the instant application be granted, applicant will request its present authority be cancelled.

HEARING: February 18, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 125569 (Sub-No. 6), filed December 10, 1963. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations during the authorized racing seasons of each year, between Harrisburg, Camp Hill, Lemoyne, and York, Pa., and the race tracks at Charlestown, W. Va.

HEARING: January 31, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 206, or, if the Joint Board waives its right to participate, before Examiner Dallas B. Russell.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 84739 (Sub-No. 13) (CORRECTION), filed December 2, 1963, published FEDERAL REGISTER, issue of December 18, 1963, and republished as corrected this issue. Applicant: SEVERSON TRANSPORT, INC., Route 1, Box 163, Edgerton, Wis. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rejected, damaged, used, traded-in and defective bulk milk and cooling tanks, and parts thereof*, originally transported by applicant, from points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Madison and Hartford, Wis.

NOTE: The purpose of this republication is to show correct commodity description.

No. MC 98239 (Sub-No. 4), filed August 26, 1963. Applicant: BERNARD DONALD REICHERT, doing business as REICHERT TRANSFER, Post Office Box 170, Brainerd, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 4, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in less-than-truckload lots, between Brainerd, Motley, and Pillager, Minn., from Brainerd over U.S. Highway 210 to Motley and Pillager, and return over the same route, serving no intermediate points.

No. MC 98792 (Sub-No. 3), filed December 16, 1963. Applicant: JEROME L. SAMUELS, doing business as SAMUELS MOTOR SERVICE, 131 Donner Avenue, Monessen, Pa. Applicant's attorney: David M. Janavitz, Frick Building, Pittsburgh, Pa. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Monessen, and Pittsburgh, Pa., from Monessen over Pennsylvania Highway 906 to Webster, Pa., thence across the Monongahela River to Donora, Pa., thence over Pennsylvania Highway 837 to Monongahela, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, and return over the same route, serving all intermediate points, and the off-route point of East Monongahela, Pa., and (2) between Monongahela and Charleroi, Pa., (a) from Monongahela over Pennsylvania Highway 88 to Charleroi, and (b) from Monongahela over Pennsylvania Highway 31 to junction Pennsylvania Highway 906 through Webster, to Monessen, and thence over Monongahela River and Pennsylvania Highway 88 to Charleroi, and return over the same route, serving all intermediate points and the off route point of East Monongahela.

No. MC 112020 (Sub-No. 213), filed December 16, 1963. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars and syrups and blends thereof*, in bulk, from Hereford, Tex., and points within 5 miles thereof, to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, New Mexico, and Oklahoma.

NOTE: Common control may be involved.

No. MC 114194 (Sub-No. 60), filed December 23, 1963. Applicant: KREIDER TRUCK SERVICE, INC., 3003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steepwater and blends*, in bulk, from Granite City, Ill., to points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine and *rejected shipments* on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 125868, filed December 2, 1963. Applicant: CLAUDE WREN, 423 South Maple, Blackfoot, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Bingham, Bannock, Power, and Bonneville Counties, Idaho, and extending to Salt Lake City, Utah, and points in Lincoln and Teton Counties, Wyo.

NOTE: Applicant states the proposed operations will involve transportation of school children, 4–H students, church groups and scouting troops.

NOTICE OF FILING OF PETITIONS

No. MC 109749 (Sub-No. 16) (PETITION TO ADD ADDITIONAL SHIPPER), filed December 16, 1963. Petitioner: GAIL W. DAHL AND FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES, Sioux City, Iowa. Petitioner's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Petitioner holds authority in MC 109749 (Sub-No. 16), to transport meat and packinghouses products from Omaha, Nebr., to points in Wyoming and Montana under a continuing contract with Wilson and Co. at Omaha, Nebr. By the instant petition it seeks approval of the addition

of a contract with Swift & Co. at Omaha, Nebr. Any person or persons desiring to object to the addition of the above-named shipper, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8634. Authority sought for control by THE OVERLAND EXPRESS, LIMITED, Post Office Box 207, Woodstock, Ontario, Canada, of OVERLAND EXPRESS, INC., 631 Niagara Street, Buffalo 1, N.Y. Applicants' attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be controlled: Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, filed February 10, 1963, in No. MC-97165 Sub-2, covering the transportation of general commodities, between Buffalo, N.Y., and Jamestown, N.Y., serving all intermediate and certain off-route points. THE OVERLAND EXPRESS, LIMITED, is authorized to operate as a *common carrier* in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicants request dismissal of this application for lack of jurisdiction.

No. MC-F-8635. Authority sought for continuance in control by SCOBIE'S TRANSPORT LIMITED, Ferguson Street, Niagara Falls, Ontario, Canada, of (1) HOMER WHITE, INC., 297 Ramsdell Avenue, Buffalo, N.Y., and (2) LORNE SCOBIE, SR., AND LORNE SCOBIE, JR., doing business as NIAGARA MOVERS, c/o LORNE MORRIS, Chippawa, Ontario, Canada, and for acquisition by LORNE F. SCOBIE, 62 Medala Street, Toronto, Ontario, Canada, of control of HOMER WHITE, INC., and LORNE SCOBIE, SR., AND LORNE SCOBIE, JR., doing business as NIAGARA MOVERS, through the acquisition by SCOBIE'S TRANSPORT LIMITED, upon issuance to SCOBIE'S TRANSPORT LIMITED of the certificate conditionally granted in No. MC-115452 Sub-2. Applicants' attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be controlled: (1) Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, filed January 30, 1963, covering the transportation of general commodities, between Buffalo, N.Y., and Niagara Falls, N.Y., serving all intermediate points; and (2) *bags, batteries, battery parts, calcium nitrate, cellulose, wadding, gloves,* and *stone,* as a *common carrier* over irregular routes, from Niagara Falls, N.Y., to the port of entry at the boundary of the United States and Canada at Niagara Falls, N.Y.; *leather, machinery,* and *stone,* from the port of entry at the boundary of the United States and Canada at Niagara Falls, N.Y., to Lockport, N.Y.; and *household goods* as defined by the Commission, between points in New York, on the one hand, and, on the other, the port of entry at the boundary of the United States and Canada at Niagara Falls, N.Y. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8636. Authority sought for purchase by NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J., of the operating rights and property of PITTSBURGH-WHEELING EXPRESS, INC., 235 East Maiden Street, Washington, Pa., and for acquisition by BERNARD BROWN, 2 Northwood Drive, Vineland, N.J., of control of such rights and property through the purchase. Applicants' attorneys: Alvin Altman, 1776 Broadway, New York 19, N.Y., and Beverley S. Simms, 612 Barr Building, Washington, D.C. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Wheeling, W. Va., and certain points in Pennsylvania, serving all intermediate points, between Pittsburgh, Pa., and certain points in Ohio and West Virginia, serving all intermediate points and the off-route points of Yukon and Herminie, Pa.; *general commodities,* with exceptions as specified above, over irregular routes, between certain points in Pennsylvania and West Virginia, on the one hand, and, on the other, certain points in Ohio, Pennsylvania, and West Virginia. Vendee is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, New York, Rhode Island, Florida, New Hampshire, Ohio, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Indiana, Maine, Michigan, Minnesota, Missouri, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8637. Authority sought for purchase by REED LINES, INC., Box 285, Woodburn, Ind., of a portion of the operating rights of MOTORWAY CORPORATION, 131 Matziner Road, Toledo, Ohio, and for acquisition by GLENN W. REED, 210 North Clinton Street, Defiance, Ohio, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Glass containers, caps, covers, disks and tops,* and *fibreboard boxes,* doublefaced, corrugated, or knocked down flat, as a *common carrier* over irregular routes, from Fairmont, W. Va., to certain points in Ohio; *glass containers, caps, covers, disks, and tops,* and *fibreboard boxes,* corrugated or knocked down flat, from Gas City, Ind., to points in West Virginia; *glass bottles, glass jars,* and *caps, covers, disks and tops therefor,* and *fibreboard boxes,* from Gas City, Ind., to points in Maryland, and New Jersey; *glass blocks* and *materials* used in the installation thereof, from Muncie, Ind., to points in West Virginia, Maryland, and New Jersey; *plastic containers,* and *caps, covers and tops therefor,* from Gas City, Ind., to points in Pennsylvania, West Virginia, New oYrk, Maryland, and New Jersey; *grease, lubricating oil, insecticides,* and *antifreeze,* in containers, from points in Marion County, Ind., to points in Ohio; *agricultural implements* and *agricultural implement parts,* from points in Shelby and Marion Counties, Ind., to points in Ohio; *cereal food preparations, macaroni, spaghetti, dog food,* and *advertising matter therefor,* from Battle Creek, Mich., to certain points in Ohio, Pennsylvania, West Virginia, and Kentucky; *composition roofing, asphalt roofing, composition siding, asphalt siding,* and *materials,* used in the installation thereof, from Chicago, Ill., to certain points in Kentucky and West Virginia, with certain exceptions; *asphalt siding,* and *materials* used in the installation thereof, from South Bend, Ind., to certain points in Kentucky and West Virginia, with certain exceptions; *paving materials, insulating materials, roofing materials, asphalt and composition floor tile and wall tile,* and *materials and supplies* incidental to or used in the installation of such tile, from Chicago Heights, Ill., to certain points in Kentucky with certain exceptions, RESTRICTION: The separate grants of authority described above shall not be tacked or joined directly or indirectly, for the purpose of performing any through service. Vendee is authorized to operate as a *common carrier* in the States on and east of the Mississippi River, including points on the west bank thereof, and the District of Columbia (except Columbus, Jackson, Laurel, and Meridian, Miss., and points in Alabama, Georgia, North Carolina, and South Carolina). Application has been filed for temporary authority under section 210a(b).

No. MC-F-8638. Authority sought for merger into SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif., of the operating rights and property of C. A. WORTH & CO., 1335 Sixth Street, San Francisco, Calif., and for acquisition by ESTATE OF JOHN E. CARROLL, SR. (BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION), 650 South Spring Street, Los Angeles, Calif., of control of such rights and property through the transaction. Applicants' attorneys: Berol, Loughran & Geernaert, 100 Bush Street, Suite 2107, San Francisco 4, Calif. Operating rights sought to be merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alemeda, Emeryville, Albany, and Piedmont, Calif., between points in San Francisco County, Calif., between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; *general merchandise,* between points in San Francisco, Calif., between points in Oakland, Calif., between San Francisco, Calif., on the one hand, and, on the other, Bayshore, Brisbane, South San Francisco, Richmond, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and San Leandro, Calif.; and under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99, filed February 7, 1963, in the State of California. SIGNAL TRUCKING SERVICE, LTD., is authorized to operate as a common carrier in the State of California. Application has not been filed for temporary authority under section 210a(b).

NOTE: SIGNAL TRUCKING SERVICE, LTD., controls C. A. WORTH & CO., through ownership of capital stock pursuant to authority granted July 6, 1961, in No. MC-F-7782.

No. MC-F-8639. Authority sought for control by U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit 16, Mich., of DETROIT TERMINAL & CARTAGE COMPANY, 1175 Piquette Avenue, Detroit 11, Mich., and for acquisition by CARL W. BEHRENS, GEORGE J. CODD, both of 2290 24th Street, Detroit, Mich., ESTATE OF N. F. SAUR (DETROIT BANK & TRUST COMPANY, TRUSTEE), Detroit 26, Mich., and ROBERT D. JONES, 19,000 Fenton Avenue, Detroit, Mich., of control of DETROIT TERMINAL & CARTAGE COMPANY, through the acquisition by U.S. TRUCK COMPANY, INC. Applicants' attorney: Wilber M. Brucker, Jr., 2200 Penobscot Building, Detroit 26, Mich. Operating rights sought to be controlled: *New furniture,* as a *common carrier* over irregular routes, from Detroit, Mich., to points within 8 miles of Detroit; *parts, assemblies, and materials* used in the manufacture of motor vehicles, as a *contract carrier* over irregular routes, between Detroit, Mich., on the one hand, and, on the other, certain places in Michigan owned, leased, or otherwise occupied by the Ford Motor Company. RESTRICTION: No shipments shall be transported to or from the United States-Canada Boundary line between Michigan and Province of Ontario, Canada; between Detroit, Mich., and the site of the Ford Motor Company plant at Mt. Clemens, Mich., RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Ford Motor Company, Detroit, Mich.; *parts, assemblies, and materials,* used in the manufacture of motor vehicles by Ford Motor Company, between the site of the plant of the Ford Motor Company, at the intersection of 23-mile Road and Mound Road, Macomb County, Mich., and Detroit, Mich., RESTRICTION: The service authorized herein is subject to the following conditions: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act; The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Ford Motor Company, of Dearborn, Mich.; and no shipments shall be transported to or from the United States-Canada boundary line which are moving between Michigan and the Province of Ontario, Canada. This application also proposes that U.S. TRUCK COMPANY, INC., would control DETROIT EQUIPMENT COMPANY, a noncarrier affiliate of DETROIT TERMINAL & CARTAGE COMPANY. U.S. TRUCK COMPANY, INC., is authorized to operate as a *common carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8640. Authority sought for purchase by TRANSPORT, INC., of SOUTH DAKOTA, Post Office Box 502, Sioux Falls, S. Dak., of the operating rights of INTERSTATE TRANSPORT, INC., Post Office Box 502, Sioux Falls, S. Dak., and for acquisition by R. O. PITSENBARGER, Post Office Box 396, Moorhead, Minn., of control of such rights through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Operating rights sought to be transferred: *Petroleum products,* in bulk, in tank vehicles, as a *common carrier,* over irregular routes, from Rock Rapids, Iowa, and points in Iowa within 10 miles thereof, to certain points in Minnesota, from Superior, Nebr., and Champlin, Iowa, to points in Minnesota on and south of U.S. Highway 12 and on and west of U.S. Highway 71, from Watertown, S. Dak., and points within 5 miles thereof, to certain points in Minnesota; *petroleum products,* in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Rock Rapids, Iowa, to points in Nebraska; *petroleum and petroleum products,* in bulk, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Norfolk, Nebr., and points within 10 miles thereof, to points in Minnesota, North Dakota, and South Dakota, from Yankton, S. Dak., and points in South Dakota within 10 miles thereof, to points in Iowa, Minnesota, Nebraska, and North Dakota; and *liquefied petroleum gas,* in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Company pipeline at or near Sanborn, Iowa, to points in Nebraska and South Dakota. TRANSPORT, INC., of SOUTH DAKOTA, not yet a carrier, is controlled by R. O. PITSENBARGER, who also controls through stock ownership INTERSTATE TRANSPORT, INC., and TRANSPORT, INC. (Moorhead, Minn.), both motor carriers subject to the Interstate Commerce Act, pursuant to authority granted in No. MC-F-6863, decided May 29, 1958. TRANSPORT, INC., OF SOUTH DAKOTA seeks authority to purchase the operating rights of INTERSTATE TRANSPORT, INC., and R. O. PITSENBARGER seeks authority to acquire control of the operating rights through the purchase and to continue in control of TRANSPORT, INC., OF SOUTH DAKOTA upon issuance of the certificate authorized in No. MC-124669, decided September 19, 1963. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8641. Authority sought for purchase by INTERCITY TRANSPORTATION COMPANY, 175 East Ashland Street, Brockton, Mass., of the operating rights and property of LEON ELLERY BALL, doing business as LEON E. BALL EXPRESS (FLORENCE G. BALL, EXECUTRIX), 64 South Main Street, Mansfield, Mass., and for acquisition by HAROLD F. BERGERON, G. IRVIN BERGERON, MARIE C. KEARNEY, STANLEY L. BERGERON, and NORMAN S. BERGERON, all of Brockton, Mass., of control of such rights and property through the purchase. Applicants' attorneys: Theodore E. Shasta, 1 Court Street, Boston 8, Mass., Ernest L. White, Jr., 102 North Main Street, Mansfield, Mass., and Jeanne M. Hession, 5 Potosi Street, Dorchester, Mass. Operating rights sought to be transferred: *General* commodities, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between Mansfield, Mass., and Boston, Mass., serving all intermediate points and the off-route points of Sharon and Canton, Mass.; and *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Boston, Foxboro, and Mansfield, Mass., on the one hand, and, Pawtucket, Providence, and Woonsocket, R.I., and points in Massachusetts, on the other. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Rhode Island, Connecticut, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-167; Filed, Jan. 7, 1964; 8:47 a.m.]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 3, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, p. 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

The following are seven (7) applications submitted by the New Mexico State

Corporation Commission, for publication in the FEDERAL REGISTER under provisions of section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. State Docket No. 3666, exact filing date unknown. Applicant: ROBERTA KILGORE, doing business as EVERREADY MOVERS, 1750 Seventh Street NW., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *household goods* as designated by the Interstate Commerce Commission Ex Parte No. MC-19 and as defined by the Interstate Commerce Commission in 17 M.C.C. 467. *New furniture, store and office fixtures and equipment, new household fixtures and appliances and new office and household furnishings*, all uncrated. *General commodities* (except explosives and articles loose or in bulk). Within the city of Albuquerque, N. Mex., and a ten (10) mile radius thereof, over irregular routes, under nonscheduled service.

State Docket No. 3667, exact filing date unknown. Applicant: ABC BONDED WAREHOUSES, INC., 1750 Seventh Street NW., Albuquerque, N. Mex. Identical authority sought in State Docket No. 3666.

State Docket No. 3673, exact filing date unknown. Applicant: A. J. BEAUVAIS, doing business as DELIVERY SERVICE ENTERPRISES, 2001 Second Street NW., Albuquerque, N. Mex. Applicant's attorney: R. Russell Rager, Post Office Box 1031, Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* and *household goods* (except petroleum products in bulk), within the city of Albuquerque, N. Mex., and points in Bernalillo County, N. Mex., over irregular routes, under nonscheduled service.

State Docket No. 3679, exact filing date unknown. Applicant: APACA, INC., 423 Wyoming SE., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new and used uncrated household goods, personal effects; office furniture, equipment and fixtures; equipment and property of stores, museums, institutions, hospitals and other establishments; articles including objects of art, displays and exhibits; electronic equipment and component parts; general commodities; and new and used crated or containerized household goods*, to and from points within the city limits of Albuquerque, N. Mex., and ten (10) miles outside the city limits of Albuquerque, N. Mex., over irregular routes, under nonscheduled service.

State Docket No. 3680, exact filing date unknown. Applicant: HAROLD L. HERSKIND, doing business as PARCEL DELIVERY OF ALBUQUERQUE, 917 Yale SE., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except explosives, articles of unusual value, household goods), within the city of Albuquerque, N. Mex., and a ten (10) mile radius thereof, over irregular routes, under nonscheduled service.

State Docket No. 3683, exact filing date unknown. Applicant: WORLD-WIDE MOVING SERVICE, INC., 10,000 Acoma Road SE., Albuquerque, N. Mex. Applicant's attorney: W. Peter McAtee, 117 Marquette NW., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities, household goods, machinery, and equipment, electronic equipment, building materials, and personal property of every kind and character*, within the city of Albuquerque, N. Mex., and an area ten (10) miles from its municipal limits, over irregular routes, under nonscheduled service.

State Docket No. 3684, exact filing date unknown. Applicant: MILLER VAN LINES, INC., 10,000 Acoma Road SE., Albuquerque, N. Mex. Applicant's attorney: W. Peter McAtee, 117 Marquette NW., Albuquerque, N. Mex. Identical authority sought in State Docket No. 3683.

HEARINGS: (In docket order), January 15, 1964, at 9:30 a.m., in the office of the New Mexico Motor Carriers' Association, Inc., 1500 Hannett NE., Albuquerque, N. Mex.

Requests for procedural information, including the time for filing protests, concerning these applications should be addressed to the New Mexico State Corporation Commission, Motor Transportation Department, Santa Fe, N. Mex., and should not be directed to the Interstate Commerce Commission.

State Docket No. M-11498, filed December 10, 1963. Applicant: CENTRAL TRANSFER AND DISTRIBUTION COMPANY, 501 South Eighth Street, Omaha (Douglas County), Nebr. Applicants' attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except bulk oil, gasoline, bulk commodities and perishable goods which require refrigeration), over irregular routes, from Omaha, Nebr., and vicinity, to and from various points in Nebraska.

HEARING: February 4, 1964, at 9:30 a.m., in the Commission Hearing Room, Capitol Building, Lincoln, Nebr.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-168; Filed, Jan. 7, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ainsbrooke Corp., Olney, Ill.; effective 12-20-63 to 12-19-64 (men's and boys' pajamas).

Alabama Textile Products Corp., Brantley, Ala.; effective 1-1-64 to 12-31-64 (men's work shirts).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 12-26-63 to 12-27-64 (men's trousers).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 1-1-64 to 12-31-64 (men's dress shirts).

Evergreen Textiles, Inc., Evergreen, Ala.; effective 12-21-63 to 12-20-64 (men's semi-dress slacks).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 12-19-63 to 12-18-64 (men's and boys' cotton sport, dress, and work shirts).

H. L. Friedlen & Co., Inc., 640 River Street, Allegan, Mich.; effective 1-4-64 to 1-3-65 (men's outerwear jackets).

Hickory Grove Sportswear Co., Inc.; Hickory Grove, S.C.; effective 12-20-63 to 12-19-64. Learners may not be employed at special minimum wage rates in the production of women's skirts (Women's culottes, capris, jamaica and bermuda shorts).

Pawnee Pants Manufacturing Co., Inc., 104-06 River Street, Olyphant, Pa.; effective 12-30-63 to 12-29-64 (men's and boys' trousers).

Southern Manufacturing Co., Plant No. 1, 333 Fifth Avenue North, Nashville, Tenn.; effective 1-1-64 to 12-31-64 (work shirts, pajamas).

Southern Manufacturing Co., Plant No. 2, 1202 Broad Street, Nashville, Tenn.; effective 1-1-64 to 12-31-64 (men's and boys' shirts).

Swansea Manufacturing Co., Inc., Swansea, S.C.; effective 12-21-63 to 12-20-64 (men's robes and ladies' pants and blouses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bamberg Sportswear Manufacturing Co., Bamberg, S.C.; effective 12-20-63 to 12-19-64; 10 learners (boys' pants).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 1-1-64 to 12-31-64; 10 learners (men's cotton work shirts).

Mode O'Day Co., Plant 6, a division of Founders, Inc., 403½ South Main Street, Ottawa, Kans.; effective 1-1-64 to 12-31-64; 10 learners (ladies' cotton and rayon dresses).

Tucker Garments, Inc., 837 State Street, Springfield, Mass.; effective 12-20-63 to 12-19-64; 10 learners (children's aprons and smocks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Garan, Inc., Starkville, Miss.; effective 12-19-63 to 6-18-64; 65 learners (men's and boys' sport shirts).

Levi Strauss & Co., P.O. Box 1100, McArthur Road, Maryville, Tenn.; effective 12-18-63 to 6-17-64; 100 learners (men's and boys' trousers).

Swansea Manufacturing Co., Inc., Swansea, S.C.; effective 12-21-63 to 6-20-64; 60 learners (men's robes and ladies' pants and blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

C. W. Anderson Hosiery Co., East Carolina Avenue, Clinton, S.C.; effective 12-17-63 to 6-16-64; 10 learners for plant expansion purposes (seamless and full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brookfield Mills, Inc., Sanford, Fla.; effective 12-20-63 to 12-19-64; 5 learners for normal labor turnover purposes (ladies' swimwear).

Sierra Lingerie Co., 300 West 12th Street, Ogden, Utah; effective 12-18-63 to 6-17-64; 15 learners for plant expansion purposes (ladies' and children's undergarments, pajamas).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Aguada Foundations, Inc., Colon Street, P.O. Box 177, Aguada, P.R.; effective 11-3-63 to 8-21-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rate of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles) (replacement certificate).

Aguada Foundations, Inc., Colon Street, P.O. Box 177, Aguada, P.R.; effective 11-3-63 to 3-21-64; 30 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles) (replacement certificate).

Americana Manufacturing Co., Inc., P.O. Box 1168, Guayama, P.R.; effective 11-3-63 to 6-3-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Angela Manufacturing Co., Inc., P.O. Box 676, Guayama, P.R.; effective 11-3-63 to 4-17-64; 17 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Astro Products, Inc., El Comandante Ext., Building 6-A, P.O. Box 777, Carolina, P.R.; effective 11-3-63 to 4-28-64; 8 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (elastic back closures for brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., P.O. Box 391, Ponce, P.R.; effective 11-3-63 to 6-9-64; 30 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Beatrice Needle Craft, Inc., Malecon Road Plant, P.O. Box 86, Mayaguez, P.R.; effective 11-3-63 to 3-23-64; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., Malecon Road Plant, P.O. Box 88, Mayaguez, P.R.; effective 11-3-63 to 4-30-64; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Beatrice Needle Craft, Inc., 60 Comercio Street, Mayaguez, P.R.; effective 11-3-63 to 11-2-64; 25 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Bow Bra Co., Inc., 48 Southeast No. 1272, La Riviera, Rio Piedras, P.R.; effective 11-3-63 to 3-15-64; 35 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Bra-Glo Manufacturing Co., Inc., P.O. Box 97, Carolina, P.R.; effective 11-3-63 to 2-14-64; 20 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Bratex Corp., Road No. 701, Km. 0.3, P.O. Box 747, Salinas, P.R.; effective 11-3-63 to 2-14-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) machine operation other than sewing machine (trim master machine and die press cutter machine operator); final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Catherine Needle Craft, Inc., 60 Comercio Street, P.O. Box 88, Mayaguez, P.R.; effective 11-3-63 to 4-22-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Contours, Inc., P.O. Box 163, Caguas, P.R.; effective 11-3-63 to 12-28-63; 5 learners for normal labor turnover purposes, in the occupations of: (1) cup cutter; cup sprayer; cup presser, each for a learning period of 240 hours at the rate of 88 cents an hour; and (2) die and clicker machine operator, each for a learning period of 160 hours at the rate of 88 cents an hour (bust pads) (replacement certificate).

Debmar Corp., P.O. Box 377, Canovenas, P.R.; effective 11-3-63 to 2-14-64; 19 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

De Luxe Caribe, Inc., P.O. Box 348, Florida, P.R.; effective 11-3-63 to 2-5-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and allied products) (replacement certificate).

De Luxe Caribe, Inc., P.O. Box 348, Florida, P.R.; effective 11-11-63 to 2-5-64; 32 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and allied products).

Nutritional Specialties, Inc., P.O. Box 103, Arecibo, P.R.; effective 12-5-63 to 4-30-64; 5 learners for normal labor turnover purposes, in the occupation of tableting machine operator; mixing machine operator; granulating machine operator; coating machine operator; die setting, each for a learning period of 240 hours at the rate of 74 cents an hour (dietary food supplement in tablet form) (replacement certificate).

Tropical Corp., P.O. Box 3573, Mayaguez, P.R.; effective 11-3-63 to 8-21-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of: (a) 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours in the manufacture of sachet bags; (b) 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours in the manufacture of children's dresses (sachet bags and children's dresses) (replacement certificate).

Each learner certificate has been issued upon the representations of the em-

ployer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Maplewood Academy, 700 North Main Street, Hutchinson, Minn.; effective 12-13-63 to 8-31-64; authorizing the employment of: (1) 20 student-workers in the bookbindery industry in the occupations of bookbinder, bindery worker, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; (2) 26 student-workers in the furniture manufacturing industry in the occupations of woodworking machine operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.10 an hour for the first 300 hours and $1.15 an hour for the remaining 300 hours; and (3) 2 student-workers in the clerical industry in the occupations of typist, record-keeper, and related skilled and semiskilled occupations in the office, for a learning period of 480 hours at the rates of $1.10 an hour for the first 240 hours and $1.15 an hour for the remaining 240 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 27th day of December 1963.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-174; Filed, Jan. 7, 1964; 8:48 a.m.]

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Washington, Thursday, January 9, 1964

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DEPOSITED BY THE
UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11137

RELATING TO CERTAIN ALLOWANCES AND BENEFITS FOR CIVILIAN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES OF THE ARMED FORCES

By virtue of the authority vested in me by Section 301 of title 3 of the United States Code and by the various provisions of law cited in the body of this order, and as President of the United States, it is ordered as follows:

PART I—ALLOWANCES AND DIFFERENTIALS IN FOREIGN AREAS

SECTION 101. The term "employee", as defined in Section 111(3) of the Overseas Differentials and Allowances Act (5 U.S.C. 3032(3)), is hereby further defined as including civilian employees, compensated from nonappropriated funds, of the instrumentalities of the United States under the jurisdiction of the armed forces covered by Section 1 of the Act of June 19, 1952, ch. 444 (5 U.S.C. 150k).

SEC. 102. The Secretary of each military department with respect to his department, and the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by Section 203 of the Overseas Differentials and Allowances Act (5 U.S.C. 3035) to prescribe regulations governing payments of allowances and differentials in foreign areas to the extent that the said authority is in respect of employees referred to in Section 101 of this order whose rates of basic compensation from nonappropriated funds are fixed in accordance with regulations prescribed by the Secretary concerned.

SEC. 103. Regulations prescribed under authority delegated by the provisions of Section 102 hereof:

(a) Shall, so far as practicable, be uniform.

(b) In the case of regulations prescribed by the Secretaries of the military departments, shall require the approval of the Secretary of Defense.

(c) Shall not, with respect to any locality, authorize allowances or differentials which exceed those prescribed under Executive Order No. 10903 of January 9, 1961, for other employees of the United States in the same locality.

SEC. 104. Executive Order No. 10903 of January 9, 1961, is hereby modified to the extent of the definition and the delegations of authority contained in Sections 101 and 102 hereof.

PART II—COST OF LIVING ALLOWANCES IN CERTAIN NONFOREIGN AREAS

SEC. 201. The Secretary of Defense with respect to the military departments, and the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by paragraph (2) of Section 912 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 912(2)), to approve the regulations there contemplated to the extent that the said regulations are in respect of the payment of cost-of-living allowances to employees, compensated from nonappropriated funds, of instrumentalities of the United States under the jurisdiction of the armed forces covered by Section 1 of the Act of June 19, 1952, ch. 444 (5 U.S.C. 150k), who are stationed outside the continental United States or in Alaska.

SEC. 202. Regulations approved under authority delegated by the provisions of Section 201 hereof:

(a) Shall, so far as practicable, be uniform.

(b) Shall not apply to employees who are stationed in either the Canal Zone or in any "foreign area" as defined in Section 111(6) of the Overseas Differentials and Allowances Act (5 U.S.C. 3032(6)).

(c) Shall be limited to employees whose rates of basic compensation are fixed in conformity with rates paid by the Government for work of a comparable level of difficulty and responsibility to employees stationed in the continental United States exclusive of Alaska.

(d) Shall not, with respect to any locality, authorize allowances which exceed those prescribed under Executive Order No. 10000 of September 16, 1948, as amended, for other employees of the United States in the same locality.

PART III—GENERAL PROVISIONS

SEC. 301. All actions heretofore taken by the President or his delegate with respect to the matters affected by this order, and in effect at the time of the issuance of this order, including any regulations prescribed or approved by the President or his delegate with respect to such matters, shall, except as they are inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to appropriate authority.

SEC. 302. This order, and the regulations prescribed or approved under the authority thereof, shall be published in the FEDERAL REGISTER.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 7, 1964.

[F.R. Doc. 64-276; Filed, Jan. 8, 1964; 12:36 p.m.]

Executive Order 11138

MODIFYING EXECUTIVE ORDER NO. 9721,[1] AS AMENDED BY EXECUTIVE ORDER NO. 10103,[2] PROVIDING FOR THE TRANSFER OF PERSONNEL TO CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and Section 1753 of the Revised Statutes, and as President of the United States, it is ordered that Executive Order No. 9721 of May 10, 1946, as amended by Executive Order No. 10103 of February 1, 1950, providing for the transfer of personnel to public international organizations in which the United States Government participates be, and it is hereby, modified as follows:

The limitation in Section 1 relating to the period during which an employee shall be considered as on leave of absence from his employment with the Federal Government, and the limitation in Section 3(a) relating to the period of time from date of transfer to a public international organization during which an employee is privileged to exercise reemployment rights, are waived with respect to Frederick Strauss, and he shall be considered to have been on leave of absence for the period August 12, 1957, through September 16, 1962, for the purpose of all rights and benefits provided by Executive Order 9721, as amended.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 7, 1964.

[F.R. Doc. 64-277; Filed, Jan 8, 1964; 12:36 p.m.]

[1] 3 CFR, 1943–1948 Comp., p. 528; 11 F.R. 5209.
[2] 3 CFR, 1949–1953 Comp., p. 297; 15 F.R. 597.

Executive Order 11139

AUTHORIZING ACCEPTANCE OF THE UNITED NATIONS MEDAL AND SERVICE RIBBON

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, I hereby authorize the Secretary of Defense, with respect to members of the Army, Navy, Air Force, and Marine Corps, and the Secretary of the Treasury, with respect to members of the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations under which the United Nations Medal and Service Ribbon may be accepted by members of the armed forces who have been determined eligible for consideration in accordance with the Regulations for the United Nations Medal, promulgated by the United Nations Organization on July 30, 1959. A determination that service with the United Nations in a particular geographic area or for a particular purpose constitutes a justifiable basis for authorizing acceptance of the United Nations Medal and Service Ribbon by eligible members of the armed forces of the United States shall be made with the concurrence of the Secretary of State.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 7, 1964.

[F.R. Doc. 64-278; Filed, Jan. 8, 1964; 12:36 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, paragraph (q)(1) is added to § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * * *

(q) *International Agricultural Development Service.*

(1) The Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–200; Filed, Jan. 8, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making regarding a proposed limitation of shipments regulation to be effective under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in certain designated counties in South Texas, was published in the FEDERAL REGISTER, December 21, 1963 (28 F.R. 13938). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, it is hereby found that the proposed limitation of shipments regulation as hereinafter set forth will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) volume shipments of onions grown in the production area are expected to begin on or about the effective date of this section, (2) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of onions in the manner set forth in this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances for such preparation, and (5) notice has been given of the proposed Limitation of Shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of December 21, 1963 (29 F.R. 13938).

§ 959.304 Limitation of shipments.

During the period from February 3, 1964, through June 30, 1964, no person may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* Onions failing to meet the grade, size, or container requirements of paragraph (a), (b), or (c) of this section, or not exempted under paragraph (d), of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity, or for experimental purposes, may be handled pursuant to § 959.126(b). Any such onions may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) During the effective period hereof, no handler may handle any onions, except pursuant to paragraphs (d) or (e) of this section, unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the Committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or Committee document, upon request, is surrendered to authorities designated by the Committee.

(3) For purpose of operation under this part each inspection certificate or Committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the United States Standards for Grades of Onions (§§ 51.2830–51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143 and this part (Marketing Order No. 959), both as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 6, 1964, to become effective February 3, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64–204; Filed, Jan. 8, 1964; 8:47 a.m.]

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Walnuts

Notice was published in the FEDERAL REGISTER on December 3, 1963 (28 F.R. 12827), that there was under consideration a proposal to amend § 999.100, Regulation Governing Imports of Walnuts, which is effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto with the Department for consideration prior to establishment of such amended regulation. The prescribed time has elapsed and no such communication has been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that the amended regulation hereinafter set forth will tend to effectuate the declared policy of the Act.

Therefore, such regulation is hereby amended to read as follows:

§ 999.100 Regulation governing imports of walnuts.

(a) *Definitions.* (1) "Walnuts" means all walnuts commonly known as English or Persian walnuts (Juglans regia).

(2) "Inshell walnuts" means walnuts, the kernels or edible portions of which are contained in the shell.

(3) "Shelled walnuts" means the kernels of walnuts after the shells are removed.

(4) "Person" means any individual, partnership, corporation, association, or other business unit.

(5) "USDA Inspector" means any Federal or Federal-State inspector of the Fresh Products Standardization and Inspection Branch of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture.

(6) "Importation of walnuts" means the release of walnuts at the port of arrival by the unlading inspector of the United States Bureau of Customs for movement under either an immediate transportation without appraisement, a warehouse, or a consumption entry.

(b) *Grade and size regulations.* No person may import walnuts (Juglans regia) into the United States unless such walnuts have been inspected and certified by a USDA inspector as meeting the following requirements:

(1) *Inshell walnuts.* All inshell walnuts shall be of a quality equal to or better than the requirements for U.S. No. 3 and "baby" size as prescribed in the United States Standards for Walnuts (Juglans regia) in the Shell (§§ 51.2945–51.2966 of this title); or

(2) *Shelled walnuts.* All shelled walnuts shall be of a quality equal to or better than the requirements for U.S. Commercial Grade as prescribed in the United States Standards for Shelled Walnuts (Juglans regia (§§ 51.2275–51.2294 of this title excluding §§ 51.2278(b), 51.2284 and 51.2285) effective January 25, 1959, except that the minimum size shall be pieces not more than five percent of which will pass through a round opening 5/64 inch in diameter and no other size requirements shall apply.

(c) *Inspection and certification.* (1) All inspections and certifications required by paragraph (b) of this section shall be made by USDA inspectors in accordance with the regulations governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of inspection and certification shall be borne by the applicant.

(2) Each inspection certificate shall set forth among other things the following:

(i) The date and place of inspection;

(ii) The name of the applicant;

(iii) The name of the importer;

(iv) The quantity and identifying marks of the container; and

(v) The statement, if applicable, "Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937".

(3) Whenever walnuts are offered for inspection, the applicant shall furnish any labor and pay any costs incurred in moving and opening containers as may be necessary for proper sampling and inspection. The applicant shall also furnish the USDA inspector the entry number and such other identifying information for each lot as he may request.

(4) Inspection must be completed at the port of arrival prior to the importation of walnuts. To avoid delay the applicant should make advance arrangements with the USDA inspection office nearest the port of arrival.

(d) *Reconditioning prior to importation.* Nothing contained in this section shall be deemed to preclude reconditioning walnuts at the port of arrival, in order that such walnuts may be made eligible to meet the grade and size regulations prescribed in paragraph (b) of this section, prior to importation.

(e) *Minimum quantity.* Notwithstanding any other provision of this section, the importation of any lot of walnuts which does not exceed, in net weight, 60 pounds of shelled walnuts or 115 pounds of inshell walnuts shall be exempt from the requirements of this section.

(f) *Other import requirements.* The provisions of this section do not supersede any restrictions or prohibitions on walnuts under the Federal Plant Quarantine Act of 1912, or any other applicable laws or regulations of city, county, State, or Federal Agencies including the Federal Food, Drug and Cosmetic Act.

(g) *Compliance.* Any person violating any of the provisions of this regulation is subject to a forfeiture in the amount prescribed in section 608a(5) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), or, upon conviction, a penalty in the amount prescribed in section 608c (14) of said act, or to both such forfeiture and penalty. False representations in any matter within the jurisdiction of any agency of the United States, knowing it to be false, is a violation of 18 U.S.C. 1001 which provides for a fine or imprisonment or both.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) Walnuts are now being imported; (2) the amended regulation is intended to improve administration and reduce the possibility of non-compliance; and, (3) persons known to be affected by the amended regulation have been notified of the changes and have not indicated any problems or opposition relating thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 3, 1964. To become effective January 25, 1964.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-205; Filed, Jan. 8, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On October 25, 1963, there was published in the FEDERAL REGISTER (28 F.R. 11457) a notice with respect to a proposal to amend § 74.3(a), Part 74, Title 9, Code of Federal Regulations, by adding the States of Iowa and Ohio to the sheep scabies eradication area. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), said § 74.3(a) is amended in accordance with such notice as indicated below:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following county in Minnesota: Jackson;

(5) All counties in Missouri except: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all Counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Merrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(10) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendment adds the States of Iowa and Ohio to the list of eradication areas, since the cooperative sheep scabies eradication program is now being conducted in such States. These States are presently in the infected areas as sheep scabies is known to exist therein. After the effective date of this amendment, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such States.

Done at Washington, D.C., this 3d day of January 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-158; Filed, Jan. 8, 1964; 8:45 a.m.]

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Records; Disposition

Correction

In F.R. Doc. 63-13313, appearing at page 14263 of the issue for Wednesday, December 25, 1963, the third paragraph from the end of the document should open with the words "The periods specified herein after * * *" instead of with the words "The periods specified hereinafter * * *".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER A—GENERAL

[CGFR 63-74]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

Procurement; Special Enlistment Programs

By virtue of the authority contained in section 511(d), Title 10, U.S. Code, the following amendment is hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.2402 is hereby amended to read as follows:

§ 8.2402 Active duty for training program.

(a) Male applicants without prior military service may be enlisted in units of the Ready Reserve pursuant to the provisions of section 511 of Title 10, U.S. Code provided they:

(1) Are between the ages of 17 and 26 years.

(2) Are physically, mentally and otherwise qualified for induction.

(3) Are not under orders to report for induction.

(b) Each applicant accepted under this section shall be enlisted for a period of six years. He shall be placed initially in the Ready Reserve and be required during his six year enlistment to:

(1) Perform an initial period of active duty for training of not less than four consecutive months. The maximum period of active duty for training will be determined by the Commandant on the basis of the training considered necessary to qualify the member in a military specialty.

(2) Unless sooner transferred to the Standby Reserve under the screening regulations, participate satisfactorily in an accredited training program of the Ready Reserve while on inactive duty for a period which, when added to the initial period of active duty for training, totals six years.

(c) Members enlisted under this program shall enter on active duty for training with minimum practicable delay. The delay shall not exceed one hundred and eighty (180) days except as follows:

(1) Members pursuing a course in high school may be delayed until they cease to pursue that course satisfactorily or graduate, whichever occurs first.

(2) Members enlisting for positions requiring security clearance for access to or work with classified military information or equipment may be delayed to the extent necessary to accomplish the required clearances.

(3) Members with special qualifications enlisted to fill positions requiring highly specialized skills for which appropriate formal training courses are offered only infrequently may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which enlisted.

(4) Delay for personnel under subparagraph (1), (2), or (3) of this paragraph, shall not exceed a period of one year and shall not be employed for the purpose of stockpiling personnel.

(d) Whether or not a member shall participate in Reserve training during the delay period provided for in paragraph (c) above shall be determined by the Commandant.

(e) No enlistment shall be accepted under the provisions of this section if it would cause the strength of the Ready Reserve authorized for the Coast Guard to be exceeded.

Approved: January 2, 1964.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-203; Filed, Jan. 8, 1964; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.3—General Policies

NONCOLLUSION CERTIFICATION

Subpart 5-1.3 is amended by adding § 5-1.317 reading as follows:

§ 5-1.317 Noncollusive bids and proposals.

Authority to determine that a disclosure was not made with collusive intent under paragraph (d) of the certification prescribed in § 1-1.317 is vested in the Head of the Central Office Service or

Staff Office concerned, with authority to redelegate to officials not below the level of head of a procuring activity, and Regional Administrators. All determinations require concurrence by the Office of General Counsel at the level of Assistant General Counsel or above.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 31, 1963.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64-196; Filed, Jan. 8, 1964; 8:46 a.m.]

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B-2.2—Solicitation of Bids

Subpart 5B-2.2 (Solicitation of Bids) is revised as follows:

Sec.
5B-2.201 Preparation of invitations for bids.
5B-2.201-70 Building services.
5B-2.205 Bidders mailing lists.
5B-2.205-4 Excessively long bidders mailing lists.

AUTHORITY: The provisions of this Subpart 5B-2.2 issued under sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 41 CFR 5-1.101(c), 28 F.R. 4559.

§ 5B-2.201 Preparation of invitations for bids.

In addition to the requirements of FPR 1-2.201, the invitation for bids on construction contracts shall include an estimate of the cost of the work to be performed under the contract expressed as a range within which the estimate falls.

§ 5B-2.201-70 Building services.

(a) GSA Form 1467, Invitation, Bid, and Award (Contract for Building Services), and GSA Form 1468, General Provisions (Contract for Building Services), shall be used without limitation as to amount when formal advertising is required in connection with procurement of building services.

(b) Insurance provisions, worked out with the regional Credit and Finance Division, shall be inserted in all invitations for bids for the procurement of building services where the aggregate amount involved is estimated to exceed $5,000.

(c) GSA Form 1714, Equal Opportunity Clause, and GSA Form 1732, Bidder Affiliation and Identifying Data, shall be inserted in the invitation for bids for the procurement of building services where the estimated cost of the work to be performed indicates that the resulting award may exceed $10,000.

(d) GSA Form 1411B, Contractor's Representation Regarding Contingent Fees (Contract for Building Services), shall be inserted in all invitations for bids for the procurement of building services where the aggregate amount involved is estimated to exceed $25,000.

(e) A description of the services to be furnished, the time and place of performance, the period to be covered if a term contract is involved, the requirements and specifications, payment provisions, and other special terms and conditions shall be developed and included in invitations for bids by separate attachment as necessary for each individual case. Bid bonds, performance bonds, or payment bonds should not ordinarily be required. The attachments should be identified in the space provided therefor on the face of GSA Form 1467. The number of calendar days within which the bid is to be accepted should be inserted in the block entitled "BID" before issuance of the invitation.

§ 5B-2.205 Bidders mailing lists.

§ 5B-2.205-4 Excessively long bidders mailing lists.

When preinvitation notices are used pursuant to FPR 1-2.205-4(c) in connection with construction contracts, such notices shall include an estimate of the cost of the work to be performed under the contract expressed as a range within which the estimate falls.

Effective date. These regulations are effective January 31, 1964, but may be observed earlier.

Dated: December 24, 1963.

WILLIAM A. SCHMIDT,
Acting Commissioner, Public Buildings Service.

[F.R. Doc. 64-197; Filed, Jan. 8, 1964; 8:46 a.m.]

Proposed Rule Making

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

FINISHERS OF BROAD WOVEN FABRICS OF COTTON

Notice of Proposal To Amend Definition of Small Business Manufacturer

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 4) by establishing a new definition for a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2261, Finishers of broad woven fabrics of cotton.

The present definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2261, Finishers of broad woven fabrics of cotton, is a concern which is independently owned and operated, is not dominant in its field of operation, and, together with its affiliates, employs no more than 500 persons.

It has come to the attention of the Small Business Administration that the 500 employees size standard for manufacturing concerns in SIC Industry 2261, Finishers of broad woven fabrics of cotton, does not permit sufficient competition between the smaller firms in the industry and the larger integrated mills. Therefore, it is proposed to establish a size standard of 1,000 employees for manufacturing concerns in SIC Industry 2261, Finishers of broad woven fabrics of cotton.

Interested persons may file with the Small Business Administration within thirty days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the new definition.

All correspondence shall be addressed to: Samuel S. Solomon, Director, Size Standards Division, Small Business Administration, Washington 25, D.C.

It is proposed to change the definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2261, finishers of broad woven fabrics of cotton, as follows:

The Small Business Size Standards Regulation (Revision 4), (29 F.R. 86), is hereby amended by adding to Schedule B of § 121.3-8 the following industry size standard:

Census classification code	Industry	Employment size standard (number of employees)
2261	Finishers of broad woven fabrics of cotton	1,000

Dated: December 26, 1963.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-190; Filed, Jan. 8, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Orders Canceled in Their Entirety

DECEMBER 31, 1963.

Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 2, Delegation of Authority (28 F.R. 294) dated January 9, 1963, it is hereby ordered that effective at 10:00 a.m. on January 15, 1964, the following Small Tract Classification Orders are hereby canceled in their entirety:

(a) No. 12 dated September 29, 1949, F.R. Doc. 49-8520.
(b) No. 28, dated July 20, 1950, F.R. Doc. 50-6909, as amended by F.R. Doc. 54-8295, F.R. Doc. 55-2248, F.R. Doc. 57-6435, and F.R. Doc. 61-4880.
(c) No. 53, dated February 5, 1952, F.R. Doc. 52-1705.
(d) No. 58, dated June 26, 1952, F.R. Doc. 52-7270.
(e) No. 60, dated July 9, 1952, F.R. Doc. 52-7766, as amended by F.R. Doc. 60-6337, F.R. Doc. 61-3552, and F.R. Doc. 63-13140.
(f) No. 66, dated October 23, 1952, F.R. Doc. 52-11623.
(g) No. 107, dated September 27, 1955, F.R. Doc. 55-8055.
(h) No. 109, dated October 12, 1955, F.R. Doc. 55-8454.

NOTE: F.R. Doc. 57-1497 (General Amendment to Small Tract Classification Order Nos. 1-112) affected all above orders.

This order affects 925 tracts aggregating approximately 4,800 acres.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64-199; Filed, Jan. 8, 1964; 8:46 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JANUARY 2, 1964.

1. Plat of extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. January 15, 1964.

COPPER RIVER MERIDIAN

T. 28 S., R. 53 E.,
Sec. 13: S½N½.

Containing 160 acres.

2. This land is mountainous and covered with spruce.

3. Subject to any existing valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the above-described land is hereby opened to filing applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on January 15, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. The lands will also be open to mining location at that date and hour.

4. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska.

AL J. HOLLEY,
Acting Manager.

[F.R. Doc. 64-185; Filed, Jan. 8, 1964; 8:45 a.m.]

NEW MEXICO

Change of Location for Land Office

Correction

In F.R. Doc. 64-25, appearing at page 55 of the issue for Friday, January 3, 1964, the following correction is made in the first paragraph: In the second sentence, "Room 222" should read "Room 2222".

CIVIL SERVICE COMMISSION

MEDICAL OFFICERS, POSTAL FIELD SERVICE

Notice of Increase in Minimum Rates of Pay

1. Under authority of section 504 of the Federal Salary Reform Act of 1962 and Executive Order 11073, and in accordance with recommendations of the Post Office Department, the Civil Service Commission has increased the minimum salary rates and rate ranges for medical officers, occupational code 602, in the Postal Field Service, at levels 12 through 16. The revised rates for these levels are as follows:

Level	Per annum rates								
	1	2	3	4	5	6	7	8	9
PFS-12	$11,100	$11,405	$11,710	$12,015	$12,320	$12,625	$12,930	$13,235	$13,540
PFS-13	12,220	12,555	12,890	13,225	13,560	13,895	14,230	14,565	14,900
PFS-14	13,460	13,830	14,200	14,570	14,940	15,310	15,680	16,050	16,420
PFS-15	14,830	15,240	15,650	16,060	16,470	16,880	17,290	17,700	18,110
PFS-16	16,325	16,775	17,225	17,675	18,125	18,575	19,025	19,475	

2. Geographic coverage is nationwide.

3. The effective date will be the first day of the first pay period which begins on or after January 1, 1964.

4. As of the effective date, the Post Office Department will process a pay adjustment to increase the pay of current employees in the affected classes. Their pay will be adjusted in accordance with instructions issued by the Postmaster General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-201; Filed, Jan. 8, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14904; Order E-20334]

TRANS WORLD AIRLINES, INC.

Order Granting Temporary Suspension of Service

Issued under delegated authority January 3, 1964.

Application of Trans World Airlines, Inc., for authority to suspend service temporarily at the co-terminal point Detroit, Michigan, on its international route.

Trans World Airlines, Inc. (TWA) filed an application on December 4, 1963, pursuant to Part 205 of the Board's economic regulations, for authority to suspend temporarily its international air service at Detroit, Michigan, from January 20, 1964 until March 9, 1964.

In support of its application, TWA submits that the low volume of traffic which can be generated at Detroit for the winter months would result in an uneconomical operation for TWA; that the small number of transatlantic passengers to and from Detroit will continue to have ample connecting service with transatlantic flights at the New York gateway; and that suspension of service at Detroit during the indicated period would result in substantial savings to TWA and is in the public interest.[1]

No objections to the application have been received.

Upon consideration of the foregoing, it is concluded that temporary suspension of TWA's international service at Detroit is in the public interest. The traffic prospects, presented by the application, forebode an uneconomical operation for TWA, whereas the suspension will not appreciably inconvenience Detroit transatlantic passengers because of the availability of Pan American's direct transatlantic service together with numerous connecting flights at the New York gateway.

Therefore, pursuant to authority duly delegated by the Board's regulations, 14 CFR 385.13(n), it is found that suspension of TWA's authority to serve Detroit from January 20, 1964 until March 9, 1964 is in the public interest.

Accordingly, it is ordered:

1. That Trans World Airlines, Inc., be and it hereby is authorized to suspend service at Detroit, Michigan, on its international route, from January 20, 1964, until March 9, 1964; and

2. That this order may be amended or revoked at any time, in the discretion of the Board, without hearing.

This order will be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-202; Filed, Jan. 8, 1964; 8:47 a.m.]

[1] TWA was suspended temporarily at Detroit from May 1, 1962 until May 1, 1963 (Order E-18265, April 26, 1962). Since the latter date, TWA served Detroit with three weekly flights up to October 29, 1963, at which time its international service was reduced to one weekly flight via Boston. TWA represents that the load factor on this weekly flight is approximately 24 percent.

DEPARTMENT OF COMMERCE

Maritime Administration

SHIPMENT OF WHEAT AND WHEAT FLOUR TO SOVIET BLOC COUNTRIES

Notice to Exporters and American Shipowners

Current Export Bulletin No. 883 issued by the Office of Export Control, Department of Commerce, on November 13, 1963, requires that at least 50 percent of the wheat and wheat flour to Subgroup A countries will be exported on U.S.-flag carriers and that if such carriers are not available at reasonable rates, the exporters must obtain prior authorization from the Maritime Administration to ship less than 50 percent on U.S.-flag carriers.

Any application by an exporter to the Maritime Administration for waiver of the foregoing requirement must be accompanied by a certification that solicitation of all owners and/or operators in all segments of the American steamship trade for necessary shipping space has been made including posting at the New York Maritime Exchange, 80 Broad Street, New York, New York, for the required U.S.-flag shipping. Application may be made at any time subsequent to the date of prompt solicitation after a sales contract has been signed and after allowing five (5) days for response thereto. The results of such solicitation must be clearly and fully itemized including the dates of all tenders, shipping dates, rates, terms and conditions, loading and discharge ports, cargo tonnage offered, and full response to such tenders. Exporters are advised that waivers will not be considered unless U.S.-flag ships have been given a reasonable period to meet the shipping schedules, and in any event the shipping schedules (laydays) for U.S.-flag ships shall extend over the same period applicable for other shipping but should be not less than thirty (30) calendar days after the date of solicitation unless compelling circumstances require a shorter period.

Upon receipt of an application for a waiver of the U.S.-flag shipping requirement, the Maritime Administration will promptly issue a public notice including posting of a notice at the New York Maritime Exchange, 80 Broad Street, New York, New York, giving full details of the waiver application, stating that a request for waiver has been received and unless evidence within five (5) days from date of such notice is received showing that U.S.-flag shipping is offered, capable of meeting the reasonable shipping schedules of the exporters at applicable guideline rates, the waiver will be granted.

Exporters and American shipowners are advised that on these commercial transactions the supplemental guideline rates for wheat in bulk published by the Maritime Administration, Department of Commerce, in the FEDERAL REGISTER issue of November 16, 1963, and any other supplemental guideline rates published for other port areas applicable to ships of 15,600 to 30,000 TDWT will govern. If wheat flour in bags is to be shipped under Current Export Bulletin No. 883, supplemental guideline rates will be published.

Dated: January 7, 1964.

ROBERT E. GILES,
Acting Maritime Administrator.

[F.R. Doc. 64-271; Filed, Jan. 8, 1964; 11:25 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 167-57; CGFR 63-86]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), there is transferred to the Commandant, U.S. Coast Guard the function of § 1-1.317, 41 CFR (Federal Procurement Regulations) concerning the determination of whether bids or proposals are properly certified to assure noncollusion.

The Commandant may assign the performance of this function to the Comptroller of the Coast Guard.

Dated: January 2, 1964.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.F. Doc. 64-191; Filed, Jan. 8, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-504—RI64-516]

SOUTHERN UNION PRODUCTION CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates and Allowing Proposed Increased Rate [1] To Become Effective Subject to Refund

DECEMBER 31, 1963.

Southern Union Production Company, Docket No. RI64-504; Skelly Oil Company, Docket No. RI64-505; Skelly Oil Company (Operator), et al., Docket No. RI64-506; Alex N. Campbell, Docket No. RI64-506; R. N. Usher and Polly Usher, Docket No. RI64-507; John L. Morrison, et al., Docket No., RI64-509; William

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Graham Oil Company (Operator), et al., Docket No. RI64–510; Graham-Michaelis Drilling Company (Operator), et al., Docket No. RI64–511; Columbian Fuel Corporation, Docket No. RI64–512; Robert F. White, et al., (Operator), et al., Docket No. RI64–513; George L. Blohm, et al., Docket No. RI64–514; Standard Oil Company of Texas, a division of California Oil Company, Docket No. RI64–515; Herman F. Heep Estate, et al., Docket No. RI64–516.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–504	Southern Union Production Co., [2] 1500 Fidelity Union Tower, Dallas 1, Tex.	3	22	Southern Union Gathering Co. (Mesa Verde and Dakota Formations, San Juan County, N. Mex.) (San Juan Basin).	$32,123	12–13–63	1–13–64	6–13–64	[3] 13.0573	[4] [5] 14.0617	RI64–274.
	do	6	6	Southern Union Gathering Co. [2] (Pictured Cliffs Formation, San Juan County, N. Mex.) (San Juan Basin).	893	12–13–63	1–13–64	1–14–64	[3] 11.0472	[3] 12.0515	RI64–274.
	do	1	23	El Paso Natural Gas Co. (Mesa Verde Formation, San Juan County, N. Mex. (San Juan Basin) and La Plata County, Colo.).	20,077	12–13–63	1–13–64	6–13–64	[6] [7] 13.0573 [6] [8] 13.0	[7] [8] 14.0617 [8] [9] 14.0	RI64–274.
	do	5	11	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin).	3,142	12–13–63	1–13–64	6–13–64	[6] 13.0558	[6] 14.0601	RI64–274.
	do	7	8	El Paso Natural Gas Co. (Central Bisti Lower Valley Formation, San Juan County, N. Mex.) (San Juan Basin).	89	12–13–63	1–13–64	6–13–64	[6] 13.0558	[6] 14.0601	RI64–274.
	do	10	2	El Paso Natural Gas Co. (Basin Dakota Pool, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	36,000	12–13–63	1–13–64	6–13–64	[6] [11] 13.0	[10] [11] 14.0	
RI64–505	Skelly Oil Co., P.O. Box 1650, Tulsa 2, Okla.	65 65	[12] 9 10	Colorado Interstate Gas Co. (Greenwood Field, Morton and Stanton Counties in Kansas and Baca County in Colorado).	5,720	12–10–63	1–10–64	6–10–64	[13] [14] 15.0	[13] [14] 16.0	
RI64–506	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa 2, Okla.	46	16	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	4,463	12– 4–63	1– 4–64	6– 4–64	[6] [11] [15] 13.0508	[5] [11] [15] 14.0551	RI64–14.
	do	141	15	do	8,434	12– 4–63	1– 4–64	6– 4–64	[6] [11] [16] 13.0495	[6] [11] [16] 14.0536	RI64–13.
RI64–507	Alex N. Campbell, P.O. Box 842, Aztec, N. Mex.	1	1	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	615	12–11–63	1–11–64	6–11–64	[6] 13.0	[10] [11] 14.0	
	R. N. Usher and Polly Usher, P.O. Box 842, Aztec, N. Mex.	1	1	do	48	12–11–63	1–11–64	6–11–64	[6] [11] 13.0	[10] [11] 14.0	
RI64–509	John L. Morrison, et al., P.O. Box 842, Aztec, N. Mex.	1	5	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin)	2,356	12– 9–63	1– 9–64	6– 9–64	[6] 11.0	[10] 14.0	
RI64–510	William Graham Oil Co. (Operator), et al., 211 North Broadway, Wichita, Kans.	9	3	Colorado Interstate Gas Co. (Hugoton Field, Haskell and Finney Counties, Kans.).	1,555	12– 9–63	1– 9–64	6– 9–64	[13] [14] 12.5	[13] [14] 13.5	RI61–245.
RI64–511	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans.	44	6	Colorado Interstate Gas Co. (Hugoton Field, Haskell, Finney, and Seward Counties, Kans.).	4,812	12– 9–63	1– 9–64	6– 9–64	[13] [14] 12.5	[13] [14] 13.5	RI61–246.
RI64–512	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla.	21	3	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	1,128	12–12–63	1–12–64	6–12–64	[13] [14] [15] 11.5	[13] [14] 13.5	
RI64–513	Robert F. White, (Operator), et al., 714 Union Center Bldg., Wichita 2, Kans.	4	3	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	1,440	12–12–63	1–12–64	6–12–64	[13] [14] 15.0	[13] [14] 16.0	
RI64–514	George L. Blehm, et al., 4219 Richmond Ave., Houston 27, Texas.	1	9	Tennessee Gas Transmission Co. (North Chesterfield Field, Colorado County, Texas) (R.R. District No. 3).	1,200	12– 2–63	1– 2–64	6– 2–64	[14] [15] 14.6	[14] [15] 15.6	
	do	3	4	do	3,000	12– 2–63	1– 2–64	6– 2–64	[14] [15] 14.6	[14] [15] 15.6	
RI64–515	Standard Oil Co. of Texas, a division of California Oil Co., P.O. Box 1249, Houston 1, Tex.	2	15	Texas Eastern Transmission Corp. (Gist and Adams Ranch Field, Jasper and Newton Counties, Texas) (R.R. District No. 3).	2,178	12– 6–63	1– 6–64	6– 6–64	[14] 15.4	[14] 15.6	RI63–431.
	do	27	7	Texas Eastern Transmission Corp. (Chevron Field, Kleberg County, Texas) (R.R. District No. 4).	27,202	12– 6–63	1– 6–64	6– 6–64	[14] 15.4	[14] 15.6	RI63–43.
RI64–516	Herman F. Heep Estate, et al., P.O. Drawer 36, Austin 61, Texas.	2	6	Texas Eastern Transmission Corp. (May Field, Kleberg County, Texas) (R.R. District No. 4).	6,005	12–10–63	1–10–64	6–10–64	[14] 14.6	[14] 15.6	

[1] The stated effective date is the first day after the expiration of the required statutory notice.
[2] A wholly owned subsidiary of Southern Union Gas Co.
[3] Pressure base of 15.025 psia.
[4] Periodic and tax reimbursement increase.
[5] Proposed increased rate excludes certain acreage covered by Supplement No. 20 to Southern Union Production Co. FPC Gas Rate Schedule No. 3.
[6] Rate applicable to sales of gas produced in San Juan County, N. Mex.
[7] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids per contract.
[8] Rate applicable to sales of gas produced in La Plata County, Colo.
[9] Periodic increase.
[10] Includes 1.0 cent per Mcf minimum guarantee for liquids added by staff.
[11] Supplemental agreement dated Nov. 5, 1963, redetermining the rate.
[12] Subject to upward or downward Btu adjustment.
[13] Pressure base of 14.65 psia.
[14] Redetermined increase.
[15] Proposed increase excludes certain acreage covered by Supplements Nos. 11, 12, 14, and 15 to Skelly Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 46.
[16] Proposed increase excludes certain acreage covered by Supplement No. 14 to Skelly Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 141.
[17] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids added by staff. Previously reported as 12.0 cents per Mcf without the inclusion of the 1.0 cent per Mcf minimum guarantee for liquids.
[18] Producer could have, but did not file for a renegotiated rate of 12.0 cents per Mcf. The producer filed for a periodic rate increase from 12.0 cents to 13.0 cents per Mcf. Staff added a 1.0 cent per Mcf so that the rate would reflect the minimum guarantee for liquids.
[19] Previously reported as 11.58625 cents per Mcf which included reimbursement for the Kansas Severance Tax which has been invalidated.
[20] Renegotiated increase.
[21] Subject to dehydration charge by buyer.

The proposed rates, except Supplement No. 6 to Southern Union Production Company FPC Gas Rate Schedule No. 6, in each of the above-described filings exceeds the applicable area price levels. Though Southern's Supplement No. 6 to its FPC Gas Rate Schedule No. 6 is below the applicable area price level, it relates to a sale between affiliates and should therefore be suspended for one day.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 6 to The Southern Union Production Company FPC Gas Rate Schedule No. 6, shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Southern Union Production Company shall execute and file under Docket No. RI64–504 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Southern Union Production Company is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 14, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–152; Filed, Jan. 8, 1964; 8:45 a.m.]

[Docket Nos. RI64–497—RI64–502]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; [1] and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 31, 1963.

Skelly Oil Company, Docket No. RI64–497; Skelly Oil Company (Operator), et al., Docket No. RI64–498; Sun Oil Company, Docket No. RI64–499; Feldt & Maytag, Docket No. RI64–500; Piedra Corporation, Docket No. RI64–501; El Paso Natural Gas Products Company, Docket No. RI64–502.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [2] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–497	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla., Attn.: Mr. Richard J. Dent.	116	4	El Paso Natural Gas Co. (Mesa Verde Formation only, La Plata County, Colo.).	$561	12– 5–63	1– 5–64	6–5–64	[3] 13.0	[4] [5] 14.0	
		129	5	El Paso Natural Gas Co. (Bisti Field and East Bisti Unit, San Juan County, N. Mex.).	2956	12– 5–63	1– 5–64	6– 5–64	[3] 13.053625	[4] [6] 14.0578	RI64–14.
RI64–498	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa, Okla., Attn.: Mr. Richard J. Dent.	136	4	El Paso Natural Gas Co. (Gallegos-Gallup Pool (above base of Gallup Formation, San Juan County, N. Mex.).	6629	12– 5–63	1– 5–64	6– 5–64	[3] 13.053625	[6] [7] 14.0578	RI64–2.
RI64–499	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103, Attn.: Mr. C. E. Webber.	90	3	El Paso Natural Gas Co. (South Blanco-Pictured Cliffs Pool, Rio Arriba County, N. Mex.) (San Juan Basin).	535	12– 2–63	1– 2–64	6– 2–64	[3] 13.0536	[4] [5] 14.0578	RI64–39.
		108	2	El Paso Natural Gas Co. (Bisti Field Area, San Juan County, N. Mex.) (San Juan Basin).	749	12– 1–63	1– 2–64	6– 2–64	[3] 13.0536	[4] [5] 14.0505	RI64–39.
RI64–500	Feldt & Maytag, P.O. Box 1611, Colorado Springs, Colo., 80901.	1	2	Piedra Corp. (La Plata and Archuleta Counties, Colo.).	4964	11–29–63	1– 1–64	6– 1–64	[8] 11.05	[9] [10] 11.90	
RI64–501	Piedra Corp., P.O. Box 1911, Durango, Colo.	1	2	El Paso Natural Gas Co. (La Plata and Archuleta Counties, Colo.).	5840	11–29–63	1– 1–64	6– 1–64	[3] 13.0	[4] [5] 14.0	
RI64–502	El Paso Natural Gas Products Co., P.O. Box 1161, El Paso 99, Tex., Attn.: Mr. John A. Woodward.	5	2	El Paso Natural Gas Co. (South Blanco-Tocito Pool, Rio Arriba County, N. Mex.) (San Juan Basin).	476	11–29–63	1– 1–64	1– 2–64	11.0	[4] 12.0495	

[1] The proposed effective date is the first day after expiration of the required statutory notice or, if later, the date proposed by Respondent.
[2] Includes 1.0 cent-per Mcf minimum guarantee for liquid products.
[3] Periodic increase.
[4] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[5] Increased rate not applicable to acreage added in Supplement No. 4.
[6] Not applicable to acreage added in Supplement No. 3.
[7] Increase includes 1.0 cent per Mcf plus negative tax reimbursement adjustment.
[8] Revenue-sharing increase.
[9] Includes 0.85 cent per Mcf minimum guarantee for liquids.

The revenue-sharing rate increase of Feldt & Maytag falls below the ceiling for increased rates in Colorado, but should be suspended because it is based on the buyer's (Piedra Corporation) resale rate which is being suspended in Docket No. RI64–501.

Skelly Oil Company, under Supplement No. 4 to its FPC Gas Rate Schedule No. 116, filed for a 1.0 cent per Mcf periodic increase computed on the contract rate of 12.0 cents per Mcf exclusive of the 1.0 cent per Mcf minimum guarantee for liquid products. The addition of this minimum guarantee of 1.0 cent to the base rate of 12.0 cents

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

plus the periodic increase results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in Colorado as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, 2.56).

Although the proposed increased rate of El Paso Natural Gas Products Company (El Paso Products) of 12.0495 cents per Mcf is below the applicable ceiling of 13.0 cents per Mcf for increased rates in the San Juan Basin as set forth in the Commission's Statement of General Policy No. 61–1, as amended, it relates to a sale made to El Paso Products' affiliate, El Paso Natural Gas Company. Under the circumstances, El Paso Products' proposed increased rate should be suspended for one day from January 1, 1964, the proposed effective date.

All of the other proposed increased rates and charges exceed the applicable area price ceilings for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement No. 2 to El Paso Natural Gas Products Company's FPC Gas Rate Schedule No. 5 shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order El Paso Natural Gas Products Company shall execute and file under Docket No. RI64–502 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon El Paso Natural Gas Company. Unless El Paso Natural Gas Products Company is notified to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–150; Filed, Jan. 8, 1964; 8:45 a.m.]

[Docket Nos. G–20464 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Findings and Order Severing Dockets and Permitting Withdrawal of Applications

JANUARY 2, 1964.

Transwestern Pipeline Company, et al., Docket No. G–20464, et al.; Trans-Cities Pipeline Company, Docket No. CP63–15; Transwestern Pipeline Company, Docket No. CP63–16; Cities Service Gas Company, Docket No. CP63–17.

Cities Service Gas Company (Cities Service) filed in Docket No. CP63–17 on November 1, 1963, and Transwestern Pipeline Company (Transwestern) and Trans-Cities Pipeline Company (Trans-Cities) filed in Docket Nos. CP63–16 and CP63–15, respectively, on November 4, 1963, notices of withdrawal of applications for certificates of public convenience and necessity filed in said dockets. The service proposed in the subject applications constitutes a project in which Transwestern would sell natural gas to Trans-Cities, a corporation owned jointly by Transwestern and Cities Service; and Trans-Cities would transport and sell natural gas to Cities Service. Trans-Cities proposed to construct and operate approximately 180 miles of pipeline from a point near Glazier, Texas, to a point near Blackwell, Oklahoma.

The subject applications have been consolidated for hearing with Docket No. G–20464. Hearings commenced on March 4, 1963, and have been held from time to time until recessed on June 11, 1963.

Transwestern and Cities Service have developed an alternative proposal for the sale of natural gas by Transwestern to Cities Service which is the subject of the applications filed in Docket Nos. CP64–104 and CP64–131, respectively. The contracts between Transwestern, Trans-Cities, and Cites Service for the original project have been cancelled.

The Commission finds: It is necessary and appropriate in the public interest to permit the withdrawal of the applications for certificates of public convenience and necessity filed in Docket Nos. CP63–15, CP63–16, and CP63–17.

The Commission orders:

(A) Docket Nos. CP63–15, CP63–16, and CP63–17 be and the same are hereby severed from the consolidated proceeding in Docket No. G–20464, et al.

(B) Permission for the withdrawal of the applications for certificates of public convenience and necessity filed in Docket Nos. CP63–15, CP63–16, and CP63–17 be and the same is hereby granted.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–183; Filed, Jan. 8, 1964; 8:45 a.m.]

[Project No. 2431]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for License

JANUARY 2, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Michigan Power Company (correspondence to: W. E. Schubert, Vice President, Wisconsin Michigan Power Company, 807 South Oncida Street, Appleton, Wisconsin, for license for constructed Project No. 2431, known as the Brule Plant, located on the Brule River, in Iron County, Michigan, and Florence County, Wisconsin.

The project consist of: A gravity type dam about 20 feet high and 511 feet long, having an earthfill section, 3 concrete non-overflow sections, a tainter gate spillway section, and an intake section integral with the powerhouse substructure. The dam and two earth dikes create a pond of 774 acres; a powerhouse housing three vertical Francis type turbines directly connected to two generators rated at a 2,000 kilowatts and 1,335 kilowatts, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 29, 1964. The application is on file with the Commission for public inspection.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64–184; Filed, Jan. 8, 1964; 8:45 a.m.]

[Docket No. RI64–496 etc.]

SOCONY MOBIL OIL CO. INC. ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 31, 1963.

Socony Mobil Oil Company, Inc., Docket No. RI64–496; Sinclair Oil & Gas Company (Operator), et al., Docket No. RI64–489; Union Texas Petroleum, a Division of Allied Chemical Corporation (Operator), et al., Docket No: RI64–491; Sinclair Oil & Gas Company, Docket No. RI64–493; Thomas D. Bailey, et al., Docket No. RI64–494; Skelly Oil Company, Docket No. RI64–495.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–496	Socony Mobil Oil Co., Inc., 150 East 42d St., New York 17, N.Y., 10017.	166	6	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	$2,513	11–27–63	[1] 1–1–64	6–1–64	[2] 13.2175	[3] [4] 14.2343	RI64–90.
	do	200	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	109	11–27–63	[1] 1–1–64	6–1–64	[2] [4] 13.2008	[3] [4] 14.2343	RI64–90.
	do	314	8	El Paso Natural Gas Co. (San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	237	11–27–63	[1] 1–1–64	6–1–64	[4] [7] 13.2175	[3] [4] [8] 14.2343	RI64–90.
RI64–489	Sinclair Oil & Gas Co. (Operator), et al., P.O. Box 521, Tulsa, Okla.	289	3	El Paso Natural Co. (Highway and North Farmington Fields, San Juan County, N. Mex.) (San Juan Basin Area).	3,132	11–29–63	[1] 1–1–64	6–1–64	[2] [4] 13.2295	[3] [4] 14.2486	RI64–108.
RI64–491	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al., P.O. Box 2120, Houston 1, Tex.	26	5	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	32,051	11–29–63	[1] 1–1–64	6–1–64	[4] [7] 13.2308	[3] [4] 14.2501	RI64–147.
RI64–493	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa, Okla., 74102.	276	4	El Paso Natural Gas Co. (Allison Field, San Juan County N. Mex. and LaPlata and Archuleta Counties, Colo.) (San Juan Basin Area).	264	11–29–63	[1] 1–1–64	6–1–64	[4] [7] 13.2308	[3] [4] [8] 14.2501	RI64–106.
RI64–494	Thomas D. Bailey, et al., 1312 NE. 55th St., Oklahoma City, Okla., 73111.	1	4	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	533	11–18–63	[1] 1–1–64	6–1–64	[2] 13.00135	[3] [4] 14.2501	
RI64–495	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	90	8	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$11,628 6,557	12–6–63	[1] 6–6–64 [1] 6–6–64	---------- 6–6–64	[9] [10] 11.045375 [9] [11] 13.0495	[9] [10] 12.0495 [9] [11] 14.0536	RI64–27.

[1] Contractually provided effective date.
[2] Periodic rate increase.
[3] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[4] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] Rate in effect subject to refund in Docket No. RI64–270 (applicable only to acreage added by Supplement No. 5).
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[9] For gas produced from Pictured Cliffs Formation.
[10] For gas produced from below Picture Cliffs Formation.

Supplement No. 3 to Socony Mobil Oil Company, Inc., FPC Gas Rate Schedule No. 200; Supplement No. 3 to Sinclair Oil & Gas Company (Operator), et al., FPC Gas Rate Schedule No. 289; Supplement No. 5 to Union Texas Petroleum, a division of Allied Chemical Corporation (Operator), et al., FPC Gas Rate Schedule No. 26; Supplement No. 4 to Sinclair Oil & Gas Company FPC Gas Rate Schedule No. 276; Supplement No. 4 to Thomas D. Bailey, et al., FPC Gas Rate Schedule No. 1, and the filing by Skelly Oil Company (Skelly) with respect to gas produced from below the Pictured Cliffs Formation did not include in the proposed rates the 1.0 cent per Mcf minimum guarantee for liquids as provided by the respective contracts. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

All of the proposed rate increases (with the exception of the rate increases filed by Skelly) reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The producers, excluding Schermerhorn Oil Corporation, et al., and Thomas D. Bailey, et al., have previously filed for this reimbursement and the buyer, El Paso Natural Gas Company (El Paso) protested the filings. El Paso questions the right of the producers under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis for these producers rate filings, as well as the statutory lawfulness of the increased rates contained in the proposed rate filings.

The notice of change tendered by Skelly Oil Company under its FPC Gas Rate Schedule No. 90 involves two rates applicable to gas produced from two different formations which are referred to herein as being produced from the "Pictured Cliffs Formation" and for gas produced from "Below the Pictured Cliffs Formation". Skelly's increased rate of 14.0536 cents per Mcf for gas produced from "Below the Pictured Cliffs Formation" exceeds the area ceiling price for increased rates and should be suspended for five months from January 6, 1964, as hereinafter ordered. Skelly's increased rate of 12.0495 cents per Mcf under its aforementioned rate schedule for gas produced from the "Pictured Cliffs Formation" is below the area ceiling price and should be accepted for filing and allowed to become effective as of January 6, 1964.

With the exception of the increased rate of 12.0495 cents per Mcf rate filed by Skelly under its FPC Gas Rate Schedule No. 90 for gas produced from the Pictured Cliffs Formation, all of the producers' proposed increased rates exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0495 cents per Mcf rate contained in Supplement No. 8 to Skelly's FPC Gas Rate Schedule No. 90 should be accepted for filing and permitted to become effective as of January 6, 1964.

(2) Except for the increased rate set forth in (1) above, it is necessary and proper in the public interest and to aid

in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for the rate filings which El Paso has protested, and the statutory lawfulness of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 13.0495 cents per Mcf rate for gas produced from the Pictured Cliffs Formation contained in Supplement No. 8 to Skelly's FPC Gas Rate Schedule No. 90, is hereby accepted for filing and allowed to become effective on January 6, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings which El Paso has protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the increased rate set forth in paragraph (A) above.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-151; Filed, Jan. 8, 1964; 8:45 a.m.]

[Project No. 2427]

FRANK E. PEACOCK

Notice of Application for Preliminary Permit

JANUARY 2, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Frank E. Peacock (correspondence to: Frank E. Peacock, 204 Lawndale Avenue, Wilmette, Illinois) for preliminary permit for proposed Project No. 2427, located on Black River, in the Village of Glen Park, Jefferson County, New York.

The proposed project would redevelop a run of the river dam and powerhouse abandoned about 1930, and would consist of: a diversion dam about 10 feet high; a powerhouse; tailrace; short transmission line; and appurtenant electrical and mechanical facilities. The proposed plant would have one 6,250 kva generating unit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 27, 1964. The application is on file with the Commission for public inspection.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 64-152; Filed, Jan. 8, 1964; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 424]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority To Lease Space at University of Nevada at Las Vegas, Nevada

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare to acquire by lease approximately 90,000 gross square feet of special type space, together with attendant special facilities and related office and storage space, for research and scientific use by the Southwestern Radiological Health Laboratory of the Public Health Service. The space to be acquired through new construction shall be located at the campus of the University of Nevada at Las Vegas, Nevada.

2. In order to effectuate the authority delegated hereunder, the Secretary may enter into and execute a lease contract with the Board of Regents of the University of Nevada for a firm term of ten years, with appropriate renewal rights, in accordance with section 210(h)(1) of the above-cited Act. The Secretary may administer said lease during the period of occupancy thereunder including the direct payment of rental to the lessor and the procurement of utilities and services in the manner deemed most advantageous to the Government.

3. This authority shall be exercised in accordance with limitations and requirements of the above-cited Act, section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a), and other applicable statutes and regulations.

4. A negotiated lease executed pursuant to this authority shall be based on findings and determinations appropriately documented which shall include justification for the rental consideration to be paid.

5. The Secretary may redelegate this authority to any officer or employee of the Department of Health, Education, and Welfare.

6. This delegation of authority is effective immediately.

Dated: December 31, 1963.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 64-198; Filed, Jan. 8, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2357, 7-2358]

WEYERHAEUSER CO. AND XEROX CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 3, 1964.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Weyerhaeuser Company-------- File 7-2357
Xerox Corporation------------ File 7-2358

Upon receipt of a request, on or before January 20, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-186; Filed, Jan. 8, 1964; 8:45 a.m.]

[File No. 811-1162]

LOGOS OPTIONS, LTD.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 3, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Logos Options, Ltd., 26 Broadway, New York 4, New York ("Applicant"), a Maryland corporation and a closed-end, non-diversified management investment company, has ceased to be an investment company.

Applicant was organized on April 2, 1962 and filed a notification of registration under the Act on April 6, 1962. No public offering has been made or will be made and a Registration Statement under the Securities Act of 1933 was withdrawn on December 23, 1963. Applicant represents that it has no assets and that at no time has it issued, sold or received subscriptions for shares of its capital stock.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 20, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-187; Filed, Jan. 8, 1964; 8:45 a.m.]

[File No. 811-1172]

MANAGEMENT INVESTMENT CORP.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 3, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Management Investment Corporation ("Applicant"), 130 Fulton Federal Building, Atlanta, Georgia 30303, a management closed-end non-diversified investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act.

Applicant states that its securities are beneficially owned by less than 100 persons and that it does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 20, 1964, at 5:30 p. m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-188; Filed, Jan. 8, 1964; 8:45 a.m.]

[File Nos. 7-2355, 7-2356]

GENERAL TIME CORP. AND MEAD JOHNSON & CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 3, 1964.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

General Time Corporation------ File 7-2355
Mead Johnson & Company------ File 7-2356

Upon receipt of a request, on or before January 20, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-189; Filed, Jan. 8, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 6, 1964.

Protests to the granting of an application must be prepared in accordance

with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38738: *Cement and related articles between points in Louisiana.* Filed by Texas-Louisiana Freight Bureau, agent (No. 490), for interested rail carriers. Rates on cement, hydraulic, masonry, mortar, natural, or Portland, in carloads, between points in Louisiana.

Grounds for relief: Motortruck competition.

Tariff: Texas-Louisiana Freight Bureau agent, tariff I.C.C. 1002.

FSA No. 38739: *Cement and related articles from Lubbock, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8492), for interested rail carriers. Rates on cement and related articles, in carloads, from Lubbock, Tex., to points in Southwestern, Western trunkline, and Illinois territories.

Grounds for relief: Market competition.

Tariff: Supplement 140 to Southwestern Freight Bureau, agent, tariff I.C.C. 4325.

FSA No. 38740: *Peaches from Southern territory.* Filed by Illinois Freight Association, agent (No. 226), for interested rail carriers. Rates on fresh peaches (not coldpacked or frozen), in carloads, from points in Southern territory, to points in Illinois territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 28 to Illinois Freight Association, agent, tariff I.C.C. 1018.

FSA No. 38741: *Lumber and veneer to points in Southern territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2698), for interested rail carriers. Rates on lumber and unfigured veneer, made from Canadian wood, in carloads, from Montreal, Que., Canada, to points in Southern territory.

Grounds for relief: Market and import competition.

Tariff: Supplement 40 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-334.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-194; Filed, Jan. 8, 1964; 8:46 a.m.]

[Notice 922]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66445. By order of January 2, 1964, the Transfer Board approved the transfer to E. L. Reddish Transportation, Inc., Springdale, Ark., of permits in Nos. MC 117391, MC 117391 (Sub-No. 3), MC 117391 (Sub-No. 4), and MC 117391 (Sub-No. 6), issued August 20, 1963, October 4, 1960, April 13, 1960, and February 16, 1961, respectively, to E. L. Reddish, Springdale, Ark., authorizing the transportation of: Canned goods, materials and supplies used in manufacturing, labeling, packing, and transporting canned goods, tin cans and lids, corrugated fiberboard boxes, soya bean meal, in bulk, poultry and animal feed, in bulk and in bags, and poultry feed ingredients, in bulk, from, to, or between specified points in Arkansas, Missouri, Oklahoma, Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. John H. Joyce, 26 North College, Fayetteville, Ark., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-195; Filed, Jan. 8, 1964, 8:46 a.m.]

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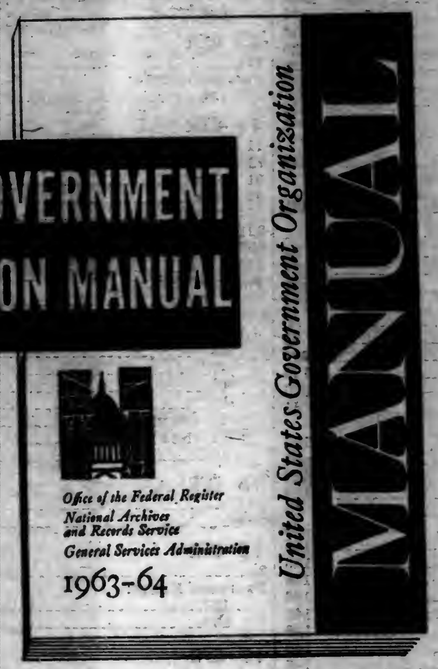
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FEDERAL REGISTER

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THE UNIVERSITY OF MICHIGAN
JAN 15 1964
MAIN REFERENCE ROOM

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UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3569

IMMIGRATION QUOTA

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, as amended, the annual quota of any newly established quota area shall be not less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries, or other political change requiring a change in the list of quota areas; and

WHEREAS on September 16, 1963 the Federation of Malaya and the former British Colonies of North Borneo (Sabah) and Sarawak and the State of Singapore united to form Malaysia; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quota hereinafter set forth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual immigration quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Malaysia	400

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the addition of the quota for Malaysia and by the abolishment of the quota for the Federation of Malaya.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of January in the year of our Lord nineteen hundred and sixty-four and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-300; Filed, Jan. 9, 1964; 10:02 a.m.]

Proclamation 3570
IMMIGRATION QUOTAS

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, as amended, the annual quota of any newly established quota area shall be not less than the sum total of quotas in effect or number of visas authorized to be issued immediately preceding the change in boundaries, change of administrative arrangements, or other political change requiring a change in the list of quota areas; and

WHEREAS on July 3, 1962, the United States extended formal diplomatic recognition to Algeria as a sovereign independent state; and

WHEREAS on October 9, 1962, the former British protectorate of Uganda was granted independence by the government of the United Kingdom; and

WHEREAS on May 1, 1963, full administrative responsibility for Irian Barat (former West New Guinea) was transferred to the Republic of Indonesia by the United Nations; and

WHEREAS the Secretary of State, the Secretary of Commerce and the Attorney General have jointly determined and reported to me the immigration quotas hereinafter set forth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual immigration quotas of the quota areas hereinafter designated have been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Algeria	574
Uganda	100
Indonesia	200

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the addition of the quotas for Algeria and Uganda and by the revision of the quota for Indonesia.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of January in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-301; Filed, Jan. 9, 1964; 10:02 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3307 is amended as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* • • •

(2) One Deputy to the Assistant Secretary of the Army (Installations and Logistics)—Installations.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-247; Filed, Jan. 9, 1964; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (m) of § 213.3310 is amended as set out below.

§ 213.3310 Department of Justice.

• • • • • •

(m) *Bureau of Prisons.* • • •

(3) Four Assistant Directors.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-248; Filed, Jan. 9, 1964; 8:49 a.m.]

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Special Provisions, and Equivalent Increase

Effective at the beginning of the first pay period after January 1, 1964, paragraph (a) (2) of § 531.204 and paragraph (c) of § 531.406 are amended as set out below.

§ 531.204 Special provisions.

(a) *Promotions and transfers.* • • •

(2) For employees serving in grade GS–3 at the time of promotion, the following are 2 within-grade increases for the purposes of section 802(b) of the act:

(i) For employees who are in rates 1 through 4, $210;

(ii) For employees who are in rate 5, $225;

(iii) For employees who are in rate 6, $245;

(iv) For employees who are in rate 7 or above, $250.

• • • • • •

§ 531.406 Equivalent increase.

(c) In computations under paragraph (a) or (b) of this section for grade GS–3 an equivalent increase after October 10, 1962, is an increase or increases in the employee's rate of basic compensation equal to or greater than $105 for an employee in rates 1 through 6, $110 for an employee in rate 7 until the beginning of the first pay period after January 1, 1964, and $120 thereafter, and $125 for an employee in rate 8 or higher.

• • • • • •

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-307; Filed, Jan. 9, 1964; 11:12 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Subpart B—Trainees in Government Hospitals

MAXIMUM STIPENDS

Effective January 5, 1964, § 534.202 is amended as set out below.

§ 534.202 Maximum stipends.

• • • • • •

Hospital administration residents, second year approved postgraduate training—$4,000.00.

• • • • • •

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-249; Filed, Jan. 9, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service, Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to States and Counties for 1964 Crop of Upland Cotton

REFERENDUM RESULT

a. Section 722.247 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the marketing quota referendum for the 1964 crop of upland cotton.

b. Since the only purpose of § 722.247 is to announce the referendum result, it is hereby found and determined that the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) are not applicable. Accordingly, § 722.247 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.247 Result of the marketing quota referendum for the 1964 crop of upland cotton.

(a) *Date of referendum.* The marketing quota referendum for the 1964 crop of upland cotton was held on December 10, 1963, in accordance with § 722.205 of the acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041).

(b) *Farmers voting.* 234,682 farmers engaged in the production of the 1963 crop of upland cotton voted in the referendum. Of those voting, 220,701 farmers, or 94.0 percent, favored the 1964 national marketing quota and 13,981 farmers, or 6.0 percent, opposed the 1964 national marketing quota.

(c) *1964 marketing quota continues in effect.* The national marketing quota for the 1964 crop of upland cotton of 14,267,000 bales proclaimed in § 722.241 (28 F.R. 11011) shall continue in effect since two-thirds or more of the cotton farmers voting in the referendum favored the quota.

(Secs. 342, 343, 63 Stat. 670, as amended; 7 U.S.C. 1342, 1343)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 7, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-260; Filed, Jan. 9, 1964; 8:50 a.m.]

PART 722—COTTON

Subpart—National Marketing Quota, National Allotment and Apportionment to States and Counties for 1964 Crop of Extra Long Staple Cotton

REFERENDUM RESULT

a. Section 722.346 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the marketing quota referendum for the 1964 crop of extra long staple cotton.

b. Since the only purpose of § 722.346 is to announce the referendum result, it is hereby found and determined that the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) are not applicable. Accordingly, § 722.346 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.346 Result of the marketing quota referendum for the 1964 crop of extra long staple cotton.

(a) *Date of referendum.* The marketing quota referendum for the 1964 crop of extra long staple cotton was held on December 10, 1963, in accordance with § 722.305 of the acreage allotment regulations for the 1964 and succeeding crops of extra long staple cotton (28 F.R. 11034).

(b) *Farmers voting.* 1,237 farmers engaged in the production of the 1963 crop of extra long staple cotton voted in the referendum. Of those voting, 919 farmers, or 74.3 percent, favored the 1964 national marketing quota and 318 farmers, or 25.7 percent, opposed the 1964 national marketing quota.

(c) *1964 marketing quota continues in effect.* The national marketing quota for the 1964 crop of extra long staple cotton of 120,200 bales proclaimed in § 722.341 (28 F.R. 11012) shall continue in effect since two-thirds or more of the cotton farmers voting in the referendum favored the quota.

(Secs. 343, 347, 63 Stat. 670, as amended, 63 Stat. 675, as amended; 7 U.S.C. 1343, 1347)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 7, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-259; Filed, Jan. 9, 1964; 8:50 a.m.]

PART 730—RICE

Subpart—1964–65 Marketing Year

REFERENDUM RESULT

Section 730.1509 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1964, through July 31, 1965, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1964–65 marketing year and announced that a referendum would be held December 10, 1963 (28 F.R. 12104), to determine whether rice producers were in favor of or opposed to marketing quotas for the marketing year August 1, 1964, through July 31, 1965. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.1509 Proclamation of the results of the rice marketing quota referendum for the marketing year 1964–65.

In a referendum of farmers engaged in the production of rice for the 1964 crop held on December 10, 1963, 8,307 farmers voted. Of those voting 7,464 or 89.9 percent favored quotas for the marketing year beginning August 1, 1964. Therefore, rice marketing quotas will be in effect for the 1964–65 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375)

Signed at Washington, D.C. on January 7, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-261; Filed, Jan. 9, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 33]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.403 Grapefruit Regulation 33.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 7, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 32 (§ 905.400; 28 F.R. 13538) is hereby terminated at 12:01 a.m., e.s.t., January 10, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., January 10, 1964, and ending at 12:01 a.m., e.s.t., January 27, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-290; Filed, Jan. 9, 1964; 8:51 a.m.]

[Tangerine Reg. 18]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.404 Tangerine Regulation 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of tangerines, as hereinafter provided is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangerines; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 7, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

(2) Tangerine Regulation 17 (§ 905.401; 28 F.R. 13539) is hereby terminated at 12:01 a.m., e.s.t., January 10, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., January 10, 1964, and ending at 12:01 a.m., e.s.t., July 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-291; Filed, Jan. 9, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

On September 20, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10304) stating that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 496 from Utica, N.Y., via the intersection of the Utica VOR 091° and the Glens Falls, N.Y., VOR 246° True radials to Glens Falls.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (27 F.R. 220–6) is amended as follows:

V–496 is amended to read:

V–496 From Utica, N.Y., via INT of Utica 091° and Glens Falls, N.Y., 246° radials to Glens Falls.

This amendment shall become effective 0001 e.s.t. March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 2, 1964.

MICHAEL J. BURNS,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64-211; Filed, Jan. 9, 1964; 8:46 a.m.]

[Airspace Docket No. 63-AL-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway and Alteration, Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 71.125, 71.211 and 71.213 of the Federal Aviation Regulations is to alter VOR Federal airway No. 438 from Anchorage, Alaska, to Nenana, Alaska; alter the Glacier, Alaska, Reporting Point; revoke the Fielding, Alaska, Reporting Point; and to designate the Talkeetna, Alaska, Reporting Point.

The Federal Aviation Agency is commissioning a new VOR at Talkeetna, Alaska (latitude 62°17'57" N., longitude 150°06'12" W.) during January 1964. The Agency is taking action herein to realign Victor 438 from Anchorage via the new Talkeetna facility to Nenana. The segment of the realigned Victor 438 from Talkeetna to Nenana is expanded, beginning at 45 nautical miles from Talkeetna in graduated steps of one mile for every 5 nautical miles in length to 55 nautical miles from Talkeetna, thence 13 miles wide to 55 nautical miles from Nenana, thence decreasing in graduated steps of one mile for every 5 nautical miles in length to 45 nautical miles from Nenana. This realignment of the airway via Talkeetna will provide improved navigational guidance, provide a lower MEA, and reduce the expanded width of this portion of Victor 438. For air traffic control purposes, Talkeetna is designated as a reporting point, the Fielding Intersection is revoked and the Glacier Intersection is redesignated as the intersection of the Nenana 192° radial and the northwest course of the Summit, Alaska, radio range.

Since these amendments are minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. In § 71.125 (27 F.R. 220–36, November 10, 1962, 28 F.R. 12341) V–438 "Nenana, Alaska (beginning at 45 nmi from Anchorage increasing in width in graduated steps of one mile for every 5 nmi in length to 85 nmi from Anchorage, thence 19 miles wide to 85 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana);" is deleted and "Talkeetna, Alaska; Nenana, Alaska (beginning at 45 nmi from Talkeetna increasing in graduated steps of one mile for every 5 nmi in length to 55 nmi from Talkeetna, thence 13 miles wide to 55 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana);" is substituted therefor.

2. In §§ 71.211 and 71.213 (27 F.R. 220–174 and 220–175, November 10, 1962) the following changes are made:

(a) Fielding INT is deleted.

(b) Glacier INT is amended to read:

INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.

(c) Add: Talkeetna, Alaska.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 6, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-238; Filed, Jan. 9, 1964; 8:48 a.m.]

[Airspace Docket No. 63-HA-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On October 29, 1963, F.R. Doc. 63–11354 was published in the FEDERAL REGISTER (28 F.R. 11502) and was amended in part, Part 71 [New] of the Federal Aviation Regulations by altering VOR Federal airways Nos. 1538, 1540 and 1667 via the new Whitesburg, Ky., VOR. These airways were cited as amendments to § 71.123 instead of § 71.143. Action is taken herein to alter F.R. Document 63–11354 accordingly.

Since this action effects no substantive change to the rule as initially adopted, these changes are made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, F.R. Doc. 63–11354 (28 F.R. 11502) is altered as follows:

1. In Item 1., the citation to 27 F.R. 12167, and paragraphs f., g., and h. are deleted and an amendment to § 71.143 is added as follows:

4. Section 71.143 (27 F.R. 220–38, November 10, 1962, 27 F.R. 12167) is amended as follows:

a. In V–1538 "thence Charleston, W. Va.;" is deleted and "thence Whitesburg, Ky.; Charleston, W. Va.;" is substituted therefor.

b. In V–1540 "thence London, Ky.;" is deleted and "thence London, Ky.; Whitesburg, Ky.;" is substituted therefor.

c. In V–1667 "Lexington, Ky." is deleted and "Whitesburg, Ky.; Lexington, Ky.;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 6, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-239; Filed, Jan. 9, 1964; 8:48 a.m.]

[Airspace Docket No. 63-EA-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On November 27, 1963, F.R. Doc. No. 63–12301 was published in the FEDERAL REGISTER (28 F.R. 12612) and in part altered VOR Federal airways Nos. 226 and 804 between Clarion, Pa., and Keating, Pa., via the intersection of Clarion 086° and Keating 265° True radials. These amendments are effective 0001 e.s.t., January 9, 1964.

This alignment was determined from aeronautical charts and employed to provide 15° lateral separation between these airways and VOR Federal airway No. 232 at Keating. Subsequent to publication of this document, a study of the aeronautical charts has determined that a direct alignment of these airways between Clarion and Keating would provide the desired 15° lateral separation at Keating. Accordingly, action is taken herein to alter F.R. Doc. No. 63–12301 to designate Victors 226 and 804 direct between Clarion and Keating.

Since the changes effected by these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the Amendment as originally adopted may be retained.

In consideration of the foregoing, effective immediately, Item No. 1 of F.R. Doc. 63–12301 (28 F.R. 12612) is altered to read:

1. Section 71.123 (27 F.R. 220–6, Nov. 10, 1962) is amended as follows:

In V–226 "to Keating, Pa. From Williamsport, Pa., via" is deleted and "via Clarion, Pa.; Keating, Pa.; Williamsport, Pa.;" is substituted therefor.

In V–804 "INT of Williamsport 246° and Keating, Pa., 099° radials; Keating; Fitzgerald, Pa.;" is deleted and "Keating, Pa.;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 6, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-240; Filed, Jan. 9, 1964; 8:48 a.m.]

[Airspace Docket No. 63-WA-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Reporting Point

The purpose of this amendment to § 71.207 is to revoke the Palacios, Tex., VOR as a reporting point. On November 13, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12084) an amendment to § 75.100 of the Federal Aviation Regulations. This amendment eliminated the Palacios VOR from the descriptions of Jet Routes Nos. 22 and 29. Therefore, action is taken herein to revoke the Palacios VOR as a reporting point.

Since this amendment is procedural in nature and does not involve the designation of airspace, notice and public procedure are unnecessary, and the effective date may be the same as for the amendment to § 75.100 described above.

In consideration of the foregoing, the following action is taken:

In the text of § 71.207 (27 F.R. 220–170, November 10, 1962) "Palacios, Tex." is revoked.

This amendment shall become effective 0001 e.s.t., January 9, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 6, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-241; Filed, Jan. 9, 1964; 8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 8033; Amdt. 669]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models 49 Through 1649A Series Aircraft

There has been a recent failure of the crew door on Lockheed Models 49 through 1649A Series aircraft. Investigation disclosed that jamming of the crew door was attributable to the openable window in the crew door. This door is the primary emergency exit for the crew. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the crew door and either permanent deactivation of the openable window in the crew door or modification thereof. Some of the affected series aircraft incorporate an overhead crew hatch. Since the hatch serves as an alternate crew emergency exit in the event the crew door is jammed, any aircraft incorporating the crew hatch are exempt from the AD.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 649A, 749, 749A, 1049–54, 1049C, 1049D, 1049E, 1049G, 1049H, and 1649A Series aircraft that do not incorporate the overhead crew hatch provided for in Flying Tiger Line Supplemental Type Certificate SA4–948 or FAA approved equivalent.

Compliance required as indicated.

(a) (1) To eliminate the possibility of jamming the crew door, accomplish the following within 325 hours' time in service after the effective date of this AD, unless previously accomplished.

(2) Permanently deactivate the openable window in the crew door by bolting the window shut or by deactivating the window operating mechanism, or modify the window operating mechanism by incorporating the modification provided for in Gamco Precision Supplemental Type Certificate SA546WE or a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, such that the open window will not interfere with the opening of the crew door. Supplemental Type Certificate SA546WE is not applicable to crew door windows previously modified for smoke evacuation purposes.

NOTE: Gamco Precision, 10021 LaTuna Canyon, Sun Valley, California, the holder of STC SA546WE, may be contacted for information regarding the kit for this modification.

(b) A number of crew door windows on aircraft that do not incorporate the overhead hatch provided for in STC SA4–948 or FAA approved equivalent have been modified for use in evacuating smoke from the flight station. When these windows are deactivated in compliance with this AD, delete section 3–31.1 of the FAA approved Airplane Flight Manual (Lockheed Report 11020) and reinsert section 3–31 which is applicable to the affected aircraft.

This amendment shall become effective January 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 31, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-208; Filed, Jan. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 8084; Amdt. 670]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Models L–18 and PV–1 Aircraft

Amendment 625, 28 F.R. 10564, AD 63–21–4, permits reactivation of elevator trim tabs on Lockheed Models L–18 and PV–1 aircraft which have been modified to incorporate Supplemental Type Certificate SA2–163. Since STC SA2–163 applies to Model L–18 only, Amendment 625 is being amended to delete reference to the Model PV–1.

Since this amendment corrects a provision of AD 63–21–4 and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 625, 28 F.R. 10564, AD 63–21–4, Models L–18 and PV–1 aircraft, is amended by deleting in (b) (1) reference to "or PV–1".

This amendment shall become effective January 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on December 31, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-209; Filed, Jan. 9, 1964; 8:45 a.m.]

[Reg. Docket No. 2044; Amdt. 671]

PART 507—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the stiffeners and rib spar angles on Vickers Viscount Models 745D and 810 Series aircraft, and repair or replacement of any parts found cracked was published in 28 F.R. 12064.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VICKERS. Applies to all Viscount Models 745D and 810 Series aircraft.

Compliance required as indicated.

Fatigue cracks in the vertical flanges of the rib spar angles at Station 257.75 have been revealed during routine wing overhauls. Associated stiffeners on the opposite face of the rib were also found to have cracked. All areas affected are defined in Preliminary Technical Leaflet No. 241 Issue 3 and Preliminary Technical Leaflet No. 105 Issue 3.

To preclude further failures accomplish the following:

(a) Within 250 hours' time in service on aircraft which have accumulated 6,500 hours' time in service on the effective date of this AD, or before the accumulation of 6,750 hours' time in service on aircraft which have not accumulated 6,500 hours' time in service on the effective date of this AD, unless already accomplished, conduct initial inspection for cracks in accordance with "The Action" paragraphs of the applicable PTL referenced herein.

(b) Subsequent to the inspection per (a) accomplish the following in accordance with the applicable PTL:

(1) Where the inspection per (a) shows no cracks to be present in the stiffeners or rib spar angles accomplish repetitive inspections at intervals not exceeding 6,500 hours' time in service.

(2) Where the inspection per (a) reveals cracks in the stiffeners which do not exceed the acceptable limits as specified in Figure 1, Detail A Note 1 of the referenced PTL accomplish one of the following before further flight:

(i) Replace with stiffeners of the original design, or repair the stiffeners in accordance with Figure 2 of the referenced PTL. Thereafter accomplish repetitive inspection of the rib spar angles and stiffeners at intervals not exceeding 6,500 hours' time in service.

(ii) Replace stiffeners with modified stiffeners locally manufactured from 18 gauge S521 material or FAA approved equivalent. Thereafter accomplish repetitive inspections of the rib spar angles and stiffeners at intervals not exceeding 6,500 hours' time in service.

(iii) Repair all stiffeners (whether cracked or not) per (1) or replace all stiffeners (whether cracked or not) per (ii). Thereafter accomplish repetitive inspection of the rib spar angles and stiffeners at intervals not exceeding 12,000 hours' time in service.

NOTE: Vickers-Armstrongs Modifications D. 3067 (for 745D) and FG. 1917 (for 810) reinforce the six vertical stiffeners and are similar to the reinforcing schemes outlined in the referenced PTL's.

(3) Where the inspection per (a) reveals cracks in the stiffeners in excess of the acceptable limits as specified in Figure 1, Detail A of the referenced PTL the stiffeners must be replaced per (b) (2) (i) or (ii) before further flight. Thereafter accomplish repetitive inspections of the rib spar angles and stiffeners at intervals specified in (b) (2) (i) or (ii), as applicable.

(4) Where the inspection per (a) reveals cracks in rib spar angles replace the rib spar angles before further flight. Thereafter accomplish repetitive inspection at intervals not exceeding 6,500 hours' time in service if all stiffeners have not been reinforced per (b) (2) (iii), or at intervals of 12,000 hours'

time in service if all stiffeners have been reinforced per (b)(2)(iii).

NOTE: Modifications D. 3070 (for 745D) and FG. 1925 (for 810) change the material of the spar angles. These modifications are summarized in the PTL referenced herein.

(c) Where the inspection per (E) reveals no cracks in the stiffeners or rib spar angles and operators choose to incorporate the reinforcement scheme per (b)(2)(iii) on all stiffeners the following may be substituted for the time set forth in (b)(1):

(1) Inspect rib spar angles and stiffeners within 12,000 hours' time in service after incorporation of the reinforcement scheme. Accomplish subsequent repetitive inspections at intervals not exceeding 12,000 hours' time in service.

(Vickers-Armstrongs PTL 241 Issue 3, Mods D.3067 and D.3070 for 700 Series aircraft and PTL 105 Issue 3, Mods. FG. 1917 and FG. 1925 for 800/810 Series aircraft cover this subject.)

This amendment shall become effective February 10, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-210; Filed, Jan. 9, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-621]

PART 13—PROHIBITED TRADE PRACTICES

Berco, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service;* § 13.170-96 *Waterproof, waterproofing, water-repellent.* Subpart—Misbranding or mislabeling: § 13.1290 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-15 *Federal Trade Commission Act;* § 13.1865 *Manufacture or preparation;* § 13.1900 *Source or origin;* 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Berco, Inc., et al., New York, N.Y., Docket C-621, Nov. 29, 1963]

In the Matter of Berco, Inc., a Corporation, and Ernest Grunwald and Ilse Grunwald, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of watches to retailers to cease selling watches with bezels of base metal processed to simulate precious metal or stainless steel, without disclosing the true metal composition; selling watches without disclosing that the cases were imported from Hong Kong; and falsely marking and advertising certain watch cases as "water resistant" and "water protected".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Berco, Inc., a corporation, and its officers, and Ernest Grunwald and Ilse Grunwald, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watches, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal other than stainless steel which has been treated to simulate precious metal or stainless steel, without clearly and conspicuously disclosing on such cases or parts the true metal composition of such treated cases or parts.

2. Offering for sale or selling watches, the cases of which are in whole or in part composed of base metal which has been treated with an electrolytically applied flashing or coating of precious metal of less than 1½/1000 of an inch over all exposed surfaces after completion of all finishing operations, without clearly and conspicuously disclosing on such cases or parts that they are base metal which have been flashed or coated with a thin and unsubstantial coating.

3. Offering for sale or selling watches, the cases of which are in whole or in part of foreign origin, without affirmatively disclosing the country or place of foreign origin thereof on the exterior of the cases of such watches on an exposed surface or on a label or tag affixed thereto of such degree of permanency as to remain thereon until consummation of consumer sale of the watches and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers.

4. Representing, directly or by implication, that their watches are "water resistant," it being understood that respondents may successfully defend the use of such representation with respect to any watch, the case of which respondents can show will provide protection against water or moisture to the extent of meeting the test designated test No. 2 of the trade practice conference rules for the watch industry, as set forth in the Code of Federal Regulations, Title 16, Chapter I, § 170.2(c) (16 CFR 170.2(c)).

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 29, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-215; Filed, Jan. 9, 1964; 8:46 a.m.]

[Docket No. C-623]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Laufer and Laco Supply Co.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1175 *Comparative data or merits;* § 13.1185 *Composition:* § 13.1185-40 In general; § 13.1255 *Manufacture or preparation;* § 13.1280 *Price;* § 13.1295 *Quality or grade.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Joseph Laufer trading as Laco Supply Company, Los Angeles, Calif., Docket C-623, Nov. 29, 1963]

In the Matter of Joseph Laufer, Trading as Laco Supply Company

Consent order requiring a Los Angeles distributor of tools to retailers to cease misrepresenting, on the package in which it was sold, the comparative price, quality, composition and superiority to competitive products of a 29 piece drill set.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Joseph Laufer, an individual, trading as Laco Supply Company, or under any other trade name or names, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tools, drills, drill sets or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

a. His product is of a value comparable to any other product retailing at a higher price unless the merchandise to which his product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, where the claim is made.

b. Drills made of carbon steel are high-speed drills or super-speed drills or are composed of high-speed steel.

c. Drills made of carbon steel are made of chromium-vanadium steel or contain significant amounts of chromium or vanadium.

d. Drills made of carbon steel are suitable for use on steel.

e. Drills have been hardened or otherwise manufactured so as to increase their efficiency or cutting capacity beyond the actual efficiency or cutting capacity of said drills.

2. Misrepresenting in any manner the composition, quality, characteristics or performance of any tools, drills, drill sets or related products.

3. Furnishing or otherwise placing in the hands of retailers and others the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 29, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-216; Filed, Jan. 9, 1964; 8:46 a.m.]

[Docket No. C-622]

PART 13—PROHIBITED TRADE PRACTICES

Weldon F. Saxon et al.

Subpart—Advertising falsely or misleadingly: § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1995 *Job guarantee and employment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Weldon F. Saxon trading as Vendocraft, Inc., et al., St. Louis, Mo., Docket C-622, Nov. 29, 1963]

In the Matter of Weldon F. Saxon, an Individual Trading and Doing Business as Vendocraft, Inc., A to Z Sales Company, and Select-A-Vend

Consent order requiring an individual in St. Louis, Mo., engaged in the sale and distribution of vending machines under several trade names, to cease representing falsely in advertising in the "Help Wanted" columns of newspapers, that he was offering employment as the manager of a vending machine route, and representing falsely to persons responding to his advertisements that they would earn a substantial income from operating such routes.

The order to cease and desist, including further order requiring report of compliance, is as follows:

It is ordered, That respondent Weldon F. Saxon, an individual trading and doing business as Vendocraft, Inc., A to Z Sales Company, Select-A-Vend or under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of vending machines or any other product do forthwith cease and desist from representing, directly or by implication, that:

(1) Employment is being offered when the real purpose of such offer is to secure purchasers of vending machines or other products.

(2) A person purchasing vending machines from respondent and operating a vending machine route can earn any specified amount of money when such amount is in excess of that which respondent can establish as being the earnings such person may reasonably expect to achieve.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 29, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-217; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Prescription-Drug Advertisements

The Commissioner of Food and Drugs, on October 15, 1963 (28 F.R. 10993), issued an order placing into effect the regulations in § 1.105 (e), (f), (g), (i), and (j) with respect to prescription-drug advertising.

This order allowed counsel for the objectors thirty days within which to file a brief in support of objections to paragraph (h). The time for filing this brief was extended to and including December 30, 1963.

Further consideration of paragraph (h), with counsel for the objectors, has developed a revision on the basis of which the objections have been withdrawn. The revision applies to § 1.105 (f) and (h).

Section 1.105(f), as previously published in the FEDERAL REGISTER of June 20, 1963 (28 F.R. 6376), and made effective in the FEDERAL REGISTER of October 15, 1963, is hereby withdrawn and is revised to read as follows, and § 1.105 (h) (28 F.R. 6376) is also revised to read as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(f)(1) An advertisement for a prescription drug covered by a new-drug application approved after October 10, 1962, or any approved supplement thereto, shall not recommend nor suggest any use that is not in the labeling accepted in the approved new-drug application or such supplement. The advertisement shall present information from the approved new-drug application labeling concerning those side effects and contraindications that are pertinent with respect to the uses recommended or suggested in the advertisement and any other use or uses for which the dosage form advertised is commonly prescribed.

(2) If a prescription drug was covered by a new-drug application or a supplement thereto that became effective prior to October 10, 1962, an advertisement may recommend or suggest:

(i) Uses contained in the labeling accepted in such new-drug application and any effective or approved supplement thereto.

(ii) Additional uses contained in labeling in commercial use on October 9, 1962, to the extent that such uses did not cause the drug to be an unapproved "new drug" as "new drug" was defined in section 201(p) of the act as then in force and to the extent that such uses would be permitted were the drug subject to paragraph (h) of this section.

(iii) Additional uses contained in labeling in current commercial use to the extent that such uses do not cause the drug to be an unapproved "new drug," as defined in section 201(p) of the act, as amended.

The advertisement shall present information from such labeling concerning those side effects and contraindications that are pertinent with respect to the uses recommended or suggested in the advertisement and for any other use or uses for which the dosage form advertised is commonly prescribed.

* * * * *

(h) In the case of an advertisement for a prescription drug other than a drug the labeling of which causes it to be an unapproved "new drug" and other than drugs covered by paragraphs (f) and (g) of this section, an advertisement may recommend and suggest the drug only for those uses contained in the labeling thereof:

(1) For which the drug is generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs; or

(2) For which there exists substantial evidence of safety and effectiveness, consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of the drug involved, on the basis of which it can fairly and responsibly be concluded by such experts that the drug is safe and effective for such uses; or

(3) For which there exists substantial clinical experience, adequately documented in medical literature or by other data (to be supplied to the Food and Drug Administration, if requested), on the basis of which it can fairly and responsibly be concluded by qualified experts that the drug is safe and effective for such uses; or

(4) For which safety is supported under any of the preceding clauses in subparagraphs (1), (2), and (3) of this paragraph and effectiveness is supported under any other of such clauses.

The advertisement shall present information concerning those side effects and contradictions that are pertinent with respect to the uses recommended or suggested in the advertisement and for any other use or uses for which the dosage form advertised is commonly prescribed.

* * * * *

Now, therefore, under the authority provided in sections 502(n) and 701(a) and (e) of the Federal Food, Drug, and

Cosmetic Act (21 U.S.C. 352(n), 371 (a), (e); 52 Stat. 1050, 1051, as amended 76 Stat. 790, 791, 792; 1055, as amended 70 Stat. 919, 74 Stat. 380), and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations in § 1.105(f) and (h) included in this order are hereby made effective 90 days after the publication of this order in the FEDERAL REGISTER.

(Secs. 502(e), (n), 701(a), (e), 52 Stat. 1050, 1051, as amended 76 Stat. 790, 791, 792; 1055, as amended 70 Stat. 919, 74 Stat. 399; 21 U.S.C. 352(e), (n), 371(a), (e))

Dated: January 2, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-243; Filed, Jan. 9, 1964; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Broad Creek River, Del.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (f) revising subparagraph (14) by adding regulations to govern the operation of three Delaware State Highway Department bridges across Broad Creek River at Laurel, Delaware, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(14) Broad Creek River, Del.; Delaware State Highway Department bridges at Bethel, and at Poplar Street and U.S. Route 13A, Laurel. Between the hours of 5:00 p.m. and 7:00 a.m., at least four hours' advance notice required. Pennsylvania Railroad Company bridge at Laurel. At least four hours' advance notice required. Delaware State Highway Department bridge at Delaware Avenue, Laurel. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

* * * * *

[Regs., 23 December 1963, 1507-32 (Broad Creek River, Del.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 64-207; Filed, Jan. 9, 1964; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—INTERNATIONAL MAIL

Individual Countries

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Azores", as amended by 28 F.R. 6507, under Postal Union Mail, amend the item *Letter packages containing dutiable merchandise* to read as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter.

II. In country "Canada", as amended by 28 F.R. 2278, 28 F.R. 4093, 28 F.R. 6507, 28 F.R. 8404, 28 F.R. 10490, make the following changes:

A. Under Postal Union Mail, amend the first paragraph of the item *Observations* to read as follows:

Observations. Mail for members of the Canadian armed forces serving overseas must be addressed as follows:

Surface mail.

Number, rank, name.
Unit.
CAPO (number).
Belleville, Ont., Canada.

Air mail.

Number, rank, name.
Unit.
CAPO (number).
Montreal, P.Q., Canada.

B. Under Parcel Post delete the paragraph after footnote "1" in the tabular information following the item *Air parcel post*. Surcharges no longer collected from the addressees of parcels in the Mackenzie River District.

III. Amend the country heading "Ethiopia" to read "Ethiopia (Abyssinia) (Including Eritrea)" and delete the country "Eritrea" and the accompanying data from the list of countries. Mail for "Eritrea" should be addressed to "Ethiopia" as country of destination.

IV. Delete the countries "Malaya, North Borneo, and Sarawak" and their accompanying data; and insert in proper alphabetical order the following new country as a result of the establishment of the "Federation of Malaysia".

MALAYSIA (FEDERATION OF)

(The former Federation of Malaya [Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak, Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Trengganu], Sabah [North Borneo], Sarawak and Singapore)

Postal Union Mail

Surface rates, classification, weight limits and dimensions. (See § 168.1.)

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 11 cents each.
Aerogrammes, 11 cents each.
Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted.

See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes. See § 61.2 of this chapter.

Prohibitions and import restrictions. Paper money exceeding 100 Malayan dollars in value; coins, manufactured or unmanufactured platinum, gold or silver, jewelry, and other precious articles.

Articles prohibited or restricted as parcel post are prohibited or restricted in the postal union mail.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $2.05; each additional 4 ounces, 90 cents.

Weight limit: 22 pounds.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Registration: No.
Insurance: Yes.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Insurance. The following insurance fees and limits or indemnity apply:

Limit of indemnity:	Fee, cents
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55

Print on the wrapper, near the "INSURED" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE

$25.75 (U.S.)

TWENTY-FIVE DOLLARS AND SEVENTY-FIVE CENTS

77.25 GOLD FRANCS

Insured parcels for Sabah (North Borneo) and Sarawak are accepted only for delivery at the following offices:

Sabah (North Borneo): Beaufort, Jesselton, Keningau, Kota Belud, Kudat, Labuan, Lahad Datu, Papar, Ranau, Sandakan, Semporna, Tawau, Tenom, and Tuoran.

Sarawak: Baram, Bintulu, Kuching, Limbang, Miri, Mukah, Sarikei, Sibu, and Simanggang.

See Part 133 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, precious metals, jewelry, or other precious articles must be insured.

Prohibitions. Arms, etc.: Firearms, including gas guns, and any component parts of such weapons.

Butane gas lighters and refills therefor.

For other reasons: Coins or ingots of a value higher than $50, except coins manifestly intended for ornaments.

Unvulcanized rubber, except samples of rubber which do not exceed 7 pounds avoirdupois.

Paper money and negotiable instruments payable to bearer (such articles are, however, admitted in registered letters).

Import restrictions. Hypodermic syringes require authorization of the medical authorities at Kuala Lumpur or Singapore.

V. In country "Nicaragua", under Parcel Post, amend the item *Observations* to read as follows:

Observations. For parcels valued at $10 or over, a set of five commercial invoices prepared in Spanish must be sent to the nearest Nicaraguan consulate for legalization. The consulate retains one copy. The original and one copy must be enclosed in the parcel and the fact noted on the wrapper; another copy should be sent by air to the addressee.

Nicaraguan consulates are located in principal cities of the United Sttaes.

For parcels valued at less than $10, legalized invoices are not required, but two copies of the commercial invoice should be placed in the parcel and the fact noted on the wrapper.

Parcels may be addressed to banks or other organizations for ultimate delivery to second addresses. The latter however may not take delivery without written, authority from the first addressee, unless the sender arranges for change of address as provided in the Part 137 of this chapter.

VI. Delete the country "Rhodesia and Nyasaland (Federation of)" and insert in proper alphabetical order the following new countries and their accompanying data as a result of the termination of the "Federation of Rhodesia and Nyasaland".

NORTHERN RHODESIA

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1.

Air rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 11 cents each.
Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes. See § 61.2 of this chapter.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces, 79 cents.

Weight limit: 22 pounds.
Sealing: Optional.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold, platinum, silver, jewels, and other precious articles.

NYASALAND

Postal Union Mail

Surface rates, classifications, weight limits and dimensions. See § 168.1.

Air Rates. (See § 168.1 for classifications, weight limits and dimensions.)

Letters, 25 cents per half ounce.
Single post cards, 11 cents each.
Aerogrammes, 11 cents each.
Other articles, 50 cents first 2 ounces; 30 cents each additional 2 ounces.

Small packets. Accepted.

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

Registration. Fee, 60 cents. Maximum indemnity, $8.17.

Special delivery. No service.

Money orders. Yes.

Prohibitions. Correspondence concerning fraudulent enterprises or fortune telling.

Parcel Post

Surface parcel rates. Two pounds or less, 90 cents; each additional pound, 35 cents.

Air parcel rates. Four ounces or less, $1.69; each additional 4 ounces, 79 cents.

Weight limit: 22 pounds.
Sealing: Optional.
Registration: No.
Insurance: No.
Postal forms required:
1 Form 2922.
1 Form 2966.

Dimensions. Length, 3½ feet; length and girth combined, 6 feet.

Special handling. Available. See § 168.4.

Indemnity. No provision.

Prohibitions. Advertisements concerning the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

Vaccines, sera, and similar substances, unless labeled with the name and address of the manufacturer and the date of manufacture or the date after which the preparation is not to be used.

Bank notes as well as gold platinum, silver, jewels, and other precious articles.

VII. In country "Philippines (Republic of)", under Parcel Post, amend the first paragraph of the item *Prohibitions* to read as follows:

Prohibitions. Playing cards and gambling devices.

VIII. In country "Union of Soviet Socialist Republics", as amended by 28 F.R. 6507, under Parcel Post, make the following changes to show that postage stamps and medicines are prohibited:

A. Amend the item *Observations* to read as follows:

Observations. Parcels must not be closed by means of metal bands or metal straps.

B. In the item *Prohibitions and import restrictions* make the following changes:

1. Amend the second paragraph to read as follows:

Prohibitions and import restrictions. * * *

Medicines addressed to individuals, postage stamps, and used clothing, linen and footwear are prohibited.

2. Delete item "8" in the "List of articles allowed to enter without a permit when intended for personal use."

IX. In country "Venezuela", under Postal Union Mail, amend the item *Observations* to read as follows:

Observations. Packages containing dutiable printed matter to be sent in the prints mails to Venezuela must have affixed to the wrapper a green customs label (Form 2976) or the detached upper portion thereof. In the latter case the paper form of customs declaration (Form 2976–A) must be endorsed in the package. A single Form 2976–A may cover as many as ten packages of printed matter for one addressee.

X. In "Places Not Included in Alphabetical List of Countries", as amended by 28 F.R. 6507, make the following changes:

A. Amend the following places as they appear in alphabetical order therein to read as follows:

Borneo (North) (Malaysia).
Damao (India).
Diu (India).
Federation of Malaya (Malaysia).
Goa (India).
Johore (Malaysia).
Kedah (Malaysia).
Kelantan (Malaysia).
Malacca (Malaysia).
Negri Sembilan (Malaysia).
New Guinea (Netherlands) (Indonesia).
Penang (Malaysia).
Perak (Malaysia).
Perlis (Malaysia).
Province Wellesley (Malaysia).
Selangor (Malaysia).
Singapore (Malaysia).
Trengganu (Malaysia).
Wellesley Province (Malaysia).

B. Delete "El Salvador, Northern Rhodesia, Nyasaland, and Southern Rhodesia."

C. Insert in proper alphabetical order the following:

Irian Barat (Indonesia).
Labuan (Malaysia).
Malaya (Malaysia).
Netherlands New Guinea (Indonesia).
North Borneo (Malaysia).
Sabah (Malaysia).
Salvador, El (El Salvador).
Sarawak (Malaysia).
West New Guinea (Indonesia).

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-246; Filed, Jan. 9, 1964; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation

The effective date of the radiation safety and health standards published in the FEDERAL REGISTER on August 9, 1963 (28 F.R. 8208) is hereby postponed from January 6, 1964 (28 F.R. 9812) to February 5, 1964.

Signed at Washington, D.C., this 4th day of January 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-222; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 6—PATENT REGULATIONS

Purpose. The purpose of this part is to revise and update the previous Patent Regulations, 19 F.R. 8840, which are hereby superseded.

No notice of proposed rule making has been issued inasmuch as the changes herein relate to obsolete sections and reflect new provisions which have been previously published at 37 CFR Part 300, 27 F.R. 3289 and 37 CFR Part 301, 19 F.R. 3937. The citations of several statutes have been brought up-to-date.

Subpart A—Inventions by Employees

Sec.
6.1 Definitions.
6.2 Report of invention.
6.3 Action by supervisory officials.
6.4 Action by Solicitor.
6.5 Rights in inventions.
6.6 Appeal by employee.
6.7 Domestic patent protection.
6.8 Foreign patent protection.
6.9 Publication and public use of invention before patent application, is filed.
6.10 Publicity concerning invention after patent application is filed.
6.11 Condition of employment.

Subpart B—Licenses

6.51 Purpose.
6.52 Patents.
6.53 Unpatented inventions.
6.54 Use or manufacture by or for the Government.
6.55 Terms of licenses or sublicenses.
6.56 Issuance of licenses.
6.57 Evaluation Committee.

AUTHORITY: The provisions of this Part 6 issued under 5 U.S.C. 1958 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950, 15 F.R. 3174; Executive Order 10096, 15 F.R. 389; and Executive Order 10930, 26 F.R. 2583.

Subpart A—Inventions by Employees

§ 6.1 Definitions.

As used in this subpart:

(a) The term "Department" means the Department of the Interior.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "Solicitor" means the Solicitor of the Department of the Interior, or anyone authorized to act for him.

(d) The term "Commissioner" means the Commissioner of Patents, or any Assistant Commissioner who may act for the Commissioner of Patents.

(e) The term "invention" means any new and useful art, process, method, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or any new variety of plant, or any new, original and ornamental design for an article of manufacture, which is or may be patentable under the laws of the United States.

(f) The term "employee" as used in this part includes a part time consultant, a part time employee or a special employee (as defined in 18 U.S.C. 202) of the Department in so far as inventions made during periods of official duty are concerned, except when special circumstances in a specific case require an exemption in order to meet the needs of the Department, each such exemption to be subject to the approval of the Commissioner.

(g) The term "governmental purpose" means the right of the Government of the United States (including any agency thereof, state, or domestic municipal government) to practice and have practiced (made or have made, used of have used, sold or have sold) throughout the world by or on behalf of the Government of the United States.

(h) The "making of the invention" means the conception or first actual reduction to practice of such invention.

§ 6.2 Report of invention.

(a) Every invention made by an employee of the Department shall be reported by such employee through his supervisor and the head of the bureau or office to the Solicitor, unless the invention obviously is unpatentable. If the invention is the result of group work, the report shall be made by the supervisor and shall be signed by all employees participating in the making of the invention. The original and two copies of the invention report shall be furnished to the Solicitor. The Solicitor may prescribe the form of the report.

(b) The report shall be made as promptly as possible, taking into consideration such factors as possible publication or public use, reduction to practice, and the necessity for protecting any rights of the Government in the invention. Although it is not necessary to withhold the report until the process or device is completely reduced to practice, reduction to practice assists in the preparation of a patent application and, if diligently pursued, protects the interests

of the Government and of the inventor. If an invention is reduced to practice after the invention report is filed, the Solicitor must be notified forthwith.

(c) For the protection of the rights of the Government and of the inventor, invention reports and memoranda or correspondence concerning them are to be considered as confidential documents.

(d) An invention report shall include the following:

(1) A brief but pertinently descriptive title of the invention;

(2) The full name, residence, office address, bureau or office and division, position or title, and official working place of the inventor or inventors;

(3) A statement of the evidence that is available as to the making of the invention, including information relative to conception, disclosures to others, and reduction to practice. Examples of such information are references to signed, witnessed and dated laboratory notebooks, or other authenticated records pertaining to the conception of the invention, operational data sheets, analysis and operation evaluation reports pertaining to a reduction to practice, and visitor log books, letters and other documents pertaining to disclosures to others. These need not be submitted with the report, only the identifying data is required, e.g., volume and page number in a laboratory notebook;

(4) Information concerning any past or prospective publication, oral presentation or public use of the invention;

(5) The problem which led to the making of the invention;

(6) The objects, advantages, and uses of the invention;

(7) A detailed description of the invention;

(8) Experimental data;

(9) The prior art known to the inventor(s) and the manner in which the invention distinguishes thereover;

(10) A statement that the employee:

(i) Is willing to and does hereby assign to the Government:

(a) The entire rights (foreign and domestic) in the invention;

(b) The domestic rights only, but grants to the Government an option to file for patent protection in any foreign country, said option to expire as to any country when it is decided not to file thereon in the United States, or within six months after such filing;

(ii) Requests, pursuant to § 6.5(e), a determination of the respective rights of the Government and of the inventor.

(e) If the inventor believes that he is not required by the regulations in this subpart to assign to the Government the entire domestic right, title, and interest in and to the invention, and if he is unwilling to make such an assignment to the Government, he shall, in his invention report, request that the Solicitor determine the respective rights of the Government and of the inventor in the invention, and he shall include in his invention report information on the following points, in addition to the data called for in paragraph (d) of this section:

(1) The circumstances under which the invention was made (conceived, actually reduced to practice or constructed and tested);

(2) The employee's official duties, as given on his job sheet or otherwise assigned, at the time of the making of the invention;

(3) The extent to which the invention was made during the inventor's official working hours, the extent use was made of government facilities, equipment, funds, material or information, and the time or services of other government employees on official duty;

(4) Whether the employee wishes a patent application to be prosecuted under the act of March 3, 1883, as amended (35 U.S.C. sec. 266), if it should be determined that he is not required to assign all domestic rights to the invention to the Government; and

(5) Whether the employee would be willing, upon request to voluntarily assign foreign rights in the invention to the Government if it should be determined that an assignment of the domestic rights to the Government is not required.

§ 6.3 Action by supervisory officials.

(a) The preparation of an invention report and other official correspondence on patent matters is one of the regular duties of an employee who has made an invention and the supervisor of such employee shall see that he is allowed sufficient time from his other duties to prepare such documents. The supervisor shall ascertain that the invention report and other papers are prepared in conformity with the regulations of this part; and, before transmitting the invention report to the head of the bureau or office, shall check its accuracy and completeness, especially with respect to the circumstances in which the invention was developed, and shall add whatever comments he may deem to be necessary or desirable. The supervisor shall add to the file whatever information he may have concerning the governmental and commercial value of the invention.

(b) The head of the bureau or office shall make certain that the invention report is as complete as circumstances permit. He shall report whatever information may be available in his agency concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

(c) If the employee inventor requests that the Solicitor determine his rights in the invention, the head of the bureau or office shall state his conclusions with respect to such rights.

(d) The head of the bureau or office shall indicate whether, in his judgment, the invention is liable to be used in the public interest, and he shall set out the facts supporting his conclusion whenever the employee's invention report does not contain sufficient information on this point.

§ 6.4 Action by Solicitor.

(a) If an employee inventor requests, pursuant to paragraph (e) of § 6.2, that such determination be made, the Solicitor shall determine the respective rights of the employee and of the Government in and to the invention. His determination shall be subject to review by the Commissioner in proper cases under Executive Orders 10096 and 10930 and the rules and regulations issued by the Commissioner with the approval of the President.

(b) If the Government is entitled to obtain the entire domestic right, title, and interest in and to an invention made by an employee of the Department, the Solicitor, subject to review by the Commissioner in proper cases, may take such action respecting the invention as he deems necessary or advisable to protect the interests of the United States.

§ 6.5 Rights in inventions.

(a) The rules prescribed in this section shall be applied in determining the respective rights of the Government and of an employee of the Department in and to any invention made by the employee.

(b) (1) Except as indicated in the succeeding subparagraphs of this paragraph, the Government shall obtain the entire domestic right, title, and interest in and to any invention made by an employee of the Department (i) during working hours, or (ii) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other government employees on official duty, or (iii) which bears a direct relation to or is made in consequence of the official duties of the inventor.

(2) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth in subparagraph (1) of this paragraph, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire domestic right, title, and interest in and to such invention, or in any case where the Government has insufficient interest in an invention to obtain the entire domestic right, title, and interest therein (although the Government could obtain same under subparagraph (1) of this paragraph), the Solicitor, subject to the approval of the Commissioner, shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a nonexclusive, irrevocable, royalty-free license in the invention with power to grant sublicenses for all governmental purposes, such reservation, in the terms therof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(3) In applying the provisions of subparagraphs (1) and (2) of this paragraph to the facts and circumstances relating to the making of any particular invention, it shall be presumed that any invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, or (ii) to conduct or perform research, development work, or both, or (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or

(iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, falls within the provisions of subparagraph (1) of this paragraph, and it shall be presumed that any invention made by any other employee falls within the provisions of subparagraph (2) of this paragraph. Either presumption may be rebutted by a showing of the facts and circumstances in the case and shall not preclude a determination that these facts and circumstances justify leaving the entire right, title and interest in and to the invention in the government employee, subject to law.

(4) In any case wherein the Government neither (i) obtains the entire domestic right, title, and interest in and to an invention pursuant to the provisions of subparagraph (1) of this paragraph, nor (ii) reserves a nonexclusive, irrevocable, royalty-free license in the invention, with power to grant sublicenses for all governmental purposes, pursuant to the provisions of subparagraph (2) of this paragraph, the Solicitor, subject to the approval of the Commissioner, shall leave the entire right, title, and interest in and to the invention in the employee, subject to law.

(c) In the event that the Solicitor determines, pursuant to paragraph (b) (2) or (4) of this section, that title to an invention will be left with an employee, the Solicitor shall notify the employee of this determination and promptly prepare, and preserve in appropriate files, accessible to the Commissioner, a written signed, and dated statement concerning the invention including the following:

(1) A description of the invention in sufficient detail to identify the invention and show the relationship to the employee's duties and work assignment;

(2) The name of the employee and his employment status, including a detailed statement of his official duties and responsibilities at the time the invention was made; and

(3) A statement of the Solicitor's determination and reasons therefor. The Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, submit to the Commissioner a copy of this written statement. This submittal in a case falling within the provisions of paragraph (b) (2) of this section shall be made after the expiration of the period prescribed in § 6.6 for the taking of an appeal, or it may be made prior to the expiration of such period if the employee acquiesces in the Solicitor's determination. The Commissioner thereupon shall review the determination of the Solicitor and the Commissioner's decision respecting the matter shall be final, subject to the right of the employee or the Solicitor to submit to the Commissioner within 30 days (or such longer period as the Commissioner may, for good cause, shown in writing, fix in any case) after receiving notice of such decision, a petition for the reconsideration of the decision. A copy of such petition must also be filed by the inventor with the Solicitor within the prescribed period.

§ 6.6 Appeals by employees.

(a) Any employee who is aggrieved by a determination of the Solicitor pursuant to § 6.5(b) (1) or (2) may obtain a review of the determination by filing, within 30 days (or such longer period as the Commissioner may for good cause shown in writing, fix in any case) after receiving notice of such determination, two copies of an appeal with the Commissioner. The Commissioner then shall forward one copy of the appeal to the Solicitor.

(b) On receipt of a copy of an appeal filed pursuant to paragraph (a) of this section, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, promptly furnish both the Commissioner and the inventor with a copy of a report containing the following information about the invention involved in the appeal:

(1) A copy of a statement containing the information specified in § 6.5(c), and

(2) A detailed statement of the points of dispute or controversy, together with copies of any statements or written arguments that may have been filed, and of any other relevant evidence that the Solicitor considered in making his determination of Government interest. Within 25 days (or such longer period as the Commissioner may, for good cause shown, fix in any case) after the transmission of a copy of the Solicitor's report to the employee, the employee may file a reply thereto with the Commissioner and file one copy thereof with the Solicitor.

(c) After the time for the employee's reply to the Solicitor's report has expired and if the employee has so requested in his appeal, a date will be set for the hearing of oral arguments by the employee (or by an attorney whom he designates by written power of attorney filed before, or at the hearing) and the Solicitor. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to thirty minutes for each side. The employee need not retain an attorney or request an oral hearing to secure full consideration of the facts and his arguments. He may expedite such consideration by notifying the Commissioner when he does not intend to file a reply to the Solicitor's report.

(d) After a hearing on the appeal, if a hearing was requested, or after expiration of the period for the inventor's reply to the Solicitor's report, if no hearing is set, the Commissioner shall issue a decision on the matter, which decision shall be final after the period for asking reconsideration expires or on the date that a decision on a petition for reconsideration is finally disposed of. Any request for reconsideration or modification of the decision must be filed within 30 days from the date of the original decision (or within such an extension thereof as may be set by the Commissioner before the original period expires). The Commissioner's decision shall be made after consideration of the statements of fact in the employee's appeal, the Solicitor's report, and the employee's reply, but the Commissioner, at his discretion and with due respect to the rights and convenience of the inventor and the Solicitor, may call for further statements on specific questions of fact or may request additional evidence in the form of affidavits or depositions on specific facts in dispute.

§ 6.7 Domestic patent protection.

(a) The Solicitor, upon determining that an invention coming within the scope of § 6.5(b) (1) or (2) has been made, shall thereupon determine whether patent protection will be sought in the United States by the Department for such invention. A controversy over the respective rights of the Government and of the inventor in any case shall not delay the taking of the actions provided for in this section. In cases coming within the scope of § 6.5(b) (2), action by the Department looking toward such patent protection shall be contingent upon the consent of the inventor.

(b) Where there is a dispute as to whether subparagraphs (1) or (2) of paragraph (b) of § 6.5 applies in determining the respective rights of the Government and of an employee in and to any invention, the Solicitor will determine whether patent protection will be sought in the United States pending the Commissioner's decision on the dispute, and, if he determines that an application for patent should be filed, he will take such rights as are specified in § 6.5(b) (2), but this shall be without prejudice to acquiring the rights specified in § 6.5 (b) (1) should the Commissioner so decide.

(c) Where the Solicitor has determined to leave title to an invention with an employee under § 6.5(b) (2), the Solicitor will, upon the filing of an application for patent and pending review of the determination by the Commissioner, take the rights specified in that subparagraph, without prejudice to the subsequent acquisition by the Government of the rights specified in § 6.5(b) (1), should the Commissioner so decide.

(d) In the event that the Solicitor determines that an application for patent will not be filed on an invention made under the circumstances specified in § 6.5(b) (1) giving the United States the right to title thereto, the Solicitor shall, subject to considerations of national security, or public health, safety, or welfare, report to the Commissioner, promptly upon making such determination, the following information concerning the invention:

(1) Description of the invention in sufficient detail to permit a satisfactory review;

(2) Name of the inventor and his employment status;

(3) Statement of the Solicitor's determination and reasons therefor.

The Commissioner, may, if he determines that the interest of the Government so requires and subject to considerations of national security, or public health, safety, or welfare, bring the invention to the attention of any Government agency to whose activities the invention may be pertinent, or cause the invention to be fully disclosed by publication thereof.

§ 6.8 Foreign filing.

(a) *By Government.* (1) In every case where the employee has indicated pursuant to § 6.2(d) (10), his willingness to assign the domestic patent rights in the invention to the Government, or where it has been determined pursuant to § 6.5 that the Government shall obtain the entire domestic patent rights, the Government shall reserve an option to acquire assignment of all foreign rights including the rights to file foreign patent applications or otherwise to seek protection abroad on the invention.

(2) The Government's option shall lapse as regards any foreign country:

(i) When the Solicitor determines after consultation with the agency most directly concerned, not to cause an application to be filed in said foreign country or otherwise to seek protection of the invention, as by publication;

(ii) When the Solicitor fails to take action to seek protection of the invention in said foreign country (*a*) within six months of the filing of an application for a United States patent on the invention, or (*b*) within six months of declassification of an invention previously under a security classification, whichever is later.

(b) *By Employee.* (1) No Department employee shall file or cause to be filed an application for patent in any foreign country on any invention in which an application for patent in any foreign country on any invention in which the Government has acquired the entire (foreign and domestic) patent rights, or holds an unexpired option to acquire the patent rights in said foreign country, or take any steps which would preclude the filing of an application by or on behalf of the Government.

(2) An employee may file in any foreign country where the Government has not exercised its option acquired pursuant to § 6.2(d) (10), to do so, or determines not to do so.

(3) The determination or failure to act as set forth in § 6.8(a) (2) shall constitute a decision by the Government to leave the foreign patent rights to the invention in the employee, subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent which may issue thereon in any foreign country, including the power to issue sublicenses for governmental purposes or in furtherance of the foreign policies of the Government or both.

§ 6.9 Publication and public use of invention before patent application is filed.

(a) Publication or public use of an invention constitutes a statutory bar to the granting of a patent for the invention unless a patent application is filed within one year of the date of such publication or public use. In order to preserve rights in unpatented inventions, it shall be the duty of the inventor, or of his supervisor if the inventor is not available to make such report, to report forthwith to the Solicitor any publication or use (other than experimental) of an invention, irrespective of whether an invention report has previously been filed. If an invention report has not been filed, such a report, including information concerning the public use or publication, shall be filed at once. If an invention is disclosed to any person who is not employed by the Department or working in cooperation with the Department upon that invention, a record shall be kept of the date and extent of the disclosure, the name and address of the person to whom the disclosure was made, and the purpose of the disclosure.

(b) No description, specification, plan, or drawing of any unpatented invention upon which a patent application is likely to be filed shall be published, nor shall any written description, specification, plan, or drawing of such invention be furnished to anyone other than an employee of the Department or a person working in cooperation with the Department upon that invention, unless the Solicitor is of the opinion that the interests of the Government will not be prejudiced by such action. If any publication disclosing the invention, not previously approved by the Solicitor, comes to the attention of the inventor or his supervisor, it shall be the duty of such person to report such publication to the Solicitor.

§ 6.10 Publicity concerning the invention after patent application is filed.

In order that the public may obtain the greatest possible benefit from inventions in which the Secretary has transferable interests, inventions assigned to the Secretary upon which patent applications have been filed shall be publicized as widely as possible, within limitations of authority, by the Department, by the originating agency, by the division in which the inventor is employed, and by the inventor himself in his contacts with industries in which the invention is or may be useful. Regular organs of publication shall be utilized to the greatest extent possible. In addition, it shall be the duty of the Solicitor, upon being advised of the issuance of any patent assigned to the Secretary, to take steps towards listing the patent as available for licensing, where feasible.

§ 6.11 Condition of employment.

(a) The regulations in this subpart shall be a condition of employment of all employees of the Department and shall be effective as to all their inventions. These regulations shall be effective without regard to any existing or future contracts to the contrary entered into by any employee of the Department with any person other than the Government.

(b) If a patent application is filed upon an invention which has been made by an employee of the Department under circumstances that entitle the Government to the entire domestic right, title and interest in and to the invention, but which has not been reported to the Solicitor pursuant to the regulations in this subpart, title to such invention shall immediately vest in the Government, as represented by the Secretary, and the contract of employment shall be considered an assignment of such rights.

Subpart B—Licenses

§ 6.51 Purpose.

It is the purpose of the regulations in this subpart to secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior by providing a simple procedure under which the public may obtain licenses to use United States patents and inventions in which the Secretary of the Interior has transferable interests and which are available for licensing without undue risk of losing patent protection to which the public is entitled.

§ 6.52 Patents.

United States patents in which the Secretary of the Interior has transferable interests, and under which he may issue licenses or sublicenses, are classified as follows:

(a) *Class A.* Patents, other than those referred to in paragraph (c) of this section, which are owned by the United States, as represented by the Secretary of the Interior, free from restrictions on licensing except such as are inherent in Government ownership;

(b) *Class B.* Patents in which the interest of the United States, as represented by the Secretary of the Interior, is less than full ownership, or is subject to some express restriction upon licensing or sublicensing (including patents upon which the Secretary of the Interior holds a license, patents assigned to the Secretary of the Interior as trustee for the people of the United States, and patents assigned to the Secretary of the Interior upon such terms as to effect a dedication to the public);

(c) *Class C.* Patents and patent rights acquired by the Secretary of the Interior pursuant to the act of April 5, 1944 (58 Stat. 190; 30 U.S.C. 321–325), and any amendments thereof.

§ 6.53 Unpatented inventions.

The Secretary of the Interior may also have transferable interests in inventions which are not yet patented. In order to protect the patent rights of the Department, for the eventual benefit of the public, a license may be granted with respect to such an invention only if (a) a patent application has been filed thereon; (b) the invention has been assigned to the United States, as represented by the Secretary of the Interior, and the assignment has been recorded in the Patent Office; and (c) the Solicitor of the Department is of the opinon that the issuance of a license will not prejudice the interests of the Government in the invention. Such licenses shall be upon the same terms as licenses relating to patents of the same class, as described in § 6.52.

§ 6.54 Use or manufacture by or for the Government.

A license is not required with respect to the manufacture or use of any invention patented under the act of March 3, 1883, as amended (35 U.S.C. 266), or assigned or required to be assigned without restrictions or qualifications to the

United States, as represented by the Secretary of the Interior, when such manufacture or use is by or for the Government for governmental purposes. A license or sublicense may be required, however, for such manufacture or use in the case of Class B patents or patent rights when the terms under which the Secretary of the Interior acquires interests therein necessitate the issuance of a license or sublicense in such circumstances.

§ 6.55 Terms of licenses or sublicenses.

(a) The terms of licenses and sublicenses issued under this subpart shall not be unreasonably restrictive. All terms and conditions required by this subpart shall be expressly stated in licenses and sublicenses.

(b) To the extent that they do not conflict with any restrictions to which the licensing or sublicensing of Class B patents and unpatented inventions may be subject, all licenses and sublicenses relating to Class A and Class B patents and unpatented inventions shall be subject to the following terms and provisions, and to such other terms and conditions as the Solicitor may prescribe:

(1) The acceptance of a license or sublicense shall not be construed as a waiver of the right to contest the validity of the patent. A license or sublicense shall be revocable only upon a finding by the Solicitor of the Department that the terms of the license or sublicense have been violated and that the revocation of the license or sublicense is in the public interest. Such finding shall be made only after reasonable notice and an opportunity to be heard.

(2) Licenses and sublicenses shall be nontransferable. Upon a satisfactory showing that the public will be benefited thereby, they may be granted to properly qualified applicants royalty-free. If no such showing is made, they shall be granted only upon a reasonable royalty or other consideration, the amount or character of which is to be determined by the Solicitor. A cross-licensing agreement may be considered adequate consideration.

(3) Licensees and sublicensees may be required to submit annual or more frequent technical or statistical reports concerning practical experience acquired through the exercise of the license or sublicense, the extent of the production under the license or sublicense, and other related subjects.

(4) A licensee or sublicensee manufacturing a patented article pursuant to a license or sublicense shall give notice to the public that the article is patented by affixing thereon the word "patent", together with the number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package in which it is enclosed, a label containing such notice.

(c) Licenses and sublicenses relating to Class C patents and patent rights shall be granted upon such terms and conditions as may be prescribed pursuant to sections 3 and 5 of the act of April 5, 1944, and any amendments thereof.

§ 6.56 Issuance of licenses.

(a) Any person desiring a license relating to an invention upon which the Secretary of the Interior holds a patent or patent rights may file with the Solicitor of the Department of the Interior an application for a license, stating:

(1) The name, address, and citizenship of the applicant;

(2) The nature of his business;

(3) The patent or invention upon which he desires a license;

(4) The purpose for which he desires a license;

(5) His experience in the field of the desired license;

(6) Any patents, licenses, or other patent rights which he may have in the field of the desired license; and

(7) The benefits, if any, which the applicant expects the public to derive from his proposed use of the invention.

(b) It shall be the duty of the Solicitor, after consultation with the bureau most directly interested in the patent or invention involved in an application for a license, and with the Evaluation Committee if royalties are to be charged, to determine whether the license shall be granted. If he determines that a license is to be granted, he shall execute, on behalf of the Secretary, an appropriate license.

§ 6.57 Evaluation Committee.

At the request of the Solicitor, an Evaluation Committee will be appointed by the Secretary to recommend royalty rates with respect to any patents or inventions for which royalties may be charged.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 3, 1964.

[F.R. Doc. 64-221; Filed, Jan. 9, 1964; 8:51 a.m.]

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3301]

ALASKA AND CALIFORNIA

Correcting Public Land Order No. 3284 of December 3, 1963 and Public Land Order No. 2942 of February 15, 1963; Opening Lands Described in Public Land Order No. 2942

ALASKA

[Misc. 88493]

1. The reference to "Group lot 1," Homesite No. 1141 in the Tongass National Forest, appearing in Public Land Order No. 3284 of December 3, 1963 (28 F.R. 13307-8), is corrected to read "Group 1, lot E."

CALIFORNIA

[Los Angeles 013000S]

2. (a) In paragraph 2 of Public Land Order No. 2942 of February 15, 1963 (28 F.R. 1635), the reference to the "SW¼" of sec. 29, T. 26 S., R. 34 E. as included in Power Project No. 564 is corrected to read "NW¼."

(b) Paragraphs 3, 4 and 5 of Public Land Order No. 2942 are hereby eliminated.

3. Until 10:00 a.m. on July 6, 1964, the State of California shall have the preferred right of application to select any of the restored land described in Public Land Order No. 2942 for school land indemnity purposes, as provided by Sec. 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State also has a more limited preferred right of application with respect to the lands in sec. 29, described in paragraph 2 of Public Land Order No. 2942 as amended by this order for highway easement or for highway material site purposes as provided by Sec. 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

4. At 10:00 a.m. on July 6, 1964, the public lands described in Public Land Order No. 2942 shall be open to the operation of the public land laws generally, subject to existing valid rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received at or prior to 10:00 a.m. on July 6, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing. Any disposal of the lands in the NW¼ of sec. 29 T. 26 S., R. 34 E., shall be subject to the provisions of Section 24 of the Federal Power Act, as provided by the Federal Power Commission in DA-962-California.

Inquiries concerning the lands described in Public Land Order No. 2942 should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, California. The lands are described as follows:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 34 E.,
Sec. 20, SE¼NE¼ and SE¼.
Sec. 29, N½ and N½S½.
T. 26 S., R. 35 E.,
Sec. 2, NW¼SE¼.
T. 27 S., R. 35 E.,
Sec. 17, W½SW¼.
T. 25 S., R. 36 E.,
Sec. 21, S½NE¼NE¼, SW¼NE¼, NE¼SW¼, and E½SW¼SW¼.

Containing 920 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 6, 1964.

[F.R. Doc. 64-219; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE, AND PROCEDURE

PART 206—MISCELLANEOUS FEES

Subpart B—Foreign Discrimination Affecting U.S. Ships

CROSS REFERENCE: For a document affecting Subpart B of Part 206, see F.R. Doc. 64-223, Title 46, Chapter IV, *infra*.

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 8, Part III]

PART 506—FOREIGN DISCRIMINATION AFFECTING U.S. SHIPS

By General Order 1 (26 F.R. 7788, August 19, 1961) the Federal Maritime Commission continued in effect rules and regulations issued by the Federal Maritime Board necessary to the exercise of the functions, delegations, powers and duties transferred to the Federal Maritime Commission by Reorganization Plan No. 7 of 1961. The Commission is now in the process of updating its rules and regulations by means of redesignations, revocations and republications of parts of the Code of Federal Regulations. A notice of revocations and redesignations was published in the FEDERAL REGISTER on October 4, 1963 (28 F.R. 10703), and on Nov. 16, 1963 the Commission's rules of practice and procedure were republished (28 F.R. 12205). The Commission is now republishing as a new part, Part 506, of Title 46 of the Code of Federal Regulations, a rule which prescribes procedure in the event of promulgation by a foreign government of rules and regulations which discriminate against vessels documented under the laws of the United States. This rule is now Subpart B of Part 206, Title 46. There have been no substantive changes in the rule as it is republished, and it will therefore become effective immediately upon publication in the FEDERAL REGISTER.

Sec.
506.1 Scope.
506.2 Imposition of equalization fees or charges.
506.3 Other off-setting regulations.

AUTHORITY: The provisions of this Part 506 issued under sec. 19 (41 Stat. 995; 46 U.S.C. 876) of Merchant Marine Act, 1920, and sec. 204 (49 Stat. 1987, as amended; 46 U.S.C. 1114) of Merchant Marine Act, 1936.

§ 506.1 Scope.

The rules of this part will be invoked when the Federal Maritime Commission finds that a foreign government has promulgated laws, regulations, or practices which discriminate against vessels of the United States, and when efforts of the Commission fail to eliminate the discriminatory laws, regulations, or practices through friendly representations with foreign governments or agencies via diplomatic or other channels.

§ 506.2 Imposition of equalization fees or charges.

The Federal Maritime Commission, in order to counteract the adverse effect of fees or charges imposed by a foreign government which discriminate, directly or indirectly, against vessels documented under the laws of the United States, will impose equalizing fees or charges against vessels flying the flag of the discriminating country or vessels owned, operated, or chartered by shipping companies to which such foreign government has extended the same preferential treatment accorded to vessels flying the flags of the discriminating country, and/or the users of the services of said vessels.

§ 506.3 Other off-setting regulations.

If and when other discriminatory practices against vessels documented under the laws of the United States are found to exist, off-setting regulations will be imposed by the Federal Maritime Commission.

Dated: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-223; Filed, Jan. 9, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

SCHEDULE OF FEES

Stay of Effective Date

JANUARY 2, 1964.

Stay of effective date of Commission's schedule of application filing fees (see §§ 1.1101–1.1119, 13.14, 13.15, 21.12, 23.13, 25.523, 61.153, 62.24, 63.52, 66.14, 73.17, 73.214, 73.514, 73.620, 73.710, 74.11, 81.49, 81.50, 83.53, 83.54, 85.25, 87.51, 87.53, 89.81, 89.83, 91.67, 91.68, 93.66, 93.67, 95.23, 95.25, 97.53, and 97.55).

Pursuant to a stay imposed Dec. 31, 1963, by the U.S. Court of Appeals for the Seventh Circuit, the Commission announces that its application filing fees scheduled to become effective Jan. 1, 1964, have been postponed until further announcement.

Under the Court's opinion the Commission's schedule of filing fees may not become effective for 60 days, pending consideration of a further stay until disposition of a joint petition for review which has been brought in the Court to set aside adoption of the fee schedule by the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-252; Filed, Jan. 9, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH BARTLETT PEARS GROWN IN CALIFORNIA

Proposed Changes in Representation of Certain Districts on Commodity Committee

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–917.179) currently in effect pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment to the said rules and regulations was proposed by the Control Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment changes the representation of certain districts on the Bartlett Pear Commodity Committee.

The said amendment is as follows:

1. Delete § 917.116 and substitute therefor the following:

§ 917.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) One (1) member to represent the North Sacramento Valley District and the Central Sacramento Valley District;

(b) Three (3) members to represent the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, Solano District;

(c) One (1) member to represent the Placer District and the Colfax District;

(d) Four (4) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and the North Bay District;

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER.

Dated: January 6, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-258; Filed, Jan. 9, 1964; 8:50 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–204]

SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS EXCEPT THOSE CONCERNING RADIATION

Proposed Revision

On October 1, 1963, a proposed revision of the general safety and health regulations applicable under the Walsh-Healey Public Contracts Act was published in the FEDERAL REGISTER (28 F.R. 10524). Interested persons were given until December 31 to submit written data, views, and argument concerning the proposal (28 F.R. 12668).

Upon review of the many submissions received, I hereby give notice of oral proceedings to be held at 10:00 a.m. March 17, 1964, in the Auditorium of the United States Department of Commerce, on Constitution Avenue between 14th and 15th Streets NW., Washington, D.C., before a hearing examiner appointed under section 11 of the Administrative Procedure Act (5 U.S.C. 1010) for the purpose of receiving additional data, views, and argument concerning the proposed revision.

All persons wishing to be heard on the above question shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., on or before March 3, 1964, notice of intention to appear which shall contain the following information:

(1) The name and address of the person appearing;

(2) If such person is appearing in a representative capacity, the name and address of the person or persons or organization he is representing;

(3) The substance of the position he intends to take; and

(4) The approximate length of time he will need for his presentation.

The oral presentations shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters, and confine the proceedings to the terms of such safety and health standards other than radiation as should be provided in procedural regulations issued under the Walsh-Healey Public Contracts Act and section 7(d) of the Administrative Procedure Act (5 U.S.C. 1006(d)). The hearing examiner shall have discretion to keep the record open to permit any person who participated in the oral presentations to submit additional data, views, and argument responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me for any appropriate amendment to 41 CFR Part 50–204.

Signed at Washington, D.C., this 6th day of January 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-242; Filed, Jan. 9, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42, 91 [New]]

[Notice 64-1; Docket No. 3036]

EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend the provisions of Special Civil Air Regulation No. SR–389B by: (1) Setting forth more definitive rules concerning the number of occupants which may be added to the number previously authorized if additional approved exits are provided, and concerning a corresponding reduction in the authorized number of occupants if existing exists are eliminated; (2) specifying the order in which existing exist can be eliminated; and (3) making other minor revisions for clarification or for editorial reasons. Operators of transport category airplanes carrying passengers for hire may be affected by this proposed amendment.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 12, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Paragraph 2 of currently effective SR–389B states that a maximum of 8 additional occupants (beyond the number listed in the prescribed occupant-exit table) may be authorized for the addition of an exit which is "comparable to at least a Type II or Type IV exit as prescribed in § 4b.362," and that a lesser number of additional occupants may be authorized for the addition of an exit which is not "comparable." The Agency has found the term "comparable" difficult to apply in the absence of criteria which clearly relate the number of additional occupants to the size, location, and type (window or floor level) of the added exit. There is uncertainty not only in determining what is "comparable" but in determining, when the added exit is not "comparable," what lesser number of additional occupants (less than 8) may be authorized. A further uncertainty derives from the fact that only Type II and Type IV exits are referred to in this provision, raising the question whether additional occupants would be authorized for an additional exit "comparable" to a Type I or Type III exit.

The Agency has observed, moreover, that by limiting the number of additional occupants to 8, irrespective of the effectiveness of the added exit, it has discouraged the fitting of new floor-level exits on airplanes modified for additional occupancy, since the same number of additional occupants is permitted for a less costly (and less effective) window exit.

To correct these deficiencies in paragraph 2, it is proposed to make revisions which will set forth a specific number of additional occupants for each type of additional exit which may be provided, taking into account: (1) Exit size; (2) exit location; and (3) access to the exit from the main passenger aisle. Recognizing that floor-level exits are more effective for emergency egress than window exits and that overwing window exits are more effective than non-over-wing window exits, the Agency proposes to authorize 12 additional occupants for each added floor-level exit, 8 additional occupants for each added overwing exit, and 5 additional occupants for each added non-over-wing window exit, all subject to conditions relating to size and, in the case of floor-level exits, subject to a further condition relating to access from the main passenger aisle. This latter condition is proposed to facilitate the movement of occupants from the main passenger aisle to floor-level exits.

Paragraph 3 of currently effective SR–389B in part requires that, for airplanes which have a ratio (as computed from the table in this special regulation) of maximum number of occupants to number of exits greater than 14:1, and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. This provision does not speak to whether, when one floor-level exit is already installed in one side of the fuselage, the added floor-level exit shall be on the opposite side. It is evident that if both floor-level exits in this case were installed on the same side of the fuselage both might be useless for emergency egress if a fire developed on that side, or if the airplane came to rest on that side, during a crash landing. Nor does this provision speak to the question of access to the floor-level exit from the main passenger aisle. Without such access, the effectiveness of the floor-level exit would be sharply reduced. For these reasons, it is proposed to add new provisions which would require that, for the airplanes stipulated, the first added exit be a floor-level exit located on the side of the fuselage which is opposite the main entrance door, and that adequate access be provided to this exit from the main passenger aisle.

Paragraph 4 of SR–389B states, in part, that the maximum number of occupants authorized in the table shall be reduced if the number of approved exits is less than that shown in the table; and that this reduction shall be at least 8 for each eliminated exit. This provision again contains no definite criteria by which the reduction in the maximum number of occupants could be related to the effectiveness of the eliminated exit; nor does it prescribe the order in which exits must be eliminated. To be consistent with the proposed provisions dealing with increased occupancy for additional exits above the number listed in the table, it is proposed that the authorized maximum number of occupants be reduced, for each eliminated exit, by a corresponding number of occupants. The Agency believes, in addition, that an orderly progression toward the higher level of safety set forth in currently effective § 4b.362 can be achieved by prescribing a priority schedule for the elimination of exits. It is proposed, therefore, to add new provisions requiring that exits be eliminated in the order of increasing effectiveness, thereby insuring the most favorable occupant-exit relationship, from the safety standpoint, between the remaining exits and the corresponding maximum number of occupants.

The Agency has reviewed the service record established by airplanes operating under the provisions of currently effective SR–389B, and of the special regulations which preceded it, and has determined that there is no need to apply the previously described proposed amendments to airplanes with occupant-exit configurations approved in the past under the terms of these special regulations. Accordingly, it is proposed to add a provision to this effect.

It is to be noted that the Agency also has under consideration a proposal respecting evacuation procedures and other requirements (Notice 63–42; 28 F.R. 4507) which, if adopted, will affect the provisions of this proposal.

This revised Special Civil Air Regulation is proposed under the authority of sections 313(a), 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1423, 1424), and is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698).

In consideration of the foregoing, it is proposed that Special Civil Air Regulation No. SR–389B, as amended by Amendment No. 1, be superseded by a new special regulation to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (more than 12,500 pounds maximum certificated takeoff weight) type certificated under Civil Air Regulations effective prior to April 9, 1957, while carrying passengers for hire, shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of Civil Air Regulations as amended by Amendment 4b–4 effective December 20, 1951, except that airplane types listed in the following table may be operated with:

(a) The maximum number of occupants listed in the table in this special regulation (including all crewmembers) and the corresponding number of exits (including emergency exits and doors) heretofore approved for the emergency egress of passengers; or

(b) Any occupant-exit configuration approved under the provisions of Special Civil Air Regulation No. SR–387, SR–389, SR–389A, or SR–389B; or

(c) Any occupant-exit configuration permitted under the provisions of paragraphs 2 and 3 of this special regulation.

2. Additional occupants above the values listed in the table, or above any value authorized for the airplane under the provisions of Special Civil Air Regulation No. SR–387, SR–389, SR–389A, or SR–389B, may be carried, if additional exits are provided, subject to the provisions of subparagraphs (a) through (d) of this paragraph.

(a) Twelve additional occupants may be added for each additional floor-level exit if it is at least 24 inches wide by 48 inches high, and if an unobstructed, 20-inch wide, access aisleway is provided between each such exit and the main passenger aisle.

(b) Eight additional occupants may be added for each additional window exit if it is located over a wing, and if its size is such that:

(1) A 19 x 26 inch ellipse can be inscribed within it; or

(2) It is in accordance with the provisions of the Civil Air Regulations under which the airplane was type certificated.

(c) Five additional occupants may be added for each additional window exit which is not located over the wing, if its size is in accordance with subparagraph (b) of this paragraph.

(d) For airplanes which have a ratio (as computed from the table in this special regulation) of maximum number of occupants to number of exits greater than 14:1, and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit for increased occupancy shall be a floor-level exit which satisfies the conditions relating to size and access set forth in subparagraph (a) of this paragraph, and which is located in the rearward portion of the cabin but not on the same side of the fuselage as the main entrance door. The maximum number of occupants shall not exceed 115 unless there is a floor-level exit, satisfying the conditions relating to size and access set forth in subparagraph (a) of this paragraph, on each side of the fuselage in the rearward portion of the cabin.

9. If any approved exit is eliminated subsequent to the effective date of this special regulation, the provisions of subparagraphs (a) through (d) of this paragraph shall apply.

(a) For each exit eliminated, the previously authorized maximum number of occupants shall be reduced by the same number of occupants as may be added, for this exit, under the provisions of subparagraphs (a), (b), and (c) of paragraph 2.

(b) Exits shall be eliminated in accordance with the following priority schedule: First, non-over-wing window exits; second, over-wing window exits; third, floor-level exits located in the forward portion of the cabin; and fourth, floor-level exits located in the rearward portion of the cabin.

(c) At least one exit shall be retained on each side of the fuselage, irrespective of the number of occupants.

(d) In no case shall the resulting ratio of maximum number of occupants to number of approved exits be greater than 14:1.

Airplane type	Maximum number of occupants including all crewmembers	Corresponding number of exits authorized for passenger use
B-307	61	4
B-377	96	9
C-46	67	4
CV-240	33	6
CV-340 and CV-440	53	6
DC-3	35	4
DC-3 (Super)	39	5
DC-4	86	5
DC-6	87	7
DC-6B [1]	112	11
L-18	17	3
L-049, L-649, L-749	57	7
L-1049 series	96	9
M-202	53	6
M-404	53	7
Viscount 700 series	53	7

[1] The DC-6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC-6B.

Issued in Washington, D.C., on January 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-214; Filed, Jan. 9, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 3036]

LOCKHEED MODELS 1049C, D, E, G, AND H SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 1049C, D, E, G, and H Series aircraft. A metallurgical investigation has revealed that a fatigue crack in a beam cap tie-in fitting, Lockheed P/N 311134, was caused by improperly oriented grain direction. To correct this unsafe condition, this AD requires inspection of the fittings and replacement of any found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 10, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft.

Compliance required as indicated.

As the result of a metallurgical investigation which revealed a beam cap tie-in fitting fatigue crack, attributed to improperly oriented material grain direction of the part, accomplish the following:

(a) Within 350 hours' time in service after the effective date of this AD, unless already accomplished, inspect the beam cap tie-in fittings, Lockheed P/N's 311134L and 311134R, for cracks in the area of the .16 radius near the center of the fitting using dye penetrant or FAA approved equivalent. Gain access to the part through opening No. 87 as described in Figure 1-3 of the Model 1049 Maintenance Instructions Manual.

(b) Replace any cracked fitting with a new fitting of the same part number before further flight, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished.

Issued in Washington, D.C., on January 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-213; Filed, Jan. 9, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of Plat of Survey

JANUARY 3, 1964.

1. Plat of survey of the following described land will be officially filed in the Land Office, Sacramento, California, effective 10:00 a.m. on February 7, 1964.

MOUNT DIABLO MERIDIAN

T. 32 S., R. 11 E.
Tract 39, Whalers Island in San Luis Obispo Bay, containing 0.73 acre.

2. The plat represents the extent of the public lands as defined by the line of mean high water on Whalers Island in San Luis Obispo Bay as shown upon the U.S. Geological Survey Quadrangle, Port San Luis, edition of 1951, supplemented by data from the U.S. Coast and Geodetic Survey Chart No. 5386 and photogrammetric compilation methods.

3. Whalers Island is located approximately 400 feet off shore from the mainland and lies approximately one-quarter of a mile east of the Point San Luis Light Station, and one and three-quarter miles southwest of the community of Avila Beach, San Luis Obispo County. The island is a pendant type island composed mostly of large massive boulders upthrust from the ocean on top of which is a thin mantle of soil supporting a dense stand of sage and other associated brush species. It rises approximately 65 feet out of the water and is difficult to gain access to. This island is a part of the existing breakwater constructed by the Port of San Luis.

4. Under authority of the act of Congress approved June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497), the land is withdrawn from settlement, location, sale, or entry, for classification and in aid of legislation, pursuant to Executive Order No. 5326 of April 14, 1930, which withdrew all unreserved islands, rocks and pinnacles situated in the Pacific Ocean off the coast of California. Executive Order No. 5326 was modified by Public Land Order 1834 of April 15, 1959, to the extent of permitting the filing of applications for selection by the State of California under section 2276(c) of the Revised Statutes (43 U.S.C. 852), as amended by section 2 of the act of August 27, 1958 (72 Stat. 928).

5. The land has been open to application for selection by the State of California as indicated in the preceding paragraph; application under the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended; applications and offers under the mineral leasing laws; and to location for metalliferous minerals under the mining laws. The land is embraced in pending application Sacramento 072064 filed by the Port San Luis Harbor District under the act of June 14, 1926, supra.

6. Inquiries concerning this land shall be addressed to the Manager, Land Office, Bureau of Land Management, United States Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, California, 95814.

WALTER E. BECK,
Manager, Land Office.

[F.R. Doc. 64-220; Filed, Jan. 9, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NURSERY SPECIALTY PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives Polyvinylidene Chloride, Copolymer of Polyvinylidene Chloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Nursery Specialty Products, Inc., 202 East 47th Street, New York 17, New York, has withdrawn its petition (FAP 653) published in the FEDERAL REGISTER of May 29, 1962 (27 F.R. 5002), proposing the issuance of a regulation to establish a tolerance of 375 parts per million (0.0375 percent) for residues of polyvinylidene chloride and/or the copolymer of polyvinylidene chloride in or on fodder from pea vines treated with the polymer as an antidesiccant.

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 6, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-244; Filed, Jan. 9, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-160]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1964, the latest completion date specified in Construction Permit No. CPRR-57 which authorizes construction of a one-megawatt (thermal) heavy water moderated, tank-type nuclear reactor on the campus of Georgia Institute of Technology in Atlanta, Georgia.

Copies of the Commission's order and the application filed by Georgia Institute of Technology are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 31st day of December 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-206; Filed, Jan. 9, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-375]

ACCIDENT AT JAMAICA, N.Y.

Investigation; Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 6673D, which occurred on October 14, 1963 at New York International Airport, Jamaica, New York; Docket No. SA-375.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing January 14, 1964, at 1:30 p.m., l.t., in the United States Mission to the United Nations, United Nations Plaza, New York City.

Dated this 6th day of January 1964.

[SEAL] RICHARD G. RODRIGUEZ,
Hearing Officer.

[F.R. Doc. 64-250; Filed, Jan. 9, 1964; 8:49 a.m.]

[Docket 14938]

TRANS-TEXAS AIRWAYS, INC.

"Use It or Lose It" Investigation; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 28, 1964, at 10:00 a.m. (e.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., January 7, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-251; Filed, Jan. 9, 1964; 8:49 a.m.]

CIVIL SERVICE COMMISSION

MEDICAL OFFICERS

Notice of Increase of Minimum Rates of Pay

Correction

In F.R. Doc. 64-76, appearing at page 64 of the issue for Friday, January 3, 1964, the Step 7 entry for GS-12 should read "13,940" instead of "13,94".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15260, 15261]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Coosa Valley Radio Company, Rome, Georgia, Requests: 97.7 mc, #249; 290 w; 817 ft., Docket No. 15260, File No. BPH-4108; Rome Broadcasting Corporation, Rome, Georgia, requests: 97.7 mc, #249; 250 w; 865 ft., Docket No. 15261, File No. BPH-4136; for construction permits:

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on January 3, 1964;

It appearing, that the applications are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are not identical in size and that, for the purpose of comparison, the areas and populations within the proposed one mv/m contours will be considered in the hearing ordered below; and

It further appearing, that upon due consideration of the application of the Coosa Valley Radio Company and the Rome Broadcasting Corporation, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast stations proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-254; Filed, Jan. 9, 1964; 8:50 a.m.]

[Docket Nos. 15212, 15213; FCC 64M-9]

TVUE ASSOCIATES, INC., AND UNITED ARTISTS BROADCASTING, INC.

Order Continuing Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for new television broadcast stations.

It is hereby ordered, This 6th day of January 1964, that the further prehearing conference scheduled in this proceeding for January 7, 1964, is rescheduled for January 17, 1964, at 10:00 a.m. in Washington, D.C.

Released: January 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-256; Filed, Jan. 9, 1964; 8:50 a.m.]

[Docket Nos. 15006-15008]

HARRY WALLERSTEIN ET AL.

Notice of Place of Hearing

In re Applications of Harry Wallerstein, Receiver, Television Company of America, Inc., for renewal of license of Station KSHO-TV, Las Vegas, Nevada, Docket No. 15006, File No. BRCT-397; Harry Wallerstein, Receiver, Television Company of America, Inc., (Assignor) and Television Company of America, Inc., (Assignee) for assignment of license of Station KSHO-TV, Las Vegas, Nevada, Docket No. 15007, File No. BALCT-181; Reed R. Maxfield, Robert W. Hughes, Carl A. Hulbert and Alex Gold, (Transferors) and Arthur Powell Williams, (Transferee) for transfer of control of Nevada Broadcasters' Fund, Inc., Holding Company of Television Company of America, Inc., Licensee of Station KSHO-TV, Las Vegas, Nevada, Docket No. 15008, File No. BTC-3965.

The hearing on the above-entitled matter presently scheduled for Wednesday, January 15, 1964, will be held at 10:00 a.m., at Clark County Airport, south end of the Ticketing Building on the second floor, Las Vegas, Nevada.

Dated: January 6, 1964.

Released: January 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-257; Filed, Jan. 9, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-14853 and G-15208]

ARKANSAS LOUISIANA GAS CO. AND HUMBLE GAS TRANSMISSION CO.

Notice of Applications To Amend

JANUARY 3, 1964.

Take notice that on October 1, 1963, Arkansas Louisiana Gas Company (Arkansas Louisiana), Shreveport, Louisiana, in Docket No. G-14853 and on October 21, 1963, Humble Gas Transmission Company (Humble), New Orleans, Louisiana, in Docket No. G-15208 filed applications to amend the Commission's order issued December 8, 1958, in said Dockets by authorizing the continuance of the sale of gas by Arkansas Louisiana to Humble pursuant to a new agreement, dated August 30, 1963, between the two companies, all as more fully set forth in the respective applications to amend on file with the Commission and open to public inspection.

The order of December 8, 1958, authorized Arkansas Louisiana to construct and operate certain facilities and to sell and deliver at the tailgate of Arkansas Louisiana's Munce Compressor Station, Ouachita Parish, Louisiana, natural gas to Humble (formerly Olin Gas Transmission Corporation). Said order also authorized Humble to operate any facilities, subject to the jurisdiction of the Commission, necessary for such sale.

By letter of May 17, 1963, Humble exercised its right to terminate the contract between the two parties at the end of five years. Accordingly, Arkansas Louisiana filed in Docket No. CP63-331 its application to abandon the sale covered thereby.[1] Subsequently, Arkansas Louisiana and Humble entered into the new agreement to continue the sale at the same price (18.2293 cents per Mcf) at the same delivery point. Said agreement also provides that Arkansas Louisiana may deliver such volumes from time to time as it may have available for sale and as Humble may wish to buy.

On October 1, 1963, Arkansas Louisiana tendered for filing the August 30, 1963, agreement as its First Revised Sheets Nos. 180, 181, 182, 183, 184 and 185 to its FPC Gas Tariff, Original Volume No. 2, covering the herein proposed continued sale of gas to Humble.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 27, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-233; Filed, Jan. 9, 1964; 8:46 a.m.]

[1] Arkansas Louisiana's subject application also withdraws its abandonment application in Docket No. CP63-331.

[Docket Nos. RI64-519—RI64-523]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Change To Become Effective Subject to Refund

JANUARY 3, 1964.

The Skelly Oil Company, Docket No. RI64-519; Skelly Oil Company (Operator), et al., Docket No. RI64-520; Feuille, R. H., Docket No. RI64-521; The British-American Oil Producing Company, Docket No. RI64-522; Pan American Petroleum Corporation, Docket No. RI64-523.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date[2] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-519..	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla.	107	14	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin)	$464	12- 6-63	1- 6-64	6- 6-64	[4] 13.0536	[5] 14.0577	RI64-14.
	do	140	7	and (La Plata County, Colo.). El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	6,019 3,855	12- 6-63 12- 6-63	1- 6-64 1- 6-64	6- 6-64 6- 6-64	[4] 13.0 [6] 11.0454	[5] 14.0 [5] 12.0495	RI64-14.
RI64-520..	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa, Okla.	157	4	El Paso Natural Gas Co. (Undesignated Field, Rio Arriba County, N. Mex.) (San Juan Basin).	2,787	12- 5-63	1- 5-64	6- 5-64	[7] 13.0	[5] 14.0	RI64-13.
RI64-521..	Feuille, R. H., 11th Floor, El Paso Natural Bank Building, El Paso, Tex., 79901.	1	3	El Paso Natural Co. (San Juan Field, San Juan County, N. Mex.) (San Juan Basin).	54	12- 6-63	1- 6-64	6- 6-64	[7] 13.0	[5] [8] 14.0536	—
	do	1	4	do	47	12- 6-63	1- 6-64	6- 6-64	[7] 13.0	[5] [9] 14.0536	
RI64-522..	The British-American Oil Producing Co., Mercantile Dallas Building, Dallas 21, Tex.	45	3	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin).	([10])	12-12-63	1-12-64	6-12-64	[7] [9] 13.0 [11] 13.21755	[5] [9] 14.0536 [5] 14.2343	RI64-32.
		48	6	El Paso Natural Gas Co. (West Kitt Canyon Field, San Juan County, N. Mex.) (San Juan Basin).	4,118	12-12-63	1-12-64	6-12-64	[7] [11] 13.2008	[5] [7] [11] 14.2175	RI64-32.
RI64-523..	Pan American Petroleum Corp., P.O. Box 591, Tulsa, Okla., 74102.	291	3	El Paso Natural Gas Co. (Devil's Fork-Gallup Field, Rio Arriba County, N. Mex.) (San Juan Basin).	106	12- 9-63	1- 9-64	1-10-64	12.0	[11] [12] 12.2295	

[1] The stated effective date is the first day after expiration of the required statutory period or, if later, the date proposed by Respondent.
[2] Periodic increase.
[3] For gas delivered at 500 psig in Rio Arriba County, N. Mex.
[4] For gas delivered at 500 psig in La Plata County, Colo.
[5] For gas delivered at 250 psig in Rio Arriba County, N. Mex.
[6] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[7] For gas produced from Mesa Verde Formation.
[8] For gas produced from Dakota Formation.
[9] Not estimated.
[10] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[11] Tax increase.

The proposed increased rates filed by The British-American Oil Company involving periodic rate increases include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax and exceed the area price level for increased rates in the San Juan Basin as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, 2.56). The increased rate filing of Pan American Petroleum Corporation reflects partial reimbursement for full 2.55 percent New Mexico Emergency School Tax. Pan American's proposed rate does not exceed the applicable area price level for increased rates.

The buyer, El Paso Natural Gas Company (El Paso), has protested the rate increase filed by British-American and Pan American. El Paso questions the right of British-American and Pan American under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for British-American and Pan American shall concern themselves with the contractual basis for these producers' rate filings, as well as the statutory lawfulness of the increased rates contained in British-American's proposed rate filings. However, the suspension period for Pan American's proposed rate may be shortened to one day from January 9, 1964, the date of expiration of the required statutory notice.

Skelly Oil Company, under its FPC Gas Rate Schedule No. 140, Skelly Oil

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Company (Operator), et al., Feuille, R. H., and The British-American Oil Producing Company, under its FPC Gas Rate Schedule No. 7, filed for increases based on the contract rate exclusive of the 1.0 cent per Mcf minimum guarantee for liquid products. The addition of this minimum guarantee of 1.0 cent to the base rates plus the periodic increases results in total proposed rates in excess of the 13.0 cents per Mcf area ceiling, as set forth in the Commission's Statement of General Policy No. 61–1.

The presently effective rate under Skelly Oil Company's (Skelly) FPC Gas Rate Schedule No. 107 for the sale of gas delivered at 250 psig was suspended in Docket No. RI64–14, because it reflected a 2.0 cents per Mcf reduction in price as consideration for reduction of line pressure which will later be a compression cost to the buyer. For this reason, the instant proposed increased rate under Skelly's FPC Gas Rate Schedule No. 107 should be suspended although it does not exceed the applicable area price level for increased rates.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for the proposed rate filings of British-American and Pan American which El Paso has protested, as well as the lawfulness of the proposed changes involved herein with the exception of Pan American's proposed rate and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for the proposed rate filings by Pan American and British-American which El Paso has protested and the statutory lawfulness of the proposed rates involved herein with the exception of Pan American's proposed rate.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 3 to Pan American Petroleum Corporation's FPC Gas Rate Schedule No. 291 shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Pan American Petroleum Corporation shall execute and file under Docket No. RI64–523 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon El Paso Natural Gas Company. Unless Pan American Petroleum Corporation is notified to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notice of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 18, 1964.

By the Commission. Commissioner Woodward not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–234; Filed, Jan. 9, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ALONSO SHIPPING CO. ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other.

Agreement No. FF–1221 between Alonso Shipping Company, New Orleans, Louisiana, and International Traffic Co., Los Angeles, California, provides that forwarding and service fees are $5.00 per shipment, with special services subject to agreement. Ocean freight compensation is to be divided equally.

Agreement No. FF–1228 between International Sea & Air Shipping Corp., New York, New York, and Knopf Shipping Co., Inc., New York, New York, provides that forwarding and service fees are $12.00 per shipment with special services subject to agreement. Ocean freight compensation is to be divided equally.

Agreement No. FF–1180 between Almac Shipping Co., Inc., New York, N.Y., and Southern Traffic Association, Mobile, Alabama, provides that forwarding and service fees are $2.50 to pass declaration plus $2.50 to pass through consulate, with special services subject to agreement. Ocean freight compensation is to be retained by Almac Shipping Co., Inc.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's Field offices at:

45 Broadway, New York, N.Y., 10006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Room 333, Federal Office Building South, 600 South Street, New Orleans, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–224; Filed, Jan. 9, 1964; 8:47 a.m.]

WILMINGTON SHIPPING CO. ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Wilmington Shipping Company, Wilmington, North Carolina, is party to the following agreements, the terms of which are identical. The other parties are:

Coastal Forwarding Company, Charleston, S.C.	FF–1297
Robert M. McCoy, Jacksonville, Fla.	FF–1298
T. R. Spedden, New Orleans, La.	FF–1299
United Forwarders Service, Miami, Fla.	FF–1300

The following agreements have similar terms:

George M. Leininger Co., Inc., New Orleans, La. and M. Weisel & Company, New York, N.Y.	FF–1296
Gulf Florida Terminal Company, Tampa, Fla. and Trans Marine System, Inc., New York, N.Y.	FF–1301
Fred P. Gaskell Co., Inc., Norfolk, Va. and W. D. Wall Traffic Service, San Jose, Calif.	FF–1303

Agreement No. FF–1214 between International Sea & Air Shipping Corp., New York, New York, and Interstate Auto Shippers, Inc., New York, New York, provides that forwarding and service fees will be $7.50 per shipment, with shipments which warrant an increased rate being subject to agreement. Ocean freight compensation will be retained by Interstate Autoshippers, Inc., exclusively.

Agreement No. FF–1302 between Rapid World Forwarders, Inc., New York, New York, and J. T. Steeb & Co., Inc., Portland, Oregon, provides that forwarding services and fees are subject to agreement. Ocean freight compensation will be retained by the originating party.

Agreement No. FF–1304 between Trans-Marine Co., New Orleans, Louisiana, and Almac Shipping Co., Inc., New York, New York, provides that forwarding and service fees will be $5.50 per shipment. Ocean freight compensation will be divided equally.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y., 10006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Room 333 Federal Office Building South, 600 South Street, New Orleans, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–225; Filed, Jan. 9, 1964; 8:47 a.m.]

JOHN S. JAMES ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

The following agreements have similar terms:

John S. James, Savannah, Ga. and Transoceanic Shipping Co., Inc., Houston, Tex.	FF–1327
James E. Fox & Co., Inc., New York, N.Y. and John A. Steer Co., Philadelphia, Pa.	FF–1322
W. O. Smith & Co., Inc., Norfolk, Va. and Schenkers International Forwarders, Inc., New York, N.Y.	FF–1320
Universal Transcontinental Corp., New York, N.Y. and J. Cortina, Tampa, Fla.	FF–1319
Taub, Hummel & Schnall, Inc., New York, N.Y. and The Hipage Company, Inc., Norfolk, Va.	FF–1318
Gulf Florida Terminal Company, Tampa, Fla. and Bernardine Shipping Co., Inc., New York, N.Y.	FF–1317
Paul A. Boulo, Mobile, Ala. and Lyons Export and Import, Inc., Chicago, Ill.	FF–1316
Milton G. West, Baton Rouge, La. and Barr Shipping Co., Inc., New York, N.Y.	FF–1315
H. A. Gogarty, Inc., New York, N.Y. and Allen Forwarding Company, Philadelphia, Pa.	FF–1314
Valle Forwarding Co., New Orleans, La. and Trans Marine System, Inc., New York, N.Y.	FF–1313
Stone Forwarding Company, Inc., Galveston, Houston, and Corpus Christi, Tex. and Acosta Shipping Corporation, New York, N.Y.	FF–1312
Mohegan International Corporation, New York, N.Y. and Southern Shipping Company, Inc., Savannah, Ga.	FF–1310
Barnett International Forwarders, Inc., Hollywood, Calif. and Barnett International Forwarders, Inc., New York, N.Y.	FF–1309
Lep Transport, Inc., New York, N.Y. and W. R. Zanes & Co. of La., Inc., New Orleans, La.	FF–1306
The A. W. Fenton Co., Inc., Cleveland, Ohio and W. R. Zanes & Co. of La., Inc., New Orleans, La.	FF–1305
Frank P. Dow Co., Inc., Seattle, Wash., Frank P. Dow Co., Inc., Portland, Oreg. and Terra-Marine Shipping Co., San Francisco, Calif.	FF–1308
James E. Fox & Co., Inc., New York, N.Y. and T. D. Downing Company, Boston, Mass.	FF–1323
James E. Fox & Co., Inc., New York, N.Y. and Cavalier Shipping Co., Inc., Newport News, Va.	FF–1324
Marine Forwarding Company, Inc., New York, N.Y. and Geo. Wm. Rueff, Inc., New Orleans, La.	FF–1325
John S. James, Savannah, Ga. and Maher & Company, New Orleans, La.	FF–1326

Agreement No. FF–1321 between George M. Leininger Co., New Orleans, Louisiana, and H. Stone & Co., New York, New York, provides for an equal (50/50) split of both forwarding and service fees and ocean freight compensation.

Agreement No. FF–1311 between Arthur J. Fritz & Co., San Francisco, California, and all other branch offices and Tidewater Forwarding Co., Inc., New York, New York, provides that forwarding and service fees are subject to negotiation and agreement on each transaction. Ocean freight compensation will be retained by the originating forwarder.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y., 1006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Room 333 Federal Office Building South, 600 South Street, New Orleans, La. Mail address: P.O. Box 30550, Lafayette Station, New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–226; Filed, Jan. 9, 1964; 8:47 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 3103–23, between the member lines of the Japan-Atlantic and Gulf Freight Conference, operating in the trade from Japan, Korea and Okinawa to United States Gulf Ports and Atlantic Coast Ports of North America, cancels pending Agreement 3103–22 and modifies Article 2 of the basic Agreement (3103, as amended) by confining the application of said Article to transportation in the foreign commerce of the United States, i.e., to U.S. Atlantic and Gulf Ports within the scope of sections 15 and 18b of the United States Shipping Act, 1916, as amended.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64–227; Filed, Jan. 9, 1964; 8:47 a.m.]

[Docket No. 1140]

MATSON NAVIGATION CO.

Reduced Pineapple Rates, Hawaii/U.S. Atlantic and Gulf Trade; Discontinuance of Proceeding

By order dated August 30, 1963, the Commission, on its own motion, entered into an investigation concerning the lawfulness of reduced rates on "Pineapple, fresh, refrigerated but not frozen" from Hawaii to United States Atlantic and

Gulf ports contained in Matson Navigation Company (Matson) Freight Tariff No. 3-P, FMC-F No. 124, and suspended the operation of said rates to and including December 31, 1963. On November 14, 1963, the Commission granted Matson special permission authority to amend the suspended matter on statutory notice and by order dated November 14, 1963, placed any rates filed pursuant to such permission under investigation in this proceeding. Subsequently the amended rates were filed. The new tariff filing appears to have eliminated the matter which caused the Commission to institute this proceeding and the Commission now is of the opinion that no reason exists for continuing the proceeding.

Now therefore it is ordered, That the investigation of Matson Navigation Company reduced rates on pineapple instituted under the original order, and as amended by First Supplemental Order in Docket No. 1140 be, and it is hereby discontinued:

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein; and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

DECEMBER 19, 1963.

[F.R. Doc. 64-226; Filed, Jan. 9, 1964; 8:47 a.m.]

NEW YORK CENTRAL RAILROAD CO. AND CONTINENTAL GRAIN CO.

Notice of Agreement for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-44, between the New York Central Railroad Company and Continental Grain Company (Continental) provides for an 11-year lease of a grain terminal facility at East Boston, Massachusetts. Continental agrees to operate the facility as a public terminal and receive grain for the account of others when space is available. Continental further agrees that charges assessed at the facility will not be lower than those assessed at other grain elevators in the Port of Boston.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 10573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

JANUARY 7, 1964.

[F.R. Doc. 64-229; Filed, Jan. 9, 1964; 8:48 a.m.]

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5200-21, between the member lines of the Pacific Coast European Conference, modifies the basic agreement of that conference, numbered 5200, as amended) by adding ports in Iceland to those ports already served by transhipment at destination ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon, and French Morocco and the Atlantic Islands of the Azores, Madeira, Canary, and Cape Verdes.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

JANUARY 7, 1964.

[F.R. Doc. 64-230; Filed, Jan. 9, 1964; 8:48 a.m.]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE EASTBOUND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7820-8 between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Eastbound Conference (Agreement No. 7820, as amended) restates and amplifies the self-policing provisions of the conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-231; Filed, Jan. 9, 1964; 8:48 a.m.]

UNITED STATES GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7830-8, between the member lines of the United States Great Lakes-Bordeaux/Hamburg Range Westbound Conference (Agreement 7830 as modified) restates and amplifies the self-policing provisions of the basic conference agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 6, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-232; Filed, Jan. 9, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 7, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38742: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 85), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 8 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1272.

FSA No. 38743: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 229), for interested carriers. Rates on various comodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 8th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38744: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 230), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 6th revised page 268 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38745: *Iron and steel articles from Morton Grove, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8493), for interested rail carriers. Rates on iron and steel articles, in carloads, from Morton Grove, Ill., to points in Louisiana and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 50 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 38746: *Frozen meats to points in Central Territory.* Filed by Southern Ports Foreign Freight Committee, agent (No. 62), for interested rail carriers. Rates on frozen meats, in carloads, from gulf ports, except Texas ports, south Atlantic and south Florida ports, to points in Indiana, Michigan, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Competition with north Atlantic ports.

Tariff: Supplement 8 to Southern Ports Foreign Freight Committee, agent, tariff I.C.C. 181.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-236; Filed, Jan. 9, 1964; 8:48 a.m.]

[Notice No. 923]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 7, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66368. By order of January 6, 1964, the Transfer Board approved the transfer to Fred L. Schumacher, doing business as Excello Transportation Co., St. Louis, Mo., of the operating rights issued by the Commission November 18, 1955, under certificate in No. MC 13261, to Wilfred Mueller and Alvin Engemann, a partnership, doing business as Marthasville Feed & Supply Company, Marthasville, Mo., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Treloar, Mo., and East St. Louis, Ill., serving all intermediate points; and livestock, from New Melle, Mo., and points within 12 miles of New Melle, to East St. Louis, Ill. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., attorney for applicants.

No. MC-FC 66430. By order of January 6, 1964, the Transfer Board approved the transfer to Dennis B. Whitmore, doing business as Moapa Valley Freight and Passenger Service, Overton, Nev., of certificate of registration in No. MC 97515 Sub-1, issued November 18, 1963, to Leland O. Whitmore (Leland O. Whitmore, Jr., executor), doing business as Moapa Valley Freight and Passenger Service, Overton, Nev.; authorizing the transportation of commodities generally, between specified points in Nevada. Sidney R. Whitmore, 400 Stewart Street, Las Vegas, Nev.; attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-237; Filed, Jan. 9, 1964; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, First Session.

Approved January 6, 1964

H.R. 9499 ..... Public Law 88-258
Foreign Aid and Related Agencies Appropriation Act, 1964.

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[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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PUBLISHED BY THE STATES OF AMERICA

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 33]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.405 Orange Regulation 33.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 7, 1964; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., January 13, 1964, and ending at 12:01 a.m., e.s.t., February 10, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{2}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{2}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–293; Filed, Jan. 10, 1964; 8:48 a.m.]

[Tangelo Reg. 18]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.406 Tangelo Regulation 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of tangelos, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangelos; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period speci-

fied herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 7, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., January 13, 1964, and ending at 12:01 a.m., e.s.t., February 10, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-294; Filed, Jan. 10, 1964; 8:49 a.m.]

[Navel Orange Reg. 46]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.346 Navel Orange Regulation 46.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 12, 1964, and ending at 12:01 a.m., P.s.t., January 19, 1964, are hereby fixed as follows:

(i) District 1: 850,000 cartons;

(ii) District 2: 264,370 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-350; Filed, Jan. 10, 1964; 11:22 a.m.]

[Lemon Reg. 91]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.391 Lemon Regulation 91.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 7, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 12, 1964, and ending at 12:01 a.m., P.s.t., January 19, 1964, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 162,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-292; Filed, Jan. 10, 1964; 8:48 a.m.]

[Lemon Reg. 92]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.392 Lemon Regulation 92.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 7, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 12, 1964, and ending at 12:01 a.m., P.s.t., January 19, 1964, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 162,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 8, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-322; Filed, Jan. 10, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Area Extension

On January 7, 1964, F.R. Doc. 64-86 was published in the FEDERAL REGISTER (29 F.R. 132) which, in part, amended § 71.165 of the Federal Aviation Regulations. This document inadvertently substituted Chattanooga, Tenn., for Springfield, Mo., the control area extension to be revoked, as proposed in the notice of proposed rule making published in the FEDERAL REGISTER (28 F.R. 5207) dated May 24, 1963. Accordingly, action is taken herein to rectify this error.

Since this amendment corrects an error and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document No. 64-86 is altered as follows:

Numbered paragraph 3 is amended to read as follows:

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the Springfield, Mo., control area extension.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64-264; Filed, Jan. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to revoke the Belmar, N.J., control zone.

Communications and weather reporting service at the Monmouth County Airport, Belmar, N.J., was discontinued on November 29, 1963. Therefore, the Federal Aviation Agency has determined that the Belmar control zone is no longer justified as an assignment of controlled airspace and action is taken herein to revoke the Belmar control zone.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and

public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, the following action is taken: In § 71.171 (27 F.R. 220–91, November 10, 1962), the Belmar, N.J., control zone is revoked.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–265; Filed, Jan. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63–WA–97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Area Extension and Transition Area

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter the descriptions of the Marysville, Calif., control area extension and the Maxwell, Calif., transition area.

The Marysville control area extension is presently designated, in part, with reference to the Red Bluff, control area extension. Effective February 6, 1964, the Red Bluff control area extension having, in part, a 25-mile radius is being revoked (Airspace Docket No. 63–WE–10, 28 F.R. 12925), and is being replaced by the Red Bluff transition area having in part, a 20-mile radius. This action will also affect a portion of the boundary of the Maxwell transition area. Since this action would result in an unintended reduction of controlled airspace in these two areas, action is taken herein to substitute the Red Bluff transition area for the Red Bluff control area extension in the description of the Marysville control area extension and for the arc of a 25-mile radius circle centered on the Red Bluff VORTAC in the description of the Maxwell transition area. The requirement for the controlled airspace affected hereby, will be reviewed subsequently in studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29.

Since these amendments retain a minor amount of controlled airspace presently in effect, and impose no additional burden on any person, compliance with the notice, public procedure and effective date requirements of the Administrative Procedure Act are unnecessary.

In consideration of the foregoing, the following actions are taken:

1. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended as follows: In the Marysville, Calif., control area extension ", on the N by the Red Bluff, Calif., control area extension" is deleted, and ", on the N by the Red Bluff, Calif., transition area" is substituted therefor.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended as follows: In the Maxwell, Calif., transition area "arc of a 25-mile radius circle centered on the Red Bluff, Calif., VORTAC." is deleted, and "Red Bluff, Calif., transition area." is substituted therefor.

These amendments shall become effective 0001 e.s.t., February 6, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–266; Filed, Jan. 10, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–624]

PART 13—PROHIBITED TRADE PRACTICES

Riley E. Miles et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification;* § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act;* § 13.1108–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1212–90 *Wool Products Labeling Act;* § 13.1255 *Manufacture or preparation;* § 13.1255–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1852–70 *Textile Fiber Products Identification Act;* § 13.1852–80 *Wool Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(a) *Maker.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2–5, 54 Stat. 1128–1130; 72 Stat. 1717; 15 U.S.C. 45, 68, 69f, 70) [Cease and desist order, Riley E. Miles et al. trading as Miles N' Miles, Sacramento, Calif., Docket C–624, Nov. 29, 1963]

In the Matter of Riley E. Miles and Dorothy S. Miles, Individually and as Co-partners, Trading as Miles N' Miles

Consent order requiring the retail operators of two ladies apparel stores in Sacramento and Marysville, Calif., to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices that fur in fur products was artificially colored; to identify on labels the manufacturer, etc., and to show on invoices the true animal name of fur; substituting nonconforming labels for those originally attached to fur products; and failing to keep required records; to cease violating the Wool Products Labeling Act by failing to disclose on labels on ladies' wool apparel the true generic name of the fiber content improperly as "worsted", and by removing the required identification from wool products; to cease violating the Textile Fiber Products Identification Act by falsely labeling, invoicing and advertising textile products as to the name or amount of constituent fibers; failing to label textiles, and advertising them falsely, as to the true generic name of fibers present and the amount by weight; removing the required identification, and failing to keep records of the information removed; and failing to comply in other respects with requirements of the above acts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Failing to set forth on labels the item number or mark assigned to fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all of the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing for commerce of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce do forthwith cease and desist from:

A. Misbranding fur products by substituting for the lables affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act lables which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners, trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connnection with the introduction into commerce, or offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of any wool product, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

A. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification, showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

B. Failing to set forth the common generic name of fibers in the required information on labels, tags, or other means of identification attached to wool products.

C. Setting forth on labels affixed to wool products information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners, trading as Mile n' Miles, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or causing or participating in the removal of any stamp, tag, label or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of said Act.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners, trading as Miles n' Miles, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products as the terms "commerce", and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Setting forth information required under section 4(a) of the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to textile products.

4. Setting forth on labels affixed to textile fiber products information required under section 4(b) of the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder in handwriting.

5. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on such label.

6. Using a generic name or fiber trademark on any label whether required or non-required, without making a full and complete fiber content disclosure in accordance with the Textile Fiber Products Identification Act and the rules and regulations promulgated thereunder the first time such generic name or fiber trademark appears on the label.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b)(1) and (2) of the Textile Fiber Products Identification Act is contained in said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label or other identification required to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce, and prior to the time such textile fiber product is sold and delivered to the ultimate consumer unless a substitute stamp, tag, label, or other means of identification is affixed thereto in accordance with the provisions of section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Riley E. Miles and Dorothy S. Miles, individually and as copartners, trading as Miles n' Miles or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from failing to maintain the records required by section 6(b) of the Textile Fiber Products Identification Act and Rule 39 of the rules and regulations promulgated thereunder to show the information set forth on the stamps, tags, labels or other identification that they removed and the name or names of the person or persons from whom the textile fiber product was received, in substituting stamps, tags, labels or other identification pursuant to section 5(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 29, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-268; Filed, Jan. 10, 1964; 8:46 a.m.]

[Docket No. C-625]

PART 13—PROHIBITED TRADE PRACTICES

Perma-Lite Raybern Mfg. Corp. et al.

Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1405 *Direct dealing advantages;* § 13.1520 *Personnel or staff;* § 13.1530 *Producer status of dealer;* § 13.1535 *Qualifications;* § 13.1550 *Retailer as wholesaler, jobber, or factory distributor.* Misrepresenting oneself and goods—Goods: § 13.1663 *Individual's special selection or situation;* § 13.1747 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Perma-Lite Raybern Mfg. Corp., et al., Chicago, Ill., Docket C-625, Nov. 29, 1963]

In the Matter of Perma-Lite Raybern Mfg. Corp., a Corporation, Harry E. Swirsky, and Raymond Weller, Individually and as Officers of Said Corporation

Consent order requiring Chicago manufacturers of aluminum storm windows and doors, canopies, patios and fiberglass awnings, and engaged also in the distribution of water softeners to the public and in the installation thereof, to cease representing falsely—through their door to door salesmen and by salesmen who kept appointments made by telephone solicitations—that such salesmen were factory representatives and specially qualified; that their purpose was to introduce respondents' products in that particular area to specially selected prospects and at reduced prices during the "off season", but that immediate purchase was necessary; that a lower price would be charged if the purchaser would allow people to view the installation; and that respondents were comanufacturers of the water softener.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Perma-Lite Raybern Mfg. Corp., a corporation, and its officers, and respondents, Harry E. Swirsky and Raymond Weller, individually and as officers of said corporation and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, offering for sale, sale and distribution and installation of aluminum storm windows and doors, fiberglass awnings, patios, canopies, water softeners, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting the status, qualifications or authority of respondents' salesmen or representatives.

2. Representing that the purchasers of respondents' products are granted any reduction in price or afforded any savings in price for any reason whatsoever unless the price offered constitutes a reduction from the respondents' usual and customary price in the recent regular course of business.

3. Representing, directly or by implication, that prospective purchasers are contacted for the purpose of introducing respondents' product in an area, or that prospective customers have been selected or are specially selected to receive respondents' offer, or that purchasers who fail to accept respondents' offer immediately will be required to pay a higher price for respondents' products.

4. Misrepresenting, in any manner, respondents' association or connection with any manufacturer of the water softeners or any other products sold by them.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 29, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-269; Filed, Jan. 10, 1964; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 309-64]

PART 44—EMPLOYEE-MANAGEMENT COOPERATION IN THE DEPARTMENT OF JUSTICE

Miscellaneous Amendments

JANUARY 6, 1964.

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and in conformity with the Standards of Conduct for Employee Organizations and Code of Fair Labor Practices issued by the President on May 21, 1963 (28 F.R. 5127, 3 CFR 1963 Supp.), Part 44 of Title 28 of the Code of Federal Regulations (Order No. 293-63, 28 F.R. 3024) is amended as follows:

1. Paragraphs (b) and (c) of § 44.3 are amended to read as follows:

§ 44.3 Implementation.

* * * * * * *

(b) The officials named in paragraph (a) of this section, or such individuals as they may designate, shall receive and act on requests for recognition, make all determinations in connection with such requests (except as provided in § 44.16), and conduct the discussions, consultations and bargaining provided for by this part.

(c) The Deputy Attorney General shall provide overall policy guidance and may, in his discretion, take any action authorized by this part or require that any such action be subject to his approval.

2. Subpart C of Part 44 is amended by adding at the end the following new section:

§ 4416 Standards of Conduct for Employee Organizations and Code of Fair Labor Practices.

(a) The provisions of the Standards of Conduct for Employee Organizations and Code of Fair Labor Practices issued by the President's Memorandum of May 21, 1963, 28 F.R. 5127 (hereinafter referred to in this section as the "Standards and Code") shall apply to employee organizations recognized pursuant to this part and to officials of the department dealing with employee organizations.

(b) Prior approval of the Deputy Attorney General shall be required before undertaking any consultation with the Secretary of Labor as provided by Sections 2.3 and 2.4 of the Standards and Code.

(c) If a hearing is held pursuant to Section 2.4(b) of the Standards and Code, the appropriate official designated in § 44.3(a), or an official designated by him, shall arrange for such hearing to be conducted and shall appoint an ad hoc hearing committee. The report of findings and any recommendation of the hearing committee shall be submitted to the official who appointed the committee, who shall render a written decision, which shall not become final unless approved by the Deputy Attorney General.

(d) When a complaint is filed under Section 3.3 of the Standards and Code, the appropriate official designated in § 44.3(a), or an official designated by him, shall take all actions authorized by Sections 3.3 and 3.4 of the Standards and Code. If a hearing is afforded pursuant to Section 3.3 of the Standards and Code, such official shall determine whether the matter should be heard in accordance with an existing grievance or appeals procedure, and, if existing procedures are inapplicable, shall appoint an ad hoc hearing committee. The report of findings and any recommendation of the hearing committee shall be submitted to the official who appointed the committee, who shall render a final written decision.

(e) Hearing committees appointed pursuant to paragraphs (c) and (d) of this section may consist of one or more members and shall be selected in such manner as to insure that they will be fair, impartial, and objective. The procedure for the conduct of the hearing shall be established by the committee in conformity with the applicable provisions of the Standards and Code.

The Standards of Conduct of Employee Organizations and Code of Fair Labor Practices, issued by the President's Memorandum of May 21, 1963 (28 F.R. 5127, 3 CFR 1963 Supp.), are attached to and made a part of this order.[1]

The amendments made by this order shall be effective upon publication in the FEDERAL REGISTER.

Dated: January 6, 1964.

ROBERT F. KENNEDY, *Attorney General.*

[F.R. Doc. 64-279; Filed, Jan. 10, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER C—ADMINISTRATIVE CLAIMS AND LITIGATION

PART 836—CLAIMS

Miscellaneous Amendments

Part 836 is amended as follows:

1. In § 836.30:

Paragraph (a) (3) (vi) is deleted and a new subdivision (vi) is inserted. In paragraph (a) (3) (vii), the note following (b) is revised.

§ 836.30 Cognizable claims.

* * * * * * *

(a) * * *

(3) * * *

(vi) Damage to or loss of privately owned automobiles and other motor vehicles and their component parts (including tools) when shipped to, from, or between overseas areas under change of station orders or on a space required reimbursable basis in connection with overseas travel under orders. This includes on-loading and off-loading operations. Under special or unusual circumstances, damage or loss of component parts (including tools) that have been accepted by the Government for shipment may be recommended to the approving authority for consideration as a transportation loss (see subdivision (ii) of this subparagraph (3)).

(vii) * * *

(b) * * *

NOTE: There are two formulas to be followed. Overseas theft from quarters cases require only that the claimant exercise due care in protecting his property. In the United States due care as well as definite proof of larceny must exist before the claim is payable. Money, jewelry, cameras, and other small items of substantial value are always highly susceptible to theft. Therefore, due care requires that items of this type be secured within quarters, as well as having the quarters secured. Mysterious disappearance claims will not be paid.

* * * * * * *

[1] Copy filed with the original document.

2. Add new paragraph (f) to § 836.31 as follows:

§ 836.31 Claims not cognizable.

* * * * * * *

(f) Damage to motor vehicles on base is not incident to service. Claims for this type of damage will be processed under §§ 836.42 to 836.49.

3. Revise § 836.39 to read as follows:

§ 836.39 Notice to claimant.

When the authorized designee disapproves a claim in whole or in part, the claimant will be notified in writing of the action taken and the reasons therefor.

4. Revise § 836.43(d) to read as follows:

§ 836.43 Proper claimants.

* * * * * * *

(d) Military or civilian personnel of the U.S. Armed Forces may be proper claimants for damage to or loss of personal property, unless their claim is cognizable under §§ 836.28 to 836.41 or §§ 836.68 to 836.74.

§ 836.45 [Amendment]

5. In § 836.45, paragraph (o) is deleted and reserved.

6. Revise § 836.76(a) to read as follows:

§ 836.76 Definitions.

(a) *Debtor.* An individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States against whom the United States has a claim.

* * * * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314) [AFM 112-1J, December 3, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH, *Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-263; Filed, Jan. 10, 1964; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 25—FOURTH CLASS

PART 61—MONEY ORDERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

§ 25.2 [Amended]

I. In § 25.2 *Classification*, as amended by 28 F.R. 1471, make the following changes in paragraph (b) (2) to include the proper ZIP Code address information.

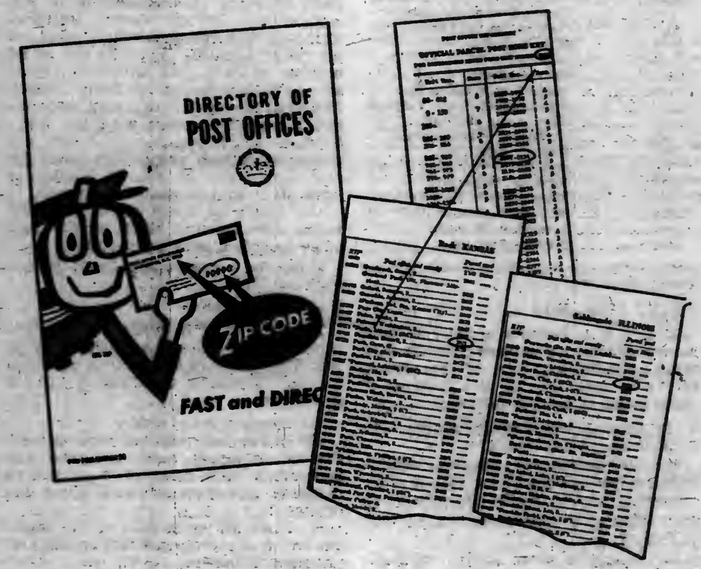
A. Amend subdivisions (iv) and (v) to read as follows:

(b) *Application of rates.* * * *

(2) There are eight parcel post zones determined as follows:

* * * * * * *

(iv) To ascertain the parcel post zone (distance) to a particular post office, consult the Directory of Post Offices. Under the State listing locate the name of the post office to which the parcel is to be mailed. At the right of the name is the number of the unit of area. Then refer to the zone key of the unit of area of the Office of Mailing. This key will list the unit of area of the office of address and to the right thereof the parcel post zone. This procedure is also used

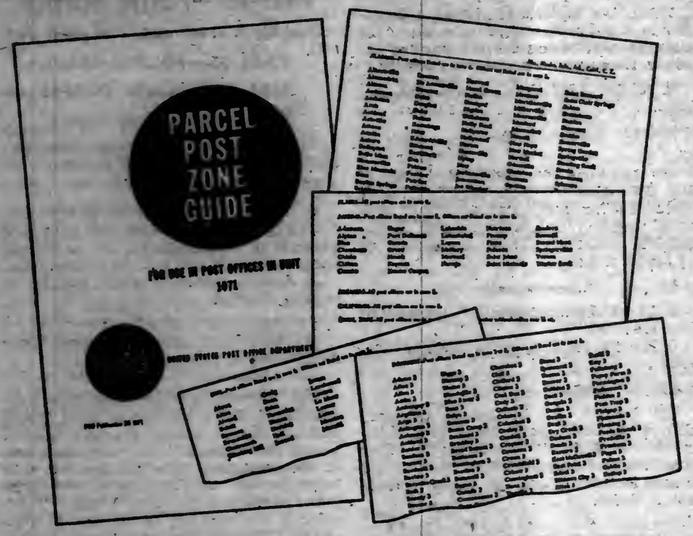


to determine zones within Puerto Rico, and the Virgin Islands.

Determine the parcel post zone from Paola, Kansas (Unit 2821), to Flat Rock, Illinois (Unit 2121), using the Directory of Post Offices and the Official Parcel Post Zone Key (Unit 2821).

(v) A Directory of Post Offices may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. A parcel post zone key for the unit of area in which the mailing post office is located may be obtained free by request to the postmaster.

B. In subdivision (vi) strike out the illustration and insert in lieu thereof the following; and insert in proper alphabetical order the following major cities and their unit area.



Unit area:	
3528	Amarillo, Texas.
2515	Cedar Rapids, Iowa.
3821	Colorado Springs, Colorado.
513	Concord, New Hampshire.
3093	Corpus Christi, Texas.
3965	El Paso, Texas.
2164	Elgin, Illinois.
2065	Gary, Indiana.
2159	Green Bay, Wisconsin.
1572	Huntington, West Virginia.
1914	Kalamazoo, Michigan.
968	Lancaster, Pennsylvania.
1062	Newark, New York.
768	New Brunswick, New Jersey.
2210	Oshkosh, Wisconsin.
715	Poughkeepsie, New York.
2819	St. Joseph, Missouri.
1484	Savannah, Georgia.
4434	Tucson, Arizona.

NOTE: The corresponding Postal Manual section is 135.222.

§ 61.1 [Amended]

II. In § 61.1 *Issuance of international money orders*, as amended by 28 F.R. 10518, subdivision (ii) of paragraph (f)(1) is amended for the purpose of clarification to read as follows:

(f) *Spoiled or lost money orders*—(1) *Spoiled when being issued.* • • •

(ii) *Disposition of spoiled orders.* Postal employees shall treat money order forms that are defective by misprint or mutilation or spoiled when being issued as follows:

(a) Stamp or write boldly "NOT ISSUED" across the amount block on the order. Detach and destroy purchaser's receipt. First- and second-class officers must submit these money orders with Form 6125–A, Money Order Group Report; or Form 6126, Statement of Accountability Money Order Business. Third- and fourth-class offices must enter "NOT ISSUED" opposite the serial number on Form 1846, Quarterly List of Money Orders Issued, or Form 1846–A, Report of Money Orders Issued, and submit the spoiled orders with the form. Spoiled—not issued money orders are processed though accounting machines and should not be pinned, stapled or have other matter attached thereto.

(b) Stamp or write "NOT ISSUED" across the amount block of the post office record (money order stub).

NOTE: The corresponding Postal Manual section is 171.161b.

§ 61.2 [Amended]

III. In § 61.2 *Issuance of international money orders*, as amended by 28 F.R. 7832, paragraph (f)(2) is amended for the purpose of clarification to read as follows:

(f) *Preparation of orders.* • • •

(2) *When international form is used.* Postal employees shall complete the transaction the same way as for a domestic money order, with these exceptions:

(i) Print all particulars of the application on the order, including office of payment, if known.

(ii) Enter amount in U.S. money. If patron requests foreign equivalent of an order payable in one of the following countries, consult Form 6749a, Conversion Tables for Use in International Money Order Business, and enter that amount also: British Guiana, Great Britain and Northern Ireland, Ireland, New Zealand, Union of South Africa, Belgium, Denmark, France, Luxembourg, Netherlands, Norway, Surinam, Sweden, Switzerland, and Tunis.

(iii) Give receipt to patron, and send order to the proper U.S. exchange office by ordinary mail. When necessary, also attach any required foreign language advices, Form 6093, Supplemental International Money Order Advice. (See paragraph (b)(2) of this section.)

(iv) If the patron wishes expedited service, he may purchase an air mail stamp for affixing to the envelope transmitting the order to the exchange office.

NOTE: The corresponding Postal Manual section is 171.242.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-245; Filed, Jan. 10, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5 of Title 41 is amended as follows:

PART 5–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5–2.2—Solicitation of Bids

Section 5–2.201–50 *Security requirements* is deleted.

PART 5–3—PROCUREMENT BY NEGOTIATION

Subpart 5–3.1—Use of Negotiation

Section 5–3.102–50 *Security requirements* is deleted.

PART 5–7—CONTRACT CLAUSES

Part 5–7 is revised to read as follows:

Subpart 5–7.1—Fixed-Price Supply Contracts

Sec.
5–7.101 Clauses.
5–7.101–10 Examination of records.
5–7.101–18 Nondiscrimination in employment.
5–7.150 Classified information.
5–7.151 Examination of records by GSA.
5–7.152 Renegotiation.
5–7.153 Patents.

Subpart 5–7.6—Fixed-Price Construction Contracts

5–7.650 Classified information.
5–7.651 Examination of records.
5–7.651–1 Examination of records by the Comptroller General.
5–7.651–2 Examination of records by GSA.
5–7.652 Renegotiation.

Subpart 5–7.52—Contracts Other Than Fixed-Price

Sec.
5–7.5201 Examination of records.
5–7.5201–1 Examination of records by the Comptroller General.
5–7.5201–2 Examination of records by GSA.
5–7.5202 Classified information.
5–7.5203 Renegotiation.
5–7.5204 Patents.

AUTHORITY: The provisions of this Part 5–7 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–7.1—Fixed-Price Supply Contracts

§ 5–7.101 Clauses.

§ 5–7.101–10 Examination of records.

For examination of records by GSA, see § 5–7.151.

§ 5–7.101–18 Nondiscrimination in employment.

The Nondiscrimination in Employment clause set forth in § 1–7.101–18 of this title shall be used in accordance with Subpart 5–12.50 and shall be administered in accordance with Subpart 5–53.7.

§ 5–7.150 Classified information.

Fixed-price supply contracts involving classified information shall contain the following clause under the conditions stated in Subpart 5–53.2:

SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential", including "Confidential—Modified Handling Authorized", or higher.

(b) The Government shall notify the Contractor of the security classifications of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of security requirements check list (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(1) The security agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(2) Any amendments to said manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of General Services Administration shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department or the General Services Administration of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

[End of clause]

§ 5–7.151 Examination of records by GSA.

Fixed-price supply contracts shall contain the clause set forth in § 5–53.304 when examination of records by GSA is required under § 5–53.303. (For examination of records by the Comptroller General, see § 1–7.101–10 of this title.)

§ 5–7.152 Renegotiation.

Fixed-price supply contracts subject to the Renegotiation Act of 1951 shall contain the clause set forth in § 5–53.802.

§ 5–7.153 Patents.

Fixed-price supply contracts shall contain the clauses required by §§ 5–54.103 and 5–54.104 under the conditions stated therein.

Subpart 5–7.6—Fixed-Price Construction Contracts

§ 5–7.650 Classified information.

Fixed-price construction contracts involving classified information shall contain the clause set forth in § 5–7.150 under the conditions stated in Subpart 5–53.2.

§ 5–7.651 Examination of records.

§ 5–7.651–1 Examination of records by the Comptroller General.

The clause set forth in § 1–7.101–10 of this title, which permits the examination of contractors' and subcontractors' records by the Comptroller General, shall be incorporated in all negotiated fixed-price construction contracts exceeding $2,500, except as otherwise authorized by law.

§ 5–7.651–2 Examination of records by GSA.

Fixed-price construction contracts shall contain the clause set forth in § 5–53.304 when examination of records by GSA is required under § 5–53.303.

§ 5–7.652 Renegotiation.

Fixed-price construction contracts which are subject to the Renegotiation Act of 1951 shall contain the clause set forth in § 5–53.802 (see §§ 5–53.803(l), 5–53.804–1(a), and 5–53.804–2).

Subpart 5–7.52—Contracts Other Than Fixed-Price

§ 5–7.5201 Examination of records.

§ 5–7.5201–1 Examination of records by the Comptroller General.

The clause set forth in § 1–7.101–10 of this title, which permits the examination of contractors' and subcontractors' records by the Comptroller General, shall be incorporated in all negotiated other than fixed-price contracts exceeding $2,500, except as otherwise authorized by law.

§ 5–7.5201–2 Examination of records by GSA.

The clause set forth in § 5–53.304 shall be used in other than fixed-price contracts when examination of records by GSA is required under § 5–53.303.

§ 5–7.5202 Classified information.

Cost-reimbursement type supply and construction contracts shall contain the clause set forth in § 5–7.150, under the conditions stated in Subpart 5–53.2, except that paragraphs (e) and (f) shall be deleted therefrom and the following paragraphs (e) and (f) substituted therefor.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding paragraph (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

§ 5–7.5203 Renegotiation.

Contracts other than fixed-price subject to the Renegotiation Act of 1951 shall contain the clause set forth in § 5–53.802.

§ 5–7.5204 Patents.

Contracts other than fixed-price shall contain the clauses prescribed in §§ 5–54.103 and 5–54.104 under the circumstances set forth therein.

PART 5–16—PROCUREMENT FORMS

Subpart 5–16.8—Miscellaneous Forms

1. Section 5–16.850 *Report on GSA procurement from small business* is deleted.

2. In § 5–16.852 *Security requirements checklist* change the reference from "§ 5–53.203" to "§ 5–53.204."

3. Section 5–16.857 *Nondiscrimination in employment* is revised to read as follows:

§ 5–16.857 Nondiscrimination in employment.

GSA Form 1714, Equal Opportunity Clause, is prescribed for use in accordance with § 5–12.5003.

4. Section 5–16.861 is added to read as follows:

§ 5–16.861 Security agreement.

GSA Form 1918, Security Agreement, is prescribed for use in accordance with § 5–53.203.

PART 5–53—CONTRACT ADMINISTRATION

Subpart 5–53.2 is revised to read as follows:

Subpart 5–53.2—Classified Information Involved in GSA Contracts

Sec.
5–53.201 General.
5–53.202 Requests for release of classified information.
5–53.203 Security requirements clause.

AUTHORITY: The provisions of this Subpart 5–53.2 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–53.201 General.

(a) This subpart prescribes procedures for safeguarding classified information required to be disclosed to contractors in connection with the solicitation of bids and offers, and the award performance, and termination of contracts. As used in this subpart, the term "contractor(s)" includes prospective contractors, contractors, subcontractors, vendors, and suppliers of any tier.

(b) The provisions of this subpart implement and are based on the requirements of the Armed Forces Industrial Security Regulations and the Department of Defense Industrial Security Manual for Safeguarding Classified Information. By agreement, the Department of Defense will act for and in behalf of GSA in rendering security services required for safeguarding classified information released by GSA to United States (U.S.) industry.

(c) As used in this subpart, the term "U.S. industry" pertains to those industries (including educational and research institutions) located within the United States, its possessions, and Puerto Rico.

§ 5–53.202 Requests for release of classified information.

Prior to entering into discussion, negotiation, or solicitation of bids for contracts involving the disclosure of classified information, the contracting officer shall prepare, in duplicate, Section I of GSA Form 1720, Request for Release of Classified Information to U.S. Industry. After signing as requesting officer and obtaining approval from his immediate supervisor, he shall forward both copies to the GSA Security Officer.

§ 5–53.203 Security requirements clause.

(a) Except as provided in paragraph (b) of this section, all contracts involving the release of classified information shall include the appropriate clause set forth in §§ 5–7.150, 5–7.650, and 5–7.5202.

(b) If it is known that the contractor already had a DOD facility security clearance, the contracting officer may have the contractor execute GSA Form 1918, Security Agreement, in lieu of including a security requirements clause in the contract.

Effective date. These regulations are effective immediately.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: January 2, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64–280; Filed, Jan. 10, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

PROPOSED MINIMUM MEAT CONTENT REQUIREMENT FOR SOUP CONTAINING POULTRY

Notice of Extension of Time for Filing Comments

On October 15, 1963, there was published in the FEDERAL REGISTER (28 F.R. 11017) a notice of proposed amendments to the regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81), under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.). One amendment proposed to specify the minimum poultry meat content of soup which bears an unqualified reference to the kind of poultry in the product name of the soup and which is a poultry product subject to the Act (i.e. not exempted from definition of a poultry product by § 81.208 of the regulations). The proposal treated all types of soup—liquid, condensed or dehydrated—as being in the same product class and, therefore, applied the same labeling standard to all types. The time allowed for filing written comments expired December 16, 1963.

In view of the substantial public interest in this matter and since the Department has announced that an oral public hearing will be held January 24, 1964, in Washington, D.C., on the proposal to specify the minimum poultry meat content of such soup, it appears that an extension of time for filing written comments on such proposal is appropriate. Accordingly, the time within which written comments on the proposal with respect to the minimum poultry meat content of soup may be submitted to the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby extended to include January 31, 1964. It appears that additional time for filing written comments on the other amendments contained in the proposal of October 15, 1963, (28 F.R. 11017) is not necessary and therefore the extension of time for filing written comments is limited to the proposal on the minimum poultry meat content of soup containing poultry.

Done at Washington, D.C., this 8th day of January 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64–273; Filed, Jan. 10, 1964; 8:46 a.m.]

[7 CFR Parts 1037, 1041]

[Docket Nos. AO–72–A26, AO–197–A10]

MILK IN TOLEDO, OHIO, AND NORTH CENTRAL OHIO MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, Route 120 at Ohio Turnpike Exit 5, Stony Ridge, Ohio, beginning at 10:00 a.m., local time, on January 28, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

A proposal to combine under one order the Toledo, Ohio, and north central Ohio marketing areas along with additional territory contemplates termination or Order No. 37 (North Central Ohio) with a merger of the administrative and marketing service funds. This proposal also raises the issue whether the present provisions of either Order 41 or Order 37, if amended in accordance with the proposals listed below, would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined, and if not, what modifications of the provisions of either of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Northwestern Cooperative Sales Association:

Proposal No. 1:

DEFINITIONS

§ 1041.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1041.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1041.3 Department.

"Department" means the United States Department of Agriculture.

§ 1041.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1041.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association.

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1041.6 Toledo-North Central Ohio marketing area.

The "Toledo-North Central Ohio marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the counties of Auglaize, Allen, Van Wert, Paulding, Defiance, Williams, Fulton, Henry, Putnam, Hardin, Hancock, Wood, Lucas, Ottawa, Sandusky, Seneca, Wyandot, Marion, Logan, Crawford, Richland, Huron, Erie, the city of Ashland, and all of Montgomery and Milton townships in Ashland County, all in the State of Ohio and in the State of Michigan all of the territory within the boundaries of Monroe County, except that territory within the boundaries of the townships of Ash, Berlin, Exeter, London, Milan, and Dundee; and all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County; including for any of the above territory, wholly or partly within such boundaries occupied by government (municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1041.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant directly from the farm of such producer or is caused to be diverted by a handler as producer milk pursuant to § 1041.14. "Producer" shall not include any person with respect to milk which is fully subject to pricing and pooling under another order issued pursuant to the Act.

§ 1041.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a distributing plant or a supply plant;

(b) A cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1041.14; or

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant operated by another handler in a tank truck if the cooperative association has notified in writing prior to the delivery both the market administrator and the handler to whom the milk is delivered that it elects to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the plant to which it was delivered.

§ 1041.9 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provided proof satisfactory to the market administrator that the care and management of all dairy animals and other resources used in his own farm production and the operation of the processing and distributing business are at the personal enterprise and risk of such person.

§ 1041.10 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed and packaged and from which such product is disposed of during the month on routes in the marketing area.

§ 1041.11 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1041.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except the plant of a producer-handler or a plant exempt pursuant to § 1041.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which not less than 50 percent of the total Grade A milk received at such plant (excluding such milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act) is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants pursuant to paragraph (a) of this section: *Provided*, That if a supply plant qualifies as a pool plant pursuant to this section in each of the months of September through January such plant shall be a pool plant until the end of the following August, unless the plant operator requests in writing to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 1041.13 Nonpool plant.

"Nonpool plant" means any milk processing or distributing plant, other than that of a producer-handler, in any month in which it is not a pool plant.

§ 1041.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month at a pool plant directly from a producer except that received by diversion pursuant to (b) (1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted to a nonpool plant by a handler in his capacity as operator of a pool plant or by a cooperative association pursuant to § 1041.8(b) subject to the following conditions:

(1) A cooperative association may divert for its account the milk of any member producer whose milk is received at a pool plant for at least five days during the month without limit during such month: *Provided*, That the total quantity of milk so diverted does not exceed 50 percent in the months of March, April, May and June, and 25 percent in other months of its member producer milk received by all pool plants during the month: *And provided further*, That if this percentage limitation is exceeded, diversions in excess of such percentages shall not be considered producer milk and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at his pool plant for at least five days during the month, without limit during such month: *Provided*, That the total quantity of milk so diverted does not exceed 50 percent in the months of March, April, May and June, and 25 percent in other months of milk received at such pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph: *And provided further*, That if this percentage limitation is exceeded, diversions in excess of such percentage shall not be considered producer milk and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk;

(3) Diverted during the month from a pool plant to a non-pool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if notwithstanding the provisions of this subparagraph, such milk is fully subject to the pricing and pooling provisions of the other order, and milk so diverted shall not be producer milk if any of such diverted milk is classified in Class I under such other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

§ 1041.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), including "fortified" products and dietary milk products, concentrated milk, eggnog, sweet or sour cream or any mixture in fluid form of cream and milk or skim milk (except milkshake mix, frozen dessert mix, aerated cream products, evaporated and plain or sweetened condensed milk or skim milk).

§ 1041.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month of fluid milk products except: (1) Fluid milk products received from pool plants either by transfer or diversion, (2) producer milk, or (3) inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month; and

(c) Any disappearance of nonfluid products not otherwise accounted for.

§ 1041.17 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1041.41(a)(1) to a retail or wholesale outlet other than a milk plant.

§ 1041.18 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 1041.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1041.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1041.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1041.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1041.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1041.30, 1041.31, and 1041.32, nor payments pursuant to §§ 1041.80, 1041.82, 1041.84, 1041.85, and 1041.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 1041.51(a) and the Class I butterfat differential pursuant to § 1041.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1041.51(b) and the Class II butterfat differential pursuant to § 1041.52(b), both for the preceding month; and

(2) The 12th day after the end of each month, the uniform price pursuant to § 1041.71 and the butterfat differential pursuant to § 1041.72; and

(k) On or before the 12th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month;

(l) On or before the 12th day after the end of each month, notify each handler who reported pursuant to § 1041.30 of:

(1) The amount and value of his milk in each class computed pursuant to §§ 1041.46 and 1041.70;

(2) The uniform price computed pursuant to § 1041.71; and

(3) The amounts to be paid by such handler pursuant to §§ 1041.82, 1041.85 and 1041.86 and the amount, if any, due such handler pursuant to § 1041.83.

REPORTS, RECORDS AND FACILITIES

§ 1041.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler for each of his pool plants and a cooperative association as a handler pursuant to § 1041.8 (b) and (c), shall report to the market administrator for such month, in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers including handler's own productions;

(2) Fluid milk products received by transfer or diversion from pool plants and receipts from a cooperative association pursuant to § 1041.8(c);

(3) Other source milk;

(4) A separate report of producer milk diverted pursuant to § 1041.14: *Provided*, That on or before the day prior to diverting producer milk pursuant to § 1041.14, each handler shall notify the market administrator of his intention to divert such milk, the date or dates of such diversion, and the plant to which such milk is to be diverted; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if requested by the market administrator, of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1041.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) On or before the 6th day after the end of each month, each handler who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall report in the detail and on forms prescribed by the market administrator the information required of handlers operating pool plants pursuant to § 1041.30 substituting receipts from dairy farmers for receipts from producers.

§ 1041.32 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler, except a producer-handler and a handler exempt pursuant to § 1041.61, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his producer payroll for that month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(b) Each handler operating a nonpool distributing plant shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received the same information as required from handlers operating pool plants pursuant to paragraph (a) of this section.

§ 1041.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operation, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to producers or dairy farmers, as the case may be, and cooperative associations, including the amount and nature of any deductions and the disbursement of moneys so deducted.

§ 1041.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notified the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection herewith.

§ 1041.35 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1041.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th day of the month the total pounds of milk received during the first 15 days of such month; and

(b) On or before the 7th day after the end of the month:

(1) The total pounds of milk received from each producer together with the butterfat content of such milk, and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

CLASSIFICATION

§ 1041.40 Skim milk and butterfat to be classified.

Skim milk and butterfat which are required to be reported pursuant to § 1041.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1041.41 through 1041.46.

§ 1041.41 Classes of utilization.

Subject to the conditions set forth in §§ 1041.42 through 1041.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, other than those classified pursuant to paragraph (b) (3), (4), and (5) of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk portion of fluid milk products disposed of for livestock feed, or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk and butterfat in fluid milk products delivered in bulk to and used at commercial food establishments devoted exclusively to the manufacture of bakery products, candy or processed foods packaged in hermetically sealed containers;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section;

(5) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1041.42 and not to exceed the following:

(i) Two percent of that physically received direct from producers' farms and by diversion from other pool plants, plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1041.8 except that the applicable percentage shall be two percent if the handler operating the pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1041.8(c) that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, plus

(iii) One and one-half percent of that received by transfer from other pool plants, in bulk, less

(iv) One and one-half percent of that transferred in bulk to other plants, and plus

(v) One-half percent of receipts of producer milk by a cooperative association with respect to milk delivered from the farm in bulk tanks to pool plants unless the exception provided in subdivision (ii) of this subparagraph applies.

§ 1041.42 Shrinkage.

The market administrator shall assign shrinkage to each handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Allocate the resulting amounts pro rata to skim milk and butter fat, respectively, in:

(1) Producer's milk, milk received in bulk from a cooperative association in its capacity as a handler and from other pool plants, and

(2) Other source milk.

§ 1041.43 Responsibility of handlers.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1041.44 Transfers.

Skim milk and butterfat disposed of by a handler, including a cooperative association in its capacity as a handler pursuant to § 1041.8(c), to another plant in bulk shall be classified:

(a) As Class I if transferred or diverted in the form of fluid milk products to, and utilized at, another pool plant (1) unless utilization as Class II is claimed by the handlers operating both plants in their reports pursuant to § 1041.30, and the amount of skim milk or butterfat so assigned to Class II does not exceed the amount of skim milk or butterfat remaining in Class II at either plant after the subtraction of other source milk pursuant to § 1041.46(a)(5) and the corresponding step of § 1041.46(b), or (2) if specified utilization is not claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1041.8(c), shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computation pursuant to § 1041.46(a)(3) and the corresponding step of § 1041.46(b);

(b) As Class I if transferred in the form of fluid milk products to and utilized at a plant operated by a producer-handler;

(c) As Class I if transferred in bulk in the form of fluid milk products to, and utilized at, a nonpool plant that is a fully regulated plant under another order issued pursuant to the Act, unless allocated to another class under such other order, in which case it will be Class II;

(d) As Class I if transferred, in bulk in the form of milk or skim milk, to and utilized at a nonpool plant, except as specified in paragraphs (b) and (c) of this section, located more than 250 miles from any basing point, using the shortest accessible highway distance available for such transportation;

(e) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to and utilized at a nonpool plant except as specified in paragraphs (b), (c), and (d) of this section located 250 miles or less from any basing point, using the shortest accessible highway distance available for such transportation, from which fluid milk products are disposed of on wholesale or retail routes or to other milk plants, unless:

(1) The transferring handler claims Class II use in his report submitted pursuant to § 1041.30; and

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for vertification of such Class II use. If these conditions are met the market administrator shall classify as follows:

(i) Determine the use of all skim milk and butterfat in such nonpool plant;

(ii) Allocate receipts from Grade A farmers to the highest use beginning with Class I; and

(iii) Allocate the transferred or diverted milk to Class I to the extent remaining, except that if receipts from this and other Federal orders exceed the amount remaining, the amount of such transferred milk allocated to Class I shall be determined by prorating the remaining Class I utilization in accordance with the receipts from all such plants at the transferee plant;

(f) As Class II milk if transferred or diverted in bulk in the form of milk, skim milk or cream to a nonpool plant located more than 250 miles from any basing point (using the shortest accessible highway distance available for such transportation) and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such nonpool plant transfers milk, skim milk, or cream to a pool plant, an equal amount of skim milk and butterfat transferred to such nonpool plant from pool plants shall be deemed to have been transferred directly to the pool plant(s) receiving such milk and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such nonpool plant transfers milk, skim milk, or cream to a second nonpool plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk to the extent of the amount so transferred to such second nonpool plant unless it is established that the milk, skim milk, or cream was transferred to the second nonpool plant without Grade A certification and with each container labeled or tagged to indicate that the contents were for manufacturing use only and that the shipment was so invoiced; and

(g) As Class I if transferred in bulk in the form of cream to a nonpool plant located more than 250 miles from any basing point (using the shortest accessible highway distance available for such transportation) unless the handler:

(1) Claims classification as Class II; and

(2) Establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced.

§ 1041.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1041.8(c): *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

§ 1041.46 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk in each class allocated to producer milk at each pool plant shall be determined by the market administrator each month as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified pursuant to § 1041.41(b)(6);

(2) Subtract from the pounds of skim milk in Class I the pounds of skim milk received in the form of a fluid milk product in consumer-type packages (including dispenser cans) which has been classified and priced as Class I under another order issued pursuant to the Act, and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in nonfluid milk products reprocessed or converted to another product in the plant during the month;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of other source milk received from a producer-handler in the form of fluid milk products;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except as specified in subparagraphs (2), (4), and (7) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in Class II such remainder or the pounds of skim milk in inventory of fluid milk products at the end of the month, whichever is less;

(7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products (except that subtracted pursuant to subparagraph (2) of this paragraph) which were classified and priced as Class I pursuant to another order issued pursuant to the Act or for which classification and pricing under such other order is dependent on assignment under this part: *Provided*, That if the pounds of skim milk from which the subtraction is to be made pursuant to this paragraph are less than the pounds to be subtracted, the difference shall be subtracted pursuant to subparagraph (9) of this paragraph;

(8) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (6) of this paragraph;

(9) Subtract from the remaining pounds of skim milk in Class II the difference specified in the proviso of subparagraph (7) of this paragraph;

(10) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products at the beginning of the month;

(11) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(12) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 1041.44(a); and

(13) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class, in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of producer milk in each class as determined pursuant to paragraphs (a) and (b) of this section.

§ 1041.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1041.51 Class prices.

Subject to the provisions of §§ 1041.52 and 1041.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I milk price.* The Class I milk price each month for the first 18 months beginning with the effective date of this section shall be the basic formula price for the preceding month, plus the following amounts for the delivery period indicated:

April–July	$1.25
August–March	1.55

to the above schedule apply the following adjustments for plants located nearest to these points or boundaries:

	Per cwt.
The boundaries of Lucas County, Mansfield and Sandusky City Hall	0
Tiffin City Hall	—$0.02
Marion and Findlay City Hall	—.04
Lima City Hall	—.06

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II, shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the Department of Agriculture for the month adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1041.52 (b) and rounded to the nearest full cent but in no event shall the Class II price exceed the butter-powder price computed pursuant to § 1041.51(c) plus 10 cents.

(c) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract three cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the car lot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1041.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, class prices for the month pursuant to § 1041.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.115.

§ 1041.53 Location differentials to handlers.

For that milk received from producers at a pool plant located more than eighty miles from the nearest boundary or point of the marketing area and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I pursuant to this section, or otherwise classified as Class I, the price specified in § 1041.51(a) shall be reduced as follows:

	Cents
80 miles but less than 90 miles	15
For each additional 10 miles or fraction thereof an additional	1½

§ 1041.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1041.55 Rate of payment of unpriced milk.

(a) The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location at the nonpool plant supplying such other source milk;

(b) The Class II price adjusted by the Class II butterfat differential.

APPLICATION OF PROVISIONS

§ 1041.60 Producer-handler.

Sections 1041.40 through 1041.54 and §§ 1041.61 through 1041.86 shall not apply to a producer-handler.

§ 1041.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraph (a) or (b) of this section the provisions of this part shall not apply, except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater proportion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to regulation of such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant which meets the requirements set forth in § 1041.12 (a) which also meets the requirements of another marketing order on the basis of its distribution in such other marketing area and from which the Secretary determines a greater quantity of milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing order.

§ 1041.62 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (a) of this section unless the handler elects at the time his report pursuant to § 1041.31 is due to pay the amount computed pursuant to paragraph (b) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1041.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the value of approved milk at such plant computed pursuant to § 1041.70:

(1) The total payment made on or before the 15th day after the end of the month to approved dairy farmers for approved milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

DETERMINATION OF PRICES TO PRODUCERS

§ 1041.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1041.46(a)(13) and the corresponding step of § 1041.46(b) by the applicable class prices; and

(c) Add an amount equal to the difference between the value at the applicable Class I price for the current month and the value at the applicable Class II price for the preceding month with respect to skim milk and butterfat allocated to Class I pursuant to § 1041.46(a)(10) and the corresponding step in § 1041.46(b), that is in excess of volumes assigned in the preceding month pursuant to § 1041.46(a)(9) and the corresponding step in § 1041.46(b).

§ 1041.71 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1041.70 for all handlers for which reports prescribed in § 1041.30 for such month were made, except those in default of payments required pursuant to § 1041.82 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included in paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1041.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the value computed pursuant to paragraph (d) of this section by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (e) of this section.

§ 1041.72 Butterfat differentials to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1041.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1041.73 Location differentials to producers.

The uniform price to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1041.53.

PAYMENTS

§ 1041.80 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) On or before the 16th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1041.72, 1041.73 and 1041.85, less any payment made pursuant to subparagraph (1) of this paragraph: *Provided*, That if by such date the handler has not received full payment from the market administrator pursuant to § 1041.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following receipt of the balance due from the market administrator.

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 14th day after the end of each month for milk received during such month;

(c) Each handler shall pay a cooperative association pursuant to § 1041.8(b) and (c), on or before the 14th day after the end of the month for milk received from such association at not less than the value of such milk at the applicable class prices; and

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1041.81 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments and out of which he shall make all payments pursuant to §§ 1041.82, 1041.83 and 1041.84: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1041.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1041.80 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1041.70.

§ 1041.83 Payments from the producer-settlement fund.

(a) On or before the 15th day after the end of each month, the market administrator shall pay to each handler the amount by which the obligation pursuant to § 1041.80 of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1041.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1041.84 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1041.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1041.80 shall deduct six cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 16th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 16th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1041.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of each month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production); and (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1041.46(a) (3), (4) and (5) and the corresponding steps of § 1041.46(b).

§ 1041.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the

terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) or (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1041.90 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1041.91 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1041.92 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1041.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1041.100 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1041.101 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposed by the Babcock Dairy Company of Ohio, Briggs Dairy Farms, Inc., Cherry Grove Dairy, the Napoleon Creamery Company, the Page Dairy Company, Sterling Milk Company, Trilby Farm Dairy, Inc., and Village Farm Dairy Company, Inc.:

Proposal No. 2. Include the following marketing area definition in the Toledo-North Central Ohio order:

§ 1041.6 Toledo-North Central Ohio marketing area.

The Toledo-North Central Ohio marketing area, hereinafter called the "marketing area" in this part means all the territory within the boundaries of the counties of Auglaize, Allen, Van Wert, Paulding, Defiance, Williams, Fulton, Henry, Putnam, Hardin, Hancock, Wood, Lucas, Ottowa, Sandusky, Seneca, Wyandotte, Marion, Logan, Crawford, Richland, Huron, Erie, Ashland, Holmes, Morrow, Knox, Mercer, Wayne (except for sections 1, 2, 3, 10, 11, and 12 of Sugar Creek Township), Lorain (except for the townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Columbia, Grafton, Carlisle and Eaton), Medina (except for the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, Montville, Sharon and Wadsworth), all in the State of Ohio; and, in the State of Michigan, all of the territory in Monroe County (except the townships of Ash and Berlin), Lenawee County, Hillsdale County, and Branch County; including for any of the above territory, wholly or partially within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions, or similar establishments.

Proposed by Sealtest Foods, Division of National Dairy Products Corporation:

Proposal No. 3. Provide marketing area specification in the Toledo-North Central Ohio order as follows:

§ 1041.6 Toledo-North Central Ohio marketing area.

The Toledo-North Central Ohio marketing area hereinafter called the marketing area means all the territory within the boundaries of the counties of Auglaize, Allen, Van Wert, Paulding, Defiance, Williams, Fulton, Henry, Putnam, Hardin, Hancock, Wood, Lucas, Ottawa, Sandusky, Seneca, Wyandot, Marion, Logan, Crawford, Richland, Huron, Erie, Mercer, the city of Ashland, and all of Montgomery and Milton townships in Ashland County, and that portion of Lorain County not now included in the Northeastern Ohio order marketing area, all in the State of Ohio; and in the State of Michigan all of the territory within the boundaries of Hillsdale County, Monroe County (except the townships of Ash and Berlin), and Lenawee County; including all the territory wholly or partly within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions or other similar establishments.

Proposed by the Northwestern Cooperative Sales Association:

Proposal No. 4. Delete the provisions of the eligible—ineligible quota plan as set forth in §§ 1037.18, 1037.19, 1037.62, 1037.64, and 1037.65 in the North Central Ohio order.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be obtained from the Market Administrator, Fred W. Issler at either 312 Davis Building, 147 Michigan Street, Toledo 2, Ohio, or the I.B.M. Building, 675 West Market Street, Lima, Ohio, 45801, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on January 7, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-274; Filed, Jan. 10, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

[Docket No. FDC-74]

COLDPACK CHEESE FOOD

Notice of Hearing on Guar Gum as an Optional Ingredient

In the matter of amending the standards of identity for coldpack cheese food and coldpack cheese food with fruits, vegetables, or meats:

Three producers of cheese products, Calumet Cheese Company, Hilbert, Wisconsin; Tasty Morsel Cheese Company, Green Bay, Wisconsin; and Woody's Cheese Company, Waupaca, Wisconsin, filed a petition proposing that the standards of identity for coldpack cheese food and coldpack cheese food with fruits, vegetables, or meats (21 CFR 19.787, 19.788) be amended to provide for the optional use of sodium propionate to retard mold and of guar gum to retain moisture. The proposals were published in the FEDERAL REGISTER of September 20, 1962 (27 F.R. 9332). Upon consideration of the comments filed, the information submitted in support of the proposals, and other information available, an order was published adopting, with modification, the proposals concerning sodium propionate and rejecting the proposals for listing guar gum as an optional ingredient.

The petitioners filed objections to that part of the order rejecting their proposals concerning guar gum. A notice was published in the FEDERAL REGISTER of July 23, 1963 (28 F.R. 7472), confirming the effective date of the propionate amendments and announcing that a hearing would be scheduled on the objections filed to the ruling against the guar gum proposals.

These proposals were that the standard for coldpack cheese food (§ 19.787) should be amended by adding two new subparagraphs, as follows:

(e) * * *

(8) In the preparation of coldpack cheese food guar gum may be used in a quantity not to exceed 0.5 percent of the weight of the finished coldpack cheese food.

(f) * * *

(9) When the optional ingredient guar gum is present in coldpack cheese food the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the words "guar gum" or "vegetable gum."

Because of the cross-referencing used, adopting the amendments to § 19.787 concerning guar gum would have the effect of making these amendments applicable to the standard for coldpack cheese food with fruits, vegetables, or meats (§ 19.788).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to him by the Secretary (25 F.R. 8625), the Commissioner of Food and Drugs hereby gives notice that a public hearing will be held for the purpose of receiving evidence relative and material to the issue of whether the proposed amendments concerning guar gum, as set forth above, should be adopted. The hearing will begin at 10:00 a.m., e.s.t., February 10, 1964, in Room 5131, of the Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D.C. All interested parties are invited to attend and to present evidence.

A prehearing conference for the simplification of the issues, exchange of documentary evidence, the scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in Room 5131, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D.C., beginning at 10:00 a.m., e.s.t., January 27, 1964. Any interested person intending to introduce documentary evidence at the hearing is requested to bring five copies of such documentary evidence to the prehearing conference or to send five copies to the hearing examiner in advance of the conference. Those persons expecting to actively participate at the hearing are urged to attend the prehearing conference.

Mr. William E. Brennan is hereby designated as presiding officer for the hearing, with authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. He is required to certify the entire record to the Commissioner of Food and Drugs for action.

Dated: January 8, 1964.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 64-295; Filed, Jan. 10, 1964; 8:49 a.m.]

[21 CFR Part 36]

[Docket No. FDC-73]

SHELLFISH; FROZEN RAW BREADED SHRIMP, FROZEN RAW LIGHTLY BREADED SHRIMP

Postponement of Hearing on Objections to Definitions and Standards of Identity

In the matter of establishing definitions and standards of identity for frozen raw breaded shrimp (21 CFR 36.30) and frozen raw lightly breaded shrimp (21 CFR 36.31):

The National Shrimp Breaders Association has submitted, with reasonable grounds, a request for postponement of the date of the hearing in the above-identified matter notice of which was published in the FEDERAL REGISTER of December 21, 1963 (28 F.R. 13940).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371(e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the hearing, pursuant to this request, is postponed to February 17, 1964. The prehearing conference is postponed to February 7, 1964. The prehearing conference and the hearing will begin at 10 a.m., e.s.t. in Room 5131, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D.C.

Dated: January 9, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-314; Filed, Jan. 10, 1964; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Extension of Time To Submit Comments or Suggestions

Notice of proposed rule making was published in the FEDERAL REGISTER on December 6, 1963 (28 F.R. 13267), that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, the Small Business Administration proposed to amend, as set forth below, § 107.802 (c) and (d) of Re-

vision 2 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations (27 F.R. 9743–9754), as amended in 28 F.R. 681, 1627, 2021, 10666, and 12250. Said notice stated that prior to final adoption of the proposed amendments, consideration would be given to any comments and suggestions pertaining thereto which may be submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington 25, D.C., within a period of 30 days from the date of publication on December 6, 1963.

Notice is hereby given that the time in which such comments and suggestions may be submitted in writing, as aforesaid, is extended for an additional 30 days from and after the date of publication.

Information. The proposed amendments under consideration would change the provisions of § 107.802 (c) and (d) relating to financial reports to be submitted by Licensees, by requiring inclusion (1) in the Compliance Examination Report, SBA Form 478, submitted as of the end of each fiscal year, of the Federal tax number of each director, officer, or owner of five or more percent of the capital stock of the Licensee; and (2) in Schedules 3, 4, 7, and 8 of Part II of the Financial Report, SBA Form 468, required to be submitted to the Small Business Administration, of the Federal tax number of each small business financed by the Licensee as of the reporting date, and the name and Federal tax number of each owner of ten or more percent of the voting capital stock or owner equity of each financed small business concern.

The purpose of allowing the additional 30-day period in which to submit comments and suggestions is to provide adequate opportunity for Licensees and the public generally to acquire a fuller understanding of the background and specific objectives of the proposed amendments under consideration. It is felt that such understanding is indispensable to a proper evaluation thereof and that it will afford a better basis for constructive comments and suggestions.

The submitted Federal tax number information will be used in automatic data processing equipment permitting positive identifications often heretofore impossible. Such information will readily identify individuals or concerns having multiple relationships to the small business investment company program. Availability of such information will materially assist the Agency in obtaining compliance with the Small Business Investment Act. In addition, it is anticipated that such an identification system would more accurately and more easily reflect assistance furnished small business concerns with whom the Agency deals directly under its various programs.

The tax numbers proposed to be received will be for the internal use of SBA only and will not have any applicability to the examination by SBA of the Federal income tax returns of the parties with respect to whom the Federal tax numbers are to be furnished.

As published in the FEDERAL REGISTER on December 6, 1963 (28 F.R. 13267), it is proposed to amend the Regulations Governing Small Business Investment Companies by adding the following subparagraph (3) to § 107.802(c), redesignating the present text of paragraph (d) as subparagraph (1), and adding the following subparagraph (2):

(c) * * *

(3) The Compliance Examination Report, SBA Form 478, shall be required to be submitted to SBA for each Licensee as of the end of each fiscal year, and shall include the name and Federal tax number of each director, officer or five or more percent stockholder of the Licensee. The report also shall include the name and Federal tax number of each owner of ten or more percent of the voting capital stock of any corporation, or ten or more percent of the owner equity of any partnership, owning five or more percent of the capital stock of the Licensee.

(d) * * *

(2) Schedules 3, 4, 7, and 8 of Part II of the Financial Report, SBA Form 468, required to be submitted to SBA shall show the Federal tax number of each small business concern financed by the Licensee as of the reporting date. For each financed small business concern which is a corporation, these schedules shall show also the name and the Federal tax number of each owner of ten or more percent of the voting capital stock of such corporation, and for each financed small business concern which is a partnership, Schedules 3 and 8 shall show also the name and Federal tax number of each owner of ten or more percent of the owner equity.

Dated: January 6, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-261; Filed, Jan. 10, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND OKLAHOMA

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Great Plains Conservation Program Is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following counties in the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

KANSAS

Lincoln.

OKLAHOMA

Cotton. Kingfisher.

Done at Washington, D.C., this 7th day of January 1964.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 64-275; Filed, Jan. 10, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES LTD.

Discontinuance of Review

Whereas, there was published in the FEDERAL REGISTER on August 17, 1963, notice that the Maritime Subsidy Board, in considering the impact upon domestic U.S. flag operations between Hawaii and California by the continued operations of American President Lines, Ltd., with its subsidized passenger/cargo vessels, the SSs "President Wilson", "President Cleveland", "President Hoover" and "President Roosevelt" in the subsidized Trans-Pacific Line A–1 Service, proposed to review the existing permission for such service granted American President Lines under section 805(a) of the Merchant Marine Act, 1936, as amended, and

Whereas, such publication was made pursuant to representations made to the Maritime Subsidy Board by Matson Navigation Company, and

Whereas, interested parties were notified by such publication to submit their views and comments to the Secretary, Maritime Subsidy Board, by the close of business on September 10, 1963, later extended to November 12, 1963, and

Whereas, comments were received from no person other than Matson Navigation Company, and

Whereas, Matson Navigation Company asserts in its comments that it does not request further action at this time by way of review of American President Lines' permission under section 805(a), and

Now, therefore, the proposed review announced in the notice of August 17, 1963 is herewith discontinued.

Dated: January 8, 1964.

By order of the Maritime Subsidy Board.

GEORGE R. GRIFFITHS,
Acting Secretary.

[F.R. Doc. 64-272; Filed, Jan. 10, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC., AND NEW YORK STATE ATOMIC RESEARCH AND DEVELOPMENT AUTHORITY

Notice of Amendment of Provisional Construction Permit

Please take notice that the Commission having issued an order dated December 18, 1963 for the correction of inadvertent error in paragraph 2E of Construction Permit CPCSF–2 and having directed the Director, Division of Licensing and Regulation, to issue an amendment, Construction Permit CPCSF–2 has been amended as set forth in the attached.

Dated at Bethesda, Md., this 30th day of December 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[Construction Permit No. CPCSF–2; Amdt. No. 2]

Pursuant to an order issued by the Atomic Energy Commission dated December 18, 1963, Construction Permit CPCSF–2 is amended by revising paragraph 2E to read as follows.

E. NFS shall file a report covering the six-month period ending on March 31 and September 30 of each year with the Director of the Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., setting forth the status of construction of the facility and of the research and development program designed to establish the safety of the fuel segmentation process. The report for each six-month period shall be filed within the twenty-day period following March 31 and September 30 of each year.

Date of issuance: December 30, 1963.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-262; Filed, Jan. 10, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14321–14328; FCC 64M–13]

BLACK HILLS VIDEO CORP.

Order Continuing Prehearing Conference

In re Applications of Black Hills Video Corporation, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14321, File No. 223–C1–R–61; for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14322, File No. 361–C1–ML–61; for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas, Docket No. 14323, File No. 338–C1–R–61; for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado, Docket No. 14324, File No. 752–C1–R–61; for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska, Docket No. 14325, File No. 753–C1–R–61; for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska, Docket No. 14326, File No. 754–C1–R–61; for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming, Docket No. 14327, File No. 755–C1–R–61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota, Docket No. 14328, File No. 756–C1–R–61.

The Hearing Examiner having under consideration the oral request of Black Hills Video Corporation for continuance of the prehearing conference scheduled herein to be held on January 7, 1964;

It appearing, that all parties have consented to immediate consideration and grant of said request;

It is ordered, This 6th day of January 1964 that the said request is granted and the prehearing conference scheduled for January 7, 1964, is continued to January 14, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-282; Filed, Jan. 10, 1964; 8:47 a.m.]

[Docket Nos. 14597, 15203; FCC 64M-12]

KWEN BROADCASTING CO. AND WOODLAND BROADCASTING CO.

Order Continuing Hearing

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Woodland Broadcasting Company, Vidor, Texas, Docket No. 15203, File No. BP-15973; for construction permits.

The Hearing Examiner having under consideration a request for extension of time filed on January 3, 1964, by counsel for Woodland Broadcasting Company;

It appearing, that the parties have reached an agreement for a change in certain dates heretofore established and, it appearing, that these changes are consonant with the Examiner's own schedule; and

It further appearing, that the changes referred to are as follows:

Exchange of exhibits from January 6 to January 13, 1964.

Further hearing conference from January 17 to January 24, 1964.

Commencement of hearing from January 27 to February 4, 1964.

It is ordered, This 6th day of January 1964, that the request for extension of time is granted, and that the changes noted above are approved.

Released: January 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-283; Filed, Jan. 10, 1964; 8:47 a.m.]

[Docket No. 15257]

MARES TOWING SERVICE

Order To Show Cause

In the matter of Frank E. Mares, d/b as Mares Towing Service, Chicago, Illinois, Docket No. 15257; order to show cause why there should not be revoked the license for Radio Station KCR-560 in the Automobile Emergency Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rule was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 4, 1963, alleging violation of §§ 16.156(a), 16.157, and 16.160(c) (now §§ 93.156(a), 93.157, and 93.160(c) of the Commission's rules).

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 28, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 8th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 4611 West 33d Street, Chicago 50, Illinois.

Released: January 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-284; Filed, Jan. 10, 1964; 8:47 a.m.]

[Docket Nos. 15139-15141; FCC 64M-14]

QUALITY BROADCASTING CORP. ET AL.

Order Continuing Prehearing Conference

In the matter of revocation of license of Quality Broadcasting Corporation, for Standard Broadcast Station WKYN, San Juan, Puerto Rico, Docket No. 15139; revocation of license of Supreme Broadcasting Company, Inc., of Puerto Rico for FM Broadcasting Station WFQM, San Juan, Puerto Rico, Docket No. 15140; revocation of licence of Radio Americas Corporation, for FM Broadcast Station WORA-FM, Mayaguez, Puerto Rico, Docket No. 15141.

The Hearing Examiner having under consideration the oral request of counsel for the Broadcast Bureau for continuance of the prehearing conference presently scheduled herein to be held on January 9, 1964;

It appearing, that all parties have consented to immediate consideration and grant of said request and good cause is present in that counsel for the Broadcast Bureau has a conflict in hearing dates;

It is ordered, This 6th day of January 1964, that the said request is granted and the prehearing conference herein presently scheduled for January 9, 1964, is continued to January 14, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-285; Filed, Jan. 10, 1964; 8:47 a.m.]

[Docket Nos. 15176, 15177]

WTIF, INC., AND WDMG, INC.

Notice of Place of Hearing

In the matter of revocation of license of Radio Station WTIF, Inc. For Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176; in re application of WDMG, Inc., for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia, Docket No. 15177, File No. BR-1709.

The hearing on the above-entitled matter presently scheduled for Wednesday, January 29, 1964, will be held at 10:00 a.m. in the Circuit Court Room on the second floor of the Tift County Court House at the corner of East 2d Street and Tift Avenue in Tifton, Georgia.

Dated: January 8, 1964.

Released: January 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-286; Filed, Jan. 10, 1964; 8:48 a.m.]

[Docket No. 14031, etc.; FCC 64M-15]

WEXC, INC., ET AL.

Order Regarding Continuance of Procedural Dates

In re application of WEXC, INC., Depew, New York, Docket No. 14031, File No. BP-12793; LEON LAWRENCE SIDELL, Hamburg, New York, Docket No. 14032, File No. BP-13688; DE-LAN, INC., Depew, New York, Docket No. 14034, File No. BP-14084; Seaport Broadcasting Corporation, Lancaster, New York, Docket No. 14035, File No. BP-14085; for construction permits.

The Hearing Examiner has under consideration a "Motion for Continuance" filed jointly by applicants Leon Lawrence Sidell and Seaport Broadcasting Corporation on January 6, 1964. Their subject motion requests that the dates heretofore scheduled for the exchange of Sidell's exhibits, commencement of the remand hearing, and the examination of Mr. Sidell (January 9, January 17, and February 10, 1964, respectively) be continued indefinitely pending Commission action on a petition and a joint request also filed in this proceeding on January 6, 1964, by the joint movants and which seek the dismissal of Sidell's application and simultaneous approval of a reimbursement agreement relating thereto.[1] Movants represent that they have been informally advised by counsel for applicant WEXC, Inc., and for the Broadcast Bureau[2] that they have no objection to the continuance now sought, and also agree to immediate consideration of the motion filed for that purpose.

To establish "good cause" for favorable consideration of their request for continuance of the procedural dates listed above, the movants point out that if their dismissal petition and request for approval of the related agreement are granted, then it will no longer be necessary to go forward with the exhibit exchange or the subsequent hearing sessions. While this Examiner does not presume to anticipate the Commission's rulings on the dismissal and agreement matters, it is further apparent that dismissal of the Sidell application could expedite a final decision in this proceeding and thereby hasten the inauguration of the new service proposed by either of surviving applicants, WEXC, Inc., and Seaport. For the reasons just indicated, the Examiner finds that "good cause" exists for granting the aforementioned motion for continuance of procedural dates.

Accordingly, it is ordered, This 7th day of January 1964, that the "Motion for Continuance" filed January 6, 1964, by applicants Sidell and Seaport Broadcasting Corporation is granted, and the above-specified dates heretofore scheduled for the exchange of Sidell's exhibits, commencement of the remand hearing, and examination of Mr. Sidell are continued indefinitely pending Commission action on movants' January 6, 1964, petition to dismiss the Sidell application and their simultaneous request for approval of the related agreement.

Released: January 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-287; Filed, Jan. 10, 1964; 8:48 a.m.]

[Docket Nos. 15204-15207; FCC 64M-19]

WHDH, INC. (WHDH-TV) ET AL.

Order Scheduling Prehearing Conference

In re applications of WHDH, INC. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530; for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

It is ordered, This 7th day of January 1964, with the consents of all interested parties, that Herbert Sharfman, in lieu of David I. Kraushaar, will serve as presiding officer in the above-entitled proceeding: *And it is further ordered*, That a prehearing conference in this proceeding will be convened at 2:00 p.m., January 13, 1964, in the Offices of the Commission, Washington, D.C.

Released: January 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-288; Filed, Jan. 10, 1964; 8:48 a.m.]

[1] Their pleading in question is entitled "Petition to Dismiss Application of Leon Lawrence Sidell and Joint Request for Approval of Agreement Relating Thereto."

[2] The remaining applicant included in the caption of this proceeding, namely De-Lan, Inc., has withdrawn from participation in this matter, and its application remains in default status.

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20340]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-34 through R-44, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

[1] Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-289; Filed, Jan. 10, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5316, etc.]

SKELLY OIL CO. ET AL.

Findings and Order

JANUARY 3, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, substituting parties, amending and terminating certificates, permitting and approving abandonment of service, cancelling docket number, accepting and redesignating related rate schedules for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

The petition to intervene filed by Long Island Lighting Company in Docket No. CI63-569 and the notice of intervention filed by the People of the State of California and the Public Utilities Commission of the State of California in Docket Nos. G-5316, G-16546 and CI63-213 respectively, have been withdrawn. No other petition to intervene or notice of intervention or protest to the granting of any of the respective applications or petitions in these proceedings has been filed.

At a hearing held on December 31, 1963, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the ju-

risdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–5316, G–10191, G–10971, G–12578, G–16546, G–17349, G–19380, CI60–205, CI63–213, CI63–569 and CI63–1500 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules as designated or redesignated in the tabulation herein, should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificate.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–5316, G–12578, G–16546, G–17349, CI60–205, CI63–213 and CI63–569 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate heretofore issued in Docket No. G–10191 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI64–521.

(G) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–10971, G–19380 and CI63–1500 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(H) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(I) The certificates heretofore issued in Docket Nos. G–4192, G–4422, G–11729, CI61–52 and CI63–509 are hereby terminated.

(J) Docket No. CI64–563 is hereby cancelled.

(K) All FPC Gas Rate Schedules relating to the abandonment of service and the deletion of acreage permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(L) The respective related rate schedules as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the date indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–5316 C 10–3–63	Skelly Oil Co. (Operator), et al.	El Paso Natural Gas Co., Gallegos-Gallup Sand Unit, San Juan County, N. Mex., Mesa Verde Formation, San Juan County, N. Mex.	Supplemental agreement 9–4–63.[1 2]	46	14
C 10–7–63			Supplemental agreement 9–5–63.[3]	46	15
G–12578 D 11–12–63	Marathon Oil Co.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	Assignment 1–7–63,[4] effective date: 12–13–63.	31	11
G–16546 C 10–3–63	Skelly Oil Co. (Operator), et al.	El Paso Natural Gas Co., Gallegos-Gallup Pool, San Juan County, N. Mex.	Supplemental agreement 9–3–63.[3]	136	3
G–17349 [4] D 10–25–63	Humble Oil & Refining Co.	United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La.	Supplemental agreement 6–18–63, effective date: 11–25–63.	148	3
G–19380 E 11–12–63	The British-American Oil Producing Co. (successor to Weston Drilling Co., et al.	United Gas Pipe Line Co., Bolton Field, Hinds County, Miss.	Weston Drilling Co., et al., FPC GRS No. 1. Supplement No. 1.	60	1
			Notice of succession 11–6–63.	60	2
			Agreement 10–14–61	60	3
CI60–205 C 11–13–63	Sunray DX Oil Co.	Arkansas Louisiana Gas Co. East Kremlin Field Garfield County, Okla.	Assignment 10–26–61 [5]	60	7
			Supplemental agreement 10–30–63.[3]	194	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI61–1572 B 9–15–63	W. L. Cotton (Operator), et al.	South Texas Natural Gas Gathering Co., Nicholson Field, Webb County, Tex.	Notice of cancellation 9–15–63.[6 7]	1	1
CI63–213 C 10–3–63	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 10–2–62.	65	2
10–11–63 [3]			Supplemental agreement 9–23–63.[3]	65	3
CI63–479 [8] A 10–15–63	Shell Oil Co.	Cities Service Gas Co., Hobart Ranch Area, Hemphill County, Tex.	Contract 9–21–62	282	
			Letter 11–29–62	282	1
			Letter 10–9–63 [3]	282	2
CI63–569 C 10–17–63	John Franks (Operator), et al.	Texas Gas Transmission Corp., Terryville Field, Lincoln Parish, La.	Letter agreement 9–11–63.[10]	10	3
CI63–1500 E 11–12–63	Frederick V. Blodgett, (successor to A B C Drilling Co., Inc., et al.).	Hope Natural Gas Co., Greenbrier District, Doddridge County, W. Va.	A B C Drilling Co., Inc., et al., FPC GRS No. 1, Notice of succession 10–29–63.	1	
			Assignment (undated)[10]	1	1
CI64–473 A 10–23–63	Francis H. Alston	Southern Natural Gas Co., Logansport Field, De Soto Parish, north La.	Statement 10–21–63 [10]	1	
CI64–521 (G–10191) A 10–29–63	Tex-Star Oil & Gas Corp. (partial succession).	El Paso Natural Gas Co., Martinez Unit, La Plata County, Colo.	Contract 4–18–56	32	
			Supplement agreement 10–1–58.[11]	32	1
CI64–562 (G–4422) B 11–7–63	Sam Sklar, trustee	Southern Natural Gas Co., Spider Field, De Soto Parish, La.	Assignment 6–27–63 [12 10]	32	2
			Notice of cancellation 11–6–63 [10]	2	3
CI64–563 (G–10971) A 11–6–63	Natural Gas of W. Va., Inc. (successor to Bradley Gas Co.).	Hope Natural Gas Co., Church District, Wetzel County, W. Va.	Bradley Gas Co., FPC GRS No. 1.	1	
			Supplement Nos. 1–3	1	1–3
CI64–564 (G–4192) B 11–6–63	Willard E. Ferrell, et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Notice of succession 12–9–63.		
			Assignment 11–1–61 [10]	1	4
			Notice of cancellation (undated).[10 14]	1	1
CI64–565 A 11–6–63	Falcon Seaboard Drilling Co. (Operator), et al.	Northern Natural Gas Co., Klowa Creek Field, Lipscomb County, Tex.	Contract 9–26–63 [10]	13	
CI64–567 A 11–5–63	Glenn F. Thomas and George W. Brewer d/b/a Thomas & Brewer, et al.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Contract 5–29–63 [10]	13	
CI64–571 A 11–6–63	Edwin L. Cox	Cimarron Transmission Co., Enville Field, Love County, Okla.	Contract 10–8–63 [10]	55	
CI64–572 A 11–6–63	Wardie Barnett	United Fuel Gas Co., acreage in Knott County, Ky.	Contract 10–16–63 [10]	2	
CI64–574 A 11–12–63	Victor Hale	Kentucky-West Virginia Gas Co., Middle Creek Field, Floyd County, Ky.	Contract 10–31–63 [10]	9	
CI64–575 A 11–12–63	Anadarko Production Co.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	Contract 9–30–63	75	
			Supplemental agreement 10–25–63.[10]	75	1
CI64–576 (CI61–52) D 11–12–63	Perry R. Bass (Operator), et al.	United Fuel Gas Co., Second Bayou Field, Cameron Parish, La.	Notice of cancellation 11–5–63.[10]	7	2
CI64–584 (G–11729) B 11–12–63	Reed Starcher	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	Notice of cancellation (undated).[10]	4	1
CI64–586 A 11–12–63	Falcon Seaboard Drilling Co. (Operator), et al.	Northern Natural Gas Co., Klowa Creek Field, Lipscomb County, Tex.	Contract 9–25–63 [10]	19	
CI64–587 A 11–12–63	Felmont Oil Corp.	The Manufacturers Light and Heat Co. and New York State Natural Gas Corp., Mann Township, Bedford County, Pa.	Contract 11–15–63 [10]	10	
CI64–589 (CI63–509) B 11–12–63	Liberty Fuel Corp. of W. Va.	Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Notice of cancellation (undated).[10]	1	1
CI64–590 A 11–13–63	Mary Barillard, agent for Bradley Leggett Well No. 1.	Hope Natural Gas Co., Southwest District, Doddridge County, W. Va.	Contract 9–25–63 [10]	4	

[1] Adds acreage and nonsignatory co-owner's interest.
[2] Effective date: Date of initial delivery.
[3] Assigned acreage to Graham-Michaelis Drilling Co.
[4] Applicant has been authorized in Docket No. CI64–5 to sell subject gas to United Fuel Gas Co.
[5] Effective date: Date of transfer of property.
[6] Source of gas depleted.
[7] Effective date: Date of this order.
[8] Amendment filed by Applicant indicating price as 13.0 in lieu of 13.24863 as proposed in initial application filed 10–3–63.
[9] By letter dated Oct. 9, 1963, Applicant agreed to accept permanent certificate at a total initial rate of 17.0 cents.
[10] Supra.
[11] Between United States Smelting Refining & Mining Co. and El Paso. On file as United States Smelting Refining & Mining Co. FPC GRS No. 8.
[12] Acquired acreage from United States Smelting Refining & Mining Co. in Docket No. G–10191.
[13] Application in CI64–563 being treated as a petition to amend Docket No. G–10971, to reflect the transfer of interest. Docket No. CI64–563 will be cancelled.
[14] Production no longer economically feasible.

[F.R. Doc. 64–235; Filed, Jan. 10, 1964; 8:45 a.m.]

[Docket No. CP64–106]

TRANSWESTERN PIPELINE CO.

Notice of Application

JANUARY 6, 1964.

Take notice that on November 6, 1963, Transwestern Pipeline Company (Applicant) a Delaware corporation with its principal office in First City National Bank Building, Houston, Texas, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 3,000 Mcf per day of natural gas to High Plains Natural Gas Company (High Plains) for distribution and resale in the City of Spearman, Texas; and for the construction and installation and operation of metering and regulator facilities necessary to make such sale, all as more fully described in the application which is on file with the Commission and open to public inspection.

The estimated cost of the proposed facilities is $200.

The service agreement dated September 26, 1963, provides that the rate be in accordance with Rate Schedule SG–1.

The term of the service period is to extend to April 30, 1964.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 24, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–267; Filed, Jan. 10, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-223 etc.]

ARKANSAS FUEL OIL CORP. AND CITIES SERVICE CO.

Supplemental Order Directing and Disapproving Payment of Certain Fees and Expenses

JANUARY 7, 1964.

In the matters of Arkansas Fuel Oil Corporation (Shreveport, Louisiana), and Cities Service Company, (New York, New York), File Nos. 54-223; 54-226; 54-227; 31-622; 54-186; 59-93; 70-1804.

The Commission having on July 14, 1960, disapproved a section 11(e) plan filed by Cities Service Company ("Cities") and approved an amended section 11(d) plan proposed by certain participating stockholders, in connection with which Cities agreed to pay such fees and expenses as are determined to be appropriate; and the Commission in said order having reserved jurisdiction over such fees and expenses;

Applications for the allowance of fees and for reimbursement of expenses having been filed, and the Commission having by orders entered December 20, 1961 (Holding Company Act Release No. 14551) and January 15, 1962 (Holding Company Act Release No. 14562), respectively, approved and authorized payment of certain fees and expenses;

A public hearing having been held in respect of the applications as to which no disposition had been made, briefs in support of and opposing such applications having been filed, and the Commission having heard oral argument, having considered the record, and having this day issued its Findings and Opinion with respect to such applications; on the basis thereof;

It is ordered, That fees and expenses in the following amounts are hereby approved and payment by Cities to the persons or firms named is hereby directed:

	Fees	Expenses	Total
Guggenheimer, Untermyer & Goodrich	$135,000.00	$9,282.86	$144,282.86
Bishop & Hedberg, Inc.	140,000.00	4,464.00	144,464.00
Rich, May & Bilodeau	185,000.00	16,827.47	201,827.47
William Duffy, Jr.	4,935.00		4,935.00
Kenody R. Ware	5,350.00	835.90	6,185.90

It is further ordered, That Guggenheimer, Untermyer & Goodrich, and Bishop & Hedberg, Inc., shall reimburse the executors of the M. L. Benedum and S. N. Benedum Estates and/or the Claude Worthington Benedum Foundation the following amounts:

	Fees	Expenses	Total
Guggenheimer, Untermyer & Goodrich	$54,800.00	$9,282.86	$64,082.86
Bishop & Hedbert, Inc.	53,186.00	4,464.00	57,650.00

And that Kenody R. Ware shall reimburse Louis E. Marron the sum of $1,500.

It is further ordered, That the applications for payments of fees and reimbursement of expenses of Wolf Popper Ross Wolf & Jones, and Martin Horwitz; Hastings, Taylor & Willard; and Benjamin Weinstein be, and hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-175; Filed, Jan. 10, 1964; 8:45 a.m.]

[File No. 811-1061]

MIDWEST INVESTORS FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 7, 1964.

Notice is hereby given that Midwest Investors Fund, Inc. ("Midwest"), 1200 First National Bank Building, Minneapolis, Minnesota, a Minnesota corporation and a diversified open-end management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Midwest has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein which are summarized below.

Midwest's application represents that pursuant to the terms of an agreement and plan of reorganization and exchange approved by the shareholders of Midwest at a special meeting on June 4, 1963, all of the assets of Midwest were transferred on July 1, 1963, to Federated Funds, Inc. ("Federated"), a diversified registered open-end management investment company. In exchange Midwest received 34,627.884 shares of Federated, having a net asset value of $10.19 as of the exchange date. The net asset value of the shares of Midwest was $2.29 per share and a total of 154,327.120 shares were outstanding. Pursuant to the terms of the agreement and plan of reorganization and exchange each shareholder of Midwest was therefore entitled to receive 0.224379 shares of Federated for each share of Midwest owned on July 1, 1963.

All of the outstanding shares of Midwest have been exchanged for shares of Federated with the exception of 3,290 shares held by four shareholders who have been requested to send in their Midwest shares in exchange for Federated shares which are now held by Northwestern National Bank of Minneapolis, Minneapolis, Minnesota. The four shareholders have received dividends and financial statements from Federated just as though they had actually exchanged their shares.

Midwest represents that there are no known outstanding liabilities of Midwest and that pursuant to Minnesota law, with the exception of filing final tax returns, dissolution proceedings which were authorized by shareholders on June 4, 1963 have now been completed.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 27, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-176; Filed, Jan. 10, 1964; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION II

W. T. Grant Co., No. 3295, Diskay Discount Mart (division), 168 Newark Avenue, Jersey City, N.J.; effective 1-28-64 to 9-2-64 (variety store; 34 employees).

REGION V

F. W. Woolworth Co., No. 391, 39-43 Monroe Avenue NW., Grand Rapids, Mich.; effective 12-18-63 to 9-2-64 (variety store; 24 employees).

REGION VII

C. R. Anthony Co., No. 11, Liberal, Kans.; effective 7-9-63 to 3-31-64 (department store; 12 employees).

Azalea Variety, Inc., d.b.a. T.G. & Y. Stores Co., No 158, 1010 West 24 Highway, Independence, Mo.; effective 11-15-63 to 9-2-64 (variety store; 17 employees).

Boulevard Food Store, 1021 Nebraska Street, Sioux City, Iowa; effective 8-6-63 to 3-31-64 (food store; 19 employees).

Hillcrest Food Center, Inc., Ninth and Iowa, Lawrence, Kans.; effective 6-19-63 to 3-31-64 (food store; 41 employees).

Thomas Kilpatrick & Co., 15th and Douglas Street, Omaha, Nebr.; effective 7-16-63 to 3-31-64 (department store; 419 employees).

Thomas Kilpatrick & Co., 42d and Center Street, Omaha, Nebr.; effective 7-16-63 to 3-31-64 (department store; 145 employees).

S. S. Kresge Co., No. 244, 609 Commercial Street, Atchison, Kans.; effective 6-10-63 to 3-31-64 (variety store; 16 employees).

Rusty's Food Center, Inc., 23d and Louisiana, Lawrence, Kans.; effective 6-19-63 to 3-31-64 (food store; 57 employees).

Thriftway Super Market, Highway 50 and Nichols Road, Lee's Summit, Mo.; effective 8-2-63 to 3-31-64 (food store; 37 employees).

Town & Country Market, No. 1, Kansas City Road and Poplar Street, Olathe, Kans.; effective 8-6-63 to 3-31-64 (food store; 13 employees).

Town & Country Market, No. 2, 916 Market Street, Olathe, Kans.; effective 8-6-63 to 3-31-64 (food store; 15 employees).

F. W. Woolworth Co., No. 516, 309-11 West Third, Grand Island, Nebr.; effective 6-15-63 to 3-31-64 (variety store; 30 employees).

Younker Brothers, Inc., 323 Main, Ames, Iowa; effective 7-16-63 to 3-31-64 (department store; 48 employees).

Younker Brothers, Inc., Ninth and Central, Fort Dodge, Iowa; effective 7-16-63 to 3-31-64 (department store; 52 employees).

Younker Brothers, Inc., 111 East Washington, Iowa City, Iowa; effective 7-16-63 to 3-31-64 (department store; 65 employees).

Younker Brothers, Inc., 22-24 Main East, Marshalltown, Iowa; effective 7-16-63 to 3-31-64 (department store; 50 employees).

Younker Brothers, Inc., 101 South Federal Mason City, Iowa; effective 12-17-63 to 9-2-64 (department store; 48 employees).

Younker Brothers, Inc., 129 East Main Street, Ottumwa, Iowa; effective 7-16-63 to 3-31-64 (department store; 41 employees).

The following certificate was issued to an establishment coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificate permits the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provides for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Peebles Department Store, Inc., Nylon Shopping Center, Seaford, Del.; effective 12-27-63 to 9-2-64; sales clerks, office workers, stock clerks; between 3.5 percent and 10 percent (department store; 15 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 3d day of January 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-270; Filed, Jan. 10, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Nos. MC-1501, MC-1515]

GREYHOUND CORP. AND GREYHOUND LINES, INC.

Operations

At a session of the Interstate Commerce Commission, Operating Rights Board No. 2, held at its office in Washington, D.C., on the 27th day of December A.D. 1963.

The Greyhound Corporation (Chicago, Ill.), No. MC-1501.

Greyhound Lines, Inc. (Chicago, Ill.), No. MC-1515.

It appearing, that The Greyhound Corporation and certain of its predecessors whose operating authorities now are held by The Greyhound Corporation have filed deviation notices under the Commission's deviation rules revised, 1957, and under prior deviation orders of the Commission which notices have been accepted by the Commission;

It further appearing, that in No. MC-F-8531, California Parlor Cars Tours Co.—Purchase—The Greyhound Corporation, the transfer of the operating rights of The Greyhound Corporation to California Parlor Cars Tours Company was approved; and that by order dated November 21, 1963, the change of the latter carrier's name to Greyhound Lines, Inc., also was approved;

It further appearing, that by letter dated November 26, 1963, The Greyhound Corporation has requested that operations in interstate or foreign commerce be conducted by Greyhound Lines, Inc., pursuant to the deviation notices described in Appendix A hereto;

It further appearing, that Greyhound Lines, Inc., is a wholly owned subsidiary of The Greyhound Corporation, and that the officers and directors of the latter corporate entity will become the officers and directors of the former so that no change in control or management of the carrier operations will result from the said transfer;

It further appearing, that Deviation Notices Nos. 16 and 77 listed in Appendix A have been rejected by the Commission by orders dated August 5, 1959, and July 5, 1962, respectively, and that Deviation Notices Nos. 12, 31, 64, 67, 74, 84, 92, and 95 and the deviation operations proposed in the letter dated May 28, 1957, also listed in Appendix A have been cancelled at the request of The Greyhound Corporation;

And it further appearing, that in the circumstances presented here no useful purpose would be served by requiring a refiling and republication of those notices listed in part I of Appendix A which have not been rejected or cancelled, and that such action is deemed unnecessary to proper administration of the said deviation rules; and good cause appearing therefor:

It is ordered, That Greyhound Lines, Inc., be, and it is hereby, notified that upon the transfer of the operating rights of The Greyhound Corporation as approved in No. MC-F-8531, to Greyhound Lines, Inc., the deviation notices set forth in Appendix B hereto shall be applicable to the operations of Greyhound Lines, Inc., subject to all of the conditions which were attached to the original filing and acceptance of such deviation notices, including the duty to continue to furnish reasonable and adequate service from and to all authorized points on its regular service routes.

It is further ordered, That Greyhound Lines, Inc., shall, on or before 90 days from the date of service of this order, refile with the Commission those deviation notices described in part II of Appendix B.

It is further ordered, That notice of this order shall be given by publication thereof in the FEDERAL REGISTER.

And it is further ordered, That this order shall become effective as of the date of consummation of the transaction approved in No. MC-F-8531.

By the Commission, Operating Rights Board No. 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

DEVIATION NOTICES SPECIFIED

Part I. MC–1501, Deviation Nos. 1, 2, 4, 6, 7, 8, 10 through 19, inclusive, 21 through 45, inclusive, 47 through 66, inclusive, 88, 89, 91 through 137, inclusive, 136A, 136B, 139, 140, and 141, those proposed in letters dated March 9, 1956, May 28, 1957, May 29, 1957 (3 letters), November 30, 1957, January 25, 1957, May 21, 1957, and August 5, 1959 (3 letters).

Part II. No. MC–1502, Pennsylvania Greyhound Lines, Inc., those proposed in a letter dated September 10, 1954.

No. MC–1504, Atlantic Greyhound Corporation, Deviation Nos. 2, 3, 4, and 5.

No. MC–1510, Southwestern Greyhound Lines, Inc., Deviation Nos. 2, 3, an d4; and those proposed in letters dated November 4, 1955, April 16, 1957, and June 4, 1957.

APPENDIX B

DEVIATION NOTICES APPLICABLE TO GREYHOUND LINES, INC.

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Part II. No. MC–1502, those proposed in a letter dated September 10, 1954.

No. MC–1504, Deviation Nos. 2, 3, 4 and 5.

No. MC–1510, Deviation Nos. 2 and 3; and those proposed in letters dated November 4, 1955, April 16, 1957, and June 4, 1957.

[F.R. Doc. 64-355; Filed, Jan. 10, 1964; 8:45 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

[Amdt. 2]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Claims Against Schools

Paragraph (f) of § 210.15 of the regulations for the operation of the National School Lunch Program (28 F.R. 1247) is hereby amended as follows:

§ 210.15 **Claims against schools.**

* * * * *

(f) The amounts recovered by the State Agency from schools may be utilized, first, to make reimbursement payments for lunches served during the fiscal year for which the funds were initially available, and, second, to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to AMS in accordance with the requirements of § 210.5(c) of this part.

This amendment shall be effective upon publication.

Approved: January 9, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-330; Filed, Jan. 13, 1964; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 90, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.390 (Lemon Regulation 90; 29 F.R. 85) are hereby amended to read as follows:

§ 910.390 **Lemon Regulation 90.**

* * * * *

(1) * * *

(ii) District 2: 186,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 9, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-308; Filed, Jan. 13, 1964; 8:46 a.m.]

[Grapefruit Reg. 6, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 6 (§ 944.102; 28 F.R. 9877) are hereby amended to read as follows:

§ 944.102 **Grapefruit regulation No. 6.**

(a) On and after 12:01 a.m., e.s.t., January 19, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 33 (§ 905.403); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 8, 1964, to become effective at 12:01 a.m., e.s.t., January 19, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-329; Filed, Jan. 13, 1964; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Market Agencies Paying Expenses of Livestock Buyers

The following statement concerning market agencies subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), has been formulated and adopted by the Agricultural Marketing Service for the guidance of all market agencies engaged in the business of selling livestock on a commission basis and is issued as § 203.5, Part 203, Chapter II, Title 9, Code of Federal Regulations, to read as follows:

§ 203.5 **Statement with respect to market agencies paying the expenses of livestock buyers.**

It has become a practice in certain areas of the country for market agencies,

engaged in the business of selling consigned livestock on a commission basis, to pay certain of the business or personal expenses incurred by buyers attending livestock sales conducted by such market agencies, such as, expenses for meals, lodging, travel, entertainment and long distance telephone calls. Investigation by the Packers and Stockyards Division, Agricultural Marketing Service, discloses that this practice tends to become a method of competition between similarly engaged market agencies and results in undue and unreasonable cost burdens on such market agencies and the livestock producers who sell their livestock through such market agencies.

It is the view of the Packers and Stockyards Division of the Agricultural Marketing Service that it constitutes violations of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), for any market agency engaged in the business of selling consigned livestock on a commission basis, to pay, directly or indirectly, any personal or business expenses of livestock buyers attending sales conducted by such market agency. In the future, if any market agency engages in such practice, consideration will be given by the Agricultural Marketing Service to the issuance of a complaint charging the market agency with violation of the Act. In the formal administrative proceeding initiated by any such complaint, the Judicial Officer of the Department will determine, after full hearing, whether the market agency has violated the Act should be ordered to cease and desist from continuing such violation, and whether the registration of such market agency should be suspended for a reasonable period of time.

The foregoing statement shall become effective upon its publication in the FEDERAL REGISTER.

(Sec. 407(a); 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies Secs. 304, 307, 312; 42 Stat. 169; 7 U.S.C. 205, 208, 213)

Done at Washington, D.C., this 9th day of January 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-331; Filed, Jan. 13, 1964; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 17,678]

PART 522—ORGANIZATION OF THE BANKS

Miscellaneous Amendments

DECEMBER 31, 1963.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of Part 522 of the regulations for the Federal Home Loan Bank System (12 CFR Part 522) as hereinafter set forth, and for the purpose of effecting such amendment, hereby amends said part as follows, effective January 1, 1964:

1. Paragraph (a) of § 522.20 (12 CFR 522.20) is hereby amended to read as follows:

§ 522.20 **Appointive directors.**

(a) The Board will appoint four directors for each bank. Each director must be a citizen of the United States and a bona fide resident of the district in which the bank is located.

* * * * *

2. Paragraph (a) of § 522.21 (12 CFR 522.21) is hereby amended to read as follows:

§ 522.21 **Elective directors.**

(a) There shall be eight elective directors on the board of directors of each Federal home loan bank except that, in the case of the Federal Home Loan Bank of New York, there shall be an additional elective director to fill the directorship which shall be designated to represent the members located in the Commonwealth of Puerto Rico under the provisions of the last sentence of subsection (e) of section 7 of the Federal Home Loan Bank Act, as amended. Notwithstanding the provisions of the preceding sentence, whenever the provisions of the second sentence of subsection (c) of section 7 of the act are applicable, the number of elective directors shall be increased by the Board to such number as may be necessary to comply with the provisions of the aforesaid second sentence of said subsection (c). The word "member" as used in this paragraph (a) shall have only the meaning set out in § 521.7 of this subchapter.

* * * * *

3. Section 522.71 (12 CFR 522.71) is hereby amended by inserting "(a)" immediately before the language "The board of directors of each Bank" and by adding to said section, at the end thereof, the following new paragraph:

§ 522.71 **Compensation.**

(a) * * *

(b) In the event of the establishment of a new bank, the second sentence of paragraph (a) of this section and the language "to be effective during the next calendar year" in the first sentence thereof shall not be applicable to resolutions showing the contemplated compensation of officers and legal counsel for the calendar year in which such bank is established.

(Secs. 3, 7, 12, 17, 26, 47 Stat. 726, 730, 735, 736, 740, as amended; 12 U.S.C. 1423, 1427, 1432, 1437, 1446. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as the Federal Home Loan Bank Board deems it advisable to reorganize the Federal Home Loan Bank of San Francisco effective January 1, 1964, and to establish a new Federal Home Loan Bank of Spokane on that date, and as the amendments hereinbefore set forth are essential to such reorganization and such establishment and should be made effective simultaneously therewith, the Board hereby finds that, because of the time that would be involved if notice and public procedure on said amendments were afforded, such notice and public procedure are impracticable under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and the Federal Home Loan Bank Board hereby finds that for the same reason good cause exists for making said amendments effective as hereinbefore set forth without publication of said amendments for the period specified in section 4(c) of said act prior to the effective date of said amendments, and hereby so provides.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-315; Filed, Jan. 13, 1964; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

Bond for Filing Shipper's Export Declarations

Correction

In F.R. Doc. 63-13224, appearing at page 13932 of the issue for Saturday, December 21, 1963, § 30.55(g) should read as follows:

§ 30.55 **Miscellaneous exemptions.**

* * * * *

(g) Shipments of single gift parcels as encompassed by Office of Export Control General License GIFT.

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 74]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 385—EXPORTATIONS OF TECHNICAL DATA

Miscellaneous Amendments

1. Section 371.21 *General License GIFT; shipments of gift parcels* is amended in the following respects:

a. Paragraph (a) *Scope* is amended to read as follows.

§ 371.21 General License GIFT; shipment of gift parcels.

(a) *Scope.* A general license designated GIFT is hereby established authorizing the exportation of non-Positive List commodities in gift parcels addressed to an individual or to a religious, charitable, or educational organization located in any destination except Communist China, North Korea, or the Communist controlled area of Viet-Nam, provided that such exportations are made in accordance with the following provisions of this section.[1]

b. Note 2, *Multiple parcels,* following paragraph (a) is deleted.

c. Paragraph (d) *General License designation* is amended by deleting the words "or Shipper's Export Declaration" at the end thereof.

2. Section 373.4 *Distribution of United States commodities by foreign-based subsidiary, affiliate, or branch,* paragraph (g) *Special destination control statement* is amended to read as follows:

§ 373.4 **Distribution of United States commodities by foreign based subsidiary, affiliate or branch.**

* * * * *

(g) *Special destination control statement*—(1) *Shipments to distributor.* The United States exporter has the option of entering either of the two destination control statements set forth in (i) and (ii) of this subparagraph on the Shipper's Export Declaration, commercial invoice, and Bill of Lading covering exportations from the United States made under the Form FC-243 procedure to the distributor for his foreign-based stock:

(i) These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

The country where the foreign-based stock is located shall be shown as the ultimate destination in this statement.

Use of this destination control statement in no way prohibits the distributor from distributing these commodities to other countries provided that the distribution is restricted to customers approved by the Office of Export Control on a Form FC-243.

(ii) These commodities licensed by the United States for ultimate destination (name of country) and for distribution or resale in (name(s) of country(ies)). Diversion contrary to United States law prohibited.

The country where the foreign-based stock is located shall be shown in the first blank space. The country where approved customers are located shall be shown in the second blank space.

(2) *Shipments to customers.* (i) As indicated in paragraphs (c) (1) (i) and (ii) and (2) of this section, shipments may be made to an approved customer by the distributor and, under certain restrictive conditions, by the United States exporter. Where the shipment is made by the distributor, the destination control statement shall be entered on each commercial invoice and bill of lading. If the shipment is made by the United States exporter, the destination control statement shall be entered on the Shipper's Export Declaration, commercial invoice and bill of lading.

(ii) If reexportation has been authorized on the approved Form FC-243, the destination control statement set forth in subparagraph (1) (ii) of this paragraph shall be used with the customer's country of location entered in the first blank space of the statement and the authorized country(ies) to which reexportation is authorized entered in the second blank space. In instances where reexportation has not been authorized on the approved Form FC-243, the destination control statement set forth either in subparagraph (1) (i) or (ii) of this paragraph may be used. However, if the statement set forth in subparagraph (1) (ii) is used, the customer's country of location shall be entered in the first blank space of the statement and the word "none" shall be entered in the second blank space.

NOTE: In accordance with the provisions of paragraph (c) (5) of this section, no shipment may be made by either the United States exporter or the distributor to a customer of the distributor until a validated Form FC-243, showing Office of Export Control approval of the customer, has been received by the United States exporter. (See paragraph (e) (4) of this section for shipments to government agencies.)

* * * * *

3. Section 379.11 *Return or unloading of cargo at direction of Department of Commerce,* paragraph (a) (2) *Ordering return or unloading of shipment* is amended to read as follows:

§ 379.11 **Return or unloading of cargo at direction of Department of Commerce.**

(a) * * *

(2) *Ordering return or unloading of shipment.* The Office of Export Control or any United States Collector of Customs, where there are reasonable grounds for believing that a violation of the Export Regulations has occurred or will occur with respect to a particular exportation from the United States, may order any person in possession or control of such shipment, including any exporting carrier carrying such shipments, to return or unload the shipment. Such persons shall as ordered either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of Export Control. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

* * * * *

4. Section 385.2 *General Licenses,* paragraph (c) *General License GTDU; unpublished technical data,* subparagraph (4), subdivision (ii) is amended by adding a new (o) to read as follows:

§ 385.2 **General Licenses.**

* * * * *

(c) * * *

(4) * * *

(ii) * * *

(o) Electric industrial melting and refining furnaces and metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (Schedule B Nos. 70741 and 70744).

Items 1, 2 and 3 of this amendment shall become effective as of December 26, 1963. Item 4 of this amendment shall become effective January 20, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-310; Filed, Jan. 13, 1964; 8:46 a.m.]

[1] Prior to Dec. 26, 1963, gift parcels exported under the provisions of General License GIFT were restricted to shipment by mail, including parcel post, and by air, including air express, air cargo, and air freight. On and after that date, gift parcels may be shipped by any means of transportation.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56088]

PART 25—CUSTOMS BONDS

Execution by Approved Corporate Surety

Section 25.12(c), Customs Regulations, provides that when a bond is executed by an authorized and approved corporate surety through its agent or attorney, a power of attorney on Treasury Form 272, showing the authority of such person to act for the surety company, shall be filed in the office of the collector of customs approving such bond or shall be filed in the Treasury Department when the bond is to be approved by the Secretary of the Treasury or the Bureau. Bonds approved by the Bureau of Customs have in the past been transmitted, for approval as to corporate surety, to the Bureau of Accounts of the Treasury Department where a central file of powers of attorney on Treasury Form 272 was maintained.

As announced in the FEDERAL REGISTER of November 16, 1963 (28 F.R. 12217), the maintenance of the above-mentioned central file of powers of attorney has been discontinued, and Department Circular No. 17 dated April 1, 1912, which required the filing of such powers of attorney, has been revoked effective December 31, 1963.

In the circumstances § 25.12(c) of the Customs Regulations is amended to read as follows:

§ 25.12 **Corporate sureties.**

* * * * *

(c) When a bond is executed by an authorized and approved corporate surety through its agent or attorney, a power of attorney on customs Form 5297, showing the authority of such person to

act for the surety company, shall be filed in the office of the collector who approves such bond or who transmits such bond to the Bureau for approval. The collector, when transmitting a bond to the Bureau for approval, shall state whether a power of attorney is on file for the agent or attorney who executed the bond on behalf of the surety.

* * * * *

(R.S. 161, as amended, 251, secs. 623, 624, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 1623, 1624)

Powers of attorney on Treasury Department Form 272 now on file will continue in effect until superseded or revoked. Existing supplies of Treasury Department From 272 may be used pending availability of customs Form 5297.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: January 7, 1964.

JAMES P. HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 64-316; Filed, January 13, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1027) filed by A. E. Staley Manufacturing Company, Decatur, Illinois, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of *tert*-dodecyl thioether of polyethylene glycol as a component of the food-contact surface of paper and paperboard intended for use in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571; 28 F.R. 4615, 7220, 9742, 11192) is amended by inserting alphabetically in the "List of substances" in paragraph (b) the following new item:

List of substances	Limitations
. . .	. . .
tert-Dodecyl thioether of polyethylene glycol	. . .

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 8, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-325; Filed, Jan. 13, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Antibiotic Drugs for Growth Promotion and Feed Efficiency; Correction

In F.R. Doc. 63-13144 published in the FEDERAL REGISTER of December 19, 1963 (28 F.R. 13838), amendment 2 covering § 121.225(a)(3) is corrected by changing subdivisions (v) and (vi) to read "(vi)" and "(vii)," respectively.

(Secs. 409(d), 507, 701, 52 Stat. 1055 as amended; 59 Stat. 463 as amended; 72 Stat. 1787; 21 U.S.C. 348(d), 357, 371)

Dated: January 8, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-324; Filed, Jan. 13, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6702]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Subpart B—Authorizations To Execute Bonds and Consents on Behalf of Corporate Sureties

The purpose of this Treasury decision is to provide in Part 170 for the submission of powers of attorney authorizing agents and officers to execute bonds on behalf of corporate sureties. In order to accomplish this, the regulations in 26 CFR Part 170 are amended by adding immediately following § 170.7 of Subpart A, a new Subpart B, as follows:

Subpart B—Authorizations To Execute Bonds and Consents on Behalf of Corporate Sureties

SEC.
170.21 Scope of subpart.
170.22 General.
170.23 Filing of powers of attorney.
170.24 Execution of powers of attorney.
170.25 Data required in support of powers of attorney.
170.26 Notice of revocation of authority.

AUTHORITY: The provisions of this Subpart B issued under sec. 7805 of I.R.C., 68A Stat. 917; 26 U.S.C. 7805.

§ 170.21 Scope of subpart.

This subpart provides temporary regulations for the submission of powers of attorney given in support of bonds required or provided for by regulations prescribed in this part, and in 26 CFR Parts 172 to 252, inclusive, with related supporting documents, authorizing agents and officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties, and provides temporary procedures relating to such documents.

§ 170.22 General.

Notwithstanding any other provisions of the regulations in this part, or in 26 CFR Parts 172 to 252, inclusive, powers of attorney and related supporting documents authorizing agents or officers to execute bonds or to consent to changes in the terms of bonds on behalf of corporate sureties shall be submitted and passed on as provided in this subpart.

§ 170.23 Filing of powers of attorney.

No bond given with corporate surety, and no consent to changes in the terms of such a bond, shall be approved unless power of attorney, and related supporting documents required by this subpart, for the agent or officer to execute the bond or consent on behalf of the surety, have been filed as provided in this subpart. Such powers of attorney and related supporting documents shall be filed with, and passed on by, the assistant regional commissioner, alcohol and tobacco tax, who is authorized to approve the bond.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 170.24 Execution of powers of attorney.

Each power of attorney required by § 170.23 shall be given on Treasury Department Form 272. Such form shall be signed by the president and the secretary of the surety company and shall show the authority of the person who may have been duly elected, constituted, and appointed, in compliance with the charter and by-laws of the company, to execute bonds and to consent to changes in the terms of bonds. The authority conferred on the agent or officer shall be clearly stated on the Form 272.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 170.25 Data required in support of powers of attorney.

Surety companies shall furnish assistant regional commissioners, alcohol and tobacco tax, with extracts or digests, certified under the corporate seal, of minutes of meetings of the board of directors showing the election of the president and the secretary, and of minutes of meetings showing subsequent changes in such officers.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 170.26 Notice of revocation of authority.

Whenever the authority (as conferred and shown on Treasury Department Form 272) of any officer, attorney, or agent of a surety company is revoked, written notice of such revocation shall be submitted to all assistant regional commissioners with whom Forms 272 have been filed for the officer, attorney, or agent. A power of attorney given on Treasury Department Form 272 remains in full force and effect until notice of its revocation is received in each office in which it has been filed by the grantor.

(61 Stat. 648; 6 U.S.C. 6, 7)

Because, pursuant to notice published in the FEDERAL REGISTER on November 16, 1963 (28 F.R. 12217), the Surety Bonds Branch, Bureau of Accounts, Treasury Department, will on December 31, 1963, discontinue its file of powers of attorney covering agents authorized to execute bonds and other obligations on behalf of surety companies holding Certificates of Authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, this Treasury decision is necessary to provide substitute procedures for the maintenance of a similar file covering agents authorized to execute bonds and other obligations required or provided for by regulations prescribed in 26 CFR Parts 170 to 252, inclusive, and to require that such powers of attorney be filed with the assistant regional commissioners, alcohol and tobacco tax, it is hereby found that it is impracticable to issue this Treasury decision subject to the notice provisions of section 4(a) and the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003). Accordingly, this Treasury decision shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: January 8, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-320; Filed, Jan. 13, 1964; 8:47 a.m.]

[T.D. 6701]

PART 296—TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

Subpart D—Authorization To Execute Bonds and Extensions of Coverage of Bonds on Behalf of Corporate Sureties

The purpose of this Treasury decision is to provide regulations for the submission of powers of attorney authorizing agents and officers to execute bonds on behalf of corporate sureties. In order to accomplish this, the regulations in 26 CFR Part 296 are amended by adding immediately following § 296.80 of Subpart C, a new Subpart D as follows:

Subpart D—Authorizations To Execute Bonds and Extensions of Coverage of Bonds on Behalf of Corporate Sureties

Sec.
296.91 Scope of subpart.
296.92 General.
296.93 Filing of powers of attorney.
296.94 Execution of powers of attorney.
296.95 Data required in support of powers of attorney.
296.96 Notice of revocation of authority.

AUTHORITY: The provisions of this Subpart D issued under 7805 of I.R.C., 68A Stat. 917; 26 U.S.C. 7805.

§ 296.91 Scope of subpart.

This subpart provides temporary regulations for the submission of powers of attorney with related supporting documents authorizing agents and officers to execute bonds and extensions of coverage of bonds in connection with tobacco materials, tobacco products, and cigarette papers and tubes on behalf of corporate sureties, and provides temporary procedures relating to such documents.

§ 296.92 General.

Notwithstanding any other provisions of this subchapter relating to the submission of powers of attorney and other evidence of appointments of agents and officers to execute bonds or extensions of coverage of bonds on behalf of corporate sureties in connection with tobacco materials, tobacco products, and cigarette papers and tubes, such powers of attorney with related supporting documents shall be submitted and passed on as provided in this subpart.

§ 296.93 Filing of powers of attorney.

Powers of attorney with related supporting documents authorizing agents and officers to execute bonds or extensions of coverage of bonds on behalf of corporate sureties shall be filed with, and passed on by, assistant regional commissioners, alcohol and tobacco tax. Any bond given with corporate surety, or any extension of coverage of such bond, will not be approved unless the power of attorney for the agent or officer to execute the bond for the surety has been filed with the assistant regional commissioner, alcohol and tobacco tax.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 296.94 Execution of powers of attorney.

A surety company shall execute and file with each assistant regional commissioner, alcohol and tobacco tax, with whom it will file bonds, Treasury Department Form 272, Power of Attorney. Such form shall be signed by the president and the secretary of the surety company and shall show the authority of the person who may have been duly elected, constituted, and appointed, in compliance with the charter and by-laws of the company, to execute bonds and extensions of coverage of bonds. The authority conferred on the agent or officer shall be clearly stated on the Form 272.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 296.95 Data required in support of powers of attorney.

Surety companies shall furnish assistant regional commissioners, alcohol and tobacco tax, with extracts or digests, certified under the corporate seal, of minutes of meetings of the board of directors showing the election of the president and the secretary, and of minutes of meetings showing subsequent changes in such officers.

(61 Stat. 648; 6 U.S.C. 6, 7)

§ 296.96 Notice of revocation of authority.

Whenever the authority (as conferred and shown on Form 272) of any officer, attorney, or agent of a surety company is revoked, written notice of such revocation shall be submitted promptly to all assistant regional commissioners, alcohol and tobacco tax, with whom Forms 272 had been filed for the officer, attorney, or agent. Powers of attorney given on Form 272 remain in full force and effect until notice of revocation is received in each office in which it was filed by the grantor.

(61 Stat. 648; 6 U.S.C. 6, 7)

Because, pursuant to notice published in the FEDERAL REGISTER on November 16, 1963 (28 F.R. 12217), the Surety Bonds Branch, Bureau of Accounts, Treasury Department, will on December 31, 1963, discontinue its file of powers of attorney covering agents authorized to execute bonds and other obligations on behalf of surety companies holding Certificates of Authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, this Treasury decision is nec-

essary to provide substitute procedures for the maintenance of a similar file covering agents authorized to execute bonds and other obligations relating to tobacco materials, tobacco products, and cigarette papers and tubes, and to require that such powers of attorney be filed with the assistant regional commissioner, alcohol and tobacco tax, it is hereby found that it is impracticable to issue this Treasury decision subject to the notice provisions of section 4(a) and the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003). Accordingly, this Treasury decision shall become effective on the date of publication in the FEDERAL REGISTER.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: January 8, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-319; Filed, Jan. 13, 1964; 8:47 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14229, FCC 63-1165]

[47 CFR Part 3]

EXPANDED USE OF UHF TELEVISION CHANNELS

Order Extending Time for Filing Comments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of December, 1963;

In a further notice of proposed rule making in this proceeding (adopted October 24, 1963, FCC 63-975), the Commission invited comments on a revised nationwide UHF television assignment table. Interested parties were invited to file comments on or before January 3, 1964, and replies to comments on or before February 3, 1964. The proposed new table is the result of extensive studies made of various arrangements of channels, using manual processes and requiring many months of analysis.

Concurrently with the studies conducted by the Commission, the National Association of Educational Broadcasters (NAEB) conducted an exploratory study to determine the feasibility of using digital computer methods for developing a television channel assignment plan. NAEB completed its study in October and submitted it along with an assignment plan to the Commission for consideration as an alternative to the assignment plan proposed by the Commission. NAEB now requests that further proceedings in this docket be postponed until after the Commission has had an opportunity to consider and evaluate the possible advantages of the assignment plan which it has prepared, utilizing electronic computing devices.

The Commission is in the process of making a thorough analysis of the NAEB assignment plan, but does not wish to interrupt or unduly delay the orderly resolution of this proceeding pending the completion of its study. Further, it would be helpful to have the benefit of the views of interested parties on the NAEB plan as soon as possible. Therefore, the Commission is accepting the NAEB assignment plan as a comment in this proceeding. Also, to facilitate public access to the plan, a reproduction thereof is being furnished herewith, along with a description of its underlying assignment principles. In order to provide sufficient time for study and submission of comments on the NAEB plan, we are also extending the time for filing comments.

In comparing the NAEB plan with the FCC plan a number of differences will be noted. Comment is particularly requested on these differences in approach. The NAEB plan, for example, provides somewhat less flexibility in the choice of transmitter sites due to the fact that many assignments are made very close to the minimum separations specified in the Rules. Also the NAEB plan has made assignments in many areas of very low population density raising the question whether demand will materialize for use of such channels. The Commission's plan, on the other hand, in general, has avoided making assignments in very small communities although such additional assignments are available should a demand arise.

Accordingly, it is ordered, That the time for filing comments in this proceeding is extended from January 3, 1964, to February 3 and for reply comments from February 3 to April 3, 1964.[1]

Released: December 27, 1963.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Excerpts from report of the NAEB assignment plan using digital computer methods. The following excerpts from the NAEB report emphasize the importance of the computer study plan on achieving the allocation requirements of educational television. It must be noted, however, that, while the NAEB would like the reservations proposed to be retained in any final plan adopted by the Commission, the channel assignments which are made in the NAEB plan do not necessarily have to reflect the additional reservations proposed by the NAEB. In each case in evaluating the advantages of the computer study plan with other plans which may be proposed, the general channel efficiency should be considered as well as the extent to which added channel efficiency may make possible a greater number of educational reservations.

PROPOSED EDUCATIONAL RESERVATIONS ARE BASED ON MINIMUM NEEDS

1. The channels in the NAEB assignment plan that are proposed to be reserved for education are based upon the projection of the minimum needs of the total educational community over the next 10 to 15 years. It is not expected that these needs will remain constant but that they will change nature of population, and with the imperatives of the total educational process in the various parts of the country. In projecting the minimum needs for educational television broadcast channels, the special and possible uses of various types of closed-circuit and point-to-point television transmission were given full consideration. Because of the probable change in educational channels demands and of possible unpredictable needs requiring additional channels at certain locations, it is emphasized that all unreserved channels should continue to be regarded as open channels subject to assignment by the FCC and that all educational interests come before the Commission with equal rights of any other applicant to establish superiority of proposed service.

LOCATIONS TO BE CONSIDERED AND POPULATION PRIORITIES

2. All locations with a population of 10,000 or more were used as a basic list, but this was qualified in three ways. First, several localities with a population of less than 10,000 but with a documented interest in activating an educational television channel were also included. Other localities with a population of less than 10,000 were also included on the basis that they were located in sparsely populated areas not likely to be covered by other facilities. Second, locations with populations above 10,000 were deleted if they were considered to be suburbs of significant population centers. Third, some modification of the list was made by grouping certain communities into what are generally considered "market" areas. Examples of this would be Minneapolis-St. Paul, Albany-Troy and Norwalk-Stamford.

3. All Canadian and Mexican television channel allocations were also considered as locations, although no effort was made to assign channels to these communities. They do, however, affect the overall distribution of frequencies in the United States. For this reason all pertinent agreements between the United States and Canada and Mexico regarding television channel assignments were included in the background material prepared for the computer. This increased the number of locations about which detailed information is available by 263.

4. The computer did not begin with the existing Table of Assignments as a part of its program. It was felt that any inefficiencies in that table would in turn reduce the efficiency of the computer's calculations. Because the existing table was not used, the same channel numbers which were allocated, but unoccupied, in the current FCC table of Assignments do not in most cases appear in the NAEB Table, although in nearly every case an assignment of another channel was made.

5. This will be of particular concern at first to organizations which have developed plans and efforts in connection with a given channel number or set of channel numbers. On an overall basis there are several points which should be kept in mind. First, in some cases the computer found the same channel number which had previously been assigned to a locality. Second, in a few cases the computer found a higher channel; and third, in the remaining cases the computer was able to locate a lower channel which could be assigned.

6. Once the basic locations had been determined, it was necessary to develop a system whereby the computer would be able to determine the basis on which an assignment should be made. In other words, how can the computer program assure that channels will be assigned where they are needed and with some relation to population and assignments in other areas? The priorities were established on the basis of the following general principles. The list in Table I was used as a guide to the maximum number of channels (reserved and unreserved) which the computer would attempt to assign in localities of different populations. In each case, the computer program was designed to con-

[1] It is noted that in a petition filed December 16, 1963 the National Educational Association of the United States has requested a 60-day extension of time for filing both comments and reply comments in this proceeding. However, we are convinced that the extension of time granted herein is adequate.

sider existing UHF and VHF construction permits and licenses in determining the number of assignments to be made. For example, in a locality with a population between 150,000 and 500,000 with four operating stations, the basic computer program would seek only three additional assignments.

TABLE I—CHANNEL ASSIGNMENT REQUESTS ACCORDING TO URBAN AREA POPULATION

	VHF plus UHF
Up to 50,000	3
50,000 to 150,000	5
150,000 to 500,000	7
500,000 to 2,000,000	9
2,000,000 to 5,000,000	11
Over 5,000,000	13

7. In a number of localities, particularly in congested areas, it is important to consider assignments in nearby localities. To accommodate this factor, the following table was integrated into the computer program.

TABLE II—WEIGHTING SYSTEM TO ALLOW FOR REQUIREMENTS SATISFIED BY SERVICES OTHER THAN THOSE IN GIVEN LOCATIONS

Weight:	Separation
1.0	10 miles or less
0.5	20 miles or less
0.25	30 miles or less

8. This table was applied in the following way. If the computer were considering assigning to location X, the program requires that it also consider the fact that location Y, 20 miles away, assists to some extent in meeting the requirements which according to Table I are listed for location X. Should there be a need for three channels in location X, and five in location Y, the computer would attempt to make a total of only six assignments between the two locations.[1]

SEPARATION REQUIREMENTS

9. The computer program was also designed to consider all FCC technical standards. The co-channel separation requirements for UHF stations vary from 155 miles in Zone I to 205 miles in Zone III. The adjacent channel separation for UHF stations is 55 miles in all zones. In addition to these requirements, there are additional interference limitations for UHF station assignments called "taboos". (The complete table of these constraints is in the FCC Rules and Regulations, Volume 3, September, 1961, section 3.600 (Zones), section 3.610 (Separation), and section 3.698 (Tables—see table 4).)

10. Since it can not be assured that new stations will locate their transmitting antennas at the reference point used by the computer, it was necessary to provide some engineered flexibility in the actual calculations on which an assignment was based. The FCC rules refer to a 15-mile flexibility, which in practice means that any applicant in a community within 15 miles of the location where a channel is assigned can legitimately apply for the channel. The rules do not guarantee that a transmitter can be placed 15 miles from the location where the channel is assigned, so the 15-mile "uncertainty" figure is not an engineered flexibility factor.

11. It was agreed, however, that an engineered flexibility factor was desirable in the computer program; however, rather than using a relatively large figure such as 15 miles, it was felt that a 2-mile radius from the central co-ordinates would provide sufficient distance so that no situation would be without some flexibility for transmitter locations. The 2-mile radius provides a 4-mile minimum flexibility for the actual location of the transmitter. It is particularly important that this be understood as a minimum engineered flexibility for, in reality, the excess of actual mileage between locations, over the required separation distance, will usually be considerably greater.

RESERVATION OF CHANNELS

12. Many considerations in the assignment procedure were derived from existing state plans for educational television. To some extent, however, these carefully developed plans do not reflect the total potential of educational need, but only the practical political expediency of having a plan of operation presently accepted and financed by legislative bodies. Therefore, in addition to these plans, NAEB surveys of educational need and other information which demonstrated the importance of reserving channels for educational purposes were also used. The general philosophy which conditioned the reservations in this plan is outlined in the full report of the NAEB study, and insofar as channel availability was not a limitation, the application of that philosophy is reflected in the reservations which have been recommended in the NAEB Table.

13. There was no particular effort to reserve all low number UHF television channels for educational use. In most cases as preliminary assignment tables were studied and edited, efforts were made to alternate reserved and unreserved channels so that neither potential commercial nor educational licensees would have an excessive number of high or low channels.

DISTRIBUTION OF CHANNELS

14. The following table indicates the distribution of the channels which are included in the NAEB assignment plan.

TABLE III—DISTRIBUTION OF CHANNELS IN THE NAEB ASSIGNMENT PLAN

Number of locations	1596
Operating [1] commercial UHF	157
Operating commercial VHF	474
Operating [1] educational UHF	45
Operating educational VHF	56
Assigned unreserved UHF	1501
Assigned unreserved [2] VHF	68
Assigned reserved UHF	864
Assigned reserved [2] VHF	54

[1] The term operating as used here includes both construction permits and licenses.

[2] Includes VHF channels from the existing FCC rules and regulations less several which are recommended for reservation in the NAEB plan.

[3] Includes VHF channels from the existing FCC rules and regulations as well as several additional reservations requested in the attached NAEB plan.

TABLE OF ASSIGNMENTS

The NAEB table of assignments is listed alphabetically according to state. For convenience in referring to the channel information, UHF channels are always listed first. Two lines are available for these channels and two lines are available for VHF channels; however, if only one line is needed in either case, only one line will be provided. The channels are divided into four categories as follows:

OPER COMM—Operating Commercial (includes construction permits);
OPER EDUC—Operating Educational (includes construction permits);
ASGN UNRES—Channels assigned by the computer, and left unreserved;
ASGN RES—Channels assigned by the computer, which are recommended for reservation.

ALABAMA

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Alexander City			62	
Andalusia			33, 66	14
Anniston				34
Auburn			68	44
Bessemer				
Birmingham	42, 6, 13	10	83	58, 64
Cullman			70	
Decatur	23			
Demopolis			43	18
Dothan	4		72	17
Dozier		2	76	
Enterprise			36, 82	
Eufaula			78	
Fayette			77	61
Florence	15			27
Gadsden			21, 66	
Guntersville				50
Huntsville	19, 25, 31			48
Jasper			67	14
Mobile	5, 10	42	48, 58, 80	19
Montgomery	20, 32, 12	26		
Munford				40
Mount Cheaha State Park		7		54
Opelika				
Ozark			56	
Scottsboro			52	53
Selma	8		24	
Sheffield			65	
Sylacauga			75	
Talladega			46	
Thomasville			47	27
Troy			53	
Tuscaloosa			22, 55	16
Tuscumbia	47			
Tuskegee			81	
University				45

ARIZONA

Ajo			29	28
Bisbee			54, 66	
Casa Grande			43	
Clifton			20	
Coolidge			49	
Douglas	3		60	26
Eloy			61	
Flagstaff	9, 13		25	15
Globe			51	18
Holbrook			22	
Kingman			22, 6	
Mesa	12		69	
Miami			41	
Nogales			32, 11	
Phoenix	3, 5, 10	8	21, 27, 45	15, 39
Prescott			26, 38	17
Safford			42	16
Tucson	4, 9, 13	6	19, 40, 70	30
Williams			36	19
Winslow			33	14
Yuma	11, 13		72	

ARKANSAS

Arkadelphia			80	26
Batesville			46	17
Benton			69, 82	
Blytheville			24, 55	
Camden			36, 61	
Clarksville-Ozark			42	20
Conway			21	
El Dorado	10		36, 83	32
Fayetteville			36, 58	13
Forrest City			58	
Fort Smith	5		38, 48, 67	33
Harrison			24	
Helena			45, 78	
Hope			70	
Hot Springs	9			31
Jacksonville			74	
Jonesboro	8		49	19
Little Rock	4, 7, 11		29, 51, 57	23, 63, 2
Magnolia			28	
Malvern			53	
Monticello			71	14
Newport			41	
Pine Bluff			36, 68	
Russellville			35	
Searcy			79	25
Springdale			30, 75	
Stuttgart			47	
Texarkana				44

[1] This "weighting" system was not used in connection with educational requirements.

CALIFORNIA

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Alturas			17, 13	
Antioch			70	
Bakersfield	17, 23, 29		45	39
Banning			66, 77	
Barstow			30, 47	
Bishop			34	18
Blythe			34	16
Brawley			54, 76	26
Chico	12		16	
Coalinga			31	15
Concord				
Corona	52			
Cotati				36
Delano			27, 55	
El Centro	7, 9		60	48
Escondido				
Eureka	3, 6		15	13
Fairfield			42	
Fresno	24, 30, 47, 53			41
Hanford	21		72	
Lancaster			42, 70	
Lodi			76	
Lompoc			26, 48	
Long Beach				43
Los Angeles	22, 34, 2, 4, 5, 7, 9, 11, 13			16, 62, 68
Madera			59, 75	
Merced			35, 57	25
Modesto			45, 67	
Napa			78	
Novato			72	
Oceanside			69	
Ontario				
Oxnard			65	
Palm Springs			46, 53	28
Petaluma			34	
Pittsburg			80	
Pomona				
Port Chicago				
Porterville			19, 77	
Port Hueneme			33	
Redding	7		20, 9	14
Riverside			56	40
Sacramento	40, 3, 10	6	29, 50	23
Salinas-Monterey	8		28, 34, 78	18
San Bernardino	18	24	72	
San Buenaventura			71	
San Diego	8, 10		27, 75	15, 39, 63
San Francisco-Oakland	20, 32, 44, 2, 4, 5, 7	9		62, 74
San Jose	11		22, 54	16, 38, 64
San Luis Obispo	6		50	
San Mateo		14		
Santa Ana			74	64
Santa Barbara	3		20, 36, 51	14
Santa Cruz			26, 53	
Santa Maria			32, 58, 12	
Santa Paula			44	25
Santa Rosa			52	15
Seaside			51	
Stockton	13		46, 58	19
Tracy				
Tulare			66	
Ukiah			27, 33	17
Vacaville			68	
Ventura			81	
Visalia	43			49
Watsonville			60	
Woodland				
Yreka City			29	19
Yuba City			21, 31	

COLORADO

Alamosa			24, 3	18
Boulder			58	18, 12
Canon City			27	
Colorado Springs	11, 13		22, 43	16
Cortez			21	
Craig			22	16
Delta			32	
Denver	2, 4, 7, 9	6	14, 47	26, 36
Durango	6		31	19
Fort Collins			39, 64	
Fort Morgan			33	20
Grand Junction	5		35	14
Greeley			45, 74	23
Gunnison			29	20
La Junta			31	15
Lamar	12		34	18
Leadville			28	17
Longmont			42, 68	
Loveland			55, 80	
Montrose			51	23
Pueblo	10		21	8
Salida	5		19, 35, 48	25
Sterling			46	17
Trinidad	3		28, 38	14
Walsenburg			32, 42	
			40	

CONNECTICUT

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Abington				30
Bridgeport	43	71		
Bristol				
Danbury				
Greenwich				
Groton				
Hartford	18, 8	24		
Litchfield				76
Meriden				45
Middletown				
New Britain	30			
New Haven	59			
	8			
New London				26
Norwich		63		
Stamford-Norwalk				81
Torrington				
Waterbury	20			
Willimantic				

DELAWARE

Dover				66
Milford				44
Millsboro			38	28
Wilmington		12	83	54

DISTRICT OF COLUMBIA

Washington	14, 4, 5, 7, 9	26	78	48

FLORIDA

Bartow			20	
Belle Glade			42	
Boca Raton				23
Bradenton			28, 69	18
Clearwater			56, 77	
Cocoa			61	24
Daytona Beach	2		71	
De Land			49, 83	
Delray Beach			32	
Eau Gallie			48	
Fort Lauderdale			44, 54, 64	33
Fort Myers	11		30	26
Fort Pierce			30, 66	14
Fort Walton Beach			34, 50	
Gainesville		5	42, 54	
Homestead			60	15
Jacksonville	4, 12	7	14, 36	23, 52
Jacksonville Beach			62, 82	
Key West			14, 20	
Lake City			46	34
Lakeland				59
Lake Wales			78	
Largo			67	
Leesburg			55	21
Madison			68	28
Marianna			74	23
Melbourne			70	
Miami	23, 4, 7, 10	17, 2	41, 76, 6	35, 52
New Smyrna Beach				19
Ocala			33, 60	17
Orlando	6, 9		43, 65	15, 53
Palatka			44	25
Panama City	7, 13		55	21
Pensacola	15, 3		61	25
Perry			40	
Plant City			75	
Quincy			63	
Saint Augustine			31, 41	
Sanford				27
Sarasota			50, 79	
Tallahassee		11	45, 79	19
Tampa-St. Petersburg	38, 8, 13	3	22, 10	16
Vero Beach			68	
Warrington			38, 67	
West Palm Beach	5, 12		36, 62	25, 46
Winter-Haven			32	

GEORGIA

Albany	10		51, 70	18
Americus			41	
Ashburn			80	29
Athens		8	60, 72	20
Atlanta	36, 2, 5, 11	30	30, 47	17, 76
Augusta	6, 12		52, 75	23
Bainbridge			29	
Brunswick			20, 39	
Carrollton			68	
Cartersville				
Cedartown			79	
Chatsworth		18		
Cochran			64	2

GEORGIA—Continued

Columbus	3, 9	28	15, 73	52
Cordele			59	
Dalton			59	35
Dawson				31
Douglas				27
Drakestown				38
Dublin			33	24
Fitzgerald			61	
Fort Valley			53	
Gainesville			39	
Griffin			55	
La Grange			71	
Macon	13		57	58
Marietta			63	
Milledgeville			42	
Moultrie			57	
Newnan			74	
Pelham				47
Rome			57	
Savannah	3, 11	9	15, 32, 48	36
Smyrna				
Statesboro			44	
Thomaston			25	
Thomasville	6			
Tifton			35	
Valdosta			38	
Vidalia			56	
Warmsprings				49
Warner Robins			77	
Waycross		8	22	16
Wrens			78	14

IDAHO

Blackfoot			26	13
Boise	2, 7		36	14, 4
Burley			42	17
Caldwell			38, 9	20
Coeur d' Alene			29, 54	23
Emmett			26	
Filer, Jerome, Twin Falls				15
Gooding			21	
Grangeville			28	22
Idaho Falls	3, 8		43	22
Kellogg			51	
Lewiston	8		65	20
Moscow			40, 71	31, 12
Mountain Home			18	
Mampa	6		57, 12	
Payette			32	
Pocatello	6, 10		38	20
Preston			40	19
Rexburg			34	16
Rupert			33	
Twin Falls	11, 13			
Sandpoint			63	34
Wallace			72	18
Weiser			60	16

ILLINOIS

Alton			76	
Aurora				
Belleville			78	
Belvidere				
Benton			59	53
Bloomington	15			62
Canton				
Carbondale		8	41, 51	25
Carpentersville				
Centralia			29, 57	
Champaign-Urbana	33, 3	12		65
Charleston			44	
Chicago	26, 32, 44, 2, 5, 7, 9	11		14, 53
Danville	24			
Decatur	17		54, 75	38
De Kalb				63
Dixon			58	
Effingham				34
Elgin			42	
Freeport				
Galesburg			60	49
Harrisburg	3		75	
Jacksonville			45, 66	22
Joliet			74	
Kankakee			69	23
Kewanee			81	
La Salle	35			
Lincoln				
Litchfield				18
Macomb			47	14
Marion			31	
Mattoon			71	
Monmouth			72	
Mt. Vernon			47, 77	28
Mundelein				
Naperville				
Newton			66	55
Normal			33	
Olney				26
Ottawa			79	

Illinois—Continued

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Pekin				
Peoria	19, 26, 31, 43			53
Peru				
Quincy	10		50	
Rantoul			75	
Rock Falls			30	
Rockford	30, 13		80	17
Springfield	20		64, 70, 82	42
Sterling			71	
Streator				41
Vandalia				21
Waukegan			76	55
Wood River				
Zion				

Indiana

Anderson				80
Bedford			70	
Bloomington	4			25
Columbus			82	
Connersville				
Crawfordsville			51	
Elwood				
Evansville	14, 50, 7		69, 80	30, 9
Fort Wayne-Roanoke	15, 21, 33			27, 66
Frankfort			60	
Gary			50, 66	20
Goshen				
Greensberg				23
Hammond			82	
Hartford City				76
Huntington				
Indianapolis	6, 5, 13		29, 57, 77	19, 47
Jasper				20
Kokomo				30
Lafayette	18			30
La Porte			56	
Logansport			78	
Madison			64	43
Marion	31			52
Michigan City				
Muncie	49			55
New Castle				
Peru			56	
Princeton				46
Rensselaer				48
Richmond				53
Salem				54
Seymour			45	
Shelbyville			17	
Southband-Elkhart	16, 22, 26		61	40
Sullivan				10
Terre Haute	2, 10		63, 81	27
Valparaiso				
Vincennes			52	22
Wabash				
Washington			72	

Iowa

Algona			66	40
Ames	5		72	26
Atlantic			55	
Boone			45, 52	
Burlington			53	27
Carroll			70	29
Cedar Falls				46
Cedar Rapids	2, 9		42	20
Centerville			54	
Charles City			41, 67	23
Cherokee			75	16
Clinton			40	28
Council Bluffs			71	25
Creston			74	18
Davenport, Rock Island, Moline, Ill	4, 6, 8		36, 77	18, 66
Decorah				25
Des Moines	8, 13	11	35, 47, 70	24
Dubuque			32, 35, 70	22
Estherville			79	32
Fairfield			63	
Fort Dodge	21			
Fort Madison			30	
Graettinger				19
Grinnell				
Iowa City			18	65, 12
Keokuk			28, 80	
Knoxville			64	
Le Mars			57	
Marshalltown			43	
Mason City	3		71	15
Muscatine				
Newton			58	
Oelwein			78	
Onawa			54	28
Oskaloosa			52	
Ottumwa			34	17
Red Oak			77	20
Shenandoah			61	
Sioux City	4, 9		41	22
Spencer			52	
Storm Lake			62	
Washington				44
Waterloo	7		33, 69, 75	14, 69
Webster City				49

Kansas

Abilene			45	
Arkansas City			65	
Atchison			60	
Chanute			31, 79	15
Coffeyville			53	
Columbus				35
Concordia			24	
Dodge City				16
El Dorado			38, 75	
Ellsworth			53	25
Emporia			48	20
Ensign	6		44	
Eureka			69	26
Fort Scott			55	
Garden City	11		24, 32	13
Goodland	10		29	
Grainfield			32	15
Great Bend	2		55	
Hays	7		36	
Howard				43
Hutchinson	12		76	28, 8
Independence			63	
Iola			61	
Junction City			18, 72	
Lakin			14, 52	3
Larned			27	
Lawrence			62	
Leavenworth			78	
Liberal			22, 42	
Lincoln Center			14, 66	9
McPherson			22	
Manhattan		8	29, 52	
Newton			51	
Oakley			41	21
Olathe			80	
Ottawa			32	
Parsons			27	
Phillipsburg			36	20
Pittsburg	7		57	
Prairie Village				
Pratt			23	
Russell			31	
Salina	34		74	
Sedan				71
Topeka	13		40, 50	23, 11
Wellington			67	
Wichita	3, 10		30, 59	17, 46
Winfield			49	

Kentucky

Ashland	59			23
Bowling Green	13		29	17
Corbin	16		53	
Covington			13	26
Cynthiana			78	
Danville			35	
Elizabethtown			57	38
Frankfort			31	
Glasgow			34, 57	
Hazard			55	24
Henderson				24
Hopkinsville			60	
Lexington	15, 27		60	39
Louisville	21, 32, 41, 3, 11	15	53	62, 73
Madisonville			42	19
Mayfield			32, 53	
Maysville			72	
Middlesboro			47, 76	
Morehead				29
Murray			79	21
Newport	74			
Owensboro			46	
Paducah	6			
Pikeville			63	45
Richmond			51	
Somerset			71	22
Winchester			69	

Louisiana

Abbeville			67	
Alexandria	5		47	26
Bastrop			69, 77	
Baton Rouge	2, 9		53, 75	18, 66
Bogalusa			49, 73	
Covington			70	32
Crowley			46	27
De Ridder			68	18
Donaldsonville			79	31
Eunice			78	
Franklin			83	
Hammond			41	
Houma	11		74	
Jennings			56	
Lafayette	3, 10			58
Lake Charles	7		38, 44	22, 62
Mansfield			65	41
Minden			45, 75	20
Monroe	8	13	21, 42	
Morgan City			77	21
Natchitoches			43	24
New Iberia			48	25
New Orleans	20, 4, 6, 12	8	54, 82	29
Opelousas			36	17
Ruston			64	16
Shreveport	3, 12		25, 67	15, 54
Slidell				24
Sulphur			72	
Tallulah			81	34
Thibodaux			67	

Maine

Auburn			58, 68	
Augusta		10	27, 66	
Bangor	2, 5		43, 7	16
Bar Harbor			20	
Bath			19, 74	
Belfast			25	
Biddeford			76	
Calais			55	15, 713
Caribou			53	
Dover			34	
Fortkent			17	
Houlton			24	
Lewiston	8			
Millinocket			32	
Orono		12	65	22
Portland	6, 13		23, 45, 55	17, 36
Presque Isle	8	10	73	19
Rumford			63	
Saco				
Skowegan			38	
Waterville			14	

Maryland

Annapolis				70
Baltimore	24, 2, 11, 13		75	18, 53
Cambridge			50	20
Cumberland			60	23
Frederick			81	59
Gaithersburg				
Hagerstown				31
Lower Marlboro				42
Olney				
Salisbury	16		32	22
Westminster				65

Massachusetts

Amherst				
Attleboro				
Boston	35, 55, 4, 5, 7	2	25	44, 69
Brockton				
Easthampton				
Fall River				82
Fitchburg				
Gardner				
Gloucester			35	
Greenfield	32			
Haverhill				
Lawrence			77	
Leominster				
Lowell				
Lynn				
Marlboro				
New Bedford	6		33	21
Newburyport			65	
North Adams-Adams	19			70
Northampton				
Peabody				
Pittsfield	64			
Salem				
Springfield-Holyoke	22, 40			68
Taunton				
Williamstown				
Worcester	14		60	27

Michigan

Adrian				
Albion				27
Alma				49
Alpena			21, 11	6
Ann Arbor			60	26
Bad Axe			28	15
Battle Creek			20	23
Bay City	5		25	
Benton Harbor			53	77
Big Rapids				52
Cadillac	9		32	26
Calumet			23	
Cheboygan	4		50	
Detroit	20, 50, 2, 4, 7	56		76
East Lansing				
Escanaba			35, 45, 3	24
Flint	12		73	16
Grand Haven				
Grand Rapids	8, 13		55, 63, 75	17
Holland			41	
Houghton			40	22
Iron Mountain			51, 5	15
Ironwood			29, 30, 12	16
Jackson			34, 47, 60	18
Kalamazoo	3		72	45
Lansing	6		51	39
Manistee			60	20
Manistique			48	14
Marquette	6		32, 13	26
Menominee			33, 61	
Midland			49, 61	
Monroe				
Mount Clemens				
Mount Pleasant		14	55	
Muskegon			54	15
Niles				
Owosso			79	
Parma-Onondaga	10			
Petoskey			30	17
Pontiac			44	22
Port Huron				
Saginaw	57		67	19
Sault Ste. Marie	10		34, 66, 8	28
St. Joseph				
Traverse City	7		29, 42	28, 71
West Branch			50	31
Ypsilanti				

Minnesota

Albert Lea			44, 77	
Alexandria	7		49	
Appleton			22	10
Austin	6			31
Bemidji			20, 39, 9	
Brainerd			22, 41	21
Cloquet			36	
Crookston			26	
Detroit Lakes			35	
Duluth	3, 5, 10		57	17, 5
Ely			44	34
Eveleth			40	
Fairmont			42	
Faribault			54	
Fergus Falls			27, 57	14
Grand Rapids			48	13
Hastings			72	
Hibbing	13		65	
Hutchinson			46	
International Falls				11
Little Falls			19	
Mankato	12		50, 80	18
Marshall			53	
Minneapolis-St. Paul	4, 5, 9, 11	2	43	36, 46
Montevideo			28	
Moorhead			60	35
New Ulm			30, 70	
Northfield				20
Owatonna			45	
Pipestone			69	23
Red Wing			60	
Rochester	10			26
St. Cloud			29, 62	10
Stillwater			66	
Thief River Falls			31, 10	
Virginia			28, 74	15
Walker	12		30	
Willmar			33, 75	24
Winona			47, 73	17
Worthington			74	14

Missippi

Biloxi				
Booneville	13		60	49, 75
Brookhaven			72	36
Canton			33	
Clarksdale			66	
Cleveland			56	13
Columbia			43	15
Columbus				16
Corinth	4			35
Greenville			17	
Greenwood			46	27
Grenada	6			49
Gulfport			51	
Hattiesburg			44, 71	28
Holly Springs				24
Indianola			55	
Jackson	25, 3, 12		50, 72	38, 63
Kosciusko				19
Laurel-Pachuta	7			
Leland			76	
Louisville			54	
McComb			45	14
Mathiston				32
Meridian	30, 11			21
Natchez			35	23
New Albany			81	51
Newton-Decatur			46	
Pascagoula			69	22
Philadelphia			66	
Picayune			62	
Sardis				39
Starkville			74	
State College			41	2
Tupelo	9		57	29
University				62
Vicksburg			55	22
West Point				
Yazoo City			59	17

Missouri

Birch Tree			34	18
Bowling Green			56	24
Cape Girardeau	12		61	
Carrollton			46	16
Carthage			30, 82	
Caruthersville			44	
Chillicothe			38	
Columbia	8		53	59
Farmington			38	
Flat River			62	16
Fulton			75	43
Hannibal	7		69	
Jefferson City	13		31	25
Jennings				
Joplin	12			39
Kansas City	4, 5, 9	19	52, 56	42, 68
King City			41	22
Kirksville	3		57	
La Plata			79	15
Lebanon			44	
Lowry City			45	17
Marshall			71	36
Maryville			51	
Mexico			33	
Moberly				20
Nevada			66	
Poplar Bluff	15		52	26
Rolla			27, 48	14
St. Charles				
St. Joseph	2		32, 39	14
St. Louis	2, 4, 5, 11	9	40, 49, 67	25, 58
Sedalia	6		76	
Sikeston			20, 74	
Springfield	3, 10		26, 56	22
Warrensburg			21	

Montana

Anaconda			47, 2	29
Billings	2, 8		21, 40	15, 11
Bozeman			14, 22, 41	9
Butte	4		57, 6	30, 7
Cut Bank			20	14
Deer Lodge			38	
Dillon			24	15
Glasgow			25	15
Glendive	5		23	17
Great Falls	3, 5		26, 34	17
Hardin			27, 4	18
Havre			35, 9, 11	19, 26
Helena	12		51, 10	18
Kalispell			35, 44, 9	15
Laurel			31	
Lewistown			19, 13	
Livingston			32	
Miles City			22, 28, 3, 10	16, 6
Missoula	13		27, 8	16, 11
Shelby			23	
Sidney			21	
Whitefish			55	26
Wolf Point			33	20

Nebraska

Albion			35, 5	14
Alliance			14, 34	13
Bassett			15, 28	7
Beatrice			15, 63	
Broken Bow			25	
Chadron			20	
Columbus			19, 65	
Fairbury			21	
Falls City			33	
Fremont			36, 75	
Grand Island	11		23, 52	
Hartington			60	33
Hastings	5		57	
Hay Springs	4		41	
Hayes Center	6		27	
Kearney	13		39	17
Lexington			22, 45	3
Lincoln	10	12	44, 79	27
McCook	8		19	
Nebraska City			69	
Norfolk			30, 59	
North Platte	2		16, 25, 44	9
Omaha	3, 6, 7		31	15, 48
Superior			4	
Ord			58	18
Scottsbluff	10		30	
Wayne			76	24
York			46	

Nevada

Boulder City			32, 4	
Carson City			26	
Elko			20, 10	14
Ely			15, 3	6
Fallon			20	14
Goldfield			16, 8	
Hawthorne			27	15
Henderson			26, 48	
Las Vegas	2, 8, 13		20, 54	14, 10
Lovelock			18	
McGill			21, 8	
Reno	4, 8		22, 43, 2	16, 5
Tonopah			25, 9	
Winnemucca			19, 7	

New Hampshire

Berlin			24, 41	18
Claremont			53	
Concord				15
Dover				
Durham		11		
Hanover				28
Keene			73	51
Laconia			34	
Littleton			52	46
Manchester	9			81
Nashua				
Portsmouth			47	
Rochester			57	

New Jersey

Andover				
Asbury Park	58			69
Atlantic City	46		64, 74	33
Bridgeton				62
Burlington				
Camden				
Estontown				
Freehold				80
Hammonton				
Linden	47			
Long Branch			36	
Madison				
Millville				
Montclair				75
Morristown				
Newark		13		
New Brunswick		19		
Paterson-Upper Montclair				
Phillipsburg				
Point Pleasant				
Princeton				
Red Bank				
Trenton			41	63
Vineland			72	

New Mexico

Alamogordo			26, 35	16
Albuquerque	4, 7, 13	5	14, 36	20
Artesia			15, 31	
Atrisco-Five Points			30, 42	
Belen			24	
Carlsbad	6		36	19
Clayton			36	20
Clovis	12		43	
Deming			33	
Farmington			15, 39, 12	
Gallup			18, 28, 3, 10	8
Grants			16, 26	
Hatch			22, 46	12

New Mexico—Continued

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Hobbs			36, 50	
Las Cruces			36, 54	14
Las Vegas			21	15
Lordsburg			29	
Los Alamos			17, 33	
Lovington			32, 56	20
Portales			14, 25, 52	3
Raton			53	23
Roswell	8			10
Santa Fe	2, 11		25	9
Silver City			15, 45, 6	19
Socorro			46	19
Truth or Consequences			49	17
Tucumcari			30	19

New York

Albany-Troy	13		28, 42	23
Amsterdam			53	
Auburn				
Batavia			67, 70	20
Beacon				
Binghamton	34, 40, 12	46	68	62
Boonlowville			76	20
Buffalo	2, 4, 7	17, 23		
Carthage	7			
Cortland				
Dunkirk				76
Elmira-Corning	13		42, 66	24
Endicott				
Fulton				
Geneva			55	
Glens Falls			30, 67	21
Gloversville				47
Hempstead				53
Hornell			75	45
Hudson				
Ilion				
Ithaca		14	64	
Jamestown				60
Johnstown			55	
Kingston			54	
Lake Placid	5		55	45
Lockport				
Malone				66
Massena			77	14
Middletown				
Newark				
Newburgh				
New York	31, 2 4, 8, 7, 6, 11	25		
Ogdensburg			24	13
Olean				54
Oneida				
Oneonta			52	36
Oswego			72	
Patchogue			77	49
Plattsburg				49
Poughkeepsie			65	48
Riverhead			55	
Rochester	8, 10, 13	21	27, 33	33
Saranac Lake				37
Saratoga Springs				
Schenectady	6	17		
Syracuse	3, 4, 9	43	74	60
Utica-Rome	2		25, 41, 71, 82	15
Vail Mills	10			
Watertown			50, 70	16
Williamsville				

North Carolina

Ahoskie			49	
Albemarle			60	
Asheville	62, 13		49, 70	21, 73
Boone				46
Burlington				
Chapel Hill		4	27	
Charlotte	36, 3, 9	42	30	15, 55
Clinton				34
Columbia			30	19
Concord				
Durham	11		75	63, 81
Elizabeth City			36, 52	17
Enfield				41
Fayetteville			62	21
Franklin			33	27
Gastonia				70
Goldsboro			67, 79	16
Greensboro	2			30, 51
Greenville	9		70	
Halifax				20
Henderson			65	
Hendersonville				
Hickory				14
High Point	8		17	
Jacksonville			28, 35	18
Kannapolis				
Kinston			38	22
Laurinburg				
Lenoir			78	
Lexington				
Lumberton			33, 66	23

North Carolina—Continued

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Marion				41
Monroe				
Mount Airy			60	23
New Bern	12		47	
Raleigh	5		54	42
Red Springs				44
Reidsville				
Roanoke Rapids			57	20
Rocky Mount			59	
Salisbury			62	30
Sanford			73	
Shelby				16
Sladesville			35	14
Statesville				20
Tarboro				
Thomasville				
Washington	7		76	
Wilmington	3, 6		45, 55, 61	15, 26
Wilson			46	25
Winston-Salem	12		77	47, 66

North Dakota

Bismarck	8, 12		26	17, 3
Bottineau			40	31
Devils Lake			14, 8	
Dickinson	2		24	14, 4
Ellendale			32	19
Fargo	6, 11	13	44, 66	28
Grand Forks	10		15, 53	3
Jamestown			20, 30, 7	18
Lisbon			48	23
Minot	10, 13		15, 43	6
Pembina	12		59	
Rugby			20	
Valley City	4		56	
Wahpeton			68	17
Williston	8		30, 11	18

Ohio

Akron	49		29	23
Alliance				
Ansonia				44
Ashland				
Ashtabula	15			43
Athens		20	36, 76	
Bellefontaine				75
Bowling Green		70	59	
Brunswick				
Bryan				43
Bucyrus				
Cambridge			52	26
Canton			61	
Chillicothe			67	25
Cincinnati	5, 9, 12	48	61	
Circleville				43
Cleveland	3, 5, 8		41	25, 51
Columbus	4, 5, 10	34	47	56
Conneaut				
Coshocton				77
Dayton-Xenia	22, 2, 7		42	16
Defiance			64	
Delaware				
Dover				
East Liverpool				
Elyria				
Findlay			19	
Fostoria			51	
Fremont				
Gallon				
Greenville			71	
Hamilton-Middletown				
Hillsboro				50
Kent				17
Lancaster				
Lima	35		62	24
Lorain			57	
Mansfield				31
Marietta			66	55
Marion				33
Massillon				
Mount Vernon				
Newark		28	80	
New Philadelphia				
Norwalk			54	
Oxford		14		
Piqua				
Portsmouth			46, 70	19
Ravenna				
Salem				
Sandusky				78
Sidney				
Springfield			79	66
Steubenville				79
Tiffin			65	
Toledo	11, 13	30		48
Troy				
Urbana				
Van Wert				
Wadsworth				
Warren			67	
Washington			38	

Ohio—Continued

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Woodsfield				42
Wooster				
Youngstown	21, 27, 33, 45			73
Zanesville	18			58

Oklahoma

Ada	10		77	39
Altus			22, 46	16
Alva			50	18
Anadarko			76	
Ardmore	12		50, 74	17
Bartlesville			21	
Blackwell			41	
Chickasha			55	
Claremore			73	
Clinton			26, 63	
Duncan			27	
Durant			42	26
Elk City	8		34	28
El Reno			31	
Enid	5			14, 62
Frederick			71	
Guthrie			82	
Guymon			30	17
Hobart			58	
Holdenville				
Hugo			59	24
Lawton	7		38, 66	19, 49
McAlester			22, 51	16
Miami			47	18
Muskogee			49	19
Norman				47, 79
Oklahoma City	4, 9	25, 13	57, 73	36
Okmulgee			28, 56	
Pauls Valley			30	
Ponca City			54	24
Poteau			65	15
Pryor Creek			83	
Sapulpa			64, 80	
Seminole			60	
Shawnee			60	20
Stillwater			52	33, 70
Tulsa	23, 2, 6, 8	11	74	44
Vinita			21	15
Woodward				

Oregon

Albany			41, 70	
Ashland			39	21
Astoria			28, 51	18
Baker			21, 34	
Bend			24, 40	18
Brookings			27, 8	17
Burns			28	15
Coos Bay	11		32	
Coquille			44	26
Corvallis		7	35	57
Eugene	9, 13		25	15
Grants Pass			23, 45	
Klamath Falls	2		42	16
La Grande			24	15
Lebanon				19
McMinnville			52	30
Medford	5, 10		48	
Newport			62	
North Bend			50	26
Pendleton			14, 51	
Portland	27, 2, 6, 8, 12	10	52, 78	14, 36
Roseburg	4		28	
Salem			54, 70	17, 60
Springfield			59	
The Dalles			22, 46	16

Pennsylvania

Aliquippa				73
Allentown	67			36
Altoona	10		52, 64	
Beaver Falls				
Bethlehem	51			
Bloomsburg			50	
Bradford			28	
Butler				
Cannonsburg				
Carbondale				
Carlisle				
Chambersburg			47	
Clearfield			41	3
Coatesville				
Columbia				
Connelsville				
Donora			62	
Du Bois				
Easton	57			
Ellwood City				26, 48
Erie	35, 66, 12			
Farrell				
Greensburg				

Pennsylvania—Continued

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Hanover				
Harrisburg	21, 27, 71			55
Haselton				
Indiana	5			57
Jenkintown			74, 83	
Johnstown	19, 6		80	26
Lansdale				
Latrobe			14	
Lebanon-Lancaster	15, 8			
Lewistown			82	
Lock Haven	23		69	
Meadville			56	
Monessen				
Mount Carmel				
New Castle			76	
Oil City	11		39	
Philadelphia	17, 28, 20, 3, 6, 10	35		45
Phoenixville				
Pittsburgh	23, 53, 2, 4, 11	16, 13		71
Pottstown				
Pottsville				
Reading	61			79
Scranton	14, 22, 44		78	56
Shamokin				77
Sharon				
Shenandoah				
State College			58	30
Sunbury				
Tamaqua				
Uniontown				
Warren			65	51
Washington			75	
Waynesboro				
Wilkes-Barre	28			38
Williamsport			20	
York	43, 49			

Rhode Island

Newport				
Pawtucket				
Providence	16, 10, 12		72	66
Warwick				
Woonsocket				

South Carolina

Aiken				46
Anderson	40			66
Bamberg, Denmark				
Barnwell			17	
Bennettsville				
Camden				
Charleston	2, 4, 5	7	22, 28, 40	16
Clemson				50
Columbia	19, 25, 10		65	35, 59
Conway			60	14
Florence	13			33
Gaffney			74	
Georgetown			24, 49	
Greenville	4	29	45, 52	71
Greenwood				60
Lancaster			76	
Laurens				53
Myrtle Beach			30, 58	
Newberry				43
Orangeburg			54, 63	27
Rock Hill				64
Spartanburg	7			22
Sumter			57	31
Union			48	

South Dakota

Aberdeen	9		36	16
Belle Fourche			42	26
Brookings			15, 45, 71	8
Florence	3		54	
Freeman			77	43
Hot Springs			38	15
Huron			44, 12	24
Lead	6		31, 48, 11	
Madison			46	21
Mitchell	5		31, 47	25
Mobridge			23	
Pierre			47	
Rapid City	3, 7		23, 33	14, 10
Reliance	6		44	9
Sioux Falls	11, 13		46	
Sturgis			20, 61	17, 27
Vermillion		3	54	19
Watertown			67	51
Winner			36, 82, 3	20
Yankton			40	19

Tennessee

Athens			43	14
Bristol, Tenn.-Bristol, Va	5			57
Chattanooga	3, 9, 12		41, 60, 78	24, 51
Clarksville			58	16
Cleveland			81	
Columbia			26	
Cookeville			74	53
Crossville			77	46
Dyersburg			14, 80	
Elizabethton				67
Fayetteville				72
Gallatin			55	
Greeneville			10	
Humbolt			82	22
Jackson	7			33
Johnson City	11			33
Kingsport			28	
Knoxville	26, 6, 10			56
Lawrenceburg			36	
Lebanon			66	
Lexington			43	11
McMinnville			40	
Maryville				75
Memphis	3, 5, 13	10	28, 67	16, 50
Morristown			17	
Murfreesboro			30	20
Nashville	4, 5, 8	2	28	39
Oak Ridge				65
Paris			54	
Pulaski			56	
Shelbyville			52	
Sneedville				2
Springfield				
Tullahoma			80	
Union City				

Texas

Abilene	9		23, 36, 55	17
Alice			50	26
Alpine	12		33	
Amarillo	4, 7, 10		45	2
Andrews			44, 62	
Athens			79	16
Austin	24, 67, 7			48, 73, 83
Ballinger			45, 57	
Bay City			45	21
Baytown			23	
Beaumont	4, 6, 12			34, 80
Beeville			56, 74	30
Big Spring	4		51	30
Bonham			83	
Boquillas			19, 29, 8	
Borger			27, 40	
Brady			47, 13	15
Breckenridge			53	32
Brenham			17	
Brownfield			26, 63	
Brownsville, Harlingen, Weslaco	4, 5		48, 60, 78	23
Brownwood			39	
Byran	8		24, 64	15
Canyon			51	18
Center			49, 76	
Childress			20	14
Clarksville				14
Cleburne			76	
Coleman			26, 77	
College Station				36
Colorado City			54	19
Columbus			52	54
Conroe			55	
Corpus Christi	22, 3, 6, 10		58	34, 47, 68
Corsicana				
Crockett			28	
Dallas			54, 64	44
Quero			35	
Dalhart			16, 26, 38	
Dallas	29, 4, 8	13	66	35, 80
Del Rio			24, 52, 10	18
Denison			61	
Denton				82, 2
Dumas			29, 48	
Eagle Pass			15, 76	
Edinburg			52	70
El Campo			27	
El Paso	4, 9, 13		72	50, 62, 7
Falfurrias			31, 60	
Fort Stockton			5	17
Fort Worth	5, 11		31, 52, 64	18, 40
Freeport			39	
Gainesville			45	
Galveston			31, 51, 63	14, 42
Gonzales				16
Graham			70	24
Greenville			58	
Henderson			27	
Hereford			41, 61	35
Hillsboro				
Houston	30, 2, 11, 13	8	61	33, 71
Huntsville			46	20

Texas—Continued

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
Jacksonville			57	
Jasper				40
Kermit				
Kerrville			31	19
Kilgore			51	
Killeen			30, 51	
Kingsville			66	
Lamesa			24, 71	
Lampasas			42	21
Laredo	8		30, 51, 13	27, 55
Levelland			34, 60	
Littlefield			17, 65	
Longview			73	
Lubbock	11, 13	6	21, 59, 76	47, 53
Lufkin	9			
McAllen			52	
McKinney				
Marfa			42, 3	21
Marshall			46	17
Mercedes				
Mexia			22, 63	
Midland	18, 2		67	40
Mineral Wells			28	
Mission			76	
Monahans	9		40	
Mount Pleasant			55	
Nacogdoches	19			30
New Braunfels			75	
Odessa	7		46, 78	27
Orange			60	
Palestine			32	
Pampa			32, 56	23
Paris			71	
Pasadena			80	
Pecos			25, 41	14
Perryton			53	19
Pharr				
Plainview			15, 57	
Port Arthur			70	
Port Lavaca			65	
Presidio			24, 7	
Raymondville			20, 44	
Richardson		22		
Robstown			79	
Rosenberg			62	
San Angelo	3, 8		35, 61, 6	14, 25
San Antonio	41, 4, 6, 12	9	62, 78	29, 53
San Benito				
San Marcos			18	
Sequin			57	
Seminole			16, 28	
Victoria			38	25
Waco	10		25, 43	14, 34
Waxahachie			60	
Weatherford			72	
Wichita Falls	3, 6		21	15, 44
Zapata			40	43

Utah

Beaver			26	20
Brigham			45, 51	
Cedar City			22, 5	16
Ephraim-Manti			25	19
Escalante			24	14
Logan		12	29, 57	
Moab			34	18
Monticello			38	16
Ogden		18, 9	27, 39, 61	
Orem			59, 71	
Price			46, 6	15
Provo		11	35, 47, 65	16, 41
Randolph			49	21
Richfield			17, 12	23
St. George			28	18
Salt Lake City	2, 4, 5	7	60	43, 63
Spanish Fork			22	
Tooele				14
Vernal			28, 3	17

Vermont

Barre			16	
Bennington				
Brattleboro				
Burlington	3		74	33

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
VERMONT—Continued				
Montpelier			72	
Newport			30, 83	
Rutland			78	26
St. Albans				
St. Johnsbury				23
Windsor				69
VIRGINIA				
Blacksburg				44
Charlottesville			52	25
Covington			38, 76	
Danville	34			58
Farmville			60	23
Fredericksburg			68	20
Front Royal				35
Harrisonburg	3			27
Hopewell				
Lexington			74	19
Lynchburg	13		38, 64	15
Marion				33
Martinsville			36	
Newport News-Hampton	33, 13	15	74, 80	61
Norfolk-Portsmouth	27, 8, 10			30, 74
Norton				15
Petersburg	8			
Pulaski			50	
Richmond	6, 12		34, 71, 77	21, 47, 58
Roanoke	7, 10		66, 83	45, 76
Staunton			46, 83	17
Suffolk			55	
Virginia Beach			35	
Waynesboro			36	
Williamsburg				31
Winchester			56	
WASHINGTON				
Aberdeen			38, 66	20
Anacortes			76	64
Bellingham	12			70
Bremerton				54
Centralia			68	67
Clarkston			40, 81	
Ellensburg			63	39
Ephrata			35, 82	
Everett			43, 66	21
Grand Coulee			45	16
Hoquiam			40	29
Kelso				31
Longview			46	
Moses Lake			34, 58	17
Olympia			44	15
Omak-Okanogan			38	18
Pasco Kennewick	19		70	35
Port Angeles			22	16
Pullman		10		39
Puyallup				
Richland	36		80	45
Seattle	4, 5, 7	9	34, 60	33
Spokane	2, 4, 6		32, 42, 73	21, 7
Stearnsville			75	32
Tacoma	11, 13	56, 62	79	
Toppenish			57, 68	
Vancouver			58	
Walla Walla			43, 58, 62	27
Wenatchee			34, 74	28, 55
Yakima	23, 29	47		
WEST VIRGINIA				
Beckley	4		75	16
Bluefield	5		52	25
Charleston	40, 5		43, 71	14, 62
Clarksburg	12			78
Cowen			73	
Elkins			26, 67	40
Fairmont				72
Huntington	3, 13		41, 65	17
Lewisburg				21
Martinsburg				76
Morgantown			45	33
Moundsville			81	
Parkersburg	15			39
Romney				
Weirton				60
Weston	6			51
Wheeling				44
Wheeling-Steubenville, Ohio	7, 9		60	34
Williamson			53	64

	OPER COMM	OPER EDUC	ASGN UNRES	ASGN RES
WISCONSIN				
Adams			74	36
Antigo			31, 52	
Appleton				35
Ashland			27, 49	
Beaver Dam			60	45
Beloit				
Chilton				50
Chippewa Falls			34, 64	
Eau Claire	13			38
Fond Du Lac			56, 79	
Green Bay	2, 5, 11			22
Janesville				67
Kaukauna				
Kenosha				64
La Crosse	8		57, 81	35, 63
Madison	15, 27, 3	21	72	43
Manitowoc			47	19
Marinette			43, 70	37
Marshfield			14, 30	
Menomonie			55	
Menasha			77	
Merrill			62	
Milwaukee	18, 24, 4, 6, 12	36, 10	59	46
Monroe				61
Neenah			44	
Oshkosh			66	16
Park Falls			58	19
Platteville			53	
Portage			45	
Prairie Du Chien				19
Racine				34
Rhinelander			21, 41	
Richland Center				51
River Falls				38
Sheboygan			68	28
Shell Lake			61	22
Stevens Point			42	
Two Rivers			36	
Viroqua				20
Watertown				
Wausau	7, 9		71	18
Wisconsin Rapids			65	52
WYOMING				
Buffalo			14, 33	
Casper	2		15, 28	6
Cheyenne	5		51	19
Cody			29, 47	38
Douglas			26	
Evanston			23, 67	
Gillette			20, 41	34
Green River			26, 42	
Lander			24, 4	15
Laramie			21, 27	15, 8
Lusk			34	16
Newcastle			50	21
Powell			57	20
Rawlins			25, 11	14
Riverton	16		35	
Rock Springs			32, 48, 13	20
Sheridan			23, 30, 7, 12	17
Thermopolis			43	16
Torrington			40	22
Worland			46	19

shows no aircraft movements for this segment of V–79 airway. It appears that the retention of this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes to revoke V–79 airway segment from Fort Stockton to Hobbs.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 6, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–297; Filed, Jan. 13, 1964; 8:45 a.m.]

[F.R. Doc. 64–253; Filed, Jan. 13, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–100]

FEDERAL AIRWAY

Proposed Revocation of Segment

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 79 is designated in part from Fort Stockton, Tex., via Wink, Tex., to Hobbs, N. Mex. The latest FAA peak day airway traffic survey shows no aircraft movements on V–23 east alternate segment between Medford and Eugene. Therefore, it appears that this east alternate segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

VOR Federal airway No. 23 is designated in part from Medford, Oreg., to Eugene, Oreg., with an east alternate segment between these points and a west alternate segment from Medford via Roseburg, Oreg., to Eugene. The latest FAA peak day airway traffic survey shows no aircraft movements on these north alternate segments of Victor 4 airway. Therefore, it appears that the retention of these alternate airway segments is unjustified as assignments of airspace and the FAA proposes their revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–298; Filed, Jan. 13, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–62]

FEDERAL AIRWAY

Proposed Revocation of Segment

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 4 is designated in part from Rock Springs, Wyo., to Cherokee, Wyo., and from Thurman, Colo., via Goodland, Kans., to Hill City, Kans., with north alternate segments from Rock Springs to Cherokee, Thurman to Goodland and from Goodland to Hill City. The latest FAA peak day airway traffic survey shows no aircraft movements on these north alternate segments of Victor 4 airway. Therefore, it appears that the retention of these alternate airway segments is unjustified as assignments of airspace and the FAA proposes their revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–299; Filed, Jan. 13, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–108]

FEDERAL AIRWAY

Proposed Revocation of Segments

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 4 is designated in part from Rock Springs, Wyo., to Cherokee, Wyo., and from Thurman, Colo., via Goodland, Kans., to Hill City, Kans., with north alternate segments from Rock Springs to Cherokee, Thurman to Goodland and from Goodland to Hill City. The latest FAA peak day airway traffic survey shows no aircraft movements on these north alternate segments of Victor 4 airway. Therefore, it appears that the retention of these alternate airway segments is unjustified as assignments of airspace and the FAA proposes their revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–299; Filed, Jan. 13, 1964; 8:45 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63–AL–25]

RESTRICTED AREAS AND CONTROLLED AIRSPACE

Notice of Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 71.105, 71.109, 71.181, and 73.22 of the Federal Aviation Regulations, the substance of which is stated below.

The Federal Aviation Agency is considering a request by the Department of the Army to consolidate the Big Delta, Alaska, Restricted Area R–2202, the Little Delta, Alaska, Restricted Area R–2209 and the Fort Greely, Alaska, Restricted Area R–2208 into one restricted area with the time of designation as continuous and the designated altitudes surface to unlimited.

R–2202 and R–2208 were originally designated to provide restricted airspace for cold weather testing of artillery equipment by the U.S. Army Arctic Test Board and therefore are designated for use only during the colder six months of the year, October 1 through March 31. R–2209 was designated for the other six months of the year to provide restricted airspace for low altitude bombing activities by the Air Force, which required this area for use at varying intervals throughout the year.

The Department of the Army has advised the Federal Aviation Agency that the Arctic Test Board has acquired a mission in behalf of the National Meteorological Rocket Network (NMRN) Project which proposes daily firing of the NMRN Arcas rocket to an altitude of 300,000 feet MSL. The Army advises that the launch will be conducted from a point 2,000 feet northeast of the northeast boundary of the present R–2208 under an existing Certificate of Waiver to Part 101 of the Federal Aviation Regulations. The Certificate of Waiver requires certain safety precautions to be observed which provide an adequate level of safety. Since the launch portion of the firing can be conducted under the Certificate of Waiver, expansion of R–2208 to encompass the launch site is unnecessary. The Army advises, however, that restricted airspace is required to contain the rocket casing which separates from the payload at 60,000 feet MSL and impacts within R–2202. The payload continues to 300,000 feet MSL then returns to earth by parachute.

If these actions are taken:

1. R–2208 Fort Greely, Alaska, and R–2209 Little Delta, Alaska, would be revoked.

2. R–2202 Big Delta, Alaska would be amended to read:

R–2202 Big Delta, Alaska.
Boundaries. Beginning at latitude 64°14'–45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°–50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'–00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. President, U.S. Army Arctic Test Board, Fort Greely, Alaska.

3. The Fairbanks, Alaska, and Big Delta, Alaska, transition areas would be altered by deleting the references to R–2208 and R–2209.

4. Low altitude amber Federal airways A–2 and A–15 would be altered by deleting reference to R–2208, and low altitude blue Federal airway B–25 would be altered by changing the reference made to R–2208 to R–2202.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but ar-

rangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 7, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-296; Filed, Jan. 13, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev., Supp. No. 20]

FEDERATED MUTUAL IMPLEMENT AND HARDWARE INSURANCE CO.

Surety Company Acceptable on Federal Bonds

JANUARY 9, 1964.

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of $974,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Minnesota, Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minnesota.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-321; Filed, Jan. 13, 1964; 8:48 a.m.]

[Dept. Circ. 570, 1963 Rev., Supp. No. 19]

SUPERIOR INSURANCE CO.

Surety Company Acceptable on Federal Bonds

JANUARY 8, 1964.

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of $311,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as Surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

STATE IN WHICH INCORPORATED, NAME OF COMPANY AND LOCATION OF PRINCIPAL EXECUTIVE OFFICE

Texas, Superior Insurance Company, Dallas, Texas.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-322; Filed, Jan. 13, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Cancellation of Small Tract Classification Order

JANUARY 7, 1964.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, Small Tract Classification Order No. 7 of March 17, 1961 (F.R. Doc 61-2795 filed March 29, 1961) is hereby cancelled:

COPPER RIVER MERIDIAN, ALASKA

T. 18 N., R. 13 E.,
Sec. 18 lots 17 and 18;
Sec. 19 lots 14, 15, 17, 18, 20, 21, 35, 36, 37, 38, 39, 40, 41, 42, 48, 49, 50, 51, 52, 53, 56, 57, 58, 62, 63, 64, 65, 66, 70, 71, 72, 92, 95, 96, 99, 100, 103, 117, 118, 119, 120, 121, 122, 123, 124, E½SW¼NW¼, SE¼NW¼NW¼, W½SW¼SE¼NW¼, E½SW¼NE¼, S½SE¼NE¼, S½N½SE¼NE¼, and a right-of-way in U.S. Survey 2787;
Sec. 20 lots 75, 76, 77, 78, SW¼NW¼, W½SW¼.

Containing 402.83 acres.

2. This order will take effect immediately. Cancellation of the order does not affect valid existing rights as to the lands embraced thereby.

PEDRO DENTON,
Acting Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64-306; Filed, Jan. 13, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

INTERSTATE LIVESTOCK AUCTION MARKET, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and were, therefore, subject to the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

FLORIDA

Interstate Livestock Auction Market, Inc., Seffner, December 4, 1963.

GEORGIA

North Georgia Farmers Livestock Market, Inc., Cumming, November 26, 1963.

LOUISIANA

North Tangipahoa Stockyard, Inc., Kentwood, November 21, 1963.

MINNESOTA

Mahnomen Livestock Sales, Mahnomen, December 21, 1963.

OHIO

Athens Livestock Sales Co., Inc., Athens, December 11, 1963.

SOUTH DAKOTA

Cheyenne River Sales Pavilion, Eagle Butte, December 12, 1963.

TEXAS

Tomball Livestock Commission Co., Tomball, November 14, 1963.

VIRGINIA

Fauquier Livestock Exchange, Inc., Marshall, November 21, 1963.

WISCONSIN

Nolan Livestock Auction Market, Inc., Lomira, December 13, 1963.

Done at Washington, D.C., this 8th day of January 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service

[F.R. Doc. 64-332; Filed, Jan. 13, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-123]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Facility License No. R-79. The license, as previously amended, authorizes the Curators of the University of Missouri ("the licensee") to possess and operate the pool-type nuclear reactor located on the University's campus at Rolla, Missouri. The amendment authorizes the licensee to store up to eight unirradiated fuel elements in dry storage outside of the reactor pool in accordance with the application for license amendment dated July 19, 1963,

and supplement thereto dated August 15, 1963.

The Commission has found that:

1. Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated July 19, 1963, and supplement thereto dated August 15, 1963, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 3d day of January 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-334; Filed, Jan. 13, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14945; Order E-20839]

JOINT TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1964.

Agreement adopted by Joint Traffic Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket 14945, Agreement C.A.B. 17479 R-1, R-2, R-3, R-4, R-5, and R-6.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Traffic Conference 1-2 of the International Air Transport Association (IATA). The agreement was adopted at the thirty-first meeting of Traffic Conference 1-2 held in Miami, Florida.

In summary, the agreement proposes the following:

1. Readopts the current basic cargo rate agreements until March 31, 1964;

2. Clarifies the charges applicable for the carriage of attendants in both directions when such attendants accompany a shipment in only one direction and amends this resolution to include charges for attendants in mixed cargo/passenger aircraft;

3. Removes the application of premium rates for the carriage of complete aircraft;

4. Extends to all points in Traffic Conference 1 the current valuable cargo rate in effect between Traffic Conference 2 and certain points in Traffic Conference 1;

5. Applies the normal cargo rate on human remains in coffins (the under-45-kilogram general cargo rate) on such shipments from/to Italy;

6. Names additional specific commodity rates as set forth below;

7. Amends commodity item number 8550 to read:

Dental, surgical, measuring, calibrating, testing and drawing instruments, analyzing scales, microscopes, telescopes, binoculars, spectacles including safety spectacles, eyeshields, and welders' goggles, sunglasses, lenses, photographic and projection equipment, photographic supplies, and parts thereof, N.E.S., excluding watches and clocks, newsreel films and motion picture films of 35 mm. and larger dimensions, exposed and photographs.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions which are incorporated in the above-described agreement to be adverse to the public interest or in violation of the Act:

C.A.B. 17479	IATA No.	IATA title
R-1	JT12(31)002e	Readoption resolution.
R-2	JT12(31)514	Charges for attendants accompanying consignments.
R-3	JT12(31)590t	Extension of commodity rates.
R-4	JT12(31)594	Assembly or disassembly of aircraft.
R-5	JT12(31)595	Special rates for valuable cargo.
R-6	JT12(31)597	Carriage of human remains.

Accordingly, it is ordered, That Agreement C.A.B. 17479, R-1, R-2, R-3, R-4, R-5, and R-6 be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication and, further, that approval of Agreement C.A.B. 17479, R-1, which readopts various resolutions shall be subject to the same conditions as previously imposed by the Board.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

IATA RESOLUTION JT12(31)590T
AGREEMENT C.A.B. 17479, R-3

Commodity item	From	To	Rates in cents per kg.	Minimum weight in kg.
0007	New York	Cologne/Duesseldorf/Frankfurt/Hamburg/London/Munich/Paris/Stuttgart/Switzerland.	70	100
1400	New York	Helsinki	101	100
		Oslo	94	100
2868	Rabat	New York	90	500
3127	Manchester	New York	62	500
8207	Amsterdam	Boston/New York	65	200
	Brussels	New York	65	200
0007	Paramaribo	New York	62	100
		Miami	44	100

[F.R. Doc. 64-327; Filed, Jan. 13, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings, Conditionally Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity

JANUARY 7, 1964.

Union Texas Petroleum, et al., Docket No. G-13221, et al.; Perry R. Bass (Operator), et al.,[1] Docket Nos. CI61-406, CI61-714, CI61-973 and CI63-631; Midwest Oil Corporation (Operator), et al.,[2] Docket CI61-621 and CI62-1317.

On September 20, 1963, Perry R. Bass (Operator), et al. (Bass), filed a motion for severance of the above-entitled Bass proceedings from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al. (hereinafter referred to as the Union Texas proceeding), for approval of the attached settlement proposal and for the prompt issuance of certificates of public convenience and necessity in accordance with the applications and the settlement proposal.

[1] The applications, related rate schedules and settlement proposals include the interests of the "et al." sellers listed in the applications.

The terms of the Bass proposal conform, generally, to the recent settlements in the Union Texas proceeding which have been approved by the Commission[3] and provide for maximum initial rates of 20.625 cents per Mcf[4] for sales from south Louisiana, effective April 1, 1963; a five-year moratorium on rate increase filings (subject to the usual exceptions); and extension of the take-or-pay make-up periods to four years in the rate schedules which provide for lesser make-up periods.[5]

No answers to Bass' motion and offer have been received.

On September 23, 1963, Midwest Oil Corporation (Operator), et al. (Midwest), filed a similar motion and offer related to the Midwest dockets listed in the caption hereof.[6] Midwest's proposal differs from those proposals recently approved by the Commission in that the effective date of its rate reduction and commencement of moratorium period is October 1, 1963, rather than April 1, 1963. The Brooklyn Union Gas Company (Brooklyn Union), on October 7, 1963, and Public Service Electric and Gas Company on October 16, 1963, filed letters with the Secretary objecting to the October 1, 1963 effective date proposed in Midwest's offer. Both stated, however, that they would not object to an effective date of April 1, 1963. As we have stated in other settlement orders in this proceeding, it would be unfair to producers who settled earlier to allow such later effective date.[7] Accordingly, our approval of Midwest's proposal will be conditioned upon a change in the effective date of the rate reductions and commencement of the moratorium period to April 1, 1963.

With the exceptions discussed hereinafter, the rates during the moratorium period under the rate schedules related to the applications proposed to be settled by Bass and Midwest will be 20.625 cents per Mcf. The initial rate under Bass' Rate Schedule No. 11 (CI61-973), 19.5 cents per Mcf, will remain in effect during the moratorium period. The initial rate under Midwest's Rate Schedule No. 26 (CI62-1317) is 20.3 cents per Mcf. The presently effective rate, being collected subjected to refund in Docket No. RI63-116, under Midwest's Rate Schedule No. 26 is 20.7 cents per Mcf. Midwest proposes that such increased rate remain in effect during the moratorium period subject to further orders of the Commission in the rate proceeding in Docket No. RI63-116.

Except in Docket No. CI61-973, none of the temporary authorizations heretofore issued to Bass and Midwest in these dockets contain express refund conditions and neither applicant proposes to refund any amounts collected for deliveries made prior to the proposed effective dates of the rate reductions.[8]

We find these proposals, generally, to be in the public interest and shall approve them subject to the following reservations and conditions.

Since deliveries have been made at rates higher than the settlement rates since April 1, 1963, we shall require that Bass and Midwest refund to the pipeline purchasers the dollar amounts of such excess with interest at 7 percent per annum, such interest to accrue through the last day of the month in which the settlements were filed, September 30, 1963.

In the context of the proposals, we interpret the term "delivered" as used in paragraph 1 of the proposals to include gas required to be taken during the moratorium period but paid for and not taken and our approval is conditioned upon such interpretations. Thus, prepayments, if any, shall be made during the moratorium periods at rates no higher than the rates in effect for gas physically delivered.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61-2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61-2. The settlement proposals also provide that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61-2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61-2. These matters should be decided at the conclusion of that proceeding and our approval of the settlements will be so conditioned.

Trancontinental Gas Pipeline Corporation and Hope Natural Gas Company, the purchasers in Docket Nos. CI61-714 and CI61-621 respectively, will flow through the refunds received and reduce their rates in accordance with their latest rate settlements.

Southern Natural Gas Company (Southern), the purchaser in Docket Nos. CI61-406 and CI63-631, has filed reports of plans of disposition of refunds in connection with several of our orders conditionally approving settlement agreements arising out of the Union Texas Proceeding.[9] Southern contends in those reports that it should be permitted to retain refunds received from a producer in a situation similar to that here presented. In order to avoid a situation in which a pipeline obtains and fails to pass on to the ultimate consumers refunds and reduction in gas purchase costs, even though, in the absence of such refunds and rate reductions, it may be earning a reasonable return on invested capital, we shall require that Southern, within 30 days from the date of issuance of this order, report to the Commission its proposed disposition of the refunds which it would receive as a result of Bass' settlement, and its proposed rate adjustments to reflect the prospective reductions in purchased gas costs which result from Bass' settlement. In addition, and until further order of the Commission, we shall require that Bass hold the amounts proposed to be refunded to Southern attributable to payments for gas delivered between March 31, 1963, and the date upon which the rates are actually reduced, in a special account. Interest shall accrue only through September 30, 1963. No additional interest shall accrue as a result of this provision.

In accordance with the above we shall sever these individual dockets from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al., omit the intermediate decision in regard to these dockets,[10] and issue certificates of public convenience and necessity in accordance with the applications, settlement proposals and conditions of this order.

The Commission finds:

(1) Each of the applicants is a natural gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and

[2] See orders issued August 7, 1963 (Humble Oil & Refining Co.) and Oct. 9, 1963 (Gulf Oil Corp. and Socony Mobil Oil Co., Inc.) in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

[3] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[4] See appendix for further details.

[5] In addition to the Dockets listed in the caption to this order, Midwest's Docket No. CI60-745 is also consolidated with the Union Texas proceeding. However, Midwest has filed an amendment to its application in Docket No. CI60-745 seeking authorization to abandon the service proposed in that docket.

[6] See order issued Oct. 9, 1963, in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

[7] In Docket No. CI61-973 the settlement rate is the initial rate proposed, 19.5 cents per Mcf.

[8] Order issued Aug. 7, 1963, re the California Co., a division of California Oil Company, report filed Dec. 2, 1963; Order issued Oct. 9, 1963, re Socony Mobil Oil Co., report filed Dec. 20, 1963; Order issued Oct. 28, 1963, re Sinclair Oil & Gas Co., report filed Dec. 19, 1963.

[9] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963.

certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) It is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that Southern be required to submit the reports as ordered below.

(7) No party has opposed the waiver of the intermediate decisions in these proceedings.

The Commission orders:

(A) The motions for waiver of the intermediate decisions are granted.

(B) The matters in Docket Nos. CI61–406, CI61–714, CI61–973, CI63–631, CI61–621 and CI62–1317 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

(C) Certificates of public convenience and necessity are hereby issued to the applicants in Docket Nos. CI61–406, CI61–714, CI61–973, CI63–631, CI61–621 and CI62–1317 upon the conditions set forth herein authorizing the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposals and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications and settlement proposals herein.

(D) The certificates granted by paragraph (C) above, are granted upon the express condition that applicants comply fully with the terms of this order and the settlement proposals, as modified, which settlements are expressly approved under the conditions of this order.

(E) Within 90 days from the date of issuance of this order, applicants shall refund to the respective pipeline purchasers the difference between the amounts collected for gas delivered subsequent to March 31, 1963, and the amounts that would have been collected under the settlement rates for gas delivered since that time, except under Midwest's Rate Schedule No. 26 and Bass' Rate Schedule Nos. 9 and 13, together with interest computed at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which the settlement proposals were filed, September 30, 1963.

(F) The certificates issued to Midwest by paragraph (C) above are granted upon the express condition that the effective date of the rate reduction be April 1, 1963, and that the moratorium period commence on April 1, 1963, and end on March 31, 1968.

(G) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposal as modified, each applicant shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchasers, and the amounts that would have been refunded but for Paragraph (M) hereof, showing separately the amount of principal and interest and the bases used for such determination, together with releases from the purchasers showing receipt of the refunds in conformity with the settlement as approved.

(H) Upon full compliance of applicants with all the terms of this order and of the settlement proposals, applicants shall be relieved of any further refund obligations in these certificate proceedings, except as might be required by further orders of the Commission provided for in Paragraph (M) hereof, and said proceedings shall terminate.

(I) The certificates herein issued are not transferable and shall be effective only so long as applicants continue the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(J) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder; *Provided, however,* That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(K) The grant of certificates herein and approval of the settlement proposals is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against applicants, particularly any proceeding under section 4 or 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, applicants, the Commission staff, or any affected party herein in any other proceeding.

(L) Within 30 days from the date of issuance of this order, Southern shall submit to the Commission, a report, a copy of which shall be served upon each of its jurisdictional customers and the various state utility commissions of states wherein it does business, setting forth the proposed disposition of any refunds it might receive from Bass as a result of Bass' settlement and its proposed rate adjustments to reflect the reduction in purchased gas costs which result from Bass' settlement proposal insofar as it applies to Docket Nos. CI61–406 and CI63–631.

(M) Until further order of the Commission, Bass shall retain in a special account sums equal to the difference between the amount paid under Rate Schedules Nos. 9 and 13 for deliveries made between March 31, 1963 and the date upon which the rates are actually reduced and that which would have been paid at the proposed settlement rates. Interest on amounts in this special account shall accrue at a rate of 7 percent per annum through September 30, 1963.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Producer	Rate schedule No.	Docket No.	Purchaser	Present rate[1] (cents/Mcf)	Settlement rate[1] (cents/Mcf)
Perry R. Bass (Operator), et al.	9	CI61–406	Southern Natural Gas Co.	23.675	20.625
Do	10	CI61–714	Transcontinental Gas Pipe Line Corp.	23.55	20.625
Do	11	CI61–973	United Fuel Gas Co.	19.5	19.5
Do	13	CI63–631	Southern Natural Gas Co.	21.25	20.625
Midwest Oil Corporation (Operator), et al.	23	CI61–621	Hope Natural Gas Co.	23.25	20.625
Do	26	CI62–1317	United Fuel Gas Co.	[2] 20.7	20.3

[1] All rates at 15.025 psia; pressure base 15.025 psia.
[2] This rate is now in effect subject to refund in Docket No. RI63–116, and according to Midwest's settlement proposal, this rate will continue in effect subject to refund.

[F.R. Doc. 64–302; Filed, Jan. 16, 1964; 8:45 a.m.]

[Docket Nos. G–4281 etc.]

SUNRAY DX OIL CO. ET AL.

Notice of Postponement of Hearing

JANUARY 7, 1964.

Notice is hereby given that the hearing scheduled by the Presiding Examiner to commence on January 14, 1964 in the above-designated proceeding is postponed until further notice.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–303; Filed, Jan. 13, 1964; 8:45 a.m.]

[Docket No. G–13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceeding, Conditionally Approving Settlement Proposal and Conditionally Issuing Certificate of Public Convenience and Necessity

JANUARY 7, 1964.

Union Texas Petroleum, et al., Docket No. G–13221, et al.; Hugh Goodrich, Docket No. CI62–1410.

On December 2, 1963, Hugh Goodrich (Goodrich) filed a motion for severance of Docket No. CI62–1410 from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al. (hereinafter referred to as the Union Texas proceeding), for approval of the attached settlement proposal and for the issuance of a certificate of public convenience and necessity in accordance with the application and settlement proposal.

The terms of the Goodrich proposal conform, generally, to recent settlements in the Union Texas proceeding which have been approved by the Commission[1] and provide for the issuance of a certificate of public convenience and necessity at a rate of 20.625 cents per Mcf[2] for the sale of natural gas produced from the Kaplan and Casinade Fields, south Louisiana; a five year moratorium on rate increase filings, effective April 1, 1963 (subject to the usual exceptions); refunds of all amounts above the settlement rate collected for deliveries made subsequent to March 31, 1963, with interest at a rate of 7 percent per annum to accrue through September 30, 1963.

The contract has a ten-year take-or-pay make-up period and provides for an initial price of 22.75 cents per Mcf. The temporary authorization heretofore issued to Goodrich provided for an initial price at 21.25 cents per Mcf.

No answers to Goodrich's motion have been received.

We find this proposal, generally, to be in the public interest and shall approve it subject to the following reservations and conditions.

We shall require that interest on the amounts to be refunded accrue through the last day of the month in which the motion and offer were filed, December 31, 1963. This has been a requirement in all of our orders approving settlements arising out of the Union Texas proceeding.

In the context of the proposals, we interpret the term "delivered" as used in paragraph 1 of the proposals to include gas required to be taken during the moratorium period but paid for and not taken and our approval is conditioned upon such interpretation. Thus, prepayments, if any, shall be made during the moratorium period at a rate no higher than the rate in effect for gas physically delivered.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61–2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61–2. The settlement proposal also provides that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61–2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61–2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

The pipeline puchaser in Docket No. CI61–1410 is Transcontinental Gas Pipe Line Corporation (Transco). In order to avoid a situation in which a pipeline obtains and keeps the benefits of refunds and a reduction in gas purchase costs even though it may be, in the absence of such refunds and reductions in gas purchase costs, earning a reasonable rate of return on invested capital, we shall require Transco to report to the Commission the amount of refund and interest which it receives as a result of Goodrich's settlement, the estimated annual reductions in purchased gas costs, the proposed disposition of the refunds and the proposed rate adjustments, if any, to reflect the reduction in gas purchase costs. We shall require Transco to hold the refunds and amounts equal to the reductions in purchased gas costs which will accrue as a result of this settlement in a special account subject to further orders from the Commission.

In accordance with the above we shall sever this individual docket from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al., omit the intermediate decision in regard to this docket[3] and issue a certificate of public convenience and necessity in accordance with the application, settlement proposal and conditions of this order.

The Commission finds:

(1) Hugh Goodrich is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sale of natural gas is subject to the jurisdiction of the Commission, and such sale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Goodrich is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, is required by the public convenience and necessity and is in the public interest upon the conditions set forth below, and a certificate should be issued as ordered below.

(5) The conditions attached to the certificate herein issued are required by the public convenience and necessity.

(6) It is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that Transco be required to submit the reports and account for the refunds, interest and purchased gas cost reductions as ordered below.

(7) No party has opposed the waiver of the intermediate decision in this proceeding.

The Commission orders:

(A) The motion for waiver of the intermediate decision is granted.

(B) The matters in Docket No. CI62–1410 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

(C) A certificate of public convenience and necessity is hereby issued to Hugh Goodrich in Docket No. CI62–1410, upon the conditions set forth herein authorizing the sale of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposal and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the application and settlement proposal herein.

(D) The certificate granted by paragraph (C) above, is granted upon the express condition that Goodrich comply fully with the terms of this order and the settlement proposal, as modified, which settlement is expressly approved, under the conditions of this order.

(E) Within 90 days from the date of issuance of this order, Goodrich shall refund to the pipeline purchaser the difference between the amounts collected for gas delivered subsequent to March 31, 1963, and the amounts that would have been collected under the settlement rate for gas delivered since that time together with interest computed at a rate of 7 percent per annum, such interest to accrue through the last day of the month in which the settlement proposal was filed, December 31, 1963.

(F) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposal as modified, Goodrich shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with a release from the purchaser showing receipt of the refunds in conformity with the settlement as approved.

(G) Upon full compliance of Goodrich with all the terms of this order and of the settlement proposal, Goodrich shall be relieved of any further refund obligations in this certificate proceeding and said proceeding shall terminate.

(H) The certificate herein issued is not transferable and shall be effective only so long as Goodrich continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(I) The grant of the certificate herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder: *Provided, however,* That

[1] See orders issued Aug. 7, 1963 (Humble Oil & Refining Co.) and Oct. 9, 1963 (Gulf Oil Corp. and Socony Mobil Oil Co., Inc.) in Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

[2] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

[3] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963.

the 30-day notice provision of § 154.94 (b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposal.

(J) The grant of certificate herein and approval of the settlement proposal is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Goodrich, particularly any proceeding under section 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, Goodrich, the Commission staff, or any affected party herein in any other proceeding.

(K) Within 15 days from the date of receipt of refunds and interest required by this order, Transco shall submit a report to the Commission and serve a copy on its jurisdictional customers and the various state utility commissions wherein it does business, setting forth the amount of refund and interest received, the estimated annual reduction in purchased gas costs due to Goodrich's rate reduction, its proposed disposition of such refunds and its proposed rate adjustments to reflect the reduction in gas purchase costs. Pending Commission action and further orders respecting such proposed disposition and adjustments, Transco shall hold such refunds, interest and amounts equal to the reductions in purchased gas costs which accrue as a result of this settlement in a special account.

(L) Upon full compliance of Goodrich with all the terms of this order and the settlement proposal, Supplement No. 2 to Goodrich's Rate Schedule No. 1 shall be accepted for filing, effective as of the date of initial delivery.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-304; Filed, Jan. 13, 1964; 8:45 a.m.]

[Project No. 2431]

WISCONSIN MICHIGAN POWER CO.

Amended Notice of Application for License

JANUARY 7, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Michigan Power Company (correspondence to: W. E. Schubert, Vice President, Wisconsin Michigan Power Company, 807 South Oneida St., Appleton, Wisconsin), for license for constructed Project No. 2431, known as the Brule Plant, located on the Brule River, in Iron County, Michigan, and Florence County, Wisconsin.

The project consists of: A gravity pipe dam about 70 feet high and 571 feet long, having an earthfill section, 3 concrete non-overflow sections, a tainter gate spillway section, and an intake section integral with the powerhouse substructure. The dam and two earth dikes create a pond of 774 acres; a powerhouse housing three vertical Francis type turbines directly connected to three generators: two rated at 2,000 kilowatts and one rated at 1,335 kilowatts, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 2, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-305; Filed, Jan. 13, 1964; 8:46 a.m.]

CIVIL SERVICE COMMISSION

CLERK-TYPISTS

Manpower Shortage

Positions for which there is determined to be a manpower shortage; notice of listing.

The notice which added the positions of Clerk-Stenographer and Clerk-Typist to the list of positions for which persons appointed to their first duty stations may be paid for travel expenses (Public Law 86-587), which was published in the FEDERAL REGISTER on October 23, 1963 (28 F.R. 11325), is amended by the addition of the following:

Series code and grade	Position	Location	Effective date
GS-322-2	Clerk-typist	Washington, D.C., metropolitan area* and Ft. Meade, Md.	Jan. 1, 1964

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-326; Filed, Jan. 13, 1964; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 17,677]

SAN FRANCISCO BANK AND SPOKANE BANK

Readjustment and Establishment

DECEMBER 31, 1963.

It is hereby resolved by the Federal Home Loan Bank Board as follows, effective (except as otherwise provided) January 1, 1964:

(1) The district of the Federal Home Loan Bank of San Francisco, hereinafter also called the San Francisco Bank, is hereby readjusted to consist only of the States of Arizona, California, and Nevada.

(2) There is hereby established a new Federal Home Loan Bank district consisting of the States of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, and Guam. Said district is hereby designated by number as district 12.

(3) There is hereby established in said new district, at the city of Spokane in the State of Washington, a Federal Home Loan Bank the title of which shall be the Federal Home Loan Bank of Spokane. Said bank is hereinafter also called the Spokane Bank.

(4) The persons named in Exhibit A to this resolution (which is hereby made a part of this resolution) are hereby appointed directors of the Spokane Bank and are hereby respectively designated as appointive directors and as elective directors as set forth in said Exhibit A, and the directorships to which they are respectively appointed are hereby designated as representing the respective States of said new district as set forth in said exhibit. The terms of said directors shall begin on January 1, 1964, and shall expire as set forth in said exhibit. Until March 1, 1964, the provisions of the letters referred to in the minutes of the Federal Home Loan Bank Board of February 10, 1958, and February 17, 1961, relating to the places at which meetings of boards of directors of Federal Home Loan Banks may be held, shall be deemed to be modified so as to permit the holding of meetings of the board of directors of the Spokane Bank to be held in any State within the district of the Spokane Bank or within the district of the San Francisco Bank.

(5) The directors so appointed shall, as set forth in section 12 of the Federal Home Loan Bank Act, as amended, make and file with the Federal Home Loan Bank Board an organization certificate of the Federal Home Loan Bank of Spokane. Said certificate shall contain the information set forth in the form of certificate constituting Exhibit B to this resolution (which is hereby made a part of this resolution), which form is hereby approved.

(6) The San Francisco Bank is hereby reorganized as set forth below in this paragraph (6). The Federal Home Loan Bank Board hereby finds that the efficient and economical accomplishment of the purposes of the Federal Home Loan Bank Act, as amended, will be aided by the action set forth in this paragraph.

(a) Each member of the San Francisco Bank at the commencement of March 1, 1964, whose principal place of business is then located in a State set forth in paragraph (2) above or in Guam (which members are hereinafter in this resolution also called transferring members and transferred members) shall thenceforth be a member of the Spokane Bank and shall no longer be a member of the San Francisco Bank. Until the commencement of March 1, 1964, all members of the San Francisco Bank shall remain members of the San Francisco Bank for all purposes (including without limitation the making and repayment of advances and the making and withdrawal of deposits) to the same extent as if this resolution had not been adopted.

(b) All stock in the San Francisco Bank of any transferring member shall, at the commencement of March 1, 1964, automatically become stock in the Spokane Bank of such member in the same amount and of the same par value. Any transferring member which at such commencement is a subscriber to stock of the San Francisco Bank upon an outstanding subscription shall, as a transferred member, be deemed to be a subscriber to stock of the Spokane Bank of the same amount, terms, and status.

(c) Upon surrender by transferred members respectively to the Spokane Bank of their certificates of stock in the San Francisco Bank, or (in the discretion of the Spokane Bank as to any or all such members) without such surrender, the Spokane Bank shall issue to transferred members appropriate certificates of stock in the Spokane Bank: *Provided*, That where certificates of stock of transferring members in the San Francisco Bank are in the possession of the San Francisco Bank pursuant to section 522.10 of the Regulations for the Federal Home Loan Bank System or otherwise, the San Francisco Bank shall cancel such certificates and shall notify the Spokane Bank accordingly, and thereupon the Spokane Bank shall issue in lieu thereof appropriate certificates of stock in the Spokane Bank, which, except as the Federal Home Loan Bank Board may otherwise require or approve, shall be held by the Spokane Bank upon the same terms as those upon which the certificates canceled were held by the San Francisco Bank. The provisions of this subdivision (c) shall become effective at the commencement of March 1, 1964.

(d) All advances by the San Francisco Bank to transferring members which are outstanding at the commencement of March 1, 1964, together with all evidences thereof and all security therefor (other than stock in the San Francisco Bank) are hereby transferred to the Spokane Bank, effective at said commencement.

(e) All deposits in the San Francisco Bank which are held by transferring members at the commencement of March 1, 1964, shall, at said commencement, automatically become deposits of such members in the Spokane Bank of the same types and characteristics and shall, at said commencement, cease to be deposits in or liabilities of the San Francisco Bank.

(f) Other adjustments as between said banks, and other action, shall take place as set forth in Exhibit C to this resolution, which is hereby made a part of this resolution.

(g) The Portland, Oregon, branch of the San Francisco Bank is hereby terminated and closed, effective at the close of February 29, 1964.

(h) Action with respect to directorships and directors of the San Francisco Bank is hereby taken as set forth in Exhibit D to this resolution, which is hereby made a part of this resolution.

(7) Pursuant to subsection (c) of section 7 of the Federal Home Loan Bank Act, as amended, the State of Hawaii is hereby designated as the State in which each member of the Spokane Bank whose principal place of business is located in Guam shall, for the purposes of said subsection and of subsection (b) of said section, be deemed to be located. The provisions of this paragraph (7) shall become effective at the commencement of March 1, 1964.

(8) Each of said banks shall make available to the other such information, data, records, documents, and writings, or access to the same, as may be necessary or appropriate, or required by such other bank or by the Federal Home Loan Bank Board, to enable or assist such other bank to carry into effect or to implement the provisions of this resolution.

(9) The President of the Federal Home Loan Bank of San Francisco and the President of the Federal Home Loan Bank of Spokane are hereby respectively authorized to take or cause to be taken any and all such action, including without limitation the execution of such conveyances and such other instruments or writings, as may be necessary or appropriate, or authorized or required by the Federal Home Loan Bank Board, for or toward the effectuation or the implementation of the provisions of this resolution. Any function or authority vested in or exercisable by either of said presidents by or under this resolution may be exercised also by such person or persons as may be designated by such president or designated by the Federal Home Loan Bank Board.

This resolution shall take effect on January 1, 1964, and its provisions shall, as hereinbefore set forth, become effective (except as otherwise provided) January 1, 1964.

(Secs. 3, 7, 10, 11, 12, 17, 26, 47 Stat. 726, 730, 731, 733, 735, 736, 740, as amended; 12 U.S.C. 1423, 1427, 1430, 1431, 1432, 1437, 1446. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

EXHIBIT A

(1) Pursuant to subsection (h) of section 7 of the Federal Home Loan Bank Act, as amended, the following persons are designated directors of the Federal Home Loan Bank of Spokane for terms expiring at the close of the dates set forth below and are designated as appointive directors:

C. W. Leaphart, Missoula, Montana, December 31, 1964

Dilworth S. Woolley, Salt Lake City, Utah, December 31, 1965

Thomas F. Meagher, Spokane, Washington, December 31, 1966

Carl C. Donaugh, Portland, Oregon, December 31, 1967

(2) Pursuant to subsection (h) of section 7 of the Federal Home Loan Bank Act, as amended, the following persons are appointed directors of the Federal Home Loan Bank of Spokane for terms expiring at the close of the dates set forth below and are designated as elective directors, and the directorships to which they are respectively appointed are designated, pursuant to subsections (b), (c), and (h) of said section 7, as representing the members located in the respective States shown below:

December 31, 1964:

Leo Anderson, President, First Federal Savings and Loan Association of Twin Falls, Twin Falls, Idaho

R. J. Fremou, President and Manager, Western Montana Building and Loan Association, Missoula, Montana

George W. McIntyre, President, First Federal Savings and Loan Association of Klamath Falls, Klamath Falls, Oregon

Warren H. Woodworth, President, Tri-County Federal Savings and Loan Association, Torrington, Wyoming

December 31, 1965:

Walter Scudlo, President, First Federal Savings and Loan Association of Fairbanks, Fairbanks, Alaska

R. M. Gibson, President, First Federal Savings and Loan Association of Hawaii, Honolulu, Hawaii

Clarence H. Tingey, President, Deseret Federal Savings and Loan Association, Salt Lake City, Utah

Harold C. Kean, President, Washington Federal Savings and Loan Association of Seattle, Seattle, Washington

EXHIBIT B

ORGANIZATION CERTIFICATE

The Federal Home Loan Bank of Spokane

The undersigned directors of the Federal Home Loan Bank of Spokane, all of whom are citizens of the United States and bona fide residents of the district in which this bank is located, having been appointed by the Federal Home Loan Bank Board:

Now, therefore, pursuant to the Act of Congress known as the Federal Home Loan Bank Act, approved July 22, 1932, as amended, this Organization Certificate is made and executed.

1. The title of this bank shall be the Federal Home Loan Bank of Spokane.

2. The location of the principal office of this bank shall be in the City of Spokane, State of Washington, or at such other city as the Federal Home Loan Bank Board may from time to time determine.

3. This bank shall be established in the City of Spokane, State of Washington, in District Number 12, as defined by the Federal Home Loan Bank Board, or as may from time to time be adjusted or modified by said Board. Said District Number 12 as now defined is as follows:

The States of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, and Guam.

4. This bank shall engage in the business authorized by said Act, and it shall exercise such powers as are permitted or prescribed by said Act, subject to the supervision of the Federal Home Loan Bank Board.

5. This certificate is made for the purpose of carrying out the provisions of the Act aforesaid and such other Acts as may be passed by Congress amending or supplementing said Act, insofar as it or they may be applicable to the Federal Home Loan Bank of Spokane, and is subject to such changes or additions, not inconsistent with law, as the Federal Home Loan Bank Board may deem necessary or expedient and may from time to time direct.

6. This bank shall have succession until dissolved by the Federal Home Loan Bank Board under the Federal Home Loan Bank Act, as amended, or by further Act of Congress.

In witness whereof we, the directors aforesaid, have hereunto set our hands this ------ day of ----------, 1964.

NOTE: At this point in Exhibit B allow space for twelve signatures and addresses for the signing directors.

I hereby certify that the foregoing certificate was filed with the Federal Home Loan Bank Board on the ------ day of ----------, 1964.

Given under my hand this ------ day of ----------, 1964.

Secretary,
Federal Home Loan Bank Board.

EXHIBIT C

The separation of assets and liabilities into those applicable to the Federal Home Loan Bank of Spokane and those retained by the Federal Home Loan Bank of San Francisco shall, except as otherwise provided, be accomplished on the basis of the balances in the respective accounts at the close of December 31, 1963, adjusted for transactions occurring to the actual date of division, all to be effected in accordance with recognized accounting principles.

Advances, deposits, and capital stock will be divided as set forth in the resolution to which this Exhibit C is an exhibit. Any other asset and liability accounts which are identifiable as to individual members will be divided on the basis of actual amounts applicable to the members in each district as ascertainable from the books and records of the Federal Home Loan Bank of San Francisco.

Investments in United States Treasury obligations with a maturity of not to exceed thirteen months shall be provided each bank in an amount sufficient to establish a proper Reserve for Unanticipated Advances. Remaining obligations having maturities of five years or less will be divided on the same basis as that established for members' deposits. Obligations having a maturity of more than five years will be prorated on the basis of the amount of capital stock allocated to each bank.

The interbank liability of the Federal Home Loan Bank of San Francisco on consolidated Federal Home Loan Bank obligations will be divided on the basis of the proration of advances as between the two Districts.

Retained earnings will be divided on the basis of the amounts attributable to the Federal Home Loan Banks of Los Angeles and Portland at the close of March 28, 1946, and adding the accretions to the date of division, prorated on the basis of the capital stock holdings of the members of the respective districts of the Federal Home Loan Bank of San Francisco and the Federal Home Loan Bank of Spokane at the commencement of March 1, 1964.

The item of cash will be divided, after provision for a petty cash fund and Fiscal Agent's Imprest Fund in each bank, as is required to effect a balance between the assets and liabilities of the two banks.

The proration of the amounts in other accounts such as accrued interest receivable, deferred charges, accrued interest payable, and unamortized premium will be accomplished in the same manner as the assets and liability accounts of which they are derivatives. Miscellaneous accounts such as other assets and accounts payable will be divided in accordance with the source of the asset or liability.

Any remaining division of assets and liabilities, and adjustments in the foregoing, will be made as may be deemed necessary and proper by the Board.

EXHIBIT D

(1) The appointive directorships of the Federal Home Loan Bank of San Francisco held respectively on December 31, 1963, by Carl C. Donaugh and Thomas F. Meagher and the elective directorships of said bank held respectively on said date by L. Eugene Cuissold, R. M. Gibson, John W. Hewitt, George W. McIntyre, and Warren H. Woodworth are hereby abolished.

(2) The appointive directorships of said bank held respectively on December 31, 1963, by C. W. Leaphart and Dilworth S. Woolley having become vacant by reason of the readjustment of the district of said bank and the consequent ceasing of said persons to have the qualification set forth in subsection (a) of section 7 of the Federal Home Loan Bank Act, as amended, that a director of a Federal Home Loan Bank shall be a bona fide resident of the district in which such bank is located, appointments will be made by the Federal Home Loan Bank Board for the unexpired terms of said directorships.

(3) The elective directorships to which Walter Sczudlo, President, First Federal Savings and Loan Association of Fairbanks, Fairbanks, Alaska, R. J. Fremou, President and Manager, Western Montana Building and Loan Association, Missoula, Montana, and Harold C. Kean, President, Washington Federal Savings and Loan Association of Seattle, Seattle, Washington, were elected for terms expiring December 31, 1965, having become vacant by reason of the readjustment of the district of said bank and the consequent ceasing of said persons to have the qualification above mentioned, each of said directorships is hereby designated, pursuant to subsections (b), (c), and (f) of said section 7, as representing the members located in the State of California, and appointments will be made by the Federal Home Loan Bank Board for the unexpired terms of said directorships.

[F.R. Doc. 64-316; Filed, Jan. 13, 1964; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PHILIPPINES

Authorization for Entry

JANUARY 7, 1964.

There is published below a letter dated January 6, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, authorizing entry of an additional 50,000 pounds of cotton textile products in Category 63, produced or manufactured in the Philippines, for the twelve-month period beginning May 31, 1963, and ending May 30, 1964. Other directives concerning entry of these goods appeared in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399) and on October 24, 1963 (28 F.R. 11436).

JAMES S. LOVE, Jr.
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., January 6, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements and amends my letter to you of August 14, 1963, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399) and of October 21, 1963, published in the FEDERAL REGISTER on October 24, 1963 (28 F.R. 11436) regarding restraints on imports of cotton textile products in Category 63, produced or manufactured in the Philippines. In those letters you were directed to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only) in excess of 455,000 pounds for the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

The United States Government has now agreed to allow entry of an additional 50,000 pounds in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only), effective May 31, 1963, which would raise to 505,000 pounds the level of restraint for the twelve-month period beginning May 31, 1963.

Accordingly, you are directed to increase to 505,000 pounds the amount of cotton textile products in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only), produced or manufactured in the Philippines, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning May 31, 1963 and extending through May 30, 1964.

A detailed description of Category 63 was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

All other directives given in my letters of August 14, 1963, and October 21, 1963, remain unchanged.

This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-323; Filed, Jan. 13, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38747: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 12), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 59.

FSA No. 38748: *Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No 13), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central and middlewest territories, on the one hand, and points in provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 4 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 59.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-311; Filed, Jan. 13, 1964; 8:46 a.m.]

[Notice No. 924]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 9, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65677. By order of January 2, 1964, the Transfer Board approved the transfer to Hagerstown Motor Express Co., Inc., Hagerstown, Md., of a portion of the operating rights in Certificate No. MC 9738 issued August 27, 1945, to Amos C. Baer doing business as Hagerstown Storage and Transfer Co., Hagerstown, Md., authorizing the transportation of general commodities, except household goods as defined by the Commission, except explosives and blasting supplies, except commodities requiring special equipment, and except commodities requiring refrigeration, over irregular routes, from Hagerstown, Maryland, to those points in Maryland, Pennsylvania, Virginia, and West Virginia, within 40 miles of Hagerstown, with no transportation for compensation on return, except as otherwise authorized. Chester A. Zyblut, 1700 K Street NW., Washington 6, D.C., representative for applicants.

No. MC-FC 66366. By order of January 2 1964, the Transfer Board approved the transfer to B & B Trucking, Inc., Agawam, Mass., of the operating rights in Certificate of Registration No. MC 19458 Sub-2 issued December 19, 1963, to Adam J. Janas, doing business as Conlon Bros. Motor Transportation Co., Lowell, Mass., corresponding to the grant of intrastate authority to transferor issued by the Massachusetts Department of Public Utilities, in Certificate No. 3628. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., representative for applicants.

No. MC-FC 66530. By order of January 2, 1964, the Transfer Board approved the transfer to William J. Collins and Charles J. Collins, doing business as Collins Bros., 80 Bradley Street, New Haven, Conn., of the certificate in No. MC 17968, issued May 8, 1951, to James J. Collins, Charles J. Collins, and William J. Collins, a partnership, doing business as Collins Bros., 80 Bradley Street, New Haven, Conn., authorizing the transportation of: Household goods, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-312; Filed, Jan. 13, 1964; 8:46 a.m.]

CURTIS DONALD BUFORD

Statement of Changes in Financial Interests

Pursuant to Subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 5350, 26 F.R. 11403, 27 F.R. 5159, 28 F.R. 463 and 28 F.R. 5489) during the six months' period ended November 26, 1963.

Since my statement dated May 26, 1963, I have disposed of my American Independent Reinsurance Co. stock.

Dated: January 7, 1964.

C. D. BUFORD.

[F.R. Doc. 64-313; Filed, Jan. 13, 1964; 8:47 a.m.]

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JAN 23 1964
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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.4]

PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

Change in Lender's Interest Rate and Repurchase Agreement

Sections 310.3 and 310.4, Title 6, Code of Federal Regulations (28 F.R. 12247), are revised to reflect changes in the rate of return to the lender and to establish new fixed periods, and to read as follows:

§ 310.3 Farm Ownership, Labor Housing, and Soil and Water loans made by lenders other than the United States to applicants other than public bodies.

Farm Ownership, Labor Housing, and Soil and Water loans made with funds advanced by lenders other than the United States to applicants other than organizations which are public bodies will be insured at the time of loan closing. The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. The interest rate to the lender will be either 4¼ percent with a 3-year repurchase agreement, or 4⅜ percent with a 6-year repurchase agreement, or 4½ percent with a 10-year repurchase agreement.

§ 310.4 Labor Housing and Soil and Water loans made by lenders other than the United States to public bodies.

Labor Housing and Soil and Water loans made with funds advanced by lenders other than the United States to organizations which are public bodies will be insured at the time of loan closing. The interest rate to the lender will be determined by negotiation. The annual charge will be one percent. The interest rate to the borrower will be the rate to the lender plus one percent, but not to exceed five percent. The length of the fixed period will be five years.

(Sec. 514, 75 Stat. 186, secs. 307, 306, 75 Stat. 308; 42 U.S.C. 1484, 7 U.S.C. 1927, 1928)

This order is effective January 15, 1964.

Dated: January 9, 1964.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 64-383; Filed, Jan. 14, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

Subpart H—Delegation of Authority

The first sentence of § 1.201 is amended to read as follows:

§ 1.201 General delegation of authority.

The head of each agency shall, under the general direction and supervision of the Secretary of Agriculture and the Under Secretary, and the Assistant Secretaries, the Administrative Assistant Secretary, the Director of Agricultural Economics, or the Director of Science and Education, to whom is assigned the general direction and supervision of his agency, direct and supervise the activities of the employees of his agency.

* * *

(R.S. 161; 5 U.S.C. 22)

Done at Washington, D.C., January 10, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-384; Filed, Jan. 14, 1964; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Land Removed From Agricultural Production and Pooled Allotments

On Page 9824 of the FEDERAL REGISTER of September 7, 1963, there was published a notice of proposed rule making to issue an amendment to the regulations governing the reconstitutions of farms, farm allotments, and farm history and soil bank base acreages. Interested persons were given fifteen days in which to submit written comments, suggestions, or objections with respect to the proposed amendment to the regulations.

Consideration has been given to the comments submitted and it has been determined that they do not require a revision of the proposal.

The proposed amendment to the regulation is hereby adopted without change.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 10, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

§ 719.9 Reconstitution of farm allotments, history acreages, and farm bases.

* * * * *

(h) *Land removed from agricultural production (not acquired under right of eminent domain).* In applying the provisions of this subsection, if a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in whole or in part shall be considered as a separate farm.

(1) *Conditions under which the farm will not be reconstituted.* The farm shall not be reconstituted and the allotments, history acreages and farm bases shall remain with the parent farm if all of the following conditions prevail: (i) The ownership of a tract of land is transferred from a parent farm; (ii) the tract transferred is to be used for nonagricultural purposes; (iii) the tract was not or could not have been acquired under right of eminent domain; (iv) the cropland on the tract transferred does not exceed the larger of 5 acres or 25 percent of the cropland on the farm from which the tract was transferred; (v) the county committee determines that the tract transferred will be changed to nonagricultural uses; and (vi) an agreement signed by all persons interested in the transfer is obtained stating that the land is in fact to be changed to non-agricultural uses. In these cases, the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(2) *Conditions under which the farm will be reconstituted.* The farm shall be reconstituted on the basis of conditions existing at the time of transfer of ownership and the farm allotment(s), history acreages and farm bases shall be apportioned among the tracts in accordance with applicable regulations when any of the following conditions prevail: (i) An entire ownership tract in a multiple ownership farm is transferred for non-agricultural uses; (ii) all of the conditions prescribed in subparagraph (1) of this paragraph are not present; (iii) the land is not in fact changed to non-agricultural uses but is continued in agricultural use; (iv) the county committee, State committee or the Deputy Administrator determines that the land transferred was continued in agricultural use or was returned to agricultural uses within a period of years equal to the longest base period used in establishing eligibility for an old farm allotment for any commodity involved in the transfer.

[F.R. Doc. 64-382; Filed, Jan. 14, 1964; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 213.3106 is amended as set out below.

§ 213.3106 Department of Defense.

(a) *Office of the Secretary.* * * *

(5) Not to exceed January 1, 1966, 8 positions of Regional Director in the Office of the Assistant Secretary of Defense (Civil Defense).

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-368; Filed, Jan. 14, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraphs (41) and (42) are added to paragraph (a) of § 213.3344 as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(41) One Special Assistant to the Commissioner, Urban Renewal Administration.

(42) One Assistant to the Deputy Commissioner, Community Facilities Administration.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-369; Filed, Jan. 14, 1964; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs., Amdt. P.L. 42]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Miscellaneous Amendments

Section 399.1 *Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Department of Commerce Schedule B No.	Commodity description
	Other industrial machines and parts:
	Pipe valves and parts:
77450	Pipe valves, iron or steel, except automatic control or regulating: Other valves, cocks, or pressure regulators incorporating either of the following materials: (a) polytetrafluoroethylene, or (b) polytrifluorochloroethylene.[1]
77455	Pipe valves, brass, bronze or other nonferrous metals, except automatic control or regulating: Other valves, cocks, or pressure regulators incorporating either of the following materials: (a) polytetrafluoroethylene, or (b) polytrifluorochloroethylene.[1]
77460	Automatic control or regulating pipe valves, n.e.c.: Other automatic control valves or pressure regulators incorporating either of the following materials: (a) polytetrafluoroethylene, or (b) polytrifluorochloroethylene.[1]
77465	Pipe valves, n.e.c., and specially fabricated parts and accessories, n.e.c.: Other nonmetal valves, cocks, or pressure regulators incorporating either of the following materials: (a) polytetrafluoroethylene, or (b) polytrifluorochloroethylene.[1]

[1] Valves, cocks, and pressure regulators having flow contact surfaces made of or lined with polytetrafluoroethylene or polytrifluorochloroethylene remain on the Positive List.

This item of the amendment shall become effective as of December 19, 1963.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Coal-tar and other cyclic chemical products					
	Coal-tar intermediates, and other cyclic intermediates, except acids:					
80279	2-Di-cyclohexyl carbodiimide	Lb.	ORGN 2	None	RO	
80279	Di-o-tolyl carbodiimide	Lb.	ORGN 2	None	RO	
80279	Methyl benzylate	Lb.	ORGN 2	25	RO	
80279	Ortho chloro benzaldehyde	Lb.	ORGN 2	25	RO	
80279	Piperidine carboxyl acid	Lb.	ORGN 2	25	RO	
80279	3-Quinuclidinone; and 3-quinuclidinol	Lb.	ORGN 2	25	RO	
	Industrial chemicals (exclusive of medicinal chemicals, U.S.P. and N.F.)					
	Organic chemicals except cyclic, n.e.c.:					
83299	2-Cyanoacetamide	Lb.	ORGN 2	25	RO	
83299	Di-ethyl methyl phosphonite	Lb.	ORGN 2	25	RO	
83299	Di-isopropyl amino ethyl chloride hydrochloride	Lb.	ORGN 2	25	RO	
83299	Di-isopropyl carbodiimide	Lb.	ORGN 2	None	RO	
83299	2-Di-isopropyl aminoethanol	Lb.	ORGN 2	25	RO	
83299	Di-methyl hydrogen phosphite	Lb.	ORGN 2	25	RO	
83299	Lysergic acid di ethyl amide	Lb.	ORGN 2	25	RO	
83299	Malononitrile	Lb.	ORGN 2	25	RO	
83299	Methyl dichlor phosphine	Lb.	ORGN 2	25	RO	
83299	Methyl isonicotenate	Lb.	ORGN 2	25	RO	
83299	Methyl phosphonyl dichloride	Lb.	ORGN 2	25	RO	
	Scientific and professional instruments, apparatus, and supplies, n.e.c.					
	Research laboratory apparatus and equipment, n.e.c., specially fabricated parts and accessories, n.e.c.:					
91980	Cord treating and testing laboratory units (for example, Computreators), and specially fabricated parts and accessories, n.e.c.	----------	SATE 2	25	RO	

This item of the amendment shall become effective as of December 26, 1963.

3. The following entries are added to the Positive List:

Dept. of commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Electrical machinery and apparatus					
70741	Electric industrial melting and refining furnaces: Electric industrial melting and refining furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates. (Specify by name and characteristics.)[1]	No.	ELME 2	None	RO	
70744	Electric industrial metal heat-treating furnaces: Electric industrial metal heat-treating furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings, or substrates. (Specify by name and characteristics.)[1]	No.	ELME 2	None	RO	

[1] These commodities are already on the Positive List under a more general entry and are made separate entries for easier identification.

This item of the amendment shall become effective as of December 26, 1963.

Shipments of commodities removed from general license to Country Group R or Country Group O destinations as a result of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., December 26, 1963, may be exported under the previous general license provisions up to and including January 20, 1964. Any such shipment not laden aboard the exporting carrier on or before January 20, 1964 requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-309; Filed, Jan. 14, 1964; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7208]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Broker-Dealer Participation in Proxy Solicitations

The Securities and Exchange Commission today released an opinion of its General Counsel with respect to participation by broker-dealer firms in proxy solicitations. This is deemed appropriate in view of recent expressions of interest in this matter. The opinion is set forth below:

On November 12, 1963, the Office of General Counsel sent a telegram to the New York Stock Exchange which read as follows: "We should appreciate your advising members that if they transmit proxy material to stockholders whose stock is held in street name, the transmission of any material not supplied by the participants may constitute a solicitation in violation of SEC proxy rules."

We understand that certain questions have arisen with respect to the scope and effect of this telegram, and it is the purpose of this opinion to consider these questions in more detail.

I. Section 14(a) of the Securities Exchange Act makes it unlawful for any person to solicit a proxy or authorizations in respect of any security which is registered on a national securities exchange in contravention of the rules of the Commission. The basic objective of this section and of the rules issued under it (Regulation 14) is to secure reliable and fair disclosure to security holders so that their exercise of the corporate franchise may be informed. These objectives apply to proxy solicitations whether or not there is a contest, but the existence of a contest may complicate their attainment. As the Court of Appeals stated in Securities and Exchange Commission v. May, 229 F. 2d 123, 124 (C.A. 2, 1956), a proxy contest is not to be viewed as a political contest, "with each side free to hurl charges with comparative unrestraint * * *. Congress has clearly entrusted to the Commission the duty of protecting the investing public against misleading statements made in the course of a struggle for corporate control."

Section 14 and the proxy rules apply to any person—not just management, or the opposition. This coverage is necessary in order to assure that all materials specifically directed to stockholders and which are related to, and influence their voting will meet the standards of the rules. Where, for any reason, there is a general interest in the outcome of a vote of security holders, particularly where there is a proxy contest but not limited to this situation, persons other than the management, or the opposition—if any—may become involved for various reasons and in various ways in efforts to influence the voting. If the activities of such persons were free of the controls provided by the proxy rules, the objectives of these rules would frequently be defeated. These principles apply to brokers along with all other persons. Brokers are, however, particularly likely to become involved in proxy solicitations both because they may have an interest in the matters to be voted on and because they may have connections with management, opposition, or other participants. There are, however, certain characteristics of the brokerage business which raise particular questions in relation to proxy solicitation. These are primarily as follows: First, brokers may feel obligated to furnish advice to customers as to how they should vote, just as they furnish advice to customers with respect to other matters pertinent to their investments. In the second place, brokers in the ordinary course of their business issue substantial amounts of written material which discuss particular securities and particular corporations. Where a proxy solicitation is in progress a question may arise as to whether this material is, or is not, soliciting material. In the third place, brokers may engage in solicitations with respect to securities owned by customers which are carried in the name of the broker, either in obedience to exchange rules or otherwise.

II. The first two questions, i.e., voting advice to customers and distribution of investment advisory material in the context of a proxy solicitation, are related and may be considered together. The application of section 14(a) of the Securities Exchange Act and of the proxy rules is keyed to the concept of "solicitation" of a proxy. If an activity constitutes solicitation, it is subject to the rules, otherwise not. Rule 14a–1 (§ 240.14a–1) defines "solicitation" to include "the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy." Whether or not a particular communication falls within this definition is a question of fact dependent both upon the nature of the communication and the circumstances under which it is transmitted. If the material constitutes solicitation, its distribution is not unlawful but the broker must comply with the rules applicable to persons engaged in soliciting proxies. Thus, the soliciting material must be filed in compliance with Rule 14a–6 (§ 240.14a–6), and it may not be misleading within the meaning of Rule 14a–9 (§ 240.14a–9). Generally speaking, solicitation may be made only to those persons who have previously received a proxy statement conforming to Rule 14a–3 (§ 240.14a–3). If there is a contest with respect to the election of directors, the requirements of Rule 14a–11 (§ 240.14a–11) must be complied with.

In our view a broker normally is not engaged in solicitation where he merely responds, whether orally or in writing, to an unsolicited request from a customer for advice as to how to vote. Since the broker is merely responding to his customer's request for advice in his capacity as adviser to the customer and not actively initiating the communication, it may be concluded that he is not engaged in "soliciting". This has been the traditional position of the Commission, as expressed in paragraph 2458.10 of the New York Stock Exchange Guide as follows:

Voting advice. We understand it to be the position of the Securities and Exchange Commission that on the unsolicited request of a customer, a member may advise him how to vote in a proxy contest, without becoming a participant and having to file under Securities and Exchange Commission rules. However, if a member volunteers advice to customers on how to vote a proxy, he may have to file with the Commission.

This, however, cannot be said if a broker voluntarily distributes material of such a nature that it would constitute soliciting material, under the tests referred to below, to persons who have not asked for it whether they are his customers or not. Insofar as advice to customers is concerned, therefore, the primary test is whether or not the advice is given in response to the unsolicited request of the customer or whether the broker goes beyond this advisory function and volunteers soliciting material.

As pointed out above, the question of whether or not communications by a broker constitute soliciting material depends both upon the nature of the material and upon the circumstances under which it is distributed. Material distributed during a period while proxy solicitation is in progress, which comments upon the issues to be voted on or which suggests how the stockholder should vote, would constitute soliciting material. Similarly, material originating with the broker which is sent along with proxy material which the broker is distributing on behalf of someone else, would almost always constitute a solicitation because of the circumstances under which it comes into the hands of the security holder. These principles, of course, are

in no way affected by whether or not the material is distributed directly by the broker or is sent to correspondents or branch offices for transmission by them to security holders.

The distribution under other circumstances of other types of material may or may not constitute a solicitation, depending upon whether or not the nature of the material or the manner of its distribution is calculated to influence the voting. These principles apply whether or not there is a proxy contest involving either the election of directors, as provided in Rule 14a–11 (§ 240.14a–11), or a solicitation in opposition to a management proposal, such as a merger or sale of assets. Where there is no contest and the stockholder has no decision as to whether he will send in his proxy or not, material not on its face soliciting material, such as the research reports and industry surveys of the type voluntarily sent out in the ordinary course of a broker's business, is unlikely to constitute soliciting material. In an analogous situation, the Commission has stated, in Exchange Act Release No. 5276, that the proxy rules were not applicable to communications, such as semi-annual and quarterly reports, "containing information and comment concerning the business of the character normally sent to security holders by corporate management during the course of a fiscal year * * *." Even if there is a contest, research reports and industry surveys may not constitute soliciting material where they do not purport in any way to comment on the merits of the contest and are sent out in the ordinary course of a firm's business without reference to, or in anticipation of, the contest. For example, a brokerage firm regularly sends out a study of the chemical industry in the fall. Such a study, containing only a factual and historical analysis of the business of several companies including X company, is sent out one year—at the usual time—during a proxy contest involving the X company. In the absence of any unusual circumstances, the distribution by the publisher of such material would not be regarded as a solicitation.

III. Turning now to the third question, the solicitation of customers whose securities are held in the name of the broker, it is quite clear, as pointed out above, that the transmission to customers of proxy material furnished by the issuer or any other person who is soliciting a proxy, is clearly itself the solicitation of a proxy, since the material is transmitted under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy. A broker sending out such material, however, is normally engaged in a solicitation which is exempt under Rule 14a-2(b) (§ 240.14a-2(b)). This rule exempts any solicitation by a person in respect of securities carried in his name or held in his custody if such person: (1) Receives no compensation other than the reimbursement of expenses; (2) furnishes to all persons solicited copies of soliciting material furnished to him for that purpose; (3) and in addition does no more than "impartially" instruct the person solicited as to how to transmit the proxy to the person who is originally soliciting it, or request instructions as to the giving of a proxy. This exemption was based, as the Commission has stated, "on the assumption that the banker, broker or other person is acting in a ministerial capacity and is not making an independent solicitation from the beneficial owner." Securities Exchange Act Release No. 4668 (January 31, 1952). Thus, the exemption will be lost if the firm does not act in an "impartial" manner, for example, if it transmits the material of one side promptly and delays transmission of the material of the other side, or passes on some but not all soliciting literature. See Walsh v. The Peoria & Eastern Railway Co. (63 Civ. 2003, S.D. N.Y. Oct. 9, 1963). Moreover, if the firm transmits—along with a party's soliciting material—its own literature, which in any way relates to the merits of the solicitation, the broker is probably not acting in a ministerial capacity and thus not entitled to the exemption. The limited nature of this exemption is the basis for the telegram quoted at the outset of this opinion.

IV. In summary, the transmission of material to security holders by a broker while proxy solicitation is in progress may or may not constitute a solicitation requiring compliance with the proxy rules, depending upon whether the material is of a nature calculated to influence the voting. This, in turn, depends both upon the content of the material, upon the conditions under which it is transmitted, and upon surrounding circumstances. In the context of a proxy contest where security holders are confronted with a choice as to which side they will support and where their proxies are not likely to be given in a routine manner, material originating with brokers is more likely to constitute proxy solicitation. Absent a contest, the ordinary distribution of research reports, market letters, etc., which do not refer to any question to be decided by the security holders, is unlikely to constitute solicitation unless sent out with proxy material or otherwise in a manner likely to cause it to be considered by a security holder in connection with his voting decision. Even where there is a contest, ordinary investment advisory material distributed in the ordinary course of business is not necessarily a solicitation but more care is called for. A broker who transmits proxy materials for others is engaged in solicitation and must stay within the limitation of exemption granted by Rule 14a–2(b) (§ 240.14a–2(b)) unless he complies with the requirements applicable to persons participating in a solicitation.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 7, 1964.

[F.R. Doc. 64-346; Filed, Jan. 14, 1964; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 526—INDUSTRIES OF A SEASONAL NATURE

Open-Cut Mining of Placer Gold by Hand and Power Machinery

On October 23, 1963, a notice was published in the FEDERAL REGISTER (28 F.R. 11316), proposing to amend the determination that open-cut mining of placer gold by hand in Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming, and open-cut mining of placer gold by both hand and power machinery in Alaska are seasonal industries.

Persons adversely affected by this proposal were given 15 days to file written statements of data, views, and agrument and request a hearing. None were received.

Therefore, pursuant to the procedure prescribed by 29 CFR 526.6, I hereby find that the above operations, except in Alaska, are not industries of a seasonal nature, and amend that part of the table in 29 CFR 526.101 which reads: "Gold, placer, open-cut mining: Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Alaska, and Wyoming, Dec. 26, 1939, 5 F.R. 24; Colorado, Apr. 26, 1940, 5 F.R. 1602; Redefinition, Apr. 28, 1942, 7 F.R. 3252."

As amended, the section will read as follows: "Gold, placer, open-cut mining, Alaska".

This amendment shall become effective 30 days after publication of this document in the FEDERAL REGISTER.

Signed at Washington, D.C., this 9th day of January 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-345; Filed, Jan. 14, 1964; 8:46 a.m.]

PART 526—INDUSTRIES OF A SEASONAL NATURE

Revocation of Seasonal Determination of Decortication and Drying of Ramie Fiber

On October 23, 1963, a notice was published in the FEDERAL REGISTER (28 F.R. 11317), proposing to revoke the determination that decortication and drying of ramie fiber in Florida is an industry of a seasonal nature.

Persons adversely affected by this proposal were given 15 days to file written statements of data, views, and argument, and request a hearing. None were received.

Therefore, pursuant to the procedure prescribed by 29 CFR 526.6, I hereby find that the decortication and drying of ramie fiber in Florida is not an industry of a seasonal nature, and revoke that part of the table in 29 CFR 526.101 which reads: "Ramie fiber, decortication and drying in the state of Florida—Sept. 14, 1949, 14 F.R. 5722". The revocation shall become effective 30 days after this document is published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 9th day of January 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-346; Filed, Jan. 14, 1964; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

[Dept. Cir. 176 (Rev.); 12th Amdt.]

PART 202—DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS

Collateral Securities for Deposits

Part 202, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 176 (Revised), 11 F.R. 102, January 3, 1946, as amended), is hereby further amended by revising paragraph (c) of § 202.20 to read as follows:

§ 202.20 Collateral securities for deposits.

* * * * *

(c) Obligations of the Federal Land Banks, Federal Intermediate Credit Banks, Federal Home Loan Banks, the Federal National Mortgage Association, the Central Bank for Cooperatives, the Banks for Cooperatives, the Tennessee Valley Authority, and bonds of Puerto Rico; at face value.

* * * * *

(Sec. 10, 56 Stat. 356, as amended; 12 U.S.C. 265)

Dated: January 10, 1964.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-354; Filed, Jan. 14, 1964; 8:46 a.m.]

[Dept. Cir. 92 (Rev.); 8th Amdt.]

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

Special Depositaries Must Pledge Collateral Security Before Receiving Deposits; Acceptable Securities

Part 203, Subchapter A, Chapter II, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department Circular No. 92 (Revised), 14 F.R. 7058, November 23, 1949, as amended), is hereby further amended by revising paragraph (c) of § 203.7 to read as follows:

§ 203.7 Special depositaries must pledge collateral security before receiving deposits; acceptable securities.

(c) *Obligations of Government Agencies.* Obligations of the Federal Land Banks, Federal Intermediate Credit Banks, Federal Home Loan Banks, the Federal National Mortgage Association, the Central Bank for Cooperatives, the Banks for Cooperatives, and the Tennessee Valley Authority; at face value.

* * * * *

(Sec. 8, 40 Stat. 291, as amended; 31 U.S.C. 771)

Dated: January 10, 1964.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-355; Filed, Jan. 14, 1964; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 274—VOLUNTARY ALLOTMENTS FOR PAYMENT OF DUES TO EMPLOYEE ORGANIZATIONS

The Deputy Secretary of Defense approved the following November 27, 1963:

Sec.
274.1 Purpose.
274.2 Applicability.
274.3 Definitions.
274.4 Policies.
274.5 Procedure.
274.6 Effective date.

AUTHORITY: The provisions of this Part 274 issued under section 10 (Executive Order 10988, 27 F.R. 551).

§ 274.1 Purpose.

This part provides guidance within the Department of Defense for making voluntary allotments for payment of employee organization dues, pursuant to the Federal Employees Pay Regulations of the Civil Service Commission, 5 CFR Part 25, Subpart F and DoD Directive 1418.4, "Civilian Pay Allotments," January 14, 1963.

§ 274.2 Applicability.

(a) Except as provided in paragraph (b) of this section, this part is applicable to all components of the Department of Defense (Military Departments, DoD Agencies, and the Office of the Secretary of Defense), hereinafter referred to as "DoD components".

(b) This part does not apply to those DoD components or parts thereof to which, pursuant to section II.1 of DoD Directive 1426.1, "Employee Organizations," May 15, 1962, the provisions of Executive Order 10988 do not apply.

§ 274.3 Definitions.

For the purpose of this part the terms listed below are defined as follows:

(a) "Employee organization dues" and "dues" means dues as defined in § 25.601 (h) of the Federal Employees Pay Regulations of the Civil Service Commission, 5 CFR, Part 25, Subpart F.

(b) "Eligible employee organization" means an employee organization which, pursuant to DoD Directive 1426.1, "Employee Organizations," May 15, 1962, has been accorded formal or exclusive recognition in a unit of any DoD component: *Provided* That formal recognition at the national level under section V.A.5. of DoD Directive 1426.1, "Employee Organizations," May 15, 1962 will not qualify an employee organization as an eligible employee organization.

(c) "Eligible employee" means a member in good standing of an eligible employee organization, who is employed in the unit in which the employee organization has been accorded formal or exclusive recognition, and whose net salary after other legal and required deductions is regularly sufficient to cover the amount of an authorized allotment for employee organization dues.

(d) "Unit" means unit as defined in section III.5 of DoD Directive 1426.1, "Employee Organizations," May 15, 1962.

§ 274.4 Policies.

(a) Any eligible employee organization, upon compliance with the procedures prescribed in this part, will be accorded the right for its members who are eligible employees to make voluntary allotments from their pay for the payment of their dues to such organization.

(b) Any eligible employee, upon compliance with the procedures prescribed in this part, will have the right to make a voluntary allotment from his pay for the payment of his dues to not more than one eligible employee organization of which he is a member, and to revoke such allotment when he desires to do so.

(c) Dues will be withheld each pay period, the amount to be withheld being determined as follows:

(1) When the amount of dues is stated in terms of an annual amount (covering a period of twelve months) the figure will be divided by twenty-six.

(2) When the amount of dues is stated in terms of a monthly amount the figure will be multiplied by twelve and the result divided by twenty-six.

§ 274.5 Procedure.

(a) An eligible employee organization which desires to arrange for its members to make voluntary allotments for payment of dues will submit a written request to the head of the unit in which it has formal or exclusive recognition.

(b) The head of a unit or the designated official, upon receipt of a written request from an eligible employee organization, will arrange to work out with the head of the organization a mutual arrangement, in writing, which will cover those elements of the procedures and arrangements deemed essential to the smooth functioning of the program for voluntary allotments for payment of dues. Such arrangements will conform with the requirements of Federal Employees Pay Regulations of the Civil Service Commission, 5 CFR, Part 25, Subpart F and DoD Directive 1418.4, "Civilian Pay Allotments," January 14, 1963 and this Part and will, as a minimum, provide:

(1) That the employee organization is responsible for purchasing the standard allotment form prescribed by the Comptroller General; distributing it to its members; certifying as to the amount of

its dues; delivering completed forms to the appropriate payroll officers; and educating its members on the program for allotments for payment of dues, its voluntary nature, and the uses and availability of the required form;

(2) A procedure under which the employee organization shall promptly notify the appropriate payroll office when a member of the organization is expelled or for any reason ceases to be a member in good standing.

(3) A procedure for appropriate notification to the organization by the payroll office of the revocation of an allotment by an eligible employee; and,

(4) The specific officer in the organization designated to receive from the payroll office, after each payroll period for which deductions are made pursuant to voluntary allotments, the remittance of dues withheld and a listing of names and amounts withheld.

(c) It will be the responsibility of the employee organization to comply with the terms of the written arrangement, to assure that allotments on the part of its members are voluntary, and to inform its members fully of the conditions governing revocation of allotments.

(d) It will be the responsibility of the head of the unit, when a written agreement is concluded with an eligible employee organization for voluntary allotments for payment of dues, to post on appropriate bulletin boards within the unit a notice apprising employees:

(1) That an arrangement has been made with the employee organization for voluntary allotments for payment of dues;

(2) That such allotments are to be entirely voluntary on the part of employees who are members of the organization and will take effect during the pay period beginning after the appropriate form, properly completed and designed, has been received in the payroll office;

(3) That forms to be used in making voluntary allotments for payment of dues are to be secured from the employee organization and returned to the payroll office through the employee organization; and,

(4) That an eligible employee may at any time revoke his allotment for payment of dues, to be effective in the first full pay period following March 1 or September 1, depending upon date of receipt of his revocation in the payroll office, and specifying the office or location within the unit where he can obtain forms and information concerning the revocation of an allotment.

(e) The head of the unit will maintain a supply of the form which has been provided for use in revoking an allotment and will make this form available to eligible employees upon request. However, a written request for revocation of an allotment which is otherwise in order and signed by the employee will be accepted and acted upon even though not submitted on the form.

(f) Nothing in this § 274.5 requiring arrangements at the local level will preclude the head or other appropriate official of a DoD component from entering into a written arrangement with the head of a national employee organization covering those elements and procedures of the voluntary dues allotment program which can appropriately be covered on a national basis. Any such arrangement will conform with the requirements of Federal Employees Pay Regulations of the Civil Service Commission, Chapter 1, Part 25, Subpart F and DoD Directive 1418.4, "Civilian Pay Allotments," January 14, 1963 and this Part and will be supplemented, as necessary, by the written arrangements provided for in paragraph (b) of this section.

§ 274.6 Effective date.

This part is effective immediately; however, no employee organization dues will be withheld from any employee's pay prior to the first pay period beginning on or after January 1, 1964.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-317; Filed, Jan. 14, 1964; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

POSTMARKING

Revision of Time Designation

With a view to a more economical and efficient operation of the Postal Service, effective February 1, 1964, the hour designation in postmarks will be discontinued on all mail at all post offices. On and after that date, mail postmarked between 12:01 a.m. and 12 noon will show the letters A.M. as time designation. Mail postmarked from 12:01 p.m. to 12 midnight will show the letters P.M.

When senders of registered and certified mail request the hour of mailing to be shown on their mailing receipts, this will be done by showing the time in ink on the receipt form and, in the case of registered mail, the same time on the post office mailing record. Certificates of mailing for ordinary mail shall also be endorsed to show the time of acceptance when the sender so requests.

The appropriate amendments necessary to codify the foregoing revision into Title 39, Code of Federal Regulations, will be published in the FEDERAL REGISTER at a later date.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2507)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-363; Filed, Jan. 14, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-17]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of January 1964:

The Commission having under consideration § 0.281 of its rules and regulations concerning delegations of authority to the Chief, Broadcast Bureau; and

It appearing, that by Memorandum Opinion and Order released July 15, 1963 (Docket No. 14661; FCC 63-644) the Commission adopted, among other things, final rules requiring the periodic inspection of standard, FM and certain non-commercial educational FM broadcast transmitters; and

It further appearing, that because of terrain and weather factors, the Commission recognized therein that some licensees would be physically unable to make the required five transmitter inspections per week throughout the entire year, and that it would therefore be necessary to "entertain requests for waiver when supported by a showing of the number of inspections per week which can be made, the maintenance program which has been instituted to insure proper operation, and a record of continued compliance with Commission rules"; and

It further appearing, that the large number of waiver requests being received can most expeditiously be processed at staff level, under the circumstances set forth in the foregoing Memorandum Opinion and Order; and

It further appearing, that existing delegations of authority to the Chief, Broadcast Bureau, should therefore be enlarged to allow for grant (or denial, as appropriate) of requests for waiver of the transmitter inspection requirements imposed by §§ 73.93(e), 73.265(e), and 73.565(e) of the Commission's rules; and

It further appearing, that authority for the adoption of the amendment ordered herein is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended; and

It further appearing, that since the amendment herein adopted pertains to Commission organization and procedure, the notice and effective date provisions of section 4 of the Administrative Procedure Act are inapplicable thereto:

It is ordered, That, effective January 20, 1964, Part 0 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 0.281(d)(15) is added to read as follows:

§ 0.281 Authority delegated.

* * * * * * *

(d) * * *

(15) For waiver of the transmitter inspection requirements imposed by §§ 73.93(e), 73.265(e), and 73.565(e) of this chapter.

* * * * * * *

[F.R. Doc. 64-372; Filed, Jan. 14, 1964; 8:47 a.m.]

[Docket No. 15123; FCC 64-4]

PART 25—SATELLITE COMMUNICATIONS

Subpart B—Communications Satellite Procurement Regulations

1. On July 19, 1963, the Commission issued a notice of proposed rule making looking toward the amendment of Part 25 of its rules and regulations by adding a new subpart (Subpart B—Communications Satellite Procurement Regulations) with respect to the procurement of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal station (28 F.R. 7516, July 24, 1963).

2. Pursuant to the notice, comments to the proposed rules have been timely filed by the American Telephone and Telegraph Company (AT&T), the Communications Satellite Corporation (the Corporation), GT&E Service Corporation (GT&E), Aerospace Industries Association of America, Inc. (AIA), Electronics Industries Association (EIA), and the Department of Justice (Justice). In addition, the Commission has received other relevant information, including the views of the Small Business Administration (SBA) and the Area Redevelopment Administration (ARA).

3. This proceeding was instituted pursuant to the Communications Satellite Act of 1962 (the Act) which, among other things, declares that "maximum competition be maintained in the provision of equipment and services utilized by the system." (Section 102(c).) In order to implement this declaration of national policy, section 201(c)(1) provides that the Commission shall: "insure effective competition, including the use of competitive bidding where appropriate, in the procurement by the corporation and communications common carriers of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; and the Commission shall consult with the Small Business Administration and solicit its recommendations on measures and procedures which will insure that small business concerns are given an equitable opportunity to share in the procurement program of the corporation for property and services, including but not limited to research, development, construction, maintenance, and repair."

And section 201(c)(11) provides that the Commission shall "make rules and regulations to carry out the provisions of this Act."

4. As originally proposed, the rules would apply to all procurements (with certain specified exceptions) in excess of $2,500 of equipment and services required for the establishment and operation of the communications satellite system and satellite terminal stations (§ 25.151). In order to insure the maintenance of effective competition, the rules provide that the Corporation, other communications common carriers, and their respective prime contractors and subcontractors shall employ three alternative methods of procurement, namely, formal advertising, two-step procurement, or negotiation, the choice of the alternatives depending on the nature of the apparatus, equipment, or service to be procured (§§ 25.171-25.174).

5. At the outset we desire to stress that it is not the intention of the Commission in promulgating these rules to participate in the selection of contractors nor to engage in contract negotiations. Rather, the regulatory objective is to establish a framework of procurement procedures which will afford all concerns, including small business, an equitable opportunity to share in the procurement requirements of the communications satellite system and satellite terminal stations, and to prevent an unfair competitive advantage accruing to any manufacturing interest who may participate in the ownership of the Corporation.

6. The rules further provide that the Corporation, other communications common carriers, and their respective prime contractors file with the Commission a notification statement, prior to the award of a procurement contract, containing pertinent information with respect to the procurement involved. It should be noted that subcontractors are excluded from the notification procedure. The procurement contract may be awarded 10 days after the filing of the notification statement unless the Commission advises the party making procurement that it is unable to determine that its rules are being complied with. (§§ 25.162-25.167.) The notification procedure is designed to keep the Commission currently informed of all major procurements and to insure that they are being made in accordance with the competitive conditions prescribed by the proposed rules.

7. A number of the provisions of the proposed rules relate to small business. These provisions are designed to keep small business concerns informed of procurement proposals made by the Corporation and communications common carriers and to afford such concerns an opportunity to participate in such procurements. They provide that parties making procurement shall consult with the Small Business Administration to obtain names of qualified small business concerns for inclusion in their bidders' mailing lists; that, where feasible, procurements should be divided into reasonably small lots so that small business can bid on less than the full requirements; that when a procurement can be furnished by a small business concern, price and other factors considered, the award shall be made to such concern; that all parties making procurements regardless of the value involved cooperate with the Small Business Administration, to the extent feasible, for the purpose of insuring that small business has an equitable opportunity to participate in all procurements; and that the Corporation be required to maintain an office responsible for the supervision of small business activities and for liaison with the Commission, the Small Business Administration, and contractors.

JURISDICTION

8. Before discussing the specific comments filed by the parties, we shall first consider the issue raised by the Corporation which questions the Commission's authority to promulgate rules applicable to prime contractors and subcontractors who are not communications common carriers.

9. The Corporation contends that the Commission's authority under section 201(c)(1) must be construed solely within the limits of the terms of that section; that no other provision of the Act purports to give the Commission authority over procurement; and, that while section 102(c) contains an expression of the intent of Congress that "maximum competition be maintained in the provision of equipment and services utilized by the system", such provision is not a grant of power to the Commission to regulate procurements of prime contractors and subcontractors who are not communications common carriers.

10. Section 102(c) represents a significant declaration of Congressional intent and when read in concert with section 201(c)(1) must be construed as a compelling public interest criterion by which the proper exercise of section 201(c)(1) is to be measured. The legislative history of the Act reveals that Congress was well aware that the establishment of a single commercial system would create unprecedented problems requiring comprehensive and flexible regulation, and fully appreciated the possibility that manufacturing subsidaries or affiliates of common carriers might be given favored treatment in supplying equipment and services required for the system and thereby deprive others of the opportunity to compete for this newly emerging market. Accordingly, the avowed aim of the Act in the field of procurement is to secure the maintenance of maximum effective competition in the acquisition and utilization of equipment and services required for the system.

11. In this connection it is particularly relevant to note the position that the Commission consistently and repeatedly pressed upon Congress both prior to the pendency of any specific legislative proposals, and during the course of the several hearings on the Act. All of the Commission's legislative recommendations, including those relating to procurement, were premised on the realistic forecast that for the foreseeable future only one commercial communications satellite system would be technically and economically feasible. Recognizing that a single system would increase the problem of maintaining effective competition in communications and, in view of the fact that most major communications common carriers are also engaged in the manufacture of satellite hardware and related facilities through corporate subsidiaries or affiliates, who are not common carriers, the Commission recommended to Congress that it be given authority to regulate all procure-

ments related to the establishment and operation of the system.[1]

12. It is well settled that Congress, in exercising its authority to regulate interstate commerce by delegating authority to a regulatory agency, concerns itself with defining broad areas of regulation and leaves to the agency the task of establishing particular standards and procedures to be employed in the administration of the delegated authority. Traditionally, the Commission has adopted rules particularizing its concept of pertinent public interest elements underlying its rule making authority, notwithstanding that such rules may affect persons and firms over whom the Commission has no direct jurisdiction. (National Broadcasting Co., Inc. et al. v. United States, 319 U.S. 190.)

13. In our view, the application of the rules as proposed, constitutes a proper exercise of authority effectuating the public interest considerations underlying section 201(c)(1) i.e. to prevent potential restraints on free and fair competition in the procurement program of the Corporation and carriers. Additionally, for all practical purposes, and particularly from the standpoint of the public interest, procurement contracts let by the lowest tier subcontractor are as much a part of the regulatory scheme as the initial procurement contract which may be awarded by the Corporation and carriers. The procurement process necessarily involves not only the awarding of the initial or prime contract but also subsequent subcontracts which are required for, and related to, the performance of the prime contract. Further, it is important to note that section 201(c)(1) also directs the Commission to insure that small business concerns are given an equitable opportunity to share in procurements. We think that the application of the rules to subcontractors represents an appropriate, if not essential, measure to afford small business concerns the equitable opportunity intended by Congress. The opportunities for small business concerns to share in procurements largely will depend upon their opportunity to be subcontractors to larger firms who may be prime contractors of the Corporation and carriers.

[1] Docket No. 14024, Notice of Inquiry, Paragraph 2; 1st Report, Paragraph 9.

Testimony of former FCC Chairman Newton Minow before Communication Subcommittee of the Committee on Commerce, U.S. Senate, August 1961, page 26.

Hearings, House Interstate and Foreign Commerce Committee, 87th Congress, 1st Session, July 25, 1961, page 11.

Hearings on S. 2650 and 2814, Senate Committee on Aeronautical and Space Sciences, 87th Congress, 2d Session, pp. 195, 204, February 28, 1962; Hearings on H.R. 10115 and H.R. 10138, House Committee on Interstate and Foreign Commerce, 87th Congress, 2d Session, page 400, March 14, 1962.

Hearings on Antitrust Problems of the Space Satellite Communication System before the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary, 87th Congress, 2d Session (part 2) page 286, April 6, 1962.

Senate Report No. 1584, Committee on Commerce on H.R. 11040, 87th Congress, 2d Session, pp. 12, 13.

14. In light of the foregoing the Commission concludes that section 201(c)(1) vests it with authority to promulgate procurement rules and regulations applicable to all prime contractors and subcontractors who elect to compete for the manufacture and supply of equipment and services required for the establishment and operation of the communications satellite system and satellite terminal stations.

DESIRABILITY OF APPLYING THE RULES TO PRIME CONTRACTORS AND SUBCONTRACTORS

15. As indicated above, the rules are applicable to the Corporation, other carriers, and their respective prime contractors and subcontractors. However, subcontractors are not required to follow the notification procedures. The Corporation, in addition to the legal issue previously discussed, contends that the application of the rules to prime contractors and subcontractors would delay the establishment of the system. AT&T takes a similar position. Justice and GT&E support the application of the rules to prime contractors and subcontractors with respect to procurements of a value of $10,000. The Corporation also asserts that the procurement procedures prescribed by the rules will tend to discourage subcontractors and particularly small business concerns from engaging as suppliers in the communications satellite procurement program. On the other hand, AT&T sees advantages in the application of the small business provisions of the rules to prime contractors and subcontractors.

16. The Commission cannot find that the Corporation and AT&T have substantiated the contention that the application of the proposed rules would delay the establishment of the system. Information available to the Commission indicates a contrary experience in this field. Thus, it should be noted that the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) in developing this Nation's communications satellite program have required, in almost all instances, that prime contractors submit proposed subcontracts for approval. In addition, such submission generally includes copies of cost breakdowns, price-cost analysis, comparative prices of competitive subcontract bidders, copies of quotations of the competitive bidders and analysis of this material by the prime contractors, including a certificate that the proposed subcontract is the best possible arrangement obtainable under the circumstances. Similarly, many of the contracts awarded by AT&T for its Telstar project required AT&T's approval of subcontracts. There is no indication that the taking of such measures by DOD, NASA, or AT&T has impeded the development of this Nation's communications satellite program.

17. Additionally, the Commission is not persuaded by the assertion of the Corporation that the rules would tend to discourage subcontractors and particularly small business concerns from engaging as suppliers for the system. In this connection, it is important to note that under the Act the Commission is directed to consult with the Small Business Administration and solicit its recommendations on appropriate measures and procedures which will insure that small business concerns are afforded an equitable opportunity to share in the communications satellite procurement program. On the basis of consultations with the Small Business Administration, the Commission is satisfied that the application of the rules to subcontractors represents a necessary and appropriate measure to insure equitable opportunity for small business concerns to participate in the procurement program.

18. The Commission fully appreciates the need to establish the system as expeditiously as practicable. In preparing the proposed rules, every effort was made to satisfy this objective while at the same time accommodating the requirement that effective competition be insured and equitable opportunity be afforded small business. The Commission believes that the proposed rules with the amendments hereinafter discussed are compatible with meeting both objectives.

DOLLAR VALUE OF CONTRACTS SUBJECT TO RULES

19. The thrust of the comments filed in opposition to the cutoff amount of $2,500 was to the effect that too many transactions would be subjected to an undue burden of paper work and procedures which would not be commensurate with the value of the procurement; that it would slow down the procurement program for the satellite system; that it would unduly increase the cost of compliance; and that all of the foregoing would render participation in satellite business unattractive to potential suppliers and particularly to small business. Should the dollar amount specified in our rules produce these undesirable consequences it would, of course, defeat the legislative objective of fostering competition in procurement and insuring an equitable opportunity for small business. Upon consideration of all of these arguments, we are convinced that the $2,500 amount we originally proposed is too low. On the other hand, we note that there is no general agreement as to what a proper cut off figure should be. Suggestions range from $10,000 by the Corporation, GT&E, and Justice to $100,000 by AT&T and EIA. It appears clear from the wide range of the cut off amount suggested in the filed comments that the selection of an appropriate figure is essentially a matter of judgment. Upon consideration of all the comments, including an analysis of the procurement transactions involved in AT&T's Telstar project, we conclude that a cut off amount of $25,000, together with the other procurement regulations prescribed herein, should not adversely affect the competitive environment sought to be maintained by the legislation. We further believe that such a cut off figure, together with the provisions relating to small business, will not be so high as to adversely affect small business participation. In this connection, consultations with the Small Business Administration indicate that such a cut off figure when considered together with the other small business provisions of these rules, including the voluntary program referred to in paragraph 27(c)(4), should not deprive small business of an adequate and fair opportunity to participate in the communications satellite procurement program.

NOTIFICATION PROCEDURES

20. The rules as proposed provide that only the Corporation, other communications common carriers, and their respective prime contractors are required to notify the Commission in writing prior to the award of any proposed contract or subcontract. Such contract or subcontract may, at the discretion of the party making procurement, be awarded 10 days after the filing of the notification statement, unless, in the interim, notice is given by the Commission that there is a question as to whether its rules and regulations have been complied with.

21. Before we evaluate the arguments made with respect to the notification procedures, we believe certain matters should be clarified. First of all we wish to emphasize again that the Commission is not performing the role of a contracting officer empowered to initiate, formulate, and approve procurement contracts. Secondly, it should be noted that no approval by the Commission of such contracts is required.

22. The notification procedures have a two-fold purpose. First, they are designed to apprise the Commission of the procurement activities of the Corporation, carriers, and their respective prime contractors. Secondly, the 10 day waiting period is designed to afford the Commission a reasonable opportunity to review the notification statement in order to determine whether the rules are being complied with.

23. The Corporation suggests that the filing of a "statement of compliance" after the award of a contract, in lieu of the proposed notification procedures, would eliminate problems of delay and expense. EIA shares this view. Additionally, the Corporation recommends that if the proposed notification procedures are adopted they should be made applicable only to the contracts of the Corporation and carriers involving not less than $1,000,000. EIA would limit such procedures to purchases from carrier affiliates or from a sole source.

24. The Commission believes that either the filing of a "statement of compliance" after the award of a contract, or application of notification procedures to contracts of the Corporation and carriers involving not less than $1,000,000, or from carrier affiliates or sole source, is too inadequate a measure to meet the responsibility of insuring effective competition and equitable opportunity for small business participation. Further, use of the above suggested procedures are more likely to increase the problems of delay and expense incident to any violations of the rules. The notification procedures should not result in any undue delay, particularly in view of the time which would normally be required for the completion of procurement contracts in the space communications field and, in our view, are essential to enable us to discharge the duties imposed by law. The notification procedures are designed to prevent potential violations without the necessity of lengthy and expensive proceedings after the fact by providing a speedy and effective mechanism for detecting possible violations and rectifying errors before the award is made. Further, we have made provision for emergency procurements and have included provisions for a waiver of the rules in appropriate circumstances which should permit prompt handling of any unusual procurement problems.

25. Finally, we note that AT&T reiterates the "time consuming" argument previously made in connection with the application of the rules to prime contractors and subcontractors (paragraph 15, supra). In view of the fact that the Commission has decided upon a cut off figure of $25,000 and that the notification procedures do not apply to subcontractors, this argument loses much of whatever force it may have had.

26. For the foregoing reasons the Commission has decided to adopt the notification procedures as proposed.

27. Additional comments. (a) The Commission has considered and rejected the following comments:

(1) EIA's suggestion of exempting all "research and development contracts" would remove from regulation substantially all of the procurement activities in the early development of the system. This we believe is clearly inconsistent with the purposes and objectives of section 201(c)(1) of the Act.

(2) AT&T and EIA's suggestion of deleting the bidders' mailing list requirement because of delay and expense would in effect eliminate the publication requirements of all procurements in the communications satellite field. Such requirements are an essential means of insuring equitable opportunity and effective competition among all business concerns, and where utilized, have not caused undue delay or expense.

(3) The Corporation recommends that the rules should include a provision under which the Commission could approve "alternative procurement procedures" proposed by the Corporation or any carrier. AIA advances a similar recommendation. We think that such an approach at this time could lead to a multiplicity of procurement procedures which could prove confusing, time consuming, and costly to all concerned. However, if later it should appear that the public interest would be served better by the adoption of the above recommendation, the Commission would be prepared to reconsider it.

(b) The Commission has considered and decided to adopt the following comments.

(1) The Corporation has suggested that the 10 day period provided under the notification procedures (§ 25.166) should begin to run from the date of filing of the notification statement with the Commission rather than from the date of acceptance of filing of such statement. We are deleting § 25.168 and amending § 25.166 to reflect this suggestion.

(2) The Corporation has also suggested an editorial change in the last sentence of § 25.163(e) to make clear that, for purposes of the notification procedures, the term "bidder" does not apply to a party engaging in a negotiated procurement. Sections 25.163(e) and 25.174(d) have been amended to reflect this suggestion.

(3) AT&T and EIA recommend that the provisions relating to the use of negotiations as a method of procurement should apply when it is not feasible or practicable to use formal advertising or two-step procurement. Section 25.174(a) has been amended to provide that the use of negotiations as a method of procurement may be used only when formal advertising or two-step procurement is not feasible or practicable.

(4) AT&T and EIA have also suggested that the Commission adopt a self-contained section to cover emergency situations rather than rely upon a general waiver provision as proposed in § 25.162. A new section (§ 25.160) has been added to reflect this suggestion.

(c) The Commission on its own motion has amended the original proposal in the following respects:

(1) In order to simplify procedures, the phrase "all substantial contract modifications" has been deleted from the definition of contracts in § 25.156(c) and in lieu thereof, § 25.172(c) has been amended to require notice to the Commission of any withdrawals or modifications of bids made after opening.

(2) The annual filing of the bidders' mailing lists and reports (§§ 25.169(a) and 25.177(a)) is to commence on a date certain, to wit: June 1, 1964.

(3) Section 25.174(b) has been amended to make clear that in all instances negotiated procurements are to be initiated by a request for proposals. While this was the intent of the section as originally proposed, we believe the amended language removes any possible ambiguities as to its meaning.

(4) As indicated previously, the Commission, on the basis of the comments received, has established the cut off value for application of the rules at $25,000. We are advised, however, that the Small Business Administration maintains a voluntary cooperative program with industry generally to assist small business in engaging as suppliers for procurements. The Small Business Administration has urged that we give recognition to this voluntary program in our rules. We believe this position is well taken and therefore have included a provision that all parties making procurements shall cooperate with the Small Business Administration, to the extent feasible, even if the value of the procurement is less than $25,000.

28. This is a new and developing field and the Commission recognizes that the rules to be promulgated may not represent a final solution to all of the problems which may arise in the area of procurement. While we believe that the rules are designed to allow flexibility and afford equitable opportunity to all parties concerned, the Commission is prepared to adapt and modify its procedures to meet new problems as they may arise. We will welcome suggestions on the basis

of actual experience as to the manner in which the procurement rules can be altered in order to carry out more effectively the objectives of the Act.

29. In view of the foregoing, and after consultation with the Small Business Administration, the Commission finds the public interest, convenience, and necessity will be served by the adoption of rules and regulations in accordance with the determinations herein made. Accordingly, pursuant to the authority contained in section 201(c)(1) and 201(c)(11) of the Communications Satellite Act of 1962, and section 4(i) of the Communications Act of 1934, as amended, *It is ordered*, This 8th day of January 1964 that:

1. The foregoing report is adopted.

2. Part 25 of the Commission's rules and regulations is amended by adding a new Subpart B, as set forth below, effective February 24th, 1964.

Adopted: January 8, 1964.

Released: January 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Sec.

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AUTHORITY: The provisions of this subpart issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 201, 76 Stat. 42, 47 U.S.C. 721.

§ 25.151 Scope, purpose and application of this subpart.

The provisions of this subpart govern the administration of section 201(c)(1) of the Communications Satellite Act of 1962, and are designed to insure effective competition in the procurement by the corporation and communications common carriers of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations, and to insure that small business concerns are given an equitable opportunity to share in such procurements. This subpart establishes uniform policies and procedures applicable to all procurements except where:

(a) The value of the procurement is less than $25,000, except as provided in § 25.176(c).

(b) The procurement is for electric power or energy, gas, water, or other utility service.

(c) The procurement is from or through a government instrumentality.

(d) The procurement is for personal services.

The provisions with respect to notification (§§ 25.162–25.167) shall apply only to the Corporation, other communications common carriers, and their respective prime contractors.

§§ 25.152–25.155 [Reserved]

§ 25.156 Definitions.

Except as otherwise provided, the following terms shall have the following meanings when used in this subpart. (See also § 25.103.)

(a) *Bidders' mailing list.* The term "bidders' mailing list" means one of a number of lists classified by types of property or services containing the names of those suppliers, including small business concerns, who have made request for inclusion and who appear to be qualified for inclusion therein, or who may appear from other information to be qualified.

(b) *Carrier.* The term "carrier" has the same meaning as that of communications common carrier. (See § 25.103(a).)

(c) *Contracts.* The term "contracts" means all types of agreements and purchase orders for procurement by a party making procurement.

(d) *Government instrumentality.* The term "government instrumentality" means any of the following:

(1) An agency or instrumentality of the Federal Government; a possession of the United States; or the Commonwealth of Puerto Rico;

(2) A State or local government or an agency or instrumentality thereof.

(e) *Party making procurement.* The term "party making procurement" means any person or firm engaged in the procurement of property or services required primarily for the establishment and operation of a communications satellite system or a satellite terminal station including the corporation, carriers, prime contractors, and subcontractors; provided, however, for the purposes of §§ 25.162–25.167, inclusive, the term party making procurement means the corporation, carriers, and prime contractors.

(f) *Procurement.* The term "procurement" means all procedures for the purchasing, renting, leasing, or the obtaining by any other means of all properties or services required primarily for the establishment and operation of a communications satellite system or a satellite terminal station.

(g) *Property.* The term "property" means all tangible property, including apparatus, equipment, and supplies.

(h) *Prime contractor.* The term "prime contractor" means any person or firm to whom any contract is awarded directly by the corporation or a carrier.

(i) *Services.* The term "services" shall include but is not limited to research, development, construction, maintenance, and repair activities.

(j) *Small business concern.* The term "small business concern" shall have the same definition as promulgated by the Small Business Administration for procurement purposes as set forth in 13 CFR Part 121. If the size status of any small business concern is questioned, the matter shall be referred to the Small Business Administration for a determination.

(k) *Subcontract.* The term "subcontract" means any contract to perform any work or to make or furnish any property or service required for the performance under any one or more prime contracts or subcontracts.

(l) *Subcontractor.* The term "subcontractor" means any person or firm to whom any contract is awarded by a prime contractor or subcontractor under a prime contract.

§§ 25.157–25.159 [Reserved]

§ 25.160 Emergencies.

(a) Any party making procurement confronted by a serious emergency occasioned by conditions unforseen by him, and beyond his control, which prevents his compliance with this subpart, may make such procurements as may be required by the circumstances without regard to the other requirements of this subpart, provided he immediately informs the Commission of the nature of the emergency and of the action he has taken or proposes to take.

(b) In addition to notifying the Commission immediately, any party making procurement under paragraph (a) of this section shall file with the Commission within 10 days following such procurement a statement in writing setting forth in detail all the terms and conditions of the transaction(s).

§ 25.161 Contract requirements.

Every contract or subcontract shall contain a provision that each party making procurement shall comply with the provisions of this subpart.

§ 25.162 Persons required to give prior notification.

No party making procurement as defined in § 25.156(e) shall award a contract or subcontract for property or services unless notification shall have been given to the Commission in accordance with §§ 25.163–25.167; however, the Commission may waive or modify the foregoing requirements or any other provisions of this subpart in accordance with § 1.3 of this chapter.

§ 25.163 Contents of notification.

Each notification submitted under this subpart shall contain or incorporate the following information:

(a) Name and address of the party making procurement.

(b) Names and addresses of all companies who have responded to the invitation for bids or request for proposals of the party making procurement.

(c) The method of procurement used and a statement that such method has been carried out in compliance with the provisions of this subpart applicable thereto.

(d) Copy of the contract or subcontract to be awarded or a description of its material provisions.

(e) The name of the person or firm to whom the contract or subcontract will be awarded. In the event the award is not to be made to the lowest bidder, under formal advertising or two-step procurement, a statement of the reasons therefor.

(f) If the party making procurement has a financial interest in the person or firm to whom the award will be made, the nature and extent of such interest.

(g) A statement containing a full and complete disclosure of the real party or parties in interest, if other than the parties named in the contract or subcontract.

§ 25.164 Who may sign the notification.

(a) Each notification or amendment thereto shall be personally signed by the party making procurement, if said party is an individual; by one of the general partners, if said party is a partnership; by an officer or duly authorized employee, if said party is a corporation; or by a member who is an officer, if said party is an unincorporated association.

(b) Only the original of any notification and any amendment thereto need be signed; copies may be conformed.

(c) Notification and amendments thereto need not be signed under oath; however, wilful false statements made therein are punishable by fine and imprisonment (18 U.S.C. Sec. 1001), and by other appropriate administrative sanctions.

§ 25.165 Form of notification, number of copies, etc.

(a) The original notification and five copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself.

(b) All notifications shall be on paper approximately 8 by 10½ inches with left hand margin not less than 1½ inches wide. The impression shall be on one side of the paper only and shall be double spaced. Notifications and accompanying papers, except charts, shall be typewritten or prepared by mechanical processing methods. All copies must be clearly legible.

§ 25.166 Action upon notification.

The party making procurement may award the proposed contract or subcontract at any time subsequent to 10 days after the date of filing with the Commission at its office in Washington, D.C., or 13 days after deposit in the mail, of such notification or last amendment thereto, unless within such period either the party making procurement, by written or telegraphic notice to the Commission, extends such period, or the Commission notifies such party during such 10-day period or any extension thereof that his notification statement is defective or that the Commission cannot, without further investigation, determine whether its rules and regulations have been complied with. In the latter event, the Commission shall issue a public notice and proceed in accordance with paragraphs (a) and (b) of this section:

(a) Within 10 days following issuance of such notice by the Commission, any interested person may file written comments with respect to the proposed contract or subcontract. Such comments shall also be served on the party making procurement who shall be afforded 5 days in which to file written reply comments.

(b) The party making procurement may award the proposed contract or subcontract at any time subsequent to 30 days following issuance of such notice by the Commission, unless within the 30-day period such party is further notified in writing by the Commission that it is unable to find that the rules and regulations of this subpart have been complied with and the reasons therefor. Such further notice shall specify a reasonable time within which such party may respond thereto. Upon receipt and consideration of such response, if any, and all other relevant information, the Commission shall enter an order either permitting the award of the contract or subcontract or institute such further proceedings as appear appropriate.

§ 25.167 Amendments.

The Commission may at any time order or require the party making procurement to amend his notification so as to make it more definite and certain or to submit such additional documents or statements as in the judgment of the Commission may be necessary.

§ 25.168 [Reserved]

§ 25.169 Publication requirements.

Every invitation for bids or request for proposals issued by a party making procurement shall be publicized through the bidders' mailing list and the party making procurement is encouraged to use the Commerce Business Daily, published by the Department of Commerce (see 41 CFR Subpart 1–1.10). A copy of every such invitation or request, together with a list of all concerns which have been notified, and a statement of the method of procurement to be used and of the reasons therefor, shall be filed with the Commission by the party making procurement within 5 days from the date of issuance of such invitation or request.

(a) Bidders' mailing lists shall be compiled and maintained by the party making procurements who shall file such lists with the Commission prior to the issuance of his first invitation for bids or request for proposals. Current revisions of such lists shall be filed annually commencing on June 1, 1964.

(b) The party making procurement shall consult with the Small Business Administration to obtain names and addresses of small business concerns who are considered by that organization to have the technical and other capabilities required to provide the type of property or services for which the bidders' mailing lists are intended.

(c) Less than the complete bidders' mailing list may be utilized if a reasonable number of suppliers are solicited. When less than the complete bidders' mailing list is utilized, all small business concerns on such list shall be solicited, except that only a reasonable number of such concerns need be solicited when the bidders' mailing list is composed predominately of small business concerns.

(d) When a supplier of property or services listed by the party making procurement consistently fails to respond to invitations for bids or requests for proposals, the supplier may be deleted from the bidders' mailing list. Such supplier shall be reinstated upon application to said party.

(e) A reasonable number of copies of invitations for bids and requests for proposals publicized through the bidders' mailing list, including specifications and other pertinent information, shall be maintained by the party making procurement. Copies of such invitations or requests shall be available for inspection by all interested parties, including Government agencies, manufacturers, contractors, publishers, trade associations, procurement information services, and other disseminators of information.

§ 25.170 [Reserved]

§ 25.171 Methods of procurement.

All procurements by a party making procurement shall be initiated and made by formal advertising except where two-step procurement or negotiations are otherwise authorized under this subpart.

§ 25.172 Formal advertising.

Formal advertising means procurement by competitive bids and awards as prescribed in this section and involves the following basic requirements:

(a) *Contents of the invitation for bids.* The invitation for bids shall contain a detailed description of the requirements of the party making procurement. The invitation shall specify the date by which the bid must be submitted, the time and place established for the opening of bids, delivery requirements, all applicable contractual provisions (including any requirements for bonds, liquidated damage provisions, etc.) and shall contain a complete set of all applicable specifications, technical data, and drawings or the place where such specifications, technical data, and drawings may be obtained by bidders and any other information deemed appropriate.

(b) *Publicizing the invitation for bids.* The bids shall be solicited, and the invitation shall be publicized, and the Commission shall be notified in accordance with the procedures set forth in § 25.169.

(c) *Submission of bids by prospective contractors.* Bids must be submitted in the form and manner prescribed in the invitation for bids and comply with all the requirements contained therein. Bids may be modified or withdrawn at any time prior to opening. After opening, such modifications or withdrawals may be permitted by the party making procurement provided they are not to the detriment of other bidders or in no way detract from the competitive nature of the procurement. Notice of any withdrawals permitted or modifications made after opening shall be furnished to the Commission within 5 days thereafter, together with a statement of reasons therefor.

(d) *Evaluation and award.* To the extent possible, all bids for a given procurement shall be opened at the time and place set forth in the invitation for bids by the party making procurement who shall record all bids. Unless all bids are rejected, an award shall be made to that bidder whose bid, conforming to the invitation, is most advantageous to the party making procurement, price and other factors considered. (See also § 25.176(b).) When an award has been made, an unsuccessful bidder shall upon request be notified by the party making procurement of the reasons its bid was not accepted.

§ 25.173 Two-step procurement.

Two-step procurement is a means of procurement conducted in two steps. Step one consists of the request for, and the submission, evaluation, and if necessary, discussion of, technical proposals without pricing. Step two consists of a formally advertised procurement limited to those contractors submitting technically acceptable proposals in step one.

(a) *Limitations on use.* This method of procurement may be used only when available specifications or purchase descriptions do not permit formal advertising without engineering evaluations and discussion with respect to the technical aspects thereof so as to insure mutual understanding between contractors and the party making procurement.

(b) *Request for technical proposals—step one.* Technical proposals shall be requested, the request publicized, and the Commission notified in accordance with the procedures set forth in § 25.169. The request for technical proposals shall contain or incorporate the following information:

(1) The best available description of the property or services required.

(2) A statement that the procurement will be conducted in two steps and notification to contractors of the scope of each step.

(3) The minimum acceptable technical information required to be submitted by the bidders.

(4) The criteria for evaluating technical proposals, and a statement that modifications of the criteria may be permitted provided it is not to the detriment of other bidders or in any way detracts from the competitive nature of the procurement.

(5) A statement that technical proposals shall not be accompanied by prices or pricing information.

(6) Notification that prospective bidders may discuss the request and their technical proposals with the party making procurement.

(7) A statement that only those bidders submitting acceptable technical proposals will be permitted to participate in the second step of the procurement.

(8) The date by which the technical proposal must be submitted.

(9) Any other information deemed appropriate.

(c) *Evaluation of technical proposals—step one.* The following procedures shall govern the evaluation of technical proposals:

(1) Upon receipt and review of technical proposals submitted in step one, all reference to pricing or cost data shall be removed and may not be given consideration.

(2) Evaluation of technical proposals shall be made upon the criteria set forth in the request for technical proposals, and any permissible modifications.

(3) Technical proposals shall be categorized, by the party making procurement, as follows: acceptable, acceptable requiring further discussion, or unacceptable. Upon evaluation of technical proposals received in step one, the party making procurement shall, if additional proposals are necessary to insure effective competition or equitable opportunity for small business, arrange for necessary discussions with those bidders submitting technical proposals which might become acceptable after further discussion.

(d) *Step two.* Upon completion of the procedures required in step one, invitations for bids shall be extended to those parties whose technical proposals have been evaluated and determined to be acceptable or become acceptable after further discussion. A list of such parties shall be filed with the Commission within 5 days from the date such invitations for bids are extended. The invitation shall specify the date by which the bid must be submitted, the time and place established for the opening of bids, delivery requirements, all applicable contractual provisions (including any requirements for bonds, liquidated damage provisions, etc.), and any other information deemed appropriate. Such parties shall be informed in the invitation that they will be limited to the property or service set forth in the acceptable technical proposals and if they submit pricing for other property or service their bid shall be rejected.

(e) *Evaluation and award.* To the extent possible, all bids for a given procurement shall be opened at the time and place set forth in the invitation for bids by the party making procurement who shall record all bids. Unless all bids are rejected, an award shall be made to that bidder whose bid, conforming to the invitation, is most advantageous to the party making procurement, price and other factors considered. (See also § 25.176(b).) When an award has been made, an unsuccessful bidder shall upon request be notified by the party making procurement of the reasons its bid was not accepted.

§ 25.174 Negotiation.

This section sets forth the basic requirements for procurement by means of negotiation and the circumstances under which negotiation shall be permitted.

(a) *Limitations on use.* This method of procurement may be used only when it is not feasible or practicable to procure property or service through either formal advertising or two-step procurement, or if otherwise specifically authorized by the Commission.

(b) *Preparation of the request for proposals.* Negotiations shall be initiated by a request for proposals which, to the extent feasible, shall clearly and completely set forth the requirements of the procurement; the criteria upon which proposals will be evaluated; the type of contract that is intended to be utilized; the availability of special tooling or equipment necessary to fulfill the technical requirements of the contract; the time for receipt of proposals; the general terms and conditions of the contract to be awarded; and any other information deemed appropriate.

(c) *Request for proposals.* Proposals shall be requested, the request publicized, and the Commission notified in accordance with the procedures set forth in § 25.169.

(d) *Evaluation and award.* When discussion of proposals with prospective contractors is deemed necessary, such discussions may not be used to give preference to any particular contractor, or to disclose the technical or costing data submitted by other prosective contractors. The award of a negotiated procurement shall be made to that person or firm whose proposal is most advantageous to the party making procurement on the basis of the criteria established, price and other factors considered. (See also § 25.176(b).) When an award has been made, an unsuccessful party shall upon request be notified by the party making procurement of the reasons its proposal was not accepted.

§ 25.175 [Reserved]

§ 25.176 Small business.

(a) Whenever economically and technically feasible, the party making procurement shall divide any procurement into reasonably small lots in order to permit bidding by small business concerns on quantities less than the total requirements. The maximum amount of time practicable shall be allowed for preparation, submission of bids or proposals, and delivery schedules.

(b) When a procurement made by a party making procurement can be fulfilled or furnished by a small business concern, price and other factors considered, the award of such procurements shall be made to such concern. A list of such awards shall be filed annually with the Commission commencing on June 1, 1964.

(c) In addition to complying with the requirements applicable to procurements of $25,000 or more, all parties making procurements shall cooperate with the Small Business Administration to the extent feasible, even if the value of the procurement is less than $25,000, for the purpose of insuring that small business has an equitable opportunity to participate in all procurements.

(d) The Corporation shall maintain an office responsible for the supervision and administration of small business activities, compliance with the small business provisions of this subpart, and for liaison with the Commission, the Small Business Administration, and contractors.

§ 25.177 Maintenance of records.

(a) The Corporation and carriers shall obtain information on all subcontracts awarded under each of their prime contracts. Such information shall include the name and address of each subcontractor, the property or service purchased, and the amount of the award. Reports reflecting such information shall be filed annually, commencing on June 1, 1964, with the Commission.

(b) The party making procurement shall maintain records of all awards for 3 years. Such records shall set forth the property or service purchased; the name of the firm receiving the award and the names of any other firms solicited; and the reason for selecting the firm receiving the award.

§ 25.178 Inspection.

The Commission may, from time to time, inspect the procurement practices and procedures of any party making procurement to ascertain whether such practices and procedures are in compliance with the provisions of this subpart. In connection therewith, the Commission shall at all reasonable times have access to, and the right of inspection of the actual operations, accounts, records and memoranda, including all documents, papers and correspondence now or hereafter existing, of any party making procurement pertinent to that party's procurement of property or services required primarily for the establishment and operation of the communications satellite system or satellite terminal stations.

§§ 25.179–25.201 [Reserved]

Subparts C–G—[Reserved]

[F.R. Doc. 64-374; Filed, Jan. 14, 1964; 8:47 a.m.]

[FCC 64-18]

PART 73—RADIO BROADCAST SERVICES

Equipment and Antenna Systems

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of January 1964;

The Commission having under consideration its Order (FCC 63-36) adopted January 9, 1963, amending §§ 3.48, 3.250, and 3.550 (now §§ 73.48, 73.250, and 73.550) of the Commission's rules relating to acceptability of broadcast transmitters for licensing, to provide for interchangeability of transmitting equipment under certain circumstances;

It appearing, that, pursuant to the aforesaid sections as so amended a licensee or a permittee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license or construction permit if such transmitter is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as acceptable for the transmitter output power authorized and, if operation under §§ 73.295, 73.297, 73.595, or 73.596 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable for the appropriate type of operation; and

It further appearing, that, §§ 73.257(b)(2) and 73.557(b)(2) of the Commission rules and regulations relating to replacement of transmitter should be amended to make them consistent with the rule changes effected by the aforementioned Order; and

It further appearing, that, these amendments to the rules are procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that, authority for the promulgation of these amendments to the rules is contained in sections 4(i), 301, 303(e) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That §§ 73.257(b)(2) and 73.557(b)(2) of the Commission's rules are amended to read as follows:

§ 73.257 Changes in equipment and antenna system.

* * * * * * *

(b) * * *

(2) A replacement of the transmitter as a whole, unless such transmitter is one which may be installed and utilized in accordance with the provisions of § 73.250(a)(5).

* * * * * * *

§ 73.557 Changes in equipment and antenna system.

* * * * * * *

(b) * * *

(2) A replacement of the transmitter as a whole, unless such transmitter is one which may be installed and utilized in accordance with the provisions of § 73.550(a)(5).

* * * * * * *

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: January 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-373; Filed, Jan. 14, 1964; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Reports of Refrigerator Car Lines Owned or Controlled by Railroad Companies

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of December A.D. 1963.

The matter of annual reports of refrigerator car lines owned or controlled by railroad companies being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.70 of the order of December 14, 1961, in the matter of Annual Report Form B–1 (Refrigerator Car Lines Owned or Controlled by Railroad Companies), be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That § 120.70 be, and it is hereby, modified and amended, to read as follows:

§ 120.70 Annual reports of refrigerator car lines owned or controlled by railroad companies.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all refrigerator car lines which are operated in interstate commerce subject to the provisions of section 20(6) of the Interstate Commerce Act, 49 U.S.C. 20, and which are owned or controlled by railroad companies, are required to file annual reports in accordance with Anual Report Form B–1 (Annual Reports of Refrigerator Car Lines Owned or Controlled by Railroad Companies), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form B–1 shall be served upon all refrigerator car lines subject to section 20(6) of the Interstate Commerce Act, owned or controlled by railroad companies, and upon every trustee, receiver, executor, administrator, or assignee of any such car line, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-358; Filed, Jan. 14, 1964; 8:46 a.m.]

[1] Filed as part of the original document.

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 4b, 40, 41, 42]

[Notice 63-42A; Docket No. 2083]

REGULATIONS, PROCEDURES, AND EQUIPMENT FOR PASSENGER EMERGENCY EVACUATION; FLIGHT ATTENDANTS; AND ASSIGNMENT OF EMERGENCY EVACUATION FUNCTIONS FOR CREWMEMBERS

Extension of Comment Period

The Flight Standards Service of the Federal Aviation Agency proposed in Notice 63-42 (Regulations, Procedures, and Equipment for Passenger Emergency Evacuation; Flight Attendants; and Assignment of Emergency Evacuation Functions for Crewmembers) published in the FEDERAL REGISTER of October 29, 1963 (28 F.R. 11507), to amend certain operating rules of Parts 4b, 40, 41, and 42 of the Civil Air Regulations. That notice stated that consideration would be given to all comments received on or before January 13, 1964.

The Aerospace Industries Association of America (AIA), on behalf of its members, has requested an extension of the time for comments on this proposed regulatory action. This organization has a substantive interest in the proposed rule and advised the Agency that they needed until February 10, 1964, to give proper consideration to the proposal.

I find that the petitioner has shown a substantial interest in the proposed rule and good cause for the extension, and that the extension is consistent with the public interest. Therefore, pursuant to the authority which has been delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 63-42 will be received is extended to February 10, 1964.

Communications should be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue NW., Washington, D.C., 20553. All comments submitted will be available, both during and after the comment period, in the Rules Docket for examination by interested persons.

Issued in Washington, D.C., on January 10, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-391; Filed, Jan. 14, 1964; 8:49 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-OE-56]

CONTROLLED AIRSPACE

Supplemental Notice of Proposed Rule Making; Correction

On December 21, 1963, there was published in the FEDERAL REGISTER (28 F.R. 13940) a proposal to alter the Springfield, Ill., control zone, revoke the Springfield control area extension and the Jacksonville, Ill., transition area, and designate the Springfield transition area.

During publication, the bearing from the Springfield radio range used to describe the lateral extent of the position of the Springfield transition area proposed with a floor of 700 feet above the surface, extending from the 7-mile radius area to 12 miles southwest of the radio range was transposed from 214° to 124°; and, the radial from the Capital VOR, used to describe the lateral extent of the portion of the Springfield transition area proposed with a floor of 1,200 feet above the surface within a 15-mile radius of the Capital VOR, was transposed from 164° to 146°. In addition, the airway designation used in describing the extent of a longitudinal boundary extending from the 26-mile radius area was transposed from Victor 426 to Victor 462. Accordingly, the portion of the Notice proposing the designation of the Springfield transition area is corrected by substituting 214° for the 124° indicated in the notice for the portion with a floor of 700 feet above the surface; substituting 164° for the 146° indicated in the notice for the portion with a floor of 1,200 feet above the surface; and substituting Victor 426 for Victor 462 where it appears in the 1,200-foot area description.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is hereby extended to forty-five days after publication of this notice. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Ave., Kansas City, Mo., 64110.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 8, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-336; Filed, Jan. 14, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 12945; FCC 64-15]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. The Commission has under consideration the following proposals set forth in its notice of proposed rule making (FCC 59-722), adopted on July 15, 1959:

(1) A petition for rule making, filed May 24, 1957, and amended July 3, 1957, by Capitol Broadcasting Company, licensee of Station WCOV-TV on Channel 20 at Montgomery, Alabama, to assign a second VHF channel to Montgomery as follows:

City	Channel No.	
	Present	Proposed
Montgomery, Ala	12, 20, *26+, 32	8-, 12, 20, *26+, 32
Selma, Ala	8-, 58+	58+

(2) A petition for rule making, filed December 10, 1957, by the Washington Post Company, to provide a third commercial VHF channel to Birmingham, Alabama, as follows:

City	Channel No.	
	Present	Proposed
Birmingham, Ala	6-, *10-, 13-, 42+, 48	6-, 8-, *10-, 13-, 42+, 48
Selma, Ala	8-, 58+	58+

(3) Proposals submitted as alternative counterproposals in the Columbus, Georgia, rule making proceeding (Docket No. 12054) on February 21, 1958, and on April 2, 1958, by Frank K. Spain, principal owner of WTWV, Inc., licensee of Station WTWV on Channel 9 at Tupelo, Mississippi, as follows:

PLAN 1

City	Channel No.	
	Present	Proposed
Tupelo, Miss	9-, 38	38
Tuscaloosa, Ala.[1]	45, 51-	9-, 45, 51-

PLAN 2

Tupelo, Miss	9-, 38	38
Tuscaloosa-Birmingham, Ala		4-
Columbus, Miss	4-, 28-	9-, 28-

[1] On February 17, 1960 the Commission added Channel *14 to Tuscaloosa. In the Matter of Amendment of Table of Assignments, Docket No. 13193, FCC 60-152.

(4) A proposal submitted as a counterproposal in the Columbus, Georgia, rule making proceeding (Docket No. 12054) on April 2, 1958, by Birmingham Television Corporation, holder of a permit for Station WBMG on Channel 42 at Birmingham, Alabama, which would assign a third commercial VHF channel to Birmingham and a second VHF channel to Montgomery, Alabama, as follows:

City	Channel No.	
	Present	Proposed
Birmingham, Ala	6-, *10-, 13-, 42+, 48	4-, 6-, *10-, 12-, *42+, 48
Columbus, Miss	4-, 28-	3+, 28-
State College, Miss	*2+	*8
Montgomery, Ala	12, 20, *26+, 32	8-, 12, 20, *26+, 32
Selma, Ala	8-, 58+	58+
Columbus, Ga.[2]	4, 28, *24	3, 9+, *24
Dothan, Ala.[2]	9+, 19-	4, 19-

[1] On July 15, 1959, the Commission added Channels 2 and 9 to Columbus, and added Channel 4 to, and deleted Channel 9 from, Dothan. In the Matter of Amendment of Table of Assignments, Docket No. 12064, FCC 59-721.

Proposal No. 1. 2. Proposal No. 1 (and No. 4, inter alia) requests a shift of Channel 8 from Selma to Montgomery, Alabama. Selma Television, Inc., formerly known as Deep South Broadcasting Company (herein WSLA-TV), has been operating on Channel 8 in Selma since March 1960. No application has been filed for Channel 58, the other assignment in Selma. In Montgomery, WSFA-TV (an NBC affiliate) is operating on Channel 12; WCOV-TV (a CBS affiliate) is operating on Channel 20; WCCB-TV went on the air on Channel 32 on March 24, 1962, but went off the air with authority to remain silent on February 15, 1963; and WAIQ is operating as a noncommercial educational station on Channel 26. Capitol Broadcasting Company, licensee of WCOV-TV in Montgomery, filed the instant petition to move Channel 8, and requested that its authorization for Channel 20 be modified to Channel 8 at Montgomery and the authorization of the Selma station be modified to Channel 58. Capitol's 1957 petition requested that Channel 8 be moved from Selma to provide equality of service for the two television stations then operating in Montgomery. It had been operating on a UHF channel since 1953 but began to have difficulty competing when WSFA-TV went on the air on Channel 12 in December 1954. Capitol contends that over a period of three and one-half years the number of UHF sets in the Montgomery market declined by 18,750 in contrast to an increase of 42,000 in the number of VHF receivers, argues that if the intermixed situation is permitted to continue the number of UHF sets will continue to decline until the point is reached where WCOV-TV will no longer be able to operate. Capitol alleges that it has been able to survive only because of its superior programming, its twenty-one month head start on its VHF competitor, and the absence of other VHF signals in the market. It is further urged that if WCOV-TV operates on Channel 8, 138,688 persons who now receive only one television service would receive a second service.

3. Selma is served by WSLA-TV and receives a Grade B signal from WSFA-TV, the VHF station in Montgomery. WSLA-TV vigorously opposes the removal of the channel from Selma, alleging its right to a hearing under section 316 of the Communications Act of 1934, as amended, before its authorization can be amended, and claims that the removal of the only VHF assignment and the only operating station from Selma to make available a second VHF station for Montgomery is contrary to the requirements of section 307(b) of the Communications Act. It is argued that the deletion of Channel 8 from Selma signals the end of local television there and that significant numbers of people in southwestern Alabama would be left without service.

4. Capitol asks us to move a VHF channel from Selma, where it is the only VHF channel assigned and the only television station operating, to Montgomery, where one VHF station and one UHF station are on the air and where one UHF permittee has authority to remain silent. Capitol is the UHF station on the air and would substitute the VHF service for its present operation. Montgomery would then have two local VHF services; Selma would have none.

5. The record indicated substantial UHF conversion in Montgomery County, Capitol's home county. An estimated 94 percent conversion is given by the 1960 American Research Bureau report. Capitol does not allege it has been losing money, but admittedly its earnings are not comparable with those of the competing VHF station. However, since the inception of this rule making, Congress has enacted legislation [3] which authorizes the Commission to require that television receivers shipped in interstate commerce for sale or resale to the public (or imported into the United States for such purpose) shall be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting. The Commission has issued an order requiring that receivers manufactured after April 30, 1964 and shipped in interstate commerce must be equipped to receive all channels.

6. Our anticipations concerning the effect of this legislation on UHF operation are summarized in a letter submitted to the House Committee on Interstate and Foreign Commerce (see H. Rept. No. 1559, 87th Cong., 2d Sess., pp. 18-26) discussing the effect the passage of the all-channel receiver authority might have on certain pending proceedings, in which the Commission made the following statement: "The UHF operator (both commercial and educational) could look forward to UHF receiver saturation not only in his home city but in the surrounding rural areas as well, and could expect improvement in the quality of the UHF portion of the receivers in the hands of the public. With increased use of UHF, and increased incentive for both equipment manufacturers and station operators to exploit its maximum potential, there is reason to believe that several of the problems which presently restrict the coverage of UHF stations could be overcome."

7. To grant the instant proposal would deprive Selma of its only local television service, would result in the demise of the UHF station presently in Montgomery and would discourage the return of WCCB-TV, the silent UHF station. We are therefore of the view that the interests of both the people of Selma and Montgomery would be better served by the denial of this proposal. We particularly call attention to our action in Docket No. 14231,[4] in which we stated that all new VHF assignments and applications will be scrutinized as to their likely effect upon UHF development.

Proposal No. 2. 8. This proposal, filed by the Washington Post Company on December 10, 1957, requests a shift of Channel 8 from Selma to Birmingham, Alabama. As we have previously indicated, we will not remove from Selma its only operating television station. Moreover, a station on Channel 8 at Birmingham would be likely to invade UHF territory in Northern Alabama where WMSL-TV is operating on Channel 23 at Decatur, WAFG-TV on Channel 31 and WHNT-TV on Channel 19 at Huntsville and WOWL-TV on Channel 15 at Florence. Construction permits are also outstanding for Channels 25 at Huntsville and 47 at Tuscumbia. For these reasons, the proposal of the Washington Post Company is herewith denied.

Proposal No. 3. 9. Proposal No. 3 (Plan 1) was filed by Frank K. Spain of WTWV, Tupelo, Mississippi and would shift Channel 9 from Tupelo to Tuscaloosa, Alabama. Spain also requested that the Commission amend WTWV's authorization to specify Channel 9 at Tuscaloosa, Alabama. On July 15, 1959, in Docket No. 12054 we allocated Channel 9 to Columbus, Georgia which is located 158 miles from Tuscaloosa. The minimum required co-channel spacing for this zone is 190 miles and the assignment of Channel 9 to Tuscaloosa would be at substantially less than the minimum mileage separation. No comments in support of the instant proposal were filed. In view of the short separation, it is denied.

10. Proposal No. 3 (Plan 2) was filed by Spain after he determined that Channel 4 could be so used that it would serve both Birmingham and Tuscaloosa. He requested that Channel 4 be allocated to Tuscaloosa-Birmingham by substituting Channel 9 for Channel 4 at Columbus, Mississippi. He further requested that the Commission order WTWV to show cause why its authorization should not be changed to Channel 4 at Tuscaloosa-Birmingham and that WCBI-TV be ordered to show cause why its authorization should not be changed to Channel 9 in Columbus. Under this proposal, Tupelo would be deprived of its only local television station which has operated in that community since March, 1957. The only other signal received in Tupelo is from Columbus, Mississippi, 50 miles away. This proposal would also require the modification of WCBI-TV's license at Columbus and WTWV has conditioned its willingness to give up Channel 9 at Tupelo upon its getting in exchange Channel 4 at Birmingham. For the above reasons, this proposal is denied.

Proposal No. 4. 11. Birmingham Television Corporation, authorized to oper-

[2] Public Law 87-529, enacted into law July 10, 1962.

[4] FCC 62-1192, issued Nov. 23, 1962.

[5] In the Matter of Assignment of Additional VHF Channels to Oklahoma City, etc., FCC 63-501, adopted May 29, 1963.

ate WEMG on Channel 42 at Birmingham, also submitted a plan to allocate Channel 4 to Birmingham. Since Columbus, Mississippi, is only 93 miles from Birmingham, it would be necessary to find another frequency for WCBI–TV before Channel 4 on which that station operates could be allocated to the Birmingham area. Birmingham Television suggests that Channel *8 be substituted for Channel *2 in State College, Mississippi, thus releasing Channel 2 for use by WCBI–TV in Columbus, Mississippi. Birmingham proceeds on the assumption that the Commission will adopt the other portion of Proposal No. 4, namely that Channel 8 (presently allocated to Selma, Alabama) be shifted to Montgomery, Alabama. If that feature of its proposal is not adopted, Birmingham Television suggests that Channel *2 in State College be shifted to Columbus, Mississippi, without substituting a channel at State College.

12. We have herein stated that we will not move Channel 8 from Selma to Montgomery. Therefore we will consider only the alternate proposal. The Channel 4 allocation could be made by deleting educational Channel 2 (unused) from State College, Mississippi, substituting Channel 2 for Channel 4 at Columbus, Mississippi; thus Channel 4 would move from Columbus to Birmingham at standard separations. However, a Channel 2 station at WCBI–TV's present site at Columbus would involve a short separation to the educational station, WDIQ, at Andalusia, Alabama. The University of Mississippi opposes the deletion of the only VHF channel reserved for educational use in the State of Mississippi unless a satisfactory VHF channel can be substituted in its place. The University has indicated that an active program for effective utilization of Channel 2 is rapidly maturing and that the continued reservation of the channel is necessary. To maintain the required separations from co-channels WSM–TV at Nashville, Tennessee and WTVY at Dothan, Alabama, a Channel 4 transmitter would have to be placed approximately 30 miles from Birmingham. The placement of the transmitter at such a distance from Birmingham would prevent the new station from becoming fully competitive with the existing stations there. Since this proposal would involve deletion of an educational reservation, would require a short spaced separation of channels at Columbus and would involve a distant placement of transmitter at Birmingham, it is herewith denied.

13. In view of the foregoing: *It is ordered*, This 8th day of January 1964, that the above-described proposals for rule making are denied and this proceeding is terminated.

Released: January 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64–376; Filed, Jan. 14, 1964; 8:47 a.m.]

*Concurring statement of Commissioner Cox filed as part of the original document.

[47 CFR Part 97]

[Docket No. 15267; FCC 64–7]

AMATEUR RADIO SERVICE

Proposed Deletion of Dual Identification Requirements

In the matter of amendment of § 97.87(d) (2) of the Commission's rules governing the Amateur Radio Service to delete a "dual identification" requirement, Docket No. 15267, RM–358, RM–435.

1. The Commission has before it for consideration petitions from the American Radio Relay League (ARRL), Newington, Connecticut (RM–358), and from Edwin B. Bruening, Ann Arbor, Michigan (RM–435), both proposing to amend § 97.87(a) (2) (formerly § 12.82(a) (2)) of the Commission's rules governing the Amateur Radio Service. The ARRL petition proposes to delete the requirement for the identification by telegraphy or telephony of the call sign(s) of the station(s) to which an amateur radio teleprinter station is transmitting.

2. Mr. Bruening submits the same proposal but only as an alternative to his primary recommendation. Primarily, Mr. Bruening proposes that all telegraphic or telephonic identification requirements for amateur radio teleprinter stations be deleted and that, as a substitute therefor, licensees be required to file prior written notice of their proposed radio teleprinter operations with appropriate Commission Field Offices.

3. Section 97.87 of the rules sets forth station identification requirements in the Amateur Radio Service. Section 97.87 (a) (1) provides that identification shall include transmission of the call sign of the station being called followed by the call sign of the transmitting station. Section 97.87(a) (2) provides that this identification shall be by either telegraphy or telephony, as appropriate, and, in addition, when a method of communication other than telegraphy or telephony is being used, such as radio teleprinter, the identification shall also be transmitted by that method. The requirement for telegraphic or telephonic station identification, in addition to radio teleprinter station identification, is commonly referred to as the "dual identification" requirement.

4. Deletion of the "dual identification" requirement was considered by the Commission in connection with an earlier petition (RM–277), filed by the ARRL. In denying that petition by its Memorandum Opinion and Order released February 26, 1962 (FCC 62–214; 22 R.R. 1573), the Commission stated that:

> The dual identification requirement is necessary for the Commission properly to perform its duties. Amateur stations are not assigned specific frequencies, and as a consequence, the interference resulting from the overlapping of signals makes identification difficult at best. Infraction notices are issued only upon positive identification. Without the dual identification requirement, positive identification would be very difficult for the monitoring stations, and practically impossible for the Commission's mobile units which are not equipped to receive radioteletype transmissions. It appears to the Commission that the advantage to the Amateur service as a whole in having proper and prompt enforcement of the Amateur rules and regulations outweighs any possible advantage to be gained from the relaxation of the present identification requirements.

5. Petitioner Bruening takes note of the Commission's comment in RM–277, but he maintains that by requiring licensees to file prior written notice of their proposed radio teleprinter operations, elimination of "dual identification" could be accomplished without detracting from monitoring efficiency. He contends that since radio teleprinter operations are conducted by very few amateurs, "Such an amendment should not, therefore, place any administrative burden upon the district offices of the Commission, and will indeed help their monitoring efforts through such special registrations. In the case of suspected interference by an amateur using a mode of operation other than telephony or telegraphy, the district Engineer-in-Charge would have immediate access to a list of amateur stations participating in special forms of transmission and communications."

We cannot agree with this contention. A filing of a notice of proposed operation would not provide the means of rapid and positive identification which is so necessary to investigative and enforcement activities.

6. The Commission does, however, feel that, notwithstanding its view with regard to deletion of the entire "dual identification" requirement, a partial relaxation of § 97.87(a) (2) is appropriate as proposed primarily by the ARRL and alternatively by Mr. Bruening. In support of its petition, the League notes that:

> "* * * the Commission's identification needs will be fully met by modifying the present dual identification requirement for teletype operation only to the extent of making it unnecessary for telegraphic transmission of the call sign or signs of the station or stations being called or communicated with by a station conducting teletype transmissions. The Commission's monitoring stations and mobile units, as well as the League's Official Observer, still will be able to identify the transmitting station by the telegraphic transmission of its own call sign. Should the Commission desire to learn the identity of the station or stations called or communicated with, it need only ask the transmitting station to supply the desired information from the logs it is required to maintain."

7. For the reasons set forth by the ARRL, the Commission concludes that it does not appear that the omission of the telegraphic or telephonic transmission of the call sign of the station being called during teleprinter operations will unduly detract from the Commission's monitoring efficiency. Therefore, the Commission proposes to delete this requirement by amending § 97.87(a) (2) as set forth below.

8. As a corollary to its basic proposal, the ARRL notes: "* * * that telegraphic identification of the transmitting station might be superimposed upon the carrier without interrupting the teletype transmission. It is suggested that any notice of proposed rule making based upon this petition invite comments and suggestions on such a method of telegraphic identification." With regard to this suggestion, the rules do not now specifically preclude the use of such a method of identification, provided that the type of emission used therefor is in accordance with those specified in § 97.61 (formerly § 12.111). However, satisfaction of the purpose of § 97.87(a) (2) requires that the International Morse identification be easily discernible by ear using a conventional communications receiver. To date, the experience in other radio services with such superimposed identification indicates that a method which provides clearly unmistakable identification and which is also simple and inexpensive has not yet been developed. Therefore, until a suitable method has been developed and demonstrated, amateur licensees experimenting with superimposed identification may not omit making the required identification by proven conventional methods. However, in addition to comments on the proposed amendment to § 97.87(a) (2), the Commission invites the submission of comments and suggestions on methods of superimposed identification, including methods using (superimposed) emissions not now permitted by § 97.61.

9. Authority for this proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 16, 1964, and reply comments on or before April 1, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to specific comments invited by this Notice.

11. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: January 8, 1964.

Released: January 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

Part 97 of the Commission's rules is proposed to be amended as follows: Section 97.87(a) (2) is amended to read as follows:

§ 97.87 Transmission of call signs.

(a) * * *

(2) The required identification shall be transmitted on the frequency or frequencies being employed at the time and, in accordance with the type of emission authorized thereon, shall be by either telegraphy using the International Morse Code, or telephony, except that, When a method of communication other than telephony or telegraphy using the International Morse Code is being used or attempted, the required identification shall be transmitted by that method and only the call sign of the transmitting station need be transmitted by either telephony or telegraphy using the International Morse Code.

[F.R. Doc. 64–375; Filed, Jan. 14, 1964; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 17,662]

LOANS TO FINANCE ACQUISITION AND DEVELOPMENT OF LAND, CONSTRUCTION OF HOMES INCLUSIVE OF ACQUISITION AND DEVELOPMENT OF LAND

Notice of Proposed Rule Making

JANUARY 9, 1964.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1) it is hereby proposed that § 545.6–14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–14) be amended by an amendment, the substance of which is as follows:

Amend § 545.6–14 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 545.6–14 Loans to finance acquisition and development of land; loans to finance construction of homes inclusive of acquisition and development of land.

(a) *General provisions.* Subject to the provisions of this section, a Federal association may, if permitted by the terms of its charter, exercise the authority conferred by the third paragraph of subsection (c) of section 5 of the Home Owners' Loan Act of 1933, as amended, by investing in loans to finance (1) the acquisition and development of land for primarily residential usage and (2) the construction of homes or single-family dwellings, inclusive of acquisition and development of land primarily for the purpose of such construction. Said authority shall be exercised by a Federal association only by the making of loans in accordance with the applicable provisions of this section. Such loan plans, practices, and procedures as are not inconsistent with this section or with other provisions of this part otherwise applicable to the making of loans on the security of first liens are hereby approved by the Board for use by Federal associations in the making of loans under this section.

(b) *Basic limitations.* A Federal association may make loans under this section only when (1) the aggregate amount of its general reserves, surplus, and undivided profits is equal to more than 5 percent of the amount of its withdrawable accounts, (2) the resulting aggregate amount of its investments in loans under this section, exclusive of that portion of loans under subparagraph (2) of paragraph (c) of this section which is for the purpose of financing the construction of homes or single-family dwellings, would not exceed 5 percent of the amount of its withdrawable accounts, (3) the loans are loans on the security of first liens, and (4) the real estate security for each such loan is located within the association's regular lending area.

(c) *Limitations on specific loans*—(1) *Loans to finance acquisition and development of land.* A Federal association may make loans on the security, and for the purpose of financing the acquisition and development, of land for primarily residential usage. No loan shall be made under this subparagraph (1) in an amount equal to more than 70 percent of the value of the real estate security therefor as of the completion of the development thereof into building lots or sites ready for construction thereon. Each such loan shall be repayable within a period of not more than 3 years and the interest thereon shall be payable at least semiannually. No disbursement of any of the proceeds of any loan made under this subparagraph (1) shall be made if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to the sum of (i) 70 percent of the value of that portion of the security property which is building lots or sites the development of which is completed and, (ii) 60 percent of the value of the remaining security property.

(2) *Loans to finance construction of homes inclusive of acquisition and development of land.* A Federal association may make loans on the security of, and for the purpose of financing the construction of homes or single-family dwellings for sale on, land the acquisition and development of which for primarily residential usage is also a purpose of any such loan. No loan shall be made under this subparagraph (2) in an amount equal to more than 80 percent of the value of the real estate security therefor as of the completion of the construction of homes or single-family dwellings thereon. Each loan made under this subparagraph (2) shall be repayable in full within a period of not more than 6 years after the date of the loan instruments, with or without periodic amortization but with interest payable at least semiannually, except that (i) beginning not more than 18 months after the first disbursement of loan proceeds made for the purpose of financing the construction of any home or single-family dwelling, whether or not such construction has been completed, there shall be amortization of principal each month at a rate of not less than 1 percent of that portion of the loan balance that is applicable to such home or single-family dwelling, including the building site, and (ii) beginning not more than four years after the date of the loan instruments, there shall be amortization of principal each month at a rate of not less than 1 percent of that portion of the loan balance which is not applicable to the construction of any home or single-family dwelling and its building site. Upon the sale or release from the

lien of any home or single-family dwelling or of any other portion of the security property, the principal amount of any such loan shall be reduced in an amount at least equal to that portion of the total loan secured by such home or single-family dwelling or other portion of the security property. No disbursement of any of the proceeds of any loan made under this subparagraph (2) shall be made at any time if such disbursement, together with the aggregate amount of such proceeds previously disbursed by the association and not repaid to it, would exceed an amount equal to the sum of (a) 80 percent of the value at such time of homes or single-family dwellings under construction or completed and not sold; (b) 70 percent of the value of that portion of the remaining security property which is building lots or sites the development of which is completed; and (c) 60 percent of the value of the remaining security property. By a construction loan agreement or other suitable instrument applicable to each construction loan made by a Federal association under this subparagraph (2) such association shall reserve to its board of directors full power and the exclusive right, without regard to any other provision of any loan instrument or of any agreement applicable to such loan, to impose, at any time and from time to time, such limitations as such board of directors may determine on the number of homes and single-family dwellings the construction of which may be in progress at any one time from the proceeds of such loan.

(d) *Participation in making of loans; purchase and sale of participating interests; purchase of loans.* Notwithstanding any other provision of this part, a Federal association may not participate in the making of any loan, may not purchase or sell a participating interest in any loan, and may not purchase any loan, if such loan is of the type that such association may make only under this section.

(e) *Definitions.* The term "development" as used in this section means the installations and improvements necessary to produce from the land building sites so completed, in keeping with applicable governmental requirements and with general practice in the community, that they are ready for the construction of buildings thereon.

(f) *Relation to § 545.6–7.* Loans made under this section shall not be included in the aggregate amount of investments referred to in § 545.6–7 unless such inclusion is required by paragraph (a) of said § 545.6–7.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved Further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than February 14, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64–364; Filed, Jan. 14, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 1–64]

4 PERCENT TREASURY BONDS OF 1970

Offering of Bonds

JANUARY 9, 1964.

I. *Offering of Bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4 percent Treasury Bonds of 1970:

(1) at 99.05 percent of their face value in exchange for 3¾ percent Treasury Notes of Series E–1964, dated August 1, 1961, due August 15, 1964;

(2) at 98.35 percent of their face value in exchange for 5 percent Treasury Notes of Series B–1964, dated October 15, 1959, due August 15, 1964;

(3) at 99.05 percent of their face value in exchange for 3¾ percent Treasury Notes of Series F–1964, dated August 15, 1963, due November 15, 1964;

(4) at 98.15 percent of their face value in exchange for 4⅞ percent Treasury Notes of Series C–1964, dated February 15, 1960, due November 15, 1964;

(5) at 100.25 percent of their face value in exchange for 2½ percent Treasury Bonds of 1965, dated June 15, 1958, due February 15, 1965; or

(6) at 98.20 percent of their face value in exchange for 4½ percent Treasury Notes of Series A–1965, dated May 15, 1960, due May 15, 1965.

Interest adjustments as of January 22, 1964, and the cash payments on account of the issue prices of the new bonds will be made as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed $4,000,000,000, or thereabouts. If subscriptions exceed this amount they will be received subject to allotment. Delivery of the new bonds will be made on January 29, 1964. The books will be open only on January 13 through January 17, 1964, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4¼ percent Treasury Bonds of 1975–85, which offering is set forth in Department Circular, Public Debt Series—No. 2–64, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purposes: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4 percent Treasury Bonds of 1970. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 4 percent Treasury Bonds of 1970 issued pursuant to Department Circular, Public Debt Series—No. 12–63, dated June 7, 1963, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from January 22, 1964. Subject to the provision for the accrual of interest from January 22, 1964, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 12–63:

1. The bonds will be dated June 20, 1963, and will bear interest from that date at the rate of 4 percent per annum, payable on a semiannual basis on February 15 and August 15, 1964, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1970, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of any of the eligible securities enumerated in paragraph one of Section I hereof, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder and the cash payments due from subscribers (paragraphs 4 and 6 below) must be made on or before January 29, 1964, or on later allotment. Payment for the face amount of bonds allotted may be made only in a like face amount of securities of the six issues enumerated in paragraph one of Section I hereof. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of Section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. In every case where full payment is not completed, the payment with application up to 10 percent of the bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Cash payments due to subscribers (paragraphs 2, 3, 5 and 7 below) will be made in the case of

bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¾ percent notes of Series E–1964: Coupons dated February 15 and August 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15, 1963, to January 22, 1964 ($16.30435 per $1,000) plus the payment ($9.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from June 20, 1963, to January 22, 1964 ($23.57915 per $1,000) on the bonds to be issued will be charged, and the difference ($2.22520 per $1,000) will be paid to subscribers.

3. 5 percent notes of Series B–1964: Coupons dated February 15 and August 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15, 1963, to January 22, 1964 ($21.73913 per $1,000) plus the payment ($16.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from June 20, 1963, to January 22, 1964 ($23.57915 per $1,000) on the bonds to be issued will be charged, and the difference ($14.65998 per $1,000) will be paid to subscribers.

4. 3¾ percent notes of Series F–1964: Coupons dated May 15 and November 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from November 15, 1963, to January 22, 1964 ($7.00549 per $1,000) plus the payment ($9.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from June 20, 1963, to January 22, 1964 ($23.57915 per $1,000) on the bonds to be issued will be charged, and the difference ($7.07366 per $1,000) must be paid by subscribers.

5. 4⅞ percent notes of Series C–1964: Coupons dated May 15 and November 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from November 15, 1963, to January 22, 1964 ($9.10714 per $1,000) plus the payment ($18.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from June 20, 1963, to January 22, 1964 ($23.57915 per $1,000) on the bonds to be issued will be charged, and the difference ($4.02799 per $1,000) will be paid to subscribers.

6. 2½ percent bonds of 1965: Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the bonds in bearer form when surrendered. Accrued interest from August 15, 1963, to January 22, 1964 ($11.41304 per $1,000) will be credited, accrued interest from June 20, 1963, to January 22, 1964 ($23.57915 per $1,000), on the bonds to be issued plus the payment ($2.50 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($14.66611 per $1,000) must be paid by subscribers.

7. 4⅝ percent notes of Series A–1965: Coupons dated May 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from November 15, 1963, to January 22, 1964 ($8.64011 per $1,000) plus the payment ($18.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from June 20, 1963, to January 22, 1964 ($23.57915 per $1,000) on the bonds to be issued will be charged, and the difference ($3.06096 per $1,000) will be paid to subscribers.

V. *Assignment of registered securities.* 1. After allotment Treasury notes and bonds in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscriptions to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1970"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1970 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Bonds of 1970 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-356; Filed, Jan. 4, 1964; 8:46 a.m.]

[Dept. Circular Public Debt Series—No. 2-64]

4¼ PERCENT TREASURY BONDS OF 1975–85

Offering of Bonds

JANUARY 9, 1964.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for bonds of the United States, designated 4¼ percent Treasury Bonds of 1975–85:

(1) at 99.95 percent of their face value in exchange for 3¾ percent Treasury Notes of Series E–1964, dated August 1, 1961, due August 15, 1964;

(2) at 99.25 percent of their face value in exchange for 5 percent Treasury Notes of Series B–1964, dated October 15, 1959, due August 15, 1964;

(3) at 99.95 percent of their face value in exchange for 3¾ percent Treasury Notes of Series F–1964, dated August 15, 1963, due November 15, 1964;

(4) at 99.05 percent of their face value in exchange for 4⅞ percent Treasury Notes of Series C–1964, dated February 15, 1960, due November 15, 1964;

(5) at 101.15 percent of their face value in exchange for 2½ percent Treasury Bonds of 1965, dated June 15, 1958, due February 15, 1965; or

(6) at 99.10 percent of their face value in exchange for 4⅝ percent Treasury Notes of Series A–1965, dated May 15, 1960, due May 15, 1965.

Interest adjustments as of January 22, 1964, and the cash payments on account of the issue prices of the new bonds will be made as set forth in Section IV hereof. Subscriptions are invited up to an amount not to exceed $750,000,000, or thereabouts. If subscriptions exceed this amount they will be received subject to allotment. Delivery of the new bonds will be made on January 29, 1964. The books will be open only on January 13 through January 17, 1964, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Bonds of 1970 (additional issue), which offering is set forth in Department Circular, Public Debt Series—No. 1–64, issued simultaneously with this circular.

3. Nonrecognition of gain or loss for Federal income tax purpose: Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954 as added by Public Law 86–346 (approved September 22, 1959), the Secretary of the Treasury hereby declares that no gain or loss shall be recognized for Federal income tax purposes upon the exchange with the United States of the eligible securities enumerated in paragraph one of this section solely for the 4¼ percent Treasury Bonds of 1975–85. Section 1031(b) of the Code, however, requires recognition of any gain realized on the exchange to the extent that money is received by the security holder in connection with the exchange. To the extent not recognized at the time of the exchange, gain or loss, if any, upon the obligations surrendered in exchange will be taken into account upon the disposition or redemption of the new obligations.

II. *Description of bonds.* 1. The bonds now offered will be in addition to and will form a part of the series of 4¼ percent Treasury Bonds of 1975–85 issued pursuant to Department Circular No. 1040, dated April 4, 1960, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from January 22, 1964. Subject to the provision for the accrual of interest from January 22, 1964, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1040:

1. The bonds will be dated April 5, 1960, and will bear interest from that date at the rate of 4¼ percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1985, but may be redeemed at the option of the United States on and after May 15, 1975, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment:[1] *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;[2] bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,[3] properly completed, signed and certified, and by proof of the representatives' authority in the form of a court certificate or a certified copy of the representatives' letters of appointment issued by the court. The certificate, or the certification to the letters, must be under the seal of the court, and except in the case of a corporate representative, must contain a statement that the appointment is in full force and be dated within six months prior to the submission of the bonds, unless the certificate or letters show that the appointment was made within one year immediately prior to such submission. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the District Director of Internal Revenue.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, provided the names of the customers are set forth in such subscriptions, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by the deposit of any of the eligible securities enumerated in paragraph one of Section I hereof, in the face amount of not less than 10 percent of the amount of bonds applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should not be assigned. After allotment detached assignment forms may be used as provided in Section V hereof.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of bonds applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder and the cash payments due from subscribers (paragraphs 4 and 6 below) must be made on or before January 29, 1964, or on later allotment. Payment for the face amount of bonds allotted may be made only in a like face amount of securities of the six issues enumerated in paragraph one of Section I hereof. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of Section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. In every case where full payment is not completed, the payment with application up to 10 percent of the bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Cash payments due to subscribers (paragraph 2, 3, 5 and 7 below) will be made in the case of bearer securities following their acceptance and in the case of registered securities following discharge of registration. In the case of registered securities, the payment will be made by check drawn in accordance with the assignments on the securities surrendered or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

2. 3¾ percent notes of Series E–1964: Coupons dated February 15 and August 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15, 1963, to January 22, 1964 ($16.30435 per $1,000) plus the payment ($0.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) on the bonds to be issued will be charged, and the difference ($8.86479 per $1,000) will be paid to subscribers.

3. 5 percent notes of Series B–1964: Coupons dated February 15 and August 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from August 15, 1963, to January 22, 1964 ($21.73913 per $1,000) plus the payment ($7.50 per $1,000) due to the subscriber on account of the is-

[1] An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

[2] The transfer books are closed from Apr. 16 to May 15, and from Oct. 16 to Nov. 15 (both dates inclusive) in each year.

[3] Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington 25, D.C.

sue price of the bonds will be credited, accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) on the bonds to be issued will be charged, and the difference ($21.29957 per $1,000) will be paid to subscribers.

4. 3¾ percent notes of Series F–1964: Coupons dated May 15 and November 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) plus the payment ($0.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) on the bonds to be issued will be charged, and the difference ($0.43407 per $1,000) must be paid by subscribers.

5. 4¼ percent notes of Series C–1964: Coupons dated May 15 and November 15, 1964, must be attached to the notes in bearer form when surrendered. Accrued interest from November 15, 1963, to January 22, 1964 ($9.10714 per $1,000) plus the payment ($9.50 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) on the bonds to be issued will be charged, and the difference ($10.66758 per $1,000) will be paid to subscribers.

6. 2½ percent bonds of 1965: Coupons dated February 15, 1964, and all subsequent coupons, must be attached to the bonds in bearer form when surrendered. Accrued interest from August 15, 1963, to January 22, 1964 ($11.41304 per $1,000) will be credited, accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) on the bonds to be issued plus the payment ($11.50 per $1,000) due the United States on account of the issue price of the new bonds will be charged, and the difference ($8.02652 per $1,000) must be paid by subscribers.

7. 4% percent notes of Series A–1965: Coupons dated May 15, 1964, and all subsequent coupons, must be attached to the notes in bearer form when surrendered. Accrued interest from November 15, 1963, to January 22, 1964 ($8.64011 per $1,000) plus the payment ($9.00 per $1,000) due to the subscriber on account of the issue price of the bonds will be credited, accrued interest from November 15, 1963, to January 22, 1964 ($7.93956 per $1,000) on the bonds to be issued will be charged, and the difference ($9.70055 per $1,000) will be paid to subscribers.

V. Assignment of registered securities. 1. After allotment Treasury notes and bonds in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscriptions to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The securities must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1975–85"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1975–85 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1975–85 in coupon form to be delivered to _____". Detached assignment forms may be used for the convenience of subscribers.

VI. General Provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds alloted, to make delivery of bonds on full-paid subscriptions alloted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64–357; Filed, Jan. 14, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 690, Amdt. No. 2]

ISSUANCE OF PATENTS

Delegation of Authority

JANUARY 9, 1964.

Effective immediately, the following persons are also authorized to issue patents or their equivalent in the name of the United States for grants of land under the authority of the Government, except patents and other conveyances which require the approval or signature of the President of the United States: Alaska State Director, Nevada State Director.

H. R. HOCKMUTH,
Associate Director.

[F.R. Doc. 64–351; Filed, Jan. 14, 1964; 8:46 a.m.]

ALASKA

Small Tract Classification Order No. 10, Cancellation

JANUARY 7, 1964.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended, by the Alaska State Director in Section 3, Delegation of Authority (28 F.R. 294) dated January 9, 1963, I hereby cancel all of Tract C of Small Tract Classification Order No. 10 dated April 24, 1961. The subject classification lies near Chena Hot Springs, in T. 3 N., R. 8 E., F.M.

2. This cancellation will take effect immediately.

PEDRO DENTON,
Acting Chief, Branch of — Lands and Minerals Operations.

[F.R. Doc. 64–352; Filed, Jan. 14, 1964; 8:46 a.m.]

[Wyoming 0289764]

WYOMING

Order Providing for Opening of Public Land

JANUARY 9, 1964.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 39 N., R. 89 W.,
Sec. 31, lots 2, 3, 4, NE¼NE¼, S½NE¼, E½SW¼, SE¼ 32, W½NW¼.

The area described aggregates 489.17 acres.

2. The lands are rolling sagebrush-type grazing lands located in northeastern Fremont County in west central Wyoming. Vegetation consists of native western grasses and sagebrush. There is no timber on the land. The soils are light colored desert-like sandy clays and clay loams, and a stock dam provides water for livestock on the tract.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Petition-applications and selections under the nonmineral public land laws may be presented to the Assistant State Director mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Petition-applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid petition-applications and selections under the nonmineral public land laws presented prior to 10:00 a.m., February 18, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning the lands should be addressed to the Assistant State Director, Bureau of Land Management, P.O. Box 929, Cheyenne, Wyoming.

BURTON W. SILCOCK,
Acting State Director.

[F.R. Doc. 64–353; Filed, Jan. 14, 1964; 8:46 a.m.]

CALIFORNIA

Small Tract Classification Order No. C6–5

JANUARY 2, 1964.

1. Pursuant to authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, redelegation of authority, dated March 27, 1962 (27 F.R. 3297) I hereby classify the following described land, totaling 3.05 acres in Riverside County, California, as suitable for sale under the Small Tract Act of June 1, 1938 (52 Stat., 609, 43 U.S.C. 682a), as amended.

SAN BERNARDINO MERIDIAN

T. 3 S., R. 3 E.,
Sec. 24, lot 14, 0.16 acre.
Sec. 24, lot 16, 2.89 acres.
Total: 3.05 acres.

Appraised Value—$6,200.00.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands are covered by a Small Tract application LA 0118966 by one entitled to preference under 43 CFR 257.5. The statutory preference applicant will be offered the subject land by direct sale at the appraised value of $6,200. Should the statutory preference applicant not accept the offer, then the lands will become subject to sale at public auction when so provided by an order to be issued by an authorized officer opening the lands to bid under public auction procedures, Small Tract offering.

4. The subject lands are located five miles northwest of Palm Springs adjacent to Highway 111. The lands are flat, safe from most flood hazards, have no utilities but offer commercial potential. Zoning is M–3.

5. The subject land is described by lot numbers shown on an official plat of survey filed in the Riverside Office, California, on October 26, 1956. A copy of this official plat may be purchased for $1.00 from the Bureau of Land Management, Survey Records, Room 4025, 650 Capitol Avenue, Sacramento 14, California.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure an additional tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. All inquiries concerning the subject lands should be addressed to the Manager, Riverside Office, Bureau of Land Management, 1414 8th Street, P.O. Box 723, Riverside, California.

KEITH H. CONIGALL,
Acting District Manager.

[F.R. Doc. 64–343; Filed, Jan. 14, 1964; 8:45 a.m.]

[Montana 063128]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 7, 1964.

The Forest Service, United States Department of Agriculture has filed an application, Serial Number Montana 063128 for the withdrawal of the lands described below, from administration under the Taylor Grazing Act only, as this land together with minerals conveyed to the United States under a private exchange has not been opened to entry under the public land laws.

The applicant desires that the land be added to the Helena National Forest to promote the efficient management of lands and national resource conservation. The land is within the exterior boundaries of the Helena National Forest and when added to that forest will be open to the forms of application permitted on national forest lands.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 8 N., R. 4 E.,
Sec. 18, Lot 1 and NE¼NW¼.

The area described totals 74.41 acres.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 64–344; Filed, Jan. 14, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 4, set forth below, to Facility License No. R–69. The license authorized The Board of Trustees of The University of Illinois to operate its TRIGA Mark II nuclear reactor, located in Urbana, Illinois. The amendment authorized the licensee to operate the reactor to drive the subcritical assembly in both steady-state and pulsed operation, as described in the licensee's application for license amendment dated September 17, 1963, and supplemental letter dated October 16, 1963.

The Commission has found that:

(1) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the

Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated September 17, 1963 and supplemental letter dated October 16, 1963 and (2) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request, addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 7th day of January 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-69; Amdt. 4]

License No. R-69, as amended, issued to The Board of Trustees of The University of Illinois, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-69, as amended, The Board of Trustees of The University of Illinois is authorized to operate the TRIGA Mark II nuclear reactor to drive the sub-critical assembly in both steady-state and pulsed operation, as described in the application for license amendment dated September 17, 1963, and supplemental letter dated October 16, 1963. Operation of the reactor shall be performed in accordance with the procedures and subject to the limitations contained in License No. R-69, as amended, and in the application for license amendment dated September 17, 1963 and supplemental letter dated October 16, 1963.

2. A new paragraph 3. D. is added as follows:

"D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material", to use the uranium covered by Source Material License No. SUB 520 in the manner described by the application for license amendment dated September 17, 1963 and the supplemental letter thereto dated October 16, 1963."

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

JANUARY 7, 1964.

[F.R. Doc. 64-335; Filed, Jan. 14, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

January Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during January 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, and flax.

Dry edible beans and soybeans have been withdrawn from the list for January.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for January 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks are available for export sale under the CCC Export Credit Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD-29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any butter offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-20, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD-35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD-35: Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to LD-33 will be offered for sale through the following Monday at prices announced by press releases in Washington each Tuesday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC Sales for export: Competitive bid under the terms and conditions of Announcements CN-EX-16 Cotton Export Program—Sales (1963-64 Marketing Year), as amended, and NO-C-22 Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year), as amended, and NO-C-24 Sale of Irregular Upland Cotton for Export. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN-EX-21 (Acquisition of Upland Cotton for Export Under Barter and Credit Sales Programs) and NO-C-22, as amended, (Sale of Upland Cotton (Cotton Export Program—1963-64 Marketing Year)).
Cotton, extra long staple	Domestic or export, unrestricted use. Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements domestic grown extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements ON-EX-20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO-C-23 (Sale of Foreign-Grown Extra Long Staple Cotton). Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Barley, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificate: [1] Such CCC dispositions of barley, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price-support loan rate for the class, grade and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] (published price support loan rate plus 14 cents per bushel) for the class, grade, and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable barley as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
11	6	Minneapolis, Minn.	$1.27
		Kansas City, Mo.	1.29

D. Availability information: For information on CCC barley sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

See footnotes at end of table.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Export announcement sales: (1) Under Announcement GR-366 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and other designated sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston and Kansas City ASCS offices. Stocks at West Coast seaboard terminals and stocks at Duluth or Minneapolis will be available through the Portland and Minneapolis ASCS grain offices, respectively.
Grain sorghum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales:[1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[2] (published price support loan rate plus 20 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store[2] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
23	12	Kansas City, Mo.	$2.59

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-366 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. CCC stocks of grain sorghum held in California export terminals are the only grain stored in California available for sale under these export announcements, except that such sorghum shall not be eligible for application to Title I, P.L. 480 purchase authorizations or for barter. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for sale under the announcements. The statutory minimum price referred to in the price adjustment provision of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates:[1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the corn, plus the amount shown in C below applicable to the storage point involved. B. General Sales:[1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate[2] (published price support loan rate plus 14 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store[2] formula minimum prices for No. 2 yellow corn (14 percent Mt. & 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
3	4½	Minneapolis, Minn.[3] Chicago, Ill.[4]	$1.27½ 1.56½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to arrangements for barter, approved CCC credit and other designated sales. (2) Under Announcement GR-366 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality and quantity to be made available for sale under the above announcements. CCC stocks of corn at West Coast seaboard terminals are available for sale under these export announcements, except such corn shall not be eligible for Title I, P.L. 480 purchase authorization or for barter. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustments referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Rye, bulk	Domestic and export,[1] unrestricted use: Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Per bushel markup received by		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 12	*Cents* 6	Minneapolis, Minn.	No. 2 or better (or No. 3 on TW only).	$1.42

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-366 (Revised Aug. 31, 1959) as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for approved CCC credit and other designated sales. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

Commodity	Sales price or method of sale
Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price basis in store,[2] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14¼ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

Unit	Received by		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
Bushel	*Cents* 14	*Cents* 6	Minneapolis	No. 1	$3.33¼

Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office.
Available: Through the Minneapolis Grain Merchandising ASCS office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Oats, bulk	Domestic and export:[1] Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at		Examples of per bushel formula minimum prices basis in-store		
Production point	Other points	Terminal	Grade and class	Price
Cents 6	*Cents* 7½	Chicago,[3] Ill. Minneapolis,[3] Minn.	No. 2 (or better) XHWO	$0.89 .79¾

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.
Nonstorable (as available): At not less than the market price as determined by CCC. At bin sites through ASCS county offices. At other locations through the ASCS grain offices listed at end of table.
Export announcement sales:
(1) Under Announcement GR-366 (Rev. Aug. 31, 1959) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Oats will not be sold for application to Title I or Title IV, P.L. 480 purchase authorizations or for barter. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Wheat, bulk	Domestic and export,[1] unrestricted use: Storable: The highest of (a) market price as determined by CCC, (b) a minimum price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support loan rate[2] for the class, grade and quality[4] of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.

Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store[3] ex-rail or barge		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 12	*Cents* 6	Chicago Minneapolis Kansas City Portland	No. 1 RW No. 1 DNS No. 1 HW No. 1 SW	$2.27 2.33 2.24 2.16

Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office.
Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table.
Export:
(1) Under Announcement GR-345 (Revised July 13, 1962) as amended, to export under the wheat export payment-in-kind program, except that durum wheat will not be eligible for P.L. 480, Title I sales, (2) under Announcement GR-212 (Rev. 2, Jan. 9, 1961), for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961 as amended) for export as wheat and under Announcement GR-263 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.

Commodity	Sales price or method of sale
Wheat, bulk (continued)	Export—Continued Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (At Portland ASCS office, Hard Red Winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)
Peanuts, shelled or unshelled (Farmers Stock) as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended.
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 25 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-309, Revision II, Rice Export Program—Payment-in-Kind, and under GR-379, Revision I, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premiums for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[5] Woodford County, Ill., origin.
[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).
Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.
Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.
Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.
Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0660.
Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.
Branch Office—Portland ASCS Branch Office, 1216 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6–3361.
Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington, and Arizona and California (Export sales only).
Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.
Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334–3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529–2411.
Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1–3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on January 9, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64–333; Filed, Jan. 14, 1964; 8:45 a.m.]

Office of the Secretary

ASSISTANT SECRETARIES ET AL.

Amendment of Delegation of Authority and Assignment of Functions

Pursuant to the authority vested in me by Reorganization Plan No. 2 of 1953, paragraph b of the delegation of authority dated November 16, 1953 (18 F.R. 7498), as amended, is amended to read as follows:

b. Each of the Assistant Secretaries, the Administrative Assistant Secretary, the Director of Agricultural Economics and the Director of Science and Education shall exercise general direction and supervision of agencies of the Department of Agriculture, as set forth herein, and shall perform such other functions as the Secretary of Agriculture may from time to time assign.

(1) The Under Secretary of Agriculture shall exercise general direction and supervision of the following agencies:

Agricultural Stabilization and Conservation Service (including Commodity Credit Corporation functions assigned in accordance with Commodity Credit Corporation bylaws).
Federal Crop Insurance Corporation.

(2) The Assistant Secretary for International Affairs shall exercise general direction and supervision of the following agencies:

Foreign Agricultural Service.
International Agricultural Development Service.

(3) The Assistant Secretary for Marketing and Consumer Services shall exercise general direction and supervision of the following agencies:

Agricultural Marketing Service.
Commodity Exchange Authority.

(4) The Assistant Secretary for Rural Development and Conservation shall exercise general direction and supervision of the following agencies:

Office of Rural Areas Development.
Farmer Cooperative Service.
Farmers Home Administration.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

(5) The Director of Agricultural Economics shall exercise general direction and supervision of the following agencies, and also shall be responsible for coordinating all statistical and related economic analysis work of the Department:

Economic Research Service.
Statistical Reporting Service.

(6) The Director of Science and Education shall exercise general direction and supervision of the following agencies and shall be responsible for the coordination of research activities throughout the Department:

Agricultural Research Service.
Cooperative State Research Service.
Federal Extension Service.
National Agricultural Library.

(7) The Administrative Assistant Secretary shall exercise direction and supervision of the following agencies and offices:

Office of Budget and Finance.
Office of Hearing Examiners.
Office of Information.
Office of Management Appraisal and Systems Development.
Office of Personnel.
Office of Plant and Operations.
Administrative aspects of functions of the Judicial Officer.
Office of Management Services.

With respect to the functions affected by this assignment and any additional functions which the Secretary of Agriculture may assign to him, the Administrative Assistant Secretary is authorized to perform all duties and to exercise all the power and functions which are now, or which may hereafter be, vested in the Secretary of Agriculture.

Done at Washington, D.C., January 10, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–385; Filed, Jan. 14, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–162]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the "SS Robin Kirk", which is under time charter to States Marine Lines, Inc., for a period of about three to five months from September 11, 1963, to load lumber and/or lumber products, commencing about January 24, 1964, for carriage on one eastbound voyage from U.S. North Pacific ports to U.S. Atlantic ports.

This application may be inspected by interested parties in the Hearing Examiners' Office, Maritime Subsidy Board/Maritime Administration.

A hearing on the application has been set for January 22, 1964, at 10:00 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on January 21, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the Rules of Practice and Procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on January 21, 1964, will not be granted in this proceeding.

By order of the Maritime Administrator.

Dated: January 13, 1964.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 64–400; Filed, Jan. 14, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14337]

NORTH CENTRAL AIRLINES, INC.

"Use It or Lose It" Investigation of Regina, Saskatchewan, Canada; Notice of Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on January 22, 1964 at 2 p.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Without limiting the scope of the issues to be considered, particular attention will be directed to the questions whether the Board should issue an order making final its tentative findings and conclusions that the public convenience and necessity require that the certificate of North Central Airlines, Inc. for Route 86F should be amended so as to delete Regina, Saskatchewan, Canada from said certificate, and that there are no unusual or compelling circumstances, such as extreme isolation or national defense, which would preclude such deletion.

For information concerning the issues involved, the hearing procedure and other details in this proceeding, interested persons are referred to the Board's order to show cause E–19326, adopted on February 27, 1963, the prehearing conference report, the notice to all parties dated September 26, 1963 amending the prehearing conference report, and all other documents contained in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board located in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., January 9, 1964.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 64–367; Filed, Jan. 14, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

PERSIAN GULF OUTWARD FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7700–7 between the member lines of The Persian Gulf Outward Freight Conference operating in the trade from U.S. Atlantic and Gulf ports and ports in Eastern Canada to ports in the Persian Gulf and adjacent waters in the range west of Karachi and Northeast Aden (excluding both Aden and Karachi), modifies the approved basic agreement, as amended, by adding a provision for the initial handling of members' complaints.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–365; Filed, Jan. 14, 1964; 8:47 a.m.]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 131–237 between the members of the Trans-Pacific Passenger Conference provides for modification of Agreement No. 131 by cancellation of By-Law H–4, which provides for Theatrical Shows and Motion Pictures entertainment on ships.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–366; Filed, Jan. 14, 1964; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64–93]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

JANUARY 8, 1964.

Take notice that on October 16, 1963, as amended on October 31 and November 7, 1963, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama, filed in Docket No. CP64–93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification and operation of certain existing facilities and the sale and delivery, for a period of one year, of natural gas to Muscle Shoals Natural Gas Corporation (Muscle Shoals), an existing customer, for resale by the latter to the U.S. Army Muscle Shoals Phosphate Development Works, Muscle Shoals, Alabama, all as more fully set forth in the application, as amended, on file with the Commission and open to public inspection.

The existing facilities to be used for the proposed sale are approximately two miles of 3- and 4-inch pipeline and metering and regulating equipment au-

thorized by the Commission's order of November 7, 1961, in Docket No. G–1774. Said facilities were used until July 1, 1957, for deliveries to a phosphate plant of the U.S. Army Corps in Muscle Shoals. Applicant proposes herein to modify the existing meter station at an estimated cost of $4,100, which cost will be financed from cash on hand.

Applicant proposes to sell to Muscle Shoals, under Applicant's FPC Gas Rate Schedules G–1 and I–1, up to 600 Mcf per day of additional firm and up to 600 Mcf per day of interruptible natural gas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–337; Filed, Jan. 14, 1964; 8:45 a.m.]

[Docket No. CP64–79]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 8, 1964.

Take notice that on September 30, 1963, Arkansas Louisiana Gas Company (Applicant), Slattery Building, Shreveport, Louisiana, filed in Docket No. CP 64–79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964, and the operation of miscellaneous field facilities to enable Applicant to take into its certificated main transmission pipeline system natural gas which will be produced or purchased from producers thereof in the general area of Applicant's existing system, at a total cost not to exceed a maximum of $4,100,000, with no single project to exceed a cost of $500,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 27, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–338; Filed, Jan. 14, 1964; 8:45 a.m.]

[Docket No. CP64–112]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 8, 1964.

Take notice that on November 1, 1963, Northern Natural Gas Company (Applicant) of 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP64–112 application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of three sections of 30-inch loop lines at the following locations: 7.7 miles north of Beaver, Oklahoma; 6.4 miles north of Bushton, Kansas; 9.5 miles north of Oakland, Iowa making a total of 23.6 miles.

Applicant states that the purpose of the proposed facilities is to increase its system capacity by 20,031 Mcf per day to meet the increased requirements of its present customers during the 1964–65 heating season.

The estimated total cost of the proposed facilities is $2,624,000 to be financed from cash on hand, reserve accruals and retained earnings.

Applicant states that it has approximately 12.7 trillion cubic feet of gas reserves, stated as of December 31, 1962. Based on estimated withdrawals, these reserves represent a reserve life index of 20.1 years and are adequate to enable Northern to meet the peak and average day requirements of its system through the year 1973.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–339; Filed, Jan. 14, 1964; 8:45 a.m.]

[Project No. 2426]

STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES

Notice of Application for Preliminary Permit

JANUARY 8, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by State of California, Department of Water Resources (correspondence to: Alfred R. Golze, Chief Engineer, State of California, Department of Water Resources, P.O. Box 388, Sacramento 2, California) for a preliminary permit for proposed Project No. 2426, to be located on Sacramento—San Joaquin Delta system, in the Counties of Kern, Los Angeles, San Bernardino, Riverside, Contra Costa, Alameda, Stanislaus, Merced, Fresno, Kings, and San Luis Obispo, California, in the region of Castaic, Palmdale, Littlerock, Pearblossom, Hesperia, San Bernardino, Colton, Riverside, Sunnymead, Perris, Tracy, Los Banos, Kettleman City, and San Luis Obispo, California. The proposed project will affect lands of the United States within Angeles and San Bernardino National Forests and other lands of the United States.

The proposed project, to be known as the California Aqueduct Project, will include the following facilities: North San Joaquin Division—Aqueduct features from Italian Slough in the vicinity of Tracy to San Luis Forebay on San Luis Creek; nine 34,500 and two 11,300 horsepower pumps; South San Joaquin Division—Aqueduct features from Kettleman City to Tehachapi Pumping Plant; three pumping plants; Buena Vista containing eight pumps; Wheeler Ridge I and II each containing eight pumps; Tehachapi Division—Aqueduct features from Tehachapi Pumping Plant to the surge tank of the Cottonwood Power Plant; eight pumps totaling 674,000 horsepower; Antelope Division—Aqueduct features from the surge tank of Cottonwood Power Plant to the junction of the East and West Branch Aqueducts near Fairmont Reservoir; Cottonwood Power Plant would develop 30,000 kilowatts under a static head of 208 feet; West Branch Division—Aqueduct features from Fairmont Junction to Castaic Reservoir; pumping plant would have a static lift of 271 feet; three power plants: Elizabeth Power Plant No. 1 would develop 58,000 kilowatts under a static head of 700 feet; Elizabeth Power Plant No. 2 would develop 36,000 kilowatts under a static head of 425 feet; Elizabeth Power Plant No. 3 would develop 50,000 kilowatts under a static head of 590 feet; Castaic Dam on Castaic Creek would be 325 feet high creating a reservoir of 350,000 acre-feet; East Branch Division—Aqueduct features from Fairmont Junctions to Perris Reservoir; pumping plant containing four pumps operating under a static head of 535 feet; Cedar Springs Dam on West Fork of Mojave River would be 280 feet high creating a reservoir of 200,000 acre-feet; Devil Canyon Power Plant No. 1 would develop 97,000 kilowatts under a static head of 1,115 feet; Devil Canyon Power Plant No. 2 would develop 51,000 kilowatts under a static head of 647 feet; Perris Dam would be 120 feet high creating a reservoir of 100,000 acre-feet; Coastal Aqueduct Division—Aqueduct features from a turnout near Kettleman City to a terminal structure on Santa Marie River near San Luis Obispo-Santa Barbara County Line; Pumping Plant C–3 containing two 6,850 horsepower pumps operating under a static head of 211 feet; Pumping Plant C–4 containing two 2,530 horsepower pumps operating under a static head of 342 feet; Pumping Plant C–5 containing two 2,770 horsepower pumps operating under a static head of 374 feet; Pumping Plant C–6 containing two 5,610 horsepower pumps operating under a static head of 754 feet; San Luis Obispo Power Plant would develop 8,000 kilowatts under a static head of 993 feet; Summary—The pumping plants would develop 5,748 feet of static head of which 4,678 feet of static head would be regained by power plants developing 330,000 kilowatts. Alternate Route—Oso—Pyramid Route is being considered as an alternate route to the Elizabeth Lake Canyon Route for the West Brand Aqueduct. Changes involved would be in the Antelope and West Branch Divisions. Antelope Division (Alternate)—Aqueduct features from Tehachapi Afterbay to the junction of the East and West Branch Aqueducts; Cottonwood Power Plant would develop 19,000 kilowatts under a static head of 152 feet; West Branch Division (Alternate)—Aqueduct features from Tehachapi Afterbay to Castaic Reservoir; Oso Pumping Plant would require an installation of 28,000 kilowatts for a static lift of 233 feet; Pyramid Power Plant would develop 65,000 kilowatts under a static head of 774 feet; Castaic Power Plant would develop 82,000 kilowatts under a static head of 1,040 feet; Apple Canyon Reservoir of 3,000 acre-feet would be created by a dam 213 feet high; Pyramid Dam on Peru Creek would be 342 feet high creating a reservoir of 143,000 acre-feet; Summary (Alternate)—The pumping plants would develop approximately the same 5,748 feet of static head of which 4,721 feet of static head would be regained by power plants developing 322,000 kilowatts.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–340; Filed, Jan. 14, 1964; 8:45 a.m.]

[Docket No. CP63–321]

MAURY CITY, TENNESSEE

Notice of Application

JANUARY 8, 1964.

Take notice that on November 27, 1963, the Town of Maury City, Tennessee (Applicant) filed a new application amending one filed on May 23, 1963, in Docket No. CP63–321, pursuant to section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant its daily and annual requirements in Mcf at 14.72 psia as follows:

Year	Peak Day	Annual
1st	268	22,357
2d	334	27,781
3d	371	30,958

Applicant proposes to construct and operate the necessary connecting line and the regulating and distribution facilities. The estimated total cost is $190,000.

Applicant further states that financial arrangements have been made to raise the funds necessary to meet the costs of construction.

Protests, petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–341; Filed, Jan. 14, 1964; 8:45 a.m.]

[Docket No. CP64–102]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

JANUARY 8, 1964.

Take notice that on November 1, 1963, Valley Gas Transmission, Inc. (Applicant), 1500 Americana Building, Houston 2, Texas, filed in Docket No. CP64–102 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of miscellaneous field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be produced or purchased from producers thereof in the general area of Applicant's existing system at a total cost not to exceed a maximum of $500,000, with no single project to exceed a cost of $50,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before January 27, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-342; Filed, Jan. 14, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15263]

BELLEVILLE ACE CAB CO.

Order To Show Cause

In the matter of Charles Merritts d/b as Belleville Ace Cab Company, Belleville, Illinois, Docket No. 15263; order to show cause why there should not be revoked the license for radio station KSH-427 in the Taxicab Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89, formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated September 20, 1963, alleging violation of §§ 16.152 (a) and (b), 16.156 (b), 16.157 and 16.160(c) (now §§ 93.152 (a) and (b), 93.156(b), 93.157 and 93.160 (c)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to follow-up letters dated October 8, 1963, and December 5, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 9th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of Third and "C" Streets, Belleville, Illinois.

Released: January 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-377; Filed, Jan. 14, 1964; 8:47 a.m.]

[Docket Nos. 14973-14975; FCC 64M-3]

CALHIO BROADCASTERS ET AL.

Order Continuing Hearing

In re applications of Thomas B. Friedman tr/as Calhio Broadcasters, Seven Hills, Ohio, Docket No. 14973, File No. BP-13946; Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP-13950; Tele-Sonics, Inc., Parma, Ohio, Docket No. 14975, File No. BP-14992; for construction permits.

The Hearing Examiner having under consideration another joint motion of applicants filed December 27, 1963, requesting that certain procedural dates heretofore established by Memorandum Opinion and Order (FCC 63M-1211) released November 4, 1963, be extended;

It appearing, that there are certain interlocutory matters now pending before the Review Board which apparently will not be acted upon in the immediate near future;

It further appearing, that good cause exists why said motion should be granted and there are no objections thereto;

Accordingly, it is ordered, This 3d day of January 1964, that the motion is granted and that the exchange of exhibits shall be accomplished on or before March 6, 1964 in lieu of January 6, 1964.

It is further ordered, That the hearing herein, now scheduled for January 27, 1964, be and the same is hereby rescheduled for March 30, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C., in lieu of January 27, 1964.

Released: January 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-378; Filed, Jan. 14, 1964; 8:47 a.m.]

[Docket No. 15231; FCC 64M-26]

CENTRAL CONNECTICUT BROADCASTING CO. AND CONNECTICUT-NEW YORK BROADCASTERS, INC.

Order Continuing Prehearing Conference

In re applications of the Central Connecticut Broadcasting Company (Assignor), Connecticut-New York Broadcasters, Inc. (Assignee), Docket No. 15231, File Nos. BAL-4587, BALRE-901; for assignment of license of WHAY, New Britain, Connecticut (including auxiliary stations KE-9648 and KCI-469).

At the oral request of counsel for Connecticut-New York Broadcasters, Inc. (Assignee): *It is ordered*, This 8th day of January 1964, that the prehearing conference herein presently scheduled for 9:00 a.m., January 16, 1964, is continued to 9:00 a.m., February 7, 1964.

Released: January 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-379; Filed, Jan. 14, 1964; 8:47 a.m.]

[Docket Nos. 15234, 15235; FCC 64M-28]

CITADEL BROADCASTERS OF DU PAGE AND CITADEL BROADCASTERS

Order Scheduling Prehearing Conference

In the matter of revocation of license of Mrs. Elizabeth G. Coughlan tr/as Citadel Broadcasters of Du Page for FM Broadcasting Station WELF-FM, Glen Ellyn, Illinois, Docket No. 15234; revocation of license of Mrs. Elizabeth G. Coughlan tr/as Citadel Broadcasters for FM Broadcasting Station WELG-FM, Elgin, Illinois, Docket No. 15235.

It is ordered, This 8th day of January 1964, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D.C., commencing at 9:00 a.m., January 17, 1964.

Released: January 9, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-380; Filed, Jan. 14, 1964; 8:47 a.m.]

[Docket No. 15260, 15261; FCC 64M-24]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Coosa Valley Radio Company, Rome, Georgia, Docket No. 15260, File No. BPH-4108; Rome Broadcasting Corporation, Rome, Georgia, Docket No. 15261, File No. BPH-4136; for construction permits.

It is ordered, This 8th day of January 1964, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 16, 1964, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., February 13, 1964.

Released: January 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-381; Filed, Jan. 14, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-869]

SAMSON CONVERTIBLE SECURITIES AND CAPITAL FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 9, 1963.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Samson Convertible Securities and Capital Fund, Inc., 680 Fifth Avenue, New York 19, New York ("Applicant"), a Delaware corporation and an open-end, non-diversified management company, has ceased to be an investment company. All persons are referred to the application on file with the Commission for a complete statement of the representations made therein which are summarized below.

Pursuant to a plan of reorganization dated May 9, 1963 and approved by shareholders of the Applicant at a special meeting held on June 27, 1963, all the assets of the Applicant have been sold in exchange for shares of Samson Fund, Inc. On June 28, 1963 the Commission issued an order (Investment Company Act Release No. 3731) exempting the transaction from the provisions of section 17(a) of the Act. A certificate of dissolution was filed with the Secretary of the State of Delaware on July 11, 1963. As of December 18, 1963 certificates for 395 shares or 6% of the previously outstanding stock remained in the hands of seven shareholders. Manufacturers Hanover Trust Company, as agent for Samson Fund, Inc., is holding 1,367 shares of Samson Fund, Inc. to be issued only in exchange for the 395 shares of Samson Convertible Securities and Capital Fund, Inc.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 24, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-349; Filed, Jan. 14, 1964; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN PAKISTAN

Limitation on Entry or Withdrawal From Warehouse

JANUARY 10, 1964.

Under Article 3 and Annex B of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the United States may request the Government of Pakistan to restrain the level of exports to the United States of cotton textiles in Category 9, produced or manufactured in Pakistan, for an additional twelve-month period beginning March 1, 1964. Restraints on the exportation of such goods are currently in effect for the twelve-month period March 1, 1963, through February 29, 1964 (28 F.R. 5685 of June 11, 1963).

The level of restraint for entry of these goods during the current period has already been exhausted and certain additional goods have been denied entry because they are in excess of the restraint level. The purpose of this notice is to advise importers and other interested parties that an opportunity will be given to importers whose goods were denied entry prior to January 31, 1964, to enter such goods at the beginning of any period commencing on March 1, 1964, before accepting entries at any port for goods which were imported on or after January 31, 1964.

In the event that the renewal of restraint should be made, on March 2, 1964, and for the next following two days, the Bureau of Customs, acting pursuant to regulations to be issued by the Chairman of the President's Cabinet Textile Advisory Committee and Secretary of Commerce, will accept an entry for consumption, or withdrawal from warehouse for consumption, for only those cotton textiles in Category 9, produced or manufactured in Pakistan, which were imported into the United States prior to January 31, 1964. Thereafter, entries, or withdrawals from warehouse for consumption, of cotton textiles in Category 9, produced or manufactured in Pakistan, may be filed and the Bureau of Customs will authorize entry to the extent of any unfilled balance in the then existing level of restraint.

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-370; Filed, Jan. 14, 1964; 8:47 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Announcement of ITAC Actions and Restraint Levels

JANUARY 10, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

1. Bilateral agreements. Pursuant to Article 4 of the Long-Term Arrangement, the United States has entered into discussions with the Governments of Portugal and the Philippines concerning bilateral arrangements on trade in cotton textiles.

2. Completed restraint actions. On December 27, 1963, the Interagency Textile Administrative Committee announced that discussions had been completed with exporting countries under Article 3 of the Long-Term Arrangement with regard to the following restraints:

Country	Category	Restraint level	Effective date
Korea	46	4,000 dozen	Aug. 30, 1963
	60	3,000 dozen	Do.
	[1] 63	15,000 pounds	Do.
Portugal	43	10,000 dozen	Apr. 1, 1963

[1] (T.S.U.S.A. Nos. 380.3900 and 382.3366 only.)

3. Renewal of restraint actions. On December 27, 1963, the Interagency Textile Administrative Committee announced that, under Article 3 and Annex B of the Long-Term Arrangement, the United States had renewed certain restraints for an additional twelve-month period as follows:

Country	Category	Restraint level	Effective date of renewal
Korea*	9	1,740,000 sq. yds.	Jan. 1, 1964
	26	10,000,000 sq. yds.	Do.
	45	20,000 dozen	Do.
	51	40,000 dozen	Do.
	54	25,000 dozen	Do.
Mexico	1	1,100,000 pounds	Oct. 1, 1963

*The Korean restraints have been renewed at the levels in effect for the period Jan. 1, 1963, through Dec. 31, 1963, pending further discussions with the Government of Korea.

4. New actions. On December 27, 1963, the Interagency Textile Administrative Committee announced that, under Article 3 of the Long-Term Arrangement, discussions were in progress for the restraint of certain exports of cotton textiles and cotton textile products which are causing or threatening to cause disruption in the United States market as follows:

Country	Category
Argentina	1
Brazil	9
Mexico	22
Pakistan	22
Philippines	(1)
Trinidad and Tobago	26 and 61

[1] 39, 48, 59, 60 and 63 (T.S.U.S.A. Nos. 380.0966 and 382.0677 only).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-371; Filed, Jan. 14, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 589]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 10, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A; MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 592), filed January 8, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: W. J. Hickey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the pipeline station of the Continental Oil Company, located approximately 9½ miles South of Sheridan, Wyo., on U.S. Highway 87, to points in Montana, North Dakota and South Dakota.

NOTE: Common control may be involved.

HEARING: January 30, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Isadore Freidson.

No. MC 110420 (Sub-No. 358), filed January 6, 1964. Applicant: QUALITY CARRIERS, INC., P.O. Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, dry, in bulk, from points in Crittenden County, Ky., to points in Alabama, Arkansas, Georgia, Florida, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Illinois, Indiana, Kansas, Kentucky, and Louisiana, and *empty containers*, on return.

HEARING: January 23, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Examiner W. Elliott Neffen.

No. MC 112497 (Sub-No. 218), filed January 6, 1964. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from points in Mobile County, Ala. (except Mobile and the commercial zone thereof), to points in Alabama, Arkansas, Florida Georgia, Louisiana, Mississippi, and Tennessee.

NOTE: Common control may be involved.

HEARING: February 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 117119 (Sub-No. 134), filed January 6, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Washington, Oregon, Idaho, Montana, Wyoming, Utah, Colorado, Nebraska, South Dakota, North Dakota, and Minnesota.

HEARING: January 29, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 124048 (Sub-No. 19), filed January 7, 1964. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, from Plymouth, Ind., to points in Michigan.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113833 and Subs thereunder; therefore dual operations may be involved. It is further noted that common control may be involved.

HEARING: January 21, 1964, at the Federal Building, Lansing, Mich., before Joint Board No. 23.

No. MC 124123 (Sub-No. 16), filed January 8, 1964. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Oregon, Ill., to points in Rock County, Wis., and Davenport, Clinton, and Fairfield, Iowa, and (2) from points in Columbia County, Wis., to points in Illinois.

HEARING: January 28, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

SECTION B; MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 139) (AMENDMENT), filed November 4, 1963, published in FEDERAL REGISTER issue December 18, 1963, republished as amended, this issue. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Applicant's attorney: Ewell H. Muse, Jr., Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquefied petroleum gases) in bulk, in tank vehicles, from points in Jefferson and Orange Counties, Tex., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, and *returned and rejected shipments*, on return.

NOTE: The purpose of this republication is to broaden the territorial scope of the application, by eliminating the exception "except points within 150 miles of Henderson, Texas."

HEARING: Remains as assigned, February 5, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 4405 (Sub-No. 412) (AMENDMENT), filed October 23, 1963, published in FEDERAL REGISTER issue December 18, 1963, republished as amended, this issue. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks and chassis, parts and equipment*, in initial movements, in driveaway service, from Kansas City, Mo., to points in the United States (except Alabama, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin).

NOTE: Common control may be involved. It is further noted that the purpose of this republication is to eliminate the states of Oklahoma and Texas as destination areas.

HEARING: Remains as assigned February 4, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

No. MC 20491 (Sub-No. 3), filed November 18, 1963. Applicant: SOL COHEN & SONS, INC., 1208 Channing Road, Far Rockaway, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage, and personal effects*, between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., points in Fairfield County, Conn., and points in Hudson, Bergen, Union, Essex, Passaic, Morris, Somerset and Monmouth Counties, N.J., on the one hand, and, on the other, points in Delaware, Suffolk, Dutchess, Greene, Orange, Rockland, and Ulster Counties, N.Y., New London County, Conn., Hillsboro County, N.H., Worcester County, Mass., and Pike County, Pa., and (2) between points in Ocean County, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y., Middlesex and Litchfield Counties, Conn., Berkshire County, Mass., Wayne County, Pa., and Grafton County, N.H.

HEARING: February 27, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

No. MC 20861 (Sub-No. 1), filed November 15, 1963. Applicant: FROZEN FOOD BUYERS' SERVICE, INC., 22 Beechwood Street, Dorchester, Mass. Applicant's attorney: William Levenson, 185 Devonshire Street, Boston 10, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, from Boston, Watertown, and Worcester, Mass., to Hartford, East Hartford, West Hartford, New Haven, West Haven, Bridgeport, Wallingford, Torrington, New London, Norwich, Wethersfield, New Britain, Fairfield, Waterbury, and Hampden, Conn., and *merchandise damaged in transit*, on return.

HEARING: February 20, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 134.

No. MC 29977 (Sub-No. 7), filed October 24, 1963. Applicant: GROCERY TRANSFER CORPORATION, Box 307, White River Junction, Vt. Applicant's attorney: Thomas W. Lynch, Middlebury, Vt. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Condensed milk*, in bulk, from Arcade, N.Y., to Woburn, Mass.

HEARING: February 24, 1964, at the Federal Building, Albany, N.Y., before Examiner Gordon M. Callow.

No. MC 31389 (Sub-No. 55), filed August 12, 1963. Applicant: McLEAN TRUCKING COMPANY, a corporation, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, agricultural commodities, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment). Serving the Nuclear Decontamination Burial Site located approximately 12 miles from Morehead, Ky., as an off-route point in connection with applicant's regular route operations between Louisville, Ky., and Huntington, W. Va., over U.S. Highway 60.

NOTE: Common control may be involved.

HEARING: February 17, 1964, at 1:00 p.m., at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 105.

No. MC 32166 (Sub-No. 3), filed August 26, 1963. Applicant: P. H. BRONAUGH, doing business as BRONAUGH MOTOR EXPRESS, P.O. Box 67, Henry Clay Station, Lexington, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Richmond, Ky., and the site of the Richmond Water and Gas Company Pumping Station near College Hill (Madison County), Ky., from Richmond over Kentucky Highway 52 to junction Kentucky Highway 977 (near Waco, Ky.), thence over Kentucky Highway 977 and access road to the site of the Richmond Water and Gas Company Pumping Station, and return over the same route, serving all intermediate points and the off-route points within 3 miles of the described route.

HEARING: February 25, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 105.

No. MC 42329 (Sub-No. 160), filed August 22, 1963. Applicant: HAYES FREIGHT LINES, INC., P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInery, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except currency, bullion, articles of virtu, livestock, loose bulk commodities and commodities requiring special equipment), serving the plant site of the Princeton Company located approximately four (4) miles southeast of Princeton, Ky., as an off-route point in connection with its existing regular route operations between Elizabethtown, Ky. (over U.S. Highway 62) and Smithland, Ky.

NOTE: Common control may be involved.

HEARING: February 18, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 105.

No. MC 43656 (Sub-No. 7), filed September 16, 1963. Applicant: KENNETH DIMON, doing business as DIMON & BACORN, 214 Washington Street, Elmira, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as defined in Appendix I of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, requiring refrigerated equipment, from Elmira, N.Y., to points in Bradford, Columbia, Clinton, Lackawanna, Lycoming, Montour, Potter, Sullivan, Susquehanna, Tioga, and Wyoming Counties, Pa., and points in Allegany, Broome, Cayuga, Chemung, Chenango, Cortland, Livingston, Madison, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates Counties, N.Y., restricted to traffic having a prior movement by rail or truck, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: February 20, 1964, at the U.S. Courtrooms, Binghamton, N.Y., before Examiner Gordon M. Callow.

No. MC 45657 (Sub-No. 39), filed September 18, 1963. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis 15, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Mitchell, Ill., as an intermediate point on applicant's presently authorized regular-route between Chicago, Ill., and St. Louis, Mo.

NOTE: Applicant states that Mitchell, Ill. is located at the junction of Illinois Highway 3 and Bypass U.S. Highway 66 near Granite City, Ill. The proposed service at Mitchell will be restricted against the transportation of traffic originating at or destined to said point. Also the proposed service at Mitchell will be confined to traffic having an immediately prior or subsequent movement on rail cars.

HEARING: February 21, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 48022 (Sub-No. 6), filed October 10, 1963. Applicant: INLAND EXPRESS, INC., Maple and Walker Streets, Marlboro, Mass. Applicant's attorney: Francis E. Barrett, Jr., 132 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction of U.S. Highway 20 and Massachusetts Highway 146 near Worcester, Mass., and Providence, R.I., from junction U.S. Highway 20 and Massachusetts Highway 146 thence over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, and return over the same route, serving no intermediate points, as an alternate regular route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: February 21, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 18.

No. MC 56553 (Sub-No. 13), filed August 1, 1963. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. Applicant's attorneys: James C. Havron and Walter Harwood, Nashville Bank and Trust Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Pulaski and Memphis, Tenn., from Pulaski over U.S. Highway 64 to Memphis, and return over the same route, serving the intermediate point of Lawrenceburg, Tenn., and all intermediate points between Lawrenceburg and Pulaski, Tenn.; (2) between Nashville and Ardmore, Tenn., from Nashville over U.S. Highway 31–A to Lewisburg, thence over U.S. Highway 431 to Fayetteville, Tenn., thence over Tennessee Highway 110 to Ardmore, and return over the same route, serving all intermediate points (except those between Nashville and Lewisburg); (3) between Waynesboro and Collinwood, Tenn., from Waynesboro over Tennessee Highway 13 to Collinwood, and return over the same route, serving all intermediate points; (4) between Pulaski and Fayetteville, Tenn., from Pulaski over U.S. Highway 64 to Fayetteville, and return over the same route, serving no intermediate points; (5) between Lewisburg and Columbia, Tenn., from Lewisburg over Tennessee Highway 50 to Columbia, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (6) between Lawrenceburg, Tenn., and the Tennessee-Alabama State line, from Lawrenceburg over U.S. Highway 43 to the Tennessee-Alabama State line, and return over the same route, serving all intermediate points and the off-route point of Iron City, Tenn.; (7) between Nashville, Tenn., and junction Tennessee Highway 100 and U.S. Highway 64 near Whiteville, Tenn., from Nashville over Tennessee Highway 100 to junction U.S. Highway 64, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (8) between Lawrenceburg and Columbia, Tenn., from Lawrenceburg over U.S. Highway 43 to Columbia, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (9) between Nashville and Fayetteville, Tenn., from Nashville over U.S. Highway 41 to Murfreesboro, Tenn., thence over U.S. Highway 231 to Fayetteville and return over the same route, with closed doors between Shelbyville and Nashville, Tenn.; (10) between Nashville, Tenn., and Bowling Green, Ky., from Nashville over U.S. Highway 31–W to Bowling Green, and return over the same route, serving no intermediate points.

NOTE: Applicant states that Routes (1) through (9) are all embraced within its present intrastate authority in MC 56553 (Sub-Nos. 1, 2, 3, 7, 8, 9 and 11) (BMC 76), and in MC 56553 (Sub-No. 12), (BOR 99). Conversion of these routes to interstate authority is sought by this application. Each route is to be operated in connection with applicant's other routes so as to authorize through transportation over all routes set out, and intermediate points, except where otherwise specified.

HEARING: February 26, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Edith H. Cockrill.

No. MC 59264 (Sub-No. 32), filed November 19, 1963. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities and equipment used in the manufacture, sale and shipment of cleaning products*, between Frederick, Md., on the one hand, and, on the other, Baltimore, Md., Washington, D.C., and New York, N.Y., and points in Westchester and Nassau Counties, N.Y., points in Bergen, Burlington, Camden, Monmouth, Essex, Hudson, Mercer, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., points in Bucks and Philadelphia Counties, Pa., and points within fifteen (15) miles of Philadelphia, Pa.

HEARING: February 20, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 61396 (Sub-No. 104), filed December 26, 1963. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends thereof*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Nebraska, Missouri and Minnesota, and *returned and rejected shipments*, on return.

HEARING: February 14, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner William A. Royall.

No. MC 72770 (Sub-No. 5), filed December 9, 1963. Applicant: OLEAN HAULING CORP., 99 North Main Street, Franklinville, N.Y. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, boat parts, boat trailers, boat accessories, blocking and shoring materials and advertising materials relating thereto* when moved in mixed shipments with boats, from Sturgis, Mich., Sherman, Tex., Bristol, R.I., and Penn Yan, Marathon, and Athens, N.Y. to all points in the United States except Alaska and Hawaii, and *damaged, refused and rejected commodities*, on return.

NOTE: Common control may be involved.

HEARING: March 4, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Gordon M. Callow.

No. MC 76177 (Sub-No. 292), filed June 25, 1963. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, explosives and blasting supplies, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Atlanta, Ga., and Union Springs, Ala.; from Atlanta over U.S. Highway 29 to Union Springs and return over the same route, serving all intermediate points between Lanett, Ala., and Union Springs, including Lanett, (2) between Montgomery, Ala., and Tuskegee, Ala.; from Montgomery over U.S. Highway 80 to Tuskegee, and return over the same route, serving all intermediate points, and (3) between Sylacauga, Ala., and Columbus, Ga.; from Sylacauga over U.S. Highway 280 to Columbus, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: February 17, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., *Atlanta, Ga.*, and *February 24, 1964*, at the Alabama Public Service Commission, *Montgomery, Ala.*, before Joint Board No. 157. This assignment is for applicant's presentation only. A further hearing is contemplated for protestant's presentation at a time and place to be determined by the Joint Board at the conclusion of applicant's presentation.

No. MC 76436 (Sub-No. 15), filed December 9, 1963. Applicant: SKAGGS TRANSFER, INC., 936 South 13th Street, Louisville, Ky. Applicant's attorney: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities injurious or contaminating to other lading and commodities which require special equipment), (1) between Munfordville and Hardyville, Ky., from Munfordville over Kentucky Highway 88 to Hardyville, and return over the same route, (2) between Munfordville and Bowling Green, Ky., from Munfordville over U.S. Highway 31W to Bowling Green, and return over the same route, (3) between Horse Cave, Ky., and junction U.S. Highway 31E and Kentucky Highway 218, from Horse Cave over Kentucky Highway 218 to junction U.S. Highway 31E, and return over the same route, (4) between Brownsville, Ky., and junction U.S. Highway 31E and Kentucky Highway 70, from Brownsville over Kentucky Highway 70 (including that segment lying in Mammoth Cave National Park) to junction U.S. Highway 31E, and return over the same route, (5) between Glasgow, Ky., and junction Kentucky Highway 90 and U.S. Highway 31W, from Glasgow over Kentucky Highway 90 to junction U.S. Highway 31W, and return over the same route, (6) between Park City and Bonayr, Ky., from Park City over Kentucky Highway 255 to Bonayr, and return over the same route, (7) between Hays and Brownsville, Ky., from Hays over Kentucky Highway 259 to Brownsville, and return over the same route, (8) between Scottsville and Rhoda, Ky., from Scottsville over Kentucky Highway 101 to Rhoda, and return over the same route, and (9) between Auburn and Middleton, Ky., from Auburn over Kentucky Highway 103 to Middleton, and return over the same route. Applicant proposes to serve all intermediate points on the above proposed routes (1) through (9).

NOTE: Authority is also sought to transport the same commodities over the following alternate routes: (a) Between Louisville and Munfordville, Ky., from Louisville over U.S. Highway 31W to Munfordville, and return over the same route, serving no intermediate points, for operating convenience only, to be used in connection with applicant's authorized regular-route operations, and (b) between junction Kentucky Highway 61 and U.S. Highway 31E (approximately five (5) miles northwest of Buffalo, Ky.) and junction U.S. Highway 31E and Kentucky Highway 470 (approximately six (6) miles northwest of Buffalo, Ky.), from junction Kentucky Highway 61 and U.S. Highway 31E, thence over U.S. Highway 31E to junction Kentucky Highway 470, and return over the same route, serving no intermediate points, for operating convenience only, to be used in connection with applicant's authorized regular-route operations. Applicant states if the above authority is granted, with reference to its alternate routes, the following routes presently held as alternate routes, should be cancelled: (a) Between Louisville and Bowling Green, Ky., from Louisville over U.S. Highway 31W to Bowling Green, and return over the same route, and (b) between junction Kentucky Highway 218 and U.S. Highway 31W, at Horse Cave, Ky., and junction Kentucky Highway 218 and U.S. Highway 31E, near Seymour, Ky., from junction Kentucky Highway 218 and U.S. Highway 31W, thence over Kentucky Highway 218 to junction U.S. Highway 31E, and return over the same route, serving no intermediate points in (a) and (b), for operating convenience only, presently used in connection with applicant's authorized regular-route operations.

HEARING: February 27, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 155.

No. MC 89520 (Sub-No. 12) (AMENDMENT), filed July 23, 1963, published in FEDERAL REGISTER issue August 28, 1963, amended December 23, 1963, and republished as amended this issue. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Tex. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting agents, materials and supplies* except in bulk, in tank vehicles, between Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla., and points in Oklahoma and Louisiana, and (2) *ingredients, materials and supplies* used in the manufacture and sale of explosives, blasting agents, materials and supplies except in bulk, in tank vehicles, from points in Oklahoma and Louisiana, to Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla.

NOTE: Applicant is also authorized to conduct operations as a common carrier in MC 117149; therefore, dual operations may be involved. The purpose of this republication is to add the restrictive phrase "except in bulk, in tank vehicles" to the commodity description in (1) and (2), and to show (1) as a "between" movement, rather than a "from and to," as previously published.

HEARING: January 27, 1964, at Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner William J. O'Brien, Jr.

No. MC 95955 (Sub-No. 7), filed October 2, 1963. Applicant: REDDY TRUCKING CO., INC., Bridgeville Road (P.O. Box 501), Monticello, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, and commodities requiring special equipment), (A) between Monticello, N.Y., and Newburgh, N.Y., from Monticello over New York Highway 42 to Woodbourne, thence over New York Highway 52 to Newburgh, and return over the same route, serving all intermediate points and the off-route points of Lock Sheldrake, Hurleyville, Woodbridge and Napanoch, N.Y., (B) between Monticello and Newburgh, N.Y.; from Monticello over New York Highway 17 to Bloomingburg, thence over New York Highway 17K to Newburgh, and return over the same route, serving all intermediate points and the off-route points of Circleville and Maybrook, N.Y., (C) between Monticello and Newburgh, N.Y.; from Monticello over New York Highway 17 to Harriman, N.Y., thence over New York Highway 32 to Newburgh, serving points on parallel U.S. Highway 6 between Middletown and Harriman, and the off-route points of Blooming Grove, Campbell Hall, Otisville, Salisbury Mills and Washingtonville, N.Y., (D) between Monticello and Ellenville, N.Y.; from Monticello over New York Highway 17 to Wurtsboro, N.Y., thence over U.S. Highway 209 to Ellenville, and return over the same route, serving all intermediate points, (E) between Monticello and Warwick, N.Y.; from Monticello over irregular route to Port Jervis, N.Y., thence over U.S. Highway 6 to Goshen, N.Y., thence over New York Highway 207 to Warwick, and return over the same route, serving all intermediate points and the off-route points of Johnson, Pine Island, Edenville, Greenwood Lake, and Sugar Loaf, N.Y., (F) between Newburgh and Haverstraw, N.Y., over U.S. Highway 9W, and return over the same route, serving all intermediate points, and (G) between Walden and New Paltz, N.Y., over New York Highway 208, and return over the same route, serving all intermediate points and the off-route points of Clintondale and Gardiner, N.Y.

NOTE: Applicant requests by the instant application to change the restriction as it appears on the top of Sheet No. 3, in Certificate No. MC 95955 that reads: "Restriction: The service authorized immediately above is restricted to the transportation of shipments originating at, or destined to, points in the described areas of Delaware, Orange and Sullivan Counties, N.Y." to read "Restriction: The service authorized immediately above is restricted to the transportation of shipments originating at, or destined to, points in the areas of Delaware, Orange, Sullivan, and Ulster Counties, N.Y., that are described herein".

HEARING: February 19, 1964, at the U.S. Courtrooms, Binghamton, N.Y., before Examiner Gordon M. Callow.

No. MC 97261 (Sub-No. 2), filed September 26, 1963. Applicant: S. B. LANE, doing business as LANE TRANSFER COMPANY, Box 213, Farmington, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment or handling, and those which are injurious or contaminating to other lading), between points in Fulton, Peoria, and Tazewell Counties, Ill.

HEARING: February 21, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 98107 (Sub-No. 1), filed November 29, 1963. Applicant: MURRAY'S TRUCKING SERVICE, INC., 150 Myrtle Avenue, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from carriers warehouse in Buffalo, N.Y., to points in Cattaraugus, Genesee, Chautauqua, Erie, Orleans, Niagara, and Wyoming Counties, N.Y.

HEARING: March 4, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Gordon M. Callow.

No. MC 98428 (Sub-No. 1), filed October 16, 1963. Applicant: CECILE B. CRANTS, doing business as CRANTS MOTOR EXPRESS, 351 Delaware Avenue, Painted Post, N.Y. Applicant's attorney: Harry Treinin, Loan Association Building, Corning, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Painted Post and Elmira, N.Y.; from Painted Post over New York Highway 17, to Elmira, and return over the same route, serving all intermediate points, and (2) between Big Flats and Elmira, N.Y.: From Big Flats over New York Highway 17E to Elmira, and return over the same route, serving all intermediate points and the off-route point of Corning, N.Y.

HEARING: February 21, 1964, at the U.S. Courtrooms, Binghamton, N.Y., before Examiner Gordon M. Callow.

No. MC 101271 (Sub-No. 18), filed October 1, 1963. Applicant: BIRD & CUTSHAW TRUCKING COMPANY, INC., Myers Street, Greeneville, Tenn. Applicant's attorney: Jimmy Gray Cutshaw, 103 East Depot, Greeneville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over ir-

regular routes, transporting: (1) *Mixed fertilizer, raw materials for direct fertilizer application, nitrogen fertilizer products* in bulk and in bags, and *mixed shipments of twine* (twine shipments not to exceed 800 pounds per load), from Greeneville, Tenn., to points in Virginia, Kentucky, and North Carolina; (2) *nitrogen fertilizer products*, from Norfolk, Va., Wilmington, N.C., Charleston, S.C., Savannah, Ga., Pensacola, Fla., Mobile, Ala., and New Orleans, La., to Greeneville, Tenn., and points in Virginia, Kentucky, and North Carolina; and (3) *machinery, materials, and supplies* used in diary products plants, *knocked down carton containers, new ten gallon cans, labels, popsicle sticks, flavoring in cans, sugar emulsifiers, stabilizers, milk pails, cleansers, detergents; dairy and dairy plant machinery and parts thereof, including strainers, strainer pads, homogenizers, water pumps, milk pumps, ammonia pumps, sterilizers, electric motors, coolers, pasteurizers, vats and tanks; empty containers for evaporated milk in cases; dairy products; condensed milk, ice cream milk, whole milk, and butter fat* in filled 10 gallon cans, (excepting canned, condensed, and evaporated milk), (a) from Abingdon, Va., and Greeneville, Tenn., to points in North Carolina, and (b) from Greeneville, Tenn., to points in Virginia.

NOTE: Applicant states that he will transport exempt agricultural commodities, on return.

HEARING: February 21, 1964, at the U.S. Courtrooms, Knoxville, Tenn., before Examiner Edith H. Cockrill.

No. MC 105678 (Sub-No. 18) (AMENDMENT), filed July 23, 1963, published FEDERAL REGISTER issue August 28, 1963, republished as amended, FEDERAL REGISTER issue December 18, 1963, amended January 2, 1964, and republished as amended this issue. Applicant: SECO TRUCKING CO., a corporation, 219 North Jackson Avenue, Mason City, Iowa. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting agents, materials and supplies* except in bulk, in tank vehicles, between Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla., and points in Minnesota, Wisconsin, Michigan, Kansas, Arkansas, Indiana, Ohio, Illinois, Pennsylvania, Missouri, Iowa, North Dakota, South Dakota, and Nebraska, and (2) *ingredients, materials, and supplies* used in the manufacture and sale of explosives, blasting agents, materials, and supplies except in bulk, in tank vehicles, from points in Minnesota, Wisconsin, Michigan, Kansas, Arkansas, Indiana, Ohio, Pennsylvania, Illinois, and Iowa, to Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla.

NOTE: The purpose of this republication is to add the restrictive phrase "except in bulk, in tank vehicles," to the commodity description in (1) and (2), to show (1) as a "between" movement, rather than a "from and to," as previously published, to add Illinois to the territorial description in (1), and to indicate new hearing information as set forth below.

HEARING: January 27, 1964, at Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner William J. O'Brien, Jr.

No. MC 106657 (Sub-No. 22), filed December 31, 1963. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, (1) from Oregon, Ill., to points in Rock County, Wis., and Davenport, Clinton, and Fairchild, Iowa, and (2) from points in Columbia County, Wis., to points in Illinois.

HEARING: January 28, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

No. MC 107475 (Sub-No. 54), filed October 28, 1963. Applicant: DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky. Applicant's attorney: Harry McChesney, Jr., Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Richmond (Ky.) Water & Gas Co. pumping station, located on the west bank of the Kentucky River approximately one-fourth mile upstream (south) from U.S. Lock No. 11 and one-half mile east of College Hill (Madison County), Ky., as an off-route point in connection with applicant's authorized regular-route operations between Cincinnati, Ohio, and Columbus, Ga.

HEARING: February 25, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 105.

No. MC 107515 (Sub-No. 465), filed December 20, 1963. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Kentucky, Virginia, Georgia, Tennessee, Alabama, Mississippi, Louisiana, North Carolina, South Carolina, and Florida.

HEARING: January 22, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Charles J. Murphy.

No. MC 109637 (Sub-No. 242), filed August 28, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines*, and *toilet preparations*, (2) *cleaning, washing* and *scouring compounds*, and (3) *liquid starch*, in bulk, in tank vehicles, from Jeffersonville, Ind., to Franklin, Ky.

HEARING: February 21, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 155.

No. MC 109708 (Sub-No. 32), filed September 9, 1963. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice, and wine*, in bulk, in tank vehicles, from points in New York, Ohio, and Pennsylvania, to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Indiana, Illinois, and the District of Columbia.

HEARING: March 2, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Gordon M. Callow.

No. MC 110949 (Sub-No. 1), filed October 28, 1963. Applicant: RETAIL STORES DELIVERY, INC., 144 Second Street, Cambridge, Mass. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by department stores*, between Boston, Mass., and points in Massachusetts.

NOTE: Applicant states the proposed operation will be under a continuing contract with Popular Merchandise, Inc. 128 Dayton Avenue, Passaic, N.J. Common control may be involved.

HEARING: February 21, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 231.

No. MC 111401 (Sub-No. 147), filed December 30, 1963. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 362, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and petroleum products (except liquefied petroleum gasses), in bulk, in tank vehicles, from points in Jefferson and Orange Counties, Tex. (except those points within 150 miles of Henderson, Tex.), to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: February 5, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 111812 (Sub-No. 235), filed December 26, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII, Ex-Parte MC–45, in containers, from Stoneham, Karns City, Warren, North Warren, Petrolia, and Franklin, Pa., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: Common control may be involved.

HEARING: February 5, 1964, at the New Federal Building, Pittsburgh, Pa., before Examiner H. Reece Harrison.

No. MC 111740 (Sub-No. 16), filed December 30, 1963. Applicant: OIL TRANSPORT COMPANY, East Highway 80, P.O. Box 2031, Abilene, Tex. Applicant's attorney: Jerry Prestridge P.O. Box 1148, Austin, Tex., 78763. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Sheerin, Tex., and points within 5 miles thereof, to points in Nebraska.

HEARING: January 24, 1964, in Room 612, Post Office Building, Oklahoma City, Okla., before Examiner Richard A. White.

No. MC 112254 (Sub-No. 3), filed October 2, 1963. Applicant: ROY L. ESTES, doing business as ROY ESTES TRUCKING COMPANY, 533 Jackson Street, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn., 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, clay and clay products, shale and shale products, concrete and concrete products and mortar mixes*, (1) from Kingsport, Tenn., to points in Alleghany, Bedford, Botetourt, Buchanan, Bland, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va.; (2) from Kingsport and Johnson City, Tenn., and Marion, Va., to points in Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, and Whitley Counties, Ky., and points in Fayette, Logan, McDowell, Mercer, Mingo, Raleigh, Summers, and Wyoming Counties, W. Va.; (3) between Kingsport and Johnson City, Tenn., on the one hand, and, on the other, Richmond, Va.; and (4) between Kingsport and Johnson City, Tenn, on the one hand, and on the other, Louisville, Ky.

NOTE: Applicant is also authorized to operate as a common carrier in MC 114082; therefore, dual operations may be involved. The proposed operations are to be limited to a transportation service to be performed under a continuing contract, or contracts, with General Shale Products Corporation, Johnson City, Tenn. Applicant states that damaged, defective and refused shipments will be transported on return in (1) and (2) above. Applicant also states that in (1) and (2) above duplication of authority may be involved and that any duplicate authority will be surrendered.

HEARING: February 20, 1964, at the U.S. Courtrooms, Knoxville, Tenn., before Examiner Edith H. Cockrill.

No. MC 112497 (Sub-No. 217), filed December 16, 1963. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles (except liquefied petroleum gases), from Geismar, La., and points within 5 miles thereof, to points in Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee (except Kingsport), and Texas (except that no resins, paints, paint materials and products and blends thereof shall be transported to Garland, Tex.), and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: February 6, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard W. White.

No. MC 112592 (Sub-No. 2), filed October 2, 1963. Applicant: BRICK DELIVERY COMPANY, a corporation, 413 East Market Street, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn., 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks, clay and clay products, shale and shale products, concrete and concrete products, and mortar mixes*, (1) from Kingsport, Tenn., to points in Alleghany, Bedford, Botetourt, Craig, Floyd, Franklin, Henry, Patrick, Pittsylvania, and Roanoke Counties, Va., (2) from Kingsport and Johnson City, Tenn., to points in Bell, Breathitt, Clay, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Magoffin, Martin, Owsley, Perry, Pike, Rockcastle, and Whitley Counties, Ky., and points in Fayette, Logan, McDowell, Mercer, Mingo, Raleigh, Summers, and Wyoming Counties, W. Va., (3) from Kingsport, Tenn., to points in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Randolph, Rockingham, Rowan, Rutherford, Stokes, Surry, Transylvania, Watauga, Wilkes, Yadkin, and Yancey Counties, N.C., (4) between Kingsport and Johnson City, Tenn., on the one hand, and, on the other, Richmond, Va., and (5) between Kingsport and Johnson City, Tenn., on the one hand, and, on the other, Louisville, Ky.

NOTE: Applicant states it proposes to transport in (1), (2), and (3) above, *damaged, defective and refused shipments*, on return. It is further stated that the proposed operations will be limited to a transportation service to be performed under a continuing contract, or contracts, with General Shale Products Corporation, Johnson City, Tenn.

HEARING: February 20, 1964, at the U.S. Courtrooms, Knoxville, Tenn., before Examiner Edith H. Cockrill.

No. MC 113267 (Sub-No. 110), filed October 17, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and dairy products*, from Port Wentworth, Ga., Charleston, S.C., and Norfolk, Va., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 4, 1964, at the Claridge Hotel, Memphis, Tenn., before Examiner Edith H. Cockrill.

No. MC 113336 (Sub-No. 63), filed November 18, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, in tank vehicles, from Wilmington, N.C. and points within 10 miles thereof, to points in Georgia and Maryland.

NOTE: Common control may be involved.

HEARING: February 18, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 113388 (Sub-No. 56), filed November 20, 1963. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 265, Bridgeville, Del. Applicant's attorney William J. Augello, Jr., 2 West 45th Street, New York, N.Y., 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mercer County, N.J., to points in South Carolina, Georgia, and Florida.

HEARING: February 25, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

No. MC 114699 (Sub-No. 21), filed November 18, 1963. Applicant: TANK LINES, INCORPORATED, P.O. Box 5415 North Dabney Road, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible animal oils*, in bulk, in tank vehicles, from Richmond, Va., to points in Georgia and South Carolina, and *rejected shipments*, on return.

HEARING: February 18, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 115180 (Sub-No. 6), filed December 30, 1963. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Imported meats*, from New York, N.Y., including points in the New York commercial zone, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, on and west of U.S. Highway 220, and points in West Virginia and Wisconsin.

HEARING: January 20, 1964, at the Hotel Roosevelt, Pittsburgh, Pa., before Examiner John L. York.

No. MC 115311 (Sub-No. 43) (AMENDMENT), filed December 31, 1963, published in FEDERAL REGISTER issue January 8, 1964, republished as amended, this issue. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, and in packages, from Wilsonville, Ala., to points in Louisiana, Arkansas, Alabama, and Texas, and *exempt commodities* on return.

NOTE: The purpose of this republication is to add the state of Texas.

HEARING: Remains as assigned January 17, 1964, at the U.S. Courtrooms, Montgomery, Ala., before Examiner Allen W. Hagerty.

No. MC 115667 (Sub-No. 4) (REPUBLICATION), filed August 20, 1963. Applicant: J. M. INGE TRUCKING COMPANY, INC., Richmond, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond, Va. By application filed August 20, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, (a) of meats, meat products, and meat by-products, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Richmond, Va., to Beckley, Charleston, and Huntington, W. Va., and (b) of empty containers or other such incidental facilities (not specified) used in transporting the above described commodities, and damaged, and refused or rejected shipments, on return, over irregular routes. The application was referred to Examiner Hinely for hearing and the recommendation of an appropriate order thereon. Hearing was held on November 14, 1963, at Washington, D.C. At the hearing applicant requested that the commodity description in the application be amended to include, in addition to the above-stated commodities "dairy products." A Report and Recommended Order, served November 26, 1963, effective December 26, 1963, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (a) of *meats, meat products, meat by-products, and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Richmond, Va., to Beckley, Charleston, and Huntington, W. Va., and (b) of *damaged or returned shipments of the commodities specified* in (a) above from Beckley, Charleston, and Huntington, to Richmond under a continuing contract or contracts with Hygrade Food Products Corporation, of Detroit, Mich., and Richmond, Va., E. M. Todd Company, Inc., of Richmond, Va., and Avoset Company, of Oakland, Calif., and Richmond, Va., will be consistent with the public interest and the national transportation policy, subject, however, to the condition that prior to the issuance of any permit herein, a proper notice of the authority granted will be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested person, who may be affected by the broadened scope of the application as amended, file an appropriate pleading.

No. MC 116602 (Sub-No. 1), filed October 9, 1963. Applicant: JAMES F. HERLIHY, doing business as HERLIHY TRUCKING COMPANY, Rural Delivery No. 2, Binghamton, N.Y. Applicant's attorney: Donald C. Carmien, 300 Press Building, Binghamton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* transported by air freight and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, (1) between Broome County Airport (Broome County, N.Y.), on the one hand, and, on the other, Newark Airport (Newark, N.J.), Idlewild International Airport (Queens County, N.Y.), Philadelphia International Airport (Philadelphia, Pa.), Avoca Airport (Luzerne County, Pa.), and Hancock Field Onondaga County, N.Y.), and (2) between Avoca Airport (Luzerne County, Pa.), on the one hand, and, on the other, Newark Airport (Newark, N.J.), Broome County Airport (Broome County, N.Y.), Idlewild International Airport (Queens County N.Y.), Philadelphia International Airport (Philadelphia, Pa.), and Hancock Field (Onondaga County, N.Y.).

NOTE: Applicant states the above described commodities will be subject to an immediately prior or subsequent movement by air.

HEARING: February 20, 1964, at the U.S. Courtrooms, Binghamton, N.Y., before Examiner Gordon M. Callow.

No. MC 116987 (Sub-No. 17), filed October 23, 1963. Applicant: ROBERT H. CARR AND SONS, INC., R.F.D. No. 2, Malvern, Pa. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends*, in bulk, in tank vehicles, from Canton, Ohio, to points in Michigan, Ohio, Pennsylvania, and New York.

HEARING: February 20, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 117119 (Sub-No. 132), filed December 30, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, powdered milk containing animal or vegetable fats and ingredients, milk products, dessert preparations, milk and cream substitutes, beverage preparations, flour mixes, cake mixes* and *pancake mixes*, from points in Minnesota and Wisconsin, to points in Arizona, California, Nevada, New Mexico, Colorado, Kansas, Utah, Wyoming, Montana, Idaho, Washington, and Oregon.

HEARING: January 20, 1964, in Room B–29, Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 117119 (Sub-No. 133), filed December 30, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., ELM SPRINGS, ARK. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, including fruit and vegetable concentrates, in mixed shipments with canned goods, (2) *frozen foods*, including fruit and vegetable concentrates, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of sections 203(b)(6) of the Interstate Commerce Act, and (3) *canned goods*, including fruit and vegetable concentrates, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203 (b)(6) of the Interstate Commerce Act, from points in Arizona and California to points in Wyoming, Colorado, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Georgia, Florida, and Alabama.

HEARING: February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 117509 (Sub-No. 11) (AMENDMENT), filed July 23, 1963, published in FEDERAL REGISTER issue August 28, 1963, amended December 23, 1963, and republished as amended this issue. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 8944 Granbury Circle, St. Louis 23, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Explosives, blasting agents, materials, and supplies* except in bulk, in tank vehicles, between Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla., and points in Kentucky, Virginia, West Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, and (2) *ingredients, materials, and supplies* used in the manufacture and sale of explosives, blasting agents, materials, and supplies except in bulk, in tank vehicles, from point in Kentucky, Virginia, West Virginia, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Florida, to Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., located at or near Baxter Springs, Kans., and Pitcher, Okla.

NOTE: The purpose of this republication is to add the restrictive phrase "except in bulk, in tank vehicles," to the commodity description in (1) and (2), and to show (1) as a "between" movement, rather than a "from and to," as previously published.

HEARING: January 27, 1964, at Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner William J. O'Brien, Jr.

No. MC 119422 (Sub-No. 19), filed October 7, 1963. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Illinois.

NOTE: Applicant states the proposed operations will involve shipments having prior movement by rail or water.

HEARING: February 20, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 119422 (Sub-No. 20) (CORRECTION), filed October 13, 1963, published FEDERAL REGISTER issue December 26, 1963, corrected December 30, 1963, and republished as corrected this issue. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in St. Clair County, Ill., to points in Iowa, Wisconsin, Missouri, and Indiana.

NOTE: The purpose of the republication is to correctly show the attorney that is representing the applicant, in lieu of the attorney erroneously shown in previous publication.

HEARING: Remains as assigned, February 5, 1964, in Room 1620, New Federal Building, 1520 Market St., St. Louis, Mo., before Examiner Gerald Colfer.

No. MC 119422 (Sub-No. 21), filed November 22, 1963. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from points in St. Clair County, Ill., to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 18, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 119777 (Sub-No. 16), filed August 26, 1963. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and equipment and parts and accessories for mining equipment and machinery* between Canonsburg, Pa., and Madisonville, Ky.

HEARING: February 20, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 150.

No. MC 123393 (Sub-No. 28), filed December 30, 1963. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Baline Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen imported meat, and meat products*, from New York, N.Y., including points in the New York Commercial Zone, and Philadelphia, Pa., to points in Michigan, Indiana, Kentucky, Tennessee, Missouri, Iowa, Wisconsin, Minnesota, Illinois, Kansas, and Oklahoma, and *only empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: January 20, 1964, at the Hotel Roosevelt, Pittsburgh, Pa., before Examiner John L. York.

No. MC 123634 (Sub-No. 2), filed November 6, 1963. Applicant: S. KLEIN TRUCKING CORP., 6 Union Square, New York City, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise* and *returned, refused and rejected shipments* and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, between the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiary corporations and concessionaires located at stores or warehouses in New York City, Yonkers, East Farmingdale, Commack, and West Hempstead, N.Y., Newark, Woodbridge, and Wayne, N.J., Philadelphia and points in Marple Township, Pa., Greenbelt, Md., Boston, Mass., and Alexandria, Va.

NOTE: Applicant states it is presently authorized to transport the same commodities between the sites of S. Klein Department Stores, Inc. warehouses, storage facilities and stores, subsidiary corporations and concessionaires located at New York, East Farmingdale, Yonkers, Commack and West Hempstead, N.Y., Newark, Woodbridge and Wayne, N.J., Philadelphia and points in Marple Township, Pa., Greenbelt, Md., and Boston, Mass. Applicant does not seek duplicating authority but seeks the authority to transport the aforementioned commodities between the aforementioned points and Alexandria, Va. Applicant concurrently will request dismissal of that portion of the application requesting authority to serve the territory heretofore granted under MC 123634 Sub 1 upon a grant of authority herein so as to avoid any duplication of operating authority.

HEARING: February 26, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

No. MC 124078 (Sub-No. 95), filed January 8, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in St. Clair County, Ill., to points in Iowa, Wisconsin, Missouri, and Indiana.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832, therefore dual operations may be involved.

HEARING: February 5, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 124211 (Sub-No. 18), filed October 7, 1963. Applicant: HILT TRUCK LINE, INC., 1813 Yolande, Lincoln, Nebr., Box 824. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages, carbonated and non-carbonated* from Omaha, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, (2) *new empty containers* from origin points in destination states specified above to Omaha, Nebr., and (3) *malt beverages* from Peoria, Ill., to points in Colorado, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

HEARING: February 17, 1964, at Room 2401, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner William A. Royall.

No. MC 124898 (Sub-No. 3), filed November 19, 1963. Applicant: FRANK P. McNALLY, INC., 242 Nevins Street, Brooklyn 17, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between McGuire Air Force Base at Wrightstown, N.J., and Dover Air Force Base at Dover, Del., on the one hand, and, on the other, Idlewild Airport, New York, N.Y.

NOTE: Applicant states the above proposed operations are a substituted motor for air transportation and will involve the transportation of contour-packed pallets ready for loading into airplanes and transported on special flat-bed trailers equipped with rollers for side loading and unloading. It is further noted that the proposed operations will be performed under a continuing contract with Seaboard World Airlines, Inc., Idlewild Airport, New York, N.Y.

HEARING: February 24, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

No. MC 125018 (Sub-No. 1), filed November 27, 1963. Applicant: TENNES-

SEE TRUCK LINES, INC., Rural Delivery No. 2, Dandridge, Tenn. Applicant's attorneys: Jerome Ackerman, Union Trust Building, Washington 5, D.C. and Joseph A. McAfee, Park National Bank Building, Knoxville 11, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods and animal foods*, from the site of Bush Brothers & Company's plants located in Chestnut Hill, Tenn., and Augusta, Wis., and from the site of Bush Brothers & Company subsidiary or affiliated plants: Blytheville Canning Company, Inc., located at Blytheville, Ark., Shiocton Kraut, Inc., located at Shiocton, Wis., New Era Canning Company, located at New Era, Mich., and Bush Brothers of North Carolina, located at Hendersonville, N.C., and from the site of Bush Brothers & Company's warehouses located in Anderson, Cocke, Greene, Hancock, Jefferson, Sevier and Knox Counties, Tenn., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Alabama, Mississippi, Tennessee, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, Michigan, Wisconsin, Minnesota, New York, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, Delaware, North Dakota, South Dakota, New Jersey, and the District of Columbia, and (2) *canned goods and animal foods, cans, materials, equipment and supplies for the production of cans, seeds, fertilizers; and materials, equipment and supplies used in the growing, production, canning, packaging and distribution of canned goods and animal foods*, from points in the destination states named in (1) above, to the origin points named in (1) above.

NOTE: Applicant states that all of the foregoing transportation service will be performed under a continuing contract or contracts with Bush Brothers & Company and its affiliates. It is further noted the proposed service is principally intended to supplant present movements in private carriage.

HEARING: February 18, 1964, at the U.S. Courtrooms, Knoxville, Tenn., before Examiner Edith H. Cockrill.

No. MC 125136 (Sub-No. 1), filed December 26, 1963. Applicant: W. T. MARSHALL, 1285 Nickey Avenue, Decatur, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to Beardstown, Lincoln, and Bloomington, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, on return.

HEARING: February 17, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 125167 (Sub-No. 4), filed December 16, 1963. Applicant: RAY MOORE, doing business as MOORE TRUCKING CO., P.O. Box 436, Morehead, Ky. Applicant's attorney: Ben K. Wilmot, Republic Building, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer and the component raw materials thereof*, such as, but not limited to, muriate of potash, sulphate of potash, ammonia nitrate, agrinite, etc. between Cincinnati, Ohio, and Washington Courthouse, Ohio, and points in Kentucky. Applicant is also authorized to conduct operation as a contract carrier in Permit MC 119915.

HEARING: February 21, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 37.

No. MC 125554, filed July 22, 1963. Applicant: JOHN W. HANES, Chenango Forks, N.Y. Applicant's attorney: A. Lawrence Abrams, Security Mutual Building, Binghamton, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Lackawanna and Luzerne Counties, Pa. to points in Broome, Delaware, Otsego, Cortland, Tioga, Chenango, and Tompkins Counties, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: February 18, 1964, at the U.S. Courtrooms, Binghamton, N.Y., before Examiner Gordon M. Callow.

No. MC 125544 (Sub-No. 1), filed September 30, 1963. Applicant: LESTER M. HAYS, 803 West Mulberry, Carlinville, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty milk cartons*, from Versailles, Ky., to Olney, Quincy, and Carlinville, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operation will be for the account of Prairie Farms Dairy, Inc.

HEARING: February 19, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 1.

No. MC 125736, filed October 10, 1963. Applicant: JOSEPH J. McCARTHY AND FRANCIS G. McCARTHY, a partnership, doing business as McCARTHY'S ROXBURY AND CITY EXPRESS, 442 Ralph Talbot Street, South Weymouth 90, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives), between points in Massachusetts.

HEARING: February 24, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 231.

No. MC 125740, filed October 9, 1963. Applicant: HARLAN C. HAMBLY, doing business as HAMBLY TRUCKING, 25 East Walnut Street, Albion, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Such merchandise as is dealt in by retail and chain grocery and food business houses*, between St. Louis, Mo., on the one hand, and, on the other, points on the routes in Illinois and Indiana, as specified below: from St. Louis, over U.S. Highway 460 to junction U.S. Highway 45, near Enfield, Ill., thence over U.S. Highway 45 to Illinois Highway 1, thence over Illinois Highway 1 to Illinois Highway 141 and 62 to Mount Vernon, Ind., thence over Indiana Highway 69 to U.S. Highway 460 at New Harmon, Ind., thence over U.S. Highway 460 to Illinois Highway 1, at Crossville, Ill., thence over U.S. Highway 1 to Grayville, Ill., thence over Illinois Highway 130 to Albion, Ill., thence from Albion, over Illinois Highway 15 to Mount Vernon, Ill., and thence over U.S. Highway 460 to St. Louis, thence over U.S. Highway 460 to Illinois Highway 161 at Belleville, Ill., and thence east over Illinois Highway 161 to Illinois Highway 51, thence north over Illinois Highway 37 to Salem, Ill., thence east over U.S. Highway 50 to Olney, Ill., thence north over Illinois Highway 130 to Newton, Ill., thence east over U.S. Highway 33 to Robinson, Ill., thence south over Illinois Highway 1 to Lawrenceville, Ill., and Mt. Carmel, Ill., to Illinois Highway 15, thence west over Illinois Highway 15 to Albion, Ill.

HEARING: February 17, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 160.

No. MC 125750, filed October 14, 1963. Applicant: CLARENCE EPPERHART, Route No. 1, Morehead, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Lumber and pallets*, between Morehead, Ky., and Middletown, Ohio: from Morehead over Kentucky Highway 32 to Flemingsburg, Ky., thence over Kentucky Highway 10 to Maysville, Ky., thence over U.S. Highway 52 to Ripley, Ohio, thence over U.S. Highway 68 to Wilmington, Ohio, thence over Ohio Highway 73 to Middleton, and return over the same route serving the off-route points of Washington Court House, and Jeffersonville, Ohio.

HEARING: February 18, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 37.

No. MC 125751, filed October 14, 1963. Applicant: HAROLD D. SMITH, doing business as HAROLD D. SMITH TRUCKING SERVICE, Box 73, Camargo, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel*, in bulk, in dump trucks, from Montezuma, and Clinton, Ind., and points within 5 miles thereof, to points in Douglas County, Ill.

HEARING: February 18, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 125758, filed October 16, 1963. Applicant: STANLEY V. MAJKUT & FRANCIS F. ROGERS, a partnership, doing business as MOBILE AIR TRANSPORT, 9 Kendale Avenue, Schenectady, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* when incidental to transportation by air, in a circuitous manner, beginning and ending at the Albany County Airport, N.Y., from the south exit of Albany County Airport, thence east on New York Highway 155 to junction U.S. Highway 9, thence north on U.S. Highway 9 to junction New York Highway 7, thence east on New York Highway 7 to New York-Vermont State line, thence over Vermont Highway 9 to Bennington, Vt., thence south on U.S. Highway 7 to Williamstown, Mass., thence east on Massachusetts Highway 2 to North Adams, Mass., thence south on Massachusetts Highway 8 to Pittsfield, Mass., thence east on U.S. Highway 20 to Albany, N.Y., thence north on U.S. Highway 9 to junction New York Highway 155, thence west on New York Highway 155 to Albany County Airport, serving all intermediate points and the off-route points of Hoosick Falls, N.Y., and North Bennington, Vt.

HEARING: February 28, 1964, at the Federal Building, Albany, N.Y., before Joint Board No. 318, or, if the Joint Board waives its right to participate before Examiner Gordon M. Callow.

No. MC 125783, filed November 1, 1963. Applicant: HARRY CHARLES FREEMAN, doing business as MILL BASIN HOMING PIGEON TRAINING, 2016 East 72d Street, Brooklyn 34, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homing pigeons*, from Brooklyn, N.Y., to Perth Amboy, South River, Hightstown, and Burlington, N.J., Wilmington, Del., Fogelsville, Lebanon, Allenport, Crescent, and Wilkinsburg, Pa., and Tappen Lake and Plain City, Ohio, and *empty containers or other such incidental facilities* used in transporting the above described commodity, on return.

HEARING: February 26, 1964, at the Park Sheraton Hotel, New York, N.Y. before Examiner James A. McKiel.

No. MC 125825, filed November 18, 1963. Applicant: RICHARD L. WESTON, 1350 Bald Eagle Avenue, Tyrone, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Altoona, Pa., to points in California, Oregon, Washington, Montana, Utah, Nevada, Idaho, Arizona, New Mexico, Colorado and Wyoming, and Texas.

NOTE: Applicant states that the proposed operation will be restricted to a service to be performed under a continuing contract with Boyer Bros., Inc. of Altoona, Pa.

HEARING: February 19, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

MOTOR CARRIERS OF PASSENGERS

No. MC 107 (Sub-No. 4), filed February 28, 1963. Applicant: BORO BUSSES COMPANY, a corporation, 37 Globe Court, Red Bank, N.J. Applicant's attorney: William L. Russell, Jr., 73 Broad Street, Red Bank, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, (1) between Long Branch, N.J. and Newark, N.J.; from Long Branch over city streets and unnumbered highways through Long Branch, West Long Branch and Oceanport, N.J. to Eatontown, N.J., thence over New Jersey Highway 71 to the junction of New Jersey Highway 35, thence over New Jersey Highway 35 to the junction of U.S. Highway 9 at South Amboy, N.J., thence over U.S. Highway 9 to the junction of New Jersey Turnpike at Woodbridge, N.J., thence over New Jersey Turnpike to Newark, and return over the same routes, serving all intermediate points south of the Raritan River, (2) between Oceanport, N.J. and Red Bank, N.J.; from Oceanport over city streets and unnumbered highways through Little Silver, N.J. to Red Bank, and return over the same routes, serving all intermediate points south of the Raritan River, and (3) between West Long Branch, N.J. and Woodbridge, N.J.; from West Long Branch over New Jersey Highway 36 to the junction of Garden State Parkway at New Shrewsbury, N.J., thence over Garden State Parkway to the junction of U.S. Highway 9 at Woodbridge, and return over the same routes, serving all intermediate points south of the Raritan River.

HEARING: February 20, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 172 (Sub-No. 3), filed November 12, 1963. Applicant: ARNOLD E. WADE, 1312 Helderberg Avenue, Schenectady, N.Y. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in special and charter operations, from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne to point of beginning, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming, and return.

HEARING: February 25, 1964, at the Federal Building, Albany, N.Y., before Examiner Gordon M. Callow.

No. MC 1934 (Sub-No. 12), filed November 8, 1963. Applicant: THE ARROW LINE INC., 70 Florence Street, East Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Pittsfield, Mass., and Danbury, Conn., from Pittsfield, Mass., over U.S. Highway 20 through Lenox, Mass., to Lee, Mass., thence over Massachusetts Highway 102 to Stockbridge, Mass., thence over Massachusetts Highway 102 to junction Massachusetts Highway 183, thence over Massachusetts Highway 183 to Housatonic, Mass., thence over Massachusetts Highway 41 to Great Barrington, Mass., thence over U.S. Highway 7 to Danbury, Conn., and return over the same route, serving the intermediate points of Lenox, Lee, Stockbridge, Housatonic, Great Barrington, Sheffield, and Ashley Falls, Mass., and Canaan, Falls Village, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford, and Brookfield, Conn.

HEARING: March 4, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22.

No. MC 1934 (Sub-No. 14), filed December 16, 1963. Applicant: THE ARROW LINE, INC, 70 Florence Street, East Hartford, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trips only, beginning and ending at Holyoke, Chicopee, and Springfield, Mass., and extending to the plant site of Hamilton Standard, Division of United Aircraft Corporation, located at Windsor Locks, Conn.

HEARING: March 5, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22.

No. MC 1934 (Sub-No. 15), filed December 16, 1963. Applicant: THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trips only, beginning and ending at Holyoke, Chicopee, and Springfield, Mass., and extending to the plant site of Pratt & Whitney Aircraft, Division of United Aircraft Corporation, located at East Hartford, Conn.

HEARING: March 5, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22.

No. MC 29861 (Sub-No. 4), filed November 26, 1963. Applicant: GRAY COACH LINES, LIMITED, 1900 Yonge Street, Toronto, Canada. Applicant's attorney: James E. Wilson, Perpetual Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at ports of entry on the international boundary between United States and Canada in Maine, New Hampshire, Vermont, New York, Michigan, Wisconsin, Minnesota, North Dakota, Montana, Idaho, and Washington, and extending to points in the United States including Alaska, but excluding Hawaii.

HEARING: March 5, 1964, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Gordon M. Callow.

No. MC 47495 (Sub-No. 6), filed December 5, 1963. Applicant: MOUNTAIN VIEW COACH LINES, INC., Coxsackie, N.Y. Applicant's attorney: James H. Glavin, III, 54 Broad Street, Waterford, N.Y. Authority sought to operate as a *common carrier*, by motor

vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Hudson, N.Y., and Great Barrington, Mass., from Hudson, N.Y., over New York Highway 23B to junction New York Highway 23 at Claverack, N.Y., thence over New York Highway 23 to Massachusetts State line, thence over Massachusetts Highway 23 to Great Barrington, and return over the same route serving all intermediate points.

NOTE: Applicant states that the proposed operation will be between June 1 and September 30, each year.

HEARING: February 27, 1964, at the Federal Building, Albany, N.Y., before Examiner Gordon M. Callow.

No. MC 72349 (Sub-No. 19), filed October 28, 1963. Applicant: EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, a corporation, 1442 Main Street, Brockton, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Rochester, N.H., and Boston, Mass., from Rochester over New Hampshire Highway 125 to Massachusetts-New Hampshire State line; thence over Massachusetts Highway 125 through Haverhill to junction Massachusetts Highway 28, (also from Haverhill over Massachusetts Highway 110 to Lawrence, thence over Massachusetts Highway 28 to junction Massachusetts Highway 125, thence over Massachusetts Highway 125 to Interstate Highway 93, thence over Interstate Highway 93 to junction Massachusetts Highway 28 in Medford), thence over Massachusetts Highway 28 to junction Massachusetts Highway C28, thence over Massachusetts Highway C28 to Boston, and return over the same route, serving all intermediate points.

HEARING: February 26, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 20.

No. MC 94742 (Sub-No. 17), filed November 18, 1963. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Applicant's attorney: Frank Daniels, Eleven Beacon Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, from Rochester, N.H., to Boston, Mass.; from Rochester over New Hampshire Highway 125 to New Hampshire State line, thence over Massachusetts Highway 125 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to Boston, and return over the same route, serving the intermediate points of Woburn, Reading, Andover, North Andover, and Haverhill, Mass., and Kingston, Epping, and East Barrington, N.H.

HEARING: February 25, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 20.

No. MC 106829 (Sub-No. 1), filed October 28, 1963. Applicant: THOMAS V. BUSHEY, doing business as BUSHEY'S BUS LINE, 135 Otter River Road, Gardner, Mass. Applicant's attorney: Eugene O. Turcotte, Gardner Savings Bank Building, 31 Parker Street, Gardner, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Winchendon, Mass., and the factory site of New Hampshire Ball Bearings, Inc., located in Petersborough, N.H., from Winchendon over U.S. Highway 202 to the factory site of New Hampshire Ball Bearings, Inc. only, and return over the same route, serving all intermediate points.

HEARING: February 27, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 20.

No. MC 118848 (Sub-No. 4), filed October 14, 1963. Applicant: DOMENICO BUS SERVICE, INC., 764 Boulevard, Bayonne, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the Borough of Richmond, N.Y., and the Borough of Manhattan, N.Y., from the Borough of Richmond, N.Y., over the Goethals Bridge to Richmond Street in Elizabeth, N.J., thence over Richmond Street to junction Trenton Avenue, thence over Trenton Avenue to access roads to the New Jersey Turnpike at interchange No. 13, thence over the New Jersey Turnpike to interchange No. 16, thence over interchange exit roads to New Jersey Highway 3 (also known as Depressed Highway, Marginal Highway and Marginal Street), to the Lincoln Tunnel, thence through the Lincoln Tunnel to Manhattan, N.Y., and return over the same route (except that on return, on leaving the New Jersey Turnpike, interchange No. 13, operations will be conducted over the exit road in Elizabeth, N.J., to junction Trenton Avenue, thence over Trenton Avenue, to junction Bayway Avenue, thence over Bayway Avenue to the Goethals Bridge), serving no intermediate points.

NOTE: Common control may be involved.

HEARING: February 17, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 123473 (Sub-No. 3), filed October 23, 1963. Applicant: WEST HUNTERDON TRANSIT CO., INC., Junction of N.J. 69 and U.S. 202, Flemington, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicles with passengers, between points in Bridgewater Township, N.J., and Newark, N.J., from junction U.S. Highway 22 and Interstate Highway 287 in Bridgewater Township, over Interstate Highway 287 to junction U.S. Highway 1 in Edison Township, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 9 in Woodbridge Township, N.J., thence over New Jersey Highway 9 to the Entrance Ramps of Interchange 11 of the New Jersey Turnpike in Woodbridge, N.J., thence over the Entrance Ramps of Interchange 11 of the New Jersey Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Interchange No. 14, at Newark, N.J., and return over the same routes, serving no intermediate points, using the New Jersey Turnpike Exit Ramps in Woodbridge, N.J., at Interchange 11.

NOTE: Applicant states the proposed service is requested for operating conveniences only with no pick up or discharge on the proposed routes. Also, applicant proposes to join the proposed routes at Bridgewater Township, N.J., and Newark, N.J., to its existing routes between Frenchtown, N.J., and New York, N.Y., and requests that applicant's existing restriction against service in Bridgewater Township, N.J., and Newark, N.J., be lifted for purposes of joinder only.

HEARING: February 19, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

No. MC 123833 (Sub-No. 10), filed October 14, 1963. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Applicant's attorney: Gregory A. Comerford, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, and *baggage* of passengers in a separate vehicle, between New London, Conn., and Providence, R.I.; from New London over U.S. Highway 1 to junction Rhode Island Highway 2, thence over Rhode Island Highway 2 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 to Providence, and return over the same route, serving the intermediate points of Groton, Poquonock Bridge, Mystic, and Pawcatuck, Conn., and Westerly, R.I.

HEARING: March 2, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 252.

No. MC 125331 (Sub-No. 2), filed November 12, 1963. Applicant: WILDER TRANSPORTATION, INC., 120 East 56th Street, New York 22, N.Y. Applicant's attorney: Arthur Wagner, 32 Broadway, New York 4, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, having an immediately prior or immediately subsequent movement by aircraft, between points in Westchester County, N.Y., and La Guardia Field Airport, New York, N.Y., and International Airport, Idlewild, N.Y.

HEARING: February 28, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12867, filed November 14, 1963. Applicant: PAUL W. HANSLIN AND MARGIT S. HANSLIN, doing business as HANSLIN TRAVEL SERVICE, 725 Main Street, Fitchburg, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. For a license (BMC 5) to engage in operations, as a *broker* at Fitchburg, Ayer, Leominster, Worcester, and Gardner, Mass., and Nashua, Keene, and Manchester, N.H., in arranging for transportation, by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, beginning and ending at points in Worcester, Franklin, Hampden Counties, and that portion of Middlesex County, Mass., on and west of Massachusetts Highway 111, and Hillsboro and Cheshire Counties, N.H., and extending to points in the United States.

HEARING: February 28, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 20.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 142), filed December 23, 1963. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415 Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propylene*, in bulk, in tank vehicles, from West Lake Charles, La., to Cities Service Helex Plant, near Hickok, Kans.

NOTE: Common control may be involved.

No. 77594 (Sub-No. 8), filed December 27, 1963. Applicant: EARL GUILLORY, doing business as OZONE MOTOR LINE, 4552 North Villere Street, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Hammond, La., to the intersection of U.S. Highway 61 and Louisiana Highway 964 near Zee, La.; from Hammond, over U.S. Highway 190 to its intersection with U.S. Highway 61, thence over U.S. Highway 61 to its intersection with Louisiana Highway 964 near Zee, La., and return over the same route, serving Baton Rouge as an intermediate point.

NOTE: Applicant states that the proposed service is to be closed doors. It is further noted that no local traffic is to be handled between Baton Rouge proper and points located on U.S. Highway 61 and Louisiana Highways 19 and 67, and no shipments are to be transported between Baton Rouge and New Orleans, La.

No. MC 110157 (Sub-No. 24), filed December 30, 1963. Applicant: LANG TRANSIT COMPANY, a corporation, 38th Street and Quirt Avenue, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bovina, Tex., and Friona, Tex., between intersection of Texas Highways 86 and 214 and Bovina, over Texas Highway 86, and Friona over Texas Highway 214, for operating convenience only with right of joinder with existing routes over Texas Highways 86 and 214. No duplicate authority is sought.

No. MC 110420 (Sub-No. 356), filed December 29, 1963. Applicant: QUALITY CARRIERS, INC., P.O. Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer 33 North La Salle Street, Suite 3800, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and blends thereof*, in bulk, in tank vehicles, from Waterloo, Iowa, to Worcester, Mass.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 630), filed December 26, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in McDowell County, W. Va. (except Wilcoe, Munson, and Gary, W. Va.).

No. MC 110525 (Sub-No. 631), filed December 26, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from McKees Rocks, Pa., to points in Fayette County, W. Va.

No. MC 115311 (Sub-No. 42), filed December 26, 1963. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral mixtures*, in packages, *in mixed shipments with salt and salt products*, (a) from Weeks Island, La., to points in Alabama, Florida, Georgia, and Mississippi, and (b) from Rittman, Ohio, and Marysville, Mich., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, (2) *Pepper*, in packages, *in mixed shipments with salt and salt products*, from Avery Island, La., to points in Mississippi, and *exempt commodities*, on return in (1) and (2) above.

No. MC 115668 (Sub-No. 6), filed December 26, 1963. Applicant: WYLLIS HERRICK, doing business as W. B. HERRICK, R.F.D. No. 2, Kendallville, Ind. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods (other than frozen)*, and *containers, boxes and cartons*, (1) between Chicago, Ill., and Detroit, Mich., Dayton, and Toledo, Ohio, (2) between Detroit, Mich., and Dayton, Ohio; and (3) between Chicago, Ill., and Goshen and La Porte, Ind.

No. MC 116300 (Sub-No. 5), filed December 26, 1963. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in packages, in mixed shipments with *salt*, from Weeks Island, La., to points in Alabama and Mississippi, and *exempt commodities*, on return.

No. MC 124034 (Sub-No. 22), filed December 30, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irreguler routes, transporting: *Cement*, in packages, from the plant site of the Lone Star Cement Corporation at Hudson, N.Y., to the plant site of the Lone Star Cement Corporation at Nazareth, Pa.

NOTE: Common control may be involved.

No. MC 125908, filed December 27, 1963. Applicant: MAURICE WAGNER, doing business as MAURICE WAGNER DELIVERY SERVICE, 137–21 70th Road, Queens 67, N.Y. Applicant's attorney: Samuel B. Zinder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, foot products, drugs used in the care of feet, bandages, surgical dressings, adhesives and medical supplies*, and *store displays*, under a continuing contract with The Scholl Manufacturing Company, Inc., from points in the New York, N.Y., commercial zone to East Rutherford, N.J., and *returned and damaged merchandise*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 12572 (Sub-No. 1), filed December 26, 1963. Applicant: GEORGE ST. PIERRE, 27 Kent Street, Plainville, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. For a license (BMC 5) to engage in operations as a *broker* at Plainville, Conn., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in special and charter operations, between Danbury, Waterbury and Hartford, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Illinois, Virginia, West Virginia, Georgia, Florida, Pennsylvania, Ohio, Michigan, Tennessee, Kentucky, Alabama, Mississippi, Indiana, Wisconsin, North Carolina, South Carolina, Louisiana, and the District of Columbia.

NOTE: Applicant states the single purpose of this application is to acquire appropriate authority to conduct such brokerage operations at Plainville, Conn., rather than at its presently authorized point of Danbury, Conn.

NOTICE OF FILING OF PETITIONS

No. MC 30837 and No. MC 30837 (Sub-No. 185) (PETITION FOR MODIFICA-

TION OF EXISTING CERTIFICATES IN ACCORDANCE WITH THE DECISION OF THE COMMISSION IN No. MC–C–3024), filed December 2, 1963. Petitioner: KENOSHA AUTO TRANSPORT CORPORATION, Kenosha, Wis. Petitioner's attorney: Paul F. Sullivan, 910 17th Street NW., Washington, D.C., 20036. In view of the decision of the Commission in No. MC–C–3024, *National Automobile Transporters Association Petition for Declaratory Order*, 91 M.C.C. 395 (wherein provision is made for modification of existing authorities under certain conditions), the holder of the above-described operating authority, by petition filed December 2, 1963, requests the Commission to modify its certificate in No. MC–30837, specifically the last granting paragraph thereof under part (D), now reading as follows: "Trucks, truck tractors, chassis, and station-wagon type vehicles on truck chassis designed to transport passengers and property, with or without bodies and parts thereof, in initial movements, in truckaway service, from Fort Wayne, Ind., and Springfield, Ohio, to all points in the United States, with no transportation for compensation on return except as otherwise authorized", be modified by adding the following: "Trucks, truck tractors, chassis, and station-wagon type vehicles on truck chassis designed to transport passengers and property, with or without bodies and parts thereof, in *secondary* movements, in truckaway service, over irregular routes, between points in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan-Upper Peninsula, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to transportation of vehicles manufactured or assembled at Fort Wayne, Ind., or Springfield, Ohio, which have had an immediately prior movement by railroad"; and that to its Certificate No. MC 30387 (Sub-No. 185) be added the following: "Motor vehicles (other than automobiles) and chassis, in *secondary* movements, in truckaway, and parts of, or accessories for, such vehicles, when transported therewith, over irregular routes, between points in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan-Upper Peninsula, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to transportation of vehicles manufactured or assembled at Bridgeport, Conn., which have had an immediately prior movement by railroad". Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 45 days from the date of this publication in the FEDERAL REGISTER.

No. MC 110098 (PETITION FOR INTERPRETATION OF AUTHORITY), filed December 26, 1963. Petitioner: ZERO REFRIGERATED LINES, San Antonio, Tex. Petitioner's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Petitioner holds authority to transport, among other things, "Meats, meat products and meat byproducts, and dairy products, as described in Appendix I to the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766, bakery goods, salads and salad dressing, candy and confections, and frozen foods, all in vehicles equipped with mechanical refrigeration, between points in Texas, on the one hand, and, on the other, points in Arizona, California, New Mexico, Oregon, and Washington." Petitioner has been serving Gebhardt Mexican Foods Co. of San Antonio, Tex., transporting the products of that company to points in the destination States above. Such transportation has been performed under the above authority in the belief that the plant of said shipper qualifies as a meat packinghouse. By petition filed December 26, 1963, petitioner requests the Commission for the issuance of an order finding that the transportation by it is legal and proper under the authority now held by it. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of such publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8642. Authority sought for control and merger by AC TRANSPORTATION, INC., Mutton Hollow Road, Woodbridge, N.J., of the operating rights and property of PERTH AMBOY TRUCKING CORP., P.O. Box 206, Woodbridge, N.J., and DOBBIE TRANSPORTATION CO., INC., P.O. Box 192, Woodbridge, N.J., and for acquisition by RICHARD L. SENDELL, also of Mutton Hollow Road, Woodbridge, N.J., J. D. HOLMES, South Avenue, Garwood, N.J., MURRAY SIEGEL and JEAN SIEGEL, 1089 Elizabeth Avenue, Elizabeth, N.J., and IVESON A. MILLER, 254 West Fifth Avenue, Roselle, N.J., of control of such rights and property through the transaction. Applicants' representatives: Richard L. Sendell, Mutton Hollow Road, Woodbridge, N.J., and Albert R. Fink, P.O. Box 206, Woodbridge, N.J. Operating rights sought to be controlled and merged: (PERTH AMBOY TRUCKING CORP.) *Potatoes*, as a *common carrier*, over irregular routes, from points in Middlesex and Monmouth Counties, N.J., to Allentown, Wilkes-Barre, Pittston, and Scranton, Pa., and Schenectady, Troy, Albany, and Binghamton, N.Y.; *expansion joints and road-building equipment*, from East Rutherford, Linden, Pictin, Genasco, and New Brunswick, N.J., to Albany, N.Y.; *manufactured fertilizer*, and *animal manure*, from Carteret, N.J., to Allentown, Pa.; *pitch, asphalt, asphalt emulsion*, and *waterproofing equipment and supplies*, from Genasco, Linden, Picton, East Rutherford, and Manville, N.J., to points in New York and Pennsylvania, between New Brunswick, N.J., on the one hand, and, on the other, points in New York and Pennsylvania; (DOBBIE TRANSPORTATION CO., INC.) *Building and construction materials and supplies*, in bulk, in tank vehicles, as a *common carrier*; over irregular routes, between points in New Jersey, Delaware, and the District of Columbia, and that part of Pennsylvania and Maryland within 125 miles of Philadelphia, Pa., and including Philadelphia. AC TRANSPORTATION, INC., is authorized to operate as a *common carrier* in New Jersey, Maryland, Rhode Island, South Carolina, Virginia, New York, Connecticut, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8643. Authority sought for purchase by JONES TRANSFER COMPANY, 927 Washington Street, Monroe, Mich., of a portion of the operating rights of DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkhart, Ind., and for acquisition by ROBERT J. DUFFEY, JOSEPH E. DUFFEY, and RALPH MANAUSSO, all of Monroe, Mich., of control of such rights through the purchase. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Ann Arbor, Mich., and Hamburg, Mich., between Ann Arbor, Mich., and South Lyon, Mich., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8644. Authority sought for purchase by the THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore 25, Md., of a portion of the operating rights of APEX EXPRESS, INC., 455 Seaman Avenue, Perth Amboy, N.J., and for acquisition by FREDERIC WEISS, RALPH W. WEISS, and FRED A. WEISS, all of Baltimore 25, Md., of control of such rights through the purchase. Applicants' attorneys: Spencer T. Money, Mills Building, Washington, D.C., and Maxwell A. Howell, 1511 K Street NW., Washington 25, D.C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, films, alcoholic beverages, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., Atlantic City, Ocean City, Roebling, N.J., and points in Philadelphia, Chester, and Delaware Counties, Pa. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, West Virginia,

Pennsylvania, New Jersey, New York, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, North Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8645. Authority sought for purchase by HYMAN TRANSPORTATION COMPANY, 8 North State Street, Aberdeen, S. Dak., of the operating rights and property of BEN BLINDER, doing business as TRI-STATE TRANSPORTATION CO., 1501 A Avenue, Sioux Falls, S. Dak., and for acquisition by EUGENE PIKOVSKY, 2600 University Avenue SE., Minneapolis, Minn., of control of such rights and property through the purchase. Applicants' attorneys: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn., and T. M. Bailey, Jr., Northwest Security Bank Building, Sioux Falls, S. Dak. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, from Sioux City, Iowa, to Aberdeen, S. Dak., between Sioux City, Iowa, and Mitchell, S. Dak., serving certain intermediate points, between Mankato, Minn., and Madelia, Minn., serving all intermediate points, between Fairmont, Minn., and Luverne, Minn., serving all intermediate and certain off-route points, between Pierre, S. Dak., and Sioux City, Iowa, serving the intermediate points of Huron, S. Dak., and those between Pierre and Huron, unrestricted, and the off-route point of Onida, S. Dak., in the transportation of *meats, meat products; meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between St. Paul, Minn., and Beresford, S. Dak, serving certain intermediate and off-route points, between Madelia, Minn., and Worthington, Minn., serving all intermediate points, between Sioux Falls, S. Dak., and Sioux City, Iowa, serving the intermediate point of Hudson, S. Dak., and certain off-route points, between Sioux City, Iowa, and Yankton, S. Dak., serving all intermediate points, between Beresford, S. Dak., and junction South Dakota Highway 46 and unnumbered County Highway, 1 mile west of junction South Dakota Highways 17 and 46, between junction South Dakota Highways 19 and 46, and junction South Dakota Highway 19 and unnumbered county highway approximately 3 miles east of Westerville, S. Dak., between Vermillion, S. Dak., and junction South Dakota Highway 50 and U.S. Highway 77, serving no intermediate points, between Centerville, S. Dak., and Sioux City, Iowa, serving the intermediate points of Hub City and Dalesberg, S. Dak.; *general commodities*, except livestock, classes A and B explosives, household goods as defined by the Commission, other than individual pieces of household furnishings, and commodities too heavy for the equipment used, between Centerville, S. Dak., and Westerville, S. Dak., serving the intermediate point of Wakonda, S. Dak.; *general commodities*, except those of unusual value, classes A and B explosives, catalogs, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Sioux Falls, S. Dak., and Meridian, S. Dak., between Sioux Falls, S. Dak., and Yankton, S. Dak., serving all intermediate and certain off-route points, between Sioux Falls, S. Dak., and Yankton, S. Dak., serving all intermediate points except Parker, S. Dak., and certain off-route points; *general commodities*, between Beresford, S. Dak., and Sioux City, Iowa, serving all intermediate and certain off-route points, between Sioux Falls, S. Dak., and Valley Springs, S. Dak., between Brandon, S. Dak., and Corson, S. Dak., serving all intermediate points; *dairy products, poultry, butter*, and *eggs*, from Aberdeen, S. Dak., to Sioux City, Iowa, serving the intermediate points of Sioux Falls and Watertown, S. Dak.; *meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission, from junction of U.S. Highways 14 and 281 (four miles northwest of Wolsey, S. Dak.), to Cheyenne Agency, S. Dak., serving all intermediate and certain off-route points, from Cheyenne Agency to junction of U.S. Highways 83 and 14 (17 miles northeast of Pierre, S. Dak.), serving all intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the Twin City Ordnance Plant in Mound View Township, Ramsey County, Minn.; *general commodities*, excepting, among others, household goods, but not excepting, commodities in bulk, between Minneapolis, St. Paul, South St. Paul, Invergrove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, and State Fair Grounds, Minn.; *general commodities*, between points on the lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad and the Chicago and North Western Railroad in Brule, Hughes, Hyde, Lyman, Stanley, and Sully Counties, S. Dak., on the one hand, and, on the other, points in such counties excepting points now located on such railroads; *butter*, from Tripp and Parkston, S. Dak., to Sioux City, Iowa; *eggs*, from Yankton and Tripp, S. Dak., to Sioux City, Iowa; *poultry*, from Parkston and Mitchell, S. Dak., to Sioux City, Iowa; *fruit and vegetables*, between Vermillion, S. Dak., and Omaha, Nebr.; *canned goods*, over irregular routes, in truckload lots only, from Sleepy Eye and Marshall, Minn., and Marshalltown, Iowa, to Mitchell, Brookings, Madison, and Sioux Falls, S. Dak.; *such commodities*, as are dealt in by wholesale hardware concerns, from Sterling and Dixon, Ill., and Minneapolis, and St. Paul, Minn., and points in the Chicago, Ill., Commercial Zone, supra, to Sioux Falls, S. Dak.; *theatre supplies*, from Chicago, Ill., to Sioux Falls, S. Dak.; *butter, eggs, and poultry*, from Sioux Falls, S. Dak., to Chicago, Ill.; *carbonated beverages* and *empty containers therefor*, between Maywood, Ill., and Sioux Falls, S. Dak.; and *farm machinery*, and *farm implements*, between Sioux Falls, S. Dak., on the one hand, and, on the other, Moline, Rockford, and Rock Island, Ill. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, North Dakota, Wisconsin, Illinois, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8646. Authority sought for purchase by RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind., of a portion of the operating rights of C AND H TRUCKING COMPANY, INCORPORATED, Claypool, Ind., and for acquisition by ROBERT L. McGRIFF, Route 1, Box 335, Moline, Ill., of control of such rights through the purchase. Applicants' attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Theater, auditorium, and stadium seating*, uncrated, and *materials and supplies* used in the erection and installation of such seating, when shipped therewith, as a *common carrier* over irregular routes, from North Manchester, Ind., to points within the continental limits of the United States (except Alaska, and except Dothan, Mobile, Montgomery, and Opelika, Ala., and Birmingham, Ala., and points within 65 miles of Birmingham). Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8647. Authority sought for control by CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa., of FORBES TRUCKING CO., INC., 10 Morton Street, Carlton Hill, N.J., and for acquisition by S. F. NINESS, also of Downingtown, Pa., and ESTATE OF CLAIR S. LEAMAN (CHARLES E. FERNALD, EXECUTOR), 1813 Ranstead Street, Philadelphia 3, Pa., of control of FORBES TRUCKING CO., INC., through the acquisition by CHEMICAL LEAMAN TANK LINES, INC. Applicants' attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Operating rights sought to be controlled: *Bulk commodities*, in tank vehicles, except class A and B explosives, as a *common carrier* over irregular routes, between certain counties in New Jersey, on the one hand, and, on the other, New York, N.Y., and certain counties in New York; *animal, vegetable, mineral, and fish oil, chemicals, soap and soap products*, and *glycerin*, in special equipment (including tank vehicles), between certain counties in New Jersey, on the one hand, and, on the other, New York, N.Y., and certain counties in New York; *animal, vegetable, mineral, and fish oil, chemicals, soap and soap products*, and *glycerin*, between certain counties in New Jersey, on the one hand, and, on the other, certain points in Pennsylvania and New York; *dry sugar*, in bulk, from New York, N.Y., to points in Connecticut and Pennsylvania, and certain counties in New Jersey and New York;

sugar, dry, in bulk, in tank vehicles, from Philadelphia, Pa., to points in New Jersey. CHEMICAL LEAMAN TANK LINES, INC., is authorized to operate as a *common carrier* in Maryland, Pennsylvania, New Jersey, New York, Ohio, Michigan, Colorado, Illinois, Indiana, Delaware, Virginia, North Carolina, West Virginia, California, Kentucky, Tennessee, Connecticut, Massachusetts, Rhode Island, Arizona, Missouri, Minnesota, Wisconsin, Alabama, South Carolina, Iowa, Oklahoma, Georgia, Florida, Kansas, Louisiana, Nebraska, Arkansas, Maine, New Hampshire, Vermont, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8649. Authority sought for merger into EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, W. Va., of the operating rights and property of WEST VIRGINIA MOTOR EXPRESS, INC., Post Office Box 369, Clarksburg, W. Va., and for acquisition by EDWARD M. RUDE, of Falling Waters, W. Va., of control of such rights and property through the transaction. Applicants' attorney: Francis J. Ortman, 1366 National Press Bldg., Washington 4, D.C. Operating rights sought to be merged: *Glass*, as a *common carrier* over irregular routes, from Clarksburg, W. Va., to New York, N.Y., and Cincinnati, Ohio; *groceries*, from Cincinnati, Ohio, to Clarksburg, W Va.; *glass and glassware*, from Clarksburg, Fairmont, Weston, and Sistersville, W. Va., to Baltimore, Md., Washington, D.C., Philadelphia, Pa., and points within 25 miles of Philadelphia; *linoleum*, from Lancaster, Pa., to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof; *sugar and groceries*, from Philadelphia, Pa., and Baltimore, Md., and points within 25 miles of each, to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof; *glass and glass products*, from Clarksburg and Fairmont, W. Va., to points in Pennsylvania and Maryland with certain exceptions, and Virginia; *groceries and grocery store merchandise*, from Westminster and New Windsor, Md., and Littlestown, Pa., to Clarksburg, W. Va., and points in West Virginia within 50 miles thereof; *seeds and spray materials*, from Baltimore, Md., to Clarksburg, W. Va.; *beer*, from Bellaire, Ohio, to Clarksburg, W. Va.; *empty beer containers*, from Clarksburg, W. Va., to Bellaire, Ohio; *beer and empty beer containers*, between Clarksburg, W. Va., and Cincinnati, Ohio; *cork, felt base floor covering or tiling, asphalt composition tiling*, and *supplies and equipment*, used in the installation of such commodities and in the installation of linoleum, from Lancaster, Pa., to Clarksburg, W. Va., and points in West Virginia within 50 miles of Clarksburg; *such merchandise as is dealt in by wholesale, retail, and chain grocery food business houses*, from Philadelphia and Littlestown, Pa., Baltimore and Westminster, Md., and Cincinnati, Ohio, to Brave, Pa. EDWARD M. RUDE CARRIER CORP., is authorized to operate as a *contract carrier* in Pennsylvania, New Jersey, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, Maryland, Virginia, Ohio, Kentucky, Tennessee, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: EDWARD M. RUDE CARRIER CORP., controls WEST VIRGINIA MOTOR EXPRESS, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC–F–8159.

No. MC–F–8650. Authority sought for purchase by WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo., of the operating rights of MACLEOD'S, INC., 900 East Louisiana Avenue, Denver 10, Colo., and for acquisition by EARL BRAY, INC., and in turn by FRANK E. COCHRAN (EXECUTOR OF CLARA E. BRAY, ESTATE), SAM E. CARPENTER, MARY E. COCHRAN, and FRANK E. COCHRAN, all of Box 910, Cushing, Okla., of control of such rights through the purchase. Applicants' attorneys: Marion F. Jones, 526 Denham Building, Denver, Colo., 80202, John J. Guadio, Majestic Building, Denver, Colo., 80202, and Jay E. Lutz, Majestic Building, Denver, Colo., 80202. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from the plant site of Adolph Coors Company at Golden, Colo., to points in California. Vendee is authorized to operate as a *common carrier* in Kansas, Colorado, Oklahoma, South Dakota, Nebraska, Wyoming, Utah, Idaho, Texas, Arkansas, Missouri, New Mexico, Nevada, Montana, Washington, Louisiana, Oregon, Tennessee, Iowa, Arizona, and California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8648. Authority sought for control by EASTERN TRAILWAYS, INC., 417 West Fifth Street, Charlotte, N.C., of CAROLINA SCENIC STAGES, Old Asheville Road, Spartanburg, S.C., and for acquisition by (a) QUEEN CITY COACH COMPANY, also of Charlotte, N.C., and (b) VIRGINIA STAGE LINES, INCORPORATED, 401 East Water Street, Charlottesville, Va., and, in turn by (1) JOEL W. WRIGHT, 31 Busby Road, Asheville, N.C., JAMES F. MARTIN, 417 West Fifth Street, Charlotte, N.C., GUY D. CARPENTER, 19 Southwood, Asheville, N.C., ELSIE E. LOVE, 4001 Central Avenue, Charlotte, N.C., LILLIAN H. BRADLEY, Wadesboro, N.C., E. E. BOST, Newton, N.C., WAYNE E. WRIGHT, 120 Harris Street, Atlanta, Ga., W. E. SMITH, Albemarle, N.C., JAMES A. HARDISON, JR., Wadesboro, N.C., EDWARD HOOPER HARDISON, 308–B Wakefield Drive, Charlotte, N.C., and HAL J. LOVE, 417 West Fifth Street, Charlotte, N.C., and (2) CLAUDE A. JESSUP, JAMES L. JESSUP, and WATER STREET EQUITY CORPORATION, all of 114 Fourth Street SE., Charlottesville, Va., and in turn by JAMES L. JESSUP, CLAUDE A. JESSUP, MARY IRVA JESSUP, all of 114 Fourth Street SE., Charlottesville, Va., and BETTY SUE JESSUP, Grady Ave., Charlottesville, Va., of control of CAROLINA SCENIC STAGES, through the acquisition by EASTERN TRAILWAYS, INC. Applicants' attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be controlled: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a *common carrier* over regular routes, between Asheville, N.C., and Augusta, Ga., between Marion, N.C., and Columbia, S.C., between Johnston, S.C., and junction South Carolina Highways 23 and 39 near Ridge Spring, S.C., between Chimney Rock, N.C., and Columbia, S.C., between Tryon, N.C., and Rutherfordton, N.C., between Shelby, N.C., and junction North Carolina Highway 18 and North Carolina-South Carolina State line, between Shelby, N.C., and Gaffney, S.C., between Shelby, N.C., and junction North Carolina Highway 18 and unnumbered highway, between Winnsboro, S.C., and Charlotte, N.C., between certain points in North Carolina, between certain points in South Carolina, between Columbia, S.C., and junction U.S. Highway 21 and South Carolina Highway 97, between Columbia, S.C., and Orangeburg, S.C., between junction South Carolina Highway 34 and unnumbered highway approximately 3 miles west of Winnsboro, S.C., and Chester, S.C., between Spartanburg, S.C., and Greer, S.C., between Greenville, S.C., and junction South Carolina Highway 291 and unnumbered highway, serving all intermediate points; passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, between junction U.S. Highway 29 and South Carolina Highway 198, and Lyman, S.C., serving all intermediate points. EASTERN TRAILWAYS, INC., holds no authority from this Commission. However, its controlling stockholders, QUEEN CITY COACH COMPANY, and VIRGINIA STAGE LINES, INCORPORATED, are authorized to operate as *common carriers* in the following states respectively: (1) Tennessee, North Carolina, South Carolina, and Georgia; and (2) Virginia, North Carolina, West Virginia, Kentucky, Pennsylvania, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–359; Filed, Jan. 14, 1964; 8:46 a.m.]

[Notice 590]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 10, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omission in his written statement is permissible.

No. MC 119767 (Sub-No. 17), filed December 30, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: E. R. Kershner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Macon, Marshall, Carrollton, St. Joseph, Moberly, and Milan, Mo., to points in Minnesota, Wisconsin, and the upper peninsula of Michigan.

NOTE: Common control may be involved.

HEARING: February 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner William J. O'Brien, Jr.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–360; Filed, Jan. 14, 1964; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 10, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, p. 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

The following are seven (7) applications submitted by the Michigan Public Service Commission, for publication in the FEDERAL REGISTER under provisions of section 206 (a) (6) of the Interstate Commerce Act, as amended October 15, 1962. State Docket No. C–38, Case No. 2, filed November 22, 1963. Applicant: W. FORD JOHNSON CARTAGE, INC., 3755 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Detroit, Mich., and Lansing, Mich., via Interstate Highway 96, but subject to the following limitations: (1) Restricted against service to points not otherwise authorized, (2) access routes may be used only for connection with intersecting routes otherwise authorized, and (3) access routes may be utilized with commercial zones of points otherwise authorized.

HEARING: February 6, 1964, at 9:30 a.m., in the Offices of the Commission, Lewis Cass Building, Lansing, Mich.

State Docket No. C–51, Case No. 3, filed November 22, 1963. Applicant: GEORGE P. AND CLARE E. MAIERS, doing business as MAIERS & SONS MOTOR FREIGHT, 875 East Huron Avenue, Vassar, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Detroit, Mich., and Bay City, Mich., via Interstate Highway 75, but subject to the following limitations: (1) Restricted against service to points not otherwise authorized, (2) access routes may be used only for connection with intersecting routes otherwise authorized, and (3) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: February 6, 1964, at 9:30 a.m., in the Lewis Cass Building, Lansing, Mich.

State Docket No. C–239, Case No. 1, filed November 22, 1963. Applicant: INTERCITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit 12, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Detroit, Mich. and Flint, Mich., via Interstate Highway 75; (2) between Detroit, Mich., and Lansing, Mich., via Interstate Highway 96; and (3) between Detroit, Mich., and Jackson, Mich., via Interstate Highway 94, but subject to the following limitations: (a) Restricted against service to points not otherwise authorized, (b) access routes may be used only for connection with intersecting routes otherwise authorized, and (c) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: February 5, 1964, at 9:30 a.m., in the Lewis Cass Building, Lansing, Mich.

State Docket No. C–323, Case No. 1, filed November 22, 1963. Applicant: JOHN WAHL CARTAGE, INC., 14333 Goddard Street, Detroit 12, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Detroit, Mich., and Bay City, Mich., via Interstate Highway 75, but subject to the following limitations: (1) Restricted against service to points not otherwise authorized, (2) access routes may be used only for connection with intersecting routes otherwise authorized, and (3) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: February 5, 1964, at 9:30 a.m., in the Lewis Cass Building, Lansing, Mich.

State Docket No. C–3412, Case No. 6, filed November 22, 1963. Applicant: OGDEN & MOFFETT COMPANY, 3565 24th Street, Port Huron, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Detroit, Mich., and Port Huron, Mich., via Interstate Highway 94, but subject to the limitations: (1) Restricted against service to points not otherwise authorized, (2) access routes may be used only for connection with intersecting routes otherwise authorized, and (3) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: February 6, 1964, at 9:30 a.m., in the Lewis Cass Building, Lansing, Mich.

State Docket No. C–3742, Case No. 3, filed November 22, 1963. Applicant: EARL C. SMITH, INC., 6464 Strong Street, Detroit 11, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Detroit, Mich., and Port Huron, Mich., via Interstate Highway 94, and (2) between Detroit, Mich., and Flint, Mich., via Interstate Highway 75; also

via Interstate Highway 94 to junction U.S. Highway 23, thence via U.S. Highway 23; also via Interstate Highway 96 to junction U.S. Highway 23, thence via U.S. Highway 23, but subject to the following limitations: (a) Restricted against service to points not otherwise authorized, (b) access routes may be used only for connection with intersecting routes otherwise authorized, and (c) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: February 5, 1964, at 9:30 a.m., in the Lewis Cass Building, Lansing, Mich.

State Docket No. C-6714, Case No. 2, filed December 16, 1963. Applicant: CENTRAL TRANSPORT, INC., 3391 East McNichols, Detroit, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, over regular routes between Lansing, Mich. and Detroit, Mich., via Interstate Highway 96, in intrastate, interstate and foreign commerce, subject to the following restrictions: (a) Restricted against service to points not otherwise authorized, (b) access routes may be used only for connection with intersecting routes otherwise authorized, and (c) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: February 3 and 4, at 9:30 a.m., in the Lewis Cass Building, Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning these applications should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. 3687, exact filing date unknown. Applicant: OK VAN & STORAGE CO. OF NEW MEXICO, Truck Bypass at South Main, P.O. Box 1316, Las Cruces, N. Mex. Applicant's attorney: J. D. Weir, P.O. Box 877, Las Cruces, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *mobile homes and trailers*, to and from points and places in Dona Ana, Luna, Hidalgo, Grant, Catron, Sierra, Socorro, Otero, and Lincoln Counties, N. Mex., and to and from points and places in said Counties, to and from other points and places in New Mexico, over irregular routes, under non-scheduled service.

NOTE: Applicant states he also proposes to conduct operations mentioned hereinabove in interstate commerce.

HEARING: January 22, 1964, at 9:30 a.m. in the Dona Ana County Courthouse, Las Cruces, N. Mex.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New Mexico State Corporation Commission, Motor Transportation Department, Santa Fe, N. Mex., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-361; Filed, Jan. 14, 1964; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 10, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38749: *Hot top compounds to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8491), for interested rail carriers. Rates on hot top compounds, as described in the application, in carloads, from points in Illinois, Ohio, and Pennsylvania, to points in Texas.

Grounds for relief: Carrier competition.

Tariffs: Supplements 213 and 167 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4400 and 4397, respectively.

FSA No. 38750: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 491), for interested rail carriers. Rates on iron or steel articles, alcohols and chemicals, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 8 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38752: *Iron or steel bars from Joliet, Ill.* Filed by Western Trunk Line Committee, agent (No. A-2346), for interested rail carriers. Rates on iron or steel reforcing bars, in carloads, from Joliet, Ill., to Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 70 to Western Trunk Line Committee, agent, tariff I.C.C. A-4271.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38751: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 492), for interested rail carriers. Rates on iron or steel articles, alcohols and chemicals, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 8 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-362; Filed, Jan. 14, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Orders No. 561 (27 F.R. 4001) and No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Berks Sportswear, Inc., 1141 Moss Street, Reading, Pa.; effective 12-30-63 to 12-29-64 (ladies' shorts and slacks).

Blue Bell, Inc., Tishomingo, Miss.; effective 1-1-64 to 12-31-64 (men's and boys' work and sport trousers).

Blue Buckle Overall Co., 1415 Kemper Street, Lynchburg, Va.; effective 12-27-63 to 12-26-64. Learners may not be employed at special minimum wage rates in the production of skirts (boys' semidress pants and ladies' and misses' slacks and blouses).

Carolina Sleepwear Corp., Weldon, N.C.; effective 12-26-63 to 12-25-64 (ladies' pajamas and babydolls).

Dillon Manufacturing Co., Inc., Wayne Road, Savannah, Tenn.; effective 12-30-63 to 12-29-64 (men's washable service shirts and men's and women's washable service hospital garments).

I.B.S. Manufacturing Co., New Albany, Miss.; effective 1-1-64 to 12-31-64 (men's and boys' sport shirts).

Irwin Manufacturing Co., New Albany, Miss.; effective 1-1-64 to 12-31-64 (men's and boys' sport shirts).

Russell Springs Manufacturing Corp., Russell Springs, Ky.; effective 1-11-64 to 1-10-65 (men's and women's sport shirts).

Rutherford Garment Co., a division of Kellwood Co., Rutherford, Tenn.; effective 12-29-63 to 12-28-64 (men's and boys' outerwear jackets).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; effective 1-2-64 to 1-1-65 (men's and boys' work and sport pants).

Sun Garment Co., 2401 Hyde Parkway, St. Joseph, Mo.; effective 12-30-63 to 12-29-64 (men's work shirts).

Vernon Manufacturing Co., Inc., 700 Texas Street, Vernon, Tex.; effective 1-1-64 to 12-31-64 (men's and boys' trousers and shorts).

The Warner Bros. Co., Marianna, Fla.; effective 12-28-63 to 12-27-64 (women's corsets and brassieres).

The Warner Bros. Co., Moultrie, Ga.; effective 1-5-64 to 1-4-65 (women's corsets and brassieres).

The Warner Bros. Co., Thomasville, Ga.; effective 12-28-63 to 12-27-64 (women's corsets and brassieres).

Waverly Garment Co., Waverly, Tenn.; effective 1-4-64 to 1-3-65 (men's and boys' cotton work pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Mountain View, Mo.; effective 1-1-64 to 12-31-64; 10 learners (men's washable service uniforms).

Princess Kent, Inc., Fort Kent, Maine; effective 1-14-63 to 1-13-65; 10 learners (girl's nightwear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Campo Slacks, Inc., Houtzdale, Pa.; effective 12-30-63 to 6-29-64; 75 learners (men's and boys' slacks).

Manchester Industries, Inc., Manchester Tenn.; effective 12-26-63 to 6-25-64; 100 learners (men's and boys' sport shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo.; effective 12-30-63 to 12-29-64; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Abner Hosiery Mill, Inc., 1020 Chapel Hill Road, Burlington, N.C.; effective 12-30-63 to 6-29-64; 35 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., division of Cluett, Peabody & Co., Inc., Eveleth, Minn.; effective 1-2-64 to 7-1-64; 20 learners for plant expansion purposes (men's woven underwear and knit pajamas).

Meade Knitting Mills, Inc., Tot Dellinger Road, Cherryville, N.C.; effective 1-1-64 to 6-30-64; 45 learners for plant expansion purposes (infants' and children's sweaters).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Adele Manufacturing Corp., P.O. Box 325, Rio Grande, P.R.; effective 11-18-63 to 11-3-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton shirts) (replacement certificate).

Alfredo Manufacturing Corp., P.O. Box 325, Rio Grande, P.R.; effective 11-11-63 to 11-10-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton pajamas).

Alicia Embroidery, P.O. Box 234, St. Just, P.R.; effective 11-3-63 to 3-20-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours (embroidery on ladies' lingerie) (replacement certificate).

Anasco Sports Co., Inc., P.O. Box 723, Anasco, P.R.; effective 11-26-63 to 3-3-64; 10 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (athletic shoes) (replacement certificate).

Andrea Shoe Corp., Antonio Luchetti St., P.O. Box 407, Villalba, P.R.; effective 12-5-63 to 2-25-64; 44 learners for plant expansion purposes, in any factory productive occupations (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (tennis shoes) (replacement certificate).

Andrea Shoe Corp., Antonio Luchetti St., P.O. Box 407, Villalba, P.R.; effective 12-5-63 to 8-25-64; 15 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (tennis shoes) (replacement certificate).

Andrew Hosiery Mills, Inc., P.O. Box 1127, Cayey, P.R.; effective 12-16-63 to 12-15-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) looper for a learning period of 960 hours at the rates of 68 cents an hour for the first 480 hours and 74 cents an hour for the remaining 480 hours; (2) mender for a learning period of 720 hours at the rates of 68 cents an hour for the first 360 hours and 74 cents an hour for the remaining 360 hours; (3) preboarder for a learning period of 360 hours at the rate of 68 cents an hour; and (4) examiner; knitter, each for a learning period of 240 hours at the rate of 68 cents an hour (seamless hosiery).

Balcourt Manufacturing Co., Inc., P.O. Box 520, Isabela, P.R.; effective 11-3-63 to 6-2-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator; final presser; hand sewer, each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 71 cents an hour (men's raincoats and jackets) (replacement certificate).

Bayuk International, Inc., P.O. Box 417, Ciales, P.R.; effective 12-2-63 to 12-1-64; 12 learners for normal labor turnover purposes, in the occupation of sorter; sizer and typer; grader, each for a learning period of 240 hours at the rate of 72 cents an hour (wrapper type tobacco).

Caribe General Electric, Inc., P.O. Box 92, Palmer, P.R.; effective 11-3-63 to 5-15-64; 60 learners for normal labor turnover purposes, in the occupations of: (1) welder; molder; calibrator; power press operator, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours; and (2) assembler; plastic finisher; plater, each for a learning period of 240 hours at the rate of $1.00 an hour (electrical products) (replacement certificate).

Caribe Precision Balls, Inc., P.O. Box 174, Roosevelt, P.R.; effective 11-3-63 to 1-20-64; 5 learners for normal labor turnover purposes, in the occupation of grinder; inspectress, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (miniature precision balls) (replacement certificate).

Caribe Staple Co., Inc., P.O. Box 95, Fajardo, P.R.; effective 11-3-63 to 5-19-64; 5 learners for normal labor turnover purposes, in the occupation of machine operator; inspector; inspector-packer, each for a learning period of 240 hours at the rate of 94 cents an hour (industrial staples) (replacement certificate).

Cinta Metrica, Inc., Buenos Aires Street, P.O. Box 3307, Mayaguez, P.R.; effective 10-16-63 to 4-15-64; 32 learners for plant expansion purposes, in the occupation of chalk line assembler; hi-speed hammer operator; cord assembler; semiautomatic spray painter, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (chalk line markers and replacement line).

Clairex Corp., P.O. Box 801, Roosvelt, P.R., Villa Prades Industrial Development, Rio Piedras, P.R.; effective 11-3-63 to 2-29-64; 5 learners for normal labor turnover purposes, in the occupation of basic hand and/or machine production operation; assembler; inspector and tester, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (photoelectric cells) (replacement certificate).

Columbia Manufacturing Co., P.O. Box 333, San Lorenzo, P.R.; effective 11-4-63 to 11-3-64; 5 learners for normal labor turnover purposes, in the occupation of induction brazer; inspector, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (drills).

Commonwealth Sports Products, Inc., 66 Comercio Street, Aguadilla, P.R.; effective 12-2-63 to 12-1-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) stitcher machine operator for a learning period of 320 hours at the rates of 61 cents an hour for the first 160 hours and 71 cents an hour for the remaining 160 hours; and (2) final inspector for a learning period of 160 hours at the rate of 61 cents an hour (leather sports gloves).

Cranbar Corp., Barrio El Tuque, Ponce W. Ind. Dev., P.O. Box "N", Ponce, P.R.; effective 12-5-63 to 1-27-64; 26 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (rubber and canvas shoes) (replacement certificate).

Del Monte de Puerto Rico, Inc., Melecon Playa, P.O. Box 3205-Marina Station, Mayaguez, P.R.; effective 11-4-63 to 11-3-64; 25

learners for normal labor turnover purposes, in the occupation of tuna fish cleaner and packer, each for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours (tuna fish and byproducts).

Juana Diaz Co., Inc., P.O. Box 278, Juana Diaz, P.R.; effective 11-3-63 to 8-14-64; 13 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Juana Diaz Co., Inc., P.O. Box 278, Juana Diaz, P.R.; effective 11-3-63 to 3-31-64; 20 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Juana Diaz Co., Inc., P.O. Box E, Ponce, P.R.; effective 11-3-63 to 4-21-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and girdles) (replacement certificate).

Economy Industries, Inc., P.O. Box 305, Rio Grande, P.R.; effective 11-3-63 to 4-28-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator; final presser, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) machine operation other than sewing machine-collar turner and trimmer, each for a learning period of 160 hours at the rate of 72 cents an hour (ladies' blouses) (replacement certificate).

Electronic Mica Co., Inc., 900 Tapia Street, Santurce, P.R.; effective 11-21-63 to 5-20-64; 15 learners for plant expansion purposes, in the occupations of: (1) punch press operator; finished mica sorter, each for a learning period of 240 hours at the rate of 83 cents an hour; and (2) mica splitter; raw mica sorter, each for a learning period of 160 hours at the rate of 83 cents an hour (mica).

Electronic Mica Co., Inc., 900 Tapia Street, Santurce, P.R.; effective 11-21-63 to 11-20-64; 5 learners for normal labor turnover purposes, in the occupations of: (1) punch press operator; finished mica sorter, each for a learning period of 240 hours at the rate of 83 cents an hour; and (2) mica splitter; raw mica sorter, each for a learning period of 160 hours at the rate of 83 cents an hour (mica).

Emily, Inc., P.O. Box 610, Adjuntas, P.R.; effective 11-3-63 to 3-24-64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Finrico, Inc., P.O. Box 1127, Cayey, P.R.; effective 11-18-63 to 11-17-64; 10 learners for normal labor turnover purposes, in the occupation of machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (sweaters).

General Electric Switchgear, Inc., P.O. Box 86, Palmer, P.R.; effective 11-27-63 to 11-26-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) punch press operator; screw machine operator; milling machine operator; welder; male assembler, class 3, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours; and (2) drill press operator; miscellaneous machine operator; machine setup man; male assembler, class 2; female assembler, class 2, each for a learning period of 240 hours at the rate of $1.00 an hour (electrical products).

General Electric Wiring Devices, Inc., P.O. Box 274, Juana Diaz, P.R.; effective 11-3-63 to 2-29-64; 16 learners for normal labor turnover purposes, in the occupation of molder; assembler, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (electrical wiring devices) (replacement certificate).

General Enterprises, Inc., P.O. Box 396, Lajas, P.R.; effective 11-3-63 to 3-27-64; 15 learners for normal labor turnover purposes, in the occupations of: (1) machine embroidery and re-embroidery operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours; and (3) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (embroidered ladies' underwear) (replacement certificate).

Gibson Caribe, Inc., P.O. Box 197, Luquillo, P.R.; effective 11-3-63 to 2-3-64; 5 learners for normal labor turnover purposes, in the occupation of punch press operator; stoke press operator; furnace operator; press operator; power press operator; rivet machine operator; powder mixer operator; milling machine operator; assembly operator; lathe operator; powder metal quality analyst, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (electrical contacts) (replacement certificate).

Glamourette Fashion Mills, Inc., P.O. Box 737, Quebradillas, P.R.; effective 11-3-63 to 7-21-64; 23 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; (2) machine stitcher; presser; hand sewer; finishing operation involving hand sewer, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (3) winder, dyer machine operator, each for a learning period of 240 hours at the rate of 88 cents an hour (sweaters) (replacement certificate).

Gordonshire Knitting Mills, Inc., P.O. Box 1127, Cayey, P.R.; effective 11-3-63 to 5-19-64; 25 learners for normal labor turnover purposes, in the occupations of: (1) sweater looper; knitter, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher (seaming) for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (sweaters) (replacement certificate).

Harjon, Inc., P.O. Box 97, Carolina, P.R.; effective 11-3-63 to 6-23-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles) (replacement certificate).

IBEC Packing Co., Inc., P.O. Box 3145 Marina Station, Mayaguez, P.R.; effective 11-3-63 to 7-26-64; 15 learners for normal labor turnover purposes, in the occupation of tuna fish cleaner and packer, each for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours (processing of tuna fish) (replacement certificate).

IBEC Packing Co., Inc., P.O. Box 3145, Marina Station, Mayaguez, P.R.; effective 11-3-63 to 1-28-64; 85 learners for plant expansion purposes, in the occupation of tuna fish cleaner and packer, each for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours (processing of tuna fish) (replacement certificate).

International Shoe Corp. of P.R., and/or Island Shoe Co., and Manati Shoe Co., P.O. Box 365, Manati, P.R.; effective 11-26-63 to 3-31-64; 98 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes) (replacement certificate).

Isabel Products, Inc., P.O. Box 816, Santa Isabel, P.R.; effective 11-3-63 to 3-3-64; 80 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (girdles and brassieres) (replacement certificate).

Isabel Products, Inc., P.O. Box 816, Santa Isabel, P.R.; effective 11-3-63 to 3-3-64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (girdles and brassieres) (replacement certificate).

Janrico, Inc., P.O. Box 152, Rincon, P.R.; effective 11-3-63 to 1-29-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 86 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Jaru, Inc., a Delaware Corp., P.O. Box 356, Caguas, P.R.; effective 11-3-63 to 7-21-64; 32 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Jaru, Inc., a Delaware Corp., P.O. Box 356, Caguas, P.R.; effective 11-3-63 to 1-21-64; 66 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Kaufman Shoe Co., Inc., Borinquen Road, Aguadilla, P.R.; effective 12-5-63 to 4-27-64; 100 learners for plant expansion purposes, in the occupation of backer; cutter; stitcher; vulcanizer; finisher; packer, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (shoes and slippers) (replacement certificate).

Knitco (P.R.), Inc., P.O. Box 99, Toa Alta, P.R.; effective 11-3-63 to 1-20-64; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 86 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; mender; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (sweaters) (replacement certificate).

Lady Lillian, Inc., P.O. Box 254, Maunabo, P.R.; effective 11-3-63 to 5-16-64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' underwear) (replacement certificate).

Lares Mills, Inc., Km. 32.9 Highway No. 111, Lares, P.R.; effective 11-3-63 to 3-13-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 71 cents an hour (men's and boys' polo shirts) (replacement certificate).

Lares Mills, Inc., Bo. San Felipe, Lares, P.R.; effective 11-26-63 to 3-13-64; 62 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 71 cents an hour (men's and boys' polo shirts) (replacement certificate).

La Torre Co., Inc., P.O. Box 605, Aibonito, P.R.; effective 11-3-63 to 8-18-64; 45 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 72 cents an hour (ladies' underwear, sleepwear, and shoulder straps) (replacement certificate).

La Vega Co., Inc., P.O. Box 605, Aibonito, P.R.; effective 11-11-63 to 11-10-64; 10 learners for normal labor turnover purposes, in the occupation of lace and motif burner or separator, each for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours (ladies' slips, petticoats, and sleepwear).

Lighting, Inc., Urb. Ext. "El Comandante", P.O. Box 657, Carolina, P.R.; effective 11-3-63 to 1-27-64; 5 learners for normal labor turnover purposes, in the occupation of basic hand and/or machine production operation; assembly of fluorescent lighting fixture, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (fluorescent lighting fixtures) (replacement certificate).

Linda Bra, Inc., P.O. Box 397, Aguas Buenas, P.R.; effective 11-3-63 to 3-10-64; 20 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Malcolm Knitting Mills, Inc., P.O. Box 1127, Cayey, P.R.; effective 11-3-63 to 5-5-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) machine knitter for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (sweaters) (replacement certificate).

Manco International Corp., P.O. Box 1198, Guayama, P.R.; effective 11-3-63 to 9-15-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours; and (2) machine operation other than sewing machine; gripper setting machine; marking machine; box making machine, each for a learning period of 160 hours at the rate of 71 cents an hour (men's underwear) (replacement certificate).

Manuela Manufacturing Co., Inc., P.O. Box 69, Naranjito, P.R.; effective 11-3-63 to 3-5-64; 18 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' embroidered underwear) (replacement certificate).

Marlena Marie Shoe Corp., P.O. Box 88, Humacao, P.R.; effective 11-26-63 to 3-4-64; 10 learners for normal labor turnover purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes) (replacement certificate).

Marlena Marie Shoe Corp., P.O. Box 88, Humacao, P.R.; effective 11-26-63 to 2-4-64; 40 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (shoes) (replacement certificate).

Medical Sterile Products, Inc., Bo. Ensenada, Km. .04 Road No. 413, P.O. Box 338, Rincon, P.R.; effective 11-25-63 to 5-24-64; 75 learners for plant expansion purposes, in the occupation of grinder; buffer; assembler, each for a learning period of 480 hours at the rates of 95 cents an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (sharpening of scalpel blades).

Melisa Bra, Highway No. 1, Km. 34.2, P.O. Box 905, Caguas, P.R.; effective 11-3-63 to 1-21-64; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Midland Knitting Mills, Inc., P.O. Box 267, San German, P.R.; effective 11-3-63 to 1-31-64; 10 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' full-fashioned sweaters) (replacement certificate).

National Packing Co., P.O. Box 186, Playa, Ponce, P.R.; effective 11-3-63 to 7-14-64; 60 learners for normal labor turnover purposes, in the occupation of fish cleaner for a learning period of 160 hours at the rates of 94 cents an hour for the first 80 hours and $1.10 an hour for the remaining 80 hours (tuna fish canning) (replacement certificate).

Newport Bra Co., Inc., P.O. Box 10008, Caparra Heights, P.R.; effective 11-3-63 to 4-3-64; 31 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres and accessories) (replacement certificate).

Northridge Knitting Mills, Inc., P.O. Box 267, San German, P.R.; effective 11-3-63 to 1-31-64; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' full-fashioned sweaters) (replacement certificate).

Paradise Manufacturing, Inc., P.O. Box 408, Gurabo, P.R.; effective 11-3-63 to 6-30-64; 15 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Paradise Manufacturing, Inc., P.O. Box 408, Gurabo, P.R.; effective 11-3-63 to 5-2-64; 15 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., P.O. Box 938, Manati, P.R.; effective 11-3-63 to 2-29-64; 86 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 80 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Playtex Caribe, Inc., P.O. Box 938, Manati, P.R.; effective 11-3-63 to 8-30-64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Puritana Manufacturing Corp., P.O. Box 8, Aguas Buenas, P.R.; effective 11-3-63 to 4-28-64; 38 learners for normal labor turnover purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (full-fashioned sweaters and shirts) (replacement certificate).

Rapid Electric Co. of P.R., Inc., P.O. Box 414, Arecibo, P.R.; effective 12-2-63 to 12-1-64; 5 learners for normal labor turnover purposes, in the occupation of basic hand and/or machine production operations; painter; sprayer; circular shear operator; bending brake operator; notching press operator; band saw operator; spot welder; arc welder, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (steel cabinets for rectifieds and transformers).

Rio Monte Manufacturing Corp., P.O. Box 325, Rio Grande, P.R.; effective 11-18-63 to 11-3-64; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours (men's cotton pajamas) (replacement certificate).

Rosita Mills, Inc., P.O. Box 846, Bayamon, P.R.; effective 11-3-63 to 3-9-64; 11 learners for normal labor turnover purposes, in the occupations of: (1) knitter, topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; (2) machine stitcher; hand sewer, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (3) winder for a learning period of 240 hours at the rate of 88 cents an hour (full-fashioned knitted outerwear) (replacement certificate).

Rosita Mills, Inc., P.O. Box 846, Bayamon, P.R.; effective 11–3–63 to 3–2–64; 22 learners for plant expansion purposes, in the occupations of: (1) knitter; topper; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.08 an hour for the remaining 240 hours; (2) machine stitcher; hand sewer, each for a learning period of 320 hours at the rates of 86 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours; and (3) winder for a learning period of 240 hours at the rate of 86 cents an hour (full-fashioned knitted outerwear) (replacement certificate).

Sabana Grande Manufacturing Corp., P.O. Box 354, Sabana Grande, P.R.; effective 11–3–63 to 7–22–64; 11 learners for normal labor turnover purposes, in the occupations of: (1) machine fixer; looper, each for a learning period of 960 hours at the rates of 68 cents an hour for the first 480 hours and 74 cents an hour for the remaining 480 hours; (2) mender for a learning period of 720 hours at the rates of 66 cents an hour for the first 360 hours and 74 cents an hour for the remaining 360 hours; and (3) knitter; examiner and inspector, each for a learning period of 240 hours at the rate of 68 cents an hour (ladies' seamless hosiery) (replacement certificate).

Sabana Grande Manufacturing Corp., P.O. Box 354, Sabana Grande, P.R.; effective 11–3–63 to 1–22–64; 145 learners for plant expansion purposes, in the occupations of: (1) machine fixer; looper, each for a learning period of 960 hours at the rates of 68 cents an hour for the first 480 hours and 74 cents an hour for the remaining 480 hours; (2) mender for a learning period of 720 hours at the rates of 66 cents an hour for the first 360 hours and 74 cents an hour for the remaining 360 hours; and (3) knitter; examiner and inspector, each for a learning period of 240 hours at the rate of 66 cents an hour (ladies' seamless hosiery) (replacement certificate).

St. Regis Paper and Bag Corp. of P.R., P.O. Box 247 Playa, Ponce, P.R.; effective 11–3–63 to 2–29–64; 10 learners for normal labor turnover purposes, in the occupations of: (1) bag sewer; sleever, each for a learning period of 240 hours at the rate of 94 cents an hour; and (2) valver for a learning period of 160 hours at the rate of 94 cents an hour (paper bags) (replacement certificate).

Sally Manufacturing Corp., P.O. Box 268, Juana Diaz, P.R.; effective 11–3–63 to 9–30–64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Savage Arms, Inc., Star Route No. 55, Minillas, Bayamon, P.R.; effective 11–3–63 to 8–30–64; 10 learners for normal labor turnover purposes, in the occupation of machine operator; finisher; assembler, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (firearms) (replacement certificate).

Sportee Corp. of America, P.O. Box 1527, Ponce, P.R.; effective 11–3–63 to 3–17–64; 16 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a total learning period of 480 hours, with learner rates for the first and second 240 hours of this period as follows: children's polo shirts, creepers and cardigans, 73 cents and 84 cents; ladies' and girls' outerwear, 72 cents and 84 cents; boys' polo shirts, 71 cents and 82 cents; children's, ladies', and girls' pants, 77 cents and 90 cents; ladies' and girls' skirts, 78 cents and 91 cents (replacement certificate).

Swan Tricot Mills Corp., Km. 66.8 Road No. 2, P.O. Box 693, Arecibo, P.R.; effective 11–3–63 to 4–6–64; 36 learners for plant expansion purposes, in the occupations of: (1) threader for a learning period of 720 hours at the rates of 72 cents an hour for the first 360 hours and 78 cents an hour for the remaining 360 hours; (2) machine knitter; warper, each for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 78 cents an hour for the remaining 240 hours; and (3) creeler; cutter, each for a learning period of 240 hours at the rate of 72 cents an hour (tricot cloth) (replacement certificate).

Tedros Corp., P.O. Box 398, Carolina, P.R.; effective 11–3–63 to 2–14–64; 14 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours; and (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 88 cents an hour (brassieres) (replacement certificate).

Tinto, Inc., P.O. Box 1127, Cayey, P.R.; effective 11–3–63 to 3–31–64; 5 learners for normal labor turnover purposes, in the occupation of dyeing machine operator for a learning period of 240 hours at the rate of 88 cents an hour (dyeing of sweaters) (replacement certificate).

Transducer Corp., P.O. Box 196, Luquillo, P.R.; effective 11–3–63 to 9–15–64; 5 learners for normal labor turnover purposes, in the occupation of coil winder; assembler; wiring girl; precision machinist, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (magnetic tape recorder heads for computers) (replacement certificate).

Virginia Garment Co., P.O. Box 79, San Sebastian, P.R.; effective 12–2–63 to 12–1–64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours (ladies' underwear—panties).

West Manufacturing Corp., P.O. Box 3207, Mayagues, P.R.: effective 12–5–63 to 5–3–64; 77 learners for plant expansion purposes, in the occupation of vulcanizer; finisher; packer, each for a learning period of 480 hours at the rates of 76 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours (basketball shoes) (replacement certificate).

Weststone Knitting Mills, Inc., P.O. Box 267, San German, P.R.; effective 11–3–63 to 1–31–64; 10 learners for normal labor turnover purposes, in the occupations of: (1) knitter, topper, looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters) (replacement certificate).

Wilida, Inc., Barrio Marias, Route No. 402, Km. 8, Anasco, P.O. Box 273, Mayaguez, P.R.; effective 12–2–63 to 6–1–64; 75 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres and girdles).

Wilida, Inc., P.O. Box 391, Ponce, P.R.; effective 11–3–63 to 2–14–64; 75 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Wilida, Inc., P.O. Box 391, Ponce, P.R.; effective 11–3–63 to 8–14–64; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 88 cents an hour for the first 320 hours and 98 cents an hour for the remaining 160 hours (brassieres) (replacement certificate).

Wire Products Co., Inc., Matadero Road, Puerto Nuevo, P.R.; effective 11–29–63 to 11–28–64; 2 learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (welded wire mesh).

Yauco Super Knits, Ltd., P.O. Box 652, Yauco, P.R.; effective 11–3–63 to 7–7–64; 15 learners for normal labor turnover purposes, in the occupations of: (1) knitter; looper, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitcher for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (full-fashioned sweaters) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 6th day of January 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-347; Filed, Jan. 14, 1964; 8:46 a.m.]

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VOLUME 29 NUMBER 11

Washington, Thursday, January 16, 1964

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER C—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Amdt. 5]

PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

FARMS IN CENTRAL NEW YORK STATE

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (27 F.R. 10745, 12705; 28 F.R. 1369, 2090, 11220) is further amended by adding the following paragraph (h):

§ 851.1 Commitments of sugarbeet acreage from the national reserve.

* * * * *

(h) *Commitment of acreage to farms that will supply sugarbeets to proposed beet sugar facility in the vicinity of Auburn, New York, and conditions of commitment*—(1) *Amount of commitment.* A commitment of 29,500 acres, which it is estimated will yield 50,000 short tons, raw value, of sugar is made to farms in counties of Central New York State (including at least the counties of Cayuga, Onandaga, Ontario, Oswego, Seneca, Tompkins, Wayne and Yates) for the 1965 crop, for the purpose of growing sugarbeets for delivery to the factory proposed to be built in the vicinity of Auburn, New York, by the Pepsi-Cola Company, the home office of which is located in Wilmington, Delaware.

(2) *Conditions of commitment.* The commitment of acreage made pursuant to subparagraph (1) of this paragraph shall be subject to the following conditions:

(i) *Eligible farms.* An acreage commitment may be made to any farm in Central New York State.

(ii) *Limits of commitment to individual farm.* The maximum commitment to any farm shall be the smaller of 75 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound rotation and other cultural practices.

(iii) *Proportionate share protection to be accorded farms utilizing committed acreage.* If proportionate shares are in effect in the two years immediately following the year for which an acreage is committed for a locality under this paragraph (h), the proportionate share for any farm in such locality in each of such two years shall not be less than the acreage committed pursuant to this paragraph (h) to such farm and utilized for the production of sugarbeets for the extraction of sugar.

Statement of bases and considerations—General. The original determination of Commitment of National Sugarbeet Acreage Reserve and amendments 1 through 3 committed a total of 113,730 acres, estimated to produce 229,700 short tons, raw value of sugar, to five localities for five new beet sugar facilities.

In accordance with the representations made to the Department as a basis for these commitments, one new facility commenced operations in 1963, a second is being constructed with the beginning of operations planned for this fall and a third is under construction and is scheduled to begin operations in the fall of 1965.

Construction of the other two facilities and the contracting for processing of sugarbeets did not proceed in substantial accordance with the representations made as a basis for the Secretary's determination of distribution of the sugarbeet acreage reserve to the localities to be served by the proposed facilities, and such determinations of distribution were revoked effective on October 19, 1963. These revocation actions were reflected in amendment 4 to the original determination and involved a total of 39,000 acres, estimated to yield about 84,000 short tons, raw value, of sugar.

Public Hearing. On October 19, 1963, a notice of hearing was published in the FEDERAL REGISTER (28 F.R. 11237) announcing an informal public hearing to receive requests for sugarbeet reserve acreage for the 1964, 1965 and 1966 crops, including the acreages for the 1964 and 1965 crops that became available as the result of the aforementioned revocations. This hearing was held in the Jefferson Auditorium, U.S. Department of Agriculture, Washington, D.C., beginning on December 10 and continued through December 13, 1963. Requests for commitment of the sugarbeet acreage reserve were presented with respect to three new facilities proposed to commence operations for the 1965 crop and twenty-one new facilities proposed to commence operations for the 1966 crop. Several localities requested consideration for either 1965 or 1966 acreage, whichever was available. Testimony was also presented with respect to requests for acreage from the reserve by 7 beet sugar companies, that had already expanded or would expand their processing facilities, and by several farmer groups expressing interest in additional acreage. Several other localities expressed continuing interest in the acreage reserve or indicated that experimental plantings would be conducted.

Among the presentations made at the hearing was a joint request by the Finger Lakes Sugar Beet Growers Association, Inc., of central New York and the Pepsi-Cola Company for a commitment of reserve acreage for the years of 1965 or 1966. In the presentation relating to this locality, a spokesman for the Pepsi-Cola Company stated that if a commitment of 1965 acreage were made in January of 1964, the company was certain that the proposed facility could be completed in time to process 1965-crop sugarbeets, except for unforeseeable contingencies beyond its control.

An official of the Pepsi-Cola Company stated that the company would finance the entire project.

Determination. This determination provides for the commitment of 29,500 acres, estimated to produce 50,000 short tons, raw value, of sugar, to farms in counties of central New York, including the eight which are specifically named.

As heretofore, limitations are established with respect to the acreage that may be committed to any farm, thus permitting a greater sharing of the available acreage than might occur without such limitation.

Although experimental plantings have been conducted on some farms in this locality for the past two crop years for the purpose of determining the economic feasibility of growing sugarbeets on a commercial basis and may be continued in 1964 to further delineate the most suitable locality for growing the crop, any farm therein is eligible for a commitment of acreage.

Based upon the information available to the Department, the locality to which acreage is committed by this action meets all of the criteria enumerated in the Sugar Act. It is the only locality for which acreage was requested for a new facility proposed to commence operations for the 1965 crop with respect to which a firmness of capital commitment has been shown, subject only to a commitment of reserve acreage. Although some other localities requesting 1965 acreage for new facilities planned to submit proof of capital arrangements, no such evidence has been received by the Department.

In view of the foregoing, it is determined that the Finger Lakes locality of Central New York is the best-qualified with respect to the statutory criteria as a whole and that, on the basis of all relevant information available, the commitment of acreage made under this amendment are deemed fair and reasonable and in accordance with the provisions of the Sugar Act.

The Department is continuing its review and appraisal with respect to further commitment of the 1965 reserve. This commitment of 50,000 short tons, raw value, of sugar, together with the reservation of 100,000 short tons, raw value of sugar (including the 65,000 short tons becoming available for that year) for new facilities and/or expansion for the crop year 1966, leaves about 29,000 short tons available for such further commitment.

As was announced in the Department's press release of December 17, 1963, requests for reserve acreage for new facilities and for expansion of existing facilities for the 1966 crop year will be further

considered after the closing date for filing briefs pertaining thereto.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on January 10, 1964.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 64-410; Filed, Jan. 15, 1964; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Savings Accounts by Corporations Operated for Profit Prohibited

§ 204.108 Savings accounts by corporations operated for profit prohibited.

For text of this interpretation, see § 217.135 of this subchapter.

(12 U.S.C. 248(c), 461, 462, 462a-1, 462b, 464, 465)

Dated at Washington, D.C., this 26th day of December 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-396; Filed, Jan. 15, 1964; 8:46 a.m.]

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Capital Notes and Debentures as "Capital", "Capital Stock", or "Surplus"

§ 208.108 Capital notes and debentures as "capital", "capital stock", or "surplus".

(a) The Board of Governors has been presented with the question whether capital notes or debentures issued by banks, that are subordinated to deposit liabilities, may be considered as part of a bank's "capital stock", "capital", or "surplus", for purposes of various provisions of the Federal Reserve Act that impose requirements or limitations upon member banks.

(b) A "note" or "debenture" is an evidence of debt, embodying a promise to pay a certain sum of money on a specified date. Such a debt instrument issued by a commercial bank is quite different from its "stock", which evidences a proprietary or "equity" interest in the assets of the bank. Likewise, the proceeds of a note or debenture that must be repaid on a specified date cannot reasonably be regarded as "surplus funds" of the issuing corporation.

(c) Federal law (12 U.S.C. 51c) expressly provides that the term "capital", as used in provisions of law relating to the capital of national banks, shall mean "the amount of unimpaired common stock plus the amount of preferred stock outstanding and unimpaired." In addition, when Congress in 1934 deemed it desirable to permit certain notes and debentures—those sold by State banks to the Reconstruction Finance Corporation—to be considered as "capital" or "capital stock" for purposes of membership in the Federal Reserve System, Congress felt it necessary to implement that objective by a specific amendment to section 9 of the Federal Reserve Act (12 U.S.C. 321). These plain evidences of Congressional intent compel the conclusion that, for purposes of statutory limitations and requirements, "capital" notes and debentures may not properly be regarded as part of either "capital" or "capital stock".

(d) Accordingly, under the law, capital notes or debentures do not constitute "capital", "capital stock", or "surplus" for the purposes of provisions of the Federal Reserve Act, including, among others, those that limit member banks with respect to loans to affiliates (12 U.S.C. 371c), purchases of investment securities (12 U.S.C. 24, 335), investments in bank premises (12 U.S.C. 371d), loans on stock or bond collateral (12 U.S.C. 248(m)), deposits with nonmember banks (12 U.S.C. 463), and bank acceptances (12 U.S.C. 372, 373), as well as provisions that limit the amount of paper of one borrower that may be discounted by a Federal Reserve Bank for any member bank (12 U.S.C. 84, 330, 345).

(12 U.S.C. 24, 84, 248(m), 321, 330, 335, 345, 371c, 371d, 372, 373, 463)

Dated at Washington, D.C., this 9th day of January 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-397; Filed, Jan. 15, 1964; 8:46 a.m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Savings Accounts by Corporations Operated for Profit Prohibited

§ 217.135 Savings accounts by corporations operated for profit prohibited.

(a) The Board of Governors has received inquiries regarding an interpretation issued by the Comptroller of the Currency under date of December 19, 1963, to the effect that "a national bank may * * * accept savings accounts without regard to whether the funds deposited are to the credit of one or more individuals or of a corporation, association, or other organization, whether operated for profit or otherwise."

(b) As members of the Federal Reserve System, national banks are subject to the provisions of section 19 of the Federal Reserve Act (12 U.S.C. 371a, 371b) which prohibit member banks from paying interest, directly or indirectly, on any demand deposit and which require the Board of Governors to limit the rate of interest that may be paid by such banks on time and savings deposits. To this end, it is necessary to define the terms "demand deposits" and "savings deposits"; and the law (12 U.S.C. 461) expressly authorizes the Board of Governors to define such terms and to prescribe regulations to effectuate the purposes of the statute and prevent evasions.

(c) This Part 217 defines a "savings deposit" in a manner that permits such deposits to be made only by individuals or by corporations, associations, and other organizations which are not operated for profit but for religious, philanthropic, charitable, educational, fraternal, or similar purposes. This definition has been in effect since 1936.

(d) Accordingly a deposit by a corporation operated for profit may not be classified by any member bank, including a national bank, as a savings deposit. Unless such a deposit comes within the definition of a "time deposit" it would constitute a demand deposit under Part 217 and payment of interest on such deposit by a national bank would violate the prohibition of the law against payment of interest on demand deposits.

(e) Failure of a national bank to comply with provisions of the Federal Reserve Act constitutes grounds for instituting legal proceedings to close the bank. The law also provides that any director of a national bank participating in or assenting to a violation shall be personally liable for any damages that may be sustained by the bank, its shareholders, or any other persons in consequence of the violation.

(f) In addition, Part 204 of this subchapter, relating to reserves required to be maintained by member banks in the Federal Reserve System, contains a definition of savings deposits identical to that of Part 217. No deposit of a business corporation in a member bank may be classified as a savings deposit for reserve purposes and, unless it falls within the definition of a time deposit, a national bank must maintain against such a deposit the reserves applicable to demand deposits (16½ percent for reserve city banks and 12 percent for other member banks), rather than those applicable to time and savings deposits (4 percent for all member banks). Classification of such a deposit as a savings deposit would violate Part 204 and subject the member bank to a penalty for any resulting reserve deficiency.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 26th day of December 1963.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-398; Filed, Jan. 15, 1964; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-626]

PART 13—PROHIBITED TRADE PRACTICES

Reader's Digest Association, Inc.

Subpart—Advertising falsely or misleadingly: § 13.13 *Business status, advantages, or connections;* § 13.13-25 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.75 *Free goods or services;* § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-100 *Usual as reduced, special, etc.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Using misleading name—Goods: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Consent order requiring publishers of magazines, books, phonograph records, etc., with main office at Pleasantville, N.Y., to cease representing falsely in advertising that their "best sellers" volume could be obtained "free," "absolutely free," or as a "paid in full gift," etc., when a binding obligation was incurred by persons accepting the book; that their Reader's Digest magazine sold regularly at $4.00 but that because of their profit sharing policy subscribers were entitled to a greatly reduced price of only $2.97, and that a subscriber was obligated to continue his subscription and to pay the latter price unless he took affirmative action of cancelling his subscription; and representing falsely on the letter head of "The Mail Order Credit Reporting Association, Inc." that delinquent accounts had been turned over to an independent collection agency with instructions to take all necessary legal steps to collect amounts due, when the purported collection agency was only a mailing address utilized by respondent.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent The Reader's Digest Association, Inc., a corporation, and its officer, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of magazines, books, phonograph records or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "free," "absolutely free," "paid in full gift" or any other word or words of similar import or meaning, to designate or describe articles of merchandise or representing that articles of merchandise are offered at nominal amounts, in advertising or in other offers to the public when all of the conditions, obligations, or other prerequisites to the receipt and retention of the said free or nominally priced articles of merchandise are not clearly and conspicuously explained or set forth at the outset so as to leave no reasonable probability that the terms of the advertisements or offer might be misunderstood.

2. Using the word "regular," or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been usually and regularly sold by respondent at retail in the recent, regular course of its business; or otherwise misrepresenting the respondent's usual and customary retail selling price of such merchandise.

3. Representing that any saving is offered in the purchase of merchandise from the respondent unless the price at which the merchandise is offered constitutes a reduction from the price at which said merchandise was usually and customarily sold by the respondent at retail or at which said merchandise was usually and customarily sold at retail in the trade area involved.

4. Misrepresenting in any manner the savings available to purchasers of respondent's merchandise.

5. Representing, directly or indirectly that:

a. Subscriptions or orders for the aforesaid products or other contractual relationships between respondent and members of the public have been entered, renewed, established, or otherwise effected for any period of time obligating the payment of any sum of money or the performance of any other act in the absence of the direct and expressed agreement of such members of the buying public.

b. Members of the buying public who have not directly and expressly agreed to become indebted to respondent are obligated or liable to pay any amount for goods or services offered for sale or sold by respondent.

6. Representing, directly or indirectly, that delinquent customers' general or public credit ratings will be adversely affected unless respondent in fact refers the information of such delinquency to a separate, bona fide credit rating agency or bureau or other business enterprises.

7. Representing, directly or indirectly, that delinquent accounts will be turned over to an independent, bona fide collection agency unless respondent in fact turns said accounts over to such agencies.

8. Representing, directly or indirectly, that any organization or trade name owned in whole or in part by respondent or over which respondent exercises operating control is an independent, bona fide collection agency.

9. Representing, directly or indirectly, that letters, notices or other communications which have been prepared or originated by respondent have been prepared or originated by any other person, firm or corporation.

10. Representing, directly or indirectly, that delinquent accounts have been turned over to any person, firm or corporation with instructions to take legal steps to collect the outstanding amount due unless such is the fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 10, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-400; Filed, Jan. 15, 1964; 8:47 a.m.]

[Docket No. C-627]

PART 13—PROHIBITED TRADE PRACTICES

Ruth Segal et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053-35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ruth Segal, etc. trading as Cameo Fur Co. et al., New York, N.Y., Docket C-627, Dec. 11, 1963]

In the Matter of Ruth Segal and Moe Segal, Individually and as Copartners Trading as Cameo Fur Co. and Claire of Cameo

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to label as "natural", fur products which were not artifically colored; failing, on invoices, to show the true animal name of furs and the country of origin of imported furs, to disclose when fur was bleached or dyed, etc., and to use the terms "persian lamb", "Dyed Broadtail processed lamb", and "natural" where required; invoicing fur products deceptively as "Broadtail Lamb"; failing in other respects to comply with labeling and invoicing requirements; and furnishing false guarantees that their fur products were not misbranded, falsely invoiced or falsely advertised.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Ruth Segal and Moe Segal individually and as copartners trading as Cameo Fur Co. and Claire of Cameo or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce or the transporta-

tion or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Ruth Segal and Moe Segal, individually and as copartners trading as Cameo Fur Co. and Claire of Cameo, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-390; Filed, Jan. 15, 1964; 8:45 a.m.]

[Docket No. C-628]

PART 13—PROHIBITED TRADE PRACTICES

Robart's Furriers, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 691) [Cease and desist order, Robart's Furriers, Inc., et al., Hartford, Conn., Docket C-628, Dec. 11, 1963]

In the Matter of Robart's Furriers, Inc., a Corporation and William Weinbaum, Helaine Weinbaum, Goldine Weinbaum and Maurice M. Weinbaum, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Hartford, Conn., to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices the true animal name of furs and when fur was artificially colored; labeling fur products with the name of another animal than that producing the fur; failing to show the country of origin of imported furs on invoices; failing in other respects to comply with labeling and invoicing requirements; making pricing claims in newspaper advertising without keeping the required records; removing the original labels prior to ultimate sale of fur products; and substituting non-conforming labels for those originally affixed to fur products while failing to keep the records required.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Robart's Furriers, Inc., a corporation and its officers, and William Weinbaum, Helaine Weinbaum, Goldine Weinbaum, and Maurice M. Weinbaum, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms, "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Setting forth trade names, coined names, or other names or words descriptive of a fur as being fur of an animal which is in fact fictitious or non-existent.

6. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to the fur products.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

10. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondents Robart's Furriers, Inc., a corporation and its officers, and William Weinbaum, Helaine Weinbaum, Goldine Weinbaum and Maurice M. Weinbaum, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device do forthwith cease and desist except as provided in section 3(c) of the Fur Products Labeling Act, from removing, or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product.

It is further ordered, That respondents Robart's Furriers, Inc., a corporation and its officers, and William Weinbaum, Helaine Weinbaum, Goldine Weinbaum, and Maurice M. Weinbaum, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(c) of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-389; Filed, Jan. 15, 1964; 8:45 a.m.]

[Docket No. C-629]

PART 13—PROHIBITED TRADE PRACTICES

Greans, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary;* § 13.235 *Source or origin;* § 13.235-25 *Fashion designers.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 691) [Cease and desist order, Greans, Inc., et al., Norfolk, Va., Docket C-629, Dec. 11, 1963]

In the Matter of Greans, Inc., a Corporation, and Barney B. Brittman, Fanny B. Cohen, Jack Cohen and Blanche C. Brittman, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Norfolk, Va., to cease violating the Fur Products Labeling Act by representing, in labeling and advertising, prices of fur products as reduced from higher prices which were, in fact, fictitious; failing, in newspaper advertising, to show the true animal name of fur used in fur products; representing falsely, in such advertising, that fur products on sale were "from our exclusive fur collection by Oleg Cassini", failing to use the term "natural" for fur products which were not artificially colored, failing to comply with other advertising requirements; and failing to keep adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Greans, Inc., a corporation, and its officers and Barney B. Brittman, Fanny B. Cohen, Jack Cohen, and Blanche C. Brittman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying such products by any representation that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise so represented was usually and customarily sold at retail by the respondents unless such merchandise was in fact usually and customarily sold at retail by respondents at such price in the recent past.

2. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondent's products.

3. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of respondents' fur products are reduced.

B. Falsely or deceptively advertising fur products through the use of any advertisements, representation, public announcement or notice which is intended, to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur products, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Represents, directly or by implication that any of their fur products were manufactured, created, designed or styled by Oleg Cassini or any other person unless such fur products were manufactured, created, designed or styled by Oleg Cassini or such other person.

3. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

5. Represents, directly or by implication, that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

6. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

7. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-388; Filed, Jan. 15, 1964; 8:45 a.m.]

[Docket No. C-630]

PART 13—PROHIBITED TRADE PRACTICES

Rodder's Mademoiselle et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–70 *Percentage savings.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1590–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1846 *Composition;* § 13.1846–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Rodder's Mademoiselle, et al., Fresno, Calif., Docket C-630, Dec. 11, 1963]

In the Matter of Rodder's Mademoiselle, a Corporation, and Abraham L. Rodder and Samuel E. Rodder, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Fresno, Calif., to cease violating the Fur Products Labeling Act by failing in invoicing and newspaper advertising, to show the true animal name of fur used in fur products and the country of origin of imported furs; failing, in invoicing, to disclose when fur was artificially colored, using the term "Mink" for Japanese Mink, using "Broadtail" deceptively, and failing to use the terms "Dyed Broadtail-processed Lamb" and "natural" as required on invoices; setting forth the name of an animal other than that producing certain furs, failing to use the term "natural" where required, and representing prices falsely as reduced by making such statements as "Save at least 25%", in advertising; failing to comply with other invoicing and advertising requirements; and failing to maintain adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Rodder's Mademoiselle, a corporation, and its officers and Abraham L. Rodder and Samuel E. Rodder, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

6. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide and as prescribed by the rules and regulations.

3. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

6. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

7. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

C. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-401; Filed, Jan. 15, 1964; 8:46 a.m.]

[Docket No. C-631]

PART 13—PROHIBITED TRADE PRACTICES

General Recreation Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.230 *Size or weight.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1323 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, General Recreation Industries, Inc., et al., Minneapolis, Minn., Docket C-631, Dec. 11, 1963]

In the Matter of General Recreation Industries, Inc., a Corporation, and Morton G. Brown, Emanuel M. Green, Myron B. Green, Sol Kronick and Herschal Wolpert, Individually and as Officers of Said Corporation

Consent order requiring Minneapolis, Minn., manufacturers of sleeping bags to cease attaching fictitious price labels to their sleeping bags, and distributing to retailers and others catalogs containing excessive "list" prices, represented thereby as usual retail selling prices; and misrepresenting the size of the bags by giving, on attached labels and in catalogs, the "cut size", which was larger than the actual size.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents General Recreation Industries, Inc., a corporation, and its officers, Morton G. Brown, Emanuel M. Green, Myron B. Green, Sol Kronick, and Herschal Wolpert, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale or distribution of sleeping bags or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, representing in a catalog or otherwise representing the "cut", "cut size" or dimensions of material used in their construction, unless such representation is accompanied by a description of the finished or actual size, in immediate conjunction therewith with the latter description being given at least equal prominance;

2. Misrepresenting the size of such products on labels or in any other manner;

3. The act or practice of preticketing merchandise at an indicated retail price, when the indicated retail price is in excess of the generally prevailing retail price for such merchandise in the trade area, or when there is no generally prevailing retail price for such merchandise in the trade area;

4. Furnishing to others any means or instrumentality by or through which the public may be misled as to the usual and regular retail price of, or the size of respondents' merchandise;

5. Putting any plan into operation through the use of which retailers or others may misrepresent the usual and regular retail price of, or the size of respondents' merchandise;

6. Using the term "list price" or any other words or terms of similar import, to refer to price of merchandise unless such amounts are the prices at which the merchandise is usually and customarily sold in the trade area in which such representations are made, or otherwise misrepresenting the usual and customary retail price or prices of respondents' merchandise in any trade area.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 11, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-399; Filed, Jan. 15, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. The amendments deal with the processing of certain types of claims in favor of or against the United States and are intended to update §§ 750.48 and 753.29(b) in accordance with a recent Department of Defense notice (28 F.R. 14245). Corresponding changes to the Manual of the Judge Advocate General will be distributed to Navy and Marine Corps commands in due course.

1. Section 750.48 is revised to read as follows:

§ 750.48 Single service assignment of responsibility for processing of claims.

(a) *Applicable law.* A Department of Defense notice (28 F.R. 14245) has assigned single service responsibility for the processing of claims under the following law:

(1) Foreign Claims Act (10 U.S.C. 2734).

(2) Military Claims Act (10 U.S.C. 2733).

(3) 10 U.S.C. 2734a and 2734b, Prorata cost-sharing of claims pursuant to international agreement.

(4) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements.

(5) Act of September 25, 1962 (76 Stat. 593–594, 42 U.S.C. 2651–2653), Claims for reimbursement for medical care furnished by the United States.

(6) Act of October 9, 1962 (76 Stat. 767, 10 U.S.C. 2736), Claims not cognizable under any other provisions of law.

(7) Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71), Claims and demands by the Government of the United States.

(b) *List of countries.* Responsibility for the processing of all claims in favor of the United States cognizable under paragraph (a)(4), (5), or (7) of this section, or against the United States cognizable under paragraph (a) (1), (2), (3), (4), or (6) of this section, which arise in the following countries is assigned to the military departments designated below:

(1) Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Republic of Vietnam, and as the Receiving State Office in the United States under paragraph (a) (3) and (4) of this section.

(2) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(3) Department of the Air Force: Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

(c) *U.S. forces afloat cases under $200.* Notwithstanding the provisions of paragraph (b) of this section, the Department of the Navy is authorized to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in paragraph (a)(4) of this section concerning the processing of nonscope of duty claims by receiving and sending state authorities.

(d) *Assignment of responsibility by a Unified Commander.* On an interim basis prior to receiving confirmation and approval from the appropriate office in the Office of the Secretary of Defense, the Unified Commander may, when necessary to implement contingency plans, assign single service responsibility for processing of claims in countries where such assignment has not already been made under the notice referred to in paragraph (a) of this section.

2. Section 753.29(b) is revised to read as follows:

§ 753.29 Claims arising in specified foreign countries.

. . . . . .

(b) *Single service assignment of responsibility for processing of claims*—(1) *Applicable law.* A Department of Defense notice (28 F.R. 14245) has assigned single service responsibility for the processing of claims under the following law:

(i) Foreign Claims Act (10 U.S.C. 2734).

(ii) Military Claims Act (10 U.S.C. 2733).

(iii) 10 U.S.C. 2734a and 2734b, Prorata cost-sharing of claims pursuant to international agreement.

(iv) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements.

(v) Act of September 25, 1962 (76 Stat. 593–594, 42 U.S.C. 2651–2653), Claims for reimbursement for medical care furnished by the United States.

(vi) Act of October 9, 1962 (76 Stat. 767, 10 U.S.C. 2736), Claims not cognizable under any other provision of law.

(vii) Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71), Claims and demands by the Government of the United States.

(2) *List of countries.* Responsibility for the processing of all claims in favor of the United States cognizable under subparagraph (1) (iv), (v) or (vii) of this paragraph, or against the United States cognizable under subparagraph (1) (i), (ii), (iii), (iv), or (vi) of this paragraph, which arise in the following countries is assigned to the military departments designated below:

(i) Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Republic of Vietnam, and as the Receiving State Office in the United States under sub-

paragraph (1) (iii) and (iv) of this paragraph.

(ii) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(iii) Department of the Air Force: Canada, Denmark, Greece, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

(3) *U.S. forces afloat cases under $200.* Notwithstanding the provisions of subparagraph (2) of this paragraph, the Department of the Navy is authorized to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in subparagraph (1) (iv) of this paragraph concerning the processing of nonscope of duty claims by receiving and sending state authorities.

(4) *Assignment of responsibility by a Unified Commander.* On an interim basis prior to receiving confirmation and approval from the appropriate office in the Office of the Secretary of Defense, the Unified Commander may, when necessary to implement contingency plans, assign single service responsibility for processing of claims in countries where such assignment has not already been made under the notice referred to in subparagraph (1) of this paragraph.

(R.S. 161, 42 Stat. 24; secs. 2733, 2734, 5031, 70A Stat. 153, 154, 278, as amended, 76 Stat. 512, 503–504, 767; 5 U.S.C. 22, 10 U.S.C. 2733, 2734, 2734a, 2734b, 2736, 31 U.S.C. 71, 42 U.S.C. 2651–2653)

Dated: January 10, 1964.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 362]

INSECTICIDES, FUNGICIDES, AND RODENTICIDES

Notice of Proposed Rule Making

On September 6, 1963, there was published in the FEDERAL REGISTER (F.R. Doc. 63-9541) a notice of proposed rule making concerning the revision of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 362). Interested persons were given until November 30, 1963, to submit written data, views, or arguments. Many comments were received from the general public and the trade. In view of these comments, certain changes have been made in the proposed revision for further consideration.

In § 362.2, *Terms Defined*, additions have been made for clarity. Other principal changes occur in § 362.8 *Economic poisons highly toxic to man*, § 362.9 *Warning or caution statement*, § 362.13 *Adulteration*, § 362.14 *Misbranding*, and § 362.17 *Permits*. Other changes have been made in §§ 362.6 (a), (b) and (f), 362.7(b), 362.10(j), 362.11(d), and 362.12 (a).

As amended, the proposed revision of the regulations will read as follows:

GENERAL

§ 362.1 Words in singular form.

Words used in the singular form in this subpart shall include the plural, and vice versa, as the case may require.

§ 362.2 Terms defined.

Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, as used in this subpart, the following terms shall have the meanings stated below:

(a) *Act.* "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

(b) *Director.* "Director" means the Director of the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, or any officer or employee to whom he has heretofore lawfully delegated or to whom he may hereafter lawfully delegate the authority to act in his stead.

(c) *Economic poison.* "Economic poison" includes all preparations intended for use as insecticides, rodenticides, nematocides, fungicides, herbicides, amphibian and reptile poisons or repellents, bird poisons or repellents, fish poisons or repellents, mammal poisons or repellents, invertebrate animal poisons or repellents, plant regulators, plant defoliants, and plant desiccants. A product shall be deemed to be an economic poison regardless of whether intended for use as packaged or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing or manufacturing, such as grinding to dust or more extensive operations, shall not be deemed to be economic poisons. Substances which have recognized commercial uses other than uses as economic poisons shall not be deemed to be economic poisons unless such substances are:

(1) Specially prepared for use as economic poisons, or

(2) Labeled, represented, or intended for use as economic poisons, or

(3) Marketed in channels of trade where they will presumably be purchased as economic poisons.

(d) *Fungicide.* "Fungicide" includes all preparations intended for preventing, destroying, repelling, or mitigating any fungi or any viruses (other than those on or in living man or other animals). Examples of fungicides include but are not limited to: (1) Plant fungicides, seed fungicides, fungicidal wood preservatives, and mildew and mold preventatives, and

(2) Disinfectants, sanitizers, and sterilizers, except those for use only on or in living man or other animals.

(e) *Herbicide.* "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed, including any algae or other aquatic weed, or any plant parts growing where not wanted.

(f) *Nematocide.* "Nematocide" includes only those products intended for preventing, destroying, repelling, or mitigating nematodes inhabiting soil, water, plants, or plant parts. The term does not include products intended for use against nematodes in or on living man or other animals.

(g) *Plant regulator.* "Plant regulator" includes those substances intended to alter the behavior of ornamental or crop plants or the produce thereof through physiological rather than physical action. The term includes, but is not limited to, substances intended to accelerate or retard the rate of growth or maturation of ornamental or crop plants, enhance fruit set, prevent fruit drop, accelerate root formation and elongation, prolong or break domancy of ornamental or crop plants or the produce thereof, but shall not include substances intended solely for use as plant nutrients or fertilizers.

(h) *Active ingredient.* An "active ingredient" is an ingredient which: (1) Is capable in itself, and when used in the same manner and for the same purposes as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds, nematodes, or other pests, or altering through physiological action the behavior of ornamental or crop plants or the produce thereof, or causing leaves or foliage to drop from a plant, or artificially accelerating the drying of plant tissue.

(2) Is present in the product in an amount sufficient to add materially to its effectiveness; and

(3) Is not antagonistic to the activity of the principal active ingredient: *Provided, however,* That the Director may require an ingredient to be designated as an active ingredient if, in his opinion, it sufficiently increases the effectiveness of the economic poison to warrant such action.

(i) *Official inspector.* "Official inspector" means any employee or agent of the Department of Agriculture or the Treasury Department authorized by the Director or by the Secretary of the Treasury to make investigations in connection with enforcement of the Act.

(j) *Vertebrate animals.* "Vertebrate animals" means all species of the subphylum vertebrata including domestic vertebrates and vertebrate species of fish and wildlife.

(k) *Invertebrate animals.* "Invertebrate animals" means all forms of animal life other than vertebrate animals, including both domestic and wild species.

§ 362.3 Administration.

The Director is authorized to take such action as, in his discretion, may be necessary in the administration and enforcement of the Act and the regulations in this part.

LABELING

§ 362.4 Labeling required.

Every economic poison shall bear a label containing the information specified in the Act and the regulations in this part.

§ 362.5 Language to be used.

All statements, words, and other information required by the Act or the regulations in this part to appear on the label or labeling of any economic poison shall be in the English language: *Provided,* That shipments of articles intended solely for sale in foreign countries may bear labels or labeling in the appropriate foreign language. The Director may permit the use of an appropriate foreign language version of the label or labeling in addition to the English version on products intended for distribution in areas of the United States where a large percentage of the population does not speak English.

§ 362.6 Labeling.

(a) *Contents of label and labeling.* The label of every economic poison must show, clearly and prominently, the name, brand or trademark under which the product is sold; the name and address of the manufacturer, registrant, or person for whom manufactured; the net contents as prescribed in paragraph (e) of this section; an ingredient statement as prescribed in § 362.7, and an appropriate warning or caution statement as prescribed in § 362.9. The label or labeling of every economic poison must bear directions for use which are neces-

sary and if complied with, adequate for the protection of the public.

(b) *Placement of label.* The label shall appear on the economic poison or the immediate container thereof. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read by a person with normal vision, the label must also appear on such outside wrapper or container if it is a part of the retail package.

(c) *Name and address of manufacturer, distributor, packer, formulator, or registrant.* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the economic poison was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for * * *," "Distributed by * * *," or "Sold by * * *" to show that the name is not that of the manufacturer. If a person has two or more locations at which an economic poison is manufactured or packaged, or from which it is distributed, the name and address of the person's principal office will be accepted except in cases where the Director determines that the address of the exact location is necessary for the protection of the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

(d) *Name, brand, or trade-mark of economic poison.* The name, brand, or trade-mark of the economic poison, appearing on the label shall be that under which the economic poison is registered.

(e) *Net content.* (1) The net content shall be exclusive of wrappers or other material, and shall be deemed to be average content unless stated as a minimum quantity.

(2) Net content shall be stated in the terms of weight or measure in general use by consumers and users of the type of economic poison to give accurate information as to the quantity of the economic poison. If there is no general use, the net content statement shall be in terms of liquid measure if the product is a liquid, and in terms of weight if it is solid, semi-solid, viscous, or a mixture of liquid and solid. Statements of liquid measure shall be in terms of the United States gallon, quart, pint, and fluid ounce at 68° F. The statements of weight shall be in terms of avoirdupois pound and ounce. All statements of net content shall be in terms of the largest unit present.

(3) If the contents are stated as a minimum quantity, variation below the stated quantity is not permissible and variation above shall not be unreasonably large.

(4) If the contents are not stated as a minimum quantity, variation shall be permitted only to the extent that it represents deviations unavoidable in good packing practice. The average quantity in the packages in a shipment shall not fall below the average quantity stated, nor shall there be any unreasonable variation from the average in the contents of any package.

(f) *Legibility of label and labeling.* All words, statements, graphic representations, or designs required by the regulations in this part to appear on the label or labeling must be clearly legible and easy to read by a person with normal vision. The signal word, when required, and the statement "Keep out of reach of children" prescribed in § 362.9(a) shall be of a size bearing a reasonable relationship to the other type on the front part of the label and to the size of the container. The signal word, when required, shall not be less than 18 point type and the said warning statement shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type sizes in which case the Director shall prescribe the type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary and in no event to a size smaller than 6 point type.

§ 362.7 Ingredient statement.

(a) *Location of ingredient statement.* The ingredient statement must appear on the front panel or that part of the label displayed under customary conditions of purchase, except in cases where the Director determines that, due to the size or form of the container, a statement on that portion of the label is impracticable, and permits such statement to appear on another side or panel of the label. Regardless of the placement of the ingredient statement on the label, it shall be sufficiently prominent and in type size which can be easily read by a person with normal vision. The ingredient statement must run parallel with other printed matter on the panel of the label on which it appears and must be on a clear contrasting background not obscured or crowded.

(b) *Names of ingredients.* The well-known common name of each of the listed ingredients must be given or, if an ingredient has no common name, the correct chemical name which conforms most closely with generally accepted rules of chemical nomenclature. If there is no common name and the chemical composition is complex, the Director may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the Director may prescribe the terms under which it may be used. A trade-mark or trade name shall not be used as the name of an ingredient except when it has become a common name.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.* (1) Active ingredients and inert ingredients shall be so designated, and the term "inert ingredients" shall appear in the same size type and be equally as prominent as the term "active ingredients."

(2) If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

(e) *Active ingredient content.* As long as an economic poison is subject to the Act the percentages of active ingredients in the economic poison shall be those declared in the ingredient statement.

§ 362.8 Economic poisons highly toxic to man.

(a) Economic poisons which fall within any of the following categories when tested on laboratory animals as specified in subparagraphs (1), (2), or (3) of this paragraph are highly toxic to man or contain substances or quantities of substances highly toxic to man within the meaning of the Act (such economic poisons being hereinafter in this part referred to as economic poisons highly toxic to man): *Provided, however,* That the Director may, upon application and after opportunity for hearing, exempt any economic poison which is in any of these categories, but which is not in fact highly toxic to man, from the requirements of the Act and the regulations in this part with respect to economic poisons highly toxic to man:

(1) *Oral toxicity.* An economic poison which has a single dose LD_{50} of 50 milligrams or less per kilogram of body weight when administered orally to both male and female rats (or to other rodent or nonrodent species specified by the Director); or

(2) *Toxicity on inhalation.* An economic poison which has an LC_{50} of 2,000 micrograms or less of dust or mist per liter of air or 200 parts per million or less by volume of a gas or vapor, when administered by continuous inhalation for one hour to both male and female rats (or to other rodent or nonrodent species specified by the Director), if the Director finds that it is reasonably foreseeable that such concentration will be encountered by man; or

(3) *Toxicity by skin absorption.* An economic poison which has an LD_{50} of 200 milligrams or less per kilogram of body weight when administered by continuous contact for twenty-four hours with the bare skin of rabbits (or other rodent or nonrodent species specified by the Director).

(b) *Tests on other species.* Tests on other specified rodent or nonrodent species may be required by the Director with respect to individual economic poisons or to classes of economic poisons whenever he finds that tests on other species are necessary to determine whether an economic poison is highly toxic to man.

(c) *Terms LD_{50} and LC_{50}.* An LD_{50} as used in connection with oral toxicity and skin absorption toxicity tests specified in paragraph (a) (1) and (3) of this section is the dose and LC_{50} as used in connection with inhalation tests specified in paragraph (a) (2) of this section is the concentration which is expected to cause death within 14 days in 50 percent of the test animals so treated.

(d) *Toxicity based on human experience.* If the Director finds, after opportunity for hearing, that available data on human experience with any economic poison indicate a toxicity greater than that determined from the above described tests on animals, the human data shall take precedence and, if he finds that the protection of the public so requires the Director shall declare such an economic poison to be highly toxic to man for the purposes of this Act and the regulations thereunder.

§ 362.9 Warning or caution statement.

Warning or caution statements, which are necessary and, if complied with, adequate to prevent injury to living man and useful vertebrate animals, useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in nontechnical language the particular hazard involved in the use of the economic poison, e.g., ingestion, skin absorption, inhalation, flammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

(a) The label of every economic poison shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children," and a signal word such as "Danger," "Warning," or "Caution" as the Director may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase: *Provided, however,* The Director may permit reasonable variations in the placement of that part of the required warnings and cautions other than the statement "Keep out of reach of children" and the required signal word, if in his opinion such variations would not be injurious to the public. If an economic poison is marketed in channels of trade where the likelihood of contact with children is extremely remote, the Director may waive the requirement of the statement "Keep out of reach of children" if in his opinion such a statement is not necessary to prevent injury to the public. The Director may permit a statement such as "Keep away from infants and small children" in lieu of the statement "Keep out of reach of children" if he determines that such a variation would not be injurious to the public.

(b) The label of every economic poison which is highly toxic to man as described in § 362.8 shall bear the word "Danger" along with the word "Poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote statement including directions to call a physician immediately, on the front panel or that part of the label displayed under customary conditions of purchase: *Provided, however,* The Director may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

REGISTRATION

§ 362.10 Registration.

(a) *Eligibility.* Any manufacturer, packer, seller, distributor, or shipper of an economic poison is eligible to apply for registration of such economic poison.

(b) *Effect of registration.* If an economic poison is registered under the Act no further registration under the Act by other persons is required: *Provided,* That

(1) The product is in the manufacturer's or registrant's original unbroken immediate container; and

(2) The claims made for it and the directions for its use do not differ from the representations made in connection with registration; and

(3) The product contains the labeling accepted in connection with registration and otherwise complies with the Act.

(c) *Procedure for registration.* Applications for registration should be addressed to Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250. Application forms will be furnished upon request. All applications for registration shall be accompanied by duplicate copies of the proposed labeling, including all printed or graphic matter which is to accompany the economic poison at any time and, if requested by the Director, a full description of the tests made and the results thereof upon which the claims for the economic poison are based, together with such other information as may be necessary to assure compliance with the Act and the regulations in this part. If any part of the proposed labeling submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation. Applications should be submitted as far in advance as possible, and at least 30 days, before it is desired that registration take effect. However, the period of time required to process applications to determine the adequacy of the proposed labeling may exceed 30 days in some cases. Applications which require consultation with other governmental agencies will take a longer period of processing. No fees are charged for registration.

(d) *Effective date of registration.* Registration of an economic poison shall become effective on the date the notice of registration is issued.

(e) *Responsibility of a registrant.* The registrant is responsible for the accuracy and completeness of all information submitted in connection with his application for registration of an economic poison.

(f) *Changes in labeling or formulas.* (1) Changes in the labeling or changes in the formula of a registered economic poison must be submitted in advance to the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250. The registrant must describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify such changes.

(2) After the effective date of a change in labeling or formula, the product shall be marketed only under the new claims or formula: *Provided, however,* The Director may permit a reasonable time for the disposition of stocks of the discontinued product, if in his opinion such an extension would not endanger the public.

(g) *Claims must conform to registration.* Claims made for an economic poison must not differ from representations made in connection with registration, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

(h) *Duration of registration.* If at any time it does not appear to the Director that the economic poison is such as to warrant the proposed claims for it or if the economic poison and its labeling and other material required to be submitted do not comply with the provisions of the Act, the Director shall notify the registrant of the facts involved and afford him an opportunity to bring the product and its labeling into compliance with the Act. If after a reasonable period of time, the registrant has not made such corrections, the Director may cancel the registration under the provisions of section 4.c. of the Act. Unless cancelled in accordance with this paragraph or with the acquiescence of the registrant, or unless continued in effect in accordance with the provisions of paragraph (i) of this section, the registration of an economic poison shall be cancelled at the end of a period of five years following the date of registration of such economic poison, or at the end of five years following the date of any subsequent registered change in formula or labeling, or at the end of five years following the date of any continuance of registration pursuant to paragraph (i) of this section: *Provided, however,* That prior to any such cancellation the Pesticides Regulation Division shall send to the registrant a notice of intent to cancel, and, in the event such notice is not sent to the registrant 30 days prior to the expiration of the five-year period, the registration shall remain in effect until 30 days following the date such notice has been sent to the registrant at his latest address submitted to the Pesticides Regulation Division.

(i) *Continuance of registration.* If a registrant desires to continue the registration in effect, he shall notify the Pesticides Regulation Division in writing and it shall be continued in effect under the same terms as the original registration: *Provided, however,* That if, on the basis of information available at the time, it appears that the product or its labeling fails to comply with the Act, the registrant shall be so notified and afforded the opportunity to make the necessary corrections. If the corrections are not made, registration will be cancelled as provided in section 4.c. of the Act.

(j) *Limitations on registrations.* The Director may refuse to register any economic poison or any specific use thereof if, in his opinion, directions and warnings cannot be written which will prevent injury to the general public when the product is used in accordance with warnings and directions or in accordance with commonly recognized practices. If, however, such an economic poison is

proposed for certain acceptable uses, the Director may require the label to bear a warning against specific unacceptable uses such as in the home or home garden.

GUARANTEES

§ 362.11 Guarantee of economic poison.

(a) *By whom given; effect of guarantee.* Any manufacturer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells an economic poison a guarantee that the economic poison was lawfully registered at the time of sale and delivery to such person, and that the economic poison complies with all the requirements of the Act and of the regulations in this part. The Act provides that penalties for violation of section 3.a. of the Act shall not apply to a person who establishes that he has received a guarantee as specified in the Act.

(b) *Reference to guarantee.* No reference to a guarantee or suggestion that such a guarantee has been given shall be made in the labeling of any economic poison.

(c) *Contents of guarantee.* In order to afford effective protection, each guarantee must:

(1) Be signed by and contain the name and address of the person giving it; and

(2) State that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(d) *Scope of guarantee.* A guarantee may be (1) limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or (2) general and continuing, in which case, in its application to any shipment or other delivery of a product it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guarantee.

(e) *Expiration of guarantee.* Any guarantee shall expire when the product is repacked or relabeled by the purchaser or when it becomes in violation of the Act or the regulations in this part after shipment or other delivery by the person giving the guarantee.

(f) *Forms of guarantee.* The following are suggested forms of guarantee:

(1) *Limited form for use on invoice or bill of sale.*

---------- hereby guarantees
(Name of guarantor)
that the economic poison herein listed is lawfully registered with the Secretary of Agriculture and that the same complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(Signature and post office address of guarantor)

(Date)

(2) *General and continuing form.*

The economic poisons comprising each shipment or other delivery hereafter made by ----------, to or on the order of
(Name of guarantor)
---------- are hereby
(Name and address of person receiving guarantee)
guaranteed to be lawfully registered with the Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

(Signature and post office address of guarantor)

(Date)

COLORATION OF ECONOMIC POISONS

§ 362.12 Coloration and discoloration.

The white economic poisons hereinafter named shall be colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Md.

(a) *Coloring agent.* The coloring agent must produce a uniformly colored product not subject to change in color beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage, and must not cause the product to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exceptions.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Director, after opportunity for hearing, may permit other hues to be used for any particular purpose if he determines that use of the prescribed hues is not feasible for such purpose and that such action will not be injurious to the public.

(2) Any economic poison specified in this part which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric may be exempted by the Director from the requirements of section 3.a.(4) of the Act and the requirements of this section.

(3) The economic poison sodium fluoride shall be exempt from the requirements of section 3.a.(4) of the Act and paragraph (c) of this section when (i) it is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods; (ii) coloration of the economic poison in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods; (iii) the economic poison will not be present in such finished goods in sufficient quantities to cause injury to any person; and (iv) the economic poison will not come into the hands of the public except after incorporation into such finished goods.

ADULTERATION AND MISBRANDING

§ 362.13 Adulteration.

An economic poison is adulterated if its strength or purity falls below the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

(a) A valuable constituent will be considered as wholly abstracted whenever the designation or representation of the product imports its presence therein and such constituent has been wholly omitted therefrom in the preparation of the product or has been wholly removed from the completed product.

(b) A valuable constituent will be considered as partly abstracted whenever the designation or representation of the product imports its presence therein, and such constituent is not present in the usual or customary amount or in the amount indicated in the labeling.

§ 362.14 Misbranding.

An economic poison or device is misbranded if the article or its labeling is false or misleading to the public in any particular.

(a) Examples of statements or representations in the labeling of an economic poison or device which render it misbranded are the following:

(1) A false or misleading statement concerning composition of the product.

(2) A false or misleading statement concerning the effectiveness of the product as an economic poison or device.

(3) A false or misleading statement about the value of the product for purposes other than as an economic poison or device.

(4) A false or misleading comparison with other economic poisons or devices.

(5) Unwarranted claims as to the safety of the economic poison or its ingredients, including a statement such as "Safe," "Non-poisonous," "Non-toxic," "Non-injurious," or "Harmless" with or without such a qualifying phrase as "When used as directed." *Provided, however,* That the Director may permit a truthful statement such as "Low in toxicity to warm-blooded animals."

(6) Any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government.

(7) The name of an economic poison which contains two or more principal active ingredients if it suggests the name of one or more but not all such principal active ingredients even though the names of the other ingredients are stated elsewhere in the labeling.

(8) Prominent reference in the labeling to one or more active ingredients without giving their percentages in immediate proximity thereto or without giving equal prominence to the other active ingredients or to the inert ingredients.

(9) A true statement used in such a way as to give a false or misleading impression to the purchaser.

(b) *Justification of false and misleading statements not permitted.* (1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of any person or based upon such statement or opinion, shall not be justified by the fact that the statement or opinion is actually that of such person.

(2) The use of a false or misleading statement in the labeling cannot be justified by an explanatory statement.

ENFORCEMENT

§ 362.15 Enforcement.

(a) *Collection of samples.* Samples of economic poisons and devices shall be collected by official inspectors or by any employee of the Federal Government, or of a State or Territory, or political subdivision thereof who has been duly authorized by the Director to collect samples.

(b) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the Association of Official Agricultural Chemists, where applicable, or such other methods as the Director may find necessary to determine whether the product complies with the law.

(c) *Notice of apparent violation.* (1) If, from an examination or analysis, an economic poison or device appears to be in violation of the Act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him 20 days within which to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the Act and the regulations thereunder.

(2) Any such person may, in addition to his reply to such notice, file within 20 days of its receipt a written request for an opportunity to present his views orally in connection therewith.

(3) No notice or hearing is required prior to the seizure of any economic poison or device.

§ 362.16 Notices of judgment.

Publication of notices of judgments of the courts in cases arising under the criminal or seizure provisions of the Act shall be made in the form of notices, circulars, or bulletins as the Director may prescribe.

TEMPORARY PERMITS

§ 362.17 Limited shipments for experimental purposes.

Temporary permits not to exceed a period of one year may be issued for shipment of limited amounts of a product which is to be tested further, usually on a larger scale, to determine its limitations. Permits will be issued only for bonafide experimental programs under the supervision of qualified persons. The Director may require the submission of such information and data concerning the product and the program which he deems necessary for the protection of the public. If, in the opinion of the Director, such information has not been submitted he may, for the protection of the public, refuse to issue the permit.

(a) *Articles for which no permit is required.* (1) A substance or mixture of substances being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and where the user does not expect to receive any benefit in pest control from its use, is not considered an economic poison within the meaning of section 2a of the Act. Therefore, no permit under the Act is required for its shipment.

(2) An economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the Act and the regulations in this part.

(b) *Articles for which permit is required.* (1) An economic poison shipped or delivered for experimental use by qualified persons but not under the supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons, for which a permit has been issued by the Director pursuant to the provisions of this section, shall otherwise be exempt from the provisions of the Act and of the regulations in this part. Permits will be of two types, specific and general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than one shipment over a period of time to the same or different persons.

(2) If an economic poison is to be tested in such a manner that residues may result in or on food or feed, a permit for shipment will not be issued unless:

(i) Sufficient data are submitted to the Director to show that no residue will be present on food or feed involved in the experimental program or

(ii) A tolerance or exemption from the need of a tolerance or a temporary tolerance or exemption from the need of a temporary tolerance, has been established by the Food and Drug Administration to cover any detectable residue which may be present on food or feed involved in the experimental program and sufficient data are submitted to the Director to show that such program will not result in any residue in excess of any such tolerance or

(iii) The food or feed derived from the experimental program will be destroyed or fed only to laboratory animals or otherwise disposed of in a manner which will protect the public and which is approved by the Director.

(3) A permit for shipment of any experimental economic poison for testing in any place likely to be frequented by people will be granted only if it is clearly shown in the application for such permit that the applicant's instructions for use reasonably assure the avoidance of injury to all persons concerned.

(4) All applications for permits covering shipments for experimental use shall be filed in duplicate with the Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, and must be signed by the shipper and must contain the following:

(i) An affidavit to the effect that food or feed derived from the experimental program will not be used or offered for consumption or sale for consumption, except by laboratory or experimental animals if illegal residues are present in or on such food or feed.

(ii) Name and address of the shipper and place or places from which the shipment will be made.

(iii) Proposed date of shipment or proposed shipping period not to exceed one year.

(iv) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(v) A statement of the approximate quantity of material to be shipped.

(vi) Available data or information, or reference to available data or information, on the toxicity of the economic poison.

(vii) A statement of the nature of the proposed experimental program, including designation of the type of pests or organisms to be experimented with, the crops or animals on which the economic poison is to be used, a statement of the dates during which the proposed experimental program will be conducted, and the states or geographical areas where it is proposed to conduct the program, and including the results of previous tests where necessary to justify the issuance of a permit for the quantity requested.

(viii) The percentage of the total quantity of material specified under subdivision (v) of this subparagraph which will be supplied without charge to the user.

(ix) A statement that the economic poison is intended for experimental use only.

(x) Proposed labeling which must bear (a) the prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling, (b) a warning or caution statement if in the opinion of the Director it is necessary, which statement shall, if complied with, be adequate in his opinion, for the protection of those who may handle or be exposed to the experimental formulations, (c) the name and address of the applicant for the permit, (d) the name or designation of the formulation, (e) an ingredient statement as prescribed in § 362.7, and (f) necessary directions for use including crops or sites to be treated, limitations on dosage to be used, and if the economic poison is to be tested on food or feed crops the number of days required between last application and harvest.

(5) The Director may limit the quantity of economic poison covered by a permit to such less quantity than requested as he may determine if the available information on effectiveness, or toxicity or other hazards, is not sufficient to justify the scope of experimental use proposed in the application, or may make such other limitations in the permit as he may determine to be necessary for the protection of the public.

(6) Reports on experimental program: During the period in which a permit is effective, the holder shall submit to the Director periodic reports regarding the status of the experimental program. Reports shall be submitted at 3-month intervals and at the end of the experimental program. The Director may at any time request additional reports on the experimental program if, in his opinion, such reports are necessary for the protection of the public. These reports shall include the following information:

(i) Amount of the economic poison shipped during reporting period.

(ii) Name and address of consignee of each shipment.

(iii) A summary of data on effectiveness, phytotoxicity, or other pertinent information obtained during the reporting period.

(iv) Any additional data on residues or analytical methods obtained during the reporting period.

(v) Any additional data on toxicity obtained during the reporting period.

(7) An economic poison shipped under a permit shall not be offered for general retail sale.

(c) *General permit for economic poisons for experimental use which are also subject to the new drug requirements of the Federal Food, Drug, and Cosmetic Act.* (1) Notwithstanding the provisions of paragraph (b) of this section, a general permit is hereby issued under section 7.a.(4) of the Act to the manufacturers and shippers of economic poisons for experimental use only, to ship such economic poisons: *Provided,* (i) That the product is a "new drug" within the meaning of section 201(p) and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 321(p) and sec. 355); (ii) that it is subject to, and the manufacturer or shipper complies with, the provisions of section 505(i) of said Act (21 U.S.C. sec. 355(i)) and § 130.3 of the regulations (21 CFR 130.3) thereunder; and (iii) that the documents referred to in said § 130.3 shall be made available for inspection upon the request of any officer or employee of the Agricultural Research Service of the United States Department of Agriculture at any reasonable time within two years after the introduction of the product into interstate commerce.

(2) The general permit referred to in the preceding subparagraph shall apply only insofar as the experimental uses are for drug purposes within the meaning of the Federal Food, Drug, and Cosmetic Act. It shall not apply to other experimental uses even though the product may be intended for both drug and nondrug uses.

(d) *Cancellation of permits.* Any permit for shipment for experimental use may be canceled at any time for any violation of the terms thereof or if it shall appear to the Director that the permit should be canceled for the protection of the public.

§§ 362.18–362.24 [Reserved]

DECLARATION OF PESTS

§ 362.25 Forms of plant and animal life and viruses declared to be pests.

(a) Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances:

Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;

Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;

Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and the bony fishes such as the carp;

Amphibians and reptiles, including but not limited to poisonous snakes;

Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;

Roots and other plant parts growing where not wanted;

Viruses, other than those on or in living man or other animals.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed revision of the regulations may do so by filing them with the Director, Pesticides Regulation Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 20 days after publication of this notice in the FEDERAL REGISTER. Written material submitted in connection with this proposal will be filed with the Hearing Clerk of the Department of Agriculture for public viewing.

Done at Washington, D.C., this 10th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-392; Filed, Jan. 15, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 91]

[Docket Nos. 14895, 15233; FCC 64-14]

MICROWAVE STATIONS TO RELAY TELEVISION SIGNALS TO COMMUNITY ANTENNA SYSTEMS

Extension of Time for Filing Comments

In the matters of amendment of Subpart L, Part 91 (former Part 11), to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of January 1964;

The Commission has before it for consideration the petition for postponement of time for filing comments in the above-entitled proceedings, filed by National Community Television Association, Inc. (NCTA). NCTA asserts that it is in the process of collecting data of the type specifically called for by the Commission in its Notice of December 11, 1963 (see par. 9); that a target date of February 29, 1964 was established to complete this work; and that it will then take until March 16, 1964, to collate the material. Accordingly, it requests that the time for filing comments be postponed from January 22, 1964 to March 16, 1964 (with reply comments postponed to April 6, 1964).

The Commission, as stated, is very desirous of obtaining detailed factual data on these important issues. At the same time, the Commission wishes, as rapidly as possible, to resolve these outstanding proceedings and to establish definitive policy criteria to govern the grant of authorizations in these services. The Notice in Docket No. 14895 was first issued in December of 1962. Further, applications in the categories here involved will not be acted upon until the conclusion of these proceedings, with the exception that applicants may receive a grant, if they agree to accept the proposed conditions. In the circumstances, it is clearly desirable to expeditiously resolve the rule making proceedings.

Balancing there considerations, we have determined to extend the filing date of comments to February 24 and the date for reply comments until March 16, 1964. In this way, we would hope and expect to receive the great portion of factual material requested in our Notice and to resolve the proceedings in an expeditious manner.

Accordingly, it is ordered, That the date for filing comments in the above-entitled proceedings is extended to on or before February 24, 1964, and the date for filing reply comments is extended to on or before March 16, 1964.

Released: January 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-414; Filed, Jan. 15, 1964; 8:49 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has filed an application for a waiver under the provisions of section 804 of the Merchant Marine Act, 1936, as amended, to permit said company to act as agent to perform certain husbanding services for the foreign-flag ship "M/V Aurelia" while said ship is using Export's Pier 84, North River, New York, during the ship's five calls at New York now scheduled during the period June through September 1964. The arrangement does not involve the booking of cargo or passengers for the vessel.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Administrator should submit same in writing, in triplicate, to the Secretary, Maritime Administration, Washington 25, D.C., by close of business on January 23, 1964. The Maritime Administrator will consider these views and take such action with respect thereto as may be deemed appropriate.

Dated: January 13, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-450; Filed, Jan. 15, 1964; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-m]

CAST IRON SOIL PIPE FROM AUSTRALIA

Determination of Sales at Less Than Fair Value

JANUARY 8, 1964.

A complaint was received that cast iron soil pipe from Australia was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that cast iron soil pipe from Australia is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined from the evidence presented that the proper comparison for fair value purposes is between purchase price and adjusted home market price.

Purchase price was computed on the basis of the C&F West coast port selling prices to the United States. Ocean freight, inland freight, wharfage charges, and the cost of packing were deducted therefrom to arrive at the unpacked, ex-works, sales price.

Calculation of adjusted home market price was based on the weighted average of home market selling prices delivered f.i.s. (Free Into Store) various capital cities. A deduction was made from these prices to allow for a cash discount applicable to home market sales. The freight and insurance charges together with the cost of packing which are included in such prices were also deducted therefrom to arrive at the unpacked, ex-works price. An allowance was made to adjust home market price for advertising expenses incurred by the producer on behalf of its customers. Home market price was further adjusted to account for differences in production costs between the soil pipe manufactured for home consumption and that which is exported to the United States.

Purchase price was found to be lower than adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-407; Filed, Jan. 15, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

Small Tract Opening

JANUARY 8, 1964.

1. Pursuant to authority delegated to the State Director by Bureau Order No. 684, § 1.5(c), dated August 28, 1961, and further delegated to me by the State Director (F.R. Vol. 26, No. 202, October 19, 1961), and in accordance with 43 CFR 257.6(e)4, I hereby open the following described land to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

BLACK HILLS MERIDIAN

T. 4 N., R. 3 E.,
Sec. 5, W½NW¼SW¼NE¼, NW¼SW¼SW¼NE¼, S½NW¼, NW¼NW¼NW¼SW¼, lot 9;
Sec. 6, S½NE¼NE¼, lot 10, all except that portion of NW¼SE¼NE¼ of sec. 6 lying south of Nevada Gulch road, N½N½NE¼SE¼, lots 3, 5, 6, 19 and 20;
Sec. 7, lot 1;
Sec. 8, NW¼NW¼NW¼NW¼;
Sec. 15, S½NW¼NE¼ and SW¼NE¼;
Sec. 17, lot 12 and SW¼NW¼SE¼.
T. 5 N., R. 3 E.
Sec. 21, lot 7;
Sec. 32, S½.

2. The lands have not been classified for disposition as small tracts. Applications for the lands will be considered on their merits in accordance with the criteria set forth in 43 CFR 257.2.

3. Applicants must file an application in duplicate on Form 4–776, together with a petition on Form 4–1677, with the Manager, Land Office, 1245 North 29th Street, Billings, Montana, 59101, within 90 days of the publication date of this order. The area will be closed to Small Tract filing without further notice at the expiration of this 90-day period.

4. The petition and application must be accompanied by a filing fee of $10.00 and the advanced rental payment of $25.00 for nonbusiness and $100.00 for business site applications. All filing fees will be retained by the United States.

ROBERT A. JONES,
Chief, Division of Lands and Minerals.

[F.R. Doc. 64-408; Filed, Jan. 15, 1964; 8:49 a.m.]

[Washington 05008]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Washington 05008, for the withdrawal of the lands described below, from all forms of location, prospecting, or entry under the general mining laws. The applicant desires the land for public outdoor recreation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officers of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Kelly Campground

T. 7 N., R. 42 E.,
Sec. 2: Lot 1.
T. 8 N., R. 42 E.,
Sec. 33: S½S½SE¼SE¼.

Crooked Creek Cooperative Cabin Site

T. 7 N., R. 42 E.,
Sec. 32: NE¼NW¼SE¼.

Teal Spring Campground

T. 8 N., R. 42 E.,
Sec. 3: W½SW¼NE¼.

Spruce Spring Campground

T. 8 N., R. 42 E.,
Sec. 15: NW¼NW¼NW¼;
Sec. 16: NE¼NE¼NE¼.

Lost Trail Campground

T. 8 N., R. 42 E.,
Sec. 23: NE¼NW¼SW¼.

Big Spring Campground

T. 9 N., R. 42 E.,
Sec. 27: W½W½SW¼NW¼;
Sec. 28: E½E½SE¼NE¼.

Indian Camp Campground

T. 6 N., R. 39 E.,
Sec. 14: E½NW¼NW¼.

Godmen Spring Campground

T. 7 N., R. 40 E.,
Sec. 10: S½N½SW¼NE¼, SW¼SW¼NE¼.

Edniston Spring Campground

T. 8 N., R. 40 E.,
Sec. 22: SW¼NE¼NE¼, NW¼SE¼NE¼.

Stockade Spring Campground

T. 9 N., R. 40 E.,
Sec. 35: SE¼SE¼SW¼, SW¼SW¼SE¼.

Teepee Campground

T. 7 N., R. 41 E.,
Sec. 6: SE¼ Lot 2.

Misery Spring Campground

T. 7 N., R. 42 E.,
Sec. 1: NE¼ Lot 8.

Wickiup Spring Campground

T. 8 N., R. 43 E.,
Sec. 26: S½S½SW¼SW¼;
Sec. 33: N½NW¼NW¼.

The areas described aggregate approximately 238.86 acres.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 64-402; Filed, Jan. 15, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN BITUMULS & ASPHALT CO.

Notice of Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B1) has been filed by American Bitumuls & Asphalt Company, 320 Market Street, San Francisco 20, California, proposing the issuance of a regulation to provide for the safe use of asphalt as a component of internal sizing of paper and paperboard intended for use in contact with dry nonfatty foods and also for use in the bulk packaging of raw fruits and raw vegetables. It is proposed that the asphalt be used at levels not to exceed 5 percent by weight of dry paper and paperboard fibers. It is further proposed that the asphalt be steam and vacuum refined to meet the following specifications:

Softening point 190° F.–200° F. as determined by ASTM Method D–36.
Penetration at 77° F. not to exceed 0.3 millimeter as determined by ASTM Method D–5.
Maximum weight loss not to exceed 3 percent when distilled to 700° F., nor to exceed an additional 1.1 percent when further distilled between 700° F. and thermal decomposition.

Dated: January 9, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-393; Filed, Jan. 15, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9955 etc.]

AMERICAN FLYERS AIRLINE CORP. ET AL.

Notice of Hearing

Application of American Flyers Airline Corp., et al., common control and lease transaction. Reference: Order E–14457.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 21, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 13, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-411; Filed, Jan. 15, 1964; 8:49 a.m.]

[Docket 11278 etc.; Order No. E–20354]

TRANSPORTATION CORPORATION OF AMERICA

New York-San Juan Standard and Deferred General Commodity Freight Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1964.

By tariff revisions[1] marked to become effective January 20, 1964 and to expire with January 19, 1965, the Transportation Corporation of America, also operating as Trans Caribbean Airways (Trans Caribbean), proposes reduced standard and deferred general commodity air freight rates at weight breaks of 10,000 pounds and over between New York and San Juan.[2] The reduced standard general commodity rates would range from 8 cents per pound with a minimum weight of 25,000 pounds to 6 cents per pound with a minimum weight of 60,000 pounds, southbound, and from 7.5 cents per pound with a minimum weight of 25,000 pounds to 6 cents per pound with a minimum weight of 60,000 pounds, northbound. The proposed standard general commodity rates represent a maximum reduction of 29.4 percent from Trans Caribbean's lowest existing southbound general commodity rate, and a maximum reduction of 25 percent from Trans Caribbean's lowest current northbound general commodity rate. The proposed deferred air freight rates are applicable to freight transported on a space available basis only and shipments moving under these rates would not be released at the destination airport prior to 7:00 p.m. on the third or fourth night after receipt of the shipment at origin airport. The proposed deferred air freight rates would be approximately 20 percent below the current standard general commodity rates, and represent the first effort to introduce such rates in this market.

Complaints requesting investigation and suspension of the proposed standard general commodity rates have been filed by Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American) and Riddle Airlines, Inc. (Riddle). In addition, Eastern and Riddle request investigation and suspension of the proposed deferred air freight rates. In support of their complaints against the proposed standard and deferred general commodity freight rates, Eastern and Riddle state generally that Trans Caribbean's proposal derives from that carrier's attempt to utilize DC–8F aircraft not now needed in MATS operations; that the proposed rates are uneconomic, constitute destructive competition, and will result in a rate war; that the costs set forth in Trans Caribbean's supporting statement appear to be understated; that the proposals will not generate new traffic from surface carriers because of lower ocean rates; that the rates proposed for deferred air freight are below the level established for such service by the Board; that Trans Caribbean does not have sufficient warehouse facilities to provide a deferred service; and that a 3-day deferred service is too low a minimum since an ocean trip takes 7 days. Pan American's complaint, which is limited to the proposed standard general commodity rates, states that the 6 cent rate is substantially below cost; that even Trans Caribbean's forecast, which is subject to several corrections, provides a profit which is less than that required to earn a fair return on investment; that the proposal is a rate war which aggravates an already unfair rate structure; that rate reductions for very large shipments do not benefit the general public, but merely serve to increase the forwarder's spread; and that a 6 cent standard general commodity rate is not necessary to penetrate the surface cargo market, since Trans Caribbean's proposed deferred freight rates allow full opportunity to exploit the potential of cargo now moving by surface.

Answers have been filed by Trans Caribbean and by the Commonwealth of Puerto Rico (Commonwealth).[3] In its answer, which requests that the complaints be dismissed, Trans Caribbean states that its proposed service will not be sporadic, since MATS demand can easily be met by one of Trans Caribbean's DC–8F's; that the great cargo capacity of the DC–8F, over twice that of the DC–8's now used in passenger service in this market, requires the development of new traffic through promotional devices which will not dilute existing revenues and will permit more adequate utilization of these aircraft; that the instant filing is not a further round in the past cargo rate battle, but rather a completely new service designed to attract traffic not now moving by air; that the allegations in the complaints to the effect that the proposals are uneconomic all ignore the basic purpose of the proposals, which is to increase utilization of existing aircraft, facilities and personnel at times when they cannot otherwise be used economically; that there are several commodities moving by ocean transportation which are suitable for transportation by air and which the proposed deferred rates are intended to divert; that the Board has permitted deferred rates in domestic air transportation which yield less than would the proposed deferred rates; that since there are no present deferred rates in this market there are compelling reasons for permitting this experiment; that while the reduced standard general commodity rates for higher weight breaks would be available to airfreight forwarders, such is not their primary purpose and it is doubtful that forwarders could make any substantial use of these rates for existing airfreight; and that the purpose of the new standard general commodity weight breaks at reduced rates is an effort to penetrate the surface cargo now moving by ocean vessel in vans which carry between 20,000–40,000 pounds of freight, and are loaded directly onto ships. The Commonwealth's answer, which opposes suspension but does not oppose investigation of the proposed rates, states that air cargo has grown at a slower rate than ocean freight in this market; that while air carriers cannot be competitive with water carriers for all cargo, they should be permitted the opportunity to attract some of the ocean freight; and that the Trans Caribbean proposal is the first meaningful effort to attract to air a significant portion of the freight which now moves by surface.

In the recent past the Board has on several occasions expresed its concern over what appears to be a rate war in the mainland–San Juan market, and investigations have been instituted of several presently effective rates.[4] The instant standard general commodity rate proposal appears to establish uneconomic rates which may further debase the rate structure and result in losses to all the carriers in the market. A load factor in excess of 100 percent may be required to break-even under the 6 cent standard general commodity rate. It appears that, at Trans Caribbean's forecast load factor of 70 percent, none of the proposed standard general commodity rates meets break-even need. Under these circumstances, the Board will institute an investigation of the proposed standard general commodity rates, and these rates will be suspended pending the investigation.

The proposed deferred general commodity freight rates offer a possibility of penetrating the ocean cargo market at a competitive rate which should not result in any substantial diversion of existing air freight. Although the tariff provides for a minimum 3-day release period,[5] in view of the 7:00 p.m. release time it appears that in most instances release will not be effected until the 4th or 5th mornings. The 6 cent deferred rate meets the incremental cost of providing the service and makes a substantial contribution to total transportation costs. The proposed deferred rates do not appear prima facie unreasonable for traffic carried on a space available basis. The Board will therefore permit the deferred rates to become effective. However, in view of the pending San Juan rate investigation in Docket 11278, the Board will institute an investigation of the deferred rates and consolidate such investigation into Docket 11278. The Board has further directed its staff to obtain traffic reports of the deferred traffic.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof: *It is ordered*, That

1. An investigation be instituted to determine whether the rates, charges and provisions described below, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions:

Transportation Corporation of America tariff C.A.B. No. 28 (Trans Caribbean Airways, Inc., series):

On 10th and 12th Revised Pages 18–A, the rates subject to minimum weights of 25,000 pounds, 30,000 pounds, 40,000 pounds, 50,000 pounds and 60,000 pounds applying from New York, N.Y., or Newark, N.J., to San Juan, P.R., and the rates subject to minimum weights of 25,000 pounds, 30,000 pounds, 45,000 pounds and 60,000 pounds applying from San Juan, P.R., to New York, N.Y., or Newark, N.J.;

All rates, charges and provisions on Original Page 19–A;

Rule No. 13 on 1st and 2d Revised Pages 16–A, Original Pages 16–B and 16–C, and 1st Revised Page 16–C.

2. Pending hearing and decision by the Board, the rates subject to minimum weights of 25,000 pounds, 30,000 pounds, 40,000 pounds, 50,000 pounds and 60,000 pounds applying from New York, N.Y., or Newark, N.J., to San Juan, P.R., and the rates subject to minimum weights of 25,000 pounds, 30,000 pounds, 45,000 pounds and 60,000 pounds applying from San Juan, P.R., to New York, N.Y., or Newark, N.J., on 10th and 12th Revised Pages 18–A of Transportation Corporation of American tariff C.A.B. No. 28 (Trans Caribbean Airways, Inc., series) are suspended and their use deferred to and including April 18, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The investigation ordered herein is consolidated into the New York-San Juan Cargo Rates Investigation, Docket 11278, et al.

4. Except to the extent granted herein, the requests contained in the complaints of Riddle Airlines, Inc. in Docket 14926, of Eastern Air Lines, Inc., in Docket 14929, and of Pan American World Airways, Inc. in Docket 14932, insofar as they relate to the freight rates and provisions described in ordering paragraphs 1 and 2 above, are denied, and the complaints therein are dismissed.

5. A copy of this order be filed with the aforesaid tariffs and be served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., Riddle Airlines, Inc., Transportation Corporation of America, and the Commonwealth of Puerto Rico, parties in Docket 11278, et al.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-412; Filed, Jan. 15, 1964; 8:49 a.m.]

[Docket 14962; Order No. E–20355]

TRANSPORTATION CORPORATION OF AMERICA

New York-San Juan Night Tourist Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January, 1964:

[1] To Trans Caribbean Airways, Inc. series, C.A.B. No. 28.

[2] In conjunction with this proposal Trans Caribbean has also filed proposed off-peak fares applicable to the passenger compartment of the DC–8F aircraft during limited hours of the weekdays. The complaints and answers have been addressed to both the rate and fare proposals. The Board is considering the passenger fare proposal, and complaints thereto, in a separate order issued concurrently herewith. See Order E–20355, adopted January 13, 1964.

[3] The Commonwealth's late-filed answer was accompanied by a request that it be permitted to file its answer after the due date. In view of the matters set forth in the request, the Board will consider the Commonwealth's answer on its merits.

[4] New York-San Juan Cargo Rates Investigation, Docket 11278, et al.

[5] Applies 4 days a week (shipments received Sunday through Tuesday); the remaining 3 days' receipts have a minimum 4-day release period.

By tariff revisions[1] marked to become effective January 20, 1964, and to expire with January 19, 1965, the Transportation Corporation of America, also operating as Trans Caribbean Airways (Trans Caribbean), proposes a night tourist service between New York and San Juan to be operated in the rear compartment of DC-8F aircraft in a combination passenger/cargo configuration.[2] The proposed service would be operated weekdays with departures southbound between 11:00 p.m. and 6:00 a.m. and northbound between 2:00 a.m. and 6:00 p.m. Except for limited departure times and the use of aircraft in combination passenger/cargo configuration, the proposed service is similar to Trans Caribbean's effective standard tourist service. The proposed night tourist service would have a directional fare of $54.00 southbound and $45.00 northbound, which represent reductions of 11 percent and 26 percent, respectively, from the currently effective standard tourist fare of $60.75.

Complaints requesting investigation and suspension of the fare proposal have been filed by Eastern Air Lines, Inc. (Eastern) and Pan American World Airways, Inc. (Pan American). Eastern states that the Trans Caribbean filing is prompted by spare DC-6Fs purchased for MATS operations and that the proposed service will be sporadic as MATS demands vary; that the proposal comes after three lengthy fare proceedings in which the Board found the $60.75 fare reasonable; that the fares will result in diversion rather than generation because the market is not so sensitive to fare changes; that the proposal does not meet the Board's standards for off-peak services; and that the fares are discriminatory because they are directional and are different fares for different hours. Pan American states that the Board sustained the reasonableness of the $60.75 fare in the Puerto Rico Fare Investigation, Docket 9523, substantially in reliance on Trans Caribbean's presentation; that Trans Caribbean's exhibits in Docket 9523 showed that the carrier needed a profit of $1,155 per one-way trip to earn 10.5 percent return on investment whereas Trans Caribbean's supporting statement accompanying the instant proposal shows a profit of only $168.00; that errors in the supporting statement could more than eliminate the alleged $168.00 profit; that other carriers would file competitive tariffs, causing heavy losses to all; that the proposal is discriminatory because of the directional fare; that the off-peak fare will be ineffective in encouraging traffic to move at the proposed hours; and that even if the off-peak fare does level the traffic flow, this is diversionary and not developmental.

Answers have been filed by Trans Caribbean and the Commonwealth of Puerto Rico (Commonwealth).[3] In its answer, which requests that the complaints be dismissed, Trans Caribbean states that its proposed service will not be sporadic since the MATS demand can easily be met by one of Trans Caribbean's DC-8F's; that the experience of the carriers which in the past have scheduled flights during the weekday hours proposed by Trans Caribbean for its night tourist service demonstrates the off-peak nature of the service; that the lower night tourist fares are justified because the fares would apply in the rear compartment (usually considered less desirable seating on a jet) and are restricted to weekday off-peak hours; that directional night tourist fares (lower fare northbound than southbound) are justified because the northbound departure hours, between 4:00 a.m. and 6:00 a.m., will make these flights less attractive than the southbound departure hours between 11:00 p.m. and midnight, and a more substantial incentive is needed to induce passengers to use the northbound flights; and that the allegations in the complaints to the effect that the proposals are uneconomic all ignore the basic purpose of the proposals which is to increase utilization of existing aircraft, facilities and personnel at times when they cannot otherwise be used economically. The Commonwealth's answer, which also requests dismissal of the complaints, states that the Board's investigation of Puerto Rico passenger fares in Docket 9523 provides no basis for rejecting Trans Caribbean's current proposal because of the age of that record and because the proposed fares would be offered during inconvenient hours; and that the instant proposal is consistent with the Board's directive in certificating Trans Caribbean into this market for the express purpose of providing the lowest possible fare consistent with the Board's standards of reasonableness.

While Eastern contends that the times during which the proposed fares would be offered are not off-peak, it appears that in the past less than 10 percent of the available seats and substantially less than 10 percent of the traffic were related to weekday departures at the proposed hours. The Board has therefore determined to view the proposal as a service to be offered at inconvenient departure hours. The Board will permit the southbound fare of $54.00 to become effective during the one year experimental period. It appears that if Trans Caribbean achieves its estimated load factor of 70 percent the $54.00 fare will meet full costs and will make some contribution to profits. Trans Caribbean is expected to maintain adequate records of its experience under this fare so that the Board will have a basis for reviewing the night tourist fare at the expiration of one year if Trans Caribbean should elect to renew it. However, the Board will investigate the proposed $45.00 northbound fare, and suspend that fare during the period of investigation, because of the low fare proposed and the substantial question of discrimination presented by such directional fare.[4] It appears that with a 70 percent load factor the proposed $45.00 fare would not meet breakeven costs, might result in substantial diversion of standard-fare traffic, and would debase the fare structure in this market. The discrimination inherent in the directional fare proposal appears unjust, since night tourist traffic moving in opposite directions under substantially the same circumstances and conditions would travel at different fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof: *It is ordered*, That

1. An investigation be instituted to determine whether the One-Way Night Tourist Fare of $45.00 from San Juan, P.R., to New York, N.Y., or Newark, N.J., on 2d Revised Page 7-B, and Rule No. 12(D) (only insofar as it applies to the above fare) on 21st Revised Page 4, of Transportation Corporation of America tariff C.A.B. No. 26 (Trans Caribbean Airways, Inc., series) is, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fare and provisions;

2. Pending hearing and decision by the Board, the fare and tariff provisions described in ordering paragraph 1. above are suspended and their use deferred to and including April 18, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of Eastern Air Lines, Inc. in Docket 14929, and Pan American World Airways, Inc. in Docket 14932, with respect to the proposed night tourist service, to the extent granted are consolidated herein;

4. The investigation ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon the Commonwealth of Puerto Rico, Eastern Air Lines, Inc., Pan American World Airways, Inc., and Transportation Corporation of America, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-413; Filed, Jan. 15, 1964; 8:49 a.m.]

[1] To Trans Caribbean Airways, Inc., series, C.A.B. No. 26.

[2] In conjunction with this proposal Trans Caribbean has also filed new standard general commodity rates and deferred freight rates. The complaints and answers have been addressed to both the fare and rate proposals. The Board is considering the freight rate proposals, and complaints thereto, in a separate order issued concurrently herewith. See Order E-20354, adopted Jan. 13, 1964.

[3] The Commonwealth's late-filed answer was accompanied by a request that it be permitted to file its answer after the due date. In view of the matters set forth in the request, the Board will consider the Commonwealth's answer on its merits.

[4] The Board would permit Trans Caribbean to establish a northbound night tourist fare at the same level as the southbound night tourist fare.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15264]

C. MONK

Order To Show Cause

In the matter of Dr. C. Monk, San Jose, California, order to show cause why there should not be revoked the license for radio station WT-8267 aboard the Vessel "Nirvana."

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89, formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated August 14, 1963, alleging violation of §-8.368(e) (now § 83.368(e)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to follow-up letters dater September 3 and November 13, 1963, served upon him; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, this 10th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 2015 Clarmar, San Jose, California.

Released: January 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-417; Filed, Jan. 15, 1964; 8:50 a.m.]

[Docket No. 15273]

NIKE T.V.

Order To Show Cause

In the matter of James E. Gridley, d/b as NIKE T.V., Wellsville, New York, order to show cause why there should not be revoked the license for Radio Station KID-1638 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89, formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 5, 1963, alleging violation of § 19.61 (a) and (f) (now § 95.81 (a) and (f)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 26, 1963, also mailed to the licensee at his address of record; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 10th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 143 West State Street, Wellsville, New York.

Released: January 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-418; Filed, Jan. 15, 1964; 8:50 a.m.]

[Docket No. 15271; FCC 64-12]

AMERICAN COLONIAL BROADCASTING CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of American Colonial Broadcasting Corporation, Ponce, Puerto Rico, Docket No. 15271, File No. BPCT-3104; for construction permit to change transmitter site and antenna height above average terrain of Station WSUR-TV, Channel 9, Ponce, Puerto Rico.

1. The Commission has before it for consideration: (a) The above-captioned application of American Colonial Broadcasting Corporation (ACBC), licensee of Television Broadcast Station WSUR-TV, Channel 9, Ponce, Puerto Rico; (b) an informal objection filed October 31, 1962, pursuant to § 1.587 of the Commission's rules, by El Mundo, Inc., licensee of Television Broadcast Station WKAQ-TV, Channel 2, San Juan, Puerto Rico; (c) the reply of ACBC to (b), above, filed December 20, 1962; and (d) the reply of El Mundo to (c), above, filed January 3, 1963.

2. By its application, ACBC seeks authority to change the site of the transmitter of Station WSUR-TV from Cerro Maravilla, a mountain site over 4,500 feet above sea level, approximately 11 miles north-northeast of Ponce, to a point within the city limits of Ponce, and to change the height of antenna above average terrain from 2,590 feet to minus 43 feet. No change in the effective radiated power is proposed. The present Grade B contour of Station WSUR-TV encompasses the entire island of Puerto Rico with the exception of a small area in the extreme eastern tip of the island, including the whole of San Juan and 15 miles beyond, while the present Grade A contour lies within 10 miles of San Juan. Operating as proposed, Station WSUR-TV's predicted Grade B contour would describe a circle approximately 35 miles in diameter, representing a substantial shrinkage of the WSUR-TV coverage area. ACBC is also the licensee of Television Broadcast Station WKBM-TV, Channel 11, Caguas, Puerto Rico, which is permitted to identify itself as "Caguas-San Juan". There is a substantial overlap of the Grade A contours of the applicant's two stations.

3. ACBC has previously sought to relocate its transmitter from its present site. In July 1960, ACBC filed an application (BPCT-2801) for a construction permit to increase the power of Station WKBM-TV, Caguas, Puerto Rico, and to make other changes in the facilities of that station. The following month, ACBC filed an application (BPCT-2808) for a construction permit to change the location of the transmitter of Station WSUR-TV, Ponce, Puerto Rico, from its present site to a point just outside Ponce and to reduce its antenna height above average terrain from 2,590 feet to minus 230 feet. The proposals would have increased the facilities of Station WKBM-TV and reduced the facilities of Station

WSUR–TV, resulting in a substantial increase in the WKBM–TV signal intensity in San Juan and generally improving that station's coverage. The applications were granted in November 1960, without hearing and, pursuant to the provisions of the Communications Act and the Commission's rules then in effect, El Mundo filed a post-grant protest and petition for reconsideration. Throughout that proceeding, the two applications were treated as one proposal since the improved coverage which would result from the WKBM–TV proposal would fill in the voids resulting from the reduced coverage contemplated by the WSUR–TV proposal. At the same time, ACBC would avoid conflict with § 73.636 of the Commission's rules with respect to overlap. After considering the questions raised by El Mundo, at that time a "party in interest" under applicable provisions of the statute then in effect, the Commission postponed the effective date of the grants and designated the applications for evidentiary hearing (FCC 61–88; 21 RR 154). Three months later, ACBC tendered its construction permits for cancellation and filed a petition to terminate the proceeding as moot. El Mundo opposed the petition, asking that the applications be denied or dismissed with prejudice. By Order released March 3, 1961 (FCC 61M–349) the Chief Hearing Examiner terminated the proceeding and dismissed the applications with prejudice. The Commission, acting upon a Petition for Review filed by ACBC, ordered the proceeding terminated, but set aside the dismissal with prejudice, and cancelled the construction permits (FCC 61–655; 21 RR 602).

4. To justify its current proposed move, ACBC points to the inaccessibility of its present site and the consequent difficulties which it has had in maintaining and operating its equipment. ACBC further states that it actually delivers a usable signal to very little of its computed coverage area and, in fact, cannot deliver a satisfactory signal to all parts of the City of Ponce. It is stated that the present site is inaccessible because wheeled vehicles cannot approach closer than one kilometer in good weather and three kilometers in rainy weather; that it frequently becomes necessary to transport engineers and maintenance personnel by helicopter, but helicopters will not operate in bad weather and the personnel are compelled to walk; that power to the transmitter frequently fails and the inaccessibility of the site involves long delays in restoring power; that this, in turn, necessitates frequent operation of gasoline-powered emergency equipment; that since helicopters refuse to carry gasoline, the fuel must be transported by pack mule or by hand; that operators are often required to remain at the transmitter site for several days until relieved, and that these conditions have resulted in a constant turnover of personnel, with the result that it is necessary to operate with inexperienced operators at excessively high wages. ACBC further states that, because of the mountainous terrain, the bulk of Station WSUR–TV's computed coverage area does not actually receive a usable signal, and that it has made a survey of viewers and repairmen which confirms this conclusion. Even in Ponce itself, ACBC says, viewers cannot receive a satisfactory WSUR–TV signal because most sets are equipped with indoor "rabbit ears" rather than outdoor antennas, which are corroded by the salt air, while most homes in Ponce using "rabbit ears" receive excellent signals from competitive stations.

5. El Mundo, in its objection, states that a grant of the ACBC application would result in the loss of television service to areas now receiving such service and "white" and "gray" areas would be created. El Mundo further urges the invalidity of the ACBC survey and raises question about alleged undisclosed plans of ACBC to expand the coverage area of Station WKBM–TV in the wake of the shrinkage of the WSUR–TV computed contours to avoid conflict with § 73.636 of the Commission's rules.

6. It is apparent that there will be a substantial reduction in the predicted coverage area of Station WSUR–TV in the event of a grant of the application. In Hall et al. v. Federal Communications Commission (99 U.S. App. D.C. 86; 237 F. 2d 567), the Court held that where a change of transmitter site would result in a substantial curtailment of a station's coverage area and the consequent loss of television service to areas which were receiving such service, a grant of the application would not be in the public interest unless the loss were to be offset by gains or other advantages to the public interest. Consequently, the Commission must weigh the losses which may occur in the event of a grant of the ACBC application, against any gains or other offsetting factors. The Commission, however, is not able to determine, on the basis of the pleadings, the areas and populations which may be expected to gain or lose television service in the event of a grant, nor do we have sufficient information as to what other television service is available in the areas which might lose service. The alleged inaccessibility of the Station WSUR–TV transmitter site and the station's inability to maintain and operate its equipment properly, the extent to which Station WSUR–TV delivers a usable signal to its present computed coverage area, including Ponce itself, may all very well be offsetting factors and are clearly relevant to a determination as to whether a grant of the ACBC proposal would serve the public interest, convenience and necessity. These are, however, questions of fact which can be established in an evidentiary hearing. Consequently, it is clear that the above-captioned application must be designated for hearing.

7. El Mundo urges the Commission to consider the motives of the applicant in filing the application, suggesting that this application is the precursor to the filing of an application by ACBC to expand the coverage area of Station WKBM–TV without running afoul of § 73.636 of the Commission's rules with regard to overlap. We think this point is well taken. In the light of the past history of the applicant's activities with respect to changes in the facilities of these two stations and in view of the fact that the applicant has not denied that it is contemplating expansion of Station WKBM–TV's coverage area, a determination as to whether the filing of the instant application was in furtherance of a plan to increase the coverage area of Station WKBM–TV is relevant and appropriate. Accordingly, an appropriate issue will be specified to determine the facts and circumstances surrounding the preparation and filing of the instant application.

8. El Mundo is not a "party in interest" within the intent and meaning of section 309(d)(1) of the Communications Act of 1934, as amended, or § 1.580 (i) of the Commission's rules, nor, indeed, does it claim standing as such. It is apparent, however, that El Mundo may be able to furnish information in this proceeding which would be of material assistance to the Commission in determining whether a grant of the application would serve the public interest, convenience and necessity. We will, accordingly, make El Mundo a party to this proceeding upon our own motion.

In view of the foregoing, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of American Colonial Broadcasting Corporation is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose television service from the proposed operation of Television Broadcast Station WSUR–TV and the availability of other television service to such areas and populations.

2. To determine the nature of the conditions which exist with respect to the accessibility of the present site of the Station WSUR–TV transmitter and the extent, if any, to which such conditions may impair the ability of Station WSUR–TV to maintain and operate its equipment.

3. To determine the facts and circumstances surrounding the preparation and filing of the instant application.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That El Mundo, Inc., licensee of Television Broadcast Station WKAQ–TV, Channel 2, San Juan, Puerto Rico, is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order; and

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 8, 1964.

Released: January 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-415; Filed, Jan. 15, 1964; 8:49 a.m.]

[Docket Nos. 15269, 15270; FCC 64–11]

MEREDITH COLON JOHNSTON (WECP) AND WILLIAM HOWARD COLE (WHOC)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications Meredith Colon Johnston (WECP), Carthage, Mississippi, Docket No. 15269, File No. BP–15088; requests: 1480 kc, 500 w, Day, Class III; William Howard Cole (WHOC), Philadelphia, Mississippi, Docket No. 15270, File No. BP–15231; has: 1490 kc, 250 w, U, Class IV, requests: 1490 kc, 250 w, 1 kw–LS, U, Class IV, for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications which were granted simultaneously without hearing by action of the Commission on September 11, 1963 (announced September 12, 1963), both granted subject to the condition that each permittee shall accept interference received from the proposal of the other; (b) a statement filed on October 14, 1963, by William Howard Cole rejecting the grant of his application pursuant to § 1.110 of the rules; (c) a petition, also filed on October 14, 1963, by Cole requesting reconsideration of the grant of the application of Meredith Colon Johnston; (d) Johnston's opposition to Cole's petition filed on November 12, 1963; and (e) Cole's reply to the opposition filed on December 11, 1963.[1]

2. Prior to the grant of the applications here under consideration, Cole vigorously opposed favorable action on the Johnston application on the ground that Johnston's proposed station would cause objectionable interference to both the existing 250 watt and proposed one-kilowatt operations of Class IV standard broadcast Station WHOC, Cole's station in Philadelphia, Mississippi, that Johnston is not financially qualified and that the transmitter site proposed by Johnston is not available.[2] On the basis of data submitted by Cole in the course of his opposition to Johnston's proposal prior to a grant, the Commission found that Johnston's proposal would cause interference to the licensed 250-watt operation of WHOC affecting approximately 375 people (2.15 percent) out of a total of 17,240 people within the normally protected service area of WHOC. Interference caused to the proposed one-kilowatt operation of WHOC would affect approximately 2,082 people (7.62 percent) out of a total population of 27,384 people. The one-kilowatt operation of WHOC would cause interference to Johnston's proposal affecting approximately 1,159 people representing 5.45 percent of the total population of 21,324 within Johnston's proposed primary service area. The Commission determined that the interference involved was not such as to preclude favorable action on both proposals, and, in accordance with its usual practice in such cases, granted both applications subject to appropriate conditions. Cole now rejects his authorization so conditioned and demands a hearing contemplated by the provisions of § 1.110 of the Commission's rules.

3. Cole also renews his contention that Johnston is not financially qualified to construct and operate his proposed station and asserts that the question of the availability of Johnston's proposed transmitter site has not been resolved.

4. Cole's claim of standing by reason of expected interference is opposed by Johnston on the ground that the petition for reconsideration is not accompanied by an affidavit of a qualified radio engineer as required by § 1.106 of the Commission's rules; that Cole presumably relies on measurements submitted prior to the time the Commission granted the applications; that those measurements were not taken in accordance with the procedures prescribed by § 73.186 of the rules and that, assuming the measurements are accurate, the interference to the existing service area of WHOC would affect only one percent of the population in the WHOC service area which should be deemed de minimis. The one-percent loss is based on assertions under oath by Johnston that he has made a house count in the area involved and has himself made measurements at the points where a consultant made measurements on Cole's behalf with the result that Johnston's measurements were lower than those submitted by Cole.[3] Johnston submitted no engineering data to support his assertions.

5. Conceding that Cole's measurements were not made in sufficient number to satisfy the requirements of § 73.186 of the rules, they were sufficient to indicate the probability that the soil conductivity in the area is greater than that indicated on Figure M–3 of the rules.[4] Therefore, in granting the Johnston application, it was appropriate to require Johnston to accept any interference resulting from the grant of Cole's application.[5] Now that Cole has rejected the grant of his application as conditioned, the procedure contemplated by § 1.110 of the rules requires a hearing on both applications. It would not be appropriate to affirm the grant of Johnston's application and order a hearing only on Cole's application because such a course would require that any subsequent grant of Cole's application would be on condition that he accept the interference from Johnston's proposal. This is the very condition that Cole rejects. Accordingly, the applications will be designated for hearing in a consolidated proceeding to determine whether a grant of one of the applications, or whether a grant of both would better provide a fair, efficient and equitable distribution of radio service as envisioned by section 307(b) of the Communications Act of 1934, as amended.

6. In support of his contention that Johnston is not financially qualified, Cole contends that the Commission "relies" upon an amendment filed by Johnston on March 25, 1963 subsequent to a pre-grant petition to deny filed by Cole. Cole suggests that the Commission's determina-

[1] Neither the opposition nor the reply was filed within the times prescribed in § 1.106 of the Commission's rules. However, both applicants were allowed additional time in which to prepare and file these pleadings. Cole's reply to Johnston's opposition covers sixteen double-spaced typewritten pages, exclusive of exhibits, and therefore exceeds the ten-page limit imposed by § 1.106(h) of the rules. However, in view of the matters raised in Johnston's opposition, the Commission hereby waives the limitation prescribed by § 1.106(h).

[2] Prior to the grant of the applications, Cole sought to raise a question as to whether Johnston had made a reasonable effort to ascertain the needs, interests and desires of his prospective listeners. Cole now appears to have abandoned his contention on this question.

[3] Cole contends that Johnston's assertion that there has been a discrepancy in the measurements Cole's consultant submitted means that Johnston is accusing Claude Gray of submitting false or carelessly arrived at measurements. Of course, the Commission cannot consider a bare assertion that readings "are less than half the measurements" submitted by a consulting engineer without supporting data. It would appear that this aspect of the controversy should be considered on the basis of the relative merits of technical evidence in the event Johnston chooses to question the showing submitted on Cole's behalf.

[4] On December 12, 1963, Cole filed a statement of Claude M. Gray, his consulting engineer, in support of the validity of the measurement data which indicates that Johnston's proposal will cause interference to the existing and proposed operation of WHOC. Gray's statement also indicates that plans by Cole to apply for a power increase date from 1960. The statement was accompanied by a motion to accept Cole's reply filed December 11, 1963, and to consider the statement of Gray submitted on December 12. As previously indicated, the reply has been accepted. Gray's statement filed on December 12 has also been considered.

[5] In view of the fact that the data submitted by Cole establishes that interference would be caused to the existing operation of WHOC, Cole is a party in interest or person aggrieved within the meaning of Section 405 of the Communications Act of 1934, as amended, and § 1.106(b) of the Commission's rules.

tion is insupportable and that the Commission has found Johnston financially qualified notwithstanding Johnston's alleged failure to meet the requirements of the Commission's application form. Cole sites Paragraph 4(h), section III, of FCC Form 301, which requires the submission of verified copies of agreements by which financial institutions and equipment manufacturers are obligated to make loans or extend credit. Cole also cites Paragraph 4(c), Page 2, of Section III of the application form and questions the sufficiency of the "unverified" letters from individuals who have agreed to become co-signers to assist Johnston in securing a bank loan. But the agreements and unverified letters to which Cole objects are originals, not copies. The Commission does not require verification of original agreements or other undertakings. It requires only verification of copies.

7. In addition, Cole objects to the Commission's failure to require Johnston's co-signers to furnish balance sheets or financial statements, to disclose their interests for the past five years in business or financial enterprises and to disclose net income for the past two years. On the basis of the information before it, the Commission concludes that the Carthage Bank has made a determination that the co-signatures of the named individuals are ample security for the bank's purpose. The obligation of each co-signer is nominal in amount, and the primary concern with respect to the ability of each co-signer to meet his obligation is that of the bank. The Commission is convinced that Johnston has a reasonable expectation of the availability of a loan in the amount of $5,000. This conviction is not vitiated by the condition that the matter is subject to review as it is the Commission's understanding that a review of the type contemplated is common practice among financial institutions.

8. Cole also questions the adequacy of Johnston's estimates of the cost or construction and operation of the station. Apparently, Cole would have the Commission substitute his judgment for Johnston's inasmuch as he submits "suggested adjustments" in operating costs and in "putting the station on the air". Cole suggests the addition of certain items and increases in others. While it is apparent that Johnston's estimates are, to use his term, modest, he has demonstrated to the Commission's satisfaction by detailed equipment costs, a breakdown of operating expenses, and a showing of the availability of funds that he is able to meet the costs of construction and initial operation of the proposed station. That is all the Commission requires. Moreover, Johnston has submitted evidence that his net worth has increased to $22,200.

9. Cole's contention regarding the question of the availability of Johnston's proposed transmitter site is based upon obvious confusion with respect to the point which his specified coordinates should describe. Coordinates originally specified were 32°43'10" N., 89°33'12" W. On March 25, 1963, Johnston amended his application to specify the following coordinates: 32°43'19.9" N., 89°33'-41.4" W. Cole's statement in his petition for reconsideration that neither set of coordinates agrees with those specified as Johnston's transmitter site is not accurate. The latter coordinates were specified in the amendment of March 25, and the grant of Johnston's application authorized construction at that point. Johnston now states in his opposition that, as a result of his pointing out the wrong spot to his surveyor, the March 25 coordinates are in error, and that he and the surveyor have returned to the site and determined that the coordinates originally specified are correct. This, in the Commission's opinion, does not raise a question as to the availability of the site. It merely indicates that, assuming the original coordinates to be correct, those are not the coordinates presently specified by the application in view of the March 25 amendment. Accordingly, in order to clarify this point, the correctness of Johnston's coordinates will be placed in issue, and Johnston will be directed to submit a corrective amendment if necessary. If, as Cole suggests, the site shown in the photographs on file with Johnston's application do not show the actual transmitter site, Johnston will be given the opportunity to file the necessary additional photographs, and an issue to determine the suitability of the site will be included. The disposition of this aspect of the case does not mean that the Commission condones inaccuracies in proposals submitted for consideration. It simply is a recognition of the fact that inaccuracies in plotting coordinates do occur. In some instances the inaccuracies are not discovered until some time after a station has been in operation. Upon discovery of such inaccuracies, we think it is reasonable simply to require corrective amendments.

10. Cole, in his reply, also alleges that Johnston is presently employed as general manager of Station WLSM, Louisville, Mississippi. Cole submits an affidavit of Tom B. Estes in which Estes states that on December 6, 1963, he recorded an announcement being broadcast by WLSM in which listeners were informed that merchants in Ackerman, Mississippi, were distributing "Trade's Day tickets" for drawings at which cash prizes would be awarded. Following the announcement, Estes drove to Ackerman and called at three business establishments where the WLSM announcement indicated the tickets for the drawing were available. Estes states, that in each place of business where he called for the purpose of registering for the prizes, he was advised that he must make a purchase or pay a bill in order to register. Estes' affidavit raises the question as to whether Johnston, as manager of Station WLSM at the time in question, participated in the dissemination of information concerning a lottery in violation of section 1304 of the United States Code and § 73.122 of the Commission's rules.

11. In addition to the foregoing matters, allegations have been made by Johnston which reflect on Cole's motives in prosecuting his own application and in opposing Johnston's, and Cole has made counter-allegations questioning Johnston's qualifications and motives. The Commission has considered all such allegations and has concluded that they are unsupported by sufficient facts to raise a substantial issue.

12. Upon consideration of the pleadings before it and upon reconsideration of the applications of Meredith Colon Johnston and William Howard Cole, the Commission reaffirms its finding that both applicants are legally, financially and technically qualified to construct and operate as proposed and that William Howard Cole is otherwise qualified. The Commission reserves its determination of other qualifications of Johnston pending the conclusion of the proceeding hereinafter ordered.

Accordingly, it is ordered, This 8th day of January 1964, that the petition of William Howard Cole to reconsider the Commission's action of September 11, 1963, in granting without hearing the application of Meredith Colon Johnston is granted to the extent indicated herein and is denied in all other respects.

It is further ordered, That the action of the Commission in granting the applications of Meredith Colon Johnston and William Howard Cole is hereby set aside and that, pursuant to section 405 of the Communications Act of 1934, as amended, and §§ 1.106 and 1.110 of the Commission's rules, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of William Howard Cole and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WHOC and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the proposals.

4. To determine whether the coordinates specified in the application of Meredith Colon Johnston as amended on March 25, 1963, accurately depict the location of his proposed antenna structure.

5. To determine whether the site photographs on file in the application of Meredith Colon Johnston accurately represent the transmitter site Johnston proposes and, if not, whether the transmitter site proposed is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine whether, on or about December 6, 1963, Meredith Colon Johnston, as general manager of Station WLSM, Louisville, Mississippi, knowingly permitted the broadcasting over the facilities of WLSM any advertisement of or information concerning any lottery, gift enterprise, or similar scheme in violation of section 1304 of the Criminal Code (Title 18, United States Code, section 1304) and § 73.122 of the Commission's rules, and, if so, whether such action reflects adversely on Mr. Johnston's qualifications to be a broadcast licensee.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, or both of the applications should be granted.

It is further ordered, That William Howard Cole is made a party respondent to the proceeding on the application of Meredith Colon Johnston with respect to the existing operation of WHOC.

It is further ordered, That Meredith Colon Johnston is hereby directed to amend his application to specify correct coordinates in the event such coordinates are different from those specified in the amendment to his application filed on March 25, 1963, and to amend his application to include photographs which correctly depict the proposed transmitter site in the event the location of the proposed site is other than that shown in the photographs now on file.

It is further ordered, That, in the event of a grant of the application of Meredith Colon Johnston, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of William Howard Cole, the construction permit shall contain the following conditions:

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-416; Filed, Jan. 15, 1964; 8:49 a.m.]

[Docket Nos. 15248-15250; FCC 64M-36]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Order Scheduling Hearing

In re Applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT-3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; the Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

It is ordered, This 10th day of January 1964, that Sol Schildhause shall serve as presiding officer in the above-entitled proceeding; that the hearings in the proceeding shall be held in the offices of the Commission, Washington, D.C., commencing March 16, 1964; and that a prehearing conference shall be convened in the offices of the Commission, Washington, D.C., on February 12, 1964.

Released: January 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-419; Filed, Jan. 15, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

JANUARY 10, 1964.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the Common Stock, 10 cents par value and trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976 of Continental Vending Machine Corporation; File No. 1-3421.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 12, 1964 through January 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-403; Filed, Jan. 15, 1964; 8:48 a.m.]

[File No. 812-1646]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

JANUARY 10, 1964.

Notice is hereby given that E. I. du Pont de Nemours and Company ("applicant"), Wilmington 98, Delaware, a Delaware corporation, 29 percent of the common stock of which is owned by Christiana Securities Company ("Christiana"), a registered closed-end investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from section 17(a) of the Act the purchase by Stauffer Chemical Company ("Stauffer") from applicant of applicant's 50 percent interest in Old Hickory Chemical Co. ("Old Hickory") and the sale to applicant by Stauffer or Old Hickory of a 66-acre and a 47-acre tract of land. All persons are referred to said application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant and Stauffer each own 50 percent of the outstanding capital stock of Old Hickory. Under sections 2(a)(3)

and (9) of the Act, Christians is presumed to control applicant and Old Hickory, Stauffer is an affiliated person of Old Hickory and Old Hickory is an affiliated person of Christians. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Old Hickory was originally capitalized with $500,000 consisting of 5,000 shares of $100 par value capital stock, and the 50 percent interest therein of each of the owners, applicant and Stauffer, represents a cash investment of $250,000. Since its formation in 1928 Old Hickory has manufactured only carbon bisulfide, virtually all of which was sold to and used by applicant principally in the manufacture of rayon and cellophane. As a result of applicant's withdrawal from rayon manufacture, its requirements for carbon bisulfide have declined steadily in recent years. For business reasons, applicant and Stauffer have decided to terminate their joint venture in Old Hickory and Stauffer has offered to purchase applicant's 50 percent interest in Old Hickory for $1,110,000, provided that applicant will enter into a contract with Stauffer under which applicant would agree for a period of five years to purchase from Stauffer at the prevailing market price all of applicant's carbon bisulfide requirements for the locations now served by Old Hickory. The contract would give applicant the benefit of any lower price extended by Stauffer to any other carbon bisulfide customer and would allow applicant to accept any outside offer to supply a like quantity of carbon bisulfide at a lower delivered price unless Stauffer would be willing to reduce the contract price to meet such offer.

While applicant does not know the basis upon which Stauffer arrived at its offering price of $1,110,000, it believes that it is fair and reasonable to both parties. Applicant estimates that the shareholders' equity in the realizable value of Old Hickory's assets upon liquidation would be approximately $973,000 at December 31, 1963. Applicant also estimates Old Hickory's total carbon bisulfide sales over the five years from 1964 through 1968 to be 184.4 millions of pounds and total net income to be $1,120,000 in that period. Addition of such five-year net income to the estimated net realizable value at December 31, 1963 produces a total of $2,093,000. Applicant's 50 percent interest therein would be $1,046,500 which approximates the $1,110,000 offered by Stauffer.

In connection with the termination of the Old Hickory joint venture, Stauffer has agreed to extend to applicant, or cause Old Hickory to extend to applicant, options to purchase a 66-acre and a 47-acre tract of land, located in the village of Old Hickory, Davidson County, Tennessee, about 10 miles northeast of the city of Nashville and which lie between applicant's manufacturing facilities and approximately 130 acres of undeveloped land which were purchased by applicant from Stauffer in December 1962, at an average price of $950 per acre, which transaction was exempted by order of the Commission dated December 27, 1962 (Investment Company Act Release No. 3599).

Stauffer has agreed to extend to applicant, or cause Old Hickory to extend to applicant, an option to buy the 66-acre tract, including the buildings and equipment of Old Hickory located thereon, for $115,000. The option would be exercisable 15 years from the date thereof, or at such earlier date as Stauffer or Old Hickory shall permanently discontinue present manufacturing operations at Old Hickory's facilities on the property. A 300 foot paved public road runs past the plant site; a railroad spur and road lead into the tract and the utilities (gas, electricity and water) that now service Old Hickory's manufacturing facilities would continue to be available in the event the plant is shut down. The tract would be suitable for industrial use similar to its present use.

The 47-acre tract is undeveloped and there is at present no access to this tract by public road and any such access would have to be provided through land now owned by applicant or Old Hickory. Stauffer has agreed to extend to applicant, or cause Old Hickory to extend to applicant, an option, exercisable within 90 days from the date thereof, to buy it for a sum equal to $45,000, or an average price of $957 per acre. The application states that the tract would be suitable for construction of recreational facilities such as a marina, restaurants, motels, and cottages if access by public road could be obtained.

Applicant is interested in these two tracts of land to consolidate its properties and to provide for possible future expansion of its production facilities, and also to prevent the problems that might arise if a recreation area were developed so near to its present properties. The application states that the $115,000 price for the 66-acre developed tract offered by Stauffer exceeds by about $52,000 the aggregate price of $63,000 that would result if the 66 acres were priced at the average price of $957 at which Stauffer has offered to sell the undeveloped 47-acre tract. This excess of $52,000 reflects the fact that the property is developed and has utility services. Applicant believes there is a recognizable value in having an option for a maximum period of 15 years on the developed tract that may not require a cash outlay for several years and it is of the opinion that Stauffer's offering price of $115,000 for the 66-acre tract and the manufacturing facilities thereon and the price of $45,000 for the 47-acre tract are fair and reasonable to both parties. It is further believed that the transactions for which exemption is sought otherwise meet the standards of section 17(b) of the Act.

Notice is further given that any interested person may, not later than January 28, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-404; Filed, Jan. 15, 1964; 8:48 a.m.]

[File No. 812-1651]

NORTHEASTERN FINANCIAL CORP.

Notice of Filing of Application for Order Exempting Purchase of Securities From Registered Investment Company by Affiliated Person

JANUARY 10, 1964.

Notice is hereby given that Morris M. Schnitzer, Trustee for Northeastern Financial Corporation ("Northeastern"), 1180 Raymond Boulevard, Newark 2, New Jersey, a registered closed-end nondiversified investment company has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the purchase of securities from Northeastern by Atlantis International Corporation ("Atlantis"), a New Jersey corporation and an affiliated person of Northeastern. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations in said application which are summarized below.

On May 8, 1963, Hon. Anthony T. Augelli, United States District Judge for the United States District Court for the District of New Jersey, appointed Morris M. Schnitzer Trustee of Northeastern under section 42(e) of the Act and the Court's general equity power in order to prevent further violation of the Act and the Securities Act of 1933. On December 9, 1963, the Trustee filed with the Commission a notification of registration of Northeastern as an investment company pursuant to section 8(a) of the Act.

Upon the Trustee's appointment, 675,378 shares of Northeastern stock were outstanding of which 488,370 shares were held by or for Robert K. Berry, President and promoter of Northeastern. Mr. Berry has since made an unconditional delivery of his stock to the Trustee.

Northeastern's principal asset is its ownership of 150,000 shares of the common stock of Atlantis, which has 1,008,618 shares outstanding. Since more than five per centum of Atlantis' voting securities are owned by Northeastern, both companies pursuant to section 2(a)(3) (A) and (B) of the Act are affiliated persons of each other.

Northeastern acquired 110,000 shares of Atlantis stock from Atlantis in April 1962 for $110,000. The remaining 40,000 shares were acquired from Robert K. Berry for 450,000 shares of Northeastern common stock since surrendered by Berry to the Trustee. Northeastern has also contracted to buy for $198,200 payable in instalments 135 lots in a tract of 1,200 acres owned by Atlantis in Little Egg Harbor Township, New Jersey. Northeastern has paid $25,200 on account and is in arrears on the instalment payments. Atlantis, among other activities, is presently engaged in developing this 1,200 acres for residential, commercial and industrial uses. Atlantis has filed a registration statement under the Securities Act of 1933 covering the public offering of 100,000 shares of its stock at $4.00 per share through an underwriter on a best efforts basis.

Subject to Court and Commission approval, the Trustee has entered into an agreement with Atlantis, dated December 10, 1963. Atlantis will increase the public offering of its stock from 100,000 to 130,000 shares. If as many as 80,000 shares are sold, Atlantis will acquire from the Trustee 30,000 shares of Atlantis stock at $3.00 per share, and the Trustee's rights under the lot purchase contract for $20,000, making a total of $110,000. In return, the Trustee will release whatever rights Northeastern may have under the Act to rescind both the lot purchase contract as well as the purchase of 110,000 Atlantis shares and thereby to recover $135,200. If, for any reason, the contract is not consummated, the rescission rights are preserved to Northeastern.

It is represented that both the Trustee for Northeastern and the management of Atlantis believe that the best interests of the stockholders of Northeastern and Atlantis will be served by a resolution of problems which exist by reason of claimed invalidity of the transactions described above. It is further represented by the Trustee that more may be recovered for the estate through execution and effectuation of the contract dated December 10, 1963 than by pressing claims for rescission or by other attempts to realize on the assets acquired in the transaction with Atlantis and its affiliated persons.

Section 17(a)(2) of the Act prohibits an affiliated person of a registered investment company from purchasing from such registered company any security or other property (except securities of which the seller is the issuer), unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a)(2), after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than January 28, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-405; Filed, Jan. 15, 1964; 8:48 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

JANUARY 10, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 12, 1964 through January 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-406; Filed, Jan. 15, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 13, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38753, *vinyl acetate to Darex, Ky.* Filed by O. W. South, Jr., agent (No. A4431), for interested rail carriers. Rates on vinyl acetate, in tank-car loads, from specified points in West Virginia in the Charleston District, to Darex, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 124 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-102.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-394; Filed, Jan. 15, 1964; 8:45 a.m.]

[Notice No. 925]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested per-

son may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66418. By order of January 9, 1964, the Transfer Board approved the transfer to Basco Drayage, Inc., Berkeley, Calif., applicant in No. MC 120768 (Sub-No. 1), BOR-99 filed in the name of Millen L. Simpson, Florence A. Simpson, Executrix, John W. Ashford, William D. Sorensen and Gordon H. Ball, a partnership, doing business as Basco Drayage, Berkeley, Calif., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by California Certificate No. 61106, authorizing the transportation of (a) construction, mining and logging machinery, equipment, materials and supplies; and (b) commodities which by reason of size, weight or bulk require special equipment or handling, and materials parts or supplies that are appurtenant to or a necessary part of such commodities, between all points on or within 25 miles of the following routes: U.S. 101 and 101 By-Pass between Garberville and Salinas; State 1 between Leggett Valley and Monterey; State 9 and 17 between Oakland and Santa Cruz; U.S. 40 and 40-Alternate between San Francisco and the California-Nevada State line; U.S. 50 between San Francisco and the California-Nevada State line; U.S. 99, 99-E and 99-W between Red Bluff and Fresno; State 36 between Red Bluff and Johnstonville; U.S. 395 between Johnstonville and the California-Nevada State line and between the California-Nevada State line and Independence; State 20 between Calpella and junction with U.S. 40 near Cisco; State 128 between State Highway 1 near Albion and Winters; State 12 between Santa Rosa and San Andreas; State 29 between Upper Lake and Vallejo; State 16 between State 20, near Wilbur Springs and Drytown; State 32 between Orland and State 36 near Childs Meadow; unnumbered highway between U.S. Highway 40-A, near Honcut, to junction with State 89, near Quincy, via La Porte and Nelson Point; State 89 between State 36 near Chester and U.S. 395 near Coleville; State 49 between Sattley and Mariposa; State 4 between U.S. 40, near Pinole and State 89 near Markleeville; State 88 between Stockton and Woodfords; State 24 between Oakland and Marysville; State 108 between Sonora and U.S. 395 near Tales Hot Spring; State 120 between U.S. 50, near Lathrop and Lee Vining; State 140 between State 33, near Gustine, and Yosemite; State 41 between Fresno and Yosemite; and State 33 between U.S. 50, near Tracy and Mendota. Daniel W. Baker, 625 Market Street, San Francisco 5, Calif., representative for applicant.

No. MC-FC 66475. By order of January 10, 1964, the Transfer Board approved the transfer to Martin J. Hansberry Trucking, Inc., Nashua, N.H., of Certificates Nos. MC 44250 and MC 44250 (Sub-No. 1), both issued January 18, 1951, to Mary Catherine Hansberry doing business as Martin J. Hansberry Trucking, Nashua, N.H., authorizing the transportation, over irregular routes, of woodwork, and materials, supplies, and equipment incidental to the manufacture and assembly of woodwork, between Nashua, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York east and south of U.S. Highway 11, including points on the indicated portion of the highway specified; the same commodities restricted to shipments picked up as a part of an original order leaving Nashua, N.H., from Boston and Somerville, Mass., to points in the same territory; the same commodities, in truckload lots, from Boston and Somerville, Mass., to Bristol, Meriden, and Hartford, Conn., and points in Rhode Island; asbestos products, from Nashua, N.H., to New York, N.Y., and points in Maine and Vermont; ironing boards, medicine cabinets, sashes, windows, and door cases, between Fitchburg, Mass., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York east and south of U.S. Highway 11, including points on the indicated portion of the highway specified; nails, window weights, and trim and finish, between Worcester, Mass., on the one hand, and, on the other, points in the above-described territory; and household goods, between points in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, N.H., and those in Massachusetts within 20 miles of Nashua, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, Virginia, North Carolina, Georgia, Florida, West Virginia, Ohio, Michigan, and Illinois, traversing Wisconsin, Indiana, and South Carolina, for operating convenience only; and household goods, between points in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, N.H., and those in Massachusetts within 20 miles of Nashua, N.H., on the one hand, and, on the other, points in Wisconsin, Indiana, and South Carolina, traversing Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, North Carolina, Pennsylvania, Ohio, Illinois, and the District of Columbia for operating convenience only. Stanley M. Burns, Bucabrey Building, Dover, N.H., representing applicants.

No. MC-FC 66487. By order of January 7, 1964, the Transfer Board approved the transfer to Milton Wasserburger, Jerome Casser, Leonard Casser, Joseph Casser, New York, N.Y., of Licenses Nos. MC 12367 and MC 12367 (Sub-No. 1), issued July 3, 1947 and October 16, 1963, respectively, to Concourse Tours, Inc., New York, N.Y., authorizing the brokerage operations in connection with transportation by motor vehicle of passengers and their baggage, (1) between New York, N.Y., on the one hand, and, on the other, points in the United States; and (2) between New York, N.Y., and points in Nassau, Suffolk and Westchester Counties, N.Y., on the one hand, and, on the other, points in the United States, except those in Alaska and Hawaii. Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y., representing applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-395; Filed, Jan. 15, 1964; 8:46 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Report of Determination of January 6, 1964

REPORT OF DETERMINATION PURSUANT TO § 107(b) OF THE FOREIGN AID AND RELATED AGENCIES APPROPRIATION ACT, 1963, 76 STAT. 1165

THE WHITE HOUSE,
Washington, January 6, 1964.

I have this day determined, pursuant to § 107(b) of the Foreign Aid and Related Agencies Appropriation Act, 1963, that the withholding of economic assistance to the American Research Hospital for Children in Krakow, Poland, under the Foreign Assistance Act of 1961, as amended, would be contrary to the national interest.

Under § 214(b) of the Foreign Assistance Act of 1961, as amended (75 Stat. 428, 22 U.S.C. 2174), Polish currency accruing to the United States from the sale of surplus agricultural commodities has been made available for construction of this hospital. Substantial amounts of such currency, determined to be excess to the normal requirements of the United States, have been made available in this and prior years, and construction so financed is one-third to one-half completed.

I am advised that the Government of Poland has sold, furnished, or permitted ships under its registry to carry items of economic assistance to Cuba, within the terms of § 107(b), cited above. Without this determination, § 107(b) may be interpreted to require termination of assistance to the Hospital, in consequence of this action by the Government of Poland.

The objectives of the United States in furnishing assistance to this research hospital for children are humanitarian. The hospital will be tangible evidence of the good will felt by the people of the United States of America for the people of Poland.

In view of the substantial amount of construction already completed, it would be wasteful of the public funds which have already been put into the project to cancel United States support now. Moreover, the good will already created by this cooperative effort of the American and Polish peoples would be lost should the program be terminated, as it would have to be, by withdrawal of United States assistance.

Finally, the direct, tangible benefit of the hospital to the economy of Poland and to Communist society as such is limited.

For these reasons, it would be contrary to the national interest to withhold the assistance authorized by Congress to continue construction of the Polish Children's Hospital.

This determination is effective as of May 31, 1963.

LYNDON B. JOHNSON

[F.R. Doc. 64-483; Filed, Jan. 16, 1964; 9:53 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (17) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 **Treasury Department.**

(a) *Office of the Secretary.* * * *

(17) One Deputy Director, Office of Financial Analysis.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–453; Filed, Jan. 16, 1964; 8:48 a.m.]

PART 591—ALLOWANCES AND DIFFERENTIALS PAYABLE IN NONFOREIGN AREAS

Places and Rates at Which Allowances Shall Be Paid

Effective on the first pay period after April 1, 1964, § 591.202 is amended as set out below.

§ 591.202 **Places and rates at which allowances shall be paid.**

In accordance with the act and section 205 of Executive Order 10,000, as amended, and in consideration of relative consumer price levels in the area and in the District of Columbia, and differences in goods and services available and the manner of living of persons employed in the area concerned in positions comparable to those of United States employees in the area, allowances are established at the following places and rates:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.

Commonwealth of Puerto Rico: 5 percent of rate of basic compensation.

Hawaii (excluding Ocean or Kure Island): 15 percent of rate of basic compensation.

Virgin Islands of the United States: 5 percent of rate of basic compensation.

(Sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10,000, 13 F.R. 5453, 3 CFR, 1943–48 Comp., p. 792; E.O. 10,636, 20 F.R. 7025, 3 CFR, 1954–58 Comp., p. 268)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–468; Filed, Jan. 16, 1964; 8:49 a.m.]

PART 752—ADVERSE ACTIONS

General Standards

Paragraph (a) of § 752.104 is amended as set out below.

§ 752.104 **General standards.**

(a) An agency may not take an adverse action against an employee covered by this part except for such cause as will promote the efficiency of the service. Among the reasons that constitute "such cause as will promote the efficiency of the service" for this purpose are the reasons for disqualification of an applicant listed in § 731.201(b)–(g). These reasons may be based on pre-appointment factors as well as on post-appointment factors.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended, secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 631, 633, 860, 868; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218, E.O. 10988, 27 F.R. 551)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–469; Filed, Jan. 16, 1964; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–1,731]

PART 561—DEFINITIONS

Insured Loan; Correction

JANUARY 11, 1964.

Resolved that in the document amending Part 561 of Subchapter D of Chapter V of Title 12 of the Code of Federal Regulations, published at 29 F.R. 44, the following correction is hereby made: The word "mortgage" in § 561.20, as amended, is changed to "mortgagee". As so corrected, § 561.20, as amended, effective February 3, 1964, reads as follows:

§ 561.20 **Insured loan.**

The term "insured loan" means a loan that is insured, in whole or in part, or as to which the mortgagee is insured, in whole or in part, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64–455; Filed, Jan. 16, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Doc. No. 1347; Amdt. 42–2]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Miscellaneous Amendments

Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) was effective on November 11, 1963. This amendment makes certain typographical, editorial, and technical corrections to Revised Part 42 considered necessary for the clarification of the part. It includes the following corrections and the reasons therefor:

1. *Section 42.29, Operation of small aircraft.* Since proposed Part 125 of the Federal Aviation Regulations has been renumbered "Part 135", § 42.29 is being amended to refer to "Part 135" in lieu of "Part 125".

2. *Section 42.61, Aircraft certification requirements.* For the purpose of clarification, the word "operating" is being added to § 42.61(c) since some of the sections referred to therein contain operating requirements. The reference to § 46.60 is being deleted and § 46.70 is being substituted. This eliminates the duplication of the proving test requirements of § 46.63 since they are already more appropriately provided for in § 42.63.

3. *Section 42.90, Nontransport category airplane operating limitations.* The opening sentence of this section is being amended to properly refer to §§ 42.91 through 42.94 in lieu of § 42.91, since the words "through 42.94" were inadvertently omitted from the phrase.

4. *Section 42.92, En route limitations; one-engine inoperative.* Paragraph (b) (3) is being amended to correct a typographical error. The word "wind" is being changed to "wing".

5. *Section 42.175, Miscellaneous equipment for all airplanes.* The note in this section improperly refers to § 4b.612(c) and § 4b.623(c) of Part 4b. The note is being amended to refer to "§ 4b.612(e)" and "§ 4b.623" respectively in lieu of "§ 4b.612(c)55" and "§ 4b.623(c)".

6. *Section 42.300, Qualification requirements.* Since this section is applicable to helicopters as well as airplanes, it is necessary to change the word "airplane" in the second sentence to the word "aircraft".

It was not intended under the provisions of Revised Part 42 to require helicopter operators to comply with §§ 46.303 and 46.304 of Part 46. Therefore, that part of the first sentence in paragraph (a) pertaining to the operations of helicopters is being amended to refer to "§§ 46.301 and 46.302" in lieu of "§§ 46.301 through 46.304".

7. *Section 42.396, Fuel supply for all operations; airplanes.* Paragraphs (a) (2) and (b) (2) refer to § 42.389(a)(2). This was not intended since § 42.389(a) does not contain a subparagraph (2). Therefore, paragraphs (a)(2) and (b)(2) are being amended to delete the references to subparagraph (2).

Since this amendment is minor in nature, makes no substantive change, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

This amendment is made under the authority of sections 313(a), 601–610(b) and 1102 of the Federal Aviation Act of 1958 (49 Stat. 1354, 1421–1430, 1502).

In consideration of the foregoing, Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended as follows, effective January 16, 1964:

§ 42.29 [Amended]

1. By amending § 42.29 by deleting the number "125" wherever it appears and inserting in lieu thereof the number "135".

2. By amending § 42.61(c) to read as follows:

§ 42.61 Aircraft certification requirements.

* * * * *

(c) *Helicopters.* Helicopters shall be operated, certificated and equipped in accordance with the requirements of § 46.70 through § 46.231 of Part 46 of this chapter (Civil Air Regulations).

§ 42.91 [Amended]

3. By amending § 42.91 by deleting the reference to "§ 42.91" in the first sentence and inserting in lieu thereof the reference to "§§ 42.91 through 42.94".

§ 42.92 [Amended]

4. By amending § 42.92(b)(3) by deleting the word "wind" between the words "The" and "flaps" and inserting in lieu thereof the word "wing".

§ 42.175 [Amended]

5. By amending the note in § 42.175 by deleting the references "4b.612(c)" and "4b.623(c)" and inserting in lieu thereof the references "4b.612(e)" and "4b.623".

§ 42.300 [Amended]

6. By amending § 42.300(a) by deleting from the first sentence the reference "46.301 through 46.304" and inserting in lieu thereof the reference "46.301 and 46.302"; and by deleting from the second sentence the word "airplane" and inserting in lieu thereof the word "aircraft".

§ 42.396 [Amended]

7. By amending § 42.396(a)(2) and (b)(2) by deleting the reference "42.389(a)(2)" where is appears and inserting in lieu thereof the reference "42.389(a)".

Issued in Washington, D.C., on January 9, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–421; Filed, Jan. 16, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–EA–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On August 9, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8217) stating that the Federal Aviation Agency proposed to realign VOR Federal airways Nos. 422 and 855 from Wolfiake, Ind., to the Antwerp, Ohio, Intersection and to designate Victor 422 to Findlay, Ohio, to overlie Victor 855 for continuity.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. Mr. Edward C. Buhrer, a pilot operating out of the Defiance Airport, submitted comments which were primarily in response to the circularization of a non-rulemaking proposal to decommission the Defiance, Ohio, VOR. However, his comments included a statement objecting to the realignment of Victors 422 and 855. The realignment of Victor 422 (Victor 855 is not aligned over the Defiance facility) is based on the lack of traffic over the present Victor 422 alignment. The proposal to decommission the Defiance VOR will be considered from all aspects, including those comments regarding its utilization for IFR approaches as contained in Mr. Buhrer's comments. The Air Transport Association of America concurred with the proposal.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.123 (27 F.R. 220–6, November 10, 1962) the following changes are made:

(a) In V–422 "INT of Goshen, Ind., direct radial to Findlay, Ohio, and Fort Wayne, Ind., direct radial to Litchfield, Mich.; Defiance, Ohio, to Attica, Ohio." is deleted and "INT of Fort Wayne, Ind., 068° and Findlay, Ohio 289° radials; to Findlay" is substituted therefor.

(b) In V–855 (28 F.R. 967, 1533, 7290) "INT of Fort Wayne, Ind., 016° and Goshen, Ind., 108° radials Garrett INT) (12 miles wide from 45 nmi from Findlay to Garrett IND);" is deleted and "INT of Findlay 289° and Fort Wayne, Ind., 068° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 3, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–425; Filed, Jan. 16, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 3047; Amdt. 673]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Amendment 540, 28 F.R. 2028, AD 63–5–1, requires elimination of rudder crossfeed signals from the aileron channel of the autopilot in Boeing 707 and 720 Series aircraft. Recent flight testing has shown limited crossfeed to be safe. Accordingly, AD 63–5–1 is being superseded by a new directive which provides for limited rudder crossfeed.

Since this amendment provides for an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made affective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft with boosted rudder and extended vertical fin configuration.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To eliminate a possible hazard to operational safety during autopilot coupled approaches, accomplish either (1) or (2) of the following or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region:

(1) Eliminate autopilot rudder crossfeed by the following circuit modification. In the RJ3 junction box disconnect wire C144A22 from terminal E18 and connect to terminal E17. In the autopilot adapter unit, Boeing P/N 10–3056–2 or Eclipse-Pioneer P/N 15236–2A1 loosen the locking nut and turn shaft of R5 potentiometer to zero setting. Conduct a continuity check between pins D and E. A reading which indicates 5 ohms or less must be obtained.

(Boeing Service Bulletin 1797 covers this same subject.)

(2) Limit rudder crossfeed by the following circuit modification. Insert a 5600 ohm, one half watt 5 percent resistor sleeved in No. 4 plastic tubing in the circuit from terminal E18 of junction box RJ3 to terminal (E) of connector RD921 by connecting one end of the resistor to terminal E18 and the other end to a new standoff terminal and moving wires C144B22 from terminal E18 to the new standoff terminal. Insert two Transitron No. SG22 diodes paralleled in opposite polarity and sleeved in No. 11 plastic tubing between terminals E17 and E18 of junction box RJ3. In the autopilot adapter unit, Boeing P/N 10–3056–2 or Eclipse-Pioneer P/N 15236–2A1, loosen the locking nut and turn shaft of R5 potentiometer to a setting of 10.

(Boeing figure 1, CDP–150, page 3, revised September 9, 1963, covers this same subject.)

This supersedes Amendment 540, 28 F.R. 2028, AD 63–5–1.

This amendment shall become effective January 17, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., January 10, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards.

[F.R. Doc. 64–423; Filed, Jan. 16, 1964; 8:45 a.m.]

[Reg. Doc. No. 3044; Amdt. 672]

PART 507—AIRWORTHINESS DIRECTIVES

CallAir Models A–5 and A–6 Aircraft

There have been several instances of failure of the front attaching tube of the horizontal stabilizer on CallAir Models A–5 and A–6 aircraft. In one instance, the horizontal stabilizer broke off inflight. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the horizontal stabilizers and repair or replacement if any cracks are found.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CALLAIR. Applies to all Models A–5 and A–6 aircraft.

Compliance required as indicated.

As a result of several failures of the front attaching tube of the horizontal stabilizer, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD check for cracks as follows:

(1) Remove the horizontal stabilizers from the airplane and thoroughly clean the leading edge tube of the horizontal stabilizer by removing all paint, rust, and foreign materials. Check for cracks in the area where the tube attaches to the fuselage carry through member and also around the horizontal tail fixed handle area where the tube has been bent back to provide sweepback.

(2) Inspect for cracks using the magnetic particle inspection process.

(b) If cracks are found, either install a new stabilizer or make an FAA approved repair. Thereafter reinspect the stabilizer at intervals not to exceed 100 hours' time in service.

(c) If no cracks are found, reinstall stabilizers and reinspect at intervals not to exceed 100 hours' time in service.

(d) CallAir Service Kit No. 10 provides a suitable reinforcement of the empennage by the installation of additional brace wires to the forward portion of the tail surfaces. No further periodic inspections are required if CallAir Service Kit No. 10 is installed with a new or repaired horizontal stabilizer.

(CallAir Service Bulletin No. 10 covers this same subject.)

This amendment shall become effective January 17, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 10, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–424; Filed, Jan. 16, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3302]

ARIZONA AND WYOMING

Correcting Public Land Orders No. 3296 of December 19, 1963 and No. 3282 of December 3, 1963

[Arizona 012770]

So much of Public Land Order No. 3296 of December 19, 1963, as describes the SW¼NW¼ of sec. 23, T. 21 N., R. 7 E., is corrected to read "SW¼NE¼."

[Wyoming 0105362]

So much of the land description for the Meadow Lark Lake Area described in Public Land Order No. 3282 of December 3, 1963, as refers to the W½SW¼ SW¼ of sec. 33, T. 49 N., R. 86 W., is corrected to read "W½SW¼SE¼."

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 13, 1964.

[F.R. Doc. 64–436; Filed, Jan. 16, 1964; 8:46 a.m.]

[Public Land Order 3303]

[Wyoming 0252732]

WYOMING

Partly Revoking Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation dated April 19, 1951, concurred in by the Bureau of Land Management on July 9, 1951, which withdrew lands under provisions of the Act of June 17, 1902, supra, for reclamation purposes in connection with the Missouri River Basin Project, is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

Paintrock Unit

T. 49 N., R. 91 W., Track 58–B.

Containing 40.86 acres.

2. The tract is situated in Big Horn County, near Manderson, Wyoming. Topography is rough, and soils are heavy textured and immature. Vegetative cover consists of semi-desert shrubs with a sparse understory of perennial grasses.

3. Until 10:00 a.m. on July 13, 1964, the State of Wyoming shall have a preferred right of application to select the lands released from withdrawal by this order, as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 948; 43 U.S.C. 852).

4. Beginning at 10:00 a.m. on July 13, 1964, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received prior to 10:00 a.m. on July 13, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on July 13, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 13, 1964.

[F.R. Doc. 64–456; Filed, Jan. 16, 1964; 8:48 a.m.]

[Public Land Order 3304]

[Anchorage 060385]

ALASKA

Revoking Air Navigation Site Withdrawal No. 248

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 26, 1948, withdrawing the following-described lands as Air Navigation Site Withdrawal No. 248, is hereby revoked:

SEWARD MERIDIAN

T. 3 N., R. 11 W.,
sec. 18, SE¼NW¼, E½SW¼ and E½W½ SW¼.

Containing 160 acres.

2. A schoolhouse, the right or title to which is claimed by the State of Alaska, and which is being used as a community library, occupies a portion of the lands.

3. Until 10:00 a.m. on April 13, 1964, the State of Alaska shall have a preferred

right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

4. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on April 13, 1964. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received prior to 10:00 a.m. on April 13, 1964, shall be considered as simultaneously filed at that time.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 13, 1964.

[F.R. Doc. 64-457; Filed, Jan. 16, 1964; 8:48 a.m.]

[Public Land Order 3305]

[Arizona 032636]

ARIZONA

Withdrawing Lands for Use of the Federal Bureau of Investigation for a Law Enforcement Training Facility

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Federal Bureau of Investigation, Department of Justice, for establishment of a law enforcement training facility:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 2 E.,
Sec. 28, S½NW¼ and N½SW¼.

Containing approximately 160 acres.

2. The Departmental order of November 3, 1933, Creating Stock Driveway Withdrawal No. 56 (Arizona No. 2) is hereby revoked so far as it affects the lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 13, 1964.

[F.R. Doc. 64-437; Filed, Jan. 16, 1964; 8:46 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs., Docket No. 14640; EDR-62B]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Supplemental Notice of Proposed Rule Making and Request for Comments and Information

JANUARY 14, 1964.

The Board, by publication in 28 F.R. 12281 and by circulation of a notice of proposed rule making and request for comments and information, EDR-62, dated November 12, 1963, gave notice that it has under consideration amendment of § 298.21(b) (1) and (2) to eliminate the restriction against scheduled services by air taxi operators within the territories and possessions of the United States and within the State of Hawaii. The Board requested interested persons to submit specific economic data and information to enable the Board to reach an informed judgment of the need for regular and frequent air taxi service in these areas and the competitive impact of such authorizations on the carriers presently serving these areas. The Notice provided that the economic data and information be filed on or before December 20, 1963, and that data, views, or arguments pertaining solely to the communications previously filed by other interested persons be submitted on or before January 20, 1964.

By a supplemental notice of proposed rule making, EDR-62A, dated December 4, 1963 (28 F.R. 13311), the Board extended the dates for submitting data and for commenting on such communications to January 20, 1964 and February 20, 1964, respectively.

Certain air taxi operators have asserted that additional time is required to develop the data and information and have requested that the dates for submitting data and for submitting comments on such communications be extended for a period of 30 days. The undersigned finds that good cause has been shown for an extension of time for submitting the economic data requested by the Board and for an extension of time for submitting data, views or arguments pertaining to such communications.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for submitting data and other information from January 20, 1964 to February 20, 1964, and the time for submitting data, views, or arguments pertaining solely to communications filed by other interested persons from February 20, 1964 to March 20, 1964. All relevant data and information received within the respective periods will be considered by the Board before taking final action.

Copies of all communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 401(a), and 416(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 771; 49 U.S.C. 1324, 1371, 1386)

By the Civil Aeronautics Board.

[SEAL] CHARLES A. HASKINS,
Acting Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64-470; Filed, Jan. 16, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-97]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 12 is designated in part from Pittsburgh, Pa., to Johnstown, Pa., with a south alternate between these points. The latest FAA peak day airway traffic survey shows no aircraft movements on V-12 south alternate between Pittsburgh and Johnstown. Therefore, it appears that this south alternate airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-430; Filed, Jan. 16, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-81]

FEDERAL AIRWAYS, REPORTING POINT AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 71.123, 71.143, 71.181, 71.203 and 71.205 of the Federal Aviation Regulations [New], the substance of which is stated below.

Low altitude Federal airway V-5 is presently designated in part as a 10-mile wide airway from the Jacksonville, Fla., VORTAC via the intersection of the Jacksonville 319° and the Alma, Ga., VORTAC 148° True radials; Alma VORTAC, including a west alternate; Macon, Ga., VORTAC; McDonough, Ga., VORTAC, including an east alternate from the Jacksonville VORTAC to the McDonough VORTAC via the intersection of the Jacksonville VORTAC 334° and the Dublin, Ga., VOR 137° True radials; Dublin VOR, and the intersection of the Dublin VOR 330° and the McDonough VORTAC 119° True radials.

Low altitude Federal airway V-51 is presently designated in part as a 10-mile wide airway from the Alma, Ga., VORTAC, via Macon, Ga., VORTAC, including an east alternate from Alma VORTAC to Macon VORTAC via the intersection of the Alma VORTAC 335° and the Dublin, Ga., VOR 137° True radials, and Dublin VOR; to the McDonough, Ga., VORTAC.

Low altitude Federal airway V-243 is presently designated in part and by Airspace Docket 61-FW-24, effective Feb. 6, 1964 (28 F.R. 11185, 28 F.R. 12925) as a 10-mile wide airway from the Jacksonville, Fla., VORTAC via the intersection of the Jacksonville VORTAC 304° and the Waycross, Ga., VOR 149° True radials; Waycross VOR, including an east alternate from the intersection of the

Jacksonville VORTAC 304° and the Waycross VOR 149° True radials to the intersection of the Alma, Ga., VORTAC 305° and the Vienna, Ga., VORTAC 139° True radials via Alma VORTAC; Vienna VORTAC to the Atlanta, Ga., VORTAC.

Low altitude Federal airway V–819 is presently designated in part as a 10–mile wide airway from the Alma, Ga., VORTAC via the intersection of the Alma 335° and the Dublin, Ga., VOR 137° True radials; Dublin VOR; intersection of the Dublin VOR 330° and the McDonough, Ga., VORTAC 119° True radials to the McDonough VORTAC.

Intermediate altitude Federal airway V–1511 is presently designated in part as a 10-mile airway from the Taylor, Fla., VOR to the Alma, Ga., VORTAC.

Intermediate altitude Federal airway V–1513 is presently designated in part as a 16-mile wide airway from the Alma, Ga., VORTAC via the intersection of the Alma VORTAC 335° and the Norcross, Ga., VORTAC 140° True radials to Norcross VORTAC.

Intermediate altitude Federal airway V–1515 is presently designated in part as a 10-mile wide airway from the Alma, Ga., VORTAC via the Macon, Ga., VORTAC to the McDonough, Ga., VORTAC.

Intermediate altitude Federal airway V–1517 is presently designated in part as a 10-mile wide airway from the Taylor, Fla., VOR via the Alma, Ga., VORTAC; Macon, Ga., VORTAC to the McDonough, Ga., VORTAC.

Intermediate altitude Federal airway V–1616 is presently designated as a 16-mile wide airway from the Macon, Ga., VORTAC to the Savannah, Ga., VORTAC.

The Macon, Ga., transition area is presently designated in part as the airspace extending upward from 1,200 feet above the surface southeast of Macon bounded on the northwest by low altitude Federal airway V–70, on the northeast by low altitude Federal airway V–5 and on the southwest by low altitude Federal airway V–243 and a line five miles northeast of and parallel to the Alma, Ga., VORTAC 305° True radial.

The FAA has redesignated, effective Feb. 6, 1964, in Airspace Docket No. 61–FW–24 (28 F.R. 11185, 28 F.R. 12925) the portion of low altitude Federal airways V–157, V–819, V–881 and V–839 between Taylor, Fla., VOR and Alma, Ga., VORTAC as 10-mile wide airways via the Waycross, Ga., VOR.

The FAA is now proposing the following airspace actions:

1. Redesignate the portion of V–5 from Alma, Ga., VORTAC to McDonough, Ga., VORTAC as a 10-mile wide airway from Alma VORTAC via Dublin, Ga., VOR; the intersection of the Dublin VOR 315° and the McDonough VORTAC 136° True radials to McDonough VORTAC, including a west alternate from Dublin VOR to McDonough VORTAC via Macon, Ga., VORTAC; the intersection of the Macon VORTAC 326° and the McDonough VORTAC 151° True radials (8 miles wide from Macon VORTAC to McDonough VORTAC). The existing east alternate between Jacksonville, Fla., VORTAC and Dublin VOR would remain unchanged.

2. Redesignate V–51 in part as a 10-mile wide airway from the Alma, Ga., VORTAC via the Dublin, Ga., VOR; the intersection of the Dublin VOR 315° and the McDonough VORTAC 136° True radials to the McDonough, Ga., VORTAC including a west alternate from Dublin VOR to McDonough VORTAC via Macon, Ga., VORTAC; the intersection of the Macon VORTAC 326° and the McDonough VORTAC 151° True radials (8 miles wide from Macon VORTAC to McDonough VORTAC).

3. Redesignate V–243 in part as a 10-mile wide airway from the Jacksonville, Fla., VORTAC via the intersection of the Jacksonville VORTAC 319° and the Waycross, Ga., VOR 126° True radials; Waycross VOR, including a west alternate via the intersection of the Jacksonville VORTAC 304° and the Waycross 149° True radials; Vienna, Ga., VORTAC to Atlanta, Ga., VORTAC, including a east alternate from the intersection of the Vienna VORTAC 328° and the Macon, Ga., VORTAC 205° True radials to the intersection of the Vienna VORTAC 328° and the Macon VORTAC 297° True radials via Macon VORTAC.

4. Redesignate V–819 in part as a 10-mile wide airway from Alma, Ga., VORTAC via Dublin, Ga., VOR; the intersection of the Dublin VOR 315° and the McDonough, Ga., VORTAC 136° True radials to the McDonough VORTAC.

5. Redesignate V–1511 in part as a 10-mile wide airway from Taylor, Fla., VOR via Waycross, Ga., VOR to Alma, Ga., VORTAC.

6. Redesignate V–1513 in part as a 10-mile wide airway from Alma, Ga., VORTAC via Dublin, Ga., VOR to Norcross, Ga., VORTAC.

7. Redesignate V–1515 in part as a 10-mile wide airway from Alma, Ga., VORTAC via Dublin, Ga., VOR; the intersection of the Dublin VOR 315° and the McDonough, Ga., VORTAC 136° True radials to McDonough VORTAC.

8. Redesignate V–1517 in part as a 10-mile wide airway from the Taylor, Fla., VOR via Waycross, Ga., VOR; Alma, Ga., VORTAC; Dublin, Ga., VOR; the intersection of the Dublin VOR 315° and the McDonough, Ga., VORTAC 136° True radials to McDonough VORTAC.

9. Redesignate V–1616 as a 16-mile wide airway from the Macon, Ga., VORTAC via Dublin, Ga., VOR to the Savannah, Ga., VORTAC.

10. Designate an intermediate altitude airway as a 10-mile wide airway from the Waycross, Ga., VOR via Vienna, Ga., VORTAC; Atlanta, Ga., VORTAC to the intersection of the Atlanta VORTAC 007° and the McDonough, Ga., VORTAC 333° True radials.

11. Designate an intermediate altitude airway as a 10-mile wide airway from the Waycross, Ga., VOR via Alma, Ga., VORTAC; intersection of the Alma VORTAC 320° and Vienna, Ga., VORTAC 104° True radials to Vienna VORTAC.

12. Redesignate the portion described above of the Macon, Ga., transition area as that airspace extending upward from 1,200 feet above the surface southeast of Macon bounded on the northwest by low altitude Federal airway V–70, on the northeast by low altitude Federal airway V–5, on the east by low altitude Federal airway V–157 and on the southwest by low altitude Federal airway V–243.

13. Designate the Waycross, Ga., VOR as a reporting point for northbound only low altitude and intermediate altitude aircraft.

The proposed airway alignments would enhance instrument flight rule air traffic movements between the Atlanta, Ga., and Jacksonville, Fla., air traffic control areas. Additional radar vectoring area would be provided Macon approach control for terminal operations, eliminating the time consuming relay of aircraft movement data between the Atlanta ARTC Center and Macon Approach Control. The realignment would also obviate the need for special procedural restrictions for aircraft making penetration approaches to Warner Robins AFB, Ga. The reduced widths for the portions of the west alternates of low altitude Federal airways V–5 and V–51 would provide lateral separation from low altitude Federal airway V–243. The reduced route widths for the intermediate altitude airways would provide lateral separation from the Moody—3 intensive student jet training area (ISJTA), and other intermediate altitude airways. The proposed intermediate airway in item 11 would provide a bypass airway around Moody—3 ISJTA when the area is active. Lateral separation between aircraft on this airway and V–1515 and V–1517 of Alma VORTAC would be maintained procedurally. The increase in size for the above portion of the Macon, Ga., transition area would encompass controlled airspace within the confines of low altitude Federal airways west and northwest of the Alma VORTAC as they are now aligned. This transition area would provide controlled airspace for aircraft utilizing the holding pattern southeast of Vienna VORTAC and for aircraft being radar vectored between the Alma VORTAC and the Vienna VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–431; Filed, Jan. 16, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–86]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 81 is designated in part from Dalhart, Tex., to Tobe, Colo., with a west alternate segment from the Dalhart VORTAC via the Clayton, N. Mex., VOR to the Tobe VORTAC. The latest FAA peak day airway traffic survey shows no aircraft movements on this west alternate segment of V–81. Therefore, it appears that this west alternate segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–432; Filed, Jan. 16, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WA–18]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations. These proposals relate to navigable airspace both within and outside the United States. The substance of these proposals is stated below.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined soverignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to Civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency is considering the following airspace action:

Control area 1408 is designated as that airspace south of Miami bounded on the north by a line extending from latitude 25°48'55" W., longitude 81°45'00" W., to latitude 25°46'35" N., longitude 81°08'15" W., to latitude 25°30'30" N., longitude 80°51'20" W., to 25°34'00" N., longitude 80°25'00" W., on the east by longitude 80°25'00" W., on the south by low altitude VOR Federal airway No. 35, and on the west by low altitude VOR Federal airway No. 225, excluding the portion below 2,000 feet MSL outside the United States and that portion above 20,000 feet MSL within W–173.

Control area 1408 would be altered to include that airspace between 20,000 and 25,000 feet MSL which lies north of latitude 25°29'00" N., and east of longitude 81°30'00" W., within W–173 as it presently exists. This would provide additional controlled airspace for aircraft exercising holding procedures west of the Vega, Fla., Intersection (intersection of the west course of the Miami, Fla., ILS and the Fort Myers, Fla., 137° True radial). Concurrently with the proposed foregoing rule making action, it is proposed that non-rule making action be taken to discontinue that portion of Warning Area W–173 needed for inclusion in Control Area 1408. This would result in a sub-division of W–173 into two separate warning areas, W–173A and W–173B, as follows:

W–173A Key West, Fla.

Boundaries beginning at latitude 25°44'40" N., longitude 81°57'05" W.; thence to latitude 25°44'05" N., longitude 81°30'00" W.; thence to latitude 25°29'00" N., longitude 81°30'00" W.; thence to latitude 25°29'00" N., longitude 81°15'35" W.; thence three nautical miles from and parallel to the shoreline to latitude 25°09'00" N., longitude 81°11'45" W.; thence to latitude 24°41'35" W., longtitude 81°44'10" W.; thence to point of beginning.

Altitude 21,000 feet MSL to flight level 700. Time of use continuous. Using agency. Commander, Fleet Air Detachment Key West, NAS Key West, Fla.

W–173B Key West, Fla.

Boundaries beginning at latitude 25°44'05" N., longitude 81°30'00" W.; thence to latitude 25°44'00" N., longitude 81°26'20" W.; thence three nautical miles from and parallel to the shoreline to latitude 25°29'00" N., longitude 81°15'35" W.; thence to latitude 25°29'00" N., longitude 81°30'00" N., thence to point of beginning.

Altitude flight level 260 to Flight level 700. Time of use continuous. Using Agency. Commander, Fleet Air Detachment Key West, NAS Key West, Fla.

In addition, editorial changes would be made to intermediate altitude VOR Federal airways V–1507 and V–1511 and low altitude VOR Federal airways V–51 and V–225 to substitute W–173A for W–173.

In addition, low altitude VOR Federal airway V–157 would be amended to exclude the airspace within W–173A.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in

the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sections 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on January 10, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-435; Filed, Jan. 16, 1964; 8:46 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-WE-56]

RESTRICTED AREAS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to § 73.25 of the Federal Aviation Regulations, the substance of which is stated below.

The Naval Missile Facility, Point Arguello, California, Restricted Areas R-2516 and R-2517 were designated to protect non-participating aircraft from the hazards associated with missile launchings conducted at the Naval Missile Facility, Point Arguello, Calif., and Vandenberg Air Force Base, Calif. The Federal Aviation Agency is considering a request by the Department of the Navy to expand slightly the boundaries of both R-2516 and R-2517. The Navy has advised that the request for expansion of the two areas is based on a re-evaluation of restricted airspace coverage required for launch operations, particularly polar orbit and other generally south-north trajectories. The proposed expansion would satisfy this requirement. The land area underlying the proposed expansion is currently evacuated of all persons when certain Vandenberg AFB launch sites are used.

Since the area proposed for expansion on the north side of R-2516 would further impinge upon the five-mile radius airport control zone of the Santa Maria, California, Airport to a maximum width of approximately 3,500 feet, the Federal Aviation Agency made a comprehensive study of aeronautical operations, both VFR and IFR, conducted at the Santa Maria Airport. It was concluded that the proposed boundary change to R-2516 would not adversely affect either VFR or IFR operations at Santa Maria.

If these actions are taken, R-2516 and R-2517 would be redesignated as follows:

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°59'-32" N., longitude 120°41'50" W.; to latitude 34°49'00" N., longitude 120°27'15" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°-31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°-34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°-30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-434; Filed, Jan. 16, 1964; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-SW-92]

JET ROUTE

Notice of Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 104 presently extends in part from the San Simon, Arizona, VOR to the Grants, New Mexico, VOR. The FAA is proposing to realign and redesignate this segment of J-104 from the San Simon VOR via the Socorro, New Mexico, VORTAC to the Las Vegas, New Mexico, VORTAC. Such action would provide a more direct route for aircraft departing Tucson, Arizona, and overflying Albuquerque, New Mexico, en route to Midwest and eastern terminals.

A portion of the realigned jet route would penetrate restricted area R-5108. During the periods when R-5108 is in use, aircraft on J-104 could be radar vectored around R-5108.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 9, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-433; Filed, Jan. 16, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Doc. No. 3040]

AIRWORTHINESS DIRECTIVES

Boeing Models 707/720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. Several instances of electrical fires have occurred in flight in the J6 electrical distribution panel as a result of heat generated by a loose terminal on a generator contactor. Due to the presence of flammable nylon covers and capacitors filled with flammable oil, the fire was self-sustaining, resulting in a large amount of smoke, and the subsequent loss of all generated electrical power. To correct this unsafe condition, this AD requires removal of the nylon covers from the generator and bus tie contactors, and replacement or modification.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 16, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD, unless already accomplished.

To eliminate possible inflight electrical fire in the J6 electrical distribution panel as a result of heat generated by a loose terminal on a generator contactor, modify the J6 electrical distribution center as follows:

(a) Remove the nylon terminal covers from the generator and bus-tie circuit breakers 50086-001, -002 or -003 and external power contactor B102D or B102F.

(b) Replace the vinyl covered braid connections BAC J40D-30-24 between each generator circuit breaker and bus-tie circuit breaker with No. 4 gauge high temperature wire jumpers manufactured from MIL-W-7139A, Type I, Class A wire, or equivalent.

(c) Replace capacitors 28F345 with General Electric capacitors 49F2204 (pyranol) or equivalent.

(d) Replace synchronizing bus radio noise filter capacitors CP53B1EF205K with Sprague Electric 121P20506T13 capacitors (dry metalized paper), or equivalent.

(e) Reroute wiring to the auxiliary negative sequence relays separate from all other wires in the a.c. power shield.

(f) Modifications (a) through (e) shall be accomplished in accordance with Paragraph 3, Modification Data of Boeing Service Bulletin No. 1720, or a method approved by FAA Engineering and Manufacturing Branch, Western Region.

(Boeing Service Bulletin No. 1720 covers this same subject).

Issued in Washington, D.C., on January 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-427; Filed, Jan. 16, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Doc. No. 3039]

AIRWORTHINESS DIRECTIVES

Lockheed Models 49 Through 1049H Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator, to include an airworthiness directive for Lockheed Models 49 through 1049H Series aircraft. Several instances of failures of the primary flight control systems have occurred due to the failure of or inadvertent omission of a critical cotter pin. To correct this unsafe condition, this AD requires inspection and replacement of the castellated nuts with self-locking castellated nuts and cotter pins.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 16, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 49, 149, 649, 649A, 749, 749A, 1049-54, 1049C, 1049D, 1049E, 1049G and 1049H Series aircraft.

Compliance required as indicated.

(a) To ensure that the bolts in the parallelogram linkages of the primary flight control boost systems remain secured and safetied, accomplish the following within 400 hours' time in service after the effective date of this AD, unless previously accomplished.

(1) Replace the five castellated nuts in each of the four parallelogram linkages between the boost valve and boost mechanism of each of the boost systems with self-locking castellated nuts and cotter pins using MS-17825(WEP) in lieu of AN 310 nuts and MS-17826(WEP) in lieu of AN 320 nuts or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(2) All torque requirements that applied to the AN 310 and AN 320 castellated nuts also apply to the MS-17825(WEP) and MS-17826(WEP) self-locking castellated nuts, respectively.

(b) Replace the self-locking castellated nuts with new self-locking castellated nuts prior to exceeding the reusability limits specified by the nut manufacturer.

(Lockheed Service Information Letter 514, dated November 27, 1963, covers this same subject).

Issued in Washington, D.C., on December 26, 1963.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-428; Filed, Jan. 16, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Doc. No. 3045]

AIRWORTHINESS DIRECTIVES

Schleicher Models Ka2B, Ka6, K7 and K8 Gliders

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Schleicher Models Ka2B, Ka6, K7 and K8 gliders. There have been several failures of the elevator control, which have been attributable to deflection of a long unsupported section of the push pull control rod and some manufacturing deviations. To correct this unsafe condition, this AD requires inspection of the elevator control push rod and repair or modification where necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before February 17, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments sub-

mitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SCHLEICHER. Applies to all Models Ka2B, Ka6, K7 and K8 gliders.

Compliance required as indicated.

A number of elevator control failures have occurred in service due to deflection of a long unsupported section of the push pull control rod and some manufacturing deviations. To preclude recurrence of these failures, the following shall be accomplished:

(a) Each glider shall be inspected for conformity to Schleicher Service Document entitled "Automatic Elevator Connection" dated July 4, 1962, within the next 10 hours' time in service after the effective date of this AD.

(b) Models Ka2B, Ka6, K7 and K8 gliders not conforming to the document referred in (a) shall be repaired or modified before further flight. All repairs or modifications shall conform to standards specified in CAM 18.

(c) Unless already accomplished, install an additional push pull rod support in Models Ka2B, K7 and K8 gliders within the next 10 hours' time in service.

Model:	*Modification* No.
Ka2B	No. 7 dated July 4, 1962.
K7	No. 8 dated Nov. 23, 1961.
K8	No. 7 dated Nov. 24, 1961.

(Schleicher Service Document "Automatic Elevator Connection" dated July 4, 1962, for Models Ka2B, Ka6, K7 and K8, and Mod. No. 8 dated November 23, 1961, for Model K7, Mod. No. 7 dated November 24, 1961, for Model K8, and Mod. No. 7 dated July 4, 1962, for Model Ka2B, pertain to this same subject.)

Issued in Washington, D.C., on January 10, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-429; Filed, Jan. 16, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3-m]

PEAT MOSS FROM CANADA

Determination of Sales at Less Than Fair Value

JANUARY 9, 1964.

A complaint was received that peat moss, horticultural and poultry grade, from Canada was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that peat moss, horticultural and poultry grade, from Atkins and Durbrow Ltd., Vancouver, B.C., and Western Peat Company Ltd., New Westminster, B.C. (shipments from Manitoba plant only), Canada, is being, or is likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statements of reasons. The investigation considered several of the principal Canadian peat moss producers. The quantity of peat moss sold in the home market was sufficient to form a basis of comparison for fair value purposes. In some instances, sales to the United States were the result of outright arms-length transactions. In other instances, the purchaser and seller were related within the meaning of section 207 of the Antidumping Act.

The proper comparison is, therefore, between home market price, adjusted as circumstances dictate, and purchase price or exporter's sales price as applicable.

The type of packing used for both home market and export sales is the same. In each instance, the selling price was reduced to a net, packed, ex-plant basis for comparative purposes.

Purchase price was calculated on the basis of the sales price to the United States either f.o.b. plant, or delivered destination whichever applied. The applicable charges for destination, customs clearance, United States import duty, and stopover costs which were included in the delivered prices were deducted therefrom.

In calculating exporter's sales price, applicable included charges for freight from Canadian plant to ultimate United States destination, customs clearance, United States import duty, stopover costs, selling and brokerage expenses, advertising expense, sales bonus and promotional expenses and a cash discount were deducted from the delivered selling price in the United States.

Home market price was computed on the basis of the ex-plant or delivered Canadian destination sales price in effect for quantities equivalent to those sold to the United States. Included freight and delivery charges were deducted from the delivered prices. A cash discount was allowed where applicable. In the case of one Canadian firm, home market price was adjusted to account for a difference in the sales commissions included in the home market and export selling prices. In another instance, involving a comparison based on exporter's sales price, inasmuch as the selling expenses included in and deducted from the United States selling price were larger than those incurred in home market sales, the lower home market selling expenses were deducted from the home market sales price. The cost of advertising incurred in behalf of a seller's home market customers was allowed as applicable.

Purchase price during an earlier period and, subsequently, exporter's sales price were found to be lower than weighted-average adjusted home market price for sales made by the Manitoba plant of Western Peat Company Ltd, New Westminster, B.C., Canada.

Exporter's sales price was found to be lower than adjusted home market price for sales made by Atkins and Durbrow Ltd., Vancouver, B.C., Canada.

The investigation covered the shipments of a number of other firms. The price comparison for all firms was on the same basis. With respect to those other firms, no sales were found to have been made which would bring them within the terms of this determination.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-458; Filed, Jan. 16, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 20, 1963.

Dated: December 20, 1963.

WALTER BRENTON.

[F.R. Doc. 64-438; Filed, Jan. 16, 1964; 8:46 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1964.

Dated: December 21, 1963.

LESTER R. GAMBLE.

[F.R. Doc. 64-439; Filed, Jan. 16, 1964; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None
(4) None.

This statement is made as of December 31, 1963.

Dated: December 19, 1963.

ANDREW PAT JONES.

[F.R. Doc. 64-440; Filed, Jan. 16, 1964; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 19, 1963.

Dated: December 19, 1963.

VIVAN B. JONES.

[F.R. Doc. 64-441; Filed, Jan. 16, 1964; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Arizona Public Service Company, Dividend Shares, Arden Farms, U.S. Savings Bonds Series E, Bank Deposits, Safeway Stores, Allis-Chalmers, Phoenix Gems, Del Webb Warrants, and American Motors.
(3) No change.
(4) No change.

This statement is made as of December 19, 1963.

Dated: December 19, 1963.

MAX R. LLEWELLYN.

[F.R. Doc. 64-442; Filed, Jan. 16, 1964; 8:46 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 27, 1963.

Dated: December 27, 1963.

JOHN P. MADGETT.

[F.R. Doc. 64-443; Filed, Jan. 16, 1964; 8:46 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

I have acquired the following stocks: Bethlehem Steel Corporation—200 shares common, Gulf Oil Corporation—316 shares common, Kansas Gas and Electric Company—100 shares common, Owens-Illinois Glass Company—200 shares common, Standard Oil Company (N.J.)—155 shares common, Union Pacific Railroad—125 shares common, and Union Pacific Railroad—125 shares preferred.

This statement is made as of December 17, 1963.

Dated: December 17, 1963.

STANLEY J. SICKEL.

[F.R. Doc. 64-444; Filed, Jan. 16, 1964; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 16, 1963.

Dated: December 16, 1963.

WILLARD B. SIMONDS.

[F.R. Doc. 64-445; Filed, Jan. 16, 1964; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of December 19, 1963.

Dated: December 19, 1963.

WILFORD D. WILDER.

[F.R. Doc. 64-446; Filed, Jan. 16, 1964; 8:47 a.m.]

ALAN A. WOODWARD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Add: Transamerica Corp.
(3) None.
(4) None.

This statement is made as of December 26, 1963.

Dated: December 26, 1963.

ALAN A. WOODWARD.

[F.R. Doc. 64-447; Filed, Jan. 16, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CANNED RIPE PITTED OLIVES

Notice of Purchase Program EMP 196a

In order to encourage the domestic consumption of olives by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase canned ripe pitted olives packed from 1963 crop olives grown in the United States, for subsequent use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer this commodity are contained in Announcement FV-345 issued by the Department on January 10, 1964. Quantity purchased will depend upon quantities and prices offered. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250, or from Dower T. Mohun, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2082 Center Street, Berkeley 4, California.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: January 14, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-463; Filed, Jan. 16, 1964; 8:48 a.m.]

Office of the Secretary

SOUTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Darlington.	Kershaw.
Dillon.	Lancaster.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-466; Filed, Jan. 16, 1964; 8:49 a.m.]

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Wells County, North Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-465; Filed, Jan. 16, 1964; 8:49 a.m.]

KANSAS AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Kansas and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Greeley.	Morton.

NORTH DAKOTA

Emmons.	Logan.
Hettinger.	Slope.
Kidder.	Stutsman.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-464; Filed, Jan. 16, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application for Increase in Sailings and Freight Fleet

Notice is hereby given that American President Lines, Ltd., has applied for an increase in its maximum annual sailings on Line A-2 Transpacific Freight Service from 31 to 54, Line B, Round-the-World Westbound Service from 28 to 36 and Line C, Atlantic/Straits Service from 28 to 36 and to increase its freight fleet by three ships.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on January 31, 1964, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: January 13, 1964.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 64-451; Filed, Jan. 16, 1964; 8:47 a.m.]

[Report No. 24]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through January 3, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total—All flags (199 ships)	1,533,066
British (59 ships)	536,623
Ardgem	6,961
Ardmore	4,664
Ardrowan	7,300
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair—(now Cosmo Trader—British flag)	7,201
Kirriemoor	5,923
Linkmoor	8,236
London Confidence (Tanker)	21,699
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Independence (Tanker)	22,643
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Newgate	6,743
Newlane	7,043
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Shienfoon	7,127
Silverforce	8,058
**Silverlake (now Jalaganga—Indian flag)	8,058
Stanwear	8,108
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M.	7,237
Greek (53 ships)	410,170
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

Flag of Registry and Name of Ship—Con.	Gross tonnage
Greek (33 ships)—Continued	
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonis	5,171
Apollon	9,744
Armathia	7,091
Athanasatos K.	7,216
Barbarino	7,064
Calliopi Michalos	7,249
Capetan Petros	7,391
Despoina	5,006
Eicharis	7,249
Elfychia	7,223
**Embassy (broken up 9/63)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Hydraios III	5,239
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,217
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
Nicolaos Frangistas	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polyzeni	7,143
**Presvia (broken up 12/63)	10,620
Propontis	7,128
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
**Timios Stavros (now British flag)	7,362
Tina	10,507
Vassiliki (Tanker)	9,268
Western Trader	
Lebanese (48 ships)	287,941
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,265
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
*Athamas	4,729
Carnation	4,884
**Christos (trips to Cuba under ex-name, Pamit—Greek flag).	
Dimos	7,187
Free Trader	7,067

*Added to Report No. 23 appearing in the FEDERAL REGISTER issue of December 27, 1963.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

Flag of Registry and Name of Ship—Con.	Gross tonnage
Lebanese (48 ships)—Continued	
Giorgos Tsakirogiou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mouzo	6,984
Noelle	7,251
Nosmi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani (to be broken up)	7,223
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
*Yanzilas	10,051
Italian (8 ships)	59,648
Achille	6,950
Airone	6,969
Annalisa	2,479
Aspromonte	7,184
Cannaregio	7,184
Nassreno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (10 ships)	66,190
Baltyk	6,963
Bialystok	7,173
Bytom	6,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica	7,145
Norwegian (5 ships)	54,502
Kongsgaard (Tanker)	19,999
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874

Flag of Registry and Name of Ship—Con.	Gross tonnage
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,062
Mauritanie	10,392
Toubkal	8,748
Spanish (4 ships)	6,563
Castillo Ampudia	3,566
*Escorpion	999
Sierra Madre	999
Sierre Maria	999
Swedish (2 ships)	14,295
Atlantic Friend	7,805
Dagmar	6,490
Finnish (1 ship)	11,691
Valny (Tanker)	11,691
Indian:	
**Jalagang (trip to Cuba under ex-name, Silverlake—British flag).	
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag and Name of Ship	
a. Since last report: None.	
b. Previous report:	
Flag of registry:	Number of ships
British	4
Danish	1
German (West)	1
Greek	5
Italian	2
Japanese	1
Norwegian	1

SEC. 3. The ships listed in Sections 1 and 2 have made the following number of trips to Cuba in 1963, based on information received through January 3, 1964:

Flag of Registry	Number of trips												
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
British	5	8	8	17	13	16	14	11	8	10	12	11	133
Greek	4	6	8	8	17	12	17	7	8	8	2	2	99
Lebanese	1		2	8	8	9	8	3	4	10	5	4	62
Norwegian		2	4		1	2	1	2	1				13
Italian	1	1	1	2	2	2	2	2		1	1		16
Yugoslav		2	2	1	1		1	1	2		2		12
Spanish			2				1	1			1	2	8
Danish			1										1
Finnish						1							1
French									5	1		2	8
German (West)					1								1
Japanese	1												1
Moroccan			1			1	1	1	1	2	1	1	9
Swedish				1		1		1					3
Sub Total	12	19	29	37	44	43	45	29	30	32	24	22	366
Polish	2	1	1	2	2	2	1	1		2	3	1	18
Grand Total	14	20	30	39	46	45	46	30	30	34	27	23	384

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: January 10, 1964.

J. W. BULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-452; Filed, Jan. 16, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 70-816]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of License SNM-751

By application dated December 6, 1963, and supplements thereto, National Aeronautics and Space Administration (NASA), Lewis Research Center, Cleveland, Ohio applied for an authorization to transfer irradiated fuel elements, in a specified type of cask, from the Plum Brook Reactor Facility (PBRF) near Sandusky, Ohio to the Commission's Idaho Chemical Processing Plant.

The Commission has completed an evaluation of the shipping cask design and related operating and emergency procedures, and has found that based on the information submitted, the applicant's proposed equipment and procedures meet the requirements of the Act and regulations of the Commission, and are adequate to protect health and minimize danger to life or property during the proposed transfers. The Commission has also found that NASA and their health physics contractor, Controls for Radiation, are technically qualified to perform the proposed activities, based on the information submitted by NASA in support of their application for the Plum Brook Reactor Provisional Operating License No. TR-3 filed as Docket No. 50-30.

In making its evaluation the Commission used the criteria contained in 10 CFR Part 72 (proposed September 23, 1961 and revised March 5, 1963), "Regulations to Protect Against Radiation in the Shipment of Irradiated Fuel Elements".

Notice is hereby given that the Atomic Energy Commission, on January 9, 1964, issued Special Nuclear Materials License No. SNM-751 to authorize NASA, subject to certain conditions, to ship irradiated PBRF fuel elements from their reactor facility to the Commission's Idaho Chemical Processing Plant in the type of cask specified and in accordance with the procedures described in the application.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2), the Commission will issue a notice of hearing or an appropriate order upon receipt from the applicant of a request for a hearing, or upon receipt of a petition for leave to intervene from any person whose interest may be affected by the issuance of this license. Requests for a formal hearing or petitions for leave to intervene shall be filed within thirty days from the date of publication of this notice in the FEDERAL REGISTER, by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington, D.C., 20545, or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application dated December 6, 1963 as supplemented, and (2) a Safety Analysis by the Fuels Processing Branch of the Division of Licensing and Regulation (see Docket No. 70-816), which are on file at the AEC's Public Document Room. The Safety Analysis by the Fuels Processing Branch is available upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 9th day of January 1964.

For the Atomic Energy Commission.

ROBERT LOWESTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-420; Filed, Jan. 16, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20350]

TRAFFIC CONFERENCE 1 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17280 R-45 through R-48.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates and cancels one rate as set forth below.[1]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-45 through R-48, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-471; Filed, Jan. 16, 1964; 8:49 a.m.]

[1] Filed as part of the original document.

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Listing

Under the provisions of Public Law 86-567, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Position	Location	Effective date
GS-102-17	Deputy Chief, Children's Bureau, Department of Health, Education, and Welfare.	Washington, D.C.	Nov. 6, 1963
	Deputy Head, Office of Science Information, National Science Foundation.	Washington, D.C.	Oct. 21, 1963
	Head, Office of Science Resources Planning, National Science Foundation.	Washington, D.C.	Dec. 5, 1963

If comparable positions which are not subject to the Classification Act exist, they are covered.

Travel and transportation expenses may be paid for appointees to their duty stations for the positions listed above.

Any such payments as a result of this determination must be made in accordance with travel regulations issued by the Bureau of the Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-454; Filed, Jan. 16, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-1]

RADIO ANTENNA STRUCTURE NEAR STRONGSVILLE, OHIO

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (1-OE-3507) to determine its effect upon the safe and efficient utilization of navigable airspace.

Mr. Carl Zwierlein, Jr., Westlake, Ohio, proposes to construct a radio antenna structure near Strongsville, Ohio, at latitude 41°16'36" N, longitude 81°50'03" W. The overall height of the structure would be 1550 feet above mean sea level (400 feet above ground).

The proposed structure would be located in a sparsely populated area approximately 1.8 miles, 3.2 miles and 9.2 miles, respectively, from the airport reference points of the Brunswick Airport, Brunswick, Ohio; Strongsville Airpark, Strongsville, Ohio; and Cleveland Hopkins Airport, Cleveland, Ohio. The structure would penetrate the conical surfaces, § 77.25(b)(2) of the Federal Aviation Regulations, for the Brunswick and Strongsville Airports by 355 feet and 261 feet, respectively, and the outer horizontal surface, § 77.25(c)(1), for the Cleveland Hopkins Airport by 261 feet.

Air traffic patterns for the Strongsville and Cleveland Airports would not be affected. Aeronautical study disclosed that the normal air traffic patterns for the Brunswick Airport are to the left, and are normally flown at altitudes between 500 and 800 feet within a one-mile radius of the airport. The proposed structure would reach an elevation of 554 feet above the Brunswick Airport and would be in the normal traffic pattern when expanded to accommodate air traffic or because of wind conditions. In such cases, aircraft could pass below the top of, and in close proximity to the proposed structure while on base leg to Runway 23 at a time when they are normally in a descending attitude and the pilot's attention is focused on other traffic and the impending landing.

The most recent Airport Facilities Record indicates 7 based aircraft at the Brunswick Airport. Aircraft operations are estimated at 100 per month. The airport is relatively new. The airport manager has reported that extensive development of the airport facilities are planned; contracts for runway extension, paving and building improvements are in the process of being awarded and these improvements will result in increased operations.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would create an unsafe obstruction to aircraft at the Brunswick Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on January 6, 1964.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-426; Filed, Jan. 16, 1964; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1167]

ATLANTIC COAST PORTS TO PUERTO RICO

Reduced Rates on Automobiles

It appearing, that, there have been filed with the Federal Maritime Commission tariff schedules setting forth a reduced rate of 35 cents per cubic foot on certain types of "Vehicles, Self-Propelled" from Atlantic Coast ports to ports in the Commonwealth of Puerto Rico to become effective January 16, 1964, and later, designated as follows:

American Union Transport, Inc., Southbound Tariff No. 6, FMC-F No. 6, 19th Revised Page No. 44;

Sea-Land Service, Inc., Puerto Rican Division, Outward Freight Tariff No. 2, FMC-F No. 3 (Pan-Atlantic Steamship Corporation Series), 7th Revised Page 113;

Sea-Land Service, Inc., Puerto Rican Division, Freight Tariff No. 6, FMC-F No. 2, 10th Revised Page 23;

Containerships, Inc., Freight Tariff No. 1, FMC-F No. 1, 2d Revised Page No. 21;

Seatrain Lines, Inc., Outward Freight Tariff No. 1, FMC-F No. 1, 3d Revised Page 105.

It further appearing, that upon consideration of the said schedules there is reason to believe that the said reduced rate, if permitted to become effective, may have a detrimental effect on the rate structure in the U.S. Atlantic/Puerto Rico trade and result in rates, charges, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that, the Commission is of the opinion that the tariff revisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, as amended, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing, that the effective date of the said revisions should be suspended pending such investigation;

Now therefore it is ordered, That, an investigation be, and it is hereby, instituted into and concerning the aforementioned reduced rates on "Vehicles" with a view to making such findings and orders in the premises as the facts and circumstances shall warrant; and

It is further ordered, That each 35 cent per cubic foot vehicle rate published on the aforementioned revised pages be, and it is hereby suspended and that the use thereof be deferred to and including May 15, 1964, unless otherwise authorized by the Commission, and that the rates, charges, and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension; and

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission; and

It is further ordered, That there shall be filed immediately with the Commission by each carrier hereinafter made respondent in this proceeding, a consecutively numbered supplement to its aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid rates are suspended and may not be used until the 16th day of May 1964, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission; and

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission; and

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Sea-Land Service, Inc., Puerto Rican Division, Seatrain Lines, Inc., American Union Transport, Inc., and Containerships, Inc., be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon the said respondents; (IV) the said respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secrtary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission January 7, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-461; Filed, Jan. 16, 1964; 8:48 a.m.]

INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder license issued pursuant to section 44, Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

NAME AND ADDRESS

Clark Shipping Co., Inc., No. 678, 1137 Eliamae Street, P.O. Box 2532, Tampa, Fla., revoked December 5, 1963.

Congo American Shipping & Forwarding Co., Inc., No. 567, 1441 Broadway, New York 18, N.Y., revoked December 5, 1963.

Cromar Line of Florida, Inc., The, No. 680, 1635 South Miami Avenue, P.O. Box 48-1025, Miami, Fla., revoked December 27, 1963.

Dana Shipping Corp., No. 260, 400 38th Street, Union City, N.J., revoked December 24, 1963.

Garrett Forwarding Co., Inc., No. 840, 37 Wall Street, New York, N.Y., revoked December 24, 1963.

Global Forwarding Co., Inc., No. 705, 15 Moore Street, New York 4, N.Y., revoked December 12, 1963.

International Export Service, No. 456, 17 State Street, New York 4, N.Y., revoked December 24, 1963.

Janed Forwarding, No. 600 (Jacqueline E. Couret, d/b/a), 4711 Babylon Street, New Orleans 26, La., revoked December 5, 1963.

Manufacturers Export Organization, Inc., No. 742, 812½-814 North La Brea Avenue, Hollywood 38, Calif., revoked December 27, 1963.

Matthew Shipping Co., Inc., No. 713, 92 Liberty Street, New York 6, N.Y., revoked December 5, 1963.

Pacific Shipping Co., No. 331 (Eugene Gutierrez, d/b/a), 260 Kearny Street, San Francisco 8, Calif., revoked December 12, 1963.

Porto Rican Express Co., No. 706, 450 12th Avenue, New York, N.Y., denied December 4, 1963.

Smolkin Associates, Murray M., No. 449 (Murray M. Smolkin, d/b/a), 911 Broadway, New York, N.Y., revoked December 27, 1963.

Western Pacific Merchandising Co., No. 470, 578 38th Avenue (Neny Apacible, d/b/a), San Francisco 21, Calif., revoked December 27, 1963.

George Rediker Shipping Corporation, No. 195, 395 Broadway, New York, N.Y., 10013, change of name.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

NAME AND ADDRESS

Mary Cusato, 368 Lexington Avenue, Brooklyn 16, N.Y., Mary Cusato, owner.

Evans International (Peter H. Evangelinois, d/b/a), 32 Broadway, New York 4, N.Y., Peter H. Evangelinois, owner.

Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif., Henry A. Pontes, President, Anna Kay Pontes, Vice President, Horace Hahn, Secretary, James G. Yarbrough, Executive Vice President.

Dated: January 13, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-462; Filed, Jan. 16, 1964; 8:48 a.m.]

[Docket No. 1132]

ALASKA STEAMSHIP CO.

Discontinuance of Proceedings in First and Second Supplemental Orders

By the First Supplemental Order in Docket No. 1132 served September 12, 1963, the Commission instituted an investigation into and concerning the reasonableness and lawfulness of certain increased rates on "Cigars, Cigarettes, Tobacco and Snuff" stated in Alaska Steamship Company Freight Tariff No. 832, FMC-F No. 114 applying between Seattle and Tacoma, Washington and ports in Southeastern Alaska, and suspended said tariff provisions to and including January 4, 1964. On November 27, 1963, the Commission granted Alaska Steamship Company special permission authority to amend the suspended matter on statutory notice and by order dated November 27, 1963, placed any rates filed pursuant to such permission under investigation in this proceeding. Subsequently the amended rates were filed. The new tariff filing appears to have eliminated the matter which caused the Commission to institute an investigation into the said "tobacco products" rates and the Commission now is of the opinion that no reason exists for continuing the proceeding, insofar as it relates to tobacco products.

Now therefore it is ordered, That the specific investigation of Alaska Steamship Company revised rates on "tobacco products" instituted under First Supplemental Order, and as amended by Second Supplemental Order in Docket No. 1132, be, and it is hereby discontinued;

It is further ordered, That a copy of this order shall be forthwith served upon the respondent and all protestants and intervenors herein; and that this order be published in the FEDERAL REGISTER.

By the Commission, January 7, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-459; Filed, Jan. 16, 1964; 8:48 a.m.]

AMERICAN & AUSTRALIAN STEAMSHIP LINE AND PORT AND ASSOCIATED LINES JOINT SERVICES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7996-3 between the carriers comprising the American & Australian Steamship Line joint service (Agreement 7787, as amended), and the carriers comprising the Port and Associated Lines joint service (Agreement 7791), modifies approved Agreement 7996, as amended, between said joint services, which presently covers an arrangement for the scheduling of sailings in the trade from New York to ports in Australia and New Zealand. The purpose of Agreement

7996–3 is to (1) enlarge the scope of the agreement to include the trade from U.S. Atlantic, Great Lakes and St. Lawrence River ports to ports in Australia and New Zealand; and (2) provide for the establishment of rates by the parties with respect to trades within the scope of the agreement not covered by an approved conference to which the parties are members, and for the filing of such rates with the Commission.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 13, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-460; Filed, Jan. 16, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3216 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 9, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3216 C 12-26-63	Pan American Petroleum Corp.	United Fuel Gas Co., South Pecan Lake et al., Fields, Cameron Parish, La.	21.6	15.025
G-4111 E 12-26-63	Humble Oil & Refining Co. (Operator), et al. (successor to Adams & Haggerty, et al.).	Texas Eastern Transmission Corp., Big Hill Field, Jefferson County, Tex.	[1] 15.6	14.65
G-4535, et al.	(See pages 5, 6, and 7.)			
G-9369 D 12-20-63	The Atlantic Refining Co.	Cities Services Gas Co., acreage in Barber County, Kans.	Assigned	
G-11084 C 12-20-63	do	Tennessee Gas Transmission Co., acreage in Offshore Cameron and Vermilion Parishes, La.	18.5	15.025
G-12825 D 12-26-63	Marathon Oil Co.	Colorado Interstate Gas Co., acreage in Beaver County, Okla.	Assigned	
G-13600 E 12-23-63	Sohio Petroleum Co. (successor to Producing Properties, Inc.).	Tennessee Gas Transmission Co., Deckers Prairie Field, Harris County, Tex.	16.16947	14.65
G-13674 C 12-20-63	The Atlantic Refining Co.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	13.0	15.025
G-16199 C 12-16-63	Banquete Gas Co., a division of Crestmont Consolidated Corp.	United Gas Pipe Line Co., Edna A. Lundberg, et al., lease, San Patricio County, Tex.	12.4086	14.65
G-16199 C 12-16-63	do	United Gas Pipe Line Co., R. H. Welder estate lease, San Patricio County, Tex.	12.4086	14.65
G-17188 E 12-23-63	Associated Oil & Gas Co. (successor to C. C. Winn).	Natural Gas Pipeline Co. of America, acreage in Live Oak County, Tex.	12.2	14.65
CI60-371 C 12-20-63	John R. Robinson, et al.	Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va.	26.0	15.025
CI60-686 C 12-12-63	Beta Development Co.	El Paso Natural Gas Co., acreage in San Juan and Rio Arriba Counties, N. Mex.	12.0	15.025
CI60-709 E 12-23-63	Prior Oil Co. (successor to Imperial Oil Co., et al.).	Hope Natural Gas Co., Grant District, Wetzel County, W. Va.	25.0	15.025
CI62-545 C 12-20-63	John J. August, et al.	El Paso Natural Gas Co., acreage in Sandoval and Rio Arriba Counties, N. Mex.	11.0	15.025
CI62-1820 C 11-27-63	Socony Mobil Oil Co., Inc. (Operator), et al.	El Paso Natural Gas Co., Ignacio Gas Field, La Plata County, Colo.	13.0	15.025
CI63-30 D 12-23-63	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Cheniere Brake Field, Ouachita Parish, La.	Assigned	
CI63-65 C 12-30-63	C. W. Murchison	El Paso Natural Gas Co., acreage in the San Juan County, N. Mex.	13.0	15.025
CI63-316 C 12-23-63	Cities Service Oil Co.	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
CI63-333 C 12-23-63	M. J. Moran	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.025
CI63-1304 C 12-19-63	Phillips Petroleum Co.	Hope Natural Gas Co., Valley and Lyon Districts, Preston County, Clinton and Morgan Districts, Monongalia County, W. Va.	28.0	15.025
CI63-1371 A 5-6-63	do	Panhandle Eastern Pipe Line Co., Panhandle Area, Moore, Hartley, Hutchinson, and Carson Counties, Tex.	14.5	14.65
CI64-491 C 12-30-63	J. Everett Goffinet, et al.	Hope Natural Gas Co., Grant District, Ritchie County, W. Va.	25.0	15.025
CI64-713 A 12-19-63	Pan American Petroleum Corp.	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.0	14.65
CI64-714 A 12-16-63	Hughes Seewald (Operator), et al.	Panhandle Eastern Pipe Line Co., Keyes Field, Cimarron County, Okla.	15.0	14.65
CI64-715 A 12-17-63	Circle Drilling Co., Inc.	Texas Gas Transmission Corp., North Rousseau Area, Lafourche Parish, La.	[2]	15.025
CI64-716 A 12-20-63	Marathon Oil Co.	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.0	14.65
CI64-717 B 12-20-63	Columbian Fuel Corp.	Texas Gas Transmission Corp., Monroe Field, Ouachita, Union, and Morehouse Parishes, La.	Uneconomical	
CI64-718 A 12-20-63	Kenwood Oil Co.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	15.0533	14.65
CI64-719 A 12-19-63	Phillips Petroleum Co.	El Paso Natural Gas Co., Pure-Gomez Unit (leases in the Permian Basin Area), Pecos County, Tex.	[3] 15.70925	14.65
CI64-720 A 12-19-63	Pioneer Production Corp., et al.	Northern Natural Gas Co., West Follett (Cherokee) Field, Lipscomb County, Tex.	17.0	14.65
CI64-721 A 12-20-63	K. D. Lankford, Jr. (Operator), et al.	United Gas Pipe Line Co., Monroe Field, Union Parish, La.	11.0	15.025
CI64-722 A 12-23-63	Glasscock-Chapman, Inc., et al.	Texas Eastern Transmission Corp., Bunchy Creek Field, Allen Parish, La.	13.75	15.025
CI64-723 B 12-23-63	Cities Service Oil Co. (Operator), et al.	Lone Star Gas Co., Purcell Lease, East Panhandle Field, Wheeler County, Tex.	[4]	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-1535, et al. E 10-31-63	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	Transcontinental Gas Pipe Line Corp., Ray Wilson Field, Bee County, Tex.	14.65	14.65
G-4536	do	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	9.0	14.65
G-4537	Sinclair Oil & Gas Co. (Operator), et al. (successor to Western Natural Gas Co. (Operator), et al.).	El Paso Natural Gas Co., Jalmat, Eumont, et al., Fields, Lea County, N. Mex.	15.58651 (5)	14.65
G-4538	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	14.65	14.65
G-4539	Sinclair Oil & Gas Co. (Operator), et al. (successor to Western Natural Gas Co. (Operator), et al.).	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	9.0	14.65
G-4540	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	El Paso Natural Gas Co., Blanco and San Juan Fields, San Juan County, N. Mex.	13.23065 (6)	15.025
G-4541	do	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	9.0	14.65
G-4542	do	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	9.0	14.65
G-4543	Sinclair Oil & Gas Co. (Operator), et al. (successor to Western Natural Gas Co. (Operator), et al.).	Tennessee Gas Transmission Co., Llewellyn-Tyrrell-Tyler Field, Jasper County, Tex.	13.70018	14.65
G-4544	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	Transcontinental Gas Pipe Line Corp., various fields, various counties, Tex.	8.890683	14.65
G-4545	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	Transcontinental Gas Pipe Line Corp., Mineral Field, Bee County, Tex.	8.890683	14.65
G-4546	do	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	13.0	15.025
G-4547	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co. (Operator), et al.).	El Paso Natural Gas Co., Pictured Cliffs and Mesa Verde Formations, Blanco Fields, San Juan County, N. Mex.	[7] 11.2161 [8] 13.23065	15.025 15.025
G-4548	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co. (Operator), et al.).	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	9.0	14.65
G-4550	do	Tennessee Gas Transmission Co., Champlin Oil & Refining Co., San Salvador Field, Hidalgo County, Tex.	[9] 17.24947 13.125	14.65 14.65
G-4551	Sinclair Oil & Gas Co. (Operator), et al. (successor to Western Natural Gas Co.).	Cities Service Gas Co., Hugoton Field, Grant-Stanton Counties, Kans.	[9] 15.0	14.65
G-4552	do	Texas Eastern Transmission Corp., Jennie Bell Field, DeWitt County, Tex.	[8] 13.6733	14.65
G-8880	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	Texas Eastern Transmission Corp., Tatum Field, Live Oak County, Tex.	[8] 13.6733	14.65
G-12041	Sinclair Oil & Gas Co., et al. (successor to Western Natural Gas Co.).	El Paso Natural Gas Co., Boundary Butte Area, San Juan County, Utah.	[7] 17.7	15.025
G-13904	Sinclair Oil & Gas Co. (Operator), et al. (successor to Western Natural Gas Co. (Operator), et al.).	El Paso Natural Gas Co., Vine-garone Field, Val Verde County, Tex.	[9] 14.0	14.65
G-14800	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	El Paso Natural Gas Co., Brown Bassett Field, Terrell County, Tex.	[7] 16.0	14.65
G-15099	do	United Gas Pipe Line Co., Normanna Area, Bee County, Tex.	17.665	14.65
G-16700 [10]	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	El Paso Natural Gas Co., Sawyer Area, Lea County, N. Mex.	15.58067	14.65
CI61-971 [10]	Sinclair Oil & Gas Co. (successor to Western Natural Gas Co.).	Warren Petroleum Corp., Purcell Lease, East Panhandle Field, Wheeler County, Tex.	6.25	14.65
CI64-724 A 12-23-63	Cities Service Oil Co. (Operator), et al.	Michigan-Wisconsin Pipe Line Co., Northwest Quinlan Pool, Woodward County, Okla.	19.5	14.65
CI64-725 A 12-23-63	Samedan Oil Corp. (Operator), et al.	Kentucky-West Virginia Gas Co., acreage in Perry County, Ky.	20.0	15.025
CI64-726 A 12-23-63	Bert T. Combs	Lone Star Gas Co., Bannet-Church Field, Stephens County, Okla.	15.0	14.65
CI64-727 A 12-23-63	L. L. Gage and Minnie Gage	Northern Natural Gas Co., acreage in Lipscomb County, Tex.	17.0	14.65
CI64-728 A 12-23-63	Ambassador Oil Corp. (Operator), et al.	Transwestern Pipeline Co., Northwest Texas Conversion Webster Parish, La.	13.25	14.65
CI64-729 A 12-23-63	Gay Hanson, Jr. and Jack C. Vaughn (Operators), et al.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	11.0	15.025
CI64-730 A 12-23-63	Ernest A. Hanson	Northern Natural Gas Co., N.E. Dower Area, Beaver County, Okla.	17.0	14.65
CI64-731 A 12-23-63	King-Stevenson Gas and Oil Co.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	15.0533	14.65
CI64-732 A 12-23-63	W. K. Byrom	Hope Natural Gas Co., Grant District, Ritchie County, W. Va.	25.0	15.025
CI64-733 A 12-23-63	Little Swiss Oil & Gas Properties.	United Fuel Gas Co., Porter R. Fluty lease, Kanawha County, W. Va.	(5)	15.025
CI64-734 A 12-23-63	J. W. Frame (Operator), et al.	Kansas Nebraska Natural Gas Co. Inc., Dombey Field, Beaver County, Okla.	11.0	14.65
CI64-735 A 12-24-63	Jas. F. Smith	Texas Eastern Transmission Corp., Gottschalk Field, Goliad County, Tex.	10.0	14.65
CI64-736 A 12-24-63	Southwest Petroleum Management Corp. (Operator).	Lone Star Gathering Co., South Wesseche & South Marshall Field, Goliad County, Tex.	14.0	14.65
CI64-737 A 12-24-63	Terry A. Hornaday (Operator).	El Paso Natural Gas Co., Lancaster Hill producing area, Crockett County, Tex.	15.5	14.65
CI64-738 A 12-24-63	Grover, MacCurdy and Hofacker.	Texas Gas Transmission Corp., Gueydan Area, Vermilion Parish, La.	(5)	15.025
CI64-739 A 12-24-63	Texas Gas Exploration Corp.	El Paso Natural Gas Co., acreage in Upton County, Tex.	14.12	14.65
CI64-740 A 12-16-63	A. W. Ruiter, et al. (successor to M. D. Abel, et al. d/b/a Abel & Bancroft (Operator), et al.) (partial succession).	El Paso Natural Gas Co., House Field, Lea County, N. Mex.	9.0	14.65
CI64-741 A 12-24-63	Charles B. Read and Jean Read.	Cities Service Gas Co., Lake Fortuna Field, St. Bernard Parish, La.	Depleted	
CI64-742 B 12-26-63	Continental Oil Co.	United Fuel Gas Co., Chaulkey Field, Cameron Parish, La.	Depleted	
CI64-743 B 12-26-63	Samedan Oil Corp. (Operator), et al.	Cabot Corp., Center District, Calhoun County, W. Va.	15.2	14.65
CI64-744 A 12-26-63	Francis E. Cain	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.025
CI64-745 A 12-26-63	Louis J. Smith	Hope Natural Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.025
CI64-746 A 12-26-63	D. E. Brown, et al.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.025
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CI64-748 B 12-26-63	Barnwell & Kinsler	Lone Star Gas Co., Haddle Field, Wheeler County, Tex.	(5)	
CI64-749 B 12-30-63	C. T. Palmer (Operator), et al.	Warren Petroleum Corp., East Panhandle Field, Wheeler County, Tex.	6.25	14.65
CI64-750 A 12-30-63	do	El Paso Natural Gas Co., Ignacio Blanco Field, La Plata County, Colo.	13.0	15.025
CI64-751 A 12-30-63	Pan American Petroleum Corp.	Northern Natural Gas Co., Hemry Field, Lipscomb County, Tex.	14.0	14.65
CI64-752 A 12-30-63	Cities Service Oil Co.	Cabot Corp., Center District, Calhoun County, W. Va.	13.824	15.025
CI64-753 A 12-30-63	Starkey Gas Co.			

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C161-1249	Sinclair Oil & Gas Co., et al. (successor to Western Natural Gas Co., et al.).	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	[2] 13.2295	15.025
C161-1454	Sinclair Oil & Gas Co. (Operator), et al. (successor to Western Natural Gas Co., (Operator), et al.).	El Paso Natural Gas Co., Hiway and North Farmington Areas, San Juan County, N. Mex.	[3] 13.2295	15.025

[1] Rate in effect subject to refund in Docket No. RI64-227.
[2] Price is 213 cents plus 2.05 cents tax reimbursement.
[3] In the event Phillips develops and elects to process non-Ellenburger gas, the point of delivery of the processed gas shall be at the discharge of Phillips' processing plant and the initial rate for such processed, non-Ellenburger gas shall be 17.2295 cents per Mcf.
[4] Buyer has assigned existing gas purchase contract to Warren Petroleum Corp.
[5] Price is 23.0 cents plus 2.0 cents transportation.
[6] Price is 16.75 cents plus 1.75 cents tax reimbursement.
[7] Permanent certificate issued for FPC GRS No. 3 and Supplements 1-5. Temporary certificate issued in application to amend certificate in Docket No. G-4537, Supplement No. 6 to FPC GRS No. 3.
[8] Rate in effect subject to refund in Docket No. RI64-109.
[9] Rate in effect subject to refund in Docket No. RI64-106.
[10] Pictured Cliffs Formation.
[11] Mesa Verde Formation.
[12] Rate in effect subject to refund in Docket No. RI61-142.
[13] Rate in effect subject to refund in Docket No. RI60-213.
[14] Rate of 14.5733 cents per Mcf including cost to buyer of 0.5 cent per Mcf for dehydration and handling suspended in Docket No. RI62-415.
[15] Less 7.5 cents per Mcf for dilvent content.
[16] Rate in effect subject to refund in Docket No. RI63-484.
[17] Subject to a 4.5 cents per Mcf charge to seller for dilvent removal and to further deduction for carbon dioxide content and shrinkage. 17.0 cents rate suspended in Docket No. RI64-119.
[18] Permanent certificate not issued. Temporary certificate issued 6-18-59.
[19] Permanent certificate not issued. Temporary certificate issued 4-26-63 conditioned the rate to 12.8 cents per Mcf after deductions for shrinkage, subject to refund to a floor rate of 10.1 cents per Mcf.
[20] Rate in effect subject to refund in Docket No. RI64-107.

[F.R. Doc. 64-387; Filed, Jan. 16, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 7-2360]

UNIVERSAL AMERICAN CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 13, 1964.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Universal American Corporation, File 7-2360.

Upon receipt of a request, on or before January 30, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-449; Filed, Jan. 16, 1964; 8:47 a.m.]

[File 7-2359]

PUREX CORP., LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 13, 1964.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Purex Corporation, Limited; File 7-2359.

Upon receipt of a request, on or before January 30, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-448; Filed, Jan. 16, 1964; 8:47 a.m.]

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Volume 76

UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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DEPOSITED BY THE UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3571

LAW DAY, U.S.A.—1964

By the President of the United States of America

A Proclamation

In setting aside the first day of May in each year as Law Day, U.S.A., the Congress of the United States called upon the American people to rededicate themselves to the ideals of equality and justice under law in their relations with each other and with other nations, and to cultivate "that respect for law that is so vital to the democratic way of life."

The educational objectives of Law Day, U.S.A., are of fundamental importance to our Nation. Respect for law is the condition upon which our whole social order depends. Observance of the law is essential to public order and to the strengthening of the individual rights of our citizens. A viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose.

Bringing a fuller awareness of these truths to all citizens, and particularly to young Americans, is the central purpose of the seventh annual Law Day, U.S.A., on May 1, 1964. The theme of "Observe the Law—Key to Order, Justice, Freedom," will serve as a timely reminder that the basic values of our system can be maintained only through voluntary adherence to the rule of law in our daily lives.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby request the people of our country to give recognition and support to the nationwide observance of Law Day, U.S.A., on the first day of May 1964. I urge that our schools, courts, churches, bar associations, service organizations, and the media of public information join in this constructive educational effort. Further, I call upon all public officials to display the Nation's flag on public buildings on that day as requested by the Congress.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of January in the year of our Lord nineteen hundred and sixty-four, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-550; Filed, Jan. 17, 1964; 10:02 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3046; Amdt. 110]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From *Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700. *2,300—MCA Annette Island LFR, northwestbound.

Section 95.679 *Blue Federal airway 79* is amended to read in part:

From *Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700. *2,300—MCA Annette Island LFR, northwestbound.

Section 95.1001 *Direct route—U.S.* is amended to delete:

From Lawton, Okla., VOR; to Int LAW VOR 076 and SPS VOR 033; MEA 2,500.
From Monroe, La., VOR; to Pine Bluff, Ark., VOR; MEA *2,500. *2,000—MOCA.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Brunswick, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,400—MOCA.
From Dyersburg, Tenn., VOR; to Memphis, Tenn., VOR; MEA 2,500.
From Fort Lauderdale, Fla., VOR; to Cypress INT, Fla.; MEA *1,500. *1,400—MOCA.
From Guppy INT, Fla.; to Fort Lauderdale, Fla., VOR; MEA *1,500. *1,400—MOCA.
From Miami, Fla., VOR; to Fort Lauderdale, Fla., VOR; MEA 2,000.
From Miami, Fla., LF/RBN; to Fort Lauderdale, Fla., LF/RBN; MEA *1,500. *1,300—MOCA.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

From Texarkana, Ark., LF/RBN; to Tyler, Tex., LF/RBN; MEA 2,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From Barnegat, N.J., VOR; to Int. 171 M rad Idlewild VOR and 053 M rad Barnegat VOR; MEA *3,000. *1,600—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From Salem, Mich., VOR; to Belle INT, Mich.; MEA *2,800. *2,700—MOCA.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

From Lawrence INT, Kans., via S alter.; to Bonner Springs INT, Kans., via S alter.; MEA *2,600. *2,300—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter; MEA *1,600. *1,300—MOCA.
From Callahan INT, Fla., via W alter.; to Cabins INT, Fla., via W alter.; MEA *2,000. *1,300—MOCA.
From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,700—MOCA.
From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA. **1,700—MOCA.
From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR via W alter.; MEA *2,000. *1,700—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From Milwaukee, Wis., VOR; to Calvary INT, Wis.; MEA *3,000. *2,500—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Kilgore INT, Ohio; to Hammond INT, Ohio; MEA 3,100.
From Hammond INT, Ohio; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburgh, Pa., VOR; to *Scottdale INT, Pa.; MEA 3,100. *4,000—MCA Scottdale INT, Eastbound.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From Milwaukee, Wis., VOR; to Eden INT, Wis.; MEA *3,000. *2,500—MOCA.
From Lewisburg INT, Mies.; to Memphis, Tenn., VOR; MEA 1,900.
From Sardis INT, Tenn., via E alter.; to Miller INT, Miss., via E alter.; MEA 2,000.
From Miller INT, Miss., via E alter.; to Memphis, Tenn., VOR via E alter.; MEA 1,900.
From Savage INT, Miss., via W alter.; to Memphis, Tenn., VOR via W alter.; MEA 1,900.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From Memphis, Tenn., VOR via E alter.; to Somerville INT, Tenn., via E alter.; MEA 1,900.
From Somerville INT, Tenn., via E alter.; to Anderson INT, Tenn., via E alter.; MEA 2,000.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From Gage, Okla., VOR; to *Capron INT, Okla.; MEA **4,300. *5,000—MRA. **3,600—MOCA.
From Gage, Okla., VOR via N alter.; to *Salt INT, Kans., via N alter.; MEA **6,600. *4,200—MRA. **3,600—MOCA.
From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,200.
From Pittsburgh, Pa., VOR via S alter.; to *Scottdale INT, Pa., via S alter.; MEA 3,100. *4,000—MCA Scottdale INT, eastbound.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From Coyle, N.J., VOR; to Riverhead, N.Y., VOR; MEA *2,000. *1,500—MOCA.
From *Walls INT, Miss.; to Memphis, Tenn., VOR; MEA 1,800. *2,500—MRA.
From Memphis, Tenn., VOR; to Somerville INT, Tenn.; MEA 1,900.
From Somerville INT, Tenn.; to Jacks Creek, Tenn., VOR; MEA 2,000.
From *Round Pond INT, Ark., via N alter.; to Memphis, Tenn., VOR, via N alter.; MEA 1,800. *4,000—MRA.
From Dewitt INT, Ark., via S alter.; to Int .075 M rad Pine Bluff VOR and 220 M rad Memphis VOR via S alter.; MEA *3,000. *1,600—MOCA.
From Int .075 M rad Pine Bluff VOR and 220 M rad Memphis VOR via S alter.; to Norfolk INT, Miss., via S alter.; MEA 3,000.
From Norfolk INT, Miss., via S alter.; to Memphis, Tenn., VOR via S alter.; MEA 1,900.
From Memphis, Tenn., VOR via S alter.; to Wilson INT, Tenn., via S alter.; MEA 1,900.
From Wilson INT, Tenn., via S alter.; to Moscow INT, Tenn., via S alter.; MEA 2,200.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From Picayune, Miss., VOR via N alter.; to Mobile, Ala., VOR via N alter.; MEA 2,000.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Roseburg, Oreg., VOR via W alter.; to Eugene, Oreg., VOR via W alter.; MEA 5,000.
From Stockton, Calif., VOR via W alter.; to Sacramento, Calif., VOR via W alter.; MEA 2,500.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VOR; to **Whitmore INT, Calif.; MEA 5,000. *5,000—MCA Red Bluff VOR, southbound. **7,000—MCA Whitmore INT, northbound.
From Whitmore INT, Calif.; to Klamath Falls, Oreg., VOR; MEA 11,000.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From Idlewild, N.Y., VOR; to Beach INT, N.Y.; MEA *6,000. *1,500—MOCA.

Section 95.6040 *VOR Federal airway 40* is amended to read in part:

From Briggs, Ohio, VOR; to Imperial, Pa., VOR; MEA 3,100.

Section 95.6042 *VOR Federal airway 42* is amended to read in part:

From U.S. Canadian Border via E alter.; to Crib INT, Ohio, via E alter.; MEA *3,500. *1,700—MOCA.
From Crib INT, Ohio, via E alter.; to Strongsville, Ohio, VOR via E alter.; MEA *3,000. *2,500—MOCA.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

From Decatur, Ill., VOR; to Arcola INT, Ill.; MEA *2,400. *2,000—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA *1,600. *1,300—MOCA.

From Callahan INT, Fla., via W alter.; to Cabins INT, Fla., via W alter.; MEA *2,000. *1,300—MOCA.

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,700—MOCA.

From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,900. *2,100—MRA. **1,700—MOCA.

From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR via W alter.; MEA *2,000. *1,700—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended by adding:

From City INT, Ill.; to Chicago O'Hare, Ill., VOR; MEA *2,500. *2,100—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

From Holston Mountain, Tenn., VOR; to Hilton INT, Va.; MEA 6,000.

From Hilton INT, Va.; to Whitesburg, Ky., VOR; MEA 6,400.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

From Memphis, Tenn., VOR; to Rossville INT, Tenn.; MEA 1,900.

From *Round Pond INT, Ark., via N alter.; to Memphis, Tenn., VOR, via N alter.; MEA 1,800. *4,000—MRA.

From Memphis, Tenn., VOR via N alter.; to Wilson INT, Tenn., via N alter.; MEA 1,900.

From Wilson INT, Tenn., via N alter.; to Moscow INT, Tenn., via N alter.; MEA 2,200.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

From Macon, Ga., VOR; to Augusta, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From Texico, N. Mex., VOR; to Plainview, Tex., VOR; MEA *5,300. *5,100—MOCA.

From Texico, N. Mex., VOR via S alter.; to Littlefield INT, Tex., via S alter.; MEA *5,700. *5,300—MOCA.

From Littlefield INT, Tex., via S alter.; to Lubbock, Tex., VOR via S alter.; MEA *5,500. *5,300—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to delete:

From El Paso, Tex., VOR; to Fabens INT, Tex.; MEA 6,000.

From Fabens INT, Tex.; to Hudspeth, Tex., VOR; MEA 7,000.

From Hudspeth, Tex., VOR; to Culberson, Tex., VOR; MEA 8,000.

From Culberson, Tex., VOR; to *Pyote INT, Tex.; MEA **7,000. *6,000—MRA. **6,300—MOCA.

From Pyote INT, Tex.; to Penwell INT, Tex.; MEA *6,000. *4,400—MOCA.

From Penwell INT, Tex.; to Midland, Tex., VOR; MEA *5,900. *4,900—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended by adding:

From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 7,400.

From Hudspeth, Tex., VOR; to Pecos, Tex, VOR; MEA 8,000.

From Pecos, Tex., VOR; to Midland, Tex., VOR; MEA 4,900.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

From Hyman, Tex., VOR; to *Lazy X INT, Tex.; MEA **6,000. *4,400—MRA. **3,700—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to delete:

From Eden INT, Tex., via N alter.; to Junction, Tex., VOR via N alter.; MEA *3,700. *3,600—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to delete:

From Baton Rouge, La., VOR; to Natchez, Miss., VOR; MEA *2,000. *1,700—MOCA.

From Natchez, Miss., VOR; to Monroe, La., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended by adding:

From Baton Rouge, La., VOR; to Natchez, Miss., VOR; MEA *2,000. *1,700—MOCA.

From Natchez, Miss., VOR; to *Baskin INT La.; MEA **2,000. *3,500—MRA. **1,500—MOCA.

From Baskin INT, La.; to Monroe, La., VOR; MEA *2,000. *1,500—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From Vandalia, Ill., VOR; to Arcola INT, Ill.; MEA *3,000. *2,100—MOCA.

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

From Old Concord INT, Pa.; to Wheeling, W. Va., VOR; MEA 3,300.

Section 95.6077 *VOR Federal airway 77* is amended to delete:

From Junction, Tex., VOR; to San Angelo, Tex., VOR; MEA *4,000. *3,600—MOCA.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

From Duncan, Okla., VOR via E alter.; to *Alex INT, Okla., via E alter.; MEA **2,900. *2,900—MCA Alex INT, southbound. **2,500—MOCA.

From Alex INT, Okla., via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA 2,500.

Section 95.6079 *VOR Federal airway 79* is amended to read in part:

From Ft. Stockton, Tex., VOR; to Wink, Tex., VOR; MEA *4,500. *4,000—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

From Carlsbad, N. Mex., VOR; to Nelson INT, N. Mex.; MEA *5,300. *4,800—MOCA.

Section 95.6084 *VOR Federal airway 84* is amended to read in part:

From Buffalo, N.Y., VOR; to Geneseo, N.Y., VOR; MEA 3,300.

Section 95.6094 *VOR Federal airway 94* is amended to read in part:

From Dyess, Tex., VOR; to *Mill INT, Tex.; MEA **5,500. *3,500—MRA. **3,800—MOCA.

Section 95.6100 *VOR Federal airway 100* is amended to read in part:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *10,000. *5,900—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

From *Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA **5,600. *7,000—MCA Carlsbad VOR, southwestbound. **5,300—MOCA.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

From Clarksburg, W. Va., VOR; to Porter INT, W. Va.; MEA 3,000.

From Porter INT, W. Va.; to Wheeling, Ohio, VOR; MEA 3,300.

From Chagrin Falls INT, Ohio; to Crib INT, Ohio; MEA *3,500. *3,000—MOCA.

From Crib INT, Ohio; to U.S.-Canadian border; MEA *3,500. *1,700—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From Knoxville, Tenn., VOR; to Rutledge INT, Tenn.; MEA 4,000.

From Rutledge INT, Tenn.; to Whitesburg, Ky., VOR; MEA 5,400.

From Parkersburg, W. Va., VOR; to *Antioch INT, Ohio; MEA 3,000. *3,500—MRA.

From Antioch INT, Ohio; to Proctor INT, W. Va.; MEA 3,100.

From Proctor INT, W. Va.; to Old Concord INT, Pa.; MEA 3,300.

From Old Concord INT, Pa.; to Pittsburgh, Pa., VOR; MEA 3,200.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

From Parkersburg, W. Va., VOR; to *Beallsville INT, Ohio; MEA 2,500. *4,000—MRA.

From Beallsville INT, Ohio; to Bellaire, Ohio, VOR; MEA 3,100.

From Imperial, Pa., VOR; to East Brady INT, Pa.; MEA 3,300.

From East Brady INT, Pa.; to Clarion, Pa., VOR; MEA 3,000.

Section 95.6128 *VOR Federal airway 128* is amended by adding:

From Chicago O'Hare, Ill., VOR; to City INT, Ill.; MEA *3,500. *2,100—MOCA.

Section 95.6138 *VOR Federal airway 138* is amended to read in part:

From Grand Island, Nebr., VOR; to Seward INT, Nebr.; MEA *3,600. *3,200—MOCA.

From Neola, Iowa, VOR; to Ft. Dodge, Iowa, VOR; MEA 2,700.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

From Zanesville, Ohio, VOR; to *Beallsville INT, Ohio; MEA **4,000. *4,000—MRA. **2,500—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

From Taylor, Fla., VOR; to Waycross, Ga., VOR; MEA 2,200.

From Waycross, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

From Christine INT, Tex., via W alter.; to *Leming INT, Tex., via W alter.; MEA **2,200. *2,500—MRA. **1,700—MOCA.

Section 95.6176 *VOR Federal airway 176* is amended to read in part:

From Memphis, Tenn., VOR; to Holly Springs, Miss., VOR; MEA 2,000.

From Holly Springs, Miss., VOR; to *Guntown INT, Miss.; MEA 2,200. *3,000—MRA.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

From Gage, Okla., VOR; to *Capron INT, Okla.; MEA **4,300. *5,000—MRA. **3,600—MOCA.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

From Milwaukee, Wis., VOR; to Eden INT, Wis.; MEA *3,000. *2,500—MOCA.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

From Pullman, Mich., VOR; to Comstock INT, Mich.; MEA *2,700. *2,000—MOCA.

From Comstock INT, Mich.; to Kent City INT, Mich.; MEA *2,400. *2,000—MOCA.

From Kent City INT, Mich.; to White Cloud, Mich., VOR; MEA *2,700. *2,200—MOCA.

From Traverse City, Mich., VOR; to Pellston, Mich., VOR; MEA *3,000. *2,400—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 7,400.

From Hudspeth, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 8,700.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

From Norwich, Conn., VOR; to Skylark INT, Conn.; MEA *2,800. *2,100—MOCA.

From Skylark INT, Conn.; to *Russell INT, Mass.; MEA **2,900. *3,500—MCA Russell INT, Northwestbound. **2,200—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

From Irondale INT, Ohio; to Imperial, Pa., VOR; MEA 3,000.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

From Bellaire, Ohio, VOR; to Pittsburgh, Pa., VOR; MEA 3,300.

Section 95.6222 *VOR Federal airway 222* is amended to delete:

From Salt Flat, Tex., VOR; to Culbertson, Tex., VOR; MEA 8,000.

From Culbertson, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 6,300.

Section 95.6222 *VOR Federal airway 222* is amended by adding:

From Salt Flat, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 8,000.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

From Chardon, Ohio, VOR; to Seneca INT, Ohio; MEA 3,200.

Section 95.6243 *VOR Federal airway 243* is amended to delete:

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA *2,000. *1,300—MOCA.

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA *2,000. *1,600—MOCA.

From Alma, Ga., VOR; to Vienna, Ga., VOR; MEA *2,000. *1,400—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended by adding:

From Jacksonville, Fla., VOR; to Callahan INT, Fla.; MEA *1,600. *1,300—MOCA.

From Callahan INT, Fla.; to Cabins INT, Fla.; MEA *2,000. *1,300—MOCA.

From Cabins INT, Fla.; to Waycross, Ga., VOR; MEA 2,200.

From Waycross, Ga., VOR to Vienna, Ga., VOR; MEA *2,200. *1,700—MOCA.

From Cabins INT, Fla., via E alter.; to *Bolen INT, Ga., via E alter.; MEA **2,000. *2,100—MRA. **1,700—MOCA.

From Bolen INT, Ga., via E alter.; to Alma, Ga., VOR via E alter.; MEA *2,000. *1,700—MOCA.

From Alma, Ga., VOR via E alter.; to Rochelle INT, Ga., via E alter.; MEA *2,000. *1,400—MOCA.

Section 95.6250 *VOR Federal airway 250* is amended to read in part:

From Finley INT, Pa.; to Imperial, Pa., VOR; MEA 3,300.

Section 95.6274 *VOR Federal airway 274* is amended to read in part:

From Pullman, Mich., VOR; to Byron INT, Mich.; MEA *2,700. *2,200—MOCA.

From Byron INT, Mich.; to Ada INT, Mich.; MEA *2,400. *2,200—MOCA.

From Ada INT, Mich.; to *Orleans INT, Mich.; MEA **4,000. *4,000—MRA. **2,000—MOCA.

Section 95.6276 *VOR Federal airway 276* is amended to read in part:

From Briggs, Ohio, VOR; to Ellwood City, Pa., VOR; MEA 3,000.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

From Texico, N. Mex., VOR; to Plainview, Tex., VOR; MEA *5,800. *5,100—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

From Gage, Okla., VOR; to *Salt INT, Kans.; MEA **6,600. *4,200—MRA. **3,600—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

From Paulton INT, Pa.; to Ellwood City, Pa., VOR; MEA 3,100.

From Ellwood City, Pa., VOR; to Kerner INT, Ohio; MEA 3,100.

From Kerner INT, Ohio; to Akron, Ohio, VOR; MEA 3,000.

Section 95.6422 *VOR Federal airway 422* is amended to read in part:

From *Boone Grove INT, Ind.; to **Kouts INT, Ind.; MEA 2,200. *2,800—MRA. **2,800—MRA.

From Kouts INT, Ind.; to Knox, Ind., VOR; MEA 2,200.

Section 95.6471 *VOR Federal airway 471* is amended to read in part:

From Bar Harbor INT, Maine; to Bangor, Maine, VOR; MEA *3,000. *2,200—MOCA.

Section 95.6474 *VOR Federal airway 474* is amended to read in part:

From Bellaire, Ohio, VOR; to Republic INT, Pa.; MEA 3,300.

From Republic INT, Pa.; to Indian Head, Pa., VOR; MEA 5,000.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,200.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

From Clarion, Pa., VOR; to East Brady INT, Pa.; MEA 3,000.

From East Brady INT, Pa.; to Imperial, Pa., VOR; MEA 3,300.

From Imperial, Pa., VOR; to Irondale INT, Ohio; MEA 3,000.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

From Chadron, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *10,000. *5,900—MOCA.

Section 95.6819 *VOR Federal airway 819* is amended to read in part:

From Taylor, Fla., VOR; to Waycross, Ga., VOR; MEA 2,200.

From Waycross, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6830 *VOR Federal airway 830* is amended to read in part:

From *Walls INT, Miss.; to Memphis, Tenn., VOR; MEA 1,800. *2,500—MRA.

From Memphis, Tenn., VOR; to Somerville INT, Tenn.; MEA 1,900.

From Somerville INT, Tenn.; to Jacks Creek, Tenn., VOR; MEA 2,000.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

From Taylor, Fla., VOR; to Waycross, Ga., VOR; MEA 2,200.

From Waycross, Ga., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

From Zanesville, Ohio, VOR; to *Beallsville INT, Ohio; MEA **4,000. *4,000—MRA. **2,500—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

From O'Neill, Nebr., VOR; to Chadron, Nebr., VOR; MEA *10,000. *5,900—MOCA.

Section 95.6855 *VOR Federal airway 855* is amended to read in part:

From Knox, Ind., VOR; to *Kouts INT, Ind.; MEA 2,200. *2,800—MRA.

From Kouts INT, Ind.; to *Boone Grove INT, Ind.; MEA 2,200. *2,800—MRA.

From *Scottdale INT, Pa.; to Pittsburgh, Pa., VOR; MEA 3,100. *4,000—MCA Scottdale INT, eastbound.

From Pittsburgh, Pa., VOR; Hammond INT, Ohio; MEA 3,000.

From Hammond INT, Ohio; to Kilgore INT, Ohio; MEA 3,100.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

From Alma, Ga., VOR; to Waycross, Ga., VOR; MEA *2,000. *1,300—MOCA.

From Waycross, Ga., VOR; to Taylor, Fla., VOR; MEA 2,200.

Section 95.6887 *VOR Federal airway 887* is amended to read in part:

From Jacks Creek, Tenn., VOR; to Somerville INT, Tenn.; MEA 2,000.

From Somerville INT, Tenn.; to Memphis, Tenn., VOR; MEA 1,900.

From Memphis, Tenn., VOR; to *Walls INT, Miss.; MEA 1,800. *2,500—MRA.

From Walls INT, Miss.; to Pine Bluff, Ark., VOR; MEA *2,500. *1,500—MOCA.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

From Beach INT, N.Y.; to Int 125 M rad Idlewild VOR and 236 M rad, Hampton VOR; MEA *5,000. *1,400—MOCA.

From Int 125 M rad Idlewild VOR and 236 M rad Hampton VOR; to Bluefish INT, N.J.; MEA **6,000. *1,500—MOCA.

Section 95.1542 *VOR Federal airway 1542* is amended to read in part:

From Salt Flat, Tex., VOR; to Fort Stockton, Tex., VOR; MEA 15,000; MAA 24,000.

Section 95.1610 *VOR Federal airway 1610* is amended to read in part:

From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 15,000; MAA 24,000.

From Hudspeth, Tex., VOR; to Ft. Stockton, Tex., VOR; MEA 15,000; MAA 24,000.

Section 95.1628 *VOR Federal airway 1628* is amended to read in part:

From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 15,000; MAA 24,000.

From Hudspeth, Tex., VOR; to Pecos, Tex., VOR; MEA 15,000; MAA 24,000.

From Pecos, Tex., VOR; to Midland, Tex., VOR; MEA 15,000; MAA 24,000.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

These rules shall become effective February 6, 1964.

Issued in Washington, D.C., on January 10, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-422; Filed, Jan. 17, 1964; 8:45 a.m.]

[Reg. Docket No. 3021; Amdt. 356]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allentown VOR	AE–LFR	Direct	3000	T–dn	300–1	300–1	200–½
				C–d	500–1	600–1	600–1½
				C–n	500–1	600–1½	600–2
				A–dn	800–2	800–2	800–2

Procedure turn E side NE crs, 060° Outbnd, 240° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 196°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing AE–LFR climb to 2500′ on SW crs within 10 miles.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 391′; Fac. Class., SBMAZ; Ident., AE; Procedure No. 1, Amdt. 5; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 4; Dated, 19 July 58

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF Standard Instrument Approach Procedure

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				S–dn–32	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side crs, 141° Outbnd, 321° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2900′.
Crs and distance, facility to airport, 321°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing BFD RBn, climb to 3400′ on crs 321° within 10 miles. Make climbing left turn, return to Bradford RBn at 4000′. Hold SE 1-minute left turns, Inbnd crs 321°.

City, Bradford; State, Pa.; Airport Name, Bradford-McKean County; Elev., 2142′; Fac. Class., BMH; Ident., BFD; Procedure No. 1, Amdt. 6; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 5; Dated, 27 July 63

ADF Standard Instrument Approach Procedure—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
API-VOR	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Surf Int	LOM	Direct	2500	C–d	*500–1	500–1	500–1½
Big Run Int	LOM	Direct	2500	C–n	*500–1½	500–1½	500–1½
MX RBn	LOM	Direct	2500	S–dn–13 R and L*	500–1	500–1	500–1
Griffith Int**	MX RBn	Direct	2500	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 132°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LOM, make right turn, climb to 2200′ and proceed to Peotone VOR Inbnd on R–001.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes transitions from MDW LFR and Hobart Int.
*400′ minimums authorized provided descent below 1100′ not made until past ADF bearing 020/200 MW LFR.
**Griffith Int: Int EON VOR R–050 and CGT VOR R–067.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 619′; Fac. Class., LOM; Ident., MD; Procedure No. 1, Amdt. 20; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 19; Dated, 20 Oct. 62

Crib Int	MX RBn	Direct	2000	T–dn	300–1	300–1	200–½
Griffith Int*	Calumet Int**	Via bearing 132° from MX RBn.	2000	C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
Calumet Int**	MX RBn (final)	Direct	1500	S–dn–31 L, R	400–1	400–1	400–1
Big Run Int	MX RBn	Direct	2000	A–dn	800–2	800–2	800–2
API VOR	MX RBn	Direct	2300				
CGT VOR	Calumet Int**	Via CGT R–356	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn, E side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 312°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing LOM, make left turn, climbing to 2300′; proceed to Peotone VOR Inbnd on R–001.
NOTES: (1) Aircraft executing missed approach may after being reidentified be radar controlled. (2) Final approach from holding pattern not authorized. Procedure turn required.
Other change: Deletes transitions from Joliet VOR and MDW LFR.
*Griffith Int: Int CGT VOR R–067 and EON VOR R–050.
**Calumet Int: Int 132° bearing from MX RBn and CGT VOR R–356.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 619′; Fac. Class., LOM(MHW); Ident., MX; Procedure No. 2, Amdt. 13; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 12; Dated, 20 Oct. 62

Crestview VOR	CEW RBn	Direct	1800	T–dn	300–1	NA	NA
				C–dn	500–1	NA	NA
				A–dn	800–2	NA	NA

Procedure turn N side of crs, 083° Outbnd, 263° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 263°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing CEW RBn, climb to 1800′, turn right and return direct to CEW RBn.
NOTE: Air carrier use of airport not authorized.

City, Crestview; State, Fla.; Airport Name, Crestview; Elev., 274′; Fac. Class., SBH; Ident., CEW; Procedure No. 1, Amdt. 3; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 2; Dated, 15 June 63

ITH-VOR	Alpine RBn (final)	Direct	3400	T–d	800–2	800–2	800–2
ATE-VOR	Alpine RBn	Direct	3400	T–n	800–3	800–3	800–3
ELM-VOR	Alpine RBn	Direct	3500	C–d	1200–2	1200–2	1200–2
Sayre Int	Alpine RBn	Direct	3400	C–n	1200–3	1200–3	1200–3
Int ATE-VOR R–129 and 239° bearing to Alpine RBn.	Alpine RBn (final)	Direct	3300	A–d	1800–2	1800–2	1800–2
				A–n	1800–3	1800–3	1800–3

Procedure turn N side of final approach crs, 059° Outbnd, 239° Inbnd, 3400′ within 10 miles of Alpine RBn.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 239°—7.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.0 miles after passing Alpine RBn, climb on crs 239° to 3500′ within 10 miles. Then proceed direct to ELM–VOR, climbing to 3400′. Hold W ELM–VOR, 1-minute right turns, 066° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions. No reduction in takeoff minimums authorized.

City, Elmira; State, N.Y.; Airport Name, Chemung County; Elev., 951′; Fac. Class., MHW; Ident., ALP; Procedure No. 1, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 23 Feb. 63

Fayetteville VOR	FYV RBn	Direct	3000	T–dn	500–2	500–2	500–2
				C–dn	1000–2	1000–2	1000–2
				A–dn	1000–2	1000–2	1000–2

Teardrop procedure turn, 009° Outbnd, 171° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Procedure turn nonstandard due to ATC.
Minimum altitude over facility on final approach crs, 2300′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile turn left, climb to 3000′ on crs of 351° within 20 miles or, when directed by ATC, turn left, proceed direct to FYV VOR, climbing to 3000′.
*VOR receiver required for alternate missed approach.

City, Fayetteville; State, Ark.; Airport Name, Drake Field; Elev., 1250′; Fac. Class., BMH; Ident., FYV; Procedure No. 1, Amdt. 1; Eff. Date, 25 Jan. 64; Sup. Amdt. No. Original; Dated, 17 Jan. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
LAW VOR	FSI RBn	Direct	3500	T-dn	300-1	300-1	200-½
HBR VOR	FSI RBn	Direct	4200	C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-d-17	600-1	600-1	600-1
				S-n-17	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 350° Outbnd, 170° Inbnd, 3000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 2500'.
Crs and distance, facility to airport 170°–7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing FSI RBn, climb to 3000', proceed direct to LAW VOR.
NOTES: Single transmitter. Aural signal must be received at all times during approach. Authorized for military use only except by prior arrangement.
CAUTION: High terrain (Wichita Mountains) W of RBn.

City, Fort Sill; State, Okla.; Airport Name, Post AAF; Elev., 1157'; Fac. Class., MHW; Ident., FSI; Procedure No. 2, Amdt. Original; Eff. Date, 25 Jan. 64

HYA VOR	HY LOM	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring from Otis RAPCON authorized in accordance with approved patterns.
Procedure turn E side of crs 066° Outbnd, 246° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs 1100'.
Crs and distance, facility to airport 246°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HY LOM, climb to 500' on heading 246°, then make a left climbing turn to 1400', and return to HY LOM. Hold NE of HY LOM, 246° Inbnd, 1-minute, left turns.

City, Hyannis; State, Mass.; Airport Name, Barnstable Municipal; Elev., 52'; Fac. Class., LOM; Ident., HY; Procedure No. 1, Amdt. Original; Eff. Date, 25 Jan. 64

AZO-VOR	AZ LOM	Direct	2500	T-dn	300-1	300-1	200-½
BTL-VOR	AZ LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Centerville Int	Barton Int	Via AZO R-192 and BTL R-218.	2500	S-dn-35	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Barton Int	AZ LOM (final)	Direct	2400				
Lawton Int	AZ LOM	Direct	2600				
Cooper Int	AZ LOM	Direct	2500				
Hickory Int	AZO-VOR	Direct	2500				
GRR VOR	AZ LOM	Direct	2900				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'.
Crs and distance, facility to airport, 352°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AZ LOM, climb to 2500', turn left and return to AZ LOM crs, when directed by ATC, climb to 3000', turn left and proceed to Cooper Int via AZO-VOR R-321.
CAUTION: This procedure authorized only when tower operates. Hours are 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874'; Fac. Class., LOM; Ident., AZ; Procedure No. 1, Amdt 4; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 3; Dated, 12 Oct. 63

PROCEDURE CANCELLED EFFECTIVE 25 JAN. 1964 OR UPON DECOMMISSIONING OF FACILITY.

City, London; State, Ky.; Airport Name, London; Elev., 1201'; Fac. Class., BMH; Ident., LOZ; Procedure No. 1, Amdt. 2; Eff. Date, 25 May 63; Sup. Amdt. No. 1; Dated 25 Feb. 64

Rowland Int	LBT RBn	134°, 7.9 miles	1900	T-dn*	300-1	300-1	200-½
				C-dn**	800-1	800-1	800-1½
Radar Terminal Transition (Raleigh Approach Control):				A-dn#	NA	NA	NA
0°	360°	Within 5 miles of LBT RBn.	3000				

Procedure turn N side of crs 305° Outbnd 125° Inbnd 1700' within 10 miles.
Minimum altitude over facility on final approach crs 900'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LBT RBn, climb to 1700' on 098° crs from LBT RBn within 20 miles or, when directed by ATC, climb to 1700' on 098° crs returning to RBn.
Holding when required—hold E on 098° crs right turns, 1-minute 1700'.
*Aircraft will not takeoff under IFR conditions without prior ATC approval. Night operations not authorized on Runway 18-36.
**IFR flight plan must be filed or closed with Fayetteville CS/T or Florence FSS.
#No local weather reporting; area weather available from FLO or FAY.

City, Lumberton; State, N.C.; Airport Name, Lumberton Municipal; Elev., 126'; Fac. Class., MHW; Ident. LBT; Procedure No. 1, Amdt. Original; Eff. Date, 25 Jan. 64

GEG VOR	GE LOM	Direct	4500	T-dn	300-1	300-1	200-½
Rockford VHF Int	GE LOM	Direct	5500	C-dn	500-1	500-1	500-1½
				S-dn-21	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of crs, 025° Outbnd, 205° Inbnd, 4500' within 10 miles. Not authorized beyond 10 miles.
Shuttle descent to 4500' in a 170–175 kt 1-minute right turn holding pattern NE of GE LOM.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 205°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GE LOM, climb to 4000' direct GEG VOR, continue climb on R-207 within 10 miles of GEG VOR or, when directed by ATC, turn right, climb to 4000', direct GE LOM, thence continue climb in a 170–175 kt 1-minute right turn holding pattern NE of GE LOM.
CAUTION: High terrain N and E of airport. 3135' tower 4.8 miles SE of GE LOM. Terrain and tower 6031' 16 miles NE of LOM; 4549' TV tower 9.2 miles E of airport.
Major change: Deletes transition from GG LFR.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372'; Fac. Class., LOM; Ident., GE; Procedure No. 1, Amdt. 4; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 3; Dated, 28 Sept. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Loss Int	BRT VOR	Direct	3300	T-dn	300-1	300-1	300-1
				C-dn	1000-2	1000-2	1000-2
				A-dn	NA	NA	NA

Radar vectoring authorized (Radar Site GSW). Radar vectoring may be utilized to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs 193° Outbnd 013° Inbnd 2500' within 10 miles. Beyond 10 miles not authorized. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs 2500'*.
Crs and distance, facility to airport 344°—10.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing BRT VOR, turn left, proceed direct to the BRT VOR, climb to 2500'.
CAUTION: 2340' towers 7.0 miles SE, 1449' towers 8.0 miles NE, 1244' tower 13.5 miles SE, 1743' and 1649' towers 10.3 miles NW of airport.
NOTES: (1) Pilots using this procedure are requested to cancel their IFR Flight Plan when landing at Arlington Airport is assured, or by commercial facilities as soon as practicable after landing. (2) No weather service at airport.
*Maintain 2500' until N of the Benbrook VOR R-065 on final approach. Procedure not wholly contained within controlled airspace.

City, Arlington; State, Tex.; Airport Name, Arlington Municipal; Elev., 630'; Fac. Class., M-BVOR; Ident., BRT; Procedure No. 1, Amdt; Original; Eff. Date, 25 Jan. 64

				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2
				If aircraft equipped with operating VOR and ADF receivers and Bradford RBn received, the following minimums apply:*			
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-32	400-1	400-1	400-1

Procedure turn E side of crs, 145° Outbnd, 325° Inbnd, 3900' within 10 miles.
Minimum altitude over facility on final approach crs, 2900'*.
Crs and distance, facility to airport, 325°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BFD-VOR, climb to 3400' on R-325 within 10 miles of Bradford VOR. Make climbing left turn, return to Bradford VOR at 4000'. Hold SE 1-minute left turns, Inbnd crs 325°.
*Descent below 2642' not authorized until after passing Bradford RBn.

City, Bradford; State, Pa.; Airport Name, Bradford-McKean County; Elev., 2142'; Fac. Class., BVOR; Ident., BFD; Procedure No. 1, Amdt. 5; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 4; Dated, 27 July 63

				T-dn	300-1	NA	NA
				C-d	500-1	NA	NA
				C-n	500-2	NA	NA
				A-dn	800-2	NA	NA

Procedure turn S side of crs, 285° Outbnd, 105° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 105°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing CEW-VOR, turn left, climb to 1800' on R-087 CEW-VOR within 15 miles.
NOTE: Air carrier use of airport not authorized.

City, Crestview; State, Fla.; Airport Name, Crestview; Elev., 274'; Fac. Class., BVOR; Ident., CEW; Procedure No. 1, Amdt. 8; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 7; Dated, 6 Apr. 63

				T-dn	300-1	NA	NA
				C-d	900-1	NA	NA
				C-n	900-2	NA	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs 009° Outbnd, 189° Inbnd, 2500' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs 2500'.
Crs and distance, facility to airport 189°—9.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.8 miles after passing Dallas VOR, turn left, climb to 2600' on crs 090° within 20 miles.
NOTES: No weather service available. Night operations restricted to Runway 13-31. Procedure not wholly contained within controlled airspace.
CAUTION: Final approach crs 1 mile E of Temco-Garland Airport. 1026' radio tower 2.2 miles NNE, 909' and 911' towers 4.3 miles E of airport. Full length of Runway 13-31 not visible from NW end. Obtain traffic information from Garland Unicom prior to T.O. SE. Pilots using this procedure are requested to close their IFR flight plan with DAL Approach Control when landing at Garland Airport is assured, or by commercial facilities as soon as practicable after landing.

City, Dallas; State, Tex.; Airport Name, Dallas-Garland; Elev., 614'; Fac. Class., H-BVORTAC; Ident., DAL; Procedure No. 1, Amdt. Original; Eff. Date, 25 Jan. 64

Antwerp Int	DFI VOR	Direct	2400	T-dn	300-1	300-1	NA
				C-dn	800-1	800-1	NA
				A-dn*	NA	NA	NA

Procedure turn S side of final approach crs, 253° Outbnd, 073° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 073°—6.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing DFI-VOR, climb to 2400' within 10 miles, return to DFI-VOR, hold SW 073° Inbnd.
*Nearest WX at FWA.

City, Defiance; State, Ohio; Airport Name, Bryan-Defiance Memorial; Elev., 707'; Fac. Class., BVOR; Ident., DFI; Procedure No. 1, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 7 Oct. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–d	800–2	800–2	800–1
				T–n	800–3	800–3	800–3
				C–d	1400–2	1400–2	1400–1
				C–n	1400–3	1400–3	1400–3
				A–d	2000–2	2000–2	2000–1
				A–n	2000–3	2000–3	2000–3

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 066°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles, after passing ELM–VOR, climb to 3400′ on R–066 within 10 miles, make left turn and proceed direct to ELM–VOR. Hold W 1-minute right turns, 066° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions. No reduction in takeoff minimums authorized.

City, Elmira; State, N.Y.; Airport Name, Chemung County: Elev., 951′; Fac. Class., BVOR; Ident., ELM; Procedure No. 1, Amdt. 8; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 7; Dated, 9 Mar. 63

				T–dn	500–2	500–2	500–2
				C–dn	1000–3	1000–3	1000–3
				A–dn	NA	NA	NA

Procedure turn W side of crs, 002° Outbnd, 182° Inbnd, 3000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 182°—14.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FYV VOR, turn left and climb to 3000′ on R–002 within 20 miles.

City, Fayetteville; State, Ark.; Airport Name, Drake Field; Elev., 1250′; Fac. Class., BVOR–DME; Ident., FYV; Procedure No. 1, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 5 Oct. 63

FYV VOR	DAK VOR	Direct	3500	T–dn	500–2	500–2	500–2
				C–dn	800–2	800–2	800–2
				A–dn	1000–2	1000–2	1000–2

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 140°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing DAK VOR, climb to 3500′ on R–178 of the DAK VOR within 15 miles.
Note: Sliding scale not authorized.

City, Fayetteville; State, Ark.; Airport Name, Drake Field; Elev., 1250′; Fac. Class., BVOR; Ident., DAK; Procedure No. 2, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 12 Oct. 63

STP VOR	Bonin Int*	Direct	2300	T–dn	300–1	300–1	NA
				C–d#	600–1	600–1	NA
				C–n#	600–2	600–2	NA
				A–dn	NA	NA	NA

Radar transition to final approach crs authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3 miles SW of Bonin Int.*
Procedure turn S side of crs 226° Outbnd 046° Inbnd 2200′ within 10 miles.
Minimum altitude over Bonin Int* on final approach crs 1700′.
Crs and distance Bonin Int* to airport 046°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing Bonin Int* climb on R–226 to the STP VOR, then continue climb to 2300′ on R–046 of STP VOR within 10 miles of STP VOR.
Note: Aircraft on missed approach may be radar controlled after radar identification.
*Bonin Int: Int STP VOR R–226 and SE crs MSP ILS.
#Authorized only for aircraft equipped to receive VOR and ILS simultaneously, or Bonin Int* identified by MSP radar controller.

City, South St. Paul; State, Minn.; Airport Name, Fleming Field; Elev., 829′; Fac. Class., LVOR; Ident., STP; Procedure No. 1, Amdt. Original; Eff. Date, 25 Jan. 64 or upon commissioning of facility

White Bear Int	STP VOR	Direct	2500	T–dn	300–1	300–1	NA
FGT VOR	STP VOR	Direct	2500	C–d	700–1	700–1	NA
				C–n	700–2	700–2	NA
				A–dn	NA	NA	NA

Radar transitions to final approach crs authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3 miles NE of STP VOR.
Procedure turn N side of crs 046° Outbnd, 226° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs 1800′.
Crs and distance, facility to airport 226°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing STP VOR, climb to 2200′ on R–226 of STP VOR within 15 miles.
Note: Aircraft on missed approach may be radar controlled after radar identification.

City, South St. Paul; State, Minn.; Airport Name, Fleming Field; Elev., 829′; Fac. Class., LVOR; Ident., STP; Procedure No. 2, Amdt. Original; Eff. Date, 25 Jan. 64 or upon commissioning of facility

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
White Bear Int	STP VOR	Direct	2500	T–dn*	300–1	300–1	200–1
FGT VOR	STP VOR	Direct	2500	C–dn	900–1½	900–1½	900–1½
				A–dn	NA	NA	NA
				#Following minimums apply after passing Lakeland Int‡.			
				S–dn–30	700–1	700–1	700–1

Radar transitions to final approach crs authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3 miles SE of STP VOR.
Procedure turn E side of crs 109° Outbnd, 289° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs 1600′.
Crs and distance, facility to airport 289°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing STP VOR, make right climbing turn to 2300′ and return to the STP VOR.
Note: Aircraft on missed approach may be radar controlled after radar identification.
CAUTION: 1262′ antenna on top of building 1.0 mile NW of airport.
‡Lakeland Int: Int STP VOR R–289 and FGT VOR R–020.
#Authorized only for aircraft with dual VOR receivers operating simultaneously, or Lakeland Int‡ identified by MSP radar.
*Takeoff minimums of 600–1 required for all departures on Runways 26, 30 and 24. Departure on Runway 8 make right climbing turn to STP VOR before proceeding on crs; Runway 12 climb direct to STP VOR before proceeding on crs; and Runway 16 make left climbing turn to STP VOR before proceeding on crs.

City, St. Paul; State, Minn.; Airport Name, St. Paul-Downtown; Elev., 703′; Fac. Class., LVOR; Ident., STP; Procedure No. 1, Amdt. Original; Eff. Date, 25 Jan. 64 or upon commissioning of facility

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED EFFECTIVE 25 JAN. 1964 OR UPON DECOMMISSIONING OF FACILITY.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155′; Fac. Class., LVOR; Ident., BLM; Procedure No. TerVOR–14, Amdt. 1; Eff. Date, 11 Feb. 61; Sup. Amdt. No. Original; Dated, 24 Dec. 60

PROCEDURE CANCELLED EFFECTIVE 25 JAN. 1964 OR UPON DECOMMISSIONING OF FACILITY.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 155′; Fac. Class., LVOR; Ident., BLM; Procedure No. TerVOR–32, Amdt. 2; Eff. Date, 4 Mar. 61; Sup. Amdt. No. 1; Dated, 11 Feb. 60

Schoolcraft Int	Sugar Int* (final)	Direct	1600	T–dn	300–1	300–1	200–½
BTL–VOR	AZO–VOR	Direct	2200	C–dn	400–1	400–1	500–1½
ORR–VOR	AZO–VOR	Direct	2900	S–dn–5	400–1	400–1	400–1
PMM–VOR	AZO–VOR	Direct	2500	A–dn#	800–2	800–2	800–2
Cooper Int	AZO–VOR	Direct	2200				
Leroy Int	AZO–VOR	Direct	2200				
Lawton Int	AZO–VOR	Direct	2800				
Centerville Int	AZO–VOR	Direct	2800				

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2100′ within 10 miles.
Minimum altitude over Sugar Int* on final approach crs 1600′, over facility, 1300′.
VOR on airport. Crs and distance, Sugar Int* to airport, 050°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO–VOR, make climbing left turn to 3000′ and proceed to Cooper Int via AZO R–321 or, when directed by ATC, climb to 2400′ on AZO–VOR R–050, then reverse crs and proceed direct to the AZO–VOR.
Note: Dual VOR receivers required.
Other change: Deletes transition from ELX VOR.
#Alternate minimums authorized only when AZO Tower operational or for air carrier with weather reporting service.
Tower operates 0700–2300 local time.
*Sugar Int: Int AZO R–230 and PMM R–125.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR–5, Amdt. 5; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 4; Dated, 12 Oct. 63

Cooper Int	AZO–VOR	Direct	2400	T–dn	300–1	300–1	200–½
BTL–VOR	AZO–VOR	Direct	2400	C–dn	400–1	400–1	500–1½
ORR–VOR	AZO–VOR	Direct	2900	S–dn–23	400–1	400–1	400–1
PMM–VOR	AZO–VOR	Direct	2500	A–dn#	800–2	800–2	800–2
Leroy Int	AZO–VOR	Direct	2400				
BTL VOR	Gull Int	Direct	2400				
Gull Int	Campbell Int (final)	Direct	1900				
Lawton Int	AZO–VOR	Direct	2800				
Centerville Int	AZO–VOR	Direct	2800				

Procedure turn W side of crs, 040° Outbnd, 220° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′ over Campbell Int, 1900′.
Facility on airport. Crs and distance, Campbell Int to airport, 220°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO–VOR, make climbing right turn to 3000′ and proceed to Cooper Int via AZO–VOR R–321 or, when directed by ATC, climb to 2400′ on R–220, reverse crs and proceed direct to AZO–VOR.
Other change: Deletes transition from ELX VOR.
#Alternate minimums authorized only when AZO tower operational or for air carrier with weather reporting service.
Dual VOR receiver required. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR–28, Amdt. 5; Eff. Date, 25 Jan 64; Sup. Amdt. No. 4; Dated, 12 Oct. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Centerville Int	AZO-VOR	Direct	2500	T-dn	300-1	300-1	200-½
BTL-VOR	AZO-VOR	Direct	2200	C-dn	400-1	500-1	500-1½
Lawton Int	AZO-VOR	Direct	2600	S-dn-27	400-1	400-1	400-1
GRR-VOR	AZO-VOR	Direct	2000	A-dn##	800-2	800-2	800-2
PMM-VOR	AZO-VOR	Direct	2500				
Cooper Int	AZO-VOR	Direct	2200				
Leroy Int	AZO-VOR	Direct	2200				
BTL-VOR	Climax Int	Direct	2000				
Climax Int	Scotts Int (final)	Direct	2000				

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2200' within 10 miles.
Minimum altitude over Scott Int on final approach, 2000'; over facility, 1300'.
VOR on airport. Crs and distance, Scott Int to airport, 281°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing right turn to 3000' and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2200' on AZO-VOR R-281, then turn left and return to AZO-VOR.
##Alternate minimums authorized only when AZO Tower operational or for air carrier with weather reporting service.
Dual VOR receivers required. Tower operates 0700-2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874'; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-27, Amdt. 4; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 3; Dated, 12 Oct. 63

Cooper Int	AZO-VOR	Direct	2200	T-dn	300-1	300-1	200-½
Lawton Int	AZO-VOR	Direct	2600	C-dn	500-1	500-1	500-1½
GRR VOR	AZO-VOR	Direct	2900	S-dn-35	500-1	500-1	500-1
PMM-VOR	AZO-VOR	Direct	2500	A-dn##	800-2	800-2	800-2
BTL-VOR	AZO-VOR	Direct	2200	The following minimums apply for dual VOR equipped aircraft and Austin Int identified:			
Centerville Int	Kimble Int	Direct	2500				
Kimble Int	Austin Int (final)	Direct	1900	C-dn	400-1	500-1	500-1½
Leroy Int	AZO-VOR	Direct	2200	S-dn-35	400-1	400-1	400-1

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
VOR on airport. Crs and distance, Austin Int to airport, 348°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO-VOR, make climbing left turn to 3000' and proceed to Cooper Int via AZO-VOR R-321 or, when directed by ATC, climb to 2400' on AZO-VOR R-348, turn left and return to AZO-VOR.
Other change: Deletes transition from ELK-VOR.
##Alternate minimums authorized only when AZO Tower operational or for air carrier with weather reporting service.
Tower operates 0700-2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874'; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR-35, Amdt. 4; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 3, Dated, 12 Oct. 63

SOK-VOR	MOD-VOR	Direct	2000	T-dn	300-1	300-1	200-½
Woodward Int	MOD-VOR	Direct	2000	C-dn	500-1	500-1	500-1½
SOK-VOR	Salida Int	Direct	2000	S-dn-29R	500-1	500-1	500-1
Salida Int	MOD VOR	Direct	2000	A-dn*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 102° Outbnd, 282° Inbnd, 1600' within 10 miles. Procedure turn S side of crs to provide separation from Castle AFB traffic.
Minimum altitude over facility on final approach crs, 600'.
Facility on airport. Crs and distance, breakoff point to approach end of runway, 287°—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000' on R-274 within 20 miles.
*Alternate minimum of 800-2 authorized for air carriers with weather reporting service available at the airport.

City, Modesto; State, Calif.; Airport Name, Modesto City-County; Elev., 98'; Fac. Class., BVOR; Ident., MOD; Procedure No. TerVOR-29R, Amdt. 1; Eff. Date, 25 Jan. 64; Sup. Amdt. No. Original; Dated, 14 Sept. 63

Lamar Int	ALW-VOR	Direct	3100	T-dn	300-1	300-1	200-½
College Place Int	ALW-VOR	Direct	3100	C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 195° Outbnd, 015° Inbnd, 3100' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ALW VOR turn left, climb to 3100' on R-335 within 10 miles.
NOTE: Final approach from holding pattern at ALW VOR not authorized, procedure turn required.

City, Walla Walla; State, Wash.; Airport Name, Walla Walla City-County; Elev., 1205'; Fac. Class., L-BVOR; Ident., ALW; Procedure No. TerVOR-02, Amdt. 3; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 2; Dated, 7 Dec. 63

Lamar Int	ALW-VOR	Direct	3100	T-dn	300-1	300-1	200-½
College Place Int	ALW-VOR	Direct	3100	C-dn	1100-1	1100-1	1100-1½
				A-dn	1100-2	1100-2	1100-2
				°If aircraft equipped to receive VOR and ADF simultaneously and Russell Int identified the following minimums apply:			
				C-dn	600-1	600-1	600-1½
				S-dn-16	400-1	400-1	400-1½

Procedure turn, W side of crs, 335° Outbnd, 155° Inbnd, 3100' within 10 miles.
Facility on airport.
Minimum altitude over Russell Int on final approach crs, 2300'; over ALW VOR, 2300'.°
Crs and distance, Russell Int to airport, 155°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ALW VOR, climb to 3100' on R-195 within 10 miles.
NOTE: Final approach from holding pattern at ALW VOR not authorized, procedure turn required.

City, Walla Walla; State, Wash.; Airport Name, Walla Walla City-County; Elev., 1205'; Fac. Class., L-BVOR; Ident., ALW; Procedure No. TerVOR-16, Amdt. 5; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 4; Dated, 7 Dec. 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR-DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rockford Int	GEG VOR	Direct	5500	T-dn	300-1	300-1	200-½
20-mile DME fix R-073	11-mile DME fix R-073	Direct	5500	C-dn	500-1	500-1	500-1½
11-mile DME fix R-073	GEG VOR	Direct	4200	S-dn-3	400-1	400-1	400-1
Williams Int	Corskey Int	Direct	4000	A-dn	800-2	800-2	800-2
Amber Int	Corskey Int	Direct	4000				
Tyler Int	Corskey Int	Direct	4000				
Edwall Int/10.1-mile DME fix R-241	Corskey Int	Direct	4000				
Corskey Int	GEG VOR (final)	Direct	3700				

Radar transitions and vectoring utilizing Spokane Radar authorized in accordance with approved radar patterns.
When used in lieu of procedure turn, alignment on final approach heading within 10 miles of VOR is required.
Procedure turn S side of crs, 207° Outbnd, 027° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 5700'.
Crs and distance, facility to airport, 027°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing GEG-VOR, climb on R-026 to GE LOM, thence continue climb to 4500' in a 1-minute right turn holding pattern on R-026 NE of GE LOM or, when directed by ATC, make left climbing turn and climb to 4500' on R-271 within 20 miles, all turns S side R-271, or make left climbing turn and return to VOR, climbing to 4000'.
NOTE: When authorized by ATC, DME may be used within 9 miles at 4000' to position aircraft for straightin approach with elimination of the procedure turn.
CAUTION: Terrain and tower 6031' 16 miles NE of LOM; high terrain N through E of airport; 3188' tower 4.8 miles SE of GE LOM; 4549' TV tower 9.2 miles E of airport.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372'; Fac. Class., H-BVORTAC; Ident., GEG; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 6 Apr. 63

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allentown VOR	Bath Int	Direct	2400	T-dn	300-1	300-1	200-¾
Allentown LFR	Bath Int	Direct	2400	C-dn	500-1	500-1	500-1¼
Allentown LOM	Bath Int	Direct	2400	S-dn-24	500-1	500-1	500-1
Tunnersville VOR	Nazareth Int (final)	Direct	#3000	A-dn	800-2	800-2	800-2

Procedure turn E side NE crs 061° Outbnd, 241° Inbnd, 2400' within 10 miles of Bath Int.
No glide slope or markers. Descent to landing minimums after passing Bath Int. Minimum altitude over Bath Int on final approach 1400'. Distance Bath Int to Runway 24, 3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Bath Int, climb to 2500' on SW crs ILS within 20 miles of Bath Int. Make right turn, proceed direct to ETX VOR at 2500. Hold W ETX VOR, 1-minute, right turns 112° Inbnd.
#When Inbnd from Nazareth Int on localizer back crs, descent to cross Bath Int at 1400' is authorized.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 391'; Fac. Class., ILS; Ident., I-ABE; Procedure No. ILS-24, Amdt. 6; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 5; Dated, 17 Feb. 62

Beaumont VOR	LOM	Direct	1400	T-dn	300-1	300-1	200-½
Marsh Int	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
Mitchell Int	LOM (final)	Direct	1400	S-dn-11#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn S side NW crs 293° Outbnd, 113° Inbnd, 1400' within 10 miles.
Minimum altitude at glide slope interception Inbnd 1400'.
Altitude of glide slope and distance to approach end of runway at OM, 1323'—4.8 miles; at MM, 202'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400' on SE crs ILS within 20 miles or, when directed by ATC, turn left, climb to 1400' on R-067 BPT-VOR.
#400-¾ required when glide slope not utilized.

City, Beaumont; State, Tex.; Airport Name, Jefferson County Municipal; Elev., 16'; Fac. Class., ILS; Ident., I-BPT; Procedure No. ILS-11, Amdt. 6; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 5; Dated, 3 Nov. 62

BRO VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
BRO RBn	LOM	Direct	1600	C-dn	500-1	500-1	500-1½
Int BRO-VOR R-330 and HRL-VOR R-110.	BRO ILS N crs (final)	Via BRO R-330	1600	S-dn-17	°300-1½	°200-½	°200-¾
				A-dn	600-2	600-2	600-2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM 1050'—3.6 miles; at MM 205'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1600' on BRO-VOR R-062 within 20 miles or, when directed by ATC, climb to 1200' on S crs ILS within 4.5 miles.
CAUTION: 150' water tank 0.5 mile W of airport.
°600-¾ required when glide slope not utilized.

City, Brownsville; State, Tex.; Airport Name, Rio Grande Valley International; Elev., 22'; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS-17, Amdt. 18; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 17; Dated, 8 Sept. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Griffith Int**	MX RBn	Direct	2500	T–dn	300–1	300–1	300–1
API VOR	LOM	Direct	2500	C–d	*500–1	500–1	500–1
Surf Int	LOM	Direct	2500	C–n	*500–1½	500–1½	500–1½
Big Run Int	LOM	Direct	2500	S–dn–13R°	300–1	300–1	300–1
MX RBn	LOM	Direct	2500	A–dn	600–2	600–2	600–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd 2500′.
Altitude of glide slope and distance to approach end of runway at LOM, 2255′—5.0 miles; at LMM, 868′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right turn, climb to 2300′ and proceed to EON VOR Inbnd on R-061.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) Final approach from holding pattern not applicable. Procedure turn required.
Other change: Deletes transitions from API-VOR to NW crs ILS, MDW LFR to LOM and Hobart Int to LOM.
*500–1 required with glide slope inoperative, 400–1 minimums authorized provided descent below 1100′ not made until past ADF bearing 020/200 of MDW LFR.
**Griffith Int; Int CGT R-067 and EON R-050.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 619′; Fac. Class., ILS; Ident., I-MDW; Procedure No. ILS-13R, Amdt. 19; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 18; Dated, 1 July 61

Griffith Int*	Calumet Int**	Via SE Crs MXT ILS.	2000	T–dn	300–1	300–1	300–1
				C–d	400–1	400–1	400–1
Big Run Int	MX–RBn	Direct	2000	C–n	400–1½	500–1½	500–1½
API VOR	MX–RBn	Direct	2300	S–dn–31 L and R	400–1	400–1	400–1
Crib Int	MX–RBn	Direct	2000	A–dn	800–2	800–2	800–2
CGT VOR	Calumet Int**	Via CGT R-356	2000				
Calumet Int**	MX RBn (final)	Direct	1500				

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2000′ within 10 miles.
No glide slope. No approach lights.
Minimum altitude over MX–RBn, 1500′.
Crs and distance, MX–RBn to airport, 312°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing MX RBn, make left turn, climb to 2300′, proceed to Peotone VOR Inbnd on R-001.
Other changes: Deletes transitions from Joliet VOR, Downers Grove Int, MDW LFR, Lake Shore Int, and radar vectors.
NOTE: Aircraft executing missed approach may after being reidentified be radar controlled.
*Griffith Int: Int CGT R-067 and EON R-050.
**Calumet Int: Int CGT R-356 and MXT ILS SE crs.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 619′; Fac. Class., ILS; Ident., I-MXT; Procedure No. ILS-31L-R, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 3 Jan. 59

ITH–VOR	Alpine RBn (final)	Direct	3400	T–d*	800–2	800–2	800–2
ATE–VOR	Alpine RBn/Int	Direct	3400	T–n*	800–3	800–3	800–3
ELM–VOR	Alpine RBn	Direct	3500	C–d	1200–2	1200–2	1200–2
Sayre Int	Alpine RBn	Direct	3400	C–n	1200–3	1200–3	1200–3
Int ATE–VOR R-120 and NE crs Loc	Alpine RBn/Int (final)	Direct	3400	S–dn–24#	800–1½	800–1½	800–1½
				A–d	1400–2	1400–2	1400–2
				A–n	1400–3	1400–3	1400–3

Procedure turn N side of final approach crs, 060° Outbnd, 239° Inbnd, 3400′ within 10 miles of Alpine RBn.
Minimum altitude at glide slope interception Inbnd, 3300′.
Altitude of glide slope and distance to approach end of runway at OM, 2237′—3.9 miles; at MM, 1170′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing outer marker or 7.0 after passing Alpine RBn, climb on crs 239° to 2500′ within 10 miles. Then proceed direct to ELM–VOR, climbing to 3400′. Hold W ELM–VOR, 1-minute right turns, 066° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions.
*Takeoff minimums 800–1½ day and night authorized for runway 6–24 only when all components of ILS are in operation otherwise 800–2 and 800–3 night apply.
#600–1½ required when glide slope not utilized.

City, Elmira; State, N.Y.; Airport Name, Chemung County; Elev., 951′; Fac. Class., ILS; Ident., I-ELM; Procedure No. ILS-24, Amdt. 4; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 3; Dated, 20 Apr. 63

Lawton Int	AZO VOR	Direct	2600				
AZO–VOR	Upjohn Int*	Direct	2500	T–dn	300–1	300–1	300–1
Cooper Int	Upjohn Int*	Via PMM R-112	2500	C–dn	400–1	500–1	500–1½
Prince Int	Upjohn Int* (final)	Direct	2000	S–dn–17	400–1	400–1	400–1
BTL–VOR	Upjohn Int*	Via BTL R-270	2500	A–dn#	800–2	800–2	800–2
AZ LOM	Upjohn Int*	Direct	2500				
Centerville Int	AZO–VOR	Direct	2500				
GRR VOR	Prince Int	Direct	2900				

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 2500′ within 10 miles of Upjohn Int.*
Minimum altitude over Upjohn Int* on final approach crs, 2000′.
Crs and distance, Upjohn Int* to airport, 172°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Upjohn Int,* climb to 2500′ and proceed to AZ LOM via S crs AZO ILS or, when directed by ATC, make right turn, climb to 3000′ and proceed to Cooper Int via AZO R-321.
NOTE: Back crs approach. No glide slope. No approach lights. Final approach from holding pattern at Upjohn Int* not authorized. Procedure turn required.
*Upjohn Int: Int N crs AZO ILS and BTL R-270.
#Alternate minimums authorized only when AZO tower operational or for air carrier with weather reporting service.
Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., ILS; Ident., I-AZO Procedure No. ILS-17, Amdt. 3; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 2; Dated, 12 Oct. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
AZO–VOR	AZ LOM	Direct	2800	T–dn	300–1	300–1	300–1
BTL–VOR	AZ LOM	Direct	2800	C–dn	400–1	500–1	500–1½
Centerville Int	Barton Int	Via BTL R-218 and AZO R-192	2800	S–dn–35*	200–½	200–½	200–½
				A–dn#	600–2	600–2	600–2
Barton Int	AZ LOM (final)	Direct	2800				
Lawton Int	AZ LOM	Direct	2800				
Cooper Int	AZO–VOR	Direct	2800				
Hickory Int	AZO–VOR	Direct	2800				
GRR–VOR	AZO–VOR	Direct	2900				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2800′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2800′.
Altitude of glide slope and distance to approach end of runway at OM, 2717′—5.8 miles; at MM, 1070′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′, proceed to Cooper Int via AZO–VOR R-321 or, when directed by ATC, climb to 2800′ turn left and return to AZ LOM.
AIR CARRIER NOTE: 300–¾ authorized when tower not operating for air carrier with weather reporting service.
*400–¾ required when glide slope not utilized. 400–1 required when tower not operating.
#Alternate minimums authorized only when AZO tower operational or for air carrier with weather reporting service.
Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., ILS; Ident., I-AZO; Procedure No. ILS-35, Amdt. 4; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 3; Dated, 12 Oct. 63

Carmel Int	LOM	Direct	4000	T–dn*	300–1	300–1	300–¾
Salinas VOR	LMM	Direct	4000	C–d	700–2	700–2	700–2
Salinas VOR	Marina Int	Direct	4000	C–n	700–3	700–3	700–3
Marina Int	LOM	Direct	4000	S–dn–10#	300–¾	300–¾	300–¾
Shark Int	Seal Int	Direct	4000	A–d	700–2	700–2	700–2
Seal Int**	LOM (final)	Direct	1700	A–n	700–3	700–3	700–3

Procedure turn S side of W crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope intercept Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at LOM, 1630′—4.3 miles; at MM, 370′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate left climbing turn, proceed direct to LOM climbing to 2000′ in a 1-minute holding pattern 096° Inbnd, right turns.
CAUTION: Circling minimums do not provide standard clearance over terrain S of airport. All maneuvering for circling approaches must be accomplished N of localizer crs.
AIR CARRIER NOTE: No reductions in visibility minimums authorized, except for takeoff on Runway 28.
*300–1 required for takeoff Runway 6.
**Seal Int: Int W crs MRY ILS and R-306 BSR–VOR.
#400–1 required with any component of the ILS inoperative except that 700–1½ required with glide slope inoperative.

City, Monterey; State, Calif.; Airport Name, Monterey Peninsula; Elev., 220′; Fac. Class., ILS; Ident., I-MRY; Procedure No. ILS-10, Amdt. 9; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 8; Dated, 19 May 62

Nantucket VOR	AC LOM	Direct	1700	T–dn**	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–24*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 1600′ within 10 miles. Beyond 10 miles not authorized.
Crs and distance, facility to airport 240°—4.5 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1518′—4.5 miles; at MM, 269′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 1600′ and return to AC LOM. Hold NE of AC LOM, 240° Inbnd, right turns, 1-minute.
*400–1 required when glide slope not utilized.
#400–1 required during hours when tower facility not in operation.
**CAUTION: 342′ tower (2.6 miles W of airport)—652′ Loran antenna (3.0 miles ESE of airport).

City, Nantucket; State, Mass.; Airport Name, Nantucket; Elev., 48′; Fac. Class., ILS; Ident., I-ACK; Procedure No. ILS-24, Amdt. 2; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 1; Dated, 22 Dec. 62

GEG–VOR	GE LOM	Direct	4600	T–dn*	300–1	300–1	200–½
Rockford VHF Int	GE LOM	Direct	5600	C–dn	500–1	500–1	500–1¼
				S–dn–21**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of NE crs, 025° Outbnd, 205° Inbnd, 4500′ within 10 miles. Beyond 10 miles not authorized.
Shuttle descent to 4500′ in a 170–175 kt 1-minute right turn holding pattern NE of GE LOM on NE crs of ILS localizer.
Minimum altitude at glide slope Int Inbnd, 3600′.
Altitude of glide slope and distance to approach end of runway at LOM, 3527′—3.9 miles; at LMM, 2560′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to the GEG–VOR and climb to 4000′ on R-207 within 10 miles of GEG–VOR, or, when directed by ATC, turn right, climb to 4000′, direct GE LOM, thence continue climb in a 170–175 kt 1-minute right turn holding pattern NE of GE LOM on the localizer crs.
CAUTION: Terrain and tower 6031′ 16 miles NE of LOM; high terrain N through E of airport; 3189′ tower 4.8 miles SE of GE LOM; 4549′ TV tower 9.2 miles E of airport.
Major change: Deletes transition from GG–LFR.
*Runway visual range 2600′ also authorized for takeoff on Runway 21 in lieu of 200–½ when 200–½ is authorized provided high intensity runway lights are operational.
**Runway visual range 2600′ also authorized for landing on Runway 21, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 2572′ shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., ILS; Ident., I-GEG; Procedure No. ILS-21, Amdt. 7; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 6; Dated, 28 Sept. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 25 JAN. 1964 OR UPON DECOMMISSIONING OF FACILITY.

City, Belmar; State, N.J.; Airport Name, Monmouth County; Elev., 15'; Fac. Class. and Ident., Monmouth County Radar; Procedure No. 1, Amdt. 2; Eff. Date, 9 Sept. 61; Sup. Amdt. No. 1; Dated, 11 Feb. 61

210°	075°	Within 15 miles	3000	Surveillance approach			
075°	210°	15 miles	3500				
All directions		25 miles	5000	T-dn	300-1	300-1	200-½
160°	210°	10 miles	3000	C-dn	600-1	600-1	600-1½
210°	160°	10 miles	2600	S-dn-5, 14 & 23	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 5: Climb straight ahead to 2500', proceed to LOM' hold NE 1-minute right turn Inbnd crs 230°. Runways 14 and 23: Climb straight ahead to 3000', then proceed direct to CRW VOR, maintain 3000', hold CRW VOR R-261 1-minute right turns, 061° Inbnd.

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 982'; Fac. Class. and Ident., Charleston Radar; Procedure No. 1, Amdt. 3; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 2; Dated, 14 Sept. 63

All Directions		0-10 miles	2000	Precision approach			
260°	065°	10-20 miles	2500				
065°	150°	10-20 miles	2000	S-dn-13R	300-¾	300-¾	300-¾
150°	185°	10-15 miles	2000	A-dn	600-2	600-2	600-2
150°	185°	15-20 miles	2300				
185°	260°	10-20 miles	2400	Surveillance approach			
				T-dn-AB	300-1	300-1	200-½
				C or S-d#	600-1	600-1	600-1½
				C or S-n#	600-1½	600-1½	600-1½
				A-dn#	800-2	800-2	800-2
				C or S-d##	400-1	500-1	500-1½
				C or S-n##	400-1½	500-1½	500-1½
				A-dn##	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 3-mile radius or 500' vertical clearance within a 3- to 5-mile (inclusive) radius of towers 1504' 8 miles NE, 1260' 11 miles W, 1120' 12 miles NW and 1080' 12 miles W of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make right or left turn as appropriate, climb to 2300' and proceed to EON VOR Inbnd on R-001.

NOTE: Aircraft executing missed approach may after being reidentified be radar controlled. MTI feature of ground radar equipment required for all surveillance approaches. Departures westbnd on V-6 at 2000' will be released within 8 miles to climb to 2300'.

Runay 22 R and L.
Runways 4 R and L, 9R, 13 R and L, 18, 27L, 31 R and L, 36.
*Harlem Int: Int 196° bearing from MDW LOM and APT VOR R-090.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 619'; Fac. Class. and Ident., Midway Radar; Procedure No. 1, Amdt. 8; Eff. Date, 25 Jan. 64; Sup. Amdt. No. 7; Dated, 5 May 62

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on December 19, 1963.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-5; Filed, Jan. 17, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 47]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.347 Navel Orange Regulation 47.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10067), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges

and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 16, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 19, 1964, and ending at 12:01 a.m., P.s.t., January 26, 1964, are hereby fixed as follows:

(i) District 1: 900,000 cartons;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 17, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-562; Filed, Jan. 17, 1964; 11:27 a.m.]

[Grapefruit Reg. 14]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.314 Grapefruit Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on January 9, 1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Fruit Branch on January 14, 1964; information regarding the provisions of the section recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., January 19, 1964, and ending at 12:01 a.m., P.s.t., February 23, 1964, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided,* That any such grapefruit may have scars to the extent permitted by the U.S. No. 3 grade: *Provided further,* That, included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point in Zone 1 or Zone 2, any grapefruit, grown as aforesaid, which measure less than 3 11/16 inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," and "Zone 2" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 15, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-491; Filed, Jan. 17, 1964; 8:47 a.m.]

[Lemon Reg. 93]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.393 Lemon Regulation 93.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set

forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 19, 1964, and ending at 12:01 a.m., P. s.t., January 26, 1964, are hereby fixed as follows:

(i) District 1: 16,740 cartons;

(ii) District 2: 153,450 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 16, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-518; Filed, Jan. 17, 1964; 8:47 a.m.]

[Lime Reg. 6; Lime Reg. 5, as Amended, Terminated]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size

§ 911.308 Lime Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this section relieves restrictions on the handling of limes grown in Florida during the period January 20, 1964, to May 1, 1964.

(b) *Order.* (1) Lime Regulation 5, as amended (28 F.R. 3969, 5493, 12544, 13927) is hereby terminated at 12:01 a.m., e.s.t., January 19, 1964.

(2) During the period beginning at 12:01 a.m., e.s.t., January 19, 1964, and ending at 12:01 a.m., e.s.t., May 1, 1964, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning, with not less than 60 percent, by count, of the limes in each container thereof grading at least U.S. No. 1, Turning, and the remainder thereof grading not less than U.S. No. 2, Turning; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided,* That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 16, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-549; Filed, Jan. 17, 1964; 8:47 a.m.]

[971.306 Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Findings. a. Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley in south Texas (Cameron, Hidalgo, Starr, and Willacy Counties), effective under the applicable provisions of the Agricultural Market Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Order, as amended. In § 971.306 (28 F.R. 13487, 13928) delete paragraph (a) "Grade," and insert in lieu thereof the following:

§ 971.306 Limitation of shipments.

* * * * *

(a) *Grade.* Seventy percent, for January 20, 1964, through March 31, 1964, U.S. No. 1 quality, or better, with not more than 5 percent decay in any lot. Individual containers shall have not less than 50 percent for January 20, 1964, through March 31, 1964, U.S. No. 1 quality, with not more than 23 percent serious damage, including not more than three heads affected by decay.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Dated January 16, 1964, to become effective January 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64-548; Filed, Jan. 17, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

The Food and Drug Administration, operating under the supervision of the Secretary of Health, Education, and Welfare, is an agency engaged primarily in law-enforcement activities. Therefore, pursuant to section 3(a) (1) and (2) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002(a) (1), (2)) and section 13.2 of Title 1 of the Code of Federal Regulations, Title 21 is amended by adding thereto a new part, a portion of which is reserved at this time, concerning administrative functions, practices, and procedures as follows:

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subparts A–G—[Reserved]

Subpart H—Delegations of Authority

2.90 Direct delegations from the Secretary.
2.91 Redelegation of authority from the Commissioner to other officers of the Administration.

Subparts I–L—[Reserved]

Subpart M—Organization

2.101 Washington headquarters.
2.102 Food and Drug Division of the Office of the General Counsel, Department of Health, Education, and Welfare.
2.103 Field offices.

AUTHORITY: The provisions of this Part 2 issued under sec. 10, 29 Stat. 607, as amended 41 Stat. 712; sec. 4, 49 Stat. 885; sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 50, 64, 701; sec. 10, 74 Stat. 378; 15 U.S.C. 1269.

Subparts A–G—[Reserved]

Subpart H—Delegations of Authority

§ 2.90 Direct delegations from the Secretary.

(a) The Secretary has delegated to the Commissioner (25 F.R. 8625) all the functions vested by Congress in the Secretary and the Department under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, the Federal Hazardous Substances Labeling Act, the Import Milk Act, the Filled Milk Act, and the Tea Importation Act.

(b) The Secretary has redelegated to the Commissioner certain civil defense responsibilities delegated to the Secretary by Executive Order 11001 (27 F.R. 1534), sections 3 (b), (d), (e), 6, 7, 9, and 12 that relate to food, drugs, and biologicals. In the performance of his emergency functions, the Commissioner shall coordinate his activities with the Surgeon General, Public Health Service, in order that preemergency plans shall be developed in consonance with postattack organizational plans and structure of the Department for the Emergency Health Service.

(c) The Assistant General Counsel in charge of the Food and Drug Division has been authorized to accept services of process pursuant to sections 408(i)(1), 409, 505(h), 507, 701(f)(1), and 706 of the Federal Food, Drug, and Cosmetic Act, and sections 8 and 9 of the Hazardous Substances Labeling Act, and to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 305 of the Federal Food, Drug, and Cosmetic Act, section 4 of the Federal Import Milk Act, section 9(b) of the Federal Caustic Poison Act, and section 4 of the Hazardous Substances Labeling Act.

§ 2.91 Redelegations of authority from the Commissioner to other officers of the Administration.

Final authority of the Commissioner of Food and Drugs is delegated as set forth in this section. Unless otherwise specified, final authority is retained by the Commissioner of Food and Drugs.

(a) *General delegation of authority.* The Deputy Commissioner of Food and Drugs is authorized to perform all the functions of the Commissioner of Food and Drugs. In the absence of the Commissioner and the Deputy Commissioner, the Assistant Commissioner for Planning is authorized to perform all the functions described in this paragraph.

(b) *Designations to hold informal hearings in districts.* (1) The Director of the Bureau of Regulatory Compliance is authorized to designate officers and employees to hold informal hearings under sections 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act, sections 7 and 14 of the Federal Hazardous Substances Labeling Act, and section 5 of the Federal Import Milk Act. These employees are delegated authority contemplated by section 1, 43 Stat. 803 (5 U.S.C. 521), section 13 of Reorganization Plan No. 1 of 1953, and section 7(b) of the Administrative Procedure Act (sec. 7(b), 60 Stat. 241; 5 U.S.C. 1006) to administer to or take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under or in the enforcement of any law cited in this paragraph.

(2) Duly appointed and authorized inspectors of the Food and Drug Administration and all officers and employees of the Food and Drug Administration who have been issued the official credentials denominated as Form FD–200A entitled "Identification Record," which bears the description and photograph of the bearer, his signature, identification number, and the date of issuance, and Form FD–200B entitled "Specification of General Authority," which contains the name of and describes the general authority of the bearer, and the signature of the Commissioner of Food and Drugs:

(i) Have been designated by the Commissioner of Food and Drugs to conduct examinations, inspections, and investigations; to collect and obtain samples; to have access to and to copy and verify records; and to supervise compliance operations, for the enforcement of the Federal Food, Drug, and Cosmetic Act, the Federal Tea Importation Act, the Federal Import Milk Act, Federal Filled Milk Act, Federal Caustic Poison Act, and Federal Hazardous Substances Labeling Act.

(ii) Have been designated by the Commissioner of Food and Drugs to administer oaths and affirmations, under the Act of January 31, 1925, Chapter 124, section 1, 43 Stat. 803 (5 U.S.C. 521) and sections 12 to 15 of Reorganization Plan No. IV, effective June 30, 1940, and Reorganization Plan No. 1 of 1953, sections 1 to 9, effective April 11, 1953.

(3) Duly appointed and authorized inspectors of the Food and Drug Administration and all officers and employees of the Food and Drug Administration who have been issued the official credential denominated as Form FD–200C entitled "Specification of Special Authority," bearing the signature of the Commissioner of Food and Drugs and containing authorization to copy or verify sections 505 (i) and (j) and 507(d) and (g) records and reports, have been designated as officers and employees having the authority to request and the authority to have access to and copy and verify records and reports required by sections 505(i) and (j) and 507(d) and (g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335(i) and (j), 357(d) and (g)).

(4) The official credentials denominated as Form FD–200A, Form FD–200B, and Form FD–200C, described in subparagraphs (2) and (3) of this paragraph are all superimposed with the seal of the Department of Health, Education, and Welfare, with blue imprint.

(c) *Authorization of officials to request samples of imports.* The Director of the Bureau of Regulatory Compliance may authorize officials to request, pursuant to section 801(a) of the Federal Food, Drug, and Cosmetic Act, and section 14 of the Federal Hazardous Substances Labeling Act, from the Secretary of the Treasury samples of foods, drugs, devices, cosmetics, or hazardous substances imported or offered for import, in order to determine whether such articles are in compliance with those acts.

(d) *Certification of true copies and use of Department seal.* The Director of the Bureau of Regulatory Compliance may certify true copies of documents and cause the seal of the Department of Health, Education, and Welfare to be affixed to such copies.

(e) *Delegation regarding disclosure of official records.* The Director of the Bureau of Regulatory Compliance and the Director of the Division of Case Supervision of that Bureau are authorized to make determinations to disclose official records and information in accordance with § 4.1.

(f) *Delegation regarding certification of color additives.* The Director of the Bureau of Scientific Standards and Evaluation and the Director of the Division of Color Certification and Evaluation of that Bureau are authorized to certify batches of color additives for use in food, drugs, or cosmetics, pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

(g) *Delegations regarding food additives, food standards, pesticides, and*

color additives—(1) *Food additives.* The Assistant Commissioner for Regulations and/or the Assistant Commissioner for Operations are authorized to publish notices of the filing of food additive petitions and notices of withdrawal of food additive petitions, pursuant to section 409 (b) and (c) (1) of the Federal Food, Drug, and Cosmetic Act.

(2) *Foods standards.* The Assistant Commissioner for Regulations and/or the Assistant Commissioner for Operations are authorized to publish notices of the filing of food standards petitions and notices of withdrawal of food standards petitions, pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act.

(3) *Pesticides.* The Assistant Commissioner for Regulations and/or the Assistant Commissioner for Operations are authorized to publish notices of the filing of pesticide petitions and notices of withdrawal of pesticide petitions, pursuant to section 408(d) (1) of the Federal Food, Drug, and Cosmetic Act.

(4) *Color additives.* The Assistant Commissioner for Regulations and/or the Assistant Commissioner for Operations are authorized to publish notices of the filing of color additive petitions and notices of withdrawal of color additive petitions, pursuant to section 706(b) (5) (C) of the Federal Food, Drug, and Cosmetic Act.

(h) *Delegations regarding certification of insulin.* The Director of the Bureau of Scientific Standards and Evaluation and the Director of the Division of Antibiotics and Insulin Certification are authorized to exercise the functions and duties of the Commissioner under the regulations insofar as such duties and functions involve the certification of batches of drugs containing insulin as contemplated by § 164.3 (a) and (c) of this chapter or approval of the use of materials as contemplated by § 164.2 (j) and (k) of this chapter.

(i) *Delegations regarding certification of antibiotic drugs.* The Director of the Bureau of Scientific Standards and Evaluation and the Director of the Division of Antibiotics and Insulin Certification are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to section 507(a) of the Federal Food, Drug, and Cosmetic Act.

(j) *Delegations regarding approved new-drug applications.* The Assistant Commissioners for Regulations and Operations are authorized to notify applicants of approved new-drug applications pursuant to § 130.10 of this chapter.

(k) *Delegations regarding approved new-drug application supplements involving only changes in manufacturing processes or controls.* The Director of the Bureau of Medicine, the Director of the Division of New Drugs, and the Director of the Division of Veterinary Medicine are authorized to notify applicants of supplements to approved new-drug applications involving only changes in manufacturing processes or controls pursuant to § 1.30.9 of this chapter.

Subparts I–L—[Reserved]

Subpart M—Organization

§ 2.101 Washington headquarters.[1]

The central organization of the Food and Drug Administration consists of:

OFFICE OF THE COMMISSIONER

Commissioner of Food and Drugs.
Deputy Commissioner of Food and Drugs.
Special Assistant for National Advisory Council and Special Projects.
Associate Commissioner of Food and Drugs.
Assistant Commissioner for Planning.
Assistant Commissioner for Science Resources.
Assistant Commissioner for Regulations.
Assistant Commissioner for Operations.
Assistant Commissioner for Administration.
Division of Financial Management.
Division of General Services.
Division of Management Systems.
Division of Personnel Management.
Office of Public Information.
Office of Federal-State Relations.
Office of Emergency Preparedness.

BUREAU OF MEDICINE

Division of Medical Review.
Division of New Drugs.
Division of Research and Reference.
Division of Veterinary Medicine.

BUREAU OF SCIENTIFIC STANDARDS AND EVALUATION

Division of Food Standards and Additives.
Division of Toxicological Evaluation.
Division of Antibiotics and Insulin Certification.
Division of Color Certification and Evaluation.

BUREAU OF SCIENTIFIC RESEARCH

Division of Food Chemistry.
Division of Color and Cosmetics Chemistry.
Division of Nutrition.
Division of Pharmacology.
Division of Pharmaceutical Chemistry.
Division of Microbiology.

BUREAU OF REGULATORY COMPLIANCE

Division of Case Supervision.
Division of Review and Appraisal.
Division of Field Operations.

BUREAU OF EDUCATION AND VOLUNTARY COMPLIANCE

Division of Consumer Education.
Division of Industry Advice.

§ 2.102 Food and Drug Division, Office of the General Counsel, Department of Health, Education, and Welfare.

Office of the Assistant General Counsel for Food and Drugs, Room 5342, Health, Education, and Welfare Building, North, Washington, D.C., 20201.
Hearing Clerk, Room 5440, Health, Education, and Welfare Building, North, Washington, D.C., 20201.

§ 2.103 Field offices.

Food and Drug Administration, 60 Eighth Street NE., Atlanta, Ga., 30309.
Food and Drug Administration, Room 800, U.S. Appraisers Stores Building, 103 South Gay Street, Baltimore, Md., 21202.
Food and Drug Administration, 585 Commercial Street, Boston, Mass., 02109.
Food and Drug Administration, 599 Delaware Avenue, Buffalo, N.Y., 14202.
Food and Drug Administration, Room 1222, Main Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.
Food and Drug Administration, 1141 Central Parkway, Cincinnati, Ohio, 45202.
Food and Drug Administration, 3032 Bryan Street, Dallas, Tex., 75204.
Food and Drug Administration, Room 573, New Customhouse Building, Nineteenth and Stout Streets, Denver, Colo., 80202.
Food and Drug Administration, 1560 East Jefferson Avenue, Detroit, Mich., 48207.
Food and Drug Administration, 1009 Cherry Street, Kansas City, Mo., 64106.
Food and Drug Administration, 1521 West Pico Boulevard, Los Angeles, Calif., 90015.
Food and Drug Administration, Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis, Minn., 55401.
Food and Drug Administration, Room 222, U.S. Customhouse Building, 423 Canal Street, New Orleans, La., 70130.
Food and Drug Administration, Room 1200, U.S. Appraisers Stores Building, 201 Varick Street, New York, N.Y., 10014.
Food and Drug Administration, Room 1204, U.S. Customhouse Building, Second and Chestnut Streets, Philadelphia, Pa., 19106.
Food and Drug Administration, Room 1007, U.S. Courthouse and Customhouse Building, 1114 Market Street, St. Louis, Mo., 63101.
Food and Drug Administration, Room 518, Federal Office Building, 50 Fulton Street, San Francisco, Calif., 94102.
Food and Drug Administration, Room 501, Federal Office Building, 909 First Avenue, Seattle, Wash., 98104.

[1] Current locations and addresses of these units may be obtained from the Office of Public Information, Room 3339, 330 Independence Avenue SW., Washington, D.C., 20204.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 2.90 to 2.103 issued under sec. 10, 29 Stat. 607, as amended 41 Stat. 712; sec. 4, 49 Stat. 885; sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 50, 64, 371; sec. 10, 74 Stat. 378; 15 U.S.C. 1269)

Dated: December 24, 1963.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

Approved: January 14, 1964.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-477; Filed, Jan. 17, 1964; 8:45 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

DEFINITIONS AND INTERPRETATIONS

Following publication in the FEDERAL REGISTER of May 18, 1963 (28 F.R. 5023), of a proposal to establish definitions and interpretations of terms applicable to Subpart C, comments were received from fifty-three interested parties. Based upon the comments received, including data submitted therewith, and other relevant information, the Commissioner of Food and Drugs has concluded that the proposed regulations, as modified, should issue. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Part 121 is amended by adding the following new section:

§ 121.200 Definitions and interpretations applicable to Subpart C.

(a) Regulations prescribing conditions under which additives may be safely used in animal feed, animal feed supplements, concentrates, or premixes or in animals intended for food use shall not be construed to relieve the use of such additives from the provisions of sections 505 and 507 of the act, where applicable, and §§ 121.7 and 121.9 of the food additive regulations.

(b) For the purposes of this Subpart C:

(1) A "complete feed" or "finished feed" is an article intended to be administered as the sole ration to an animal.

(2) A "feed additive supplement" or "supplement" is an article for the diet of an animal which contains one or more food additives, and is intended to be:

(i) Further diluted and mixed to produce a complete feed; or

(ii) Fed undiluted as a supplement to other rations; or

(iii) Offered free choice with other parts of the ration separately available.

A "feed additive supplement" is safe for the animal and will not produce unsafe residues in the edible products from food-producing animals if fed according to directions.

(3) A "feed additive concentrate" or "concentrate" is an article intended to be further diluted to produce a complete feed or a feed additive supplement and is not suitable for offering as a supplement or for offering free choice without dilution. It contains, among other things, one or more additives in amounts in a suitable feed base such that from 100 to 1,000 pounds of concentrate must be diluted to produce 1 ton of a complete feed. A "feed additive concentrate" is unsafe if fed free choice or as a supplement because of danger to the health of the animal and/or because of the production of unsafe residues in the edible products from food-producing animals in excess of the safe levels established in this Part 121.

(4) A "feed additive premix" or "premix" is an article that must be diluted for safe use in a feed additive concentrate, a feed additive supplement, or a complete feed. It contains, among other things, one or more additives in high concentration in a suitable feed base such that up to 100 pounds must be diluted to produce 1 ton of a complete feed. A "feed additive premix" contains additives at levels for which safety to the animal has not been demonstrated and/or which may result in residues in the edible products from food-producing animals in excess of the safe levels established in this Part 121 when fed undiluted.

(5) In feeding chickens:

(i) "Broiler chickens" are chickens raised for meat purposes only.

(ii) "Replacement chickens" are chickens being raised for the purpose of egg production.

(iii) "Laying chickens" are chickens producing eggs for food.

(iv) "Breeding chickens" are chickens producing eggs used for hatching.

(6) In feeding swine:

(i) "Pre-starter ration" is a feed administered from the time the baby pigs begin to eat until they weigh approximately 12 pounds.

(ii) "Starter ration" is a complete feed administered to the animals as they grow in weight from approximately 10 pounds to 50 pounds.

(iii) "Grower ration" is a complete feed administered to the animals as they grow in weight from approximately 30 pounds to 125 pounds.

(iv) "Finisher ration" is a complete feed administered to the animals as they grow in weight from approximately 100 pounds to market weight.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: January 13, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-476; Filed, Jan. 17, 1964; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER L—LEASING AND PERMITTING

PART 131—LEASING AND PERMITS

Crow Reservation

On page 10676 of the FEDERAL REGISTER of October 3, 1963, there was published a notice of intention to amend § 131.15 of Title 25 Code of Federal Regulations, concerning the leasing of the trust lands of those Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, who may lease their trust lands without the approval of the Secretary of the Interior pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80).

Interested persons were given an opportunity to submit their comments, suggestions, or objections in writing on the proposed amendment within thirty days from the date of publication of the notice in the FEDERAL REGISTER. During the thirty-day period, comments, suggestions, and objections were received and as a result certain changes have been made. Most of the communications which were received regarding this proposed amendment indicated concern that an attempt was being made to deprive Crow Indians classified as competent of the privilege of leasing their trust lands without Departmental approval under the special statutes. Changes have been made which, for the most part, are designed to make clear that such is not the case.

The proposed amendment as changed is hereby adopted and is set forth below. Because this amendment will greatly assist in the leasing program on the Crow Reservation by (1) more clearly defining the responsibilities of Crow Indians who avail themselves of the privilege of leasing their trust lands without Departmental approval; (2) defining the role of the Secretary of the Interior as the officer of the Federal Government charged with the responsibilities for the proper discharge of the obligations of the United States with respect to the trust lands of such Indians and (3) setting forth the Department's interpretation of the cited statutes, it has been determined that it is in the best interest of the Indians and the public to make the amendment effective immediately. Therefore, the amendment shall become effective on the date of this publication in the FEDERAL REGISTER.

Section 131.15 is amended to read as follows:

§ 131.15 Crow Reservation.

(a) Notwithstanding the regulations in other sections of this Part 131, Crow Indians classified as competent under the Act of June 4, 1920 (41 Stat. 751), as amended, may lease their trust lands and the trust lands of their minor children for farming or grazing purposes without the approval of the Secretary pursuant to the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80). However, at their election Crow Indians classified as competent may authorize the Secretary to lease, or assist in the leasing of such lands, and an appropriate notice of such action shall be made a matter of record. When this prerogative is exercised, the general regulations contained in this Part 131 shall be applicable. Approval of the Secretary is required on leases signed by Crow Indians not classified as competent or made on inherited or devised trust lands owned by more than five competent devisees or heirs.

(b) The Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80), provides that no lease for farming or grazing purposes shall be made for a period longer than five years,

except irrigable lands under the Big Horn Canal; which may be leased for periods of ten years. No such lease shall provide the lessee a preference right to future leases which, if exercised, would thereby extend the total period of encumbrance beyond the five or ten years authorized by law.

(c) All leases entered into by Crow Indians classified as competent, under the above-cited special statutes, must be recorded at the Crow Agency. Such recording shall constitute notice to all persons. Under these special statutes, Crow Indians classified as competent are free to lease their property within certain limitations. The five-year (ten-year in the case of lands under the Big Horn Canal) limitation is intended to afford a protection to the Indians. The essence of this protection is the right to deal with the property free, clear and unencumbered at intervals at least as frequent as those provided by law. If lessees are able to obtain new leases long before the termination of existing leases, they are in a position to set their own terms. In these circumstances lessees could perpetuate their leaseholds and the protection of the statutory limitations as to terms would be destroyed. Therefore, in implementation of the foregoing interpretation, any lease which, on its face, is in violation of statutory limitations or requirements, and any grazing lease executed more than 12 months, and any farming lease executed more than 18 months, prior to the commencement of the term thereof or any lease which purports to cancel an existing lease with the same lessee as of a future date and take effect upon such cancellation will not be recorded. Under a Crow tribal program, approved by the Department of the Interior, competent Crow Indians may, under certain circumstances, enter into agreements which require that, for a specified term, their leases be approved. Information concerning whether a competent Crow Indian has executed such an instrument is available at the office of the Superintendent of the Crow Agency, Bureau of Indian Affairs, Crow Agency, Montana. Any lease entered into with a competent Crow Indian during the time such instrument is in effect and which is not in accordance with such instrument will be returned without recordation.

(d) Where any of the following conditions are found to exist, leases will be recorded but the lessee and lessor will be notified upon discovery of the condition: (1) The lease in single or counterpart form has not been executed by all owners of the land described in the lease, (2) there is, of record, a lease on the land for all or a part of the same term, (3) the lease does not contain stipulations requiring sound land utilization plans and conservation practices, or (4) there are other deficiencies such as, but not limited to, erroneous land descriptions, and alterations which are not clearly endorsed by the lessor.

(e) Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section. This shall not preclude action by the Secretary to assure conservation and protection of these trust lands.

(f) Leases made by competent Crow Indians shall be subject to the right to issue permits and leases to prospect for, develop, and mine oil, gas, and other minerals, and to grant rights-of-way and easements, in accordance with applicable law and regulations. In the issuance or granting of such permits, leases, rights-of-way or easements due consideration will be given to the interests of lessees and to the adjustment of any damages to such interests. In the event of a dispute as to the amount of such damage, the matter will be referred to the Secretary whose determination will be final as to the amount of said damage.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 13, 1964.

[F.R. Doc. 64-475; Filed, Jan. 17, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of paragraph (a) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* • • •

(8) One Deputy Assistant Administrator.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-486; Filed, Jan. 17, 1964; 8:47 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Correspondence When No Attorney or Agent

The following amendment is made, to take effect thirty days after publication in the FEDERAL REGISTER. Notice of the proposed amendment was published July 31, 1963, 38 F.R. 7788, and the amendment is made after consideration of all the submissions.

Section 1.33 of Title 37 CFR is amended by designating the present paragraph as paragraph (a) and by adding thereto the following new paragraph (b):

§ 1.33 Correspondence when no attorney or agent.

• • • • • •

(b) An applicant who is not represented by a registered attorney or agent may be required to state whether he received assistance in the preparation or prosecution of his application, for which any compensation or consideration was given or charged, and if so, to disclose the name or names of the person or persons providing such assistance. This includes the preparation for the applicant of the specification and amendments or other papers to be filed in the Patent Office, as well as other assistance in such matters, but does not include merely making drawings by draftsmen or stenographic services in typing papers.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWIN L. REYNOLDS,
Acting Commissioner of Patents.

Approved: January 9, 1964.

J. HERBERT HOLLOMON,
Assistant Secretary of Commerce for Science and Technology.

[F.R. Doc. 64-472; Filed, Jan. 17, 1963; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 25—FOURTH CLASS

Reformation of Rates and Other Conditions of Mailability of Fourth-Class Mail

Pursuant to the last paragraph of section 207(b) of the Act of February 28, 1925 (43 Stat. 1067), as amended by section 7 of the Act of May 29, 1928 (45 Stat. 942; 39 U.S.C. 1958 ed., sec. 247), this Department requested the Interstate Commerce Commission to consent to reformations of rates and conditions of mailability applicable to fourth-class parcel post subject to zone rates and to catalogs and similar printed advertising matter of the fourth class. Consent has been given by the Interstate Commerce Commission to such reformations in its decision dated January 15, 1964, in Docket No. 33750, Reformation of Rates and Other Conditions of Mailability of Fourth Class Mail. Accordingly, paragraphs (a) and (b) of § 25.1 of Title 39, Code of Federal Regulations, are hereby amended to read as follows effective April 1, 1964:

§ 25.1 Rates.

(a) *Fourth Class (parcel post) zone rates.*

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2 Up to 150 miles	3 150 to 300 miles	4 300 to 600 miles	5 600 to 1,000 miles	6 1,000 to 1,400 miles	7 1,400 to 1,800 miles	8 Over 1,800 miles
Pounds								
2	$0.29	$0.40	$0.42	$0.46	$0.52	$0.59	$0.66	$0.72
3	.31	.46	.49	.55	.64	.73	.83	.93
4	.33	.51	.55	.64	.75	.88	1.01	1.13
5	.35	.57	.62	.72	.87	1.02	1.18	1.34
6	.37	.62	.68	.80	.97	1.15	1.34	1.52
7	.39	.68	.75	.88	1.07	1.28	1.50	1.73
8	.41	.73	.81	.96	1.18	1.41	1.66	1.93
9	.43	.78	.87	1.03	1.28	1.53	1.82	2.12
10	.45	.83	.93	1.10	1.38	1.66	1.98	2.31
11	.47	.88	1.00	1.18	1.48	1.78	2.14	2.48
12	.49	.93	1.06	1.26	1.58	1.90	2.29	2.66
13	.51	.96	1.12	1.33	1.69	2.02	2.44	2.83
14	.53	1.03	1.18	1.41	1.79	2.14	2.60	3.01
15	.55	1.08	1.24	1.48	1.89	2.26	2.75	3.18
16	.57	1.13	1.30	1.56	1.99	2.37	2.90	3.36
17	.59	1.18	1.36	1.64	2.09	2.49	3.09	3.53
18	.61	1.23	1.42	1.71	2.20	2.61	3.21	3.71
19	.63	1.28	1.48	1.79	2.30	2.73	3.36	3.88
20	.65	1.32	1.54	1.86	2.40	2.85	3.51	4.06
21	.67	1.36	1.59	1.93	2.48	2.95	3.65	4.23
22	.69	1.40	1.64	1.99	2.57	3.07	3.79	4.40
23	.71	1.44	1.69	2.06	2.65	3.18	3.93	4.57
24	.73	1.48	1.73	2.12	2.74	3.29	4.07	4.74
25	.75	1.52	1.78	2.18	2.82	3.40	4.21	4.91
26	.77	1.56	1.83	2.25	2.91	3.51	4.35	5.08
27	.79	1.60	1.87	2.31	2.99	3.62	4.49	5.25
28	.81	1.64	1.92	2.38	3.08	3.73	4.63	5.42
29	.83	1.68	1.97	2.44	3.16	3.84	4.77	5.59
30	.84	1.71	2.01	2.50	3.25	3.95	4.91	5.76
31	.86	1.75	2.06	2.57	3.33	4.06	5.05	5.93
32	.88	1.79	2.11	2.63	3.42	4.17	5.19	6.10
33	.90	1.83	2.16	2.70	3.50	4.28	5.33	6.27
34	.92	1.87	2.20	2.76	3.59	4.39	5.47	6.44
35	.94	1.91	2.25	2.82	3.67	4.50	5.61	6.61
36	.96	1.95	2.30	2.89	3.76	4.61	5.75	6.78
37	.98	1.99	2.34	2.95	3.84	4.72	5.89	6.95
38	1.00	2.03	2.39	3.02	3.93	4.83	6.03	7.12
39	1.02	2.07	2.44	3.08	4.01	4.94	6.17	7.29
40	1.03	2.10	2.48	3.14	4.10	5.05	6.31	7.46
41	1.05	2.14	2.53	3.21	4.18	5.16	6.45	7.63
42	1.07	2.18	2.58	3.27	4.27	5.27	6.59	7.78
43	1.09	2.22	2.63	3.34	4.35	5.38	6.73	7.94
44	1.11	2.26	2.67	3.40	4.44	5.49	6.87	8.10
45	1.13	2.30	2.72	3.46	4.52	5.60	7.01	8.26
46	1.15	2.34	2.77	3.53	4.61	5.71	7.15	8.42
47	1.17	2.38	2.81	3.59	4.69	5.82	7.29	8.58
48	1.19	2.42	2.86	3.66	4.78	5.93	7.43	8.74
49	1.21	2.46	2.91	3.72	4.86	6.04	7.57	8.90
50	1.22	2.49	2.95	3.78	4.95	6.15	7.71	9.06
51	1.24	2.53	3.00	3.84	5.03	6.26	7.84	9.22
52	1.26	2.56	3.05	3.90	5.11	6.37	7.97	9.38
53	1.28	2.59	3.10	3.96	5.19	6.48	8.10	9.54
54	1.30	2.62	3.14	4.02	5.27	6.60	8.23	9.70
55	1.32	2.65	3.19	4.08	5.35	6.70	8.36	9.86
56	1.34	2.69	3.24	4.14	5.43	6.81	8.49	10.02
57	1.36	2.72	3.26	4.20	5.51	6.92	8.62	10.18
58	1.38	2.75	3.33	4.26	5.59	7.03	8.75	10.34
59	1.40	2.78	3.38	4.32	5.67	7.14	8.88	10.50
60	1.41	2.81	3.42	4.38	5.75	7.25	9.01	10.66
61	1.43	2.85	3.47	4.44	5.83	7.36	9.14	10.82
62	1.45	2.88	3.52	4.50	5.91	7.47	9.27	10.98
63	1.47	2.91	3.57	4.56	5.99	7.58	9.40	11.14
64	1.49	2.94	3.61	4.62	6.07	7.69	9.53	11.30
65	1.51	2.97	3.66	4.68	6.15	7.80	9.66	11.46
66	1.53	3.01	3.71	4.74	6.23	7.91	9.79	11.62
67	1.55	3.04	3.75	4.80	6.31	8.02	9.92	11.78
68	1.57	3.07	3.80	4.86	6.39	8.13	10.05	11.94
69	1.59	3.10	3.85	4.92	6.47	8.24	10.18	12.10
70	1.60	3.13	3.89	4.98	6.55	8.35	10.31	12.26

EXCEPTIONS

a. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

b. For catalogs weighing up to 10 pounds, see paragraph (b) of this section.

c. For books and library books, see paragraphs (c) and (d) of this section.

d. For 16-millimeter films, 16-millimeter film catalogs and related materials, see paragraphs (c) and (d) of this section.

e. Gold mailed within Alaska or from Alaska to other States and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

(b) *Catalogs and similar printed advertising matter in bound form having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds*—(1) *Rates for bulk mailings of separately addressed identical pieces in quantities of not less than 300 mailed at one time.*

TABLE I

CATALOGS WEIGHING 1 TO 2.5 POUNDS

Zone	Piece rate	Bulk pound rate
	Cents	*Cents*
Local	14	2.2
1 and 2	17	2.2
3	17	3.8
4	17	4.8
5	17	6.0
6	17	7.6
7	17	9.0
8	18	10.7

TABLE II

CATALOGS WEIGHING OVER 2.5 POUNDS TO 10 POUNDS

Zone	Piece rate	Bulk pound rate
	Cents	*Cents*
Local	15	1.8
1 and 2	18	2.9
3	18	3.5
4	18	4.4
5	18	5.6
6	18	7.0
7	18	8.6
8	19	10.3

NOTE: The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

(i) *Postage.* Postage must be paid by permit imprints. Each imprint must show the name of the post office and the permit number. The words "Bulk Catalog Rate" shall be printed within the permit imprint.

(ii) *Mailing statement.* The mailer shall submit with each mailing a statement on Form 3605, Statement of Mailing Fourth-Class Catalogs at Bulk Rates, showing:

(*a*) Weight of a single piece.

(*b*) Number of pieces addressed for delivery in each zone.

(*c*) Total number of pieces in the mailing.

(*d*) Number of pounds for delivery in each zone.

(*e*) Total per piece charge for each zone.

(*f*) Total pound rate postage for each zone.

(*g*) Sum of the postage at the per piece rate and at the pound rate.

(*h*) Name and address of the mailer and the permit number.

(iii) *Separation required.* The mailer shall separate the mailing pieces by postal zones in order that postage may be verified. Mail for each postal zone shall be further separated and placed in sacks by cities or States of destination in each instance where there are 10 or more pieces for the same post office or State or where five or more catalogs weigh 10 or more pounds. No. 3 mail sacks shall be used except when greater volume requires the use of No. 2 mail sacks. When there is insufficient volume for a direct sack, or a State sack, the pieces shall be combined in sacks for mixed States by postal zones. Each sack shall be labeled to include postal zone separation and destination.

(iv) *Separation recommended.* In addition to the separations required, it is recommended in order to facilitate handling and to expedite delivery that the mailer further separate the mailing to the finest extent possible and place in direct sacks by complete five digit ZIP Code number, by the first three digits of a ZIP Code number, or by the first two digits of a ZIP Code number where, for any one of these separations, there are 10 or more pieces or five or more catalogs weighing 10 or more pounds. Each sack will be labeled to show the postal zone, the destination or distribution post office, and the three digit ZIP Code number. In the case of a direct sack for a delivery

unit of a large post office the name of the post office and the five digit ZIP Code number will be shown.

(2) *Single piece rates for individual mailings of catalogs not mailed under subparagraph (1) of this paragraph.*

Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
1.5	21	25	26	28	29	32	34	36
2.0	22	27	28	30	32	36	38	43
2.5	23	28	30	32	35	39	43	48
3.0	24	30	32	35	38	42	47	53
3.5	25	32	34	37	41	46	52	59
4.0	26	33	35	39	44	49	56	64
4.5	27	35	37	41	47	53	60	69
5.0	27	36	39	43	49	56	64	74
6.0	29	39	42	48	55	63	73	84
7.0	31	42	46	52	61	70	82	95
8.0	33	45	49	57	66	77	90	105
9.0	35	48	53	61	72	84	99	115
10.0	36	50	56	66	77	91	107	125

• • • • •

(R.S. 161, as amended; sec. 207(b), 43 Stat. 1067, sec. 7, 45 Stat. 942; 5 U.S.C. 22, 39 U.S.C. 247 (1958 ed.), 39 U.S. Code 501)

LOUIS J. DOYLE,
General Counsel.

The rates and conditions set forth in the foregoing amendments to § 25.1 are hereby adopted as the regulations of the Department.

JOHN A. GRONOUSKI,
Postmaster General.

[F.R. Doc. 64-561; Filed, Jan. 17, 1964; 10:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Parts 1, 3]

NATIONAL CAPITAL REGION

Use of Lands Subject to Scenic or Protective Easements; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Parts 1 and 3 of Title 36, Code of Federal Regulations, as is set forth below. The purposes of these amendments are to make provision for the administration of scenic or protective easements acquired by the United States in connection with any area administered by the National Park Service and for the owners of lands subject to such easements to obtain whatever approvals of the Government may be required under the terms of the easements.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

A new section is added to Part 1, to read as follows:

§ 1.66 Scenic and protective easements.

(a) (1) Scenic or protective easements, as acquired by purchase, donation, or condemnation, shall be administered in accordance with the terms of the instrument under which such scenic or protective easement was acquired.

(2) Limitations or servitudes placed on lands as part of the scenic or protective easement thus acquired are designed to protect the scenic and natural features of the area. Such scenic or protective easements may prohibit certain uses of lands, may limit or restrict certain other uses by requiring Departmental approval or otherwise, and will permit other uses without Departmental approval or permission. They shall be administered so as to permit the maximum utilization and enjoyment of the lands subject thereto by the respective owners thereof insofar as such enjoyment and utilization does not impair or injuriously affect the rights therein owned by the Government.

(b) Where an owner of land subject to a scenic or protective easement wishes to make a temporary use of his land which is not permitted by the terms of the easement for the purpose of accomplishing a permitted use, he may request in writing, and the official responsible for administration of the area may grant, temporary permission to make such use of the land.

(c) (1) Where an owner of land subject to such scenic or protective easement is required to obtain approval from the Department of the Interior prior to the performance of a restricted activity upon the land, such owner may submit an application for such approval, accompanied by a statement of the reason for the proposed action, to the official responsible for the administration of the area, and, upon review, final approval may be granted by him. The reviewing official may refuse approval of the proposed action only if, in his judgment, irreparable damage would be done to the scenic or natural features to be protected and the objectives of the landowner seeking such approval can be achieved reasonably without such damage or destruction at no additional cost or inconvenience to the landowner. Denial of approval of such requests must be made in writing by the reviewing official and specific reasons must be stated for such denial. When the request for approval involves a proposed action which is incidental to use and enjoyment of the interest or estate retained by the owner in the property, approval shall be granted by the reviewing official.

(2) An adverse decision may be appealed to the Regional Director. Upon an adverse decision by the Regional Director, an appeal may be taken to the Director whose decision shall be final.

A new section is added to Part 3, to read as follows:

§ 3.53 Scenic and protective easements.

(a) (1) Scenic or protective easements, as acquired by purchase, donation, or condemnation, shall be administered in accordance with the terms of the instrument under which such scenic or protective easement was acquired.

(2) Limitations or servitudes placed on lands as part of the scenic or protective easement thus acquired are designed to protect the scenic and natural features of the area. Such scenic or protective easements may prohibit certain uses of land, may limit or restrict certain other uses by requiring Departmental approval or otherwise, and will permit other uses without Departmental approval or permission. They shall be administered so as to permit the maximum utilization and enjoyment of the lands subject thereto by the respective owners thereof insofar as such enjoyment and utilization does not impair or injuriously affect the rights therein owned by the Government.

(b) Where an owner of land subject to a scenic or protective easement wishes to make a temporary use of his land which is not permitted by the terms of the easement for the purpose of accomplishing a permitted use, he may request in writing, and the official responsible for administration of the area may grant, temporary permission to make such use of the land.

(c) (1) Where an owner of land subject to such scenic or protective easement is required to obtain approval from the Department of the Interior prior to the performance of a restricted activity upon the land, such owner may submit an application for such approval, accompanied by a statement of the reason for the proposed action, to the official responsible for the administration of the area, and, upon review, final approval may be granted by him. The reviewing official may refuse approval of the proposed action only if, in his judgment, irreparable damage would be done to the scenic or natural features to be protected and the objectives of the landowner seeking such approval can be achieved reasonably without such damage or destruction at no additional cost or inconvenience to the land owner. Denial of approval of such requests must be made in writing by the reviewing official and specific reasons must be stated for such denial. When the request for approval involves a proposed action which is incidental to use and enjoyment of the interest or estate retained by the owner in the property, approval shall be granted by the reviewing official.

(2) In the case of an area administered by a Superintendent, an adverse decision may be appealed to the Regional Director. Upon an adverse decision by the Regional Director, an appeal may be taken to the Director whose decision shall be final.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 16, 1964.

[F.R. Doc. 64-558; Filed, Jan. 17, 1964; 10:31 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 8, 91 [New]]

[Notice 64-2; Docket No. 3054]

OPERATIONS AUTHORIZED IN RESTRICTED CATEGORY AIRCRAFT

Proposed Clarification

Notice is hereby given that there is under consideration a proposal to amend Part 8 of the Civil Air Regulations and Part 91 [New] of the Federal Aviation Regulations. The purpose of the proposed amendments is to specify clearly the operations authorized in restricted category aircraft. The amendments could affect all operators of such aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel:

Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 22, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 8 of the Civil Air Regulations establishes the standards for the issuance of type and airworthiness certificates for aircraft, referred to as restricted category aircraft, which are intended to be operated for a special purpose. In addition, Part 8 established special operating limitations governing the operation of the restricted category aircraft. These operating limitations are now set forth in § 91.39 of Part 91 [New] of the Federal Aviation Regulations.

Since aircraft certificated under Part 8 are intended to be used for special purposes, the airworthiness certification requirements of that part are not designed to provide the same level of safety as required for aircraft certificated in the standard category. However, considering the limited use for which restricted category aircraft are intended and the special operating limitations imposed on such aircraft, the provisions of Part 8 are considered as providing the necessary level of safety.

The provisions of Part 8 do not clearly prohibit restricted category aircraft from being operated for purposes other than the special purpose for which the aircraft is certificated. In one specific instance, the operating limitations which were established for a restricted category aircraft in line with the operating limitations provisions of Part 8 were held to permit, by implication, the operation of such aircraft for purposes other than the special purpose operations for which it was certificated.

Because somewhat lower design standards may be applied to restricted category aircraft than would be applied to aircraft certificated in a standard category, it is proposed in the interest of safety to prohibit expressly the use of restricted category aircraft for any operations other than the operations essential to carry out the special purpose for which the aircraft is certificated.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to amend Part 8 of the Civil Air Regulations and Part 91 [New] of the Federal Aviation Regulations as follows:

1. By amending § 8.0–1 by deleting paragraph (a) and by redesignating present paragraph (b) as paragraph (a).

2. By amending § 91.39 by designating the existing paragraphs (a), (b), (c), and (d) as (b), (c), (d), and (e) respectively; by amending the proposed redesignated paragraph (d) by deleting the phrase "in a special purpose operation"; and by adding a new paragraph (a) and amending the proposed redesignated paragraph (c) to read as follows:

§ 91.39 Restricted category civil aircraft; operating limitations.

(a) No person may operate a restricted category civil aircraft for any purpose other than the special purpose for which it is certificated, including all operations essential to the conduct of the special purpose.

* * * * *

(c) No person operating a restricted category civil aircraft may carry any person in that aircraft except the minimum crewmembers, crewmember trainees, and ground personnel essential to the conduct of the special purpose.

* * * * *

Issued in Washington, D.C., on January 13, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–474; Filed, Jan. 17, 1963; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34–7218]

RULES OF NATIONAL SECURITIES EXCHANGES

Reporting of Proposed Changes

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt § 240.17a–8 (Rule 17a–8 under the Securities Exchange Act of 1934) to require every national securities exchange to file with the Commission a report of any proposed change in its constitution, by-laws or rules not less than three weeks before they are submitted for any action by the membership or by the Board of Governors of the exchange. Under the proposed rule, if any substantive change is made in the exchange's proposal after the report is filed with the Commission, a new three-week period would begin to run, unless the change is made to conform it to a suggestion made by the Commission. The Commission's rule would also provide that if emergencies arise in which a report cannot be filed as provided above, the exchange shall give the Commission as much notice as the circumstances permit, together with a written statement of the reasons why the filing of a report as required was impracticable.

Under the Act the Commission has the responsibility to oversee the self-regulatory functions of national securities exchanges. Moreover, under section 11, section 19(b), and other sections of the Act, the Commission has broad powers and responsibilities with respect to the rules of such exchanges and matters covered by such rules. Chapter XII of the Special Study Report concluded that the Commission's existing procedures for the review of exchange rules did not seem to be sufficient to assure the needed oversight by the Commission and it recommended that the Commission review exchange rules prior to the time when they become effective. The Commission's proposed rule would afford an opportunity for orderly Commission review of exchange rules before they become effective and assist the Commission in the execution of its functions and responsibilities.

Section 17(a) of the Act provides that every national securities exchange shall make such reports as the Commission by its rules and regulations may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 23(a) of the Act provides that the Commission shall have the power to make such rules and regulations as may be necessary for the execution of its functions. The Commission's proposed rule would be adopted under the Act, and particularly sections 17(a) and 23(a) thereof.

The text of the proposed § 240.17a–8 reads as follows:

§ 240.17a–8 ——.

(a) Each national securities exchange shall file with the Commisison three copies of a report of any proposed amendment or repeal of, or any addition to, its rules not less than three weeks (or such shorter period as the Commission may authorize) before any action is taken on such amendment, repeal, or addition by the members of such exchange or by any governing body thereof: *Provided, however,* That under emergency circumstances such report need not be filed as hereinabove provided, but in such case the exchange shall file three copies of a report giving the Commission as much notice as the circumstances permit, together with a written statement of the reasons why the filing of a report as above provided was impracticable.

(b) If any change is made in a proposed amendment, repeal or addition after the report is filed with the Commission, the three-week period (or such shorter period as the Commission may authorize) will commence to run from the time the Commission is notified of such change unless the change does not alter the substance of the proposed amendment, repeal or addition, or the change is made in conformity to a suggestion by the Commission.

(c) For the purpose of this rule the term "rules of an exchange" shall mean its constitution; articles of incorporation, by-laws, or rules or instruments corresponding thereto whatever the name, and its stated policies.

(d) The failure on the part of an exchange to file a report as hereinabove provided shall not affect the validity, force or effect of any rule of the exchange or of any exchange action or omission to act thereunder.

(Secs. 17(a), 23(a), 48 Stat. 897, 901, as amended; 15 U.S.C. 78q, 78w)

All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, Washington, D.C., 20549, on or before January 31, 1964. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 9, 1964.

[F.R. Doc. 64–480; Filed, Jan. 17, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

W. H. HODGES & CO., INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

ALABAMA

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
W. H. Hodges & Co., Inc., Montgomery, Nov. 1, 1921.	Bowman Stock Yards, Apr. 15, 1963.

SOUTH DAKOTA

Mobridge Livestock Auction Market, Inc., Mobridge, Dec. 1, 1949.	Mobridge Livestock Auction Sales, Inc., Dec. 18, 1963.

TENNESSEE

Lexington Livestock Co., Inc., Lexington, May 11, 1959.	Lexington Sales Co., Oct. 7, 1963.
Nichols Bros. Sales Barn, Thompson Station, May 6, 1959.	Nichols, Brown and Anderson Sales Barn, Oct. 1, 1963.

TEXAS

Bowie Livestock Commission Co., Bowie, Aug. 14, 1963.	Gilmore's Livestock Commission Co., Nov. 1, 1963.
Cotulla Livestock Commission Co., Cotulla, Nov. 17, 1959.	Cotulla Livestock Commission Co., Inc., Dec. 12, 1963.
Frio Livestock Sales Co., Pearsall, June 12, 1957...	Cotulla Livestock Commission Co., Inc., Dec. 12, 1963.

Done at Washington, D.C., this 15th day of January 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-492; Filed, Jan. 17, 1964; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 5]

SAGAMORE HILL NATIONAL HISTORIC SITE

Management Assistant and Administrative Assistant; Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment or Services

1. *Management Assistant.* The Management Assistant, Sagamore Hill National Historic Site, may execute and approve contracts and purchase orders not in excess of $10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

2. *Administrative Assistant.* The Administative Assistant, Sagamore Hill National Historic Site, may issue purchase orders not in excess $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C. sec. 2; Northeast Region Order No. 3 (22 F.R. 7615))

Dated: December 13, 1963.

GEORGE A. PALMER,
Assistant Regional Director, Northeast Regional Office.

[F.R. Doc. 64-476; Filed, Jan. 17, 1964; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application

Notice is hereby given that American President Lines, Ltd. seeks on a privilege basis to serve Taiwan (Keelung or Takao) with its Transpacific passenger vessels SSs "Presidents Cleveland", "Wilson" and "Roosevelt" operating on Line A-1—Trans-Pacific Passenger-Freight Service (Trade Route No. 29).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, amended, 46 U.S.C. 1175, should by the close of business on February 5, 1964, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: January 14, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-485; Filed, Jan. 17, 1964; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56090]

ORDER OF SUCCESSION OF PERSONS TO ACT AS COMMISSIONER OF CUSTOMS

Establishment

JANUARY 14, 1964.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), amendment No. 1 to Customs Delegation Order No. 19 (T.D. 56067; 28 F.R. 13550) is hereby revoked. The order of succession of persons to act as Commissioner of Customs provided for in Customs Delegation Order No. 19 (T.D. 55669; 27 F.R. 7128) which is set forth below is hereby reinstated:

1. The Assistant Commissioner of Customs;
2. The Deputy Commissioner of Customs for Management and Controls;
3. The Deputy Commissioner of Customs for Investigations and Enforcement;
4. The Deputy Commissioner of Customs for Appraisement Administration;
5. The Deputy Commissioner of Customs, Division of Classification and Drawbacks;
6. The Deputy Commissioner of Customs, Division of Entry, Value, and Penalties;
7. The Deputy Commissioner of Customs, Division of Marine Administration;
8. The Collector of Customs, Wilmington, North Carolina;
9. The Assistant Collector of Customs, Wilmington, North Carolina.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 64-484; Filed, Jan. 17, 1964; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Proposed Issuance of Facility License

Notice is hereby given that unless within fifteen days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the Atomic Energy Commission by the applicant or a petition for leave to intervene is filed by any person whose interest may be effected by the proposed issuance of this license as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2), the Commission proposes to issue to National Aeronautics and Space Administration (NASA), Washington 25, D.C., a facility license, substantially as set forth below, authorizing operation of a solution-type critical experiments nuclear reactor facility designated as the Zero Power Reactor System II (ZPR-II) located on the Lewis Research Center site in Cleveland, Ohio as described in NASA's application, as amended. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPCX-19.

For further details see (1) the application and amendments thereto, (2) a hazards analysis prepared by the Division of Licensing and Regulation, and (3) the Technical Specifications designated as Appendix "A" to the license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 16th day of January 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PROPOSED FACILITY LICENSE

1. This license applies to the solution-type critical experiments facility designated as Zero Power Reactor II (ZPR-II) (hereinafter referred to as "the reactor") which is owned by the National Aeronautics and Space Administration and located at the Lewis Research Center in Cleveland, Ohio. The reactor is described in the application for license dated April 26, 1961 and amendments thereto dated September 26, 1961, December 5, 1961, May 21, 1963, June 5, 1963, October 18, 1963, and November 27, 1963 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPCX-19, as amended, and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commisison;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. National Aeronautics and Space Administration is technically and financially qualified to operate the reactor to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulation;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. National Aeronautics and Space Administration is a Federal Agency and need not furnish proof of financial protection as would otherwise be required by subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses National Aeronautics and Space Administration:

A. Pursuant to section 104a of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Cleveland, Ohio, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive and possess up to 53.0 kilograms of contained uranium 235 and to use up to 50.0 kilograms of contained uranium 235 in connection with operation of the ZPR-II reactor, and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. National Aeronautics and Space Administration shall not operate the reactor at power levels in excess of 10 watts (thermal) without prior written authorization from the Commission.

B. *Technical Specifications.* The Technical Specifications contained in Appendix "A" attached hereto are hereby incorporated in this license. Except as hereinafter provided, National Aeronautics and Space Administration shall operate the facility in accordance with the Technical Specifications. National Aeronautics and Space Administration may make changes in the Technical Specifications only when authorized by the Commission in accordance with the provisions of § 50.59 of the Commission's Regulations (Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities").

C. National Aeronautics and Space Administration shall not operate ZPR-II reactor while the ZPR-I reactor is in operation.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, National Aeronautics and Space Administration shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of all experimental irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of National Aeronautics and Space Administration as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

(5) Records of environmental surveys.

E. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) National Aeronautics and Space Administration shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

(a) Any substantial variance in the predicted operating conditions or characteristics of the reactor disclosed by operation of the reactor.

(b) Any accidental release of radioactivity, whether or not resulting in personal injury or exposure above permissible limits or property damage.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to National Aeronautics and Space Administration for use in connection with the ZPR-II reactor 50.0 kilograms of contained uranium 235.

6. This license is effective as of the date of issuance and shall expire at midnight on April 12, 1972.

Date of issuance:

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-530; Filed, Jan. 17, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14121]

NATIONAL AIRLINES, INC., AND LEWIS B. MAYTAG, JR.

Interlocking Relationships; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 23, 1964, at 10:00 a.m. (e.s.t.) in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 14, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-489; Filed, Jan. 17, 1964; 8:47 a.m.]

[Docket No. 14337]

NORTH CENTRAL AIRLINES, INC.

"Use It or Lose It" Investigation of Regina, Saskatchewan, Canada; Notice of Postponement of Hearing

Notice is hereby given that the public hearing in the above-entitled proceeding heretofore assigned to be held on January 22, 1964, has been postponed and will be held on February 10, 1964, at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 15, 1964.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 64-490; Filed, Jan. 17, 1964; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

ITALY/U.S. NORTH ATLANTIC FREIGHT POOL

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8680-3, between the carriers, parties to the Italy/U.S. North Atlantic Freight Pool Agreement 8680, as amended, modifies Article 15 of the basic agreement to provide (1) for its automatic extension after June 30, 1964, for one year at a time; (2) for notice to the Conference Secretary by those parties withdrawing from participation in the pool agreement prior to March 31, 1964, or March 31, of any subsequent year, however, any party may present valid notice of withdrawal within ten days prior to date of expiration of the pool provided that one or more parties thereto have given due notice of withdrawal within the time specified, and (3) parties resigning prior to March 31 of any year shall have no right to withdraw such resignation.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated January 15, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-487; Filed, Jan. 17, 1964; 8:47 a.m.]

ITALY/U.S. NORTH ATLANTIC FREIGHT POOL

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8680-4, between the carriers, parties to the Italy/U.S. North Atlantic Freight Pool Agreement 8680, as amended, provides for (1) the withdrawal of Kulukundis Lines, Ltd., subsequent to its withdrawal from membership in the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference Agreement (2846, as amended), and (2) the admission of Hansa Line, a member of said Conference (Agreement 2846, as amended), to participation in the pool agreement. To reflect these changes in membership, provision is also made for the revision of the pool percentages set forth in Article 2 and of the number of sailings and calls of the parties thereto shown in Article 3 of the pool agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 15, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-488; Filed, Jan. 17, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 926]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 15, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66161. By order of January 13, 1964, the Transfer Board approved the transfer to Thomas & Foy, Inc., LaGrange, Ill., of the operating rights in Certificate in No. MC 49099, issued March 23, 1950, to M. O. Thomas and J. M. Foy, a partnership, doing business as Thomas & Foy, LaGrange, Ill., authorizing the transportation of household goods, as defined, between points in Cook and Lake Counties, Ill., on the one hand, and, on the other, points in Indiana. William R. Hazard, 14 South LaGrange Road, LaGrange, Ill., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-479; Filed, Jan. 17, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7.1]

DIRECTOR OF OFFICE OF FISCAL OPERATIONS ET AL.

Delegation on Administrative Activities

I. Pursuant to the authority delegated to the Assistant Administrator for Administration by the Administrator (Delegation of Authority No. 7, 28 F.R. 13858), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Director, Office of Fiscal Operations and Chief, Fiscal Examination Division.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

B. *Director, Office of Administrative Services; Chief, General Services Division.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the Small Business Administration.

3. To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974, as amended by 28 F.R. 190).

4. To issue government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, property and building passes, and tax exemption certificates.

C. *Chief, Procurement and Supply Branch.* To issue government bills of lading, printing and binding orders, purchase orders, property passes, and tax exemption certificates.

D. *Chief, Office Services Branch.* To issue work orders, telephone orders, property and building passes.

II. To specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting in the position.

IV. All authority previously delegated by the Assistant Administrator (Management) and the Assistant Administrator (Controller), and other officials under their jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date hereof.

Effective date: October 21, 1963.

KEITH L. HANNA,
Assistant Administrator for Administration.

[F.R. Doc. 64-482; Filed, Jan. 17, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-1547]

PRECISION METAL PRODUCTS, INC.

Order Canceling Hearing and Making Suspension Permanent

JANUARY 13, 1964.

The Commission, by order dated September 13, 1962, having temporarily suspended the Regulation A exemption of Precision Metal Products, Inc., 278 NW. 27th Street, Miami 37, Florida, pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, and the company and the underwriter having requested a hearing upon the allegations set forth in the aforementioned order, and the Commission, by order dated October 9, 1962, having orderd a hearing in the above-entitled matter, said hearing having been postponed from time to time, and

The underwriter having requested withdrawal of its request for a hearing and the company having proposed, pursuant to Rule 8 of the Commission's rules of practice, an offer of settlement requesting relief pursuant to Rule 252(f) and having withdrawn its request for a hearing, and the New York Regional Office and the Division of Corporation Finance recommending approval of said proposal and said relief:

It is ordered, That the hearing in this matter be, and it hereby is, canceled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the public offering of securities by the company, becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-481; Filed, Jan. 17, 1964; 8:46 a.m.]

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3028; Amdt. 357]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 1 FEB. 64, OR UPON DECOMMISSIONING OF LFR.

City, Burington; State, Vt.; Airport Name, Municipal; Elev., 335'; Fac. Class., SABRAZ; Ident., BR; Procedure No. 1, Amdt. 11; Eff. Date, 18 Aug. 62; Sup. Amdt. No. 10; Dated, 21 Apr. 62

Windsor VOR	QG LFR	Direct	2000	T-dn*	500-1	500-1	500-1
Wood Int	Maidstone Int**	Direct	2000	C-d	800-1	800-1	800-1¼
Maidstone Int**	QG LFR (final)	Direct	1700	C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				Following minimums apply when aircraft equipped with LFR or ADF and VOR receivers and Peach Int§ received:			
				C-dn	700-1	700-1	700-1¼

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, QG LFR to airport, 327°—7.9 miles; Peach Int§ to airport, 322°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing QG LFR, or 4.4 miles after passing Peach Int§ climb to 2300' and proceed direct to MDS RBn or, when directed by ATC, make climbing right turn and proceed direct to QG LFR at 2300'.
AIR CARRIER NOTE: Sliding scale not applicable.
*300-1 takeoff authorized on Runway 33L only.
§Peach Int: ADF bearing 322° from QG LFR or NW crs QG LFR and QG R-014.
**Maidstone Int: Int SE crs QG LFR and Carleton VOR R-079.

City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626'; Fac. Class., SBRAZ (Windsor LFR); Ident., QG; Procedure No. 1, Amdt. 9; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 8; Dated, 23 Nov. 63

PROCEDURE CANCELLED EFFECTIVE 1 FEB. 64, OR UPON CONVERSION TO RBn.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287'; Fac. Class., BMRLZ; Ident., HK; Procedure No. 1, Amdt. 11; Eff. Date, 26 May 62; Sup. Amdt. No. 10; Dated, 12 Mar. 60

				T-dn*	300-1	300-1	300-1
				C-dn**	500-2	500-2	500-2
				S-dn-25	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of E crs, 052° Outbnd, 232° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 900'.
Crs and distance, facility to airport, 232°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Kodiak LFR, turn left, climb to 400' on E (052°) crs within 20 miles.
CAUTION: 1. High terrain all quadrants around airport except to the E, rising to 3606' 1.2 miles W of airport. 2. Terrain rising to 1200' 2.1 miles N of final approach crs.
AIR CARRIER NOTE: Sliding scale not authorized.
NOTE: Public LFR, private airport U.S. Navy. Airport closed to all civil air traffic except in emergency or when given special authorization by U.S. Navy.
*300-1¼ authorized Runway 7/10, over 2 engines, 65 knots. Proceed directly to range after takeoff. Takeoff Runways 25/28 not authorized.
**All maneuvering for approach to Runways 18, 28, 28, and 36 to be accomplished E of airport, circling approach to Runways 7/10 not authorized.

City, Kodiak; State, Alaska; Airport Name, Kodiak NAS; Elev., 77'; Fac. Class., SBRAZ; Ident., NHB; Procedure No. 1, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 14 Dec. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Papi Int	LOM	Direct	2200	T-dn	300-1	300-1	300-½
Warren Int	ORD VOR	Direct	2500	C-dn	400-1	500-1	500-1½
ORD VOR	LOM	Direct	2200	S-dn-27	400-1	400-1	400-1
OBK VOR	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Lakewood Int	ORD VOR	Via OBK R-271 and ORD R-306.	2500				
Deerfield Int	LOM	Direct	2200				
Niles Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 068° Outbnd, 248° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 248°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3500′ on crs of 248° and proceed direct to DPA VOR or as directed by ATC make climb to 2500′ on crs of 248° and proceed to Elgin Int via ORD R-271 or make right turn climb to 2500′, proceed direct to OBK VOR via OBK R-170.
NOTES: (1) LOM named "Taft". (2) Aircraft executing missed approach may after being reidentified be radar controlled.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD VOR R-250 and climb to 2000′ before proceeding Westbnd. Takeoffs on Runway 22L, when weather is below 2000-3, will intercept ORD VOR R-306 and climb to 2000′ before proceeding Westbnd.
Other change: Deletes transitions from Acorn, Temple, Beacon, and Elgin Int.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., IA; Procedure No. 3, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 15 Dec. 62

QG LFR	MDS RBn	Direct	2700	T-dn*	500-1	500-1	500-1
QG VOR	MDS RBn	Direct	2700	C-dn	700-1	700-1	700-1½
PTK VOR	MDS RBn	Direct	2700	S-dn-15	700-1	700-1	700-1
SVM VOR	MDS RBn	Direct	2700	A-dn	800-2	800-2	800-2
Allen Int	Auburn Int$	Via QG R-339 or 339° bearing from MDS RBn.	2700				
Auburn Int$	MDS RBn	Via QG R-339 or 339° bearing from MDS RBn (final).	2400				

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 146°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing MDS RBn, make left climbing turn to 2700′, proceed to MDS RBn. Hold NW on Inbnd bearing 146° to MDS RBn, left turns or, when directed by ATC, climb to 2000′, proceed direct to QG LFR. (2) climb to 2300′, proceed direct to QG VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only.
$Auburn Int: Int PTK VOR R-105 and QG VOR R-339 or 339° bearing from MDS RBn.

City, Detroit; State, Mich.; Airport Name, Detroit-City; Elev., 626′; Fac. Class., MHW; Ident., MDS; Procedure No. 1, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 23 Nov. 63

SVM-VOR	DW LOM	Direct	2700	T-dn	300-1	300-1	300-½
YIP-VOR	DW LOM	Direct	2700	C-dn	500-1	500-1	500-1½
ORL-VOR	DW LOM	Direct	2700	S-dn-21 R & L	500-1	500-1	500-1
QG-VOR	DW LOM	Direct	2700	A-dn	800-2	800-2	800-2
Royal Int	DW LOM (final)	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to Runway 21R, 212°—5.2 miles; to Runway 21L, 205°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing DW LOM, climb to 2200′, proceed direct to DT LOM or, when directed by ATC, (1) make right turn climb to 2300′, proceed to Ford RBn, (2) climb to 2300′, make left turn, proceed to Rockwood Int via SVM R-143.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
Other change: Deletes transition from Lucy Int.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., LOM; Ident., DW; Procedure No. 2, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 2 June 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GTF RBn	LOM	Direct	6400	T-dn**	300-1	300-1	300-½
GTF VOR	LOM	Direct	6400	C-d	600-1	600-1½	600-1½
Milegan Int	LOM	Direct	6400	C-n	600-2	600-2	600-2
				S-d-34	600-1	600-1	600-1
				S-n-34	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2
				Following minimums apply after passing the R-090 GTF VOR or R-080 identified by GTF Radar:			
				C-dn	800-1	800-1	800-1½
				S-dn-34	800-1	800-1	800-1

Radar transitions and vectoring utilizing Great Falls radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6400′ within 10 miles. Beyond 10 miles not authorized. All turns W side of crs. High terrain E.
Minimum altitude over facility on final approach crs, 6800′.
Crs and distance, facility to airport, 341°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing GT LOM, climb to 6000′ on crs of 341° within 20 miles or, when directed by ATC, climb to 8000′ on 311° bearing from GTF RBn within 15 miles.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
CAUTION: 3843′ towers 0.9 mile SW of airport.
**300-1 required on Runways 11/29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., LOM; Ident., GT; Procedure No. 1, Amdt. 6; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 5; Dated, 9 Jan. 62

GTF VOR	GTF RBn	Direct	5500	T-dn	300-1	300-1	*200-½
Ulm Int#	GTF RBn (final)**	Direct	4300	C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 208° Outbnd, 022° Inbnd, 5500′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 009°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing GTF-RBn, climb to 5500′ on 018° crs within 20 miles of GTF RBn or, when directed by ATC, left turn, climb to 5500′ on 311° crs within 20 miles of GTF RBn.
NOTES: (1) Final approach from holding pattern at the RBn not authorized. Procedure turn required. (2) Aircraft on missed approach may be radar controlled after radar identification.
*300-1 required on Runways 11-29.
#Ulm Int: 203° bearing from GTF RBn and 267° bearing from GT LOM.
**Authorized for aircraft with dual ADF's operating simultaneously or Ulm Int identified by Great Falls Radar. Other change: Deletes transition from Belt FM.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., SABH; Ident., GTF; Procedure No. 2, Amdt. 2; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 1; Dated, 15 Sept. 62

Huron RBn	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Huron VOR	LOM	Direct	2500	C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 296° Outbnd, 116° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 116°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing HO LOM, climb to 2800′ on 116° bearing from LOM within 15 miles or, when directed by ATC, climb to 3000′ on 045° bearing from HON RBn within 15 miles.
Other changes: Note and caution note deleted.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., LOM; Ident., HO; Procedure No. 1, Amdt. 5; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 5; Dated, 26 May 62

Indianapolis VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Shelbyville VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Carleton Int	LOM	Direct	2400	S-dn-31	400-1	400-1	400-1
Quincy Int	LOM	Direct	2400	A-dn	800-2	800-2	800-2
Morgantown Int	LOM	Direct	2400				
Whiteland Int	LOM (final)	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 133° Outbnd, 313° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport 313°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing CO-LOM, climb to 2500′ and proceed direct to IND VOR or when directed by ATC, make left turn climbing to 2000′ and proceed direct to the IN LOM.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., LOM; Ident., CO; Procedure No. 2, Amdt. Orig.; Eff. Date, 1 Feb. 64

Jackson VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
Florence Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Redwood Int	LOM	Direct	1900	S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 108°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing HK LOM, climb to 2000′, turn left and proceed to JAN-VOR via R-178.
CAUTION: Tower 1049′ located 3.5 miles SW of airport.
Other change: Deletes transitions from Edwards Int and Raymond Int.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 345′; Fac. Class., LOM; Ident., HK; Procedure No. 1, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 10 Mar. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Jackson VOR	Jackson RBn	Direct	1700	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 002° Outbnd, 182° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 182°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing JAN RBn climb to 2000′ on crs 182° from JAN RBn within 20 miles.
CAUTION: Tower 1040′ located 3.5 miles SW of airport.
City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343′; Fac. Class., NDB; Ident., JAN; Procedure No. 2, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

				T–dn*	300–1	300–1	300–1
				C–dn**	500–2	500–2	500–2
				S–dn–25	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 232°—5.3 miles.
If visual contact not established upon descent to 600′ within a maximum distance of 3 miles after passing Kodiak LFR, turn left, climbing direct to range, continue climb to 4000′ on a crs of 052° Outbnd within 20 miles.
CAUTION: 1. High terrain all quadrants around airport except to the E, rising to 2500′ 1.2 miles W of airport. 2. Terrain rising to 1200′ 2.1 miles N of final approach crs.
AIR CARRIER NOTE: Sliding scale not authorized.
NOTE: Public LFR, private airport, U.S. Navy airport closed to all civil air traffic except in emergency or when given special authorization by U.S. Navy.
*200–½ authorised Runway 7 and 10, over 2 engines, 65 knots. Proceed directly to range after takeoff. Takeoff Runways 25 and 28 not authorized.
**All maneuvering for approach to Runways 18, 25, 28, and 36 to be accomplished E of airport, circling approach to Runways 7 and 10 not authorized.
City, Kodiak; State, Alaska; Airport Name, Kodiak NAS; Elev., 77′; Fac. Class., SBRAZ; Ident., NHB; Procedure No. 1, Amdt. 2; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 1; Dated, 14 Dec. 63

PBI–VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
PBI–RBn	LOM	Direct	1600	C–dn	500–1	500–1	500–1½
Monet Int	LOM	Direct	1600	S–dn–9	500–1	500–1	500–1
Andrews Int	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Shawnee Int* (final)	LOM	Direct	1600				
Morgan Int	LOM	Direct	1600				
Willy Int	LOM	Direct	1600				
Pompano Int	LOM	Direct	2000				

Procedure turn N side of crs, 273° Outbnd, 093° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 093°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 1600′ on crs of 093° within 20 miles of LOM.
*Shawnee Int may be used in lieu of procedure turn when authorized by West Palm Beach approach control.
MSA 0–090, 1700; 090–180, 2100; 180–270, 2100; 270–360, 1300.
City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19′; Fac. Class., LOM; Ident., PB; Procedure No. 1, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 4 May 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–d	700–1	700–1	700–1½
				C–n	700–2	700–2	700–2
				S–d–22	700–1	700–1	700–1
				S–n–22	700–2	700–2	700–2
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 224°—8.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.3 miles after passing AXN–VOR, make left climbing turn to 3000′ and return to VOR.
Major changes: Deletes transitions from Alexandria LFR. Deletes caution note.
City, Alexandria; State, Minn.; Airport Name, Alexandria Municipal; Elev., 1425′; Fac. Class., BVOR; Ident., AXN; Procedure No. 1, Amdt. 7; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 6; Dated, 21 Sept. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Windsor LFR	Windsor VOR	Direct	2300	T–dn@	500–1	500–1	500–1
				C–d	900–1	900–1	900–1½
				C–n	900–2	900–2	900–2
				A–dn#	900–2	900–2	900–2
				Following minimums apply when aircraft equipped with dual VOR and ADF receivers and Island Int* received:			
				C–dn	700–1	700–1	700–1½

Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2000′ within 10 miles.
Minimum altitude over QQ VOR on final approach, 2000′.
Crs and distance, QQ VOR to airport, 350°—8.2 miles; Island Int* to airport, 350°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing VOR, climb to 2300′ and proceed to Dyke Int via QQ R–347 or, when directed by ATC, climb to 2300′ and proceed direct to MOS RBn. Hold NW, crs Inbnd 146°, left turns.
AIR CARRIER NOTE: Sliding scale not authorized.
@300–1 takeoff authorized Runway 25 only.
*Island Int: Int R–350 QQ and R–061 YIP or bearing 075° from LFR.
City, Detroit; State, Mich.; Airport Name, Detroit City; Elev., 626′; Fac. Class., BVOR; Ident., QQ; Procedure No. 1, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 25 Aug. 62

				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–12	400–1	400–1	400–1
				A–dn#	NA	NA	NA

Procedure turn W side of crs, 300 Outbnd, 120 Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 120°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing FOD–VOR, make left turn, climb to 2800′ and return to FOD–VOR.
NOTE: When weather is below 700–1 aircraft departing Southbnd, flight below 2300′ is prohibited between radials 120° and 175° inclusive of the FOD VOR due to 1773′ tower 3.7 miles S of the airport.
Other change: Deletes caution note.
#Alternate minimums of 800–2 authorized for air carriers with weather reporting services at the airport.
City, Fort Dodge; State, Iowa; Airport Name, Fort Dodge Municipal; Elev., 1160′; Fac. Class., BVOR; Ident., FOD; Procedure No. 1, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 3 Nov. 62

GTF RBn	VOR	Direct	5500	T–dn	300–1	300–1	*200–½
Ulm Int**	VOR (final)	Direct	4200	C–dn	500–1	500–1	500–1½
				S–dn–3	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring utilizing Great Falls radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 203° Outbnd, 023° Inbnd, 5500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4200′.
Crs and distance, facility to airport, 026°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing GTF VOR, climb to 5500′ on R–013 within 20 miles or when directed by ATC, make climbing left turn and climb to 5500′ on R–312 within 20 miles.
NOTES: Aircraft on missed approach may be radar controlled after radar identification. Final approach from holding pattern at the VOR not authorized. Procedure turn required.
CAUTION: 3843′ tower 0.9 mile SW of airport.
Other change: Deletes transition from Belt FM.
*300–1 required on Runways 11–29.
**Ulm Int; Int GTF–VOR R–203 and 267° bearing from GT LOM, or identified by GTF Radar.
City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., BVOR; Ident., GTF; Procedure No. 1, Amdt. 6; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 5; Dated 25 Aug. 62

GTF RBn	VOR	Direct	5500	T–dn*	300–1	300–1	200–½
GT LOM	VOR	Direct	5500	C–dn	500–1	500–1	500–1½
				S–dn–21	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 5100′ within 15 miles.
Minimum altitude over facility on final approach crs, 4600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5500′ on R–203 within 10 miles or, when directed by ATC, turn right, climb to 6000′ on R–282 within 20 miles.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
CAUTION: 4089′ stacks 4.5 miles NE of airport.
Other change: Deletes transitions from Belt FM and Cascade FM.
*300–1 required on Runways 11–29.
#Descent to landing minimums authorized after passing 4-mile radar fix. If radar fix not received, ceiling minimum of 900′ applies.
City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., BVOR; Ident., GTF; Procedure No. 2, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated 16 July 60

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
HSV VOR	Factory Int° (final)	Direct	1600	T-dn	300-1	300-1	200-½
Toney Int	HSV VOR	Direct	2600	C-dn	1000-1	1000-1	1000-1½
Grant Int	HSV VOR	Direct	3000	C-n	1000-2	1000-2	1000-2
Gurley Int	HSV VOR	Direct	3000	S-d-18	1000-1	1000-1	1000-1
Owens Int	HSV VOR	Direct	3000	S-n-18	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				If aircraft is equipped with two operating VOR receivers or one VOR and one ADF receiver, and Factory Int° received, minimums become:			
				C-dn	900-1½	900-1½	900-2
				S-dn-18	700-1	700-1	700-1

Procedure turn W side of crs, 337° Outbnd, 157° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′; over Factory Int,° 1600′.
Crs and distance, facility to airport, 157°—6.4 miles; Factory Int° to airport, 157°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing HSV VOR, climb to 3000′ on HSV VOR R-157, then turn left to intercept HSV VOR R-145 within 20 miles.
°Factory Int: Int HSV VOR R-157, HUA VOR R-030, or 077° bearing from HUA RBn.
‡CAUTION: Circling approaches avoid high terrain and trees 1100′ 1.3 miles E of airport.

City, Huntsville; State, Ala.; Airport Name, Huntsville; Elev., 619′; Fac. Class., BVOR; Ident., HSV; Procedure No. 1, Amdt. 8; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 7; Dated, 26 Oct. 63

Huron RBn	HON-VOR	Direct	2400	T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 304° Outbnd, 124° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 124°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing HON-VOR, climb to 2800′ on R-124 within 15 miles HON-VOR.
Other change: Deletes caution note.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., M-BVOR; Ident., HON; Procedure No. 1, Amdt. 7; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 6; Dated, 26 May 62

Jackson RBn	JAN-VOR	Direct	1900	T-dn	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				If aircraft equipped with ADF receiver and Fisher Int° identified on final, minimum becomes:			
				C-dn	500-1	500-1	500-1½

Procedure turn W side crs, 009° Outbnd, 189° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over Fisher Int,° 1300′.
Crs and distance, JAN VOR to airport, 189°—10.8 miles; Fisher Int to airport, 189°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.8 miles after passing JAN VOR or 2.3 miles after passing Fisher Int,° climb to 2000′ on R-189 within 20 miles or, when directed by ATC, turn left, climb to 2300′ on R-090 within 20 miles.
CAUTION: Tower 1040′ located 3.5 miles SW of airport.
°Fisher Int: Int R-189 JAN-VOR and 090° bearing from JAN RBn.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343′; Fac. Class., BVORTAC; Ident., JAN; Procedure No. 1, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 11 May 63

JAN VOR	JA LOM or Ruth Int° (final)	Direct	1300	T-dn	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				S-d-15	1000-1	1000-1	1000-1
				S-n-15	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				If aircraft is equipped with operating ADF, Marker Beacon or DME receivers and position over JA LOM or Ruth Int° is identified, the following minimums are authorized:			
				C-dn	400-1	500-1	500-1½
				S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 331° Outbnd, 151° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over JA LOM or Ruth Int,° 1300′.
Crs and distance, facility to airport, 151°—11.7 miles; JA LOM or Ruth Int° to airport, 151°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.7 miles after passing JAN VOR, turn right, climb to 3000′ on JAN VOR R-163 within 20 miles.
°Ruth Int: Int JAN VOR R-151 and 239° bearing to JAN RBn or 6.4-mile DME Fix from JAN VOR.

City, Jackson; State, Miss.; Airport Name, Thompson Field; Elev., 345; Fac. Class., BVORTAC; Ident., JAN; Procedure No. 1, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 17 Aug. 63

				T-dn	300-1	300-1	NA
				C-d	700-1	700-1	NA
				C-n	700-2	700-2	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs 001° Outbnd, 181° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 211°—8.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing JOT VOR, make left turn, climbing to 2000′ and proceed direct to JOT VOR.
CAUTION: Airport without weather reporting service.

City, Morris; State, Ill.; Airport Name, Morris Municipal; Elev., 588′; Fac. Class., BVORTAC; Ident., JOT; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Feb. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-29	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side crs, 108° Outbnd, 288° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 288°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing MSL-VOR, climb to 2000′, turn left and return to MSL-VOR or, when directed by ATC, climb to 2100′ on R-293 of MSL-VOR within 10 miles.
CAUTION: Transmission line poles 654′ located 1.5 miles E of approach end of Runway 29.

City, Muscle Shoals; State, Ala.; Airport Name, Muscle Shoals; Elev., 548′; Fac. Class., BVOR; Ident., MSL; Procedure No. 1, Amdt. 12; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 11; Dated, 4 Nov. 61

SSM RBn	SSM-VOR	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-32	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn E side SE crs, 157° Outbnd, 337° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 337°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing SSM-VOR, climb to 2500′ on crs of 337° and proceed direct to FSP VOR or, as directed by ATC, climb to 2500′ on course of 337° and proceed direct to SSM RBn.
NOTE: Runway lights Runways 14 and 32 only.

City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie Municipal; Elev., 722′; Fac. Class., BVOR; Ident., SSM; Procedure No. 1, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 18 Oct. 62

				T-d	500-2	500-2	NA
				C-d	800-2	800-2	NA

Procedure turn W side of crs, 030° Outbnd, 210° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 210°—8.4 miles.
If visual contact not established upon descent to authorized landing minimums or, if landing not accomplished within 8.4 miles after passing RHI VOR, make left climbing turn to 3000′. Return to Rhinelander VOR on R-210.
CAUTION: 1700′ tower 0.1 mile W of airport.
NOTE: 122.1 receiver remoted from Rhinelander VOR to Wausau FSS.

City, Tomahawk; State, Wis.; Airport Name, Drott; Elev., 1500′; Fac. Class., BVOR; Ident., RHI; Procedure No. 1, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 27 Jan. 62

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-23	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 033° Outbnd, 213° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 229°—0.29 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished proceed to facility, climb to 2200′ on MBS VOR R-218 and return to MBS VOR.

City, Saginaw; State, Mich.; Airport Name, Tri-City; Elev., 667′; Fac. Class., BVOR; Ident., MBS; Procedure No. TerVOR-23, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 7 Sept. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CTR VOR	BAF VOR	Direct	3200	T–d°	700–1	700–1	700–1
Skylark Int	BAF VOR	Direct	3000	T–a°	700–2	700–2	700–2
				C–dn	1700–2	1700–2	1700–2
				A–dn	1700–2	1700–2	1700–2
				#The following minimums apply after passing BAF RBn:			
				C–d	800–1	800–2	800–2
				C–a	800–2	800–2	800–2
				S–d–20	800–1	800–1½	800–1¼
				S–a–20	800–2	800–2	800–2

Procedure turn W side of crs, 022° Outbnd, 203° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAF VOR (4.8 miles after BAF RBn), climb to 2000′ on R–203 within 10 miles; make right climbing turn to 3000′ to BAF VOR. Hold N of BAF VOR, 203° Inbnd, right turns 1 minute.
°800–1 day, 800–2 night, required for takeoff on Runways 9 and 15.
#Do not descend below 2000′ until after passing BAF RBn.

City, Westfield; State, Mass.; Airport Name, Barnes Municipal; Elev., 270′; Fac. Class., BVOR; Ident., BAF; Procedure No. TerVOR–20, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 11 May 63

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Holston Mountain VOR	Int BLA R–200 and 306° bearing to LOM.	Direct	6000	T–dn	300–1	300–1	°°200–½
				C–dn‡	700–1	800–1	800–1¼
Int BLA R–200 and 306° bearing to LOM	LOM (MHW)	Direct	3600	S–dn–22‡%	400–¾	400–¾	400–¾
Telford Int	LOM (MHW)	Direct	3600	A–dn	800–2	800–2	800–2
Yuma Int	LOM (MHW)	Direct	4000				
Hilton Int	LOM (MHW)	Direct	5000				
Greendale Int*	LOM (final) ##	Direct	4000				
Damascus Int	Int HMV R–007 and 270° bearing to LOM.	Direct	6000				
Int HMV R–007 and 270° bearing to LOM	LOM (MHW)	Direct	3600				

Procedure turn E side of crs, 044° Outbnd, 224° Inbnd, 3600′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to terrain NW.
Minimum altitude at glide slope interception Inbnd, 3600′.##
Altitude of glide slope and distance to approach end of runway at OM, 3462′—5.9 miles; at MM, 1742′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 4000′ on crs 224° from LOM within 20 miles or, when directed by ATC, turn right, climb to 4000′ on HMV R–291 to Yuma Int.
CAUTION: Abrupt changes in terrain elevations adjacent to procedure areas NW. Due high terrain, aircraft with limited climb capability departing on routes via HMV VOR should request clearance to climb on a track of 044° from Boone RBn or 224° from LOM to 4000′ before continuing climb on crs.
*Greendale Int: Int BLA R–187 and TRI ILS NE crs.
**Runway 4 and 22 only.
‡600–1 required when glide slope not utilized and aircraft must maintain 2400′ or above until passing Beaver Int◎. 400–1 required when approach lights inoperative.
◎Beaver Int: Int TRI ILS 044° and HMV R–296.
‡No reduction of any landing ceiling or visibility minimum is authorized.
##Descent from 4000′ may be made on glide slope or SW of HMV–VOR R–332 on final.

City, Bristol; State, Tenn.; Airport Name, Tri-City Municipal; Elev., 1519′; Fac. Class., ILS; Ident., I–TRI; Procedure No. ILS–22, Amdt. 7; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 6; Dated, 4 Jan. 64

Papi Int	LOM	Direct	2200	T–dn	300–1	300–1	200–½
ORD VOR	LOM	Direct	2200	C–dn	400–1	500–1	500–1½
OBK VOR	LOM	Direct	2200	S–dn–27°	200–½	200–½	200–½
Lakewood Int	ORD VOR	Via OBK R–271 and ORD R–306.	2800	A–dn	600–2	600–2	600–2
Niles Int	LOM	Direct	2500				
Warren Int	ORD VOR	Direct	2500				
Deerfield Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side E crs, 088° Outbnd, 268° Inbnd, 2200′.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at LOM, 2130′—4.5 miles; at MM, 860′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3500′ on a crs of 268° and proceed direct to DPA VOR or climb to 2500′ on crs of 268° and proceed to Elgin Int via ORD R–271 or make right turn climb to 2500′ proceed to OBK VOR via OBK R–170.
NOTES: (1) LOM named "Taft". (2) Aircraft executing missed approach may after being reidentified be radar controlled.
CAUTION: Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR R–250 and climb to 2000′ before proceeding Westbnd. Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR R–306 and climb to 2000′ before proceeding Westbnd.
Other Change: Deletes transitions from Elgin, Beacon, Acorn, Whitefish, Temple, Tide, and Shark Int.
°400–1 required when glide slope not utilized.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I–IAC; Procedure No. ILS–27, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 15 Dec. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SVM–VOR	DW LOM	Direct	2700	T–dn	300–1	300–1	200–½
YIP–VOR	DW LOM	Direct	2700	C–dn	400–1	400–1	400–1½
CRL–VOR	DW LOM	Direct	2700	S–dn–21Rŧ	300–¾	300–¾	300–¾
GG–VOR	DW LOM	Direct	2700	A–dn	700–2	700–2	700–2
Royal Int	DW LOM (final)	Direct	2300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 032° Outbnd, 212° Inbnd, 2700′ within 10 miles. Final approach from holding pattern at LOM not authorized. Procedure turn required.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2289′—5.2 miles; at MM, 860′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200′, proceed direct to DT LOM or, when directed by ATC, (1) make right turn climb to 2200′, proceed to FRD RBn, (2) climb to 2300′, make left turn, proceed to Rockwood Int via SVM R–143.
NOTES: No approach lights. Aircraft executing missed approach may after being reidentified, be radar controlled.
Other change: Deletes Lucy Int.
ŧ400–1 required when glide slope not utilized.

City, Detroit; State, Mich.; Airport Name, Metropolitan Wayne County; Elev., 639′; Fac. Class., ILS; Ident., I–DWC; Procedure No. ILS–21R, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 2 June 62

GTF RBn	LOM	Direct	6400	T–dn°°	300–1	300–1	200–½
GTF–VOR	LOM	Direct	6400	C–dn	500–1	500–1	500–1½
Milligan Int	5 crs ILS (final)	340°–11	4300	S–dn–34°	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 161° Outbnd, 341° Inbnd, 6400′ within 10 miles. Not authorized beyond 10 miles. All turns W side of crs—high terrain E.
Minimum altitude at glide slope interception Inbnd, 6300′.
Altitude of glide slope and distance to approach end of runway at OM, 6310′—4.5 miles; at MM, 2000′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6000′ on bearing of 341° from LOM within 20 miles or, when directed by ATC, climb to 6000′ on 311° bearing from GTF RBn or R–311 GTF–VOR within 15 miles.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
CAUTION: 3843′ towers 0.9 mile SW of airport.
Other change: Deletes transitions from Belt FM and Cascade FM.
°400–½ required when glide slope not utilized.
°°200–1 required for Runways 11–29.

City, Great Falls; State, Mont.; Airport Name, Great Falls International; Elev., 3671′; Fac. Class., ILS; Ident., I–GTF; Procedure No. ILS–34, Amdt. 10; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 9; Dated, 8 June 63

Huron RBn	LOM	Direct	2800	T–dn	300–1	300–1	300–¾
Huron VOR	LOM	Direct	2800	C–d	600–1	600–1	600–1½
				C–a	800–1½	800–1½	800–1½
				S–dn–12°	300–¾	300–¾	300–¾
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 298° Outbnd, 118° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM 2433′—3.9 miles, at MM 1488′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800′ on SE crs ILS within 15 miles or, when directed by ATC, climb to 3000′ on 045° bearing from HON RBn within 15 miles.
°No approach lights.

City, Huron; State, S. Dak.; Airport Name, Howes Municipal; Elev., 1287′; Fac. Class., ILS; Ident., I–HON; Procedure No. ILS–2, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 5; Dated, 26 May 63

HUT VOR	Storage Int	Direct	4000	T–dn	300–1	300–1	300–½
				C–dn	500–1	500–1	500–1½
				S–dn–01	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side crs, 228° Outbnd, 308° Inbnd, 4200′ within 10 nautical miles of Storage Int.
Minimum altitude over Storage Int on final approach crs, 3000′.
Crs and distance, Storage Int to airport, 308°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Storage Int, climb on NW crs HUT ILS to 2900′ and proceed to LOM, or when directed by ATC, proceed to HUT–VOR climbing to 3000′ via the ILS crs and the 043° radial of HUT–VOR.
CAUTION: 3049′ TV tower located 3.5 miles E of airport. Aircraft taking off to N, E, NE, SE, climb to 3000′ prior to proceeding toward TV tower.
NOTES: Final approach from holding pattern at Storage Int not authorized. Procedure turn required. Maintain 4000′ until established Outbnd SE of Storage Int.

City, Hutchinson; State, Kans.; Airport Name, Hutchinson Municipal; Elev., 1542′; Fac. Class., ILS; Ident., I–HUT; Procedure No. ILS–31, Amdt. 2; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 1; Dated, 3 Nov. 62

Indianapolis VOR	LOM	Direct	2400	T–dn	300–1	300–1	300–½
Shelbyville VOR	LOM	Direct	2400	C–dn	400–1	500–1	500–1½
Castleton Int	LOM	Direct	2400	S–dn–31°	300–¾	300–¾	300–¾
Quincy Int	LOM	Direct	2400	A–dn	600–2	600–2	600–2
Morgantown Int	LOM	Direct	2400				
Whiteland Int	LOM (final)	Via IND VOR R–126 and ILS SE crs.	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 133° Outbnd, 313° Inbnd, 2400′ within 10 miles.
Minimum altitude at glide slope interception Inbnd 2400′.
Altitude of glide slope and distance to approach end of runway at OM 2270′—5.4 miles at MM 965′—0.66 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ and proceed direct to IND VOR or when directed by ATC, make left turn climbing to 2000′ and proceed direct to the IN LOM.
NOTES: Aircraft executing missed approach may, after being reidentified, be radar controlled. No approach lights.
°400–1 required when glide slope not utilized.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., ILS; Ident., I–COA; Procedure No. ILS–31, Amdt. Orig.; Eff. Date, 1 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Jackson VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
Florence Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Redwood Int	LOM	Direct	1900	S-dn-11°	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn S side NW crs, 286° Outbnd, 106° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1467′—3.8 miles; at MM, 525′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′, turn left and proceed to JAN-VOR via R-178.
CAUTION: Tower 1049′ located 3.5 miles SW of airport.
Other changes: Deletes transitions from Edwards Int and Raymond Int.
°400-½ required when glide slope not utilized.

City, Jackson; State, Miss.; Airport Name, Hawkins Field; Elev., 343′; Fac. Class., ILS; Ident., I-HKS; Procedure No. ILS-11, Amdt. 17; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 16; Dated, 21 Apr. 63

Camp Int°°	McGregor Pt RBn	Via S crs of ILS	2700	T-dn§	300-1	300-1	200-½
Harpoon Int	Camp Int°°	Direct	4000	C-dn	600-1	600-1	600-1½
Kaiki Int°°°	Camp Int°°	Direct	4000	S-dn-2°	300-½	300-½	300-½
Target Int§	Camp Int°°	Direct	4000	A-dn	700-2	700-2	700-2

Procedure turn not authorized. Straight-in from McGregor Pt RBn only.
Crs, McGregor Pt RBn to airport, 024°.
Altitude of glide slope and distance to approach end of runway at McGregor Pt RBn, 2700′—8.2 miles; at OM, 1205′—3.5 miles; at LMM, 289′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on OGG-VOR R-027, reverse crs, climb to 8000′ and return to VOR, or when directed by ATC, (1) climb to 7000′ on OGG VOR R-027, reverse crs and return to VOR or (2) climb to 1500′ on OGG VOR R-340, turn left, continue climb to 6000′ and proceed to Porpoise Int.
CAUTIONS: 1. Precipitous terrain W of McGregor Pt RBn. Turbulence of varying intensities may be encountered. 2. 570′ tower 4 miles W of airport; 255′ stacks 1.6 miles SW on final. 3. Approach lights not installed.
°When glide slope not utilized do not descend below 1700′ until 3 miles past McGregor Point RBn and minimums are 800-1.
§Takeoff minimums Runways 29, 20, and 17 are 600-1, and all aircraft must cross airport under VFR conditions prior to departing on crs.
°°Camp Int: Int LNY-VOR R-098 and S crs ILS/304° bearing from MPH RBn.
°°°Kaiki Int: Int LNY-VOR R-066 and 230 bearing from MPH RBn.
§Target: Int LNY-VOR R-107 and S crs ILS/MPH 204° bearing.

City, Kahului, Maui; State, Hawaii; Airport Name, Kahului; Elev., 50′; Fac. Class. ILS; Ident., I-OGG; Procedure No. ILS-2, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 7 Sept. 63

Bayshore VHF Int°	Flagler VHF Int§ (final)	Direct	1500	T-dn	300-1	300-1	200-½
BSY-VOR	Flagler VHF Int§	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-27R	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1500′ within 10 miles of Flagler VHF Int.§
Minimum altitude over Flagler VHF Int§ on final approach crs, 1500′.
Crs and distance, Flagler VHF Int§ to airport, 206°—4.4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Flagler VHF Int,§ climb to 1500′ on W crs of ILS within 20 miles.
NOTES: Approach from Bayshore VHF Int° may be used in lieu of procedure turn when authorized by Miami Approach Control.
°Bayshore VHF Int: Int BSY-VOR R-020 and E crs MFA ILS Localiser.
§Flagler VHF Int: Int BSY-VOR R-355 and E crs MFA ILS Localiser.
MSA 0-090, 1500′; 090-180, 1400′; 180-270, 1700′; 270-360, 2100′.

City, Miami; State, Fla.; Airport Name, Miami International; Elev., 9′; Fac. Class., ILS; Ident., I-MFA; Procedure No. ILS-27R, Amdt. 2; Eff. Date, 1 Feb. 64; Sup. Amdt No. 1; Dated, 10 Nov. 62

PBI-VOR	LOM	Direct	1600	T-dn	300-1	300-1	200-½
PBI-RBn	LOM	Direct	1600	C-dn	°400-1	500-1	500-1½
Monet Int	LOM	Direct	1600	S-dn-9°	200-½	200-½	200-½
Andrews Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Shawnee Int§ (final)	LOM	Direct	1600				
Morgan Int	LOM	Direct	1600				
Willy Int	LOM	Direct	1600				
Pompano Int	LOM	Direct	2000				

Procedure turn N side of crs, 275° Outbnd, 095° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1560′—5.7 miles; at MM, 217′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ on E crs of ILS-LCZR within 20 miles of LOM.
°400-½ required when glide slope not utilized.
§Shawnee Int may be used in lieu of procedure turn when authorized by West Palm Beach approach control.
MSA 0-090, 1700; 090-180, 2100; 180-270, 2100; 270-360, 1200.

City, West Palm Beach; State, Fla.; Airport Name Palm Beach International; Elev., 19′; Fac. Class., ILS; Ident., I-PBI; Procedure No. ILS-9, Amdt. 4; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 3; Dated, 9 Nov. 63

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All sectors	Radar site	Within 30 miles	3000	**Precision approach**			
				T-dn	300-1	300-1	200-½
				C-d	400-1	500-1	200-1½
				C-dn	400-1½	600-1½	500-1½
				S-dn-9-27°	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-d-9	400-1	500-1	500-1½
				C-n-9	400-1½	600-1½	600-1½
				S-dn-9	400-1	400-1	400-1
				C-d-27	500-1	500-1	500-1½
				C-n-27	500-1½	600-1½	600-1½
				S-dn-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

° If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 9—Climb to 3000′ on E crs of ILS within 30 miles or, when directed by ATC, make left climbing turn to 3000′ on R-005 DLH VOR within 15 miles.
Runway 27—Climb to 3000′ on W crs of ILS within 10 miles or, when directed by ATC, make right climbing turn to 3000′ on R-005 DLH VOR within 15 miles.
NOTE: Aircraft on missed approach may be radar directed in accordance with approved patterns.
°No approach lights.

City, Duluth; State, Minn.; Airport Name, Duluth International; Elev., 1429′; Fac. Class., USAF; Ident., Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 1 Feb. 64

060°	360°	Within 15 miles	1600	**Surveillance approach**			
060°	360°	Within 25 miles	2100	T-dn-13 and 31	300-1	300-1	NA
				C-dn-13 and 31	500-1	500-1	NA
				A-dn-13 and 31	1000-1	1000-1	NA
				Precision approach°			
				C-dn-13	400-1	500-1	NA
				S-dn-13	300-1	300-1	NA

Maintain 1600′ until 6 miles from center of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished or lost communications, make left climbing turn to a heading of 360° to intercept R-322 Norfolk VOR, maintain 1600′. Proceed Outbnd on R-322 of Norfolk VOR to the Williamsburg Int. Hold SE 1-minute pattern right turns. Contact Norfolk Approach Control for further instructions.
NOTE: Authorized for military use only except by prior arrangement.
°Primary approach is circling ASR. PAR approach will be made only when traffic permits and/or weather is below ASR minimums.

City, Fort Eustis; State, Va.; Airport Name, Felker U.S. AAF; Elev., 10′; Fac. Class., Fort Eustis; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 1 Feb. 64; Sup. Amdt. No. 2; Dated, 19 Jan. 63

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
030	150	10	4000											**Precision approach**			
150	030	20	2000											T-dn	300-1	300-1	200-½
														C-d	1000-1	1000-1	1000-1½
														C-n	1000-2	1000-2	1000-2
														S-dn-27	200-½	200-½	200-½
														S-dn-35	300-¾	300-¾	300-¾
														A-dn	1000-2	1000-2	1000-2
														Surveillance approach			
														S-d-17	800-1	800-1	800-1
														S-n-17	800-2	800-2	800-2
														S-d-35	600-1	600-1	600-1
														S-n-35	600-2	600-2	600-2

Radar terminal transition altitudes: All bearings are from radar site within sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 17: Climb to 2600′, proceed direct to Whitesburg Rbn and enter holding pattern or, when directed by ATC, turn right and climb to 2600′ on R-349 of HUA VOR within 20 miles. Runway 35: Climb to 2600′ on R-349 of HUA VOR within 20 miles.
NOTE: Authorized for military use only, except by prior arrangement.
CAUTION: High terrain 1.7 miles E of airport with tower elevation 1271′. Due terrain and towers in maneuvering areas, radar guidance will not be discontinued until the aircraft has either landed or climbed to designated altitude and crs on missed approach.

City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 682′; Fac. Class., Redstone; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 1 Feb. 64; Sup. Amdt. No. Orig.; Dated, 26 Sept. 58

These procedures shall become effec-

Title 12—BANKS AND BANKING

ment meet the requirements contained

SOUTH DAKOTA

bean crop insurance for the 1964 crop

§ 213.506a Certificate of nondiscrimi-

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on December 27, 1963.

C. SCHUCK,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-52; Filed, Jan. 20, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER subparagraph (20) is added to paragraph (a) of § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(20) One Confidential Assistant to the Assistant Secretary for Rural Development and Conservation.

• • • • • •

R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-546; Filed Jan. 20, 1964; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Effective upon publication in the FEDERAL REGISTER, paragraph (u) is added to § 213.3102 as set out below.

§ 213.3102 Entire Executive Civil Service.

• • • • • •

(u) Until June 30, 1965, and for not more than 100 positions and subject to prior approval of the Commissioners, a position when filled by a severely handicapped person who, under temporary appointment, has demonstrated his ability to perform satisfactorily the duties of the position.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-547; Filed, Jan. 20, 1964; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

California Bond Anticipation Notes

§ 1.130 California Bond Anticipation Notes.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $50 million State of California Bond Anticipation Notes for purchase, dealing in, underwriting, and unlimited holding by National Banks under Paragraph Seventh of 12 U.S.C. 24 and this part.

(b) *Opinion.* The notes, having maturities of not to exceed two years, will be payable solely from the proceeds of the sale of general obligation water bonds to be sold by the State of California. The bonds, aggregating $1,750 million, have been duly authorized by the electorate. Interest on the notes will be payable from state funds appropriated by the legislature. The notes are thus supported by the full faith and credit of the State of California and, accordingly, qualify as public securities within the meaning of paragraphs (c) and (e) of § 1.3.

(c) *Ruling.* It is our conclusion that the California Bond Anticipation Notes are eligible for purchase, dealing in, underwriting and unlimited holding by National Banks.

SOURCE: Comptroller's letter dated November 20, 1963.

Dated: January 16, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-559; Filed, Jan. 20, 1964; 8:50 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

Redevelopment Land Agency Urban Renewal Bonds of District of Columbia

§ 1.131 District of Columbia Redevelopment Land Agency Urban Renewal Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,225,000 Urban Renewal Bonds, Series 1963 of the District of Columbia Redevelopment Land Agency, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The District of Columbia Redevelopment Land Agency, a "local public agency" within the meaning of section 110(h) of the Housing Act of 1949 has entered into an agreement with the Housing and Home Finance Administrator whereby the Administrator agrees to pay or cause to be paid when due the principal of and interest on these bonds. The provisions contained in the agreement meet the requirements contained in Paragraph Seventh, 12 U.S.C. 24 for a security not subject to the limitations and restrictions contained therein as to "dealing in, underwriting and purchasing for its own account, investment securities". These bonds are, therefore, public securities within the meaning of § 1.3(c)(3).

(c) *Ruling.* It is our conclusion that the Urban Renewal Bonds, Series 1963 of the District of Columbia Redevelopment Land Agency are eligible for purchase, dealing in, underwriting and unlimited holding by National Banks.

Dated: January 16, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-560; Filed, Jan. 20, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN A COUNTY PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE

Adams County, Colorado, is hereby deleted from the list of counties published in the FEDERAL REGISTER on August 3, 1963 (28 F.R. 7931), which were designated for barley crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516; 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-519; Filed, Jan. 20, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR COMBINED CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8439), which were designated for combined crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

IOWA	
Ida.	
MINNESOTA	
Dakota.	McLeod.
Kandiyohi.	Stearns.
SOUTH DAKOTA	
Bon Homme.	Miner.
Hutchinson.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-520; Filed, Jan. 20, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN A COUNTY PREVIOUSLY DESIGNATED FOR CORN CROP INSURANCE

Adams County, Colorado, is hereby deleted from the list of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8439), which were designated for corn crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-521; Filed, Jan. 20, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN A PARISH PREVIOUSLY DESIGNATED FOR COTTON CROP INSURANCE

Acadia Parish, Louisiana, is hereby deleted from the list of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8441), which were designated for cotton crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-522; Filed, Jan. 20, 1964; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR DRY BEAN CROP INSURANCE

Adams County, Colorado, and Laramie County, Wyoming, are hereby deleted from the list of counties published in the FEDERAL REGISTER on August 17, 1963 (28 F.R. 8439), which were designated for dry bean crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-523; Filed, Jan. 20, 1964; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.18 paragraph (d) is amended to read as follows:

§ 203.18 Maximum mortgage amounts.

• • • • • •

(d) *Disaster victims.* A mortgage covering a single-family dwelling, in an amount not in excess of $12,000 or the appraised value of the property as of the date the mortgage is accepted for insurance, whichever is the lesser, shall be eligible for insurance if:

(1) The mortgage is executed by a mortgagor who will occupy the dwelling;

(2) The mortgagor establishes that the home which he previously occupied as owner or tenant was destroyed or damaged to such an extent that reconstruction or replacement is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President has determined to be a major disaster; and

(3) The application for insurance is filed within one year from the date of such Presidential determination, or within such additional period of time as the period of Federal assistance with respect to such disaster may be extended.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

In § 213.506a paragraphs (a) and (b)(1) are amended to read as follows:

§ 213.506a Certificate of nondiscrimination by seller.

(a) An application for insurance involving the sale of a dwelling unit not previously owner-occupied shall be accompanied by a certificate, in a form satisfactory to the Commissioner, signed by the seller establishing that such seller does not and will not discriminate in the sale of properties to prospective purchasers because of their race, color, creed or national origin.

(b) • • •

(1) Where the property involved is being released from a project for which preapplication analysis has been requested and the statement relating to nondiscrimination has been furnished as required by the provisions of § 200.320 of this chapter.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.506 paragraph (b) is amended by adding to the end thereof a new sentence to read as follows:

§ 220.506 Development of property.

• • • • • •

(b) *Minimum number of units.* • • • The site may consist of two or more noncontiguous parcels of land whenever the Commissioner shall have determined that the parcels are (1) so situated as to comprise a readily marketable real estate entity, and (2) within an area small enough to allow convenient and efficient management.

• • • • • •

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.545 paragraph (b) is amended by adding to the end thereof a new sentence to read as follows:

§ 221.545 Development of property.

• • • • • •

(b) *Minimum number of units.* • • • The site may consist of two or more noncontiguous parcels of land whenever the Commissioner shall have determined that the parcels are (1) so situated as to comprise a readily marketable real estate entity, and (2) within an area small enough to allow convenient and efficient management.

• • • • • •

Subpart D—Contract Rights and Obligations—Moderate Income Projects

In Part 221 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
221.765 Payment of insurance—special interest rate.

Section 221.765 is amended to read as follows:

§ 221.765 Payment of insurance—special interest rate.

In the case of a mortgage which at the time of default bears interest at the special low rate provided in § 221.518 (b), all of the provisions of § 207.259 of this chapter shall govern the payment of insurance, except that when the mortgagee elects to proceed in accordance with § 207.258(a) (1) of this chapter, the computation of the total face value of the debentures to be issued shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default; any amount the mortgagee may have paid for taxes, special assessments and water rates which are liens prior to the mortgage; any amount for hazard insurance on the property; and reasonable expenses for the completion and preservation of the property; less any amount received on account of the mortgage after such date, and any net income received by the mortgagee from the property after such date.

In § 221.766 paragraph (a) the introductory text is amended to read as follows:

§ 221.766 Payment of insurance—market interest rate.

(a) *Payment in cash.* In the case of a mortgage which at the time of default bears interest at other than the special low rate provided in § 221.518(b), including mortgages endorsed for insurance on or after July 7, 1961 on the basis of commitments outstanding prior to July 7, 1961, all of the provisions of § 207.259 of this chapter shall govern the payment of insurance benefits on such mortgages, except that:

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

In Part 231 the pertinent sections headings in the Table of Contents are amended to read as follows:

Sec.
231.10 Development of property.
231.12 Private mortgagee—nonprofit; prepayment privilege and prepayment charges.

Section 231.10 is amended to read as follows:

§ 231.10 Development of property.

(a) *Commercial and special facilities.* The project may include such commercial and special facilities as the Commissioner deems adequate to serve the occupants of the project.

(b) *Zoning, deed or building restrictions.* The project when constructed or rehabilitated shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental requirements.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

SUBCHAPTER L—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

In § 234.16 paragraphs (a) and (b) (1) are amended to read as follows:

§ 234.16 Certificate of nondiscrimination by seller.

(a) An application for insurance involving the sale of a family unit not previously owner-occupied shall be accompanied by a certificate, in a form satisfactory to the Commissioner, signed by the seller establishing that such seller does not and will not discriminate in the sale of properties to prospective purchasers because of their race, color, creed or national origin.

(b) * * *

(1) Where the property involved is being released from a project for which preapplication analysis has been requested and the statement relating to nondiscrimination has been furnished as required by the provisions of § 200.320 of this chapter.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., January 14, 1964.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-527; Filed, Jan. 20, 1964; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—CIVIL DEFENSE

PART 222—SURPLUS PROPERTY

Part 222 of Subchapter G, Chapter I, Title 32, is revised to read as follows:

Sec.
222.1 Purpose.
222.2 Definitions.
222.3 Allocations.
222.4 State agency functions.
222.5 Acquisition of donable property.
222.6 Additional conditions.
222.7 Compliance.

AUTHORITY: The provisions of this Part 222 issued under section 401, 64 Stat. 1254, 50 U.S.C. App. 2286; 70 Stat. 493, 40 U.S.C 484(j)(k); Reorg. Plan No. 1 of 1958, 72 Stat 1799; E.O. 10952, 26 F.R. 6577; Organizational Statement, Assistant Secretary of Defense (Civil Defense), published Sept. 14, 1961, 26 F.R. 8606; Delegation of Authorities and Functions, Director for Federal Assistance, published June 6, 1962, 27 F.R. 5455.

§ 222.1 Purpose.

(a) The purposes of the regulations in this part are: (1) To prescribe the basic procedures for the donation of Federal surplus personal property for civil defense purposes and the terms and conditions under which such donations are made; and (2) to indicate the manner in which the program is conducted. Details are provided in OCD surplus property program guidance material. In addition, DHEW regulations governing the surplus property donation program apply to the extent appropriate and not inconsistent herewith.

(b) The program under the regulations in this part is intended to assist States and their political subdivisions in attaining and maintaining civil defense operational readiness by the donation of Federal surplus property for civil defense administrative and operational use.

§ 222.2 Definitions.

Except as otherwise clearly indicated by context, terms used in this part shall have the following meanings:

(a) *Act.* The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.).

(b) *Civil defense.* As defined in section 3(b) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1246; 50 U.S.C. App. 2252).

(c) *Civil defense organization.* The official organization established by or pursuant to State law as being responsible for the civil defense program of such State, or of a political subdivision or instrumentality of such State.

(d) *DHEW.* Department of Health, Education, and Welfare. (Pursuant to section 201(b) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1248; 50 U.S.C. App. 2281) certain functions in the operation of the program have been delegated to DHEW. See Delegation No. 5, 21 F.R. 6721.

(e) *Donable property.* (1) Federal surplus personal property is the only property available for donation under this Part. This term means surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended (63 Stat. 585; 5 U.S.C. 172d), or in similar management-type funds), except:

(i) Such property as may be specified from time to time by the Administrator of General Services;

(ii) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(iii) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841) the donation of which is determined by the holding agency to be inconsistent with its program responsibilities;

(iv) Property in trust funds.

(2) Except for specific donations approved by OCD on a case basis, only items in categories approved by OCD as usable and necessary for civil defense (U&N) may be donated under this part.

(f) *Donee.* The eligible civil defense organization which has received or is to receive title to donable property. Eligibility requirements are set forth in the OCD surplus property program guidance material.

(g) *OCD.* Department of Defense, Office of Civil Defense. Where action is to be taken this term denotes the Assistant Secretary of Defense (Civil Defense) or other duly authorized official(s) acting under the authority delegated to the Secretary of Defense by Executive Order 10952 (26 F.R. 6577).

(h) *Political subdivisions and instrumentalities.* Cities, counties, townships, other local governments and other public entities established pursuant to State law and to which a portion of the State's governmental power has been transferred.

(i) *State.* A State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(j) *State agency.* The single agency in each State designated by State statute or executive order to make certifications concerning and distribution of donable property to applicants within the State as provided for in section 203(j) of the Act. Each State agency is required to establish and maintain its eligibility under the minimum standards of operation prescribed in regulations (45 CFR, Subtitle A, Part 14) issued by the Secretary of Health, Education, and Welfare.

§ 222.3 Allocations.

(a) Lists, of categories of surplus property determined usable and necessary (U&N) for civil defense purposes, including research, are issued by the OCD. The allocations by DHEW of surplus property to State agencies for donation for civil defense purposes and the certification by each State agency of the need and usability of such surplus property for civil defense purposes in the State shall be based upon the then current listing. The need by a civil defense organization for property of a type not so listed must be approved by the State civil defense director prior to submission to OCD for determination on a case basis.

(b) Allocations of donable property for civil defense purposes among State agencies by DHEW and distribution among eligible civil defense applicants by State agencies will be made on the basis of usability thereof and need therefor with the following factors (listed without any order of priority) being considered:

(1) Usability and need of property as reflected by requests;

(2) States or areas in greatest need of the type of property to be allocated;

(3) Extraordinary needs occasioned by disasters;

(4) Equity in allocations based on population percentages.

(5) The quantity of property of the type under consideration which has already been allocated, received or which is potentially available;

(6) Ability or performance in meeting current transportation requirements.

§ 222.4 State agency functions.

State agencies, in accordance with DHEW's regulations prescribing minimum standards, shall:

(a) Keep a complete and accurate record of all donable property received by donees and furnish copies of all transfer documents. The record shall clearly indicate the distribution of all such property received by civil defense donees, and shall be kept up to date and available. Records of distribution of all single items having an acquisition cost of $2,500 or more shall be kept separate from those of lesser amount. Reports shall be made to OCD when and as requested.

(b) Distribute and redistribute donable property to donees on the basis of established criteria.

(c) Pay the costs of care, handling, and transportation of donable property which has been made available to the State. A State agency may assess service charges in accordance with its approved plan of operation filed pursuant to minimum standards of operation promulgated by DHEW.

(d) Insure that the property stored in warehouses is distributed expeditiously.

(e) Report to the State civil defense director and to the DHEW Regional Office (for transmittal to OCD) all indications of noncompliance or breach by a civil defense donee of any of the criteria or conditions of the transfer.

§ 222.5 Acquisition of donable property.

(a) *Applications.* The State agency shall apply for property on DHEW approved form(s) specifying pickup by or shipment to the State agency or a specified donee, and certifying agreement to the terms and conditions provided in applicable DHEW regulations. By applying for a donation of property, the civil defense organization signifies its agreement to comply with all Federal and State requirements and conditions governing the accountability, donation, location, maintenance, storage, use and disposal of such property.

(b) *Conditions.* The taking of possession of the property by the donee, pursuant to the executed forms, shall constitute donation of the property upon the following conditions:

(1) That the donee is the official organization established by or pursuant to State law as being responsible for the civil defense program of the State, or of a political subdivision or instrumentality of such State; and that it meets all additional eligibility requirements prescribed by OCD surplus property program guidance material current at the time of the certification.

(2) That the property is being acquired for the sole purpose of directly fulfilling an existing civil defense need therefor by the donee.

(c) *Title.* Donation of property shall be effective and title shall pass from the United States of America to the donee, upon the taking of possession of the property by the donee and the execution by an authorized representative of the donee of either a Form HEW 135 or a warehouse issue sheet or other State agency document containing the same certifications, terms, and conditions as are applicable and set forth on Form HEW 135. Title to aircraft shall pass from the United States of America to the donee upon execution and delivery of a Conditional Transfer Document (Aircraft). Consistent with Federal requirements, title shall be vested in the donee in the form and manner required by applicable law of the State and political subdivision.

(d) *Warranty.* All property shall be donated on an "as is" "where is" basis, without warranty of any kind.

(e) *Insigne.* Donated property shall, consistent with practicality, be marked with the official civil defense insigne.

(f) *Inspection and accounting.* Property shall be controlled according to Federal and State prescribed methods of accounting, identification, and administrative responsibility, or in the absence thereof, according to generally accepted methods. OCD representatives shall have access to the property and all books and records relating thereto at all reasonable times for purposes of inspection.

(g) *Information and reports.* The civil defense organization of the State and that of any political subdivision shall transmit such reports as OCD may from time to time request.

§ 222.6 Additional conditions.

With the exception of aircraft (for which the terms and conditions specified in the applicable Conditional Transfer Document-Aircraft shall apply) the following additional conditions are applicable to donated property having a single item acquisition cost to the Federal Government of $2,500 or more:

(a) *Distribution, maintenance, and utilization.* The donee shall locate, protect, maintain, and utilize the property only in such manner as will not jeopardize the readiness or usability of the property to meet the civil defense need for which it was donated and the exigencies of a civil defense emergency. Although ownership and control must remain in an eligible civil defense organization, consistent with procedures of the State and, where applicable, political subdivision, actual possession for civil defense use may be transferred in accordance with specific provisions therefor set forth in OCD surplus property program guidance material. Use by individuals or private entities, for other than civil defense purposes, is prohibited.

(b) *Utilization in disaster.* In accordance with the disaster procedures of its State or local government, a donee may make available any item of donated property, without regard to acquisition cost, for utilization as necessary to alleviate suffering and damage (including the essential rehabilitation of individuals and the emergency repair and temporary replacement of essential public facilities) directly resulting from flood, drought, fire, hurricane, earthquake, storm or other catastrophe occurring in any State.

(c) *Period of restriction.* Unless and until expressly released in writing by an authorized official of OCD on a case basis, the period of restriction imposed under this § 222.6 shall be four years from the date each subject item of property is donated for civil defense purposes. The exceptions to this period are as follows:

(1) Motor Vehicles, Federal Supply Classification (FSC) Group 23, for which a two-year period shall apply.

(2) Aircraft, FSC Group 15, for which the period specified in the terms and conditions of the Conditional Transfer Document—Aircraft shall apply.

(d) *Disposal.* During the period of its restriction, property shall not be sold, traded, encumbered, or otherwise disposed of without the specific, prior, written approval of an authorized official of OCD. Any loan or other transfer of possession of the property for civil defense purposes shall be in accordance with specific provisions therefor set forth in OCD surplus property guidance material. If not used or put in stockpile within one year from date of donation or if during its period of restriction, property is no longer suitable, usable, or needed for the civil defense purposes of the donee, the donee shall promptly notify OCD through the State Civil Defense Director. The donee shall take such action as directed by OCD, including, without limitation, public sale of the property or retransfer of the property to such department or agency of the United States of America or to such other donee as OCD may designate.

(e) *Remedies.* In the event any of the terms and conditions set forth in this Section 222.6 are breached, all right, title, and interest in the property involved shall, at the option of OCD revert to the United States of America. In addition, where there has been an unauthorized disposal or improper use, the donee, at the option of OCD shall be liable to the United States for all damages. Where the property is not returned to the United States Government or where property has been improperly used, the donee shall be liable to the United States Government for any proceeds from the disposal or improper use or for the fair market value or rental value of the property at the time of such disposal or improper use, at the option of and as determined by OCD. The remedies provided in this paragraph (e) are in addition to administrative compliance measures, and all civil remedies and criminal penalties provided by law.

§ 222.7 Compliance.

Donees shall comply with all Federal and State conditions and requirements (including, without limitation, the provisions of OCD surplus property program guidance material) governing the donation, distribution, maintenance, utilization, and disposal of surplus property donated for civil defense purposes, and the operation of the program. Upon report or other indication of a possible breach of any condition or requirement, a thorough investigation will be made following which administrative compliance measures such as restricted participation or suspension from the program may be imposed. Such administrative compliance measures are in addition to remedies under § 222.6, and all civil remedies and criminal penalties provided by law.

The revision shall be effective upon publication in the FEDERAL REGISTER.

Dated: January 15, 1964.

HUBERT A. SCHON,
Director for Federal Assistance.

[F.R. Doc. 64-493; Filed, Jan. 20, 1964; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 25—FOURTH CLASS

Reformation of Rates and Other Conditions of Mailability of Fourth-Class Mail

Correction

In F.R. Doc. 64-561 appearing in the issue for Saturday, January 18, 1964, at page 474, make the following changes in the table for § 25.1(a):

1. In Column 8 opposite 6 pounds, the entry "1.52" should read "1.53".

2. In Column 8 opposite 8 pounds, the entry "1.93" should read "1.92".

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15063; FCC 64-22]

ADVERTISING ON STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

1. The Commission has under consideration: (1) The notice of proposed rule making adopted herein on May 15, 1963 (FCC 63-467); (2) the comments and reply comments filed in response to that Notice; and (3) the material presented orally or in written statements at the oral argument held herein on December 9 and 10, 1963. The subject of this proceeding was a proposal that limitations be placed by rule on the amount of time which stations should be allowed to devote to commercial continuity or commercial announcements. We proposed as one possibility the adoption of the time standards contained in the Television and Radio Codes of the National Association of Broadcasters (NAB) as a Commission rule, but we made it clear that we were not inflexible and welcomed alternative suggestions generally or for stations in particular situations.

2. Comments were filed by about 350 broadcasters, the National Association of Broadcasters and state broadcasters' associations, business groups, members of Congress, communications lawyers, and two listener groups. The great majority of these—all but two broadcasters and the two listener groups—opposed the proposal and any idea of rules limiting the amount of commercial content. On the other hand, of several hundred letters from individual members of the public, the great majority favored the proposal or something like it. Of the 38 parties appearing at the oral argument or filing statements at that time, a substantial majority expressed opposition. In addition to the two listener groups, a representative of the United Churches of Christ argued in support of the proposal and introduced a statement by the National Council of Churches of Christ supporting the adoption of rules in this area. A few other individuals also expressed general support.

3. Although many parties argued that the proposal is unconstitutional and/or beyond our authority under the Communications Act, we remain convinced that this is not the case. Numerous sections of the Act refer to the public interest, one element of which clearly is an appropriate division as between program material and advertising. Further, section 303(b) gives authority to prescribe the nature of the service to be rendered by stations; 303(g) requires us to encourage the larger and more effective use of radio; and 303(r) provides authority for adoption of rules to carry out the provisions of the Act. We conceive that our authority to deal with overcommercialization, by whatever reasonable and appropriate means, is well established.[1]

4. We stated in the notice of proposed rule making that we regarded overcommercialization as a serious problem. We will continue to take whatever steps are necessary and appropriate to prevent its occurrence. While broadcast advertising is essential to maintenance of the American system of broadcasting, and (as often pointed out in this proceeding) serves both particular business concerns and society generally by informing the public of goods and services which are for sale, it is equally obvious that there are limits beyond which commercial content cannot go if other interests of the viewing and listening public are to be accommodated.

5. The Federal Government has been concerned about the problem of commercial abuse since almost the beginning of commercial broadcasting. Secretary of Commerce, Herbert Hoover, stated at the First Annual Radio Conference in 1922: "It is inconceivable that we should allow so great a possibility for service, for news, for entertainment, for education and for vital commercial purposes to be drowned in advertising chatter."

Following the establishment of the Federal Radio Commission in 1927, advertising abuse was one of the first matters to engage its attention. The Commission stated as a principle of decision in competition for the assignment of frequencies that "the amount and character of advertising must be rigidly confined within the limits consistent with the public service expected of a station."

In an early case, the FRC stated: "Advertising must be accepted * * * as the sole means of support of broadcasting, and regulation must be relied upon to prevent the abuse or over-use of the privilege."

Great Lakes Broadcasting Co., quoted in 3 F.R.C. Ann. Rep., 35.

That Commission followed this principle in refusing to renew the license of Station WCRW in 1928, and stated: "It is clear that a large part of the program is distinctly commercial in character, consisting of advertisers' announcements and of direct advertising, including the quoting of prices. An attempt was made to show a very limited amount of educational and community civic service, but the amount of time thus employed is negligible and evidence of its value to the community is not convincing. Manifestly this station is one which exists chiefly for the purpose of deriving an income from the sale of advertising of a chapter which must be objectionable to the listening public and without making much, if any, endeavor to render any real service to the public.'"

The Federal Communications Commission has considered overcommercialization in a number of cases over the years, and has consistently taken the position that this was an important element in judging the overall program performance of an applicant or a licensee. See, R. R. Jackman, 5 FCC 496 (1938), Travelers Broadcasting Service Corporation, 6 FCC 456 (1938), (applications denied because of applicants' commercial policies); The Walmac Co., 3 Pike and Fischer RR 1371 (1947), Community Broadcasting Co., 3 Pike and Fischer RR 1360 (1947), Eugene J. Roth, 3 Pike and Fischer RR 1377 (1947), Michigan Broadcasting Co., 20 Pike and Fischer RR 667 (1960), (applications designated for hearing on issues relating to number and length of commercial announcements); Sheffield Broadcasting Co., 21 Pike and Fischer RR 507 (1961), Fischer Broadcasting Co., 19 Pike and Fischer RR 997 (1961), (applicants given comparative demerits because of overcommercialization); Miss. Ark. Broadcasting Co., 22 Pike and Fischer RR 305 (1961); Gordon County Broadcasting Co., 24 Pike and Fischer RR 315 (1962), (renewal applications granted for less than regular license period because of applicants' commercial announcement policies).

The present proceeding has indicated that there is a continuing basis for concern about overcommercialization. Responsible leaders of both broadcasting and the advertising industry, and others who testified in this proceeding, have stated that the amount of commercial advertising in broadcasting should be limited and abuses avoided. In recognition of this problem, the National Association of Broadcasters established a radio code some years ago, and more recently a television code. The current radio code permits radio stations an hourly maximum of 18 minutes of commercial matter in participating programs: with the normal mixture of announcements of different lengths, stations may broadcast as many as 20 to 25 spots or more in an hour and stay within the code maximum.[2] Moreover, in a 15-minute segment the radio code maximum is as much as 5 minutes, or one-third, commercial matter. Nevertheless, there was testimony that the standards contained in the codes are regarded as too low by some broadcasters, that many radio stations do not subscribe to the radio code, and that some stations

[1] See the memorandum of the Commission's General Counsel concerning its authority in connection with the present proposal, submitted to the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce Committee in December 1963, for an extensive discussion of the question. See the cases cited therein for examples of our own and court decisions on this subject.

[2] Actually, the average time per announcement appears to be about 40 seconds. This would permit 27 announcements within the code maximum.

that subscribe to the codes do not fully comply with them.[3] Thus, there is reason for continuing attention and further consideration by the Commission of this problem.

6. The question then becomes what, at the present time, should be done about it. The arguments advanced against our proposal, or any regulation in this area by rule, were numerous. In addition to those already mentioned, they included contentions that such a rule would constitute undue intrusion into private enterprise and tend toward public-utility regulation; that it would have adverse economic effect on stations in small markets which must sell their advertising time at relatively low rates; and that it would be impossible to draft rules which would be appropriate for all stations and all situations. The relatively few proponents of our proposal or similar regulation (who argued in some cases that the NAB Codes do not go far enough) urged the need for a rule to regulate commercial excesses in the public interest. However, no other proposal was advanced by way of a rule of the sort we have proposed. Some of the opponents of this type of regulation advanced specific ideas, such as a study of public reaction to commercials both as to number and quality (the latter being said to be equally important),[4] and a rather novel idea by which all stations would annually file with the Commission projections of commercial policy to be followed up with semi-annual reports as to how their performance compared with the projection (the Commission would average the projections for stations of each class, and publish this as a guide of average, presumably acceptable, levels of commercial activity). It was also suggested that at some time in the future, when more information is available, the Commission could publish standards which it would use in considering applications in this respect; that a "local notice" rule might be adopted by which broadcasters would invite their public to comment on their program and commercial policies; and that renewal applications might well contain a question as to whether the applicant observes the NAB Code limitations (if not, explanation might be required).

7. Upon consideration of the record and other available information, we are convinced that the total time consumed by broadcast advertising and the extent to which such advertising is permitted to interrupt programming are two major facets of the problem of overcommercialization. We are of the view, however, that adoption of definite standards in the form of rules limiting commercial content, would not be appropriate at this time. We do not have sufficient information from which a sound set of standards of wide applicability could be evolved. The logs which stations are presently required to keep and the program forms they are presently required to file can, in certain circumstances yield significant information concerning these factors. But they are not specifically designed to do so. Nor has this proceeding provided us with sufficient information of this kind. As a result, the information required for the formulation and evaluation of specific regulatory standards is not available in adequate scope and depth. Additionally, we note that the problem of commercial interruption has not as such been subjected to any extensive study. The industry codes contain no standards dealing with it and it requres considerable investigation before any standards might be suggested.

8. Testimony at the hearing indicated that the Code Board is starting a research project that will look into public acceptance of commercials, including time consumed, program interruptions, and the feasibility of qualitative standards. We believe that studies of this kind are greatly needed.[5] In this connection, it should be noted that our 1960 Program Policy Statement (FCC 60-970, 20 RR 1901) emphasized the importance of contacts by broadcasters with the listening and viewing public to ascertain the community's broadcasting needs and interests. The same need for such contacts applies in the area of commercial content and practices, as well as with respect to programming. We are hopeful that such studies, pursued intensively, will add significantly to our present knowledge of the impact of the various factors mentioned above. We will follow with the closest attention the studies made by the NAB and others and the action that results.

9. Recently, we released a second further notice of proposed rule making in Docket No. 13961, proposing a new TV program form which would give us more complete and useful information in this area. The new form adopted may not, of course, take the precise shape proposed; but, in any event, it may be expected to yield a body of information from which we may deal more effectively with this problem. We contemplate issuance of a new proposed form for radio in the very near future, which will likewise serve to secure more adequate detail on this subject. On the basis of this further information, we will be in a position to determine what course of action is then appropriate. As an interim measure and in order to provide the Commission with greater knowledge of the extent of commercialization, the Commission will instruct the staff to study those applications which present proposals and performance records of the greatest amount of commercialism, insofar as our present reporting forms permit, and bring this information to the Commission for its consideration and action.

10. We emphasize that we will give closer attention to the subject of commercial activity by broadcast stations and applicants on a case-by-case basis. Thus, we will continue to require station applicants to state their policies with regard to the number and frequency of commercial spot announcements as well as their past performance in these areas. These will be considered in our overall evaluation of station performance. Attention will be given to situations where performance varies substantially from the standards previously set forth. We also wish to emphasize that our decision not to adopt the NAB Codes at this time does not indicate that we regard them as of no value or as unsound limitations (either too much or too little).

On the contrary, one of the important considerations underlying our conclusion is that there is in existence an industry-formulated code of good practice in this field, which, while far from completely successful as a device regulating the industry generally, does serve as one appropriate limitation, and which may be made more effective in the future.

11. In view of the foregoing: *It is ordered*, That this proceeding is terminated.

Adopted: January 15, 1964.

Released: January 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-535; Filed, Jan. 20, 1964; 8:49 a.m.]

[3] Our staff analyzed those of the Oct. 1, 1963, AM renewal applications for which logs were available (134 stations) and found that 40 percent of these stations (54 stations) exceeded the code limitation of 18 minutes during at least 1 hour, one station having 30 minutes of commercial content in one hour. The percentage was higher for fulltime stations than for daytime-only stations.

[4] One of the arguments advanced against a quantity-limiting rule is that it cannot, and no conceivable rule could, regulate the equally or, assertedly even more, important matter of quality, character, taste, etc. of commercials.

[5] To date, there have been few such studies.

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

NATIONAL BANK OF COMMERCE OF HOUSTON AND TEXAS NATIONAL BANK OF HOUSTON

Notice of Decision Granting Application To Consolidate

On September 9, 1963, the $519.9 million National Bank of Commerce of Houston, Houston, Texas, and the $340.7 million Texas National Bank of Houston, Houston, Texas, applied to the Comptroller of the Currency for permission to consolidate under the charter of the former and with the title "Texas National Bank of Commerce of Houston".

On January 13, 1964, the Comptroller of the Currency granted this application, effective on or after January 20, 1964.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: January 15, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64-529; Filed, Jan. 20, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-892]

JOHANNES HENDRIKUS VOS ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of Johannes Hendrikus Vos d.b.a. Handelsonderneming J. H. Vos, Werkenmondestraat 3, Dordrecht, The Netherlands; Pierre Emile Marie Contresty, 3 Rue Bartholdi, Paris, France; N.V. Metro (Midden Europese Transport Onderneming) and E. Walda, its Managing Director, Strevelsweg 700, Rotterdam, The Netherlands, File 23-892; respondents.

The Director, Export Control Investigations Division, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period because of the failure of said respondents to furnish responsive answers to interrogatories without good cause being shown. This application was made pursuant to section 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations). A temporary denial order has been in effect against the above respondents since August 21, 1963 (28 F.R. 9445, 28 F.R. 11461).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted.

The report of the Compliance Commissioner and the evidence in support of the application have been considered. The evidence shows and I find that the respondent Johannes Hendrikus Vos is a resident of Dordrecht, The Netherlands, and does business under the trade name of Handelsonderneming J. H. Vos; that the respondent Pierre Emile Marie Contresty has at times in the recent past resided in Montreal, Canada, and in Paris, France; that N. V. Metro (Midden Europese Transport Onderneming) is a firm engaged in the forwarding business with a place of business in Rotterdam and that E. Walda of Rotterdam is Managing Director of N. V. Metro. It is impracticable to subpoena the respondents and relevant and material interrogatories were served on them pursuant to § 382.15 of the Export Regulations. Said interrogatories related to the receipt and disposition of U.S. origin commodities. Said respondents have failed to furnish answers to said interrogatories as required by said section and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. This order supersedes the order heretofore issued against the respondents temporarily denying export privileges.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license or reexportation authorization, or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. During the time when any respondent corporation or successors, or related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C. at the earliest convenient date.

Dated: January 16, 1964.

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-531; Filed, Jan. 20, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

ton 98, Delaware, proposing the estab-

ELANCO PRODUCTS CO.

ceeding will be convened by the presiding

station KAQ79, a facility in the Domestic

It is further ordered, That the Secre-

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF PROPERTY MANAGEMENT

Redelegation of Authority

SECTION 1. Authority. Pursuant to the authority contained in section 2 of Order No. 698 of the Bureau of Land Management, the Chief, Branch of Property Management, Division of Administrative Services, is hereby redelegated the authority contained in section 1(a) of said order.

The above delegation is effective January 8, 1964, and may not be redelegated.

J. F. HUCHINGSON,
Chief, Division of Administrative Services.

JANUARY 8, 1964.

[F.R. Doc. 64-510; Filed, Jan. 20, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical Inorganic Bromides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 345) has been filed by The Dow Chemical Company, P.O. Box 512, Midland, Michigan, 48641, proposing an increase from 50 parts per million to 200 parts per million in the tolerances for residues of inorganic bromides (calculated as Br) resulting from fumigation with methyl bromide of barley, corn, grain sorghum (milo), oats, rice, and rye.

The analytical method proposed in the petition for determining residues of methyl bromide as inorganic bromide is that of Shrader, et al., published in "Industrial and Engineering Chemistry, Analytical Edition," volume 14, pp. 1-4 (1942).

Dated: January 14, 1964.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 64-515; Filed, Jan. 20, 1964; 8:47 a.m.]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition Regarding Pesticide Chemical Ammonium Sulfamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 376) has been filed by E. I. du Pont de Nemours & Company, Inc., Wilmington 98, Delaware, proposing the establishment of a tolerance of 5 parts per million for residues of the herbicide ammonium sulfamate in or on apples and pears.

This is a refiling of the petition the withdrawal of which was published in the FEDERAL REGISTER of June 28, 1963 (28 F.R. 6685). More toxicological data have been added to the petition as originally presented.

The analytical method proposed in the petition for determining residues of ammonium sulfamate is that which appeared in the original notice of filing published in the FEDERAL REGISTER of October 26, 1962 (27 F.R. 10460).

Dated: January 14, 1964.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 64-516; Filed, Jan. 20, 1964; 8:47 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition Regarding Food Additives Hygromycin B, Tylosin, Penicillin, Amprolium, Zoalene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAP 1185, 1186, 1187, and 1259) have been filed by Elanco Products Company, A Division of Eli Lilly and Company, Indianapolis 6, Indiana, proposing the amendment of § 121.213 *Hygromycin B* to provide for the safe use of specified combinations of hygromycin B, amprolium, penicillin, tylosin, and zoalene as follows:

§ 121.213 Hygromycin B.

* * * * * *

(c) * * *

TABLE 1—HYGROMYCIN B WITH OR WITHOUT OTHER ADDITIVES IN CHICKEN FEED[1]

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Hygromycin B	8.0-12.0				Control of infestation of large roundworms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).
* * *	* * *	* * *	* * *	* * *	* * *
28. Hygromycin B	8.0-12.0	Amprolium + tylosin.	36.3-227 4-50	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.1 or 3.1; as tylosin phosphate.	§ 121.210(c), table 1, item 2.1 or 3.1 and growth promotion and feed efficiency.
29. Hygromycin B	8.0-12.0	Amprolium + tylosin and penicillin.	36.3-227 3.2-50	For chickens; not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.1 or 3.1; not less than 1.2 gm. of penicillin and not less than 2 gm. of tylosin nor more than 50 gm. of the combination; as procaine penicillin plus tylosin phosphate.	Do.
30. Hygromycin B	8.0-12.0	Zoalene + tylosin.	36.3-113.5 4-50	For chickens; not for laying chickens; as prescribed in § 121.207 (c), table, item 2 or 3; as tylosin phosphate.	§ 121.207(c), table, item 2 or 3, and growth promotion and feed efficiency.
31. Hygromycin B	8.0-12.0	Zoalene + tylosin and penicillin.	36.3-113.5 3.2-50	For chickens; not for laying chickens; as prescribed in § 121.207 (c), table, item 2 or 3; not less than 1.2 gm. of penicillin and not less than 2 gm. of tylosin nor more than 50 gm. of the combination; as procaine penicillin plus tylosin phosphate.	Do.

[1] Where hygromycin B is combined with other additives, appropriate limitations and indications for use for each additive are combined.

Dated: January 13, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-517; Filed, Jan. 20, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15271; FCC 64M-40]

AMERICAN COLONIAL BROADCASTING CORP.

Order Scheduling Hearing

In re application of American Colonial Broadcasting Corporation, Ponce, Puerto Rico, Docket No. 15271, File No. BPCT-3104; for construction permit to change transmitter site and antenna height above average terrain of Station WSUR-TV, Channel 9, Ponce, Puerto Rico.

It is ordered, This 10th day of January 1964, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 11, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., February 11, 1964.

Released: January 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-536; Filed, Jan. 20, 1964; 8:49 a.m.]

[Docket No. 15237]

BOWLING PHILLIPS SERVICE STATION

Order To Show Cause

In the matter of Junior Lee Bowling d/b as Bowling Phillips Service Station, Rome, Georgia, Docket No. 15237; order to show cause why there should not be revoked the license for Radio Station KDB-3441 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated June 1, 1963, alleging violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated July 18, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 15th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commisison's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 132 Robinhood Road, Rome, Georgia.

Released: January 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-537; Filed, Jan. 20, 1964; 8:49 a.m.]

[Docket Nos. 14341-14344; FCC 64M-46]

COLLIER ELECTRIC CO.

Statement and Order After Conference

In re applications of Collier Electric Company, for renewal of the license for station KAQ79, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fort Morgan, Colorado; Docket No. 14341, File No. 848-C1-R-61; for renewal of the license for station KAQ80, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sterling, Colorado; Docket No. 14342, File No. 849-C1-R-61; for renewal of the license for station KAQ81, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Sidney, Nebraska; Docket No. 14343, File No. 2670-C1-R-61; for renewal of the license for station KAS41, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Bridgeport, Nebraska; Docket No. 14344, File No. 2710-C1-R-61.

Among other things, at the conference today, hearing was scheduled for Monday, February 10, 1964.

So ordered, This 14th day of January 1964.

Released: January 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-538; Filed, Jan. 20, 1964; 8:49 a.m.]

[Docket No. 15244]

ROY ALLEN FORTNER

Order To Show Cause

In the matter of Roy Allen Fortner, West Covina, California, Docket No. 15244; order to show cause why there should not be revoked the license for Radio Station WG-2891 aboard the Vessel LADY D.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated June 4, 1963, alleging violation of §§ 8.102(a) and 8.367(b) (now §§ 83.102(a) and 83.367(b)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated June 19, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 16th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 612 North Nora Avenue, West Covina, California.

Released: January 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-539; Filed, Jan. 20, 1964; 8:49 a.m.]

[Docket Nos. 15225, 15226; FCC 64M-41]

GUADALUPE VALLEY TELECASTING CO., INC., AND VICTORIA TELEVISION

Statement and Order After Prehearing Conference

In re applications of Guadalupe Valley Telecasting Co., Inc., Victoria, Texas, Docket No. 15225, File No. BPCT-3153; Marjorie S. Frels and Rubin S. Frels, d/b as Victoria Television, Victoria, Texas, Docket No. 15226, File No. BPCT-3163; for construction permits for new television broadcast stations.

At the prehearing conference held today, it was agreed, because of the possible avoidance of a comparative hearing, that the following schedule would govern:

Exchange of direct affirmative written case of applicants; April 1, 1964.

Receipt of notification of witnesses for cross-examination; April 15, 1964.

Hearing rescheduled from February 10, 1964, May 1, 1964, at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 13th day of January 1964.

Released: January 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-540; Filed, Jan. 20, 1964; 8:49 a.m.]

[Docket No. 15236]

HERBERT M. HARRIS

Order To Show Cause

In the matter of Herbert M. Harris, Grantsboro, North Carolina, Docket No. 15236; order to show cause why there should not be revoked the license for Radio Station KCI-3719 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated May 9, 1963, alleging violation of § 19.61(g) (now § 95.81(g)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated May 28, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules.

It is ordered, This 15th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified Mail—Return Receipt Requested to the said licensee at his last known address of Box 145, Grantsboro, North Carolina.

Released: January 16, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-541; Filed, Jan. 20, 1964; 8:50 a.m.]

[Docket Nos. 15178, 15179; FCC 64M-42]

HUNDRED LAKES BROADCASTING CORP. (WSIR) AND WJBS, INC.

Order Continuing Prehearing Conference

In re applications of Hundred Lakes Broadcasting Corporation (WSIR), Winter Haven, Florida, Docket No. 15178, File No. BP-13015; WJBS, Inc., DeLand, Florida, Docket No. 15179, File No. BP-13075; for construction permits.

The Hearing Examiner having under consideration a joint pleading filed January 10, 1964, by the above-entitled applicants and the respondent requesting that the prehearing conference now scheduled for January 13, 1964 be postponed for a period of thirty days; and

It appearing that because of the probability of mutual interference, the applicants and respondent are cooperating with one another in an effort to find some solution to the problem which efforts will simplify and shorten any hearing that may be held; and

It further appearing that counsel for the Chief, Broadcast Bureau has consented to the immediate consideration and grant of this pleading, and good cause for granting the same having been shown;

It is ordered, This the 13th day of January 1964, that the joint pleading is granted and the prehearing conference now scheduled for January 13, 1964 is continued to February 14, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: January 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-542; Filed, Jan. 20, 1964; 8:50 a.m.]

[Docket Nos. 15269, 15270; FCC 64M-39]

MEREDITH COLON JOHNSTON (WECP) AND WILLIAM HOWARD COLE (WHOC)

Order Scheduling Hearing

In re applications of Meredith Colon Johnston (WECP), Carthage, Mississippi, Docket No. 15269, File No. BP-15088; William Howard Cole (WHOC), Philadelphia, Mississippi, Docket No. 15270, File No. BP-15231; for construction permits.

It is ordered, This 10th day of January 1964, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 19, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., February 10, 1964.

Released: January 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-543; Filed, Jan. 20, 1964; 8:50 a.m.]

[Docket No. 14644; FCC 64M-47]

BAY SHORE BROADCASTING CO.

Order Scheduling Hearing

In re application of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; for construction permit.

Pursuant to agreement of counsel for all parties; *It is ordered*, This 14th day of January 1964, that, superseding the dates for exchanges of engineering exhibits established by order of the Chief Hearing Examiner released August 29, 1963 and in view of the Hearing Examiner's order released October 29, 1963, the following procedural dates are established:

Submission of engineering exhibits by Bay Shore—January 21, 1964 (on or before).
Submission of engineering exhibits by respondent KSRO—February 17, 1964 (on or before).
Further hearing—March 2, 1964 (10:00 a.m.).

Released: January 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-544; Filed, Jan. 20, 1964; 8:50 a.m.]

[Docket Nos. 15204-15207; FCC 64M-43]

WHDH, INC. (WHDH-TV) ET AL.

Statement and Order After Further Prehearing Conference

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530; for Renewal of License; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

At a further prehearing conference on January 13, 1964, the following schedule, set by the preceding Hearing Examiner on November 21, 1963, was confirmed:

Exchange of exhibits—March 2, 1964.
Further prehearing conference—March 12, 1964.
Hearing—Monday, March 23, 1964, at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 14th day of January 1964.

Released: January 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-545; Filed, Jan. 20, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14657]

TRADE WINDS AIRWAYS CORP.; ENFORCEMENT PROCEEDING

Notice of Hearing

In the matter of Trade Winds Airways Corporation Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 11, 1964, at 10:00 a.m., l.t., in the Hearing Room, Second Floor, Veterans' Administration Center, 520 Ponce de Leon, San Juan, Puerto Rico, before the undersigned examiner.

Dated at Washington, D.C., January 15, 1964.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 64-528; Filed, Jan. 20, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-65]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 10, 1964.

Take notice that on September 16, 1963, Arkansas Louisiana Gas Company (Applicant) filed in Docket No. CP64-65 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Federal Power Commission permitting it to abandon from interstate service its natural gas production and gathering facilities in the Armour Webb Field, Grant County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states in its application that the proposed abandonment will not involve the reduction or termination of natural gas service to any of its customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-494; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. G-15187]

ARKANSAS LOUISIANA GAS CO.

Notice of Application To Amend

JANUARY 10, 1964.

Take notice that on November 4, 1963, as amended on November 8, 1963, Arkansas Louisiana Gas Company (Applicant), Shreveport, Louisiana, filed an application to amend further the Commission's order issued October 14, 1958, as amended, in Docket No. G-15187 by authorizing Applicant to construct and operate 1.0 mile of 8-inch pipeline and appurtenant meter and regulator facilities in order to add a new delivery point and to sell to Mississippi River Fuel Corporation (Mississippi) in Union Parish, Louisiana, an additional daily maximum of 20,000 Mcf of natural gas, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of October 14, 1958, as amended, authorized Applicant, among other things, to sell and deliver 35,000 Mcf of natural gas per day to Mississippi for resale from October 15 of each year through April 16 of the succeeding year for a five-year period ending April 16, 1963, and to sell and deliver 1,000 Mcf per day from April 16, 1963, until May 1, 1963. The Commission's order issued September 19, 1963, extended such authorization for one year. Said sales are made at the outlet of Applicant's Ruston Gasoline Plant, Lincoln Parish, Louisiana.

The application indicates that Mississippi has urgent need for more gas in the subject area and that Applicant at the proposed new delivery point will sell and deliver the herein proposed additional volumes of natural gas to Mississippi only when available and Mississippi will purchase natural gas only when needed, all during the period from October 15 to April 16, inclusive.

The application shows the total estimated cost of the proposed facilities to be $45,800.

Applicant and Mississippi have entered into an amendatory agreement, dated October 28, 1963, providing for the proposed additional service.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-495; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. G-2214]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 10, 1964.

Take notice that on November 21, 1963, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed an application to amend further the Commission's order issued September 25, 1953, as amended March 12, 1962, in Docket No. G-2214 by authorizing Applicant to construct and operate certain facilities, replacing and reclaiming certain existing facilities, and to transport and deliver, on an interruptible basis, up to 1,701,043 Mcf (at 14.73 psia) of natural gas annually to Farmers Chemical Company (Farmers)[1] in lieu of the presently authorized interruptible annual volume of 338,154 Mcf (at 14.73 psia, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of September 25, 1953, authorized Applicant to construct and operate certain facilities in Cherokee County, Kansas, and in Jasper County, Missouri, in order to sell and deliver natural gas, on an interruptible basis, to the Missouri Farmers' Association, Inc., now Farmers, to be utilized by Farmers at its fertilizer plant near Empire City, Kansas. Said order limited deliveries of natural gas to 182,077 Mcf annually (at 14.73 psia). The order of March 12, 1962, authorized an increase in deliveries to 338,154 Mcf annually (at 14.73 psia).

[1] Formerly Missouri Farmers' Association, Inc.

Applicant states that it has been advised by Farmers that the latter again intends to expand its Empire City plan and, therefore, will need the requested increased deliveries of natural gas.

Specifically, Applicant proposes to construct and reclaim the following facilities in order to make the requested increased deliveries: Replace approximately 2.07 miles of the present Farmers 3-inch pipeline with 6-inch pipeline beginning at a point of connection with Applicant's Galena 10-inch pipeline in Cherokee County, Kansas, and extending eastwardly to the terminus of the present 3-inch pipeline at a point in Jasper County, Missouri.

The application shows the estimated cost of the proposed facilities to be $26,650. Said cost reflects the cost of removal and salvage credit for the facilities to be replaced and reclaimed. The estimated cost will be financed from treasury cash.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-496; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. CP64-99]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 14, 1964.

Take notice that on October 25, 1963, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP64-99 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation by Applicant of a mainline tap and meter station, the sale and delivery of natural gas to Washington Natural Gas Company (Washington Natural) and The Washington Water Power Company (Water Power) by means of such facilities and authorizing, as to Applicant's interest therein, certain other facilities to be constructed and operated by Water Power, all for the purpose of testing and evaluating an underground storage reservoir in the Jackson Prairie area near Chehalis, Lewis County, Washington, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that Applicant, Washington Natural and Water Power have jointly undertaken to test and evaluate the storage area. Further, the parties have agreed that Water Power shall operate the storage project dur-

ing conduct of the testing activities and that each party shall share during said period, on a one-third undivided basis, all costs and obligations associated with the project, including costs in the amount of $403,000 heretofore expended on activities necessary preliminary to testing.

Applicant proposes to construct and operate the following facilities: A mainline tap on and a 4½-inch O.D. standard orifice-type, two-way meter station, together with necessary appurtenances, adjacent to Applicant's 26-inch O.D. mainline in Lewis County, Washington.

Applicant also seeks authorization, as to its interest therein, with respect to the following facilities to be constructed by Water Power:

(1) A 4½-inch O.D. pipeline, approximately 2.0 miles in length, together with necessary appurtenances, extending from the outlet of the meter station described above to the compressor station described in (2) below and thence to two test injection wells.

(2) A portable type compressor station, consisting of two 150 horsepower gas engine-driven reciprocating compressor units, together with necessary appurtenances.

Applicant states further that approximately 600,000 Mcf of natural gas is proposed to be injected for test purposes and that such quantity will be supplied by Applicant. Of the 600,000 Mcf, 200,000 Mcf will be sold and delivered for the account of Washington Natural and a like quantity for Water Power. The remaining 200,000 Mcf will be Applicant's share of the total quantity.

The application indicates that the total cost of testing, including the amount of $403,000 heretofore expended, is estimated at $965,400, which cost will be shared equally by all parties. Applicant will finance its share of the total estimated cost out of current working funds, supplemented, as necessary, by short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-497; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket Nos. G-11821 etc.]

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 14, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
G-11821 D 1-8-64	Marathon Oil Co.	United Gas Pipe Line Co., acreage in Forrest County, Miss.	Assigned	
G-12175 D 1-6-64	Humble Oil & Refining Co.	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	(2)	
G-12352 D 1-8-64	Sinclair Oil & Gas Co.	Texas Gas Transmission Corp., Griffin Unit Well No. 1, West Lisbon Field, Claiborne Parish, La.	(2)	
G-14833 E 1-6-64	International Oil & Gas Corp. (Operator), et al. (successor to International Oil Corp.).	El Paso Natural Gas Co., Blanco Field, Rio Arriba County, N. Mex.	12.0	15.025
G-17771 C 1-7-64	The Atlantic Refining Co.	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	9.0	14.65
C161-220 C 1-6-64	Champlin Oil & Refining Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Headlee "A" Unit, Laverne Field, Harper County, Okla.	17.0	14.65
C162-260 E 12-31-63	Jenney Manufacturing Co. (successor to R. L. Kirkwood).	Banquete Gas Co., a division of Crestmont Consolidated Corp., acreage in San Patricio County, Tex.	9.0	14.65
C162-851 E 1-6-64	International Oil & Gas Corp. (Operator), et al. (successor to International Oil Corp. (Operator); et al.).	El Paso Natural Gas Co. Blanco Field, Rio Arriba County, N. Mex.	12.0	15.025
C163-1126 [3] (G-30154) A 3-7-63	American Petrofina, Inc. (successor to E. H. Adair, d/b/a E. H. Adair Oil Co.).	Cities Service Gas Co., Blunk and Hardtner Fields, Barber County, Kans.	[4] 13.0	14.65
C163-1189 A 3-20-63	Southwest Natural Production Co.	Arkansas Louisiana Gas Co., Chenière Field, Ouachita Parish, La.	18.33	15.025
C163-1277 A 4-16-63	do	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	[4] 18.003	15.025
C163-1501 B 6-5-63	Batex, Inc.	Tennessee Gas Transmission Co., Rincon Field, Starr County, Tex.	Depleted	
C164-137 C 10-25-63	Sunray DX Oil Co.	Panhandle Eastern Pipe Line Co., Northeast Trail Field, Dewey County, Okla.	[7] 15.0	14.65
C164-668 [3] A 12-9-63	Union Oil Co. of California	Trunkline Gas Co., Offshore Vermilion Parish, La.	19.5	15.025
C164-669 [3] A 12-9-63	Pan American Petroleum Corp.	do	19.5	15.025
C164-754 A 12-30-63	Warren Shear	Lone Star Gas Co., East Doyle Area, Stephens County, Okla.	15.0	14.65
C164-755 B 12-30-63	E. J. Brindley	New York State Natural Gas Corp., Leidy Field, Clinton County, Pa.	(2)	
C164-756 B 12-31-63	Delbert Goff, et al.	Hope Natural Gas Co., Freemans Creek District, Lewis County, W. Va.	Uneconomical	
C164-757 A 12-31-63	Injun Gas Co.	Hope Natural Gas Co., Grant District, Monongalia County, W. Va.	25.0	15.325
C164-758 A 12-31-63	Sunglass, Inc.	Texas Eastern Transmission Corp., Hungerford Field, Wharton County, Tex.	12.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Purchaser	Field and location	Price per Mcf	Pressure base
C164-759 A 12-31-63	Earl Q. Gray	Northern Natural Gas Co., acreage in Lipscomb County, Tex.	17.0	14.65
C164-760 A 12-31-63	Lone Star Producing Co.	Warren Petroleum Corp., East Panhandle Field, Wheeler County, Tex.	6.25	14.65
B 12-31-63	do	Lone Star Gas Co., East Panhandle Field, Wheeler County, Tex.	[10]	
C164-761 A 1-2-64	J. F. Stephenson, et al.	Lone Star Gas Co., McClure "A" No. 2 Lease, East Hewitt Field, Carter County, Okla.	15.0	14.65
C164-762 A 1-2-64	O. D. Smith Gas Co.	Cabot Corp., acreage in Calhoun County, W. Va.	15.2	15.325
C164-763 A 1-2-64	do	Cabot Corp., acreage in Wirt and Calhoun Counties, W. Va.	15.2	15.325
C164-764 A 1-2-64	E. Dunlap, Jr., et al.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	15.0	14.65
C164-765 A 1-2-64	Cities Service Oil Co.	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.0	14.65
C164-766 A 1-2-64	Ambassador Oil Corp. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Cimarron County, Okla.	17.0	14.65
C164-767 A 1-2-64	Monsanto Chemical Co.	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
C164-768 A 1-2-64	Francis Friestad, Trustee for Francis Friestad, et al.	Kentucky-West Virginia Gas Co., Bull Creek, Floyd County, Ky.	20.0	15.325
C164-769 A 1-2-64	J. F. Stephenson, et al.	Lone Star Gas Co., Robinson No. 2 Lease, East Hewitt Field, Carter County, Okla.	15.0	14.65
C164-770 B 1-2-64	Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Co.	Texas Eastern Transmission Corp., North Gillis Field, Calcasieu Parish, La.	Depleted	
C164-771 A 1-2-64	Jacqueline Anderson	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	20.0	15.025
C164-772 B 1-3-64	Ambassador Oil Corp. (Operator), et al.	Natural Gas Pipeline Co. of America, acreage in Hansford County, Tex.	[11]	
C164-773 A 1-2-64	Cities Service Oil Co.	Northern Natural Gas Co., West Hough Field, Texas County, Okla.	15.0	14.65
C164-774 A 1-6-64	Skelly Oil Co.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	17.0	14.65
C164-775 B 1-6-64	E. W. Mudge, Jr. (Operator), et al.	Lone Star Gas Co., East Panhandle Sweet Gas Field, Wheeler County, Tex.	[12]	
C164-776 A 1-6-64	do	Warren Petroleum Corp., East Panhandle Sweet Gas Field, Wheeler County, Tex.	4.0	14.65
C164-777 A 1-6-64	Ozark-Mahoning Co.	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
C164-778 B 1-6-64	Southern Triangle Oil Co., Inc.	Hope Natural Gas Co., Cove District, Doddridge County, W. Va.	Uneconomical	
C164-779 A 1-6-64	C. C. and P. P. Gunn	Cabot Corp., Lee District, Calhoun County, W. Va.	15.2	15.325
C164-780 A 1-6-64	Ralph Mace	Cabot Corp., Center District, Gilmer County, W. Va.	15.2	15.325
C164-781 A 1-7-64	The Atlantic Refining Co.	American Louisiana Pipe Line Co., Jeanerette and Bayou Sale Fields, St. Mary Parish, La.	20.625	15.025
C164-782 A 1-7-64	Sun Oil Co. (Southwest Division).	Lone Star Gathering Co., Ida Weitz Field, Victoria County, Tex.	14.0	14.65
C164-783 A 12-9-63	N. A. Steed	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	12.0	15.025
C164-784 A 1-8-64	Sunray DX Oil Co.	Transwestern Pipeline Co., Halley Field, Winkler County, Tex.	16.0	14.65
C164-785 B 1-8-64	The Pure Oil Co.	Lone Star Gas Co., Velma Field, Stephens County, Okla.	Depleted	
C164-786 A 1-6-64	Floyd W. Smith & Co., Inc. (Operator).	El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex.	17.0	14.65

[1] Amendment filed to delete acreage per agreement between parties dated Aug. 1, 1963.
[2] Pressure in subject well has declined to a point that gas will not enter buyer's line.
[3] Deleted.
[4] Original application assigned Docket No. C163-1126, however said docket will be cancelled and application treated as a petition to amend certificate in Docket No. G-10154.
[5] Rate in effect subject to refund in Docket No. RI62-399.
[6] Escalation provisions provide 0.0045 cent per Mcf escalation on Dec. 21, 1963 and every 2 years thereafter until Dec. 21, 1969.
[7] Applicant agreed to accept permanent certificate at total initial price of 15.0 cents Mcf by letter dated Jan. 1, 1964.
[8] The applications in Docket Nos. C164-668 and C164-669 propose the dedication of the respective 50 percent interest in the deep rights underlying a portion of the acreage presently authorized under Union Oil Co. of California's Rate Schedule No. 42 and Pan American's Rate Schedule No. 258. Each Applicant proposes to reduce its presently certificated rate of 24.05 cents (tax inclusive) for gas subject to the Louisiana State tax and 22.0 cents for nontaxable gas to 21.25 cents (tax inclusive) and 19.5 cents respectively provided permanent authorization is granted as requested herein.
[9] Acreage has been put in storage field.
[10] Application in Docket No. C164-760 also request approval to abandon sale previously authorized to Lone Star Gas Co., who has now assigned existing gas purchase contract to Warren Petroleum Co., sale for which authorization is requested in certificate portion of application.
[11] Well is no longer capable of feeding into purchaser's pipe line.
[12] Buyer has assigned existing gas purchase contract to Warren Petroleum Corp.

[F.R. Doc. 64-503; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. CP64-134]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 14, 1964.

Take notice that on December 9, 1963, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79999, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act, for permission and approval to abandon certain facilities, and for a certificate of public convenience and necessity authorizing El Paso to construct and operate facilities for the purpose of effecting certain realignments of facilities utilized in its Driver, Midkiff, TXL, Emma, and Tunstill Compressor Stations for the acquisition of natural gas from several Permian Basin sources, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects El Paso proposes (a) to abandon by removal two (2) 2,000 hp gas engine-driven compressor units and appurtenances in the Driver Station, to be relocated in its TXL Station and one (1) 2,000 hp gas engine-driven compressor unit and appurtenances in the Midkiff Station, to be relocated in its Tunstill Station, (b) install one (1) 330 hp compressor unit and turbo charging kit in the Tunstill Station (c) make modifications in and additions to its TXL meter station and relocate the same on the suction side of the TXL Compressor Station, (d) make compressor cylinder modifications on the two (2) 153 hp compressor units in its Emma Station, (e) install and operate additional gas dehydration facilities to provide an increase of 9,000 Mcf per day in the inlet capacity of its Tunstill Dehydration Plant (under § 2.55(a) of the Commission's General Policy and Interpretations, and (f) increase the operating pressure of the pipeline utilized to transport gas from the South Andrews and Emma Fields to Shell Oil Company's TXL Plant. The stated total out-of-pocket cost to El Paso for the proposed facility rearrangements and additions set forth is $1,318,500, which El Paso proposes to defray from current working funds, supplemented as necessary by short-term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-496; Filed, Jan. 20, 1964; 8:45 a.m.]

[Project No. 2430]

LAKE SUPERIOR DISTRICT POWER CO.

Notice of Application for License

JANUARY 10, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Lake Superior District Power Company (correspondence to: Martin E. Juhl, President, Lake Superior District Power Company, 101 West Second Street, Ashland, Wisconsin) for license for constructed Project No. 2430, known as the Ladysmith Hydro Plant, located on the Flambeau River, in the City of Ladysmith, in Rusk County, Wisconsin.

The project consists of: A two section rock and timber cribbed dam with a spillway 183 feet 6 inches long and a forebay 92 feet 8 inches wide, the spillway section having eight flood gates 16 feet wide and 10 feet high, and a 12-foot wide flood gate, once used for sluicing logs; a masonry powerhouse containing two hydroelectric units generating a total of 1,800 kilowatts; a reservoir of 236 acres in surface area with a normal operating head of 16 feet; and other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–500; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. CP64–10]

LONE STAR GAS CO.

Notice of Application and Date of Hearing

JANUARY 14, 1964.

Take notice that on July 16, 1963, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP64–10 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and for permission and approval to abandon other facilities, as follows:

(1) To construct and operate approximately 30.4 miles of 6-inch natural gas transmission pipeline A–26 extending from a point on Applicant's existing 18-inch Line A near the City of Quanah in Hardeman County, Texas, northerly across the Red River to a point approximately 4 miles west of the Town of Eldorado in Jackson County, Oklahoma, and thence northwesterly to Applicant's existing city gate measuring station serving the Town of Hollis in Harmon County, Oklahoma;

(2) To construct and operate approximately 4.3 miles of 4-inch natural gas transmission pipeline A–26–1 extending from a point on proposed 6-inch line A–26 easterly to Applicant's existing city gate measuring station serving the Town of Eldorado in Jackson County, Oklahoma;

(3) To abandon by removal and salvage Line 71–30, consisting of approximately 10.64 miles of 4-inch pipeline together with two river crossings of 0.16 miles of 3-inch and 1.86 miles of 2-inch pipeline extending from Line A near the City of Quanah in Hardeman County, Texas, to the existing city gate measuring station serving the Town of Eldorado in Jackson County, Oklahoma;

(4) To abandon by removal and salvage approximately 5.39 miles of 6-inch Line 71–37 extending from Line 71 to the Dodson tap for Line 74–1 in Collingsworth County, Texas;

(5) To abandon the Shamrock No. 2 Compressor Station in the East Panhandle Field together with approximately 12.57 miles of 16-inch Line 71 extending from the outlet of said compressor station to the Samnorwood tap for Line 71–36, in Collingsworth County, Texas, the initial 1.68 miles of said 16-inch line to be sold and transferred to Warren Petroleum Corporation (Warren) for use as a gathering facility in the area and the remaining 10.89 miles of said 16-inch line together with the Shamrock No. 2 Compressor Station to be removed and salvaged;

(6) To abandon the operation of that portion of Line 71 remaining north of the Dodson-Hollis tap for Line 71–37 in Collingsworth County, Texas, for the transportation of natural gas in interstate commerce, said facility to be thereafter supplied from Applicant's Line U with gas produced, transported, sold and consumed entirely within the State of Texas;

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the proposed construction and abandonments constitute a realignment of facilities in order that Applicant may continue to render effective natural gas service to its existing markets in the Texas Panhandle and Western Oklahoma area, made necessary by the fact that the supply of natural gas available to Applicant in the East Panhandle Field, Wheeler County, Texas, has declined to such an extent that the continuation of service therefrom is unwarranted, and that other arrangements must be provided for a continuing, long-term supply of natural gas for such markets. Applicant states that the abandonment of facilities as proposed will not result in the abandonment or diminution of natural gas service from Applicant's transmission pipeline system to any city, town or community, and will affect only 53 right-of-way customers who cannot thereafter be served. Applicant has arranged to dispose of its purchase contracts covering producing wells in the East Panhandle Field to Warren who will continue to purchase gas under such contracts, or under replacement contracts, resulting only in a substitution of purchasers and no abandonment of service in regard to such contracts and suppliers.

Applicant estimates the total cost of the proposed new natural gas pipeline transmission facilities at $459,900. The cost of removing the transmission facilities to be abandoned is estimated at $78,500, leaving a net salvage value in recoverable material of $188,610. All costs will be paid out of funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 5, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–501; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. CP64–59]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

Notice of Application

JANUARY 14, 1964.

The Manufacturers Light and Heat Company, New York State Natural Gas Corporation, Texas Eastern Transmission Corporation.

Take notice that on September 9, 1963, The Manufacturers Light and Heat Company (Manufacturers), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, 15219, New York State Natural Gas Corporation (New York Natural), 2 Gateway Center, Pittsburgh, Pennsylvania, 15222, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas, 77002, filed a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas under the terms of an exchange agreement dated August 22, 1963, by and between New York Natural, Texas Eastern, and Manufacturers, including the redelivery thereof to New York Natural by Texas Eastern for the account of Manufacturers, and for the construction and operation of approximately 3.25 miles of 6-inch pipeline and appurtenant facilities by New York Natural in Mann Township, Bedford County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects New York Natural and Manufacturers have entered into operating agreements providing for the joint development and operation of oil and gas leases in Bedford County, Pennsylvania, and will share equally the cost of constructing and operating the proposed pipeline (to be operated by New York Natural) at an estimated construction cost of $77,530, including appurtenant facilities needed at the Artemas Connection. Under the proposed exchange agreement gas will be delivered into Manufacturers Line No. 1804 at the Artemas Connection; Texas Eastern will deliver quantities of gas equivalent to New York Natural's share of the covered production at existing interconnections of Texas Eastern's pipelines with pipelines of New York Natural in Pennsylvania, and will deduct equivalent quantities of gas from its deliveries to Manufacturers at existing delivery points in Pennsylvania to offset the quantities delivered to New York Natural for the account of Manufacturers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–502; Filed, Jan. 20, 1964; 8:45 a.m.]

[Docket No. G–16092 etc.]

McGRATH & SMITH, INC., ET AL.

Notice of Applications for Certificates of Public Convenience and Necessity

JANUARY 10, 1964.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce as set forth in the accompanying tabulation, all as more fully described in the respective applications, and any amendments thereto, which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1964.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and pala. pressure base	Related rate Schedule	
				Number	Supplement
G–16092 (A–6/11/63)	McGrath & Smith, Inc., agent (Operator), et al. (successor to Carl J. Westlund (Operator), etal.) Spraberry Trend Area, Upton County, Tex. (RR Dist. 7–C).	El Paso Natural Gas Co.	11.1066 cents at 14.65	1	1–5
CI61–1719 (A–6/1/61) (B–9/1/61) (B–5/6/63)	W. L. McKnight d.b.a. Arrowhead Exploration Co. (Operator), et al. (formerly Rigdmorr Oil Co. (Operator), et al.), acreage in Ochiltree County, Tex. (RR Dist. 10) (change of operator).	do	[1] 17.0 cents at 14.65	6	1–6
				6	7
CI62–225 (A–8/28/61) (B–4/29/63)	W. L. McKnight d.b.a. Arrowhead Exploration Co. (Operator), et al. (formerly Ridgeway & Morrison (Operator), et al.) C. S. McGarraugh Lease, Ochiltree County, Tex. (RR Dist. 10) (change of operator).	do	[1] 17.0 cents at 14.65	8	1–6
				8	7–8
CI63–1148 (A–3/11/63)	Tidewater Oil Co., Anthon Area, Custer County, Okla.	Arkansas Louisiana Gas Co.	[1] 15.0 cents at 14.65	127	1–2
CI63–1165 (A–3/15/63)	Calvert Exploration Co. (Operator), et al., Lacy Area, Kingfisher County, Okla.	do	[1] 15.0 cents at 14.65	3	1–11
CI63–1182 (A–3/18/63)	Tenneco Corp., North Cooper Field, Blaine County, Okla.	do	[1] 15.0 cents at 14.65	149	1–3
CI63–1183 (A–3/18/63)	Tenneco Oil Co., Okeene Field, Blaine County, Okla.	do	[1] 15.0 cents at 14.65	23	1–3
CI63–1220 (A–4/3/63)	Northern Natural Gas Producing Co., Mammoth Creek Field, Lipscomb County, Tex. (RR Dist. 10).	Northern Natural Gas Co.	[1] 17.0 cents at 14.65	29	----------
CI63–1307 (A–4/15/63)	Cities Service Oil Co., Hugoton Field, Haskell County, Kans.	Colorado Interstate Gas Co.	[2] 12.5 cents at 14.65	165	----------
CI63–1435 (A–5/27/63)	Wilcox Oil Co., North Carter Field, Beckham County, Okla.	Arkansas Louisiana Gas Co.	[1] 15.0 cents at 14.65	12	----------
CI63–1517 (A–6/10/63)	Kerr-McGee Oil Industries, Inc. (Operator), et al., Bayou Crook Chene Field, St. Martin Parish, La.	Florida Gas Transmission Co.	[1] 15.0 cents at 15.025	70	----------

Filing code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

[1] Applicant has signified its willingness to accept a permanent certificate conditioned to the price herein specified.
[2] Subject to refund in Docket No. RI61–245.

[F.R. Doc. 64–504; Filed, Jan. 20, 1964; 8:46 a.m.]

[Docket No. CP63–149]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

JANUARY 14, 1964.

Take notice that on November 29, 1962, as supplemented on July 22, 1963, and September 18, 1963, Midwestern Gas Transmission Company (Midwestern), 231 South La Salle Street, Chicago 4, Illinois, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional 25,000 Mcf daily of contract demand gas to Northern Illinois Gas Company (Northern Illinois) an existing customer on its southern

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

system, commencing with the 1963–64 heating season, all as more fully set forth in the application, and supplements thereto on file with the Commission and open to public inspection.

The application reflects that the additional gas will be sold and delivered pursuant to the terms of Midwestern's effective CD–1 Rate Schedule, and that no additional facilities will be required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–505; Filed, Jan. 20, 1964; 8:46 a.m.]

[Docket Nos. RI64–532, RI64–533]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates,[1] and Allowing Rate Changes To Become Effective Subject to Refund

JANUARY 10, 1964.

Pan American Petroleum Corporation, Docket No. RI64–532; Pan American Petroleum Corporation (Operator), et al., Docket No. RI64–533.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 15.025 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–532	Pan American Petroleum Corp., P.O. Box 601, Tulsa, Okla., 74102. Attn: J. P. Hammond, General Attorney.	124	8	El Paso Natural Gas Co. (Kutz Canyon Field, San Juan County, N. Mex.) (San Juan Basin Area).	$571	12–16–63	[3] 1–16–64	[3] 1–17–64	12.0	[4] [5] 12.23065	
	do	302	5	El Paso Natural Gas Co. (Huerfano Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,511	12–16–63	[3] 1–16–64	[3] 1–17–64	[6] 12.0	[5] [6] 12.2295	
RI64–533	Pan American Petroleum Corp. (Operator), et al.	163	12	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,434	12–16–63	[3] 1–16–64	[3] 1–17–64	12.0	[4] [5] 12.23065	
	do	195	18	El Paso Natural Gas Co. (Aztec Pictured Cliffs and other fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	12,745	12–16–63	[3] 1–16–64	[3] 1–17–64	12.0	[4] [5] 12.2295	

[1] The stated effective date is the first day after the expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[5] For gas delivered into 250 psig system.

Pan American Petroleum Corporation and Pan American Petroleum Corporation (Operator), et al. (both referred to herein as Pan American) request an effective date of January 1, 1964, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Pan American's rate filings and such requests are denied.

Pan American's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), has protested Pan American's rate filings. El Paso questions the right of Pan American under its tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein with respect to Pan American's rate filings shall concern themselves with the contractual basis of the proposed rate increases. Since the proposed increases reflect tax reimbursement, the suspension period for each may be shortened to one day from January 16, 1964, the date of expiration of the statutory notice.

The proposed increased rates and charges are below the San Juan Basin area ceiling for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56), but are suspended because of El Paso's aforementioned protest.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Pan American's proposed rate filings which El Paso has protested, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the contractual basis for Pan American's proposed rate filings which El Paso has protested.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Pan American, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Pan American shall execute and file under its above-designated docket numbers with the Secretary of the Commission its agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Pan American is advised to the contrary within 15 days from the filing of its agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 5, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–506; Filed, Jan. 20, 1964; 8:46 a.m.]

[Docket No. RI64–210]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Amending Order Providing for Hearing on and Suspension of Proposed Changes in Rates

JANUARY 10, 1964.

On September 27, 1963, Socony Mobil Oil Company, Inc. (Operator), et al. (Socony) tendered for filing proposed increased rates under its FPC Gas Rate Schedule Nos. 150 and 152, respectively, for jurisdictional sales of natural gas to Hassie Hunt Trust from the Lisbon Field, Claiborne Parish, Louisiana (north Louisiana). The proposed increased rates of 17.0763 cents per Mcf at 15.025 psia, designated as Supplement No. 12 to Socony's FPC Gas Rate Schedule Nos. 150 and 152, respectively, were suspended in Docket No. RI64–210, by order issued October 18, 1963, until April 1, 1964, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The order of October 18, 1963, indicated that Socony's proposed increased rates exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

On December 12, 1963, Socony tendered for filing notices of change in its FPC Gas Rate Schedule Nos. 150 and 152. The proposed decreased rates of 16.0763 cents per Mcf at 15.025 psia are the result of a decrease in tax reimbursement. These proposed decreased rates exceed the area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended, supra. Good cause exists for permitting Socony to substitute the proposed decreased rates for the previously suspended proposed increased rates and for making the suspension period applicable to the decreased rates coextensive with the suspension period provided for the superseded proposed increased rates in the October 18 order in Docket No. RI64–210.

The Commission finds: The order issued October 18, 1963 should be amended to the extent hereinafter provided.

The Commission orders:

(A) The order providing for hearings on and the suspension of proposed changes in rates issued October 18, 1963, is hereby amended so as to change the proposed increased rates under Socony's FPC Gas Rate Schedule Nos. 150 and 152, in Docket No. RI64–210 from 17.0763 cents per Mcf to 16.0763 cents per Mcf at 15.025 psia, designated as Supplement Nos. 14 to Socony's FPC Gas Rate Schedule Nos. 150 and 152, respectively.

(B) Pending hearings and decisions thereon, Supplement Nos. 14 to Socony's FPC Gas Rate Schedule Nos. 150 and 152, respectively, are hereby suspended and the use thereof deferred until April 1, 1964, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) In all other respects, the order issued October 18, 1963, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–507; Filed, Jan. 20, 1964; 8:46 a.m.]

[Docket No. CI60–76]

TEXAS GAS EXPLORATION CORP.

Notice of Application

JANUARY 14, 1964.

Take notice that on January 20, 1960, Texas Gas Exploration Corporation (Applicant) filed in Docket No. CI60–76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption to Texas Gas Transmission Corporation from acreage in the Chacahoula Field, Lafourche Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

On October 8, 1963, as supplemented November 26, 1963, Applicant submitted an offer of settlement similar to those proposals submitted and approved with respect to the applications for certificates consolidated with Union Texas Petroleum, et al., Docket No. G–13221, et al. Applicant proposes a reduction in initial contract price from 21.75 cents to 20.625 cents per Mcf at 15.025 psia including tax reimbursement, a moratorium on future rate changes through March 31, 1968, an extension of make-up provisions for prepaid gas to the life of the contract,[2] a condition that the settlement rate is subject to prospective adjustment dependent upon the final determination in Docket No. AR61–2, and an understanding that the settlement rate determines only the payments which may legally be made under the contract[3] and can not estop the Commission from considering the appropriate cost to be attributed to the instant sale of Texas Gas Transmission Corporation's purchased-gas costs are in issue in rate proceedings instituted pursuant to sections 4(e) or 5(a) of the Natural Gas Act.[2]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 30, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–508; Filed, Jan. 20, 1964; 8:46 a.m.]

[1] Notice of the subject application was issued on Sept. 14, 1960, in the consolidated proceeding in Docket No. G–13831, et al., and published in the FEDERAL REGISTER on Sept. 22, 1960 (25 F.R. 9125). The application was severed from the consolidated proceeding by notice issued Oct. 12, 1960, and published in the FEDERAL REGISTER on Oct. 19, 1960 (25 F.R. 9982).

[2] These two provisions differ from those submitted and approved with respect to the applications consolidated with Docket No. G–13221, et al., due to the affiliation between Applicant and the gas purchaser.

[3] Applicant's FPC Gas Rate Schedule No. 4.

[Docket No. CP64-90]

TRANSWESTERN PIPELINE CO.

Notice of Application

JANUARY 14, 1964.

Take notice that on October 10, 1963, as supplemented on November 13, 1963, Transwestern Pipeline Company (Applicant) a Delaware corporation with its principal place of business at First National Bank Building, Houston, Texas, 77002, filed in Docket No. CP64-90 an application for a certificate of public convenience and necessity authorizing the construction and operation of a 650 horsepower compressor station on its 8-inch Stratford lateral and 5.2 miles of 8-inch pipeline along the Stratford lateral, all as more fully described in the application on file with the Commission and open to public inspection.

The total estimated cost of the proposed facilities is $369,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 3, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-509; Filed, Jan. 20, 1964; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

TUNGSTEN MILL PRODUCTS

Investigation of Imports

Notice is hereby given that, in accordance with the provisions of section 232 of the Trade Expansion Act of 1962 and OEP Regulation No. 4, the Director of the Office of Emergency Planning has ordered an investigation to determine whether or not tungsten mill products derived from mined tungsten or tungsten ore concentrates are being imported into the United States in such quantities or under such circumstances as to threaten to impair national security. Tungsten mill products included in this investigation are: powders, carbides, alloys, billets, extrusions, preforms, rods, wire and sheet. And application to OEP for such action was filed by the Lamp Division of the General Electric Company, Nela Park, Cleveland, Ohio.

Dated: January 16, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-569; Filed, Jan. 20, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2977]

ALAN-RANDAL CO., INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 15, 1964.

I. Alan-Randal Co., Inc. (issuer), 11608-11622 Ventura Boulevard, Studio City, California, was incorporated in California in 1953 to engage in the general business of distributing various specialty items used for appreciation advertising purposes.

On October 27, 1961, issuer filed with the San Francisco Regional Office a notification on form 1-A and exhibits thereto including a form of underwriting agreement, and proposed form of offering circular, relating to an offering of 120,000 shares of its $1.00 par value common stock at $2.50 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Pacific Coast Securities Company, a California corporation located in San Francisco, California, was named as underwriter to offer and sell 70,000 shares of issuer's stock to the public on a firm commitment basis and 50,000 shares of issuer's stock to the public on a best-efforts basis upon completion of the sale of the 70,000 shares. The offering commenced on or about July 18, 1962, with the use of an offering circular of the same date.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that a report of sales on form 2-A (dated as of August 1, 1963) filed by the issuer on August 19, 1963, pursuant to the provisions of Rule 260 of the general rules and regulations of the Securities Act of 1933, as amended, falsely stated that the sale by the underwriter of 70,000 shares to the public (on a firm commitment basis) had been completed and that 50,000 shares (to be offered by the underwriter to the public on a best-efforts basis) were being offered. More than 18,000 shares of the 70,000 shares to be sold by the underwriter to the public on a firm commitment basis (which had to be sold prior to the commencement of the offering of the 50,000 shares by the underwriter to the public on a best-efforts basis) were unsold on August 1, 1963 (14,000 shares of which remained unsold as of October 1, 1963).

B. An event has occurred after the filing which would have rendered the Regulation A exemption unavailable under Rule 252(e)(2) of the general rules and regulations of the Securities Act of 1933 had it occurred prior to such filing, in that Pacific Coast Securities Company, the underwriter, was the underwriter of securities covered by a Regulation A filing (Blue Haven Pools) which was and is subject to an order entered by the Commission on September 18, 1963, temporarily suspending its Regulation A exemption.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended;

It is ordered, Pursuant to Rule 261 (a) (1) and (4) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-511; Filed, Jan. 20, 1964; 8:46 a.m.]

[File No. 24SF-2941]

AUTOMATA INTERNATIONAL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 15, 1964.

I. Automata International, Inc. (issuer), 5369 West Pico, Los Angeles, California, incorporated in California in March 1961, under the name Insto Foto-Copy, Inc., was organized for the general purposes of acquiring profitable European companies of sound management and developing, manufacturing and assembling a digital display device for military, commercial and industrial use.

On August 22, 1961, issuer filed with the San Francisco Regional Office a notification on form 1-A and exhibits, including an offering circular, relating to an offering of 300,000 shares of its no par value common stock at $1.00 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Pacific Coast Securities Company, a California corporation located in San Francisco, California, was named as underwriter on a best efforts, all-or-none basis. The offering commenced on or about December 20, 1961, with the use of an offering circular of the same date.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that;

1. The aggregate amount of the offering and of the shares sold exceeded the statutory limit of $300,000.

2. A report of sales on form 2-A (dated as of February 28, 1962) was filed by issuer on April 17, 1962, under Rule 260 of the general rules and regulations under the Securities Act of 1933, as amended. Such report was false in that it was represented therein that the offering had been completed on January 4, 1962, whereas in fact more than 40,000 shares were unsold at that date and the public distribution was not actually completed until on or about February 28, 1962.

B. The offering circular omits to state material facts necessary in order to make statements made, in the light of the circumstances under which they were made, not misleading, in that it fails to disclose:

1. That a major and specific purpose for which the issuer was organized was the acquisition of a certain French corporation;

2. The terms and conditions of the contract of sale of said French corporation to the issuer;

3. That in excess of $100,000 of the proceeds from the offering were to be used for the acquisition of the French corporation; and

4. That the French corporation and its operations would constitute a principal part of issuer's business and its acquisition was essential to this intended business activity.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-512; Filed, Jan. 20, 1964; 8:46 a.m.]

[File No. 70-4179]

GENERAL PUBLIC UTILITIES CORP. ET AL.

Notice of Proposed Modification of Method of Allocating Consolidated Tax Liabilities, as Reduced by Investment Credit and Foreign Tax Credit, Among System Companies

JANUARY 15, 1964.

In the matter of General Public Utilities Corporation, 80 Pine Street, New York 5, New York, Jersey Central Power & Light Company, Metropolitan Edison Company, New Jersey Power & Light Company, Pennsylvania Electric Company, Home Electric Company, The Waverly Electric Light and Power Company, Nineveh Water Company, Employees Welfare Association, Inc., Saxton Nuclear Experimental Corporation; File No. 70-4179.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary companies have filed a joint declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated section 12 of the Act and Rule 45 promulgated thereunder as applicable to the transaction proposed. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Declarants annually join as a group in filing a consolidated Federal income tax return. It appears that certain inequities in the allocation of the group's consolidated income tax liabilities, after giving effect to the investment credit allowed on Federal income tax returns under the Revenue Act of 1962, would result if the allocations were effected pursuant to the provisions of Rule 45(b)(6) under the Act. Accordingly, declarants propose to utilize a method of allocation which will give to each of the companies included in consolidated tax returns of GPU and its subsidiaries the full investment credit each company contributes to the total investment credit allowed on the consolidated returns; except that with respect to Nineveh Water Company ("Nineveh"), a nonutility company which is wholly owned by Pennsylvania Electric Company ("Penelec"), a public-utility subsidiary company of GPU, to the extent that any investment credit of Nineveh exceeds its allocated portion of the consolidated tax liability of the GPU system, such excess will be allocated to Penelec.

In addition, it is proposed that the amount of any foreign tax credit allowed on the GPU system's consolidated tax returns shall be given to the system company or companies which had paid the foreign taxes related to such foreign tax credit. The filing states that in 1963 GPU paid a Philippine income tax with respect to its interest income on certain letters of credit received by GPU as consideration for its sale to a Philippine purchaser of its holdings of securities of its former subsidiary company, Manila Electric Company; that the related foreign tax credit in the system's consolidated tax return for 1963 is estimated at approximately $392,000; and that GPU expects to pay Philippine income taxes with respect to the interest component of annual installments to be received by GPU under said letters of credit to and including the year 1971.

The joint declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that fees and expenses to be incurred in connection with the proposed transactions are estimated to aggregate $4,750, including a fee of $2,750 for company counsel and a fee of $1,500 for tax counsel.

Notice is further given that any interested person may, not later than January 30, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promul-

gated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-513; Filed, Jan. 20, 1964; 8:46 a.m.]

[File No. 70-4182]

SOUTHERN CO. ET AL.

Notice of Filing of Joint Application-Declaration Regarding Issue, Sale and Acquisition of Common Stocks by Holding Company and Subsidiary Companies

JANUARY 15, 1964.

In the matter of The Southern Company, 3390 Peachtree Road NE., Atlanta, Georgia, 30326, Alabama Power Company, Georgia Power Company, Mississippi Power Company, Gulf Power Company; File No. 70-4182.

Notice is hereby given that a joint application-declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by The Southern Company ("Southern"), a registered holding company, and certain of its electric utility subsidiary companies, i.e., Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Mississippi Power Company ("Mississippi"), and Gulf Power Company ("Gulf"). The applicants-declarants designate sections 6(a), 6(b), 7, 9(a), 10 and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows.

Southern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, up to 600,000 shares of its authorized but unissued common stock of the par value of $5 per share. The net proceeds from the proposed sale of common stock are to be used by Southern to pay outstanding notes due banks aggregating $14,989,000 at December 31, 1963, and to make, from time to time during 1964, additional investments in the common stocks of certain of its subsidiary companies as shown below:

Alabama—50,000 shares	$5,000,000
Georgia—80,000 shares	8,000,000
Mississippi—40,000 shares	4,000,000
Gulf—20,000 shares	2,000,000
Total	19,000,000

The above subsidiary companies propose to issue and sell, and Southern proposes to acquire, such additional shares of common stock for the considerations shown.

The subsidiary companies propose to use the proceeds from the sales of their common stocks to finance in part their 1964 construction expenditures estimated, respectively, as follows:

Alabama	$71,167,000
Georgia	81,391,000
Mississippi	21,168,000
Gulf	18,442,000
Total	$192,168,000

Said subsidiary companies expect that additional funds for their 1964 construction expenditures will be obtained from internal sources, from the issue and sale of first mortgage bonds and preferred stock, which are to be the subject of subsequent filings, and from short term bank loans.

The fees and expenses to be incurred by Southern in connection with the transactions proposed by it are to be supplied by amendment. The expenses to be incurred by the subsidiary companies in connection with their proposed transactions are estimated at $2,264, $3,150, $1,690 and $1,021 by Alabama, Georgia, Mississippi and Gulf, respectively.

The joint application-declaration states that the issue and sale of additional shares of common stock by Southern and Mississippi are not subject to the jurisdiction of any State or Federal commission other than this Commission; that the issue and sale of additional shares of common stock by Alabama, Georgia, and Gulf are subject to the jurisdiction of the Alabama Public Service Commission, the Georgia Public Service Commission and the Florida Railroad and Public Utilities Commission, respectively; and that appropriate orders of those commissions will be obtained and copies thereof will be supplied by amendment.

Notice is further given that any interested person may, not later than February 7, 1964, request in writing that a hearing be held in respect of any or all of such matters, stating the nature of his interest, the reason for the request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-514; Filed, Jan. 20, 1964; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-35]

CAST IRON SOIL PIPE FROM AUSTRALIA

Notice of Investigation

Having received advice from the Treasury Department on January 15, 1964 that cast iron soil pipe from Australia is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than February 21, 1964.

Issued: January 16, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-532; Filed, Jan. 20, 1964; 8:48 a.m.]

[AA1921-34]

PEAT MOSS FROM CANADA

Notice of Investigation

Having received advice from the Treasury Department on January 14, 1964 that peat moss, horticultural and poultry grades, from Atkins and Durbrow Ltd., Vancouver, B.C., and Western Peat Company Ltd., New Westminster, B.C. (shipments from Manitoba plant only), Canada, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than February 21, 1964.

Issued: January 16, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-533; Filed, Jan. 20, 1964; 8:48 a.m.]

[AA1921—33]

STEEL REINFORCING BARS FROM CANADA

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on January 16, 1964, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to Steel Reinforcing Bars from Canada. Notice of the institution of this investigation was published in the FEDERAL REGISTER on December 31, 1963 (28 F.R. 14534).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 2 p.m. e.s.t., on February 11, 1964. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Because of the limited time available, oral presentations of interested parties and the questioning of witnesses may be limited as conditions necessitate.

Issued: January 16, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-534; Filed, Jan. 20, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application No. 45; Amdt. No. 5]

NIAGARA FRONTIER TARIFF BUREAU, INC.

Application for Approval of Amendments to Agreement

JANUARY 16, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendents to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed January 10, 1964, by Robert G. Gawley, 631 Niagara Street, Buffalo, N.Y., 14201.

Amendments involved: Change the agreement so as to (1) eliminate requirement that notice by publication be made in "Transport Topics," but continue to give such notice in the bureau's own docket bulletin, (2) eliminate requirement that each participant establish a reserve of two months' dues subject to a $20 minimum, and substitute provision that a reserve shall be established by each participant in an amount determined by the board of directors, (3) provide that a member of the General Rate Committee may be absent, upon reasonable justification, from more than two consecutive meetings of such committee without automatically being expelled therefrom, and (4) eliminate the distinction in voting which exists between local and interline members of the General Rate Committee.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-524; Filed, Jan. 20, 1964; 8:48 a.m.]

[Notice 927]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 16, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66423. By order of January 13, 1964, the Transfer Board approved the transfer to Missouri Lumber Transports, Inc., Arcadia, Mo., of Certificate in No. MC 123560 (Sub-No. 2), issued April 10, 1963, to Marland Keithley, doing business as Potosi Lumber Transport, Potosi, Mo., authorizing the transportation, over irregular routes, of lumber, wooden pallets, and treated wooden posts and poles, from points in a described portion of Missouri to points in South Dakota, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, and to points in those parts of Kansas and Nebraska east of U.S. Highway 183, lumber from points in Colorado to points in that part of Missouri south of U.S. Highway 66, east of U.S. Highway 65, and west of U.S. Highway 67, except St. Louis, Mo., and points in the commercial zone thereof, wooden pallets and treated wooden posts and poles, from points in that part of Missouri, south of U.S. Highway 66, east of U.S. Highway 65, and west of U.S. Highway 67, to points in Colorado, and to points in those parts of Kansas and Nebraska on and west of U.S. Highway 183. Joseph R. Nacy, 117 West High Street, Post Office Box No. 352, Jefferson City, Mo., attorney for transferee. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for transferor.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-525; Filed, Jan. 20, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 16, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38754: *Iron and steel articles from Emco and Sheffield, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-8495), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from Emco and Sheffield, Ala., to points in Southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 47 to Southwestern Freight Bureau, agent, tariff I.C.C. 4511.

FSA No. 38755: *Paper and paper articles from Sikeston, Mo.* Filed by Southwestern Freight Bureau, agent (No. B-8494), for interested rail carriers. Rates on paper and paper articles, as described in the application, in carloads, from Sikeston, Mo., to points in Illinois, Iowa, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 87 to Southwestern Freight Bureau, agent, tariff I.C.C. 4480.

FSA No. 38756: *Potash from Trona, Calif., Blair and Wendover, Utah.* Filed by Trans-Continental Freight Bureau, agent (No. 416), for interested rail carriers. Rates on potassium (potash), viz.: Muriate of and sulphate of, in carloads, from Trona, Calif., Blair and Wendover, Utah, to points in Illinois, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 62 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1684.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-526; Filed, Jan. 20, 1964; 8:48 a.m.]

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VOLUME 29 NUMBER 15

Washington, Wednesday, January 22, 1964

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (d) of § 213.3312 is revoked and subparagraphs (6) and (7) are added to paragraph (d) as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(d) *Bureau of Mines.* * * *

(6) One Assistant Director (Minerals Research).

(7) One Assistant Director (Mineral Resource Development).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-571; Filed, Jan. 21, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

SUBCHAPTER B—PROHIBITION OF IMPORTED COMMODITIES

[Amdt. 2]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Findings. (a) Notice of rule making regarding a proposed amendment to § 980.102 *Onion import regulation* (28 F.R. 9503, 12059), was published in the January 3, 1964, issue of the FEDERAL REGISTER (29 F.R. 50). This section is effective under section 8e–1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice contained a determination that during the current onion marketing season, on and after February 3, 1964, imports of white onions, and on and after March 2, 1964, imports of all other varieties, are in most direct competition with onions produced in the South Texas production area which are marketed under grade, size, and quality regulations issued pursuant to Marketing Order No. 959, as amended (7 CFR Part 959).

Interested persons were afforded an opportunity to file data, views, or arguments in regard to the proposed amendment not later than 10 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, it is hereby found that the proposal as published in the notice should be issued and that such restrictions on the importation of onions, as hereinafter provided, comply with the grade, size, and quality requirements applicable to onions produced in the United States, and effective under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties of South Texas. This section is subject to further amendment as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this amendment beyond the time specified (5 U.S.C. 1003) in that (1) the requirements established by this section are mandatory under section 8e–1 of the Act; (2) all known onion importers were notified of the proposed amendment; and (3) notice hereof was published in the January 3, 1964, issue of the FEDERAL REGISTER (29 F.R. 50), and such notice is determined to be reasonable.

The amendment is as follows:

In § 980.102 *Onion import regulation* (28 F.R. 9503, 12059), delete the introductory paragraph and paragraph (a), and substitute in lieu thereof a new introductory paragraph and a new paragraph (a) as set forth below. Paragraph (b) is republished for information.

§ 980.102 **Onion import regulation.**

Except as otherwise provided, during the period beginning February 3, 1964, for white onions, and March 2, 1964, for all other varieties, and continuing through June 30, 1964, no person may import dry onions, except red onions, unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to ingrade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other (except red) varieties—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the requirements of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: January 17, 1964.

PAUL A. NICHOLSON,
Deputy Director
Fruit and Vegetable Division.

[F.R. Doc. 64-574; Filed, Jan. 21, 1964; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 **Designation of free and infected areas.**

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Virginia, Washington, and Wyoming.

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson and Lincoln;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau,

Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U. S. Highway No. 380 at the town of Carrisozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Cumberland;

(9) All counties in Wisconsin except Saint Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgwick;

(4) The following counties in Minnesota: Jackson and Lincoln;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(10) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add the County of Lincoln in the State of Minnesota to the list of infected and eradication areas and delete such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such county.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-576; Filed, Jan. 21, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter XV—Office of the Under Secretary of Commerce for Transportation; Department of Commerce

PART 1502—AIRCRAFT ALLOCATION

Title 14—Aeronautics and Space, is amended in the following particulars:

1. The heading of Chapter XV, now designated as the Defense Air Transportation Administration, Department of Commerce, is redesignated to read as set forth above. The Defense Air Transportation Administration was abolished on September 13, 1962 (27 F.R. 9958).

2. Part 1502—Aircraft Allocation, is hereby revised to read as follows:

SEC.

1502.1 Issuance of aircraft allocations.
1502.2 Reporting requirements.

AUTHORITY: The provisions of this Part 1502 issued under sec. 3(c)(2) of Executive Order 10999.

§ 1502.1 Issuance of aircraft allocations.

From time to time the Director, Office of Emergency Transportation, Office of the Under Secretary of Commerce for Transportation issues planning orders allocating aircraft to the Department of Defense, identified by FAA registration number, for the Civil Reserve Air Fleet Program and/or as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. The current listing of aircraft allocations will appear in the notice section of the FEDERAL REGISTER.

§ 1502.2 Reporting requirements.

In the event any aircraft identified in the allocations in effect:

(a) Is destroyed or suffers major damage, the owner and/or operator, shall

give immediate notice thereof to the Director, Office of Emergency Transportation, or

(b) Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to the Director, Office of Emergency Transportation together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

Dated: January 8, 1964.

C. D. MARTIN, JR.,
Under Secretary of Commerce
for Transportation.

[F.R. Doc. 64-564; Filed, Jan. 21, 1964; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

Miscellaneous Amendments

1. Section 578.3(d) is revised to read as follows:

§ 578.3 General provisions governing the awards of decorations.

* * * * *

(d) *By whom awarded; peacetime criteria.* (1) Awards for peacetime service are made by the President, the Secretary of Defense, and the Secretary of the Army.

(2) No peacetime award of an Army decoration will be made to a member of another United States Armed Forces Service without concurrence from the military department concerned.

(3) The Legion of Merit, the Soldier's Medal, the Army Commendation Medal, the Decoration for Distinguished Civilian Service and the Outstanding Civilian Service Award are the only United States decorations which may be awarded by the Department of the Army to foreign nationals under peacetime criteria. The Bronze Star Medal may be awarded by the Department of the Army to foreign nationals under peacetime criteria during a period and in specified areas where United States troops are engaged in military operations involving conflict with an opposing foreign force or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(4) Authority to award the Joint Service Commendation Medal has been delegated by the Secretary of Defense to:

(i) The Deputy Secretary of Defense for awards to military personnel assigned to the Office of the Secretary of Defense.

(ii) The Chairman, Joint Chiefs of Staff for awards to military personnel on his staff, and in those agencies and activities reporting through his staff.

(iii) Director, Defense Supply Agency for awards to military personnel on his staff.

(iv) Director, National Security Agency for award to military personnel on his staff.

(v) Commanders in Chief of Unified and Specified Commands, for awards to military personnel assigned to their respective headquarters and to those joint agencies and activities reporting to or through their commands.

In wartime, this authority may be further delegated at the direction of the Secretary of Defense.

(5) The Army Commendation Medal may be awarded for heroism, meritorious achievement or meritorious service by any commander in the grade or position of a Major General or higher and by the heads of Headquarters Department of the Army staff agencies to members of the Army of the United States below the grade of Brigadier General. The Army Commendation Medal may be awarded by the appropriate commander as an interim award in accordance with paragraph (g) of this section in those cases involving heroism and for which a recommendation for the award of the Distinguished Flying Cross or the Soldier's Medal has been submitted. Awards of the Army Commendation Medal may also be made under the provisions of AR 672-301 (Incentive Awards).

(6) The National Security Medal is awarded as noted in paragraph (c)(7) of this section.

* * * * *

2. Sections 578.4(a), 578.5(a), and 578.7(a) are revised to read as follows:

§ 578.4 Medal of Honor.

(a) *Criteria.* The Medal of Honor, established by Joint Resolution of Congress, 12 July 1862 (amended by act of 9 July 1918 and act of 25 July 1963) is awarded in the name of Congress to a person who, while a member of the Army, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while engaged in an action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party (figure 1). The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his comrades and must have involved risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit. Eligibility is limited to members of the Army of the United States in active Federal military service.

* * * * *

§ 578.5 Distinguished Service Cross.

(a) *Criteria.* The Distinguished Service Cross, established by act of Congress 9 July 1918 (amended by act of 25 July 1963), is awarded to a person who, while serving in any capacity with the Army, distinguishes himself by extraordinary heroism not justifying the award of a Medal of Honor while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party (figure 1). The act or acts of heroism must have been so notable and have involved risk of life so extraordinary as to set the individual apart from his comrades.

* * * * *

§ 578.7 Silver Star.

(a) *Criteria.* The Silver Star, established by act of Congress 9 July 1918 (amended by act of 25 July 1963), is awarded to a person who, while serving in any capacity with the Army, is cited for gallantry in action that does not warrant a Medal of Honor or Distinguished Service Cross while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party (figure 1). The required gallantry, while of lesser degree than that required for the award of the Medal of Honor or Distinguished Service Cross, must nevertheless have been performed with marked distinction. It is also awarded upon letter application to The Adjutant General to those individuals who, while serving in any capacity with the Army, received a citation for gallantry in action in World War I published in orders issued by the headquarters of a general officer.

* * * * *

3. New § 578.12a is added and the heading and paragraph (a) of § 578.17 are revised, as follows:

§ 578.12a Joint Service Commendation Medal.

Department of Defense Directive 1348.14, 25 June 1963, established the Joint Service Commendation Medal. This decoration is awarded in the name of the Secretary of Defense and shall take precedence with, but before, the Army Commendation Medal when both are worn on the uniform. The decoration is not awarded to any individual for a period of service for which another meritorious decoration has been awarded.

(a) *Eligibility.* Any member of the Armed Forces of the United States who distinguishes himself by meritorious achievement or service while serving in any assignment specified in paragraph (b) of this section after 1 January 1963 is eligible for this award. The required achievement or service, while of lesser degree than that required for award of the Legion of Merit, must nevertheless have been accomplished with distinction.

(b) *Joint activities.* Military personnel assigned to the following joint activities are eligible for the award:

(1) Office of the Secretary of Defense.

(2) Organization of the Joint Chiefs of Staff.
(3) Defense Supply Agency.
(4) National Security Agency.
(5) Other Department of Defense agencies or joint activities reporting through the Joint Chiefs of Staff.
(6) Headquarters, unified and special commands.
(7) Headquarters of joint task forces, joint commands or control groups, reporting though the Joint Chiefs of Staff, unified, specified or subordinate joint commanders, to include service components assigned to a joint command for exercise purposes (e.g., STRIKE Command).
(8) Other joint activities reporting to commanders of unified or specified commands (e.g., Military Assistance Advisory Groups or Joint Missions).

§ 578.17 Presidential Medal of Freedom.

(a) *Criteria*—(1) *Medal of Freedom.* The Medal of Freedom was established by Executive Order 9586, 6 July 1945, as amended by Executive Order 10336, 5 April 1952, to be awarded to any person other than a member of the Armed Forces of the United States who, after 6 December 1941, performed a meritorious act or service which aided the United States in the prosecution of a war against an armed enemy or enemies, or similarly aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, or during any period of national emergency declared by the President or the Congress furthered the interests or the security of the United States or of any nation allied or associated with the United States during such period when the award of any other United States military decoration was not deemed appropriate. Under special circumstances, without regard to the existence of a state of war or national emergency, the Medal of Freedom was awarded by or at the direction of the President for performance of a meritorious act or service in the interest of the security of the United States. The Medal of Freedom was reestablished as the Presidential Medal of Freedom on 22 February 1963 and no awards of the Medal of Freedom after that date are authorized.

(2) *Establishment of Presidential Medal of Freedom.* The Medal of Freedom was reestablished as the Presidential Medal of Freedom by Executive Order 11085, 22 February 1963, to be awarded to any person who has made an especially meritorious contribution to the security or national interest of the United States, to world peace or to cultural or other significant public or private endeavors. The Medal can only be awarded by the President of the United States who makes the final selection of recipients with the assistance of a Distinguished Civilian Service Awards Board. The President may select for award of the Presidential Medal of Freedom any person nominated by the Board, any person otherwise recommended to him for award of the Medal, or any person he selects upon his own initiative. Announcement of awards will be made by the President on or about 4 July of each year.

* * * * *

4. Section 578.21 is revised, and new § 578.48g is added, as follows:

§ 578.21 Original issue or replacement.

(a) *General.* All United States Army medals are presented without cost to the awardee. Replacement medals are likewise issued without cost to an awardee in active Federal military service when his written request includes a statement that the original medal was lost, destroyed, or rendered unfit for use without fault or neglect on his part. Replacement of medals for individuals not on active duty or for eligible next of kin, provided the original issue had been made to them, may be made at cost price. No money should be mailed until instructions are received from The Adjutant General or the Commanding Officer, U.S. Army Records Center, 9700 Page Boulevard, St. Louis, Mo., 63132. Requests should be directed as follows:

Individual status	*Direct to*
Personnel in active Federal military service or in Reserve components.	Unit commander.
All requests for medals in behalf of individuals having no current Army status or deceased.	Commanding Officer, U.S. Army Records Center, 9700 Page Blvd., St. Louis, Mo., 63132.
Personnel receiving retirement pay, except general officers	Same as above.
Retired general officers	The Adjutant General, Washington, D.C., 20310.

(b) *Discharged personnel.* All requests for medals in behalf of individuals having no current Army status, or deceased, will be forwarded to the Commanding Officer, United States Army Records Center, 9700 Page Boulevard, St. Louis, Mo., 63132.

(c) *Miscellaneous.* (1) Supply action for the Medal of Honor will be accomplished only by The Adjutant General.

(2) The Medal for Merit has not been awarded since 1952; therefore, no requirements exist for this item except for replacements.

(3) The Gold Star Lapel Button is authorized for issue to next of kin of deceased personnel.

§ 578.48g Armed Forces Expeditionary Medal.

Established by Executive Order 10977, dated 4 December 1961. This medal is authorized for:

U.S. Military Operations.
U.S. Operations in Direct Support of the United Nations.
U.S. Operations of Assistance for Friendly Foreign Nations.

(a) *Definitions*—(1) *Operation.* A military action, or the carrying out of a strategic, tactical, service, training, or administrative military mission; the process of carrying on combat including movement, supply, attack, defense, and maneuvers needed to gain the objectives of any battle or campaign.

(2) *Area of operations.* (i) The foreign territory upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operation.

(ii) Adjacent water areas in which ships are operating, patrolling, or providing direct support of operations.

(iii) The airspace above and adjacent to the area in which operations are being conducted.

(3) *Direct support.* Services being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support.

(b) *Requirements.* Awarded for service after 1 July 1958, meeting the qualifications set forth below:

(1) *General.* Personnel must be a bona fide member of a unit engaged in the operation, or meet one or more of the following criteria:

(i) Shall serve not less than 30 consecutive days in the area of operations.

(ii) Be engaged in direct support of the operation for 30 consecutive days or 60 nonconsecutive days, provided this support involves entering the area of operations.

(iii) Serve for the full period where an operation is of less than 30 days' duration.

(iv) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation with armed opposition, regardless of time in the area.

(v) Participate as a regularly assigned crewmember of an aircraft flying into, out of, within, or over the area in support of the military operation.

(vi) Be recommended, or attached to a unit recommended, by the chief of a service or the commander of a unified or specified command for award of the medal, although the criteria above have not been fulfilled. Such recommendations may be made to the Joint Chiefs of Staff for duty of such value to the operation as to warrant particular recognition.

(c) *Designated areas and dates*—(1) *U.S. military operation dates.* (i) Berlin—from 14 August 1961 to 1 June 1963.

(ii) Lebanon—from 1 July 1958 to 1 November 1958.

(iii) Quemoy and Matsu Islands—from 23 August 1958 to 1 June 1963. Taiwan Straits—from 23 August 1958 to 1 January 1959.

(iv) Cuba—from 24 October 1962 to 1 June 1963.

(2) *U.S. operations in direct support of the United Nations.* Congo—from 14 July 1960 to 1 September 1962.

(3) *U.S. operations of assistance for a friendly foreign nation.* (i) Laos—from 19 April 1961 to 7 October 1962.

(ii) Vietnam—from 1 July 1958 to a date to be announced.

Future area of operations will be announced as required.

[C5, AR 672-5-1, 14 November 1963] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-552; Filed, Jan. 21, 1964; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

St. Lucie and Indian Rivers, Fla.

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.70 governing the use of fishing nets in St. Lucie and Indian Rivers, Florida, is hereby revoked, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 206.70 St. Lucie and Indian Rivers, Fla.; fishing. [Revoked]

[Regs., January 6, 1964, 1507-32 (St. Lucie and Indian Rivers, Fla.)—ENGCW-ON] (Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-551; Filed, Jan. 21, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3263]

ARIZONA

Withdrawal for Forest Service Administrative Sites, Recreation Areas, Campgrounds, and Roadside Zones

Correction

In the correction of F.R. Doc. 63-11612, which appeared at page 13265 of the issue for Friday, December 6, 1963, item 3 should read as follows:

3. On page 11732, first column, the entry for "Sec. 28" under "KP Cienega Forest Camp" should read "Sec. 28, S½ NW¼ and N½SW¼.".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

MINIMUM POULTRY MEAT CONTENT OF SOUP CONTAINING POULTRY

Postponement of Hearing and Extension of Time for Filing Comments

On October 15, 1963, there was published in the FEDERAL REGISTER (28 F.R. 11017) a notice of proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR, Part 81), under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.). The proposed amendments included a proposal that would specify the minimum poultry meat content of soup which bears an unqualified reference to the kind of poultry in the product name of the soup and which is a poultry product subject to the Act (i.e., not exempted from definition of a poultry product by § 81.208 of the regulations).

A public hearing, scheduled to begin at 10:00 a.m. on January 24, 1964, in Washington, D.C., on the minimum poultry meat content of soup containing poultry, was announced in the FEDERAL REGISTER of December 28, 1963 (28 F.R. 14432). Notice is hereby given that this hearing is postponed to begin at 10:00 a.m. on March 23, 1964, in Room 218–A, Administration Building, United States Department of Agriculture, 12th–14th Streets and Independence Avenue SW., Washington, D.C., and, if necessary, will continue thereafter at such times and places as directed by the presiding officer.

The time for filing comments on the proposed amendment on soup, which was extended from December 16, 1963, to include January 31, 1964, by an announcement in the FEDERAL REGISTER of January 11, 1964 (29 F.R. 289), is hereby further extended to include March 31, 1964.

Done at Washington, D.C., this 16th day of January 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64–563; Filed, Jan. 21, 1964; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 408]

ADVERTISING AND LABELING OF CIGARETTES

Notice of Rule-Making Proceeding for Establishment of Trade Regulation Rules

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. section 41 et seq., and the provisions of Subpart F of the Commission's procedures and rules of practice, 28 F.R. 7083–84 (July 1963), has initiated a proceeding for the promulgation of Trade Regulation Rules regarding unfair and deceptive acts or practices in the advertising and labeling of cigarettes.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers. Trade Regulation Rules do not enlarge those substantive legal prohibitions, but define and particularize them as applied to specific problems and conditions.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the legality and propriety of applying the Rule to the particular case.

The Report of the Advisory Committee to the Surgeon General of the Public Health Service on Smoking and Health (issued January 11, 1964) has focused attention on the existence of problems within the statutory jurisdiction and responsibility of the Federal Trade Commission to prevent "unfair or deceptive acts or practices" in the labeling and advertising of cigarettes. The group of highly-qualified scientists constituting the Committee found, on the basis of prolonged study and evaluation of many lines of converging evidence, that "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action." (p. 33)

The specific findings of the Advisory Committee include the following:

Cigarette smoking is associated with a 70 percent increase in the age-specific death rates of males, and to a lesser extent with increased death rates of females. The total number of excess deaths causally related to cigarette smoking in the U.S. population cannot be accurately estimated. In view of the continuing and mounting evidence from many sources, it is the judgment of the Committee that cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate.

Cigarette smoking is causally related to lung cancer in men; the magnitude of the effect of cigarette smoking far outweighs all other facts. The data for women, though less extensive, point in the same direction.

The risk of developing lung cancer increases with duration of smoking and the number of cigarettes smoked per day, and is diminished by discontinuing smoking. In comparison with nonsmokers, average male smokers of cigarettes have approximately a 9- to 10-fold risk of developing lung cancer and heavy smokers at least a 20-fold risk.

• • • • •

Cigarette smoking is the most important of the causes of chronic bronchitis, and increases the risk of dying from chronic bronchitis and emphysema. (p. 31)

• • • • •

It is established that male cigarette smokers have a higher death rate from coronary disease than nonsmoking males. (p. 38)

• • • • •

The overwhelming evidence points to the conclusion that smoking—its beginning, habituation, and occasional discontinuation—is to a large extent psychologically and socially determined. (p. 40)

Protection of the consuming public from false, misleading, deceptive or unfair advertising (including labeling) of products that may endanger human health or safety is a prime duty of the Commission. The Commission has reason to believe that much current cigarette advertising may violate the laws administered by the Commission, in that it may prevent or hinder large numbers of consumers from recognizing and appreciating the nature and extent of the substantial health hazard of cigarette smoking.

Specifically, the Commission is concerned with two ways in which cigarette advertising may be unlawfully misrepresenting or concealing the health hazards of smoking. First, the Commission has reason to believe that many current advertisements falsely state, or give the false impression, that cigarette smoking promotes health or physical well-being or is not a health hazard, or that smoking the advertised brand is less of a health hazard than smoking other brands of cigarettes.

Second, the Commission has reason to believe that much current advertising suggests or portrays cigarette smoking as being pleasurable or desirable, compatible with physical health, fitness or well-being, or indispensable to full personal development and social success, without at the same time reminding the consumer of the serious health hazard of cigarette smoking. Such advertising may create a psychological and social barrier to the consuming public's understanding and appreciation of the gravity of the risks to life and health involved in cigarette smoking.

Massive advertising, depicting and constantly reiterating the pleasures and desirability of cigarette smoking but failing to disclose the risks to health, appears to be a potent force in increasing sales of cigarettes, despite increasing scientific and governmental recognition of the existence and seriousness of such perils. Although there has been mounting evidence of the grave health hazards of cigarette smoking since at least 1954, the annual consumption of cigarettes per person has steadily and sharply increased, from fewer than 3,400 in 1954 to more than 4,000 in 1963. In the same period the total number of cigarettes sold to the public increased from about 380 billion to about 520 billion. Meanwhile, total advertising expenditures by the industry appear to have doubled in this period, exceeding $200 million in 1963. The Advisory Committee stated that the cigarette-smoking habit "is to a large extent psychologically and socially determined", and it would appear that the massive and increasing cigarette advertising has materially contributed to the sharp and continuous growth in cigarette consumption, in the face of the mounting evidence of the serious health hazard involved in cigarette smoking.

The Federal Trade Commission Act enacted into law basic principles for the protection of consumers against unfair or deceptive advertising. It is established that a seller may not misrepresent, whether affirmatively or by failure of disclosure, the dangers to health or safety involved in using his product. Similarly, a literally true claim regarding the consequences to health or safety of using the product may nevertheless be deceptive because of failure to disclose material facts that limit and qualify the claim. The facts and the public interest may require application of these principles to cigarette advertising and labeling. Thus, if the dangers to health involved in cigarette smoking are so serious that knowledge and appreciation of them would be a material factor in influencing a person's decision whether, or how much, to smoke cigarettes or a particular brand of cigarettes, affirmative disclosure of these dangers in cigarette advertising may be a necessary antidote to advertising which, by design or otherwise, may tend to cloud or obscure public consciousness of the health perils of cigarette smoking.

The problem of cigarette advertising and health appears to be great and increasing. In the period between 1955 and 1962, deaths from lung cancer in the United States increased from 27,000 to 41,000; deaths from heart disease rose from 273,000 in 1940 to 578,000 in 1962; and between 1945 and 1962 deaths from chronic bronchitis and emphysema increased from 2,300 to 15,000. The Report of the Surgeon General's Advisory Committee having found that cigarette smoking is a substantial cause of the increasing death rate, the Commission has determined that the public interest requires initiation of the present Trade Regulation Rule proceeding, for immediate corrective action, on a broad, equitable and industry-wide basis, to the extent of the Commission's statutory jurisdiction and responsibilities.

Included herewith are a set of proposed Trade Regulation Rules for Advertising and Labeling of Cigarettes. These Rules, and the present views of the Commission on the problem of cigarette advertising and health, are tentative and not final. On the basis of the matters presented in this Trade Regulation rule-making proceeding, and on other developments, the Commission may decide to modify, alter, withdraw, or add to the proposed rules. The Trade Regulation rule-making proceeding shall not be limited to consideration of the specific proposed rules, but shall be an inquiry into the broad subject of protection of the public in the field of cigarette advertising (including labeling) and health.

In particular, the Commission invites consideration of the question whether, in the exercise of its statutory jurisdiction and responsibilities, the Commission should promulgate a Code of Fair Cigarette Advertising (under Subparts E or F of the Commission's procedures and rules of practice) intended especially to protect the youth of the nation against unfair or deceptive acts or practices in cigarette advertising. The extensive advertising on television for cigarettes, on programs widely watched by young people, continuously projecting an image of cigarette smoking as a socially desirable and accepted activity, consistent with good health and physical well-being, may have a great impact on impressionable young minds, and may block appreciation of the serious health hazards of smoking cigarettes. There is evidence that "Men who began smoking before age 20 have a substantially higher death rate than those who began after age 25." (Advisory Committee's Report, p. 29.) This suggests the importance of protecting young people, lacking mature judgment, from being unduly influenced by cigarette advertising to take up smoking, a habit difficult to break. (Id., p. 34)

All interested persons, including the consuming public, are hereby notified that they may file written data, views or argument concerning the proposed rules and the subject-matter of this proceeding with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C., 20580, not later than March 2, 1964. Twenty (20) copies of such written data, views or argument shall be filed.

A public hearing on the proposed rules and the subject-matter of the proceeding will be held before the members of the Commission commencing at 10:00 a.m. on Monday, March 16, 1964, in Room 532 of the Federal Trade Commission Building, Washington, D.C. At the hearing, interested persons may appear and express their views as to the proposed rules and the subject-matter of the proceeding. Any person desiring to present his views at the public hearing shall file with the Secretary of the Commission, no later than March 5, 1964, the written text or summary of his oral presentation and the estimated time required for delivery. The Commission may impose reasonable limitations upon the length of time allotted to any person; if by reason of the limitations imposed the person cannot complete the presentation of his views he may, within twenty-four (24) hours, file a written statement covering those relevant matters which he did not orally present. A transcript of the hearing shall be made and shall constitute a part of the record of the proceeding.

These data, views or arguments presented orally or in writing will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of Trade Regulation Rules.

All persons, firms, corporations, or others engaged in the sale or distribution of cigarettes in commerce, as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rules promulgated in the course of this proceeding.

Issued: January 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

PROPOSED TRADE REGULATION RULES FOR THE ADVERTISING AND LABELING OF CIGARETTES

These rules state the substantive requirements of the Federal Trade Commission Act with respect to the sale, offering for sale and distribution, in commerce, of cigarettes.

RULE 1. Either one of the following statements shall appear, clearly and prominently, in every cigarette advertisement and on every pack, box, carton and other container in which cigarettes are sold to the public:

(a) "CAUTION—CIGARETTE SMOKING IS A HEALTH HAZARD: The Surgeon General's Advisory Committee on Smoking and Health has found that 'cigarette smoking contributes substantially to mortality from certain specific diseases and to the overall death rate' "; or

(b) "CAUTION: Cigarette smoking is dangerous to health. It may cause death from cancer and other diseases".

Comments on Rule 1

The requirement of disclosure imposed by Rule 1 on cigarette labeling and advertising is based on the principle, established in the interpretation and application of the Federal Trade Commission Act, that it is an unfair and deceptive trade practice to fail to disclose material facts concerning a product which may influence many consumers in their decision whether to purchase the product, particularly where use of the product might endanger health or safety. The ultimate finding made by the Surgeon General's Advisory Committee on Smoking and Health, which is embodied in the caution specified in Rule 1(a), is such a fact.

An alternative, short-form cautionary statement is provided in Rule 1(b) for those advertisers who prefer to use it in, for example, a short "spot" television commercial.

The Commission believes that a uniform form of cautionary statement is necessary to protect the consuming public. If each advertiser were free to formulate a different cautionary statement, the result would be that many consumers would be confused and might fail to appreciate its significance.

RULE 2. No cigarette advertisement[1] shall state or imply, by words, pictures, symbols, sounds, devices or demonstrations, or any combination thereof, that smoking the advertised cigarettes:

(a) promotes good health or physical well-being,

(b) is not a hazard to health, or

(c) is less of a hazard to health than smoking other brands, except that a specific and factual claim respecting the

[1] For purposes of Rules 2 and 3, "advertisement" includes labeling.

health consequences of smoking the advertised cigarettes may be advertised if:

(1) the advertiser, before making the claim, has substantial and reliable evidence to prove the accuracy and significance of the claim, and

(2) all facts material to the health consequences of smoking the advertised cigarettes are clearly, prominently and intelligibly disclosed in close conjunction with the claim.

Comments on Rule 2

Rule 2 is intended to prevent the confusion and misunderstanding on the part of the public that would be created is cigarette advertisers were free to contradict, in their advertising, the cautionary statement required by Rule 1. In addition, the Rule embodies the established principle that deception unlawful under the Federal Trade Commission Act may be the result of half-truths, misleading suggestions or innuendo, as well as explicit false statements or the concealment of material facts.

However, claims concerning the health or safety of particular cigarette brands, where they are truthful and substantiated, are not forbidden. Indeed, it is the Federal Trade Commission's policy to encourage the development of less hazardous cigarettes. Rule 2 accordingly permits the making of substantiated factual claims respecting the health consequences of cigarette smoking, but only under certain conditions which are necessary to protect the consumer from being mislead. First, the claim must be accompanied by such explanatory or qualifying language as is necessary to make it fully clear to, and readily understandable by, the consuming public. Second, the advertiser is required, before he advertises such a claim, to have substantiating evidence of its truthfulness and significance to health. To make a claim of the kind embraced by this Rule, without such substantiation, demonstrates reckless disregard for human health and safety, and is clearly an unfair and deceptive practice.

Examples

(1) An advertisement states, "Buy Brand X, the Cigarette That Gives You Extra Protection". Such an advertisement would be unlawful even if the caution requirement of Rule 1 had been fully complied with.

(2) An advertisement states, "Brand Y Contains the New Improved Kryptonite Filter". Such an advertisement would be unlawful even if the caution requirement of Rule 1 had been fully complied with, since the advertisement would give many people the impression that Brand Y's filter makes smoking Brand Y safe or comparatively safe.

(3) An advertisement states, "Brand Z Filters Out All of the Argon From Cigarette Smoke". If the advertiser, before publishing this advertisement, has substantiated the accuracy of the claim that his filter eliminates all of the argon from cigarette smoke, he would be permitted to advertise it. If, however, it is not scientifically established that the elimination of argon significantly lessens the health hazards of cigarette smoking, the advertiser would be required so to state in close conjunction with his claim.

RULE 3. No cigarette advertisement shall contain any statement as to the quantity of any cigarette-smoke ingredients (e.g., tars and nicotine) which has not been verified in accordance with a uniform and reliable testing procedure approved by the Federal Trade Commission.

Comments on Rule 3

This Rule concerns a specific aspect of the problem dealt with in Rule 2. A quantitative disclosure of cigarette-smoke ingredients is a claim concerning the health consequences of smoking the advertised brand. It is essential, therefore, that such disclosure be meaningful to the consuming public, and not a source of confusion. Confusion can be obviated, and the ability of consumers to make an intelligent choice among competing brands protected, only if the measurement of cigarette-smoke ingredients accords with a uniform, fully reliable and approved testing procedure. (The Commission is considering approval under this Rule of the so-called "Cambridge Filter Method", presented at the 77th Annual Meeting of the Association of Official Agricultural Chemists, October 16, 1963, at Washington, D.C.)

Any advertising claim as to the quantity of any cigarette-smoke ingredients must conform with Rule 2 as well as with this Rule.

Example:

It is established under the testing procedure provided for in this Rule that the smoke of Brand X cigarettes contains 2 milligrams of tars. Brand X advertisements may therefore lawfully state that the smoke of Brand X cigarettes contains 2 milligrams of tars. However, if it is not scientifically established that a reduction of the tars content to 2 milligrams significantly lessens the health hazards of cigarette smoking, that fact, and all other material facts bearing on the health consequences of smoking Brand X, must also be disclosed in the advertisements.

[F.R. Doc. 64-570; Filed, Jan. 21, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

COMMERCIAL FISHERIES BUREAU

Assistant Director for Administration et al.; Delegations of Authority

The regulations issued herein are based on the authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directives system of the Bureau of Commercial Fisheries in the Bureau's Financial Assistance Investigations Handbook. Material that relates solely to internal management has not been included.

SERIES 2000—ADMINISTRATION

TITLE 2800—FINANCIAL ASSISTANCE INVESTIGATIONS

CHAPTER 2810—FINANCIAL ASSISTANCE PROGRAMS

2811.1F (15) *Delegation of authority.* The authority to execute, on behalf of the Bureau of Commercial Fisheries, a Bill of Sale for transferring title to a fishing vessel, acquired by the Bureau through foreclosure action, is hereby delegated to: The Assistant Director for Administration; the Chief, Branch of Property Management; and to Regional and Area Directors with authority to redelegate in writing to Assistant Regional or Assistant Area Directors and Regional or Area Administrative Officers.

2811.1F (17) *Delegation of authority.* The authority to execute, on behalf of the Bureau of Commercial Fisheries, a Satisfaction of Mortgage on loans which have been fully repaid and duly satisfied is delegated to: The Assistant Director for Administration; the Chief, Branch of Budget and Finance; and the Accounting Officer, Washington Office.

HAROLD E. CROWTHER,
Acting Director.

JANUARY 16, 1964.

[F.R. Doc. 64-553; Filed, Jan. 21, 1964; 8:45 a.m.]

Geological Survey

PRODUCING OIL AND GAS FIELDS IN CERTAIN STATES

Definition of Known Geologic Structures

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of field, effective date, acreage

(4) ARKANSAS

Gragg-Boonville; August 10, 1963; 49,250.

(5) CALIFORNIA

Belgian Anticline Southeast (revision); May 17, 1961; 2,596.
Canton Creek; July 25, 1963; 160.
Kern Front (revision); March 16, 1963; 6,240.
McVan (revision); May 31, 1960; 600.
Premier (revision); July 16, 1963; 4,555.
Tar Creek; June 19, 1963; 930.
Topatopa-Fourfork; July 11, 1963; 840.

(6) COLORADO

Divide Creek (revision); December 20, 1962; 34,465.
North Craig; November 14, 1962; 3,888.
Rulison; December 13, 1962; 32,431.

(24) MISSISSIPPI

North Freewoods (revision); July 1, 1963; 475.
Pistol Ridge-Maxie (revision); May 7, 1962; 26,319.

(26) MONTANA

Cedar Creek (revision); June 1, 1963; 167,875.

(31) NEW MEXICO

Lynch (revision); July 29, 1963; 4,721.
Milnesand (revision); November 7, 1963; 6,333.
Triste Draw; June 10, 1963; 1,080.

(44) UTAH

Ferron; July 2, 1963; 6,063.

(50) WYOMING

Krejci; August 19, 1962; 1,040.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-554; Filed, Jan. 21, 1964; 8:45 a.m.]

National Park Service

[Order No. 1]

PLATT NATIONAL PARK, SULPHUR, OKLA.

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

SECTION 1. The Administrative Assistant, Platt National Park, may execute and approve contracts not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 3824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southwest Region Order No. 3 (21 F.R. 1494))

Dated: December 20, 1963.

PAUL M. STEEL,
Superintendent, Platt National Park.

[F.R. Doc. 64-555; Filed, Jan. 21, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-215]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Application for Utilization Facility Export License

Please take notice that American Radiator & Standard Sanitary Corporation represented by Advanced Technology Laboratories, a Division of American-Standard, 369 Whisman Road, Mountain View, California, has submitted an application dated December 23, 1963, for a license authorizing the export of a 10 watt, water-moderated, graphite-reflected, Model UTR-B teaching and research nuclear reactor to Queen Mary College (University of London), London, England.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-631; Filed, Jan. 21, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DEL STONEBURNER LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Del Stoneburner Livestock Auction, Petaluma, Calif.
Middlesex Livestock Auction, Middlefield, Conn.
Chuck Vawter Sales Management Service, Inc., Oakley, Kans.
Big Sandy Live Stock Market, Inc., Ivel, Ky.
Friend's Stockyard, Inc., Accident, Md.
Producers Livestock Market, Marshall, Mo.
Beulah Livestock Auction Market, Inc., Beulah, N. Dak.
The Tiffin Livestock Sales Co., Tiffin, Ohio.
Kingsport Live Stock Auction Corp., Kingsport, Tenn.
West Texas Livestock Sales Co., Plainview, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority

delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-575; Filed, Jan. 21, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1649]

GULF-SOUTHWEST CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates

JANUARY 14, 1964.

Notice is hereby given that Gulf-Southwest Capital Corporation ("applicant"), Esperson Building, Houston 2, Texas, a registered closed-end non-diversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act the effectuation of an agreement between applicant and The Narda Microwave Corporation ("Narda") to change the expiration dates of certain warrants issued by Narda and held by applicant. All interested persons are referred to the application filed with the Commission for a complete statement of the representations therein which are summarized below.

Applicant is licensed as a small business investment company under the Small Business Investment Act of 1958. Narda is primarily engaged in the manufacture and sale of electronic microwave equipment. Applicant holds 50,000 shares, or 7.6 percent, of the outstanding common stock of Narda, and Narda is accordingly an affiliated person of applicant under the Act.

The warrants, the expiration dates of which are proposed to be changed, were acquired by applicant from Narda in November 1961 in connection with its acquisition of said 50,000 shares of Narda common stock and a $300,000 principal amount 6 percent installment note of Narda. There are twenty such warrants, one of which expires each quarter commencing February 1, 1964 and ending November 1, 1968. Each warrant carries the right to purchase 2,500 shares of common stock of Narda at a price of $6.00 per share.

Applicant and Narda on November 6, 1963 entered into an agreement to change the expiration date of the warrants so that each warrant will remain valid until April 1, 1967 and will expire on that date. This will result in an extension of the expiration date of certain of the warrants and an advance of the expiration date of others. No other consideration has been or is to be paid or given by Narda or by applicant in connection with said agreement. The agreement was ratified at the annual meeting of stockholders of Narda on November 9, 1963 and has been authorized by applicant's board of directors.

As reported in the National Daily Quotation Service on December 6, 1963 the high and low bid price of shares of common stock of Narda in the over-the-counter market were 1⅞ and 1⅝ respectively. Applicant has not as yet exercised any of the Narda warrants.

The management of Narda desires to advance the expiration dates of the warrants having the latest expiration dates in order to reduce the total period in which any of the warrants may be outstanding. Applicant desires that the expiration dates of other warrants with maturity dates, commencing February 1, 1964, be postponed, as applicant does not expect to excercise any of the warrants in the near future.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered company securities or property, unless the Commission upon application pursuant to section 17(b), grants an exemption from such provisions upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than January 29, 1964 submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by registered mail to the Director, Office of Investment, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-556; Filed, Jan. 21, 1964; 8:45 a.m.]

[File No. 24W-2162]

RIVER ASPHALT, INC.

Order Temporarily Suspending Exemption, Statement of Reason Therefor, and Notice of Opportunity for Hearing

JANUARY 16, 1964.

I. River Asphalt, Inc. (Issuer), Post Office Box 366, Newell, West Virginia, a West Virginia corporation, incorporated on June 9, 1958 with principal offices located in Hancock County, at Kenilworth on West Virginia Route No. 66 near Newell, West Virginia, Post Office Box 366, Newell, West Virginia, filed with the Commission on July 25, 1958, a notification on Form 1-A and an offering circular relating to an offering of 850 shares of no par value common stock at $100.00 per share for an aggregate of $85,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to furnish financial statements as of a date within the 90-day period as required by Schedule 1 of Regulation A.

2. The issuer has failed to reflect the "stated" or "assigned" value ascribed to no par value shares in the filed Statement of Capital Shares.

3. The issuer has failed to delete dollar amounts and references to appraisals in the notes to the submitted financial statements for assets acquired by the issuance of capital stock.

B. The issuer has failed to cooperate in that it has failed to amend or to withdraw its filing.

C. Any offering would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-557; Filed, Jan. 21, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-524 etc.]

KAY KIMBELL OIL PROPERTIES ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

JANUARY 10, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 15.025 psia with the exceptions of the sales made by Yates Petroleum Corporation (Operator), et al., and Skelly Oil Company (Operator), et al., which are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI64-524	Kay Kimbell Oil Properties (Operator), et al., P.O. Box 1540, Fort Worth, Tex., Attn: Mr. Sam Sims, Jr.	1	3	El Paso Natural Gas Co. (Base of Pictured Cliffs Formation to base of Dakota Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$4,053	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
	do	5	1	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	2,541	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
	do	6	2	do	325	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
	do	8	1	do	1,513	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
	do	10	1	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	225	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
	do	11	1	do	574	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
	do	12	2	do	1,092	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
RI64-525	J. C. Man, Jr., 1010 City National Bldg., Wichita Falls, Tex.	3	1	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	27	12-13-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] [5] 14.0636	
	do	2	1	do	595	12-13-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] [5] 14.0636	
RI64-526	Yates Petroleum Corp. (Operator), et al., 309 Carper Bldg., Artesia, N. Mex.	1	1	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin Area).	354	12-9-63	[2] 1-15-64	6-15-64	16.0	[4] 16.0770	
RI64-527	E. P. Campbell (Operator), et al., P.O. Box 1540, Fort Worth, Tex.	1	1	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	392	12-18-63	[2] 1-18-64	6-18-64	[4] 13.0	[3] [4] 14.0	
RI64-528	Socony Mobile Oil Co., Inc., 150 East 42d St., New York, N.Y. 10017.	329	2	El Paso Natural Gas Co. (San Juan Basin Field, La Plata County, Colo.).	4	12-18-63	[2] 1-18-64	6-18-64	13.0	[3] 14.0	
RI64-529	Kingwood Oil Co. (Operator), et al., 1470 First National Bldg., Oklahoma City, Okla. Attn: C. A. McKenzie, attorney.	7	1	El Paso Natural Gas Co. (Dakota Formation, San Juan County, N. Mex.) (San Juan Basin Area).	817	12-12-63	[2] 1-12-64	6-12-64	[4] 13.0	[3] [4] 14.0	
RI64-530	D. W. Falls, Inc., P.O. Box 842, Aztec, N. Mex.	1	1	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	423	[9] 12-16-63	[2] 1-16-64	6-16-64	[4] [10] 12.0	[3] [4] [10] 13.0	
RI64-531	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa, Okla.	145	3	Tennessee Gas Transmission Co. (Randon Field, Fort Bend County, Tex.) (R.R. District No. 3).	2,751	12-19-63	[2] 1-19-64	6-19-64	[11] 13.49751	[3] [11] [12] 14.50000	

[1] The stated effective date is the first day after the expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[4] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[5] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[6] The stated effective date is the effective date requested by Respondent.
[7] Tax reimbursement increase.
[8] Filing completed on Dec. 23, 1963.
[9] Inclusive of 1.0 cent per Mcf reduction in price for gas delivered at 250 psig (well is incapable of meeting 500 psig contract pressure requirement).
[10] Includes dehydration allowance of 0.21931 cent per Mcf paid by buyer for delivery of dehydrated gas by seller.
[11] Excludes tax reimbursement.

Kay Kimbell Oil Properties (Operator), et al. (Kay Kimbell), J. C. Man, Jr., E. P. Campbell (Operator), et al. (Campbell), Kingwood Oil Company (Operator), et al. (Kingwood), D. W. Falls, Inc. (Falls), and Skelly Oil Company (Operator), et al., all request an effective date of January 1, 1964, for their proposed rate increases. Yates Petroleum Corporation (Operator), et al., requests an effective date of January 15, 1965, and Socony Mobil Oil Company, Inc., requests an effective date of January 16, 1964, for their proposed rate increases.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

creases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increases filed by Kay Kimbell, Campbell, Kingwood and Falls provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of the 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

While the proposed increased rate of Falls does not exceed the applicable area ceiling for increased rates, it includes a 1.0 cent per Mcf reduction in price to the seller as consideration for a reduction in line pressure which will later be a compression cost to the buyer. The addition of the compression cost to the proposed 13.0 cents per Mcf rate will cause it to exceed the area ceiling for increased rates and should, therefore, be suspended as hereinafter ordered.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 5, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-499; Filed, Jan. 21, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14847 etc.]

SOUTH PACIFIC-PAN AMERICAN ROUTE TRANSFER CASE

Notice of Hearing

In the matter of the application of South Pacific Air Lines and Pan American World Airways, Inc., for approval of a purchase and transfer agreement (Route 115) and amendment of Route 115 certificate.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 30, 1964, at 10:00 a.m. (e.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on January 15, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 16, 1964.

[SEAL] MILTON H. SHAPIRO, *Hearing Examiner.*

[F.R. Doc. 64-573; Filed, Jan. 21, 1964; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[No. 1168]

LOUIS APPLEBAUM

Application for Freight Forwarding License

On January 5, 1962, pursuant to section 44 of the Shipping Act, 1916 (P.L. 87-254, 46 U.S.C. 841(b)), Louis Applebaum filed application for a license as an independent ocean freight forwarder. After consideration of the application, the Commission notified Louis Applebaum by letter of October 18, 1963, that it intended to deny the application for a license because the applicant, as owner of Mercury Sales & Export Co., 8 Bridge Street, New York 4, N.Y., a firm engaged in the export of housewares, hardware, plumbing goods and furniture, could not qualify as a person eligible for licensing within the statutory definition of "independent ocean freight forwarder". The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether the applicant qualifies for a license within the meaning of First Section (46 U.S.C. 801) of the Shipping Act, 1916.

It is further ordered, That Louis Applebaum be made respondent in this proceeding and the matter assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondent, Louis Applebaum.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 30, 1964 and;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, January 14, 1964.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-572; Filed, Jan. 21, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 288]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 17, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience

in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2542 (Deviation No. 11), THE ADLEY CORPORATION, doing business as, ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., filed January 3, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over bypass connection to Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Washington, D.C. over U.S. Highway 50 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Maryland Highway 2, thence over Maryland Highway 2 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway (formerly U.S. Highway 130), thence over unnumbered highway via Gibbstown, Paulsboro, and Thorofare, N.J., to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1 and thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 4966 (Deviation No. 1), JONES TRANSFER COMPANY, 927 Washington Street, Monroe, Mich., applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226, filed December 27, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from Detroit, Mich., over Interstate Highway 96 to Howell, Mich., (B) from junction U.S. Highway 25 and Interstate Highway 75 over Interstate Highway 75 to Toledo, Ohio, (C) from Detroit over Interstate Highway 94 to Ypsilanti, Mich., and (D) from junction U.S. Highway 10 and Interstate Highway 75 in Pontiac, Mich., over Interstate Highway 75 to Flint, Mich., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 16 to Howell; from Detroit over U.S. Highway 25 to Monroe, Mich., thence over Michigan Highway 50 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo; from Detroit over U.S. Highway 112 to Clinton, Mich.; and from Detroit over U.S. Highway 10 to Flint, and return over the same routes.

No. MC 23441 (Deviation No. 1), LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind., filed December 23, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From La Porte, Ind., at the junction U.S. Highway 35 and Indiana Highway 2 over Indiana Highway 2 west to junction U.S. Highway 421 (approximately 9 miles west of La Porte), thence over U.S. Highway 421 north to the interchange with the Indiana Toll Road thence over the Indiana Toll Road to its westernmost end designated as the West End Interchange at its junction with U.S. Highway 20 at the Indiana-Illinois State line, and (B) from junction U.S. Highway 35 and Indiana Highway 2 over Indiana Highway 2 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 49, thence over Indiana Highway 49 to its interchange with the Indiana Toll Road thence over the Indiana Toll Road to its westernmost end designated at the West End Interchange at its junction with U.S. Highway 20 at the Indiana-Illinois State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From La Porte over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 48958 (Deviation No. 9), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., filed January 3, 1964. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Council Bluffs, Iowa, over U.S. Highway 6 and those portions of Interstate Highway 80 which are complete and opened to traffic, to Iowa City, Iowa, thence over U.S. Highway 218 to Mount Pleasant, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 34, thence over U.S. Highway 34 via Lincoln, Nebr., to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., thence over U.S. Highway 30 via Brule, Nebr., to Cheyenne, Wyo., and thence over U.S. Highway 85 to Denver, Colo.; and, from Glenwood, Iowa, over U.S. Highway 275 to Council Bluffs, and return over the same routes.

No. MC 66562 (Deviation No. 13), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017, applicant's attorney: William H. Marx (same address as applicant), filed January 8, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, moving in express service, over deviation routes as follows: (A) From Albany, N.Y., over Interstate Highway 87 to junction U.S. Highway 9, south of Lake George, N.Y., and (B) from junction U.S. Highway 9 and Interstate Highway 87, south of Keeseville, N.Y., over Interstate Highway 87 to Champlain, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Albany over U.S. Highway 9 to Champlain, thence over U.S. Highway 11 to Rouses Point, N.Y., and return over the same route.

No. MC 68909 (Deviation No. 6), DECATUR SEAWAY MOTOR EXPRESS, INC., 3537 Broadway, Kansas City 11, Mo., filed December 26, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 52 to Cincinnati, and return over the same route.

No. MC 69833 (Deviation No. 7), ASSOCIATED TRUCK LINES, INC., 15 Andre Street, SE., Grand Rapids 7, Mich., filed January 9, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over U.S. Highway 421 (formerly Indiana Highway 29) to Greensburg, Ind., thence over Indiana Highway 46 to junction U.S. Highway 52, and thence over U.S. Highway 52 to Cincinnati, and return over the same route.

No. MC 69833 (Deviation No. 8), ASSOCIATED TRUCK LINES, INC., 15 Andre Street, SE., Grand Rapids 7, Mich., filed January 9, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Michigan Highway 21 and Interstate Highway 196, at or near Holland, Mich., over Interstate Highway 196 to junction Interstate Highway 94, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Benton Harbor, Mich., over U.S. Highway 33 (formerly U.S. Highway 31) to junction Business U.S. Highway 31 (formerly U.S. Highway 31), thence over Business U.S. Highway 31 to junction U.S. Highway 31, thence over U.S. Highway 31 to Holland, Mich., thence over Michigan Highway 21 to Grand Rapids, Mich., and thence over unnumbered highway (formerly U.S. Highway 131) to Kalamazoo, Mich., and return over the same route.

No. MC 69833 (Deviation No. 9), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed January 9, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Kalamazoo,

Mich., over U.S. Highway 131 to junction unnumbered highway (formerly U.S. Highway 131), at or near Schoolcraft, Mich., thence over U.S. Highway 131 to junction U.S. Highway 12 (formerly U.S. Highway 112), and thence over U.S. Highway 12 to White Pigeon, Mich., and (B) from Grand Rapids, Mich., over U.S. Highway 131 to Kalamazoo, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Muskegon, Mich., over Michigan Highway 46 to junction Michigan Highway 37, thence over Michigan Highway 37 to Grand Rapids, thence over unnumbered highway (formerly U.S. Highway 131) via Kalamazoo to Schoolcraft, thence over U.S. Highway 131 to junction U.S. Highway 12 (formerly U.S. Highway 112), and thence over U.S. Highway 12 to White Pigeon, Mich., and return over the same route.

No. MC 71478 (Deviation No. 7), THE CHIEF FREIGHT LINES COMPANY, 1229½ Union Avenue, Kansas City 1, Mo., filed January 8, 1964. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City over city streets to Kansas City, Kans., thence over Kansas Highway 10 to the beginning of Interstate Highway 35, thence over Interstate Highway 35 to junction U.S. Highway 59, thence to Tulsa, Okla., over its presently authorized regular route, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over city streets to Kansas City, Kans., thence over Kansas Highway 10 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to Garnett, Kans., thence over U.S. Highway 169 via Nowata, Okla., to Collinsville, Okla., and thence over U.S. Highway 75 to Tulsa; from Kansas City to Nowata as specified above, thence over U.S. Highway 60 to junction Oklahoma Highway 28, thence over Oklahoma Highway 28 to Chelsea, Okla., and thence over U.S. Highway 66 to Tulsa; from Kansas City to Nowata as specified above, thence over U.S. Highway 60 via Bartlesville, Okla., to junction unnumbered highway, thence over unnumbered highway via Okesa, Okla., to Pawhuska, Okla., thence over Oklahoma Highway 99 to Cleveland, Okla., and thence over U.S. Highway 64 to Tulsa and from Kansas City to Bartlesville as specified above, thence over Oklahoma Highway 23 to Barnsdall, Okla., thence over Oklahoma Highway 11 to junction Oklahoma Highway 99, thence over Oklahoma Highway 99 to Cleveland, Okla., and thence over U.S. Highway 64 to Tulsa, and return over the same routes.

No. MC 75185 (Sub-No. 9), (Deviation No. 1), SERVICE TRUCKING CO., INC., Box 276, Federalsburg, Md., filed December 27, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over by-pass connection to Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service routes as follows: From Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 75295 (Deviation No. 2), EAST COAST FREIGHT LINES, 3005 West Marshall Street, Richmond 30, Va., filed January 8, 1964. Applicant proposes to opefate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 95 to junction U.S. Highway 40 and the Delaware Memorial Bridge, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richmond, Va., over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 78786 (Deviation No. 2), PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco 5, Calif., filed January 8, 1964. Applicant's attorney: John MacDonald Smith (same address as applicant). Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From El Paso, Tex., over Interstate Highway 10 to Las Cruces, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From El Paso over U.S. Highway 80 to Las Cruces, thence over U.S. Highway 70 to Glenbar, Ariz., and return over the same route.

No. MC 107500 (Deviation No. 13), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed December 29, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 150 and Illinois Highway 78 over Illinois Highway 78 to junction Illinois Highway 8, approximately 1 mile north of Elmwood, Ill., thence over Illinois Highway 8 to Peoria, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Galesburg, Ill., over U.S. Highway 150 to Peoria, and return over the same route.

No. MC 107511 (Deviation No. 1), INDIANAPOLIS-KANSAS CITY MOTOR EXPRESS CO., 3537 Broadway, Kansas City 11, Mo., filed December 26, 1963. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Indianapolis, and return over the same route.

No. MC 107511 (Deviation No. 2), INDIANAPOLIS-KANSAS CITY MOTOR EXPRESS CO., 3537 Broadway, Kansas City 11, Mo., filed December 26, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (A) From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and (B) from Huntington, W. Va., over Interstate Highway 64 to Richmond, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis, over U.S. Highway 52 to Huntington, thence over U.S. Highway 60 to Richmond, Va., and return over the same route.

No. MC 108382 (Deviation No. 1), SHORT FREIGHT LINES, INC., 220 Saginaw Street, Bay City, Mich., filed January 6, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Toledo, Ohio, over Interstate Highway 75 to junction U.S. Highway 25, (B) from Toledo over U.S. Highway 23 to junction Interstate Highway 75, southwest of Flint, Mich., (C) from Detroit, Mich., over Interstate Highway 75 to junction U.S. Highway 23, near Kawkawlin, Mich., (D) from Detroit over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 75 near Kawkawlin, and (E) from junction Michigan Highway 76 and Interstate Highway 75, south of Grayling, Mich., over Interstate Highway 75 to Sault Ste. Marie, Mich. and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Toledo over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit; from Toledo over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, thence over U.S. Highway 10 to Flint, Mich.; from Detroit over U.S. Highway 10 to Flint, thence over U.S. Highway 23 to junction Michigan Highway 76; and from West Branch, Mich., over Michigan Highway 76 to Roscommon, Mich., thence over U.S. Highway 27 to Cheboygan, Mich., thence over U.S. Highway 23 to the Straits of Mackinac Bridge, thence over the Straits of Mackinac Bridge to junction U.S. Highway 2, thence over U.S. Highway 2 to Sault Ste. Marie, and return over the same route.

No. MC 111383 (Sub-No. 5), (Deviation No. 5), BRASWELL MOTOR FREIGHT LINES, INC., 301 Raynolds Street, El Paso, Tex., filed December 26, 1963. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From El Paso, Tex., over Interstate Highway 10 to Las Cruces, N. Mex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From El Paso over U.S. Highway 80 to Las Cruces, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 144) (CORRECTION) THE GREYHOUND CORPORATION (Southern Greyhound Lines Division), Post Office Box 297, Lexington 14, Ky., filed December 5, 1963, and published in the December 18, 1963 issue of the FEDERAL REGISTER. Under proposed route (B) reference is made to Kentucky Highway 75, whereas the correct name of the highway is West Virginia Highway 75.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-565; Filed, Jan. 21, 1964; 8:45 a.m.]

[Notice No. 591]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 17, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 69116 (Sub-No. 77), filed January 8, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Winneconne, Wis., as an off-route point in connection with applicant's presently authorized regular route operations.

HEARING: February 11, 1964, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 69116 (Sub-No. 78), filed January 12, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Grabill, Ind., as an off-route point in connection with applicant's regular-route operations.

HEARING: February 6, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 95540 (Sub-No. 565), filed January 13, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in straight and mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the *Interstate Commerce Act*, in vehicles equipped with mechanical refrigeration, from points in Arizona and California to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, and South Carolina.

NOTE: Common control may be involved.

HEARING: February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 112520 (Sub-No. 99), filed January 13, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol. H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay slurry*, in bulk, from points in Twiggs, Washington, and Wilkinson Counties, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, and (2) *Clay*, processed and unprocessed, in bulk, from points in Aiken County, S.C., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: February 5, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 67), filed November 21, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen foods and those in bulk in tank vehicles, from Milton, Pa., to points in Georgia, North Carolina, and South Carolina.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: February 28, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 11220 (Sub-No. 85), filed November 14, 1963. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Fulton, Ky., and junction Tennessee Highway 69 and U.S. Highway 64 near Crump, Tenn.; from Fulton over U.S. Highway 45E to Martin, Tenn., thence over Tennessee Highway 22 to junction Tennessee Highway 69 near Milledgeville, Tenn., thence over Tennessee Highway 69 to junction U.S. Highway 64 near Crump, Tenn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations. RESTRICTION: Service at the termini of this route will be restricted to joinder only with applicant's presently authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: March 4, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 25.

No. MC 30837 (Sub-No. 297), filed November 8, 1963. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 1903 N Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shock wave shakers*, in initial truckaway service, from Natoma and Yuba City, Calif., to points in the United States except those in Alaska and Hawaii.

HEARING: March 2, 1964, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52709 (Sub-No. 232), filed November 29, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid plastics* and *cleaning compounds*, in bulk, in tank vehicles, from Bristol and Philadelphia, Pa., and Knoxville, Tenn., to points in California.

NOTE: Common control may be involved.

HEARING: February 25, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 52953 (Sub-No. 27), filed December 6, 1963. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Knoxville and Jackson, Tenn.; from Knoxville over Interstate Highway 40 to Kingston, Tenn., thence over U.S. Highway 70 to Crossville, Tenn., thence over U.S. Highway 70S to Sparta, Tenn., thence over Tennessee Highway 26 to Lebanon, Tenn. (also from Crossville over U.S. Highway 70N to Lebanon), thence over U.S. Highway 70N to Nashville, Tenn., thence over Interstate Highway 40 to junction Tennessee Highway 96, thence over Tennessee Highway 96 to Dickson, Tenn., thence over U.S. Highway 70 to junction Interstate Highway 40, approximately six (6) miles northeast of Jackson, Tenn., thence over Interstate Highway 40 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, and return over the same route, serving no intermediate points, (2) between Knoxville and Braden, Tenn.; from Knoxville over the above-specified routes in (1) above to junction Interstate Highway 40 and U.S. Highway 45, thence over Interstate Highway 40 to junction Tennessee Highway 59, and thence over Tennessee Highway 59 to Braden, and return over the same route, serving no intermediate points, and (3) between Knoxville and Jackson, Tenn.; from Knoxville over the above-specified routes in (1) above to Nashville, Tenn.; thence over Tennessee Highway 100 to Parsons, Tenn., and thence over Tennessee Highway 20 to Jackson, and return over the same route, serving no intermediate points.

HEARING: March 6, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 59264 (Sub-No. 31), filed November 19, 1963. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning products*, from Frederick, Md., to Aberdeen, Annapolis, Baltimore, Beltsville, Brentwood, Camp Springs (Andrews Air Force Base), Clinton, Cumberland, Edgewood, Frederick, Hagerstown, Landover, Odenton (Fort George G. Meade), Patuxent River, Salisbury, and Snow Hill, Md., to Chambersburg, Hanover, Harrisburg, and York, Pa., to Alexandria, Arlington, Charlottesville, Culpeper, Fort Belvoir, Fredericksburg, Harrisonburg, Luray, Orange, Quantico, Richmond, Riverton, Staunton, Warrenton, Waynesboro, West Point, and Winchester, Va., to Martinsburg and Petersburg, W. Va., and to Washington, D.C., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: February 24, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 80430 (Sub-No. 107), filed November 29, 1963. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Iowa City, Iowa, and junction U.S. Highway 151 and Iowa Highway 1, from Iowa City over Iowa Highway 1 through Mt. Vernon, Iowa, to junction U.S. Highway 151, at or near Anamosa, Iowa, and return over the same route, serving no intermediate points and serving the junction of U.S. Highway 151 and Iowa Highway 1 for the purpose of joinder only, as an alternate route for operating convenience only, to be used in connection with applicant's authorized regular-route operations, and (2) between Stockton, Ill., and Virginia, Ill., from Stockton, at the junction of U.S. Highway 20 and Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 67 and Illinois Highway 125 at Virginia, and return over the same route, serving no intermediate points and serving the junction of Illinois Highways 78 and 125 and U.S. Highway 67 for the purpose of joinder only, as an alternate route for operating convenience only, to be used in connection with applicant's authorized regular-route operations.

HEARING: February 24, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54.

No. MC 95304 (Sub-No. 12), filed November 20, 1963. Applicant: NORTHERN NECK TRANSFER, INC., Post Office Box 345, Montross, Va. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slabs (building and roofing) concrete, made of Portland cement with wood fibre or chip aggregate and without metal reinforcement*, on flatbed trailers, from the plant site and warehouse facilities of the Flintkote Company, located at Richmond, Va., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Tennessee, Wisconsin, and Iowa, and *rejected shipments*, on return, and (2) *beer*, in containers, from Milwaukee, Wis., and Fort Wayne, Ind., to Warsaw, Va.

HEARING: February 25, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 98385 (Sub-No. 1), filed November 29, 1963. Applicant: VERNON WOODS, doing business as WOODS TRUCK LINE, Route 1, Box 274, Grass Valley, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in California.

HEARING: March 4, 1964, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 101932 (Sub-No. 3), filed November 20, 1963. Applicant: THE HUB EXPRESS, a corporation, 1932 East McGalliard Avenue, Trenton 10, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and household supplies*, in packages, from Trenton, N.J., to points in Monmouth, Mercer, Burlington, Ocean, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May Counties, N.J., and points in Middlesex County, N.J. south of Raritan River (on shipments having a prior movement from Newark, Del., to Trenton, N.J.)

NOTE: Applicant states the proposed service is for the account of Avon Products, Inc., Newark, Del.

HEARING: February 26, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 107002 (Sub-No. 180), filed November 17, 1963. Applicant: W. M. CHAMBERS TRUCK LINE, INC., Post Office Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats, animal oils, and blends thereof*, in bulk, in tank vehicles, from points in Arkansas to Memphis, Tenn.

HEARING: March 4, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 229.

No. MC 103449 (Sub-No. 174), filed December 19, 1963. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant sites of Universal Atlas Cement, Division of United States Steel Corporation, located at or near Fargo and Grand Forks, N. Dak., to points in Minnesota and South Dakota.

NOTE: Common control may be involved.

HEARING: February 17, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 143.

No. MC 109262 (Sub-No. 3), filed December 30, 1963. Applicant: KOERNER MOTOR EXPRESS, INC., 55 East 28th Street, Chicago, Ill. Applicant's attorneys: Mack Stephenson, 922 First National Bank Building, Springfield, Ill., and Grover C. Hoff, 900 South Fifth Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which have a subsequent or prior movement by air, between points in Cook County, Ill., on the one hand, and on the other, points in Bureau, Champaign, DeKalb, DeWitt, Ford, Fulton, Grundy, Henry, Iroquois, Kankakee, Knox, LaSalle, Livingston, Logan, McLean, McDonough, Marshall, Mason, Mercer, Macon, Putnam, Rock Island, Sangamon, Stark, Tazewell, Vermillion, Warren, and Woodford Counties, Ill.

HEARING: February 28, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149.

No. MC 109397 (Sub-No. 82), filed November 21, 1963. Applicant: TRISTATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related reactor equipment, component parts, and associated materials*, between National Aeronautics and Space Administration's Plum Brook Reactor Facility near Sandusky, Ohio, on the one hand, and the National Reactor Testing Station, near Arco, Idaho, on the other.

HEARING: March 2, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 109584 (Sub-No. 120), filed December 24, 1963. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils, animal fats, blends of vegetable oils and animal fats, products of vegetable oils and animal fats*, in bulk, in tank vehicles, from points in Fresno County, Calif., to points in Arizona, California, Colorado, Utah, Nevada, New Mexico, Montana, Idaho, Oregon, and Washington, and *returned shipments*, on return, (2) *vegetable oils, animal fats, blends of vegetable oils and animal fats*, in bulk, in tank vehicles, from points in California to points in Fresno County, Calif., and *returned shipments*, on return, and (3) *animal fats*, in bulk, in tank vehicles, from points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, and Washington to points in Fresno County, Calif., and *returned shipments* on return.

HEARING: March 3, 1964, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 110193 (Sub-No. 56), filed December 6, 1963. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: Duane W. Acklie, 14th and J Streets, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 (except commodities in bulk, in tank vehicles), from Spencer, Iowa, to points in Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

HEARING: March 3, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 110525 (Sub-No. 618), filed November 21, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin.

HEARING: February 27, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 110698 (Sub-No. 263), filed November 20, 1963. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInery, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Orange, Tex., to points in Rhode Island, and Oklahoma City, Okla.

NOTE: Common control may be involved.

HEARING: February 26, 1964, at the office of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 110698 (Sub-No. 265) (CORRECTION), filed December 9, 1963. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid acids and chemicals*, (2) *liquid petroleum products, in bulk, and* (3) *compressed gases and cryogenics*, in bulk, in manifolded tube trailers and in truck trailers, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Montana, Utah, and Texas.

NOTE: Common control may be involved. The purpose of this correction is to show applicant's correct docket number as shown above in lieu of No. MC 110689 (Sub-No. 265) as shown in previous publication.

HEARING: Remains as assigned February 24, 1964, at the Federal Building and U.S. Courthouse, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 112750 (Sub-No. 168), filed November 20, 1963. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials*, and *advertising literature moving therewith* (except motion picture film used primarily for commercial theater and television exhibition): (a) between Philadelphia, Pa., on the one hand, and, on the other, Glen Falls and New York, N.Y., and Milburn, N.J., under a continuing contract or contracts with Perfect Photo, Inc., and (b) between Washington, D.C., on the one hand, and, on the other, points in Chester County, Pa., and between Philadelphia, Pa., on the one hand, and, on the other, points in Chester, Northumberland, and Schuylkill Counties, Pa., under a continuing contract or contracts with Eastman Kodak Co., (2) *commercial papers, documents*, and *written instruments* (except coin, currency, bullion, and negotiable securities) *as are used in the conduct of the business of banks and banking institutions*, under a continuing contract or contracts with banks and banking institutions, between points in Chemung County, N.Y., on the one hand, and, on the other, points in Lackawanna County and Luzerne County, Pa., and Philadelphia, Pa., and (3) *checks, memoranda, advertising material, completed policies, payment books, tabulated cards, correspondence, other audit media*, and *documents and materials related to insurance policies* (excluding plant removals), under a continuing contract or contracts with Colonial Penn Life Insurance Co., between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C.

NOTE: Common control may be involved.

HEARING: February 26, 1964, at the offices of the Interstate Commerce Commisison, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 112750 (Sub-No. 169), filed November 20, 1963. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed*

and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials, and *advertising literature moving therewith* (except motion picture film used primarily for commercial theater and television exhibition), (a) between points in Ohio, on shipments originating at or destined to out of State points, under a continuing contract or contracts with Eastman Kodak Co., and (b) between Pittsburgh, Pa., on the one hand, and, on the other, Cumberland, Md., Akron, Canton, Cincinnati, Cleveland, Columbus, Mansfield, Marietta, Steubenville, Toledo, and Youngstown, Ohio, and Charleston, Clarksburg, Elkins, Fairmont, Huntington, Morgantown, Moundsville, New Martinsville, Parkersburg, Parkersville, Weirton, and Wheeling, W. Va., under a continuing contract or contracts with Perfect Photo, Inc.

HEARING: February 25, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 113267 (Sub-No. 105), filed September 16, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Salem, Ark., to points in Mississippi and Tennessee.

NOTE: Common control may be involved.

HEARING: March 2, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 229.

No. MC 113651 (Sub-No. 67), filed December 17, 1963. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorneys: Mario Pieroni, 523 Johnson Building, Muncie, Ind., and Charles Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission in 61 M.C.C. 209 and 766, in temperature controlled vehicles, from Union City, Ohio, to points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia, and *refused, damaged, and rejected shipments*, on return.

HEARING: February 12, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

No. MC 115841 (Sub-No. 152), filed September 3, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Hernando, Miss., to Nashville, Tenn., and points in its commercial zone.

HEARING: March 3, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 4.

No. MC 117094 (Sub-No. 8) (REPUBLICATION), filed March 6, 1963, published FEDERAL REGISTER issue of May 22, 1963, and republished, this issue. Applicant: HOFER, INC., Post Office Box 563, Pittsburg, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. By application filed March 6, 1963, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of potassium (potash), in bags and in bulk, from points within a 75-mile radius of Carlsbad, N. Mex., to points in Colorado, Kansas, Nebraska, South Dakota, Iowa, Oklahoma, and Missouri, restricted against the provision of service in tank or hopper tank vehicles, and restricted against service to Kansas City, Kans., Kansas City, Mo., St. Louis, Mo., East St. Louis, Ill., Pueblo, Colorado Springs and Denver, Colo., Omaha, Nebr., and Wichita, Kans., and points in the commercial zone of the aforementioned points. The application was referred to Examiner Francis A. Welch for hearing and the recommendation of an appropriate order thereon. Hearing was held on July 1, 1963, at Kansas City, Mo. At the hearing the territorial scope of the application was broadened. A report and order, served December 10, 1963, which became effective January 9, 1964, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, under a continuing contract with Consumers Cooperation Association of Kansas City, Mo., over irregular routes, of potassium (potash) from points in Lea and Eddy Counties, N. Mex., to points in Colorado, Kansas, Nebraska, South Dakota, Iowa, Oklahoma, and Missouri, restricted against service to Kansas City, Kans., Kansas City, Mo., St. Louis, Mo., East St. Louis, Ill., Pueblo, Colorado Springs and Denver, Colo., Omaha, Nebr., and Wichita, Kans., and points in the commercial zone of each of the foregoing points, as defined by the Commission, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no protest and petitions for further hearing are received during such period.

No. MC 117920 (Sub-No. 1), filed November 21, 1963. Applicant: W. M. TYNAN & COMPANY, INC., 76 Ninth Avenue, New York 11, N.Y. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products, meat byproducts, articles distributed by packinghouses, and supplies, materials, and other equipment used by packinghouses*, (1) between Chicago, Ill., and Iowa Falls, Iowa, and (2) from Iowa Falls, Iowa, to Blue Island and Momence Ill., and points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts.

HEARING: February 28, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 119315 (Sub-No. 1), filed November 21, 1963. Applicant: FREIGHTWAY CORPORATION, 4410 Gilhouse Road Toledo, Ohio. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fibre and glass fibre products*, from the plant site of Johns-Manville Fibre Glass, Inc., located at Vienna, W. Va., to points in Michigan, Indiana, Illinois, Wisconsin, Ohio, and Pennsylvania, and *rejected, damaged, and returned shipments*, on return.

HEARING: March 2, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 119767 (Sub-No. 12), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat byproducts*, including, but not limited, to *bones, udders*, and *tripe*, from Cedarburg, Wis., to Kankakee, Ill., and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return.

HEARING: February 27, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 124047 (Sub-No. 21), filed November 22, 1963. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Universal Atlas Cement Division of United States Steel Corp. located at Evendale, Ohio (near Cincinnati), to (1) points in Ohio, (2) points in Wells, Adams, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Hamilton, Boone, Hendricks, Marion, Hancock, Henry, Wayne, Union, Fayette, Rush, Franklin, Decatur, Ohio, Shelby, Johnson, Morgan, Monroe, Brown, Bartholomew, Dearborn, Ripley, Jennings, Jackson, Lawrence, Scott, Jefferson, Switzerland, Washington, Clark, Floyd, Harrison, and Orange Counties, Ind., (3) points in Boone, Kenton, Campbell, Trimble, Carroll, Gallatin, Grant, Pendleton, Bracken, Mason, Lewis, Greenup, Boyd, Carter, Elliott, Rowan, Morgan, Jackson, Estill, Powell, Menifee, Fleming, Robertson, Nicholas, Bourbon, Clark, Montgomery, Scott, Harrison, Madison, Garrard, Lincoln, Boyle, Franklin, Fayette, Owen, Henry, Oldham, Jefferson, Bullitt, Bath, Anderson, Mercer, Washington, Marion, Nelson, Shelby, Woodford, Jessamine, and Spencer Counties, Ky., and (4) points in Cabell, Wayne, Mason, Putnam, Kanawha, and Lincoln Counties, W. Va.

NOTE: Applicant holds contract carrier authority in MC 111623 and Subs thereunder; therefore dual operations may be involved. Common control may be involved.

HEARING: March 2, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 124048 (Sub-No. 18), filed December 11, 1963. Applicant: SCHWERMAN TRUCKING CO., OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and dry fertilizer materials*, in bulk, from Danville, Ill., to points in Indiana and Illinois.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Certificate MC 113833, therefore dual operations may be involved.

HEARING: February 27, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 124722 (Sub-No. 2), (REPUBLICATION), filed July 14, 1963, published FEDERAL REGISTER issue of September 5, 1963, and republished, this issue. Applicant: E'PORT WAREHOUSE & TRANSFER CO., a corporation, 70 South Park Street., Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. By application filed July 14, 1963, as amended at the hearing applicant seeks authority to operate as a contract carrier by motor vehicle, over irregular routes, transporting: Meats, meat products, and dairy products, in mechanically refrigerated equipment, from the warehouse of Food Fair Stores, Inc., in Linden, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, New Haven, and Hartford Counties, Conn., and rejected, returned, or damaged shipments, from the aforementioned destinations to Linden, N.J. The application was referred to the Examiner A. Lane Cricher for hearing. Hearing was held on November 4, 1963, at New York, N.Y. The amendment accepted at the hearing broadened the scope of the application to include meats, meat products, and dairy products without limiting their origins to meat packinghouses. A report and order, served December 11, 1963, which became effective January 10, 1964, finds the present and future public convenience and necessity require operation by applicant as a *contract carrier* by motor vehicle under a continuing contract with Food Fair Stores, Inc., of Linden, N.J., of *fresh meats, fresh meat products and fresh meat byproducts*, and *fresh dairy products*, in mechanically refrigerated equipment from the warehouse of Food Fair Stores, Inc., Linden, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, New Haven, and Hartford Counties, Conn., over irregular routes, and of *returned shipments* from the noted destinations to Linden, N.J., will be consistent with the public interest and the national transportation policy. Prior to the issuance of a permit, a 30-day period from the date of publication in the FEDERAL REGISTER will be allowed during which any interested party, affected by the broadened scope of such grant, may file an appropriate pleading. In addition the permit should not issue unless and until the certificate in MC 36874 is canceled at applicant's request.

No. MC 124807 (Sub-No. 1) (REPUBLICATION), filed July 11, 1963. Applicant: JACK LINK, doing business as JACK LINK TRUCK LINE, Dyersville, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. By application filed July 11, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of chip dip and dairy products as described in section B of Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, except commodities moving in bulk and in tank vehicles, from Chippewa Falls, Richland Center, and Westby, Wis., and Dubuque, Iowa, to points in Iowa, Missouri, Nebraska, and South Dakota. The application was referred to Hearing Examiner Dallas B. Russell for hearing. Hearing was held on November 13, 1963, at Des Moines, Iowa. At the hearing applicant offered an amendment to enlarge the origin area by adding Le Sueur, Minn. The amendment was allowed subject, however, to publication of the recommended findings in the FEDERAL REGISTER. A report and recommended order, served December 4, 1963, effective January 6, 1964, finds that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with Bowman Dairy Company, of Chicago, Ill., of dairy products (except dairy products moving in bulk and in tank vehicles), from Chippewa Falls, Richland Center, and Westby, Wis., Dubuque, Iowa, and Le Sueur, Minn., to points in Iowa, Missouri, Nebraska, and South Dakota, such grant conditioned (1) upon cancellation, by written request of applicant, of that portion of his permit No. MC-124807 which authorizes the transportation of dairy products as previously described from Chippewa Falls and Richland Center, Wis., to St. Louis, Mo., and from Westby, Wis., to Holy Cross, Iowa, and (2) upon publication of the findings, herein in the FEDERAL REGISTER, and the withholding of a permit until at least 30 days from date of such publication.

No. MC 124813 (Sub-No. 4), filed November 29, 1963. Applicant: UMTHUM TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum formboard, gypsum concrete, and gypsum tile*, from the plant site of U.S. Gypsum Co., located at Fort Dodge, Iowa, to points in Illinois on and north of U.S. Highway 24, and *damaged and rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit MC 118468 and Subs thereunder; therefore dual operations may be involved.

HEARING: February 24, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 54.

No. MC 125291 (REPUBLICATION), filed April 22, 1963. Applicant: MRS. BERNICE GIBE, doing business as J. D. SCHAFFER CARTAGE COMPANY, 2639 Indiana Avenue, Chicago, Ill. Applicant's attorney: Themis N. Anastos, 343 South Dearborn Street, Chicago 4, Ill. By application filed April 22, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and Oak Brook, Ill. However, through inadvertence, the application was erroneously published in the FEDERAL REGISTER, which described the proposed operation as being "from points in the Chicago, Ill., commercial zone, to Oak Brook, Ill." The application was referred to Joint Board No. 21 for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 20, 1963, at Chicago, Ill. A report and recommended order served November 14, 1963, effective December 16, 1963, finds that the proposed operations are those of a *common carrier* and that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *photographic supplies*, between Chicago, Ill., on the one hand, and, on the other, Oak Brook, Ill., and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to republication of the correct authority in the FEDERAL REGISTER and a 30-day withholding period for purposes of permitting proper parties in interest to file protests or other pleadings.

No. MC 125419 (REPUBLICATION), filed June 3, 1963. Applicant: KELLEY DAVIS, doing business as DAVIS TRUCK LINE, Tahlequah, Okla. Applicant's attorney: R. M. Mountcastle, 605 Barnes Building, Muskogee, Okla. By application filed June 3, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, house-

hold goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Fort Smith, Ark., and Hulbert, Okla.; from Fort Smith over U.S. Highway 64 to Sallisaw, Okla., thence north on U.S. Highway 59 to junction Oklahoma Highway 51 at Stilwell, Okla. (also from Stilwell, Okla. over Oklahoma Highway 51 to Eldon, Okla.), thence over U.S. Highway 59 to Westville, Okla.; thence over U.S. Highway 62 to Tahlequah, Okla., thence over Oklahoma Highway 51 to Hulbert, and return over the same route, serving the intermediate points of Westville, Stilwell, Titanic, and Tahlequah, and all intermediate points located on U.S. Highways 59 and 62, and Sequoyah Indian School, located 3 miles south of Tahlequah as an off-route point. The application was referred to Joint Board No. 217 for hearing. Hearing was held on November 1, 1963, at Oklahoma City, Okla. A report and recommended order, served December 10, 1963, effective January 19, 1964, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over regular routes, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Fort Smith, Ark., and Hulbert, Okla.; from Fort Smith over U.S. Highway 64 to Sallisaw, Okla.; thence over U.S. Highway 59 to Westville, Okla. (also from Stilwell, Okla., over Oklahoma Highway 51 to Eldon, Okla.); thence over U.S. Highway 62 to Tahlequah, Okla., thence over Oklahoma Highway 51 to Hulbert, and return over the same route serving the intermediate points of Westville, Stilwell, Titanic, and Tahlequah, and intermediate points located on U.S. Highways 59 and 62, and that an appropriate certificate should be issued, after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of the authority granted herein so that any proper party in interest may file a petition for further hearing within 30 days of the date of such republication.

No. MC 125771 (Sub-No. 1), filed November 21, 1963. Applicant: CAYUGA SERVICE, INC., Post Office Box 70, South Lansing, N.Y. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral rock salt*, in bulk, and bags, (1) from Myers, Ludlowville, and South Lansing, N.Y., to points in Pennsylvania, New Jersey, Connecticut, Massachusetts, and Vermont, (2) from points in the township of Coxsackie, Greene County, N.Y., to points in New Jersey, New York, Connecticut, Massachusetts, and Vermont, (3) from Schenectady and Delanson, in Schenectady County, N.Y., to points in Connecticut, New York, Massachusetts, and Vermont, and (4) from Castleton, Vt., to points in Massachusetts, Vermont, New Hampshire, and New York.

NOTE: Applicant states the proposed transportation specified in (2), (3), and (4) above, will be restricted to traffic which has had a prior movement by rail or water.

HEARING: February 27, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Masoner.

No. MC 125799, filed November 6, 1963. Applicant: BLAIRSVILLE TRANSPORT, INC., Rural Delivery No. 3, Blairsville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products and refractory materials*, (1) between Latrobe and Somerset, Pa., on the one hand, and, on the other, points in Alabama, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, and West Virginia; and (2) from Glenmont, Ohio, to points in Michigan, New York, and Pennsylvania.

NOTE: Applicant states that the proposed operations will be under a continuing contract or contracts with Bognar and Co., Inc., Union Mining Co. of Allegany County, Inc., Union Refractories, Inc., and Union Firebrick Co. of Allegany County, Inc. All of these companies are under common control and management.

HEARING: February 24, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

No. MC 125805 (Sub-No.1), filed November 27, 1963. Applicant: YANDELL TRUCKAWAY, INC., 330 Fruitvale Avenue, Post Office Box 818, Oakland, Calif. Applicant's representative: E. H. Griffiths, 451 Turk Street, Room 23, San Francisco 2, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Empty glass containers*, from Oakland, Calif., to Reno and Sparks, Nev., from Oakland over Interstate Highway 80 to Reno and Sparks, serving no intermediate points, and *empty containers or other such incidential facilities* used in transporting the above commodities on return.

HEARING: March 5, 1964, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 125826, filed November 19, 1963. Applicant: JAMES E. BARTLESON AND CHARLES BARTLESON, doing business as BARTLESON BROTHERS, a partnership, Box 116C, Penns Grove, N.J. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied carbon dioxide*, moving in shipper owned trailers, and solidified carbon dioxide, from the plant site of Cardox Division of Chemtron Corp., located at Gibbstown, N.J., to depots operated by Cardox Division of Chemtron Corp., located at Stratford, Conn., Boston, Mass., Harrisburg and Pittsburgh, Pa., Providence, R.I., Suffolk, Va., and Frederick, Md., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that the propobed operations will be limited to a transportation service performed under a continuing contract or contracts with the Cardox Division of Chemtron Corp., of Gibbstown, N.J.

HEARING: February 24, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 125853, filed November 27, 1963. Applicant: EUGENE A. TOWNE, doing business as TOWNE AIR FREIGHT, 406 South Columbia, South Bend, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to traffic having an immediately prior or immediately subsequent movement by air, between O'Hare Field and Midway Airport at or near Chicago, Ill., on the one hand, and, on the other, points in Elkhart, Fulton, Kosciusko, Lagrange, LaPorte, Marshall, Noble, Starke, and St. Joseph Counties, Ind., and Berrien, Cass, and St. Joseph Counties, Mich., and (2) between the St. Joseph County, Ind., airport at or near South Bend, Ind., on the one hand, and, on the other, points in Elkhart, Fulton, Kosciusko, Lagrange, LaPorte, Marshall, Noble, Starke, and St. Joseph Counties, Ind., and Berrien, Cass, and St. Joseph Counties, Mich.

HEARING: February 26, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 125909, filed December 30, 1963. Applicant: UNIVERSAL TRANSPORT, INC., Box 3124, Rapid City, S. Dak. Applicant's attorney: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in sacks, from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in Wyoming, Colorado, and Montana, and points in North Dakota, Nebraska, and Kansas on and west of U.S. Highway 281, and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: January 27, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner Isadore Freidson.

PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Notice to the parties. In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the appendix attached hereto will be held on February 28, 1964, at 9:30 a.m., U.S.s.t., at the offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view to their simplification;

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements;

(3) The time and place or places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to:

(a) Their present operating authority,

(b) Their corporate organizations if any, ownership and control,

(c) Their fiscal date,

(d) Their equipment, terminals, and other facilities.

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

The application and the authority sought MC 115495 (Sub-No. 7), is as follows:

No. MC 115495 (Sub-No. 7), filed November 5, 1963. Applicant: UNITED PARCEL SERVICE, INC., 601 West Harrison Street, Chicago 7, Ill. Applicant's attorneys: Bernard G. Segal, and Irving R. Segal, 1719 Packard Building, Philadelphia 2, Pa., and S. Harrison Kahn, Suite 733, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in California, Oregon, and Washington, as follows: That part of Idaho north and west of a line beginning at a point on the Washington-Idaho State border, thence southeast along U.S. Highway 95 to Grangeville, Idaho, thence east and north on Idaho Highway 13 to junction with Idaho Highway 9, thence north and west along Idaho Highway 9 to eastern boundary of Nez Perce County, thence north along the eastern boundaries of Nez Perce, Latah, Benewah, and Kootenai Counties to U.S. Highway 10 (Interstate Highway 90), thence east along U.S. Highway 10 (Interstate Highway 90) to the Idaho-Montana border, thence north along the Idaho-Montana border to the Canadian border; that part of Idaho south and west of a line beginning at a point on the Oregon-Idaho border, thence east on U.S. Highway 30N to Weiser, thence south on U.S. Highway 95 to junction with Idaho Highway 52, thence east on Idaho Highway 52 to Horse Shoe Bend, thence south on Idaho Highway 15 to Boise, thence west on U.S. Highway 30 (Interstate Highway 80N) to Nampa, thence west on Idaho Highway 72 to junction with U.S. Highway 95, thence south on U.S. Highway 95 to the Oregon-Idaho border; that part of Nevada south and west of a line beginning at a point on the California-Nevada border, thence east on U.S. Highway 40 (Interstate Highway 80) to junction with U.S. Highway 95 (Alt.), thence east on U.S. Highway 95 (Alt.) to junction with U.S. Highway 50, thence east on U.S. Highway 50 to Fallon, thence west on U.S. Highway 50 to Carson City and junction with U.S. Highway 395, thence south on U.S. Highway 395 to the California-Nevada border; that part of Nevada east, south, and west of a line beginning at a point on the California-Nevada border, thence northeast on U.S. Highway 91 to junction with U.S. Highway 93, thence east on U.S. Highway 93 to Boulder City, thence west on U.S. Highway 93 to junction with U.S. Highway 95, thence south on U.S. Highway 95 to the California-Nevada border, including all points on the highway boundary lines in Idaho and Nevada. Restriction: Applicant states that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.

NOTE: Applicant states that he intends to tack the authority sought herein with its existing authority in accordance with the Commission's rules and regulations. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 13426; therefore dual operations may be involved.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 96173 (Sub-No. 3), filed November 26, 1963. Applicant: CHESTER L. ROBERTS, doing business as ROBERTS MOTOR FREIGHT, Sweet Springs, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those injurious or contaminating to other lading), (a) between Kanas City and Eaglesville, Mo.; from Kansas City over U.S. Highway 69 to Eaglesville, and return over the same route, serving the intermediate and off-route points of Civil Bend, Ridgeway, Bethany, Albany, McFall, Stanbury, Helena, Ford City, Avenue City, Evona, King City, Rochester, Union Star, New Hampton, Pattonsburg, and Winston, Mo., (b) from junction U.S. Highways 36 and 69, as a common point of joinder, over U.S. Highway 36 to St. Joseph, Mo., and return over the same route, (c) between St. Joseph and Eaglesville, Mo.; from St. Joseph over U.S. Highway 169 to junction U.S. Highway 136, thence over U.S. Highway 136 to Carmak, Mo., thence continuing over U.S. Highway 136 to junction U.S. Highway 69, thence over U.S. Highway 69 to Eaglesville, and return over the same route, serving the intermediate and off-route points of Avenue City, Helena, Union Star, Ford City, King City, McFall, Stanberry, Albany, Evona, New Hampton, Bethany, Rochester, Pattonsburg, Ridgeway, and Civil Bend, Mo., and (2) *household goods, office furniture and fixtures*, as defined by the Commission, over irregular routes, between St. Joseph, Mo., on the one hand, and, on the other, points in Missouri.

NOTE: Applicant states he will request cancellation of the certificate of registration in MC 98173 Sub-2 concurrently with the issuance of a certificate authorizing operations as set out in the instant application.

No. MC 123176 (Sub-No. 4), filed December 6, 1963. Applicant: WILLIAM D. SMITH, doing business as K. G. & C. TRUCK LINE, 925 Quincy Drive, Hamilton, Ohio. Applicant's representative: E. F. Streib, Neave Building, Fourth at Race, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Middletown, Ohio, and *empty malt beverage containers*, on return.

NOTICE OF FILING OF PETITIONS

No. MC 30319 (Sub-No. 23) (PETITION FOR REOPENING AND RECONSIDERATION FOR THE PURPOSE OF MODIFYING RESTRICTIONS AT RUNGE, NORDHEIM AND YORKTOWN, TEXAS), filed January 6, 1964. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, Houston, Tex. Petitioner's attorneys: Thormund A. Miller, 205 Transportation Building, Washington, D.C., and Edwin N. Bell, 1600 Esperson Building, Houston, Tex. Petitioner conducts operations as a common carrier by motor vehicle in the transportation of general commodities, in a service which is auxiliary to or supplemental of rail service rendered by Southern Pacific Co. in Texas and Louisiana. Its routes generally parallel Southern Pacific Lines in those States, and its services are generally limited to stations on such railroad. The route here involved is between Kenedy and Cuero, Tex., over Texas Highway 72, to its junction with Highway 87. The only stations with which this petition is concerned are the small intermediate points of Runge, Nordheim, and Yorktown, Tex. These are located between Kenedy and Cuero, Tex. Applicant's Certificate No. MC 30319 (Sub-No. 23), was issued July 26, 1949. Several restrictions appear in that certificate as follows: "1. The service to be performed shall be limited to that which is auxiliary to or supplemental of Texas & New Orleans Railroad Company hereinafter called the Railroad." (This railroad has merged with Southern Pacific Co.). "2. The carrier shall not render any service to or from any point not a station on the line of the railroad." By the instant petition, petitioner requests that the involved restrictions be modified to read as follows: "1. The service to be performed shall be

limited to that which is auxiliary to or

authorized solely for the purpose of connection with, the discovery, develop-

the time and place of State Commission

cessity sought to operate a freight serv-

which such traffic is to be diverted or

limited to that which is auxiliary to or supplemental of rail service of Southern Pacific Co. in Texas hereinafter called the Railroad, except at Runge, Nordheim, and Yorktown, Tex." "2. The carrier shall not render any service to or from any point not a station on the line of the Railroad except at Runge, Nordheim, and Yorktown, Tex." Any person or persons desiring to participate in this proceeding, may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.250).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8466 (MICHIGAN EXPRESS, INC.—PURCHASE (PORTION)—McNAMARA MOTOR EXPRESS, INC.), published in the June 19, 1963, issue of the FEDERAL REGISTER on page 6327. Amendment filed January 2, 1964, to both the temporary and permanent applications to delete the following routes, for which Michigan Express, Inc., was granted temporary authority to lease a portion of said operating rights by order dated June 26, 1963, by the Commission, Finance Board No. 1: *General commodities*, except those of unusual value and except dangerous explosives, charcoal, live animals and poultry, unwrapped hemp, uncrated furniture, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between Niles, Mich., and White Pigeon, Mich., for operating convenience only, serving no intermediate points, from Niles over U.S. Highway 112, to White Pigeon, Mich.; and *general commodities*, except those of unusual value, and except dangerous explosives, household goods as defined by *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Detroit, Mich., and Elkhart, Ind., from Detroit over U.S. Highway 112 to junction Michigan Highway 205, thence over Michigan Highway 205 to the Michigan-Indiana State line, thence over Indiana Highway 19, to Elkhart, serving all intermediate and off-route points within 8 miles of Detroit, Mich. Said amendment also request both the temporary and permanent applications to include the following alternate routes for operating convenience only: Between junction U.S. Highway 112 and Michigan Highway 50, and Detroit, Mich., in connection with carrier's regular route operations between Chicago, Ill., and Detroit, Mich., serving no intermediate points, and service at junction U.S. Highway 112, and Michigan Highway 50, is authorized solely for the purpose of joinder only, and between Jackson, Mich., and Detroit, Mich., in connection with carrier's regular route operations between Jackson and Detroit, Mich., serving no intermediate points.

No. MC-F-8651. Authority sought for purchase by DAILY EXPRESS, INC., P.O. Box 39, Mail Route No. 3, Carlisle, Pa., of a portion of the operating rights of WILLIAM C. BONNER, INC., 2701 East Norris Street, Philadelphia, Pa., and for acquisition by D. E. LUTZ, 330 Washington Lane, Carlisle, Pa., of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Operating rights sought to be transferred: *Such commodities as contractors' equipment, heavy and bulky articles, machinery and machine parts*, and *articles requiring specialized handling or rigging* because of size or weight, as a *common carrier* over irregular routes, between points in Pennsylvania, within 150 miles of Philadelphia, Pa., in the counties of Snyder, Juniata, Perry, Cumberland, Franklin, Adams, Dauphin, Fulton, Huntingdon, Mifflin, Centre, Clinton, Union, Lycoming, and Tioga, on the one hand, and, on the other, points in New York, New Jersey, Delaware, and Maryland. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8652. Authority sought for control by BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont., of BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont., and for acquisition by TIM M. BABCOCK, 2 Carson Street, Helena, Mont., of control of BABCOCK & LEE TRANSPORTATION, INC., through the acquisition by BABCOCK & LEE PETROLEUM TRANSPORTERS, INC. Applicants' attorney: C. J. Hansen, 608 Hennessy Building, Butte, Mont. Operating rights sought to be controlled: *Lumber*, as a *common carrier* over irregular routes, from points in Big Horn and Rosebud Counties, Mont., to points in Minnesota and South Dakota; and *materials, equipment, and supplies*, used in the production, transmission or storage of electrical power or water, between points in Yellowstone and Big Horn Counties, Mont. BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., is authorized to operate as a *common carrier* in Montana, North Dakota, South Dakota, Wyoming, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8653. Authority sought for purchase by W. M. SMITH, doing business as SMITH TRUCK SERVICE, Post Office Box 373, Perry Okla., of a portion of the operating rights of SECURITY TRUCKING COMPANY, Post Office Box 2497, 1211 North Peoria, Tulsa, Okla. Applicants' attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier* over irregular routes, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana; *machinery, and equipment*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur, and its products, and *materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur, and its products, when moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plants) sites, or storage sites, between points in Oklahoma, on the one hand, and, on the other, points in Louisiana; *machinery, equipment, materials, and supplies*, used in, or in connection with the drilling of water wells, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana; *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipline rights of way, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana. Vendee is authorized to operate as a *common carrier* in Oklahoma, Kansas, and Texas. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-566; Filed, Jan. 21, 1964; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 17, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearing or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-6714, Case No. 6, filed December 26, 1963. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols, Detroit, Mich., 48212. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. Certificate of public convenience and necessity sought to operate a freight service over the following routes: (1) From the junction of U.S. Highway 23 and North Territorial Road in Washtenaw County, Mich., over North Territorial Road to junction Dexter-Pinckney Road, thence over Dexter-Pinckney Road to junction Darwin Road, thence over Darwin Road to McGregor Road, thence over McGregor Road southwesterly to return to Dexter-Pinckney Road, serving all intermediate points; (2) from the junction North Territorial Road and Huron River Drive via Huron River Drive and Strawberry Lake Road to Hamburg Road, thence over Hamburg Road to Eight Mile Road, thence over Eight Mile Road to junction with U.S. Highway 23 in Washtenaw County, Mich., serving all intermediate points, and (3) from the junction North Territorial Road and Mast Road via Mast Road to Strawberry Lake Road, serving all intermediate points.

NOTE: Applicant states the authority sought in intrastate commerce is coextensive with the authority sought in interstate commerce as set forth above.

HEARING: February 11, 1964, at 9:30 a.m., in the offices of the Commission, Lewis Cass Building., Lansing, Mich.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. 15441, filed December 19, 1963. Applicant: DAVID A. WALTON, Route 3, Box 26, Madison, Ala. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *mobile homes*, between points in Alabama.

Information as to date, time and place assigned for hearing application, requests for procedural information, including the time for filing protests, concerning this application should be addressed to Orville P. Large, Secretary, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala., 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-567; Filed, Jan. 21, 1964; 8:46 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 163]

UNION PACIFIC RAILROAD

Rerouting and Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, the Union Pacific Railroad, due to a court order that it cease operations on its Junction City Branch, is unable to transport traffic routed over its Junction City Branch between Junction City and Concordia, Kansas.

It is ordered, That:

(a) Rerouting traffic. The Union Pacific Railroad and its connections being unable to transport traffic in accordance with shippers' routing over its Junction City Branch between Junction City and Concordia, Kansas, because of a court order to the Union Pacific Railroad that it cease operations on its Junction City Branch, and carrier having placed an embargo on all traffic moving to, from or over its Junction City Branch, are hereby authorized to divert or reroute, such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. This billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers. The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is diverted or rerouted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 12:01 p.m. January 17, 1964.

(g) Expiration date. This order shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D.C., January 17, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-568; Filed, Jan. 21, 1964; 8:46 a.m.]

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Washington, Thursday, January 23, 1964

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DEPOSITED
UNITED STATES OF AMERICA

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 34]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.407 Grapefruit Regulation 34.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 21, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 33 (§ 905.403; 29 F.R. 252) is hereby terminated at 12:01 a.m., e.s.t., January 24, 1964.

(3) During the period beginning at 12:01 a.m., e.s.t., January 24, 1964, and ending at 12:01 a.m., e.s.t., February 10, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, except pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 22, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-722; Filed, Jan. 22, 1964; 11:24 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 137]

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulated the handling of milk in the Eastern Colorado marketing area (7 CFR Part 1137), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of January and February 1964: § 1137.44(c)(1).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will facilitate the efficient marketing of milk by removing the requirement that skim milk and butterfat transferred or diverted to nonpool plants located 200 or more miles from Denver, Colorado, be classified as Class I. The Eastern Colorado market will need to import milk during January and February 1964 and a receiving plant located in Grand Island, Nebraska, has milk available for shipment to the Eastern Colorado area. The quantity of milk desired by the Eastern Colorado market could qualify the Nebraska plant as a supply pool plant under the Eastern Colorado order at least during January and February 1964. The cooperative operating the Nebraska plant is reluctant to release enough milk to regulate this plant under the Eastern Colorado order because this plant's transfers to nonpool plants located more than 200 miles from Denver would then receive a Class I classification. This suspension action will promote more orderly marketing of milk as the Nebraska cooperative has indicated its willingness to ship milk to the Eastern Colorado market if its transfers to nonpool plants located more than 200 miles from Denver are classified according to use at the transferee plant.

(4) This suspension was requested by a cooperative association representing more than two-thirds of the producers on the market and by the cooperative operating the Grand Island, Nebraska, supply plant.

Therefore, good cause exists for making this order effective January 1, 1964.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period January 1, 1964, through February 29, 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1964.

Signed at Washington, D.C., on January 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-615; Filed, Jan. 22, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, and Wyoming:

(2) The following Counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all Counties in the State of Illinois lying south thereof;

(3) All Counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All Counties in Minnesota except Jackson and Lincoln;

(5) The following Counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all Counties in the State of Missouri lying south thereof;

(6) The following Counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All Counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) All Counties in Pennsylvania except Cumberland;

(9) All Counties in Virginia except Augusta;

(10) All Counties in Wisconsin except Saint Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All Counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all Counties in the State of Illinois lying south thereof;

(3) The following Counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following Counties in Minnesota: Jackson and Lincoln;

(5) All Counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all Counties in the State of Missouri lying south thereof;

(6) All Counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following Counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) The following County in Pennsylvania: Cumberland;

(9) The following County in Virginia: Augusta;

(10) The following Counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(11) The following County in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add the County of Augusta in the State of Virginia to the list of infected and eradication areas and delete such County from the list of free areas as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such County.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-617; Filed, Jan. 22, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone; Designation of Transition Area; Revocation of Control Area Extension

On June 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 5530) stating that the Federal Aviation Agency proposed to alter the Pierre, S. Dak., control zone, revoke the Pierre control area extension and designate the Pierre transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments.

The Air Transport Association of America (ATA), in response to the Notice, submitted the statement that they would object to the actions proposed if these would require any of the procedure turn and transition altitudes to be raised more than 1,500 feet above the surface. It is proposed that the transition and procedure turn altitudes for the instrument approach procedures at Pierre be established at 3,500 feet which is 1,500 feet above the 2,000-foot terrain characteristics which are present in the Pierre terminal area. Therefore, ATA's comments have been registered as presenting no objection to the actions proposed in the notice.

Subsequent to the publication of the notice, the Pierre radio range was converted to a radio beacon. Concurrent with this facility conversion the radio range instrument approach procedure was cancelled and an instrument approach procedure based on a bearing from the radio beacon was developed. To provide protection for aircraft utilizing this instrument approach procedure, action is taken herein to substitute a 101° True bearing from the Pierre radio beacon for the Pierre radio range east course (095° True) in the description of the Pierre control zone and transition area.

These changes will effect only a 6 degree clockwise shift in the position of the portions of the Pierre control zone and transition area east of Pierre proposed in the notice. Therefore, since these changes are minor in nature, notice and public procedure hereon are unnecessary.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Pierre, S. Dak., control zone is amended to read:

Pierre, S. Dak.

Within a 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.), and within 2 miles each side of the Pierre RBN 101° bearing extending from the 5-mile radius zone to 8 miles E of the RBN.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Pierre, S. Dak.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.), within 2 miles each side of the Pierre VOR 077° radial, extending from the 8-mile radius area to 12 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4 miles E and 3 miles W of the Pierre VOR 357° radial, extending from the VOR to 8 miles N of the VOR, within 1 mile N and 5 miles S of the Pierre RBN 101° bearing, extending from the RBN to 12 miles E of the RBN, and within the area east of the Pierre VOR bounded on the N by a line 5 miles N of, and parallel to, the Pierre VOR, and on the S by a line 5 arc of a 30-mile radius circle centered on the Pierre VOR, and on the S by a line 5 miles S of, and parallel to, the Pierre VOR 077° radial.

3. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the Pierre, S. Dak., control area extension.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-582; Filed, Jan. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area; Revocation of Control Area Extension; and Designation of Transition Area

On August 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9211) stating that the Federal Aviation Agency proposed to alter the Peoria, Ill., control zone and the Bloomington, Ill., transition area; revoke the Peoria control area extension; and designate a transition area at Peoria.

Interested persons have been afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 28 F.R. 7218), the Peoria, Ill., control zone is amended to read:

Peoria, Ill.

Within a 5-mile radius of the Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 2 miles each side of the Peoria VORTAC 091° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Greater Peoria Airport ILS localizer SE course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Greater Peoria Airport ILS localizer NW course, extending from the 5-mile radius zone to 6 miles NW of the airport.

2. Section 71.165 (27 F.R. 220–59, November 1962) is amended by revoking the following control area extension: "Peoria, Ill."

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

Peoria, Ill.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 2 miles each side of the Greater Peoria Airport ILS localizer SE course, extending from the 8-mile radius area to 8 miles SE of the OM; within 2 miles each side of the Greater Peoria Airport ILS localizer NW course, extending from the 8-mile radius area to 14 miles NW of the airport; within 8 miles SW and 5 miles NE of the Peoria VORTAC 279° radial, extending from the 8-mile radius area to 12 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 41°10'10" N., on the E by longitude 88°-40'00" W., on the S by latitude 40°20'00" N., and on the W by longitude 90°00'00" W.

4. In § 71.181 (27 F.R. 220–139, November 10, 1962) the Bloomington, Ill., transition area is amended to read:

Bloomington, Ill.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Bloomington Airport (latitude 40°28'50" N., longitude 88°55'45" W.), and within 2 miles each side of the Bloomington VOR 037° radial, extending from the 4-mile radius area to 8 miles NE of the VOR.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-583; Filed, Jan. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63–CE–89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Alteration of Transition Area

On October 3, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10679) stating that the Federal Aviation Agency proposed to designate a control zone and alter the existing transition area at Redwood Falls, Minn.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken.

1. In § 71.171 (27 F.R. 220–91, November 10, 1962) the following control zone is added:

Redwood Falls, Minn.

Within a 3-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'50" W.) and within 2 miles each side of the Redwood Falls VOR 023° radial, extending from the 3-mile radius zone to the VOR.

2. In § 71.181 (27 F.R. 220–139, November 10, 1962) the Redwood Falls, Minn., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'50" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the Redwood Falls VOR 023° and 203° radials, extending from 4 miles N to 12 miles S of the VOR.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–584; Filed, Jan. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63–EA–73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10549) stating that the Federal Aviation Agency proposed to amend Part 71 [New] of the Federal Aviation Regulations by altering VOR Federal airway No. 251 between Sparta, N.J., and Hartford, Conn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following action is taken:

Section 71.123 (27 F.R. 220–6, November 10, 1962) is amended as follows:

In V–251 "to Hartford, Conn." is deleted and "INT of Sparta 081° and Trinity, N.Y., 232° radials; Trinity; to Hartford, Conn." is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–586; Filed, Jan. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63–PC–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10541) stating that the Federal Aviation Agency proposed to alter the Lihue, Hawaii, control zone, revoke the Lihue control area extension and designate the Lihue transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the Lihue, Hawaii, control zone is amended to read:

Lihue, Hawaii

Within a 5-mile radius of Lihue Airport (latitude 21°59'00" N., longitude 159°21'00" W.); within 2 miles each side of the Lihue VOR 041° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Lihue VOR 130° radial, extending from the 5-mile radius zone to 9 miles SE of the VOR.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962, 27 F.R. 12439) is amended by revoking the following control area extension: "Port Allen, Hawaii"

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following transition area:

Lihue, Hawaii

That airspace extending upward from 700 feet above the surface within the area bounded on the NW by a line 5 miles NW of and parallel to the Lihue VOR 041° radial, on the NE by the arc of a 7-mile radius circle centered on the Lihue Airport (latitude 21°59'00" N., longitude 159°21'00" W.), on the SE by a line 2 miles NE of and parallel to the Lihue VOR 130° radial, and on the SW by the arc of a 5-mile radius circle centered on Lihue Airport; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Lihue VOR, extending from the 7-mile radius area clockwise from a line 5 miles NW of and parallel to the Lihue VOR 041° radial to V–2.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–587; Filed, Jan. 22, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Area

On August 31, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9647) stating that the Federal Aviation Agency proposed to alter the Hobart, Okla., Altus AFB, Okla., and Clinton, Okla., control zones, and designate a transition area at Hobart, Okla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the following actions are taken:

a. The Hobart, Okla., control zone is amended to read:

Hobart, Okla.

Within a 5-mile radius of the Hobart Municipal Airport (latitude 34°59'20" N., longitude 99°02'55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

b. The Altus, Okla., control zone is amended to read:

Altus, Okla.

Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 1.5 miles S of the OM; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN.

c. The Clinton, Okla., control zone is amended to read:

Clinton, Okla.

Within a 5-mile radius of the Clinton-Sherman AFB (latitude 35°20'25" N., longitude 99°12'00" W.); within 2 miles each side of the Clinton-Sherman VOR 003° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Clinton-Sherman AFB TACAN 174° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; and within 2 miles each side of the Clinton-Sherman AFB TACAN 006° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following transition area:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles W and 8 miles E of the Clinton-Sherman VOR 360° and 180° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from the Altus RBN, extending from 5 miles N to 12 miles S of the RBN; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°40'00" N., longitude 99°59'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to latitude 35°-50'00" N., longitude 99°43'00" W.; to latitude 35°44'00" N., longitude 99°03'00" W.; to latitude 34°58'00" N., longitude 98°33'00" W.; to latitude 34°42'00" N., longitude 98°46'00" W.; to latitude 34°21'00" N., longitude 98°-46'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL bounded by a line beginning at latitude 34°40'00" N., longitude 99°50'00" W.; thence W via latitude 34°40'00" N., to and counterclockwise along the arc of a 20-mile radius circle centered at the Childress, Tex., Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) to longitude 100°27'00" W.; to latitude 35°00'00" N., longitude 100°-32'00" W.; to latitude 35°20'00" N., longitude 100°00'00" W.; to latitude 35°54'00" N., longitude 100°16'00" W.; to latitude 35°-50'00" N., longitude 99°43'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to point of beginning. The portion of the transition area extending upward from 8,000 feet MSL is excluded from Federal airways.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–588; Filed, Jan. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63–SW–48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On September 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10336) stating that the Federal Aviation Agency proposed to designate the Victoria, Tex., control zone, revoke the Victoria control area extension and designate the Victoria transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.171 (27 F.R. 220–91, November 10, 1962) is amended by adding the following control zone:

Victoria, Tex.

Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28°51'10" N., longitude 96°55'20" W.) and within 2 miles each side of the 320° bearing from latitude 28°51'30" N., longitude 96°55'00" W., extending from the 5-mile radius zone to 8 miles NW of latitude 28°51'30" N., longitude 96°55'00" W., effective from 0600 to 0000 hours, local time, daily.

2. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following transition area:

Victoria, Tex.

That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Victoria VOR 313° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles SW and 5 miles NE of the 324° bearing from latitude 28°51'30" N., longitude 96°55'00" W., extending from latitude 28°51'30" N., longitude 96°55'00" W., to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29°00'00" N., longitude 97°17'00" W.; to latitude 29°08'00" N., longitude 97°00'00" W., to latitude 28°52'50" N., longitude 96°28'30" W.; to latitude 28°-47'25" N., longitude 96°35'20" W.; to latitude 28°43'40" N., longitude 96°28'00" W.; thence SW via the N boundary of V–20 to longitude 97°05'00" W.; to point of beginning.

3. In § 71.165 (27 F.R. 220–59, November 10, 1962), the Victoria, Tex., control area extension is revoked.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64–589; Filed, Jan. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63–SW–56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Amendments

On December 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 14420) amendments to the Federal Aviation Regulations which altered VOR Federal airways Nos. 22 and 1630 via the new White Lake, La., VOR and designated this facility as a reporting point. These actions were to become effective March 5, 1964.

Because of a delay in commissioning the new White Lake VOR, action is taken herein to alter Airspace Docket No. 63–SW–56, by postponing the effective date until April 30, 1964.

Since this action is minor in nature and imposes no undue burden on any person, and since more than 30 days will elapse from the time of publication of the amendments as originally adopted to the new effective date, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following action is taken:

Airspace Docket No. 63–SW–56 is amended as follows: "effective 0001 e.s.t., March 5, 1964," is deleted and "effective 0001 e.s.t., April 30, 1964." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–590; Filed, Jan. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WE–81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On October 22, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R.11280) stating that the Federal Aviation Agency proposed to revoke the north alternate segment of VOR Federal airway No. 12 from Hector, Calif., to Needles, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (27 F.R. 220–6, November 10, 1962) is amended as follows:

In V–12 "including an N alternate from Hector to Needles via Goffs, Calif.;" is deleted.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–591; Filed, Jan. 22, 1964; 8:46 a.m.]

[Airspace Docket No. 63–WE–43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On October 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10752) stating that the Federal Aviation Agency proposed to designate the Dubois, Idaho, transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments but no comments were received.

The substance of the proposed amendment having been published, and for the reasons stated in the notice, the following action is taken:

Section 71.161 (27 F.R. 220–139, November 10, 1962) is amended by adding:

Dubois, Idaho

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dubois Municipal Airport (latitude 44°-09'45" N., longitude 113°12'50" W.), and within 2 miles each side of the Dubois VOR 354° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 7 miles W of the Dubois VOR 170° and 350° radials, extending from 10 miles N to 20 miles S of the VOR.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–592; Filed, Jan. 22, 1964; 8:48 a.m.]

[Airspace Docket No. 63–CE–100]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On October 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10752) stating that the Federal Aviation Agency was considering a proposal to alter the Oscoda, Michigan (Wurtsmith AFB), Restricted Area/Military Climb Corridor R–4204.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

In consideration of the foregoing, and for the reasons stated in the notice, the following action is taken:

In § 73.42 Michigan (28 F.R. 19–26, January 26, 1963), R–4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor is amended to read:

R–4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 44°25'30" N., longitude 83°27'10" W., the area centered on a bearing therefrom of 238°, extending to a point 30 nmi SW, having a width of 1 nmi at the beginning and expanding uniformity to a width of 6 nmi at the outer extremity.

Designated altitudes.

Surface to flight level 270 from the point of beginning to 3 nmi SW.

2,000 feet MSL to flight level 270 from 3 nmi to 6 nmi SW of the point of beginning.

5,000 feet MSL to flight level 270 from 6 nmi to 11 nmi SW of the point of beginning.

10,000 feet MSL to flight level 270 from 11 nmi to 15 nmi SW of the point of beginning.

14,000 feet MSL to flight level 270 from 15 nmi to 20 nmi SW of the point of beginning.

17,000 feet MSL to flight level 270 from 20 nmi to 25 nmi SW of the point of beginning.

20,000 feet MSL to flight level 270 from 25 nmi to 30 nmi SW of the point of beginning.

Time of designation. Continuous.

Using agency. Wurtsmith AFB Approach Control.

This amendment shall become effective 0001 e.s.t. April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D. C., on January 15, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64–585; Filed, Jan. 22, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2052; Amdt. 676]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Commander Models 500A, 500B, 560F, 680F, 680F (Pressurized), and 680FL Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and modification of the main landing gear on Aero Commander Models 500A, 500B, 560F, 680F, 680F (Pressurized), and 680FL aircraft was published in 28 F.R. 12328.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to Models 500A, 500B, 560F, 680F, 680F (Pressurized), and 680FL aircraft Serial Numbers 871, 875, and 893 through 1329 except Serial Numbers 916, 953, 1162, 1186, 1207, 1224, 1234, 1293, 1303, 1325, 1327, and 1328.

Compliance required as indicated.

To detect loosened set screws and to preclude rotation of the upper retaining bearing on the main landing gear, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this AD, inspect the main landing gear in accordance with Part I of Aero Commander Service Bulletin No. 83 dated September 13, 1963, or FAA approved equivalent. If the extension of either gear exceeds 9.125 plus or minus 0.125 inches, accomplish the modification specified in (b) for both main landing gears before further flight.

(b) Within 50 hours' time in service after the effective date of this AD, modify the landing gear in accordance with Part II of Aero Commander Service Bulletin No. 83 dated September 13, 1963, or FAA approved equivalent. Stamp the letter "A" after the design number on each landing gear data plate after the modification is made.

This amendment shall become effective February 20, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 13, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–579; Filed, Jan. 22, 1964; 8:45 a.m.]

[Reg. Docket No. 2069; Amdt. 675]

PART 507—AIRWORTHINESS DIRECTIVES

Piaggio Model P. 166 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement of the shock absorber flanges with new flanges on Piaggio Model P. 166 aircraft was published in 28 F.R. 12584.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIAGGIO. Applies to all Model P. 166 aircraft equipped with Magnaghi Modification 22027 or Modification 2–22027 shock absorbers.

Compliance required within the next 50 hours' time in service after the effective date of this AD.

Fatigue cracks have developed in service on nose landing gear steering control unit P/N's 4105–26 and 4105–31. To correct this condition, replace flanges in nose undercarriage unit as follows:

1. On aircraft equipped with Modification 2–22027 shock absorber, replace old flange P/N 4105.26 with new flange P/N 4105.26A.

2. On aircraft equipped with Modification 22027 shock absorber, replace old flange P/N 4105.31 with new flange P/N 4105.31A.

3. Accomplish replacement as provided for in Piaggio Service Bulletin No. 166–35 dated July 8, 1963.

(Piaggio Service Bulletin No. 166–35 dated July 8, 1963, covers the same subject.)

This amendment shall become effective February 20, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 13, 1964.

W. LLOYD LANE,
Director,
Flight Standards Service.

[F.R. Doc. 64–580; Filed, Jan. 22, 1964; 8:45 a.m.]

[Reg. Docket No. 3056; Amdt. 674]

PART 507—AIRWORTHINESS DIRECTIVES

Sikorsky Model S–58 Series Helicopter

Amendment 558, 28 F.R. 3782, AD 63–9–2, requires daily visual inspection of pylon and tail cone folding hinge fittings on Sikorsky Model S–58 Series helicopters except those which are reinforced in accordance with the manufacturer's recommendations. Recently, cracks have occurred in reinforced fittings. Accordingly, Amendment 558 is being superseded by a new directive which requires daily inspection of all hinges without excepting those which have been reinforced.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SIKORSKY. Applies to all Model S–58 Series helicopters. Compliance required as indicated.

Fatigue cracks have been found in the area of the rear three bolt holes of upper pylon folding hinge fitting P/N S1620–63130–3, the forward bolt holes of mating fitting P/N S1620–64127, the forward bolt hole of the lower pylon hinge fitting P/N S1620–64131, and the lug through which the hinge bolt passes of fittings P/N's S1620–64127 and S1620–64127–7. In order to preclude propagation of fatigue cracks in these areas and subsequent serious weakening of the pylon attachment, accomplish the following:

(a) As of the effective date of this AD, conduct daily visual inspections of the area around the fitting bolt holes of all pylon and tail cone folding hinge fittings for cracks. Replace any cracked fittings before further flight.

(b) Unless already accomplished, accomplish the following in accordance with Sikorsky Service Bulletin No. 58B20–11A within 100 hours' time in service after the effective date of this AD on all upper pylon hinge fittings P/N S1620–64127 with 1,900 hours' or more time in service, or prior to the accumulation of 2,000 hours' time in service on all fittings having less than 1,900 hours' time in service as of the effective date of this AD.

(1) Remove all bushings from the hinges.

(2) Rework and inspect the bore of each hole.

(3) Install oversized replacement bushings P/N S1620–63129–7.

This supersedes Amendment 558, 28 F.R. 3782, AD 63–9–2.

This amendment shall become effective January 31, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 14, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–581; Filed, Jan. 22, 1964; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 203—HEAT

Testing of Clinical Thermometers

Pursuant to authority contained in 15 U.S.C. 275a the following amendment is effective upon publication in the FEDERAL REGISTER.

1. Part 203 is amended to delete schedule 203.104—Testing of Clinical Thermometers.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. D. HUNTOON,
Deputy Director.

[F.R. Doc. 64–578; Filed, Jan. 22, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

ARSANILIC ACID, SODIUM ARSANILATE

The food additive regulations for arsanilic acid and sodium arsanilate were published in the FEDERAL REGISTER of October 10, 1963 (28 F.R. 10869), after a study of the available data by an interdepartmental committee on cancer-producing food additives and after an evaluation of the committee's report, and other relevant data, by the Commissioner of Food and Drugs. The additives studied conformed to certain specifications of purity. Following the issuance of these regulations, questions have been received asking for information on the purity of the additives necessary to meet the standards involved in these evaluations.

The Commissioner has concluded that the regulations (21 CFR 121.253, 121.254) prescribing the safe use of these additives should be amended to include the specifications necessary for them to meet the purity of the materials evaluated in the aforementioned studies. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.253(a) and 121.254(a) are amended to read as follows:

§ 121.253 Arsanilic acid.

• • • • • •

(a) The additive is the chemical *p*-aminobenzenearsonic acid ($C_6H_8AsNO_3$) conforming to the following specifications (on the dry basis):

(i) The additive contains not less than 34 percent and not more than 34.8 percent of arsenic (As), equivalent to not less than 98.5 percent and not more than 100.8 percent $C_6H_8AsNO_3$.

(ii) The additive contains not more than 0.025 percent arsenic as inorganic arsenite, calculated as As_2O_3 and not more than 0.05 percent arsenic as inorganic arsenate, calculated as $AsO_4{\equiv}$.

• • • • • •

§ 121.254 Sodium arsenilate.

• • • • • •

(a) The additive is the chemical sodium *p*-aminobenzenearsonate ($C_6H_7AsNNaO_3$) conforming to the following specifications (on the dry basis):

(i) The additive contains not less than 30.87 percent and not more than 31.65 percent of arsenic (As), equivalent to not less than 98.5 percent and not more than 101 percent of $C_6H_7AsNNaO_3$.

(ii) The additive contains not more than 0.025 percent arsenic as inorganic arsenite, calculated as As_2O_3 and not more than 0.05 percent arsenic as inorganic arsenate, calculated as $AsO_4{\equiv}$.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes are in the nature of a clarification of existing regulations.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371(a))

Dated: January 17, 1964.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 64–613; Filed, Jan. 22, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FUMARIC ACID AND SALTS OF FUMARIC ACID

The Commissioner of Food and Drugs, having evaluated data in petitions filed by Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis 7, Missouri (FAP 334), and Pharmaceutical Manufacturers Association, 1411 K Street NW., Washington 5, D.C. (FAP 361), and other relevant data, has concluded that the food additive regulations should be amended to provide for the safe use of ferrous fumarate as a source of iron in foods for special dietary use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and

Welfare (25 F.R. 8625), § 121.1130 is amended to read as follows:

§ 121.1130 Fumaric acid and salts of fumaric acid.

Fumaric acid and its calcium, ferrous, magnesium, potassium, and sodium salts may be safely used in food in accordance with the following prescribed conditions:

(a) The additives meet the following specifications:

(1) Fumaric acid contains a minimum of 99.5 percent by weight of fumaric acid, calculated on the anhydrous basis.

(2) The calcium, ferrous, magnesium, potassium, and sodium salts contain a minimum of 99.0 percent by weight of the respective salt, calculated on the anhydrous basis.

(b) With the exception of ferrous fumarate, fumaric acid and the named salts are used singly or in combination in food at a level not in excess of the amount reasonably required to accomplish the intended effect.

(c) Ferrous fumarate is used as a source of iron in foods for special dietary use, when the use is consistent with good nutrition practice.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 17, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-614; Filed, Jan. 22, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 80; POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1230) filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of polysorbate 80 and polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as emulsifiers in certain edible fats and oils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.1009 and 121.1030 (21 CFR 121.1009, 121.1030 (28 F.R. 6351, 7733)) are amended as follows:

1. Section 121.1009 *Polysorbate 80* is amended by adding to paragraph (c) the following new subparagraph (8):

§ 121.1009 Polysorbate 80.

* * * * * * *

(c) * * *

(8) As an emulsifier in shortenings and edible oils that are sold in units not exceeding 6 pounds avoirdupois weight or 1 gallon fluid content, alone or in combination with polysorbate 60 as follows:

(i) It is used alone in an amount not to exceed 1.0 percent of the weight of the finished shortening or oil.

(ii) It is used with polysorbate 60 in any combination providing no more than 1.0 percent of polysorbate 80 and no more than 1.0 percent of polysorbate 60, provided that the total combination does not exceed 1.0 percent of the finished shortening or oil.

2. Section 121.1030 *Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate)* is amended by adding to paragraph (c) the following new subparagraph (8):

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate.

* * * * * * *

(c) * * *

(8) As an emulsifier in shortenings and edible oils that are sold in units not exceeding 6 pounds avoirdupois weight or 1 gallon fluid content, alone or in combination with polysorbate 80 as follows:

(i) It is used alone in an amount not to exceed 1.0 percent of the weight of the finished shortening or oil.

(ii) It is used with polysorbate 80 in any combination providing no more than 1.0 percent of polysorbate 60 and no more than 1.0 percent of polysorbate 80, provided that the total combination does not exceed 1.0 percent of the finished shortening or oil.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 17, 1964.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 64-627; Filed, Jan. 22, 1964; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—CIVIL DEFENSE

PART 227—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Conditions of Contributions

Part 227 is amended by deleting "OCD Manual AM 25-2" wherever appearing and substituting therefor "OCD guidance material."

Section 227.6(c) is revised to read as follows:

§ 227.6 Conditions of contributions.

* * * * * * *

(c) *Merit system requirements.* All civil defense employees (except those specifically exempted in OCD guidance material) of a State or political subdivision must be employed under an approved merit system of personnel administration. Except in specific cases where the holding of nonpartisan elective office is approved under procedures and criteria set forth in OCD guidance material, OCD will make no contribution toward the salary or compensation of any person holding an elective office.

* * * * * * *

In § 227.6 paragraph (m) *Surplus property* is deleted in its entirety. Accordingly, present paragraph (n) *Cancellation or breach* is redesignated as paragraph (m), and paragraph (o) is redesignated as paragraph (n).

Effective date. This amendment is effective immediately.

(64 Stat. 1254, 72 Stat. 533, 534, 50 U.S.C. App. 2253, 2286; Reorg. Plan No. 1 of 1958, as amended, 72 Stat. 1799-1801, as amended, 23 F.R. 4991; E.O. 10952, 26 F.R. 6577; Organizational Statement, Assistant Secretary of Defense (Civil Defense), 26 F.R. 8604, Sept. 14, 1961, Delegation of Authorities and Functions, Director for Federal Assistance, 27 F.R. 5455, June 8, 1962)

Dated: January 17, 1964.

HUBERT A. SCHON,
Director for Federal Assistance.

[F.R. Doc. 64-612; Filed, Jan. 22, 1964; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 16—SECOND-CLASS BULK MAILINGS

§ 16.5 [Amendment]

I. In § 16.5 *Statement and copy filed with mailings* make the following changes:

A. Paragraph (a) is amended to require the postmaster at the office where original entry of a publication is authorized, to receive a marked copy of each issue or edition mailed locally or at additional entry post offices. As so amended, paragraph (2) reads as follows:

(a) *Copy marked to show advertising.* (1) The publisher must file with the postmaster a copy of each issue. The advertisements in the copy must be marked by the publisher in such manner that they may be verified when necessary.

(2) If additional entries are authorized, the publisher must file with the postmaster at the original entry office a copy of each issue or edition to be mailed at the original entry office and at all additional entry offices. The publisher is not required to furnish copies to the additional entry offices. The postmaster at the original entry office shall furnish to the postmaster at each additional entry office a statement of the verified weight and reported advertising portion of each issue or edition accepted for mailing at the additional entry office.

B. Redesignate paragraphs (e) and (f) as paragraphs (f) and (g) respectively, and insert a new paragraph (e) to require verification at least annually of the percentage of advertising marked on a copy of an issue. As so added and redesignated, paragraphs (e), (f) and (g) read as follows:

(e) *Verification of advertising percentage.* The postmaster must verify the advertising percentage reported on Form 3542, Statement showing number of copies of Second-Class Publications, by actual measurement of the advertising and nonadvertising portions of one issue at least once a year. If discrepancies are noted, more frequent verification must be made to establish the accuracy of the publisher's figures. A record of the verification shall be made on the reverse side of the applicable Form 3542 or the papers attached thereto.

(f) *Payment of advertising rates on reading portion.* A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed must have endorsed on the first page by the publisher the words Advertising over 75 percent. When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words Advertising not over 75 percent. The entire weight must be entered on Form 3541, Computation of Second-class Postage, in the column provided for the advertising portion. The words Over 75 percent or Not over 75 percent according to whether the copies do or do not contain over 75 percent advertising must be entered on Form 3541 and Form 3542. The word Waived must be written in the space provided for the weight of the reading portion on Form 3541.

(g) *Statement of news agent.* When a news agent presents for mailing second-class matter subject to the zone rates of postage, he must submit to the postmaster a statement showing the percent of the space in such matter devoted to advertisements and the percent devoted to other than advertisement. Publishers should furnish this information to news agents purchasing copies of their publications in order that such agents may be able to prepare the statements required.

NOTE: The corresponding Postal Manual sections are 126.51 and 126.55 through 126.57.

II. In § 16.6 paragraph (e) is amended for the purpose of clarification; and paragraphs (f) through (h) are redesignated paragraphs (g) through (i) respectively; and a new paragraph (f) is added to require an annual verification of information furnished on Form 3542 with the publishers records except that at post offices having more than 100 publications the verification may be cycled over a longer period. As so added and redesignated, paragraphs (e) through (i) read as follows:

§ 16.6 Weighing and collection of postage.

* * * * * * *

(e) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (b) of this section for use either in computing postage on the bulk weight of a single issue, or in determining the weight of one sheet as provided for by paragraph (d) of this section must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issued by counting the sheets in the copies filed under the provision of § 16.5(a) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542. If there is reason at any time to doubt the accuracy of the information reported on Form 3542, sufficient weighings must be made to resolve the doubt. The postmaster shall keep a record of the verification, preferably on the back of applicable Form 3542.

(f) *Annual verification.* (1) Verification of the data furnished on Form 3542 shall be made annually at offices where there are no more than 100 publications entered as second class. At other offices verification shall be accomplished by cycling over a period not to exceed 5 years as follows:

Publications entered:	Cycling period
101-200	2 years
201-300	3 years
301-400	4 years
401	5 years

Records of the verifications must be retained, preferably on the reverse side of the applicable Forms 3542.

(2) Postmasters by joint review of the Form 3542 for a selected issue of each publication with the publisher, including a review of the publisher's records, shall determine that:

(i) Copies reported as subscribers' copies, which must not include complimentary or other nonsubscribers' copies, are in substantial agreement with the publisher's mail circulation records.

(ii) Nonsubscribers' copies, other than those mailed at the transient second-class rate, are declared as samples but do not exceed the amount allowable. See § 22.4(f)(1)(ii) of this chapter.

(iii) Nonsubscribers' copies which exceed the amount allowable as samples are mailed at the transient second-class rate.

(iv) During the previous 12-month period the total copies paid subscribers and the purchasers of single copies constitute at least 65 percent of the total circulated. See § 22.2(b)(7) of this chapter.

(3) Where the verification discloses discrepancies which in the opinion of the postmaster are substantial and which cannot be resolved, the postmaster shall submit a memorandum of the facts with a complete report on the reverse side of Form 3501 to the Classification and Special Services Division, Bureau of Operations, for advice and instructions before taking further action.

(g) *Payment of postage at time of mailing or by advance deposits.* Publishers must pay in money before the mailings are dispatched all postage charged at the second-class rates shown in § 22.1 of this chapter. Exception: The transient rate (§ 22.1(c) of this chapter) must be paid by adhesive or meter stamps or by permit imprints. (See §§ 34.3(b) and 34.5(a)(2) of this chapter.) Postmasters will accept deposits of money to pay for as many mailings as desired and will give the publishers receipts on Form 3544 for the deposits.

(h) *Record of mailings.* Postage on the bulk mailings will be computed on Form 3541 from the weights obtained on Form 3542. The publisher will be furnished a duplicate of Form 3541 if he requests one. When postage is computed on the bulk weight of one issue, the mailings and postage will be recorded in Form 3543 (special), Record of Second-Class Postage. When postage is computed at the end of each calendar month on the total weight of all issues mailed during the month, the total mailings and postage for the month will be computed on one Form 3541, and only the totals will be recorded in Form 3543.

(i) *How to show dates of issue and mailing.* When a number of consecutive

issues are covered by one Form 3541 or

issues are covered by one Form 3541 or Form 3542, or by one entry in Form 3543, the dates of issue and the dates of mailing must be indicated by entering the first and last dates in the appropriate spaces and columns.

NOTE: The corresponding Postal Manual sections are 126.65 through 126.69.

§ 16.7 [Amendment]

III. In § 16.7 *Key-rate*, as amended by 28 F.R. 1996, make the following changes:

A. Paragraph (b) is amended to clarify that the number of subscribers' copies is only to be used in computing the key-rate. As so amended, paragraph (b) reads as follows:

(b) *Statement showing mailings to each zone.* The publisher must submit once each calendar year, at 12-month intervals, a statement on Form 3542 showing the number of subscribers copies of an issue mailed to each zone. During these 12-month intervals, the publisher does not need to complete the lines for zones 1 to 8 on Form 3542. He enters only total zone mailing on Total to all zones lines.

B. Paragraph (d) is amended to reflect the revision of paragraph (b) and to require application of the same key-rate to sample copies as is applied to subscribers' copies unless the transient rate is chargeable. As so amended, paragraph (d) reads as follows:

(d) *Computation.* (1) Compute the key-rate on Form 3541 once each calendar year at 12-month intervals, using the subscribers copies shown by zones Form 3542 furnished in acordance with paragraph (b) of this section. If a new report on Form 3542 is filed at any time during the 12-month intervals showing mailing to each zone, a new key rate must be computed and used.

(2) Enter on the corresponding lines in column B of Form 3541 the number of copies for each zone shown on Form 3542. Apply the applicable pound rates shown in column F to the number of copies for each zone and enter the postage for each zone in column C of Form 3541. Divide the total postage in item 2, column C, by the total number of copies in item 2, column B, to obtain the key-rate, which should be carried to six decimal places. Apply the key-rate only to the total weight of the advertising portion. Apply the regular reading portion rate to the total weight of the reading portion. Computation of the key-rate must be verified by an employee or supervisor other than the person who originally computed it. See exhibit A.

(3) Prepare Form 3541 for subsequent mailings as shown on Exhibits A and B until a new report on Form 3542 showing mailings to each zone is filed under paragraphs (b) and (c) of this section. Where a key rate has been developed and is being used to compute postage for subscribers copies, postage on sample copies shall be determined by using the same key rate unless the transient rate is chargeable (See §§ 22.1(c) and 22.4(f)(1) of this chapter.)

NOTE: The corresponding Postal Manual sections are 126.72 and 126.74.

PART 21—FIRST CLASS

IV. In § 21.2 *Classification*, as amended by 28 F.R. 1468, and 28 F.R. 9528, make the following changes in paragraph (a):

A. Subdivision (i) of subparagraph (7) is amended to show that the size of post cards must not be larger than 4¼ by 6 inches. As so amended, subdivision (i) reads as follows:

(a) *Description.* * * *

(7) Post cards are manufactured by private concerns and must conform to the following specifications:

(i) *Size, shape and ratio.*—Not larger than 4¼ by 6 inches, nor smaller than 3 by 4¼ inches. Must be rectangular in shape. A ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) is not recommended. (See § 21.3(b) and § 24.3(b) of this chapter.)

B. Amend subparagraph (8) by deleting subdivision (xi); and by redesignating former subdivision (xii) as new subdivision (xi).

NOTE: The corresponding Postal Manual sections are 131.217a and 131.218h.

PART 22—SECOND CLASS

V. In § 22.1, as amended by 28 F.R. 1468, and 28 F.R. 4754, subparagraph (1) of paragraph (b) is amended to clarify the application of the minimum per piece rate. As so amended, subparagraph (1) reads as follows:

§ 22.1 Rates.

* * * * *

(b) *Outside the county of publications*—(1) *All publications, except those accepted at the special rate or classroom rate.*

	Rates in cents per pound, beginning—	
	Jan. 1, 1964	Jan. 1, 1965
(i) Pound rates:		
Nonadvertising portion	2.7	2.8
Advertising portion:		
Zones 1 and 2	3.8	4.2
Zone 3	4.8	5.2
Zone 4	6.8	7.2
Zone 5	8.8	9.2
Zone 6	10.8	11.2
Zone 7	12.0	12.0
Zone 8	14.0	14.0
(ii) Minimum per piece charge:		
(a) Publications mailing less than 5,000 copies per issue outside the county of publication. (Include copies mailed at all entry points and declared on all Forms 3542 submitted for a particular issue; also, include copies for all editions of an issue.)	.5	.5
(b) Any issue of a publication the advertising portion of which does not exceed 5 percent of the entire issue	.65	.75
(c) All other publications	.8	1.0
(iii) If the total postage computed at the pound rates does not amount to the appropriate minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See paragraph (g) of this section.)		

NOTE: The corresponding Postal Manual section is 132.121.

§ 22.2 [Amendment]

VI. In § 22.2 *Qualifications for second-class privileges*, as amended by 28 F.R. 1468, make the following changes:

A. Amend paragraph (b)(2) for the purpose of clarification to read as follows:

(b) *Basic qualifications.* * * *

(2) *Issuance of known office.* Publications must be issued and mailed at a known office of publication. A known office of publication is a public office where the business of the publication is transacted during the usual business hours. The office must be maintained at the place where the publication has been granted original second-class mail privileges. Offices for the transaction of business may be maintained at more than one place, but mailings may be accepted at the second-class pound rates only at the post offices where original or additional mail privileges have been authorized.

B. Amend (e)(6) for the purpose of clarification to read as follows:

(e) *Identification statements in copies.* * * *

(6) *Name of known office of publication*, including street and number when there is letter-carrier service, must be printed in a position or in a style and size of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is no post office at the place where published, the name of the post office where mailed must be shown as the office of publication. Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.2(f) of this chapter.

NOTE: The corresponding Postal Manual sections are 132.222 and 132.251.

VII. In § 22.3, as amended by 28 F.R. 1469, paragraphs (c) (3) and (e) are respectively amended for the purpose of clarification and to show that only one fee is required for an additional entry application. As so amended, paragraphs (c) (3) and (e) read as follows:

§ 22.3 Application for second-class privileges.

* * * * *

(c) *Applications for publications that have second-class privileges.* * * *

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating the approximate number and weight of copies to be mailed at the additional office, and the territory to be served. A form is not provided for this kind of application. The application must be filed at the office where the publication has been granted original second-class mail privileges. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and all copies for delivery at the additional office must be mailed at that office.

* * * * *

(e) *Fees.* The fees to accompany applications for second-class original entry, reentry, or additional entry, or for registration as a news agent, are:

Kind	Amount
Original entry—circulation not more than 2,000	$30
Original entry—circulation 2,001 to 5,000	60
Original entry—circulation 5,001 and over	120
News-agent registry	25
Reentry because of change in title, frequency of issue, office of publication, or other reasons	15
Additional entry (Only one fee is collectible for an application for additional entry even though the additional entry being applied for modifies one or more additional entries previously approved.)	
Within zones 1 and 2	15
Within zones 3 to 8	50

If an application is not approved, no part of the fee is returned to the applicant.

NOTE: The corresponding Postal Manual sections are 132.33c and 132.35.

§ 22.4 Amendment.

VII. In § 22.4 *What may be mailed at second-class rates*, as amended by 28 F.R. 1469, make the following changes:

A. In paragraph (f)(1) subdivision (ii) is amended to indicate that the postmaster at the original entry office is responsible for determining the 10 percent sample copy limit on publications. As so amended, subdivision (ii) reads as follows:

(f) *Copies not paid for by the addressee*—(1) *Sample copies.* * * *

(ii) Samples may be mailed at any time during a calendar year to the extent of 10 percent of the total estimated weight of copies to be mailed to subscribers during the calendar year. For publications having additional entries, the postmaster at the original entry office is responsible for determining that sample copies do not exceed the 10 percent limit. At the end of each calendar year the postmaster at the original entry post office must request from each additional entry office the weight of subscriber and sample copies mailed during the year.

B. In paragraph (g), subparagraph (3) is amended to clarify the definitions for novelty pages. As so amended, subparagraph (3) reads as follows:

(g) *Enclosures, additions, and novelty pages.* * * *

(3) *Novelty pages.* Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of newspapers or other periodical publications. Blank sheets may not be carried as pages. Envelopes and all other types of containers do not constitute printed sheets or portions thereof. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

(i) Printed pages bearing words, perforations, or symbols indicating they are for detachment.

(ii) Pages having printed pictures for cutting out.

(iii) Printed pages having blank spaces for writing or marking.

(iv) Pages having printed illustrations permanently pasted to them. Envelopes, wrappers, pockets, all other types of containers, and any contents thereof do not constitute printed illustrations.

(v) Pages with coupons or application of order forms occupying not more than one-half of the page.

NOTE: The corresponding Postal Manual sections are 132.461b and 132.473.

IX. Section 22.7 is amended for the purpose of clarification to read as follows:

§ 22.7 Marking of paid reading matter.

(a) Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly "advertisement" by the publisher. (39 U.S.C. 4367)

(b) Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable consideration, without plainly marking the same advertisement, shall be fined not more than $500. (18 U.S.C. 1734)

NOTE: The corresponding Postal Manual section is 132.7.

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

X. In § 23.2 paragraph (b) is amended to prescribe that in applying for a permit on controlled circulation publications the applicant must state in his letter to the postmaster whether the publication is circulated free or mostly free. As so amended paragraph (b) reads as follows:

§ 23.2 Permits.

* * * * *

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, the name of the publisher, and whether the publication is circulated free or mainly free. Submit two copies of the issue published nearest to the date of application. The postmaster will submit the application and one copy of the publication to the Classification and Special Services Division, Bureau of Operations. Notice of authorization or disapproval will be furnished by the Director, Classification and Special Services Division.

NOTE: The corresponding Postal Manual section is 133.22.

PART 24—THIRD CLASS

XI. In § 24.4, subparagraph (1) of paragraph (b) is amended to clarify regulations concerning annual fees for bulk mailings. As so amended, subparagraph (1) reads as follows:

§ 24.4 Preparation—payment of postage.

* * * * *

(b) *Bulk mailings*—(1) *Annual fee.* A fee of $30 must be paid each calendar year by or for any person who mails at the bulk third-class rates. Any person who engages a business concern or another individual to mail for him must pay the $30 fee.

NOTE: The corresponding Postal Manual section is 134.421.

PART 25—FOURTH CLASS

XII. In § 25.1, paragraphs (c) and (d) are respectively amended to delete obsolete rate tables and to revise the subheadings. As so amended, paragraphs (c) and (d) reads as follows:

§ 25.1 Rates.

* * * * *

(c) *Special fourth-class rate.*

Kind of mail (rate restricted to the items specifically named)	Rate (without regard to zone)	
	First pound, beginning Jan. 1, 1964	Each additional pound or fraction
Books; 16-millimeter films and 16-millimeter film catalogs (Rate applies for films and catalogs except when mailed to commercial theatres); printed music, printed objective test materials, sound recordings, manuscripts for books, periodical articles, and music; printed educational reference charts permanently processed for preservation; and looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. See. § 25.2(a)(4)	Cents 10	Cents 5

(d) *Library rate.*

Kind of mail (rate restricted to the items specifically named by or to the organizations named in § 25.2(a)(5))	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; printed music, bound volumes of academic theses; sound recordings; periodicals; other library materials; 16-millimeter films; filmstrips; transparencies; slides; microfilms; and scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these material. See § 25.2(a)(5)	Cents 4	Cents 1

NOTE: The corresponding Postal Manual sections are 135.13 and 135.14.

PART 27—OFFICIAL MAIL

XIII. In § 27.1, paragraph (e) is amended for the purpose of clarification to read as follows:

§ 27.1 **Members of Congress.**

* * * * *

(e) *Weight and size limits.* (1) *Weight.* Official correspondence is limited to 4 ounces, except that when addressed to a Government official by title the limit is 4 pounds.

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 22.3, 22.2(a)(7), 21.3(b), and 24.3(b) of this chapter apply.

NOTE: The corresponding Postal Manual section is 137.15.

XIV. In § 27.2, as amended by 28 F.R. 3345 paragraph (e)(2) is amended for the purpose of clarification to read as follows:

§ 27.2 **Executive and judicial officers.**

* * * * *

(e) *Weight and size limits.* * * *

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 22.3, 21.2(a)(7), 24.2(b), 24.3(b), 24.8, 25.3(b), and 26.3(b) apply.

NOTE: The corresponding Postal Manual section is 137.252.

PART 29—MIXED CLASSES

XV. In § 29.3, paragraph (a) is amended to clarify the description of enclosures. As so amended, paragraph (a) reads as follows:

§ 29.3 **Mailing enclosures of different classes.**

(a) *Enclosures mailed with second-class and controlled circulation publications—(1) First- and third-class enclosures.* Separate and independent letters or other first- or third-class mail may be mailed as enclosures with second-class and controlled circulation publications.

(2) *Payment of postage.* Postage at the appropriate first- or single piece third-class rate must be paid for each separate enclosure. Pieces of related matter enclosed with a publication as a unit may be regarded as a single enclosure for purpose of computing postage. The postage may be placed on the enclosure by using precanceled or meter stamps, or the postage may be placed on the outside envelope, wrapper, or cover. Postage at the second-class pound or per copy rates or postage at the controlled circulation rates must be paid on the publication in the manner prescribed by part 16 of this chapter. When postage at the transient second-class rate is paid on the publication, follow the procedure in paragraph (b) of this section.

(3) *Marking required.* When postage for the enclosure is placed on the outside envelope, wrapper, or cover of a publication, the mailer must mark each piece as required by § 29.3(b)(5).

NOTE: The corresponding Postal Manual section is 139.3.

PART 33—METERED STAMPS

XVI. In § 33.6, paragraph (b) is amended to limit the places for mailing metered mail. As so amended, paragraph (b) reads as follows:

§ 33.6 **Mailings.**

* * * * *

(b) *Place of mailing.* Metered mail, other than reply mail (see § 33.5), must be mailed from the post office shown in the meter stamp. To secure the fastest dispatch, metered mail should be deposited at the main post office or a station or branch thereof. Except for bulk mailings of third-class mail, metered mail may be deposited in any street collection box, building receptacle or other place, under the jurisdiction of the post office of meter settings, where mail is accepted.

NOTE: The corresponding Postal Manual section is 143.62.

XVII. In § 33.8, paragraph (a)(3) is amended for the purpose of clarification to read as follows:

§ 33.8 **Manufacture and distribution of postage meters.**

* * * * *

(a) *Authorization to manufacture and lease.* * * *

(3) *Suspension.* The Post Office Department may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine whether his authorization should be revoked and the department will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

NOTE: The corresponding Postal Manual section is 143.813.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-624; Filed, Jan. 22, 1964; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 948]

PART 95—CAR SERVICE

Authorization for the Chicago, Rock Island and Pacific Railroad Company To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 17th day of January A.D. 1964.

It appearing, that under and by virtue of an order of the United States District Court, for the District of Kansas, dated January 7, 1964, operations of the Union Pacific Railroad Company on its Junction City Branch between Junction City and Concordia, Kansas, must cease at noon, January 17, 1964, and that the Chicago, Rock Island and Pacific Railroad Company has requested authority to operate over trackage of the Union Pacific Railroad at Miltonvale, Kansas to serve Union Pacific Railroad industries at that point. The Commission is of the opinion that there is need for service over this line of railroad and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure and impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.948 **Service Order 948.**

(a) *The Chicago, Rock Island and Pacific Railroad Company authorized to operate over trackage of Union Pacific Railroad.* The Chicago, Rock Island and Pacific Railroad Company be, and it is hereby authorized to operate over trackage of the Union Pacific Railroad beginning at point of interchange between the Chicago, Rock Island and Pacific Railroad Company and the Union Pacific Railroad at Clay Center, Kansas to serve industries located on Union Pacific Railroad trackage at Clay Center, Kansas.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 p.m., January 17, 1964.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-620; Filed, Jan. 22, 1964; 8:48 a.m.]

[S.O. 949]

PART 95—CAR SERVICE

Authorization for the Atchison, Topeka and Santa Fe Railway Company To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 17th day of January A.D. 1964.

It appearing, that under and by virtue of an order of the United States District Court, for the District of Kansas, dated January 7, 1964, operations of the Union Pacific Railroad Company on its Junction City Branch between Junction City and Concordia, Kansas, must cease at noon, January 17, 1964, and that the Atchison, Topeka and Santa Fe Railway Company has requested authority to operate over trackage of the Union Pacific Railroad at Miltonvale, Kansas to serve Union Pacific Railroad industries at that point. The Commission is of the opinion that there is need for service over this line of railroad and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.949 **Service Order 949.**

(a) *The Atchison, Topeka and Santa Fe Railway Company authorized to operate over trackage of Union Pacific Railroad.* The Atchison, Topeka and Santa Fe Railway Company be, and it is hereby authorized to operate over trackage of the Union Pacific Railroad beginning at point of interchange between the Atchison, Topeka and Santa Fe Railway Company and the Union Pacific Railroad at Miltonvale, Kansas to serve industries located on Union Pacific Railroad trackage at Miltonvale, Kansas.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 p.m., January 17, 1964.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-619; Filed, Jan. 22, 1964; 8:48 a.m.]

Board No. 1, held in Washington, D.C., on the 17th day of January A.D. 1964.

It appearing, that under and by virtue of an order of the United States District Court, for the District of Kansas, dated January 7, 1964, operations of the Union Pacific Railroad Company on its Junction City Branch between Junction City and Concordia, Kansas, must cease at noon, January 17, 1964, and that the Atchison, Topeka and Santa Fe Railway Company has requested authority to operate over trackage of the Union Pacific Railroad at Miltonvale, Kansas to serve Union Pacific Railroad industries at that point. The Commission is of the opinion that there is need for service over this line of railroad and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.950 **Service Order 950.**

(a) *The Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad.* The Chicago, Burlington & Quincy Railroad be, and it is hereby authorized to operate over trackage of the Union Pacific Railroad beginning at point of interchange between the Chicago, Burlington & Quincy Railroad and the Union Pacific Railroad at Concordia, Kansas to serve industries located on Union Pacific Railroad trackage at Concordia Kansas.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 p.m., January 17, 1964.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-618; Filed, Jan. 22, 1964; 8:48 a.m.]

[S.O. 950]

PART 95—CAR SERVICE

Authorization for the Chicago, Burlington & Quincy Railroad Company To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 17th day of January A.D. 1964.

It appearing, that under and by virtue of an order of the United States District Court, for the District of Kansas, dated January 7, 1964, operations of the Union Pacific Railroad Company on its Junction City Branch between Junction City and Concordia, Kansas, must cease at noon, January 17, 1964, and that the Chicago, Burlington & Quincy Railroad has requested authority to operate over trackage of the Union Pacific Railroad at Concordia, Kansas to serve Union Pacific Railroad Industries at that point. The Commission is of the opinion that there is need for service over this line of railroad and that operation of this line will best promote the service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.950 **Section Order 950.**

(a) *The Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad.* The Chicago, Burlington & Quincy Railroad be, and it is hereby authorized to operate over trackage of the Union Pacific Railroad beginning at point of interchange between the Chicago, Burlington & Quincy Railroad and the Union Pacific Railroad at Concordia, Kansas to serve industries located on Union Pacific Railroad trackage at Concordia Kansas.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This section shall become effective at 12:01 p.m., January 17, 1964.

(d) *Expiration date.* The provisions of this section shall expire at 11:59 p.m., April 30, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-619; Filed, Jan. 22, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CHARITABLE CONTRIBUTIONS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

APPENDIX (PROPOSED REGULATIONS)

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1307 of the Internal Revenue Code of 1954 to section 22 of the Revenue Act of 1962 (76 Stat. 1064), relating to election with respect to charitable contributions for taxable years beginning after December 31, 1961, such regulations are amended as follows:

PARAGRAPH 1. Section 1.1307 is amended by adding after section 1307(d) a new subsection (e) and by revising the historical note. These added amended provisions read as follows:

§ 1.1307 Statutory provisions; rules applicable to part I (section 1301 and following), subchapter Q, chapter 1 of the Code.

SEC. 1307. *Rules applicable to this part.*

* * *

(e) *Election with respect to charitable contributions.* In the case of an individual who elects (in such manner and at such time as the Secretary or his delegate prescribes by regulations) to have the provisions of this subsection apply, an amount received or accrued to which this part applies shall be reduced, for purposes of computing the tax liability of the taxpayer under this part with respect to the amount so received or accrued, by an amount equal to that portion of (1) the amount of charitable contributions made by the taxpayer during the taxable year in which the amount is so received or accrued which are allowable as a deduction for such year under section 170 (determined without regard to this part), as (2) the amount received or accrued to which this part applies is of the adjusted gross income for the taxable year (determined without regard to this part). In any case in which the taxpayer elects to have the provisions of the preceding sentence apply, for purposes of computing the limitation on tax under this part—

(1) Only the same proportion of the amount to which this part applies shall be taken into account for purposes of computing the limitations under section 170(b)(1)(A) and (B) for taxable years before the taxable year in which such amount is received or accrued as (A) the excess of the maximum amount which could, if the taxpayer had made additional contributions described in clause (1), (ii), or (iii) of section 170(b)(1)(A), have been described in clause (1) of the preceding sentence over the amount described in such clause (1), bears to (B) such maximum amount, and

(2) The portion of the amount of charitable contributions described in the preceding sentence shall not be taken into account in computing the tax for the taxable year in which the amount to which this part applies is received or accrued.

[Section 1307 as renumbered by sec. 1, Act of Aug. 11, 1955 (Pub. Law 366, 84th Cong., 69 Stat. 688); sec. 1, Act of Aug. 26, 1957 (Pub. Law 85-165, 71 Stat. 413); sec. 58, Technical Amendments Act 1958 (72 Stat. 1646); amended by sec. 22, Rev. Act 1962 (76 Stat. 1064)]

PAR. 2. The following new section is inserted after § 1.1307-1.

§ 1.1307-2 Election with respect to charitable contributions.

(a) *Introduction.* (1) For taxable years beginning after December 31, 1961, at the election of an individual taxpayer, the limitation on tax on income to which the provisions of part I, subchapter Q, chapter 1 of the Code, apply shall be determined with the application of section 1307(e) and this section. In this section, such income will be referred to as "bunched income".

(2) The election authorized by section 1307(e) may be made at any time within the period of limitation on filing claim for credit or refund under section 6511(a) for the taxable year in which the bunched income is received or accrued. The making of the election shall be evidenced by attaching to the return, an amended return, or claim for refund or credit for such taxable year schedules setting forth the computations of the amount of tax for the taxable year with the application of section 1307(e) and this section. An election may be revoked at any time within the period of limitation on filing a claim for credit or refund under section 6511(a) for the taxable year.

(3) If an election is made by a taxpayer to determine the limitation on tax on bunched income with the application of section 1307(e) and this section, then the computations required by sections 1301, 1302, 1303, 1304, 1305, 1306, and 1307 (a) to (d), and the regulations thereunder, shall be made with due regard to the requirements of section 1307 (e) and this section. For example, with respect to compensation from an employment which is subject to the provisions of section 1301, the allocation required to be made by paragraph (c) of § 1.1301-2 shall be made with due regard to the fact that the amount of the compensation must be reduced by the amount prescribed in paragraph (b) of this section; similarly, in making the computations required by paragraph (d)(2) of § 1.1301-2, due regard must be given to the fact that the amount of bunched income which is to be included in adjusted gross income of a taxable year for the purpose of determining the limitation prescribed by section 170(b)(1) for charitable contribution deductions is limited to the amount prescribed in paragraph (d) of this section.

(b) *Reduction of bunched income.* In applying the special rule of section 1307(e) and this section, the bunched income received or accrued during the taxable year must first be reduced by an amount which bears the same ratio to the charitable contributions allowable as a deduction under section 170 (computed without regard to part I) for such taxable year as (1) the bunched income bears to (2) the adjusted gross income for the current taxable year (computed without regard to part I). For example, if for the current taxable year the bunched income is $10,000, adjusted gross income (computed without regard to part I) is $40,000 and the charitable contributions (all to churches) that were made by the taxpayer amount to $9,000, the amount that must be used to reduce the bunched income pursuant to this paragraph is $2,250 ($9,000 charitable contribution deduction computed without regard to part I) × $10,000/$40,000). In this situation, only the remainder of the bunched income, namely, $7,750, may be allocated to prior taxable years and to current taxable year.

(c) *Reduction of charitable contributions made in the current taxable year.* The portion of the charitable contributions made in the current taxable year which is required to be used as a reduction of the bunched income, as prescribed in paragraph (b) of this section, may not be taken into account as charitable contributions made during the current taxable year in making the computations for such taxable year prescribed by paragraph (d)(1)(iii) of §§ 1.1301-2, 1.1302-1, 1.1303-1, 1.1304-1, 1.1305-1, and 1.1306-1. Thus, in the situation exemplified in paragraph (b) of this section, where it is shown that the taxpayer made charitable contributions of $9,000 during the current taxable year, only $6,750 ($9,000—$2,250) may be taken into account as contributions actually made during such taxable year in the application of section 1307(e) and this section.

(d) *Limitation on amount of bunched income includible in adjusted gross income for the purpose of determining the limitations prescribed by section 170(b)(1).* (1) The amount of bunched income which may be included in adjusted gross income of taxable years preceding the current taxable year for the purpose of determining the limitations prescribed by section 170(b)(1) for charitable contribution deductions in such years is limited to an amount which bears the same ratio to the bunched income (computed without regard to paragraph (b) of this section) as (i) 30 percent of the adjusted gross income for the current taxable year (computed without regard to part I) minus the charitable contributions allowable as a deduction under section 170 (computed without regard to part I) for the current taxable year bears to (ii) 30 percent of adjusted gross income for the current taxable year (computed without regard to part I). The amount computed under the provisions of the preceding sentence shall be allocated to the taxable years preceding the current taxable year in the same proportion that the amount of bunched income allocated to each such preceding taxable year bears to the amount of bunched income allocated to all such preceding taxable years. Thus, assuming, in the situation exemplified in paragraph (b) of this section, that $2,583.33 of the reduced bunched income ($7,750) is allocated to each of the prior two taxable years, nevertheless only one-half of $2,500 ($10,000 x ($12,000 minus $9,000)/$12,000), or $1,250, is includible in adjusted gross income of each of those years for the purpose of determining the limitations under section 170(b)(1) for charitable contribution deductions.

(2) No part of the bunched income may be included in the adjusted gross income of the current taxable year for the purpose of determining the limitations prescribed by section 170(b)(1) for charitable contribution deductions. Thus, in the situation exemplified in paragraph (b) of this section, notwithstanding that $2,583.33 of the reduced bunched income is allocated to the current taxable year, no part thereof is includible in adjusted gross income of that year for the purpose of determining the limitations under section 170(b)(1) for charitable contribution deductions.

(e) The provisions of section 1307(e) and this section may be illustrated by the following example.

Example. (1) *Facts.* On December 31, 1962, B, a cash basis taxpayer with one exemption who makes his income tax return on a calendar year basis, received compensation of $15,000 from an employment within the meaning of section 1301. The employment covered the 48-month period 1959, 1960, 1961, and 1962. Under section 1301 the $15,000 is to be attributed $3,750 to each of the taxable years 1959, 1960, 1961, and 1962. B's adjusted gross income (computed without regard to part I) and the total charitable contributions (all to the American Red Cross) are as follows:

Year	Adjusted gross income	Contributions
1959	$10,000	$4,500
1960	10,000	5,000
1961	15,000	6,000
1962	35,000	14,000

B's other itemized deductions amount to $1,000 for each year. B, in determining the limitation on tax on the employment compensation, elects to have the provisions of section 1307(e) and this section apply.

(2) *Reduction of bunched income.* The amount by which the employment compensation is to be reduced, pursuant to paragraph (b) of this section, is $3,000 computed as follows:

Employment compensation	$15,000
Adjusted gross income for 1962 (including the $15,000 employment compensation)	35,000
Maximum limitation under section 170(b)(1)(B)	7,000
Deduction allowable for 1962 (computed without regard to part I)	7,000
Amount of reduction ($7,000 × $15,000/$35,000)	3,000

Thus, $12,000 ($15,000 minus $3,000) is the portion of the employment compensation to be allocated equally over the 48-month period ($3,000 to each year) for purposes of paragraph (c) of § 1.1301-2.

(3) *Reduction of charitable contributions made in 1962.* Pursuant to paragraph (c) of this section, the partial tax for 1962, that is, the tax attributable to the employment compensation allocated to 1962 computed as prescribed in paragraph (d)(1)(iii) of § 1.1301-2, is determined as though B had made charitable contributions in 1962 of only $11,000 ($14,000 minus the $3,000 reduction).

(4) *Limitation on amount of bunched income includible in adjusted gross income for the purpose of determining the limitation prescribed by section 170(b)(1).* Pursuant to paragraph (d)(1) of this section, the portion of the employment compensation which may be used to increase adjusted gross income for the taxable years 1959, 1960, and 1961 for the purpose of computing the limitations on charitable contribution deductions is $5,000 computed as follows:

$15,000 × ($10,500 (30 percent of $35,000) minus $7,000)/$10,500 = $5,000

Thus, $5,000 must be allocated $1,666.67 to each of the taxable years 1959, 1960, and 1961, but only for the purpose of computing the maximum limitation on charitable contribution deductions for each of such years. No portion of the employment compensation may be included in adjusted gross income for 1962 for the purpose of computing the limitation on the charitable contribution deduction for such year.

(5) *Computation of taxable income.* (i) The recomputation of adjusted gross income for the purpose of determining the limitation on charitable contribution deductions is as follows:

	1959	1960	1961	1962
Adjusted gross income (exclusive of the employment compensation)	$10,000.00	$10,000.00	$15,000.00	$20,000.00
Increase for the purpose of computing limitation on charitable contribution deductions	1,666.67	1,666.67	1,666.66	0
Recomputed adjusted gross income	11,666.67	11,666.67	16,666.66	20,000.00
Contributions	4,500.00	5,000.00	6,000.00	11,000.00
Charitable contribution deductions allowable	2,333.33	2,333.33	3,333.33	4,000.00

(ii) The computation of taxable income pursuant to paragraph (d)(1)(iii) of § 1.1301-2, with the application of section 1307(e), is as follows:

	1959	1960	1961	1962
Adjusted gross income (exclusive of the employment compensation)	$10,000.00	$10,000.00	$15,000.00	$20,000.00
Employment compensation	3,000.00	3,000.00	3,000.00	3,000.00
Recomputed adjusted gross income	13,000.00	13,000.00	18,000.00	23,000.00
Deductions allowable: Personal exemption ($600), other deductions ($1,000), and charitable contributions	3,933.33	3,933.33	4,933.33	5,600.00
Taxable income	9,066.67	9,066.67	13,066.67	17,400.00

[F.R. Doc. 64-637; Filed, Jan. 22, 1964; 8:51 a.m.]

[26 CFR Part 1]

DISASTER AND CASUALTY LOSSES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

APPENDIX (PROPOSED REGULATIONS)

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 165 of the Internal Revenue Code of 1954 to section 2 of the Act of March 31, 1962 (Public Law 87-426, 76 Stat. 51), and to make a clarifying change in such regulations under section 461 of such Code, the regulations are amended as follows:

PARAGRAPH 1. Section 1.165 is amended by redesignating subsection (h) of section 165 as subsection (i), by adding after subsection (g) of section 165 a new subsection (h), and by revising the historical note. These amended and added provisions read as follows:

§ 1.165 Statutory provisions; disaster losses.

SEC. 165. *Losses.* • • •

(h) *Disaster losses.* Notwithstanding the provisions of subsection (a), any loss

(1) Attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

(2) Occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under sections 1855–1855g of title 42,

at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.

(i) *Cross references.* (1) For special rule for banks with respect to worthless securities, see section 582.

(2) For disallowance of deduction for worthlessness of securities to which subsection (g)(2)(C) applies, if issued by a political party or similar organization, see section 271.

(3) For special rule for losses on stock in a small business investment company, see section 1242.

(4) For special rule for losses of a small business investment company, see section 1243.

(5) For special rule for losses on small business stock, see section 1244.

[Sec. 165 as amended by secs. 7 and 57(c)(1), Technical Amendments Act 1958 (72 Stat. 1606, 1646); sec. 202(a), Small Business Tax Revision Act of 1958 (72 Stat. 1676); sec. 2, Act of March 31, 1962 (Pub. Law 87-426, 76 Stat. 51)]

PAR. 2. Section 1.165-1 is amended by revising paragraph (b), paragraph (d)(1), and paragraph (e)(3). These amended provisions read as follows:

§ 1.165-1 Losses.

• • • • •

(b) *Nature of loss allowable.* To be allowable as a deduction under section 165(a), a loss must be evidenced by closed and completed transactions, fixed by identifiable events, and, except as otherwise provided in section 165(h) and § 1.165-11, relating to disaster losses, actually sustained during the taxable year. Only a bona fide loss is allowable. Substance and not mere form shall govern in determining a deductible loss.

• • • • •

(d) *Year of deduction.* (1) A loss shall be allowed as a deduction under section 165(a) only for the taxable year in which the loss is sustained. For this purpose, a loss shall be treated as sustained during the taxable year in which the loss occurs as evidenced by closed and completed transactions and as fixed by identifiable events occurring in such taxable year. For provisions relating to situations where a loss attributable to a disaster will be treated as sustained in the taxable year immediately preceding the taxable year in which the disaster actually occurred, see section 165(h) and § 1.165-11.

(e) *Limitation on losses of individuals.* • • •

(3) Losses of property not connected with a trade or business and not incurred in any transaction entered into for profit, if such losses arise from fire, storm, shipwreck, or other casualty, or from theft, and if the loss involved has not been allowed for estate tax purposes in the estate tax return. For additional provisions pertaining to the allowance of casualty and theft losses, see §§ 1.165-7 and 1.165-8, respectively. For special rules relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred, see section 165(h) and § 1.165-11.

PAR. 3. Paragraph (a)(1) of § 1.165-7 is amended to read as follows:

§ 1.165-7 Casualty losses.

(a) *In general*—(1) *Allowance of deduction.* Except as otherwise provided in paragraph (c) of this section, any loss arising from fire, storm, shipwreck, or other casualty is allowable as a deduction under section 165(a) for the taxable year in which the loss is sustained. However, see § 1.165-6, relating to farming losses, and § 1.165-11, relating to an election by a taxpayer to deduct disaster losses in the taxable year immediately preceding the taxable year in which the casualty occurred. The manner of determining the amount of a casualty loss allowable as a deduction in computing taxable income under section 63 is the same whether the loss has been incurrred in a trade or business or in any transaction entered into for profit, or whether it has been a loss of property not connected with a trade or business and not incurred in any transaction entered into for profit. The amount of a casualty loss shall be determined in accordance with paragraph (b) of this section. For other rules relating to the treatment of deductible casualty losses, see § 1.1231-1, relating to the involuntary conversion of property.

PAR. 4. There is added immediately after § 1.165-10 the following new section:

§ 1.165-11 Election in respect of losses attributable to a disaster.

(a) *In general.* Section 165(h) provides that a taxpayer who has sustained a disaster loss which is allowable as a deduction under section 165(a) may, under certain circumstances, elect to deduct such loss for the taxable year immediately preceding the taxable year in which the disaster actually occurred.

(b) *Loss subject to election.* The election provided by section 165(h) and this section applies only to a loss:

(1) Arising from a disaster resulting in a determination referred to in subparagraph (2) of this paragraph and occurring after December 31, 1961, and during the period following the close of a particular taxable year of the taxpayer and on or before the due date for filing the income tax return for that taxable year (determined without regard to any extension of time granted the taxpayer for filing such return),

(2) Occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under sections 1855–1855g of title 42 of the United States Code, and

(3) Constituting a loss arising from fire, storm, shipwreck, or other casualty, and otherwise allowable as a deduction for the year in which the loss occurred under section 165(a) and those provisions of §§ 1.165-1 through 1.165-10 which are applicable to casualty losses.

(c) *Amount of loss to which election applies.* The amount of the loss to which section 165(h) and this section apply shall be the amount of the loss sustained during the period specified in paragraph (b)(1) of this section computed in accordance with the provisions of section 165 and those provisions of §§ 1.165-1 through 1.165-10 which are applicable to casualty losses. However, for purposes of making such computation, the period specified in paragraph (b)(1) of this section shall be deemed to be a taxable year.

(d) *Scope and effect of election.* An election made pursuant to section 165(h) and this section in respect of a loss arising from a particular disaster shall apply to the entire loss sustained by the taxpayer from such disaster during the period specified in paragraph (b)(1) of this section in the area specified in paragraph (b)(2) of this section. If such an election is made, the casualty to which the election relates will be deemed to have occurred in the taxable year immediately preceding the taxable year in which the casualty actually occurred, and the loss to which the election applies will be deemed to have been sustained in such preceding taxable year.

(e) *Time and manner of making election.* An election to claim a disaster loss deduction for the taxable year immediately preceding the taxable year in which the disaster actually occurred shall be made by filing a return showing clearly that the election provided by section 165(h) has been made. In general the return should specify the date or dates of the disaster which gave rise to the loss, and the city, town, county and state in which the property which was damaged or destroyed was located at the time of the disaster. An election in respect of a loss arising from a particular disaster must be made on or before the due date for filing the income tax return for the taxable year immediately preceding the taxable year in which the disaster actually occurred determined with regard to any extension of time granted the taxpayer for filing such return. An election shall be irrevocable after such due date.

PAR. 5. Paragraph (a)(3)(iii) of § 1.461-1 is amended to read as follows:

§ 1.461-1 General rule for taxable year of deduction.

(a) *General rule.* • • •

(3) • • •

(iii) For special rules relating to certain deductions, see the following sections and the regulations thereunder: Section 1481, relating to accounting for amounts repaid in connection with renegotiation of a government contract; section 1341, relating to the computation of tax where the taxpayer repays a substantial amount received under a claim of right in a prior taxable year; section 165(e), relating to losses resulting from theft; and section 165(h), relating to an election of the year of deduction of disaster losses.

[F.R. Doc. 64-636; Filed, Jan. 22, 1964; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1037, 1041]

[Docket Nos. AO-72-A26, AO-197-A10]

MILK IN TOLEDO, OHIO, AND NORTH CENTRAL OHIO MARKETING AREAS

Notice of Postponement of Hearing and Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the postponement of a public hearing on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Toledo, Ohio, and North Central Ohio marketing areas which was scheduled to begin at 10:00 a.m., local time, on January 28, 1964, at the Holiday Inn, Route 120 at Ohio Turnpike Exit 5, Stony Ridge, Ohio. The hearing is rescheduled to begin at 10:00 a.m., on February 10, 1964, at the same place.

Notice is also given that in addition to receiving evidence on the proposals listed in the original notice of hearing issued by the Deputy Administrator, Regulatory Programs, on January 7, 1964, and published in the FEDERAL REGISTER on January 11, 1964 (29 F.R. 289), evidence will be received on the additional proposal listed below.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Northwestern Cooperative Sales Association:

Proposal No. 6. Amend the payment provisions of the order. (section 70 et seq.) and make other conforming changes to provide for the payment by handlers to the market administrator of the full utilization value of all producer milk received by them during the monthly delivery period for both the advance payment and final payment. Provide for such handler payments to be made on the 27th and 13th of the month and provide for the market administrator to distribute such monies to associations and producers.

Copies of this notice of postponement of hearing and supplemental notice of hearing and the orders may be obtained from the Market Administrator, Fred W. Issler at either 312 Davis Building, 147 Michigan Street, Toledo 2, Ohio, or the I.B.M. Building, 675 West Market Street, Lima, Ohio, 45801, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on January 17, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-616; Filed, Jan. 22, 1964; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Galena, Alaska, terminal area:

1. The Galena control zone is designated within a 5-mile radius of Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.).

2. The Galena transition area is designated as that airspace extending upward from 1,200 feet above the surface within a 32-mile radius of the Galena radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Galena area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Galena control zone by redesignating it as that airspace within a 5-mile radius of Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena TACAN 257° True radial, extending from the 5-mile radius zone to 11 miles west of the TACAN; within 2 miles each side of the Galena TACAN 090° True radial, extending from the 5-mile radius zone to 8 miles east of the TACAN, and within 2 miles each side of the 089° True bearing from the Galena radio range, extending from the 5-mile radius zone to 11.5 miles east of the radio range.

2. Alter the Galena transition area be redesignating it as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena TACAN 257° True radial, extending from 11 miles to 12 miles west of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 32-mile radius of the Galena radio range; and that airspace extending upward from 14,500 feet MSL within 14 miles southwest and 27 miles northeast of the Galena TACAN 128° True radial, extending from the 32-mile radius area to 75 miles southeast of the TACAN. The portion of this transition area with a floor of 14,500 feet MSL would be excluded from Federal airways.

The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, enlarge the control zone at Galena by the addition of control zone extensions east and west of Galena. These extensions would provide protection for aircraft executing prescribed instrument approach and departure procedures at Galena. The portions of the Galena transition area with a floor of 700 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach and departure procedures conducted beyond the limits of the Galena control zone. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft executing the portions of the prescribed instrument approach, departure and holding procedures beyond the limits of the proposed 700 foot area and the Galena control zone. The portion of the transition area proposed with a floor of 14,500 feet MSL would provide protection for aircraft while executing the higher altitude portions of prescribed instrument jet penetration, holding, arrival and departure procedures to the Galena Airport. The portions of controlled airspace retained, together with the additional portion proposed for designation herein, would provide protection for aircraft executing prescribed holding, approach, departure and radar vectoring procedures within the Galena terminal area.

No revisions to prescribed instrument approach procedures would be required by the actions proposed herein.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this

notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-595; Filed, Jan. 22, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-72]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations the substance of which is stated below.

The FAA having completed a comprehensive review of the terminal airspace structure requirements in the Hastings, Nebr., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the designation of a control zone and transition area at Hastings.

The proposed control zone would be designated within a 5-mile radius of Hastings Municipal Airport, within, 2 miles each side of the 338° True bearing from Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), extending from the 5-mile radius zone to 8 miles northwest of the airport, and within a 1-mile radius of Kent Airport, Juniata, Nebr. (latitude 40°40'00" N., longitude 98°30'15" W.), from 0600 to 2100 hours local time daily. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Hastings Municipal Airport. Communications would be provided by the FAA's Grand Island, Nebr., Flight Service Station. Weather reporting service would be provided by Frontier Airlines. The inclusion of the area within a 1-mile radius of Kent Airport would provide for uniform rules of flight within the traffic pattern at Kent Airport, since the pattern would otherwise lie partially inside and partially outside the control zone. In addition, this action would insure continued protection for aircraft executing prescribed Hastings Municipal Airport instrument approach procedures.

The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Hastings Municipal Airport, and within 5 miles east and 8 miles west of the 338° True bearing from Hastings Municipal Airport, extending from the airport to 12 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5 miles west of the 158° True bearing from the Hastings Municipal Airport extending from the arc of a 7-mile radius circle centered on the Hastings Municipal Airport to 18 miles southeast of the airport, and within 5 miles east and 8 miles west of the 338° True bearing from the Hastings Municipal Airport, extending from 12 miles northwest of the airport to 20 miles northwest of the airport. Communications would be provided by the FAA's Grand Island, Nebr. Flight Service Station.

The floor of the airway which traverses the transition area proposed herein would automatically assume a floor coincident with the floor proposed for the portion of the proposed transition area which coincides with the airway.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 14, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-596; Filed, Jan. 22, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-110]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Russell, Kans., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the designation of a control zone and transition area at Russell.

The proposed control zone would be designated within a 3-mile radius of Russell Municipal Airport (latitude 38°52'25" N., longitude 98°48'45" W.), and within 2 miles each side of the Russell VOR 007° True radial, extending from the 3-mile radius zone to 8 miles north of the VOR. This control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Russell Municipal Airport. Communications and weather reporting service would be provided by the FAA's Russell, Kans., Flight Service Station.

The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Russell Municipal Airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Russell VOR 007° and 187° True radials, extending from 1 mile south to 12 miles north of the VOR. Communications would be provided by the FAA's Russell, Kans., Flight Service Station.

The floors of the airways which traverse the transition area proposed herein would automatically assume floors coincident with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 14, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-597; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-18]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

In consonance with ICAO international standards and recommended practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation regulations. This proposal relates to navigable airspace both within and outside the United States.

Applicability of international standards and recommended practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The international standards and recommended practices in Annex 11 apply to those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its standards and recommended practices. As a contracting state the United States agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The following controlled airspace is presently designated in the area comprising the Greater Providence/NAS Quonset Point, R.I., terminal area.

1. The Providence, R.I., control zone is designated within a 5-mile radius of Theodore Francis Green Airport, Providence, R.I., (latitude 41°43'30" N., longitude 71°25'48" W.), and within 2 miles either side of the Providence ILS localizer southwest course extending from the 5-mile radius zone to the OM.

2. The Quonset Point, R.I., control zone is designated within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50" W.); within 2 miles either side of the Navy Quonset VOR 146° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR; within 2 miles either side of the Navy Quonset TACAN 150° radial extending from the 5-mile radius zone to 9 miles southeast of the TACAN, excluding the portion within the Providence, R.I., control zone.

3. The New Bedford, Mass., control zone is designated within a 5-mile radius of New Bedford Municipal Airport and within 2 miles either side of the New Bedford ILS localizer southwest course extending from the 5-mile radius zone to 10 miles southwest of the localizer.

4. The Quonset Point, R.I., control area extension is designated that airspace bounded on the west by V-139, on the north by the Providence, R.I., VOR 102° radial, on the east by the Boston, Mass., control area extension and on the south by the Idlewild, N.Y., control area extension. The portions of this control area extension within R-4104 and R-4105 are usable only after obtaining prior approval from appropriate authority.

5. That portion of the Boston, Mass., control area extension bounded on the south and southwest by a line from latitude 41°36'30" N., longitude 70°43'00" W., extending to latitude 41°42'20" N., longitude 71°19'10" W., thence to latitude 42°35'00" N., longitude 71°58'-30" W.

6. The eastern portion of Control 1169 bounded within lines tangent to a 9.5-mile radius circle centered at the INT of the Idlewild, N.Y., VORTAC 080° and the Nantucket, Mass., VORTAC 255° True radials converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

7. That portion of the Westhampton Beach, N.Y., control area extension northeast and north of the Hampton, N.Y., VOR bounded on the northwest by V-16, on the north by V-130, and on the east and southeast by V-139.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Greater Providence/NAS Quonset Point area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Designate the Providence, R.I., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green Airport, Providence, R.I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of the Providence ILS localizer northeast course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° True radial, within 5 miles southeast and 8 miles northwest of the Providence ILS localizer southwest course, extending from the 8-mile radius area to 12 miles southwest of the OM, within a 12-mile radius of NAS Quonset Point, R.I. (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles southeast and 11 miles northwest of the New Bedford ILS localizer southwest course, extending from the localizer to 12 miles southwest of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'-40" W.), and within 2 miles each side of the 028° True bearing from latitude 41°45'15" N., longitude 71°06'55" W. (proposed Fall River RBN site), extending from the Fall River Municipal Airport 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the north boundary of V-46 at longitude 70°42'30" W., thence extending west along the north boundary of V-46 to longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'-

30'' W., to latitude 41°40'00'' N., longitude 72°08'00'' W.; to latitude 41°55'00'' N., longitude 71°59'00'' W.; to latitude 41°47'45'' N., longitude 71°46'40'' W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35'' N., longitude 71°26'00'' W., to latitude 42°04'00'' N., longitude 71°19'00'' W.; to latitude 41°53'30'' N., longitude 70°-56'30'' W.; to latitude 41°42'00'' N., longitude 70°48'00'' W.; to latitude 41°21'-00'' N., longitude 70°48'00'' W.; to the point of beginning. The portions of this transition area which would coincide with R-4104, R-4105, R-5202 and R-5205 would be available for use only after obtaining prior approval from the appropriate authority.

2. Alter the Quonset Point control zone by redesignating it as that airspace within a 5-mile radius of NAS Quonset Point (latitude 41°35'55'' N., longitude 71°24'-50'' W.), within 2 miles each side of the NAS Quonset Point TACAN 151° True radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° True radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, within 2 miles each side of the 145° True bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles southeast of the RBN, and within a 1-mile radius of Newport Airpark, Newport, R.I. (latitude 41°31'50'' N., longitude 71°17'00'' W.), excluding that portion within the Providence, R.I., control zone.

3. Alter the New Bedford control zone by redesignating it within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37'' N., longitude 70°57'-34'' W.).

4. Designate the Block Island, R.I., transition area as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Block Island Airport (latitude 41°10'05'' N., longitude 71°34'40'' W.), and within 2 miles each side of the 264° True bearing from the Block Island RBN (latitude 41°10'-07'' N., longitude 71°36'23'' W.) extending from the 4-mile radius area to 10 miles west of the RBN.

5. Designate the Groton, Conn., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Trumbull Airport, Groton, Conn. (latitude 41°19'50'' N., longitude 72°02'50'' W.), and within 2 miles each side of the 216° and 244° True bearing from the Groton RBN, extending from the 8 mile radius area to 8 miles southwest of the RBN.

The floors of the airways which traverse the transition areas proposed herein and the floors of the portions of Control 1169 and the Quonset Point, Boston and Westhampton control area extensions, which coincide with the proposed transition areas, would automatically assume a floor coincident with the floors proposed for the transition areas. The revocation of the aforementioned control area extensions will be considered at a later date as a part of the CAR Amendments 60-21/60-29 implementation programs proposed for the terminal areas which adjoin the Providence/NAS Quonset Point terminal area. The Providence control zone would be retained as presently designated.

The actions proposed herein would, in part, reduce the overall size of the presently designated control zones at NAS Quonset Point and New Bedford by abbreviating the length of the two existing NAS Quonset Point southeast extensions and eliminating the existing New Bedford southwest extension. The airspace surrounding the Newport Airpark has been proposed as a part of the altered NAS Quonset Point control zone to enhance the safety of aircraft operating at Newport Airpark. This action has been coordinated with, and has the concurrence of, the Director of Aviation, State of Rhode Island.

The proposed designation of transition areas in the Greater Providence/NAS Quonset Point terminal area would raise the floor of controlled airspace beyond a consolidated, irregularly configured area with boundaries from 5 to 12 miles from Theodore Francis Green, NAS Quonset Point, New Bedford Municipal, and Fall River Municipal Airports, and beyond the immediate vicinity of the Block Island and Trumbull Airports from 700 to 1,200 feet above the surface. The portions of controlled airspace released by the actions proposed would become available for other aeronautical purposes. The portions of controlled airspace proposed for retention would provide protection for aircraft executing prescribed instrument holding, arrival, departure and radar vectoring procedures within the Greater Providence/NAS Quonset Point terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, New York International Airport, Federal Building, Jamaica, New York, 11430.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-598; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-97]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 114 north alternate is designated in part from Alexandria, La., to New Orleans, La., via the intersection of Alexandria 105° and New Orleans 326° True radials. The Federal Aviation Agency is considering the redesignation of this segment of Victor 114 north alternate from Alexandria to New Orleans via the intersection of the Alexandria 109° and New Orleans 312° True radials. The airway width would be expanded to 11 miles wide from 45 nautical miles from Alexandria to 50 nautical miles from Alexandria, thence 12 miles wide to the intersection of Alexandria 109° and New Orleans 312° True radials, thence as a 15-mile wide airway to 65 nautical miles from New Orleans, thence decreasing in width in graduated steps of one mile for every 5 nautical miles to 45 nautical miles from New Orleans.

The Walker Intersection (intersection of Baton Rouge, La., 087° and New Orleans 312° True radials) is the inbound clearance limit and holding point for aircraft destined for Baton Rouge from New Orleans. The proposed realignment of Victor 114 north alternate would align this airway segment via the Walker Intersection and reduce this route mileage between New Orleans and Baton Rouge. It would also reduce the mileage between New Orleans and Alexandria via Victor 114 north alternate. The proposed increased airway width would provide additional protection for aircraft operating along this airway segment when more than 45 nautical miles from Alexandria and New Orleans.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-599; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-104]

FEDERAL AIRWAY

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 482 is designated from Las Vegas, N. Mex. via Clayton, N. Mex., to Liberal, Kansas.

The FAA has under consideration the revocation of this airway as it appears that it is no longer required for air traffic control purposes. The latest FAA IFR peak day airway traffic survey showed only four aircraft movements for the segment of V-482 from Las Vegas to Clayton and three aircraft movements for the segment from Clayton to Liberal. Therefore, it appears that this airway is unjustified as an assignment of airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-600; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-112]

SEGMENT OF FEDERAL AIRWAY

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA has under consideration the revocation of the segment of VOR Federal airway No. 74 which is designated from Hugo, Colorado, to Garden City, Kansas. The latest FAA IFR peak-day airway traffic survey shows only five aircraft operations on this segment of V-74. Therefore, it appears that this airway segment is unjustified as an assignment of airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-601; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-20]

CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

Alteration of Proposal

In a notice of proposed rule making published in the FEDERAL REGISTER August 16, 1963 (28 F.R. 8416), it was stated that the Federal Aviation Agency proposed to alter the control zones at Fairchild AFB and Spokane International Airport, designate transition areas at Spokane and Coeur d'Alene, Idaho, and revoke the Spokane control area extension.

Subsequent to the publication of the notice, the prescribed ADF instrument approach procedure at Coeur d'Alene Airport was altered. Therefore, to provide protection for aircraft executing the altered approach procedure it is proposed herein to enlarge the proposed Coeur d'Alene transition area by the addition of an 8-mile extension with a floor of 700 feet above the surface and 2 miles each side of the prescribed ADF final approach course. In addition, the FAA has determined that portions of the proposed Spokane transition area northwest and southeast of Spokane could be raised from 1,200 feet above the surface to 7,000 feet and 6,000 feet MSL with no adverse effect on instrument flight activity.

Accordingly, the notice is hereby amended to propose the Coeur d'Alene transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur d'Alene Air Terminal (latitude 47°46'30'' N., longitude 116°49'05'' W.), and within 2 miles each side of the 181° and 347° True bearings from latitude 47°41'30'' N., longitude 116°47'34'' W., extending from the 5-mile radius area to 8 miles south of latitude 47°41'30'' N., longitude 116°47'34'' W.

The proposed Spokane transition area would be designated as that airspace ex-

tending upward from 700 feet above the surface within a 15-mile radius of Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); and that airspace extending upward from 1,200 feet above the surface within a 52-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.), extending clockwise from the 024° True radial to a line 5 miles south of and parallel to the Spokane VORTAC 094° True radial; within a 38-mile radius of Fairchild AFB extending clockwise from a line 5 miles south of and parallel to the Spokane VORTAC 094° True radial to a line 5 miles northeast of and parallel to the Spokane VORTAC 156° True radial; within a 52-mile radius of Fairchild AFB, extending clockwise from a line 5 miles northeast of and parallel to the Spokane VORTAC 156° True radial to the Spokane VORTAC 300° True radial; within a 38-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 300° True radial to the 024° True radial; and that airspace south of Spokane extending from the 52-mile radius area bounded on the east by longitude 117°32'00" W., on the south by Victor 536, and on the west by Victor 281; that airspace extending upward from 7,000 feet MSL within the area bounded by the arcs of 38 and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° True radials; and that airspace extending upward from 6,000 feet MSL within the area bounded by the arcs of 38 and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles south of and parallel to the Spokane VORTAC 094° True radial to a line 5 miles northeast of and parallel to the Spokane VORTAC 156° True radial, excluding the portion within a 39-mile radius of Larson AFB, Moses Lake, Wash.

The description of the proposed control zones and the alteration and revocation of Federal airways would remain as originally proposed in the Notice.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is hereby extended to January 30, 1964. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009.

This amendment is proposed under section 307(a) of the Federal Aviation Agency Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-606; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-98]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

To implement the provisions of CAR Amendments 60-21/60-29 in the Great Bend, Kans., terminal area, the FAA has under consideration the designation of a transition area at Great Bend. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°52'00" W.), and within 2 miles each side of the 305° True bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 305° True bearing from Great Bend Municipal Airport, extending from the airport to 14 miles northwest of the airport. This transition area would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures at the Great Bend Municipal Airport.

The floors of the airways which traverse the transition area proposed herein would automatically assume floors coincident with the floors of the transition area.

Communications service within the proposed transition area would be provided by the FAA's remote communications facilities located at Hutchinson, Kans., which are controlled by the Kansas City Air Route Traffic Control Center.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 14, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-604; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-120]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Hays, Kans., transition area is presently designated as that airspace extending upward from 700 feet above the surface within 10 miles east and 7 miles west of the 176° and 356° True bearings from the Hays Airport (latitude 38°51'00" N., longitude 99°16'30" W.), extending from 9 miles north to 20 miles south of the airport.

To implement the provisions of CAR Amendments 60-21/60-29 in the Hays, Kans., terminal area the FAA has under consideration the alteration of the existing Hays transition area. The altered Hays transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Hays Municipal Airport (latitude 38°51'00" N., longitude 99°16'30" W.), and that airspace extending upward from 1,200 feet above the surface within 8 miles east and 5 miles west of the 176° True bearing from Hays Municipal Airport, extending from the airport to 18 miles south of the airport.

The floors of the airways which traverse the transition area proposed herein would automatically assume floors coincident with the floors of the transition area.

This transition area would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures at the Hays Municipal Airport. Communications service is currently provided within the transition area proposed for designation herein by the FAA's remote communications facilities located at Natoma, Kans., which are controlled by the Kansas City Air Route Traffic Control Center. The action proposed would reduce the lateral extent of the presently designated Hays transition area and raise the floor of controlled airspace beyond the immediate vicinity of Hays Municipal Airport from 700 to 1,200 feet above the surface.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 14, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-605; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-66]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

To implement the provisions of CAR Amendments 60-21/60-29 in the NAS Patuxent River, Md., terminal area, the FAA has under consideration the designation of a transition area at Patuxent. The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion northwest of a line extending from latitude 38°15'00" N., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°14'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 37°55'30" N., longitude 76°46'00" W. to latitude 37°44'40" N., longitude 75°58'05" W. to latitude 38°15'20" N., longitude 75°40'05" W. to latitude 38°16'10" N., longitude 75°42'20" W. to latitude 38°23'00" N., longitude 75°38'00" W. to latitude 38°57'00" N., longitude 75°53'00" W. to latitude 38°47'00" N., longitude 76°16'00" W. to latitude 38°14'00" N., longitude 76°46'00" W. to latitude 38°14'00" N., longitude 77°04'00" W. to point of beginning. The portions within R-4002, R-4005, R-4006, R-4007, R-4008 and R-6609 would be excluded. The portions within R-6611 and R-6613 would be useable only after obtaining prior approval from appropriate authority. This transition area would provide protection for aircraft executing instrument holding, radar, and approach and departure procedures prescribed at NAS Patuxent River.

The floors of the airways which traverse the transition area proposed herein and the floor of the portion of the Washington, D.C., control area extension which coincides with the proposed transition area would automatically assume floors coincident with the floors of the transition area. The revocation of the Washington, D.C., control area extension will be processed at a later date upon the completion of the CAR Amendments 60-21/60-29 implementation programs for the terminal areas which adjoin the NAS Patuxent River terminal area.

Communications service within the proposed transition area would be provided by remoted transmitter and receiver facilities of the Washington Air Route Traffic Control Center, the NAS Patuxent River Control Tower and the FAA's Salisbury, Md., Flight Service Station. Additional communications capabilities also exist through other VOR's which are remoted to associated FAA Flight Service Stations within and adjacent to the area proposed for designation herein.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, New York International Airport, Federal Building, Jamaica, N.Y.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 14, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-606; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-WA-85]

JET ROUTE

Proposed Revocation

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 19 is presently designated from the Garden City, Kansas, VORTAC to the Omaha, Nebraska,

VORTAC. An FAA IFR peak-day airway traffic survey for the period July 1, 1963, through June 30, 1963, shows one movement on J–19. Therefore, it appears that the retention of J–19 is unjustified as a route assignment within the continental control area. Accordingly, the FAA proposes to revoke J–19 from Garden City, Kansas, to Omaha, Nebraska.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under sections 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 15, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–602; Filed, Jan. 22, 1964; 8:47 a.m.]

[14 CFR Part 91 [New]]

[Docket No. 1587]

SPECIAL VFR MINIMUM WEATHER CONDITIONS IN CONTROL ZONES

Withdrawal of Notice of Proposed Rule Making

The Federal Aviation Agency has had under consideration a proposal to amend Civil Air Regulations (CAR) § 60.31 "Special VFR minimum weather conditions in control zones" (now recodified as Federal Aviation Regulations § 91.107 (New)). The reasons for the proposal were set forth in the explanatory statement of a notice of proposed rule making which was published in the FEDERAL REGISTER (28 F.R. 1228) on February 7, 1963, and circulated to the public as CAR Draft Release 63–4. Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments.

After giving due consideration to all relevant matter presented in response to the draft release, we have concluded that the need for the proposed rule change is not established. There appears to be no assurance that the proposed regulation would accomplish the objective of reducing the number of marginal weather accidents; and, in some cases, the requirements set forth in the proposal would be unduly restrictive. Furthermore, as some comments pointed out, stated special VFR weather minimums of 500 feet and one mile might imply Agency sanction of operations in such weather as a matter of common practice.

In consideration of the foregoing, the notice of proposed rule making entitled "Special VFR Minimum Weather Conditions in Control Zones" and circulated as Draft Release 63–4 is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

(Sec. 307; 72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on January 10, 1964.

LEE E. WARREN,
Director,
Air Traffic Service.

[F.R. Doc. 64–594; Filed, Jan. 22, 1964; 8:46 a.m.]

[14 CFR Part 159 [New]]

[Notice 64–3; Docket No. 3055]

NATIONAL CAPITAL AIRPORTS

Mobile Lounge Operations at Dulles International Airport and Restrictions on Certain Malfunctioning Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 159 [New] of the Federal Aviation Regulations by adding a new subpart containing rules applicable to mobile lounge operations at Dulles International Airport and a new section barring certain malfunctioning aircraft from the ramp area or gate positions at either that Airport or Washington National Airport until inspected and released by the FAA.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 23, 1964, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The mobile lounge service at Dulles International Airport is regularly available to all persons who provide scheduled common carrier service by air to the Airport and use the jet ramps, and to other persons upon request granted by the Airport Operations Manager. The proposed regulation refers to these persons as "the carriers". While the FAA has exclusive physical control over the operation of the lounges, the carrier to whom the service is rendered calls for a lounge when it wants one; pays for each trip; grants or denies access to the lounge to any private person and hence is free to transport, on any trip for which it pays, any of its personnel, passengers boarding or disembarking, passengers leaving the aircraft during layover and returning, or visitors, subject only to the maximum occupancy limitation and exclusion of persons who are intoxicated or otherwise obnoxious or whose presence would compromise safety; and determines when the lounge leaves the gate or the aircraft.

The lounges, when attached to the terminal building at Dulles International Airport, are intended to serve as waiting rooms before departure. The proposed rules require the carrier to provide a lounge gate attendant at the time the gate is opened.

A new § 159.48 is added to Part 159 to implement safe operation of aircraft, and avoid real or potential hazards to other aircraft, on the ramp area and at the gate positions at the National Capital Airports. This provision would bar from the ramp area and gate positions any aircraft as to which the operator reports, has knowledge of, or has been advised of an indication of fire, inadequacy of brakes, or complete loss of power on one side, until the aircraft is released by the Airport Operations Manager or his designee for operation in those areas.

This part would be amended to change each reference to the "Airport Manager" to his present official title "Airport Operations Manager".

In consideration of the foregoing, notice is hereby given that it is proposed to amend Part 159 of the Federal Aviation Regulations (14 CFR Part 159 [New]) as follows:

1. By adding a new § 159.48 to read as follows:

§ 159.48 Malfunctioning aircraft.

No person may operate an aircraft on the ramp area or at any aircraft gate position on the Airport if he reports, has knowledge of, or has been advised of an indication of, a fire in the aircraft, inadequate brakes, or complete loss of power on one side until the Airport Operations Manager or his designee authorizes the operator to use the ramp area or aircraft gate position.

2. By redesignating present "Subpart G—Enforcement" as "Subpart I" and "§ 159.171" as "§ 159.191".

3. By adding a new Subpart G to read as follows:

Subpart G—Mobile Lounges at Dulles International Airport

§ 159.171 Scope.

(a) The FAA provides mobile lounge service to all common carriers by air which provide authorized regularly scheduled passenger service at Dulles International Airport, except those that park their aircraft on the local service apron, and to other persons whose request for mobile lounge service is granted by the Airport Operations Manager (referred to in this subpart as "the carriers"). Any carrier holding space on the jet ramp may exercise his mobile lounge service privilege to accommodate any other person that lawfully uses his jet apron space.

(b) Mobile lounge service is available to the carriers at all locations accessible to the lounge where passengers are lawfully embarked or disembarked either in normal operation or in emergencies.

(c) In addition to the requirements of this subpart, the pertinent other rules of this part apply to mobile lounge operations.

§ 159.173 Rules governing mobile lounge service.

(a) Not more than 90 persons may be carried in a mobile lounge on any trip and the carrier may not admit more than this number to a mobile lounge.

(b) The carrier may admit any person to a mobile lounge except—

(1) An unaccompanied child under five years of age, unless he is acceptable for transportation by the carrier and he is attended by the carrier or his agent;

(2) A person in a wheelchair, unless he is in an "aircraft-type" portable seat and is appropriately attended;

(3) A person on a stretcher;

(4) A person under the influence of intoxicants;

(5) A person whose clothing or equipment is in such a condition that it might soil, stain, or otherwise damage the lounge; and

(6) Any other person whose physical or mental condition creates a hazard for himself or other persons in the lounge.

(c) The carrier may not carry in a mobile lounge any baggage, pet or animal, equipment, or other property (such as U.S. mail pouches, air express, freight, and mail or material shipments of the carrier) except—

(1) Checked baggage of a passenger if he arrives at the check-in-counter when the baggage carts have already departed for the aircraft and there is no other practical method of transportation;

(2) Domestic pets and animals that are allowed by the carrier to travel in the passenger compartment of the aircraft;

(3) Firearms, rifles, and sporting guns that are disassembled or in cases and are acceptable for transportation by the carrier; and

(4) "Carry-on" baggage that, when carried by the passenger, meets any size, weight, and number-of-pieces requirements set by the carrier.

(d) The carrier who requests a mobile lounge shall—

(1) Provide an attendant at the terminal lounge gate, not later than 15 minutes before the publicly announced time of departure of the lounge, to direct the opening of the lounge; and

(2) Advise the Mobile Lounge Operator when to leave the terminal lounge gate or aircraft.

(e) The carrier may not permit food or beverages to be displayed, served, or consumed in a mobile lounge.

4. The term "Airport Manager" wherever it appears in this Part is amended to read "Airport Operations Manager".

These amendments are proposed under the authority of section 1301 of Title 7 of the District of Columbia Code, 1961 Edition, section 2 of the Act of June 29, 1940, 54 Stat. 658, as amended, and section 4 of the Act of September 7, 1950, 64 Stat. 770, as amended.

Issued in Washington, D.C., on January 10, 1964.

G. WARD HOBBS,
Director, Bureau
of National Capital Airports.

[F.R. Doc. 64–593; Filed, Jan. 22, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 15]

[Docket No. 15262; FCC 64–27]

PROHIBITING USE OF RADIO DEVICES FOR EAVESDROPPING PURPOSES

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-mentioned matter.

2. With the advent of miniaturization in the manufacture of radio transmitters, the use of electronic devices for eavesdropping has become more prevalent.[1] As a general rule, electronic eavesdroppers utilize devices which are designed to be operated on unauthorized frequencies and, therefore, can neither be licensed nor operated as a restricted radiation device under Part 15 of the Commission's rules.[2] However, we cannot ignore the fact that a great many radio devices licensed for use within the various radio services may be readily adapted for eavesdropping purposes.[3] Part 15 of the rules, and particularly Subpart E thereof pertaining to low power communication devices, presents an even more likely area of operation for the electronic eavesdropper. Assuming that a device complies in all respects with the applicable requirements and limitations set forth in Part 15, there is presently no provision in Part 15 which in any way prohibits the use of that device for eavesdropping per se. Our action of May 15, 1963, in Docket No. 14376, which authorized the use of wireless microphones (and telemetering devices) on the band 88–108k Mc/s and which was founded on other public interest considerations, makes it even more necessary to insure that wireless microphones cannot legitimately be used for eavesdropping purposes.[4]

3. It may generally be stated that eavesdropping, by any means, has traditionally been regarded as contrary to the public interest. Indeed, eavesdropping per se was considered a crime at common law.[5] Section 605 of the Communications Act of 1934, as amended, though enacted to prohibit the unauthorized interception of communications by wire or radio, reflects the intent of Congress to preserve the secrecy of communications in those areas where the Federal government has unquestioned jurisdiction to act. Moreover, the practice of eavesdropping by means of a listening device has been held to be an actionable violation of one's right of privacy.[6] At least eight states have thus far enacted statutes to prohibit electronic eavesdropping,[7] and it may be surmised that other states will follow this lead as they are confronted with the electronic eavesdropping problem. A final consideration is the fact that the operation of radio eavesdropping devices on unauthorized frequencies is a potential source of interference to authorized radio services operating on those same frequencies. In view of the foregoing, the Commission has determined that it is in the public interest to prohibit the use for eavesdropping of any device required to be licensed by section 301 of the Communications Act or of any Part 15 device.

4. We are proposing that a new subpart, as set forth in the Appendix here-

---

[1] Electronic eavesdropping is not to be confused with unauthorized wiretapping for which appropriate prohibitions are contained in section 605 of the Communications Act of 1934, as amended, 47 U.S.C. section 605.

[2] It should be recognized, however, that a person who willfully and knowingly operates a radio transmitter which is not licensed and which does not operate within the provisions of Part 15 is subject to the criminal penalties set forth in section 501 of the Communications Act of 1934, as amended, 47 U.S.C. section 501. The general use of unauthorized frequencies may be attributed to the fact that electronic eavesdroppers shun operation within congested areas of the frequency spectrum, both to insure clearer reception and to preserve secrecy. Care is also taken to avoid the use of frequency bands which may be scanned by readily available receivers such as AM, FM, TV, Amateur or Citizens Band.

[3] Although certain rules regarding use, control, etc. might technically preclude the use of a licensed device for eavesdropping, it is questionable how much of a deterrent effect those rules actually have.

[4] Most so-called eavesdropping devices are essentially wireless microphones and, therefore, could be operated in the 88–108 Mc/s band if in compliance with the applicable technical requirements.

[5] See Blackstone, 4 Commentaries, ch. 13 § 5(8).

[6] In McDaniel v. Atlanta Coca-Cola Bottling Co., 2 S.E. 2d 810 (1939), the Court of Appeals of Georgia found that the actions of the defendants in eavesdropping upon the plaintiff by means of a receiver set wired to earphones in another room constituted an invasion of the plaintiff's right of privacy. A similar finding was reached with respect to wiretapping in Rhodes v. Graham, 238 Ky. 225, 37 S.W. 2d 46 (1931).

[7] See Cal. Ann. Codes, Penal Code section 653J (West 1956); Ill. Ann. Stat. ch. 38 section 14–1 (Smith-Hurd 1941); Md. Code Ann. Art. 27 section 125(A) (Michie 1957); Mass. Ann. Laws ch. 272 section 99 (Michie 1956); Nev. Rev. Stat. ch. 200.650 (1957); N.Y. Consol. Laws Ann., Penal Law Art. 73 section 738 (McKinney 1944); Ore. Rev. Stat. section 165.540(1)(c); and Pa. Purson's Ann. Stat. Tit. 18 section 4305.1.

to, be added to Part 2 of the rules as a general prohibition against the use for eavesdropping of any device required to be licensed by Section 301 of the Communications Act of 1934, as amended. (Specific reference to this prohibition will be added to those parts of the rules where it is deemed appropriate.) Additionally, we are proposing that similar language be added to Subpart A of Part 15 of the rules. A reference to the latter prohibition would be contained in Subpart E—low power communication devices—which is the area of Part 15 most susceptible to use by eavesdroppers.

5. The reference in the proposed amendments to both direct and indirect use has been included to encompass any radio operation in connection with an eavesdropping arrangement. For example, the proposed amendment would prohibit the use of a Part 15 wireless microphone to relay a conversation which is picked up initially by some form of mechanical eavesdropping device. Thus, irrespective of the combination of devices employed by the eavesdropper to accomplish his objective, the proposed rules would apply if any one of the combination is a radio device.

6. We have restricted the application of the proposed amendments to those situations where no party to the conversation has consented to the use of eavesdropping equipment. This approach is based on the view that a person who engages in conversation with others assumes the risk that anything he says may be divulged without his knowledge by any party to the conversation. Support for this approach may be derived from Rathbun v. United States, 355 U.S. 107 (1957), wherein the Supreme Court held that Section 605 of the Communications Act does not apply where one of the parties to a telephone conversation consents to a third party listening in on an extension phone. Furthermore, this approach is in accordance with the majority of State statutes applicable to electronic eavesdropping.

7. The proposed amendments contain two qualifying provisions. The first would exempt law enforcement officers from the prohibition against eavesdropping, but the exemption would apply only where the operations of the law enforcement officers are conducted under lawful authority. However, the exemption is by no means intended either to authorize such officers to make use of unauthorized transmitters for eavesdropping, or to use licensed transmitters for eavesdropping in such a manner that other Commission rules are violated, e.g., abandonment of control, transmission of unauthorized communications, etc.

8. The second provision would make it clear that the proposed rules do not exclude State criminal jurisdiction in the area of electronic eavesdropping, but rather preclude the practice of eavesdropping by means of radio devices. The rules would complement existing State statutes and provide coverage where no State statute exists. In no case would the proposed rules transcend a State statute applicable to electronic eavesdropping.[3]

9. Authority for the adoption of the amendments herein proposed is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 16, 1964, and reply comments on or before April 1, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 15, 1964.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend the Commission's rules as follows:

1. Part 2 is amended by adding a new Subpart H to read as follows:

Subpart H—Prohibition Against Eavesdropping

§ 2.701 Prohibition against use of a radio device for eavesdropping.

(a) No person shall use, either directly or indirectly, a device required to be licensed by section 301 of the Communications Act of 1934, as amended, for the purpose of overhearing or recording the private conversations of others unless such use is authorized by one or more of the parties engaging in the conversation.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

(c) Paragraph (a) of this section shall not be construed as affecting any State statute applicable to electronic eavesdropping.

2. Part 15 is amended by adding a new section to Subpart A to read as follows:

§ 15.11 Prohibition against eavesdropping.

(a) No person shall use, either directly or indirectly, a device operated pursuant to the provisions of this part for the purpose of overhearing or recording the private conversations of others unless such use is authorized by one or more of the parties engaging in the conversation.

[3] Similarly with respect to State constitutional provisions, if any, which relate to the subject matter. Interested parties are invited to comment on the desirability of changing this language to "State law" generally.

(b) Paragraph (a) of this section shall not apply to operations of any law enforcement officers conducted under lawful authority.

(c) Paragraph (a) of this section shall not be construed as affecting any State statute applicable to electronic eavesdropping.

3. Subpart E of Part 15 is amended by adding a new section to read as follows:

§ 15.220 Eavesdropping prohibited.

As provided in § 15.11, the use of a low power communication device for eavesdropping is prohibited.

[F.R. Doc. 64-638; Filed, Jan. 22, 1964; 8:51 a.m.]

[47 CFR Parts 81, 83]

[Docket No. 15277; FCC 64-31]

FREQUENCY PAIR FOR PUBLIC SHIP TO SHORE COMMUNICATION IN MIAMI, FLA., AREA

Notice of Proposed Rule Making

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2442 kc/s (coast)—2406 kc/s (ship) available for public ship-shore use in the Miami, Florida, area on a Day only basis (RM-410).

1. Notice is hereby given of proposed rule making in the above-entitled matter. The amendments proposed to be adopted are set forth in the Appendix attached hereto.

2. The Southern Bell Telephone & Telegraph Company, Atlanta, Georgia, has filed a petition requesting that §§ 81.306 and 83.354 of the Commission's rules be amended to provide for the Day only use of an additional frequency pair for public ship to shore communication in the vicinity of Miami, Florida.

3. The requested coast station frequency 2442 kc/s is not now assigned to any public Class II–B coast station. The requested ship (coast receiving) frequency 2406 kc/s is assigned to ships for communication with public Class II–B coast station at Boston, Massachusetts.

4. The petitioner has also filed an application for construction permit to modify the present authorization for station WDR, Miami, Florida, to add 2442 kc/s as a second frequency for Day only operation. Petitioner states that their two present channels, 2514 kc/s and 2490 kc/s, have experienced a severe congested condition for the past three years and that there is a need for an additional channel to provide a more adequate grade of service to ships operating in the Miami area. The average waiting time on the stand-by calling list to complete calls from ships is in excess of 20 minutes per-call; over 25 percent of which experience a waiting period of 30 minutes to complete a call.

5. The rule amendments proposed herein would make the frequency pair 2442 kc/s (coast)—2406 kc/s (ship) available for public ship-to-shore use in the vicinity of Miami, Florida, Day only.

B. Part 83 is amended as follows:

1. The table in § 83.354(a)(1) is amended to read as follows at the entry for Miami, Florida.

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *

(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency[1]			Associated coast station carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use[2]		Frequency (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in § 81.306(b) of this chapter.[2]
* * *	*	* * *		*	* * *
Miami, Fla.	2091.5	None		2490	Available on condition that harmful interference shall not be caused to the police radio service in southern California. Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.	
	2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually; and also on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.		2514	
	2158	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 200 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.		2350	
	2406	Day only		2442	Day only.
	4122.6	None		4428.6	None.

[F.R. Doc. 64-639; Filed, Jan. 22, 1964; 8:51 a.m.]

6. This proposal is issued under the authority contained in section 303 (c), (d), (r) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 25, 1964, and reply comments on or before March 6, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. All submissions by parties to this proceeding or by persons acting on behalf of parties must be made in the form of written comments, reply comments or other appropriate pleadings.

8. In accordance with § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: January 15, 1964.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81 is amended as follows:

1. The table in § 81.306(b) is amended to read as follows at the entry for Miami, Florida.

§ 81.306 Availability of frequencies below 30 Mc/s.

(a) * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency[1]			Associated coast station receiving carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use[2]		Frequency (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as in § 83.354(a)(1) of this chapter.[2]
* * *	*	* * *		*	* * *
Miami, Fla.	2442	Day only		2406	Day only.
	2490	Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.		2091.5	None.
	2514	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission; and also on condition that harmful interference shall not be caused to the service of any coast station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.		2118	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.
	2550	Unlimited hours of use from Dec. 15 to Apr. 1, annually, and day only from Apr. 1 to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.		2158	Unlimited hours of use from Dec. 15, to Apr. 1, annually, and Day only from Apr. 1, to Dec. 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.
	4428.6	None.		4123.6	None.

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

PENNEY, A. G. W., ET AL.

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

A. G. W. Penney and A. J. P. Sellar, both of London, England, as trustees under the trust indenture of May 1, 1901, for the benefit of Margarete Gabriele Holm, 25 Ordrupdalvej, Copenhagen-Charlottenlund, Denmark, and Hertha Julie Walker, 65 Sterling Road, Harrison, New York, Claims Nos. 63957 and 63959; Vesting Order No. 8174. $22,048.54 in the Treasury of the United States.

Executed at Washington, D.C., on January 15, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-670; Filed, Jan. 22, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 063214]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 16, 1964.

The Bureau of Land Management has filed an application in the land office, Billings, Montana, Serial Number Montana 063214, for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the mineral and mineral leasing laws. The applicant desires the land for an administrative site.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands described in the application are:

Tract "N" containing 3.45 acres and that portion of Tract "C", as shown on the supplemental plat of Tps. 7 and 8 N., R. 47 E., Principal Meridian, Montana, accepted March 23, 1927, which is described as follows: Beginning at corner 5, Tract "O", as shown on the supplemental plat accepted July 10, 1957, which point is located on line 1-11, Tract "C" 669.64 ft. from corner 11, Tract "C", thence N. 61°52' W., along line 5-1, Tract "O", 652.48 ft. to common corners 1 of Tracts "N" and "O", thence S. 28°08' W., along line 1-4, Tract "N", common with line 1-2, Tract "O", 130.37 ft. to the point of intersection with line 1-11, Tract "C", thence S. 73°10' E., along line 1-11, Tract "C", 665.38 ft. to the point of beginning, containing 0.98 acre more or less.

The areas described aggregate 4.43 acres.

E. I. ROWLAND,
State Director.

[F.R. Doc. 64-610; Filed, Jan. 22, 1964; 8:47 a.m.]

[Nevada 059256]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands, Amendment

JANUARY 16, 1964.

The Federal Aviation Agency has amended their application, Nevada 059256, published as F.R. Doc. No. 62-10895 on page 10661 of the issue for November 1, 1962, as follows:

1. To include the following additional lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 26 S., R. 63 E.,
Sec. 12, SW¼NW¼NE¼NE¼, S½N½NW¼NE¼, S½NE¼NE¼NW¼.

The above area contains 17.5 acres.

2. To cancel their application insofar as it involves the lands described below, which lands will be at 10:00 a.m. on January 24, 1964, relieved of the segregative effect of the above-mentioned application pursuant to the regulations contained in 43 CFR, Part 295:

MOUNT DIABLO MERIDIAN, NEVADA

T. 26 S., R. 63 E.,
Sec. 12, E½SW¼NE¼NE¼, E½W½SE¼NE¼, SW¼NE¼NW¼, W½SE¼NW¼, N½NE¼SW¼, N½NW¼SE¼, NW¼NE¼SE¼.

The above area contains 95 acres.

DANIEL P. BAKER,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64-611; Filed, Jan. 22, 1964; 8:47 a.m.]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 17, 1964.

Notice of an application Serial No. Idaho 014955, for withdrawal and reservation of lands was published as Federal Register Document No. 63-13347 on page 14340 of the issue for December 27, 1963. The lands described below were erroneously included in the publication notice. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on January 31, 1964 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 38 N., R. 2 E.
Sec. 19, lots 9 and 14.

The area described aggregates 80.90 acres.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 64-626; Filed, Jan. 22, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO., AGRICULTURAL DIVISION

Notice of Filing of Petition Regarding Pesticide Chemical Malathion

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 407) has been filed by Agricultural Division, American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, proposing an increase from 8 parts per million to 135 parts per million in the tolerances for residues of the insecticide malathion in or on alfalfa, clover, grass, and grass hay.

The analytical method proposed in the petition for determining residues of malathion is based on that published in "Official Methods of Analysis of the Association of Official Agricultural Chemists," method 24.113-24.117, inclusive.

Dated: January 17, 1964.

ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 64-628; Filed, Jan. 22, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12193]

AIR FREIGHT FORWARDER AUTHORITY CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on February 12, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 20, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-632; Filed, Jan. 22, 1964; 8:50 a.m.]

[Docket, No. 14682]

BRITISH EAGLE INTERNATIONAL AIRLINES LTD.

Notice of Oral Argument

In the matter of the application of British Eagle International Airlines, Ltd., for a foreign air carrier permit under section 402 of the Federal Aviation Act of 1958, as amended, for authority to engage in nonscheduled planeload charters of persons and their accompanying baggage between any point or points in the United Kingdom of Great Britain and Northern Ireland, on the one hand, and any point or points in the United States, on the other.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on January 29, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 17, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-633; Filed, Jan. 22, 1964; 8:50 a.m.]

[Docket No. 13728]

EASTERN NORTH CAROLINA AREA AIRLINE SERVICE AIRPORT INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the above-entitled investigation is assigned to be heard on February 5, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 20, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-634; Filed, Jan. 22, 1964; 8:50 a.m.]

[Docket No. 14941]

FRONTIER RATE CASE

Notice of Prehearing Conference

Excursion fares between Phoenix and Tucson and Salt Lake City proposed by Frontier Airlines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 3, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., January 20, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-635; Filed, Jan. 22, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15163, 15164; FCC 64M-53]

CLEVELAND BROADCASTING INC., COMMUNITY TELECASTERS OF CLEVELAND, INC.

Order Continuing Hearing

In re applications of Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a "Petition for Postponement of Hearing Dates" jointly filed by the applicants in the above-entitled matter and agreed to by counsel for the Commission's Broadcast Bureau on January 14, 1964, and

It appearing, that the petition should be granted with certain modifications,

It is ordered, This 16th day of January 1964, that the aforesaid petition is granted and that accordingly:

1. The applicants shall exchange their written affirmative cases on March 2, 1964,

2. The parties shall conduct an off-the-record preliminary review of exhibits to attempt to agree to objections and deletions (not in the presence of the Hearing Examiner) on March 13, 1964,

3. There shall be a formal hearing on the admissibility of exhibits, at which notification of witnesses desired at the hearing proper shall be made, on March 18, 1964, and

4. The hearing now scheduled for February 17, 1964 is hereby rescheduled to March 30, 1964 in the Commission's offices in Washington, D.C.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-641; Filed, Jan. 22, 1964; 8:51 a.m.]

[Docket Nos. 14597, 15203; FCC 64M-54]

KWEN BROADCASTING CO. AND WOODLAND BROADCASTING CO.

Order Continuing Hearing

In re applications of Felix Joynt and James Joynt d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Woodland Broadcasting Company, Vidor, Texas, Docket No. 15203, File No. BP-15973; for construction permits.

The Hearing Examiner having under consideration a letter dated January 15, 1964, from counsel for KWEN Broadcasting Company requesting an extension of time;

It appearing, that circumstances required a change in the schedule heretofore adopted and that the parties have agreed upon a new schedule which is agreeable to the Examiner;

It further appearing, that the changes referred to are as follows:

Exchange of exhibits from January 13 to January 27, 1964;

Further hearing conference from January 24 to February 7, 1964;

Commencement of hearing from February 4 to February 25, 1964.

It is ordered, This 16th day of January 1964, that the request for extension of time is granted, and that the changes noted above are approved.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-642; Filed, Jan. 22, 1964; 8:52 a.m.]

[Docket Nos. 15176 etc.; FCC 64M-45]

WTIF, INC., ET AL.

Order Continuing Hearing

In the matter of revocation of license of Radio Station WTIF, Inc., for Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176; in re applications of WDMG, INC., for renewal of

license of Standard Broadcast Station WDMG, Douglas, Georgia, Docket No. 15177, File No. BR-1709; WMEN, INC., for renewal of license of Standard Broadcast Station WMEN, Tallahassee, Florida, Docket No. 15274, File No. BR-3030; B. F. J. Timm, Jacksonville, Florida, Docket No. 15275, File No. BP-13649; for construction permit.

In view of the Commission's announcement, Public Notice No. 45889, released January 16, 1964 in the above-entitled matter, *It is ordered*, This 17th day of January 1964, that the hearing now scheduled to commence on January 29, 1964 in Tifton, Georgia, is hereby rescheduled to commence at 10:00 a.m., March 24, 1964, in the same city.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-643; Filed, Jan. 22, 1964; 8:52 a.m.]

[Docket Nos. 15176 etc.; FCC 64-36]

WTIF, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of revocation of license of Radio Station WTIF, Inc., for Standard Broadcast Station WTIF, Tifton, Georgia, Docket No. 15176; in re applications of WDMG, INC., for renewal of license of Standard Broadcast Station WDMG, Douglas, Georgia, Docket No. 15177, File No. BR-1709; WMEN, INC., for renewal of license of Standard Broadcast Station WMEN, Tallahassee, Florida, Docket No. 15274, File No. BR-3030; B. F. J. Timm, Jacksonville, Florida, Docket No. 15275, File No. BP-13649; requests: 970 kc, 1 kw, DA, day, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of January 1964:

The Commission having under consideration the above-captioned applications;

It appearing, that, on September 25, 1963, the Commission adopted an Order designating for hearing the application (BR-1709) of WDMG, Inc. for renewal of license of Station WDMG, Douglas, Georgia, on issues presenting questions relating to the character qualifications of B. F. J. Timm, 100 percent owner of WDMG, Inc.

It further appearing, that on September 25, 1963, the Commission adopted an Order To Show Cause directed against Radio Station WTIF, Inc., licensee of Station WTIF, Tifton, Georgia, looking toward the revocation of license of Station WTIF;

It further appearing, that in an Order released on September 30, 1963, the Commission consolidated the hearing on the renewal application of WDMG with the hearing on the Revocation of License of Station WTIF, Tifton, Georgia (Docket 15176).

It further appearing, that, in the proceeding in Docket No. 15176, questions are presented as to whether control over Station WTIF has been transferred to B. F. J. Timm without prior Commission approval; and questions are directed to the various activities, actions and conduct of B. F. J. Timm which would adversely affect his qualifications to remain a licensee of the Commission;

It further appearing, that in the proceeding in Docket No. 15177, questions are presented relating to the requisite qualifications of B. F. J. Timm;

It further appearing, that the financial information submitted with B. F. J. Timm's application in Jacksonville or incorporated therein by reference is not sufficiently current or adequate to provide the basis for a determination that Timm is financially qualified to meet his commitments to construct and operate the proposed Jacksonville standard broadcast station;

It further appearing, that, because of the matters raised in the proceedings in Dockets Nos. 15176 and 15177 and upon due consideration of the above-captioned applications, the Commission is unable to find that a grant of said applications would serve the public interest, convenience or necessity; that, therefore, a hearing is required; and that no questions exist as to the qualifications of the applicants except as to the matters set forth in the issues below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the renewal application of WMEN, Inc. (BR-3030) Tallahassee, Florida and the application of B. F. J. Timm for a construction permit for a new standard broadcast station at Jacksonville, Florida (BP-13649) are designated for hearing and are consolidated in the hearing proceeding on the other above-captioned applications, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether B. F. J. Timm engaged in improper conduct designed to prevent or eliminate broadcast competition in Douglas, Georgia;

2. To determine whether B. F. J. Timm was the real party in interest in an application for a new radio station at Alma, Georgia, for the purpose of impeding and barring the construction of Radio Station WSIZ, Douglas, Georgia;

3. To determine whether on or about January, 1961, B. F. J. Timm assumed control of the licensee of Station WTIF, Tifton, Georgia, in contravention of section 310(b) of the Communications Act of 1934, as amended;

4. To determine whether B. F. J. Timm engaged in misrepresentations to the Commission or demonstrated a lack of candor in statements filed with the Commission in connection with the closing of Station WSIZ;

5. To determine whether B. F. J. Timm is financially qualified to construct and operate his proposed standard broadcast station at Jacksonville, Florida;

6. To determine whether, in light of the evidence adduced in the foregoing issues, B. F. J. Timm possesses the requisite character qualifications to be a licensee of the Commission; and

7. To determine whether, in light of all the evidence adduced with respect to the foregoing issues, a grant of the above-captioned and described applications would serve the public interest, convenience and necessity.

It is further ordered, That, this Order shall supersede the aforementioned Order released on September 30, 1963, with respect to the issues only.

It is further ordered, That, to avail himself of the opportunity to be heard, B. F. J. Timm, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written statement stating his intention to appear on the date fixed for the hearing to present evidence on the issues specified in this Order.

It is further ordered, That, B. F. J. Timm shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice in Tallahassee, Florida, and in Jacksonville, Florida, of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594(g) of the rules.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-644; Filed, Jan. 22, 1964; 8:52 a.m.]

FEDERAL MARITIME COMMISSION

OCEANIC STEAMSHIP CO. AND AMERICAN PRESIDENT LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9294, between The Oceanic Steamship Company and American President Lines, Ltd., provides for the appointment by the Oceanic Steamship Company of American President Lines, Ltd., as its general passenger agent in Japan, Hong Kong, the Philippines, and Malaysia, which appointment American President Lines, Ltd., accepts, with respect to the vessels designated and operated by Oceanic in its various services. The agreement also provides the rates of compensation to be paid by the Oceanic Steamship Company to American President Lines, Ltd., for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: January 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-629; Filed, Jan. 22, 1964; 8:50 a.m.]

MEMBERS OF U.S. ATLANTIC AND GULF/AUSTRALIA NEW ZEALAND CONFERENCE AND PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9291, between members of the U.S. Atlantic and Gulf/Australia New Zealand Conference and of the Pacific Coast Australasian Tariff Bureau, covers an arrangement whereby the parties may confer, discuss and exchange information as to rates, charges, terms and conditions of carriage of cargo, and agree upon rates, charges, terms and conditions governing the transportation of cargoes in the trades covered by their respective conference agreements.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: January 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-630; Filed, Jan. 22, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-135]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

JANUARY 16, 1964.

Take notice that on December 10, 1963, East Tennessee Natural Gas Company (Applicant), Knoxville, Tennessee, filed in Docket No. CP64-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional submerged pipeline crossing of the French Broad River-Douglas Reservoir, Jefferson and Cocke Counties, Tennessee, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3,465 feet of single 6-inch line, together with necessary appurtenances. The proposed crossing is located on a lateral line serving Jefferson-Cocke County Utility District which Utility District is the sole supplier of natural gas to White Pine and Newport, Tennessee.

Applicant states that the existing crossing is in danger of being washed out because of bank scouring and erosion and that should said crossing fail, natural gas service would be lost in White Pine and Newport. Applicant states further that the design of the proposed crossing will guard against future scouring or erosion of the banks.

The application shows the estimated cost of the proposed facilities to be $149,800, which cost will be financed from general funds and/or from short term bank loans.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-608; Filed, Jan. 22, 1964; 8:47 a.m.]

[Project No. 2413]

GEORGIA POWER CO.

Notice of Application for Preliminary Permit

JANUARY 15, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Georgia Power Company (correspondence to: E. C. Hammond, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta 2, Georgia) for preliminary permit for proposed Project 2413, to be known as the Lauren Shoals Project, located on the Oconee River in Putnam, Morgan, Oconee, Oglethorpe, Greene and Hancock Counties, Georgia, and affect lands of the United States within Piedmont and Broad River Soil and Conservation Districts.

The proposed project would develop the Laurens Shoals site on the Oconee River 173.1 miles upstream from the confluence with the Ocmulgee River. The site is about 24 miles upstream from Georgia Power Company's Sinclair Dam, under Commission license as Project No. 1951. The proposed project will inundate about 38,000 acres of land and would afford a hydroelectric plant with a maximum gross head of 115 feet. Preliminary studies by applicant indicate a plant of 150,000 kilowatt capacity is feasible with possible increase to a generating capacity of 400,000 kilowatts with the addition of pumped storage facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commisison (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 27, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-609; Filed, Jan. 22, 1964; 8:47 a.m.]

[Docket No. G-4720 etc.]

RESERVE OIL AND GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

DECEMBER 17, 1963.

Reserve Oil and Gas Company (Successor to Producing Properties, Inc.), et al., Docket No. G-4720, et al.; Standard Oil Company of Texas, A Division of California Oil Company, Docket No. G-7223.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates, issued October 22, 1963 and published in the FEDERAL REGISTER October 26, 1963 (F.R. Doc. 63-11305; 28 FR-11493-94), after Docket No. G-7223, under column headed

"Price Per Mcf", change price to read "9.0¢" in lieu of "5.5¢".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-625; Filed, Jan. 22, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 20, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38757: *Plaster, gypsum wallboard and related articles from Duke, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-8497), for interested rail carriers. Rates on plaster and gypsum wallboard and related articles, as described in the application, in carloads, from Duke, Okla., to points in Wyoming.

Grounds for relief: Market competition.

Tariff: Supplement 137 to Southwestern Freight Bureau, agent, tariff I.C.C. 4017.

FSA No. 38758: *Asphalt from Kansas and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B-8496), for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank-car loads, from points in Kansas and Missouri, to points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Market competition.

Tariff: Supplement 329 to Southwestern Freight Bureau, agent, tariff I.C.C. 4279.

FSA No. 38759: *Liquid Caustic Soda from Anniston, Ala.* Filed by O. W. South, Jr., Agent (No. A4432), for and on behalf of Southern Railway Company. Rates on liquid caustic soda, in tank car loads, from Anniston, Ala., to Rome, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 111 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 38760: *Liquid caustic soda from Redstone Arsenal, Ala.* Filed by O. W. South, Jr., agent (No. A4433), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Redstone Arsenal, Ala., to Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 111 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 38761: *Liquid caustic soda to Danville, Va.* Filed by O. W. South, Jr., agent (No. A4434), for and on behalf of Southern Railway Company. Rates on liquid caustic soda, in tank car loads, from Evans City and Redstone Arsenal, Ala., to Danville, Va.

Grounds for relief: Market competition.

Tariff: Supplement 111 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 38762: *Liquefied chlorine gas from Redstone Arsenal, Ala.* Filed by O. W. South, Jr., agent (No. A4435), for interested rail carriers. Rates on liquefied chlorine gas, in tank car loads, from Redstone Arsenal, Ala., to St. Mary's, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 111 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 38763: *Ground barytes to North Zulch and Palestine, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8498), for interested rail carriers. Rates on barite (barytes), ground, not precipitated or refined by chemical process, in carloads, from specified points in Missouri, to North Zulch and Palestine, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 15 to Southwestern Freight Bureau, agent, tariff I.C.C. 4509.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-621; Filed, Jan. 22, 1964; 8:49 a.m.]

[Notice 928]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 20, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66379. By order of January 15, 1964, the Transfer Board approved the transfer to Wm. B. Johnson, doing business as Intermountain Van Lines, 3920 East 54th Street, Tulsa, Okla., of a portion of the operating rights in Certificate in No. MC 58022 (Sub-No. 1), issued May 26, 1958, to Frank J. Mitchell, doing business as Black Mountain Truck Lines, Parker, Ariz., authorizing the transportation of general commodities, with certain exceptions, but not excluding the transportation of household goods. The portion transferred herein covers the transportation of Household goods, between points in Arizona within 25 miles of Parker, Ariz., and points in San Bernardino County, Calif., within 50 miles of Earp, Calif.

No. MC-FC 66480. By order of January 15, 1964, the Tranfer Board approved the transfer to Eugene L. Coffin, doing business as Wenatchee Valley Auto Freight, Leavenworth, Wash., of the operating rights in Certificate in No. MC 42139, MC 42139 (Sub-No. 1), and MC 42139 (Sub-No. 2), issued November 12, 1940, July 5, 1941, and October 21, 1946, respectively, to Wm. Brender, doing business as Wenatchee Valley Auto Freight, Leavenworth, Wash., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Wenatchee, Wash., and Leavenworth, Wash., between Leavenworth, Wash., and Camp Icicle, Wash., between Leavenworth, Wash., and Stevens Pass, Wash., and between junction Alternate U.S. Highway 10 and Washington Highway 150 north of Winton and Telma, Wash. George H. Hart, 640 Central Building, Seattle, Wash., 98104, and J. Harold Anderson, Cashmere, Wash., attorneys for applicant.

No. MC-FC 66498. By order of January 15, 1964, the Transfer Board approved the transfer to Doyle E. Tomhave, doing business as Fergus Bus Company, Fergus Falls, Minn., of the operating rights in Certificate in No. MC 114206, issued May 5, 1954, to Edwin E. Steussy, doing business as Wadena-Fergus Falls-Wahpeton Bus Line, Fergus Falls, Minn., authorizing the transportation, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Wadena, Minn., and Wahpeton, N. Dak. Harlan L. Nelson, Fergus Falls, Minn., attorney for applicants.

No. MC-FC 66510. By order of January 15, 1964, the Transfer Board approved the transfer to A-1 Moving & Storage Co., Inc., 810 Arctic Avenue, Atlantic City, N.J., of the operating rights in Certificate in No. MC 89246, issued July 15, 1957, to Clarence M. Norris, doing business as C. M. N. Express, Fire Road, Absecon, N.J., authorizing the transportation of household goods, over irregular routes, between Atlantic City, N.J., on the one hand, and, on the other, points in New York and Pennsylvania.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-622; Filed, Jan. 22, 1964; 8:49 a.m.]

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1692, 6284; 27 F.R. 684, 6409; 28 F.R. 197, 7059) during the period from July 1, 1963 through December 31, 1963.

No change.

Dated: January 10, 1964.

KEITH H. LYRLA.

[F.R. Doc. 64-623; Filed, Jan. 22, 1964; 8:49 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 61]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

BREAKING OUT NONCROPLAND

Section 750.183 of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, is hereby amended by inserting a period after the word "practice" in the first sentence thereof and deleting the remainder of the sentence.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date. Date of signature.

Signed at Washington, D.C., on January 20, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-676; Filed, Jan. 23, 1964; 8:48 a.m.]

PART 730—SOIL BANK

Subpart—Violations Procedure

BREAKING OUT NONCROPLAND

Section 750.294d(a) of the soil bank regulations applicable to violations, 22 F.R. 2411, as amended, is hereby amended by revising the first sentence to read as follows: "If at any time during the contract period land on the farm which was not classified as cropland at the time the contract was entered into is broken out unless the breaking out of such land was approved by the county committee as a good farming practice, the entire amount of the annual payment for the year in which the violation occurred payable or paid to the operator and to each other producer on the farm shall be forfeited or refunded."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date. Date of signature.

Signed at Washington, D.C., on January 20, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-678; Filed, Jan. 23, 1964; 8:48 a.m.]

[Amdt. 26]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

BREAKING OUT NONCROPLAND

Section 750.515 of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, is hereby amended by inserting a period after the word "practice" in the first sentence thereof and deleting the remainder of the sentence.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date. Date of signature.

Signed at Washington, D.C., on January 20, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-677; Filed, Jan. 23, 1964; 8:48 a.m.]

[Amdt. 4]

PART 775—FEED GRAINS

Subpart—1963 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1963 Feed Grain Program, 28 F.R. 4282, as amended, are hereby further amended as follows:

1. Section 775.202(b)(2) is amended by deleting the word "or" immediately preceding subdivision (ii), by changing the period at the end of the sentence to a comma and by adding immediately thereafter the following: "or (iii) is needed to meet conserving requirements."

2. Section 775.202(c)(2) is amended to read as follows:

(2) For 1963—any acreage as defined in subparagraph (1) of this paragraph planted for harvest excluding (i) any acreage of corn planted on a farm as a conservation use in accordance with the provisions of §§ 775.208 and 775.210(b), (ii) any acreage of sweet corn planted for canning or freezing but harvested for silage, from which no ears were harvested for human consumption because of adverse weather conditions, and (iii) any acreage of corn which is destroyed by the producer or by some cause beyond his control not later than the date for the disposal of excess corn acreage as provided in the regulations governing Determination of Acreage and Performance, Part 716 of this chapter, as amended, and which (*a*) is in excess of the permitted acreage as stated on Form 477, (*b*) is designated as diverted acreage, or (*c*) is needed to meet conserving requirements.

3. Section 775.202(d)(2) is amended by deleting the word "or" immediately preceding subdivision (ii)(*b*), by changing the period at the end of the sentence to a comma and by adding immediately thereafter the following: "or (*c*) is needed to meet conserving requirements."

4. Section 775.207(d) is amended by changing the date in the first sentence thereof from "November 1, 1963" to "October 1, 1963."

5. Section 775.208(a)(1) is amended by changing the last sentence thereof to read as follows: "Wheat or barley may be used as a cover crop only when destroyed by natural causes, plowed down as green manure, destroyed by mechanical means, or clipped and left on the land prior to harvest."

6. Section 775.210(b) is amended by adding at the end thereof a new subparagraph (4) as follows:

(4) Small grains seeded alone and cut for hay not later than the date referred to in paragraph (a)(3) of this section, in areas determined by the State committee to be adversely affected by severe drought conditions.

7. Section 775.210(a)(3) is amended by changing the word "Any" in the fourth sentence thereof to "any" and inserting immediately before such word the following: "Except as provided in § 775.210(b)(4),"

8. Section 775.213(g) is amended by deleting the words "guar and" in subparagraph (1) and changing subparagraph (2) to read as follows: "30 percent of the lowest commodity diversion payment rate for the farm in the case of diverted acreage devoted to castor beans and guar, and".

9. Section 775.220(b) is amended by changing subparagraph (3) to read as follows: "the total conserving acreage on the farm (including diverted acreage devoted to crops planted in lieu of conservation uses) is less than the sum of the conserving base and the intended diverted acres under this program and the Wheat Stabilization Program by more than (*i*), in case the sum of the conserving base and the intended diverted acres is 20 acres or less, the largest of 1 acre, the sum of the tolerances applicable to the intended diverted acres under subparagraph (1) of this paragraph (b) and § 776.119(b)(1) of this chapter governing the Wheat Stabilization Program, or 10 percent of the sum of the conserving base and the intended diverted acres, and (*ii*), in case the sum of the conserving base and the intended diverted acres is over 20 acres, the largest of 2 acres, the sum of the tolerances applicable to the intended diverted acres under subparagraph (1) of this paragraph (b)

and § 776.119(b)(1) of this chapter governing the Wheat Stabilization Program, or 5 percent of the sum of the conserving base and the intended diverted acres: *Provided, however,* That the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraphs (1) and (3) of this paragraph (b) if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe that the designated acreage was less than the acreage intended to be diverted or that the total conserving acreage was less than the conserving base and the intended diverted acres, and all additional acreage on the farm (including any feed grain and other unharvested crops) eligible for such purposes at the time the operator receives a Form ASCS–590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage to comply with the requirements of subparagraphs (1) and (3) of this paragraph (b)."

(Sec. 16(g), 76 Stat. 613, 16 U.S.C. 590(p)(g))

Signed at Washington, D.C., on January 21, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64–703; Filed, Jan. 23, 1964; 8:51 a.m.]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

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775.302 Definitions.
775.303 Administration.
775.304 Requirements for eligibility.
775.305 Maximum diversion acres.
775.306 Designation, use and care of diverted acreage.
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775.323 Reconstitution of farms.
775.324 Performance based upon advice or action of county or State committee.
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775.326 Delegation of authority.

AUTHORITY: The provisions of this Subpart issued under sec. 16(h), 77 Stat. 45, 16 U.S.C. 590p(h); secs. 105(a) and 105(d), 77 Stat. 44, 7 U.S.C. 1441 note; sec. 326, 76 Stat. 631, 77 Stat. 47, 7 U.S.C. 1334 note.

§ 775.301 General

(a) The regulations in this subpart provide terms and conditions for the feed grain program for the 1964 crop and 1965 crop, respectively (herein called "the program"), under which diversion and price support payments are made to producers who divert acreage from the production of such crop of barley, corn, grain sorghums and feed wheat (herein called "feed grains") to approved conservation uses, and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices, including summer fallow and idle land (herein called "conserving base"), by an equal amount, except to the extent that producers devote the diverted acreage to guar, sesame, safflower, sunflower, castor beans, and mustard seed in lieu of conservation uses. No diversion payment shall be made with respect to diverted acreage devoted to safflower and a reduced diversion payment shall be made with respect to diverted acreage devoted to guar, sesame, sunflower, castor beans, and mustard seed. Payments will be made by the actual or constructive delivery of negotiable certificates which Commodity Credit Corporation (CCC) will redeem in feed grains, and cash advances will be made to producers who request the assistance of CCC in marketing certificates earned by them.

(b) If the operator of the farm elects to participate in the program, diversion and price support payments shall be made available to the producers on such farm only if such producers divert from the production of feed grains an acreage on the farm equal to the number of acres stated on Form ASCS–477, Intention to Participate and Application for Payment (herein called "Form 477"), within the tolerances provided in § 775.318(b).

(c) The program is applicable throughout the United States, except in areas excluded by the Administrator, Agricultural Stabilization and Conservation Service (ASCS).

(d) A Feed Grain Program shall be in effect for the 1965 crop of feed grains only if the Secretary determines that the total supply of feed grains will, in the absence of such program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency.

§ 775.302 Definitions.

In the regulations of this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) The following words or phrases shall have the meaning assigned to them in the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, Part 719 of this chapter, as amended: "acquired farm", "agency", "base period", "combination", "county", "community committee", "county committee", "county office", "county office manager", "cropland", "Department", "Deputy Administrator", "displaced owner", "division", "farm", "operator", "person", "reconstitution", "Representative of State committee", "Secretary", "soil bank contract", "State executive director", "State committee" and "subdivision".

(b) "Barley acreage" means:

(1) For 1959 and 1960—any acreage devoted to barley for harvest in 1959 and 1960 as grain and any acreage of barley used for silage. It does not include barley used for hay, pasture, green manure or as a protective conservation cover, except where the county committee determines that such acreage was seeded for harvest as grain but due to abnormal conditions over which the producer had no control harvesting for grain or silage was not carried out.

(2) For 1964 and 1965—any acreage of barley harvested as grain, green chop or silage and any other acreage seeded to barley, excluding:

(i) Barley prevented from reaching maturity by being clipped and left on the land, destroyed by mechanical means or used for hay, pasture or green manure not later than the applicable disposal date in paragraph (q) of this section.

(ii) Barley approved in §§ 775.307 and 775.308 as a conservation use,

(iii) Barley in excess of the permitted acreage, destroyed by mechanical means or by natural causes within 15 days after date of CPR notice of excess acreage, to the extent that such barley cannot be harvested as grain, green chop or silage, or consumed by livestock,

(iv) Barley within the permitted acreage, destroyed by mechanical means or by natural causes to the extent that it cannot be harvested as grain, green chop or silage, or consumed by livestock and designated as diverted acreage or needed to meet the requirements of § 775.304(b)(4), and

(v) Barley within the permitted acreage which the county committee determines was planted in an unworkmanlike manner solely for price support payment and not for harvest.

(3) An acreage devoted to a mixture of crops is considered to be barley acreage if the county committee determines the barley content is 50 percent or more by weight at harvest, and such acreage meets the requirements of subparagraph (1) or (2) of this paragraph as being barley acreage, except that an acreage devoted to a mixture which includes wheat shall not be considered as barley acreage if the crop is considered as wheat acreage under the regulations pertaining to farm acreage allotments.

(c) "Corn acreage" means:

(1) For 1959 and 1960—any acreage planted to field corn for harvest, and any acreage of sweet corn harvested primarily for silage. It does not include close-sown corn used for pasture or green manure, sweet corn harvested primarily for market even though the forage is used for silage, popcorn irrespective of use, and corn not harvested but left on the land for wildlife feed on a farm consisting solely of Federal or State-owned land.

(2) For 1964 and 1965—any acreage planted to field corn and any acreage of other corn, including sweet corn, popcorn and crosses pastured or harvested primarily for livestock or poultry feed, excluding:

(i) Close sown corn used for green manure,

(ii) Sweet corn or popcorn harvested primarily for human consumption even though the forage is pastured or harvested,

(iii) Sweet corn planted for canning or freezing from which no ears have been or will be harvested for human consumption because of adverse weather conditions, even though the forage is pastured or harvested,

(iv) Corn approved in §§ 775.307 and 775.308 as a conservation use,

(v) Corn not harvested but left on the land for wildlife feed on a farm consisting solely of Federal or State-owned land,

(vi) Corn in excess of the permitted acreage, destroyed not later than the applicable disposal date in paragraph (q) of this section or 15 days after date of notice of excess acreage, whichever is later,

(vii) Corn within the permitted acreage, destroyed by mechanical means or by natural causes to the extent that it cannot be harvested as grain, green chop or silage or consumed by livestock, and designated as diverted acreage or needed to meet the requirements of § 775.304(b)(4), and

(viii) Corn within the permitted acreage which the county committee determines was planted in an unworkmanlike manner solely for price support payment and not for harvest.

(3) An acreage devoted to a mixture of crops is considered to be corn acreage if the county committee determines the feed grain content is 50 percent or more by weight at harvest, the predominant feed grain is corn and such acreage meets the requirements of subparagraph (1) or (2) of this paragraph as being corn acreage.

(d) "Grain sorghum acreage" means:

(1) For 1959 and 1960—any acreage planted to grain sorghums of a feed grain or dual purpose variety for harvest as grain, silage or fodder and any acreage of sweet sorghums harvested for silage. It does not include sweet sorghums harvested for any purpose other than silage and grain sorghums not harvested but left on the land for wildlife feed on a farm consisting solely of Federal or State-owned land.

(2) For 1964 and 1965—any acreage planted to grain sorghums of a feed grain or dual purpose variety, including any cross involving a feed grain or dual purpose variety, and any acreage of sweet sorghums used for green chop or silage, excluding:

(i) Any sorghum-grass cross which, at all stages of growth, has most of the characteristics of the grass parent.

(ii) Sweet sorghums harvested for any purpose other than green chop or silage,

(iii) Sorghums approved in §§ 775.307 and 775.308 as a conservation use,

(iv) Grain sorghums not harvested but left on the land for wildlife feed on a farm consisting solely of Federal or State-owned land,

(v) Sorghums in excess of the permitted acreage, destroyed not later than the applicable disposal date in paragraph (q) of this section or 15 days after date of notice of excess acreage, whichever is later,

(vi) Sorghums within the permitted acreage, destroyed by mechanical means or by natural causes to the extent that they cannot be harvested as grain, green chop or silage or consumed by livestock, and designated as diverted acreage or needed to meet the requirements of § 775.304(b)(4), and

(vii) Sorghums within the permitted acreage which the county committee determines was planted in an unworkmanlike manner solely for price support payment and not for harvest.

(3) An acreage devoted to a mixture of crops is considered to be grain sorghum acreage if the county committee determines the feed grain content is 50 percent or more by weight at harvest, the predominant feed grain is grain sorghums and such acreage meets the requirements of subparagraph (1) or (2) of this paragraph as being grain sorghum acreage.

(e) "Feed wheat acreage" means:

(1) For 1959 and 1960—the average acreage of wheat produced on the farm during 1959, 1960 and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, in excess of the small farm wheat base established under § 728.17 of the regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields For 1964 and Subsequent Crop Years.

(2) For 1964 and 1965—see § 775.310.

(f) "Feed grain acreage" means:

(1) For 1959 and 1960—the sum of the barley, corn, grain sorghum and feed wheat acreages on the farm.

(2) For 1964 and 1965—the sum of the barley, corn, and grain sorghum acreages on the farm. See also § 775.310.

(g) "Total feed grain base" means the sum of the feed grain bases established for barley, corn, grain sorghums and feed wheat for the farm.

(h) "Stated intention" means the total number of acres of the established total feed grain base for a farm which the operator of the farm intends to divert from the production of feed grains, as stated on Form 477.

(i) "Minimum diversion acres" means the smallest number of acres of the established total feed grain base for the farm which can be diverted from the production of feed grains as set forth in § 775.304(b)(2), in order for the farm to be eligible to participate in the program.

(j) "Conservation Reserve Program" means the program set forth in regulations issued pursuant to the Soil Bank Act, 6 CFR, Part 485, recodified as 7 CFR, Part 750.

(k) "Cropland Conversion Program" means the program formulated under section 16 of the Soil Conservation and Domestic Allotment Act, as amended, under which farmers and ranchers enter into agreements providing for changes in cropping systems and land uses, 28 F.R. 1206.

(l) "Great Plains Conservation Program" means the program authorized by the act of August 7, 1956, 70 Stat. 1115–1117 (16 USC 590 p (b)), 7 CFR Part 601.

(m) "Price support payment" means that part of the price support for the current year's crop of corn, grain sorghums and barley made available to producers through payments in kind as authorized in section 105(d) of the Agricultural Act of 1949, as amended.

(n) "Representative of the county committee" means a member of the county committee or an employee of the county committee.

(o) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

(p) "Substitute crop" means caster beans, guar, mustard seed, sunflower, safflower, or sesame which may be produced on the diverted acreage in lieu of conservation uses.

(q) "Disposal date":

(1) Barley—the barley disposal date for each county or area within the county shall be the same as the wheat disposal date specified in the Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years (Part 728 of this chapter).

(2) Corn and grain sorghums:

ALABAMA

August 1: All Counties

ARIZONA

(*Corn*)

June 15: Maricopa, Pinal and Yuma.
August 15: Cochise, Gila, Graham, Greenlee, Pima and Santa Cruz.
September 1: Mohave and Yavapai.
September 15: Apache, Coconino and Navajo.

(*Grain sorghums*)

June 15: Maricopa (spring planted), Pinal (spring planted) and Yuma.
July 1: Pima.
August 15: Cochise, Gila, Graham, Greenlee and Santa Cruz.
September 1: Mohave and Yavapai.
September 15: Apache, Coconino and Navajo.
October 1: Maricopa (summer planted) and Pinal (summer planted).

ARKANSAS

(*Corn*)

July 1: All counties.

(*Grain sorghums*)

September 1: All counties.

CALIFORNIA

(*Corn*)

May 1: Riverside (Except West End).
May 15: Imperial.
July 15: Mendocino.

August 1: San Diego.
August 15: Fresno, Kern, Kings, Madera, Merced, San Bernardino, San Joaquin, Santa Barbara, Solano, Stanislaus, Tehama and Tulare.
September 1: Butte, Lake, Orange, Riverside (West End), San Benito, Sacramento, Sonoma, Sutter, Yolo and Yuba.
September 15: Amador, Contra Costa, Glenn, Los Angeles, Monterey, Napa and San Luis Obispo.
October 1: Colusa and Placer.

(*Grain sorghums*)

May 1: Riverside (Except West End).
May 15: Imperial.
July 1: San Bernardino.
July 15: Mendocino.
August 1: San Diego.
August 15: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Santa Barbara, Solano, Stanislaus, Tehama, Tulare and Ventura.
September 1: Butte, Lake, Orange, Riverside (West End), San Benito, Sacramento, Sutter, Yolo and Yuba.
September 15: Alemeda, Amador, Contra Costa, Glenn, Los Angeles, Monterey, Napa and San Luis Obispo.
October 1: Colusa, Placer and Sonoma.

COLORADO

August 20: All counties.

CONNECTICUT

August 15: All counties.

DELAWARE

August 1: All counties.

FLORIDA

July 1: All counties.

GEORGIA

July 31: Chattahoochee, Marion, Schley, Macon, Peach, Houston, Twiggs, Wilkinson, Washington, Glascock, Jefferson, Richmond and all counties south thereof.
August 15: All other counties except those listed above.

IDAHO

Corn and grain sorghum disposal date will be the same as established for barley in subparagraph 1 of this paragraph.

ILLINOIS

August 1: All counties.

INDIANA

August 15: Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Marion, Martin, Monroe, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick and Washington.
September 1: Adams, Allen, Benton, Blackford, Boone, Carroll, Cass, Clinton, De Kalb, Delaware, Elkhart, Fountain, Fulton, Grant, Hamilton, Henry, Howard, Huntington, Jasper, Jay, Kosciusko, Lagrange, Lake, La Porte, Madison, Marshall, Miami, Montgomery, Newton, Noble, Porter, Pulaski, Randolph, St. Joseph, Starke, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wayne, Wells, White and Whitley.

IOWA

August 1: All counties.

KANSAS

August 5: All counties.

KENTUCKY

July 31: All counties.

LOUISIANA

July 15: All counties.

MAINE

July 15: All counties.

MARYLAND

August 1: All counties.

MASSACHUSETTS

August 1: All counties.

MICHIGAN

August 1: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron and all counties South thereof.
August 15: All other counties in the lower peninsula.
September 1: Northern peninsula counties.

MINNESOTA

September 1: All counties.

MISSISSIPPI

July 15: All counties.

MISSOURI

August 1: All counties south of the Missouri River.
August 15: All counties north of the Missouri River.

MONTANA

July 21: All counties.

NEBRASKA

August 15: All counties.

NEVADA

August 1: Churchill, Douglas, Esmeralda, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe.
September 1: Clark, Lincoln and Nye.

NEW HAMPSHIRE

June 30: All counties.

NEW JERSEY

September 1: All counties.

NEW MEXICO

August 20: Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero and Sierra.
September 5: Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt and Socorro.
September 20: Bernalillo, Catron, Colfax, Harding, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Torrance, Union and Valencia.

NEW YORK

August 1: All counties.

NORTH CAROLINA

August 1: All counties.

NORTH DAKOTA

July 8: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, LaMoure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark and Stutsman.
July 15: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells and Williams.

OHIO

August 15: All countries.

OKLAHOMA

(*Corn*)

July 1: All counties.

(*Grain sorghums*)

July 15: All counties.

OREGON

August 1: All counties.

PENNSYLVANIA

August 1: All counties.

RHODE ISLAND

(*Corn*)

August 15: All counties.

(*Grain sorghums*)

July 20: All counties.

SOUTH CAROLINA

August 1: All counties.

SOUTH DAKOTA

August 1: All counties.

TENNESSEE

September 1: All counties.

TEXAS

May 15: Zone I—Cameron, Hidalgo, Starr and Willacy.
June 1: Zone II—Brooks, Duval, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Webb and Zapata.
June 15: Zone III—Aransas, Atascosa, Austin, Bee, Bexar, Brazoria, Caldwell, Calhoun, Chambers, Colorado, DeWitt, Dimmit, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Jackson, Karnes, Kinney, LaSalle, Lavaca, Live Oak, McMullen, Matagorda, Maverick, Medina, Refugio, San Patricio, Uvalde, Val Verde, Victoria, Waller, Wharton, Wilson and Zavala.
July 15: Zone IV—Anderson, Angelina, Bandera, Bastrop, Bell, Blanco, Bosque, Bowie, Brazos, Burleson, Burnet, Camp, Cass, Cherokee, Collin, Comal, Cooke, Crockett, Dallas, Delta, Denton, Edwards, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Gillespie, Grayson, Gregg, Grimes, Hardin, Harrison, Hays, Henderson, Hill, Hopkins, Houston, Hunt, Jasper, Jefferson, Johnson, Kaufman, Kendall, Kerr, Kimble, Lamar, Lee, Leon, Liberty, Limestone, Llano, McLennan, Madison, Marion, Mason, Menard, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Rains, Real, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Schleicher, Shelby, Smith, Sutton, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Williamson and Wood.
August 1: Zone V—Andrews, Archer, Baylor, Borden, Brewster, Briscoe, Brown, Callahan, Childress, Clay, Coke, Coleman, Comanche, Concho, Coryell, Cottle, Crane, Culberson, Dawson, Dickens, Eastland, Ector, El Paso, Erath, Fisher, Foard, Gaines, Glascock, Hall, Hamilton, Hardeman, Haskell, Hood, Howard, Hudspeth, Irion, Jack, Jeff Davis, Jones, Kent, King, Knox, Lampasas, Loving, McCulloch, Martin, Midland, Mills, Mitchell, Montague, Motley, Nolan, Palo Pinto, Parker, Pecos, Presidio, Reagan, Reeves, Runnels, San Saba, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Wichita, Wilbarger, Winkler, Wise and Young.
September 1: Zone VI—Armstrong, Bailey, Carson, Castro, Cochran, Collingsworth, Crosby, Dallam, Deaf Smith, Donley, Floyd, Garza, Gray, Hale, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Lubbock, Lynn, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler and Yoakum.

UTAH

June 20: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington and Weber.
July 1: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete and Uintah.
July 10: Daggett, Garfield, Morgan, Rich, Summit, Wasatch and Wayne.

VERMONT

July 10: All counties.

VIRGINIA

(*Corn*)

August 1: All counties.

(*Grain Sorghums*)

September 15: All counties.

WASHINGTON

August 15: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.
September 1: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

WEST VIRGINIA

August 15: All counties.

WISCONSIN

September 1: All counties.

WYOMING

August 1: All counties.

§ 775.303 Administration.

(a) The program will be administered under the general supervision of the Administrator, ASCS, (Executive Vice President, CCC), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called State and county committees) and ASCS commodity offices. Notices of base acreages, yields and payment rates shall be mailed to producers. Applications for advance and final payments shall be approved by the county committee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 775.304 Requirements for eligibility.

(a) *General.* A person is eligible to participate for payment in the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 477 must be filed for the farm by the operator in accordance with § 775.315.

(2) Subject to the tolerance provided in § 775.318(b)(2), an acreage equal to at least 20 percent of the total feed grain base must be diverted from the production of feed grains. In the case of any farm which is under a conservation reserve contract or cropland conversion agreement, if the number of acres which are permitted to be devoted to soil bank base crops under the terms of the conservation reserve contract or which can be devoted to nonconserving crops under the terms of the cropland conversion agreement is less than 20 percent of the total feed grain base, participation to the extent of such number of acres shall meet the minimum diversion acres requirement. Notwithstanding the provisions of the foregoing sentence, in the case of any farm which is under a conservation reserve contract or cropland conversion agreement, if the number of acres which are permitted to be devoted to soil bank base crops under the terms of the conservation reserve contract or which can be devoted to nonconserving crops under the terms of the cropland conversion agreement is less than the total feed grain base, such number of acres shall, at the option of the farm operator filed not later than the final date specified in § 775.315(c) for filing Form 477, be deemed to be the total farm feed grain base for purposes of determining the minimum diversion acreage requirement and other participation requirements. The minimum diversion acreage requirement shall not apply if noncompliance with such provisions was caused solely by (i) an error made in good faith by producers in supplying data to the county committee, or (ii) an error, and the county committee determines that (*a*) producers on the farm were in no way responsible for the error, (*b*) the extent of the error was such that the producers would not reasonably be expected to question it, and (*c*) the producers in good faith complied with the program on the basis of the error.

(3) The acreage diverted from the production of feed grains as stated on Form 477 must be devoted to one or more approved conservation uses specified in § 775.307 or to substitute crops and the operator must comply with the limitations on the use of such acreage specified in § 775.306.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph and the acreage designated under the cropland conversion program (minus that part of the acreage designated under the cropland conversion program for which a reduction in the conserving acreage requirement is permitted under § 751.20(b) of the regulations governing the cropland conversion program, 28 F.R. 1206), an acreage equal to the conserving base established for the farm under § 775.306 must be devoted to one or more of the conservation uses specified in such section.

(5) A farm on which a conservation reserve contract has been cancelled since January 1 of the year preceding the current year because of a scheme or device to exceed the $5,000 payment limitation under the conservation reserve program shall not be eligible for participation: *Provided*, That in any case where the Deputy Administrator determines that participation in the program would not be against the public interest, acceptance of such farm may be authorized.

(6) Land owned by the Federal government which has been leased subject to restrictions prohibiting the production of feed grains, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage will not be eligible for participation in the program. Any other land owned by the Federal government which is being occupied without a lease, permit or other right of possession shall not be eligible for participation in the program.

(7) Producers on a farm on which a new farm feed grain base is established for the current year shall not be eligible in that year for diversion and price support payments under the program with respect to such farm.

(c) *Producer eligibility requirements.* (1) The producer must be a person who produces barley, corn, or grain sorghums in the current year as landowner, landlord, tenant or sharecropper, or would have produced one or more of these commodities if feed grains had been produced on the acreage diverted under the program.

(2) The acreage of feed grains on any other farm in which the producer has an interest shall not exceed the total feed grain base. For the purpose of this subparagraph (2), a producer shall not be considered as violating the foregoing requirement if he satisfies the county committee that he did not have control of the managerial operations of the noncomplying farm, that he has made a reasonable effort to encourage compliance with the requirements of this subparagraph and that it was through no fault of his own that such farm was not in compliance.

(3) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect ASCS from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.305 Maximum diversion acres.

The maximum number of acres which may be diverted under the program (herein called maximum diversion acres) shall be the larger of (a) 25 acres, but not to exceed the total feed grain base for the farm or (b) 50 percent of the total feed grain base for the farm: *Provided*, That in the case of a farm which is under a conservation reserve contract or a cropland conversion agreement, the total number of acres which may be diverted under the program shall in no event exceed the number of acres which are permitted to be devoted to soil bank base crops under the terms of the conservation reserve contract or which can be devoted to nonconserving crops under the terms of the cropland conversion agreement.

§ 775.306 Designation, use, and care of diverted acreage.

(a) *Cropland eligible for designation as diverted acreage.* Land diverted from the production of feed grains under the program must be designated by the operator of the farm and must be cropland (1) which was intensively cultivated during at least one of the four years immediately preceding the current year, or (2) which was devoted to a conservation use, other than a water storage facility or trees, under a conservation reserve contract, a 1963 land use adjustment agreement, a cropland con-

servation program agreement, or a great plains conservation contract, or (3) which was devoted to a hay crop during the four years immediately preceding the current year in a normal rotation pattern and is at least equal in productivity to the land on the farm which would qualify under subparagraph (1) of this paragraph, or (4) which was designated and approved as diverted acreage under a prior Feed Grain or Wheat Stabilization Program, except acreage devoted to trees or to a water storage facility. Any land which, because of its physical condition or other reasons, the county committee determines could not reasonably be expected to be used for crop production in the current year in the absence of the program shall not be eligible for designation as diverted acreage. Land from which a crop is harvested in the current year prior to designation as diverted acreage other than as authorized in paragraph (c)(1) of this section, land devoted in the current year to asparagus, strawberries or bush fruits (including new planting of such crop), and land which, at the time the diverted acreage is designated, is expected to be utilized in the current year for industrial development, housing, highway construction or other nonfarm use, shall not be elegible for designation as diverted acreage. In addition, land devoted to a nonagricultural use on or before September 30 of the current year shall not be eligible for designation as diverted acreage, unless such land is acquired by eminent domain and a representative of the State committee determines that it could not be anticipated at the time the diverted acreage was designated that the land would be devoted to nonagricultural use before the end of the current year.

(b) *Diverted acreage applicable only to one program.* Any acreage diverted from the production of feed grains for which payment is made under the program shall be in addition to any acreage diverted for which payment is made under any other Federal program except that the foregoing shall not preclude the making of cost-sharing payments under the agricultural conservation program or the great plains conservation program for conservation practices carried out on an acreage diverted under the program.

(c) *Restriction on harvesting of crops from diverted acreage.* No crop other than the crops specified in paragraph (e) of this section shall be harvested from the designated diverted acreage in the current year, except (1) where the crop is one which matured in the year preceding the current year on land which was not designated as diverted acreage in such year under the feed grain or wheat program, and the harvesting was delayed because of adverse weather or other conditions beyond the control of the farm operator, or (2) where the Secretary determines that it is necessary to permit the harvesting of crops from the diverted acreage for use in the area in order to alleviate a shortage of forage resulting from severe drought, flood or other natural disaster. If there is unauthorized harvesting of a crop from the designated diverted acreage and it is determined that such harvesting was intentional or was the result of gross negligence, the entire amount of payment to the operator and other producers on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall not apply to a producer other than the operator if it is determined that such producer did not cause, aid in or benefit from the harvesting of the crop. If there is unauthorized harvesting of a crop from the designated diverted acreage and it is determined that such harvesting was not intentional and was not the result of gross negligence, payments shall be forfeited or refunded in an amount determined by multiplying the number of acres from which a crop is harvested without authorization by the lowest additional feed grain payment rate per acre established for the farm: *Provided*, That such forfeiture or refund shall apply first to the extent possible to payments for producers who caused, aided in or benefited from the harvesting of the crop, in the proportion in which they share in the payment to such producers under the program. In addition, no grain or oilseed crop (other than a substitute crop) which matures in the current year shall be harvested from the designated diverted acreage after December 31 of such year. If there is harvesting in violation of the preceding sentence, the entire amount of payment to the operator and other producers on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall not apply to a producer other than the operator if it is determined that such producer did not cause, aid in or benefit from the harvesting of the crop.

(d) *Restriction on grazing.* The designated diverted acreage shall not be grazed between April 30 and November 1 of the current year, or upon recommendation of the State committee, approval by the Deputy Administrator, and notice to the operator, between March 31 and October 1 or between April 14 and October 15, except where the Secretary considers it necessary to permit the diverted acreage to be grazed in order to alleviate a shortage of forage in the area resulting from severe drought, flood, or other natural disaster. In addition to the foregoing restriction, the designated diverted acreage shall not be grazed on or after October 1 of the current year when planted to wildlife food plots authorized in § 775.307(a)(11) or devoted to a grain or oilseed crop which has matured, other than a substitute crop. If there is unauthorized grazing of the designated diverted acreage and it is determined that such grazing was intentional or was the result of gross negligence, the entire amount of payment to the operator and other producers on the farm shall be forfeited or refunded: *Provided*, That such forfeiture or refund shall apply first to the extent possible to payments for producers who caused, aided in or benefited from the grazing in the proportion in which they share in the payment to such producers. If the grazing is determined to have no practical value, no forfeiture or refund of payment is required.

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* Diverted acreage devoted to substitute crops may be harvested.

(f) *Use of land.* Measures normally carried out in the fall in the area in connection with the production of a crop for harvest in a subsequent year may be carried on the diverted acreage in the fall of the current year.

(g) *Control of erosion, insects, weeds and rodents.* The farm operator shall carry out such measures as are needed for the control of erosion, insects, weeds and rodents on the designated acreage. If the county committee determines that the measures carried out are not adequate, it shall prescribe and require the application of such other or additional measures as are needed. If erosion, insects, weeds and rodents are not timely controlled in accordance with instructions received from the county committee, the designated diverted acreage shall, for purposes of determining the total diverted acreage on which payment is based under § 775.318, be reduced by the number of acres on which erosion, insects, weeds and rodents are not satisfactorily controlled.

§ 775.307 Approved conservation uses for diverted acreage.

(a) Subject to the provisions for the use and care of diverted acreage as specified in § 775.306 and the provisions of paragraph (b) of this section, the conservation uses and practices approved for diverted acreage are as follows:

(1) Summer or winter cover crops consisting principally of small grains, annual legumes or annual grasses including volunteer stands of such crops which are normally seeded in the area. Soybeans may be used as a cover crop only when incorporated into the soil by a date established for the area by the State committee. In the case of winter cover crops, seedings may be made in the fall of the preceding year or in the fall of the current year; however, other approved conservation uses will be required if necessary to protect the land throughout the current year cropping season. Wheat or barley may be used as a cover crop only when destroyed by natural causes, plowed down as green manure, destroyed by mechanical means or clipped and left on the land not later than the barley disposal date.

(2) Corn and grain sorghums plowed down as green manure. However, other approved conservation uses will be required, if necessary, to protect the land throughout the current year cropping season.

(3) Clean tillage carried out in a workmanlike manner to control noxious weeds, provided prior approval of the county committee is obtained and measures prescribed by the county committee for the control of erosion are carried out.

(4) Corn or grain sorghums, while still green, undercut with a subsurface tiller type machine or clipped at specified heights and left on the surface. Such use may be approved only in the counties where the State committee determines that the use of corn or grain sorghum is necessary in order to provide practicable protective cover on the diverted acreage.

(5) Volunteer cover, predominantly native grasses and legumes (not weeds), which is acceptable to the county committee and which will be as effective in preventing wind and water erosion as seeded cover.

(6) Protected summer fallow in areas approved by the State committee as areas in which a part of the cropland is summer fallowed each year on most farms. This use is applicable only in relatively dry areas such as those in which it is a normal practice to follow a wheat-summer fallow rotation.

(7) Guar which is not harvested, provided the farm operator notifies the county office that the crop will be used only for cover. Other substitute crops destroyed by a date established by the State committee, but not later than 30 days before normal harvest for such crop, will also qualify. However, other approved conservation uses will be required, if necessary, to protect the land during the cropping season.

(8) Permanent or rotation cover of grasses and legumes consisting of perennial grasses, perennial or biennial legumes or mixtures of legumes and perennial grasses.

(9) Trees or shrubs planted in the current year or in the fall of the preceding year for erosion control, shelterbelts, or other forestry purposes, or for wildlife habitat.

(10) Water storage developed in the current year or in the fall of the preceding year for any purpose, including fish or wildlife habitat.

(11) Plantings for wildlife food plots (other than acreages of wheat or rice) or establishment of wildlife habitat. Barley, corn, and grain sorghums will qualify only if planted in small plots which are designated by the operator and approved by the county committee for such purpose prior to planting and no grazing or harvesting other than by wildlife is permitted.

(12) Grain sorghums planted as a cover or litter crop in preparation of a seedbed for establishing permanent cover of a type provided for under ACP practice A–2 or GPCP practice GP–1, provided the grain sorghums are clipped while green and left on the land in preparation of the seedbed. Such use may be approved only in those counties where the practice is applicable and is customarily carried out.

(13) Other uses recommended by the State committee which are not in conflict with other provisions of the program and which the Deputy Administrator approves in advance.

(14) Otherwise eligible cropland which is designated as diverted acreage but which is not devoted to one of the conservation uses and practices specified in subparagraphs (1) through (13) of this paragraph qualify as being devoted to an approved conservation use only if the county committee determines that, due to flood, drought or other natural disaster, serious illness, or other cause not due to the fault or negligence of the producer, it would not be practicable to devote the land to any of such specified uses and practices in the current year, and provided such measures for the control of erosion, insects, weeds and rodents as are prescribed by the county committee are carried out.

(b) Information will be available in the county ASCS office as to (1) the availability of the conservation uses and practices in a particular county, (2) the specifications for the uses and practices, including any supplementation or modification of such uses and practices, and (3) the disposal dates referred to in paragraph (a) of this section.

§ 775.308 Farm conserving base.

(a) *Conservation uses for establishing the conserving base.* Subject to the provisions of paragraph (d) of this section, cropland devoted to the conservation uses set forth in this paragraph shall count toward establishing the conserving base.

(1) The conservation uses set forth in subparagraph (8) of § 775.307(a).

(2) Summer or winter cover crops consisting principally of small grains, annual legumes or annual grasses, including volunteer stands of such crops, which are normally seeded in the area. (An acreage of annual grasses (including millet) and soybeans, cowpeas, field and canning peas, and field and canning beans, which is harvested as seed or grain or for processing purposes, shall not be considered as devoted to a conservation use. Soybeans shall not be considered as devoted to a conservation use unless incorporated into the soil by a date established for the area by the State committee.)

(3) Small grain cover crops when left standing, when grazed off before maturity, when clipped green or when mechanically incorporated into the soil before maturity. Also, small grain seeded as a nurse crop with grass or legumes and cut green for hay or, excluding barley, cut green for silage by a date well ahead of maturity of the grain as established for the area by the State committee, and in the case of wheat and barley, not later than the barley disposal date. An acreage of small grain used as a nurse crop and harvested for any purpose after such date shall not be considered as devoted to a conservation use. An acreage of barley, wheat or rice left standing as of the established disposition date, shall not be considered as devoted to a conservation use, except as provided for barley in § 775.307(a)(11).

(4) Idle cropland and summer fallowed cropland.

(b) *Determining farm conserving base.* The conserving base for a farm shall be the average acreage of cropland on the farm devoted in 1959 and 1960 to the conservation uses specified in paragraph (a) of this section, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography.

(c) *Eligible conservation uses for maintaining the conserving base.* Subject to the provisions of paragraph (d) of this section, the following uses of cropland will qualify as eligible conservation uses for the purpose of maintaining the conserving base:

(1) The conservation uses set forth in paragraph (a) of this section.

(2) Small grains seeded alone and cut for hay not later than the date referred to in paragraph (a)(3) of this section, in areas determined by the State committee to be adversely affected by severe drought conditions.

(3) Trees or shrubs planted for erosion control, shelter-belts, or other forestry purposes or for wildlife habitat.

(4) The conservation uses set forth in subparagraphs (10) through (13) of § 775.307(a).

(d) *Additional provisions relating to the conserving base.* (1) Cropland devoted to both an approved conserving use and a use which is not an approved conserving use in the same year shall not be counted toward establishing the conserving base or maintaining the conserving base.

(2) Measures normally carried out in the area in connection with the production of a crop for harvest in a subsequent year may be carried out in the fall of the current year on acreage used in maintaining the conserving base.

(3) Information will be available in the county ASCS office as to (i) the availability of the conservation uses and practices in a particular county, (ii) the specifications for the uses and practices, including any supplementation or modification of such uses and practices, and (iii) the disposal dates referred to in paragraph (c) of this section.

§ 775.309 Non-cropland used for crops in 1964 or 1965.

The conserving base established for a farm shall be increased by the number of acres of non-cropland which are brought into a cropland status in the current year.

§ 775.310 Permitted acreage of feed grains.

The acreage of feed grains on the farm shall not, subject to the tolerance permitted in § 775.318(b), exceed the acreage determined by subtracting the stated intention from the total feed grain base established for the farm. Notwithstanding the foregoing, in the case of any farm participating in the conservation reserve program or cropland conversion program, the acreage of feed grains and other soil bank base or non-conserving crops (excluding designated diverted acreage under the program which is devoted to soil bank base or nonconserving crops in lieu of conservation uses or on which soil bank base or non-conserving crops are planted as a conservation use) shall not exceed the number of acres

which are permitted to be devoted to soil bank base crops under the terms of the conservation reserve contract or which can be devoted to non-conserving crops under the terms of the cropland conversion agreement, minus the acreage diverted under the program. The number of acres of wheat produced in the current year in excess of 15 acres (but not to exceed the acres of feed wheat included in the total feed grain base) shall be considered an acreage of feed grains, except that this provision shall not be applicable for purposes of determining compliance with the provisions of §§ 775.301(b), 775.304(b)(2) and 775.318(b).

§ 775.311 Farm feed grain base.

(a) *How obtained.* The base acreage for each of the commodities—barley, corn and grain sorghums—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. The base acreage for feed wheat shall be the average acreage of wheat produced on the farm during 1959, 1960 and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, in excess of the small farm base established under § 728.17 of this chapter of the Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years. On farms with recognized history of irrigated and non-irrigated feed grain acreage in the base period for establishing yields, the base acreage for each applicable commodity shall be established separately for the irrigated acreage and for the non-irrigated acreage for the purpose of establishing a blended index in accordance with § 775.312(b). Separate bases for irrigated acreage and for non-irrigated acreage shall not be established for farms where irrigation is used only in drier years. Commodity base acreages for farms determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon unanimous request of the State committee, authorize the State committee to adjust any feed grain base for farms within the State to the extent necessary to establish fair and equitable feed grain bases within such State.

(c) *Final dates for establishing feed grain bases.* If the historical acreage from which feed grain bases are established has not been obtained for a farm and the operator or owner of the farm expects to participate in the program on the farm, such person must file a Feed Grain Acreage Report, Form ASCS–532 (herein called Form 532), not later than the date for filing Form 477 as provided in § 775.315(c). If after such date the establishment of a feed grain base for any farm is necessary for the purpose of determining cross compliance with acreage requirements on farms other than the farm with respect to which payment is requested, a base shall be established for cross compliance purposes.

(d) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under this program if there was no feed grain acreage on the farm in 1959 and 1960, unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain base was established in accordance with § 775.212(c)(2) of the 1963 feed grain program regulations, or (3) a new farm base was established prior to the current year in accordance with paragraph (e) of this section.

(e) *New farm base.* (1) The State committee shall determine a base (herein called "new farm base") for each eligible farm for which a feed grain base is requested in writing not later than March 1 of the current year or such earlier date as set by the State committee and made available to the producer at the county ASCS office. Each request shall be made by the farm operator or owner on a form prescribed by the county committee which shall contain statements as to location and identification of the farm, name and address of the farm operator and other data necessary to enable the State committee to determine whether the conditions of eligibility prescribed by subparagraph (2) of this paragraph have been met.

(2) Eligibility for a new farm base shall be conditoned upon the following:

(i) The farm does not otherwise qualify for a feed grain base for any commodity.

(ii) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a feed grain base will be established for the current year.

(iii) The type of soil and topography of the land on the farm for which a base is requested is suitable for the production of the commodity and the production of the commodity on the farm will not result in an undue erosion hazard under continuous production.

(iv) The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) The operator expects to derive 50 percent or more of his livelihood in the current year from the production of agricultural commodities or products from the farm for which the feed grain base application is filed. In making this computation, no value will be allowed for the estimated return from the production of the requested base. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must expect to derive 50 percent or more of his livelihood in the current year from the production of agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive 50 percent or more of their livelihood in the current year, including dividends and salaries, from the corporation.

(vi) The applicant has at least two years experience in the production of feed grains in the last five years.

(3) In establishing a new farm base, the State committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography and the farming system to be followed by the operator, including the equipment and other facilities available for the production of feed grain under such system, and shall limit the base to the feed grain acreage planned for the farm for the current year.

(4) If the feed grain acreage for the year a new farm base is established is less than seventy-five percent of the base, the total feed grain base for the succeeding year shall be limited to the prior year's feed grain acreage. Bases by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) The total new farm bases approved in a State in the current year shall not exceed one percent of the total feed grain base acreages for all farms in the State.

§ 775.312 County average yields, productivity indexed, farm average yields and diversion and price support payment rates.

(a) *County average yields.* The county average yields for barley, corn, and grain sorghums, which will be published in an amendment to this subpart, shall be for 1964 the average yields per acre in the county for the four-year period 1959–1962 and for 1965 the average yields per acre in the county for the five-year period 1959–1963, adjusted as deemed necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, type of soil, soil and water conservation measures and topography. County average yields will not be established for feed wheat.

(b) *Productivity indexes.* The farm productivity index for the commodity shall represent, as nearly as it is practicable to establish, the farm's relationship in productivity to the average of the farms in the county. In arriving at the productivity index for a commodity on a farm, the county and community committees shall take into consideration the relative production capabilities of the farm for the commodity in a normal crop year under usual cultural practices. The county committee shall make such adjustment as it considers necessary to provide equitable treatment for each farm. A blended productivity index for corn-grain sorghums shall be established when there was irrigated production on the farm of either commodity and non-irrigated production of either commodity in the base period for establishing yields. A blended productivity index for barley shall be established when an irrigated base and a non-irrigated base are established for the farm as set forth in § 775.311(a).

(c) *Average farm yields.* The average per acre farm yield for barley, corn and grain sorghums shall be the county average yield established for the commodity, adjusted to reflect the farm productivity index established for the commodity. Average farm yields will not be established for wheat under this program.

(d) *Minimum acre diversion payment rates.* The minimum acre diversion payment rate for a farm shall be 20 percent of the result obtained by multiplying the basic county support rate for the crop of the commodity for the year preceding the current year adjusted to reflect any change between the national average rates for such preceding year's crop and the current year's crop of the commodity (which will be published in an amendment to this subpart) by the average per acre farm yield established for the commodity as provided in paragraph (c) of this section. Except as otherwise provided in paragraph (e), (g), (h) and (j) of this section, the minimum acre diversion payment rate shall apply to the minimum acreage required to be diverted under § 775.304(b)(2).

(e) *Additional acre diversion payment rates.* The additional acre diversion payment rate for a farm shall be 50 percent of the result obtained by multiplying the basic county support rate for the crop of the commodity for the year preceding the current year adjusted to reflect any change between the national average rates for such preceding year's crop and the current year's crop of the commodity (which will be published in an amendment to this subpart) by the average per acre farm yield established for the commodity as provided in paragraph (c) of this section. Except as otherwise provided in paragraphs (g), (h), and (j) of this section, the additional acre diversion payment rate shall apply to acreage diverted for payment in excess of the minimum acreage required to be diverted under § 775.304(b)(2) and shall apply to the entire acreage diverted for payment when (1) the stated intention is 40 percent or more of the total feed grain base; (2) the farm is participating in the conservation reserve program or the cropland conversion program and the stated intention equals the number of acres which are permitted to be devoted to soil bank base crops under the terms of the contract or which can be devoted to nonconserving crops under the terms of the agreement; or (3) the farm is under a conservation reserve contract or a cropland conversion agreement, the minimum acreage required to be diverted is based upon a total feed grain base determined in accordance with the option specified in § 775.304(b)(2), and the stated intention is 40 percent or more of such total feed grain base.

(f) *Minimum and additional acre diversion payment rates for feed wheat.* The minimum and additional acre diversion payment rates for feed wheat shall be the same as the rates established for the commodity with the largest feed grain base for the farm, and in cases of equal bases, the commodity with the highest rates. If only a feed wheat base is established for a farm, the minimum and additional acre diversion rates shall be based on the rates for the predominant feed grain in the county.

(g) *Diversion payment rates for land cash rented from governmental units.* The rate of diversion payment under the program with respect to land which is leased or rented on a cash-rent basis from the Federal, State, county or local government, or subdivisions thereof, if such land is not otherwise ineligible for participation in the program, shall not exceed a fair payment rate as determined by the county committee. Such payment rate shall be the smaller of (1) the average per acre payment rate for which the farm would have qualified if the exception for land cash-rented from a governmental unit were not in effect, or (2) one-half the average per acre payment determined in subparagraph (1) of this paragraph plus the actual cash rent per acre of the land, adjusted to take into account the quality of the acres actually diverted when compared with the total acres rented and the services performed and capital improvements made at the producer's expense which are in addition to rent.

(h) *Diversion payment rates for land devoted to substitute crops.* Notwithstanding any other provision of this section, the applicable diversion payment rate shall be (1) 50 percent of the lowest commodity diversion payment rate for the farm in the case of diverted acreage devoted to guar, castor beans, and sesame, and (2) 30 percent of the lowest commodity diversion payment rate for the farm in the case of diverted acreage devoted to mustard seed and sunflower. No diversion payment shall be made with respect to diverted acreage devoted to safflower.

(i) *Price support payment rates.* The per acre farm price support payment rate for barley, corn, and grain sorghums shall be determined by multiplying the average per acre farm yield established for the commodity as provided in paragraph (c) of this section by 12 cents per bushel for barley, 15 cents per bushel for corn, and 12.88 cents per bushel for grain sorghums. Price support payments will not be made for wheat under this program.

(j) *Limitation on diversion and price support payment rates.* Notwithstanding any other provision of this section, the rate of diversion or price support payment under the program shall not exceed 20 percent of the fair market value of the acreage involved as determined by the county committee.

§ 775.313 Notice of base acreages, yields and payment rates.

Each operator and owner interested in the feed grain crop on a farm for which a feed grain base is established will be notified in writing of the commodity base acreage, the established yield per acre other than for feed wheat, the minimum acre diversion payment rate, and the additional acre diversion payment rate, for barley, corn, grain sorghums and feed wheat, as applicable and the conserving base for the farm. Such notice will be on Form ASCS–471, Notice of Acreages, Yields, and Payment Rates (herein called Form 471).

§ 775.314 Appeals.

(a) A producer may request reconsideration of any determination made by a county committee concerning a question of fact including the feed grain base, conserving base, yield and diversion payment rates, and he may appeal such determination in accordance with the provisions of this paragraph. The producer shall first request reconsideration by the county committee. If the producer is dissatisfied with a determination of the county committee with respect to his request for reconsideration, he may then appeal the determination to the State committee. The producer may also request reconsideration of any determination of the State committee. If he is dissatisfied with a determination of the State committee with respect to his appeal from the determination of the county committee or with respect to his request for reconsideration by the State committee, he may appeal such determination to the Deputy Administrator, in which case the determination of the Deputy Administrator shall be final. Each request for reconsideration or appeal shall be in writing and shall be supported by a written statement of facts upon which it is based. Any request for reconsideration or appeal shall not operate to extend the applicable closing date for filing Form 477. Each request for reconsideration or appeal shall be filed within 15 days after notice of the determination is mailed to or is otherwise made available to the producer: *Provided*, That a request for reconsideration or appeal may be accepted and acted upon even though it is not filed within such time limit if, in the judgment of the committee or person to whom such request for reconsideration or appeal is made, the circumstances warrant such action. Nothing herein shall preclude the county committee or the State committee, on its own motion or upon request at any time, from revising or requiring revision of any determination for any farm to correct mechanical or clerical errors resulting solely from action by a county or State committee representative.

(b) To the extent that a producer proves the actual acreages and yields for the farm for each of the years used in establishing the base acreage and normal yield either prior to receipt of Form 471 or pursuant to paragraph (a) of this section, the acreages and yields so proven shall, except for adjustments in base acreage made under § 775.311(b), be used in establishing the base acreages and yields: *Provided*, That the producer whose production records are used to prove yields on the farm shall be required to furnish production data for all other farms in the county or adjoining counties in which he had an interest in

any of the years for which the yields are proven (unless there is conclusive evidence that the records presented are in fact for the specific farm), and such data shall be used in making determinations for such other farms in which the producer has an interest in the current year.

§ 775.315 Intention to participate in the program.

(a) *Who may file.* A Form 477 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 477 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 477 shall be filed on or after the second Monday in February but not later than the last Friday in March of the current year. Notwithstnding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and their failure to file by such date was not due to the fault or negligence of the producers.

(d) *Contents.* The operator or owner shall provide on Form 477 the following information: The acreage which is intended to be diverted from the production of barley, corn, grain sorghums and feed wheat for the farm for which the form is filed; the acreage, if any, of substitute crops which is intended to be planted for harvest on the diverted acreage; whether or not barley is planted on the farm and whether or not an advance payment is desired for the farm.

(e) *Withdrawal and Revision.* The operator may withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee on or before the closing date established under paragraph (c) of this section. If Form 477 is withdrawn, the producers on the farm may, not later than the closing date file a new Form 477. Notwithstanding the foregoing, (1) a producer on a farm receiving an increased allotment for cotton, peanuts, or rice under the regulations governing release and reapportionment of such allotments may, within 15 days of receipt of notice of the revised allotment, adjust the intended diverted acreage downward to the extent of the increase of the allotment but not below the minimum diversion acreage requirement specified in § 775.304 (b) (2).

§ 775.316 Advance diversion payment.

(a) *Requirements.* Before any payment is made to a producer, the producer must sign Part IV, Form 477. All producers eligible to share in the advance or final payment shall execute Form 477 before advance payments are approved in order that proper division of payment may be determined. Producers may apply for an advance payment when Form 477 is filed for the farm.

(b) *Amount of advance payment.* The total advance payment to be made on a farm shall be one-half the estimated total diversion payment to be earned. Each producer's share of the advance payment for the farm shall be obtained by multiplying his percentage share of the diversion payment as specified on Form 477 by the total advance payment for the farm. If the amount of advance payment made to any producer with respect to any farm is greater than the total payment actually earned by such producer under the program with respect to such farm, he shall refund such excess, and, if he is ineligible for payment under the program for any reason he shall refund the entire advance payment with interest at the rate of six percent per annum from the issue date of the payment to the date it is refunded.

§ 775.317 Determinations of compliance.

(a) Determination of the acreage devoted to feed grains and of the acreage designated as diverted acreage shall be made by a representative of the county committee or State committee in accordance with the regulations governing Determination of Acreage and Performance, Part 718 of this chapter, as amended.

(b) A representative of the county committee or of the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and the acreage which the operator designated as being devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 775.318 Final diversion payment and price support payment.

(a) Payments of any amounts due the producers on a farm shall be made after the farm operator certifies that the farm is in compliance with the requirements of the program by signing Part V, Form 477, and the county committee determines that the producers and the farm are in compliance with such requirements. The signing of Part IV, Form 477, by any producer or Part V by the farm operator after May 1, of the year following the current year, shall not be approved by the county committee unless prior approval of the State committee is obtained.

(b) No payment shall be made if (1) the acreage designated and credited as diverted from feed grains is less than the stated intention by more than, in case the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the stated intention, and, in case the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the stated intention; (2) the total acreage of feed grains on the farm exceeds the permitted acreage by more than, in case the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the stated intention, and, in case the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the stated intention; or (3) the total conserving acreage, including acreage designated as diverted, is less than the sum of the conserving base plus the stated intention by more than, in case the conserving base plus the stated intention is 20 acres or less, the larger of 1 acre or 10 percent of the conserving base plus the stated intention, and, in case the conserving base plus the stated intention is over 20 acres, the larger of 2 acres or 5 percent of the conserving base plus the stated intention: *Provided*, That the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraphs (1) and (3) of this paragraph (b) if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe that the designated acreage was less than the acreage intended to be diverted or that the total conserving acreage was less than the conserving base plus the stated intention, and all additional acreage on the farm (including any feed grain and other unharvested crops) eligible for such purposes at the time the operator receives a Form ASCS–590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage to comply with the requirements of subparagraphs (1) and (3) of this paragraph.

(c) The total diverted acreage of feed grains shall be determined by subtracting the feed grain acreage on the farm from the total farm feed grain base. The total acreage diverted from feed grains on which diversion payments shall be based, within the tolerance authorized in paragraph (b) of this section, shall be the smallest of:

(1) The stated intention.

(2) The total underplanted acreage of feed grains.

(3) The increased acreage devoted to approved conservation uses and substitute crops, excluding substitute crops which are in excess of the stated intention.

(4) The designated diverted acreage.

(5) If the farm is covered by a conservation reserve contract or a cropland conversion program agreement, the number of acres which are permitted to be devoted to soil bank base crops under the terms of the contract or which can be devoted to nonconserving crops under the terms of the agreement minus the acreage devoted to such crops (excluding designated diverted acreage which is devoted to soil bank base or nonconserving crops in lieu of conservation uses or on which soil bank base or nonconserving crops are planted as a conservation use).

(d) The amount of the earned diversion payment for the farm shall be computed in accordance with the following applicable provisions:

(1) If acreage is diverted from more than one commodity, the acreage of each commodity eligible for payment shall be determined by crediting the total acreage

upon which payment is based first to the acreage actually diverted from the crop with the highest additional payment rate, then any balance to the acreage actually diverted from the crop with the next highest additional payment rate, then any balance to the acreage actually diverted from the crop with the third highest additional payment rate, and then any balance to the acreage actually diverted from the crop with the lowest additional payment rate.

(2) If the total acreage upon which payment is based is credited to more than one commodity, the acreage of each commodity eligible for payment at the minimum and additional acre payment rates shall be determined by multiplying the acreage eligible for payment for each commodity by the ratio of the total acreage eligible for payment at the minimum or additional rate to the total acreage eligible for payment.

(e) The balance of the total earned diversion payment due each eligible producer under the program shall be determined by multiplying the total earned diversion payment for the farm by the producer's share of such payment and subtracting therefrom the advance payment made to such producer. Producers shall refund any payment previously made to which they are not entitled.

(f) If the farm is ineligible for a diversion payment for any reason other than the devotion of diverted acres to a substitute crop in lieu of payment, the farm shall also be ineligible for the price support payment. If the farm is eligible for a price support payment, the amount of the price support payment for each commodity shall be determined by multiplying the acreage of the commodity as defined in paragraphs (b), (c) and (d) of § 775.302 by the applicable price support payment rate per acre as determined in accordance with § 775.312(i). The total earned price support payment due each eligible producer shall be determined by multiplying the total earned farm price support payment for the farm by the producer's share of such payment.

(g) Notwithstanding any other provision of these regulations, if a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

§ 775.319 Division of diversion and price support payments.

(a) *General.* There shall be listed in Part IV of Form 477 filed for the farm the name of each person on the farm who has an interest in the crop of barley, corn, grain sorghums or feed wheat or would have had an interest had such crop(s) been produced on the acreage diverted under the program together with the share of the diversion payment and the share of the price support payment which such person is to receive. If such person refuses or fails to sign Form 477, the share of the payment to which he would otherwise be entitled shall be shown on the form. The sum of the percentage shares of the diversion payment shall equal 100 percent and the sum of the percentage shares of the price support payment shall also equal 100 percent.

(b) *Division of diversion payment.* Diversion payments made under this program shall be divided in such a way that all eligible producers will share in the payments on a fair and equitable basis. If producers whose names are listed on Form 477 agree to their respective percentage shares of the diversion payment and it is fair and equitable, the division of payment as determined shall be approved by a representative of the county committee subject to the provisions of §§ 775.320 and 775.321. The following factors should be considered in arriving at the division of the diversion payment:

(1) The basis on which producers would have shared in the production of the acreage of barley, corn, grain sorghums and feed wheat diverted;

(2) The savings or benefits accruing to each producer as a result of not producing a feed grain on the acreage diverted;

(3) The respective contributions of each producer to the establishment and maintenance of the conservation use on the acreage designated as diverted from production; and

(4) The respective relationship of the diverted acreage and increased conservation acreage to the various ownership tracts comprising a farm.

If producers whose names are listed on Form 477 cannot agree on the division of the diversion payment among eligible producers on the farm, the county committee will determine the sharing of payments among such producers on a fair and equitable basis, based on the factors provided in this paragraph. Payments of amounts so determined shall be made to eligible producers upon their request.

(c) *Division of price support payment.* Each producer's share of the farm price support payment for a commodity shall be based on his share of the current year's crop of the commodity on the farm.

(d) *Refund of payments not properly divided.* Payments which producers receive to which they are not entitled, including diversion payments which the county committee determines are not fair and equitable based on the factors provided in this section, shall be refunded to the county committee. In the event of fraud, the producer shall be subject to the provisions of § 775.322.

§ 775.320 Additional provisions relating to tenants and sharecroppers.

Form 477 for a farm shall not be approved for payment by the county committee if the county committee determines that:

(a) The landlord or operator has not afforded his tenants and sharecroppers, if any, an opportunity to participate in the program;

(b) The landlord or operator has, in anticipation of or because of participating in the program, reduced the number of tenants and sharecroppers on the farm (if a tenant or sharecropper leaves the farm voluntarily or for some reason other than being forced off the farm by the landlord or operator in anticipation of or because of participating in the program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation of or because of participating in the program);

(c) There exists between the operator or landlord and any tenant or sharecropper, any lease, contract, agreement or understanding unfairly exacted or required by the operator or landlord which was entered into in anticipation of participating in the program, the effect of which is:

(1) To force the tenant or sharecropper to pay over to the landlord or operator any payment earned by him under the program;

(2) To change the status of any tenant or sharecropper so as to deprive him of any payment or right which he would otherwise have had under the program;

(3) To reduce the size of the tenant's or sharecropper's producer unit; or

(4) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper; or

(d) Any other scheme or device has been adopted for the purpose of depriving any tenant or sharecropper of the payment to which he would otherwise be entitled to receive under this program.

§ 775.321 Successors-in-interest.

(a) In case of the death, incompetency, or disappearance of any producer whose name appears on Form 477, the diversion or price support payment due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary, Part 707 of this chapter, as amended, for payments made pursuant to Section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) When any person who would have had an interest as producer (herein called "predecessor") in feed grains, if they had been produced on the diverted acreage, has been succeeded on the farm by another producer (herein called "successor") after Form 477 has been filed, the share of the advance and final diversion payment to which they are entitled shall be divided between them on such basis as the predecessor and successor agree is fair and equitable. If such persons are unable to agree to a division of the payments, the county committee shall determine the division of the payments taking into consideration the following, among other factors it deems pertinent:

(1) The respective interests which the predecessor and successor would have had in feed grains if they had been produced on the diverted acreage;

(2) The respective contributions to the diversion in acreage which have been made by the predecessor and by the successor; and

(3) The respective contributions of the predecessor and successor to the establishment and maintenance of the conservation uses on the designated diverted acreage.

(c) Notwithstanding the foregoing, if a tenant or sharecropper who would have

had an interest in feed grains if they had been produced on the diverted acreage leaves a farm after Form 477 has been filed for the farm, but before the final diversion payment has been made and is not succeeded on the farm by another person, his name shall be included in Part IV of Form 477 and the division of payment to which he is entitled shall be determined as provided in § 775.319.

(d) A successor producer's right to any part of the price support payment shall be governed by the provisions of § 775.319(c).

(e) In any case where any diversion or price support payment due any successor producer has previously been paid to the producer who filed Form 477, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 775.322 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or by the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the program shall refund any payment received by him.

(b) The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, aside from any additional liability under criminal and civil frauds statutes, for a refund of the payments received by him with respect to which the fraudulent representation was made.

§ 775.323 Reconstitution of farms.

(a) Reconstitution of farms shall be made, where applicable in accordance with the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, 7 CFR, Part 719, and any amendments thereto. If, under such regulations, two or more farms as constituted at the time a feed grain base and a productivity index were established are combined into one farm, or if one farm as constituted at that time is later divided into two or more farms, feed grain bases shall be determined for such farm(s) in accordance with such regulations. The productivity index for such farms will be determined by the county committee in accordance with § 775.312.

(b) The feed grain base for barley, corn, grain sorghums and feed wheat on the combined farm shall not exceed the sum of the applicable feed grain bases for the component parts. The productivity index established for the commodity for a combined farm shall not, except for rounding, exceed the weighted average of the productivity indexes established for the commodity for the component parts. When a parent farm is divided into two or more parts, the sum of the feed grain bases established for the component parts shall not exceed the applicable feed grain base for the parent farm. The weighted average of the productivity indexes established for the component parts shall not, except for rounding, exceed the applicable productivity index established for the parent farm prior to being divided. The conserving base shall be allocated to the reconstituted farm(s) by the county committee in a fair and equitable manner.

(c) Any Form 477 filed for a farm before it is reconstituted for the current year shall be cancelled and the farm operator notified of the cancellation. A corrected Form(s) 477 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 477 as specified in § 775.315(c).

§ 775.324 Performance based upon advice or action of county or State committee.

Notwithstanding any other provision hereof, performance rendered in good faith in reliance upon action or advice of any authorized representative of a county committee or State committee may be accepted by the Deputy Administrator as meeting the requirements of these regulations and payment may be made therefor in accordance with such action or advice to the extent the Deputy Administrator deems it desirable in order to provide fair and equitable treatment.

§ 775.325 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.326 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Signed at Washington, D.C., on January 20, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-704; Filed, Jan. 23, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 959—ONIONS GROWN IN SOUTH TEXAS

Fiscal Period and Expenses and Rate of Assessment

Notice of rule making regarding a proposed change in fiscal period and approval or proposed expenses and a proposed rate of assessment, to be effective under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER January 4, 1964 (29 F.R. 107). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were recommended by the South Texas Onion Committee, established pursuant to said amended marketing agreement and order, § 959.104 is amended as follows:

§ 959.104 Fiscal period.

The fiscal period which extends from February 1, 1963, through January 31, 1964 (28 F.R. 3852), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

Section 959.204 is added to read as follows:

§ 959.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1963, through July 31, 1964, by the South Texas Onion Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $45,000.00.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per 50-pound sack of onions, or the equivalent quantity thereof, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date of this section beyond the date of publication in the FEDERAL REGISTER in that: (1) No advance preparation for such effective date will be required of handlers for compliance therewith; (2) the changed fiscal period will tend to promote more effective fiscal operations under this marketing order program, is consistent therewith, and will thereby tend to effectuate the declared policy of the act; (3) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (4) the current fiscal period began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: January 21, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64-700; Filed, Jan. 23, 1964; 8:50 a.m.]

[970.304 Amdt. 2]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970; 28 F.R. 7467, 7584), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the 1963–64 marketing season for South Texas carrots is currently in progress and a heavy volume of shipments is now being made, (2) to maximize benefits to growers, this amendment should apply to as many shipments of carrots as possible during the remainder of the 1963–64 season, (3) compliance with this amendment will not require any special preparation on the part of handlers, and (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area.

Order, as amended. In § 970.304 (28 F.R. 11666, 12353), amend the introductory paragraph and paragraph (j) to read as follows:

§ 970.304 Limitation of shipments.

During the period from January 24, 1964, through June 30, 1964, no handler shall (1) package or load carrots on Sundays, or (2) handle any lot of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

* * * * *

(j) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Topped Carrots (§§ 51.2360–51.2381 of this title) including the tolerances set forth therein with the following exceptions: (1) For packages which contain 5 pounds or less, a composite sample of 50 carrots will be scored and restricted to double the tolerances for defects and off-size, provided that no more than one carrot which is affected by soft rot will be permitted in any package, and (2) for packages of more than 5 pounds the percentages of defects and off-size shall be calculated on the basis of count. The term "load" means to put carrots aboard a railroad car, truck, or other vehicle thereby placing carrots in the current of commerce within the production area or between the production area and any point outside thereof. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 142, and Order No. 970 (Part 970 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: January 21, 1964 to become effective January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64-674; Filed, Jan. 23, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1592; Amdts. 1–2; 42–3]

SUBCHAPTER A—DEFINITIONS [NEW]

PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

SUBCHAPTER A—CIVIL AIR REGULATIONS

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS [NEW]

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS [NEW]

Miscellaneous Amendments

Part 133 [New] of the Federal Aviation Regulations, "Rotorcraft External-Load Operations," is being adopted to establish certification and operating rules governing non-passenger-carrying rotorcraft external-load operations, conducted for compensation or hire within the United States, by persons other than air carriers or other than those authorized to conduct operations under Part 375 of this title; and to govern persons engaged in such operations.

Rotorcraft have the ability, exceptional among aircraft, to raise, lower, or transport external loads and to tow objects on land or water. A large number of civil rotorcraft are now being used in such operations, performing tasks that are frequently difficult, or impossible, to perform by other means.

Rotorcraft external-load operators have pointed out, however, that under the current regulations rotorcraft could not be operated with external loads for compensation or hire unless the rotorcraft-load combination had been approved under the provisions of Part 6 or 7; that the burden and expense of obtaining such approval was unnecessarily severe; and that safety would not be compromised if less restrictive airworthiness requirements (relative to those prescribed in Part 6 or 7) were established for rotorcraft with external loads to be operated for compensation or hire. As evidence supporting their views, the rotorcraft external-load operators offered the service record of numerous restricted category rotorcraft type certificated under the provisions of Part 8 and operated with external loads for various authorized purposes, although not for compensation or hire.

Recognizing that the type certification rules prescribed in Parts 6 and 7 might be unduly restrictive when applied to rotorcraft with external-load provisions, the Agency published in the FEDERAL REGISTER (27 F.R. 748) as a notice of proposed rule making, and circulated as Draft Release No. 62–2 dated January 18, 1962, a proposed Special Civil Air Regulation containing airworthiness standards for the approval of rotorcraft that were to be operated with external loads for compensation or hire, and containing appropriate operating limitations for such rotorcraft.

An evaluation of the comments received in response to Draft Release No. 62–2 persuaded the Agency that it was necessary to make the original proposals more restrictive. Accordingly, the Agency published a new notice of proposed rule making in the FEDERAL REGISTER (28 F.R. 1343) that was circulated as Draft Release No. 63–5 dated February 12, 1963.

This last notice withdrew the previous notice and proposed a new Part 133 Rotorcraft External-Load Operations [New], containing certification and operating rules for persons engaged in rotorcraft external-load operations within the United States. The applicability provisions were broad, embracing all civil rotorcraft external-load operations in the United States, whether or not conducted for compensation or hire.

A number of comments received in response to the proposal in Draft Release No. 63–5 suggested that there was no need to regulate, in the manner pre-

scribed in proposed Part 133 [New], rotorcraft external-load operations that are not conducted for compensation or hire, nor those operations requiring an air carrier certificate. As indicated in the preamble to proposed Part 133 [New], Part 42 (derived partially from rescinded Part 45) is being amended, and proposed Part 135 [New] (formerly proposed Part 125) relating to air taxi operations is being changed, so that both exclude from their applicability operations under Part 133 [New]. The Agency believes that its original regulatory objective can be attained, and a beneficial simplification of the proposed rule achieved, by narrowing the applicability of Part 133 [New] as suggested. The applicability provisions of the part have been revised accordingly.

By reason of the revision of the applicability provisions eliminating the applicability of the part to air carriers, it was necessary to delete reference to Class I rotorcraft-load combinations. To avoid confusion, the remaining classes of rotorcraft-load combinations have been redesignated as follows: Class II is now Class A; Class III is now Class B; and Class IV is now Class C.

Comment was received from several persons who questioned the need to issue Rotorcraft External-Load Operator Certificates, as prescribed in Part 133 [New]. The Agency firmly believes that this operator certificate is a necessary administrative tool for achieving full compliance with the safety provisions of the new part in the public interest. Mandatory display of the operator certificate in the rotorcraft during external-load operations (as prescribed in § 133.27) makes it possible to determine, via on-the-job inspections in the field, whether the rotorcraft and its external-load attaching means had been approved, whether the rotorcraft-load combination had been authorized, and whether the operator had demonstrated his knowledge and skill in rotorcraft external-load operations. Field inspections are thereby facilitated, leading to effective rules enforcement.

Several persons commented on the proposed provision requiring pilots to demonstrate their knowledge and skill concerning rotorcraft external-load operations. It would serve no useful purpose, they stated, to require such demonstration when other evidence is available that the pilot has had extensive experience, and a satisfactory safety record, in rotorcraft external-load operations. The Agency agrees that knowledge and skill demonstrations may be superfluous in such cases, and the provision has been revised to cater to these situations.

Comments were received objecting to the severity of the pilot flight time provisions in the proposal, particularly the provision requiring the pilot to have 50 hours of flight time in rotorcraft external-load operations. The Agency has reexamined the need for these provisions, taking into consideration that each pilot is required to demonstrate his knowledge and skill in rotorcraft external-load operations in compliance with § 133.23, and has concluded that they may be deleted without compromising safety.

Several operators commented concerning the proposed provision requiring each pilot to demonstrate his knowledge and skill to the Administrator. They contended that this requirement would create delays and hardship when a new pilot is employed by the operator at a remote location where no representative of the Administrator is available and suggested that the knowledge and skill demonstration, in the case of pilots other than the designated chief pilot, be made to the designated chief pilot rather than to the Administrator. The Agency considers the objection valid and the suggested solution reasonable. This revision has been incorporated.

The proposed provisions dealing with operations over noncongested areas have been deleted, since they are contained in other parts of the Agency's regulations. The proposed provisions dealing with operations over congested areas have been revised by deleting: (1) the requirement that the copilot (if any) demonstrate his knowledge and skill in rotorcraft external-load operations; and (2) the requirement that the zero-load automatic activation features of release devices be rendered inoperative. Of these, the first was deleted because the Agency knows of no rotocraft external-load operation for which it is necessary to have a copilot with the same knowledge and skill as the pilot, and the second because the provision in § 133.31(f)(2) relating to the release of jettisonable external loads during an emergency also covers inadvertent release by means of any zero-load release device.

Comments were received urging that the proposed recordkeeping provisions be deleted since the cost of keeping such records on pilot personnel was excessive in relation to any administrative benefits the Agency might derive. The Agency agrees in principle with this view, believing that the records the pilot is required to carry under the provisions of other Agency regulations, and the information on the Rotorcraft External-Load Operator Certificate (a facsimile of which must be displayed in the rotorcraft to comply with § 133.27) are generally sufficient for its administrative needs. The Agency believes it necessary, however, to require that the pilot, when conducting external-load operations, have evidence on his person that he had previously demonstrated his knowledge and skill with respect to the class of rotorcraft-load combination involved. Accordingly, the proposed recordkeeping provisions have been deleted, and a new provision (§ 133.31(d)(4)) added to require the pilot to have in his possession his log book containing an appropriate entry indicating that he has demonstrated his knowledge and skill with respect to the rotorcraft-load combination he is operating.

Numerous comments referred to the disparity between the notice's preamble and the provisions in proposed Part 133 [New] with respect to the regulations applicable to external-load attaching means. The preamble implied some relief would be granted from the burden of compliance with the provisions of Part 6 or 7, yet the proposed new part still required such compliance. The Agency has studied this question in detail, and has developed a simple static-load criterion, less severe than the provisions of Part 6 or 7, to serve as the basis for approval of external-load attaching means installed on rotorcraft operating under Part 133 [New]. This criterion has been set forth in § 133.43(a). Moreover, the Agency has found that numerous rotorcraft, fitted with external-load attaching means that had been approved under the provisions of Part 8, have been operated safely for several years. In recognition of this safety record, an exception from the static-load test provisions of § 133.43(a) has been granted in § 133.43(b) for rotorcraft external-load attaching means that had been approved, before January 17, 1964, under Part 80.

Comments have been received from persons who contended that the total weight of any rotorcraft-load combination, irrespective of class, should not exceed the maximum certificated weight established for the rotorcraft during its type certification under the provisions of Part 6 or 7. These persons pointed out that the maximum certificated weight of the rotorcraft is a key factor in establishing the safe service life for important structural elements, including the rotor blades; and, if this weight were exceeded during external-load operations, the safety of subsequent operations with that rotorcraft (including non-external-load operations with passengers) would be jeopardized. The Agency considers this a valid objection to external-load operations at total weights exceeding the maximum certificated weight established under the provisions of Part 6 or 7. For this reason, the total weight of all classes of rotorcraft-load combinations has been limited, for all operations subject to Part 133 [New], to the maximum certificated weight established for the rotorcraft under the provisions of Part 6 or 7. The applicant may, of course, apply for an increase in the rotorcraft maximum certificated weight, but this must be done under the provisions of Part 6 or 7.

Several proposed provisions have been deleted that dealt with cable angle limits, maximum tow-loads, and related requirements, for Class C (formerly Class IV) rotorcraft-load combinations. The Agency believes that too little is known about rotorcraft towing operations to justify adoption of these provisions at this time. The need for such provisions will be studied further as service experience accumulates.

In addition to the previously discussed major revisions to Part 133 [New], a number of minor revisions have been made, including numerous editorial revisions to clarify the part. In all cases, the revised provisions are no more restrictive than those in the notice of proposed rule making circulated as Draft Release 63-5.

To arrive at an effective date for Part 133 [New], the Agency took into account two opposing factors. On the one hand, it is desirable that the relief granted by this new part be made available as soon as possible to rotorcraft external-load operators; on the other, some interval of time is necessary (between adoption and effective date) to prepare the Agency's field offices for quick processing of operator certificate applications. An interval of 120 days between adoption and effective date has been selected as a reasonable compromise.

Interested persons have been afforded an opportunity to participate in the making of these regulations, and due consideration has been given to all relevant matter presented.

This amendment, as the first final rule to be published in Subchapter G adds that Subchapter to Chapter 1 of Title 14.

These regulations are issued under the authority of sections 307, 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1427).

In consideration of the foregoing, effective May 17, 1964, Chapter I of Title 14, Code of Federal Regulations, is amended as hereinafter set forth.

Issued in Washington, D.C., on January 17, 1964.

N. E. HALABY,
Administrator.

1. Part 1—Definitions and Abbreviations [New] of the Federal Aviation Regulations is amended to include the following definitions in proper alphabetical order in § 1.1 *General definitions:*

"External load" means a load that is carried, or extends, outside of the aircraft fuselage.

"Rotorcraft-load combination" means the combination of a rotorcraft and an external load, including the external load attaching means. Rotorcraft-load combinations are designated as Class A, Class B, and Class C, as follows:

(1) "Class A rotorcraft-load combination" means one in which the external load cannot move freely, cannot be jettisoned, and does not extend below the landing gear.

(2) "Class B rotorcraft-load combination" means one in which the external load is jettisonable and is lifted free of land or water during the rotorcraft operation.

(3) "Class C rotorcraft-load combination" means one in which the external load is jettisonable and remains in contact with land or water during the rotorcraft operation.

"External-load attaching means" means the structural components used to attach an external load to an aircraft, including external-load containers, the backup structure at the attachment points, and any quick-release device used to jettison the external load.

2. That part of § 42.1(a)(4) of the Civil Air Regulations preceding the proviso therein is amended to read as follows:

§ 42.1 Applicability of this part.

(a) • • • (4) A commercial operator when engaging with large aircraft in the carriage of persons or property in air commerce for compensation or hire, except when conducting operations under Part 133 [New]: • • •

• • • • • •

3. The following Subchapter G [New] is added:

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS [NEW]

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS [NEW]

Subpart A—Applicability

Sec.
133.1 Applicability.

Subpart B—Certification Rules

133.11 Certificate required.
133.13 Duration of certificate.
133.15 Application for certificate.
133.17 Requirements for issuance of a rotorcraft external-load operator certificate.
133.19 Rotorcraft.
133.21 Pilots.
133.23 Knowledge and skill.
133.25 Amendment of certificate.
133.27 Availability, transfer, and surrender of certificate.

Subpart C—Operating Rules and Related Requirements

133.31 Operating rules.
133.33 Inspection authority.

Subpart D—Airworthiness Requirements

133.41 Flight characteristics requirements.
133.43 Structures and design.
133.45 Operating limitations.
133.47 Rotorcraft-load combination flight manual.
133.49 Markings and placards.
133.51 Airworthiness certification.

AUTHORITY: The provisions of this Part 133 issued under secs. 307, 313(a), 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1421, and 1427.

Subpart A—Applicability

§ 133.1 Applicability.

This part prescribes—

(a) Airworthiness certification rules for rotorcraft used in; and

(b) Operating and certification rules governing the conduct of; non-passenger-carrying rotorcraft external-load operations in the United States by any person (other than as an air carrier) conducting such an operation for compensation or hire. However, this part does not apply to operations conducted under Part 375 of this title.

Subpart B—Certification Rules

§ 133.11 Certificate required.

No person subject to this part may conduct rotorcraft external-load operations for compensation or hire within the United States without, or in violation of the terms of, a Rotorcraft External-Load Operator Certificate issued by the Administrator under § 133.17.

§ 133.13 Duration of certificate.

A Rotorcraft External-Load Operator Certificate is of indefinite duration and continues in effect until suspended, revoked, or voluntarily surrendered.

§ 133.15 Application for certificate.

Application for a Rotorcraft External-Load Operator Certificate is made on a form, and in a manner, prescribed by the Administrator. The form may be obtained from any General Aviation, or Air Carrier District Office, of the FAA. The completed application is sent to the FAA district office having jurisdiction over the area in which the applicant's home base of operations is located.

§ 133.17 Requirements for issuance of a rotorcraft external-load operator certificate.

If an applicant shows that he complies with §§ 133.19, 133.21, and 133.23, the Administrator issues a Rotorcraft External-Load Operator Certificate to him with an authorization to operate specified rotorcraft with those classes of rotorcraft-load combinations for which he complies with the applicable provisions of Subpart D of this part.

§ 133.19 Rotorcraft.

(a) The applicant must have the exclusive use of at least one rotorcraft that—

(1) Was type certificated under, and meets the requirements of, Part ------ or ------ [present Part 6 or 7] (but not necessarily with external-load-carrying attaching means installed); and

(2) Complies with the certification provisions in Subpart D of this Part that apply to the rotorcraft-load combinations for which authorization is requested.

(b) For the purposes of paragraph (a) of this section, a person has exclusive use of a rotorcraft if he has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving him that possession, control, and use for at least six consecutive months.

§ 133.21 Pilots.

(a) The applicant must hold, or have available the services of at least one person who holds, a current commercial or airline transport pilot certificate, with a rating appropriate for the rotorcraft prescribed in § 133.19, issued by the Administrator.

(b) The applicant must designate one pilot, who may be the applicant himself, as his chief pilot for rotorcraft external-load operations. The chief pilot must hold a current commercial or airline transport pilot certificate, with a rating appropriate for the rotorcraft prescribed in § 133.19, issued by the Administrator.

§ 133.23 Knowledge and skill.

(a) Except as provided in paragraph (d) of this section, the applicant, or the chief pilot designated in accordance with § 133.21(b), must demonstrate to the Administrator satisfactory knowledge and skill regarding rotorcraft external-load operations as set forth in paragraphs (b) and (c) of this section.

(b) The test of knowledge (which may be oral or written, at the option of the applicant) covers the following subjects:

(1) Steps to be taken before starting operations, including a survey of the flight area.

(2) Proper method of loading, rigging, or attaching the external load.

(3) Performance capabilities, under approved operating procedures and limitations, of the rotorcraft to be used.

(4) Proper instructions of flight crew and ground workers.

(c) The test of skill consists of such of the following maneuvers, performed with the class of rotorcraft-load combination for which authorization is requested, as are appropriate for that class. The appropriate maneuvers must be demonstrated for each class, in the rotorcraft prescribed in § 133.19, at the rotorcraft's maximum certificated weight.

(1) Takeoffs and landings.

(2) Demonstration of directional control while hovering.

(3) Acceleration from a hover.

(4) Flight at operational airspeeds.

(5) Approaches to landing or working area.

(6) For Class B rotorcraft-load combinations—

(i) Maneuvering the external load into the release position; and

(ii) Demonstration of winch operation, if a winch is installed to hoist the external load.

(d) Compliance with paragraphs (b) and (c) of this section need not be shown if the Administrator finds, on the basis of the applicant's (or his designated chief pilot's) previous experience and safety record in rotorcraft external-load operations, that his knowledge and skill are adequate.

§ 133.25 Amendment of certificate.

The holder of a Rotorcraft External-Load Operator Certificate may apply to the Administrator for an amendment of his certificate, to add or delete a rotorcraft or a rotorcraft-load combination authorization, by executing the appropriate portion of the form used in applying for a Rotorcraft External-Load Operator Certificate. The completed application for amendment is sent to the FAA district office having jurisdiction over the area in which the certificate holder's home base of operation is located, or to the district office nearest the area in which operations are to be conducted. If the applicant for the amendment shows that he complies with §§ 133.19, 133.21, and 133.23, the Administrator issues an amended Rotorcraft External-Load Operator Certificate to him with authorization to operate with those classes of rotorcraft-load combinations for which he complies with the applicable provisions of Subpart D of this part.

§ 133.27 Availability, transfer, and surrender of certificate.

(a) Each holder of a Rotorcraft External-Load Operator Certificate shall keep its certificate at its home base of operations and shall make it available for inspection by the Administrator upon request.

(b) Each person conducting a rotorcraft external-load operation shall carry a facsimile of the Rotorcraft External-Load Operator Certificate in each rotorcraft used in the operation.

(c) If the Administrator suspends or revokes a Rotorcraft External-Load Operator Certificate, the holder of that certificate shall return it to the Administrator. If the certificate holder, for any other reason, discontinues operations under his certificate, and does not resume operations within two years, he shall return the certificate to the FAA district office having jurisdiction over the area in which his home base of operations is located.

Subpart C—Operating Rules and Related Requirements

§ 133.31 Operating rules.

(a) No person holding a Rotorcraft External-Load Operator Certificate may conduct rotorcraft external-load operations subject to this part under a business name that is not on that certificate.

(b) No person may conduct a rotorcraft external-load operation without, or contrary to, the Rotorcraft-Load Combination Flight Manual prescribed in § 133.47.

(c) The holder of a Rotorcraft External-Load Operator Certificate shall report any change in the designation of chief pilot to the FAA district office having jurisdiction over the area in which the applicant's home base of operations is located. The new chief pilot must be designated and must comply with §133.23 within 15 days or the operation may not conduct further operations under his Rotorcraft External-Load Operator Certificate.

(d) No person may conduct a rotorcraft external-load operation unless—

(1) The rotorcraft complies with § 133.19;

(2) The rotorcraft and rotorcraft-load combination are authorized under the Rotorcraft External-Load Operator Certificate;

(3) The pilot has previously demonstrated his knowledge and skill with respect to the rotorcraft-load combination in accordance with § 133.23, except that this demonstration, in the case of pilots other than the chief pilot designated in accordance with § 133.21(b), may be made to the designated chief pilot rather than to the Administrator, but in either case an appropriate entry to that effect is made in the pilot's log book by the Administrator or the chief pilot; and

(4) The pilot has in his personal possession his log book containing the appropriate entry indicating that he complied with subparagraph (3) of this paragraph.

(e) Before a person may operate a rotorcraft with an external load configuration that differs substantially from any he has previously carried with that type of rotorcraft (whether or not the rotorcraft-load combination is of the same class), he must conduct, in a manner that will not endanger persons or property on the surface, such as the following flight-operational checks as the Administrator determines are appropriate to the rotorcraft-load combination:

(1) A determination that the weight of the rotorcraft-load combination, and the location of its center of gravity, are within approved limits; that the external load is securely fastened; and that the external load does not interfere with devices provided for its emergency release.

(2) Make an initial lift-off and verify that controllability is satisfactory.

(3) While hovering, verify that directional control is adequate.

(4) Accelerate into forward flight to verify that no attitude (whether of the rotorcraft or of the external load) is encountered in which the rotorcraft is uncontrollable, or which is otherwise hazardous.

(5) In forward flight, check for hazardous oscillations of the external load, but if the external load is not visible to the pilot, other crewmembers or ground personnel may make this check and signal the pilot.

(6) Increase the forward airspeed and determine an operational airspeed at which no hazardous oscillation or hazardous aerodynamic turbulence is encountered.

(f) Nothwithstanding any provisions of Part 91 [New] of this chapter, the holder of a Rotorcraft External-Load Operator Certificate may conduct rotorcraft external-load operations over congested areas if those operations are conducted without hazard to persons or property on the surface, and are conducted in compliance with the following:

(1) The operator must develop a plan for each complete operation, must coordinate this plan with the FAA district office having jurisdiction over the area in which the operation is to be conducted, and must obtain approval for the operation from that district office. The plan must include an agreement with the appropriate political subdivision that local officials will exclude unauthorized persons from the area in which the operation will be conducted, coordination with air traffic control, if necessary, and a detailed chart depicting the flight routes and altitudes.

(2) Each flight must be conducted at an altitude, and on a route, that will allow a jettisonable external load to be released, and the rotorcraft landed, in an emergency without hazard to persons or property on the surface.

§ 133.33 Inspection authority.

Each person conducting an operation under this Part shall allow the Administrator to make any inspections or tests that he considers necessary to determine compliance with the Federal Aviation Regulations and the Rotorcraft External-Load Operator Certificate.

Subpart D—Airworthiness Requirements

§ 133.41 Flight characteristics requirements.

(a) The applicant must demonstrate to the Administrator, by performing the operational flight checks prescribed in paragraphs (b), (c), and (d) of this section, as applicable, that the rotorcraft-load combination has satisfactory flight characteristics. For the purposes of this demonstration, the external-load weight (including the external-load attaching means) is the maximum weight for which authorization is requested.

(b) Class A rotorcraft-load combinations: The operational flight check must consist of at least the following maneuvers:

(1) Takeoff and landing.

(2) Demonstration of adequate directional control while hovering.

(3) Acceleration from a hover.

(4) Horizontal flight at airspeeds up to the maximum airspeed for which authorization is requested.

(c) Class B rotorcraft-load combinations: The operational flight check must consist of at least the following maneuvers:

(1) Pickup of the external load.

(2) Demonstration of adequate directional control while hovering.

(3) Acceleration from a hover.

(4) Horizontal flight at airspeeds up to the maximum airspeed for which authorization is requested.

(5) Demonstration of winch operation, if a winch is installed to hoist the external load.

(6) Maneuvering of the external load into release position and its release, under probable flight operation conditions, by means of each of the quick-release controls prescribed in § 133.43(d) (1) and (2).

(d) Class C rotorcraft-load combinations: For Class C rotorcraft-load combinations used in wire-stringing, cable-laying, or similar operations, the operational flight check must consist of the maneuvers, as applicable, prescribed in paragraph (c) of this section.

§ 133.43 Structures and design.

(a) *External-load attaching means.* Except as provided in paragraph (b) of this section, the applicant must demonstrate that the rotorcraft external-load attaching means can withstand a static load equal to 2.5 times the maximum external load for which authorization is requested, applied in the vertical direction or in any direction making an angle of 30 degrees with the vertical, except for those directions having a forward component. This static test must not cause deterimental deformation of the external-load attaching means. However, the 30-degree angle may be reduced to a lesser angle if the applicant shows that this lesser angle will not be exceeded in his operation.

(b) *Exception.* Compliance with paragraph (a) of this section need not be demonstrated if the rotorcraft external-load attaching means had been approved, before January 17, 1964, under Part ____ [Present Part 8], or had been approved, irrespective of date of approval, under Part ____ or ____ [Present Part 6 or 7].

(c) *Weight and center of gravity*—(1) *Weight.* The total weight of the rotorcraft-load combination must not exceed the maximum certificated weight established for the rotorcraft during its type certification under Part ____ or ____ [present Part 6 or 7].

(2) *Center of gravity.* The location of the center of gravity must, for all loading conditions, be within the range established for the rotorcraft during its type certification under Part ____ or ____ [present Part 6 or 7]. For Class C rotorcraft-load combinations, the magnitude and direction of the loading force must be established at those values for which the effective location of the center of gravity remains within its established range.

(d) *Quick-release devices.* The external-load attaching means for Class B and Class C rotorcraft-load combinations must include a device to enable the pilot to release the external load quickly during flight. This quick-release device, and the means by which it is controlled, must comply with the following:

(1) A control for the quick-release device must be installed on one of the pilot's primary controls and must be designed and located so that it may be operated by the pilot without hazardously limiting his ability to control the rotorcraft during an emergency situation.

(2) In addition to the control prescribed in subparagraph (1) of this paragraph, a manual mechanical control for the quick-release device, readily accessible either to the pilot or to a crewmember, must be provided.

(3) The quick-release device must function properly with all external loads up to and including the maximum external load for which authorization is requested.

§ 133.45 Operating limitations.

In addition to the operating limitations set forth in the approved Rotorcraft Flight Manual, and to any other limitations the Administrator may prescribe, the operator shall establish at least the following limitations and set them forth in the Rotorcraft-Load Combination Flight Manual for rotorcraft-load combination operations:

(a) No person who is not a flight crewmember may be carried unless he performs an essential function in connection with the external-load operation.

(b) The rotorcraft-load combination may be operated only within the weight and center of gravity limitations established in accordance with § 133.43(c).

(c) The rotorcraft-load combination may not be operated with an external load weight exceeding that used in showing compliance with §§ 133.41 and 133.43 (a) and (d) (3).

(d) The rotorcraft-load combination may not be operated at airspeeds greater than those established in accordance with § 133.41 (b), (c), and (d).

§ 133.47 Rotorcraft-load combination flight manual.

The applicant must prepare a Rotorcraft-Load Combination Flight Manual and submit it for approval by the Administrator. The manual must be prepared in accordance with the rotorcraft flight manual provisions of Subpart G of Part ____ or ____ [present Part 6 or 7], whichever is applicable. The limiting height-speed envelope data need not be listed as operating limitations. The manual must set forth—

(a) Operating limitations, procedures (normal and emergency), performance, and other information established under this subpart;

(b) The class of rotorcraft-load combinations for which the airworthiness of the rotorcraft has been demonstrated in accordance with §§ 133.41 and 133.43; and

(c) In the information section of the Rotorcraft-Load Combination Flight Manual—

(1) Information on any peculiarities discovered when operating particular rotorcraft-load combinations;

(2) Precautionary advice regarding static electricity discharges, for Class B rotorcraft-load combinations; and

(3) Any other information essential for safe operation with external loads.

§ 133.49 Markings and placards.

The following markings and placards must be displayed conspicuously and must be such that they cannot be easily erased, disfigured, or obscured:

(a) A placard (displayed in the cockpit or cabin) stating the class of rotorcraft-load combination for which the rotorcraft has been approved and the occupancy limitation prescribed in § 133.45(a).

(b) A placard, marking, or instruction (displayed next to the external-load attaching means) stating the maximum external load prescribed as an operating limitation in § 133.45(c).

§ 133.51 Airworthiness certification.

A rotorcraft external-load operator certificate is a current and valid airworthiness certificate for each rotorcraft (fitted with external-load attaching means) listed in that certificate, when the rotorcraft is being used in operations under this part or in operations incidental to those operations.

[F.R. Doc. 64-650; Filed, Jan. 23, 1964; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-SW-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10546) stating that the Federal Aviation Agency proposed to alter the Cotulla, Tex., control zone, revoke the Cotulla control area extension and designate a transition area at Cotulla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220-91, November 10, 1962), the Cotulla, Tex., control zone is amended to read:

Cotulla, Tex.

Within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.); within 2 miles each side of the Cotulla VOR 265° radial, extending from the 3-mile radius zone to the VOR, and within 2 miles each side of the Cotulla RBN 320° bearing, extending from the 3-mile radius zone to 8 miles NW of the RBN.

2. Section 71.181 (27 F.R. 220-139, November 10, 1962) is amended by adding the following transition area:

Cotulla, Tex.

That airspace extending upward from 700 feet above the surface within 8 miles N. and 5 miles S. of the Cotulla VOR 085° radial,

extending from the VOR to 12 miles E. of the VOR; within 8 miles N. and 5 miles S. of the Cotulla VOR 265° radial, extending from the VOR to 13 miles W. of the VOR, and within 8 miles SW. and 5 miles NE. of the Cotulla RBN 320° bearing, extending from the RBN to 12 miles NW. of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 28°52'00" N., longitude 99°28'00" W., to latitude 28°54'00" N., longitude 99°08'00" W., to latitude 28°19'-00" N., longitude 98°37'00" N., to latitude 28°06'00" N., longitude 98°48'00" W., to latitude 28°06'00" N., longitude 99°06'00" W., to latitude 28°08'20" N., longitude 99°-18'20" W., to latitude 28°32'00" N., longitude 99°28'00" W., to point of beginning.

3. In § 71.165 (27 F.R. 220–59, November 10, 1962), the Cotulla, Tex., control area extension is revoked.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-647; Filed, Jan. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 63-AL-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Federal Airway, Associated Control Areas, and Reporting Point

On June 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 6406) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway from Nenana, Alaska, via Tanana, Alaska, to Galena, Alaska, including an alternate airway from Tanana to Galena and to designate Tanana as a reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.125 (27 F.R. 220–36, November 10, 1962) add:

V-488 From Galena, Alaska, via INT Galena 074° and Tanana, Alaska, 260° radials; Tanana (11-mile-wide airway from 45 nmi from Galena to 45 nmi from Tanana), including a south alternate (11-mile-wide airway from 45 nmi from Galena to 45 nmi from Tanana); to Nenana, Alaska.

2. In §§ 71.211 and 71.213 (27 F.R. 220–174, 220–175, November 10, 1962) add:

Tanana, Alaska.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 17, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-648; Filed, Jan. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On October 24, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11415) stating that the Federal Aviation Agency proposed to revoke the south alternate segment of VOR Federal airway No. 248 from Avenal, Calif., to Bakersfield, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (27 F.R. 220–6, November 10, 1962) is amended as follows: In V–248 ", including an S alternate via INT of Avenal 145° and Bakersfield 243° radials." is deleted.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 17, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-649; Filed, Jan. 23, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3064; Amdt. 677]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL–44D4 Aircraft

In a recent incident involving a Canadair Model CL–44D4 aircraft, there was binding of a sealed coupling in the control system due to the rotation of an eccentrically bored nylatron bushing in the housing. To correct this unsafe condition an airworthiness directive is being issued to require inspection and modification of the couplings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CANADAIR. Applies to all Model CL–44D4 aircraft.

Compliance required as indicated.

As a result of an incident indicating binding of a sealed coupling due to rotation of an eccentrically bored nylatron bushing in an eccentrically bored housing P/N 44A53941–951, accomplish the following inspection within 25 hours' time in service after the effective date of this AD unless already accomplished.

(a) Inspect all 14 control system couplings P/N 44A53940 to determine if housing P/N 44A53941–951 is being utilized (housing P/N impression is stamped on unpressurized face of mounting flange).

(b) If housing P/N 44A53941–951 is being utilized, accomplish one of the following before further flight.

(1) Replace housing P/N 44A53941–951 with housing P/N 44A53941 with no dash number modified per Canadair Service Bulletin No. 304, Revision B, dated July 11, 1963, or an equivalent approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(2) Rework housing P/N 44A53941–951 as follows:

(i) Remove nylatron or steel bushing from housing P/N 44A53941–951;

(ii) Rebore the hole for bushing to 0.750 plus 0.000 minus 0.001 inch-diameter and make bushing hole concentric within 0.001 inch with the hole bore for the bearings;

(iii) Reinstall special nylatron bushing which will provide 0.0010 to 0.0025 inch interference fit with housing bore;

(iv) Finish bore inner diameter of nylatron bushing 0.629 plus 0.001 minus 0.000 inch and make hole in the bushing concentric within .0.001 inch with the hole bore for bearings; and

(v) Reidentify housing as P/N 44A53941–952.

(3) Remove nylatron or steel bushing from housing P/N 44A53941–951 for interim aircraft operation. However, housing shall be replaced or reworked in accordance with either (b)(1) or (b)(2) within 100 hours' time in service after the removal of the bushing. Couplings that are reworked or replaced after this interim operation shall be thoroughly cleaned and lubricated before reinstallation.

(Canadair Service Bulletin No. 304, Revision B, dated July 11, 1963, and Canadair Limited telegram dated January 7, 1964, to Seaboard World Airlines, Flying Tigers Airlines and Slick Airways covers this same subject.)

This amendment shall become effective January 23, 1964.

(Secs. 313(a), 601 and 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 17, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-646; Filed, Jan. 23, 1964; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Yakima Indian Reservation, Washington

JANUARY 20, 1964.

There was published in the FEDERAL REGISTER on August 9, 1963, (28 F.R. 8212) notice to amend §§ 221.1, 221.73 and 221.86 of the Code of Federal Regulations, Title 25—Indians, dealing with the operation and maintenance of the Ahtanum Indian Irrigation Project, Toppenish-Simcoe Indian Irrigation Project and the Wapato Indian Irrigation Project of the Yakima Indian Reservation, Washington. The purpose of this amendment is to increase the annual operation and maintenance assessment rate for the Ahtanum Project from $2.75 to $3.25; the Toppenish-Simcoe Project from $2.25 to $3.25 and the Wapato Project from $7.25 to $8.00 under paragraph (a) and from $7.00 to $8.00 under paragraph (b).

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. A large number of water users both Indian and non-Indian and the Yakima Tribe protested the proposed increase in rates and requested a hearing in order to give them an opportunity to state their position. A public hearing was held on November 5, 1963, at the Indian meeting house near Wapato, Washington. Complete coverage of this hearing together with all correspondence in the case has been carefully considered and found not to justify further delay in the amendment of regulations. Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

Section 221.1 under the center head Ahtanum Indian Irrigation Project, Washington, is amended to read as follows:

§ 221.1 Charges.

Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1964 and subsequent years until further notice, are hereby fixed at $3.25 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

Section 221.73 under the center head Toppenish-Simcoe Indian Irrigation Project, Washington, is amended to read as follows:

§ 221.73 Charges.

Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1964 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre	$3.25

Section 221.86 under the center head Wapato Indian Irrigation Project, Washington, is amended to read as follows:

§ 221.86 Charges.

Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1964 and subsequent years until further notice are hereby fixed as follows:

(a) Minimum charges for all tracts in noncontiguous single ownership	$6.00
(b) Flat rate upon all farm units or tracts for each assessable acre	6.00
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.50

(38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387)

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64-661; Filed, Jan. 23, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3306]

[Montana 061709]

MONTANA

Power Site Restoration No. 611; Partly Revoking Indian Power Site Reserve (BLM 129534) and Power Site Reserve No. 397; Vacating Power Withdrawal Project No. 2135

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA–173–Montana, it is ordered as follows:

1. The Departmental Order of June 29, 1908, creating Indian Power Site Reserve and the Executive Order of September 10, 1913, creating Power Site Reserve No. 397 are hereby revoked so far as they affect the following-described lands:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 20 W.,
Sec. 5, lots 6 and 7;
Sec. 7, S½;
Sec. 8, lot 8, NW¼NW¼ and W½SE¼SW¼;
Sec. 17, lots 1, 2 and 3;
Sec. 18, lots 1, 2, 3, 4, 5, 6, 7, and 8.
T. 22 N., R. 21 W.,
Sec. 11, lots 1 to 9 incl., and SW¼SE¼;
Sec. 12, lots 1, 2, 3, 4 and W½ lot 5;
Sec. 13, lots 1, 2, 3, 4, 5, NE¼NE¼, SE¼NW¼, E½NW¼SE¼, and W½W½NW¼SE¼;

Containing approximately 1,289 acres.

Most of the lands are required for the dam site, powerhouse, operator's quarters and switchyard of Project No. 5, and are not subject to disposal.

2. In DA–173, Montana, the Federal Power Commission vacated the withdrawal of May 22, 1953, created by the filing of an application for preliminary permit for Project No. 2135 so far as it affects the following-described lands:

T. 22 N., R. 21 W.,
Sec. 11, lots 1, 2, 3, 4, 5 and 9.

3. The Federal Power Commission has determined that the value of the following-described lands will not be injured or destroyed for purposes of power development by location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, and further subject to the prior rights of the licensee (Rocky Mountain Power Company) for Project No. 5, its successors or assigns and the easement imposed by law:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 20 W.,
Sec. 7, SE¼SE¼;
Sec. 8, NW¼NW¼.
T. 22 N., R. 21 W.,
Sec. 11, lots 1, 2, 3, 4, 5 and 9 and, all portions of the following-described subdivisions lying within the project boundary, being those lands lying below the 2893 foot contour, as more accurately described on maps designated Exhibits K sheets 1 to 10 inclusive (F.P.C. Nos. 5–51 to 60 inclusive), filed in the Commission May 3, 1940 and Exhibits K sheets 11 to 15 inclusive (F.P.C. No. 5–97 to 101 inclusive), filed in the Commission January 2, 1946.
T. 22 N., R. 19 W.,
Sec. 6, lot 2:
Within Baptist Villa
block 2, lots 1, 2, 3 and 4;
block 3, lots 1 to 8 incl.;
block 4, lots 1 to 7 incl.
T. 23 N., R. 19 W.,
Sec. 3;
Within Festou Villa
block 8, lots 4 and 5;
block 9, lots 1, 2 and 3;
block 10, lots 1, 2, 10 and 11;
block 11, lots 5, 8 and 9;
Sec. 7;
Within Finley Point Villa
block 1, lots 12 and 13;
block 2, lots 1, 3 and 4;
block 3, lot 1;
block 6, lots 1, 2, 3 and 4;
Sec. 10;
Within Festou Villa
block 12, lots 1, 2, 4, 5, 6 and 7;
Sec. 15;
Within Station Villa
block 1, lots 1, 2 and 3;
Sec. 18;
Within Pollard Villa
block 1, lots 1 to 6 incl.;
block 4, lots 1 to 7 incl.;
Sec. 19; lots 6 and 7 (old lot 4)
Within Alson Villa
block 1, lot 4;
Sec. 20;
Within Alson Villa
block 1, lots 5 and 6;
block 2, lots 5, 6 and 7;
Sec. 22, NW¼NW¼;
Sec. 31;
Within Baptist Villa
block 1, lot 1.
T. 24 N., R. 19 W.,
Sec. 9;
Within Orchard Villa
block 3, lot 8;
block 4, lots 1, 2 and 8.
Sec. 21, lots 1, 2 and 3;
Sec. 22, lot 1;
Within Blue Grade Villa
block 1, lot 1;
Sec. 27;
Within Blue Grade Villa
block 7, lots 1 and 2;

Sec. 24;
Within Easton Villa
block 2, lots 1, 2 and 5;
block 3, lots 1 to 7 incl.;
block 4, lots 4 and 5.
T. 25 N., R. 19 W.,
Sec. 5, lot 3.
T. 22 N., R. 20 W.,
Within Polson Townsite
public reserves nos. 1, 3 and 5;
block 1, lot 6;
block 2, lots 1, 6 and 11;
A triangular tract in northwest corner of block 5;
block 11, lots 4A and 4B;
Sec. 5, lots 6 and 7;
Sec. 7, SW¼SE¼;
Sec. 8, lot 3 and W½SE¼SW¼;
Sec. 17, lots 1, 2 and 3;
Sec. 18, lots 1 to 8 incl.
T. 23 N., R. 20 W.,
Sec. 3, S½SW¼NW¼, SW¼SE¼NW¼, W½SE¼SE¼NW¼, NW¼SW¼ and SW¼SE¼;
Sec. 5;
Within White Swan Villa
block 10, lots 1, 2, 3 and 4;
block 11, lots 1 and 2;
Sec. 10, NW¼NE¼;
Secs. 2, 3, 10, 11 and 15;
Within Safety Bay Villa
block 2, lots 1, 3, 4 and 5;
block 3, lots 3 to 10 incl., and 19;
block 4, lots 1, 2, 3, 9, 10, 11, 12, 16, 19, 20, 22 and 23;
block 5, lots 1 to 6 incl.;
block 6, part of lot 1, lots 2, to 18 incl.;
block 7, lots 1 to 11 incl.;
block 8, lots 1 and 4;
block 9, lots 2, 3, 4, 5, 6, 9, 10, 11, 12 and 13;
block 10, lots 2 to 10 incl.;
block 11, lots 1 to 10 incl.;
block 12, lots 1 to 13 incl.;
block 13, lots 1, 2 and 3;
block 14, lots 1, 2, 3, 4, 6 and 7;
block 15, lots 1 to 8 incl.;
block 16, lots 1, 2, 3, 4, 5, 13, 14, 15 and 16;
Sec. 12;
Within Narrows Villa
block 1, lots 1, 2 and 3;
block 2, lot 1;
block 3, lot 1.
T. 24 N., R. 20 W.,
Secs. 7, 8 and 17;
Within Grouse Villa
block 1, lots 1 and 2;
block 2, lot 4;
block 3, lots 2 and 3;
block 4, lots 3, 5 and 9;
block 5, lots 1, 2 and 5;
block 7, lots 4 and 6;
Sec. 18;
Within Wild Horse Villa
block 2, lots 1, 2, 3, 6, 7, and part of lot 8;
Secs. 27, 28, 33 and 34;
Within Matterhorn Villa
block 1, lots 1, 2, 3 and 4;
block 2, lots 3, 4, 5, 6, 7 and 8;
block 3, lots 1, 2, 4 and 5;
block 4, lot 6;
block 5, lots 1 to 8 incl.;
block 6, lots 1 to 6 incl.;
block 7, lots 1, 3, 6 and 7;
block 8, lots 1 to 5 incl.;
Secs. 29, 30 and 32;
Within White Swan Villa
block 1, lot 1;
block 2, lots 4 and 5;
block 3, lots 5, 6 and 8;
block 4, lots 1, 2, 3, 4, 7, 13, 14, 15 and 16;
block 5, lots 1, 2, 3, 6, 7, 10, 11 and 12;
block 7, lots 3, 4 and 5;
block 8, lot 4;
block 9, lots 4, 5 and 8;
Sec. 30;
Within Larches Villa
block 2, lots 2, 3, 4 and 5;
Secs. 34 and 35;
Within Safety Bay Villa
block 1, lots 1, 2, 3, 4, 5, 6 and 7;
block 6, part of lot 1.
T. 26 N., R. 20 W.,
Sec. 3, lot 1;
Sec. 4, lot 6.
T. 27 N., R. 20 W.,
Sec. 22, lot 5.
T. 28 N., R. 20 W.,
Sec. 30, lot 9.
T. 24 N., R. 21 W.,
Sec. 3;
Within Dayton Townsite
blocks 9 and 22;
Secs. 12, 13 and 14;
Within Daycrom Villa
block 1, lot 1;
block 2, lot 1;
block 3, lots 1, 2, 4 and 7;
block 4, lots 1, 6 and 7;
Sec. 13;
Within Wild Horse Villa
block 1, lots 1 to 8 incl.;
block 2, part of lot 8, lots 10, 11, 13, 14, 15, 16, 17, 18 and 21;
Sec. 15;
Within Cromwell Villa
block 3, lot 7;
block 4, lot 1;
block 5, lots 1, 2, 3 and 5;
Sec. 19, lot 2;
Secs. 24 and 25;
Within Wilgus Villa
block 1, lots 1 to 17 incl.;
Sec. 25;
Within Armo Villa
block 1, lots 5 and 7;
block 2, lots 1 and 4;
block 3, lot 1;
Secs. 27 and 34;
Within Big Arm Villa
block 3, lots 1, 3, 4 and 5;
block 4, lots 4 and 5;
block 7, lots 1 and 2;
block 8, lot 1;
block 9, lots 2, 3 and 4;
Sec. 33;
Within Big Arm Townsite
block 1, lot 1;
block 2, lots 1, 2, 3 and 4;
block 3, lot 6;
block 4, lots 1, 2 and 3;
block 5, lots 1, 2, 3, 4, 5 and 6;
block 6, lots 3, 4, 5 and 6;
block 7, lots 3 and 4.
T. 28 N., R. 21 W.,
Sec. 22, NE¼SW¼.

4. With the exception of some or all of the lands in Ts. 24, 26, 27 and 28 N., R. 20 W., and T. 28 N., R. 21 W., the lands in Paragraph 3 are a part of the Flathead Indian Reservation. The areas affected by this order total in the aggregate about 15,800 acres of public and non-public land.

5. Subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals the public lands described in this order are hereby opened to filing of applications, selections and locations in accordance with the following:

(a) Until 10:00 a.m. on July 17, 1964, the State of Montana shall have the preferred right of application to select any of the restored land for school indemnity purposes, as provided by section 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The State of Montana also has a more limited preferred right of application for the restored land for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

(b) All valid applications and selections under the nonmineral public land laws others than preference right applications from the State of Montana, presented at or prior to 10:00 a.m. on July 17, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and sections filed after that hour will be governed by the time of filing.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

7. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their application setting forth all facts relevant to their claims.

8. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana, 59101.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-662; Filed, Jan. 23, 1964; 8:46 a.m.]

[Public Land Order 3307]

[Washington 04779]

WASHINGTON

Power Site Cancellation No. 196; Partly Cancelling Power Site Classification No. 349; Opening Lands Subject to Section 24 of the Federal Power Act, Project No. 2145

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determinations of the Federal Power Commission docketed as DA-190-Washington, dated July 24 and December 6, 1963, it is ordered as follows:

1. The departmental order of June 22, 1944, creating Power Site Classification No. 349, is hereby cancelled so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 25 N., R. 21 E.,
Sec. 20, SE¼NW¼ and NE¼SW¼.

The areas described aggregate approximately 80 acres. A portion of the NE¼SW¼ is withdrawn for Project No. 2145.

2. In DA-190-Washington, July 24, 1963, the Federal Power Commission determined that the value of the affected portions of the following-described lands so far as they are included in Project No. 2145 not already occupied by virtue of rights acquired prior to withdrawal of the lands for power purposes will not be injured or destroyed for purposes of power development by location thereon of the proposed highway right-of-way, subject to the provisions of section 24 of the Federal Power Act, and subject to the prior rights of the licensee for Project No. 2145, its successors and assigns, to use the lands for purposes as contemplated in the license:

T. 25 N., R. 21 E.,
Sec. 20, NE¼SW¼;
Sec. 30, NE¼SE¼.

Containing approximately 80 acres.

3. The land lies adjacent to the Rocky Reach Dam reservoir on the Columbia River, about 15 miles north of the City of Wenatchee, Washington. Topography is rough, broken and steep. Soils are shallow and rocky.

4. Until 10:00 a.m. on July 17, 1964, the State of Washington shall have the preferred right of application to select any of the restored land except those in Project No. 2145 for school land indemnity purposes, as provided by section 2(c) of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 852). The State of Washington also has a more limited preferred right of application for the restored land for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

5. At 10:00 a.m. on July 17, 1964, the lands other than those in Project No. 2145 shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, except preference right applications from the State, received prior to 10:00 a.m. on July 17, 1964, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

6. The land has been open to applications and offers under the mineral leasing laws, and except those in Project No. 2145, to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-663; Filed, Jan. 23, 1964; 8:46 a.m.]

[Public Land Order 3308]

[Colorado 0112733]

COLORADO

Partly Revoking Reclamation Withdrawal, Blue River-South Platte Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of August 23, 1943, withdrawing land for reclamation purposes in connection with the Blue River-South Platte Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 74 W.,
Sec. 26, lots 6 to 23 incl., and lots 56 to 73 incl.;
Sec. 27, lots 1 to 41 incl., lots 43, 45, 47, 48, 51, 52, 53, and lots 56 to 60 incl.;
Sec. 28, lots 1 to 10 incl., lot 23, lots 25 to 36 incl., and lots 42, 43 and 44;
Sec. 33, lots 1, 2, 3, 8, 9, 10, 21, and NW¼SW¼;
Sec. 34, lots 3, 4, 5, lots 8 to 14 incl., lots 17, 18, 28, 29, and 30.
T. 4 S., R. 74 W.,
Sec. 4, lots 3, 4, and S½NW¼;
Sec. 5, lots A, B, C, D, E and F, lots 1, 6, 7 and 8, N½SW¼NE¼, SW¼SW¼NE¼, and E½E½NE¼SE¼;
Sec. 8, lots 1 to 4, incl., lots 6 to 12 incl., lots 26, 27, lots 30 to 37 incl., lots 39, 40, 41, 43, 50, 55, 57, 58, 59, 60, 75, 76, 77, 86, 87, 89, 92, 93, 94, 98, and 99;
Sec. 17, lots 1, 9, and 10.

The areas described aggregate 1,174.85 acres.

2. Subject to any valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, the public lands released from withdrawal by this order are hereby opened to filing of applications, selections and locations in accordance with the following:

(a) Until 10:00 a.m. on July 17, 1964, the State of Colorado shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852), and the regulations in 43 CFR.

(b) All valid applications and selections under the nonmineral public land laws other than any from the State of Colorado presented at or prior to 10:00 a.m. on July 17, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(c) The lands have been opened to applications and offers under the mineral leasing laws. They will be opened to location under the United States mining laws after 10:00 a.m. on July 17, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-664; Filed, Jan. 23, 1964; 8:46 a.m.]

[Public Land Order 3309]

[Sacramento 071209]

CALIFORNIA

Withdrawal for Forest Service Experiment Station

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1962, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as an experiment station:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 10 E.,
Sec. 22, SW¼SW¼.

The area described contains 40 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-665; Filed, Jan. 23, 1964; 8:47 a.m.]

[Public Land Order 3310]

[Wyoming 0195835]

WYOMING

Withdrawal for Forest Service Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following described national forest lands in the Medicine Bow National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a recreation area:

SIXTH PRINCIPAL MERIDIAN

Bobbie Thomson Campground

T. 14 N., R. 79 W.,
Sec. 22, SE¼SE¼SW¼;
Sec. 27, E½NE¼NW¼, W½NW¼NE¼, NE¼SE¼NW¼, and NW¼SW¼NE¼.

The areas described aggregate approximately 70 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-666; Filed, Jan. 23, 1964; 8:47 a.m.]

[Public Land Order 3311]

[Anchorage 059387]

ALASKA

Withdrawal for Forest Service Administrative Site

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for use of the Forest Service as an administrative site in connection with the administration of the Tongass National Forest:

HYDER, ALASKA

U.S. Survey 2296

Containing 4.80 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-667; Filed, Jan. 23, 1964; 8:47 a.m.]

[Public Land Order 3312]

[Fairbanks 031477]

ALASKA

Withdrawing Public Lands for School Purposes

By virtue of the authority contained in the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws, and reserved under jurisdiction of the Bureau of Indian Affairs for school purposes, as an addition to those reserved at Stebbins by Executive Order No. 5289 of March 4, 1930:

STEBBINS

Beginning at Corner No. 3 of U.S. Survey 2049; thence:
S. 10°18' E., 200';
S. 79°42' W., 462 feet;
N. 10°18' W., 200 feet to Corner No. 4 of Survey 2049;
N. 79°42' E., 462 feet to the point of beginning.

Containing 2.12 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-668; Filed, Jan. 23, 1964; 8:47 a.m.]

[Public Land Order 3313]

[Montana 058470 ND]

NORTH DAKOTA

Reservoir Site Restoration No. 36; Revoking Reservoir Site Reserve No. 3

By virtue of the authority contained in Section 5 of the Act of June 1, 1910 (36 Stat. 456), it is ordered as follows:

The Departmental Order of May 15, 1911, withdrawing the following-described lands as Reservoir Site Reserve No. 3, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 90 W.,
Sec. 8, lots 6, 7 and 8, S½SW¼, and SW¼SE¼;
Sec. 17, N½NW¼, SW¼NW¼ and NW¼SW¼;
Sec. 18, E½NE¼ and NE¼SE¼.

The areas described aggregate about 491 acres, within and a part of the Fort Berthold Indian Reservation.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64-669; Filed, Jan. 23, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1131]

[Docket No. AO-271-A7]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Ramada Inn, 3825 East Van Buren Avenue, Phoenix, Arizona, beginning at 10:00 a.m., local time, on February 11, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arizona marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the United Dairymen of Arizona:

Proposal No. 1. Revise § 1131.10(c) by adding at the end of the paragraph the following sentence:

A cooperative association who operates a pool plant may receive milk into trucks owned or under contract to the cooperative and act as handler for such milk where it causes such milk to be transferred from one pool plant to another pool plant for the account of the association.

Proposed by the Co-op Dairy, Federated Producers Association and United Dairymen of Arizona:

Proposal No. 2. Revise § 1131.15 to read as follows:

§ 1131.15 Fluid milk product.

"Fluid milk product" means milk (including frozen or concentrated milk) all skim milk (including reconstituted, concentrated, nonfat milk solids, any combination of reconstituted milk or skim milk with other products intended for fluid product use) buttermilk, flavored milk, flavored milk drinks and cream in fluid form or any mixture in fluid form of milk, skim milk, or cream (except sterilized products packaged in hermetically sealed containers, eggnog, yogurt, ice cream mix and aerated cream).

Proposal No. 3. In the introductory text of § 1131.51(a), change the present Class I differential of $2.30 to $2.50 and in § 1131.51(a)(2)(iii) revise the standard utilization table to read as follows:

Month for which price applies	Month used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October-November	113	120
February	November-December	114	121
March	December-January	115	122
April	January-February	116	123
May	February-March	120	127
June	March-April	121	128
July	April-May	122	129
August	May-June	123	130
September	June-July	122	129
October	July-August	120	127
November	August-September	115	122
December	September-October	114	121

Proposal No. 4. Revise § 1131.51(b) to read as follows:

§ 1131.51 Class prices.

* * * * *

(b) *Class II milk price.* The price for Class II milk shall be the Class III price for the month plus 30 cents.

Proposal No. 5. Revise § 1131.71 by adding two new paragraphs (e) and (f) and renumber the present paragraphs (e), (f) and (g) as (g), (h) and (i), respectively, to read as follows:

§ 1131.71 Computation of the uniform price.

* * * * *

(e) Subtract for each of the months, November through June, an amount computed by multiplying 10 cents per hundredweight by the Class I milk to be set aside by the market administrator in a special fund;

(f) For the month of July add one-fourth of the total money in the special fund, for August one-third of the balance, September one-half of the balance, and for October the remaining balance in the fund;

(g) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(h) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(i) Subtract not less than four cents nor more than five cents.

Proposal No. 6. Revise § 1131.84 to include a paragraph to read as follows:

Any unpaid obligation of a handler shall be increased one-half percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Proposed by the Olson Dairy, Tucson, Arizona:

Proposal No. 7. Revise the order (§ 1131.53 and § 1131.73) so as to eliminate the plus price differential for the producer deliveries at Tucson, Arizona, over prices at Phoenix and Safford.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Wilson M. Haverfield, 2617 North 24th Street, Phoenix, Arizona, 85008, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on January 20, 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64-701; Filed, Jan. 23, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

p-Chlorophenoxyacetic Acid; Withdrawal of Petition and Termination of Proposed Rule Making Proceedings

There was published in the FEDERAL REGISTER of May 4, 1963 (28 F.R. 4516), a proposal that action be taken to establish a tolerance of 2 parts per million for residues of *p*-chlorophenoxyacetic acid in or on mung bean sprouts, when used as a plant regulator to inhibit embryonic root development.

Notice is given that the petition has been withdrawn and that action on the proposal is terminated, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408, 68 Stat. 511; 21 U.S.C. 346a) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

Dated: January 20, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-681; Filed, Jan. 23, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 231, 292, 302]

[Docket No. 14979]

CLASSIFICATION AND EXEMPTION OF ALASKA AIR CARRIERS

Notice of Proposed Rule Making

JANUARY 20, 1964.

Notice is hereby given that the Civil Aeronautics Board proposes to revise Part 292 of the Board's Economic Regulations (14 CFR Part 292) as set forth in the attached proposed rule, to amend Part 231 of the Economic Regulations (14 CFR Part 231) by adding a footnote to § 231.5(b) cross-referencing it to Part 292, and to amend Part 302 of the Procedural Regulations (14 CFR Part 302) by amending § 302.1(a)(1) to clarify the applicability of Part 302 to Alaskan air carriers.

The revision of Part 292 and amendments to Parts 231 and 302 are proposed under authority of section 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sections 401, 405, 416, 72 Stat. 754, 760, 771; 49 U.S.C. 1371, 1375 and 1386.

The principal features of the proposed revision of Part 292 and the proposed amendment to Parts 231 and 302 are explained in the explanatory statement below, and the proposed revision and amendments are set forth in the proposed rule below.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before February 24, 1964, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available upon receipt by the Board for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 292 of the Economic Regulations has not been revised since 1949. Since then part 292 has been subject to nine amendments, some of which have made significant changes and deletions. Furthermore, changed conditions have made some of its surviving provisions inapplicable to present day needs. The Board, therefore, proposes to revise Part 292 so as to bring it up-to-date.

The revised version of Part 292, as proposed, is considerably condensed over its present form. Provisions relating to temporary exemption authorizations and carriers operating thereunder have been eliminated as obsolete. Since Alaskan air carriers are all certificated, and since they are now in all major respects governed by the same regulatory provisions applying to other direct air carriers, the proposed revision omits the long list of regulations specifically applicable to them, now found in § 292.4. With the centering of proceedings involving Alaskan air carriers in the Washington, D.C. offices of the Board, almost all present provisions dealing with the special functions of the representative of the Board in the Alaska Liaison Office are deleted. Since Part 215 of the Economic Regulations (Names of Air Carriers and Foreign Air Carriers) governs Alaskan air carriers by definition (§ 215.1), the revision deletes § 292.9 (Business name of air carrier) as superfluous. Other features of the proposed revision are described below.

The certificate of public convenience and necessity of every Alaskan carrier now contains a provision which permits it, with respect to each regular route over which it is authorized to carry mail, to include in schedules which it files under section 405(b) of the Act as an intermediate point any point not named in any regular route of any other carrier and which is "not more than 25 miles off the airline course" over the holder's regular route on which it is named. Experience has shown that the term "airline course" has been subject to misinterpretation. The revision would therefore expressly construe it to mean "direct airport-to-airport straightline course between any two consecutive points named in the carrier's regular route certificate." It would be required that schedules naming such off-route points be filed at least 30 days in advance of the dates when it is desired to inaugurate them, and that they be accompanied by economic data relating to the new service. These requirements would permit the Board sufficient time to study the supporting data submitted, and to judge the need for the proposed new service. In the absence of inhibiting action by the Board at least 5 days before the date proposed for the inauguration of such off-route schedule, it would be permitted to become operative according to its terms.

As in the certificate provision above described, § 292.8 uses the phrase, "airline course over the carrier's regular route" with reference to permissible charter and special service flights. In the proposed revision, this section would become § 292.2, and the phrase would be amended in the manner described above.

Section 292.5 currently provides that all documents required by the Act or by the Board to be filed with the Board by any Alaskan air carrier in connection with air transportation performed or sought to be performed by such air carrier shall be filed with the authorized representative of the Board in the Alaska office under procedures established by him, except that applications, motions, and petitions in formal proceedings filed through counsel having addresses outside of Alaska may be filed directly with the Board, with a signed copy to the Alaska Liaison Office. It is the Board's desire that, so far as possible, procedures should be uniformly applicable to all classifications of carriers, and since all Alaskan air carriers are represented by counsel having Washington, D.C. addresses it sees no further need for special filing procedures for proceedings in which they are involved, except a requirement that information copies of pertinent documents be mailed to the Alaska Liaison Office. The proposed revision would, therefore, amend the procedural requirements accordingly. The posting and preservation of records requirements now in § 292.5(d) would be retained in substance, but the provisions in §§ 292.5, 292.6 and 292.7 for participation in formal proceedings by the authorized representative of the Board in the Alaska Liaison Office and for the maintenance of special dockets for proceedings involving Alaskan air carriers would be deleted. In the proposed revision, these procedural requirements would appear in § 292.3.

The provisions in proposed § 292.4, governing the filing of off-route schedules by Alaskan air carriers, are procedurally related to those in § 231.5(b) of the Economic Regulations. It is therefore proposed to add an appropriate cross reference to § 231.5(b).

Under the proposed revision of Part 292, Alaskan air carriers would in all respects be governed by the provisions of Part 302, the procedural regulations, except for the additional filing and posting requirements of § 292.3. It is therefore proposed to revise the wording of § 302.1(a)(1) to make this clear. Since the classification of Alaskan air taxi operators no longer exists, references thereto are deleted.

Proposed rules. It is proposed to revise and amend the regulations of the Civil Aeronautics Board as follows:

1. By amending Part 231 of the Economic Regulations (14 CFR Part 231) by adding a footnote to § 231.5(b) to read: "For related provisions applicable to Alaskan air carriers, see § 292.4 of this subchapter."

2. By revising Part 292 of the Economic Regulations (14 CFR Part 292) to read as follows:

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

§ 292.1 Classification.

There is hereby established, within the meaning of section 416(a) of the Federal Aviation Act of 1958, a classification of air carriers which engage in air transportation (a) solely between points within the State of Alaska or (b) solely between points within the State of Alaska and between points within the State of Alaska and points in Canada, said classification to be designated as Alaskan air carriers.

§ 292.2 Charter trips and special services.

An Alaskan air carrier which holds a certificate of public convenience and necessity issued by the Board may make charter trips and render other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point within or without Alaska: *Provided, however,* That such trips originate at or are destined to a point in Alaska which is named in the carrier's certificate or which is located within 25 miles of the direct airport-to-airport straight-line course between any two consecutive points named in its regular route certificate and is actually being served by the carrier as an intermediate point pursuant to a schedule on file with the Board under section 405(b) of the Act; *And, provided further,* That all such trips to and from points outside of Alaska are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or scheduled service.

§ 292.3 Procedural requirements.

Notwithstanding the requirements of any other regulation, order or rule of the Board, the following special provisions shall apply in the case of Alaskan air carriers:

(a) *Filing of documents with Alaska Liaison Office.* A true copy of every application, motion, petition or complaint filed with the Board by or in behalf of any Alaskan air carrier or in connection with air transportation performed or sought to be performed by such air carrier shall be sent simultaneously by air mail to the Board's Alaska Liaison Office, Anchorage, Alaska. Such copy need not bear original signatures.

(b) *Posting and preservation of documents.* The Alaska Office copies of all documents subject to this part which are required by the Act, or by the regulations, orders, or rules of the Board thereunder to be posted in the offices of the Board in Washington, D.C., shall be posted in the office of the authorized representative of the Board in the Alaska Liaison Office; and the Alaska Office copies of documents which are required by section 1103 of the Act to be preserved as public records in the custody of the Secretary of the Board shall be preserved as public records in the custody of the authorized representative of the Board in the Alaska Liaison Office under such reasonable arrangements as he may make for public inspection thereof. Such posting and preservation as public records shall be in addition to those in the Board's offices in Washington, D.C.

§ 292.4 Off-route schedules; filing requirements and effect thereof; construction of terms.

(a) An Alaskan air carrier which desires to include in schedules which it files under section 405(b) of the Act any off-route point, pursuant to a provision in its certificate of public convenience and necessity authorizing it to serve as an intermediate point any point not more than 25 miles off the airline course over its regular route, shall file such schedule not later than 30 days prior to the desired effective date. The schedule shall be accompanied by a statement setting out all applicable economic data bearing on the need for the proposed service.

(b) A flight schedule filed pursuant to this section may be operated according to its terms unless, at least five days prior to the effective date thereof, the Board notifies the carrier that inauguration of such service shall be deferred. Nothing herein contained shall alter the provision in an Alaskan air carrier's certificate whereby the Board may require the holder without advance notice and without hearing to suspend indefinitely, or for some other period, further operation of any such service which may have been inaugurated.

(c) The term "airline course" as contained in the certificate provision referred to in paragraph (a) of this section shall be construed to mean "direct airport-to-airport straight-line course between any two consecutive points named in the carrier's regular route certificate."

3. By amending Part 302 of the Procedural Regulations (14 CFR Part 302) by revising § 302.1(a)(1) to read:

(1) Proceedings involving "Alaskan air carriers" are governed by the rules in this part, except as modified by Part 292 of this chapter.

[F.R. Doc. 64-697; Filed, Jan. 23, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-101]

CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Revocation and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Richmond, Ind., control area extension is presently designated as that airspace bounded on the north by V-50, on the east by V-275, and on the southwest by V-97.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Richmond terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the revocation of the Richmond control area extension and the designation of the Richmond transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Richmond Municipal Airport (latitude 39°45'20" N., longitude 84°50'30" W.); within 2 miles each side of the Richmond VOR 045° True radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; within 2 miles each side of the Richmond VOR 243° True radial, extending from the 6-mile radius area to 8 miles southwest of the VOR; and within 2 miles each side of the Richmond RBN 234° True bearing, extending from the 6-mile radius area to 8 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 39°10'00" N., longitude 85°39'00" W. to latitude 39°30'00" N., longitude 85°39'00" W. to latitude 39°39'00" N., longitude 85°30'00" W. to latitude 40°00'00" N., longitude 85°30'00" W. to latitude 40°00'00" N., longitude 84°58'00" W. to latitude 40°10'00" N., longitude 85°05'45" W. to latitude 40°10'00" N., longitude 85°00'00" W. to latitude 39°40'00" N., longitude 84°25'00" W. to latitude 39°12'00" N., longitude 85°30'00" W. to point of beginning.

The proposed revocation of the Richmond control area extension and the designation of the Richmond transition area would raise the floor of controlled airspace beyond a 6-mile radius, with extensions, of the Richmond Municipal Airport, from 700 to 1,200 feet above the surface. The portions of controlled airspace released by the proposed actions would become available for other aeronautical purposes. The portions of controlled airspace retained would provide protection for aircraft executing prescribed holding, arrival and departure procedures in the Richmond terminal area, and for extensive off-airway en route radar vectoring service provided by the Indianapolis, Ind., Air Route Traffic Control Center.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected. The floors of the airways which traverse the transition area proposed herein and the floor of the portions of the Cincinnati, Ohio, and the Atterbury, Ind., control area extensions which coincide with the proposed transition area would automatically assume a floor coincident with the floors of the transition area. Revocation of these control area extensions will be processed at a later date as a part of the CAR Amendments 60-21/60-29 implementation programs proposed for the respective areas.

Specific details of any changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of

the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 17, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-653; Filed, Jan. 23, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-10]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Tanana, Alaska, terminal area:

1. The Tanana control zone is designated within a 5-mile radius of Tanana Airport.

2. The Tanana transition area is designated as that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 10 miles southwest of the 314° and 134° True bearings from the Tanana radio range, extending from 7 miles northwest to 13 miles southeast of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Tanana area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Tanana control zone by redesignating it as that airspace within a 5-mile radius of Tanana Airport (latitude 65°10'25" N., longitude 152°06'35" W.); within 2 miles each side of Tanana radio range southwest course, extending from the 5-mile radius zone to 8 miles southwest of the radio range, and within 2 miles each side of the 233° True radial of a VOR to be established in the vicinity of Tanana, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

2. Alter the Tanana transition area by redesignating it as that airspace extending upward from 700 feet above the surface within 5 miles northwest and 10 miles southeast of the Tanana VOR 233° True radial, extending from the VOR to 13 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Tanana VOR, extending clockwise from the Tanana VOR 093° to the 280° True radials, and within an 8-mile radius of the Tanana VOR, extending clockwise from the Tanana VOR 280° to the 093° True radials.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions proposed herein would, in part, enlarge the Tanana control zone by the addition of 8-mile control zone extensions southwest of Tanana based on the radio range southwest course and the VOR 233° True radial. These extensions would provide protection for aircraft executing prescribed VOR and radio range instrument approach procedures.

The portion of the proposed transition area with a floor of 700 feet above the surface would provide additional protection for aircraft executing the portions of the prescribed instrument approach and departure procedures at Tanana Airport conducted beyond the limits of the control zone and below the floor of the proposed 1,200-foot floor portion of the transition area. The portion extending upward from 1,200 feet above the surface would provide protection for aircraft while holding at the Tanana VOR and radio range and for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace and Rules Branch, Air Traffic Division, Alaskan Region, Federal Aviation Agency.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 16, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-654; Filed, Jan. 23, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-116]

FEDERAL AIRWAY

Proposed Revocation of Segment

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 182 is designated in part from Douglas, Wyo., to Chadron, Nebr. The latest FAA peak day airway traffic survey shows no aircraft movements on this segment of V-182. Therefore, it appears that this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 17, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-655; Filed, Jan. 23, 1964; 8:46 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-EA-76]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.55 of the Federal Aviation Regulations, the substance of which is stated below.

The Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor R-5501 is presently described as follows:

Boundaries. The area centered on the 218° radial of the Appleton, Ohio, VORTAC extending from 5 miles SW of the Lockbourne AFB (Lat. 39°48'51" N., Long. 82°55'56" W) to 32 miles SW of the airbase, having a width of 5.1 miles at the beginning and expanding uniformly to a width of 6.6 miles at the outer extremity.

Designated altitudes.
2,750 feet MSL to 15,750 feet MSL from 5 miles SW of the airbase to 6 miles SW of the airbase. 2,750 feet MSL to flight level 248 from 6 to 7 miles SW of the airbase. 2,750 feet MSL to flight level 270 from 7 to 10 miles SW of the airbase. 6,750 feet MSL to flight level 270 from 10 to 15 miles SW of the airbase. 10,750 feet MSL to flight level 270 from 15 to 20 miles SW of the airbase. 15,750 feet MSL to flight level 270 from 20 to 25 miles SW of the airbase. 19,750 feet MSL to flight level 270 from 25 to 32 miles SW of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Columbus Approach Control.

Using agency. Commander, Lockbourne AFB, Ohio.

The Air Force has proposed to alter R-5501 in accordance with revised airspace criteria. They have also agreed to a reduction in the climb corridor ceiling from flight level 270 to flight level 240.

This proposed area would not affect existing airway structures in the vicinity of Columbus, Ohio, and is smaller in geographical size than the existing corridor.

If this action is taken, the Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor R-5501 would be redescribed as follows:

Boundaries. The area centered on a line beginning at Latitude 39°46'47" N, Longitude 82°58'30" W (2 nmi from the end of Runway 23R), and extending via a true bearing of 233° to a point 30 nmi southwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes.
Surface to 20,000 feet MSL from the point of beginning to 1 nmi southwest. Surface to FL 240 from 1 nmi to 3 nmi southwest of the point of beginning. 2,000 feet MSL to FL 240 from 3 nmi to 6 nmi southwest of the point of beginning. 5,000 feet MSL to FL 240 from 6 nmi to 11 nmi southwest of the point of beginning. 10,000 MSL to FL 240 from 11 nmi to 15 nmi southwest of the point of beginning. 14,000 feet MSL to FL 240 from 15 nmi to 19 nmi southwest of the point of beginning. 16,000 feet MSL to FL 240 from 19 nmi to 25 nmi southwest of the point of beginning. 20,000 feet MSL to FL 240 from 25 nmi to 30 nmi southwest of the point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Columbus Approach Control.

Using agency. Commander, Lockbourne AFB, Ohio.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 17, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-656; Filed, Jan. 23, 1964; 8:46 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 3065; Notice No. 64-5]

AIRBORNE DISTANCE MEASURING EQUIPMENT OPERATING WITHIN THE RADIO-FREQUENCY RANGE OF 960-1215 MEGACYCLES

Proposed Technical Standard Order

The Federal Aviation Agency has under consideration a proposal to revise § 514.71 by amending the Technical Standard Order which contains minimum performance requirements for airborne distance measuring equipment. The TSO which is presently in effect, is applicable only to equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. The proposed revision would amend TSO-C66 to include equipment which is to be used on all civil aircraft. The proposed amendment incorporates new environmental test procedures applicable to distance measuring equipment and other changes necessary to ensure compatibility with the National Airspace Utilization System. New categories have been developed for the various environmental parameters so that all equipment does not have to be designed to operate to the same environmental requirements.

The Agency's system plan and design for the National Airspace Utilization System is dependent on airborne systems which meet a minimum level of performance. At a public symposium in February 1962, and in pertinent recent notices of rule making, the Agency has repeatedly emphasized that the RHO THETA System of air navigation (commonly known as VORTAC) requires that VOR and DME be used in conjunction with each other and that a necessity exists for aircraft operators to equip their aircraft with devices of this type which are compatible with the ground system to assure a match between the ground and airborne elements of the system. At the public symposium the FAA advised the industry that standards were being developed for DME applicable to all civil airplanes operating in the IFR system. The Agency's recent rule making action to amend Parts 40, 41, 42, and 43 (Amendment Nos. 40-38, 41-2, 42-44, and 43-16) contains the Agency's views and objectives leading to adoption of the Civil Air Regulations requiring the use of approved DME under prescribed conditions of operations. These regulatory actions stress a two stage implementation. The first stage involves all air carrier operations along with certain general aviation operations at or above the 24,000 foot altitude flight level. The second stage envisages a progressive lowering of this altitude and inclusion of certain high density terminals as safety needs indicate and as FAA ground facility installations of DME progress in its geographical coverage.

The proposed amendment would facilitate the first stage implementation of the requirement for approved DME by making the present TSO performance standard applicable to DME equipment to be used not only on all aircraft engaged in air carrier operations but all civil aircraft. By eliminating the reference "to air carrier aircraft" only in the previous TSO's applicability provision, the new standard would form the basis for approval, after the effective date, of new models of distance measuring equipment prescribed for the various non-air carrier operations embraced by § 91.33(e). Other non-air carrier operators would not be affected by this change.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 15, 1964 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules

Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 by revising § 514.71 to read as follows:

§ 514.71 Airborne distance measuring equipment operating within the radio-frequency range of 960–1215 megacycles—TSO–C66a.

(a) *Applicability.* (1) Minimum performance standards are hereby established for airborne distance measuring equipment operating within the radio-frequency range of 960–1215 megacycles which are to be used on United States civil aircraft engaged in air carrier operations and all other civil aircraft. New models of airborne distance measuring equipment manufactured for use on such aircraft on or after the effective date of this section shall meet the requirements specified in Federal Aviation Agency Standard "Minimum Performance Standards for Airborne Distance Measuring Equipment Operating within the Radio-Frequency Range of 960–1215 Megacycles", dated August 15, 1963,[1] and Federal Aviation Agency Document "Environmental Test Procedures for Airborne Electronic Equipment", dated August 31, 1962.[1]

(b) *Marking.* (1) In addition to the markings specified in § 514.3(d), the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental test procedures outlined in the FAA Document "Environmental Test Procedures for Airborne Electronic Equipment", which have categories established. These shall be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories designated in the FAA document. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified:

(i) Temperature-Altitude Test Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Test Category;

(iv) Radio-Frequency Susceptibility Test Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test Category.

(2) Equipment which is intended for installation in aircraft which operate at altitudes above 18,000 feet shall be identified on the nameplate as Class I equipment. Equipment which is intended for installation in aircraft which operate at altitudes not exceeding 18,000 feet shall be identified on the nameplate as Class II equipment.

(3) In some cases, such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$BAAAX Class I.

(4) Each separate component of equipment (antenna, indicator, etc.) shall be identified with at least the manufacturer's name, TSO number and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

Issued in Washington, D.C., on January 17, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–652; Filed, Jan. 23, 1964; 8:45 a.m.]

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–620, Federal Aviation Agency, Washington, D.C., 20553.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release 40-8896]

EXEMPTIONS

Proposed Purchases by Investment Companies of Interests in Brokers, Dealers, Underwriters or Investment Advisers

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of § 270.12d–1 (Rule 12d–1 under the Investment Company Act of 1940 ("Act")). The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 6(c) and 38(a) of the Act. It would provide an exemption from the provisions of section 12(d)(3) of the Act to permit, under certain prescribed conditions, registered investment companies and companies controlled by registered investment companies to purchase or acquire for investment purposes, securities issued by, or other interests in the business of, any person which is engaged in the business of a broker, a dealer, an underwriter, an investment adviser of a registered investment company or an investment adviser registered under the Investment Advisers Act of 1940.

It has come to the attention of the Commission that several companies whose outstanding securities for some time have been and presently are held as investments by a number of registered investment companies, recently have acquired or presently propose to organize or acquire interests in companies engaged or to be engaged in underwriting securities or in furnishing investment advice or in conducting the business of a securities broker-dealer. Under these circumstances the provisions of section 12(d)(3) operate to reduce the range of securities that investment companies may select for and hold in their portfolios. The companies acquiring these interests have suggested that notwithstanding the provisions of section 12(d)(3) of the Act, a rule should be promulgated by the Commission permitting investment companies to retain or to acquire the securities of which they are the issuers because they are primarily and predominently engaged in other businesses. They state in this regard that a relatively insignificant portion of their gross revenues is or will be derived from the businesses referred to in section 12(d)(3).

The exemption from the provisions of section 12(d)(3) of the Act which would be created by the proposed rule would be available only if all of the conditions specified therein are satisfied. It appears to the Commission that where the conditions set forth in the proposed rule are satisfied it may be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to permit registered investment companies to acquire and hold such investment interests.

The text of the proposed rule follows:

§ 270.12d–1 Conditional exemption from the prohibitions of section 12(d)(3) of certain purchases or acquisitions of securities.

(a) The purchase or other acquisition solely for investment purposes by a registered investment company, or any company or companies controlled by such registered investment company, of any security issued by or any interest (hereinafter such a security or interest is designated "such interest") in the business of any person which directly or indirectly is engaged in the business of a broker, a dealer, an underwriter, an investment adviser of an investment company, or an investment adviser registered under the Investment Advisers Act of 1940 (hereinafter, these businesses are referred to as "such businesses", and the person in or through which such interest is acquired is referred to as "such person") shall be exempt from the provisions of section 12(d)(3) of the Act, *Provided:*

(1) That for each of its most recent three fiscal years prior to such purchase or acquisition or for the period of time since its organization, whichever is the lesser, the total gross revenues of such person derived from such businesses were not in excess of 15 percent of the total gross revenues of such person derived from all sources; and

(2) Immediately after the purchase or other acquisition of any such interest in any such person, the registered investment company and affiliated persons thereof and all other registered investment companies having the same (or an affiliated) investment adviser as the registered investment company, as a group, in the aggregate, shall not own more than 3 percent of the outstanding voting stock of, or proprietary interest in, such person; and

(3) The registered investment company or the controlled company thereof, at the end of each of its semiannual accounting periods, shall ascertain whether the purchase or other acquisition of such interest at each such date would or would not be permissible under the terms of subparagraphs (1) and (2) of this paragraph, and if it would not be so permissible, shall dispose of or reduce such interest within 90 days thereafter so that the continued ownership of such securities, if any, will be in compliance with the provisions of subparagraphs (1) and (2) of this paragraph.

(b) For the purposes of subparagraph (1) of paragraph (a) of this section: (1) The phrase "gross revenues" shall include consolidated gross revenues where and to the extent that such person has subsidiaries whose operations are normally included in consolidated income statements of such person; and (2) where and to the extent that such person owns, directly or indirectly, securities issued by, or any other interest in the business of, any other person engaged in whole or in part in such businesses and the operations of the other person are not included in consolidated income statements of such person, such person's ratable share of the gross revenues of the other person shall be considered gross revenues of such person.

All interested persons are invited to submit their views and comments on the above proposal in writing to the Securities and Exchange Commission, Washington, D.C., 20549, on or before February 17, 1964. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 15, 1964.

[F.R. Doc. 64–671; Filed, Jan. 23, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 648.3-m]

VITAL WHEAT GLUTEN FROM CANADA

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value; Correction

JANUARY 20, 1964.

Federal Register notice dated August 2, 1963, is hereby corrected as follows: The words "Ogilvie Flour Mills Co., Limited" should be amended wherever they appear to read "Ogilvie Flour Mills Co., Limited, or its subsidiary, Industrial Grain Products Limited."

[SEAL] LESTER JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 64-696; Filed, Jan. 23, 1964; 8:49 a.m.]

Office of the Secretary

[AA 643.3-W]

TITANIUM DIOXIDE FROM JAPAN

Determination of Sales at Less Than Fair Value

JANUARY 16, 1964.

A complaint was received that titanium dioxide from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that titanium dioxide from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined from the evidence that the appropriate comparison for fair value purposes was between purchase price and adjusted home market price.

Purchase price was calculated on the basis of the c.i.f. selling price to the United States per short ton or per metric ton, as applicable. The following included costs, charges, and expenses were deducted, as applicable, from such price: inland freight and insurance, f.o.b. charges, and ocean freight and insurance.

The adjusted home market price was calculated on the basis of the f.o.b. delivered price per metric ton in the home market, from which were deducted a quantity discount, in land freight and insurance, and an amount for the difference in credit terms applicable to home market sales and to sales for exportation to the United States. Adjustment was also made for the slightly higher packing costs applicable to sales for exportation to the United States, and for the fact that the price for exportation to the United States in some instances included a commission.

Purchase price was found to be lower than home market price and no price revision has been made.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-696; Filed, Jan. 23, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Colorado No. 115]

COLORADO

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394, 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Coal Lands

T. 9 S., R. 89 W.
Sec. 20, SW¼SW¼, E½SW¼, SE¼;
Sec. 21, lots 3 and 4, S½;
Sec. 22, S½;
Sec. 26, SW¼, NW¼SE¼;
Secs. 27, 28, and 29;
Sec. 30, lots 5, 6, 11 to 14, inclusive, and 17 to 20, inclusive;
Sec. 31;
Sec. 32, lots 1 to 5, inclusive, and lot 10, N½N½, W½SW¼;
Sec. 33, N½, NE¼SW¼, N½SE¼;
Sec. 34, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 35, SW¼NE¼, W½.
T. 10 S., R. 89 W.
Sec. 2, lots 3 and 4, S½NW¼, N½SW¼;
Sec. 3, lots 1 and 2, SE¼NE¼, NE¼SE¼;
Sec. 5, lots 4 and 7, SW¼NW¼, W½SW¼;
Secs. 6 and 7;
Sec. 8, lots 2, 3, 5, and 6, W½, W½SE¼;
Sec. 16, SW¼NW¼;
Secs. 17 to 20, inclusive;
Sec. 21, lots 3 to 10, inclusive, S½NW¼, E½SW¼, S½SE¼;
Sec. 22, lots 9 and 10, S½SW¼, NE¼SE¼, S½SE¼;
Secs. 27 to 34, inclusive;
Sec. 35, W½SE¼.
T. 10 S., R. 90 W.
Secs. 1, 2, 3, 10, 11, 12, 15, 22, 27, and 34, unsurveyed;
Secs. 13, 14, 23, 24, 25, 26, 35, and 36.

SIXTH PRINCIPAL MERIDIAN, COLORADO

Noncoal Lands

T. 9 S., R. 89 W.
Secs. 7 and 8;
Sec. 9, W½E½, W½;
Sec. 16, W½NE¼, W½;
Secs. 17, 18, and 19;
Sec. 20, N½, NW¼SW¼;
Sec. 21, lots 1 and 2;
Sec. 26, SW¼SE¼;
Sec. 30, lots 7 to 10, inclusive, and lots 15 and 16;
Sec. 32, lots 6 to 9, inclusive;
Sec. 33, NW¼SW¼, S½S½;
Sec. 34, SW¼SW¼;
Sec. 35, NW¼NE¼, W½SE¼.
T. 10 S., R. 89 W.
Sec. 2, lots 1 and 2, S½NE¼, S½SW¼, SE¼;
Sec. 3, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 4;
Sec. 5, lots 5, 6, 8, 9, and 10, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 8, lots 1 and 4;
Secs. 9, 10, 11, 14, and 15;
Sec. 16, lots 1 to 8, inclusive, NE¼, N½NW¼, SE¼NW¼;
Sec. 21, lots 1 and 2;
Sec. 22, lots 1 to 8, inclusive, and 11;
Sec. 23.

Reclassified noncoal lands from coal lands. Prior classification of the following lands as coal lands is hereby revoked and the lands are reclassified as noncoal lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 89 W.
Sec. 3, SW¼NW¼;
Sec. 4, lots 1 and 2, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 9, E½E½.

The area classified totals 40,793 acres, more or less, of which approximately 28,536 acres are classified as coal lands, approximately 11,789 acres are classified as noncoal lands, and approximately 468 acres are reclassified as noncoal lands that were formerly classified as coal lands.

Dated: January 16, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-660; Filed, Jan. 23, 1964; 8:46 a.m.]

Bureau of Land Management

[Fairbanks 030632]

ALASKA

Notice of Hearing on Proposed Withdrawal of Public Lands

JANUARY 21, 1964.

Notice is hereby given that public hearings will be held in the Sydney Laurence Auditorium in Anchorage on February 13; in the Eagles Hall at Fairbanks on February 14; and in the Fort Yukon Public School at Fort Yukon on February 15. Each meeting will be called to order at 10:00 a.m. The hearings will be based upon a recommendation of the Geological Survey for the classification as a water power site of about 8,900,000 acres in contemplation of the proposed Rampart Power Project along the Yukon River, Alaska, extending upstream about 300 miles from Rampart.

An additional hearing, at a date and place to be announced, will be held in Washington, D.C., for the convenience of interested persons and organizations who wish to state their views but who would not find it feasible to attend hearings in Alaska.

Lands classified as potentially valuable for water power purposes are open to location under the mining laws as provided by the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621). They also are open to development under the mineral leasing laws. They may be entered under the public land laws with suitable provisions for the protection of power values, following a favorable determination by the Federal Power Commission as provided by section 24 of the Federal Power Act (16 U.S.C. 818).

Classification of the lands would not affect existing valid rights, including those of natives of Alaska.

The hearings will be open to all interested persons who desire to be heard on the subject. The record will remain open for thirty days from the date of the final hearing for the receipt of written statements. Testimony and written statements will be restricted to the question whether the power site classification should be made, and not whether the project should be constructed. Feasibility of the project is not a subject for determination at this time.

Those who wish to be heard in person at any of the hearings and those who desire to submit written statements should file notice thereof not later than February 10, with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska.

JAMES F. DOYLE,
Assistant Director, Lands and Minerals.

[F.R. Doc. 64-726; Filed, Jan. 23, 1964; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

MILAN LIVESTOCK MARKET ET AL.

Notice of Approval and of Withdrawal of Approval of Certain Stockyards and Livestock Markets

On August 9, 1963, August 27, 1963, October 8, 1963, and December 3, 1963, notices were published in the FEDERAL REGISTER (28 F.R. 8220, 9401, 10801, and 12834), which contained lists of all stockyards and livestock markets approved under § 76.16 of the regulations in Part 76, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of swine because of hog cholera, under the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126; 75 Stat. 481; 76 Stat. 129).

I. Pursuant to such authority, notice is hereby given that the following additional stockyards and livestock markets are approved under said regulations as indicated below:

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE ALL CLASSES OF SWINE

GEORGIA

Milan Livestock Market, Milan.
Tifton Stockyard, Tifton.

ILLINOIS

Robison Feeder Pigs, Manteno.

IOWA

Galva Pig Market, Galva.

KANSAS

Clay Center Sales Company, Inc., Clay Center.
Minneapolis Sales Pavillion, Minneapolis.
Plainville Livestock Commission Company, Inc., Plainville.

MARYLAND

Friend's Stock Yard, Inc., Accident.

MISSOURI

Clark County Sale Company, Kahoka.
Producers Livestock Market, Marshall Junction.

WEST VIRGINIA

New River Livestock Market, Cranberry.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE SLAUGHTER SWINE ONLY

ALABAMA

Aliceville Sale Barn, Aliceville.

DELAWARE

Carroll, C. J., Auction Company, Dover.

IOWA

Radio Hog Yards, Shenandoah.

MISSISSIPPI

Batesville Sales Company, Inc., Batesville.

NEW YORK

Luther Livestock Commission Market, Wassaic.

STOCKYARDS AND LIVESTOCK MARKETS APPROVED TO HANDLE FEEDING AND BREEDING SWINE ONLY

INDIANA

Parke County Feeder Pig Sale, Rockville.
David Stewart Feeder Pig Company, Wolcott.

II. Notice is hereby given also that the following stockyards and livestock markets have been deleted from the list of approved stockyards and livestock markets:

DELAWARE

G. J. Carroll Auction Company, Dover.

NORTH CAROLINA

Godley's Livestock Market, Bath.
Farmers Livestock Exchange, Marchville.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and livestock markets have been added to the list of those heretofore approved under the regulations in 9 CFR Part 76. It has been determined that the inspection and handling of swine at such stockyards and livestock markets are adequate to effectuate the purposes of the regulations. Certain stockyards and livestock markets have been removed from the list of those heretofore approved under said regulations, because it has been determined that such stockyards and livestock markets no longer qualify for approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of January 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-702; Filed, Jan. 23, 1964; 8:50 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Comanche. Nacogdoches.
Hunt.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-675; Filed, Jan. 23, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additive Zoalene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

406(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Dow Chemical Company, P.O. Box 512, Midland, Michigan, 48641, has withdrawn its petition (FAP 1055), published in the FEDERAL REGISTER of September 24, 1963 (28 F.R. 10362), proposing the amendment of § 121.1013 *Zoalene* to establish a tolerance of 4 parts per million (0.0004 percent) in eggs, and the amendment of § 121.207 *Zoalene* to permit zoalene-medicated feed to be fed to laying hens.

The withdrawal of this petition is without prejudice to a future filing.

Dated: January 20, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-682; Filed, Jan. 23, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14717; Order E-20876]

MODEL ASSEMBLY AND DISTRIBUTION RULES

Order Regarding Proposed Modifications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of January 1964.

Three air carriers[1] have petitioned the Board to amend the "model rules" for assembly and distribution services which are set forth in the Appendix to Order E-4606.[2] The "model rules" were originally promulgated to provide guidelines for the carriers to follow in submitting to the Board lawful tariff provisions to govern their assembly and distribution services. In order to avoid the problem of discrimination these "model rules" provide, inter alia, that all parts of a shipment receiving assembly services must be delivered to the consignee at one time, and that all parts of a shipment receiving distribution services must be received by the carrier at one time.

On August 26, 1963, the Board issued a show cause order[3] proposing to amend the "model rules" and requesting that data, views and comments be submitted upon the changes proposed. Briefly, the amendments proposed by the Board would permit the release of parts of an assembly shipment throughout a calendar day, and permit consignors to deliver parts of a distribution shipment to air carriers throughout a calendar day. Regardless of the number of parts involved in such transactions, however, the entirety would be considered as a single shipment and thus obtain the benefit of lower rated large volume weight breaks.

[1] American Airlines, Inc., United Air Lines, Inc., and Trans World Airlines, Inc.

[2] Investigation of Accumulation, Assembly, and Distribution Rules, 12 C.A.B. 337, 345, 346 (1950).

[3] Order E-19953, adopted Aug. 26, 1963. Submissions were due by Oct. 10, 1963, Order E-20033, adopted Sept. 24, 1963.

In addition, the Board proposed to deny requests (1) that minimum charges be set for assembly and distribution services, and (2) that such services be restricted to cargo moving at general commodity rates. Responses have been received from numerous persons.[4]

Direct carriers which supported the proposed modifications have alleged matters and made arguments differing little from those which were advanced by the three original petitioners. These arguments are directed principally to the effect of the proposed modifications upon the operations of direct air carriers, shippers, and consignees. As was also asserted in the initiating petitions, these respondents contend that the adoption of the proposed changes would result in a leveling of peak period congestion, with attendant improvements in manpower, equipment and air-lift utilization. It is alleged that the rules currently in effect cause delays and less expeditious service than shippers demand. Although the arguments in support of this allegation, generally, were similar, the respondents favoring the proposal have not provided any basis upon which we can conclude that the discrimination inherent in the proposed amendments is justified under present operation, or that it is not unlawful as the Board has heretofore found in the Investigation of Accumulation, Assembly and Distribution Rules, 12 C.A.B. 337 (1950). To the contrary, one carrier favoring the proposed amendments states that it would be necessary to superimpose a requirement of minimum rates on the use of the proposed modified rules in order to prevent unjust discrimination between large and small shippers. Moreover, we have not been shown that an extraordinarily important and serious business interest is at stake, nor have other strong reasons been advanced which would tend to justify the inherent discrimination involved in the proposal.

Several of the respondents opposing the adoption of the amended "model rules" contend that there is no justification present for the discrimination inherent in the proposal. They argue that, under the proposed amendments, individual packages which make up the parts of an assembly or distribution shipment could receive transportation services which do not differ from the services rendered a conventional shipment of an individual package. The rates for the service, however, would be based upon the total volume of cargo tendered throughout a period of time. It is also asserted that the proposed amendments would result in the diversion to assembly and distribution services of cargo which now is tendered as single packages and transported at single package rates. Such tenders come from shippers who because of their own operations or those of their consignees' need a continuous and rapid flow of freight. This freight could all be expected to be diverted from conventional service to assembly or distribution, and since lower rates then would be available, the earnings of the carriers would be diluted.

The Board does not have statistical data to show how much cargo is currently receiving assembly or distribution services. Neither is there any information before the Board which would show how much cargo can be anticipated would move if the "model rules" were to be amended as proposed. In the opinion in the Investigation of Accumulation, Assembly, and Distribution Rules, supra, at page 340, assembly and distribution traffic was found to account for only 3.22 percent of the total ton-miles of air freight then being shipped. We would expect that this traffic would account for a larger percentage of the total air freight moving today. While the volume of this traffic, thus, may be significant, the responses to the show cause order have not indicated its extent nor demonstrated that the adoption of the amended "model rules" would be of significant help in alleviating the congestion of facilities at certain peak hours.

Under these circumstances we find that the changes which have occurred in the air freight industry since our decision in the Accumulation, Assembly, and Distribution Rules case afford no justification for the discrimination between large and small shippers which would result under the proposed modification of the "model rules". In the absence of such justification there is no reason before us for reversing our decision in that case and permitting carriers now to engage in a type of discrimination which the Board has found to be unlawful. For these reasons, therefore, we have concluded that the modifications of the "model rules" proposed in Order E-19953 should not be adopted.

One problem raised by the respondents involves the need of consignees from time to time to obtain portions of assembly shipments before the last unit (that is, any package, piece or bundle) thereof may have arrived at destination. An analogous problem was raised in the Deferred Airfreight Renewal Case, 27 CAB 627 (1958). There it was stated that it would be highly desirable for consignors and consignees to control the movement of their shipments as much as possible, provided no additional burden were thereby placed on the carrier. To permit such control, and at the same time to prevent a diversion of cargo from deferred airfreight service by the exercise of this control, consignors and consignees were permitted to withdraw a shipment from deferred airfreight service prior to the shipment's scheduled release time, "upon payment of the difference between the deferred airfreight rate and the regular airfreight rate, plus a premium

[4] United Air Lines, Inc., Delta Air Lines, Inc., The Flying Tiger Line, Inc., The Slick Corporation, Eastern Air Lines, Inc., Northwest Airlines, Inc., Airborne Freight Corporation, Wings and Wheels Express, Inc., Western Transportation Co., Inc., d.b.a. W.T.C. Air Freight, Thiokol Chemical Corp., Western Electric Co., Inc., National Industrial Traffic League, and the Air Freight Forwarders Association, commenting for ABC Airfreight Co., Inc., Acme Air Cargo, Inc., Add Airfreight Corporation, Air Express International Corp., Air-Land Freight Consolidators, Inc., American Express Co., Barnett Aircargo, Inc., Peter A. Bernacki, Inc., Emery Air Freight Corporation, General Air Freight, Inc., H. G. Ollendorff, Inc., routed thru Pak, Inc., J. D. Smith Inter Ocean, Inc., and Hensel, Brockmann & Lorbacher, Inc.

charge * * *" (637). We have concluded that a similar provision permitting the pre-release of one or more units of an assembly shipment would alleviate the problems of consignees who need a portion of such shipments before all units are available for delivery. We will, therefore, amend the model assembly rules to permit a consignee to withdraw one or more units from an assembly shipment at any time, provided (1) that a fee is assessed which reflects the extra documentation and handling costs incurred in effecting such a release; (2) that freight charges are paid on such unit or units at the rate which otherwise would have been applicable to the transportation provided; and (3) that the remaining portion of the assembly shipment is then rated without the inclusion of the unit or units released.

Therefore, in consideration of the foregoing and of all other matters before us in this proceeding, we find that the proposal in Order E-19953 to amend the "model rules" for assembly and distribution service should not be adopted or made final. Specifically, we find that sufficient cause has been shown for the Board to deny the proposal to modify the "model rules" which would have (1) permitted assembly shipments to be released throughout a calendar day and (2) permitted distribution shipments to be delivered to a carrier throughout a calendar day. We find further that the "model rules" for assembly service should be amended to permit the release of one or more units of an assembly shipment upon the conditions heretofore noted. Since this amendment of the "model rules" which are published in the Appendix to Order E-4606 (12 C.A.B. 337, 345 (1950)), constitutes a modification of current Board policy and relief from an existing restriction, this order will become effective upon the date of its issuance.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a) thereof:

It is ordered,

1. That the amendments of the "model" assembly and distribution rules proposed in Order E-19953 shall not be adopted or made final;

2. That the "model" assembly rules, as stated in the Appendix to Order E-4606 (12 C.A.B. 337, 345 (1950)), and as modified in Order E-17370, are amended in accordance with the appendix hereof;[1]

3. That the proceeding in Docket 14717 is dismissed; and

4. That all domestic trunkline, local service, supplemental and scheduled all-cargo air carriers, and all domestic air freight forwarders, shall be served with a copy of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-698; Filed, Jan. 23, 1964; 8:49 a.m.]

[1] Filed as part of the original document.

[Docket No. 14936]

TRANS-TEXAS AIRWAYS, INC.

"Use It or Lose It" Investigation; Notice of Postponement of Prehearing Conference

Pursuant to the request of counsel for Trans-Texas Airways, Inc., dated January 20, 1964, the prehearing conference in this proceeding, now assigned for January 28, 1964, is postponed until February 6, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., January 21, 1964.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 64-699; Filed, Jan. 23, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-204]

CONSOLIDATED EDISON CO.

Notice of Withdrawal of Application for Utilization Facility License

Please take notice that by a "Petition to Withdraw Application," filed January 6, 1964, the Consolidated Edison Company of New York, Inc., petitioned the Commission to withdraw without prejudice its application for license to construct and operate a nuclear power plant in Queens County, New York. In accordance with § 2.107 of the Commission's rules of practice, 10 CFR Part 2, the Commission has issued an Order granting the petition.

A copy of the "Petition to Withdraw Application" and of the Order granting the petition are available for public inspection in the AEC Public Document Room, 1717 H Street NW., Washington, D.C., and at the Public Health Library, New York City Department of Health, 125 Worth Street, New York City.

Notice of the receipt of the application was published in the FEDERAL REGISTER on January 3, 1963, 28 F.R. 81.

Dated at Bethesda, Md., this 17th day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-645; Filed, Jan. 23, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15287]

JOSEPH LAMBERT

Order To Show Cause

In the matter of Joseph Lambert, San Fernando, California, order to show cause why there should not be revoked the license for Radio Station 11Q0571 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 14, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 22, 1963, also mailed to the licensee at his address of record; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 20th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by certified mail—return receipt requested to the said licensee at his last known address of 14707 Hagar Street, San Fernando, California.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-687; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket No. 15284]

FRANK THOMPSON

Order To Show Cause

In the matter of Frank Thompson, Los Angeles, California, order to show cause why there should not be revoked the license for Radio Station 11Q4801 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, un-

der delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (§ 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 23, 1963, alleging violation of §§ 19.61(a) and (g) and 19.62 (now §§ 95.81(a) and (g) and 95.87) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 1, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of § 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 20th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 1457 West 84th Place, Los Angeles, California.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-691; Filed, Jan. 23, 1964; 8:49 a.m.]

[Docket No. 15286]

WALLY'S TOWING SERVICE

Order To Show Cause

In the matter of Wally's Towing Service, Chicago, Illinois, order to show cause why there should not be revoked the license for Radio Station KCR-593 in the Automobile Emergency Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 4, 1963, alleging violation of §§ 16.157, 16.160(c), and 16.156(a), now §§ 93.157, 93.160(c), and 93.156(a), respectively.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 25, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 20th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 4311 South Knox Avenue, Chicago, Illinois.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-694; Filed, Jan. 23, 1964; 8:49 a.m.]

[Docket No. 15278-15281; FCC 64-37]

FLOYD BYLER ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Floyd Byler, Urbana, Ohio, requests: 101.7 mc, #269; 840 w; 158 feet, Docket No. 15278, File No. BPH-3348; Paul Dean Ford and J. T. Winchester, London, Ohio, requests: 101.7 mc, #269; 3 kw; 300 feet, Docket No. 15279, File No. BPH-3936; Charles H. Chamberlain, Urbana, Ohio, requests: 101.7 mc, #269; 3 kw; 234 feet, Docket No. 15280, File No. BPH-3993; the Brown Publishing Company, Urbana, Ohio, requests: 101.7 mc, #269; 3 kw; 300 feet, Docket No. 15281, File No. BPH-4138; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of January 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service vary in size and location and that, for the purpose of comparison in the hearing ordered below, the areas and populations within the proposed one mv/m contours will be considered; and

It further appearing, that the Commission has information indicating that the applicant, Floyd Byler, in violation of sections 301 and 319 of the Communications Act of 1934, as amended, may have constructed and operated an FM broadcast station without a valid construction permit or license issue by the Commission, and that, therefore, it will be determined in the hearing ordered below whether such unauthorized construction and operation of a broadcast station has taken place and, if so, whether Byler's action in this respect reflects adversely upon his qualifications to be a licensee of a broadcast station; and

It further appearing, that The Brown Publishing Company publishes the Urbana Citizen, a daily newspaper, which is the only locally published newspaper in Urbana; that The Brown Publishing Company's application requests authority to construct and operate the only broadcast station in Urbana; and that these facts may be considered under comparative issue in this proceeding; and

It further appearing, that it has not been determined whether the antenna proposed by Paul Dean Ford and J. T. Winchester would constitute a menace to air navigation; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine whether Floyd Byler has constructed and/or operated a broadcast station without authority from the Commission and, if so, whether such unauthorized construction and/or operation reflects adversely on Byler's qualifications to be a licensee of a broadcast station.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Paul Dean Ford and J. T. Winchester would constitute a menace to air navigation.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposal of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-683; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket No. 15278-15281; FCC 64M-62]

FLOYD BYLER ET AL.

Order Scheduling Hearing

In re applications of Floyd Byler, Urbana, Ohio, Docket No. 15278, File No. BPH-3348; Paul Dean Ford and J. T. Winchester, London, Ohio, Docket No. 15279, File No. BPH-3936, Charles H. Chamberlain, Urbana, Ohio, Docket No. 15280, File No. BPH-3993; the Brown Publishing Company, Urbana, Ohio, Docket No. 15281, File No. BPH-4138; for construction permits.

It is ordered, This 20th day of January, 1964, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 16, 1964, in Washington, D.C.; and, *It is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., February 24, 1964.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-684; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket No. 15211; FCC 64M-60]

CAMELLIA CITY TELECASTERS

Order Continuing Hearing

In re application of Charles L. Bowman, Foster A. Bullock, Jack F. Matranga and Irving J. Schwartz D/B as Camellia City Telecasters, Scramento, California, Docket No. 15211, File No. BPCT-3140; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a petition filed January 17, 1964, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission requesting that the evidentiary hearing in the above-entitled proceeding now scheduled for January 20, 1964, be rescheduled to commence on January 27, 1964; and

It appearing that the reason for the requested change is the fact that there is a conflict in the present hearing schedule of Bureau counsel; and

It further appearing that there are no objections to the immediate favorable consideration of said petition, and good cause for granting the same having been shown;

It is ordered, This the 17th day of January 1964, that the petition is granted and the evidentiary hearing now scheduled for January 20, 1964, is rescheduled to commence on January 27, 1964.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-685; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket Nos. 15265, 15266]

COMMUNITY BROADCASTING SERVICE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Community Broadcasting Service, Inc., Vineland, New Jersey, req.: 92.1 mc, #221, 3 kw, 175 feet, Docket No. 15265, File No. BPH-3949; Mortimer Hendrickson and Vivian Eliza Hendrickson, Vineland, New Jersey, req.: 92.1 mc, #221, 3 kw, 180 feet, Docket No. 15266, File No. BPH-4165; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on January 17, 1963;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the far broadcast facilities proposed:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issue:

1. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the FM broadcast station as proposed.

(b) The proposals of each with respect to the management and operation of the far broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

2. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(h) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-686; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket Nos. 15108-15110; FCC 64M-55]

PIEDMONT BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of William H. Kirby and John B. Burns, d/b as Piedmont Broadcasting Co. Travelers Rest, South Carolina, Docket No. 15108, File No. BP-14527; James C. Liles, tr/as Hentron Broadcasting Company, Hendersonville, North Carolina, Docket No. 15109, File No. BP-15026; the Mountainaire Corporation, Hendersonville, North Carolina, Docket No. 15110, File No. BP-15274; for construction permits.

The Hearing Examiner having under consideration a motion filed on January 16, 1964, by counsel for Piedmont Broadcasting Co. on behalf of all applicants in the above-entitled proceeding, requesting that the hearing in such proceeding presently scheduled to commence on January 17, 1964, be continued pending action on pleadings now before the Review Board, to a date to be fixed by subsequent order; and

It appearing, that upon favorable action on the petition for approval of agreement and dismissal of application, all of the issues upon which the applications in the above-entitled proceeding were designated for hearing may become moot and a hearing may, therefore, not be necessary to determine whether the applications of Piedmont Broadcasting Co. and The Mountainaire Corporation can be granted; and

It further appearing, that counsel for all other parties have informally consented to an immediate consideration of the motion and a grant of the relief requested;

It is, therefore, ordered, This 16th day of January 1964, that the request for continuance of the hearing be and it is hereby granted and the hearing in the above-entitled proceeding presently scheduled to commence on January 17, 1964, be and it is hereby continued to a date to be fixed by further order to be issued within 10 days after the release of an order by the Review Board disposing of the matter now pending before it.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-688; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket No. 15276; FCC 64-30]

CHARLES A. SEAMAN

Order Designating Application for Hearing on Stated Issues

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, for a general class amateur operator license.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of January 1964.

The Commission having under consideration the captioned application for a General Class amateur operator license; and

It appearing, that Charles A. Seaman is the present holder of a Technician Class amateur operator license and an amateur radio station license, call sign K31OP, issued in August 1962; and

It further appearing, that the applicant's operations in the frequency band 50-54 Mc/s under his Technician Class amateur operator license have been the subject of numerous complaints of interference to television reception in the area of Elizabeth, Pennsylvania; and

It further appearing, that on August 10, 1963, the applicant passed the required examination for a General Class amateur operator license and submitted the subject application; and

It further appearing, that because of the gravity and continued nature of complaints against him, the applicant was advised by Commission letter of October 16, 1963 (FCC 63-938), that there was a serious question as to whether his continued operation in the 50-54 Mc/s band would be in the public interest and that, therefore, his General Class amateur operator license was being granted subject to the condition that the applicant was not to transmit in that frequency band; and

It further appearing, that pursuant to § 1.110 (formerly § 1.64) of the Commission's rules, the applicant, by letter dated October 26, 1963, rejected the Commission's grant of the General Class license subject to that condition and requested a hearing on the matter; and

It further appearing, that by letter dated December 12, 1963, the applicant requested that the Commission's partial grant of October 16, 1963 be left in effect with any hearing limited solely to the question of whether the condition prohibiting operation in the 50-54 Mc/s band should be removed and, if this is done, that his Technician Class license be cancelled; and

It further appearing, that, since the only question in this matter is whether and/or under what conditions Charles A. Seaman should be permitted to operate in the frequency band 50-54 Mc/s in view of the complaints of interference to television reception, the public interest would be served by permitting Seaman to retain the General Class amateur operator license, as issued October 16, 1963, with the condition prohibiting operation in the 50-54 Mc/s band pending the conclusion of this proceeding to determine whether that condition should be continued, modified, or removed;

It is ordered, Pursuant to section 303(1) of the Communications Act of 1934, as amended, that the Commission's action of October 16, 1963, granting in part the application of Charles A. Seaman is affirmed, except as modified herein.

It is further ordered, Pursuant to section 303(l) of the Communications Act, that a hearing be held on the following issues:

1. To determine the nature and extent of interference to television reception in Elizabeth, Pennsylvania, and nearby surrounding area, created, or likely to be created, by applicant's operation of his amateur radio station in the 50-54 Mc/s band.

2. To determine, if interference is caused by the applicant's operations, what measures, if any, can be taken by either the applicant or the persons receiving such interference to eliminate or reduce such interference.

3. To determine, in the light of the evidence adduced under the foregoing issues, whether the public interest, convenience, and necessity would be served by the applicant's operations in the 50-54 Mc/s band and what, if any, conditions should be attached to his operation in that band.

It is further ordered, That, pending a final decision in the proceeding ordered herein, Charles A. Seaman shall not operate in the 50-54 Mc/s band except for such transmissions as may be necessary in connection with these proceedings.

It is further ordered, That, in addition to the applicant, the Chief, Safety and Special Radio Services Bureau, the Borough of Elizabeth, Allegheny County, Pennsylvania, which by letter dated October 30, 1963 from its Solicitor indicated its direct interest in this matter, and the American Radio Relay League, Inc., which by letter dated January 8, 1964 requested to be made a party, are made parties in this proceeding:

It is further ordered, That the burden of proceeding with the introduction of evidence on Issues 1 and 2 shall be upon the Chief, Safety and Special Radio Services Bureau, but that the ultimate burden of proof with respect to Issue 3 shall be upon the applicant:

It is further ordered, That in order to facilitate the gathering of evidence in this matter, the hearing shall be conducted in Pittsburgh, Pennsylvania at a time and date to be specified by a subsequent order:

It is further ordered, That the named parties, other than the Chief, Safety and Special Radio Services Bureau, desiring to participate herein, shall file their written notice of appearance, in triplicate, within twenty days of the mailing of this Order.

It is further ordered, That the Technician Class amateur operator license presently held by Charles A. Seaman, is hereby cancelled.

Released: January 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-689; Filed, Jan. 23, 1964; 8:48 a.m.]

[Docket No. 15276; FCC 64M-63]

CHARLES A. SEAMAN

Order Scheduling Hearing

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pa., for a general class amateur operator license.

It is ordered, This 20th day of January 1964, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 4, 1964, in Pittsburgh, Pennsylvania.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-690; Filed, Jan. 23, 1964; 8:49 a.m.]

[Docket Nos. 15228-15230; FCC 64M-56]

TRI-STATE COMMUNICATIONS CO. AND TWO-WAY RADIO COMMUNICATIONS CO. OF KANSAS, INC.

Order Continuing Hearing

In re applications of Ralph Heng d/b as Tri-State Communications Company, Liberal, Kansas, Docket No. 15228, File No. 356-C2-P-62; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Liberal, Kansas; Two-way Radio Communications Company of Kansas, Inc., Docket No. 15229, File No. 2549-C2-P-62; for a construction permit to add a second channel to the existing two-way common carrier station KAF650 in the Domestic Public Land Mobile Radio Serice in Liberal, Kansas; Docket No. 15230, File No. 10-C2-P-63; for a construction permit to change the location and equipment for the base station KAF650 in the Domestic Public Land Mobile Radio Service in Liberal, Kansas.

A prehearing conference in the above-entitled matter having been held on January 16, 1964, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

It is ordered, This 16th day of January 1964 that:

(1) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on February 17, 1964;

(2) All exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on March 9, 1964;

(3) Notification of witnesses to be called for cross-examination shall be given on or before March 16, 1964;

It is further ordered, that the hearing in this matter heretofore scheduled to commence on February 12, 1964, is continued to March 23, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-692; Filed, Jan. 23, 1964; 8:49 a.m.]

[Docket Nos. 15212, 15213; FCC 64M-58]

TVUE ASSOCIATES, INC., AND UNITED ARTISTS BROADCASTING, INC.

Order Following Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for new television broadcast stations.

At a further prehearing conference held in this proceeding today stipulations and agreements were entered into to govern the conduct of the hearing:

1. The entire direct case of each of the applicants will be offered in evidence in written exhibit form under oath by the witness who would present the testimony and exhibits if called as a witness. The entire written direct case of each of the applicants will be exchanged among all of the applicants on March 16, 1964, with the hearing commencing on March 30, 1964. Each applicant will exchange with the other applicants three copies of all of the exhibits in its direct case. Each applicant will deliver one copy of all of the exhibits in its direct case to the office of the Hearing Examiner and two copies to the office of Counsel for the Broadcast Bureau, Rooms 6516 and 7505 respectively, of the New Post Office Building, by 5:00 p.m. on March 16, 1964.

2. No oral testimony will be permitted pertaining to the direct case of any applicant. Should any of the written case of any applicant be excluded, substitute written material confined to proof of the same matters sought to be proven by the rejected material may be offered and accepted into evidence in the Examiner's discretion upon good cause being shown, provided that the proffer of substitute material will not operate to interrupt or delay the orderly progress of the hearing.

3. Agreement to the stipulation quoted in 2, supra, shall not in any manner constitute a waiver of the right to qualifying questions and full cross-examination, accorded by the rules of evidence in the Commission's Hearing Manual for comparative hearings.

4. Exhibits will be identified by an appropriate prefix followed by Arabic numbers in numerical sequence beginning with number "1" for each party. Each applicant shall number each page of each exhibit seriatim, beginning with page 1, preferably on letter size paper, with numbered lines and a continuation heading on each page.

5. All facts or data from Commission files which any party may desire and request to have officially noted by the Hearing Examiner and the Commission will be cast in the form of an exhibit which will specifically identify the file or files involved by file number and date of filing of the particular document containing the facts or data relied upon. If such official notice is to be requested as part of any party's direct case, the exhibit will be exchanged in advance of the hearing as in the case of all other exhibits forming a part of such direct case.

6. Any depositions to be taken as part of the direct case of any party are to be taken in time so that they will be filed with the Commission on or before March 30, 1964. The Commission's rules on depositions must be strictly complied with. Depositions which do not comport with this directive will not be considered and will not be received in evidence.

7. The applicants will offer their direct cases in writing on the hearing date in the order of their docket numbers and the proceeding will continue from day to day. The first phase of the proceeding will be rulings by the Hearing Examiner on the admissibility of the direct case of all the applicants.

8. All counsel may, if they wish, offer with their written direct cases a list of errata or deletions therein. Such lists must be exchanged among all counsel at least one week prior to the date of commencement of the hearing (securing of rulings on admissibility of exhibits). Any such lists will be attached as a typewritten statement to the affected exhibit or exhibits as an addendum and identified. In addition, the Record copies shall be modified by the substitution of pages which will incorporate the changes made.

9. After the direct cases of the applicants have been introduced into evidence, the hearing will recess. Within not less than seven days thereafter, counsel for the applicants and the Broadcast Bureau will meet in informal conference to determine whether further stipulations can be agreed upon concerning the conduct of cross-examination and any other appropriate matters. At such conference, the names of all wit-

[1] Dissenting statement of Commissioners Bartley and Cox filed as part of original document.

nesses which any counsel desires to be present in Washington for cross-examination with respect to the direct case will be made known to each counsel for those witnesses. Cross-examination, if any is to be undertaken, will commence on April 21, 1964.

10. Following the completion of the cross-examination of the witnesses of the applicants, there will be a recess. The hearing will thereafter resume for rebuttal, if any, and surrebuttal, if any.

11. No formal exception to a ruling is necessary. An exception to each ruling is assumed to be noted on the record.

12. Exhibits with respect to contacts concerning proposed programming must contain at least the following information, if available:

(a) Date of approximate date of contact.
(b) Person making contact.
(c) Method of contact.
(d) Name, address, and position of person contacted.
(e) Matters discussed.

The stipulation relates to form only and all counsel reserve the right to object to the program contacts on the grounds of competency and materiality.

13. Only one typical week's proposed program schedule will be offered in evidence. However, evidence relating to special programming to be substituted for or included in programs in the typical week's proposed schedule is admissible evidence. The typical week's proposed program schedule as used herein will be the typical week's proposed program schedule as contained in the application, as amended, of each of the applicants.

14. Stipulation No. 13 does not bar the offer in evidence of exhibits covering plans for proposed remote broadcasts, including maps showing the location of the remote broadcasts and descriptions of the programs proposed.

15. Competent personnel will be available to fill the staff positions specified by each applicant. This stipulation, however, does not preclude an applicant from offering evidence designed to prove special or outstanding qualifications of particular personnel; provided, however, in the event of the offer of such evidence, then the presumption agreed to in the first sentence of this paragraph shall not apply to the person as to which such evidence is offered.

16. It will be presumed that all equipment proposed for the operation of the broadcast facility will be available. All parties will make available a list of their respective equipment on the date the exhibits are exchanged.

17. Letters from manufacturers, architects, builders, contractors, equipment suppliers, and service suppliers, if otherwise competent and admissible, will not be objected to on the grounds of authenticity or proof of signature.

18. Blueprints and specifications of proposed buildings offered in the sworn testimony of the person who ordered their preparation will not be objected to on grounds of authenticity.

19. Architectural drawings of proposed transmitter facilities will not be presented.

20. The applications (BPCT-3161; BPCT-3166), and the amendments thereto, are incorporated into the hearing record by reference.

So ordered, This 17th day of January 1964.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-603; Filed, Jan. 23, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R-226]

UNION ELECTRIC CO.

Annual Charges Prescribed for Licenses Under the Federal Power Act; Order Granting Rehearing for Purposes of Reconsideration

JANUARY 17, 1964.

Union Electric Company, licensee for the Osage project, Project No. 459, on the Osage River, Missouri, on December 20, 1963, applied for rehearing and reconsideration of Order No. 272, issued on November 20, 1963, amending sections 11.20 and 11.31 of the Regulations under the Federal Power Act to provide a new system for fixing annual charges to licensees for reimbursing the United States for its costs in administering Part I of the Federal Power Act (16 U.S.C. 791-823).

The Union Electric Company contends that because its license, issued February 25, 1926, makes other provision for such annual charges, Order No. 272 as applied to it contravenes section 6 of the Federal Power Act.

The Commission finds. It is appropriate and in the public interest in administering the Federal Power Act that the Union Electric Company's application for rehearing and reconsideration of Order No. 272 be granted, as hereinafter provided.

The Commission orders. The Union Electric Company's application, filed on December 20, 1963, for rehearing and reconsideration of Order No. 272 hereby is granted for the purpose of providing additional time for further consideration of the issues raised by the application.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-657; Filed, Jan. 23, 1964; 8:46 a.m.]

[Docket No. CP63-219]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

JANUARY 17, 1964.

Take notice that on December 12, 1963, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP63-219, an application to amend an order of the Commission issued August 6, 1963, in its above docket, granting a certificate of public convenience and necessity authorizing among other things an increase in contract demand deliveries to the City of Sioux Center, Iowa. The application seeks authorization to further increase contract demand deliveries from 920 Mcf to 955 Mcf daily, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

The application to amend states Northern has been advised by the City of Sioux Center, Iowa, the additional 35 Mcf daily is required to meet its system requirements during the present heating season. No additional facilities will be required.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-658; Filed, Jan. 23, 1964; 8:46 a.m.]

[Docket No. G-17613 etc.]

TEXACO INC., ET AL.

Notice of Postponement of Prehearing Conference

JANUARY 17, 1964.

Texaco Inc., Docket No. G-17613; Sunray DX Oil Company, Docket No. G-17727; Phillips Petroleum Company, Docket No. G-17740; The Atlantic Refining Company, Docket No. G-17741; Austral Oil Company, Inc., Docket No. G-17797; Texas Gulf Producing Company, Docket No. G-17925; P. R. Rutherford, Docket No. G-17928; The Superior Oil Company (Operator), et al., Docket No. G-17989; Ted Weiner (Operator), et al., Docket No. G-17993; Jefferson Lake Sulphur Company (Operator), et al., Docket No. G-17997; Williard E. Walker, Docket No. G-18099; Southwest Gas Producing Company, Docket No. G-18100; Trice Production Company, Docket No. G-18516; David Crow, Trustee, Docket No. G-20083; J. P. Owen (Operator) et al., Docket No. G-20555; Maracaibo Oil Exploration Corporation (Operator), et al., Docket No. RI60-138; Socony Mobil Oil Company, Docket No. G-17526; Sun Oil Company (Operator), et al., Docket No. G-17923; Hassie Hunt Trust Estate, Docket No. RI64-296; Wm. Herbert Hunt Trust Estate, Docket No. RI64-297.

Notice is hereby given that the prehearing conference concerning the above-entitled proceedings heretofore scheduled to commence on January 28, 1964, is postponed to a date to be hereafter set.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-659; Filed, Jan. 23, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1659]

AMERICAN & FOREIGN POWER CO. INC.

Notice of Filing of Application for Order Exempting Certain Transactions Between Affiliated Persons

JANUARY 20, 1964.

Notice is hereby given that American & Foreign Power Company Inc. ("Foreign Power") 100 Church Street, New York, New York, a Maine Corporation and a majority-owned subsidiary of Electric Bond and Share Company ("Bond and Share"), a New York corporation and a registered closed-end, non-diversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by C. A. La Electricidad de Caracas ("La Electricidad") from Foreign Power of all of the latter's holdings of common stock of C.A. Luz Electrica de Venezuela ("Luz"), a majority-owned subsidiary of Foreign Power. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

Foreign Power owns 1,459,640 shares (76.2 percent) and La Electricidad owns 353,787 shares (18.5 percent) of the common stock of Luz. La Electricidad and Luz, both organized under the laws of Venezuela, are electric public utility companies operating in contiguous areas in the city of Caracas, Venezuela. Luz has practically no generating facilities and acquires almost its entire supply of energy by purchase from La Electricidad which is the substantially larger company. The application states that it has been the belief of applicant and of both utility companies for a long period of time that more efficient and economical operations could result from single ownership of both such utility companies.

Foreign Power and La Electricidad have entered into an agreement under which it is proposed that La Electricidad will purchase Foreign Power's entire holdings of the common stock of Luz for a cash price of $18,563,048, plus dividends accrued and unpaid at the closing date on the basis of a reserve accrued by Luz for the payment of monthly dividends. The agreement further provides that for a period of 30 days from the closing date the Government of Venezuela, at its option, may require Foreign Power to reinvest $14,424,318 of the purchase price through the acquisition of obligations of the Government of Venezuela or an agency or subdivision thereof. Such obligations are to be payable in United States dollars in equal semiannual installments over a period of 10 years, with interest payable in dollars at the rate of 6 percent per annum, such payments of principal and interest to be free of Venezuelan taxes. In the event that the securities referred to are other than the direct obligation of the Government of Venezuela, such securities are to bear the unconditional guaranty of that Government. Should Foreign Power be required to purchase these obligations, it will also receive at the date of such purchase an additional payment from La Electricidad in the amount of $861,270.

The application states that the price agreed upon for the purchase and sale of the common stock of Luz is based upon the underlying book value of such stock at December 31, 1962, as reduced by a special cash dividend paid by Luz in December 1963. It is stated that the price and terms of sale are the result of extensive negotiations at arm's-length between Foreign Power and La Electricidad which have had long familiarity with the properties of Luz. The application states that there is no affiliation or other relationship between Bond and Share and Foreign Power on the one hand and La Electricidad on the other, except by reason of the respective holdings of the stock of Luz by Foreign Power and La Electricidad.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company or any company controlled by such registered company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than February 3, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-672; Filed, Jan. 23, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 1]

EXECUTIVE ADMINISTRATOR

Delegation of Authority

Pursuant to the authority vested in me as Administrator of the Small Business Administration by the Small Business Act (72 Stat. 384), as amended, and the Small Business Investment Act of 1958 (72 Stat. 689), as amended, authority is hereby delegated to the Executive Administrator to perform any and all acts which I, as Administrator, am authorized to perform, and to serve as alter ego to the Administrator with respect to the activities of the Small Business Administration, except:

1. Acting as a member of the Loan Policy Board; and

2. Exercising authority under sections 7(a)(6), 9(d) and 11 of the Small Business Act, as amended.

This delegation is not in derogation of any authority residing in the Deputy Administrators relating to the operations of their respective programs.

Effective date: January 15, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64-673; Filed, Jan. 23, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 21, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38764: *Processed clay from points in southern territory.* Filed by O. W. South, Jr., agent (No. A4436), for interested rail carriers. Rates on processed clay, in carloads, from points in southern territory, to points in southwestern territory.

Grounds for relief: Market competition.

Tariff: Supplement 25 to Southern Freight Association, agent, tariff I.C.C. S-206.

FSA No. 38765: *Lumber and related articles from points in New Mexico.* Filed by The Atchison, Topeka and Santa Fe Railway Company (No. 93–A), for itself and interested rail carriers. Rates on lumber and related articles, in carloads, from points in New Mexico, to points in Illinois, Iowa, Minnesota, and Nebraska.

Grounds for relief: Carrier competition.

Tariff: Supplement 20 to Atchison, Topeka and Santa Fe Railway Company tariff I.C.C. 14913.

FSA No. 38766: *Soda ash from Saltville, Va., to Grasselli, N.J.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2699), for interested rail carriers. Rates on soda ash, in bulk, in carloads, from Saltville, Va., to Grasselli, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Norfolk and Western Railway Company tariff I.C.C. 9813.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–680; Filed, Jan. 23, 1964; 8:48 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 17

Washington, Friday, January 24, 1964

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

THE UNIVERSITY OF MICHIGAN

JAN 29 1964

MAIN READING ROOM

Federal Aviation Agency

14 CFR Parts 71, 73, 75

Compilations of Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I — Federal Aviation Agency

Subchapter E — Airspace [New]

[AIRSPACE DOCKET NO. 64-WA-1]

PART 71 — DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73 — SPECIAL USE AIRSPACE [NEW]

PART 75 — ESTABLISHMENT OF JET ROUTES [NEW]

Compilation of Regulations

The following compilations of Parts 71, 73, and 75 [New] of Federal Aviation Regulations are adopted for the purpose of combining all amendments to these parts which have been published by the Administrator of the Federal Aviation Agency in the Federal Register and which were effective prior to January 12, 1964. In addition, pending amendments are listed below the appropriate section and include the effective date and the Federal Register citation. This revision does not involve any substantive changes.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 10, 1964.

Lee E. Warren,
Director, Air Traffic Service.

[F.R. Doc. 64-467; Filed, Jan. 23, 1964; 9:00 a.m.]

DEPOSITED BY THE
UNITED STATES OF AMERICA

TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

SUBCHAPTER E - AIRSPACE

PART 71

DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

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SUBPART A - GENERAL

§ 71.1 Applicability.

(a) The airspace areas that are described in Subparts B, C, and D of this Part, are designated as Federal airways.

(b) Those airspace areas that are described in Subparts B through J of this Part are designated as control areas, the continental control area, control zones, transition areas, positive control route segments, positive control areas, and reporting points, respectively as described in the appropriate Subpart.

§ 71.3 Classification of Federal airways.

Federal airways are classified as follows:

(a) Low altitude colored Federal airways:
  (1) Green Federal airways.
  (2) Amber Federal airways.
  (3) Red Federal airways.
  (4) Blue Federal airways.

(b) Low altitude VOR Federal airways.

(c) Intermediate altitude VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigation aid or intersection to another navigation aid (or through several navigation aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subparts B, C, or D of this Part -

(1) Each low altitude Federal airway includes the airspace within parallel boundary lines five miles on each side of the centerline;

(2) Each intermediate altitude Federal airway includes the airspace within parallel boundary lines eight miles on each side of the centerline;

(3) Where an airway changes direction, it includes the airspace that is enclosed by extending the boundary lines of the airway segments until they meet, but if the airway changes width and direction at the same point, it includes the airspace that is enclosed by extending either boundary line of its narrow segment to meet the airspace within its wide segment; and

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigation aid or intersection and having a diameter equal to the airway width at that point.

(c) Unless otherwise specified in Subparts B, C, or D of this Part -

(1) Each low altitude Federal airway includes the airspace that extends upward from 700 feet (until designated from 1200 feet or more) above the surface of the earth, but does not include airspace in continental control area;

(2) Each intermediate altitude Federal airway includes the airspace that extends from 14,500 feet MSL up to, but not including, flight level 240; and

(3) The airspace of a low altitude Federal airway within the lateral limits of a transition area has a floor coincident with that of the transition area.

(d) At least one alternate VOR Federal airway may be established between specified navigational aids or intersections along each VOR Federal airway described in Subpart C of this Part. Unless otherwide specified, the centerline of an alternate VOR Federal airway and the centerline of the main VOR Federal airway are separated by 15 degrees.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.7 Control areas.

(a) Control areas consist of the airspace designated in Subparts B, C, D, and F of this Part, but do not include the continental control area.

(b) Control areas include -

(1) The airspace designated as low altitude Federal airways and the airspace of intermediate altitude airways that extend beyond the continental control area;

(2) Unless otherwise designated, the airspace between a main and associated alternate VOR Federal airway, with the vertical extent of this area corresponding to the vertical extent of the main airway;

(3) Unless otherwise designated, the airspace that extends beyond the continental control area within 16 miles of each side of the jet route segments described in Subpart F of this Part, and within a 16-mile radius of the navigational aids and intersections specified in describing those jet route segments.

§ 71.9 Continental control area.

The continental control area consists of the airspace of the 48 contiguous states and the District of Columbia at and above 14,500 feet MSL, but does not include -

(a) The airspace less than 1,500 feet above the surface of the earth; or

(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart E of this Part.

§ 71.11 Control zones.

The control zones listed in Subpart G of this Part consist of controlled airspace extending upward from the surface of the earth. A control zone may include one or more airports and is normally a circular area with a radius of five miles and any extensions necessary to include instrument approach and departure paths.

§ 71.13 Transition areas.

The transition areas listed in Subpart H of this Part consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed, or from 1200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise limited, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive control route segments and positive control areas.

(a) The positive control route segments listed in Subpart I of this Part consist of the airspace of the Federal airways from 17,000 feet to 22,000 feet, MSL, inclusive, in which there is positive control of aircraft. Positive control route segments that underlie positive control areas with a base of 24,000 feet extend up to, but do not include, 24,000 feet, MSL.

(b) The positive control areas listed in Subpart I of this Part consist of controlled airspace within which there is positive control of air traffic.

§ 71.17 Reporting points.

(a) The reporting points listed in Subpart J of this Part consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with section (present § 60.47) of this chapter.

(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographical location is designated as a reporting point for one or more airways, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographic location.

(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings; radials; miles.

(a) All bearings and radials in this Part are true from point of origin.

(b) Unless otherwise specified, all mileages in this Part are stated as statute miles.

SUBPART B - LOW ALTITUDE COLORED FEDERAL AIRWAYS AND CONTROL AREAS

§ 71.101 Designation.

The airspace areas described in this Subpart are designated as Low Altitude Colored Federal airways and control areas.

§ 71.103 Low altitude green Federal airways.

G-1 From the Sherbrooke, Quebec, Canada, RBN via the Millinocket, Maine RBN; to the Fredericton, New Brunswick. Canada. RR. excluding the portions within Canada.

AMENDMENTS 1/10/63 27 F.R. 11938 (Changed);

G-7 From the Nome, Alaska, RR via the Moses Point, Alaska, RR; INT of the E course of the Moses Point RR and the N course of the Unalakleet, Alaska, RR; Galena, Alaska, RR; INT of the E course of the Galena RR and the W course of the Fairbanks, Alaska, RR; to the Fairbanks RR.

G-8 From the King Salmon, Alaska, RR via the INT of the NE course of the King Salmon RR and the W course of the Homer. Alaska RR: INT of the W course of the Homer RR and the SW course of the Kenai. Alaska. RR: Kenai RR; INT of the NE course of the Kenai RR and a line bearing 266° from the Anchorage. Alaska. RR: Anchorage RR; INT of the NE course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT of the NE course of the Gulkana RR and the SW course of the Northway, Alaska, RR; to the Northway RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the INT of the NE course of the Anchorage RR and the SE course of the Skwentna RR; to the Northway RR. The airspace within R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority.

LOW ALTITUDE AMBER FEDERAL AIRWAYS

§ 71.105 Low altitude amber Federal airways.

A-1 From the Red Bluff, Calif., RR via the Fort Jones, Calif., RR; Medford, Oreg., RR; Eugene, Oreg., RR; Portland, Oreg., RR; Toledo, Wash., RR; Seattle, Wash., RR; INT of the NW course of the Seattle RR and the S course of the Victoria, Canada, RR; Victoria RR; to the INT of the N course of the Victoria RR and the SE course of the Comox, Canada, RR. From the Sandspit, B. C., Canada, RR via the INT of the NW course of the Sandspit RR and SW course of the Annette Island, Alaska, RR; Sitka, Alaska, RR; Yakutat, Alaska, RR; INT of the NW course of the Yakutat RR and the SE course of the Hinchinbrook, Alaska, RR; Hinchinbrook RR; INT of the NW course of the Hinchinbrook RR and the SE course of the Anchorage, Alaska, RR; Anchorage RR; INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Skwentna RR; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RR; McGrath, Alaska, RR; Unalakleet, Alaska, RR; to the Nome, Alaska, RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Sandspit RR to the McGrath RR, but excluding the portion under the jurisdiction of Canada. The airspace within R-2201, R-2203 and R-6703 shall be used only after obtaining prior approval from the appropriate authority.

A-2 From the Snag, Yukon Territory, Canada, RR via the Northway, Alaska, RR; Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; Fairbanks RR; to the Bettles, Alaska, RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Snag RR to the Fairbanks RR but excluding the portion within Canada. The airspace within R-2202, R-2205, R-2207, and R-2208 shall be used only after obtaining prior approval from the appropriate authority.

A-11 From the INT of the S course of the Maui, Hawaii, RR and the W course of the Hilo, Hawaii. RR via the Maui RR; to the INT of the N course of the Maui RR and a point 38 miles N of the Maui RR.

A-15 From the Ethelda Bay, British Columbia, Canada, RBN via the Annette Island. Alaska. RR: Petersburg. Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Pon Lake, Yukon Territory, Canada, RBN; Snag, Yukon Territory, Canada, RR; Northway, Alaska, RR; Big Delta, Alaska, RR; INT of the NW course of the Big Delta RR and the E course of the Fairbanks, Alaska, RR; to the Fairbanks RR., including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL, but excluding the portion under the jurisdiction of Canada. The airspace within R-2202, R-2205, R-2207 and R-2208 shall be used only after obtaining prior approval from the appropriate authority. (joins Canadian high level airway No. 502)

LOW ALTITUDE RED FEDERAL AIRWAYS

§ 71.107 Low altitude red Federal airways.

R-1 From the Sitka, Alaska, RR via the INT of the SE course of the Sitka RR and the SW course of the Petersburg, Alaska, RR; Cape Decision, Alaska, RBN; Guard Islands, Alaska, RBN; to the Annette Island, Alaska, RR.

R-25 From the Quebec, Canada, RR to the INT of the NW course of the Bangor, Maine, RR and a direct bearing from the Millinocket, Maine, RBN to the Sherbrooke, Canada, RBN, excluding the portion within Canada.

AMENDMENTS 1/10/63 27 F.R. 11938 (Rewritten);

R-27 From the INT of the NW course of the Nenana, Alaska, RR and the W course of the Fairbanks, Alaska, RR via the Nenana RR; to the INT of the SE course of the Nenana RR and the SW course of the Fairbanks RR

R-39 From the Bethel, Alaska, RR via the Aniak, Alaska, RR; McGrath, Alaska, RR; Minchumina, Alaska, RR; Nenana, Alaska, RR; to the Fairbanks, Alaska, RR, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL.

R-40 From the Kodiak, Alaska, RR via the Shuyak, Alaska, RBN; Homer, Alaska, RR; to the Anchorage, Alaska, RR

R-41 From the INT of the NW course of the Sitka (Biorka Island), Alaska, RR and the SW course of the Gustavus, Alaska, RR via the Gustavus RR; to the Sisters Island, Alaska, RBN.

R-46 From the Regina, Saskatchewan, Canada, RR via the Minot, N. Dak., RR; to the Jamestown, N. Dak., RR, excluding the portion within Canada.

PENDING AMENDMENT

In R-46 "The portion of this airway within R-5403 shall be used only after obtaining prior approval from appropriate authority." is added.

3/5/64 29 F. R. 3 (Changed);

R-50 From the INT of the E course of the Galena, Alaska, RR and the SW course of the Tanana, Alaska, RR via the Tanana RR; to the INT of the SE course of the Tanana RR and the W course of the Fairbanks, Alaska, RR.

R-64 From the INT of the SW course of the Annette Island, Alaska, RR and the United States-Canadian Border, to the Annette Island RR.

R-75 From the INT of the NW course of the Bellingham, Wash., RR and the W course of the Abbotsford, British Columbia, Canada, RR via the Abbotsford RR; to the INT of the E course of the Abbotsford RR and the NE course of the Bellingham RR, excluding the portion within Canada.

R-82 From the Skwentna, Alaska, RR to the INT of the SE course of the Skwentna RR and the NE course of the Anchorage, Alaska, RR.

R-87 From the Honolulu, Hawaii, RR via the Maui, Hawaii, RR; INT of the SE course of the Maui RR and the N course of the Hilo, Hawaii, RR; to the Hilo RR.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

R-92 From the Sault Ste. Marie, Mich., RBN to the Sudbury, Ontario, Canada, RR, excluding the portion within Canada.

AMENDMENTS 12/12/62 27 F.R. 12211 (Changed);

R-99 From the INT of the NE course of the King Salmon, Alaska, RR and the SW course of the Iliamna, Alaska, RR via the Iliamna RR; to the INT of the SE course of the Iliamna RR and the W course of the Homer, Alaska, RR.

R-103 From the Anchorage, Alaska, RR via the INT of a line bearing 266° from the Anchorage RR and the NE course of the Kenai, Alaska, RR; Kenai RR; INT of the SE course of the Kenai RR and the SW course of the Anchorage RR; to the Middleton Island, Alaska, RBN.

LOW ALTITUDE BLUE FEDERAL AIRWAYS

§ 71.109 Low altitude blue Federal airways.

B-2 From the Sitka, Alaska, RR to the Sisters Island, Alaska, RBN

B-9 From the Duluth, Minn., RBN to the Lakehead, Ontario, Canada, RR, excluding the portion within Canada.

B-12 From the McGrath, Alaska, RR to the Galena, Alaska, RR.

B-19 From the Key West, Fla., RBN to the Perrine, Fla., RBN.

AMENDMENTS 9/2/63 28 F. R. 9589 (Rewritten);

B-25 From the INT of the SW course of the Hinchinbrook, Alaska, RR and a direct line between the Whittier, Alaska, FM and the Middleton Island, Alaska, RBN via the Hinchinbrook RR; INT of the NE course of the Hinchinbrook RR and the S course of the Gulkana, Alaska, RR; Gulkana RR; to the Big Delta, Alaska, RR. The airspace within R-2208 shall be used only after obtaining prior approval from the appropriate authority.

B-26 From the Anchorage, Alaska, RR via the Talkeetna, Alaska, RBN; Summit, Alaska, RR; INT of the N course of the Summit RR and the SW course of the Fairbanks, Alaska, RR; Fairbanks RR; to the Fort Yukon, Alaska, RBN, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL from the Anchorage RR to the Fairbanks RR. The airspace within R-2201, R-2203, and R-2207 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed);

B-27 From the Kodiak, Alaska, RR via the INT of the W course of the Kodiak RR and the SE course of the King Salmon, Alaska, RR; King Salmon RR; Bethel, Alaska, RR; Nome, Alaska, RR; to the Kotzebue, Alaska, airport.

B-32 From the Anchorage, Alaska, RR via the INT of the NW course of the Anchorage RR and the SE course of the Skwentna, Alaska, RR; Skwentna RR; to the Talkeetna, Alaska, RBN. The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority.

B-38 From the Five Finger, Alaska, USCG RBN via the Gustavus, Alaska, RR; Haines, Alaska, RBN; to the Whitehorse, Yukon Territory, Canada, RR, excluding the portion within Canada.

B-43 From the INT of the N course of the Summit, Alaska, RR and the SW course of the Fairbanks, Alaska, RR via the INT of the N course of the Summit RR and the SE course of the Nenana, Alaska, RR; Nenana RR; to the Fairbanks RR.

B-48 From the Key West, Fla., RBN via the Marathon, Fla., RBN; INT of the 77° bearing from the Marathon RBN and the 153° bearing from the Miami, Fla., RBN; to the Miami RBN.

AMENDMENTS 9/2/63 28 F. R. 9589 (Changed);

B-63 From the Laconia, N. H., RBN via the North Conway, N. H., RBN to the Berlin, N. H., RBN.

B-65 From the Shuyak, Alaska, RBN via the INT of the W course of the Homer, Alaska, RR and the SW course of the Kenai, Alaska, RR to the Homer RR.

B-79 From the United States-Canadian border to the Annette Island, Alaska, RR via a direct bearing from the Sandspit, British Columbia, Canada, RR to the Annette Island RR; Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; to the United States-Canadian border via a direct bearing from Haines RBN to the Pon Lake, Yukon Territory, Canada, RBN, including the additional airspace within 16 miles either side of the airway centerline at and above 24,000 feet MSL.

B-80 From the INT of the NW course of the Unalakleet, Alaska, RR and the S course of the Moses Point, Alaska, RR to the Moses Point RR.

SUBPART C - LOW ALTITUDE VOR FEDERAL AIRWAYS AND CONTROL AREAS

§ 71.121 Designation.

The airspace areas described in this Subpart are designated as low altitude VOR Federal airways and control areas. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.123 Domestic low altitude VOR Federal airways

V-1 From Jacksonville, Fla., via Charleston, S. C.; Myrtle Beach, S C.; Wilmington, N. C.; Kinston, N. C., including a W alternate via INT of Wilmington 352° and Kinston 214° radials; Cofield, N. C.; Norfolk, Va.; Cape Charles, Va., INT of Cape Charles 015° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT of Waterloo 023° and Atlantic City, N. J., 238° radials; Atlantic City; Barnegat, N. J.; INT of Barnegat 043° and Idlewild, N. Y., 159° radials; Idlewild; INT of Idlewild 359° and Trinity, N. Y., 205° radials; Trinity; to Poughkeepsie, N. Y. The airspace within R-4006, the airspace below 2,000 feet MSL outside the United States, and the airspace below 17,000 feet MSL and above 23,000 feet MSL between Jacksonville and Charleston is excluded. The airspace within R-5002 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS Eff. Immed. 12/20/62 27 F.R. 12815 (Changed); Eff. Immed. 2/28/63 28 F.R. 2229 (changed);

V-2 From Seattle, Wash., via Ellensburg, Wash., including an S alternate via INT of Seattle 124° and Ellensburg 274° radials; Ephrata, Wash., including an N alternate from Seattle to Ephrata via Wenatchee, Wash.; Spokane, Wash., including an N alternate; Mullan Pass, Idaho, including an N alternate via INT of Spokane 070° and Mullan Pass 291° radials, and also an S alternate via INT of Spokane 125° and Mullan Pass 260° radials; Missoula, Mont.; Drummond, Mont.; Helena, Mont.; INT of Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT of Bozeman 157° and Livingston, Mont., 261° radials; Livingston; Billings, Mont., including an N alternate from Helena to Billings via INT of Helena 089° and Billings 301° radials, excluding the airspace between the main and this alternate airway; Miles City, Mont.; including an N alternate; Dickinson, N. Dak.; Bismarck, N. Dak., including an N alternate; Jamestown, N. Dak., including an N alternate; Fargo, N. Dak., including an N alternate; Alexandria, Minn., including an N alternate; Minneapolis, Minn.; Nodine, Minn., including an N alternate; Lone Rock, Wis.; INT of Lone Rock 106° and Milwaukee, Wis., 270° radials; Milwaukee; Muskegon, Mich., including an S alternate via INT of Milwaukee 102° and Muskegon 252° radials; Lansing, Mich., including an S alternate via INT of Muskegon 137° and Lansing 277° radials; to Salem, Mich., including an N alternate via the INT of Lansing 091° and Salem 308° radials; INT of Salem 079° and Aylmer, Ont., Canada, 265° radials; Aylmer; INT of Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y.; Syracuse, N. Y.; including an N alternate via INT of Rochester 064° and Syracuse 283° radials; Utica, N. Y.; INT of Albany 094° and Gardner, Mass., 284° radials; Gardner, excluding the airspace at and below 1,200 feet above the surface between INT of Albany 094° and Chester, Mass., 318° radials and INT of Gardner 284° and Keene, N. H., 231° radials; to Boston, Mass. The airspace within Canada is excluded.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed); 12/12/63 28 F. R. 9251 (Changed);

V-3 From Key West, Fla., via INT of Key West 078° and Miami, Fla., 205° radials; INT of Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; West Palm Beach, Fla., including an E alternate via INT of Biscayne Bay 021° and West Palm Beach 166° radials; Vero Beach, Fla., including an E alternate via INT of West Palm Beach 358° and Vero Beach 143° radials; Daytona Beach, Fla.; INT of Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville, including an E alternate via INT of Daytona Beach 360° and Jacksonville 144° radials; Brunswick, Ga., including a W alternate via INT of Jacksonville 354° and Brunswick 238° radials; Savannah, Ga., including an E alternate from Jacksonville to Savannah via INT of Jacksonville 027° and Savannah 180° radials; Vance, S. C.; Florence, S. C.; Pinehurst, N. C.; Raleigh, N. C., including an E alternate from Florence to Raleigh via Fayetteville, N. C., excluding the airspace between the main and this alternate airway; INT of Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Brooke, Va., 8 miles wide via INT of Brooke 014° and Westminster, Md., 195° radials; to Westminster; thence via INT of Westminster 065° and West Chester, Pa., 250° radials; West Chester; Solberg, N. J.; INT of the Huguenot, N. Y., 144° and Trinity, N. Y., 232° radials; Trinity; Hartford, Conn.; INT of Hartford 044° radial with Gardner, Mass., direct radial to Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; INT of Bangor 039° and Houlton, Maine, 203° radials; Houlton; to Presque Isle, Maine.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-4 From Neah Bay, Wash., RBN via Port Angeles, Wash.; INT of Port Angeles 090° and Seattle, Wash., 322° radials; Seattle; Yakima, Wash., including an S alternate from Seattle to Yakima via INT of Seattle 163° and Olympia, Wash., 084° radials, excluding the airspace between the main and this alternate airway; INT of Olympia 084° and Seattle 124° radials; Pendleton, Oreg.; Baker, Oreg.; Boise, Idaho (12 miles wide from 45 nmi., from Baker to 45 nmi., from Boise), including an S alternate (13 miles wide from 45 nmi., from Baker to 45 nmi., from Boise); INT of Boise 130° and Burley, Idaho, 292° radials; Burley; Malad City, Idaho; Rock Springs, Wyo., including an S alternate via Fort Bridger, Wyo.; Cherokee, Wyo., including an N alternate via INT of Rock Springs 053° and Cherokee 286° radials; Laramie, Wyo.; Denver, Colo., including an N alternate from Laramie to Denver via Gill, Colo.; Thurman, Colo.; Goodland, Kans., including an N alternate via INT of Thurman 085° and Goodland 304° radials; Hill City, Kans., including an N alternate; Russell, Kans.; Salina, Kans.; Topeka, Kans., including an S alternate via INT of Salina 095° and Topeka 236° radials; Kansas City, Mo., including an N alternate and also an S alternate via INT of Topeka 099° and Kansas City 231° radials; Marshall, Mo.; Hallsville, Mo., including an N alternate from Kansas City to Hallsville via INT of Kansas City 076° and Hallsville 292° radials; St. Louis, Mo., including an N alternate; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including an S alternate; INT of Evansville 080° and Louisville, Ky., 269° radials; Louisville, including an N alternate from Evansville to Louisville; Lexington, Ky., including an N alternate via INT of Louisville 081° and Lexington 303° radials and also an S alternate via INT of Louisville 113° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including an S alternate via INT of Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; to Herndon, Va. The airspace within R-6705 is excluded

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); 6/27/63 28 F. R. 4506 (Changed);

V-5 From Jacksonville, Fla., via INT of Jacksonville 319° and Alma, Ga., 148° radials; Alma, including a W alternate; Macon, Ga.; McDonough, Ga., including an E alternate from Jacksonville to McDonough via INT of Jacksonville 334° and Dublin, Ga., 137° radials; Dublin, and INT of Dublin 330° and McDonough 119° radials, Chattanooga, Tenn., including an E alternate from McDonough to Chattanooga via Rex, Ga., and INT of Rex 345° and Chattanooga 118° radials; Nashville, Tenn., including an E alternate via INT of Chattanooga 333° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an E alternate from Nashville to New Hope via INT of Nashville 029° and New Hope 202° radials; Louisville, Ky., Cincinnati, Ohio; INT of Cincinnati 045° and Appleton, Ohio, 244° radials; Appleton; Mansfield, Ohio; Cleveland, Ohio; to London, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 6/27/63 28 F. R. 4126 (Changed); 10/17/63 28 F. R. 9286 (Changed);

V-6 From INT of Oakland, Calif., 221° and Point Reyes, Calif., 161° radials via Oakland; INT of Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including an S alternate via INT of Oakland 077° and Sacramento 192° radials; Lake Tahoe, Calif.; Reno, Nev., including an N alternate from Sacramento to Reno via INT of Sacramento 038° and Reno 257° radials; Lovelock, Nev., including an S alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including an N alternate via INT of Lovelock 053° and Battle Mountain 264° radials; INT of Battle Mountain 062° and Wells, Nev., 256° radials; Wells; Lucin, Utah; Ogden, Utah; Fort Bridger, Wyo., including an N alternate via INT of Ogden 052° and Fort Bridger 278° radials; Rock Springs, Wyo., including an N alternate via INT of Fort Bridger 064° and Rock Springs 284° radials; Cherokee, Wyo., including an N alternate via INT of Rock Springs 053° and Cherokee 286° radials; Medicine Bow, Wyo., including an N alternate; INT of Medicine Bow, 106° and Sydney, Nebr., 293° radials (14-mile-wide airway from 45 nmi from Medicine Bow to 45 nmi from Sydney); Sidney; North Platte, Nebr., including an N alternate; Grand Island, Nebr., including an N alternate via INT of North Platte 073° and Grand Island 288° radials; Omaha, Nebr.; Des Moines, Iowa, including an S alternate; Iowa City, Iowa, including an S alternate via INT of Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; Naperville, Ill.; South Bend, Ind.; INT of South Bend 092° and Waterville, Ohio, 288° radials; Waterville; Cleveland, Ohio; Youngstown, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; INT of Selinsgrove 083° and Ravine, Pa., 040° radials; Allentown, Pa.; Solberg, N. J.; INT of Solberg 094° and Idlewild, N. Y., 258° radials; to Idlewild. The airspace within R-4803 is excluded.

AMENDMENTS 3/7/63 28 F.R. 719 (Changed); 6/27/63 28 F.R. 3779 (Changed);
Eff. Immediately (12/20/63) 28 F. R. 14421 (Changed);

V-7 From Miami, Fla., via Fort Meyers, Fla.; Lakeland, Fla.; Cross City, Fla.; INT of Cross City 310° and Tallahassee, Fla., 137° radials; Tallahassee; Dothan, Ala., including a W alternate from Cross City to Dothan via INT of Cross City 287° and Marianna, Fla., 141° radials and Marianna, excluding the airspace between the main and this alternate airway S of V-22N; INT of Dothan 333° and Montgomery, Ala., 130° radials; Montgomery; INT of Montgomery 308° and Birmingham, Ala., 180° radials; Birmingham; Muscle Shoals, Ala.; Graham, Tenn., including an E alternate from Birmingham to Graham via INT of Huntsville, Ala., 264° and Graham 158° radials; Nashville, Tenn.; Central City, Ky.; Evansville, Ind.; Lewis, Ind.; Terre Haute, Ind., including a W alternate via INT of Evansville 001° and Terre Haute 215° radials; Westpoint, Ind.; Lafayette, Ind.; Chicago Heights, Ill.; INT of Chicago Heights 358° and Milwaukee, Wis., 137° radials; Milwaukee, including an E alternate via INT of Chicago Heights 013° and Milwaukee 137° radials; Green Bay, Wis., 1,200 feet AG to Escanaba, Mich., via Menominee, Mich. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed); 2/7/63 27 F.R. 12258 (Changed); 5/30/63 28 F.R 3443 (Changed);
AMENDMENTS 6/27/63 28 F. R. 4752 (Changed);

V-8 From INT of Long Beach, Calif., 266° and Los Angeles, Calif., 236° radials via Long Beach; Ontario, Calif.; Hector, Calif.; Goffs, Calif., INT of Goffs 033° Mormon Mesa, Nev., 196° radials; Mormon Mesa (12 miles wide from 45 nmi NE of Goffs to INT of Goffs 033° and Mormon Mesa 196° radials, 14 miles wide to 55 nmi SSW of Mormon Mesa, 12 miles wide to 45 nmi SSW of Mormon Mesa), including an N alternate from Long Beach to Mormon Mesa via INT of Long Beach 024°, Los Angeles 061° and Daggett, Calif., 234° radials (Hawkins INT); Daggett (14 miles wide from Hawkins INT to 60 nmi from Daggett, 13 miles wide from 60 to 55 nmi from Daggett, 12 miles wide from 55 to 50 nmi from Daggett, 11 miles wide from 50 to 45 nmi from Daggett); Las Vegas, Nev.; INT of Las Vegas 045° and Mormon Mesa 227° radials; Bryce Canyon, Utah, including a N alternate from INT Mormon Mesa 059° and Cedar City, Utah, 197° radials to Bryce Canyon, Utah, via Cedar City and INT Cedar City 004° and Bryce Canyon 292° radials (the airspace between the main and this alternate airway is excluded); Hanksville, Utah, including an S alternate; Grand Junction, Colo., including an S alternate; to Kremmling, Colo., including an S alternate. From INT of Denver, Colo., 277° and Gill, Colo., 222° radials via Denver; Akron, Colo., including an S alternate via INT of Denver 101° and Akron 238° radials; Hayes Center, Nebr., including an N alternate via INT of Akron direct radial to North Platte, Nebr., with Hayes Center 276° radial and also an S alternate via INT of Akron 094° radial with Hayes Center direct radial to Thurman, Colo.; Grand Island, Nebr., including an N alternate via INT of Hayes Center 059° radial with Grand Island direct radial to North Platte and also an S alternate; Omaha, Nebr.; Des Moines, Iowa, including an S alternate; Iowa City, Iowa, including an S alternate via INT of Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; INT of Cordova 088° and Joliet, Ill., 316° radials; Joliet; Chicago Heights; Goshen, Ind.; Findlay, Ohio (12 miles wide from 45 nmi from Goshen to 45 nmi from Findlay); Ohio; Briggs, Ohio; INT of Briggs direct radial to Wheeling, W. Va., with Imperial, Pa., direct radial to Tiverton, Ohio; Pittsburgh, Pa.; Indian Head, Pa.; Martinsburg, W. Va.; INT of Herndon, Va. 048° and Washington, D. C., 324° radials; to Washington, including an N alternate from INT of Martinsburg 297° and Grantsville, Md. 086° radials, via Hagerstown, Md., to INT of Washington 324° and Herndon 048° radials.

AMENDMENTS 12/12/62 27 F.R. 11038 (Rerun); 12/12/62 27 F.R. 12439 (Changed); 2/7/63 28 F.R 178 (Changed); 3/7/63 28 F.R. 722 (Changed); 4/4/63 28 F.R. 967 (Changed); 4/4/63 28 F.R. 1533 (Changed); 6/27/63 28 F. R. 4126 (Changed);

V-9 From New Orleans, La., via McComb, Miss., including a W alternate via INT of New Orleans 326° and McComb 199° radials and also an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT of McComb 348° and Jackson 224° radials; Greenwood, Miss., including an E alternate and also a W alternate; Memphis, Tenn., including an E alternate via INT of Greenwood 027° and Memphis 168° radials and also a W alternate; Malden, Mo., including a W alternate via INT of Memphis 345° and Malden 195° radials; Farmington, Mo., including a W alternate; St. Louis, Mo., including a W alternate; Capital, Ill., including a W alternate; Pontiac, Ill.; Joliet, Ill.; Naperville, Ill.; INT of Naperville 317° and Milwaukee, Wis., 198° radials; Milwaukee; Oshkosh, Wis.; to Green Bay, Wis.

AMENDMENTS 12/12/62 27 F.R. 11038 (Rerun); 2/7/63 27 F.R. 12926 (Changed);
AMENDMENTS 6/27/63 28 F. R. 4163 (Changed); 12/12/63 28 F. R. 11347 (Changed);

V-10 From Pueblo, Colo., via Lamar, Colo.; Garden City, Kans., including an N alternate via INT of Lamar 076° and Garden City 296° radials; Dodge City, Kans.; Hutchinson, Kans., including an S alternate via INT of Dodge City 099° radial with Hutchinson direct radial to Liberal, Kans., and also an N alternate via INT of Dodge City 060° and Hutchinson 296° radials, excluding the airspace between the main and this alternate airway; Emporia, Kans.; Kansas City, Mo., including an N alternate from Emporia to Kansas City via Topeka, Kans. Kirksville, Mo.; Burlington, Iowa, including an S alternate; Bradford, Ill., including an N alternate; INT of Bradford 050° and Naperville, Ill., 254° radials; Naperville; South Bend, Ind., including an N alternate from Naperville to South Bend via INT of Naperville 075° and South Bend 290° radials; Litchfield, Mich.; INT of Litchfield 107° and Carleton, Mich., 247° radials; Carleton, INT of Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; to Youngstown.

AMENDMENTS 12/12/62 27 F.R. 11038 (Rerun); 12/12/62 27 F.R. 12438 (Changed);

V-11 From Mobile, Ala., via Laurel, Miss., to Jackson, Miss. From Memphis, Tenn., via Dyersburg, Tenn., including a W alternate via INT of Memphis 345° and Dyersburg 235° radial; Paducah, Ky., including an E alternate from Memphis to Paducah via INT of Memphis 066° and Holly Springs, Miss., 028° radials; INT of Holly Springs, 028° and Paducah 179° radials; INT of Paducah 039° and Evansville, Ind., 227° radials; Evansville; Scotland, Ind., including an E alternate via INT of Evansville 049° and Scotland 188° radials; Indianapolis, Ind., including an E alternate via INT of Scotland 047° and Indianapolis 185° radials, and also a W alternate via INT of Scotland 011° and Indianapolis 230° radials; Fort Wayne, Ind., including an E alternate via INT of Indianapolis 069° and Shelbyville, Ind., 006° radials, and INT of Shelbyville 006° radial with Indianapolis direct radial to Fort Wayne and also a W alternate via INT of Indianapolis 022° and Fort Wayne 233° radials; to Salem, Mich.

AMENDMENTS 12/12/62 27 F.R. 11038 (Rerun); 6/27/63 28 F. R. 4163 (Changed); 12/12/63 28 F. R. 11347 (Changed);

V-12 From Santa Barbara, Calif., via INT of Santa Barbara 091° and Fillmore, Calif., 310° radials; Fillmore; Palmdale, Calif.; Hector, Calif.; Needles, Calif.; including an N alternate from Hector to Needles via Goffs, Calif.; INT of Needles 077° and Drake, Ariz., 274° radials; Drake; Winslow, Ariz.; including an S alternate from Needles to Winslow via Prescott, Ariz., and INT of Prescott 095° and Winslow 248° radials; excluding the airspace between the main and this alternate airway; Zuni, N. Mex.; including an S alternate via INT of Winslow 109° and Zuni 252° radials; Grants, N. Mex.; including an S alternate via Zuni 108° and Grants 252° radials; Albuquerque, N. Mex.; Otto, N. Mex.; Anton Chico, N. Mex., including an S alternate from Albuquerque to Anton Chico via INT of Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex., including an N alternate via INT of Anton Chico 067° and Tucumcari 291° radials; Amarillo, Tex., including an N alternate and also an S alternate via INT of Texico, N. Mex., 021° and Amarillo 252° radials; Gage, Okla., including an N alternate; Anthony, Kans.; Wichita, Kans., including an N alternate from Gage to Wichita via INT of Gage direct radial to Hutchinson, Kans., with Anthony, direct radial to Dodge City, Kans., and also an S alternate from Anthony to Wichita via INT of Anthony 060° and Wichita 190° radials; Emporia, Kans., including an N alternate via INT of Wichita direct radial to INT of Hutchinson 062° and Topeka, Kans., 236° radials with Emporia direct radial to Hutchinson; INT of Topeka 099° radial with Emporia direct radial to Kansas City, Mo.; INT of Topeka 099° and Blue Springs, Mo., 268° radials; Blue Springs; Blackwater, Mo.; Readsville, Mo.; Maryland Heights, Mo., including an S alternate; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind., including an S alternate via INT of Lewis 087° and Shelbyville 235° radials; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including an N alternate from Dayton to Appleton via INT of Dayton 068° and Rosewood, Ohio, 083° radials and also an S alternate via INT of Dayton 099° and Appleton 244° radials; Newcomerstown, Ohio; Wheeling, W. Va.; Pittsburgh, Pa.; Johnstown, Pa., including an S alternate via INT of Pittsburgh 120° and Johnstown 250° radials; Harrisburg, Pa., including an S alternate from Johnstown to Harrisburg via St. Thomas, Pa.; West Chester, Pa.; to INT of West Chester direct radial to Coyle, N. J., and Woodstown, N. J., 043° radial.

V-13 From Houston, Tex., via Lufkin, Tex., including an E alternate via Daisetta, Tex., and also a W alternate via INT of Houston 353° and Lufkin 223° radials; Shreveport, La., including an E and a W alternate; Texarkana, Ark., including a W alternate via INT of Shreveport 275° and Texarkana 184° radials; Page, Okla.; Fort Smith, Ark., including a W alternate via INT of Page 007° and Fort Smith 223° radials; Fayetteville, Ark.; Neosho, Mo.; Butler, Mo., including a W alternate; Kansas City, Mo., including an E alternate via INT of Butler 013° and Kansas City 157° radials; Lamoni, Iowa, including an E alternate via INT of Kansas City 035° and Lamoni 174° radials; Des Moines, Iowa, including an E and a W alternate; Mason City, Iowa, including an E alternate and also a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; Farmington, Minn.; Grantsburg, Wis., including a W alternate from Mason City to Grantsburg via INT of Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and this alternate airway; Duluth, Minn.; to Lakehead, Ontario, Canada. The airspace that lies outside the United States and the airspace at and below 1,200 feet above the surface between Duluth and Lakehead is excluded. The airspace within R-2401 is excluded from the W alternate. The airspace of the main airway that lies within R-2401 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 4/4/63 28 F.R. 907 (Changed); 1/9/64 28 F. R. 12251 (Changed);

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including an S alternate via INT of Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including an S alternate via INT of Hobart, 076° and Oklahoma City, 202° radials; Tulsa, Okla., including an N alternate via INT of Oklahoma City 037° and Tulsa 261° radials, and also an S alternate via INT of Oklahoma City 107° and Tulsa 228° radials; Neosho, Mo., including an N alternate and also an S alternate via INT of Tulsa 088° and Neosho 223° radials; Springfield, Mo.; including an N alternate via INT of Neosho 044° and Springfield 261° radials and also an S alternate via INT of Neosho 074° radial with Springfield direct radial to Fayetteville, Ark.; Vichy, Mo., including an N alternate; St. Louis, Mo., including an N alternate and also an S alternate via INT of Vichy 069° and St. Louis 219° radials; Vandalia, Ill., including an N alternate via INT of St. Louis 062° and Vandalia 273° radials; Terre Haute, Ind.; Indianapolis, Ind., including an N alternate and an S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; INT of Indianapolis 054° and Findlay, Ohio, 249° radials; Findlay; Attica, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa., including an N alternate from Cleveland to Erie, via INT of Cleveland 049° radial and Carleton, Mich., direct radial to Jefferson; Dunkirk, N. Y.; Buffalo, N. Y., including an N alternate from Erie to Buffalo via INT of Erie 043° and Buffalo 242° radials; Geneseo, N. Y.; Georgetown, N. Y.; INT of Georgetown 093° and Albany, N. Y., 270° radials; Albany; INT of Albany 094° and Gardner, Mass., 284° radials; Gardner, excluding the airspace at and below 1,200 feet above the surface between INT of Albany 094° and Chester, Mass., 318° radials and INT of Gardner 284° and Keene, N. H., 231° radials; to INT of Gardner 132° and Boston, Mass., 223° radials.

AMENDMENTS 5/2/63 28 F.R. 2671 (Changed);

V-15 From Galveston, Tex., via Houston, Tex.; College Station, Tex., including a W alternate from Houston to College Station via INT of Houston 290° and College Station 152° radials; Waco, Tex., including a W alternate via INT of College Station 307° and Waco 173° radials; Dallas, Tex., including an E alternate and also a W alternate from Waco, to INT of Britton, Tex., 091° and Dallas 202° radials via INT of Waco 353° and Britton, Tex., 264° radials; Britton; INT of Britton 091° and Dallas 202° radials; Ardmore, Okla., including a W alternate via INT of Dallas 324° and Ardmore 176° radials; Okmulgee, Okla., including an E alternate and also a W alternate via INT of Oklahoma City, Okla., 107° and Tulsa, Okla., 228° radials; INT of Tulsa 088° and Neosho, Mo., 223° radials; to Neosho. From Kansas City, Mo., via St. Joseph, Mo., including an E alternate via INT of Kansas City 020° and St. Joseph 132° radials; INT of St. Joseph 343° and Neola, Iowa, 157° radials; Neola, including an E alternate via INT of St. Joseph 358° and Neola 142° radials; INT of Neola 322° and Sioux City, Iowa, 160° radials; Sioux City; INT of Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a W alternate via INT of Sioux Falls 288° and Huron 140° radials; Aberdeen, S. Dak., including a W alternate; Bismarck, N. Dak., including a W alternate; to Minot, N. Dak., including a W alternate via INT of Bismarck 333° and Minot 197° radials. The airspace within R-6310 is excluded.

AMENDMENTS Eff. Immed. 2/28/63 28 F.R. 2229 (Changed); (Eff. on publ.) 7/20/63 28 F R 7424 (Changed).

V-16 From Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 091° and Blythe, Calif., 288° radials; Blythe (12-mile-wide airway from 45 nmi from Ontario to 55 nmi from Ontario, 14-mile-wide airway from 55 nmi from Ontario to 55 nmi from Blythe, 12-mile-wide airway from 55 nmi from Blythe to 45 nmi from Blythe); Buckeye, Ariz., Phoenix, Ariz.; INT of Phoenix 161° radial with Casa Grande, Ariz., direct radial to San Simon, Ariz.; Tucson, Ariz.; Cochise, Ariz.; including an S alternate via INT of Tucson 121° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including an N alternate; via the INT of Columbus 075° and El Paso 286° radials; Salt Flat, Tex.; Wink, Tex., including an N alternate; INT of Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including an S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Mineral Wells, Tex., including an N alternate; INT of Mineral Wells 078° and Dallas, Tex., 252° radials; Dallas, including an S alternate via INT of Mineral Wells 094° and Dallas 229° radials; Sulphur Springs, Tex.; Texarkana, Ark., including an N alternate via INT of Sulphur Springs 060° and Texarkana 272° radials, and also an S alternate via INT of Sulphur Springs 090° with Quitman, Tex., direct radial to Texarkana; Pine Bluff, Ark., including an S alternate via INT of Texarkana 090° and Pine Bluff 233° radials; INT of Pine Bluff 067° and Memphis, Tenn., 241° radials; Memphis, including an N alternate via INT of Pine Bluff 052° and Memphis 276° radials and also an S alternate via INT of Pine Bluff 082° and Memphis 225° radials; Jacks Creek, Tenn.; Graham, Tenn., including an S alternate from Memphis to Graham via INT of Memphis 081° and Graham 238° radials; Nashville, Tenn., including an N alternate via INT of Jacks Creek, 044° and Nashville 284° radials; Crossville, Tenn., including an S alternate, and also an N alternate via INT of Nashville 079° and Crossville 298° radials; Knoxville, Tenn., including an S alternate via INT of Crossville 100° and Knoxville 247° radials; Holston Mountain, Tenn., including an S alternate via INT of Knoxville 090° and Holston Mountain 235° radials; Pulaski, Va., including an N alternate from Knoxville to Pulaski via INT of Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va., INT of Montebello, Va., 180° and Gordonsville, Va., 247° radials; Gordonsville; including an N alternate from Roanoke to Gordonsville via INT of Roanoke 035° radial with Montebello direct radial to Clifdale, Va., and Montebello; Nottingham, Md.; 8 miles wide to Kenton, Del.; thence via Millville, N. J.; Coyle, N. J.; INT of Coyle 057° and Riverhead, N. Y., 218° radials; Riverhead; Norwich, Conn.; to Boston, Mass. The airspace within Mexico is excluded.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); Eff. Immed. 2/28/63 28 F.R. 2229 (Changed);
AMENDMENTS 5/30/63 28 F.R. 3585 (Changed); 8/22/63 28 F. R. 6873 (Changed);
AMENDMENTS 10/17/63 28 F. R. 8400 (Changed); 10/17/63 28 F. R. 9200 (Changed);
AMENDMENTS 12/12/63 28 F. R. 11347 (Changed); 1/9/64 28 F. R. 12342 (Changed);
PENDING AMENDMENT
In V-16 "INT of Ontario 091° and Blythe, Calif., 288° radials;" is deleted and "INT Ontario 091° and Blythe, Calif., 284° radials;" is substituted therefor.
3/5/64 28 F. R. 14420 (Changed);

V-17 From Laredo, Tex., via Cotulla, Tex.; INT of Cotulla 041° and San Antonio, Tex., 183° radials; San Antonio; Austin, Tex., including a W alternate via INT of San Antonio 002° and Austin 237° radials and also an E alternate via INT of San Antonio 057° and Austin 198° radials; Waco, Tex., including an E alternate via INT of Austin 046° and Waco 173° radials; INT of Waco 315° and Mineral Wells, Tex., 197° radials; Mineral Wells; Bridgeport, Tex.; Duncan, Okla.; INT of Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT of Oklahoma City 282° and Gage 133° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal, Kans.; to Goodland, Kans., including a W alternate.

AMENDMENTS 12/12/63 28 F. R. 11347 (Changed); 1/9/64 28 F. R. 12342 (Changed); Alteration of Amend. 28 F. R. 14420

V-18 From Dallas, Tex., via Quitman, Tex.; Shreveport, La., including an S alternate via INT of Quitman 109° and Shreveport 240° radials; Monroe, La., including an N alternate and also an S alternate via INT of Shreveport 117° and Monroe 260° radials; Jackson, Miss., including an N alternate and also an S alternate via INT of Monroe 110° and Jackson 248° radials; Meridian, Miss., including an N alternate and also an S alternate via INT of Jackson direct radial to Laurel, Miss., and Meridian 262° radial; INT of Meridian 057° and Birmingham,
Ala., ILS localizer SW course; INT of Birmingham ILS localizer SW course and Anniston, Ala., 265° radial; Anniston, including an N alternate from Meridian to Anniston via INT of Meridian 040° and Tuscaloosa, Ala., 239° radials, Tuscaloosa and Birmingham; INT of Anniston 090° and Atlanta, 267° radials, Atlanta, McDonough, Ga.; INT of McDonough 088° and Augusta, Ga., 263° radials; Augusta, including an N alternate from Anniston to Augusta via INT of Anniston 084° and Rex, Ga., 270° radials; Rex; INT of Rex 090° and Augusta 278° radials, excluding the airspace between the main and
this alternate airway; INT of Augusta 157° and Allendale, S. C., 262° radials; Allendale; to Charleston, S. C., including an S alternate via INT of Allendale 117° and Charleston 262° radials.

AMENDMENTS 5/2/63 28 F.R. 2308 (Changed); 12/12/63 28 F. R. 11347 (Changed);

V-19 From Newman, Texas, to INT of Newman 287° and Truth or Consequences, N. Mex., 159° radials, thence 14-mile wide airway via Truth or Consequences 159° radial for a distance of 34 nautical miles, thence via Truth or Consequences; INT of Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; INT of Socorro 015° and Albuquerque, N. Mex., 160° radials; Albuquerque, including a W alternate via INT of Socorro 333° and Albuquerque 210° radials; Santa Fe, N. Mex., including a W alternate via Albuquerque 026° and Santa Fe 253° radials; Las Vegas, N. Mex., Cimarron, N. Mex.; Pueblo, Colo., including an E alternate via INT of Cimarron 053° and Pueblo 176° radials; Kiowa, Colo., including an E alternate; INT of Kiowa 005° and Denver, Colo., 101° radials; Denver; Cheyenne, Wyo.; Douglas, Wyo., including an E alternate; Casper, Wyo., including an E alternate; Crazy Woman, Wyo., including an E alternate via INT of Casper 007° and Crazy Woman 146° radials; Sheridan, Wyo., including an E alternate; Billings, Mont., including an E alternate; INT of Billings 347° and Lewistown, Mont., 104° radials; Lewistown; to Great Falls, Mont., including a W alternate via INT of Lewistown 274° and Great Falls 122° radials. The portion of this airway within R-5111 will be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/1/63 28 F.R. 6495 (Changed);

V-20 From Laredo, Tex., via Alice, Tex.; Corpus Christi, Tex.; INT of Corpus Christi 054° and Palacios, Tex., 230° radials; Palacios, including an N alternate via INT of Corpus Christi 039° and Palacios 241° radials; Houston, Tex., including an N alternate via INT of Palacios 016° and Houston 255° radials; Beaumont, Tex., including an N alternate via INT of Houston 045° and Beaumont 273° radials; Lake Charles, La., including an N alternate via INT of Beaumont 058° and Lake Charles 272° radials and also an S alternate from Houston to Lake Charles via INT of Houston 090° and Sabine Pass, Tex., 265° radials, and Sabine Pass; Lafayette, La., including an N alternate via INT of Lake Charles 058° and Lafayette 285° radials; New Orleans, La., including an S alternate via Tibby, La.; INT of New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including an N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this alternate airway; Evergreen, including an N alternate via INT of Mobile 015° and Evergreen 247° radials and also an S alternate (S alternate 8 miles wide Mobile to Evergreen); Montgomery, Ala.; La Grange, Ga.;
Atlanta, Ga., including an N alternate from Montgomery to Atlanta via Montgomery 028° and Atlanta 248° radials; Rex, Ga.; Royston, Ga.; Spartanburg, S. C. including an N alternate from Atlanta to Spartanburg, via Norcross,
Ga., and INT of Norcross 054° and Spartanburg 249° radials, excluding the airspace between the main and this alternate; Greensboro, N. C.; South Boston, Va.; Richmond, Va., including an N alternate via INT of South Boston 042° and Flat Rock, Va., 234° radials, and Flat Rock; to INT of Richmond 039° and Brooke, Va., 131° radials.

AMENDMENTS 1/10/63 27 F.R. 11940 (Changed); Eff. Immed. 2/28/63 28 F.R. 2229 (Changed); 4/4/63 28 F.R. 907 (Changed); 6/27/63 28 F.R. 4126 (Changed); 6/27/63 28 F.R. 4506 (Changed); 12/12/63 28 F. R. 11260 (Changed);

V-21 From INT of Long Beach, Calif., 250° and Los Angeles, Calif., 207° radials via Long Beach; Ontario, Calif.; Hector, Calif.; Boulder, Nev. (12 miles wide from 45 nmi NE of Hector to 45 nmi SW of Boulder), including a W alternate from INT of Hector 228° and Daggett, Calif., 187° radials via Daggett to INT of Daggett 062° and Hector 047° radials; Mormon Mesa, Nev.; Milford, Utah, including a W alternate and also an E alternate from Mormon Mesa via INT Mormon Mesa 059° and Cedar City, Utah, 197° radials, and Cedar City; Delta, Utah, including a W alternate;
Provo, Utah, including a W alternate via INT of Delta 004° and
Provo 219° radials; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho;
Pocatello, Idaho; Idaho Falls, Idaho; Dubois, Idaho, including an E alternate via INT of Idaho Falls 030° and Dubois 155° radials; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; INT of Helena 352° and Great Falls, Mont., 222° radials; Great Falls; Cut Bank, Mont., including an E alternate and also a W alternate from Helena to Cut Bank direct; to United States-Canadian Border via Cut Bank 348° radial.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed); 6/27/63 28 F. R. 4126 (Changed);

V-22 From Houston, Tex., via INT of Houston 090° and Sabine Pass, Tex., 265° radials; Sabine Pass; Tibby, La.; New Orleans, La.; INT of New Orleans 085° and Brookley,
Ala., 240° radials; Brookley; Pensacola (Saufley Field), Fla.; Crestview, Fla.; Marianna, Fla.; INT of Marianna, 141° and Tallahassee, Fla., 267° radials; Tallahassee; Taylor, Fla., including an N alternate from Marianna to INT of Tallahassee 090° and Cross City, Fla., 325° radials via INT of Marianna 093° and Albany 160° radials, excluding the airspace between the main and this alternate airway; Jacksonville, Fla., including an N alternate from Taylor to Jacksonville via INT of Taylor 065° and Jacksonville 289° radials. The airspace within R-2915 is excluded.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed);
PENDING AMENDMENT
In V-22 "Tibby, La.;" is deleted and "White Lake, La.; Tibby, La.;" is substituted therefor.
3/5/64 28 F. R. 14420 (Changed);

V-23 From San Diego, Calif., via Oceanside, Calif.; INT of Long Beach, Calif., 135° and Santa Catalina, Calif., 075° radials; 8 miles wide to Long Beach; thence 4 miles on the NE and 5 miles on the SW of the centerline to INT of Long Beach 287° and Los Angeles, Calif., 138° radials; thence Los Angeles; Gorman, Calif.; Bakersfield, Calif., including an E alternate from Los Angeles to Bakersfield via INT of Los Angeles 357° and Lake Hughes, Calif., 154° radials, Lake Hughes, and INT of Lake Hughes 344° and Bakersfield 137° radials; Fresno, Calif., including an E alternate from Bakersfield to Fresno via Porterville, Calif., and INT of Porterville 339° and Fresno 140° radials; INT of Fresno 322° and Linden, Calif., 140° radials; Linden (8 miles wide from 40 nmi., from Linden to Linden); Sacramento, Calif., including a W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; INT of Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; Fort Jones,
Calif.; Medford, Oreg., including an E alternate via INT of Fort Jones 042° and Medford 157° radials, and also a W alternate via INT of Fort Jones 340° and Medford 235° radials, excluding the airspace between the main and this alternate; Eugene, Oreg., including an E alternate and also a W alternate from Medford to Eugene via Roseburg, Oreg., and INT of Roseburg 003° and Eugene 187° raidals; Portland, Oreg., including an E alternate and also a W alternate from Eugene to
Portland via INT of Eugene 346° and Newberg, Oreg., 204° radials, and Newberg; INT of Portland 353° and Seattle, Wash., 197° radials; Seattle; Paine Field, Wash.; Bellingham, Wash.;
to United States-Canadian Border via Bellingham direct radial to Vancouver, British Columbia, Canada. The airspace below 2,000 feet MSL outside the United States, and the airspace within R-2528 is excluded. The airspace within R-5703 and R-6703 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/10/63 27 F.R. 11497 (Changed); 3/7/63 28 F.R. 722 (Changed); 4/4/63 28 F.R. 1419 (Changed); 5/2/63 28 F.R. 1718 (Changed); 6/27/63 28 F.R. 4347 (Changed); 6/27/63 28 F.R. 4552 (Changed); (eff. date 6/27/63 extended to 7/25/63 28 F.R. 5187); 10/17/63 28 F. R. 8282 (Changed); (Amend. Alteration) Date Changed 11/14/63 28 F. R. 9809 (Changed);

V-24 From Aberdeen, S. Dak., via Watertown, S. Dak., including an N alternate; Redwood Falls, Minn., including an N alternate via INT of Watertown 086° and Redwood Falls 305° radials; Rochester, Minn.; to Lone Rock, Wis., including an S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From San Diego, Calif., via Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Long Beach, Calif., 186° radials, to INT Long Beach 287° and Los Angeles 138° radials via Long Beach; INT Los Angeles 257° and Ventura, Calif., 155° radials; 8 miles wide via Ventura to INT Ventura 331° and Santa Barbara, Calif., 109° radials; thence Santa Barbara; Paso Robles Calif., including a W alternate from Santa Barbara
to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif.; INT of Paso Robles 317° and Salinas, Calif., 147° radials; Salinas including an E alternate from Paso Robles to Salinas via INT of Paso Robles 332° and Salinas 131° radials; INT of Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT of San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT of Point Reyes 352° and Ukiah, Calif., 147° radials; Red Bluff, Calif.; INT of Red Bluff 015° and Klamath Falls, Oreg., 181° radials; Klamath Falls; Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an E alternate via INT of The Dalles 032° and Yakima 183° radials; INT of Yakima 304° and Ellensburg, Wash., 191° radials; Ellensburg; to Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 4 miles NE of the airway centerline between Long Beach and INT of Long Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2504, R-2520, R-6714 and W-289 is excluded. The airspace within R-2519 more than 3 miles west of
the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 3/7/63 28 F.R. 722 (Changed); 4/4/63 28 F.R. 1419 (Changed); 12/12/63 28 F. R. 11615 (Changed);
PENDING AMENDMENT
In V-25 "The airspace within R-2504, R-2511, R-2520, R-6714 and W-289 is excluded. The airspace within R-2519 more than 3 miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority." is deleted and "The airspace within R-2511, R-2520, R-6714 and W-289 is excluded. The airspace within R-2519 more than 3 miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2504, R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority." is substituted therefor.
2/6/64 28 F. R. 13742 (Changed);

V-26 From Wyton, Utah, via Cherokee, Wyo.; Casper, Wyo.; Rapid City, S. Dak.; Philip, S. Dak., including an N alternate via INT of Rapid City 049° and Philip 282° radials; Pierre, S. Dak., including an S alternate; Huron, S. Dak., including an S alternate via Pierre 106° and Huron 254° radials; Redwood Falls, Minn., including an S alternate; Farmington, Minn.; Eau Claire, Wis.; Wausau, Wis., including an S alternate; Green Bay, Wis., including an S alternate via INT of Wausau 121° and Green Bay 269° radials; INT of Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich.; INT of Carleton, Mich., direct radial to Jefferson, Ohio, and Cleveland, Ohio, direct radial to Windsor, Ont., Canada; Cleveland; INT of Cleveland 214° and Tiverton, Ohio, 343° radials; to Tiverton. The airspace within Canada is excluded.

AMENDMENTS (Eff.Immed.) 2/28/63 28 F.R. 2229 (Changed);

V-27 From San Diego, Calif., via INT San Diego 319° and Santa Catalina, Calif., 099° radials; Santa Catalina; 8 miles wide via Ventura, Calif., to INT Ventura 331° and Fillmore, Calif., 268° radials; thence INT Fillmore 268° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT of San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur; INT of Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT of Point Reyes 352° and Ukiah, Calif., 147° radials; Ukiah; Fortuna, Calif.; Crescent City, Calif.; North Bend, Oreg.; Newport, Oreg.; "Astoria, Oreg. (11 miles wide from 45 nmi from Newport to 45 nmi from Astoria); Olympia, Wash., INT of Olympia 010° and Seattle, Wash., 247° radials; to Seattle, including a W. alternate from Astoria to INT of Olympia 010° and Seattle 247° radials via Hoquiam, Wash., excluding the airspace between the main and this alternate airway. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520 and W-289, the airspace within R-2519 more than 3 miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The airspace within R-2527, R-6711 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12438 (Changed); 3/7/63 28 F.R. 722 (Changed); 8/22/63 28 F. R. 6969 (Changed); 11/14/63 28 F. R. 10332 (Changed);

V-28 From Oakland, Calif., via INT of Oakland 077° and Linden, Calif., 246° radials; Linden; INT of Linden 046° and Reno, Nev., 208° radials; to Reno.

V-29 From Snow Hill, Md., via Salisbury, Md.; INT of Salisbury 340° and Kenton, Del., 217° radials; Kenton; New Castle, Del.; West Chester, Pa.; Pottstown, Pa.; Allentown, Pa.; Wilkes-Barre, Pa.; Binghampton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT of Watertown 033° and Massena, N. Y., 241° radials; to Massena. The airspace within R-4006 is excluded.

AMENDMENTS (Eff.Immed.) 2/28/63 28 F.R. 2230 (Changed);

V-30 From Milwaukee, Wis., via INT of Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including an S alternate via INT of Milwaukee 121° and Pullman 282° radials; Litchfield, Ohio; Waterville, Ohio; Attica, Ohio; Akron, Ohio; INT of Akron 092° and Clarion, Pa., 265° radials; Clarion; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; Colts Neck, N. J.; INT of Colts Neck 089° and Idlewild, N. Y., 195° radials; Idlewild; thence via Idlewild 083° radial for 45 nautical miles; thence 13-mile wide airway to INT of Idlewild 083° and Hampton, N. Y., 223° radials; Hampton; INT of Hampton 059° and Norwich, Conn., 177° radials; to Norwich. The airspace below 2,000 feet MSL outside the United States, and below 3,000 feet MSL south of a line extending from Lat. 40° 40' 00"N, Long. 72° 30' 00"W, to Lat. 40° 38' 20"N, Long. 72° 38' 35"W is excluded.

AMENDMENTS (Eff. immed.) 7/10/63 28 F. R. 7290 (Changed); 1/9/64 28 F. R. 12312 (Changed);

V-31 From INT of Patuxent River, Md., 036° and Nottingham, Md., 128° radials; to Nottingham. From Baltimore, Md., via Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y., including a W alternate from Selinsgrove to Elmira via INT of Selinsgrove 342° and Elmira 187° radials; INT of Elmira 357° and Rochester, N. Y., 125° radials; to Rochester. The airspace within R-4006 and R-4007 is excluded.

V-32 From Battle Mountain, Nev., via Elko, Nev., including an N alternate via Battle Mountain 062° and Elko 273° radials; Bonneville, Utah, including an N alternate from Elko to Bonneville via Wells, Nev., Salt Lake City, Utah, to Fort Bridger, Wyo.

V-33 From INT of Franklin, Va., 087° and Norfolk, Va., 226° radials, via Harcum, Va.; INT of Harcum 003° and Nottingham, Md., 174° radials; to Nottingham. From Baltimore, Md., via Harrisburg, Pa.; Philipsburg, Pa.; Bradford, Pa.; to Buffalo, N. Y. The airspace within R-4006 and R-4007 is excluded.

V-34 From Rochester, N. Y., via Ithaca, N. Y.; Hancock, N. Y.; INT of Huguenot, N. Y., 046° and Trinity, N. Y., 295° radials; Trinity; to Riverhead, N. Y. The airspace within R-5206 shall be used only after obtaining prior approval from the appropriate authority.

V-35 From Key West, Fla., via INT of Key West 078° and Miami, Fla., 153° radials; Miami; INT of Miami 269° and Fort Myers, Fla., 137° radials, including a W alternate from INT of Miami 153° radial and Miami International Airport Runway 9 left ILS localizer W course to INT of Miami 269° and Fort Myers 137° radials via INT of Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; Fort Myers; St. Petersburg, Fla., including a W alternate; Cross City, Fla., including an E alternate via Gainesville, Fla., and also a W alternate from St. Petersburg to Cross City via INT of St. Petersburg 316° and Cross City 185° radials; INT of Cross City 310° and Tallahassee, Fla., 137° radials; Tallahassee; INT of Tallahassee 353° and Albany, Ga., 176° radials; Albany, including an E alternate via INT of Tallahassee 008° and Albany 160° radials; Macon, Ga., including a W alternate via INT of Albany 010° and Macon 228° radials; Athens, Ga.; Royston, Ga.; Asheville, N. C.; Holston Mountain, Tenn., including an E alternate via INT of Asheville 022° and Holston Mountain 146° radials and also a W alternate via INT of Asheville 300° and Holston Mountain 203° radials; Blackford, Va.; Charleston, W. Va.; INT of Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa.; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira, N. Y.; Watkins Glen, N. Y.; to Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed); AMENDMENTS 5/30/63 28 F.R. 3482 (Changed); AMENDMENTS 8/22/63 28 F. R. 7029 (Changed); Eff. on Publ. 10/4/63 28 F. R. 10703 (Changed)

V-36 From Toronto, Ontario, Canada, via INT of Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo, including an S alternate from Toronto to Buffalo via INT of Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this alternate airway; Elmira, N. Y.; Wilkes-Barre, Pa.; Sparta, N. J.; to Riverhead, N. Y. The airspace within Canada is excluded.

V-37 From Savannah, Ga., via Allendale, S. C., including a W alternate via INT of Savannah 282° and Allendale 194° radials; Columbia, S. C.; Fort Mill, S. C., including a W alternate via INT of Columbia 329° and Fort Mill 209° radials; Pulaski, Va., including a W alternate from Fort Mill to Pulaski via Hickory, N. C.; Elkins, W. Va.; Morgantown, W. Va.; Pittsburgh, Pa.; Ellwood City, Pa.; Erie, Pa.; to Toronto, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed);

V-38 From Iowa City, Iowa, via Moline, Ill.; Joliet, Ill.; Peotone, Ill., 8 miles wide to Monterey, Ind.; Fort Wayne, Ind.; Findlay, Ohio; INT of Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; to Elkins, W. Va.

AMENDMENTS 10/17/63 28 F. R. 9428 (Changed);

V-39 From Pinehurst, N. C., via South Boston, Va.; Gordonsville, Va.; INT of Gordonsville 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va., including an E alternate from Gordonsville to Herndon via INT of Herndon 202° and Brooke, Va., 300° radials; Westminster, Md.; Lancaster, Pa.; Allentown, Pa.; Tannersville, Pa.; Poughkeepsie, N. Y.; Westfield, Mass.; Gardner, Mass.; Concord, N. H.; Kennebunk, Maine; Augusta, Maine; INT of Augusta 025° and Millinocket, Maine, 228° radials; Millinocket; Presque Isle, Maine; to INT of Presque Isle 356° radial and the United States-Canadian border. The airspace within R-4108 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); 1/10/63 27 F.R. 11938 (Changed);

V-40 From Cleveland, Ohio, via Briggs, Ohio; Imperial, Pa.; to Pittsburgh, Pa.

V-41 From Pittsburgh, Pa., via Imperial, Pa.; INT of Imperial 326° and Youngstown, Ohio, 180° radials; to Youngstown.

V-42 From Flint, Mich., via Windsor, Ont., including an E alternate via INT of Flint 122° and Windsor 344° radials, excluding the airspace between the main and this alternate airway; Cleveland, Ohio, including an E alternate via INT Windsor 131° and Strongsville, Ohio, 342° radials, Strongsville, to INT Strongsville 162° and Akron, Ohio, 289° radials; Akron; Imperial, Pa.; INT of Imperial 074° and Johnstown, Pa., 296° radials; to Johnstown. The airspace within Canada is excluded.

AMENDMENTS (Eff. immed.) 2/28/63 28 F.R. 2230 (Rewritten); 10/17/63 28 F. R. 9429 (Changed);

V-43 From Appleton, Ohio, via Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio; to Erie, Pa.

V-44 From Centralia, Ill.; via Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT of Baltimore 097° radial and Nottingham, Md., direct radial to Kenton, Del.; Kenton; INT of Kenton 086° and Atlantic City, N. J., 238° radials; Atlantic City; Barnegat, N. J.; INT of Barnegat 043° and Riverhead, N. Y., 218° radials; to Riverhead. The airspace below 2,000 feet MSL outside the United States is excluded. The airspace within Warren Grove, N. J., Restricted Area R-5002 shall be used only after obtaining prior approval from the appropriate authority.

V-46 From New Bern, N. C., via Kinston, N. C.; Raleigh, N. C.; Greensboro, N. C., including an E alternate via INT of Raleigh 306° and Greensboro 051° radials and also a W alternate via Liberty, N. C., and INT of Liberty 114° and Raleigh 240° radials; INT of Greensboro 334° and Hickory, N. C., 049° radials; Pulaski, Va.; Bluefield, W. Va., to Charleston, W. Va. From Waterville, Ohio, via INT of Waterville 329° and Jackson, Mich., 137° radials; Jackson; Lansing, Mich.; to Saginaw, Mich.

V-48 From Idlewild, N. Y., via Deer Park, N. Y.; INT of Deer Park 095° and Hampton, N. Y., 223° radials (Beach INT), including an N alternate from Deer Park to Beach INT via Riverhead, N. Y.; Hampton; INT of Hampton 083° and Nantucket, Mass., 255° radials; thence 14-mile wide airway to INT of Providence, R. I., 183° and Nantucket 255° radials; thence to Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

V-47 From Nabb, Ind., via Cincinnati, Ohio; Rosewood, Ohio, including a W alternate from Cincinnati to INT of Dayton, Ohio, Dayton Airport ILS localizer SW course and Rosewood direct radial to Cincinnati via INT of Cincinnati 008° radial and Dayton Airport ILS localizer SW course; Findlay, Ohio; Waterville, Ohio; INT of Waterville 365° and Salem, Mich., 190° radials, to Salem.

V-48 From Burlington, Iowa, via Peoria, Ill.; to Pontiac, Ill.

V-49 From Bowling Green, Ky., via Mystic, Ky.; to Nabb, Ind.

V-50 From Pawnee City, Nebr., via St. Joseph, Mo.; Kirksville, Mo.; Quincy, Ill., including an S alternate via INT of Kirksville 121° and Quincy 258° radials; Capital, Ill.; Decatur, Ill.; Terre Haute, Ind.; Indianapolis, Ind.; INT of Indianapolis 084° and Dayton, Ohio, 261° radials; Dayton, including an N alternate from Indianapolis to Dayton via INT of Indianapolis 069° and Fort Wayne, Ind., 187° radials.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

V-51 From Key West, Fla., via INT of Miami, Fla., 221° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Miami; Pahokee, Fla.; INT of Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an E alternate from Biscayne Bay to Vero Beach via INT of Biscayne Bay 346° and Vero Beach 178° radials; Daytona Beach, Fla.; INT of Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville; INT of Jacksonville 319° and Alma, Ga., 148° radials; Alma, including an E alternate and a W alternate; Macon, Ga., including an E alternate from Alma to Macon via INT of Alma 335° and Dublin, Ga., 137° radials and Dublin; McDonough, Ga.; Rex, Ga.; Crossville, Tenn., including an E alternate from INT of Rex 345° and Atlanta, Ga., 007° radials to Crossville via INT of Atlanta 007° and Crossville 143° radials, and a W alternate from McDonough to Crossville via Chattanooga, Tenn.; New Hope, Ky.; Louisville, Ky., including an E alternate from INT of London, Ky., 260° and New Hope 163° radials to Louisville via INT of Lexington, Ky., 213° and Louisville 148° radials, excluding the airspace between the main and this alternate airway; Nabb, Ind.; Shelbyville, Ind.; INT of Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; to Chicago Heights, Ill. The airspace within W-173 is excluded.

AMENDMENTS 4/4/63 28 F.R. 967 (Changed); 6/27/63 28 F. R. 4126 (Changed);

V-52 From Des Moines, Iowa, via Ottumwa, Iowa, including an S alternate; Quincy, Ill., including an N alternate; St. Louis, Mo., including an N alternate; Troy, Ill.; INT of Troy 099° and Evansville, Ind., 309° radials; to Evansville.

V-53 From Charleston, S. C., via INT of Charleston 300° and Columbia, S. C., 151° radials; Columbia; Spartanburg, S. C.; Asheville, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT of
Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; Westpoint, Ind.; INT of Westpoint 326° and Peotone, Ill., 153° radials; Peotone; to INT of Peotone 003° and Chicago-O'Hare, Ill., 153° radials; to Chicago-O'Hare.

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed); 1/9/64 28 F. R. 12341 (Changed);

V-54 From Quitman, Texas, via Texarkana, Ark.; INT of Texarkana 052° and Little Rock, Ark., 235° radials; Little Rock, including an N alternate via INT of Texarkana 033° and Little Rock 255° radials; INT of Little Rock 077° and Memphis, Tenn., 261° radials; Memphis, including an N alternate via INT of Little Rock 062° and Memphis 276° radials; Muscle Shoals, Ala., including an N alternate via INT of Memphis 081° and Muscle Shoals 297° radials, and also an S alternate from Memphis to Muscle Shoals via INT of Memphis 168° and Holly Springs, Miss., 281° radials; Holly Springs; INT of Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala.; Chattanooga, Tenn., including an N alternate via INT of Muscle Shoals 067° and Chattanooga 282° radials; Spartanburg, S. C.; Fort Mill, S. C.; INT of Fort Mill 069° and Pinehurst, N. C., 281° radials; to Pinehurst.

V-55 From Dayton, Ohio, via Fort Wayne, Ind., including an E alternate via INT of Dayton 343° and Fort Wayne direct radial to Rosewood, Ohio; Goshen, Ind., including a W alternate via INT Fort Wayne 281° and Goshen 168° radials, excluding the airspace between the main and this W alternate airway; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT of Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT of Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; Grantsburg, Wis.; to Brainerd, Minn.

AMENDMENTS 4/4/63 28 F.R. 907 (Changed); 10/17/63 28 F. R. 9428 (Changed);

V-56 From Montgomery, Ala., via INT of Montgomery 049° and Columbus, Ga., 270° radials; Columbus; Macon, Ga.; Augusta, Ga.; Columbia, S. C., including an N alternate via INT of Augusta 054° and Columbia 266° radials, and also an S alternate via INT of Augusta 065° and Columbia 193° radials; INT of Columbia 079° and Florence, S. C., 243° radials; to Florence.

V-57 From Birmingham, Ala., via Muscle Shoals, Ala.; Graham, Tenn.; to Bowling Green, Ky. From Lexington, Ky., via Falmouth, Ky.; to INT of Richmond, Ind., 142° and Cincinnati, Ohio, 022° radials.

AMENDMENTS 1/10/63 27 F.R. 11940 (Changed);

V-58 From Imperial, Pa., via INT of Imperial 074° and Carrolltown, Pa., 276° radials; Carrolltown; Tyrone, Pa.; Philipsburg, Pa.; Williamsport, Pa.; INT of Williamsport 079° and Thornhurst, Pa., 293° radials; Wilkes-Barre, Pa.; Poughkeepsie, N. Y.; Hartford, Conn.; to INT of Hartford 130° and Providence, R. I., 212° radials.

V-59 From Pulaski, Va., via Beckley, W. Va.; Parkersburg, W. Va.; to Newcomerstown, Ohio.

AMENDMENTS 9/19/63 28 F. R. 7470 (Rewritten);

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including an S alternate; to Las Vegas, N. Mex.

AMENDMENTS 6/27/63 28 F. R. 4125 (Changed); 10/17/63 28 F. R. 9428 (Rewritten);

V-61 From Bridgeport, Tex., via INT of Bridgeport 315° and Wichita Falls, Tex., 139° radials; Wichita Falls; to Lawton, Okla.

V-62 From Zuni, N. Mex., via INT of Zuni 066° and Santa Fe, N. Mex., 268° radials; Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Plainview, Tex., Lubbock, Tex., including an S alternate from Texico direct to Lubbock; INT of Lubbock 101° and Abilene, Tex., 327° radials; Abilene; INT Abilene 096° and Britton, Tex., 264° radials; to Britton (14 miles wide from 45 nmi from Abilene to 45 nmi from Britton).

AMENDMENTS 10/17/63 28 F. R. 9428 (Changed); 12/12/63 28 F. R. 11347 (Changed); Alteration of Amendment 28 F. R. 11822

V-63 From Waco, Tex., via INT of Waco 037° and Dallas, Tex., 133° radials; to Sulphur Springs, Tex. From McAlester, Okla., via Fayetteville, Ark.; Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; Burlington, Iowa; INT of Burlington 005° and Janesville, Wis., 239° radials; Janesville; to Milwaukee, Wis.

V-64 From Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 266° radials; Long Beach; Thermal, Calif.; to Blythe, Calif. The airspace more than 4 miles E of the airway centerline between Los Angeles and INT of Los Angeles 185° and Long Beach 266° radials is excluded.

AMENDMENTS 4/4/63 28 F.R. 1420 (Rewritten);

V-65 From INT of Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials via St. Joseph; to Lamoni, Iowa.

V-66 From San Diego, Calif., via El Centro, Calif.; Yuma, Ariz.; INT of Yuma 087° and Gila Bend, Ariz., 262° radials; Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT of Douglas 063° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including an N alternate via the INT of Columbus 075° and El Paso 286° radials; INT of El Paso 132° and Hudspeth, Tex., 272° radials;
Hudspeth; Culberson, Tex.; INT of Culberson 090° and Midland, Tex., 243° radials; Midland; Hyman, Tex.; INT Hyman 085° and Abilene, Tex., 251° radials; Abilene (11 miles wide from the INT of Hyman 085° and Abilene 251° radials to 45 nmi from Abilene); INT of Abilene 066° and Bridgeport, Tex., 248° radials; Bridgeport;
INT of Bridgeport 087° and Sulphur Springs, Tex., 275° radials; to Sulphur Springs. From Tuscaloosa, Ala., via Talladega, Ala.; INT of Talladega 092° and McDonough, Ga., 256° radials; McDonough; INT of McDonough 036° and Athens, Ga., 241° radials; Athens; INT of Athens 062° and Fort Mill, S. C., 242° radials; to Fort Mill.

AMENDMENTS 10/17/63 28 F. R. 9200 (Changed); 12/12/63 28 F. R. 11347 (Changed);
PENDING AMENDMENT
In V-66 "INT of El Paso 132° and Hudspeth, Tex., 272° radials; Hudspeth; Culberson, Tex.; INT of Culberson 090° and Midland, Tex., 243° radials;" is deleted and "8-mile wide airway INT of El Paso 112° and Hudspeth, Tex., 281° radials; Hudspeth; thence Pecos, Tex.;" is substituted therefor.
2/6/64 28 F. R. 11533 (Changed);

V-67 From Cedar Rapids, Iowa, via Waterloo, Iowa; Mason City, Iowa; to Rochester, Minn., including a W alternate via INT of Mason City 023° and Rochester 243° radials.

V-68 From Albuquerque, N. Mex., via INT of Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including an N alternate from Albuquerque to Corona via INT of Albuquerque 103° and Corona 328° radials and also an S alternate from Albuquerque to Corona via INT of Albuquerque 160° and Corona 268° radials; Roswell, N. Mex., including an N alternate; Hobbs, N. Mex., including an S alternate via INT of Roswell 132° and Hobbs 280° radials; Midland, Tex., including an S alternate from Hobbs to Midland via INT of Hobbs 147° and Wink, Tex., 066° radials; San Angelo, Tex., including an S alternate via INT of Midland 128° and San Angelo 278° radials; Junction, Tex., including an S alternate via INT of San Angelo 181° and Junction 310° radials; San Antonio, Tex., INT of Alice, Tex., 350°
and Corpus Christi, Tex., 313° radials; Corpus Christi; INT of Corpus Christi 236° and Alice, Tex., 171° radials; INT of Alice 171° and Brownsville, Tex., 339° radials; to Brownsville. The airspace within Mexico and R-6301 is excluded.

AMENDMENTS 12/12/63 28 F. R. 10513 (Changed);

V-69 From Shreveport, La., via INT of Shreveport 087° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate from Shreveport to El Dorado via INT of Shreveport 087° and El Dorado 233° radials; Pine Bluff, Ark.; INT of Little Rock, Ark., 062° and Memphis, Tenn., 276° radials; Walnut Ridge, Ark.; Farmington, Mo.; INT of Farmington 351° and Troy, Ill., 234° radials; Troy; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; to Kedzie, Ill., RBN.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

V-70 From Corpus Christi, Tex., via INT of Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Galveston, Tex.; Sabine Pass, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including an N alternate via INT of Lafayette 012° and Baton Rouge 272° radials; Picayune, Miss.; Evergreen, Ala.; Eufaula, Ala.; Vienna, Ga.; to Allendale, S. C.

V-71 From Flippin, Ark., via Springfield, Mo.; Butler, Mo., including a W alternate via INT of Springfield 301° and Butler 178° radials; to Kansas City, Mo.
PENDING AMENDMENT
V-71 From Baton Rouge, La., via Natchez, Miss.; to Monroe, La. From Flippen, Ark., via Springfield, Mo.; Butler, Mo., including a W alternate via INT Springfield 301° and Butler 178° radials; to Kansas City, Mo.
12/12/63 28 F. R. 11347 (Rewritten); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925

V-72 From Fayetteville, Ark., via Dogwood, Mo.; Maples, Mo.; Richwoods, Mo.; Troy, Ill.; Vandalia, Ill.; Westpoint, Ind.; to Lafayette, Ind. From Findlay, Ohio, via Attica, Ohio; Akron, Ohio; Youngstown, Ohio; Tidioute, Pa.; Bradford, Pa.; INT of Bradford 078° radial and Stonyfork, Pa., direct radial to Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; Rockdale, N. Y.; Albany, N. Y.; to INT of Albany 075° and Cambridge, N. Y., 094° radials.

AMENDMENTS 10/17/63 28 F. R. 8205 (Changed);

V-73 From Wichita, Kans., via Hutchinson, Kans.; INT of Hutchinson 025° and Salina, Kans., 184° radials. to Salina.

V-74 From Hugo, Colo., via INT of Hugo 112° and Garden City, Kans., 296° radials; Garden City; Dodge City, Kans.; Anthony, Kans.; Ponca City, Okla.; Tulsa, Okla.; Fort Smith, Ark., including an N alternate from Tulsa to Fort Smith via INT of Tulsa 088° and Neosho, Mo., 223° radials and also an S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; Little Rock, Ark., including an N alternate; to Pine Bluff, Ark.

V-75 From Morgantown, W. Va., via Wheeling, W. Va.; Briggs, Ohio; to Cleveland, Ohio.

V-76 From Lubbock, Tex., via INT of Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including an N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this alternate airway; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.; Austin, Tex., including an N alternate from San Angelo to Austin via Lometa,
Tex., and including an S alternate via INT of Llano 129° and Austin 257° radials, excluding the airspace between the main and this N alternate airway; Houston, Tex.; to Galveston, Tex. The airspace within R-6310 is excluded.

AMENDMENTS Eff. immed. (4/11/63) 28 F.R. 3780 (Changed); (Eff. on publ.) 7/20/63 28 F R. 7424 (Changed); 12/12/63 28 F. R. 11347 (Changed);

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT of Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT of Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT of Duncan 011° and Oklahoma City 180° radials;
Ponca City, Okla., including an E alternate from Oklahoma City to Ponca City via INT of Oklahoma City 037° and Ponca City 185° radials; INT of Ponca City 327° and Wichita, Kans., 226° radials; Wichita; INT of Hutchinson, Kans., 062° and Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; to Des Moines, Iowa. The airspace within R-5601 is excluded.

AMENDMENTS 5/2/63 28 F.R. 2671 (Changed); 12/12/63 28 F. R. 10513 (Changed); 1/9/64 28 F. R. 12342 (Changed); Alteration of Amendment 28 F. R. 14420

V-78 From Huron, S. Dak., via Watertown, S. Dak., including an S alternate; Darwin, Minn.; Minneapolis, Minn.; to Eau Claire, Wis.

V-79 From Fort Stockton, Tex., via Wink, Tex.; Hobbs, N. Mex.; INT of Hobbs 077° and Lubbock, Tex., 188° radials; Lubbock, including a W alternate from Hobbs direct to Lubbock, excluding the airspace between the main and this alternate airway.

V-80 From Akron, Colo., to North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an E alternate; Dalhart, Tex., including an E alternate; Tobe, Colo., including a W alternate from Dalhart to Tobe via Clayton, N. Mex.; Pueblo, Colo.; Colorado Springs, Colo.; to Denver, Colo.

AMENDMENTS 6/27/63 28 F. R. 4435 (Changed); 10/17/63 28 F. R. 9428 (Changed);

V-82 From Grand Forks, N. Dak., via Bemidji, Minn., including an N alternate via INT of Grand Forks 066° and Bemidji 303° radials; Brainerd, Minn.; Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn., including an S alternate from Minneapolis to Rochester via INT of Minneapolis 188° and Rochester 319° radials; Nodine, Minn.; Dells, Wis.; INT of Dells 097° and Timmerman, Wis., 322° radials (14-mile-wide airway from 45 nmi from Dells to INT of Dells 097° and Timmerman 322° radials); to Timmerman (8-mile-wide airway from INT of Dells 097° and Timmerman 322° radials to Timmerman).

AMENDMENTS 4/4/63 28 F.R. 907 (Changed); AMENDMENTS 9/19/63 28 F. R. 7470 (Rewritten);

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; Corona, N. Mex., including an E alternate; Otto, N. Mex.; Santa Fe, N. Mex.; Taos, N. Mex.; to Alamosa, Colo. From Pueblo, Colo., via Colorado Springs, Colo.; to Kiowa, Colo.

V-84 From Bradford, Ill., via Bradford 033° radial for 45 nmi thence expanding in graduated steps of one mile in width for each five nmi in length to INT of Bradford 033° and Chicago, Ill., 269° radials; thence to Chicago, From Northbrook, Ill., via Pullman, Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT of Geneseo direct radial to Georgetown, N. Y., and Ithaca, N. Y., direct radial to Rochester, N. Y.; to Syracuse, N. Y. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a W alternate via INT of Medicine Bow 336° and Casper 216° radials; to Riverton, Wyo.

AMENDMENTS 6/27/63 28 F. R. 4348 (Changed);

V-86 From Butte, Mont., via Whitehall, Mont.; to Bozeman, Mont.

Fort Smith via Okmulgee, Okla.; Little Rock, Ark., including an N alternate; to Pine Bluff, Ark.

V-87 From San Francisco, Calif., via INT of Oakland, Calif., 330° radial and Sausalito, Calif., direct radial to Sacramento, Calif.; Napa, Calif.; INT of Napa 004° and Maxwell, Calif., 188° radials; Maxwell; to Red Bluff, Calif.

V-88 From Tulsa, Okla., via INT of Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo.; Richwoods, Mo.; to INT of Richwoods 086° and St. Louis, Mo., 170° radials.

V-89 From INT of Denver, Colo., 207° and Kiowa, Colo., 246° radials via Denver; Cheyenne, Wyo., including an E alternate via Gill, Colo.; and INT of Gill 003° and Cheyenne 131° radials; to Chadron, Nebr., including an E alternate via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., via Windsor, Ont., Canada, INT of Windsor 082° and Dunkirk, N. Y., 268° radials; to Dunkirk, including an N alternate from INT of Windsor 082° and Dunkirk 268° radials to Dunkirk via Aylmer, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 1/10/63 27 F.R. 11498 (Rewritten);

V-91 From Riverhead, N. Y., via Poughkeepsie, N. Y.; INT of Poughkeepsie 342° and Albany, N. Y., 181° radials; Albany; Glens Falls, N. Y.; INT of Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; to St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-92 From Joliet, Ill., via Chicago Heights, Ill.; Goshen, Ind.; Waterville, Ohio (12 miles wide from 45 nmi from Goshen to 45 nmi from Waterville); Attica, Ohio; Mansfield, Ohio; Briggs, Ohio; Wheeling, W. Va; Grantsville, Md.; to Front Royal, Va.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-93 From Patuxent River, Md. via INT of Patuxent River 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa; to Allentown, Pa. From Poughkeepsie, N. Y., via Chester, Mass.; INT of Chester 040° and Keene, N. H., 231° radials; Keene; Concord, N.H.; INT of Concord 041° and Augusta Maine, 239° radials; Augusta (12 miles wide from 45 nmi from Concord to 45 nmi from Augusta); Bangor, Maine; Princeton, Maine; to United States-Canadian border via Princeton 057° radial. The airspace at and below 1,200 feet above the surface between Princeton and the United States-Canadian border is excluded. The airspace within R-4005, R-4006 and R-4007 is excluded.

AMENDMENTS 12/12/62 27 F.R. 12438, 12439 (Changed);

V-94 From Gila Bend, Ariz., via Casa Grande, Ariz.; San Simon, Ariz.; Deming, N. Mex.; Newman, Tex.; including an S alternate via INT of Deming 121° and Newman 271° radials; INT of Newman 091° and Salt Flat, Tex., 312° radials; Salt Flat; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Dyess, Tex.; INT Dyess 084° and Britton, Tex., 264° radials; Britton (14 miles wide from 45 nmi from Dyess to 45 nmi from Britton); Gregg County, Tex.; Barksdale AFB, La.; to Monroe, La. The airspace within R-5103-A is excluded.

AMENDMENTS 3/7/63 28 F.R. 398 (Changed); 12/12/63 28 F. R. 11347 (Changed);

V-95 From Gila Bend, Ariz., via INT of Gila Bend 096° and Phoenix, Ariz., 204° radials Phoenix; Winslow, Ariz. (13 miles wide from INT Phoenix 029° and Prescott, Ariz., 135° radials to 45 nmi from Winslow), including a W alternate via INT Phoenix 004° and Winslow 224° radials, (14 miles wide from INT Phoenix 004° and Winslow 224° radials to 45 nmi from Winslow); to Farmington, N. Mex. From INT of Denver, Colo., 207° and Kiowa, Colo., 246° radials to Kiowa.

AMENDMENTS 1/10/63 27 F.R. 12167 (Changed);

V-96 From INT of Indianapolis, Ind., 022° and Fort Wayne, Ind., 233° radials via Fort Wayne; to Waterville, Ohio.

V-97 From Miami, Fla., via La Belle, Fla., St. Petersburg, Fla.; Tallahassee, Fla., including E alternates from INT of Lakeland, Fla., 175° and La Belle 313° radials to INT of St. Petersburg 335° and Lakeland 307° radials via Lakeland, and from INT of St. Petersburg, Fla., 335° and Cross City, Fla., 201° radials to Tallahassee via Cross City and INT of Cross City 310° and Tallahassee 137° radials and also a W alternate from St. Petersburg to INT of St. Petersburg 335° and Cross City 201° radials via INT of St. Petersburg 316° and Cross City 201° radials; INT of Tallahassee 353° and Albany, Ga., 176° radials; Albany, Ga., INT of Albany 350° and Atlanta, Ga., 179° radials; Atlanta, including an E alternate via INT of Albany 010° and Atlanta 164° radials; INT of Atlanta 007° and Knoxville, Tenn., 198° radials; Knoxville; London, Ky., including an E alternate via INT of Knoxville 013° and London 141° radials, and also a W alternate via INT Knoxville 321° and London 201° radials; Lexington, Ky., including a W alternate; Cincinnati, Ohio, including a W alternate via INT of Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT of London 004° and Lexington 107° radials, and Falmouth, Ky.; Shelbyville, Ind., including an E alternate via INT of Cincinnati 321° and Shelbyville 110° radials, and also a W alternate via INT of Cincinnati 290° and Shelbyville 172° radials; INT of Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind.; INT of Indianapolis 344° and Shelbyville 313° radials and INT of Shelbyville 313° and Lafayette 136° radials; to Chicago Heights, Ill. From INT of Northbrook, Ill., 273° and Naperville, Ill., 340° radials via INT of Naperville 340° and Janesville, Wis., 111° radials; Janesville; INT of Janesville 294° and Lone Rock, Wis., 147° radials; Lone Rock; Nodine, Minn.; to INT of Nodine direct radial to Minneapolis, Minn., and Minneapolis-St. Paul, Minn., International Airport ILS 121° localizer course. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed); 5/30/63 28 F.R. 3482 (Changed); AMENDMENTS 8/22/63 28 F. R. 7029 (Changed); (Amend. Corr.) 28 F. R. 7707 (Changed);

V-98 From Litchfield, Mich., via INT of Litchfield 096° and Carleton, Mich., 247° radials; Carleton; Windsor, Ontario, Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Massena, N. Y.; to St. Johns, Quebec, Canada. The airspace within Canada is excluded.

V-99 From Newport, Oreg., via Newberg, Oreg.; INT of Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT of Olympia 010° and Seattle, Wash., 247° radials to Seattle. The airspace within R-6711 shall be used only after obtaining prior approval from the appropriate authority.

V-100 From Medicine Bow, Wyo., via Chadron, Nebr.; O'Neil, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; Northbrook, Ill.; INT of Northbrook 093° and Keeler, Mich., 271° radials; Keeler; Jackson, Mich.; INT of Jackson 084° and Salem, Mich., 254° radials; to Salem.

V-101 From Ogden, Utah, to Burley, Idaho.

V-102 From Salt Flat, Tex., via Carlsbad, N. Mex.; Hobbs, N. Mex.; Lubbock, Tex.; Guthrie, Tex.; to Wichita Falls, Tex., including an S alternate via INT of Guthrie 103° and Wichita Falls 247° radials.

AMENDMENTS 12/12/63 28 F. R. 11347 (Changed);

V-103 From Greensboro, N. C., via Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; Wheeling, W. Va.; to Briggs, Ohio. From Akron, Ohio, to Windsor, Ontario, Canada. The portion within Canada is excluded.

AMENDMENTS 10/17/63 28 F. R. 9429 (Changed);

V-104 From Ottawa, Ont., Canada, via INT of Ottawa 082° and Massena, N. Y., 346° radials; Massena; to Plattsburgh, N. Y. The portion within Canada is excluded.

V-105 From Tucson, Ariz., via INT of Tucson 273° and Casa Grande, Ariz., 158° radials; Casa Grande; Phoenix, Ariz.; Prescott, Ariz., including an E alternate via INT of Phoenix 004° and Prescott 135° radials; Boulder, Nev. (12 miles wide from 45 nmi to 55 nmi NW of Prescott, 14 miles wide to 55 nmi miles SE of Boulder, 12 miles wide to 45 nmi SE of Boulder); Las Vegas, Nev., including an E alternate from Prescott to Las Vegas via Drake, Ariz.; Peach Springs, Ariz., and INT Peach Springs 305° and Las Vegas 081° radials (12 miles wide from 45 nmi to 55 nmi from Peach Springs, thence 14 miles wide to INT Peach Springs 305° and Las Vegas 081° radials); INT of Las Vegas 266° and Beatty, Nev., 142° radials; Beatty; Coaldale, Nev.; to Reno, Nev.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed);

V-106 From Charleston, W. Va., via INT of Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa.; INT of Ravine, Pa., 279° radial and Philipsburg, Pa., direct radial to Harrisburg, Pa.; Selinsgrove, Pa.; Thornhurst, Pa.; Wilkes-Barre, Pa.; Poughkeepsie, N. Y.; Westfield, Mass.; Gardner, Mass.; INT of Gardner 051° and Concord, N. H., 146° radials; to Kennebunk, Maine. The airspace within R-4108 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 6/27/63 28 F. R. 3779 (Changed);

V-107 From Los Angeles, Calif., via INT Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials and Ventura; Avenal, Calif.; Los Banos, Calif.; to Oakland, Calif. The airspace within R-2519 more than 3 miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The remaining airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 3/7/63 28 F.R. 722 (Changed);

V-108 From San Francisco, Calif., via INT of San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; INT of Sausalito 052° and Linden, Calif., 289° radials; to Linden. From Colorado Springs, Colo., via Hugo, Colo., including an S alternate via INT of Colorado Springs 153° and Hugo 250° radials; Goodland, Kans.; Hill City, Kans.; INT of Hill City 069° and Salina, Kans., 286° radials; to Salina. The airspace within R-6405 is excluded.

AMENDMENTS Eff. Immed. 2/28/63 28 F.R. 2230 (Changed); 1/9/64 28 F. R. 12342 (Changed);

V-109 From Los Banos, Calif., via Stockton, Calif.; INT of Stockton 268° and Oakland, Calif., 077° radials; to Oakland. The airspace within R-2528 is excluded.

V-110 From Deming, N. Mex., to Truth or Consequences, N. Mex.

AMENDMENTS 8/1/63 28 F. R. 6495 (Added);

V-111 From Big Sur, Calif., via Salinas, Calif.; to INT of Salinas 026° radial with Los Banos, Calif., direct radial to Oakland, Calif.

AMENDMENTS 12/12/63 28 F. R. 11615 (Changed);

V-112 From Astoria, Oreg., via Portland, Oreg. (8 miles wide from 15 nmi W. of Portland to Portland); via The Dalles, Oreg., including an N alternate; INT of the Dalles 096° and Pendleton, Oreg., 254° radials; Pendleton; to Spokane, Wash., including a W alternate from Pendleton to Spokane via Pasco, Wash., and INT of Pasco 035° and Spokane221° radials, excluding the airspace between the main and this W alternate.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-113 From Paso Robles, Calif., via Priest, Calif.; Los Banos, Calif; Stockton, Calif.; Linden, Calif.; INT of Linden 046° and Reno, Nev., 208° radials; to Reno. The airspace within R-2528 is excluded.

V-114 From Amarillo, Tex., via Childress, Tex., including an N and an S alternate; Wichita Falls, Tex., including an S alternate via INT of Childress 120° and Wichita Falls 262° radials; INT of Wichita Falls 122° and Dallas, Tex., 299° radials; Dallas; INT of Dallas 113° and Gregg County, Tex., 290° radials; Gregg County, including an N alternate from Dallas to Gregg County via Quitman, Tex., and also an S alternate from Dallas to Gregg County via INT of Dallas 130° and Gregg County 273° radials; INT of Shreveport, La., 176° and Alexandria, La., 300° radials; Alexandria, including an N alternate from Gregg County to Alexandria via Shreveport, and INT of Shreveport 176° and Alexandria 300° radials; Baton Rouge, La.; to New Orleans, La., including an N alternate via INT of Alexandria 105° and New Orleans 326° radials.

V-115 From Crestview, Fla., via Montgomery, Ala.; INT of Montgomery 028° and Birmingham, Ala., 138° radials; Birmingham; Chattanooga, Tenn., including an E alternate via INT of Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT of Gadsden 042° and Chattanooga 214° radials; INT of Chattanooga 037° and Knoxville, Tenn., 247° radials; Knoxville; Whitesburg, Ky. (11 miles wide from 45 nmi from Knoxville to 45 nmi from Whitesburg); Charleston, W. Va.; Parkersburg, W. Va.; INT of Parkersburg 060° and Pittsburgh, Pa., 223° radials; to Pittsburgh. From Ellwood City, Pa., via Tidioute, Pa.; Jamestown, N. Y.; to Buffalo, N. Y.

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed);

V-116 From Kansas City, Mo., via Macon, Mo.; Quincy, Ill.; Peoria, Ill.; Joliet, Ill.; Naperville, Ill.; Keeler, Mich.; Jackson, Mich.; INT of Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Wilkes-Barre, Pa.; Sparta, N. J.; to INT of Sparta 112° and Trinity, N. Y., 232° radials. The airspace within Canada is excluded.

AMENDMENTS Eff. Immed. 2/28/63 28 F.R. 2230 (Changed);

V-117 From El Centro, Calif., via INT of El Centro 350° and Thermal, Calif., 122° radials; Thermal; to INT of Thermal 340° and Twenty Nine Palms, Calif., 244° radials. The airspace within R-2521 is excluded.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed);

V-118 From Medicine Bow, Wyo., via Laramie, Wyo.; to Cheyenne, Wyo.

V-119 From London, Ky., via Newcombe, Ky.; Henderson, W. Va.; Parkersburg, W. Va.; Bellaire, Ohio; Wheeling, W. Va.; Imperial, Pa.; INT of Imperial 045° and Clarion, Pa., 214° radials; Clarion; Fitzgerald, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; to Rochester, N. Y.

V-120 From Mullan Pass, Idaho, via Great Falls, Mont.; Lewistown, Mont., including an N alternate via INT of Great Falls 074° and Lewistown 308° radials; Miles City, Mont.; Dupree, S. Dak.; Pierre, S. Dak.; Sioux Falls, S. Dak.; to Mason City, Iowa.

V-121 From Medford, Oreg., via Roseburg, Oreg.; North Bend, Oreg., to Eugene, Oreg.

AMENDMENTS 6/27/63 28 F. R. 4347 (Rewritten);

V-122 From Crescent City, Calif., to Medford, Oreg. From INT of Medford, Oreg., 176° and Klamath Falls, Oreg. 268° radials via Klamath Falls; to Lakeview, Oreg.

V-123 From Washington, D. C., via Andrews AFB, Md.; INT of Andrews AFB 061° and Baltimore, Md., 097° radials; (8 miles wide from Andrews AFB to 5 nmi from Andrews AFB); thence 11 miles wide via Woodstown, N. J., 232° radial to 45 nmi from Woodstown; thence via Woodstown; INT of Pottstown, Pa., 104° and Robbinsville, N. J. 239° radials; Robbinsville; INT of Solberg, N. J., 110° and Idlewild, N. Y., 232° radials; La Guardia, N. Y.; INT of La Guardia 034° and Riverhead, N. Y., 289° radials; Trinity, N. Y.; INT of Trinity 031° and Poughkeepsie, N. Y., 099° radials; to Westfield, Mass.

AMENDMENTS 12/12/62 27 F.R. 12439 (Rewritten); 5/30/63 28 F.R. 3779 (Changed);
AMENDMENTS (Eff. on pub.) 8/3/63 28 F. R. 7936 (Changed);

V-124 From Terre Haute, Ind., via INT of Terre Haute 095° and Shelbyville, Ind., 253° radials; to Shelbyville.

V-125 From Anthony, Kans., to Hutchinson, Kans.

V-126 From Chicago Heights, Ill., via Goshen, Ind.; Waterville, Ohio (12 miles wide from 45 nmi from Goshen to 45 nmi from Waterville); Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Wilkes-Barre, Pa.; Huguenot, N. Y.; to Riverhead, N. Y.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); 4/4/63 28 F.R. 967 (Changed);

V-127 From Livingston, Mont., via INT of Livingston 323° and Helena, Mont., 119° radials; to Helena.

V-128 From Chicago-O'Hare, Ill., via INT Chicago-O'Hare 153° and Peotone, Ill., 003° radials; Peotone; INT of Peotone 153° and Westpoint, Ind., 326° radials; Westpoint; Indianapolis, Ind.; INT of Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky., including an N alternate and also an S alternate via INT of Cincinnati 120° and York direct radial to Falmouth, Ky.; to Charleston, W. Va.

AMENDMENTS 1/9/64 28 F. R. 12341 (Changed);

V-129 From Polo, Ill., via Rewey, Wis.; Waukon, Iowa; Nodine, Minn.; to Eau Claire, Wis. From Duluth, Minn., via Hibbing, Minn., including an E alternate; to International Falls, Minn., including a W alternate.

AMENDMENTS 6/27/63 28 F. R. 4506 (Changed);

V-130 From Albany, N. Y., via Hartford, Conn.; Norwich, Conn.; to INT of Norwich 090° radial and Providence, R. I., ILS localizer S course.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; to Topeka, Kans.

AMENDMENTS 12/12/62 27 F.R. 12438 (Rewritten);

V-132 From Cheyenne, Wyo., via Akron, Colo.; Goodland, Kans.; Hutchinson, Kans.; INT of Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT of Chanute 100° and Springfield, Mo., 276° radials; to Springfield, including an S alternate from Chanute to Springfield via INT of Chanute 117° and Springfield 261° radials.

V-133 From Fort Mill, S. C., via Hickory, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield, Ohio; Sandusky, Ohio; INT of Waterville, Ohio, 058° and Salem, Mich., 140° radials; Salem; Flint, Mich.; Saginaw, Mich.; to Traverse City, Mich. The airspace within R-5502 and within Canada is excluded.

V-134 From Evergreen, Ala., via INT of Evergreen 075° and Tuskegee, Ala., 220° radials; Tuskegee; INT of Tuskegee 053° and Columbus, Ga., 011° radials; INT of Columbus 011° and Atlanta, Ga., 233° radials; to Atlanta.

V-136 From Yuma, Ariz., via Blythe, Calif.; Parker, Calif.; Needles, Calif.; Goffs, Calif.; Las Vegas, INT of Las Vegas 266: and Beatty, Nev., 142° radials; Beatty; INT of Beatty direct radial to Coaldale, Nev., and Tonopah, Nev., 198° radials; to Tonopah. The airspace within R-4807 is excluded.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed);

V-136 From Pulaski, Va., via INT of Pulaski 094° and South Boston, Va., 298° radials; South Boston; to Raleigh, N. C.

V-137 From Thermal, Calif., via Palmdale, Calif.; Gorman, Calif.; Fellows, Calif.; to San Luis Obispo, Calif. From Oakland, Calif., via Point Reyes, Calif.; to INT of Point Reyes 306° and Ukiah, Calif., 172° radials.

V-138 From Medicine Bow, Wyo., via Cheyenne, Wyo., including an N alternate via INT of Medicine Bow 106° and Cheyenne 323° radials; to Sidney, Nebr., including an S alternate. From Grand Island, Nebr., via INT of Grand Island 099° and Raymond, Nebr., 267° radials; Raymond; INT of Raymond 040° and Neola, Iowa, 251° radials; Neola; to Fort Dodge, Iowa.

AMENDMENTS 3/7/63 28 F.R. 719 (Changed);

V-139 From Cape Charles, Va., via Snow Hill, Md.; Sea Isle, N. J.; INT of Sea Isle 049° and Hampton, N. Y., 223° radials; Hampton, including the airspace between lines diverging from Sea Isle to point of tangency to a circle with a 9-mile radius centered at INT of Sea Isle 049° and Hampton 223° radials; within the circumference of the circle and between lines tangent to that circle converging at Hampton; INT of Hampton 059° and Providence, R. I., 212° radials; Providence, thence 8 miles wide to Whitman, Mass.; thence via INT of Whitman 041° and Boston, Mass., 133° radials; to Boston. The airspace below 2,000 feet MSL outside the United States, the airspace below 3,000 feet MSL between the Idlewild, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

AMENDMENTS 1/10/63 27 F.R. 11497 (Changed);

V-140 From Amarillo, Tex., via Sayre, Okla., including an N alternate; Kingfisher, Okla.; INT of Kingfisher 072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including an N alternate via INT of Tulsa 059° and Fayetteville 284° radials; Flippin, Ark.; Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., including an S alternate from Dyersburg to Nashville via INT of Dyersburg 115° and Graham, Tenn., 270° radials; Graham; London, Ky., including an S alternate and also an N alternate via INT of Nashville 044° and London 260° radials; Whitesburg, Ky.; Bluefield, W. Va.; Clifdale, Va.; Montebello, Va.; INT of Herndon, Va., 185° and Linden, Va., 104° radials;
Washington, D. C.; Andrews AFB, Md.; INT of Andrews AFB 061° and Baltimore, Md., 097° (Rockhall INT) (8 miles wide from Andrews AFB to 5 nmi from Andrews AFB); INT of Woodstown, N. J., 232° and Millville, N. J., 255° radials (11 miles wide from Rockhall INT to 45
nmi from Woodstown); Millville; Coyle, N. J.; INT of Coyle 031° and Colts Neck, N. J., 179° radials; Colts Neck; to INT of Colts Neck 335° and Solberg, N. J., 110° radials.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); Eff. Immed 2/28/63 28 F.R. 2230 (Changed); 5/2/63 28 F.R. 2671 (Changed); (Amend. Alt. 28 F.R. 3444); 5/30/63 28 F.R. 3779 (Changed); AMENDMENTS (Eff. on pub.) 8/3/63 28 F. R. 7936 (Changed); 10/17/63 28 F. R. 9200 (Changed); 12/12/63 28 F. R. 11502 (Changed);

V-141 From Nantucket, Mass., via Hyannis, Mass.; INT of Hyannis 332° and Boston, Mass., 133° radials; Boston; INT of Boston 014° and Manchester, N. H., 117° radials; Manchester; Concord, N. H.; Lebanon, N. H., including an E alternate via INT of Concord 011° and Kennebunk, Maine, 281° radials; Burlington, Vt.; to Massena, N. Y. The airspace within R-4103 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 6/27/63 28 F. R. 4125 (Changed);

V-142 From Buffalo, N. Y., via INT of Buffalo 034° and Rochester, N. Y., 289° radials; to Rochester.

V-143 From Fort Mill, S. C., via Greensboro, N. C., including a W alternate via INT of Fort Mill 005° and Greensboro 238° radials; Lynchburg, Va.; Montebello, Va.; INT of Montebello 031° and Casanova, Va., 267° radials; Casanova; INT of Herndon, Va., 185° and Linden, Va., 104° radials; to Nottingham, Md.

AMENDMENTS 12/12/62 27 F.R. 12439 (Rewritten);

V-144 From Chicago, Ill., via INT of Chicago 153° and Peotone, Ill., 003° radials; Peotone, 8 miles wide to Monterey, Ind.; Fort Wayne, Ind.; Findlay, Ohio; INT of Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W Va.; Kessel, W Va., Linden, Va.; to INT of Linden 104° and Herndon, Va., 185° radials.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed) 4/4/63 28 F.R 967 (Changed); 10/17/63 28 F R 9428 (Changed);

V-145 From Utica, N. Y., via INT of Utica 303° and Watertown, N Y, 171° radials; Watertown; to United States-Canadian Border via Watertown 360° radial

V-146 From Wilkes-Barre, Pa, via Huguenot, N Y, INT of Trinity, N. Y., 295° and Poughkeepsie, N. Y., 236° radials; Poughkeepsie; Putnam, Conn.; Providence, R I.; Martha's Vineyard, Mass.; to Nantucket, Mass. The airspace at and below 1,200 feet above the surface between Providence and Nantucket is excluded. The airspace within R-4104 shall be used only after obtaining prior approval from appropriate authority.

V-147 From Philadelphia, Pa., International Airport ILS localizer via Pottstown, Pa.; Allentown, Pa., including an E alternate from Philadelphia International Airport ILS localizer to Allentown via INT of Pottstown 143° and Allentown 173° radials; Thornhurst, Pa.; Elmira, N. Y.; Geneseo, N. Y.; to Rochester, N. Y.

V-148 From Denver, Colo., via INT of Denver 174° and Kiowa, Colo., 268° radials; Kiowa; Thurman, Colo.; Hayes Center, Nebr.; North Platte, Nebr., O'Neill, Nebr.; Sioux Falls, S. Dak.; Redwood Falls, Minn., including an S alternate; to Minneapolis, Minn

AMENDMENTS 6/27/63 28 F R 4435 (Changed).

V-149 From Allentown, Pa., via Thornhurst, Pa.; Binghamton, N. Y.; Georgetown, N. Y.; INT of Georgetown 029° and Utica, N Y., 280° radials; to Utica.

V-150 From San Francisco, Calif., via INT of San Francisco 304° and Sausalito, Calif, 232° radials; Sausalito; to Sacramento, Calif

V-151 From Providence, R. I., via Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT of Keene 341° and Lebanon 211° radials; Montpelier, Vt.; to Burlington, Vt.

V-152 From St. Petersburg, Fla., via Orlando, Fla., including an N alternate via INT of St. Petersburg 040° and Orlando 256° radials and also an S alternate via Lakeland, Fla., to Daytona Beach, Fla., including an N alternate via INT of Orlando 354° and Daytona Beach 219° radials and also an S alternate via INT of Orlando 049° and Daytona Beach 161° radials

AMENDMENTS 5/30/63 28 F R 3482 (Changed).

V-153 From INT of Hartford, Conn., 223° and La Guardia, N. Y., 059° radials via La Guardia; INT of La Guardia 280° and Stillwater, N. J., 110° radials; Stillwater; Wilkes-Barre, Pa.; Georgetown, N. Y.; to Syracuse, N. Y (8 miles wide from Georgetown to Syracuse)

AMENDMENTS 12/12/62 27 F.R 12439 (Changed);

V-154 From Meridian, Miss., via INT of Meridian 089° and Montgomery, Ala., 282° radials; Montgomery; Tuskegee, Ala.; INT of Tuskegee 078° and Columbus, Ga., 255° radials; Columbus, including an S alternate from Montgomery to Columbus via INT of Montgomery 090° and Columbus 219° radials; Macon, Ga.; Dublin, Ga.; to Savannah, Ga., including an N alternate from INT of Savannah 282° and Allendale, S. C., 216° radials to Savannah via INT of Allendale 216° and Savannah 305° radials.

V-155 From Augusta, Ga., via Chesterfield, S C.; Pinehurst, N. C.; Raleigh, N. C.; Lawrenceville, Va.; INT of Lawrenceville direct radial to Richmond, Va., and Flat Rock, Va., 171° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; to Front Royal, Va. The airspace within R-6602 is excluded.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-156 From Elkins, W. Va., via Gordonsville, Va. including an N alternate from Elkins to Gordonsville via Kessel, W. Va., excluding the airspace between the main and this alternate airway; Richmond, Va.; Harcum, Va., to Cape Charles, Va The airspace within R-6610 shall be used only after obtaining prior approval from appropriate authority

V-157 From Key West, Fla., via Miami, Fla.; La Belle, Fla., including a W alternate from INT of Miami 221° and Fort Myers, Fla., 137° radials via INT of Fort Myers 137° and La Belle 162° radials to La Belle; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; to Florence, S. C. From Wilmington, N. C., via Kinston, N. C.; Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; to Washington, D. C. (8 miles wide from INT of Brooke 132° and Washington 189° radials to Washington); including a W alternate from Richmond to Washington via INT of Richmond 348° and Brooke, Va., 187° radials, Brooke; INT of Brooke 045° and Washington 189° radials (8 miles wide from INT of Brooke 045° and Washington 189° radials to Washington; Baltimore, Md.; (8 miles wide Washington to Baltimore); INT of Baltimore 035° and New Castle, Del., 261° radials; New Castle; Robbinsville, N. J.; Colts Neck, N. J.; INT of Colts Neck 089° and Idlewild, N. Y., 195° radials; to Idlewild. The airspace within R-6612 is excluded. The airspace within R-6601 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); 5/30/63 28 F.R. 3779 (Changed);
PENDING AMENDMENT
In V-157, "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925

V-158 From Waterloo, Iowa, via Dubuque, Iowa; to Polo, Ill. The airspace within R-3302 is excluded.

V-159 From Miami, Fla., via INT of Miami 346° and West Palm Beach, Fla., 219° radials; West Palm Beach, including an E alternate from Miami direct to West Palm Beach, Vero Beach, Fla.; Orlando, Fla., including an E alternate from Vero Beach to Orlando via INT of Vero Beach 342° and Orlando 123° radials; Ocala, Fla., including a W alternate via Orlando 283° and Ocala 156° radials; Gainesville, Fla.; INT of Gainesville 308° and Albany, Ga., 160° radials; Albany, Ga., including the additional airspace between lines diverging from Gainesville to points of tangency with a 9-mile radius circle centered at INT of Gainesville 308° and Albany 160° radials, within the circle and between lines tangent to the circle and converging at Albany, including a W alternate from Ocala to Albany via Cross City, Fla., and INT of Cross City 325° and Albany 160° radials, including the additional airspace between lines diverging from Cross City to points of tangency to a 7-mile radius circle centered at INT of Cross City 325° and Albany 160 radials, within the circle and between lines tangent to the circle and converging at Albany; Eufaula, Ala.; Tuskegee, Ala.; to Birmingham, Ala.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed); 5/30/63 28 F.R. 3482 (Changed);

V-160 From Denver, Colo., to Sidney, Nebr.

V-161 From Greater Southwest, Tex., via INT of Greater Southwest 318° and Ardmore, Okla., 192° radials; Ardmore; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Blue Springs, Mo.; INT of Blue Springs 106° and Lamoni, Iowa. 174° radials; Lamoni; Des Moines, Iowa; Newton, Iowa; Waterloo, Iowa, including a W alternate from Des Moines to Waterloo via INT of Des Moines 023° and Waterloo 241° radials; Rochester, Minn.; to INT of Farmington, Minn. 077° and Minneapolis, Minn., 131° radials.

AMENDMENTS On publ. 9/13/63 28 F.R. 9938 (Changed);

V-162 From INT of Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials via Clarksburg; Grantsville, Md.; St. Thomas, Pa.; Harrisburg, Pa.; INT of Harrisburg 073° and Ravine, Pa., 128° radials; to Allentown, Pa., including an S alternate from Harrisburg via INT of Lancaster, Pa., 047° and Pottstown, Pa., 275° radials.

AMENDMENTS 6/27/63 28 F. R. 3779 (Changed); 6/27/63 28 F. R. 4506 (Changed);

V-163 From Brownsville, Tex., via INT of Brownsville 339° and Alice, Tex., 171° radials; Alice; INT of Alice 350° and San Antonio, Tex., 167° radials; San Antonio, including a W alternate via INT of Alice 334° and San Antonio 183° radials; INT of San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT of San Antonio 334° and Llano, Tex., 180° radials and Llano; Mineral Wells, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT of Ardmore 342° and Oklahoma City, Okla., 154° radials; to Oklahoma City, including a W alternate via INT of Ardmore 327° and Oklahoma City 180° radials and also an E alternate via INT of Oklahoma City 107° and Tulsa, Okla., 228° radials. The airspace within Mexico and R-6301 is excluded.

AMENDMENTS 12/12/63 28 F. R. 11347 (Changed);

V-164 From Buffalo, N. Y., via Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT of Williamsport 125° and East Texas, Pa., 321° radials; to East Texas.

AMENDMENTS 1/10/63 27 F.R. 11497 (Changed);

V-165 From Lindbergh Field, Calif., via INT of Lindbergh Field 287° and Oceanside, Calif., 177° radials, Oceanside; INT of Long Beach, Calif. 135° and Santa Catalina Calif 075° radials thence 8 miles wide to Long Beach

AMENDMENTS 3/7/62 28 F R 722 (Changed).

V-166 From Parkersburg, W. Va., via Clarksburg, W Va., Kessel, W Va., Martinsburg, W Va Westminster Md.; to New Castle, Del

V-167 From Coyle, N. J., via INT of Coyle 047° and Idlewild, N. Y., 195° radials; Idlewild; Hartford, Conn.; INT of Hartford 076° and Providence, R. I., 270° radials; Providence; INT of Providence 101° and and Hyannis, Mass., 224° radials; to Hyannis. The airspace at and below 1,200 feet above the surface between Providence and Hyannis is excluded

V-168 From Medicine Bow, Wyo., via Scottsbluff, Nebr., to O'Neill, Nebr

V-169 From Tobe, Colo., via Hugo, Colo.; Thurman, Colo.; Arkon, Colo., Sidney, Nebr., Scottsbluff, Nebr., Chadron, Nebr.; Smithwick, S. Dak.; to Rapid City, S. Dak., including an E alternate via INT of Chadron 017° and Rapid City 180° radials. The airspace within R-4701 is excluded

V-170 From Nodine, Minn., via Dells, Wis.; INT of Dells 097° and Milwaukee, Wis., 307° radials; Milwaukee, INT of Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; to Salem, Mich From Erie, Pa., via Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial; to West Chester, Pa. The airspace within R-5802 is excluded

AMENDMENTS 1/10/63 27 F.R. 11532 (Changed);

V-171 From Louisville, Ky., via Scotland, Ind.; Lewis, Ind.; Danville, Ill., including a W alternate, Peotone, Ill.; Joliet, Ill.; Rockford, Ill.; Lone Rock, Wis.; Nodine, Minn.; INT of Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; to Alexandria, Minn

V-172 From Denver, Colo., via INT of Denver 061° and Hayes Center, Nebr., 276° radials; INT of Hayes Center 276° and North Platte, Nebr., 245° radials; North Platte; INT of North Platte 073° and Wolbach, Nebr., 266° radials; Wolbach; Neola, Iowa, including an N alternate; Newton, Iowa, including an N alternate; Cedar Rapids, Iowa, including an S alternate via INT of Newton 099° and Cedar Rapids 238° radials; Polo, Ill.; INT of Polo 088° and Chicago, Ill., 269° radials; Chicago; INT of Chicago 077° and South Bend, Ind., 310° radials; to South Bend.

V-173 From Capital, Ill., via Roberts, Ill. INT of Roberts 008° radial and Joliet, Ill direct radial to Kedzie, Ill., RBN; to Kedzie, RBN.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

V-174 From Falmouth, Ky., via York, Ky.; Henderson, W Va., Elkins, W. Va., Linden, Va., to INT of Linden 104° and Herndon, Va., 185° radials

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-175 From Vichy, Mo., via INT of Vichy 321° and Hallsville, Mo., 209° radials; to Hallsville

V-176 From Memphis, Tenn., via Holly Springs, Miss., including an S alternate via INT of Memphis 168° and Holly Springs 281° radials; to Birmingham, Ala., including an N alternate via INT of Holly Springs 099° and Birmingham 313° radials

V-177 From Fort Wayne, Ind., via Monterey, Ind.; 8-miles wide to INT Monterey 276° and Chicago Heights, Ill 140° radials; to Chicago Heights. From Naperville, Ill.; to Janesville, Wis.

AMENDMENTS 10/17/63 28 F. R. 9428 (Rewritten);

V-178 From Farmington, Mo., via Paducah, Ky., including an S alternate; Central City, Ky., New Hope, Ky., to Lexington, Ky.

V-179 From Paducah, Ky., via Centralia, Ill.; INT of Centralia 056° and Bible Grove, Ill., 219° radials; to Bible Grove

V-180 From Austin, Tex., via INT of Austin 134° and Eagle Lake, Tex., 291° radials; Eagle Lake; to Galveston, Tex. The airspace within R-6310 shall be used only after obtaining prior approval from appropriate authority.

V-181 From Sioux Falls, S. Dak., via Watertown, S. Dak.; Fargo, N. Dak.; Grand Forks, N. Dak., including an E alternate; Pembina, N. Dak.; to United States-Canadian Border via Pembina 356° radial

AMENDMENTS 11/14/63 28 F. R. 10418 (Changed);

V-182 From Portland, Oreg., via The Dalles, Oreg., including an N alternate; to Baker, Oreg. From Douglas, Wyo.; to Chadron, Nebr.

V-183 From Santa Barbara, Calif.; to Bakersfield, Calif.

V-184 From Erie, Pa., via Tidioute, Pa.; Fitzgerald, Pa.; to Philipsburg, Pa

V-185 From Savannah, Ga., via INT of Savannah 321° and Augusta, Ga., 157° radials, including a W alternate from Savannah to INT of Savannah 321° and Allendale, S. C., 216° radials via INT of Savannah 305° and Allendale 216° radials; Augusta; Greenwood, S. C.; Asheville, N. C.; INT of Asheville 300° and Knoxville, Tenn., 069° radials; to Knoxville, including an E alternate from Asheville to Knoxville via INT of Asheville 329° and Knoxville 069° radials, excluding the airspace between the main and this E alternate The airspace within R-3003 is excluded.

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; Dove Creek, Colo; Grand Junction, Colo.; Rock Springs, Wyo.; INT of Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir; Billings, Mont.; INT of Billings 317° and Great Falls, Mont., 122° radials; to Great Falls.

AMENDMENTS 6/27/63 28 F. R 4348 (Changed);

V-188 From Carleton, Mich., via Jefferson, Ohio; Tidioute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Thornhurst, Pa.; to Tannersville, Pa.

V-189 From Rocky Mount, N. C., via Franklin, Va.; to Hopewell, Va.

V-190 From Phoenix, Ariz., via St. Johns, Ariz.; Albuquerque, N. Mex., including an N alternate via INT of St. Johns, 053° and Grants, N. Mex., 252° radials, and Grants; Las Vegas, N. Mex.; Dalhart, Tex.; Gage, Okla.; INT of Gage 069° and Ponca City, Okla., 280° radials; Ponca City; INT of Ponca City 094° and Bartlesville, Okla., 256° radials; Bartlesville; INT of Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT of Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo.; to Evansville, Ind.

V-191 From Memphis, Tenn., via Walnut Ridge, Ark.; Farmington, Mo.; INT of Farmington 351° and Troy, Ill., 234° radials; Troy; Decatur, Ill.; Roberts, Ill.; INT of Roberts 008° and Joliet, Ill., direct radial to Kedzie, Ill., RBN; Northbrook, Ill.; INT of Northbrook 078° and Chicago, Ill., 019° radials; INT of Chicago, 019° and Milwaukee, Wis., 121° radials; Milwaukee; Oshkosh, Wis.; Stevens Point, Wis.; Wausau, Wis.; to Rhinelander, Wis.

AMENDMENTS 5/2/63 28 F.R 2230 (Changed);

V-192 From Socorro, N. Mex., via Corona, N. Mex.; to Tucumcari, N. Mex. The portion of this airway within R-5112 will be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/1/63 28 F.R. 8495 (Changed); 8/22/63 28 F. R. 6968 (Changed);

V-193 From INT of Pullman, Mich., 243° and South Bend, Ind., 310° radials via Pullman; INT of Pullman 029° and White Cloud, Mich., 176° radials; White Cloud; Traverse City, Mich.; Pellston, Mich.; INT of Pellston 003° and Sault Ste. Marie, Mich., 214° radials; to Sault Ste. Marie.

AMENDMENTS 12/12/63 28 F. R. 9251 (Changed);
PENDING AMENDMENT
In V-193 "The portion of this airway within R-4205 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss.; to Meridian, Miss. From Norcross, Ga., via INT of Norcross 054° and Royston, Ga., 278° radials; Royston; Greenwood, S. C.; INT of Greenwood 060° and Fort Mill, S. C., 227° radials; Fort Mill; INT of Fort Mill 069° and Raleigh-Durham, N. C., 240° radials; Raleigh-Durham; including an N alternate from Fort Mill to Raleigh-Durham via Liberty, N. C.; Rocky Mount, N. C., including an N alternate via INT of Raleigh-Durham 037° and Rocky Mount 283° radials; Cofield, N. C.; Norfolk, Va., including an S alternate via INT of Cofield 084° and Norfolk 209° radials; to INT of Norfolk 001° and Cape Charles, Va., 313° radials.

V-195 From Oakland, Calif., via INT of Oakland 004° and Williams, Calif., 191° radials; Williams; INT of Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; to Fortuna, Calif.

V-196 From INT of Plattsburgh, N. Y., 236° radial and Massena, N. Y., direct radial to Albany, N. Y.; to Plattsburgh.

V-198 From San Simon, Ariz., via INT of San Simon 124° radial and Cochise, Ariz., direct radial to Columbus, N. Mex.; Columbus; El Paso, Tex.; INT of El Paso 132° and Hudspeth, Tex., 272° radials; Hudspeth; INT of Hudspeth 117° and Fort Stockton, Tex., 274° radials; Fort Stockton; Rock Springs, Tex.; INT of Rock Springs 090° and San Antonio, Tex., direct radial to Junction, Tex.; San Antonio; Eagle Lake, Tex.; INT of Eagle Lake 091° and Houston, Tex., 271° radials; to Houston.
PENDING AMENDMENT
In V-198 "INT of El Paso 132° and Hudspeth, Tex., 272° radials; Hudspeth; INT of Hudspeth 117° and Fort Stockton, Tex., 274° radials; Fort Stockton;" is deleted and "8-mile wide airway INT of El Paso 112° and Hudspeth, Tex., 281° radials; Hudspeth; thence INT of Hudspeth 109° and Fort Stockton, Tex., 284° radials; Fort Stockton (11-mile wide airway from 45 nmi to 50 nmi SE of Hudspeth; thence 12-mile wide airway to 55 nmi SE of Hudspeth; thence 13-mile wide airway to 60 nmi SE of Hudspeth; thence 14-mile wide airway to 65 nmi SE of Hudspeth; thence 15-mile wide airway to the INT of Hudspeth 109° and Fort Stockton 284° radials; thence 14-mile wide airway to 60 nmi NW of Fort Stockton; thence 13-mile airway to 55 nmi NW of Fort Stockton; thence 12-mile wide airway to 50 nmi NW of Fort Stockton; thence 11-mile wide airway to 45 nmi NW of Fort Stockton);" is substituted therefor.
2/6/64 28 F. R. 11533 (Changed);

V-199 From San Francisco, Calif., via INT of San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; to Red Bluff, Calif.

V-200 From Ukiah, Calif., via Williams, Calif.; to Reno, Nev. From Delta, Utah, via INT of Delta 004° and Provo, Utah, 257° radials; Provo; Myton, Utah; to Meeker, Colo. The airspace within R-6401 is excluded.

V-201 From INT of Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; via Los Angeles; to Palmdale, Calif.

V-202 From Tucson, Ariz., RBN via INT of Tucson RBN 157° bearing and Cochise, Ariz., 257° radial; Cochise; San Simon, Ariz.; to Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., via Chester, Mass.; INT of Poughkeepsie, N. Y., direct radial to Cambridge, N. Y., and Chester 293° radial; Albany, N. Y.; Massena, N. Y. (14-mile wide airway from 45 nmi from Albany to 45 nmi from Massena, N. Y.; to St. Eustache, Quebec. The airspace within Canada is excluded.

AMENDMENTS 3/7/63 28 F.R. 398 (Changed);

V-204 From Hoquiam, Wash., to Olympia, Wash.

V-205 From Springfield, Mo., via Blue Springs, Mo., including a W alternate via INT of Springfield 316° and Blue Springs 178° radials; Kansas City, Mo.; St. Joseph, Mo.; INT of St. Joseph 343° and Neola, Nebr., 157° radials; INT of Neola 157° and Omaha, Nebr., 124° radials; Omaha; to Sioux City, Iowa, including a W alternate via INT of Omaha 320° and Sioux City 176° radials.

V-206 From Blue Springs, Mo., via INT of Blue Springs 056° and Kirksville, Mo., 225° radials; to Kirksville.

V-207 From Denver, Colo., via Gill, Colo.; to Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif.; Twentynine Palms, Calif.; Needles, Calif.; to Peach Springs, Ariz. The airspace within R-2503, the airspace below 2,000 feet MSL outside the United States, and the airspace more than 4 miles E of the airway centerline between Los Angeles and Santa Catalina is excluded.

AMENDMENTS 4/4/63 28 F.R. 1420 (Changed);

V-209 From Mobile, Ala., via INT of Mobile 356° and Tuscaloosa, Ala., 223° radials; to Tuscaloosa, including the additional airspace between lines diverging from Mobile to points of tangency to a circle with a 10-mile radius centered at the INT of Mobile 356° and Tuscaloosa 223° radials; within the circumference of the circle and between lines tangent to the circle converging at Tuscaloosa.

AMENDMENTS 1/10/63 27 F.R. 11940 (Rewritten);

V-210 From INT of Los Angeles, Calif., 236° and Long Beach, Calif., 266° radials via Los Angeles; INT Los Angeles 061° and Daggett, Calif., 234° radials (Hawkins INT); INT of Daggett 234° and Hector, Calif., 265° radials (14 miles wide from Hawkins INT to 60 nmi from Daggett, 13 miles wide from 60 to 55 nmi from Daggett, 12 miles wide from 55 to 50 nmi from Daggett, 11 miles wide from 50 to 45 nmi from Daggett); Hector; Goffs, Calif.; Peach Springs, Ariz., Tuba City, Ariz., Farmington, N. Mex.; INT of Farmington 066; and Alamosa, Colo., 232° radials; Alamosa; INT of Alamosa 075° and Pueblo, Colo., 203° radials; to Pueblo. From Kansas City, Mo., via Marshall, Mo.; Hallsville, Mo., including an N alternate via INT of Kansas City 076° and Hallsville 292° radials; St. Louis, Mo., including an N alternate; Vandalia, Ill.; Terre Haute, Ind.; Indianapolis, Ind., including an S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; INT of Indianapolis 069° and Fort Wayne, Ind., 187° radials; Rosewood, Ohio; Tiverton, Ohio; Imperial, Pa.; INT of Imperial 074° and Carrolltown, Pa., 276° radials; Carrolltown; INT of Carrolltown 112° and Harrisburg, Pa., 273° radials; to Harrisburg.

AMENDMENTS 3/7/63 28 F.R 722 (Changed);

V-213 From Myrtle Beach, S. C., via INT of Kinston, N. C., 214° and Rocky Mount, N. C., 191° radials: Rocky Mount; Hopewell, Va.; INT of Hopewell 019° and Brooke, Va., 131° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J.; INT of Pottstown, Pa., 104° and Robbinsville, N. J., 239° radials; Robbinsville; to Idlewild, N. Y. The airspace within R-4005, R-4006, R-4007, and R-4008 is excluded.

AMENDMENTS 12/12/62 27 F.R. 12211 (Changed);

V-214 From Richmond, Ind., to INT of Richmond 090° and Rosewood, Ohio, 202° radials. From Columbus, Ohio, Port Columbus Airport ILS localizer via Zanesville, Ohio; Bellaire, Ohio; to Pittsburgh, Pa.

AMENDMENTS (Eff. Immed.) 2/28/63 28 F.R. 2230 (Rewritten);

V-215 From Muskegon, Mich., to White Cloud, Mich.

V-216 From Lamar, Colo., via Hill City, Kans.; Mankato, Kans., including an N alternate; Pawnee City, Nebr., including an S alternate; Lamoni, Iowa; Ottumwa, Iowa; to Iowa City, Iowa. From Janesville, Wis., via INT of Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich.; to Toronto, Ontario, Canada. The airspace within Canada is excluded.

V-217 From Chicago, Ill., via INT of Chicago 019° and Milwaukee, Wis., 137° radials; INT of Milwaukee 137° and Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, (General Mitchell Field) ILS localizer; INT of Milwaukee (General Mitchell Field) ILS localizer back course and Green Bay 165° radial; Green Bay; to Rhinelander, Wis.

V-218 From Rochester, Minn., via Waukon, Iowa; Rewey, Wis.; Rockford, Ill.; INT of Rockford, 136° and Naperville, Ill., 290° radials; Naperville; Keeler, Mich.; Lansing, Mich.; Pontiac, Mich.; to INT of Pontiac 091° and Flint, Mich., 140° radials.

V-219 From Hayes Center, Nebr., via INT of Hayes Center 059° and Wolbach, Nebr., 251° radials; to Wolbach.

V-220 From INT of Kremmling, Colo., 081° and Denver, Colo., 334° radials via Akron, Colo.; to Hayes Center, Nebr.

V-221 From Fort Wayne, Ind., via Litchfield, Mich.; Jackson, Mich.; INT of Jackson 084° and Salem, Mich., 254° radials; Salem; INT of Salem 079° and Erie, Pa., 294° radials; to Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., via Salt Flat, Tex.; Culberson, Tex.; Fort Stockton, Tex.; Junction, Tex.; INT of San Antonio, Tex., 334° and Llano, Tex., 180° radials; San Antonio; INT of Austin, Tex., 109° and College Station, Tex., 202° radials; Houston, Tex.; Beaumont, Tex.; Lake Charles, La., including an N alternate from Houston to Lake Charles via Daisetta, Tex.; INT of Lake Charles 058° and McComb, Miss., 251° radials; McComb,; Hattiesburg, Miss.; to Evergreen, Ala. (8 miles wide from INT of Mobile Ala., 015° and Evergreen, Ala., 268° radials; to Evergreen.) From Norcross, Ga., via INT of Norcross 026° and Toccoa, Ga., 230° radials; Toccoa; Asheville, N. C.; Hickory, N. C.; Lynchburg, Va.; Gordonsville, Va.; to INT of Gordonsville 076° and Brooke, Va., 132° radials (11 miles wide from 45 nmi from Gordonsville to INT of Gordonsville 076° and Brooke 132° radials). The airspace within R-6601 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F. R. 12438 (Changed); 1/10/63 27 F.R. 11940 (Changed); 4/4/63 28 F.R. 907 (Changed);
PENDING AMENDMENT
In V-222 "Culberson, Tex.; Fort Stockton, Tex.;" is deleted and "Fort Stockton, Tex. (11-mile wide airway from 45 nmi to 50 nmi SE of Salt Flat; thence 12-mile wide airway to 55 nmi SE of Salt Flat; thence 13-mile wide airway to 55 nmi NW of Fort Stockton; thence 12-mile wide airway to 50 nmi NW of Fort Stockton; thence 11-mile wide airway to 45 nmi NW of Fort Stockton);" is substituted therefor.
2/6/64 28 F. R. 11833 (Changed);

V-223 From Flat Rock, Va., via INT of Brooke, Va., 300° and Herndon, Va., 202° radials (Brandy INT) (12 miles wide from 45 nmi from Flat Rock to Brandy INT); Herndon; to Harrisburg, Pa.

AMENDMENTS 12/12/62 27 F.R. 12440 (Rewritten);

V-224 From Carleton, Mich., to INT of Carleton 076° and Erie, Pa., 280° radials. The airspace within Canada is excluded.

V-225 From Key West, Fla., via Fort Myers, Fla., including an E alternate; La Belle, Fla., to Vero Beach, Fla. The airspace above 20,000 feet MSL within W-173 is excluded.

AMENDMENTS 5/30/63 28 F.R. 3482 (Changed);

V-226 From Ellwood City, Pa., via Clarion, Pa.; Keating, Pa.; Williamsport, Pa.; Thornhurst, Pa.; Stillwater, N. J.; INT of Stillwater 110° and Idlewild, N. Y., 297° radials; to Idlewild.

AMENDMENTS 1/9/64 28 F. R. 12612 (Changed); Alteration of Amendment 29 F. R. 254

V-227 From INT of Louisville, Ky., 310° and Indianapolis, Ind., 185° radials via Indianapolis; INT of Indianapolis direct radial to Westpoint, Ind., and Lafayette, Ind., 159° radials; to Lafayette.

V-228 From Northbrook, Ill.; to South Bend, Ind.

V-229 From Wilmington, N. C., via INT of Wilmington 036° and New Bern, N. C., 231° radials; New Bern; to Cofield, N. C.

V-230 From INT of Big Sur, Calif., 325° and Salinas, Calif., 281° radials via Salinas; Los Banos, Calif.; Fresno, Calif.; to Friant, Calif. The airspace within R-2511 and R-2529 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 6/27/63 28 F.R. 4552 (Changed); (eff. date extended to 7/25/63 28 F.R. 5187); 10/17/63 28 F. R. 8282 (Changed); (Amend. Alteration) Date Changed 11/14/63 28 F. R. 9809 (Changed); 11/14/63 28 F. R. 10332 (Changed); 12/12/63 28 F. R. 11615 (Changed);

V-231 From Missoula, Mont., to INT of Missoula 354° and Mullan Pass, Idaho, 089° radials.

V-232 From Sandusky, Ohio, via INT Sandusky 061° and Chardon, Ohio, 281° radials; Chardon; Fitzgerald, Pa.; Keating, Pa.; Milton, Pa.; Tannersville, Pa.; INT of Tannersville 114° and Solberg, N. J., 051° radials; to Idlewild, N. Y.

AMENDMENTS 10/17/63 28 F. R. 9429 (Changed);

V-233 From Capital, Ill., via Peoria, Ill., including an E alternate from Capital to Peoria via INT of Capital 014° and Peoria 122° radials; Cordova, Ill.; to Cedar Rapids, Iowa.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

V-234 From Anton Chico, N. Mex., via INT of Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; to Hutchinson, Kans.

V-235 From Provo, Utah, to Fort Bridger, Wyo.

V-236 From INT of Bonneville, Utah, 084° and Ogden, Utah, 235° radials; to Ogden.

V-237 From Needles, Calif., via INT of Needles 355° and Mormon Mesa, Nev., 196° radials to Mormon Mesa (12 miles wide from 45 nmi to 55 nmi N of Needles, 14 miles wide to 55 nmi SSW of Mormon Mesa, 12 miles wide to 45 nmi SSW of Mormon Mesa).

AMENDMENTS 2/7/63 28 F.R. 178 (Rewritten);(Amend. alteration 2/12/63 28 F.R. 1504 (Changed);

V-238 From Philipsburg, Pa., via INT of Philipsburg direct radial to Selinsgrove, Pa., and Williamsport, Pa., 227° radial; Ravine, Pa.; INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial; West Chester, Pa.; INT of West Chester 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; to Atlantic City, N. J. The airspace within R-5802 is excluded.

AMENDMENTS 1/10/63 27 F.R. 11532 (Changed);

V-239 From Sea Isle, N. J., via Woodstown, N. J., to New Castle, Del.

V-240 From New Orleans, La., via INT of New Orleans 100° and Mobile, Ala., 224° radials; to Mobile.

V-241 From Crestview, Fla., via INT of Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga.; to Atlanta, Ga., including a W alternate via INT of Columbus 011° and Atlanta 233° radials.

AMENDMENTS 6/27/63 28 F. R. 4752 (Changed);

V-242 From Mobile, Ala., to Brookley, Ala.

V-243 From Jacksonville, Fla., via INT of Jacksonville 319° and Alma, Ga., 148° radials; Alma; INT of Alma 305° and Vienna, Ga., 138° radials; Vienna; Atlanta, Ga., including a W alternate via INT of Vienna 286° and Atlanta 164° radials; INT of Atlanta 007° and Chattanooga, Tenn., 152° radials; Chattanooga; Bowling Green, Ky.; to Scotland, Ind.
PENDING AMENDMENT
In V-243 all before "Vienna;" is deleted and "From Jacksonville, Fla., via INT of Jacksonville 304° and Waycross, Ga., 149° radials; Waycross, including an E alternate from INT of Jacksonville 304° and Waycross 149° radials to INT of Alma, Ga., 305° and Vienna, Ga., 139° radials via Alma;" is substituted therefor. 12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925

V-244 From Oakland, Calif., via INT of Oakland 077° and Stockton, Calif., 268° radials; Stockton, including an S alternate via INT of Oakland 110° and Stockton 246° radials; to INT of Stockton 085° and Fresno, Calif., 347° radials. From Coaldale, Nev., via Tonopah, Nev.; Wilson Creek, Nev.; Milford, Utah; to INT of Milford 088° and Bryce Canyon, Utah, 355° radials. From Hanksville, Utah, via LaSal, Utah; to Gunnison, Colo. From INT of Pueblo, Colo., 275° and Alamosa, Colo., 005° radials via Pueblo; Lamar, Colo.; to Russell, Kans.
The portion of this airway within R-6408 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/1/63 28 F. R. 6495 (Changed);

V-246 From Rosewood, Ohio, via Mansfield, Ohio; to INT of Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials.

V-247 From Douglas, Wyo., to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., via Avenal, Calif.; to Bakersfield, Calif., including an S alternate via INT of Avenal 145° and Bakersfield 243° radials.

V-249 From Colts Neck, N. J., via INT of Colts Neck 314° and Sparta, N. J., 170° radials; Sparta; Huguenot N. Y.; De Lancy, N. Y.; to Utica, N. Y.

V-250 From INT of Pittsburgh, Pa., 223° and Imperial, Pa., 193° radials via Imperial; Ellwood City, Pa.; to Clarion, Pa.

V-251 From Montebello, Va., via Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa.; Pottstown, Pa.; Sparta, N. J.; to Hartford, Conn.

V-252 From Buffalo, N. Y., via Geneseo, N. Y.; Watkins Glenn, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.; Sparta, N. J.; to INT of Sparta 144° and Solberg, N. J., 051° radials.

V-253 From Provo, Utah, to INT of Ogden, Utah, 194° and Provo, 315° radials. From INT of Salt Lake City, Utah, 265° and Ogden 225° radials via Bonneville, Utah; Lucin, Utah; Twin Falls, Idaho; Boise, Idaho; McCall, Idaho; Lewiston, Idaho; to Spokane, Wash.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed);

V-254 From INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial via Pottstown; to INT of Pottstown 104° radial and Robbinsville, N. J., direct radial to New Castle, Del.

V-255 From Burlington, Iowa, via Moline, Ill.; Cordova, Ill.; Rockford, Ill.; to Janesville, Wis. From INT Janesville 333° and Dells, Wis., 156° radials via Dells, to Stevens Point, Wis.

AMENDMENT 10/17/63 28 F. R. 8204 (Added);

V-256 From INT of Lancaster, Pa., direct radial to Allentown, Pa., and Pottstown, Pa., 275° radial via Pottstown; to Yardley, Pa.

V-257 From Phoenix, Ariz., via Prescott, Ariz.; Drake, Ariz.; to INT of Drake 002° and Tuba City, Ariz., 256° radials. From INT of Delta, Utah, 174° and Milford, Utah, 051° radials via Delta; INT of Delta 004° and Malad City, Idaho, 179° radials; Malad City, including a W alternate from INT of Malad City 179° and Ogden, Utah, 276° radials via INT of Salt Lake City, Utah, 320° and Malad City 200° radials; Pocatello, Idaho; Dubois, Idaho; Dillon, Mont.; Butte, Mont.; INT of Butte 002° and Helena, Mont., 272° radials; INT of Helena 272° and Great Falls, Mont., 222° radials; to Great Falls. The airspace within R-6401 and R-6403 is excluded.

V-258 From Charleston, W. Va., via Beckley, W. Va.; INT of Pulaski, Va., 009° and Bluefield, W. Va., 071° radials; Roanoke, Va.; to INT of Roanoke 137° and South Boston, Va., 298° radials.

V-259 From Fort Mill, S. C., to Holston Mountain, Tenn., including an E alternate via Hickory, N. C., and INT of Hickory 350° and Holston Mountain 103° radials.

V-260 From Charleston, W. Va., via Rainelle, W. Va., including an N alternate via INT of Charleston 083° and Rainelle 317° radials; Roanoke, Va.; Lynchburg, Va., including an S alternate via INT of Roanoke 177° and Lynchburg 253° radials; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; to INT of Hopewell 134° radial and Norfolk, Va., direct radial to Cofield, N. C.

V-261 From Pulaski, Va., to Beckley, W. Va.

V-262 From Peoria, Ill., via Bradford, Ill.; Joliet, Ill.; to Kedzie, Ill., RBN.

V-263 From Cimarron, N. Mex., via Tobe, Colo.; Lamar, Colo.; Hugo, Colo.; to Thurman, Colo. From Pierre, S. Dak., to Aberdeen, S. Dak., (11-mile wide airway from a point 45 nmi from Pierre to a point 45 nmi from Aberdeen).

V-264 From Los Angeles, Calif., via INT of Los Angeles 061° and Pomona, Calif., 269° radials; Pomona (8-mile-wide airway from INT of Los Angeles 061° and Pomona 269° radials to Pomona); Twentynine Palms, Calif. (12 mile-wide airway from 45 nmi from Pomona to 45 nmi from Twentynine Palms), including an S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., INT of Ontario 091° and Twentynine Palms 244° radials (12-mile wide airway from 45 nmi from Ontario to 55 nmi from Ontario, 14-mile wide airway from 55 nmi from Ontario to INT of Ontario 091° and Twentynine Palms 244° radials); Parker, Calif.; Prescott, Ariz.; St. Johns, Ariz.; to Socorro, N. Mex.
The portion of this airway within R-5112 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/1/63 28 F.R. 6495 (Changed); 8/22/63 28 F. R. 6873 (Changed);

V-268 From INT of Baltimore, Md., 224° and Westminster, Md., 179° radials; Westminster; INT of Westminster 345° and Harrisburg, Pa., 196° radials; Harrisburg; Philipsburg, Pa.; Bradford, Pa.; Jamestown, N. Y.; to Dunkirk, N. Y.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed);

V-266 From Hickory, N. C., via South Boston, Va.; Lawrenceville, Va.; Franklin, Va.; to Norfolk, Va."

AMENDMENTS 12/17/62 27 F.R. 12711 (Changed);

V-267 From Biscayne Bay, Fla., via Miami, Fla.; Pahokee, Fla., including an E alternate from Biscayne Bay to Pahokee via INT of Biscayne Bay 346° and Pahokee 143° radials; Orlando, Fla.; Jacksonville, Fla., including the additional airspace between lines diverging from Orlando to points of tangency to a 6-mile radius circle centered at the INT of Jacksonville 174°, Daytona Beach, Fla., 308° radials, within the circle and between lines tangent to the circle, converging to Jacksonville, including an E alternate from Orlando to the INT of the Daytona Beach 308° and the Jacksonville 174° radials via Daytona Beach; INT of Jacksonville 334° and Dublin, Ga., 137° radials; Dublin; Norcross, Ga.; INT of Norcross 011° and Knoxville, Tenn., 181° radials; to Knoxville, including an E alternate.

AMENDMENTS 5/30/63 28 F.R. 3482 (Changed); 9/19/63 28 F. R. 8129 (Rewritten);

V-268 From INT of Grantsville, Md., 086° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT of Baltimore 097° and Kenton, Del., 242° radials; Kenton to INT of Kenton 086° and Sea Isle, N. J., 049° radials.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed);

V-269 From Wells, Nev., via Twin Falls, Idaho; Burley, Idaho; to Pocatello, Idaho.

V-270 From Erie, Pa., via Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; De Lancey, N. Y.; to Chester, Mass.

V-271 From Kenton, Del., via Woodstown, N. J.; INT of Philadelphia, Pa., International Airport ILS localizer 256° course and West Chester, Pa., 120° radial; to West Chester.

V-272 From Sayre, Okla., via Oklahoma City, Okla.; including an N alternate and also an S alternate via INT of Sayre 101° and Oklahoma City 242° radials; INT of Oklahoma City 107° and Ardmore, Okla., 006° radials; to McAlester, Okla.

V-273 From Huguenot, N. Y., via Hancock, N. Y.; Georgetown, N. Y.; to Syracuse, N. Y. (8 miles wide from Georgetown to Syracuse).

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-274 From Pullman, Mich., via INT of Pullman 051° and Saginaw, Mich., 237° radials; to Saginaw.

AMENDMENTS 12/12/63 28 F. R. 9251 (Rewritten);

V-275 From Cincinnati, Ohio, via INT of Cincinnati 006° radial and Dayton, Ohio, Dayton Airport ILS localizer SW course; Dayton, including a W alternate from Cincinnati to Dayton via INT of Cincinnati 336° and Richmond, Ind., 190° radials and Richmond; INT of Findlay, Ohio, 212° radial and Rosewood, Ohio, direct radial to Fort Wayne, Ind.; Findlay; Waterville, Ohio; to Carleton, Mich.

V-276 From Briggs, Ohio, via Ellwood City, Pa.; Tyrone, Pa., INT of Philipsburg, Pa., direct radial to Harrisburg, Pa., and Ravine, Pa., 279° radial; Ravine; Yardley, Pa.; Robbinsville, N. J.; to INT of Robbinsville 097° and Coyle, N. J., 057° radials.

AMENDMENTS 1/10/63 27 F.R. 11532 (Changed);

V-277 From Rosewood, Ohio, via Fort Wayne, Ind.; to Keeler, Mich.

V-278 From Texico, N. Mex., via Plainview, Tex., Guthrie, Tex.; Bridgeport, Tex.; Dallas, Tex.; Paris, Tex.; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; to Birmingham, Ala., including an S alternate from Columbus to Birmingham via INT of Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

AMENDMENTS 10/11/63 28 F. R. 9428 (Changed);

V-279 From Columbus, Ohio, RBN to Findlay, Ohio.

V-280 From El Paso, Tex., via INT of El Paso 093° and Clint, Tex., 038° radials; Pinon, N. Mex.; Roswell, N. Mex.; INT of Roswell 063° and Texico, N. Mex., 216° radials; Texico, including an S alternate via INT of Roswell 080° and Texico 216° radials; INT of Texico 021° and Amarillo, Tex., 267° radials; to Amarillo. From Gage, Okla., via Hutchinson, Kans.; INT of Hutchinson 062° and Topeka, Kans., 236° radials; Topeka; INT of Topeka 064° and Kansas City, Mo., 275° radials; to Kansas City.

V-281 From Redmond, Oreg., via Pendleton, Oreg.; Walla Walla, Wash., including an E alternate from Pendleton to Walla Walla via INT of Pendleton 090° and Walla Walla 215° radials; INT of Walla Walla 023° and Spokane, Wash., 190° radials; to Spokane.

V-282 From INT of Massena, N. Y., 163° and St. Eustache, Quebec 200° radials to St. Eustache. The airspace within Canada is excluded.

V-283 From Fresno, Calif., to INT of Fresno 002° and Friant, Calif., 319° radials. From Reno, Nev., via Lakeview, Oreg.; Redmond, Oreg.; to Newberg, Oreg.

Amend Alteration 11/14/63 28 F. R. 9809

V-284 From Fort Stockton, Tex., via INT of Fort Stockton 097° and San Angelo, Tex., 237° radials; San Angelo, including an N alternate from Fort Stockton direct to San Angelo, excluding the airspace between the main and this alternate airway.

V-285 From Kokomo, Ind., via INT of Kokomo 012° and Goshen, Ind., 168° radials; to Goshen.

V-286 From Linden, Va., via Casanova, Va.; INT of Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; to Cape Charles, Va.

AMENDMENTS 12/12/62 27 F. R. 12440 (Rewritten);

V-287 From North Bend, Oreg., via Newberg, Oreg.; Portland, Oreg., including an E alternate via Newberg 069° and Portland 196° radials; INT of Portland 353° and Olympia, Wash., 165° radials; Olympia; INT of Olympia 010° and Seattle, Wash., 322° radials; INT of Seattle 322° and Port Angeles, Wash., 090° radials; Port Angeles; to Neah Bay, Wash., RBN. The airspace within R-6705 and Canada is excluded.

AMENDMENTS (Eff. immed.) 2/28/63 28 F.R. 2230 (Changed);

V-288 From Lucin, Utah, via INT of Fort Bridger, Wyo., 278° radial and Ogden, Utah, direct radial to Malad City, Idaho; to Fort Bridger.

V-289 From Beaumont, Tex., via INT of Beaumont 334° and Lufkin, Tex., 160° radials; Lufkin, including an E alternate; INT of Lufkin 355° and Gregg County, Tex., 161° radials; Gregg County; Texarkana, Ark.; to Fort Smith, Ark. The airspace within R-2401 and R-2402 shall be used only after obtaining prior approval from appropriate authority.

V-290 From Charleston, W. Va., via Rainelle, W. Va.; to Montebello, Va.

V-292 From Hartford, Conn., via Putnam, Conn.; to INT of Putnam 043° and Boston, Mass., 256° radials.

V-294 From Des Moines, Iowa, via Des Moines 086° and Cedar Rapids, Iowa, 238° radials; to Cedar Rapids.

V-295 From Biscayne Bay, Fla., via INT of Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach; INT of Vero Beach 296° and Orlando, Fla., 161° radials; Orlando, including an E alternate from Vero Beach to Orlando; via INT of Vero Beach 342° and Orlando 099° radials; INT of Orlando 283° and Cross City, Fla., 150° radials; to Cross City.

AMENDMENTS 5/30/63 28 F.R. 3482 (Changed); 5/30/63 28 F.R. 3691 (Changed);

V-296 From Asheville, N. C., to Fort Mill, S. C.

V-297 From Johnstown, Pa., via Ellwood City, Pa.; INT of Ellwood City 282° and Akron, Ohio, 130° radials; Akron; Strongsville, Ohio; INT of Strongsville 306° and Carleton, Mich., 117° radials; to Carleton. The airspace within Canada is excluded.

V-298 From Pendleton, Oreg., to McCall, Idaho. From Dubois, Idaho, to INT of Dubois 100° and Pocatello, Idaho, 043° radials. From Dumoir, Wyo., via Boysen Reservoir, Wyo.; Casper, Wyo.; Smithwick, S. Dak.; Winner, S. Dak.; to Sioux Falls, S. Dak. The airspace within R-6101 is excluded.

V-299 From Los Angeles, Calif., via INT of Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore; to Gorman, Calif.

AMENDMENTS 3/7/63 28 F.R. 722 (Rewritten); 6/27/63 28 F.R. 4552 (Rewritten);(eff. dated extended to 7/26/63 28 F.R. 8187);

V-300 From Lakehead, Ont., via Whitefish, Mich.; Sault Ste. Marie, Mich., including an N alternate via INT of Whitefish 084° and Sault Ste. Marie 328° radials; to Wiarton, Ont., Canada, including an N alternate. From Sherbrooke, Quebec, Canada, via Millinocket, Maine, including an N alternate from St. Johns, Quebec, Canada, to Millinocket via INT of St. Johns 071° and Millinocket 279° radials; to Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

AMENDMENTS Eff. immed. (4/11/63) 28 F.R. 3780 (Changed);

V-302 From Augusta, Maine, to INT of Augusta 123° and Bangor, Maine, 192° radials.

AMENDMENTS 2/7/63 27 F.R. 12711 (Added);

V-307 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. The airspace within Canada is excluded.

V-314 From Millinocket, Maine, via Princeton, Maine, to St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-318 From Quebec, Province of Quebec; Canada, R. R.; to Houlton, Maine. The airspace within Canada is excluded.

AMENDMENTS 10/17/63 28 F. R. 9430 (Added);

V-421 From St. Johns, Ariz., via Zuni, N. Mex.; to Farmington, N. Mex.

AMENDMENTS 6/27/63 28 F. R. 4163 (Changed);

V-422 From Chicago Heights, Ill., via INT of Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT of Goshen, Ind., direct radial to Findlay, Ohio, and Fort Wayne, Ind., direct radial to Litchfield, Mich.; Defiance, Ohio, to Attica, Ohio.

V-423 From Binghamton, N. Y., via Ithaca, N. Y.; INT of Ithaca 356° radial and Syracuse, N. Y., 211° radials; to Syracuse.
PENDING AMENDMENT
In V-423 "From Binghamton, N. Y., via Ithaca, N. Y.;" is deleted and "From Williamsport, Pa., via Binghamton, N. Y.; Ithaca, N. Y.;" is substituted therefor.
3/5/64 28 F. R. 14420 (Changed);

V-424 From Blue Springs, Mo., via Marshall, Mo., to Macon, Mo.

V-425 From Brookley, Ala., to INT of Brookley 357° and Mobile, Ala., 045° radials.

AMENDMENTS 6/27/63 28 F. R. 4506 (Rewritten);

V-426 From Richwoods, Mo., via St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

V-427 From Newcomerstown, Ohio, to Briggs, Ohio.

V-428 From Elmira, N. Y., via Ithaca, N. Y.; Georgetown, N. Y.; to Utica, N. Y.

V-429 From Decatur, Ill., via Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT of Joliet 008° and Naperville, Ill., 340° radials; INT of Naperville 340° and Milwaukee, Wis., 198° radials; to Milwaukee.

V-430 From Williston, N. Dak., to Minot, N. Dak.

V-431 From Cambridge, N. Y., via Glens Falls, N. Y.; to the INT of Glens Falls 286° and Albany, N. Y., 343° radials.

AMENDMENTS 12/12/63 28 F. R. 10513 (Rewritten);

V-432 From Thermal, Calif., to Parker, Calif.

V-433 From Washington, D. C., via Andrews, AFB, Md.; INT of Andrews, AFB 061° and Baltimore, Md., 097° radials (8 miles wide from Andrews AFB to 5 nmi from Andrews AFB); New Castle, Del.; Yardley, Pa.; INT of Yardley 059° and La Guardia, N. Y., 231° radials; La Guardia; Trinity, N. Y.; to INT of Trinity 093° and Norwich, Conn., 227° radials.

AMENDMENTS 12/12/62 27 F.R. 12440 (Rewritten); 5/30/63 28 F.R. 3779 (Changed);
AMENDMENTS (Eff. on pub.) 8/3/63 28 F. R. 7936 (Changed);

V-434 From Ottumwa, Iowa, via Moline, Ill.; to Peoria, Ill.

V-435 From Rosewood, Ohio, via Attica, Ohio; to Carleton, Mich. The airspace within R-5502 shall be used only after obtaining prior approval from appropriate authority.

V-437 From Daytona Beach, Fla., via Savannah, Ga.; Charleston, S. C.; INT of Charleston 029° and Florence, S. C., 179° radials; to Florence, including a W alternate from Charleston direct to Florence, and including the airspace between lines diverging from Daytona Beach to points of tangency to a circle with a radius of 8.7 miles centered at lat. 30° 43' 50"N, long. 81° 06' 45"W, within the circumference of the circle and between lines tangent to that circle converging to Savannah, Ga. The airspace below 7,500 feet MSL between Marion, Fla., INT (INT of Daytona Beach 360° and Jacksonville, Fla., 144° radials) and Sea Island, Ga., INT (INT of Jacksonville 027° and Savannah 182° radials), the airspace below 4,500 feet MSL between Savannah and Charleston, and the airspace of the W alternate above 12,000 feet MSL between Charleston and Florence are excluded.

V-439 From Dickinson, N. Dak., to Williston, N. Dak.

V-441 From St. Petersburg, Fla., via INT of St. Petersburg 010° and Ocala, Fla., 213° radials to Ocala, including an E alternate via INT of St. Petersburg 040° and Ocala 171° radials.

AMENDMENTS 5/30/63 28 F.R. 3482 (Rewritten);

V-442 From Hector, Calif., via INT of Needles, Calif., 272° and Goffs, Calif., 163° radials; INT of Goffs 153° and Parker, Calif., 333° radials; to Parker.

AMENDMENTS 1/10/63 27 F.R. 11497 (Rewritten);

V-443 From Bellaire, Ohio, via Newcomerstown, Ohio; Tiverton, Ohio; to Cleveland, Ohio, including an E alternate via INT of Tiverton 017° and Cleveland 138° radials; INT of Cleveland 049° and Aylmer, Ont., Canada 205° radials; Aylmer; to Toronto, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed);

V-444 From Spokane, Wash., via INT of Spokane 125° and Mullan Pass, Idaho, 234° radials; to Mullan Pass.

V-445 From La Guardia, N. Y., via INT of La Guardia 338° and Clermont, N. Y., 192° radials; to Clermont. The airspace within R-5206 shall be used only after obtaining prior approval from appropriate authority.

V-446 From Troy, Ill., via INT of Troy 099° and Centralia, Ill., 056° radials; to Sansville, Ill.

V-447 From Montpelier, Vt., to INT of Montpelier 020° and Plattsburgh, N. Y., 080° radials (11 miles wide from 45 nmi from Montpelier to INT of Montpelier 020° and Plattsburgh 080° radials).

AMENDMENTS 1/10/63 27 F.R. 11496 (Changed) (Amendment alteration 27 F.R. 12544)

V-448 From Yakima, Wash., via Ephrata, Wash.; INT of Ephrata 096° and Mullan Pass, Idaho, 269° radials; to Mullan Pass. The airspace within R-6714 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 4/4/63 28 F.R 908 (Changed);

V-449 From DeLancy, N. Y., via Rockdale, N. Y.; to INT of Rockdale 348° and Utica, N. Y., 280° radials.

V-450 From Muskegon, Mich., to Green Bay, Wis. The airspace within R-6903 shall be used only after obtaining prior approval from the appropriate authority.

V-451 From INT of Whitman, Mass., 177° and Providence, R. I., 118° radials via Whitman; to Boston, Mass. The airspace below 1,200 feet above the surface within V-146 is excluded.

V-454 From Evergreen, Ala., via INT of Evergreen 075° and Columbus, Ga., 219° radials; Columbus; McDonough, Ga.; Greenwood, S. C.; INT of Greenwood 060° and Fort Mill, S. C., 227° radials; Fort Mill; Liberty, N. C.; Lawrenceville, Va.; to Hopewell, Va.

V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including a W alternate from New Orleans to Hattiesburg via INT of New Orleans 357° and Hattiesburg 221° radials; to Meridian, Miss. (8 miles wide Hattiesburg to Meridian), including a W alternate via INT of Hattiesburg 010° and Meridian 229° radials. The airspace at and below 1.200 feet MSL between New Orleans and Hattiesburg is excluded.

AMENDMENTS 1/10/63 27 F.R. 11941 (Changed);

V-457 From Norwich, Conn., via Providence, R. I.; INT of Providence 017° and Boston, Mass., 223° radials; to Boston.

V-458 From Julian, Calif., via INT of Julian 130° and El Centro, Calif., 272° radials; to El Centro.

V-459 From Long Beach, Calif., via Lake Hughes, Calif., Porterville, Calif.; Friant, Calif.; INT of Friant 319° and Linden, Calif., 124° radials; to Linden.

AMENDMENTS 6/27/63 28 F.R. 4552 (Changed);(eff. date extended to 7/25/63 28 F.R. 5187);

V-460 From Julian, Calif., via INT of Julian 055° and Blythe, Calif., 272° radials; to Blythe.

V-461 From Gila Bend, Ariz., to Buckeye, Ariz.

V-462 From Houghton, Mich., via Whitefish, Mich.. to Sault Ste. Marie, Mich. The airspace within Canada is excluded.

V-464 From Dunkirk, N. Y., to Geneseo, N. Y.

AMENDMENTS 12/17/62 27 F.R. 12711 (Changed);

V-465 From Miles City, Mont., to Williston, N. Dak., including an E alternate.

V-467 From La Guardia, N. Y., via INT of La Guardia 338° and Huguenot, N. Y., 131° radials; to Huguenot.

V-468 From Newcomerstown, Ohio, via INT of Newcomerstown 058° and Wheeling, W. Va., 306° radials; to Ellwood City, Pa.

V-469 From Danville, Va., to Lynchburg, Va.

V-470 From Lakehead, Ont., Canada, via Houghton, Mich.; Marquette, Mich.; INT of Marquette 067° and Whitefish, Mich., 282° radials; to Whitefish. The airspace within Canada is excluded.
PENDING AMENDMENT
In V-470 "The portion of this airway within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

V-471 From INT of Princeton, Maine, 208° and Bangor, Maine, 132° radials via Bangor; Millinocket, Maine; Houlton, Maine; to INT of Houlton 085° radial and United States-Canadian border.

AMENDMENTS 2/7/63 27 F.R. 12711 (Changed);

V-472 From Franklin, Va., to Elizabeth City, N. C.

V-474 From Bellaire, Ohio, via Indian Head, Pa.; St. Thomas, Pa.; to Lancaster, Pa.

V-475 From Deer Park, N. Y., via Madison, Conn.; to Putnam, Conn., including an E alternate via Norwich, Conn

V-476 From Washington, D. C., via Baltimore, Md. (8 miles wide from Washington to Baltimore); to Millville, N. J. The airspace within R-4001 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12440 (Added); 5/30/63 28 F.R 3779 (Changed);

V-477 From Houston, Tex., via Leona, Tex., including an E alternate via Houston 353° and Leona 141° radials and a W alternate via Houston 314° and Leona 173° radials; INT of Leona 338° and Dallas, Tex., 170° radials; to Dallas, including an E alternate via Leona 353° and Dallas 155° radials.

V-478 From Falmouth, Ky., via Newcombe, Ky.; to Beckley, W. Va.

V-479 From Northbrook, Ill., via INT of Northbrook 348° and Milwaukee, Wis., 161° radials; to Milwaukee.

V-482 From Las Vegas, N. Mex., via Clayton, N. Mex.; to Liberal, Kans.

V-483 From Sparta, N.J., via Hugenot, N.Y.; Delancey, N.Y.; Rockdale, N.Y.; INT of Rockdale 325° and Syracuse, N.Y., 100° radials; to Syracuse.

AMENDMENTS 12/12/62 27 F.R. 12439 (Rewritten);

V-484 From Salt Lake City, Utah, via Myton, Utah; Grand Junction, Colo.; Gunnison, Colo., including an S alternate via INT of Grand Junction 129° and Gunnison 264° radials; INT of Gunnison 110° and Alamosa, Colo., 339° radials; to Alamosa.

V-485 From Ventura, Calif., 8 miles wide to INT Ventura 331° and Fellows, Calif., 142° radials; thence Fellows, Calif., 142° radials; Fellows; Priest, Calif.; INT of Priest 331° and Oakland, Calif., 131° radials; to Oakland. The airspace within W-289 and and R-2520, the airspace within R-2519 more than 3 miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded. The airspace within R-2527 and the remaining airspace within R-2519 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/7/63 28 F.R 722 (Changed);

V-486 From Tuba,City Ariz., to Dove Creek, Colo

AMENDMENTS 6/27/63 28 F. R. 4164 (Changed);

V-487 From Poughkeepsie, N. Y., via Cambridge, N. Y.; to INT of Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT of Burlington 359° and St. Johns, Quebec, Canada, 158° radials; St. Johns; to St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-489 From INT of Huguenot, N. Y., 144° and Trinity, N. Y., 232° radials; via Clermont, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; to Plattsburgh, N. Y. The airspace within R-5206 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/63 28 F. R. 10513 (Changed);

V-490 From Utica, N. Y., via Cambridge, N. Y.; Manchester, N. H.; to INT of Manchester 117° and Boston, Mass., 014° radials.

V-491 From Lafayette, Ind., via INT of Lafayette 313° and Peotone, Ill., 153° radials; to Peotone.

V-492 From St. Petersburg, Fla., via La Belle, Fla.; Pahokee, Fla.; to West Palm Beach, Fla., including an also an S alternate from La Belle to West Palm Beach via INT of La Belle 112° and West Palm Beach 266° radials N alternate from La Belle to West Palm Beach via INT of La Belle 043° and West Palm Beach 314° radials and excluding the airspace between the main and this N alternate.

V-493 From Lexington, Ky., via York, Ky.; Appleton, Ohio; to Waterville, Ohio.

V-494 From Sacramento, Calif., via INT of Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT of Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen; Mount Moses, Nev.; Elko, Nev.; Wells, Nev.; to Malad City, Idaho. The airspace within R-4802 and R-4803 is excluded.

V-496 From Utica, N. Y., via INT of Utica 091° and Glens Falls, N. Y., 234° radials to Glens Falls.
PENDING AMENDMENT
V-496 From Utica, N. Y., via INT of Utica 091° and Glens Falls, N. Y., 246° radials to Glens Falls.
3/5/64 29 F. R. 253 (Rewritten);

V-497 From John Day, Oreg., to The Dalles, Oreg.

V-500 From Portland, Oreg., via Newberg, Oreg.; John Day, Oreg.; to Boise, Idaho.

V-501 From Martinsburg, W. Va., via St. Thomas, Pa.; Philipsburg, Pa.; Slate Run, Pa.; to Wellsville, N. Y.

V-502 From Louisville, Ky., to Falmouth, Ky.

V-503 From Goffs, Calif., to Beatty, Nev.

V-505 From Helena, Mont., via INT of Helena 089° and Great Falls, Mont., 180° radials; to Great Falls.

V-507 From Lovelock, Nev., via Sod House, Nev.; Rome, Oreg.; to Boise, Idaho.

V-514 From Tobe, Colo., via Garden City, Kans.; to Russell, Kans.

AMENDMENTS 6/27/63 28 F. R. 4164 (Changed);

V-516 From Liberal, Kans., via Anthony, Kans.; Ponca City, Okla.; to Oswego, Kans.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); 6/27/63 28 F. R. 4347 (Changed);

V-518 From Fillmore, Calif., via INT of Fillmore 099° and Palmdale, Calif., 236° radials; to Palmdale.

V-520 From INT of Pendleton, Wash., 311° and Pasco, Wash., 262° radials via Pasco; Walla Walla, Wash.; to Lewiston, Idaho.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed):

V-524 From Laramie, Wyo., via INT of Laramie 069° and Scottsbluff, Nebr., 254° radials; to Scottsbluff.

V-525 From Fayetteville, N. C., via INT of Fayetteville 098° and New Bern, N. C., 256° radials; to New Bern. The airspace below 2,500 feet MSL from Fayetteville to 16 mi W of New Bern and the airspace above 9,000 feet MSL is excluded.

AMENDMENTS 4/4/63 28 F.R. 1035 (Added);

V-530 From Texico, N. Mex.; to Childress, Tex.

V-536 From Walla Walla, Wash., to Mullan Pass, Idaho.

V-538 From Twentynine Palms, Calif., via INT of Twentynine Palms 043° and Goffs, Calif., 200° radials; Goffs; to Las Vegas, Nev. The airspace within R-2501 is excluded.

V-802 EASTBOUND From Blue Springs, Mo., via Blackwater, Mo.; Readsville, Mo.; Maryland Heights, Mo.; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio; Newcomerstown, Ohio; Wheeling, W. Va.; Pittsburgh, Pa.; Johnstown, Pa.; INT of Ravine, Pa., 279° and Harrisburg, Pa., 312° radials; Selinsgrove, Pa.; INT of Selinsgrove 083°; and Ravine 040° radials; Allentown, Pa.; to Solberg, N. J.

AMENDMENTS 6/27/63 28 F. R. 3779 (Changed);

V-804 WESTBOUND From Stillwater, N. J., via Thornhurst, Pa.; Williamsport, Pa.; Keating, Pa.; Clarion, Pa.; INT of Clarion 214° and Imperial, Pa., 045° radials; Imperial; Tiverton, Ohio; Rosewood, Ohio; INT of Rosewood, 261° and Indianapolis, Ind., 069° radials; Indianapolis; Terre Haute, Ind.; Vandalia, Ill.; St. Louis, Mo.; Hallsville, Mo.; Marshall, Mo.; to Kansas City, Mo.

AMENDMENTS 1/9/64 28 F. R. 12612 (Changed); Alteration of Amendment 29 F. R. 254

V-809 SOUTHBOUND From Olympia, Wash., via INT of Olympia 165° and Portland, Oreg., 353° radials; Portland; Eugene, Oreg.; Medford, Oreg.; Fort Jones, Calif.; Red Bluff, Calif.; INT of Ukiah, Calif., 147° and Point Reyes, Calif., 352° radials; to Point Reyes.

V-810 EASTBOUND Linden, Calif., via INT of Linden 046° and Reno, Nev., 208° radials; INT of Reno 208° and Lake Tahoe, Calif., 078° radials; INT of Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen; Mount Moses, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; Fort Bridger, Wyo.; Rock Springs, Wyo.; Cherokee, Wyo.; Medicine Bow, Wyo.; Chadron, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; Northbrook, Ill.; INT of Northbrook 093° and Keeler, Mich.; 271° radials; Keeler; INT of Keeler 084° and Litchfield 293° radials; Litchfield; Windsor, Ontario, Canada; Erie, Pa.; Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; Yardley, Pa.; to Robbinsville, N. J. The airspace within Canada and the airspace within R-4802 and R-4803 is excluded.

AMENDMENTS 1/10/63 27 F.R. 11532 (Changed); 2/7/63 27 F.R. 12710 (Changed);
AMENDMENTS 9/19/63 28 F. R. 8241 (Changed);

V-813 NORTHBOUND From INT of San Francisco, Calif., 304° and Ukiah, Calif., 172° radials via Ukiah; Fortuna, Calif.; Crescent City, Calif.; North Bend, Oreg.; Eugene, Oreg.; Portland, Oreg.; INT of Portland 353° and Seattle, Wash., 197° radials; to Seattle. The airspace within R-6703 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS Eff. Immed. 2/28/63 28 F.R. 2230 (Changed);

V-819 NORTHBOUND From Miami, Fla., via Fort Myers, Fla.; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Alma, Ga.; INT of Alma 335° and Dublin, Ga., 137° radials; Dublin; INT of Dublin 330° and McDonough, Ga., 119° raidals; McDonough; Rex, Ga.; Crossville, Tenn.; New Hope, Ky.; Louisville, Ky.; Nabb, Ind; Shelbyville, Ind.; Lafayette, Ind.; to Chicago Heights, Ill.

AMENDMENTS 5/30/63 28 F.R. 3482 (Changed); 6/27/63 28 F. R. 4126 (Changed);
PENDING AMENDMENT
In V-819 "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925

V-830 NORTHEASTBOUND From Dallas, Tex., via Paris, Tex.; Texarkana, Ark.; Pine Bluff, Ark.; INT of Pine Bluff 067° and Memphis, Tenn., 241° radials; Memphis; Jacks Creek, Tenn.; Graham, Tenn.; Nashville, Tenn.; London, Ky.; Whitesburg, Ky.; Bluefield, W. Va.; Clifdale, Va.; Montebello, Va.; Gordonsville, Va.; to INT of Gordonsville 058° and Washington, D. C., 189° radials.

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed);

V-837 **NORTHEASTBOUND** From Picayune, Miss., via Evergreen, Ala.; Montgomery, Ala.; La Grange, Ga.; Atlanta, Ga.; Rex, Ga.; Royston, Ga.; Spartanburg, S. C.; Greensboro, N. C.; South Boston, Va.; Gordonsville, Va.; Nottingham, Md., 8 miles wide to Kenton, Del.; thence via INT of Kenton 086° and Sea Isle, N. J., 049° radials (Avalon INT); INT of Sea Isle 049° and Hampton, N. Y., 223° radials (Dutch INT); Hampton, including the airspace beginning at Avalon INT and between lines diverging from Sea Isle to a point of tangency to a 9-mile radius circle centered at Dutch INT; within the circumference of the circle and between lines tangent to that circle converging at Hampton; INT of Hampton 059° and Providence, R. I., 212° radials; Providence, thence 8 miles wide to Whitman, Mass.; thence via to INT of Whitman 041° and Boston, Mass., 133° radials. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Idlewild, N. Y., 087° and 141° radials is excluded.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 1/10/63 27 F.R. 11497 (Changed); 6/27/63 28 F.R. 4126 (Changed);

V-839 **NORTHBOUND** From Miami, Fla., via Fort Myers, Fla.; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Alma, Ga.; Allendale, S. C.; Columbia, S. C.; Fort Mill, S. C.; Pulaski, Va.; Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio; to Cleveland, Ohio.

AMENDMENTS 5/30/63 28 F. R. 3482 (Changed);
PENDING AMENDMENT
In V-839 "Taylor, Fla.;" is deleted and "Taylor, Fla.; Waycross, Ga.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925

V-843 **SOUTHBOUND** From Peotone, Ill., via Danville, Ill.; Lewis, Ind.; Scotland, Ind.; Bowling Green, Ky.; Chattanooga, Tenn.; INT of Chattanooga 152° and Atlanta, Ga., 007° radials; Atlanta; INT of Atlanta 179° and Albany, Ga., 350° radials; Albany; INT of Albany 160° and Cross City, Fla., 325° radials; Cross City, including the additional airspace between lines diverging from Albany to points of tangency with a 7-mile radius circle centered at INT of Albany 160° and Cross City 325° radials, within the circle and between lines tangent to the circle and converging at Cross City; Lakeland, Fla.; La Belle, Fla.; to Miami, Fla.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed); 5/30/63 28 F.R. 3483 (Changed);

V-845 **SOUTHBOUND** From Joliet, Ill., via Bradford, Ill.; Burlington, Iowa; Quincy, Ill.; Hallsville, Mo.; Springfield, Mo.; Neosho, Mo.; INT of Tulsa, Okla., 088° and Neosho 223° radials; Okmulgee, Okla.; Ardmore, Okla.; INT of Ardmore 176° and Dallas, Tex., 324° radials; to Dallas.

V-846 **WESTBOUND** From INT of Polo, Ill., 088°, Rockford, Ill., 136° and Naperville, Ill., 290° radials via Polo; Cedar Rapids, Iowa; Newton, Iowa; Neola, Iowa; Wolbach, Nebr.; INT of Wolbach 251° and Hayes Center, Nebr., 059° radials; Hayes Center; Akron, Colo.; INT of Akron 238° and Denver, Colo.; 101° radials; to Denver.

V-853 **SOUTHEASTBOUND** From INT of Farmington, Minn., 077° and Minneapolis, Minn., 131° radials; Nodine, Minn.; Lone Rock, Wis.; INT of Lone Rock 147° and Janesville, Wis., 294° radials; Janesville; INT of Janesville 111° and Naperville, Ill., 340° radials; to the INT of Naperville 340° and Northbrook, Ill., 273° radials. From the INT of Naperville 090° and Peotone, Ill.; 003°; Peotone, 8 miles wide to Monterey; Fort Wayne, Ind.; Findlay, Ohio; INT of Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Front Royal, Va.; to Herndon, Va.

AMENDMENTS 9/19/63 28 F. R. 7290 (Changed); 10/17/63 28 F. R. 9428 (Changed);

V-854 **WESTBOUND** From INT of Polo, Ill., 088° Rockford, Ill., 136° and Naperville, Ill., 290° radials via Polo; Dubuque, Iowa; Waterloo, Iowa; Fort Dodge, Iowa; Sioux City, Iowa; O'Neill, Nebr.; Chadron, Nebr.; Medicine Bow, Wyo.; Cherokee, Wyo.; Rock Springs, Wyo.; Fort Bridger, Wyo.; Ogden, Utah; Lucin, Utah; Wells, Nev.; INT of Wells 256° and Battle Mountain, Nev., 062° radials; Battle Mountain; Lovelock, Nev.; Reno, Nev.; INT of Reno 257° and Sacramento, Calif., 038° radials; Sacramento; INT of Sacramento 212° and Oakland, Calif., 039° radials; to Oakland. The airspace within R-3302 is excluded.

V-855 **NORTHWESTBOUND** From Washington, D. C., via INT of Washington 324° and Herndon 048° radials; Martinsburg; Indian Head, Pa.; Pittsburgh, Pa.; INT of Wheeling, W. Va., 306° and Newcomerstown, Ohio, 058° radials; Briggs, Ohio; Mansfield, Ohio; Findlay, Ohio; INT of Fort Wayne, Ind., 016° and Goshen, Ind., 108° radials Garret INT) (12 miles wide from 45 nmi from Findlay to Garret INT); Wolflake, Ind.; Knox, Ind.; INT of Knox 276° and Chicago Heights, Ill.; 117° radials; Chicago Heights; to INT of Chicago Heights 358° and Naperville, Ill., 090° radials. From Chicago, Ill.; via INT of Chicago 269° and Rockford, Ill., 136° radials; Rockford; Rewey, Wis.; Waukon, Wis.; Rochester, Minn.; to Farmington, Minn.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 4/4/63 28 F.R. 967 (changed); 4/4/63 28 F.R. 1533 (Changed); 9/19/63 28 F. R. 7290 (Changed);

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed);

V-856 **EASTBOUND** From Northbrook, Ill., via INT of Northbrook 093° and Keeler, Mich., 271° radials, Keeler; INT of Keeler 084° and Litchfield, Mich., 293°; Litchfield; Windsor, Ontario, Canada; Erie, Pa.; Bradford, Pa.; Slate Run, Pa.; Milton, Pa.; INT of Selinsgrove, Pa., 083° and Ravine, Pa., 040° radials; Allentown, Pa.; to Solberg, N. J. The airspace within Canada is excluded.

AMENDMENTS 6/27/63 28 F. R. 3779 (Changed); 9/19/63 28 F. R. 8241 (Changed);

V-859 **SOUTHBOUND** From INT of Joliet, Ill., 067° and Roberts, Ill., 008° radials via Roberts; Decatur, Ill.; INT of Decatur direct radial to Troy, Ill., and St. Louis, Mo., 062° radial; St. Louis; Vichy, Mo.; Springfield, Mo.; Neosho, Mo.; INT of Neosho 223° and Tulsa, Okla., 088° radials; Okmulgee, Okla.; Ardmore, Okla.; INT of Ardmore 176° and Dallas, Tex., 324° radials; to Dallas.

AMENDMENTS 9/19/63 28 F. R. 7290 (Changed);

V-861 **NORTHBOUND** From Poughkeepsie, N. Y., via Hartford, Conn.; INT of Hartford 076° and Providence, R. I., 270° radials; INT of Providence 270° and Norwich, Conn., 043° radials; to Boston, Mass.

V-863 **NORTHBOUND** From INT of Idlewild, N. Y., 042° and Riverhead, N. Y., 307° radials via INT of Hartford, Conn., 223° and Trinity, N. Y., 093° radials; INT of Trinity 093° and Norwich, Conn., 227° radials; Norwich; to Boston, Mass.

V-875 **SOUTHWESTBOUND** From Boston, Mass., via INT of Gardner, Mass., 150° and Hartford, Conn., 044° radials; Hartford; Trinity, N. Y.; INT of Trinity 232° and Huguenot, N. Y., 144° radials; Solberg, N. J.; West Chester, Pa.; INT of West Chester, 250° and Westminster, Md., 065° radials; Westminster; Herndon, Va.; Casanova, Va.; Montebello, Va.; INT of Montebello 250° and Roanoke, Va.; 035° radials; Roanoke; Pulaski, Va.; Holston Mountain, Tenn.; Knoxville, Tenn.; INT of Knoxville 247° and Chattanooga, Tenn., 037° radials; Chattanooga; Birmingham, Ala.; Tuscaloosa, Ala.; INT of Tuscaloosa 239° and Meridian, Miss., 040° radials; Meridian; Hattiesburg, Miss. (8 miles wide Meridian to Hattiesburg); to INT of Hattiesburg 221° and New Orleans, La., 357° radials.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 1/10/63 27 F.R. 11941 (Changed);

V-879 **SOUTHBOUND** From Boston, Mass., via INT of Boston, 256° and Putnam, Conn., 043° radials; Putnam; Norwich, Conn.; Riverhead, N. Y.; to Deer Park, N. Y.

V-880 **SOUTHWESTBOUND** From INT of Sparta, N. J., 300° and Tannersville, Pa., 055° radials via Wilkes-Barre, Pa.; Stonyfork, Pa.; Bradford, Pa.; Erie, Pa.; Windsor, Ontario, Canada; Salem, Mich.; INT of Pullman, Mich., 091° and Keeler, Mich., 061° radials; Pullman; to Northbrook, Ill. From Chicago, Ill., via INT of Chicago 269° and Bradford, Ill., 033° radials; Bradford; Burlington, Iowa; Kirksville, Mo.; to Kansas City, Mo. The airspace in Canada is excluded.

AMENDMENTS 9/19/63 28 F. R. 7290 (Changed);

V-881 **SOUTHBOUND** From Cleveland, Ohio, via Tiverton, Ohio; Zanesville, Ohio; Charleston, W. Va.; Blackford, Va.; Holston Mountain, Tenn.; Asheville, N. C.; Greenwood, S. C.; Augusta, Ga.; INT of Augusta 157° and Savannah, Ga., 321° radials; INT of Savannah 321° and Allendale, S. C., 216° radials; Alma, Ga.; Taylor, Fla.; Gainesville, Fla.; Ocala, Fla.; Lakeland, Fla.; La Belle, Fla.; to Miami, Fla.

AMENDMENTS 5/30/63 28 F. R. 3483 (Changed);
PENDING AMENDMENT
In V-881 "Taylor, Fla.;" is deleted and "Waycross, Ga.; Taylor, Fla.;" is substituted therefor.
12/12/63 28 F. R. 11185 (Changed); Amend Alteration (Eff. Date Changed) 2/6/64 28 F. R. 12925

V-885 **NORTHBOUND** From Washington, D. C., via Andrews AFB, Md.; INT of Andrews AFB 061° and Baltimore, Md., 097° radials (8 miles wide from Andrews AFB to 5 nmi from Andrews AFB); INT of Baltimore 097° and Kenton, Del., 242° radials; thence 8 miles wide to Kenton; thence via Millville, N. J.; Atlantic City, N. J.; Barnegat, N. J.; INT of Coyle, N. J., 057° and Riverhead, N. Y., 218° radials; INT of Riverhead 218° and Idlewild, N. Y., 083° radials; thence via Idlewild 083° radial to 45 nmi E of Idlewild; thence 13-mile wide airway to INT of Idlewild 083° and Hampton, N. Y., 223° radials; thence via Hampton; INT of Hampton 059° and Providence, R. I., 212° radials; Providence, thence 8 miles wide to Whitman, Mass.; thence via to INT of Whitman 041° and Boston, Mass., 133° radials. The airspace below 2,000 feet MSL outside the United States and the airspace below 3,000 feet MSL S of a line extending from lat. 40°40'00" N., long. 72°30'00" W.; to lat. 40°38'20" N., long. 72°38'35" W. is excluded. The airspace within R-5002 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 1/10/63 27 F.R. 11497 (Changed);
AMENDMENTS 5/30/63 28 F.R. 3779 (Changed); (Eff. on pub.) 8/3/63 28 F. R. 7936 (Changed);

V-387 SOUTHBOUND From Casanova, Va., via Montebello, Va.; Clifdale, Va.; Bluefield, W. Va.; Whitesburg, Ky. London, Ky.; Nashville, Tenn.; Graham, Tenn.; Jacks Creek, Tenn.; Memphis, Tenn.; INT of Memphis 241° and Pine Bluff, Ark., 067° radials; Pine Bluff; Texarkana, Ark.; Sulphur Springs, Tex.; to Dallas, Tex.

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed);

V-388 SOUTHBOUND From Boston, Mass., via INT of Boston 256° and Putnam, Conn., 043° radials; Putnam; Norwich, Conn.; INT of Norwich 177° and Hampton, N. Y., 050° radials; Hampton; INT of Hampton 223° and Sea Isle, N. J., 049° radials (Dutch INT); INT of Sea Isle 049° and Kenton, Del., 086° radials (Avalon INT); Kenton, including the airspace between lines diverging from Hampton to a point of tangency to a 9-mile radius circle centered at Dutch INT, within the circumference of the circle and between lines tangent to that circle converging at Sea Isle, to Avalon INT; to Nottingham, Md. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Idlewild, N. Y., 087° and 141° radials is excluded.

AMENDMENTS 1/9/64 28 F. R. 12312 (Added);

§ 71.125 Alaskan low altitude VOR Federal airways.

V-436 From King Salmon, Alaska, via INT of King Salmon direct radial to Homer, Alaska, and Kenai, Alaska, 217° radial; Kenai (beginning at 45 nautical miles from King Salmon increasing in width of one mile for every 5 nautical miles in length to 75 nautical miles from King Salmon, thence a 16-mile-wide airway to 75 nautical miles from Kenai, thence decreasing in width of one mile for every 5 nautical miles in length to 45 nautical miles from Kenai), including an E alternate from INT of King Salmon direct radial to Homer and Kenai 217° radial to Kenai via Homer; Anchorage; to INT of Anchorage 347° radial and Skwentna, Alaska, RR NE course. The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 7/25/63 28 F. R. 5353 (Changed);

V-438 From Shuyak, Alaska, RBN via Homer, Alaska; INT of Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Nenana, Alaska (beginning at 45 nmi from Anchorage increasing in width in graduated steps of one mile for every 5 nmi in length to 85 nmi from Anchorage, thence 19 miles wide to 85 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana); Fort Yukon, Alaska (beginning at 45 nmi from Nenana increasing in width in graduated steps of one mile for every 5 nmi in length to 60 nmi from Nenana, thence 14 miles wide to 60 nmi from Fort Yukon, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Fort Yukon), including the area within 16 miles each side of the centerline of the airway at and above 24,000 feet from Anchorage to Fort Yukon. The airspace within R-2203 and R-2206 are excluded. The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/9/64 28 F. R. 12341 (Changed);
PENDING AMENDMENT
In V-438 "Nenana, Alaska (beginning at 45 nmi from Anchorage increasing in width in graduated steps of one mile for every 5 nmi in length to 85 nmi from Anchorage, thence 19 miles wide to 85 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana);" is deleted and "Talkeetna, Alaska; Nenana, Alaska (beginning at 45 nmi from Talkeetna increasing in graduated steps of one mile for every 5 nmi in length to 55 nmi from Talkeetna, thence 13 miles wide to 55 nmi from Nenana, thence decreasing in graduated steps of one mile for every 5 nmi in length to 45 nmi from Nenana);" is substituted therefor.
3/5/64 29 F. R. 253 (Changed);

V-440 From Biorka Island, Alaska, via Yakutat, Alaska; Middleton Island, Alaska; INT Middleton Island 320° and Anchorage, Alaska, 118° radials; Anchorage (14-mile-wide airway from 45 nmi from Middleton Island to 45 nmi from Anchorage), including an S alternate from Middleton Island to Anchorage via INT Middleton Island 298° and Anchorage 163° radials, excluding the airspace between the main and this alternate airway; INT Anchorage 309° and McGrath 122° radials; to McGrath, Alaska (14-mile-wide airway from 45 nmi from Anchorage to 45 nmi from McGrath), including the area within 16 miles each side of the centerline of the airway at and above 24,000 feet MSL. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 2/7/63 27 F.R. 12616 (Changed); 10/17/63 28 F. R. 8448 (Changed);
PENDING AMENDMENT
In V-440 "The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority." is added. 2/6/64 28 F. R. 13297 (Changed);

V-452 From Moses Point, Alaska, via Galena, Alaska (14-mile-wide airway from 45 nmi from Moses Point to 45 nmi from Galena); to Nenana, Alaska (14-mile-wide airway from 45 nmi from Galena to 45 nmi from Nenana).

AMENDMENTS 10/17/63 28 F. R. 8448 (Added); Alt. of Amend. (Eff. Imme.) 10/14/63 28 F. R. 11059 (Rewritten) 1/9/64 28 F. R. 11059 (Rewritten);

§71.125 Alaskan low altitude VOR Federal airways.

V-456 From King Salmon, Alaska, to Anchorage, Alaska, including the area within 16 miles either side of the centerline of the airway at and above 24,000 feet MSL. The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority.

V-463 From Anchorage, Alaska, to Skwentna, Alaska, RR. The airspace within R-2201 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 2/7/63 27 F.R. 12616 (Added);

V-480 From McGrath, Alaska, via Nenana, Alaska (14-mile wide airway from 45 nmi from McGrath to 45 nmi from Nenana), to Fairbanks, Alaska, ILS LMM.

AMENDMENTS 10/17/63 28 F. R. 8448 (Added); 1/9/64 28 F. R. 12341 (Rewritten);

V-495 From Biorka, Alaska, to Sisters Island, Alaska.

AMENDMENTS 5/2/63 28 F.R. 2308 (Added);

V-498 McGrath, Alaska, to Galena, Alaska (13-mile-wide airway from 45 nmi from McGrath to 45 nmi from Galena) including the area within 16 miles each side of the centerline of the airway at and above 24,000 feet MSL.

AMENDMENTS 10/17/63 28 F. R. 8448 (Added);

V-504 From Nenana, Alaska, to Bettles, Alaska (beginning at 45 nautical miles from Nenana increasing in width of one mile for every 5 nautical miles in length to 60 nautical miles from Nenana, thence a 14-mile-wide airway to 60 nautical miles from Bettles, thence decreasing in width of one mile for every 5 nautical miles in length to 45 nautical miles from Bettles).

AMENDMENTS 10/17/63 28 F. R. 9427 (Added);

V-506 From King Salmon, Alaska, to Bethel, Alaska.

V-508 From Middleton Island, Alaska, to Kenai, Alaska, including the area within 16 miles either side of the centerline of the airway at and above 24,000 feet MSL. The airspace within W-533 is excluded.

V-512 From Sisters Island, Alaska, to INT of Yakutat, Alaska, 139° and Sisters Island 272° radials. The airspace below 2,000 feet MSL outside the United States is excluded.

§ 71.127 Hawaiian low altitude VOR Federal airways.

V-1 HAWAII From INT of Honolulu, Hawaii, 179° and Molokai, Hawaii, 268° radials via INT of Molokai 268° and Honolulu 113° radials; Lanai, Hawaii; INT of Maui, Hawaii, 183° and Lanai 107° radials; INT of Maui 183° and Lanai 118° radials; Upolu Point, Hawaii; INT of Upolu Point 093° and Hilo, Hawaii, 034° radials; to Hilo. The airspace within R-3104 and W-320 is excluded.

AMENDMENTS 9/19/63 28 F. R. 7290 (Changed); 9/19/63 28 F. R. 7670 (Changed);

V-2 HAWAII From South Kauai, Hawaii, via Lihue, Hawaii; INT of Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; INT of Honolulu 113° and Lanai, Hawaii, 304° radials; Lanai, including an S alternate; INT of Lanai 107° and Upolu Point, Hawaii, 306° radials; Upolu Point; INT of Upolu Point 093° and Hilo, Hawaii, 334° radials; Hilo; to INT of Hilo 091° radial and Long. 154° 31' 00" W. The airspace within R-3104 and W-320 is excluded.

V-3 HAWAII From INT of Hilo, Hawaii, 173° radial and a point 36 miles S of Hilo via Hilo; to INT of Hilo 004° and Upolu Point, Hawaii, 093° radials.

V-4 HAWAII From INT of Lihue, Hawaii, 186° and Koko Head, Hawaii, 254° radials via Koko Head; to INT of Koko Head 065° and Upolu Point, Hawaii, 002° radials, including the airspace between straight lines starting from a point on each outer boundary of the airway at a distance of 50 miles SW, and NE of the Koko Head, diverging southwestward and northeastward at angles of 6° relative to the airway's centerline.

V-6 HAWAII From INT of Molokai, Hawaii 067° and Maui, Hawaii 331° radials via Maui; INT of Maui 080° and Hilo, Hawaii 334° radials; to Hilo.

V-7 HAWAII From Lanai, Hawaii, to Molokai, Hawaii.

V-8 HAWAII From INT of Honolulu, Hawaii, 179° and Molokai, Hawaii, 268° radials via Molokai; to INT of Molokai 067° and Upolu Point, Hawaii, 010° radials, including the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 miles NE from Molokai, and diverging northeastward at angles of 6° relative to the centerline of the airway.

V-9 HAWAII From INT of Lanai, Hawaii, 224° and Honolulu, Hawaii, 179° radials to Honolulu, including the airspace between straight lines starting from a point on each outer boundary of the airway, at a distance of 50 miles S from Honolulu, and diverging southward at angles of 6° relative to the centerline of the airway. The airspace above 21,000 feet MSL within W-321 (Area C) is excluded.

V-10 HAWAII From Hilo, Hawaii, to INT of Hilo 051° and Upolu Point; Hawaii, 081° radials, including the additional airspace between lines diverging at an angle of 5° either side of the Hilo VOR 051° radial, extending from the VOR. The airspace below 1,200 feet MSL from Hilo to the INT of the Hilo 051° and the Upolu Point 093° radials, and the airspace below 2,500 feet MSL from the INT of the Hilo 051° and the Upolu Point 093° radials to the INT of the Hilo 051° and the Upolu Point 081° radials, is excluded.

AMENDMENTS 10/17/63 28 F. R. 9428 (Added);

V-11 HAWAII From INT of Lanai, Hawaii, 149° and Upolu Point, Hawaii, 211° radials via Upolu Point; to INT of Upolu Point 349° and Maui, Hawaii, 080° radials.

V-12 HAWAII From INT of Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials via Honolulu; Koko Head, Hawaii; INT of Koko Head 050° and Maui, Hawaii, 012° radials, including the additional area between lines diverging at an angle of 5° from the centerline extending W from Honolulu and NE from Koko Head.

V-13 HAWAII From Lihue, Hawaii, via INT of Lihue 145° and Honolulu, Hawaii, 269° radials; INT of South Kauai, Hawaii, 133° and Koko Head, Hawaii, 254° radials, to Koko Head.

V-14 HAWAII From INT of South Kauai, Hawaii, 271° radial and Long. 161° 20' 00" W., via South Kauai; INT of South Kauai 133° and Koko Head, Hawaii, 254° radials; to Koko Head, including the additional area between lines diverging at an angle of 5° from the centerline extending W from South Kauai. The airspace within R-3101 and W-510 is excluded.

V-15 HAWAII From INT of South Kauai, Hawaii, 288° radial and Long. 161° 15' 00" W., via South Kauai; INT of South Kauai 108° and Lihue, Hawaii, 130° radials; INT of Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; Koko Head, Hawaii; Molokai, Hawaii; Maui, Hawaii; INT of Maui 095° and Hilo, Hawaii, 334° radials; to Hilo, including the additional area between lines diverging at a 5° angle from the centerline extending NW from South Kauai. The airspace within R-3101 and W-510 is excluded.

V-16 HAWAII From Honolulu, Hawaii, via INT of Honolulu 179° and Lanai; Hawaii, 289° radials; Lanai; Upolu Point, Hawaii; INT of Upolu Point 108° and Hilo, Hawaii, 034° radials; to Hilo. The airspace within R-3104 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/19/63 28 F. R. 7670 (Added);

V-17 HAWAII From INT of Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials to Maui. The airspace within R-3104 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/19/63 28 F. R. 7670 (Added);

SUBPART D - INTERMEDIATE ALTITUDE VOR FEDERAL AIRWAYS

§ 71.141 Designation.

The airspace areas described in this Subpart are designated as intermediate altitude VOR Federal airways and unless otherwise specified, the airspace areas outside of the continental control area and within eight miles of each side of the centerline of the airways listed below are designated as control areas. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.143 Intermediate altitude VOR Federal airways.

V-1500 Sherbrooke, Quebec; 10 miles wide Millinocket, Maine; Fredericton, New Brunswick, excluding the portion over Canada.

V-1501 Cape Charles, Va., 8 miles wide Snow Hill, Md.; 10 miles wide Sea Isle, N. J.; INT Sea Isle 049°, Hampton, N. Y., 223° radials; Hampton, including the additional airspace between lines diverging from Sea Isle to points of tangency to a 9 mile radius circle centered at INT Sea Isle 049°, Hampton 223° radials; within the circumference of the circle and between lines tangent to that circle converging to Hampton.

V-1502 Seattle, Wash., 14 miles wide INT Ephrata, Wash., 273°, Ellensburg, Wash., 358° radials; 10 miles wide Ephrata; Spokane, Wash.; Mullan Pass, Idaho; thence Great Falls, Mont.; Lewistown, Mont; Miles City, Mont. Dickinson, N. Dak.; Bismarck, N. Dak.; Jamestown, N. Dak.; Alexandria, Minn.; Minneapolis, Minn.; Eau Claire, Wis.; Green Bay, Wis.; 15 miles wide (8 miles N 7 miles S of the centerline) INT Green Bay 116°, White Cloud, Mich., 302° radials; thence White Cloud; Saginaw, Mich.; 10 miles wide Peck, Mich.; London, Ont.; Buffalo, N. Y.; thence Syracuse, N. Y.; 10 miles wide INT Syracuse 100°, Cambridge, N. Y., 272° radials; thence Cambridge; 10 miles wide Manchester, N. H.; INT Manchester 117°, Boston, Mass., 014° radials; Boston, excluding the portion over Canada.

AMENDMENTS Eff. Immed. (12/20/62) 27 F.R. 12815 (Changed);

V-1503 Jacksonville, Fla.; 10 miles wide
Charleston, S. C.; INT Charleston 049°, Florence, S. C., 167° radials; thence INT Charleston 049°, Wilmington, N. C., 234° radials; Wilmington; INT Wilmington 028°, Rocky Mount, N. C., 135° radials; 18 miles wide INT Norfolk, Va., 209°, Rocky Mount 110° radials; thence INT Norfolk 209°, Cofield, N. C., 101° radials; 13 miles wide (8 miles W 5 miles E of the centerline) Norfolk; 10 miles wide Cape Charles, Va.; Salisbury Md.; INT Salisbury 025°, Coyle, N. J., 215° radials; Coyle; INT Coyle 057°, Riverhead, N. Y., 218° radials; Riverhead; INT Riverhead 046°, Boston, Mass., 223° radials; Boston; Kennebunk, Maine; 12 miles wide INT Kennebunk 033°, Bangor, Maine, 232° radials; 10 miles wide Bangor; Millinocket, Maine; Presque Isle, Maine; INT Presque Isle 356° radial, U. S./Canadian Border. Portions of this airway below 17,000 feet MSL, above 23,000 feet MSL between Jacksonville, Fla., and Charleston, S. C., are excluded.

AMENDMENTS Eff. Immed. (12/20/62) 27 F.R. 12815 (Changed); 1/10/63 27 F.R. 11938 (Changed); 4/4/63 28 F.R. 1503 (Changed);

V-1504 Seattle, Wash., 14 miles wide INT Ephrata, Wash., 273°, Ellensburg, Wash., 358° radials; 10 miles wide Ephrata; thence INT Ephrata 096°, Mullan Pass, Idaho, 260° radials; Mullan Pass; Missoula, Mont.; Helena, Mont.; Billings, Mont.; Sheridan Wyo.; Dupree, S. Dak.; Watertown, S. Dak.; Redwood Falls, Minn.; Rochester, Minn.; Lone Rock, Wis.; 10 miles wide INT Lone Rock 106°, Milwaukee, Wis., 270° radials; Milwaukee, Wis.; Muskegon, Mich.; thence INT Muskegon 114°, Salem, Mich., 291° radials; Salem; 10 miles wide Windsor, Ont.; Erie, Pa.; thence Bradford, Pa.; INT Bradford 095°, Wilkes-Barre, Pa., 279° radials; INT Thornhurst, Pa., 310°, Wilkes-Barre 279° radials; 10 miles wide Wilkes-Barre; Poughkeepsie, N. Y.; Putnam, Conn.; Providence, R. I.; Nantucket, Mass., excluding the portion over Canada.

AMENDMENTS Eff. Immed. (12/20/62) 27 F.R. 12815 (Changed);

V-1505 Jacksonville, Fla.; 10 miles wide INT Jacksonville 009°, Savannah, Ga., 195° radials; 14 miles wide INT Savannah 195°, Alma, Ga., 083° radials; 10 miles wide
Savannah; Charleston, S. C.; INT Charleston 029°, Florence, S. C., 179° radials; thence Florence; INT Florence 002°, Raleigh-Durham, N. C., 225° radials; Raleigh-Durham; Lawrenceville, Va.; 10 miles wide
Richmond; 12 miles wide INT Richmond 039°, Nottingham, Md., 153° radials; thence Kenton, Del.; New Castle, Del.; West Chester, Pa.; Pottstown, Pa.; INT Pottstown 058°, Solberg, N. J., 242° radials; Solberg; INT Solberg 051°, Trinity, N. Y., 232° radials; Trinity; Hartford, Conn.; Putnam, Conn.; 10 miles wide INT Putnam 043°, Boston, Mass., 256° radials; Boston.

AMENDMENTS Eff. Immed. (12/20/62) 27 F.R. 12815 (Changed); 1/10/63 27 F.R. 11750 (Changed); 4/4/63 28 F.R. 1503 (Changed);

V-1506 Neah Bay, Wash., RBN 10 miles wide INT 112° bearing from Neah Bay RBN, Port Angeles, Wash., 282° radial; 8 miles wide Port Angeles; 14 miles wide INT Port Angeles 090°, Seattle, Wash., 322° radials; thence Seattle; Pendleton, Oreg.; McCall, Idaho; DuBois, Idaho; DuNoir, Wyo.; Boysen Reservoir, Wyo.; Casper, Wyo.; Chadron, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; 10 miles wide INT Sioux City 079°, Neola, Iowa, 354° radials; thence Fort Dodge, Iowa; Dubuque, Iowa, INT Dubuque 095°, Northbrook, Ill., 273° radials; INT Northbrook 273°, Janesville, Wis., 137° radials; 10 miles wide Northbrook; INT Northbrook 093°, Chicago Heights, Ill., 358° radials; thence INT Northbrook 093°, Keeler, Mich., 271° radials; Keeler; 10 miles wide INT Keeler 094°, Muskegon Mich., 155° radials; thence INT Keeler 094°, Carleton, Mich., 271° radials; Carleton; 10 miles wide Jefferson, Ohio; thence Keating, Pa.; INT Keating 099°, Tannersville, Pa., 275° radials; 10 miles wide Tannersville; INT Tannersville 055°, Sparta, N. J., 300° radials; Sparta, excluding the portion over Canada.

V-1507 Key West, Fla., 10 miles wide Miami, Fla.; thence Pahokee, Fla.; INT Orlando, Fla., 162°, Vero Beach, Fla., 296° radials; 10 miles wide Orlando; INT Orlando 354°, Daytona Beach, Fla., 289° radials, including the additional airspace between lines diverging from Orlando to points of tangency to a 5.2-mile radius circle centered at INT Orlando 354°, Daytona Beach 289° radials, and within the circle; 12 miles wide INT Jacksonville 174°, Daytona Beach 317° radials; 10 miles wide Jacksonville; INT Jacksonville 009°, Savannah, Ga., 195° radials; 14 miles wide INT Savannah 195°, Alma, Ga., 083° radials; 10 miles wide Savannah; INT Savannah 350°, Charleston, S. C., 243° radials; thence Allendale, S. C.; 10 miles wide INT Allendale 013°, Charleston 293° radials; thence Columbia, S. C.; 10 miles wide Fort Mill, S. C.; thence Greensboro, N. C.; INT Greensboro 357°, Elkins, W. Va., 179° radials; Elkins; Morgantown, W.Va., Pittsburgh, Pa.; 10 miles wide INT Pittsburgh 354°, Tidioute, Pa., 214° radials; thence Tidioute; Buffalo, N. Y. Excluding portions lying within Key West Warning Area (W-173).

AMENDMENTS 9/19/63 28 F. R. 8129 (Changed);

V-1508 Portland, Oreg.; The Dalles, Oreg.; Baker, Oreg.; Boise, Idaho; 12 miles wide Burley, Idaho; thence Malad City, Idaho; Rock Springs, Wyo.; Cherokee, Wyo.; Medicine Bow, Wyo.; INT Medicine Bow 106°, Sydney, Nebr., 293° radials, Sidney; North Platte, Nebr.; INT North Platte 073°, Wolbach, Nebr., 266° radials; Wolbach; 12 miles wide Neola, Iowa; Newton, Iowa; 10 miles wide Cedar Rapids, Iowa; Polo, Ill.; INT Polo 088°, Naperville, Ill., 290° radials; Naperville; thence South Bend, Ind.; INT South Bend 092°, Waterville, Ohio, 288° radials; Waterville; INT Waterville 095°, Carleton, Mich., 162° radials; 10 miles wide INT Waterville 095°, Attica, Ohio, 007° radials; thence Cleveland, Ohio; INT Cleveland 091°, Clarion, Pa., 282° radials; Clarion; 10 miles wide Philipsburg, Pa.; Selinsgrove, Pa.; INT Selinsgrove 103°, Allentown, Pa., 248° radials; 12 miles wide INT Selinsgrove 103°, Allentown 223° radials; 14 miles wide INT Selinsgrove 103°, Allentown 188° radials.

AMENDMENTS 3/7/63 28 F.R. 719 (Changed);

V-1509 Biscayne Bay, Fla.; West Palm Beach, Fla.; Vero Beach, Fla.; INT Daytona Beach, Fla., 161°, Orlando, Fla. 123° radials; 10 miles wide Daytona Beach; Savannah, Ga., including additional airspace between lines diverging from Daytona Beach to points of tangency to an 8.7 mile radius circle centered at latitude 30° 43'50" N., longitude 81°06'45" W., within the circumference of the circle and between lines tangent to the circle converging to Savannah; INT Savannah 350°, Charleston, S. C., 243° radials; thence Allendale, S. C.; 10 miles wide INT Allendale 013°, Charleston 293° radials; thence Columbia, S. C.; 10 miles wide Fort Mill, S. C.; thence Pulaski, Va.; Parkersburg, W. Va.; INT Parkersburg 358°, Cleveland, Ohio, 138° radials; Cleveland 10 miles wide Windsor, Ont.; INT Windsor 320°, Saginaw, Mich., 163° radials; thence Saginaw; Traverse City, Mich.; INT Traverse City 018°, Sault Ste. Marie, Mich., 214° radials; 10 miles wide Sault Ste. Marie, excluding the portion over Canada.

AMENDMENTS 4/4/63 28 F.R. 1503 (Changed); 9/19/63 28 F. R. 7424 (Changed); (Amend. Alt. 28 F. R. 8022):
PENDING AMENDMENT
In V-1609 "The portion of this airway within R-4205 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

V-1510 San Francisco, Calif.; 10 miles wide INT San Francisco 304°, Sacramento, Calif., 233° radials; thence INT Sacramento 233°, Linden, Calif., 269° radials; 8 miles wide Sacramento; 10 miles wide INT Sacramento 038°, Lake Tahoe, Calif., 261° radials; thence INT Sacramento 038°, Reno, Nev., 257° radials; 10 miles wide Reno; Lovelock, Nev.; Battle Mountain, Nev.; INT Battle Mountain 062°, Wells, Nev., 256° radials; Wells; Lucin, Utah; Ogden, Utah; thence Fort Bridger, Wyo.; Rock Springs, Wyo.; Laramie, Wyo.; Cheyenne, Wyo.; Sidney, Nebr.; North Platte, Nebr.; Grand Island, Nebr.; 12 miles wide INT Grand Island 084°, Pawnee City, Nebr., 335° radials; 10 miles wide Omaha, Nebr.; Des Moines, Iowa; thence Moline, Ill.; Joliet, Ill.; 12 miles wide Chicago Heights, Ill.; Goshen, Ind.; Waterville, Ohio; thence INT Waterville 095°, Carleton, Mich., 162° radials; 10 miles wide INT Waterville 095°, Attica, Ohio, 007° radials; thence Cleveland, Ohio; INT Cleveland 091°, Clarion, Pa., 282° radials; Clarion; 10 miles wide Philipsburg, Pa.; Selinsgrove, Pa.; Ravine, Pa.; 8 miles wide INT Ravine, 103°, Allentown, Pa., 246° radials; 10 miles wide Yardley, Pa.; INT Yardley 098°, Coyle, N.J., 032° radials; Idlewild, N. Y.; INT Idlewild 080°, Nantucket, Mass., 255° radials; Nantucket, including the additional airspace between lines diverging from Idlewild to points of tangency to a 9.5 mile radius circle centered at INT Idlewild 080°, Nantucket 255° radials; within the circumference of the circle and between lines tangent to that circle converging to Nantucket.

AMENDMENTS Eff. Immed. (12/20/62) 27 F.R. 12815 (Changed); 1/10/63 27 F.R. 11532 (Changed);

V-1511 Key West, Fla., 10 miles wide Fort Myers, Fla.; thence Lakeland, Fla.; 10 miles wide Ocala, Fla.; INT Ocala 343°, Taylor, Fla., 170° radials; Taylor; Alma, Ga.; thence INT Alma 012°, Augusta, Ga., 170° radials; 10 miles wide Augusta; thence Spartanburg, S. C.; Holston Mountain, Tenn.; Charleston, W. Va.; INT Charleston 357°, Tiverton, Ohio, 161° radials; Tiverton; Cleveland, Ohio; 10 miles wide INT Cleveland 307°, Salem, Mich., 140° radials; Salem; excluding portions lying within Key West Warning Area (W-173) and over Canada.

V-1512 San Francisco, Calif., 10 miles wide INT San Francisco 304°, Sacramento, Calif., 233° radials; thence INT Sacramento 233°, Linden, Calif., 269° radials; 10 miles wide Linden; INT Linden 046°, Reno, Nev., 208° radials; thence Reno; 10 miles wide Lovelock, Nev.; Battle Mountain, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; thence Myton, Utah; Kremmling, Colo.; INT Kremmling 081°, Akron, Colo., 272° radials; Akron; Hayes Center, Neb.; Grand Island, Nebr.; 12 miles wide INT Grand Island 084°, Pawnee City, Nebr., 335° radials; 10 miles wide Omaha, Nebr.; Des Moines, Iowa; thence INT Des Moines 080°, Cordova, Ill., 267° radials; Cordova; 10 miles wide Naperville, Ill.

V-1513 Biscayne Bay, Fla., 10 miles wide INT Biscayne Bay 021°, Vero Beach, Fla., 143° radials; Vero Beach; thence INT Daytona Beach, Fla., 161°, Orlando, Fla., 123° radials; 10 miles wide Daytona Beach; INT Daytona Beach 344°, Jacksonville, Fla., 159° radials; Jacksonville; thence INT Jacksonville 319°, Alma, Ga., 148° radials; Alma; INT Alma 335°, Norcross, Ga., 146° radials; Norcross; 10 miles wide INT Norcross 011°, Royston, Ga., 270° radials; thence INT Norcross 011°, Knoxville, Tenn., 181° radials; Knoxville; 10 miles wide INT Knoxville 329°, London, Ky., 185° radials; thence Lexington, Ky.; Cincinnati, Ohio; 10 miles wide Rosewood, Ohio; thence INT Rosewood 018°, Waterville, Ohio, 190° radials; Waterville; Carleton, Mich.; Salem, Mich.; INT Salem 349°, Saginaw, Mich., 157° radials; Saginaw.

AMENDMENTS 9/19/63 28 F. R. 8129 (Changed);

V-1514 Salt Lake City, Utah; Myton, Utah; Kremmling, Colo.; Denver, Colo.; Thurman, Colo.; INT Thurman 100°, Hill City, Kans., 277° radials; Hill City; Russell, Kans.; 10 miles wide Salina, Kans.; Topeka, Kans.; Kansas City, Mo.; thence Kirksville, Mo.; INT Kirksville 065°, Bradford, Ill., 247° radials; Bradford; Joliet, Ill.; 12 miles wide Chicago Heights, Ill.; Goshen, Ind.; Waterville, Ohio; thence INT Waterville 095°, Carleton, Mich., 162° radials; 10 miles wide INT Waterville 095°, Attica, Ohio, 007° radials; thence Cleveland, Ohio; INT Cleveland 091°, Clarion, Pa., 282° radials; Clarion; 10 miles wide Philipsburg, Pa.; Selinsgrove, Pa.; INT Selinsgrove 063°, Allentown, Pa., 281° radials; Allentown; Solberg, N. J.; INT Solberg 086°, Robbinsville, N. J., 040° radials.

V-1515 Key West, Fla., 10 miles wide INT Key West 078°, Miami, Fla., 205° radials; Miami; thence Pahokee, Fla.; INT Pahokee 009°, Vero Beach, Fla., 193° radials; Vero Beach; INT Daytona Beach, Fla., 161°, Orlando, Fla., 123° radials; 10 miles wide Daytona Beach; INT Daytona Beach 344°, Jacksonville, Fla., 159° radials; Jacksonville; thence INT Jacksonville 319°, Alma, Ga., 148° radials; Alma; 10 miles wide Macon, Ga., McDonough, Ga.; Norcross, Ga.; INT Norcross 011°, Royston, Ga., 270° radials; thence INT Norcross 011°, Knoxville, Tenn., 181° radials; Knoxville; 10 miles wide INT Knoxville 329°, London, Ky., 185° radials; thence Louisville, Ky.; INT Louisville, Ky., 333°, Indianapolis, Ind., 170° radials; INT Indianapolis 170°, Lewis, Ind., 104° radials; 10 miles wide INT Indianapolis 170°, Lewis 082° radials; thence Indianapolis; INT Indianapolis 312°, Roberts, Ill., 113° radials; Chicago Heights, Ill.; INT Chicago Heights 358°, Milwaukee, Wis., Wis., 137° radials; 10 miles wide Milwaukee.

AMENDMENTS 9/19/63 28 F. R. 8129 (Changed);

V-1516 Oakland, Calif.; 10 miles wide INT Oakland, Calif., 077°, Stockton, Calif., 268° radials; Stockton; INT Stockton 085°, Linden, Calif., 143° radials; thence Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Hanksville, Utah; La Sal, Utah; Gunnison, Colo.; INT Pueblo, Colo., 275°, Colorado Springs, Colo., 209° radials; 10 miles wide Pueblo; INT Pueblo 094°, Colorado Springs 145° radials; thence Lamar, Colo.; Russell, Kans.; 10 miles wide Salina, Kans.; Topeka, Kans.; Kansas City, Mo.; 12 miles wide INT Kansas City 093°, Hallsville, Mo., 277° radials; Hallsville; thence Vandalia, Ill.; 14 miles wide INT Vandalia 073°, Indianapolis, Ind., 250° radials; INT Indianapolis 250°, Lewis, Ind., 351° radials; 10 miles wide Indianapolis; thence INT Indianapolis 069°, Rosewood, Ohio, 261° radials; Rosewood; Tiverton, Ohio; Briggs, Ohio; Tyrone, Pa.; 10 miles wide INT Tyrone 095°, Ravine, Pa., 279° radials; INT Ravine 279°, Harrisburg, Pa., 017° radials; 8 miles wide Ravine; INT Ravine 103°, Allentown, Pa., 246° radials; 10 miles wide Yardley, Pa.; INT Yardley 098°, Coyle, N. J., 032° radials. The portion of this airway within R-6408 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 1/10/63 27 F.R. 11532 (Changed); 8/1/63 28 F.R. 8495 (Changed);

V-1517 Miami, Fla.; La Belle, Fla.; 10 miles wide Lakeland, Fla.; Ocala, Fla.; INT Ocala 343°, Taylor, Fla., 170° radials; Taylor; Alma, Ga.; Macon, Ga.; McDonough, Ga.; INT McDonough 345°, Royston, Ga., 273° radials; thence Crossville, Tenn.; Bowling Green, Ky.; Lewis, Ind.; 10 miles wide INT Lewis 349°, Indianapolis, Ind., 288° radials; thence INT Peotone, Ill., 168°, Bradford, Ill., 098° radials; 10 miles wide Peotone.

V-1518 Minneapolis, Minn.; Nodine, Minn.; Lone Rock, Wis.; INT Lone Rock 147°, Janesville, Wis., 294° radials; 10 miles wide Janesville; thence Naperville, Ill.; Chicago Heights, Ill.; 12 miles wide Goshen, Ind.; thence INT Goshen 108°, Fort Wayne, Ind., 068° radials; Attica, Ohio; INT Attica 106°, Pittsburgh, Pa., 294° radials; Pittsburgh; Martinsburg, W. Va.; 10 miles wide INT Herndon, Va., 048°, Washington, D. C. 324° radials; Washington.

AMENDMENTS 5/30/63 28 F.R 3779 (Changed); 9/19/63 28 F. R. 7424 (Changed); (Amend. Alt. 28 F. R. 8022);

V-1519 Miami, Fla.; Fort Myers, Fla.; INT Fort Myers 331°, Lakeland, Fla., 202° radials; 10 miles wide St. Petersburg, Fla.; Cross City, Fla.; INT Cross City, 325°, Albany, Ga., 160° radials; Albany; including the additional airspace between lines diverging from Cross City to points of tangency to a 7-mile radius circle centered at INT Cross City 325°, Albany 160° radials, within the circle and between lines tangent to the circle converging at Albany; thence INT Albany 350°, Atlanta, Ga., 179° radials; Atlanta; 10 miles wide INT Atlanta 007°, McDonough, Ga., 333° radials.

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed);

V-1520 Minneapolis, Minn.; INT Minneapolis 166°, Rochester, Minn., 334° radials; Rochester; Rewey, Wis.; INT Rewey 123°, Joliet, Ill., 316° radials; Joliet; Peotone, Ill.; 12 miles wide INT Peotone 096°, Fort Wayne, Ind., 281° radials; Fort Wayne; thence Appleton, Ohio; INT Appleton 111°, Morgantown, W. Va., 284° radials; Morgantown; INT Morgantown 109°, Martinsburg, W. Va., 253° radials; 10 miles wide Front Royal, Va.; Herndon, Va.

AMENDMENTS 5/30/63 28 F. R. 3779 (Changed); 10/17/63 28 F. R. 9428 (Changed);

V-1521 Miami, Fla., La Belle, Fla.; INT St. Petersburg, Fla., 133°, Lakeland, Fla., 227° radials; 10 miles wide St. Petersburg; Tallahassee, Fla.; thence Tuskegee, Ala.; Birmingham, Ala.; Muscle Shoals, Ala.; Paducah, Ky.; Farmington, Mo.

V-1522 Los Angeles, Calif., 10 miles wide Ontario, Calif.; Hector, Calif.; 12 miles wide Boulder, Nev.; 10 miles wide Mormon Mesa, Nev.;
thence Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Kremmling, Colo.; Denver, Colo.; Thurman, Colo.; INT Thurman 100° Hill City, Kans., 277° radials; Hill City; Mankato, Kans.; 10 miles wide Pawnee City, Nebr.; Lamoni, Iowa; thence Moline, Ill.; Joliet, Ill.; 12 miles wide Chicago Heights, Ill.; Goshen, Ind.; Waterville, Ohio; thence INT Waterville 095°, Carleton, Mich., 162° radials; 10 miles wide INT Waterville 095°, Attica, Ohio, 007° radials; thence Cleveland, Ohio; INT Cleveland 091° Clarion, Pa., 282° radials; Clarion; 10 miles wide Philipsburg, Pa.; Selinsgrove, Pa.; Ravine, Pa.; 8 miles wide INT Ravine 103°, Allentown, Pa., 246° radials; 10 miles wide Yardley, Pa.; INT Yardley 056°, Solberg, N. J., 135° radials.

AMENDMENTS Eff. Immed. 12/20/62 27 F.R. 12815 (Changed); 1/10/63 27 F.R. 11532 (Changed); 2/7/63 28 F.R. 178 (Changed); 3/7/63 28 F.R. 722 (Changed); 12/12/63 28 F. R. 11502 (Changed);

V-1523 New Orleans, La.; McComb, Miss.; Jackson, Miss.; Greenwood, Miss.; Memphis, Tenn.; thence 10 miles wide INT Memphis 351°, Dyersburg, Tenn., 235° radials; Dyersburg; thence Paducah, Ky.; INT Paducah 039°, Evansville, Ind., 227° radials; INT Evansville 227°, Samsville, Ill., 178° radials; Evansville; INT Evansville 033°, Indianapolis, Ind., 206° radials; Indianapolis; Fort Wayne, Ind.; Salem, Mich.

AMENDMENTS 6/27/63 28 F. R. 4227 (Changed);

V-1524 Long Beach, Calif.; 10 miles wide Ontario, Calif.; Hector, Calif.; Goffs, Calif.; thence Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Lamar, Colo.; Garden City, Kans.; INT Garden City 086°, Anthony, Kans., 340° radials; 10 miles wide Hutchinson, Kans.; Emporia, Kans.; INT Emporia 050°, Blue Springs, Mo., 268° radials; 8 miles wide Blue Springs; 12 miles wide INT Blue Springs 095°, Readsville, Mo., 280° radials; thence Readsville; Troy, Ill.; INT Troy 080°, Lewis, Ind., 250° radials; Lewis; INT Lewis 071°, Cincinnati, Ohio, 350° radials; 10 miles wide Dayton, Ohio; INT Dayton 084°, Rosewood, Ohio, 123° radials; thence Appleton, Ohio; INT Appleton 085°, Parkersburg, W. Va., 023° radials; 10 miles wide Pittsburgh, Pa.; 8 miles wide Johnstown, Pa.; thence Harrisburg, Pa.; 10 miles wide INT Harrisburg 073°, Allentown, Pa., 245° radials; Allentown; Solberg, N. J.; INT Solberg 086°, Robbinsville, N. J., 040° radials.

AMENDMENTS 9/19/63 28 F. R. 7394 (Changed);

V-1525 New Orleans, La.; McComb, Miss.; Jackson, Miss.; Greenwood, Miss.; Memphis, Tenn.; 10 miles wide Walnut Ridge, Ark.; thence Farmington, Mo.; INT Farmington 351°, Troy, Ill., 234° radials; 10 miles wide Troy; thence Roberts, Ill.; INT Roberts 008°, Bradford, Ill., 098° radials; 10 miles wide INT Roberts 008°, Joliet, Ill., 093° radials.

AMENDMENTS 2/7/63 27 F.R 11989 (Changed); 7/25/63 28 F. R 5081 (Changed);

V-1526 Troy, Ill.; Samsville, Ill.; Nabb, Ind.; York, Ky.; Elkins, W. Va.; 10 miles wide Linden, Va.; INT Linden 128°, Herndon, Va., 220° radials.

AMENDMENTS 5/30/63 28 F.R. 3779 (Changed);

V-1527 Houston, Tex.; Lufkin, Tex.; Gregg County, Tex.; Texarkana, Ark.; Pine Bluff, Ark.; INT Pine Bluff 037°, Walnut Ridge, Ark., 188° radials; Walnut Ridge; Farmington, Mo.; INT St. Louis, Mo., 171°, Troy, Ill., 233° radials; 10 miles wide St. Louis; thence Capital, Ill.; INT Capital 036°, Joliet, Ill., 204° radials; Joliet; 10 miles wide Naperville, Ill.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

V-1528 Quebec, Province of Quebec; Canada, R.R.; Houlton, Maine, excluding the portion over Canada.

AMENDMENTS 10/17/63 28 F. R. 9430 (Added);

V-1529 Dallas, Tex.; INT Dallas 299°, Wichita Falls, Tex., 122° radials; Wichita Falls; Childress, Tex., 10 miles wide Amarillo, Tex.; Dalhart, Tex., thence Tobe, Colo.; INT Pueblo, Colo., 147°, Hugo, Colo., 225° radials; 10 miles wide Pueblo;
INT Pueblo 018°, Kiowa, Colo., 169° radials; Kiowa; Denver, Colo.; thence Laramie, Wyo.; Medicine Bow, Wyo.; Casper, Wyo.; Crazy Woman, Wyo.; Sheridan, Wyo.; Billings, Mont.; INT Billings 317°, Great Falls, Mont., 122° radials; Great Falls.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 6/27/63 28 F. R. 4507 (Changed);

V-1530 Ponca City, Okla.; Oswego, Kans.; Springfield, Mo.; Farmington, Mo.; Evansville, Ind.; INT Evansville 080°, Louisville, Ky., 289° radials; INT Louisville 269°, Nabb, Ind., 214° radials; 10 miles wide Louisville; thence Lexington, Ky.; Charleston, W. Va.; Elkins, W. Va.; INT Elkins 074°, Front Royal, Va., 271° radials; Front Royal.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed ; 5/2/63 28 F.R. 2230 (Changed); 9/19/63 28 F. R. 7394 (Rewritten);

V-1531 Houston, Tex., INT Houston 314°, Leona, Tex., 173° radials; Leona; INT Leona 338°, Dallas, Tex., 170° radials; Dallas; Ardmore, Okla.; INT Ardmore 342°, Oklahoma City, Okla., 154° radials; Oklahoma City; 12 miles wide INT Oklahoma City 282°, Gage, Okla., 133° radials; Gage; thence Liberal, Kans.; Lamar, Colo.; Hugo, Colo.; Kiowa, Colo.; 10 miles wide Denver, Colo.; INT Denver 292°, Kremmling, Colo., 081° radials.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed); 2/7/63 27 F.R. 12347 (Changed);

V-1532 Los Angeles, Calif.; 10 miles wide Ontario, Calif.; INT Ontario 091°, Thermal, Calif., 305° radials; 14 miles wide INT Ontario 091°, Twentynine Palms, Calif., 244° radials; 10 miles wide Twentynine Palms; INT Twenty-
nine Palms 058°, Hector, Calif., 131° radials; thence Needles, Calif.; Prescott, Ariz.; Winslow, Ariz.; Zuni, N. Mex.; INT Zuni 087°, Albuquerque, N. Mex., 269° radials; Albuquerque; Anton Chico, N. Mex.; Tucumcari, N. Mex.; 10 miles wide Amarillo, Tex.; Sayre, Okla.; thence Oklahoma City, Okla.; Tulsa, Okla.; Fayetteville, Ark.; INT Fayetteville 052°, Maples, Mo., 237° radials; Maples; INT Troy, Ill., 234°, Farmington, Mo., 351° radials; 10 miles wide Troy; thence INT Troy 080°, Lewis, Ind., 250° radials; Lewis; INT Lewis 071°, Cincinnati, Ohio, 350°
radials; 10 miles wide Dayton, Ohio; INT Dayton 084°, Rosewood, Ohio, 123° radials; thence Appleton, Ohio; INT Appleton 085°, Parkersburg, W. Va., 023° radials; 10 miles wide Pittsburgh, Pa.; 8 miles wide Johnstown, Pa.; thence Harrisburg, Pa.; West Chester, Pa.; INT WEST Chester 095°, Woodstown, N. J., 043° radials; 10 miles wide INT Woodstown 043°, Robbinsville, N. J., 239° radials; Robbinsville.

AMENDMENTS 2/7/63 27 F.R. 11989 (Changed); 7/25/63 28 F. R. 5081 (Changed);
AMENDMENTS 8/22/63 28 F. R. 6873 (Changed);

V-1533 San Antonio, Tex.; INT San Antonio 002°, Lometa, Tex., 173° radials; Lometa; Mineral Wells, Tex.; 10 miles wide INT Mineral Wells 355°, Bridgeport, Tex., 224° radials; Bridgeport; thence Ardmore, Okla.; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; 10 miles wide Butler, Mo.; Blue Springs, Mo.; INT Blue Springs 016°, Kansas City, Mo., 060° radials; thence Kirksville, Mo.; INT Kirksville 050°, Moline, Ill., 233° radials; Moline; Janesville, Wis.; 10 miles wide Milwaukee, Wis.

V-1534 Nashville, Tenn.; Bowling Green, Ky.; INT Bowling Green 063°, Louisville, Ky., 168° radials; Lexington, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; 12 miles wide INT Martinsburg 058°, Harrisburg, Pa., 165° radials; thence INT Martinsburg 058°, Pottstown, Pa., 260° radials; Pottstown; INT Pottstown 058°, Solberg, N. J., 242° radials; Solberg; INT Solberg 051°, Trinity, N. Y., 232° radials; Trinity; Hartford, Conn.; Putnam, Conn.; 10 miles wide INT Putnam 043°, Boston, Mass., 256° radials; Boston.

V-1535 Blue Springs, Mo.; 10 miles wide INT Blue Springs 016°, Kansas City, Mo., 060° radials; thence INT Blue Springs 016°, Lamoni, Iowa, 174° radials; Lamoni; 10 miles wide Des Moines, Iowa; thence Mason City, Iowa; INT Mason City 004°, Minneapolis, Minn., 165° radials; Minneapolis; Duluth, Minn.; Duluth 336° radial United States/Canadian Border.

V-1536 Long Beach, Calif.; 10 miles wide Thermal, Calif.; Blythe, Calif., thence INT Blythe 096°, Phoenix, Ariz., 272° radials; INT Phoenix 272°, Gila Bend, Ariz., 346° radials; 10 miles wide Phoenix; INT Phoenix 066°, Casa Grande, Ariz., 031° radials; 14 miles wide INT Phoenix 066°, Casa Grande 042° radials; thence St. Johns, Ariz.; INT Socorro, N. Mex., 273°, Albuquerque, N. Mex., 229° radials; 10 miles wide Socorro; Corona, N. Mex.; thence INT Corona 077°, Texico, N. Mex., 276° radials; 10 miles wide Texico; thence Childress, Tex.; Wichita Falls, Tex.; Bridgeport, Tex., Dallas, Tex., Gregg County, Tex.; INT Gregg County 123°, Alexandria, La., 300° radials; INT Alexandria 300°, Monroe, La., 207° radials; 10 miles wide Alexandria; INT Alexandria 126°, Monroe 183° radials; thence Baton Rouge, La.; New Orleans, La.; INT New Orleans 070°, McComb, Miss., 154° radials; 10 miles wide INT New Orleans 070°, McComb 140° radials; thence INT New Orleans 070°, Mobile, Ala., 243° radials; Mobile; 10 miles wide INT Mobile 106°, Crestview, Fla., 246° radials; Crestview; Marianna, Fla.; Tallahassee, Fla.; Taylor, Fla.; Jacksonville, Fla.; INT Jacksonville 144°, Daytona Beach, Fla., 360° radials; Daytona Beach. The portion of this airway within R-5112 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/10/63 27 F. R. 11939 (Changed); 1/10/63 27 F. R. 12167 (Changed); 8/1/63 28 F.R. 6495 (Changed); 9/19/63 28 F. R. 8129 (Changed);

V-1537 Laredo, Tex.; 10 miles wide Cotulla, Tex.; INT Cotulla 041°, San Antonio, Tex., 183° radials; San Antonio; Austin, Tex.; thence INT Austin 016°, Lometa, Tex., 106° radials; 10 miles wide Waco, Tex.; thence Dallas, Tex.; INT Dallas 324°, Ardmore, Okla., 176° radials; Ardmore; McAlester, Okla.; Fayetteville, Ark.; Springfield, Mo.; Hallsville, Mo.; Peoria, Ill.; Joliet, Ill.

V-1538 Tulsa, Okla.; Fayetteville, Ark.; Walnut Ridge, Ark.; 10 miles wide Dyersburg, Tenn., thence Nashville, Tenn.; 10 miles wide INT Nashville 102°, Bowling Green, Ky., 163° radials; thence Crossville, Tenn.; 10 miles wide Knoxville, Tenn.; thence Whitesburg, Ky.; Charleston, W. Va.; Morgantown, W. Va.; Johnstown, Pa.; INT Johnstown 067°, Selinsgrove, Pa., 260° radials; Selinsgrove.

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed); Alteration of Amendment 29 F. R. 254

V-1539 Abilene, Tex.; Wichita Falls, Tex.; INT Wichita Falls 028°, Ardmore, Okla., 291° radials; 10 miles wide INT Wichita Falls 028°, Oklahoma City, Okla., 202° radials; Oklahoma City; Ponca City, Okla.; INT Ponca City 328°, Wichita, Kans., 190° radials; Wichita.

V-1540 San Diego, Calif.; 12 miles wide INT San Diego 090°, Julian, Calif., 130° radials; 10 miles wide El Centro, Calif.; Yuma, Ariz.; INT Yuma 087°, Gila Bend, Ariz., 261° radials; Gila Bend; Casa Grande, Ariz.; 13 miles wide (5 miles N, 8 miles S centerline) INT Casa Grande 105°, Tucson, Ariz., 344° radials; thence San Simon, Ariz.; Deming, N. Mex.; 10 miles wide INT Deming 106°, Truth or Consequences, N. Mex., 159° radials; Newman, Tex.; 9 miles wide (4 miles N; 5 miles S of centerline) INT Newman 091°, El Paso, Texas, 066° radials; 10 miles wide INT Newman 091°, Slat Flat, Tex., 312° radials; 12 miles wide INT Newman 091°, Slat Flat 005° radials; thence Wink, Tex.; INT Wink 068°, Big Spring, Tex., 256° radials; Big Spring; 10 miles wide Abilene, Tex.; Mineral Wells, Tex.; INT Mineral Wells 078°, Dallas, Tex., 252° radials; Dallas; thence INT Dallas 079°, Texarkana, Ark., 256° radials; Texarkana; Pine Bluff, Ark.; INT Pine Bluff 067°, Memphis, Tenn., 241° radials; Memphis; INT Memphis 066°, Nashville, Tenn., 252° radials; INT Nashville 252°, Muscle Shoals, Ala., 002° radials; 10 miles wide Nashville; thence London, Ky.; Whitesburg, Ky.; Bluefield, W. Va.; 10 miles wide Montebello, Va.; thence INT Montebello 053°, Herndon, Va., 220° radials; Herndon; 10 miles wide INT Herndon 038°, West Chester, Pa., 253° radials; 12 miles wide West Chester; 10 miles wide Solberg, N. J.

AMENDMENTS 1/10/63 27 F.R. 12167 (Changed); 12/12/63 28 F. R. 11502 (Changed); Alteration of Amendment 29 F. R. 254

V-1541 Midland, Tex.; 10 miles wide Lubbock, Tex.; Amarillo, Tex.; Gage, Okla.; Anthony, Kans.; Wichita, Kans.; Emporia, Kans.; Kansas City, Mo.; thence INT Kansas City 340°, Lamoni, Iowa, 277° radials; 10 miles wide Neola, Iowa; thence INT Neola 322°, Sioux City, Iowa, 160° radials; 10 miles wide Sioux City; thence Sioux Falls, S. Dak.; Watertown, S. Dak.; Janestown, N. Dak.; Minot, N. Dak.; U. S./Canadian Border via Minot 335° radial. The portions of this airway lying within (R-5403) are excluded. The airspace within (R-5403) shall be used only after obtaining prior approval from appropriate authority.

PENDING AMENDMENT

In V-1541 "The airspace within (R-5403) shall be used only after obtaining prior approval from appropriate authority." is deleted.

3/5/64 29 F. R. 3 (Changed);

V-1542 San Diego, Calif., 12 miles wide INT San Diego 090°, Julian, Calif., 130° radials; 10 miles wide El Centro, Calif.; Yuma, Ariz.; INT Yuma 087°, Gila Bend, Ariz., 261° radials; Gila Bend; Tucson, Ariz.; Cochise, Ariz.; thence INT Deming, N. Mex., 235°, Columbus, N. Mex., 277° radials; 8 miles wide Columbus; El Paso, Tex.; Salt Flat, Tex.; Culberson, Tex.; thence Fort Stockton, Tex.; Junction, Tex.; 10 miles wide San Antonio, Tex.; thence Houston, Tex.; INT Houston 075°, Lake Charles, La., 256° radials; Lake Charles; INT Lake Charles 089°, New Orleans, La., 275° radials; New Orleans; INT New Orleans 070°, McComb, Miss., 154° radials; 10 miles wide INT New Orleans 070°, McComb 140° radials; thence INT New Orleans 070°, Mobile, Ala., 243° radials; Mobile; Evergreen, Ala.; 13 miles wide (5 miles NW, 8 miles SE of centerline) Montgomery, Ala.; 10 miles wide Tuskegee, Ala.; INT Tuskegee 078°, Macon, Ga., 271° radials; Macon; thence INT Macon 056°, Royston, Ga., 164° radials; 10 miles wide Augusta, Ga.; thence Columbia, S. C.; 10 miles wide INT Columbia 079°, Florence, S. C., 242° radials; Florence.

AMENDMENTS 1/10/63 27 F.R. 11940 (Changed); 12/12/63 28 F. R. 11502 (Changed);

PENDING AMENDMENT

In V-1542 "Culberson, Tex.;" is deleted and "to INT Salt Flat 113°, Carlsbad, N. Mex., 204° radials;" is substituted therefor.

2/6/64 28 F. R. 11533 (Changed);

V-1543 Newman, Tex., 10 miles wide INT Newman 287°, Truth or Consequences, N. Mex., 159° radials; Truth or Consequences, Socorro, N. Mex.; thence Albuquerque, N. Mex.; Santa Fe, N. Mex.; Taos, N. Mex.; Alamosa, Colo.; Pueblo, Colo; Colorado Springs, Colo.; 10 miles wide Denver, Colo.; thence Akron, Colo.; North Platte, Nebr.; O'Neill, Nebr.; Sioux Falls, S. Dak.; Redwood Falls, Minn.; Minneapolis, Minn. The portion of this airway within R-5111 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 6/27/63 28 F. R. 4435 (Changed);
AMENDMENTS 8/1/63 28 F. R. 6495 (Rewritten).

V-1544 Dallas, Tex.; INT Dallas 079°, Texarkana, Ark., 256° radials; Texarkana; INT Greenwood, Miss., 272°, Pine Bluff, Ark., 148° radials; 10 miles wide Greenwood; thence INT Columbus, Miss., 270°, Meridian, Miss., 346° radials; 10 miles wide Columbus; Birmingham, Ala.; thence INT Birmingham 100°, Atlanta, Ga., 267° radials; Atlanta; 10 miles wide Royston, Ga.; thence Spartanburg, S. C.; Greensboro, N. C.; INT Greensboro 051°, Gordonsville, Va., 207° radials; Gordonsville.

V-1545 Tucson, Ariz.; 12 miles wide INT Tucson 316°, Phoenix, Ariz., 161° radials; 10 miles wide Phoenix; Prescott, Ariz.; thence Needles, Calif.; Goffs, Calif.; Beatty, Nev.; Coaldale, Nev.; Reno, Nev.

AMENDMENTS 1/10/63 27 F.R. 12167 (Changed);

V-1546 Dallas, Tex.; INT Dallas 097°, Shreveport, La., 275° radials; Shreveport; Monroe, La.; Jackson, Miss.; INT Meridian, Miss., 277°, Greenwood, Miss., 139° radials; 10 miles wide Meridian; INT Meridian 089°, Tuscaloosa, Ala., 213° radials; thence INT Meridian 089°, Montgomery, Ala., 282° radials; 10 miles wide Montgomery; Tuskegee, Ala.; McDonough, Ga.; INT McDonough 066°, Norcross, Ga., 137° radials; thence Greenwood, S. C.; INT Greenwood 060°, Fort Mill, S. C., 227° radials; Fort Mill; INT Fort Mill 069°, Raleigh-Durham, N. C., 240° radials; Raleigh-Durham; Rocky Mount, N. C.; Cofield, N. C.; 10 miles wide INT Cofield 101°, Cape Charles, Va., 188° radials.

V-1547 Los Angeles, Calif.; 12 miles wide INT Los Angeles 061°, Daggett, Calif., 234° radials; thence INT Ontario, Calif., 342°, Daggett 234° radials; 14 miles wide INT Ontario 004°, Daggett 234° radials; 12 miles wide Daggett; 10 miles wide Las Vegas, Nev.; INT Las Vegas 045°, Mormon Mesa, Nev., 227° radials; Mormon Mesa; thence Milford, Utah; Myton, Utah; Rock Springs, Wyo.; Casper, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed); 11/14/63 28 F. R. 10418 (Changed); 12/12/63 28 F. R. 11502 (Changed);

V-1548 Laredo, Tex.; 10 miles wide Alice, Tex.; Corpus Christi, Tex.; Palacios, Tex.; Houston, Tex.; thence INT Houston 075°, Lake Charles, La., 256° radials; Lake Charles; McComb, Miss.; INT Meridian, Miss., 229°, Jackson, Miss., 135° radials; 10 miles wide Meridian; 8 miles wide INT Meridian 040°, Tuscaloosa, Ala., 239° radials; thence Tuscaloosa; 10 miles wide Birmingham, Ala.; thence Chattanooga, Tenn.; INT Chattanooga 037°, Knoxville, Tenn., 247° radials; 10 miles wide Knoxville; thence Holston Mountain, Tenn.; Pulaski, Va.; 14 miles wide Gordonsville, Va.; 10 miles wide Nottingham, Md.; 8 miles wide Kenton, Del.; 10 miles wide Coyle, N. J.; INT Coyle 057°, Riverhead, N. Y., 218° radials; Riverhead; INT Riverhead 046°, Boston, Mass., 223° radials; Boston

AMENDMENTS 1/10/63 28 F.R. 11940 (Changed); 5/30/63 28 F.R. 3779 (Changed);

V-1549 Los Angeles, Calif., 12 miles wide INT Los Angeles 061°, Daggett, Calif., 234° radials; thence INT Ontario, Calif., 342, Daggett 234° radials; 14 miles wide INT Ontario 004°, Daggett 234° radials; 12 miles wide Daggett; INT
Daggett 072°, Goffs, Calif., 268° radials; Goffs; 12-miles wide INT Goffs 033°, Mormon Mesa, Nev., 196° radials; Mormon Mesa; thence Milford, Utah; Delta, Utah; Provo, Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Dubois, Idaho; Dillon, Mont.;
Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Dubois, Idaho; Dillon, Mont.; Helena, Mont.; Great Falls, Mont.; Cut Bank, Mont.; U. S./Canadian Border via Cut Bank 348° radial.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed); 3/7/63 28 F.R. 722 (Changed);

V-1550 Albuquerque, N. Mex.; INT Albuquerque 120°, Corona, N. Mex., 311° radials; Corona; 8 miles wide Roswell, N. Mex.; 10 miles wide Hobbs, N. Mex.; Midland, Tex.; San Angelo, Tex.; thence Lometa, Tex.; 10 miles wide INT Lometa 106°, Leona, Tex., 264° radials; thence Leona; Lufkin, Tex.; INT Lufkin 086°, Lake Charles, La., 348° radials; 10 miles wide Alexandria, La.; thence McComb, Miss.; INT Mobile, Ala., 015°, Evergreen, Ala., 267° radials; 12 miles wide (4 miles N, 8 miles S of centerline) Evergreen. The airspace within (R-6309) shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/10/63 27 F.R. 11940 (Changed);

V-1551 Oakland, Calif.; 10 miles wide INT Oakland 110°, Stockton, Calif., 246° radials; Stockton; Linden, Calif.; INT Linden 046°, Reno, Nev., 208° radials; Reno; 10 miles wide Lovelock, Nev.; Battle Mountain, Nev.; INT Battle Mountain 062°, Wells, Nev., 256° radials; Wells; thence Pocatello, Idaho; Du Noir, Wyo.; Billings, Mont.; Miles City, Mont.; Dickinson, N. Dak.; Minot, N. Dak.; 10 miles wide Minot 025° radial, U. S./Canadian Border.

AMENDMENTS 6/27/63 28 F. R. 4507 (Changed);

V-1553 Oakland, Calif.; 8 miles wide INT Oakland 039°, Sacramento, Calif., 212° radials; Sacramento; 10 miles wide Lake Tahoe, Calif.; Reno, Nev.; Lovelock, Nev.; Sod House, Nev.; Rome, Oreg.; Boise, Idaho; thence McCall, Idaho; Missoula, Mont.; Cut Bank, Mont.; 10 miles wide Cut Bank 059° radial U. S./Canadian Border.

V-1555 San Francisco, Calif.; 10 miles wide INT San Francisco 304°, Ukiah, Calif., 172° radials; Ukiah; thence Red Bluff, Calif.; INT Red Bluff 015°, Klamath Falls, Oreg., 181° radials; Klamath Falls; 10 miles wide INT Klamath Falls 008°, Lakeview, Oreg., 273° radials; thence Redmond, Oreg.; Pendleton, Oreg.; Mullan Pass, Idaho; Mullan Pass 026° radial U. S./Canadian Border.

V-1557 San Diego, Calif.; 10 miles wide Los Angeles, Calif.; Gorman, Calif.; thence Bakersfield, Calif.; 10 miles wide Fresno, Calif.; Linden, Calif.; Sacramento, Calif.; INT Sacramento 346°, Red Bluff, Calif., 158° radials; Red Bluff; thence INT Red Bluff 342°, Medford, Oreg., 176° radials; Medford; Eugene, Oreg.; 10 miles wide Portland, Oreg.; INT Portland 353°, Seattle, Wash., 197° radials; 12 miles wide INT Seattle 197°, Hoquiam, Wash., 095° radials; 10 miles wide Seattle; thence INT of Seattle 002°, Bellingham, Wash., 169° radials; Bellingham; 10 miles wide Bellingham 289° radial U. S./Canadian Border.

AMENDMENTS 5/2/63 28 F.R. 1718 (Changed);

V-1559 INT Long Beach, Calif., 287°, Fillmore, Calif., 163° radials; 10 miles wide Fillmore; Avenal, Calif.; Los Banos, Calif.; INT Los Banos 344°, Salinas, Calif., 042° radials; 8 miles wide INT Los Banos 344°, Salinas 032° radials; 10 miles wide Stockton, Calif.; INT Stockton 268°, Oakland, Calif., 077° radials; Oakland; Point Reyes, Calif.; INT Point Reyes 352°, Ukiah, Calif., 147° radials; Ukiah; thence Fortuna, Calif.; 10 miles wide Cresent City, Calif.; thence North Bend, Oreg.; INT North Bend 004°, Newberg, Oreg., 225° radials; INT Newberg 225°, Eugene, Oreg., 360° radials; 10 miles wide Newberg; Portland, Oreg. The airspace within R-2522 shall be used only after obtaining prior approval from appropriate authority.

V-1602 Fort Myers, Fla.; La Belle, Fla.; Vero Beach, Fla.

V-1603 North Bend, Oreg.; Eugene, Oreg.

V-1604 St. Petersburg, Fla.; 10 miles wide Orlando, Fla.; thence Daytona Beach, Fla.

V-1605 San Luis Obispo, Calif.; Paso Robles, Calif.; Los Banos, Calif.; 10 miles wide Oakland, Calif.; INT Oakland 004°, Williams, Calif., 191° radials; Williams; INT Williams VOR 002°, Red Bluff, Calif., 158° radials; Red Bluff.

V-1606 Tallahassee, Fla.; 10 miles wide INT Tallahassee 137°, Cross City, Fla., 310° radials; Cross City; thence Ocala, Fla.; 10 miles wide Orlando, Fla.; thence INT Orlando 071° Daytona Beach, Fla., 161° radials

AMENDMENTS 1/10/63 27 F.R. 11939 (Changed);

V-1607 INT Fillmore, Calif., 268°, Santa Barbara, Calif., 109° radials; 10 miles wide INT Fillmore 288°, Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT San Luis Obispo 308°, Big Sur, Calif. 157° radials; Big Sur; INT Big Sur 325°, Point Reyes, Calif., 161° radials; Point Reyes.

V-1608 Lake Charels, La.; INT Lake Charles 089°, Baton Rouge, La., 241° radials; Baton Rouge; Picayune, Miss., Evergreen, Ala.

V-1609 San Diego, Calif., 10 miles wide INT San Diego 319°, Santa Catalina, Calif., 099° radials; Santa Catalina; 8 miles wide Ventura, Calif.; INT Ventura 331°, Fillmore, Calif., 288° radials; 10 miles wide Santa Barbara; thence
Paso Robles, Calif.; 10 miles wide INT Paso Robles 317°, Salinas, Calif. 147° radials; Salinas; INT Salinas 310°, San Francisco, Calif., 160° radials; San Francisco; INT San Francisco 304°, Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352°, Red Bluff, Calif., 202° radials; thence Red Bluff; INT Red Bluff 031°, Lakeview, Oreg., 206° radials; Lakeview; Redmond, Oreg.; The Dalles, Oreg.; INT The Dalles 012°, Seattle, Wash., 129° radials; 10 miles wide Ellensburg, Wash. The airspace within R-2519 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 3/7/63 28 F.R. 722 (Changed);

V-1610 El Paso, Tex.; 8 miles wide INT El Paso 132°, Hudspeth, Tex., 272° radials; Hudspeth; thence INT Hudspeth 117°, Fort Stockton, Tex., 274° radials; Fort Stockton; 10 miles wide INT Fort Stockton 112°, Midland, Tex., 202° radials; thence Rocksprings, Tex.; INT Rocksprings 090°, San Antonio, Tex., 309° radials; 10 miles wide San Antonio; thence INT San Antonio 074°, Houston, Tex., 290° radials; Houston; 10 miles wide INT Houston 090°, Sabine Pass, Tex., 265° radials; Sabine Pass; Lake Charles, La.

AMENDMENTS 4/4/63 28 F. R. 1034 (Changed); 12/12/63 28 F. R. 11502 (Changed);
PENDING AMENDMENT
In V-1610 "8 miles wide INT El Paso 132°, Hudspeth, Tex., 272° radials; Hudspeth; thence INT Hudspeth 117°, Fort Stockton, Tex., 274° radials;" is deleted and "8 miles wide INT El Paso 112°, Hudspeth, Tex., 281° radials; Hudspeth; thence INT Hudspeth 109°, Fort Stockton, Tex., 284° radials;" is substituted therefor.
2/6/64 28 F. R. 11533 (Changed);

V-1611 Baker, Oreg.; Pendleton, Oreg.; Spokane, Wash.

V-1612 Allendale, S. C.; 10 miles wide Charleston, S. C.

V-1613 San Diego, Calif.; 10 miles wide INT San Diego 001°, Julian, Calif., 257° radials; Julian; INT Julian 036°, Twentynine Palms, Calif., 214° radials; Twentynine Palms; 8 miles wide INT Twentynine Palms 043°, Goffs, Calif., 200° radials; thence Goffs; Las Vegas, Nev.

V-1614 Salt Flat, Tex.; Carlsbad, N. Mex.; 10 miles wide INT Carlsbad 021°, Roswell, N. Mex., 115° radials; 14 miles wide INT Carlsbad 021°, Roswell 089° radials; thence INT Carlsbad 021°, Roswell 080° radials; 14 miles wide INT Roswell 080°, Hobbs, N. Mex., 003° radials; 12 miles wide INT Lubbock, Tex., 262°, Hobbs 014° radials; 10 miles wide Lubbock; thence Childress, Tex.; INT Childress 064°, Oklahoma City, Okla., 242° radials; Oklahoma City.

V-1615 McCall, Idaho; Mullan Pass, Idaho.

V-1616 Macon, Ga.; Savannah, Ga.

V-1617 Yuma, Ariz.; Blythe, Calif.; Parker, Calif.; Needles, Calif.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed); On Publ. 2/27/63 28 F.R 1794 (Changed);

V-1618 Roswell, N. Mex.; 10 miles wide INT Roswell 080°, Texico, N. Mex., 212° radials; 14 miles wide INT Lubbock, Tex., 262°, Hobbs, N. Mex., 003° radials; 12 miles wide INT Lubbock 262°, Hobbs 014° radials; 10 miles wide Lubbock; thence Guthrie, Tex.; Wichita Falls, Tex.

V-1619 Needles, Calif.; 14 miles wide INT Needles 355°, Mormon Mesa, Nev., 196° radials; 12 miles wide Mormon Mesa.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed); (Amend. Alteration 2/12/63 28 F.R. 1504 (Changed);

V-1620 Atlanta, Ga.; McDonough, Ga.; Augusta, Ga.

V-1621 Bonneville, Utah; 10 miles wide Lucin, Utah; thence Burley, Idaho.

V-1622 Lubbock, Tex., 14 miles wide INT Lubbock 101°, Abilene, Tex., 327° radials; INT Abilene 327°, Big Spring, Tex., 058° radials; thence Abilene, Tex.; INT Abilene 096°, Britton, Tex., 264° radials; Britton; Gregg County, Tex.; INT Gregg County 091°, Monroe, La., 268° radials; Monroe.

V-1623 Ogden, Utah; Burley, Idaho.

V-1624 Thermal, Calif.; Parker, Calif.; Prescott, Ariz.; St. Johns, Ariz.; INT St. Johns 071°, Albuquerque, N. Mex., 253° radials; INT Albuquerque 253°, Grants, N. Mex., 133° radials; 10 miles wide Albuquerque; thence Santa Fe, N. Mex.; Las Vegas, N. Mex.; Dalhart, Tex.; Gage, Okla.

V-1625 Tucson, Ariz.; 10 miles wide Cochise, Ariz.; San Simon, Ariz.; thence Truth or Consequences, N. Mex.; Zuni, N. Mex.; Farmington, N. Mex.; Grand Junction, Colo.; Myton, Utah; Salt Lake City, Utah. The portion of this airway within R-5111 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 7/25/63 28 F.R. 4896 (Rewritten); 8/1/63 28 F.R. 6495 (Changed);

V-1626 Sayre, Okla.; INT Kingfisher, Okla., 251°, Oklahoma City, Okla., 298° radials; 8 miles wide Kingfisher, INT Kingfisher 072°, Tulsa, Okla., 261° radials; 14 miles wide INT Tulsa 261° Ponca City, Okla., 150° radials; 10 miles wide Tulsa; thence Springfield, Mo.; Vichy, Mo.; St. Louis, Mo.

AMENDMENTS 2/7/63 27 F.R. 11989 (Changed); 5/2/63 28 F.R. 2671 (Changed); (Amend. Alt. 28 F.R. 3444);

V-1627 INT Phoenix, Ariz., 204°, Gila Bend, Ariz., 096° radials; 10 miles wide Phoenix; INT Phoenix 029°, Prescott, Ariz., 135° radials; thence Winslow, Ariz.; Farmington, N. Mex.; Gunnsion, Colo.; Kremmling, Colo.; Laramie, Wyo.

AMENDMENTS 1/10/63 27 F.R. 12167 (Changed);

V-1628 San Simon, Ariz.; INT San Simon 124°, Columbus, N. Mex., 277° radials; INT Deming, N. Mex., 235°, Columbus 277° radials; 8 miles wide Columbus; El Paso, Tex.; INT El Paso 132°, Hudspeth, Tex., 272° radials; Hudsepth; Culberson, Tex.; thence INT Culberson 090°, Midland, Tex., 243° radials; INT Midland 243°, Wink, Tex., 107° radials; 10 miles wide Midland; INT Midland 080°, Big Spring, Tex., 139° radials; thence INT Midland 080°, Abilene, Tex., 251° radials; Abilene; Bridgeport, Tex.; Dallas, Tex.; INT Dallas 062°, Texarkana, Ark., 272° radials; Texarkana; Little Rock, Ark.; Memphis, Tenn.; Muscle Shoals, Ala.; INT Muscle Shoals 082°, Birmingham, Ala., 358° radials; 10 miles wide INT Muscle Shoals 082°, Birmingham 020° radials; thence Chattanooga, Tenn.; Spartanburg, S. C.; Fort Mill, S. C.

PENDING AMENDMENT

In V-1628 "INT El Paso 132°, Hudspeth, Tex., 272° radials; Hudspeth; Culberson, Tex.; thence INT Culberson 090°, Midland, Tex., 243° radials; INT Midland 243°, Wink, Tex., 107° radials; 10 miles wide Midland; INT Midland 080°, Big Spring, Tex., 139° radials;" is deleted and "INT El Paso 112°, Hudspeth, Tex., 281° radials; Hudspeth; INT Hudspeth 093°, Carlsbad, N. Mex., 204° radials; thence Pecos, Tex.; Midland, Tex.; 10 miles wide INT Midland 080°, Big Spring, Tex., 139° radials;" is substituted therefor.
2/6/64 28 F. R. 11533 (Changed);

V-1629 Albuquerque, N. Mex.; Farmington, N. Mex.; Grand Junction, Colo.; Rock Springs, Wyo.; Boysen Reservoir, Wyo.; Billings, Mont.

V-1630 Santa Fe, N. Mex.; Las Vegas, N. Mex.; Tucumcari, N. Mex.; Texico, N. Mex.; 10 miles wide INT Texico 117°, Lubbock, Tex., 008° radials; Lubbock; Big Spring, Tex.; San Angelo, Tex.; thence Austin, Tex.; Houston, Tex.; 10 miles wide INT Houston 090°, Sabine Pass, Tex., 265° radials; Sabine Pass; Tibby La., including the additional airspace between lines diverging from Sabine Pass to points of tangency to a circle with an 8.5 statute mile radius centered at the INT of Sabine Pass 090° and Lake Charles, La., 127° radials, within the circumference of the circle and between lines tangent to that circle converging to Tibby; New Orleans, La.

AMENDMENTS 4/4/63 28 F. R. 1034 (Changed);

PENDING AMENDMENT

In V-1630, all after "265° radials; Sabine Pass;" is deleted and "White Lake, La.; Tibby, La.; New Orleans, La." is substituted therefor.
3/5/64 28 F. R. 14420 (Changed);

V-1631 Corona, N. Mex.; Santa Fe, N. Mex.

V-1633 Pueblo, Colo.; Hugo, Colo.; Thurman, Colo.; Akron, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.

V-1634 Gaviota, Calif.; 10 miles wide Santa Barbara, Calif.; INT Santa Barbara 091°, Fillmore, Calif., 310° radials; Fillmore; Palmdale, Calif.

V-1635 Las Vegas, N. Mex.; Cimarron, N. Mex.; Pueblo, Colo.; Colorado Springs, Colo.; 10 miles wide Denver, Colo.; thence Cheyenne, Wyo.; Scottsbluff, Nebr.; Chadron, Nebr.; Smithwick, S. Dak.; 10 miles wide Rapid City, S. Dak.

AMENDMENTS 6/27/63 28 F. R. 4435 (Changed);

V-1636 Tuba City, Ariz.; Dove Creek, Colo.; Gunnison, Colo.; Kiowa, Colo.; Thurman, Colo.; INT Thurman 100°, Hill City, Kans., 277° radials; Hill City; Hutchinson, Kans.

V-1637 Dalhart, Tex.; Liberal, Kans.; Hutchinson, Kans.; 14 miles wide INT Hutchinson 062°, Topeka, Kans., 236° radials; INT Topeka 236°, Emporia, Kans., 332° radials; 8 miles wide Topeka; INT Topeka 030°, Kansas City, Mo., 320° radials; 12 miles wide INT Topeka 030°, Lamoni, Iowa, 229° radials; Lamoni.

V-1638 Paso Robles, Calif.; 10 miles wide Avenal, Calif.; Bakersfield, Calif.

V-1639 Gage, Okla.; Garden City, Kans.

V-1640 Greensboro, N. C.; Raleigh-Durham, N. C.

V-1641 Bridgeport, Tex.; Oklahoma City, Okla.

V-1642 Delta, Utah; Grand Junction, Colo.; Gunnison, Colo.; INT Gunnison 125°, Alamosa, Colo., 332° radials; Alamosa.

AMENDMENTS 5/2/63 28 F.R. 1867 (Changed);

V-1643 Brownsville, Tex.; INT Brownsville 339°, Alice, Tex., 171° radials; 12 miles wide Alice; INT Alice 334°, San Antonio, Tex., 183° radials; INT San Antonio 183°, Cotulla, Tex., 041° radials; 10 miles wide San Antonio; Junction, Tex.; San Angelo, Tex.

AMENDMENTS 10/17/63 28 F. R. 9346 (Changed); 12/12/63 28 F. R. 11502 (Changed);

V-1644 Hugo, Colo.; Garden City, Kans.; Anthony, Kans.; Ponca City, Okla.; 10 miles wide INT Ponca City 094°, Tulsa, Okla., 319° radials; Tulsa; Fort Smith, Ark.; INT Fort Smith 098°, Fayetteville, Ark., 173° radials; thence INT Fort Smith 098°, Little Rock, Ark., 302° radials; Little Rock.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-1645 Socorro, N. Mex.; 12 miles wide INT Socorro 057°, Las Vegas, N. Mex., 216° radials; Las Vegas.

AMENDMENTS 7/25/63 28 F. R. 5081 (Rewritten);

V-1646 Kansas City, Mo.; Macon, Mo.; Capital, Ill.; Indianapolis, Ind.; INT Indianapolis 137°, Cincinnati, Ohio, 290° radials; Cincinnati; 10 miles wide York, Ky.; thence Charleston, W. Va.; Montebello, Va.; 10 miles wide Gordonsville, Va.

AMENDMENTS 1/10/63 27 F.R. 11759 (Changed); 2/7/63 27 F.R. 12926 (Changed); 5/2/63 28 F.R. 2230 (Changed);

V-1647 Neola, Iowa; Fort Dodge, Iowa; Mason City, Iowa.

V-1648 INT Big Sur, Calif., 325°, Salinas, Calif., 281° radials; 10 miles wide Salinas; Los Banos, Calif.; Fresno, Calif.

3/5/64 28 F. R. 14420 (Changed);

V-1649 Lufkin, Tex.; Shreveport, La.; Texarkana, Ark.; Page, Okla.; Fayetteville, Ark.

V-1650 Macon, Mo.; INT Peoria, Ill., 245°, Macon 062° radials; 10 miles wide Peoria; thence Bradford, Ill.; INT Bradford 033°, Naperville, Ill., 290° radials.

V-1651 Jackson, Miss.; INT Jackson 311°, Pine Bluff, Ark., 148° radials; Pine Bluff; Little Rock, Ark.; INT Little Rock 302°, Flippin, Ark., 181° radials; Flippin; Springfield, Mo.; 10 miles wide Blue Springs, Mo.; Kansas City, Mo.

V-1652 Thurman, Colo.; Hayes Center, Nebr.; INT Hayes Center 059°, Wolbach, Nebr., 251° radials; Wolbach.

V-1653 New Orleans, La.; Picayune, Miss.; INT Picayune 021°, Meridian, Miss., 206° radials; INT Meridian 206°, Jackson, Miss., 129° radials; 8 miles wide Meridian; INT Meridian 040°, Tuscaloosa, Ala., 239° radials; thence Tuscaloosa; 10 miles wide Birmingham, Ala.; thence Muscle Shoals, Ala.; INT Muscle Shoals 002°, Nashville, Tenn., 252° radials; 10 miles wide Nashville.

AMENDMENTS 1/10/63 27 F.R. 11940 (Changed):

V-1654 Ukiah, Calif.; Williams, Calif.; INT Sacramento, Calif., 038°, Reno, Nev., 257° radials; 10 miles wide Reno.

V-1655 Jacksonville, Fla.; INT Jacksonville 354°, Savannah, Ga., 210° radials; INT Alma, Ga., 083°, Savannah 210° radials; 8 miles wide Savannah.

V-1656 INT Salt Lake City, Utah, 265°, Provo, Utah, 315° radials; Provo; Myton, Utah.

V-1657 Tiverton, Ohio; Attica, Ohio; Waterville, Ohio; INT Waterville 306°, Pullman, Mich., 112° radials; Pullman; Muskegon, Mich.; White Cloud, Mich.; Traverse City, Mich.

V-1658 Elkins, W. Va., Martinsburg, W. Va.; 10 miles wide Baltimore, Md.; INT Baltimore 097°, Kenton, Del., 242° radials; Kenton; INT Kenton 086°, Barnegat, N. J., 233° radials; Barnegat.

AMENDMENTS 1/10/63 27 F. R. 11759 (Rewritten);

V-1659 Milwaukee, Wis.; Green Bay, Wis.

V-1660 Appleton, Ohio; INT Appleton 111°, Parkersburg, W. Va., 321° radials; Parkersburg; Elkins, W. Va.; 10 miles wide INT Elkins 092°, Gordonsville, Va., 323° radials; thence Gordonsville; Flat Rock, Va.

V-1661 Crestview, Fla.; Montgomery, Ala.; 12 miles wide INT Montgomery 047°, Atlanta, Ga., 233° radials; Atlanta; 10 miles wide Norcross, Ga.

V-1662 Wells, Nev.; Malad City, Idaho; Big Piney, Wyo.; Casper, Wyo.

V-1663 Fort Wayne, Ind., Goshen, Ind.; South Bend, Ind.; INT South Bend 310°, Keeler, Mich., 271° radials; INT Northbrook, Ill., 093°, Chicago Heights, Ill., 358° radials; 10 miles wide Northbrook.

V-1664 Des Moines, Iowa; 8 miles wide Newton, Iowa; thence INT Newton 068°, Dubuque, Iowa, 258° radials; Dubuque; Janesville, Wis.

V-1665 Tallahassee, Fla.; 10 miles wide INT Tallahassee 353°, Albany, Ga., 176° radials; Albany; Macon, Ga.

AMENDMENTS 1/10/63 27 F.R. 11939 (Rewritten);

V-1666 Denver, Colo.; INT Denver 061°, Hayes Center, Nebr., 276° radials; Hayes Center.

V-1667 Fort Mill, S. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.

AMENDMENTS 12/12/63 28 F. R. 11502 (Changed); Alteration of Amendment 29 F. R. 254

V-1668 Medicine Bow, Wyo.; 14 miles wide Chadron, Nebr.

V-1669 Alma, Ga.; 10 miles wide INT Alma 035°, Savannah, Ga., 274° radials; thence Allendale, S. C.; 12 miles wide INT Allendale 058°, Florence, S. C., 220° radials; Florence.

V-1670 Johnstown, Pa.; Tyrone, Pa.; Philipsburg, Pa.; Williamsport, Pa., Binghamton, N. Y

V-1671 Pittsburgh, Pa.; Akron, Ohio; Windsor, Ont., excluding the portion which lies over Canada.

AMENDMENTS 10/17/63 28 F. R. 9429 (Changed);

V-1672 Selinsgrove, Pa.; Thornhurst, Pa.; 10 miles wide Huguenot, N. Y.; INT Huguenot 077°, Poughkeepsie, N. Y., 236° radials; Poughkeepsie.

V-1673 Greensboro, N. C.; INT Greensboro 026°, Montebello, Va., 189° radials; Montebello; Front Royal, Va., Martinsburg, W. Va.; Philipsburg, Pa.; INT Philipsburg 031°, Syracuse, N. Y., 210° radials; Syracuse.

V-1674 INT Tiverton, Ohio, 088°, Clarion, Pa., 222° radials; Clarion; INT Clarion 048°, Bradford, Pa., 222° radials; Bradford; Wellsville, N. Y.; INT Wellsville 090°, Binghamton, N. Y., 265° radials; Binghamton; Rockdale, N. Y.; Albany, N. Y.; Cambridge, N. Y.

V-1675 Charleston, S. C.; 10 miles wide INT Charleston 300°, Columbia, S. C.; 153° radials; Columbia; thence Spartanburg, S. C.

V-1676 Northbrook, Ill.; South Bend, Ind.; 10 miles wide INT South Bend 075°, Muskegon, Mich., 157° radials; thence INT South Bend 075°, Windsor, Ont., 261° radials; INT Windsor 261°, Salem, Mich., 123° radials; 10 miles wide Windsor; INT Windsor 082°, Dunkirk, N. Y., 268° radials; Dunkirk, excluding the portion which lies over Canada.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed):

V-1677 Wilmington, N. C.; Rocky Mount, N. C.; 10 miles wide INT Rocky Mount 360°, Flat Rock, Va., 171° radials; Flat Rock.

V-1678 Northbrook, Ill.; 10 miles wide INT Northbrook 078°, Chicago Heights, Ill., 358° radials; thence Pullman, Mich.; 10 miles wide INT Pullman 076°, Muskegon, Mich., 140° radials; thence INT Pullman 076°, Peck, Mich., 250° radials; INT Peck 250°, Saginaw, Mich., 149° radials; 10 miles wide Peck.

V-1679 Gordonsville, Va.; INT Gordonsville 020°, Herndon, Va., 220° radials; Herndon; Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Binghamton, N. Y.; Syracuse, N. Y.; 10 miles wide INT Syracuse 007°, Massena, N. Y., 230° radials; thence Massena; 10 miles wide Massena 051° radial U. S./Canadian Border.

V-1680 Fortuna, Calif.; Red Bluff, Calif.

V-1681 Raleigh-Durham, N. C.; INT Raleigh-Durham 016°, Flat Rock, Va., 213° radials; Flat Rock; INT Flat Rock 025°, Gordonsville, Va., 058° radials. Washington, D. C.; 8 miles wide Baltimore, Md.; 10 miles wide INT Baltimore 035°, New Castle, Del., 257° radials; New Castle; Woodstown, N. J.; INT Woodstown 043°, Pottstown, Pa., 104° radials; Robbinsville, N. J.

AMENDMENTS 5/30/63 28 F.R. 3779 (Changed);

V-1682 Idlewild, N. Y.; 10 miles wide INT Idlewild 080°, Riverhead, N. Y., 127° radials; 14 miles wide INT Idlewild 080°, Hampton, N. Y., 223° radials; 12 miles wide (5 miles NW and 7 miles SE of the centerline) Hampton; 10 miles wide INT Hampton 059°, Providence, R. I., 212° radials; Providence; INT Providence 043°, Boston, Mass., 133° radials; Boston.

AMENDMENTS 5/2/63 28 F.R. 2555 (Changed);

V-1683 Rocky Mount, N. C.; Hopewell, Va.; 12 miles wide INT Hopewell 019°, Cape Charles, Va., 313° radials. Baltimore, Md.; 10 miles wide Harrisburg, Pa.; thence Philipsburg, Pa.; Bradford, Pa.; Buffalo, N. Y.

V-1684 Mason City, Iowa; Dubuque, Iowa; Polo, Ill.

V-1685 INT Salisbury, Md., 340°, Baltimore, Md., 097° radials; New Castle, Del. West Chester, Pa.; Pottstown, Pa.; Allentown, Pa.; Wilkes-Barre, Pa.; INT Wilkes-Barre 354°, Syracuse, N. Y., 151° radials; Syracuse.

V-1686 Bradford, Pa.; Selinsgrove, Pa.; 10 miles wide Ravine, Pa.; 8 miles wide INT Ravine 128°, Pottstown, Pa., 286° radials; thence West Chester, Pa.

AMENDMENTS 1/10/63 27 F.R. 11532 (Changed);

V-1687 Sparta, N. J.; Huguenot, N. Y.; INT Huguenot 340°, Rockdale, N. Y., 144° radials; Rockdale; 10 miles wide INT Rockdale 327°, Syracuse, N. Y., 117° radials; Syracuse.

V-1688 Casper, Wyo.; Rapid City, S. Dak.; 10 miles wide INT Rapid City 085°, Dupree, S. Dak., 185° radials; thence INT Rapid City 085°, Pierre, S. Dak., 253° radials; Pierre; Huron, S. Dak.; Redwood Falls, Minn.; INT Redwood Falls 083°, Eau Claire, Wis., 258° radials; Eau Claire.

V-1689 Albany, N. Y.; INT Massena, N. Y., 163°, St. Eustache, Quebec, 200° radials; INT Massena 096°, St. Eustache 200° radials; 10 miles wide St. Eustache 200° radial U.S./Canadian Border.

V-1690 Milwaukee, Wis.; INT Milwaukee 102°, Pullman, Mich., 303° radials; Pullman; Salem, Mich.

V-1691 Coyle, N. J.; 10 miles wide Idlewild, N. Y. INT Idlewild 065°, Clermont, N. Y., 157° radials; 12 miles wide Clermont; Albany, N. Y.; Plattsburgh, N. Y.; 10 miles wide Plattsburgh 334° radial U. S./Canadian Border

V-1693 INT Riverhead, N. Y., 203°, Idlewild, N. Y., 155° radials; Riverhead; 10-mile wide Poughkeepsie, N. Y.; Cambridge, N. Y.; Burlington, Vt.; INT Burlington 359°, St. Johns, Quebec, 158° radials; St. Johns, excluding the portion which lies over Canada.

AMENDMENTS 1/10/63 27 F.R. 11758 (Rewritten);

V-1694 Muskegon, Mich.; INT Peck, Mich., 269°, Saginaw, Mich., 157° radials; 10 miles wide Peck.

V-1695 Poughkeepsie, N. Y.; Keene, N. H.; Concord, N. H.; Kennebunk, Maine; 12 miles wide INT Kennebunk 033°, Bangor, Maine 232° radials; 10 miles wide Bangor; INT Bangor 059°, Millinocket, Maine, 169° radials; thence Bangor 059° radial U. S./Canadian Border.

AMENDMENTS 6/27/63 28 F. R. 4610 (Changed);

V-1696 Buffalo, N. Y.; Wellsville, N. Y.; INT Wellsville 132°, Williamsport, Pa., 307° radials; Williamsport; 10 miles wide Thornhurst, Pa.; Tannersville, Pa.; INT Tannersville 114°, Solberg, N. J., 051° radials.

V-1697 Nantucket, Mass.; 10 miles wide INT Nantucket 339°, Boston, Mass., 133° radials; Boston; Manchester, N. H.; Concord, N. H.; Burlington, Vt.; Plattsburgh, N. Y.; Plattsburgh 334° radial U. S./Canadian Border.

V-1698 Buffalo, N. Y.; INT Buffalo 098°, Binghamton, N. Y., 300° radials; Binghamton; Huguenot, N. Y.; Trinity, N. Y.

V-1699 Lakeland, Fla.; Cross City, Fla.

V-1700 Watertown, S. Dak.; Minneapolis, Minn.

V-1701 Chattanooga, Tenn.; INT Chattanooga 313°, Crossville, Tenn., 257° radials; 10 miles wide Nashville, Tenn.; thence INT Nashville 338°, Evansville, Ind., 144° radials; Evansville; INT Troy, Ill., 118°, Vandalia, Ill., 180° radials; 10 miles wide Troy, Ill.

AMENDMENTS 6/27/63 28 F. R. 4227 (Changed);

V-1702 Lakehead, Ont.; 10 miles wide INT Lakehead 116°, Houghton, Mich., 348° radials; thence Whitefish, Mich.; 10 miles wide Sault Ste. Marie, Mich.; Wiarton, Canada; Toronto, Canada; INT Toronto 141°, Buffalo, N. Y., 312° radials; Buffalo; thence INT Buffalo 124°, Wilkes-Barre, Pa., 299° radials; Wilkes-Barre; 10 miles wide Sparta, N. J.; INT Sparta 112°, Trinity, N. Y., 232° radials, excluding the portion which lies over Canada.

V-1703 Dallas, Tex.; INT Dallas 283°, Ardmore, Okla., 192° radials; Ardmore.

V-1704 Newberg, Oreg.; Redmond, Oreg.; John Day, Oreg.; Baker, Oreg.; McCall, Idaho.

V-1705 Fresno, Calif.; Reno, Nev.; Lakeview, Oreg.; Redmond, Oreg.; Newberg, Oreg.

V-1706 Miles City, Mont.; Dupree, S. Dak.; Pierre, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT Mason City 095°, Rewey, Wis., 278° radials; Rewey; INT Rewey 099°, Janesville, Wis., 294° radials; 10 miles wide Janesville; thence INT Janesville 080°, Pullman, Mich., 282° radials; Pullman; Salem, Mich.; 10 miles wide INT Salem 079°, Aylmer, Ont., Canada, 265° radials; Aylmer; INT Aylmer 087°, Buffalo, N. Y., 259° radials Buffalo, excluding the portion which lies over Canada.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed):

V-1707 Denver, Colo.; 10 miles wide Gill, Colo.; Laramie, Wyo.

V-1708 Poughkeepsie, N. Y.; Hartford, Conn.; INT Hartford 101°, Boston, Mass., 223° radials.

V-1709 Kiowa, Colo.; INT Kiowa 005°, Cheyenne, Wyo., 131° radials; Cheyenne; INT Cheyenne 347°, Crazy Woman, Wyo., 146° radials; Crazy Woman.

V-1710 The Dalles, Oreg.; 10 miles wide INT The Dalles 096°, Pendleton, Oreg., 254° radials; Pendleton.

V-1711 Houston, Tex., INT Houston 353°, Leona, Tex., 141° radials; Leona; INT Leona 353°, Dallas 155° radials; Dallas.

AMENDMENTS 2/7/63 27 F.R. 12347 (Rewritten);

V-1712 Massena, N. Y.; Plattsburgh, N. Y.

V-1713 Hill City, Kans.; Akron, Colo.; Cheyenne, Wyo.

AMENDMENTS Eff. Immed. (12/20/62) 27 F.R. 12815 (Changed);

V-1714 Naperville, Ill.; Keeler, Mich.; 10 miles wide INT Keeler 061°, Muskegon, Mich., 142° radials; thence INT Keeler 061°, Peck, Mich., 250° radials; INT Peck 250°, Saginaw, Mich., 149° radials; 10 miles wide Peck.

V-1715 Santa Fe, N. Mex.; Cimmarron, N. Mex.; 10 miles wide Tobe, Colo.; thence Hugo, Colo.

V-1716 Seattle, Wash.; Ellensburg, Wash.; 10 miles wide Ephrata, Wash.

V-1717 Alamosa, Colo.; INT Alamosa 005°, Denver, Colo., 207° radials; INT Denver 207°, Kiowa, Colo., 246° radials; 10 miles wide Denver; thence Sidney, Nebr.

V-1718 Mullan Pass, Idaho; Cut Bank, Mont.

V-1719 Los Angeles, Calif.; Palmdale, Calif.

V-1721 Prescott, Ariz.; Bryce Canyon, Utah; Delta, Utah; INT Delta 004°, Malad City, Idaho, 179° radials; Malad City.

V-1722 Casper, Wyo.; Smithwick, S. Dak.; Winner, S. Dak.; Sioux Falls, S. Dak.

V-1723 Parkersburg, W. Va.; INT Parkersburg 037°, Pittsburgh, Pa., 246° radials; Pittsburgh. INT Pittsburgh 354°, Keating, Pa., 257° radials; Keating; Williamsport, Pa.

V-1724 Crazy Woman, Wyo.; Rapid City, S. Dak.

V-1725 Tiverton, Ohio; INT Tiverton 088°, Clarion, Pa., 222° radials.

V-1726 Gunnison, Colo.; INT Kiowa, Colo., 246°, Colorado Springs, Colo., 276° radials; Colorado Springs; Hugo, Colo.; Hill City, Kans.

V-1727 Rosewood, Ohio; Attica, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; INT Erie 058°, Buffalo, N. Y., 227° radials; Buffalo; INT Buffalo 098°, Georgetown, N. Y., 272° radials; Georgetown; INT Georgetown 093°, Albany, N. Y., 270° radials; Albany; 14 miles wide INT Albany 094°, Boston, Mass., 287° radials; Boston. The airspace within R-4108 shall be used only after obtaining prior approval from appropriate authority.

V-1728 San Luis Obispo, Calif.; Fellows, Calif.; Gorman, Calif.; 10 miles wide Palmdale, Calif.; Hector, Calif.; INT Hector 091°, Twentynine Palms, Calif., 344° radials; thence Needles, Calif.; Peach Springs, Ariz.

V-1729 Pittsburgh, Pa.; 10 miles wide INT Pittsburgh 354°, Tidioute, Pa., 214° radials; thence Erie, Pa.; 10 miles wide Toronto, Ont., Canada, excluding the portion which lies over Canada.

AMENDMENTS 1/10/63 27 F.R. 11498 (Changed);

V-1730 Prescott, Ariz.; Winslow, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Lamar, Colo.; Russell, Kans.

AMENDMENTS 11/14/63 28 F. R. 9938. (Rewritten);

V-1731 Greensboro, N. C.; INT Greensboro 051°, Richmond, Va., 239° radials; 20 miles wide INT Richmond 239°, Raleigh-Durham, N. C., 005° radials; thence INT Richmond 239°, Rocky Mount, N. C., 345° radials; 12 miles wide Richmond; thence INT Richmond 009°, Gordonsville, Va., 074° radials; 8 miles wide INT Washington, D. C., 189°, Andrews AFB, Md., 213° radials; Andrews AFB; INT Andrews AFB 061°, Baltimore, Md., 197° radials; 10 miles wide INT Andrews AFB 061°, Baltimore 097° radials; Woodstown, N. J.

AMENDMENTS 5/30/63 28 F.R. 3779 (Changed). (Eff. on pub.) 8/3/63 28 F. R. 7936 (Changed); Amendment-Alteration 28 F. R. 9430 (Changed);

V-1733 New Castle, Del.; 10 miles wide Yardley, Pa.; INT Yardley 056°, Solberg, N. J., 135° radials.

V-1734 Salt Lake City, Utah; Fort Bridger, Wyo.

V-1735 INT Boston, Mass., 223°, Putnam, Conn., 195° radials; 10 miles wide Putnam; INT Putnam 043°, Boston, Mass., 256° radials; Boston.

V-1736 Provo, Utah; Fort Bridger, Wyo.

V-1738 Sacramento, Calif.; 10 miles wide INT Sacramento 038°, Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT Lake Tahoe 078°, Hazen, Nev., 244° radials; INT Hazen 244°, Reno, Nev., 099° radials; 8 miles wide Hazen; INT Hazen 061°, Lovelock, Nev., 202° radials; 10 miles wide Mount Moses, Nev.; Elko, Nev.

V-1739 Chattanooga, Tenn.; Crossville, Tenn.; INT Crossville 343°, Bowling Green, Ky., 073° radials; Louisville, Ky.; Cincinnati, Ohio.

V-1740 Massena, N. Y.; Albany, N. Y.; Hartford, Conn.

V-1741 McDonough, Ga.; 10 miles wide Chattanooga, Tenn.; thence Bowling Green, Ky.; INT Bowling Green 009°, Nabb, Ind., 215° radials; 10 miles wide Nabb; thence Cincinnati, Ohio.

V-1742 Duluth, Minn.; Green Bay, Wis.

V-1743 Pulaski, Va.; Elkins, W. Va.

V-1744 Portland, Oreg.; 10 miles wide Newberg, Oreg.; thence John Day, Oreg.; Boise, Idaho; Pocatello, Idaho; Big Piney, Wyo.; Cherokee, Wyo.; Laramie, Wyo.; Denver, Colo.

V-1745 Lamar, Colo.; Hill City, Kans.

V-1746 Anton Chico, N. Mex.; 12 miles wide Texico, Tex.; 10 miles wide INT Texico 117°, Lubbock, Tex., 008° radials; thence Guthrie, Tex.; Bridgeport, Tex.

V-1747 Indianapolis, Ind.; INT Indianapolis 312°, Peotone, Ill., 168° radials; INT Peotone 168°, Bradford, Ill., 098° radials; 10 miles wide Peotone.

V-1748 INT Las Vegas, Nev., 266°, Beatty, Nev., 142° radials; Las Vegas; 10 miles wide Boulder, Nev.; INT Boulder 123°, Goffs, Calif., 048° radials; 16 miles wide Prescott, Ariz.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed);

V-1749 Cleveland, Ohio; 10 miles wide Cleveland 024° radial U. S./Canadian border.

V-1750 Los Angeles, Calif.; 10 miles wide Ontario, Calif.; INT Ontario 091°, Thermal, Calif., 305° radials; 14 miles wide INT Ontario 091°, Thermal 354° radials.
thence INT Ontario 091°, Blythe, Calif., 288° radials; Blythe.

AMENDMENTS 8/22/63 28 F. R. 6873 (Changed);
PENDING AMENDMENT
In V-1750 "thence INT Ontario 091°, Blythe, Calif., 288° radials;" is deleted and "thence INT Ontario 091°, Blythe, Calif., 284° radials;" is substituted therefor.
3/5/64 28 F. R. 14420 (Changed);

V-1751 Newport, Oreg., 10 miles wide INT Newport 005°, Hoquiam, Wash., 167° radials; Hoquiam; Seattle, Wash.

AMENDMENTS 12/12/62 27 F.R. 12439 (Rewritten);

V-1752 Los Angeles, Calif., 12 miles wide INT Los Angeles 061°, Pomona, Calif., 269° radials; 8 miles wide Pomona; 10 miles wide INT Pomona 089°, Thermal, Calif., 311° radials; 12 miles wide INT Thermal 314°, Twentynine Palms, Calif., 269° radials; 10 miles wide Twentynine Palms; Parker, Calif.

AMENDMENTS 8/22/63 28 F. R. 5873. (Rewritten); (Amend. Corr. 28 F. R. 7902);

V-1753 Newport, Oreg., 10 miles wide INT Newport 005°, Olympia, Wash., 220° radials; Olympia; INT Olympia 010°, Seattle, Wash., 247° radials; Seattle.

AMENDMENTS 12/12/62 27 F.R. 12439 (Rewritten);

V-1755 John Day, Oreg.; The Dalles, Oreg.; INT The Dalles 352°, Seattle, Wash., 125° radials; Seattle.

V-1756 Zuni, N. Mex.; INT Socorro, N. Mex., 289°, Albuquerque, N. Mex., 229° radials; 10 miles wide Socorro. The portion of this airway within R-5112 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/1/63 28 F.R. 6495 (Changed);

V-1757 Salisbury, Md.; 10 miles wide INT Salisbury 340°, Baltimore, Md., 097° radials.

V-1761 Gila Bend, Ariz.; 10 miles wide INT Gila Gend 346°, Phoenix, Ariz., 272° radials.

V-1762 Eugene, Oreg.; 10 miles wide INT Eugene 346°, Newberg, Oreg., 204° radials; Newburg; INT Newberg 355°, Portland, Oreg., 261° radials; thence INT Newbery 355°, Olympia, Wash., 195° radials; 10 miles wide Olympia; INT Olympia 010°, Seattle, Wash., 247° radials; Seattle. The airspace within R-6711 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12439 (Changed);

V-1763 Dickinson, N. Dak.; Williston, N. Dak.

V-1763 Pulaski, Va.; Elkins, W. Va.

V-1764 North Bend, Oreg.; INT Newberg, Oreg., 204°, Eugene, Oreg., 346° radials; 10 miles wide Newberg

V-1765 Miles City, Mont.; Williston, N. Dak.

V-1766 Williston, N. Dak.; Minot, N. Dak.

V-1767 INT Napa, Calif., 182°, Sacramento, Calif., 233° radials; 8 miles wide Napa; 10 miles wide INT Napa 004°, Williams, Calif., 251° radials; 14 miles wide Red Bluff, Calif.

V-1771 Cleveland, Ohio, 10 miles wide INT Cleveland 049°, Aylmer, Ont., Canada, 205° radials; Aylmer; Toronto, Ont., Canada, excluding the portion which lies over Canada.

AMENDMENTS 1/10/63 27 F.R. 11498 (Added);

V-1773 Gage, Okla., Hutchinson, Kans.

AMENDMENTS 12/12/62 27 F.R. 12439 (Added);

V-1775 Gage, Okla.; INT Gage 043°, Wichita, Kans., 250° radials; Wichita.

AMENDMENTS 12/12/62 27 F.R. 12439 (Added);

V-1776 Las Vegas, Nev.; 10 miles wide INT Las Vegas 081°, Peach Springs 305° radials, thence Peach Springs; Winslow, Ariz.

AMENDMENTS 2/7/63 28 F.R. 178 (Changed);

V-1777 INT Poughkeepsie, N. Y., 043°, Manchester, N. H., 257° radials; Manchester; 10 miles wide Kennebunk, Maine.

V-1778 Erie, Pa.; INT Erie 079°, Wellsville, N. Y., 277° radials; Wellsville.

V-1779 Phoenix, Ariz.; 10 miles wide INT Phoenix 004°, Winslow, Ariz., 224° radials; thence INT Winslow 224°, Prescott, Ariz., 118° radials; 14 miles wide Winslow

AMENDMENTS 1/10/63 27 F.R. 12167 (Added);

V-1781 Mobile, Ala., 8 miles wide INT Mobile 015°, Evergreen, Ala., 267° radials; thence INT Meridian, Miss., 075°, Tuscaloosa, Ala., 196° radials; 8 miles wide Tuscaloosa.

AMENDMENTS 1/10/63 27 F.R. 11941 (Added);

V-1783 Mobile, Ala., 10 miles wide INT Mobile 356°, Tuscaloosa, Ala., 223° radials; Tuscaloosa, including the additional airspace between lines diverging from Mobile to points of tangency to a circle with a 10-mile radius centered at INT Mobile 356°, Tuscaloosa 223° radials; within the circle and between lines tangent to the circle converging at Tuscaloosa.

AMENDMENTS 1/10/63 27 F.R 11941 (Added);

SUBPART E - CONTINENTAL CONTROL AREA

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102	Fort McClellan, Ala.	
R-2104	Huntsville, Ala.	
R-2307	Yuma, Arizona	AMENDMENTS On. publ. 7/30/63 28 F. R. 7708 (Added);
R-2402	Fort Chaffee, Ark.	1/9/64 28 F. R. 12251 (Added);
R-2501	Bullion Mountains, Calif.	
R-2502	Fort Irwin, Calif.	
R-2503	Camp Pendleton, Calif.	
R-2505	China Lake, Calif.	
R-2507	Chocolate Mountains, Calif.	
R-2508	California Complex.	
R-2509	Cuddeback Dry Lake, Calif.	
R-2510	El Centro, Calif.	
R-2513	Hunter-Liggett, Calif.	On publ. 5/18/63 28 F.R. 5019 (Added);
R-2515	Muroc Lake, Calif.	AMENDMENTS 8/22/63 28 F. R. 8969 (Added);
R-2519,	Point Mugu, California.	On publ. 6/22/63 28 F. R. 6437 (Added);
R-2521	Salton Sea, Calif.	
R-2524	Trona, Calif.	
R-2525	Vernalis, Calif.	
R-2528	Newman, Calif.	
R-2601	Fort Carson, Colo.	
R-2901C	Avon Park West, Fla.	6/27/63 28 F. R. 4753 (Added);
R-2902	Banana River, Fla.	
R-2903A	Jacksonville East, Fla.	
R-2903B	Stevens Lake, Fla.	
R-2903D	Jacksonville West, Fla.	
R-2907	Lake George, Fla.	
R-2910	Pinecastle, Fla.	
R-2912B	Panama City, Fla.	4/4/63 28 F.R. 2093 (Added)
R-2912C	Panama City, Fla.	4/4/63 28 F.R. 2093 (Added)
R-2913	Panama City, Fla.	4/4/63 28 F.R. 2093 (Added)
R-2914	Valparaiso, Fla.	4/4/63 28 F.R. 2093 (Added)
R-2915	Valparaiso, Fla.	4/4/63 28 F.R. 2093 (Added)
R-3005A	Fort Stewart, Ga.	On publ. 2/21/63 28 F.R. 1630 (Added);
R-3005B	Fort Stewart, Ga.	On publ. 2/21/63 28 F.R. 1630 (Added);
R-3401	Camp Atterbury, Ind.	
R-3403	Jefferson Proving Ground, Ind.	
R-3702	Fort Campbell, Ky.	
R-3703	Fort Campbell, Ky.	
R-3704	Fort Knox, Ky.	
R-3801	Camp Claiborne, La.	
R-3803	Fort Polk, La.	12/12/62 27 F.R. 12211 (Added);
R-3804A	Fort Polk, La.	12/12/62 27 F.R. 12211 (Added);
R-4001	Aberdeen, Md.	
R-4105	No Man's Land Island, Mass.	
R-4207	Upper Lake Huron, Mich.	
R-4305	Lake Superior, Minn.	
R-4805,	Sahwave Mountains, Nevada.	On publ. 6/22/63 28 F. R. 6437 (Added);
R-4806	Las Vegas, Nev.	
R-4810,	Desert Mountains, Nevada.	On publ. 6/22/63 28 F. R. 6437 (Added);
R-5103A	McGregor, N. Mex.	
R-5103B	McGregor, N. Mex.	
R-5106	Orogrande, N. Mex.	
R-5107A	White Sands Proving Grounds, N. Mex.	
R-5107C	White Sands Proving Grounds, N. Mex.	
R-5109B	White Sands, N. Mex.	
R-5110	McGregor, N. Mex.	
R-5111	Elephant Butte, N. Mex.	AMENDMENTS 8/1/63 28 F. R. 6495 (Added);
R-5112	Magdalena, N. Mex.	AMENDMENTS 8/1/63 28 F. R. 6495 (Added);
R-5113	Socorro, N. Mex.	AMENDMENTS 8/22/63 28 F. R. 7342 (Added);
R-5114	Fort Wingate, N. Mex.	AMENDMENTS 8/22/63 28 F. R. 7342 (Added);
R-5307	Cherry Point, N. C.	
R-5502	La Carne, Ohio	
R-5503	Wilmington, Ohio	
R-5504	Wilmington, Ohio	
R-5701,	Boardman, Oregon.	On publ. 6/22/63 28 F. R. 6437 (Added);
R-6302A	Fort Hood, Texas	AMENDMENTS 5/30/63 28 F.R. 4024 (Added);
R-6302B	Fort Hood, Texas	AMENDMENTS 5/30/63 28 F.R. 4024 (Added);
R-6302C	Fort Hood, Texas	AMENDMENTS 5/30/63 28 F.R. 4024 (Added);
R-6404	Wendover, Utah	5/3/63 28 F. R. 4435 (Added);
R-6408	Indian Creek, Utah.	AMENDMENTS 8/1/63 28 F. R. 6495 (Added);
R-6409	Green River, Utah	AMENDMENTS 8/1/63 28 F. R. 6495 (Added);
R-6410	Blanding, Utah	AMENDMENTS 8/22/63 28 F. R. 7342 (Added);
R-6611	Dahlgren Complex, Va.	
R-6613	Dahlgren Complex, Va.	
R-6714	Yakima, Wash.	
R-6903	Sheboygan, Wis.	

R-6903 Sheboygan, Wis.

SUBPART F - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 Designation of control areas associated with jet routes outside the continental control area.

Unless otherwise specified, the airspace areas outside of the continental control area and within 16 miles of each side of the jet route segments listed below are designated as control areas

§ 71.163 Designation of additional control areas.

Unless otherwise specified, each control area designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with that of the transition area.

Control 1132

That airspace bounded on the N by a line 5 miles S of and parallel to the Orlando, Fla., VOR 071° radial, on the E by the 79th meridian and the Miami Oceanic/Nassau Control Area boundary, on the S by Control 1235 and on the W by V-3, excluding the portion below 2,000 feet MSL outside the United States, and excluding the portion within R-2902. The portion of this control area extension within W-497B shall be used during IFR weather conditions only after obtaining prior approval from appropriate authority.

Control 1141

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the INT of the 098° bearing from the Boston, Mass., RBN and the 065° bearing from the Squantum, Mass., RBN to a 15-mile radius circle centered on the midway point of a direct line between the INT of the 098° bearing from the Boston RBN and the 065° bearing from the Squantum RBN and the Yarmouth, Nova Scotia, Canada, RR to a 5-mile radius circle centered on the Yarmouth RR, excluding the portion below 2,000 feet except that airspace within the confines of Federal airways, and excluding the portion within the Boston control area extension and the portion under the jurisdiction of Canada.

AMENDMENTS 3/7/63 28 F.R. 721 (Changed);

Control 1142

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at the INT of the 098° bearing from the Boston, Mass., RBN and the 065° bearing from the Squantum, Mass., RBN to a 15-mile radius circle centered at the INT of the 098° bearing from the Boston RBN and the Western Boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet except that airspace within the confines of Federal airways, and excluding the portion within the Boston control area extension.

AMENDMENTS 3/7/63 28 F.R. 721 (Changed);

Control 1143

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Yarmouth, Nova Scotia, Canada, RR to a 5-mile radius circle centered on the Yarmouth RR excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

Control 1144

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered on the INT of a Great Circle course between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) and the Santa Maria, Azores, RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace which lies within the confines of Federal airway.

Control 1145

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., Consolan station (monitor site at Lat. 41°15'35" N, Long. 70°09'19" W) to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket Consolan station (monitor site at Lat. 41°15'35" N, Lon-. 70°09'19" W) and the Kindley AFB, Bermuda RR and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

Control 1147

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the(Newark, N. J., RR SE course)and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airways.

PENDING AMENDMENT

In the text of Control 1147 "the Newark, N. J., RR SE course" is deleted and "the 137° bearing from the Newark, N. J., RBN" is substituted therefor.

2/6/64 28 F. R. 14310 (Changed);

Control 1148

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Millville, N. J., RR and the INT of the Millville RR SE course and the Atlantic Ocean-U. S. Coastline to a 15-mile radius circle centered on the INT of the Millville RR SW course and the W boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet outside the United States.

Control 1150

That airspace within a 5-nmi radius of the Carolina Beach, N. C., RBN (Lat. 34°06'22" N, Long. 77°57'42" W), within a 5-nmi radius of the Bimini, Bahamas, RBN (Lat. 25°42'32" N, Long. 79°16'33" W), within a 23-nmi radius of Lat. 29°53'15" N, Long. 78°39'15" W, within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nmi radius area to the E and W sides of the 23-nmi radius area centered at Lat. 29°53'15" N, Lon. 78°39'15" W, excluding that portion below 2,000 feet MSL outside the United States and that portion below 7,000 feet MSL within the Nassau, Bahamas, control area.

Control 1151

That airspace N of Lat. 27°00'00" N, within tangent lines drawn from the circumference of a 25-mile radius circle centered at a point midway on a direct line between the Carolina Beach, N. C., RBN and the Nassau, British West Indies, RBN and circles 5 miles in radius centered on the Carolina Beach RBN and the Nassau RBN, excluding the airspace below 2,000 feet MSL outside the United States. The portion of this control area within W-497-A shall be used only after obtaining prior approval from appropriate authority.

Control 1152

That airspace E of Charleston, S. C., within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Charleston RBN and a 5-mile radius circle centered at the INT of the 109° bearing from the Charleston RBN with the Atlantic Ocean-U.S. Coastline to a 17-mile radius circle centered at the INT of the 109° bearing from the Charleston RBN with the W boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet MSL outside the United States.

Control 1153

That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Jacksonville, Fla., RBN to an 18-mile radius circle centered at the INT of the 090° bearing from the Jacksonville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet MSL outside the United States.

AMENDMENTS 12/12/62 27 F.R. 12210 (Rewritten);

Control 1169

That airspace within 5 miles either side of a line extending from the Idlewild, N. Y., VORTAC via the INT of the Idlewild VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Idlewild VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Idlewild VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1173

That airspace W of San Francisco bounded by a line beginning at Lat. 38°08'30" N, Long. 122°54'00" W, thence to Lat. 37°14'00" N, Long. 122°24'55" W, thence to Lat. 36°16'00" N, Long. 124°26'00" W, thence to Lat. 37°40'00" N, Long. 125°23'30" W, thence to Lat. 37°50'00" N, Long. 124°24'30" W, thence to Lat. 38°00'00" N, Long. 123°23'00" W, thence to Lat. 38°03'20" N, Long. 123°12'00" W, thence to point of beginning. The portion of this control area within W-513 is excluded at and below 3,000 feet MSL between the hours 8:00 p.m. and 8:00 a.m., p.s.t. Monday through Friday, and is excluded entirely between the hours of 8:00 a.m. and 8:00 p.m. p.s.t. Monday through Friday. The portion of this control area W of a line extending from Lat. 37°05'30" N, Long. 122°43'00" W, via the Farallon Island, Calif., RBN (Lat. 37°41'54" N, Long. 123°00'12"W), to Lat. 37°47'00" N, Long. 123°00'00" W, Lat. 37°53'20" N, Long. 123°04'55" W, Lat. 37°56'00" N, Long. 123°10'00" W, Lat. 38°01'30" N, Long. 123°11'10" W, to Lat. 38°03'20" N, Long. 123°12'00" W, is excluded below 2,500 feet MSL.

Control 1176
That airspace centered on the Santa Barbara, Calif., VORTAC 247° radial, 10 miles in width at the VORTAC with each boundary diverging at an angle of 5° from the 247° radial extending to the E boundary of the Oakland Oceanic control area, excluding the portion at and below 2,000 feet MSL W of Long. 120°30'00" W. The portion of this control area lying W of Long. 120°30'00" W, shall be used only after obtaining prior approval from appropriate authority.

Control 1177
That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N, Long. 118°28'50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N. Long. 121°34'30" W. thence to Lat. 32°10'45" N. Long. 120°16'15" W. thence to Lat. 32°52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5,000 feet MSL.

Control 1181
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

AMENDMENTS 12/12/62 27 F.R. 12210 (Added);

Control 1215
That airspace SE of Galveston, Tex., bounded by a line beginning at Lat. 29°02'10" N, Long. 95°05'00" W extending NE 3-nmi from and parallel to the United States coastline to Lat. 29°19'00" N. Long. 94°40'30" W. to Lat. 28°15'00" N, Long. 92°07'00" W. to Lat. 28°15'00" N. Long. 94°00'00" W. to Lat. 27°32'00" N. Long. 95°09'00" W. to Lat. 26°50'20" N. Long. 95°30'00" W. to Lat. 27°00'00" N. Long. 95°30'00" W. to point of beginning; excluding the portion below 2,500 feet MSL.
PENDING AMENDMENT
Control 1215
That airspace SE of Galveston, Tex., bounded by a line beginning at latitude 29° 02' 10" N., longitude 95° 05' 00" W., extending NE 3 nmi from and parallel to the United States coastline to latitude 29° 19' 00" N., longitude 94° 40' 30" W., to latitude 28° 15' 00" N., longitude 92° 07' 00" W., to latitude 28° 15' 00" N., longitude 94° 00' 00" W., to latitude 28° 07' 45" N., longitude 94° 12' 00" W., to latitude 28° 10' 00" N., longitude 94° 14' 00" W., to latitude 28° 10' 00" N., longitude 94° 58' 00" W., to latitude 27° 37' 45" N., longitude 94° 59' 45" W., to latitude 27° 32' 00" N., longitude 95° 09' 00" W., to latitude 26° 50' 20" N., longitude 95° 30' 00" W., to latitude 27° 00' 00" N., longitude 95° 30' 00" W., to point of beginning; excluding the portion below 2,500 feet MSL.
3/5/64 28 F. R. 14419 (Rewritten);

Control 1216
That airspace extending upward from 2,000 feet MSL bounded on the N by a direct line from the Navy New Orleans, La., RBN to Lat. 29°25'00" N, Long. 87°00'00" W, on the SE by a line extending from Lat. 29°25'00" N. Long. 87°00'00" W to Lat. 28°50'00" N. Long. 88°00'00" W, thence S along Long. 88°00'00" N to the N boundary of the New Orleans Oceanic Control Area, on the S by the New Orleans Oceanic Control Area, on the W by Long. 90°15'00" W., and on the NW by the New Orleans transition area.

AMENDMENTS 1/9/64 28 F. R. 11613 (Changed);

Control 1217
That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Kodiak, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Kodiak RR with the NW boundary of the Anchorage Oceanic Control Area.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed).

Control 1218
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Homer, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Homer RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1226
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Galveston, Tex., RBN extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Galveston RBN and the Grand Isle, La., RBN, thence to the circumference of a 5-mile radius circle centered on the Grand Isle RBN, thence to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle RBN and the Egmont Key, Fla., RBN, thence to the circumference of a 5-mile radius circle centered on the Egmont Key RBN, excluding the portion below 5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion below 2,000 feet MSL from the Grand Isle RBN to the Egmont Key RBN.

AMENDMENTS 6/27/63 28 F R. 3780 (Rewritten);

Control 1228
That airspace within 5 miles either side of a line extending from the Tampa, Fla., RBN to the Key West, Fla., RBN, excluding the portion below 2,000 feet MSL outside the United States, the portion within W-174 and the portion above 20,000 feet MSL between Lat. 24°50'00" N. and the S boundary of Control 1230.

AMENDMENTS 9/2/63 28 F. R. 9589 (Changed);

Control 1230
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Miami, Fla., runway 9-L ILS OM to the circumference of a 5-mile radius circle centered on the Tamiami, Fla., RBN, thence to the circumference of a 10-mile radius circle centered on the INT of the 276° bearing from the Tamiami RBN and the E boundary of the New Orleans Oceanic control area, and within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Miami RBN to the circumference of the 10-mile radius circle centered at the INT of the E boundary of the New Orleans Oceanic control area and the 276° bearing from the Tamiami RBN, and bounded on the E by the E boundary of B-48, excluding the portion below 2,000 feet MSL outside the United States and the portion within W-168.

Control 1232
That airspace E of Miami, Fla., bounded on the E by the Miami Oceanic/Nassau control area boundary, on the S by Lat. 24°00'00" N, on the W by a line beginning at Lat. 24°00'00" N, Long. 80°25'00" W, to the S boundary of V-51 along the S boundary of V-51 and along the E boundary of V-3 to the S boundary of Control 1235, and on the N by the S boundary of Control 1235, excluding the portion below 2,000 feet MSL outside the United States. The portion of this control area within W-497B shall be used during IFR weather conditions only after obtaining prior approval from appropriate authority.

Control 1233
That airspace bounded on the N by the Key West, Fla., control area extension and V-35, on the E by a line 5 miles E of and parallel to the 187° bearing from the Marathon, Fla., RBN, on the S by Lat. 24°00'00" N, and on the W by a line 5 miles W of and parallel to the 205° bearing from the Key West RBN, excluding the portion below
2,000 feet MSL and excluding the portion within W-465.

AMENDMENTS 9/2/63 28 F. R. 9589 (Changed);

Control 1235
That airspace within 5 miles each side of the West Palm Beach RBN 090° bearing, extending from the RBN to the INT of the West Palm Beach RBN 090° bearing and the W boundary of the Miami Oceanic/Nassau Control Area, excluding the portions below 1,000 feet MSL outside the United States and within W-497B.

AMENDMENTS 12/10/63 28 F. R. 11185 (Rewritten);

Control 1310
That airspace within 5 miles either side of a direct line extending from the Anchorage, Alaska, RR to the to the INT of the Anchorage RR SE course and the Hinchinbrook, Alaska, RR NW course (Whittier INT), thence within 16 miles either side of a line extending from INT of the Anchorage RR SE course and the Hinchinbrook RR NW course via the Middleton Island, Alaska, RBN to the Sandspit, B. C., Canada, RR; that airspace between lines diverging at 5° angles from the centerline, extending SE from the Middleton Island RBN and NW from the Sandspit RR, and which terminated at the intersecting points midway between Middleton Island and Sandspit, excluding the portion under the jurisdiction of Canada and within W-533.

Control 1316
That airspace within 5 miles either side of the Los Angeles, Calif., VOR 251° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 251° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary; excluding the airspace below 2,000 feet MSL between the United States and the E boundary of W-289 and excluding the airspace below 5,000 feet MSL within W-289.

Control 1386
That airspace within 5 miles either side of the Orlando, Fla., VOR 071° radial, extending from the VOR to Control 1150, excluding the airspace below 14,000 feet MSL lying between the E boundary of R-2902 and the W boundary of Control 1150. The portion of this control area within R-2902 shall be used only after obtaining prior approval from appropriate authority.

Control 1400
That airspace within 5 miles either side of the 263° bearing from the King Salmon, Alaska, RR extending from the RR to the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion from the Grand Isle RBN to the Egmont Key RBN.

AMENDMENTS 6/27/63 28 F R. 3780 (Rewritten);

Control 1401
That airspace within 5 miles either side of the 248° bearing from the King Salmon, Alaska, RR extending from the RR to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon 248° bearing extending from the RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1408
That airspace S of Miami bounded on the N by a line extending from Lat. 25°48'55" N, Long. 81°45'00" W, to Lat. 25°46'25" N, Long. 81°08'15" W, to Lat. 25°30'30" N, Long. 80°21'30" W, to Lat. 25°24'00" N, Long. 80°25'00" W, on the E by Long. 80°25'00" W, on the S by V-25, and on the W by V-225, excluding the portion below 2,000 feet MSL outside the United States and that portion above 20,000 feet MSL within W-173.

Control 1415
That airspace centered on the Fortuna, Calif., VOR 270° radial 10 miles in width at the VOR with each boundary diverging at an angle of 5° from the 270° radial extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion at and below 2,000 feet MSL W of Long. 124°30'00" W.

Control 1418
That airspace centered on the Hoquiam, Wash., VOR 234° radial, 10 miles in width at the VOR with each edge diverging at an angle of 5° with the centerline and extending to the E boundary of the Seattle Oceanic Control Area; the airspace N and NE of Hoquiam bounded on the NW, N and NE by a line beginning at latitude 46°58'45" N., longitude 124°20'00" W., to latitude 47°06'00" N., longitude 124°00'00" W., to latitude 47°06'00" N., longitude 123°51'00" W., through latitude 47°05'00" N., longitude 123°48'00" W., to the NW boundary of V-27 W, on the SE by V-27 W and a line 5 miles N of and parallel to the Hoquiam VOR 239° radial extending to latitude 46°54'00" N., longitude 124°20'00" W., and on the W by longitude 124°20'00" W.; and the airspace SE of Hoquiam bounded on the N by V-204, on the W by V-27 W, and on the SE by the arc of an 8-mile radius circle centered on the Hoquiam VOR, excluding the portions at and below 2,000 feet MSL outside the United States, and the portion within W-460.

AMENDMENTS 4/4/63 28 F.R 966 (Rewritten);

Control 1419
That airspace SE of Newport, Oreg., bounded on the W by V-27, on the NW by V-99, on the E by longitude 123° 52'00" W., and on the S by latitude 44°18'00" N.; the airspace SW of Newport bounded on the NW by a line 5 miles SE of and parallel to the Newport VOR 232° radial, on the east by V-27, and on the SW by the arc of a 16-mile radius circle centered on the Newport VOR, and the airspace NW of Newport bounded on the E by V-27, on the S by a line 5 miles N of and parallel to the Newport VOR 242° radial, and on the NW by the arc of a 7-mile radius circle centered on the Newport VOR, excluding the portions at and below 2,000 feet MSL outside the United States; and the airspace centered on the Newport VOR 237° radial, 10 miles in width at the VOR with each edge diverging at an angle of 5° with the centerline and extending to the E boundary of the Seattle Oceanic Control Area, excluding the portion at 2,000 feet MSL and below W of a line parallel to and 10 miles W of the United States coastline.

AMENDMENTS 4/4/63 28 F.R 966 (Rewritten);

Control 1420
That airspace centered on the North Bend, Oreg., VOR 239° radial, 10 miles in width at the VOR with each boundary diverging at an angle of 5° with the centerline and extending to the E boundary of the Seattle Oceanic control area, excluding the portion at 2,000 feet MSL and below SW of a point 20 miles SW of the North Bend VOR.

Control 1445
That airspace S of the United States-Canadian border and the Vancouver Oceanic Control Area within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL

Control 1447
That airspace SW of New Orleans, La., bounded by a line beginning at Lat. 29° 22' 30" N., Long. 91° 05' 00" W., to Lat. 29° 15' 00" N., Long. 91° 05' 00" W., to Lat. 29° 15' 00" N., Long. 90° 36' 15" W., to Lat. 28° 15' 00" N., Long. 91° 17' 45" W., to Lat. 28° 15' 00" N., Long. 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.
PENDING AMENDMENT
Control 1447
That airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29° 22' 30" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.
1/9/64 28 F. R. 12612 (Rewritten); Date Changed (3/5/64) 29 F. R. 133

Control 1483
That airspace within 5 miles either side of the 230° bearing from the Bethel, Alaska, RR extending from the RR to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 230° bearing extending from the Bethel RR to the E boundary of the Anchorage Oceanic Control Area, and excluding the airspace below 2,000 feet MSL outside the United States.

Control 1484
That airspace within 5 miles either side of the 227° bearing from the King Salmon, Alaska, RR extending from the RR to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the King Salmon 227° bearing extending from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1485
That airspace N of Fairbanks, Alaska, extending from 18,500 feet MSL to flight level 450 bounded by a line beginning at: latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 70°28'40" N., longitude 141°00'00" W.; to latitude 64°39'30" N., longitude 145°50'00" W.; to latitude 65°00'00" N., longitude 140°10'00" W.; to latitude 72°00'00" N., longitude 144°13'15" W.; to the point of beginning.

AMENDMENTS 12/12/62 27 F.R. 12211 (Added);

Control 1486
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

AMENDMENTS 6/27/63 28 F. R. 4506 (Added);

§71.165 CONTROL AREA EXTENSIONS

§ 71.165 Designation of control area extensions.
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

Aberdeen, S. Dak.
Within a 15-mile radius of the Aberdeen VOR.
PENDING AMENDMENT
The Aberdeen, S. Dak., control area extension is revoked. 3/5/64 28 F. R. 13929 (Revoked);

Abilene, Tex.
Within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V-77, on the N by V-278 E of Guthrie, Tex., VOR and V-102 W of Guthrie VOR, on the W and SW by V-62; the airspace NW of Abilene 8 miles SW of and 5 miles NE of the Abilene VOR 327° radial extending from the VOR to 60 miles NW of the VOR; the airspace SE, S and SW of Abilene bounded on the N by V-94, on the E by V-163, on the S by V-76 N and on the SW by V-76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V-66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

Adak, Alaska
Within a 50-mile radius of the NAS Adak (Lat. 51°53'00" N, Long. 176°39'00" W) extending from 700 feet above the surface to 24,000 feet MSL.

Albany, Ga.
Within 5 miles each side of the 272° bearing from latitude 31°32'00" N., longitude 84°06'43" W., extending from latitude 31°32'00" N., longitude 84°06'43" W., to 25 miles W; within 5 miles either side of the Albany VOR 338° radial extending from the VOR to 20 miles NW, and within 12 miles SW and 8 miles NE of the Albany VOR 294° radial extending from the VOR to 40 miles NW.

AMENDMENTS 11/12/63 28 F. R. 10452 (Changed);

Albany, N. Y.
Within a 15-mile radius of the Albany VORTAC extending clockwise from the 134° to the 094° radials; within a 40-mile radius of the Albany VORTAC extending clockwise from the 094° to the 134° radials; the airspace NW of Albany bounded on the N by V-490, on the E by V-203 and on the S by V-2; the airspace NE of Albany extending from the 15-mile radius area bounded on the N by V-490, on the E by V-487, and on the S by V-72, and the airspace SW of Albany extending from the 15-mile radius area bounded on the N by V-72 and on the S by a line 10 miles S of and parallel to the Albany VORTAC 270° radial.

Alexandria, La.
Within a 40-mile radius of the Alexandria VOR; that airspace S of Alexandria bounded on the NE by V-114, on the SE by V-222, on the S and SW by the Lake Charles, La., control area extension; and on the NW by a line 5 miles NW of and parallel to the Alexandria VOR 232° radial; including the airspace E of Alexandria within 12 miles NE and 8 miles SW of the Alexandria VOR 105° radial extending from the 40-mile radius area to 58 miles SE of the VOR, excluding the portion which coincides with R-3803 and R-3804. The portion of this control area extension within R-3801 shall be used only after obtaining prior approval from appropriate authority.

Alice, Tex.
Within 5 miles either side of a direct line extending from the Alice VOR to the Cotulla, Tex., VOR and within a 35-mile radius of the Alice VOR, excluding the portion which coincides with R-6301

Allendale, S. C.
That airspace SW of the Allendale VOR bounded on the N by V-70, on the SW by V-5 E and on the SE by V-157

AMENDMENTS 9/19/63 28 F. R. 4610 (Changed);

Alpena, Mich.
That airspace bounded by a line beginning at Lat. 45°28'00" N, Long. 83°30'00" W, thence to Lat. 45°16'30" N, Long. 83°11'25" W, thence to Lat. 44°42'00" N, Long. 83°52'30" W, thence to Lat. 44°53'00" N, Long. 84°11'30" W, thence to the point of beginning, shall be designated a control area extension during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airman's Guide.

Altoona, Pa.
That airspace N of the Altoona VOR bounded on the E by a line 5 miles W of and parallel to the St. Thomas, Pa., VOR 358° radial, on the S by V-12, on the NW by V-35 and on the N by V-276.

Altus, Okla.
That airspace bounded on the NE by V-17, on the SE by V-77, on the S by V-102, on the W by V-14 from Lubbock, Tex., to Childress, Tex., and V-114, from Childress, Tex., to Amarillo, Tex., and on the NW by V-12, excluding the portion of this control area extension which coincides with R-5601.

Amarillo, Tex.
Within a 50-mile radius of Lat. 35°13'42" N, Long. 101°44'24" W.

Anchorage, Alaska
Within a 55-mile radius of the Anchorage VOR extending clockwise from the NW boundary of V-456 SW of Anchorage to the Anchorage VOR 309° radial; within a 72-mile radius of the Anchorage VOR extending clockwise from the Anchorage VOR 309° radial to the E boundary of V-438 N of Anchorage; within a 50-mile radius of the Anchorage VOR extending clockwise from the E boundary of V-438 N of Anchorage to the NW boundary of V-456 SW of Anchorage. The portions of this control area extension within R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority.

Atterbury, Ind.
That airspace bounded on the NE by V-128, on the E by the arc of a 35-mile radius circle centered at the Greater Cincinnati Airport, Covington, Ky. (Lat. 39°02'56" N, Long. 84°39'41" W), on the S by a line extending from Lat. 39°01'00" N, Long. 85°18'45" W to Lat. 39°08'00" N, Long. 86°21'00" W, on the W by V-227, and on the NW by V-12 S. The portion within R-3401 shall be used only after obtaining prior approval from appropriate authority.

Augusta, Ga.
That airspace bounded by a line beginning at the INT of the S boundary of V-454 and a line 8 miles E of and parallel to the Augusta VOR 359° radial, thence S along this line to its INT with a line 13 miles E of and parallel to the Augusta VOR 348° radial, thence SE along this line to the N boundary of V-70, thence SW along the N boundary of V-70 to a line passing through points at Lat. 32°47'00" N, Long. 82°10'00" W and Lat. 33°02'00" N, Long. 82°30'00" W, thence NW along this line to Long. 82°30'00" W, thence N along Long. 82°30'00" W to the N boundary of V-18, thence W along the N boundary of V-18 to Long. 82°54'00" W, thence N along Long. 82°54'00" W, to Lat. 33°48'00" N, thence E along Lat. 33°48'00" N to Long. 82°24'00" W, thence N along Long. 82°24'00" W to the S boundary of V-454 to point of beginning, excluding the portions which coincide with R-3003, R-3004 and R-6004.

AMENDMENTS Eff. on publ. (4/10/63) 28 F.R. 3483 (Changed);

Austin, Tex.
Within a 40-mile radius of Lat 30°22'36" N, Long. 97°40'55" W

Bakersfield, Calif.
That airspace bounded on the E by V-23, on the S by Lat. 35°05'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 36°00'00" N; and that airspace NE of Bakersfield bounded on the E by Long. 118° 45'00" W, on the S by Lat. 35°36'00" N, on the W by a line extending from Lat. 35°36'00" N, Long. 119°01'03" W, to Lat. 36°00'00" N, Long. 118°48'00" W, and on the N by Lat. 36°00'00" N.

Banana River, Fla.
That airspace bounded on the N by Lat. 28°50'00" N, on the E by a line 3-nmi E of and parallel to the U. S. shoreline, on the S by the Patrick AFB, Fla., 5-mile radius zone, on the W by V-3, including the airspace W of Banana River bounded on the E by V-3, on the SW by V-295 E and on the NW by the control 1366.

Bangor, Maine
That airspace bounded on the E by the United States/Canadian border and a line extending from Lat. 45°29'00" N, Long. 67°30'00" W, to Lat. 44°25'00" N, Long. 67°30'00" W, on the SE by a line extending from Lat. 44°25'00" N, Long. 67°30'00" W, via Lat. 44°18'00" N, Long. 68°00'00" W, to Lat. 43°45'00" N, Long. 69°15'00" W, on the SW by the Brunswick, Maine, control area extension, and on the W and NW by V-39 SW of the Millinocket, Maine VOR and V-471 from the Millinocket VOR to the United States/Canadian border. The portion of this control area extension which coincides with R-3901 is excluded. The portion of this control area extension which coincides with R-3903 shall be used only after obtaining prior approval from appropriate authority.

Bartlesville, Okla.
Within a 20-mile radius of the Phillips Airport, Bartlesville, Okla. (Lat. 36°45'46" N, Long. 96°00'30" W)

Battle Creek, Mich.
Within a 35-mile radius of the Battle Creek VORTAC.

Battle Mountain, Nev.
Within 14 miles E and 7 miles W of the Battle Mountain VOR 348° radial extending from the VOR to 12 miles N, and the airspace S of Battle Mountain bounded on the N by V-6 W of Battle Mountain and V-32 E of Battle Mountain, on the S by V-494 and on the W by Long. 117°17'00" W.

Berlin, N. H.
Within 8 miles E and 5 miles W of the 334° bearing from the Berlin RBN extending from the RBN to 17 miles NW; within 5 miles S and 8 miles N of the 248° bearing from the Whitefield, N. H., RBN extending from the RBN to 17 miles SW, and within 5 miles either side of a line extending from the Berlin RBN to the Whitefield RBN

Bethel, Alaska
Within a 30-mile radius of the Bethel VOR.

Bettles, Alaska
Within 16 miles E and 25 miles W of the 337° and 157° bearings from the Bettles RR, extending from 25 miles N to 42 miles S of the RR.

Big Spring, Tex.
Within a 35-mile radius of the Big Spring VOR; the airspace NW of Big Spring bounded on the NE by V-76 N and on the W by V-81 and V-76; including the airspace N of Big Spring within 12 miles W and 12 miles E of the Webb AFB TACAN 014° radial extending from the 35-mile radius area to 61 miles N of the TACAN. The portion of this control area extension which coincides with R-6309 shall be used only after obtaining prior approval from the appropriate authority.

Billings, Mont.
Within a 25-mile radius of the Billings VORTAC extending clockwise from V-2 W of Billings to V-19 SE of Billings; within 12 miles W and 8 miles E of the Billings VORTAC 347° radial extending from the 25-mile radius area to 46 miles N of the VORTAC; and within 12 miles SW and 8 miles NE of the Billings VORTAC 301° radial extending from V-2 and the 25-mile radius area to 53 miles NW of the VORTAC; including the airspace bounded on the N by V-2, on the E by V-187, and on the SW by a line extending from the S boundary of V-2 through Lat. 45°43'00" N, Long. 108°48'00" W, and Lat. 45°42'30" N, Long. 108° 44'00" W to the W boundary of V-187.

Biloxi, Miss.
Within a 25-mile radius of Lat. 30°27'08" N, Long. 88°53'26" W; and that airspace bounded on the E by Long. 88°30'00" W, on the SE and S by a line 15 miles S of and parallel to V-22, on the W by Long. 88°10'00" W, on the N by the Biloxi 25-mile radius area, excluding the portion which coincides with W-453.

Binghamton, N. Y.
Within a 15-mile radius of the Binghamton VORTAC.

Birmingham, Ala.
That airspace bounded by a line beginning at Lat. 32°52'00" N, Long. 87°30'00" W, to Lat. 34°15'00" N, Long. 87°30'00" W, to Lat. 34°15'00" N, Long. 86°15'00" W, to Lat. 34°00'00" N, Long. 86°15'00" W, to Lat. 33°39'00" N, Long. 86°00'00" W, to Lat. 32°52'00" N, Long. 86°00'00" W, to point of beginning; that airspace W of Birmingham within 7 miles N and 11 miles S of the Birmingham VORTAC 263° radial extending from Long. 87° 30'00" W to 43 miles W of the VORTAC.

Bismarck, N. Dak.
Within a 15-mile radius of the Bismarck VOR; within 5 miles either side of the Bismarck ILS localizer SE course extending from the localizer to 20 miles SE of the OM, and within 5 miles either side of the Bismarck VOR 114° radial extending from the VOR to 25 miles SE.

Bluefield, W. Va.
That airspace bounded on the N by V-478, on the E by V-59, on the S by a line 9 miles S of and and parallel to the Bluefield VOR 264° and 084° radials, on the W by the Blackford, Va., VOR 344° radial, including the airspace NE of the Beckley, W. Va., VOR within a 13-mile radius of the VOR, bounded on the W by V-59 and on the SW by V-258.

Blytheville, Ark.
That airspace bounded on the E by V-9, on the S by V-140, on the W by V-69, and on the N by a line through Lat. 36°21'00" N, Long. 90°04'00" W and Lat. 36°32'00" N, Long. 90°40'00" W.

Boise, Idaho
Within a 25-mile radius of the Boise VORTAC, extending clockwise from the 319° to the 130° radials; within a 40-mile radius of the Boise VORTAC, extending clockwise from the 130° to the 319° radials; within 5 miles either side of the Boise VORTAC 291° radial, extending from the VORTAC to 67 miles NW, and within a 10-mile radius of the Ontario Municipal Airport, Oreg., (Lat. 44°01'15" N, Long. 117°00'43" W), excluding the portion which coincides with the Mountain Home, Idaho, control area extension.

Boston, Mass.
That airspace bounded by a line beginning at latitude 43° 25' 32" N., longitude 70° 36' 50" W., to latitude 43° 21' 30" N., longitude 70° 19' 20" W., to latitude 43° 15' 00" N., longitude 70° 30' 00" W., to latitude 42° 44' 20" N., longitude 70° 37' 00" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42° 35' 00" N., longitude 70° 34' 45" W., thence to latitude 42° 35' 00" N., longitude 70° 30' 00" W., to latitude 42° 15' 20" N., longitude 70° 30' 00" W., to latitude 42° 03' 00" N., longitude 69° 18' 00" W., to latitude 41° 41' 40" N., longitude 69° 45' 20" W., to latitude 41° 19' 10" N., longitude 70° 13' 40" W., to latitude 41° 13' 40" N., longitude 70° 43' 00" W., to latitude 41° 36' 30" N., longitude 70° 43' 00" W., to latitude 41° 42' 20" N., longitude 71° 19' 10" W., to latitude 42° 35' 00" N., longitude 71° 58' 30" W., to latitude 42° 46' 40" N., longitude 72° 09' 15" W., to latitude 43° 03' 40" N., longitude 71° 41' 15" W., to latitude 43° 13' 11" N., longitude 71° 34' 33" W., to the point of beginning; and that airspace N and NW of Concord, N. H., within the arc of a 20-mile radius circle centered at the Concord, N. H., VOR; and that airspace outside of the continental control area extending upward from FL 240 to FL 300 inclusive within an 18-mile radius of the Pease, N. H., RBN. The portion of this control area extension which coincides with R-4901 is excluded. The portion of this control area extension at 3,000 feet MSL and below bounded on the N by latitude 43° 01' 30" N., on the E by W-103, on the S by latitude 42° 59' 03" N., and on the W by R-4901 is excluded during the time of designation of R-4901. The portion of this control area extension which coincides with R-4101, R-4103 and R-4108 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/63 28 F. R. 10742 (Rewritten);

Bowling Green, Ky.
Within a 15-mile radius of the Bowling Green VORTAC; including the airspace W of Bowling Green bounded on N by Lat. 37°00'00" N, on the SE by V-57, and on the W by V-7.

Bradford, Ill.
Within a 15-mile radius of the Bradford VOR.

Brownsville, Tex.
That airspace over the United States within a 40-mile radius of the Brownsville VORTAC S of Lat. 26°30' 00" N; within 5 miles either side of the Harlingen, Tex., VOR 013° radial extending from the VOR to V-68, and that airspace W of V-68 S of Lat. 28°31'00" N, and E of Long. 98°00'00" W.

Brunswick, Ga.
That airspace bounded on the N by Lat. 31°30'00" N, on the E by V-3, and on the SW by V-5 and V-51. The portion of this control area extension which coincides with R-3006 shall be used only after obtaining prior approval from the appropriate authority.

Brunswick, Maine
That airspace bounded on the NW by V-3, on the NE by V-302, on the E by longitude 69°15'00" W., on the S by W-103, and on the SW by a line 5 miles NE of and parallel to the 132° bearing from the Portland Municipal Airport, Maine (latitude 43°38'50" N., longitude 70°18'28" W.); the airspace SW of Augusta, Maine, from 5 miles NW to 7 miles NW of the Augusta VOR 239° radial extending from the Augusta VOR 329° radial to 20 miles SW, and the airspace N of Augusta from 5 miles W to 10 miles W of the Augusta VOR 025° radial extending from the Augusta VOR 295° radial to 20 miles NE, excluding the portion within C-516.

2/7/63 .27 F.R. 12711 (Rewritten);

Bryce Canyon, Utah
Within 5 miles either side of the Bryce Canyon VOR 110° radial, extending from the VOR to 25 miles SE and within 10 miles SE and 7 miles NW of the Bryce Canyon VOR 240° radial extending from the VOR to 20 miles SW.

Buffalo, N. Y.
Within a 50-mile radius of the Greater Buffalo International Airport (Lat. 42°56'25" N, Long. 78°43'50" W). and within 12 miles NE and 8 miles SW of the Buffalo VORTAC 124° radial extending from the 50-mile radius area to 73 miles SE of the VORTAC, excluding the portion outside the United States. The portion of this control area extension which coincides with R-5203 is excluded.

Burbank, Calif.
That airspace bounded on the SE by V-8 N, on the S by V-16, on the SW by V-107, on the NW by V-12 and the E boundary of V-23, and on the NE by V-137.

Burlington, Iowa
Within a 15-mile radius of the Burlington VOR and within 5 miles either side of the Burlington VOR 112° radial extending from the VOR to 25 miles E.
PENDING AMENDMENT
The Burlington, Iowa, control area extension is revoked. 4/30/64 28 F. R. 13864 (Revoked);

Camp Douglas, Wis.
Within a 30-mile radius of Volk Field, Camp Douglas, Wis., (Lat. 43°56'25" N, Long. 90°15'20" W), N of Lat. 43°39'00" N, excluding the portions which coincide with R-6901 and R-6904. This area shall be designated a control area extension during the specific dates and times established in advance by NOTAM, and continuously published in the Airman's Guide.

Cedar Rapids, Iowa
Within 5 miles either side of the 266° bearing from the Cedar Rapids Municipal Airport, extending from the airport to 25 miles W; within 5 miles either side of the 090° bearing from the airport, extending from the airport to 25 miles E, and that airspace S of Cedar Rapids bounded on the NE by V-233, on the S by V-6 and on the NW by V-294.

Charleston, S. C.
That airspace S of Charleston bounded on the N by V-53 and Control 1152, on the SE by a line 3-mmi SE of and parallel to the shoreline, on the S by the Savannah, Ga., control area extension, and on the W by V-3; that airspace NE of Charleston bounded on the W by V-1, on the N by the Myrtle Beach, S. C., control area extension, on the E by a line 5 miles E of and parallel to the Myrtle Beach VOR 218° radial and on the S by Control 1152.

Charleston, W. Va.
Within a 35-mile radius of Kanawha County Airport, Charleston, W. Va. (Lat. 38°22'21" N, Long. 81°35'35" W); the airspace N and NW of the Kanawha County Airport bounded on the E by V-133, on the S by V-4 and on the NW by V-493 and V-44; the airspace N of Charleston extending from the 35-mile radius area bounded on the NW by V-119, and on the SE by V-115, and the airspace SW of Charleston extending from the 35-mile radius area bounded on the N by V-4 and on the SW by V-478.

Charlottesville, Va.
That airspace bounded on the NW by V-140, on the E by V-39, and on the S by V-16 N alternate.

Cheyenne, Wyo.
Within 8 miles each side of the Cheyenne VORTAC 032° radial extending from the VORTAC to 25 miles NE; the airspace bounded on the N by V-6, on the NE by V-207, on the S by V-138 and on the W by V-88E alternate; the airspace SE of Cheyenne within a 25-mile radius of the Cheyenne RBN extending clockwise from a 090° bearing to a 181° bearing from the Cheyenne RBN; and the airspace SW of Cheyenne bounded on the N by V-118, on the E by V-19 and on the SW by V-4N alternate.

AMENDMENT (Eff. on Publ.) 10/11/63 28 F. R. 10900

Chicago, Ill.
Within a 20-mile radius of the Midway Airport, Chicago, Ill., (Lat. 41°47'05" N, Long. 87°45'05" W); within a 15-mile radius of the Chicago Heights, Ill., VORTAC; that airspace NE, E, and SE bounded by a line beginning at the INT of the E boundary of V-7 and the S boundary of V-84, thence E along the S boundary of V-84 to its INT with the South Bend, Ind., VORTAC 314° radial, thence SE along this radial to its INT with the N boundary of V-100, thence E along V-100 to its INT with the arc of a 35-mile radius circle centered on the Battle Creek, Mich., VORTAC, thence counterclockwise along this arc to Lat. 41°57'30" N, Long. 85°44'30" W, thence to Lat. 41°41'00" N, Long. 85°49'40" W, thence counterclockwise along the arc of a 15-mile radius circle centered on the Goshen, Ind., VOR to its INT with the W boundary of V-55 W, thence S along this boundary to its INT with the N boundary of V-38, thence W along this boundary to its INT with the E boundary of V-7, thence along this boundary to the point of beginning.

Chicopee Falls, Mass.
That airspace bounded on the N by V-2, on the NE by V-151, on the SE by V-3, on the S by a line extending from Lat. 42°08'20" N, Long. 72°37'00" W to Lat. 42°03'45" N, Long. 72°09'00" W, on the SW by V-203, and on the NW by the arc of a 38-mile radius circle centered on the Westover AFB, Mass., and lying between V-2 and V-203, excluding the portion below 2,500 feet MSL. The portion of this control area extension which coincides with R-4108 shall be used only after obtaining prior approval from the appropriate authority.

Cincinnati, Ohio
Within a 35-mile radius of the Greater Cincinnati Airport (Lat. 39°02'56" N, Long. 84°39'55" W); that airspace N and E of Cincinnati bounded by a line extending from the 35-mile radius area N via V-275 to its INT with V-210, thence E via V-210 to its INT with V-427, thence S via V-427 and V-59 to V-144, thence E via V-144 to its INT with V-119, thence SW via V-119 to its INT with V-44, thence SW via V-44 to its INT with V-133, thence N via V-133 to its INT with V-144, thence NW via V-144 to its INT with V-5, thence SW via V-5 to its INT with the 35-mile radius area; and that airspace SW of Cincinnati extending from the 35-mile radius area bounded on the S by V-44 and on the NW by V-47. The portion of this control area extension within R-5503 and R-5504 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 9/19/63 28 F. R. 8241 (Changed);

Cleveland, Ohio
Within a 50-mile radius of the Cleveland-Hopkins Airport, Cleveland, Ohio (Lat. 41°24'30" N, Long. 81° 51'00" W), excluding the portion outside the United States; within 8 miles N and 12 miles S of the Cleveland VORTAC 275° radial extending from the 50-mile radius area to 53 miles W of the VORTAC; that airspace extending from the 50-mile radius area bounded on the N by the United States-Canadian border, on the S by a line 8 miles N of and parallel to the Cleveland VORTAC 275° radial, and on the W by Long. 83°02'00" W, and that airspace extending from the 50-mile radius area bounded on the SE by V-43 and on the NW by V-443 E. The airspace within R-5502 shall be used only after obtaining prior approval from the appropriate authority.

Cold Bay, Alaska
Within a 50-mile radius of the Cold Bay RR.

Colorado Springs, Colo.
That airspace bounded by a line beginning at the INT of the S boundary of V-148 with Long. 104°07'00" W to Lat. 39°05'00" N, Long. 104°07'00" W, thence E to the INT of Lat. 39°05'00" W with the arc of a 46-mile radius circle centered on the Colorado Springs, VORTAC, thence clockwise along this arc to a line 10 miles N of and parallel to Pueblo, Colo., VORTAC 275° and 093° radials, thence W via this line to Long. 104°52'00" W, thence N via this meridian to the Colorado Springs VORTAC 294° radial, thence NW via this radial to the SE boundary of V-95, thence NE via the SE boundary of V-95 and the S boundary of V-148, to point of beginning. The portion of this control area extension within R-2601 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); Eff. on Publ. (11/2/63) 28 F. R. 11727 (Changed);

Columbia, S. C.
That airspace S of Columbia bounded on the N by V-56, on the NE by V-53, on the S by V-18 and on the W by V-185; that airspace SE of Columbia bounded on the N by V-56, on the E by a line 5 miles W of and parallel to a direct line extending from the Charleston, S. C., VORTAC to the Florence, S. C., VOR, and on the SW by V-53, excluding the portion within R-6004. The portion of this control area extension within R-6002 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS Eff on publ. (4/10/63) 28 F.R. 3483 (Changed);

Columbus, Miss.
Within a 45-mile radius of the Columbus AFB, Miss.

Columbus, Ohio
Within a 15-mile radius of the Appleton, Ohio, VORTAC; including the airspace S of Columbus bounded on the E by V-133, on the SE by V-44, on the W by a line extending from the N boundary of V-44 at Lat. 38°42'55" N, Long. 83°00'15" W, via Lat. 38°48'30" N, Long. 83°02'00" W, to Lat. 39°30'00" N, Long. 83°02'00" W, and Lat. 39°30'00" N, Long. 83°47'00" W, to the S boundary of V-5 at Lat. 39°37'10" N, Long. 83°47'00" W, on the NW by V-5; and on the N by V-214. The portion of this control area extension within R-5501 shall be used only after obtaining prior approval from the appropriate authority.

Cordova, Alaska
Within 12 miles SW and 22 miles NE of the 120° and 300° bearings from the Hinchenbrook, Alaska, RR extending from 10 miles NW to 57 miles SE of the RR.

Corinne, Utah
Within 5 miles either side of the 289° bearing from the Corinne RBN to V-101.

Corpus Christi, Tex.
That airspace N of Corpus Christi bounded on the SE by V-20, on the SW by V-68, on the NW by the arc of 60-mile circle centered on the San Antonio, Tex., RBN, on the N by Lat. 29°00'00" N, and on the NE by the arc of a 25-mile circle centered at Lat. 28°51'00" N, Long. 96°55'00" W; including the airspace SE of Corpus Christi bounded on the NW by V-20, on the E by Long. 97°14'00" W, on the SE by the N boundary of R-6301, and on the W by the arc of a 35-mile circle centered on the Alice, Tex., VOR.

Cotulla, Tex.
Within 13 miles SW and 8 miles NE of the 140° and 320° bearings from the Cotulla RBN extending from V-17 to 20 miles NW of the RBN; including the airspace N of Cotulla bounded on the W by a line 5 miles E of and parallel to the Cotulla VOR 344° radial, on the N by the arc of a 60-mile circle centered on the San Antonio, Tex., RBN, and on the E by V-17.

AMENDMENTS 12/12/63 28 F. R. 10513 (Changed);

Crescent City, Calif.
Within 5 miles either side of the Crescent City VOR 330° and 235° radials extending from the VOR to 25 miles NW and 20 miles SW of the VOR.
PENDING AMENDMENT
The Crescent City, Calif., control area extension is revoked. 5/28/64 28 F. R. 14419 (Revoked);

Crestview, Fla.
Within 12 miles W and 8 miles E of the Crestview VOR 004° and 184° radials extending from 20 miles N to 8 miles S of the VOR; within 10 miles N and 7 miles S of the Crestview VOR 091° radial extending from the VOR to 35 miles E of the VOR, excluding the portion of the control area extension within R-2914 and R-2915.

Dalhart, Texas
Within 10 miles SW and 7 miles NE of the Dalhart, VORTAC 324° and 144° radials extending from 20 miles NW to 9 miles SE of the VORTAC, within 10 miles W and 7 miles E of the Dalhart VORTAC 002° and 182° radials extending from 20 miles N to 9 miles S of the VORTAC.

Dallas, Texas
That airspace bounded on the E by a line 5 miles E of and parallel to the Dallas VORTAC 133° radial the Leona, Tex., VOR 353° and 140° radials, the Houston, Tex., VORTAC 353° radial and V-20, on the S and SW by V-180, on the NW by V-17 from Austin, Tex., VORTAC to the Waco, Tex., VORTAC and by V-15 from the Waco VORTAC to the Dallas VORTAC; including the airspace SE of Dallas extending from 44 miles N to 76 miles N of the Leona VOR, bounded on the E by a line 12 miles E of and parallel to the Leona VOR 353° radial and on the W by the Leona VOR 353° radial.

Danville, Ill.
Within a 15-mile radius of the Danville MUN, excluding the portion of this control area extension within the Lafayette, Ind., and the Rantoul, Ill., control area extensions; including the airspace NE of Danville extending from the 15-mile radius area, bounded on the NE by V-33, on the E by the Lafayette control area extension and on the N by V-171.

Danville, Va.
That airspace bounded on the E by Long. 78°50'00" W, on the S by Lat. 36°19'00" N, on the W by Long. 79°41'00" W, and on the N by Lat. 36°57'30" N.

Del Rio, Tex.
That airspace over United States territory within a 55-mile radius of Laughin AFB, Del Rio, Tex.

Denver, Colo.
Within a 34-mile radius of the Denver VORTAC extending from V-81 on the S clockwise to V-4 on the N; the airspace NW of Denver from 5 miles W to 8 miles W of the Denver VORTAC 324° radial extending from the 34-mile radius area to the arc of a 57-mile radius circle centered on the Denver VORTAC; within 10 miles either side of the Denver VORTAC 253° radial extending from the 34-mile radius area to 49 miles W of the VORTAC; the airspace S of Denver bounded on the W by V-89, on the N by the 34-mile radius area, on the E by V-81, and on the S by V-95; the airspace SE of Denver bounded on the N by V-4, on the E by Long. 104°00'00" W, and on the S and W by V-148; and the airspace NE of Denver bounded on the NE by V-132, on the SE by V-160 and on the W by V-89, including the airspace bounded on the N by V-138 E, on the E by Long. 103°52'00" W, on the SW by V-132, and on the NW by V-207.

Des Moines, Iowa
Within a 25-mile radius of the Des Moines, VORTAC; within 12 miles W and 8 miles E of the Des Moines VORTAC 196° radial extending from the 25-mile radius area to 39 miles S of the VORTAC; within 12 miles N and 8 miles S of the Des Moines VORTAC 261° radial extending from the 25-mile radius area to 37 miles W of the VORTAC; including the airspace E of Des Moines bounded on the NE by V-172 S, on the E and S by V-294 and on the NW by V-161.

Dodge City, Kans.
Within 10 miles SW and 7 miles NE of the Dodge City VOR 161° and 341° radials extending from 20 miles NW to 9 miles SE of the VOR, and within 5 miles either side of the Dodge City VOR 161° and 341° radials extending from 20 miles to 25 miles NW of the VOR and from 9 miles to 25 miles SE of the VOR.

Douglas, Ariz.
Within 8 miles either side of the Douglas VOR 131° radial extending from the VOR to the United States/Mexican border and within 10 miles SW and 7 miles NE of the Douglas VOR 302° and 122° radials extending from 9 miles SE to 20 miles NW of the VOR, excluding the portion within R-2303, and the portion outside the United States.
PENDING AMENDMENT
The Douglas, Ariz., control area extension is revoked. 2/6/64 28 F. R. 13438 (Revoked);

Dover, Del.
That airspace S of the Kenton, Del., VORTAC, bounded on the N by V-16, on the E by V-239, on the SE by V-1 and on the W by V-29. The portion of this control area extension within R-2803 shall be used only after obtaining prior approval from appropriate authority.

Duluth, Minn.
Within a 30-nmi radius of the Duluth VORTAC.

Eau Claire, Wis.
Within a 15-mile radius of the Eau Claire VOR and within 5 miles either side of the Eau Claire VOR 004° radial extending from the VOR to 20 miles N.

Edenton, N. C.
That airspace bounded on the W by V-229, on the N by the Norfolk, Va., control area extension, on the NE by control 1181, on the SE by the NW shore of Pamlico Sound, and on the S by the arc of a 60-mile radius circle centered at Lat. 34°54'30" N, Long. 76°53'00" W, excluding the portions within R-5301A, R-5301B, R-5302, R-5303, R-5304 and R-5305.

AMENDMENTS 11/14/63 28 F. R. 11451 (Changed);

Elkins, W. Va.
Within a 15-mile radius of the Elkins VORTAC, and within 5 miles either side of the Elkins RR 8 course extending from the Elkins Airport to 10 miles S.

Elko, Nev.
Within 5 miles either side of the 238° and 158° bearings from the Elko RBN extending from 25 miles S to 25 miles N of the RBN, including the airspace bounded on the SW by the Elko VORTAC 248° radial, on the NE by the Elko VORTAC 158° radial, on the SE by a line 10 miles SE of and parallel to the Elko VORTAC 248° radial, and on the SW by a line 20 miles SW of and parallel to the Elko VORTAC 158° radial

Elmira, N. Y.
Within a 15-mile radius of the Elmira VOR; including the airspace SE of Elmira bounded on the E by a line 8 miles E of and parallel to the Elmira VOR 166° radial, on the S by V-116 and on the W by V-31.

Enid, Okla.
That airspace bounded on the N by V-190, on the E by V-77, on the S by V-140, on the SW by V-17 and on the NW by V-12.

Eniwetok Island
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N, Long. 162°20'00" E).

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed);

Ephrata, Wash.
That airspace N of V-2 within a 25-mile radius of the Ephrata VOR.

Erie, Pa.
Within a 15-mile radius of the Erie VORTAC; including the airspace extending from the 15-mile radius area bounded on the W by V-37, on the N by the United States/Canadian border, on the NE by the arc of a 50-mile radius circle centered on the Greater Buffalo International Airport (Lat. 42°56'25" N, Long. 78°43'30" W), on the E by Long. 78°57'00" W, and on the S by V-72 and V-184.
PENDING AMENDMENT
The Erie, Pa., control area extension is revoked. 3/5/64 29 F. R. 132 (Revoked);

Eugene, Oreg.
Within 5 miles either side of the Eugene RR W course extending from the RR to V-27.
PENDING AMENDMENT
The Eugene, Oreg. control area extension is revoked. 2/6/64 28 F. R. 13356 (Revoked).

Evansville, Ind.
Within a 15-mile radius of the Evansville VORTAC; within 5 miles either side of the 038° and 218° bearings from the Evansville ILS OM extending from the 15-mile radius area to 25 miles NE of the OM; within 8 miles NE and 12 miles SW of the Evansville VORTAC 309° radial extending from the 15-mile radius area to 45 miles NW of the VORTAC; within 12 miles SE and 8 miles NW of the Evansville VORTAC 227° radial extending from the 15-mile radius area to 44 miles SW of the VORTAC, that airspace N of Evansville bounded on the W by Lat. 38°42'00" N, on the E by V-11, and on the W by V-7, and the airspace NE of Evansville bounded on the N by V-44, on the E by V-243, on the S by V-4 N, and on the W by V-11E.

AMENDMENTS (On. publ.) 3/7/63 28 F.R. 2231 (Changed);

Fargo, N. Dak.
Within a 15-mile radius of the Fargo VORTAC; including the airspace N and E of Fargo within a 33-mile radius of the Fargo VORTAC extending from a line 11 miles W of and parallel to the Fargo VORTAC 353° radial clockwise to the Fargo VORTAC 110° radial; that airspace SW of Fargo within a 30-mile radius of the Fargo VORTAC extending from V-181 clockwise to V-2 W of Fargo, and the airspace S of Fargo within 8 miles W and 12 miles E of the Fargo VORTAC 187° radial extending from 26 miles to 58 miles S of the VORTAC.

Findlay, Ohio
Within a 15-mile radius of the Findlay VOR.

Fort Myers, Fla.
That airspace bounded on the NE by V-35, on the E by V-225 and on the W by Control 1228, excluding the portion below 2,000 feet MSL outside the United States and excluding the portion above 20,000 feet MSL S of Control 1230.
12/12/62 27 F.R. 12211 (Changed):

Fort Rucker, Ala.
That airspace bounded on the W by V-115, on the N by V-70, on the E by V-241 and V-7 W alternate, and on the S by V-22, including that airspace within a 35-mile radius of Lat. 31°14'55" N, Long. 85°46'20" W, extending clockwise from V-241 to V-7, excluding the portion of this control area extension which coincides with R-2103.

Fort Smith, Ark.
Within a 25-mile radius of the Fort Smith VORTAC extending clockwise from the W boundary of V-13 S of Fort Smith to the N boundary of V-74 E of Fort Smith.

Fortuna, Calif.
Within a 30-mile radius of the Arcata, Calif., Airport (Lat. 40°58'45" N, Long. 124°06'25" W), extending clockwise from V-27, N of Fortuna, Calif., to V-195 SE of Fortuna; the airspace W of Fortuna bounded on the E by V-27, on the S by Control 1415, on the W by Long. 124°30'00" W, and on the N by a line extending from Lat. 41°07'45" N, Long. 124°30'00" W, to Lat. 41°04'30" N, Long. 124°20'00" W; the airspace S of Fortuna within 10 miles NE and 7 miles SW of the Fortuna VOR 155° radial extending from the VOR to 20 miles SE; and the airspace within 11 miles N and 7 miles S of the Fortuna VOR 110° radial extending from 21 miles E to 9 miles W of the INT of the Fortuna VOR 110° and the Arcata ILS localizer SE course.

Fort Wayne, Ind.
That airspace S of Fort Wayne bounded on the E by V-55, on the SE by V-14, and on the NW by V-11 W alternate and V-96; the airspace W of Fort Wayne within a 40-mile radius of the Fort Wayne VORTAC bounded on the SE by V-11 W alternate and V-96 and on the NE by V-277.

Fort Worth, Tex.
That airspace bounded on the NE, E and SE by V-163 extending from the Oklahoma City, Okla., 25-mile radius area to the Ardmore, Okla., VOR, and V-15 from the Ardmore VOR to the Waco, Tex., VORTAC, on the S and SW by V-17 from the Waco VORTAC to its INT with V-94, thence via V-94 to the Abilene, Tex., 35-mile radius area, on the W and NW by V-77, and on the N by the Oklahoma City 25-mile radius area.

Fresno, Calif.
That airspace between Bakersfield-Fresno-Linden, Calif., bounded on the SW by V-23, on the N by a line 5 miles S of and parallel to the Linden VORTAC 077° radial, on the E, NE and SE by a line extending from the INT of a line 5 miles S of and parallel to the Linden VORTAC 077° radial and longitude 120° 00' 00" W. to Lat. 37° 50' 00" N., Long. 120° 00' 00" W., to Lat. 36° 00' 00" N., Long. 118° 48' 00" W., to the Bakersfield, Calif., VORTAC.
AMENDMENTS 1/9/64 28 F. R. 12342 (Changed);

Gage, Okla.
Within 5 miles either side of the Gage VORTAC 299° radial extending from the VORTAC to 20 miles NW.

Garden City, Kans.
Within a 25-mile radius of the New Garden City Municipal Airport (Lat. 37°56'09" N, Long. 100°43'44" W).

Goodland, Kans.
Within 5 miles either side of the Goodland VORTAC 022° radial extending from the VORTAC to 12 miles N, and within 10 miles S and 7 miles N of the Goodland VORTAC 281° and 101° radials extending from 20 miles W to 9 miles E of the VORTAC.

Goshen, Ind.
Within a 15-mile radius of the Goshen VOR, including the airspace NE of the Goshen VOR bounded on the W by V-277, on the N by V-10, on the NE by V-30, and on the S by V-92.

Grand Forks, N. Dak.
That airspace W of the Grand Forks VOR 355° and 175° radials within a 30-mile radius of the Grand Forks AFB (Lat. 47°57'35" N, Long. 97°24'10" W), including the airspace SE of Grand Forks within 10 miles E and 7 miles W of the Grand Forks VOR 158° and 338° radials extending from 8 miles NW to 20 miles SE of the VOR.
PENDING AMENDMENT
In Grand Forks, N. Dak., "The portion of this control area extension within R-5402 shall be used only after prior approval from appropriate authority." is added.
3/5/64 29 F. R. 3 (Changed);

Grand Island, Nebr.
Within 18 miles W and 7 miles E of the Grand Island VOR 180° and 360° radials extending from 9 miles S to 24 miles N of the VOR.

Great Falls, Mont.
Within a 45-mile radius of the Great Falls VOR; within 12 miles NW and 8 miles SE of the Great Falls VOR 074° radial extending from the 45-mile radius area to 61 miles NE of the VOR; within 12 miles S and 8 miles N of the Great Falls VOR 271° radial extending from the 45-mile radius area to 56 miles W of the VOR; that airspace extending from the 45-mile radius area bounded on the E by a line 6 miles W of and parallel to the Great Falls VOR 180° radial, on the S by V-2, and on the W by a line 8 miles NW of and parallel to the Great Falls VOR 222° radial, and that airspace extending from the 45-mile radius area bounded on the NE by a line 5 miles NE of and parallel to the Lewistown, Mont., VOR 308° radial and on the S by V-19.

Greenville, Miss.
Within 8 miles E and 5 miles W of the 006° and 186° bearings from the Greenville Municipal Airport (Lat. 33°28'10" N, Long. 91°00'00" W) extending from V-278 to 17 miles S of the Greenville Municipal Airport.

Greenville, S. C.
That airspace beginning at Lat. 35°49'30" N, Long. 79°30'00" W, thence SW to Lat. 34°49'30" N, Long. 80°10'00" W, thence clockwise along the arc of a 50-mile radius circle centered at Lat. 35°10'30" N, Long. 80°56'00" N, to Lat. 34°27'15" N, Long. 80°52'30" W, thence W to Lat. 34°22'30" N, Long. 82° 20'00" W, thence clockwise along the arc of a 30-mile radius circle centered at Lat. 34°48'45" N, Long. 82°20'30" W to the S boundary of V-222, thence NE along the S boundary of V-222 and V-266 to the arc of a 35-mile radius circle centered at Lat. 36°06'00" N, Long. 80°01'30" W, thence clockwise along the arc of this circle to the point of beginning.

Greenwood, Miss.
That airspace within 6 miles either side of the Greenwood VOR 066° and 246° radials, extending from 20 miles SW to 20 miles NE of the VOR.

AMENDMENTS 9/15/63 28 F.R. 9938 (Rewritten);

Greenwood, S. C.
That airspace beginning at Lat. 34°10'40" N, Long. 82°04'05" W, thence NE to Lat. 34°19'00"N, Long. 81°38'00" W, thence NW to Lat. 34°24'45" N, Long. 81°42'00" W, thence W along the S boundary of the Greenville, S. C. (Greenville-Charlotte-Greensboro), control area extension to the E boundary of V-185, thence along the E boundary of V-185 to the point of beginning.

Guam Island
Within a 100-nmi radius of the Guam VOR (Lat. 13°27'11" N, Long. 144°43'51" E), excluding the portion which coincides with R-7201 and W-517.

Harrisburg, Pa.
Within a 15-mile radius of the Harrisburg VORTAC; including the airspace N of Harrisburg bounded on the N by V-276, on the E by V-31, and on the SW by V-33; the airspace NE of Harrisburg bounded on the N by V-30, on the E by the arc of a 125-mile radius circle centered on the Idlewild, N. Y., VORTAC, on the S and SE by V-162, and on the W by V-31; the airspace SE of Harrisburg bounded on the N by V-474, on the SE by V-251, and on the SW by V-31, and the airspace NW of Harrisburg bounded on the NW by V-106, on the NE by V-33, on the S by V-12, and on the W by V-501. The portion of this control area extension which coincides with R-5802 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 2/23/63 28 F.R. 485 (Changed);

Hopkinsville, Ky.
That airspace bounded on the E by V-7, on the S by a line from Lat. 36°29'40" N, Long. 86°50'20" W to Lat. 36°16'40" N, Long. 87°26'15" W, on the W by the arc of a 25-mile radius circle centered at Lat. 36°37'27" N, Long. 87°32'59" W, clockwise to Lat. 36°59'20" N, Long. 87°33'30" W, thence on the N via a direct line from that point to Lat. 37°00'20" N, Long. 87°04'30" W. The portions of this control area extension which coincide with R-3702 and R-3703 shall be used only after obtaining prior approval from the appropriate authority.

Houghton, Mich.
Within 5 miles either side of the 018° and 198° bearings from the Houghton RBN extending from 25 miles S to 25 miles N of the RBN.

Houston, Tex.
That airspace bounded by a line beginning at Lat. 30°22'00" N, Long. 94°03'00" W, thence clockwise along the arc of a 25-mile radius circle centered at Lat. 30°00'34" N, Long. 94°02'16" W, to Lat. 29°38'35" N, Long. 94°00'00" W, thence S to Lat. 29°37'30" N, Long. 94°00'00" W, thence SW 3-nmi from and parallel to the shoreline to Lat. 28°23'20" N, Long. 96°17'30" W, thence clockwise along the arc of a 25-mile radius circle centered at Lat. 28°44'45" N, Long. 96°17'00" W, to Lat. 28°55'00" N, Long. 96°38'45" W, thence NE to Lat. 29°58'30" N, Long. 95°58'30" W, thence clockwise along the arc of a 50-mile radius circle centered at Lat. 29°37'05" N, Long. 95°15'00" W, to Lat. 30°20'25" N, Long. 96°17'00" W, thence E to the point of beginning.

Huntsville, Ala.
Within a 30-mile radius of the Huntsville VOR. The portion of this control area extension within R-2104 shall be used only after obtaining prior approval from the appropriate authority.

Huron, S. Dak.
Within a 20-mile radius of the Huron VOR extending clockwise from 283° to the 333° radials of the VOR and within a 15-mile radius of the Huron VOR extending clockwise from the 333° to the 283° radials of the VOR.

Hutchinson, Kans.
Within a 25-mile radius of Lat. 38°00'53" N, Long. 97°51'40" W.

Idaho Falls, Idaho
That airspace bounded on the N by V-298, on the E by a line 9 miles SE of and parallel to the Idaho Falls VOR 030° and 210° radials, on the S by Lat. 43°14'00" N, and on the W by V-257.

Indianapolis, Ind.
Within a 15-mile radius of the Indianapolis VORTAC; within 5 miles either side of the Weir Cook Municipal Airport, Indianapolis, Ind., ILS localizer SW course extending from the 15-mile radius area to 20 miles SW of the ILS OM, and including that airspace bounded by a line beginning at the INT of the N boundary of V-14 N alternate and the Indianapolis 15-mile radius area, extending W and SW along the N and NW boundary of V-14 N to the E boundary of V-7, thence N along the E boundary of V-7 to a 25-mile radius arc centered at the Purdue University Airport, Lafayette, Ind. (Lat. 40°24'45" N, Long. 86°55'57" W), thence counterclockwise along this 25-mile radius arc to Lat. 40°23'30" N, Long. 86° 27'30" W, thence counterclockwise along a 25-mile radius arc centered on Bunker Hill AFB, Peru, Ind. (Lat. 40°39'38" N, Long. 86°08'31" W), to the NW boundary of V-11 W alternate, thence SW along the NW boundary of V-11 to the Indianapolis 15-mile radius control area extension.

Jacksonville, Fla.
Within 5 miles either side of the Jacksonville VORTAC 064° radial , extending from the VORTAC to 20 miles NE, and the airspace SW of Jacksonville, bounded on the N by V-22, on the E by V-267, on the S by Lat. 29°00'00" N, on the SW by V-159 and on the W by V-157. The portions of this control area extension within R-2903A, R-2903B, R-2903C, R-2903D, R-2906, R-2907 and R-2910 shall be used only after obtaining prior approval from appropriate authority.

Jamestown, N. Dak.
Within a 15-mile radius of the Jamestown VOR and the airspace within 5 miles either side of the Jamestown VOR 191° radial extending from the VOR to 25 miles S.

Kahului, Hawaii
That airspace N of Kahului within a 25-mile radius of the Kahului, Maui, VOR bounded on the S by V-6.

Keene, N. H.
Within 8 miles W and 5 miles E of the Keene VOR 188° radial extending from the VOR to 17 miles S; within 8 miles W and 5 miles E of the 186° bearing from the Keene RBN extending from the RBN to 17 miles S; within 11 miles NW and 7 miles SE of the Keene VOR 246° radial extending from the VOR to 27 miles SW, and within 10 miles W and 7 miles E of the Keene VOR 019° radial extending from the VOR to 20 miles N.

Kenai, Alaska
Within a 42-mile radius of the Kenai VOR, excluding that portion which coincides with the Anchorage, Alaska, control area extension.

Key West, Fla.
Within 5 miles each side of the Key West VOR 313° radial, extending from the VOR to W-174 and within 5 miles each side of the 269° bearing from the Key West RBN, extending from the RBN to W-174.

AMENDMENTS 9/2/63 28 F. R. 9589

Kingsville, Tex.
That airspace bounded by a line 5 miles N of and parallel to the Kingsville NAS, TACAN 244° radial extending from the W boundary of V-68 to Lat. 27°11'00" N, Long. 98°42'00" W, thence SE to Lat. 27° 03'00" N, Long. 98°37'55" W, thence SE to Lat. 26°56'25" N, Long. 98°12'30" W, thence NE to a line 5 miles SE of and parallel to the Kingsville NAS TACAN 219° radial to the W boundary of V-68, thence N along the W boundary of V-68 to the point of beginning.

Kinston, N. C.
Within 9 miles NW and 5 miles SE of the Kingston VOR 047° radial extending from the VOR to 18 miles NE, excluding the portion which coincides with R-5307.

Klamath Falls, Oreg.
Within a 40-mile radius of the Klamath Falls VORTAC.

Knoxville, Tenn.
Within a 40-mile radius of the Knoxville RBN beginning S of Knoxville on the centerline of V-97 extending counterclockwise to the centerline of V-16 E of Knoxville, thence E to and including the airspace within a 50-mile radius of the Knoxville VOR beginning E of Knoxville on the centerline of V-16 and extending counterclockwise to Lat. 36°06'30" N, Long. 84°45'00" W, thence bounded on the NW by a line extending from Lat. 36°06'30" N, Long. 84°45'00" W, to Lat. 36°00'00" N, Long. 84°56'45" W, on the W by V-51, on the S by V-54, and on the E by the centerline of V-97, thence to point of beginning; and the airspace NE of Knoxville extending from the 50-mile radius area bounded on the SE by V-16 N, on the NE by V-53, and on the NW by V-115.

Kodiak, Alaska
Within 15 miles NW and 23 miles SE of the 045° and 225° bearings from the Kodiak RR extending from 25 miles NE to 40 miles SW of the RR, and within 5 miles either side of the Kodiak RR S course extending from the RR to 20 miles S.

Kotzebue, Alaska
Within 10 miles NW and 9 miles SE of the 048° and 228° bearings from the Kotzebue RBN, extending from 10 miles SW to 25 miles NE of the RBN.

Kwajalein Island
That airspace extending upward from 700 feet above the surface within a 100-nmi radius of the Kwajalein RBN (Lat. 08°45'00" N, Long. 167° 45'00" E), extending clockwise from the 270° to the 180° bearings from the RBN, and within a 25-nmi radius of the Kwajalein RBN, extending clockwise from the 180° to the 270° bearings from the RBN.

La Crosse, Wis.
Within a 25-mile radius of the La Crosse Airport (Lat. 43°52'38" N, Long. 91°05'21" W), extending clockwise from G-2 to V-82, and within a 15-mile radius of the La Crosse VOR.

Lafayette, Ind.
Within a 25-mile radius of the Purdue University Airport, Lafayette, Ind., (Lat. 40°24'45" N, Long. 86° 55'57" W)

Lafayette, La.
That airspace bounded on the NE by V-114, on the S by V-20, on the SW by V-20 N and on the NW by V-222.

Lake Charles, La.
Within a 40-mile radius of the Lake Charles VOR, including the airpsace NW of Lake Charles bounded by a line beginning on the 40-mile radius arc at Lat. 30°24'00" N, Long. 93°42'00" W, extending to Lat. 31°08'00" N, Long. 94°02'00" W, thence to Lat. 31°23'00" N, Long. 93°28'00" W, thence to the 40-mile radius arc at Lat. 30°43'00" N, Long. 93°04'00" W.

Lansing, Mich.
Within a 15-mile radius of the Lansing VOR, including the airspace W, N, and E of Lansing bounded on the E by Long. 84°18'00" W, on the SW by V-2, on the W by V-193, and on the N by Lat. 43°30'00" N, excluding the portion that coincides with the Saginaw, Mich., control area extension.

Laredo, Tex.
That airspace over United States territory within a 35-mile radius of the Laredo AFB, RBN.

Las Vegas, Nev. (A)
That airspace bounded on the N by Lat. 36°16'00" N, on the W by a line extending from Lat. 36°16'00" N, Long. 116°20'00" W to Lat. 36°04'00" N, Long. 116°20'00" W, thence SE to Lat. 35°55'00" N, Long. 116°00'00" W, thence SW to Lat. 35°19'35" N, Long. 116°15'00" W, on the SW by V-8 N and on the E by

Las Vegas, Nev. (B)
That airspace NW of Las Vegas bounded by a line from Lat. 36°41'00" N, Long. 115°33'00" W, to Lat. 36°17'05" N, Long. 115°01'40" W, to Lat. 36°08'00" N, Long. 115°13'25" W, to Lat. 36°04'50" N, Long. 115°19'20" W, to Lat. 36°28'30" N, Long. 115°47'50" W clockwise along the arc of a 16-mile radius circle centered at Lat. 36°34'47" N, Long. 115°40'36" W, to the point of beginning. The portion of this control area extension which coincides with R-4606 shall be used only after obtaining prior approval from appropriate authority.

Lebanon, N. H.
Within 8 miles SE and 5 miles NW of the Lebanon VOR 050° radial extending from the VOR to 17 miles NE; and within 10 miles either side of the Lebanon VOR 135° and 316° radials extending from 20 miles SE to 20 miles NW of the VOR, excluding the portion which coincides with the Rutland, Vt., control area extension.

Lexington, Ky.
Within a 40-mile radius of the Lexington VORTAC; excluding the portion N of a line 12 miles N of and and parallel to the Lexington VORTAC 060° radial and E of V-97 E; that airspace E of Lexington extending from the 40-mile radius area bounded on the N by V-4, on the SE by V-119, and on the S by a line 8 miles S of and parallel to the Lexington VORTAC 081° radial; that airspace SE of Lexington within 12 miles NE and 8 miles SW of the Lexington VORTAC 129° radial extending from the 40-mile radius area to 52 miles SE of the VORTAC, and that airspace NE of Lexington extending from the 40-mile radius area bounded on the NW by a line 12 miles N of and parallel to the Lexington VORTAC 060° radial, on the NE by V-478, and on the S by V-493.

Limestone, Maine
Within a 40-mile radius of Loring AFB, Limestone, Maine, (Lat. 46°57'05" N, Long. 67°53'10" W), excluding the portion outside of the United States; the airspace S of Presque Isle, Maine, bounded on the N by the Loring AFB 40-mile radius area, on the E by the United States/Canadian border, on the SE by V-471 N of the Millinocket, Maine, VOR and V-39 S of the Millinocket VOR, and on the W by a line extending from the INT of the N boundary of V-39 and Long. 69°04'00" W, to Lat. 45°53'00" N, Long. 69°04'00" W, to Lat. 45°53'00" N, Long. 68°30'00" W, thence via Long. 68°30'00" W to the 40-mile radius area.

Little Rock, Ark.
Within a 50-mile radius of the Little Rock RBN; that airspace SW of Little Rock extending from the 50-mile radius area bounded on the NW by V-54 and on the SE by V-16; that airspace S of Pine Bluff, Ark., within 10 miles E and 7 miles W of the 177° bearing from the Pine Bluff RBN extending from the 50-mile radius area to 20 miles S of the RBN; that airspace W of Hot Springs, Ark., within 7 miles NW and 10 miles SE of the Hot Springs VOR 076° and 256° radials extending from the 50-mile radius area to 20 miles SW of the VOR, and that airspace N of Little Rock within 11 miles W and 7 miles E of the Little Rock AFB TACAN 341° radial extending from the 50-mile radius area to 44 miles NW of the TACAN. The portion of this control area extension which coincides with R-2403 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS (Eff. on pub.) 9/24/63 28 F. R. 10355 (Changed);

Lometa, Tex.
Within 6 miles N and 10 miles S of the Lometa VORTAC 276° radial extending from the VORTAC to 60 miles W.

Lompoc, Calif.
Within a 35-mile radius of Vandenberg AFB (Lat. 34°43'45" N, Long. 120°34'15" W), excluding that portion within R-2516, R-2517 and that portion outside the United States.

Los Angeles, Calif.
That airspace bounded by lines beginning at Lat. 34°01'00" N, Long. 119°04'45" W, thence SE and E along the W and S boundaries of V-25 to the United States coastline, thence along the United States coastline, to Lat. 33°10'00" N, thence to Lat. 33°10'00" N, Long. 117°45'00" W, thence to Lat. 33°12'30" N, Long. 117°47'00" W, thence to Lat. 33°18'00" N, Long. 118°28'00" W, thence to Lat. 33°24'35" N, Long. 118°37'00" W, thence to Lat. 33°28'30" N, Long. 118°37'00" W, thence to Lat. 33°28'30" N, Long. 118°40'00" W, thence to Lat. 33°27'20" N, Long. 118°41'25" W, thence to Lat. 33°28'30" N, Long. 118°43'30" W, thence to Lat. 33°28'30" N, Long. 119°07'00" W, thence to Lat. 33°52'03" N, Long. 119°06'59" W, thence to the point of beginning.

Louisville, Ky.
Within a 35-mile radius of Standiford Field, Louisville, Ky. (Lat. 38°10'33" N, Long. 85°44'12" W); that airspace extending from the 35-mile radius area bounded on the N by Lat. 38°49'00" N, on the E by Long. 85°19'00" W, on the S by Lat. 38°22'00" N, on the W by Long. 86°42'00" W, and on the NW by a line extending from Lat. 38°38'00" N, Long. 86°42'00" W, to Lat. 38°49'00" N, Long. 86°00'00" W; that airspace extending from the 35-mile radius area bounded on the N by V-44, on the E by V-97 W, on the SE by V-502, and on the W by V-5; that airspace extending from the 35-mile radius area bounded on the E by the arc of a 40-mile radius circle centered on the Lexington, Ky., VORTAC, and on the SE by V-178, and that airspace extending from the 35-mile radius area bounded on the E by a line 10 miles E of and parallel to the New Hope, Ky., VOR 163° and 343° radials, on the S by a line 20 miles S of and parallel to the New Hope VOR 070° radial, and on the W by V-51.

Lubbock, Tex.
Within a 25-mile radius of the Lubbock RR in the SW, NW and NE quadrants of the RR and within a 40-mile radius of the RR in the SE quadrant of the RR; within 12 miles N and 8 miles S of the Lubbock VORTAC 277° radial extending from the Lubbock VORTAC to 48 miles W; within 12 miles NW and 8 miles SE of the Lubbock VORTAC 261° radial extending from the Lubbock VORTAC to 52 miles SW and within 12 miles E and and 12 miles W of the Lubbock VORTAC 008° radial extending from the Lubbock VORTAC to 51 miles N.

Lynchburg, Va.
Within a 20-mile radius of the Lynchburg VORTAC; that airspace NE of Lynchburg extending from the 20-mile radius area bounded on the NW by V-16, on the NE by V-155, on the SE by V-20 N alternate, and on the S by Lat. 37°10'00" N, and that airspace NW of Lynchburg extending from the 20-mile radius area bounded on the S by V-260 and on the NW by V-16.

Mansfield, Ohio
Within a 15-mile radius of the Mansfield VORTAC; within 5 miles either side of the Mansfield VORTAC 130° radial, extending from the VORTAC to 25 miles SE and including that airspace S and W of the Mansfield VORTAC bounded on the E by V 133, on the S by V-210, on the W by V-47 and on the N by V-8.

Marianna, Fla.
Within 5 miles either side of the Marianna VOR 130° radial extending from the VOR to 20 miles SE.

Marquette, Mich.
Within a 40-mile radius of K. I. Sawyer AFB, Marquette, Mich., (Lat. 46°20'54" N, Long. 87°24'05" W), excluding the airspace within the 40-mile radius bounded on the W by Long. 87°20'30" W, and on the N by Lat. 46°03'00" N.
PENDING AMENDMENT
In Marquette, Mich., "The portion of this control area extension within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

Marysville, Calif.
That airspace N of Marysville bounded on the S by V-200, on the W by V-23, on the N by the Red Bluff, Calif., control area extension and on the E by a line extending from Lat. 39°15'00" N, Long. 121°30'00" W, to Lat. 39°50'00" N, Long. 121°43'00" through Lat. 40°05'20" N, Long. 121°53'00" W.
PENDING AMENDMENT
In the Marysville, Calif., control area extension ", on the N by the Red Bluff, Calif., control area extension" is deleted, and ", on the N by the Red Bluff, Calif., transition area" is substituted therefor.
2/6/64 29 F. R. 282 (Changed);

Mason City, Iowa
Within a 15-mile radius of the Mason City VORTAC, including the airspace S of Mason City within 10 miles E and 7 miles W of the Mason City VORTAC 182° radial extending from the Mason City 15-mile radius area to 26 miles S of the VORTAC.

McComb, Miss.
Within 5 miles either side of the McComb VOR 074° radial extending from the VOR to 15 miles E.

Medford, Oreg.
Within 5 miles either side of the Medford RR W course, extending from the RR to 20 miles W; within 5 miles either side of the Medford VORTAC 270° radial extending from the VORTAC to V-27, and within 15 miles E and 8 miles W of the Medford VORTAC 335° and 155° radials extending from 14 miles S to 20 miles N of the VORTAC.

Memphis, Tenn.
That airspace within the arc of a 50-mile radius circle centered at the Memphis RBN extending clockwise from the 066° to the 082° bearing from the Memphis RBN; within the arc of a 45-mile radius circle centered at Lat. 35°21'44" N, Long. 89°47'36" W, bounded on the W and NW by V-11 and on the SE by V-16; the airspace N of Memphis bounded on the N by V-140, on the SE by V-11, and on the W by the Blytheville, Ark., VOR 122° and 086° radials; the airspace SE of Memphis extending from the 50-mile radius area bounded on the E by Long. 89°22'00" W, on the S by Lat. 34°08'00" N, and on the W by V-9 E alternate; the airspace SW of Memphis extending from the 50-mile radius area bounded on the SE by V-16, on the W by V-69, and on the N by V-54, and the airspace NW of Memphis bounded on the E by V-9, on the S by V-54 N alternate, on the W by V-69 and on the N by V-140.

Merced, Calif.
That airspace bounded on the E by V-23, on the S by V-230, on the W by V-113 and on the N by the Stockton, Calif., control area extension.

Meridian, Miss.
Within 5 miles either side of the Meridan ILS localizer S course extending from the localizer to 30 miles S and within 5 miles either side of the Meridian VORTAC 314° radial extending from the VORTAC to 20 miles NW.

Miami, Fla.
That airspace bounded on the W and NW by V-225, on the E by V-3, on the S by V-51 and on the SW by a line from N boundary of V-51 at Long. 80°48'30" W, to the E boundary of V-225 at Lat. 26°05'45" N.

AMENDMENTS 12/12/62 27 F. R. 12211 (Changed);

Middleton Island, Alaska
Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.

Midway Island
That airspace extending upward from 700 feet above the surface within a 100-nmi radius of NAS Midway (Lat. 28°12'00" N, Long. 177°22'00" W).

Milton, Fla.
That airspace bounded by a line extending from Lat. 30°44'20" N, Long. 87°37'00" W, thence W to Lat. 30°58'45" N, Long. 87°36'00" W, thence NE along the arc of a 34.5 mile radius circle centered on the Whiting, Fla., RR to Lat. 31°15'40" N, Long. 87°10'30" W, thence SE to Lat. 30°54'00" N, Long. 86°56' 30" W, thence E to Lat. 30°54'00" N, Long. 86°52'30" W, thence to Lat. 30°46'00" N, Long. 86°52'30" W, thence SW to Lat. 30°39'00" N, Long. 87°03'25" W, thence W to point of beginning.

Milwaukee, Wis.
Within a 20-mile radius of General Mitchell Field, Milwaukee (Lat. 42°56'51" N, Long. 87°53' 58" W), the airspace bounded on the E by Long. 87°00'00" W, on the S by V-84 E of Northbrook, Ill., VORTAC and V-100 W of Northbrook VORTAC, on the W by V-9, and on the N by a line 7 miles N of and parallel to the Milwaukee VORTAC 087° radial; within 11 miles W and 7 miles E of the Milwaukee ILS localizer N course extending from the Milwaukee 20-mile radius area to 40 miles N of the localizer, and within 12 miles W and 5 miles E of the Milwaukee VORTAC 198° radial extending from 22 miles N to 10 miles S of the INT of the Janesville, Wis., VOR 111° and the Milwaukee VORTAC 198° radials.
The portion of this control area extension within R-6903 shall be used only after obtaining prior approval from appropriate authority.

Minchumina, Alaska
Within 6 miles SW and 8 miles NE of the 332° bearing from the Minchumina RR extending from the RR to 7 miles NW, including the airspace SE of R-39 within a 25-mile radius of the Minchumina RR.

Minneapolis, Minn.
Within a 30-mile radius of the Minneapolis-St. Paul International Airport (Lat. 44°53'05" N, longitude 93°13'15" W.) within a 15-mile
radius of the Minneapolis VORTAC; the airspace N of Minneapolis bounded on the NW by V-13 W alternate, on the E by V-19, and on the SW by V-2; the airspace NE and E of Minneapolis within 12 miles N and 8 miles S of the Minneapolis VORTAC 100° radial extending from the Minneapolis 30-mile radius area to 55 miles E of the VORTAC, and the airspace W of Minneapolis within 11 miles NE and 7 miles SW of the Farmington, Minn., VOR 297° radial extending from the Minneapolis 30-mile radius area to 45 miles NW of the VOR.

AMENDMENTS 1/10/63 27 F.R. 11499 (Changed);

Minot, N. Dak.
Within a 35-mile radius of Minot AFB (Lat. 48°25'18" N, Long. 101°22'08" W); within a 35-mile radius of the Minot VOR extending clockwise from the 091° radial to the 147° radial of the VOR, including the airspace S of Minot within 8 miles W and 6 miles E of the Bismarck, N. Dak., VOR 333° radial extending from 58 miles NW of the Bismarck VOR to the Minot 35-mile radius area. The portion of this control area extension which coincides with R-5403 shall be used only after obtaining prior approval from the appropriate authority.

Miramar, Calif.
That airspace E of Miramar bounded on the N by V-208, on the E by Long. 116°05'00" N, on the S by the United States-Mexican Border and on the W by the Oceanside, Calif., VORTAC 166° radial.

Mobile, Ala.
Within a 25-mile radius of Brookley AFB, Mobile, excluding the portion E of a line extending from Lat. 30°21'45" N, Long. 87°47'15" W, thence NW to Lat. 30°31'00" N, Long. 87°55'00" W, thence along the E shore of Mobile Bay to Lat. 30°41'30" N, Long. 87°59'30" W, NE to Lat. 30°50'00" N, Long. 87° 48'00" W, thence NE to Lat. 30°52'30" N, Long. 87°45'45" W; including the airspace S of Mobile bounded on the W by Long. 88°30'00" W, on the NW by V-22, on the N by the Mobile 25-mile radius area, on the E by a line extending from Lat. 30°21'45" N, Long. 87°47'15" W, to Lat. 30°15'00" N, Long. 87°41'00" W, and on the S by R-2908 and a line extending from Lat. 30°13'30" N, Long. 88°01'30" W, to Lat. 30°00' 00" N, Long. 88°30'00" W.

Moline, Ill.
Within a 15-mile radius of the Cordova, ILL., VOR: that airspace bounded on the E by Long. 90°00'00"W on the S by V-10 N alternate, on the SW by V-63 and a line 12 miles SW of and parallel to V-38, on the W by Long. 91°31'00" W, and on the NW by V-8; within 5 miles either side of a direct line extending from the Polo, Ill., VORTAC to the INT of the Quad City, Ill., ILS localizer E course and the 318° radial of the Bradford, Ill., VOR.

Monroe, La.
Within 5 miles either side of the Monroe VORTAC 041° and 221° radials extending from 20 miles NE to 20 miles SW of the VORTAC.

Montague, Calif.
Within 5 miles either side of 179° bearing from the Montague RBN extending from the RBN to 10 miles S.

Monterey, Calif.
That airspace E and SE of Monterey bounded on the N by V-230, on the E by a line extending from the INT of the S edge of V-230 and the W edge of V-111 to latitude 36°11'00" N., longitude 121°26'00" W., to latitude 35°50'30" N., longitude 121°15'15" W., thence through latitude 35°40'00" N., longitude 121°11'30" W., to V-27, and on the SW and W by V-27 and W of Monterey bounded on the E by V-27, on the north by Control 1173, and on the W and S by a line extending from Control 1173 through latitude 37°00'00" N., longitude 122°36'30" W., to latitude 36°33'00" N., longitude 122° 17'00" W., thence through latitude 36°30'00" N., longitude 122°04'00" W. to V-27; and S of Monterey bounded on the E by V-27, and on the NW, W and S by a line extending from V-27 along longitude 121°57'30" W., to latitude 36°18'00" N., thence to latitude 35°58'00" N., longitude 121°50'15" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 35°29'00" N., longitude 121°21'00" W., thence along latitude 35°29'00" N., to V-27. The airspace within R-2511, R-2513 and R-2529 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 11/14/63 28 F. R. 10332 (Rewritten); 12/12/63 28 F. R. 11615 (Changed);

Montgomery, Ala.
That airspace bounded on the N by Lat. 32°52'00" N, on the E by Long. 86°00'00" W, on the S by Lat. 31°45'00" N and on the W by Long. 87°30'00" W.

Moses Lake, Wash.
That airspace S of V-2, within a 30-mile radius of Larson AFB, Wash., and within 10 miles either side of a line extending from Lat. 47°06'56" N, Long. 119°16'32" W to the Walla Walla, Wash., RR, excluding the portion within R-6715.

Mountain Home, Idaho
Within 5 miles either side of the Mountain Home VOR 178° and 208° radials extending from the VOR to 61 miles S and SW, and that airspace S, SE and W of Mountain Home bounded by a line beginning at the INT of the SW boundary of V-253 and a line 5 miles S of and parallel to the Twin Falls, Idaho, VOR 269° radial, thence W along this line to its INT with a line 5 miles NW of and parallel to the Mountain Home VOR 208° radial, thence NE along this line to its INT with the arc of a 35-mile radius circle centered on Mountain Home AFB (Lat. 43° 02' 30" N, Long. 115° 51' 50" W), thence clockwise along this arc to its INT with the SW boundary of V-253, thence SE along this boundary of the point of beginning.

AMENDMENTS Eff. on publ. (4/16/63) 28 F.R. 3691 (Changed);

Muncie, Ind.
That airspace bounded on the NW by V-14, on the E by V-55 and on the S by V-210.

Muscle Shoals, Ala.
Within 8 miles E and 12 miles W of the Muscle Shoals VOR 002° radial extending from 7 miles N to 39 miles N of the VOR, and within 5 miles either side of the Muscle Shoals VOR 112° and 292° radials extending from the VOR to 20 miles SE and NW.

Myrtle Beach, S. C.
Within a 25-mile radius of the Myrtle Beach, AFB (Lat. 33° 40' 45" N, Long. 78° 55' 45" W) bounded on the SE by W-177; including the airspace W and N of Myrtle Beach extending from the 25-mile radius area bounded on the N by a line 5 miles N of and parallel to the Florence, S. C., VOR 096° radial, on the SE by V-1, and on the W by V-437, and that airspace lying within the United States NE of Myrtle Beach within 5 miles NW and 12 miles SE of the Myrtle Beach VOR 053° radial extending from the 25-mile radius area to 40 miles NE of the VOR.

Nashville, Tenn.
Within a 50-mile radius of the Nashville RBN, and within 5 miles either side of the Nashville ILS localizer S course extending from the 50-mile radius area to V-7 E, excluding the portion W of a direct line extending from the Graham, Tenn., VOR to the Bowling Green, Ky., VORTAC.

Newberg, Oreg.
Within 5 miles either side of the Newberg, VORTAC 070° radial extending from the VORTAC to its INT, with the Portland, Oreg., VORTAC 096° radial.

Newburgh, N. Y.
That airspace north of Stewart AFB bounded on the N by V-270, on the E by a line from V-270 at Lat. 42°10'00" N, Long. 73°55'00" W, to point of INT with the New York, N. Y., control area extension at Lat. 41°47'10" N, Long. 73°55'00" W, and on the S and W by the New York control area extension.

New Iberia, La.
Within a 35-mile radius of the New Iberia NAAS, (lat. 30°02'15" N., Long. 91°53'02" W), S of a line 5 miles S of and parallel to the Lafayette, La., VOR 115° and 255° radials.

AMENDMENTS 12/12/63 28 F. R. 11260 (Changed);

New Orleans, La.
That airspace NE of New Orleans bounded by a line beginning at the New Orleans VORTAC 357° radial at Lat. 31°00'00" N, thence E along Lat. 31°00'00" N, to Long. 89°00'00" W, thence N along Long. 89°00'00" W, to Lat. 31°15'00" N, thence E along Lat. 31°15'00" N, to Long. 88°00'00" W, thence S along Long. 88°00'00" W, to the arc of a 25-mile radius circle centered on the Brookly AFB (Lat. 30°37'40" N, Long. 88°04'15" W), Mobile, Ala., thence counterclockwise via the Brookly 25-mile radius circle to the N boundary of V-20, thence along V-20 to the arc of a 25-mile radius circle centered on the Keesler AFB RBN (Lat. 30°27'07" N, Long. 88°53'26" W), Biloxi, Miss., thence counterclockwise via the Keesler 25-mile radius circle to a line 12 miles S of and parallel to the New Orleans VORTAC 070° radial, thence W along this line to the New Orleans VORTAC 117° radial, thence N via the New Orleans VORTAC 177° and 357° radials to the point of beginning; including the airspace within the United States SW, S and SE of New Orleans bounded by a line beginning at a point on the S boundary of V-20 at longitude 91°05'00" W, thence E along V-20 to the S boundary of V-22, thence E along V-22 to 3-nmi E of the shoreline at longitude 89°07'00 W, thence clockwise along a line 3-nmi offshore to longitude 90°15'00" W, thence N to latitude 29°15'00" N, longitude 90°15'00" W, thence W to latitude 29°15'00" N, longitude 91°05'00" W, thence N to the point of beginning; including the airspace NW of New Orleans within a 35-mile radius of the New Orleans VORTAC extending clockwise from the N boundary of V-20 to theW boundary of V-9, excluding the airspace between V-20 and V-20 N, bounded on the SW by the N shoreline of Lake Pontchartrain and on the E by longitude 89°18'30" W.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed);

Newport, Vt.
That airspace over the United States within 5 miles either side of the 032° bearing from the Newport, Vt. RBN extending from the RBN to 10 miles NE.

New York, N. Y.
That airspace within a 163-mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 190° radial to the VORTAC 220° radial, thence within a 125-mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 220° radial to the VORTAC 328° radial, thence within an 80-mile radius of the Idlewild VORTAC extending clockwise from the VORTAC 328° radial to the VORTAC 190° radial. The portions of this control area extension which lie within R-5001, R-5002, R-5003, R-5205, and R-5206 shall be used only after obtaining prior approval from appropriate authority. The portion of this control area extension within R-2801 is excluded. The portions of this control area within control 1147, control 1148 and the Dover control area extension are excluded; the portions within W-105 and W-108 are excluded; the portions within W-106 and W-107 E of V-139 are excluded; the portion within W-106 W of the E boundary of V-139 is excluded below 3,000 feet MSL; the portion within W-107 W of the E boundary of V-139 is excluded below 2,000 feet MSL; the portions bounded on the NE by W-106 and on the SW by W-107 lying seaward of a line between points at Lat. 40°07'20" N. Long. 73°15'00" W, and Lat. 40°00'00" N, Long. 73°36'30" W, and the portions bounded on the NE by W-107 and on the southwest by W-108 lying seaward of a line between Lat. 39°09'00" N, Long. 74°37'00" W, and Lat. 38° 45'00" N, Long. 74°31'00" W are excluded.

Nome, Alaska
Within a 30-mile radius of the Nome RR.

Norfolk, Va.
Within a 55-mile radius of Lat. 36°57'44" N, Long. 76°24'44" W, including the airspace extending from the 55-mile radius area bounded on the S by V-266, and on the NW by a line 8 miles W of and parallel to the Hopewell, Va., VORTAC 199° radial, but excluding the portion below 2,000 feet MSL which lies beyond the shoreline, and the portions which coincide with R-4006, R-5309, R-6606, R-6609 and W-386. The portion which coincides with R-6610 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS (Eff. on publ.) 7/18/63 28 F. R. 7341 (Changed);

North Bend, Oreg.
Within 5 miles either side of the North Bend VOR 090° and 270° radials extending from 20 miles E to 20 miles W of the VOR.

North Platte, Nebr.
That airspace within a 25-mile radius of the North Platte, VORTAC bounded on the S by V-6; including the airspace NE of North Platte within 11 miles NW and 7 miles SE of the North Platte VORTAC 046° radial extending from the 25-mile radius area to 42 miles NE of the VORTAC; that airspace S and SW of North Platte bounded on the E by a line 7 miles E of and parallel to the North Platte VORTAC 179° radial, on the S and SW by V-8, on the NW by V-80, and on the N by V-6; and that airspace S of North Platte bounded on the N by V-8, on the E by a line 7 miles E of and parallel to the North Platte VORTAC 179° radial, on the S by Lat. 40°20'00" N, and on the W by Long. 101°05'00" W.

Ogden, Utah
That airspace NE of Ogden bounded on the N by V-288, on the S by V-6, and on the W by V-257.

Oklahoma City, Okla.
Within a 25-mile radius of Lat. 35°24'08" N, Long. 97°38'36" W; that airspace N of Oklahoma City bounded on the SW by V-17, on the N by V-140, and on the E by V-77; that airspace NE of Oklahoma City bounded on the W by V-77, on the NE by V-74 S alternate and on the S by V-14 N alternate.

Olathe, Kans.
That airspace bounded on the N by a line beginning at the INT of the Emporia, Kans., VORTAC 346° and the St. Joseph, Mo., VORTAC 258° radials; thence easterly along the St. Joseph VORTAC 258° radial to V-205, thence southeasterly along V-205 to latitude 38°12'00" N., thence W along latitude 38°12'00" N., to longitude 95°15'00" W., thence southerly to latitude 37°39'45" N., longitude 95°21'00" W., thence westerly along V-132 to a line 10 miles SE of and parallel to the Emporia VORTAC 209° and 029° radials, thence northeasterly along this line to a line 10 miles N. of and parallel to the Emporia VORTAC 079° and 259° radials, thence along this line to the Emporia VORTAC 346° radial, thence northwesterly along this radial to the point of beginning.

AMENDMENTS 12/12/62 27 F.R. 12438 (Rewritten);

Omaha, Nebr.
Within a 25-mile radius of the Omaha RBN; that airspace NE of Omaha bounded on the N by V-172, on the E by Long. 95°00'00" W, on the S by V-6, and on the W by the Omaha 25-mile radius area; that airspace S and SW of Omaha bounded on the E by V-15, on the S by Lat. 40°00'00" N, on the W by Long. 98°00'00" W, and on the N by V-6; and that airspace W of Omaha bounded on the S by V-6, on the W by Long. 97°00'00" W, on the N by V-172 and on the E by the Omaha 25-mile radius area.

AMENDMENTS 4/4/63 28 F.R. 2852 (Changed);

Orlando, Fla.
That airspace NW of Orlando, bounded on the NW by V-97 Alternate, on the E by V-35 W and on the SW by V-97, excluding the portion below 2,000 feet MSL outside the United States; that airspace bounded on the N by latitude 29°00'00" N., on the E by V-267 N of the Orlando, Fla., VOR and V-159 E alternate S of the Orlando VOR, on the S by latitude 27°45'00" N., and on the W by the arc of a 50-mile radius circle centered at latitude 27°59'18"N., longitude 82°29'29" W., and V-97; and that airspace W of Vero Beach, Fla., bounded on the N by latitude 27°45'00" N., on the NE by V-295, on the SE by V-225, and on the W by V-267. The portion within R-2910 and R-2901A shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12210 (Rewritten); 6/27/63 28 F. R. 4753 (Changed);

Oscoda, Mich.
Within a 30-mile radius of Wurtsmith AFB, Oscoda, Mich.; within 5 miles either side of the Wurtsmith AFB TACAN 234° radial extending from the TACAN to 46 miles SW; and the airspace centered on the 266° radial of the Wurtsmith VOR extending from 5 miles W of the AFB to 32 miles W of the AFB and having a width of 1 mile on the N side and 2.3 miles on the S side of the 266° radial at a point 5 miles W of the AFB and expanding to a width to 4.6 miles at 32 miles W of the AFB. Excluding the portions of this control area extension within R-4207. The portions of this control area extension within R-4204 shall be used only after obtaining prior approval from the appropriate authority.

Owensboro, Ky.
That airspace bounded on the N by V-4, on the SW by V-7 and on the SE by a line extending through points at Lat. 38°04'20" N, Long. 86°41'20" W, and Lat. 37°22'00" N, Long. 87°09'40" W.

Oxnard, Calif.
That airspace bounded on the N by V-27, on the E by Long. 119°12'30" N, on the S by W-289, and on the W by Long. 120°00'00" W. The portion of this control area extension that coincides with the W-412 is excluded.

Paducah, Ky.
Within 10 miles SE and 7 miles NW of the 040° and 220° bearings from Barkley Field, Paducah, Ky., (Lat. 37°03'40" N, Long. 88°46'20" W), extending from the 9 miles NE to 20 miles SW of the airport.

Pensacola, Fla.
Within a 25-mile radius of NAAS Saufley Field, Pensacola, Fla.; the airspace SW of Pensacola within the arc of a 38-mile radius circle centered at NAAS Saufley bounded on the W by a line extending through Lat. 30°06'00" N, Long. 87°49'00" W, and Lat. 30°15'00" N, Long. 87°41'00" W, on the E by a line extending through Lat. 29°55'00" N, Long. 87°20'00" W, and Lat. 30°19'00" N, Long. 87°13'00" W and on the NE by the 25-mile radius area; and within 8 miles E and 5 miles W of the 345° and 165° bearings from the Pensacola RBN extending from 25 miles N to 12 miles S of the RBN, excluding the portion of this control area extension within R-2909 and W-155.

AMENDMENTS 12/12/62 27 F.R. 12211 (Rewritten)

Peoria, Ill.
Within a 25-mile radius of the Greater Peoria Airport (Lat. 40°39'45" N, Long. 89°41'35" W).

Peotone, Ill.
That airspace SE of Peotone, bounded on the E by V-7, on the SW by V-491, on the W by V-53, and on the N by V-38.

Peru, Ind.
Within a 25-mile radius of the Bunker Hill AFB, Peru, Ind. (Lat. 40°39'38" N, Long. 86°08'31" W), excluding the portion which coincides with the Lafayette, Ind., and the Fort Wayne, Ind., control area extensions; including the airspace NW of Peru bounded on the S by the Lafayette control area extension, on the W by V-7, on the N by V-38 and on the E by the Fort Wayne control area extension.

Philipsburg, Pa.
Within a 15-mile radius of the Philipsburg VORTAC; the airspace E of Philipsburg bounded on the NW by V-58, on the NE by V-170 and on the S by V-30, and the airspace SE of Philipsburg bounded on the N by V-30, on the SE by V-106 and on the SW by-33.

Phoenix, Ariz.
That airspace NE of Phoenix, bounded on the NE by an arc of a 50-mile radius circle centered on the Phoenix VORTAC extending clockwise from V-95 W. to a point 8 miles S of the Phoenix VORTAC 066° radial, on the SE and E by a line 8 miles S of and parallel to the Phoenix VORTAC 066° radial extending from the 50-mile radius arc to Long. 111°27'00" W, thence via Long. 111°27'00" W to the Williams, Ariz., control area extension, on the S by the N boundary of the Williams control area extension, and on the W by V-16 and V-95 W.; the airspace SW of Phoenix bounded on the N and E by V-16, on the S by V-94, and on the W by V-461; and the airspace NW of Phoenix bounded on the N by Lat. 34°00'00" N., on the E by V-95 W., on the S by V-16 and on the W by Long. 112° 50'00" W.

AMENDMENTS 1/10/63 27 F.R. 12167 (Changed);

Pierre, S. Dak.
Within a 25-mile radius of the Pierre Airport.

Pittsburgh, Pa.
Within a 75-mile radius of the Pittsburgh VORTAC, excluding the portion which coincides with the Youngstown, Ohio, control area extension; that airspace NE of Carrolltown, Pa., bounded on the NW by a line 14 miles N of and parallel to the Carrolltown VOR 059° radial, on the NE by V-6, on the SE by V-58, and on the W by the 75-mile radius area; that airspace NE of Grantsville, Md., bounded on the N by V-474, on the SE by V-162, on the SW by V-8, and on the W by the 75-mile radius area; and that airspace E of Grantsville bounded on the NE by V-8, on the S by V-44, on the SW by V-92, and on the NW by V-162.

Plattsburgh, N. Y.
That airspace E of Plattsburgh bounded on the E by V-447 and a line 5 miles W of and parallel to the 032° bearing from the Newport, Vt., RBN, on the S by V-151, on the W by V-91, on the N by the United States/Canadian Border; the airspace S of Plattsburgh bounded on the NE and E by V-91, on the S by Lat. 40°00'00" N, and on the W by V-489, and the airspace W and SW of Plattsburgh bounded on the E and NE by V-91 and V-489, on the S by Lat. 44°00'00" N, on the W and NW by V-203 and V-282, and on the N by the United States/Canadian Border. Excluding the portion of this control area extension which coincides with R-6501.

AMENDMENTS 12/12/63 28 F. R. 10513 (Changed)p

Ponca City, Okla.
Within a 15-mile radius of the Ponca City Airport (Lat. 36°43'41" N, Long. 97°05'57" W) and within 5 miles either side of the Ponca City VORTAC 284° radial extending from the VORTAC to 25 miles W.

Pontiac, Ill.
Within a 15-mile radius of the Pontiac VOR.

Port Allen, Hawaii
That airspace NE of Port Allen bounded on the S. by V-15 Hawaii, on the W. by longitude 159°30'00" W., and on the NE by the arc of a 25-mile radius circle centered at latitude 21°58'07" N., longitude 159°20'27" W.

AMENDMENTS 12/12/62 27 F.R 12439 (Rewritten);

Portland, Maine.
That airspace bounded by a line beginning at latitude 43°37'00" N., longitude 71°00'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 43°56'00" N., longitude 70°29'00" W., to latitude 43°52'00" N., longitude 70°29'00" W., thence SE to the NW boundary of Warning Area W-103 via a line 5 miles NE of and parallel to the 132° and 312° bearings from the Portland Municipal Airport (latitude 43°38'50" N., longitude 70°18'28" W.), thence S via the NW boundary of Warning Area W-103 to the N boundary of the Boston, Mass., control area extension, thence W along that boundary to longitude 71°00'00" W., to the point of beginning.

AMENDMENTS 12/12/62 27 F.R. 12210 (Rewritten); 10/17/63 28 F. R. 8446 (Rewritten);

Portland, Oreg.
Within a 30-mile radius of the Portland International Airport, (Lat. 45°35'11" N, Long. 122°35'53" W); that airspace extending from the 30-mile radius area bounded on the SE by V-99 and on the NW by a line 10 miles NW of and parallel to the Newberg, Oreg., VORTAC 204° radial, and that airspace extending from the 30-mile radius area bounded on the W by a line extending through Lat. 45°40'00" N, Long. 123°14'00" W, and Lat. 46°15'00" N, Long. 123°23'00" W, on the N by Lat. 46°15'00" N, and on the E by V-99. The portion of this control area extension which coincides with R-5703 shall be used only after obtaining prior approval from appropriate authority.

Poughkeepsie, N. Y.
Within a 15-mile radius of the Poughkeepsie VOR.

Promontory Point, Utah
That airspace S of Promontory Point bounded on the N by V-6, on the E by V-21, on the S by V-32, and on the W by a line extending from Lat. 40°51'30" N, Long. 112°56'30" W, to Lat. 41°00'00" N, Long. 112° 56'30" W, to Lat. 41°00'00" N, Long. 112°45'00" W, to Lat. 41°10'40" N, Long. 112°45'00" W, to Lat. 41° 12'00" N, Long. 112°52'00" W, thence N via Long. 112°52'00" W, to V-6; that airspace N of Promontory Point bounded on the N by V-288, on the E by V-257 and on the S by V-6.

Provo, Utah
That airspace S of Provo bounded on the N by V-200, on the SE by a line extending from V-200 through Lat. 40°04'00" N, Long. 111°29'00" W, and Lat. 40°00'00" N, Long. 111°45'00" W, to V-21, and on the NW by V-21.

Pueblo, Colo.
Within a 21-mile radius of the Pueblo VORTAC, excluding the portion N of a line 10 miles N of and parallel to the Pueblo VORTAC 275° and 093° radials and within a 34-mile radius of the Pueblo VORTAC extending clockwise from the 229° radial to the 360° radial of the Pueblo VORTAC, excluding the portion N of a line 10 miles N of and parallel to the Pueblo VORTAC 275° radial.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); Eff. on Publ. (11/2/63) 28 F. R. 11727 (Changed);

Quonset Point, R. I.
That airspace bounded on the W by V-139, on the N by the Providence, R. I., VOR 102° radial, on the E by the Boston, Mass., control area extension and on the S by the Idlewild, N. Y., control area extension. The portions of this control area extension within R-4104 and R-4105 shall be used only after obtaining prior approval from the appropriate authority.

Raleigh, N. C.
Within a 60-mile radius of Lat. 35°30'30" N, Long. 78°32'52" W; and within a 35-mile radius of Grannis Airport, Fayetteville, N. C. (Lat. 34°59'22" N, Long. 78°52'52" W), excluding the portion within R-5311. The portion of this control area extension which coincides with R-5312 shall be used only after obtaining prior approval from the appropriate authority.

Rantoul, Ill.
Within a 25-mile radius of Chanute AFB, Rantoul, Ill., (Lat. 40°17'40" N, Long. 88°08'20" W), including the airspace S of Rantoul within a 20-mile radius of the Champaign, Ill., VORTAC.

Rapid City, S. Dak.
Within a 55-nmi radius of Ellsworth AFB, Rapid City, S. Dak. (Lat. 44°08'40" N, Long. 103°06'10" W); the airspace SW of Rapid City within 12 miles SE and 8 miles NW of the Rapid City VORTAC 251° radial extending from the 55-nmi radius area to 73 miles SW of the VORTAC; the airspace S of Rapid City within 10 miles E and 7 miles W of the Smithwick, S. Dak., VOR 182° radial extending from the 55-nmi radius area to 20 miles S of the Smithwick VOR; and the airspace E of Rapid City within 10 miles SE and 7 miles NW of the Philip, S. Dak., VOR 072° and 252° radials extending from 20 miles NE to 9 miles SW of the Philip VOR.

AMENDMENTS Eff. on publ. (4/13/63) 28 F.R. 3648 (Changed);

Red Bluff, Calif.
Within a 25-mile radius of the Red Bluff VORTAC; within 12 miles SW and 12 miles NE of the Red Bluff VORTAC 291° radial extending from the 25-mile radius area to 50 miles NE of the VORTAC, and within 12 miles SW and 12 miles NE of the Red Bluff VORTAC 342° radial extending from the 25-mile radius area to 70 miles NW of the VORTAC.
PENDING AMENDMENT
The Red Bluff, Calif., control area extension is revoked. 2/6/64 28 F. R. 12925 (Revoked);

Redmond, Oreg.
Within 5 miles either side of the Redmond RR NW and SE courses extending from 17 miles NW to 15 miles SE of the RR, and within 5 miles either side of the Redmond VOR 090° and 270° radials extending from 17 miles W to 8 miles E of the VOR.

Richmond, Ind.
That airspace bounded on the N by V-50, on the E by V-275, and on the SW by V-97.

Richmond, Va.
Within a 25-mile radius of the Richmond RBN; within a 76-mile radius of the Richmond VOR extending from the 25-mile radius area bounded on the E by the Richmond VOR 200° radial, and on the NW by V-20, excluding the portion within a 55-mile radius of Lat. 38°57'44" N, Long. 76°24'44" W, and excluding the portion within R-6602.

AMENDMENTS 8/22/63 28 F. R. 8022 (Changed);

Riverside, Calif.
That airspace S of March AFB, Riverside, Calif., bounded on the E by V-117, on the S and SE by V-208, on the W by V-23, on the NW by V-8 and on the N by V-16.

Roanoke, Va.
That airspace bounded on the NE by V-258, on the SE by V-222, on the SW by V-45, and on the NW by V-16.

Rochester, Minn.
Within a 15-mile radius of the Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 5 miles either side of the Rochester VOR 209° radial extending from the 15-mile radius area to 15 miles SW of the VOR; the airspace N and E of Rochester bounded on the W by V-82, on the NW by the arc of a 30-mile radius circle centered on the Minneapolis-St. Paul International Airport (Lat. 44°58'05" N, Long. 93°13'15" W), on the NE by V-2, and on the S by V-82.

Rochester, N. Y.
Within a 20-mile radius of the Monroe County Airport, Rochester, N. Y. (Lat. 43°07'23" N, Long. 77° 39'35" W), excluding the portions within R-5203.

Rock Springs, Wyo.
Within 5 miles each side of the 172° and 352° bearings from the Rock Springs RBN, extending from 25 miles N to 25 miles S of the RBN and that airspace within 12 miles S and 7 miles N of the Rock Springs VORTAC 079° and 259° radials extending from 9 miles E to 20 miles W of the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 9250 (Changed);
PENDING AMENDMENT
The Rock Springs, Wyo., control area extension is revoked. 2/6/64 28 F. R. 13358 (Revoked);

Rocky Mount, N. C.
Within 5 miles either side of the Rocky Mount VOR 083° radial extending from the VOR to 15 miles E.

Rome, N. Y.
Within a 40-mile radius of the Griffiss AFB, Rome, N. Y. (Lat. 43°14'00" N, Long. 75°24'10" W), the airspace S of Utica, N. Y., extending from the 40-mile radius area bounded on the NE by V-2, on the E by Long. 74°24'00" W, on the S by a line 12 miles S of and parallel to the Rockdale, N. Y., VOR 075° radial, and on the SW by a line 5 miles N of and parallel to the De Lancey, N. Y., VOR 289° radial, and on the W by a line 5 miles E of and parallel to the Syracuse VORTAC 151° radial, and the airspace E of Utica extending from the 40-mile radius area bounded on the N by a line 8 miles N of and parallel to the Utica VOR 091° radial, and on the E and S by V-496, excluding the portion which coincides with the Syracuse, N. Y., control area extension. The portion of this control area extension which coincides with R-5204 shall be used only after obtaining prior approval from appropriate authority.

Roswell, N. Mex.
Within a 45-mile radius of Walker AFB, Roswell, N. Mex., including the airspace within 5 miles either side of the Carlsbad, N. Mex., VOR 330° radial extending from the Carlsbad VOR to its INT with the Roswell 45-mile radius area.
PENDING AMENDMENT
The Roswell, N. Mex., control area extension is revoked. 2/6/64 28 F. R. 12925 (Revoked);

Rosewood, Ohio
That airspace W of Rosewood bounded on the NE by V-277, on the SE by V-275, on the S by V-210, and on the W by V-55E.

Rutland, Vt.
That airspace N of Rutland, Vt., bounded on the NW by V-91, on the NE by V-141 and on the S by the Lebanon, N. H., VOR 272° radial, and the airspace S of Rutland, bounded on the N by the Lebanon VOR 272° radial, on the E by a line 24 miles E of and parallel to the Cambridge, N. Y., VOR 002° radial, on the S by a line 5 miles N of and parallel E to the Glens Falls, N. Y., VORTAC 090° radial and on the W by V-91.

Sacramento, Calif.
That airspace bounded on the N by the arc of a 20-mile radius circle centered on the Ukiah, Calif., VORTAC, V-27 and V-137, on the S by V-6, on the E by the arc of a 50-mile radius circle centered on the Mather AFB, Sacramento, Calif. (Lat. 38°33'10" N, Long. 121°18'05" W), extending clockwise from V-200 to V-23 SE of Sacramento, and on the N by V-200; and that airspace NE of Sacramento bounded on the E by Long. 120°10'00" W, on the S by V-200, on the W by Long. 121°20'00" W, and on the N by Lat. 39°30'00" N, excluding the portion which coincides with R-2522.

Salem, Oreg.
Within 5 miles either side of the 150° bearing from the Salem-McNary Airport extending from the airport to 26 miles SE.

Salt Lake City, Utah
That airspace NE, SE, and SW of Salt Lake City bounded by the following VOR Federal airways; beginning at the Salt Lake City VORTAC and extending N along V-21 to the Ogden, Utah, VOR, E along V-6 to the Fort Bridger, Wyo., VOR, SW along V-235 to the INT of V-484, SE along V-484 to Myton, Utah, VOR, W along V-200 to the Provo, Utah. VOR NW along a line parallel to and 5 miles NE of the Provo VOR 315° radial to V-32, thence E along V-32 to the point of beginning.

San Antonio, Tex.
Within a 60-mile radius of the San Antonio REN; the airspace E of San Antonio bounded on the N by the Austin, Tex., control area extension, on the NE by V-180 and on the S by V-198.

San Bernardino, Calif.
That airspace NE of San Bernardino bounded on the S by V-16, on the NW by V-8, on the E by Long. 116°35'00" W, extending from the S boundary of V-8 to the Ontario, Calif., VOR 060° radial, thence SW via the Ontario VOR 060° radial to V-137, thence SE via V-137 to V-16.

San Diego, Calif.
Within a 21-mile radius of the San Diego VOR extending counterclockwise from the San Diego VOR 251° radial to the boundary of the Miramar, Calif., control area extension; within 5 miles either side of the San Diego VOR 251° radial extending from the VOR to 28 miles SW, and within 5 miles either side of the Lindbergh Field San Diego, Calif., VOR 287° radial extending from the VOR to 28 miles NW, excluding the portions under the jurisdiction of Mexico and which coincides with W-536.

Sanford, Fla.
That airspace bounded on the N by Lat. 29°00'00" N, on the E by Long. 81°15'00" W, on the S by Lat. 28°30'00" N, on the W by Long. 82°00'00" W.

San Francisco, Calif.
That airspace bounded by a line beginning at Lat. 38°15'00" N, Long. 122°37'00" W, to Lat. 37°43'34" N, Long. 122°13'21" W, to Lat. 37°27'20" N, Long. 121°50'30" W, to Lat. 37°00'55" N, Long. 122°17'15" W, thence N along 3-nmi off-shore to Lat. 37°12'20" N, Long. 122°28'00" W, to Lat. 37°14'00" N, Long. 122°24'55" W, to Lat. 38°08'30" N, Long. 122°54'00" W, thence to the point of beginning.

San Jose, Calif.
That airspace bounded on the NE by V-107, on the SE by V-111, on the S by V-230, on the SW by V-27 and on the NW by the San Francisco, Calif., control area extension.

San Juan, P. R.
Within a 100-nmi radius of the Isla Grande Airport, San Juan, P. R. (Lat. 18°27'30" N, Long. 66°06'00" W). The portions of this control area extension within the geographic limits of, and between the designated altitudes of, all restricted areas are excluded and the portions within the geographic limits of, and between the established altitudes of, all warning areas are excluded.

Santa Barbara, Calif.
Within 5 miles either side of the 270° bearing from the Santa Barbara Municipal Airport, extending from the airport to 28 miles W.

Sault Ste. Marie, Mich.
That airspace over United States territory within a 34-mile radius of Kincheloe AFB, Sault Ste. Marie, Mich. The portion of this control area extension within R-4205 shall be used only after obtaining prior approval from the appropriate authority.

Savannah, Ga.
That airspace N of Lat. 31°35'00" N, within a 40-mile radius of Hunter AFB, Savannah, Ga. (Lat. 32°00'35" N, Long. 81°08'45" W). The portions of this control area extension within R-3005A, R-3005B and R-3006 shall be used only after obtaining prior approval from appropriate authority. The portions of this control area extension within W-132, W-157, and W-160 are excluded.

AMENDMENTS On publ. 2/21/63 28 F.R. 1629 (Changed);

Seattle, Wash. (A)
Within a 30-mile radius of the Seattle-Tacoma International Airport (Lat. 47°26'50" N, Long. 122°18'30" W), including the airspace NW of Seattle bounded on the N and NE by V-4, on the W by Long. 123°15'00" W, and on the S by V-27. The portion of this control area extension within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

Seattle, Wash. (B)
That airspace NE of Seattle bounded on the S by V-2N, on the E by Long. 121°35'00" W, on the N by Lat. 48°55'00" N, and on the W by V-23.

Sedalia, Mo.
That airspace bounded on the N by V-4 and V-210, on the E by V-63, on the W by V-205, and on the NW by the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.).

AMENDMENTS 8/22/63 28 F. R. 6872 (Rewritten); (Amend. Corr. 28 F. R. 7902);
PENDING AMENDMENT
The Sedalia, Mo., control area extension is revoked. 3/5/64 28 F. R. 13929 (Revoked);

Shemya, Alaska
Within a 50-mile radius of the Shemya Airport (Lat. 52°43'10" N, Long. 174°06'05" W), excluding the portion which coincides with R-2204.

Sheridan, Wyo.
That airspace NE of a line 8 miles SW of and parallel to the Sheridan VORTAC 316° and 136° radials within a 27-mile radius of the Sheridan Municipal Airport (Lat. 44°46'30" N, Long. 106°58'40" W).
PENDING AMENDMENT
The Sheridan, Wyo., control area extension is revoked. 2/6/64 28 F. R. 13358 (Revoked);

Sherman, Tex.
Within a 70-mile radius of Perrin AFB, Sherman, Tex., (Lat. 33°42'48" N, Long. 96°40'29" W), bounded on the S by V-16, and on the W and NW by V-15; the airspace within a 15-mile radius of Cox Field, Paris, Tex., and the airspace NE of Sulphur Springs, Tex., bounded on the N by V-278, on the SE by V-16 N. and on the W by the Perrin 70-mile radius area; including the airspace NE of Sherman bounded on the E by a line 5 miles E of and parallel to a straight line from the Sulphur Springs VOR to the McAlester, Okla., VORTAC, and on the NW by the Tulsa, Okla., control area extension.

Shreveport, La.
That airspace bounded by a line beginning on the S boundary of V-278 at Lat. 33°26'20" N, Long. 93°29'30" W, thence SE to the S boundary of V-18 at Lat. 32°27'50" N, Long. 92°33'00" W, thence E along V-18 to the INT of a line 5 miles SE of and parallel to the Monroe, La., VORTAC 237° radial, thence SW via this line to its INT with V-114, thence NW along V-114 to its INT with V-289, thence N along V-289 to its INT with V-278, thence E along V-278 to the point of beginning.

Sioux City, Iowa
Within a 25-mile radius of the Sioux City VOR and the airspace SE of Sioux City extending from the 25-mile radius area bounded on the N by V-100, on the E by Long. 95°30'00" W, on the S by Lat. 41°50'00" N, and on the W by V-15.

Sioux Falls, S. Dak.
That airspace SE of Sioux Falls within a 15-mile radius of the Sioux Falls VORTAC, extending clockwise from the S boundary of V-148 to the E boundary of V-15; that airspace within a 45-mile radius of the Sioux Falls VORTAC extending clockwise from the W boundary of V-15 S of Sioux Falls to the S boundary of V-120 W of Sioux Falls; that airspace within a 36 mile radius of the Sioux Falls VORTAC extending from the N boundary of V-120 W of Sioux Falls clockwise to the N boundary of V-148 NE of Sioux Falls; within 11 miles S and 7 miles N of the Sioux Falls VORTAC 267° radial extending from the Sioux Falls 45-mile radius area to 52 miles W of the Vortac; and within 12 miles SW and 8 miles NE of the Sioux Falls VORTAC 288° radial extending from the INT of the Sioux Falls VORTAC 288° and the Huron, S. Dak., VOR 140° radials to 22 miles W of the INT.

Spokane, Wash.
Within a 45-nmi radius of the Fairchild AFB, Spokane, Wash. (Lat. 47°36'55" N, Long. 117°39'20" W).

Springfield, Ill.
Within a 15-mile radius of the Capital VOR extending clockwise from the centerline of V-233 N of Springfield to the centerline of V-50 W of Springfield, and within a 25-mile radius of the Capital VOR extending clockwise from the centerline of V-50 W of Springfield to the centerline of V-233 N of Springfield.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

Springfield, Vt.
Within 8 miles E and 6 miles W of the 185° bearing from the Springfield RBN extending from the RBN to 17 miles S.

Staunton, Va.
That airspace bounded on the W, NW and NE by a line extending from the N boundary of V-290 along Long. 79° 25'00" W, to Lat. 38°06'30" N, thence to Lat. 38°06'30" N, Long. 79°13'45" W, to Lat. 38°25'00" N, Long. 79° 00'45" W, to Lat. 38°15'15" N, Long. 78°39'45" W, bounded on the SE by V-140, and on the S by V-290.

Stockton, Calif.
That airspace N of Stockton bounded on the NE by V-23, on the S by V-244 and on the NW by V-6 S.

Sumter, S. C.
That airspace N of Shaw AFB, Sumter, S. C., bounded on the W by V-37, on the N by the Greenville, S. C. control area extension, on the NE by a line extending through Lat. 34°48'10" N, Long. 80°10'30" W, and Lat. 34°31'00" N, Long. 79°42'30" W, on the E by V-3 and on the S by V-56, excluding the portion of this control area extension within R-6001.

Syracuse, N. Y.
That airspace bounded by a line beginning at Lat. 43°17'00" N, Long. 76°27'00" W, clockwise along the arc of a 15-mile radius circle centered on the Syracuse VORTAC to Lat. 43°00'10" N, Long. 76°00'00" W, to Lat. 42° 29'00" N, Long. 76°00'00" W, to Lat. 42°29'00" N, Long. 76°25'00" W, to Lat. 42°36'10" N, Long. 76°25'00" W, thence clockwise along the arc of a 40-mile radius circle centered on the Syracuse VORTAC to Lat. 43°17' 00" N, Long. 76°58'45" W, to point of beginning.

Tacoma, Wash.
That airspace within a 40-nmi radius of McChord AFB, Tacoma, Wash (Lat. 47°08'20" N, Long. 122°28'05" W), the portion of this control area extension within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

Tallahassee, Fla.
That airspace bounded on the N by V-22 N, on the E by V-159 W, and on the S and SW by V-7 W; and that airspace N of Tallahassee within 12 miles W and 8 miles E of the Tallahassee VORTAC 354° radial, extending from the S boundary of V-22 N to 40 miles N of the VORTAC.

Tampa, Fla.
Within a 50-mile radius of latitude 27°53'18" N, longitude 82°29'29" W.; including the airspace NW of Tampa extending from the 50-mile radius area bounded on the NE by V-97, on the S by Control 1226 and on the W by a line 5 miles W of and parallel to the Cross City, Fla., VOR 207° radial; the airspace SE of Tampa extending from the 50-mile radius area bounded on the NE by V-157, on the SE by V-225 and on the SW by V-35; the airspace W of Tampa bounded on the N by a line extending from latitude 28°06'35° N., longitude 84°00'00" W., to latitude 28°10'00" N., longitude 84°39'30" W., on the E by a line 5 miles W of and parallel to the Cross City VOR 207° radial, and on the S by Control 1226; and the airspace N of La Belle, Fla., bounded on the NE by V-267, on the SE by V-225, on the SW by V-157; and on the NW by a line extending from latitude 27°14'10" N., longitude 81°31'00" W., to latitude 27°22'00" N., longitude 81°08'00" W., thence to latitude 27°45'00" N., longitude 81°08'00" W., excluding the portion which coincides with W-168 and the portion below 2,000 feet MSL outside the continental United States. The portion within R-2901B and R-2901D shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12210 (Added); 6/27/63 28 F. R. 4753 (Changed);

Texarkana, Ark.
Within 5 miles either side of the Texarkana VORTAC 309° radial, extending from the VORTAC to 15 miles NW.

Toledo, Ohio
That airspace bounded by a line beginning at Lat. 41°21'45" N, Long. 84°25'45" W, thence NE to Lat. 41° 51'30" N, Long. 83°37'15" W, thence SE to Lat. 41°45'30" N, Long. 83°19'45" W, thence SE to Lat. 41°39'30" N, Long. 83°15'15" W, thence S to Lat. 41°30'00" N, Long. 83°15'15" W, thence W to Lat. 41°31'40" N, Long. 83° 42'35" W, thence S to Lat. 41°16'30" N, Long. 83°46'40" W, thence W to point of beginning.

Toledo, Wash.
Within 5 miles either side of the Toledo RR E course extending from the RR to 20 miles E and within 5 miles either side of the Toledo RR W course extending from the RR to 25 miles W.

Tucson, Ariz. (A)
That airspace S of Tucson bounded on the N by V-105, on the NE by V-66, and on the S and W by V-202; the airspace SW of Tucson within a 30-mile radius of the Tucson RBN extending clockwise from V-202 to V-105; the airspace W of Tucson within a 36-mile radius of the Tucson RBN extending clockwise from the 256° bearing from the Tucson RBN to V-105; and the airspace NW of Tucson bounded on the NE by V-66 and on the S and W by V-105.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed);

Tucson, Ariz. (B)
That airspace NE of Tucson bounded on the N by V-94, on the SE by V-202 and on the S and SW by V-16.

Tulsa, Okla.
Within a 25-mile radius of Lat. 36°12'55" N, Long. 95°51'31" W; that airspace SW of Tulsa bounded on the NW by V-14, on the SE by V-15 and on the SW by V-163; that airspace S of Tulsa bounded on the W and NW by V-15, on the E and SE by a line 5 miles E of and parallel to the McAlester, Okla., VORTAC 008° radial extending from the S boundary of V-74 to the McAlester VORTAC, on E and SE by a line 5 miles E of and parallel to a direct line extending between the McAlester VORTAC and the Dallas, Tex., VORTAC, and on the S by the Sherman, Tex., Perrin AFB control area extension.

Tuscaloosa, Ala.
Within 5 miles either side of the Tuscaloosa VORTAC 060° radial, extending from the VORTAC to 20 miles NE.

Tyler, Tex.
Within a 25-mile radius of the Tyler RBN; the airspace N of Tyler bounded on the N by V-16, on the SE and E by V-289, on the S by a line 13 miles S of and parallel to the centerline of V-94 and on the W by the Dallas, Tex., control area extension; and within 10 miles NE and 7 miles SW of the Tyler ILS localizer SE course extending from the Tyler 25-mile radius area to 34 miles SE of the localizer.

Ukiah, Calif.
Within a 20-mile radius of the Ukiah VORTAC; and the airspace NE of Ukiah bounded on the E by V-25, on the S by V-200, and on the W and N by V-199.

Valdosta, Ga.
That airspace bounded on the N by Lat. 32°00'00" N, on the E by V-5, on the S by V-22, and on the W by V-35.

Victoria, Tex.
Within a 25-mile radius of Lat. 28°51'00" N, Long. 96°55'00" W.

Waco, Texas.
That airspace W of Waco bounded on the W by V-163, on the NE and E by V-17 and on the S by V-76, excluding the portion of this control area extension within R-6302A. The portions of this control area extension within R-6302B and R-6302C shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 5/30/63 28 F.R. 4024 (Rewritten);

Wake Island,
That airspace extending upward from 700 feet above the surface within a 100-nmi radius of the Wake Island RBN (Lat. 19°18'00" N, Long. 166°39'00" W).

Walnut Ridge, Ark.
Within 10 miles SE and 7 miles NW of the Walnut Ridge VOR 064° and 244° radials extending from 9 miles NE to 20 miles SW of the VOR.

Washington, D. C.
Within an 85-mile radius of the Washington VOR, extending clockwise from the Washington VOR 165° to the 245° radials; within an 88-mile radius extending clockwise from the Washington VOR 245° to the 250° radial; within an 85-mile radius extending clockwise from the Washington VOR 250° to the 310° radial; within an 80-mile radius extending clockwise from the Washington VOR 310° to the 355° radial; within a 70-mile radius extending clockwise from the Washington VOR 355° to the 165° radial; within 10 miles SE and 7 miles NW of the Casanova, Va., VORTAC 233° radial extending from the 85-mile radius area to 9 miles SW of the INT of the Gordonsville, Va., VORTAC 329° and the Casanova VORTAC 233° radials; and within 10 miles NW and 7 miles SE of the Keaton, Del., VORTAC 217° radial extending from the 70-mile radius area to 9 miles NE of the INT of the Keaton VORTAC 217° and the Salisbury, Md., VOR 340° radials; excluding the portions within the Wilmington, Del., control area extension, the Washington Prohibited Area (P-56), the Norfolk, Va., control area extension, and the Richmond, Va., control area extension and excluding the portions within R-4002, R-4005, R-4006, R-4007 and R-4008. The portions within R-6601, R-6608, R-6611, R-6612, R-6613 and R-4001 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed); (Eff. on pub.) 8/3/63 28 F. R. 7936 (Changed);

Waterloo, Iowa
Within a 37-mile radius of the Waterloo VORTAC, excluding the portion N of a line 12 miles N of and parallel to the Waterloo VORTAC 099° radial and E of a line 12 miles E of and parallel to the Waterloo VORTAC 353° radial; and the airspace SE of Waterloo within 12 miles SW and 8 miles NE of the Waterloo VORTAC 146° radial extending from the Waterloo 37-mile radius area to the Cedar Rapids, Iowa, VORTAC.

Watertown, N. Y.
Within 12 miles W and 8 miles E of the Watertown VOR 007° and 187° radials extending from 9 miles N of the VOR to the arc of a 40-mile radius circle centered at Griffiss AFB, Rome, N. Y. (Lat. 43°14'00" N, Long. 75°24'10" W), and the arc of a 15-mile radius circle centered at the Syracuse, N. Y., VORTAC; and airspace within 5 miles either side of the Watertown VOR 155° radial extending from the VOR to the 40-mile radius circle centered at Griffiss AFB.

Watertown, S. Dak.
Within a 15-mile radius of the Watertown VORTAC; the airspace S of Watertown bounded on the E by Long. 96°51'00" W, on the S by V-26 and on the W by V-78 S; the airspace NW of Watertown within 10 miles S and 7 miles N of the Watertown VORTAC 297° radial, extending from the VORTAC to 37 miles NW, and the airspace N of Watertown within 11 miles W and 7 miles E of the Watertown VORTAC 006° radial, extending from the VORTAC to 48 miles N.

Wausau, Wis.
That airspace SE and SW of Wausau bounded on the E by a 41-mile radius circle centered on the Stevens Point, Wis., VOR, on the S by a line 7 miles S of and parallel to V-55, on the W by a 40-mile radius circle centered on the Wausau VOR, and on the N by Lat. 45°04'00" N.

Westhampton Beach, N. Y.
That airspace NE and N of the Hampton, N. Y., VOR bounded on the W by the New York, N. Y., control area extension, on the NW by V-16, on the N by V-130, and on the E and SE by V-139.

Whidbey, Island, Wash.
That airspace bounded on the N by lines connecting points at Lat. 48°42'48" N, Long. 123°11'57" W. and Lat. 48°51'45" N, Long. 122°40'00" W, on the E by V-23, on the S by the Seattle, Wash., control area extension, on the SW by V-4, and on the W by lines connecting points at Lat. 48°10'00" N, Long. 123°01'00" W. Lat. 48°38'30" N, Long. 123°13'00" W, Lat. 48°42'48" N, Long. 123°11'57" W, excluding the portion within Canada. The portion of this control area extension within R-6701, R-6708, and R-6713 shall be used only after obtaining prior approval from the appropriate authority.

White Sulphur Springs, W. Va.
That airspace bounded on the E by Long. 79°54'00" W, on the SE by V-140, on the SW by V-260, on the W by Long. 80°40'00" W, and on the N by Lat. 38°15'00" N.

Wichita Falls, Tex.
That airspace bounded on the NW by V-102 S alternate, on the E by V-77, and on the S by V-278.

Wichita, Kans.
That airspace bounded on the N by a line 10 miles N of and parallel to the Emporia, Kans., VORTAC 259° and 079° radials, on the E by a line 10 miles E of and parallel to the Emporia VORTAC 209° and 029° radials to and along the S boundary of V-132 to Long. 96°05'00" W, thence direct to Lat. 37°22'00" N, Long. 96°11'00" W, thence direct to Lat. 37°08'00" N, Long. 96°11'00" W; on the S by a line 10 miles S of and parallel to the Anthony, Kans., VOR 085° and 265° radials, and on the W by a line 10 miles W of and parallel to the Hutchinson, Kans., VORTAC 195° and 015° radials; that airspace within 5 miles either side of a direct line extending from the Wichita VOR to the Tulsa, Okla., VORTAC.

Williams, Ariz.
That airspace bounded on the N by Lat. 33°22'00" N, on the NE and SE by a line from Lat. 33°22'00" N, Long. 111°13'00" W, to Lat. 32°56'00" N, Long. 110°31'00" W, thence through Lat. 32°42'00" N, Long. 110° 42'00" W, to the N boundary of V-94, on the S by V-94 and on the W by V-16.

Wilmington, Del.
That airspace S and SW of Wilmington within a 30-mile radius of the New Castle, Del., VOR, extending clockwise from the 151° to the 266° radials, excluding the portion which coincides with R-4001 and the New York, N. Y., control area extension and the airspace W of Wilmington bounded on the E by the New York control area extension, on the S by V-157, on the W by V-93, and on the N by V-3.

AMENDMENTS 12/12/62 27 F.R. 12330 (Changed);

Wilmington, N. C.
Within 5 miles each side of the 159° bearing from the Wilmington ILS MM extending from the MM to 15 miles SE of the MM.

AMENDMENTS 9/15/63 28 F. R. 9345 (Rewritten);

Wilmington, Ohio
That airspace bounded on the NW by V-5, on the N and E by the Columbus, Ohio, control area extension, on the S by V-128, and on the W by the Cincinnati, Ohio, control area extension.

Windsor Locks, Conn.
Within a 30-mile radius of the Bradley, Conn., Airport (Lat. 41°56'25" N, Long. 72°41'10" W), excluding the portion which coincides with the New York, N. Y., control area extension and excluding the area NE of a line extending from Lat. 42°21'00" N, Long. 72°53'00" W, to Lat. 42°08'20" N, Long. 72°37'00" W, to Lat. 42°03'45" N, Long. 72°09'00" W, to Lat. 42°04'30" N, Long. 72°01'00" W, and that airspace SW of Chester, Mass., bounded on the N by V-270, on the NE by V-130, on the SE by V-93, and on the W by V-487.

Youngstown, Ohio
Within a 35-mile radius of the Youngstown VOR.

Ypsilanti, Mich.
Within 5 miles either side of the Ypsilanti ILS localizer SW course, extending from the Willow Run Airport Ypsilanti, Mich. (Lat. 44°14'13" N, Long. 83°31'47" W), to 20 miles SW of the OM.

SUBPART G - CONTROL ZONES

§ 71.171 Designation.
The parts of airspace described below are designated as control zones.

Aberdeen, S. Dak.
Within a 5-mile radius of Aberdeen Municipal Airport (Lat. 45°27'10" N, Long. 98°25'35" W); within 2 miles either side of the Aberdeen RR S course extending from the 5-mile radius zone to 12 miles S of the RR and within 2 miles either side of the Aberdeen VOR 131° radial extending from the 5-mile radius zone to 12 miles SE of the VOR.
PENDING AMENDMENT
Aberdeen, S. Dak.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45° 27' 10" N., longitude 98° 25' 35" W.), within 2 miles each side of the Aberdeen VOR 131° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, and within 2 miles each side of the Aberdeen RR S course, extending from the 5-mile radius zone to 8 miles S of the RR.
3/5/64 28 F. R. 13929 (Rewritten);

Abilene, Tex.
Within a 5-mile radius of Abilene Municipal Airport (Lat. 32°25'10" N, Long. 99°41'20" W); within 2 miles either side of the Abilene ILS localizer S course extending from the 5-mile radius zone to the ILS OM; within 2 miles either side of the Abilene VOR 112° radial extending from the 5-mile radius zone to the VOR; within a 5-mile radius of Dyess AFB, Abilene, Tex., (Lat. 32°25'10" N, Long. 99°51'15" W); within 2 miles either side of the Abilene VOR 354° radial extending from the Dyess 5-mile radius zone to 12 miles N of the VOR; and within 2 miles either side of the 168° and 348° bearings from the Dyess AFB RBN extending from the 5-mile radius zone to 12 miles S of the RBN.

line extending from the Wichita VOR to the Tulsa, Okla., VORTAC.

Adak, Alaska
Within a 5-mile radius of NAS Adak (Lat. 51°53'00" N, Long. 176°39'00" W); within 2 miles either side of the Adak TACAN 067° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN, excluding the portion above 24,000 feet MSL.

Aguadilla, P. R.
Within a 10-mile radius of Ramey AFB, Aguadilla, P. R. (Lat. 18°29'50" N, Long. 67°07'45" W) and within 2.5 miles either side of the extended centerline of the Ramey AFB E-W runway extending from the 10-mile radius zone to 12 miles E and W of the runway ends

Akron, Colo.
Within a 5 mile radius of Washington County Airport (Lat. 40°10'30" N, Long. 103°12'45" W) and within 2 miles either side of the Akron VOR 123° radial extending from the 5-mile radius zone to 12 miles SE of the VOR.
PENDING AMENDMENT
Akron, Colo.
Within a 4-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.)
3/5/64 28 F. R. 14226 (Rewritten);

Akron, Ohio
Within a 5 mile radius of Akron Airport (Lat. 41°02'15" N, Long. 81°28'05" W) and within a 5-mile radius of Akron Canton Airport (Lat. 40°54'59" N, Long. 81°26'32" W).

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif., control zone.

Albany, Ga.
Within a 5-mile radius of Albany Municipal Airport; within 2 miles either side of the Albany VOR 155° and 335° radials extending from the 5-mile radius zone to 10 miles NW of the VOR; within a 5-mile radius of Turner AFB, and within 2 miles each side of the Turner AFB VOR 223° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 11/12/63 28 F. R. 10451 (Changed);

Albany, N. Y.
Within a 5-mile radius of Albany County Airport (latitude 42°44'48" N., longitude 73°48'19" W.); within 2 miles either side of the 015° bearing from latitude 42°47'42" N , longitude 73°48'10" W. extending from the 5-mile radius zone to 10 miles N. of latitude 42°47'42" N., longitude 73°48'10" W., and within 2 miles either side of the Albany ILS localizer N course extending from the 5-mile radius zone to 10 miles N of the OM.

12/12/62 27 F.R. 12211 (Rewritten)

Albuquerque, N. Mex. (Albuquerque Sunport Airport/Kirtland AFB)
Within a 5-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of runway 35, extending from the 5-mile radius zone to 5.5 miles N of the N end of runway 35; within 2 miles each side of the 188° bearing from the Albuquerque RBN, extending from the 5-mile radius zone to 7 miles S of the RBN; within 2 miles each side of the extended centerline of runway 17, extending from the 5-mile radius zone to 5 miles S of the S end of runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC

AMENDMENTS 8/22/63 28 F R 6911 (Rewritten);

Alexandria, La. (England AFB)
Within a 5-mile radius of England AFB within 2 miles either side of the Alexandria RR NW and SE courses extending from the 5-mile radius zone to 10 miles SE of the RR, and within 2 miles either side of the Alexandria VOR 156° and 336° radials, extending from the 5-mile radius zone to 10 miles SE of the VOR.

Alexandria, La. (Esler Field)
Within a 5-mile radius of Esler Field (Lat. 31°23'45" N, Long. 92°17'35" W), and within 2 miles either side of the 327° bearing from the Esler Field RBN extending from the 5-mile radius zone to the RBN.

Alexandria, Minn.
Within a 5-mile radius of Alexandria Municipal Airport (Lat. 45°52'15" N, Long. 95°24'00" W), and within 2 miles either side of the Alexandria VOR 231° radial extending from the 5-mile radius zone to the VOR.

Alice, Tex.
Within a 5-mile radius of Jim Wells County Municipal Airport, Alice, Tex., (Lat. 27°44'28" N, Long. 98° 01'38" W).

Allentown, Pa.
Within a 5-mile radius of Allentown-Bethlehem-Easton Airport (Lat. 40°39'10" N, Long. 75°26'20" W); within 2 miles either side of the Allentown RR NE course, extending from the 5-mile radius zone to 10 miles NE of the RR; within 2 miles either side of the Allentown ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM, and within 2 miles either side of the Allentown VORTAC 347° radial, extending from the 5-mile radius zone to 10 miles N of the VORTAC.

Alpena, Mich.
Within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (Lat. 45°05'00" N, Long. 83°33'30" W), and within 2 miles either side of the 185° bearing from the Alpena RBN extending from the 5-mile radius zone to the RBN. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

Altus, Okla.
Within a 5-mile radius of Altus AFB and within 2 miles either side of 180° and 360° bearings from the Altus AFB extending from the 5-mile radius zone to 10 miles N and S of the AFB.

Amarillo, Tex.
Within a 5-mile radius of Amarillo AFB/Municipal Airport (Lat. 35°13'11" N, Long. 101°42'42" W), within 2 miles either side of the 046° bearing from the Tradewind RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the Amarillo VORTAC 221° radial extending from the 5-mile radius zone to the VORTAC

Anchorage, Alaska (Anchorage International Airport)
Within a 5-mile radius of Anchorage International Airport (Lat. 61°10'23" N, Long. 149°58'10" W); within 2 miles either side of the Anchorage RR SW course extending from the 5-mile radius zone to 12 miles SW of the RR; within 2 miles either side of the Anchorage VOR 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles either side of the Anchorage International ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

Anchorage, Alaska, (Bryant AAF)
Within a 3-mile radius of Bryant AAF (Lat. 61°16'02" N, Long. 149°39'46" W), excluding the portion W of Long. 149°43'00" W. The portion of this control zone within R-2203 shall be used only after obtaining prior approval from appropriate authority.

Anchorage, Alaska (Merrill Field/Elmendorf AFB)
Within a 3-mile radius of Merrill Field (Lat. 61°13'03" N, Long. 149°50'52" W); within a 5-mile radius of Elmendorf AFB (Lat. 61°15'05" N, Long. 149°48'52" W); within 2 miles either side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Bryant AAF control zone. The portion of this control zone within R-2201 and R-2203 shall be used only after obtaining prior approval from appropriate authority.

Anderson S. C.
Within a 5-mile radius of Anderson Airport (Lat. 34°29'40" N, Long. 82°42'30" W), and within 2 miles either side of the Anderson VOR 038° radial extending from the 5-mile radius zone to the VOR.

Aniak, Alaska
Within a 5-mile radius of Aniak Airport (Lat. 61°34'50" N, Long. 159°32'15" W) and within 2 miles either side of the Aniak RR SW course extending from the 5-mile radius zone to 12 miles SW of the RR.

Annette Island, Alaska
Within a 5-mile radius of Annette Island Airport (latitude 55°02'30" N., longitude 131°34'05" W.), and within 2 miles each side of the 169° bearing from the Annette Island RR, extending from the 5-mile radius zone to 8 miles S of the RR.

AMENDMENTS 9/19/63 28 F. R 6969 (Rewritten);

Anniston, Ala.
Within a 5-mile radius of Anniston Municipal Airport (Lat. 33°35'25" N, Long. 85°51'15" W), and within 2 miles either side of the 232° bearing from Anniston RBN extending from the 5-mile radius zone to 12 miles SW of the RBN.

Arcata, Calif.
Within a 8 mile radius of Arcata Municipal Airport (Lat. 40°58'45" N, Long. 124°06'25" W).

Ardmore, Okla.
Within a 5-mile radius of Ardmore Municipal Airport (Lat. 34°18'00" N, Long. 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 065° bearing from the Ardmore RBN extending from the 5-mile radius zone to the RBN.

Asheville, N. C.
Within a 5-mile radius of Asheville Airport (Lat. 35°26'00" N, Long. 82°32'25" W), and within 2 miles either side of the 341° bearing from the Asheville RBN extending from the 5-mile radius zone to the RBN.

Astoria, Oreg.
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46° 09' 25" N., longitude 123° 52' 40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

AMENDMENTS 1/9/64 28 F. R. 11615 (Added);

Athens, Ga.
Within a 5-mile radius of Athens Airport (Lat. 33°56'56" N, Long. 83°19'37" W); within 2 miles either side of the Athens VORTAC 078° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, and within 2 miles either side of the Athens VORTAC 194° radial extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Atlanta, Ga. (Fulton County Airport)
Within a 5-mile radius of Fulton County Airport (latitude 33°46'47" N., longitude 84°31'20" W.) and within 2 miles either side of the Fulton County VOR 276° radial extending from the 5-mile radius zone to 11 miles W of the VOR excluding the portion within the Dobbins AFB/NAS Atlanta control zone.

AMENDMENTS 12/12/62 27 F.R. 12211 (Added);

Atlanta, Ga. (Municipal Airport)
Within a 5-mile radius of Atlanta Municipal Airport (Lat. 33°38'42" N, Long. 84°25'37" W); within 2 miles either side of the Atlanta ILS localizer W course extending from the 5-mile radius zone to the OM; within 2 miles either side of the Atlanta ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles either side of the Atlanta ILS localizer E course extending from the 5-mile radius zone to the INT of the Atlanta ILS localizer E course and the McDonough, Ga., VORTAC 333° radial; and within a 3-mile radius of Morris AAF (Lat. 33°37'20" N, Long. 84°20'30" W).

Atlanta, Ga. (Dobbins AFB/NAS Atlanta)
Within a 5-mile radius of Dobbins AFB/NAS Atlanta (Lat. 33°55'00" N, Long. 84°31'00" W); within 2 miles either side of the 105° bearing from the Lost Mountain, Ga., RBN extending from the 5-mile radius zone to the RBN; within 2 miles either side of the NAS Atlanta TACAN 295° radial extending from the 5-mile radius zone to 10 miles W of the TACAN; and within 2 miles either side of the 104° bearing from the Dobbins AFB/NAS Atlanta extending from the 5-mile radius zone to 6 miles SE of the lift-off end of runway 10.

Atlantic City, N. J.
Within a 12-mile radius of the Atlantic City NAFEC Airport (Lat. 39°27'25" N, Long. 74°34'45" W), and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 nmi offshore, on the SE by a line 3 nmi offshore, and on the NE by the Atlantic City VORTAC 112° radial, excluding the portion within a 2 mile radius of the Ocean City Airport (Lat. 39°16'00" N, Long. 74°36'15" W).

Augusta, Ga.
Within a 5-mile radius of Bush Field, Augusta, Ga. (latitude 33°22'05" N., longitude 81°57'40" W.); within 2 miles each side of the 130° bearing from the Augusta RBN, extending from the 5-mile radius zone to the RBN; and within 2 miles each side of the Augusta VOR 141° radial, extending from the 5-mile radius zone to 7.5 miles NW of the VOR.

AMENDMENTS 4/10/63 (Eff. on publ.) 28 F.R 3483 (Changed); 9/2/63 28 F. R. 9285 (Rewritten);

Augusta, Maine
Within a 5-mile radius of Augusta State Airport (Lat. 44°19'15" N, Long. 69°47'45" W) and within 2 miles either side of the Augusta RR SW course extending from the 5-mile radius zone to 10 miles SW of the RR.

Austin, Tex.
Within a 10-mile radius of Mueller Municipal Airport, Austin, Tex. (Lat. 30°17'55" N, Long. 97°42'00" W); within a 5-mile radius of Bergstrom AFB (Lat. 30°11'45" N, Long. 97°40'35" W); within 2 miles either side of the Austin VORTAC 004° radial extending from the 5-mile radius zone to 10 miles N of the VORTAC, and within 2 miles either side of the centerline of the Bergstrom AFB N-S runway extending from the Bergstrom 5-mile radius zone to 3 miles S of the Bergstrom RBN.

Baker, Oreg.
Within a 3-mile radius of Baker Municiapl Airport (Lat. 44°50'25" N, Long. 117°48'35" W)

Bakersfield, Calif.
Within a 5-mile radius of Meadows Field (Lat. 35°25'40" N., Long. 119°03'05" W), and within 2 miles either side of the Bakersfield RR NW course extending from the 5-mile radius zone to 11 miles NW of the RR.

Baltimore, Md.
Within a 5-mile radius of Friendship International Airport (Lat. 39°10'25" N, Long. 76°40'15" W); within 2 miles either side of the Baltimore ILS localizer E course extending from the 5-mile radius zone to 6 miles E of the localizer; within 2 miles either side of the Baltimore VORTAC 088° radial extending from the 5-mile radius zone to 6 miles E of the VORTAC, and within 2 miles either side of the ILS localizer W course extending from the 5-mile radius zone to 10 miles W of the OM.

Bangor, Maine
Within a 5-mile radius of Dow AFB, Bangor Maine (Lat. 44°48'20" N, Long. 68°49'32" W); within 2 miles either side of the 333° bearing from Lat. 44°50'35" N, Long. 68°50'55" W extending from the 5-mile radius zone to 13.5 miles NW of Lat. 44°50'35" N, Long. 68°50'55" W; within 2 miles either side of the 314° bearing from Dow AFB extending from the 5-mile radius zone to 15 miles NW of the AFB; within 2 miles either side of the 356° bearing from Dow AFB extending from the 5-mile radius zone to 10 miles N of the Bangor VORTAC, and within 2 miles either side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 10 miles SE of the lift-off end of the runway. The portion of this control zone within R-3903 shall be used only after obtaining prior approval from appropriate authority.

Baton Rouge, La.
Within a 5-mile radius of Ryan Airport, Baton Rouge, La. (Lat. 30°31'53" N, Long. 91°09'00" W); within a 3-mile radius of Downtown Airport, Baton Rouge, La. (Lat. 30°26'45" N, Long. 91°06'25" W); within 2 miles either side of the 313° and 133° bearings from the Baton Rouge LOM extending from the Ryan Airport 5-mile radius zone to 10 miles NW and 19 miles SE of the LOM, and within 2 miles either side of the Baton Rouge VOR 071° and 251° radials extending from the Ryan Airport 5-mile radius zone to 10 miles SW of the VOR.

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 215° radials, extending from the 5-mile radius zone to 8 miles NE and SW of the VORTAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of Runway 4.

AMENDMENTS 12/12/63 28 F. R. 10741 (Rewritten);

Beaufort, S. C.
Within a 5-mile radius of MCAS Beaufort (Lat. 32°28'40" N, Long. 80°43'20" W); within 2 miles either side of the 043° bearing from MCAS extending from the 5-mile radius zone to 16 miles NE of MCAS and within 2 miles either side of the 137° bearing from MCAS extending from the 5 mile radius zone to W-132.

Beaumont, Tex.
Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex., (Lat. 29°57'05" N, Long. 94°01'10" W); within 2 miles either side of the Beaumont VOR 064° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Beaumont ILS localizer NW course extending from the 5-mile radius zone to the OM.

Bedford, Mass.
Within a 5-mile radius of Laurence G. Hanscon Field, Bedford, Mass., (Lat. 42°28'05" N, Long. 71°17'20" W).

Beeville, Tex.
Within a 5-mile radius of NAAS Chase Field, Beeville, Tex., (Lat. 28°22'00" N, Long. 97°40'00" W); within 2 miles either side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN, and within 2 miles either side of the NAAS Chase VOR 349° radial extending from the 5-mile radius zone to 7 miles N of the VOR

AMENDMENTS 12/12/62 27 F.R. 12440 (Rewritten);

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

AMENDMENTS 8/22/63 28 F. R. 8725 (Rewritten);

Bellingham, Wash.
Within a 3-mile radius of Bellingham Municipal Airport.

Bemidji, Minn.
Within a 4-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.) and within 2 miles each side of the Bemidji VOR 136° radial, extending from the 4-mile radius zone to the VOR, excluding the portion 9 miles SE of and parallel to the Bemidji VOR 024° and 204° radials. This control zone is effective from 0700 to 2100 hours local time, daily.

AMENDMENTS 8/22/63 28 F.R. 6828 (Added); (Amend. Mod. 28 F.R. 9284)

Bethel, Alaska
Within a 5-mile radius of Bethel Municipal Airport (Lat. 60°46'55" N, Long. 161°49'55" W); within 2 miles either side of the Bethel VOR 007° and 214° radials extending from the 5-mile radius zone to 12 miles N and SW of the VOR; within 2 miles either side of the 296° bearing from the Bethel RR extending from the 5-mile radius zone to the RR, and within 2 miles either side of the 023° bearing from the Bethel RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

Bettles, Alaska
Within a 5-mile radius of Bettles Airport (Lat. 66°55'00" N, Long. 151°31'00" W), within 2 miles either side of the Bettles RR SE course extending from the 5-mile radius zone to 12 miles SE of the RR, and within 2 miles either side of the 211° bearing from the Bettles RR extending from the 5-mile radius zone to 12 miles S of the RR.

Big Delta, Alaska
Within a 5-mile radius of Big Delta Airport (Lat. 63°59'45" N, Long. 145°43'00" W) and within 2 miles either side of the Big Delta RR NW course extending from the 5-mile radius zone to 12 miles NW of the RR.

Big Spring, Tex.
Within a 5-mile radius of Webb AFB, Big Spring, Tex., (Lat. 32°12'53" N, Long. 101°31'25" W); within 2 miles either side of the 251° bearing from the Big Spring RBN extending from the 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Big Spring VOR 191° radial extending from the 5-mile radius zone to the VOR.

Billings, Mont.
Within a 5-mile radius of Logan Field, Billings, Mont., (Lat. 45°48'23" N, Long. 108°31'54" W) and within 2 miles either side of the 071° bearing from the Billings RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

Biloxi, Miss.
Within a 5-mile radius of Keesler AFB, Biloxi, Miss. (Lat. 30°24'25" N, Long. 88°55'30" W); within 2 miles either side of the Keesler AFB TACAN 047° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles either side of the Keesler TACAN 204° radial extending from the 5-mile radius zone to 7 miles SW of the TACAN.

Binghamton, N. Y.
Within a 5-mile radius of Broome County Airport, Binghamton, N. Y.; within 2 miles either side of the Broome County Airport ILS localizer SE course extending from the 5-mile radius zone to 10 miles SE of the OM, and within 2 miles either side of the Binghamton VORTAC 066° and 246° radials extending from the 5-mile radius zone to 5 miles SW of the VORTAC.

Birmingham, Ala.
Within a 5-mile radius of Birmingham Airport (Lat. 33°35'58" N, Long. 86°45'05" W) and within 2 miles either side of the ILS localizer SW course extending from the 5-mile radius zone to the OM.

Bismarck, N. Dak.
Within a 5-mile radius of Bismarck Municipal Airport (Lat. 46°46'40" N, Long. 100°45'15" W) within 2 miles either side of the Bismarck ILS localizer SE course extending from the 5-mile radius zone to 10 miles SE of the OM, and within 2 miles either side of the Bismarck VOR 114° radial extending from the 5-mile radius zone to 10 miles SE of the VOR.

AMENDMENTS 5/2/63 28 F.R. 3716 (Changed);

Bloomington, Ind.
Within a 3-mile radius of the Monroe County Airport, Bloomington, Ind. (latitude 39°08'25" N., longitude 86°37'00" W.), and within 2 miles each side of the Bloomington VOR 236° radial, extending from the 3-mile radius zone to 8 miles SW of the VOR, effective from 0600 to 2330 hours local time, daily.

AMENDMENTS 10/17/63 28 F. R. 9425 (Added);

Blythe, Calif.
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

Blytheville, Ark.
Within a 5-mile radius of Blytheville AFB (Lat. 35°57'50" N, Long. 89°56'40" W) and within 2 miles either side of the 360° bearing from the AFB extending from the 5-mile radius zone to 2 miles N of the Blytheville RBN.

Bluefield, W. Va.
Within a 5-mile radius of Mercer County Airport, Bluefield, W. Va. (Lat. 37°17'45" N, Long. 81°12'29" W), and within 2 miles either side of the Bluefield VOR 047° radial extending from the 5-mile radius zone to 12 miles NE of the VOR.

Boise, Idaho
Within a 5-mile radius of Boise Air Terminal (Lat. 44°33'55" N, Long. 116°13'35" W).

Boston, Mass.
Within a 5-mile radius of Logan International Airport, Boston, Mass. (Lat. 42°21'55" N, Long. 71°00'05" W), within 2 miles either side of the 016° bearing from the Boston RBN extending from the 5-mile radius zone to 10 miles N of the RBN; within 2 miles either side of the Boston ILS localizer SW extending from the 5-mile radius zone to 10 miles SW of the OM; and within 2 miles either side of the Boston VORTAC 144° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC.

AMENDMENTS 3/7/63 28 F.R. 721 (Changed);

Bowling Green, Ky.
Within a 5-mile radius of Bowling Green-Warren County Airport (Lat. 36°57'55" N, Long. 86°25'10" W), and within 2 miles either side of the Bowling Green VORTAC 206° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

Bozeman, Mont.
Within a 3-mile radius of Gallatin-Bozeman Airport (Lat. 45°46'50" N, Long. 111°09'20" W).

Bradford, Pa.
Within a 5-mile radius of Bradford-McKean County Airport (Lat. 41°48'10" N, Long. 78°38'20" W), and within 2 miles either side of a 134° bearing from the airport extending from the 5-mile radius zone to 10 miles SE of the Bradford RBN.

Brainerd, Minn.
Within a 5-mile radius of the Brainerd-Crow Wing County Municipal Airport (latitude 46° 23' 25" N., longitude 94° 08' 20" W.) and within 2 miles each side of the Brainerd VOR 297° radial, extending from the 5-mile radius zone to the VOR from 0700 to 2000 hours, local time, daily.

AMENDMENTS 12/12/63 28 F. R. 11501 (Added);

Bridgeport, Conn.
Within a 5-mile radius of Bridgeport Airport and within 2 miles either side of the Bridgeport VOR 037° radial extending from the 5-mile radius zone to 10 miles NE of the VOR.

Brownsville, Tex.
Within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex. (Lat. 25°54'25" N, Long. 97°25'25" W); within 2 miles either side of the 343° bearing from the Brownsville RBN extending from the 5-mile radius zone to 8 miles NW of the RBN, and within 2 miles either side of the Brownsville VOR 071° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, excluding the portion outside the United States.

Brunswick, Ga. (McKinnon Airport)
Within a 5-mile radius of McKinnon Airport, Brunswick, Ga., (Lat. 31°09'05" N, Long. 81°23'20" W), and within 2 miles either side of the Brunswick VOR 023° radial extending from the 5-mile radius zone to the VOR.

Brunswick, Ga. (NAS Glynco)
Within a 6-mile radius of NAS Glynco (Lat. 31°15'31" N, Long. 81°28'01" W); within 2 miles either side of the Glynco TACAN 055° radial extending from the 5-mile radius zone to 7 miles NE of the TACAN; within 2 miles either side of the Glynco TACAN 250° radial extending from the 5-mile radius zone to 9 miles SW of the TACAN, excluding the portion within the McKinnon Airport control zone, Brunswick, Ga.

Brunswick, Maine
Within a 5-mile radius of NAS Brunswick (Lat. 43°53'35" N, Long. 69°56'20" W), excluding the portion within A-7, and within 2 miles either side of the 173° bearing from the Brunswick NAS RBN extending from the 5-mile radius zone to 10 miles S of the RBN.

Buffalo, N. Y.
Within a 5-mile radius of Greater Buffalo International Airport (latitude 42° 56' 25" N., longitude 78° 43' 50" W.); within 2 miles each side of the Buffalo VORTAC 099° radial, extending from the 5-mile radius zone to 7 miles E of the VORTAC; within 2 miles each side of the Buffalo RBN 042° bearing, extending from the 5-mile radius zone to 8 miles NE of the RBN, and within 2 miles each side of the Buffalo ILS localizer SW course, extending from the 5-mile radius zone to 7 miles SW of the Cheektowaga, N. Y., FM, excluding the portion within a 1-mile radius of Buffalo Airpark (latitude 42° 51' 40" N., longitude 78° 43' 00" W.).

AMENDMENTS 1/9/64 28 F. R. 12340 (Rewritten);

Burbank, Calif.
Within a 5-mile radius of Lockheed Air Terminal, Burbank, Calif. (latitude 34°12'15" N., longitude 118°21' 30" W.), excluding the portion west of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W. and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif. (latitude 34°15'35" N., longitude 118°24'45" W.).

AMENDMENTS 3/7/63 28 F.R. 521 (Rewritten);

Burley, Idaho
Within a 3-mile radius of Burley Municipal Airport.

PENDING AMENDMENT
Burley, Idaho
Within a 5-mile radius of Burley Municipal Airport (latitude 42° 32' 30" N., longitude 113° 46' 20" W.); within 2 miles each side of the Burley VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Burley RR N course, extending from the 5-mile radius zone to 8 miles N of the RR.
4/2/64 28 F. R. 13359 (Rewritten);

Burlington, Iowa
Within a 5-mile radius of Burlington Municipal Airport (Lat. 40°47'06" N, Long. 91°07'27" W), and within 2 miles either side of the Burlington VOR 293° radial extending from the 5-mile radius zone to the VOR.

Burlington, Vt.
Within a 5-mile radius of Burlington Municipal Airport (Lat. 44°28'15" N, Long. 70°09'10" W) and within 2 miles either side of the Burlington RR NW course extending from the 5-mile radius zone to the Grand Isle FM.

Butte, Mont.
Within a 5-mile radius of Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112° 29'50" W.).

AMENDMENTS 7/25/63 28 F. R. 4661 (Rewritten);

Calverton, N. Y.
Within a 5-mile radius of Grumman-Peconic River Airport, Calverton, N. Y., (Lat. 40°54'55" N, Long. 72°47' 35" W), and within 2 miles either side of the Riverhead, N. Y., VORTAC 086° radial extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Suffolk County AFB control zone, Westhampton Beach, Long Island, N. Y.

Camp Douglas, Wis.
Within a 5-mile radius of Volk Field, Camp Douglas, Wis., (Lat. 43°58'25" N, Long. 90°15'20" W), and within 2 miles either side of the Volk Field VORTAC 093° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen, and continuously published in the Airman's Guide.

Camp Springs, Md.
Within a 5-mile radius of Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.), within 2 miles E of the extended centerline of the Andrews AFB Runway 19-L and 2 miles W of the Andrews AFB ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Andrews AFB ILS localizer N course, extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of Hyde Field, Clinton, Md. (latitude 38°45'00" N., longitude 76°56'00" W.), and excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

AMENDMENTS 8/22/63 28 F. R. 6912 (Rewritten);
8/22/63 28 F. R. 6912 (Rewritten);

Carlsbad, N. Mex.
Within a 5-mile radius of Carlsbad Municipal Airport (latitude 32°20'20" N., longitude 104°15'45" W.), and within 2 miles each side of the Carlsbad VOR 337° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 10/17/63 28 F. R. 9346 (Rewritten);

Casper, Wyo.
Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles SW of the VORTAC; within 2 miles each side of the Casper ILS localizer W course, extending from the 5-mile radius zone to 5 miles W of the OM; within 2 miles each side of the 270° bearing from the Casper RBN, extending from the 5-mile radius zone to the RBN and within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 10/17/63 28 F. R. 9286 (Rewritte

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

AMENDMENTS 6/27/63 28 F. R. 4126 (Added);

Cedar Rapids, Iowa
Within a 5-mile radius of Cedar Rapids Municipal Airport (Lat. 41°53'06" N, Long. 91°42'26" W); within 2 miles either side of a 266° bearing from the airport extending from the 5-mile radius zone to 10 miles W of the airport; within 2 miles either side of a 090° bearing from the airport extending from the 5-mile radius zone to 10 miles E of the airport and within 2 miles either side of the Cedar Rapids VORTAC 093° and 274° radials extending from the 5-mile radius zone to 12 miles W of the VORTAC.

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.) and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles N of the airport.

AMENDMENTS 10/17/63 28 F. R. 9425 (Added);

Chamblee, Ga.
Within a 3-mile radius of De Kalb-Peachtree Airport, Chamblee, Ga., (Lat. 33°52'30" N, Long. 84°18'10" W) and within 2 miles either side of the Norcross, Ga., VORTAC 242° radial extending from the 3-mile radius zone to the VORTAC from 0700 to 2300 hours, local time, daily.

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport, Champaign, Ill., (Lat. 40°02'24" N, Long. 88°16'36" W); within 2 miles either side of the Champaign VORTAC 123° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles either side of the Champaign VORTAC 233° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

Chandler, Ariz.
Within a 5-mile radius of Williams AFB, Chandler, Ariz., (Lat. 33°18'25" N, Long. 111°39'35" W), and within 2 miles either side of the 115° bearing from the AFB extending from the 5-mile radius zone to the Chandler RBN.

Chantilly, Va.
Within a 5-mile radius of Dulles International Airport, Chantilly, Va., (Lat. 38°56'40" N, Long. 77°27'24" W); within 2 miles either side of the Dulles runway 1-R ILS localizer S course extending from the 5-mile radius zone to the runway 1-R ILS OM; within 2 miles either side of the Dulles runway 19-R ILS localizer N course the lift-off end of runway 30,
either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the Herndon, Va., VORTAC 161° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles extending from the 5-mile radius zone to 2 miles N of the runway 19-R ILS OM; within 2 miles either side of

Chanute, Kans.
Within a 5-mile radius of the Martin Johnson Airport, Chanute, Kans. (latitude 37°40'05" N., longitude 95°29'00" W.) and within 2 miles each side of the Chanute VOR 064° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 10/17/63 28 F. R. 7668 (Rewritten);

Charleston, S. C.
Within a 5-mile radius of Charleston AFB/Municipal Airport (Lat. 32°53'56" N, Long. 80°02'18" W); within 2 miles either side of the 299° bearings from the Charlestoh RBN extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles either side of the Charleston VORTAC 334° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the Charleston VORTAC 016°, 146° and 210° radials extending from the 5-mile radius zone to 7 miles NE, SE and SW of the VORTAC

Charleston, W. Va.
Within a 5-mile radius of Kanawha County Airport, Charleston, W. Va., (Lat. 38°22'21" N, Long. 81°35'35" W); within 2 miles either side of the Charleston ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; and within 2 miles either side of the Charleston VORTAC 087° radial extending from the 5-mile radius zone to the VORTAC.

Charlotte, N. C.
Within a 5-mile radius of Douglas Airport, Charlotte, N. C., (Lat. 35°12'58" N, Long. 80°56'22" W); within 2 miles either side of the Fort Mill, S. C., VOR 004° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Douglas Airport ILS localizer SW course extending from the 5-mile radius zone to the OM.

Chattanooga, Tenn.
Within a 5-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35° 02' 05" N., longitude 85° 12' 10" W.) within 2 miles each side of the Chattanooga VORTAC 333° radial, extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Chattanooga ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the airport; and within 2 miles each side of the Chattanooga ILS SW course, extending from the 5-mile radius zone to the INT of the ILS SW course and the 263° radial of the Chattanooga VORTAC.

AMENDMENTS 1/9/64 28 F. R. 11614 (Rewritten);

Cheyenne, Wyo.
Within a 5-mile radius of the Cheyenne Municipal Airport (latitude 41° 09' 25" N., longitude 104° 48' 25" W.); within 2 miles each side of a 296° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 12 miles NW of the RBN; within 2 miles each side of a 090° bearing from the Cheyenne RBN, extending from the 5-mile radius zone to 11.5 miles E of the RBN; within 2 miles each side of the Cheyenne ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the airport and within 2 miles each side of the Cheyenne VORTAC 032° radial, extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

AMENDMENT (Eff. on Publ.) 10/11/63 28 F. R. 10900

Chicago, Ill., (Midway Airport)
Within a 6-mile radius of Chicago-Midway Airport (Lat. 41°47'04" N, Long. 87°45'12" W); within 2 miles either side of the Chicago-Midway ILS localizer SE course extending from the 6-mile radius zone to the Chicago Heights, Ill., VOR 044° radial, and within 2 miles either side of the Chicago-Midway ILS localizer NW course extending from the 6-mile radius zone to 12 miles NW of the Chicago-Midway OM, excluding the portion within the O'Hare International Airport, Chicago, Ill., control zone

Chicago, Ill., (O'Hare International Airport)
Within a 6-mile radius of Chicago-O'Hare International Airport (Lat. 41°59'10" N, Long. 87°54'28" W); within 2 miles either side of the Chicago-O'Hare VOR 331° radial extending from the 6-mile radius zone to the INT of the Northbrook, Ill., VOR 196° and the Chicago-O'Hare VOR 331° radials, and within 2 miles either side of the Chicago-O'Hare Runway 14-R ILS localizer NW course, extending from the 6-mile radius zone to the Runway 14-R OM, excluding the portion NE of a line between the INTs of the 6-mile radius and the 5-mile radius of Glenview, Illinois, control zone.

Chicago, Ill., (Meigs Airport)
Within a 3-mile radius of Meigs Airport, (Lat. 41°51'30" N, Long. 87°36'30" W) from 0600 to 2200 hours local time, daily, excluding the portion W of Long. 87°38'00" W.

Childress, Tex.
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

AMENDMENTS 11/14/63 28 F. R. 7668 (Rewritten);

China Lake, Calif.
Within a 5-mile radius of NAF China Lake (Lat. 35°41'15" N, Long. 117°41'35" W); within a 1-mile radius of Ridgecrest-Davis, Calif., Airport (Lat. 35°36'40" N, Long. 117°40'25" W) and within 2 miles either side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 3 miles N and SE of the TACAN.

Chincoteague, Va.
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles S of the VOR, excluding the portion within R-6604. This control zone is effective from 0800 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

AMENDMENTS 10/17/63 28 F. R. 9429 (Rewritten);

Cincinnati, Ohio
Within a 5-mile radius of Cincinnati Municipal (Lunken Airport), and within 2 miles either side of the Cincinnati RR SW and NE courses extending from the 5-mile radius zone to the Loveland FM

Cleveland, Ohio (Cleveland-Hopkins Airport)
Within a 5-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within 2 miles each side of the Runway 23-R-ILS localizer NE course, extending from the 5-mile radius zone to 6 miles NE of the NE end of the runway; within 2 miles each side of the Runway 27-R-ILS localizer E course, extending from the 5-mile radius zone to the Runway 27-R-ILS OM; within 2 miles each side of the Strongsville, Ohio, VOR 012° radial, extending from the 5-mile radius zone to the VOR; including the airspace within a 1-mile radius of the Brooklyn Airport (latitude 41°25'30" N., longitude 81°44'25" W.); and within a 1-mile radius of the Strongsville Airpark (latitude 41°19'25" N., longitude 81°51'50" W.).

AMENDMENTS 8/22/63 28 F. R. 6725 (Rewritten);

Clinton, Okla.
Within a 7-mile radius of Clinton-Sherman AFB, and within 2 miles either side of the extended centerline of the AFB Runway 17/35 extending from the 5-mile radius zone to 9 miles N and S of the AFB.

Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34° 23' 01" N., longitude 103° 18' 58" W.); within 2 miles each side of the Cannon AFB TACAN 219° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN; within 2 miles each side of the Cannon AFB VOR 227° radial, extending from the 6-mile radius zone to 12 miles SW of the VOR; within 2 miles each side of the Cannon TACAN 232° radial, extending from the 6-mile radius zone to 9 miles SW of the TACAN, and within 2 miles each side of the Cannon VOR 242° radial, extending from the 6-mile radius zone to 8 miles SW of the VOR.

AMENDMENTS 1/9/64 28 F. R. 10742 (Rewritten);

Cold Bay, Alaska
Within a 5-mile radius of Cold Bay Airport (Lat. 55°12'30" N, Long. 162°42'45" W); within 2 miles either side of the Cold Bay RR N course extending from the 5-mile radius zone to 8 miles N of the RR, and within 2 miles either side of the Cold Bay ILS localizer NW course extending from the 5-mile radius zone to the OM.

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude 96°22' 00" W.) and within 2 miles each side of the College Station VOR 287° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

AMENDMENTS 11/14/63 28 F. R. 10290 (Rewritten);

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 3-mile radius of the Burke-Lakefront Airport (latitude 41°31'00" N., longitude 81°41'00" W.), from 0700 to 2300 hours, local time, daily.
8/22/63 28 F R 6725 (Added);

Colorado Springs, Colo.
Within a 5-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within a 1-mile radius of Pikes Peak Airport, Fountain, Colo. (latitude 38°43'40" N., longitude 104°42'00" W.)

AMENDMENTS 5/30/63 28 F.R. 3327 (Rewritten);

Columbia, Mo.
Within a 5-mile radius of Columbia Municipal Airport (latitude 38°58'25" N., longitude 92°21'50" W.).

AMENDMENTS (Eff. on pub.) 8/17/63 28 F R 8447 (Rewritten);

Columbia, S. C.
Within a 5-mile radius of Columbia Airport (Lat. 33°56'25" N, Long. 81°06'55" W); within 2 miles either side of the Columbia VOR 320° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Columbia ILS localizer SW course extending from the 5-mile radius zone to 7 miles SW of the OM.

Columbus, Ga. (Muscogee County Airport)
Within a 5-mile radius of Muscogee County Airport (Lat. 32°30'55" N, Long. 84°56'25" W); within 2 miles either side of the Columbus VOR 149° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 054° bearing from the Columbus LOM extending from the 5-mile radius zone to the LOM excluding the portion within R-3002.

Columbus, Ga. (Lawson AAF).
Within a 5-mile radius of Lawson AAF (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the Lawson AAF VOR 021 radial, extending from the 5-mile radius zone to 5.5 miles N of the airport; within 2 miles each side of the Lawson VOR 206° radial, extending from the 5-mile radius zone to 8 miles SW of the Columbus RBN; and within 2 miles each side of the Lawson VOR 341° radial, extending from the 5-mile radius zone to 6 miles N of the airport, excluding the portion within R-3002.

AMENDMENTS 12/12/62 27 F.R. 12440 (Changed); 10/17/63 28 F. R. 8447 (Rewritten);

Columbus, Ind.
Within a 5-mile radius of Bakalar AFB, Columbus, Ind., (Lat. 39°15'50" N, Long. 85°53'56" W), and within 2 miles either side of the 044° bearing from the AFB extending from the 5-mile radius zone to 10 miles NE of the AFB, excluding the portion within R-3401.

Columbus, Miss.
Within a 7-mile radius of Columbus AFB, and within 25 miles either side of the extended centerline of Runway 14/32 extending from the 7-mile radius zone to 12 miles NW of the lift-off end of Runway 14/32.

Columbus, Ohio
Within a 5-mile radius of Port Columbus Airport (Lat. 39°59'34" N, Long. 82°52'50" W); within a 5-mile radius of the Lockbourne, Ohio, AFB (Lat. 39°48'51" N, Long. 82°55'56" W); within 2 miles either side of a direct line extending from the Columbus RBN to the Lockbourne AFB, within 2 miles either side of the Port Columbus ILS localizer E course extending from the Port Columbus Airport 5-mile radius zone to the Port Columbus OM, and within 2 miles either side of the Lockbourne AFB ILS localizer NE course extending from from the Lockbourne AFB 5-mile radius zone to the Lockbourne AFB OM.

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif., (Lat. 37°59'20" N, Long. 122°03'20" W).

Concord, N. H.
Within a 5-mile radius of Concord Municipal Airport (Lat. 43°12'10" N, Long. 71°30'10" W); within 2 miles either side of the 149° bearing from Lat. 43°10'54" N, Long. 71°28'21" W extending from the 5-mile radius zone to 10 miles SE of Lat. 43°10'54" N, Long. 71°28'21" W, and within 2 miles either side of the Concord VOR 284° radial extending from the 5-mile radius zone to 10 miles W of the VOR.

Cordova, Alaska
Within a 5-mile radius of Cordova (Mile 13) Airport (Lat. 60°29'25" N, Long. 145°29'00" W); within 2 miles either side of the Cordova RR SE course extending from the 5-mile radius zone to the INT of the Cordova RR SE course and the Hinchinbrook, Alaska, RR E course, and within 2 miles either side of the Cordova RR SW course extending from the 5-mile radius zone to the INT of the Cordova RR SW course and the Hinchinbrook RR E course.

Corpus Christi, Tex.
Within a 5-mile radius of Corpus Christi International Airport (Lat. 27°46'00" N, Long. 97°30'00" W); within 2 miles either side of the 135° bearing from the Corpus Christi International Airport ILS OM, extending from the 5-mile radius zone to the OM, and within 2 miles either side of the Corpus Christi VORTAC 199° radial, extending from the 5-mile radius zone to the VORTAC.

Cotulla, Tex.
Within a 3-mile radius of Cotulla Airport; within 2 miles either side of the 320° bearing from the Cotulla RBN extending from the 3-mile radius zone to 10 miles NW of the RBN, and within 2 miles either side of the Cotulla VOR 268° and 088° radials extending from the 3-mile radius zone to 10 miles E of the VOR.

Covington, Ky.
Within a 5-mile radius of Greater Cincinnati Airport, Covington, Ky.; within 2 miles either side of the Greater Cincinnati ILS localizer S course extending from the 5-mile radius zone to the INT of the Cincinnati, Ohio, RR SW course; within 2 miles either side of the Cincinnati ILS localizer N course extending from the 5-mile radius zone to the INT of the Cincinnati RR NW course, and within 2 miles either side of the Cincinnati VORTAC 223° radial extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City, Calif., (Lat. 41°46'50" N, Long. 124°14'00" W).

PENDING AMENDMENT
Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City, Calif. (latitude 41° 46' 50" N., longitude 124° 14' 00" W.), and within 2 miles each side of the Crescent City VOR 325° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.
5/28/64 28 F. R. 14419 (Rewritten);

Crestview, Fla.
Within a 5-mile radius of Crestview Airport (latitude 30°47'30" N., longitude 86°33'50" W.); within 2 miles either side of the 088° bearing from the Crestview RBN extending from the 5-mile radius zone to 10 miles E of the RBN and within 2 miles either side of the Crestview VOR 109° and 289° radials extending from the 5-mile radius zone to 10 miles W of the VOR.

AMENDMENTS 12/17/62 27 F. R. 12165 (Rewritten); Eff. on Publ. (10/31/63) 28 F. R. 11613 (Changed);

Crows Landing, Calif.
Within a 5-mile radius of ALF Crows Landing (Lat. 37°24'35" N, Long. 121°06'40" W) and within 2 miles either side of the ALF Crows Landing TACAN 327° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN, excluding the portion within R-2528.

Cut Bank, Mont.
Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 2 miles each side of the Cut Bank VOR 150° radial, extending from the 5-mile radius zone to 12 miles SE of the VOR, and within 2 miles each side of the 168° bearing from the Cut Bank RBN, extending from the 5-mile radius zone to 12 miles S of the RBN.

AMENDMENTS Eff. Immed. 1/23/63 28 F.R. 843 (Rewritten); 10/17/63 28 F. R. 8446 (Rewritten);

Dalhart, Tex.
Within a 3-mile radius of Dalhart Municipal Airport (Lat. 36°01'10" N, Long. 102°33'10" W) and within 2 miles either side of the Dalhart VORTAC 182° and 002° radials, extending from the 3-mile radius zone to 10 miles N of the VORTAC.

Dallas, Tex.
Within a 5-mile radius of Love Field, Dallas, Tex., (Lat. 32°51'00" N, Long. 96°50'50" W); within a 5-mile radius of Addison Airport, Dallas, Tex.; within 2 miles either side of the Love Field ILS localizer SE course, extending from the 5-mile radius zone to 7 miles SE of the localizer; within 2 miles either side of a 185° bearing from the Dallas RBN extending from the Love Field 5-mile radius zone to the Duncanville RBN, and the airspace NW of Love Field bounded by a line extending from Lat. 32°49'40" N, Long. 96°55'45" W to Lat. 32°53'15" N, Long. 96°59'35" W to Lat. 32°54'40" N, Long. 96°57'45" W, through Lat. 32°56'55" N, Long. 96°55'15" W.

Danville, Va.
Within a 5-mile radius of Danville Municipal Airport (Lat. 36°34'20" N, Long. 79°20'05" W), and within 2 miles either side of the Danville VOR 208° radial, extending from the 5-mile radius zone to 12 miles SW of the VOR.

Daytona Beach, Fla.
Within a 5-mile radius of the Daytona Beach Airport (latitude 29°11'05" N., longitude 81°03'20" W.), within 2 miles each side of the Daytona Beach VOR 156° and 336° radials, extending from the 5-mile radius zone to 1 mile N of the VOR; and within 2 miles each side of the 065° bearing from the Daytona Beach OM, extending from the 5-mile radius zone to the OM.

AMENDMENTS 11/14/63 28 F. R. 10330 (Rewritten);

Dayton, Ohio
Within a 5-mile radius of Dayton Municipal Airport, within 2 miles either side of the Dayton ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the LOM, and within 2 miles either side of the Dayton ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the Tripp City RBN.

Del Rio, Tex.
Within a 5-mile radius of Laughlin AFB, Del Rio, Tex., within 2 miles either side of the 315° bearing from the Laughlin AFB extending from the 5-mile radius zone to the Laughlin AFB RBN and within 2.5 miles either side of the Laughlin AFB VOR 140° radial extending from the 5-mile radius zone to 12 miles SE of the AFB. This control zone is effective from 0600 to 1900 hours, local time, Monday through Friday and from 1200 to 1800 hours, local time, Sunday, excluding Federal legal holidays.
AMENDMENTS Eff. on pub. (8/30/63) 28 F. R 9523 (Changed);

Delta, Utah
Within a 5-mile radius of Delta Municipal Airport (Lat. 39°23'00" N, Long. 112°30'35" W).
PENDING AMENDMENT
In § 71.171 The Delta, Utah, control zone is revoked. 3/5/64 29 F. R. 73 (Revoked);

Deming, N. Mex.
Within a 5-mile radius of Deming Municipal Airport (latitude 32°15'25" N., longitude 107°43'00" W.); within 2 miles either side of the Deming VOR 270° radial extending from the 5-mile radius zone to 5.5 miles W of the airport and within 2 miles either side of the Deming VOR 264° radial extending from the 5-mile radius zone to 5.5 miles E of the airport.

AMENDMENTS 5/2/63 28 F.R 1717 (Added);

Denver, Colo.
Within a 10-mile radius of Stapleton Air Field, Denver, Colo., (Lat. 39°45'35" N, Long. 104°52'40" W). within 2 miles either side of the Stapleton ILS localizer E course extending from the 10-mile radius zone to 11.5 miles E of Stapleton Air Field, within 2 miles either side of the Denver VORTAC 045° radial extending from the 10 mile radius zone to 5 miles NE of the VORTAC, and within 2 miles each side of the 002° bearing from the Denver RBN, extending from the 10-mile radius zone to 13 miles N of the RBN.

AMENDMENTS 12/12/63 28 F. R. 10331 (Changed);

Des Moines, Iowa
Within a 5-mile radius of Des Moines Municipal Airport; within 2 miles each side of the Des Moines RBN 193° bearing, extending from the 5-mile radius zone to 12 miles S of the RBN; within 2 miles either side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone to 12 miles SE and NW of the localizer, and within 2 miles either side of the Des Moines VORTAC 176° and 356° radials extending from the 5-mile radius zone to 10 miles S of the VORTAC.

AMENDMENTS Eff. on Publ. (12/21/63) 28 F. R. 13930 (Changed);

Detroit, Mich. (Detroit City Airport)
Within a 5-mile radius of Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the 143° bearing from the Detroit City RBN, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15, within 2 miles each side of the Windsor, Ontario, Canada, RR NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 347° radial, extending from the 5-mile radius zone to the United States/Canadian border.

AMENDMENTS 12/12/63 28 F R. 9426 (Rewritten);

Detroit, Mich. (Metropolitan Wayne County Airport)
Within a 5-mile radius of Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer NE course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Willow Run) control zone.

AMENDMENTS 12/12/63 28 F. R. 9426 (Added);

Detroit, Mich. (Willow Run Airport)
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

AMENDMENTS 12/12/63 28 F. R. 9426 (Added);

Dickinson, N. Dak.
Within a 5-mile radius of Dickinson Municipal Airport (latitude 46° 47' 45" N., longitude 102° 48' 00" W.).

AMENDMENTS 1/9/64 28 F. R. 11450 (Rewritten);

Dodge City, Kans.
Within a 5-mile radius of Dodge City Municipal Airport (Lat. 37°45'45" N, Long. 99°58'00" W), and within 2 miles either side of the Dodge City VOR 161° radial, extending from the 5-mile radius zone to the VOR.

Dothan, Ala.
Within a 5-mile radius of Dothan Municipal Airport (latitude 31°14'15" N., longitude 85°26'30" W.), and within two miles each side of the Dothan VORTAC 010° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC.

AMENDMENTS 6/27/63 28 F. R. 4752 (Rewritten);

Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (Lat. 31°28'00" N, Long. 109°36'10" W), and within 2 miles either side of the Douglas VOR 311° radial, extending from the 5-mile radius zone to 10 miles NW of the VOR.
PENDING AMENDMENT
Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31° 28' 00" N., longitude 109° 36' 10" W.), and within 2 miles each side of the Douglas VOR 122° radial, extending from the 5-mile radius zone to the VOR.
2/6/64 28 F. R. 13438 (Rewritten);

Dover, Del.
Within a 6-mile radius of Dover AFB (Lat. 39°07'45" N, Long. 75°27'50" W); within 2 miles either side of the Dover AFB ILS localizer S course extending from the 6-mile radius zone to 10 miles S of the OM, and within 2 miles either side of the extended centerline of the Dover AFB Runway 13, extending from the 6-mile radius zone to 12 miles SE of the lift-off end of Runway 13. The portion within R-2803 shall be used only after obtaining prior approval from appropriate authority.

Dubuque, Iowa
Within a 5-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.) from 0600 to 2100 hours, local time, daily.

AMENDMENTS 9/19/63 28 F. R. 7825 (Added);

Duluth, Minn.
Within a 5-mile radius of Williamson-Johnson Airport, Duluth, Minn., (Lat. 46°50'35" N, Long. 92°11'35" W) and within 2 miles either side of the 198° bearing from the Duluth RBN extending from the 5-mile radius zone to 10 miles S of the RBN.

Dyersburg, Tenn.
Within a 5-mile radius of Dyersburg Municipal Airport (latitude 36° 00' 00" N, longitude 89° 24' 20" W.), effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 10/17/63 28 F. R. 10452 (Rewritten);

Eastover, S. C.
Within a 5-mile radius of McEntire ANG Base, Eastover, S. C.

Eau Claire, Wis.
Within a 5-mile radius of Eau Clare Municipal Airport (Lat. 44°51'50" N, Long. 91°29'10" W), and within 2 miles either side of the Eau Claire VOR 004° radial, extending from the 5-mile radius zone to 10 miles N of the VOR.

Edwards AFB, Calif.
Within a 5-mile radius of Edwards AFB (Lat. 34°54'20" N, Long. 117°52'55" W); within a 3-mile radius of Edwards AF Auxiliary North Base (Lat. 34°59'11" N, Long. 117°51'41" W); within 2 miles either side of the Edwards AFB VOR 239° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Edwards VOR 239° radial extending from the 5-mile radius zone to 8 miles SW of the airport.

Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'55" W.); within 2 miles either side of the 011° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the extended centerline of the Eglin AFB Runway 30, extending from the 5-mile radius zone to 6 miles southeast of the Eglin AFB ILS middle marker.
4/4/63 28 F.R 2092 (Added);

El Centro, Calif.
Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the El Centro VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the El Centro VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

AMENDMENTS 9/19/63 28 F. R 7669 (Rewritten);

El Dorado, Ark.
Within a 5-mile radius of Goodwin Airport, El Dorado, Ark., (Lat. 33°13'05" N, Long. 92°48'45" W), and within 2 miles either side of the El Dorado VOR 052° radial extending from the 5-mile radius zone to 8 miles NE of the VOR.

Elkins, W. Va.
Within a 5-mile radius of Elkins Municipal/Randolph County Airport (Lat. 38°53'25" N, Long. 79°51'25" W).

Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'50" N., longitude 76°10'40" W.); within 2 miles each side of the 194° radial of the Elizabeth City VOR, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the Elizabeth City VOR 350° and 357° radials, extending from the 5-mile radius zone to 8 miles N of the VOR; and within a 1.5-mile radius of the Elizabeth City Municipal Airport (latitude 36°14'50" N., longitude 76°15'40" W)

AMENDMENTS 10/17/63 28 F. R. 9427 (Rewritten);

Elko, Nev.
Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W).

Elmira, N. Y.
Within a 5-mile radius of Chemung County Airport, Elmira, N. Y., (Lat. 42°09'40" N, Long. 76°53'40" W); within 2 miles either side of the Elmira VOR 055° and 235° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR.

AMENDMENTS 2/7/63 27 F.R 12545 (Changed);

El Paso, Tex.
That airspace bounded by a line beginning at latitude 31°45'15" N., longitude 106°26'30" W. thence clockwise along the arc of a 5-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°52'10" N., longitude 106°26'00" W.; to latitude 31° 56°20' N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at the Biggs AFB (latitude 31°50'55" N., longitude 106°22'45" W.); to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'30" W.; thence via the United States/Mexican Border to point of beginning.

AMENDMENTS 10/17/63 28 F. R. 9199 (Rewritten);

El Toro, Calif.
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 2 miles W and 3 miles E of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles S of the VOR, and within 2 miles each side of the El Toro VOR 225° radial extending from the 5-mile radius zone to 8 miles SW of the VOR, excluding the portion within the Orange County, Calif. and Santa Ana, Calif., control zones.

AMENDMENTS 6/27/63 28 F. R. 4434 (Rewritten);

Emporia, Kans.
Within a 5-mile radius of the Emporia Municipal Airport (latitude 38°20'00" N. longitude 96°11'15" W.)

AMENDMENTS 8/22/63 28 F. R. 6910 (Added);

Enid, Okla.
Within a 5-mile radius of Vance AFB, Enid, Okla., (Lat. 36°20'20" N, Long. 97°55'00" W); within 2 miles either side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN, and within 2 miles either side of the Vance AFB VOR 134° radial, extending from the 5-mile radius zone to the VOR, from 0600 through 1800 hours local standard time Monday through Friday, and from 1300 through 1700 hours local standard time on Sunday.

Ephrata, Wash.
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'20" N. longitude 119°30'40" W.), and within 2 miles either side of the Ephrata VOR 222° radial extending from the 5-mile radius zone to the VOR.

AMENDMENTS 4/4/63 28 F.R. 582 (Rewritten);

Erie, Pa.
Within a 5-mile radius of Port Erie Airport (Lat. 42°04'56" N, Long. 80°10'44" W), within 2 miles either side of the Erie VORTAC 054° radial extending from the 5-mile radius zone to the VORTAC.

Eugene, Oreg.
Within a 5-mile radius of Mahlon Sweet Field, Eugene, Oreg., (latitude 44°07'25" N., longitude 123° 13'05" W.) and within 2 miles either side of the Eugene VORTAC 008° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC.

AMENDMENTS 4/4/63 28 F.R. 633 (Rewritten);
PENDING AMENDMENT
Eugene, Oreg.
Within a 5-mile radius of Mahlon-Sweet Field, Eugene, Oreg. (latitude 44° 07' 25" N., longitude 123° 13' 05" W.), and within 2 miles each side of the Eugene VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC, excluding the portion within a 1-mile radius of T-Bird Airpark, Oreg., (latitude 44° 03' 15" N., longitude 123° 11' 00" W.).
2/6/64 28 F. R. 13358 (Rewritten);

Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport, Evansville, Ind., and within 2 miles either side of the Dress Memorial Airport NE-SW runway centerline extending from the 5-mile radius zone to 10 miles NE of the Evansville OM.

Everett, Wash.
Within a 5 mile radius of Paine Fld., Everett, Wash., (Lat. 47°54'40" N, Long. 122°16'50" W); and within 2 miles either side of the 359° bearing from Paine Fld. extending from the 5-mile radius zone to the Paine RBN.

Fairbanks, Alaska (Eielson AFB).
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

AMENDMENTS 11/14/63 28 F. R. 10354 (Rewritten);

Fairbanks, Alaska (Fairbanks International-Wainwright AAF).
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'00" N., longitude 147°51'14" W.); within a 5-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

AMENDMENTS 11/14/63 28 F. R. 10354 (Rewritten);

Fairfield, Calif.
Within a 5-mile radius of Travis AFB, Fairfield, Calif., TACAN (Lat. 38°15'04" N, Long. 121°56'15" W), and within 2 miles either side of the Travis VOR 229° radial extending from the VOR to 25 miles SW of the VOR.

Fallon, Nev.
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

AMENDMENTS 9/19/63 28 F. R. 7824 (Rewritten);

Falmouth, Mass.
Within a 5-mile radius of Otis AFB, Falmouth, Mass., (Lat. 41°38'54" N, Long. 70°31'12" W); within 2 miles either side of the 127° and 307° bearings from the AFB extending from the 5-mile radius zone to 9 miles SE and NW of the AFB; within 2 miles either side of the Otis AFB TACAN 030° and 224° radials extending from the 5-mile radius zone to 8 miles NE and SW of the TACAN; and within 2 miles either side of the TACAN 139° and 299° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN. The portion within R-4101 and R-4103 shall be used only after obtaining prior approval from appropriate authority.

Farewell, Alaska
Within a 5-mile radius of Farewell Airport (Lat. 62°30'25" N, Long. 153°53'25" W).

Fargo, N. Dak.
Within a 5-mile radius of Hector Field, Fargo, N. Dak., (Lat. 46°55'04" N, Long. 96°48'58" W); within 2 miles either side of the 089° bearing from the Fargo RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of the Fargo ILS localizer S course extending from the 5-mile radius zone to 12 miles S of the OM.

Farmington, N. Mex.
Within a 5-mile radius of Farmington Municipal Airport (Lat. 36°44'35" N, Long. 108°13'46" W) and within 2 miles either side of the Farmington VORTAC 266° radial, extending from the 5-mile radius zone to the VORTAC.

Fayetteville, Ark.
Within a 5-mile radius of the Fayetteville Municipal Airport-Drake Field (latitude 36° 00' 15" N., longitude 94° 10' 05" W.); within 2 miles each side of the Drake VOR 328° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the Fayetteville RBN 350° bearing, extending from the 5-mile radius zone to 7 miles N of the RBN.

AMENDMENTS 12/12/63 28 F. R. 11473 (Rewritten);

Fayetteville, N. C.
Within a 5-mile radius of Grannis Field, Fayetteville, N. C., and within 2 miles either side of the 211° bearing from the Fayetteville RBN extending from the 5-mile radius zone to 10 miles SW of the RBN.

Findlay, Ohio
Within a 5-mile radius of Findlay Airport; within 2 miles either side of the 178° bearing from the Findlay RBN extending from the 5-mile radius zone to 10 miles S of the RBN, and within 2 miles either side of the 229° bearing from the Findlay RBN extending from the 5-mile radius zone to 12 miles SW of the Findlay VOR.

Flint, Mich.
Within a 5-mile radius of Bishop Airport, Flint, Mich. (latitude 42°57'55" N., longitude 83°44'30" W.), within 2 miles each side of the Flint VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the Flint VOR 351° radial, extending from the 5-mile radius zone to 8 miles north of the VOR, within 2 miles each side of the Flint VOR 219° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Flint VOR 075° radial extending from the 5-mile radius zone to 8 miles east of the VOR, and within 2 miles each side of the Flint VOR 052° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR.

AMENDMENTS 12/12/63 28 F. R. 9346 (Rewritten);

Florence, S. C.
Within a 5-mile radius of Florence Municipal Airport and within 2 miles either side of the Florence VOR 051° and 231° radials, extending from the 5-mile radius zone to 10 miles NE of the VOR.

AMENDMENTS 1/2/64 28 F. R. 10290 (Changed);

Fort Belvoir, Va.
Within a 3-mile radius of Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) and within 2 miles each side of the 132° bearing from Davison AAF, extending from the 3-mile radius zone to 4.8 miles SE of the airport.

AMENDMENTS 8/22/63 28 F. R. 6912 (Added);

Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB, Fort Bragg, N. C., (Lat. 35°10'15" N, Long. 79°00'55" W); within 2 miles either side of the Pope VOR 227° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Pope TACAN 037° radial extending from the 5-mile radius zone to 9 miles NE of the TACAN, excluding that portion SE of a line from Lat. 35°11'55" N, Long. 78°56'05" W, to Lat. 36°05'55" N, Long. 79° 00'50" W. and excluding the portion within R-5311.

Fort Hood, Texas.
Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), from 0600 to 2200 hours local time, daily, excluding the portion within R-6302A. The portions of this control zone within R-6302B and R-6302C shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 5/30/63 28 F.R. 4024 (Rewritten);

Fort Knox, Ky.
Within a 5-mile radius of Godman AAF, Fort Knox, Ky., (Lat. 85°58'15" N, Long. 37°54'25" W), and within 2 miles either side of the 354° bearing from the Fort Knox RBN extending from the 5-mile radius zone to 12 miles N of the RBN.

Fort Lauderdale, Fla.
Within a 5-mile radius of the Broward County International Airport (latitude 26°04'20" N., longitude 80°09'10" W.); within 2 miles on each side of the Fort Lauderdale VOR 278° and 306° radials extending from the 5-mile radius zone to 8 miles W and NW of the VOR; within 2 miles on each side of the Fort Lauderdale VOR 082° radial extending from the 5-mile radius zone to 6.5 miles E of the VOR; and within 2 miles on each side of the 135° bearing from the Fort Lauderdale RBN extending from the 5-mile radius zone to the RBN.

AMENDMENTS 5/30/63 28 F.R. 3780 (Rewritten);

Fort Lewis, Wash.
Within a 5-mile radius of Gray AAF, Fort Lewis, Wash., (Lat. 47°04'55" N, Long. 122°34'55" W) excluding the portion within the Tacoma, Wash., control zone. The portions within R-6703 and R-6704 shall be used only after obtaining prior approval from appropriate authority.

Fort Myers, Fla.
Within a 5-mile radius of Page Field, Fort Myers, Fla., (Lat. 26°35'10" N, Long. 81°51'50" W), excluding the portion within a 1-mile radius of the Cape Coral Airstrip, Fort Myers, Fla., (Lat. 26°33'56" N, Long. 81°57'07" W); within 2 miles either side of the Fort Myers VOR 215° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; and within 2 miles either side of the 040° and 220° bearings from the Fort Myers RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

Fort Ord, Calif.
Within a 5-mile radius of Fritzsche AAF, Fort Ord, Calif. (latitude 36°40'54" N., longitude 121°45'40" W.) and within 2 miles either side of the Fritzsche AAF Runway 11/29 extended centerline extending from the 5-mile radius zone to 6 miles NW of the approach end of Runway 11, excluding the portions subtended by chords drawn between the points of INT of the Fort Ord 5-mile radius zone with the Monterey, Calif., and Salinas, Calif., 5-mile radius zones. The airspace within R-2511 and R-2529 shall be used only after obtaining prior approval from appropriate authority. This control zone shall be effective from 0600 to 2400 hours, local time, daily.

AMENDMENTS 1/10/63 27 F.R. 11532 (Added); 12/12/63 28 F. R. 11615 (Changed);

Fort Riley, Kans.
Within a 5-mile radius of Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial.

AMENDMENTS 6/27/63 28 F. R. 4163 (Added); (Amend. Mod. 28 F. R. 5353)

Fort Rucker, Ala.
Within a 5-mile radius of Cairns AAF, Fort Rucker, Ala., (Lat. 31°16'40" N, Long. 85°42'50" W); within 2 miles either side of the Cairns AAF Runway 6/24 extended centerline extending from the 5-mile radius zone to 15 miles SW of the approach end of Runway 24, excluding the portion within R-2103.

Fort Smith, Ark.
Within a 5-mile radius of Fort Smith Municipal Airport (Lat. 35°20'10" N, Long. 94°22'10" W); within 2 miles either side of the Fort Smith VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Fort Smith ILS localizer E course extending from the 5-mile radius zone to the OM.

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field, Fort Wayne, Ind.; within 2 miles either side of the Fort Wayne RR SW course extending from the 5-mile radius zone to 10 miles SW of the RR; within 2 miles either side of the Fort Wayne ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM, and within 2 miles either side of the Fort Wayne VORTAC 103°, 232°, 259° and 325° radials extending from the 5-mile radius zone to 12 miles E, SW, W and NW of the VORTAC.
PENDING AMENDMENT
In the description of Fort Wayne, Ind., control zone, "within 2 miles either side of the Fort Wayne RR SW course extending from the 5-mile radius zone to 10 miles SW of the RR" is deleted and "within 2 miles each side of the 231° bearing from the Fort Wayne RBN, extending from the 5-mile radius zone to 10 miles SW of the RBN" is substituted therefor.
2/6/64 28 F. R. 13357 (Changed);

Fort Worth, Tex. (Carswell AFB)
That airspace beginning at Lat. 32°35'30" N, Long. 97°24'30" W, to Lat. 32°35'30" N, Long. 97°32'32" W, to Lat. 32°59'55" N, Long. 97°32'30" W, to Lat. 32°59'45" N, Long. 97°24'30" W, to Lat. 32°58'10" N, Long. 97° 23'45" W, to Lat. 32°42'25" N, Long. 97°24'00" W, to point of beginning.

Fort Worth, Tex. (Greater Southwest International Airport, Dallas-Fort Worth Field)
Within a 5-mile radius of Meacham Field, Fort Worth, Tex., (latitude 32°49'00" N., longitude 97°21'35" W.); within 2 miles each side of the 183° bearing from the Fort Worth RBN extending from the 5-mile radius zone to the INT of the 255° bearing from the Dallas, Tex., RBN; the airspace bounded on the E by a line 2 miles E of and parallel to a line extending from the center of Meacham Field through latitude 32°58'24" N., longitude 97°19'42" W., on the W by latitude 32°59'45" N. and on the W by the Fort Worth (Carswell AFB) control zone; within 3 miles each side of a line extending from the center of Dallas-Fort Worth Field (latitude 32°49'35" N., longitude 97°02'45" W.) to the center of Meacham Field and the airspace bounded by a line extending from latitude 32°52'07" N., longitude 97°08'50" W., to latitude 32°56'30" N., longitude 97°03'10" W., to latitude 32°49'40" N., longitude 96°55'45" W., thence extending along and bounded on the E by the W boundary of the Dallas, Tex. (Love Field), control zone to latitude 32°39'35" N., longitude 96°54' 15" W., to latitude 32°39'00" N., longitude 96°54'20" W., to latitude 32°39'00" N., longitude 97°02'10" W., to latitude 32°41'00" N., longitude 97°08'30" W., to latitude 32°46'20" N., longitude 97°06'05" W., thence clockwise along a 5-mile radius circle centered at Dallas-Fort Worth Field to latitude 32°47'04" N., longitude 97°06'58" W.

AMENDMENTS Eff. on publ. (4/26/63) 28 F.R. 4124 (Rewritten);

Fort Yukon, Alaska
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N. longitude 145°16'10" W.) and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius zone to 8 miles NE of the RBN, from 0745 to 1645 hours local time, daily.

AMENDMENTS 5/30/63 28 F.R. 3021 (Added);

Fresno, Calif. (Chandler Municipal Airport)
From 0700-2300 hours local time, daily, within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.) and within 2 miles either side of the 152° bearing from latitude 36°43'25" N., longitude 119°50'20" W., extending from the 5-mile radius zone to 8 miles SE of latitude 36°43'25" N., longitude 119°50'02" W., excluding the portion within the Fresno (Fresno Air Terminal) control zone.

AMENDMENTS 12/12/62 27 F.R. 12211 (Rewritten);
PENDING AMENDMENT
Fresno, Calif. (Chandler Municipal Airport).
Within a 5-mile radius of Chandler Municipal Airport (latitude 36° 43' 55" N., longitude 119° 49' 05" W.), and within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.
2/6/64 28 F. R. 13396 (Rewritten);

Fresno, Calif., (Fresno Air Terminal)
Within a 5-mile radius of Fresno Air Terminal (Lat. 36°46'25" N, Long. 119°42'35" W) and within 2 miles either side of the Fresno VORTAC 149° radial extending from the 5-mile radius zone to the VORTAC.
PENDING AMENDMENT
Fresno, Calif. (Fresno Air Terminal).
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 190° radial, extending from the 5-mile radius zone to the VORTAC.
2/6/64 28 F. R. 13396 (Rewritten);

Fullerton, Calif.
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N., longitude 117°58'45" W.) excluding the portion within the Long Beach, Calif., control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS (Eff. on publ.) 7/16/63 28 F. R. 7259 (Rewritten);

Gage, Okla.
Within a 5-mile radius of Gage Airport (Lat. 36°17'45" N, Long. 99°46'30" W) and within 2 miles either side of the Gage VORTAC 299° and 119° radials, extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

Galena, Alaska
Within a 5-mile radius of Galena Airport (Lat. 64°44'10" N, Long. 156°56'00" W).

Galveston, Tex.
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N, Long. 94°51'35" W); within 2 miles either side of the 131° bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN and within 2 miles either side of the Galveston VOR 119° radial extending from the 5-mile radius zone to the VOR.

Garden City, Kans.
Within a 5-mile radius of the New Garden City Airport (latitude 37°56'08" N., longitude 100°43'46" W.); within 2 miles either side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the Garden City VORTAC 004° radial extending from the 5-mile radius zone to 12 miles N. of the VORTAC.

AMENDMENTS 1/10/63 27 F.R. 11638 (Rewritten);

Glasgow, Mont.
Within a 5-mile radius of Glasgow AFB (Lat. 48°25'00" N, Long. 106°31'40" W); within 2 miles either side of the Glasgow ILS localizer SE course extending from the 5-mile radius zone to the OM, within 2 miles either side of the Glasgow VOR 302° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, and within 2 miles either side of the Glasgow AFB TACAN 285° radial extending from the 5-mile radius zone to 8 miles W of the TACAN. The portion within R-4601 shall be used only after obtaining prior approval from appropriate authority.

Glens Falls, N. Y.
Within a 5-mile radius of Warren County Airport, Glens Falls, N. Y., (Lat. 43°20'35" N, Long. 73°36'45" W).

Glenview, Ill.
Within a 5-mile radius of NAS Glenview (latitude 42°05'21" N., longitude 87°49'07" W.); within a 1-mile radius of Chicagoland Airport, Wheeling, Ill. (latitude 42°11'35" N., longitude 87°56'05" W.) and within 2 miles either side of the Northbrook, Ill., VORTAC 138° and 159° radials extending from the Glenview 5-mile and the Chicago-O'Hare, Ill., 6-mile radius zones to the VORTAC, excluding the portion within the Chicago-O'Hare control zone.

AMENDMENTS 12/12/62 27 F.R. 12211 (Rewritten);

Goldsboro, N. C.
Within a 5-mile radius of Seymour-Johnson AFB, Goldsboro, N. C., and within 2 miles either side of the 261° bearing from the AFB extending from the 5-mile radius zone to 2 miles SW of the Seymour-Johnson AFB RBN

Grand Forks, N. Dak. (Grand Forks International Airport).
Within a 5-mile radius of Grand Forks International Airport (latitude 47° 57' 05" N., longitude 97° 10' 47" W.), and within 2 miles each side of the Grand Forks VOR 322° radial, extending from the 5-mile radius zone to 1 mile NW of the VOR.

AMENDMENTS 1/9/64 28 F. R. 13297 (Rewritten);

Grand Forks, N. Dak. (Grand Forks AFB)
Within a 5-mile radius of Grand Forks AFB (Lat. 47°57'40" N, Long. 97°24'00" W) and within 2 miles either side of the Grand Forks AFB ILS localizer S course extending from the 5-mile radius zone to 12 miles S of the OM.
PENDING AMENDMENT
In Grand Forks, N. Dak. (Grand Forks AFB), "The portion of this control zone within R-5402 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 3 (Changed);

Grand Junction, Colo.
Within a 5-mile radius of Walker Field, Grand Junction, Colo., (Lat. 39°07'05" N, Long. 108°31'10" W), and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 10 miles NW of the localizer.

Grand Island, Nebr.
Within a 5-mile radius of Grand Island Airport (Lat. 40°58'04" N, Long. 98°18'51" W), and within 2 miles E and 3 miles W of the Grand Island VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR.

Grand Prairie, Tex.
That airspace bounded on the W, N and E by the Amon Carter Field, Fort Worth, Tex., control zone and Dallas, Tex., control zone, and on the S by a line extending from the SE corner of the Amon Carter Field control zone to the SW corner of the Dallas control zone.

Grand Rapids, Mich.
Within a 5-mile radius of Cascade Airport, Grand Rapids, Mich. (latitude 42° 52' 45" N., longitude 85° 30' 30" W.), and within 2 miles each side of the Grand Rapids ILS localizer E course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 11/23/63 28 F. R. 10899 (Rewritten);

Grandview, Mo.
Within a 5-mile radius of Richards-Gebaur AFB, Grandview, Mo., (Lat. 38°50'50" N, Long. 94°33'20" W), and within 2 miles either side of the Grandview ILS localizer S course, extending from the 5-mile radius zone to the OM. The portions N of Lat. 38°52'30" N, and W of Long. 94°35'50" W are excluded.

Great Falls, Mont.
Within a 5-mile radius of Great Falls International Airport, (Lat. 47°29'00" N, Long. 111°22'00" W); within a 5-mile radius of Malmstrom AFB, Great Falls, Mont., and within 2 miles either side of lines extending from the Great Falls International Airport OM to the Great Falls International Airport and to the Malmstrom AFB.

Green Bay, Wis.
Within a 4-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44° 29' 15" N., longitude 88° 07' 45" W.); within 2 miles each side of the Green Bay VORTAC 146° radial, extending from the 4-mile radius zone to the VORTAC; within 2 miles each side of the Green Bay ILS localizer SW course, extending from the 4-mile radius zone to the OM, and within 2 miles each side of the ILS localizer NE course, extending from the 4-mile radius zone to 11 miles NE of the airport.

AMENDMENTS 1/9/64 28 F. R. 12340 (Rewritten);

Greensboro, N. C.
Within a 5-mile radius of Greensboro-High Point Airport (Lat. 36°05'36" N, Long. 79°56'34" W), and within 2 miles either side of the Greensboro VOR 207° radial extending from the 5-mile radius zone to 12 miles SW of the VOR, excluding the portion within the Winston-Salem, N. C., control zone.

Greenville, S. C.
Within a 5-mile radius of Greenville Airport (Lat. 34°50'50" N, Long. 82°21'05" W); within a 5-mile radius of the Donaldson AFB, Greenville, S. C., (Lat. 34°45'00" N, Long. 82°22'00" W); within a 5-mile radius of Greenville-Spartanburg Airport, Greer, S. C., (Lat. 34°53'48" N, Long. 82°13'04" W); within 2 miles either side of the 219° bearing from the Greenville ILS OM extending from the Donaldson AFB 5-mile radius zone to 12 miles SW of the Greenville OM, and within 2 miles either side of the Greenville-Spartanburg ILS localizer SW course extending from the Greenville-Spartanburg 5-mile radius zone to the Greenville-Spartanburg OM.

Greenwood, Miss.
Within a 5-mile radius of Greenwood Municipal Airport (latitude 33°29'50" N., longitude 90°11'50" W.), and within 2 miles each side of the Greenwood VOR 066° and 246° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR.

AMENDMENTS 9/15/63 28 F. R. 9938 (Rewritten);

Grosse Ile, Mich.
Within a 5-mile radius of NAS Grosse Ile (Lat. 42°05'55" N, Long. 83°09'40" W), excluding the portion outside the United States.

Guam Island (Anderson AFB)
Within a 5-mile radius of Anderson AFB (Lat. 13°35'00" N, Long. 144°55'00" E) and within 2 miles either side of the Anderson VOR 064° radial extending from the 5-mile radius zone to the Anderson VOR, excluding the portion within the Guam Island (NAS Agana) control zone.

Guam Island (NAS Agana)
Within a 5-mile radius of NAS Agana (Lat. 13°29'00" N, Long. 144°47'00" E), and within 2 miles either side of the Agana VOR 244° radial extending from the 5-mile radius zone to 12 mile SW of the VOR.

Gulfport, Miss.
Within a 5-mile radius of Gulfport Municipal Airport (Lat. 30°24'25" N, Long. 89°04'20" W) and within 2 miles either side of the Gulfport VOR 325° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, excluding the portion within the Biloxi, Miss., control zone.

Gulkana, Alaska
Within a 5-mile radius of Gulkana Airport (Lat. 62°09'20" N, Long. 145°27'15" W) and within 2 miles either side of the Gulkana RR N course extending from the 5-mile radius zone to 12 miles N of the RR.

Gustavus, Alaska
Within a 5-mile radius of Gustavus Airport (latitude 58°25'35" N., longitude 135°42'50" W.), and within 2 miles each side of the Gustavus RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

AMENDMENTS 9/19/63 28 F. R. 7668 (Rewritten);

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., and within 2 miles either side of the Langley AFB Runway 25 extended centerline, extending from the 5-mile radius zone to 6 miles SW of the Morrison RBN.

Harrisburg, Pa.
Within a 5-mile radius of Harrisburg-York State Airport (Lat. 40°12'59" N, Long. 76°51'03" W); within a 5-mile radius of the Olmsted AFB (Lat. 40°11'39" N, Long. 76°45'39" W); within 2 miles either side of the Harrisburg VORTAC 100° radial extending from the Harrisburg-York State Airport 5-mile radius zone to the VORTAC and within 2 miles either side of the Harrisburg-York State Airport ILS localizer SW course extending from the 5-mile radius zone to the OM.

Harrison, Ark.
Within a 3-mile radius of the Harrison Municipal Airport (latitude 36° 15' 55" N., longitude 93° 09' 20" W.) and within 2 miles each side of the Harrison VOR 136° radial, extending from the 3-mile radius zone to the VOR.

AMENDMENTS 1/9/64 28 F. R. 11474 (Added);

AMENDMENTS 1/9/64 28 F. R. 12540 (Rewritten);

Hartford, Conn.
Within a 5-mile radius of Brainard Field, Hartford, Conn. (latitude 41°44'15" N., longitude 72°39'10" W.), and within 2 miles each side of the 130° bearing from the Hartford RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN.

AMENDMENTS 7/25/63 28 F. R. 6495 (Rewritten);

Hayward, Calif.
Within a 6-mile radius of Hayward Airport (Lat. 37°39'30" N, Long. 122°06'45" W), excluding that portion within the Oakland, Calif., control zone.

Helena, Mont.
Within a 5-mile radius of Helena County - City Airport (Lat. 46°36'24" N, Long. 111°59'19" W).

Hibbing, Minn.
Within a 5-mile radius of Chisholm-Hibbing County Airport (latitude 47°23'20" N., longitude 92°50'25" W.), and within 2 miles each side of the Hibbing VOR 315° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 7/25/63 28 F. R. 5639 (Added);

Hickory, N. C.
Within a 5-mile radius of Hickory Airport, and within 2 miles either side of the Hickory VOR 223° and 043° radials extending from the 5-mile radius zone to 5 miles NE of the VOR.

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.) and within 3 miles N and 2 miles S of the Hilo VOR 091° radial, extending from the 5-mile radius zone to 12 miles E of the VOR.

AMENDMENTS 12/12/63 28 F. R. 10563 (Rewritten);

Hobart, Okla.
Within a 3-mile radius of Hobart Airport and within 2 miles either side of the 183° bearing from the Hobart Airport extending from the 3-mile radius zone to 12 miles S of the airport.

Hobbs, N. Mex.
Within a 5-mile radius of Lea County Airport, Hobbs, N. Mex., (latitude 32°41'19" N., longitude 103°13'01" W.), and within 2 miles each side of the Hobbs VOR 225° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1.5-mile radius of Hobbs Municipal Airport (latitude 32°46'05" N., longitude 103°12'50" W.).

AMENDMENTS 10/17/63 28 F. R. 9427 (Rewritten);

Homer, Alaska
Within a 5-mile radius of Homer Airport (Lat. 59°38'35" N, Long. 151°28'55" W).

Homestead, Fla.
Within a 5-mile radius of Homestead AFB (Lat. 25°29'15" N, Long. 80°23'10" W) and within 2 miles either side of the centerline of the NE/SW runway extending from the 5-mile radius zone to 10 miles SW of the Homestead VOR.

Honolulu, Hawaii.
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'40" W.); within a 5-mile radius of NAS Barber's Point (latitude 21°18'35" N., longitude 158°04'30" W.); within a 3-mile radius of ALF Ford Island (latitude 21°21'55" N., longitude 157°57'55" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu International Airport, and within 2 miles NW and 4 miles SE of the Honolulu VORTAC 242° radial, extending from NAS Barber's Point 5-mile radius zone to 13 miles SW of the Honolulu VORTAC.

AMENDMENTS 12/12/63 28 F. R. 10354 (Rewritten);

Hopkinsville, Ky.
Within a 5-mile radius of Campbell AAF, Hopkinsville, Ky., (Lat. 36°40'11" N, Long. 87°29'13" W) and within 2 miles either side of the Campbell VOR 044° and 224° radials extending from the 5-mile radius zone to 10 miles NE of the VOR. The portion of this control zone within R-3702 and R-3703 shall be used only after obtaining prior approval from appropriate authority.

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Airport, Hoquiam, Wash., (Lat. 46°58'16" N, Long. 123°56'08" W) and within 2 miles either side of the Hoquiam VOR 059° radial extending from the 5-mile radius zone to the VOR.

Hot Springs, Ark.
Within a 5-mile radius of Memorial Field, Hot Springs, Ark., (Lat. 34°28'41" N, Long. 93°05'44" W) and within 2 miles either side of the Hot Springs VOR 247° radial extending from the 5-mile radius zone to 12 miles SW of the VOR.

Houghton, Mich.
Within a 5-mile radius of Houghton-County Memorial Airport (Lat. 47°10'00" N, Long. 88°29'20" W), and within 2 miles either side of the 018° bearing from the Houghton RBN extending from the 5-mile radius zone to 10 miles N of the RBN.

Houlton, Maine
Within a 5-mile radius of Houlton International Airport (Lat. 46°07'25" N, Long. 67°47'40" W).

Houston, Tex.
Within a 5-mile radius of Houston International Airport (Lat. 29°38'40" N, Long. 95°16'30" W); within a 5-mile radius of Ellington AFB, Houston, Tex., (Lat. 29°36'25" N, Long. 95°09'20" W); within 2 miles either side of the 138° bearing of the Houston RBN extending from the Houston International Airport 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles either side of the 043° bearing of the Pearland, Tex., RBN, extending from the Ellington AFB 5-mile radius zone to the RBN.

Huntington, W. Va.
Within a 5-mile radius of Tri-State Airport, Huntington, W. Va.; within a 5-mile radius of Huntington Downtown Airport, Chesapeake, Ohio; within 2 miles either side of the 253° bearing from the Huntington RBN extending from the Tri-State Airport 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Tri-State Airport ILS localizer NW course extending from the Tri-State 5-mile radius zone to the OM.

Huntsville, Ala.
Within a 6-mile radius of Huntsville Airport excluding the portion within R-2104.

Huron, S. Dak.
Within a 5-mile radius of Huron Municipal Airport; within 2 miles each side of the Huron RBN 235° bearing, extending from the 5-mile radius zone to 12 miles SW of the RBN, and within 2 miles either side of the Huron ILS localizer NW course extending from the 5-mile radius zone to 12 miles NW of the OM.

AMENDMENTS 1/9/64 28 F. R. 14309 (Changed);

Hutchinson, Kans.
Within a 5-mile radius of Hutchinson Municipal Airport (Lat. 38°04'00" N, Long. 97°51'35" W); within an 8-mile radius of the Hutchinson ANG Base (Lat. 37°55'35" N, Long. 97°54'20" W), and within 2 miles either side of the Hutchinson VORTAC 222° radial extending from the Hutchinson ANG Base 8-mile radius zone to 12 miles SW of the VORTAC.

Hyannis, Mass.
Within a 3-mile radius of Barnstable Airport, Hyannis, Mass. and within 2 miles either side of the 048° bearing from the airport extending from the 3-mile radius zone to 10 miles NE of the airport, excluding the portion beyond the shoreline.

Idaho Falls, Idaho
Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho, (Lat. 43°31'05" N, Long. 112°04'05" W); within 2 miles either side of the Idaho Falls VOR 030° and 223° radials extending from the 5-mile radius zone to 15 miles NE and 12 miles SW of the VOR, and within a 1-mile radius of the Rigby, Idaho, Airport (Lat. 43°38'45" N, Long. 111°55'45" W).

Iliamna, Alaska
Within a 5-mile radius of the Iliamna Airport (Lat. 59°45'08" N, Long. 154°54'38" W) and within 2 miles either side of the Iliamna RR S course, extending from the 5-mile radius zone to a point 12 miles S of the RR.

Indianapolis, Ind.
Within a 5-mile radius of the Weir Cook Municipal Airport, Indianapolis, Ind. (latitude 39°43'35" N., N., longitude 86°17'05" W.); within 2 miles each side of the Indianapolis ILS localizer NE course, extending from the 5-mile radius zone to 7 miles NE of the airport; and within 2 miles each side of the Indianapolis VORTAC 142° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 10/17/63 28 F. R. 9425 (Rewritten);

International Falls, Minn.
Within a 5-mile radius of the Falls International Airport, International Falls, Minn., (Lat. 48°33'58" N, Long. 93°24'07" W), and within 2 miles either side of the International Falls VOR 132° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding the portion outside the United States.

Islip, N. Y.
Within a 5-mile radius of the MacArthur Airport, Islip, N. Y., (Lat. 40°47'50" N, Long. 73°06'00" W), and within 2 miles either side of the Islip ILS localizer SW course, extending from the 5-mile radius zone to 8.2 miles SW of the OM, from 0700 to 2300 hours, local time, daily.

AMENDMENTS 12/12/62, 27 F.R. 12211 (Changed);

Ithaca, N. Y.
Within a 5-mile radius of the Tompkins County Airport, Ithaca, N. Y., (Lat. 42°29'25" N, Long. 76°27'30" W) and within 2 miles either side of the Ithaca VOR 305° radial extending from the 5-mile radius zone to 12 miles NW of the VOR, excluding the area bounded by a line parallel to and 1,500 feet E of the Ithaca Municipal Airport runway and a line .5 mile N of the runway at 090° to the extended centerline of the runway. This control zone is effective from 0600 to 2300 hours Monday through Friday, 0600 to 2100 hours Saturday and 0900 to 2300 hours Sunday, local time.

Jackson, Mich.
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the 313° bearing from the Jackson RBN, extending from the 5-mile radius zone to 8 miles northwest of the RBN, within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 306° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

AMENDMENTS 12/12/63 28 F. R. 9345 (Rewritten);

Jackson, Miss.
Within a 5-mile radius of Jackson Municipal Airport (latitude 32°18'40" N., longitude 90°04'33" W.); within a 5-mile radius of Hawkins Field, Jackson, Miss. (latitude 32°20'01" N., longitude 90°13'19" W.); within a 3-mile radius of Bruce Campbell Airport, Jackson, Miss. (latitude 32°26'45" N., longitude 90°06'00" W.); within 2 miles NE and 3 miles SW of the Jackson VORTAC 156° radial, extending from the Jackson Municipal Airport 5-mile radius zone to the VORTAC; within 2 miles each side of the Jackson VORTAC 195° radial, extending from the Hawkins Field 5-mile radius zone to the VORTAC; within 2 miles each side of the 002° bearing from the Jackson RBN, extending from the Hawkins Field 5-mile radius zone to 8 miles N of the RBN; and within 2 miles each side of the Jackson VORTAC 139° radial, extending from the Bruce Campbell Airport 3-mile radius zone to the VORTAC.

AMENDMENTS 7/1/63 28 F. R. 4752 (Rewritten);

Jackson, Tenn.
Within a 5-mile radius of McKellar Field, Jackson, Tenn., (Lat. 35°35'55" N, Long. 88°54'55" W), and within 2 miles either side of the 022° bearing from the Martin, Tenn., RBN extending from the 5-mile radius zone to the RBN.

Jacksonville, Fla. (Imeson Airport)
Within a 5-mile radius of the Imeson Airport (Lat. 30°25'17" N, Long. 81°38'15" W); within 2 miles either side of the Jacksonville VORTAC 064° radial extending from the 5-mile radius zone to 10 miles NE; within 2 miles either side the 090° bearing from the Jacksonville RBN extending from the 5-mile radius zone to 10.3 miles E of the RBN; within a 3-mile radius of NAS Mayport (Lat. 30°23'45" N, Long. 81°25'16" W) and within 2 miles either side of the 091° bearing from the NAS Mayport RBN extending from the 3-mile radius zone to 10 miles NE.

Jacksonville, Fla. (NAS Jacksonville and Cecil)
Within a 5-mile radius of NAS Jacksonville (Lat. 30°14'00" N, Long. 81°41'00" W); within a 5-mile radius of NAS Cecil, Fla., (Lat. 30°13'00" N, Long. 81°52'45" W); within 2 miles either side of the NAS Cecil VOR 271° radial extending from the NAS Cecil 5-mile radius zone to 12 miles W of the VOR; within 2 miles either side of the NAS Cecil VOR 181° radial extending from the NAS Cecil 5-mile radius zone to 12 miles S of the VOR; within 2 miles either side of the NAS Cecil VOR 084° radial, extending from the NAS Cecil 5-mile radius zone to the NAS Jacksonville 5-mile radius zone; within 2 miles either side of the NAS Jacksonville TACAN 271° radial extending from the NAS Jacksonville 5-mile radius zone to the NAS Cecil 5-mile radius zone; within 2 miles either side of the NAS Jacksonville TACAN 097°, 127° and 231° radials extending from the NAS Jacksonville 5-mile radius zone to 6 miles E, SE and SW of the TACAN, excluding the portion within a 1-mile radius of Herlong Airport (Lat. 30°16'30" N, Long. 81°48'20" W).

Jacksonville, N. C.
Within a 3-mile radius of the New River MCAF, Jacksonville, N. C., (Lat. 34°42'25" N, Long. 77°26'35" W) and within 2 miles either side of the 046° and 226° bearings from the New River RBN extending from the 3-mile radius zone to 12 miles NE and SW of the RBN, excluding the portion within R-5306C. The portion within R-5307 shall be used only after obtaining prior approval from appropriate authority.

Jamestown, N. Dak.
Within a 5-mile radius of Jamestown Airport; within 2 miles either side of the Jamestown RR E course extending from the 5-mile radius zone to 10 miles E of the RR and within 2 miles either side of the Jamestown VOR 191° and 011° radials extending from the 5-mile radius zone to 10 miles S of the VOR.

Janesville, Wis.
Within a 5-mile radius of Rock County Airport, Janesville, Wis., (Lat. 42°37'12" N, Long. 89°02'25" W) from 0600 to 2300 hours, local time, daily.

AMENDMENTS Eff. on pub. (7/10/63) 28 F R 7030 (Changed);

Johnstown, Pa.
Within a 5-mile radius of Johnstown-Cambria County Airport (Lat. 40°18'55" N, Long. 78°50'00" W), and within 2 miles either side of the Johnstown VOR 215° radial extending from the 5-mile radius zone to 12 miles SW of the VOR, from 0800 from to 2200 hours e.s.t., daily.

Joliet, Ill.
Within a 5-mile radius of Joliet Municipal Airport (Lat. 41°31'05" N, Long. 88°10'30" W) and within 2 miles either side of the Joliet VORTAC 104° and 284° radials, extending from the 5-mile radius zone to 12 miles W of the VORTAC.

Joplin, Mo.
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) and within 2 miles each side of the Joplin ILS localizer SE course, extending from the 5-mile radius zone to 7 miles SE of the airport.

AMENDMENTS 10/17/63 28 F. R. 8204 (Rewritten);

Junction, Tex.
Within a 3-mile radius of the Kimble County Airport, Junction, Tex. (latitude 30°30'35" N., longitude 99°45'45" W.); within 2 miles each side of the junction VOR 150° radial, extending from 4 miles SE of the airport to the VOR; and within 2 miles each side of the extended centerline of the Kimble County Airport Runway 17, extending from the 3-mile radius zone to 4 miles S of the S end of Runway 17.

AMENDMENTS 11/14/63 28 F. R. 10331 (Rewritten);

Juneau, Alaska
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

AMENDMENTS 9/19/63 28 F. R. 8204 (Rewritten);

Kahului, Hawaii
Within a 5-mile radius of Kahului Airport (Lat. 20°54'00" N, Long. 156°26'00" W); within 2 miles either side of the Maui, Hawaii, RR N course extending from the 5-mile radius zone to the RR, and within 2 miles either side of the Maui VOR 038° and 204° radials extending from the 5-mile radius zone to 12 miles NE and SW of the VOR.

Kalamazoo, Mich.
Within a 5-mile radius of Kalamazoo Municipal Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles N, S and SW of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer S course, extending from the 5-mile radius zone to the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 12/12/63 28 F. R. 10741 (Rewritten);

Kaneohe, Hawaii.
That airspace extending upward to 5,000 feet within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

AMENDMENTS 12/12/63 28 F. R. 10355 (Rewritten);

Kansas City, Mo.
Within a 7.5-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°38'30" W.) and within 2 miles each side of the Kansas City VORTAC 185° and 179° radials, extending from the 7.5-mile radius zone to the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 6872 (Rewritten);

Kansas City, Mo. (Mid-Continent Airport)
Within a 5-mile radius of Mid-Continent Airport (latitude 39°18'05" N., longitude 94°43'36" W.). This control zone is effective from 0700 to 2300 hours local time daily and during specific dates and times established in advance by a Notice to Airmen.
AMENDMENTS 12/12/62 27 F.R. 12440 (Added); Eff. Immed. (12/26/62) 27 F.R. 12926 (Rewritten);

Kenai, Alaska
Within a 5-mile radius of Kenai Airport (Lat. 60°33'50" N, Long. 151°15'00" W); within 2 miles either side of the Kenai RR NE course extending from the 5-mile radius zone to 12 miles NE of the RR, and within 2 2 miles either side of the Kenai VOR 025° radial extending from the 5-mile radius zone to 12 miles NE of the VOR.

Key West, Fla.
Within a 5-mile radius of Key West International Airport; within a 5-mile radius of NAS Boca Chica, Key West; within 2 miles each side of the 269° bearing from the Key West RBN, extending from the Key West 5-mile radius zone to 10 miles W of the RBN; within 2 miles each side of the 242° bearing from the Key West RBN, extending from the Key West 5-mile radius zone to 10 miles SW of the RBN: and within
2 miles either side of the Key West VOR
313° and 273° radials extending from the Key West 5-mile radius zone to 10 miles NW and W of the VOR.
AMENDMENTS 9/2/63 28 F. R. 9589 (Changed);

Killeen, Texas.
Within a 5-mile radius of Gray AFB, Killeen, Texas (latitude 31°04'20" N., longitude 97°49'45" W.), and within 2 miles each side of the extended centerline of runway 15/33 extending from the 5-mile radius zone to 8 miles NW and SE of the AFB, excluding the portion within the Fort Hood, Texas, control zone. The portion of this control zone within Restricted Area R-6302C shall be used only after obtaining prior approval from appropriate authority. This control zone shall be effective as specified in a Notice to Airmen issued no less than 24 hours in advance.

AMENDMENTS 5/30/63 28 F.R. 4024 (Rewritten);

King Salmon, Alaska
Within a 5-mile radius of the King Salmon Airport (Lat. 58°40'40" N, Long. 156°38'55" W); within 2 miles either side of the King Salmon VOR 132° and 312° radials extending from the 5-mile radius zone to 12 miles NW of the VOR and within 2 miles either side of the King Salmon TACAN 301° radial extending from the 5-mile radius zone to 11 miles NW of the TACAN.

KINSTON, N.C.
Within a 5-mile radius of Stallings Field, Kinston, N. C. (latitude 35°19'40" N., longitude 77°37'05" W.). effective from 0700 to 2330 hours, local time, daily.

AMENDMENTS 7/9/63 28 F. R. 3613 (Rewritten);

Kirksville, Mo.
Within a 3-mile radius of Kirksville Municipal Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

AMENDMENTS 11/14/63 28 F. R. 9425 (Rewritten);

Klamath Falls, Oreg.
Within a 5-mile radius of Kingsley Field, Klamath Falls, Oreg., (Lat. 42°09'25" N, Long. 121°43'55" W).

Knoxville, Tenn.
Within a 5-mile radius of McGhee-Tyson Airport, Knoxville, Tenn., (Lat. 35°48'42" N, Long. 83°59'35" W); within 2 miles either side of the Knoxville ILS localizer SW course extending from the 5-mile radius zone to the OM and within 2 miles either side of the Knoxville ILS NE course extending from the 5-mile radius zone to the INT of the ILS NE course and the Knoxville VORTAC 135° radial.

Kodiak, Alaska
Within a 5-mile radius of NAS Kodiak and within 2 miles either side of the Kodiak RR SW course extending from the 5-mile radius zone to the RR.

Kotzebue, Alaska
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (Lat. 66°53'02" N, Long. 162°37'33" W), and within 2 miles either side of the 048° bearing from the Kotzebue RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN.

Kwajalein Island
Within a 5-nmi radius of NAS Kwajalein (Lat. 8°45'00" N, Long. 167°45'00" E)

La Crosse, Wis.
Within a 5-mile radius of La Crosse Municipal Airport (Lat. 43°52'38" N., Long. 91°15'21" W.); within 2 miles each side of the 146° and 305° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles either side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 12 miles NW of the VOR.

AMENDMENTS 1/9/64 28 F. R. 13930 (Changed);

Lafayette, Ind.
Within a 5-mile radius of Purdue University Airport, Lafayette, Ind., (Lat. 40°24'46" N, Long. 86°55'57" W) within 2 miles either side of the Westpoint, Ind., VOR 038° radial extending from the 5-mile radius zone to the VOR; and within 2 miles either side of the Lafayette VOR 144° radial extending from the 5-mile radius zone to the VOR.

Lafayette, La.
Within a 5-mile radius of Lafayette Airport (Lat. 30°12'00" N, Long. 91°59'40" W); within 2 miles either side of the Lafayette ILS localizer N course, extending from the 5-mile radius zone to the OM; and within 2 miles either side of the Lafayette VOR 172° radial, extending from the 5-mile radius zone to 12 miles S of the VOR.

Lake Charles, La. (Lake Charles Municipal Airport)
Within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.); within 2 miles either side of the Lake Charles VOR 259° radial extending from the 5-mile radius zone to 1 mile W of the VOR; within 2 miles either side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM; and within 2 miles either side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the localizer.

AMENDMENTS 2/7/63 27 F.R 12165 (Added).

Lakehurst, N. J.
Within a 5-mile radius of the INT of Runways 6/24 and 15/33 (Lat. 40°02'00" N, Long. 74°21'15" W) of NAS Lakehurst (Lat. 40°02'05" N, Long. 74°21'05" W), West Field; within 5 miles either side of the Runway 15/33. The portion within R-5001 shall be used only after obtaining prior approval from appropriate authority.

Lanai, Hawaii
Within a 5-mile radius of Lanai Airport (Lat. 20°47'30" N, Long. 156°57'00" W), from 1430 to 1815 hours local standard time, daily.

Lancaster, Pa.
Within a 5-mile radius of Lancaster Airport (Lat. 40°07'16" N, Long. 76°17'47" W); within 2 miles either side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 12 miles SE of the VOR and within 2 miles either side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 12 miles W of the VOR from 0700 to 2100 hours, local standard time, daily.

Lansing, Mich.
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

AMENDMENTS 3/7/63 28 F.R 520 (Changed); 12/12/63 28 F. R. 9283 (Rewritten);

Laramie, Wyo.
Within a 5-mile radius of General Brees Field, Laramie, Wyo., (latitude 41° 18' 50" N., longitude 105° 40' 25" W.); within 2 miles each side of the Laramie VOR 332° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the 332° bearing from the Laramie RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

AMENDMENTS 12/12/63 28 F. R. 10563 (Rewritten);

Laredo, Tex.
Within a 10-mile radius of Laredo AFB and within 2 miles either side of the Laredo VORTAC 147° radial extending from the 10-mile radius zone to 10 miles SE of the VORTAC, excluding the portion outside the United States.

Las Vegas, N. Mex.
Within a 5-mile radius of the Las Vegas Municipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.) and within 2 miles each side of the Las Vegas VORTAC 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

AMENDMENTS 9/19/63 28 F. R. 7668 (Rewritten);

Las Vegas, Nev. (McCarran Field)
Within a 5-mile radius of McCarran Field (Lat. 36°05'05" N, Long. 115°09'00" W), and within 2 miles SE and and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.5 miles NE of the VORTAC.

Las Vegas, Nev. (Nellis AFB)
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

Lawton, Okla.
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A. The portion of this control zone within R-5601B shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12211 (Rewritten);

Leavenworth, Kans.
Within a 5-mile radius of Sherman AAF, Leavenworth, Kans. (latitude 39°22'05" N., longitude 94°54'45" W.).

AMENDMENTS 8/22/63 28 F. R. 6872 (Added);

Lebanon, N. H.
Within a 5-mile radius of Lebanon-Regional Airport (Lat. 43°37'35" N, Long. 72°18'10" W), and within 2 miles either side of the Lebanon VOR 231° radial, extending from the 5-mile radius zone to the VOR.

Lemoore, Calif.
Within a 5-mile radius of NAS Lemoore (Lat. 36°20'00" N, Long. 119°57'04" W); within 2 miles either side of the NAS Lemoore TACAN 356° and 156° radials extending from the 5-mile radius zone to 8 miles N and 9 miles SE of the TACAN, and within 2 miles either side of the extended centerline of runway 32R extending from the 5-mile radius zone to 7 miles NW of runway 32R.
PENDING AMENDMENT
Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.
1/9/64 28 F. R. 12341 (Rewritten); Alteration of Amend. (Date Change) 2/6/64 28 F. R. 13769

Lewiston, Idaho
Within a 5-mile radius of Lewiston-Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.) and within 2 miles either side of the Lewiston VOR 266° radial extending from the 5-mile radius zone to the VOR, from 0330 to 2230 hours local time, daily.

AMENDMENTS 5/2/63 28 F.R. 2166 (Added);

Lewistown, Mont.
Within a 5-mile radius of Lewistown Airport (Lat. 47°03'00" N, Long. 109°28'30" W), and within 2 miles either side of the Lewistown VOR 090° radial, extending from the 5-mile radius zone to the VOR.

Lexington, Ky.
Within a 5-mile radius of Blue Grass Airport, Lexington, Ky., (Lat. 38°02'10" N, Long. 84°36'15" W); within 2 miles either side of the Lexington VORTAC 304° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Lexington Blue Grass ILS localizer NE course, extending from the 5-mile radius zone to the INT of the localizer NE course with the Lexington VORTAC 340° radial.

Lihue, Hawaii
Within a 5-mile radius of Lihue Airport (Lat. 21°59'00" N, Long. 159°21'00" W) and within 2 miles either side of the Lihue VOR 041° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR.

Limestone, Maine
Within a 6-mile radius of Loring AFB, Limestone, Maine, (Lat. 46°57'05" N, Long. 67°53'10" W); within 2 miles either side of a direct line extending between the Loring AFB and the Loring AFB VOR, and within 2 miles either side of a direct line between the Loring AFB and Lat. 46°44'46" N, Long. 68°04'01" W, excluding the portion within the Presque Isle, Maine, control zone and the portion outside the United States.

Lincoln, Nebr.
Within a 5-mile radius of Lincoln AFB (Lat. 40°50'35" N, Long. 96°45'42" W); within 2 miles either side of the Raymond, Nebr., VORTAC 196° and 015° radials, extending from the 5-mile radius zone to 12 miles NE of the VORTAC, and within 2 miles either side of the Lincoln ILS localizer S course extending from the 5-mile radius zone to 5 miles S of the OM.

Little Rock, Ark. (Adams Field)
Within a 5-mile radius of Adams Field (Lat. 34°43'45" N, Long. 92°13'45" W); within 2 miles either side of the Little Rock VORTAC 141° radial, extending from the 5-mile radius zone to 12 miles SE of the VORTAC, and within 2 miles either side of the Little Rock ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Little Rock, Ark. (Little Rock AFB)
Within a 5-mile radius of Little Rock AFB and within 2 miles either side of the centerline of the Little Rock AFB NE/SW runway extending from the 5-mile radius zone to 19 miles NE of the runway end.

Lompoc, Calif.
Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif., (Lat. 34°43'45" N, Long. 120°34'15" W), and within 2 miles SW of, and 3 miles NE of the Vandenberg VOR 316° radial extending from the 5-mile radius zone to the VOR, excluding that portion within R-2516.

London, Ky.
Within a 3-mile radius of London Airport and within 2 miles either side of the London VORTAC 027° and 207° radials, extending from the 3-mile radius zone to 10 miles SW of the VORTAC.

Long Beach, Calif.
Within a 5-mile radius of Long Beach Airport (Lat. 33°49'07" N, Long. 118°09'04" W); within a 5-mile radius of the NAS Los Alamitos, Calif., (Lat. 33°47'30" N, Long. 118°02'50" W), excluding the portion within a 1-mile radius of the Sunset Beach, Calif., Airport (Lat. 33°43'10" N, Long. 118°02'10" W).

Longview, Tex.
Within a 5-mile radius of Gregg County Airport, Longview, Tex., (Lat. 32°23'15" N, Long. 94°42'50" W), and within 2 miles either side of the Gregg County VOR 313° radial extending from the 5-mile radius zone to 12 miles NW of the VOR.

Los Angeles, Calif. (Hawthorne Municipal Airport)
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W., effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS Eff. on pub. (3/30/63) 28 F.R. 3121 (Added);

Los Angeles, Calif. (Los Angeles International Airport)
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles on each side of the Los Angeles ILS localizer E course extending from the Los Angeles 5-mile radius zone to the OM; within 2 miles on each side of the Los Angeles VOR 096° radial extending from the Hawthorne 3-mile radius zone to 4 miles E. of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N. of a line drawn between the points of INT of the Los Angeles 5-mile radius zone and the Santa Monica, Calif., 3-mile radius control zone, and excluding the portion within the Hawthorne Municipal Airport control zone.

AMENDMENTS Eff. on pub. (3/30/63) 28 F.R. 3120 (Rewritten);

Louisville, Ky.
Within a 5-mile radius of Standiford Field, Louisville, Ky., (Lat. 38°10'33" N, Long. 85°44'12" W); within a 5-mile radius of Bowman Field, Louisville, Ky., (Lat. 38°13'40" N, Long. 85°39'45" W); within 2 miles either side of the Standiford Field ILS localizer NE course, extending from the Standiford 5-mile radius zone to the INT of the localizer NE course and the Louisville VORTAC 328° radial; within 2 miles either side of the Standiford Field ILS localizer SW course, extending from the Standiford 5-mile radius zone to the OM; within 2 miles either side of the Louisville VORTAC 301° radial, extending from the Standiford 5-mile radius zone to the VORTAC, and within 2 miles either side of the Louisville VORTAC 331° radial, extending from the Bowman Field 5-mile radius zone to the VORTAC.

Lubbock, Tex.
Within a 5-mile radius of Lubbock Municipal Airport (Lat. 33°39'35" N, Long. 101°49'41" W); within a 5-mile radius of Reese AFB, Lubbock, Tex.; within 2 miles either side of the Lubbock RR E course, extending from Lubbock 5-mile radius zone to the RR; within 2 miles either side of the Lubbock RR N course, extending from the Reese 5-mile radius zone to 8 miles N of the RR; within 2 miles either side of the Lubbock VORTAC 302° and 122° radials, extending from the Lubbock 5-mile radius zone to 10 miles NW of the VORTAC and within 2 miles either side of the 180° bearing from the Lubbock LOM extending from the Lubbock 5-mile radius zone to the LOM.

Lufkin, Tex.
Within a 5-mile radius of Angelina County Airport (latitude 31°14'03" N., longitude 94°45'01" W.) and within 2 miles each side of the 304° bearing from the Lufkin RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

AMENDMENTS 9/19/63 28 F. R 6912 (Rewritten);

Lynchburg, Va.
Within a 5-mile radius of Preston Glenn Airport, Lynchburg, Va., (Lat. 37°19'40" N, Long. 79°12'05" W); and within 2 miles either side of the Lynchburg VORTAC 021° and 201° radials extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Macon, Ga.
Within a 5-mile radius of Cochran Field, Macon, Ga. (latitude 32°41'35" N., longitude 83°38'50" W.); within a 5-mile radius of the Robins AFB, Macon, Ga. (latitude 32°38'30" N., longitude 83°35'35" W.); within 2 miles each side of the Macon VORTAC 316° radial extending from the Cochran Field 5-mile radius zone to 11.5 miles NW of the VORTAC; within 2 miles each side of the Macon VORTAC 325° radial extending from the Cochran Field 5-mile radius zone to 8 miles NW of the VORTAC; within 2 miles each side of the Macon VORTAC 138° radial, extending from the Robins AFB 5-mile radius zone to 13 miles SE of the VORTAC; and within 2 miles each side of the Robins AFB ILS localizer SE course, extending from the Robins AFB 5-mile radius zone to 7 miles SE of the airport.

AMENDMENTS 12/12/62 27 F.R. 12210 (Added);
9/19/63 28 F. R. 4610 (Rewritten); (Amend. Mod. 28 F R. 9250) Changed;

Madison, Wis.
Within a 5-mile radius of Truax Field, Madison, Wis. (latitude 43°08'15" N., longitude 89°20'10" W.), within 2 miles each side of the Madison ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Truax VOR 131° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR, and within 2 miles each side of the Truax VOR 320° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR.

AMENDMENTS 9/19/63 28 F. R. 7901 (Rewritten);

Manchester, N. H.,
Within a 5-mile radius of Grenier Field, Manchester, N. H., (Lat. 42°55'55" N, Long. 71°26'20" W); within 2 miles either side of the 337° and 157° bearings from the Manchester RBN extending from the 5-mile radius zone to 10 miles SE of the RBN and within 2 miles either side of the Manchester VOR 142° and 322° radials, extending from the 5-mile radius zone to 10 miles SW of the VOR from 0600 to 2300 hours, local time, Monday through Saturday and from 0700 to 2300 hours, local time, Sunday.

AMENDMENTS Eff. immed. (4/1/63) 28 F.R 3326 (Changed);

Mansfield, Ohio
Within a 5-mile radius of the Mansfield Municipal Airport (Lat. 40°49'15" N, Long. 82°30'45" W); within 2 miles either side of the Mansfield VORTAC 128° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the Mansfield ILS localizer SE course, extending from the 5-mile radius zone to the OM.

Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of the K. I. Sawyer AFB (Lat. 46°21'15" N, Long. 87°23'40" W); within 2 miles either side of the K. I. Sawyer VOR 009° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles either side of the K. I. Sawyer VOR 189° radial extending from the 5-mile radius zone to 15 miles S of the VOR.
PENDING AMENDMENT
In Marquette, Mich., (K. I. Sawyer AFB), "The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of the Marquette County Airport (Lat. 46°32'03" N, Long. 87°33'35" W); within 2 miles either side of the Marquette VOR 083° radial, extending from the 5-mile radius zone to 9 miles E of the VOR, and within 2 miles either side of the Marquette VOR 249° radial, extending from the 5-mile radius zone to 12 miles SW of the VOR.
PENDING AMENDMENT
In Marquette, Mich. (Marquette County Airport), "The portion of this control zone within R-4208 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

Martha's Vineyard, Mass.
Within a 5-mile radius of the Martha's Vineyard Airport (Lat. 41°23'35" N, Long. 70°36'56" W); within 2 miles either side of the 040° bearing from the Martha's Vineyard RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN; within 2 miles either side of the Martha's Vineyard VOR 052° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR, excluding the portions within the Falmouth, Mass., control zone and the portion within a 1.5-mile radius of the Katama Airpark (Lat. 41°21'45" N, Long. 70°31'30" W). This control zone is effective 0900 to 1700 hours, local time, daily, September 5 through June 22, and 0900 to 1900 hours, local time, daily, June 23 through September 4, annually.

AMENDMENTS 6/27/63 28 F. R. 4609 (Changed); AMENDMENTS 7/13/63 28 F. R. 6263 (Changed);

Martinsburg, Pa.
Within a 3-mile radius of Blair County Airport, Martinsburg, Pa.

Martinsburg, W. Va.
Within a 5-mile radius of the Martinsburg Airport (Lat. 39°24'05" N, Long. 77°59'00" W), within 2 miles either side of the Martinsburg RR SW course extending from the 5-mile radius zone to 10 miles SW of the RR.

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (Lat. 39°08'10" N, Long. 121°26'05" W), and within 2 miles either side of the Beale AFB VOR 162° radial extending from the 5-mile radius zone to the VOR.

Marysville, Calif (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (Lat. 39°05'51" N, Long. 121°34'10" W); within 2 miles either side of the 158° bearing from the Marysville RBN extending from the 5-mile radius zone to 8 miles S of the RBN, and within 2 miles either side of the 342° bearing from the Marysville RBN extending from the 5-mile radius zone to 8 miles N of the RBN, excluding the portion within the Beale AFB, Calif., control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City Municipal Airport (Lat. 43°09'30" N, Long. 93°20'05" W), and within 2 miles either side of the Mason City VORTAC 002° and 182° radials, extending from the 5-mile radius zone to 10 miles S of the VORTAC.

Massena, N. Y,
Within a 5-mile radius of Richards Field, Massena, N. Y., (Lat. 44°56'10" N, Long. 74°50'50" W).

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).

McAllen, Tex.
Within a 5-mile radius of Miller International Airport (Lat. 26°10'40" N, Long. 98°14'25" W); within 2 miles either side of the McAllen VOR 095° and 322° radial, extending from the 5-mile radius zone to 7 miles E and NW of the VOR, excluding the portion outside of the United States.

McComb, Miss.
Within a 5-mile radius of McComb-Pike County Airport and within 2 miles either side of the McComb VOR 074° and 254° radials, extending from the 5-mile radius zone to 10 miles E of the VOR.

McGrath, Alaska
Within a 5-mile radius of McGrath Airport (Lat. 62°57'05" N, Long. 155°36'10" W), and within 2 miles either side of the McGrath RR SE course, extending from the 5-mile radius to 12 miles SE of the RR.

Medford, Oreg.
Within a 5-mile radius of Medford Municipal Airport (Lat. 42°22'15" N, Long. 122°52'20" W).

Melbourne, Fla.
Within a 5-mile radius of Melbourne-Eau Gallie Airport, Melbourne, Fla., (Lat. 28°06'05" N, Long. 80° 38'10" W); within a 5-mile radius of the Patrick AFB, Cocoa, Fla., (Lat. 28°14'15" N, Long. 80°36'35" W), and within 2 miles either side of the Melbourne RR N course extending from the Melbourne 5-mile radius zone to 10 miles N of the RR.

Memphis, Tenn. (Municipal Airport)
Within a 5-mile radius of the Memphis Municipal Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis VORTAC 112° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Memphis VORTAC 284° radial, extending from the 5-mile radius zone to 6 miles W of the airport; and within 2 miles each side of the extended centerline of Runway 3, extending from the 5-mile radius zone to 5.5 miles NE of the airport; excluding the portion within a 1-mile radius of the Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

AMENDMENTS 9/19/63 28 F. R. 7707 (Rewritten);

Memphis, Tenn. (NAS Memphis)
Within a 5-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.); within 2 miles each side of the NAS Memphis TACAN 225° radial, extending from the 5-mile radius zone to 6 miles SW of the NAS; and within 2 miles each side of the NAS Memphis TACAN 035° radial, extending from the 5-mile radius zone to 7 miles NE of the NAS.

AMENDMENTS 9/19/63 28 F. R. 7707 (Rewritten);

PENDING AMENDMENT
Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45° 07' 25" N., longitude 87° 38' 20" W.) and within 2 miles either side of the Menominee VOR 351° radial, extending from the 5-mile radius zone to 8 miles north of the VOR from 0600 to 2100 hours local time, daily.
3/5/64 28 F. R. 14225 (Added);

Merced, Calif.
Within a 5-mile radius of Castle AFB, Merced, Calif., (Lat. 37°22'45" N, Long. 120°34'00" W); within a 5-mile radius of the Merced Airport, (Lat. 37°17'10" N, Long. 120°31'20" W); and within 2 miles either side of the Castle VOR 307° and 321° radials extending from the Merced 5-mile radius zone to the VOR, excluding the portion of the Merced 5-mile radius zone NE of a line 2 miles NE of and parallel to the Castle VOR 321° radial.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (Lat. 32°19'55" N, Long. 88°44'55" W); within 2 miles either side of the Meridian VORTAC 314° radial, extending from the 5-mile radius zone to 12 miles NW of the VORTAC and within 2 miles either side of the Meridian ILS localizer S course extending from the 5-mile radius zone to the OM.

Meridian, Miss. (NAAS Meridian)
Within an 8-mile radius of NAAS Meridian (Lat. 32°33'18" N, Long. 88°33'35" W), and within 2 miles either side of the NAAS Meridian TACAN 001° radial extending from the 8-mile radius zone to 7 miles N of the TACAN, excluding the portion more than 5 miles from the NAAS between the 200° and 260° bearings from the airport.

Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (Lat. 25°47'35" N, Long. 80°17'10" W); within 2 miles either side of the Miami runway 9-L ILS localizer W course extending from the 5-mile radius zone to the runway 9-L ILS OM; within 2 miles either side of the Miami runway 27-L ILS localizer E course extending from the 5-mile radius zone to the runway 27-L ILS OM, and within 2 miles either side of the Miami VORTAC 138° radial extending from the 5-mile radius zone to the VORTAC.

Miami, Fla. (NARF Miami)
Within a 5-mile radius of NARF Miami, Fla. (Opa Locka Airport), and within 2 miles either side of 101° bearing from the Miami RBN extending from the 5-mile radius zone to the RBN, excluding the portion within the Miami International Airport control zone.

Midland, Tex.
Within a 5-mile radius of Midland Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

AMENDMENTS 10/17/63 28 F. R. 9250 (Rewritten);

Midway Island
Within a 5-nmi radius of NAS Midway (Lat. 28°12'00" N, Long. 177°22'00" W).

Miles City, Mont.
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 2 miles each side of the 251° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the Miles City VORTAC 226° radial, extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

AMENDMENTS 10/17/63 28 F. R. 8446 (Rewritten);

Millinocket, Maine:
Within a 5-mile radius of Millinocket Municipal Airport (latitude 45° 38' 50" N., longitude 68°41'10" W.) and within 2 miles either side of the 080° bearing from the Millinocket RBN extending from the 5-mile radius zone to 10 miles E of the RBN.

AMENDMENTS 1/10/63 27 F.R 11938 (Rewritten);

Millville, N. J.
Within a 5-mile radius of Millville Airport (Lat. 39°22'00" N, Long. 75°04'45" W), excluding that area NE of a line 2 miles NE of and parallel to the 135° bearing from the Milville RR.

Milton, Fla.
Within a 5-mile radius of NAAS Whiting, (North), Milton, Fla., (Lat. 30°43'15" N, Long. 87°01'45" W); within 2 miles either side of the Whiting RR NW course, extending from the 5-mile radius zone to 12 miles NW of the RR and within 2 miles either side of the Whiting TACAN 309° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Milwaukee, Wis. (Timmerman Airport)
Within a 3-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'05" W.) and within 2 miles each side of the Timmerman VOR 337° radial, extending from the 3-mile radius zone to 7 miles NW of the VOR, effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 12/12/63 28 F. R. 9426 (Rewritten);

Milwaukee, Wis. (General Mitchell Field)
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.) and within 2 miles each side of the Milwaukee ILS localizer S course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 12/12/63 28 F. R. 9426 (Rewritten);

Minchumina, Alaska
Within a 5-mile radius of the Minchumina Airport (Lat. 63°52'55" N, Long. 152°18'39" W) and within 2 miles either side of the Minchumina RR SE course, extending from the 5-mile radius zone to 12 miles SE of the RR.

Mineral Wells, Tex.
That airspace beginning at Lat. 32°47'40" N, Long. 97°58'30" W, extending clockwise along the arc of a 5-mile radius circle centered at the Mineral Wells Airport to a line 2 miles NE of and parallel to the Mineral Wells VORTAC 319° radial, thence SE along this parallel line to and including a 3-mile radius of the Mineral Wells Airport, thence clockwise to Lat. 32°47'40" N, thence E along this Lat. to point of beginning; within 2 miles either side of the Mineral Wells VORTAC 319° and 139° radials, extending from the 5-mile radius zone to 10 miles SE of the VORTAC.

Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93° 13'15" W.); within 2 miles either side of the Minneapolis ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM, and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to 17 miles NW of the airport.

AMENDMENTS 1/10/63 27 F.R 11499 (Rewritten);

Minneapolis, Minn., (Crystal Airport)
Within a 3-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'26" W.), and within 2 miles each side of the Minneapolis VORTAC 169° radial extending from the 3-mile radius zone to 5 miles N. of the airport, from 0600 to 2200 hours, local time, daily.

AMENDMENTS 5/2/63 28 F.R 3202 (Added);

Minneapolis, Minn., (Flying Cloud Airport)
Within a 3-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'25" W.), and within 2 miles each side of the Flying Cloud VOR 292° radial extending from the 3-mile radius zone to 7 miles W. of the VOR, from 0600 to 2200 hours, local time, daily.

AMENDMENTS 5/2/63 28 F.R. 3202 (Added);

Minot, N. Dak. (Minot International Airport)
Within a 5-mile radius of Minot International Airport (Lat. 48°15'45" N, Long. 101°16'50" W); within 2 miles either side of the Minot RR SE course extending from the 5-mile radius zone to 12 miles SE of the RR and within 2 miles either side of the Minot VOR 254° and 074° radials extending from the 5-mile radius zone to 12 miles NE of the VOR.

Minot, N. Dak. (Minot AFB)
Within a 5-mile radius of the Minot AFB (Lat. 48°25'18" N, Long. 101°22'08" W) and within 2 miles either side of the Minot AFB ILS localizer SE course extending from the 5-mile radius zone to the OM.

PENDING AMENDMENT
In Minot, N. Dak. (Minot AFB), "The portion of this control zone within R-5403 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 3 (Changed);

Miramar, Calif.
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

Missoula, Mont.
Within a 5-mile radius of Missoula County Airport (Lat. 46°55'00" N, Long. 114°05'15" W).

Mobile, Ala.(Bates Field)
Within a 5-mile radius of Bates Field (Lat. 30°41'15" N, Long. 88°14'25" W) and within 2 miles either side of the Mobile VORTAC 112° and 292° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

Mobile, Ala. (Brookley AFB)
Within a 5-mile radius of Brookley AFB (Lat. 30°37'40" N, Long. 88°04'15" W), and within 2 miles either side of the Brookley VORTAC 150° radial extending from the 5-mile radius zone to 8 miles SE of the VORTAC.

Modesto, Calif.
Within a 5-mile radius of Modesto City-County Airport (latitude 37°37'35" N., longitude 120°57'15" W.), within 2 miles each side of the Modesto VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, and within 2 miles each side of the Modesto VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding the portion within R-2514. This control zone is effective from 0630 to 1900 hours, local time, daily.

AMENDMENTS 8/22/63 28 F.R. 4700 (Added);

Moline, Ill.
Within a 5-mile radius of Quad City Airport, Moline, Ill., (Lat. 41°26'54" N, Long. 90°30'30" W); within 2 miles either side of the Quad City ILS localizer W course extending from the 5-mile radius zone to 12 miles W of the OM, and within 2 miles either side of the Quad City ILS localizer E course extending from the 5-mile radius zone to 12 miles E of the INT of the localizer E course and the Cordova, Ill., VOR 199° radial.

PENDING AMENDMENT
Moline, Ill.
Within a 5-mile radius of the Quad City Airport (latitude 41° 26' 55" N., longitude 90° 30' 30" W.), within 2 miles each side of the Quad City ILS localizer W course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Quad City ILS localizer E course, extending from the 5-mile radius zone to the INT of the Quad City ILS localizer E course and the Cordova, Ill., 199° radial.
4/30/64 28 F. R. 13864 (Rewritten);

Monroe, La.
Within a 5-mile radius of Selman Airport, Monroe, La., (Lat. 32°30'28" N, Long. 92°02'20" W), and within 2 miles either side of the Monroe VORTAC 041° and 221° radials extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Monterey, Calif.
Within a 5-mile radius of Monterey Peninsula Airport (latitude 36°35'22" N., longitude 121°51'02" W.) and within 2 miles either side of the 317° bearing from the Monterey ILS MM compass locator extending from the 5-mile radius zone to 7 miles NW of the compass locator, excluding the portion subtended by a chord drawn between the points of INT of the Monterey 5-mile radius zone with the Fort Ord, Calif. (Fritzsche AAF), 5-mile radius control zone. The airspace within R-2511 and R-2529 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/10/63 27 F.R. 11532 (Rewritten); 12/12/63 28 F. R. 11615 (Changed);

Montgomery, Ala.
Within a 5-mile radius of Dannelly Field, Montgomery, Ala., (Lat. 32°17'55" N, Long. 86°23'50" W); within a 5-mile radius of Maxwell AFB, Montgomery, Ala., (Lat. 32°22'45" N, Long. 86°21'40" W); within 2 miles either side of the Dannelly Field ILS localizer W course extending from the Dannelly Field 5-mile radius zone to the OM; within 2 miles either side of the Montgomery VORTAC 321° radial extending from the Dannelly Field 5-mile radius zone to the VORTAC; within 2 miles either side of the 149° bearing from the Prattville, Ala., RBN extending from the Maxwell AFB 5-mile radius zone to the RBN, and within 2 miles either side of the 171° bearing from the Prattville RBN extending from the Maxwell AFB 5-mile radius zone to the RBN.

Montpelier, Vt.
Within a 5-mile radius of Barre-Montpelier Airport (Lat. 44°12'15" N, Long. 72°33'45" W) and within 2 miles either side of the 034° bearing from the airport extending from the 5-mile radius zone to 13 miles NE of the airport.

Morgantown, W. Va.
Within a 5-mile radius of Morgantown Airport (Lat. 38°38'25" N, Long. 79°55'00" W), and within 2 miles each side of the 135° and 315° bearings from the Morgantown RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN.

AMENDMENTS 8/22/63 28 F. R. 8447 (Changed);

Morristown, N. J.
Within a 5-mile radius of the Morristown Airport (latitude 40°47'50" N., longitude 74°25'05" W.) and within 2 miles either side of the 227° bearing from the Chatham, N. J., RBN extending from the 5-mile radius zone to 7 miles SW of the RBN from 0700 to 2300 hours local time, daily, excluding the portion within a 1-mile radius of the Hanover Airport, Hanover, N. J. (latitude 40°50'20" N., longitude 74°20'45" W.).

AMENDMENTS 12/12/62 27 F.R. 12440 (Added);

Moses Lake, Wash.
Within a 5-mile radius of Larson AFB, Moses Lake, Wash., and within 2 miles W of and 1.5 miles E of the 161° bearing from Larson AFB extending from the 5-mile radius zone to the Larson LOM.

Moses Point, Alaska
Within a 5-mile radius of the Moses Point Airport (Lat. 64°41'49" N, Long. 162°02'42" W), and within 2 miles either side of the Moses Point RR E course extending from the 5-mile radius zone to 12 miles E of the RR.

Mountain Home, Idaho
Within a 5-mile radius of the Mountain Home AFB (Lat. 43°02'35" N, Long. 115°52'05" W), and within 2 miles either side of the 136° and 316° bearings from the AFB extending from the 5-mile radius zone to 8 miles NW and SE of the RR.

Mountain View, Calif. (NAS Moffett)
Within a 5-mile radius of NAS Moffett Field (latitude 37°24'55" N., longitude 122°02'30" W.); within a 1-mile radius of San Mateo County Airport of Palo Alto, Calif. (latitude 37°27'40" N., longitude 122°06'50" W.); within 2 miles either side of the Moffett TACAN 157° radial extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles either side of the San Jose VOR 325° radial extending from the VOR to 7 miles NW of the VOR; excluding the portion SE of a line from latitude 37°25'45" N., longitude 121° 56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

AMENDMENTS 5/2/63 28 F.R. 2166 (Rewritten);

Mt. Clemens, Mich.
Within a 5-mile radius of Selfridge AFB, Mt. Clemens, Mich.) (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 2 miles each side of the Selfridge AFB ILS localizer N and S courses, extending from the 5-mile radius zone to 8 miles N and 8 miles S of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN. The portion within R-4203 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/7/63 28 F.R. 908 (Rewritten); 1/9/64 28 F. R. 12203 (Rewritten);

Muncie, Ind.
Within a 3-mile radius of the Delaware County Airport, Muncie, Ind. (latitude 40°14'26" N., longitude 85°23'43" W.), from 0700 to 2800 hours local time, daily.

AMENDMENTS Eff. date 5/2/63 28 F. R. 2231 (Added); extended to 9/19/63 28 F. R 2979)

Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (Lat. 34°44'45" N, Long. 87°36'35" W) and within 2 miles either side of the Muscle Shoals VOR 112° and 292° radials extending from the 5-mile radius zone to 12 miles SE of the VOR.

Muskegon, Mich.
Within a 5-mile radius of Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) and within 2 miles each side of the Muskegon VORTAC 271° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 5/2/63 28 F.R. 4164 (Rewritten);

Myrtle Beach, S. C.
Within a 5-mile radius of Myrtle Beach AFB (latitude 33°40'50" N., longitude 78°55'40" W.); within 2 miles either side of the Myrtle Beach VOR 039° radial extending from the 5-mile radius zone to 10 miles NE of the VOR, and within 2 miles either side of a line between the Myrtle Beach AFB and the Conway RBN.

AMENDMENTS 12/12/62 27 F.R. 12211 (Rewritten);

Nantucket, Mass.
Within a 5-mile radius of Nantucket Memorial Airport and within 2 miles either side of the Nantucket VORTAC 045° radial extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

Nashville, Tenn.
Within a 5-mile radius of Nashville Municipal Airport (Berry Field) (Lat. 36°07'36" N, Long. 86°40' 58" W); within 2 miles either side of the 069° bearing from the Nashville RBN extending from the 5-mile radius zone to 12 miles NE of the RBN; within 2 miles either side of the Nashville VORTAC 304° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the 018° bearing from the Nashville ILS LOM extending from the 5 mile radius zone to the OM.

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.), and within 2 miles each side of the Needles VORTAC 272° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 6914 (Rewritten);

Newark, N. J.
Within a 5-mile radius of Newark Airport (Lat. 40°41'35" N, Long. 74°10'15" W) including the area between tangent lines extending from the Newark 5-mile radius zone to but not including the Teterboro, N. J., 5-mile radius zone; within 2 miles either side of the Newark ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM.

Nenana, Alaska
Within a 5-mile radius of Nenana FAA Airport (Lat. 64°32'50" N, Long. 149°04'35" W).

New Bedford, Mass.
Within a 5-mile radius of New Bedford Municipal Airport and within 2 miles either side of the New Bedford ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the localizer.

New Bern, N. C.
Within a 5-mile radius of Simmons-Nott Airport, New Bern, S. C.,(Lat. 35°04'20" N, Long. 77°02'35" W) and within 2 miles either side of the New Bern VOR 221° radial extending from the 5-mile radius zone to 12 miles SW of the VOR.

Newburgh, N. Y.
Within a 5-mile radius of Stewart AFB, Newburgh, N. Y., and within 2 miles either side of the extended centerline of runway 9 extending from the 5-mile radius zone to 5 miles W of the OM.

New Iberia, La.
Within a 5-mile radius of NAAS New Iberia (Lat. 30°02'15" N, Long. 91°53'02" W); within 2 miles either side of the New Iberia TACAN 158° radial extending from the 5-mile radius zone to 10 miles SE of the TACAN, and excluding the portion within the Lafayette, La., control zone.

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.), excluding the portion W of longitude 90°04'03" W.

AMENDMENTS On publ: 5/8/63 28 F.R. 4611 (Rewritten);

New Orleans, La. (New Orleans International Airport-Moisant Field)
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the OM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC; within 2 miles each side of the 093° bearing from the New Orleans RBN extending from the 5-mile radius zone to 8 miles E of the RBN; and within 2 miles each side of the 072° bearing from the New Orleans RBN extending from the RBN to 8 miles E of the RBN, excluding the portions E of longitude 90°04'03" W.

AMENDMENTS On publ: 5/8/63 28 F.R. 4611 (Rewritten);

New Orleans, La. (NAS New Orleans-Alvin Callender Field).
Within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29° 49' 40" N., longitude 90° 01' 25" W.); within 2 miles each side of the Navy New Orleans RBN 241° bearing, extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Navy New Orleans RBN 131° bearing, extending from the 5-mile radius zone to 8 miles SE of the RBN.

AMENDMENTS 1/9/64 28 F. R. 11613 (Rewritten);

Newport News, Va.
Within a 5-mile radius of Patrick Henry Airport, Newport News, Va., (Lat. 37°07'47" N, Long. 76°29' 46" W); within 2 miles either side of the Patrick Henry Airport ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM and within a 5-mile radius of the Felker AAF, Newport News, Va., (Lat. 37°07'55" N, Long. 76°36'30" W), excluding the portion within the Hampton Roads, Va. (Langley AFB), control zone.

New York, N. Y. (La Guardia Field)
Within a 5-mile radius of La Guardia Field (latitude 40°46'29" N., longitude 73°52'20" W.) and within 2 miles either side of the 031° bearing from latitude 40°49'14" N., longitude 73°50'38" W., extending from the 5-mile radius zone to 5.5 miles NE of latitude 40°49'14" N., longitude 73°50'38" W.

AMENDMENTS Eff. On Publ. 1/9/63 28 F.R. 212 (Rewritten);

New York, N. Y. (International Airport)
Within a 5-mile radius of New York International Airport (Lat. 40°38'29" N, Long. 73°46'41" W); within a 5-mile radius of NAS New York, N. Y., (Lat. 40°35'40" N, Long. 73°53'30" W); within 2 miles either side of the 121° bearing from the Idlewild RBN extending from the RBN to 10 miles SE of the RBN; within 2 miles either side of the 211° bearing from the Idlewild RBN extending from the New York International 5-mile radius zone to 19 miles SW of the RBN; and within 2 miles either side of the 010° bearing from the Scotland, N. J., RBN extending from the NAS New York 5-mile radius zone to the RBN.

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls Municipal Airport (latitude 43° 06' 20" N., longitude 78° 56' 55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

AMENDMENTS 1/9/64 28 F. R. 12340 (Rewritten);

Nome, Alaska
Within a 5-mile radius of Nome FAA Airport (Lat. 64°30'42" N, Long. 165°26'28" W), and within 2 miles either side of the Nome RR E course extending from the 5-mile radius zone to 12 miles E of the RR.

Norfolk, Va. (Norfolk Municipal)
Within a 5-mile radius of Norfolk Municipal Airport (Lat. 36°53'45" N, Long. 76°12'15" W), including the airspace bounded by a line 2 miles NW and parallel to the Norfolk VORTAC 221° radial and a line 2 miles SE and parallel to the Norfolk ILS SW course extending from the 5-mile radius zone to a point 6 miles SW of the OM.

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of NAS Norfolk and within 2.5 miles either side of the Navy Norfolk RR W course extending from the 5-mile radius zone to 2.5 miles W of the Eclipse FM, excluding the portion within the Norfolk Municipal Airport control zone.

North, S. C.
Within an 8-mile radius of North AFAF and within 2 miles either side of a 233° bearing from the airport extending from the 5-mile radius zone to 10 miles SW of the airport.

North Bend, Oreg.
Within a 5-mile radius of North Bend Airport (Lat. 43°25'00" N, Long. 124°14'45" W).

North Philadelphia, Pa.
Within a 5-mile radius of North Philadelphia Airport (Lat. 40°04'45" N, Long. 75°00'35" W); within 2 miles either side of the North Philadelphia VOR 039° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR, and within 2 miles either side of the 048° bearing from Lat. 40°06'47" N, Long. 74° 58'04" W, extending from the 5-mile radius zone to 12 miles NE of Lat. 40°06'47" N, Long. 74°58'04" W, excluding the portion within the Willow Grove, Pa., control zone.

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Municipal Airport, North Platte, Nebr. (latitude 41°07'35" N., longitude 100° 41'50" W.); within 2 miles either side of the 179° bearing from the North Platte RBN extending from the 5-mile radius zone to 10 miles S of the RBN, and within 2 miles either side of the North Platte VORTAC 030° and 210° radials extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

AMENDMENTS 12/12/62 27 F.R. 12441 (Rewritten);

Northway, Alaska
Within a 5-mile radius of the Northway Airport (Lat. 62°57'43" N, Long. 141°55'27" W) and within 2 miles either side of the Northway RR NW course extending from the 5-mile radius zone to 12 miles NW of the RR.

Oakland, Calif.
Within a 5-mile radius of Oakland International Airport (Lat. 37°43'25" N, Long. 122°12'56" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda control zone.

Oceana, Va.
Within a 5-mile radius of NAS Oceana, and within 3.5 miles either side of a 218° bearing from NAS Oceana extending from the 5-mile radius zone to 10 miles SW of the airport, excluding the portion within R-6606.

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), and within 2 miles each side of the Ogden VORTAC 345° and 166° radials, extending from 10 miles N of the VORTAC to the Layton, Utah, FM, excluding the portion which coincides with the (Ogden Municipal Airport) control zone.

AMENDMENTS 10/17/63 28 F. R. 9285 (Added);

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), and within 2 miles each side of the Ogden VORTAC 345° and 166° radials, extending from 10 miles N of the VORTAC to the Layton, Utah, FM, excluding the portion S of a line extending from latitude 41°08'00" N., longitude 112°06'15" W., to latitude 41°10'45" N., longitude 111°55'02" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 10/17/63 28 F. R. 9285 (Rewritten);

Oklahoma City, Okla. (Tinker AFB)
Within a 5-mile radius of Tinker AFB (Lat. 35°25'37" N, Long. 97°23'11" W); the airspace from 2 miles W of the Tinker AFB VOR 360° radial to 2 miles E of the Tinker AFB TACAN 006° radial extending from the 5-mile radius zone to 13 miles N of the VOR, and from 2 miles W of the Tinker AFB VOR 180° radial to 2 miles E of the Tinker AFB TACAN 175° radial extending from the 5-mile radius zone to 12 miles S of the VOR.

Oklahoma City, Okla. (Will Rogers Field)
Within a 5-mile radius of Will Rogers Field, Oklahoma City, Okla., (Lat. 35°23'43" N, Long. 97°36' 31" W); within 2 miles either side of the ILS localizer N course extending from the 5-mile radius zone to the Tulakes, Okla., RBN; within 2 miles either side of the ILS localizer S course extending from the 5-mile radius zone to the ILS OM; within 2 miles SW and 3 miles NE of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC, and within a 5-mile radius of Wiley Post Airport, Oklahoma City, Okla. (Lat. 35°31'45" N, Long. 97°38'30" W); including the airspace within 2 miles either side of the Oklahoma City VORTAC 050° radial extending from the 5-mile radius zone to the VORTAC.

Olathe, Kans.
Within a 5-mile radius of NAS Olathe (Lat. 38°50'00" N, Long. 94°53'30" W); within 2 miles either side of of the 180° bearing from the Olathe RBN extending from the 5-mile radius zone to 12 miles S of the RBN, and within 2 miles either side of the Olathe Navy TACAN 353°, 038°, 188° and 233° radials extending from the 5-mile radius zone to 6 miles N, NE, S and SW of the TACAN.

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'30" N., longitude 122°54'00" W.); within 2 miles either side of the Olympia VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR and within 2 miles either side of the Olympia VOR 187° radial extending from the 5-mile radius zone to 8 miles S of the VOR.

AMENDMENTS 5/2/63 28 F.R 1718 (Added).

Omaha, Nebr. (Eppley Field)
Within a 5-mile radius of Eppley Field (Lat. 41°18'00" N, Long. 95°53'35" W), and within 2 miles either side of the Eppley Field ILS localizer NW course, extending from the 5-mile radius zone to 10 miles NW of the localizer.

Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt AFB (Lat. 41°07'20" N, Long. 95°34'35" W), and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., RBN extending from the Offutt AFB to 10 miles SW of Offutt AFB and within 2 miles either side of the Omaha VORTAC 072° and 252° radials extending from the Offutt AFB 5-mile radius zone to 2 miles NE of the VORTAC.

Ontario, Calif.,
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.), and within 2 miles on each side of the ILS localizer E course extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of the Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

AMENDMENTS 5/2/63 28 F.R 4124 (Rewritten);

Orlando, Fla.
Within a 5-mile radius of Orlando Municipal Airport (Lat. 28°32'40" N, Long. 81°19'55" W); within a 5-mile radius of McCoy AFB, Orlando, Fla., (Lat. 28°25'55" N, Long. 81°19'15" W), and within 2 miles either side of a 001° bearing from the McCoy AFB extending from the 5-mile radius zone to 10 miles S of the AFB.

Oscoda, Mich.
Within a 10-mile radius of Wurtsmith AFB, Oscoda, Mich.; within 5 miles either side of the Wurtsmith AFB ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the LOM. The portion of this control zone within R-4204 shall be used only after obtaining prior approval from the appropriate authority.

Oshkosh, Wis.
Within a 5-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33' 15" W.); within 2 miles each side of the Oshkosh VOR 176° radial, extending from the 5-mile radius zone to 7 miles S of the VOR, and within 2 miles each side of the Oshkosh ILS localizer W course, extending from the 5-mile radius zone to 5.5 miles W of the W end of Runway 9, from 0700 to 2300 hours, local time, daily.

AMENDMENTS 12/12/63 28 F. R. 8447 (Rewritten);

Ottumwa, Iowa
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'30" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

Oxnard, Calif. (Oxnard AFB)
Within a 5-mile radius of Oxnard AFB (Lat. 34°12'50" N, Long. 119°05'15" W), excluding the portion W of a line from Lat. 34°15'35" N, Long. 119°09'15" W to Lat. 34°09'10" N, Long. 119°08'05" W.

Oxnard, Calif. (Ventura County Airport)
Within a 5-mile radius of Ventura County Airport (Lat. 34°12'02" N, Long. 119°12'10" W), excluding the portion S of a line from Lat. 34°15'35" N, Long. 119°09'15" W to Lat. 34°09'10" N, Long. 119°08'05" W. The portion of this control zone within R-2527 shall be used only after obtaining prior approval from appropriate authority.

Paducah, Ky.
Within a 5-mile radius of Barkley Field, Paducah, Ky. (Lat. 37°03'40" N, Long. 88°46'20" W), and within 2 miles either side of a 220° bearing from the airport extending from the 5-mile radius zone to 10 miles SW of the airport.

Palacious, Tex.
Within a 5-mile radius of Palacios Airport (Lat. 38°43'35" N, Long. 96°15'15" W) and within 2 miles either side of the Palacios VOR 305° and 125° radials extending from the 5-mile radius zone to 10 miles NW of the VOR.

Palmdale, Calif.
Within a 5-mile radius of AF Plant No. 42, Palmdale, Calif., (Lat. 34°37'45" N, Long. 118°04'54" W), and within 2 miles either side of the Palmdale VOR 232° radial extending from the 5-mile radius zone to the VOR

Panama City, Fla. (Tyndall AFB)
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.), within 2 miles either side of the Tyndall AFB TACAN 308° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; within 2 miles either side of the 315° True bearing from the Tyndall RBN extending from the 5-mile radius zone to the RBN, and within 2 miles either side of the Tyndall VOR 313° radial extending from the 5-mile radius zone to the VOR, excluding the portion within the Panama City, Fla., Restricted Area R-2912C.

AMENDMENTS 4/4/63 28 F.R. 2092 (Added);

Parkersburg, W. Va.
Within a 5-mile radius of Wood County Airport, Parkersburg, W. Va., and within 2 miles either side of the Parkersburg VOR 029° and 209° radials extending from the 5-mile radius zone to 10 miles NE of the VOR.

Pasco, Wash.
Within a 5-mile radius of Pasco Airport (latitude 46°15'50" N., longitude 119°06'55" W.); within 2 miles on each side of the Pasco VOR 036° radial extending from the 5-mile radius zone to 8 miles NE of the VOR and within 2 miles on each side of the Pasco VOR 132° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, excluding the portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective from 0700 to 2100 hours, local time, daily.

AMENDMENTS 6/27/63 28 F. R. 4126 (Added);

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

AMENDMENTS 9/19/63 28 F. R. 7670 (Rewritten);

Pellston, Mich.
Within a 5-mile radius of Emmet County Airport, Pellston, Mich. (latitude 45°34'40" N., longitude 84°47'40" W.); within 2 miles each side of the 132° bearing from the Pellston RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles each side of the Pellston VOR 240° radial, extending from the 5-mile radius zone to the VOR.

AMENDMENTS 12/12/63 28 F. R. 9284 (Rewritten);

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'50" N., longitude 118°50'20" W.) and within 2 miles either side of the Pendleton RR NE course extending from the 5-mile radius zone to 8 miles NE of the RR

AMENDMENTS 1/10/63 27 F.R. 11532 (Rewritten);

Pensacola, Fla. (Pensacola Municipal)
Within a 5-mile radius of Pensacola Municipal Airport (Lat. 30°28'30" N, Long. 87°11'20" W); within 2 miles either side of the 166° bearing from the Pensacola RBN extending from the 5-mile radius zone to 10 miles S of the RBN, and within 2 miles either side of the Pensacola ILS localizer NW course extending from the 5-mile radius zone to 15 miles NW of the localizer.

Pensacola, Fla. (NAAS Saufley Field)
Within a 5-mile radius of NAAS Saufley Field, excluding the portion within the Pensacola Municipal Airport control zone.

Pensacola, Fla. (Forrest Sherman Field)
Within a 5-mile radius of Forrest Sherman Field (Lat. 30°21'15" N, Long. 87°19'00" W).

Peoria, Ill.
Within a 5-mile radius of Greater Peoria Airport (Lat. 40°39'45" N, Long. 89°41'35" W); within 2 miles either side of the Peoria VORTAC 102° and 282° radials extending from the 5-mile radius zone to 12 miles W of the VORTAC, and within 2 miles either side of the Greater Peoria Airport ILS localizer SE course extending from the 5-mile radius zone to the OM.

AMENDMENTS 8/22/63 28 F. R. 7218 (Changed);

Peru, Ind.
Within a 5-mile radius of Bunker Hill AFB, Peru, Ind., (Lat. 40°39'38" N, Long. 86°08'31" W); within 2 miles either side of the Bunker Hill AFB VOR 042°, 226° and 231° radials extending from the 5-mile radius zone to 12 miles NE and SW of the VOR; within 2 miles either side of the Bunker Hill AFB TACAN 220° radial extending from the 5-mile radius zone to 10 miles SW of the TACAN; within a 5-mile radius of Kokomo, Ind., Municipal Airport (Lat. 40°31'43" N, Long. 86°03'33" W); and within 2 miles either side of the Kokomo VOR, 131° radial extending from the Kokomo 5-mile radius zone to 12 miles SE of the VOR.

Philadelphia, Pa.
Within a 5-mile radius of Philadelphia International Airport (Lat. 39°52'31" N, Long. 75°14'20" W), and within 2 miles either side of the Philadelphis ILS localizer W course extending from the 5-mile radius zone to the OM.

Philipsburg, Pa.
Within a 5-mile radius of Black Moshannon State Airport (Lat. 40°53'05" N, Long. 78°05'15" W).

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport, Phoenix, Ariz., (latitude 33°26'10" N., longitude 112°00'45" W.) and within 2 miles either side of the Phoenix VORTAC 270° radial extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 12/12/62 27 F.R. 12441 (Rewritten);

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (Lat. 33°32'05" N, Long. 112°22'55" W).

Pierre, S. Dak.
Within a 5-mile radius of Pierre Airport; within 2 miles either side of the Pierre RR E course extending from the 5-mile radius zone to 12 miles E of the RR and within 2 miles either side of the 260° and 80° radials of the Pierre VOR 260° and 080° radials extending from the 5-mile radius zone to 12 miles NE of the VOR.

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of Allegheny County Airport (latitude 40°21'15" N., longitude 79°55'40" W.); within 2 miles each side of the 257° bearing from the Pittsburgh RBN, extending from the 5-mile radius zone to 6 miles W of the RBN, and within 2 miles each side of the Pittsburgh VORTAC 047° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 7825 (Rewritten);

Pittsburgh, Pa. (Greater Pittsburgh)
Within a 5-mile radius of the Greater Pittsburgh Airport (Lat. 40°29'30" N, Long. 80°13'25" W); within 2 miles either side of the 099° bearing from the airport extending from the 5-mile radius zone to 10 miles E of the OM, and within 2 miles either side of the 270° bearing from the airport extending from the 5-mile radius zone to 10 miles W of the Clinton, Pa., RBN.

PENDING AMENDMENT

Pittsburgh, Pa. (Greater Pittsburgh)
Within a 6-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within 2 miles each side of the Runway 10-L-ILS localizer W course, extending from the 6-mile radius zone to the OM; within 2 miles each side of the Imperial, Pa., VORTAC 292° radial, extending from the 6-mile radius zone to 8 miles W of the VORTAC, and within 2 miles S and 3 miles N of the Runway 28-L-ILS localizer E course, extending from the 6-mile radius zone to the OM.

2/6/64 28 F. R. 12339 (Rewritten);

Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

AMENDMENTS 5/2/63 28 F.R 2269 (Rewritten); 1/9/64 28 F. R. 12084 (Rewritten);

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Plattsburgh Municipal Airport (lat. 44°41'10" N, Long. 73°31'10" W); within 2 miles either side of the Plattsburgh AFB TACAN 338° radial extending from the Plattsburgh Municipal Airport 5-mile radius zone to 12 miles N of the TACAN, and within 2 miles either side of the Plattsburgh VOR 213° radial extending from the Plattsburgh Municipal Airport 5-mile radius zone to the VOR.

Pine Bluff, Ark.
Within a 3-mile radius of Grider Field, Pine Bluff, Ark.; within 2 miles either side of a 177° bearing from the Pine Bluff RBN extending from the 5-mile radius zone to 5 miles S of the RBN, and within 2 miles either side of the Pine Bluff VOR 186° and 006° radials extending from the 5-mile radius zone to 5 miles N of the VOR.

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport; within 2 miles either side of the Pocatello RR W course extending from the 5-mile radius zone to 10 miles W of the RR, and within 2 miles either side of a 045° bearing from Pocatello Municipal Airport extending from the 5-mile radius zone to 10 miles NE of the airport.

Ponca City, Okla.
Within a 10-mile radius of Ponca City Municipal Airport.

Pontiac, Mich.
Within a 5-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.), within 2 miles each side of the Pontiac VOR 116° and 271° radials, extending from the 5-mile radius zone to 8 miles W of the VOR, effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 12/12/63 28 F. R. 9426 (Rewritten);

Portland, Maine
Within a 5-mile radius of Portland Municipal Airport (Lat. 43°38'50" N, Long. 70°18'28" W) and within 2 miles either side of the Portland ILS localizer W course extending from the 5-mile radius zone to 5 miles W of the OM.

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (Lat. 45°35'20" N, Long. 122°35'35" W).

Portsmouth, N. H.
Within a 6-mile radius of Pease AFB, Portsmouth, N. H., and within 2 miles either side of a 144° bearing from the AFB extending from the 5-mile radius zone to 10 miles SE of the OM.

Poughkeepsie, N. Y.
Within a 5-mile radius of Dutchess County Airport, Poughkeepsie, N. Y. (Lat. 41°37'40" N, Long. 73°53'00" W).

Prescott, Ariz.
Within a 5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

AMENDMENTS 6/27/63 28 F. R. 4125 (Changed); 9/19/63 28 F. R. 7901 (Rewritten);

Presque Isle, Maine
Within a 5-mile radius of Presque Isle Airport (Lat. 46°41'30" N, Long. 68°02'30" W); within 5 miles either side of a 167° bearing from the airport extending from the 5-mile radius zone to 13.7 miles S of the airport.

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W), and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

Pueblo, Colo.
Within a 5-mile radius of Pueblo Memorial Airport (Lat. 38°17'30" N, Long. 104°30'00" W); within 2 miles either side of the Pueblo VORTAC 081° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC and within 2 miles either side of the Pueblo ILS localizer E course extending from the 5-mile radius zone to 11 miles E of the localizer.

Quantico, Va.
Within a 5-mile radius of MCAS Quantico (Lat. 38°30'10" N, Long. 77°18'20" W).

Quincy, Ill.
Within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), and within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 11/14/63 28 F. R. 9284 (Rewritten);

Quonset Point, R. I.
Within a 5-mile radius of NAS Quonset Point (Lat. 41°35'55" N, Long. 71°24'50" W); within 2 miles either side of the Navy Quonset VOR 146° radial extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles either side of the Navy Quonset TACAN 150° radial extending from the 5-mile radius zone to 9 miles SE of the TACAN, excluding the portion within the Providence R. I., control zone.

Raleigh, N. C.
Within a 5-mile radius of Raleigh-Durham Airport (Lat. 35°52'15" N, Long. 78°47'10" W) and within 2 miles either side of the Raleigh-Durham ILS localizer SW course extending from the 5-mile radius zone to the OM.

Rantoul, Ill.,
Within a 5-mile radius of Chanute AFB, Rantoul, Ill., (Lat. 40°17'40" N, Long. 88°08'20" W), and within 2 miles either side of the Chanute VOR 270° and 090° radials extending from the 5-mile radius zone to 12 miles E of the VOR.

Rapid City, S. Dak.
Within a 5-mile radius of Ellsworth AFB, Rapid City, S. Dak., (Lat. 44°08'40" N, Long. 103°06'10" W); within 2 miles either side of the extended centerline of the Ellsworth AFB runway 30 extending from the 5-mile radius zone to 17 miles SE of the approach end of runway 30; within a 5-mile radius of the Rapid City Municipal Airport (Lat. 44°02'35" N, Long. 103°03'30" W), and within 2 miles either side of the Rapid City VORTAC 335° and 155° radials extending from the 5-mile radius zone to 10 miles SE of the VORTAC.

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41° 48' 15" N., longitude 107° 12' 05" W.).

AMENDMENTS 1/9/64 28 F. R. 11615 (Rewritten);

Reading, Pa.
Within a 5-mile radius of General Carl A. Spartz Airport, Reading, Pa. (Lat. 40°22'40" N, Long. 78°58'00" W).

NAAS Ream Field, Calif.
Within a 3-mile radius of NAAS Ream Field (Lat. 32°34'00" N, Long. 117°06'50" W), and the airspace W of Ream Field within the arc of a 6-mile radius circle centered on the Ream Field TACAN extending counterclockwise from a line 2 miles N of and parallel to the Ream Field TACAN 286° radial to the United States/Mexican Flight Information Region boundary, excluding the portion within the San Diego, Calif., control zone, and the portion under the jurisdiction of Mexico.

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles each side of the Redding VOR 186° radial, extending from the 5-mile radius zone to 8 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch (latitude 40°30'00" N., longitude 122°22'35" W.). This control zone is effective from 0600 to 2100 hours, local time, Monday through Saturday and from 1100 to 2100 hours, local time, Sunday.

AMENDMENTS 6/27/63 28 F. R. 4611 (Added);
PENDING AMENDMENT
Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius zone to 8 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.). This control zone is effective from 0600 to 2100 hours, Monday through Saturday and from 1100 to 2100 hours, Sunday.
2/6/64 28 F. R. 12925 (Rewritten);

Red Bluff, Calif.
Within a 5-mile radius of Red Bluff Municipal (Bidwell Field) (Lat. 40°09'15" N, Long. 122°14'50" W).
PENDING AMENDMENT
Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif., (latitude 40° 09' 15" N., longitude 122° 14' 50" W.), and within 2 miles W and 2.5 miles E of the Red Bluff VORTAC 163° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.
2/6/64 28 F. R. 12925 (Rewritten);

Redmond, Oreg.
Within a 5-mile radius of Roberts Field (Lat. 44°15'11" N, Long. 121°08'55" W) and within 2 miles either side of the Redmond VOR 090° radial extending from the 5-mile radius zone to the VOR.

Reno, Nev. (Reno Municipal Airport)
Within a 5-mile radius of Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.); within 2 miles each side of a 323° bearing from the Reno LMM, extending from the 5-mile radius zone to the arc of a 8-mile radius circle centered on Stead AFB (latitude 39°40'25" N., longitude 119°52'40" W.); within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno ILS localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport, excluding the portion within the Reno (Stead AFB) control zone.

AMENDMENTS 9/19/63 28 F.R. 7669 (Rewritten); (Amend. Alt. 28 F.R. 9523);

Reno, Nev. (Stead AFB)
Within a 5-mile radius of Stead AFB (latitude 39°40'25" N., longitude 119°52'40" W.), from 30 minutes prior to sunrise to 0000 hours, local time, daily.

AMENDMENTS 9/19/63 28 F. R. 7669 (Rewritten);

Renton, Wash.
That airspace bounded by a line beginning at Lat. 47°31'55" N, Long. 122°11'40" W, thence clockwise via the circumference of a 3 mile radius circle centered at Renton Airport (Lat. 47°29'35" N, Long. 122°12'50" W) to Lat. 47°27'00" N, Long. 122°11'50" W, to Lat. 47°28'20" N, Long. 122°13'50" W, to Lat. 47°30'45" N, Long. 122°13'50" W, to the point of beginning, from 0700 to 2300 hours local time, daily.

Richmond, Va.
Within a 5-mile radius of Byrd Field, Richmond, Va., (Lat. 37°30'20" N, Long. 77°18'30" W); within 2 miles either side of the 212° bearing from the Richmond RBN extending from the 5-mile radius zone to 9 miles SW of the RBN, within 2 miles either side of the Richmond ILS localizer SW and NE courses extending from the 5-mile radius zone to 10 miles SW of the OM and 10 miles NE of the MM.

AMENDMENTS 8/22/63 28 F. R. 8022 (Changed);

Riverside, Calif.
Within a 5-mile radius of March AFB, Riverside, Calif., and within 2 miles either side of a line extending from March AFB through the Riverside VOR to 5 miles SW of the VOR.

Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.); within 2 miles each side of the Riverton VOR 121° radial extending from the 5-mile radius zone to 8 miles SE of the VOR, and within 2 miles each side of the Riverton VOR 291° radial extending from the 5-mile radius zone to 8 miles NW of the VOR, from 0500 to 1700 hours, local time, daily.

AMENDMENTS 6/27/63 28 F. R. 4348 (Added);

Roanoke, Va.
Within a 5-mile radius of Woodrum Field, Roanoke, Va., (Lat. 37°19'30" N, Long. 79°58'35" W).

Rochester, Minn.
Within a 5-mile radius of Rochester Municipal Airport (Lat. 43°54'33" N, Long. 92°29'42" W); within 2 miles either side of the Rochester ILS localizer SE course extending from the 5-mile radius zone to the OM and within 2 miles either side of the Rochester VOR 030° radial extending from the 5-mile radius zone to the VOR.

Rochester, N. Y.
Within a 5-mile radius of Rochester-Monroe County Airport (Lat. 43°07'20" N, Long. 77°39'55" W); within 2 miles either side of the Rochester ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the OM, and within 2 miles either side of the Rochester VOR 171° and 278° radials extending from the 5-mile radius zone to 10 miles S of and W of the VOR.

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 12/12/63 28 F. R. 9424 (Rewritten);

Rocky Mount, N. C.
Within a 5-mile radius of Rocky Mount Airport and within 2 miles either side of the Rocky Mount VOR 263° and 083° radials extending from the 5-mile radius zone to 10 miles E of the VOR.

Rock Springs, Wyo.
Within a 5-mile radius of Rock Springs Municipal Airport (Lat. 41°35'45" N, Long. 109°04'00" W); within 2 miles each side of the 082° bearing from the Rock Springs RBN, extending from the 5-mile radius zone to the Point of Rocks FM and within 2 miles either side of the Rock Springs ILS localizer W course extending from the 5-mile radius zone to the Point of Rocks FM.

AMENDMENTS 8/22/63 28 F. R. 9250 (Changed);
PENDING AMENDMENT
Rock Springs, Wyo.
Within a 5-mile radius of Rock Springs Municipal Airport (latitude 41° 35' 45" N., longitude 109° 04' 00" W.); within 2 miles each side of the Rock Springs ILS localizer E course, extending from the 5-mile radius zone to 6 miles E of the OM, and within 2 miles each side of the Rock Springs VORTAC 097° radial, extending from the 5-mile radius zone to 4 miles E of the VORTAC.
2/6/64 28 F. R. 13358 (Rewritten);

Rome, N. Y.
Within a 5-mile radius of Griffiss AFB, Rome, N. Y., (Lat. 43°14'10" N, Long. 75°24'25" W).

Roosevelt Roads, Puerto Rico
Within a 5-mile radius of NAS Roosevelt Roads (Lat. 18°15'05" N, Long. 65°38'35" W).

Roswell, N. Mex.
Within a 15-mile radius of Roswell RR and within 2 miles either side of the Roswell VOR 220° and 297° radials extending from the 15-mile radius zone to 10 miles SW and NW of the VOR.
PENDING AMENDMENT
Roswell, N. Mex. (Roswell Municipal Airport)
Within a 5-mile radius of Roswell Municipal Airport (latitude 33° 24' 20" N., longitude 104° 32' 55" W.); within 2 miles each side of the Roswell VOR 039° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Walker AFB, Roswell, N. Mex., VOR 262° radial, extending from the 5-mile radius zone to the VOR, excluding the portion S of a line extending from the Walker VOR to the Roswell VOR.
2/6/64 28 F. R. 12925 (Rewritten);

PENDING AMENDMENT
Roswell, N. Mex. (Walker AFB)
Within a 5-mile radius of Walker AFB (latitude 33° 18' 05" N., longitude 104° 31' 20" W.); within 2 miles SE and 3 miles NW of the Walker VOR 225° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles S of the liftoff end of Runway 17; within 2 miles each side of the Walker TACAN 228° radial, extending from the 5-mile radius zone to 7.5 miles SW of the TACAN; and within 2 miles each side of the Roswell VOR 117° radial, extending from the 5-mile radius zone to the VOR, excluding the portion N of a line extending from the Roswell VOR to the Walker VOR.
2/6/64 28 F. R. 12925 (Added);

Sacramento, Calif (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (Lat. 38°30'45" N, Long. 121°29'33" W), including a 1-mile radius of Reed AAF, Sacramento, Calif., (Lat. 38°31'00" N, Long. 121°23'45" W); within 2 miles either side of the Sacramento RR SW course extending from the 5-mile radius zone to the Clarksburg FM; and within 2 miles either side of the Sacramento ILS localizer NE course extending from the 5-mile radius zone to the McClellan AFB, Sacramento, Calif., control zone.

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (Lat. 38°33'10" N, Long. 121°18'05" W) and within 2 miles either side of the Mather VOR 239° radial extending from the 5-mile radius zone to the VOR, excluding the portion NW of a line from Lat. 38°37'25" N, Long. 121°19'20" W to Lat. 38°35'20" N, Long. 121°22'55" W, and excluding the portion within the Sacramento Municipal control zone.

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (Lat. 38°39'45" N, Long. 121°24'10" W) and within 2 miles either side of the McClellan VOR 183° radial extending from the 5-mile radius zone to the VOR, excluding the portion SE of a line from Lat. 38°37'25" N, Long. 121°19'20" W to Lat. 38°35'20" N, Long. 121°22'55" W.

Saginaw, Mich.
Within a 5-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.), within 2 miles each side of the 347° bearing from the Saginaw RBN, extending from the 5-mile radius zone to 8 miles N of the RBN, and within 2 miles each side of the Saginaw VOR 235°, 310° and 035° radials, extending from the 5-mile radius zone to 8 miles SW, NW and NE of the VOR.

AMENDMENTS 12/12/63 28 F. R. 9424 (Rewritten);

St. Charles, Ill.
Within a 3-mile radius of DuPage County Airport, St. Charles, Ill., (Lat. 41°54'45" N, Long. 88°14'35" W), and within 2 miles either side of the DuPage VOR 069° radial extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours, local time, daily.

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 6913 (Rewritten);

St. Louis, Mo.
Within a 5-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 2 miles SE and 3 miles NW of the Lambert-St. Louis Municipal Airport ILS localizer SW course, extending from the 5-mile radius zone to 12 miles SW of the Lake RBN, and within 2 miles each side of the St. Louis VORTAC 142° radial, extending from the 5-mile radius zone to 7 miles NW of the NW end of the Lambert-St. Louis Municipal Airport Runway 12.

AMENDMENTS 8/22/63 28 F. R. 6725 (Rewritten);

St. Paul, Minn.
Within a 3-mile radius of St. Paul Downtown Airport (Holman Field) (latitude 44° 56' 10" N., longitude 93° 03' 40" W.) from 0600 to 2200 hours, local time, daily, or during specific times established in advance by a Notice to Airmen.
1/24/64 28 F. R. 14226 (Added);

Salem, Oreg. (McNary Airport)
Within a 3-mile radius of McNary Airport and within 2 miles either side of a 150° bearing from the airport extending from the 5-mile radius zone to 5 miles SE of the airport.

Salina, Kans.
Within a 5-mile radius of Salina Municipal Airport (Lat. 38°49'10" N, Long. 97°34'00" W), and within an 8-mile radius of Schilling AFB, Salina, Kans., (Lat. 38°47'30" N, Long. 97°38'45" W). The portion of this control zone within R-3601 shall be used only after obtaining prior approval from appropriate authority.

Salinas, Calif.
Within a 5-mile radius of Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'22" W.), excluding the portion subtended by a chord drawn between the points of INT of the Salinas 5-mile radius zone with the Fort Ord, Calif., (Fritzsche AAF) 5-mile radius zone.

AMENDMENTS 1/10/63 27 F.R. 11532 (Rewritten);

Salisbury, Md.
Within a 5-mile radius of Salisbury-Wicomico County Airport (Lat. 38°20'25" N, Long. 75°30'40" W).

Salt Lake City, Utah
Within a 5-mile radius of Salt Lake City Municipal Airport No. 1 (latitude 40°47'10" N., longitude 111°58'05" W.); within 2 miles either side of the 346° bearing from the Salt Lake City RBN extending from the 5-mile radius zone to the Layton FM and within 2 miles either side of the 263° bearing from the Salt Lake City RBN extending from the 5-mile radius zone to 10 miles W of the RBN.

AMENDMENTS 2/7/63 28 F.R. 966 (Rewritten);

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.), within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial; and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

AMENDMENTS 11/14/63 28 F. R. 9285 (Rewritten);

San Antonio, Tex. (International Airport)
Within a 5-mile radius of San Antonio International Airport (Lat. 29°31'50" N, Long. 98°28'12" W); within 2 miles either side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the San Antonio No. 2 ILS localizer NW course extending from the 5-mile radius zone to the LOM.

San Antonio, Tex. (Randolph AFB)
Within a 5-mile radius of Randolph AFB (Lat. 29°32'09" N, Long. 98°16'57" W); within 2 miles either side of the La Vernia, Tex., VOR 338° radial, extending from the 5-mile radius zone to the La Vernia VOR, and within 2 miles either side of the 329° bearing from the Randolph RBN extending from the 5-mile radius zone to the Randolph RBN.

San Antonio, Tex. (Kelly AFB)
Within a 5-mile radius of Kelly AFB (Lat. 29°23'00" N, Long. 98°35'00" W); within 2 miles either side of the Kelly ILS localizer N course extending from the 5-mile radius zone to the OM, and within 2 miles either side of the Somerset, Tex., VOR 035° radial extending from the 5-mile radius zone to the Somerset VOR.

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (Lat. 29°20'15" N, Long. 98°28'20" W), from 0700 to 2300 hours, local standard time, daily, excluding the portion within the Kelly AFB control zone.

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of the OM, excluding the portion within a 1-mile radius of the Redland, Calif., Municipal Airport (latitude 34°05'05" N., longitude 117°08'35" W.)

AMENDMENTS 5/2/63 28 F.R. 4124 (Rewritten);

San Diego, Calif. (Lindbergh Field - NAS North Island)
Within a 5-mile radius of Lindbergh Field (Lat. 32°43'58" N, Long. 117°11'14" W); within a 5-mile radius of the NAS North Island TACAN (Lat. 32°41'41" N, Long. 117°13'21" W); within 2 miles either side of the Lindbergh Field VOR 287° radial extending from the 5-mile radius zone to 10 miles NW of the VOR, and within 2 miles either side of the NAS North Island TACAN 120°, 185° and 235° radials extending from the 5-mile radius zones to 6 miles SE, S and SW of the TACAN, excluding the portion of the Lindbergh Field 5-mile radius zone N of Lat. 32°47'00" N, and the portion within W-593.

San Diego, Calif. (San Diego County - Gillespie Field)
Within a 3-mile radius of the San Diego County-Gillespie Field (Lat. 32°49'26" N, Long. 116°58'18" W), from 0600 to 2200 hours local time, daily.

Sanford, Fla.
Within a 5-mile radius of NAS Sanford (Lat. 28°46'25" N, Long. 81°14'20" W) and within 2 miles either side of a 270° bearing from NAS Sanford RBN extending from the 5-mile radius zone to 12 miles W of the RBN.

AMENDMENTS 1/10/63 27 F.R. 11532 (Rewritten);

San Francisco, Calif.
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22'35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

San Jose, Calif.
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

AMENDMENTS 5/2/63 28 F.R. 2166 (Rewritten);

San Juan, P. R. (International Airport)
Within a 5-mile radius of the Puerto Rico International Airport (Lat. 18°26'40" N, Long. 66°00'20" W); within a 3-mile radius of the San Juan Air Terminal (Isla Grande) (Lat. 18°27'30" N, Long. 66°05'50" W); within 2 miles either side of the 067° and 281° bearings from the San Pat, P. R., RBN extending from the 5-mile radius zone to 12 miles W of the RBN, and within 2 miles either side of the San Juan VOR 058° and 087° radials extending from the 5-mile radius zone to 12 miles NE and E of the VOR.

San Rafael, Calif.
Within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (Lat. 38°03'35" N, Long. 122°30'35" W).

Santa Ana, Calif. (MCAF Santa Ana)
Within a 3-mile radius of MCAF Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.), and within a 5-mile radius of Orange County Airport, Santa Ana, Calif. (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion SE of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., the portion S of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°42'30" N., longitude 117°56'40" W., and the portion within a 1-mile radius of Mile Square MCOLF, Calif. (latitude 33°43'23" N., longitude 117°56'46" W.). This control zone will be effective from 0600 to 2400 hours, local time, daily.

AMENDMENTS 6/27/63 28 F. R. 4434 (Rewritten);

Santa Ana, Calif. (Orange County Airport)
Within a 5-mile radius of Orange County Airport (latitude 33°40'10" N., longitude 117°52'15" W.), excluding the portion SE of a line from latitude 33°41'15" N., longitude 117°48'10" W. to latitude 33°36'10" N., longitude 117°50'20" W., and the portion N of a line extending from latitude 33°41'15" N., longitude 117°48'10" N., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 6/27/63 28 F. R. 4434 (Added); (Eff. on pub.) 8/17/63 28 F. R. 8448 (Changed);

Santa Barbara, Calif.
Within a 5-mile radius of Santa Barbara Municipal Airport (Lat. 34°25'35" N, Long. 119°50'20" W), and within 2 miles either side of a 270° bearing from the airport extending from the 5-mile radius zone to 13 miles W of the airport.

Santa Fe, N. Mex.
Within a 5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.); within 2 miles each side of the extended centerline of runway 20, extending from the 5-mile radius zone to 5 miles SW of the SW end of runway 20; and within 2 miles each side of the Santa Fe VORTAC 007° radial, extending from the 5-mile radius zone to 11 miles N of the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 6911 (Rewritten);

Santa Maria, Calif.
Within a 5-mile radius of Santa Maria Airport, excluding the portion within R-2516.

Santa Monica, Calif.
Within a 3-mile radius of the Santa Monica Municipal Airport (Lat. 34°00'57" N, Long. 118°27'00" W), excluding the portion subtended by a chord drawn between the points of INT of the Santa Monica 3-mile radius zone with the Los Angeles, Calif., 5-mile radius zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

Santa Rosa, Calif.
Within a 3-mile radius of Sonoma County Airport, Santa Rose, Calif., (Lat. 38°30'30" N, Long. 122°48'45" W), from 0600 to 2200 hours local time, daily, excluding the portion within R-2522.

of the RBN.

Sarasota, Fla.
Within a 5-mile radius of the Sarasota-Bradenton Airport (Lat. 27°23'47" N, Long. 82°33'15" W), and within 2 miles either side of the Sarasota-Bradenton VOR 305° radial extending from the 5-mile radius zone to 8 miles NW of the VOR. This control zone shall be effective from 0600 to 2200 hours EST, daily.

Sault Ste. Marie, Mich (Kincheloe AFB)
Within a 10-mile radius of Kincheloe AFB; within 5 miles either side of the ILS localizer NW course extending from the 10-mile radius zone to 10 miles NW of the LOM, excluding that portion outside the United States.

PENDING AMENDMENT
In Sault Ste. Marie, Mich. (Kincheloe AFB), "The portion of this control zone within R-4205 shall be used only after obtaining prior approval from appropriate authority." is added.
3/5/64 29 F. R. 4 (Changed);

Sault Ste. Marie, Mich. (Sault Ste. Marie, Municipal Airport)
Within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), within 2 miles either side of the 113° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles either side of the Sault Ste. Marie VOR 146° and 326° radials extending from the 5-mile radius zone to 12 miles SE of the VOR, excluding the portion outside the United States.

12/12/62 27 F.R. 12211 (Rewritten);

Savannah, Ga.
Within a 5-mile radius of Travis Airport, Savannah, Ga., (Lat. 32°07'35" N, Long. 81°12'05" W); within a 5-mile radius of Hunter AFB, Savannah, Ga., (Lat. 32°00'35" N, Long. 81°08'45" W); within 2 miles either side of the extended centerline of the Hunter AFB E-W runway extending from the Hunter AFB 5-mile radius zone to 10 miles E of the runway; within 2 miles either side of the extended centerline of the Travis Field E-W runway extending from the Travis Field 5-mile radius zone to 10 miles W of the runway; and within 2 miles either side of the Savannah VORTAC 245° and 065° radials extending from the Travis Field 5-mile radius zone to 10 miles NE of the VORTAC.

Schenectady, N. Y.
Within a 5-mile radius of Schenectady County Airport (Lat. 42°51'20" N, Long. 73°55'55" W), and within 2 miles either side of a direct line extending from the Schenectady County Airport 5-mile radius zone to the Albany, N. Y., ILS OM.

Scottsbluff, Nebr.
Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'40" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 12/12/63 28 F. R. 10330 (Rewritten);

Seattle, Wash. (NAS Seattle).
Within a 5-mile radius of NAS Seattle (latitude 47° 40' 50" N., longitude 122° 15' 10" W.), and within a 1-mile radius of Kenmore Air Harbor, Seattle, Wash. (latitude 47° 45' 25" N., longitude 122° 15' 25" W.), excluding the portion W. of longitude 122° 19' 30" W.

AMENDMENTS 1/9/64 28 F. R. 11613 (Rewritten); Alteration of Amend. 28 F. R. 11823

Seattle, Wash. (Seattle-Tacoma International Airport)
That airspace bounded by a line beginning at Lat. 47°29'20" N, Long. 122°13'50" W, thence S to Lat. 47° 28'20" N, Long. 122°13'50" W, thence SE to Lat. 47°27'00" N, Long. 122°11'50" W, thence clockwise along the arc of a 5 mile radius circle centered at the Seattle-Tacoma International Airport to Lat. 47°29'20" N. Long. 122°23'10" W, thence E to the point of beginning.

Seattle, Wash. (Boeing Airport)
That airspace bounded by a line beginning at Lat. 47°31'55" N, Long. 122°11'40" W, thence SW to Lat. 47° 30'45" N, Long. 122°13'50" W, thence S to Lat. 47°29'20" N, Long. 122°13'50" W, thence W to Lat. 47°29' 20" N, Long. 122°23'10" W, thence clockwise along the arc of a 5 mile radius circle centered on the Boeing Airport to the point of beginning.

Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo., and within 2 miles either side of a 191° bearing from the AFB extending from the 5-mile radius zone to 20 miles SW of the AFB.

PENDING AMENDMENT
Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 185° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.
3/5/64 28 F. R. 13929 (Rewritten);

Selma, Ala.
Within a 5-mile radius of Craig AFB, Selma, Ala., (Lat. 32°20'25" N, Long. 86°58'20" W).

Shemya, Alaska
Within a 5-mile radius of Shemya Airport (Lat. 52°43'10" N, Long. 174°06'05" W); within 2 miles either side of a 104° bearing from the Shemya RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of a 284° bearing from the Shemya RBN extending from the 5-mile radius zone to 12 miles W of the RBN, excluding the portion within R-2204.

Sheridan, Wyo.
Within a 5-mile radius of Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.) and within 2 miles either side of the 134° bearing from the Sheridan RBN extending from the 5-mile radius zone to the Ucross, Wyo., FM.

AMENDMENTS 4/4/63 28 F.R. 3327 (Rewritten);
PENDING AMENDMENT
Sheridan, Wyo.
Within a 5-mile radius of Sheridan County Airport (latitude 44° 46' 25" N., longitude 106° 58' 15" W.), and within 2 miles each side of the Sheridan VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC.
2/6/64 28 F. R. 13358 (Rewritten);

Sherman, Tex.
Within a 5-mile radius of Perrin AFB, Sherman, Tex. (Lat. 33°42'48" N, Long. 96°40'29" W), within 2 miles either side of the Perrin AFB VOR 002° and 179° radials extending from the 5-mile radius zone to 10 miles N and S of the VOR.

Shreveport, La. (Downtown Airport - Barksdale AFB)
Within a 5-mile radius of Shreveport Downtown Airport (Lat. 32°32'25" N, Long. 93°44'40" W), excluding the portion within the Greater Shreveport control zone; within 2 miles either side of the Shreveport RR NW course extending from the Downtown Airport 5-mile radius zone to 12 miles NW of the RR; within a 5-mile radius of the Barksdale AFB (Lat. 32°30'05" N, Long. 93°39'45" W); within 2 miles either side of the Shreveport VORTAC 155° radial extending from the Barksdale 5-mile radius zone to the VORTAC; and within 2 miles either side of the Barksdale AFB VOR 330° and 150° radials extending from the 5-mile radius zone to 3 miles SE of the VOR.

Shreveport, La. (Greater Shreveport)
Within a 5-mile radius of Greater Shreveport Municipal Airport (Lat. 32°26'45" N, Long. 93°48'25" W), and within 2 miles either side of the Greater Shreveport ILS localizer SE and NW courses extending from the 5-mile radius zone to 15 miles SE of the localizer and to 5 miles NW of the LOM.

Sidney, Nebr.
Within a 3-mile radius of Sidney Airport and within 2 miles either side of the Sidney VOR 079° and 259° radials extending from the 3-mile radius zone to 12 miles W of the VOR.

Simmons Army Airfield, N. C.
Within a 5-mile radius of Simmons AAF (Lat. 35°07'55" N. Long. 78°56'05" W), excluding the portion within the Fort Bragg, N. C., control zone.

Sioux City, Iowa
Within a 5-mile radius of Sioux City Municipal Airport (Lat. 42°24'10" N, Long. 96°23'10" W); within 2 miles either side of the Sioux City RR S course, extending from the 5-mile radius zone to 8 miles S of the RR; within 2 miles either side of the Sioux City VORTAC 142° and 322° radials, extending from the 5-mile radius zone to 10 miles SE of the VORTAC, and within 2 miles either side of the 136° and 316° bearings from the Sioux City LOM extending from the 5-mile radius zone to 10 miles SE of the OM.

Sioux Falls, S. Dak.
Within a 5-mile radius of Sioux Falls Airport (Foss Field); within 2 miles either side of the Sioux Falls VORTAC 336° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the Sioux Falls ILS localizer SW course extending from the 5-mile radius zone 12 miles SW of the OM and within 2 miles either side of the ILS localizer NE course extending from the 5-mile radius zone to 16 miles NE of the localizer.

AMENDMENTS 4/4/63 28 F.R. 3258 (Changed);

Sitka, Alaska
Within a 5-mile radius of Sitka Harbor Seaplane Base (latitude 57°03'30" N., longitude 135°21'30" W.); within 2 miles each side of the Sitka RR NE and SW courses, extending from the 5-mile radius zone to 2 miles SW of the RR, and within 2 miles each side of the Biorka, Alaska, VORTAC 027° and 207° radials, extending from the 5-mile radius zone to 2 miles SW of the VORTAC.

AMENDMENTS 9/19/63 28 F. R. 7667 (Rewritten);

Smyrna, Tenn.
Within a 5-mile radius of Sewart AFB, Smyrna, Tenn., and within 2 miles either side of a 139° bearing from the Sewart AFB RBN extending from the 5-mile radius zone to 10 miles SE of the RBN.

South Bend, Ind.
Within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (Lat. 41°42'15" N, Long. 86°18'

South Weymouth, Mass.
Within a 5-mile radius of NAS South Weymouth (Lat. 42°08'55" N, Long. 70°56'25" W); within 2 miles either side of the 336° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; and within 2 miles either side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

Spartanburg, S. C.
Within a 5 mile radius of Spartanburg Municipal Airport (Lat. 34°54'55" N, Long. 81°57'35" W) and within 2 miles either side of the 237° bearing from the Spartanburg RBN extending from the 5-mile radius zone to 10 miles SW of the RBN.

Spokane, Wash.
Within a 5-mile radius of Spokane International Airport (Lat. 47°37'35" N, Long. 117°32'05" W) and within a 5-mile radius of Fairchild AFB, Spokane, Wash. (Lat. 47°36'55" N, Long. 117°39'20" W).

Springfield, Ill.
Within a 5-mile radius of Capital Airport, Springfield, Ill. (Lat. 39°50'35" N, Long. 89°40'35" W); within 2 miles either side of the Springfield RR NE and SW courses extending from the 5-mile radius zone to 12 miles SW of the RR; within 2 miles either side of the Capital VOR 040° radial extending from the 5-mile radius zone to 12 miles NE of the VOR, and within 2 miles either side of 042° and 222° bearings from the ILS LOM extending from the 5-mile radius zone to 12 miles SW of the LOM.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);
PENDING AMENDMENT
In the Springfield, Ill., control zone, "within 2 miles either side of the Springfield RR NE and SW courses extending from the 5-mile radius zone to 12 miles SW of the RR" is deleted and "within 2 miles each side of the 034° and 214° bearings from the Springfield RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN" is substituted therefor.
2/6/64 28 F. R. 13357 (Changed);

Springfield, Mo.
Within a 5-mile radius of Springfield Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles either side of the 321° bearing from the Springfield RBN extending from the 5-mile radius zone to 8 miles NW of the RBN, and within 2 miles either side of the 019° and 199° radials of the Springfield VORTAC extending from the 5-mile radius zone to 8 miles NE of the VORTAC.

AMENDMENTS 12/13/62 27 F.R. 11457 (Rewritten);
PENDING AMENDMENT
Springfield, Mo.
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W and 2.5 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.
3/5/64 29 F. R. 132 (Rewritten);

Springfield, Ohio
Within a 5-mile radius of Springfield Municipal Airport and within 2 miles either side of a 051° bearing from the end of the NE - SW runway extending from the 5-mile radius zone to 10 miles NE of the airport.

Stockton, Calif.
Within a 5-mile radius of Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

AMENDMENTS 1/9/64 28 F. R. 12339 (Rewritten);

Summit, Alaska
Within a 5-mile radius of Summit Airport (Lat. 63°19'55" N, Long. 149°07'30" W).

Sumter, S. C.
Within a 5-mile radius of Shaw AFB, Sumter, S. C.

Syracuse, N. Y.
Within a 5-mile radius of Clarence E. Hancock Airport, Syracuse, N. Y., (Lat. 43° 06" 50" N, Long. 76° 06' 35" W.); within 2 miles either side of the Syracuse ILS localizer E course extending from the 5-mile radius zone to 10 miles E of the OM; within 2 miles each side of the 086° and 266° bearings from the Syracuse RBN, extending from the 5-mile radius zone to 10 miles W of the RBN, and within 2 miles either side of the Syracuse VORTAC 120° and 300° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC.

AMENDMENT 10/5/63 28 F. R. 9345 (Changed)

Tacoma, Wash.
Within a 5-mile radius of McChord AFB, Tacoma, Wash., (Lat. 47°08'20" N, Long. 122°28'05" W), and within 2 miles either side of the McChord RR N course extending from the 5-mile radius zone to the RR. The portion of the control zone within R-6703 shall be used only after obtaining prior approval from appropriate authority.

Talkeetna, Alaska
Within a 5-mile radius of Talkeetna Airport (Lat. 62°19'20" N, Long. 150°05'20" W).

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (Lat. 30°23'33" N, Long. 84°21'06" W), and within 2 miles either side of the 299° bearing from the Tallahassee RBN extending from the 5-mile radius zone to 12 miles NW of the RBN.

Tampa, Fla.
Within a 5-mile radius of Tampa International Airport (Lat. 27°58'30" N, Long. 82°31'40" W); within a 5-mile radius of the Mac Dill AFB (Lat. 27°51'05" N, Long. 82°31'15" W); within a 5-mile radius of St. Petersburg-Clearwater International Airport (Lat. 27°54'40" N, Long. 82°41'10" W); within 2 miles either side of a line extending from the Tampa International Airport to the Tampa RBN; within 2 miles either side of the 137° bearing from the Tampa RBN extending from the Mac Dill AFB 5-mile radius zone to 10 miles SE of the RBN; within 2 miles either side of the St. Petersburg VORTAC 340° radial extending from the St. Petersburg-Clearwater International Airport 5-mile radius zone to 10 miles NW of the VORTAC, and within 5 miles either side of a line extending from the St. Petersburg-Clearwater International Airport to the Tampa International Airport.

Tanana, Alaska
Within a 5-mile radius of Tanana Airport (Lat. 65°10'25" N, Long. 152°06'35" W).

Terre Haute, Ind.
Within a 5-mile radius of Hulman Field, Terre Haute, Ind. (latitude 39°27'05" N., longitude 87°18'30" W.); within 2 miles each side of the Terre Haute ILS localizer SW course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Terre Haute VOR 051° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR.

AMENDMENTS 10/17/63 28 F. R. 9425 (Rewritten);

Teterboro, N. Y.
Within a 5-mile radius of Teterboro Air Terminal (Lat. 40°51'05" N, Long. 74°03'40" W).

Texarkana, Ark.
Within a 5-mile radius of Texarkana Municipal Airport (Lat. 33°27'20" N, Long. 93°59'15" W), and within 2 miles either side of the Texarkana VORTAC 129° and 309° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC

Toledo, Ohio
Within a 5-mile radius of Toledo Express Airport and within 2 miles either side of the Toledo ILS localizer SW course extending from the 5-mile radius zone to 10 miles SW of the OM.

Topeka, Kans. (Forbes AFB)
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone.

AMENDMENTS 8/22/63 28 F R 6494 (Added).

Topeka, Kans. (Philip Billard Airport)
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone

AMENDMENTS 8/22/63 28 F R 6494 (Added).

Torrance, Calif.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), from 0600 to 2200 hours, local time, daily.

AMENDMENTS 12/13/62 27 F.R 12166 (Rewritten)

Traverse City, Mich.
Within a 5-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.); within 2 miles either side of the 137° bearing from the Traverse City RBN extending from the 5-mile radius zone to 8 miles SE of the RBN, and within 2 miles either side of the Traverse City VOR 338° and 158° radials extending from the 5-mile radius zone to 8 miles S of the VOR.

AMENDMENTS 2/7/63 27 F.R 12209 (Rewritten)

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport, Trenton, N. J., (Lat. 40°16'33" N, Long. 74°48'55" W) excluding the portion within the North Philadelphia, Pa., control zone

AMENDMENTS 12/12/62 27 F.R 12441 (Rewritten)

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles on each side of the Tri-City ILS localizer NE course extending from the 5-mile radius zone to the OM; and within 2 miles on each side of the 043° and 223° bearings from the Boone RBN extending from the 5-mile radius zone to 8 miles SW of the RBN.

AMENDMENTS 5/30/63 28 F.R 3585 (Rewritten).

Troutdale, Oreg.
Within a 3-mile radius of Troutdale Airport (Lat. 45°33'00" N, Long. 122°23'50" W), excluding the portion within R-5703. This control zone shall be effective from 0600 to 2200 p.s.t., daily.

Truth or Consequences, N. Mex.
Within a 5-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N , longitude 107° 16'20" W.)

AMENDMENTS 1/9/64 28 F. R. 9980 (Rewritten);

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (Lat. 32°10'00" N, Long. 110°53'00" W), and within a 1-mile radius of Downtown Tucson Airport (Lat. 32°11'10" N, Long. 110°56'55" W); excluding the portion SW of a line extending from Lat. 32°11'16" N, Long. 110°57'58" W, to Lat. 32°05'45" N, Long. 110°51'40" W.

Tucson, Ariz. (Tucson Municipal)
Within a 5-mile radius of Tucson Municipal Airport (Lat. 32°07'05" N, Long. 110°56'35" W), excluding that portion NE of a line extending from Lat. 32°11'16" N, Long. 110°57'56" W, to Lat. 32°05'46" N, Long. 110° 51'40" W.

Tucumcari, N. Mex.
Within a 5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.), within 2 miles each side of the Tucumcari VOR 033° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; and within 2 miles each side of the Tucumcari VOR 078° radial, extending from the 5-mile radius zone to 8 miles E of the VOR.

AMENDMENTS 9/19/63 28 F R. 7588 (Rewritten).

Tulsa, Okla.
Within a 5-mile radius of Tulsa Municipal Airport (Lat. 36°12'01" N, Long. 95°53'15" W); within 2 miles either side of the Tulsa ILS localizer N course extending from the 5-mile radius zone to the Owasso, Okla., RBN; within 2 miles either side of the Tulsa VORTAC 268° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles either side of the ILS localizer S course extending from the 5-mile radius zone to the OM.

Tuscaloosa, Ala.
Within a 5-mile radius of Van De Graaff Airport, Tuscaloosa, Ala., (Lat. 33°13'35" N, Long. 87°36' 35" W), and within 2 miles either side of the Tuscaloosa VORTAC 060° radial extending from the 5-mile radius zone to 10 miles NE of the VORTAC.

Twin Falls, Idaho
Within a 5-mile radius of Twin Falls Municipal Airport (latitude 42°29'05" N., longitude 114°29'15" W.) and within 2 miles either side of the Twin Falls VOR 086° and 279° radials extending from the 5-mile radius zone to 8 miles E and 8 miles W of the VOR, from 0700 to 0100 hours, local time, daily.

AMENDMENTS 5/2/63 28 F R 1718 (Added).

PENDING AMENDMENT
Twin Falls, Idaho
Within a 5-mile radius of Twin Falls Municipal Airport (latitude 42° 29' 05" N., longitude 114° 29' 15" W.), and within 2 miles each side of the Twin Falls VOR 086° radial, extending from the 5-mile radius zone to 8 miles E of the VOR, from 0700 to 0100 hours, local time, daily.
2/6/64 28 F. R. 13357 (Rewritten);

Tyler, Tex.
Within a 5-mile radius of Pounds Field, Tyler, Tex., (Lat. 32°21'17" N. Long. 95°23'55" W); within 2 miles either side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to the OM and within 2 miles either side of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to the INT of the Pounds Field ILS localizer SE course and the Gregg County, Tex., VOR 265° radial.

Unalakleet, Alaska
Within a 5-mile radius of Unalakleet Airport (Lat. 63°53'10" N, Long. 160°47'30" W), and within 2 miles either side of the Unalakleet RR W course extending from the 5-mile radius zone to 12 miles W of the RR.

Utica, N. Y.
Within a 5-mile radius of Oneida County Airport, Utica, N. Y., (Lat. 43°08'45" N, Long. 75°22'55" W) and within 2 miles either side of the Utica ILS localizer SE course extending from the 5-mile radius zone to the Utica RBN, excluding the portion within the Griffis AFB control zone.

Valdosta, Ga. (Moody AFB)
Within a 10-mile radius of Moody AFB, Valdosta, Ga.

Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of Valdosta Municipal Airport and within 2 miles either side of the Valdosta VOR 004° and 184° radials extending from the 5-mile radius zone to 10 miles SW of the VOR, excluding the portion within the Moody AFB control zone.

Van Nuys, Calif.
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N. longitude 118°25'40" W

AMENDMENTS 3/7/63 28 F R 521 (Added).

Vero Beach, Fla.
Within a 5-mile radius of Vero Beach Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.)

AMENDMENTS 12/12/62 27 F.R 12211 (Rewritten).

Victorville, Calif.
Within a 5-mile radius of George AFB, Victorville, Calif., (Lat. 34°35'50" N, Long. 117°22'35" W), and within 2 miles either side of the George AFB VOR 355° and 005° radials extending from the 5-mile radius zone to 11 miles N of the VOR.

Waco, Tex.
Within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N longitude 97°13'40" W.) within a 5-mile radius of James Connally AFB, Waco, Tex (latitude 31°38'20" N., longitude 97°04'25" W.); and within 2 miles each side of direct lines from James Connally AFB, extending from the James Connally 5-mile radius zone to latitude 31°47'12" N., longitude 97°03'05" W. and to the Prairie Hill RBN

AMENDMENTS Eff on publ (5/24/63) 28 F.R 5187 (Rewritten)

Wake Island
Within a 5-mile radius of Wake Island (Lat. 19°18'00" N, Long. 166°38'00" E); within 2 miles either side of the Wake Island VORTAC 306° radial extending from the 5-mile radius zone to 12 miles NW of the VORTAC; within 2 miles either side of the 101° bearing from the Wake Island RBN extending from the 5-mile radius zone to 12 miles E of the RBN, and within 2 miles either side of the 281° bearing from the Wake Island RBN extending from the 5-mile radius zone to 12 miles W of the VORTAC.

Walla Walla, Wash.
Within a 5-mile radius of Walla Walla City-County Airport (Lat 46°05'35" N, Long. 118°17'20" W)

Walnut Ridge, Ark.
Within a 5-mile radius of Walnut Ridge Airport (Lat. 36°07'30" N, Long. 90°55'25" W), and within 2 miles either side of the Walnut Ridge VOR 244° radial extending from the 3-mile radius zone to 10 miles SW of the VOR.

Washington, D. C.
Within a 5-mile radius of Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.) within 2 miles each side of the Washington National Airport ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the 137° bearing from the Georgetown, D. C., RBN and 2 miles SW of the Washington, D. C., VOR 313° radial, extending from the 5-mile radius zone to the Georgetown RBN, within 2 miles each side of the Washington VOR 324° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR, and within 2 miles each side of the Washington VOR 060° radial, extending from the 5-mile radius zone to 5 miles NE of the VOR, excluding the portion within P-56 and the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone.
AMENDMENTS 12/12/62 27 F.R. 12210 (Changed); 28 F.R. 1419 (Rewritten)(Amend. Alteration Eff. date changed to 3/7/63 28 F.R. 2004); 8/22/63 28 F R 6913 (Rewritten);

Waterloo, Iowa
Within a 5-mile radius of Waterloo Municipal Airport (Lat. 42°33'22" N, Long. 92°23'59" W); within 2 miles either side of the Waterloo VORTAC 120° and 314° radials extending from the 5-mile radius zone to 12 miles SE and NW of the VORTAC and within 2 miles either side of the ILS localizer NW course extending from the 5-mile radius zone to the OM.

Watertown, N. Y.
Within a 5-mile radius of Watertown Airport (Lat. 43°59'20" N, Long. 76°01'20" W), and within 2 miles either side of the Watertown VOR 215° radial extending from the 5-mile radius zone to 10 miles SW of the VOR.

Watertown, S. Dak.
Within a 5-mile radius of Watertown Airport (Lat. 44°54'35" N, Long. 97°09'30" W), and within 2 miles either side of the Watertown VORTAC 006° radial extending from the 5-mile radius zone to 10 miles N of the VORTAC.

Wausau, Wis.
Within a 5-mile radius of Wausau Municipal Airport (Lat. 44°55'35" N, Long. 89°37'35" W), and within 2 miles either side of the Wausau VOR 166° and 346° radials extending from the 5-mile radius zone to 10 miles SE of the VOR.

Westfield, Mass.
Within a 5-mile radius of Barnes Airport, Westfield, Mass., (Lat. 42°09'35" N, Long. 72°42'55" W), and within 2 miles each side of the 189° bearing from the Westfield RBN, extending from the 5-mile radius zone to the RBN,
excluding the portion within the Westover AFB, Mass., control zone This control zone shall be in effect from 0700 to 2300 hours, local standard time, daily.

AMENDMENTS 9/6/63 28 F. R. 9345 (Changed);

Westhampton Beach, Long Island, N.Y.
Within a 5-mile radius of Suffolk County AFB, Westhampton Beach, Long Island, N.Y. (latitude 40°50'40" N., longitude 72°37'45" W.).

AMENDMENTS 12/12/62 27 F.R. 12210 (Rewritten).

Westover, Mass.
Within a 5-mile radius of Westover AFB (Lat. 42°11'40" N, Long. 72°32'15" W); within 2 miles either side of the Westover TACAN 028° radial extending from the 5-mile radius zone to 10 miles NE of the TACAN and within 2 miles either side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 12 miles NE of the OM. The portion of this control zone within R-4108 shall be used only after obtaining prior approval from the appropriate authority.

West Palm Beach, Fla.
Within a 5-mile radius of West Plam Beach International Airport (latitude 26° 41' 25" N., longitude 80° 05' 35" W.) and within 2 miles each side of the West Palm Beach RBN 270° bearing, extending from the 5-mile radius zone to 10 miles W of the RBN.

AMENDMENTS 12/10/63 28 F.R. 11185 (Rewritten); (Amend. Alt. 28 F.R. 12203)

Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (Lat. 40°10'25" N, Long. 80°38'55" W); within 2 miles either side of the centerline of the NE - SW runway extending from the 5-mile radius zone to 10 miles SW of the airport, and within 2 miles either side of a direct line from the airport extending from the 5-mile radius zone to the Wheeling VOR.
PENDING AMENDMENT
Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM
2/6/64 28 F. R. 12339 (Rewritten);

Whidbey Island, Wash.
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'05" N., longitude 122°39'20" W.); within a 5-mile radius of the INT of the N/S and E/W sealane landing areas latitude 48°14'55" N., longitude 122°35'15" W.) Oak Harbor Seaplane Base, Whidbey Island, Wash., and within a 1-mile radius of OLF Coupeville Airport, Coupeville, Wash. (latitude
48°11'20" N., longitude 122°37'50" W.).

AMENDMENTS 6/27/63 28 F.R. 4125 (Rewritten); (Amend. Mod. 28 F.R. 6726);

White Plains, N. Y.
Within a 5-mile radius of Westchester County Airport (Lat. 41°04'05" N, Long. 73°42'35" W); and within 2 miles either side of the Westchester County ILS localizer NW course extending from the 5-mile radius zone to the OM.

Wichita, Kans. (Wichita Municipal)
Within a 5-mile radius of Wichita Municipal Airport; within 2 miles either side of the 020° and 200° bearings from the Wichita ILS LOM extending from the 5-mile radius zone to 12 miles S of the LOM and within 2 miles either side of the Wichita VOR 180° and 360° radials extending from the 5-mile radius zone to 12 miles N of the VOR.

Wichita, Kans. (McConnell AFB)
Within a 7-mile radius of McConnell AFB; within 2 miles either side of a 192° bearing from the Wichita AFB RBN extending from the 7-mile radius zone to 12 miles S of the RBN. The portion of this control zone within the Wichita (Municipal) control zone is excluded.

Wichita Falls, Tex.
Within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex.; within 2 miles either side of the centerline of the SE/NW runway extending from the 5-mile radius zone to 10 miles SE of the Wichita Falls LOM, and within 2 miles either side of the Wichita Falls VORTAC 286° radial extending from the 5-mile radius zone to 10 miles W of the VORTAC.

Wilkes-Barre, Pa.
Within a 5-mile radius of Wilkes-Barre-Scranton Airport and within 2 miles either side of the extended centerline of runway 4 extending from the 5-mile radius zone to the Crystal Lake, Pa., RBN.

Williamsport, Pa.
Within a 5-mile radius of Williamsport-Lycoming County Airport (Lat. 41°14'30" N, Long. 76°55'20" W); and within 2 miles either side of the Williamsport RR W course extending from the 5-mile radius zone to the RR.

Willow Grove, Pa.
Within a 5-mile radius of Lat. 40°11'40" N, Long. 75°06'25" W, and within 2 miles either side of the Yardley, Pa., VOR 246° radial extending from the 5-mile radius zone to the VOR.

Wilmington, Del.
Within a 5-mile radius of Greater Wilmington Airport (Lat. 39°40'42" N, Long. 75°36'27" W), within 2 miles either side of the Greater Wilmington ILS localizer S course extending from the 5-mile radius zone to the OM, and within 2 miles either side of the New Castle, Del., VORTAC 235° radial extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

Wilmington, N. C.
Within a 5-mile radius of New Hanover County Airport, Wilmington, N. C (latitude 34°16'15" N., longitude 77°54'05" W.), and within 2 miles each side of the 159° bearing from the ILS MM, extending from the 5-mile radius zone to 12 miles SE of the MM.

AMENDMENTS 9/15/63 28 F R 9345 (Rewritten).

Wilmington, Ohio
Within a 5-mile radius of Clinton County AFB, Wilmington, Ohio (Lat. 39°26'00" N, Long. 83°48'00" W) and within 2 miles either side of the 037° bearing from the Clinton County RBN extending from the 5-mile radius zone to 12 miles NE of the RBN

Windsor Locks, Conn.
Within a 5-mile radius of Bradley Field, Windsor Locks, Conn., (Lat. 41°56'25" N, Long. 72°41'16" W); and within 2 miles either side of the Bradley ILS localizer S course extending from the 5-mile radius zone to 10 miles S of the localizer.

Wink, Tex.
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

AMENDMENTS 8/22/63 28 F R 6678 (Rewritten);

Winslow, Ariz.
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and within 2 miles each side of the 354° bearing from the Winslow RBN, extending from the 6-mile radius zone to 6 miles N of the RBN.

AMENDMENTS 9/19/63 28 F R 7669 (Rewritten);

Winston-Salem, N. C.
Within a 5-mile radius of Smith-Reynolds Airport, Winston-Salem, N. C., (Lat. 36°08'00" N, Long. 80° 13'20" W), and within 2 miles either side of the Winston-Salem ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM.

Worcester, Mass.
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

Wright-Patterson AFB, Ohio
Within a 5-mile radius of Patterson AFB (Lat. 39°49'25" N, Long. 84°02'55" W); within a 5-mile radius of Wright AFB (Lat. 39°46'35" N, Long. 84°06'35" W); within 2 miles either side of the Patterson VOR 039° radial extending from the Patterson AFB 5-mile radius zone to 12 miles NE of the VOR, and within 2 miles either side of the Patterson TACAN 054° radial extending from the Patterson AFB 5-mile radius zone to 8 miles NE of the TACAN, excluding the portion within the Springfield, Ohio, control zone.

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (Lat. 40°00'55" N., Long. 74°35'25" W.); within 2 miles either side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to 2.5 miles SW of the OM; within 2 miles either side of the McGuire VOR 051° and 213° radials extending from the 5-mile radius zone to 7 miles NE and 6 miles SW of the VOR, and within 2 miles either side of the McGuire TACAN 223° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. The portions of this control zone within R-5001 and R-5003 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/7/63 28 F R 2231 (Changed);

Yakataga, Alaska
Within a 5-mile radius of Yakataga Airport, and within 5 miles either side of the Yakataga RR SE and SW courses extending from the 5-mile radius zone to A-1.

Yakima, Wash.
Within a 5-mile radius of Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), and within 2 miles each side of the Yakima ILS localizer E course, extending from the 5-mile radius zone to 1 mile W of the LOM.

AMENDMENTS 4/4/63 28 F R 581 (Rewritten); 12/12/63 28 F. R. 10331 (Rewritten);

Yakutat, Alaska
Within a 5-mile radius of Yakutat, Alaska (Lat. 59°30'10" N, Long. 139°39'40" W).

Youngstown, Ohio
Within a 5-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.), within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 5-mile radius zone to 5 miles NW of the localizer; and within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 12/12/62 27 F.R. 12441 (Rewritten); 11/14/63 28 F. R. 10474 (Rewritten);

Yuma, Ariz.
Within a 5-mile radius of MCAS/Yuma County Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within a 1-mile radius of latitude 32°36'05" N., longitude 114°39'30" W.; within 2 miles each side of the Yuma VOR 181° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

AMENDMENTS 8/22/63 28 F R 6914 (Rewritten);

Zanesville, Ohio
Within a 5-mile radius of Zanesville Municipal Airport and within 2 miles either side of a 210° bearing from the Municipal Airport extending from the 5-mile radius zone to 10 miles SW of the airport.

SUBPART H - TRANSITION AREAS

§ 71.181 Designation.
The parts of airspace described below are designated as transition areas

PENDING AMENDMENT
Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the Aberdeen VOR 131° and 311° radials extending from 13 miles SE to 5 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 4 miles E and 7 miles W of the Aberdeen VOR 175° and 355° radials, extending from 13 miles S to 1 mile N of the VOR.
3/5/64 28 F. R. 13929 (Added);

Akron, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Akron VOR 064° and 244° radials, extending from 20 miles NE to 9 miles SW of the VOR, excluding the airspace within Federal airways.

PENDING AMENDMENT
Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.), and within 4 miles NE and 2 miles SW of the Akron 123° radial, extending from 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Akron VOR 123° and 303° radials, extending from 20 miles SE to 10 miles NW of the VOR.
3/5/64 28 F. R. 14226 (Rewritten);

Akron, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41° 02' 15" N., longitude 81° 28' 05" W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile raidus area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40° 55' 05" N., longitude 81° 26' 30" W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N., longitude 81° 43' 00" W.; to latitude 41° 08' 00" N., longitude 81° 36' 00" W., to latitude 41° 11' 30" N., longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N., longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willougby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio, VOR; direct to the Tiverton, Ohio, VOR; to latitude 40° 54' 00" N., longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

AMENDMENTS 11/14/63 28 F. R. 10473 (Added); Eff. Immediately (10/15/63) 28 F. R. 11260 (Changed);

Alamosa, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Alamosa VORTAC 336° and 156° radials, extending from 20 miles NW to 9 miles SE of the VORTAC, excluding the airspace within Federal airways.

Albany, Ga.
That airspace extending upward from 1,200 feet above the surface bounded on the N by the Albany control area extension, on the E by V-35, on the SE by a line extending through latitude 31°20'12" N., longitude 84°17'40" W. and latitude 31°11'00" N., longitude 84°29'00" W., and on the W by the arc of a 30-mile radius circle centered at the Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); and that airspace extending upward from 3,000 feet above the surface bounded on the N by a line 12 miles SW of and parallel to the Albany VOR 294° radial, on the E by the arc of a 30-mile radius circle centered at the Albany Municipal Airport, on the SE by a line extending through latitude 31°11'00" N., longitude 84°29'00" W., and latitude 30°57'15" N., longitude 84°45'45" W., on the SW by the NE boundary of V-7, and on the W by a line extending from the NE boundary of V-7 counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W. to its INT with a line 5 miles N of and parallel Dothan, Ala., VOR 093° radial, thence E along this line to longitude 84°55'00" W., thence N along this meridian to a line 12 miles SW of and parallel to the Albany VOR 294° radial.

AMENDMENTS 2/7/63 27 F R 12258 (Added);

Albany, N. Y.
That airspace extending upward from 1,200 feet above the surface SE of Albany bounded on the NE by V-130, on the SE by V-487 and on the W by V-91; and that airspace SW of Albany bounded on the N by a line 10 miles S of and parallel to the Albany VORTAC 270° radial, on the E by V-91, on the S by V-270 and on the W by Long. 74°16'00" W.

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.), and within 2 miles each side of the 188° bearing from the Albuquerque RBN, extending from the 14-mile radius area to 12 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 46-mile radius of the Albuquerque VORTAC, excluding the portion within an 8-mile radius of OTTO Airport, Moriarity, N. Mex. (latitude 35°04'35" N., longitude 106°00'10" W.); within 10 miles E and 7 miles W of the Socorro, N. Mex., VORTAC 189° and 009° radials, extending from the 46-mile radius area to 20 miles S of the VORTAC, excluding the portion within R-5107C; within 10 miles S and 7 miles N of the Grants, N. Mex., VOR 267° and 087° radials, extending from the 46-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

AMENDMENTS 8/22/63 28 F R 6911 (Added);

3/5/64 28 F. R. 14226 (Rewritten).

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (Lat. 40°00'55" N., Long. 74°35'25" W.); within 2 miles either side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to 2.5 miles SW of the OM; within 2 miles either side of the McGuire VOR 051° and 213° radials extending from the 5-mile radius zone to 7 miles NE and 6 miles SW of the VOR, and within 2 miles either side of the McGuire TACAN 223° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. The portions of this control zone within R-5001 and R-5003 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 3/7/63 28 F R 2231 (Changed);

Yakataga, Alaska
Within a 5-mile radius of Yakataga Airport, and within 5 miles either side of the Yakataga RR SE and SW courses extending from the 5-mile radius zone to A-1.

Yakima, Wash.
Within a 5-mile radius of Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), and within 2 miles each side of the Yakima ILS localizer E course, extending from the 5-mile radius zone to 1 mile W of the LOM.

AMENDMENTS 4/4/63 28 F R 581 (Rewritten); 12/12/63 28 F. R. 10331 (Rewritten);

Yakutat, Alaska
Within a 5-mile radius of Yakutat, Alaska (Lat. 59°30'10" N, Long. 139°39'40" W).

Youngstown, Ohio
Within a 5-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.), within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 5-mile radius zone to 5 miles NW of the localizer; and within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 12/12/62 27 F.R 12441 (Rewritten); 11/14/63 28 F. R. 10474 (Rewritten);

Yuma, Ariz.
Within a 5-mile radius of MCAS/Yuma County Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within a 1-mile radius of latitude 32°36'05" N., longitude 114°39'30" W.; within 2 miles each side of the Yuma VOR 181° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, and within 2 miles each side of the 044° bearing from the MCAS Yuma RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

AMENDMENTS 8/22/63 28 F R. 6914 (Rewritten);

Zanesville, Ohio
Within a 5-mile radius of Zanesville Municipal Airport and within 2 miles either side of a 210° bearing from the Municipal Airport extending from the 5-mile radius zone to 10 miles SW of the airport.

SUBPART H - TRANSITION AREAS

§ 71.181 Designation.
The parts of airspace described below are designated as transition areas

PENDING AMENDMENT
Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the Aberdeen VOR 131° and 311° radials extending from 13 miles SE to 5 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 4 miles E and 7 miles W of the Aberdeen VOR 175° and 355° radials, extending from 13 miles S to 1 mile N of the VOR.
3/5/64 28 F. R. 13929 (Added);

Akron, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Akron VOR 064° and 244° radials, extending from 20 miles NE to 9 miles SW of the VOR, excluding the airspace within Federal airways.
PENDING AMENDMENT
Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Akron-Washington County Airport (latitude 40° 10' 30" N., longitude 103° 12' 45" W.), and within 4 miles NE and 2 miles SW of the Akron VOR 123° radial, extending from 5-mile radius area to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Akron VOR 123° and 303° radials, extending from 20 miles SE to 10 miles NW of the VOR.
3/5/64 28 F. R. 14226 (Rewritten);

Akron, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Akron Municipal Airport (latitude 41° 02' 15" N., longitude 81° 28' 05" W.); within 2 miles each side of the Akron RBN 062° bearing, extending from the Akron Municipal Airport 7-mile raidus area to 8 miles NE of the RBN; within 2 miles each side of the Akron VORTAC 255° radial, extending from the Akron Municipal Airport 7-mile radius area to the VORTAC; within a 7-mile radius of the Akron-Canton Airport (latitude 40° 55' 05" N., longitude 81° 26' 30" W.), and within 5 miles W and 8 miles E of the Akron-Canton ILS localizer S course, extending from the Akron-Canton OM to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N., longitude 81° 43' 00" W.; to latitude 41° 08' 00" N., longitude 81° 36' 00" W., to latitude 41° 11' 30" N., longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N., longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willougby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio, VOR; direct to the Tiverton, Ohio, VOR; to latitude 40° 54' 00" N., longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

AMENDMENTS 11/14/63 28 F. R. 10473 (Added); Eff. Immediately (10/15/63) 28 F. R. 11260 (Changed);

Alamosa, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Alamosa VORTAC 336° and 156° radials, extending from 20 miles NW to 9 miles SE of the VORTAC, excluding the airspace within Federal airways.

Albany, Ga.
That airspace extending upward from 1,200 feet above the surface bounded on the N by the Albany control area extension, on the E by V-35, on the SE by a line extending through latitude 31°20'12" N., longitude 84°17'40" W. and latitude 31°11'00" N., longitude 84°29'00" W., and on the W by the arc of a 30-mile radius circle centered at the Albany Municipal Airport (latitude 31°32'00" N., longitude 84°11'35" W.); and that airspace extending upward from 3,000 feet above the surface bounded on the N by a line 12 miles SW of and parallel to the Albany VOR 294° radial, on the E by the arc of a 30-mile radius circle centered at the Albany Municipal Airport, on the SE by a line extending through latitude 31°11'00" N., longitude 84°29'00" W., and latitude 30°57'15" N., longitude 84°45'45" W., on the SW by the NE boundary of V-7, and on the W by a line extending from the NE boundary of V-7 counterclockwise along the arc of a 35-mile radius circle centered at latitude 31°14'55" N., longitude 85°46'20" W. to its INT with a line 5 miles N of and parallel Dothan, Ala., VOR 093° radial, thence E along this line to longitude 84°55'00" W., thence N along this meridian to a line 12 miles SW of and parallel to the Albany VOR 294° radial.

AMENDMENTS 2/7/63 27 F R 12258 (Added);

Albany, N. Y.
That airspace extendin upward from 1,200 feet above the surface SE of Albany bounded on the NE by V-130, on the SE by V-487 and on the W by V-91; and that airspace SW of Albany bounded on the N by a line 10 miles S of and parallel to the Albany VORTAC 270° radial, on the E by V-91, on the S by V-270 and on the W by Long. 74°16'00" W.

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque Sunport Airport/Kirtland AFB (latitude 35°02'42" N., longitude 106°36'02" W.), and within 2 miles each side of the 188° bearing from the Albuquerque RBN, extending from the 14-mile radius area to 12 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 46-mile radius of the Albuquerque VORTAC, excluding the portion within an 8-mile radius of OTTO Airport, Moriarity, N. Mex. (latitude 35°04'35" N., longitude 106°00'10" W.); within 10 miles E and 7 miles W of the Socorro, N. Mex., VORTAC 189° and 009° radials, extending from the 46-mile radius area to 20 miles S of the VORTAC, excluding the portion within R-5107C; within 10 miles S and 7 miles N of the Grants, N. Mex., VOR 267° and 087° radials, extending from the 46-mile radius area to 20 miles W of the VOR; and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

AMENDMENTS 8/22/63 28 F R 6911 (Added);

Alexandria, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Alexandria Airport (latitude 45°52'05" N., longitude 95°23'45" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Alexandria VOR 051° and 231° radials extending from 8 miles SW to 13 miles NE of the VOR, and within the area NE of Alexandria bounded on the NW by a line 5 miles NW of and parallel to the Alexandria VOR 027° radial, on the NE by the arc of a 29-mile radius circle centered on the Alexandria VOR, and on the SE by a line 5 miles SE of and parallel to the Alexandria VOR 051° radial.

AMENDMENTS 11/14/63 28 F. R. 9283 (Added);

Alma City, Minn.
That airspace extending upward from 1,200 feet above the surface within 12 miles W and 8 miles E of the Minneapolis, Minn., VORTAC 188° radial, extending from 22 miles N to 10 miles S of the INT of the Minneapolis VORTAC 188° and the Rochester, Minn., VOR 282° radials.

Andalusa, Ala.
That airspace extending upward from 1,200 feet above the surface within 12 miles W and 8 miles E of the Crestview, Fla., VOR 013° radial, extending from 22 miles N to 10 miles S of the INT of the Crestview VOR 013° and the Evergreen, Ala., VOR 114° radials.

Aniak, Alaska
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 050° and 230° bearings from the Aniak RR, extending from 9 miles NE to 20 miles SW of the RR.

Annette Island, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Annette Island ILS localizer NW course, extending from 5 miles NW to 15.5 miles NW of the Annette Island Airport (latitude 55°02'30" N., longitude 131°34'05" W.), and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 17 miles NE of the 142° and 322° bearings from the Annette RR, extending from 40 miles NW of the RR to a line 3 miles N of and parallel to the United States/Canadian border.

AMENDMENTS 9/19/63 28 F. R. 6969 (Rewritten);

Appleton, Wis.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Outagamie County Airport, Appleton, Wis. (latitude 44° 17' 05" N., longitude 88° 21' 55" W.), and within 2 miles each side of the 089° bearing from the airport, extending from the 4-mile radius area to 8 miles E of the airport.

AMENDMENTS 1/9/64 28 F. R. 12340 (Added);

Ardmore, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the 265° and 085° bearings from the Ardmore RBN, extending from the 7-mile radius area to 8 miles W of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Ardmore Municipal Airport.

AMENDMENTS 9/19/63 28 F. R. 6969 (Added);

Arkansas City, Kans.
That airspace extending upward from 1,200 feet above the surface bounded on the N by a line 10 miles S of and parallel to the Anthony, Kans., VOR 085° radial, on the E by a line 5 miles SW of and parallel to a direct line, extending from the Wichita, Kans., VOR to the Tulsa, Okla., VORTAC, on the S by V-516 and the arc of a 15-mile radius circle centered on the Ponca City, Okla., Airport (Lat. 36°43'41" N, Long. 97°05' 57" W), and on the W by V-77.

Asheville, N. C.
That airspace E of Asheville, extending upward from 1,200 feet above the surface bounded on the NW by V-222, on the E by V-259, on the SE by V-20, and on the SW by V-296; and the airspace W of Asheville within a 30-mile radius of the Asheville VORTAC, bounded on the NE by V-185 and the SE by V-222.

Astoria, Oreg.
That airspace extending upward from 700 feet above the surface bounded on the SW by the Astoria VOR 326° radial, on the NE by a line 5 miles NE of and parallel to the Astoria VOR 326° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 46° 08' 00" W., longitude 123° 42' 00" W., thence to latitude 46° 02' 00" N., longitude 123° 53' 00" W., thence to latitude 46° 02' 00" N., longitude 124° 09' 00" W., thence to latitude 46° 16' 00" N., longitude 124° 09' 00" W., thence to latitude 46° 22' 00" N., longitude 123° 55' 00" W., thence to point of beginning.

AMENDMENTS 1/9/64 28 F. R. 11615 (Added);

Atlanta, Ga.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Atlanta Municipal Airport (Lat. 33°38'42" N, Long. 84°25'37" W), excluding the airspace within a 1.5-mile radius of the Edwards Skyport, Atlanta, Ga (Lat. 33°32'47" N, Long. 84°38'31" W), and the Gunn Airport, Atlanta, Ga. (Lat. 33°43'14" N, Long. 84°09'56" W); within 2 miles either side of the Atlanta ILS localizer W course, extending from the 15-mile radius area to 18 miles W of the localizer; within a 5-mile radius of the De Kalb-Peachtree Airport, Chamblee, Ga. (Lat. 33°52'30" N, Long. 84°18'10" W); within 2 miles either side of the McDonough, Ga., VORTAC 314° radial, extending from the 15-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the Atlanta Municipal Airport; within a 30-mile radius of the Lost Mountain, Ga., RBN; that airspace N of Atlanta extending from the 50-mile radius area bounded on the W by V-51, on the N by V-54, on the E by V-267; that airspace NE of the Toccoa, Ga., VOR bounded on the N by V-54, on the SE by V-222 and on the SW by a line 5 miles SW of and parallel to the Greenwood, S. C., VOR 315° radial; that airspace NE and E of Atlanta extending from the 50-mile radius area bounded on the NW by V-222, on the E by a line extending from SE boundary of V-222 W of Greenville, S. C., counterclockwise along the arc of a 30-mile radius circle centered at Lat. 34°48'45" N, Long. 82°20'30" W, to its INT with the arc of a 15-mile radius circle centered at the Greenwood VOR, thence counterclockwise along this arc to its INT with the N boundary of V-454, thence via the N boundary of V-454 to Long. 83°00'00" W, thence via Long. 83°00'00" W to the N boundary of V-18, and on the S by the N boundary of V-18; that airspace SW of Atlanta extending from the 50-mile radius area bounded on the N by V-18, on the S by V-20 N, and on the W by Long 86°00'00" W, and that airspace W of Atlanta extending from the 50-mile radius area bounded on the N by a line 12 miles N of and parallel to the Atlanta ILS localizer W course, on the S by V-18 N, and on the W by Long. 85°33'00" W, excluding the portion within R-3001.

Baker, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Baker VORTAC 138° and 317° radials, extending from 14 miles SE to 16 miles NW of the VORTAC.

AMENDMENTS 9/19/63 28 F. R. 7902 (Rewritten);

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich., (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course, extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within a 4-mile radius of Haines Field, Three Rivers, Mich., (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from Haines Field to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42° 38' 00" N., on the E by longitude 84° 50' 00" W., on the S by latitude 41° 40' 00" N., on the SW by a line extending from latitude 41° 40' 00" N., longitude 85° 37' 25" W., to latitude 42° 08' 00" N., longitude 86° 00' 00" W., and on the W by longitude 86° 00' 00" W.

AMENDMENTS 12/12/63 28 F. R. 10741 (Added);

Beatty, Nev.
That airspace extending upward from 1,200 feet above the surface within 11 miles SW and 8 miles NE of the Beatty VOR 320° and 140° radials, extending from 20 miles NW to 20 miles SE of the VOR.

Beaumont, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Beaumont ILS localizer NW course, extending from the OM to 8 miles NW; within 2 miles each side of the Beaumont ILS localizer SE course, extending from the arc of a 5-mile radius circle centered at the Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), to 17 miles SE of the approach end of Runway 29; and within 2 miles each side of the Beaumont VOR 244° radial, extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of latitude 29°54'40" N., longitude 94°02'40" W.

AMENDMENTS 9/19/63 28 F. R. 7671 (Added);

Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Antrim County Airport, Bellaire, Mich. (latitude 44°59'10" N., longitude 85°11'55" W.), and the airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 198° bearing from the Bellaire RBN extending from the 8-mile radius area to 12 miles S of the RBN.

AMENDMENTS 5/2/63 28 F.R 2165 (Added);

Belleville, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

AMENDMENTS 8/22/63 28 F. R. 6725 (Added);

AMENDMENTS 1/9/64 28 F. R. 11615 (Added);

Bellona, N. Y.
That airspace extending upward from 1,200 feet above the surface within the area bounded on the N by V-2, on the E by the arc of a 40-mile radius circle centered on the Syracuse, N. Y., VORTAC, on the SE by V-84, on the SW by V-34, and on the W by the arc of a 20-mile radius circle centered on the Rochester-Monroe County Airport, Rochester, N. Y. (latitude 43°07'20" N., longitude 77°39'55" W.).

AMENDMENTS 4/4/63 28 F.R 633 (Added);

Bemidji, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.) and within 2 miles each side of the Bemidji VOR 316° and 136° radials, extending from the 6-mile radius area to 8 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Bemidji VOR 136° and 316° radials, extending from 4 miles SE to 13 miles NW of the VOR

AMENDMENTS 8/22/63 28 F R 6828 (Added);

Bible Grove, Ill.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Bible Grove VOR 261° and 081° radials, extending from 20 miles W to 9 miles E of the VOR.

Big Delta, Alaska
That airspace extending upward from 1,200 feet above the surface within 20 miles SW and 35 miles NE of the 299° and 119° bearings from the Big Delta RR, extending from the arc of a 55-mile radius circle centered on Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.) to 55 miles SE of the RR, excluding the portion within the Fairbanks, Alaska, transition area. The portion within R-2202, R-2208 and R-2209 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 11/14/63 28 F. R. 10354 (Added);

Big Sur, Calif.
That airspace extending upward from 18,000 feet MSL to FL 240 W of Big Sur bounded on the E by a line overlying the W edge of V-27 and the Monterey, Calif., control area extension, on the SW, W and NW by a line extending from the Monterey, Calif., control area extension through latitude 35°58'45" N., longitude 121°56'45" W., to latitude 35°53'00" N., longitude 122°09'30" W., to latitude 35°53'00" N., longitude 122°19'00" W., to latitude 36°06'00" N., longitude 122°25'30" W., thence through latitude 36°23'10" N., longitude 122°13'35" W. to the Monterey, Calif., control area extension, excluding the airspace within the Continental Control Area.

AMENDMENTS 11/14/63 28 F. R. 10332 (Added);

Bloomington, Ill.
That airspace extending upward from 700 feet above the surface within 10 miles SE and 7 miles NW of the Bloomington VOR 043° and 223° radials, extending from 20 miles NE to 9 miles SW of the VOR, excluding the airspace within Federal airways.

Bloomington, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe County Airport, Bloomington, Ind. (latitude 39°08'25" N., longitude 86°37'00" W.) and within 2 miles each side of the Bloomington VOR 236° radial, extending from the 5-mile radius area to 8 miles SW of the VOR.
AMENDMENTS 10/17/63 28 F.R. 9425 (Added); (Amend. Alt. 28 F.R. 10332);

Blythe, Calif.
That airspace extending upward from 700 feet above the surface within a 2-mile radius of the Blythe RBN; within 2 miles each side of the 180° bearing from the Blythe RBN, extending from the 2-mile radius area to 8 miles S of the RBN, and within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered at the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'00" W., on the S by the arc of an 18-mile radius circle centered at the Blythe Airport, and on the W by longitude 115°00'00" W., and within 5 miles each side of the 180° bearing from the Blythe RBN, extending from the 18-mile radius arc to 23 miles S of the RBN.

AMENDMENT 10/17/63 28 F. R. 8446 (Added);

Borger, Tex.
That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Amarillo, Tex., VORTAC 038° radial extending from 24 miles NE to 56 miles NE of the VORTAC.

AMENDMENTS 12/12/62 27 F.R. 12441 (Added);

AMENDMENTS 8/22/63 28 F. R 6725 (Added);

Boston, Mass.
That airspace extending upward from 20,000 feet MSL to FL 300 inclusive E of Boston bounded by a line beginning at latitude 42° 24' 30" N., longitude 70° 15' 30" W., to latitude 42° 27' 50" N., longitude 70° 04' 00" W., to latitude 42° 25' 30" N., longitude 70° 04' 00" W., to latitude 42° 24' 30" N., longitude 69° 46' 00" W., to latitude 42° 21' 30" N., longitude 69° 30' 00" W., to point of beginning.

AMENDMENTS 12/12/63 28 F. R. 10742 (Added);

Bozeman, Mont.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Bozeman VOR 278° and 098° radials, extending from 9 miles E to 20 miles W of the VOR, excluding the airspace within Federal airways.

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Crow Wing County Airport, Brainerd, Minn. (latitude 46°23'25" N., longitude 94°08'20" W.), and extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 117° and 297° radials, extending from 5 miles NW to 13 miles SE of the VOR.

AMENDMENTS 8/22/63 28 F. R 6912 (Added);

Buckeye, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Buckeye VOR 096° and 276° radials, extending from 9 miles E to 20 miles W of the VOR.

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Niagara Falls, N. Y., Municipal Airport (latitude 43° 06' 20" N., longitude 78° 56' 55" W.); within a 7-mile radius of the Greater Buffalo International Airport (latitude 42° 56' 25" N., longitude 78° 43' 50" W.); within a 4-mile radius of Buffalo Airpark (latitude 42° 51' 40" N., longitude 78° 43' 00" W.); within 5 miles S and 8 miles N of Niagara Falls ILS localizer E course, extending from the OM to 14 miles E of the OM; within 8 miles NW and 7 miles SE of the Buffalo ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within 8 miles N and 5 miles S of the Buffalo VORTAC 099° radial, extending from the VORTAC to 12 miles E of the VORTAC, and within 2 miles each side of the Buffalo ILS localizer SW course, extending from the Buffalo 7-mile radius area to 8 miles SW of the Cheektowaga, N. Y., FM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43° 38' 00" N., longitude 78° 41' 00" W., to latitude 43° 21' 00" N., longitude 78° 00' 00" W., to latitude 43° 06' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 52' 00" W., to latitude 42° 37' 00" N., longitude 79° 15' 00" W., to latitude 42° 41' 00" N., longitude 79° 19' 30" W., thence via the United States/Canadian border to the point of beginning, excluding the portion outside the United States.

AMENDMENTS 1/9/64 28 F. R. 12340 (Added);

Burley, Idaho
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Burley VORTAC 072° and 252° radials, extending from 9 miles SW to 20 miles NE of the VORTAC, excluding the airspace within Federal airways.

PENDING AMENDMENT
Burley, Idaho
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Burley VORTAC 292° radial, extending from the VORTAC to 10 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 12 miles N and 9 miles S of the Burley VORTAC 075° and 255° radials, extending from 18 miles E of the Burley VORTAC to a 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR.
4/2/64 28 F. R. 13359 (Rewritten);

PENDING AMENDMENT
Burlington, Iowa
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 185° bearing from the Burlington Municipal Airport (latitude 40° 47' 05" N., longitude 91° 07' 25" W.), extending from the arc of a 5-mile radius circle centered on the Burlington Municipal Airport to 7.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41° 10' 00" N., longitude 91° 00' 00" W.; to latitude 41° 10' 00" N., longitude 90° 00' 00" W.; thence S to latitude 40° 35' 20" N., longitude 90° 00' 00" W.; thence W via latitude 40° 35' 20" N., to the Burlington VOR 235° radial; thence clockwise along the arc of a 14-mile radius circle centered on the Burlington Municipal Airport to longitude 91° 00' 00" W.; thence to point of beginning.
4/30/64 28 F. R. 13864 (Added);

AMENDMENTS 12/12/62 27 F.R. 12441 (Added);

PENDING AMENDMENT
Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler-Graham Airport (latitude 40° 48' 45" N., longitude 79° 56' 55" W.), and within 2 miles each side of the Butler RBN 180° and 002° bearings, extending from the 5-mile radius area to 8 miles S of the RBN.
2/6/64 .28 F. R. 12339 (Added);

Butte, Mont.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR, and within 10 miles N and 7 miles S of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles E to 19 miles W of the VOR.

AMENDMENTS 7/25/63 28 F. R 4661 (Rewritten);

Cambridge, N. Y.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cambridge VOR 274° and 094° radials, extending from 9 miles W to 20 miles E of the VOR.

Camden, Ark.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the 052° and 172° bearings from Harrell Field, Ark., (Lat. 33°37'05" N, Long. 92°46'00" W), extending from 9 miles S to 20 miles N of the airport, excluding the airspace within Federal airways.

Camp Le Jeune, N. C.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 34° 30'20" N, Long. 77°15'50" W, thence 3-nmi from and parallel to the United States shoreline to Lat. 34°25'18" N, Long. 77°26'30" W, to Lat. 34°30'35" N, Long. 77°32'18" W, to Lat. 34°36'05" N, Long. 77°26'08" W, to Lat. 34°33'00" N, Long. 77°19'00" W, thence to the point of beginning.

Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cape Girardeau Municipal Airport latitude 37°13'30" N., longitude 89°34'10" W.); within two miles either side of the 215° bearing from the Cape Girardeau Airport extending from the 6-mile radius area to 8 miles SW of the airport. and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 035° and 215° bearings from the Cape Girardeau Municipal Airport extending from 9 miles NE to 20 miles SW of the airport.

AMENDMENTS 4/4/63 28 F.R. 633 (Rewritten);

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Carlsbad Municipal Airport (latitude 32°20'20" N., longitude 104°15'45" W.), and within 2 miles each side of the Carlsbad VOR 157° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Carlsbad VOR 157° and 337° radials, extending from 7 miles northwest to 13 miles southeast of the VOR; within 5 miles southeast and 8 miles northwest of the Carlsbad VOR 062° and 242° radials, extending from 7 miles southwest to 13 miles northeast of the VOR; and within 5 miles each side of the Carlsbad VOR 062° radial, extending from the VOR to 23 miles northeast of the VOR.

AMENDMENTS 10/17/63 28 F. R. 9346 (Rewritten);

Casa Grande, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Casa Grande VOR 158° and 338° radials, extending from 9 miles NW to 20 miles SE of the VOR.

Casper, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Casper VORTAC 218° radial, extending from 26 miles to 31 miles SW of the VORTAC; within 2 miles each side of the Casper VORTAC 235° radial, extending from 23 miles to 28 miles SW of the VORTAC, and within 2 miles each side of the Casper ILS localizer W course, extending from 5 miles W to 7 miles W of the OM; that airspace extending upward from 1,200 feet above the surface within 12 miles SE and 10 miles NW of the Casper VORTAC 218° and 038° radials, extending from 20 miles NE to 44 miles SW of the VORTAC; within 6 miles S and 13 miles N of the 270° and 090° bearings from the Casper RBN, extending from 33 miles W to 43 miles E of the RBN, and within 5 miles each side of the Casper VORTAC 235° radial, extending from 38 miles to 52 miles SW of the VORTAC; and that airspace extending upward from 9,500 feet MSL within 5 miles each side of the Casper VORTAC 235° radial, extending from 52 miles to 81 miles SW of the VORTAC.

AMENDMENTS 10/17/63 28 F. R. 9286 (Added);

Cedar City, Utah
That airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

AMENDMENTS 6/27/63 28 F R 4126 (Added).

Centralia, Ill.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.), and within 2 miles each side of the Centralia VOR 031° radial, extending from the 4-mile radius area to the VOR; within a 4-mile radius of the Mount Vernon, Ill., Municipal Airport (latitude 38°19'15" N., longitude 88°51'40" W.); and within 2 miles each side of the 044° bearing from the airport, extending from the 4-mile radius area to 8 miles NE of the airport; and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the N boundary of V-446, extending S along longitude 88°35'00" W., to latitude 38°12'00" N., thence W along latitude 38°12'00" N., to and counterclockwise along the arc of a 40-mile radius circle centered at Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.) to and clockwise along the arc of a 13-mile radius circle centered on the Centralia VOR to and counterclockwise along the arc of the 40-mile radius circle centered on Scott AFB to the N boundary of V-446, thence E along the N boundary of V-446 to the point of beginning.

AMENDMENTS 8/22/63 28 F R 6872 (Added);

Chadron, Nebr.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Chadron VOR 030° and 210° radials , extending from 5 miles NE to 14 miles SW of the VOR.

AMENDMENTS 10/17/63 28 F. R. 9425 (Rewritten);

Chanute, Kans.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 12 miles NW of the Chanute VOR 244° and 064° radials, extending from 12 miles SW to 15 miles NE of the VOR.

AMENDMENTS 10/17/63 28 F. R. 7668 (Added);

Chattanooga, Tenn.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Lovell Field, Chattanooga, Tenn. (latitude 35° 02' 05" N., longitude 85° 12' 10" W.), extending clockwise from the 020° to the 250° bearings from the airport; within a 20-mile radius of Lovell Field, extending clockwise from the 250° to the 020° bearings from the airport; within 5 miles each side of the Chattanooga VORTAC 263° radial, extending between the arcs of a 14-mile and a 25-mile radius circle each centered at Lovell Field; within 8 miles E and 5 miles W of the North Chattanooga, Tenn., RBN 016° bearing, extending from the RBN to 12 miles N; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Lovell Field; within the area SE of Chattanooga, extending from the 25-mile radius area bounded on the E by the W boundary of V-5, on the S by a line through latitude 34° 26' 58" N., longitude 84° 55' 58" W., and latitude 34° 25' 30" N., longitude 84° 59' 30" W., and on the W by a line 9 miles W of and parallel to the Chattanooga VORTAC 152° radial; within the area N, NE and NW of Chattanooga extending from the 25-mile radius area bounded by a line beginning at the INT of the arc of a 25-mile radius circle centered at Lovell Field and a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial; thence NW along a line 6 miles W of and parallel to the Chattanooga VORTAC 313° radial to and clockwise along the arc of a 50-mile radius circle centered on the Chattanooga VORTAC to the W boundary of V-51 W alternate; thence S along the W boundary of V-51 W alternate to latitude 35° 25' 45" N., longitude 85° 09' 15" W.; to latitude 35° 22' 45" N., longitude 84° 45' 00" W.; to latitude 35° 17' 30" N., longitude 84° 45' 10" W.; to latitude 35° 08' 20" N., longitude 84° 45' 35" W.; thence via latitude 35° 08' 20" N., to the arc of a 25-mile radius circle centered at Lovell Field; and that airspace extending upward from 3,000 feet MSL bounded on the N by V-54, on the NE by the arc of a 25-mile radius circle centered at Lovell Field, on the SE by V-115, and on the W by a line extending through latitude 34° 32' 00" N., longitude 85° 52' 15" W., and latitude 34° 48' 00" N., longitude 85° 57' 10" W., excluding the portion within the Rome, Ga., transition area.

AMENDMENTS 1/9/64 28 F. R. 11614 (Added);

Cherokee, Wyo.
That airspace extending upward from 1,200 feet above the surfave within 10 miles S and 7 miles N of the Cherokee VOR 081° and 261° radials, extending from 7 miles E to 7 miles W of the VOR.

Cherry Point, N. C.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at Lat. 35°45'30" N, Long. 76°39'00" W, thence clockwise along the arc of a 60-mile radius circle centered at Lat. 34°54'30" N, Long. 76°53'00" W, to Lat. 35°05'50" N, Long. 75°51'05" W, thence 3-nmi from and parallel to the shoreline to Lat. 34°37'30" N, Long. 76°56'20" W, to Lat. 34°41'50" N, Long. 76°56'20" W, to Lat. 34° 45' 10" N, Long. 76°40'30" W, to Lat. 34°46'45" N, Long. 76°24'45" W, to Lat. 35°04'30" N, Long. 76°04' 30" W, to Lat. 35°18'15" N, Long. 76°16'40" W, to Lat. 35°23'15" N, Long. 76°34'40" W, to Lat. 35°03' 00" N, Long. 76°57'00" W, to Lat. 35°26'00" N, Long. 76°52'00" W, thence to point of beginning.

00" N, Long. 76°57'00" W, to Lat. 35°26'00" N, Long. 76°52'00" W, thence to point of beginning.

Childress, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Childress Municipal Airport, and within 10 miles SE and 7 miles NW of the Childress VOR 244° radial, extending from the 20-mile radius area to 20 miles SW of the VOR

AMENDMENTS 11/14/63 28 F R. 7668 (Added);

Chincoteague, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of NASA Wallops Station Airport, and the area extending NE from the the 12-mile radius area bounded on the NW by the SE boundary of V-139, on the NE by the Salisbury, Md., VOR 114° radial, and on the southeast by a line 3 miles SE of and parallel to the SE boundary of V-139, excluding the portion within R-6604 and the portion outside the United States.

AMENDMENTS 10/17/63 28 F. R. 9429 (Added);

Clarksburg, W. Va.
That airspace extending upward from 700 feet above the surface within 10 miles NW and 7 miles SE of the Clarksburg VOR 036° and 216° radials, extending from 12.7 miles NE to 16.3 miles SW of the VOR.

Cleveland, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.); within a 3-mile radius of the Burke-Lakefront Airport (latitude 41°31'00" N., longitude 81°41'00" W.); within 2 miles each side of the Cleveland-Hopkins Runway 23-R-ILS localizer NE course, extending from the 8-mile radius area to the Burke-Lakefront 3-mile radius area; within 2 miles each side of the Cleveland-Hopkins Runway 5-L-ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the Runway 5-L-ILS OM; within 2 miles each side of the Strongsville VOR 192° radial, extending from the 8-mile radius area to 8 miles S of the VOR; and within 2 miles each side of the Akron, Ohio, VORTAC 319° radial, extending from the Burke-Lakefront 3-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from latitude 41°35'00" N., longitude 82°06'20" W., via latitude 41°48'20" N., longitude 81°47'30" W., to latitude 41°54'00" N., longitude 81°37'20" W., thence clockwise along the arc of a 19-mile radius circle centered at latitude 41°41'00" N., longitude 81°23'25" W., to latitude 41°24'20" N., longitude 81°23'00" W., to latitude 41°21'00" N., longitude 81°31'00" W., thence clockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport to the 146° bearing from the airport, thence SE along the 146° bearing to latitude 41°08'00" N., longitude 81°36'00" W., to latitude 40°53'00" N., longitude 81°43'00" W., thence via the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the 210° bearing from the airport, thence clockwise via the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

AMENDMENTS 8/22/63 28 F R 6725 (Added);

PENDING AMENDMENT
Clinton, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clinton Municipal Airport (latitude 41° 49' 45" N., longitude 90° 19' 50" W.), within 2 miles each side of the Cordova VOR 338° radial, extending from the 5-mile radius area to the VOR; and within 8 miles SW and 5 miles NE of the 324° bearing from the Clinton Municipal Airport, extending from the airport to 12 miles NW of the airport.
4/30/64 28 F. R. 13864 (Added);

Clintonville, Wis.
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the 128° and 308° bearings from the Clintonville Airport (latitude 44° 36' 50" N., longitude 88° 43' 30" W.), extending from 2 miles SE of 12 miles NW of the airport, and within 8 miles NE and 5 miles SW of the 146° bearing from the airport, extending from the airport to 12 miles SE of the airport.

AMENDMENTS 1/9/64 28 F R. 12340 (Added);

Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Cannon AFB, Clovis, N. Mex. (latitude 34° 23' 01" N., longitude 103° 18' 58" W.); within 2 miles each side of the 217° bearing from the Cannon AFB RBN, extending from the 14-mile radius area to 12 miles SW of the RBN, and within 2 miles each side of the 225° bearing from the Cannon RBN, extending from the 14-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 051° radial to the Cannon VOR 190° radial; within a 37-mile radius of Cannon AFB, extending clockwise from the Cannon VOR 190° radial to the Cannon VOR 226° radial, thence via a line to latitude 34° 01' 10" N., longitude 104° 04' 00" W., thence to latitude 34° 09' 55" N., longitude 104° 03' 40" W., thence to latitude 34° 10' 00" N., longitude 103° 55' 00" W., thence to latitude 34° 42' 15" N., longitude 103° 55' 00" W., thence to the point of beginning; that airspace E of Clovis within 10 miles N and 7 miles S of the Texico, Tex., VOR 093° and 273° radials, extending from the 30-mile radius area to 25 miles E of the VOR; within 5 miles each side of the Cannon VOR 084° radial, extending from the 30-mile radius area to 51 miles E of the VOR; and that airspace extending upward from 8,000 feet MSL NW of Clovis bounded by a line beginning at latitude 34° 32' 30" N., longitude 103° 55' 00" W., thence to latitude 34° 28' 30" N., longitude 104° 05' 15" W., thence to latitude 34° 38' 00" N., longitude 104° 10' 30" W., thence to latitude 34° 46' 40" N., longitude 104° 05' 25" W., thence to latitude 34° 42' 15" N., longitude 103° 55' 00" W., thence to the point of beginning. The portions of this transition area within R-5104 and R-5105 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 1/9/64 28 F. R. 10742 (Added);

Coaldale, Nev.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Coaldale VORTAC 087° radial, extending from the VORTAC to 20 miles E and within 10 miles NE and 10 miles SW of the Coaldale VORTAC 316° and 146° radials, extending from 20 miles SE to 20 miles NW of the VORTAC.

Cochise, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

College Station, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles S and 5 miles N of the College Station VOR 287° radial, extending from the VOR to 13 miles W; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 5 miles N of the College Station VOR 107° radial, extending from the VOR to 7 miles E; and within 5 miles each side of the College Station VOR 124° radial, extending from the VOR to 23 miles SE.

AMENDMENTS 11/14/63 28 F. R. 10290 (Added);

Columbia, S. C.
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the Columbia VOR 329° radial, extending from 9 miles NW to 41 miles NW of the VOR, excluding the airspace within Federal airways.

Columbus, Ga.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Muscogee County Airport, Columbus, Ga. (latitude 32°30'55" N., longitude 84°56'25" W.); within 2 miles each side of the Columbus VOR 329° and 149° radials, extending from the Muscogee County Airport 7-mile radius area to 8 miles NW of the VOR; within a 9-mile radius of Lawson AAF, Columbus, Ga. (latitude 32°20'20" N., longitude 84°59'35" W.); within 2 miles each side of the 204° bearing from the Columbus RBN, extending from the Lawson AAF 9-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the NE by the arc of a 50-mile radius circle centered at the Atlanta, Ga., Municipal Airport (latitude 33°38'42" N., longitude 84°25'37" W.), on the E by V-97, on the S by V-56, and on the NW by V-20; that airspace W of Lawson AAF bounded by a line beginning at latitude 32°06'55" N., longitude 84° 48'25" W., clockwise around the arc of a 19-mile radius circle centered at Lawson AAF to latitude 32°37'00" N., longitude 85°01'03" W., to point of beginning; and within 8 miles SW and 5 miles NE of the Columbus VOR 329° radial, extending from the VOR to 12 miles NW, excluding the portions within R-3002.

AMENDMENTS 3/7/63 28 F.R 213 (Added); 10/17/63 28 F. R. 8447 (Rewritten);

Columbus, N. Mex.
That airspace extending upward from 8,000 feet MSL, bounded on the E by longitude 107°13'00" W, on the S by the United States/Mexican border, on the W by longitude 107°54'00" W, and on the N by latitude 31°59'00" N.

AMENDMENTS 8/22/63 28 F. R. 6873 (Added);

Corona, N. Mex.
That airspace extending upward from 8,500 feet MSL, within 10 miles NE and 7 miles SW of the Corona VOR 139° and 319° radials, extending from 20 miles SE to 9 miles NW of the VOR.

AMENDMENTS 9/19/63 28 F. R. 7158 (Added);

Cortez, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles SW and 7 miles NE of the 306° and 126° bearings from the Montezuma County Airport, Cortez, Colo. (Lat. 37°18'15" N, Long. 108°37' 35" W), extending from 20 miles NW and to 9 miles SE of the airport, excluding the airspace within Federal airways.

Crazy Woman, Wyo.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Crazy Woman VORTAC 173° and 353° radials, extending from 20 miles S to 9 miles N of the VORTAC.

PENDING AMENDMENT
Crescent City, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 12 miles NW of the Crescent City VOR 055° and 235° radials, extending from 8 miles SW to 20 miles NE of the VOR; within 5 miles each side of the Crescent City VOR 235° radial, extending from 8 miles to 20 miles SW of the VOR, and within 8 miles E and 5 miles W of the Crescent City VOR 180° radial, extending from the VOR to 14 miles S of the VOR; and that airspace extending upward from 14,500 feet above the surface bounded on the E by a line 5 miles west of and parallel to the Crescent City VOR 002° and 180° radials, on the S by latitude 41° 26' 00" N., on the W by longitude 124° 28' 00" W., and on the N by latitude 42° 07' 00" N., excluding the portion within the continental control area.
5/28/64 28 F. R. 14419 (Added);

Crow's Landing, Calif.
That airspace extending upward from 1,200 feet above the surface, bounded on the SW by V-107, on the N by V-244 S, and on the E by V-109. The portions within R-2525 and R-2528 shall be used only after obtaining prior approval from appropriate authority.

Culberson, Tex.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 7 miles S of the Culberson VOR 089° and 269° radials, extending from 20 miles W to 9 miles E of the VOR, and within 10 miles SW and 7 miles NE of the Culberson VOR 117° and 297° radials, extending from 20 miles SE to 9 miles NW of the VOR.

PENDING AMENDMENT
The Culberson, Tex., transition area is revoked. 3/5/64 28 F. R. 14421 (Revoked);

Cut Bank, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Cut Bank VOR, extending clockwise from a line 5 miles N of and parallel to the Cut Bank VOR 095° radial to the W boundary of V-21W.

AMENDMENTS 10/17/63 28 F. R. 8446 (Rewritten);

Darby, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR.

Darwin, Minn.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 12 miles S of the Darwin VOR 088° and 268° radials, extending from 10 miles E to 22 miles W of the VOR.

Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Daytona Beach ILS localizer SW course, extending from the OM to 12 miles SW; within 2 miles each side of the 236° bearing from the Daytona Beach OM, extending from the OM to the INT of the Daytona Beach VOR 219° radial and the Orlando, Fla., VOR 353° radials; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 29°33'00" N., on the W by the W edge of V-267, on the S by latitude 28°58'00" N., on the E by the limits of the territorial waters of the United States, and that airspace N of Daytona Beach bounded on the E by V-3, on the S by latitude 29°33'00" N., on the W by V-267.

AMENDMENTS 11/14/63 28 F. R. 10330 (Added);

Decatur, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03" N., longitude 88°52'52" W.), and within 2 miles each side of the Decatur VOR 351° radial, extending from the 5-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Decatur VOR and within 10 miles S and 6 miles N of the Decatur VOR 285° radial extending from the 15-mile radius area to the arc of a 15-mile radius circle centered at latitude 39°53'32" N., longitude 89°37'31" W.

AMENDMENTS 6/27/63 28 F. R. 4435 (Rewritten);

AMENDMENTS 9/19/63 28 F. R. 7158 (Added);

De Lancey, N. Y.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the De Lancey VOR 265° and 085° radials, extending from 9 miles W to 20 miles E of the VOR.

Delta, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Delta VOR 203° and 023° radials, extending from 9 miles NE to 20 miles SW of the VOR, excluding the airspace within Federal airways.

PENDING AMENDMENT
Delta, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39° 23' 00" N., longitude 112° 30' 35" W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Delta VOR 016° and 196° radials, extending from 10 miles N to 20 miles S of the VOR.
3/5/64 29 F. R. 73 (Rewritten);

Deming, N. Mex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Deming VOR 264° radial, extending from the VOR to 3.2 miles W of the Deming VOR, and within 2 miles each side of the Deming VOR 270° radial, extending from 5.5 miles W of the Deming Municipal Airport (latitude 32° 15' 25" N., longitude 107° 43' 00" W.) to 8.5 miles W of the airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31° 47' 00" N., longitude 106° 53' 35" W., thence W along the United States/Mexican border to longitude 107° 13' 00" W., thence N along longitude 107° 13' 00" W., to latitude 31° 59' 00" N., thence W along latitude 31° 59' 00" N., to longitude 107° 54' 00" W., thence N along longitude 107° 54' 00" W., to latitude 32° 19' 15" N., longitude 107° 54' 00" W., thence to latitude 32° 24' 20" N., longitude 107° 36' 00" W., thence to latitude 32° 30' 20" N., longitude 107° 32' 58" W., thence via the arc of a 16-mile circle centered on the Deming VOR to the N boundary of V-94, thence E along the N boundary of V-94 to the W boundary of V-19, thence N along the W boundary of V-19 to latitude 32° 36' 25" N., longitude 107° 03' 55" W., thence to latitude 32° 30' 45" N., longitude 106° 42' 00" W., thence S along the W boundary of R-5107A and R-5107B to the arc of a 30-mile radius circle centered on the El Paso, Tex., International Airport (latitude 31° 48' 35" N., longitude 106° 22' 55" W.), thence counterclockwise along the 30-mile radius arc to the point of beginning; and that airspace extending upward from 8,500 feet MSL bounded on the W by the E boundary of V-110, on the north by a line from latitude 32° 44' 45" N., longitude 107° 20' 50" W., to latitude 32° 41' 50" N., longitude 107° 06' 20" W., on the E by V-19, and on the S and SW by V-94 and the arc of a 16-mile radius circle centered on the Deming VOR.

AMENDMENTS 12/12/63 28 F. R. 11303 (Added); Alteration of Amendment 28 F. R. 12342

Detroit, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the Ford RBN, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41° 45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian border at latitude 41°45'30" N., longitude 82°51' 00" W.

AMENDMENTS 12/12/63 28 F. R. 9426 (Added);

Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Detroit City RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 343° radial, extending from 4 miles north to 14 miles north of the Detroit City Airport (latitude 42°24' 35" N., longitude 83°00'35" W.), excluding the portion within the Detroit, Mich. (Detroit City Airport), control zone.

AMENDMENTS 12/12/63 28 F.R. 10156 (Added);

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dickinson Municipal Airport (latitude 46° 47' 45" N., longitude 102° 48' 00" W.), within 3 miles W and 1 mile E of the Dickinson VORTAC 002° radial, extending from the 5-mile radius area to 6 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles W and 6 miles E of the Dickinson VORTAC 002° and 182° radials, extending from 8 miles S to 11 miles N of the VORTAC, and within 8 miles W and 5 miles E of the Dickinson VORTAC 013° and 193° radials, extending from 4 miles S to 13 miles N of the VORTAC.

AMENDMENTS 1/9/64 28 F. R. 11450 (Added);

Dierks, Ark.
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Texarkana, Ark., VORTAC 355° radial, extending from 10 miles N to 22 miles S of the INT of the Page, Okla., VOR 144° and the Texarkana VORTAC 355° radials.

PENDING AMENDMENT

Douglas, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Douglas VOR 302° radial, extending from the VOR to 8 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 8 miles NE of the Douglas VOR 302° and 122° radials, extending from 20 miles NW to 10 miles SE of the VOR, excluding the portion within R-2303 and the portion outside the United States.
2/6/64 28 F. R. 13438 (Adding);

Douglas, Wyo.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Douglas VOR 167° and 347° radials, extending from 20 miles S to 9 miles N of the VOR.

DuBois, Pa.
That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the 056° bearing from the DuBois RBN, extending from the RBN to 12 miles NE; within 5 miles either side of the 238° bearing from the DuBois RBN, extending from the RBN to the N boundary of V-6 and within 5 miles either side of the 148° bearing from the DuBois RBN, extending from the RBN to the N boundary of V-6.

Dubuque, Iowa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR.

AMENDMENTS 9/19/63 28 F. R. 7825 (Rewritten);
PENDING AMENDMENT

Duncan, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34° 28' 30" N., longitude 97° 57' 30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE of the VOR.
4/30/64 29 F. R. 132 (Added);

Dupree, S. Dak.
That airspace extending upward from 1,200 feet above the surface within 7 miles NE and 10 miles SW of the Dupree VOR 295° and 115° radials, extending from 20 miles NW to 9 miles SE of the VOR.

Durango, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the 298° and 118° bearings from the La Plata Airport, Durango, Colo. (Lat. 37°09'15" N, Long. 107°45'00" W), extending from 20 miles SE to 9 miles NW of the airport.

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'55" W.) and within a 7-mile radius of Hurlburt AFB, Fla. (latitude 30°25'40" N., longitude 86°41'20" W.); and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 30°22'05" N., longitude 86°56'20" W., thence along a 25-mile radius arc centered at NAAS Saufley Field, Pensacola, Fla. (latitude 30°28'15" N., longitude 87°20'30" W.) to latitude 30°35'35" N., longitude 86°56'40" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°45'00" N., longitude 86°39'30" W.; to latitude 30°44'20" N., longitude 86°07'00" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'10" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 29°54'00" N., longitude 86°16'00" W.; to latitude 29°54'00" N., longitude 86°45'50" W.; to latitude 30°20'50" N., longitude 86°38'50" W. thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00" W.; to latitude 30°20'15" N., longitude 86°48'00" W.; to the point of beginning.

AMENDMENTS 4/4/63 28 F.R. 2093 (Added);

El Centro, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the El Centro VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the El Centro VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portions within R-2510, R-2512, and the portion under the jurisdiction of Mexico.

AMENDMENTS 9/19/63 28 F R. 7669 (Rewritten);

El Dorado, Ark.
That airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the El Dorado VORTAC 052° and 232° radials extending from the Goodwin Airport, El Dorado, Ark., to 18 miles NE of the VORTAC, excluding the airspace within Federal airways.

Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of CGAS Elizabeth City (latitude 36°15'50" N., longitude 76°10'40" W.) and within 2 miles each side of the 127° bearing from the Weeksville RBN, extending from the 7-mile radius area to 8 miles SE of the RBN.

AMENDMENTS 10/17/63 28 F. R. 9427 (Added);

Elkland, Pa.
That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 11 miles SE of the Elmira, N. Y., VOR 252° radial, extending from 9 miles SW to 40 miles SW of the VOR, excluding the portions within the Slate Run, Pa., and the Stonyfork, Pa., transition areas.

Ellensburg, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellensburg Municipal Airport (latitude 47°02'10" N., longitude 120°31'50" W.); and that airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles SW to 20 miles NE of the VORTAC, and within 8 miles NE and 5 miles SW of the Ellensburg VORTAC 131° radial extending from the VORTAC to 12 miles SE of the VORTAC.

AMENDMENTS 4/4/63 28 F.R 720 (Rewritten);

El Paso, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), extending clockwise from the 016° to the 196° bearings from the El Paso International Airport; within 2 miles each side of the Newman, Tex., VOR 040° radial, extending from the 15-mile radius area to 12 miles NE of the VOR, excluding the portion outside of the United States; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°47'00" N., longitude 106°53'30" W.; thence clockwise along the arc of a 30 mile radius circle centered at the El Paso International Airport; to latitude 32°12'55" N., longitude 106°34'00" W.; to latitude 32°03'30" N., longitude 106°34'00" W.; to latitude 32°06'30" N., longitude 106°13'40" W.; to latitude 32°19'15" N., longitude 106°01'00" W.; to latitude 32°09'15" N., longitude 105°47'20" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°33'20" N., longitude 105° 30'00" W.; to latitude 32°37'20" N., longitude 105°26'10" W.; to latitude 32°50'55" N., longitude 105°14'45" W.; to latitude 32°40'40" N., longitude 104°58'10" W.; to latitude 32°26'30" N., longitude 105°10'00" W.; to latitude 32°19'15" N., longitude 105°17'00" W.; to latitude 32°00'50" N., longitude 105°17'00" W.; to latitude 32°05'45" N., longitude 104°48'00" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport; to latitude 31°16'30" N., longitude 104°53'40" W.; to latitude 31°25'40" N., longitude 105°14'40" W.; to latitude 31°26'20" N., longitude 105°22'15" W.; to latitude 31°25' 40" N., longitude 105°33'30" W.; to latitude 31°30'20" N., longitude 105°42'15" W.; to latitude 31°30'40" N., longitude 106°00'30" W.; thence clockwise along the arc of a 30-mile radius circle centered at the El Paso International Airport; to latitude 31°25'30" N., longitude 106°08'30" W.; thence via the United States/Mexican Border to point of beginning.; and that airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°10'30" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°09'15" N., longitude 105°47'20" W.; to latitude 32°19'15" N., longitude 106° 01'00" W.; to latitude 32°06'30" N., longitude 106°13'40" W.; to latitude 32°06'30" N., longitude 106°34'00" W.; to point of beginning; within the area bounded by a line beginning at latitude 32°00'50" N., longitude 105°17'00" W.; to latitude 32°19'15" N., longitude 105°17'00" W.; to latitude 32°26'30" N., longitude 105° 10'00" W.; to latitude 32°35'30" N., longitude 105°02'35" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport to latitude 32°05'45" N., longitude 104°48'00" W.; to point of beginning; and within the area bounded by a line beginning at latitude 31°25'30" N., longitude 106°08'30" W.; thence counterclockwise along the arc of a 30-mile radius circle centered at the El Paso International Airport; to latitude 31°30'40" N., longitude 106°00'30" W.; to latitude 31°30'20" N., longitude 105°42'15" W.; to latitude 31°26'20" N., longitude 105° 33'30" W.; to latitude 31°25'40" N., longitude 105°14'40" W.; to latitude 31°16'30" N., longitude 104°53'40" W.; thence clockwise along the arc of a 95-mile radius circle centered at the El Paso International Airport to latitude 30°48'15" N., longitude 105°16'35" W.; thence via the United States/Mexican Border to point of beginning. The portions within R-5103A, R-5106 and R-5107A shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/10/63 27 F.R. 11405 (Rewritten); 10/17/63 28 F. R. 9199 (Rewritten);

Emporia, Kans.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Emporia VORTAC 134° radial extending from the arc of a 5-mile radius circle centered on the Emporia Municipal Airport (latitude 38°20'00" W., longitude 96°11'15" W.) to 8 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles SE of the VORTAC.

AMENDMENTS 8/22/63 28 F. R. 6910 (Added);

PENDING AMENDMENT
Erie, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Erie Airport (latitude 42° 04' 56" N., longitude 80° 10' 44" W.); within 5 miles NW, and 8 miles SE of the Erie ILS localizer SW course, extending from the ILS OM to 12 miles SW of the Erie VORTAC; and within 2 miles each side of the Erie RBN 054° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 41° 55' 00" N., longitude 80° 35' 00" W.; to latitude 42° 14' 00" N., longitude 80° 41' 00" W.; to latitude 42° 37' 00" N., longitude 79° 15' 00" W.; to latitude 42° 32' 00" N., longitude 78° 52' 00" W.; to latitude 42° 11' 30" N., longitude 78° 52' 00" W.; to latitude 42° 10' 00" N., longitude 78° 57' 00" W.; to latitude 41° 49' 40" N., longitude 78° 57' 00" W.; thence via the N boundary of V-72 and V-188, and the SW boundary of V-184 to the arc of a 15-mile radius circle centered on the Erie VORTAC; thence clockwise along this arc to latitude 41° 48' 10" N., longitude 80° 17' 35" W.; to latitude 41° 48' 00" N., longitude 80° 25' 00" W.; to the point of beginning.
3/5/64 29 F. R. 132 (Added);

Escanaba, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Escanaba Municipal Airport (Lat. 45°43'25" N, Long. 37°05'40" W) within 2 miles either side of the 265° bearing from the Escanaba Municipal Airport, extending from the 5-mile radius area to 8 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S of the 085° and 265° bearings from the Escanaba Municipal Airport, extending from 7 miles E to 14 miles W of the airport.

Essex, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 12 miles N of the Needles, Calif., VORTAC 272° radial, extending from 10 miles W to 22 miles E of the INT of the Needles VORTAC 272° and the Goffs, Calif., VOR 205° radials.

PENDING AMENDMENT
Eugene, Oreg.
That airspace extending upward from 700 feet above the surface within 3 miles each side of the Eugene VORTAC 004° radial, extending from the arc of a 5-mile radius circle centered on Mahlon-Sweet Field, Eugene, Oreg. (latitude 44° 07' 25" N., longitude 123° 13' 05" W.) to 13 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles each side of the Eugene VORTAC 008° and 188° radials, extending from 20 miles N to 8 miles S of the VORTAC; within 5 miles S and 10 miles N of the Eugene VORTAC 271° radial, extending from the VORTAC to V-27, and that airspace bounded on the W by V-287, on the SE by V-121, and on the NE by V-23W, excluding the portion within the Kings Valley, Oreg., transition area.
2/6/64 28 F. R. 13358 (Added);

Evergreen, Ala.
That airspace extending upward from 1,200 feet above the surface within a 20 mile radius of the Evergreen VOR.

Fairbanks, Alaska.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49' 40" N., longitude 147°34'00" W.; within a 7-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface within a 55-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.) extending clockwise from the S boundary of G-7, W of Fairbanks, to the 155° bearing from Wainwright AAF, within a 70-mile radius of Wainwright AAF, extending clockwise from the 155° bearing from Wainwright AAF to the S boundary of G-7, W of Fairbanks, and within 20 miles N and 26 miles S of the Nenana, Alaska, VORTAC 285° radial, extending from the VORTAC to 46 miles NW of the VORTAC, excluding the portion within R-2206. The portions within R-2202, R-2205, R-2207 and R-2209 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 11/14/63 28 F. R. 10354 (Added);

Fallon, Nev.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the NAAS Fallon TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within 11 miles NW and 7 miles SE of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles SW to 30 miles NE of the VOR, excluding the portion W of longitude 119°00'00" W.; within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles NE of the TACAN; within 12 miles SW and 10 miles NE of the Fallon TACAN 139° and 319° radials, extending from 10 miles NW to 23 miles SE of the TACAN; within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials; and that airspace extending upward from 9,500 feet MSL within 12 miles SW and 10 miles NE of the NAAS Fallon TACAN 139° radial, extending from 23 miles to 44 miles SE of the TACAN. The portions within R-4803, R-4804 and R-4810 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/19/63 28 F. R. 7824 (Added);

Farewell, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 8 miles N of the 110° and 290° bearings from the Farewell RR, extending from 13 miles W to 13 miles E of the RR.

Farmington, N. Mex.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Farmington VORTAC 094° and 274° radials extending from 20 miles E to 9 miles W of the VORTAC, excluding the airspace within Federal airways.

Fayetteville, Ark.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 35° 54' 30" N., longitude 94° 19' 00" W.; to latitude 36° 14' 00" N., longitude 94° 15' 00" W.; to latitude 36° 14' 00" N., longitude 94° 01' 30" W.; to latitude 36° 00' 00" N., longitude 94° 01' 30" W.; to latitude 35° 53' 30" N., longitude 94° 04' 30" W.; to point of beginning; within a 5-mile radius of Rogers Municipal Airport, Rogers, Ark. (latitude 36° 22' 10" N., longitude 94° 06' 25" W.); within 2 miles each side of the Fayetteville VOR 005° and 185° radials, extending from the 5-mile radius area to latitude 36° 14' 00" N.; and within 2 miles each side of the Rogers RBN 003° bearing, extending from the 5-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 35° 43' 00" N., longitude 94° 20' 00" W.; to latitude 36° 12' 00" N., longitude 94° 28' 00" W.; to latitude 36° 38' 00" N., longitude 94° 14' 00" W.; to latitude 36° 37' 30" N., longitude 93° 57' 00" W.; to latitude 35° 58' 00" N., longitude 93° 58' 30" W.; to latitude 35° 42' 00" N., longitude 94° 09' 00" W.; to point of beginning.

AMENDMENTS 12/12/63 28 F. R. 11473 (Added);

Five Finger, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles W and 7 miles E of the 170° and 350° bearings from the Five Finger RBN, extending from 13 miles N to 12 miles S of the RBN.

Flint, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, and within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 42°46'00" N., on the east by the east boundary of V-42 east and longitude 83°30'00" W., on the north by latitude 43°16'00" N., and on the west by longitude 84°05'00" W.

AMENDMENTS 12/12/63 28 F. R. 9346 (Added);

Fort Bridger, Wyo.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Fort Bridger VOR 079° and 259° radials, extending from 9 miles W to 20 miles E of the VOR, exoluding the airspace within Federal airways.

Fort Dodge, Iowa
That airspace extending upward from 700 feet above the surface within 10 miles SW and 7 miles NE of the Fort Dodge VOR 127° and 307° radials, extending from 15 miles SE to 13 miles NW of the VOR.

Fort Stockton, Tex.
That airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Fort Stockton VORTAC 097° and 274° radials, extending from 20 miles E to 20 miles W of the VORTAC. The portion of this transition area within R-6306 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 1/10/63 27 F.R. 11405 (Rewritten); 10/17/63 28 F. R. 9199 (Rewritten);

Fort Yukon, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'13" N., longitude 145°15'10" W.), and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius area to 8 miles NE of the RBN; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the 062° and 242° bearings from the Fort Yukon RBN extending from 7 miles SW to 13 miles NE of the RBN.

AMENDMENTS 5/30/63 28 F.R. 3021 (Added);

Franklin, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Chess-Lamberton Airport, Franklin, Pa., (latitude 41° 22' 44" N., longitude 79° 51' 39" W.); within 2 miles each side of the Franklin VOR 001° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and within 2 miles each side of the 099° bearing from the Franklin RBN, extending from the 6-mile radius area to 8 miles E of the RBN.

AMENDMENTS 11/14/63 28 F. R. 10474 (Added);

PENDING AMENDMENT
Fresno, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36° 43' 58" N., longitude 119° 49' 05" W.), excluding the portion within the arc of a 5-mile radius circle centered on Fresno Air Terminal, within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN, within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to 13 miles SE of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36° 00' 00" N., longitude 119° 30' 00" W., to latitude 36° 00' 00" N., longitude 119° 26' 00" W., to latitude 37° 04' 30" N., longitude 119° 15' 00" W., to latitude 37° 02' 00" N., longitude 119° 56' 00" W., thence E along latitude 36° 37' 00" N., to the W boundary of V-23 to longitude 119° 30' 00" W., thence S along longitude 119° 30' 00" W., to the point of beginning.
2/6/64 28 F. R. 13396 (Added);

Galena, Alaska
That airspace extending upward from 1,200 feet above the surface within a 32-mile radius of the Galena RR.

PENDING AMENDMENT
Galesburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Galesburg Municipal Airport (latitude 40° 56' 30" N., longitude 90° 25' 50" W.), and within 2 miles each side of the 025° bearing from the Galesburg Municipal Airport extending from the 5-mile radius area to 8 miles NE of the airport.
4/30/64 28 F. R. 13864 (Added);

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McKinley County Airport, Gallup, N. Mex. (latitude 35°30'35" N., longitude 108°47'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°26'30" N., longitude 108°58'30" W., to latitude 35°31'30" N., longitude 109°02'30" W., to latitude 35°50'30" N., longitude 108°44'30" W., to latitude 35°47'30" N., longitude 108°34'00" W., to latitude 35°25'00" N., longitude 108°38'30" W., thence to the point of beginning.

AMENDMENTS 11/14/63 28 F. R. 10291 (Rewritten);

Garrison, Mont.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Drummond, Mont., VOR 091° radial, extending from 9 miles W to 20 miles E of the INT of the Drummond VOR 091° and the Butte, Mont., VOR 002° radials.

AMENDMENTS 7/25/63 28 F. R. 4661 (Added); (28 F. R. 5257 Amend. Correction);

Gila Bend, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Gila Bend VORTAC 262° and 082° radials, extending from 9 miles E to 20 miles W of the VORTAC, excluding the portions within R-2301 and R-2305.

Glasgow, Mont.
That airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Glasgow AFB (Lat. 48°25'00" N, Long. 106°31'40" W); that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Glasgow Municipal Airport (Lat. 48°13'00" N, Long. 106°36'45" W), and within 2 miles either side of 267° and 307° bearings from the airport extending from the 5-mile radius area to 9 miles W and NW of the airport. The portion of this transition area within R-4601 will be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed);

Glens Falls, N. Y.
That airspace extending upward from 1,200 feet above the surface within 12 miles either side of the Glens Falls VORTAC 006° and 186° radials, extending from V-490 on the S to Lat. 44°00'00" N on the N, excluding the airspace within Federal airways and the Rutland, Vt., control area extension.

Gorman, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

Graham, Texas.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Graham VOR 253° and 073° radials, extending from 9 miles NE to 20 miles SW of the VOR.

Grand Isle, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN.

AMENDMENTS 1/2/64 28 F. R. 11613 (Added);

Grand Junction, Colo.
That airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles from the VORTAC, and within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

AMENDMENTS 5/30/63 28 F.R. 3853 (Added);

Grand Rapids, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cascade Airport, Grand Rapids, Mich. (latitude 42° 52' 45" N., longitude 85° 30' 30" W.), within 5 miles N and 10 miles S of the 239° bearing from the Grand Rapids RR, extending from the RR to 12 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line 6 miles N of and parallel to the centerline of V-216 E of the Muskegon, Mich., VORTAC, and on the W, S and E by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43° 10' 16" N., longitude 86° 14' 09" W.), and a line beginning at latitude 42° 54' 35" N., longitude 86° 13' 00" W., extending to latitude 42° 45' 25" N., longitude 86° 23' 40" W.; to latitude 42° 35' 00" N., longitude 86° 17' 30" W.; to latitude 42° 35' 00" N., longitude 86° 00' 00" W.; to latitude 42° 38' 00" N., longitude 86° 00' 00" W.; to latitude 42° 38' 00" N., longitude 85° 15' 00" W.; to latitude 43° 16' 00" N., longitude 85° 15' 00" W.; to latitude 43° 16' 00" N., longitude 85° 02' 00" W.; to latitude 43° 27' 00" N., longitude 85° 02' 00" W.

AMENDMENTS 11/23/63 28 F. R. 10899 (Added);

Grantsburg, Wis.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Grantsburg VOR 197° and 017° radials, extending from 9 miles S to 20 miles N of the VOR.

Green Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44° 29' 15" N., longitude 88° 07' 45" W.); within 2 miles each side of the Green Bay VORTAC 326° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC, and within 2 miles each side of the Green Bay ILS localizer SW course, extending from the 6-mile radius area to 8 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 32' 00" N., longitude 87° 46' 20" W., thence E to latitude 44° 32' 00" N., longitude 87° 27' 00" W., thence S along longitude 87° 27' 00" W., to latitude 44° 08' 00" N., thence SW to latitude 44° 02' 00" N., longitude 87° 40' 00" W., thence W along latitude 44° 02' 00" N., to the W boundary of V-217, thence NW along the W boundary of V-217 to latitude 44° 12' 00" N., thence W along latitude 44° 12' 00" N., to longitude 88° 25' 30" W., thence counterclockwise along the arc of a 16-mile radius circle centered on the Winnebago County Airport, Oshkosh, Wis. (latitude 43° 59' 20" N., longitude 88° 33' 15" W.) to longitude 88° 37' 00" W., thence N along longitude 88° 37' 00" N., to latitude 44° 27' 00" N., thence NE to latitude 44° 31' 20" N., longitude 88° 29' 55" W., thence clockwise via the arc of an 18-mile radius circle centered on the Austin-Straubel Airport to the point of beginning.

AMENDMENTS 1/9/64 28 F. R. 12340 (Added);

Greene, N. Y.
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Georgetown, N. Y., VOR 169° radial, extending from 12 miles S to 44 miles S of the VOR, excluding the airspace within Federal airways.

Greenville, Maine
That airspace extending upward from 1,200 feet above the surface within 17 miles N and 18 miles S of the Millinocket, Maine, VOR 270° radial, extending from Long. 69°04'00" W to 69 miles W of the VOR.

Grosse Ile, Mich.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 209° bearing from the Grosse Ile RBN, extending from the RBN to 8 miles SW of the RBN, excluding the portion within the Grosse Ile, Mich., control zone.

AMENDMENTS 12/12/63 28 F. R. 9426 (Added);

Gulkana, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles either side of the 171° and 351° bearings from the Gulkana RR, extending from 13 miles N to 13 miles S of the RR.

Gunnison, Colo.
That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Gunnison VORTAC 264° and 084° radials, extending from 20 miles W to 9 miles E of the VORTAC, excluding the airspace within Federal airways.

Gustavus, Alaska
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VOR; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RR, extending from 16 miles NW to 48 miles SE of the RR.

AMENDMENTS 9/19/63 28 F. R. 7668 (Added);

Guymon, Okla.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the 360° and 180° bearings from the Guyman Airport (Lat. 36°40'50" N, Long. 101°30'15" W), extending from 20 miles N to 9 miles S of the airport, excluding the airspace within Federal airways.

Hampton, S. C.
That airspace S of Hampton extending upward from 1,200 feet above the surface bounded on the N by V-18 S, on the E by V-3, on the S by the Savannah, Ga., control area extension and on the W by V-37.

Hanksville, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Hanksville VORTAC 241° and 061° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the airspace within Federal airways.

Harrison, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harrison Municipal Airport (latitude 36° 15' 55" N., longitude 93° 09' 20" W.); within 2 miles each side of the Harrison VOR 316° radial, extending from the 5-mile radius area to 8 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the Harrison VOR 316° and 136° radials, extending from 13 miles NW to 7 miles SE of the VOR.

AMENDMENTS 1/9/64 28 F. R. 11474 (Added);

Hattiesburg, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hattiesburg Municipal Airport (latitude 31° 16' 00" N., longitude 89° 15' 15" W.); within 2 miles each side of the Hattiesburg VOR 154° radial, extending from the 5-mile radius area to the VOR; within 2 miles each side of the 315° bearing from the Hattiesburg Municipal Airport, extending from the 5-mile radius area to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Hattiesburg VOR; within a 15-mile radius of the Laurel Municipal Airport, Laurel, Miss. (latitude 31° 40' 10" N., longitude 89° 10' 20" W.); and within 5 miles each side of the Laurel VOR 160° radial, extending from the 15-mile and the 20-mile radius areas to 23 miles SE of the VOR, excluding the portion within R-4401.

AMENDMENTS 4/4/63 28 F.R. 720 (Rewritten); 12/12/63 28 F. R. 10999 (Rewritten);

AMENDMENTS 1/9/64 28 F. R. 12340 (Added);

Hays, Kans.
That airspace extending upward from 700 feet above the surface within 10 miles E and 7 miles W of the 178° and 358° bearings from the Hays Airport (Lat. 38°51'00" N, Long. 99°16'30" W), extending from 9 miles N to 20 miles S of the airport.

Hector, Calif.
That airspace extending upward from 1,200 feet above the surface within 7 miles S and 10 miles N of the Hector VORTAC 091° and 271° radials, extending from 7 miles W to 20 miles E of the VORTAC. The portion within R-2301 shall be used only after obtaining prior approval from appropriate authority.

Hibbing, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Chisholm-Hibbing County Airport (latitude 47°23'20" N., longitude 92°50'25" W.), and extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Hibbing VOR 135° and 315° radials, extending from 8 miles NW to 13 miles SE of the VOR.

AMENDMENTS 7/25/63 28 F. R. 5639 (Added);

Hilo, Hawaii
That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Lyman Field, Hilo, Hawaii (latitude 19° 43' 20" N., longitude 155° 03' 20" W.), extending from a line 3 miles SW of and parallel to the Hilo VOR 334° radial clockwise to a line 3 miles SW of and parallel to the Hilo VOR 134° radial; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hilo VOR, extending from the arc of a 7-mile radius circle centered on General Lyman Airport clockwise from a line 3 miles SW of and parallel to the Hilo VOR 334° radial to a line 5 miles S of and parallel to the Hilo VOR 121° radial, and within 10 miles NW and 7 miles SE of the Hilo VOR 034° radial, extending from the 30-mile radius area to 53 miles NE of the VOR.

AMENDMENTS 12/12/63 28 F. R. 10563 (Added);

Hobbs, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 2 miles each side of the Hobbs VOR 045° radial, extending from the 7-mile radius area to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Hobbs VOR; within 6 miles NE and 9 miles SW of the Hobbs VOR 132° radial, extending from the 13-mile radius area to a line through latitude 32°19'35" N., longitude 102°55'10" W. to latitude 32°36'30" N., longitude 102°07'20" W.; within 5 miles each side of the Hobbs VOR 225° radial, extending from the 13-mile radius area to 30 miles SW of the VOR, and within the arc of a 30-mile radius circle centered on the Hobbs VOR, extending clockwise from a line 5 miles NW of and parallel to the Hobbs VOR 025° radial to a line 5 miles SE of and parallel to the Hobbs VOR 045° radial.

AMENDMENTS 10/17/63 28 F. R. 9427 (Rewritten);

Homer, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 9 miles S of the 265° bearing from the Homer RR, extending from the RR to 50 miles W.

Honolulu, Hawaii.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Barber's Point (latitude 21°18'35" W., longitude 158°04'30" W.) and the airspace S and SW of Honolulu beginning at latitude 21°20'35" N., longitude 157°51'05" W., thence S to latitude 21°15'30" N., longitude 157°49'15" W., thence SW to latitude 21°09'50" N., longitude 158°09'50" W., thence NW to latitude 21°11'25" N., longitude 158°10'50" W., thence NE via a line 4 miles SE of and parallel to the Honolulu VORTAC 242° radial to its INT with a 7-mile radius circle centered on NAS Barber's Point, thence counterclockwise via the arc of this 7-mile radius circle to and counterclockwise via the arc of a 5-mile radius circle centered on Honolulu International Airport to the point of beginning; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'50" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158°54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W., excluding the portion within W-318, the portion below 4,000 feet MSL within W-322D and the portion within Kaneohe control zone and Kaneohe, Hawaii, transition area. The portions within R-3102, R-3106 and R-3109 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/63 28 F. R. 10354 (Added);

Hope, Minn.
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Farmington, Minn., VOR 184° radial, extending from 22 miles S to 10 miles N of the INT of the Farmington VOR 184° and the Rochester, Minn., VOR 292° radials.

Hopkinsville, Ky.
That airspace extending upward from 1,200 feet above the surface within the area N and W of Campbell AAF bounded by a line beginning at latitude 36°07'30" N., longitude 87°55'15" W.; to latitude 36°28'00" N., longitude 88°19'50" W.; to latitude 36°34'45" N., longitude 88°03'00" W.; to latitude 36°44'45" N., longitude 88°09'55" W.; to latitude 36°54'00" N., longitude 88°42'15" W.; to latitude 36°59'00" N., longitude 88°37'00" W.; to latitude 37°00'30" N., longitude 88°31'55" W.; to latitude 36°53'20" N., longitude 88°07'05" W.; to latitude 37°12'50" N., longitude 87°39'30" W.; to latitude 37°17'30" N., longitude 87°19'00" W.; to latitude 36°59'45" N., longitude 87°10'00" W.; to latitude 36°59'20" N., longitude 87°33'30" W.; thence counterclockwise along the arc of a 25-mile radius circle centered at latitude 36°37'27" N., longitude 87°32'59" W.; to latitude 36°16'40" N., longitude 87°40'00" W.; to latitude 36°07'30" N., longitude 87°51'00" W.; to point of beginning; and within the area SE of Campbell AAF bounded by a line beginning at latitude 36°25'40" N., longitude 87°01'00" W.; to latitude 36°15'30" N., longitude 87°10'30" W.; to latitude 36°17'50" N., longitude 87°23'00" W.; to point of beginning.

AMENDMENTS 7/25/63 28 F. R. 5640 (Added);

Houma, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Houma Municipal Airport (latitude 29° 34' 10" N., longitude 90° 39' 40" W.), and within 2 miles each side of the Tibby, La., VOR 123° radial, extending from the 5-mile radius area to the VOR.

AMENDMENTS 1/9/64 28 F. R. 11613 (Added);

Hugo, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Hugo VOR 113° and 293° radials, extending from 20 miles SE to 9 miles NW of the VOR.

Iliamna, Alaska
That airspace extending upward from 1,200 feet above the surface within 6 miles W and 8 miles E of the 016° and 196° bearings from the Iliamna RR, extending from 7 miles N to 13 miles S of the RR.

Indianapolis, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Weir Cook Municipal Airport, Indianapolis, Ind. (latitude 39°43'35" N., longitude 86°17'05" W.); within 8 miles SE and 5 miles NW of the Indianapolis ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°07'00" N., longitude 87°12'10" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 86°00'00" W.; to latitude 40°00'00" N., longitude 85°30'00" W.; to latitude 39°30'00" N., longitude 85°30'00" W.; to latitude 39°30'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 86°06'00" W.; to latitude 38°57'00" N., longitude 88°00'00" W.; to latitude 39°40'10" N., longitude 88°00'00" W.; thence to point of beginning.

AMENDMENTS 10/17/63 28 F. R. 9425 (Added);

International Falls, Minn.
That airspace within the United States extending upward from 1,200 feet above the surface within an 8-mile radius of the Falls International Airport, International Falls, Minn; within 8 miles NE and 5 miles SW of the International Falls VOR 133° radial, extending from the 8-mile radius area to 14 miles SE of the VOR, and within 8 miles SW of the International Falls VOR 137° radial, extending from the 8-mile radius area to the United States/Canadian border.

Jackson, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the west by longitude 84°50'00" W., on the north by latitude 42°30'00" N., on the east by longitude 84°05'00" W., and on the south by a line beginning at latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00 N., longitude 84°46'00" W., to latitude 41°41'00" N., longitude 84°16'00" W., to latitude 41°45'00" N., longitude 84°11'45" W., to latitude 41°45'05" N., longitude 84°05'00" W.

AMENDMENTS 12/12/63 28 F. R. 9346 (Added);

Jackson, Tenn.
That airspace extending upward from 1,200 feet above the surface, bounded on the N by V-140 S, on the E by V-16 N, on the S by V-16, and on the W by V-11 E.

Jacksonville, Fla.
That airspace E of Jacksonville extending upward from 2,000 feet above the surface bounded on the E by the E boundary of V-437, and on the SW, W and NW by V-3 E alternate, excluding the portions within the Jacksonville control area extension and Control 1153.

AMENDMENTS 4/4/63 28 F.R. 1253 (Added);

Jacksonville, Ill.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 89°28'00"W, on the SE by V-426, on the S by the arc of a 25-mile radius circle centered on Lambert Field, St. Louis, Mo. (latitude 38°44'50" N., longitude 90°21'55" W.), on the W by longitude 90°32'00" W., on the N by latitude 40°00'00" N, and on the NE by the arc of a 25-mile radius circle centered on the Capital, Ill., VOR.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed); 2/7/63 27 F.R. 12926 (Changed);

PENDING AMENDMENT
Jamestown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Jamestown Municipal Airport (latitude 42° 09' 10" N., longitude 79° 15' 30" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles NE of the VOR; and within 2 miles each side of the 060° bearing from the Jamestown Municipal Airport, extending from the 7-mile radius area to 12 miles NE of the airport.
3/5/64 29 F. R. 132 (Added);

Janesville, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rock County Airport, Janesville (latitude 42°37'12" N., longitude 89°02'25" W.), and within 5 miles SE and 8 miles NW of the Janesville VOR 239° radial, extending from the 8-mile radius area to 12 miles SW of the VOR.

AMENDMENTS 12/12/63 28 F. R. 9424 (Added);

Jefferson, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ashtabula-Jefferson Airport (latitude 41° 45' 00" N., longitude 80° 46' 00" W.), and within 5 miles NW and 8 miles SE of the Jefferson VORTAC 061° radial, extending from the VORTAC to 12 miles NE of the VORTAC.

AMENDMENTS 11/14/63 28 F. R. 10474 (Added);

Jonesboro, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.), and within 2 miles each side of the 056° bearing from the airport, extending from the 5-mile radius area to 8 miles NE of the airport.

AMENDMENTS 9/19/63 28 F. R. 7707 (Added);

Joplin, Mo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM.

AMENDMENTS 10/17/63 28 F. R. 8204 (Added);

Junction, Tex.
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the Junction VOR 330° radial, extending from the VOR to 13 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Junction VOR 150° radial, extending from the VOR to 7 miles SE; and within 5 miles each side of the Junction VOR 150° radial, extending from 7 miles SE to 23 miles SE of the VOR.

AMENDMENTS 11/14/63 28 F. R. 10331 (Added);

Juneau, Alaska
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN; that airspace NW of Juneau bounded on the E by B-79, on the NW by B-38, and on the SW by a line 19 miles NE of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RR, and that airspace S of Juneau, extending from the 20-mile radius area, bounded on the NE by B-79, and on the SW by B-38, excluding the portion within the Gustavus, Alaska, transition area.

AMENDMENTS 9/19/63 28 F. R. 8204 (Added);

Kailua Kona, Hawaii
That airspace extending upward from 700 feet above the surface beginning at Lat. 19°54'00" N, Long. 156°07'50" W, to Lat. 19°41'50" N, Long. 155°57'30" W, thence clockwise along the arc of a 5-mile radius circle centered on the Kona Airport (Lat. 19°39'00" N, Long. 156°01'00" W) to Lat. 19°34'50" N, Long. 155° 59'50" W, to Lat. 19°31'50" N, Long. 156°12'30" W, thence clockwise along the arc of a 5-mile radius circle centered on the INT of the Upolu Point, Hawaii, VOR 211° and the Lanai, Hawaii, VOR 149° radials to Lat 19°38'15" N, Long. 156°17'40" W, thence to point of beginning.

PENDING AMENDMENT
Kailua, Kona, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kona Airport (latitude 19° 39' 00" N., longitude 156° 01' 00" W.) and within 2 miles each side of the 327° bearing from the airport, extending from the 5-mile radius area to 14 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 19° 34' 45" N., longitude 156° 01' 00" W., to latitude 19° 31' 45" N., longitude 156° 15' 00" W., to latitude 19° 48' 30" N., longitude 156° 23' 00" W., thence clockwise along the arc of a 26-mile radius circle centered on the Kona Airport to latitude 20° 01' 30" N., longitude 156° 00' 05" W., to latitude 19° 39' 50" N., longitude 155° 56' 30" W., thence clockwise along a 5-mile radius circle centered on Kona Airport to the point of beginning.
2/6/64 28 F. R. 13350 (Rewritten);

Kaneohe, Hawaii.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°31'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°31'45" N., longitude 157°51'20" W., thence to latitude 21°00'45" N., longitude 157°56'00" W., thence clockwise via the arc of a 40-mile radius circle centered on MCAS Kaneohe TACAN to latitude 21°44'30" N., longitude 157°13'20" W., thence to latitude 21°23'00" N., longitude 157°41'00" W., thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning. The portion within R-3106 will be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/63 28 F. R. 10355 (Rewritten);

Kansas City, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.), within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City ILS localizer N course, extending from the 10-mile radius area to 8 miles N of the OM; within a 5-mile radius of the East Kansas City Airport (latitude 39°00' 55" N., longitude 94°12'45" W.) and within 2 miles each side of the Blue Springs, Kans., VOR 311° radial, extending from the 5-mile radius area to 6 miles NW of the VOR; within an 8-mile radius of the Mid-Continent International Airport (latitude 39°18'05" N., longitude 94°43'36" W.) and within 2 miles each side of the Mid-Continent ILS localizer N and S courses, extending from the 8-mile radius area to 13 miles N of the airport and to 8 miles S of the Mid-Continent OM; within a 7-mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the SE by the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport beginning at the W. boundary of V-205 and extending counterclockwise to the S boundary of V-12, thence E along the S boundary of V-12 to longitude 93°30'00" W., thence N to latitude 39°41'00" N., longitude 93°28'45" W., thence NW to latitude 39°48'35" N., longitude 93°34'20" W., thence SW along the NW boundary of V-10 to the E boundary of V-161, thence W to latitude 39°44'00" W., longitude 94°43'20" W., thence SW to latitude 39°30 00" W., longitude 94°49'00" W. thence W. along latitude 39°30'00"
N., to longitude 95°09'00" W., thence S to latitude 38°59'00" N., longitude 95°12'20" W., thence SE to latitude 38°52'00" N., longitude 95°05'25" W., thence NE along the SE boundary of V-10 to the arc of a 10-mile radius circle centered on the Kansas City Municipal Airport, thence counterclockwise to the W boundary of V-205, thence S along the W boundary of V-205 to the point of beginning.

AMENDMENTS 8/22/63 28 F R. 6[illegible]2 (Added);

Keokuk, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N., longitude 91° 25' 50" W.), within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN.

AMENDMENTS 1/9/64 28 F. R. 11261 (Added);

King Salmon, Alaska
That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the King Salmon Airport (Lat. 58°40'40" N, Long. 156°38'55" W) and within 47 miles SW and 15 miles NE of the 312° bearing from the King Salmon RR, extending from the RR to 85 miles NW.

Kings Valley, Oreg.
That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° radial, extending from 10 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 340° radials.

Kirksville, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kirksville Municipal Airport (latitude 40°05'45" N., longitude 92°32'50" W.), and within 2 miles each side of the Kirksville VORTAC 316° radial, extending from the 5-mile radius area to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 6 miles NE of the Kirksville VORTAC 316° and 136° radials, extending from 12 miles NW to 12 miles SE of the VORTAC.

AMENDMENTS 11/14/63 28 F. R. 9425 (Added);

Kremmling, Colo.
That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the Kremmling VORTAC 243° and 063° radials, extending from 20 miles SW to 9 miles NE of the VORTAC.

Kukaklek, Alaska
That airspace extending upward from 1,200 feet above the surface within 9 miles SE and 6 miles NW of the 056° and 236° bearings from the INT of the NE course of the King Salmon, Alaska, RR and the S course of the Iliamna, Alaska, RR, extending from 8 miles NE to 19 miles SW of the INT.

Laconia, N. H.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of a 247° bearing from the Laconia RBN, extending from the RBN to 17 miles SW; within 5 miles either side of a direct line extending from the Concord, N. H., VOR to the Laconia RBN, and within 5 miles either side of a 014° bearing from the Laconia RBN, extending from the RBN to 12 miles N.

LaGrange, Ga.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Callaway Airport, LaGrange, Ga. (latitude 33°00'30" N., longitude 85°04'30" W.) and within 2 miles each side of the LaGrange VOR 110° radial, extending from the 4-mile radius zone to the VOR.

AMENDMENTS 10/17/63 28 F. R. 8447 (Added);

Lake City, Mich.
That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

AMENDMENTS 12/12/63 28 F. R. 9286 (Added);

Lake Mead, Nev.
That airspace extending upward from 1,200 feet above the surface within 8 miles E and 12 miles W of the Mormon Mesa, Nev., VORTAC 196° radial extending from 10 miles S to 22 miles N of the INT of the Mormon Mesa VORTAC 196° and the Las Vegas, Nev., 081° radials.

AMENDMENTS 2/7/63 28 F.R 178 (Rewritten);

Lamar, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lamar VOR 099° and 279° radials, extending from 20 miles E to 9 miles W of the VOR, excluding the airspace within Federal airways.

Lanai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

AMENDMENTS 12/12/63 28 F. R. 10332 (Added);

Lancaster, Pa.
That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the West Chester, Pa., VORTAC 288° radial, extending from 9 miles NW to 41 miles NW of the VORTAC, excluding the airspace within Federal airways and the New York control area extension.

airspace within Federal airways and the New York control area extension.

Lansing, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.), within 2 miles each side of the Lansing ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the INT of the Lansing ILS localizer W course and the Lansing VOR 358° radial, and within 2 miles each side of the Lansing ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°16'00" N., on the E by longitude 84°05'00" W., on the S by a line beginning at latitude 42°30'00" N., longitude 84°06'00" W., to latitude 42°30'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 85°15'00" W., and on the W by longitude 85°15'00" W.

AMENDMENTS 12/12/63 28 F. R. 9283 (Added);

Laramie, Wyo.
That airspace extending upward from 1,200 feet above the surface within 6 miles W and 10 miles E of the Laramie VOR 332° and 152° radials, extending from 12 miles NW to 8 miles SE of the VOR.

AMENDMENTS 12/12/63 28 F. R. 10563 (Rewritten);

Las Vegas, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Las Vegas Muncipal Airport (latitude 35°39'25" N., longitude 105°08'35" W.), within 2 miles each side of the Las Vegas RR SW course, extending from the 8-mile radius area to 8 miles SW of the RR; and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Las Vegas VORTAC 035° and 215° radials, extending from 23 miles NE to 14 miles SW of the VORTAC.

AMENDMENTS 9/19/63 28 F R 7668 (Rewritten);

Laurel, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Laurel Municipal Airport (latitude 31° 40' 10" N., longitude 89° 10' 20" W.); within 8 miles SW and 5 miles NE of the Laurel VOR 330° radial extending from the VOR to 12 miles NW.

AMENDMENTS 12/12/63 28 F. R. 10999 (Added);

PENDING AMENDMENT
Lawton, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34° 34' 15" N., longitude 98° 24' 55" W.), and within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 21' 00" N., longitude 98° 46' 00" W., to latitude 34° 42' 00" N., longitude 98° 46' 00" W., to latitude 34° 58' 00" N., longitude 98° 33' 00" W., thence E via latitude 34° 58' 00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35° 25' 50" N., longitude 97° 35' 10" W., to longitude 97° 25' 00" W., thence S via longitude 97° 25' 00" W., to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Municipal Airport, Ardmore, Okla. (latitude 34° 18' 00" N., longitude 97° 00' 50" W.), to latitude 34° 10' 00" N., thence W via this latitude, to latitude 34° 10' 00" N., longitude 97° 49' 00" W., to point of beginning, excluding the portion within R-5601A. The portion within R-5601B shall be used only after obtaining prior approval from appropriate authority.
4/30/64 29 F. R. 132 (Added);

Lemoore, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the N by V-230, on the E by V-23, on the S by Lat. 36°00'00" N, and on the W by V-107; that airspace S of Lat. 36°00'00" N within 5 miles either side of the NAS Lemoore TACAN 191° and 132° radials, extending to V-107 and V-23 respectively. That airspace S of Lat. 36°00'00" N extending upward from 6,000 feet MSL bounded on the E by V-23, on the S by V-248, and on the W by V-107, excluding the airspace 5 miles either side of the NAS Lemoore TACAN 191° and 132° radials.

PENDING AMENDMENT
Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.
1/9/64 28 F. R. 12341 (Rewritten); Alteration of Amend. (Date Changed) 2/6/64 28 F. R. 13769

Le Roy, Iowa
That airspace extending upward from 1,200 feet above the surface within 12 miles E and 8 miles W of the Rochester, Minn., VOR 173° radial, extending from 15 miles to 37 miles S of the VOR.

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston, Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.) and within 2 miles either side of the Lewiston VOR 266° radial extending from the 5-mile radius area to the VOR, including the airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Lewiston VOR 075° radial extending from the VOR to 12 miles NE of the VOR.

AMENDMENTS 1/10/63 27 F.R 11498 (Added);

Lewistown, Mont.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lewistown VOR 288° and 109° radials, extending from 9 miles E to 20 miles W of the VOR, excluding the airspace within Federal airways.

Liberal, Kans.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Liberal VOR 022° and 202° radials, extending from 20 miles N to 9 miles S of the VOR, excluding the airspace within Federal airways.

Lida, Nev.
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 12 miles NE of the Coaldale, Nev., VORTAC 146° radial, extending from 22 miles SE to 22 miles NW of the Coaldale VORTAC 146° and the Tonopah, Nev., VOR 198° radials, including the airspace 12 miles NW and 9 miles SE of the Tonopah VOR 198° radial, extending from the INT of the Coaldale VORTAC 146° and the Tonopah VOR 198° radials to 22 miles NE of the INT, excluding the portions within R-4807.

Lima, Ohio
That airspace extending from 700 feet above the surface bounded on the SE by V-275, on the SW by V-227 and on the NW by V-14.

Lone Rock, Wis.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lone Rock VORTAC 089° and 269° radials, extending from 9 miles E to 20 miles W of the VORTAC.

Longview, Wash.
That airspace extending upward from 4,500 feet MSL bounded on the N by the Toledo, Wash., control area extension, on the E by V-23, on the S by the Portland, Oreg., control area extension and on the W by V-99.

Lovelock, Nev.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

AMENDMENTS 9/19/63 28 F. R. 6873 (Added);

Loyal, Wis.
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Eau Claire, Wis., VOR 107° radial, extending from 9 miles SE to 22 miles NW of the INT of the Eau Claire VOR 107° and the Wausau, Wis., VOR 258° radials.

Lucin, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

Lufkin, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Lufkin VOR 337° VOR 157° radial, extending from the VOR to 12 miles S; within 2 miles each side of the Lufkin VOR 337° radial, extending from the VOR to the arc of a 5-mile radius circle centered at the Angelina County Airport (latitude 31°14'03" N., longitude 94°45'01" W.); within 8 miles SW and 5 miles NE of the 304° bearing from the Lufkin RBN, extending from the RBN to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Lufkin VOR.

AMENDMENTS 9/19/63 28 F. R. 6912 (Added);

Macon, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Robins AFB; within 8 miles SE and 5 miles NW of the Macon ILS localizer SW course extending from the Cochran Field to 12 miles SW of the ILS OM; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Macon VORTAC; within the area N of Macon bounded on the N by V-18, on the E by V-35, and on the SW by V-267; within the area SE of Macon bounded on the NW by V-70, on the NE by V-5, and on the SW by V-243 and a line 5 miles NE of and parallel to the Alma, Ga., VORTAC 305° radial; that airspace extending upward from 3,000 feet MSL within the area NE of Macon extending from the 35-mile radius area bounded on the N by V-18, on the SE by V-56, and on the W by V-35; within the area E of Macon extending from the 35-mile radius area bounded on the N by V-56, on the E by latitude 82°30'00" W., on the S by V-70, and on the W by V-267; within the area SE of Macon bounded on the N by V-154, on the E by longitude 82°30'00" W., on the SE by a line extending from latitude 32°15'00" N., longitude 82°30'00" W., through latitude 32°10'00" N., longitude 82°42'15" W., on the W by V-267, and on the NW by V-70; and the area S of Macon bounded on the N by V-70, on the E by V-243, on the S by latitude 32°00'00" N., and on the W by V-35, excluding the portion within the Atlanta, Ga., transition area.

AMENDMENTS 9/19/63 28 F. R. 4610 (Added);

Madison, Minn.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Watertown, S. Dak., VORTAC 086° radial, extending from 10 miles W to 22 miles E of the INT of the Watertown VORTAC 086° and the Redwood Falls, Minn., VOR 305° radials.

Madison, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Truax Field, Madison, Wis. (latitude 43°08'15" N., longitude 89°20'10" W.), within 2 miles each side of the Madison ILS localizer S course, extending from the 9-mile radius area to 12 miles S of the OM, within 8 miles NE and 5 miles SW of the Truax VOR 134° radial, extending from the 9-mile radius area to 12 miles SE of the VOR, within 8 miles SW and 5 miles NE of the Truax VOR 320° radial, extending from the 9-mile radius area to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W., on the E by longitude 88°30'00" W., on the S by latitude 42°45'00" N., and on the W by longitude 89°55'00" W. The portion within R-6905 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 9/19/63 28 F. R. 7901 (Added);

Malad City, Idaho
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Malad City VORTAC 165° and 345° radials, extending from 9 miles N to 20 miles S of the VORTAC, excluding the airspace within Federal airways.

Malden, Mo.
That airspace extending upward from 700 feet above the surface within 5 miles either side of the Malden VOR 300° radial, extending from the VOR to 11 miles NW; within 8 miles NE and 5 miles SW of the Malden VOR 120° radial, extending from the VOR to 17 miles SE, and within 10 miles W and 7 miles E of the Malden VOR 167° and 347° radials, extending from 9 miles S to 20 miles N of the VOR.

Manhattan, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Marshall AAF (latitude 39°03'15" N., longitude 96°45'50" W.). The portion of this transition area within R-3602 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 6/27/63 28 F. R. 4163 (Added);

Manitowoc, Wis.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44° 07' 30" N., longitude 87° 40' 45" W.) and within 5 miles E and 8 miles W of the 351° bearing from the airport, extending from the airport to 12 miles N of the airport.

AMENDMENTS 1/9/64 28 F. R. 12340 (Added);

Maples, Mo.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Maples VOR 237° and 057° radials, extending from 20 miles SW to 9 miles NE of the VOR.

Marion, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Southern Illinois Airport, Carbondale, Ill., (latitude 37°46'50" N., longitude 89°15'10" W.), and within 2 miles either side of the 339° bearing from the Southern Illinois Airport extending from the 5-mile radius area to 8 miles N of the airport, within a 5-mile radius of the Williamson County Airport, Marion, Ill. (latitude 37°45'15" N., longitude 88°09'40" W.), and within 2 miles either side of the 034° bearing from the Williamson County Airport extending from the 5-mile radius area to 8 miles NE of the airport; and the airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°39'00" N., longitude 88°48'00" W., thence to latitude 37°35'00" N., longitude 89°23'30" W., thence to latitude 37°54'00" N., longitude 89°30'00" W., thence to latitude 37°59'00" N., longitude 89°16'00" W., thence to latitude 37°56'25" N., longitude 89°01'55" W., thence to latitude 37°57'50" N., longitude 89°00'30" W., thence to latitude 37°55'18" N., longitude 88°55'55" W., thence to latitude 37°54'00" N., longitude 88°48'00" W., thence to the point of beginning.

AMENDMENTS 4/4/63 28 F.R 967 (Rewritten);

Marthaville, La.
That airspace extending upward from 1,200 feet above the surface within 8 miles NE and 12 miles SW of the Alexandria, La., VOR 300° radial, extending from 10 miles NW to 22 miles SE of the INT of the Shreveport, La., VORTAC 164° and the Alexandria VOR 300° radials.

Massena, N. Y.
That airspace extending upward from 1,200 feet above the surface within 12 miles W and 5 miles E of the Massena VOR 163° and 343° radials, extending from the United States/Canadian border to Lat. 44°00'00" N., including the airspace from 5 miles SE to 10 miles SE of the Massena VOR 241° radial, extending from a line 12 miles W of and parallel to the Massena VOR 163° radial to a line 20 miles W of and parallel to the Massena VOR 163° radial, excluding the airspace within Federal airways.

Matador, Tex.
That airspace extending upward from 1,200 feet above the surface within 9 miles NW and 6 miles SE of the Childress, Tex., VOR 244° radial, extending from 8 miles SW to 19 miles NE of the Matador INT (INT of Childress VOR 244° and Guthrie, Tex., VOR 293° radials), and within 9 miles SE and 6 miles NW of the Childress VOR 244° radial, extending from 8 miles NE to 19 miles SW of the Matador INT.

AMENDMENTS 10/17/63 28 F. R. 9242 (Rewritten);

Mattoon, Ill.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Coles County Airport, Mattoon, Ill. (latitude 39°28'46" N., longitude 88°17'05" W.), and within 2 miles each side of the 228° bearing from Coles County Airport, extending from the 4-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Coles County Airport.

AMENDMENTS 9/19/63 28 F. R. 7259 (Added);

Maxwell, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the arc of a 25-mile radius circle centered on the Red Bluff, Calif., VORTAC.

PENDING AMENDMENT
In the Maxwell, Calif., transition area "arc of a 25-mile radius circle centered on the Red Bluff, Calif., VORTAC." is deleted, and "Red Bluff, Calif., transition area." is substituted therefor.
2/6/64 29 F. R. 282 (Changed);

McAllen, Tex.
That airspace extending upward from 1,200 feet above the surface bounded on the N by Lat. 26°30'00" N, on the E by Long. 98°00'00" W, on the W by Long. 98°30'80" W and on the S by the United States/Mexican border.

McGrath, Alaska
That airspace extending upward from 1,200 feet above the surface within 13 miles SW and 7 miles NE of the 115° and 295° bearings from the McGrath RR, extending from 13 miles NW to 20 miles SE of the RR.

Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Memphis Municipal Airport (latitude 35°03'00" N., longitude 89°58'15" W.), within 2 miles each side of the Memphis Runway 9 ILS localizer W course, extending from the 7-mile radius area to 12 miles W of the OM; within 2 miles each side of the Memphis Runway 9 ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 7-mile radius area to 8 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of the Memphis Municipal Airport; within the area NW of Memphis, extending beyond the 36-mile radius area bounded on the N by V-140, on the E by V-9 W, on the S by V-54 N, and on the W by V-69; and within the area SE of Memphis, extending beyond the 36-mile radius area bounded on the NE by the N boundary of V-176, on the E by longitude 89°20'00" W., on the S by latitude 34°09'30" N., and on the W by the W boundary of V-9 E.

AMENDMENTS 9/19/63 28 F. R. 7707 (Added);

NAS Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (latitude 35°21'15" N., longitude 89°52'10" W.), and within 2 miles each side of the NAS Memphis VOR 083° radial, extending from the 12-mile radius area to 14 miles E of NAS Memphis.

AMENDMENTS 9/19/63 28 F. R. 7707 (Added);

Menominee, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Menominee County Airport (latitude 45°07'25" N., longitude 87°38'20" W.) and within 2 miles each side of the Menominee VOR 351° radial, extending from the 5-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Menominee VOR 351° and 171° radials, extending from 12 miles N to 3 miles S of the VOR.

AMENDMENTS 7/25/63 28 F. R. 5456 (Added);

Mercury, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (Lat. 36°39'16" N, Long. 116°00'54" W); that airspace extending upward from 1,200 feet above the surface bounded on the E by the Las Vegas, Nev. (B), control area extension, on the N by Lat. 36°41'00" N, on the NW by a line extending from Lat. 36°41'00" N, Long. 116°26'30" W, to Lat. 36°38'30" N, Long. 116°24'00" W, to Lat. 36°37'00" N, Long. 116°27'00" W, on the W by V-105, and on the S by Lat. 36°16'00" N, excluding the portion within R-4806 and R-4808.

Meridian, Miss.
That airspace extending upward from 1,200 feet above the surface W and N of the Meridian NAAS bounded by a line beginning at Lat. 32°47'00" N, Long. 89°30'00" W, to Lat. 32°50'00" N, Long. 89°21'00" W, to Lat. 32°41'30" N, Long. 88°44'00" W, to Lat. 33°03'00" N, Long. 88°57'40" W, to Lat. 33°05'40" N, Long. 88°52'40" W, thence E along a 45-mile radius arc centered at the Columbus AFB, Columbus, Miss. (Lat. 33°38'35" N, Long. 88°26'40"W), to N boundary of V-18N, thence via the north boundary of V-18N, to Long. 89°30'00"W., to the point of beginning; excluding the portion within the Meridian control area extension.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed); AMENDMENTS 1/10/63 27 F.R. 11941 (Changed); 12/12/63 28 F. R. 11347 (Changed);

Mescal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Tucson, Ariz., VORTAC 121° radial, extending from 18 miles SE to 50 miles SE of the VORTAC, excluding the portion within R-2303.

Middle Grove, N. Y.
That airspace extending upward from 1,200 feet above the surface within 11 miles W and 7 miles E of the Albany, N. Y., VORTAC 348° radial, extending from the N boundary of V-496 to 50 miles NW of the VORTAC.

Midland, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), excluding the portion within a 1.5-mile radius of the Midland Airpark (latitude 32°02'00" N., longitude 102°05'55" W.); within 2 miles each side of the Midland VOR 011° radial, extending from the 8-mile radius area to 8 miles N of the VOR; within 2 miles each side of the Midland ILS localizer SE course, extending from the 8-mile radius area to the INT of the Midland VOR 128° and the Big Spring, Tex., VOR 212° radials; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 101°52'30" W.; thence clockwise along the arc of a 30-mile radius circle centered on the Midland VOR; to latitude 31°37'00" N., longitude 102°25'00" W.; to latitude 31°40'00" N., longitude 102°39'30" W.; to latitude 31°33'00" N., longitude 102°53'00" W.' to latitude 31°34'20" N., longitude 103°03'45" W.' to latitude 32°04'50" N., longitude 102°58'00" W.; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°15'35" N., longitude 103°07'00" W.; to latitude 32°13'40" N., longitude 102°56'30" W.; to latitude 32°19'35" N., longitude 102°55'10" W.; to latitude 32°36'30" N., longitude 102°07'20" W.; to latitude 31°55'00" N., longitude 101°29'40" W.; to latitude 31°37'25" N., longitude 101°35'15" W.; to latitude 31°36'35" N., longitude 101°47'20" W.; to point of beginning ; and that airspace extending upward from 10,000 feet MSL within 5 miles each side of the Midland VOR 283° radial, extending from the W boundary of V-79 to its INT with the Wink, Tex., VOR 322° radial; and within 5 miles each side of the Wink VOR 322° radial, extending from a line 14 miles N of and parallel to the Wink VOR 256° radial to 35 miles from the VOR.
(Amend. Alt.) Corr. 28 F. R 9523 (Changed); 10/17/63 28 F. R. 9250 (Added);

Miles City, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Miles City VORTAC, extending clockwise from the Miles City VORTAC 241° to the 156° radials, and within a 30-mile radius of the Miles City VORTAC, extending clockwise from the Miles City VORTAC 156° to the 241° radials.

AMENDMENTS 10/17/63 28 F. R. 8446 (Rewritten);

Milford, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Milwaukee, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of General Mitchell Field, Milwaukee, Wis. (latitude 42°56'51" N., longitude 87°53'58" W.), within 8 miles E and 5 miles W of the Milwaukee ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM, within a 5-mile radius of Horlick-Racine Airport, Racine, Wis. (latitude 42°45'35" N., longitude 87°48'55" W.), within an 8-mile radius of Timmerman Airport, Milwaukee, Wis., within 5 miles NE and 8 miles SW of the Timmerman VOR 337° radial, extending from the 8-mile radius area to 12 miles NW of the VOR, and within a 6-mile radius of Waukesha County Airport, Waukesha, Wis. (latitude 43°02'00" N., longitude 88°14'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 43°30'00" N., on the E by longitude 87°00'00" W., on the S by latitude 42°30'00" N., and on the W by longitude 88°30'00" W. The portion within R-6903 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/63 28 F. R. 9426 (Added);

Minneapolis, Minn.
That airspace E of Minneapolis extending upward from 5,000 feet MSL bounded on the N by V-78, on the SE by V-26, and on the SW by V-2N; that airspace W of Minneapolis bounded on the N by V-78, on the SE by V-148, and on the SW by V-171; and that airspace W of Farmington, Minn., bounded on the NE by V-171, on the S by V-26, and on the NW by V-148.

AMENDMENTS 11/14/63 28 F. R. 9429 (Added);

Missoula, Mont.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Missoula VOR 308° radial, extending from 4 miles NW to 12 miles NW of the VOR, and within 2 miles each side of the Missoula VOR 298° radial, extending from 4 miles NW to 9 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Missoula VOR, bounded on the SW by the SW boundary of V-2, and on the E by the E boundary of V-231; within 10 miles SW and 7 miles NE of the Missoula VOR 298° and 118° radials, extending from 9 miles SE to 20 miles NW of the VOR, and within 5 miles each side of the Missoula VOR 180° radial, extending from the VOR to 12 miles S of the VOR.

AMENDMENTS 9/19/63 28 F. R. 7902 (Rewritten);

PENDING AMENDMENT
Moline, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Quad City Airport (latitude 41° 26' 55" N., longitude 90° 30' 30" W.); within 5 miles N and 8 miles S of the Quad City ILS localizer W course, extending from 1 mile E to 12 miles W of the OM; within a 5-mile radius of the Davenport, Iowa, Municipal Airport (latitude 41° 36' 40" N., longitude 90° 35' 20" W.); and within 5 miles each side of the 224° and 044° bearings from the Davenport RBN, extending from the Davenport Municipal Airport to 12 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 41° 55' 00" N., on the E by longitude 89° 50' 00" W., on the S by latitude 41° 10' 00" N., and on the W by longitude 91° 00' 00" W.
4/30/64 28 F. R. 13864 (Added);

Molokai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Molokai Airport (latitude 21° 09' 25" N., longitude 157° 05' 55" W.), and within 2 miles each side of the 356° bearing from the Molokai Airport, extending from the 5-mile radius area to 8 miles N of the airport; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 19-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15 and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21° 22' 00" N., longitude 156° 48' 00" W., thence to latitude 21° 14' 00" N., longitude 156° 31' 30" W., thence to latitude 21° 29' 00" N., longitude 156° 25' 00" W., thence to latitude 21° 31' 00" N., longitude 156° 24' 05" W., thence to latitude 21° 25' 00" N., longitude 156° 49' 30" W., thence to point of beginning.

AMENDMENTS 12/12/63 28 F. R. 11451 (Added);

Montpelier, Vt.
That airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Montpelier VOR 200° and 020° radials, extending from 9 miles SW to 20 miles NE of the VOR, and within 10 miles E and 7 miles W of the Montpelier VOR 155° radial, extending from the VOR to 20 miles S, excluding the airspace within Federal airways.

Montrose, Pa.
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Wilks-Barre, Pa., VORTAC 325° radial, extending from 13 miles NW to 46 miles NW of the VORTAC, excluding the airspace within Federal airways and the Binghamton, N. Y., control area extension.

Mormon Mesa, Nev.
That airspace extending upward from 1,200 feet above the surface within 7 miles SE and 10 miles NW of the Mormon Mesa VORTAC 032° radial, extending from the VORTAC to 20 miles NE; and within 7 miles SE and 10 miles NW of the Mormon Mesa VORTAC 059° and 239° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Moses Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the 088° and 268° bearings from the Moses Point RR, extending from 9 miles W to 20 miles E of the RR.

Mt. Clemens, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Selfridge AFB, Mt. Clemens, Mich. (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 5 miles W and 8 miles E of the Selfridge AFB ILS localizer N course, extending from 3 miles S to 12 miles N of the OM, and within 2 miles each side of the Selfridge AFB ILS localizer S course, extending from the 7-mile radius area to 11 miles S of Selfridge AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the E by the United States/Canadian Border, on the W by the E boundary of VOR Federal airway No. 42 E alternate and longitude 83° 30' 00" W., and on the N by the N boundary of VOR Federal airway No. 216. The portion within R-4203 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/9/64 28 F. R. 12203 (Added);

Muskegon, Mich.
That airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.), and within a 4-mile radius of Grand Haven Memorial Airpark, Grand Haven, Mich., (latitude 43°02'00" N., longitude 86°11'50" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of Muskegon County Airport, including the airspace southwest of Muskegon bounded by a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending southwest to latitude 42°45'25" N., longitude 86°23'40" W., thence northwest to latitude 42°58'30" N., longitude 86°32'15" W., thence east along the south boundary of V-216 to the 18-mile radius area.

AMENDMENTS 12/12/63 28 F. R. 9347 (Added);

Myton, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Myton VOR 049° and 229° radials, extending from 9 miles SW to 20 miles NE of the VOR.

Nantucket, Mass.
That airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket CONSOLAN (Monitor site at latitude 41° 15' 35" N., longitude 70° 09' 19" W.), on the N by Control 1144, and on the SW by Control 1145; and that airspace from FL 240 to FL 300 inclusive SW of Nantucket, bounded on the N by Control 1169, on the east by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station.

AMENDMENTS 12/12/63 28 F. R. 10742 (Added);

PENDING AMENDMENT
Natchez, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hardy-Anders Field, Natchez, Miss. (latitude 31° 36' 50" N., longitude 91° 17' 55" W.) and within 2 miles each side of the Natchez VOR 012° radial extending from the 5-mile radius area to 8 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Hardy-Anders Field, and within 5 miles each side of the Natchez VOR 192° radial, extending from the 15-mile radius area to 23 miles south of the VOR.
12/12/63 28 F. R. 10814 (Added); Eff. date changed 2/6/64 28 F. R. 13359

Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within a 10-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.); within 10 miles N and 7 miles S of the Needles VORTAC 092° and 272° radials, extending from 3 miles W to 20 miles E of the VORTAC; within 5 miles each side of the Needles RR N and S courses, extending from 23 miles S to 23 miles N of the RR, and within 5 miles E and 8 miles W of the Needles RR N course, extending from the 10-mile radius area to 15 miles N of the RR.

AMENDMENTS 8/22/63 28 F. R. 6914(Rewritten);

New Orleans, La.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30° 06' 25" N., longitude 90° 16' 35" W.; to latitude 30° 08' 20" N., longitude 90° 02' 30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30° 02' 20" N., longitude 90° 01' 25" W.); to latitude 30° 02' 20" N., longitude 89° 54' 20" W.; to latitude 29° 49' 40" N., longitude 89° 54' 20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29° 49' 40" N., longitude 90° 01' 25" W.); to latitude 29° 44' 45" N., longitude 90° 05' 25" W.; to latitude 29° 53' 45" N., longitude 90° 20' 00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29° 59' 25" N., longitude 90° 15' 15" W.); to point of beginning; within 2 miles each side of the Navy New Orleans RBN 241° bearing extending from the RBN to 10 miles SW; and within 2 miles each side of the Navy New Orleans RBN 131° bearing, extending from the 7-mile radius area to 10 miles SE of the RBN; and that airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 29° 33' 00" N., longitude 89° 16' 00" W.; to latitude 29° 13' 30" N., longitude 89° 51' 00" W.; to latitude 28° 57' 00" N., longitude 90° 01' 00" W.; to latitude 28° 59' 00" N., longitude 90° 15' 00" W.; to latitude 29° 11' 00" N., longitude 90° 25' 00" W.; to latitude 29° 15' 00" N., longitude 90° 25' 00" W.; to latitude 29° 15' 00" N., longitude 91° 05' 00" W.; to latitude 29° 31' 00" N., longitude 91° 05' 00" W.; to latitude 29° 31' 00" N., longitude 91° 11' 00" W.; to latitude 29° 47' 00" N., longitude 91° 11' 00" W.; to latitude 29° 53' 00" N., longitude 91° 00' 00" W.; to latitude 30° 13' 00" N., longitude 90° 57' 00" W.; to latitude 30° 17' 00" N., longitude 90° 45' 00" W.; to latitude 30° 38' 00" N., longitude 90° 48' 00" W.; to latitude 30° 38' 00" N., longitude 90° 11' 00" W.; to latitude 30° 54' 00" N., longitude 89° 35' 00" W.; to latitude 30° 41' 00" N., longitude 89° 18' 00" W.; to latitude 29° 41' 00" N., longitude 89° 18' 00" W.; thence to point of beginning; and that airspace extending upward from 3,000 feet MSL, bounded by a line beginning at latitude 29° 28' 35" N., longitude 89° 23' 50" W.; thence along the outer limits of the territorial waters of the United States to the northern boundary of Control Area 1226; thence NW along the N boundary of Control Area 1226 to latitude 29° 13' 30" N., longitude 89° 51' 00" W.; thence NE to point of beginning.

AMENDMENTS 1/9/64 28 F. R. 11613 (Added);

New Philadelphia, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the New Philadelphia Airport (latitude 40° 28' 15" N., longitude 81° 25' 10" W.).

AMENDMENTS 11/14/63 28 F. R. 10473 (Added);

New River MCAF, N. C.
That airspace extending upward from 700 feet above the surface to and including 2,000 feet MSL, within a 12-mile radius of the MCAF New River RBN, excluding the portions within R-5306A, R-5306B, R-5306C, and the Camp Lejeune, N. C., transition area.

AMENDMENTS 5/2/63 28 F.R. 2166 (Added);

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20° 30' 00" N., longitude 155° 33' 30" W.; to latitude 20° 45' 00" N., longitude 155° 43' 00" W.; thence along latitude 20° 45' 00" N.; to longitude 155° 27' 00" W.; thence through latitude 20° 27' 22" N., longitude 155° 15' 00" W., to V-1 Hawaii.

AMENDMENTS 12/12/63 28 F. R. 10813 (Added);

Northway, Alaska
That airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

Ogdensburg, N. Y.
That airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Watertown, N. Y., VOR 033° radial, extending from 33 miles NE to 65 miles NE of the VOR, excluding the portion outside the United States, excluding the airspace within Federal airways and outside the United States.

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 209° and 029° bearings from the Olean Municipal Airport (Lat. 42°14'20" N, Long. 78°22'30" W), extending from V-270 to 16 miles NE of the airport and including the airspace bounded on the NE by V-164, on the S by V-270, on the W by V-33, and on the NW by a line 7 miles NW of and parallel to the 057° and 237° bearings from the Olean Municipal Airport.

O'Neill, Nebr.
That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the O'Neill VORTAC 273° and 093° radials, extending from 20 miles W to 9 miles E of the VORTAC.

Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport, Oshkosh, Wis. (latitude 43°59'20" N., longitude 88°33'15" W.), and within 8 miles E and 5 miles W of the Oshkosh VOR 176° radial, extending from the 8-mile radius area to 32 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by V-217, on the SE by a line extending from latitude 43°41'20" N., longitude 87°58'40" W., to latitude 43°30'00" N., longitude 88° 10'00" W., on the SW by a line extending from latitude 43°30'00" N., longitude 88°10'00" W., to latitude 43°52'00" N., longitude 88°59'00" W., on the W by a line extending from latitude 43°52'00" N., longitude 88° 59'00" W., to latitude 44°04'00" N., longitude 88°59'00" W., on the NW by a line extending from latitude 44° 04'00" N., longitude 88°59'00" W., to latitude 44°04'00" N., longitude 88°51'15" W., thence clockwise via the arc of a 16-mile radius circle centered at the Winnebago County Airport to latitude 44°12'00" N., longitude 88°25'30" W., thence via latitude 44°12'00" N. to the W boundary of V-217.

AMENDMENTS 12/12/63 28 F. R. 8447 (Added);

Oswego, Kans.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Oswego VOR 207° and 027° radials, extending from 20 miles NE to 9 miles SW of the VOR.

Otto, N. Mex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Otto Airport (latitude 35°04'35" N., longitude 106°00'10" W.), and within 2 miles each side of the Otto VOR 087° radial, extending from the 6-mile radius area to 7 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 35°14'00" N., on the E by longitude 105°34'00" W., on the S by latitude 34°57'25" N., and on the W by a line extending from latitude 34°57'25" N., longitude 106° 00'10" W. clockwise via the arc of an 8-mile radius circle centered on the Otto Airport to latitude 35°11'20" N., longitude 106°01'20" W., thence north via the arc of a 46-mile radius circle centered on the Albuquerque, N. Mex., VORTAC to latitude 35°14'00" N., longitude 106°02'05" W.

AMENDMENTS 8/22/63 28 F. R. 6873 (Added);

Ottumwa, Iowa
That airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Ottumwa, Iowa, VORTAC 129° and 309° radials, extending from 5 miles NW to 12 miles SE of the VORTAC, and the airspace N of Ottumwa bounded on the N by V-6 S, and the SE by V-216 and on the SW by V-52.

AMENDMENTS 6/27/63 28 F. R. 4611 (Added);

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.), and within 2 miles each side of the 257° bearing from the airport, extending from the 5-mile radius area to 8 miles W of the airport.

AMENDMENTS 9/19/63 28 F. R. 7707 (Added);

Palmdale, Calif.
That airspace extending upward from 1,200 feet above the surface bounded by a line extending from Lat. 35°34'30" N, Long. 116°23'30" W, thence to Lat. 35°28'35" N, Long. 116°18'45" W, thence S along Long. 116° 18'45" W to the NW boundary of V-8 N, thence along the NW boundary of V-8 N, the N boundary of V-12, the N boundary of V-137, and the E boundary of V-459 to latitude 35°36'15" N., longitude 118°48'45" W., thence to Lat. 35°37'30" N, Long. 117°47'30" W, thence to Lat. 35°40'30" N, Long. 117°47'00" W, thence to Lat. 36°05' 25" N, Long. 117°52'00" W, thence to Lat. 36°06'45" N, Long. 117°41'30" W, thence to Lat. 35°42'00" N, Long. 117°35'45" W, thence to Lat. 35°36'00" N, Long. 117°26'00" W, thence to Lat. 35°25'00" N, Long. 117°26'00" W, thence to Lat. 35°25'00" N, Long. 117°16'52" W, thence to Lat. 35°15'56" N, Long. 117°16'52" W, thence to Lat. 35°15'56" N, Long. 117°08'30" W, thence to Lat. 35°34'30" N, Long. 116°29'40" W, thence to point of beginning. The portions of this transition area within R-2502, R-2505, R-2506, R-2509, R-2515 and R-2524 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 6/27/63 28 F.R. 4552 (Changed);(eff. date 6/27/63 extended to 7/25/63 28 F.R. 5187);

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panama City-Bay County Airport, Panama City, Fla. (latitude 30°12'45" N., longitude 85°40'55" W.), and within 2 miles either side of the 328° and 090° bearings from the Panama City-Bay County Airport extending from the 5-mile radius zone to 8 miles northwest and east of the airport, excluding the portion within the Panama City (Tyndall AFB) control zone; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at:
Latitude 29°43'10" N., longitude 85°27'00" W.; to latitude 30°04'00" N., longitude 85°56'00" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°44'20" N., longitude 86°07'00" W.; thence along the south boundary of V-22 and the west boundary of V-7W to latitude 29°52'00" N., longitude 84°23'40" W.; to latitude 29°52'30" N., longitude 84°34'40" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

AMENDMENTS 4/4/63 28 F.R. 2092 (Added);

Parker, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Pasco, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pasco VOR; within 5 miles SE and 8 miles NW of the Pasco VOR 038° radial, extending from the VOR to 12 miles NE, and within 5 miles SW and 8 miles NE of the Pasco VOR 132° radial, extending from the VOR to 12 miles SE, excluding the portion within R-6715 and the airspace within Federal airways.

Paso Robles, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VOR 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VOR 146° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VOR 326° and 146° radials, extending from 24 miles NW to 20 miles SE of the VOR, excluding the portion within R-2504.

AMENDMENTS 9/19/63 28 F. R. 7670 (Rewritten); (F. R. Corr. 28 F. R. 7937);
PENDING AMENDMENT
In the Paso Robles, Calif., transition area "20 miles SE of the VOR, excluding the portion within R-2504." is deleted and "20 miles SE of the VOR. The airspace within R-2504 shall be used only after obtaining prior approval from appropriate authority." is substituted therefor.
2/6/64 28 F. R. 13742 (Changed);

Peach Springs, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC.

Pellston, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Emmet County Airport, Pellston, Mich. (latitude 45°34'40" N., longitude 84°47'40" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles NW and 7 miles SE of the Pellston VOR 047° and 227° radials, extending from 3 miles SW to 12 miles NE of the VOR, and within 8 miles NE and 5 miles SW of the 132° bearing from the Pellston RBN, extending from the 8-mile radius area to 12 miles SE of the RBN.

AMENDMENTS 12/12/63 28 F. R. 9284 (Added);

Pendleton, Oreg.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41' 30" N., longitude 118°47'24" W.; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 39 miles SE of the VORTAC; within 10 miles SE and 7 miles NW of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 20 miles SW of the VORTAC; that airspace extending clockwise from a line 5 miles NW of and parallel to the Pendleton VORTAC 060° radial to a line 5 miles N of and parallel to the Pendleton VORTAC 090° radial extending from the 12-mile radius area to the arc of a 30-mile radius circle centered on the Pendleton VORTAC, and within 5 miles either side of the Pendleton VORTAC 090° radial extending from the 12 mile radius area to 34 miles E of the VORTAC.

AMENDMENTS 1/10/63 27 F.R. 11532 (Rewritten);

Picayune, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30° 31' 20" N., longitude 89° 42' 25" W.), and within 2 miles each side of the Picayune VOR 332° radial, extending from the 5-mile radius area to 8 miles NW of the VOR.

AMENDMENTS 1/9/64 28 F. R. 11613 (Added);

Pike, Ark.
That airspace extending upward from 1,200 feet above the surface within 12 miles SE and 8 miles NW of the Texarkana, Ark., VORTAC 033° radial, extending from 10 miles NE to 22 miles SW of the INT of the Texarkana VORTAC 033° and the El Dorado, Ark., VORTAC 317° radials.

PENDING AMENDMENT
Pittsburgh, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Pittsburgh Airport (latitude 40° 29' 35" N., longitude 80° 14' 25" W.); within an 8-mile radius of Allegheny County Airport, Pittsburgh, Pa. (latitude 40° 21' 15" N., longitude 79° 55' 40" W.), and the airspace within tangent lines extending from the Greater Pittsburgh 8-mile radius area to the Allegheny County 8-mile radius area; within 2 miles each side of the Greater Pittsburgh Runway 10-R-ILS localizer W course, extending from the Greater Pittsburgh 8-mile radius area to 8 miles W of the Clinton, Pa., RBN; within 2 miles each side of the 272° bearing from the Greater Pittsburgh Runway 10-L-ILS OM, extending from the Greater Pittsburgh 8-mile radius area to 8 miles W of the OM, and within 2 miles each side of the Pittsburgh RBN 257° bearing, extending from the Allegheny County 8-mile radius area to 8 miles W of the RBN; and that airspace extending upward from 1,200 feet, above the surface within a 37-mile radius of the Imperial, Pa., VORTAC, extending clockwise from the 249° to the 202° radials; within a 60-mile radius of the Imperial VORTAC, extending clockwise from the 202° to the 249° radials, excluding the portion N of a line extending from latitude 40° 56' 40" N., longitude 80° 36' 00" W., to latitude 40° 57' 00" N., longitude 80° 30' 00" W., to latitude 41° 01' 00" N., longitude 80° 08' 00" W.
2/6/64 28 F. R. 12339 (Added);

Plainview, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Plainview VOR 354° and 174° radials, extending from 7 miles S to 13 miles N of the VOR; within 8 miles SE and 5 miles NW of the Plainview VOR 214° and 034° radials, extending from 7 miles NE to 13 miles SW of the VOR; and within 8 miles W and 5 miles E of the Plainview VOR 006° and 186° radials, extending from 7 miles S to 13 miles N of the VOR.

AMENDMENTS 1/9/64 28 F. R. 12084 (Added);

Pocatello, Idaho
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Pocatello VOR 046° and 226° radials, extending from 9 miles SW to 20 miles NE of the VOR; within 10 miles E and 7 miles W of the Pocatello VOR 168° and 348° radials, extending from 9 miles N to 20 miles S of the VOR, and within 10 miles S and 7 miles N of the Pocatello VOR 252° and 072° radials, extending from 9 miles E to 20 miles W of the VOR.

Point Reyes, Calif.
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-137, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

AMENDMENTS 11/14/63 28 F. R. 10332 (Added);

Pontiac, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 2 miles each side of the Pontiac VOR 271° radial, extending from the 7-mile radius area to 8 miles W of the VOR.

AMENDMENTS 12/12/63 28 F. R. 9426 (Added);

Portage, Alaska
That airspace extending upward from 1,200 feet above the surface within 15 miles SW and 23 miles NE of the 122° and 302° bearings from the Portage RBN, extending from 20 miles NW to 40 miles SE of the RBN.

Portal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Cochise, Ariz., VOR 096° radial, extending from 20 miles E to 56 miles E of the VOR.

Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the CGAS Port Angeles (Lat. 48°08'30" N, Long. 123°24'45" W), and that airspace extending upward from 1,200 feet above the surface bounded on the N by the United States/Canadian border, on the E by A-1, on the S by Lat. 48°03'00" N and on the W by Long. 123°35'00" W.

Port Huron, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of St. Clair County Airport, Port Huron, Mich. (latitude 42° 54' 45" N., longitude 82° 31' 35" W.), and within 5 miles SW and 8 miles NE of the 152° bearing from St. Clair County Airport, extending from the airport to 16 miles SE of the airport, excluding the portion outside the United States.

AMENDMENTS 1/9/64 28 F. R. 12203 (Added);

Prescott, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles SW and 3 miles NE of the Prescott VORTAC 303° and 123° radials, extending from 1 mile SE to 8 miles NW of the VORTAC, and within 3 miles SW and 2 miles NE of the 157° and 337° bearings from the Prescott RBN, extending from 1 mile SE to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Prescott VORTAC, extending from a line 5 miles W of and parallel to the 337° bearing from the Prescott RBN clockwise to a line 5 miles W of and parallel to the Prescott VORTAC 159° radial; within a 12-mile radius of the Prescott VORTAC, extending from a line 5 miles W of and parallel to the Prescott VORTAC 159° radial clockwise to a line 5 miles W of and parallel to the 337° bearing from the Prescott RBN; within 5 miles each side of the 337° bearing from the Prescott RBN, extending from the 20-mile radius area to 25 miles NW of the RBN, and within 10 miles N and 7 miles S of the Drake, Ariz., VOR 082° and 262° radials extending from 9 miles W to 20 miles E of the VOR.

AMENDMENTS 9/19/63 28 F. R. 7901 (Added);

Preston, Minn.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Rochester, Minn., VOR 105° radial, extending from 20 miles to 42 miles E of the VOR.

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by Lat. 35°55'00" N, and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111.

PENDING AMENDMENT
Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.
1/9/64 28 F. R. 12341 (Rewritten); Alteration of Amend. (Date Changed) 2/6/64 28 F. R. 13760

Promontory Point, Utah
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Ogden, Utah, VOR 316° radial, extending from 35 to 67 miles NW of the Ogden VOR.

Pullman, Mich.
That airspace extending upward from 1,200 feet above the surface within the area bounded on the N by V-30S, on the E by longitude 86°36'00" W., on the SE by V-193, on the SW by the South Bend, Ind., VORTAC 314° radial and on the W by longitude 87°01'00" W.

AMENDMENTS 5/30/63 28 F.R 3585 (Added);

Quantico, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) and within 3 miles W and 2 miles E of the Brooke, Va., VORTAC 011° and 191° radials, extending from the 8-mile radius area to 2 miles S of the VORTAC. The portion of this transition area within R-6608 may be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 8/22/63 28 F.R. 8912 (Added);

Quincy, Ill.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Quincy ILS localizer SW course, extending from 4 miles NE to 12 miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), and within 7 miles NW and 8 miles SE of the Quincy VORTAC 214° radial, extending from the 12-mile radius area to 12 miles SW of the VORTAC.

AMENDMENTS 11/14/63 28 F. R. 9284 (Added);

Rawlins, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sinclair, Wyo., RR E and W courses, extending from the arc of a 5-mile radius circle centered on the Rawlins Municipal Airport (latitude 41° 48' 15" N., longitude 107° 12' 05" W.) to 8 miles E of the RR, and within 2 miles each side of the RR 272° bearing, extending from the arc of a 5-mile radius circle centered on the Rawlins Municipal Airport to the RR; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 9 miles S of the Sinclair RR E and W courses, extending from 12 miles E to 18 miles W of the RR.

AMENDMENTS 1/9/64 28 F. R. 11615 (Added);

Readsville, Mo.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Readsville VOR 280° and 100° radials, extending from 20 miles W to 9 miles E of the VOR.

PENDING AMENDMENT
Red Bluff, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles NW of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, and within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC.
2/6/64 28 F. R. 12925 (Added);

Redwood Falls, Minn.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Redwood Falls VOR 061° and 241° radials, extending from 20 miles NE to 9 miles SW of the VOR.

Reno, Nev.
That airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VOR, excluding the portions W of longitude 120°19'00" W., E of longitude 119°00'00" W., and within R-4805; and that airspace SW of Reno within 22 miles N and 13 miles S of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles E to 35 miles W of the VOR.

AMENDMENTS 9/19/63 28 F. R 7669 (Added);

Rewey, Wis.
That airspace extending upward from 1,200 feet above the surface within 10 miles either side of the Rewey VOR 123° and 299° radials, extending from 20 miles SE to 20 miles NW of the VOR.

Rhinelander, Wis.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Rhinelander VOR, and within a 5-mile radius of the Drott Airport (Lat. 45°30'45" N, Long. 89°33'35" W).

Richwoods, Mo.
That airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Richwoods VOR 230° and 050° radials, extending from 7 miles NE to 13 miles SW of the VOR

AMENDMENTS 8/22/63 28 F. R. 6725 (Rewritten);

Riverton, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 2 miles each side of the Riverton VOR 121° radial extending from the 5-mile radius area to 8 miles SE of the VOR, and within 2 miles each side of the Riverton VOR 291° radial extending from the 5-mile radius area to 8 miles NW of the VOR; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Riverton VOR, and within 10 miles E and 7 miles W of the Riverton VOR 016° radial extending from the 20-mile radius area to 38 miles N of the VOR.

AMENDMENTS 6/27/63 28 F. R. 4348 (Rewritten);

Rockaway, Oreg.
That airspace extending upward from 19,500 feet MSL bounded on the E by the continental control area, and on the S, W, and NW by a line extending from the boundary of the continental control area through latitude 45°24'00" N., longitude 124°13'00" W., to latitude 45°36'00" N., longitude 124°28'00" W., to latitude 45°44'00" N., longitude 124°28'00" W., through latitude 45°55'00" N., longitude 124°15'00" W., to the boundary of the continental control area, excluding the airspace within Federal airways.

AMENDMENTS 4/4/63 28 F.R 966 (Added);

Rockford, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by latitude 41°55'00" N., and on the W by longitude 89°55'00" W

AMENDMENTS 12/12/63 28 F. R. 9424 (Added);

PENDING AMENDMENT
Rock Springs, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Rock Springs ILS localizer E course, extending from 6 miles to 12 miles E of the OM; within 1 mile N and 5 miles S of the Rock Springs VORTAC 097° radial, extending from the arc of a 5-mile radius circle centered on Rock Springs Municipal Airport (latitude 41° 35' 45" N., longitude 109° 04' 00" W.), to 14 miles E of the VORTAC, and within 2 miles each side of the Rock Springs VORTAC 259° radial, extending from the arc of a 5-mile radius circle centered on Rock Springs Municipal Airport to 10 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 7 miles N and 11 miles S of the Rock Springs VORTAC 079° and 259° radials, extending from 20 miles E to 20 miles W of the VORTAC, and that airspace within a 23-mile radius of the Rock Springs VORTAC, extending clockwise from a line 5 miles NW of and parallel to the Rock Springs VORTAC 026° radial to a line 5 miles S of and parallel to the VORTAC 097° radial.
2/6/64 28 F. R. 13358 (Added);

Rocky Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the 255° bearing from the Kodiak, Alaska, RR, extending from 18 miles E to 8 miles W of the INT of the 255° bearing from the Kodiak RR and the 132° bearing from the King Salmon, Alaska, RR.

Rome, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Russell Field, Rome, Ga. (latitude 34°21'00" N., longitude 85°09'30" W.), within 2 miles each side of the Rome VOR 349° radial, extending from the 8-mile radius area to the VOR; within 2 miles each side of the 165° bearing from the Rome RBN, extending from the 8-mile radius area to 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the N. by latitude 34°37'00" N., on the E. by longitude 85°00'00" W., on the S. by latitude 33°59'00" N., and on the W. by longitude 85°21'00" W. excluding the portion which coincides with the Atlanta, Ga., transition area.

AMENDMENTS 8/22/63 28 F R. 6782 (Added);

Roseburg, Oreg.
That airspace extending upward from 1,200 feet above the surface within 7 miles E and 10 miles W of the Roseburg VOR 175° and 355° radials extending from 20 miles N to 12 miles S of the VOR

AMENDMENTS 6/27/63 28 F R 4347 (Added);

PENDING AMENDMENT

Roswell, N. Mex.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 06' 00" N., longitude 104° 50' 00" W., to latitude 33° 23' 00" N., longitude 104° 50' 00" W., to latitude 33° 34' 00" N., longitude 104° 40' 00" W., to latitude 33° 34' 00" N., longitude 104° 25' 00" W., to latitude 33° 37' 00" N., longitude 104° 20' 00" W., to latitude 33° 26' 00" N., longitude 104° 07' 00" W., to latitude 33° 09' 00" N., longitude 104° 12' 00" W., to latitude 33° 02' 00" N., longitude 104° 30' 00" W., to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32° 40' 38" N., longitude 104° 58' 25" W., to latitude 32° 50' 40" N., longitude 105° 15' 00" W., to latitude 32° 58' 00" N., longitude 105° 09' 00" W., to latitude 33° 41' 30" N., longitude 105° 09' 00" W., thence clockwise via the arc of a 45-mile radius circle centered on Walker AFB, Roswell, N. Mex., (latitude 33° 18' 05" N., longitude 104° 31' 20" W.) to latitude 33° 32' 00" N., longitude 103° 47' 35" W., to latitude 33° 04' 00" N., longitude 103° 48' 00" W.; thence clockwise via the arc of a 45-mile radius circle centered on Walker AFB to latitude 32° 44' 00" N., longitude 104° 54' 20" W., thence to point of beginning; and that airspace extending upward from 8,500 feet MSL within 5 miles each side of the Roswell VOR 350° radial, extending from the 45-mile radius area to 63 miles N of the Roswell VOR; within 5 miles each side of the Walker AFB TACAN 348° radial, extending from the 45-mile radius area to 67 miles N of the Walker TACAN; within 5 miles each side of the Roswell VOR 007° radial, extending from the 45-mile radius area to 69 miles N of the Roswell VOR; within 5 miles each side of the Roswell VOR 060° radial, extending from the 45-mile radius area to 64 miles NE of the Roswell VOR; within 5 miles each side of the Walker TACAN 192° radial, extending from the 45-mile radius area to 63 miles S of the Walker TACAN, and within 5 miles each side of the Roswell VOR 186° radial, extending from the 45-mile area to 65 miles S of the Roswell VOR. The portion of this transition area within 5 miles each side of the Roswell VOR 060° radial, extending from the 45-mile radius area to 64 miles NE is excluded from Federal airways.

2/6/64 28 F. R. 12925 (Added);

Saginaw, Mich.

That airspace extending upward from 1,200 feet above the surface, within a 14-mile radius of Tri-City Airport (latitude 43°31'54" N., longitude 84°04'54" W.), within 10 miles SW and 6 miles NE of the Saginaw VOR 317° radial, extending from the 14-mile radius area to 37 miles NW of the VOR, and within the area bounded on the N by latitude 43°36'00" N., and the 14-mile radius area, on the NE by the NE boundary of V-216, on the E by longitude 83°30'00" W, on the S by latitude 43°16'00" N., and on the W by longitude 84°25'00" W.

AMENDMENTS 12/12/63 28 F. R. 9424 (Added);

PENDING AMENDMENT

St. Clairsville, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40° 03' 25" N., longitude 80° 57' 55" W.), and within 2 miles each side of the Bellaire, Ohio, VOR 291° radial, extending from the 5-mile radius area to the VOR.

2/6/64 28 F. R. 12339 (Added);

St. Johns, Ariz.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC.

St. Joseph, Mo.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 5 miles E and 8 miles W of the St. Joseph ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1200 feet above the surface bounded by a line extending from the INT of the S boundary of V-216 and the W boundary of V-13 SW to latitude 39°42'25" N., longitude 94°29'30" W.; to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; to latitude 39°30'00" N., longitude 95°09'00" W.; thence N along longitude 95°09'00" W. to its INT with the aro of a 20-mile radius circle centered at the Rosecrans Memorial Airport; thence clockwise along this aro to the W boundary of V-205; thence N along the W boundary of V-205 to the S boundary of V-216; thence E along the S boundary of V-216 to point of beginning; and that airspace N of St. Joseph bounded on the E by a line 5 miles NE of and parallel to the Neola, Iowa, VORTAC 142° radial, on the S by V-216 and on the W by V-15 E.

AMENDMENTS 8/22/63 28 F. R. 6913 (Added):

St. Louis, Mo.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), within 5 miles SE and 8 miles NW of the Lambert-St. Louis Municipal Airport ILS localizer NE course, extending from the 10-mile radius area to 12 miles NE of the OM, within a 5-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'28" N., longitude 90°03'02" W.), within 2 miles each side of the 009° bearing from the Civic Memorial Airport, extending from the 5-mile radius area to 7 miles N of the airport, and within 5 miles S and 8 miles N of the 103° bearing from the Civic Memorial Airport, extending from the airport to 12 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of Lambert-St. Louis Municipal Airport, within 6 miles SW and 9 miles NE of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles NW of the VORTAC, within a 40-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 5 miles W and 8 miles E of the 009° bearing from Civic Memorial Airport, extending from the airport to 19 miles N of the airport, excluding the airspace within the Jacksonville, Ill., and Vandalia, Ill., transition areas and the portion within a 13-mile radius of the Centralia, Ill., VOR.

AMENDMENTS 8/22/63 28 F. R. 6725 (Added);

St. Thomas, Pa.

That airspace extending upward from 1,200 feet above the surface within 7 miles NW and 10 miles SE of the St. Thomas VOR 251° and 067° radials, extending from 20 miles SW to 20 miles NE of the VOR, excluding the portion within Williamsport, Pa., transition area and the airspace within the Washington, D. C. control area extension.

Salina, Kans.

That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Schilling AFB, Salina, Kans., (Lat. 38°47'30" N, Long. 97°38'45" W); that airspace extending upward from 3,500 feet MSL in the area N of Salina, bounded on the NE by a line extending from Lat. 39°52'15" N, Long. 96°48'00" W, to Lat. 39° 40'45" N, Long. 96°35'00" W, on the E by the Emporia, Kans., VORTAC 346° radial, on the S by the N boundary of V-4 E of the Salina VORTAC and V-108 W of the Salina VORTAC, on the W by Long 98°30'00" N, and on the N by V-216 W of the Mankato, Kans., VOR and V-216 S alternate E of the Mankato VOR; and that airspace S of Salina bounded on the E by Long. 97°00'00" W, on the S by V-280 E of the Hutchinson, Kans., VORTAC and V-132 W of the Hutchinson VORTAC on the W by Long. 98°45'00" W, and on the N by V-4 W of the Salina VORTAC and V-4 S alternate E of the Salina VORTAC, excluding the portion within 25 miles of the Hutchinson RBN and the portions within the Manhattan, Kans., transition area, and within V-73 more than 25 miles from Schilling AFB. The portions of this transition area within R-3601 shall be used only after obtaining prior approval from the appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed);
AMENDMENTS 6/27/63 28 F.R. 4163 (Changed); (Amend. Mod. 28 F.R. 5353);

Salisbury, Md.

That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Salisbury VOR 027° and 207° radials, extending from 9 miles SW to 20 miles NE of the VOR, excluding the portion within R-4006 and excluding the airspace within Federal airways.

Samsville, Ill.

That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Samsville VOR 266° and 086° radials, extending from 20 miles W to 9 miles E of the VOR.

San Angelo, Tex.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 8-mile radius area to 8-miles SW of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 31°40'00" N., longitude 100°39'30" W.; to latitude 31°59'30" N., longitude 100°13'20" W.; to latitude 31°53'15" N., longitude 100°05'30" W.; to latitude 31°33'40" N., longitude 100°11'45" W.; to latitude 31°12'20" N., longitude 99°41'15" W.; to latitude 30°49'45" N., longitude 100°12'45" W.; to latitude 30°47'15" N., longitude 100°22' 15" W.; to latitude 31°02'40" N., longitude 100°45'55" W.; to latitude 31°28'40" N., longitude 100°59'40" W.; to latitude 31°39'00" N., longitude 101°27'20" W.; to latitude 31°50'00" N., longitude 101°22'00" W.; to point of beginning. The portion within R-6309 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 11/14/63 28 F. R. 9285 (Added);

San Luis Obispo, Calif.

That airspace extending upward from 1,200 feet above the surface N of San Luis Obispo bounded on the SW by V-27, on the E by V-25 W, and on the N by a line extending from V-27 through latitude 35°30'00" N., longitude 120°58'00" W., and latitude 35°32'00" N., longitude 120°48'00" W., to V-25 W; and W of San Luis Obispo bounded on the NE by V-27 and the Lompoc, Calif., control area extension, and on the W and SW by a line extending from V-27 through latitude 35°17'00" N., longitude 121°00'00" W., to latitude 35°10'00" N., longitude 120°55'00" W., thence through latitude 35°04'00" N., longitude 120°44'30" W. to the Lompoc, Calif., control area extension.

AMENDMENTS 11/14/63 28 F. R. 10418 (Added);

San Simon, Ariz.

That airspace extending upward from 1,200 feet above the surface within 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz. and Portal, Ariz., transition areas.

Sandusky, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Griffing-Sandusky Airport; within a 21-mile radius of the Griffing-Sandusky Airport, bounded on the N by the 12-mile radius area on the E by the 163° bearing from the airport, and on the W by the 229° bearing from the airport; and within the area bounded on the NE by V-297, on the SE by V-232, on the SW by the 12-mile radius area, and on the NW by the 034° bearing from the Griffing-Sandusky Airport.

AMENDMENTS 8/22/63 28 F. R. 6725 (Added);

Santa Barbara, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the W by V-25, on the N by V-248, on the NE by V-107, on the E by Long. 119°30'00" W, and on the S by V-12.

Santa Fe, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), within 2 miles each side of the Santa Fe VORTAC 165° radial, extending from the 10-mile radius area to 8 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°24'00" N., longitude 106°02'05" W.; thence counterclockwise along the arc of a 46-mile radius circle centered on the Albuquerque VORTAC; to latitude 35°37'35" N., longitude 106°24'48" W.; to latitude 35°47'00" N., longitude 106°15'00" W.; to latitude 35°47'00" N., longitude 105°50'00" W.; to latitude 35°14'00" N., longitude 105°50'00" W.; to point of beginning, excluding the portion within R-5101.

AMENDMENTS 8/22/63 28 F. R. 6911 (Added);

Savannah, Ga.
That airspace extending upward from 1,200 feet above the surface W and SW of Savannah bounded on the N by the S boundary of V-154, on the E by the arc of a 40-mile radius circle centered at the Hunter AFB (latitude 32°00'35" N., longitude 81°08'45" W.), on the S by a line extending through latitude 32°03'40" N., longitude 81°50'10" W. and latitude 32°03'20" N., longitude 81°54'40" W., and on the W by the E boundary of V-157; that airspace bounded on the N by a line extending through latitude 31°35'45" N., longitude 82°07'10" W. and latitude 31°35'00" N., longitude 81°36'30"W., and E along latitude 31°35'00" N. to the W boundary of V-3, on the E by V-3, on the S by latitude 31°30'00" N., and on the W by V-267; and the airspace extending upward from 4,000 feet above the surface bounded on the N by a line extending through latitude 32°03'20" N., longitude 81°54'40" W. and latitude 32°03'40" N., longitude 81°50'10" W., on the E by the arc of a 40-mile radius circle centered at the Hunter AFB, on the S by a line extending through latitude 31°35'45" N., longitude 82°07'10" W., and latitude 31°35'00" N., longitude 81°36'30" W. and on the W by the E boundaries of V-267 and V-157. The portion of this transition area within R-3005A, R-3005B and R-3006 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 12/12/62 27 F.R. 12441 (Added); On Publ. 2/21/63 28 F.R. 1630 (Changed);

Scottsbluff, Nebr.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

AMENDMENTS 12/12/63 28 F. R. 10330 (Rewritten);

Searchlight, Nev.
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Las Vegas, VORTAC 157° radial, extending from 10 miles NW to 22 miles SE of the INT of the Las Vegas VORTAC 157° and the Goffs, Calif., VOR 030° radials.

PENDING AMENDMENT
Sedalia, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.), and within 2 miles each side of Whiteman ILS localizer S course, extending from the 8-mile radius area to 8 miles S of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at longitude 93° 30' 00" W., and the south boundary of V-12, thence north via longitude 93° 30' 00" W., to the south boundary of V-4, thence east along the south boundary of V-4 to longitude 92° 31' 00" W., thence south along longitude 92° 31' 00" W., to the south boundary of V-12, thence west along the south boundary of V-12 to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman VOR, to the east boundary of V-205, thence northwest along the east boundary of V-205 to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39° 07' 20" N., longitude 94° 35' 30" W.) to the south boundary of V-12, thence east along the south boundary of V-12 to the point of beginning; and that airspace extending upward from 2,500 feet MSL bounded on the north by the south boundary of V-12, on the east by longitude 92° 31' 00" W., and the west boundary of V-63, on the south by the arc of a 25-mile radius circle centered on Springfield, Mo., Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.), on the west by the east boundary of V-205 and the arc of a 29-mile radius circle centered on the Whiteman VOR.
3/5/64 28 F. R. 13929 (Added);

Shenandoah, Pa.
That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Selinsgrove, Pa., VORTAC 083° radial, extending from 10 miles E to 43 miles E of the VORTAC, excluding the portions within R-5801 and R-5802 and the airspace within Federal airways, the New York, N. Y., control area extension and the Williamsport, Pa., transition area.

PENDING AMENDMENT
Sheridan, Wyo.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sheridan VORTAC 318° radial, extending from the VORTAC to 3 miles NW of the VORTAC, and within 2 miles NE and 3 miles SW of the Sheridan RBN 133° bearing, extending from the arc of a 6-mile radius circle centered on Sheridan County Airport (latitude 44° 46' 25" N., longitude 106° 58' 15" W.) to 14 miles SE of the RBN; and that airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Sheridan VORTAC 137° and 317° radials, extending from 25 miles SE to 15 miles NW of the VORTAC.
2/6/64 28 F. R. 13368 (Added);

Shuyak, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles W either side of the 167° and 347° bearings from the Shuyak RBN, extending from 13 miles N to 14 miles S of the RBN.

Sidney, Nebr.
That airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Sidney VOR 261° and 081° radials, extending from 20 miles W to 9 miles E of the Sidney VOR, excluding the airspace within Federal airways.

Sitka, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Sitka RR SW course, extending from 2 miles SW to 8 miles SW of the RR; within 2 miles each side of the Biorka, Alaska, VORTAC 207° radial, extending from 2 miles SW to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Biorka VORTAC 027° and 207° radials, extending from 6 miles NE to 14 miles SW of the VORTAC.

AMENDMENTS 9/19/63 28 F. R. 7667 (Added);

Skwentna, Alaska
That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna RR, extending from 40 miles W to 13 miles E of the RR.

Slate Run, Pa.
That airspace extending upward from 1,200 feet above the surface within 12 miles N and 8 miles S of the Stonyfork, Pa., VORTAC 276° radial, extending from 8 miles W to 40 miles W of the VORTAC, excluding the airspace within Federal airways.

PENDING AMENDMENT
Springfield, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.), within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles NW of the RBN; within 5 miles W and 8 miles E of the Springfield ILS localizer S course, extending from 1 mile N to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Springfield Municipal Airport, within 9 miles N and 6 miles S of the Springfield VORTAC 058° radial, extending from the 25-mile radius area to 43 miles NE of the VORTAC, within 6 miles W and 9 miles E of the Springfield VORTAC 146° radial, extending from the 25-mile radius area to 41 miles SE of the VORTAC, within 5 miles NW and 8 miles SE of the Dogwood, Mo., VOR 053° radial, extending from the VOR to 7 miles NE of the VOR, and within 9 miles E and 6 miles W of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles SW of the VORTAC.
3/5/64 29 F. R. 132 (Added);

Stansbury, Utah
That airspace extending upward from 1,200 feet above the surface within 12 miles S and 8 miles N of the Salt Lake City, Utah, VORTAC 265° radial, extending from 13 miles to 45 miles W of the VORTAC.

Stockton, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N.

AMENDMENTS 1/9/64 28 F. R. 12339 (Added);

Stonyfork, Pa.
That airspace extending upward from 1,200 feet above the surface within 11 miles SE and 7 miles NW of the Stonyfork VORTAC 029° and 209° radials, extending from 4 miles NE to 26 miles SW of the VORTAC, and within 10 miles S and 7 miles N of the Stonyfork VORTAC 278° and 098° radials, extending from 9 miles W to 20 miles E of the VORTAC, excluding the portion within the Williamsport, Pa., transition area.

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41° 48' 50" N., longitude 85° 26' 10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

AMENDMENTS 12/12/63 28 F. R. 10741 (Added);

Summit Alaska
That airspace extending upward from 1,200 feet above the surface within 25 miles W and 16 miles E of the 187° and 007° bearings from the Summit RR, extending from 22 miles S to 42 miles N of the RR.

Talkeetna, Alaska
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna RBN, extending from 40 miles N to 15 miles S of the RBN, excluding the airspace within Federal airways.

Tanana, Alaska
That airspace extending upward from 1,200 feet above the surface within 6 miles NE and 10 miles SW of the 314° and 134° bearings from the Tanana RR, extending from 7 miles NW to 13 miles SE of the RR.

Taylor, Fla.
That airspace southwest of Taylor extending upward from 2,500 feet MSL bounded on the N by V-22, on the E by V-157 and on the SW by V-159.

AMENDMENTS 4/4/63 28 F R 843 (Added).

Terre Haute, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hulman Field, Terre Haute, Ind. (latitude 39°27'05" N., longitude 87°18'30" W.); within 2 miles each side of the Terre Haute ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM; within 2 miles each side of the 198° bearing from the Terre Haute LOM, extending from the 7-mile radius area to 8 miles S of the LOM; and within 5 miles SE and 10 miles NW of the Terre Haute VOR 051° radial, extending from the VOR to 13 miles NE.

AMENDMENTS 10/17/63 28 F. R. 9425 (Added);

The Dalles, Oreg.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of The Dalles VORTAC 096° and 276° radials, extending from 9 miles W to 20 miles E of the VORTAC, excluding the airspace within Federal airways.

Thurman, Colo.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Thurman VOR 100° and 280° radials, extending from 20 miles E to 9 miles W of the VOR.

Tonopah, Nev.
That airspace extending upward from 700 feet above the surface within 5 miles W and 3 miles E of the Tonopah VOR 352° and 172° radials, extending from 9 miles N to 2 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Tonopah VOR excluding the portions within R-4807 and R-4809.

AMENDMENTS 1/9/64 28 F. R. 10703 (Rewritten);

Topeka, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 039° radial, extending from the 7-mile radius area to 8 miles NE of the VORTAC, within 5 miles SW and 8 miles NE of the Philip Billard Airport ILS localizer NW course, extending from 3 miles SE to 12 miles NW of the OM; within a 7-mile radius of Forbes AFB, Topeka, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.), and within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 7-mile radius area to 9 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°22'30" N., longitude 96°02'00" W., thence SE along a line 8 miles NE of and parallel to the Emporia, Kans., VORTAC 134° radial to the S boundary of V-10, thence NE along the S boundary of V-10 to latitude 38°52'00" N., longitude 95°05'25" W., thence NW to latitude 38°59'00" N., longitude 95°12'30" W., thence W to latitude 39°30'00" N., longitude 95°09'00" W., thence N along longitude 95°09'00" W., to the arc of a 30-mile radius circle centered on the Rosecrans Memorial Airport, St. Joseph, Mo. (latitude 39°46'23" N., longitude 94°54'31" W.), thence clockwise along the arc of the 30-mile radius circle to the W boundary of V-77, thence SW along the W boundary of V-77 to the arc of a 28-mile radius circle centered on the Philip Billard Airport, thence counterclockwise along the arc of the 28-mile radius circle to longitude 95°45'00" W., thence NW to latitude 39°40'00" N., longitude 95°57'00" W., thence SW to latitude 39°26'50" N., longitude 96°30'50" W., thence SE along the Emporia VORTAC 346° radial to the arc of a 23-mile radius circle centered on Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.), thence clockwise along the arc of the 23-mile radius circle to the intersection of the Emporia VORTAC 346° radial, thence SE along the Emporia VORTAC 346° radial to the arc of a 5-mile radius circle centered on the Emporia Municipal Airport, Emporia, Kans. (latitude 38°20'00" N., longitude 96°11'15" W.), thence clockwise along the arc of the 5-mile radius circle to the Emporia VORTAC 044° radial, thence NE along the 044° radial to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 39°52'15" N., longitude 96°48'00" W., thence E along the S boundary of V-216 S alternate and V-50 to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport, thence counterclockwise along the arc of the 20-mile radius circle to the W boundary of V-77, thence SW along the west boundary of V-77 to the arc of a 28-mile radius circle centered on Philip Billard Airport, thence counterclockwise along the arc of the 28-mile radius circle to longitude 95°45'00" W., thence NW to latitude 39°40'00" N., longitude 95°57'00" W., thence SW to latitude 39°26'50" N., longitude 96°30'50" W., thence NW to latitude 39°40'45" N., longitude 96°35'00" W., to the point of beginning.

AMENDMENTS 8/22/63 28 F. R. 6494 (Added);

Traverse City, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Traverse City Municipal Airport (latitude 44°44'35" N., longitude 85°34'50" W.), within 5 miles SW and 8 miles NE of the Traverse City VOR 158° radial, extending from the 8-mile radius area to 14 miles S of the VOR, and within 5 miles SW and 8 miles NE of the 137° bearing from the Traverse City RBN, extending from the 8-mile radius area to 14 miles SE of the RBN.

AMENDMENTS 12/12/62 27 F.R. 12210 (Changed); 12/12/63 28 F. R. 9286 (Rewritten);

Tremonton, Utah
That airspace extending upward from 1,200 feet above the surface bounded on the NE by a line extending from V-21 to V-288 through Lat. 41°50'00" N, Long. 112°12'30" W, and Lat. 41°40'00" N, Long. 112°05'00" W, on the S by V-288 and on the W by V-21.

Tri-City, Tenn.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and the airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Tri-City Municipal Airport.

AMENDMENTS 5/30/63 28 F.R. 3585 (Rewritten);

Truth or Consequences, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'20" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles W of the Truth or Consequences VOR 013° and 193° radials, extending from 20 miles N to 9 miles S of the VOR, and within 5 miles each side of the Truth or Consequences VOR 143° radial, extending from the 8-mile radius area to 23 miles SE of the VOR. The portion of this transition area within R-5111 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 1/9/64 28 F. R. 9980 (Added);

Tuba City, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Tuba City VOR 076° and 256° radials, extending from 9 miles E to 20 miles W of the VOR.

Tucumcari, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); and that airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Tucumcari VOR 267° and 087° radials, extending from 23 miles W to 12 miles E of the VOR, and within 8 miles NW and 5 miles SE of the Tucumcari VOR 033° radial, extending from the VOR to 12 miles NE.

AMENDMENTS 9/19/63 28 F.R. 7588 (Added);

Tupelo, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Tupelo Municipal Airport (latitude 34°15'30" N., longitude 88°45'55" W.), within 2 miles each side of the Tupelo VOR 215° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; and the airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Tupelo Municipal Airport.

AMENDMENTS 8/22/63 28 F R. 6911 (Added);

Twenty-Nine Palms, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long 115°12'00" W, on the S by Lat. 33°28'00" N, on the W by the W boundary of V-208 and V-117, the S boundary of V-16, and Long 116°28'00" W, and on the N by Lat 34°17'00" N, excluding the portion within R-2501 and R-2507

Twin Falls, Idaho
That airspace extending upward from 1,200 feet above the surface within 20 miles W and 15 miles E of the Twin Falls VOR 180° and 360° radials, extending from 10 miles S to 29 miles N of the VOR, excluding the airspace within Federal airways

PENDING AMENDMENT
Twin Falls, Idaho
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Twin Falls VOR; within 8 miles N and 5 miles S of the Twin Falls VOR 086° radial, extending from the VOR to 12 miles E of the VOR, and within 2 miles each side of the Twin Falls VOR 195° radial, extending from the 7-mile radius area to 10 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of the Twin Falls VOR, extending clockwise from the VOR 038° radial to the VOR 311° radial; within a 27-mile radius of the Twin Falls VOR, extending clockwise from the VOR 311° radial to the VOR 038° radial, and within 9 miles SW and 6 miles NE of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles NW of the VOR.
2/6/64 28 F. R. 13337 (Rewritten);

Unalakleet, Alaska
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the 290° and 110° bearings from the Unalakleet RR, extending from 24 miles W to 9 miles E of the RR, excluding the airspace within Federal airways.

Vandalia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 2 miles either side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR; the airspace S and SW of the Vandalia VOR extending upward from 1,200 feet above the surface within a 15-mile radius of the Vandalia VOR extending clockwise from the Vandalia VOR 100° radial to the Vandalia VOR 239° radial; within 10 miles NW and 7 miles SE of the Vandalia VOR 074° and 254° radials extending from 20 miles NE to 9 miles SW of the VOR; and within 8 miles W and 5 miles E of the Vandalia VOR 003° radial extending from the VOR to 12 miles N, excluding the portion within V-12.

AMENDMENTS 1/10/63 27 F.R 11692 (Rweritten).

Vichy, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.), Vichy, Mo.; within 2 miles either side of the Vichy VORTAC 067° radial extending from the 5-mile radius area to 8 miles NE of the VORTAC; and the airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the Vichy VORTAC 239° and 059° radials extending from 20 miles SW to 9 miles NE of the VORTAC.

AMENDMENTS 12/12/62 27 F.R. 12440 (Rewritten);

Victorville, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the N by V-12, on the SE by V-8 and on the SW by a line 5 miles SW of and parallel to the Palmdale, Calif., VOR 124° radial. The portion of this transition area within R-2526 shall be used only after obtaining prior approval from the appropriate authority

Washington, D. C.
That airspace extending upward from 700 feet above the surface bounded on the W by a line beginning at latitude 38°37'20" N., longitude 77°35'30" W., extending N to latitude 38°50'30" N., longitude 77°35'20" W., thence clockwise along the arc of a 10-mile radius circle centered at Dulles International Airport, Chantilly, Va. (latitude 38°56'40" N., longitude 77°27'24" W.), to and clockwise along the arc of a 22-mile radius circle centered at Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) to, and clockwise along, the arc of a 10-mile radius circle centered at Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.) to latitude 38°40'15" N., longitude 76°55'10" W., to latitude 38°35'00" N., longitude 76°54'20" W., to latitude 38°35'00" N., longitude 77°11'40" W., thence counterclockwise along the arc of an 8-mile radius circle centered at MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) to latitude 38°35'10" N., longitude 77°24'20" W., thence to the point of beginning, and within 2 miles each side of the Dulles International Airport runway 19-R ILS localizer N course, extending from the 10-mile radius area centered at the Dulles International Airport to the Poolesville, Md., RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°05'26" N., longitude 78°12'02" W., to latitude 38°51'15" N., longitude 78°12'21" W.; to latitude 38°30'00" N., longitude 77°44'00" W.; to latitude 38°24'00" N., longitude 77°29'00" W.; to latitude 38°05'00" N., longitude 77°35'00" W.; to latitude 38°01'00" N., longitude 77°15'00" W.; to latitude 38°14'00" N., longitude 77°04'00" W.; to latitude 38°14'00" N., longitude 76°46'00" W.; to latitude 38°47'00" N., longitude 76°16'00" W.; to latitude 38°57'00" N., longitude 76°22'00" W.; to latitude 39°09'00" N., longitude 77°12'00" W.; to latitude 39°18'00" N., longitude 77°22'00" W.; to the point of beginning. The portions of this transition area within R-6601, R-6608, R-6611, R-6612 and R-6613 may be used only after obtaining prior approval from appropriate authority. The portion within P-56 is excluded.

AMENDMENTS 8/22/63 28 F. R. 6912 (Added);

Watkins Glen, N. Y.
That airspace extending upward from 1,200 feet above the surface within 7 miles NE and 10 miles SW of the Watkins Glen VOR 120° and 300° radials, extending from 9 miles SE to 20 miles NW of the VOR, excluding the airspace within Federal airways.

Waukon, Iowa
That airspace extending upward from 1,200 feet above the surface within 12 miles NE and 8 miles SW of the Waukon VOR 123° and 303° radials, extending from 22 miles SE to 10 miles NW of the VOR.

Wendover, Utah
That airspace extending upward from 8,700 feet MSL bounded on the N by a line 5 miles S of and parallel to the Lucin, Utah, VOR 096° radial, on the W by a line 5 miles E of and parallel to the Lucin VOR 174° radial, on the S by a line 5 miles N of and parallel to the Bonneville, Utah, VOR 084° radial, and on the E by a line beginning at latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°45'00" W., to latitude 41°10'40" N., longitude 112°45'00" W., to latitude 41°12'00" N., longitude 112°52'00" W., thence N via longitude 112°52'00" W., to a line 5 miles S of and parallel to the Lucin VOR 096° radial, excluding the portion within the Lucin, Utah, transition area. The portion within R-6404 shall be used only after obtaining prior approval from appropriate authority.

AMENDMENTS 10/17/63 28 F. R. 8449 (Added);

PENDING AMENDMENT
Wheeling, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.
2/6/64 28 F. R. 12339 (Added);

White Cloud, Mich.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the White Cloud VOR 006° and 186° radials, extending from 20 miles N to 9 miles S of the VOR.

Williamsport, Pa.
That airspace extending upward from 1,200 feet above the surface within 10 miles NE and 7 miles SW of the Williamsport VORTAC 127° and 307° radials, extending from 9 miles SE to 20 miles NW of the VORTAC; within 10 miles S and 7 miles N of the 271° and 091° bearings from the Hughesville, Pa., RBN, extending from 9 miles W to 20 miles E of the Hughesville RBN; within 10 miles N and 7 miles S of the Milton, Pa., VORTAC 094° and 274° radials, extending from 20 miles E to 9 miles W of the VORTAC, and within 12 miles S and 8 miles N of the Williamsport VORTAC 281° radial, extending from 9 miles W to 41 miles W of the VORTAC, excluding the airspace within Federal airways.

Williston, N. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Sloulin Field, Williston, N. Dak. (latitude 48°10'35" N., longitude 103°38'10" W.), and within 2 miles each side of the Williston VOR 316° radial, extending from the 9-mile radius area to 8 miles NW of the VOR; and the airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the Williston VOR 136° and 316° radials, extending from 4 miles SE to 13 miles NW of the VOR.

AMENDMENTS 8/22/63 28 F. R. 6910 (Added);

Willoughby, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lost Nation Airport, Willoughby (latitude 41°41'00" N., longitude 81°23'25" W.); within a 5-mile radius of the Cuyahoga County, Ohio, Airport (latitude 41°33'55" N., longitude 81°29'20" W.); within 2 miles each side of the 088° bearing from the Lost Nation RBN, extending from the Lost Nation 5-mile radius area to 13 miles E of the RBN; within 2 miles each side of the 268° bearing from the Lost Nation RBN, extending from the Lost Nation 5-mile radius area to 8 miles W of the RBN; and within 2 miles each side of the 056° bearing from the Cuyahoga County RBN, extending from the Cuyahoga County 5-mile radius area to 13 miles NE of the Cuyahoga County Airport.

AMENDMENTS 8/22/63 28 F. R. 6725 (Added);

Willow Beach, Nev.
That airspace extending upward from 1,200 feet above the surface within 8 miles NE and 12 miles SW of the Las Vegas, Nev., VORTAC 121° radial, extending from 10 miles NW to 22 miles SE of the INT of the Las Vegas VORTAC 121° and the Mormon Mesa, Nev., VORTAC 200° radial.

Wink, Tex.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°33'40" N., longitude 102°59'10" W.; to latitude 31°26'20" N., longitude 103°01'00" W.; to latitude 31°26'30" N., longitude 103°29'30" W.; to latitude 32°02'00" N., longitude 103°28'30" W.; to latitude 32°06'45" N., longitude 103°07'50" W.; to latitude 32°04'50" N., longitude 102°58'00" W.; to latitude 31°34'20" N., longitude 103°03'45" W.; to point of beginning.

AMENDMENTS 8/22/63 28 F. R. 6678 (Added); AMENDMENT (Eff. Immediately) 10/3/63 28 F. R. 10818 (Changed)

Winner, S. Dak.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Winner Airport (Lat. 43°23'30" N, Long. 99°50'45" W); within 2 miles either side of the Winner VORTAC 212° radial, extending from the 5-mile radius area to the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the Winner VORTAC 032° and 212° radials, extending from 5 miles SW to 13 miles NE of the VORTAC.

Winslow, Ariz.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.); within 2 miles each side of the Winslow VORTAC 314° radial, extending from the 9-mile radius area to 8 miles NW of the VORTAC; and within 2 miles each side of the 354° bearing from the Winslow RBN, extending from the 9-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 13 miles NE of the Winslow VORTAC 154° and 334° radials, extending from 15 miles NW to 25 miles SE of the VORTAC.

AMENDMENTS 9/19/63 28 F. R. 7669 (Added);

Woodville, Ms.
That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the McComb, Miss., VOR 251° radial, extending from 48 miles to 80 miles SW of the VOR.

Yakima, Wash.
That airspace extending upward from 700 feet above the surface within 2 miles NE and 3 miles SW of the Yakima VOR 129° and 309° radials, extending from 2 miles NW to 7 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Ellensburg, Wash., VORTAC 191° radial, extending from 8 miles S to 13 miles N of the INT of the Ellensburg VORTAC 191° and the Yakima VOR 304° radials; within 5 miles E and 8 miles W of the Yakima VOR 198° radial, extending from the VOR to 29 miles S of the VOR; within 5 miles NE and 8 miles SW of the Yakima VOR 309° and 129° radials, extending from 5 miles NW to 12 miles SE of the VOR; and within 5 miles N and 8 miles S of the Yakima ILS localizer E course, extending from the LOM to 12 miles E of the LOM, excluding the portion within R-6714.

AMENDMENTS 12/12/63 28 F. R. 10331 (Rewritten);

Yakutat, Alaska
That airspace extending upward from 1,200 feet above the surface within 20 miles N and 22 miles S of the Yakutat VORTAC 092° and 272° radials, extending from 19 miles E to 45 miles W of the VORTAC.

Yerington, Nev.
That airspace extending upward from 1,200 feet above the surface within 12 miles SW and 8 miles NE of the Reno, Nev., VOR 135° radial, extending from 10 miles NW to 22 miles SE of the INT of the Reno VOR 135° and the Lovelock, Nev., VORTAC 197° radials.

Youngstown, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Youngstown Municipal Airport (latitude 41° 15' 35" N., longitude 80° 40' 40" W.); within 2 miles each side of the Youngstown ILS localizer NW course, extending from the 7-mile radius area to 13 miles NW of the localizer; within 2 miles each side of the Youngstown ILS localizer SE course, extending from the 7-mile radius area to the Hubbard RBN; and within 2 miles each side of the Youngstown VOR 358° radial, extending from the 7-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: latitude 41° 50' 55" N., longitude 81° 05' 30" W.; to latitude 41° 55' 00" N., longitude 80° 35' 00" W.; to latitude 41° 48' 00" N., longitude 80° 25' 00" W., to latitude 41° 35' 00" N., longitude 79° 36' 00" W.; to the Fitzgerald, Pa., VOR; to the Clarion, Pa., VOR; to latitude 41° 01' 15" N., longitude 80° 08' 00" W.; to latitude 40° 57' 00" N., longitude 80° 30' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W., to latitude 41° 28' 00" N., longitude 81° 10' 00" W.; thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.), to the point of beginning.

AMENDMENTS 11/14/63 28 F. R. 10474 (Added); Eff. Immediately (10/15/63) 28 F. R. 11260 (Changed);

Yuma, Ariz.
That airspace extending upward from 700 feet above the surface within an 8 mile radius of MCAS Yuma RBN; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Yuma VOR 351° and 180° radials, extending from 20 miles N to 26 miles S of the VOR, and within 5 miles N and 8 miles S of the Yuma VOR 087° radial, extending from the VOR to 14 miles E of the VOR, excluding the portions within R-2301 and R-2307, and the portion outside the United States.

AMENDMENTS 8/22/63 28 F R 6914 (Added);

Zuni, N. Mex.
That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC.

AMENDMENTS 11/14/63 28 F. R. 10156 (Added);

§ 71.191 Designation of Positive Control Route Segments
The parts of airspace described below are designated as positive control route segments.
V-1508 From Naperville, Ill., to Waterville, Ohio.
V-1510 From Sacramento, Calif., to INT Yardley, Pa., 098°, Coyle, N. J., 032° radials.
V-1512 From Kremmling, Colo., to Grand Island, Nebr., and Des Moines, Iowa, to Naperville, Ill
V-1516 From Russell, Kans., to Ravine, Pa. AMENDMENTS 1/10/63 27 F.R. 12615 (Changed);
V-1518 From Goshen, Ind., to Washington, D. C. AMENDMENTS 5/30/63 28 F R 3779 (Changed);
V-1520 From Peotone, Ill., to Herndon, Va.
V-1522 From Hector, Calif., to Kremmling, Colo. AMENDMENTS 12/12/63 28 F. R. 11502 (Changed);
V-1532 From Ontario, Calif., to Prescott, Ariz.
V-1646 From Kansas City, Mo., to Indianapolis, Ind.
V-1654 From Williams, Calif., to Reno, Nev.
V-1730 From Prescott, Ariz., to Russell, Kans.

SUBPART I - POSITIVE CONTROL ROUTE SEGMENTS AND POSITIVE CONTROL AREAS

§ 71.193 Designation of Positive Control Areas
The parts of airspace described below are designated as positive control areas.

Albuquerque, N. Mex.
That airspace within the continental control area, from flight level 240 to and including flight level 600 bounded by a line beginning at: latitude 29°48'30" N., longitude 102°00'00" W.; thence to latitude 30°25'00" N., longitude 102°00'00" W.; thence to latitude 31°23'00" N., longitude 99°28'00" W.; thence to latitude 31°24'00" N., longitude 98°49'00" W.; thence to latitude 32°00'00" N., longitude 98°50'00" W.; thence to latitude 32°37'00" N., longitude 99°04'00" W.; thence to latitude 33°14'00" N., longitude 98°57'00" W.; thence to latitude 33°15'00" N., longitude 99°30'00" W.; thence to latitude 33°55'00" N., longitude 99°47'00" W.; thence to latitude 34°10'00" N., longitude 100°35'00" W.; thence to latitude 34°46'00" N., longitude 101°01'00" W.; thence to latitude 35°57'00" N., longitude 100°03'00" W.; thence to latitude 36°25'00" N., longitude 100°18'00" W.; thence to latitude 36°46'00" N., longitude 102°28'00" W.; thence to latitude 37°44'00" N., longitude 102°20'00" W.; thence to latitude 36°43'00" N., longitude 106°05'00" W.; thence to latitude 35°26'00" N., longitude 110°00'00" W.; thence to latitude 31°20'00" N., longitude 110°00'00" W.; thence along the United States/Mexican Border to the point of beginning.

AMENDMENTS 8/22/63 28 F. R. 7280 (Added);

Central and Southern U. S.
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 43°35'30"N., longitude 97°23'30" W., thence to latitude 46°07'30" N., longitude 96°47'30" W.; thence to latitude 46°27'30" N., longitude 95°35'00" W.; thence to latitude 47°33'00" N., longitude 92°19'00" W.; thence to latitude 47°35'30" N., longitude 91°18'09" W.; thence to latitude 46°42'00" N., longitude 89°45'00" W.; thence to latitude 45°50'00" N., longitude 89°45'00" W.; thence to latitude 44°50'00" N., longitude 88°00'00" W.; thence to latitude 44°09'00" N., longitude 85°13'00" W.; thence to latitude 44°04'00" N., longitude 85°00'00" W.; thence to latitude 43°52'00" N., longitude 84°10'00" W.; thence to latitude 43°52'00" N., longitude 82°11'20" W.; thence southward and eastward along the United States/ Canadian Border to latitude 43°38'00" N., longitude 76°47'30" W.; thence to latitude 42°45'00" N., longitude 76°50'00" W.; thence to latitude 42°36'30" N., longitude 78°27'00" W.; thence to latitude 40°51'00 N., longitude 78°02'30" W.; thence to latitude 40°20'00" N., longitude 77°35'00" W.; thence to latitude 40°12'00" N., longitude 77°35'00" W.; thence to latitude 39°34'00" N., longitude 77°31'30" W.; thence to latitude 39°51'00" N., longitude 77°56'00" W.; thence to latitude 39°49'00" N., longitude 78°03'30" W.; thence to latitude 39°34'00 N., longitude 78°58'00" W.; thence to latitude 39°17'30" N., longitude 79°51'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 37°21'45" N., longitude 80°31'30" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 36°19'00" N., longitude 79°16'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°29'00" N., longitude 79°15'00" W.; thence to latitude 34°29'00" N., longitude 78°45'00" W.; thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 33°58'30" N., longitude 77°50'00 W.; thence south via a line three nautical miles from the mainland to latitude 29°00'00" N., longitude 80°48'00" W.; thence to latitude 29°00'00" N., longitude 81° 34'20" W.; thence to latitude 28°57'45" N., longitude 81°37'15" W.; thence to latitude 29°02'20" N., longitude 81°41'30" W.; thence clockwise along a 5 nautical mile radius arc centered at latitude 29°06'52" N., longitude 81°42'55" W.; to latitude 29°08'25" N., longitude 81°48'20" W.; thence to latitude 29°22'00"N., longitude 82°02'20" W.; thence to latitude 29°22'00" N., longitude 82°25'30" W.; thence to latitude 29°29'00" N., longitude 82°39'00" W.; thence to latitude 29°14'30" N., longitude 83°07'30" W.; thence north and west via a line three nautical miles from the mainland to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W.; thence northwest along the United States/Mexico boundary to latitude 29°48'30" N., longitude 102°00'00" W.; thence to latitude 30°25'00" N., longitude 102°00'00" W.; thence to latitude 31°23'00" N., longitude 99° 28'00" W.; thence to latitude 31°24'00" N., longitude 98°49'00" W.; thence to latitude 32°00'00" N., longitude 98°50'00" W.; thence to latitude 32°37'00" N., longitude 99°04'00" W.; thence to latitude 33°14'00" N., longitude 98°57'00" W.; thence to latitude 33°15'00" N., longitude 99°30'00" W.; thence to latitude 33°55'00" N., longitude 99°47'00" W.; thence to latitude 34°10'00" N., longitude 100°35'00" W.; thence to latitude 34°46'00" N., longitude 101°01'00" W.; thence to latitude 35°57'00" N., longitude 100°03'00" W.; thence to latitude 36°25'30" N., longitude 100°18'00" W.; thence to latitude 36°33'00" N., longitude 101°04'30" W.; thence to latitude 36°36'00" N., longitude 101°03'00" W.; thence to latitude 38°36'00" N., longitude 101°28'00 W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 43°30'00" N., longitude 99°00'00" W.; thence to latitude 43°30'00" N., longitude 97°17'00" W.; thence to the point of beginning.

AMENDMENTS 12/13/62 27 F.R. 10991 (Changed); 2/7/63 28 F.R. 154 (Rewritten);
AMENDMENTS 3/7/63 28 F.R. 719 (Changed); 4/4/63 28 F.R. 2027 (Changed);
AMENDMENTS 6/27/63 28 F. R. 4897 (Changed); 9/19/63 28 F.R. 8022 (Changed);

Denver, Colo.
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 36°33'00" N., longitude 101°04'30" W.; thence to latitude 36°48'00" N., longitude 102°28'00" W.; thence to latitude 37°44'00" N., longitude 102°20'00" W.; thence to latitude 36°43'00" N., longitude 106°05'00" W.; thence to latitude 38°08'00" N., longitude 106° 38'00" W.; thence to latitude 37°48'00" N., longitude 110°46'00" W.; thence to latitude 38°27'00" N., longitude 110°57'00" W.; thence to latitude 38°59'00" N., longitude 111°07'00" W.; thence to latitude 39° 39'00" N., longitude 110°39'00" W.; thence to latitude 40°11'00" N., longitude 110°22'00" W.; thence to latitude 40°45'00" N., longitude 109°35'00" W.; thence to latitude 41°05'00" N., longitude 106°10'00" W.; thence to latitude 42°00'00" N., longitude 106°15'00" W.; thence to latitude 42°40'00" N., longitude 107°05'00" W.; thence to latitude 43°00'00" N., longitude 107°00'00" W.; thence to latitude 43°30'00" N., longitude 106°30'00" W.; thence to latitude 43°47'10" N., longitude 106°31'00" W.; thence to latitude 43°30'00" N., longitude 101°30'00" W.; thence to latitude 43°30'00" N., longitude 99°00'00" W.; thence to latitude 39°23'00" N., longitude 99°04'00" W.; thence to latitude 38°36'00" N., longitude 101°28'00" W.; thence to latitude 37°39'00" N., longitude 101°03'00" W.; thence to the point of beginning.

AMENDMENTS 6/27/63 28 F. R. 4946 (Added);

PENDING AMENDMENT
Denver, Colorado
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 36° 33' 00" N., longitude 101° 04' 30" W., thence to latitude 36° 46' 00" N., longitude 102° 28' 00" W.; thence to latitude 37° 44' 00" N., longitude 102° 20' 00" W., thence to latitude 36° 43' 00" N., longitude 106° 05' 00" W.; thence to latitude 38° 08' 00" N., longitude 106° 38' 00" W., thence to latitude 37° 48' 00" N., longitude 110° 46' 00" W.; thence to latitude 38° 27' 00" N., longitude 110° 57' 00" W.; thence to latitude 38° 59' 00" N., longitude 111° 07' 00" W.; thence to latitude 39° 39' 00" N., longitude 110° 39' 00" W.; thence to latitude 40° 11' 00" N., longitude 110° 22' 00" W.; thence to latitude 40° 45' 00" N., longitude 109° 35' 00" W.; thence to latitude 41° 05' 00" N., longitude 106° 10' 00" W.; thence to latitude 42° 00' 00" N., longitude 106° 15' 00" W.; thence to latitude 42° 40' 00" N., longitude 107° 05' 00" W., thence to latitude 43° 00' 00" N., longitude 107° 00' 00" W.; thence to latitude 43° 30' 00" N., longitude 106° 30' 00" W.; thence to latitude 43° 47' 10" N., longitude 106° 31' 00" W.; thence to latitude 43° 50' 00" N., longitude 107° 45' 00" W.; thence to latitude 45° 07' 00" N., longitude 104° 15' 00" W.; thence to latitude 44° 37' 00" N., longitude 101° 00' 00" W.; thence to latitude 44° 20' 00" N., longitude 101° 00' 00" W.; thence to latitude 43° 30' 00" N., longitude 100° 26' 00" W.; thence to latitude 43° 30' 00" N., longitude 99° 00' 00" W.; thence to latitude 39° 23' 00" N., longitude 99° 04' 00" W., thence to latitude 38° 36' 00" N., longitude 101° 28' 00" W.; thence to latitude 37° 39' 00" N., longitude 101° 03' 00" W.; thence to the point of beginning.
2/6/64 28 F. R. 14310 (Rewritten);

Eastern United States
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 42°12'00" N., longitude 77°21'00" W.; thence to latitude 42°21'00" N., longitude 75°37'00" W; thence to latitude 42°05'00" N., longitude 73°26'30" W.; thence to latitude 41° 47'00" N., longitude 73°28'00" W.; thence to latitude 41°20'00" N., longitude 72°24'00" W., thence to latitude 41°07'00" N., longitude 71°58'00" W., thence to latitude 41°01'20" N., longitude 71°50'45" W.; thence south via a line three nautical miles from the mainland to latitude 33°58'30" N., longitude 77°50'00" W., thence to latitude 34°00'00" N., longitude 78°07'00" W.; thence to latitude 34°29'00" N., longitude 78°45' 00" W.; thence to latitude 34°29'00" N., longitude 79°15'00" W.; thence to latitude 34°51'00" N., longitude 79°55'00" W.; thence to latitude 34°52'00" N., longitude 80°10'20" W.; thence to latitude 35°01'45" N., longitude 80°02'00" W.; thence to latitude 35°47'20" N., longitude 79°31'00" W.; thence to latitude 36°19' 00" N., longitude 79°16'00" W.; thence to latitude 36°29'30" N., longitude 79°26'30" W.; thence to latitude 37°21'45" N., longitude 80°31'30" W.; thence to latitude 37°11'30" N., longitude 81°09'00" W.; thence to latitude 38°33'00" N., longitude 80°55'00" W.; thence to latitude 39°17'30" N., longitude 79°51'00" W., thence to latitude 39°34'00" N., longitude 78°58'00" W.; thence to latitude 39°49'00" N., longitude 78°03' 30" W.; thence to latitude 39°51'00" N., longitude 77°56'00" W.; thence to latitude 39°54'00" N., longitude 77°31'30" W.; thence to latitude 40°12'00" N., longitude 77°35'00" W.; thence to latitude 40°20'00" N., longitude 77°35'00" W.; thence to latitude 40°51'00" N., longitude 78°02'30" W.; thence to latitude 40°55' 30" N., longitude 78°27'00" W.; thence to the point of beginning.

AMENDMENTS 9/19/63 28 F. R. 7670 (Added);

Los Angeles, Calif.
That airspace within the continental control area, from flight level 240 to and including flight level 600 bounded by a line beginning at: latitude 35°26'40" N., longitude 121°04'10" W.; thence to latitude 35°32' 00" N., longitude 120°51'00" W.; thence to latitude 35°22'00" N., longitude 120°30'00" W.; thence to latitude 35°27'00" N., longitude 120°20'00" W.; thence to latitude 35°49'00" N., longitude 120°04'00" W.; thence to latitude 35°43'00" N., longitude 119°33'00" W.; thence to latitude 36°00'00" N., longitude 119°30'00" W., thence to latitude 36°00'00" N., longitude 118°35'00" W.; thence to latitude 37°12'00" N., longitude 117°20'00" W.; thence to latitude 36°00'00" N., longitude 116°38'00" W.; thence to latitude 36°07'00" N., longitude 114°57'00" W.; thence to latitude 37°20'00" N., longitude 114°00'00" W.; thence to latitude 38°00'00" N., longitude 114°57'00" W.; thence to latitude 38°26' 00" N., longitude 115°34'30" W.; thence to latitude 38°59'00" N., longitude 111°07'00" W.; thence to latitude 38°27'00" N., longitude 110°57'00" W.; thence to latitude 37°48'00" N., longitude 110°46'00" W.; thence to latitude 37°15'00" N., longitude 112°00'00" W.; thence to latitude 35°26'00" N., longitude 112°00'00" W.; thence to latitude 35°23'00" N., longitude 112°40'00" W.; thence to latitude 34°58'00" N., longitude 113°30'00" W.; thence to latitude 34°11'00" N., longitude 113°30'00" W.; thence to latitude 34°02'00" N., longitude 114°00'00" W.; thence to latitude 32°15'00" N., longitude 114°00'00" W.; thence along the United States/Mexican border to latitude 32°31'00" N., longitude 117°11'00" W.; thence via a line three nautical miles from the mainland to the point of beginning.

AMENDMENTS 8/22/63 28 F. R. 7219 (Added); 10/17/63 28 F. R. 9939 (Changed);

Miami, Fla.
That airspace within the Continental Control Area, from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 29° 00' 00" N., longitude 80° 48' 00" W.; thence via a line which would delineate United States territorial waters around the Florida peninsula to latitude 29° 14' 30" N., longitude 83° 07' 30" W.; thence to latitude 29° 29' 00" N., longitude 82° 39' 00" W.; thence to latitude 29° 22' 00" N., longitude 82° 25' 30" W.; thence to latitude 29° 22' 00" N., longitude 82° 02' 20" W.; thence to latitude 29° 08' 25" N., longitude 81° 48' 20" W.; thence counterclockwise along a five nautical mile radius arc centered at latitude 29° 06' 52" N., longitude 81° 42' 55" W.; to latitude 29° 02' 20" N., longitude 81° 41' 30" W.; thence to latitude 28° 57' 45" N., longitude 81° 37' 15" W.; thence to latitude 29° 00' 00" N., longitude 81° 34' 20" W.; thence to the point of beginning, excluding that portion of the area south of latitude 25° 04' 00" N.

AMENDMENTS 11/14/63 28 F. R. 10563 (Added);

Phoenix, Ariz.
That airspace within the continental control area from flight level 240 to and including flight level 600, bounded by a line beginning at: latitude 32°15'00" N., longitude 114°00'00" W.; thence to latitude 34°02'00" N., longitude 114°00'00" W.; thence to latitude 34°11'00" N., longitude 113°30'00" W.; thence to latitude 34°58'00" N., longitude 113°30'00" W.; thence to latitude 35°23'00" N., longitude 112°40'00" W.; thence to latitude 36°26'00" N., longitude 112°00'00" W., thence to latitude 37°15'00" N., longitude 112°00'00" W., thence to latitude 37°48'00" N., longitude 110°46'00" W.; thence to latitude 38°08'00" N., longitude 106°38'00" W.; thence to latitude 36°43'00" N., longitude 106°05'00" W.; thence to latitude 35°26'00" N., longitude 110°00'00" W.; thence to latitude 31°20'00" N., longitude 110°00'00" W.; thence westward along the U. S.-Mexican border to the point of beginning.

AMENDMENTS 7/25/63 28 F. R. 6187 (Added);

Salt Lake City, Utah
That airspace within the continental control area, from flight level 240 to and including flight level 600 bounded by a line beginning at: latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 41°50'00" N., longitude 119°52'00" W.; thence to latitude 42°12'00" N., longitude 119°10'00" W.; thence to latitude 43°13'00" N., longitude 119°45'00" W.; thence to latitude 44°00'00" N., longitude 119°20'00" W.; thence to latitude 45°05'00" N., longitude 118°15'00" W.; thence to latitude 45°30'00" N., longitude 117°30'00" W.; thence to latitude 45°30'00" N., longitude 115°45'00" W.; thence to latitude 45°30'00" N., longitude 115°00'00" W.; thence to latitude 45°20'00" N., longitude 115°00'00" W.; thence to latitude 45°20'00" N., longitude 107°45'00" W.; thence to latitude 43°50'00" N., longitude 107°45'00" W.; thence to latitude 43°47'10" N., longitude 106°31'00" W.; thence to latitude 43°30'00" N., longitude 106°30'00" W.; thence to latitude 43°00'00" N., longitude 107°00'00" W.; thence to latitude 42°40'00" N., longitude 107°05'00" W.; thence to latitude 42°00'00" N., longitude 106°15'00" W.; thence to latitude 41°05'00" N., longitude 106°10'00" W.; thence to latitude 40°45'00" N., longitude 109°35'00" W.; thence to latitude 40°11'00" N., longitude 110°22'00" W.; thence to latitude 39°39'00" N., longitude 110°39'00" W.; thence to latitude 38°59'00" N., longitude 111°07'00" W.; thence to latitude 38°26'00" N., longitude 115°34'00" W.; thence to latitude 38°00'00" N., longitude 114°57'00" W.; thence to latitude 37°20'00" N., longitude 114°00'00" W.; thence to latitude 36°07'00" N., longitude 114°57'00" W.; thence to latitude 36°00'00" N., longitude 116°38'00" W.; thence to latitude 37°12'00" N., longitude 117°20'00" W.; thence to latitude 37°12'00" N., longitude 118°35'00" W.; thence to latitude 38°14'00" N., longitude 118°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to the point of beginning.

AMENDMENTS 8/22/63 28 F. R. 6495 (Added);

Western U. S.
That airspace within the continental control area, from flight level 240 to and including flight level 600, bounded by a line beginning at latitude 48°30'00" N., longitude 124°45'00" W.; thence along the United States/Canadian Border to latitude 48°17'00" N., longitude 123°13'00" W.; thence to latitude 48°25'60" N., longitude 123°17'00" W.; thence to latitude 48°27'00" N., longitude 123°07'00" W.; thence to latitude 48°37'00" N., longitude 123°12'00" W.; thence to latitude 48°55'30" N., longitude 123°05'00" W.; thence to latitude 48°55'30" N., longitude 122°02'00" W.; thence to latitude 49°00'00" N., longitude 121°48'00" W.; thence along the United States/Canadian Border to latitude 49°00'00" N., longitude 115°00'00" W.; thence to latitude 45°30'00" N., longitude 115°00'00" W.; thence to latitude 45°30'00" N., longitude 115°45'00" W.; thence to latitude 45°30'00" N., longitude 117°30'00" W.; thence to latitude 45°05'00" N., longitude 118°15'00" W.; thence to latitude 44°00'00" N., longitude 119°20'00" W.; thence to latitude 43°13'00" N., longitude 119°45'00" W.; thence to latitude 42°12'00" N., longitude 119°10'00" W.; thence to latitude 41°50'00" N., longitude 119°52'00" W.; thence to latitude 40°45'00" N., longitude 119°35'00" W.; thence to latitude 39°35'00" N., longitude 119°15'00" W.; thence to latitude 38°14'00" N., longitude 118°35'00" W.; thence to latitude 36°00'00" N., longitude 118°35'00" W.; thence to latitude 36°00'00" N., longitude 119°30'00" W.; thence to latitude 35°43'00" N., longitude 119°33'00" W.; thence to latitude 35°49'00" N., longitude 120°04'00" W.; thence to latitude 35°27'00" N., longitude 120°20'00" W.; thence to latitude 35°22'00" N., longitude 120°30'00" W.; thence to latitude 35°32'00" N., longitude 120°51'00" W.; thence to latitude 35°26'40" N., longitude 121°04'10" W.; thence via a line three nautical miles from the mainland to the point of beginning.

AMENDMENTS 10/17/63 28 F. R. 8449 (Rewritten);

SUBPART J - REPORTING POINTS

§ 71.201 Designation.
The locations described in this Subpart are designated as reporting points.

§ 71.203 Domestic low altitude reporting points.
The reporting points listed below are designated up to, but not including, 14,500 feet, MSL.

Aberdeen, S. Dak.
Abilene, Tex.
Akron, Colo.; V-8N, V-80, V-846, V-8, V-220, V-8S, V-132.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Altoona INT: INT Johnstown, Pa., 092°, Philipsburg, Pa., 202° radials.
Amarillo, Tex.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Asheville, N. C.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Barnegat, N. J.
Barstow INT: INT Hector, Calif., 265°, Daggett, Calif., 234° radials; V-8N, V-12 W bound, V-210 SW bound.
Baton Rouge, La.
Battle Mountain, Nev.
Baxley, INT: INT Jacksonville, Fla., 334°, Alma, Ga., 035° radials; V-5E, V-267.
Bay Point, INT: INT Oakland, Calif., 039°, Napa, Calif., 117° radials.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Ben Hill INT: INT Atlanta, Ga., 007° radial, Rex, Ga., 270° radial. AMENDMENTS 6/27/63 28 F. R. 4126 (Changed);
Bible Grove, Ill.
Big Spring, Tex.
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.
Blythe, Calif.
Bobby Jones INT: INT Atlanta, Ga., 034°, McDonough, Ga., 333° radials.
Boise, Idaho
Bolton INT: INT Myrtle Beach, S. C., 033°, Wilmington, N. C., 263° radials.
Bonneville, Utah
Boston, Mass.
Boulder, Nev.; V-21. AMENDMENTS 2/7/63 28 F.R. 178 (Added);
Bowling Green, Ky.
Bozeman, Mont.
Bradford, Ill.
Bridgeport, Tex.
Britton, Tex.
Brooke, Va.
Brookley, Ala.; V-22.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burlington, Iowa
Burlington, Vt.
Butler, Mo.

Capital, Ill.
Carleton, Mich.; V-10, V-186.
Carlsbad, N. Mex.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Chanute, Kans.
Charleston, S. C.
Charleston, W. Va.
Charlo INT: INT Mullan Pass, Idaho, 089°, Missoula, Mont., 354° radials.
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C. 12/12/62 27 F.R. 12211 (Added);
Cheyenne, Wyo.
Chicago Heights, Ill. 12/12/62 27 F.R. 12211 (Added);
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Cochise, Ariz.
Cofield, N. C.
Coldwater INT: INT Fort Wayne, Ind., 148°, Findley, Ohio, 249° radials; V-14.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N. H.
Coopersburg INT: INT Allentown, Pa., 188°, East Texas, Pa., 102° radials.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Crossville, Tenn.
Culberson, Tex.: V-222 SE bound, V-66.
Cut Bank, Mont.
Dalhart, Tex.
Dallas, Tex.
Daytona Beach, Fla.
Dayton, Ohio
Decatur, Ill.
DeLancey, N.Y.
Delta, Utah
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Dolby INT: INT Wells, Nev., 256°, Elko, Nev., 338° radials.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Drake, Ariz.; V-12.
Dublin, Ga.; V-5E, V-267.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Duluth, Minn., RBN
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Dyess, Tex. 12/12/63 28 F. R. 11347 (Added);
Eagle Lake, Tex.
Eau Claire, Wis.
Edgerton INT: INT Fort Wayne, Ind., 040°, Waterville, Ohio, 273° radials; V-92, V-126.
El Centro, Calif.

AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

PENDING AMENDMENT
"Culberson, Tex.; V-222 SE bound, V-66." is deleted and "Pecos, Tex." is added.
2/6/64 28 F. R. 11533 (Changed);

El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Elmira, N. Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Eugene, Oreg., RR
Evansville, Ind.
Evergreen, Ala.
Falmouth, Ky.; V-57, V-44, V-478, V-502.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Fitzgerald, Pa.
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: INT of Grantsville, Md., 086°, Martinsburg, W. Va., 297° radials. 12/12/62 27 F.R. 12440 (Added);
Flippin, Ark.
Florence, S. C.
Fort Bridger, Wyo. 12//2/62 27 F.R. 12211 (Added);
Fort Jones, Calif.
Fort Jones, Calif., RR
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif. 6/27/63 28 F.R. 4552 Added;(eff. date ext. to 7/25/63 28 F.R. 5187);
Front Royal, Va.; V-4, V-853.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials; V-8, V-422, V-885.
Garrison INT: INT Drummond, Mont., 091°, Butte, Mont., 002° radials; V-257.
Gaviota, Calif., V-27.
Gila Bend, Ariz.
Gill, Colo.
Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind., V-8, V-92, V-126.
Graham, Tenn.
Grand Island, Nebr. AMENDMENTS 2/7/63 27 F.R. 12348 (Added);
Grand Junction, Colo.
Grantsburg, Wis.
Grantsville, Md.
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville INT: INT Tallahassee, Fla., 090°, Moultree, Ga., 177°, Valdosta, Ga., 247°. 1/10/63 27 F.R. 11939 (Changed);
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.
Hallsville, Mo.
Hamilton INT: INT Birmingham, Ala., 298°, Columbus, Miss., 035° radials.
Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 255° radials; V-223 S bound, V-265 S bound. AMENDMENTS 9/19/63 28 F. R. 7470 (Added);
Hanksville, Utah
Harcum, Va.
Harrisburg, Pa.
Hartford, Conn.

Hattiesburg, Miss.
Hayes Center, Nebr.
Hazen, Nev.
Hector, Calif.: V-8, V-21, V-12N, V-442, V-12 E bound, V-210 E bound.
Helena, Mont.
Herndon, Va., V-4, V-853.
Hickory, N. C.
Hidden Hills INT: INT Las Vegas, Nev., 266°, Beatty, Nev., 142° radials.
Highway INT: INT Nashville, Tenn., 064°, Crossville, Tenn., 343° radials.
Hill City, Kans.
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Houlton, Maine; V-471 E bound. 12/12/62 27 F.R. 12440 (Added);
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans., V-10, V-132, V-280, V-125, V-10S, V-234, V-10N.
Indianapolis, Ind.
Jacks Creek, Tenn.
Jackson, Mich., V-100, V-116, V-221.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Junction, Tex.
Kansas City, Mo.
Keating, Pa. 1/9/64 28 F. R. 12612 (Added);
Keeler, Mich., V-100, V-116, V-218, V-277, V-880.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Key West, Fla., RBN AMENDMENTS 9/2/63 28 F. R. 9589 (Changed);
Kinston, N.C.: V-1, V-1W, V-157 9/19/63 28 F.R. 7470 (Added);
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Hughes, Calif. 6/27/63 28 F.R. 4552 (Added)(eff. date ext. 7/25/63 28 F.R. 6167);
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.: V-6, V-4N.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: INT Salem, Mich., 272°, Lansing, Mich., 150° radials; V-170, V-880.
Lewis, Ind.: V-12, V-12S, V-171, V-802.
Lewistown, Mont.
Lexington, Ky. 12/12/62 27 F.R. 12211 (Added);
Liberal, Kans.
Liberty, N. C.: V-454, V-194N.
Linden, Calif.
Linden, Va.
Litchfield, Mich.: V-10, V-90, V-30.
Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Long Beach, Calif.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah

Lufkin, Tex.
Lynchburg, Va. 9/19/63 28 F.R. 7470 (Added);
Macon, Ga.: V-56.
Malad City, Idaho
Malden, Mo. 12/12/62 27 F.R. 12211 (Added);
Mansfield, Ohio
Maples, Mo.
Marathon, Fla., RBN
Marianna, Fla.
Martinsburg, W. Va.: V-8, V-44, V-166, V-855, V-251 SW bound. 9/19/63 28 F. R. 7470 (Added);
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McComb, Miss.
Medford, Oreg.
Medford, Oreg., RR
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Miami, Fla., RBN
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine, RBN 1/10/63 27 F.R. 11938 (Changed);
Millinocket, Maine
Milton, Pa.
Millville, N. J.
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Minot, N. Dak., RR
Missoula, Mont.
Mobile, Ala.
Moline, Ill.: V-38, V-434.
Monroe, La.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mullan Pass, Idaho
Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Nabb, Ind.: V-44, V-47, V-49.
Nantucket, Mass.
Naperville, Ill. 12/12/62 27 F.R. 12211 (Added);
Nashville, Tenn.
Needles, Calif.
Neola, Iowa
Neosho, Mo.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norris INT: INT Westchester, Pa., 250°, Lancaster, Pa., 178° radials; V-3 SW bound, V-875 SW bound. AMENDMENTS 9/19/63 28 F. R. 7470 (Added);
North Bend, Oreg.
Northbrook, Ill.
North Platte, Neb.: V-6, V-6N, V-172.
Nottely INT: INT Chattanooga, Tenn., 088°, Knoxville, Tenn., 181° radials.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.
Oceanside, Calif.; V-208.
Ogden, Utah
Oklahoma City, Okla.
Omaha, Nebr.
O'Neill, Nebr. AMENDMENTS 4/4/63 28 F.R. 1465 (Added);
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Paducah, Ky.
Pahokee, Fla.: V-267, V-51
Palacios, Tex.
Palmdale, Calif.

Palm Springs INT: INT Twenty-Nine Palms, Calif., 244°, Thermal, Calif., 340° radials; V-16.
Parker, Calif. 12/12/62 27 F.R. 12211 (Added);
Parkersburg, W. Va.
Paso Robles, Calif.
Patuxent, Md. 9/19/63 28 F. R. 7470 (Added);
Pawnee City, Nebr.
Peach Springs, Ariz.
Pellston, Mich.
Pembina, N. Dak. AMENDMENTS 11/14/63 28 F. R. 10418 (Changed);
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark. 12/12/62 27 F.R. 12440 (Added);
Pioneer INT: INT Ft. Wayne, Ind., 040°, Waterville, Ohio, 288° radials.
Pittsburgh, Pa.
Plainview, Tex.; V-278, V-62 and V-81 S bound. 10/17/63 28 F. R. 9428 (Added);
Plattsburgh, N. Y.; V-196, V-104, V-431.
Pocatello, Idaho
Point Reyes, Calif.; V-25, V-27.
Pomona, Calif.: V-264 W bound. AMENDMENTS 8/22/63 28 F. R. 6873 (Added);
Ponca City, Okla.
Porterdale INT: INT McDonough, Ga., 063°, Norcross, Ga., 150° radials.
Porterville, Calif. 6/27/63 28 F.R. 4552 (Added)(eff. date ext. 7/25/63 28 F.R. 5187);
Portland, Oreg.
Portland, Oreg., RR
Poughkeepsie, N. Y.
Power Point INT: INT Briggs, Ohio, 084°, Akron, Ohio, 130° radials.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.; V-485.
Princeton, Maine
Providence, R. I.
Provo, Utah
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.
Quakerstown INT: INT Pottstown, Pa., 042°, Yardley, Pa., 284° radials.
Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa. 1/10/63 27 F.R. 11532 (Added);
Raymond, Nebr. 12/12/62 27 F.R. 12211 (Added);
Readsville, Mo.
Red Bluff, Calif.
Red Bluff, Calif., RR
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis. 12/12/62 27 F.R. 12211 (Added);
Rex, Ga. 6/27/63 28 F. R. 4126 (Added);
Rhinelander, Wis.
Richwoods, Mo.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.; V-100, V-218, V-171, V-810, V-855.
Rocksprings, Tex.
Rock Springs, Wyo.
Rocky Mount, N. C.; V-157 N bound, V-213 N bound. 9/19/63 28 F. R. 7470 (Added);
Rosewood, Ohio
Roswell, N. Mex.
Royston, Ga.
Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.; V-222 NW bound, V-16, V-16N, V-94.
Salt Lake City, Utah; V-32, V-484, V-810.
Samsville, Ill.

San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif. 12/12/62 27 F.R. 12440 (Added)
Santa Fe, N. Mex.
Saufley, Fla.
Sault Ste. Marie, Mich., RBN 6/27/63 28 F. R. 4348 (Added);
Savannah, Ga.
Saybrook INT: INT Trinity, N. Y., 093°, Riverhead, N. Y., 046° radials.
Sayre, Okla.
Scipio INT: INT Syracuse, N. Y., 211°, Georgetown, N. Y., 272° radials.
Scotland, Ind.
Scottsbluff, Nebr.
Sea Isle, N. J.
Seattle, Wash.
Seattle, Wash., RR
Selinsgrove, Pa.
Shelbyville, Ind.: V-12, V-12S, V-97, V-97W, V-51, V-124, V-819.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Smithwick, S. Dak.
Snow Hill, Md.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials; V-35, V-881.
Stockton, Calif.
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thornhurst, Pa.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio; V-443, V-881, V-133, V-210.
Tobe, Colo.
Topeka, Kans.; V-4N, V-4S, V-131, V-77, V-280.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Trinity, N. Y.
Tulsa, Okla.
Tuskegee, Ala.; V-134, V-159.
Twenty-Nine Palms, Calif.
Tyrone, Pa.; V-276.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.
Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa
Wausau, Wis.
West Chester, Pa.
West Palm Beach, Fla.
West Point, Ind.: V-53, V-128.
White Cloud, Mich.: V-20.
Whitehall, Mont.
Whitesburg, Ky. 12/12/63 28 F. R. 11502 (Added);
Wichita, Kans.
Wichita Falls, Tex.

Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N.C.
Wink, Tex.
Winner, S. Dak.
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Yakima, Wash.: V-4.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

2/7/63 27 F.R. 12348 (Added);

PENDING AMENDMENT
White Lake, La.
3/5/64 28 F. R. 14420 (Added);
AMENDMENTS 12/12/63 28 F. R. 11502 (Added);
Stansbury INT: INT Salt Lake City, Utah, 265°, Ogden Utah, 212° radials.
Sterling INT: INT Providence, R. I., 270°, Norwich, Conn., 043° radials; V-16, V-863.
AMENDMENTS 11/14/63 28 F. R. 10474 (Changed);
Stevens Point, Wis.: V-55.

§ 71.205 Domestic Intermediate Altitude Reporting Points.

The reporting points listed below are designated beginning at 14,500 feet MSL up to, but not including 24,000 feet MSL.

Abilene, Tex.
Akron, Colo.; V-1512, V-1713, V-1543.
Akron, Ohio
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.; V-1691, V-1689, V-1740.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S. C.; V-1669.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Ardmore, Okla.
Atlanta, Ga.
Attica, Ohio; V-1518.
Augusta, Ga.
Austin, Tex.
Avenal, Calif.; V-1559.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Battle Mountain, Nev.
Bellingham, Wash.
Big Piney, Wyo.
Big Spring, Tex.
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.; V-1698, V-1670, V-1679.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Springs, Mo.; V-1524, V-1533, V-1535.
Blythe, Calif.
Boise, Idaho
Bonneville, Utah
Boston, Mass.
Boulder, Nev.; V-1522. AMENDMENTS 2/7/63 28 F. R. 178 (Added); Eff. Immed. 28 F. R. 1504 (2/12/63) (Changed); 12/12/63 28 F. R. 11502 (Changed);
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bradford, Ill.
Bradford, Pa.; V-1504, V-1683, V-1686.
Bridgeport, Tex.

12/12/62 27 F.R. 12440 (Added);

Briggs, Ohio: V-1516.
Britton, Tex.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Burley, Idaho
Burlington, Vt.
Butler, Mo.
Cambridge, N. Y.
Cape Charles, Va.
Capital, Ill.

12/12/62 27 F.R. 12440 (Added);
AMENDMENTS 2/7/63 27 F.R. 12926 (Changed);

Casper, Wyo.: V-1506, V-1547, V-1662, V-1688, V-1722.
Cedar Rapids, Iowa
Chadron, Nebr.
Charleston, S. C.
Charleston, W. Va.
Chattanooga, Tenn.
Cherokee, Wyo.: V-1744.
Cheyenne, Wyo.: V-1709, V-1635, V-1713.
Chicago Heights, Ill.: V-1515.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Clarion, Pa.
Coaldale, Nev.
Cochise, Ariz.: V-1542.
Cofield, N. C.
Columbia, S. C.
Columbus, N. Mex.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Coyle, N. J.
Crazy Woman, Wyo.: V-1724, V-1709
Crestview, Fla.
Cross City, Fla.
Crossville, Tenn.
Culberson, Tex.
Cut Bank, Mont.
Daggett, Calif.
Dalhart, Tex.
Dallas, Tex.
Dayton, Ohio
Daytona Beach, Fla.
Delta, Utah
Deming, N. Mex.
Denver, Colo.; V-1717, V-1635, V-1529, V-1531, V-1707, V-1666.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Dunoir, Wyo.
Dupree, S. Dak.
Eau Claire, Wis.
El Centro, Calif.
Elkins, W. Va.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.; V-1557.
Evansville, Ind.

4/4/63 28 F.R. 1465 (Added);

Evergreen, Ala.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fillmore, Calif.
Flippin, Ark.
Florence, S. C.
Fort Bridger, Wyo.; V-1510 W bound, V-1734 and V-1736 SW bound.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.

PENDING AMENDMENT
"Culberson, Tex." is deleted and "Pecos, Tex." is added.
2/6/64 28 F. R. 11533 (Changed);

Fort Stockton, Tex.
Fort Wayne, Ind.
Fortuna, Calif.
Fresno, Calif.
Front Royal, Va.; V-1520, V-1530 — AMENDMENTS 5/2/63 28 F.R. 2230 (Changed);
Gage, Okla.
Garden City, Kans.
Georgetown, N. Y.
Gila Bend, Ariz.
Goffs, Calif.; V-1545, V-1613.
Gordonsville, Va.
Goshen, Ind.; V-1510, V-1514, V-1518, V-1522.
Grand Island, Nebr.
Grand Junction, Colo.
Great Falls, Mont.
Greer County, Tex.
Green Bay, Wis.
Greensboro, N. C.
Greenwood, Miss.; V-1544
Greenwood, S. C.
Gunnison, Colo.
Guthrie, Tex.
Hallsville, Mo.
Hampton, N. Y.
Hanksville, Utah
Harrisburg, Pa.
Hartford, Conn.
Hayes Center, Nebr.; V-1652, V-1512, V-1666. — 12/12/62 27 F.R. 12440 (Added);
Hazen, Nev.
Hector, Calif.
Helena, Mont.
Herndon, Va.; V-1540
Hill City, Kans.
Hobbs, N. Mex.
Holston Mountain, Tenn.
Hoquiam, Wash.
Houston, Tex.
Hugo, Colo.; V-1531, V-1726, V-1644.
Huguenot, N. Y.
Huron, S. Dak.
Hutchinson, Kans.
Indianapolis, Ind.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Jefferson, Ohio; V-1506.
Johnstown, Pa.; V-1538.
Joliet, Ill.
Junction City INT: INT Macon, Ga., 267°, Atlanta, Ga., 179° radials; V-1519.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Kingfisher, Okla.
Kirksville, Mo.
Klamath Falls, Oreg.; V-1555.
Knoxville, Tenn.
Kremmling, Colo.
Lake Charles, La.
Lakeland, Fla.
Lakeview, Oreg.
Lamar, Colo.
Lamoni, Iowa; V-1522, V-1637.
Laramie, Wyo.; V-1744, V-1732, V-1627, V-1707, V-1510.
Laredo, Tex.
Las Vegas, Nev.
Leona, Tex., V1711, V1531 — AMENDMENTS 2/7/63 27 F.R. 12347 (Rewritten);
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.; V-1534, V-1667.
Liberal, Kans.

Linden, Calif.; V-1732 E bound, V-1512 NE bound, V-1551.
Little Rock, Ark.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.; V-1518 SE bound, V-1504.
Long Beach, Calif.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah; V-1610.
Lufkin, Tex.
Macon, Ga.
Macon, Mo.
Malad City, Idaho
Marianna, Fla.; V-1536 E bound.
Martinsburg, W. Va.
Mason City, Iowa
McAlester, Okla.
McCall, Idaho
McComb, Miss.
McDonough, Ga.
Medford, Oreg.
Medicine Bow, Wyo.; V-1668, V-1529.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Moline, Ill.
Monroe, La.
Montebello, Va.; V-1540, V-1673.
Montgomery, Ala.
Montrose, INT: INT Alma, Ga., 335°, Macon, Ga., 103° radials; V-1513.
Morgantown, W. Va.; V-1520, V-1534, V-1538.
Mormon Mesa, Nev.
Mullan Pass, Idaho
Muscle Shoals, Ala.
Myton, Utah
Nabb, Ind.; V-1526.
Naperville, Ill. — 12/12/62 27 F.R. 12440 (Added);
Nashville, Tenn.
Needles, Calif.
Neola, Iowa
New Castle, Del.; V-1685, V-1733.
Newman, Tex.
New Orleans, La.
Nodine, Minn. — 12/12/62 27 F.R. 12440 (Added);
Norcross, Ga.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr — 12/12/62 27 F.R. 12440 (Added);
Ocala, Fla.
Ogden, Utah; V-1510.
Oklahoma City, Okla.
Okmulgee, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Orlando, Fla.
Oswego, Kans.
Paducah, Ky.
Page, Okla.
Pahokee, Fla.; V-1507 S bound, V-1515 S bound. — AMENDMENTS 4/4/63 28 F.R. 1503 (Changed);
Palacios, Tex.
Palmdale, Calif.
Parker, Calif.; V-1624.
Parkersburg, W. Va.

Paso Robles, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pembina, N. Dak.
Pendleton, Oreg.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.: V-1527, V-1540.
Pittsburgh, Pa.
Plattsburgh, N. Y.: V-1691, V-1712.
Pocatello, Idaho; V-1551, V-1744.
Pomona, Calif.: V-1752 W bound.
Ponca City, Okla.: V-1530, V-1644.
Portland, Oreg.
Pottstown, Pa.; V-1534.
Poughkeepsie, N. Y.
Prescott, Ariz.
Presque Isle, Maine
Pueblo, Colo.
Pulaski, Va.
Raleigh-Durham, N. C.; V-1505, V-1546.
Rapid City, S. Dak.
Ravine, Pa.; V-1516.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Richmond, Va.
Roberts, Ill.
Rochester, Minn.
Rockdale, N. Y.
Rocksprings, Tex.
Rock Springs, Wyo.
Rocky Mount, N. C.; V-1677.
Rome, Oreg.
Rosewood, Ohio
Roswell, N. Mex.
Royston, Ga.
Sacramento, Calif.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.; V-1614.
Salt Lake City, Utah
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
Santa Barbara, Calif.; V-1609.
San Diego, Calif.
San Luis Obispo, Calif.
San Simon, Ariz.
Sante Fe, N. Mex.
Savannah, Ga.
Sayre, Okla.
Sea Isle, N. J.
Seattle, Wash.
Selinsgrove, Pa.; V-1508, V-1510, V-1514, V-1522.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Smithwick, S. Dak.; V-1722.
South Bend, Ind.
Spartanburg, S. C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.; V-1516, V-1559.
Syracause, N. Y.
Tallahassee, Fla.

AMENDMENTS 11/14/63 28 F. R. 10418 (Changed);

AMENDMENTS 8/22/63 28 F R 6873 (Added);

1/10/63 27 F.R. 11532 (Added);

12/12/62 27 F.R. 12440 (Added);

(Eff. immed.) 8/15/63 28 F. R. 9251 (Changed);

Taylor, Fla;
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.; V-1536, V-1624.
Thornhurst, Pa.; V-1672.
Thermal, Calif.; VOR Federal airway No. 1536, VOR Federal airway No. 1624.
Thornhurst, Pa.; VOR Federal airway No. 1672.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio
Tobe, Colo.
Topeka, Kans.; V-1637.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.: V-1532, V-1538, V-1626, V-1644.
Tucson, Ariz.
Tuskegee, Ala.; V-1521.
Twenty-Nine Palms, Calif.
Tyrone, Pa.; V-1516.
Ukiah, Calif.
Vandalia, Ill.
Vero Beach, Fla.
Vichy, Mo.
Waco, Tex.
Walnut Ridge, Ark.
Watertown, S. Dak.
Waterville, Ohio
West Chester, Pa.; V-1532.
West Palm Beach, Fla.
Wichita Falls, Tex.
Wichita, Kans.
Wilkes-Barre, Pa.
Williamsport, Pa.
Wilmington, N. C.
Wink, Tex.
Winner, S. Dak.
Winslow, Ariz.
Wolbach, Nebr.
Woodstown, N. J.
York, Ky.
Yuma, Ariz.
Zuni, N. Mex.

PENDING AMENDMENT
White Lake, La.
3/5/64 28 F. R. 14420 (Added);

§ 71.207 **Domestic High Altitude Reporting Points.**
The reporting points listed below are designated from flight level 240 and above.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Baltimore, Md.
Bangor, Maine
Billings, Mont.
Birmingham, Ala.
Blythe, Calif.
Boise, Idaho
Boston, Mass.

6/27/63 28 F. R. 4700 (Added);

Boulder, Nev.	AMENDMENTS 2/7/63 28 F.R. 178 (Added);
Bradford, Ill.	
Brownsville, Tex.	
Bryce Canyon, Utah	
Buffalo, N. Y.	
Butler, Mo.	
Charleston, S. C.	
Charleston, W. Va.	
Cleveland, Ohio	
Columbia, S. C.	
Coyle, N. J.	
Crazy Woman, Wyo.	
Crestview, Fla.	
Dallas, Tex.	
Dayton, Ohio	
Denver, Colo.: J-30, J-60, J-80, J-20, J-10, J-56.	
Des Moines, Iowa	
Dickinson, N. Dak.	
Dillon, Mont.	
Duluth, Minn.	
Dupree, S. Dak.	
Elko, Nev.	
El Paso, Tex.	
Erie, Pa.	
Evansville, Ind.	
Fargo, N. Dak.	
Farmington, Mo.	
Farmington, N. Mex.	
Fort Stockton, Tex.	
Flat Rock, Va.	
Flippin, Ark.	
Florence, S. C.	
Fresno, Calif.	
Front Royal, Va.	
Gainesville, Fla.	
Garden City, Kans.	
Gila Bend, Ariz.	
Gordonsville, Va.; J-75, J-37, J-22, J-77.	
Grand Junction, Colo.	
Great Falls, Mont.	
Green Bay, Wis.	
Greenwood, Miss.; J-52.	
Hector, Calif.	
Herndon, Va.	
Hill City, Kans.	
Houston, Tex.	
Idlewild, N. Y.	
Indianapolis, Ind.	
Jackson, Miss.	
Jacksonville, Fla.	
Joliet, Ill.; J-26, J-60, J-64, J-30, J-35, J-87.	
Kansas City, Mo.	
Key West, Fla.	
Knoxville, Tenn.	
Lake Charles, La.	
Lakeview, Oreg.	
Laredo, Tex.	
Las Vegas, N. Mex.	
Lewistown, Mont.	
Lexington, Ky.	
Little Rock, Ark.	
Los Angeles, Calif.	
Louisville, Ky.	
Lufkin, Tex.	
Malad City, Idaho	
Mason City, Iowa	
Messena, N. Y.	
McComb, Miss.	
Medford, Oreg.	
Memphis, Tenn.	
Miami, Fla.	
Milford, Utah	
Milwaukee, Wis.	
Mineral Wells, Tex.	
Minneapolis, Minn.	
Mobile, Ala.	

Montgomery, Ala.	
Mullan Pass, Idaho	
Nantucket, Mass.	
Nashville, Tenn.	
New Orleans, La.	
Nodine, Minn.	
Norfolk, Va.	
Northbrook, Ill.; J-35, J-101, J-94, J-84, J-90.	1/9/64 28 F. R. 11727 (Changed);
Oakland, Calif.	
Oklahoma, City, Okla.	
Omaha, Nebr.	
O'Neill, Nebr.	
Orlando, Fla.	
Palmdale, Calif.	
Parker, Calif.	
Pawnee City, Nebr.	
Peach Springs, Ariz.	
Pembina, N. Dak.	AMENDMENTS 11/14/63 28 F. R. 10418 (Changed);
Pendleton, Oreg.: J-16, J-20.	
Philipsburg, Pa.	
Phoenix, Ariz.	
Pittsburgh, Pa.	
Plattsburgh, N. Y.	
Ponca City, Okla.	
Prescott, Ariz.	
Presque Isle, Maine	
Pueblo, Colo.	
Pulaski, Va.	
Raleigh-Durham, N. C.	
Rapid City, S. Dak.	
Red Bluff, Calif.	
Reno, Nev.	
Rock Springs, Wyo.	
Rome, Oreg.	
Roswell, N. Mex.	
Sacramento, Calif	
St. Louis, Mo.	
St. Petersburg, Fla.	
Salina, Kans.	
Salt Lake City, Utah	
San Angelo, Tex.	
San Antonio, Tex.	
San Diego, Calif.	12/12/62 27 F.R. 12440 (Added);
San Simon, Ariz.	
Savannah, Ga.	
Scottsbluff, Nebr.	
Seattle, Wash.	
Shreveport, La.	
Sioux Falls, S. Dak.	
Spartanburg, S. C.	
Spokane, Wash.	
Springfield, Mo.	
Stockton, Calif.	
Syracuse, N. Y.	
Tallahassee, Fla.	
Texarkana, Ark.	
Thornhurst, Pa.	
Tonopah, Nev.	
Tuba City, Ariz	
Tucson, Ariz	
Tulsa, Okla.	
Vero Beach, Fla.	
Waco, Tex.	
West Palm Beach, Fla.	
Whitehall, Mont.	
Wichita, Kans.	
Wilmington, N. C.	
Wink, Tex.	
Wolbach, Nebr.	
Yuma, Ariz.	

§ 71.209 Other domestic reporting points.
The reporting points listed below are designated at all altitudes.

Alaska INT: INT Ponce, P. R., 181°, St. Croix, P. R., 243° radials.

AMENDMENTS 12/12/63 28 F. R. 11348 (Added);

Albacore INT: INT 185° bearing Galveston, Tex., RBN, 097° bearing Corpus Christi, Tex., RBN.
12/12/62 27 F.R. 12210 (Changed):
PENDING AMENDMENT
"Albacore INT: INT 185° bearing Galveston, Tex., RBN, 097° bearing Corpus Christi, Tex., RBN." is deleted and "Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN." is substituted therefor.
3/5/64 29 F. R. 133 (Rewritten);

Azalea INT: INT Charleston, S. C., 109°, Wilmington, N. C., 189° radials.

Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N. C., RBN, 109° bearing Charleston, S. C., RBN.

Balboa INT: INT 219° bearing Marathon, Fla., RBN, with Lat. 24°00'00" N.

Barracuda INT: INT 055° bearing Melbourne, Fla., RR, 008° bearing Bimini, Bahamas, RBN.

AMENDMENTS Eff. immed. (3/12/63) 28 F.R. 2556 (Changed);

Bass INT: INT 133° bearing Weeksville, N. C., (Navy) RBN, W boundary New York Oceanic Control Area.

Bimini, Bahamas, RBN

Blue Fin INT: INT San Juan, P. R. 314°, Ramey AFB, P. R. 028° radials.

Brim INT: INT 223° bearing New Orleans, La., RBN, 113° bearing Galveston, Tex., RBN.
PENDING AMENDMENT
"Brim INT: INT 223° bearing New Orleans, La., RBN, 113° bearing Galveston, Tex., RBN" is deleted and "Brim INT: INT 227° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN." is substituted therefor.
1/9/64 28 F. R. 12612 (Rewritten); Alteration of Amend. 29 F. R. 133; Eff. Date Changed (3/5/64) 29 F. R. 133

Brownson INT: INT Ramey AFB, P. R. 013°, San Juan, P. R. 296° radials.

Carp INT: INT direct line between Carolina Beach (Wilmington), N. C., RBN, Nassau, British West Indies, RBN, 090° bearing Jacksonville, Fla., RBN.

Catfish INT: INT 217° bearing New Orleans, La., RBN, 112° bearing Galveston, Tex., RBN.
PENDING AMENDMENT
"Catfish INT: INT 217° bearing New Orleans, La., RBN, 112° bearing Galveston, Tex., RBN." is deleted and "Catfish INT: INT 220° Grand Isle, La., RBN, 106° bearing Galveston, Tex., RBN." is substituted therefor.
1/9/64 28 F. R. 12612 (Rewritten); Alteration of Amend. 29 F. R. 133; Eff. Date Changed (3/5/64) 29 F. R. 133

Cod INT: INT Great Circle course Nantucket, Mass., Consolan station (monitor site) to Azores Santa Maria RBN, W boundary New York Oceanic Control area at Lat. 41°29'00" N., Long. 68°00'00" W.

Crab INT: INT St. Petersburg, Fla., 275°, Tallahassee, Fla., 192° radials.

Crab INT: INT 187° bearing Tallahassee, Fla., RBN, 284° bearing Egmont Key, Fla., RBN.

Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 102° bearing Galveston, Tex., RBN.

Dragon INT: INT 147° bearing Lake Charles, La., RBN 273° bearing Grand Isle, La., RBN.
AMENDMENTS 6/27/63 28 F. R. 3780 (Added);

Ear Shell INT: INT 140° bearing Galveston, Tex., RBN, 254° bearing Grand Isle, La., RBN.

Eel INT: INT of the 098° bearing from the Boston, Mass., RBN, W boundary New York Oceanic control area.
AMENDMENTS 3/7/63 28 F.R. 721 (Rewritten);

Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN.

Florida INT: INT 149° bearing San Juan, P. R., RBN, St. Croix, P. R., 220° radial.
AMENDMENTS 12/12/63 28 F. R. 11348 (Added);

Francis INT: INT Oakland, Calif., 267°, Pt. Reyes, Calif., 236° radials.

Gateway INT: INT 090° bearing Jacksonville, Fla., RBN, 188° bearing Wilmington (Carolina Beach), N. C., RBN.

Gateway Cedar INT: INT Hoquiam, Wash., 234° radial, E boundary Seattle Oceanic Control Area at Lat. 45°32' 20" N., Long. 126°44'00" W.
AMENDMENTS 6/27/63 28 F. R. 4024 (Changed)

Gateway Hemlock INT: INT Newport, Oreg., 237° radial, E boundary Seattle Oceanic Control Area at Lat. 43° 19'20" N., Long. 126°40'45" W.

AMENDMENTS 6/27/63 28 F. R. 4024 (Changed);

Gateway Pine INT: INT North Bend, Oreg., 239° radial, E boundary Seattle Oceanic Control area at Lat. 42° 13'30" N., Long. 126°47'15" W.
AMENDMENTS 6/27/63 28 F. R. 4024 (Changed);

Gulf Stream INT: INT 077° bearing Marathon, Fla., RBN, 153° bearing Miami, Fla., RBN.

Haddock INT: INT rhumb line Nantucket, Mass., consolan station (monitor site) to Kindley AFB, Bermuda, RBN, W boundary New York Oceanic Control Area at Lat. 39°50'00" N., Long. 69°14'30" W.

Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing West Palm Beach, Fla., RBN.
AMENDMENTS 12/10/63 28 F. R. 11185 (Changed);

Hard Head INT: INT 119° bearing Galveston, Tex., RBN, 248° bearing Grand Isle, La., RBN.

Hawaii INT: INT Ramey AFB, P. R., 195°, Ponce, P. R., 235° radials.
AMENDMENTS 12/12/63 28 F. R. 11348 (Added);

Idaho INT: INT Ramey AFB, P. R., 326° radials, Mona Island, P. R., RBN 012° bearing.

North Nantucket INT: INT of the 098° bearing from the Boston, Mass., RBN, centerline of the Control 1143 control area.
AMENDMENTS 3/7/63 28 F.R. 721 (Rewritten).

Ohio INT: INT Ramey AFB, P. R., 013°, San Juan, P. R., 333° radials.

Perch INT: INT Los Angeles, Calif., 251°, Ventura, Calif., 200° radials.

Sailfish INT: INT San Juan, P. R., 333°, Ramey AFB, P. R., 036° radials.

Sea Lion INT: INT 205° bearing Key West, Fla., RBN with latitude 24°00'00" N.
AMENDMENTS 9/2/63 28 F. R. 9589 (Changed);

Shad INT: INT SE course Millville, N. J., RR, W boundary New York Oceanic Control area.

Smelt INT: INT 109° bearing Charleston, S. C., RBN, W boundary New York Oceanic Control area.

South Bangor INT: INT SE course Bangor, Maine, RR, centerline Nantucket, Mass., - Yarmouth, Nova Scotia, domestic control area.

Tadpole INT: INT 187° bearing Marathon, Fla., RBN, with Lat. 24°00'00" N.

Trout INT: INT 090° bearing Jacksonville, Fla., RBN, W boundary New York Oceanic Control area.

Tuna INT: INT SE course Newark, N. J., RR, W boundary New York Oceanic Control area.
PENDING AMENDMENT
In the text of Tuna INT: "INT SE course Newark, N. J., RR," is deleted and "INT 137° bearing Newark, N. J., RBN," is substituted therefor.
2/6/64 28 F. R. 14310 (Changed);

Vermont INT: INT Ramey, P. R., 027°, San Juan, P. R., 351° radials.

Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN.

§ 71.211 **Alaskan low altitude reporting points.**
The reporting points listed below are designated up to and including 15,200 feet, MSL.

Adak, Alaska, RR
Anchorage, Alaska
Anchorage, Alaska, RR
Anchor Point INT: INT W course Homer, Alaska, RR, SW course Kenai, Alaska, RR.
Aniak, Alaska, RR
Annette Island, Alaska, RR
Bethel, Alaska
Bethel, Alaska, RR
Bettles, Alaska 10/17/63 28 F. R. 9427 (Added)
Bettles, Alaska, RR
Big Delta, Alaska, RR
Biorka Island, Alaska
Cape Spencer INT: INT NW course Sitka, Alaska, RR, SW course Gustavus, Alaska, RR.
Cold Bay, Alaska, RR
Copper INT: INT Homer, Alaska, 269°, King Salmon, Alaska, 051° radials.
Coghlan Island, Alaska, RBN.
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Domestic Annette INT: INT SW course Annette Island, Alaska, RR, centerline Middleton Island - Sandspit route. 1/9/64 28 F. R. 11727 (Changed);
Domestic Gustavus INT: INT SW course Gustavus, Alaska, RR, centerline Middleton Island - Sandspit route. 1/9/64 28 F. R. 11727 (Changed);
Domestic Sitka INT: INT SW course Sitka, Alaska, RR, centerline Middleton Island - Sandspit route. 1/9/64 28 F. R. 11727 (Changed);
Domestic Yakutat INT: INT SW course Yakutat, Alaska, RR, centerline Middleton Island - Sandspit route. 1/9/64 28 F. R. 11727 (Changed);
East Cordova INT: INT E course Hinchinbrook, Alaska, RR, SE course Cordova, Alaska, RR.
Fairbanks, Alaska, ILS MM
Fairbanks, Alaska, RR
Farewell, Alaska, RR
Fielding INT: INT Anchorage, Alaska 008° radial, Talkeetna, Alaska, RBN 057° bearing.
Five Finger, Alaska, RBN
Fluke INT: INT 239° bearing Bethel, Alaska, RR, 311° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska 1/9/64 28 F. R. 12341 (Added);
Fort Yukon, Alaska, RBN 12/12/62 27 F.R. 12440 (Added);
Galena, Alaska 10/17/63 28 F. R. 8448 (Added)
Galena, Alaska RR
Galtan INT: INT E course Galena, Alaska, RR, SW course Tenana, Alaska, RR.
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Glacier INT: INT Nenana, Alaska, 189° radial, NW course Summit, Alaska, RR.
Granite INT: INT 118° bearing Homer, Alaska, RR, NW boundary Anchorage Oceanio Control Area.
Gulkana, Alaska, RR
Gustavus, Alaska, RR
Haines, Alaska, RBN
Harriet INT: INT Homer, Alaska, 330°, Anchorage, Alaska, 237° radials.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
Iliamna, Alaska, RR
Kenai, Alaska
Kenai, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kodiak, Alaska, RR
Kotzebue, Alaska, RBN
Kakaklek INT: INT NE course King Salmon, Alaska, RR, SW course Iliamna, Alaska, RR.
Marble INT: INT 107° bearing Kodiak, Alaska, RR, NW boundary Anchorage Oceanio Control Area. 10/17/63 28 F. R. 8448 (Added)
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR
Moses Point, Alaska 1/9/64 28 F. R. 11059 (Added);
Moses Point, Alaska, RR
Nenabank INT: INT W course Fairbanks, Alaska, RR, NW course Nenana, Alaska, RR; G-7.
Nenana, Alaska
Nenana. Alaska. RR
Nome, Alaska, RR
Northway, Alaska, RR
Petersburg, Alaska, RR; B-79 SE bound.
Peters Creek INT: INT Anchorage, Alaska, 347° radial, NE course Skwentna, Alaska, RR.
Port Alexander INT: INT SE course Sitka, Alaska, RR, SW course Petersburg, Alaska, RR.
Puntilla Lake, Alaska, RBN
Rocky Point INT: INT SE course King Salmon, Alaska, RR, W course Kodiak, Alaska, RR.

Shemya, Alaska, RBN
Shuyak, Alaska, RBN
Sisters Island, Alaska
Sisters Island, Alaska, RBN
Sitka, Alaska, RR
Skilak INT: INT Anchorage, Alaska, 198°, Homer, Alaska, 027° radials; V-438.
Skwentna, Alaska, RR
Summit, Alaska, RR
Talkeetna, Alaska, RBN
Tenana, Alaska, RR
Unalakleet, Alaska, RR
Yakutat, Alaska
Yakutat, Alaska, RR

PENDING AMENDMENT
Talkeetna, Alaska
3/5/64 29 F. R. 253 (Added);
Glacier INT: INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.
3/5/64 29 F. R. 253 (Rewritten);
Fielding INT is deleted. 3/5/64 29 F. R. 253 (Deleted);

§ 71.213 **Alaskan high altitude reporting points.**
The reporting points listed below are designated above 15,200 feet, MSL.

Adak, Alaska, RR
Anchorage, Alaska
Anchorage, Alaska, RR
Anchor Point INT: INT W course Homer, Alaska, RR, SW course Kenai, Alaska, RR.
Annette Island, Alaska, RR
Bethel, Alaska
Bethel, Alaska, RR
Beetles, Alaska 10/17/63 28 F. R. 9427 (Added)
Bettles, Alaska, RR
Big Delta, Alaska, RR
Biorka Island, Alaska
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.
Domestic Sitka INT: INT Biorka Island, Alaska, 207° radial and centerline Middleton Island - Sandspit route. 1/9/64 28 F. R. 11727 (Added);
Domestic Yakutat INT: INT Yakutat, Alaska, 215° radial and centerline Middleton Island - Sandspit route. 1/9/64 28 F. R. 11727 (Added);
Fairbanks, Alaska, ILS MM
Fairbanks, Alaska, RR; G-7, A-2, B-26.
Fielding INT: INT Anchorage, Alaska, 008° radial, Talkeetna, Alaska RBN 057° bearing.
Fluke INT: INT 239° bearing Bethel, Alaska, RR, 311° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska 1/9/64 28 F. R. 12341 (Added);
Fort Yukon, Alaska, RBN 12/12/62 27 F.R. 12440 (Added);
Galena, Alaska 10/17/63 28 F. R. 8448 (Added)
Galena, Alaska, RR
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Glacier INT: INT Nenana, Alaska, 189° radial, NW course Summit, Alaska, RR.
Gulkana, Alaska, RR
Haines, Alaska, RBN
Harriet INT: INT Homer, Alaska, 330°, Anchorage, Alaska, 237° radials.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kodiak, Alaska, RR
Kotzebue, Alaska, RBN
McGrath, Alaska 10/17/63 28 F. R. 8448 (Added)
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR
Moses Point, Alaska 1/9/64 28 F. R. 11059 (Added);
Nenana, Alaska
Nome, Alaska, RR
Northway, Alaska, RR
Shemya, Alaska, RBN

Sisters Island, Alaska
Sitka, Alaska, RR; R-1, A-1.
Summit, Alaska, RR
Talkeetna, Alaska, RBN; B-32 SW bound, B-26 S bound.
Unalakleet, Alaska, RR
Yakutat, Alaska
Yakutat, Alaska, RR
PENDING AMENDMENT
Talkeetna, Alaska
3/5/64 29 F. R. 253 (Added);
Glacier INT: INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR.
3/5/64 29 F. R. 253 (Rewritten);
Fielding INT is deleted. 3/5/64 29 F. R. 253 (Deleted);

§ 71.215 Hawaiian reporting points.
The reporting points listed below are designated at all altitudes.

Bayview INT: INT E course Hilo, Hawaii, RR, 022° bearing Pahoa, Hawaii, RBN.
Bayview INT: INT Hilo, Hawaii 091° radial, 022° bearing Pahoa, Hawaii, RBN.
Breakers INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials. 5/30/63 28 F.R. 3691 (Changed)
Dogwood INT: INT South Kauai, Hawaii, 271° radial, with Long. 161°20'00" W.
Hilo, Hawaii
Hilo, Hawaii, RR
Honolulu, Hawaii
Honolulu, Hawaii, RR
Lanai, Hawaii
Lihue, Hawaii
Maui, Hawaii
Maui, Hawaii, RR
Molokai, Hawaii
Palmtree INT: INT Molokai, Hawaii, 268°, Lanai, Hawaii, 304° radials; V-2 NW bound. 11/14/63 28 F. R. 10331 (Added);
Paradise INT: INT Hilo, Hawaii, 334°, Upolu Point, Hawaii 093° radials.
Shark INT: INT of Koko Head, Hawaii, 050°, Upolu Point, Hawaii, 355° radials. 4/4/63 28 F.R. 843 (Changed)
Skipjack INT: INT Hilo, Hawaii, 051°, Upolu Point, Hawaii, 081° radials. 10/17/63 28 F. R. 9428 (Added)
Southgate INT: INT Honolulu, Hawaii, 179°, Molokai, Hawaii, 268° radials.
South Honolulu INT: INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials.
South Kauai, Hawaii
South Port Allen INT: INT Koko Head, Hawaii 254°, Lihue, Hawaii, 186° radials.
Sunrise INT: INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials.
Swordfish INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials.
Tuna INT: INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials.
Upolu, Hawaii
Vanda INT: INT South Kauai, Hawaii, 288° radial, with Long. 161°15'00" W.

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

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73.3 Special use airspace.
73.5 Bearings; radials; miles.

SUBPART B -- RESTRICTED AREAS

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73.13 Restrictions.
73.15 Using agency.
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73.42 Michigan.
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73.44 Mississippi.
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73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
73.58 Pennsylvania.
73.59 Rhode Island.
73.60 South Carolina.
73.61 South Dakota.
73.62 Tennessee.
73.63 Texas
73.64 Utah
73.65 Vermont.
73.66 Virginia.
73.67 Washington.
73.68 West Virginia.
73.69 Wisconsin.
73.70 Wyoming.
73.71 Puerto Rico.
73.72 Guam.

Subpart A -- General

§ 73.1 Applicability.

The airspace that is described in Subpart B of this part is designated as special use airspace. This Part prescribes the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.
(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.
(c) The horixontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.
(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B -- Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of
(a) The using agency described in § 73.15; or
(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this part, the following are using agencies:
(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.
(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.
(c) The using agency shall --
(1) Schedure activities within the restricted area;
(2) Authorize transit through, or flight within, the restricted area as feasible; and
(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each suing agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.
(b) In its report under this section the using agency shall --
(1) State the name and number of the restricted area as published in this part;
(2) State the period covered by the report;
(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;
(4) State the time that daily operations are normally scheduled to begin and end;
(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;
(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;
(7) State whether or not radar is used during operations;
(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;
(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;
(10) Include a chart of the area (of optional scale and design) showing --
(i) The approximate location, and the representative pattern (if any), for firing runs (if any) begins and ends, and the release point pullup point; and
(ii) The location of impact areas, if any;
(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;
(12) State the daily number of hours or nimutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;
(13) List the altitudes normally used for daily surface to surface firing operations;
(14) Include a chart of the area (of optional scale and design) showing --
(i) The location of firing points and impact areas, if any; and
(ii) The perimeter of the firing fan for each weapon used, if any; and
(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.
(c) This section does not apply to restricted areas established for climb corridors.

STATES AND POSSESSIONS

§ 73.21 Alabama

R-2101 Anniston Army Depot, Ala.
Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.
Designated altitude. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Anniston Army Depot.

AMENDMENTS 11/15/62 27 F.R. 9649 (Added); 1/26/63 28 F.R. 19-4 (Rerun); On Publ: (2/7/63) 28 F.R. 1220 (Changed);

R-2102 Fort McClellan, Ala.
Boundaries. Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Agency, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort McClellan, Alabama.

AMENDMENTS 11/15/62 27 F.R. 9649 (Rewritten); 1/26/63 28 F.R. 19-4 (Rerun);

R-2109 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

AMENDMENTS On publ. (11/7/62) 27 F.R. 10829 (Rewritten); 1/26/63 28 F.R. 19-4 (Rerun);

R-2104 Huntsville, Ala.

Boundaries. Beginning at Lat. 34°39'21" N, Long. 86°35'30" W; to Lat. 34°35'11" N, Long. 86°35'51" W; to Lat. 34°35'26" N, Long. 86°42'01" W; to Lat. 34°42'00" N, Long. 86°44'30" W; to Lat. 34°42'00" N, Long. 86°41'30" W; to Lat. 34°39'36" N, Long. 86°41'40" W; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center.
Using agency. Commanding General, United States Army Ordnance Missile Command, Huntsville, Ala.

AMENDMENTS 1/26/63 28 F.R. 19-4 (Rerun);

§ 73.22 Alaska

R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 296° radial of the Elmendorf AFB TACAN, extending from 3 miles from the W end of Elmendorf AFB runway 23 to 25 miles from the W end of runway 23, and having a width of 2.145 miles at the beginning and expanding uniformly to a width of 4.3 miles at the outer extremity.
Designated altitudes.
3,000 feet MSL to flight level 270 from 3 miles W of the W end of runway 23 to 5 miles W of the W end of runway 23.
5,000 feet MSL to flight level 270 from 5 to 7 miles W of the W end of runway 23.
7,000 feet MSL to flight level 270 from 7 to 12 miles W of the W end of runway 23.
10,000 feet MSL to flight level 270 from 12 to 17 miles W of the W end of runway 23.
13,000 feet MSL to flight level 270 from 17 to 22 miles W of the W end of runway 23.
16,000 feet MSL to flight level 270 from 22 to 25 miles W of the W end of runway 23.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Anchorage Approach Control.
Using agency. Commander, Elmendorf AFB, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);
PENDING AMENDMENT
R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor.
Boundaries. The area centered on the 296° radial of the Elmendorf AFB TACAN, extending from 2 nmi from the W end of Elmendorf AFB runway 23 to 32 nmi from the W end of runway 23, and having a width of 2 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
2,700 feet MSL to flight level 270 from 2 nmi W to 7 nmi W of the W end of runway 23.
4,000 feet MSL to flight level 270 from 7 to 10 nmi W of the W end of runway 23.
7,000 feet MSL to flight level 270 from 10 to 15 nmi W of the W end of runway 23.
12,000 feet MSL to flight level 270 from 15 to 22 nmi W of the W end of runway 23.
17,000 feet MSL to flight level 270 from 22 to 27 nmi W of the W end of runway 23.
20,000 feet MSL to flight level 270 from 27 to 32 nmi W of the W end of runway 23.
Time of Designation. Continuous.
Controlling Agency. Federal Aviation Agency, Anchorage Approach Control.
Using Agency. Commander, Elmendorf AFB, Alaska.
2/6/64 28 F. R. 13297 (Rewritten);

R-2202 Big Delta, Alaska

Boundaries. Beginning at Lat. 64°14'45" N, Long. 146°43'15" W; to Lat. 64°02'30" N, Long. 146°07'10" W; to Lat. 63°59'27" N, Long. 146°10'51" W; to Lat. 63°55'50" N, Long. 145°56'25" W; to Lat. 63°43'00" N, Long. 145°54'52" W; to Lat. 63°42'40" N, Long. 146°00'27" W; to Lat. 63°42'15" N, Long. 146°13'26" W; to Lat. 63°44'00" N, Long. 146°30'00" W; to Lat. 63°50'50" N, Long. 146°47'30" W; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning.
Designated altitudes. Surface to 60,000 feet MSL.
Time of designation. October 1 through March 31.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

R-2203 Eagle River, Alaska.

Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'10" N., longitude 149°33'48" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Anchorage ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5040th Air Base Squadron, Shemya AFB, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

R-2205 Yukon, Alaska.

Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 21,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun); AMENDMENTS Eff. on publ. (8/14/63) 28 F. R. 8313 (Changed);

R-2206 Clear, Alaska.

Boundaries. The airspace within a radius of 30,000 feet of Lat. 64°17'16" N, Long. 149°10'58" W, extending clockwise from a bearing of 235° to a bearing of 005° and within a radius of 500 feet, extending clockwise from a bearing of 005° to a bearing of 235°.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Defense Command, Ent AFB, Colorado.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

R-2207 Fairbanks, Alaska (Eielson AFB), Restricted Area/Military Climb Corridor.
Boundaries. The area centered on the 016° radial of the Eielson AFB TACAN extending from 6 miles N of the airbase (Lat. 64°40'00" N, Long. 147°06'00" W) to 32 miles N of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
3,500 feet MSL to 15,000 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
3,500 feet MSL to flight level 240 from 6 to 7 miles N of the airbase.
5,500 feet MSL to flight level 270 from 7 to 9 miles N of the airbase.
7,000 feet MSL to flight level 270 from 9 to 15 miles N of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles N of the airbase.
13,000 feet MSL to flight level 270 from 20 to 25 miles N of the airbase.
16,000 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fairbanks Approach Control.
Using agency. Commander, Eielson AFB, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

R-2208 Fort Greely, Alaska.

Boundaries. Beginning at Lat. 64°02'30" N, Long. 146°07'10" W; to Lat. 63°56'17" N, Long. 145° 49'30" W; to Lat. 63°54'20" N, Long. 145°50'20" W; to Lat. 63°50'30" N, Long. 145°50'00" W; to Lat. 63°43'00" N, Long. 145°54'01" W; to Lat. 63°43'00" N, Long. 145°54'52" W; to Lat. 63°55'50" N, Long. 145°56'25" W; to Lat. 63°59'27" N, Long. 146°10'51" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. October 1 through March 31.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

R-2209 Little Delta, Alaska.

Boundaries. Beginning at latitude 64°08'51" N., longitude 146°37'53" W.; to latitude 63°56'25" N., longitude 146°02'46" W.; to latitude 63°51'02" N., longitude 146°12'16" W.; to latitude 64°03'28" N., longitude 146°47'47" W.; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. April 1 to September 30, as advertised by NOTAM.
Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.
Using agency. Commander, Alaskan Air Command.

AMENDMENTS 1/26/63 28 F.R. 19-5 (Rerun);

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 56'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°28'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°45'50" N, Long. 113°34'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Using agency. Commander, Luke AFB, Arizona.

AMENDMENTS 1/26/63 28 F.R. 19-6 (Rerun);

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 2400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

AMENDMENTS (Eff. on publ.) 12/6/62 27 F.R. 12057 (Rewritten); 1/26/63 28 F.R. 19-6 (Rerun);

R-2303 Fort Huachuca, Arizona.

Boundaries. Beginning at Lat. 31°34'40" N, Long. 110°00'00" W; to Lat. 31°29'00" N, Long. 110° 00'00" W; to Lat. 31°29'00" N, Long. 110°18'00" W; to Lat. 31°23'45" N, Long. 110°18'00" W; to Lat. 31°23'45" N, Long. 110°39'00" W; to Lat. 31°38'30" N, Long. 110°46'10" W; to Lat. 31°38'30" N, Long. 110°39'30" W, to Lat. 31°41'00" N, Long. 110°33'30" W; to Lat. 31°41'00" N, Long. 110° 16'30" W; to Lat. 31°41'40" N, Long. 110°15'00" W; to Lat. 31°41'40" N, Long. 110°13'30" W; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Electronic Proving Ground, Fort Huachuca, Arizona.

AMENDMENTS 1/26/63 28 F.R. 19-6 (Rerun);

R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°36'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commander, Luke AFB, Arizona.

AMENDMENTS 9/19/63 28 F. R. 7557 (Rewritten)

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset.
Using agency. Commander, Luke AFB, Ariz.

AMENDMENTS 1/26/63 28 F.R. 19-6 (Rerun); Eff. on publ. (5/3/63) 28 F.R. 4436 (Changed);

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°-21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

AMENDMENTS 1/26/63 28 F.R. 19-6 (Rerun); On Publ. 2/27/63 28 F.R. 1794 (Rewritten);
AMENDMENTS Eff. on publ. 7/30/63 28 F. R. 7708 (Changed); Eff. on Publ. (11/16/63) 28 FR 12203 (Changed);

PENDING AMENDMENT
R-2308 Yuma East, Arizona

Boundaries. Beginning at latitude 33° 00' 00" N., longitude 114° 17' 20" W.; thence N along State Highway 95 to latitude 33° 28' 00" N., longitude 114° 13' 00" W.; to latitude 33° 24' 00" N., longitude 113° 39' 00" W.; to latitude 33° 13' 12" N., longitude 113° 21' 36" W.; to latitude 33° 07' 17" N., longitude 113° 24' 10" W.; to latitude 33° 02' 00" N., longitude 113° 33' 50" W.; to latitude 33° 02' 00" N., longitude 113° 56' 30" W.; to latitude 33° 00' 00" N., longitude 114° 11' 00" W.; to the point of beginning.
Designated altitudes. 1,500 feet above the surface to 20,000 feet MSL.
Time or designation. Continuous, January 15, 1964, to January 15, 1965.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Arizona.

1/15/64 29 F. R. 133 (Added);

§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 18' 32" N., longitude 94° 12' 02" W.; to latitude 35° 18' 06" N., longitude 94° 16' 04" W.; to latitude 35° 17' 15" N., longitude 94° 17' 30" W.; to latitude 35° 15' 59" N., longitude 94° 18' 33" W.; to latitude 35° 13' 36" N., longitude 94° 15' 10" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

AMENDMENTS 1/26/63 28 F.R. 19-7 (Rerun); (Eff. on publ.) 7/18/63 28 F. R. 7342 (Changed); 1/9/64 28 F. R. 12251 (Rewritten);

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 17' 25" N., longitude 94° 12' 02" W.; to latitude 35° 13' 36" N., longitude 94° 11' 05" W.; to latitude 35° 13' 36" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 01' 29" W.; to latitude 35° 16' 56" N., longitude 94° 01' 33" W.; to latitude 35° 17' 36" N., longitude 94° 06' 00" W.; to latitude 35° 17' 09" N., longitude 94° 09' 55" W.; to point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

AMENDMENTS 1/26/63 28 F.R. 19-7 (Rerun) (Eff. on publ.) 7/18/63 28 F. R. 7342 (Changed); 1/9/64 28 F. R. 12251 (Rewritten);

R-2403 Little Rock, Ark.

Boundaries. Beginning at Lat. 34°57'00" N, Long. 92°15'00" W; to Lat. 34°52'00" N, Long. 92° 15'00" W; to Lat. 34°52'00" N, Long. 92°19'30" W; to Lat. 34°57'00" N, Long. 92°19'30" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0700 Saturday through 1700 Sunday CST, Sept. 1 through May 31; and 0600 to 2400 CST, daily, June 1 through August 31.
Controlling agency. Federal Aviation Agency, Little Rock Control Tower.
Using agency. Adjutant General, State of Arkansas, Little Rock, Arkansas.

AMENDMENTS 1/26/63 28 F.R. 19-7 (Rerun);

§ 73.25 California

R-2501 Bullion Mountains, Calif.

Boundaries. Beginning at Lat. 34°41'00" N, Long. 116°03'00" W; to Lat. 34°35'30" N, Long. 115° 58'00" W; to Lat. 34°33'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°47'00" W; to Lat. 34°25'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 115°44'00" W; to Lat. 34°14'00" N, Long. 116°17'00" W; to Lat. 34°30'00" N, Long. 116°26'30" W; to Lat. 34°40'30" N, Long. 116°29'40" W; to Lat. 34°43'00" N, Long. 116°26'20" W; to Lat. 34°43'00" N, Long. 116°17'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2502 Fort Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116° 29'40" W; to Lat. 35°34'30" N, Long. 116°23'30" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to Lat. 35°37'45" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding General, Fort Irwin, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117° 29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2504 Camp Roberts, Calif.

Boundaries. Beginning at Lat. 35°49'45" N, Long. 120°49'00" W; to Lat. 35°43'45" N, Long. 120° 45'30" W; to Lat. 35°43'45" N, Long. 120°48'45" W; to Lat. 35°46'30" N, Long. 120°52'00" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Camp Roberts, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);
PENDING AMENDMENT
R-2504 Camp Roberts, Calif.
Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., Monday through Friday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.
2/6/64 28 F. R. 13742 (Rewritten);

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117° 25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2506 China Lake South, Calif.
Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun); 3/7/63 28 F.R. 443 (Rewritten);

R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°26'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115° 17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09' 58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning, excluding the portion that would coincide with VOR Federal airway No. 117.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116° 23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun); 1/9/64 28 F. R. 12251 (Changed);

R-2510 El Centro, Calif.
Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°52'40" N., longitude 115°43'30" W.; counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50" N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to the point of beginning.
Designated altitudes. Surface to flight level 1,000.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 1,000.
Controlling Agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Arizona.

AMENDMENTS 12/13/62 27 F.R. 10093 (Rewritten); 1/26/63 28 F.R. 19-8 (Rerun);
AMENDMENTS Eff. on publ. (5/18/63) 28 F.R. 5019 (Changed);

R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun); 12/12/63 28 F. R. 11615 (Rewritten);

R-2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun); Eff. on publ. (5/3/63) 28 F.R. 4436 (Changed);

R-2513 Hunter-Liggett, Calif.

Boundaries. Beginning at latitude 35°55'20" N., longitude 121°05'45" W.; to latitude 35°57'45" N., longitude 121°09'45" W.; to latitude 35°59'18" N., longitude 121°13'30" W.; to latitude 35°58'54" N., longitude 121° 15'20" W.; latitude 36°02'45" N., longitude 121°17'45" W.; to latitude 36°03'43" N., longitude 121° 22'38" W.; to latitude 36°02'12" N., longitude 121°24'40" W.; to latitude 35°51'02" N., longitude 121°16'18" W.; to latitude 35°48'17" N., longitude 121°10'53" W.; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun); 8/22/63 28 F. R. 6969 (Rewritten);.

R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the NW course of the Castle AFB ILS localizer, extending from 5 miles NW of the airbase (Lat. 37°22'45" N, Long. 120°34'00" W) to 32 miles NW of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,200 feet MSL to flight level 242 from 6 to 7 miles NW of the airbase.
2,200 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,200 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,200 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,200 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,200 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Castle AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at Lat. 34°56'30" N, Long. 120°43'30" W; to Lat. 34°55'40" N, Long. 120° 39'40" W; to Lat. 34°49'00" N, Long. 120°27'15" W; to Lat. 34°46'15" N, Long. 120°26'40" W; to Lat. 34°39'50" N, Long. 120°31'15" W; to Lat. 34°35'00" N, Long. 120°31'40" W; to Lat. 34°34'52" N, Long. 120°42'37" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at Lat. 34°34'52" N, Long. 120°42'57" W; to Lat. 34°35'00" N, Long. 120° 30'00" W; to Lat. 34°24'00" N, Long. 120°30'00" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, 11th Naval District, San Diego, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'08" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600 sunrise to sunset; surface to 1,000 feet MSL sunset to sunrise.
Time of designation. Sunrise Monday to 2400 PST Friday.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using Agency. Commanding Office, Naval Air Facility, El Centro, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun); (Eff. on pub.) 8/28/63 28 F. R. 9430 (Changed);

R-2522 San Rafael, Calif. (Hamilton AFB). Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 325° radial of the Hamilton VOR extending from 7 miles NW of the airbase at Lat. 38°03'35" N, Long. 122°30'30" W to 34 miles NW of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 7 miles NW of the airbase to 8 miles NW of the airbase.
2,000 feet MSL to flight level 240 from 8 to 9 miles NW of the airbase.
2,000 feet MSL to flight level 270 from 9 to 12 miles NW of the airbase.
6,000 feet MSL to flight level 270 from 12 to 17 miles NW of the airbase.
10,000 feet MSL to flight level 270 from 17 to 22 miles NW of the airbase.
15,000 feet MSL to flight level 270 from 22 to 27 miles NW of the airbase.
19,000 feet MSL to flight level 270 from 27 to 34 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Hamilton AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 118°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°28'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 17,000 feet MSL.
Time of designation. One hour before sunrise to one hour after sunset.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2526 Victorville, Calif. (George AFB), Restricted Area/Military Climb Corridor.
Boundaries. The area centered on the 242° radial of the George AFB VOR extending from 5 miles W of the airbase (Lat. 34°35'45" N, Long. 117°22'55" W) to 30 miles W of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
4,900 feet MSL to 17,900 feet MSL from 5 miles W of the airbase to 6 miles W of the airbase.
4,900 feet MSL to flight level 269 from 6 to 7 miles W of the airbase.
5,900 feet MSL to flight level 270 from 7 to 8 miles W of the airbase.
6,900 feet MSL to flight level 270 from 8 to 9 miles W of the airbase.
7,900 feet MSL to flight level 270 from 9 to 10 miles W of the airbase.
8,900 feet MSL to flight level 270 from 10 to 11 miles W of the airbase.
9,900 feet MSL to flight level 270 from 11 to 12 miles W of the airbase.
10,900 feet MSL to flight level 270 from 12 to 13 miles W of the airbase.
11,900 feet MSL to flight level 270 from 13 to 15 miles W of the airbase.
12,900 feet MSL to flight level 270 from 15 to 20 miles W of the airbase.
17,900 feet MSL to flight level 270 from 20 to 25 miles W of the airbase.
21,900 feet MSL to flight level 270 from 25 to 30 miles W of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Edwards Approach Control.
Using agency. Commander, George AFB, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2527 Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor.
Boundaries. The area centered on the Oxnard AFB TACAN 270° radial and the Oxnard AFB ILS localizer W course bounded by a line beginning at Lat. 34°13'45" N, Long. 119°12'55" W; to Lat. 34°11'55" N, Long. 119°12'55" W; to Lat. 34°11'30" N, Long. 119°18'45" W; along the continental limits of the United States to Lat. 34°13'55" N, Long. 119°19'40" W; to the point of beginning.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 7 miles W of the TACAN to 8 miles W of the TACAN.
2,100 feet MSL to flight level 240 from 8 to 9 miles W of the TACAN.
2,100 feet MSL to flight level 270 from 9 to 12 miles W of the TACAN.
6,100 feet MSL to flight level 270 from 12 miles W of the TACAN to the continental limits of the U. S.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Ventura Approach Control.
Using agency. Commander, Oxnard AFB, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2528 Newman, Calif.

Boundaries. Beginning at latitude 37°19'50" N., longitude 121°04'05" W., to latitude 37°16'25" N., longitude 121°02'55" W.; thence clockwise along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to latitude 37°15'30" N., longitude 121°03'30" W.; to latitude 37°05'50" N., longitude 121°01'45" W.; to latitude 37°05'15" N., longitude 121°08'00" W.; to latitude 37°17'00" N., longitude 121°10'12" W.; thence along the arc of a 3-nautical mile radius circle centered at latitude 37°17'30" N., longitude 121°06'30" W.; to the point of beginning.
Designated altitudes. 2,000 feet MSL to 17,000 feet MSL.
Time of designation. One hour before sunrise to one hour after sunset.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-8 (Rerun);

R-2889 Fort Ord West, California
Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 56" W.; to latitude 36° 38' 18" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Agency, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

AMENDMENTS 12/12/63, 28 F. R. 11615 (Added);

R-2890 Sierra Army Depot, Calif.
Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

AMENDMENTS 1/9/64 28 F. R. 11728 (Added);

§ 73.26 Colorado

R-2801 Fort Carson, Colo.

Boundaries. Beginning at Lat. 38°32'06" N, Long. 104°49'18" W; to Lat. 38°32'06" N, Long. 104° 45'00" W; to Lat. 38°43'38" N, Long. 104°45'50" W; to Lat. 38°43'43" N, Long. 104°46'20" W; to Lat. 38°42'58" N, Long. 104°48'30" W; to Lat. 38°43'12" N, Long. 104°49'07" W; thence southwest along Colorado Highway #115 to Lat. 38°39'00" N, Long. 104°51'40" W; to Lat. 38°36'20" N, Long. 104°51'40" W; to the point of beginning.
Designated altitudes. Surface to 35,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commanding General, Fort Carson, Colo.

AMENDMENTS 12/13/62 27 F.R. 10445 (Changed); 1/26/63 28 F.R. 19-13 (Rerun);

§ 73.27 Connecticut
AMENDMENTS 1/26/63 28 F.R. 19-13 (Rerun);

§ 73.28 Delaware
AMENDMENTS 1/26/63 28 F.R. 19-13 (Rerun);

R-2801 Bethany Beach, Del.

Boundaries. Beginning at Lat. 38°31'15" N, Long. 75°03'10" W; to Lat. 38°33'45" N, Long. 74°59' 33" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 38°26'45" N, Long. 74°59' 15" W; to Lat. 38°29'03" N, Long. 75°03'00" W; to the point of beginning.
Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. 0800 to 2000 EST, Monday through Friday, July 1 through August 31.
Using agency. Commanding General, Second U. S. Army, Fort Meade, Md.

AMENDMENTS 1/26/63 28 F.R. 19-13 (Rerun);

R-2803 Dover, Del. (Dover AFB), Restricted Area/Military Climb Corridor.
Boundaries. The area based on the 184° radial of the Dover AFB TACAN extending from 5 miles S of the Dover AFB (latitude 39°07'45" N., longitude 75°27'50" W.) to 32 miles S of Dover AFB, having a width at the beginning from 1 mile W to 2.4 miles E of the TACAN 184° radial and expanding to a width at the outer extremity from 2.3 miles W to 2.4 miles E of the TACAN 184° radial.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles S of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.
Time of designation. Continuous.
Using agency. Dover AFB Approach Control.
AMENDMENTS On publ. (7/28/62) 27 F.R. 7429 (Rewritten); 1/26/63 28 F.R. 19-13 (Rerun);

§ 73.29 Florida

R-2901A Avon Park North, Fla.
Boundaries. Beginning at latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°52'55" N., longitude 81°24'20" W.; to latitude 27°55'00" N., longitude 81°17'55" W.; to latitude 27°44'45" N., longitude 81°14'05" W.; to point of beginning.
Designated altitude. 500 feet MSL to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 6/27/63 28 F. R. 4753 (Added);

R-2901B Avon Park South, Fla.
Boundaries. Beginning at latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°26'10" N., longitude 81°01'05" W.; to latitude 27°22'35" N., longitude 81°05'15" W.; thence along Highway 98 to latitude 27°23'00" N., longitude 81°07'00" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to point of beginning.
Designated altitudes. 500 feet MSL to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Florida.

AMENDMENTS 6/27/63 28 F. R. 4753 (Added);

R-2901C Avon Park West, Fla.
Boundaries. Beginning at latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°34'50" N., longitude 81°09'30" W.; to latitude 27°32'40" N., longitude 81°12'20" W.; to latitude 27°32'40" N., longitude 81°16'50" W.; to latitude 27°32'32" N., longitude 81°21'40" W.; thence North along Arbuckle Creek to Arbuckle Lake and along the East and North shore of Arbuckle Lake to latitude 27°43'10" N., longitude 81°25'20" W.; to latitude 27°44'50" N., longitude 81°25'20" W.; to latitude 27°44'45" N., longitude 81°21'25" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 6/27/63 28 F. R. 4753 (Added);

R-2901D Avon Park East, Fla.
Boundaries. Beginning at latitude 27°44'45" N., longitude 81°10'20" W.; to latitude 27°37'00" N., longitude 81°06'50" W.; to latitude 27°35'30" N., longitude 81°08'15" W.; to latitude 27°44'45" N., longitude 81°11'40" W.; to point of beginning.
Designated altitude. Surface to 13,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 6/27/63 28 F. R. 4753 (Added);

R-2902 Banana River, Fla.

Boundaries. Beginning at Lat. 28°50'00" N, Long. 80°50'00" W; to Lat. 28°50'00" N, Long. 80° 41'35" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 28°22'00" N, Long. 80° 33'00" W; to Lat. 28°22'00" N, Long. 80°38'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, Air Force Missile Test Center, Patrick AFB, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2903A Jacksonville East, Fla.

Boundaries. Beginning at latitude 30°15'30" N., longitude 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W., to latitude 30°11'25" N., longitude 81°41'00" W., to latitude 29°49'50" N., longitude 81°41'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°47'00" N., longitude 81°41'00" W., to latitude 29°45'15" N., longitude 81°43'40" W., to latitude 29°47'55" N., longitude 81°50'30" W., to latitude 29°50'45" N., longitude 81°49'15" W., to latitude 29°53'50" N., longitude 81°57'50" W., to latitude 30°00'15" N., longitude 81°52'05" W., to latitude 30°02'05" N., longitude 81°54'45" W., to latitude 29°56'20" N., longitude 82°00'00" W., counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20" N., longitude 82°00'25" W., to latitude 29°56'00" N., longitude 82°02'00" W., to latitude 30°15'30" N., longitude 82°02'00" W., to the point of beginning.
Designated altitude. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2903B Stevens Lake, Fla.

Boundaries. Beginning at Lat. 29°56'20" N, Long. 82°00'00" W; to Lat. 30°02'05" N, Long. 81°54'45" W; to Lat. 30°00'15" N, Long. 81°52'05" W; to Lat. 29°53'50" N, Long. 81°57'50" W; to Lat. 29°50'45" N, Long. 81°49'15" W; to Lat. 29°47'55" N, Long. 81°50'30" W; to Lat. 29°50'55" N, Long. 81°58'20" W; thence clockwise along an arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N, Long. 82°00'25" W; to the point of beginning, excluding that area 1 nautical mile either side of a 220° True bearing from, and more than 1 2/3 nautical miles from Lat. 29°53'20" N, Long. 82°00'25" W.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2903C Putnam, Fla.

Boundaries. The area within a 3-nautical mile radius of Lat. 29°47'00" N, Long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2903D Jacksonville West, Fla.

Boundaries. Beginning at latitude 30° 15' 30" N., longitude 81° 50' 00" W.; to latitude 30° 15' 30" N., longitude 82° 02' 00" W.; to latitude 29° 56' 00" N., longitude 82° 02' 00" W.; counterclockwise along an arc of a circle 3-nautical miles in radius centered at latitude 29° 53' 20" N., longitude 82° 00' 25" W.; to latitude 29° 53' 30" N., longitude 82° 04' 00" W.; to latitude 30° 00' 00" N., longitude 82° 19' 30" W.; to latitude 30° 03' 00" N., longitude 82° 20' 00" W.; to latitude 30° 22' 00" N., longitude 82° 20' 00" W.; to latitude 30° 21' 20" N., longitude 81° 55' 45" W.; to the point of beginning.
Designated altitudes. Surface to FL 240 east of longitude 82° 02' 00" W.; 1,200 feet AGL to FL 240 west of longitude 82° 02' 00" W.
Time of designation. Continuous, terminating December 31, 1964.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/4/63 27 F.R. 11941 (Rewritten); 1/1/64 28 F. R. 12737 (Rewritten);

R-2906 Rodman, Fla.

Boundaries. Within a 3-nautical mile radius of latitude 29°29'00" N., longitude 81°46'00" W., and within 1½ nautical miles either side of the 240° and 300° True bearings from the center extending from the 3-nautical mile radius to 10 nautical miles northwest and southwest of the center.
Designated altitudes. The 3-nautical mile radius, surface to 14,000 feet MSL; the extensions, surface to 6,000 feet MSL.
Time of designation. From sunrise to 2400 eastern standard time.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2907 Lake George, Fla.

Boundaries. Beginning at latitude 29°23'00" N., longitude 81°31'30" W.; to latitude 29°20'00" N., longitude 81°30'40" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to the point of beginning.
Designated Altitudes. Surface to flight level 500.
Time of Designation. Continuous.
Controlling Agency. Federal Aviation Agency, Jacksonville, ARTC Center.
Using Agency. Commander, Fleet Air Jacksonville, NAS. Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (rerun); 9/19/63 28 F. R. 8129 (Rewritten);

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30°18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2910 Pinecastle, Fla.

Boundaries. A circular area with a 5-nautical mile radius centered at latitude 29°06'52" N. longitude 81°42'55" W. including the area within 2.5 nautical miles either side of the 137° and 317° bearings from the center of the circular area, extending from the 5-nautical mile radius of 10 nautical miles SE and NW of the center.
Designated altitudes. Within the 5-nautical mile circle, surface to flight level 370; within the SE and NW extensions, surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun);

R-2912A Panama City, Fla.

Boundaries Beginning at latitude 30°42'10" N., longitude 85°53'05" W.; to latitude 30°42'45" N., longitude 85°14'00" W.; to latitude 29°55'00" N., longitude 84°32'00" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 29°55'40" N., longitude 85°32'15" W.; to latitude 30°00'40" N., longitude 85°22'45" W.; to point of beginning.
Designated altitudes. 1,500 feet MSL to but not including 7,000 feet MSL.
Time of designation. As activated by NOTAM issued by the using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS 4/4/63 28 F.R. 2092 (Added);

R-2912B Panama City, Fla.

Boundaries. Beginning at latitude 30°42'10" N., longitude 85°53'05" W.; to latitude 30°42'45" N., longitude 85°14'00" W.; to latitude 29°55'00" N., longitude 84°32'00" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 29°55'40" N., longitude 85°32'15" W.; to latitude 30°00'40" N., longitude 85° 22'45" W.

Designated altitudes. 7,000 feet MSL to but not including FL 290.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS 4/4/63 28 F.R. 2092 (Added);

R-2912C Panama City, Fla.

Boundaries. Beginning at latitude 30°04'20" N., longitude 85°45'20" W.; to latitude 30°42'00" N., longitude 86°05'40" W.; to latitude 30°42'45" N., longitude 85°14'00" W.; to latitude 29°55'00" N., longitude 84°32'00" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°43'35" N., longitude 84°39' 00" W.; thence 3 nautical miles from and parallel to the shoreline to point of beginning.

Designated altitudes. FL 290 to FL 700.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS 4/4/63 28 F.R. 2092 (Added);

R-2913 Panama City, Fla.

Boundaries. Beginning at latitude 31°28'30" N., longitude 86°18'15" W.; thence clockwise along the 100 nautical mile radius arc of the Tyndall VOR (latitude 29°58'18" N., longitude 85°27'03" W.), to latitude 29° 40'45" N., longitude 83°34'00" W.; thence 3 nautical miles from and parallel to the shoreline, to latitude 29°43'35" N., longitude 84°39'00" W.; to latitude 29°47'00" N., longitude 84°40'00" W.; to latitude 29°55' 00" N., longitude 84°32'00" W.; to latitude 30°42'45" N., longitude 85°14'00" W.; to latitude 30°42'18" N., longitude 85°52'15" W.; to point of beginning.

Designated altitudes. FL 350 to FL 700.
Time of designation. Sunset to sunrise.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Tyndall AFB, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun); 4/4/63 28 F.R. 2092 (Rewritten);

R-2914 Valparaiso, Fla.

Boundaries. Beginning at latitude 30°43'10" N., longitude 86°27'37" W.; to latitude 30°43'45" N., longitude 86°10'30" W.; to latitude 30°41'00" N., longitude 86°05'10" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'10" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 30°25'00" N., longitude 86° 22'26" W.; to latitude 30°25'00" N., longitude 86°25'00" W.; to latitude 30°33'00" N., longitude 86°25'00" W.; to latitude 30°33'00" N., longitude 86°25'30" W.; to latitude 30°37'00" N., longitude 86°25'30" W.; to latitude 30°37'00" N., longitude 86°27'37" W.; to point of beginning.

Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun); 4/4/63 28 F.R. 2092 (Rewritten);

R-2915 Valparaiso, Fla.

Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.; to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00" W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30° 24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.

Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-14 (Rerun); 4/4/63 28 F.R. 2092 (Rewritten);

§ 73.30 Georgia

R-3001 Dawsonville, Ga.

Boundaries. A circular area with a 2.5-mile radius centered at Lat. 34°22'00" N, Long. 84°10'00" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Force Systems Command, Andrews AFB, Md.

AMENDMENTS 1/26/63 28 F.R. 19-17 (Rerun);

R-3002 Fort Benning, Ga.

Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railraod to latitude 32°32'10" N., longitude 84°40'40" W.; to latitude 32°29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'25" W.; along the Central of Georgia Railroad to latitude 32°20' 54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to latitude 32°24'00" N., longitude 84°53'30" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Benning, Ga.

AMENDMENTS 8/23/62 27 F.R. 5737 (Rewritten); (F.R. correction 27 F.R. 5906); 1/26/63 28 F.R. 19-17 (Rerun);
AMENDMENTS Eff. on publ. 7/30/63 28 F. R. 7708 (Changed):

R-3003 Fort Gordon, Ga.

Boundaries. Beginning at Lat. 33°23'35" N, Long. 82°08'30" W; to Lat. 33°22'15" N, Long. 82° 08'18" W; to Lat. 33°21'35" N, Long. 82°09'10" W; to Lat. 33°22'15" N, Long. 82°17'00" W; to Lat. 33°25'00" N, Long. 82°12'00" W; to the point of beginning.

Designated altitudes. Surface to 5,500 feet MSL.
Time of designation. 0700 to 1900 EST, Monday through Saturday.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS 1/26/63 28 F.R. 19-17 (Rerun);

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at Lat. 33°21'35" N, Long. 82°09'10" W; to Lat. 33°16'20" N, Long. 82° 18'00" W; to Lat. 33°17'29" N, Long. 82°23'00" W; to Lat. 33°21'15" N, Long. 82°18'47" W; to Lat. 33°22'15" N, Long. 82°17'00" W; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS 1/26/63 28 F.R. 19-17 (Rerun);

R-3005A Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W., to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°53'40" N., longitude 81°30'00" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville, ARTC Center.
Using agency. Commanding General, Fort Stewart, Ga.

AMENDMENTS On Publ. 2/21/63 28 F.R. 1629 (Added); F. R. Corr. 28 F.R. 3649
AMENDMENTS Eff. on publ. (5/4/63) 28 F.R. 4507 (Changed);

R-3005B Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°53'40" N., longitude 81°30'00" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Stewart, Ga.

AMENDMENTS On publ. 2/21/63 28 F.R. 1629 (Added);

R-3006 Townsend, Ga.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 31°32'50" N, Long. 81°36'20" W, and within 1.5 nautical miles either side of the 223° and 298° bearings from the center extending from the 3-nautical mile radius circle to 10 nautical miles southwest and northwest of the center.

Designated altitudes. The area within the 3-nautical mile radius, surface to 14,000 feet MSL; the area within the extensions, surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-17 (Rerun);

§ 73.31 Hawaii

R-3101 Bonham, Hawaii

Boundaries. Beginning at Lat. 22°12'45" N, Long. 159°43'00" W; to Lat. 22°09'20" N, Long. 159° 43'00" W; counterclockwise along the shoreline of the Island of Kauai to Lat. 21°58'00" N, Long. 159° 43'00" W; to Lat. 21°55'00" N, Long. 159°43'00" W; clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Lihue Flight Service Station.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun);

R-3102 Dillingham, Hawaii

Boundaries. Beginning at latitude 21° 35' 02" N., longitude 158° 11' 02" W.; to latitude 21° 35' 00" N., longitude 158° 15' 24" W.; to latitude 21° 34' 51" N., longitude 158° 17' 30" W.; to latitude 21° 35' 23" N., longitude 158° 19' 40" W.; thence three (3) nautical miles from the shoreline to latitude 21° 37' 42" N., longitude 158° 09' 24" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. 0700 to 1700 Hawaiian standard time. Monday through Friday.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun); 12/12/63 28 F. R. 10742 (Rewritten);

R-3103 Humuula, Hawaii

Boundaries. Beginning at Lat. 19°48'45" N, Long. 155°38'00" W; to Lat. 19°45'15" N, Long. 155° 32'00" W; to Lat. 19°39'00" N, Long. 155°26'30" W; to Lat. 19°32'00" N, Long. 155°42'00" W; to Lat. 19°38'00" N, Long. 155°45'10" W; to Lat. 19°41'00" N, Long. 155°44'00" W; to Lat. 19°47'00" N, Long. 155°38'00" W; to the point of beginning.

Designated altitudes. Surface to 36,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Hilo Combined Station/Tower.

Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun);

R-3104 Island of Kahoolawe, Hawaii

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu ARTC Center.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun); 10/17/63 28 F. R. 9286 (Rewritten);

R-3106 Kahuku Point, Oahu, Hawaii

Boundaries. Beginning at latitude 21°43'40" N., longitude 157°55'05" W.; to latitude 21°39'30" N., longitude 157°51'40" W.; thence 3 nautical miles from the shoreline to latitude 21°36'50" N., longitude 157°50' 30" W.; to latitude 21°35'00" N., longitude 157°49'40" W., to latitude 21°35'00" N., longitude 157°51'30" W.; to latitude 21°36'30" N., longitude 157°53'45" W.; to latitude 21°41'30" N., longitude 157°56'20" W.; thence clockwise along the arc of a circle with a 1.5-nautical mile radius centered at latitude 21°43'00" N., longitude 157°56'30" W.; to the point of beginning.

Designated altitudes. The area northwest of a line drawn between latitude 21°39'08" N., longitude 157°55' 05" W. and latitude 21°40'18" N., longitude 157°52'20" W., surface to 15,000 feet MSL; the area southeast of this line, surface to 6,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commander, Fleet Air Hawaii, NAS Barbers Point, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun);

R-3107 Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.

Designated altitudes. Surface to flight level 300.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun);

R-3108 Kauna Point, Hawaii

Boundaries. Beginning at latitude 19°15'00" N., longitude 155°56'00" W.; to latitude 18°58'43" N., longitude 155°47'30" W.; to latitude 18°56'22" N., longitude 155°47'30" W.; thence clockwise 3 nautical miles from the shoreline to latitude 19°14'35" N., longitude 155°57'30" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Maui Combined Station/Tower.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun);

R-3109 Schofield-Makua, Oahu, Hawaii

Boundaries. Beginning at latitude 21° 30' 29" N., longitude 158° 04' 09" W.; to latitude 21° 29' 25" N., longitude 158° 05' 00" W.; to latitude 21° 27' 28" N., longitude 158° 05' 55" W.; to latitude 21° 29' 11" N., longitude 158° 07' 35" W.; to latitude 21° 31' 00" N., longitude 158° 14' 00" W.; to latitude 21° 32' 30" N., longitude 158° 14' 30" W.; to latitude 21° 33' 30" N., longitude 158° 15' 30" W.; to latitude 21° 34' 51" N., longitude 158° 17' 30" W.; to latitude 21° 35' 00" N., longitude 158° 15' 24" W.; to latitude 21° 32' 14" N., longitude 158° 05' 12" W.; to point of beginning.

Designated altitudes. The area southeast of a line between latitude 21° 28' 35" N., longitude 158° 07' 00" W., and latitude 21° 29' 25" N., longitude 158° 05' 00" W., surface to 8,000 feet MSL. The area northwest of this line, surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commanding General, U. S. Army Hawaii, Schofield Barracks, Hawaii.

AMENDMENTS 1/26/63 28 F.R. 19-18 (Rerun); 12/12/63 28 F. R. 10742 (Rewritten);

§ 73.32 Idaho

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112° 30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°02'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

AMENDMENTS 1/26/63 28 F.R. 19-19 (Rerun); Eff. on Pub. (10/31/63) 28 F. R. 11616 (Changed);

§ 73.33 Illinois

R-3301 Havana, Ill.

Boundaries. A circular area with a 500-foot radius centered latitude 40°13'16" N., longitude 90°01'23" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

AMENDMENTS On publ. (11/17/62) 27 F.R. 11314 (Rewritten); 1/26/63 28 F.R. 19-20 (Rerun); 1/9/64 28 F. R. 12312 (Changed);

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at latitude 42°13'15" N., longitude 90°21'24" W.
Designated altitudes. Surface to 2,300 feet MSL.
Time of designation. 0800 to 2200 c.s.t., Monday through Friday.
Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

AMENDMENTS 1/10/63 27 F.R. 11533 (Rewritten);

§ 73.34 Indiana

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Commanding Officer, Camp Atterbury, Ind.

AMENDMENTS 1/26/63 28 F.R. 19-20 (Rerun);

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 38°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. 0800 to 2400 e.s.t.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

AMENDMENTS 1/26/63 28 F.R. 19-20 (Rerun);

§ 73.35 Iowa
AMENDMENTS 1/26/63 28 F.R. 19-21 (Rerun);

§ 73.36 Kansas

R-3601 Brookville, Kans.

Boundaries. Beginning at Lat. 38°45'20" N, Long. 97°47'00" W; to Lat. 38°39'20" N, Long. 97°47'00" W; along the Missouri Pacific Railroad to Lat. 38°38'20" N, Long. 97°47'30" W; to Lat. 38°38'20" N, Long. 97°53'22" W; to Lat. 38°45'20" N, Long. 97°53'22" W; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commander, Schilling AFB, Kans.

AMENDMENTS 1/26/63 28 F.R. 19-21 (Rerun);

R-3602 Manhattan, Kans.

Boundaries. Beginning at Lat. 39°13'00" N, Long. 96°49'42" W; thence to Lat. 39°13'00" N, Long. 96°42'35" W; thence to Lat. 39°12'17" N, Long. 96°40'55" W; thence to Lat. 39°10'43" N, Long. 96°40'55" W; thence to Lat. 39°09'23" N, Long. 96°43'00" W; thence to Lat. 39°06'20" N, Long. 96°43'00" W; thence to Lat. 39°04'24" N, Long. 96°47'30" W; thence to Lat. 39°04'24" N, Long. 96°52'22" W; thence to Lat. 39°07'54" N, Long. 96°49'42" W; thence to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Kansas City ARTC Center.
Using agency. Commanding General, Fort Riley, Kans.

AMENDMENTS (F.R. correction 27 F.R. 7565); 1/26/63 28 F.R. 19-21 (Rerun);

§ 73.37 Kentucky

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W.; to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

AMENDMENTS On publ. (8/17/62) 27 F.R. 8210 (Rewritten); 1/26/63 28 F.R. 19-21 (Rerun);

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°34'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

AMENDMENTS On publ. (8/17/62) 27 F.R. 8210 (Rewritten); 1/26/63 28 F.R. 19-21 (Rerun);

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°56'46" W; to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

AMENDMENTS 1/26/63 28 F.R. 19-21 (Rerun);

§ 73.38 Louisiana

R-3801 Camp Claiborne, La.

Boundaries. Beginning at Lat. 31°05'10" N, Long. 92°30'40" W; to Lat. 31°01'53" N, Long. 92°34'17" W; to Lat. 31°07'30" N, Long. 92°40'45" W; to Lat. 31°11'07" N, Long. 92°36'35" W; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.
Using agency. Commander, England AFB, La.

AMENDMENTS 1/26/63 28 F.R. 19-22 (Rerun);

R-3802 Rabbit Island, La.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 29°30'35" N, Long. 91° 38'45" W.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commanding Officer, NAAS New Iberia, La.

AMENDMENTS 1/26/63 28 F.R. 19-22 (Rerun);

R-3803 Fort Polk, La.

Boundaries. Beginning at latitude 31°23'36" N., longitude 93°09'57" W.; to latitude 31°23'12" N., longitude 93°09'48" W.; to latitude 31°22'00" N., longitude 93°10'05" W.; to latitude 31°19'16" N., longitude 93°11'10" W.; to latitude 31°19'16" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°16'42" W.; to latitude 31°23'35" N., longitude 93°13'24" W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency New Orleans, Louisiana, ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

AMENDMENTS On publ. (12/11/62) 27 F.R. 12212 (Rewritten); 1/26/63 28 F.R. 19-22 (Rerun);

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency New Orleans, Louisiana, ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

AMENDMENTS On publ. (12/11/62) 27 F.R. 12212 (Added); 1/26/63 28 F.R. 19-22 (Rerun);

R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency Alexandria, Louisiana, Flight Service Station.
Using agency. Commanding General, Fort Polk, Louisiana.

AMENDMENTS On publ. (12/11/62) 27 F.R. 12212 (Added); 1/26/63 28 F.R. 19-22 (Rerun);

§ 73.39 Maine

R-3901 DeBlois, Maine.
Boundaries. Beginning at latitude 44°40'00" N., longitude 67°42'00" W.; to latitude 44°40'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°56'00" W.; to latitude 44°50'00" N., longitude 67°42'00" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. 102 TAC Fighter Wing, Massachusetts Air National Guard, Boston 28, Massachusetts.

AMENDMENTS 12/13/62 27 F.R. 11313 (Rewritten); 1/26/63 28 F.R. 19-23 (Rerun);
AMENDMENTS 10/17/63 28 F. R. 9668 (Rewritten);

R-3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 353° radial of the Loring AFB TACAN extending from 5 miles N of the airbase (Lat. 46°57'05" N, Long. 67°53'10" W) to 32 miles N of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity, excluding the portion which lies outside of the United States.
Designated altitudes:
2,750 feet MSL to 15,750 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
2,750 feet MSL to flight level 247 from 6 to 7 miles N of the airbase.
2,750 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,750 feet MSL to flight level 270 from 10 to 15 miles N of the airbase, excluding the portion which lies outside of the United States.
10,750 feet MSL to flight level 270 from 15 miles N of the airbase to the United States-Canadian Border.
Time of designation. Continuous.
Using agency. Loring AFB Approach Control.
AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun);

R-3903 Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 310° radial of the Bangor VORTAC extending from 5.8 miles NW of the VORTAC to 32.8 miles NW of the VORTAC, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5.8 miles NW of the VORTAC to 6.8 miles NW of the VORTAC.
2,200 feet MSL to flight level 240 from 6.8 to 7.8 miles NW of the VORTAC.
2,200 feet MSL to flight level 270 from 7.8 to 10.8 miles NW of the VORTAC.
6,200 feet MSL to flight level 270 from 10.8 to 15.8 miles NW of the VORTAC.
10,200 feet MSL to flight level 270 from 15.8 to 20.8 miles NW of the VORTAC.
15,200 feet MSL to flight level 270 from 20.8 to 25.8 miles NW of the VORTAC.
19,200 feet MSL to flight level 270 from 25.8 to 32.8 miles NW of the VORTAC.
Time of designation. Continuous.
Using agency. Dow AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun);

§ 73.40 Maryland

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08'00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19'47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22'30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22'00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14'50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun);

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun); 8/22/63 28 F. R. 6397 (Changed);

R-4006 Patuxent, Md.

Boundaries. Beginning at Lat. 38°18'26" N, Long. 76°14'30" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'00" W; to Lat. 37°55'15" N, Long. 76°02'30" W; to Lat. 37°52'45" N, Long. 76°11'03" W; to Lat. 38°02'20" N, Long. 76°17'24" W; to Lat. 38°07'41" N, Long. 76°17'24" W; to Lat. 38°15'00" N, Long. 76°20'50" W; to Lat. 38°18'20" N, Long. 76°17'05" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun);

R-4006 Patuxent, Md.

Boundaries. Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along the Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°46'39" N., longitude 75°57'43" W.; clockwise along the arc of a 5-nautical mile radius centered at latitude 37°47'54" N., longitude 76°03'48" W.; to latitude 37°45'00" N., Longitude 76°08'51" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°38'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, R-4008 and R-6609.
Designated altitudes. 3,500 feet MSL to FL 850.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS, Patuxent River, Md.

AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun); On Publ: (4/5/63) 28 F.R. 3327 (Changed);
AMENDMENTS 8/22/63 28 F. R. 6397 (Rewritten);

R-4007 Patuxent, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Patuxent River, Md.

AMENDMENTS 1/26/63 28 F.R. 19-23 (Rerun);

R-4008 Potomac River, Md.

Boundaries. Beginning at latitude 38°07'00" N., longitude 76°24'30" W.; to latitude 37°53'40" N., longitude 76°14'00" W.; thence along the south shore of the Potomac River to latitude 37°58'20" N., longitude 76°26'30" W.; to latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°07'25" N., longitude 76°30'45" W.; to latitude 38°07'00" N., longitude 76°28'30" W.; to the point of beginning.
Designated altitude. Unlimited.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS, Patuxent River, Md.

AMENDMENTS On publ. (11/24/62) 27 F.R. 11533 (Added); 1/26/63 28 F.R. 19-23 (Rerun);

§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. The area within a 3-mile radius of Lat. 41°43'30" N, Long. 70°32'30" W, excluding the portion SE of a line between Lat. 41°40'54" N, Long. 70°32'52" W, and Lat. 41°44'17" N, Long. 70°29'11" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commanding Officer, Camp Edwards, Mass.

AMENDMENTS 1/26/63 28 F.R. 19-25 (Rerun);

R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 039° radial of the Otis AFB VOR extending from 5 miles NE of the airbase (Lat. 41°38'54" N, Long. 70°31'12" W) to 32 miles NE of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,130 feet MSL to 15,130 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase.
2,130 feet MSL to flight level 241 from 6 to 7 miles NE of the airbase.
2,130 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,130 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,130 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,130 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,130 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commander, Otis AFB, Mass.

AMENDMENTS 1/26/63 28 F.R. 19-25 (Rerun);

R-4104 Nashawena, Mass.

Boundaires. A circular area with a 1.5-nautical mile radius centered at Lat. 41°27'06" N, Long. 70°54'10" W.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. 0700 to 2400 e.s.t., October 1 through June 30 annually.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS 1/26/63 28 F.R. 19-25 (Rerun);

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. 0700 to 2400 EST.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS 1/26/63 28 F.R. 19-25 (Rerun);

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. 0800 to 2400 EST.
Controlling agency. Federal Aviation Agency, Otis Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS 1/26/63 28 F.R. 19-25 (Rerun);

R-4108 Chicopee Falls, Mass. (Westover AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 046° radial of the Westover AFB TACAN, extending from 5 miles NE of the airbase (Lat. 42°11'40" N, Long. 72°32'15" W) to 32 miles NE of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,200 feet MSL to 15,200 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase.
2,200 feet MSL to flight level 240 from 6 to 7 miles NE of the airbase.
2,200 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,200 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,200 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,200 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,200 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Using agency. Westover AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-25 (Rerun);

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.
Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.
Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.
Controlling agency. Federal Aviation Agency, Traverse City Flight Service Station.

AMENDMENTS On publ. (11/17/62) 27 F.R. 11343 (Changed); 1/26/63 28 F.R. 19-26 (Rerun);

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.
Designated altitudes. Surface to 8,200 feet MSL.
Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

AMENDMENTS On publ. (9/5/62) 27 F.R. 8826 (Rewritten); 1/26/63 28 F.R. 19-26 (Rerun);

R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 336° radial of the Selfridge AFB VOR extending from 5 miles NW of the airbase (Lat. 42°36'50" N, Long. 82°50'05" W) to 32 miles NW of the airbase, having a width of 1 mile W and 3 miles E of the 336° radial at the beginning and a width of 2.3 miles on either side of 336° radial at the outer extremity.
Designated altitudes:
2,600 feet MSL to 15,600 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,600 feet MSL to flight level 246 from 6 to 7 miles NW of the airbase.
2,600 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,600 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,600 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,600 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,600 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Selfridge AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-26 (Rerun);

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 266° radial of the Wurtsmith AFB VOR, extending from 5 miles W of the airbase (Lat. 44°27'05" N, Long. 83°23'40" W) to 32 miles W of the airbase, having a width of 1 mile N and 2.3 miles S of the 266° radial at the beginning and a width of 2.3 miles on either side of the 266° radial at the outer extremity.
Designated altitudes:
2,600 feet MSL to 15,600 feet MSL from 5 miles W of the airbase to 6 miles W of the airbase.
2,600 feet MSL to flight level 246 from 6 to 7 miles W of the airbase.
2,600 feet MSL to flight level 270 from 7 to 10 miles W of the airbase.
6,600 feet MSL to flight level 270 from 10 to 15 miles W of the airbase.
10,600 feet MSL to flight level 270 from 15 to 20 miles W of the airbase.
15,600 feet MSL to flight level 270 from 20 to 25 miles W of the airbase.
19,600 feet MSL to flight level 270 from 25 to 32 miles W of the airbase.
Time of designation. Continuous.
Using agency. Wurtsmith AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-26 (Rerun);

R-4205 Sault Ste. Marie, Mich. (Kincheloe AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 149° radial of the Kincheloe AFB VOR, extending from 7 miles SE of the VOR to 34 miles SE of the VOR, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,800 feet MSL to 15,800 feet MSL from 7 miles SE of the VOR to 8 miles SE of the VOR.
2,800 feet MSL to flight level 248 from 8 to 9 miles SE of the VOR.
2,800 feet MSL to flight level 270 from 9 to 12 miles SE of the VOR.
6,800 feet MSL to flight level 270 from 12 to 17 miles SE of the VOR.
10,800 feet MSL to flight level 270 from 17 to 22 miles SE of the VOR.
15,800 feet MSL to flight level 270 from 22 to 27 miles SE of the VOR.
19,800 feet MSL to flight level 270 from 27 to 34 miles SE of the VOR.
Time of designation. Continuous.
Using agency. Kincheloe AFB Control Tower.

AMENDMENTS 1/26/63 28 F.R. 19-26 (Rerun);

PENDING AMENDMENT
R-4205 Sault Ste. Marie, Mich. (Kincheloe AFB); Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at latitude 46° 11' 57" N., longitude 84° 25' 46" W., the area centered on a bearing therefrom of 150°, extending to a point 30 nmi SE, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to flight level 270 from the point of beginning to 3 nmi SE.
2,000 feet MSL to flight level 270 from 3 to 5 nmi SE of the point of beginning.
4,000 feet MSL to flight level 270 from 5 to 9 nmi SE of the point of beginning.
8,000 feet MSL to flight level 270 from 9 to 15 nmi SE of the point of beginning.
14,000 feet MSL to flight level 270 from 15 to 24 nmi SE of the point of beginning.
19,000 feet MSL to flight level 270 from 24 to 30 nmi SE of the point of beginning.
Time of designation. Continuous.
Using agency. Kincheloe AFB Approach Control.
3/5/64 29 F. R. 4 (Rewritten); F. R. Correction 29 F. R. 176

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0600 to 2200 e.s.t., April 1 through October 31: 0800 to 1600 e.s.t. Thursday through Sunday, November 1 through March 31.
Controlling Agency. Federal Aviation Agency, Minneapolis ARTC Center.
Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

AMENDMENTS On Publ. (8/10/61) 26 F. R. 7197 (Rewritten); 11/15/62 27 F.R. 9316 (Rewritten); 1/26/63 28 F.R. 19-26 (Rerun); 9/19/63 28 F. R. 9200 (Changed);

PENDING AMENDMENT
R-4208 Marquette, Mich. (K. I. Sawyer AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at latitude 46° 24' 13" N., longitude 87° 23' 04" W., the area centered on a bearing therefrom of 009°, extending to a point 30 nmi, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to flight level 270 from the point of beginning to 3 nmi N.
3,000 feet MSL to flight level 270 from 3 to 4 nmi N of the point of beginning.
4,000 feet MSL to flight level 270 from 4 to 6 nmi N of the point of beginning.
6,000 feet MSL to flight level 270 from 6 to 9 nmi N of the point of beginning.
9,000 feet MSL to flight level 270 from 9 to 15 nmi N of the point of beginning.
14,000 feet MSL to flight level 270 from 15 to 24 nmi N of the point of beginning.
20,000 feet MSL to flight level 270 from 24 to 30 nmi N of the point of beginning.
Time of designation. Continuous.
Using agency. K. I. Sawyer AFB Approach Control.
3/5/64 29 F. R. 4 (Added);

§ 73.43 Minnesota

R-4301 Camp Ripley, Minn.
Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. May 1 through November 1.
Using agency. Adjutant General, State of Minnesota, St. Paul, Minn.

AMENDMENTS 1/10/63 27 F.R. 11406 (Rewritten); 1/26/63 28 F.R. 19-27 (Rerun); On Publ: 2/28/63 28 F.R. 1867 (Changed);

R-4304 Upper Red Lake, Minn.

Boundaries. Beginning at Lat. 48°23'00" N, Long. 94°40'00" W; to Lat. 48°13'00" N, Long. 94°40'00" W; to Lat. 48°13'00" N, Long. 95°00'00" W; to Lat. 48°23'00" N, Long. 95°00'00" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. 0700 to 1700 c.s.t., May 1 through October 31.
Using agency. Commanding Officer, NAS Minneapolis, Minn.

AMENDMENTS 1/26/63 28 F.R. 19-27 (Rerun);

R-4305 Lake Superior, Minn.
Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. 0001 c.s.t. Monday to 2400 c.s.t. Friday.
Controlling agency. Federal Aviation Agency, Minneapolis ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

AMENDMENTS 11/15/62 27 F.R. 9316 (Added); 1/26/63 28 F.R. 19-27 (Rerun);

§ 73.44 Mississippi

R-4401 Camp Shelby, Miss.
Boundaries. Beginning at latitude 31°12'54" N., longitude 89°11'03" W.; to latitude 31°11'48" N., longitude 89°00'00" W.; to latitude 31°10'15" N., longitude 88°56'34" W.; to latitude 31°09'10" N., longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N., longitude 88°59'24" W.; to latitude W.; to latitude 31°04'36" N., longitude 89°11'03" W.; to point of beginning.
Designated altitudes and time of designation. Surface to 23,000 feet MSL, 0600 to 2400 c.s.t. daily, June 1 through August 31; surface to 14,000 feet MSL, 0600 to 2400 c.s.t. Saturdays and Sundays, from March 1 through May 31; surface to 3,500 feet MSL, sunrise to sunset, for use by the United States Air Force as published in NOTAMs by the using agency at least 48 hours in advance of activation, such activation not to exceed three weeks in any quarter year.
Using agency. Adjutant General, State of Mississippi, Jackson, Mississippi.

AMENDMENTS 11/15/62 27 F.R. 10093 (Rewritten); 1/26/63 28 F.R. 19-28 (Rerun);
AMENDMENTS 6/21/63 28 F. R. 5153 (Rewritten);

§ 73.45 Missouri

R-4501 Fort Leonard Wood, Mo.

Boundaries. Beginning at Lat. 37°48'15" N, Long. 92°02'00" W; to Lat. 37°43'00" N, Long. 92°02'00" W; to Lat. 37°42'00" N, Long. 92°06'00" W; to Lat. 37°38'30" N, Long. 92°06'00" W; to Lat. 37°36'30" N, Long. 92°11'00" W; to Lat. 37°36'15" N, Long. 92°15'30" W; to Lat. 37°40'30" N, Long. 92°15'30" W; to Lat. 37°42'00" N, Long. 92°14'30" W; to Lat. 37°48'15" N, Long. 92°04'00" W; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Leonard Wood, Mo.

AMENDMENTS 1/26/63 28 F.R. 19-28 (Rerun);

R-4502 Grandview, Mo. (Richards-Gebaur AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the Richards-Gebaur AFB ILS localizer S course, extending from 5 miles S of the airbase (Lat. 38°50'50" N, Long. 94°33'20" W) to 32 miles S of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
3,100 feet MSL to 16,100 feet MSL from 5 miles S of the airbase to 6 miles S of the airbase.
3,100 feet MSL to flight level 251 from 6 to 7 miles S of the airbase.
3,100 feet MSL to flight level 270 from 7 to 10 miles S of the airbase.
7,100 feet MSL to flight level 270 from 10 to 15 miles S of the airbase.
11,100 feet MSL to flight level 270 from 15 to 20 miles S of the airbase.
16,100 feet MSL to flight level 270 from 20 to 25 miles S of the airbase.
20,100 feet MSL to flight level 270 from 25 to 32 miles S of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Olathe Approach Control, Olathe, Kansas.
Using agency. Commander, Richards-Gebaur AFB, Mo.

AMENDMENTS 1/26/63 28 F.R. 19-28 (Rerun);

§ 73.46 Montana

R-4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 299° radial of the Glasgow AFB TACAN, extending from 5 miles NW of the airbase (Lat. 48°25'10" N, Long. 106°31'30" W) to 30 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
4,800 feet MSL to 17,800 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
4,800 feet MSL to flight level 268 from 6 to 7 miles NW of the airbase.
4,800 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
8,800 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
12,800 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
17,800 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
21,800 feet MSL to flight level 270 from 25 to 30 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Glasgow AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);
PENDING AMENDMENT
R-4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 48° 26' 53" N., longitude 106° 35' 30" W., the area centered on the 299° radial of Glasgow AFB TACAN, extending to a point 30 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes. Surface to flight level 270 from the point of beginning to 3 nmi NW.
4,000 feet MSL to flight level 270 from 3 to 4 nmi NW of the point of beginning.
5,000 feet MSL to flight level 270 from 4 to 6 nmi NW of the point of beginning.
7,000 feet MSL to flight level 270 from 6 to 11 nmi NW of the point of beginning.
12,000 feet MSL to flight level 270 from 11 to 15 nmi NW of the point of beginning.
15,000 feet MSL to flight level 270 from 15 to 20 nmi NW of the point of beginning.
18,000 feet MSL to flight level 270 from 20 to 25 nmi NW of the point of beginning.
21,000 feet MSL to flight level 270 from 25 to 30 nmi NW of the point of beginning.
Time of designation. Continuous.
Using agency. Glasgow AFB Approach Control.
3/5/64 28 F. R. 14491 (Rewritten);

§ 73.47 Nebraska

R-4701 Sioux Ordnance Depot, Nebr.

Boundaries. A circular area with a 2,400 foot radius centered at latitude 41°15'13" N., longitude 103°04'50" W.
Designated altitudes. Surface to 7,400 feet MSL.
Time of designation. 0900 to 2100 MST, Monday through Friday.
Using agency. Commanding Officer, Sioux Ordnance Depot, Sidney, Nebr.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation. Monday through Saturday.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, California.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation. Continuous, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 1/26/63 28 F. R. 19-29 (Rerun);

R-4805 Sahwave Mountains, Nev.

Boundaries. Beginning at Lat. 40°40'00" N, Long. 118°49'00" W; to Lat. 40°04'00" N, Long. 118° 49'00" W; to Lat. 40°00'00" N, Long. 118°57'00" W; to Lat. 40°00'00" N, Long. 119°13'00" W; to Lat. 40°40'00" N, Long. 119°13'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 550.
Time of designation. One hour before sunrise to 1 hour after sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4806 Las Vegas, Nev.

Boundaries. Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115° 42'00" W.; to latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday, Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, Nellis AFB, Nev.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116° 43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116° 00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116° 26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes. Surface to flight level 300.
Time of designation. One hour prior to sunrise to one hour after sunset, Monday through Friday.
Controlling agency. Federal Aviation Agency, Oakland ARTC Center.
Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-29 (Rerun);

§ 73.49 New Hampshire

R-4901 Isle of Shoals, N. H.

Boundaries. Beginning at Lat. 42°59'54" N, Long. 70°38'21" W; to Lat. 43°02'21" N, Long. 70°37' 14" W; to Lat. 43°01'30" N, Long. 70°33'49" W; to Lat. 42°59'03" N, Long. 70°35'00" W; to the point of beginning.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Using agency. Commander, Fleet Air Detachment, NAS Brunswick, Maine.

AMENDMENTS 1/26/63 28 F.R. 19-30 (Rerun);

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.

Boundaries. Beginning at Lat. 40°02'45" N, Long. 74°27'00" W; to Lat. 39°58'45" N, Long. 74°25'40" W; to Lat. 39°58'45" N, Long. 74°31'25" W; to Lat. 39°59'15" N, Long. 74°33'30" W; to Lat. 40°01'53" N, Long. 74°33'30" W; to Lat. 40°02'45" N, Long. 74°32'30" W; to the point of beginning.
Designated altitudes. Surface to 8,000 feet MSL east of and surface to 4,000 feet MSL west of a line drawn from Lat. 40°02'45" N, Long. 74°31'25" W; to Lat. 39°58'45" N, Long. 74°31'25" W.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding General, Fort Dix, N. J.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

R-5002 Warren Grove, N. J.

Boundaries. Beginning at Lat. 39°46'10" N, Long. 74°20'14" W; to Lat. 39°43'25" N, Long. 74°17'37" W; to Lat. 39°38'45" N, Long. 74°23'40" W; to Lat. 39°39'50" N, Long. 74°25'52" W; to Lat. 39°43'55" N, Long. 74°24'13" W; to the point of beginning.
Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

R-5003 Wrightstown, N. J. (McGuire AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 226° radial of the McGuire VOR, extending from 5 miles SW of the airbase (Lat. 40°00'55" N, Long. 74°35'25" W) to 32 miles SW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 5 miles SW of the airbase to 6 miles SW of the airbase.
2,100 feet MSL to flight level 241 from 6 to 7 miles SW of the airbase.
2,100 feet MSL to flight level 270 from 7 to 10 miles SW of the airbase.
6,100 feet MSL to flight level 270 from 10 to 15 miles SW of the airbase.
10,100 feet MSL to flight level 270 from 15 to 20 miles SW of the airbase.
15,100 feet MSL to flight level 270 from 20 to 25 miles SW of the airbase.
19,100 feet MSL to flight level 270 from 25 to 32 miles SW of the airbase.
Time of designation. Continuous.
Using agency. McGuire AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

§ 73.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'08" N, Long. 106°21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°16'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

R-5103A McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°35'00" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106°10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'40" N., longitude 105°40'00" W.; from the surface to 1,500 feet above the surface.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS 8/23/62 27 F.R. 6543 (Added); On Publ: 12/28/62 27 F.R. 12815 (Rewritten);
1/26/63 28 F.R. 19-31 (Rerun);
AMENDMENTS 6/22/63 28 F.R. 5019 (Changed);

R-5103B McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°35'00" N., longitude 105°30'00" W.; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

AMENDMENTS 8/23/62 27 F.R. 6543 (Added); 1/26/63 28 F.R. 19-31 (Rerun);
AMENDMENTS 6/22/63 28 F.R. 5019 (Changed);

R-5104 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N., longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

R-5106 Orogrande, N. Mex.

Boundaries. Beginning at latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°27'40" N., longitude 106°00'00" W.; to latitude 32°28'00" N., longitude 106°02'00" W.; along the Southern Pacific Railroad to latitude 32°06'15" N., longitude 106°15'15" W.; to latitude 32°06'30" N., longitude 106°17'15" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to the point of beginning.
Designated altitudes. From 4,000 feet above the surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS 8/23/62 27 F.R. 6543 (Rewritten); 1/26/63 28 F.R. 19-31 (Rerun);
AMENDMENTS 6/22/63 28 F. R. 5019 (Changed);

R-5107A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106° 39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'00" N., longitude 106°20'36" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS 8/23/62 27 F.R. 6541 (Added); 1/26/63 28 F.R. 19-31 (Rerun); 6/22/63 28 F. R. 5019 (Changed);

R-5107B White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 33°44'10" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°24'00" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106° 20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°53'00" N., longitude 106°44'45" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman AFB, New Mexico.

AMENDMENTS 8/23/62 27 F.R. 6542 (Added); 1/26/63 28 F.R. 19-31 (Rerun);

R-5107C White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to latitude 33°53'00" N., longitude 106°44'45" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, New Mexico.

AMENDMENTS 8/23/62 27 F.R. 6542 (Added); 1/26/63 28 F.R. 19-31 (Rerun);

R-5108 White Sands, N. Mex.

Boundaries. Beginning at latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 33°17'50" N., longitude 106°51'00" W.; thence clockwise along the arc of a 33.5 mile radius circle centered at latitude 33°46' 45" N., longitude 106°46'00" W.; to point of beginning.
Designated altitude. 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman AFB, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun);

R-5109A White Sands, N. Mex.

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106° 04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Holloman Air Force Base, New Mexico.

AMENDMENTS 8/23/62 27 F.R. 6381 (Added); 1/26/63 28 F.R. 19-31 (Rerun);

R-5109B White Sands, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Holloman Air Force Base, New Mexico.

AMENDMENTS 8/23/62 27 F.R. 6381 (Added); 1/26/63 28 F.R. 19-31 (Rerun);

R-5110 McGregor, N. Mex.

Boundaries. Beginning at latitude 33°13'00" N., longitude 105°17'35" W.; thence counterclockwise along the arc of a 45-mile radius circle centered at Walker AFB, Roswell, N. Mex. (latitude 33°18'00" N., longitude 104°31'20" W.), to latitude 32°52'30" N., longitude 105°06'55" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105°30'00" W.; to latitude 32°45'00" N., longitude 105° 27'00" W.; to latitude 33°13'00" N., longitude 105°27'00" W.; to point of beginning.
Designated altitudes. 31,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Tex.

AMENDMENTS 1/26/63 28 F.R. 19-31 (Rerun); 6/22/63 28 F.R. 5019 (Changed);

R-5111 Elephant Butte, New Mexico.

Boundaries. Beginning at latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico

AMENDMENTS 8/1/63 28 F. R. 6495 (Added);

R-5112 Magdalena, New Mexico.

Boundaries. Beginning at latitude 34°33'00" N., longitude 107°41'00" W.; to latitude 34°30'00" N., longitude 107°25'00" W.; to latitude 34°16'00" N., longitude 107°17'00" W.; to latitude 34°02'00" N., longitude 107°28'00" W.; to latitude 33°53'00" N., longitude 107°55'00" W.; to latitude 33°54'00" N., longitude 108°10'00" W.; to latitude 34°09'00" N., longitude 108°18'00" W.; to latitude 34°25'00" N., longitude 108° 03'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

AMENDMENTS 8/1/63 28 F. R. 6495 (Added);

PENDING AMENDMENT
R-5114 Fort Wingate, New Mexico.

Boundaries. Beginning at latitude 35°27'00" N., longitude 108°35'00" W.; to latitude 35°11'00" N., longitude 108°13'00" W.; to latitude 35°04'40" N., longitude 108°24'00" W.; to latitude 35°24'00" N., longitude 108°38'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous, February 1, 1964, through March 1, 1964.
Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.
2/1/64 28 F. R. 14310 (Added);

§ 73.52 New York

R-5201 Camp Drum, N. Y.

Boundaries. Beginning at Lat. 44°15'00" N, Long. 75°31'30" W; to Lat. 44°11'15" N, Long. 75°25' 00" W; to Lat. 44°03'00" N, Long. 75°33'30" W; to Lat. 44°03'15" N, Long. 75°37'39" W; to Lat. 44° 06'44" N, Long. 75°43'54" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, May 1 through October 31; surface to 20,000 feet MSL, November 1 through April 30.
Time of designation. Continuous.
Using agency. Commanding Officer, Camp Drum, N. Y.

AMENDMENTS On publ. (11/7/62) 27 F.R. 10828 (Changed); 1/26/63 28 F.R. 19-34 (Rerun);

R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72° 08'50" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0800 to 1800 EST, Sunday through Friday, and 0800 to 2300 EST, Saturday, April 15 through October 31; 0800 to 2300 EST, Saturday and Sunday, November 1 through April 14.
Controlling agency. Federal Aviation Agency, Quonset Approach Control.
Using agency. Commanding Officer, NAS New York, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-34 (Rerun); 8/22/63 28 F. R. 6829 (Changed);

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45' 00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 320.
Time of designation. Sunrise to sunset, April 1 through December 31.
Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N. Y.
Phone: BUtler 5-6691, Extension 497.

AMENDMENTS 1/26/63 28 F.R. 19-34 (Rerun); On publ. 2/28/63 28 F.R. 1867 (Changed);

R-5204 Rome, N. Y. (Griffiss AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 138° radials and 318° radials of the Griffiss AFB VOR and the 318° radial of the Griffiss AFB TACAN, extending from 5 miles NW of the airbase (Lat. 43°14'00" N, Long. 75°24'10" W) to 32 miles NW of the airbase, having a width of 1 mile SW of the 138° radial of the VOR and 1 mile NE of the 318° radial of the TACAN at the beginning, expanding uniformly to a width of 2.3 miles SW of the 318° radial of the VOR and 2.3 miles NE of the 318° radial of the TACAN at the outer extremity.
Designated altitudes:
2,500 feet MSL to 15,500 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,500 feet MSL to flight level 245 from 6 to 7 miles NW of the airbase.
2,500 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,500 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,500 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,500 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,500 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Griffiss Approach Control.
Using agency. Commander, Griffiss AFB, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-34 (Rerun);

R-5205 Westhampton Beach, N. Y. (Suffolk AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 039° radial of the Suffolk AFB VOR extending from 5 miles NE of the airbase (Lat. 40°50'40" N, Long. 72°37'45" W) to 32 miles NE of the airbase having a width of 2 miles at the beginning, expanding uniformly to a width of 4.6 miles at the outer extremity
Designated altitudes:
2,100 feet MSL to 15,100 feet MSL from 5 miles NE of the airbase to 6 miles NE of the airbase
2,100 feet MSL to flight level 241 from 6 to 7 miles NE of the airbase.
2,100 feet MSL to flight level 270 from 7 to 10 miles NE of the airbase.
6,100 feet MSL to flight level 270 from 10 to 15 miles NE of the airbase.
10,100 feet MSL to flight level 270 from 15 to 20 miles NE of the airbase.
15,100 feet MSL to flight level 270 from 20 to 25 miles NE of the airbase.
19,100 feet MSL to flight level 270 from 25 to 32 miles NE of the airbase.
Time of designation. Continuous.
Using agency. Suffolk AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-34 (Rerun);

R-5206 West Point, N. Y.

Boundaries. Beginning at Lat. 41°19'40" N, Long. 74°03'33" W; to Lat. 41°19'40" N, Long. 74°00' 26" W; to Lat. 41°20'40" N, Long. 74°00'26" W; to Lat. 41°20'40" N, Long. 73°58'58" W; to Lat. 41°22' 40" N, Long. 73°58'58" W; along U. S. Highway No. 9W to Lat. 41°23'08" N, Long. 73°59'42" W; to Lat. 41°23'08" N, Long. 74°00'00" W; along New York State Highway No. 293 to Lat. 41°20'40" N, Long. 74° 03'33" W; to the point of beginning.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation. 0600 to 2400 e.s.t., May 1 through August 31.
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Superintendent, United States Military Academy, West Point, N. Y.

AMENDMENTS 1/26/63 28 F.R. 1/26/63 28 F.R. 19-34 (Rerun); 6/5/63 28 F.R. 4553 (Changed);

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 11/14/63 28 F. R. 11451 (Added);

R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 11/14/63 28 F. R. 11451 (Added);

R-5302 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°58'44" N, Long. 76°21'34" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5303 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°59'16" N, Long. 76°15'58" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5304 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'05" N, Long. 76°10'54" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5305 Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'33" N, Long. 76°05'58" W.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5306A Cherry Point, N. C.

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16' 40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34° 45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76° 56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09' 00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.
Designated altitudes. Surface to flight level 350.
Time of designation. Continuous.
Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5306B Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09'00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15'50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34°40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning.
Designated altitudes. Surface to flight level 290.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5306C Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°42'00" N, Long. 77°24'50" W; to Lat. 34°40'00" N, Long. 77°22'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34°37'25" N, Long. 77°29'00" W; to Lat. 34°40'20" N, Long. 77°28'10" W; thence to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5307 Cherry Point, N. C.

Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°39'10" N, Long. 77°20'50" W; to Lat. 34°42'00" N, Long. 77°24'50" W; to Lat. 34°40'20" N, Long. 77°28'10" W; to Lat. 34°37'25" N, Long. 77°29'00" W; to Lat. 34°41'45" N, Long. 77°40'00" W; to Lat. 35°20'30" N, Long. 77°28'45" W; to Lat. 35°44'25" N, Long. 77°12'00" W; thence to point of beginning.
Designated altitudes. Flight level 350 to flight level 550.
Time of designation. Sunset to sunrise.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5308 Currituck Sound, N. C.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 36°12'15" N, Long. 75°45'57" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5309 Currituck Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°25'24" N, Long. 75°50'09" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5310 Currituck Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°10'28" N, Long. 75°45'04" W.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5311 Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitude. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

AMENDMENTS 11/15/62 27 F.R. 9810 (Rewritten); 1/26/63 28 F.R. 19-35 (Rerun);

R-5312 Goldsboro, N. C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 228° radial of the Seymour-Johnson AFB TACAN extending from 5 miles SW of the TACAN to 32 miles SW of the TACAN, having a width of 1 mile SE and 2.3 miles NW of the 228° radial at the beginning and a width of 2.3 miles either side of the 228° radial at the outer extremity.
Designated altitudes:
2,100 feet MSL to 15,000 feet MSL from 5 miles SW of the TACAN to 6 miles SW of the TACAN.
2,100 feet MSL to flight level 240 from 6 to 7 miles SW of the TACAN.
2,100 feet MSL to flight level 270 from 7 to 10 miles SW of the TACAN.
6,100 feet MSL to flight level 270 from 10 to 15 miles SW of the TACAN.
10,100 feet MSL to flight level 270 from 15 to 20 miles SW of the TACAN.
15,100 feet MSL to flight level 270 from 20 to 25 miles SW of the TACAN.
19,100 feet MSL to flight level 270 from 25 to 32 miles SW of the TACAN.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Raleigh-Durham, N. C., Approach Control.
Using agency. Commander, Seymour-Johnson AFB, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-35 (Rerun);

§ 73.54 North Dakota

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 001° radial of the Grand Forks AFB TACAN extending from 5 miles N of the airbase (Lat. 47°57'40" N, Long. 97°24'05" W) to 32 miles N of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,900 feet MSL to 15,900 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
2,900 feet MSL to flight level 249 from 6 to 7 miles N of the airbase.
2,900 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,900 feet MSL to flight level 270 from 10 to 15 miles N of the airbase.
10,900 feet MSL to flight level 270 from 15 to 20 miles N of the airbase.
15,900 feet MSL to flight level 270 from 20 to 25 miles N of the airbase.
19,900 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.
Time of designation. Continuous.
Using agency. Grand Forks AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-37 (Rerun);
PENDING AMENDMENT
R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor
Boundaries. From a point of beginning at latitude 48°00' 43" N., longitude 97° 24' 03" W., the area centered on the 001° radial of the Grand Forks AFB TACAN, extending to a point 30 nmi N, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to 19,000 feet MSL from the point of beginning to 1 nmi N.
Surface to flight level 270 from 1 to 3 nmi N of the point of beginning.
2,000 feet MSL to flight level 270 from 3 to 4 nmi N of the point of beginning.
3,000 feet MSL to flight level 270 from 4 to 6 nmi N of the point of beginning.
5,000 feet MSL to flight level 270 from 6 to 11 nmi N of the point of beginning.
10,000 feet MSL to flight level 270 from 11 to 15 nmi N of the point of beginning.
14,000 feet MSL to flight level 270 from 15 to 19 nmi N of the point of beginning.
17,000 feet MSL to flight level 270 from 19 to 25 nmi N of the point of beginning.
20,000 feet MSL to flight level 270 from 25 to 30 nmi N of the point of beginning.
Time of designation. Continuous.
Using agency. Grand Forks AFB Approach Control.
3/5/64 29 F. R. 3 (Rewritten);

R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 308° radial of the Minot AFB TACAN extending from 5 miles NW of the airbase (Lat. 48°25'18" N, Long. 101°22'06" W) to 32 miles NW of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
3,650 feet MSL to 16,650 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
3,650 feet MSL to flight level 257 from 6 to 7 miles NW of the airbase.
3,650 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
7,650 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
11,650 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
16,650 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
20,650 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Minot AFB Approach Control.

AMENDMENTS 1/26/63 28 F.R. 19-37 (Rerun);

PENDING AMENDMENT
R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning at Latitude 48° 26' 42" N., Longitude 101° 25' 13" W., the area centered on the 308° radial of the Minot AFB TACAN, extending to a point 30 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes:
Surface to 19,000 feet MSL from the point of beginning to 1 nmi NW.
Surface to flight level 270 from 1 to 3 nmi NW of the point of beginning.
3,000 feet MSL to flight level 270 from 3 to 4 nmi NW of the point of beginning.
4,000 feet MSL to flight level 270 from 4 to 6 nmi NW of the point of beginning.
6,000 feet MSL to flight level 270 from 6 to 14 nmi NW of the point of beginning.
14,000 feet MSL to flight level 270 from 14 to 22 nmi NW of the point of beginning.
19,000 feet MSL to flight level 270 from 22 to 30 nmi NW of the point of beginning.
Time of designation. Continuous.
Using agency. Minot AFB Approach Control.
3/5/64 29 F. R. 3 (Rewritten);

§ 73.56 Ohio

R-5501 Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 218° radial of the Appleton, Ohio, VORTAC extending from 5 miles SW of the Lockbourne AFB (Lat. 39°48'51" N, Long. 82°55'56" W) to 32 miles SW of the airbase, having a width of 5.1 miles at the beginning and expanding uniformly to a width of 8.6 miles at the outer extremity.
Designated altitudes:
2,750 feet MSL to 15,750 feet MSL from 5 miles SW of the airbase to 6 miles SW of the airbase.
2,750 feet MSL to flight level 248 from 6 to 7 miles SW of the airbase.
2,750 feet MSL to flight level 270 from 7 to 10 miles SW of the airbase.
6,750 feet MSL to flight level 270 from 10 to 15 miles SW of the airbase.
10,750 feet MSL to flight level 270 from 15 to 20 miles SW of the airbase.
15,750 feet MSL to flight level 270 from 20 to 25 miles SW of the airbase.
19,750 feet MSL to flight level 270 from 25 to 32 miles SW of the airbase.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Columbus Approach Control.
Using agency. Commander, Lockbourne AFB, Ohio.

AMENDMENTS 1/26/63 28 F.R. 19-37 (Rerun);

R-5502 Lacarne, Ohio.

Boundaries. Beginning at Lat. 41°50'39" N, Long. 83°08'47" W; to Lat. 41°35'41" N, Long. 82°54'24" W; to Lat. 41°31'39" N, Long. 83°01'30" W; to Lat. 41°31'40" N, Long. 83°03'00" W; to Lat. 41°37'38" N, Long. 83°11'12" W; to Lat. 41°39'30" N, Long. 83°15'15" W; to Lat. 41°45'30" N, Long. 83°19'45" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Cleveland ARTC Center.
Using agency. Commanding Officer, Erie Ordnance Depot, Lacarne, Ohio.

AMENDMENTS 1/26/63 28 F.R. 19-37 (Rerun);

R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

AMENDMENTS 1/26/63 28 F.R. 19-37 (Rerun);

R-5504 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°30'00" N, Long. 83°02'00" W; to Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to Lat. 39°15'45" N, Long. 84°05'00" W; to Lat. 39°30'00" N, Long. 83°47'00" W; to the point of beginning, excluding the portion that coincides with R-5501.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 EST, Monday through Saturday.
Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

AMENDMENTS 1/26/63 28 F.R. 19-37 (Rerun);

§ 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 65,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

AMENDMENTS On Publ. (12/6/62) 27 F.R. 12057 Added; 1/26/63 28 F.R. 19-38 (Rerun);

R-5601B Fort Sill, Okla.
Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

AMENDMENTS On publ. (12/6/62) 27 F.R. 12057 (Added); 1/26/63 28 F.R. 19-38 (Rerun);

§ 73.57 Oregon

R-5701 Boardman Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 450; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 450; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS 12/13/62 27 F.R. 10363 (Rewritten); 1/26/63 28 F.R. 19-39 (Rerun);

R-5702 Klamath Falls, Oreg. (Kingsley Field), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 325° radial of the Klamath Falls VORTAC extending from 10 miles NW of the airport (Lat. 42°09'25" N, Long. 121°43'55" W) to 32.5 miles NW of the airport, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 4.5 miles at the outer extremity.
Designated altitudes:
6,100 feet MSL to 19,100 feet MSL from 10 miles NW of the airport to 11 miles NW of the airport.
6,100 feet MSL to flight level 270 from 11 to 15 miles NW of the airport.
10,100 feet MSL to flight level 270 from 15 to 20 miles NW of the airport.
14,100 feet MSL to flight level 270 from 20 to 25 miles NW of the airport.
19,100 feet MSL to flight level 270 from 25 to 30 miles NW of the airport.
23,100 feet MSL to flight level 270 from 30 to 32.5 miles NW of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Klamath Falls Approach Control.
Using agency. Commander, 322nd Fighter Intercepter Squadron, Kingsley Field, Oreg.

AMENDMENTS 1/26/63 28 F.R. 19-39 (Rerun);

R-5703 Portland, Oreg. (Portland International Airport), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the back course of the Portland ILS localizer, extending from 5 miles SE of the airport (Lat. 45°35'11" N, Long. 122°35'53" W) to 32 miles SE of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 5 miles SE of the airport to 6 miles SE of the airport.
2,000 feet MSL to flight level 240 from 6 to 7 miles SE of the airport.
2,000 feet MSL to flight level 270 from 7 to 10 miles SE of the airport.
6,000 feet MSL to flight level 270 from 10 to 15 miles SE of the airport.
10,000 feet MSL to flight level 270 from 15 to 20 miles SE of the airport.
15,000 feet MSL to flight level 270 from 20 to 25 miles SE of the airport.
19,000 feet MSL to flight level 270 from 25 to 32 miles SE of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Portland Approach Control.
Using agency. Commander, 406th Fighter Interceptor Squadron, Portland, Oreg.

AMENDMENTS 1/26/63 28 F.R. 19-39 (Rerun);

R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°31'30" W.; to latitude 45°52'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°30'00" W.; to latitude 45°50'00" N., longitude 119°31'30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

AMENDMENTS 7/26/62 27 F.R. 4474 (Added); 1/26/63 28 F.R. 19-39 (Rerun);

§ 73.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. A circular area with a 3,000-foot radius centered at Lat. 39°59'44" N, Long 77°43'55" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday
Using agency Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

AMENDMENTS 1/26/63 28 F.R 19-40 (Rerun);

R-5802 Indiantown Gap, Pa

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°26'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL
Time of designation. Continuous June 1 through August 31; 0800 to 1800 e.s.t. Saturday and Sunday March 1 through May 31; and 0800 to 1800 e.s.t. Saturday and Sunday September 1 through November 30
Controlling agency. Federal Aviation Agency, New York ARTC Center.
Using agency. Commanding General, Second United States Army, Fort Meade, Maryland.

AMENDMENTS 1/26/63 28 F.R 19-40 (Rerun); 2/23/63 28 F.R. 485 (Rewritten); On publ. 3/12/63 28 F.R. 2355 (Rewritten);

R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa

AMENDMENTS 1/26/63 28 F.R 19-40 (Rerun);

§ 73.59 Rhode Island

AMENDMENTS 1/26/63 28 F.R. 19-40 (Rerun);

§ 73.60 South Carolina

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°08'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N. Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL
Time of designation. Continuous.
Using agency. Commanding General, Fort Jackson, S C

AMENDMENTS 1/26/63 28 F.R. 19-40 (Rerun);

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°52'30" N , longitude 80°26'00" W., to latitude 33°45'50" N., longitude 80°25'00" W.; to latitude 33°44'15" N., longitude 80°33'15" W.; to latitude 33°48'00" N., longitude 80°34'00" W.; to latitude 33°52'30" N., longitude 30°30'00" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center
Using agency Commander, Shaw AFB, S. C

AMENDMENTS 1/26/63 28 F.R. 19-40 (Rerun); On publ: 4/5/63 28 F.R. 3327 (Rewritten);

R-6003 Charleston, S. C. (Charleston AFB/Municipal Airport), Restricted Area/Military Climb Corridor.

Boundaires. The area centered on the 147° radial of the Charleston VORTAC extending from 10 miles SE of the VORTAC to 35 miles SE of the VORTAC, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5.5 miles at the outer extremity, excluding the portion which lies outside of the continental United States.
Designated altitudes:
2,000 feet MSL to 15,000 feet MSL from 10 miles SE of the VORTAC to 11 miles SE of the VORTAC
2,000 feet MSL to flight level 240 from 11 to 12 miles SE of the VORTAC
2,000 feet MSL to flight level 270 from 12 to 15 miles SE of the VORTAC
6,000 feet MSL to flight level 270 from 15 to 20 miles SE of the VORTAC
10,000 feet MSL to flight level 270 from 20 miles SE of the VORTAC to the continental limits of the United States.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Charleston Approach Control
Using agency. Commander, Charleston AFB, S. C.

AMENDMENTS 1/26/63 28 F.R. 19-40 (Rerun)

R-6004 Savannah River Plant, S. C.

Boundaries. Beginning at latitude 33°23'30" N., longitude 81°41'00" W., to latitude 33°23'15" N. longitude 81°29'00" W.; to latitude 33°20'35" N., longitude 81°24'00" W.; to latitude 33°15'00" N., longitude 81°25'10" W.; to latitude 33°08'45" N., longitude 81°22'40" W.; to latitude 33° 04'50" N., longitude 81°32 00" W.; to latitude 33°02'45" N., longitude 81°42'50" W.; to latitude 33°05'20" N., longitude 81°49'00" W., to latitude 33°16'25" N., longitude 81°50'55" W.; to the point of beginning
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Savannah River Plant, Aiken, S. C.

AMENDMENTS Eff. on publ (4/10/63) 28 F.R. 3483 (Added):

§ 73.61 South Dakota

R-6101 Igloo, S. Dak.

Boundaries. Beginning at Lat. 43°12'57" N, Long. 103°58'00" W; to Lat. 43°12'57" N, Long. 103°52 45" W; to Lat. 43°09'11" N, Long. 103°52'45" W; to Lat. 43°09'11" N, Long. 103°53'10" W; to Lat 43° 08'08" N, Long. 103°53'10" W; to Lat. 43°08'08" N, Long. 103°58'00" W; to the point of beginning
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. 0700 to 1900 MST, Monday through Friday.
Using agency. Commanding Officer, Black Hills Ordnance Depot, Igloo, S. Dak.

AMENDMENTS 1/26/63 28 F.R. 19-41 (Rerun);

§ 73.62 Tennessee

AMENDMENTS 1/26/63 28 F.R. 19-41 (Rerun);

§ 73.63 Texas

R-6301 Corpus Christi, Tex.

Boundaries. Beginning at latitude 27°46'00" N., longitude 97°02'25" W.; thence three nautical miles from and parallel to the shoreline to latitude 26°42'30" N., longitude 97°16'00" W.; to latitude 26°37'45" N., longitude 97°34'00" W.; to latitude 27°17'30" N., longitude 97°48'30" W.; to latitude 27°16'30" N., longitude 97°51'15" W.; to latitude 27°29'00" N., longitude 97°55'15" W., to latitude 27°30'00" N., longitude 97°52'00" W.; counterclockwise along the arc of a two-mile radius circle centered at latitude 27°31'30" N., longitude 97°52'45" W.; to latitude 27°32'40" N., longitude 97°51'00" W.; to latitude 27°33'12" N., longitude 97°51'40" W.; to latitude 27°42'18" N. longitude 97°33'30" W.; counterclockwise along the arc of a three-mile radius circle centered at latitude 27°43'15" N., longitude 97°30'30" W.; to latitude 27°40'30" N., longitude 97°29'40" W.; to latitude 27°47'00" N., longitude 97°20'00" W.; to latitude 27°47'25" N., longitude 97°19'00" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Chief of Naval Air Advanced Training, NAS Corpus Christi, Texas

AMENDMENTS 1/26/63 28 F.R. 19-41 (Rerun); 4/4/63 28 F.R. 2355 (Changed);

R-6302A Fort Hood, Texas

Boundaries. Beginning at latitude 31°06'06" N., longitude 97°32'42" W., to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W., to latitude 31°10'39" N. longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W., to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W., to latitude 31°19' 37" N., longitude 97°40'32" W.; to latitude 31°13'45" N, longitude 97°32'35" W., to point of beginning
Designated altitude. Surface to 30,000 feet MSL
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, San Antonio ARTC Center
Using agency. Commanding General, Fort Hood, Texas.

AMENDMENTS 5/30/63 28 F.R. 4024 (Added); (F.R Correction 28 F.R 4611);

R-6302B Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W., to latitude 31°09'03' N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45 25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N. longitude 97°43'19" W to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, San Antonio ARTC Center.
Using agency. Commanding General, Fort Hood, Texas

AMENDMENTS 5/30/63 28 F.R 4024 (Added);

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N.. longitude 97°50 45" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling Agency. Federal Aviation Agency, San Antonio ARTC Center
Using agency Commanding General, Fort Hood, Texas

AMENDMENTS 5/30/63 28 F.R. 4024 (Added);

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at Lat. 28°15'20" N, Long. 96°26'50" W; to Lat. 28°18'55" N, Long. 96°27'45" W; to Lat. 28°20'55" N, Long. 96°29'15" W; to Lat. 28°12'00" N, Long. 96°46'00" W; to Lat. 28°07'00" N; Long. 96°42'00" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

AMENDMENTS 1/26/63 28 F.R. 19-41 (Rerun);

R-6309 Big Spring, Tex. (Webb AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 151° radial of the Webb AFB TACAN extending from 14.5 miles SE of the TACAN to 41.5 miles SE of the TACAN, having a width of 3 miles at the beginning and expanding uniformly to a width of 6 miles at the outer extremity.
Designated altitudes.
4,600 feet MSL to 15,600 feet MSL from 14.5 miles SE of the TACAN to 15.5 miles SE of the TACAN.
4,600 feet MSL to flight level 240 from 15.5 to 16.5 miles SE of the TACAN.
4,600 feet MSL to flight level 270 from 16.5 to 19.5 miles SE of the TACAN.
8,600 feet MSL to flight level 270 from 19.5 to 24.5 miles SE of the TACAN.
12,600 feet MSL to flight level 270 from 24.5 to 29.5 miles SE of the TACAN.
17,600 feet MSL to flight level 270 from 29.5 to 34.5 miles SE of the TACAN.
21,600 feet MSL to flight level 270 from 34.5 to 41.5 miles SE of the TACAN.
Time of designation. Continuous.
Using agency. Webb AFB Approach Control

AMENDMENTS 1/26/63 28 F.R. 19-41 (Rerun);

R-6310 Houston, Tex. (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries The area centered on the 223° radial of the Ellington AFB TACAN extending 8 miles SW of the TACAN to 35 miles SW of the TACAN, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5 miles at the outer extremity.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 8 miles SW of the TACAN to 9 miles SW of the TACAN.
2,000 feet MSL to flight level 240 from 9 to 10 miles SW of the TACAN.
2,000 feet MSL to flight level 270 from 10 to 13 miles SW of the TACAN.
6,000 feet MSL to flight level 270 from 13 to 18 miles SW of the TACAN.
10,000 feet MSL to flight level 270 from 18 to 23 miles SW of the TACAN.
15,000 feet MSL to flight level 270 from 23 to 28 miles SW of the TACAN.
19,000 feet MSL to flight level 270 from 28 to 35 miles SW of the TACAN.
Time of designation. Continuous
Controlling agency. Federal Aviation Agency. Houston Approach Control.
Using agency. Commander, Ellington AFB, Tex.

AMENDMENTS 1/26/63 28 F.R. 19-41 (Rerun);

§ 73.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

AMENDMENTS 1/26/63 28 F.R. 19-42 (Rerun);

R-6402 Dugway Proving Ground, Tooele, Utah.

Boundaries. Beginning at Lat. 40°25'00" N. Long. 112°53'00" W; to Lat. 40°15'00" N, Long. 112°53'00" W; to Lat. 40°15'00" N, Long. 112°46'20" W; to Lat. 40°08'00" N, Long. 112°46'20" W; to Lat. 40°08'00" N, Long. 112°43'00" W; to Lat. 40°03'00" N, Long. 112°43'00" W; to Lat. 40°03'00" N, Long. 112°45'20" W; to Lat. 40°01'00" N, Long. 112°45'20" W; to Lat. 40°01'00" N, Long. 112°46'30" W; to Lat. 40°02'00" N. Long. 112°46'30" W; to Lat. 40°02'00" N, Long. 113°14'00" W; to Lat. 40°04'15" N, Long. 113°14'00" W: to Lat. 40°04'15" N. Long. 113°20'30" W; to Lat. 40°15'00" N, Long. 113°20'30" W; to Lat. 40°15'00" N, Long. 113°14'00" W; to Lat. 40°20'20" N, Long. 113°14'00" W; to Lat. 40°20'20" N, Long. 113°07'00" W; to Lat. 40°25'00" N, Long. 113°07'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Dugway Proving Ground, Tooele, Utah.

AMENDMENTS 1/26/63 28 F.R. 19-42 (Rerun);

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N , longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 P.s.t.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

AMENDMENTS 1/26/63 28 F.R. 19-42 (Rerun);

R-6404 Wendover, Utah.

Boundaries. Beginning at Lat. 41°10'40" N, Long. 112°45'00" W; to Lat. 41°00'00" N, Long. 112°45'00" W; to Lat. 41°00'00" N, Long. 112°56'30" W; to Lat. 40°51'30" N, Long. 112°56'30" W; to Lat. 40°48'30" N, Long. 113°40'00" W; to Lat. 41°15'00" N, Long. 113°43'50" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.
Using agency. Commander, Ogden Air Materiel Area. Ogden., Utah.

AMENDMENTS 1/26/63 28 F.R 19-42 (Rerun); Eff. on publ. (5/3/63) 28 F.R. 4435 (Changed);

R-6405 Wendover, Utah.

Boundaries. Beginning at Lat. 39°55'00" N. Long. 112°40'00" W; to Lat. 39°45'00" N, Long. 112°40'00" W; to Lat. 39°45'00" N, Long. 112°48'00" W; to Lat. 39°19'00" N. Long. 112°48'00" W; to Lat. 39°18'20" N, Long. 113°01'30" W; to Lat. 39°14'30" N, Long. 113°22'30" W; to Lat. 39°20'40" N. Long. 113°37'30" W; to Lat. 39°17'00" N, Long. 113°48'00" W; to Lat. 39°55'00" N, Long. 113°48'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Using agency. Commander. Hill AFB, Utah.

AMENDMENTS 1/26/63 28 F.R. 19-42 (Rerun);

R-6406 Wendover, Utah.

Boundaries. Beginning at Lat. 40°40'30" N, Long. 113°00'00" W; to Lat. 40°25'00" N, Long. 113°00'00" W; to Lat. 40°25'00" N, Long. 112°53'00" W; to Lat. 40°20'00" N. Long. 112°53'00" W; to Lat. 40°20'00" N. Long. 112°40'00" W; to Lat. 39°55'00" N, Long. 112°40'00" W; to Lat. 39°55'00" N. Long. 113°48'00" W; to Lat. 40°00'00" N, Long. 113°48'00" W; to Lat. 40°00'00" N, Long. 114°00'00" W; to Lat. 40°20'00" N, Long. 114°00'00" W; to Lat. 40°20'00" N, Long. 114°08'00" W; to Lat. 40°26'00" N, Long. 114°08'00" W, to Lat. 40°26'00" N, Long. 114°00'00" W; to Lat. 40°38'30" N, Long. 114°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Using agency. Commander, Hill AFB. Utah.

AMENDMENTS 1/26/63 28 F.R. 19-42 (Rerun);

R-6407 Wendover, Utah.

Boundaries. Beginning at Lat. 40°36'30" N, Long. 114°14'00" W; to Lat. 40°38'00" N, Long. 114°07'40" W; to Lat. 40°38'00" N, Long. 114°00'00" W; to Lat. 40°26'00" N, Long. 114°00'00" W; to Lat. 40°26'00" N, Long. 114°08'00" W; to Lat. 40°20'00" N, Long. 114°08'00" W; to Lat. 40°20'00" N, Long. 114°18'00" W; to the point of beginning.
Designated altitudes. 15,000 feet MSL to flight level 350.
Time of designation. Sunrise to sunset, Monday through Saturday.
Using agency. Commander, Ogden Air Materiel Area, Ogden, Utah.

AMENDMENTS 1/26/63 28 F.R. 19-42 (Rerun);

R-6408 Indian Creek, Utah.

Boundaries. Beginning at latitude 38°22'00" N., longitude 109°38'00" W.; to latitude 38°06'00" N., longitude 109°22'00" W.; to latitude 37°59'00" N., longitude 109°23'00" W.; to latitude 37°57'00" N., longitude 109°25'00" W.; to latitude 37°58'00" N., longitude 109°40'00" W.; to latitude 38°21j00" N., longitude 109°54'00" W.; to latitude 38°23'00" N., longitude 109°52'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

AMENDMENTS 8/1/63 28 F. R. 6495 (Added);

R-6409 Green River, Utah.

Boundaries. Beginning at latitude 39°00'00" N., longitude 110°03'00" W.; to latitude 38°54'00" N., longitude 109°58'00" W.; to latitude 38°51'00" N., longitude 110°05'00" W.; to latitude 38°58'00" N., longitude 110°09'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Denver ARTC Center.
Using agency. Commander, Air Force Missile Development Center, Holloman AFB, New Mexico.

AMENDMENTS 8/1/63 28 F. R. 6495 (Added);

§ 73.65 Vermont

R-6501 Underhill, Vt.

Boundaries. Beginning at Lat. 44°30'15" N, Long. 72°51'30" W; to Lat. 44°27'00" N, Long. 72°50'00" W; to Lat. 44°27'30" N, Long. 72°53'15" W; to Lat. 44°28'30" N, Long. 72°56'50" W; to Lat. 44°30'00" N, Long 72°56'30" W; to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous, June 1 through July 31; 0700 to 0100, e.s.t., August 1 through May 31.
Using agency. Adjutant General, State of Vermont, Montpelier, Vt.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

§ 73.66 Virginia

R-6601 Camp Hill, Va.

Boundaries. Beginning at latitude 38°07'47" N., longitude 77°13'25" W.; to latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°03'15" N., longitude 77°09'20" W.; to latitude 38°02'15" N., longitude 77°11'15" W.; to latitude 38°01'17" N., longitude 77°16'45" W.; to latitude 38°05'13" N., longitude 77°17'15" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8 annually.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commanding General, Second United States Army, Fort Meade, Md.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°57'54" N.; longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N.; longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.
Designated altitudes. Surface to 18,500 feet MSL.
Time of designation. Continuous from June 1 through September 8; 0600 e.s.t. Saturday to 2200 e.s.t. Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.
Using agency. Commanding General, Second United States Army, Fort Meade, Md.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun); On publ. 1/18/63 28 F.R. 486 (Rewritten); On publ. 4/16/63 28 F.R. 3692 (Rewritten);

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

R-6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. 0800 to 1700 EST. Monday through Friday.
Using agency. Commanding Officer. U. S. Fleet Air Defense Training Center, Dam Neck, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

R-6608 Quantico, Va.

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commander, Marine Corps Air Station, Quantico, Va.

AMENDMENTS 10/18/62 27 F.R. 9985 (Rewritten); 1/26/63 28 F.R. 19-43 (Rerun);

R-6609 Tangier Island, Va.

Boundaries. A circular area with a 5-nautical mile radius centered at Lat. 37°47'54" N, Long. 76°03'48" W.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Designated altitudes. Surface to 20,000 feet MSL.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun); 8/22/63 28 F. R. 6397 (Changed);

R-6610 Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 011° radial of the Langley AFB VOR extending from 5 miles N of the airbase (Lat.37°05'05"N, Long. 76°21'40" W) to 32 miles N of the airbase, having a width of 1 mile W and 2 miles E of the 011° radial at the beginning. The W boundary expands uniformly to a width of 2.3 miles W of the 011° radial at the outer extremity. The E boundary decreases to a width of 1.5 miles 10 miles from the point of beginning, then expands to a width of 2.3 miles E of the 011° radial at the outer extremity.
Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 5 miles N of the airbase to 6 miles N of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles N of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles N of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles N of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles N of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles N of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles N of the airbase.
Controlling agency. Norfolk Approach Control.
Time of designation. Continuous.
Using agency. Commander, Langley AFB, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun); On publ. 4/10/63 28 F.R. 3483 (Changed); 6/30/63 28 F.R. 6496 (Changed);

R-6611 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N, Long. 77°02'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. 0800 to 1700 EST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation. 0800 to 1700 EST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

R-6613 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. 0800 to 1700 EST, Monday through Friday.
Controlling agency. Federal Aviation Agency, Washington ARTC Center
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

AMENDMENTS 1/26/63 28 F.R. 19-43 (Rerun);

§ 73.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35'15" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

R-6705 Juan De Fuca, Wash.

Boundaries. Beginning at Lat. 48°14'30" N, Long. 123°42'00" W; to Lat. 48°10'30° N, Long. 123°42'00" W; thence one-half mile N of and parallel to the N coast of Washington to Lat. 48°18'35" N. Long. 124°25'00" W; to Lat. 48°24'30" N, Long. 124°25'00" W; thence along the United States-Canadian border to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

R-6707 Quoets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

R-6708 Rosario Strait, Wash.

Boundaries. A circular area with a 1 nautical mile radius centered at Lat. 48°29'06" N, Long. 122°45'42" W.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

R-6713 Whidbey Island, Wash.

Boundaries. Beginning at Lat. 48°25'00" N, Long. 123°05'00" W; to Lat. 48°23'00" N, Long. 123°06'00" W; to Lat. 48°16'30" N, Long. 123°03'00" W; to Lat. 48°16'30" N, Long. 122°55'30" W; to Lat. 48°19'45" N, Long. 122°46'30" W; to Lat. 48°25'00" N, Long. 122°53'30" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. 0700 to 2400 local time.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding Officer, NAS Whidbey Island, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun); 11/14/63 28 F. R. 9841 (Changed);

R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 120°13'00" W.; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 38,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun)

R-6715 Richland, Wash.

Boundaries. Beginning at latitude 46°48'00" N., longitude 119°35'00" W.; to latitude 46°48'00" N., longitude 119°25'00" W.; to latitude 46°45'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°20'00" W.; to latitude 46°30'00" N., longitude 119°13'00" W.; to latitude 46°20'00" N., longitude 119°13'00" W; to latitude 46°30'00" N., longitude 119°47'00" W.; to latitude 46°40'00" N., longitude 119°47'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington.

AMENDMENTS 1/26/63 28 F.R. 19-45 (Rerun);

§ 73.68 West Virginia
AMENDMENTS 1/26/63 28 F.R. 19-47 (Rerun);

§ 73.69 Wisconsin
R-6901 Camp McCoy, Wis.

Boundaries. Beginning at latitude 44°08'40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'20" W., to latitude 44°09'30" N., longitude 90°40'20" W.; to latitude 44°09'30" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°44'00" W.; to point of beginning.
Designated altitudes. Surface to flight level 250.
Time of designation. May 23 through September 5.
Using agency. Commanding Officer, Camp McCoy, Wis.

AMENDMENTS 1/26/63 28 F.R. 19-47 (Rerun);

R-6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0600 to 2200 CST, May 1 through September 30, and from 0800 to 1600 CST, October 1 through April 30.
Controlling agency. Federal Aviation Agency, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

AMENDMENTS 11/15/62 27 F.R. 9510 (Rewritten); 1/26/63 28 F.R. 19-47 (Rerun);

R-6904 Volk Field, Wis.

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Adjutant General, State of Wisconsin, Madison, Wis.

AMENDMENTS 1/26/63 28 F.R. 19-47 (Rerun);

R-6905 Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 003° radial of the Truax VOR extending from 5 miles N of the airport (Lat. 43°08'15" N, Long. 89°20'10" W) to 32 miles N of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
2,900 feet MSL to 15,900 feet MSL from 5 miles N of the airport to 6 miles N of the airport.
2,900 feet MSL to flight level 249 from 6 to 7 miles N of the airport.
2,900 feet MSL to flight level 270 from 7 to 10 miles N of the airport.
6,900 feet MSL to flight level 270 from 10 to 15 miles N of the airport.
10,900 feet MSL to flight level 270 from 15 to 20 miles N of the airport.
15,900 feet MSL to flight level 270 from 20 to 25 miles N of the airport.
19,900 feet MSL to flight level 270 from 25 to 32 miles N of the airport.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Madison Approach Control.
Using agency. Commander, 325th Fighter Interceptor Squadron, Truax Field, Madison, Wis.

AMENDMENTS 1/26/63 28 F.R. 19-47 (Rerun);

§ 73.70 Wyoming

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°30'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°24'00" N., longitude 104°54'30" W.; to the point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 MST, May 15 through September 5.
Controlling agency. Federal Aviation Agency, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

AMENDMENTS 1/26/63 28 F.R. 19-47 (Rerun); 6/27/63 28 F. R. 4611 (Changed);

§ 73.71 Puerto Rico

R-7101 Culebra Island, P.R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical mile limit from the shoreline.
Designated altitudes. Surface to flight level 500.
Time of designation. During VFR weather conditions, and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

AMENDMENTS 1/26/63 28 F.R. 19-48 (Rerun);

R-7102 Punta Figuras, P. R.

Boundaries. Beginning at latitude 17°57'14" N., longitude 66°02'52" W.; to latitude 17°55'10" N., longitude 65°58'45" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 17°53'45" N., longitude 66°07'10" W.; clockwise along the arc of an 11,000 yard radius circle centered at latitude 17°57'14" N., longitude 66°02'52" W.; to latitude 17°55'55" N., longitude 66°08'25" W.; to point of beginning.
Designated altitude. Surface to 15,000 feet MSL or surface to 30,000 feet MSL as specified in NOTAMs required to activate the area.
Time of designation. Sunrise to sunset during periods of unrestricted visibility and only after issuance of NOTAMs by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMs also to be issued upon cessation of firing.
Using agency. Commanding General, U. S. Army, Caribbean, San Juan, Puerto Rico.

AMENDMENTS 1/26/63 28 F.R. 19-48 (Rerun); On publ: 4/16/63 28 F.R. 3692 (Rewritten);

R-7103 Salinas, P.R.

Boundaries. Beginning at Lat. 18°03'00" N., Long. 66°14'35" W.; to Lat. 18°01'16" N., Long. 66°15'14" W.; to Lat. 17°59'57" N., Long. 66°16'00" W.; to Lat. 17°59'16" N., Long. 66°17'11" W.; to Lat. 18°01'00" N., Long. 66°19'58" W.; to Lat. 18°01'53" N., Long. 66°18'53" W.; to Lat. 18°02'34" N., Long. 66°18'47" W.; to Lat. 18°03'25" N., Long. 66°17'54" W.; to Lat. 18°04'07" N., Long. 66°17'00" W.; to point of beginning.
Designated altitude. Surface to 12,000 feet MSL.
Time of designation. Continuous, June 1 through August 31; and sunrise to sunset, Saturday and Sunday, September 1 through May 31.
Using agency. Commanding General, U. S. Army Caribbean, San Juan, P.R.

AMENDMENTS 1/26/63 28 F.R. 19-48 (Rerun);

R-7104 Vieques Island, P.R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3 nautical mile limit from the shoreline.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, but only after issuance of NOTAMS by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS to contain information concerning time of cessation of firing.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

AMENDMENTS 1/26/63 28 F.R. 19-48 (Rerun);

§ 73.72 Guam

R-7201 Nafatan Rock, Guam.

Boundaries. The area within a 5-nautical mile radius of Lat. 14°50'00" N, Long. 145°32'00" E. excluding the portion which lies 3 nautical miles beyond the shoreline.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Using agency. Commanding Officer, NAS Agana, Guam.

AMENDMENTS 1/26/63 28 F.R. 19-48 (Rerun);

PART 75 -- ESTABLISHMENT OF JET ROUTES (NEW)

SUBPART A -- GENERAL
Sec.
75.1 Applicability
75.11 Jet routes.
75.13 High altitude navigational aids
75.15 Jet advisory areas.
75.17 Bearings; radials; miles

SUBPART B -- JET ROUTES
Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS
Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART A -- GENERAL

§ 75.1 Applicability

The routes that are described in Subpart B of this part are designated as jet routes between high altitude navigational aids or intersections of their signals, along which aircraft may be operated at and above flight level 240. The areas described in Subpart C of this part are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control area extensions, or in the vicinity of specific geographical locations.

§ 75.11 Jet routes.

(a) Each jet route consists of a direct course for navigating aircraft at and above flight level 240 between the respective navigational aids and intersections specified for that route. They are designated in Subpart B.

(b) Jet routes designated in a west to east dirdction between their initial and final points are normally assigned even numbers, even though parts of such a route may deviate from that direction between any two or more intermediate points.

(c) Jet routes designated in a south to north direction between their initial and final points are normally assigned odd numbers, even though parts of such a route may deviate from that direction between any two or more intermediate points.

§ 75.13 High altitude navigational aids.

The navigational facilities used in the jet route descriptions in Subpart B of this part, and the following, are high altitude navigational aids:

(a) Nantucket, Mass. -- CONSOLAN.
(b) Newark, N. J. -- RR.
(c) Wilmington (Carolina Beach), N. C -- RBN
(d) Marathon, Fla. -- RBN.
(e) Galveston, Tex. -- RBN.
(f) Grand Isle, La. -- RBN.
(g) Egmont Key, Fla. -- RBN.
(h) Miami, Fla. -- RBN.
(i) Pensacola, Fla. -- RBN.
(j) Millville, N. J. -- RR.
(k) Boston, Mass. -- RBN.
(l) Squantum, Mass. -- RBN.
(m) Weeksville, N. C.--RBN.

3/7/63 28 F.R. 721 (Changed);
3/7/63 28 F.R. 521 (Added)

PENDING AMENDMENT
In the text of § 75.13 "Newark, N. J.--RR." is deleted and "Newark, N. J.--RBN." is substituted therefor.
2/6/64 28 F. R. 14310 (Changed);

§ 75.15 Jet advisory areas.

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C of this part.

(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.

(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided by using radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between facilities, or centerlines of control area extensions from flight level 240 through flight level 410, inclusive.

(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without the use of radar. Unless otherwise designated, each of them includes the area within 16 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.

(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart E of Part 71 of this chapter.

(f) Jet advisory areas that are based on jet routes are identified by the associated jet route number. Those based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extension, and those in the vicinity of geographical locations, are identified by geographical names.

Eff. on publ. (2/5/63) 28 F.R. 1100 (Changed);
AMENDMENTS 9/30/63 28 F.R. 9384 (Changed);

§ 75.17 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as stitute miles.

SUBPART B -- JET ROUTES

§ 75.100 Jet routes.

SUBPART C -- JET ADVISORY AREAS

§ 75.200 En route jet advisory areas.

§ 75.300 Terminal jet advisory areas.

SUBPART B - JET ROUTES

§ 75.100 Jet routes.

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 (San Diego, Calif., to Seattle, Wash.).

From San Diego, Calif., via Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 27 F.R. 11990 (Changed); 3/7/63 28 F.R. 722 (Changed);

Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).

From San Diego, Calif., via El Centro, Calif.; Yuma, Ariz.; INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Texas; Fort Stockton, Texas; San Antonio, Texas; Houston, Texas; Lake Charles, La.; New Orleans, La.; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee; to Jacksonville, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 10/17/63 28 F. R. 8283 (Changed);

Jet Route No. 3 (Oakland, Calif., to Kimberly, British Columbia, Canada),

From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; Pendleton, Oreg.; Spokane, Wash. to the Kimberly, British Columbia, Canada, RR. excluding the portion that lies over Canadian territory

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 27 F.R. 11990 (Changed);

Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).

From Los Angeles, Calif., via the INT of the Los Angeles 099° and the Blythe, Calif., 272° radials; Blythe; the INT of the Blythe 096° and the Gila Bend, Ariz., 315° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Montgomery, Ala , Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 582 (Changed);

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; The Dalles, Oreg.; INT of the Dalles 352° and the Seattle, Wash., 124° radials, to Seattle.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 6 (Paso Robles, Calif., to Idlewild, N. Y.).

From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif. Prescott, Ariz.; Grants, N. Mex.; Albuquerque, N. Mex.; Amarillo, Texas; Oklahoma City, Okla.; Little Rock, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va.; Yardley, Pa., to Idlewild, N. Y

AMENDMENTS, 9/20/62 27 F.R. 7019 (Changed); 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 27 F.R. 11990 (Changed);

Jet Route No. 7 (Oakland, Calif., to the United States/Canadian Border).

From Oakland, Calif., via Red Bluff, Calif.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); AMENDMENTS 5/30/63 28 F.R 4086 (Rewritten);

Jet Route No. 8 (Oklahoma City, Okla., to Idlewild, N. Y.).

From Oklahoma City, Okla., via Tulsa, Okla.; Springfield, Mo.; Vichy, Mo.; St Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Front Royal, Va.; Yardley, Pa., to Idlewild, N. Y

AMENDMENTS 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).

From Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Milford, Utah; Provo, Utah; Salt Lake City, Utah; Ogden, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 28 F.R. 178 (Changed);

Jet Route No. 10 (Los Angeles, Calif., to Denver, Colo.).

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., to Denver, Colo.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 11 (Phoenix, Ariz., to Salt Lake City, Utah).

From Phoenix, Ariz., via Prescott, Ariz.; Bryce Canyon, Utah; Provo, Utah, to Salt Lake City, Utah

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 12 (Pittsburgh, Pa., to Baltimore, Md.).

From Pittsburgh, Pa., to Baltimore, Md.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

JET ROUTE No. 13 (El Paso, Texas, to the United States/Canadian Border.)

From El Paso, Texas, via the INT of the El Paso 282° and the Truth or Consequences, N Mex . 162° radials: Truth or Consequences; Albuquerque; Las Vegas, N. Mex.; Pueblo, Colo.; Denver, Colo.; Cheyenne, Wyo., Crazy Woman, Wyo., Billings, Mont., Great Falls, Mont.; via the Great Falls 339° radial to the United States/Canadian Border.

AMENDMENTS 10/18/62 27 F.R. 8615 (Changed); 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 1420 (Changed);

Jet Route No. 14 (Amarillo, Tex., to Atlanta, Ga.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala . to Atlanta, Ga

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 15 (San Antonio, Texas, to Newberg, Oreg.)

From San Antonio, Texas, via Wink, Texas; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 128° radials; Albuquerque; Grand Junction, Colo.; Salt Lake City, Utah; Ogden, Utah; Boise, Idaho; INT of the Boise 294° and the Newberg, Oreg., 106° radials; to Newberg.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 1421 (Changed);
PENDING AMENDMENT
In J-15 "Grand Junction, Colo.;" is deleted and "Farmington, N. Mex.; Grand Junction, Colo.;" is substituted therefor.
3/5/64 28 F. R. 14421 (Changed);

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via The Dalles, Oreg.; INT of The Dalles 098° and the Pendleton, Oreg., 254° radials; Pendleton; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

AMEMDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 1421 (Changed); 9/19/63 28 F R 8205 (Changed);

Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).

From San Diego, Calif., via El Centro, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 261° radials; Gila Bend; Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; to Joliet, Ill.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 19 (Garden City, Kans., to Omaha, Nebr.).

From Garden City, Kans., to Omaha, Nebr.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 5/2/63 28 F.R. 2028 (Rewritten);

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; Boise, Idaho; Malad City, Idaho; Rock Springs, Wyo.; Denver, Colo.; Gage, Okla.; Oklahoma City, Okla.; Shreveport, La.; Jackson, Miss.; Crestview, Fla.; INT of the Crestview 091° and the Tallahassee, Fla., 288° radials; Tallahassee; Orlando, Fla., to the INT of the Orlando 116° and the Vero Beach, Fla., 339° radials.

AMENDMENTS 12/13/62 27 F.R. 10363 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).

From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

AMENDMENTS 7/26/62 27 F.R. 5087 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).

From Laredo, Tex., via Corpus Christi, Tex.; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lake Charles, La.; McComb, Miss.; INT of the McComb 049° and the Birmingham, Ala., 232° radials; Birmingham; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 2027 (Changed); 1/9/64 28 F. R. 12084 (Rewritten);

Jet Route No. 23 (San Antonio, Tex., to Cheyenne, Wyo.).

From San Antonio, Tex., via Mineral Wells, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Hill City, Kans., to Cheyenne, Wyo.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 24 (Gila Bend, Ariz., to Flat Rock, Va.).

From Gila Bend, Ariz., via Phoenix, Ariz.; Grants, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; INT of the Indianapolis 120° and the Charleston, W. Va., 284° radials; Charleston, to Flat Rock, Va.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Dallas, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

AMENDMENTS 7/26/62 27 F.R. 5087 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 2027 (Changed);

Jet Route No. 26 (El Paso, Texas, to Appleton, Ohio).

From El Paso, Texas, via the INT of the El Paso 089° and the Roswell, N. Mex., 213° radials; Roswell; Amarillo, Texas; Wichita, Kans.; Kansas City, Mo.; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; Joliet, Ill., to Appleton, Ohio.

AMENDMENTS 9/20/62 27 F.R. 7430 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).

From San Antonio, Tex., to Lufkin, Tex.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of the Evansville, 052° and the Dayton, Ohio, 231° radials; Dayton; Cleveland, Ohio; Erie, Pa.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine; to Presque Isle, Maine.

AMENDMENTS 7/26/62 27 F.R. 5087 (Rewritten); (Amendment Alteration 27 F.R. 6199); 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 2027 (Changed); 1/9/64 28 F. R. 12084 (Changed);

Jet Route No. 30 (Salt Lake City, Utah, to Appleton, Ohio).

From Salt Lake City, Utah, via Provo, Utah; Myton, Utah; Kremmling, Colo.; Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Joliet, Ill., to Appleton, Ohio.

AMENDMENTS 9/20/62 27 F.R. 7430 (Changed); 1/26/63 28 F.R. 19-50 (Rerun); 4/4/63 28 F.R. 1421 (Changed);

Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).

From New Orleans, La., via the INT of the New Orleans 021° and the Birmingham, Ala., 232° radials to Birmingham.

AMENDMENTS 7/26/62 27 F.R. 5425 (Added); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Elko, Nev.; Malad City, Idaho, Crazy Woman, Wyo.; Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

AMENDMENTS 1/10/63 27 F.R. 11406 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);
PENDING AMENDMENT
In J-32 "Crazy Woman, Wyo.;" is deleted and "Boysen Reservoir, Wyo.; Crazy Woman, Wyo.," is substituted therefor; 3/5/64 28 F. R. 14421 (Changed);

Jet Route No. 34 (Dickinson, N. Dak., to Herndon, Va.).

From Dickinson, N. Dak., via Aberdeen, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; Pullman, Mich.; INT of the Pullman 118° and the Cleveland, Ohio, 274° radials; Cleveland; Pittsburgh, Pa., to Herndon, Va.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).

From New Orleans, La., via the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson; INT of the Jackson 355° and the Memphis, Tenn., 191° radials; Memphis; St. Louis, Mo.; Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 27 F.R. 12926 (Changed); 6/27/63 28 F.R. 4700 (Changed);

Jet Route No. 36 (Fargo, N. Dak., to Peck, Mich.).

From Fargo, N. Dak., via Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of the Milwaukee, Wis., 088° and the Peck, Mich., 269° radials, to Peck, Mich.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 37 (New Orleans, La., to United States/Canadian Border).

From New Orleans, La., via INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery; Atlanta, Ga.; Spartanburg, S. C.; Gordonsville, Va.; INT of the Gordonsville 059° and the Coyle, N. J., 235° radials; Coyle; Idlewild, N. Y.; Albany, N. Y.; Massena, N. Y.; to the INT of the Massena 037° radial and the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 10/17/63 28 F. R. 8283 (Changed);

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).

From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Kenora, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 39 (Crestview, Fla., to Dayton, Ohio).

From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; INT of the Birmingham 360° and the Nashville, Tenn., 191° radials; Nashville; Louisville, Ky., to Dayton, Ohio.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun)

Jet Route No. 40 (Montgomery, Ala., to Norfolk, Va.).

From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; Charleston, S. C.; Wilmington, N. C.; INT of the Wilmington 012° and the Norfolk, Va., 229° radials; to Norfolk.

AMENDMENTS 7/26/62 27 F.R. 5425 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 41 (Miami, Fla., to Omaha, Nebr.).

From Miami, Fla., via St. Petersburg, Fla.; Tallahassee, Fla.; INT of the Tallahassee 288° and the Montgomery, Ala., 144° radials; Montgomery; Memphis, Tenn.; Springfield, Mo. Kansas City, Mo., to Omaha, Nebr.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 42 (Dallas, Texas, to Idlewild, N. Y.).

From Dallas, Texas, via Texarkana, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va.; Yardley, Pa., to Idlewild, N. Y.

AMENDMENTS 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 43 (Key West, Fla., to Wayne, Mich.).

From Key West, Fla., via St. Petersburg, Fla.; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Lexington, Ky.; Dayton, Ohio; to the INT of the Dayton direct radial to Peck, Mich., and the Windsor, Ont., 278° radial.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 44 (Phoenix, Ariz., to Farmington, N. Mex.).

From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

AMENDMENTS 5/30/63 28 F.R. 3484 (Added);

Jet Route No. 45 (Jacksonville, Fla., to Des Moines, Iowa).

From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; INT of the Nashville 316° and the St. Louis, Mo., 129° radials; St. Louis to Des Moines, Iowa.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 46 (Tulsa, Okla., to Nashville, Tenn.).

From Tulsa, Okla., via Flippin, Ark., to Nashville, Tenn

AMENDMENTS 9/20/62 27 F.R. 7389 (Added); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 47 (Charleston, S. C., to Dayton, Ohio).

From Charleston, S. C., via Columbia, S. C.; Spartanburg, S. C.; Lexington, Ky., to Dayton, Ohio

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 48 (Pulaski, Va., to Delta, Pa.).

From Pulaski, Va., via Herndon, Va.; to the INT of the direct radials between Gordonsville, Va., and Huguenot, N. Y., and between Front Royal, Va., and Yardley, Pa.

AMENDMENTS 3/7/63 28 F.R. 398 (Added);(Amendments Correction 28 F.R. 2028); 6/27/63 28 F.R. 4612 (Rewritten);

Jet Route No. 49 (Pittsburgh, Pa., to the United States/Canadian Border).

From Pittsburgh, Pa., via Philipsburg, Pa.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 038° radial and the United States/Canadian Border.

AMENDMENTS 7/26/62 27 F.R. 5540 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 50 (El Paso, Texas, to Crestview, Fla.).

From El Paso, Texas, via Wink, Texas; San Angelo, Texas; Waco, Texas; Lufkin, Texas; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 51 (Jacksonville, Fla., to Raleigh-Durham, N. C.).

From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C., to Raleigh-Durham, N. C.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 52 (Dallas, Texas, to Florence, S. C.).

From Dallas, Texas, via Texarkana, Ark.; Greenwood, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C., to Florence, S. C.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun)

Jet Route No. 53 (Key West, Fla., to Toronto, Ontario, Canada).

That airspace over United States territory from Key West, Fla., via the INT of the Key West 054° and the Miami, Fla., 214° radials; Miami; West Palm Beach, Fla.; Vero Beach, Fla.; INT of the Vero Beach 339° and the Jacksonville, Fla., 163° radials; Jacksonville; INT of the Jacksonville 343° and the Augusta, Ga., 189° radials; Augusta; Spartansburg, S. C.; Pulaski, Va.; Pittsburg, Pa.; Erie, Pa., to Toronto, Ontario, Canada.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 54 (Alamosa, Colo., to Atlanta, Ga.).

From Alamosa, Colo.; via Garden City, Kans.; Ponca City, Okla., Tulsa, Okla., Little Rock, Ark.; Birmingham, Ala., to Atlanta, Ga.

AMENDMENTS 10/18/62 27 F.R. 8175 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).

From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 029° and the Gordonsville, Va., 059° radials; INT of the Gordonsville 059° and the Coyle, N. J., 235° radials; Coyle; Idlewild, N. Y.; Boston, Mass.; INT of the Boston 014° and the Bangor, Maine, 225° radials; Bangor; Presque Isle, Maine; to the INT of the Presque Isle 357° radial and the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Kremmling, Colo., to Denver, Colo.
AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 57 (Raleigh-Durham, N. C., to Charleston, W. Va.).

From Raleigh-Durham, N. C., via Pulaski, Va., to Charleston, W. Va.
AMENDMENTS 1/26/63 28 F.R 19-50 (Rerun);

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).

From Oakland, Calif., via Stockton, Calif.; Tonopah, Nev.; INT of the Tonopah 063° and Bryce Canyon, Utah, 289° radials; Bryce Canyon; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Dallas, Texas; Alexandria, La., to New Orleans, La.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 59 (Charleston, W. Va., to Syracuse, N. Y.).

From Charleston, W. Va., via Philipsburg, Pa., to Syracuse, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 60 (Los Angeles, Calif., to Idlewild, N. Y.).

From Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Wolbach, Nebr.; Des Moines, Iowa; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 28 F.R. 178 (Changed); 6/27/63 28 F.R 4946 (Changed);

Jet Route No. 61 (Baltimore, Md., to Buffalo, N. Y.).
From Baltimore, Md., via Philipsburg, Pa., to Buffalo, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 62 (Idlewild, N. Y., to Nantucket, Mass.).

From Idlewild, N. Y., via the INT of the Idlewild 080° and the Nantucket, Mass., 255° radials, to Nantucket.

AMENDMENTS 9/20/62 27 F.R. 7388 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 63 (Idlewild, N. Y., to Syracuse, N. Y.).

From Idlewild, N. Y.; Huguenot, N. Y., to Syracuse, N. Y.

AMENDMENTS 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 64 (Los Angeles, Calif., to Idlewild, N. Y.).

From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Bradford, Ill., Joliet, Ill., Cleveland, Ohio; Pittsburgh, Pa.; Yardley, Pa., to Idlewild, N. Y.

AMENDMENTS 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).

From Phoenix, Ariz., via the INT of the Phoenix 272° and the Blythe, Calif., 096° radials; Blythe; the INT of the Blythe 272° and the Palmdale, Calif., 124° radials; Palmdale; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; INT of the Bakersfield 345° and the Fresno, Calif., 150° radials; Fresno; Sacramento, Calif.; To Red Bluff, Calif.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 1/10/63 27 F.R. 11639 (Changed); 4/4/63 28 F.R. 582 (Changed);

Jet Route No. 66 (Dallas, Tex., to Little Rock, Ark.);

From Dallas, Tex., via the INT of the Dallas 062° and the Little Rock, Ark., 252° radials; to Little Rock.

AMENDMENTS 5/30/63 28 F.R. 3717 (Added);

Jet Route No. 67 (Lakeview, Oreg., to Newberg, Oreg.).
From Lakeview, Oreg., via the INT of the Lakeview 342° and the Newberg, Oreg., 132° radials to Newberg.

AMENDMENTS 1/10/63 27 F.R. 11499 (Added);

Jet Route No. 68 (Providence, R. I., to Nantucket, Mass.).

From the INT of the Providence, R. I., 270° and the Boston, Mass., 231° radials via Providence, to Nantucket, Mass.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 69 (Mobile, Ala., to Birmingham, Ala.).
From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

AMENDMENTS 1/10/63 27 F.R. 11941 (Added);

Jet Route No. 70 (Hoquiam, Wash., to Idlewild, N. Y.).

From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials via Seattle; INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; INT of the Pullman 091° and the Windsor, Ont., 278° radials; via the Windsor 278° radial to the United States/Canadian Border. From the INT of the United States/Canadian Border and the Erie, Pa., 278° radial via Erie; Huguenot, N. Y., to Idleiwld, N. Y.

AMENDMENTS 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 71 (Appleton, Ohio, to Front Royal, Va.).

From Appleton, Ohio, to Front Royal, Va.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 72 (Albuquerque, N. Mex., to Dallas, Tex.).
From Albuquerque, N. Mex., via Texico, N. Mex.; Wichita Falls, Tex.; to Dallas, Tex.

AMENDMENTS 8/22/63 28 F. R. 5718 (Added);

Jet Route No. 73 (Boise, Idaho, to The Dalles, Oreg.).

From Boise, Idaho, via the INT of the Boise 294° and The Dalles, Oreg., 139° radials; to The Dalles.

AMENDMENTS 4/4/63 28 F.R. 1421 (Added);

Jet Route No. 74 (Los Angeles, Calif., to Dallas, Tex.).

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; St. Johns, Ariz.; Socorro, N. Mex.; Texico, N. Mex.; Wichita Falls, Tex.; to Dallas, Tex.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; INT of the Alma 036° and the Columbia, S. C., 193° radials; Columbia; Gordonsville, Va.; Huguenot, N. Y.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

AMENDMENTS 9/20/62 27 F.R. 7713 (Changed); 1/26/63 28 F.R. 19-50 (Rerun); 3/7/63 28 F.R. 521 (Changed);
AMENDMENTS 6/27/63 28 F. R. 4348 (Changed);

Jet Route No. 77 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., to West Palm Beach, Fla. From Wilmington, N. C., via Gordonsville, Va., Huguenot, N. Y.; Boston, Mass.; INT of the Boston 014° and the Bangor, Maine, 225° radials; Bangor to the INT of the Bangor 058° radial and the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 3/7/63 28 F.R. 521 (Changed);

Jet Route No. 78 (Los Angeles, Calif., to Idlewild, N. Y.).

From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Parker; Prescott, Ariz.; Albuquerque, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.; Farmington, Mo.; Louisville, Ky.; Charleston, W. Va.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N. Y.

AMENDMENTS 7/26/62 27 F.R. 4769 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 79 (Miami, Fla., to Idlewild, N. Y.).

From Miami, Fla., to West Palm Beach, Fla. From the boundary of the continental control area S of Wilmington, N. C., via the Wilmington, 192° radial; Wilmington; Norfolk; INT of the Norfolk 023° and the Coyle, N. J., 208° radials; Coyle, to Idlewild, N. Y.

AMENDMENTS 7/26/62 27 F.R. 5496 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 80 (Oakland, Calif., to Idlewild, N. Y.).

From Oakland, Calif., via Stockton, Calif., Tonopah, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Hill City, Kans.; Salina, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Appleton, Ohio; Pittsburgh, Pa.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 9/19/63 28 F. R. 7588 (Changed);

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).

From Miami, Fla., via Orlando, Fla., to the INT of the Melbourne, Fla., RR 055° and the Bimini Bahamas, RBN 008° bearings.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun)

Jet Route No. 82 (Sioux Falls, S. Dak., to Boston, Mass.).

From Sioux Falls, S. Dak., via Fort Dodge, Iowa; INT of the Fort Dodge 096° and the Northbrook, Ill., 274° radials; INT of the Northbrook 274° and the Joliet, Ill., 316° radials; Joliet; Cleveland, Ohio; Erie, Pa.; Albany, N. Y.; INT of the Albany 084° and the Boston, Mass., 325° radials; to Boston

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 9/19/63 28 F. R. 8205 (Rewritten);

Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; Wolbach, Nebr.; Des Moines, Iowa; INT of the Des Moines 066° and the Northbrook, Ill., 274° radials, to Northbrook.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 9/19/63 28 F. R. 8205 (Changed);

Jet Route No. 85 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland, to the INT of the Cleveland 328° radial and the United States/Canadian Border.

AMENDMENTS 9/20/62 27 F.R. 7713 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 87 (Houston, Texas, to Northbrook, Ill.).

From Houston, Texas, via Dallas, Texas; INT of the Dallas 339° and the Tulsa, Okla., 211° radials; Tulsa; Butler, Mo.; INT of the Butler 009° and the Kansas City, Mo., 060° radials; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; Joliet, Ill., to Northbrook, Ill.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 88 (Los Angeles, Calif., to Medford, Oreg.).

From Los Angeles, Calif., via INT of the Los Angeles 303° and the Santa Barbara, Calif., 109° radials Santa Barbara; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; Oakland; INT of the Oakland 305° and the Ukiah, Calif., 172° radials; Ukiah, to Medford, Oreg.

AMENDMENTS 2/7/63 27 F.R. 11990 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun); 3/7/63 28 F.R. 722 (Changed);
AMENDMENTS 6/27/63 28 F. R. 4164 (Rewritten);

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Atlanta, Ga.; Louisville, Ky.; INT of Louisville 334° and the Northbrook, Ill., 159° radials; Northbrook; Milwaukee, Wis., to Duluth, Minn.

AMENDMENTS 9/20/62 27 F.R. 7713 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 90 (Seattle, Wash., to the United States/Canadian Border).

From Seattle, Wash., via the INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City; Iowa; INT of the Mason City 095° and the Northbrook, Ill., 293° radials; Northbrook; INT of the Northbrook 093° and the Windsor, Ontario, 261° radials; to the INT of the Windsor 261° radial and the United States/Canadian Border.

AMENDMENTS 7/26/62 27 F.R. 5425 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);
AMENDMENTS 9/19/63 28 F. R. 8205 (Changed);

Jet Route No. 91 (Atlanta, Ga., to the United States/Canadian Border).

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland; to the INT of the Cleveland 328° radial and the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 92 (Oakland, Calif., to Tucson, Ariz.).

From Oakland, Calif., via Stockton, Calif.; INT of the Stockton 085° and the Tonopah, Nev., 268° and the Beatty, Nev., 326° radials; Beatty; INT Beatty 142°, Boulder, Nev., 272° radials; Boulder; Prescott, Ariz.; Phoenix, Ariz., to Tucson, Ariz.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 28 F.R. 178 (Changed)

Jet Route No. 93 (Newport, Oreg., to Seattle, Wash.).

From the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials via Portland; INT of the Portland 353° and the Seattle, Wash., 197° radials, to Seattle.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Elko, Nev.; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; INT of the Fort Dodge 096° and the Northbrook, Ill., 274° radials; Northbrook; Pullman, Mich.; Peck, Mich., to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 9/19/63 28 F. R. 8205 (Changed);

Jet Route No. 95 (Idlewild, N. Y., to the United States/Canadian Border).

From Idlewild, N. Y., via Huguenot, N. Y., Buffalo, N. Y.; to the INT of the Buffalo 312° radial and the United States/Canadian Border.

AMENDMENTS 9/20/62 27 F.R. 7388 (Changed); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 96 (Seattle, Wash., to the United States/Canadian Border).

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.
AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 101 (Houston, Texas, to Sault Ste. Marie, Mich.).

From Houston, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich.

AMENDMENTS 7/26/62 27 F.R. 5497 (Changed); 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 27 F.R. 12926 (Changed); 11/14/63 28 F. R. 10475 (Rewritten);

Jet Route No. 103 (St. Petersburg, Fla., to Orlando, Fla.).

From St. Petersburg, Fla., to Orlando, Fla.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 104 (Tucson, Ariz., to Grants, N. Mex.).

From Tucson, Ariz., via San Simon, Ariz., to Grants, N. Mex.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 105 (Dallas, Texas, to Milwaukee, Wis.).

From Dallas, Texas, via Springfield, Mo.; Moline, Ill.; INT of the Moline 042° and the Milwaukee, Wis., 228° radials, to Milwaukee.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 106 (Minneapolis, Minn., to Green Bay, Wis.).

From Minneapolis, Minn., to Green Bay, Wis.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Milford, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 2/7/63 28 F.R. 178 (Changed); 11/14/63 28 F. R. 10418 (Changed);

Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).

From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; Philipsburg, Pa., to Buffalo, N. Y.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 500 (Lakehead, Ontario, to Fredericton, New Brunswick).(joins Canadian high level airway No. 500).

From the Lakehead, Ontario RR via Sault Ste. Marie, Mich.; Gore Bay, Ontario, RR; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

AMENDMENTS 10/18/62 27 F.R. 8972 (Rewritten); 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 501 (Seattle, Wash., to United States/Canadian Border). (Joins Canadian High Level Airway No. 501).

From Seattle, Wash., to the INT of the Seattle 331° radial and the United States/Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 503(Seattle, Wash., to United States/Canadian Border) (joins Canadian High Level airway No. 503).
From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to the Princeton, British Columbia, RR.

AMENDMENTS 6/27/63 28 F. R. 4553 (Added);

Jet Route No. 515 (Pembina, N. Dak., to the United States/Canadian Border).(joins Canadian high level airway No. 515.

From Pembina, N. Dak., to the INT of the Pembina 356° radial and the United States-Canadian Border.

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun); 11/14/63 28 F. R. 10418 (Rewritten);

Jet Route No. 532 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 532).

From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 533 (Duluth, Minn., to the United States/Canadian Border) (joins Canadian high level airway No. 533).

From Duluth, Minn., to the United States/Canadian border via the Duluth to Lakehead, Ontario, direct radial.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).

From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border).(joins Canadian high level airway No. 546).

From Peck, Mich., to the INT of the Peck 074° radial with the United States/Canadian Border

AMENDMENTS 1/26/63 28 F.R. 19-50 (Rerun);

Jet Route No. 548 (Sault Ste. Marie, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).

From Sault Ste. Marie, Mich., to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 560 (Plattsburgh, N. Y., to the United States/Canadian Border).(joins Canadian high level airway No. 560).

From Plattsburgh, N. Y., to the United States/Canadian Border via the Plattsburgh 037° radial.

AMENDMENTS 9/20/62 27 F.R. 6972 (Added); 1/26/63 28 F.R. 19-50 (Rerun);
11/14/63 28 F. R. 10452 (Rewritten);

Jet Route No. 563 (Plattsburgh, N. Y., to the United States/Canadian Border). (Joins Canadian high level airway No. 563.)

From Plattsburgh, N. Y., to the United States/Canadian Border via the Plattsburgh to Sherbrooke, Quebec, Canada, direct radial.

AMENDMENTS 11/14/63 28 F. R. 10452 (Added);

SUBPART C - JET ADVISORY AREAS

§75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 7 jet advisory area.
Radar--From 65 nmi NE of Dillon, Mont., to United States/Canadian Border.
Nonradar--From the positive control area boundary NE of Dillon, Mont., to 65 nmi NE of Dillon.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 13 jet advisory area.
Radar From the positive control area boundary SE of Crazy Woman, Wyo., to the United States/Canadian Border.

Eff. on Publ: (10/31/63) 28 F.R. 11616 (Rewritten);
PENDING AMENDMENT
Jet Route No. 13 jet advisory area.
Radar From the positive control area boundary NW of Crazy Woman, Wyo., to the United States/Canadian Border.
2/6/64 28 F. R. 14310 (Rewritten);

Jet Route No. 16 jet advisory area.
Radar From the positive control area boundary W of Whitehall, Mont., to the positive control area boundary W of Sioux Falls, S. Dak., excluding the portion below FL 310 from 75 nmi W of Whitehall, to 97 nmi E of Whitehall. From the positive control area boundary E of Buffalo, N. Y., to Boston, Mass.
Nonradar From 75 nmi W of Whitehall, Mont., to 97 nmi E of Whitehall, FL 270 to FL 300 inclusive.

Eff. on Publ: (10/31/63) 28 .F.R. 11616 (Rewritten);

Jet Route No. 20 jet advisory area.
Radar From the positive control area boundary NW of Orlando, Fla., to Orlando.
Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 25 jet advisory area.
Radar From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex.

Eff. On Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 29 jet advisory area.
Radar From the United States/Mexican Border to the positive control area boundary N of Brownsville, Tex.
From the positive control area boundary SW of Syracuse, N. Y., to Plattsburgh, N. Y.
Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 32 jet advisory area.
Radar From the positive control area boundary SW of Crazy Woman, Wyo., to the positive control area boundary NE of Aberdeen, S. Dak.
Nonradar From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390, inclusive.

Eff. on Publ. 10/31/63) 28 F.R. 11616 (Rewritten):
PENDING AMENDMENT
Jet Route No. 32 jet advisory area.
Radar From the positive control area boundary SW of Dupree, S. Dakota, to the positive control area boundary NE of Aberdeen, S. Dakota.
Nonradar From the positive control area boundary NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390, inclusive.
2/6/64 28 F. R. 14310 (Rewritten);

Jet Route No. 37 jet advisory area.
Radar From the positive control area boundary S of Albany, N. Y., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 38 jet advisory area.
Nonradar From United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and FL 370 only.

Eff. on Publ. (10/31/63) 28 F.R 11616 (Rewritten);

Jet Route No. 41 jet advisory area.
Radar Miami, Fla., to the positive control area boundary SE of Tallahassee, Fla.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 43 jet advisory area.
Radar St. Petersburg, Fla., to the positive control area boundary SE of Tallahassee, Fla.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 49 jet advisory area.
Radar From the positive control area boundary SW of Albany, N. Y., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 53 jet advisory area.
Radar Key West, Fla., to the positive control area boundary S of Jacksonville, Fla.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 55 jet advisory area.
Radar From the positive control area boundary SW of Boston, Mass., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 59 jet advisory area.
Radar From the positive control area SW of Syracuse, N. Y., to Syracuse.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 62 jet advisory area.
Radar From the positive control area boundary SW of Nantucket, Mass., to Nantucket.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 68 jet advisory area.
Radar From the INT of Jet Routes Nos. 68 and 55 to Nantucket, Mass.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 70 jet advisory area.
Radar From the positive control area boundary E of Mullan Pass, Idaho, to the positive control area boundary E of Aberdeen, S. Dak.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 75 jet advisory area.
Radar Miami, Fla., to the positive control area boundary S of Gainesville, Fla. From the positive control area boundary SW of Albany, N. Y., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 77 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla. From the positive control area boundary SW of Boston, Mass., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 79 jet advisory area.
Radar Miami, Fla., to West Palm Beach, Fla.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 81 jet advisory area.
Radar Miami, Fla., to Barracuda INT.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 82 jet advisory area.
Radar From the positive control area boundary SW of Albany, N. Y., to Boston, Mass.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 85 jet advisory area.
Radar Miami, Fla., to the positive control area boundary S of Gainesville, Fla.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 89 jet advisory area.
Radar Miami, Fla., to the positive control area boundary S of Gainesville, Fla.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 90 jet advisory area.
Radar From the positive control area boundary E of Mullan Pass, Idaho, to the positive control area boundary NW of Sioux Falls, S. Dak.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 94 jet advisory area.
Radar From the positive control area boundary E of Buffalo, N. Y., to Boston, Mass.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 95 jet advisory area.
Radar From the positive control area boundary NW of Huguenot, N. Y., to the positive control area boundary SE of Buffalo, N. Y.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 97 jet advisory area.
Radar Nantucket, Mass., to Plattsburgh, N. Y.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 103 jet advisory area.
Radar St. Petersburg, Fla., to Orlando, Fla.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Jet Route No. 107 jet advisory area.
Radar From 16 nmi SW of Crazy Woman, Wyo., to 26 nmi NE of Pembina , N. Dak.
Non-Radar From 81 nmi NE of Pembina, N. Dak., to 93 nmi NE of Pembina, N. Dak.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten); 11/14/63 28 F. R. 10418 (Rewritten);
PENDING AMENDMENT
Jet Route No. 107 jet advisory area.
Radar From the positive control area boundary SW of Dickinson, N. Dak., to 26 nmi NE of Pembina, N. Dak.
Nonradar From 81 nmi NE of Pembina, N. Dak., to 93 nmi NE of Pembina.
2/6/64 28 F. R. 14310 (Rewritten);

Jet Route No. 500 jet advisory area.
Radar From the United States/Canadian Border SE of Lakehead, Ont., Canada, to the United States/Canadian Border E of Sault Ste. Marie, Mich.; from the United States/Canadian Border W of Millinocket, Maine, to the United States/Canadian Border NE of Millinocket, excluding the airspace below FL 290 from the United States/Canadian Border SE of Lakehead to Sault Ste. Marie.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Jet Route No. 515 jet advisory area.
Radar Pembina, N. Dak., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten); 11/14/63 28 F.R. 10418 (Changed);

Jet Route No. 532 jet advisory area.
Radar Pembina, N. D., to the United States/Canadian Border.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 533 jet advisory area.
Nonradar From the positive control area NE of Duluth, Minn., to the United States/Canadian Border only from FL 370 to FL 390 inclusive.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 548 jet advisory area.
Radar Sault Ste. Marie, Mich., to the United States/Canadian Border.

AMENDMENTS 1/9/64 28 F. R. 12204 (Added);

Jet Route No. 560 jet advisory area.
Radar Plattsburg, N. Y., to the United States/Canadian Border.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

§ 75.300 Terminal jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names).

Boston, Mass., jet advisory area.
Radar
a. Nantucket, Mass., CONSOLAN via Control Area 1143 to boundary of the Continental Control Area.
b. Nantucket, Mass., CONSOLAN via Control Area 1144 to boundary of the Continental Control Area.
c. Nantucket, Mass., CONSOLAN via Control Area 1145 to boundary of the Continental Control Area.
d. Direct course between Boston, Mass., and East Boston INT (INT of 098° bearing from the Boston, Mass., RBN and the 041° radial of Whitman, Mass.).

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Brownsville, Tex., jet advisory area.
Radar
a. Brownsville, Tex., via Brownsville 024° radial to boundary of the Continental Control Area.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Los Angeles, Calif., jet advisory area.
Radar
a. Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 223° radials; thence via Control Area 1177 to boundary of the Continental Control Area.
b. Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; to Oceanside, Calif.
c. Los Angeles, Calif., via INT of Los Angeles 257° and Ventura, Calif., 155° radials; to Ventura.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Miami, Fla., jet advisory area.
Radar
a. Lakeland, Fla., via Fort Myers, Fla.; INT of Ft. Myers 137° and Biscayne Bay, Fla., 262° radials; to Biscayne Bay.
b. Copeland, Fla., INT (INT of Fort Myers, Fla., 137° and Miami, Fla., 269° radials) to Miami.
c. West Palm Beach, Fla., to Biscayne Bay, Fla.
d. Miami, Fla., via Marathon, Fla., RBN: thence via Marathon RBN 219° bearing to boundary of the Continental Control Area.
e. Miami, Fla., via Miami 119° radial to boundary of Continental Control Area.
f. Biscayne Bay, Fla., via the Biscayne Bay 087° radial to boundary of Continental Control Area.
g. Biscayne Bay, Fla., via the Biscayne Bay 051° radial to boundary of Continental Control Area.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

Minneapolis, Minn., jet advisory area.
Radar
a. Aberdeen, S. Dak., to Watertown, S. Dak.

New Orleans, La., jet advisory area.
Radar
a. New Orleans, La., via INT of New Orleans 100° and Mobile, Ala., 224° radials to Mobile.
b. New Orleans, La., via INT of New Orleans 100° and Picayune, Miss., 161° radials; to INT of Picayune 161° radial with Control Area 1226.
c. INT of Picayune, Miss., 161° and New Orleans, La., 122° radials to INT of New Orleans 122° radial with Control Area 1226.

Eff. on Publ. (10/31/63) 28 F. R. 11616 (Rewritten);

New York, N. Y., jet advisory area.
Radar
a. Poughkeepsie, N. Y., to Albany, N. Y.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

San Francisco/Oakland, Calif., jet advisory area.
Radar
a. Oakland, Calif., via INT of Oakland 221° and Point Reyes, Calif., 161° radials; INT of Point Reyes 161° and Big Sur, Calif., 325° radials; INT of Big Sur, 325° and Salinas, Calif., 281° radials; to Salinas.
b. INT of Point Reyes, Calif., 161° and Big Sur, Calif., 325° radials to Big Sur.
c. San Francisco, Calif., via INT of San Francisco 304° and Sacramento, Calif., 233° radials; to INT of Sacramento 233° and Linden, Calif., 269° radials.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

Tampa, Fla., jet advisory area.
Radar
a. St. Petersburg, Fla., via INT St. Petersburg 040° and Orlando, Fla., 258° radials; to Orlando.
b. St. Petersburg, Fla., via Lakeland, Fla., to Orlando, Fla.
c. St. Petersburg, Fla., to INT of St. Petersburg 275° radial with Control Area 1226.
d. Egmont Key, Fla., RBN direct to INT of Jet Routes Nos. 41 and 85.
e. Fort Meyers, Fla., via St. Petersburg, Fla., to Eddy, Fla., INT (INT of St. Petersburg 350° and Ocala, Fla., 241° radials).
f. Ocala, Fla., to INT of Ocala 241° and Cross City, Fla., 185° radials.
g. St. Petersburg, Fla., via INT of St. Petersburg 290° and Cross City, Fla., 185° radials; to the INT of Cross City 185° and Ocala, Fla., 241° radials.
h. St. Petersburg, Fla., to Ocala, Fla.
i. St. Petersburg, Fla., via St. Petersburg 320° radial to the boundary of the Continental Control Area.

Eff. on Publ. (10/31/63) 28 F.R. 11616 (Rewritten);

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Official Grain Standards of the United States for Wheat [1]

Pursuant to authority of the United States Grain Standards Act, 39 Stat. 482, as amended (7 U.S.C. 71 et seq.) and section 4 of the Administrative Procedure Act (5 U.S.C. 1003) a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7949) on August 3, 1963, regarding a proposed revision of the Official Grain Standards of the United States for Wheat (7 CFR 26.101 et seq.). Public hearings were held at 4 locations as follows: Kansas City, Mo., on October 1; Minneapolis, Minn., on October 4; Portland, Oreg., on October 8; and Toledo, Ohio, on October 11. Notice was also given that written data, views, and arguments might be submitted to the Agricultural Marketing Service of the United States Department of Agriculture to be received not later than October 31, 1963. Consideration has been given to all information obtained at the hearings, to written comments received and to other information available in the United States Department of Agriculture.

Statement of considerations. The aforementioned notice proposed changes to the Official Grain Standards of the United States for Wheat which were last revised effective June 15, 1957. The proposed revision set forth changes which were considered necessary to describe more accurately wheat inspected under the terms of the official standards. The need for these revisions has been reviewed for the past 2 years with wheat producer, trade, and processor groups and organizations.

General statement. Two features are involved in working on any set of grade standards. The first feature is to determine the factors or attributes of quality, including value and usability, and condition which (1) are important, (2) vary from lot to lot, and (3) can be satisfactorily measured using available and acceptable inspection techniques. All such factors are normally included in the U.S. grade standards for any agricultural product. The second feature is to determine how these factors of quality should be grouped or classified into a number of grades showing meaningful gradations in value or usability. This involves setting minimum or maximum allowances for each factor for each grade; setting tolerances or cut-off points for each grade; and coming out with a single grade designation (e.g., U.S. No. 1) which, because of specified limits on the individual quality factors, will provide a meaningful and useful yardstick of value or usability.

No new or additional factor of quality has been proposed in this revision of the wheat standards. Therefore, the official grade factors will continue to be confined basically to the weight, soundness, and cleanliness of the grain. These factors can be readily measured by simple mechanical or visual means, and are adapted to the customary, rapid inspection and certification job needed to sample and grade wheat at the time it is moving in interstate or foreign commerce. There are other important factors of quality, such as milling and baking characteristics of the wheat. Most tests for these characteristics are not simple or rapid. Also, the flour milling industry has many intricate and varied requirements as to milling and baking characteristics which would not be conducive at the present time to the adoption of a uniform, national set of standards incorporating these factors. Therefore, official certification of these factors remains entirely on a voluntary basis (e.g., protein, sedimentation, etc.) and they are not part of the official grade standards.

This revision, therefore, involves only the second feature—the tolerances or allowances for the existing quality factors to be established for the individual numerical grades. No change is proposed in test weights per bushel. The requirements for soundness and cleanliness for each numerical grade would be tightened. The purpose of such tightening is to improve the grade designations as yardsticks of soundness and cleanliness—which are still important quality factors in determining value and usability of wheat.

General issues. The general issues are whether:

(1) Tolerances used in the past are far too broad and allow too much variability within each grade to serve their purpose of providing useful and meaningful yardsticks of value and usability.

(2) The competitive position of U.S. wheat in foreign markets is damaged because of these excessive tolerances.

(3) Wheat delivered to Commodity Credit Corporation under its storage contracts is of reduced value because of these excessive tolerances.

(4) Tightening the requirements for soundness and cleanliness is entirely feasible, would benefit growers, and would be in the general interest of the entire wheat industry.

Specific issues. The specific issues are whether the following changes in the official standards for wheat should be adopted:

(a) Delete the subclasses Red Winter Wheat and Western Red Wheat in the class Soft Red Winter Wheat. (Red Winter Wheat and Western Red Wheat heretofore have been designated as subclasses of the class Soft Red Winter Wheat).

(b) Change the subclass Western White to Mixed White and require that the percentages of White Club and Common White Wheat be made a part of the grade designation. (The subclass Western White is White Club Wheat and Common White Wheat mixed in varying proportions but until recent years wheat of this subclass was about 40 percent Club Wheat. The official grade standards for wheat heretofore have not required such composition determination to be made and shown as a part of the grade for the subclass Western White Wheat).

(c) Express dockage to the nearest whole and half percent (e.g., 0.3 to 0.7 would be called 0.5) or, as an alternative, disregard other fractions and express dockage in half percent, whole percent, or whole and half percent (e.g., 0.4 would be disregarded and 0.9 would be called 0.5).

(In the past, dockage when equal to 1 percent or more was recorded on inspection certificates in whole percent and when less than 1 percent was not recorded. A fraction of a percent was disregarded.)

(d) Provide maximum limits for total defects (damaged kernels, foreign material and shrunken and broken kernels) in the numerical grades. (In the past, no limitation on total defects was set other than that which results from a summation of the limits for each defect. As an illustration total defects for grade No. 1 would be reduced from 7.5 percent to 3 percent and in grade No. 2 from 10 percent to 5 percent.)

(e) Change the limits of shrunken and broken kernels from 5 percent to 3 percent for grade No. 1 and establish maximum limits of 12 percent and 20 percent, respectively, for grades No. 4 and No. 5.

(f) Combine the tables of grade requirements for all classes of wheat. (Heretofore 5 tables of grade requirements were given for the separate classes.)

(g) Change the minimum and maximum moisture limits for tough wheat. (In the past, depending on the class, wheat with over 14 percent or 14.5 percent moisture was graded "tough" and if over 15.5 percent or 16 percent moisture was graded "sample grade." The minimum moisture content for "tough" would be reduced to 13.5 percent for all classes, the maximum limit would be deleted, and the application of "sample grade" based on moisture content would be discontinued.)

(h) Delete the provision for making smut dockage determinations on smutty wheat.

(i) Provide a special grade of "Heavy Wheat" for all classes of wheat. (In the past, the wheat standards defined only

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

the minimum test weights permitted per grade and did not recognize superior test weights for any grade, except No. 1 Heavy Hard Red Spring Wheat.)

(j) Except for the class Red Durum, change the maximum limit for wheat of other classes for grade No. 1 from 5 percent to 3 percent and provide limits for contrasting classes. (In the past, the standards provided maximum limits (e.g., 0.5 percent, 1 percent, and 2 percent) for certain classes depending on the end use and ability to distinguish the classes on visual examination.)

(k) Renumber or otherwise redesignate the sections and paragraphs of the standards in the interest of clarity and make other minor changes as proposed.

(l) Provide for determination by AMS of equipment and procedure to be used in making moisture tests. (In the past, the standards have provided by reference for the use of an air-oven test or "any method which gives equivalent results.")

Findings and conclusions. Findings and conclusions on the aforementioned issues, based upon the data presented at the hearings, written and oral comments received, and other information available in the United States Department of Agriculture, are as follows with respect to the general issues:

(1) Tolerances used in the past are far too broad and allow too much variability within each grade to serve their purpose of providing useful and meaningful yardsticks of value and usability.

Graded wheat of known quality, including soundness and cleanliness, has a higher value than does a heterogeneous mixture of ungraded wheat. If this were not a fact, there would be no reason for having any established grades or inspection system. There is evidence that the present grade requirements are so loose that they do not provide a reliable basis for judging soundness or cleanliness. Both domestic and foreign buyers make a price allowance (discount) because of the possible wide variation in nonmillable material whenever they buy solely on the basis of the U.S. grades. Unless he has examined a sample of the wheat or has other contractual specifications, the buyer has to protect himself against receiving wheat at the bottom of the grade by applying a price discount. As expressed by a representative of the milling industry at the hearings, "the ill effects of these wide open permissible limits are the fears that they may engender in the mind of the prospective buyer of wheat by contract."

The total limit for damaged kernels, shrunken and broken kernels, and foreign material in the present standards is 7.5 percent for U.S. No. 1 grade, 10 percent for U.S. No. 2 grade, and 17 percent for U.S. No. 3 grade. Inspection records show that the majority of the domestic shipments in each of these grades contain only a fraction of the allowable maximum of non-millable material. Since much of the wheat is bought on the basis of samples, both the seller and buyer in such transactions well know that the wheat—even though it is certified as U.S. No. 1, U.S. No. 2, or U.S. No. 3 grade—does not begin to approach the maximum non-millable material tolerances permitted in the respective official grade. Consequently, such tolerances do not represent acceptable, commercial trading standards and, when the buyer does make a purchase solely on the basis of the official grades he has to protect himself by applying a price discount. The value of this objectionable material is that of mill-feed which is usually worth only 15 to 35 percent as much as sound, clean wheat.

(2) The present excessive tolerances in the U.S. grades for non-millable material damages the competitive position of U.S. wheat in foreign markets.

The Wheat Market Development Evaluation Team, composed of industry and government representatives, reported on its July-August 1963 survey of European markets as follows:

> Whenever the team met with representatives of the wheat trade, whether in the Netherlands, Belgium, West Germany, or the United Kingdom, it heard complaints regarding the quality and cleanliness of United States wheat. It was also asserted that price differentials were inadequate to offset these disadvantages—that prices were, therefore, not competitive. United States wheat has acquired the unfortunate distinction of being considered one of the "dirtiest" wheats in international trade * * * A member of the Netherlands trade expressed his experience in the following words, "To the extent permitted by your grain standards, you will find foreign material present in the shipments of American wheat." Another went further, saying "I do not know of any other national system where artificial deterioration of a sound clean agricultural product is tolerated, or regarded as legal."

A study of European imports of wheat from November 1959 to January 1961 showed that the total foreign material, dockage, and shrunken and broken kernels in wheat from the United States was more than double the content of these non-millable materials in wheat from Canada, Russia, Argentina, or Australia. While slight improvement in the amount of some of these factors has been recorded in subsequent exports from the United States, the excessive non-millable material in wheat exports continues to the present time. Analysis of inspection certificates issued on export cargoes of wheat during 1962–63 shows that a much larger proportion of these cargoes contained more than 0.5 percent dockage than did the receipts of wheat at domestic markets or did the 2,561 samples of 1962 farm-stored wheat analyzed by State and Federal agencies.

Annual exports of wheat and flour have exceeded 500 million bushels since 1959. Foreign buyers depend almost entirely on official standards to measure the quality of wheat they buy. Although total exports have increased, dollar sales for export have not shared in this increase. The United States' share of commercial wheat exports dropped sharply between the crop years 1951 and 1961. Complaints from abroad indicate that the variable quality of U.S. wheat contributed to this drop.

The foreign wheat buyer has been operating in a buyer's market. He can buy wheat from other countries with greater uniformity of quality and containing less non-millable material than wheat exported from the United States. He objects to examining samples or writing special specifications for soundness or cleanliness and paying premiums in order to protect himself against getting excessive non-millable material. Furthermore, he knows that wheat he receives from the United States would not be commercially acceptable at the regular market price to most domestic U.S. buyers.

It is incongruous to argue that foreign buyers can obtain any quality of wheat they want, if they are willing to pay the price, merely by writing a set of specifications or examining a representative sample to meet their specifications for each purchase. If such were the general marketing practice, there would be no need for any wheat standards. This type of argument runs completely counter to the universally accepted view that the official grade standards should facilitate the movement of wheat through trade channels by providing realistic and useful measures of the quality factors designated in the grades.

Most wheat importing countries have restrictions which govern the amount of wheat they can import. Transportation costs of non-millable material and the amount of millable wheat are important factors in selecting the final source of supply. Also, import levies and taxes are assessed on gross weight which is an important factor in the Common Market. Flour extraction, set by law in many countries, is also based on the gross weight received by the miller. The negative economic impact of non-millable material in U.S. wheat is intensified as these restrictions become more severe.

(3) The Commodity Credit Corporation is peculiarly vulnerable because of the excessive tolerances for non-millable material in the U.S. grade standards for wheat.

CCC has no practicable alternative to using the official grades in its price support and storage operations. Since wheat is a fungible commodity, CCC does not require delivery of the identical grain which its contractors receive for storage. Instead, deliveries of CCC-owned wheat are made against the official grade standards, including the full tolerances for non-millable material. Much of the wheat which CCC acquires under the price support program is U.S. No. 2 or No. 3 grade because of light test weight per bushel but these grades also allow the maximum total tolerances of 10 percent and 17 percent, respectively, for damaged kernels, shrunken and broken kernels, and foreign material. Much of the wheat as it leaves the farm and country elevators contains only a fraction of these defects. The 1962 crop, farm-stored wheat survey, showed that the 1,000 samples of U.S. No. 3 grade wheat in Nebraska averaged only 1.98 percent and 484 samples of U.S. No. 3 grade wheat in South Dakota averaged 2.56 percent for Hard Red Spring Wheat and 3.50 percent for Hard Red Winter Wheat as compared with the 17 percent total tolerance for these factors in the present U.S. No. 3 grade. Domestic buyers protect their interests by examining representative samples prior to purchase. CCC has no practicable alternative to accepting the full grade tolerance for all defects, without discount, if the storage contractor delivers such wheat.

(4) Tightening the requirements for soundness and cleanliness is entirely feasible, would benefit growers, and would be in the general interest of the entire wheat industry.

Since the original standards were established in 1917, better equipment and better methods have come into use in the production, harvesting, transportation, storage, cleaning, and drying of grain. The broad allowance for non-millable material within each grade which was needed in 1917 is not needed in 1963. Historical data clearly point up the significant improvement in the cleanliness of U.S. wheat delivered at country points and received at terminal markets, which has taken place gradually over a long period of years. To further postpone full use of this knowledge and equipment is tantamount to leaving grain marketing in the first quarter of the 20th century.

Available facts indicate that the growers and the country elevator do not make use of the present wide tolerances. Many wheat growers are paid on a net clean wheat basis. Therefore, a change in the U.S. grade tolerances, which may be applied to the wheat at some point in the marketing channel after it has left the farm, should in no way penalize the grower or reduce his prices. During the transition from the old to revised, tighter wheat standards in 1957, wheat sold under the revised standards at higher prices even when falling in the same numerical grade.

Inspection records show that most wheat moving through the domestic market channels is well within the proposed revised tolerances. Therefore, tightening the standards as proposed will adversely affect (1) only those lots of wheat which were at or near the bottom of the grade and were clearly below normally acceptable levels of quality and were, therefore, objectionable even though they were technically "within grade" and (2) that small minority of persons who are abusing or misusing the existing wide tolerances which were originally established to allow for naturally occurring defects and not for the purpose of "blending down" lots of wheat to include the official maximum of non-millable or other undesirable material.

Allegations that tightening the wheat standards will simply result in shifting a greater percentage of the wheat into lower numerical grades are refuted by the experience when standards were tightened on soybeans in 1955 as revealed in the following data:

SOYBEANS

Crop year	U.S. No. 1	U.S. No. 2	U.S. No. 3 and lower
	Percent of carlots inspected		
1952–54	24.0	46.4	29.6
1955	(Grade standards were tightened)		
1956–58	27.5	44.0	28.5

For the reasons set forth above, it is concluded that such changes can only prove to be beneficial—not detrimental—to the best interests of wheat growers and other segments of the industry.

With respect to the specific issues, it was proposed to:

(a) Delete the subclasses Red Winter Wheat and Western Red Wheat in the class Soft Red Winter Wheat. Red Winter Wheat and Western Red Wheat heretofore have been designated as subclasses of the class Soft Red Winter Wheat. Very little Soft Red Winter Wheat is produced west of the Great Plains area; therefore, the subclass Western Red Wheat of the class Soft Red Winter Wheat should be deleted. This would eliminate any need for the subclass designation Red Winter Wheat and all wheat of the class Soft Red Winter Wheat would be designated by the class name. No objections have been made to this proposed change and it should be adopted.

(b) Change the subclass Western White to Mixed White and require that the percentages of White Club and Common White Wheat be made a part of the grade designation. The subclass Western White is White Club Wheat and Common White Wheat mixed in varying proportions, but until recent years wheat of this subclass was about 40 percent Club Wheat. The official grade standards for wheat heretofore have not required such composition determination to be made and shown as a part of the grade for the subclass Western White Wheat.

Information submitted at the hearings and otherwise available to this Department has established that the subclass Western White Wheat has become a designation with good acceptance in foreign markets. Changing the name of this subclass to Mixed White Wheat would be confusing and detrimental to trade in these markets, unless club wheat were available in adequate amounts as a substitute. New rust-resistant varieties are expected to result in increased production of White Club Wheat within a few years. Therefore, the proposal to change the subclass name should not be adopted at this time. However, the percentage of White Club Wheat in Western White Wheat has markedly declined in the past two years and this percentage is an important element in determining the value and usability of Western White Wheat. A statement of the percentages of White Club Wheat and of Common White Wheat in Western White Wheat on the inspection certificates should be required.

(c) Express dockage to the nearest whole and half percent (e.g., 0.3 to 0.7 would be called 0.5) or, as an alternative, disregard other fractions and express dockage in half percent, whole percent, or whole and half percent (e.g., 0.4 would be disregarded and 0.9 would be called 0.5). In the past, dockage when equal to 1 percent or more was recorded on inspection certificates in whole percent and when less than 1 percent was not recorded. A fraction of a percent was disregarded. Dockage is not a grade determining factor. The amount of dockage is established before the official grade is determined. Dockage enters into the estimate of the value of a given lot of wheat, however, since it composes a proportion of the non-millable material.

The effect of the standards in the past has been to conceal the presence of dockage in quantities up to 0.9 percent. Ignoring dockage content up to 0.9 percent does not provide adequate information concerning the extent of the non-millable material in the wheat. There have been many proposals that the determination and recording of dockage be refined to smaller fractions of a percent.

To define dockage in one-half percent intervals gives greater precision in describing wheat than heretofore was provided by the standards. The proposal would encourage producers to deliver cleaner wheat to the first buyer and would discourage the blending of high-dockage wheat with cleaner wheat throughout the marketing process. The amount of dockage can be controlled through proper binning and cleaning.

There is little reason to believe that expressing dockage in more precise terms, as proposed, would decrease aggregate farm income to those producers who are producing quality wheat. In fact, the marketing system should be more responsive to quality at the farm level with subsequent improvement in quality throughout the marketing system.

The argument was made that the past system was satisfactory, but that showing dockage in increments of one-half percent would result in price discounts to producers. This argument breaks down of its own weight. In the first place, most wheat purchased by domestic millers contains considerably less than 0.9 percent dockage. In the second place, if it were true that wheat containing 0.9 percent dockage is readily acceptable to the trade, then a premium—not a discount—should be forthcoming for wheat that is recorded as having only 0.5 percent dockage. It is concluded that the alternate proposal should be adopted.

(d) Provide maximum limits for total defects (damaged kernels, foreign material, and shrunken and broken kernels) in the numerical grades. In the past, no limitation on total defects was set other than that which results from a summation of the limits for each defect. In other words, 2 percent of damaged kernels, 0.5 percent of foreign material and 5 percent of shrunken and broken kernels each separately had the same significance as the total of the three factors; i.e. the maximum for grade No. 1. Total defects for Grade No. 1 would be reduced from 7.5 percent to 3 percent and in Grade No. 2 from 10 percent to 5 percent.

Data were obtained from more than 2,500 composite samples of farm-stored wheat in five major wheat States. In every State, "total defects" was less than in the proposed standards for the grade. This indicates that the proposed factor

of "total defects" would not have an adverse effect on the grade of the wheat delivered by most farmers.

Exports of wheat surveyed in 1962–63 showed a different picture. Total defects exceeded the proposed limit for the grade in every one of 33 cargoes of No. 1 Hard Red Spring Wheat. About one-third of the 46 cargoes of No. 2 Hard Red Spring Wheat exceeded the 5 percent maximum limit proposed. In exports of Hard Red Winter Wheat, 85 percent of No. 1 grade and 13 percent of No. 2 grade cargoes exceeded the proposed maximum on total defects. A factor of "total defects" should contribute to the reduction of the amount of non-millable material in exports and will provide for a more accurate description of wheat shipped in foreign and domestic trade.

It is reasonable and realistic to establish a combined total tolerance for a group of defects which is less than the sum of the individual tolerances established for each defect. In fact this approach is a common one in grade standards and is incorporated in the U.S. grades for oats, barley, and many other products. This approach recognizes that the incidence of total defects and the composition of these defects are both important features in determining value and usability. In developing grade standards, it is quite customary to determine first what total content of defective units or other undesirable material is commercially acceptable and reasonable for a designated grade. Then, within this total limitation, individual tolerances or "stoppers" are specified for important factors. Establishing a total defect limit would make each numerical grade more meaningful because it will reduce the amount of variation of quality within each grade.

It is concluded that the adoption of this proposal will result in less nonmillable material in top grades of wheat and will facilitate trade.

(e) Change the limits of shrunken and broken kernels from 5 percent to 3 percent for grade No. 1, and establish maximum limits of 12 percent and 20 percent, respectively, for grades No. 4 and No. 5. The findings clearly show that shrunken and broken kernels influence the value by reducing the quantity of whole millable kernels of wheat.

The problem of shrunken and broken kernels is most acute in Durum wheat, but the proposal to set the maximum limit for No. 1 grade at 3.0 percent would still permit almost 90 percent of the Durum wheat inspected to grade No. 1 on this factor. For the other classes the percent grading No. 1 on the factor shrunken and broken kernels would be even higher.

This proposed change should be adopted.

(f) Combine the tables of grade requirements for all classes of wheat. Heretofore 5 tables of grade requirements were given for the separate classes. Since the grades and grade requirements are practically the same for all classes of wheat the tables for all classes should be combined for the purpose of simplification.

(g) Change the minimum and maximum moisture limits for tough wheat. In the past, depending on the class, wheat with over 14 percent or 14.5 percent moisture was graded "tough" and if over 15.5 percent or 16 percent moisture was graded "Sample grade." The minimum moisture content for "tough" would be reduced to 13.5 percent for all classes, the maximum limit would be deleted, and the application of "Sample grade" based on moisture content would be discontinued.

The keeping quality of wheat depends on various factors—moisture content, temperature, amount and kinds of microorganisms present, and the initial soundness of the wheat. At moisture levels above about 12 percent, the rate of respiration in stored wheat increases and small differences in moisture content may account for large differences in keeping quality. At temperatures prevailing in summer in most of the wheat-producing areas of the U.S., wheat stored at moisture levels exceeding 13.5 percent will increase in fat acidity, will decrease in viability, and is in danger of developing germ damage characteristic of "sick" wheat. Musty odors will frequently develop after extended storage periods.

Scientific data indicate that the moisture limits heretofore provided for tough wheat in the standards are too high to assure safe storage or foreign shipment of wheat during the warm seasons of the year. A reduction of the maximum moisture limit to 13.5 percent for all classes of wheat would materially increase the safety with which wheat not grading "tough" can be stored or shipped.

Wheat storage is not confined to any geographical area and the danger of deterioration from high moisture should be recorded regardless of location. All wheat with more than 13.5 percent moisture should be graded "Tough wheat."

(h) Delete the provision for making smut dockage determinations on smutty wheat. This item is involved in the Pacific Northwest where for many years smutty wheat was scoured to remove the smut spores adhering to the surface of the wheat kernels. The material removed was called smut dockage. Varieties of wheat have now been developed that are practically smut free. In addition, the commercial practice of scouring to remove smut spores has been replaced by a washing process. Therefore, the smut-dockage method of appraising the quantity of smut in a lot of wheat should be discontinued.

(i) Provide a special grade of "Heavy Wheat" for all classes of wheat. In the past, the wheat standards defined only the minimum test weights permitted per grade and did not recognize superior test weights for any grade, except No. 1 Heavy Hard Red Spring Wheat. From the inception of grain grading, test weight has been recognized as an indicator of quality. It is concluded that the influence of superior test weight on quality should be recognized for grades 1, 2, and 3 for all classes of wheat.

(j) Except for the class Red Durum, change the maximum limit for wheat of other classes for grade No. 1 from 5 percent to 3 percent and provide limits for contrasting classes. In the past, the standards provided maximum limits (e.g. 0.5 percent, 1 percent, and 2 percent) for certain classes depending on the end use and ability to distinguish the classes on visual examination. The mixing of "wheat of other classes" into a specific lot tends to lower the value and usability of that lot of wheat.

The kernels of some classes of wheat are readily distinguishable from other classes and, therefore, are "contrasting classes." The proposal would make uniform maximum limits for contrasting classes in all grades. There was serious objection to this restriction as applied to soft red winter wheat and white wheat since the end use is similar. The proposal should be adopted with modifications so that (1) Soft Red Winter Wheat is not listed with the classes considered contrasting in White Wheat and (2) White Wheat is not listed with the classes considered contrasting in Soft Red Winter Wheat.

(k) Renumber or otherwise redesignate the sections and paragraphs of the standards in the interest of clarity and make other minor changes as proposed. One of the proposed minor changes would have redefined "Mixed Wheat". Modification of this proposed definition appears to be desirable in the interest of clarity and this definition should be adopted with such modification. The proposal to redesignate the sections and paragraphs of the standards and to make the other minor changes proposed are appropriate and should be adopted.

(l) Provide for determination by AMS of equipment and procedure to be used in making moisture tests. (In the past, the standards have provided by reference for the use of an air-oven test or "any method which gives equivalent results.")

The air-oven moisture test is accurate, but is so time consuming as to be impractical for routine inspection and has not been so used. The selection of a "method which gives equivalent results" as provided for in the past cannot be left to the judgment of individual licensed inspectors if uniformity of inspection results is to be achieved, and they are generally not informed of the availability and characteristics of moisture testing devices. The development of moisture testing devices capable of making quicker and more accurate moisture readings is constant, requiring continuing study and observation on the part of the Department, resulting in modification and change from time to time. This procedure is consistent with that followed in regard to other equipment used under the Act. This proposal should be adopted.

Therefore, under the authority of section 2 of the United States Grain Standards Act, as amended (7 U.S.C. 74) the Official Grain Standards of the United States for Wheat are revised to read as hereinafter set forth. Insofar as the revision differs from the proposals in the notice of rule-making, the differences are due to changes made as a result of comments of interested persons pursuant to the notice. It appears that public rule-making procedure with respect to such changes would not make additional information available to this Department.

Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public rule-making procedure with respect to the changes are unnecessary and impracticable.

The revised standards are as follows:

Sec.
26.101 Terms defined.
26.102 Wheat.
26.103 Dockage.
26.104 Foreign material.
26.105 Other grains.
26.106 Damaged kernels.
26.107 Heat-damaged kernels.
26.108 Contrasting classes.
26.109 Shrunken and broken kernels.
26.110 0.064 x ⅜ oblong hole sieve.
26.111 Stones.
26.112 Defects.
26.113 Principles governing application of standards.
26.114 Basis of determination.
26.115 Percentages.
26.116 Moisture.
26.117 Test weight per bushel.
26.118 Classes.
26.119 Hard Red Spring Wheat.
26.120 Durum Wheat.
26.121 Red Durum Wheat.
26.122 Hard Red Winter Wheat.
26.123 Soft Red Winter Wheat.
26.124 White Wheat.
26.125 Mixed Wheat.
26.126 Grades.
26.127 Numerical grades and Sample grade and grade requirements.
26.128 Special grades, special grade requirements, and special grade designations.
26.129 Grade designations for all classes and subclasses of wheat.

§ 26.101 Terms defined.

For the purposes of the Official Grain Standards of the United States for Wheat, the terms specified in § 26.102 through § 26.112 shall have the meanings stated in said sections respectively.

§ 26.102 Wheat.

Wheat shall be the grain of common wheat, club wheat, and durum wheat which, before the removal of the dockage, consists of 50 percent or more of one or more of these wheats and not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act and which, after the removal of the dockage, contains 50 percent or more of whole kernels of one or more of these wheats.

§ 26.103 Dockage.

Dockage shall be weed seeds, weed stems, chaff, straw, grain other than wheat, sand, dirt, and any other material other than wheat, which can be removed readily from the wheat by the use of appropriate sieves and cleaning devices; also underdeveloped, shriveled, and small pieces of wheat kernels removed in properly separating the material other than wheat and which cannot be recovered by properly rescreening or recleaning. (See also §§ 26.115 and 26.129.)

§ 26.104 Foreign material.

Foreign material shall be all matter other than wheat which is not separated from the wheat in the proper determination of dockage.

§ 26.105 Other grains.

Other grains shall be rye, oats, corn, grain sorghum, barley, hull-less barley, flaxseed, ommer, spelt, einkorn, Polish wheat, poulard wheat, cultivated buckwheat, and soybeans.

§ 26.106 Damaged kernels.

Damaged kernels shall be kernels and pieces of kernels of wheat and other grains which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

§ 26.107 Heat-damaged kernels.

Heat-damaged kernels shall be kernels and pieces of kernels of wheat and other grains which have been materially discolored and damaged by heat.

§ 26.108 Contrasting classes.

Contrasting classes shall be (a) Durum Wheat, Red Durum Wheat, and White Wheat in the classes Hard Red Spring Wheat and Hard Red Winter Wheat; (b) Hard Red Spring Wheat, Red Durum Wheat, Hard Red Winter Wheat, Soft Red Winter Wheat, and White Wheat in the class Durum Wheat; (c) Durum Wheat and Red Durum Wheat in the class Soft Red Winter Wheat; and (d) Durum Wheat, Red Durum Wheat, Hard Red Spring Wheat, and Hard Red Winter Wheat in the class White Wheat.

§ 26.109 Shrunken and broken kernels.

Shrunken and broken kernels shall be all kernels and pieces of kernels of wheat and other matter that will pass readily through a 0.064 x ⅜ oblong hole sieve.

§ 26.110 0.064 x ⅜ oblong hole sieve.

A 0.064 x ⅜ oblong hole sieve shall be a metal sieve 0.0319 inch thick perforated with oblong holes 0.064 inch wide by ⅜ (0.375) inch long which are 1/8 (0.1250) inch from center to center and with 0.0525 inch end bridges. The perforations shall be staggered in relation to the adjacent rows.

§ 26.111 Stones.

Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.112 Defects.

Defects shall include damaged kernels, foreign material, and shrunken and broken kernels.

§ 26.113 Principles governing application of standards.

The principles stated in § 24.114 through § 26.117 shall apply in the determination of the classes and grades of wheat.

§ 26.114 Basis of determination.

Each determination of dockage, moisture, temperature, odor, garlic, live weevils or other insects injurious to stored grain, and distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

§ 26.115 Percentages.

All percentages shall be upon the basis of weight. Percentages except for dockage shall be expressed in whole and tenth percent to the nearest tenth of a percent. The percentage of dockage when equal to one-half percent or more shall be stated in terms of half percent, whole percent, or whole and half percent, as the case may be, with other fractions disregarded as shown in the following examples: Dockage ranging from 0.5 to 0.9 percent shall be expressed as 0.5 percent, from 1.0 to 1.4 percent as 1.0 percent, from 1.5 to 1.9 percent as 1.5 percent, etc.

§ 26.116 Moisture.

Moisture shall be ascertained by use of the equipment and procedure prescribed by the Agricultural Marketing Service, United States Department of Agriculture. (Information thereon may be obtained from said Service.)

§ 26.117 Test weight per bushel.

Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as described in Circular No. 921 issued June 1953. Test weight per bushel shall be expressed to the nearest tenth of a pound.

§ 26.118 Classes.

Wheat shall be divided into the following seven classes: Hard Red Spring Wheat, Durum Wheat, Red Durum Wheat, Hard Red Winter Wheat, Soft Red Winter Wheat, White Wheat, and Mixed Wheat.

§ 26.119 Hard Red Spring Wheat.

The class Hard Red Spring Wheat shall include all varieties of hard red spring wheat. This class shall be divided into the following three subclasses:

(a) *Dark Northern Spring Wheat.* The subclass Dark Northern Spring Wheat shall be Hard Red Spring Wheat with 75 percent or more of dark, hard, and vitreous kernels.

(b) *Northern Spring Wheat.* The subclass Northern Spring Wheat shall be Hard Red Spring Wheat with 25 percent or more but less than 75 percent of dark hard, and vitreous kernels.

(c) *Red Spring Wheat.* The subclass Red Spring Wheat shall be Hard Red Spring Wheat with less than 25 percent of dark, hard, and vitreous kernels.

§ 26.120 Durum Wheat.

The class Durum Wheat shall include all varieties of white (amber) Durum Wheat. This class shall be divided into the following three subclasses:

(a) *Hard Amber Durum Wheat.* The subclass Hard Amber Durum Wheat shall be Durum Wheat with 75 percent or more of hard and vitreous kernels of amber color.

(b) *Amber Durum Wheat.* The Subclass Amber Durum Wheat shall be Durum Wheat with 60 percent or more but less than 75 percent of hard and vitreous kernels of amber color.

(c) *Durum Wheat.* The subclass Durum Wheat shall be Durum Wheat with less than 60 percent of hard and vitreous kernels of amber color.

§ 26.121 Red Durum Wheat.

The class Red Durum Wheat shall include all varieties of red durum wheat. There are no subclasses in this class.

§ 26.122 Hard Red Winter Wheat.

The class Hard Red Winter Wheat shall include all varieties of hard red winter wheat. This class shall be divided into the following three subclasses:

(a) *Dark Hard Winter Wheat.* The subclass Dark Hard Winter Wheat shall be Hard Red Winter Wheat with 75 percent or more of dark, hard, and vitreous kernels.

(b) *Hard Winter Wheat.* The subclass Hard Winter Wheat shall be Hard Red Winter Wheat with 40 percent or more but less than 75 percent of dark, hard, and vitreous kernels.

(c) *Yellow Hard Winter Wheat.* The subclass Yellow Hard Winter Wheat shall be Hard Red Winter Wheat with less than 40 percent of dark, hard, and vitreous kernels.

§ 26.123 Soft Red Winter Wheat.

The class Soft Red Winter Wheat shall include all varieties of soft red winter wheat. There are no subclasses in this class.

§ 26.124 White Wheat.

The class White Wheat shall include all varieties of white wheat. This class shall be divided into the following four subclasses:

(a) *Hard White Wheat.* The subclass Hard White Wheat shall be White Wheat with 75 percent or more of hard kernels and may contain not more than 10.0 percent of wheat of the white club varieties.

(b) *Soft White Wheat.* The subclass Soft White Wheat shall be White Wheat with less than 75 percent of hard kernels and may contain not more than 10.0 percent of wheat of the white club varieties.

(c) *White Club Wheat.* The subclass White Club Wheat shall be White Wheat consisting of wheat of the white club varieties and may contain not more than 10.0 percent of other white wheat.

(d) *Western White Wheat.* The subclass Western White Wheat shall be White Wheat containing more than 10.0 percent of wheat of the white club varieties and more than 10.0 percent of other white wheat.

§ 26.125 Mixed Wheat.

The class Mixed Wheat shall be any mixture of wheat which consists of one of the following:

(a) Two or more classes each of which constitutes more than 10.0 percent of the mixture; or

(b) One class that constitutes more than 10.0 percent and two or more other classes in combination that exceed 10.0 percent of the mixture; or

(c) Several classes none of which constitutes 10.0 percent or more of the mixture but which combined meet the definition for wheat.

§ 26.126 Grades.

Grades shall be the numerical grades, Sample grade, and special grades provided for in § 26.127 and § 26.128.

§ 26.127 Numerical grades and Sample grade and grade requirements.

(a) *Numerical grades and Sample grade and grade requirements for all classes of wheat except Mixed Wheat* (see also § 26.128).

Grade	Minimum test weight per bushel		Maximum limits of—						
			Defects					Wheat of other classes [1]	
	Hard Red Spring Wheat	All other classes	Heat-damaged kernels	Damaged kernels (total)	Foreign material	Shrunken and broken kernels	Defects (total)	Contrasting classes	Wheat of other classes (total)
	Pounds	*Pounds*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1	58.0	60.0	0.1	2.0	0.5	3.0	3.0	0.5	3.0
2	57.0	58.0	0.2	4.0	1.0	5.0	5.0	1.0	5.0
3	55.0	56.0	0.5	7.0	2.0	8.0	8.0	2.0	10.0
4	53.0	54.0	1.0	10.0	3.0	12.0	12.0	10.0	10.0
5	50.0	51.0	3.0	15.0	5.0	20.0	20.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1. to No. 5, inclusive; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheat of other classes.

(b) *Numerical grades and Sample grade and grade requirements for Mixed Wheat.* (See also § 26.128.) Mixed Wheat shall be graded according to the numerical and Sample grade requirements of the class of wheat which predominates in the mixture, except that the factor "wheat of other classes" shall be disregarded.

§ 26.128 Special grades, special grade requirements, and special grade designations.

(a) *Tough wheat*—(1) *Requirements.* Tough wheat shall be wheat which contains more than 13.5 percent of moisture.

(2) *Grade designation.* Tough wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not tough, and there shall be added to and made a part of the grade designation the word "Tough."

(b) *Smutty wheat*—(1) *Requirements.* Smutty wheat shall be wheat which has an unmistakable odor of smut or which contains balls, portions of balls, or spores, of smut in a quantity equivalent to more than 14 balls of average size in 250 grams of wheat.

(2) *Grade designation.* Smutty wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not smutty; and

(i) In the case of smutty wheat which has an unmistakable odor of smut, or which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls but not in excess of a quantity equal to 30 balls of average size in 250 grams of wheat, there shall be added to and made a part of the grade designation the words "Light Smutty"; and

(ii) In the case of smutty wheat which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 30 balls of average size in 250 grams of wheat, there shall be added to and made a part of the grade designation the word "Smutty."

(c) *Garlicky wheat* — (1) *Requirements.* Garlicky wheat shall be wheat which contains two or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat.

(2) *Grade designation.* Garlicky wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not garlicky; and

(i) In the case of garlicky wheat which contains two or more but not more than six green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat, there shall be added to and made a part of the grade designation the words "Light Garlicky"; and

(ii) In the case of garlicky wheat which contains more than six green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat, there shall be added to and made a part of the grade designation the word "Garlicky."

(d) *Weevily wheat* — (1) *Requirements.* Weevily wheat shall be wheat which is infested with live weevils or other insects injurious to stored grain.

(2) *Grade designation.* Weevily wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not weevily, and there shall be added to and made a part of the grade designation the word "Weevily."

(e) *Ergoty wheat*—(1) *Requirements.* Ergoty wheat shall be wheat which contains more than 0.3 percent of ergot.

(2) *Grade designation.* Ergoty wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not ergoty, and there shall be added to and made a part of the grade designation the word "Ergoty."

(f) *Treated wheat*—(1) *Requirements.* Treated wheat shall be wheat which has been scoured, limed, washed, sulfured, or treated in such a manner that the true quality is not reflected by either the numerical grade or the Sample grade designation alone.

(2) *Grade designation.* Treated wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not treated, and there shall be added to and made a part of the grade designation a statement indicating the kind of treatment.

(g) *Heavy wheat*—(1) *Requirements.* Heavy wheat shall be (i) Hard Red Spring Wheat of grades No. 1, No. 2, and No. 3 which has a test weight per bushel of 60 pounds or more, or (ii) any other class of wheat of grades No. 1, No. 2, and No. 3 which has a test weight per bushel of 62 pounds or more.

(2) *Grade designation.* Heavy wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not heavy, and there shall be added to and made a part of the grade designation preceding the name of the class or subclass, as the case may be, the word "Heavy."

§ 26.129 Grade designation for classes and subclasses of wheat.

(See also § 26.128). The grade designation for wheat shall include in the order named the number of the grade or the words "Sample grade," as the case may be; the name of the applicable subclass, or in the case of Red Durum Wheat, Soft Red Winter Wheat, and Mixed Wheat, the name of the class; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof. In the case of Western White Wheat, the grade designation shall also include, following the name of the subclass, the name and percentage of white club wheat and other white wheat in the mixture. In the case of Mixed Wheat, the grade designation shall also include, following the name of the class, the name and percentage of hard red spring, durum, red durum, hard red winter, soft red winter, and white wheat, if any, contained in the mixture.

The foregoing standards supersede the official grain standards of the United States for wheat as amended effective June 15, 1957, and shall become effective May 1, 1964.

Done at Washington, D.C., this 22d day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-752; Filed, Jan. 24, 1964; 8:50 a.m.]

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 23, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 26, 1964, and ending at 12:01 a.m. P.s.t. February 2, 1964, are hereby fixed as follows:

(i) District 1: 950,000 cartons;
(ii) District 2: 325,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," the second sentence thereof to read: "Not to exceed two percent of the total acreage for the respective kind of tobacco allotted to all tobacco farms in the State for the preceding year shall be made available in the State by the State Committee, with the approval of the Deputy Administrator, for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms."

(Secs. 313, 375, 52 Stat. 47, as amended, 66, as amended; 7 U.S.C. 1313, 1376)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 24, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-652; Filed, Jan. 24, 1964; 11:34 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 48]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.348 Navel Orange Regulation 48.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) AND MARYLAND TOBACCO ALLOTMENT AND MARKETING QUOTA REGULATIONS, 1963–64 AND SUBSEQUENT MARKETING YEARS

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

(a) *Basis and purpose.* This amendment to the above designated regulations (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of the amendment is to revise the regulations to make uniform for all kinds of tobacco the percentage of the acreage available for allotments which may be reserved to make equitable adjustments, to correct errors, and to provide allotments for overlooked farms. As tobacco farmers are now making plans for the production in 1964 of all kinds of tobacco, and cannot complete such plans until informed of their tobacco allotments for such year and this amendment affects the determination of such allotments, it is essential that the amendment be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest, and the amendment contained herein shall become effective upon publication in the FEDERAL REGISTER.

(b) *The amendment.* Section 724.57, as amended, of the above designated regulations is hereby amended by revising

Tough wheat shall be wheat which con-

of wheat.

if it were not treated, and there

"District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–851; Filed, Jan. 24, 1964; 11:25 a.m.]

[Lemon Reg. 94]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.394 Lemon Regulation 94.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 21, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., January 26, 1964, and ending at 12:01 a.m., P.s.t., February 2, 1964, are hereby fixed as follows:

(i) District 1: 11,160 cartons;
(ii) District 2: 153,450 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 23, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–773; Filed, Jan. 24, 1964; 8:51 a.m.]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Changes in Representation of Certain Districts on Commodity Committee

Notice was publised in the FEDERAL REGISTER issue of January 10, 1964 (29 F.R. 266), that the Department was giving consideration to proposed amendments to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 917.100–917.179) currently in effect pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. Delete § 917.116 and substitute therefor the following:

§ 917.116 Changes in representation of certain districts on Bartlett Pear Commodity Committee.

The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(a) One (1) member to represent the North Sacramento Valley District and the Central Sacramento Valley District;

(b) Three (3) members to represent the Sacramento River District, Stockton District, Contra Costa District, Santa Clara District, and Solano District;

(c) One (1) member to represent the Placer District and the Colfax District;

(d) Four (4) members to represent the Lake District;

(e) One (1) member to represent the North Coast District and the North Bay District;

(f) Two (2) members to represent the El Dorado District; and all of the area not included in the North Sacramento Valley District, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) changes in the representation of districts on the commodity committees are required to be based, insofar as practicable, on shipments of fruit during the past 3 seasons; (2) accurate information concerning such shipments was not available to the Department until December 8, 1963; (3) notice that consideration was being given to the proposed amendment was issued on January 6, 1964, and published in the FEDERAL REGISTER on January 10, 1964; (4) nominations for membership on the commodity committees are required to be made not later than February 15 of each year; and (5) it is necessary that this amendment be made effective as soon as practicable in order that the required nomination meetings may be scheduled and nominations made prior to such date.

Dated: January 22, 1964, to become effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–753; Filed, Jan. 24, 1964; 8:51 a.m.]

[Grapefruit Reg. 6, Amdt. 2]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 6, as amended (§ 944.102; 28 F.R. 9877, 29 F.R. 311), are hereby further amended to read as follows:

§ 944.102 Grapefruit Regulation No. 6.

(a) On and after 12:01 a.m., e.s.t., January 29, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit, other than pink seedless grapefruit, shall grade at least U.S. No. 1 Russet and be of a size not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(3) Pink seedless grapefruit shall grade at least U.S. No. 2 and be of a size not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 34 (§ 905.407); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 22, 1964, to become effective at 12:01 a.m., e.s.t., January 29, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–799; Filed, Jan. 24, 1964; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–399]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Limitation Upon Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of January 1964.

A notice of proposed rule making was published in the FEDERAL REGISTER on November 30, 1963 (28 F.R. 12767) and circulated to the industry as EDR–63, Docket 14885, proposing amendments to Part 298 of the Economic Regulations (14 CFR Part 298) which would revise §§ 298.3 and 298.11 thereof to limit the exemption of air taxi operators from sections 408(a) and 409(a) of the Federal Aviation Act of 1958 so as to exclude from exemption certain transactions or relationships with any air carrier which holds a certificate of public convenience and necessity.

Interested persons have been afforded an opportunity to participate in the formulation of the proposed amendments, and due consideration has been given to all relevant matter presented. The two comments on the proposed amendments which were submitted do not express any objections to the proposed rule.

Accordingly, the Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective February 24, 1964, as follows:

1. By amending § 298.3(a)(1) to read as follows:

§ 298.3 Classification.

(a) * * *

(1) Do not, directly or indirectly, utilize large aircraft in air transportation.

* * * * *

2. By amending § 298.11 (g) and (h) to read as follows:

§ 298.11 Exemption authority.

* * * * *

(g) Subsection 408(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the transactions or relationships prohibited by subsection 408(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by § 298.21.

NOTE: For additional exemptions from section 408(a) applicable to air taxi operators, see Part 299 of the Board's Economic Regulations.

(h) Subsection 409(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the relationships prohibited by subsection 409(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by § 298.21.

* * * * *

(Secs. 204(a) and 416(b) of the Federal Aviation Act of 1958; 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–750; Filed, Jan. 24, 1964; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8567]

PART 13—PROHIBITED TRADE PRACTICES

James B. Tompkins et al.

Subpart—Advertising falsely or misleadingly: § 13.195 *Safety;* § 13.195–600 *Product.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, James B. Tompkins (Los Angeles, Calif.) et al., Docket 8567, Dec. 5, 1963]

In the Matter of James B. Tompkins, an Individual, and Stalco Products Corporation, a Corporation, and William Houle, and Donald R. Tugwell, as Individuals and as Officers of Said Corporation

Order issued in default requiring the California manufacturer and distributors of a toy product designated "Arch-a-Ball"—consisting of a head band holding a transparent visor over the upper face and eyes and with an inflatable plastic ball attached to the center front by a rubber string, to be punched like a punching bag—to cease representing that the toy was safe for use by such practices as furnishing to dealers window posters and other advertising containing depictions of a child using the toy, and placing the depictions also on the display containers along with the statement: "Simple-Safe-Durable", when the toy was not hazard free due to the possibility of injury to the user's eyes or face in the event of breaking or shattering of the eye shield.

The order to cease and desist is as follows:

It is ordered, That respondents James B. Tompkins, an individual, Stalco Products Corporation, a corporation, and its

officers, and William Houle and Donald R. Tugwell, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a toy product designated "Arch-a-Ball", or any other product of similar construction or having substantially similar properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that such product is safe or is free from hazard, or that the purchaser may use it without risk of injury.

2. Failing to clearly and conspicuously disclose on the container in which the product is sold that the visor or eye shield may break or shatter and thereby cause injury to the eyes or face of the user.

3. Furnishing or placing in the hands of jobbers, retailers or dealers in said products the means and instrumentalities by and through which they may deceive or mislead the public in the manner or as to the things hereinabove prohibited.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondents Stalco Products Corporation, a corporation, and James B. Tompkins, William Houle, and Donald R. Tugwell shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth in the initial decision.

Issued: December 5, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-712; Filed, Jan. 24, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1263) filed by Humble Oil and Refining Company, Houston 1, Texas, and other relevant material, has concluded that the food additive regulations should be amended to include test procedures for determining the amount of extractives from resinous and polymeric coatings intended for use in contact with nonacid, aqueous foods (§ 121.2514(d), Table 1, food type I) that are filled and stored at room temperature with no subsequent thermal treatment in the container (§ 121.2514(d), Table 2, condition of use E). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (d) of § 121.2514 *Resinous and polymeric coatings* is amended by adding to Table 2, Item E, food types "II, IV–B, VI–B", the additional food type "I".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 21, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-729; Filed, Jan. 24, 1964; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean in the Vicinity of Point Mugu, Calif., Naval Small Arms Firing Range; Correction

F.R. Document 63-5119, appearing at 28 F.R. 4783, May 14, 1963, is corrected to show the reading of latitude in the fourth line of § 204.201a(b)(4) to be 34°05'32".

[Letter, ENGCW-ON, January 15, 1964] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-705; Filed, Jan. 24, 1964; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

Occupational Testing and Industrial Services

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49k), Reorganization Plan No. 2 of 1949 (3 CFR 1949–53 Comp., p. 998), and 20 CFR 602.21, I hereby amend 20 CFR 604.10 and 604.11 as set forth below.

As these regulations provide statements of general policy, notice of proposed rule making, public participation in their adoption, and delay in their effective date are excepted from the requirements of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe that such procedure will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

1. Paragraph (a) of 20 CFR 604.10 is revised to read as follows:

§ 604.10 **Occupational testing.**

It is the policy of the United States Employment Service:

(a) To use objective tests and related techniques, as needed, for the measurement of skills, aptitudes, and interests (1) in the employment counseling and placement of applicants; (2) in the employment counseling of high school students who are planning to enter the Labor market upon graduation from high school; (3) in the selection of employed workers being considered by management for training in shortage occupations involved in new operations within the plant; and (4) in the selection of apprentices, State civil service candidates for job orders placed with the Employment Service, and candidates for admission to training in nonprofit technical and vocational schools, when cooperative arrangements have been established which provide full opportunity for the Employment Service to make referrals also from its own applicant supply.

2. Section 604.11 of 20 CFR Part 604 is revised to read as follows:

§ 604.11 **Industrial services.**

It is the policy of the United States Employment Service:

(a) To cooperate with employers, educational and training institutions, labor organizations, other government agencies, and community groups in resolving their manpower problems concerned with the recruitment, development, utilization, and stabilization of the work force, through the use of employment service materials, techniques, and related information.

(b) To apply only those materials, techniques and related information that have been developed by or are recommended by the United States Employment Service.

(c) To provide maximum assistance to employers who are experiencing, or are in danger of experiencing, multiple manpower problems that are likely to affect the work force.

(d) To train representatives of hiring establishments in employment service techniques, such as job analysis, rather than perform the actual services, except in connection with employment problems related to (1) entry jobs, hard-to-fill jobs, trainee jobs, or new jobs; or (2) firms with multiple manpower problems.

(e) To refrain from participation or involvement in wage disputes or bargaining agreements.

(48 Stat. 113, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 21st day of January 1964.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 64-717; Filed, Jan. 24, 1964; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Miscellaneous Amendments

On December 7, 1963, a notice proposing to change the piece rates contained in Schedules A and B of 29 CFR 545.13 and those contained in 29 CFR 681.9(b) was published in the FEDERAL REGISTER (28 F.R. 13312–13315). Interested persons were given 15 days to file written statements of data, views, and argument in regard to the proposal. After considering all relevant matter submitted, I have decided to and do hereby adopt the proposal, subject to the following typographical correction: Item "164" of Schedule B, 29 CFR 545.13 is amended by changing the rate "19.79" cents to "19.97" cents.

As these amendments merely articulate changed piece rates already in effect pursuant to 29 CFR 545.9 and 681.9(a), good cause is hereby found to make them effective without delay and they shall be effective immediately.

Signed at Washington, D.C., this 21st day of January 1964.

CLARENCE T. LUNDQUIST,
Administrator.

1. Section 545.13 of 29 CFR Part 545 would be amended to read as follows:

§ 545.13 **Piece rates established in accordance with § 545.9.**

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse industry		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
1	Arenilla (seed stitch), close, ¼" squares	*Cents* 93.60	*Cents* 84.24	*Cents* 90.00	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	46.80	42.12	45.00	Do.
3	Arrows, filled in, ¼"	23.40	21.06	22.50	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 52.00	[2] 46.80	63.33	Per yard.
5	Basting bias with cord	25.74	23.17	24.75	Do.
6	Basting darts before sewing	[2] 27.14	[2] 24.44	33.25	Do.
7	Basting for fagoting	7.04	6.34	6.77	Do.
8	Basting hems, 1" to 6" wide	[2] 15.60	[2] 14.04	19.00	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	13.49	12.13	12.96	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch.	[2] 9.76	[2] 8.79	11.90	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	31.20	28.08	30.00	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	39.00	35.10	37.50	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	47.01	42.31	45.20	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	88.40	79.56	85.00	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	[2] 10.19	[2] 9.17	12.37	Per dozen.
16	Buttonhole, stamped, ¾" long	[2] 33.64	[2] 30.28	40.93	Do.
17	Buttonhole, stamped, ½" long	[2] 44.72	[2] 40.25	54.52	Do.
18	Buttonhole stitch, close	70.20	63.18	67.50	Per yard.
19	Buttonhole stitch for joining seams	70.20	63.18	67.50	Do.
20	Cord, twisted, over basting	7.80	7.02	7.50	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	10.69	9.62	10.29	Per yard.
21.1	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1" or more.	1.95			Do.
21.2	Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline around scallops measuring less than 1".	4.38			Do.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	4.39	3.95	4.21	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	5.37	5.37	5.33	Do.
22.2	Hand cutting material underneath straight or nearly straight outline.	1.49			Do.
22.3	Hand cutting material underneath irregular outline.	2.22			Do.
23	Dots, baby, not finished off, 2 to 3 stitches	6.50	5.86	6.25	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	10.30	9.27	9.89	Do.
25	Eyelets, up to ½" diameter	17.39	15.65	16.71	Do.
26	Eyelets, 5/16" diameter	31.20	28.08	30.00	Do.
27	Fagoting, straight lines	108.65	97.78	104.46	Per yard.
28	Fagoting, twisted lines	52.00	46.80	50.00	Do.
29	Feather stitch, 12 stitches per inch	52.00	46.80	50.00	Do.
30	Feather stitch cord	27.37	24.63	26.32	Do.
31	Flat fell seams, first seam by machine	[2] 30.47	[2] 27.42	37.07	Do.
32	Flat roll	[2] 23.66	[2] 21.29	25.77	Do.
33	French knots, not finished off	3.26	2.93	3.13	Per dozen.
34	French seams, over 12 stitches per inch	[2] 19.50	[2] 17.55	23.75	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 12.88	[2] 11.60	15.70	Do.
36	Furunecos, with tape	117.00	105.30	112.50	Do.
37	Furunecos, without tape	93.60	84.24	90.00	Do.
38	Guariquenas	7.80	7.02	7.50	Per dozen.
39	Half roll (with colored or emb. thread)	28.58	23.02	24.61	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	[2] 13.64	[2] 12.27	16.60	Do.
41	Hemming stitch for felling, cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 34.89	[2] 31.41	42.50	Do.
42	Hemstitch, double (trutru), 4 threads in a bundle, thread drawing not included.	96.72	87.05	93.00	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	50.77	45.69	48.82	Do.
44	Lace, joined with whipping stitch	81.26	73.13	78.12	Do.
45	Lace, sewed on with hemming stitch or round roll.	39.00	35.10	37.50	Do.
46	Leaves, open, ¼" long	31.20	28.08	30.00	Per dozen.
47	Leaves, open, ½" to ¾" long	46.80	42.12	45.00	Do.
48	Leaves, simple	2.91	2.62	2.80	Do.
49	Leaves, solid, not finished off, ½" long	8.66	7.71	8.23	Do.
50	Leaves, solid, not finished off, ¼" long	10.40	9.36	0.00	Do.
51	Leaves, solid, not finished off, ⅝" to ¾" long	18.60	14.04	15.00	Do.
52	Leaves, solid, finished off, ½" to ¾" long	31.20	28.08	30.00	Do.

See footnotes at end of table.

SCHEDULE A—Continued

No.	Operation	Women's and children's underwear and women's blouse industry: Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Women's and children's underwear and women's blouse industry: Cotton underwear and nightwear (2)	Children's dress and related products industry (3)	Unit of payment
		Cents	*Cents*	*Cents*	
53	Loops, knitted, ¼"	9.76	8.79	9.39	Do.
54	Loops, knitted, 1" to 1½"	16.40	14.77	15.77	Do.
55	Loops, made with buttonhole stitch	23.40	21.06	22.50	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled with hemming stitch.	93.20	83.88	89.61	Per yard.
57	Overcasting seams	[2] 16.59	[2] 14.92	20.22	Do.
58	Pasadas, short, 1" to 8"		7.28		Per dozen pasadas.
59	Patches, sewed on with single point de ture	155.88	139.85	149.39	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½ inch.	9.81	8.82	9.43	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	152.88	137.59	147.00	Per yard.
60	Pin stitch, thread drawing not included, 1 inch squares.	187.20	168.48	180.00	Per dozen squares.
61	Point de ture double, with embroidery thread.	77.60	69.84	74.61	Per yard.
62	Point de ture plain, with embroidery thread	45.50	40.94	43.76	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	19.50	17.54	18.75	Do.
64	Randa, Don Gonzales, thread drawing not included.	81.90	73.70	78.75	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	23.40	21.06	22.50	Do.
66	Ribbons, setting ends of	10.69	9.62	10.29	Per dozen.
67	Rolling armholes and reboques	[2] 39.85	[2] 35.86	48.53	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	23.17	20.85	22.29	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	[2] 19.50	[2] 17.56	23.75	Per yard.
70	Running stitch for felling, very close stitch	[2] 19.50	[2] 17.56	23.75	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 20.96	[2] 18.86	25.57	Do.
72	Running stitch on lace	20.70	18.63	19.91	Do.
73	Running stitch for plain sewing	[2] 14.09	[2] 12.69	17.18	Do.
74	Scallops, plain, cutting included	78.52	70.67	75.50	Do.
75	Shadow stitch, up to ¾" wide	150.80	135.72	145.00	Do.
76	Shell, 4 to 5 stitches per inch	26.75	24.08	25.71	Do.
77	Shirring, material to be measured before shirring.	15.70	14.13	15.11	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	18.88	16.99	18.14	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	33.92	30.52	32.61	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¼", measured after turning, sewing up to ⅝" at each end at strap.	92.20	82.97		Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 15.60	[2] 14.04	19.00	Per dozen inches.
82	Smocking	.64	.57	.63	Per dozen stitches.
83	Snaps, sewing on, both sides	[2] 15.60	[2] 14.04	19.00	Per dozen.
84	Solid cord stitch on gores and embroidery	73.32	65.99	70.50	Per yard.
85	Solid cord stitch to sew on lace	66.30	59.66	63.75	Do.
86	Spiders, 4 legs	15.60	14.04	15.00	Per dozen.
87	Spiders, 8 legs	30.49	27.44	29.32	Do.
88	Tacks, set for fagoting	7.80	7.02	7.50	Do.
89	Tucks, stamped, 1/16" to ¼" wide, up to 6" long.	24.41	21.96	23.46	Do.
90	Tucks, pin, stamped up to 7" long	25.72	23.16	24.74	Do.
91	Tucks, pin, unstamped up to 6"long	31.20	28.08	30.00	Do.
93	(See operation No. 22.1)				

See footnotes at end of table.

SCHEDULE A—Continued

No.	Operation	Women's and children's underwear and women's blouse industry: Blouses and neckwear and silk and synthetic underwear and nightwear (1)	Women's and children's underwear and women's blouse industry: Cotton underwear and nightwear (2)	Children's dress and related products industry (3)	Unit of payment
		Cents	*Cents*	*Cents*	
94	Turning belts, machine sewn, 29" x ½", measured after turning.	22.20	22.20	22.06	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½", measured after turning.	28.20	28.20	28.07	Do.
96	Turning shoulder pads, 5¾" long, with an unsewed slit of 1" for turning.	14.41	14.41	14.33	Per dozen pads.
97	Turning shoulder straps, 14½" x ¼", measured after turning.	44.25	44.25		Per dozen straps.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
99	Arenillas (seed stitch), close, ½" squares	37.20	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	18.60	Do.
101	Arrows, filled in, ¼" long	9.30	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.73	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.55	Do.
103.1	Basting and folding hem on edges up to 1½" hem	[3] .62	Do.
104	Blind hemstitch	6.20	Do.
105	Buttonhole stitch, 16 stitches per inch	6.20	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	9.30	Do.
107	Chain stitch, 4 stitches per inch	1.55	Do.
108	Chain stitch, 8 stitches per inch	3.10	Do.
109	Cord, solid, on stem	9.71	Do.
110	Cord, twisted, over basting	3.10	Do.
111	Cord or embroidery, solid, without filling, up to ½" thick [2]	9.30	Do.
112	Crouching or flat cord, 4 stitches per inch	1.55	Do.
113	Cross stitch, 6 crosses per inch	6.61	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	12.40	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	9.30	Per dozen.
115	Diamonds, filled in, ¼" to ⅜" wide	9.30	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.58	Do.
117	Dots, large, not filled in, finished off, 12 stitches	4.65	Do.
118	Dots, large, filled in, finished off, over 12 stitches	9.30	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	6.20	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches	4.09	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread.	2.65	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread.	3.51	Do.
121	Embroidery, solid, 3/16" to ¾" thick, averages 28 stitches per inch [2]	12.40	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	12.40	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	9.30	Do.
124	Eyelets, ¼" diameter	6.92	Per dozen.
125	Feather stitch, 12 stitches per inch	6.89	Per dozen inches.
126	Feather stitch cord	3.64	Do.
127	Flat hems without pasada	[3] 3.22	Do.
128	French knots, not finished off	1.30	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.48	Do.
129	Guariquenas	3.10	Do.
130	Hand or French rolling, 10 stitches or less per inch:		
	(a) Square scarves	8.76	Per 48 inches.
	(b) Oblong scarves	20.35	Do.
131	Hand or French rolling, 11 stitches or more per inch	10.53	Do.

See footnotes at end of table.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents	Unit of payment
132	Hand-rolling one side of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	20.67	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner.	41.33	Do.
134	Hand-rolling both sides of a corner— The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner.	51.67	Do.
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	12.81	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	6.74	Do.
137	Initials, simple, with hoops	31.00	Do.
138	Initials, simple, without hoops	19.22	Do.
139	Lace, joined at corners with hemming stitch	9.30	Do.
140	Leaves, simple	1.16	Do.
141	Leaves, solid, not finished off, ¼" long	4.13	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	6.20	Do.
143	Leaves, solid, not finished off, ⅝" to ¾" long	12.40	Do.
144	Loops, made with worm stitch, ¼"	2.07	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive	6.20	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over	8.68	Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive	10.54	Do.
148	Pasadas, 15" x 15", linen 1700 count and over	13.02	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1400 count inclusive	14.88	Do.
150	Pasadas, short, 1" to 7", linen up to 1600 count inclusive	[3] 3.22	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	6.20	Do.
152	Crash, 1" to 10"	4.65	Do.
153	Cambric, 10½" to 18"	12.40	Do.
154	Crash, 10½" to 18"	9.30	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	6.78	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	11.82	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4"	8.68	Do.
156.2	Patches, irregular outline sewed on with blind stitch, over 4"	4.41	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.	5.57	Do.
158	Pin stitch, thread drawing not included, 1" sq	74.40	Do.
159	Randa, Don Diego, thread drawing not included	13.95	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	3.10	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	2.35	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	9.20	Per dozen.
163	Scallops, plain, cutting included	10.41	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	19.97	Do.
165	Spiders, 4 legs	6.20	Per dozen.
166	Spiders, 8 legs	12.13	Do.

See footnotes at end of table.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents: Cambric (1)	Cents: Crash (2)	Unit of payment
	Thread drawing			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	2.22		Per dozen threads.
167.2	Not stamped 1" to 10"	2.77	1.65	Do.
	Art linen, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	12.39	10.09	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	9.91	8.39	Do.
167.7	16" x 16"	12.39	10.09	Do.
167.8	18" x 18"	14.87	11.65	Do.
	Scarves:			
168.0	17" x 36"	21.88	15.68	Do.
168.1	17" x 48"	25.60	17.68	Do.
168.2	17" x 54"	29.32	19.63	Do.
	Squares:			
168.3	36" x 36"	29.75	19.83	Do.
168.4	45" x 45"	37.16	23.57	Do.
168.5	54" x 54"	44.60	27.54	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges.			
	Towels:			
168.6	9" x 15"		1.56	Do.
168.7	15" x 24"		2.27	Do.
168.8	18" x 30"		2.60	Do.
169	Art linens, after first thread		(7)	Do.

No.	Operation	Cents	Unit of payment
	Thread drawing		
	Ladies handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1600 count inclusive	3.10	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600 count inclusive	3.89	Do.
172	After first thread (for example, for hemstitching)	(7)	Do.
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20"	4.65	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20"	5.44	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20"	5.44	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20"	6.20	Do.
177	After first thread (for example, for hemstitching)	(7)	Do.

SCHEDULE B. PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Doilies			Napkins			Table scarves			Squares			Table cloths		
		8″ x 16″	10″x14″	12″x18″	12″x12″	15″x15″	18″x18″	17″x36″	17″x45″	17″x54″	36″x36″	45″x45″	54″x54″	54″x72″	72″x72″	72″x90″
179	Half roll, cambric and crash, at 3.39 cents per dozen inches	1.62	1.62	2.03	1.62	2.03	2.43	3.59	4.20	4.80	4.88	6.09	7.31	8.52	9.75	10.97
180	Hand or French rolling, 10 stitches or less per inch, cambric, and crash, at 2.19 cents per dozen inches	1.05	1.05	1.31	1.05	1.31	1.57	2.32	2.72	3.11	3.16	3.95	4.75	5.53	6.32	7.11
	Hemming stitch over passada, measuring all around edge:															
181	Cambric at 2.07 cents per dozen inches [2]	.99	.99	1.24	.99	1.24	1.49	2.19	2.56	2.93	2.98	3.72	4.47	5.21	5.96	6.70
182	Crash, at 1.94 cents per dozen inches [2]	.93	.93	1.17	.93	1.17	1.39	2.06	2.41	2.75	2.80	3.49	4.20	4.90	5.60	6.30
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 2.07 cents per dozen inches [3]	.99	.99	1.24	.99	1.24	1.49	2.19	2.56	2.93	2.98	3.72	4.47	5.21	5.96	6.70
184	Crash, at 1.94 cents per dozen inches [3]	.93	.93	1.17	.93	1.17	1.39	2.06	2.41	2.75	2.80	3.49	4.20	4.90	5.60	6.30
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 2.32 cents per dozen inches [3]	1.12	1.12	1.39	1.12	1.39	1.68	2.47	2.89	3.30	3.35	4.18	5.03	5.87	6.70	7.55
186	Crash, at 2.07 cents per dozen inches [3]	.99	.99	1.24	.99	1.24	1.49	2.19	2.56	2.93	2.98	3.72	4.47	5.21	5.96	6.70

No.	Operation	Cents	Unit of payment
	Scallop cutting		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 5/16″ up to but not including 5/8″, along outside edge.	30.18	Per dozen scallops.
187.5	Medium, measuring from 5/8″ up to but not including 7/8″, along outside edge.	38.00	Do.
187.6	Large, measuring from 7/8″ to and inclusive of 1 1/4″, along outside edge.	57.00	Do.
	Needlepoint operations [4] [5]		
200	Compact florals, figures and landscapes	32.24	Per 1,000 stitches.
201	Scattered florals	34.72	Do.
202	Scattered florals consisting of borders or garlands only	37.20	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	34.72	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	37.20	Do.
205	2.48 cents must be added to the above piece rates to cover thumb-tack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

[1] See current wage order for this industry for definition of the industry and of the classification of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.
[3] These piece rates have been set on the basis of O.N.T. thread #5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread #11 is used, 15 percent must be added to the piece rates established for thread #5.
[4] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.
1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit Point.
6. Stamped grospoint.
[5] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas. (2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.
[6] For each additional count of 100, add 1.24 cents.
[7] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

2. Section 681.9(b) of 29 CFR Part 681 would be amended to read as follows:

§ 681.9 Minimum piece rates prescribed by the Administrator.

* * * * *

(b) *Piece rate for hand-braiding leather buttons.* A minimum piece rate of 45 cents a gross shall be paid to homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

[F.R. Doc. 64-727; Filed, Jan. 27, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER G—CIVIL DEFENSE

PART 221—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Part 221 of Subchapter G, Chapter I, Title 32, is revised to read as follows:

Sec.
221.1 Purpose.
221.2 Definitions.
221.3 Request for contributions.
221.4 Conditions of contributions.
221.5 Project application approval.
221.6 Billing and payment.
221.7 Advances of Federal funds for State procurement.
221.8 Limitations on obligating contributions funds.
221.9 State procurement.
221.10 Federal procurement.
221.11 Compliance.

AUTHORITY: The provisions of this Part 221 issued under secs. 201(i) and 401 of the Federal Civil Defense Act of 1950, 64 Stat. 1245–1257, as amended, 50 U.S.C. App. 2251–2297; Reorg. Plan No. 1 of 1958, 72 Stat. 1799, 23 F.R. 4991; E.O. 10952, 26 F.R. 6577; Organizational Statement, Assistant Secretary of Defense (Civil Defense), published Sept. 14, 1961, 26 F.R. 8604; Delegation of Authorities and Functions, Director for Federal Assistance, published June 8, 1962, 27 F.R. 5455.

§ 221.1 Purpose.

The purpose of the regulations in this part is to prescribe the basic terms and conditions under which the OCD, pursuant to the provisions of section 201(i) of the Act, contributes Federal funds to the States for the procurement of civil defense equipment.

§ 221.2 Definitions.

Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) *Act.* The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(b) *Civil Defense equipment.* Facilities, materials, and organizational equipment for which the OCD approves financial contributions under section 201(i) of the Act.

(c) *Facilities.* Buildings, shelters, and utilities.

(d) *Materials.* All materials, supplies, medicines, equipment, component parts, and technical information (including training courses) and processes necessary for civil defense.

(e) *OCD.* Department of Defense, Office of Civil Defense. Where action is to be taken this term denotes the Assistant Secretary of Defense (Civil Defense) or other duly authorized official(s) acting under the authority delegated to the Secretary of Defense by Executive Order 10952 (26 F.R. 6577).

(f) *Organizational equipment.* Equipment (other than materials and facilities) determined by the OCD to be (1) necessary to a civil defense organization, as distinguished from personal equipment, and (2) of such a type or nature as to require it to be financed in whole or in part by the Federal Government. It shall not be construed to include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirement of the civil defense plans.

(g) *Program.* A course of action adopted by a State (or political subdivision) in a specific civil defense area of activity.

(h) *Project.* A definable part of a program which is complete in itself.

§ 221.3 Request for contributions.

A request for a Federal contribution must be made on an OCD prescribed project application form and in accordance with the procedures and criteria set forth in OCD guidance material.

§ 221.4 Conditions of contributions.

The OCD shall make contributions for civil defense equipment, including approved costs, subject to the following conditions:

(a) *Certification.* The making of a request for a contribution shall constitute a certification by the State (and political subdivision) that the necessary funds to provide for the State's share are available or will be available before Federal funds are disbursed; that the equipment to be acquired is required for civil defense purposes; and that the State (and political subdivision) will comply with the OCD regulations covering "Contributions for Civil Defense Equipment" (this part), and "Labor Standards for Federally Assisted Contracts" (Part 228 of this chapter).

(b) *Standards and specifications.* Civil defense equipment procured by the State (or political subdivision) must meet minimum standards and specifications as established by the OCD. Application of such standards and specifications to unique installations or uses of equipment shall be as determined by the OCD following receipt of full information.

(c) *Cancellation or breach.* If for any reason the State (or political subdivision) revokes or cancels its request for a financial contribution after approval by the OCD, or breaches any condition of the regulations in this part or of the project application by which the contribution was approved, it shall promptly reimburse the Federal Government for any loss, as determined by the OCD, occasioned to the Federal Government.

(d) *Inspection and accounting.* Civil defense equipment shall be controlled in accordance with accepted or prescribed methods and standards of accounting, identification, and administrative responsibility. Such methods and standards as the OCD may prescribe shall be met. OCD representatives shall have access to civil defense equipment at all reasonable times for purposes of inspection. The OCD shall also be granted ready access to the books and records of the State and political subdivision relating to such equipment.

(e) *Use and disposal.* Except as otherwise may be prescribed or authorized in OCD guidance material, civil defense equipment shall be distributed, maintained, and used solely for civil defense purposes and shall not be disposed of without prior approval of the OCD.

(f) *Distribution and maintenance.* Civil defense equipment shall be protected and maintained in such a way as to assure its ready availability for the civil defense purpose for which it was acquired. Such equipment shall, to the extent practicable, be distributed and stored in such a manner as to minimize its loss in the event of an attack and at the same time assure its availability for use at the places required immediately after an attack.

(g) *Information and reports.* The State (or political subdivision) shall transmit to the OCD, as required, a statement of its plans for meeting the conditions of this § 221.4 and such reports as the OCD may from time to time request.

(h) *Insigne.* Civil defense equipment shall, whenever practicable, be marked with the official civil defense insigne.

(i) *Damage or loss.* If civil defense equipment procured by the Federal Government should be lost or damaged prior to its delivery to the State, the OCD shall promptly make replacement or any necessary repair. If civil defense equipment procured either by the Federal Government or the State (or political subdivision) is consumed, lost, damaged, or destroyed after delivery, the State (or political subdivision) shall, except as otherwise may be prescribed or authorized in OCD guidance material, promptly make replacement.

(j) *Loyalty oath.* No request for civil defense equipment shall be approved by the OCD unless (1) the State law requires that each person who is appointed to serve in a State or local organization for civil defense shall, before entering upon his duties, take an oath of the character and in the manner provided for in subsection 403(b) of the Act or (2) the State certifies that it has directed the State or local civil defense agency to require that such person shall, before entering upon his duties, take such oath, unless it is determined that an oath of equivalent character has been taken by such person, or that a combination of an oath and requirements of State or Federal law imposes on such person an obligation equivalent to that imposed by the oath contained in subsection 403(b) of the Act.

(k) *Federal—State share.* The Federal contribution shall not exceed fifty percent of the total allowable cost of the civil defense equipment. The State's share of such cost may be derived from any source it determines consistent with its laws: *Provided, however,* That no part of the State's share has been or will be derived from Federal funds. No Federal contribution shall be made for the procurement of land. The value of any land contributed by any State (or political subdivision) shall be excluded from the computation of the State's share.

§ 221.5 Project application approval.

(a) If a project application is found acceptable and approved without change by the OCD, a signed copy thereof evidencing such approval shall be returned to the State.

(b) If the OCD's approval of a project application is made subject to revisions or additional conditions, the project application shall be returned to secure the agreement of the State (and political subdivision) to such revisions or additional conditions. If there is agreement by the State (and political subdivision) to such revisions or additional conditions, the authorized official(s) shall so signify by signing and returning the project application to the OCD.

(c) If the project application is disapproved, it shall be returned to the State with a brief statement of the reasons for such disapproval.

§ 221.6 Billing and payment.

(a) When civil defense equipment procured by the Federal Government has been delivered to the State, the OCD shall invoice the State for the State's share, and the State shall make payment to the OCD.

(b) When civil defense equipment procured by a State (or political subdivision) has been delivered to the State (or political subdivision), the OCD, upon the receipt of proper billing, shall make payment, by check drawn against the Treasury of the United States, to the properly authorized State official.

(c) Representatives of the OCD and the General Accounting Office of the United States shall have access at all reasonable times to the books, records, and other pertinent documents and information of the State (and political subdivisions) and their contractors and subcontractors. Such books, records, and documents shall be maintained for a minimum period of three years following completion of the approved project.

§ 221.7 Advances of Federal funds for State procurement.

(a) Advances of funds may be made to States, to be applied to the Federal share of the cost of items procured by the State (or political subdivision), under the conditions set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) The State is required by law to have funds on deposit, in addition to its own, available for obligation and expenditure to cover the estimated cost of equipment.

(2) The State is precluded from expending State funds in excess of its share of the estimated cost of the equipment subject to reimbursement by the Federal Government.

(3) Procurement is to be made by a political subdivision which is subject to either the first or second condition set forth in this paragraph (a).

(b) In requesting an advance under the conditions set forth in paragraph (a) of this section, the State must agree to:

(1) Deposit the advanced funds in a separate fund or account, under the sole custody of its Treasurer or other authorized fiscal officer. Any interest ac-

cruing in connection with such fund or account shall be paid to the Federal Government.

(2) Withdraw such funds only upon the certification of its authorized official, and then only for the payment of items covered by a project application against which such funds are advanced, or for advance to a political subdivision under the same restrictions.

(3) Keep such central records and accounts as are in accordance with accepted or prescribed methods of accounting, showing the receipt and expenditure of the Federal funds advanced to it. Representatives of the OCD and the General Accounting Office shall be granted ready access to such records and accounts.

(c) Each request for an advance must be made, separate from the project application, on an OCD prescribed form and in accordance with the procedures and criteria set forth in OCD guidance material. Individual requests for advances must be submitted for each project application for which an advance is required.

§ 221.8 Limitations on obligating contributions funds.

(a) Except as otherwise may be prescribed or authorized in OCD guidance material, no contribution shall be made toward the cost of civil defense programs and projects which have been procured or for which a contract, order, or other obligation to procure has been entered into prior to the date of the OCD approval of the project application involved.

(b) Contributions cannot be made toward obligations incurred or expenditures made by the State (or political subdivision) prior to the date of availability of the applicable Federal appropriation. With regard to services, such as maintenance and utility services, being rendered over a continuing period of time, contributions shall be only for eligible services required to serve the civil defense needs of the State (or political subdivision) during the Federal fiscal year current at the time the project application is submitted.

§ 221.9 State procurement.

Except as otherwise may be prescribed or authorized in OCD guidance material, civil defense equipment (other than that which may be provided by the Federal Government under § 221.10) must be procured by the State (or political subdivision) and in accordance with the following requirements:

(a) *Purchase procedures.* Procurement of any item of civil defense equipment by the State (or political subdivision) must comply with all statues, regulations, and ordinances covering purchasing by such State (or political subdivision). In addition, if the Federal share of the total of the estimated price, as approved in the project application, of all similar or indentical items exceeds $1,250, procurement must be by invitation to bid through formal advertisement, and the Federal contribution will be limited to the Federal share of the amount of the lowest acceptable bid.

(b) *Formal advertisement.* As used in paragraph (a) of this section, the term "formal advertisement" means procurement by competitive bids and involves the following:

(1) Preparation of the invitation for bids, describing the requirements of the State and local government clearly, accurately, and completely, but avoiding unnecessarily restrictive specifications or requirements which might unduly limit the number of bidders. The term "invitation for bids" means the complete assembly of related documents (whether attached or incorporated by reference) furnished prospective bidders for the purpose of bidding.

(2) If bid specifications used by the State (or political subdivision) are so drawn that only one manufacturer is able to bid on the equipment or a manufacturer whose equipment meets minimum standards and specifications established by the OCD is precluded from bidding, approval of procurement of the equipment under such specifications must be obtained from the OCD. The request for approval should include a copy of the bid specifications with a statement justifying the need for their restrictive content.

(3) Publicizing the invitation for bids (i) through publication of notices in a newspaper or other recognized periodical having general circulation in the competitive area, or (ii) through a combination of posting of public notices and circularizing all known suppliers, or (iii) through distribution to all prospective bidders whose names are on current bidder lists maintained in accordance with a system approved by the OCD. Such formal advertising must be initiated in sufficient time to enable prospective bidders to prepare and submit bids before the time set for public opening of bids.

(4) Receipt of bids from prospective contractors.

(c) *Procurement costs.* The Federal Government will not under the regulations in this part or the program governed thereby, contribute toward administrative costs incurred in procurement by the State (or political subdivision). (Contributions for State and local civil defense personnel and administrative expenses are provided for under Part 227 of this chapter.) The project application may, however, include the costs of transportation, installation, and non-Federal taxes (other than those imposed by the State government or political subdivision submitting the application). It may also include Federal taxes if an exemption therefrom cannot be obtained by the State (or political subdivision).

(d) *Prices.* The OCD will review the estimated price of each item of civil defense equipment listed in the project application. In establishing the maximum amount of the Federal contribution to be approved therefor, the OCD will take into account current market conditions and other circumstances which may be involved in the procurement. The OCD will not contribute to additional expenses which may be incurred due to deviations from minimum standards and specifications established by the OCD where such deviation is determined by the OCD to be unnecessary for civil defense purposes.

§ 221.10 Federal procurement.

Procurement of civil defense equipment will normally be undertaken by the State (or political subdivision). If the OCD determines it to be administratively feasible to undertake Federal procurement, procedures will be as provided in OCD guidance material: *Provided, however,* That title to civil defense equipment procured by the Federal Government shall pass to the State upon delivery of such equipment to the State. When procurement contracts are let by the Federal Government on an f.o.b. origin basis and the Federal Government executes inspection and receiving reports which have the effect of accepting the equipment at the shipping point, it shall be considered that title has passed at that time and at that place. The State shall furnish to the OCD the name or names of such person or persons who has or have been authorized, in the name of the State, to execute the necessary receiving reports, fiscal records, and other necessary documents in connection with such equipment.

§ 221.11 Compliance.

(a) The State (or political subdivision) must be prepared to furnish the OCD, upon its request, with proper documentation that there has been compliance with the requirements of the regulations in this part and the related procedures and criteria prescribed in OCD guidance material in connection with its procurement of any item of civil defense equipment and its request and receipt of a Federal contribution therefor.

(b) Where, after reasonable notice to the State and opportunity for hearing in accordance with Part 223 of this chapter, the OCD finds that the State (or political subdivision) has failed or is failing to expend funds in accordance with the requirements of the Act or the terms and conditions of the regulations in this part, the OCD may withhold payments of any financial contributions to such State, due or to become due.

This revision shall be effective upon publication in the FEDERAL REGISTER.

Dated: January 21, 1964.

HUBERT A. SCHON,
Director for Federal Assistance.

[F.R. Doc. 64-720; Filed, Jan. 24, 1964; 8:46 a.m.]

PART 228—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

Part 228 of Subchapter G, Chapter I, Title 32, is revised to read as follows:

SEC.
228.1 Purpose and scope.
228.2 Definitions.
228.3 Project applications.
228.4 Contract provisions.
228.5 Ineligible bidders.
228.6 Examination of payrolls.
228.7 Investigations.
228.8 Compliance.
228.9 Certification regarding compliance.

AUTHORITY: The provisions of this Part 228 issued under secs. 201(i) and 401 of the Federal Civil Defense Act of 1950, 64 Stat. 1245–1257, as amended, 50 U.S.C. App. 2251–2297; Reorganization Plan No. 1 of 1958, 72 Stat. 1799, 23 F.R. 4991; Executive Order 10952, 26 F.R. 6577; Organizational Statement, Assistant Secretary of Defense (Civil Defense), published Sept. 14, 1961, 26 F.R. 8604; Delegation of Authorities and Functions, Director for Federal Assistance, published June 8, 1962, 27 F.R. 5455.

§ 228.1 Purpose and scope.

The regulations in this part are supplemental to those contained in 29 CFR Part 5, and together, they prescribe the labor standards applicable to construction work financed with the assistance of a contribution of Federal funds made under the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) to any State (and political subdivision thereof, where applicable). The regulations in this part, to the extent that they vary from those published in 29 CFR Part 5, have been approved by the Secretary of Labor under 29 CFR 5.5(a), 5.12 and 5.12a to meet the particular needs of the Department of Defense, Office of Civil Defense. To assure full labor standards compliance reference should be made to the regulations contained in 29 CFR Part 5 as well as those published herein.

§ 228.2 Definitions.

Except where otherwise clearly required by the context, each of the following terms shall have the meaning defined in this section when used in the regulations in this part:

(a) *Building or work.* Construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work; including without limitation, buildings, structures, and improvements of all types such as shelters, ramps, roadways, parking lots, tunnels, mains, power lines, pumping and generator stations, terminals, plants, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies, or equipment is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such building or work as defined hereunder.

(b) *Construction.* All types of work done on a particular building or work at the site thereof, including without limitation, altering, repairing, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or the construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work by persons employed by the contractor or the subcontractor.

(c) *Contract.* Any contract which is entered into for the actual construction, alteration, or repair, including painting and decorating, of a building or work financed with the assistance of any contribution of Federal funds made under the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(d) *Employed.* Every person paid by a contractor or subcontractor in any manner for his labor on construction work financed with the assistance of any contribution of Federal funds made under the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) is "employed" and receiving "wages," regardless of any contractual relationship alleged to exist.

§ 228.3 Project applications.

Each project application submitted by a State, involving construction work to be financed with the assistance of any contribution of Federal funds under the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) shall include as a condition thereof, the following provisions, verbatim:

(a) The State hereby agrees, as a condition of this project application, to conform to each and every obligation required on its part by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) and by Department of Defense, Office of Civil Defense Regulations, Part 228 and guidance material, as now or hereafter provided. The obligations of the State include without limitation the requirement that the State include, verbatim in each contract involving construction work, and cause to be included, verbatim in each subcontract thereunder, the provisions set forth in § 228.4 (a) or (b), whichever are applicable.

(b) The State hereby agrees to and represents, as a condition of this project application, the following:

(1) Prior to entering into a contract involving construction work in excess of $2,000, a United States Department of Labor Form DB–11, requesting the Secretary of Labor to issue a wage determination decision in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276 et seq.) for the project, shall be duly executed by the authorized official on behalf of the State (or political subdivision where applicable) and shall be submitted to the Department of Defense, Office of Civil Defense in accordance with the procedures established by it, including any amendments thereto, for transmittal to the Department of Labor.

(2) Each advertisement of an invitation to bid shall indicate expressly that: (i) If the construction phase of the contract exceeds $2,000, all laborers and mechanics employed by contractors or subcontractors in performance of the construction work shall be paid wages at rates not less than those determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any workweek, as the case may be, as provided in section 201(i) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) and in the Contract Work Hours Standards Act (76 Stat. 357) and, (ii) the bid specifications shall contain the applicable labor standards provisions set forth in § 228.4 and, where one is required, shall have attached thereto the wage determination decision of the Secretary of Labor issued for the project.

(c) The State hereby agrees that the Department of Defense, Office of Civil Defense may withhold from the amount of any contributions otherwise due the State a sum sufficient to cover: (1) The amount of any restitution due laborers and mechanics employed by a contractor or subcontractor and (2) liquidated damages administratively determined due under section 104(a) of the Contract Work Hours Standards Act. Further, the maximum estimated total under payments and liquidated damages may be withheld from any advance or interim or final payment which otherwise would be due the State, pending the investigation and definite ascertainment of the amount. This provision shall in nowise reduce the efficacy of section 401(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2551–2297) and regulations issued in furtherance thereof, as now or hereafter provided.

§ 228.4 Contract provisions.

(a) Each contract involving construction work of $2,000 or less and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, verbatim:

(1) *Copeland Act requirements.* The Contractor will comply with the regulations (copy of which is attached) of the Secretary of Labor made pursuant to the Copeland Act, as amended, 48 Stat. 948, 62 Stat. 862, 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof.

(2) *Subcontract provisions.* The contractor will insert verbatim in each of his subcontracts the provisions set forth in stipulation (1) through (3) hereof, and such other stipulations as the Department of Defense, Office of Civil Defense may by appropriate instructions require.

(3) *Termination.* A breach of either stipulation (1) or (2) may be grounds for termination of the contract.

(b) Each contract involving construction work in excess of $2,000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(1) *Wage determination decision.* All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less than once a week, and without subsequent deduction or rebate on any

account except such payroll deductions as are permitted by the Copeland Regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 3), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(2) *Overtime requirements.* (As used in this subparagraph, the terms "laborers" and "mechanics" include watchmen and guards.) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of eight hours in any calendar day or in excess of forty hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any such calendar day or in excess of forty hours in any such workweek, as the case may be.

(3) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of the clauses set forth in subparagraphs (1) or (2) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, in the event of any violation of the clause set forth in subparagraph (2) of this paragraph, such contractor and subcontractor shall be liable to the United States (in the case of work under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic (including watchmen and guards) employed in violation of the clause set forth in subparagraph (2) of this paragraph, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (2) of this paragraph.

(4) *Withholding for liquidated damages and unpaid wages.* The (write in the name of the State or political subdivision) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in the clause set forth in subparagraph (3) of this paragraph. In the event of failure to pay any laborer or mechanic employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the (write in the name of the State or political subdivision) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(5) *Payroll records.* Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working on the construction of the project. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid. The contractor will submit weekly a certified copy of all payrolls to the (write in the name of the State or political subdivision) for transmission by or through the State to the Department of Defense, Office of Civil Defense. The statement will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classification set forth for each laborer or mechanic conform with the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the (write in the name of the State and the political subdivision, if any) the Department of Defense, Office of Civil Defense, and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(6) *Apprentices.* Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(7) *Copeland Act requirements.* The contractor will comply with the regulations (copy of which is attached) of the Secretary of Labor made pursuant to the Copeland Act, as amended, 48 Stat. 948, 62 Stat. 862, 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof.

(8) *Subcontract provisions.* The contractor will insert verbatim in each of his subcontracts the provisions set forth in stipulations (1) through (9) hereof, and such other stipulations as the Department of Defense, Office of Civil Defense may by appropriate instructions require.

(9) *Termination.* A breach of any of the stipulations (1) through (8), may be grounds for termination of the contract.

(c) Each contract involving construction work in excess of $2,000 and all subcontracts thereunder shall have attached thereto and made a part thereof the applicable wage determination decision of the Secretary of Labor.

(d) Each contract involving construction work, regardless of amount, and all subcontracts thereunder shall have attached thereto the Copeland Regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 3).

§ 228.5 Ineligible bidders.

No construction contract or any subcontracts thereunder shall be awarded to any contractor or subcontractor appearing on the list of ineligible bidders published by the Comptroller General of the United States pursuant to regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 5) and the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.). A certification by the party to whom the contract or subcontract is being awarded that he is not listed on the Comptroller General's list of ineligible bidders shall be a condition of the contract and all subcontracts thereunder. Such certification shall constitute a warranty, the falsity of which will render void the contract or subcontract, as the case may be.

§ 228.6 Examination of payrolls.

In cases where the contract involves construction work in excess of $2,000, a certified copy of all payrolls shall be submitted weekly to Department of Defense, Office of Civil Defense by or through the State. All payrolls will be checked by the State or political subdivisions, where applicable, against the applicable wage determination decision of the Secretary of Labor to verify labor standards compliance and to ascertain the following:

(a) That the rates paid to various classifications of employees are in conformity with the applicable wage determination decision.

(b) That the ratio of apprentices to journeymen is not disproportionate.

(c) That the ratio of laborers to journeymen is not disproportionate.

(d) That the ratio of helpers to journeymen is not disproportionate.

(e) That each classification shown in the payrolls is a classification for which a rate was predetermined in the applicable wage determination decision.

(f) That there are included in the payrolls those classifications of workers who would logically perform the work performed during the weeks in question.

§ 228.7 Investigations.

(a) All indications, including but not limited to all complaints, of alleged violations of labor standards brought to its attention shall be investigated by the State, and the State shall require that all such indications brought to the attention of a political subdivision shall be forthwith brought to the attention of the State. In cases where the contract involves construction work in excess of $2,000, the State shall make an "on the site" labor standards check, at least once during the project and at least every six months on projects of long duration, including without limitation the following:

(1) Interviewing of a representative number of employees including but not necessarily limited to one employee in each classification or craft to ascertain what work the employee is doing and his regular rate of pay. This information shall be checked against the payrolls and the applicable wage determination decision to verify compliance or noncompliance.

(2) Checking of the registration of all apprentices. (b) in conducting investigations, including those of complaints of alleged violations, all statements, written or oral made by an employee are to be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

§ 228.8 Compliance.

If there is evidence of labor standards noncompliance, restitution shall be required of the contractor or subcontractor and the State shall, after written notice to the contractor, withhold from the contractor such advances, guarantees and accrued payments as are administratively determined necessary to cover any liquidated damages and the restitution due laborers and mechanics employed by the contractor or subcontractor. The State also has the option of terminating the contract in accordance with its provisions. If there is evidence that the violations were aggravated, willful, or resulted in underpayments of $200 or more, a detailed report, including information as to restitution made; payments, advances and guarantees of funds withheld; contract terminations; and the name and address of each laborer and mechanic and contractor or subcontractor affected, and the day or days of such violations, shall be submitted by the State to the Department of Defense, Office of Civil Defense. No report need be made where the underpayments total less than $200, if nonwillful, restitution has been made and the State has received assurance of future compliance.

§ 228.9 Certification regarding compliance.

Before making final payment on the contract, the State shall submit a certification to the Department of Defense, Office of Civil Defense verifying the following:

(a) That the required labor standards provisions have been included in all construction contracts and subcontracts;

(b) That the State has made the investigation required in § 228.7 and has found that:

(1) The contractor was in compliance, or

(2) The contractor has come into compliance, or

(3) The contractor is still not in compliance and that $_____ restitution is due the employees of the contractor or subcontractors.

(c) That the payrolls required to be submitted by the contractor and subcontractors have been submitted and disclose no labor standards violations other than those investigated and covered in subparagraphs (2) and (3) of paragraph (b) of this section.

Effective date. This revision shall be effective upon publication in the FEDERAL REGISTER.

Dated: January 21, 1964.

HUBERT A. SCHON,
Director for Federal Assistance.

[F.R. Doc. 64-721; Filed, Jan. 24, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3314]

[Anchorage 054023]

ALASKA

Power Site Restoration No. 372, Power Site Cancellation No. 159, Revoking Power Site Reserve No. 674, Cancelling Wholly or in Part Power Site Classifications Nos. 107 and 399

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 1 of the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), it is ordered as follows:

1. The Executive Order of January 23, 1918 creating Power Site Reserve No. 674, as heretofore modified, is hereby revoked.

2. The Order of the Geological Survey issued March 29, 1950, creating Power Site Classification No. 399, is hereby revoked.

3. The departmental order of June 12, 1925, creating Power Site Classification No. 107, is hereby revoked so far as it affects any of the lands described in paragraph 4 of this order.

4. The lands listed below in this paragraph are released by this order from the reserves described in paragraphs 1, 2, and 3. Much of the land is withdrawn for other purposes. Some of it has been heretofore restored, subject to the provisions of section 24 of the Federal Power Act. As to these lands, the effect of this order is to relieve the lands of the recapture provisions of section 24. Status of any particular tract may be obtained by inquiring of the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

SEWARD MERIDIAN

T. 12 N., R. 1 W. (unsurveyed),
All lands within ¼ mile of Ship Creek and Campbell Creek.
T. 13 N., R. 1 W. (unsurveyed),
All lands within ¼ mile of Eagle River and within ¼ mile of Ship Creek above the 1300 foot contour on the stream.
T. 15 N., R. 1 W.,
Sec. 4, NW¼SW¼ and S½SW¼;
Sec. 5, lot 1, W½NE¼, SE¼NE¼, SE¼NW¼ and SE¼;
Sec. 9, lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, W½NE¼, NW¼, NE¼SW¼, E½NE¼SE¼ and SE¼SE¼;
Sec. 10, SW¼ and SW¼SE¼;
Sec. 14, N½, N½SW¼, N½SE¼ and SE¼SE¼;
Sec. 15, N½;
Sec. 16, N½N½NE¼NE¼;
And all unsurveyed lands lying within ¼ mile of Peters Creek.
T. 16 N., R. 1 W.,
Sec. 32, lot 4.
T. 11 N., R. 2 W. (unsurveyed),
All lands within ¼ mile of Rabbit Creek.
T. 12 N., R. 2 W.,
Sec. 6, N½NE¼;
Sec. 29, E½ and NE¼NW¼;
Sec. 30, lot 4, and SE¼SW¼;
Sec. 31, lots 1, 2, W½NE¼, E½NW¼, N½SW¼ and SE¼;
Sec. 32, NE¼NE¼;
And all unsurveyed lands lying within ¼ mile of Campbell Creek.
T. 13 N., R. 2 W.,
Sec. 31, lots 3, 4, E½SW¼ and SE¼;
And unsurveyed lands lying within ¼ mile of Campbell Creek, and unsurveyed lands lying within ¼ mile of Ship Creek within sections 5, 6 and 9.
T. 14 N., R. 2 W.,
Sec. 8, SW¼SW¼ and SE¼SE¼;
Sec. 10, S½S½;
Sec. 11, S½NW¼, SW¼ and SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NE¼, NW¼ and SW¼;
Sec. 14, N½NE¼, SE¼NE¼ and N½NW¼;
Sec. 15, N½;
Sec. 16, NE¼, NE¼SW¼ and S½SW¼;
Sec. 17, NW¼NE¼, N½NW¼, NW¼SW¼ and SE¼SE¼;
Sec. 24, N½N½.
T. 11 N., R. 3 W.,
Sec. 5, lot 1.
T. 12 N., R. 3 W.,
Sec. 1, SW¼;
Sec. 2, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼ and SE¼;
Sec. 3, N½N½;
Sec. 4, N½NE¼;
Sec. 11, NE¼NE¼;
Sec. 12, N½, NE¼SW¼ and N½SE¼;
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, S½S½;
Sec. 33, NE¼, NE¼NW¼, S½NW¼ and S½;
Sec. 34, N½NE¼ and NW¼;
Sec. 35, N½N½;
Sec. 36, N½N½.
T. 13 N., R. 3 W.,
Sec. 1, SE¼NE¼, E½SW¼NE¼, SW¼NW¼, W½SE¼NW¼, W½NW¼NE¼SW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼, NE¼SE¼, E½N½NW¼SE¼, S½NW¼SE¼ and S½SE¼;
Sec. 2, S½SW¼ and SE¼;
Sec. 3, S½S½;
Sec. 4, SE¼SE¼;
Sec. 8, S½SW¼ and SE¼;
Sec. 9, NE¼, SE¼NW¼, SW¼ and NW¼SE¼;
Sec. 10, NE¼ and S½NW¼;
Sec. 11, N½NE¼ and NW¼;
Sec. 16, lots 3 and 4;
Sec. 17, lots 1 and 2;
Sec. 33, N½, NE¼SW¼ and SE¼;
Sec. 34;
Sec. 35, NE¼, W½NW¼, SE¼NW¼ and S½;
Sec. 36, S½NE¼, NW¼ and S½.
T. 13 N., R. 1 E.,
All unsurveyed lands lying within ¼ mile of Eagle River and tributaries above an altitude of 500 feet m.s.l.
T. 15 N., R. 1 E.,
All unsurveyed lands lying within ¼ mile of Eklutna Creek and within ¼ mile of Peters Creek.
T. 16 N., R. 1 E.,
All unsurveyed lands lying within ¼ mile of Eklutna Creek.

T. 12 N., R. 2 E.,
All unsurveyed lands lying within ¼ mile of Eagle River.
T. 13 N., R. 2 E.,
All unsurveyed lands lying within ¼ mile of Eagle River.
T. 15 N., R. 2 E.,
All unsurveyed lands within ¼ mile of Eklutna Creek and all unsurveyed lands above altitude 900 within ¼ mile of Eklutna Lake.
T. 14 N., R. 3 E.,
All unsurveyed lands above altitude 900 feet m.s.l., lying within ¼ mile of Eklutna Lake.
T. 15 N., R. 3 E.,
All unsurveyed lands above altitude 900 feet m.s.l., lying within ¼ mile of Eklutna Lake.

The areas described aggregate approximately 44,000 acres.

5. Subject to valid existing rights and the provisions of existing withdrawals, the public lands are hereby opened to settlement and to filing of applications and selections in accordance with the following:

a. Until 10:00 a.m. on March 20, 1964, the State of Alaska shall have a preferred right to select the lands in accordance with provisions of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b) and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR Part 76. The State of Alaska also has a more limited preferred right of application for the restored lands for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

b. All other valid applications and selections under the nonmineral public land laws presented at or prior to 10:00 a.m. on March 20, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims.

The lands will be open to settlement under the homestead and Alaska homesite laws at 10:00 a.m. on March 20, 1964.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64–714; Filed, Jan. 24, 1964; 8:45 a.m.]

[Public Land Order 3315]

[Washington 04968]

WASHINGTON

Opening of Land Formerly in Project No. 2068

1. In an order issued July 20, 1962, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for license for Project No. 2068, for the following-described national forest land in the Chelan National Forest:

WILLAMETTE MERIDIAN

All portions of the following subdivision lying within 10 feet of the centerline of the pipe line, and from the centerline and ends of the dam as indicated upon map designated "Exhibit K" entitled "Power Project of Mrs. O. Beryl Blankenship, Stehekin, Washington, Chelan National Forest", filed in the office of the Federal Power Commission on December 14, 1950:
T. 33 N., R. 18 E.,
Sec. 31, SW¼SE¼.

Containing 0.42 acres.

2. Beginning at 10:00 a.m. on March 26, 1964, the land shall be open to such forms of disposition as may by law be made of forest lands, provided that until 10:00 a.m. on March 26, 1964, the State of Washington shall have a preferred right of application for the land for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64–715; Filed, Jan. 24, 1964; 8:46 a.m.]

[Public Land Order 3316]

[Colorado 012292]

COLORADO

Partly Revoking Public Land Order No. 1742 of October 6, 1958

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1742 of October 6, 1958, so far as it withdrew the following-described national forest land for use of the Forest Service, United States Department of Agriculture, as a roadside zone, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Colorado Highway No. 14, Roadside Zone

Poudre Canyon Highway

A strip of land 200 feet on each side of the center line of Colorado Highway No. 14 through the following legal subdivision:
T. 9 N., R. 73 W.,
Sec. 35, SE¼SE¼.

The area described contains approximately 10 acres.

2. At 10:00 a.m., on February 18, 1964, the land shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 17, 1964.

[F.R. Doc. 64–716; Filed, Jan. 24, 1964; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 84, Amdt. 1]

PART 360—TRANSFER OF MARINE EQUIPMENT TO SHIP OPERATORS AND SHIPYARDS

Miscellaneous Amendments

Sections 360.3 and 360.5 of this part are hereby amended as follows:

1. Amend paragraph (d) of § 360.3 to read as follows:

§ 360.3 Policy.

• • • • • •

(d) The transferee shall pay to the Maritime Administration a service charge in the amount of $200 to cover administrative and operating expenses incurred in processing the transfer. This amount is to be deposited to the credit of the Government, and will not be returned to the transferee.

2. Amend paragraphs (e) and (f) of § 360.5 to read as follows:

§ 360.5 Procedure.

• • • • • •

(e) The transferee shall transmit to the Maritime Administration a certified or cashier's check payable to the "Maritime Adm.-Commerce" in the amount of $200, which is the service charge provided under § 360.3(d).

(f) Upon determination that the equipment transferred has been satisfactorily replaced and all conditions of the transfer have been complied with, the Maritime Administration will refund to the transferee the amount of his deposit less such deductions as are determined by the Maritime Administration to be appropriate.

Dated: January 20, 1964.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64–755; Filed, Jan. 24, 1964; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Replacement of Transmitters

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of January 1964;

The Commission having under consideration its order (FCC 63–36) adopted January 9, 1963, amending §§ 3.48, 3.250, and 3.550 (now §§ 73.48, 73.250, and 73.550) of the Commission's rules relating to acceptability of broadcast transmitters for licensing, to provide for interchangeability of transmitting equipment under certain circumstances;

It appearing, that, pursuant to the aforesaid sections as so amended a licensee or a permittee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license or construction permit if such transmitter is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as acceptable for the transmitter output power authorized and, if operation under §§ 73.295, 73.297, 73.595, or 73.596 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable for the appropriate type of operation; and

It further appearing, that, §§ 73.257(b)(2) and 73.557(b)(2) of the Commission rules and regulations relating to replacement of transmitter should be amended to make them consistent with the rule changes effected by the aforementioned order; and

It further appearing, that, these amendments to the rules are procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, That, authority for the promulgation of these amendments to the rules is contained in sections 4(i), 301, 303(e) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, §§ 73.257(b)(2) and 73.557(b)(2) of the Commission's rules are amended, effective January 20, 1964, to read as follows:

§ 73.257 Changes in equipment and antenna system.

• • • • • •

(b) • • •

(2) A replacement of the transmitter as a whole, unless such transmitter is one which may be installed and utilized in accordance with the provisions of § 73.250(a)(5).

• • • • • •

§ 73.557 Changes in equipment and antenna system.

• • • • • •

(b) • • •

(2) A replacement of the transmitter as a whole, unless such transmitter is one which may be installed and utilized in accordance with the provisions of § 73.550(a)(5).

• • • • • •

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082, 47 U.S.C. 301, 303.)

Released: January 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–640; Filed, Jan. 24, 1964; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Wildlife Refuges in South Carolina

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 64 acres or 13 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, bluegill, bream, jackfish (Eastern pickerel), catfish, and other minor species permitted by State regulations.

(b) Open season: Martins Pond—March 15, 1964, through October 15, 1964; Lakes Sixteen and Seventeen—February 15, 1964, through November 30, 1964. Daylight hours only. Fishing on Sunday prohibited.

(c) Daily creel limits: Black bass—10; game fish other than bass—25; no creel limit on catfish. Other minor species as permitted by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats and canoes permitted. Gasoline-powered motors prohibited; electric motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to December 1, 1964.

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Cape Romain National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 580 acres or 1.67 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass; bream; and other minor species permitted by State regulations.

(b) Open season: April 1, 1964, through September 30, 1964. Daylight hours only.

(c) Daily creel limits: Black bass—10; game fish other than bass—25.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted, including live minnows.

(2) Rowboats, canoes, and other floating devices without motors permitted.

(3) Fishing from dikes, dams, and water control structures prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Rowboats, canoes, and other floating devices without motors may be placed in Jack's Creek only at points designated by posting by the officer-in-charge, but must be removed from the refuge at the close of each day's fishing.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to October 1, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 17, 1964.

[F.R. Doc. 64–713; Filed, Jan. 24, 1964; 8:45 a.m.]

Proposed Rule Making

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 2a]

[No. MC–C–4366]

SPECIAL RULES OF PROCEDURE GOVERNING CONVERSION OF IRREGULAR-ROUTE TO REGULAR-ROUTE MOTOR CARRIER OPERATIONS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of January A.D. 1964.

In the matter of declaration of policy and promulgation of special rules for conversion of irregular-route to regular-route motor carrier operations.

It is ordered, That for the reasons hereinafter indicated, a proceeding be, and it is hereby, instituted under the authority of Part II of the Interstate Commerce Act and section 4 of the Administrative Procedure Act, to determine whether the special rules of procedure set forth below should be promulgated by this Commission.

From the inception of Federal motor carrier regulation, this Commission has issued certificates of public convenience and necessity authorizing interstate property-carrying operations over either regular routes or irregular routes depending upon the pattern of operations conducted or proposed and their relation to the briefly-stated statutory distinction between the two types of service. Although the problem of classifying motor carrier operations in terms of regular- or irregular-route service thus had arisen in a general way with the passage of the Motor Carrier Act of 1935 (see, for example, Kaplan Trucking Co. Common Carrier Application, 21 M.C.C. 691), it was not until 1947 that the basic problem of definition was resolved by issuance of the decision in Transportation Activities, Brady Transfer & Storage Co., 47 M.C.C. 23. That decision, however, though it reviewed the entire matter as it then stood and enunciated eight specific criteria to be used as guideposts in distinguishing irregular-route operations from those of a duly authorized regular-route operator, recognized the plain impossibility of promulgating a general rule by which the essential character of all operations could be determined. As a result, the history of our regulation of motor carriers of property includes quite a number of individual application, investigation, complaint, and other proceedings dealing with the demarcation between regular- and irregular-route service. See Ex Parte No. MC–55, Motor Common Carriers of Property—Routes and Service, 88 M.C.C. 415 (decided December 4, 1961, and cases cited therein.

The Brady case, supra, also noted the natural tendency of the irregular-route operations of motor common carriers of general commodities or of a wide range of diverse commodities, with the development of traffic, to gravitate toward and evolve into regular-route operations between certain terminals. And such irregular-route carriers were informed by that decision of their obligation either to check that tendency or to obtain appropriate authority for the conversion to regular routes. The motor carrier industry, prior to the institution of Ex Parte No. MC–55 in 1959, came to rely upon the Brady case criteria and to obey its mandate that they seek conversion of their authorities in appropriate circumstances. The initiation of the rule-making proceeding in Ex Parte No. MC–55, however, wherein a number of proposals designed to blur or eliminate the distinction between regular- and irregular-route service were to be considered, cast doubt upon the continuing efficacy of the Brady case criteria and, although the natural processes of evolution discussed above continued, resulted in an obvious hiatus in the handling of appropriate conversion applications and the institution of other proceedings. Though ultimately rejected, the Ex Parte No. MC–55 proposals and the hiatus caused by their pendency have complicated the overall situation, and the controversy regarding the demarcation line between irregular-route services and those of duly authorized regular-route carriers shows every sign of continuing unabated, of becoming a perennial source of litigation, and of ripening, at this time, into a plethora of application, complaint, investigation, or other proceedings looking toward the piecemeal correction of what is essentially a fundamental and widespread problem. Consequently, it is desirable in the public interest, and in the interests of a stable system of transportation adequate to meet the needs of commerce and the national defense that simplified and expedient procedures be made available for a reasonable period to enable carriers to bring into harmony with both the letter and spirit of the Interstate Commerce Act and the Commission's decisions thereunder that portion of their irregular-route operations which has, through the natural processes of evolution, developed into regular-route service between fixed termini. To this end, the special rules of procedure set forth below are promulgated.

These procedures are not to be utilized to obtain regular-route authority in addition to, rather than in lieu of, corresponding irregular-route authority, and to be successful the applicants must indicate a willingness to surrender that portion of their irregular-route authority which is found to have evolved into a regular-route service. Nor do they contemplate the broadening of a carrier's existing authority, either as to commodities or as to territory. Rather, the adoption of the rules for a limited period of time is designed to resolve for both this Commission and the surface transportation industry generally a long-standing problem without unduly burdening the Commission or the carriers, and without doing violence to the substantial rights of all concerned. In order to achieve the beneficial results hoped for, however, it is expected that all carriers holding irregular-route motor carrier authority to transport either general commodities or a large number of diverse commodities will examine their present operations in the light of the criteria enunciated in the Brady case, supra; and if any such operations are believed to have evolved into those of a regular-route operator, to file an appropriate application as provided in the special rules as soon as practicable, but in no event later than March 1, 1965. Otherwise, any application filed for authority of the type here contemplated will be governed by the applicable general or special rules of practice.

It is further ordered, That representations of interested persons with respect to the declaration of policy and special rules, their amendment or rejection, or to the issuance of additional such rules, may be submitted in writing to the Commission within 30 days from the date of publication of this order in the FEDERAL REGISTER.

It is further ordered, That in the absence of written representations as provided above, and effective 30 days from the date of publication in the FEDERAL REGISTER of this notice of proposed rule making, 49 CFR be, and it is hereby, amended by the addition of Part 2a as set forth below which is hereby incorporated into, and made a part of, this order.

And it is further ordered, That a copy of this order and Part 2a be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER; and that a copy be posted in the Office of the Secretary of the Commission in Washington, D.C., for public inspection.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

PART 2a—SPECIAL RULES OF PROCEDURE GOVERNING CONVERSION OF IRREGULAR-ROUTE TO REGULAR-ROUTE MOTOR CARRIER OPERATIONS

Sec.

2a.1 Scope of special rules.
2a.2 Rules otherwise applicable.
2a.3 Applications for conversion to regular routes.
2a.4 Notice, protests, and subsequent procedures.
2a.5 Bases for approval.
2a.6 Expiration date.

AUTHORITY: The provisions of this Part 2a issued under secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 206, 207, 49 Stat. 546, as amended, 548, as amended, 551, as amended; sec. 304, 54 Stat. 933; sec. 403, 56 Stat. 285; 49 U.S.C. 12, 17, 304, 305, 306, 307, 904, 1003; and 60 Stat. 537, 5 U.S.C. 1003 and 1004.

§ 2a.1 Scope of special rules.

The special rules in this part govern the filing and handling under section 206(b) and section 207 of the Interstate Commerce Act, as amended, of applications for certificates of public convenience and necessity which would authorize operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over described regular routes, in lieu of certain corresponding authorized transportation of property over irregular routes between terminals, which transportation has evolved into regular-route operations within the criteria enunciated in Transportation Activities, Brady Transfer & Storage Co., 47 M.C.C. 23.

§ 2a.2 Rules otherwise applicable.

Except as otherwise provided in the special rules in this part, § 1.247 of this chapter (Commission's Special Rules of Practice) shall apply.

§ 2a.3 Applications for conversion to regular routes.

To be eligible for processing under the special rules in this part, an application for conversion of irregular-route operating authority to corresponding regular-route authority, accompanied by a specific request for such processing, shall be filed with the Interstate Commerce Commission at Washington, D.C., on or before March 1, 1965. Such application shall be prepared in accordance with and contain all information called for in Form BMC 78, Application for Motor Carrier Certificate or Permit (§ 7.78 of this chapter) (16 F.R. 3587). In addition, the application shall be accompanied by verified statements of facts setting forth in detail all the evidence relied upon to justify the proposed conversion to regular-route operations within the criteria established in Transportation Activities, Brady Transfer & Storage Co., supra. A map or maps indicating in detail the scope of the applicant's proposals shall be attached to and submitted with the application. Copies of such application shall be furnished in such number, and be filed and served in the manner and upon the persons (except competing carriers) specified in the form of application. Applicant shall furnish copies of his verified statements to interested persons upon request from such interested persons. Where applicant's verified statements of facts include abstracts of applicant's past operations, the underlying original records shall be made available for examination by any interested person at a time and place mutually agreed upon by applicant and such interested person.

§ 2a.4 Notice, protests, and subsequent procedures.

The manner of giving notice to interested persons of the filing of such applications, the filing of protests thereto, the subsequent handling of such applications, and all other procedural matters relating thereto will be governed by the applicable provisions of § 1.247 of this chapter (Commission's Special Rules of Practice).

§ 2a.5 Bases for approval.

Each such application must be determined upon its own particular facts, with every effort being made to dispose of the application on the basis of verified statements. The following quotation, taken from page 40 of the Brady case, supra, has been cited in other proceedings seeking the conversion of irregular-route to regular-route authority and provides a useful framework within which to view application proceedings instituted under these special rules in this part:

> Whenever, in the normal development and growth of an irregular-route service, the movement of traffic between particular points becomes so constant in point of time and of such volume as to suggest a public need for an added regular-route service between such points, the act provides a means by which appropriate authority for such an operation may be obtained. Noting a tendency for its operation to fall into regular routes, it is the obligation of every irregular-route carrier either to check the tendency and preserve its status, or to obtain appropriate authority for the conversion.
>
> * * * * *
>
> A related argument that irregular-route carriers should be allowed to convert to regular-route "upon a showing of past performance" without the introduction of testimony of shipper witnesses, merits only brief comment. To begin with, the reference to "past performance" is not entirely clear in its meaning. If knowingly unlawful "past performance" of unauthorized regular-route service is referred to, they are entitled to little, if any, weight * * *. If, on the other hand, reference is to an increasing and constant volume of lawful past operations in authorized irregular-route service, then clearly such operations are entitled to weight in the disposition of any application for authority to convert to regular-route service, but patently it cannot be said that past operations, standing alone, would in every case constitute sufficient proof of public need for regular-route service to justify a grant of authority to convert. Each such application must be determined upon its own particular facts.

Consistent with the foregoing, and in the light of the National Transportation Policy declared in the Act, where the facts make it clear that applications filed under the rules in this part represent a bona fide effort to aid the Commission in resolving the larger problem occasioned by the controversial distinction between regular- and irregular-route service, it will be the policy of the Commission to hold the applicant carriers only to such burden of proof as is consistent with a realistic approach to the objective here sought to be achieved.

§ 2a.6 Expiration date.

The special rules of procedure in this part, except as they shall be applicable to applications filed under such rules prior to that date, shall expire at midnight of the 1st day of March 1965.

[F.R. Doc. 64–723; Filed, Jan. 24, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-5]

JAMES RIVER

Closed to Navigation During Launching of U.S.S. America

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of H. J. Wuensch, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Pursuant to the request of the Commandant, Fifth Naval District, Norfolk, Virginia, and under the authority of Title II of the Espionage Act of June 15, 1917 (40 STAT 220), as amended and Executive Order 10173, as amended, I declare that from 9:30 a.m., e.s.t., until 3:30 p.m., e.s.t., on Saturday the 1st day of February 1964 the following area is a prohibited area and I order that it be closed to any person or vessel due to the launching of the "U.S.S. America (CVA66):"

The water of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 34 seconds North, Longitude 76 degrees 26 minutes 53 seconds West at the shoreline of Newport News at the foot of 52nd Street, Newport News, to a point 500 yards offshore at Latitude 36 degrees 59 minutes 27 seconds North, Longitude 76 degrees 27 minutes 10 seconds West, thence southeasterly to a point Latitude 36 degrees 58 minutes 43 seconds North, Longitude 76 degrees 26 minutes 41 seconds West, 500 yards off the shoreline of Newport News at the foot of 32nd Street, Newport News, and thence to a point at Latitude 36 degrees 58 minutes 48 seconds North, Longitude 76 degrees 26 minutes 27 seconds West at Newport News Shipbuilding Pier 8 Light (Light List 2786.5).

This prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands as shown on the enclosed chart section.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: January 17, 1964.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-731; Filed, Jan. 24, 1964; 8:48 a.m.]

[CGFR 64-2]

NEW LONDON HARBOR

Closed to Navigation During Launching of U.S.S. Casimir Pulaski

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended, by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of R. M. Ross, Rear Admiral, United States Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby order that the waters of New London Harbor, New London, Connecticut, between the latitudes of 41 degrees 20 min. 32 sec. North and 41 degrees 21 min. 03 sec. North, be closed to all persons and vessels on Saturday, 1 February 1964, from 1130 A.M. Eastern Standard Time, until the "U.S.S. Casimir Pulaski" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corporation, Groton, Connecticut. The launching of the "U.S.S. Casimir Pulaski" is scheduled for 1200 noon Eastern Standard Time, on Saturday, 1 February 1964. The Northern and Southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, New London, Connecticut, and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title • • •

Or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000.

Dated: January 17, 1964.

[SEAL] D. McG. MORRISON,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 64-732; Filed, Jan. 24, 1964; 8:48 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 21]

AMERICAN SURETY CO. OF NEW YORK

Termination of the Authority To Qualify as Surety on Federal Bonds

JANUARY 21, 1964.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to American Surety Company of New York, New York, New York, under the provisions of the Act of Congress approved July 30, 1947, (6 U.S.C. 6-13) to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated effective as of midnight, Pacific Standard Time, December 31, 1963.

Transamerica Insurance Company, a California corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger dated November 13, 1963, effective midnight, Pacific Standard Time, December 31, 1963, approved by the Superintendent of Insurance of the State of New York, December 26, 1963, and filed with the Secretary of State of the State of California on December 31, 1963, American Surety Company of New York, New York, New York, was merged into Transamerica Insurance Company, Los Angeles, California, the surviving company. Transamerica Insurance Company acquired all of the assets and assumed all of the liabilities of American Surety Company of New York. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond approving officers, by reason of the merger, with respect to any bond or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1963, by American Surety Company of New York pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

As a result of the merger, an underwriting limitation of $5,470,000.00 has been established for Transamerica Insurance Company, Los Angeles, California, by the Treasury Department, effective January 1, 1964, under the company's Certificate of Authority to act as an acceptable surety on Federal bonds.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-728; Filed, Jan. 24, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

CHEMICAL PROCESSING AFTER IRRADIATION OF SPECIAL NUCLEAR MATERIAL

Use Charges for Leased Material

1. *General.* The United States Atomic Energy Commission (the AEC) hereby gives notice of a limitation on use charges in connection with chemical processing after irradiation of special nuclear material distributed under subsections 53a (1) and (2) of the Atomic Energy Act of 1954, as amended (the Act). The limitation shall apply only to special nuclear material that has been distributed under lease by the AEC for use in a nuclear reactor licensed pursuant to section 104 of the Act and that, after irradiation in the reactor, is contained in a processing lot delivered in processable form not later than June 30, 1970, to any commercial facility in the United States for chemical processing in accordance with an agreement between the lessee and the processor calling for expeditious processing of such lots. From the time of delivery to the commercial facility of the last container of the processing lot of which such material is a part until the time when nitrates of any portion of such material have been recovered, separated, and purified in accordance with an agreement between the lessee and a processor and removed from the last receptacle involved in chemical processing to be placed in a shipping or other container, the AEC use charge on that portion, unless otherwise waived, shall apply only for the actual number of days elapsing or for a number of days calculated as specified in this notice, whichever is less. As used in this notice, the term "chemical processing" does not include storage of purified nitrates of uranium and plutonium or the conversion of such nitrates to other chemical forms. The calculated number of days represents an allowance for chemical processing time in an assumed AEC plant. Specifications as to processable form, processing rates, and other information to be used in this calculation are given below; these are solely for the purposes of determining the limitation of use charges under this notice and are subject to change or augmentation from time to time. For any fuel type whose cooling period and processing rate are not covered by specifications in this notice, the AEC will determine, on request by the lessee, an applicable period and rate consistent with those for fuel types covered herein. This notice is not intended to diminish the available amount of any waiver of use charges otherwise authorized pursuant to sections 58 or 261 of the Act, nor to affect the time period during which any such waiver is available.

2. *Processable form.* Material shall be considered as being in processable form for the purposes of this notice if it is contained in fuel assemblies of a type capable of being processed in the commercial facility to which it is delivered, if the operators of the commercial facility have agreed to do the processing, and if a cooling period at least as long as that specified below has elapsed subsequent to termination of irradiation of the material. A processing lot shall be considered as being in processable form if all the contained material meeting the requirements of paragraph 1 above is in processable form. If this cooling period has not elapsed prior to delivery to the commercial facility of the last container of the processing lot, the remainder of the cooling period shall be added to the processing time calculated in accordance with paragraph 3 below.

(a) If thorium had not been incorporated in the fuel assemblies prior to irradiation:

(i) For uranium that contained not more than six weight percent of uranium-235 in total uranium before irradiation and that has been irradiated in a nuclear reactor in which the neutron energies were primarily in the thermal region, the cooling period for the purposes of this notice shall be 120 days;

(ii) For uranium not meeting the conditions in (i) above, the cooling period for the purposes of this notice will be determined by the AEC on request by the lessee, but will not exceed 180 days.

(b) If thorium had been incorporated in the fuel assemblies prior to irradiation, the cooling period for the purposes of this notice shall be as given in the following table, where the value used for grams of protactinium-233 per kilogram of uranium-233 shall be determined for a processing lot as a whole. Linear interpolation shall be used between the values tabulated.

Grams of protactinium-233 per kilogram of uranium-233 immediately after termination of irradiation:	*Cooling period in days*
20 or less	120
45	150
75	170
140	190
250	210
500	230

3. *Allowance for chemical processing time.* The number of days to be assumed for chemical processing of fuel assemblies containing material subject to this notice in order to determine the limitation of use charges is (W/R) plus 30, where W is the weight in kilograms of uranium plus thorium in such fuel assemblies contained in a processing lot, R is the controlling processing rate in kilograms of uranium plus thorium per day in such fuel assemblies, and 30 is the number of days allowed for handling and scheduling. The value of R shall be determined as the least value obtained from (a), (b), or (c) below, as applicable, but shall not exceed 1000. If the material that is processed as one lot contains fuel assemblies of more than one type, with different values of R, then (W/R) shall be the sum of the quotients of weight divided by the controlling processing rate for each type.

(a) A value of R shall be determined from the following table, for a given assay of uranium-235, by multiplying the corresponding uranium processing rate by the ratio of the total amount of uranium plus thorium to the amount of uranium in the processing lot for a particular type of fuel assembly. Where a discrete fuel assembly to be processed as a unit contains uranium of various assays of uranium-235 before irradiation, the weighted average of those assays may be used. Linear interpolation shall be used between the values tabulated.

Assay before irradiation in weight percent of uranium-235 in total uranium:	*Uranium processing rate in kilograms of uranium per day*
100	40
93	44
80	50
60	65
50	78
40	98
30	132
25	161
20	215
15	310
10	537
8	740
7	781
6	825
5	875
4	930
3 or less	1000

(b) If the material to be processed is clad with a metal in which the major alloy constituent is any element other than zirconium or aluminum, the value of R shall not exceed 870 kilogram of uranium plus thorium per day. If the uranium to be processed is dispersed in a metallic or ceramic matrix other than thorium or a thorium compound or if plutonium or uranium-233 had been incorporated in the fuel assembly prior to irradiation, the AEC will determine an applicable processing rate, on request by the lessee.

(c) R shall not exceed a value obtained by multiplying the thorium processing rate given below by the ratio of the total amount of uranium plus thorium to the amount of thorium in the processing lot for a particular type of fuel assembly. The thorium processing rate for the purposes of this notice shall be 1000 kilograms of thorium per day if thorium is not recovered and 600 kilograms of thorium per day if thorium is recovered.

4. *Information required.* In order to receive a limitation of use charges in

accordance with this notice, a lessee shall notify the AEC Materials Leasing Officer that material meeting the requirements of paragraph 1 above and contained in an intended processing lot has been delivered to a commercial facility in the United States for chemical processing and shall furnish him information as to (a) the amounts of total uranium, uranium-235, uranium-233, protactinium-233, thorium, and plutonium isotopes present before irradiation and estimated to be present after irradiation, (b) the cladding material and any matrix material, (c) the makeup of the actual processing lot when processing occurs, (d) the dates of actual processing and of removal of purified nitrates of material subject to this notice from the last receptacle involved in chemical processing, and (e) any other information on the fuel, its irradiation, and its chemical processing that the AEC may require to administer this notice.

5. *Determination by the AEC.* The AEC reserves the right to interpret this notice in order to determine the applicability and the amount of any limitation of use charges hereunder and will notify the lessee of AEC's determination. The AEC may determine the use charge on a provisional basis if processing has not been accomplished in time to ascertain the makeup of the actual processing lot. Any such provisional determination may be adjusted by the AEC on the basis of subsequent information on the actual makeup of a processing lot, by debiting or crediting the lessee's lease account for special nuclear material as appropriate.

6. *Correspondence.* Any correspondence involving this notice should be addressed to:

AEC Materials Leasing Officer, Oak Ridge Operations Office,
U.S. Atomic Energy Commission, Post Office Box E,
Oak Ridge, Tennessee.

7. *Effective date.* This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 14th day of January 1964.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 64-577; Filed, Jan. 24, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRIFFITH LABORATORIES INC.

Filing of Petition Regarding Food Additive Propylene Oxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1107) has been filed by The Griffith Laboratories Inc., 855 Rahway Avenue, Union, New Jersey, proposing the issuance of an amendment to § 121.1076 *Propylene oxide* to provide for the safe use of propylene oxide as a package fumigant in or on flour, starch, gums, processed spices, and dehydrated vegetables, with residues of propylene oxide not to exceed 300 parts per million.

Dated: January 20, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-730; Filed, Jan. 24, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14855]

TRANSPORTES AEREOS BENIANOS, S. A. (TABSA)

Notice of Prehearing Conference

Application of TABSA for a foreign air carrier permit to conduct scheduled and nonscheduled air transportation of property and mail over a route between La Paz, Bolivia and Miami, Florida via Lima, Peru, Guayaquil, Ecuador and Panama (Tocumen), with the right to over-fly intermediate points. Also requests authority to engage in off-route charter operations pursuant to the Board's decision in Docket 7173 and Part 212 of the Board's Economic Regulations.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on February 7, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 22, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-751; Filed, Jan. 24, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15288]

CIRCLEVILLE AUTO AND TRUCK WRECKING CO.

Order To Show Cause

In the matter of JACK E. CLARK d/b as Circleville Auto and Truck Wrecking Company, Circleville, Ohio, Docket No. 15288; order to show cause why there should not be revoked the license for Radio Station KCY-927 in the Industrial Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated October 1, 1963, alleging violation of § 11.152 (now § 91.152) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 17, 1963, served upon him; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 22d day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of Route 23N, Circleville, Ohio.

Released: January 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-746; Filed, Jan. 24, 1964; 8:50 a.m.]

[Docket Nos. 14597-15203; FCC 64R-37]

KWEN BROADCASTING CO., AND WOODLAND BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Felix Joynt and James Joynt, d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Woodland Broadcasting Company, Vidor, Texas, Docket No. 15203, File No. BP-15973; for construction permits.

1. The Review Board has before it for consideration a petition to enlarge issues, filed November 21, 1963, by Woodland Broadcasting Company; an opposition thereto, filed December 6, 1963, by Felix and James Joynt, d/b as KWEN Broadcasting Company; an opposition by the Broadcast Bureau, filed December 11, 1963; and a reply by petitioner filed December 17, 1963, which incorporates by reference its opposition filed December 16, 1963, to KWEN's motion for leave to amend.

2. Woodland Broadcasting Company requests the addition of the following issues to the six issues already designated by Order, released October 29, 1963 (FCC 63-985):

7. To determine the nature and extent of the financial transactions engaged in by KWEN Broadcasting Company and/or its principals since October 27, 1959, whether such transactions have resulted in any change in the financial position of KWEN Broadcasting Company and/or its principals and whether such changes have been reflected in the instant application.

8. To determine whether Felix and James Joynt d/b as KWEN Broadcasting Company are financially qualified to construct, own and operate the proposed standard broadcast station.

In support of its request petitioner alleges that the balance sheets of KWEN's principals, included with KWEN's application, are dated as of 1959 when the application was first filed with the Commission; that events affecting the financial condition of KWEN since then are not reflected in the application; and that KWEN's current financial position does not qualify it to meet the anticipated costs, less deferred payments, of construction and initial operation of the proposed station, amounting to an estimated $32,565.00. Specifically, petitioner alleges that the following events, occurring in the interim between 1959 and the present, are not disclosed by KWEN:

(1) The purchase of Station KWLD (formerly KLBG) by the Joynts for $61,076.48 and its subsequent sale for $55,000 resulting in a net loss of $6,076.48;

(2) The payment to Vidor Broadcasting Company of $15,800 in connection with that company's dismissal from a comparative proceeding involving KWEN (approved by the Review Board by Memorandum Opinion and Order, released August 30, 1963, FCC 63R-403); and

(3) A contingent liability in the amount of $59,000 to KWLD Broadcasting Company in connection with a suit by that firm against KWEN in the Texas Courts.

3. In its opposition, KWEN includes a balance sheet of GEM Appliance Company, a partnership of Felix and James Joynt, dated September 30, 1963[1] which shows Total Current Assets of $157,656.36, Investments of $31,243.79, Total Current Liabilities of $53,232.24, and Notes Payable amounting to $23,585.16. This KWEN contends would leave sufficient funds out of the $80,739 (the correct figure is $80,839), thus available for construction and initial operation of its proposed station. In addition, $6,320 is shown as a contingent liability to Vidor Broadcasting Company to be paid in the event of the grant of KWEN's application.[2] KWEN further states that the suit against it by KWLB Broadcasting Company was dismissed by plaintiffs voluntarily with prejudice on November 19, 1963, and that no payments or other considerations were involved. By Memorandum Opinion and Order, released December 31, 1963 (FCC 63M-1375), the Hearing Examiner granted KWEN's motion for leave to amend its application to substitute the updated financial statement of GEM in place of the prior financial showing in the application.

4. The Broadcast Bureau, in view of the submission of the updated balance sheet of GEM, which it states fortifies an earlier determination regarding KWEN's financial qualifications, finds no basis for the enlargement of issues as here requested.

5. In its reply, petitioner challenges various items under the headings stated above in the 1963 GEM balance sheet. Petitioner reasserts its request for the two additional issues, contending that the financial statement included does not resolve all doubt as to KWEN's financial qualifications. We agree with petitioner. Although KWEN contends that its current balance sheet shows an excess of $80,839 available for financing construction and operation of its proposal, requiring $32,565, our analysis of KWEN's showing of its current assets does not support this contention. In connection with construction and operation of its station, KWEN requires $32,565 plus the $6,320 payable to Vidor Broadcasting Company (footnote 2 supra), totaling $38,885. As against total admitted liabilities of $76,817, KWEN shows cash on hand of $26,419, leaving $12,466 additionally required for its proposal. That this sum may be drawn from the remaining current assets requires a more detailed showing of the availability and liquidity in particular of the following items:

Notes Receivable (Real Estate)	$16,834.65
Notes Receivable (K.W.L.D.)	41,399.29
Accounts Receivable	23,415.58

On the basis of the information presently before us we cannot conclude that KWEN has made a showing, consistent with the continued operation of the GEM Appliance Company (and there has been no allegation that the company would be liquidated in the event of grant of its proposal), such as would support a present finding that KWEN is financially qualified. Therefore, an opportunity will be afforded KWEN by the addition of a financial qualifications issue to come forward at the evidentiary hearing to present such additional information. Since the issue to be added will permit inquiry into all relevant aspects of KWEN's financial qualifications petitioner's requested issue 7 is unnecessary for this purpose.

Accordingly, it is ordered, This 20th day of January 1964, That the petition to enlarge issues, filed November 21, 1963, by Woodland Broadcasting Company is granted to the extent indicated herein and in all other respects denied; and

It is further ordered, That the following issue be added to the designated issues: To determine whether Felix and James Joynt, d/b as KWEN Broadcasting Company are financially qualified to construct, own and operate the proposed standard broadcast station.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-747; Filed, Jan. 24, 1964; 8:50 a.m.]

[Docket Nos. 15269, 15270; FCC 64-11]

MEREDITH COLON JOHNSTON (WECP) AND WILLIAM HOWARD COLE (WHOC)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications Meredith Colon Johnston (WECP), Carthage, Mississippi, requests: 1480 kc, 500 w, Day, Class III, Docket No. 15269, File No. BP-15088; William Howard Cole (WHOC), Philadelphia, Mississippi, has: 1490 kc, 250 w, U, Class IV, requests: 1490 kc, 250 w, 1 kw-LS, U, Class IV, Docket No. 15270, File No. BP-15231; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications which were granted simultaneously without hearing by action of the Commission on September 11, 1963 (announced September 12, 1963), both granted subject to the condition that each permittee shall accept interference received from the proposal of the other; (b) a statement filed on October 14, 1963, by William Howard Cole rejecting the grant of his application pursuant to § 1.110 of the rules; (c) a petition, also filed on October 14, 1963, by Cole requesting reconsideration of the grant of the application of Meredith Colon Johnston; (d) Johnston's opposition to Cole's petition filed on November 12, 1963; and (e) Cole's reply to the opposition filed on December 11, 1963.[1]

2. Prior to the grant of the applications here under consideration, Cole vigorously opposed favorable action on the Johnston application on the ground that Johnston's proposed station would cause objectionable interference to both the existing 250 watt and proposed one-kilowatt operations of Class IV standard broadcast Station WHOC, Cole's station

[1] A letter accompanying the GEM statement indicates that the Joynts have no material assets or liabilities apart from those indicated in the GEM financial statement.

[2] By the terms of the agreement between KWEN and Vidor concerning the dismissal of Vidor, 60 percent of the total consideration of $15,800 was payable upon grant of the joint request for approval of agreement and the remaining portion ($6,320) was to be paid upon grant of KWEN's application.

[1] Neither the opposition nor the reply was filed within the times prescribed in § 1.106 of the Commission's rules. However, both applicants were allowed additional time in which to prepare and file these pleadings. Cole's reply to Johnston's opposition covers sixteen double-spaced typewritten pages, exclusive of exhibits, and therefore exceeds the ten-page limit imposed by § 1.106(h) of the rules. However, in view of the matters raised in Johnston's opposition, the Commission hereby waives the limitation prescribed by section 1.106(h).

in Philadelphia, Mississippi, that Johnston is not financially qualified and that the transmitter site proposed by Johnston is not available.[3] On the basis of data submitted by Cole in the course of his opposition to Johnston's proposal prior to a grant, the Commission found that Johnston's proposal would cause interference to the licensed 250-watt operation of WHOC affecting approximately 375 people (2.15 percent) out of a total of 17,340 people within the normally protected service area of WHOC. Interference caused to the proposed one-kilowatt operation of WHOC would affect approximately 2,082 people (7.62 percent) out of a total population of 27,384 people. The one-kilowatt operation of WHOC would cause interference to Johnston's proposal affecting approximately 1,189 people representing 5.45 percent of the total population of 21,324 within Johnston's proposed primary service area. The Commission determined that the interference involved was not such as to preclude favorable action on both proposals, and, in accordance with its usual practice in such cases, granted both applications subject to appropriate conditions. Cole now rejects his authorization so conditioned and demands a hearing contemplated by the provisions of § 1.110 of the Commission's rules.

3. Cole also renews his contention that Johnston is not financially qualified to construct and operate his proposed station and asserts that the question of the availability of Johnston's proposed transmitter site has not been resolved.

4. Cole's claim of standing by reason of expected interference is opposed by Johnston on the ground that the petition for reconsideration is not accompanied by an affidavit of a qualified radio engineer as required by § 1.106 of the Commission's rules; that Cole presumably relies on measurements submitted prior to the time the Commission granted the applications; that those measurements were not taken in accordance with the procedures prescribed by § 73.186 of the rules and that, assuming the measurements are accurate, the interference to the existing service area of WHOC would affect only one percent of the population in the WHOC service area which should be deemed de minimis. The one-percent loss is based on assertions under oath by Johnston that he has made a house count in the area involved and has himself made measurements at the points where a consultant made measurements on Cole's behalf with the result that Johnston's measurements were lower than those submitted by Cole.[4] Johnston submitted no engineering data to support his assertions.

5. Conceding that Cole's measurements were not made in sufficient number to satisfy the requirements of § 73.186 of the rules; they were sufficient to indicate the probability that the soil conductivity in the area is greater than that indicated on Figure M-3 of the rules.[5] Therefore, in granting the Johnston application, it was appropriate to require Johnston to accept any interference resulting from the grant of Cole's application.[6] Now that Cole has rejected the grant of his application as conditioned, the procedure contemplated by § 1.110 of the rules requires a hearing on both applications. It would not be appropriate to affirm the grant of Johnston's application and order a hearing only on Cole's application because such a course would require that any subsequent grant of Cole's application would be on condition that he accept the interference from Johnston's proposal. This is the very condition that Cole rejects. Accordingly, the applications will be designated for hearing in a consolidated proceeding to determine whether a grant of one of the applications, or whether a grant of both would better provide a fair, efficient and equitable distribution of radio service as envisioned by section 307(b) of the Communications Act of 1934, as amended.

6. In support of his contention that Johnston is not financially qualified, Cole contends that the Commission "relies" upon an amendment filed by Johnston on March 25, 1963 subsequent to a pre-grant petition to deny filed by Cole. Cole suggests that the Commission's determination is insupportable and that the Commission has found Johnston financially qualified notwithstanding Johnston's alleged failure to meet the requirements of the Commission's application form. Cole cites Paragraph 4(h), Section III, of FCC Form 301, which requires the submission of verified copies of agreements by which financial institutions and equipment manufacturers are obligated to make loans or extend credit. Cole also cites Paragraph 4(c), Page 2, of Section III of the application form and questions the sufficiency of the "unverified" letters from individuals who have agreed to become co-signers to assist Johnston in securing a bank loan. But the agreements and unverified letters to which Cole objects are originals, not copies. The Commission does not require verification of original agreements or other undertakings. It requires only verification of copies.

7. In addition, Cole objects to the Commission's failure to require Johnston's co-signers to furnish balance sheets or financial statements, to disclose their interests for the past five years in business or financial enterprises and to disclose net income for the past two years. On the basis of the information before it, the Commission concludes that the Carthage Bank has made a determination that the co-signatures of the named individuals are ample security for the bank's purpose. The obligation of each co-signer is nominal in amount, and the primary concern with respect to the ability of each co-signer to meet his obligation is that of the bank. The Commission is convinced that Johnston has a reasonable expectation of the availability of a loan in the amount of $5,000. This conviction is not vitiated by the condition that the matter is subject to review as it is the Commission's understanding that a review of the type contemplated is common practice among financial institutions.

8. Cole also questions the adequacy of Johnston's estimates of the cost or construction and operation of the station. Apparently, Cole would have the Commission substitute his judgment for Johnston's inasmuch as he submits "suggested adjustments" in operating costs and in "putting the station on the air". Cole suggests the addition of certain items and increases in others. While it is apparent that Johnston's estimates are, to use his term, modest, he has demonstrated to the Commission's satisfaction by detailed equipment costs, a breakdown of operating expenses, and a showing of the availability of funds that he is able to meet the costs of construction and initial operation of the proposed station. That is all the Commission requires. Moreover, Johnston has submitted evidence that his net worth has increased to $22,200.

9. Cole's contention regarding the question of the availability of Johnston's proposed transmitter site is based upon obvious confusion with respect to the point which his specified coordinates should describe. Coordinates originally specified were 32°43'10" North, 89°33' 12" West. On March 25, 1963, Johnston amended his application to specify the following coordinates: 32°43'19.9" North, 89°33'41.4" West. Cole's statement in his petition for reconsideration that neither set of coordinates agrees with those specified as Johnston's transmitter site is not accurate. The latter coordinates were specified in the amendment of March 25, and the grant of Johnston's application authorized construction at that point. Johnston now states in his opposition that, as a result of his pointing out the wrong spot to his surveyor, the March 25 coordinates are in error, and that he and the surveyor have returned to the site and determined that the coordinates originally specified are correct. This, in the Commission's opinion, does not raise a question as to the availability of the site. It merely indicates that, assuming the original coordinates to be correct, those are not the coordinates presently specified by the application in view of the March 25 amendment. Accordingly, in order to clarify this point, the correctness of Johnston's coordinates will be placed in issue, and Johnston will be directed to submit a corrective amendment if necessary. If, as Cole suggests, the site shown in the photographs on file with Johnston's application do not show the actual transmitter site, Johnston will be given the opportunity to file the necessary additional photographs, and an issue to determine the suitability of the site will be included. The disposition of this aspect of the case does not mean that the Commission condones inaccuracies in proposals submitted for consideration. It simply is a recognition of the fact that inaccuracies in plotting coordinates do occur. In some instances the inaccuracies are not discovered until some time after a station has been in operation. Upon discovery of such inaccuracies, we think it is reasonable simply to require corrective amendments.

10. Cole, in his reply, also alleges that Johnston is presently employed as general manager of Station WLSM, Louisville, Mississippi. Cole submits an affidavit of Tom B. Estes in which Estes states that on December 6, 1963, he recorded an announcement being broadcast by WLSM in which listeners were informed that merchants in Ackerman, Mississippi, were distributing "Trade's Day tickets" for drawings at which cash prizes would be awarded. Following the announcement, Estes drove to Ackerman and called at three business establishments where the WLSM announcement indicated the tickets for the drawing were available. Estes states, that in each place of business where he called for the purpose of registering for the prizes, he was advised that he must make a purchase or pay a bill in order to register. Estes' affidavit raises the question as to whether Johnston, as manager of Station WLSM at the time in question, participated in the dissemination of information concerning a lottery in violation of section 1304 of the United States Code and § 73.122 of the Commission's rules.

11. In addition to the foregoing matters, allegations have been made by Johnston which reflect on Cole's motives in prosecuting his own application and in opposing Johnston's, and Cole has made counter-allegations questioning Johnston's qualifications and motives, The Commission has considered all such allegations and has concluded that they are unsupported by sufficient facts to raise a substantial issue.

12. Upon consideration of the pleadings before it and upon reconsideration of the applications of Meredith Colon Johnston and William Howard Cole, the Commission reaffirms its finding that both applicants are legally, financially and technically qualified to construct and operate as proposed and that William Howard Cole is otherwise qualified. The Commission reserves its determination of other qualifications of Johnston pending the conclusion of the proceeding hereinafter ordered.

Accordingly, it is ordered, This 8th day of January 1964, that the petition of William Howard Cole to reconsider the Commission's action of September 11, 1963, in granting without hearing the application of Meredith Colon Johnston is granted to the extent indicated herein and is denied in all other respects.

It is further ordered, That the action of the Commission in granting the applications of Meredith Colon Johnston and William Howard Cole is hereby set aside and that, pursuant to section 405 of the Communications Act of 1934, as amended, and §§ 1.106 and 1.110 of the Commission's rules, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of William Howard Cole and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WHOC and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from either of the proposals.

4. To determine whether the proposal of Meredith Colon Johnston would cause objectionable interference to the existing operation of Station WHOC, Philadelphia, Mississippi, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the coordinates specified in the application of Meredith Colon Johnston as amended on March 25, 1963, accurately depict the location of his proposed antenna structure.

6. To determine whether the site photographs on file in the application of Meredith Colon Johnston accurately represent the transmitter site Johnston proposes and, if not, whether the transmitter site proposed is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

7. To determine whether, on or about December 6, 1963, Meredith Colon Johnston, as general manager of Station WLSM, Louisville, Mississippi, knowingly permitted the broadcasting over the facilities of WLSM any advertisement of or information concerning any lottery, gift enterprise, or similar scheme in violation of section 1304 of the Criminal Code (Title 18, United States Code, section 1304) and § 73.122 of the Commission's rules, and, if so, whether such action reflects adversely on Mr. Johnston's qualifications to be a broadcast licensee.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, or both of the applications should be granted.

It is further ordered, That William Howard Cole is made a party respondent to the proceeding on the application of Meredith Colon Johnston with respect to the existing operation of WHOC.

It is further ordered, That Meredith Colon Johnston is hereby directed to amend his application to specify correct coordinates in the event such coordinates are different from those specified in the amendment to his application filed on March 25, 1963, and to amend his application to include photographs which correctly depict the proposed transmitter site in the event the location of the proposed site is other than that shown in the photographs now on file.

It is further ordered, That, in the event of a grant of the application of Meredith Colon Johnston, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of William Howard Cole, the construction permit shall contain the following conditions:

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of

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[3] Prior to the grant of the applications, Cole sought to raise a question as to whether Johnston had made a reasonable effort to ascertain the needs, interests and desires of his prospective listeners. Cole now appears to have abandoned his contention on this question.

[4] Cole contends that Johnston's assertion that there has been a discrepancy in the measurements Cole's consultant submitted mean that Johnston is accusing Claude Gray of submitting false or carelessly arrived at measurements. Of course, the Commission cannot consider a bare assertion that readings "are less than half the measurements" submitted by a consulting engineer without supporting data. It would appear that this aspect of the controversy should be considered on the basis of the relative merits of technical evidence in the event Johnston chooses to question the showing submitted on Cole's behalf.

[5] On December 12, 1963, Cole filed a statement of Claude M. Gray, his consulting engineer, in support of the validity of the measurement data which indicates that Johnston's proposal will cause interference to the existing and proposed operation of WHOC. Gray's statement also indicates that plans by Cole to apply for a power increase date from 1960. The statement was accompanied by a motion to accept Cole's reply filed December 11, 1963, and to consider the statement of Gray submitted on December 12. As previously indicated, the reply has been accepted. Gray's statement filed on December 12 has also been considered.

[6] In view of the fact that the data submitted by Cole establishes that interference would be caused to the existing operation of WHOC, Cole is a party in interest or person aggrieved within the meaning of Section 405 of the Communications Act of 1934, as amended, and § 1.106(b) of the Commission's rules.

such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: to determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-748; Filed, Jan. 24, 1964; 8:50 a.m.]

[Docket No. 15285]

W. H. SOUTH

Order To Show Cause

In the matter of W. H. South, Placentia, California, Docket No. 15285; order to show cause why there should not be revoked the license for Radio Station 11W4680 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (§ 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 28, 1963, alleging violation of § 19.61(a) (now § 95.81 (a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 6, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 21st day of January 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 800 West Orangethorpe, Placentia, California.

Released: January 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-749; Filed, Jan. 24, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

ASSOCIATED STEAMSHIP LINES, MANILA

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 5600-24, between the member lines of the Associated Steamship Lines (Manila) Conference, modifies the self-policing provisions of the basic agreement of this conference, No. 5600 as amended, pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-733; Filed, Jan. 24, 1964; 8:48 a.m.]

ATLANTIC AND GULF-SINGAPORE, MALAYA AND THAILAND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 6240-3, between the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference, modifies the basic agreement of this conference, No. 8240 as amended, to provide for the posting of security deposits by the member lines and the establishment of a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-734; Filed, Jan. 24, 1964; 8:48 a.m.]

CEYLON/U.S.A. CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8050-4, between the member lines of the Ceylon/U.S.A. Conference, modifies the basic agreement of this conference, No. 8050 as amended, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-735; Filed, Jan. 24, 1964; 8:48 a.m.]

FRENCH NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7810-4, between the member lines of the French North Atlantic Westbound Freight Conference, modifies the basic agreement of this conference, No. 7810 as amended, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-736; Filed, Jan. 24, 1964; 8:48 a.m.]

GREAT LAKES/JAPAN RATE AGREEMENT

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8595-1, between the parties to the Great Lakes/Japan Memorandum (Rate Agreement), modifies the basic agreement of the parties, No. 8595, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the office of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-737; Filed, Jan. 24, 1964; 8:48 a.m.]

GREAT LAKES-UNITED KINGDOM EASTBOUND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8130-2, between the member lines of the Great Lakes-United Kingdom Eastbound Conference, modifies the basic agreement of this conference, No. 8130 as amended, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-738; Filed, Jan. 24, 1964; 8:48 a.m.]

JAPAN/GREAT LAKES RATE AGREEMENT

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8670-2, between the parties to the Japan/Great Lakes Memorandum (Rate Agreement), modifies the basic agreement of the parties, No. 8670 as amended, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-739; Filed, Jan. 24, 1964; 8:49 a.m.]

RED SEA AND GULF OF ADEN/U.S. ATLANTIC AND GULF RATE AGREEMENT

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8558-1, between the parties to the Red Sea and Gulf of Aden/U.S. Atlantic and Gulf Rate Agreement, modifies the basic agreement of these parties, No. 8558, to provide for the posting of a security deposit by the parties and for the establishment of a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-740; Filed, Jan. 24, 1964; 8:49 a.m.]

TRANS-PACIFIC AMERICAN FLAG BERTH OPERATORS

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8493-2, between the parties to the Trans-Pacific American Flag Berth Operators agreement, modifies the basic TPAFBO Agreement No. 8493 as amended, to provide for a system

of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-741; Filed, Jan. 24, 1964; 8:49 a.m.]

TRANS PACIFIC FREIGHT CONFERENCE (HONG KONG)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 14-20, between the member lines of the Trans Pacific Freight Conference (Hong Kong), modifies the basic agreement of this conference, No. 14-1 as amended, in the following essential respects:

1. Inclusion of Macao within the conference jurisdiction;

2. Modification of voting requirements to provide that all parties agree to be bound to modifications of the conference agreement made with the consent of three-fourths of all parties entitled to vote;

3. Revision of a prohibition against representation of non-conference vessels by the parties or their agents to include subsidiaries, associated and affiliated companies of the parties or their agents and to define the terms associated and affiliated companies;

4. Modification of the qualifications for admission of new members;

5. Amplification of the list of prohibited activities, previously termed "concessions", and now designated as "malpractices";

6. Adoption of a faithful performance security deposit to be posted by each member in the sum of $30,000;

7. Establishment of a self-policing system pursuant to General Order 7; and

8. Adoption of certain administrative provisions covering such matters as conference officers, permanent and special committees, and balloting.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573 or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-742; Filed, Jan. 24, 1964; 8:49 a.m.]

U.S. ATLANTIC/SPANISH ATLANTIC RATE AGREEMENT

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8735-1, between the parties to a memorandum agreement on rates in the trade between U.S. Atlantic and Spanish Atlantic ports, modifies the basic agreement of the parties, No. 8735, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573 or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-743; Filed, Jan. 24, 1964; 8:49 a.m.]

UNITED STATES GREAT LAKES SCANDINAVIAN AND BALTIC EASTBOUND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8180-1, between the members of the United States Great Lakes Scandinavian and Baltic Eastbound Conference, modifies the basic agreement of this conference, No. 8180, to provide for a system of Self-Policing, pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-744; Filed, Jan. 24, 1964; 8:49 a.m.]

WEST COAST AMERICAN-FLAG BERTH OPERATORS

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8186-5, between the parties to the West Coast American-Flag Berth Operators agreement, modifies the basic WCAFBO Agreement No. 8186, as amended, to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 21, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-745; Filed, Jan. 24, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

NATURAL GAS ADVISORY COUNCIL

Determination of Continuance

JANUARY 20, 1964.

Pursuant to Paragraph 9 of the Commission's Order Establishing The Natural Gas Advisory Council, issued February 8, 1962, the Commission hereby determines that the continued existence of the Natural Gas Advisory Council for an additional period of two years is in the public interest.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-706; Filed, Jan. 24, 1964; 8:45 a.m.]

[Docket No. CP64-144]

SOUTHERN NATURAL GAS CO.

Notice of Application

JANUARY 20, 1964.

Take notice that on December 23, 1963, Southern Natural Gas Company (Applicant), Watts Building, Birmingham, Alabama, filed an application in Docket No. CP64-144 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its natural gas supply line extending approximately 10.72 miles from Eloi Bay Field to Point Comfort Field, Chandeleur Sound Area, Offshore St. Bernard Parish, Louisiana, consisting of 4½-inch pipeline, all as more fully described in the application, which is on file with the Commission and open to public inspection.

Applicant states that no service will be discontinued or diminished by reason of abandonment of the facilities.

Applicant further states that the gas supply from the well was stopped and the well plugged on October 30, 1963, by Phillips Petroleum Company, operator of the said well. No salvage operation will be undertaken because the costs would be greater than the salvage value.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-708; Filed, Jan. 24, 1964; 8:45 a.m.]

[Docket No. CP64-11]

STARKS UTILITIES, INC.

Notice of Application and Date of Hearing

JANUARY 20, 1964.

Take notice that on July 3, 1963, Starks Utilities, Inc. (Applicant) filed an application, and on August 19, 1963 and October 28, 1963, supplements thereto, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Texas Eastern Transmission Corporation to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for local distribution in the town of Starks, Louisiana, and in the area adjacent thereto, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

Applicant estimates its annual and peak day requirements for the first three years of operation as follows:

	Peak Day (Mcf)	Annual (Mcf)
1st year	413	15,120
2d year	433	15,840
3d year	443	16,200

Applicant estimates the cost of its project will be $42,000, which will be financed principally by a loan in the amount of $39,800, which has been authorized by the Small Business Administration.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas, Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-709; Filed, Jan. 24, 1964; 8:45 a.m.]

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings, Conditionally Approving Settlement Proposals and Conditionally Issuing Certificates of Public Convenience and Necessity

JANUARY 20, 1964.

Union Texas Petroleum, et al., Docket No. G-13221, et al., North Central Oil Corporation (Operator), et al., Docket Nos. CI61-1570, CI61-1571 and CI62-313.

On September 20, 1963, North Central Oil Corporation (Operator), et al. (North Central) filed a motion for severance of Docket No. CI62-313 from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G-13221, et al. (hereinafter referred to as the Union Texas proceeding), for approval of settlement proposal and for the issuance of a certificate of public convenience and necessity. On September 23, North Central filed a similar motion relating to Docket Nos. CI61-1570 and CI61-1571.

Consolidated Edison Company of New York, Inc. (Con-Edison), on September 27, 1963, filed a response in opposition to the motion filed on September 23, on the grounds that North Central had failed to provide for refunds in accordance with the temporary authorizations heretofore issued in Docket Nos. CI61-1570 and CI61-1571.[1]

This failure to provide refunds was a departure from the other Union Texas settlements. North Central also proposed that it be allowed to file rate increases for ¾ of additional taxes, if reimbursable Union Texas settlements have provided for rate increase filings for a maximum of ½ of such tax increases.[2]

North Central, on October 1, filed an amendment to its offer of settlement in Docket Nos. CI61-1570 (RS-9) and CI61-1571 (RS-8). By this amendment North Central offered to make refunds of excesses collected under the rate schedules related to these certificate applications since January 1, 1962, the date on which North Central became the operator of the properties. Pioneer Oil and Gas Company had been the operator of the properties prior to that time and had been making sales since June 1961, under refund conditioned temporary authorizations. As operator during the period June 1961 to January 1, 1962, Pioneer's filings covered the interests of North Central; since January 1, 1962, North Central's filings have covered the interests of Pioneer. The rate under both rate schedules is 23.25 cents per Mcf [3] and

[1] On October 4, 1963, Public Service Electric and Gas Company filed a letter with the Secretary agreeing with the response of Con-Edison.

[2] See, e.g., orders issued August 7, 1963 (Humble Oil & Refining Company) and October 9, 1963 (Gulf Oil Corporation and Socony Mobil Oil Company) in Union Texas Petroleum, et al., Docket Nos. G-13221, et al.

[3] All rates expressed inclusive of applicable tax reimbursement and all volumes expressed at 15.025 psia.

the proposed settlement rate is 20.625 cents per Mcf.

Brooklyn Union Gas Company (Brooklyn Union), on October 11, 1963, filed a statement in opposition to the offer of settlement of North Central in Docket Nos. CI61–1570 and CI61–1571 noting the failure to provide for refunds as required by the temporary authorizations. Brooklyn Union stated that it would not oppose the settlement if the producer would accept modification to provide for full refunds.

In view of the objections of the intervenors and the departures from the Union Texas settlement pattern, we denied North Central's motions by order issued in these proceedings on December 9, 1963.

On December 23, 1963, North Central filed an amended offer of settlement and motion for severance.[4] This amendment removes the reasons for the Commission's rejection of the original offer. In substance, the offers now conform to the recent Union Texas settlements and provide for the issuance of certificates of public convenience and necessity at initial rates of 20.625 cents per Mcf for three sales from south Louisiana; a five year moratorium on rate increase filings, effective April 1, 1963 (subject to the usual exceptions); extension of take-or-pay make-up periods to 4 years in all rate schedules which provide less refunds of all amounts collected above that which would have been collected at the settlement rate since the date of initial deliveries in Docket Nos. CI61–1570 and CI61–1571, and for all deliveries made subsequent to March 31, 1963, in Docket No. CI62–313; interest on all amounts to be refunded computed at a rate of 7 percent per annum.[5]

We find these proposals, generally, to be in the public interest and shall approve them subject to the following reservations and conditions.

We shall require that interest on the amounts to be refunded accrue through the last day of the month in which the amended motion and offer were filed, December 31, 1963. This has been a requirement in all of our orders approving settlements arising out of the Union Texas proceeding.[6]

In the context of the proposals, we interpret the term "delivered" as used in paragraph 1 of the proposals to include gas required to be taken during the moratorium period but paid for and not taken and our approval is conditioned upon such interpretation. Thus, prepayments, if any, shall be made during the moratorium period at rates no higher than the rates in effect for gas physically delivered.

The settlement provisions for adjustments in rates according to our order or orders in Area Rate Proceeding, Docket No. AR61–2, seek to anticipate in part the nature of our final determinations in that matter. It is clear that we shall make no determinations in this matter which will control our conclusions in Docket No. AR61–2. The settlement proposals also provide that adjustments in price growing out of the Area Rate Proceeding, Docket No. AR61–2, should go into effect upon conclusion of judicial review of our final order.

However, we cannot now commit the Commission to conditionally staying the effectiveness of its final order in Docket No. AR61–2. These matters should be decided at the conclusion of that proceeding and our approval of the settlement will be so conditioned.

The pipeline purchaser in Docket Nos. CI61–1570, CI61–1571, CI62–313 is Transcontinental Gas Pipe Line Corporation (Transco). In order to avoid a situation in which a pipeline obtains and keeps the benefits of refunds and a reduction in gas purchase costs even though it may be, in the absence of such refunds and reductions in gas purchase costs, earning a reasonable rate of return on invested capital, we shall require Transco to report to the Commission the amount of refund and interest which it receives as a result of North Central's settlement, the estimated annual reductions in purchased gas costs, the proposed disposition of the refunds and the proposed rate adjustments, if any, to reflect the reduction in gas purchase costs. We shall require Transco to hold the refunds and amounts equal to the reductions in purchased gas costs which will accrue as a result of this settlement in a special account subject to further orders of the Commission.

In accordance with the above we shall sever these North Central dockets from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al., and issue certificates of public convenience and necessity in accordance with the applications, settlement proposals, as amended, and conditions of this order.[7]

The Commission finds:

(1) North Central Oil Corporation is a natural-gas company within the meaning of the Natural Gas Act, and is engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission.

(2) The proposed sales of natural gas are subject to the jurisdiction of the Commission, and such sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) North Central is able and willing properly to do the acts and to perform the services proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The proposed sales, together with the construction and operation of any facilities subject to the jurisdiction of the Commission and necessary therefor, are required by the public convenience and necessity and are in the public interest upon the conditions set forth below, and certificates should be issued as ordered below.

(5) The conditions attached to the certificates herein issued are required by the public convenience and necessity.

(6) It is in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that Transco be required to submit the reports and account for the refunds, interest and purchased gas cost reductions as ordered below.

The Commission orders:

(A) The matters in Docket Nos. CI61–1570, CI61–1571 and CI62–313 are hereby severed from the consolidated proceeding Union Texas Petroleum, et al., Docket Nos. G–13221, et al.

(B) Certificates of public convenience and necessity are hereby issued to North Central Oil Corporation upon the conditions set forth herein authorizing the sales of natural gas in interstate commerce for resale as proposed and as modified by the settlement proposals, as amended, and this order, and for the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, as more fully described in the applications and settlement proposals, as amended, herein.

(C) The certificates granted by paragraph (B) above, are granted upon the express condition that North Central comply fully with the terms of this order and the settlement proposals, as amended, which settlement is expressly approved, under the conditions of this order.

(D) The interest required to be paid under the terms of these proposals shall accrue through December 31, 1963, the last day of the month in which the amended settlement proposal was filed.

(E) Within 30 days after making the refunds required by the terms and conditions of this order and the settlement proposals as amended, North Central shall report to the Commission, in triplicate, the amount of the refunds made to its pipeline purchaser, showing separately the amount of principal and interest so paid and the bases used for such determinations, together with a release from the purchaser showing receipt of the refunds in conformity with the settlement as approved.

(F) Upon full compliance of North Central with all the terms of this order and of the settlement proposals, as amended, North Central shall be relieved of any further refund obligations in these certificate proceedings and said proceedings shall terminate.

(G) The certificates herein issued are not transferable and shall be effective only so long as North Central continues the acts and operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(H) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or Part 154 of the regulations thereunder: *Provided, however,* That the 30-day notice provision of § 154.94(b) and the detailed submittal requirements of § 154.94(f) are hereby waived insofar as they apply to the filing of reductions in rate as required by this order and the settlement proposals, as amended.

(I) The grant of certificates herein and approval of the settlement proposals are without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against North Central, particularly any proceeding under section 5 of the Natural Gas Act and is without prejudice to claims or contentions which may be made by the Commission, North Central, the Commission staff, or any affected party herein in any other proceeding.

(J) Within 15 days from the date of receipt of refunds and interest required by this order, Transco shall submit a report to the Commission and serve a copy on its jurisdictional customers and the various state utility commissions of states wherein it does business, setting forth the amount of refund and interest received, the estimated annual reduction in purchased gas costs due to North Central's rate reductions, its proposed disposition of such refunds and its proposed rate adjustments to reflect the reduction in gas purchase costs. Pending Commission action and further orders respecting such proposed disposition and adjustments, Transco shall hold such refunds, interest and amounts equal to the reductions in purchased gas costs which accrue as a result of this settlement in a special account.

By the Commission. Commissioner Ross not participating.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[4] North Central's filing was entitled "Application for Rehearing" but since the order of December 9, 1963, was not a final order and since the "Application for Rehearing" substantially changed the original offer of settlement, the "Application for Rehearing" is considered an amended offer of settlement and motion for severance.

[5] See Appendix for further details.

[6] See order issued October 25, 1963, in Union Texas Petroleum, et al., Docket Nos. G–13221, et al., regarding the settlement of Texaco Inc.

[7] The hearings in the Union Texas Petroleum, et al., consolidated proceeding concluded July 25, 1963, and the Presiding Examiner's Decision was issued January 14, 1964.

APPENDIX

Docket No.	Rate schedule No.	Applicant	Purchaser	Current rate (cents Mcf)	Proposed settlement rate
CI62–313	7	North Central Oil Corp. (Operator), et al.	Transcontinental Gas P/L Corp.	[1] 21.25	20.625
CI61–1571	8	do	do	[2] 23.25	20.625
CI61–1570	9	do	do	[2] 23.25	20.625

[1] The proposed initial rate of 22.75 cents per Mcf was conditioned to 21.25 cents per Mcf by temporary authorization
[2] The proposed initial rate of 23.55 cents per Mcf was conditioned to 23.25 cents per Mcf by temporary authorization

[F.R. Doc. 64–710; Filed, Jan. 24, 1964; 8:45 a.m.]

[Project Nos. 2152, 2205]

VERMONT ELECTRIC COOPERATIVE, INC., AND CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Consolidating Proceedings, Fixing Hearing and Prescribing Procedure

JANUARY 20, 1964.

On January 3, 1955, Vermont Electric Cooperative, Inc. (Cooperative) of Johnson, Vermont, filed an application for license under the Federal Power Act for a proposed hydroelectric development (Project No. 2152) to be located on the Lamoille River in Vermont about 15.5 miles above the mouth of that river and to be known as the East Georgia development. Concurrently with its application for license, the Cooperative filed an application for leave to withdraw an earlier application for preliminary permit and to substitute therefor the application for license. By an order issued March 17, 1957, the Commission consented to the withdrawal of the application for preliminary permit.

On May 28, 1956, as amended on October 16, 1958 and October 1, 1959, Central Vermont Public Service Corporation (Corporation) filed an application for license under the Federal Power Act for a proposed hydroelectric development (Project No. 2205) to be located on the Lamoille River in Vermont about 15.5 miles above the mouth of that river and to be known as the East Georgia development. Included in the application for license, by the amendment of October 16, 1958, are four constructed developments on the Lamoille River; these are the Peterson, Milton and Clark Falls developments downstream and the Fairfax Falls development directly upstream from the proposed East Georgia development.

The two applications for license by the Cooperative and the Corporation for the proposed East Georgia development are in conflict with each other. Corporation has intervened against the granting of the application for license by Cooperative, and Cooperative has in turn intervened against the granting of the application for license by Corporation. These proceedings have been continued from time to time upon requests made by each of the applicants.

The Commission finds. It is desirable and in the public interest to consolidate these two matters for the purpose of a public hearing and to hold such a hearing respecting the matters involved in and the issues presented by the two applications for license.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in Washington, D.C., on April 21, 1964, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission respecting the matters involved in and the issues presented by the applications for license for Project Nos. 2152 and 2205.

(B) The following procedure is prescribed:

(1) A prehearing conference will be held on February 4, 1964, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, before the Presiding Examiner.

(2) The parties, including Commission staff, shall file their direct testimony and exhibits by March 9, 1964.

(3) The parties, including Commission staff, shall file their rebuttal testimony and exhibits by March 30, 1964.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes, and all exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(5) Any motions to strike any part of the prepared testimony and exhibits shall be filed by April 9, 1964, and answers thereto shall be filed by April 16, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–711; Filed, Jan. 24, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

JANUARY 21, 1964.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the common stock, 10 cents par value and trading on the American Stock Exchange in the 6 percent Convertible Subordinated Debentures due September 1, 1976, of Continental Vending Machine Corporation.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary

in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 22, 1964 through January 31, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-718; Filed, Jan. 24, 1964; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

JANUARY 21, 1964.

In the matter of trading on the American Stock Exchange in the common stock, 67 cents par value, of Tastee Freez Industries, Inc.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period January 22, 1964 through January 31, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-719; Filed, Jan. 24, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 22, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38767: *Liquefied chlorine gas from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A4437), for and on behalf of St. Louis-San Francisco Railway Company. Rates on liquefied chlorine gas, in tank car loads, from Memphis, Tenn., to Demopolis and Green Tree, Ala.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 38768: *Liquid caustic soda from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A4438), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Memphis, Tenn., to Augusta, Ga., Clearwater, Graniteville and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 38769: *Liquid caustic soda from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A4439), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Memphis, Tenn., to Cartersville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 158 to Southern Freight Association, agent, tariff I.C.C. S-116.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-724; Filed, Jan. 24, 1964; 8:47 a.m.]

[Notice 929]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 22, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66350. By order of January 17, 1964, the Transfer Board approved the transfer to Michael J. Argy, doing business as Niagara Falls Coach Lines, 130 13th Street, Niagara Falls, N.Y., of the operating rights in Certificate in No. MC 116662 (Sub-No. 1), issued May 13, 1959, to Albert A. Jacob, doing business as Niagara Falls Scenic Tours, 530 18th Street, Niagara Falls, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations between April 15 and November 1, inclusive, of each year, over irregular routes, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., and extending to ports of entry on the United States-Canada Boundary line at Niagara Falls and Lewiston, N.Y.

No. MC-FC 66521. By order of January 17, 1964, the Transfer Board approved the transfer to Frederick's Trucking Limited, Merlin, Ontario, Canada, of the operating rights in Certificate in No. MC 123152, issued July 14, 1961, to Charles Frederick, doing business as Frederick's Trucking, Village of Merlin, Ontario, Canada, authorizing the transportation, over irregular routes, of seeds, soybeans, feeds and feed concentrate, from the port of entry on the United States-Canada Boundary line, at Detroit, Mich., to points in Michigan, Ohio, and Illinois; and seed in bags, corn, in bulk, and seed corn and soya bean meal from points in Michigan, Ohio, and Illinois, to the port of entry on the United States-Canada Boundary line, at Detroit, Mich. S. Harrison Kahn, 733 Investment Building, Washington, D.C., 20005, attorney for applicants.

No. MC-FC 66533. By order of January 17, 1964, the Transfer Board approved the transfer to James Ricciardi & Sons, Inc., Staten Island, N.Y., of the operating rights in Certificate in No. MC 123057, issued October 11, 1961 to James Ricciardi, Vincent Ricciardi, Charles Ricciardi, Joseph Ricciardi, Jack Ricciardi, and Harold Boyle, a partnership, doing business as James Ricciardi & Sons, Staten Island, N.Y., authorizing the transportation of general commodities, with certain exceptions, and commodities of a general commodity nature, between points in New York, New Jersey, Connecticut, and Pennsylvania. Morton E. Kiel, 140 Cedar St., New York, 6, N.Y., attorney for applicants.

No. MC-FC 66544. By order of January 17, 1964, the Transfer Board approved the transfer to Robert L. Browning, doing business as Browning Van and Storage, 1102 South 7th Street, Clinton, Mo., of the operating rights in Certificate in No. MC 83517, issued September 20, 1963 to Robert L. Browning and Mrs. Irene Browning, doing business as Browning Van and Storage, 1102 South Seventh Street, Clinton, Mo., authorizing the transportation, over irregular routes, of: Household goods and emigrant movables, between specified points in Missouri, on the one hand, and, on the other, points in Kansas, Iowa, Illinois, and Oklahoma.

No. MC-FC 66550. By order of January 17, 1964, the Transfer Board approved the transfer and substitution of Koschkee Transfer, Inc., Fennimore, Wis., as applicant in the "claimed grandfather rights" proceeding seeking the issuance of a Certificate of Registration, No. MC 98869 (Sub-No. 1) covering operations under the former second proviso of Section 206(a)(1) of the Act, by virtue of a filing No. MC 98869 accepted in the name of Carson A. Koschkee and Marck H. McCluskey, doing business as Koschkee Transfer, Fennimore, Wis., within the State of Wisconsin. John T. Porter, 708 First National Bank Bldg., Madison 3, Wis., attorney for applicants.

No. MC-FC 66555. By order of January 17, 1964, the Transfer Board approved the transfer to Goodwin Bros., Inc., Denver, Colo., of Certificate in No. MC 114589, issued August 3, 1961 to G & L Tractor Service, Inc., Fort Morgan Colo., authorizing the transportation, over irregular routes, of: Machinery, equipment, materials, and supplies (Mercer Description) used in the natural gas and petroleum industry and pipeline operations, between points in Colorado, within 75 miles of Sterling, Colo., including Sterling. Paul M. Hupp, 636 Majestic Bldg., Denver, Colo., 80202, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-725; Filed, Jan. 24, 1964; 8:47 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 18

Washington, Saturday, January 25, 1964

Federal Aviation Agency

Proposed Operations of Scheduled Air Carriers Outside Continental United States

FEDERAL AVIATION AGENCY

[14 CFR Parts 41, 123 [New]]

[Special Civil Air Reg. 386F, 422, 422A, 422B, 440]

[Regulatory Docket No. 3059; Notice No. 64-4]

OPERATIONS OF SCHEDULED AIR CARRIERS OUTSIDE CONTINENTAL UNITED STATES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering a proposal to recodify present Part 41 of the Civil Air Regulations into Part 123 [New].

Interested persons are invited to participate in the proposed recodification by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 23, 1964, will be considered by the Administrator before taking action on the proposed recodification. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposal is a part of the program of the Federal Aviation Agency to recodify its regulatory material. The proposal conforms generally to the "Outline and Analysis" for the proposed recodification announced in Draft Release 61-25, published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698). However, the proposed new part will be numbered Part 123, instead of Part 125 as announced in the outline, and will include all of present Part 41 including the certification provisions which the original outline proposed to transfer to a separate part.

While SR 440 and certain sections of SRs 422, 422A, and 422B are included in proposed Part 123 [New] we cannot propose to rescind those provisions now since they also apply to operations conducted under Parts 40 and 42. Accordingly, these provisions will not be rescinded until Parts 40 and 42 are recodified.

The object of Part 123 [New] is to restate existing regulations, not to make new ones. The pertinent provisions have been freely reworded and rearranged, subject to every precaution against disturbing existing rights, privileges, duties, or functions. In addition, in cases where well established administrative practice or construction has established authoritative interpretations, the revised language reflects the interpretations.

Each proposed recodified section is followed by a note citing the present section of the regulations upon which it is based. A cross-reference table has been placed at the end of Part 123 [New] to permit easy access from the old regulations to the new. Internal cross references to parts or sections that are not yet recodified contain a blank space for later insertion of the correct recodified number with the present number contained in brackets. When a part or section that is referred to in a cross reference is later recodified, the correct number will be inserted and the bracketed number will be dropped.

No substantive changes involving an increased burden on the public have been made in the regulations, the purpose of the recodification project being simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. It should be noted that the definitions, abbreviations, and rules of construction contained in Part 1 [New] published in the FEDERAL REGISTER on May 15, 1962 (27 F.R. 4587) would apply to the proposed rules. As Part 1 includes "inspection" in the definition of the term "maintenance" this proposal drops the present practice of referring to "inspection" in addition to "maintenance".

Appendices A and B of present Part 41 will be retained without substantive change and therefore have not been reprinted with proposed Part 123 [New]. They will be published at the time that the final rule is adopted.

It should be noted that the omission of the last sentence of § 41.241(a) relating to the applicability of the maintenance requirements of Part 18 (proposed Part 43 [New]) is not a substantive change. The applicability section (§ 43.1) of proposed Part 43 [New] makes it clear when Part 43 is applicable and therefore it is not necessary to restate the applicability throughout the FARs.

When finally adopted, Part 123 [New] will include the substance of any applicable rules or amendments adopted and made effective during the period between the date of notice and the effective date of the final rule, and may also include applicable rules on which individual notices of proposed rule making have been issued and the comment period has expired, but which have not been theretofore adopted.

In consideration of the foregoing it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations by deleting Part 41 and Special Civil Air Regulation 386F and adding a Part 123 [New] reading as hereinafter set forth.

Issued in Washington, D.C., on January 15, 1964.

N. E. HALABY,
Administrator.

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AUTHORITY: The provisions of this Part, 123 [New] issued under secs. 313(a), 501, 601, 603, 604, 605, 608, 609, 610, and 1102 of the Federal Aviation Act of 1958; 49 U.S.C. 1354 (a), 1421, 1424, 1425, 1428, 1429, 1430, 1502.

Subpart A—General

§ 123.1 Applicability.

This part prescribes rules governing the following persons and operations:

(a) Each air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board authorizing unlimited scheduled service over designated routes, when it engages in scheduled air transportation over those routes between any of the following:

(1) A place in any State of the United States or the District of Columbia, and any place in a territory or possession of the United States.

(2) Any place in a territory or possession of the United States, and a place in any other territory or possession of the United States.

(3) Places in a territory or possession of the United States.

(4) Any place in the United States and any place outside thereof.

(5) Any two places outside the United States.

(6) A place in the State of Alaska and any other State of the United States.

(7) The State of Hawaii and any other State of the United States.

(b) Each person employed or used by an air carrier in operations under this part, including the maintenance and preventive maintenance of airplanes.

(c) Each person who is on board an airplane being operated by an air carrier under this part.

[Revision note: Based on § 41.1]

§ 123.3 Rules applicable to operations subject to this Part.

Unless otherwise specified in this part or in his operations specifications, each air carrier operating an airplane shall—

(a) While operating inside the United States, comply with the applicable rules of Part 91 [New] of this chapter;

(b) While operating over the high seas, comply with Annex 2 (Rules of the Air) to the convention on International Civil Aviation, except where any rule of this part is more restrictive and may be followed without violating Annex 2; and

(c) While operating within a foreign country, comply with the air traffic rules of the country concerned and local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of that country.

[Revision note: Based on § 41.2]

Subpart B—Certification and Operations Specifications

§ 123.11 Certificate and operations specifications required.

(a) No person may operate an airplane in operations to which this part applies without, or in violation of, an air carrier operating certificate and appropriate operations specifications, issued under this part.

(b) Except for those operations specifications specifying airport and route or route segment authorizations, air carrier operations specifications are not a part of an air carrier's operating certificate.

[Revision note: Combines §§ 41.10 and 41.18]

§ 123.13 Contents of certificate and operations specifications.

(a) Each air carrier operating certificate contains the following:

(1) The air carrier's name.

(2) The airports to and from which it may operate.

(3) The approved routes over which it may operate.

These airports and routes are incorporated into the air carrier operating certificate by reference to the authorized airports and approved routes listed in that air carrier's operations specifications.

(b) An air carrier's operations specifications contain the following:

(1) The kinds of operations authorized.

(2) The types of airplanes authorized for use.

(3) En route authorizations.

(4) En route limitations.

(5) Airport authorizations.

(6) Airport limitations.

(7) Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks of airframes, engines, propellers, and appliances.

(8) Procedures for control of weight and balance of airplanes.

(9) Interline equipment interchange requirements, if any.

(10) Any other item that the Administrator determines is necessary to cover a particular situation.

[Revision note: Combines §§ 41.11 and 41.19]

§ 123.15 Issue of certificate.

(a) An applicant is entitled to an air carrier operating certificate if—

(1) He holds a certificate of public convenience and necessity or other appropriate economic authority issued by the Civil Aeronautics Board; and

(2) The Administrator, after investigation, finds that he is properly and adequately equipped and able to conduct a safe operation in accordance with this part and operations specifications provided for in this part.

(b) Whenever, after investigation, the Administrator determines that the general standards of safety for air carrier operations conducted—

(1) Between points in Alaska; or

(2) Under a temporary authorization issued by the Civil Aeronautics Board;

require or allow a deviation from any requirement of this part for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he issues operations specifications prescribing appropriate requirements that deviate from the requirements of this part.

(c) The Administrator may authorize an air carrier holding economic authority to engage in scheduled cargo-only operations to conduct those operations under § ____ (present Part 42) of this chapter.

[Revision note: Based on § 41.13]

§ 123.17 Availability of certificate and operations specifications.

Each air carrier shall make its operating certificate and operations specifications available for inspection by the Administrator at its principal operations office.

[Revision note: Based on § 41.15]

§ 123.19 Duration of certificate.

(a) An air carrier operating certificate is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it.

(b) If the Administrator suspends or revokes an air carrier operating certificate, the holder of that certificate shall return it to the Administrator.

[Revision note: Based on § 41.16]

§ 123.21 Use of operations specifications.

(a) Each air carrier shall keep each of its employees informed of the provisions of its operations specifications that apply to the employee's duties and responsibilities.

(b) Each air carrier shall maintain a complete and separate set of its operations specifications. In addition, each air carrier shall insert pertinent provisions of its operations specifications in its air carrier manual in such a manner that they retain their identity as operations specifications.

[Revision note: Based on § 41.20]

§ 123.23 Amendment of certificate.

(a) The Adminstrator may amend an air carrier operating certificate issued under this part—

(1) Upon application by the holder of that certificate, if he determines that safety in air transportation and the public interest allows the amendment; or

(2) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 [New] of this chapter, if he determines that safety in air transportation and the public interest requires the amendment.

(b) An applicant for an amendment to an air carrier operating certificate must file his application with the FAA Air Carrier District Office charged with the overall inspection of his operation at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is approved by that office.

(c) The District Office grants a request to amend an air carrier operating certificate if it determines that safety in air transportation and the public interest so allows.

(d) At any time within 30 days after refusal of the District Office to approve an air carrier's application for amendment the holder may petition the Administrator personally to reconsider the refusal.

[Revision note: Based on § 41.14]

§ 123.25 Amendment of operations specifications.

(a) The FAA Air Carrier District Office charged with the overall inspection of the air carrier's operations may amend any operations specifications issued under this part, except those pertaining to airport and route authorizations—

(1) Upon application by the air carrier concerned, if it determines that safety in air transportation and the public interest allows the amendment; or

(2) If it determines that safety in air transportation and the public interest requires the amendment.

(b) In the case of an amendment under paragraph (a) (2) of this section, the District Office shall notify the carrier, in writing, of the proposed amendment, fixing a reasonable period (but not less than seven days) within which the carrier may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the District Office shall notify the air carrier of any amendment adopted, or a recission of the notice. The amendment becomes effective not less than 30 days after the air carrier receives notice of it, unless the carrier petitions the Administrator personally to reconsider the amendment, in which case its effective date is stayed pending a decision by the Administrator. If the District Office finds that there is an emergency requiring immediate action with respect to safety in air transportation, that makes the procedure in this paragraph impracticable or contrary to the public interest, it may notify the carrier of an amendment, without notice, and the amendment becomes effective, without stay, on the date the carrier receives notice of it. In such a case, the District Office shall incorporate the finding, and a brief statement of the reasons for it, in the notice of the amended operations specifications to be adopted.

(c) An applicant must file his application for an amendment of operations specifications with the District Office at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is approved by that office.

(d) Within 30 days after receiving from the District Office a notice of refusal to approve an air carrier's application for amendment, the air carrier may petition the Administrator personally to reconsider the refusal to amend.

[Revision note: Based on § 41.21]

§ 123.27 Inspection authority.

Each air carrier shall allow the Administrator to make any inspections or examinations that he considers necessary to determine the carrier's compliance with the Federal Aviation Act of 1958, the Federal Aviation Regulations, and its operating certificate and operations specification.

[Revision note: Based on § 41.22]

§ 123.29 Change of address.

Each air carrier shall notify the FAA Air Carrier District Office charged with the overall inspection of its operations, in writing, at least 30 days in advance, of any change in the address of its principal business office, its principal operations base, or its principal maintenance base.

[Revision note: Based on §41.23]

Subpart C—Approval of Routes

§ 123.41 Route requirements: general.

(a) Each air carrier seeking a route approval must show to the Administrator—

(1) That it is able to satisfactorily conduct scheduled operations between airports over that route or route segment; and

(2) That the facilities and services required by §§ 123.45 through 123.55 are available and adequate for the proposed operation.

The Administrator will approve a route outside of controlled airspace unless he determines that traffic density is such that an adequate level of safety cannot be assured.

(b) Paragraph (a) of this section does not require actual flight over a route or route segment if the air carrier shows that the flight is not essential to safety, considering the availability and adequacy of airports, lighting, maintenance, communication, navigation, fueling, ground, and airplane radio facilities, and the ability of the personnel to be used in the proposed operation.

[Revision note: Based on § 41.30]

§ 123.43 Route width.

(a) To be eligible for approval, routes and route segments submitted to the Administrator for approval for operations over U.S. Federal airways, foreign airways, or advisory routes must have a width equal to the designated width of the airways or advisory routes. In determining the width of other approved routes the Administrator, considers the following:

(1) Terrain clearance.

(2) Minimum en route altitudes.

(3) Ground and airborne navigation aids.

(4) Air traffic density.

(5) ATC procedures.

(b) Any route widths determined by the Administrator are specified in the air carrier's operations specifications.

[Revision note: Based on § 41.32]

§ 123.45 Airports.

Each air carrier must show to the Administrator that each airport on each route it submits for approval is properly equipped and adequate for the proposed operation, considering size, surface, obstructions, facilities, public protection, lighting, navigational and communications aid, and traffic control, and any other pertinent matters.

[Revision note: Based on § 41.33]

§ 123.47 Communications facilities.

Each air carrier must show to the Administrator that, a two-way air/ground radio communication system is available at points that will insure reliable and rapid communications, under normal operating conditions over the entire route (either direct or via approved point to point circuits) between each airplane and the appropriate dispatch office, and between each airplane and the appropriate air traffic control unit. For operations in the 48 contiguous United States and the District of Columbia, the communications system between each aircraft and the dispatch office must be independent of any system operated by the United States.

[Revision note: Based on § 41.34]

§ 123.49 Weather reporting facilities.

(a) Each air carrier must show to the Administrator that sufficient weather reporting services are available along each proposed route to insure weather reports (prepared and released by the U.S. Weather Bureau, or a source approved by the Weather Bureau) and forecasts necessary for the operation. For operations outside the U.S., where those reports are not available, the air carrier must show that its weather reports are prepared by a source approved by the Administrator.

(b) The weather reports used by an air carrier that uses forecasts to control flight movements must be those prescribed in paragraph (a) of this section.

[Revision note: Based on § 41.35]

§ 123.51 En route navigational facilities.

(a) Except as provided in paragraph (b) of this section, each air carrier must show to the Administrator, for each proposed route, that nonvisual ground aids are—

(1) Available along the route;

(2) Located to allow navigation to any regular, provisional, refueling, or alternate airport; within the degree of accuracy necessary for the operation involved; and

(3) Available for navigating aircraft within the degree of accuracy required for ATC.

(b) Nonvisual ground aids are not required for—

(1) Day VFR operations that the air carrier shows can be conducted safely by pilotage because of the characteristics of the terrain;

(2) Night VFR operations on routes that the air carrier shows have reliably lighted landmarks adequate for safe operation; and

(3) Operations on route segments where the use of celestial or specialized means of navigation is approved by the Administrator.

[Revision note: Based on § 41.36]

§ 123.53 Servicing and maintenance facilities.

Each air carrier must show to the Administrator that competent personnel and adequate facilities and equipment (including spare parts, supplies, and materials) are available at such points along each route as are necessary for the proper servicing, maintenance, and preventive maintenance of airplanes and auxiliary equipment.

[Revision note: Based on § 41.37]

§ 123.55 Dispatch centers.

Each air carrier must show to the Administrator that it has enough dispatch centers, adequate for the operations to be conducted, that are located at points necessary to insure proper operational control of each flight.

[Revision note: Based on § 41.38]

Subpart D—Air Carrier Manuals

§ 123.71 Preparation.

Each air carrier shall prepare and keep current an air carrier manual for the use and guidance of flight and ground operations personnel in conducting its operations.

[Revision note: Based on § 41.50]

§ 123.73 Contents.

(a) Each air carrier manual must—

(1) Include instructions and information necessary to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety;

(2) Be in a form that is easy to revise;

(3) Have the date of last revision on each page concerned; and

(4) Not be contrary to the provisions of any applicable regulation or the air carrier's operations specifications or operating certificate.

(b) The manual may be in two or more separate parts, containing together all of the following information, but each part must contain that part of the information that is appropriate for each group of personnel:

(1) General policies.

(2) Duties and responsibilities of each crewmember and appropriate members of the ground organization.

(3) Reference to appropriate Federal Aviation Regulations.

(4) Flight dispatching and operational control, including procedures for coordinated dispatch.

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or continuance of flight if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route.

(6) Appropriate information from the en route operations specifications, including for each approved route the types of airplanes authorized, their crew complement, the type of operation such as VFR, IFR, day, night, etc., and any other pertinent information.

(7) Appropriate information from the airport operations specifications including for each airport—

(i) Its location;

(ii) Its designation (regular, alternate, provisional, etc.);

(iii) The types of airplanes authorized;

(iv) Instrument approach procedures;

(v) Landing and takeoff minimums; and

(vi) Any other pertinent information.

(8) Takeoff, en route, and landing weight limitations.

(9) Procedures for familiarizing passengers with the use of emergency equipment during flight.

(10) Emergency equipment and procedures.

(11) The method of designating succession of command of flight crewmembers.

(12) Procedures for determining the usability of landing and takeoff areas.

(13) Procedures for disseminating pertinent information to operations personnel.

(14) Procedures for operating in periods of ice, hail, thunderstorms, turbulence, or any potentially hazardous meteorological condition.

(15) Airman training programs, including appropriate ground, flight, and emergency phases.

(16) Instructions and procedures for maintenance, preventive maintenance, and servicing.

(17) Time limitations for maintenance, preventive maintenance, and checks of airframes, engines, propellers, and appliances, or standards by which the time limitations may be determined.

(18) Procedures for refueling airplanes, eliminating fuel contamination, protection from fire (including electrostatic protection), and supervising and protecting passengers during refueling.

(19) Airworthiness inspections, including instructions covering procedures, standards, responsibilities, and authority of inspection personnel.

(20) Methods and procedures for maintaining the airplane weight and center of gravity within approved limits.

(21) Pilot and dispatcher route and airport qualification procedures.

(22) Accident notification procedures.

(23) Other information or instructions relating to safety.

(c) Each air carrier shall maintain at least one complete master copy of the air carrier manual at its principal operations base.

[Revision note: Based on § 41.51]

§ 123.75 Distribution.

Each air carrier shall furnish current copies of the air carrier manual or appropriate parts of it to—

(a) Appropriate ground operations and maintenance personnel of the air carrier;

(b) Crewmembers; and

(c) Representatives of the Administrator assigned to the air carrier.

[Revision note: Based on § 41.52]

§ 123.77 Airplane flight manual.

(a) Each air carrier shall keep a current approved airplane flight manual for each type of transport category airplane that it operates.

(b) Each air carrier shall carry an approved airplane flight manual, or an air carrier manual containing the information required for the airplane flight manual, in each transport category airplane. If sections of the required information from the airplane flight manual are incorporated in the air carrier manual, the air carrier shall clearly identify the sections as airplane flight manual requirements.

[Revision note: Based on § 41.53]

Subpart E—Airplane Requirements

§ 123.91 Airplane requirements: general.

(a) No air carrier may operate an airplane unless that airplane—

(1) Is registered as a civil aircraft of the United States and carries an appropriate current airworthiness certificate issued under this chapter; and

(2) Meets the applicable airworthiness requirements of this chapter including those relating to identification and equipment.

(b) An air carrier may use an approved weight and balance control system based on average, assumed, or estimated weight to comply with applicable airworthiness requirements and operating limitations.

[Revision note: Based on § 41.60]

§ 123.93 Airplane certification and equipment requirements.

(a) *Airplanes certificated before July 1, 1942.* No air carrier may operate an airplane that was certificated before July 1, 1942, unless—

(1) That airplane retains its present airworthiness certification status and meets the requirements of paragraph (c) of § 123.111; or

(2) That airplane and all other airplanes of the same or related type operated by that carrier meet the performance requirements of §§ ____ through ____ (present §§ 4a.737–T through 4a.750–T) of Part ____ (present Part 4a) of this chapter; or §§ ____ through ____ (present §§ 4b.110 through 4b.125) of Part ____ (present Part 4b) and § 123.111 of this chapter.

(b) *Airplanes certificated after June 30, 1942.* No air carrier may operate an airplane that was certificated after June 30, 1942, unless it is certificated as a transport category airplane and meets the requirements of § 123.111.

[Revision note: Based on § 41.61]

§ 123.95 Single-engine airplanes prohibited.

No air carrier may operate a single-engine airplane.

[Revision note: Based on § 41.62 (1st sentence)]

§ 123.97 Airplane limitations: type of route.

(a) Unless otherwise authorized by the Administrator based on the character of the terrain, the kind of operation, or the performance of the airplane to be used, no air carrier may operate a two-engine or three-engine airplane along a route that contains a point farther than one hour's flying time (in still air at normal cruising speed with one engine inoperative) from an adequate airport.

(b) No air carrier may operate a land airplane (other than a DC–3, C–46, CV–340, or CV–440) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of Part ____ (present Part 4b) of this chapter.

[Revision note: Based on § 41.62 (less 1st sentence)]

§ 123.99 Airplane proving tests.

(a) No air carrier may operate an airplane unless—

(1) In the case of an airplane not before proved for use in air carrier operations, an airplane of that type has had, in addition to the airplane certification tests, at least 100 hours of proving tests under the Administrator's supervision at least 50 hours of which must have been flown over authorized routes and at least 10 hours must have been flown at night; or

(2) In the case of an airplane of a type that has been proved for use in air carrier operations that—

(i) Has undergone a major alteration;

(ii) Has had installed powerplants other than powerplants of a type similar to those with which the airplane was certificated; or

(iii) Is to be used by an air carrier who has not previously proved that type;

an airplane of that type has had 50 hours of proving tests, of which 25 hours were over authorized routes unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary.

(b) During proving tests, the carrier may not operate an airplane carrying persons other than those needed to make the tests and those designated by the Administrator, but may carry mail, express, or other cargo, when approved.

[Revision note: Based on § 41.63]

Subpart F—Airplane Performance Operating Limitations

§ 123.111 General.

(a) Each air carrier operating a nonturbine-powered transport category airplane shall comply with §§ 123.113 through 123.125.

(b) Each air carrier operating a turbine-powered transport category airplane shall comply with §§ 123.127 through 123.135, except that a carrier operating a turbopropeller-powered transport category airplane certificated on or after August 29, 1959, but previously type certificated with the same number of reciprocating engines, may comply with §§ 123.113 through 123.125.

(c) Each air carrier operating a nontransport category airplane shall comply with §§ 123.137 through 123.143 and any determination of compliance must be based only on approved performance data.

(d) The performance data in the Airplane Flight Manual applies in determining compliance with §§ 123.113 through 123.135. No person may operate a transport category turbine-powered airplane outside the operational limits specified in the Airplane Flight Manual. Where conditions are different from those on which the performance data is based, compliance is determined by interpolation or by computing the effects of changes in the specific variables, if the results of the interpolations or computations are substantially as accurate as the results of direct tests.

(e) A nonturbine-powered transport category airplane may not be taken off at a weight that is more than the allowable weight for the runway being used, determined under the runway takeoff limitations of the transport category operating rules of this part, after considering the temperature operating correction factors in §____ or ____ of this chapter (present § 4a.749a–T or 4b.117), and set forth in the applicable Airplane Flight Manual.

(f) The Administrator may authorize deviations from the requirements in this subpart in the operations specifications, if special circumstances make a literal observance of a requirement unnecessary for safety.

(g) The ten-mile width specified in §§ 123.117 through 123.121 may be reduced to five miles, for not more than 20 miles, when operating VFR or where navigation facilities furnish reliable and accurate identification of high ground and obstructions located outside of five miles, but within ten miles, on each side of the intended track.

[Revision note: Combines §§ 41.70, 41.76, 41.90, and 40T.80 and 40T.81(d) of SR 422, SR 422A, and SR 422B]

§ 123.113 Transport category airplane: nonturbine powered: takeoff limitations.

(a) No person operating a nonturbine-powered transport category airplane may take off unless—

(1) It is possible to stop the airplane safely on the runway, as shown by the acceleration-stop distance data, at any time during takeoff until reaching critical-engine failure speed;

(2) It is possible, if the critical engine fails at any time after the airplane reaches critical-engine failure speed, to continue the takeoff and reach a height of 50 feet, as indicated by the takeoff path data, before passing over the end of the runway; and

(3) It is possible, to clear all obstacles either by at least 50 feet vertically (as shown by the takeoff path data) or 200 feet horizontally within the airport boundary and 300 feet horizontally beyond the boundary, without banking before reaching a height of 50 feet (as shown by the takeoff path data) and without banking more than 15 degrees.

(b) In applying this section, corrections must be made for any runway gradient. To allow for wind effect, takeoff data based on still air may be corrected by not more than 50 percent of any reported wind component opposite to the direction of takeoff, and must be corrected by at least 150 percent of any reported wind component in the direction of takeoff.

[Revision note: Based on § 41.72]

§ 123.115 Transport category airplanes: nonturbine powered: weight limitations.

(a) No person may take off a nonturbine-powered transport category airplane from an airport located at an elevation outside of the altitude range for which maximum takeoff weights have been determined for that airplane.

(b) No person may take off a nonturbine-powered transport category airplane for an airport of intended destination that is located at an altitude outside of the altitude range for which maximum landing weights have been determined for that airplane.

(c) No person may specify, or have specified, an alternate airport that is located at an elevation outside of the range for which maximum landing weights have been determined for a nonturbine-powered transport category airplane.

(d) No person may take off a nonturbine-powered transport category airplane at a weight more than the maximum authorized takeoff weight for the elevation of the airport.

(e) No person may take off a nonturbine-powered transport category airplane if its weight on arrival at the airport of destination will be more than the maximum authorized landing weight for the elevation of that airport, allowing for normal consumption of fuel and oil en route.

[Revision note: Based on § 41.71]

§ 123.117 Transport category airplanes: nonturbine powered: en route limitations: all engines operating.

(a) No person operating a nonturbine-powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with all engines operating, of at least 6 V_{s_0} (V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the highest ground or obstruction within ten miles of each side of the intended track.

(b) This section does not apply to transport category airplanes certificated under Part 4a of the Civil Air Regulations.

[Revision note: Based on § 41.73]

§ 123.119 Transport category airplane: nonturbine powered: en route limitations: one engine inoperative.

(a) Except as provided in paragraph (b) of this section, no person operating a nonturbine-powered transport category airplane may take off at a weight, allowing for normal consumption of fuel and oil, that does not allow a rate of climb (in feet per minute), with one engine inoperative, of at least $\left(0.06-\frac{0.08}{N}\right) V_{s_0}{}^2$ (N is the number of engines installed and V_{s_0} is in miles per hour) at an altitude of at least 1,000 feet above the highest ground or obstruction within 10 miles of each side of the intended track. However, for the purposes of this paragraph the rate of climb for transport category airplanes certificated under Part 4a of the Civil Air Regulations of this chapter is $0.02\ V_{s_0}{}^2$.

(b) In place of the requirements of paragraph (a) of this section, a person may, under an approved procedure, operate a nonturbine-powered transport category airplane, at an all-engines-operating altitude that allows the airplane to continue, after an engine failure, to an alternate airport where a landing can be made in accordance with § 123.125. The flight path must clear the ground and any obstruction within five miles on each side of the intended track by at least 2,000 feet.

(c) If an approved procedure under paragraph (b) of this section is used the air carrier must comply with the following:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet $\left(\text{per minute, equal to } 0.06-\frac{0.06}{N}\right) V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part ____ (present Part 4b) of this chapter and by $0.02\ V_{s_0}^2$ for airplanes certificated under Part 4a of this chapter.

(2) The all-engines-operating altitude shall be sufficient so that in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. In determining the takeoff weight, the airplane is assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix, unless the Administrator approves a procedure established on a different basis upon the showing by the air carrier that adequate operational safeguards exist.

(3) The airplane must meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure must include an approved method of accounting for winds and temperatures that would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning will be approved if the air carrier shows that it has an adequate training program, that proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 123.519.

[Revision note: Based on § 41.74]

§ 123.121 Part ____ (present Part 4b) transport category airplanes with four or more engines: nonturbine powered: en route limitations: two engines inoperative.

(a) No person may operate an airplane certificated under Part ____ (present Part 4b) of this chapter and having four or more engines unless—

(1) There is no place along the intended track that is more than 90 minutes (with all engines operating at cruising power) from an airport meeting the requirements of § 123.125; or

(2) It is operated at a weight allowing the airplane, with the two critical engines inoperative, to climb at $0.01\ V_{s_0}^2$ feet per minute (V_{s_0} is in miles per hour) at an altitude of 1,000 feet above the highest ground or obstruction within 10 miles on each side of the intended track or at an altitude of 5,000 feet, whichever is higher.

(b) For the purposes of paragraph (a) (2) of this section, it is assumed that—

(1) The two engines fail at the point that is most critical with respect to the takeoff weight;

(2) Consumption of fuel and oil is normal with all engines operating up to the point where the two engines fail and with two engines operating beyond that point;

(3) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with subparagraph (a) (2) need not be shown during the descent from the cruising altitude to the prescribed minimum altitude if those requirements can be met once the prescribed minimum altitude is reached;

(4) Descent is along a net flight path and the rate of descent is $0.01\ V_{s_0}^2$ greater than the rate in the approved performance data; and

(5) If fuel jettisoning is approved, the airplane's weight at the point where the two engines fail is considered to be not less than that which would include enough fuel to proceed to an airport meeting the requirements of § 123.125 and to arrive directly over that airport at an altitude of at least 1,000 feet.

[Revision note: Based on § 41.75]

§ 123.123 Transport category airplanes: nonturbine powered: landing limitations: destination airport.

(a) No person operating a nonturbine-powered transport category airplane may take off that airplane at a weight that, under the conditions stated in this Part, does not allow a full stop landing at the intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purposes of this paragraph, it is assumed that—

(1) The takeoff weight of the airplane is reduced by the weight of the fuel and oil to be consumed in the flight;

(2) The airplane is landed on the runway with the longest effective length, in still air; and

(3) The airplane is landed on the most suitable runway, considering the probable wind velocity and direction, the ground handling characteristics of the type of airplane, and other conditions such as landing aids and terrain, and allowing for the effect of the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(b) If the destination airport does not meet all the requirements of paragraph (a) (3) of this section, the airplane may be taken off if an alternate airport is specified that meets the requirements of paragraph (a) of this section, as modified by § 123.125.

[Revision note: Based on § 41.77]

§ 123.125 Transport category airplanes: nonturbine powered: landing limitations: alternate airport.

No person may list an airport as an alternate airport in a dispatch or flight release unless the airplane (at the weight anticipated at the time of arrival at the airport) based on the assumptions contained in § 123.123 can be brought to a full stop landing within 70 percent of the effective length of the runway from a point 50 feet above the intersection of the obstruction clearance plane and the runway.

[Revision note: Based on § 41.78]

§ 123.127 Transport category airplanes: turbine powered: takeoff limitations.

(a) No person operating a turbine-powered transport category airplane may take off that airplane, considering the airport elevation, runway gradient, ambient temperature and wind—

(1) In the case of an airplane certificated under SR 422, at a weight greater than the weight prescribed in the Airplane Flight Manual corresponding with the minimum distance required for takeoff on the runway to be used, that allows a takeoff flight path that clears all obstacles either by an altitude equal to $(35+0.01D)$ feet vertically (D is the distance along the intended flight path from the end of the runway, in feet), or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries;

(2) In the case of an aircraft certificated under SR 422A, at a weight greater than the weight prescribed in the Airplane Flight Manual corresponding with the minimum distance required for takeoff on the runway to be used, that allows a net takeoff flight path that clears all obstacles either by an altitude of 35 feet, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries except that if the takeoff distance includes a clearway, the clearway distance included must not be greater than one-half of the takeoff run; or

(3) In the case of an aircraft certificated under SR 422B, at a weight greater than the weight prescribed in the Airplane Flight Manual corresponding with the minimum distances for takeoff at which compliance with subparagraphs (1)–(iii) of this paragraph is shown and that allows a net takeoff flight path that clears all obstacles either by an altitude of 35 feet, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing the boundaries:

(i) The accelerate-stop distance must not exceed the length of the runway plus the length of the stopway (if present).

(ii) The takeoff distance must not exceed the length of the runway plus the length of any clearway (if present) except that the length of the clearway must not be greater than one-half the length of the runway.

(iii) The takeoff run must not be greater than the length of the runway.

(b) For the purposes of this section, it is assumed that the airplane is not banked before reaching an altitude of 50 feet as shown by the takeoff path data in the Airplane Flight Manual, and that the maximum bank thereafter is not more than 15 degrees.

[Revision note: Combines §§ 40T.81 (less (b) and (d)) and 40.T82 of SRs 422, 422A, and 422B]

§ 123.129 Transport category airplanes: turbine powered: en route limitations: one engine inoperative.

(a) No person operating a turbine-powered transport category airplane may take off that airplane at a weight that is heavier than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with subparagraph (1) or (2) of this paragraph, based on the ambient temperatures expected en route:

(1) There is a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five statute miles on each side of the intended track, or if that airplane was certificated after August 29, 1959, there is a positive slope at 1,500 feet above the airport where the airplane is assumed to land after an engine fails.

(2) The flight path allows the airplane to continue flight from the cruising altitude to an airport where a landing can be made under § 123.135 clearing all terrain and obstructions within five statute miles of the intended track by at least 2,000 feet vertically and with a positive slope at 1,000 feet above the airport where the airplane lands after an engine fails, or, if that airplane was certificated after September 30, 1958, with a positive slope at 1,500 feet above the airport where the airplane lands after an engine fails.

(b) For the purposes of paragraph (a) (2) of this section, it is assumed that—

(1) The engine fails at the most critical point en route;

(2) The airplane passes over the critical obstruction, after engine failure, at a point that is no closer to the obstruction than the nearest approved radio navigation fix, unless the Administrator authorizes a different procedure based on adequate operational safeguards;

(3) An approved method is used to allow for adverse winds;

(4) Fuel jettisoning will be approved if the air carrier shows that the crew is properly instructed, that the training program is adequate, and that all other precautions are taken to insure a safe procedure;

(5) The alternate airport is specified in the dispatch release and meets the prescribed weather minimums; and

(6) The consumption of fuel and oil after engine failure is the same as the consumption that is allowed for in the approved net flight path data in the Airplane Flight Manual.

[Revision note: Combines §§ 40T.83 (less (b)) of SRs 422, 422A, and 422B]

§ 123.131 Transport category airplanes: turbine powered: en route limitations: two engines inoperative.

(a) *Aircraft certificated after August 27, 1957, but before October 1, 1958.* No person may operate a turbine-powered transport category airplane along an intended route unless he complies with either of the following:

(1) It is at all times, with all engines operating at cruising power, within 90 minutes, of an airport that meets the requirements of §§ 123.133 and 123.135.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of §§ 123.133 and 123.135, with a net flight path (considering the ambient temperature anticipated along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five miles on each side of the intended track, or at an altitude of 5,000 feet, whichever is higher.

For the purposes of this paragraph, it is assumed that the two engines fail at the most critical point en route, that if fuel jettisoning is provided, the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport and to arrive at an altitude of at least 1,000 feet, and that the consumption of fuel and oil after the failure is accounted for in the net flight path data in the Airplane Flight Manual.

(b) *Aircraft certificated after September 30, 1958, but before August 30, 1959.* No person may operate a turbine-powered transport category airplane along an intended route unless he complies with either of the following:

(1) It is at all times with all engines operating at cruising power, within 90 minutes, of an airport that meets the requirements of §§ 123.133 and 123.135.

(2) Its weight, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of §§ 123.133 and 123.135, with a net flight path (considering the ambient temperatures along the track) having a positive slope at an altitude of at least 1,000 feet above all terrain and obstructions within five miles on each side of the intended track, or at an altitude of 2,000 feet, whichever is higher.

For the purposes of this paragraph, it is assumed that the two engines fail at the most critical point en route, that the airplane's weight at the point where the engines fail includes enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet, and thereafter to fly for 15 minutes at cruise power or thrust, or both, and that the consumption of fuel and oil after the failure is accounted for in the net flight path data in the Airplane Flight Manual.

(c) *Aircraft certificated after August 29, 1959.* No person may operate a turbine-powered transport category airplane along an intended route except at a weight that, according to the two-engine-inoperative, en route, net flight path data in the Airplane Flight Manual, allows the airplane to fly from the point where the two engines are assumed to fail simultaneously to an airport that meets the requirements of §§ 123.133 and 123.135, with the net flight path (considering the ambient temperatures anticipated along the track) clearing vertically by at least 2,000 feet all terrain and obstructions within five statute miles (4.34 nautical miles) on each side of the intended track. For the purposes of this paragraph, it is assumed that—

(1) The two engines fail at the most critical point en route;

(2) The net flight path has a positive slope at 1,500 feet above the airport where the landing is assumed to be made after the engines fail;

(3) Fuel jettisoning is allowed, if the Administrator finds that the operator has an adequate training program, the flight crew has proper instructions, and other necessary precautions for a safe procedure have been taken;

(4) The airplane's weight at the point where the two engines are assumed to fail provides enough fuel to continue to the airport, to arrive at an altitude of at least 1,500 feet, and thereafter to fly for 15 minutes at cruise power or thrust, or both; and

(5) The consumption of fuel and oil after the failure is accounted for in the net flight path data in the Airplane Flight Manual.

[Revision note: Combines §§ 40T.83(b) of SRs 422, 422A, and 422B]

§ 123.133 Transport category airplanes: turbine powered: landing limitations: destination airports.

(a) No person operating a turbine-powered transport category airplane may take off at a weight that, in accordance with the landing distances in the Airplane Flight Manual for the elevation of the destination airport and the wind conditions and ambient temperatures anticipated at the time of landing, does not allow a full stop landing within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway.

(b) For the purposes of paragraph (a) of this section, it is assumed that—

(1) The takeoff weight of the airplane is reduced by the weight of the fuel and oil to be used in the flight;

(2) The airplane is landed on the most favorable runway and direction, in still air; and

(3) The airplane is landed on the most suitable runway considering the probable wind velocity and direction and the ground handling characteristics of the airplane, and considering other conditions such as landing aids and terrain.

(c) If the destination airport does not meet all the requirements of paragraph (b) (3) of this section, the takeoff may be made if an alternate airport is specified that meets the requirements of paragraph (a) of this section as modified by § 123.135.

[Revision note: Combines §§ 40T.81(b) and 40T.84(a) of SRs 422, SR 422A, and SR 422B]

§ 123.135 Transport category airplanes: turbine powered: landing limitations: alternate airports.

No person may list an airport as an alternate airport in a dispatch or flight release for a turbine-powered transport

category airplane unless that airplane based on the assumptions contained in § 123.133, can be brought to a full stop landing within 70 percent of the effective length of the runway from a point 50 feet above the intersection of the obstruction clearance plane and the runway.

[Revision note: Combines § 40T.84 (less (a)) of SRs 422, SR 422A, and SR 422B]

§ 123.137 Nontransport category airplanes: takeoff limitations.

(a) No person operating a large nontransport category airplane may takeoff unless the airplane can be brought to a safe stop within the effective length of the runway from any point during the takeoff before reaching 105 percent of minimum control speed or 115 percent of the power off stalling speed in the takeoff configuration, whichever is greater.

(b) For the purposes of this section—

(1) It may be assumed that takeoff power is used on all engines during the acceleration;

(2) Consideration may be given to not more than 50 percent of the reported headwind component, or of not less than 150 percent of the reported tailwind component;

(3) The average runway gradient is considered if it is more than one-half of one percent;

(4) It is assumed that the airplane is operating in standard atmosphere.

[Revision note: Based on § 41.91]

§ 123.139 Nontransport category airplanes: en route limitations: one engine inoperative.

(a) Except as provided in paragraph (b) of this section, no person operating a nontransport category airplane may take off that airplane at a weight that does not allow a rate of climb of at least 50 feet a minute with the critical engine inoperative at an altitude of at least 1,000 feet above the highest obstruction within five miles on each side of the intended track, or 5,000 feet, whichever is higher.

(b) Notwithstanding paragraph (a) of this section, if the Administrator finds that safe operations are not impaired, a person may operate the airplane at an altitude that allows the airplane, in case of engine failure, to clear all obstructions within five miles on each side of the intended track by 1,000 feet. If this procedure is used, the rate of descent for the appropriate weight and altitude is assumed to be 50 feet a minute faster than the rate in the approved performance data. Before approving such a procedure, the Administrator considers the following for the route, route segment, or area concerned:

(1) The reliability of wind and weather forecasting.

(2) The location and kinds of navigation aids.

(3) The prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered.

(4) Terrain features.

(5) Air traffic control problems.

(6) Any other operational factors that affect the operation.

(c) For the purposes of this section, it is assumed that—

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The flaps and landing gear are in the most favorable position;

(4) The operating engines are operating at the maximum continuous power available;

(5) The airplane is operating in standard atmosphere; and

(6) The weight of the airplane is progressively reduced by the anticipated consumption of fuel and oil.

[Revision note: Based on § 41.92]

§ 123.141 Nontransport category airplanes: landing limitations: destination airport.

(a) No person operating a nontransport category airplane may take off that airplane at a weight that—

(1) Allowing for anticipated consumption of fuel and oil, does not allow a full stop landing within 60 percent of the effective length of the most suitable runway at the destination airport; and

(2) Is greater than the weight allowable if the landing is to be made on the runway—

(i) With the greatest effective length in still air; and

(ii) Required by the probable wind, considering not more than 50 percent of the wind component along the landing path is opposite to the direction of landing or not less than 150 percent of the wind component if in the direction of landing.

(b) For the purposes of this section, it is assumed that—

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at an altitude of 50 feet in a steady gliding approach at a true indicated airspeed of at least 1.3 V_{s_0};

(2) The landing does not require exceptional pilot skill; and

(3) The airplane is operating in standard atmosphere.

[Revision note: Based on § 41.93]

§ 123.143 Nontransport category airplanes: landing limitations: alternate airport.

No person may list an airport as an alternate airport in a dispatch release for a nontransport category airplane unless that airplane (at the weight anticipated at the time of arrival) based on the assumptions contained in § 123.141, can be brought to a full stop landing within 70 percent of the effective length of the runway.

[Revision note: Based on § 41.94]

Subpart G—Special Airworthiness Requirements

§ 123.161 Special airworthiness requirements: general.

(a) Except as provided in paragraph (b) of this section, no air carrier may use an airplane powered by engines rated at more than 600 horsepower each for maximum continuous operation that has not been certificated under Part 4b of the Civil Air Regulations in effect after October 31, 1946, or under Part ____ of this chapter (present Part 4b), unless that airplane meets the requirements of this subpart.

(b) If the Administrator determines that, for a particular model of airplane used in cargo service, literal compliance with any requirement of this subpart would be extremely difficult and that compliance would not contribute materially to the objective sought, he may require compliance with only those sections that are necessary to accomplish the basic objectives of this part.

[Revision note: Based on § 41.110]

§ 123.163 Cabin interiors.

(a) Each compartment used by the crew or passengers must meet the requirements of this section.

(b) Materials must be at least flash-resistant.

(c) The wall and ceiling linings and the covering of upholstering, floors, and furnishings must be flame-resistant.

(d) Each compartment where smoking is to be allowed must be equipped with self-contained ash trays that are completely removable and other compartments must be placarded against smoking.

(e) Each receptacle for used towels, papers, and wastes must be of fire-resistant material and must have a cover or other means of containing possible fires started in the receptacles.

[Revision note: Based on § 41.112]

§ 123.165 Internal doors.

In any case where internal doors are equipped with louvres or other ventilating means, there must be a means convenient to the crew for closing the flow of air through the door when necessary.

[Revision note: Based on § 41.113]

§ 123.167 Ventilation.

Each passenger or crew compartment must be suitably ventilated. Carbon monoxide concentration may not be more than one part in 20,000 parts of air, and fuel fumes may not be present. In any case where partitions between compartments have louvres or other means allowing air to flow between them, there must be a means convenient to the crew for closing the flow of air through the partitions, when necessary.

[Revision note: Based on § 41.114]

§ 123.169 Fire precautions.

(a) Each compartment must be designed so that, when used for storing cargo or baggage, it complies with subparagraphs (1) through (4) of this paragraph:

(1) No compartment may include controls, wiring, lines, equipment, or accessories that would affect the safe operation of the airplane upon damage or failure, unless the item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment and so that damage to or failure of the item would not create a fire hazard in the compartment.

(2) Cargo or baggage may not interfere with the functioning of the fire-protective features of the compartment.

(3) Materials used in the construction of the compartments, including tie-down equipment, must be at least flame resistant.

(4) Each compartment must include provisions for safeguarding against fires according to the classifications set forth in paragraphs (b) through (f) of this section.

(b) Class A: Cargo and baggage compartments are classified in the "A" category if—

(1) A fire therein would be readily discernible to a member of the crew while at his station; and

(2) All parts of the compartment are easily accessible in flight.

There must be a hand fire extinguisher available for each Class A compartment.

(c) Class B: Cargo and baggage compartments are classified in the "B" category if enough access is provided while in flight to enable a member of the crew to effectively reach all of the compartment and its contents with a hand fire extinguisher and the compartment is so designed that, when the access provisions are being used, no hazardous amount of smoke, flames, or extinguishing agent enters any compartment occupied by the crew or passengers. Each Class B compartment must comply with the following:

(1) It must have a separate approved smoke or fire detector system to give warning at the pilot or flight engineer stations.

(2) There must be a hand fire extinguisher available for the compartment.

(3) It must be lined with fire-resistant material, except that additional service lining of flame-resistant material may be used.

(d) Class C: Cargo and baggage compartments are classified in the "C" category if they do not conform with the requirements for the "A", "B", "D", or "E" categories. Each Class C compartment must comply with the following:

(1) It must have a separate approved smoke or fire detector system to give warning at the pilot or flight engineer station.

(2) It must have an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station.

(3) It must be designed to exclude hazardous quantities of smoke, flames, or extinguishing agents from entering into any compartment occupied by the crew or passengers.

(4) It must have ventilation and draft controls so that the extinguishing agent provided can control any fire that may start in the compartment.

(5) It must be lined with fire-resistant material, except that additional service lining of flame-resistant material may be used.

(e) Class D: Cargo and baggage compartments are classified in the "D" category if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Each Class D compartment must comply with the following:

(1) It must have a means to exclude hazardous quantities of smoke, flames, or noxious gases from entering any compartment occupied by the crew or passengers.

(2) Ventilation and drafts must be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

(3) It must be completely lined with fire-resistant material.

(4) Consideration must be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

(f) Class E: On airplanes used for the carriage of cargo only the cabin area may be classified as a Class "E" compartment. Each Class E compartment must comply with the following:

(1) It must be completely lined with fire-resistant material.

(2) It must have a separate system of an approved type smoke or fire detector to give warning at the pilot or flight engineer station.

(3) It must have a means to shut off the ventilating air flow to or within the compartment and the controls for that means must be accessible to the flight crew in the crew compartment.

(4) It must have a means to exclude hazardous quantities of smoke, flames, or noxious gases from entering the flight crew compartment.

(5) Required crew emergency exits must be accessible under all cargo loading conditions.

[Revision note: Based on § 41.115]

§ 123.171 Proof of compliance with § 123.169.

Each air carrier must, by tests in flight, show compliance with those provisions of § 41.169 of this chapter that refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and the dissipation of the extinguishing agent in Class "C" compartments. The air carrier must show during these tests that no inadvertent operation of smoke or fire detectors in other compartments within the airplane would occur as a result of fire contained in any one compartment, either during the time it is being extinguished, or thereafter unless the extinguishing system floods those compartments simultaneously.

[Revision note: Based on § 41.116]

§ 123.173 Propeller deicing fluid.

If combustible fluid is used for propeller deicing, the air carrier must comply with § 123.201.

[Revision note: Based on § 41.117]

§ 123.175 Pressure cross-feed arrangements.

(a) Pressure cross-feed lines may not pass through parts of the airplane used for carrying persons or cargo unless—

(1) There is a means to allow crewmembers to shut off the supply of fuel to these lines; or

(2) The lines are enclosed in a fuel- and fume-proof enclosure that is ventilated and drained to the exterior of the airplane.

However, such an enclosure need not be used if those lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to prevent accidental damage.

(b) Lines that can be isolated from the rest of the fuel system by valves at each end must incorporate provisions for relieving excessive pressures that may result from exposure of the isolated line to high temperatures.

[Revision note: Based on § 41.118]

§ 123.177 Location of fuel tanks.

(a) Fuel tanks must be located in accordance with § 123.203.

(b) No part of the engine nacelle skin that lies immediately behind a major air egress opening from the engine compartment may be used as the wall of an integral tank.

(c) Fuel tanks must be isolated from personnel compartments by means of fume- and fuel-proof enclosures.

[Revision note: Based on § 41.119]

§ 123.179 Fuel system lines and fittings.

(a) Fuel lines must be installed and supported so as to prevent excessive vibration and to be adequate to withstand loads due to fuel pressure and accelerated flight conditions.

(b) Lines connected to components of the airplanes between which there may be relative motion must incorporate provisions for flexibility.

(c) Flexible connections in lines that may be under pressure and subject to axial loading must use flexible hose assemblies rather than hose clamp connections.

(d) Flexible hose must be of an acceptable type or proven suitable for the particular application.

[Revision note: Based on § 41.120]

§ 123.181 Fuel lines and fittings in designated fire zones.

Fuel lines and fittings in each designated fire zone must comply with § 123.207.

[Revision note: Based on § 41.121]

§ 123.183 Fuel valves.

Each fuel valve must—

(a) Comply with § 123.205;

(b) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(c) Be supported so that loads resulting from its operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

[Revision note: Based on § 41.122]

§ 123.185 Oil lines and fittings in designated fire zones.

Oil lines and fittings in each designated fire zone must comply with § 123.207.

[Revision note: Based on § 41.123]

§ 123.187 Oil valves.

(a) Each oil valve, must—

(1) Comply with § 123.205;

(2) Have positive stops or suitable index provisions in the "on" and "off" positions; and

(3) Be supported so that loads resulting from its operation or from accel-

erated flight conditions are not transmitted to the lines attached to the valve.

(b) The closing of an oil shutoff means must not prevent feathering the propeller, unless equivalent safety provisions are incorporated.

[Revision note: Based on § 41.124]

§ 123.189 Oil system drains.

Accessible drains that incorporate either a manual or automatic means for positive locking in the closed position must be provided to allow safe drainage of the entire oil system.

[Revision note: Based on § 41.125]

§ 123.191 Engine breather lines.

(a) Engine breather lines must be so arranged that condensed water vapor that may freeze and obstruct the line cannot accumulate at any point.

(b) Engine breathers must discharge in a location that does not constitute a fire hazard in case foaming occurs and so that oil emitted from the line does not impinge upon the pilots' windshield.

(c) Engine breathers may not discharge into the engine air induction system.

[Revision note: Based on § 41.126]

§ 123.193 Fire walls.

Each engine, auxiliary power unit, fuel-burning heater, or other item of combustion equipment that is intended for operation in flight must be isolated from the rest of the airplane by means of fire walls or shrouds, or by other equivalent means.

[Revision note: Based on § 41.127]

§ 123.195 Fire-wall construction.

Each fire wall and shroud must—

(a) Be so made that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other parts of the airplane;

(b) Have all openings in the fire wall or shroud sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings;

(c) Be made of fireproof material; and

(d) Be protected against corrosion.

[Revision note: Based on § 41.128]

NOTE: Section 41.128 (last sentence) is omitted as not a rule.

§ 123.197 Cowling.

(a) Cowling must be made and supported so as to resist the vibration, inertia, and air loads to which it may be normally subjected.

(b) Provisions must be made to permit rapid and complete drainage of the cowling in normal ground and flight attitudes. Drains must not discharge in locations constituting a fire hazard. Parts of the cowling that are subjected to high temperatures because they are near exhaust system parts or because of exhaust gas impingement must be made of fireproof material. Unless otherwise specified in these regulations, all other parts of the cowling must be made of fire-resistant material.

[Revision note: Based on § 41.129]

§ 123.199 Engine accessory section diaphragm.

Unless equal protection can be shown by other means, a fire wall that complies with § 123.195 must be provided on air-cooled engines to isolate the engine power section and all parts of the exhaust system from the engine accessory compartment.

[Revision note: Based on § 41.130]

§ 123.201 Powerplant fire protection.

(a) Designated fire zones must be protected from fire by compliance with §§ 123.203 through 123.209.

(b) Designated fire zones are—

(1) Engine accessory sections;

(2) Installations where no isolation is provided between the engine and accessory compartment; and

(3) Areas that contain auxiliary power units, fuel-burning heaters, and other combustion equipment.

[Revision note: Based on § 41.131]

§ 123.203 Flammable fluids.

(a) No tanks or reservoirs that are a part of a system containing flammable fluids or gases may be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and the connections, lines, and controls provide equal safety.

(b) At least one-half inch of clear airspace must be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

[Revision note: Based on § 41.132]

§ 123.205 Shutoff means.

(a) Each engine must have a means for shutting off or otherwise preventing hazardous amounts of fuel, oil, deicer, and other flammable fluids from flowing into, within, or through any designated fire zone. However, means need not be provided to shut off flow in lines that are an integral part of an engine.

(b) The shutoff means must allow an emergency operating sequence that is compatible with the emergency operation of other equipment, such as feathering the propeller, to facilitate rapid and effective control of fires.

(c) Shutoff means must be located outside of designated fire zones, unless equal safety is provided, and it must be shown that no hazardous amount of flammable fluid will drain into any designated fire zone after a shut off.

(d) Adequate provisions must be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has been closed.

[Revision note: Based on § 41.133]

§ 123.207 Lines and fittings.

(a) Each line, and its fittings, that is located in a designated fire zone, if it carries flammable fluids or gases under pressure, or is attached directly to the engine, or is subject to relative motion between components (except lines and fittings forming an integral part of the engine), must be flexible and fire-resistant with fire-resistant, factory-fixed, detachable, or other approved fire-resistant ends.

(b) Lines and fittings that are not subject to pressure or to relative motion between components must be of fire-resistant materials.

[Revision note: Based on § 41.134]

§ 123.209 Vent and drain lines.

Each vent and drain line and its fittings, that is located in a designated fire zone must, if it carries flammable fluids or gases, comply with § 123.207, if the Administrator finds that its rupture or breakage may result in a fire hazard.

[Revision note: Based on § 41.135]

§ 123.211 Fire-extinguishing systems.

(a) Unless the air carrier shows that equal protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components that would be subjected to flame, fire-extinguishing systems must be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system must not react chemically with the extinguishing agent so as to be a hazard.

[Revision note: Based on § 41.136]

§ 123.213 Fire-extinguishing agents.

Only methyl bromide, carbon dioxide, or another agent that has been shown to provide equal extinguishing action may be used as a fire-extinguishing agent. If methyl bromide or any other toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors from entering any personnel compartment either because of leakage during normal operation of the airplane or because of discharging the fire extinguisher on the ground or in flight when there is a defect in the extinguishing system. If a methyl bromide system is used, the containers must be charged with dry agent and sealed by the fire-extinguisher manufacturer or some other person using satisfactory recharging equipment. If carbon dioxide is used, it must not be possible to discharge enough gas into the personnel compartments to create a danger of suffocating the occupants.

[Revision note: Based on § 41.137]

§ 123.215 Extinguishing agent container pressure relief.

Extinguishing agent containers must be provided with a pressure relief to prevent bursting of the container because of excessive internal pressures. The discharge line from the relief connection must terminate outside the airplane in a place convenient for inspection on the ground. An indicator must be provided at the discharge end of the line to provide a visual indication when the container has discharged.

[Revision note: Based on § 41.138]

§ 123.217 Extinguishing agent container compartment temperature.

Precautions must be taken to insure that the extinguishing agent containers are installed in places where reasonable temperatures can be maintained for effective use of the extinguishing system.

[Revision note: Based on § 41.139]

§ 123.219 Fire-extinguishing system materials.

(a) Except as provided in paragraph (b) of this section, each component of a fire-extinguishing system that is in a designated fire zone must be made of fireproof materials.

(b) Connections that are subject to relative motion between components of the airplane must be made of flexible fire-resistant materials and be located so as to minimize the possibility of failure.

[Revision note: Based on § 41.140]

§ 123.221 Fire-detector systems.

Enough quick-acting fire detectors must be provided in each designated fire zone to insure the detection of any fire that may occur in that zone.

[Revision note: Based on § 41.141]

§ 123.223 Fire detectors.

Fire detectors must be made and installed in a manner that insures their ability to resist, without failure, all vibration, inertia, and other loads to which they may be normally subjected. Fire detectors must be unaffected by exposure to fumes, oil, water, or other fluids that may be present.

[Revision note: Based on § 41.142]

§ 123.225 Protection of other airplane components against fire.

(a) Except as provided in paragraph (b) of this section, all airplane surfaces aft of the nacelles in the area of one nacelle diameter on both sides of the nacelle centerline must be made of fire-resistant material.

(b) Paragraph (a) of this section does not apply to tail surfaces lying behind nacelles unless the dimensional configuration of the airplane is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or from the engine compartment of any nacelle.

[Revision note: Based on § 41.143]

§ 123.227 Control of engine rotation.

(a) Except as provided in paragraph (b) of this section, each airplane must have a means of individually stopping and restarting the rotation of any engine in flight.

(b) In the case of turbine engine installations, a means of stopping the rotation need be provided only if the Administrator finds that rotation could jeopardize the safety of the airplane.

[Revision note: Based on § 41.150]

§ 123.229 Fuel system independence.

(a) Each airplane fuel system must be arranged so that the failure of any one component does not result in the irrecoverable loss of power of more than one engine.

(b) A separate fuel tank need not be provided for each engine if the carrier shows that the fuel system incorporates features that provide equivalent safety.

[Revision note: Based on § 41.151]

§ 123.231 Induction system ice prevention.

A means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system must be provided for each airplane.

[Revision note: Based on § 41.152]

§ 123.233 Carriage of cargo in passenger compartments.

(a) Except as provided in paragraphs (b) and (c) of this section, no air carrier may carry cargo in the passenger compartment of an airplane.

(b) Cargo may be carried aft of the foremost seated passengers if it is carried in an approved cargo bin that meets the following requirements:

(1) The bin must withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed, multiplied by a factor of 1.15, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin.

(2) The maximum weight of cargo that the bin is approved to carry and any instructions necessary to insure proper weight distribution within the bin must be conspicuously marked on the bin.

(3) The bin may not impose any load on the floor or other structure of the airplane that exceeds the load limitations of that structure.

(4) The bin must be attached to the seat tracks or to the floor structure of the airplane, and its attachment must withstand the load factors and emergency landing conditions applicable to the passenger seats of the airplane in which the bin is installed, multiplied by either the factor 1.15 or the seat attachment factor specified for the airplane, whichever is greater, using the combined weight of the bin and the maximum weight of cargo that may be carried in the bin.

(5) The bin may not be installed in a position that restricts access to or use of any required emergency exit, or of the aisle in the passenger compartment.

(6) The bin must be fully enclosed and made of material that is at least flame resistant.

(7) Suitable safeguards must be provided within the bin to prevent the cargo from shifting under emergency landing conditions.

(8) The bin may not be installed in a position that obscures any passenger's view of the "seat belt" or "no smoking" sign, nor may any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of the passenger is provided.

(c) Cargo may be carried forward of the foremost seated passengers if carried either in approved cargo bins as specified in paragraph (a) of this section, or in accordance with the following:

(1) It is properly secured by a safety belt or other tiedown having enough strength to eliminate the possibility of shifting under all normally anticipated flight and ground conditions.

(2) It is packaged or covered in a manner to avoid possible injury to passengers.

(3) It does not impose any load on seats on the floor structure that exceeds the load limitation for those compartments.

(4) It is not located in a position that restricts the access to or use of any required emergency or regular exit, or of any aisle in the passenger compartment.

(5) It is not located in a position that obscures any passenger's view of the "seat belt" or "no smoking" sign, nor may any required exit sign be blocked from view, unless an auxiliary sign or other approved means for proper notification of passengers is provided.

[Revision note: Based on § 41.153]

§ 123.235 Carriage of cargo in cargo compartments.

When cargo is carried in cargo compartments that are designed to require the physical entry of a crewmember to extinguish any fire that may occur during flight, the cargo must be loaded so as to allow a crewmember to effectively reach all parts of the compartment with the contents of a hand fire extinguisher.

[Revision note: Based on § 41.154]

Subpart H—Instrument and Equipment Requirements

§ 123.251 Airplane instruments and equipment.

(a) Unless otherwise specified, the instrument and equipment requirements of this subpart apply to all operations under this part.

(b) Instruments and equipment required by §§ 123.253 through 123.303 must be approved and installed in accordance with the airworthiness requirements applicable to them.

(c) Each airspeed indicator must be calibrated in knots, and each airspeed limitation and item of related information in the Airplane Flight Manual and pertinent placards must be expressed in knots.

(d) Except as provided in § 123.521(b), no person may take off any airplane unless the following instruments and equipment are in operable condition:

(1) Instruments and equipment required to comply with airworthiness requirements under which the airplane is type certificated and as required by § 123.161 and §§ 123.227 through 123.235.

(2) Instruments and equipment specified in §§ 123.253 through 123.262 for all operations, and the instruments and equipment specified in §§ 123.271 through 123.303 for the kind of operation indicated, wherever these items are not already required by subparagraph (1) of this paragraph.

[Revision note: Based on § 41.170]

§ 123.253 Flight and navigational equipment.

No person may operate an airplane unless it is equipped with the following

flight and navigational instruments and equipment:

(a) An airspeed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing.

(b) A sensitive altimeter.

(c) A sweep-second clock.

(d) A free-air temperature indicator.

(e) A gyroscopic bank and pitch indicator (artificial horizon).

(f) A gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn-and-bank indicator).

(g) A gyroscopic direction indicator (directional gyro or equivalent).

(h) A magnetic compass.

(i) A vertical speed indicator (rate-of-climb indicator).

[Revision note: Based on § 41.171]

§ 123.255 Engine instruments.

Unless the Administrator allows or requires different instrumentation for turbine-powered airplanes to provide equivalent safety, no person may conduct any operation under this part without the following engine instruments:

(a) A carburator air temperature indicator for each engine.

(b) A cylinder head temperature indicator for each air-cooled engine.

(c) A fuel pressure indicator for each engine.

(d) A fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control.

(e) A means for indicating fuel quantity in each fuel tank to be used.

(f) A manifold pressure indicator for each engine.

(g) An oil pressure indicator for each engine.

(h) An oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used.

(i) An oil-in temperature indicator for each engine.

(j) A tachometer for each engine.

(k) An independent fuel pressure warning device for each engine or a master warning device for all engines with a means for isolating the individual warning circuits from the master warning device.

(l) A device for each reversible propeller to indicate to the pilot when the propeller is in reverse pitch, that complies with the following:

(1) The device may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch, but it may not give an indication at or above the normal low pitch stop position.

(2) The source of indication must be actuated by the propeller blade angle or be directly responsive to it.

[Revision note: Based on § 41.172]

§ 123.257 Emergency equipment.

(a) *General.* No person may operate an airplane unless it is equipped with the emergency equipment listed in this section.

(b) Each item of emergency equipment—

(1) Must be inspected regularly in accordance with inspection periods established in the operations specifications to insure its continued serviceability and immediate readiness for its intended emergency purposes;

(2) Must be readily accessible to the crew;

(3) Must clearly indicate its method of operation; and

(4) When carried in a compartment or container, must have that compartment or container marked as to contents and date of last inspection.

(c) *Hand fire extinguishers for crew, passenger, and cargo compartments.* Hand fire extinguishers of an approved type must be provided for use in crew, passenger, and cargo compartments in accordance with the following:

(1) The type and quantity of extinguishing agent must be suitable for the kinds of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher must be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher must be conveniently located in the passenger compartment of each airplane accommodating more than 6 but less than 31 passengers, and at least two hand fire extinguishers must be so located in each airplane accommodating more than 30 passengers.

(d) *First-aid equipment.* Approved first-aid kits for treatment of injuries likely to occur in flight or in minor accidents must be provided and must meet the specifications and requirements of Appendix A.

(e) *Crash ax.* Each airplane must be equipped with a crash ax.

(f) *Means for emergency evacuation.* Each passenger-carrying airplane must have a means to help occupants descend from the airplane from each emergency exit that is more than six feet from the ground with the landing gear extended. At floor level exits, this means must be a chute or equal device suitable for rapid evacuation of passengers. The means must be in position during flight for immediate installation and ready use. This paragraph does not apply if the emergency exit is over a wing and the distance from the lower sill of the exit to the surface of the wing is 36 inches or less.

(g) *Interior emergency exit markings.* Each passenger-carrying airplane must have conspicuously marked passenger emergency exits, with conspicuously marked means of access and means of opening. The identity and location of each emergency exit must be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening must be marked on or adjacent to the emergency exit and must be readable from at least 30 inches by a person with normal eyesight.

(h) *Lighting for interior emergency exit markings.* Each passenger-carrying airplane must have a source or sources of light for each passenger emergency exit marking. Each light must—

(1) Either be designed to function automatically in a crash landing, to continue functioning thereafter and to be manually operated, or to be manually operated only and to continue functioning after a crash landing;

(2) Have an energy supply that is independent of the main lighting system;

(3) Be armed before each takeoff or landing, if it requires arming of the system to function automatically; and

(4) Be turned on before each takeoff or landing, if it does not function automatically.

[Revision note: Based on § 41.173]

§ 123.259 Seat and safety belts.

(a) No air carrier may operate an airplane unless there are available during the takeoff, en route flight and landing—

(1) An approved seat or berth for each person over two years of age aboard the airplane; and

(2) An approved safety belt for separate use by each person over two years of age aboard the airplane, except that two persons occupying a berth may share one approved safety belt and two persons occupying a multiple lounge or divan seat may share one approved safety belt during en route flight only.

(b) During the takeoff or landing of an airplane, each person on board shall occupy an approved seat or berth and secure himself with the approved safety belt provided him. However, a person who is two years of age or less may be held by an adult who is occupying a seat or berth. A safety belt provided for the occupant of a seat may not be used by more than one adult during takeoff or landing.

[Revision note: Based on § 41.174]

§ 123.261 Miscellaneous equipment.

(a) No person may conduct any operation unless the equipment listed in paragraphs (b) through (j) of this section is installed in the airplane.

(b) If protective fuses are installed on an airplane, the number of spare fuses approved for that airplane and appropriately described in the air carrier manual must be carried aboard the airplane.

(c) There must be a windshield wiper or equivalent for each pilot station.

(d) There must be a power supply and distribution system that meets the requirements of §§ ____, ____, ____, ____, ____, and ____ (present §§ 4b.606(a), (b), and (c), 4b.612(e), 4b.622(a) and (b), 4b.623, 4b.625 and 4b.650(b)) or that is able to produce and distribute the load for the required instruments and equipment, with use of an external power supply if any one power source or component of the power distribution system fails. The use of common elements in the system is approved if the air carrier shows that they are designed to be reasonably protected against malfunctioning. Engine-driven sources of energy, when used, must be on separate engines.

(e) There must be a means for indicating the adequacy of the power being supplied to required flight instruments.

(f) There must be two independent static pressure systems, vented to the outside atmospheric pressure so that they will be least affected by air flow variation or moisture or other foreign matter, and installed so as to be airtight except for the vent. When a means is provided for transferring an instrument from its primary operating system to an alternate system, the means must include a positive positioning control and must be marked to indicate clearly which system is being used.

(g) There must be a means for locking all companionway doors that separate passenger compartments from flight crew compartments.

(h) There must be a key for each door that separates a passenger compartment from another compartment that has emergency exist provisions. The key must be readily available for each crewmember.

(i) Each door that is the means of access to a required passenger emergency exist must be placarded to indicate that it must be open during takeoff and landing.

(j) Each door that leads to a compartment that is normally accessible to passengers and that can be locked by passengers must be provided with a means for unlocking by the crew in the event of an emergency.

[Revision note: Based on § 41.175]

§ 123.263 Cockpit check procedure.

(a) Each air carrier shall provide an approved cockpit check procedure for each type of airplane.

(b) The approved procedures must include the items necessary for flight crewmembers to check for safety before taking off or landing, and in engine and systems emergencies. The procedures must be designed so as to obviate the necessity for a flight crewmember to rely upon his memory for items to be checked.

(c) The approved procedures must be readily usable in the cockpit of each airplane and the flight crew shall follow them when operating the airplane.

[Revision note: Based on § 41.176]

§ 123.265 Passenger information.

No person may operate an airplane unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened. The signs must be so constructed that the crew can turn them on and off and must be turned on for each takeoff or landing and when otherwise considered to be necessary by the pilot in command.

[Revision note: Based on § 41.177]

§ 123.267 Exterior exit and evacuation markings.

No person may operate an airplane unless the exterior surfaces of the airplane are marked to clearly identify each required emergency exit. If the exits are operable from the outside, the markings must consist of or include information indicating the method of opening.

[Revision note: Based on § 41.178]

§ 123.269 Shoulder harness.

No person may operate a transport category airplane that was certificated after January 1, 1958, unless it is equipped with a shoulder harness at the pilot in command station, the second in command station and the flight engineer station.

[Revision note: Based on § 41.179]

§ 123.271 Instruments and equipment for operations at night.

No person may operate an airplane at night unless it is equipped with the following instruments and equipment in addition to those required by §§ 123.253 through 123.269:

(a) Position lights.

(b) An anti-collision light, for large airplanes.

(c) Two landing lights.

(d) Instrument lights providing enough light to make each required instrument, switch, or similar instrument, easily readable and installed so that the direct rays are shielded from the flight crewmember's eyes and that no objectionable reflections are visible to them. There must be a means of controlling the intensity of illumination unless the operator shows that nondimming instrument lights are satisfactory.

[Revision note: Based on § 41.200]

NOTE: Section 41.200 (e) and (f) are omitted as covered by revised § 123.253.

§ 123.273 Instruments and equipment for operations under IFR or over-the-top.

No person may operate an airplane under IFR or over-the-top conditions unless, in addition to the instruments required by §§ 123.253 through 123.269, the airplane is equipped with instrument lights providing enough light to make each required instrument, switch, or similar instrument, easily readable and installed so that the direct rays are shielded from the flight crewmembers' eyes and that no objectionable reflections are visible to them. There must be a means of controlling the intensity of illumination unless the operator shows that nondimming instrument lights are satisfactory.

[Revision note: Based on § 41.201]

NOTE: § 41.201(a) and (b) are omitted as covered by revised section 123.253.

§ 123.275 Supplemental oxygen; reciprocating-engine-powered airplanes.

(a) *General.* Except where supplemental oxygen is provided in accordance with § 123.279, no person may operate an airplane unless supplemental oxygen is furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation is determined on the basis of flight altitudes and flight duration, consistent with the operation procedures established for each operation and route.

(b) *Crewmembers.* (1) At cabin pressure altitudes above 10,000 feet up to and including 12,000 feet, oxygen must be provided for, and used by, each member of the flight crew on flight deck duty, and must be provided for other crewmembers, during the part of the flight that is longer than 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen must be provided for, and used by, each member of the flight crew on flight deck duty, and must be provided for other crewmembers, during the entire flight time at those altitudes.

(3) When a flight crewmember is required to use oxygen, he must use it continuously, except when necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty before completing the flight must be provided with an amount of supplemental oxygen equal to that provided for crewmembers on duty other than on flight deck duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, he is considered to be a passenger for the purposes of supplemental oxygen requirements.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen, approved for passenger safety, in accordance with the following:

(1) For flights of over 30 minutes at cabin pressure altitudes above 8,000 feet up to and including 14,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers.

(2) For flights at cabin pressure altitudes above 14,000 feet up to and including 15,000 feet, enough oxygen for the duration of the flight at those altitudes for 30 percent of the passengers.

(3) For flights at cabin pressure altitudes above 15,000 feet, enough oxygen for each passenger carried during the entire flight at those altitudes.

(d) For the purposes of this subpart "cabin pressure altitude" means the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" means the altitude above sea level at which the airplane is operated. For airplanes without pressurized cabins, "cabin pressure altitude" and "flight altitude" means the same thing.

[Revision note: Based on § 41.202]

§ 123.277 Supplemental oxygen for sustenance; turbine-powered airplanes.

(a) *General.* When operating a turbine-powered airplane, each air carrier shall equip the airplane with sustaining oxygen and dispensing equipment for use as set forth in this section:

(1) The amount of oxygen provided must be at least the quantity necessary to comply with paragraphs (b) and (c) of this section.

(2) The amount of sustaining and first-aid oxygen required for a particular operation to comply with the rules in this part is determined on the basis of cabin pressure altitudes and flight duration, consistent with the operating procedures established for each operation and route.

(3) The requirements for airplanes with pressurized cabins is determined on the basis of cabin pressure altitude and the assumption that a cabin pressurization failure will occur at the altitude or point of flight that is most critical from the standpoint of oxygen need, and that after the failure the airplane will descend in accordance with the emergency procedures specified in the Airplane Flight Manual, without exceeding its op-

erating limitations, to a flight altitude that will allow successful termination of the flight.

(4) Following the failure the cabin pressure altitude is considered to be the same as the flight altitude unless the carrier shows that no probable failure of the cabin or pressurization equipment will result in a cabin pressure altitude equal to the flight altitude. Under those circumstances, the maximum cabin pressure altitude attained may be used as a basis for certification or determination of oxygen supply, or both.

(b) *Crewmembers.* The carrier shall provide a supply of oxygen for crewmembers in accordance with the following:

(1) At cabin pressure altitudes above 10,000 feet up to and including 12,000 feet, oxygen must be provided for and used by each member of the flight crew on flight deck duty and must be provided for other crewmembers during the part of the flight that is longer than 30 minutes within this range of altitudes.

(2) At cabin pressure altitudes above 12,000 feet, oxygen must be provided for, and used by, each member of the flight crew on flight deck duty, and must be provided for other crewmembers during the entire flight at those altitudes.

(3) When a flight crewmember is required to use oxygen, he must use it continuously except when necessary to remove the oxygen mask or other dispenser in connection with his regular duties. Standby crewmembers who are on call or are definitely going to have flight deck duty before completing the flight must be provided with an amount of supplemental oxygen equal to that provided for crewmembers on duty other than on flight duty. If a standby crewmember is not on call and will not be on flight deck duty during the remainder of the flight, he is considered to be a passenger for the purposes of supplemental oxygen requirements.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen for passengers in accordance with the following:

(1) For flights at cabin pressure altitudes above 10,000 feet up to and including 14,000 feet, enough oxygen for the duration of flight in excess of 30 minutes, for 10 percent of the passengers.

(2) For flights at cabin pressure altitudes above 14,000 feet up to and including 15,000 feet, enough oxygen for the duration of flight at those altitudes for 30 percent of the passengers.

(3) For flights at cabin pressure altitudes above 15,000 feet, enough oxygen for each passenger carried during the entire flight at those altitudes.

[Revision note: Based on § 41.202–T]

§ 123.279 Supplemental oxygen requirements for pressurized cabin airplanes; reciprocating-engine-powered airplanes.

(a) When operating a pressurized cabin airplane, the air carrier shall equip the airplane to comply with paragraphs (b) through (d) of this section in the event of cabin pressurization failure.

(b) *For crewmembers.* When operating at flight altitudes above 10,000 feet, the air carrier shall provide enough oxygen for each crewmember for the entire flight at those altitudes and not less than a two-hour supply for each flight crewmember on flight deck duty. The oxygen required by § 123.285 may be considered in determining the supplemental breathing supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *For passengers.* When operating at flight altitudes above 8,000 feet, the air carrier shall provide oxygen as follows:

(1) When an airplane is not flown at a flight altitude above 25,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within four minutes.

(2) If the airplane cannot descend to a flight altitude of 14,000 feet or less within four minutes, the following supply of oxygen must be provided:

(i) For the duration of the flight in excess of four minutes at flight altitudes above 15,000 feet, the supply required by § 123.275(c)(3).

(ii) For the duration of the flight at flight altitudes above 14,000 feet up to and including 15,000 feet, the supply required by § 123.275(c)(2).

(iii) For flight at flight altitudes above 8,000 feet up to and including 14,000 feet, enough oxygen for 30 minutes for 10 percent of the passengers.

(3) When an airplane is flown at a flight altitude above 25,000 feet, enough oxygen to allow the airplane to descend to an appropriate flight altitude at which the flight can be safely continued. In addition, it must furnish enough oxygen for 30 minutes for 10 percent of the passengers for the entire flight above 8,000 feet up to and including 14,000 feet, and to comply with § 123.275(c)(2) and (3) for flight above 14,000 feet.

(d) For the purposes of this section it is assumed that the cabin pressurization failure occurs at a time during flight that is critical from the standpoint of oxygen need and that after the failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes allowing safe flight with respect to terrain clearance.

[Revision note: Based on § 41.203]

§ 123.281 Supplemental oxygen for emergency descent and for first aid: turbine-powered airplanes with pressurized cabins.

(a) *General.* When operating a turbine-powered airplane with a pressurized cabin, the air carrier shall furnish oxygen and dispensing equipment to comply with paragraphs (b) through (e) of this section in the event of cabin pressurization failure.

(b) *Crewmembers.* When operating at flight altitudes above 10,000 feet, the air carrier shall supply enough oxygen to comply with § 123.277, but not less than a two-hour supply for each flight crewmember on flight deck duty. The oxygen required by § 123.285 may be included in determining the supply required for flight crewmembers on flight deck duty in the event of cabin pressurization failure.

(c) *Use of oxygen masks by flight crewmembers.* (1) When operating at flight altitudes above 25,000 feet, each flight crewmember on flight deck duty must be provided with an oxygen mask so designed that it can be rapidly placed on his face from its ready position, properly secured, sealed, and supplying oxygen upon demand; and so designed that after being placed on the face it does not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system. When it is not being used at flight altitudes above 25,000 feet, the oxygen mask must be kept in condition for ready use and located so as to be within the immediate reach of the flight crewmember while at his duty station.

(2) When operating at flight altitudes above 25,000 feet one pilot at the controls of the airplane shall at all times wear and use an oxygen mask secured, sealed, and supplying oxygen, except that the one pilot need not wear and use an oxygen mask while at or below 35,000 feet if each flight crewmember on flight deck duty has a quick-donning type of oxygen mask that the air carrier has shown to the satisfaction of the Administrator can be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand, with one hand and within five seconds. The air carrier shall also show that the mask can be put on without disturbing eye glasses and without delaying the flight crewmember from proceeding with his assigned emergency duties. The oxygen mask after being put on may not prevent immediate communication between the flight crewmember and other crewmembers over the airplane intercommunication system.

(3) Notwithstanding subparagraph (2) of this paragraph if for any reason at any time it is necessary for one pilot to leave his station at the controls of the airplane when operating at flight altitudes above 25,000 feet, the remaining pilot at the controls shall put on and use his oxygen mask until the other pilot has returned to his duty station.

(4) Before the takeoff of a flight, each flight crewmember shall personally preflight his oxygen equipment to insure that the oxygen mask is functioning, fitted properly, and connected to appropriate supply terminals, and that the oxygen supply and pressure is adequate for use.

(d) *Use of portable oxygen equipment by cabin attendants.* Each attendant shall, during flight above 25,000 feet flight altitude, carry portable oxygen equipment with at least a 15-minute supply of oxygen unless it is shown that enough portable oxygen units with masks or spare outlets and masks are distributed throughout the cabin to insure immediate availability of oxygen to each cabin attendant, regardless of his location at the time of cabin depressurization.

(e) *Passenger cabin occupants.* When operating at flight altitudes above 10,000 feet, the following supply of oxygen must be provided for the use of passenger cabin occupants:

(1) When an airplane certificated to operate at flight altitudes up to and including 25,000 feet, can at any point along the route to be flown, descend safely to a flight altitude of 14,000 feet or less within four minutes, oxygen must be available at the rates prescribed by this Part for a 30-minute period for at least 10 percent of the passenger cabin occupants.

(2) When an airplane is operated at flight altitudes up to and including 25,000 feet and cannot descend safely to a flight altitude of 14,000 feet within four minutes, or when an airplane is operated at flight altitudes above 25,000 feet, oxygen must be available at the rate prescribed by this Part for not less than 10 percent of the passenger cabin occupants for the entire flight after cabin depressurization, at cabin pressure altitudes above 10,000 feet up to and including 14,000 feet and, as applicable, to allow compliance with § 123.277(c)(2) and (3), except that there must be not less than a 10-minute supply for the passenger cabin occupants.

(3) For first-aid treatment of occupants who for physiological reasons might require undiluted oxygen following descent from cabin pressure altitudes above 25,000 feet, a supply of oxygen in accordance with the requirements of § ---- (§ 46.651(b)(4)) must be provided for two percent of the occupants for the entire flight after cabin depressurization at cabin pressure altitudes above 8,000 feet, but in no case to less than one person. An appropriate number of acceptable dispensing units, but in no case less than two, must be provided, with a means for the cabin attendants to use this supply.

(f) *Passenger briefing.* Before flight is conducted above 25,000 feet, a crewmember shall instruct and show the passengers to insure that they are adequately informed of the location and operation of the oxygen-dispensing equipment and the necessity of using oxygen in the event of cabin depressurization.

[Revision note: Based on § 41.203–T]

§ 123.283 Equipment standards.

(a) *Nonturbine-powered airplanes.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with § 123.275 must meet the standards established in § ---- (§ 46.651) of this chapter effective July 20, 1950, except, that if the air carrier shows full compliance with those standards to be impracticable, the Administrator may authorize any changes in those standards that he finds will provide an equivalent level of safety.

(b) *Turbine-powered airplanes.* The oxygen apparatus, the minimum rate of oxygen flow, and the supply of oxygen necessary to comply with §§ 123.277 and 123.287 must meet the standards established in § ---- (§ 46.651) of this chapter, except that if the air carrier shows full compliance with those standards to be impracticable, the Administrator may authorize any changes in those standards that he finds will provide an equivalent level of safety.

[Revision note: Based on § 41.204]

§ 123.285 Protective breathing equipment for the flight crew.

(a) *Pressurized cabin airplanes.* Each required flight crewmember on flight deck duty must have readily available at his station protective breathing equipment covering the eyes, nose, and mouth (or the nose and mouth if accessory equipment is provided to protect the eyes) to protect him from the effects of smoke or carbon dioxide or other harmful gases. There must be at least a 300-liter STPD supply of oxygen for each required flight crewmember on flight deck duty.

(b) *Nonpressurized cabin airplanes.* The requirements of paragraph (a) of this section apply to nonpressurized cabin airplanes if the Administrator finds that it is possible to obtain a dangerous concentration of smoke or carbon dioxide or other harmful gases in the flight crew compartments in any attitude of flight that might occur when the airplane is flown in accordance with either normal or emergency procedures.

[Revision note: Based on § 41.205]

§ 123.287 Equipment for extended overwater operations.

(a) Except where the Administrator, by amending the operations specifications of the air carrier, requires the carriage of all or any specific item of the equipment listed below for any overwater operation or upon application of the air carrier the Administrator allows deviation for a particular extended overwater operation, no person may operate an airplane in extended overwater operations without having on the airplane the following equipment:

(1) A life preserver for each occupant of the airplane.

(2) Enough liferafts of a rated capacity and buoyancy to accommodate the occupants of the airplane.

(3) Suitable pyrotechnic signaling devices.

(4) One self-buoyant, water-resistant, portable emergency radio signaling device, that is capable of transmission on the appropriate emergency frequency or frequencies, and not dependent upon the airplane power supply.

(b) The required life rafts, life preservers, and signaling devices must be easily accessible in the event of a ditching without appreciable time for preparatory procedures. This equipment must be installed in conspicuously marked approved locations.

(c) A survival kit, appropriately equipped for the route to be flown, must be attached to each required life raft.

[Revision note: Based on § 41.206]

§ 123.289 Equipment for operations in icing conditions.

(a) Unless an airplane is certificated under the transport category airworthiness requirements relating to ice protection, no person may operate an airplane in icing conditions unless it is equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the airplane where ice formation will adversely affect the safety of the airplane.

(b) No person may operate an airplane in icing conditions at night unless means are provided for illuminating or otherwise determining the formation of ice on the parts of the wings that are critical from the standpoint of ice accumulation. An illuminating means may not be used if it will cause glare or reflection that would handicap crewmembers in the performance of their duties.

[Revision note: Based on § 41.207]

§ 123.291 Equipment for operations over uninhabited terrain areas.

No air carrier may conduct an operation over an uninhabited area or any other area that the Administrator specifies requires equipment for search and rescue in case of an emergency without the following equipment:

(a) Suitable pyrotechnic signaling devices.

(b) One self-buoyant, water-resistant, portable emergency radio signaling device capable of transmission on the appropriate emergency frequency or frequencies and not dependent upon the airplane power supply.

(c) Enough survival kits, appropriately equipped for the route to be flown, for the number of occupants of the airplane.

[Revision note: Based on §41.208]

§ 123.293 Equipment for operations on which specialized means of navigation are required.

No air carrier may conduct an operation for which specialized means of navigation are required unless it shows that adequate airborne equipment is provided for the specialized navigation authorized for the particular route to be operated.

[Revision note: Based on § 41.209]

§ 123.295 Flight recorders.

(a) Unless the airplane is equipped with an approved flight recorder that records at least time, altitude, airspeed, vertical acceleration, and heading, no person may operate—

(1) A large airplane that is certificated for operations above 25,000 feet altitude; or

(2) Any large turbine-powered airplane.

(b) When an approved flight recorder is installed, it must be operated continuously from the instant the airplane begins the takeoff roll until it has completed the landing roll at an airport.

(c) The air carrier must keep the recorded information for at least 60 days and for a longer period upon the request of the Administrator or the Civil Aeronautics Board for a particular flight or series of flights.

[Revision note: Based on § 41.210]

§ 123.297 Radio equipment.

(a) No person may operate an airplane unless it is equipped with radio equipment required for that kind of operation.

(b) Where two independent (separate and complete) radio systems are required by §§ 123.299 and 123.301, each system must have an independent an-

terna installation except that, where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one antenna is required.

[Revision note: Based on § 41.230]

§ 123.299 Radio equipment for operations under VFR over routes navigated by pilotage.

(a) No person may operate an airplane under VFR over routes that can be navigated by pilotage, unless it is equipped with the radio equipment necessary under normal operating conditions to fulfill the following:

(1) Communicate with at least one appropriate ground station as specified in § 123.47 from any point on the route.

(2) Communicate with appropriate traffic control facilities from any point in the control zone within which flights are intended.

(3) Recieve meteorological information from any point en route by either of two independent systems. One of the means provided for compliance with this subparagraph may be employed for compliance with subparagraphs (1) and (2) of this paragraph.

(b) No person may operate an airplane at night under VFR over routes that can be navigated by pilotage unless that airplane is equipped with the radio equipment necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigational signals applicable to the route flown, except that a marker beacon receiver or ILS receiver is not required.

[Revision note: Based on § 41.231]

§ 123.301 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.

(a) No person may operate an airplane under VFR over routes that cannot be navigated by pilotage or for operations conducted under IFR or over-the-top, unless the airplane is equipped with that radio equipment necessary under normal operating conditions to fulfill the functions specified in § 123.299(a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used. However, only one marker beacon receiver providing visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach, if it is capable of receiving both signals.

(b) In the case of operation over routes on which navigation is based on low frequency radio range or automatic direction finding, only one low frequency radio range or ADF receiver need be installed if the airplane is equipped with two VOR receivers, and VOR navigational aids are so located and the airplane is so fueled that, in the case of failure of the low frequency radio range receiver or ADF receiver, the flight may proceed safely to a suitable airport, by means of VOR aids, and complete an instrument approach by use of the remaining airplane radio system.

(c) Whenever VOR navigational receivers are required by paragraph (a) or (b) of this section, at least one approved distance measuring equipment unit (DME), capable of receiving and indicating distance information from VORTAC facilities, must be installed on each airplane when operated within the 48 contiguous States and the District of Columbia at an above 24,000 feet MSL and must be installed on each of the following airplanes, regardless of the altitude flown, when operating within the 48 contiguous States and the District of Columbia after the indicated dates.

(1) Turbojet airplanes—June 30, 1963.

(2) Turboprop airplanes—December 31, 1963.

(3) Pressurized reciprocating engine airplanes—June 30, 1964.

(4) Other large airplanes—June 30, 1965.

(d) If the distance measuring equipment (DME) becomes inoperative on route, the pilot shall notify ATC of that failure as soon as it occurs.

[Revision note: Based on § 41.232]

§ 123.303 Radio equipment for extended overwater operations and for certain other operations.

No person may conduct any of the following operations unless the airplane is equipped with the radio equipment necessary to comply with § 123.301 and an independent system that complies with § 123.299(a)(1):

(a) Extended overwater operations.

(b) Operations for which the Administrator finds the equipment to be necessary for search and rescue operations because of the character of the terrain to be flown over.

[Revision note: Based on § 41.233]

Subpart I—Maintenance and Preventive Maintenance

§ 123.321 Responsibility for maintenance and preventive maintenance.

Regardless of any arrangements with any other person for performing maintenance and preventive maintenance, each air carrier is primarily responsible for the airworthiness of its aircraft and required equipment.

[Revision note: Based on § 41.240]

§ 123.323 Maintenance requirements.

(a) Each air carrier (or person performing maintenance or preventive maintenance for an air carrier) shall perform maintenance and preventive maintenance in accordance with Part ____ (present Part 18) of this chapter and the manual and operations specifications of that air carrier.

(b) Each individual who is directly in charge of the maintenance or preventive maintenance of any airframe, engine, propeller, or appliance shall hold an appropriate airman certificate.

[Revision note: Based on § 41.241 (a) (last sentence) and (b)]

§ 123.325 Inspection organization.

Each air carrier (or person performing maintenance or preventive maintenance functions for an air carrier) shall maintain an adequate inspection organization that is responsible for determining that the workmanship, methods, and material used conform to the applicable regulations of this chapter, with accepted standards and good practices, and that each airframe, engine, propeller, and appliance released to service is airworthy.

[Revision note: Based on § 41.241(a) (less last sentence)]

§ 123.327 Maintenance training program.

Each air carrier (or a person performing maintenance or preventive maintenance functions for an air carrier) shall have a training program to insure that all individuals who determine the adequacy of work done are fully informed about procedures and techniques and new equipment in use and are competent to perform their duties.

[Revision note: Based on § 41.242]

§ 123.329 Maintenance personnel duty time limitation.

Within the United States, each air carrier (or person performing maintenance or preventive maintenance for him) shall relieve each individual performing maintenance or preventive maintenance from duty for a period of at least 24 consecutive hours during any seven consecutive days, or the equivalent thereof within any one month.

[Revision note: Based on § 41.243]

Subpart J—Airman and Crewmember Requirements

§ 123.341 Airmen: limitations on use of services.

(a) No air carrier may use a person as an airman unless that person holds an appropriate and valid airman certificate issued under this chapter and is otherwise qualified for the operation for which he is to be used.

(b) No air carrier may use the services of any person, and no person may serve, as a pilot on an airplane engaged in operations under this part, if that person has reached his 60th birthday.

[Revision note: Based on § 41.260]

NOTE: Section 41.260(a) (last sentence) is omitted as covered by Subchapter D of this chapter.

§ 123.345 Composition of flight crew.

(a) No air carrier may operate an airplane with less than the minimum flight crew approved in the Airplane Flight Manual for that airplane and required by the kind of operation being conducted.

(b) In any case in which this part requires the performance of two or more functions for which an airman certificate is necessary, that requirement is not satisfied by the performance of multiple functions at the same time by one airman.

(c) If an air carrier is authorized to operate under IFR, or if it operates large airplanes, the minimum pilot crew is two pilots.

(d) On each flight requiring a flight engineer at least one flight crewmember, other than the flight engineer, must be qualified to provide emergency performance of the flight engineer's functions for the safe completion of the flight if the flight engineer becomes ill or is otherwise incapacitated. A pilot need not hold a flight engineer's certificate to perform the flight engineer's functions in such a situation.

[Revision note: Based on § 41.261]

§ 123.347 Flight engineer.

(a) No air carrier may operate an airplane having a maximum certificated takeoff weight of more than 80,000 pounds without an airman holding a current flight engineer certificate.

(b) Such an airman is also required on each four-engine airplane having a maximum certificated takeoff weight of more than 30,000 pounds if the Administrator determines that the design of the airplane or the kind of operation requires a flight engineer for safe operation.

[Revision note: Based on § 41.263]

§ 123.349 Flight navigator.

No air carrier may operate an aircraft over any area, route, or route segment that is outside the 48 contiguous States without an airman holding a current flight navigator certificate if the Administrator determines that celestial navigation is necessary or other specialized means of navigation necessary to obtain a reliable fix for the safety of the flight cannot be adequately accomplished from the pilot station for a period of more than one hour. However, the Administrator may also require a certificated flight navigator when those specialized means of navigation are necessary for one hour or less. In making that determination the Administrator considers—

(a) The speed of the airplane;

(b) Normal weather conditions en route;

(c) Extent of air traffic control;

(d) Traffic congestion;

(e) Area of land at destination;

(f) Fuel requirements;

(g) Fuel available for return to point of departure or alternates; and

(h) Predication of flight upon operation beyond the point-of-no-return.

[Revision note: Based on § 41.262]

§ 123.351 Flight attendants.

(a) Except as provided in paragraph (b) of this section, each air carrier conducting a scheduled passenger operation shall provide at least the following flight attendants on each airplane used:

(1) For airplanes having a seating capacity of at least 10 but less than 45 passengers—one flight attendant.

(2) For airplanes having a seating capacity of at least 45 but less than 101 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 100 passengers—three flight attendants.

(b) Upon application by the air carrier, the Administrator may approve the use of an airplane in a particular operation with less than the number of flight attendants required by paragraph (a) of this section, if the air carrier shows that, based on the—

(1) Type of operation;

(2) Number of passenger seats;

(3) Number of compartments;

(4) Number of emergency exits;

(5) Emergency equipment; and

(6) Presence of other trained flight crewmembers not on flight deck duty whose services may be used in emergencies;

safety and emergency procedures and functions established under § 123.355 for the particular kind of airplane and operation can be adequately performed by fewer flight attendants.

[Revision note: Based on § 41.265]

§ 123.353 Aircraft dispatcher.

Each air carrier shall show that there are enough qualified aircraft dispatchers at each dispatch center to insure proper operational control of each flight.

[Revision note: Based on § 41.266]

§ 123.355 Emergency and emergency evacuation duties.

(a) Each air carrier shall assign to each required crewmember the necessary functions that he is to perform in an emergency or a situation requiring emergency evacuation. The carrier shall assign those functions for each type of aircraft that it uses and shall show that those functions are realistic and can be accomplished.

(b) The air carrier shall describe each required crewmember's functions under paragraph (a) of this section in the air carrier manual.

(c) The air carrier shall train each required crewmember in his functions under paragraph (a) of this section during the approved emergency training program prescribed in § 123.371.

[Revision note: Based on § 41.267]

Subpart K—Training Program

§ 123.371 Establishment.

(a) Each air carrier shall have an approved training program that insures that each crewmember and dispatcher is adequately trained to perform his assigned duties. Each crewmember or dispatcher must satisfactorily complete the initial training phases before serving in scheduled operations.

(b) Each air carrier shall provide adequate ground and flight training facilities and properly qualified instructors for the training required by this section, and enough check airmen to conduct the flight checks required by this Part. The check airmen must hold the airman certificates and ratings that are required for the airmen being checked.

(c) The training program for each flight crewmember must consist of appropriate ground and flight training, including proper flight crew coordination and training in emergency procedures. The carrier shall standardize procedures for each flight crew function to the extent that each flight crewmember knows the functions for which he is responsible and the relation of those functions to the functions of other flight crewmembers. The initial program must include at least the requirements set forth in §§ 123.373 through 123.380.

(d) The crewmember emergency procedures training program must include at least the requirements set forth in § 123.380.

(e) Each instructor, supervisor, or check airman that is responsible for a particular training check or flight check shall certify to the proficiency of the crewmember of dispatcher concerned after he completes his initial training and after he completes his recurrent training. That certification shall be made a part of the crewmember or dispatcher's record.

[Revision note: Based on § 41.280]

§ 123.373 Ground training: pilots.

(a) Each air carrier shall provide at least the following ground training for each pilot before he serves as a flight crewmember:

(1) Instruction in the appropriate provisions of the air carrier's operations specifications and of this chapter, especially the operating and dispatching rules and airplane operating limitations.

(2) Dispatch procedures and appropriate contents of the manuals.

(3) Duties and responsibilities of crewmembers.

(4) The type of airplane to be flown, including a study of the airplane, engines, major components and systems, performance limitations, standard and emergency operating procedure, and appropriate contents of the approved Airplane Flight Manual.

(5) Principles and methods for determining weight and balance limitations for takeoff and landing.

(6) Navigation and the use of appropriate navigation aids, including instrument approach facilities and procedures that the carrier is authorized to use.

(7) Air traffic control systems and procedures, and pertinent ground control letdown procedures.

(8) Enough meteorology to insure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems.

(9) Procedures for operating in turbulent air, icing, hail, thunderstorm, and other potentially hazardous meteorological conditions.

(10) Communications procedures and communications equipment failure procedures.

(b) Each air carrier shall provide each pilot—

(1) That additional ground training necessary to insure qualifications in new equipment, procedures, or techniques; and

(2) Recurrent training and checks at least once every twelve months to insure his continued proficiency in procedures, techniques, and information essential to the satisfactory performance of his duties.

[Revision note: Based on § 41.281]

§ 123.375 Flight training: pilots.

(a) The flight training that the air carrier must provide for each pilot before he serves as a flight crewmember must include at least—

(1) Takeoffs and landings during day and night in each type of airplane he is to pilot in scheduled operations;

(2) Normal and emergency flight maneuvers in each type of airplane he is to pilot in scheduled operations; and

(3) Flight under simulated instrument conditions.

(b) A pilot qualifying to serve as other than pilot in command or second in command, shall show the Administrator or a check pilot that he is able to take off and land each type of airplane in which he is to serve.

(c) The flight training for each pilot qualifying to serve as a pilot in command (or second in command of an airplane in an operation that requires three or more pilots) must include flight instruction and practice in at least the maneuvers and procedures described in subparagraphs (1) and (2) of this section:

(1) In each type of airplane to be flown by him in scheduled operations he must perform the following:

(i) Takeoffs at the authorized maximum takeoff weight using maximum takeoff power with a simulated failure of the critical engine. In transport category airplanes the simulated failure must be done as close as possible to the critical engine failure speed (V_1) and climb-out must be made as close as possible to the takeoff safety speed (V_2), the pilot determining the values for (V_1) and (V_2).

(ii) If a four-engine airplane, flight at the maximum authorized landing weight, where appropriate, with the most critical combination of two engines inoperative, or operating at zero thrust, using climb speeds set forth in the Airplane Flight Manuals.

(iii) At the maximum authorized landing weight, simulated pull-out from the landing and approach configurations at a safe altitude with the critical engine inoperative or operating at zero thrust.

(2) Flight must be conducted under simulated IFR using each kind of navigation facility and letdown procedure that is used in normal operations. If a particular kind of facility is not available in the training area, the training may be given in a synthetic trainer.

For the purposes of subparagraph (1) of this paragraph, weight and power combinations less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be used if the performance capabilities of this airplane under the specified conditions are simulated.

(d) Flight training for each pilot qualifying to serve as second in command of an airplane that requires two pilots must include flight instruction and practice in at least the maneuvers and procedures in subparagraphs (1) and (2) of this paragraph:

(1) In each type of airplane to be flown by him in scheduled operations, flight training must include—

(i) Assigned flight duties as second in command; including flight emergencies;

(ii) Taxiing;

(iii) Takeoffs and landings;

(iv) Climbs and climbing turns;

(v) Slow flight;

(vi) Approach to stall;

(vii) Engine shutdown and restart;

(viii) Takeoff and landing with simulated engine failure; and

(ix) Flight under simulated IFR conditions, including instrument approach at least down to circling approach minimums and missed approach procedures.

(2) Flight must be conducted under simulated IFR conditions using each kind of navigation facility and letdown procedure that is used in normal operations. Except for those approach procedures for which the lowest minimums are approved, letdown procedures may be given in a synthetic trainer that has the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for the air carrier.

(e) The air carrier shall give each pilot any additional flight training necessary to insure his qualification for new equipment, procedures, or techniques. At least once each 12 months, as a part of the training program, it shall give him recurrent flight training and checks to insure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. If the check of a pilot in command or second in command requires actual flight, satisfactory completion of the applicable checks required by § 123.397 or 123.399 meets the requirements of this section.

[Revision note: Based on § 41.282]

§ 123.377 Flight navigator training.

(a) The training for each flight navigator must include at least the applicable parts of subparagraphs (1) through (4) and (6) through (8) of § 123.373(a).

(b) Before serving as a flight crewmember, each flight navigator must have enough ground and flight training to be proficient in the duties assigned to him by the air carrier. The flight training may be given during scheduled flight in air transportation under the supervision of a qualified flight navigator.

(c) The air carrier shall give each flight navigator any additional ground and flight training necessary to insure his qualification for new equipment, procedures, and techniques. At least once each 12 months, as a part of the training program, it shall give him recurrent ground training and a flight check to insure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. The flight check may be given during scheduled flight in air transportation, or in a synthetic trainer in place of a check in flight.

[Revision note: Based on § 41.283]

§ 123.379 Flight engineer training.

(a) The training for each flight engineer must include at least the applicable parts of subparagraphs (1) through (5) of § 123.373(a).

(b) Before serving as a flight crewmember, each flight engineer must have enough flight training to be proficient in the duties assigned to him by the air carrier. Except for emergency procedures, the flight training may be given during scheduled flight in air transportation under the supervision of a qualified flight engineer.

(c) The air carrier shall give each flight engineer any additional ground and flight training necessary to insure his qualification for new equipment, procedures, and techniques. At least once each 12 months, as a part of the training program it shall give him recurrent ground training and a flight check to insure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Except for emergency procedures, the flight check may be given during scheduled flight in air transportation, or in a synthetic trainer in place of a check flight.

[Revision note: Based on § 41.284]

§ 123.380 Crewmember emergency training.

(a) Each air carrier shall design its training in emergency procedures to give each required crewmember appropriate individual instruction in emergency procedures, including assignments in an emergency and coordination among crewmembers and appropriate individual instruction in at least the following subjects, as appropriate to the particular crewmember:

(1) Procedures for failure of an engine, engines, or other airplane components or systems.

(2) Procedures for—

(i) Emergency decompression;

(ii) Fire in the air or on the ground;

(iii) Ditching; and

(iv) Evacuation.

(3) The location of emergency equipment.

(4) The operation of emergency equipment.

(5) The power setting for maximum endurance and maximum range.

(b) The air carrier shall give each crewmember, at least once each 12 months, recurrent training in the emergency procedures set forth in paragraph (a) of this section. Completion of that training becomes a part of the crewmember's records.

(c) Synthetic trainers that simulate flight operating emergency conditions may be used for training crewmembers in emergency procedures. The air carrier shall give instruction to each crewmember performing duties on pressurized airplanes operated above 25,000 feet by lectures and films, or other equivalent means approved after demonstration, covering at least—

(1) Respiration;

(2) Hypoxia;

(3) Duration of consciousness at altitudes without supplemental oxygen;

(4) Gas expansion;

(5) Gas bubble formation; and

(6) Physical phenomena and incidents of decompression.

(d) Training and practice in putting on oxygen masks and operating oxygen equipment.

[Revision note: Based on § 41.285]

§ 123.381 Aircraft dispatcher and operation personnel training.

(a) Each air carrier shall provide a training program for its aircraft dispatchers that includes—

(1) Training in duties and responsibilities;

(2) Flight operations procedures;

(3) Air traffic control procedures;

(4) Performance of airplanes used;

(5) Navigation aids and facilities; and

(6) Meteorolgy; and

(b) The training program must emphasize emergency procedures, including the alerting of proper governmental, company, and private agencies to give the maximum help to an airplane in distress.

(c) Each aircraft dispatcher shall, before performing duties as an aircraft dispatcher, show the supervisor or ground instructor authorized to certify his proficiency, his knowledge of the following:

(1) Contents of the air carrier operating certificate.

(2) Appropriate provisions of the air carrier's operations specifications, manual, and this chapter.

(3) Characteristics of airplanes used by the carrier.

(4) Cruise control data and cruising speeds for those airplanes.

(5) Maximum authorized airplane loads for the routes and airports used.

(6) Air carrier radio facilities.

(7) Characteristics and limitations of each kind of radio and navigation facility used.

(8) Effect of weather conditions on airplane radio reception.

(9) Airports used and the terrain en route.

(10) Prevailing weather phenomena.

(11) Sources of weather information available.

(12) Pertinent air traffic control procedures.

(13) Emergency procedures.

(d) The air carrier shall give each dispatcher any additional training necessary to insure his qualification for new equipment, procedures, and techniques. At least once each 12 months, as a part of the training program, it shall give him recurrent training and checks to insure his continued competence with respect to the procedures, techniques, and information essential to his duties.

[Revision note: Based on § 41.286]

Subpart L—Flight Crewmember and Dispatcher Qualification

§ 123.391 General.

(a) No air carrier may use a flight crewmember or dispatcher, and none of its flight crewmembers or dispatchers may perform duties under his airman certificate, unless he meets the appropriate requirements in Subpart K and § 123.395.

(b) When a pilot completes a check required by this subpart the check airman who is responsible for the particular check shall certify that the pilot is proficient. This certification shall be made a part of the pilot's record.

(c) If a flight crewmember who is required to take a check takes that check in the calendar month before, or the calendar month after, the month in which it becomes due, he is considered to have taken it during the month it became due.

[Revision note: Based on § 41.300(a) (1st sentence) and (b)]

§ 123.393 Pilot qualification: certificates required.

(a) No pilot may act as pilot in command of an airplane (or as second in command of an airplane in an operation that requires three or more pilots) unless he holds an airline transport pilot certificate and an appropriate type rating for that aircraft.

(b) Each pilot who acts as a pilot in a capacity other than those specified in paragraph (a) of this section must hold at least a commercial pilot certificate and an instrument rating.

[Revision note: Based on § 41.300(a) (less 1st sentence)]

§ 123.395 Pilot qualification: recent experience.

No air carrier may use a pilot as pilot in command or second in command in scheduled air transportation unless, within the preceding 90 days, he has made at least three landings in an airplane of the type in which he is to serve.

[Revision note: Based on § 41.301]

§ 123.397 Pilot checks.

(a) *Line check.* No air carrier may use a pilot as pilot in command of an airplane until he has passed a line check in one of the types of airplanes that he is to fly. Thereafter he may not serve as a pilot in command unless each 12 months he passes a similar line check. The line check may be given at any time during the month before or the month after the month in which it is due without affecting its effective date. The check must be given by a check pilot who is qualified on both the route and the airplane. The check must consist of at least a scheduled flight over a typical part of the carrier's route to which the pilot is normally assigned. It must be long enough for the check pilot to determine whether the pilot being checked satisfactorily performs the duties and responsibilities of a pilot in command.

(b) *Proficiency check.* No air carrier may use a pilot as a pilot in command of an airplane (or as second in command of an airplane that requires three or more pilots) in operations under this part unless he has satisfactorily shown to the Administrator or a check pilot that he is able to pilot and navigate airplanes that he is to fly. Thereafter he may not serve as a pilot in command unless each six months he passes a similar pilot proficiency check. The check may be given at any time during the month before or the month after the month in which it is due without affecting its effective date. If a pilot serves in more than one airplane type, at least each alternate check must be given in flight in the largest type of airplane in which he serves. The proficiency check must include the following:

(1) Equipment test (oral or written).

(2) Taxiing.

(3) Runup.

(4) Takeoff.

(5) Climb.

(6) Climbing turns.

(7) Steep turns.

(8) Maneuvers at minimum speeds.

(9) Approaches to stalls.

(10) Propeller feathering.

(11) Maneuvers with one or more engine(s) inoperative.

(12) Rapid descent and pullout.

(13) Radio tuning.

(14) Orientation.

(15) Approach procedures.

(16) Flight maneuvers specified in § 123.375, except that the simulated engine failure during takeoff need not be at speed V_1 or at the actual or simulated maximum authorized weight.

(17) Approved flight maneuvers under simulated instrument conditions using the navigation facilities and letdown procedures normally used by the pilot, except that maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer that contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for the air carrier.

(c) *Use of flight simulator.* After the first proficiency check, the satisfactory completion of an approved training course in an approved airplane simulator may be substituted at alternate six-month intervals for the proficiency check required by paragraph (b) of this section, if the simulator meets the requirements of Appendix B of this part and—

(1) The simulator is maintained at the same level as required for initial approval;

(2) A functional preflight check of the simulator is performed each day before beginning simulator flight training or proficiency checks;

(3) A daily discrepancy log is kept and an entry of each discrepancy is made by the simulator instructor or check airman before the end of each training or check flight; and

(4) If a modification is made to the airplane, a corresponding modification is made to the simulator if necessary for flight crew training or proficiency checks.

The simulator may be used with inoperative instruments or equipment, if they are not applicable to the particular phase of training being given.

(d) Before serving as a pilot in command on any airplane, the pilot must have passed, during the preceding 12 months, either a proficiency check or a line check in that type of airplane.

[Revision note: Based on § 41.302]

§ 123.399 Pilot qualification: routes and airports.

(a) No air carrier may use a pilot as pilot in command until he has qualified, for the route on which he is to serve, in accordance with this section, and the appropriate instructor or check pilot has so certified.

(b) The qualifying pilot shall show that he has adequate knowledge of the

following with respect to each route he is to fly:

(1) Weather characteristics.
(2) Navigation facilities.
(3) Communication procedures.
(4) En route terrain and obstruction hazards.
(5) Minimum safe flight levels.
(6) Position reporting points.
(7) Holding procedures.
(8) Pertinent air traffic control procedures.
(9) Congested areas, obstructions, physical layout, and instrument approach procedures of each regular, provisional, or refueling airport that is approved for the route.

Those parts of the above requirements relating to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer that contains the radio equipment and instruments necessary to simulate the navigation and letdown procedures approved for the air carrier.

(c) The qualifying pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. The entry must include a landing and a takeoff. The qualifying pilot must occupy a seat in the pilot compartment and must be accompanied by a pilot who is qualified for the airport.

(d) Paragraph (c) of this section does not apply if—

(1) The initial entry is made under VFR weather conditions at the airport involved;

(2) The air carrier shows that the qualification can be made by using approved pictorial means; or

(3) The air carrier notifies the Administrator that it intends to operate at an airport that is near an airport into which the pilot concerned is currently qualified by entry, and the Administrator finds that the pilot is adequately qualified at the new airport, considering at least the pilot's familiarity with the layout, surrounding terrain, location of obstacles, and instrument approach and traffic control procedures at the new airport.

(e) No pilot in command may serve on a route or route segment on which he must navigate by pilotage and fly at or below the level of terrain that is within 25 miles horizontally of the centerline of that route or route segment unless he has made at least two one-way trips over the route or route segment on the flight deck under VFR weather conditions.

[Revision note: Based on § 41.303]

§ 123.401 Pilot route and airport qualifications for particular trips.

(a) An air carrier may not use a pilot as pilot in command unless, within the preceding 12 months, the pilot has made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and has complied with § 123.399(d), if applicable.

(b) To re-establish route and airport qualification after being absent from the route for a period of more than 12 months, a pilot must comply with the appropriate provisions of § 123.399.

[Revision note: Based on § 41.304]

§ 123.403 Proficiency checks: second in command.

(a) An air carrier may not use a pilot as second in command unless he has satisfactorily shown to the Administrator or a check pilot that he is able to pilot and navigate airplanes that he is to fly and to perform his assigned duties. Thereafter, he may not serve as second in command unless each 12 months he satisfactorily completes a similar pilot proficiency check.

(b) The proficiency check required by paragraph (a) of this section may be given at any time during the month before or the month after the month in which it is due, without affecting its effective date.

(c) If a pilot serves in more than one airplane type, at least each alternate check must be given in flight in the largest type of airplane in which he serves.

(d) The proficiency check must include at least an oral or written equipment test and the procedures and flight maneuvers specified in § 123.375(d). The check may be given from either the right or left pilot seat.

(e) After the initial check, satisfactory completion of an approved course of training in an aircraft simulator that meets the requirements of § 123.397(c) may be substituted at alternate 12 month-intervals for the checks required by paragraphs (a) through (d) of this section. In addition, satisfactory completion of the proficiency check in accordance with § 123.375(b) and (c) meets the requirements of this section.

(f) The proficiency check for second in command of a required three-pilot crew is that set forth in § 123.397(b) and (c).

[Revision note: Based on § 41.305]

§ 123.405 Flight navigator qualification.

(a) No air carrier may use a flight navigator unless, within the preceding 12-month period, he has had at least 50 hours of flight time as a flight navigator, or the air carrier or the Administrator has checked him (including a check in flight or in an approved synthetic trainer) and has determined that he is familiar with essential current navigation information pertaining to routes to be flown by him and that he is competent in the operating procedures and navigation equipment to be used.

(b) An air carrier may check a flight navigator during a flight in scheduled air transportation, but it may not assign him as a required flight crewmember on that flight.

[Revision note: Based on § 41.306]

§ 123.407 Flight engineer qualification.

(a) No air carrier may use a flight engineer unless, within the preceding six-month period, he has had at least 50 hours of flight time as a flight engineer on the type of airplane in which he is to serve, or the air carrier or the Administrator has checked him (in a flight in other than air transportation) and has determined that he is familiar with all essential current information and operating procedures for the type of airplane to which he is assigned and is competent in that airplane.

(b) If a flight engineer has been previously qualified in the type of airplane in which he is to serve, the carrier may give the check in an approved synthetic trainer in place of the flight check.

[Revision note: Based on § 41.307]

§ 123.409 Aircraft dispatcher qualification.

(a) No air carrier may use a dispatcher to dispatch airplanes over any route or route segment unless the air carrier has determined that he is familiar with all essential operating procedures for the entire route and the airplane to be used. However, a dispatcher who is qualified to dispatch aircraft over part of a route may dispatch aircraft after coordinating with dispatchers who are qualified to dispatch aircraft over the other parts of the route.

(b) No aircraft dispatcher may dispatch airplanes over any area in which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months, he has made a one-way qualification trip over that area on the flight deck of an airplane. The trip must include entry into as many points as practicable; it is not necessary to make a flight over each route in the area.

[Revision note: Based on § 41.310]

Subpart M—Flight Time Limitations

§ 123.421 Flight time limitations: one or two pilot crews.

(a) An air carrier may schedule a pilot to fly in an airplane that has a crew of one or two pilots for eight hours or less during any 24 consecutive hours without a rest period during these eight hours.

(b) If an air carrier schedules a pilot to fly more than eight hours during any 24 consecutive hours, it shall give him an intervening rest period, at or before the end of eight scheduled hours of flight duty. This rest period must be at least twice the number of hours flown since the preceding rest period, but not less than eight hours. The carrier shall relieve that pilot of all duty with it during that rest period.

(c) Each pilot who has flown more than eight hours during 24 consecutive hours must be given at least 18 hours of rest before being assigned to any duty with the air carrier.

(d) No pilot may fly more than 32 hours during any seven consecutive days, and each pilot must be relieved from all duty for at least 24 consecutive hours at least once during any seven consecutive days.

(e) No pilot may fly as a member of a crew more than 100 hours during any one month.

(f) No pilot may fly as a member of a crew more than 1,000 hours during any 12-month period.

[Revision note: Based on § 41.320]

§ 123.423 Flight time limitations: two pilots and one additional flight crewmember.

(a) No air carrier may schedule a pilot to fly, in an airplane that has a crew of two pilots and at least one additional flight crewmember, for a total of more than 12 hours during any 24 consecutive hours.

(b) If a pilot has flown 20 or more hours during any 48 consecutive hours or 24 or more hours during any 72 consecutive hours, he must be given at least 18 hours of rest before being assigned to any duty with the air carrier. In any case, he must be given at least 24 consecutive hours of rest during any seven consecutive days.

(c) No pilot may fly as a flight crewmember more than—

(1) 120 hours during any 30 consecutive days;

(2) 300 hours during any 90 consecutive days; or

(3) 1,000 hours during any 12-month period.

[Revision note: Based on § 41321]

§ 123.425 Flight time limitations: three or more pilots and an additional flight crewmember.

(a) Each air carrier shall schedule its flight hours to provide adequate rest periods on the ground for each pilot who is away from his base and who is a pilot on an airplane that has a crew of three or more pilots and an additional flight crewmember. It shall also provide adequate sleeping quarters on the airplane whenever a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) The air carrier shall give each pilot, upon return to his base from any flight or series of flights, a rest period that is at least twice the total number of hours he flew since the last rest period at his base. During the rest period required by this paragraph, the carrier may not require him to perform any duty for it. If the required rest period is more than seven days, that part of the rest period in excess of seven days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) No pilot may fly as a flight crewmember more than—

(1) 350 hours during any 90 consecutive days; or

(2) 1,000 hours during any 12-month period.

[Revision note: Based on § 41.322]

§ 123.427 Flight time limitations: pilots not regularly assigned.

(a) Except as provided in paragraphs (b) through (e) of this section, a pilot who is not regularly assigned as a flight crewmember for an entire month under § 123.423 or 123.425 may not fly more than 100 hours in any 30 consecutive days.

(b) The flight time limitations for a pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in any month, or whose assignment in such a crew is interrupted more than once in that month by assignment to a crew consisting of two or more pilots and an additional flight crewmember, are those set forth in § 123.421.

(c) Except for a pilot covered by paragraph (b) of this section, the flight time limitations for a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crewmember crews in any month, or whose assignment in such a crew is interrupted more than once in that month by assignment to a crew consisting of three pilots and additional flight crewmember, are those set forth in § 123.423.

(d) The flight time limitations for a pilot to whom paragraphs (b) and (c) of this section do not apply and who is assigned to duty aloft for a total of not more than 20 hours within any month in two-pilot crews (with or without additional flight crewmembers) are those set forth in § 123.425.

(e) The flight time limitations for a pilot assigned to each of two-pilot, two-pilot and additional flight crewmember, and three-pilot and additional flight crewmember crews in a given month, and who is not subject to paragraph (b), (c), or (d) of this section, are those set forth in § 123.423.

[Revision note: Combines § 41.323 and SR 386F]

§ 123.429 Flight time limitations: other commercial flying.

No pilot that is employed as a pilot by an air carrier may do any other commercial flying if that commercial flying plus his flying in air transportation will exceed any flight time limitation in this part.

[Revision note: Based on § 41.325]

§ 123.431 Flight time limitations: deadhead transportation.

Time spent in deadhead transportation to or from duty assignment is not considered to be a part of a rest period.

[Revision note: Based on § 41.324]

§ 123.433 Flight time limitations: flight engineers and flight navigators.

(a) In any operation in which one flight engineer or flight navigator is required, the flight time limitations in § 123.423 apply to that flight engineer or flight navigator.

(b) In any operation in which more than one flight engineer or flight navigator is required, the flight time limitations in § 123.425 apply to those flight engineers or flight navigators.

[Revision note: Combines §§ 41.326 and 41.327]

Subpart N—Duty Time Limitations: Aircraft Dispatchers

§ 123.441 General.

(a) Each air carrier shall establish the daily duty period for a dispatcher so that it begins at a time that allows him to become thoroughly familiar with existing and anticipated weather conditions along the route before he dispatches any airplane. He shall remain on duty until each airplane dispatched by him has completed its flight or has gone beyond his jurisdiction, or until he is relieved by another qualified dispatcher.

(b) Except in cases where circumstances or emergency conditions beyond the control of the air carrier require otherwise—

(1) No air carrier may schedule a dispatcher for more than 10 consecutive hours of duty;

(2) If a dispatcher is scheduled for more than 10 hours of duty in 24 consecutive hours, the carrier shall provide him a rest period of at least eight hours at or before the end of 10 hours of duty.

(3) Each dispatcher must be relieved of all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days or the equivalent thereof within any month.

(c) Notwithstanding paragraphs (a) and (b) of this section, an air carrier may, if authorized by the Administrator, schedule an aircraft dispatcher at a duty station outside of the 48 contiguous States, the District of Columbia, and Alaska, for more than 10 consecutive hours of duty in a 24-hour period if that aircraft dispatcher is relieved of all duty with the carrier for at least eight hours during each 24-hour period.

[Revision note: Based on § 41.340]

Subpart O—Flight Operations

§ 123.451 Responsibility for operational control.

(a) Each air carrier is responsible for operational control.

(b) The pilot in command and the aircraft dispatcher are jointly responsible for the preflight planning, delay, and dispatch release of a flight in compliance with this chapter and operations specifications.

(c) The aircraft dispatcher is responsible for—

(1) Monitoring the progress of each flight;

(2) Issuing necessary information for the safety of the flight; and

(3) Cancelling or redispatching a flight if, in his opinion or the opinion of the pilot in comand, the flight cannot operate or continue to operate safely as planned or released.

(d) Each pilot in comand of an airplane is, during flight time, in command of the airplane and crew and is responsible for the safety of the passengers, crewmembers, cargo, and airplane.

(e) Each pilot in command has full control and authority in the operation of the aircraft, without limitation, over other crewmembers and their duties during flight time, whether or not he holds valid certificates authorizing him to perform the duties of those crewmembers.

(f) No pilot may operate an airplane in a careless or reckless manner so as to endanger life or property.

[Revision note: Based on § 41.351]

§ 123.453 Operations notices.

Each air carrier shall notify its appropriate operations personnel of each change in equipment and operating procedures, including each known change in the use of navigation aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities in ground and navigation facilities.

[Revision note: Based on § 41.352]

§ 123.455 Operations schedules.

In establishing flight operations schedules, each air carrier shall allow enough

time for the proper servicing of airplanes at intermediate stops, and shall consider the prevailing winds en route and the cruising speed of the type of airplane used. This cruising speed may not be more than the specified cruising output of the engines.

[Revision note: Based on § 41.353]

§ 123.456 Flight crewmembers at controls.

Each required flight crewmember on flight deck duty shall remain at his station while the airplane is taking off or landing, and while it is en route except when the absence of one member is necessary for performing his duties in connection with operating the airplane. Each flight crewmember shall keep his seat belt fastened when at his station.

[Revision note: Based on § 41.354]

§ 123.457 Manipulation of controls.

No person may manipulate the flight controls of an airplane during flight unless he is—

(a) A qualified pilot employed by the air carrier operating that airplane;

(b) An authorized pilot safety representative of the Administrator or of the Civil Aeronautics Board who has the permission of the pilot in command, is qualified in the airplane, and is checking flight operations; or

(c) A pilot employed by another air carrier who has the permission of the pilot in command, is qualified in the airplane, and is authorized by the air carrier operating the airplane.

[Revision note: Based on § 41.355]

§ 123.459 Admission to flight deck.

(a) No person may admit any person to the flight deck of an airplane unless he is—

(1) A crewmember;

(2) An FAA air carrier inspector, or an authorized representative of the Civil Aeronautics Board, who is performing official duties;

(3) An employee of the United States or of another air carrier or of an aeronautical enterprise who has the permission of the pilot in command and whose duties are such that admission to the flight deck is necessary or advantageous for safe air carrier operations; or

(4) Any person who has the permission of the pilot in command and is specifically authorized by the air carrier management and by the Administrator.

Subparagraph (2) of this paragraph does not limit the emergency authority of the pilot in command to exclude any person from the flight deck in the interests of safety.

(b) For the purposes of paragraph (a) (3) of this section, employees of the United States who deal responsibly with matters relating to air carrier safety and air carrier employees whose efficiency would be increased by familiarity with flight conditions, may be admitted by the carrier. However, it may not admit employees of traffic, sales, or other air carrier departments that are not directly related to flight operations, unless they are eligible under paragraph (a) (4) of this section.

(c) No person may admit any person to the flight deck unless there is a seat available for his use in the passenger compartment, except—

(1) An FAA air carrier inspector or an authorized representative of the Administrator or Civil Aeronautics Board who is checking or observing flight operations;

(2) An air traffic controller who is authorized by the Administrator to observe ATC procedures;

(3) A certificated airman employed by the air carrier whose duties require an airman's certificate;

(4) A certificated airman employed by another air carrier whose duties with that carrier require an airman certificate and who is authorized by the air carrier operating the airplane to make specific trips over a route;

(5) An employee of the air carrier operating the airplane whose duty is directly related to the planning of flight operations in-flight monitoring of aircraft equipment or operating procedures, if his presence on the flight deck is necessary to perform his duties and he has been authorized in writing by a responsible supervisor, listed in the Operations Manual as having that authority; and

(6) A technical representative of the manufacturer of the airplane or its components whose duties are directly related to the in-flight monitoring of aircraft equipment or operating procedures if—

(i) His presence on the flight deck is required to perform his duties; and

(ii) He has been specifically authorized in writing by the Administrator and by a responsible supervisor of the operations department of the air carrier who is listed in the Operations Manual as having that authority.

[Revision note: Based on § 41.356]

§ 123.461 Flying equipment.

(a) The pilot in command shall insure that appropriate aeronautical charts containing adequate information concerning navigation aids and instrument approach procedures are aboard the airplane for each flight.

(b) Each crewmember shall, on each flight, have readily available for his use a flashlight that is in good working order.

[Revision note: Based on § 41.357]

§ 123.463 Restriction or suspension of operation.

When an air carrier knows of conditions, including airport and runway conditions, that are a hazard to safe operations, he shall restrict or suspend operations until those conditions are corrected.

[Revision note: Based on § 41.358]

§ 123.465 Compliance with approved routes and limitations.

Except as prescribed in § 123.467, no pilot may operate an airplane in scheduled air transportation—

(a) Over any route or route segment unless it is specified in the air carrier's operations specifications; or

(b) Other than in accordance with the limitations in the operations specifications.

[Revision note: Based on § 41.359]

§ 123.467 Emergencies.

(a) In an emergency situation that requires immediate decision and action the pilot in command may take any action that he considers necessary under the circumstances. In such a case he may deviate from prescribed operations procedures and methods, weather minimums, and this chapter, to the extent required in the interests of safety.

(b) In an emergency situation arising during flight that requires immediate decision and action by an aircraft dispatcher, and that is known to him, the aircraft dispatcher shall advise the pilot in command of the emergency, shall ascertain the decision of the pilot in command, and shall have the decision recorded. If the aircraft dispatcher cannot communicate with the pilot, he shall declare an emergency and take any action that he considers necessary under the circumstances.

(c) Whenever a pilot in command or dispatcher exercises emergency authority, he shall keep the appropriate air traffic control and dispatch centers fully informed of the progress of the flight. The person declaring the emergency shall send a written report of any deviation, through the air carrier's operations manager, to the Administrator. A dispatcher shall send his report within 10 days after the date of the emergency, and a pilot in command shall send his report within 10 days after returning to his home base.

[Revision note: Based on § 41.360]

§ 123.469 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigation facilities.

(a) Whenever he encounters a meteorological condition or an irregularity in a ground or navigational facility, in flight, the knowledge of which he considers essential to the safety of other flights, the pilot in command shall notify an appropriate ground station as soon as practicable.

(b) Whenever it receives information under paragraph (a) of this section, that relates to irregularities of ground or navigational facilities the air carrier shall report it to the authority directly responsible for operating the facility.

[Revision note: Based on § 41.361]

§ 123.471 Reporting mechanical irregularities.

The pilot in command shall enter or have entered in the maintenance log of the aircraft each mechanical irregularity met during flight time. Before each flight, he shall ascertain the status of each irregularity entered in the log at the end of the preceding flight.

[Revision note: Based on § 41.362]

§ 123.473 Engine inoperative; landing; reporting.

(a) Except as provided in paragraph (b) of this section, whenever an engine of an airplane fails or whenever the rotation of an engine is stopped to prevent possible damage, the pilot in command shall land the airplane at the nearest suitable airport, in point of time, at which a safe landing can be made.

(b) If not more than one engine of an airplane that has four or more engines fails or its rotation is stopped, the pilot in command may proceed to an airport that he selects if, after considering the following, he decides that proceeding to that airport is as safe as landing at the nearest suitable airport:

(1) The nature of the malfunction and the possible mechanical difficulties that may occur if flight is continued.

(2) The altitude, weight, and usable fuel at the time of engine stoppage.

(3) The weather conditions en route and at possible landing points.

(4) The air traffic congestion.

(5) The kind of terrain.

(6) His familiarity with the airport to be used.

(c) The pilot in command shall report each stoppage of engine rotation in flight to the appropriate ground station as soon as practicable and shall keep that station fully informed of the progress of the flight.

(d) If the pilot in command lands at an airport other than the nearest suitable airport, in point of time, he shall (upon completing the trip) send a written report, in duplicate, to his operations manager stating his reasons for determining that his selection of an airport, other than the nearest airport, was as safe a course of action as landing at the nearest suitable airport. The operations manager shall within ten days after the pilot returns to his home base, send a copy of this report with his comments to the FAA Air Carrier District Office charged with the overall inspection of the Air Carrier's operations.

[Revision note: Based on § 41.363]

§ 123.475 Airport minimums and procedures.

No person may make an instrument approach or IFR landing at an airport except in accordance with the IFR weather minimums and instrument approach procedures in the carrier's operations specifications.

[Revision note: Based on § 41.364]

§ 123.477 Equipment interchange.

(a) Before operating under an interchange agreement, each air carrier shall show that—

(1) The procedures for the interchange operation conform with this chapter and with safe operating practices.

(2) Required crewmembers and dispatchers meet approved training requirements for the airplanes and equipment to be used and are familiar with the communications and dispatch procedures to be used;

(3) Maintenance personnel meet training requirements for the airplanes and equipment, and are familiar with the maintenance procedures to be used;

(4) Flight crewmembers and dispatchers meet appropriate route and airport qualifications; and

(5) The airplanes to be operated are essentially similar to the airplanes of the carrier with whom the interchange is effected with respect to the arrangement of flight instruments and the arrangement and motion of controls that are critical to safety unless the Administrator determines that the air carrier has adequate training programs to insure that any potentially hazardous dissimilarities are safely overcome by flight crew familiarization.

(b) Each air carrier shall include the pertinent provisions and procedures involved in the equipment interchange agreement in its manuals.

[Revision note: Based on § 41365]

§ 123.479 Briefing passengers; extended overwater flights.

(a) Each air carrier operating an airplane in extended overwater operations shall insure that all passengers are orally briefed on—

(1) The location and operation of emergency exits;

(2) The location and operation of life preservers, including a demonstration of donning and inflating a life preserver; and

(3) The location of life rafts.

(b) The air carrier shall describe the procedure to be followed in the briefing in its manual.

(c) If the airplane proceeds directly over water after takeoff, the briefing on locations of life preservers and emergency exits must be done before takeoff, and the rest of the briefing must be done as soon as practicable after takeoff.

(d) If the airplane does not proceed directly over water after takeoff, no part of the briefing has to be given before takeoff but the entire briefing must be given before reaching the over water part of the flight.

[Revision note: Based on § 41.370]

§ 123.481 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard an air carrier airplane unless the air carrier operating the airplane has served that beverage to him.

(b) No air carrier may serve any alcoholic beverage to any person aboard any of its airplanes if that person appears to be intoxicated.

(c) No air carrier may allow any person to board any of its airplanes if that person appears to be intoxicated.

(d) Each air carrier shall, within five days after the incident, report to the Administrator the refusal of any person to comply with paragraph (a) of this section, or of any disturbance caused by a person who appears to be intoxicated aboard any of its airplanes.

[Revision note: Based on § 41.371]

§ 123.483 Minimum altitudes for use of automatic pilot.

(a) *En route operations.* Except as provided in paragraph (b) of this section, no person may use an automatic pilot en route, including climb and descent, at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the automatic pilot under cruise conditions, or less than 500 feet, whichever is higher.

(b) *Approaches.* When using an instrument approach facility, no person may use an automatic pilot at an altitude above the terrain that is less than twice the maximum altitude loss specified in the Airplane Flight Manual for a malfunction of the automatic pilot under approach conditions, or less than 50 feet below the approved minimum ceiling for the facility, whichever is higher, except—

(1) When reported weather conditions are less than the basic VFR weather conditions in § 91.105 of this chapter, no person may use an automatic pilot with an approach coupler for ILS approaches at an altitude above the terrain that is less than 50 feet higher than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the automatic pilot with approach coupler under approach conditions; and

(2) When reported weather conditions are equal to or better than the basic VFR minimums in § 91.105 of this chapter, no person may use an automatic pilot with an approach coupler for ILS approaches at an altitude above the terrain that is less than the maximum altitude loss specified in the Airplane Flight Manual for the malfunction of the automatic pilot with approach coupler under approach conditions, or 50 feet, whichever is higher.

[Revision note: Based on § 41.372]

§ 123.485 Forward observer's seat; en route inspections.

(a) Each air carrier shall make available a seat on the flight deck of each airplane, used by it in air transportation, for occupancy by the Administrator while conducting en route inspections. The location and equipment of the seat, with respect to its suitability for use in conducting en route inspections, is determined by the Administrator.

(b) In each airplane that has more than one observer's seat, in addition to the seats required for the crew complement for which the aircraft was certificated, the forward observer's seat must be made available to the Administrator.

[Revision note: Based on SR 440]

Subpart P—Dispatching Rules

§ 123.501 Dispatching authority.

(a) No person may start a flight unless an aircraft dispatcher specifically authorizes that flight.

(b) No person may continue a flight from an intermediate airport without redispatch if the airplane has been on the ground more than six hours.

[Revision note: Based on § 41.381]

§ 123.503 Familiarity with weather conditions.

No dispatcher may release a flight unless he is thoroughly familiar with reported and forecast weather conditions on the route to be flown.

[Revision note: Based on § 41.382]

§ 123.505 Informing the pilot in command.

(a) Before releasing a flight, the dispatcher shall give the pilot in command all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of the flight.

(b) During a flight, the dispatcher shall give the pilot in command any additional available information of meteor-

ological conditions and irregularities of facilities and services that may affect the safety of the flight.

[Revision note: Based on § 41.383]

§ 123.507 Airplane equipment.

No person may dispatch an airplane unless it is airworthy and is equipped as prescribed in § 123.251.

[Revision note: Based on § 41.384]

§ 123.509 Communication and navigation facilities.

(a) Except as provided in paragraph (b) of this section, no person may dispatch an airplane over an approved route or route segment unless the communication and navigation facilities required by §§ 123.47 and 123.51 for the approval of that route or segment are in satisfactory operating condition.

(b) If, because of technical reasons or other reasons beyond the control of an air carrier, the facilities required by §§ 123.47 and 123.51 are not available over a route or route segment outside the United States, the air carrier may dispatch an airplane over that route or route segment if the pilot in command and dispatcher find that communication and navigation facilities equal to those required are available and are in satisfactory operating condition.

[Revision note: Based on § 41.385]

§ 123.511 Dispatching under VFR.

No person may dispatch an airplane for VFR operation unless the ceiling and visibility en route, as indicated by available weather reports or forecasts, or any combination thereof, are and will remain at or above VFR minimums until the airplane arrives at the airport or airports specified in the dispatch release.

[Revision note: Based on § 41.386]

§ 123.513 Dispatching under IFR, over-the-top, or over water.

(a) Except as provided in paragraph (b) of this section, no person may dispatch an airplane under IFR, over-the-top, or extended over water unless appropriate weather reports and forecasts, or any combination thereof, indicate that the ceilings and visibilities will be at the authorized minimums at the estimated time of arrival at each airport.

(b) A person may dispatch an airplane for a flight that involves extended overwater operations if appropriate weather reports and forecasts, or any combination thereof, indicate that the ceilings and visibilities will be at or above the authorized minimums at the estimated time of arrival at any airport to which dispatched or to any required alternate airport.

(c) Each air carrier shall conduct extended overwater operations under IFR unless it shows that operating under IFR is not necessary for safety.

(d) Each air carrier shall conduct other overwater operations under IFR if the Administrator determines that operation under IFR is necessary for safety.

[Revision note: Based on § 41.387]

§ 123.515 Alternate airport for departure.

(a) If the weather conditions at the airport of takeoff are below the landing minimums in the air carrier's operations specifications for that airport, no person may dispatch an airplane from that airport unless the dispatch release specifies an alternate airport located within the following distances from the airport of takeoff:

(1) *Airplanes having two or three engines.* Not more than one hour from the departure airport at normal cruising speed in still air with one engine inoperative.

(2) *Airplanes having four or more engines.* Not more than two hours from the departure airport at normal cruising speed in still air with one engine inoperative.

(b) For the purposes of paragraph (a) of this section, the alternate airport weather conditions must meet the requirements of the air carrier's operations specifications.

(c) No person may dispatch an airplane from an airport unless he lists each required alternate airport in the dispatch release.

[Revision note: Based on § 41.388]

§ 123.517 Alternate airport for destination.

(a) No person may dispatch an airplane under IFR or over-the-top unless he lists at least one alternate airport for each destination airport in the dispatch release, unless—

(1) The flight is scheduled for not more than six hours and the ceiling is forecast to be at least 1,000 feet above the minimum initial approach altitude, and the visibility is forecast to be at least three miles, at the destination airport for two hours before and two hours after the estimated time of arrival; or

(2) The flight is over a route approved without an available alternate airport for a particular destination airport and the airplane has enough fuel to meet the requirements of § 123.531(b) or § 123.533(b).

(b) For the purposes of paragraph (a) of this section, the weather conditions at the alternate airport must meet the requirements of the air carrier's operations specifications.

(c) No person may dispatch a flight unless he lists each required alternate airport in the dispatch release.

[Revision note: Based on § 41.389]

§ 123.519 Alternate airport weather minimums.

No person may list an airport as an alternate airport in the dispatch release unless the appropriate weather reports or forecasts, or any combination thereof, indicate that the ceilings and visibilities will be at or above the alternate weather minimums specified in the air carrier's operations specifications for that airport when the flight arrives.

[Revision note: Based on § 41.390]

§ 123.521 Continuing flight in unsafe conditions.

(a) No person may allow a flight to continue toward any airport to which it has been dispatched if, in the opinion of the pilot in command or dispatcher, the flight cannot be completed safely, unless, in the opinion of the pilot in command, there is no safer procedure. In that event, continuation toward that airport is an emergency situation as set forth in § 123.467.

(b) If any instrument or item of equipment required under this chapter for the particular operation becomes inoperative en route, the pilot in command shall comply with the approved procedures for such an occurrence specified in the air carrier's manual.

(c) Procedures for continuing flight beyond a terminal point with equipment required in § 123.251 inoperative may be included in the air carrier's manual if the Administrator finds that, in a particular situation literal compliance with those equipment requirements is not necessary in the interests of safety.

[Revision note: Based on § 41.391]

§ 123.523 Operation in icing conditions.

(a) No person may dispatch an aircraft, continue to operate an aircraft en route, or land an aircraft when in the opinion of the pilot in command or dispatcher, icing conditions are expected or met that might adversely affect the safety of the flight.

(b) No person may take off an airplane when frost, snow, or ice is adhering to the wings, control surfaces, or propellers of the airplane.

[Revision note: Based on § 41.392]

§ 123.525 Original dispatch, redispatch or amendment of dispatch release.

(a) An air carrier may specify any regular, provisional, or refueling airport, authorized for the airplane to be operated, as a destination for the purpose of original dispatch.

(b) No person may allow a flight to continue to an airport to which it has been dispatched unless the weather conditions at an alternate airport that was specified in the dispatch release are forecast to be at or above the alternate minimums specified in the operations specifications for that airport at the time the airplane would arrive at the alternate airport. However, the dispatch release may be amended en route to include any approved alternate airport that is within the fuel range of the airplane as specified in §§ 123.531 through 123.535.

(c) No person may change an original destination or alternate airport that is specified in the original dispatch to another airport while the airplane is en route unless the other airport is authorized for that type of airplane and meets the requirements of §§ 123.501 through 123.541 and §123.111 at the time of redispatch.

(d) Each person who amends a dispatch or flight release en route shall record that amendment.

[Revision note: Based on § 41.393]

§ 123.527 Dispatch to and from refueling or provisional airports.

No person may dispatch an airplane to or from a refueling or provisional airport unless that airport meets the requirements of this part applicable to regular airports.

[Revision note: Based on § 41.394]

§ 123.529 Takeoffs from unlisted and alternate airports.

(a) No pilot may take off an airplane from an airport that is not listed in the operations specifications unless—

(1) The airport and related facilities are adequate for the operation of the airplane;

(2) He can comply with the applicable airplane operating limitations;

(3) The airplane has been dispatched according to dispatching rules applicable to operation from an approved airport; and

(4) The ceiling and visibility at that airport are equal to or better than the following:

(i) *Airports in the United States.* The ceiling and visibility minimums for takeoff prescribed in § 91.117, but not less than 300–1, whichever is higher; or where minimums are not prescribed for the airport, 800–2, 900–1 1/2, or 1,000–1.

(ii) *Airports outside the United States.* The ceiling and visibility minimums for takeoff prescribed or approved by the government of the country in which the airport is located, but not less than 300–1; or where minimums are not prescribed or approved for the airport, 800–2, 900–1 1/2, or 1,000–1.

(b) No pilot may take off from an alternate airport unless the ceiling and visibility are at least equal to the minimums prescribed in the air carrier's operations specifications for alternate airports.

[Revision note: Based on § 41.395]

§ 123.531 Fuel supply; nonturbine and turbo-propeller-powered airplanes.

(a) No person may disaptch or take off a nonturbine or turbo-propeller-powered airplane unless, considering the wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is dispatched;

(2) Thereafter, to fly to and land at the most distant alternate airport specified in the dispatch release; and

(3) Thereafter, to fly for 30 minutes plus 15 percent of the total time required to fly at normal cruising fuel consumption to the airports specified in subparagraphs (1) and (2) of this paragraph or to fly for 90 minutes at normal cruising fuel consumption, whichever is less.

(b) No person may dispatch a nonturbine or turbo-propeller-powered airplane to an airport for which an alternate is not specified under § 123.517, unless it has enough fuel, considering wind and forecast weather conditions, to fly to that airport and thereafter to fly for three hours at normal cruising fuel consumption.

[Revision note: Based on § 41.396(a)]

§ 123.533 Fuel supply; turbine-powered airplanes, other than turbo-propeller.

(a) No person may dispatch or take off a turbine-powered airplane (other than a turbo-propeller airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is dispatched;

(2) Thereafter, to fly for 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was dispatched;

(3) Thereafter, to fly to and land at the most distant alternate airport specified in the dispatch release; and

(4) Thereafter, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

(b) No person may dispatch a turbine-powered airplane (other than a turbo-propeller airplane) to an airport for which an alternate is not specified under § 123.517(a) unless it has enough fuel, considering wind and forecast weather conditions, to fly to that airport and thereafter to fly for two hours at normal cruising fuel consumption.

(c) The Administrator may amend the operations specifications of an air carrier to require more fuel than any of the minimums stated in paragraph (a) or (b) of this section if he finds that additional fuel is necessary on a particular route in the interest of safety.

[Revision note: Based on § 41.396 (less (a))]

§ 123.535 Factors for computing fuel required.

Each person computing fuel required for the purposes of this subpart shall consider the following:

(a) Wind and other weather conditions forecast.

(b) Anticipated traffic delays.

(c) One instrument approach and one missed approach at destination.

(d) Any other conditions that may delay landing of the aircraft. For the purposes of this section, required fuel is in addition to unusable fuel.

[Revision note: Based on § 41.397]

§ 123.537 Takeoff and landing weather minimums: IFR.

(a) Regardless of any clearance from ATC, no pilot may take off an airplane under IFR if weather reports show the ceiling or ground visibility is less than that specified for the takeoff airport in § 91.117, Part 97 of this chapter, or in the air carrier's operations specifications for the airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no pilot may execute an instrument approach procedure or land under IFR at an airport if the latest U.S. Weather Bureau report or a source approved by the Weather Bureau for that airport indicates that the ceiling or visibility is less than that prescribed by the Administrator for landing at that airport.

(c) A pilot may execute an instrument approach procedure if the U.S. Weather Bureau report or a source approved by the Weather Bureau indicates that the ceiling or visibility is less than the approved minimum for landing, if the airport is served by operative ILS and PAR and both are used by the pilot. Thereafter the pilot may land if weather conditions are equal to or better than the prescribed minimums found by the pilot in command on reaching the authorized landing minimum altitude.

(d) If a pilot initiates an instrument approach procedure when the current U.S. Weather Bureau report or a source approved by the Weather Bureau indicates that the prescribed ceiling and visibility minimums exist, and a later weather report indicating below minimum conditions is received after the airplane—

(1) Is on an ILS final approach and has passed the outer marker;

(2) Is on final approach using a radio range station or comparable facility, has passed the appropriate facility, and has reached the authorized minimum landing altitude; or

(3) Is on GCA final approach and has been turned over to the final approach controller;

the approach may be continued and a landing may be made, if weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command after reaching the authorized landing minimum altitude.

(e) If the pilot in command of an airplane has not served 100 hours as pilot in command in air carrier or commercial operations in the type of airplane he is operation, the ceiling and visibility landing minimums in the air carrier operations specifications for regular, provisional, or refueling airports are increased by 100 feet and one-half mile, respectively. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport. The sliding scale in the operations specifications does not apply until the pilot in command has served 100 hours as pilot in command in air carrier or commercial operations in the type of airplane he is operating.

[Revision note: Based on § 41.406]

§ 123.539 Applicability of reported weather minimums.

In conducting operations under § 123.537, the ceiling and visibility values in the main body of the latest weather report control for IFR takeoffs and landings and for instrument approach procedures on all runways of an airport. However, if the latest weather report, including an oral report from the control tower, contains a visibility value specified as runway visibility for a particular runway of an airport, that specified value controls for IFR landings and takeoffs and straight-in instrument approaches for that runway.

[Revision note: Based on § 41.407]

§ 123.541 Flight altitude rules.

(a) *General.* Notwithstanding § 91.79 or any rule applicable outside the United

States, no person may operate an airplane below the minimums set forth in paragraphs (b) and (c) of this section, except when necessary for takeoff or landing, or when, after considering the character of the terrain, the quality and quantity of meteorological services, the navigational facilities available, and other flight conditions, the Administrator prescribes other minimums for any route or part of a route where he finds that the safe conduct of the flight requires other altitudes.

(b) *Day VFR passenger operations.* No person may operate a passenger-carrying airplane under VFR during the day at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(c) *Night and over-the-top operations.* No person may operate an airplane at night or over-the-top, at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course, or, in designated mountainous areas, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course. However, any person operating an airplane under VFR at night in designated mountainous areas may operate over an approved lighted airway at a minimum altitude of 1,000 feet above such an obstacle.

[Revision note: Based on §41.406]

§ 123.543 Initial approach altitude.

When making an initial approach to a radio navigation facility under IFR, no person may descend below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

[Revision note: Based on § 41.409]

§ 123.545 Responsibility for dispatch release.

Each air carrier shall prepare a dispatch release for each flight between specified points, based on information furnished by an authorized aircraft dispatcher. The pilot in command and an authorized aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher may delegate authority to sign a release for a particular flight, but he may not delegate his authority to dispatch.

[Revision note: Based on § 41.410]

§ 123.547 Load manifest.

The air carrier is responsible for the preparation and accuracy of a load manifest form before each takeoff. The form must be prepared and signed for each flight by employees of the air carrier who have the duty of supervising the loading of airplanes and preparing the load manifest forms or by other qualified persons authorized by the air carrier.

[Revision note: Combines §§ 41.411 and 41.504(b)]

Subpart Q—Records and Reports

§ 123.561 Crewmember and dispatcher record.

Each air carrier shall—

(a) Maintain a current record of each crewmember and aircraft dispatcher that shows whether or not he complies with this chapter (e.g. proficiency and route checks, airplane and route qualifications, training physical examinations, and flight time records); and

(b) Record each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember or aircraft dispatcher and keep the record for at least six months thereafter.

[Revision note: Based on § 41.501]

§ 123.563 Airplane record.

Each air carrier shall maintain a current list of each airplane that it operates in scheduled air transportation and shall send a copy of the record and each change to the FAA Air Carrier District Office charged with the overall inspection of its operations. Airplanes of another air carrier operated under an interchange agreement may be incorporated by reference.

[Revision note: Based on § 41.502]

§ 123.565 Dispatch release.

(a) The dispatch release may be in any form but must contain at least the following information concerning each flight:

(1) Identification number of the aircraft.

(2) Trip number.

(3) Departure airport, intermediate stops, destination airports, and alternate airports.

(4) A statement of the type of operation (e.g. IFR, VFR).

(5) Minimum fuel supply.

(b) The dispatch release must contain, or have attached to it, weather reports available, weather forecasts or a combination thereof, for the destination airport, intermediate stops; and alternate airports, that are the latest available at the time the release is signed. It may include any additional available weather reports or forecasts that the pilot in command or the aircraft dispatcher considers necessary or desirable.

[Revision note: Based on § 41.503]

§ 123.567 Load manifest.

The load manifest must contain the following information concerning the loading of an airplane at takeoff time:

(a) The weight of the airplane, fuel and oil, cargo (including mail and baggage), and passengers.

(b) The maximum allowable weight for that flight.

(c) The total weight computed under approved procedures.

(d) Evidence that the airplane is loaded according to an approved schedule that insures that the center of gravity is within approved limits.

[Revision note: Based on § 41.504 less (b)]

§ 123.569 Disposition of load manifest, dispatch release, and flight plans.

(a) The pilot in command of an aircraft shall carry in the aircraft to its destination—

(1) A copy of the completed load manifest (or information from it, except information concerning cargo and passenger distribution);

(2) A copy of the dispatch release; and

(3) A copy of the flight plan.

(b) The air carrier shall keep copies of the records required in this section for at least three months.

[Revision note: Based on § 41.505]

§ 123.571 Maintenance records.

(a) Each air carrier shall keep, at its principal maintenance base, current records of total time in service, time since last overhaul, and time since last inspection, for each major component of each airframe, engine, propeller, and, where practicable appliance.

(b) An air carrier may discontinue total time in service records if it shows that the service life of component parts is safely controlled by inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time in service records for a part when he finds that other procedures will not safely limit the service life of that part.

(c) An aircraft component for which complete records required by this section are not available may be placed in service if—

(1) It is of a type for which total time in service records are not required by paragraph (b) of this section;

(2) Parts that the Administrator or manufacturer limits to a specific total time in service are retired and replaced by new parts; or

(3) It has been properly overhauled or rebuilt and the overhaul or rebuilding is recorded in the maintenance records.

[Revision note: Based on § 41.506]

§ 123.573 Maintenance log.

(a) Each person who takes action in the case of a reported or observed failure or malfunction of an airframe, engine, propeller, or appliance that is critical to the safety of flight shall make, or have made, a record of that action in the airplane's maintenance log.

(b) Each air carrier shall have an approved procedure for keeping adequate copies of the record required in paragraph (a) of this section in the airplane in a place readily accessible to each flight crewmember and shall put that procedure in the air carrier manual.

[Revision note: Based on § 41.507]

§ 123.575 Mechanical reliability reports.

(a) Each air carrier shall report the occurrence or detection of each failure, malfunction, or defect concerning—

(1) Fires during flight and whether the related fire-warning system functioned properly;

(2) Fires during flight and whether the related fire-warning system did not function properly;

(3) Fires during flight not protected by a related fire-warning system;

(4) False fire-warning during flight;

(5) An engine exhaust system that causes damage during flight to the engine, adjacent structure, equipment, or components;

(6) An airplane component that causes accumulation or circulation of smoke, vapor, or toxic or noxious fumes in the crew compartment or passenger cabin during flight;

(7) Engine shutdown during flight because of flameout;

(8) Engine shutdown during flight when external damage to the engine or airplane structure occurs;

(9) Engine shutdown during flight due to foreign object ingestion or icing;

(10) Engine shutdown during flight of more than one engine;

(11) A propeller feathering system or ability of the system to control overspeed during flight;

(12) A fuel or fuel-dumping system that effects fuel flow or causes hazardous leakage during flight;

(13) A landing gear extension or retraction or opening or closing of landing gear doors during flight;

(14) Brake system components that result in loss of brake actuating force when the airplane is in motion on the ground.

(15) Airplane structure that requires major repair;

(16) Cracks, permanent deformation, or corrosion of airplane structures, if more than the maximum acceptable to the manufacturer or the FAA; and

(17) Airplane components or systems that result in taking emergency actions during flight (except action to shutdown an engine).

(b) For the purpose of this section "during flight" means the period from the moment the airplane leaves the surface of the earth on takeoff until it touches down on landing.

(c) In addition to the reports required by paragraph (a) of this section, each air carrier shall report any other failure, malfunction, or defect in an airplane that occurs or is detected at any time if, in its opinion, that failure, malfunction, or defect has endangered or may endanger the safe operation of an airplane used by it.

(d) Each air carrier shall send each report required by this section, in writing, covering each 24-hour period beginning at 0900 hours local time of each day and ending at 0900 hours local time on the next day, to the FAA maintenance inspector assigned to its operations. The report must be delivered to him by 0900 hours local time on the following day. However, a report that is due on Saturday or Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday.

(e) The air carrier shall transmit the reports required by this section in a manner and on a form that is convenient to its system of communication and procedure, and shall include in the first daily report as much of the following as is available:

(1) Type and identification number of the airplane.

(2) The name of the operator.

(3) The date, flight number, and stage during which the incident occurred (e.g. preflight, takeoff, climb, cruise, descent, landing, and inspection).

(4) The emergency procedure effected (e.g. unscheduled landing and emergency descent).

(5) The nature of the failure, malfunction, or defect.

(6) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since overhaul.

(7) Apparent cause of the failure, malfunction, or defect (e.g. wear, crack, design deficiency, or personnel error).

(8) Whether the part was repaired, replaced, sent to the manufacturer, or other action taken.

(9) Whether the airplane was grounded.

(10) Other information necessary for identification, determination of seriousness, or corrective action.

(f) Failures, malfunctions, or defects reported under the accident reporting provisions of Part 320 of the regulations of the Civil Aeronautics Board need not be reported under this section.

(g) No person may withhold a report required by this section even though all information required in this section is not available.

(h) When an air carrier gets additional information, including information from the manufacturer or other agency, concerning a report required by this section, it shall expeditiously submit it as a supplement to the first report and reference the date and place of submission of the first report.

[Revision note: Based on § 41.508]

§ 123.577 Mechanical interruption summary report.

Each air carrier shall regularly and promptly send a summary report on the following occurrences to the Administrator:

(a) Each interruption to a scheduled flight, unscheduled change of airplane en route, or unscheduled stop or diversion from a route, caused by known or suspected mechanical difficulties or malfunctions that are not required to be reported under § 123.575.

(b) The number of engines removed prematurely because of malfunction, failure or defect, listed by make and model and the aircraft type in which it was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and engine and airplane on which it was installed. Propeller featherings for training, demonstration, or flight check purposes need not be reported.

[Revision note: Based on § 41.509]

§ 123.579 Alteration and repair reports.

(a) Each air carrier shall, promptly upon its completion, prepare a report of each major alteration or major repair of an airframe, engine, propeller, or appliance.

(b) The carrier shall submit a copy of each report of a major alteration to, and shall keep a copy of each report of a major repair available for inspection by, the representative of the Administrator who is assigned to the carrier.

[Revision note: Based on § 41.510]

§ 123.581 Maintenance release.

(a) When a maintenance organization releases an aircraft to flight operations, a maintenance inspector or a person authorized by the inspection organization shall prepare and sign a maintenance release or appropriate entry in the maintenance log certifying that the airplane is airworthy.

(b) If a maintenance release form is used, the air carrier shall give a copy to the pilot in command and shall keep an appropriate record for at least two months.

[Revision note: Based on § 41.511]

§ 123.583 Communication records.

Each air carrier shall record each en route radio contact between the air carrier and its pilots and shall keep that record for at least 30 days.

[Revision note: Based on § 41.512]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) of paragraph (a) of § 213.3104 is amended as set out below.

§ 213.3104 Department of State.

(a) *Office of the Secretary.* • • •

(7) Not to exceed January 1, 1966, not more than five Protocol Officers, grades GS–5 to –13 in the Office of Protocol; and not more than ten Representational Services Officers, grades GS–5 to –15 in the Office of Special Representational Services.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–766; Filed, Jan. 27, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Apportionment of Food Assistance Funds Pursuant to National School Lunch Act, as Amended, Fiscal Year 1964

Pursuant to section 4 of the National School Lunch Act, as amended (Public Law 87–823), food assistance funds available for the fiscal year ending June 30, 1964, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$3,697,919	$3,606,313	$91,606
Alaska	106,647	106,647	
Arizona	1,082,916	975,760	55,156
Arkansas	2,025,950	1,962,634	63,316
California	6,419,508	6,419,508	
Colorado	1,153,784	1,068,463	85,321
Connecticut	1,061,628	1,061,628	
Delaware	221,048	216,850	4,196
District of Columbia	186,007	186,007	
Florida	4,067,159	3,947,702	119,457
Georgia	4,418,411	4,418,411	
Guam	71,212	66,186	5,026
Hawaii	533,267	501,330	41,937
Idaho	583,960	568,977	14,983
Illinois	4,228,866	4,228,866	
Indiana	$2,842,498	$2,842,498	
Iowa	2,114,211	1,862,993	$251,218
Kansas	1,456,883	1,456,883	
Kentucky	3,213,995	3,213,995	
Louisiana	4,308,357	4,308,357	
Maine	695,351	610,620	84,731
Maryland	1,630,461	1,549,192	81,269
Massachusetts	2,464,479	2,464,479	
Michigan	3,903,579	3,403,713	504,866
Minnesota	2,577,307	2,220,018	357,289
Mississippi	3,184,251	3,184,251	
Missouri	2,630,842	2,630,842	
Montana	442,914	410,408	32,506
Nebraska	891,718	740,933	150,785
Nevada	111,963	110,587	1,376
New Hampshire	353,363	353,363	
New Jersey	2,144,594	1,825,811	318,783
New Mexico	570,894	570,894	
New York	7,373,429	7,373,429	
North Carolina	5,268,149	5,268,149	
North Dakota	560,020	493,136	66,884
Ohio	5,270,919	4,590,372	680,547
Oklahoma	1,778,185	1,778,185	
Oregon	1,134,220	1,135,220	
Pennsylvania	5,681,690	4,960,507	821,183
Puerto Rico	3,590,405	3,590,405	
Rhode Island	351,829	351,829	
South Carolina	3,222,553	3,186,888	35,665
South Dakota	469,891	469,891	
Tennessee	3,515,110	3,442,982	72,128
Texas	6,420,186	6,150,373	269,725
Utah	845,128	840,469	4,659
Vermont	249,948	249,948	
Virginia	3,154,182	3,074,197	79,985
Virgin Islands	63,363	63,363	
Washington	1,695,969	1,618,653	67,306
West Virginia	1,541,709	1,501,169	40,540
Wisconsin	2,412,545	1,861,388	551,157
Wyoming	282,002	232,002	
American Samoa	25,000	25,000	
Total	120,000,000	115,641,139	4,068,861

(Secs. 2–12, 60 Stat. 230–233, as amended, 76 Stat. 944; 42 U.S.C. 1751–1760, Public Law 87–823)

Dated: January 22, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64–774; Filed, Jan. 27, 1964; 8:47 a.m.]

[Amdt. 2]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Miscellaneous Amendments

The regulations for the operation of the Special Milk Program for Children (27 F.R. 7482) are hereby amended as follows:

1. Paragraph (l) of § 215.2 *Definitions* is amended to read:

§ 215.2 Definitions.

• • • • • •

(l) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or FDD where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) have no food service for the attending children or (2) are participating in the National School Lunch Program at assigned reimbursement rates of more than nine cents per Type A lunch, from Federal funds.

• • • • • •

2. Paragraph (f) of § 215.12 *Claims against schools and child-care institutions* is amended to read:

§ 215.12 Claims against schools or child-care institutions.

• • • • • •

(f) The amounts recovered by the State Agency from schools and child-care institutions may be utilized, first, to make reimbursement payments for milk served during the fiscal year for which the funds were initially available, and second, to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to AMS in accordance with the requirements of § 215.5(d) of this part.

• • • • • •

Effective date. This amendment shall be effective upon publication.

[SEAL] GEORGE L. MEHREN,
Assistant Secretary.

JANUARY 23, 1964.

[F.R. Doc. 64–775; Filed, Jan. 27, 1964; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7211 o.]

PART 13—PROHIBITED TRADE PRACTICES

American Cyanamid Co. et al.

Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices;* § 13.435 *To fix prices through patent license agreements;* § 13.493 *To submit collusive bids.* Subpart—Using patents, rights or privileges unlawfully: § 13.2485 *Using patents, patents, rights or privileges unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Cyanamid Co., et al., New York, N.Y., Docket 7211o, Dec. 17, 1963]

In the Matter of American Cyanamid Company, a Corporation; Bristol-Myers Company, a Corporation; Bristol Laboratories, Inc., a Corporation; Chas. Pfizer & Co., Inc., a Corporation; Olin Mathieson Chemical Corporation, a Corporation; and The Upjohn Company, a Corporation

Order modifying desist order of August 8, 1963 [28 F.R. 9253], which required the six antibiotic manufacturers and distributors accounting for 100 percent of the industry's sale of tetracycline, to cease concerted price fixing and collusive bidding in the sale of that product—by (1) deleting from paragraphs 1 the words "knowingly common course of action";

(2) changing paragraphs 1 and 2 so as to apply to "tetracycline sold in dosage forms for human consumption"; (3) inserting a proviso which would allow respondents to use fair trade agreements pursuant to the McGuire Act; and (4) adding a proviso to paragraph 2 to allow respondents opportunity to take advantage of price changes made before the effective date of the order and not in the record; and adding the requirements that Pfizer grant a nonexclusive, nondiscriminatory license to any domestic applicant to make tetracycline under all claims of its patent obtained for unfair means, that American Cyanamid grant a similar license to any domestic applicant to make chlortetracycline for conversion into tetracycline, and that both furnish to licensees all necessary information, know-how and cultures for such manufacture; and requiring that any assignee or purchaser of the patents concerned observe the provisions of the instant order.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

1. *It is ordered,* That respondents Chas. Pfizer & Co., Inc., American Cyanamid Company, Bristol-Myers Company, Bristol Laboratories, Inc., Olin Mathieson Chemical Corporation, The Upjohn Company, and their respective officers, agents, representatives and employees, in connection with the offering for sale, sale or distribution, in commerce, between and among the several states of the United States and in the District of Columbia, of tetracycline,[1] do forthwith cease and desist from entering into, cooperating in, carrying out, or continuing any conspiracy, planned common course of action, understanding, combination or agreement between or among any two or more of said respondents, or between any one or more of said respondents and any other person[2] or persons not a party hereto, to do or perform any of the following acts, practices or things:

(A) Raising, fixing, stabilizing or maintaining prices or terms or conditions of sale;

(B) Discussing, conferring on or exchanging information for the purpose or with the effect of raising, fixing, stabilizing or maintaining prices, or discounts, or terms or conditions of sale, or of securing adherence by respondents or other persons to prices, terms or conditions of sale;

(C) Submitting collusive or rigged bids to purchasers or potential purchasers: *Provided, however,* That nothing contained herein shall be construed as prohibiting any resale price maintenance contracts which any of the respondents may enter into in conformity with section 5 of the Federal Trade Commission Act, as amended by the McGuire Act (Public Law 542, Chapter 745, 82nd Cong., 2d Sess., approved July 14, 1952).

2. *It is further ordered,* That respondents American Cyanamid Company, Bristol-Myers Company, Bristol Laboratories, Inc., Chas. Pfizer & Co., Inc., Olin Mathieson Chemical Corporation and The Upjohn Company shall within sixty (60) days after the date on which this order shall become final, individually and independently:

(A) Review its then prevailing prices for tetracycline.

(B) Determine new prices for tetracycline based on its own manufacturing and overhead costs, the margin of profit individually desired, and other lawful considerations; and

(C) Cancel existing prices, price lists, price sheets, price announcements and in place of its then prevailing prices establish the new prices determined under (B) above, which prices shall become effective not later than sixty (60) days after the effective date of this order. Nothing contained herein shall prevent any respondent from thereafter deviating from, modifying or otherwise changing the new prices or new price lists as established for any lawful purpose: *Provided, however,* That a price redetermination need not be made in accordance with the above by any respondent (1) if respondent has filed an affidavit and supporting evidence with the Commission that it has, previous to the effective date of this order, revised, determined and announced prices in a manner that satisfies the requirements of the above provision, or (2) if respondent submits satisfactory evidence that prior to the effective date of this order there has been a substantial change in the price structure of tetracycline that obviates the necessity of enforcing the above provision.

3. *It is further ordered,* That respondent Chas. Pfizer & Co., Inc. grant to any domestic applicant making written request therefor, a nonexclusive, nondiscriminatory license to make, use, and sell tetracycline under all claims of U.S. Patent 2,699,054. Said licenses granted hereunder shall be for the full, unexpired term of said patent and shall contain no restriction or limitation, except that such licenses may contain provisions in a form customary in such patent licenses, allowing the licensor to collect royalties of not more than two and one-half (2½) percent of the net sales of tetracycline manufactured or sold under said licenses, providing for the inspection of books and records by independent auditors to determine the correctness of any royalty payment, and providing for the cancellation of the licenses at the option of the licensor upon failure of the licensee to permit such inspection or to pay royalties due and payable. Said licenses shall provide that in the case of the licensor granting or having granted more favorable terms to any other licensee, the licensee under said license shall be entitled to equal treatment: *Provided, however,* That respondent may require any such applicant to pay upon acceptance of a license an amount not exceeding $2,500 which shall be applied against future royalty payments.

4. *It is further ordered,* That respondent American Cyanamid Company grant to any domestic applicant making written request therefor, a nonexclusive, nondiscriminatory license to make chlortetracycline for conversion into tetracycline, or to make by direct fermentation and to sell a mixture containing tetracycline and not more than six (6) per cent of chlortetracycline, under all claims of United States Patents 2,482,055 and 2,609,329. Said Licenses granted hereunder shall be for the full, unexpired term of the patent or patents licensed and shall contain no restriction or limitation on the licensee's right to make or use chlortetracycline in connection with the manufacture and sale of tetracycline as aforesaid, except that such licenses may contain provisions, in a form customary in such patent licenses, allowing the licensor to collect royalties of not more than two and one-half (2½) per cent of the net sales of tetracycline manufactured under said licenses, providing for the inspection of books and records by independent auditors to determine the correctness of any royalty payment, and providing for the cancellation of the licenses at the option of the licensor upon failure of the licensee to permit such inspection or to pay royalties due and payable. Said licenses shall provide that in the case of the licensor granting or having granted more favorable terms to any other licensee, the licensee under said license shall be entitled to equal treatment: *Provided, however,* That respondent may require any such applicant to pay an amount not exceeding $2,500 which shall apply against future royalty payments under any patent or patents licensed hereunder.

5. *It is further ordered,* That respondents Chas. Pfizer & Co., Inc. and American Cyanamid Company each refrain from making any assignment, sale, or other disposition of any of the patents required to be licensed hereunder which would deprive it of the power to issue licenses pursuant to this order unless said respondent requires as a condition of such disposition that the purchaser, assignee, or licensee shall observe the provisions of this order with respect to such patent and that the purchaser, assignee, or licensee file with the Commission a written undertaking to be bound by such provisions: *Provided, however,* That one or both of said respondents may dedicate any such patent, patents, or a general patent license to the general public in lieu of issuing licenses pursuant to the provisions of Paragraphs 3 and 4 above.

6. *It is further ordered,* That respondent American Cyanamid Company furnish to any person licensed under chlortetracycline patents pursuant to Paragraph 4 of this order, and making written request therefor, whatever technical information and know-how that American Cyanamid Company has in the past furnished Chas. Pfizer & Co. relating the manufacture and use of chlortetracycline, said technical information and know-how to include a furnishing of viable S. aureofaciens cultures that are identical to or equivalent to any cultures furnished Chas. Pfizer & Co. The information to be made available hereunder shall be made available without charge other than the expense to respondent of furnishing such information: *Provided, however,* That respondent American Cyanamid Company may require any such licensee to agree to keep said technical information and know-how confidential.

7. *It is further ordered,* That respondent Chas. Pfizer & Co. furnish to any person licensed under United States Patent 2,699,054 pursuant to Paragraph 3 of this order, and making written request therefore, whatever technical information and know-how that Chas. Pfizer & Co. has in the past furnished American Cyanamid Company relating to the manufacture of tetracycline by the deschlorination process. The information to be made available hereunder shall be made available without charge other than the expense to respondent of furnishing such information: *Provided, however,* That respondent Chas. Pfizer & Co. may require any such licensee to agree to keep said technical information and know-how confidential.

8. *It is further ordered,* That respondents American Cyanamid Company and Chas. Pfizer & Co. shall within thirty (30) days after the effective date of this order file with the Commission a written description of the know-how and technical information required to be furnished under Paragraphs 6 and 7.

It is further ordered, That each respondent named herein shall file with the Commission within sixty (60) days after the effective date of this order, a report in writing under oath, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

It is further ordered, That the Commission's order of stay in this matter dated September 27, 1963, be, and it hereby is, vacated.

Issued: December 17, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-762; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. 7730]

PART 13—PROHIBITED TRADE PRACTICES

Austin Biscuit Corp. et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.725 *Cumulative quantity discounts and schedules;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Austin Biscuit Corporation et al., Baltimore, Md., Docket 7730, Dec. 20, 1963]

In the Matter of Austin Biscuit Corporation et al., a Corporation, and Fairmont Foods Company, a Corporation

Consent order requiring a corporation in Baltimore engaged in packaging crackers, cookies, peanut butter sandwiches, salted peanuts, etc., and selling them, principally through vending machines, in 5 cent and 10 cent packages, along with the corporation which acquired its assets and business in January 1961, and continued its challenged activities, to cease discriminating in price in violation of section 2(a) of the Clayton Act by such practices as paying rebates based on a schedule of cumulative monthly purchases and, later, on a single order quantity discount schedule with an additional discount to vending machine purchasers favoring their products, as specified.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Austin Biscuit Corporation, formerly Austin Packing Company, a corporation, and respondent Fairmont Foods Company, a corporation, and their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the sale and distribution of crackers, cookies, peanut butter sandwiches, salted peanuts, and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: "Discriminating in price by selling such products of like grade and quality to any purchaser at prices higher than those granted to other purchasers, who in fact compete with the unfavored purchaser in the resale and distribution of such products."

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 20, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-763; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. 7943]

PART 13—PROHIBITED TRADE PRACTICES

Carter Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.20-30 *Competitors' products;* § 13.25 *Competitors and their products;* § 13.25-20 *Competitors' products.* Subpart—Disparaging competitors and their products: § 13.1000 *Performance;* § 13.1010 *Qualities or properties.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising;* § 13.2275-70 *Television depictions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carter Products, Inc., et al., New York, N.Y., Docket 7943, Dec. 6, 1963]

In the Matter of Carter Products, Inc., a Corporation, Sullivan, Stauffer, Colwell, & Bayles, Inc., a Corporation and S. Heagan Bayles, an Individual

Order modifying, in accordance with the opinion of the Court of Appeals, Fifth Circuit, of September 27, 1963, the Commission's original desist order in this proceeding dated April 25, 1962 (27 F.R. 7868), requiring the manufacturer of "Rise" shaving cream and its advertising agency to cease disparaging competing shaving creams and misrepresenting the superiority of their shaving cream by misleading and inaccurate comparisons on television.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Carter Products, Inc., a corporation and Sullivan, Stauffer, Colwell & Bayles, Inc., a corporation, their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of shaving cream or any other merchandise manufactured or sold by respondent Carter Products, Inc., in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Disparaging the quality or properties of any competing product or products, through the use of false or misleading pictures, depictions or demonstrations either alone or accompanied by oral or written statements.

(b) Representing directly or by implication that pictures, depictions or demonstrations either alone or accompanied by oral or written statements, accurately portray or depict the superiority of any product over competing products when such a portrayal or depiction is not an accurate comparison of such product with competing products.

And further, in the advertising, offering for sale, sale, or distribution of "Rise" shaving cream, or any other shaving cream manufactured or sold by respondent Carter Products, Inc., in commerce, as "commerce" is defined in the Federal Trade Commission Act, from misrepresenting the moisture retaining properties of competing shaving creams or otherwise falsely disparaging the quality or merits of competing shaving creams.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent S. Heagan Bayles in his individual capacity.

It is further ordered, That respondents, Carter Products, Inc., and Sullivan, Stauffer, Colwell & Bayles, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth

[1] "Tetracycline" as used in Paragraphs 1 and 2 of this order means tetracycline sold in dosage form for human consumption and any compound, combination, mixture or other form thereof.

[2] "Person" throughout this order means any individual, Partnership, or corporation.

in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 6, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-764; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. 8039 o.]

PART 13—PROHIBITED TRADE PRACTICES

National Parts Warehouse et al.

Subpart—Discriminating in price under section 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, National Parts Warehouse et al., Atlanta, Ga., Docket 8039, Dec. 16, 1963]

In the Matter of Natonal Parts Warehouse, a Limited Partnership; Bryant M. Smith, Sr., Individually and as Manager and General Partner of National Parts Warehouse; Auto Machine and Parts Co., Inc., a Corporation; Arnau Tire and Accessory Co., a Corporation; et al.

Order requiring a limited partnership—organized in 1956 by its manager and the auto parts jobber stockholders in two membership corporations which had been operated as bookkeeping devices to obtain lower prices from auto parts suppliers and which it took over—along with its manager and 55 auto parts jobber members, to cease discriminating in price in violation of section 2(f) of the Clayton Act by knowingly inducing or accepting from seller suppliers a lower net price than that at which the suppliers sold to the jobber members' competitors; and maintaining respondent warehouse as an instrumentality for inducing or receiving from suppliers discounts which resulted in a net price below that which the suppliers charged their competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Parts Warehouse, a limited partnership; Bryant M. Smith, Sr., individually and as manager and general partner of National Parts Warehouse; Auto Machine and Parts Co., Inc., a corporation; Arnau Tire and Accessory Co., a corporation; Appalachian Auto Parts Co., Inc., a corporation; Mrs. George H. Ridgeway, doing business under the firm name and style of Madison Auto Supply Co., a sole proprietorship; Moyer Auto Parts, Inc., a corporation; Auto Parts Company, Inc., a corporation; Auto Parts and Service Company, Inc., a corporation; Brunswick Auto Parts Company, a corporation; Bessemer Auto Parts, Inc., a corporation; Buchanan-Lyon Company, a corporation; Barnes Motor and Parts Co., Inc., a corporation; Battery and Electric Co., Inc., a corporation; L. R. Wells, and W. F. Wells, copartners doing business under the firm name and style of Cairo Auto Supply Co.; Cains' Parts and Service Co., a corporation; Condrey Motor Parts, Inc., a corporation; Cottle's Auto Supply Inc., a corporation; A. Macina and J. Follo, copartners doing business under the firm name and stiye of Court Square Auto Parts; Bluefield Supply Company, a corporation, doing business under the firm name and style of Counts Automotive Supply Company; E' town Distributing Company, Inc., a corporation; Dickson Auto Supply, Inc., a corporation; I. N. Kohorn, doing business under the firm name and style of Dixie Auto Parts Co., a sole proprietorship; The Fergerson Company, Inc., a corporation; George M. Greer, Barney Nation, and Mrs. George M. Greer, copartners doing business under the firm name and style of Greer Auto Supply Company; Genuine Auto Parts Co., Inc., a corporation; Gadsden Auto Parts, Inc., a corporation; General Auto Supplies, Inc., a corporation; Jordan Auto Parts, Inc., a corporation; Lakeland Battery and Auto Supply, Inc., a corporation; George O. Franklin, III, doing business under the firm name and style of Metter Auto Supply Co., a sole proprietorship; A. J. Whiddon, Sr., A. J. Whiddon, Jr., Johnny O. Whiddon and Miriam Grey Bowling, copartners, doing business under the firm name and style of Motor Bearings and Supply Co.; Morgan Supply Co., Inc., a corporation; B. H. Fenn, doing business under the firm name and style of Millville Auto Parts, a sole proprietorship; The Megahee-Speight Co., a corporation; Motor Supply Company, Inc., a corporation; McLean Auto Supply Company, a corporation; T. Felton Millians, doing business under the firm name and style of Newnan Auto Supply, a sole proprietorship; Pensacola Automotive Supply Co., a corporation; Piston Ring and Supply Co., Inc., a corporation; Parts Supply Company, a corporation; Barney R. Riner, doing business under the firm name and style of Riner Radiator and Battery Co., a sole proprietorship; George Stuckey, James Stuckey and Dexter Stuckey, copartners doing business under the firm name and style of Stuckey Brothers Parts Co.; Guy Fumbanks, doing business under the firm name and style of Standard Auto Supply, a sole proprietorship; R. S. Woodham and W. P. Woodham, copartners doing business under the firm name and style of Tallahassee Auto Parts Company; Tanner Auto Parts, Inc., a corporation; White Stores, Inc., a corporation, doing business under the firm name and style of White Electric and Battery Service; Calhoun H. Young and Ruth C. Young, copartners, doing business under the firm name and style of Young Parts and Supply Co.; MacGregor Flanders, doing business under the firm name and style of Flanders Parts Company, a sole proprietorship; M. S. Church Auto Parts Company, a corporation; A. C. Craig and J. A. Craig, copartners doing business under the firm name and style of Craig Supply Co.; Hyatt Parts and Supply Co., a corporation; Marianna Auto Parts & Supply Co., a corporation; Wendell Frazier, Norriss Frazier and Winston C. Nunn, copartners doing business under the firm name and style of Nunn Auto Supply Co.; Thompson Auto Supply Co., Inc., a corporation; Wood's Automotive, Inc., a corporation; Huggins Motor Parts, Inc., a corporation, limited partners in National Parts Warehouse, and their respective officers, agents, representatives and employees, in connection with the purchase of any automotive parts, accessories or supplies or other similar products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Knowingly inducing, or knowingly receiving or accepting, any discrimination in the price of such products by directly or indirectly inducing, receiving or accepting from any seller a net price respondents know or should know is below the net price at which said products of like grade and quality are being sold by such seller to other customers who in fact compete with respondents in the resale and distribution of such products.

(2) Maintaining, operating, or utilizing respondent National Parts Warehouse or any other organization as a means or instrumentality to induce or receive discounts or rebates which result in a net price respondents know or should know is below the net price at which said products of like grade and quality are being sold by such seller to other customers who in fact compete with respondents in the resale and distribution of such products. The provisions of this paragraph (2) are not applicable to respondent National Parts Warehouse or respondent Bryant M. Smith, Sr.

For the purpose of determining the "net price" under the terms of this order, there shall be taken into account all discounts, rebates, allowances, deductions or other terms and conditions of sale by which net prices are effected.

It is further ordered, That the aforesaid respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 16, 1963.

By the Commission, Commissioner Elman not concurring and Commissioner Higginbotham concurring.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-765; Filed, Jan. 27, 1964; 8:46 a.m.]

[Docket No. 8509 o.]

PART 13—PROHIBITED TRADE PRACTICES

Harry E. Strauss et al.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service:* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Harry E. Strauss et al. trading as Capra Gem Company, Philadelphia, Pa., Docket 8509, Dec. 18, 1963]

In the Matter of Harry E. Strauss and Frank E. Luckenbach, Individuals and Partners Trading as Capra Gem Company

Order requiring Philadelphia sellers of synthetic stones to the public to cease representing falsely by use of the word "gem" on their trade name and otherwise, and by such representations in advertising their products as "authentic", "Capra Gem", "Capra Gems are 7¼ on the Mohs hardness scale" and "surpass the brilliance of diamonds", and that their synthetic stones were precious or semiprecious stones.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Harry E. Strauss and Frank E. Luckenbach, individually and as partners trading as Capra Gem Company, or any other name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of synthetic stones now designated as "Capra Gems," or any imitation stone, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "authentic" to describe the aforesaid product or representing in any other manner that said synthetic stones are natural stones.

2. Representing directly or by implication that such stones are 7¼ on the Mohs hardness scale or misrepresenting in any manner the hardness of said stones.

3. Representing directly or by implication that such stones are equal to or surpass the brilliance of diamonds or misrepresenting in any manner the quality of said stones with regard to brilliance.

4. Representing directly or by implication, pictorially or otherwise, that such stones are blue-white or emit a blue-white color, or misrepresenting in any manner the color of said stones.

5. Using the word "gem" as descriptive of such stones unless it is clearly disclosed that such stones are not natural stones or natural gems; using the name of any precious or semi-precious stone in such context as to imply said stones are in any way a counterpart of the named stones; or using the name of any precious or semi-precious stone as descriptive of such stones unless such word or name is immediately preceded with equal conspicuity by the word "synthetic" or "imitation", or by some other word or phrase of like meaning, so as clearly to disclose the fact that it is not a natural stone.

It is further ordered, That the respondents, Harry E. Strauss and Frank E. Luckenbach, individually and as partners trading as Capra Gem Company, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 18, 1963.

By the Commission. Commissioner Anderson concurring in part and dissenting in part.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-766; Filed, Jan. 27, 1964; 8:46 a.m.]

[Docket No. 8540]

PART 13—PROHIBITED TRADE PRACTICES

B. Wollman & Bros., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation;* § 13.1255-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40 (b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, B. Wollman & Bros., Inc., et al., New York, N.Y., Docket 8540, Dec. 5, 1963]

In the Matter of B. Wollman & Bros., Inc., and Barney Wollman, Sheldon Wollman, Herman Wallman, and Harry Wallman, Individually and as Officers of Said Corporation

Order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by labeling and invoicing furs which were artificially colored as natural, and failing to disclose on labels and invoices and in advertising that certain furs were bleached or dyed; failing to disclose in advertising the names of animals producing furs and the country of origin of imported furs, and to describe as natural fur products which were not artificially colored; advertising fur products as reduced from "regular" former prices which were in fact fictitious; failing to keep adequate records as a basis for price and value claims; and failing to comply in other respects with labeling, invoicing and advertising requirements.

The order to cease and desist is as follows:

It is ordered, That respondents, B. Wollman & Bros., Inc., a corporation and its officers, and Barney Wollman, Sheldon Wollman, Herman Wallman, and Harry Wallman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale, in commerce, or the transportation or distribution, in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing directly or by implication on labels that the fur contained in fur products is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

D. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

B. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of any fur product and which:

A. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

B. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

By "Final Order", order requiring report of compliance is as follows:

It is further ordered, That respondents B. Wollman & Bros., Inc., a corporation, and Barney Wollman, Sheldon Wollman, Herman Wallman, and Harry Wallman shall, within sixty (60) days after serv-

ice upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist set forth in the initial decision.

Issued: December 5, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-767; Filed, Jan. 27, 1964; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 209—MILITARY SERVICE

Computation and Increase of Annuity

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), paragraphs (k) and (n) of § 209.1, and § 209.3 of Part 209 (20 CFR 209.1(k), 209.1(n), 209.3) of the regulations under such act are amended and paragraph (c) of § 209.4 is added by Board Order 64-8, dated January 15, 1964, to read as follows:

§ 209.1 Statutory provisions.

* * * * *

(k) No person shall be entitled to an annuity, or to an increase in an annuity, based on military service unless a specific claim for credit for military service is filed with the Board, and in no case shall an annuity, or an increase in an annuity, based on military service begin to accrue earlier than twelve months prior to the date on which such claim for credit for military service was filed with the Board nor before October 8, 1940: *Provided*, That this subsection shall not be construed to prevent payment of annuities with respect to accruals, not based on military service, prior to the date on which an annuity based on military service began to accrue.

* * * * *

(n) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this Act, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, (1) an amount sufficient to meet the additional cost of crediting military service rendered prior to January 1, 1937, and after June 30, 1956, and (2) an amount found by the Board to be equal to the amount of the total additional excise and income taxes which would have been payable during the preceding fiscal year under Subchapter B of Chapter 9 of the Internal Revenue Code, as amended, with respect to the compensation, as defined in such Subchapter B, of all individuals entitled to credit under the Railroad Retirement Acts, as amended, for military service after December 31, 1936, and prior to January 1, 1967, if each of such individuals, in addition to compensation actually earned, had earned such compensation in the amount of $160 in each calendar month in which he was in such military service during such preceding fiscal year and such taxes were measured by all such compensation without limitation as to amount earned by any individual in any one calendar month, and (3) an amount found by the Board to be equal to (A) the amount of the total additional excise and income taxes which would have been payable during the preceding fiscal year under chapter 22 of the Internal Revenue Code of 1954 with respect to the compensation, as defined in such chapter, of all individuals entitled (without regard to subsection (p)(1) of this section) to credit under this Act for military service after December 31, 1956, and before July 1, 1963, if each of such individuals, in addition to compensation actually paid, had been paid such compensation in the amount of $160 in each calendar month in which he was in such military service during such preceding fiscal year and such taxes were measured by all such compensation without limitation as to amount paid to any individual in any one calendar month, less (B) the amount of the taxes which were paid with respect to such military service under sections 3101 and 3111 of the Internal Revenue Code of 1954. The additional cost of crediting military service rendered prior to January 1, 1937, and after June 30, 1963, shall be determined as follows: (i) Determine the difference between the actuarial value of the benefit payable under this Act based in part on military service and the actuarial value of the benefit which would be payable to the same individual without regard to military service; (ii) with respect to military service rendered after June 30, 1963, adjust such difference by applying thereto the ratio of the total net level cost of all benefits under this Act to the portion thereof remaining after the exclusion of administrative expenses and interest charges on the unfunded accrued liability after taking into account the effects of section 5(k)(2); and (iii) subtract the actuarial value of such benefit based on the individual's military service as is includible in determinations made pursuant to section 5(k)(2). In calculating these actuarial values, the Board shall use such mortality tables and actuarial factors as it finds appropriate; the ratio referred to in clause (ii) of the preceding sentence shall be determined from time to time by the Board on the basis of actuarial estimates made in accordance with section 15; and all actuarial values shall be calculated as of the date on which the benefit based on military service begins to accrue and shall not thereafter be subject to change. All actuarial calculations in this subsection shall take into account interest at the rate used in the actuarial estimates referred to in the preceding sentence. The Railroad Retirement Board, as promptly as practicable after the enactment of this amendment, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account, in addition to the annual estimate by the Board, in accordance with subsection (a), of section 15 of this Act, of the appropriation to be made to the account to provide for the payment of annuities, pensions and death benefits not based on military service. The estimate made in any year with respect to military service rendered prior to January 1, 1937, and after June 30, 1963, shall be based on the cost, as determined in accordance with the above provisions, of annuities awarded or increased on the basis of such military service up to the close of the preceding fiscal year and not previously appropriated for, and shall take into account interest from the date the annuity began to accrue or was increased to the date or dates on which the amount appropriated is to be credited to the Railroad Retirement Account. In making the estimate for the appropriation for military service rendered after December 31, 1956, the Board shall take into account any excess or deficiency in the appropriation or appropriations for such service in any preceding fiscal year or years, with interest thereon. In determining pursuant to section 5(k)(2), for any fiscal year the total amount to be credited from the Railroad Retirement Account to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, credit shall be given such Account for the amount of the taxes described in clause (3)(B) of the first sentence of this subsection and the amount of such taxes with respect to military service after June 30, 1963. The amount authorized to be appropriated to the Railroad Retirement Account pursuant to clause (2) of the first sentence of this subsection shall be reduced by the amounts credited to such Account pursuant to section 5(k)(2) for military service rendered before January 1, 1957, and the amounts so credited shall be considered as additional costs within the meaning of section 217(g) of the Social Security Act. In any determination made pursuant to section 5(k)(2), no further charges shall be made against the Trust Funds established by title II of the Social Security Act for military service rendered before January 1, 1957, and with respect to which appropriations authorized by clause (2) of the first sentence of this subsection shall have been credited to the Railroad Retirement Account, but the additional benefit payments incurred by such Trust Funds by reason of such military service shall be taken into account in making any such determination.

* * * * *

§ 209.3 Application for annuities based on military service.

No individual shall be entitled to an annuity, or to an increase in an annuity, based on military service unless he has, in the manner provided in Part 210 of this chapter, filed an application claiming credit for military service on such form as the Board may prescribe. The application shall be filed within twelve months from the date on which such annuity or increase in an annuity is to begin to accrue, and may be filed by any individual, including individuals whose claims for annuities not based on military service have theretofore been granted or denied. In no event shall an annuity or increase in an annuity based on military service begin to accrue before October 8, 1940.

§ 209.4 Crediting of military service.

* * * * *

(c) Notwithstanding the provisions of this section, creditable military service shall not be used in determining eligibility for or computing an annuity of an individual or his survivor if there is applicable to such individual any provision of the Act of September 1, 1954 (68 Stat. 1142, 70 Stat. 761) as amended by Public Law 87-299 (75 Stat. 640), prohibiting payment of annuities in cases involving the national security.

(Sec. 10, 50 Stat. 314; 45 U.S.C. 228j)

Dated: January 22, 1964.

By Authority of the Board.

LAWRENCE GARLAND, *Secretary of the Board.*

[F.R. Doc. 64-772; Filed, Jan. 27, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of O,O-Diethyl O-(2-Isopropyl-4-Methyl-6-Pyrimidinyl)Phosphorothioate

A petition was filed with the Food and Drug Administration by Geigy Agricultural Chemicals, Division of Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, requesting the establishment of tolerances for residues of the insecticide *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate in or on raw agricultural commodities, as follows: Clover (fresh), range, pasture, and grass forage at 40 parts per million; clover hay at 10 parts per million. The petition also proposed an increase in tolerances for residues of the subject insecticides from 10 parts per million to 40 parts per million in or on alfalfa (fresh), bean forage, corn forage, and peavines.

The petition was amended to:

1. Request the establishment of tolerances for this insecticide as follows:

60 parts per million in or on range pasture, and grass forage (reduced to 40 parts per million after 24 hours);
40 parts per million in or on clover (fresh);
10 parts per million in or on clover hay.

2. Request increases in the tolerances for this insecticide from 10 parts per million to 40 parts per million in or on alfalfa (fresh) and corn forage, and from 10 parts per million to 25 parts per million in or on bean forage and peavines.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

Cattle studies show that residues of this insecticide at the tolerance level in feed are safe for the cattle and will not result in residues in meat or milk. Studies with mice using other cholinesterase inhibitors do not show any appreciable potentiation.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.153 tolerances of 60, 40, and 25 parts per million, and changing the tolerance of 10 parts per million to read as set forth below:

§ 120.153 Tolerances for residues of *O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate.

* * * * *

60 parts per million in or on grass, of which residue not more than 40 parts per million shall remain 24 hours after application.

40 parts per million in or on alfalfa (fresh), clover (fresh), corn forage.

25 parts per million in or on bean forage, peavines.

10 parts per million in or on alfalfa hay, bean hay, clover hay, grass hay, peavine hay.

* * * * *

Any person who will be advsersely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 22, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-790; Filed, Jan. 27, 1964; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SILICON DIOXIDE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1273) filed by Food Concentrates, Inc., P.O. Box 71, Rahway, New Jersey, and other relevant material, has concluded that the proposed use of silicon dioxide in food is safe and that an amendment to § 121.1058 should issue to prescribe the anticaking use of the additive in dehydrated molasses, dehydrated honey, and dehydrated nondiastatic malt. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (b) of § 121.1058 is amended by adding thereto the following items.

§ 121.1058 Silicon dioxide.

* * * * *

(b) * * *

Food:	*Limitations (percent)*
* * * * *	
Dehydrated honey	2
Dehydrated molasses	2
Dehydrated nondiastatic malt	2

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 22, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-789; Filed, Jan. 27, 1964; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

ARSANILIC ACID, SODIUM ARSANILATE

In F.R. Doc. 64-613, appearing at page 559 of the issue for Thursday, January 23, 1964, the section heading for § 121.254 should read as follows: § 121.254 *Sodium arsanilate.*

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.50—Use of Excess Materials

The following subpart is added:

§ 9-5.5001 Use of excess materials from Defense Materials Service inventories.

(a) It is the policy of the AEC in its procurement, and in the approval of procurement policies, practices and procedures followed by AEC cost-type contrac-

tors for AEC work, to comply with the provisions of Defense Materials Regulation No. 2 as supplemented from time to time.

(b) On January 30, 1963, the President approved a report submitted by the Executive Stockpile Committee containing various recommendations covering long-range disposals of excess stockpile materials. The report provides that Federal agencies should continue to purchase their needs for surplus stockpile materials from the General Service Administration. In order to implement this policy for AEC procurement, Field Offices shall carefully screen the lists of excess materials to determine the extent to which AEC requirements can be filled by use of excess stockpile materials.

(c) Defense Materials Service of General Services Administration, Washington, D.C., 20405, should be contacted directly for any detailed information concerning specifications, prices, and method of placing the order.

(d) For reimbursement of AEC orders, a Form 1080 will be issued by GSA, which should be executed by the AEC office concerned within 30 days from the date of issuance by GSA. AEC cost-type contractors will be billed directly by GSA for all orders submitted directly by them.

(e) Each Field Office shall submit a monthly report to the Division of Contracts, Headquarters, indicating the number of purchases of stockpile material by the Field Office and its cost-type contractors, and the quantity, grade and market value of such material.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Effective date. These regulations shall become effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 20th day of January 1964.

For the Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 64-754; Filed, Jan. 27, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 951]

PART 95—CAR SERVICE

Union Pacific Railroad Authorized To Operate Over Industrial Trackage of Freeport Center, Inc.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 21st day of January A.D. 1964.

It appearing, That in the opinion of Safety and Service Board No. 1, by reason of discontinuance of service to industries located within the Freeport Center, Inc. (Formerly U.S. Naval Supply Depot), Clearfield, Davis County, Utah, by the present operators an emergency exists requiring immediate action which will best promote service in the interest of the public and the commerce of the people; that such operators will be unable to transport the traffic offered to it so as to properly serve the public; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It further appearing, That the operators presently serving the Freeport Center, Inc., shall discontinue its entire operation effective February 1, 1964, and that there will be no rail service available to industries located within the Freeport Center, Inc., and that facilities are available for use by the Union Pacific Railroad.

It is ordered, That

§ 95.951 Service Order 951.

(a) *Union Pacific Railroad authorized to operate over trackage of the Freeport Center, Inc.* The Union Pacific Railroad be, and is hereby authorized to use the trackage facilities of the Freeport Center, Inc., to serve the industrial area operated by Freeport Center, Inc.

(b) *Car service.* Pending decision of the Commission in Finance Docket which will be filed by the carrier at a later date the Union Pacific Railroad be, and it is hereby authorized to operate over the above trackage of the Freeport Center, Inc., in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded or empty cars outbound.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Effective date.* This order shall become effective at 12:01 a.m., February 1, 1964.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1964, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Department of Business Regulation—Public Service Commission, State of Utah, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-783; Filed, Jan. 27, 1964; 8:48 a.m.]

[S.O. No. 952]

PART 95—CAR SERVICE

Denver and Rio Grande Western Railroad Authorized To Operate Over Industrial Trackage of Freeport Center, Inc.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 21st day of January A.D. 1964.

It appearing, That in the opinion of Safety and Service Board No. 1, by reason of discontinuance of service to industries located within the Freeport Center, Inc. (Formerly U.S. Naval Supply Depot), Clearfield, Davis County, Utah, by the present operators an emergency exists requiring immediate action which will best promote service in the interest of the public and the commerce of the people; that such operators will be unable to transport the traffic offered to it so as to properly serve the public; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It further appearing, That the operators presently serving the Freeport Center, Inc., shall discontinue its entire operation effective February 1, 1964, and that there will be no rail service available to industries located within the Freeport Center, Inc., and that facilities are available for use by the Denver and Rio Grande Western Railroad.

It is ordered, That

§ 95.952 Service Order 952.

(a) *Denver and Rio Grande Western Railroad authorized to operate over trackage of the Freeport Center, Inc.* The Denver and Rio Grande Western Railroad be, and is hereby authorized to use the trackage facilities of the Freeport Center, Inc., to serve the industrial area operated by Freeport Center, Inc.

(b) *Car service.* Pending decision of the Commission in Finance Docket which will be filed by the carrier at a later date the Denver and Rio Grande Western Railroad be, and it is hereby authorized to operate over the above trackage of the Freeport Center, Inc., in order to move inbound loaded cars and to supply empty cars for outbound loading, as well as the movement of loaded or empty cars outbound.

(c) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(d) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(e) *Effective date.* This order shall become effective at 12:01 a.m., February 1, 1964.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1964, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Department of Business Regulation-Public Service Commission, State of Utah, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-782; Filed, Jan. 27, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

White River National Wildlife Refuge, Ark.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 2,592 acres or 0.022 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass; bream; crappie; perch; catfish; pike; and other minor species permitted by State Regulations.

(b) Open season: March 16, 1964, through October 31, 1964.

(c) Daily creel limits: Bass—10; crappie—20; catfish—10; pike—6; bream, perch, and sunfish—50.

(d) Methods of fishing:

(1) Pole and line, rod and reel, trot lines, limb lines, artificial and live bait permitted.

(2) Rowboats, canoes, and other type boats and motors are permitted to use refuge waters. Boats without name plates may not be left overnight.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Taking of frogs, water skiing, and firearms prohibited.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to November 1, 1964.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 17, 1964.

[F.R. Doc. 64-768; Filed, Jan. 27, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

[Docket No. AO-361-A1]

CRANBERRIES

Notice of Hearing With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Cafeteria Room, Memorial Town Hall, Marion Road, Wareham, Massachusetts, beginning at 9:30 a.m., e.s.t., February 10, 1964, the Mt. Laurel Room, Holiday Motel, Exit 4, New Jersey Turnpike, Moorestown, New Jersey, beginning at 9:30 a.m., e.s.t., February 12, 1964, and the Courthouse Auditorium, Wood County Courthouse, 400 Market Street, Wisconsin Rapids, Wisconsin, beginning at 9:30 a.m., e.s.t., February 14, 1964, with respect to proposed amendments to the marketing agreement and Order No. 929 (7 CFR Part 929), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Cranberry Marketing Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Revise § 929.54(b) to read as follows:

(b) The committee, with the approval of the Secretary, shall prescribe the manner in which, and date or dates during the fiscal period by which, handlers shall have complied with the withholding requirements specified in paragraph (a) of this section.

2. Add a new paragraph (d) to § 929.54 reading as follows:

(d) Any handler who withholds from handling during any fiscal period a quantity of cranberries in excess of that required pursuant to paragraph (a) of this section by reason of a modification downward of the restricted percentage in accordance with § 929.53, shall, after disposing of all or a portion of such excess quantity of restricted cranberries in accordance with § 929.57 and furnishing to the committee such information as it shall prescribe regarding such withholding and disposition, have the excess quantity credited to his withholding obligation of the next fiscal period in which free and restricted percentages are fixed pursuant to § 929.52.

3. Revise the provisions of § 929.56 *Special provisions relating to withheld (restricted) cranberries* to read as follows:

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

(a) Except as otherwise directed by the Secretary, as near as practicable to the beginning of the marketing season of each fiscal period with respect to which the marketing policy propose regulation pursuant to § 929.52(a), the committee shall determine the amount per barrel each handler must deposit with the committee for it to release to him, in accordance with paragraph (b) of this section, all or part of the cranberries he is withholding; and the committee shall give notice of such amount of deposit to handlers. Such notice shall state the period during which such amount of deposit will be in effect. Whenever the committee determines that, by reason of changed conditions or otherwise, the amount to be thereafter deposited should be modified, it shall so modify such amount and give notice thereof to handlers together with the effective period for such amount. The determination of the amount shall be on the basis of rules and regulations prescribed by the committee with the approval of the Secretary.

(b) Any handler may make a written request to the committee for the release of all or part of the cranberries he is withholding from handling pursuant to § 920.54(a). Each such request shall state, in addition to all other information prescribed by the committee, the quantity of cranberries for which release is requested and be accompanied by full payment (including a cashier's or certified check made payable to the Cranberry Marketing Committee) in an amount equal to the product of the number of barrels stated in the request multiplied by the then effective amount per barrel to be deposited. If such request is properly filled out, is accompanied by the required check in the correct amount, and contains a certification that the handler is withholding such cranberries, the committee shall release to such handler the quantity of cranberries specified in the request. Notification of such release shall be given to the handler within 72 hours after the request is received by the committee.

(c) Funds covering withheld cranberries released by the committee pursuant to paragraph (a) of this section shall be used by the committee to purchase from handlers unrestricted (free percentage) cranberries in an aggregate amount as nearly equal to, but not in excess of, the total quantity of the released cranberries as it is possible to purchase to replace the released cranberries. All handlers shall be given an opportunity to participate in such purchase. If a larger quantity is offered than can be purchased, the purchases shall be made at the lowest prices possible. If two or more handlers offer at the same price, purchases from such handlers shall be in proportion to the quantity of their respective offerings insofar as such division is practicable. The cranberries so purchased shall be disposed of by the committee as restricted cranberries in accordance with § 929.57. Any funds received by the committee from the cranberries so disposed of, which are in excess of cost incurred by the committee in making such disposition, shall be distributed proportionately to all handlers on the basis of the volume of cranberries handled by each handler.

(d) In the event any portion of the funds collected by the committee pursuant to paragraph (a) of this section cannot, for reasons beyond the committee's control, be expended to purchase unrestricted (free percentage) cranberries to replace those released shall, after deducting any expenses incurred in connection therewith, be distributed proportionately to all handlers on the basis of the volume of cranberries handled by each such handler.

The following amendments to the marketing agreement and order have been proposed by Ocean Spray Cranberries, Inc., Hanson, Massachusetts:

1. Revise § 929.52, paragraph (a) entitled "Issuance of Regulations" to delete the word "acquired" as it appears in the next to last line of that paragraph and substitute therefor the word "handled," so that this paragraph will read as follows:

(a) *Issuance of regulations.* The Secretary shall regulate, in the manner specified in this section, the handling of cranberries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall limit the total quantity of cranberries which may be handled during any fiscal period by fixing the free and restricted percentages, which percentages shall be applied to cranberries handled during such fiscal period in accordance with § 929.54.

2. To amend § 929.54, paragraph (a) entitled "Withholding" to delete the word "acquires" and insert in place thereof the word "handles" appearing in the sixth line of paragraph (a), and to delete the word "acquired" appearing in the sixteenth line of said paragraph (a) and inserting in place thereof the word "handled" so that this paragraph will read as follows:

(a) *Withholding.* Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he handles during such period: *Provided*, That such withholding requirement shall not apply to the acquisition of any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying the quantity of screened cranberries in each lot of cranberries handled during the fiscal period by the restricted percentage fixed by the Secretary. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

The following amendment to the marketing agreement and order has been proposed by Decas Bros. Sales Co., Inc., Wareham, Massachusetts:

Revise § 929.68 (c) and (d) to read as follows:

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored either (1) by a majority of the growers affiliated with any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the last fiscal period ending prior to such findings or (2) by a majority of the growers not affiliated with such a cooperative marketing association during said fiscal period. Such termination shall become effective on the last day of July subsequent to the announcement thereof by the Secretary.

(d) The Secretary shall conduct a referendum during the month of May of each year to ascertain whether termination of this part is favored by growers set forth in paragraph (c) of this section.

The following amendment to the marketing agreement and order has been proposed by John C. Decas, Wareham, Massachusetts:

To amend the order so that it provides that a handler with a carryover must set aside an equivalent volume of cranberries from the current crop before any restriction is placed on the current crop, and that the restricted percentage, if any, shall apply uniformly to this current crop as a whole.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250.

Dated: January 23, 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64-776; Filed, Jan. 27, 1964; 8:47 a.m.]

[7 CFR Part 1035]

[Docket No. AO-176-A15]

MILK IN COLUMBUS, OHIO, MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Columbus, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Columbus, Ohio, on October 23–25, 1962, pursuant to notice thereof issued September 24, 1962 (27 F.R. 9613).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area;
2. Revision of classification of milk;
3. The level of the class prices;
4. Administrative and conforming changes; and
5. The obligation of nonpool handlers and the allocation of milk.

Recommendations with respect to issue No. 5 will be dealt with on the basis of a later hearing, namely the regional hearing to consider amendments to various orders, including Columbus, which was held in Arlington, Virginia, on January 2–4 and January 23–25, 1963, pursuant to notice issued December 20, 1962 (27 F.R. 12771). At that hearing evidence was presented on proposals relating to milk entering a regulated market from unregulated sources and from regulated sources in other Federal orders. Changes in the provisions dealing with nonpool plants, reports, transfers (except transfer provisions dealing with the surplus disposal area and basing points which are covered in this decision), allocation, obligation of handlers, computation of uniform price, location differential, and expense of administration are being considered on the basis of that hearing and will be included in a separate decision which will be issued concurrently.

Proposal No. 14 as it appeared in the notice of hearing relating to the diversion of producer milk was abandoned by its proponent at the hearing. Consequently, no further reference is made to proposal No. 14.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The marketing area should be expanded to include the Ohio counties of Coshocton (except Adams township), Fayette, Guernsey (except Londonderry, Millwood and Oxford townships); Muskingum and Pickaway and the townships in Fairfield, Madison, Licking and Union Counties which are outside of the present marketing area. In each of these designated areas more than half of the fluid milk distribution is from plants which are or will be subect to full regulation under the Columbus order.

The marketing area now includes Franklin and Delaware Counties, all of Fairfield County except Clear Creek and Amanda townships, the two western tiers of townships in Licking County, six townships in Madison County and Jerome township in Union County.

In addition to Columbus, the present marketing area includes the cities of Lancaster, Delaware, London and Westerville, Ohio.

Fluid milk products are distributed throughout the present marketing area by 12 Columbus regulated handlers. A total of 1,350 producers supplied milk to regulated handlers for the Columbus market during the month of September 1962.

In recent months the sales by Columbus regulated handlers have increased in the territory beyond the present marketing area. Retail and wholesale routes have spread outward from Columbus to take in more territory. An increase in centralized milk processing was also a major cause of this sales expansion. A Columbus handler stopped bottling milk at its affiliated plants in Marion, Newark and Zanesville, Ohio, in November of 1961 and at its Mansfield, Ohio, plant in September of 1962. The sales territories which were formerly served by these four plants located outside of the marketing area are now supplied from the consolidated distributing plant in Columbus. Enlargement of the marketing area as recommended will largely encompass the expanded sales territories of Columbus regulated handlers.

The sales by Columbus regulated handlers in the territory outside of the marketing area are made in competition with some unregulated handlers who have bought milk from dairy farmers

at a flat rate approximating the Columbus blend price. A high Class I utilization percentage is maintained at most of these plants. The unregulated handlers who buy Class I milk at the Columbus blend price pay their producers less than the full utilization value for the milk and thus enjoy a competitive advantage over Columbus regulated handlers who are required to pay class prices.

The expanded marketing area will encompass the major sales territories of Columbus regulated handlers and to the maximum extent feasible the sales areas of those handlers who will become regulated as a result of the enlargement of the marketing area. Handlers who distribute in the expanded marketing area will be assured that they will be in competition with distributors who are required to pay for producer milk purchased on a classified use basis.

It is expected that fourteen additional handlers will become fully regulated and three others will become partially regulated as a result of the expansion of the marketing area.

The population of the expanded marketing area at the time of the U.S. Census for 1960 was approximately 1,132,000. Principal cities located within the territory to be added to the marketing area include Cambridge, Circleville, Coshocton, Marysville, Newark, Washington Court House and Zanesville, Ohio.

Central Ohio Cooperative Milk Producers, Incorporated, proposed that the marketing area be expanded to include Fayette, Muskingum, Pickaway and Ross Counties and the townships in Fairfield, Licking, Madison and Union Counties which are outside of the present marketing area.

A partially regulated Washington Court House, Ohio, handler is the principal competitor of Columbus regulated handlers in the area proposed by the cooperative south and west of the present marketing area. This handler became partially regulated in 1959 when the order was amended to increase the marketing area to its present size. According to the option provided in the order, this distributor has, since 1959, paid the classified use value for milk bought from dairy farmers in lieu of paying compensatory payments on his route sales. Approximately seven percent of his sales are in the existing marketing area.

This handler testified that he wished to become fully regulated in order to overcome some of the disadvantages that he had encountered under partial regulation. The principal problem that he has arises because a high proportion of his sales are made outside the marketing area. He indicated that he operated at a disadvantage compared to unregulated handlers who compete with him in Union, Fayette and Pickaway Counties. According to his testimony, these distributors have gained a price advantage over him by paying less than class prices for their milk.

Another problem that he encountered was due to the intermingling of Columbus producers with those who sell to his plant. Although he has paid class prices for milk, the blend price at his plant has generally been different from the Columbus uniform price. The prices differed because the utilization for his plant was different from the market average and because of the effect of the take-out and pay-back plan on the Columbus blend price. Some dissatisfaction occurred among producers because of these price differences.

The Washington Court House, Ohio, handler supported the annexation of all of Union, Madison, Fayette and Pickaway Counties to the marketing area. Approximately 54 percent of his sales are in this four-county area.

Columbus regulated handlers and the partially regulated Washington Court House, Ohio, handler who pays class prices account for 61 percent of the sales in the unregulated part of Union County. A Marion, Ohio, handler who is regulated by the North Central Ohio order sells two percent of the milk in the unregulated area in the county.

A New Bremen, Ohio, handler distributes 25 percent of the fluid milk products in the unregulated portion of Union County. The record did not clearly indicate whether this handler was unregulated, partially regulated or regulated by a Federal order. Official notice is taken of the Market Service Bulletins issued by the market administrator for the Indianapolis, Indiana, Federal order which show this plant to have been regulated under that order since June 1963. An additional two percent of the sales in the unregulated part of Union County is made by an unregulated Bellefontaine, Ohio, handler.

Columbus handlers and the Washington Court House, Ohio, distributor have approximately 49 percent of the business in the eight townships of Madison County which are outside of the present marketing area.

The fluid milk sales in Fayette County are made by the partially regulated handler from Washington Court House, Ohio, and by an unregulated handler whose plant is also located in that city. Sales by the partially regulated handler account for 90 percent of the total for the county.

Pickaway County is served by three Columbus regulated handlers, the partially regulated Washington Court House, Ohio, handler and an unregulated handler whose plant is located within the county at Circleville, Ohio. The sales by the three Columbus handlers plus those of the partially regulated Washington Court House, Ohio, handler equal 70 percent of the county total. Sales by the Circleville, Ohio, handler comprise 28 percent of the county total.

The unregulated Circleville, Ohio, handler has paid a flat price approximately equal to the Columbus blend price for milk bought from dairy farmers. This price does not reflect the use value of the milk.

Amanda and Clear Creek Townships in Fairfield County are areas of sales competition between the Circleville, Ohio, handler and Columbus regulated handlers. The unregulated handler from Circleville is the principal distributor in these townships. His distribution in Clear Creek and Amanda townships constitutes 90 percent and 50 percent, respectively, of the total sales within these townships. Columbus regulated handlers sell about 10 percent of the milk in the two-township area.

All of the territory in Union, Madison, Fayette, Pickaway and Fairfield Counties should be included in the marketing area since these counties are an important sales area for milk priced under the Columbus order. Columbus regulated handlers and the Washington Court House, Ohio, handler face significant competition from unpriced milk in much of the unregulated area in these counties. Inclusion of this area will place all distributors who sell milk in the counties on a competitive par with respect to the minimum prices they pay for producer milk. Producers who supply the handlers will also be assured of payment for their milk according to its use. Fayette County is included among those areas to be added to the marketing area even though no sales are made in the county by Columbus handlers. This is necessary to assure equality of minimum producer prices between the two handlers who are located within the county. Fayette County is the home base of the partially regulated Washington Court House, Ohio, handler. His distribution in Fayette County constitutes 90 percent of the total sales within the county and 21 percent of his total Class I business. If Fayette County were not added, the partially regulated handler who will become regulated due to sales in other counties would continue to face unregulated competition near his plant and could be placed at a serious competitive disadvantage in maintaining sales in this area.

Adding the above counties will bring under full regulation the partially regulated Washington Court House, Ohio, handler. A majority of his sales are in this area. As a result of the marketing area expansion, he will not have the problem of competing at a disadvantage with large amounts of unpriced milk. Pooling of his plant will also eliminate the problem he encountered when his producer pay price differed from the Columbus blend price.

The unregulated handler from Circleville, Ohio, and the unregulated handler from Washington Court House, Ohio, will also be regulated as a result of the area expansion. A handler at Bellefontaine, Ohio, will be partially regulated due to his sales in the territory to be added to the marketing area.

The territory east of Columbus proposed for inclusion in the marketing area includes the unregulated portion of Licking County, Muskingum County, Coshocton County, Perry County, and that portion of Guernsey County which is not in the Greater Wheeling marketing area.

Licking and Muskingum Counties are the most populous counties proposed for addition to the Columbus marketing area. The population of the two-county area which includes the cities of Newark and Zanesville, Ohio, was 169,000 at the time of the 1960 census.

Sales by a Columbus regulated handler in Licking County increased during recent months when its affiliated plant in Newark, Ohio, was closed. The sales

territory formerly served by the company's Newark, Ohio, plant is now supplied from the consolidated plant in Columbus. The producers who supplied the Newark, Ohio, plant were also shifted to the company's plant in Columbus.

Approximately 57 percent of the packaged milk sold within the unregulated area of Licking County is now distributed by Columbus regulated handlers. An additional four percent of the sales in the Licking County townships outside the present marketing area are made from a Dayton, Ohio, plant by a handler regulated by the Dayton-Springfield, Ohio, Federal order. A partially regulated Zanesville, Ohio, handler distributes approximately 8 percent of the total packaged milk that is sold in the above Licking County townships. Five unregulated handlers who are located within Licking County account for more than 20 percent of the sales in the unregulated portion of the county.

Milk Producers, Incorporated, whose members supply 4 unregulated Newark, Ohio, handlers opposed extension of the marketing area to include all of Licking County. Several members of the producer organization testified that the prices paid by the unregulated Newark, Ohio, handlers were higher than those received by producers who sold to Columbus regulated handlers. These producers testified that their incomes would be substantially reduced if the Newark handlers who purchased their milk were to be regulated.

The unregulated Newark, Ohio, handlers pay their producers according to a base and excess plan. Producers' bases under the payment plan are established equal to marketings during the months of September through December by 3 of the 4 Newark, Ohio, handlers. The other handler follows a system whereby the producer bases are established equal to marketings during the 4 months of the year when the lowest volume of milk is received from dairy farmers at his plant. The Newark, Ohio, handlers pay their producers for milk purchased according to the producer bases established but without regard to the use made of the milk. No method is available to producers to determine the amount of milk that goes into various products at these plants. Testimony presented by the producers who supplied the Newark, Ohio, handlers indicated that some milk which was bought for the excess price was being bottled and sold for fluid use.

The partially regulated Zanesville, Ohio, handler, who has eight percent of the sales in Licking County, also has had a procurement advantage over his Columbus competitors. Milk which he sold outside the regulated area in Licking County was unpriced. He elected to pay compensatory payments on his route sales in the marketing area instead of paying class prices for all his milk.

Information submitted by the Zanesville handler shows that his producer pay prices averaged 15 cents per hundredweight lower than the Columbus blend prices for the months of October 1961 through September 1962. Other testimony by this handler shows that a very high Class I utilization percentage is maintained at his plant. No system of classified pricing is followed and his producers are paid less than the use value for their milk.

The Columbus marketing area should be expanded to include all of Licking County since the entire county is now an integral part of the sales area of Columbus regulated handlers. Handlers who sell milk within the county will be assured that their competitors do not have a price advantage in the procurement of producer milk. Producers who now sell to the unregulated handlers will also benefit from the detailed audit provided by the order which will assure them payment for their milk according to its use.

It is expected that four Newark, Ohio, handlers and a Utica, Ohio, handler will become regulated by the Columbus order as a result of the expansion of the marketing area to include all of Licking County. The partially regulated Zanesville, Ohio, handler will also be regulated due to his Licking County sales.

With the inclusion of all of Licking County in the marketing area, about 16 percent of the sales from the partially regulated Zanesville plant will be in the marketing area. While these sales are sufficient to regulate it, a high proportion of the plant's distribution would be outside the marketing area if Licking County were the only county added. The Zanesville handler wished to get more of his sales covered by the marketing area so that he would face less unregulated competition. He supported the producer proposal to add Muskingum County and proposed, in addition, that Coshocton, Perry and the part of Guernsey County which is outside the Greater Wheeling marketing area be added to the marketing area. About 38 percent of his sales are made in Muskingum County. Another 27 percent of his sales are made in the counties he proposed.

If the Zanesville handler were to become regulated due to his sales in Licking County, then, 70 percent of the milk sold in Muskingum County would be priced by the Columbus order. His sales account for 30 percent of the county total. Columbus regulated handlers sell 40 percent of the milk.

Sales by Columbus handlers increased to the 40 percent total only recently, after an unregulated plant in Zanesville was closed in 1961. The routes of the unregulated plant were taken over and supplied with milk from a plant operated by the same company in Columbus.

Additional sales are made in Muskingum County by four unregulated handlers. These handlers from Zanesville, Crooksville, Dresden and Utica, Ohio, account for 20 percent of the county distribution.

Muskingum County should be added to the marketing area because of the importance it will have as a sales area for Columbus regulated milk. More than 70 percent of the sales here are made by handlers who are presently regulated or by handlers who will be regulated because of their Licking County sales.

The unregulated handlers from Zanesville, Crooksville and Dresden, Ohio, will be regulated by adding Muskingum County. The unregulated Utica, Ohio, handler who has sales in Muskingum County is the same one who sells in Licking County.

The Coshocton County sales pattern is similar to that which exists in Muskingum County. Sales by a Columbus handler, plus the sales of the handlers who will be regulated by their Licking County sales, equal more than 44 percent of the total for the county. Regulated handlers from two other Federal orders sell another 36 percent of the milk, so, a total of 80 percent of the milk sold in the county will be priced by Federal orders. Since more than half of this regulated milk will be from Columbus plants, Coshocton County, except Adams township, should be added to the Columbus marketing area.

The details of the sales pattern for Coshocton County show that the partially regulated Zanesville handler accounts for 39 percent of the milk sales in the county. Sales from a Mansfield, Ohio, distribution point by a Columbus handler comprise five percent of the county total. The previously mentioned unregulated handler from Utica, Ohio, who distributes milk in Licking and Muskingum Counties also has some sales in Coshocton County.

A Canton, Ohio, handler, regulated by the Northeastern Ohio order, accounts for 26 percent of the Coshocton County sales. The sales by a Mansfield, Ohio, handler, regulated by the North Central Ohio order, equal 10 percent of the total for the county. An unregulated Dresden, Ohio, handler who also distributes milk in Muskingum County accounts for 12 percent of the sales.

Additional sales are made throughout the east north-central portion of the county from an operating cooperative plant in Newcomerstown, Ohio. It is expected that this handler will be partially regulated as a result of the expansion of the marketing area to include Coshocton County.

An unregulated handler in New Philadelphia, Ohio, has sales in Coshocton County which are confined to Adams township. This handler does most of his business and purchases milk from dairy farmers in Tuscarawas County where he is primarily in competition with Northeastern Ohio Federal order regulated handlers. His Adams township sales are made in the village of Bakersville where he is the only distributor. There is little, if any, sales competition in Adams township by Columbus handlers or by distributors who will become regulated due to the expansion of the marketing area. Adams township in Coshocton County, therefore, should not be added to the marketing area.

The Guernsey County townships which are not in the Greater Wheeling marketing area should be added to the Columbus marketing area. This part of Guernsey County is now an important sales area for regulated handlers from several Federal orders. After the Zanesville handler is regulated, Columbus handlers will be the dominant regulated sellers in this area. Because of this sales dominance, the unregulated section

of Guernsey County should become part of the Columbus marketing area.

A break-down of the sales in Guernsey County shows that the Zanesville, Ohio, handler distributes approximately 25 percent of the milk in the county. This handler's distribution is confined to the unregulated part of the county. A Columbus regulated handler accounts for 10 percent of the county sales. Sales by Greater Wheeling regulated handlers whose plants are located in Quaker City and Martins Ferry, Ohio, equal approximately 20 percent of the total for the county. Additional distribution, equal to five percent of the total milk sales for the county, is made by a Dayton-Springfield, Ohio, Federal order regulated handler from a Dayton, Ohio, plant. A Canton, Ohio, handler regulated by the Northeastern Ohio Federal order, also accounts for five percent of the county sales.

An unregulated handler, located within the county at Cambridge, Ohio, sells about 20 percent of the packaged milk in the county. Additional unregulated sales are made in the county by a Dover, Ohio, handler. It is expected that the Dover, Ohio, handler and the Cambridge, Ohio, handler will be regulated as a result of the extension of the Columbus marketing area to include the unregulated part of Guernsey County.

The previously mentioned Greater Wheeling regulated handler from Martins Ferry, Ohio, supported the proposal to regulate the remainder of Guernsey County. In his testimony, he related that most of the sales in the county were made by regulated handlers. He contended that regulation of the entire county was necessary because of its importance as an area of competition between Federal order handlers.

No evidence was presented at the hearing to show the need for adding Perry County to the marketing area. The proponent handler testified that his company's interest in the county was small and that the county was proposed for inclusion in the marketing area only in order to include as much as possible of the sales territory of the Zanesville, Ohio, plant within a regulated area. The regulated handlers with sales in Perry County did not support the proposal to include the county. Perry County, therefore, should not be added to the marketing area.

Fluid milk sales are made in Ross County by nine handlers. The handler with the largest amount of sales in the county is the previously mentioned partially regulated distributor from Washington Court House, Ohio. His sales comprise approximately 48 percent of the Ross County total. An unregulated handler from Chillicothe, Ohio, is second in distribution with about 18 percent of the total sales for the county. A Columbus regulated handler distributes slightly less than 16 percent of the packaged milk that is sold within the county. Sales by two unregulated handlers whose plants are located in Circleville and Hillsboro, Ohio, account for 13 percent of the Ross County distribution. Three Tri-State order regulated handlers and a producer-distributor from Chillicothe, Ohio, account for the remaining five percent of the Ross County sales.

The Chillicothe, Ohio, handler who is the principal unregulated distributor in Ross County opposed the proposal to extend the marketing area to include the county. Evidence was submitted by this handler to show that he had no advantage over regulated handlers in the procurement of producer milk supplies.

The Chillicothe, Ohio, handler follows a classified pricing system and pays his producers according to the use made of their milk. Figures submitted by the handler show that his procurement costs for milk purchased from dairy farmers during 1961 were approximately the same as they would have been if Columbus order prices had been used to calculate his obligation to producers. This handler paid an average monthly blend price of $4.383 per hundredweight for milk purchased from producers in 1961. His average monthly procurement costs would have been $4.397 per hundredweight for producer milk if he had been a Columbus regulated handler during 1961.

The Columbus regulated handler who sells packaged milk within Ross County did not support the proposal to include the county in the marketing area. The partially regulated Washington Court House, Ohio, handler testified that he would not be placed at a competitive disadvantage if Ross County were omitted from the expanded marketing area.

Additional testimony in opposition to the expansion of the marketing area to include Ross County was presented by an unregulated Hillsboro, Ohio, handler. The Hillsboro, Ohio, handler sells packaged milk on routes within Ross County and to the unregulated Chillicothe, Ohio, distributor. He also buys packaged products from the Chillicothe, Ohio, handler.

The Hillsboro, Ohio, handler supported a conditional proposal while opposing the expansion of the marketing area to include Ross County. He proposed that Highland County (the county in which his plant is located) also be added if Ross County were included in the expanded marketing area. Inclusion of Highland County was proposed in order to place a greater amount of the sales territory of the Hillsboro plant in the marketing area in the event that Ross County sales would cause the plant to be regulated. The Hillsboro, Ohio, handler also wished to attain regulated status if the Chillicothe, Ohio, handler with whom he exchanged packaged milk were to be regulated.

Approximately 17 percent of the packaged milk sold from the Hillsboro plant is distributed in Ross County. A high proportion of the Ross County sales is made to the Chillicothe, Ohio, handler. These sales are defined as inter-plant transfers of milk by the Columbus order. Route sales in Ross County are less than the 15 percent of receipts from dairy farmers and other plants required to qualify the plant as a pool plant under the order. The Hillsboro plant would be partially regulated if Ross County were included in the marketing area.

The Hillsboro, Ohio, handler is the principal distributor in Highland County. Packaged milk sales from his plant account for 35 percent of the total for the county. Sales by Dayton-Springfield, Ohio Federal order regulated handlers and by regulated Cincinnati Federal order handlers equal approximately 20 percent of the county total. A Columbus regulated distributor sells about 15 percent of the packaged milk in Highland County. The Hillsboro distributor buys milk from twenty-six producers located in Highland and Brown Counties. During the month of December 1961 a total of 193 Cincinnati Federal order producers were located in these counties. No producers located in Highland and Brown Counties sold to Columbus regulated handlers in December of 1961.

Ross and Highland Counties should not be included in the marketing area. The economic conditions prevailing within the counties do not warrant their inclusion. The principal unregulated distributor in Ross County follows a classified pricing plan and pays his producers according to the utilization of their milk. Competitors of the Chillicothe, Ohio, distributor did not support the proposal for inclusion of Ross County in the marketing area. Highland County lacks significant economic association with the Columbus market. The Highland County handler's competition for producer milk supplies is primarily with Greater Cincinnati Federal order regulated handlers. Dayton-Springfield, Ohio, and Greater Cincinnati order regulated handlers have a greater percent of the sales in Highland County than the Columbus regulated handler who distributes packaged milk within the county.

2. *Classification.* The classification provisions of the order should be amended to provide for only two classes of milk instead of the four classes presently defined. However, the discussion of need for two use classes is combined with the discussion of prices presented hereinafter.

(a) *Changes in the classification of fluid milk products.* Milk shake mixes which contain 15 percent or less total milk solids and dietary milk should continue to be classified as Class I milk. Sterilized cream packaged in hermetically sealed containers should be classified as Class II milk. Products which contain sour cream but which are not labeled "Grade A" should be classified as Class II milk. These changes can be accomplished by revising the definition of fluid milk product to include milk shake mixes with the specified milk solids content and dietary milk and to exclude products packaged in hermetically sealed containers and sour cream products which are not labeled "Grade A".

Except for the change recommended hereinafter to classify fortified milk in Class I on a volume basis, no change in the classification will result from adding dietary milk to the list of fluid milk products specified in the order. Dietary milk, which was first sold on the Columbus market in November 1960, has been

classified as Class I milk by the market administrator since sales of the product began on the basis that it fell within the designation of a flavored milk drink. The present classification of dietary milk and milk shake mixes with 15 percent or less of milk solids should continue since they are required to be made from Grade A milk and are similar to and competitive with other fluid milk products sold in the Columbus marketing area. In the past the market administrator has classified as Class II milk shake mixes containing more than 15 percent total milk solids since these mixes were indistinguishable from mixes for ice milk and similar soft frozen desserts. The provisions of the order should be clarified to include specifically in Class II milk shake mixes having a milk solids content higher than 15 percent.

Sour cream products are sold in the Columbus marketing area from grocery stores and grocery warehouses in competition with similar products which are processed at handlers' pool plants. These sour cream mixtures may contain food items such as cheese, chives and vegetable oils and other flavoring and seasoning ingredients. When such additional ingredients are added the product may not carry a Grade A label and hence it need not be made from Grade A milk. The cultured sour mixtures from nonpool sources which were exhibited at the hearing did not carry a Grade A label.

Columbus regulated handlers are required by the terms of the order to pay the Class I price for producer milk which is sold in the form of cultured sour mixtures. This price makes their raw product cost for sour cream mixtures which are sold without a "Grade A" label considerably higher than that of their nonpool competitors. These products should be classified as Class II milk in order to place Columbus regulated handlers on an equal competitive basis with those sellers who can obtain the sour cream product from an unpriced or ungraded source. If sour cream products with or without added food ingredients are sold under a Grade A label, they should continue to be classified as Class I milk as now provided by the order.

Sterilized cream in hermetically sealed glass and metal containers is sold by a California firm to a handler who will be regulated as a result of the expansion of the marketing area. The purchasing handler proposed the deletion of the sterilized cream product from the fluid milk product definition and the classification of the item in the lowest use class. The handler's testimony indicated that the imported sterilized cream could be distributed through grocery stores in the same manner as other manufactured dairy products such as nonfat dry milk and evaporated or condensed milk in hermetically sealed cans. The product has a long shelf life similar to that of canned condensed or evaporated milk and refrigeration is not required due to the hermetic seal applied to the containers. Manufacturing grade milk is used to produce the product.

Producers contended that the product displaces producer milk sold in the form of whipping cream and that, therefore, it should be classified as Class I milk. Since the product is not required to be made from Grade A milk, it should not be classified and priced as a fluid milk product, but should be classified as Class II milk.

(b) *Classification on nonfat dry milk solids.* The order should be amended to provide for the classification of fluid milk products fortified with additional milk solids as Class I milk only to the extent of the weight of an unmodified product of the same nature and butterfat content. The skim milk equivalent of the added solids in excess of such weight should be classified as Class II milk.

Fortification of a fluid milk product involves the addition of nonfat dry milk powder or condensed skim milk to a fluid product to yield a finished product with a higher nonfat solids content than that contained in an equivalent amount of whole milk. Sales of fortified products have increased in recent months in the Columbus market due to greater consumer demand for low fat products with added milk solids. Under the present order provisions the skim milk equivalent amount of the added milk powder is priced as Class I milk.

Handler proponents of the change in the classification and pricing of solids used to fortify fluid milk products testified that the additon of milk solids enabled them to increase Class I milk sales and to supply consumers with a product of higher quality and better flavor. The present order provision was cited by handlers as a deterrent to a practice which helps to maintain a volume of milk in Class I which might otherwise be used in the surplus class.

Producers favored retention of the present order provision for classifying and pricing solids used for fortification purposes. It was their contention that the present provision merely allows them to receive the Class I price for Class I sales and that these sales include the full amount of fluid milk needed to produce the fortified product.

The nonfat dry milk powder used for fortifying fluid milk products in the Columbus market may be produced from unpriced milk or from milk which was priced in a surplus class of another Federal order. Skim milk powder obtained from producer milk would have no greater value for fortification purposes than this nonfat dry milk which is purchased at the national market price. It is not economic to charge handlers the Class I price for a product which is available from alternate sources at a price reflecting the value of manufacturing grade milk.

The request of producers for retention of the present order provisions with respect to fortified products should be rejected. There is no showing that fortification of fluid milk products with added nonfat solids displaces producer milk in Class I uses. On the contrary it appears that the production of a product with greater consumer appeal may actually increase consumption of producer milk in Class I uses. The change in classification of fortified products by lowering handler's raw product costs will provide an incentive for further expansion of sales of these products thereby enhancing overall returns to producers.

For accounting purposes, the nonfat milk solids added to fluid milk items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of the added solids should be considered as a receipt of other source milk.

Skim milk powder or condensed milk products which are used for reconstitution of fluid milk products should be accounted for on a skim equivalent basis and classified in Class I, as is now provided in the order. Reconstituted fluid milk products compete for Class I sales with other milk and skim milk, and if made from other source milk, would displace producer milk in Class I sales to the extent of the full volume of the reconstituted fluid milk products which are sold.

A handler proposed the deletion from the order of the provision which requires the use of a skim milk equivalent accounting procedure for products from which water has been removed before use or disposal. This provision should be retained in the order. Skim milk equivalent accounting permits the establishment of a common base for dissimilar milk products and thereby provides an efficient method of reconciling the receipt and disposition of a variety of products that may be handled in the plant. The procedure is widely used in Federal order markets and it has functioned effectively.

The proponent handler did not indicate the specific nature of the problems that had been encountered because of this accounting device. No action to delete the provision is justified on the basis of the record evidence and the proposal is therefore denied.

A handler proposed the classification of the pounds of skim milk powder used in the production of cottage cheese as Class II milk and the difference between the weight and the skim milk equivalent of the nonfat dry milk as Class IV milk. The proponent specified that the provision should become effective only during months when the producer milk supply declined below 110 percent of Class I sales. The proposal would reduce handlers' costs when other source milk in the form of skim milk powder was used during times when producer milk was in short supply.

This proposal would not be applicable to the revised order due to the reduction in the number of classes of utilization from four to two. In the revised order, the skim milk equivalent of the skim milk powder used in the production of cottage cheese should be considered a receipt of other source milk and as disposed of in Class II. The proposal is denied since it would not apply to the revised order.

(c) *Revision of the transfer provisions.* The order should be amended to permit the transfer or diversion of fluid milk products as Class II milk to nonpool

plants located within 300 highway miles of the nearer of the State Capitol in Columbus, or the City Hall in Zanesville, Ohio. A surplus disposal area of this magnitude is necessary to encompass the additional outlets for surplus milk required for the enlarged market.

Nonpool plants located more than 100 airline miles from Columbus are outside the surplus disposal area as defined by the present order and all fluid milk products which are transferred or diverted to these nonpool plants are classified as Class I milk.

A handler proposed the deletion of the entire transfer provision of the order which limits the distance that fluid milk products may be transferred as other than Class I milk. He contended that a mileage limit was not necessary since the reported use of the milk at any nonpool plant could be verified by a market administrator from another Federal order.

The surplus disposal area should encompass those plants to which handlers would be expected to transfer or divert milk or cream that is not needed at their own plant.

An expansion of the surplus disposal area should accompany expansion of the marketing area. The Northeastern tip of Guernsey County in the enlarged marketing area is approximately 90 miles from Columbus. If the surplus disposal area were not enlarged surplus milk transferred by a Guernsey County handler to a nonpool plant located a relatively short distance outside the marketing area would be classified as Class I milk under the present terms of the order. The use of the City Hall in Zanesville, Ohio, as an alternative basing point will be appropriate. Also, the use of highway miles is recommended since the milk is actually moved over the highway and the location differential provisions of the order employ highway miles.

Enlargement of the surplus disposal area to include the nonpool plants located within 300 miles of Columbus or Zanesville, will provide adequate outlets for the surplus milk of all regulated handlers. The handler who proposed the change in the transfer provision testified that a surplus disposal area which extended 300 miles from Columbus would include the plants to which fluid milk products would ordinarily be transferred by his company. A Beckley, West Virginia, plant located approximately 230 miles from Columbus and 215 miles from Zanesville is the most distant outlet mentioned.

The handler proposal to delete the entire mileage limit on the surplus disposal area should not be adopted. Removal of the limit could cause the market administrator to incur excessive auditing costs. While the market administrators from other Federal orders can assist in the verification of the reported use of certain transfers, as suggested by the proponent, this is not feasible for some long distance shipments. The reported use of milk sold to nonpool plants which are not regularly audited by a neighboring market administrator would still have to be verified from Columbus. The 300 mile limit will allow the market administrator to check the claimed classification of these sales without incurring unreasonable costs.

(d) *Inventory.* Fluid milk products in inventory should be classified as Class II, with provision for an additional charge when allocated to Class I use in the succeeding month.

The Columbus order presently classifies bulk milk, cream and other Class I products on hand at the end of the month as Class I milk. In the succeeding month such inventory (now the beginning inventory) is subtracted from Class I milk. Retention of this treatment of inventory would afford the large number of handlers who will become regulated under the expanded marketing area an incentive to build up inventories prior to becoming regulated since such milk would be allocated to Class I use and would displace current receipts of producer milk. In addition under the present system each handler pays for some portion of each month's Class I sales at the Class I price of the preceding month. This proportion is not uniform among handlers and encourages manipulation of inventory to take advantage of the change in the Class I price.

Greater equity among handlers will be achieved by reserving current Class I sales so far as possible for assignment to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II milk, and allocation of opening inventory to Class I milk only when current receipts of producer milk (except for shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price paid for such milk in the preceding month and the current Class I price. The volume on which this change is made should not exceed the volume (in excess of allowable shrinkage) for which producers were paid at the Class II price in the preceding month.

(3) *Classes of utilization and class prices*—(a) *Class II milk.* A handler witness testifying on the need for intermarket alignment of prices for manufactured products cited the price advantage which handlers in nearby markets have over Columbus dealers in buying milk for use in cottage cheese and ice cream. He then proposed that the Columbus prices for these items be reduced to align them with those in neighboring markets. Alignment of Columbus order prices for milk used in cottage cheese and ice cream with such prices in the Dayton-Springfield and North Central Ohio markets was held to be particularly important because of the extensive competion between distributors from those orders and Columbus handlers.

A change such as that proposed by the handler would be appropriate as it would contribute to orderly marketing of milk in the area by putting handlers on a more competitive basis with respect to the minimum prices for milk used in products which they sell in competition with handlers from nearby order markets.

In the Columbus order there are four use classes for milk with a separate price level for each class. Fluid milk, cottage cheese, ice cream, and butter are all classified and priced in separate categories.

In the Dayton-Springfield and North Central Ohio markets, milk used in cottage cheese and ice cream is priced at about the Columbus Class IV price level. In 1961 the Columbus Class II (cottage cheese) and Class III (ice cream) prices averaged 93 cents and 68 cents, respectively, above the Class IV price. Accordingly, Columbus handlers have to compete with handlers under neighboring orders for sales of cottage cheese and ice cream while paying substantially more for the milk used in these products. It would contribute to orderly marketing if milk used in these products were priced commensurate with prices in nearby orders.

In the past, orderly marketing was maintained in the Columbus marketing area even though the classification and pricing provisions of the order were not in close alignment with other markets as there was not a significant overlap of sales by Columbus handlers and handlers under adjacent orders. Originally the Columbus marketing area was primarily coextensive with the jurisdiction of a single health authority which required cottage cheese and ice cream to be made from Grade A milk. There are several health inspection agencies with jurisdiction in the expanded marketing area. Products such as ice cream and cottage cheese can be sold in most parts of the expanded marketing area without being made from Grade A milk.

Separate classification and pricing for reserve milk used in individual products or groups of products has tended to eliminate the incentive for handlers to seek the higher valued use for reserve milk. Instead, there is an incentive to supply the market's needs of such products from cheaper sources. There has been a substantial reduction in the use of reserve milk for ice cream by Columbus handlers. The primary source of milk used in ice cream by one of the principal Columbus handlers is milk priced under the Northeastern Ohio order. The Minnesota-Wisconsin price series is used in that order to price milk which is utilized in ice cream. Use of the same price in the Columbus order would facilitate the orderly flow of milk between the orders for use in such products.

Separate classification and pricing of various manufactured products between adjacent orders where there is an overlap of competition unavoidably results in an incentive to shift production to the lower priced class uses because of wider operating margins. With the present price alignment there is an incentive for Columbus handlers to use the reserve supply in Class IV and supply the market's needs of cottage cheese and ice cream from milk priced under nearby orders. The consolidation of all reserve milk into one class would encourage handlers to utilize their excess milk in the higher valued uses.

It is concluded from the above considerations that the order should provide for two use classes by combining the present Class II, Class III and Class IV into one use class designated Class II.

(b) *Class II price.* The Class II price should be the Minnesota-Wisconsin basic formula price except that it should not exceed the price resulting from a butter-powder formula by more than ten cents.

The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may occur from time to time. The price, however, should not be so low, that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

A handler witness proposed that the Minnesota-Wisconsin price series be used as the basic formula in the computation of the present Class II and Class III prices. This price series has been used as the basic formula for the Class I price since March 1, 1962. Prior to that time the basic formula price for Class I was the same as for Class II and Class III. This formula price is the higher of the (1) average of prices reported to have been paid by certain specified milk manufacturing plants in Wisconsin and Michigan or (2) the price computed from market values of butter and nonfat dry milk.

Official notice is taken of the Under Secretary's decision of February 21, 1962 (27 F.R. 1802) to incorporate the Minnesota-Wisconsin price series in the Columbus order as well as 35 other orders throughout the Midwest as the basic formula price for Class I milk. It was found in that decision that the Minnesota-Wisconsin price series was a more appropriate measure of manufacturing milk values for use in the orders than the formulas which were in use.

The Minnesota-Wisconsin price series has been incorporated as the surplus use price in many orders throughout the Midwest. This price series is the effective price for milk used for cottage cheese, ice cream and other manufactured dairy products by handlers regulated under the North Central Ohio order. There is considerable overlap of competition by handlers in this and the Columbus market. In addition, the producers supplying the two markets are intermingled. In view of this intermingling of the production and sales areas it is appropriate that the price for milk used in manufactured dairy products be the same under the Columbus order as the North Central Ohio order.

It was proposed by a handler that the present Class IV butter-powder formula price be modified by increasing the manufacturing allowance factors and deleting the minus differential of 12 cents during April through July and five cents during other months.

The handler witness contended that the revised formula would facilitate the disposal of milk to local manufacturing plants.

Typically, Columbus handlers process fluid milk, cottage cheese and ice cream. Milk in excess of such needs is transferred to local manufacturing plants which make butter and nonfat dry milk. Handlers have accepted these excess supplies at the present price level.

The level of the Minnesota-Wisconsin price series has differed very little from the Class IV price formula provided in the order. Since April 1961 the Minnesota-Wisconsin price series has not exceeded the Class IV butter-powder formula by more than nine cents in any month and has averaged 5.4 cents higher. However, during the period of September 1960 through April 1961 the Minnesota-Wisconsin price series averaged 16 cents over the Class IV price. During this period the demand for Minnesota and Wisconsin milk for manufacture into products other than butter and powder caused prices to rise significantly.

Since most of the Columbus reserve milk which cannot be used in cottage cheese or ice cream must be shipped to local butter plants, it is essential that the Class II price not differ significantly from the market value of butter and powder. Accordingly, it is appropriate that an alternative Class II price become effective whenever the Minnesota-Wisconsin price exceeds by more than ten cents the value of milk for manufacture into butter and powder. Such an alternative price may be constructed from the present Class IV price by substituting for the manufacturing allowance factors in the present formula, factors of three cents per pound for butter and 5.5 cents per pound for powder. The resultant price is identical to the one used in the Northeastern Ohio market to limit the Minnesota-Wisconsin manufacturing price to ten cents over the formula's value of milk used in butter and powder. It also serves the same purpose in the North Central Ohio market where the Northeastern Ohio surplus price is the effective Class II price. This formula will result in prices very similar to those under the present formula.

The Class II price provisions recommended herein will return to producers a value for their milk consistent with the value of milk used in the manufacture of like products in adjacent markets and thereby contribute to the orderly marketing of milk in the area.

(c) *Butterfat differential.* The Class IV butterfat differential which is calculated as the price per pound of Chicago 92-score butter times 0.115 should be retained as the Class II butterfat differential. This is an appropriate and representative measure of butterfat values for manufacturing purposes in the area.

It was proposed that the Class III and Class IV butterfat differentials be reduced. The present Class III butterfat differential is determined by multiplying the Chicago butter price by 0.126 during the months of August through March and by 0.124 during other months. The Class IV butterfat differential is 0.115 times the Chicago butter price. A handler proposed that these differentials be reduced by using a factor of 0.120 for Class III and 0.113 for Class IV.

The butterfat differential for Class I and Class II milk is 1.72 percent of the Class I price. The Class I butterfat differential should be continued at its present level. In view of the recommendation to combine the present Class II, Class III and Class IV uses as Class II, however, a single butterfat differential should be fixed for milk so utilized.

A handler witness contended that his company would use more producer butterfat in ice cream (Class III) rather than sell it for butter manufacture (Class IV) if it were priced in closer alignment with alternative sources. This handler's primary source of supply for ice cream usage is from the Northeastern Ohio order where the butterfat differential factor is 0.115. Use of the same factor in the Columbus order will encourage the use of producer butterfat in higher valued products like ice cream and cottage cheese rather than butter.

The butterfat differential of 11.5 percent of the Chicago butter price will not be so low as to give an unnatural incentive to the movement of butterfat to the manufacture of butter at the expense of preferred outlets such as for cottage cheese and frozen desserts. Moreover, at the recommended rate the cost of butterfat in the market will be competitive with butterfat from alternative sources of supply.

The proposal to apply a somewhat lower value for butterfat used in butter is unnecessary in this market as handlers do not maintain extensive butter manufacturing operations. To provide a lower butterfat differential for milk in such uses could stimulate uneconomic use of milk in this lower value outlet while a higher use product demand is available. Thus, returns to producers would be adversely affected.

The producer butterfat differential should be continued at a rate equal to the weighted average value of the butterfat in producer milk in accordance with its classification.

(d) *Supply-demand adjuster.* The "standard utilization percentages" of the supply-demand adjuster should be revised slightly to conform with the changed seasonal pattern of producer milk deliveries for the Columbus market.

The supply-demand adjuster is a means of adjusting the Class I price up or down in relation to the decrease or increase in the proportion of the supply utilized for Class I. This is done by using the historical relationship of supplies to sales in the market as a standard and comparing it with current utilization. The standard utilization percentages in the present order were made effective April 1, 1959.

A handler contended that there has been a significant change in the market structure and the supply-demand adjuster should be changed to recognize the new conditions. Specifically, the handler referred to the sales in the Columbus market by handlers regulated under the Dayton-Springfield order and stated that because of the sales by these out of market handlers Class I sales by Columbus handlers have not kept pace with the increase in receipts of milk from producers. Thus, the utilization in Class I has been declining relative to the standard utilization percentages.

The handler proposed three alternative changes in the supply-demand adjuster, all with moving standard utilization percentages.

(1) A one-cent adjustment for each percentage difference between the utilization in the preceding month and a standard utilization based on a twenty-four month moving average ending with the second preceding month.

(2) A one-cent adjustment for each percentage variation between the utilization in the second and third preceding months and a standard based on the utilization in the corresponding months of the previous two years.

(3) A one-cent adjustment for each percentage variation between the utilization in the second and third preceding months and a standard based on the average utilization in the same months for the current year and the preceding two years.

Since the proposed supply-demand adjusters incorporate a moving standard utilization percentage they would have the advantage of staying relatively current with the pattern of receipts and sales. However, due to the lag in the months to which the adjustment applies, these adjusters tend to result in minus adjustments during the early fall months when supplies swing to their seasonally low level. This would act counter to the principle that prices should be increased when milk is in short supply.

The adjuster provided in the order has the advantage of adjusting prices according to the seasonal supply-sales pattern. However, the present standard utilization percentages should be modified to more closely reflect the current utilization pattern.

The standard utilization percentages recommended herein place particular emphasis on the supply-sales relationship that has existed since September 1961 when there was a reversal of the trend toward fewer producers which had continued for nearly ten consecutive years. This was primarily due to the activities of one of the principal handlers in closing its affiliated plants in Newark and Zanesville, Ohio, and transferring the receipts and sales of those plants to its Columbus plant.

It was proposed that the supply-demand adjuster be limited in its application if the marketing area is extended to regulate additional handlers. However, the evidence indicates that the additional plants which will be regulated have seasonal receipts-sales patterns which do not differ significantly from those of plants presently on the Columbus market. Thus, it can be expected that the supply-demand adjuster will be little affected by the addition of the receipts and sales of the plants in the new area which is added.

In addition, the supply-demand adjuster should be effective in view of the intermingling of production and sales areas of the Columbus, Dayton-Springfield, and Northeastern Ohio orders.

Official notice is taken of the supply-demand provisions of the Dayton-Springfield and Northeastern Ohio orders. The standard utilization percentage and the rates of adjustment in these orders are very similar to the Columbus supply-demand adjuster. The action of the supply-demand adjusters will tend to coordinate the prices between the markets. Accordingly, the Columbus supply-demand adjuster should be made fully effective.

In view of the foregoing considerations it is concluded that the following standard utilization percentages should be adopted:

Month for which a price is being computed:	*Standard utilization percentage*
January	127
February	129
March	126
April	124
May	125
June	130
July	141
August	157
September	153
October	137
November	128
December	130

(e) *Class I price differential.* Producers proposed that the Class I differential be increased from $1.11 to $1.25. This proposed change should be adopted. The 14 cent increase in the differential is necessary, in part, to prevent producer prices from being reduced by the pricing of milk used for cottage cheese and ice cream at a lower level. In addition, an upward adjustment in the differential is needed to offset the lower prices which would result from the revision of the supply-demand adjuster and other product classification changes.

The change in the Class I price is in accordance with the requirements of the enabling statute which specify that prices must reflect economic conditions which affect market supply and demand for milk in the marketing area. During the past two years the market has had an adequate but not an excessive supply of milk. About 76 percent of the receipts of milk from producers were used in Class I during the two-year period. The present level of producer prices has maintained a proper balance between supplies and Class I sales and it should be continued. Thus, those class price and product classification changes recommended herein which would cause, in the absence of compensating price adjustments elsewhere, lower producer prices must be fully offset by increases in the Class I differential.

The consolidation of Classes II, III and IV into a single surplus class would have, on the basis of figures for 1961 and 1962, lowered blend prices an average of 6.4 cents. Official notice is taken of the market administrator's monthly price announcements for 1961 and 1962 which provide the basis for estimating the effects of certain order changes. The 6.4 cent reduction would have resulted largely from pricing milk for cottage cheese at a lower level. This in itself would have reduced the uniform price 5.0 cents. Another 2.2 cent reduction would have occurred as a result of decreasing the price of milk used for ice cream. Substitution of the Minnesota-Wisconsin surplus price for the present Class IV price would have affected producer prices oppositely by adding value to milk used in Class IV. It would have increased the blend price by 0.8 cent thereby cancelling some of the negative price effects of reducing the prices for milk used in cottage cheese and ice cream. An 8.5 cent increase in the price of Class I milk would have been required to offset the total 6.4 cent reduction in the blend price caused by the consolidation of the manufacturing milk classes.

Another factor which would necessitate an offsetting change in the Class I price is the revision of the supply-demand adjuster. The up-dating of the standard utilization percentages required that they be reduced an average of 0.5 percentage points per month. During the past two years the supply-demand adjustment has averaged 2.33 cents for each percentage of negative deviation from the standard utilization percentage. A 1.2 cent increase in the Class I differential would have been required to offset this change in the standard norms.

Producer prices would also be lowered by the change in the classification and pricing of sour cream dips and fortified products. A 4.2 cent increase in the Class I differential would compensate for this blend price reduction. A 1.1 cent adjustment is necessary to offset the direct change in price on these items and a 3.1 cent adjustment is necessary to offset the effect of omitting these items from Class I in the computation of the supply-demand adjustment.

The required increase in the Class I differential is 14 cents—8.5 cents to offset lower prices for milk used in cottage cheese and ice cream, 1.2 cents to compensate for the change in the supply-demand adjuster and 4.2 cents to offset classification changes on dips and fortified products. These figures, estimated on the basis of the average compensating increases that would have been required during 1961 and 1962, total 13.9 cents, or, rounded to the nearest whole cent, 14 cents.

Increasing the Class I differential to $1.25 will also align it with the differentials in nearby markets. As a result of this price alignment, the provision which requires Columbus handlers to pay the difference between the Class I prices on their sales in other marketing areas will no longer be required and it should be deleted from the order.

Columbus handlers are presently required by the order to pay for sales in other marketing areas at the higher of the Columbus price or the Class I price of the other order. They testified that this interorder payment provision placed them at a disadvantage in competing in other markets and that it should be deleted from the order. It was maintained that the differences in order Class I prices should approximately equal the cost of moving milk between the markets.

A witness from another market, testifying in opposition to the request for deletion of the provision, said that the Columbus Class I differential, even if increased as proposed, would still be so low that an interorder price provision would be necessary to provide equity for handlers who would compete with Columbus dealers.

Presently, the $1.11 Columbus Class I differential is the lowest in the region. For example, in the nearby Dayton-Springfield market handlers who compete with Columbus dealers have a Class I differential of $1.24, thirteen cents higher than that in Columbus. The Northeastern Ohio order annual average Class I differential adjusted for location to Columbus is $1.39 or 28 cents higher than the differential for Columbus.

As related by the out-of-market handler, with the $1.11 Class I differential

Columbus dealers could conceivably have a sizable price advantage over dealers from other markets on sales in their marketing area if it were not for the interorder pricing provision. However, the increase in the Columbus Class I differential to $1.25 will result in one cent above the Dayton-Springfield differential and significantly improve intermarket price alignment between Columbus and other nearby orders. Therefore, the provision which requires Columbus handlers to pay the difference between the Class I prices on their sales in other marketing areas will no longer be required.

(f) *Location differential.* The City Hall in Zanesville, Ohio, should be added as a basing point from which the location adjustments are calculated.

The present order provides that location adjustments apply at plants located 80 miles or more from the State Capitol in Columbus, Ohio. The expansion of the marketing area as recommended herein would regulate handlers in densely populated centers east of Columbus near the edge of the present 80 mile zone in which no location adjustment applies. The cost of moving milk to plants in this area is virtually the same as the cost of moving milk to plants in Columbus. By fixing Zanesville, Ohio (56 miles east of Columbus), as an alternative basing point it would assure that prices are fixed according to the cost of moving milk to the population centers of the marketing area.

It was proposed at the hearing that the price in the Zanesville portion of the marketing area be fixed at a level higher than at Columbus. Proponents contended that this would assure closer alignment of prices between the Columbus order and the order regulating the handling of milk in the Greater Wheeling marketing area. The present market situation does not indicate a need for a higher price in the Zanesville area relative to Columbus.

The handler with the largest proportion of sales in Muskingum County (in which Zanesville is located) supplies his customers from his Columbus plant and receives milk from producers located in the county. This indicates that the area can be adequately supplied without a higher price than that applicable at Columbus. Accordingly, a zone price differential should not be fixed for the Zanesville portion of the marketing area.

4. *Administrative and conforming changes.* The amendments required to carry out the conclusion of this decision require extensive changes in the makeup of the order. The entire order has accordingly been redrafted to incorporate those textual changes necessary to implement the amendments discussed above.

Changes in §§ 1035.11, 1035.31, 1035.42, 1035.43, 1035.46, 1035.53, 1035.60, 1035.61, 1035.63, 1035.71(c), 1035.74(b), and 1035.76 are not included in the "Recommended Marketing Agreement and Order" contained herein as further consideration is being given to these provisions on the basis of the aforementioned regional hearing which was held at Arlington, Virginia, in January 1963. These provisions will be included in the decision on that hearing and will be drafted so as to constitute a complete recommended order on the basis of the two hearings.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Columbus, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

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1035.2 Department.
1035.3 Secretary.
1035.4 Person.
1035.5 Cooperative association.
1035.6 Columbus, Ohio, marketing area.
1035.7 Fluid milk product.
1035.8 Route.
1035.9 Fluid milk plant.
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MARKET ADMINISTRATOR

1035.20 Designation.
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1035.30 Reports of receipts and utilization.
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CLASSIFICATION

1035.40 Basis of classification.
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1035.42 Shrinkage.
1035.43 Transfers.
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1035.45 Computation of skim milk and butterfat in each class.
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MINIMUM PRICES

1035.50 Basic formula price.
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1035.52 Butterfat differentials to handlers.
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1035.61 Computation of uniform prices.
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1035.70 Producer-settlement fund.
1035.71 Payments to producer-setlement fund.
1035.72 Payments to producers.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

1035.80 Effective time.
1035.81 Suspension or termination.
1035.82 Continuing power and duty of the market administrator.

MISCELLANEOUS PROVISIONS

1035.90 Agents.
1035.91 Separability of provisions.
1035.92 Termination of obligations.

AUTHORITY: The provisions of this Part 1035 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1035.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted

and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1035.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1035.3 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1035.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1035.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1035.6 Columbus, Ohio, marketing area.

"Columbus, Ohio, marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the counties of Coshocton (except Adams township), Delaware, Fairfield, Fayette, Franklin, Guernsey (except Londonderry, Millwood, and Oxford townships), Licking, Madison, Muskingum, Pickaway and Union, all in the State of Ohio, including territory wholly or partly within such boundaries occupied by government (Federal, State or local) reservations, installations and institutions.

§ 1035.7 Fluid milk product.

"Fluid milk products" means the fluid form of milk, skim milk, buttermilk, concentrated milk, milk drinks (plain or flavored including dietary milk, prepared milk shake mixes containing 15 percent or less of total milk solids and eggnog), sweet or sour cream, or any mixture in fluid form of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, cultured sour mixtures which are not labeled "Grade A", evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1035.8 Route.

"Route" means a delivery (including a sale from a plant store) of a fluid milk product(s) to a wholesale or retail stop(s) other than to a milk plant(s) or to a food processing plant(s) for use other than for fluid consumption.

§ 1035.9 Fluid milk plant.

"Fluid milk plant" means a plant or other facilities which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk and all or a portion of such milk is:

(a) Disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s); or

(b) Moved to a plant described in paragraph (a) of this section in the form of a fluid milk product(s).

§ 1035.10 Pool plant.

"Pool plant" means any fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler or a plant exempt pursuant to § 1035.64:

(a) Any fluid milk plant from which the volume of Class I milk disposed of on a route(s) is equal to not less than 50 percent of the Grade A milk described in § 1035.12(a) received at such plant from dairy farmers and from other plants during the month and more than 15 percent of such receipts are disposed of as Class I milk on routes in the marketing area: *Provided*, That the 50 percent requirement of this paragraph shall apply only during the months of January, February, October and November to a fluid milk plant which operates routes all of which service only the Campus of Ohio State University, Columbus, Ohio; or

(b) Any fluid milk plant which receives milk from dairy farmers described in § 1035.12(a) and from which fluid milk products equal to not less than 50 percent of the milk received at such plant from such dairy farmers during the month is moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the immediately preceding period of August through November, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before March 1 of any year, be designated as a pool plant for the months of March through July of such year.

§ 1035.11 Nonpool plant.

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§ 1035.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and whose milk is:

(a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

(b) Received during the month at a pool plant or diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 1035.13.

§ 1035.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk: (a) Received at a pool plant directly from producers; (b) diverted for the account of the operator of a pool plant to another pool plant; or (c) diverted during the month to a nonpool plant for the account of a cooperative association or the operator of a pool plant: *Provided*, That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it is diverted; *And provided further*, That this definition shall not include the milk of any person during any of the months of August through March in which the milk of such person is diverted to a nonpool plant for more than one-half of the days of delivery during the month.

§ 1035.14 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1035.13(c); and

(c) Any person who operates a partially regulated distributing plant.

§ 1035.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on a route in the marketing area and who receives no fluid milk products from other dairy farmers on nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1035.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except: (1) Fluid milk products received from pool plants, (2) producer milk, and (3) inventories of fluid milk products on hand at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month or skim milk and butterfat in such products for which other utilization or disposition is not established on the basis of the records required pursuant to § 1035.32.

§ 1035.17 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1035.18 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1035.20 Designation.

The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1035.21 Powers.

The market administrator shall have the power to: (a) Administer all of the terms and provisions of this part; (b) make rules and regulations to effectuate the terms and provisions of this part; and (c) receive, investigate, and report to the Secretary complaints of violations of this part.

§ 1035.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the funds provided by § 1035.76:

(1) The cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1035.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days, after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to § 1035.30, or

(2) Payments pursuant to §§ 1035.71, 1035.72, 1035.75, 1035.76, or 1035.78;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) On or before the 10th day after the end of each month, supply each cooperative association upon request, with a record of the amount and average butterfat test of milk received during such month and the amount of any advance payments made and of any deductions or charges from payments for such milk authorized with respect to each producer determined by the market administrator to be a member of such association or to have given written authorization to such association to receive such information;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of milk for such handler depends;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the minimum Class I price and butterfat differential computed pursuant to §§ 1035.51(a) and 1035.52(a);

(2) On or before the 6th day after the end of each month, the minimum Class II price and butterfat differential computed pursuant to §§ 1035.51(b) and 1035.52(b); and

(3) On or before the 10th day after the end of each month, the uniform price computed pursuant to § 1035.61 and the butterfat differential computed pursuant to § 1035.73;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 10th day after the end of each month, upon request by a cooperative association described in § 1035.77(b) or the operator of a pool plant, furnish such person and publicly announce by posting in a conspicuous place in his office, unless otherwise directed by the Secretary, the name of each handler who during the month received producer milk and the percentage of the skim milk and butterfat in such milk which was classified in each class during the month together with any significant changes in the reported percentages for any previous month as are revealed by the regular audit of the market administrator.

REPORTS, RECORDS, AND FACILITIES

§ 1035.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator for each of his pool plant(s), in the detail and on the forms prescribed by the market administrator, the following:

(a) The total pounds of skim milk and butterfat contained in or represented by:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk; and

(4) Beginning and ending inventories of fluid milk products;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe; and

(d) His producer payroll which shall show for each producer and association of producers:

(1) The total pounds of producer milk received and the average butterfat test thereof;

(2) The amount of any advance payments; and

(3) The nature, amount or rate per hundredweight of milk of each deduction or charge made by the handler.

§ 1035.31 Other reports.

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§ 1035.32 Records and facilities.

Each handler and producer-handler shall maintain and make available to the market administrator, his agent, or such other person as the Secretary may designate, during the usual hours of business, such accounts and records of his operations and such facilities, as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1035.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1035.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1035.30(a) shall be classified by the market administrator, subject to the provisions of §§ 1035.41 to 1035.46.

§ 1035.41 Classes of utilization.

Subject to the provisions set forth in §§ 1035.43 and 1035.44 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3), (4) and (5) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of in bulk fluid form to any manufacturer of soup, candy, or bakery products for use in such manufacturing operation;

(4) Specifically accounted for as dumped or disposed of for livestock feed;

(5) Contained in that portion of fortified milk or skim milk not classified as Class I milk pursuant to paragraph (a) (1) of this section and in milk shake mixes containing over 15 percent total milk solids;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1035.42(c) (1), but not to exceed two percent of such milk; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1035.42(c) (2).

§ 1035.42 Shrinkage.

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§ 1035.43 Transfers.

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§ 1035.44 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required in §§ 1035.41 and 1035.43, the burden rests upon the handler who first receives such skim milk or butterfat to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

§ 1035.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is removed before the product is utilized or disposed of by the handler, the pounds of skim milk used to produce and disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all of the water normally associated with such solids in the form of whole milk.

§ 1035.46 Allocation of skim milk and butterfat classified.

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MINIMUM PRICES

§ 1035.50 Basic formula prices.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1035.51 Class prices.

Subject to the provisions of §§ 1035.52 and 1035.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month, plus $1.25 and plus or minus a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total receipts of producer milk during the second and third preceding months by the total gross pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) for the same months, multiplying the result by 100, and rounding to the nearest integer.

(2) Compute a "net utilization percentage" by subtracting (algebraically) from the current utilization percentage the following appropriate "standard utilization percentage":

Month for which a price is being computed:	*Standard utilization percentage*
January	127
February	129
March	126
April	124
May	125
June	130
July	141
August	157
September	153
October	137
November	128
December	130

(3) Determine the amount of the supply-demand adjustment from the following table:

Net utilization percentage:	*Supply-demand adjustment (cents per hundredweight)*
+16 or over	−38
+12 or +13	−28
+ 8 or + 9	−20
+ 4 or + 5	−10
+ 1 or − 1	0
− 4 or − 5	+10
− 8 or − 9	+20
−12 or −13	+28
−16 or under	+38

Provided, That when the net utilization percentage is between two tabulated brackets, the supply-demand adjustment shall be determined by the tabulated bracket which is adjacent to the net utilization percentage and is the same as or the nearer to the bracket used in the immediately preceding month.

(b) *Class II milk.* The Class II milk price for the month shall be the basic formula price computed pursuant to § 1035.50, except that in no event shall such price exceed the price computed from the sum of subparagraphs (1) and (2) of this paragraph rounded to the nearest cent, plus 10 cents:

(1) From the Chicago butter price, subtract 3.0 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the nonfat dry milk price, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1035.52 Butterfat differentials to handlers.

For each one-tenth of one percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 3.5 percent there shall be added to or subtracted from, as the case may be, the price for such class a butterfat differential calculated by the market administrator as follows:

(a) *Class I milk.* Multiply the Class I price for the month by 0.0172 and round to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115 and round to the nearest one-tenth cent.

§ 1035.53 Location adjustments to handlers.

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§ 1035.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1035.55 Computation of prices of skim milk and butterfat.

The prices per hundredweight of skim milk and butterfat to be paid by each handler for milk in each class shall be computed and announced to handlers by the market administrator on or before the dates for announcing the corresponding class prices pursuant to § 1035.22(l) as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month computed pursuant to paragraphs (a) and (b) of § 1035.51 less the result of multiplying the applicable class price butterfat differential for the month computed pursuant to paragraphs (a) and (b) of § 1035.52 by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

DETERMINATION OF UNIFORM PRICE

§ 1035.60 Computation of the net pool obligation of each pool handler.

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§ 1035.61 Computation of uniform price.

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§ 1035.62 Notification of handlers.

The market administrator shall:

(a) On or before the 10th day after the end of each month, notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 1035.60;

(2) The totals of such amounts and values due the producer-settlement fund pursuant to § 1035.71; and

(3) The amount to be paid by such handler pursuant to § 1035.76.

(b) On or before the 20th day after the end of each month, notify each handler who operates a partially regulated distributing plant:

(1) The amount due the producer-settlement fund pursuant to § 1035.63; and

(2) The administrative assessment to be paid by such handler pursuant to § 1035.76.

APPLICATION OF PROVISIONS

§ 1035.63 Obligation of handlers operating a partially regulated distributing plant.

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§ 1035.64 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1035.10 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Columbus, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 1035.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1035.63 and 1035.71 shall be deposited in this fund, and all payments made pursuant to § 1035.72 (a) and (b) shall be made out of this fund; and

(b) All amounts subtracted pursuant to § 1035.61(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1035.72 in accordance with the requirements of § 1035.61(l).

§ 1035.71 Payments to producer-settlement fund.

On or before the 12th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1035.62 (a), less (a) the amount of deductions authorized pursuant to § 1035.72(a)(4) and itemized on the handler's producer payroll: *Provided*, That such deductions for each individual producer shall not exceed the total value of the milk received from such producer during the month, (b) an amount not to exceed the value of milk received from producers to whom the request to make payment pursuant to § 1035.72(c) applies computed at the rate of the uniform price adjusted by the butterfat and location differentials pursuant to §§ 1035.73 and 1035.74, and (c) • • •

§ 1035.72 Payments to producers.

(a) Except as provided in paragraph (c) of this section, on or before the 16th day after the end of each month, the market administrator shall make payment to each producer for milk received from him during the month by each handler from whom the appropriate payments have been received pursuant to § 1035.71(a) at the uniform price computed pursuant to § 1035.61 subject to the following adjustments:

(1) The butterfat differential pursuant to § 1035.73;

(2) The location differential pursuant to § 1035.74;

(3) Less marketing service deductions pursuant to § 1035.77(a);

(4) Less proper deductions authorized in writing by the producer: *Provided*, That for producers who are members of a cooperative association which receives payment for milk pursuant to paragraph (b) of this section, such authorization for hauling and assignments shall be by the cooperative association; and

(5) Adjusted for any error in making payment to such producer for past months: *Provided*, That if the balance in the producer-settlement fund not otherwise obligated is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments pro rata and shall complete such payments on or before the next date for making payments pursuant to this section following that on which such balance of payment is received;

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the 14th day after the end of the month to:

(1) A cooperative association qualified under § 1035.77(b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments, and

(2) Each handler an amount, if any, by which payments to producers for milk required pursuant to paragraph (c) of this section, before deductions for marketing services, exceeds the amount deducted pursuant to § 1035.71 (a) and (b) with respect to such milk.

(c) On or before the 16th day after the end of each month, each handler shall pay each producer, who is not a member of a cooperative association qualified pursuant to § 1035.77(b) and for whom a written request to make payments has been filed by the handler with the market administrator, for milk received from him during the month at not less than the uniform price as adjusted pursuant to paragraphs (a) (1), (2), (3), and (4) of this section; and

(d) In making the payments to producers pursuant to paragraphs (a), (b), and (c) of this section, the payer shall furnish each producer or cooperative association, as the case may be, with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The amount or the rate per hundredweight of milk and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer.

§ 1035.73 Butterfat differential to producers.

In making payment for producer milk pursuant to § 1035.72, there shall be added to or subtracted from, respectively, the uniform price per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 3.5 percent a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage that the butterfat in producer milk remaining in each class pursuant to § 1035.46 is of the total butterfat in producer milk so assigned to such classes;

(b) Multiply each such percentage by the butterfat differential for the respective class pursuant to § 1035.52; and

(c) Add into one total the values obtained in paragraph (b) of this section and round off such total to the nearest one-tenth cent.

§ 1035.74 Location differential to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1035.53; and

(b) • • •

§ 1035.75 Adjustment of errors.

Whenever audit by the market administrator of the payment required to be made by a handler pursuant to §§ 1035.63, 1035.71, or 1035.72, discloses payment of less than is required, the handler shall make up such payment not later than the time for making such payments next following such disclosure.

§ 1035.76 Expense of administration.

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§ 1035.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, the market adminis-

trator or handler, as the case may be, shall deduct 5 cents per hundredweight or such amount not to exceed 5 cents as the Secretary may from time to time prescribe, from the payments made to each producer pursuant to § 1035.72(a) or (c). Such deductions made by the handler shall be paid to the market administrator on or before the 12th day after the end of the month. Such moneys shall be used by the market administrator to check weights, samples, and tests of producer milk received by handlers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association which, as determined by the Secretary, has its entire activities under the control of its members and is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, the market administrator shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and, on or before the 14th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services.

§ 1035.78 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1035.63, 1035.71, 1035.72, 1035.75, 1035.76, or 1037.77 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1035.80 Effective time.

The provisions of this part or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1035.81.

§ 1035.81 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1035.82 Continuing power and duty of the market administrator.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(a) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) From time to time account for all receipts and disbursements, and when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person to such person as the Secretary may direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

(b) Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrators' office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1035.90 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1035.91 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

§ 1035.92 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(A) of the Act or before a Court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

Signed at Washington, D.C., on January 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-780; Filed, Jan. 27, 1964; 8:48 a.m.]

[7 CFR Parts 1103, 1105, 1107]

[Docket Nos. AO-253-A8, AO-297-A3, AO-304-A2, AO-304-A4]

MILK IN CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS (TO BE NEWLY DESIGNATED AS "SOUTHERN MISSISSIPPI MARKETING AREA") AND MISSISSIPPI DELTA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Secretary, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Central Mississippi, Mississippi Delta and Mississippi Gulf Coast marketing areas.

With respect to the Central Mississippi and Mississippi Gulf Coast orders this decision is a partial decision. The matter of the appropriate treatment of other source milk was considered at a reopened session of the hearings held in St. Louis, Missouri, on January 8–11, 1963, simultaneously with a hearing involving the identical matters under 24 other Federal orders. A separate decision covering the issues considered at that session of the hearings will be rendered in the immediate future and accordingly those issues are not covered in this decision.

For convenience of interested parties exceptions to this decision may be filed concurrently with and within the time provided for filing exceptions in such later decision. Exceptions may be filed with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearings on the record of which the proposed amendments to the tentative marketing agreements and to the orders as amended were formulated, were conducted at Gulfport, Mississippi, on October 26, 1961, pursuant to notice thereof which was issued October 17, 1961 (26 F.R. 9912); and at Jackson, Mississippi, on July 23–27, 1962, pursuant to notices thereof which were issued June 19, 1962 (27 F.R. 5960) and July 5, 1962 (27 F.R. 6433). A decision was issued March 23, 1962 (27 F.R. 2932) containing findings and conclusions on the material issues considered at the October 26, 1961, hearing, excepting those relating to the pooling provisions (Issues Nos. 3 and 4 in that decision) which are included in this recommended decision.

The material issues on the records of the hearings relate to:

1. Extension of the marketing area, merging of Orders No. 103 and No. 107, and method of pooling to be provided.

2. Other appropriate terms and provisions of the merged order:

(a) Milk to be priced and pooled;

(b) Classification and allocation of milk;

(c) The method and level of pricing and the application of location differentials; and

(d) Administrative and miscellaneous provisions.

3. Revision of the Mississippi Delta order:

(a) Level of Class I price;

(b) Classification and accounting for fortified fluid milk products; and

(c) Individual-handler pooling in lieu of marketwide pooling.

The notice of hearing issued June 19, 1962 (27 F.R. 5960) contained a proposal (No. 5) to classify eggnog as a Class II product under the Mississippi Delta order. No testimony was offered either in support or in opposition to the proposal and accordingly, no consideration is being given to this matter in this decision.

As has been previously indicated the hearings with respect to the Central Mississippi and Mississippi Gulf Coast orders were reopened to further consider the appropriate treatment of other source milk. This reopened hearing was held in St. Louis, Missouri, on January 8–11, 1963, simultaneously with a hearing involving the identical matters under 24 other Federal orders, including the Mississippi Delta order. Because the treatment of other source milk necessarily involves many of the provisions of an order it would be of little benefit to interested parties to set forth in this decision a partial recommended order which could have meaning only in the context of a complete order. For this reason a complete recommended order to implement the conclusions in this decision and the conclusions in the decision to be issued will be included in the later decision. Exceptions may then be filed to the two decisions concurrently.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Extension of the marketing area, merging of Orders No. 103 and No. 107, and method of pooling to be provided.* The marketing area of Order No. 103 should be extended to include Beat 2 of Lamar County, Mississippi. Under the existing regulation this area is a small island surrounded by a wide area of regulation. Since Beat 2 of this county is served exclusively by regulated handlers, its inclusion will have no adverse effect on any handler. Furthermore, the extension of the marketing area to include all of Lamar County will simplify the reporting and record keeping required of regulated handlers.

Order No. 107, regulating the handling of milk in the Mississippi Gulf Coast marketing area and Order No. 103, regulating the handling of milk in the Central Mississippi marketing area should be merged into a single regulation with a marketwide pooling arrangement. The combined area of regulation should be designated the "Southern Mississippi marketing area".

The Mississippi Gulf Coast marketing area lies between and immediately adjacent to the Central Mississippi marketing area and the New Orleans marketing area. In terms of Class I sales and producer receipts the market is approximately one-third the size of the Central Mississippi market and one-fifth the size of the New Orleans market. Both Central Mississippi and New Orleans handlers have substantial and regular route disposition in the Gulf Coast market.

Approximately 20 percent of the overall Class I sales in the Gulf Coast market are contract sales to the Keesler Air Force Base. Because of the importance of the Keesler Field contracts in the Gulf Coast market, separate regulation has been only partially effective in maintaining market stability throughout much of the period of regulation. The contracts are actively sought by eligible handlers in the three regulated markets and on numerous occasions have been held by Central Mississippi and New Orleans regulated handlers. When Gulf Coast handlers are not the successful bidders, a significant part of the local milk supply must be disposed of for other than fluid uses.

The production areas of the three regulated markets are largely coextensive. Most of the producers on the Gulf Coast market have been members of the Mississippi Milk Producers Association, the predominant cooperative association in the Central Mississippi market, or the Gulf Milk Association, Inc., the predominant cooperative in the New Orleans market. Because of the general intermingling of producers of the three markets any significant difference in blended returns as between these markets sets up uneconomic incentives for shifting deliveries from one market to another. One of the principal cooperatives has, from time to time, for the purposes of equalizing returns between markets, shifted producers either in or out of the Gulf Coast market in response to the changing demand for Class I milk, depending on whether the Keesler Field contract was held by local handlers or by outside handlers. This has resulted in very substantial and erratic changes in the number of producers and in producer receipts in the Gulf Coast market. For example, in April 1959 there were 595 producers, in July 1959, 427 producers and in October 1959, 568 producers. This erratic change in producer numbers is typical of the intervening period through August 1962.

The marketing situation which has followed from these supply-sales changes has required a number of amendment and suspension actions, each of which, while ameliorating the immediate situation, has been ineffective in furthering long range market stability. During the spring and summer months of 1962, large reserve supplies in the market precipitated a chaotic marketing situation which prompted the request for consolidation of the two orders.

With the transition to farm bulk tanks and increased reserve milk supplies, the

Mississippi Milk Producers Association, in an effort to implement greater marketing efficiency, assumed responsibility of hauling its member milk with a view to tailoring deliveries directly to handlers in accordance with their fluid requirements, and moving the reserve supplies of milk directly to manufacturing plants. Satisfactory negotiations were not completed with handlers, however, and as a result the bulk of the association's member milk was refused by handlers. The market for the milk of both member and nonmember producers was jeopardized when handlers sought outside supplies in preference to buying association milk. This action reduced significantly the blended returns to all producers. The Gulf Milk Association, in an effort to bring about a blend price more competitive with the Central Mississippi and New Orleans blend prices, removed more than 150 of its member producers from the market. However, the blend price in the Mississippi Gulf Coast market which historically had been approximately twenty cents above the Central Mississippi blend, was at the time of the hearing about 20 cents below the Central Mississippi blend.

Nonmember producers, who at the time of the hearing had virtually an exclusive market with local proprietary handlers, proposed and supported an individual-handler pool for the Gulf Coast Market. It was their position that arbitrary and capricious action on the part of the cooperatives was the primary cause of the existing market instability. They further contended that the associations' milk was not needed in the market and that individual-handler pooling would assure essentially a Class I market to the producers then delivering to handlers' regulated plants.

It is apparent that individual-handler pooling cannot promote long-run stability in this market. While the market crisis existing at the time of the hearing may have been precipitated as a result of one cooperative's efforts to enhance the efficiency of marketing its members' milk by assuming responsibility for hauling, the situation was merely a manifestation of the basic problem confronting the market. Milk supplies in the area have been fully adequate to meet the needs of the market. This in part is the result of the loss of the Keesler Field contract, but more fundamentally is a manifestation of the regional supply-demand balance.

As previously stated, the Gulf Coast supply area is largely coextensive with that of the two adjacent Federal orders. Hence, producers have a broad choice of markets. Under such a situation, it is neither possible nor appropriate that one group of producers be permitted to maintain under Federal regulation a preferential Class I market to the exclusion of a much larger equally qualified group of producers. In the interest of assuring an adequate supply of milk at all times, a procedure must be provided whereby each respective market carries its proportionate share of the regional reserve supply. This cannot be accomplished by individual-handler pooling and accordingly, the request for separate regulation under individual-handler pooling is denied.

Because of the small size of the Mississippi Gulf Coast market in relation to the two adjacent Federal order markets and the erratic changes in Class I sales as local handlers lose or gain the Keesler Field contract, the sharing of the regional reserve supply in the past has been only partially accomplished and then only by somewhat arbitrary and often belated action on the part of the cooperative associations.

The intermingling of route sales of handlers regulated by the two orders clearly establishes the need for order consolidation. Such a consolidation will provide a broader base of Class I sales to minimize the influence of the Keesler Field contract. This may be accomplished without material disadvantage to any producer or group of producers by consolidation of the Mississippi Gulf Coast and Central Mississippi markets under one order and with a marketwide pooling arrangement.

The terms and provisions of the two orders presently are very similar and, in fact, in many respects identical. The two areas lie entirely within the State of Mississippi and are subject to the same health inspection requirements. The merger of the two orders will not bring under regulation any new handlers and will continue in principle the same type of regulation which has previously prevailed.

To accomplish the merger effectively and most equitably, the assets in the custody of the market administrator in the marketing service, administrative, and producer-settlement funds, respectively, under the two orders should be merged when the merger of the two orders is effected. To distribute such funds under the Mississippi Gulf Coast order to Gulf Coast handlers and producers would unduly burden handlers and producers now regulated under the Central Mississippi order. To distribute the funds under both orders and again accumulate the necessary reserve would entail unnecessary administrative detail at considerable cost with no advantage to either handlers or producers.

2. *Other appropriate terms and provisions of the merged order:* Many provisions of the Mississippi Gulf Coast and Central Mississippi orders are either identical or are essentially similar. For convenience of preparing this decision the terms and provisions of the Central Mississippi order are concluded to be the appropriate terms and provisions of the consolidated order subject to the following modifications and further modifications to be set forth in a later decision hereinbefore referred to:

(a) *Milk to be priced and pooled.* For greater specificity and convenience in drafting the consolidated order it is desirable that the definitions prescribing the scope of regulation be revised and implemented by additional definitions.

In order for marketwide pooling to achieve its stabilizing influence to the fullest extent, the returns from the sale of milk should be shared by those dairy farmers who constitute the regular supply of milk for the market. It is essential, therefore, to provide specific standards of performance which may be used to determine which plants and what milk constitutes the regular sources of supply and therefore become fully subject to regulation. Such plant standards are set forth in the consolidated order and apply uniformly to all plants wherever located. Any plant, regardless of location, may be brought under regulation by performing in the manner prescribed. Any plant may be relieved from regulation by no longer operating in a way that brings it within the scope of the order. Thus, whether a plant will be fully or partially regulated, or unregulated, is determined by the decision of the plant operator.

Under the plant definition herein provided all of the operations conducted on the premises of an establishment operated as a single unit for the purpose of receiving milk for assembly and transfer, or for processing and packaging milk and milk products are operations of a plant. A facility or establishment functioning only as a transfer point for transferring milk from one tank truck to another tank truck, or as a distribution depot for storage of packaged fluid milk products in transit for route dispositions would not constitute a plant.

To assist in the identification of those plants which are to be subject to full regulation a "route disposition" definition is provided. Route disposition is defined as any delivery of a fluid milk product from a plant to wholesale or retail outlets other than a delivery to another plant. Disposition by a vendor, from a plant store or through a vending machine, is treated as a route disposition of the plant from which such disposition occurs.

Under the two respective orders the pooling requirements are set forth in the distributing and supply plant definitions. To implement the drafting of subsequent order provisions these definitions should be revised and the pooling requirement should be set forth under the "pool plant" definition.

Under the consolidated order any plant from which Grade A fluid milk products are disposed of as route disposition in the marketing area is a distributing plant and a plant supplying Grade A milk to a distributing plant is a supply plant.

A distributing plant should be fully regulated in any month in which: (1) A volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers is disposed of during the month as route disposition; and (2) 20 percent of such plant's Class I route disposition during the month or 4300 pounds on a daily average is disposed of as route disposition in the marketing area.

Order 107 presently provides that a distributing plant shall be pooled in any month in which such plant's market area route disposition is 20 percent or more of its Grade A milk receipts if such plant's total route disposition equals or exceeds 50 percent of such receipts. Order 103 provides full regulation for a plant with Class I route dispositions equal to at least 50 percent of its producer receipts and receipts from pool plants if 20 percent of the Class I milk is disposed of as Class I route dispositions in the marketing area.

A proposal considered at the hearing held in Gulfport, Mississippi, October 26, 1961 (26 F.R. 9912) on which no decision has been rendered concerned modification of the pooling requirements for distributing plants in the Gulf Coast market. Proponents proposed that the pooling standards be modified to provide full regulation for any plant with route dispositions equal to or exceeding 50 percent of its producer receipts whenever the lesser of 15 percent of Class I milk or 4300 pounds on a daily average was disposed of during the month as route dispositions in the marketing area. An identical proposal was made at the July 1962 hearing (27 F.R. 5960) as an appropriate provision for the proposed consolidated order.

A specific situation prompting these proposals exists in the Gulf Coast market where a nonpool handler operates a plant in the State of Alabama with receipts from dairy farmers approximating 85 percent of the total producer receipts under the Mississippi Gulf Coast order and Class I sales approximating 90 percent of the total Class I sales by all regulated handlers under that order. In excess of 10 percent of such plant's total Class I distribution is disposed of in the Gulf Coast marketing area. Contract sales by this plant are few, if any, in this market in which contract sales to Keesler Air Force Base constitutes 20 percent of the total market Class I sales. Hence, it is apparent that this handler actually has in excess of 14 percent of the total market area Class I sales, excluding military contract sales.

This is a substantially different situation than that which prevailed at the time that the existing pool plant standards were adopted. The plant in question has historically been associated with the Gulf Coast market as a distributing plant. From the inception of the order through July of 1961, its monthly marketing area route dispositions averaged about 278,000 pounds, less than six percent of the total Class I route sales in the market. In July of 1961, the plant operator purchased a fully regulated plant receiving milk from 16 producers. The plant was closed and the producers were forced to seek other markets. For the most part, they retained producer status because their milk has been handled by their cooperative association. However, most of their milk has necessarily been disposed of for manufacturing uses. The outlets previously served from this plant are now served by the purchasing handler from his Alabama plant. These sales in conjunction with such plant's previous market area sales at the time of the hearing approximated 510,000 pounds monthly and constituted in excess of 14 percent of the regular retail and wholesale route sales in the market. It must be concluded that as a direct result of the purchase and closing of the fully regulated pool plant an average of 232,000 pounds of Class I sales per month were withdrawn from the pool. This means that for the first 10 months of 1962, for example, the total value of the pool was reduced approximately $59,856 ($2.32, the average difference between the Class I and Class II price, times 2,320,000 pounds of milk) and that producer returns under the order were reduced in excess of $150 per producer over the 10-month period.

The marketing situation in any fluid milk market is seldom static. Consequently, provisions which were appropriate under one given situation may not be appropriate under different circumstances. While the plant in question had a historical association with the market at the time the Mississippi Gulf Coast order was promulgated, its distribution of fluid milk products within the market was stable and it seemed likely that full regulation of the plant was unnecessary to fully achieve the purposes of the Act. With the purchase of the fully regulated plant and withdrawing of such plant's Class I sales from the pool in excess of 14 percent of the regular route sales of the Gulf Coast market emanates from this Alabama nonpool plant.

One purpose of the marketwide pooling arrangement is to assure producers who regularly supply the market equitable sharing of the total proceeds from the sale of Class I milk and of the cost of carrying the market's necessary reserve supply. If the purpose of the marketwide pooling arrangement is to be achieved, all distributing plants which have a significant association with the local market must be included. Any plant having in excess of 14 percent of the total regular route sales in a market in which there are only six pool distributing plants must be considered to have a substantial association and to be of such significance that full regulation is essential. In reaching this conclusion there is no presumption of possible pricing advantage which the handler in question might have as compared to fully regulated handlers. Theorectically, the possibility is avoided by the assurance, in the case in question, that the handler returns to his producers the classified use value of his milk computed as though he were a pool handler, or pays any of such amount not paid to his producers to the pool. In fact, however, the intent of the provision may not be realized by the restricted Alabama State Class I classification, the high Class I pricing under the State order and the lower price for Class I milk products disposed of to Federal Government institutions on a contract basis. However, no judgment on this point is necessary. The basic need for a marketwide pooling arrangement is the assurance of equitable sharing of the Class I sales and the burden of carrying the necessary market reserve supply by all dairy farmers having substantial association with the market. Although the consolidation of the two marketing areas will result in the plant having Class I sales in the combined market in excess of three percent of the Class I sales made by all plants, this does not reduce its significance as a factor in the Gulf Coast portion of the proposed combined area, where it still has 14 percent of the overall Class I sales. Clearly, its association is of a nature which requires full regulation.

It cannot be ascertained from the record whether there are any other partially regulated plants distributing fluid milk products in the market. Certainly the possibility exists that there are such plants or that future decisions on the part of out-of-area handlers may place one or more other plants in this situation. It is essential, therefore, that appropriate definitive standards be provided for pooling distributing plants.

Under usual circumstances a plant with one large sized wholesale route in the marketing area represents a substantial competitive factor. Since one wholesale route would not exceed the equivalent of an average of 4300 pounds per day, 4300 pounds is concluded to be an appropriate standard for the market. With the use of a minimum volume figure a percentage standard based on volume of milk handled, Class I sales, or other appropriate measure of association becomes important only in that a volume minimum alone could result in denial of pool participation to a small plant doing a very substantial part of its business in the regulated market. Therefore, it is concluded that Class I sales are the most appropriate measure of association and accordingly, it is provided that any distributing plant primarily engaged in the fluid milk business (50 percent or more) with at least 20 percent of its Class I sales in the regulated market should be accorded pooling status even though its in-area distribution is less than 4300 pounds per day.

The pooling provisions of the order should also be modified to permit a distributing plant meeting the requirements for full regulation under this order and another Federal order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month to retain pooling status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification. Provision should also be made to exempt a distributing plant doing a greater proportion of its total Class I business in this marketing area, but which, nevertheless, retains pooling status for the month under another order. Federal orders generally provide that a distributing plant meeting the pooling requirements for more than one order shall be regulated under that order covering the area in which the greater volume of Class I sales are made. Nevertheless, it should be recognized that other orders may contain similar provisions to those herein proposed to deter plants from changing back and forth between two orders on a month-to-month basis.

Under the present order provisions, any distributing plant which disposes of Class I milk in the marketing area is subject to full regulation under this or-

der, unless, a greater volume of Class I disposition is made in another Federal order marketing area.

Proponent proposed a six-month period of regulation under the Southern Mississippi order for a distributing plant that becomes a fully regulated pool plant before such plant may again be regulated by some other order. This proposal was made to alleviate an existing situation with respect to a handler operating a plant in the Mississippi Delta marketing area at Stoneville, Mississippi. This handler's distribution is almost evenly divided between Order No. 103 and Order No. 106. Since the distribution requirements for a pool distributing plant are similar in both orders, the Stoneville plant is in a position of becoming subject to regulation under one order one month and the other order the next month. Furthermore, a handler who had almost equal sales in the two areas and wished to remain continuously regulated under one order may become regulated under the other order by an inadvertent sale due to a management error or errors on the part of a plant employee or a route salesman. It is also possible that a change in classification during audit might produce the same result. Such changing back and forth would have greater adverse effects on producers than on handlers since the effective Class I price for a plant regulated under either one or the other of the two orders is substantially the same.

A plant doing business in several Federal orders generally should be regulated under that order under which it does the greatest proportion of its Class I business. This is the principle under which the existing provisions were effected and this record provides no basis for changing this conclusion. Nevertheless, it is not desirable nor necessary that regulation of a plant shift back and forth between orders on the basis of inadvertent or short run shifts in the proportion of sales made in one market as compared to another.

The situation cannot be fully alleviated at this time with respect to the Mississippi Delta order since the Mississippi Delta order provisions which require corresponding changes were not open at this hearing. However, in recognition of the fact that the Central Arkansas and Memphis, Tennessee, orders have provisions which would allow a pool distributing plant to remain pooled under the Southern Mississippi order until distribution is greater for three consecutive months in either of the other two Federal orders than under this order and that similar provisions may be required in the Mississippi Delta order as a result of a later hearing, the changes herein recommended should be adopted. Under this procedure a handler would have two months warning that his plant was changing from one regulation to another, thus providing a reasonable time to permit adjustment of his business in cases where such change was not contemplated. At the same time, this change retains the principle of regulating a plant under that order where the greatest proportion of its Class I business is done. Since government contracts normally are made for longer periods than two months there is no reason to expect that the changes recommended will have any significant effect on the length of time in which a plant is pooled in a particular order where the change in the proportion of business is the result of gaining or losing a government contract.

Under the present Central Mississippi order a supply plant is pooled in any month in which a volume of fluid milk products equal to not less than 50 percent of its Grade A receipts from dairy farmers is transferred to a distributing plant disposing of not less than 50 percent of its total Grade A receipts as route dispositions provided a specified percentage of milk is disposed of as route dispositions in the marketing area. This principle is retained in the consolidated order. Likewise, provision for automatic pooling during the flush months of production is retained for supply plants meeting the pooling requirements in each of the short months of production.

In recognition of the changes in seasonality of production and Class I sales which have occurred in the Central Mississippi market, the months of automatic pooling should be the months of February through August rather than February through July. Conversely, the months in which shipping standards must be met should be the months of September through January, rather than August through January, as presently provided. This change conforms with the existing provisions of the Mississippi Gulf Coast market and, hence, insofar as Gulf Coast handlers and producers are concerned, represents no change from the existing regulation.

The major cooperative association representing producers in the consolidated market operates two balancing plants for distributing milk to handlers in accordance with their day-to-day requirements and for the assembly of the market's reserve supply for movement to manufacturing outlets. Since virtually the entire market has converted to farm bulk tank it is generally unnecessary that milk regularly needed by distributing plants move through one of the associations' plants. Therefore, it is unlikely that the cooperative's plants would normally meet the prescribed shipping requirements for supply plants except through uneconomic movement of milk through such plants solely for the purpose of maintaining pool plant status. While the association has disposed of the market's reserve supply to outside Class I milk outlets to the extent that such outlets were available, the milk so disposed of, as well as the milk for which no Class I milk outlet is available and which is moved to manufacturing plants, is supplied by dairy farmers who are regular producers for the local market. Accordingly, it should be accounted for in the same manner as all other producer milk received at pool plants under the order. This may be accomplished by providing specific pooling standards for any nondistributing plant operated by a cooperative association. However, the performance standards should be such that only a plant operated by a cooperative association whose major function is supplying milk to the market would qualify and participate in the market-wide pool. This can best be accomplished by designating as a pool plant any nondistributing plant operated by a cooperative association, 60 percent or more of whose member producers' milk is received during the month at pool distributing plants.

Under usual circumstances the association would desire to pool its balancing plants; nevertheless, provision should be made whereby such plants may acquire nonpool status under the consolidated order if the association should so elect and the plant(s) does not meet the shipping requirements for pooling. It is apparent that such a decision would be made only under circumstances where the plant had substantial Class I sales in another market. The order should not permit the association to pool its reserve milk supply unless all of the Class I sales associated with such reserve are also pooled. Accordingly, it is provided that should the association elect nonpool status under the consolidated order for its plant in any month, such plant would be designated a nonpool plant for each of the succeeding 11 months in which it did not qualify for pooling under the regular supply plant shipping requirements.

The handler definition should be extended to include the operator of a nonpool supply plant. This broadening of the handler definition will enable the market administrator by virtue of another provision in the order to require written reports concerning milk utilized by such plants. The need for such reports will be discussed in a later section dealing with handler reports.

The producer and producer milk definitions herein recommended are essentially those presently contained in the Mississippi Gulf Coast order and except for provision for diversion during the short production season on a percentage basis as an alternative to the prescribed 10-day diversion, the two definitions in combination, have substantially the same application as the present provisions of the existing Central Mississippi order.

Since the months of "unlimited diversion" prescribed in the existing Mississippi Gulf Coast and the Central Mississippi orders are different, some modification is necessary to provide uniform treatment under the combined order. In view of the volumes of milk pooled under the respective orders, it is appropriate that the months of "unlimited diversion" prescribed in the Central Mississippi order of December through August be adopted for the combined order. This was proposed by producer proponents who have generally assumed responsibility for handling the reserve supply of the two markets and under the circumstances, is concluded appropriate under the combined order.

One condition, not presently applicable in the existing Central Mississippi order, would preclude diversion, in any months of December through August, of the milk of any producer, who did not hold producer status during the entire two immediately preceding months. This requirement, presently included in the Mississippi Gulf Coast order (for the months of March through August), is desirable in the combined order to deter

the addition of producers during the months of highest production solely for the purposes of securing a milk supply for Class II use. Since diversion privileges would not be available for each of the months of December through August for milk not associated with the market in the entire two immediately preceding months, the application of this provision tends to deter the shifting of producers between markets during these months with consequent dislocation of price relationships as between markets. The adoption of these standards for the combined order with respect to the diversion of producer milk, will assist in stabilizing marketing conditions in the merged area.

The definition of a "producer-handler" should be modified from that contained in either the present Central Mississippi or Mississippi Gulf Coast orders. The Central Mississippi order precludes any source of supply other than own farm production, while the Mississippi Gulf Coast order permits purchases of fluid milk products from pool plants.

Producer-handlers usually operate small businesses, handling essentially only Class I milk and relying primarily on their own farm production as a source of supply. Such individuals assume the risks of production as well as the risks of processing and distribution. Under such circumstances it is not necessary to subject them to regulation other than reporting to attain the purposes of the Act.

Under circumstances where a producer-handler needs supplemental milk to meet his full Class I requirements, there is always a strong incentive to avoid pooling of his own production. In such situations it is not uncommon for a handler to attempt to masquerade as a producer-handler through contractual arrangements with other dairy farmers which are intended to infer ownership and responsibility of production facilities by the handler. To deter such arrangements it should be provided that a producer-handler must furnish proof satisfactory to the market administrator that the maintenance, care, and management of all dairy animals necessary to produce the milk and all facilities necessary to operate the plant are each the personal enterprise and the personal risk of such person.

The incentive to attempt to masquerade as a producer-handler can be substantially alleviated by permitting purchases of Class I milk from pool plants. Since producers do not otherwise share in the Class I sales of producer-handlers and it is the nature of a producer-handler business that supplemental purchases would be needed for Class I use, it is appropriate that any purchases made from the pool by a producer-handler carry a Class I classification.

If permitted, a producer-handler would likely look to unregulated source of supply for supplemental milk for fluid milk requirements. This would be inequitable to pool handlers who must account for milk at class prices. Accordingly, the producer-handler is not permitted to receive other source milk for utilization as Class I milk. However, there is no need to limit his ability to purchase other source milk for Class II use.

(b) *Classification and allocation of milk.* The classification and allocation provisions of the Central Mississippi order are appropriate for the merged order, subject to modification as a result of the aforementioned reopened hearing in St. Louis, Missouri, and with the following exceptions:

(i) Skim milk contained in fortified fluid milk products should be classified as Class I in an amount equal to an unmodified product of the same nature and butterfat content;

(ii) Ending inventory should be classified as Class II;

(iii) Authorization from the market administrator should not be required for Class II classification of fluid milk products disposed of as livestock feed; and

(iv) The transfer section should be revised to provide for Class I transfers of fluid milk products from a pool plant to a producer-handler plant and to provide a Class I classification on milk diverted to distant nonpool plants.

The classification provisions should be revised to provide, in the case of fortified fluid milk products, that the skim milk to be classified as Class I milk shall be only that contained in an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

The separate orders presently are administered on a fluid skim milk equivalent accounting basis. When fluid milk products are fortified with additional nonfat solids, all of the water originally associated with such solids are classified as Class I. Handlers proposed revision of the classification provisions as they relate to fortification, to specifically provide a Class II milk classification for the skim milk equivalent of the nonfat dry milk solids used in fortification.

Fortification of fluid milk products customarily is accomplished by the addition of concentrated nonfat milk solids to fluid milk or skim milk to yield a finished product of higher nonfat milk solids content than that of an equivalent amount of whole milk. Reconsitution, on the other hand, involves the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated product was first made by the removal of water.

Nonfat dry milk and condensed skim milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from unregulated milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I milk, the application of skim milk equivalent accounting in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. If nonfat milk solids are to be derived from producer milk, the skim milk must first be processed into useable form; i.e., nonfat dry milk or condensed skim milk. Such products processed from producer milk have no greater value for fortification purposes than similar products purchased in the open market. Such products are used in fortification to increase the palatability of, and hence the salability of, the finished product. Fortification only slightly increases the volume of the product, and under no circumstances can it be concluded that the added solids displace producer milk in Class I milk beyond the minor increase in volume which results.

When the skim milk equivalent provision is applied to fortified milk product, it inflates significantly the utilization and disposition of Class I milk. It is neither necessary nor appropriate that handlers be required to account and pay for this inflated volume in Class I milk. Notwithstanding, it is consistent with present practices and administratively necessary to retain full skim milk equivalent accounting. These conclusions can be reconciled by providing that fortified fluid milk products shall be Class I milk only to the extent of the weight of an unmodified fluid milk product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc. The skim milk equivalent of the nonfat milk solids not classified as Class I milk should be classified as Class II milk.

Closing inventories of fluid milk products are presently classified and priced as Class II milk under the Mississippi Gulf Coast order and as Class I milk under the Central Mississippi order. Proponents of the consolidated order proposed classification of closing inventory as Class I milk. It was their position that fluid milk products on hand at the end of the month normally are intended for fluid uses and usually are disposed of in the first day or two of the succeeding month. They contended that a Class I milk classification would minimize reclassification adjustments and hence implement the accounting procedure.

While there is no evidence that the treatment of inventories under the Central Mississippi order has resulted in a pricing advantage to any particular handler or handlers, nevertheless, variation in Class I prices from month-to-month, or between Federal orders, provide an incentive for inventory manipulation for that purpose. Since greater seasonality in Class I pricing is herein recommended than has existed in the past, it is desirable that closing inventories be classified as Class II milk and that a reclassification charge of the difference between the Class II price for the preceding month and the applicable Class I price for the current month be applicable on any opening inventory assigned to Class I milk in the current month. For the first month of operation under the consolidated order, the Class II price for the preceding month to be used in computing any inventory reclassification charge should be the Class II price under

the Central Mississippi order for such preceding month. These procedures will tend to insure equality of pricing for all handlers for milk disposed of for fluid uses within each monthly accounting period.

Because Central Mississippi handlers will necessarily have accounted for their opening inventory as Class I milk in the first month of operation under the consolidated order, provision must be made to preclude any pricing advantage to present Gulf Coast handlers whose opening inventory will have been priced as Class II milk. This may be accomplished by providing a credit to Central Mississippi handlers of the difference between the Class II price and the applicable Class I price of the previous month for the Central Mississippi order on opening inventory in the first month of operation under the consolidated order. This is provided in the recommended order.

Proponents proposed inclusion of the existing provision of the Central Mississippi order requiring authorization from the market administrator for a Class II classification on disposition for livestock feed. However, there was no indication that such a requirement was necessary nor any suggestions as to the standards which might be employed by the market administrator in ascertaining whether authorization should be given. Obviously, the provision was intended as an aid in verification. However, unlike dumping, livestock disposition is a physical disposition which may be substantiated by appropriate records and reports in essentially the same manner as other physical uses. To assure that the market administrator will have the pertinent information to substantiate disposition for livestock feed, the recommended order provides that handlers, shall with respect to such disposition, report in such manner and at such times as the market administrator shall require. Under such circumstances prior authorization is unnecessary and the request for inclusion of such a requirement is denied.

The transfer section of the order should provide for Class I transfer of fluid milk products from a pool plant to the plant of a producer-handler. This addition to the current transfer section is necessary because of the recommended producer-handler definition. The justification for such Class I transfer is discussed in that part of this decision which defines a producer-handler plant.

The transfer section of the order should be further revised to provide that diversions of fluid milk products to a nonpool plant, which is neither an other order plant nor a producer-handler plant, and which is located more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearer of the New State Capitol in Jackson or the County Courthouse in Gulfport, Mississippi, shall be classified as Class I milk.

Diversion privileges are a means of implementing the orderly and economic movement of pool milk, surplus to the immediate needs of handlers, to manufacturing outlets. However, unless appropriate safeguards are provided, there may be an incentive to associate with local plants a milk supply which in reality is the regular milk supply of a distant manufacturing plant. Such milk may be initially moved to the local market for the purpose of establishing association, and thereafter regularly diverted to the plant of normal receipt.

Since there are adequate manufacturing facilities available within the specified 200-mile limitation to assume the orderly disposition of the market's reserve supply, it is unnecessary to provide for diversion to more distant plants for other than Class I use. Accordingly, it is provided that diversions to a nonpool plant which is neither an other order plant nor a producer-handler plant and which is located more than 200 miles from the above specified basing points shall be classified as Class I milk.

(c) *The method and level of pricing and the application of location differentials*—(1) *Class I price.* The Class I price under the consolidated order insofar as possible should be aligned seasonally with Class I prices in the adjacent Memphis and New Orleans markets and a supply-demand adjustment mechanism should be included in the pricing formula to assure appropriate price adjustment as supplies change in relation to the fluid requirements of the market. Insofar as it is possible, the scheme of pricing under the consolidated order should preserve the same price relationships between plant locations which have existed under the two separate orders. This may be achieved by providing Gulfport and Pascagoula (presently the points of pricing under the Mississippi Gulf Coast order) as the basic pricing points under the consolidated order and applying appropriate location differentials at other points in the market.

The matter of an appropriate basic formula price for determining Class I prices under the Central Mississippi order (as well as other selected orders) was considered at an area hearing held at Wichita, Kansas, on June 7, 1962; at Nashville, Tennessee, on June 12, 1962; and at New Orleans, Louisiana, on June 14, 1962. On the basis of that hearing record, the Central Mississippi order was amended effective August 1, 1962 (27 F.R. 7552; F.R. Doc. 62–7573) to provide that the basic formula price would be the monthly average price (adjusted to 3.5 percent butterfat) received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department. The Class I price differential was also adjusted from $2.13 to $2.16 for all months. Inasmuch as the Class I prices under the Mississippi Delta and Mississippi Gulf Coast orders are determined by adjustments of the Central Mississippi Class I price (minus 16 cents in the case of the Mississippi Delta and plus 10 cents in the case of Mississippi Gulf Coast), these amendments had the identical effect on the Class I price in each of the respective orders.

Proponents supported the continued use of the Minnesota-Wisconsin price series for determination of the Class I price under the consolidated order and there was no opposition to this procedure. Inasmuch as this series is the basis for Class I price determination under most of the 82 Federal orders now in effect, it is appropriate that it be used under the consolidated order for the identical reasons stated by the Secretary in his decision of July 23, 1962, recommending its adoption in 23 Federal orders, including the Central Mississippi order.

(a) *Class I price differential for the consolidated order.* Prior to March 1, 1960, the three Mississippi Federal orders provided seasonal Class I price changes of 45 cents through variations in the stated differentials added to the basic formula price to arrive at the actual Class I price. These seasonal changes were eliminated March 1, 1960, by amendment action adopting a uniform Class I price differential of $2.13 throughout the year under the Central Mississippi order. This action was taken at the request of producers and on the conclusion of the Secretary that such differential would provide an appropriate price alignment with the Memphis, Tennessee, Federal order price and would not change significantly the competitive price relationship with New Orleans.

Effective March 1, 1962, the Class I pricing provisions of the Memphis order were amended to provide seasonal price changes of 24 cents. Official notice is taken that the Memphis order was further revised by the Secretary's decision of October 25, 1963, to provide seasonal price changes of 41 cents. The New Orleans order provides seasonal price changes of 20 cents.

Producer proponents of a combined Central Mississippi and Mississippi Gulf Coast order contended that the inclusion of a 20-cent seasonal swing in the Class I price for the consolidated orders was needed to assure closer month-to-month price alignment with New Orleans. In support of their position they pointed out the importance of the military contract sales to Keesler Field and the competition among Gulf Coast, Central Mississippi, and New Orleans handlers for such sales.

It is concluded that better price alignment among the markets will be provided by the inclusion of a 20-cent seasonal swing in the Class I price differentials to be added to the basic formula price. Differentials of $2.15 during the months of March through July and $2.35 during the months of August through February, in conjunction with the existing basic pricing formula, and the application of the location differentials hereinafter recommended will maintain the annual level of pricing which has historically prevailed at each of the plants previously regulated under the separate orders. Also the application of such location differentials will insure that any plant presently regulated under the Mississippi Delta order will retain an identical level of pricing should it extend distribution into the marketing area of the consolidated order in sufficient quantity to become fully regulated under the consolidated order.

(b) *Supply-demand adjustor.* The Class I pricing provisions of the consolidated order should include a supply-demand adjustment mechanism which would provide assurance that as supplies increase or decrease relative to Class I sales, the Class I price will automatically adjust to reflect the then current supply-demand situation. To provide as broad a base as possible and in recognition of the fact that the Mississippi Delta Class I price is presently tied to the Central Mississippi Class I price (it is hereinafter recommended that the existing relationship be continued) supply-sales experience for both the consolidated order and the Mississippi Delta order should be used to develop an appropriate adjustment mechanism.

Without a supply-demand adjustment mechanism there is no procedure other than an amendment hearing whereby the Class I price can be adjusted in response to changing supply-sales conditions. This procedure generally delays desirable price adjustments. Supply-demand adjustors have become increasingly important in Federal order markets as a mechanism for automatically adjusting the Class I price in response to changes in the relationship of supplies to sales, and are a necessary component of a Class I pricing mechanism under the Federal order program. Supply-demand adjustors are currently included in the orders regulating the adjacent New Orleans and Memphis markets.

A supply-demand adjustment mechanism containing most of the essential features of the New Orleans supply-demand adjustor is concluded to be appropriate for the Southern Mississippi market. One of the main features included (which was proposed by producers) is a current utilization percentage expressing the supply-sales relationship for the immediately preceding two months (commonly referred to as a two-month mover). This current utilization percentage is obtained by dividing the pounds of producer milk received by all fully regulated plants under the two Mississippi orders in the second and third preceding months by the net pounds of Class I sales from such plants for such months. The deviation of the current utilization percentage from a computed standard utilization percentage, which reflects an average utilization percentage of 132.2 (the average supply-sales relationship during the twenty-four-month period 1960–61) would indicate the direction and extent of price adjustments. Each percentage point of deviation would provide a one-cent adjustment in the Class I price. Also included are (1) a provision which would change the amount of the supply-demand adjustment from that of the previous month only when the change would equal or exceed five cents, and (2) a 25-cent limit on the amount of adjustment for 12 months and a 45-cent limit after such period.

Producers' proposed supply-demand adjustor provisions would contain various other mechanisms in addition to the two-month mover which has been adopted. They proposed standard utilization percentages approximating the range in the supply-sales relationship for each two-month period which occurred during the three-year period April 1959 through March 1962. Such standards would permit the current supply-sales relationship to vary within a range of 18 percentage points in any month without a price adjustment. In addition, their proposal included a maximum 20-cent limitation on the amount of any supply-demand adjustment and a contraseasonal pricing provision.

Under producers' proposal no price adjustment would have resulted for any month of 1961 or 1962 notwithstanding the fact that Class I sales as a percentage of producer receipts dropped from 81 in 1960 to 71 in 1961 and 75 in 1962. Seasonal changes in the relationship of supplies to sales in past years have been substantial and vary from year to year. If the supply-demand adjustment mechanism is to be effective in providing appropriate price changes this constantly changing seasonality must be recognized. The proposed wide range of standard utilization percentages (18 percentage points in which no adjustment is made) together with the contraseasonal limits proposed by producers would seriously hamper the effectiveness of any supply-demand adjustor.

Changes in seasonality of supplies and sales may be determined by computing a utilization percentage (ratio of supplies to sales) for the immediately preceding two-month period and for the same period, one and two years earlier, and comparing these utilization percentages to the utilization percentage of the two-year period beginning with the 25th preceding month and ending with the 2nd preceding. This comparison of the average two-month utilization at approximately the beginning, center and end of a two-year period with that of the two-year base period provides a seasonal ratio for adjusting the annual norm (132.2) for seasonal variation in the utilization ratio. The result is a standard utilization percentage for each pricing month. This will assure producers, as they change their production patterns in response to the seasonal incentives provided in the pricing provisions, that adjustments will be made in the standard utilization percentages.

The deviation between the current two-month mover and the standard utilization percentage for each pricing month would indicate the direction and extent of desirable price adjustments. The price adjustments would be upward or downward depending on whether the deviation percentages reflect utilization below or above, respectively, the standard utilization percentages. Each percentage point variation from the standard supply-sales percentage would provide a one-cent price change. This rate of adjustment should provide appropriate price changes in response to changes in the relationship of supplies and sales in the two Mississippi markets. However, to eliminate minor month-to-month fluctuating price changes due to the action of the supply-demand adjustor, no different adjustment from that effective in the preceding month should be made unless the indicated current month adjustment exceeds that of the immediately preceding month by at least five cents.

Contraseasonal pricing provisions should not be included in the Class I pricing provisions of this order. Proponents proposed seasonal limits to the change in the Class I price differential, in conjunction with their proposed 20-cent limit on the supply-demand adjustor. But this would have rendered the supply-demand adjustor inoperative or seriously limited its effect. The supply-demand adjustment mechanism herein recommended will not result in unreasonable contraseasonal price movements. While contraseasonal price movements are especially unsatisfactory to producers, nevertheless, when such movements are primarily the results of bona fide supply-demand changes it is important that some adjustment be made promptly in the Class I price.

Since this represents the inception of a supply-demand adjustor provision for this market, it is recommended that the supply-demand adjustor be limited to plus or minus 25 cents for the first year after the issuance of this amending order. This action will provide an interim period of operation in which producers will have assurance as to the limits of price changes which may result from the supply-demand adjustor.

After the initial one-year period, the limits of the supply-demand adjustor would be plus or minus 45 cents. The recommended limit, after the first year of operation, is identical to that provided in the New Orleans order and will contribute to Class I price alignment between the Mississippi markets and the New Orleans market. A supply-demand adjustment limited to 20 cents, as proposed by proponents, or to 25 cents over the long run, could not be expected to provide appropriate supply adjustments under circumstances of substantial shortages or reserves. The Class I price should be at that level which is necessary to bring forth an adequate but not excessive supply of milk for the fluid market, with the action of the supply-demand mechanism encouraging needed supply-sales adjustments. The 45-cent limit in the supply-demand adjustor will permit price adjustment which will be sufficient to reflect substantial changes in the supply-sales relationship. However, should the indicated adjustments exceed this limit over any extended period of time, consideration then should be given to adjustment of the basic price level. It is provided, therefore, that for the first year of operation under the new order the maximum amount of the adjustment shall not be greater than plus or minus 25 cents and following this interim period, plus or minus 45 cents.

Official notice is taken of the monthly statistical summaries, class prices, and uniform price announcements published by the market administrator for the three Mississippi markets for July 1962 through October 1963.

The effect of the supply-demand adjustment provision, if effective, would have been to reduce the Class I price in 1961 and 1962, by an average of seven cents and eight cents, respectively. However, the recent shortening of supplies,

in contrast to the comfortable supply situation which existed in most months of 1961 and 1962, would have been reflected in price increases resulting from the recommended supply-demand adjustor. During 1963, the supply-demand adjustor would have added approximately four cents to the Class I price.

(ii) *Class II milk price.* The Class II pricing provisions should provide for the pricing of Class II milk on the basis of the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture, except that for the months of March through July ten cents should be subtracted from such reported price. Provision should be made, however, to assure that the Class II milk price in any month does not exceed the Class II milk price for such month under the New Orleans Order No. 94.

The Class II milk price under the Central Mississippi order currently is based on the average of the prices reported to have been paid farmers for manufacturing grade milk at four local manufacturing plants. Ten cents is added to such reported price during the months of March through June and 20 cents during all other months. The Class II milk price under the Mississippi Gulf Coast order is determined on exactly the same basis except that during the month of July, 10 cents is added rather than 20 cents.

Proponents for the consolidated order supported use of the Wisconsin-Minnesota price series. It was their position that the local plant pay prices do not represent a satisfactory long run mechanism for pricing surplus milk since regulated milk is an important part of the over-all supply of such plants and accordingly, there can be no assurance that the announced pay prices by local manufacturing plants are not purposely established at a predetermined and relatively low level. Notwithstanding this position, proponents maintained that the change to the Wisconsin-Minnesota series should be made without affecting the level of Class II milk prices. This they suggested could be accomplished by subtracting 35 cents from such reported price.

Manufacturing outlets available for handling the market's reserve supply are limited. Under usual circumstances the Mississippi Milk Producers Association must rely on the four manufacturing plants, whose pay prices presently are the basis for computing the Class II milk price, to handle the milk not needed by regulated handlers for fluid and related uses. These plants are located in the northern portion of the milkshed or north of the milkshed and some expense is necessarily incurred in assembling and transporting milk to such plants. The burden of such costs is borne almost exclusively by the cooperative association handling such milk.

Because the market's reserve supply is an important part of the milk supply of local manufacturing plants it is readily apparent that such plants would have a substantial incentive in retaining a low Class II milk price under the order. The limited number of manufacturing outlets is certainly conducive to the establishment of a nominal and relatively low Class II milk price, if locally announced pay prices are the basis for computing such price. For this reason it is essential that a broader basis be provided under the order for computing the Class II milk price.

Prices received by cooperative associations or by other handlers for milk disposed of to local manufacturing plants were not placed in the record. Thus, there is little basis for precise determination of the returns which the cooperatives actually received for their reserve milk. Nevertheless, it is commonly understood that the announced pay prices of local manufacturing plants do not reflect the actual returns received by dairy farmers for ungraded milk. Such plants ordinarily pay quality and quantity premiums over their announced prices. In addition, it is usual practice to pay additional premiums for Grade A milk.

Under the New Orleans order the Class II price is also determined on the basis of local manufacturing plant reported pay prices. The final Class II price, however, averages approximately 16 cents above the Class II price under the Central Mississippi order. In large measure, the production areas of the Southern Mississippi and New Orleans markets are coextensive and the same manufacturing plants are used as outlets for the markets' reserve supplies. The principal cooperative association representing producers in the New Orleans market, however, operates two manufacturing plants which are that market's principal outlet for reserve milk.

The price for manufacturing grade milk in the two-State area of Wisconsin and Minnesota is issued by the State-Federal Crop Reporting Service on about the fifth day of each month for milk received at manufacturing plants in these States in the previous month. In each State plant operators regularly report the total pounds of manufacturing grade milk received from farmers, the butterfat content, and total money paid to farmers for the milk. Average State prices based on these reports are available near the end of the following month. For the two-State area a special reporting system has been arranged which provides a reliable estimated price by the fifth day after the end of the month. The two-State area is one in which there is a heavy concentration of manufacturing grade milk and where many plants are competing for such supply. In Minnesota about 80 percent of the milk sold off farms is manufacturing grade and in Wisconsin, about 65 percent. About 50 percent of the manufacturing grade milk sold off farms in the United States is produced in these two States. Hence, the price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. It is therefore an appropriate basis of pricing reserve milk in the Southern Mississippi market.

Because manufactured dairy products compete on a national market and since milk prices are supported through Government purchases of specified manufactured milk products at announced prices applicable throughout the country there is no economic reason why milk for manufacturing use should have any materially different value when delivered to manufacturing plants in Mississippi as compared to plants in Wisconsin or Minnesota. Notwithstanding it must be recognized that manufacturing outlets are more limited in Mississippi. During the flush months of production it is likely that local manufacturing plants, with a wider choice of supplies than in other times of the year, have a tendency to pay a relatively lower price. This fact is reflected in the seasonality of pricing provided under the existing Mississippi Gulf Coast and Central Mississippi orders.

To assure the orderly disposition of the market's reserve supply during the flush season it is desirable to provide for some downward adjustment of the Minnesota-Wisconsin price. It concluded that a 10-cent adjustment of such price during the months of March through July will facilitate this end. This is the amount of seasonality of Class II pricing provided in the existing Central Mississippi order as well as in the New Orleans order.

Notwithstanding the foregoing conclusions, it is necessary to provide assurance that the Southern Mississippi Class II price shall not in any month exceed the Class II price under the New Orleans order. While the New Orleans Class II price closely approximates the Minnesota-Wisconsin price on an annual average, it varies from such price on a month-to-month basis. Because the two markets do compete for Class II outlets, by virtue of the fact that the same manufacturing plants are used for surplus disposal, a higher Southern Mississippi price would place local milk at a competitive disadvantage with New Orleans milk. Such a situation could seriously impede the orderly disposition of milk in the local market.

The effect of the above conclusions is to raise the Class II price level approximately 16 cents per hundredweight. Notwithstanding the position of the proponent that the existing price level should be retained, it is clear that the existing pricing has not appropriately reflected the value of producer milk for manufacturing uses. While it is recognized that the local cooperative does, in fact, incur considerable expense in assembling and moving milk to manufacturing plants it is apparent that essentially similar costs are incurred when New Orleans milk is similarly disposed. There is, therefore, no basis for establishing a price below that herein recommended.

(iii) *Handler and producer location differential.* As previously indicated, the interplant and intermarket Class I pricing relationships which have existed under the two separate orders should be preserved under the consolidated order.

Under the existing Mississippi Gulf Coast order the basic Class I price, established at a level 10 cents over the Central Mississippi Class I price, is applicable to plants located within 60 miles of either Gulfport or Pascagoula and location differentials are applicable to more distant plants. Under the Central Mississippi order, the basic Class I price is applicable to plants located 50 miles or less from either Hattiesburg, Jackson, Meadville or Meridian and location differentials are applicable to more distant plants.

The Mississippi Delta Class I price is established at a level 16 cents under the Central Mississippi price and location differentials are applicable only at plants located 30 miles or more north of U.S. Highway No. 82 or outside of the State and 30 miles or more from either Greenville or Columbus.

Ideally the intermarket price alignment under the three existing Mississippi orders should be such that the identical Class I price would apply, irrespective of the order under which a plant was pooled. This is substantially the result in the application of the existing order provisions. However, there are some exceptions. For example, one Mississippi Delta handler has route sales in the Central Mississippi market approaching the volume of his route sales in the Delta market. A small increase in sales in the Central Mississippi market would result in regulation under that order rather than under the Mississippi Delta order. Should this occur the application of the location differential provision of the Central Mississippi order would result in a 1.5-cent lower Class I price for this handler than that applicable while regulated under the Mississippi Delta order.

This situation can be ameliorated while at the same time retaining the identical level of pricing which has existed at each plant location under the order under which such plant is presently regulated.

It is concluded that a Class I location differential should apply to all plants located in the present Central Mississippi marketing area and Beat 2 of Lamar County (hereinbefore recommended for inclusion in the marketing areas). This may be accomplished by the designation of the counties in which a ten-cent location differential would be applicable. For plants in Mississippi but outside of the designated area, north of the northern boundary of the market area, but less than 30 miles north of U.S. Highway No. 82 (the point at which location differentials become applicable under the Delta order) a location differential of 26 cents should be provided. For all other plants located more than 60 miles but not in excess of 160 miles from the Courthouse in Gulfport or Pascagoula, Mississippi, whichever is nearer, a 10-cent differential should apply with provision for an addition of 1.5 cents for each 10 miles distance or fraction thereof in excess of 160 miles.

The effect of the application of the above location differentials would be to preserve the identical level of pricing at all plants presently regulated under either the Gulf Coast or Central Mississippi orders. In addition, any plant presently regulated under the Delta order, which might in the future become regulated under the Southern Mississippi order, would retain the identical level of pricing which existed under the Delta order. Two New Orleans order plants (one at Franklinton, Louisiana, and the other at Kentwood, Louisiana), which under the present Central Mississippi order would have differentials of 16 cents and 11.5 cents, respectively, would have no location adjustment under the combined order. However, since these two plants have historically been regulated under the New Orleans order, it is improbable that they will be affected.

(d) *Administrative and miscellaneous provisions.* The consolidated order should be drafted to incorporate the conforming and clarifying changes necessary to effectuate the findings and conclusions made herein, including the following:

The definitions of "nonpool plant", "other source milk", and "fluid milk product" are revised to attain more specificity. In addition, a provision concerning "fortification" which has been added to the fluid milk product definition conforms to a change made in the classification section of the recommended order.

The section dealing with duties of the market administrator includes a provision providing for the notification of each handler with respect to the amount and value of his producer milk in each class and the totals thereof, the amounts of base milk and excess milk for the months of March through July and amounts to be paid by such handler pursuant to §§ 1103.62, 1103.93, 1103.94, 1103.95, 1103.97 and 1103.99 and the amount due such handler pursuant to §§ 1103.93 and 1103.98. Under Order 107 the notification of handler provision was stated under a separate section; and, while the present Order 103 does not specifically make provisions for the notification of handlers, administration of the order necessitated such notification.

The date on which handler reports of receipts and utilization are due is extended from the 6th to the 8th of the month to provide handlers with additional time for filing reports. This same section is revised to also provide that the operator of a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe. Reports concerning the operation of a nonpool supply plant provide a means of determining whether such nonpool plant's operation meets pooling standards established under the order.

The handler reporting section is further revised to provide that pool handlers shall make reports with respect to fluid milk products disposed of for animal feed at such time and in such manner as the market administrator may require. As previously stated in the classification discussion, animal feed reports are necessary as an aid in the verification of utilization claimed.

The payroll reporting section differs from the Central Mississippi order in that handlers operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1103.13(c) are required to report the number of days on which milk was received from each producer during each month rather than requiring such reports only in those months in which milk was not received for the full calendar month. In addition to reporting the total pounds of milk received during the month from each producer, the daily pounds of milk received are to be reported by such handlers. These additional requirements of the payroll reporting section enable a more precise determination of one of the major factors in the operation of the base plan provided, that is, the number of days' production delivered by each producer during the month.

An individual plant-type of accounting is recommended for the merged order. While handlers are required to report receipts and utilization for each of their pool plants under the reporting section of the Central Mississippi order, other sections of the order require using a system-type of accounting. The only substantive change resulting from an individual plant-type of accounting as opposed to the existing system of accounting is that a handler with two or more pool plants may not use shrinkage in one of his pool plants to offset overage in another of his pool plants. In order to assure that each plant of a multiple plant operation is fully accountable for shrinkages and overages, individual plant-type accounting should be provided.

During the course of the hearing spokesmen for the proponent cooperative association for merger of the two orders proposed that the base plan be revised to relate each producer's base to the volume of Class I sales. The proposal was intended to provide a means for deterring yearly increases in individual producer bases except under circumstances of corresponding increases in Class I sales.

While base-rating plans are specifically authorized under the Act, the sole purpose of such a plan is to encourage a uniform volume of production throughout the year. Clearly, the Act contemplates that price shall be the means whereby desirable annual production adjustments shall be implemented.

Notwithstanding proponents position to the contrary, it is apparent that the purposes of the proposal was to curtail over-all production of milk through the operation of a base plan. Such a scheme is not authorized by the Act and the proposal is therefore denied.

3. *Revision of the Mississippi Delta order*—(a) *Level of Class I price.* The Class I price under the Mississippi Delta order should continue to be tied directly to the Class I price established under the Central Mississippi order (recommended Southern Mississippi order) and the past relationship of Class I prices between the two markets should be retained. To accomplish this in recognition of the fact that the basic pricing points under the consolidated order will be Gulfport and Pascagoula, the Class I price should be the Southern Mississippi Class I price less 26 cents.

Spokesmen for the principal cooperative associations representing the majority of producers in the Delta market supported continuing price alignment with the adjacent Mississippi Federal order price. This position was supported by one of the major handlers in

the market. Several other handlers supported alignment with the Memphis Federal order price. The principal spokesman for this position proposed several alternative methods of establishing the Class I price to achieve the requested alignment with Memphis. These alternatives were:

(1) Adopt the Memphis Class I price as the Delta Class I price;

(2) Establish the Delta Class I price on the basis of a separate basic formula price and Class I price differential but limiting the price so that it would not exceed the Memphis price plus 15 cents; and

(3) Revise the schedule of location differential to maintain a Class I price at Grenada, Mississippi, equivalent to the Memphis price plus 15 cents.

Since the Delta order was initially promulgated the Memphis marketing area has been extended to form substantially a common boundary with the Delta marketing area. At the same time the southern boundary of the Delta marketing area is practically coextensive with the northern boundary of the Central Mississippi (Southern Mississippi) marketing area. Because of the geographical locations of these markets there is considerable competition between Memphis handlers and certain Delta handlers in the Mississippi portion of the Memphis market and in portions of the Delta market. At the same time there is extensive competition between Delta handlers and handlers to be regulated under the consolidated order in both markets.

Official notice is taken of the fact that subsequent to the hearing on the record of which this decision is rendered the Memphis order has been amended to change the seasonality of pricing. The current order provides for a forty-one cent seasonal price swing through the addition to the basic formula price of a differential of $1.91 in the months of August through February and a differential of $1.50 in the months of March through July. The order previously provided for a seasonal price swing of 24 cents.

It is not possible to provide precise price alignment between the Memphis and Delta markets and at the same time maintain price alignment between the Delta market and the Southern Mississippi market. For reasons previously stated it has been concluded that a twenty-cent seasonal price swing should be provided under the Southern Mississippi order. The immediate question therefore is whether the pricing under the Delta order should be related to the Memphis order or to the Southern Mississippi order.

The principal proponent of a Delta Class I price tie to the Memphis Class I price contended that the competitive situation in procurement and sales between Delta and Central Mississippi handler which existed at the time that the Delta order was promulgated no longer exists. In support of his position he pointed out that his Grenada, Mississippi, regulated plant competes with Memphis handlers for 90 percent of its Class I sales and his Greenville plant so competes for 55 percent of its Class I sales. Another Delta handler, with a plant located at Cleveland, Mississippi, indicated that the majority of its Class I sales (all in the Delta marketing area) are made in competition with Memphis handlers.

The Delta production area is largely coextensive with the defined marketing area. A major portion of the market's milk supply originates from farms in the eastern part of the area and there is extensive intermingling of producers for the Delta market and the Central Mississippi area of the proposed consolidated order in the south central and southeastern portion of the Delta area. The majority of Delta handlers compete directly with handlers presently regulated under the Central Mississippi order both for a milk supply and Class I sales. One Delta handler, whose total Class I sales during the months of January through May 1962 represented 24 percent of the total Class I sales of all Delta handlers made 44 percent of his Class I sales in the Central Mississippi market.

Official notice is taken of the official releases of the market administrator for September and October 1963 which indicate that this particular plant on September 1, 1963, became fully regulated under the Central Mississippi order and on October 1, 1963, returned to full regulation under the Delta order. These shifts were in response to shifts in the proportion of total business done in one market as compared to another.

It is apparent that a close intermarket price relationship must be maintained between the Southern Mississippi and the Delta markets. In this connection it is concluded that the past relationship has been appropriate and should be continued. The twenty-cent seasonal price swing herein provided will, in conjunction with the recent changes in the seasonality of pricing under the Memphis order previously referred to, retain essentially the same price relationship between the Memphis and the Delta orders which existed at the time of the hearing. While certain handlers complained that this relationship placed them at a competitive disadvantage it is not apparent from the record that the competitive situation has in any way changed significantly from that existing when the Delta order was initially promulgated. Further, there is no indication that Delta handlers have lost sales to Memphis handlers as a result of the existing pricing.

(b) *Classification and accounting for fortified fluid milk products.* The classification provisions should be revised to provide, in the case of fortified fluid milk products, that the skim milk to be classified as Class I milk shall be only that contained in an unmodified product of the same nature and butterfat content, excluding the dry weight of any nonmilk additive such as flavoring, etc.

The Mississippi Delta order presently is administered on a fluid skim milk equivalent accounting basis. When fluid milk products are fortified with additional nonfat solids, all of the water originally associated with such solids are classified as Class I. Handlers proposed revision of the classification provisions as they relate to fortification, to specifically provide a Class II milk classification for the skim milk equivalent of the nonfat dry milk solids used in fortification.

It is appropriate that the skim milk equivalent of nonfat dry milk solids used in fortification be classified as Class II milk in the Mississippi Delta order for the same reasons hereinbefore given in the discussion of like classification under the Southern Mississippi order. Therefore, the definition of a fluid milk product and provisions relating to the classes of utilization and computation of the skim milk and butterfat in each class should be revised accordingly.

(c) *Individual-handler pooling in lieu of marketwide pooling.* The marketwide pooling arrangement presently provided under the terms of the Mississippi Delta order should be continued.

The Delta order has provided for marketwide pooling since its inception in November 1, 1958. Under this arrangement all handlers including cooperative associations are required to account to the pool for all of their milk receipts on a classified use basis at specified minimum class prices. Each month the total value of the pool is distributed among all producers on the basis of a blended or uniform price except that during the months of March through July, one uniform price is applicable to deliveries of milk not in excess of each producer's established base and another blended price is applicable to deliveries in excess of established bases.

Several handlers and certain producers supplying such handlers proposed that the method of pooling be changed from the present marketwide pooling to individual-handler pooling. Proponent handlers distribute "breed" milk and it was their position that the marketwide pooling arrangement did not accommodate their type of operation. They pointed out that they could not depend on the local market for a reserve supply because milk to meet their particular needs was not usually available. One of these handlers contended that he has found it necessary to purchase supplemental milk from outside the market in all but three months since November 1958. Some of such milk originated from plants supplying the Chicago market.

The two major cooperative associations in the market opposed any change in the pooling procedure. They were supported in this position by a major handler who contended that a change in the current organization of the market would promote market instability and disorder.

A marketwide pooling arrangement has been provided in the Delta order since its inception. In the findings set forth in his decision of September 3, 1958 which included the terms and provisions of an order for the Delta market the Secretary found that:

"Marketing conditions require payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some milk distributors buy as closely as possible to their Class I needs and carry little or no surplus in the high production months. The cooperatives supply their cooperating handlers with as much milk as needed and generally handle the surplus production of their members by diversion to manufacturing outlets—a majority of plants do not have manufacturing facilities, other than for ice cream, and generally purchase supplies from dairy farmers close to their needs. Under an individual-handler pool, it could not be expected that reserve supplies for the market would be uniformly distributed among handlers. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers."

In this regard, the record of this hearing shows no substantial change in the market structure from that which existed at the time of the original promulgation hearing.

Most Delta handlers continue to depend on cooperative associations for their balancing supplies and the cooperatives continue to assume responsibility in disposition of milk in excess of handlers' needs.

The prices established by the order are those prices which are deemed necessary to maintain an adequate but not excessive supply of milk of standard quality for the market. To the extent that handlers demand milk of higher quality or milk produced under more rigid requirements than those prescribed by the responsible health authority such handlers must expect to remunerate producers for the additional costs involved. While a change to individual-handler pooling might tend to alleviate the procurement problems of particular handlers of "breed" milk such a pooling arrangement would not be in the best interest of the majority of producers.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commerical activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. As previously indicated the order language to implement the foregoing conclusion with respect to the handling of milk in the Southern Mississippi (Mississippi Gulf Coast and Central Mississippi) marketing area are not included in this decision. A complete recommended order to implement the above-mentioned conclusion and the conclusions on the matter of the treatment of other source milk, considered at a reopened session of the hearing, held in St. Louis, Missouri, on January 8–11, 1963 in conjunction with a hearing involving similar matters under 24 other orders will be set forth in a later decision.

The following order amending the order as amended regulating the handling of milk in the Mississippi Delta marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Mississippi Delta. 1. Section 1105.17 is revised to read as follows:

§ 1105.17 Fluid milk product.

"Fluid milk product" means all skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, eggnog, yogurt, cream (other than frozen storage cream) cultured sour cream, and any mixture of cream and milk or skim milk (other than ice cream, ice cream mixtes, other frozen desserts and mixes, and sterilized products contained in hermetically sealed containers): *Provided,* That when any fluid milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

2. Section 1105.41(b)(6) is revised and a new subparagraph (b)(7) is added to read as follows:

§ 1105.41 Classes of utilization.

* * * * * *

(b) * * *

(6) The inventories of fluid milk products on hand at the end of the month; and

(7) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) of this section by virtue of the proviso of § 1105.17.

3. Section 1105.45 is revised to read as follows:

§ 1105.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product plus all of the water originally associated with such solids.

4. In § 1105.50, paragraph (a) is revised to read as follows:

§ 1105.50 Class prices.

* * * * * *

(a) *Class I price.* The price per hundredweight for Class I milk shall be the price for Class I milk established pursuant to § 1103.51(a) of this chapter regulating the handling of milk in the Southern Mississippi marketing area, less 26 cents.

Signed at Washington, D.C., on January 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-779; Filed, Jan. 27, 1964; 8:48 a.m.]

Agricultural Research Service

[9 CFR Parts 16, 17, 18]

MEAT FOOD PRODUCTS

Smoke Flavoring; Proposed Marking and Labeling

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71–91), and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), proposes to amend certain paragraphs in §§ 16.13, 17.8 and 18.7 of the Meat Inspection Regulations (9 CFR 16.13, 17.8 and 18.7) and to add a new section to Part 16 of said regulations which would be designated § 16.20, to read as follows:

1. Section 16.13(c)(2) would be amended to read as follows:

(2) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products in casings, as permitted in Part 18 of this subchapter, the product shall be legibly and conspicuously marked in a manner approved by the Director to show a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

2. A new § 16.20 would be added to read as follows:

§ 16.20 Marking of meat food products other than products in casings.

When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted by Part 18 of this subchapter, the product shall be legibly and conspicuously marked in a manner approved by the Director to show a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added", whichever may be applicable.

3. Section 17.8(c)(58) would be amended to read as follows:

(58) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products as permitted in Part 18 of this subchapter, there shall appear on the label, in a prominent manner, approved by the Director, contiguous to the product name, a statement such as "Artificial Smoke Flavoring Added" on "Smoke Flavoring Added", as may be applicable.

4. Section 18.7 (u) and (v) would be amended to read:

(u) With appropriate declarations as required in Parts 16 and 17 of this subchapter, approved artificial smoke flavoring in an approved solvent or on an approved carrier may be used in the preparation of meat food products.

(v) With appropriate declarations as required by Parts 16 and 17 of this subchapter, approved smoke flavoring produced by the controlled burning of hardwood and absorption of the smoke in an approved solvent or on an approved carrier may be used in the preparation of meat food products.

The proposed addition and amendments will provide for the utilization of artificial smoke flavoring or smoke flavoring in meat food products without restricting their use to products not usually smoked and which have not in fact been smoked.

The addition to Part 16 and the amended requirements of Part 17 will assure that purchasers are informed that products have been prepared with artificial smoke flavoring or smoke flavoring. The substances used in the preparation of such flavorings have been determined to be safe and wholesome.

Any person who wishes to submit written data, views, or arguments concerning the above proposed amendments may do so by filing them with the Director of Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-777; Filed, Jan. 27, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666; Notice No. 62]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

JANUARY 7, 1964.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth in Appendix A below, and the reasons therefor are shown in Appendix B below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before February 10, 1964. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

APPENDIX A

PART 71—GENERAL INFORMATION AND REGULATIONS

In § 71.1 amend paragraph (a) (15 F.R. 8261, Dec. 2, 1950) to read as follows:

§ 71.1 Plan of the regulations in Parts 71–78 of this chapter.

(a) Regulations in Parts 71–78 of this chapter cover preparation of explosives and other dangerous articles for transportation by common, contract, and private carriers by rail freight, rail express, rail baggage, highway or water, construction of containers, packaging, weight, marking, labeling when required, billing, and shipper's certificate of compliance with these regulations; also cars, loading, storage, billing, placarding, and movement thereof by carriers by rail.

• • • • • •

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (15 F.R. 8264, 8267, 8268, 8271, 8273, Dec. 2, 1950) (24 F.R. 10109, Dec. 15, 1959) (24 F.R. 3595, May 5, 1959) (23 F.R. 4028, June 10, 1958) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

• • • • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(change)				
Batteries, electric storage, wet	Cor. L	73.260	White	600 pounds.
Fish scrap or fish meal *containing less than 6 percent or more than 12 percent moisture.*	F.S	No exemption, 73.171	Yellow	Not accepted.
Garbage tankage *containing less than 8 percent of moisture.*	F.S	No exemption, 73.209	Yellow	Not accepted.
Rags, oily	F.S	No exemption, 73.199	Yellow	Not accepted.
*Rough ammoniate tankages	F.S	No exemption, 73.210	Yellow	Not accepted.
Spirits of nitroglycerin	F.L	No exemption, 73.133	Red	6 quarts.
Spirits of nitroglycerin *not exceeding 1 percent nitroglycerin by weight.*	F.L	73.118, 73.133	Red	6 quarts.
*Tankage fertilisers	F.S	No exemption, 73.209	Yellow	Not accepted.
*Tankages, rough ammoniate	F.S	No exemption, 73.210	Yellow	Not accepted.
(add)				
1-Aziridinyl phosphine oxide (tris). *See* Tris-(1-aziridinyl) phosphine oxide.				
Fissile radioactive materials, n.o.s.	Pois. D	73.392, 73.396, 73.394	Poison Fissile radioactive materials Red (see § 73.414 (a) or (c)).	See § 73.391(d).
Hafnium metal, dry, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Hafnium metal, dry, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Hafnium metal, wet, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Hafnium metal, wet, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Lithium ferro silicon	F.S	No exemption, 73.206	Yellow	25 pounds.
Tris-(1-aziridinyl) phosphine oxide.	Cor. L	73.244, 73.299a	White	1 gallon.
Zirconium metal, dry, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Zirconium metal, dry, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	75 pounds.
Zirconium metal, wet, *mechanically produced, finer than 270 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Zirconium metal, wet, *chemically produced, finer than 20 mesh particle size.*	F.S	No exemption, 73.214	Yellow	150 pounds.
Hafnium powder or sponge, dry	F.S	No exemption, 73.215	Yellow	75 pounds.
Hafnium powder, wet or sludge	F.S	No exemption, 73.214	Yellow	150 pounds.
Zirconium powder or sponge, dry	F.S	No exemption, 73.215	Yellow	75 pounds.
Zirconium powder, wet or sludge	F.S	No exemption, 73.214	Yellow	150 pounds.

PART 73—SHIPPERS

In § 73.1 amend paragraph (a) (15 F.R. 8276, Dec. 2, 1950) to read as follows:

§ 73.1 Purpose of the regulations in Parts 71–78 of this chapter.

(a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by common, contract, and private carriers engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes, to state the precautions that must be observed by the shipper in preparing them for shipment by rail freight, rail express, rail baggage, highways, or by carrier by water. It is the duty of each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

• • • • • •

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.21 amend paragraph (a) (18 F.R. 801, Feb. 7, 1953) to read as follows:

§ 73.21 Prohibited packing.

(a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages, the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials, is prohibited for transportation by common, contract, and private carriers by rail freight, rail express, highway, or water, except as specified in §§ 73.152(a), 73.242 (a), (b) and 73.301(a).

• • • • • •

Subpart B—Explosives; Definitions and Preparation

In § 73.107 add paragraph (c)(1) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.107 Primers, percussion caps, and empty grenades, primed.

• • • • • •

(c) • • •

(1) Spec. 23H (§ 78.219 of this chapter). Fiberboard boxes of full depth telescope style with top section having extended end flaps and bottom section with extended side flaps designed to tuck under and form boxes without glued or stapled joints. Boxes shall have full height inside perimeter liner and top and bottom full area pads of double-wall corrugated fiberboard. Hand-holes oval in shape, not more than 1 inch in width by 4 inches in length and horizontal with top score line, are authorized in ends of boxes. Primers shall be packed in inside containers as required by paragraph (c) of this section and not more than 50,000 primers shall be packed in one outside box.

• • • • • •

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraph (a)(10) (15 F.R. 8298, Dec. 2, 1950) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) • • •

(10) Spec. 42B, 42C, or 42H (§ 78.107, 78.108, or 78.112 of this chapter). Aluminum barrels or drums.

• • • • • •

In § 73.128 amend paragraph (a)(3) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.128 Paints and related materials.

(a) • • •

(3) Spec. 52 (§78.246 of this chapter). Aluminum or magnesium portable tanks.

• • • • • •

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.206 amend the heading and introductory text of paragraph (a); add paragraph (a)(8) (19 F.R. 1278, Mar. 6, 1954) (15 F.R. 8310, Dec. 2, 1950) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(a) Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride, must be packed in specification containers as follows:

• • • • • •

(8) Spec. 21C (§ 78.224 of this chapter). Fiber drums constructed for 400 pounds net weight, with the material packed not more than 5 pounds net weight each in not to exceed one-half gallon steel cans equipped with friction-top closures. Authorized for lithium ferro silicon only.

• • • • • •

Amend entire § 73.214 (23 F.R. 4032, June 10, 1958) (24 F.R. 904, Feb. 6, 1959) (18 F.R. 6778, Oct. 27, 1953) to read as follows:

§ 73.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

(a) Hafnium metal, wet, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size with a minimum of 25 percent water by weight (a mixture of water and a suitable anti-freeze agent may be used when freezing temperatures may be encountered during transportation) must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter) wooden boxes or spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers may have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1 inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a spec. 2A (§ 78.20 of this chapter) metal can closed with push-in cover held in place by soldering

or crimping at at least four points. Authorized net weight of hafnium in one outside container shall not exceed 40 pounds for wooden boxes and shall not exceed 150 pounds for steel drums.

(2) Spec. 10A (§ 78.155 of this chapter). Wooden kegs containing not to exceed 75 pounds net each.

(b) Hafnium metal, dry, in an atmosphere of inert gas, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17C, 17H, or 37A (single-trip containers) (§ 78.115, 78.118, or 78.131 of this chapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a spec. 2R (§ 78.34 of this chapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Spec. 2R containers must be separated from one another by incombustible cushioning material. Authorized net weight of metal in one outside container not over 150 pounds.

(c) Zirconium metal, wet, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size with a minimum of 25 percent water by weight (a mixture of water and a suitable antifreeze agent may be used when freezing temperatures may be encountered during transportation) must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or 78.169 of this chapter) wooden boxes or spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or 17C or 17H (single-trip containers) (§ 78.115 or 78.118 of this chapter) metal drums with inside containers of glass or non-carbon polyethylene having net weight of not over 10 pounds each. Inside glass containers must be equipped with positive type clamp-on closures equipped with rubber gaskets. Inside polyethylene containers may have screw-cap closures equipped with gaskets ahead of thread and shall be of material which will not react with or be decomposed when in contact with contents. Screw-cap closures must be secured in place by suitable tape. Each glass or polyethylene container must be surrounded on all sides with not less than 1 inch of incombustible cushioning material and in an amount sufficient to completely absorb the entire liquid contents of the containers. Each inside glass or polyethylene container must be placed in a spec. 2A (§ 78.30 of this chapter) metal can closed with push-in cover held in place by soldering or crimping at at least four points. Authorized net weight of zirconium in one outside container shall not exceed 40 pounds in wooden boxes and 150 pounds in steel drums.

(2) Spec. 10A (§ 78.155 of this chapter). Wooden kegs containing not to exceed 75 pounds net each.

(d) Zirconium metal, dry, in an atmosphere of inert gas, mechanically produced finer than 270 mesh particle size or chemically produced finer than 20 mesh particle size must be packed in specification containers as follows:

(1) Spec. 6A, 6B, or 6C (§ 78.97, 78.98, or 78.99 of this chapter) or spec. 17c, 17H, or 37A (single-trip containers) (§ 78.115, 78.118, or 78.131 of this chapter). Metal barrels or drums with inside non-carbon polyethylene bottles having positive type clamp-on closures equipped with rubber gaskets, or with screw-cap closures having not less than three continuous threads and equipped with gaskets ahead of threads, not over 5 pounds net weight capacity each. Screw-cap closures must be secured in place by suitable tape. Each bottle must be placed in a spec. 2R (§ 78.34 of this chapter) metal container having a wall thickness of one-fourth inch and be completely surrounded by cushioning material. Spec. 2R containers must be separated from one another by incombustible cushioning materials. Authorized net weight of metal in one outside container not over 150 pounds.

(e) Mechanically produced hafnium metal, coarser than 270 mesh particle size and chemically produced coarser than 20 mesh particle size in strong tight containers are not subject to Parts 71–78 and 197 of this chapter.

(f) Mechanically produced zirconium metal, coarser than 270 mesh particle size and chemically produced coarser than 20 mesh particle size in strong tight containers are not subject to Parts 71–78 and 197 of this chapter. (See § 73.220, zirconium scrap.)

NOTE 1: Produced by means other than attrition or grinding.

NOTE 2: Any product containing 10 percent or more, particle size specified, shall be subject to this section.

NOTE 3: Any product containing less than 25 percent water by weight is considered dry for purposes of these regulations.

June 10, 1958) (18 F.R. 6778, Oct. 27, 1953) (17 F.R. 9837, Nov. 1, 1952).

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.260 amend paragraph (c)(2)(i) (27 F.R. 6737, July 17, 1962) to read as follows:

§ 73.260 Electric storage batteries, wet.

* * * * * * *

(c) * * *

(2) * * *

(i) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps), or plastic battery terminal covers designed to transmit any superimposed weight directly to the top inner wall of the battery case, or fiberboard boxes with chip board and chip board jute lined tubes which shall fit directly over the terminal posts and rest directly on battery cell covers.

* * * * * * *

Add § 73.299a (15 F.R. 8324, Dec. 2, 1950) to read as follows:

§ 73.299a Tris-(1-aziridinyl) phosphine oxide.

(a) Tris-(1-aziridinyl) phosphine oxide must be packed in specification containers as follows:

(1) In containers as prescribed in § 73.245, not over 5 gallons capacity each.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.314 amend paragraph (a) Table (26 F.R. 9402, Oct. 6, 1961) (22 F.R. 2227, Apr. 4, 1957) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(change)	Percent	
Anhydrous ammonia	50	ICC–106A500, 106A800X, Note 12.
	57	ICC–105A300–W.
	57	ICC–112A400–F, 112A340–W, Note 21.
	58.8	ICC–112A400–F, 112A340–W, Note 21.
(add)		
Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited.	Notes 3 and 6	ICC–112A340–W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 255 pounds per square inch at 115° F.).	Note 3	ICC–112A340–W, Notes 5 and 9.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.391 amend the introductory text of paragraph (a); add subparagraph (4) and Note 1 to paragraph (a); amend paragraph (b); add paragraph (d) (15 F.R. 8339, Dec. 2, 1950) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 73.391 Radioactive materials, class D poison; definition.

(a) For the purpose of Parts 71–78 of this chapter, radioactive materials are any material or combination of materials that spontaneously emits ionizing radiation. For the purpose of Parts 71–78 of this chapter, radioactive materials are divided into four groups.

* * * * * * *

(4) *Group IV.* Fissile radioactive materials are those materials capable of capturing thermal neutrons and thereupon splitting into two or more particles producing fission fragments, neutrons, and gamma rays. For the purpose of these regulations, fissile radioactive materials shall be: plutonium-239, plutonium-241, uranium-233, uranium-235, and any material artificially enriched in any of these four radionuclides.

NOTE 1: For the purpose of these regulations, materials classified as Group IV fissile radioactive materials shall not, in addition, be classified as Group I, Group II, or Group III Radioactive Materials.

(b) Not more than 2,000 millicuries of radium, polonium, or other members of the radium family of elements, nor more than that amount of Group IV fissile radioactive material authorized by § 73.393(k), nor more than 2,700 millicuries (disintegration rate of 100,000 million (10^{11}) atoms per second) of any other radioactive substance may be packed in one outside container for shipment by rail freight, rail express, or highway, except as specifically provided in paragraph (c) of this section, or by special arrangement and under conditions approved by the Bureau of Explosives.

* * * * * * *

(d) Group IV fissile radioactive materials must be packed as required by § 73.393(k).

In § 73.392 amend paragraph (a)(2), (c) (15 F.R. 8339, Dec. 2, 1950) (25 F.R. 10396, Oct. 29, 1960) to read as follows:

§ 73.392 Exemptions for radioactive materials.

(a) * * *

(2) The package must contain not more than 0.1 millicuries of radium, or polonium; or that amount of strontium-89, strontium-90, or barium-140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second; or 15 grams of uranium-235.

* * * * * * *

(c) Radioactive materials such as ores, residues, salts of natural uranium and thorium, etc., of low activity packed in strong tight containers are exempt from specification packaging and labeling requirements for shipments in carload lots by rail freight only, provided the gamma radiation or equivalent must not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car, including the top and bottom surfaces, and that the gamma radiation or equivalent must not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in §§ 74.541(b) and 74.553 of this chapter. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor or his duly authorized agent and unloaded by consignee or his duly authorized agent.

* * * * * * *

In § 73.393 redesignate paragraph (k) as paragraph (l); add new paragraph (k) (25 F.R. 10397, Oct. 29, 1960) (15 F.R. 8340, Dec. 2, 1950) to read as follows:

§ 73.393 Packing and shielding.

* * * * * * *

(k) For Group IV fissile radioactive materials not more than 15 grams of plutonium-239, or plutonium-241, or uranium-233, or uranium-235, or any combination thereof, may be packed in one outside container for shipment by rail freight, rail express, or highway, except by special arrangements under conditions and in containers approved by the Bureau of Explosives and in accordance with procedures and in packaging approved by the Atomic Energy Commission.

(l) In determining compliance with requirements of paragraphs (e), (g), (h), and (j) of this section, measurements of radiation must be made with a Landsverk Electrometer Model L–75 or equally efficient standardized meter.

In § 73.394 amend paragraphs (a), (b); add paragraph (d) (15 F.R. 8340, Dec. 2, 1950) to read as follows:

§ 73.394 Radioactive materials labels.

(a) Each outside container of Group I and Group II radioactive materials, or Group IV fissile radioactive materials, unless exempt by § 73.392, must be labeled with a properly executed label as described in § 73.414 (a) or (c).

(b) Each outside container of Group III radioactive materials must, unless exempt by § 73.392, be labeled with a properly executed label as described in § 73.414 (b) or (c)(1).

* * * * * * *

(d) Radioactive materials having other hazardous characteristics, as defined elsewhere in Part 73, must have the outside shipping container labeled with all labels as required by these regulations according to the hazards of the commodity.

In § 73.395 amend paragraph (a); add paragraph (a)(1) (20 F.R. 952, Feb. 15, 1955) (16 F.R. 9379, Sept. 15, 1951) to read as follows:

§ 73.395 Cleaning cars and vehicles.

(a) Any railroad car or motor vehicle which, after use for the transportation of radioactive materials in carload or truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier or to the driver of the motor vehicle.

(1) Railroad cars and motor vehicles which are used solely for the transportation of radioactive materials are exempt from the provisions of this section, provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in three-inch lettering in a conspicuous place on the exterior of the car or vehicle.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.402 amend paragraph (a)(8) (17 F.R. 1562, Feb. 20, 1952) to read as follows:

§ 73.402 Labeling dangerous articles.

(a) * * *

(8) "Radioactive Materials" label as described in § 73.414 (a) or (c) on containers of Group I and Group II radioactive materials and Group IV fissile radioactive materials, except when exempted by § 73.392.

* * * * * * *

In § 73.414 amend the introductory text of paragraph (a), and amend the label title now reading "Label for Radioactive Materials Group I or II" to read "Label for Group I or Group II Radioactive Materials or Group IV Fissile Radioactive Materials;" amend Note 1 following label in paragraph (a) and add Note 2 thereafter; amend the introductory text of paragraph (b), and amend the label title now reading "Label for Radioactive Materials Group III," to read "Label for Group III Radioactive Materials:" amend the introductory text of paragraph (c), amend Note 1 following the label and add Note 2 thereafter; amend paragraph (c)(1) (21 F.R. 9358, Nov. 30, 1956) (22 F.R. 7838, Oct. 3, 1957) (15 F.R. 8343, Dec. 2, 1950) (20 F.R. 8105, Oct. 28, 1955) (25 F.R. 3103, Apr. 12, 1960) to read as follows:

§ 73.414 Radioactive materials labels.

(a) Labels for Group I and Group II radioactive materials and Group IV fissile radioactive materials (see Note 1) must be diamond shape, white in color, and with each side 4 inches long. Printing must be in red letters inside of a red-line border measuring 3½ inches on each side, as shown in this section.

* * * * * * *

NOTE 1: Labels when used for the shipment of Group IV fissile radioactive materials must be overstamped or otherwise marked "GROUP IV" in a contrasting color.

* * * * * * *

NOTE 2: This label must be duly executed by the shipper and the number of radiation units must be shown. For the purposes of these regulations, 1 unit equals 1 milliroentgen per hour at one meter from the radioactive source for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mr/hr of hard gamma rays of radium filtered by one-half inch of lead. For Group IV fissile radioactive materials the number of radiation units shall be the larger of the following:

(i) The number of radiation units of gamma radiation, as defined herein; or

(ii) the number obtained by dividing 40 by the number of similar packages which may be transported together as determined in accordance with procedures approved by the Atomic Energy Commission.

(b) Labels for Group III radioactive materials must be of diamond shape, white in color, and with each side 4 inches long. Printing must be in blue letters inside of a blue-line border measuring 3½ inches on each side, as shown in this section.

* * * * * * *

(c) Label for Group I and Group II radioactive materials and Group IV fissile radioactive materials (see Note 1) for shipment by air.

* * * * * * *

NOTE 1: Labels when used for the shipment of Group IV fissile radioactive materials must be overstamped or otherwise marked "GROUP IV" in a contrasting color.

NOTE 2: This label must be duly executed by the shipper and the number of radiation units must be shown. For the purposes of these regulations, 1 unit equals 1 milliroentgen per hour at one meter from the radioactive source for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mr/hr of hard gamma rays of radium filtered by one-half inch of lead. For Group IV fissile radioactive materials the number of radiation units shall be the larger of the following:

(i) The number of radiation units of gamma radiation, as defined herein; or

(ii) the number obtained by dividing 40 by the number of similar packages which may be transported together as determined in accordance with procedures approved by the Atomic Energy Commission.

(1) Label for Group III radioactive materials for shipment by air.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.532 paragraph (j) (2) add Note 2 (15 F.R. 8348, Dec. 2, 1950) to read as follows:

§ 74.532 Loading other dangerous articles.

* * * * *

(j) * * *

(2) * * *

NOTE 2: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may relate to the number of similar packages which may be transported together as approved by the Atomic Energy Commission to assure safety from criticality in shipment.

* * * * *

In § 74.586 paragraph (h) (2) Table add Note 3 (15 F.R. 8355, Dec. 2, 1950) to read as follows:

§ 74.586 Handling explosives and other dangerous articles.

* * * * *

(h) * * *

(2) * * *

NOTE 3: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may relate to the number of similar packages which may be transported together as approved by the Atomic Energy Commission to assure safety from criticality in shipment.

* * * * *

PART 75—CARRIERS BY RAIL EXPRESS

In § 75.655 paragraph (j) (2) Table add Note 3 (15 F.R. 8359, Dec. 2, 1950) to read as follows:

§ 75.655 Protection of packages.

* * * * *

(j) * * *

(2) * * *

NOTE 3: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may relate to the number of similar packages which may be transported together as approved by the Atomic Energy Commission to assure safety from criticality in shipment.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

In § 77.800 amend paragraph (a) (15 F.R. 8361, Dec. 2, 1950) to read as follows:

§ 77.800 Purpose of regulations in Parts 71–78 of this chapter.

(a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by common, contract and private carriers by motor vehicle engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

Subpart B—Loading and Unloading

In § 77.841(d) (1) Table add Note 3 (15 F.R. 8367, Dec. 2, 1950) to read as follows:

§ 77.841 Poisons.

* * * * *

(d) * * *

(1) * * *

NOTE 3: For Group IV fissile radioactive materials the number of radiation units shown on the label may not indicate external radiation levels but instead may relate to the number of similar packages which may be transported together as approved by the Atomic Energy Commission to assure safety from criticality in shipment.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart B—Specifications for Inside Containers and Linings

Amend entire § 78.34 (20 F.R. 954, Feb. 15, 1955) (24 F.R. 907, Feb. 6, 1959) to read as follows:

§ 78.34 Specification 2R; inside containers, metal tubes.

§ 78.34–1 Materials.

(a) Metal tubes shall be stainless steel, malleable iron, or brass, or other materials having equivalent physical strength and fire resistance.

§ 78.34–2 Manufacture.

(a) The ends of the tubes must be fitted with screw-type closures or flanges (see § 78.34–4), except that one or both ends of the tube may be permanently closed by a welded or brazed plate. Welded or brazed side seams are authorized.

(b) Welding or brazing must be done in a workmanlike manner and must be free from defects.

§ 78.34–3 Size.

(a) Inside diameter of the tube shall not exceed 12 inches, exclusive of flanges for handling or fastening devices and shall have wall thickness and length in accordance with the following:

Inside diameter not over (inches)	Wall thickness minimum (inch)	Length maximum (inches)
2	3/32	16
6	1/4	72
12	1/4	72

§ 78.34–4 Closing devices.

(a) Closing devices shall be as follows:

(1) Screw-type, caps or plugs; number of threads per inch must not be less than United States standard pipe threads and must have sufficient length of thread to engage at least 5 threads when securely tightened.

(2) Openings exceeding 3 inches inside diameter may be closed by securely bolted flanges and leak-tight gasket.

§ 78.34–5 Marking.

(a) Each container shall be marked with the words "radioactive material" either by embossing or diestamping directly onto the container or by securely affixing by welding or brazing a metal plate bearing this notation to the container.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

Add § 78.112 (15 F.R. 8447, Dec. 2, 1950) to read as follows:

§ 78.112 Specification 42H; aluminum drums; removable head containers not authorized.

§ 78.112–1 Compliance.

(a) Required in all details.

§ 78.112–2 Rated capacity.

(a) Rated capacity as marked shall be 55 gallons, see § 78.112–10(a)(3). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 4 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 5 percent.

§ 78.112–3 Composition.

(a) Body and heads shall be of aluminum alloy 5086–H32 or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.112–4 Seams.

(a) Body seams welded.

(b) Head and chime seams welded or double-seamed.

§ 78.112–5 Chime reinforcement.

(a) Chime reinforcement required and shall be not less than 12-gauge galvanized steel commercial coating.

§ 78.112–6 Parts and dimensions.

(a) At start of fabrication, aluminum alloy sheets shall have a minimum thickness of 0.063 inch and completed container shall have no wall thickness less than 0.059 inch.

(b) Rolled or swedged-in rolling hoops required.

(c) Drum shall be of straight side type.

§ 78.112–7 Convex heads.

(a) Convex (crowned) heads, not extending beyond level of chime; minimum convexity of three-eighths inch required.

§ 78.112–8 Defective containers.

(a) Leaks and other defects shall be repaired by welding, using welding material of the same composition as originally used by the manufacturer of the drum or other approved aluminum base alloy of equal corrosion and strength qualities.

§ 78.112–9 Closures.

(a) Of screw-thread type or secured by screw-thread device; openings over 2.3 inches not authorized; suitable gaskets required.

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 12 threads per inch, with at least 3 threads engaged when gasket is in place; two five-sixths inch drainage holes are authorized in flange.

§ 78.112–10 Marking.

(a) Marking on each container on head, by stamping with pressure dies, by embossing with raised marks, or plate attached by welding, as follows:

(1) ICC–42H. This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be registered with the Bureau of Explosives and located just above, below, or following the mark specified in subparagraph (1) of this paragraph.

(3) Gauge of metal, decimal thickness in inches, at start of fabrication; rated capacity in gallons; year of manufacture (for example, 0.063–55–63).

§ 78.112–11 Size of marking.

(a) Size of marking (minimum): three-fourths inch high.

§ 78.112–12 Type tests.

(a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made or for one year, whichever period is shorter. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional tests on any other parts which might be considered weaker than the chime.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

§ 78.112–13 Leakage test.

(a) Each container shall be tested, unsupported, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Leaking or damaged drums shall be rejected or repaired and retested.

APPENDIX B–I

Page	Section	Paragraph	Reason for amendment
1	71.1	(a)	To include reference to contract and private carriers consistent with the application of the regulations.
1–4	72.5	(a)	Provides additions, changes, and cancellations to keep Commodity List on a current basis.
5	73.1	(a)	Same as § 71.1 (a).
5	73.21	(a)	Same as § 71.1 (a).
5	73.107	(c)(1)	To authorize spec. 12H fiberboard box with inside containers for not more than 50,000 primers in one outside box.
6	73.119	(a)(10)	To authorize new spec. 42H aluminum drum for flammable liquids, n.o.s. with flash point 20° F. or below.
6	73.128	(a)(3)	To authorize spec. 52 portable tank made of magnesium for paints and related materials without restriction as to flash point of lading.
6	73.206	(a), (a)(3)	To provide specific packaging requirements for lithium ferro silicon.
7–9	73.214	Entire section	To describe Hafnium and Zirconium metal and prescribe packaging therefor in line with present practices.
9	73.215	Entire section	The provisions are now incorporated in § 73.214.
9	73.260	(c)(2), (i)	To authorize shipment of electric storage batteries, wet, in six-sided fiberboard boxes with chipboard or chipboard jute-lined tubes protecting battery terminals.
10	73.299a	Entire section	To prescribe specific packaging requirements for Tris-(1-aziridinyl) phosphine oxide.
16	73.314	(a)	To authorize the use of spec. 112A340–W tank cars for anhydrous ammonia, butadiene, inhibited, and liquefied petroleum gas.

APPENDIX B–II

Page	Section	Paragraph	Reason for amendment
11–15	73.301	(a) and Note 4, (b), (d).	
	73.302	(a)(2)	To define and provide for the transportation of Group IV fissile radioactive materials.
	73.389	(k), (L)	
	73.414	(a) and Note 1, (c) and Note 1.	
12	73.302	(c)	To clarify that radiation readings from any surface of the car includes the top and bottom surfaces.
12–13	73.384	(a)	To prescribe labels for containers of fissile radioactive materials, and to include reference to the label prescribed for air shipments.
13	73.394	(b)	The group number has been positioned to precede "radioactive materials" to be consistent with similar rearrangement in paragraph (a); to include reference to the label prescribed for air shipments.
13	73.394	(d)	To make specific the labeling requirements for radioactive materials possessing other hazardous characteristics as well.
13	73.395	(a)	To require that cars and motor vehicles for which exemption from decontamination requirements are provided must be marked to show that they are used exclusively in the service of radioactive materials.
13–14	73.402	(a)(3)	To provide for the use of the red label for containers of Group IV fissile radioactive materials; to include reference to paragraph (c) which depicts the label used for air shipments.
14–15	73.414	(a) Note 2, (c) Note 2.	To clarify that the reading of 1 millircentgen per hour is at a distance of one meter from the radioactive source; to define the number of radiation units for fissile radioactive materials.

APPENDIX B–III

Page	Section	Paragraph	Reason for amendment
15	73.414	(b), (c) (1)	The group number has been positioned to precede "radioactive materials" to be consistent with similar rearrangement in paragraph (a).
15–17	74.582	(j) (2) Note 2	To qualify the meaning of radiation units assigned to fissile radioactive materials.
	74.586	(h) (2) Note 3	
	75.655	(j) (2) Note 3	
	77.841	(d) (1) Note 3	
17	77.800	(a)	To include reference to private carriers consistent with the application of the regulations.
18–19	78.34	Entire section	To provide a larger and improved spec. 2R container for radioactive materials.
19–21	78.112	Entire section	To provide for the construction of new spec. 42H aluminum drum.

[F.R. Doc. 64–679; Filed, Jan. 27, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BANK OF WORCESTER AND NATIONAL COMMERCIAL BANK AND TRUST CO.

Notice of Decision Granting Application To Merge

On October 24, 1963, the $436 million National Commercial Bank and Trust Company, Albany, New York, and the $2.9 million Bank of Worcester, Worcester, New York, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On January 17, 1964, the Comptroller of the Currency granted this application, effective on or after January 24, 1964.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: January 22, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64-791; Filed, Jan. 27, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Order No. 246]

MONTANA

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as follows:

MONTANA PRINCIPAL MERIDIAN, MONTANA

COAL LANDS

T. 1 S., R. 49 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, NE¼SW¼, SE¼;
Sec. 2, lots 1 and 2, SE¼NE¼, NW¼SW¼;
Sec. 3, lot 2, S½N½, S½;
Sec. 4;
Sec. 5, lot 1, SE¼NE¼, E½SE¼;
Sec. 10, NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 12, NE¼, NE¼SE¼;
Sec. 14, SW¼NE¼, SW¼NW¼, S½;
Sec. 15, NW¼NE¼, S½N½, E½SW¼, SE¼;
Sec. 22, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 23, N½, SW¼, N½SE¼;
Sec. 24, W½SW¼;
Sec. 25, NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 26, NE¼NE¼, W½NW¼;
Sec. 27, S½NW¼, S½;
Sec. 28, NE¼SE¼, S½SE¼;
Sec. 32, W½SE¼, SE¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼, SW¼, S½SE¼;
Sec. 34;
Sec. 35, W½NW¼, NW¼SW¼;
Sec. 36, E½, SE¼SW¼.

T. 2 S., R. 49 E.,
Sec. 1, lots 1 and 2, S½N½, S½;
Sec. 2, SW¼NW¼, SW¼, NE¼SE¼, S½SE¼;
Secs. 3 and 4;
Sec. 5, lots 1 and 2, S½N½, S½;
Sec. 6, lot 7, S½NE¼, SE¼SW¼, SE¼;
Secs. 7 to 36, inclusive.

T. 3 S., R. 49 E., entire township.

T. 1 S., R. 50 E.,
Sec. 4, lots 2, 5, 6, 7, 10, 11, and 12, SW¼, W½SE¼;
Sec. 5, lots 4, 5, and 7 to 12, inclusive, SW¼, N½SE¼;
Sec. 6;
Sec. 7, lots 1, 2, and 3, E½, E½W½;
Sec. 8;
Sec. 9, W½NE¼, W½, SE¼;
Sec. 10, SW¼SW¼;
Sec. 13, SE¼SW¼, SW¼SE¼;
Sec. 14, SW¼;
Sec. 15, W½, SE¼;
Sec. 16, N½, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 17, N½, NE¼SE¼;
Sec. 18, N½NE¼;
Sec. 22, N½N½;
Sec. 23, N½NW¼;
Sec. 24, W½NE¼, SE¼NE¼, N½NW¼;
Sec. 29, lots 2, 3, and 4;
Sec. 30, lots 2 to 10, inclusive, S½NE¼;
Sec. 31;
Sec. 32, lots 1 to 4, inclusive, W½NE¼, SW¼, NW¼SE¼;
Sec. 33, E½NE¼;
Sec. 34, W½NE¼, SE¼NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 35, S½NW¼, S½.

T. 2 S., R. 50 E.,
Sec. 2, lot 4, NE¼SW¼, S½SW¼, SW¼SE¼;
Secs. 3 to 9, inclusive;
Sec. 10, N½, N½SW¼, SW¼SW¼;
Sec. 11, W½NE¼, NW¼;
Sec. 13, SE¼SE¼;
Sec. 15, W½NW¼, SE¼NW¼, N½SW¼;
Sec. 16, N½, N½S½, S½SW¼;
Secs. 17 to 20, inclusive;
Sec. 21, lots 3 and 4, S½N½, S½;
Sec. 24, lot 1;
Sec. 25, N½, N½S½, S½SW¼, SW¼SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, NW¼NE¼, NW¼, SW¼SW¼.

T. 3 S., R. 50 E.,
Sec. 4, lot 4, SW¼SW¼;
Secs. 5, 6, and 7;
Sec. 8, N½, SW¼, W½SE¼;
Sec. 17, NW¼NE¼, W½, W½SE¼;
Secs. 18 and 19;
Sec. 20, N½, N½SW¼, NW¼SE¼;
Sec. 21, NW¼NW¼;
Sec. 29, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Secs. 30 and 31;
Sec. 32, W½E½, W½.

T. 1 S., R. 51 E.,
Sec. 1, S½SW¼;
Sec. 2, W½SW¼, SE¼SW¼;
Sec. 3, lots 9 and 10, SE¼;
Sec. 8, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 9, SE¼NE¼, E½SE¼;
Sec. 10, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 11, W½, W½SE¼;
Sec. 12, N½NW¼, E½SE¼;
Sec. 13, E½E½, NW¼SW¼;
Sec. 14, W½NE¼, SE¼NE¼, E½NW¼, N½SE¼;
Sec. 15, NW¼NW¼;
Sec. 16, NE¼NE¼;
Sec. 23, W½SW¼;
Sec. 24, E½E½;
Sec. 25, E½NE¼, NE¼SE¼;
Sec. 26, W½NE¼, SE¼NE¼, W½NW¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 30, SE¼;
Sec. 32, N½SW¼.

T. 2 S., R. 51 E.,
Sec. 7, lot 4;
Sec. 17, SW¼NW¼, N½SW¼;
Sec. 18, lot 1, SE¼NE¼, NE¼NW¼.

T. 3 S., R. 51 E.,
Sec. 19, E½SW¼, W½SE¼;
Sec. 25, E½NE¼, SW¼SE¼;
Sec. 36, N½NE¼.

T. 1 S., R. 52 E.,
Secs. 1 to 6, inclusive;
Sec. 6, lots 1 and 7 to 10, inclusive, NE¼SW¼, S½SW¼, SE¼;
Secs. 7 to 12, inclusive;
Sec. 13, lots 1, 2, and 3, W½E½, W½;
Secs. 14 to 22, inclusive;
Sec. 23, N½NE¼, SW¼NE¼, W½;
Sec. 24, NW¼NE¼, N½NW¼;
Sec. 26, W½W½, SE¼NW¼, SE¼SW¼;
Secs. 27 to 30, inclusive;
Sec. 31, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Secs. 32, 33, and 34;
Sec. 35, SW¼NE¼, N½NW¼, SE¼NW¼.

T. 2 S., R. 52 E.,
Sec. 1, lots 1 to 5, inclusive, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 2, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, NW¼SW¼, S½SW¼, N½SE¼;
Sec. 3, lots 2, 3, and 4, S½NW¼, SW¼, NE¼SE¼, S½SE¼;
Sec. 4;
Sec. 5, lots 1 to 4, inclusive, S½N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 6, lots 1 and 2, SE¼NE¼;
Sec. 8, N½NE¼;
Sec. 9, N½, N½SE¼;
Sec. 10, N½, SW¼, NW¼SE¼;
Sec. 11, N½NW¼.

T. 3 S., R. 52 E.,
Sec. 9, SW¼NE¼, SE¼NW¼, NE¼SW¼, NE¼SE¼.

T. 1 S., R. 53 E.,
Sec. 4, lots 1, 2, and 4, S½NE¼, SW¼NW¼, SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼, W½SE¼;
Sec. 6 and 7;
Sec. 8, W½NE¼, SE¼NE¼, W½, E½SE¼;
Sec. 9;
Sec. 10, lots 4 to 7, inclusive;
Sec. 16, lots 2, 3, 4, 7, 8, and 9, E½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 17, lots 2, 3, and 4, SW¼NE¼, NW¼, N½SW¼, NE¼SE¼;
Sec. 18, lots 3 to 7, inclusive, SE¼NW¼;
Sec. 20, NE¼, E½NW¼;
Sec. 21, NW¼NE¼, N½NW¼, SW¼NW¼.

T. 2 S., R. 53 E.,
Sec. 6, lots 1 to 5, inclusive, SW¼NE¼, SE¼NW¼;
Sec. 15, lot 4, S½NW¼;
Sec. 16, lot 1;
Sec. 26, SW¼;
Sec. 34, W½NE¼;
Sec. 36, SW¼.

T. 3 S., R. 53 E.,
Sec. 1;
Sec. 2, SW¼SW¼, S½SE¼;
Sec. 3, E½SE¼, SW¼SE¼;
Sec. 10, N½NE¼, SE¼NE¼;
Sec. 11;
Sec. 12, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 13, W½NE¼, NW¼;
Sec. 14, NE¼, E½NW¼, N½S½, SW¼SW¼;
Sec. 15, W½NE¼, NW¼;
Sec. 22, N½NE¼, SE¼NE¼, NE¼NW¼, W½SW¼, W½SE¼, SE¼SE¼;
Sec. 23, N½NE¼, SW¼NE¼, W½NW¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 24, N½, SW¼, N½SE¼;
Sec. 25, NE¼, SW¼SW¼, NE¼SE¼;
Sec. 26, NW¼NE¼, S½NE¼, NW¼, E½SW¼, SE¼;
Sec. 27, NE¼, N½NW¼;
Sec. 28, N½, SW¼, NW¼SE¼;
Secs. 29 to 31, inclusive;
Sec. 32, N½, SW¼, NE¼SE¼;
Sec. 33, SW¼NE¼, NW¼, N½SE¼;
Sec. 35, E½, E½W½, SW¼SW¼;
Sec. 36, NW¼, N½SW¼, SW¼SW¼.

T. 2 S., R. 49 E.,
Sec. 1, lots 3 and 4;
Sec. 2, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, NW¼SE¼;
Sec. 5, lots 3 and 4;
Sec. 6, lots 1 to 5, inclusive, SE¼NW¼, NE¼SW¼.

T. 1 S., R. 50 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 3, 4, 8, and 9, E½SE¼;
Sec. 5, lots 1, 2, 3, and 6, S½SE¼;
Sec. 7 lot 4;
Sec. 9, E½NE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 11 and 12;
Sec. 13, N½, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 14, N½, S½;
Sec. 15, NE¼;
Sec. 16, N¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 17, SW¼, W½SE¼, SE¼SE¼;
Sec. 18, lots 1 to 4, inclusive, S½NE¼, E½W½, SE¼;
Secs. 19, 20, and 21;
Sec. 22, S½N½, S½;
Sec. 23, NE¼, S½NW¼, S½;
Sec. 24, NE¼NE¼, S½NW¼, S½;
Secs. 25 to 28, inclusive;
Sec. 29, lot 1, N½, SE¼;
Sec. 30, lot 1, N½NE¼, E½NW¼;
Sec. 32, E½E½, SW¼SE¼;
Sec. 33, W½NE¼, W½, SE¼;
Sec. 34, NE¼NE¼, NE¼NW¼;
Sec. 35, NE¼, N½NW¼;
Sec. 36.

T. 2 S., R. 50 E.,
Sec. 1;
Sec. 2, lots 1, 2, and 3, S½N½, NW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10, SE¼SW¼, SE¼;
Sec. 11, E½NE¼, S½;
Sec. 12;
Sec. 13, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 14;
Sec. 15, E½, NE¼NW¼, S½SW¼;
Sec. 16, S½SE¼;
Sec. 21, lots 1 and 2;
Secs. 22 and 23;
Sec. 24, lots 2, 3, and 4, S½N½, S½;
Secs. 25, 26, and 27;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Secs. 34, 35, and 36.

T. 3 S., R. 50 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 2, and 3, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 8, E½SE¼;
Secs. 9 to 12, inclusive;
Sec. 13, N½, SW¼, N½SE¼;
Secs. 14, 15, and 16;
Sec. 17, E½E½, SW¼NE¼;
Sec. 20, S½S½, NE¼SE¼;
Sec. 21, E½, NE¼NW¼, S½NW¼, SW¼;
Secs. 22 to 25, inclusive;
Sec. 26, N½, N½S½, SE¼SW¼, S½SE¼;
Secs. 27 and 28;
Sec. 29, N½N½, S½NE¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 32, E½E½;
Secs. 33 to 36, inclusive.

T. 1 S., R. 51 E.,
Sec. 1, lots 1 to 12, inclusive, N½S½, S½SE¼;
Sec. 2, lots 1 to 12, inclusive, NE¼SW¼, SE¼;
Sec. 3, lots 1 to 8, inclusive, and lots 11 and 12, SW¼;
Secs. 4 to 7, inclusive;
Sec. 8, N½N½, S½NE¼, SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 9, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 10, E½NE¼, E½W½, NW¼NW¼, NE¼SE¼;
Sec. 11, NE¼, E½SE¼;
Sec. 12, NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 13, W½E½, NW¼, E½SW¼, SW¼SW¼;
Sec. 14, NE¼NE¼, W½NW¼, SW¼, S½SE¼;
Sec. 15, NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 16, W½NE¼, SE¼NE¼, W½, SE¼;
Secs. 17 to 22, inclusive;
Sec. 23, N¼, E½SW¼, SE¼;
Sec. 24, W½E½, W½;
Sec. 25, W¼E½, W¼, SE¼SE¼;
Sec. 26, E½, N¼NW¼, NE¼SW¼, S½SE¼;
Secs. 27, 28, and 29;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½;
Sec. 31;
Sec. 32, N½, S½SW¼, SE¼;
Secs. 33 to 36, inclusive.

T. 2 S., R. 51 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1 to 4, inclusive, S½N½, SW¼, W½SE¼;
Secs. 5 and 6;
Sec. 7, lots 1, 2, and 3, E½, E½W½;
Secs. 8 and 9;
Sec. 10, E½, E½W½, SW¼SW¼;
Secs. 11 to 16, inclusive;
Sec. 17, E½, N¼NW¼, SE¼NW¼, S½SW¼;
Sec. 18, lots 2, 3, and 4, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 19, 20, and 21;
Sec. 22, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 23 to 33, inclusive;
Sec. 34, N½, N½SW¼, SW¼SW¼, SE¼;
Secs. 35 and 36.

T. 3 S., R. 51 E.,
Secs. 1 to 18, inclusive;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½NW¼, E½SE¼;
Secs. 20 to 24, inclusive;
Sec. 25, W½NE¼, W½, N½SE¼, SE¼SE¼;
Secs. 26 to 35, inclusive;
Sec. 36, lots 1 to 12, inclusive, S½NE¼, NW¼.

T. 1 S., R. 53 E.,
Sec. 6, lots 2 to 6, inclusive, and lots 11 and 12, NW¼SW¼;
Sec. 13, lot 4;
Sec. 23, SE¼NE¼, SE¼;
Sec. 24, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 25;
Sec. 26, E½, NE¼NW¼, NE¼SW¼;
Sec. 31, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 35, N½NE¼, SE¼NE¼, SW¼NW¼, S½;
Sec. 36.

T. 2 S., R. 53 E.,
Sec. 1, lots 6 and 7, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 2, SE¼NW¼, NE¼SW¼, S½SE¼;
Sec. 3, lot 1, S½NE¼, NW¼SE¼;
Sec. 5, SW¼SW¼;
Sec. 6, lots 3 and 4, SW¼NE¼, S½NW¼, S½;
Sec. 7;
Sec. 8, S½NE¼, W½, SE¼;
Sec. 9, SW¼, S½SE¼;
Sec. 10, NE¼SE¼, S½SE¼;
Sec. 11, E½, S½NW¼, SW¼;
Secs. 12 to 36, inclusive.

T. 3 S., R. 52 E.,
Secs. 1 to 8, inclusive;
Sec. 9, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Secs. 10 to 36.

Reclassified coal land from noncoal land. Prior classification of the following subdivision as noncoal is hereby revoked and the land is reclassified as coal land:

T. 8 S., R. 50 E.,
Sec. 33, NW¼SW¼.

The area classified totals 287,565 acres, more or less, of which about 117,460 acres are coal land, about 170,065 acres are noncoal land, and 40 acres are reclassified as coal land.

Dated: January 21, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-769; Filed, Jan. 27, 1964; 8:46 a.m.]

[Order No. 247]

MONTANA

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

MONTANA PRINCIPAL MERIDIAN, MONTANA

COAL LANDS

T. 17 N., R. 36 E.,
Sec. 1, SE¼SW¼, S½SE¼;
Sec. 9, NE¼NE¼, S½NE¼, SE¼;
Sec. 10, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 11, E½E½, SW¼NE¼, SW¼SE¼;
Sec. 12, N½, NE¼SW¼, SW¼SW¼, N½SE¼;
Sec. 13, SW¼NW¼, NW¼SW¼, S½SW¼;
Sec. 14, E½NE¼, NW¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 15, N½NW¼, NW¼SW¼, NE¼SE¼;
Sec. 16, NE¼;
Sec. 23, NE¼SE¼, S½SE¼;
Sec. 24, S½NW¼, N½S½, SW¼SW¼, SW¼SE¼;
Sec. 25, NW¼SW¼;
Sec. 26, E½NE¼, NE¼SE¼;
Sec. 35, NW¼NE¼, NE¼NW¼, SW¼;
Sec. 36, W½NW¼.

T. 18 N., R. 36 E.,
Sec. 1, S½SW¼, SW¼SE¼;
Sec. 2, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Secs. 3, 4, and 5;
Sec. 6, lots 1 and 2, S½NE¼, E½SW¼, SE¼;

Sec. 7, E½, E½NW¼, NE¼SW¼;
Secs. 8 to 11, inclusive;
Sec. 12, NW¼NE¼, NW¼, W½SW¼;
Sec. 14, N½, N½SW¼, NW¼SE¼;
Sec. 15, N½, NE¼SW¼, NW¼SE¼;
Sec. 16, N½NE¼, SW¼NE¼, NW¼;
Sec. 17, NE¼, E½NW¼, N½SE¼.

T. 19 N., R. 36 E.,
Secs. 1 to 5, inclusive;
Sec. 8, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Secs. 9, 10, and 11;
Sec. 12, N½N½, NW¼SW¼, S½S½;
Secs. 13 to 16, inclusive;
Sec. 17, E½E½;
Sec. 20, NE¼NE¼;
Sec. 21, N½, NE¼SW¼, N½SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, SE¼;
Secs. 23 and 24;
Sec. 25, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 26, NE¼, NW¼NW¼, S½NW¼ N½SW¼, SE¼SW¼, W½SE¼;
Sec. 27, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 28, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 31, E½SE¼;
Sec. 32, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 33, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 34, N½NW¼, SW¼NW¼, SW¼, W½SE¼;
Sec. 35, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 36, E½, NE¼NW¼, W½SW¼.

T. 20 N., R. 36 E.,
Sec. 1;
Sec. 2, lots 1, 2, and 3, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 3, SW¼SW¼;
Sec. 4, lot 4, NE¼SW¼, S½S½, NW¼SE¼;
Sec. 5;
Sec. 6, lots 1, 2, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 and 2, E½, E½W½;
Secs. 8 and 9;
Sec. 10, W½W½, SE¼SW¼, SE¼;
Sec. 11, E½, E½NW¼, SW¼;
Secs. 12 to 17, inclusive;
Sec. 18, E½, E½W½;
Sec. 19, E½;
Secs. 20 to 29, inclusive;
Sec. 30, NE¼, E½SE¼;
Sec. 31, E½E½;
Secs. 32 to 36, inclusive.

T. 17 N., R. 37 E.,
Sec. 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 6, lots 6 and 7, E½SW¼, SW¼SE¼;
Sec. 7, lots 1, 2, and 3, E½, E½NW¼;
Sec. 8, SW¼NW¼;
Sec. 9, NW¼NE¼;
Sec. 25, S½SE¼;
Sec. 36, E½, E½W½.

T. 18 N., R. 37 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 9, NE¼, E½NW¼, NE¼SE¼;
Sec. 10, N½, N½S½, SE¼SE¼;
Secs. 11 and 12;
Sec. 13, N½NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 14, SW¼NW¼, W½SW¼;
Sec. 15, SE¼NE¼, S½NW¼, S½;
Sec. 16, S½;
Sec. 17, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, E½, E½NW¼, NE¼SW¼;
Secs. 21 to 28, inclusive;
Sec. 29, E½.

T. 19 N., R. 37 E.,
Secs. 1 to 6, inclusive;
Sec. 7, lot 1, E½, E½NW¼, NE¼SW¼;
Secs. 8 to 16, inclusive;
Sec. 17, N½, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 18, lots 1 to 4, inclusive, NE¼NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Secs. 19 and 20;
Sec. 21, E½, W½NW¼, SE¼NW¼, SW¼;
Secs. 22, 23, and 24;
Sec. 25, N½, NE¼SW¼, SE¼;
Sec. 26, N½N½, SE¼NE¼, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 27, S½NE¼, NW¼, S½;
Secs. 28, 29, and 30;
Sec. 31, lots 1 and 2, E½, E½W½;
Secs. 32 to 35, inclusive;
Sec. 36, S½NE¼, W½, SE¼.

T. 20 N., R. 37 E.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼;
Sec. 5, SE¼NW¼, E½SW¼, SE¼;
Sec. 6, lots 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼, E½SE¼;
Secs. 7 and 8;
Sec. 9, SW¼SW¼;
Sec. 12, E½, SE¼SW¼;
Sec. 13;
Sec. 14, SE¼NE¼, S½;
Sec. 15, S½;
Sec. 16, SW¼NE¼, NW¼, S½;
Secs. 17 to 36, inclusive.

NONCOAL LANDS

T. 17 N., R. 36 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, N½S½, SW¼SW¼;
Secs. 2 to 8, inclusive;
Sec. 9, NW¼NE¼, W½;
Sec. 10, SE¼SE¼;
Sec. 11, NW¼NE¼, W½, NW¼SE¼;
Sec. 12, NW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 13, E½, E½NW¼, NW¼NW¼, NE¼SW¼;
Sec. 14, SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 15, E½, SE¼NW¼, SW¼;
Sec. 16, NW¼, S½;
Secs. 17 to 22, inclusive;
Sec. 23, N½, SW¼, NW¼SE¼;
Sec. 24, NE¼, N½NW¼, SE¼SW¼, SE¼SE¼;
Sec. 25, E½, NW¼, SW¼SW¼, E½SW¼;
Sec. 26, W½E½, W½, SE¼SE¼;
Secs. 27 to 34, inclusive;
Sec. 35, SE¼NE¼, W½NE¼, W½, SE¼;
Sec. 36, E½, E½W½, W½SW¼.

T. 18 N., R. 36 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, SE¼SE¼;
Sec. 2, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, NE¼SE¼;

T. 18 N., R. 36 E (continued)
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼;
Sec. 7, lots 1, 2, 3, and 4, SE¼SW¼;
Sec. 12, E½NE¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 13;
Sec. 14, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 15, W½SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 16, SE¼NE¼, S½;
Sec. 17, W½NW¼, SW¼, S½SE¼;
Secs. 18 to 36, inclusive.

T. 19 N., R. 36 E.,
Secs. 6 and 7;
Sec. 8, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 12, S½N½, NE¼SW¼, N½SE¼;
Sec. 17, W½E½, W½;
Secs. 18 and 19;
Sec. 20, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 21, NW¼SW¼, S½S½;
Sec. 22, SW¼SW¼;
Sec. 25, SW¼SW¼;
Sec. 26, NE¼NW¼, SW¼SW¼, E½SE¼;
Sec. 27, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 28;
Sec. 29, E½E½, NW¼NE¼, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 30;
Sec. 31, N½, SW¼, W½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NW¼;
Sec. 34, NE¼, SE¼NW¼, E½SE¼;
Sec. 35, NW¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 36, NW¼NW¼, S½NW¼, E½SW¼.

T. 20 N., R. 36 E.,
Sec. 2, lot 4, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 4, lots 1, 2, and 3, S½N½, NW¼SW¼, NE¼SE¼;
Sec. 5, lots 3 and 4;
Sec. 7, lots 3 and 4;
Sec. 10, NE¼, E½NW¼, NE¼SW¼;
Sec. 11, W½NW¼;
Sec. 18, lots 1 to 4, inclusive;
Sec. 19, lots 1, 2, 3, and 4, E½W½;
Sec. 30, lots 1, 2, 3, and 4, E½W½, W½SE¼;
Sec. 31, lots 1, 2, 3, and 4, E½W½, W½E½.

T. 17 N., R. 37 E.,
Secs. 1 to 3, inclusive;
Sec. 4, N½, W½SW¼, NE¼SE¼;
Sec. 5;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 7, lot 4, E½SW¼;
Sec. 8, E½, N½NW¼, SE¼NW¼, SW¼;
Sec. 9, NE¼NE¼, S½NE¼, W½, SE¼;
Secs. 10 to 24, inclusive;
Sec. 25, NE¼, W½, N½SE¼;
Secs. 26 to 35, inclusive;
Sec. 36, W½W½.

T. 18 N., R. 37 E.,
Sec. 4, lot 4, SW¼NW¼, W½SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, W½, NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 13, S½NE¼, W½NW¼, SE¼NW¼, W½SW¼;
Sec. 14, E½, E½W½, NW¼NW¼;
Sec. 15, N½N½, SW¼NE¼;
Sec. 16, N½;
Sec. 17, N½N½, SW¼NW¼, W½SW¼;
Secs. 18 and 19;
Sec. 20, W½W½, SE¼SW¼;
Sec. 29, W½;
Secs. 30 to 36, inclusive.

T. 19 N., R. 37 E.,
Sec. 7, lots 2, 3, and 4, SE¼SW¼;
Sec. 17, NW¼SW¼, S½SE¼;
Sec. 18, NW¼NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 21, NE¼NW¼;
Sec. 25, NW¼SW¼, S½SW¼;
Sec. 26, SW¼NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 27, N½NE¼;
Sec. 31, lots 3 and 4;
Sec. 36, N½NE¼.

T. 20 N., R. 37 E.,
Sec. 1, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Secs. 2, 3, and 4;
Sec. 5, lots 1, 2, 3, and 4, S½NE¼, SW¼NW¼, W½SW¼;
Sec. 6, lots 1 to 4, inclusive; SE¼NE¼, SW¼SE¼;
Sec. 9, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 10 and 11;
Sec. 12, NW¼, N½SW¼, SW¼SW¼;
Sec. 14, N½N½, SW¼NE¼, S½NW¼;
Sec. 15, N½;
Sec. 16, N½NE¼, SE¼NE¼.

The area described aggregates 183,690 acres, more or less, of which approximately 97,603 acres are classified as coal lands and approximately 86,087 acres are classified noncoal lands.

Dated: January 21, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-770; Filed, Jan. 27, 1964; 8:46 a.m.]

[Order No. 248]

MONTANA

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as noncoal lands:

MONTANA PRINCIPAL MERIDIAN, MONTANA

T. 5 N., R. 11 W., entire township.

The area described aggregates 22,824 acres, more or less.

Dated: January 21, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-771; Filed, Jan. 27, 1964; 8:47 a.m.]

National Park Service

[Order No. 1]

OLYMPIC NATIONAL PARK

Assistant Superintendent et al.; Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment or Services

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and availability of alotted funds.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment and services in conformity with applicable regulations and statutory authority and availability of alotted funds.

SEC. 3. *Supply Clerk.* The Supply Clerk may issue purchase orders not in excess of $2,500 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of alotted funds.

SEC. 4. *Storekeeping Clerk.* The Storekeeping Clerk may issue purchase orders not in excess of $500 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8624), as amended; 39 Stat. 535, 16 U.S.C. sec. 2; Western Region Order No. 3 (21 F.R. 1495))

JOHN E. DOBB,
Superintendent,
Olympic National Park.

DECEMBER 26, 1963.

[F.R. Doc. 64-787; Filed, Jan. 27, 1964; 8:49 a.m.]

[Order No. 2]

SITKA AND GLACIER BAY NATIONAL MONUMENTS, ALASKA

Administrative Assistant; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $25,000 for supplies, equipment or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any coordinated area.

2. *Revocation.* This order supersedes that portion of Order No. 1 issued May 27, 1963, which delegates authority to the Administrative Assistant.

(National Park Service Order No. 14 (19 F.R. 8624), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Western Region Order No. 3 (21 F.R. 1495))

Dated: September 12, 1963.

L. J. MITCHELL,
Superintendent, Sitka and Glacier Bay National Monuments.

[F.R. Doc. 64-788; Filed, Jan. 27, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Washington County, Georgia, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C. this 22d day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-778; Filed, Jan. 27, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

RAYMOND E. HEBERT

Statement of Changes in Financial Interests

In accordance with the requirements of Section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: Cutler-Federal Inc.

This statement is made as of January 11, 1964.

RAYMOND E. HEBERT.

JANUARY 11, 1964.

[F.R. Doc. 64-793; Filed, Jan. 27, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-215]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Proposed Issuance of Facility Export License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2), the Commission proposes to issue to American Radiator & Standard Sanitary Corporation a facility export license essentially in the form set forth below authorizing export of a 16 watt, water-moderated, graphite-reflected Model UTR-B teaching and research nuclear reactor to Queen Mary College (University of London), London, England.

Pursuant to section 104 of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission has found that (a) the reactor proposed to be exported is a utilization facility as defined in said Act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an Agreement for cooperation between the United States of America and the United Kingdom of Great Britain and Northern Ireland.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the subject reactor.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954 and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued to the licensee authorizing the export of the materials and/or production or utilization facilities listed below, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

License No. XR-49 authorizes American Radiator & Standard Sanitary Corporation, represented by Advanced Technology Laboratories, A Division of American-Standard, 369

Whitmain Road, Mountain View, California to export a 10 watt, water-moderated, graphite-reflected Model UTR-B teaching and research nuclear reactor to Queen Mary College (University of London), London, England.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all of the other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission.

This license is effective as of the date of issuance and shall expire on July 20, 1965.

For the Atomic Energy Commission.

[F.R. Doc. 64-685; Filed, Jan. 27, 1964; 12:09 p.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5713 etc.]

PIEDMONT CASE; NORFOLK-NORTH PROPOSALS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 11, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., January 23, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-794; Filed, Jan. 27, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15291]

SHIRLEY F. BROOKS

Order To Show Cause

In the matter of Shirley F. Brooks, Baltimore, Maryland, order to show cause why there should not be revoked the license for Radio Station KCG-0418 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated June 28, 1963, and November 19, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 (now § 1.89) of the Commission's rules;

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 23d day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at 407 Pontiac Avenue, Baltimore, Maryland.

Released: January 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-795; Filed, Jan. 27, 1964; 8:50 a.m.]

[Docket Nos. 15265, 15266; FCC 64M-66]

COMMUNITY BROADCASTING SERVICE, INC., ET AL.

Order Scheduling Hearing and Prehearing Conference

In re applications of Community Broadcasting Service, Inc., Vineland, New Jersey, Docket No. 15265, File No. BPH-3949; Mortimer Hendrickson and Vivian Eliza Hendrickson, Vineland, New Jersey, Docket No. 15266, File No. BPH-4165; for construction permits.

It is ordered, This 21st day of January 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1964, in Washington, D.C.; *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., February 20, 1964.

Released: January 22, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-796; Filed, Jan. 27, 1964; 8:50 a.m.]

[Docket No. 14841; FCC 64M-74]

VERNE M. MILLER

Order for Second Prehearing Conference

In reapplication of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, This 23d day of January 1964, that a second further prehearing conference of all parties, or their counsel, will be held in the offices of the Commission in Washington, D.C. on January 27, 1964, at 2:00 p.m., to consider the rescheduling of procedural dates including the heretofore designated date for notifications and exchange of rebuttal exhibits (January 27th).

It is further ordered, That the present notifications and rebuttal exchange date (January 27) and the present hearing date (February 4) are postponed to dates to be determined at the further prehearing conference, or thereafter, and the parties are relieved from any obligation to comply with the two last-mentioned procedural dates.[1]

Released: January 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-797; Filed, Jan. 27, 1964; 8:50 a.m.]

[Docket Nos. 15254, 15255; FCC 64M-73]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Continuing Hearing

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

It is ordered, This 22d day of January 1964, with the consent of all interested parties, that Basil P. Cooper, in lieu of Isadore A. Honig, shall serve as presiding officer in the above-entitled proceeding, in which the initial prehearing conference is scheduled for February 5, 1964; *And it is further ordered*, That the hearing in the proceeding presently scheduled to commence March 16, 1964, is hereby continued to March 31, 1964.

[1] Counsel for various parties and also the owner and respondent station KSUE have informally indicated that additional time will be required to prepare for the hearing and to complete the work required for possible rebuttal showings.

and will be held in the Offices of the Commission, Washington, D.C.

Released: January 23, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-798; Filed, Jan. 27, 1964; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-13221 etc.]

UNION TEXAS PETROLEUM ET AL.

Order Severing Proceedings; Correction

JANUARY 16, 1964.

Union Texas Petroleum, et al., Docket Nos. G-13221, et al.; Colorado Oil and Gas Corporation, Docket No. CI60-721 and CI63-813; Skelly Oil Company (Operator), et al., Docket No. CI61-1419.

In the order severing proceedings, conditionally approving settlement proposals and conditionally issuing certificates of public convenience and necessity, issued December 18, 1963 and published in the FEDERAL REGISTER December 27, 1963 (F.R. Doc. 63-13360; 28 F.R. 14353-14354), change line 11 of ordering paragraph (E) to read "in the case of Colorado and September 30, 1963, in the case of Skelly".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-760; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. G-10289 etc.]

PUBCO PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[2]

JANUARY 21, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-10289 D 12-23-63	Pubco Petroleum Corp.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	Depleted	
G-11790, et al. E 1-9-64	Graham-Michaelis Drilling Co. (Successor to William Gruenerwald).	Cities Service Gas Co., Farley Pool, Barber County, Kans.	13.0	14.65
G-15406	Graham-Michaelis Drilling Co. (Successor to William Gruenerwald (operator), et al.).	Cities Service Gas Co., Farley "B" Field, Barber County, Kans.	13.0	14.65
G-12006 D 1-12-64	Socony Mobil Oil Co., Inc.	Tennessee Gas Transmission Co., Koontz and East Keeran Fields, Victoria and Jackson Counties, Tex.	(1)	
G-13303 D 1-13-64	Amerada Petroleum Corp.	Cities Service Gas Co., Acreage in Barber County, Kans.	Depleted	
G-14152 D 12-30-63	Union Oil Co. of California.	Natural Gas Pipeline Co. of America, Camrick Southeast Gas Pool, Boyd Area, Beaver County, Okla.	(1)	
G-14611 E 1-9-64	Neville G. Penrose and J. M. Zachary (successor to Neville G. Penrose, Inc. (operator), et al.).	Transcontinental Gas Pipe Line Corp., Oroones Field, DuVal County, Tex.	7.21961	14.65
G-15163 C 1-12-64	Texaco, Inc.	El Paso Natural Gas Co., Govt.-C. S. McGhee "B" Lease, Montezuma County, Colo.	17.7	15.025
CI61-925 E 1-9-64	A. L. Abercrombie (operator), et al. (successor to Musgrove Drilling Co. (operator), et al.).	Amadarko Production Co., Acreage in Morton County, Kans.	12.0	14.65
CI61-1162 C 11-20-63	Ocean Drilling & Exploration Co. (operator), et al.	Transcontinental Gas Pipe Line Corp., Block 16 Field, Offshore Vermilion Parish, La.	[3] 20.625	15.025
CI61-1698 E 1-10-64	A. L. Abercrombie (operator), et al. (successor to Musgrove Drilling Co.).	Kansas-Nebraska Natural Gas Co., Hugoton Gas Field, Finney County, Kans.	11.0	14.65
CI62-584 E 12-27-63	A. L. Abercrombie (operator), et al. (successor to Musgrove Drilling Co. (operator), et al.).	Panhandle Eastern Pipe Line Co., B. H. Smith No. 1 Unit, Meade County, Kans.	16.0	14.65
CI62-565 C 1-12-64	Graham-Michaelis Drilling Co. (operator), et al.	Northern Natural Gas Co., Acreage in Clark County, Kans.	16.0	14.65
CI62-910 E 1-7-64	Neches Petroleum Corp. (successor to Texas Imperial Oil & Gas Co.).	Union Texas Petroleum, A Division of Allied Chemical Corp., Big Hill Field, Jefferson County, Tex.	16.096	14.65
CI62-1258 C 12-23-63	Texas Oil Corp.	Northern Natural Gas Co., Acreage in Crockett County, Tex.	16.0	14.65
CI64-787 B 1-6-64	The Atlantic Refining Co.	Trunkline Gas Co., Acreage in Beauregard Parish, La.	Depleted	
CI64-788 A 1-9-64	Tidewater Oil Co.	Natural Gas Pipeline Co. of America, Orangedale Field, Bee and Live Oak Counties, Tex.	18.0	14.65
CI64-789 A 1-9-64	Harold H. Anderson, et al.	Panhandle Eastern Pipe Line Co., various units, Woods County, Okla.	17.0	14.65
CI64-791 A 1-10-64	Humble Oil & Refining Co. (operator), et al.	El Paso Natural Gas Co., Jack Herbert Field, Upton County, Tex.	15.7063	14.65
CI64-792 A 1-10-64	Gene Heaps (operator), et al.	Lone Star Gas Co., Walnut Bend Area, Cooke County, Tex.	14.0	14.65
CI64-793 A 1-10-64	Shelly Oil Co.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	17.0	14.65
CI64-794 A 1-13-64	Tidewater Oil Co.	Northern Natural Gas Co., Northwest Hokit (Wolfcamp) Field, Pecos County, Tex.	15.0	14.65
CI64-795 A 1-13-64	Crest Exploration Co.	Northern Natural Gas Co., South Six Mile Field, Beaver County, Okla.	17.0	14.65
CI64-796 B 1-13-64	Exchange Oil Co., Ltd.	Cities Service Gas Co., North Hoover-Harbar Field, Garvin County, Okla.	Uneconomical	
CI64-797 A 1-13-64	Petroleum Associates Fund, Inc., et al.	Panhandle Eastern Pipe Line Co., Borchers Northwest Morrow Oil and Gas Pool, Meade County, Kans.	14.0 14.0	14.65 14.65
CI64-798 B 1-13-64	Joseph E. Seagram & Sons, Inc. d.b.a. Frankfort Oil Co.	Jernigan & Morgan Transmission Co., North Wellston Area, Lincoln County, Okla.	(1)	
CI74-799 A 1-13-64	Socony Mobil Oil Co., Inc.	El Paso Natural Gas Co., Wahs Field, Pecos and Reeves Counties, Tex.	16.0	14.65
CI64-800 A 1-14-64	Edwin L. Cox	Lone Star Gas Co., East Doyle Area, Stephens County, Okla.	14.0	14.65
CI64-801 A 1-14-64	Walter L. Sidwell, Jr.	Panhandle Eastern Pipe Line Co. Panoma Council Grove Field, Stevens County, Kansas.	14.0	14.65
CI64-802 A 1-14-64	Donald W. Sidwell	do	14.0	14.65
CI64-803 A 1-14-64	Howard H. Sidwell	do	14.0	14.65

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI64-804..... A 1-14-64	Lone Star Producing Co.....	Lone Star Gas Co., Bliss Grove North Field, Clay County, Tex.	(7)	14.65
CI64-805..... A 12-26-63	Jewel Osborn (successor to Clyde Beymer, Jr., et al.) (partial succession).	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	10.7194	14.65
		Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
		Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
CI64-806..... A 12-26-63	Betty Osborn Biedenharn (successor to Clyde Beymer, Jr., et al.) (partial succession).	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	10.7194	14.65
		Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
		Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
CI64-807..... A 12-26-63	Osborn-Barrett Petroleum, Inc. (successor to Clyde Beymer, Jr., et al.) (partial succession).	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	10.7194	14.65
		Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
		Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
CI64-808..... A 12-26-63	W. B. Osborn, Jr. (successor to Clyde Beymer, Jr., et al.) (partial succession).	Colorado Interstate Gas Co., Hugoton Field, Kearny County, Kans.	10.7194	14.65
		Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
		Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65

[1] Acreage assigned after proven to be non-productive.
[2] Amendment to delete acreage per Agreements dated March 5, 1963 and March 6, 1963 wherein Buyer elected not to extend its gathering system to said wells completed on certain acreage covered by the certificate herein.
[3] Settlement rate approved for basic contract by order issued 11-12-63, which issued a permanent certificate in Docket No. CI61-1162.
[4] Source of gas is depleted to the extent that it can no longer be produced into Buyer's pipeline.
[5] Price is 14.0¢ plus 0.49¢ tax reimbursement.

[F.R. Doc. 64-759; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. CP64-82]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 21, 1964.

Take notice that on October 1, 1963, as amended on January 2, 1964, Cities Service Gas Company (Applicant), P.O. Box 1995, Oklahoma City, Oklahoma, filed in Docket No. CP64-82 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 and the operation of certain miscellaneous natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it may become necessary or desirable to move, relocate, alter or reconstruct existing facilities, or to construct and operate substitute facilities for existing facilities, in order to accommodate the desires or activities of others, including federal, state and local authorities, landowners and direct industrial and resale customers. For the most part, such changes will be made in response to requests from others. The cost of relocating or altering Applicant's facilities in such instances will usually be borne entirely or partly by the party desiring the change and will not ordinarily involve any increase or decrease in the design capacity of the particular facilities being altered or replaced, nor any essential change in the character or Applicant's service to any of its customers.

Applicant states further that it will not undertake more than fifteen (15) projects of the type referred to in said application during 1964. No single project is to exceed a cost of $40,000, nor will the total cost of all such projects exceed a maximum of $300,000, which amounts may be reduced or offset entirely by reimbursement from others.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-756; Filed, Jan. 27, 1964; 8:45 a.m.]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Fixing Hearing and Prescribing Procedure

JANUARY 22, 1964.

Public notice was published on March 20, 1963 (28 F.R. 2757) of the filing of an application under the Federal Power Act (16 U.S.C. 791a-825r) by Consolidated Edison Company of New York, Inc. for a license for proposed Project No. 2338, known as the Cornwall Pumped-Storage Project, located on the Hudson River, in the Village of Cornwall and Towns of Cornwall and Highlands, Orange County, New York. On September 13, 1963 the applicant filed an amendment to the application to reflect minor changes in proposed plans. The Commission has received communications from many individuals and organizations expressing their interest in this matter and raising questions concerning, among other things, the effect of the project upon the natural beauty of the area, the water supply of local communities, and fish and wildlife resources.

The Commission finds: It is appropriate and in the public interest to hold a public hearing in the above-entitled matter as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a) and 308 thereof, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be held in the above-entitled matter commencing on February 25, 1964, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., before the Presiding Examiner respecting the matters involved and issues presented by the application as amended.

(B) The license application and amendments are on file with the Commission for public inspection. Copies of the application and amendments are also available for inspection at the Commission's Regional Office at 346 Broadway, New York 13, New York.

(C) The following procedure in this proceeding is prescribed:

(1) The applicant shall go forward with a general statement by a competent witness as to its plans with respect to the proposed project, the safety provisions thereof, and specific comments upon the various subjects of public interest referred to in the opening paragraph of this order. The applicant shall also make available competent witnesses to answer questions with respect to its plans which may be asked by the staff of the Commission, or any intervening party, together with such questions as the Presiding Examiner may direct to the witness on behalf of other interested individuals, groups or agencies, the answers to which he believes may be of assistance to the Commission in its further consideration of the application.

(2) Statements of the position of interested agencies, groups and individuals concerning the proposed project shall be received if presented.

(3) At the close of this phase of the proceedings the Presiding Examiner shall adjourn the proceedings until further order of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-757; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. CP64-149]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JANUARY 21, 1964.

Take notice that on December 26, 1963, Panhandle Eastern Pipe Line Company (Applicant), One Chase Manhattan Plaza, New York 5, New York, filed in Docket No. CP64-149 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the twelve-month period commencing on the date of issuance of such authorization and the operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total cost of the proposed facilities will not exceed a maximum of $5,000,000, and no single project will exceed a cost of $500,000, which costs are to be financed from funds on hand.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-758; Filed, Jan. 27, 1964; 8:45 a.m.]

[Docket No. CP64-142]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 21, 1964.

Take notice that on December 19, 1963, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application in Docket No. CP64-142 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities located in Jasper County, Texas, consisting of a positive meter and regulating station used to serve Sidney H. Dixon sawmill, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant states that Sidney H. Dixon has advised it that he wants to terminate their service agreement effective January 1, 1964, because he has located another source of fuel.

The facilities involved herein have been utilized directly in connection with this single customer and will not be required for any other service.

The original cost of the facilities to be abandoned and removed by Applicant is $728.43.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-761; Filed, Jan. 27, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PHILIPPINES

Authorization for Entry

JANUARY 23, 1964.

There is published below a letter dated January 22, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, authorizing entry of an additional 50,000 pounds of cotton textile products in Category 63, produced or manufactured in the Philippines, for the twelve-month period beginning May 31, 1963, and ending May 30, 1964. Other directives concerning entry of these goods appeared in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), on October 24, 1963 (28 F.R. 11436), and on January 14, 1964 (29 F.R. 334).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C.,
January 22, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements and amends my letter to you of August 14, 1963, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), of October 21, 1963, published in the FEDERAL REGISTER on October 24, 1963 (28 F.R. 11436), and of January 6, 1964, published in the FEDERAL REGISTER on January 14, 1964 (29 F.R. 334), regarding restraints on imports of cotton textile products in Category 63, produced or manufactured in the Philippines. In those letters you were directed to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only) in excess of 505,000 pounds for the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

The United States Government has now agreed to allow entry of an additional 50,000 pounds in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only), effective May 31, 1963, which would raise to 555,000 pounds the level of restraint for the twelve-month period beginning May 31, 1963.

Accordingly, you are directed to increase to 555,000 pounds the amount of cotton textile products in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only), produced or manufactured in the Philippines, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

A detailed description of Category 63 was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

All other directives given in the letters referred to above remain unchanged.

This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-792; Filed, Jan. 27, 1964; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 23, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38770: *Iron or steel articles to Pascagoula, Miss.* Filed by O. W. South, Jr., agent (No. A4440), for interested rail carriers. Rates on iron or steel plate or sheet, noibn, galvanized or plain, corrugated or not corrugated, strips, steel, noibn, in carloads, from Alton, Federal and Granite City, Ill., to Pascagoula, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 110 to Southern Freight Association, Agent, tariff I.C.C. S-163.

FSA No. 38771: *Sulphuric acid from LeMoyne, Ala., to Tenco, Tenn.* Filed by O. W. South, Jr., agent (No. A4441), for and on behalf of Southern Railway Company. Rates on sulphuric acid, in tank-car loads, from LeMoyne, Ala., to Tenco, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Southern Freight Association, Agent, tariff I.C.C. S-162.

FSA No. 38772: *Sulphuric acid from Copperhill, Tenn., to Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A4442), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from Copperhill, Tenn., to Brunswick, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 77 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 38773: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 493), for interested rail carriers. Rates on fresh meats and packing house products, animal carcasses and parts, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 9 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38775: *T.O.F.C. service—from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8499), for interested rail carriers. Rates on boat trailers, in straight or mixed trailerloads with canoes, rowboats or power boats, loaded in or on trailers and transported on railroad flat cars, from, to and between points in southwestern territory.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 162 to Southwestern Freight Bureau, agent, tariff I.C.C. 4345, and 4 other schedules named in the application.

FSA No. 38776: *Natural asphalt to points in southwestern territory.* Filed by Western Trunk Line Committee, agent (No. A-2347), for interested rail carriers. Rates on natural asphalt (gilsonite), solid, in bulk or in packages, in carloads, from points in Colorado, Utah, and Wyoming, to points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 92 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1578.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38774: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 494), for interested rail carriers. Rates on fresh meats and packing house products, animal carcasses and parts, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 9 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-784; Filed, Jan. 27, 1964; 8:49 a.m.]

[Notice No. 930]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 23, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66531. By order of January 17, 1964, the Transfer Board approved the transfer to Old Colony Film Transfer Corp., a corporation, Boston, Mass., of a portion of the operating rights in certificate No. MC 3874 (Sub-No. 1) issued November 9, 1961, to Film Exchange Transfer Co., Inc., Boston, Mass., authorizing the transportation over irregular routes, of: Film and articles associated with the exhibition of motion pictures as described by the Commission, between Boston, Mass., and New Haven, Conn., on the one hand, and, on the other, described portions of Connecticut, Massachusetts, New Hampshire, and points in Rhode Island. Mary E. Kelley, 10 Tremont Street, Boston, Mass., attorney for transferor, Francis E. Barrett, Jr., 182 Forbes Building, Braintree, Mass., and Charles W. Singer, 33 North La Salle Street, Chicago, Ill., attorneys for transferee.

No. MC-FC 66532. By order of January 17, 1964, the Transfer Board approved the transfer to L. C. Corp., a corporation, Boston, Mass., of a portion of the operating rights in certificate in No. MC 3874 (Sub-No. 1), issued November 9, 1961, to Film Exchange Transfer Co., Inc., Boston, Mass., authorizing the transportation, over irregular routes, of: Magazines, between Boston, Mass., and Old Saybrook, Conn., on the one hand, and, on the other, points in Rhode Island, and described portions of Connecticut, Massachusetts, and New Hampshire. Mary E. Kelley, 10 Tremont Street, Boston, Mass., attorney for transferor, Francis E. Barrett, Jr., 182 Forbes Building, Braintree, Mass., and Charles W. Singer, 33 North La Salle Street, Chicago, Ill., attorneys for transferee.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-785; Filed, Jan. 27, 1964; 8:49 a.m.]

[Notice No. 930-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66524. By order of January 24, 1964, the Transfer Board approved the transfer to Winston-Elkin Motor Express, Incorporated, Elkin, N.C., of the Certificate of Registration in No. MC 121144 (Sub-No. 1), issued January 8, 1964, to Charles H. Laster, doing business as Winston-Elkin Motor Express, Elkin, N.C., authorizing transportation in interstate and foreign commerce corresponding to the grant of authority in Certificate No. C-13, issued November 20, 1961, by the North Carolina Utilities Commission, in the name of the transferor herein. Herbert L. Toms, Post Office Box 1606, Raleigh, N.C., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-857; Filed, Jan. 27, 1964; 8:51 a.m.]

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FEDERAL REGISTER

VOLUME 29 NUMBER 20

Washington, Wednesday, January 29, 1964

THE UNIVERSITY OF MICHIGAN
FEB 3 1964
MAIN READING ROOM

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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2128]

PART 192—OIL AND GAS LEASES

Miscellaneous Amendments

On page 2283 of the FEDERAL REGISTER of March 8, 1963, there was published a proposal to add new §§ 192.43a and 192.43b to 43 CFR Part 192 and a new subparagraph (a)(4) to 43 CFR 192.141.

The purpose of the proposed new sections was to define the meaning and intent of the phrase "sole party in interest" in a lease, what constitutes "interest" in a lease, and also to define collusive filings. The new subparagraph would have required that lands in lease assignments be described in the same manner as in offers to lease.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with regard to the proposals. After consideration of all of the comments and suggestions received during that period, the last sentence of the proposed § 192.43b was changed to provide for the cancellation of "interests" acquired in a lease as the result of a collusive filing rather than the "lease" itself, unless the rights of a bona fide purchaser intervened. Subparagraph (a) of § 192.141 has also been changed in such fashion as would allow descriptions of lands in lease assignments to be made in the same manner as described in the lease itself or in the manner required by § 192.42a.

The amendments are hereby adopted as set forth below, and shall become effective at the beginning of the 30th calendar day following publication in the FEDERAL REGISTER.

1. New §§ 192.43a and 192.43b and new subparagraph (a)(4) to § 192.141 are added to Title 43, Code of Federal Regulations to read as follows:

§ 192.43a Sole party in interest; statement of interest.

A sole party in interest in a lease or offer to lease is a party who is and will be vested with all legal and equitable rights under the lease. No one is, or shall be deemed to be, a sole party in interest with respect to a lease in which any other party has any of the interests described in this section. The requirement of disclosure in an offer to lease of an offeror's or other parties' interest in a lease, if issued, is predicated on the departmental policy that all offerors and other parties having an interest in simultaneously filed offers to lease shall have an equal opportunity for success in the drawings to determine priorities. Additionally, such disclosures provide the means for maintaining adequate records of acreage holdings of all such parties where such interests constitute chargeable acreage holdings. An "interest" in the lease includes but is not limited to record title interests, overriding royalty interests, working interests, operating rights or options, or any agreements covering such "interests". Any claim (existing at the time when the lease is issued) or any prospective or future claim (which is based on conditions existing at the time when the lease is issued) to an advantage or benefit from a lease, or any participation or any defined or undefined share in any increments, issues, or profits, which may be derived from or which may accrue in any manner from the lease pursuant to any agreement or understanding existing at the time when the lease is issued, is deemed to constitute an "interest" in the lease.

§ 192.43b Collusive filings.

When any person, association, corporation, or other entity or business enterprise files an offer to lease for inclusion in a drawing, and an offer (or offers) to lease is filed for the same lands in the same drawing by any person or party acting for, on behalf of, or in collusion with the other person, association, corporation, entity or business enterprise, under any agreement, scheme, or plan which would give either, or both, a greater probability of successfully obtaining a lease, or interest therein, in any public drawing, held pursuant to § 192.43 of this part, all offers filed by either party will be rejected. Similarly, where an agent or broker files an offer to lease for the same lands in behalf of more than one offeror under an agreement that, if a lease issues to any of such offerors, the agent or broker will participate in any proceeds derived from such lease, the agent or broker obtains thereby a greater probability of success in obtaining a share in the proceeds of the lease and all such offers filed by such agent or broker will also be rejected. Should any such offer be given a priority as a result of such a drawing, it will be similarly rejected. In the event a lease is issued on the basis of any such offer, action will be taken for the cancellation of all interests in said lease held by each person who acquired any interest therein as a result of collusive filing unless the rights of a bona fide purchaser as provided for in § 191.15 of this Chapter intervene, whether the pertinent information regarding it is obtained by or was available to the Government before or after the lease was issued.

2. Section 192.141 is supplemented by adding a new subparagraph (a)(4) thereto to read as follows:

§ 192.141 Requirements for filing of transfers.

(a) • • •

(4) Each instrument of transfer must describe the lands involved in the same manner as described in the lease or in the manner required by § 192.42a.

(30 U.S.C. 189, 43 U.S.C. 1201)

JANUARY 22, 1964.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-834; Filed, Jan. 28, 1964; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation

A document amending 41 CFR Part 50-204 to include radiation safety and health standards was published in the FEDERAL REGISTER on August 9, 1963 (28 F.R. 8208). Except as may otherwise be specifically provided, these minimum radiation safety and health standards shall apply to all contractors engaged in the performance of Federal supply contracts subject to the requirements of section 1(c) of the Walsh-Healey Public Contracts Act. Their purpose is to afford the strongest possible protections to employees of Federal supply contractors against the hazards of occupational radiation. Recognizing the somatic and genetic hazards of ionizing radiation to human beings, every effort shall be made to keep exposure of workers at lowest possible levels and to avoid all unnecessary exposure of such workers. The standards shall apply to all radiation sources such as industrial X-ray, particle accelerators, high energy electron tubes, radium, by-product material and other sources to which workers for Federal supply contractors are occupationally exposed. They will be subject to continual review in order to reflect increasing scientific knowledge concerning the biological effects of radiation.

It was provided in a document published on January 10, 1964, that these regulations would become effective February 5, 1964 (29 F.R. 260). On Novem-

ber 8, 1963, proposed amendments to the radiation safety and health standards were published (28 F.R. 11929).

After consideration of all relevant matter presented, the proposed amendments are hereby adopted, effective February 28, 1964, subject to the changes set forth below.

In order to make the basic radiation safety and health standards and the amendments thereto effective at the same time, the February 5, 1964, effective date is deferred to February 28, 1964. Application of all regulations following the centerhead "Radiation" in 41 CFR 50–204 shall be withheld in the cases of employers in the States of Arkansas, California, Kentucky, Mississippi, New York, or Texas, operating under licenses issued by those States, however, until appropriate orders are issued after opportunity is accorded to demonstrate why the regulations should contain special provisions for them.

The changes are as follows:

1. Footnote 3 in § 50–204.307 is amended as set forth below.

2. In § 50–204.305(c)(2) after the words, "exists radiation" the words "originating in whole or in part within radioactive material," are deleted.

3. In § 50–204.310(b) after the words "presence of patients containing", the word "radioactive" will replace the word "by-product".

4. The words "or in a manner approved by the Atomic Energy Commission" are added to the end of § 50–204.314.

5. The table entitled "Concentrations in Air and Water Above Natural Background" in § 50–204.307 is amended as set forth below.

6. The title of 29 CFR 50–204.320 is changed to read "AEC licensees" and paragraph (b) of that section is deleted.

7. In addition to adoption of the proposal subject to the above-mentioned changes, paragraph (1) of § 50–204.306 (d) of the regulations published on August 9, 1963 (28 F.R. 8208) is revised to read as set forth below.

Signed at Washington, D.C., this 24th day of January, 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

Sec.
50–204.305 Units of ionizing radiation dose.
50–204.306 Exposure to radiation.
50–204.307 Exposure to radioactive material.
50–204.308 Precautionary procedures and personnel monitoring.
50–204.309 Caution signs, labels, and signals.
50–204.310 Exceptions from posting requirements.
50–204.311 Exemptions for radioactive materials packaged for shipment.
50–204.312 Instruction of personnel; posting.
50–204.313 Storage of radioactive material.
50–204.314 Waste disposal.
50–204.315 Notifications of incidents.
50–204.316 Reports of overexposure and excessive levels and concentrations.
50–204.317 Records.
50–204.318 Disclosure to former employee of individual employee's record.
50–204.319 Application for variations from radiation levels.
50–204.320 AEC licensees.

AUTHORITY: §§ 50–204.305 to 50–204.320 issued under secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; sec. 7, 60 Stat. 241; 5 U.S.C. 1006.

2. Subparagraph (3) of 41 CFR Part 50–204.305(c) would be amended to read as follows:

§ 50–204.305 Units of ionizing radiation dose.

(c) * * *

* * * * * * *

(3) A dose of 0.1 rad due to neutrons or high energy protons:

* * * * * * *

3. New subparagraphs (3) and (4) would be added to § 50–204.306(d) to read as follows:

* * * * * * * * * * *

(d) * * *

(3) Alternatively, the four periods may consist of the first 14 complete, consecutive calendar weeks; the next 12 complete, consecutive calendar weeks; the next 14 complete, consecutive calendar weeks; and the last 12 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this part) within the last complete calendar week of the previous year.

(4) No employer shall change the method observed by him of determining calendar quarters (for purposes of this part) except at the beginning of a calendar year.

4. The table contained in § 50–204.307 would be revised to read as follows:

§ 50–204.307 Exposure to airborne radioactive materials.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Actinium (89)	Ac 227	S	2×10^{-13}	6×10^{-4}
		I	3×10^{-11}	9×10^{-3}
	Ac 228	S	8×10^{-9}	3×10^{-7}
		I	2×10^{-9}	3×10^{-8}
Americium (95)	Am 241	S	6×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Am 243	S	6×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
Antimony (51)	Sb 122	S	1×10^{-7}	8×10^{-4}
		I	1×10^{-7}	8×10^{-4}
	Sb 124	S	2×10^{-7}	7×10^{-4}
		I	2×10^{-8}	7×10^{-4}
	Sb 125	S	5×10^{-7}	3×10^{-3}
		I	3×10^{-8}	3×10^{-3}
Argon (18)	A 37	Sub [2]	6×10^{-3}	
	A 41	Sub	2×10^{-8}	
Arsenic (33)	As 73	S	2×10^{-6}	1×10^{-3}
		I	4×10^{-7}	1×10^{-3}
	As 74	S	3×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	As 76	S	1×10^{-7}	6×10^{-4}
		I	1×10^{-7}	6×10^{-4}
	As 77	S	8×10^{-7}	2×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Astatine (85)	At 211	S	7×10^{-8}	5×10^{-4}
		I	3×10^{-8}	2×10^{-3}
Barium (56)	Ba 131	S	1×10^{-6}	5×10^{-3}
		I	4×10^{-7}	5×10^{-3}
	Ba 140	S	1×10^{-7}	8×10^{-4}
		I	4×10^{-8}	7×10^{-4}
Berkelium (97)	Bk 249	S	9×10^{-10}	2×10^{-2}
		I	1×10^{-7}	2×10^{-2}
Beryllium (4)	Be 7	S	6×10^{-6}	5×10^{-3}
		I	1×10^{-6}	5×10^{-3}
Bismuth (83)	Bi 206	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
	Bi 207	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Bi 210	S	6×10^{-8}	1×10^{-3}
		I	6×10^{-9}	1×10^{-3}
	Bi 212	S	1×10^{-7}	1×10^{-3}
		I	3×10^{-7}	1×10^{-3}
Bromine (35)	Br 82	S	1×10^{-6}	8×10^{-4}
		I	2×10^{-7}	1×10^{-3}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Europium (63)	Eu 152 (T/2=9.2 hrs)	S	4×10^{-7}	1×10^{-3}
		I	3×10^{-7}	1×10^{-3}
	Eu 152 (T/2=13 hrs)	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
	Eu 154	S	1×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
	Eu 155	S	4×10^{-7}	3×10^{-3}
		I	3×10^{-7}	3×10^{-3}
Fluorine (9)	F 18	Sub	2×10^{-6}	
Gadolinium (64)	Gd 153	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Gd 159	S	3×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
Gallium (31)	Ga 72	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
Germanium (32)	Ge 71	S	1×10^{-6}	1×10^{-2}
		I	1×10^{-6}	1×10^{-2}
Gold (79)	Au 196	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Au 198	S	5×10^{-7}	3×10^{-3}
		I	3×10^{-7}	3×10^{-3}
	Au 199	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
Hafnium (72)	Hf 181	S	3×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
Holmium (67)	Ho 166	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
Hydrogen (1)	H 3	Sub	1×10^{-5}	
Indium (49)	In 113m	S	3×10^{-7}	2×10^{-3}
		I	2×10^{-7}	2×10^{-3}
	In 114m	S	1×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
	In 115m	S	4×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
	In 115	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
Iodine (53)	I 129	S	2×10^{-8}	1×10^{-4}
		I	1×10^{-8}	1×10^{-4}
	I 131	S	1×10^{-7}	1×10^{-4}
		I	1×10^{-8}	1×10^{-4}
	I 132	S	1×10^{-7}	1×10^{-3}
		I	6×10^{-8}	1×10^{-3}
	I 133	S	4×10^{-8}	3×10^{-4}
		I	3×10^{-8}	3×10^{-4}
	I 134	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	I 135	S	6×10^{-8}	6×10^{-4}
		I	3×10^{-8}	6×10^{-4}
Iridium (77)	Ir 190	S	3×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
	Ir 192	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Ir 194	S	3×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
Iron (26)	Fe 55	S	1×10^{-6}	8×10^{-3}
		I	1×10^{-6}	8×10^{-3}
	Fe 59	S	1×10^{-7}	8×10^{-4}
		I	1×10^{-7}	8×10^{-4}
Krypton [4] (36)	Kr 85m	Sub	3×10^{-6}	
	Kr 85	Sub	1×10^{-5}	
	Kr 87	Sub	6×10^{-7}	
Lanthanum (57)	La 140	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
Lead (82)	Pb 203	S	3×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
	Pb 210	S	2×10^{-8}	1×10^{-4}
		I	1×10^{-8}	1×10^{-4}
	Pb 212	S	7×10^{-8}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Cadmium (48)	Cd 109	S	8×10^{-8}	4×10^{-3}
		I	7×10^{-8}	4×10^{-3}
	Cd 115m	S	4×10^{-8}	3×10^{-3}
		I	2×10^{-8}	3×10^{-3}
	Cd 115	S	1×10^{-7}	8×10^{-4}
		I	1×10^{-7}	8×10^{-4}
Calcium (20)	Ca 45	S	2×10^{-8}	1×10^{-3}
		I	1×10^{-8}	1×10^{-3}
	Ca 47	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
Californium (98)	Cf 249	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cf 250	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cf 252	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
Carbon (6)	C 14 (CO_2)	Sub	4×10^{-6}	
Cerium (58)	Ce 141	S	3×10^{-7}	3×10^{-3}
		I	2×10^{-7}	3×10^{-3}
	Ce 143	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Ce 144	S	1×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
Cesium (55)	Cs 131	S	6×10^{-7}	6×10^{-3}
		I	3×10^{-7}	6×10^{-3}
	Cs 134m	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Cs 134	S	3×10^{-8}	4×10^{-4}
		I	2×10^{-8}	4×10^{-4}
	Cs 135	S	4×10^{-7}	4×10^{-3}
		I	3×10^{-7}	4×10^{-3}
	Cs 136	S	9×10^{-8}	9×10^{-4}
		I	6×10^{-8}	9×10^{-4}
	Cs 137	S	1×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
Chlorine (17)	Cl 36	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Cl 38	S	1×10^{-6}	1×10^{-2}
		I	1×10^{-6}	1×10^{-2}
Chromium (24)	Cr 51	S	2×10^{-6}	2×10^{-2}
		I	2×10^{-6}	2×10^{-2}
Cobalt (27)	Co 57	S	1×10^{-6}	1×10^{-2}
		I	1×10^{-6}	1×10^{-2}
	Co 58m	S	1×10^{-6}	1×10^{-2}
		I	1×10^{-6}	1×10^{-2}
	Co 58	S	4×10^{-7}	4×10^{-3}
		I	3×10^{-7}	4×10^{-3}
	Co 60	S	1×10^{-7}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
Copper (29)	Cu 64	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
Curium (96)	Cm 242	S	2×10^{-12}	1×10^{-3}
		I	1×10^{-9}	1×10^{-3}
	Cm 243	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cm 244	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cm 245	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
	Cm 246	S	2×10^{-13}	1×10^{-4}
		I	1×10^{-10}	8×10^{-4}
Dysprosium (66)	Dy 165	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Dy 166	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
Erbium (68)	Er 169	S	4×10^{-7}	3×10^{-3}
		I	3×10^{-7}	3×10^{-3}
	Er 171	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Lutetium (71)	Lu 177	S	6×10^{-7}	3×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Manganese (25)	Mn 52	S	2×10^{-7}	1×10^{-3}
		I	1×10^{-7}	9×10^{-4}
	Mn 54	S	4×10^{-7}	4×10^{-3}
		I	4×10^{-8}	3×10^{-3}
	Mn 56	S	8×10^{-7}	4×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Mercury (80)	Hg 197m	S	7×10^{-7}	6×10^{-3}
		I	8×10^{-7}	5×10^{-3}
	Hg 197	S	1×10^{-6}	9×10^{-3}
		I	3×10^{-6}	1×10^{-2}
	Hg 203	S	7×10^{-8}	5×10^{-4}
		I	1×10^{-7}	3×10^{-3}
Molybdenum (42)	Mo 99	S	7×10^{-7}	5×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Neodymium (60)	Nd 144	S	3×10^{-11}	2×10^{-7}
		I	3×10^{-10}	2×10^{-6}
	Nd 147	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	2×10^{-3}
	Nd 149	S	2×10^{-6}	8×10^{-3}
		I	1×10^{-6}	8×10^{-3}
Neptunium (93)	Np 237	S	4×10^{-13}	9×10^{-9}
		I	1×10^{-10}	9×10^{-7}
	Np 239	S	8×10^{-7}	4×10^{-3}
		I	7×10^{-7}	4×10^{-3}
Nickel (28)	Ni 59	S	5×10^{-7}	6×10^{-3}
		I	8×10^{-7}	6×10^{-3}
	Ni 63	S	6×10^{-8}	8×10^{-4}
		I	3×10^{-7}	2×10^{-3}
	Ni 65	S	9×10^{-7}	4×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Niobium (Columbium) (41)	Nb 93m	S	1×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Nb 95	S	5×10^{-7}	3×10^{-3}
		I	1×10^{-7}	3×10^{-3}
	Nb 97	S	6×10^{-6}	3×10^{-3}
		I	5×10^{-6}	3×10^{-3}
Osmium (76)	Os 185	S	5×10^{-7}	2×10^{-3}
		I	5×10^{-8}	2×10^{-4}
	Os 191m	S	2×10^{-5}	7×10^{-3}
		I	9×10^{-6}	7×10^{-3}
	Os 191	S	1×10^{-6}	5×10^{-3}
		I	4×10^{-7}	5×10^{-3}
	Os 193	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
Palladium (46)	Pd 103	S	1×10^{-6}	1×10^{-3}
		I	7×10^{-7}	8×10^{-4}
	Pd 109	S	6×10^{-7}	3×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Phosphorus (15)	P 32	S	7×10^{-8}	5×10^{-4}
		I	8×10^{-8}	7×10^{-4}
Platinum (78)	Pt 191	S	8×10^{-7}	4×10^{-3}
		I	6×10^{-7}	3×10^{-3}
	Pt 193m	S	7×10^{-6}	3×10^{-3}
		I	5×10^{-6}	3×10^{-3}
	Pt 197m	S	6×10^{-6}	3×10^{-3}
		I	5×10^{-6}	3×10^{-3}
	Pt 197	S	8×10^{-7}	4×10^{-3}
		I	6×10^{-7}	3×10^{-3}
Plutonium (94)	Pu 238	S	2×10^{-13}	1×10^{-9}
		I	3×10^{-11}	8×10^{-8}
	Pu 239	S	2×10^{-13}	1×10^{-9}
		I	4×10^{-11}	8×10^{-8}
	Pu 240	S	2×10^{-13}	1×10^{-9}
		I	4×10^{-11}	8×10^{-8}
	Pu 241	S	9×10^{-11}	7×10^{-8}
		I	4×10^{-9}	4×10^{-6}
	Pu 242	S	2×10^{-13}	1×10^{-9}
		I	4×10^{-11}	9×10^{-8}
Polonium (84)	Po 210	S	5×10^{-10}	2×10^{-6}
		I	2×10^{-10}	8×10^{-4}
Potassium (19)	K 42	S	2×10^{-6}	9×10^{-3}
		I	1×10^{-7}	6×10^{-4}

See footnotes at end of table.

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Praseodymium (59)	Pr 142	S	2×10^{-7}	9×10^{-4}
		I	2×10^{-7}	9×10^{-4}
	Pr 143	S	8×10^{-8}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Promethium (61)	Pm 147	S	8×10^{-8}	6×10^{-4}
		I	1×10^{-7}	6×10^{-4}
	Pm 149	S	3×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Protoactinium (91)	Pa 230	S	2×10^{-8}	7×10^{-5}
		I	8×10^{-10}	7×10^{-6}
	Pa 231	S	1×10^{-13}	3×10^{-9}
		I	1×10^{-10}	8×10^{-7}
	Pa 233	S	6×10^{-7}	4×10^{-3}
		I	2×10^{-7}	3×10^{-3}
Radium (88)	Ra 223	S	2×10^{-9}	2×10^{-5}
		I	2×10^{-10}	1×10^{-6}
	Ra 224	S	5×10^{-9}	7×10^{-5}
		I	7×10^{-10}	2×10^{-6}
	Ra 226	S	3×10^{-11}	4×10^{-7}
		I	5×10^{-11}	9×10^{-7}
	Ra 228	S	7×10^{-11}	8×10^{-7}
		I	4×10^{-11}	7×10^{-7}
Radon (86)	Rn 220	S	3×10^{-7}	----------
		I	----------	----------
	Rn 222	S	1×10^{-7}	----------
		I	----------	----------
Rhenium (75)	Re 183	S	2×10^{-6}	2×10^{-2}
		I	2×10^{-7}	3×10^{-3}
	Re 186	S	6×10^{-7}	3×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Re 187	S	9×10^{-6}	7×10^{-2}
		I	5×10^{-7}	4×10^{-3}
	Re 188	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	9×10^{-4}
Rhodium (45)	Rh 103m	S	8×10^{-4}	4×10^{-1}
		I	6×10^{-4}	3×10^{-1}
	Rh 105	S	8×10^{-7}	4×10^{-3}
		I	5×10^{-7}	3×10^{-3}
Rubidium (37)	Rb 86	S	3×10^{-7}	2×10^{-3}
		I	7×10^{-8}	7×10^{-4}
	Rb 87	S	5×10^{-7}	3×10^{-3}
		I	7×10^{-8}	5×10^{-4}
Ruthenium (44)	Ru 97	S	2×10^{-6}	1×10^{-2}
		I	2×10^{-6}	1×10^{-2}
	Ru 103	S	5×10^{-7}	2×10^{-3}
		I	8×10^{-8}	2×10^{-4}
	Ru 105	S	7×10^{-7}	3×10^{-3}
		I	5×10^{-7}	3×10^{-3}
	Ru 106	S	8×10^{-8}	4×10^{-4}
		I	6×10^{-8}	3×10^{-4}
Samarium (62)	Sm 147	S	7×10^{-11}	2×10^{-6}
		I	3×10^{-10}	2×10^{-6}
	Sm 151	S	6×10^{-8}	1×10^{-3}
		I	1×10^{-7}	1×10^{-3}
	Sm 153	S	5×10^{-7}	2×10^{-3}
		I	4×10^{-7}	2×10^{-3}
Scandium (21)	Sc 46	S	2×10^{-7}	1×10^{-3}
		I	2×10^{-8}	1×10^{-3}
	Sc 47	S	6×10^{-7}	3×10^{-3}
		I	5×10^{-7}	3×10^{-3}
	Sc 48	S	2×10^{-7}	8×10^{-4}
		I	1×10^{-7}	9×10^{-4}
Selenium (34)	Se 75	S	1×10^{-6}	9×10^{-3}
		I	1×10^{-6}	9×10^{-3}
Silicon (14)	Si 31	S	6×10^{-6}	3×10^{-2}
		I	1×10^{-6}	9×10^{-3}
Silver (47)	Ag 105	S	6×10^{-7}	3×10^{-3}
		I	8×10^{-8}	3×10^{-4}
	Ag 110m	S	2×10^{-7}	9×10^{-4}
		I	1×10^{-6}	9×10^{-4}
	Ag 111	S	3×10^{-7}	1×10^{-3}
		I	2×10^{-7}	1×10^{-3}
Sodium (11)	Na 22	S	2×10^{-7}	1×10^{-3}
		I	9×10^{-9}	9×10^{-4}
	Na 24	S	1×10^{-6}	6×10^{-3}
		I	1×10^{-7}	8×10^{-4}

CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND—continued

[See notes at end of table]

Element (atomic number)	Isotope [1]		Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
Strontium (38)	Sr 85m	S	4×10^{-6}	2×10^{-2}
		I	3×10^{-6}	2×10^{-2}
	Sr 85	S	2×10^{-7}	2×10^{-3}
		I	1×10^{-7}	2×10^{-3}
	Sr 89	S	3×10^{-8}	3×10^{-4}
		I	4×10^{-8}	3×10^{-4}
	Sr 90	S	3×10^{-10}	4×10^{-6}
		I	5×10^{-8}	1×10^{-3}
	Sr 91	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	1×10^{-3}
	Sr 92	S	4×10^{-7}	2×10^{-3}
		I	3×10^{-7}	2×10^{-3}
Sulfur (16)	S 35	S	3×10^{-7}	2×10^{-3}
		I	3×10^{-7}	3×10^{-3}
Tantalum (73)	Ta 182	S	4×10^{-8}	1×10^{-3}
		I	2×10^{-8}	1×10^{-3}
Technetium (43)	Tc 96m	S	3×10^{-6}	4×10^{-2}
		I	3×10^{-6}	3×10^{-2}
	Tc 96	S	6×10^{-7}	3×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Tc 97m	S	2×10^{-6}	1×10^{-2}
		I	2×10^{-7}	5×10^{-3}
	Tc 97	S	1×10^{-6}	5×10^{-3}
		I	3×10^{-7}	2×10^{-3}
	Tc 99m	S	4×10^{-6}	2×10^{-2}
		I	1×10^{-6}	8×10^{-3}
	Tc 99	S	2×10^{-8}	1×10^{-3}
		I	6×10^{-8}	5×10^{-4}
Tellurium (52)	Te 125m	S	4×10^{-7}	5×10^{-3}
		I	1×10^{-7}	3×10^{-3}
	Te 127m	S	1×10^{-7}	2×10^{-3}
		I	4×10^{-8}	2×10^{-3}
	Te 127	S	3×10^{-6}	8×10^{-3}
		I	9×10^{-7}	5×10^{-3}
	Te 129m	S	8×10^{-8}	1×10^{-3}
		I	3×10^{-8}	6×10^{-4}
	Te 129	S	5×10^{-6}	2×10^{-2}
		I	4×10^{-6}	2×10^{-2}
	Te 131m	S	4×10^{-7}	2×10^{-3}
		I	2×10^{-7}	1×10^{-3}
	Te 132	S	2×10^{-7}	9×10^{-4}
		I	1×10^{-6}	6×10^{-4}
Terbium (65)	Tb 160	S	1×10^{-7}	1×10^{-3}
		I	3×10^{-8}	1×10^{-3}
Thallium (81)	Tl 200	S	3×10^{-6}	1×10^{-2}
		I	1×10^{-6}	7×10^{-3}
	Tl 201	S	2×10^{-6}	9×10^{-3}
		I	9×10^{-7}	5×10^{-3}
	Tl 202	S	8×10^{-7}	4×10^{-3}
		I	2×10^{-7}	2×10^{-3}
	Tl 204	S	6×10^{-7}	3×10^{-3}
		I	3×10^{-7}	2×10^{-3}
Thorium (90)	Th 228	S	9×10^{-12}	2×10^{-7}
		I	6×10^{-11}	2×10^{-6}
	Th 230	S	2×10^{-13}	5×10^{-9}
		I	10^{-11}	9×10^{-8}
	Th 232	S	3×10^{-13}	5×10^{-9}
		I	3×10^{-11}	10^{-7}
	Th natural	S	3×10^{-13}	3×10^{-9}
		I	3×10^{-11}	8×10^{-8}
	Th 234	S	6×10^{-8}	5×10^{-4}
		I	3×10^{-8}	5×10^{-4}
Thulium (69)	Tm 170	S	4×10^{-7}	1×10^{-3}
		I	3×10^{-7}	1×10^{-3}
	Tm 171	S	1×10^{-6}	1×10^{-2}
		I	2×10^{-7}	1×10^{-3}
Tin (50)	Sn 113	S	4×10^{-7}	2×10^{-3}
		I	5×10^{-8}	2×10^{-4}
	Sn 125	S	1×10^{-7}	5×10^{-4}
		I	8×10^{-8}	5×10^{-4}

See footnotes at end of table.

[1] Soluble (S); Insoluble (I).

[2] "Sub" means that values given are for submersion in an infinite cloud of gaseous material.

5. Footnotes 2 and 3 of § 50–204.307 would be revised to read as follows:

§ 50–204.307 Exposure to radioactive materials.

* * * * *

[2] If either the identity or the concentration of any radionuclide in the mixture is not known, the limiting values for purposes of this table shall be:

a. For purposes of Table I, Col. 1–1×10^{-12}

b. For purposes of Table I, Col. 2–3×10^{-7}

[3] If the conditions specified below are met, the corresponding values specified below may be used in lieu of that specified in paragraph 2 above.

a. If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in the table above for the radionuclide in the mixture having the lowest concentration limit; or

b. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in the table above are not present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in the table above for any radionuclide which is not known to be absent from the mixture; or

c. —

Element (atomic number) and isotope	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
If it is known that Sr 90, I 129, Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227 Ra 228, Th 230, Pa 231, Th 232, and Th-nat are not present		9×10^{-4}
If it is known that Sr 90, I 129, Pb 210, Po 210, Ra 223, Ra 224, Ra 226, Ra 228, Po 231, and Th-nat are not present		6×10^{-4}
If it is known that Sr 90, Pb 210, Ra 226 and Ra 228 are not present		2×10^{-4}
If it is known that Ra 226 and Ra 228 are not present		3×10^{-4}
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present	3×10^{-4}	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-10}	
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	3×10^{-12}	
If Pa 231, Pu 239, Pu 240, Pu 242 and Cf 249 are not present	2×10^{-12}	

6. Section 50–204.308 would be revised to read as follows:

§ 50–204.308 Precautionary procedures and personnel monitoring.

(a) Every employer shall make such surveys as may be necessary for him to comply with the regulations in this part. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(b) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and require the use of such equipment by:

(1) Each employee who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a) of § 50–204.306; and

(2) Each employee under 18 years of age who enters an area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a) of § 50–204.306.

(3) Each employee who enters a high radiation area.

(c) As used in this part:

(1) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(2) "Radiation area" means any area, accessible to personnel, in which there exists radiation, at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirems;

(3) "High radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirems.

7. Section 50–204.309 would be renumbered as § 50–304.317.

8. Section 50–204.310 would be renumbered as § 50–204.319.

9. A new § 50–204.309 would be established to read as follows:

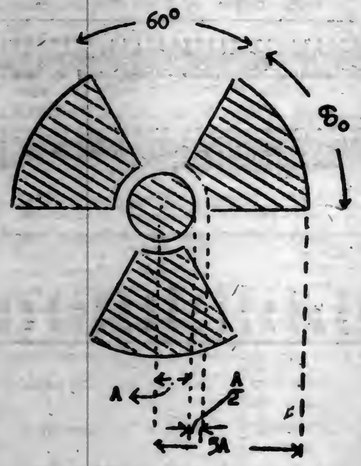
§ 50–204.309 Caution signs, labels, and signals.

(a) *General.* (1) Symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.
2. Background is to be yellow.

(2) In addition to the contents of signs and labels prescribed in this section, employers may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.



(b) *Radiation areas.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIATION AREA

(c) *High radiation areas.* (1) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

[2] Or "Danger"

CAUTION [2]
HIGH RADIATION AREA

(2) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirem in one hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the employer or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(d) *Airborne radioactivity areas.* (1) As used in the regulations in this part, "airborne radioactivity area" means (i) any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of radioactive material, exist in concentrations in excess of the amounts specified in Column 1 of § 50–204.307; or any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in Column 1 of § 50–204.307.

(2) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
AIRBORNE RADIOACTIVITY AREA

(e) *Additional requirements.* (1) Each area or room in which radioactive material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in any amount exceeding 10 times the quantity of such material specified in paragraph (g) of this section shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIAL(S)

(2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one hundred times the quantity specified in paragraph (g) of this section shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIAL(S)

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any radioactive material (other than natural uranium or thorium) greater than the quantity of such material specified in paragraph (g) of this section shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [2]
RADIOACTIVE MATERIAL

(2) Each container in which natural uranium or thorium is transported, stored or used in a quantity greater than ten times the quantity specified in paragraph (g) of this section shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [3]
RADIOACTIVE MATERIAL

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in § 50–204.307, Column 2 of this part, or

(ii) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures, when the user is present.

(4) Where containers are used for storage, the labels required in this paragraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

(g) *Material.*

Material	Microcuries
Ag^{105}	1
Ag^{111}	10
As^{73}, As^{77}	10
As^{76}	10
Au^{198}	10
Ba^{140}+La^{140}	1
Be^{7}	50
Ca^{45}	50
Ca^{47}	10
Cd^{109}+Ag^{109}	10
Ce^{141}+Pr^{144}	1
Cl^{36}	1
Co^{60}	1
Cr^{51}	50
Cs^{137}+Ba^{137}	1
Cu^{64}	50
Eu^{152}	1
Fe^{55}	50
Fe^{59}	50
Ga^{72}	1
Ge^{71}	10
H^{3}(HTO or H_2O)	50
I^{125}	250
I^{131}	10
In^{111}	1
Ir^{192}	10
K^{42}	10
La^{140}	10
Mn^{54}	1
Mn^{56}	50
Mo^{99}	10
Na^{22}	10
Na^{24}	10
Nb^{95}	10
Ni^{59}	1
Ni^{63}	1
P^{32}	10
Pd^{109}+Rh^{109}	50
Pd^{149}	10
Pm^{147}	10
Po^{210}	0.1
Pr^{143}	10
Pt^{191}	1
Ra^{226}	0.1
Rb^{86}	10
Re^{183}	10
Rh^{103}	10
Ru^{106}+Rh^{106}	1
S^{35}	50
Sb^{124}	1
Sc^{46}	1
Sm^{153}	10
Sn^{113}	10
Sr^{85}	1
Sr^{89}+Y^{90}	0.1
Ta^{182}	10
Tb^{160}	1
Tc^{99m}	1
Te^{127m}	10
Te^{132}	1
Th (natural)	50
Tl^{204}	50
Tritium. See H^3	250
U (natural)	50
U^{233}	1
U^{235}–U^{238}	50
V^{48}	1
W^{185}	10
Y^{90}	1
Y^{91}	1
Zn^{65}	10
Unidentified radioactive materials or any of the above in unknown mixtures	0.1

[3] Or "Danger"

NOTE: For purposes of § 50–204.309 where there is involved a combination of isotopes in known amounts the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e., "unity").

10. A new § 50–204.310 would be established to read as follows:

§ 50–204.310 Exceptions from posting requirements.

Notwithstanding the provisions of § 50–204.309:

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level twelve inches from the surface of the source container or housing does not exceed five millirem per hour.

(b) Rooms or other areas in on site medical facilities are not required to be posted with caution signs because of the presence of patients containing radioactive material provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this part.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than eight hours provided that (1) the materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the regulations in this part and; (2) such area or room is subject to the employer's control.

11. A new § 50–204.311 would be established to read as follows:

§ 50–204.311 Exemptions for radioactive materials packaged for shipment.

Radioactive materials packaged and labeled in accordance with regulations of the Interstate Commerce Commission shall be exempt from the labeling and posting requirements of § 50–204.309 during shipment, provided that the inside containers are labeled in accordance with the provisions of § 50–204.309.

12. A new § 50–204.312 would be established to read as follows:

§ 50204.312 Instruction of personnel: posting.

All employers regulated by the AEC shall be governed by § 20.206 (10 CFR Part 20) standards. All other employers shall be regulated by the following:

(a) All individuals working in or frequenting any portion of a radiation area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the radiation area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or devices to minimize exposure; shall be instructed in the applicable provisions of these radiation health and safety regulations for the protection of employees from exposure to radiation or radioactive materials; and shall be advised of reports or radiation exposure which employees may request pursuant to these regulations.

(b) Each employer shall post a current copy of the regulations of this part and a copy of the operating procedures applicable to the work under contract conspicuously in such locations as to ensure that employees working in or frequenting radiation areas will observe these documents on the way to and from their place of employments, or shall keep such documents available for examination of employees upon request.

13. A new § 50–204.313 would be established to read as follows:

§ 50–204.313 Storage of radioactive materials.

Radioactive materials stored in a nonradiation area shall be secured against unauthorized removal from the place of storage. This will apply to covered employees, except those under AEC regulation which will be governed by the applicable provisions of § 20.207 (10 CFR Part 20).

14. A new § 50–204.314 would be established to read as follows:

§ 50–204.314 Waste disposal.

No employer shall dispose of radioactive material except by transfer to an authorized recipient or in a manner approved by the Atomic Energy Commission.

15. A new § 50–204.315 would be established to read as follows:

§ 50–204.315 Notification of incidents.

(a) *Immediate notification.* Each employer shall immediately notify the Regional Director of the appropriate Wage and Hour and Public Contracts Divisions Regional Office, U.S. Department of Labor for employees not regulated by AEC by means of 10 CFR Part 20, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual of 150 rems or more of radiation; or exposure of the feet, ankles, hands or forearms of any individual to 375 rems or more of radiation; or

(2) A loss of one working week or more of the operation of any facilities affected; or

(3) Damage to property in excess of $100,000.

(b) *Twenty-four hour notification.* Each employer shall within 24 hours notify the Regional Director of the appropriate Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor for employees not regulated by AEC by means of 10 CFR Part 20, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(1) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or

more of radiation; or exposure of the feet, ankles, hands or forearms to 75 rems or more of radiation; or

(2) A loss of one day or more of the operation of any facilities affected; or

(3) Damage to property in excess of $1,000.

16. A new § 50–204.316 would be established to read as follows:

§ 50–204.316 Reports of overexposure and excessive levels and concentrations.

(a) In addition to any notification required by § 50–204.315 each employer shall make a report in writing within 30 days to the Regional Director of the appropriate Wage and Hour and Public Contracts Divisions' Regional Office, U.S. Department of Labor, for employees not regulated by AEC by means of 10 CFR Part 20; (1) Each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this part. Each report required under this paragraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved, the cause of the exposure, levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(b) In any case where an employer is required pursuant to the provisions of this section to report to the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement:

This report is furnished to you under the provisions of 41 CFR Part 50–204, U.S. Department of Labor, Wage and Hour and Public Contracts Divisions. You should preserve this report for future reference.

17. A new § 50–204.318 would be established to read as follows:

§ 50–204.318 Disclosure to former employee of individual employee's record.

At the request of a former employee each employer shall furnish to the former employee a report of the former employee's exposure to radiation as shown in records maintained by the employer, pursuant to § 50–204.317(a). Such report shall be furnished within 30 days from the time the request is made; shall cover each calendar quarter of the individual's employment involving exposure to radiation, or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analysis of radioactive material deposited in the body of the employee. The report shall be in writing and contain the following statement:

This report is furnished to you under the provisions of the U.S. Department of Labor, Wage and Hour and Public Contracts Divisions, Radiation Safety and Health Standards (41 CFR Part 50–204). You should preserve this report for future reference.

(b) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

18. A new § 50–204.320 would be established to read as follows:

§ 50–204.320 AEC licensees.

Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of Part 20, Chapter 1, Title 10, Code of Federal Regulations, shall be deemed to be in compliance with the requirements of this part with respect to such possession and use.

[F.R. Doc. 64–883; Filed, Jan. 28, 1964; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 970—CARROTS GROWN IN SOUTH TEXAS

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment for the fiscal period ending July 31, 1964, and amended expenses for the fiscal period ending July 31, 1963, to be effective under Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970; 28 F.R. 7467, 7584) regulating the handling of carrots grown in South Texas, was published in the FEDERAL REGISTER January 4, 1964 (29 F.R. 107). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Carrot Committee, established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

§ 970.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the South Texas Carrot Committee, established under Marketing Agreement No. 142 and Order No. 970, both as amended, to enable the committee to perform its functions under the provisions of the marketing agreement and marketing order during the fiscal period August 1, 1963, through July 31, 1964, will amount to $37,000.00.

(b) The rate of assessment to be paid by each handler under Marketing Agreement No. 142 and Order No. 970, both as amended, shall be one-half cent ($0.005) per 50 pound sack (or crate) of carrots, or the equivalent quantity thereof packed in other containers, handled by him as the first handler thereof during said fiscal period.

In § 970.203 *Expenses and rate of assessment* (27 F.R. 12183), paragraph (a) is amended to read as follows:

§ 970.203 Expenses and rate of assessment.

(a) The reasonable expenses incurred by the South Texas Carrot Committee enabling such committee to perform its functions during the fiscal period ended July 31, 1963, amounted to $35,184.69. The budget for such fiscal period shall be, and is hereby, amended, pursuant to § 970.42(c) and recommendations of the committee, to approve expenses for $35,184.69. No change in the rate of assessment is necessary.

* * * * *

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of the amended marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable carrots from the beginning of such period, and (2) the current fiscal period began on August 1, 1963, and the rate of assessment herein fixed will automatically apply to all assessable carrots beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–896; Filed, Jan. 28, 1964; 8:55 a.m.]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Change in Fiscal Period, and Approved Expenses and Rate of Assessment

Notice of rule making on amending § 971.103 *Fiscal Period*, and on § 971.204, *Expenses and Rate of Assessment* for the fiscal period ending July 31, 1964, was published in the FEDERAL REGISTER, December 18, 1963 (28 F.R. 13786). These rules, as recommended by the South Texas Lettuce Committee, are to be made effective pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) herein referred to collectively as the order. The order authorizes regulation of the handling of lettuce grown in the Lower Rio Grande Valley in South Texas and it is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested parties an opportunity to submit data, views, or arguments pertaining thereto not later than 14 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, it is hereby found that the rules as hereinafter set forth are in accordance with the provisions of the said order and such rules will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Therefore, the beginning and ending dates prescribed in § 971.103, and the expenses and rate of assessment prescribed in § 971.204, as hereinafter set forth, are hereby approved.

A. Amend § 971.103 to read:

§ 971.103 Fiscal period.

The fiscal period which extends from November 1, 1962, through October 31, 1963 (7 CFR 971.103), shall end July 31, 1963. Beginning August 1, 1963, and thereafter, the fiscal period shall begin August 1 of each year and end July 31 of the following year, both dates inclusive.

B. Amend § 971.204 *Expenses and rate of assessment* to read:

§ 971.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period August 1, 1963, through July 31, 1964, by the South Texas Lettuce Committee for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate, will amount to $16,050.00.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be two cents ($0.02) per carton of lettuce handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meanings as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) No advance preparation for such effective date will be required of handlers for compliance therewith; (2) the changed fiscal period will tend to promote more effective fiscal operations under the order; (3) the relevant provisions of the order require that rates of assessment fixed for a particular period shall apply to all assessable lettuce from the beginning of such period; (4) the current fiscal period, upon approval of these rules, will have begun on August 1, 1963, and (5) no useful purpose would be served by postponing the effective date of such rules, which, therefore, shall be effective upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64–897; Filed, Jan. 28, 1964; 8:55 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62–WE–131]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones, Revocation of Control Area Extension and Designation of Transition Areas

On October 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10717) stating that the Federal Aviation Agency proposed to alter the San Diego (Lindbergh Field), San Diego (NAS North Island) and NAAS Ream Field, Calif., control zones; revoke the San Diego control area extension; and designate the Santa Catalina, Calif., and San Diego transition areas.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the Notice, the following actions are taken:

1. In § 71.171 (27 F.R. 220–91, November 10, 1962), the San Diego, Calif. (Lindbergh Field), San Diego (NAS North Island), and NAAS Ream Field, Calif., control zones are amended to read:

a. *San Diego, Calif. (Lindbergh Field)*

Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32°43'58" N., longitude 117°11'14" W.); within 2 miles each side of the Lindbergh VOR 106° radial, extending from the 5-mile radius zone to 7 miles E. of the VOR, excluding the portion S. of a line extending from latitude 32°43'22" N., longitude 117°16'20" W. to latitude 32°43'22" N., longitude 117°12'23" W., to latitude 32°41'02" N., longitude 117°07'25" W.; and the portion N. of latitude 32°47'00" N.

b. *San Diego, Calif. (NAS North Island)*

Within a 5-mile radius of NAS North Island (latitude 32°42'00" N., longitude 117°12'35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N. of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N. of a line from latitude 32°43'22" N., longitude 117°17'20" W., to latitude 32°43'22" N., longitude 117°12'23" W., to latitude 32°41'02" N., longitude 117°07'25" W. and the portion within the NAS Ream Field, Calif., control zone.

c. *NAAS Ream Field, Calif.*

Within a 3-mile radius of NAAS Ream Field (latitude 32°34'00" N., longitude 117°06'50" W.), and that airspace W. of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending counterclockwise from a line 2 miles N. of and parallel to the Ream TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico.

2. Section 71.165 (27 F.R. 220–59, November 10, 1962) is amended by revoking the San Diego, Calif., control area extension.

3. Section 71.181 (27 F.R. 220–139, November 10, 1962) is amended by adding the following:

a. *San Diego, Calif.*

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°15'00" N., longitude 117°30'30" W., to latitude 33°15'00" N., longitude 117°17'00" W., to latitude 33°00'-00" N., longitude 117°07'00", to latitude 33°00'00" N., longitude 116°51'00" W., thence S. along longitude 116°51'00" W. to the United States/Mexican Border, thence W. along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32°29'40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32°33'00" N., longitude 117°27'30" W., thence N. to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33°30'00" N., longitude 117°30'00" W., thence to latitude 33°30'00" N., longitude 116°18'00" W., thence to latitude 33°00'00" N., longitude 116°18'00" W., thence to latitude 33°00'00" N., longitude 116°05'00" W., thence S. via longitude 116°-05'00" W. to the United States/Mexican Border, thence W. via the United States/Mexican Border and Flight Information Region boundary to latitude 32°29'40" N., longitude 117°21'00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32°37'15" N., longitude 117°31'50" W., thence to latitude 32°34'45" N., longitude 117°30'00" W., thence to latitude 32°49'30" N., longitude 117°45'15" W., thence to latitude 32°57'40" N., longitude 117°35'00" W., thence to latitude 33°11'00" N., longitude 117°48'55" W., thence to latitude 33°15'00" N., longitude 117°30'00" W., thence N. via longitude 117°-30'00" W., to the point of beginning, excluding the portion within W–536. The portion of this transition area within R–2503 shall be used only after obtaining prior approval from appropriate authority.

b. *Santa Catalina, Calif.*

That airspace extending upward from 1,200 feet above the surface bounded on the E. by longitude 117°30'00" W., on the S. by a line extending from latitude 33°15'00" N., longitude 117°30'00" W., to latitude 33°11'-00" N., longitude 117°48'55" W., to latitude 33°18'00" N., longitude 118°34'00" W., on the W. by longitude 118°34'00" W., and on the N. by latitude 33°30'00" N., excluding the portion within Control Area 1177. The portion of this transition area within R–2503 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 22, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64–802; Filed, Jan. 28, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SO–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On August 22, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9263) stating that the Federal Aviation Agency pro-

posed to alter the control zone at Atlanta, Ga.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for reasons stated in the notice, the following action is taken:

In § 71.171 (27 F.R. 220–01, November 10, 1962), the Atlanta, Ga., (Municipal Airport) control zone is amended to read:

Atlanta, Ga. (Municipal Airport)

Within a 5-mile radius of Atlanta Municipal Airport (latitude 33°38'42" N., longitude 84°25'37" W.); within 2 miles each side of the Atlanta ILS localizer W. course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer SE. course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Atlanta ILS localizer E. course, extending from the 5-mile radius zone to the INT of the localizer E. course and the McDonough, Ga., VORTAC 333° radial; within a 5-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.); within 2 miles each side of the Rex, Ga., VOR 271° radial, extending from the 5-mile radius zone to 8.5 miles E. of the Atlanta Airport, and within 2 miles each side of the Fulton, Ga., VOR 151° radial, extending from the Atlanta Municipal Airport 5-mile radius zone to the Fulton County 5-mile radius zone.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 22, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-803; Filed, Jan. 28, 1964; 8:45 a.m.]

[Airspace Docket No. 63-PC-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On October 1, 1963, there was published in the FEDERAL REGISTER (28 F.R. 10549) a proposal to raise the floors of the VOR Federal airways in Hawaii.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposal having been published and for the reasons stated in the notice, the following actions are taken:

In § 71.127 (27 F.R. 220–37, November 10, 1962, 28 F.R. 7290, 7670, 9428) the following changes are made:

1. In V–1, 2, 3, 6, 7, 11, 13, 16, and 17 Hawaii add:

The airspace below 1,200 feet MSL is excluded.

2. In V–4 Hawaii add:

The airspace below 3,500 feet MSL from the INT of Lihue 186° and Koko Head 264° radials to the INT of Koko Head 254° and South Kauai, Hawaii, 138° radials, and below 1,200 feet MSL from the INT of Koko Head 264° and South Kauai 138° radials to the INT of Koko Head 065° and Molokai, Hawaii, 315° radials and below 2,500 feet MSL from the INT of Koko Head 065° and Molokai 311° radials to the INT of Koko Head 065° and Upolu Point 002° radials is excluded.

3. In V–9 Hawaii "21,000 feet MSL within W–321 (Area C) is excluded." is deleted and "Flight level 300 within W–321 (Area C) and the airspace below 1,200 feet is excluded." is substituted therefor.

4. In V–8 Hawaii add:

The airspace below 1,200 feet MSL from the INT of Honolulu 179° and Molokai 268° radials to the INT of Molokai 067° and Maui, Hawaii, 331° radials and below 2,500 feet MSL from the INT of Molokai 067° and Maui 331° radials, to the INT of Molokai 067° and Upolu Point 010° radials is excluded.

5. In V–12 Hawaii add:

The airspace below 3,500 feet MSL from the INT of Lihue 195° and Honolulu 269° radials to the INT of South Kauai, Hawaii, 133° and Honolulu 269° radials, and below 1,200 feet MSL from the INT of South Kauai 133° and Honolulu 269° radials to the INT of Koko Head 050° and Molokai, Hawaii, 311° radials, and below 2,500 feet MSL from the INT of Koko Head 050° and Molokai 311° radials to the INT of Koko Head 050° and Maui 012° radials is excluded.

6. In V–14 Hawaii "is excluded." is deleted and "and the airspace below 5,000 feet MSL from the INT of the South Kauai 271° radial and Long. 161°–20'00" W., to Long. 159°43'00" W., and below 1,200 feet MSL from Long. 159°–43'00" W. to Koko Head is excluded." is substituted therefor.

7. In V–15 Hawaii "is excluded." is deleted and "and the airspace below 5,000 feet MSL from the INT of South Kauai 288° radial and Long. 161°15'00" W. to Long. 159°43'00" W., and below 1,200 feet MSL from Long. 159°43'00" W. to Hilo is excluded." is substituted therefor.

These amendments shall become effective 001 e.s.t., April 2, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 22, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Utilization Division.

[F.R. Doc. 64-809; Filed, Jan. 28, 1964; 8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER F—POLICY STATEMENTS

[Regulation Policy Statement No. 21]

PART 399—STATEMENTS OF GENERAL POLICY AMENDMENT AND CODIFICATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of January 1964.

The Board's policy statements published in Part 389 for the guidance of the public are presently arranged in chronological sequence of adoption by the Board, and modification of a policy statement is now accomplished by rescission and adoption of a new statement. The Board has decided, in the light of experience, that its policy statements would be more useful to the public if the statements were grouped according to subject matter and were subject to amendment in the same manner in which other regulations are amended.

Accordingly, the currently effective policy statements have been redesignated and grouped into subparts, which are arranged according to subject matter. The policies have been reviewed for applicability and, with one principal exception, have been amended where necessary to reflect changes in the law, the air transportation industry, or the Board's practices. Since this is essentially a codification, however, and not a general revision of the policy statements, substantive changes have been kept to a minimum.

Four policy statements have been substantively amended in the manner indicated:

Section 399.11 sets forth the Board's "use it or lose it" policy for local service carriers. The "use it or lose it" policy, first applied to new local service authorizations in the Seven States Area Investigation decision (28 C.A.B. 680; E–13254, December 8, 1958), has been expanded in actual practice to apply to all local service authorizations, and the policy statement reflects this practice. At the same time the policy relating to permanent certification of local service carriers (former § 399.27), which contained the original traffic standard for local service carriers, has now been fully executed and has therefore been deleted.

Section 399.30, the policy on temporary subsidy rates, combines former §§ 399.13 and 399.32 into one section. The new statement has been revised to make the language accord with present practice in the method of computing subsidy needs and to make clear that the granting of temporary rates is an emergency action.

Section 399.50, the policy on extensions of time for filing reports, is a revision of former § 399.22, air carrier reporting delinquencies. The new statement indicates that extensions of time for filing reports will be granted only in emergency situations that could not be anticipated and guarded against by the carrier concerned. Also, the sanction of civil penalties (authorized by the 1962 amendment to section 901(a) of the Act) is made expressly applicable to overdue reports, in lieu of the present sanction of deferring action on petitions for increased mail rates.

Section 399.80, the policy on unfair and deceptive practices of ticket agents (former § 399.18), has been expanded to include as an unfair practice misrepresentations as to the requirements that must be met by persons or organizations in order to qualify for charter or group fare flights.

One policy statement which is due for substantive amendment, the domestic coach policy (former § 399.19), is being reprinted at this time in its present form as § 399.33. The Board recognizes that this policy is out of date in a number of respects because of the advent of new types of aircraft, the use of dual configurations, and changes in the relationship of coach to first-class fares, and early revision and reissuance of the

policy in the light of prevailing conditions is contemplated.

Except as indicated above, the other policy statements are being republished without substantive change, although updating changes and other minor editorial revisions have been made in some instances. For convenience of reference, the former and new designations of policies by number are tabulated in appendix A.

Since this amendment and codification of Part 399 relate solely to general policies of the Board, notice and public procedure hereon are not required and the regulation may be made effective upon less than 30 days' notice.

Accordingly, the Board hereby amends and codifies Part 399 of its Policy Statements (14 CFR Part 399), effective January 29, 1964, as hereinafter set forth.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A—TABLE OF CROSS REFERENCES TO FORMER AND NEW DESIGNATIONS OF POLICY STATEMENTS

Former section	*New section*
399.0	399.1
399.1	399.2
399.2	399.3
399.3	399.5
399.4	399.4
399.13	399.30
399.14	399.31
399.15	399.32
399.16	399.10
399.17	399.14
399.18	399.80
399.19	399.33
399.20	399.12
399.21	399.13
399.22	399.50
399.23	399.52
399.24	399.52
399.26	399.70
399.27 [1]	[1] 399.11
399.32	399.30
399.33	399.51
399.34	399.35
399.35	399.15
399.36	399.16
399.38	399.60
399.39	399.61
399.40	399.36
399.41	399.17
399.42	399.18
399.43	399.34
399.44	399.90

New section	*Former section*
399.1	399.0
399.2	399.1
399.3	399.3
399.4	399.4
399.5	399.3
399.10	399.16
399.11 [1]	[1] 399.27
399.12	399.20
399.13	399.21
399.14	399.17
399.15	399.35
399.16	399.36
399.17	399.41
399.18	399.42
399.30	399.13 and 399.32
399.31	399.14
399.32	399.15
399.33	399.19
399.34	399.43
399.35	399.24

[1] New policy substituted for rescinded policy.

New section	*Former section*
399.24	399.40
399.50	399.22
399.51	399.23
399.52	399.23 and 399.24
399.60	399.38
399.61	399.39
399.70	399.26
399.80	399.18
399.90	399.44

Subpart A—Applicability and Effect of Policy Statements

Sec.
399.1 Applicability.
399.2 Exclusions.
399.3 Statements in other Board documents.
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399.13 Standard provisions in foreign air carrier permits.
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399.16 Military Air Transport Service charter exemptions.
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399.30 Temporary subsidy rates.
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399.32 Rate policy applicable to subsidized carriers.
399.33 Domestic coach policy.
399.34 Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft.
399.35 Free or reduced-rate transportation of persons in foreign air transportation by United States flag air carriers.
399.36 Processing of tariff publications filed on notice of 45 days or longer.

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399.50 Extensions of time for filing reports.
399.51 Confidential treatment of unaudited preliminary year-end reports.
399.52 Retroactive adjustments of expenses.

Subpart E—Policies Relating to Hearing Matters

399.60 Standards for determining priorities of hearing.
399.61 Presentations of public and civic bodies in route proceedings.

Subpart F—Policies Relating to Aircraft Accident Investigations

399.70 Investigation of accidents involving foreign aircraft.

Subpart G—Policies Relating to Enforcement

Sec.
399.80 Unfair and deceptive practices of ticket agents.

Subpart H—Policies Relating to Prohibited Interests and Activities of Air Carriers

399.90 Non-transport activities of subsidized air carriers.

AUTHORITY: The provisions of §§ 399.1 to 399.90 issued under sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1324; and sec. 3 of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1002.

Subpart A—Applicability and Effect of Policy Statements

§ 399.1 Applicability.

All statements of general policy adopted by the Board for the guidance of the public will be published in this part, except as provided in § 399.2.

§ 399.2 Exclusions.

The following types of policies are not included in this part:

(a) Policies relating solely to the internal management of the Board;

(b) Policies requiring secrecy in the public interest or in the interest of national defense;

(c) Policies that are repetitive of section 102 of the Act;

(d) Policies that are fully expressed in a procedural or substantive rule of the Board, or in any opinion, decision, order, certificate, permit, exemption, or waiver of the Board;

(e) Expressions of encouragement or admonition to industry to follow a certain course of action;

(f) Positions on legislative items and on other matters that are outside the scope of the Board's current statutory powers and duties.

§ 399.3 Statements in other Board documents.

No statement contained in any Board opinion, decision, order, certificate, permit, exemption, or waiver shall be considered a statement of policy within the meaning of this part, even though such statements may constitute a precedent in future cases or declare future policy to be followed in like cases. Similarly, a denial by the Board or relief sought, or statements of the Board's reasons for failure to issue a rule upon which rule making proceedings have been commenced shall not be considered statements of policy, except to the extent that it is specifically stated that such denial or failure is based upon a policy thereafter to be followed.

§ 399.4 Nature and effect of policy statements.

Policy statements published in this part will be observed by the Board until rescinded, but any policy may be amended from time to time as experience or changing conditions may require. Changes in policy may be made with or without advance notice to the public and will become effective upon publication in the FEDERAL REGISTER unless otherwise provided. If it appears to the Board, in its consideration of any matter before it, that the application of a policy published in this part would run counter to an express provision of law or policy enunci-

ated by Congress in the Act, the published policy shall not be applicable to such matter.

§ 399.5 Arrangement of policy statements.

The statements of general policy relating to the various duties and functions of the Board are grouped according to subject matter in the following subparts; the titles of the subparts indicate the general subject matter included therein.

Subpart B—Policies Relating to Operating Authority

§ 399.10 Local service carrier certificates to indicate nature of operations specifically.

It is the policy of the Board to include a provision in the certificates of all local service air carriers to make it clear that their operations are definitely local air transportation, as distinguished from the service rendered by scheduled trunkline air carriers. The language that will be included is substantially as follows:

This certificate is issued pursuant to a determination of policy by the Civil Aeronautics Board that, in the discharge of its obligation to encourage and develop air transportation under the Federal Aviation Act of 1958, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by scheduled trunkline air carriers. In accepting the certificate, the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul air transportation services of the character described above.

§ 399.11 "Use it or lose it" policy for subsidized local service carriers.

(a) *Expansion of local carrier services.* Consistent with the Board's basic policy of affording the advantages of air transportation to as many persons as practicable, the Board has substantially expanded the services of subsidized local carriers and has given many small cities, with marginal or unknown traffic potentialities, a chance to demonstrate that they will use and can support new or improved air services adapted to their specific needs. The Board expects the cities awarded local air service to make a determined effort to generate the traffic forecast in the certification proceedings. Unless adequate use is made of subsidized air services, the cost to the Government is not justified and the Board should terminate the authorization.

(b) *Minimum traffic standard for newly certificated cities.* It is the policy of the Board to make an early and critical evaluation of the traffic results of new authorizations to determine whether newly certificated cities are making sufficient use of authorized services or should lose such services for lack of use. Under this "use it or lose it" policy, the Board will require each city to originate an average of five or more passengers per day during the 12-month period following the initial 6 months of operations. If a city is certificated on more than one segment, the five-passenger standard will be applied to each segment. If a city fails to meet this minimum traffic standard, the Board will, in the absence of unusual or compelling circumstances, institute a formal investigation to determine whether service should be suspended or terminated. A city generating the bare traffic minimum during this trial period cannot safely assume that continued service is assured; the Board expects most cities to exceed the minimum requirements.

(c) *Minimum traffic standard for newly certificated route segments.* The Board will also evaluate the traffic results of each new route segment for the same 12-month period, following the initial six months of operations, to determine whether segments that do not adequately respond to air services should be suspended or deleted in whole or in part. If the passenger load per flight serving a segment averages less than five passengers, the Board will institute formal proceedings to delete the segment. If the passenger load per flight averages between five and seven passengers, the Board will institute proceedings to determine whether the segment should be suspended or deleted unless unusual circumstances, such as extreme isolation or national defense needs, dictate otherwise.

(d) *Continued use of local carrier services.* In evaluating the continuing need for air service at any point or on any route segment served by a local service carrier, the Board will use the minimum traffic standard of five passengers as a guide line, regardless of the type or duration of an authorization. The Board will require the local service carriers to make appropriate periodic reports of traffic results. Air carrier management is expected to suggest route or authorization modifications as soon as deficiencies in service become apparent. When a city or route segment fails to make continued use of subsidized services, the carrier is free, and is encouraged, to apply for suspension of service in advance of a Board proceeding to terminate the certification. The failure of a local service carrier to exercise vigilance in this regard may, in fact, reflect upon the economy and efficiency of management in proceedings to determine subsidy needs under section 406 of the Act.

§ 399.12 Negotiation by air carriers for landing rights in foreign countries.

(a) It is the policy of the Board (jointly with the Department of State) that, as a general rule, landing rights abroad for United States flag air carriers will be acquired through negotiation by the United States Government with foreign governments rather than by direct negotiation between an air carrier and a foreign government.

(b) It is corollary to the foregoing policy that no United States air carrier may avail itself of representations by one foreign government to further its interest with another foreign government, especially with respect to landing rights, except insofar as such representations have been specifically authorized by the United States Government.

§ 399.13 Standard provisions in foreign air carrier permits.

It is the policy of the Board that permits issued to foreign air carriers shall provide:

(a) That the permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period the permit remains in effect, to which the United States and the foreign government concerned are parties;

(b) That, by accepting the permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding in any court or other tribunal in the United States based on claims arising out of its operations under the permit.

§ 399.14 Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.

It is the policy of the Board, in accordance with a reciprocal understanding with the Air Transport Board of Canada published March 13, 1952, to facilitate so far as possible under existing law the issuance of foreign air carrier permits to Canadian operators of small aircraft for irregular transborder operations in common carriage. Authorizations granted under this procedure will be only for service of a casual, occasional, and infrequent nature and will be limited to five years' duration. Where requested, permission will customarily be granted, if statutory standards are met, to serve more than one point in the United States on the same flight, provided that no cabotage traffic is carried.

§ 399.15 Processing of applications of foreign air carriers, pursuant to Part 212 of this chapter, for Statements of Authorization to conduct off-route charter trips.

(a) *General.* This policy prescribes the general standards which will be used by the Board in processing applications of foreign air carriers for Statements of Authorization to conduct off-route charter trips. Since a determination of the public interest requires consideration of all the standards set forth in the Act, this policy does not purport to cover every matter that may be taken into account by the Board in passing upon such applications. For similar reasons, the Board reserves the right to depart from the provisions of this policy when there is a showing of exceptional circumstances and the Board finds that strict adherence to the detailed standards of the policy in a particular situation would not be in the public interest. However, in the absence of such a showing, any practice by a foreign air carrier, travel agent, or chartering group in conflict with the standards of this policy will constitute sufficient basis for denying an application for a statement of authorization. With respect to those standards applicable to chartering organizations and to travel agents, the foreign air carrier should reasonably assure itself before conducting any charter that such standards have been observed by the chartering organization and any travel agent involved (e.g., require suitable written information and assurance in connection with its own agreements with the charterer and any travel agent). If any practice in conflict with the standards of this policy is discovered after the particular charter flight has been performed and the Board finds that the carrier knew or should have known of such practice, the Board may deny future applications by the same foreign air carrier. Further, in deciding whether an application is in the public interest under the standards set forth in Part 212, the Board will assume that any flight previously authorized was actually operated unless apprised otherwise.

(b) *Provisions relating to foreign air carriers, travel agents, and chartering organizations.* In supplementation of the provisions of Part 212, of this chapter, all of which are here controlling, the following provisions of Part 295 of this chapter shall apply to off-route passenger charters by foreign air carriers:

(1) To such extent as the context will permit, the following provisions of Part 295 shall apply to foreign air carriers: §§ 295.2 (b) to (k) (definitions); 295.3 (waiver); 295.11 (solicitation and formation of a chartering group); 295.14(c) (one-way passenger and plane-load groups); 295.16 (prohibition against payments or gratuities); 295.50 (provisions for mixed charters); and 295.60 (advisory opinion).

(2) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to travel agents: §§ 295.2 (b) to (k) (definitions); 295.20 (limited activities); 295.21 (permissible solicitation, sale or ticketing of individual participants for land tours); 295.22 (prohibited compensation to agents who are members of chartering organizations); 295.23 (prohibition against double compensation); 295.24 (prohibition against incurring obligations); 295.25 (prohibition against payments or gratuities); and 295.50 (provisions for mixed charters).

(3) To such extent as the context will permit, the following provisions of Part 295 of this chapter shall apply to chartering organizations: §§ 295.2 (b) to (k) (definitions); 295.30 (solicitation of charter participants); 295.31 (passengers on charter flights); 295.32 (participation of immediate families in charter flights); 295.33 (a) to (c) (charter costs); 295.34(a) (statements of charges); 295.50 (provisions for mixed charters); and 295.60 (advisory opinion).

NOTE: Approval of an application for off-route charter authority in accordance with this policy statement shall not be construed as implying an exemption from any standard self-imposed by members of IATA under Charter Resolution 045, notwithstanding the Board's reserved right to waive any of the conditions imposed by it in approving IATA Charter Resolution 045.

§ 399.16 Military Air Transport Service charter exemptions.

In passing upon applications for exemptions from sections 401 and 403 of the Act to enable air carriers to perform charters for the Military Air Transport Service (MATS), the Board will give great weight to the following criteria:

(a) Whether the carrier has contractually committed its CRAF aircraft to the Department of Defense;

(b) Whether the proposed service is in furtherance of the mission of the Department of Defense; and

(c) Whether the level of compensation provided in the charter contract is fair and reasonable.

The minimum charges set forth in Part 288 of this chapter (Board's Economic Regulations) will be considered as the minimum fair and reasonable charges for foreign and overseas services and for services between the 48 contiguous states on the one hand and Hawaii or Alaska on the other hand.

§ 399.17 Public interest factors in granting special orders or amendments to interim operating authority for transatlantic passenger charter service.

(a) *Ability to provide reliable service.* It is the policy of the Board carefully to screen and evaluate the passenger service history of applicants for seasonal charter authority, by special order or amendment to interim operating certificate under Parts 207 and 295 of this chapter, in order to provide reasonable assurance of reliable service to passengers. When an applicant has failed in the past to complete several such flights or has subjected its passengers to a significant number of unreasonably prolonged flight delays, and such cancellations or delays are not attributable to circumstances beyond the control of the carrier, the Board will deny the application unless the applicant establishes that its ability to provide reliable service has, since that time, materially improved. Moreover, the Board will not grant applications for individual flight exemptions to any air carrier which either has not applied, or has applied and been found unqualified, for a special order or amendment to interim operating authority unless there are unusual and compelling circumstances which might justify such authorizations.

(b) *Insurance coverage.* It is the policy of the Board to condition the grant of a special order or amendment to interim operating certificate, under Parts 207 and 295 of this chapter, upon compliance by the air carrier with the insurance requirements of Part 208 of this chapter, whether such carrier be a supplemental air carrier or a carrier holding a certificate of public convenience and necessity for the carriage of property only or property and mail only.

(c) *Substitute air transportation and incidental expenses on return portion of charter flight.* It is the policy of the Board to condition the grant of a special order or amendment to interim operating certificate, under Parts 207 and 295 of this chapter, upon the express agreement of the applicant air carrier to assume a firm and legally binding obligation which, in the judgment of the Board, meets the following standards:

(1) *Substitute air transportation.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft finally to enplane each passenger and commence the take-off procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

(ii) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than forty-eight hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other air carrier or foreign air carrier.

(iii) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of forty-eight hours following the scheduled departure time of any such charter flight, the charterer or his duly authorized agent may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(iv) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this subparagraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(2) *Incidental expenses.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft finally to enplane each passenger and commence the take-off procedures at the airport of departure before the sixth hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this subparagraph. Such payments shall be made at the airport of departure, as soon as they become due, to the charterer or his duly authorized agent for the account of each passenger, including infants and children traveling at reduced fares.

(ii) Such payments shall be made at the rate of $16.00 for each full twenty-four hour period of delay following the scheduled departure time. However, the sum of $8.00 shall be paid for each passenger delayed during all, or any portion, of the initial period of six hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8.00 shall be paid for each passenger delayed in installments of $4.00 for the first and second succeeding six-hour period of delay, or any fractional part thereof. If the delay continues beyond

a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4.00 for each further six-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or to provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of subparagraph (1) of this paragraph.

(d) *Ability to discharge obligations concerning substitute air transportation and incidental expenses.* It is the policy of the Board to condition the grant of a special order or amendment to interim operating certificate, under Parts 207 and 295 of this chapter, upon a showing satisfactory to the Board that the applicant air carrier can, and will, effectively and adequately discharge its obligations to provide substitute air transportation and pay incidental expenses in accordance with the provisions of paragraph (c) of this section. It is the further policy of the Board, when the applicant does not make such a satisfactory showing, to condition the grant of such special order or amendment to interim operating certificate upon the applicant's having entered into definite arrangements which the Board believes will effectively guarantee the performance of those obligations or having procured a surety bond which, in the judgment of the Board, meets the following standards:

(1) *Scope of obligation incurred by surety.* Such surety bond shall impose upon the surety company a firm and legally binding obligation to pay promptly to the charterer, or his duly authorized agent, in the United States, any and all sums of money which may be due and owing to the charterer by the chartered air carrier under the terms and conditions of the charter contract if, and when, the latter shall default thereon by refusing to honor promptly a request for such payments.

(2) *Terms and conditions of coverage.* The obligations of the surety company pursuant to such a surety bond shall not be subject to cancellation or suspension, by either party, on less than 30 days' notice by registered mail to both the other party to the surety contract and the Board.

(3) *Source of coverage.* Such surety bond shall be issued by a reputable and financially responsible surety company which is legally authorized to issue bonds of that type in any state, territory, or possession of the United States.

(e) *Conditions on special orders and amendments to interim operating certificates.* It is the policy of the Board to incorporate the following express conditions in each special order or amendment to interim operating certificate issued under Parts 207 and 295 of this chapter:

(1) The air carrier agrees to provide substitute transportation and pay incidental expenses;

(2) Each contract for a transatlantic charter operated pursuant to seasonal authorization shall incorporate the provisions of this policy statement defining the scope of the air carrier's obligation to provide substitute transportation and pay incidental expenses; and

(3) The tariffs of the air carrier on file with the Board shall not, insofar as they pertain to transatlantic charter trips operated thereunder, contain any provision which is inconsistent with the standard of insurance coverage specified in paragraph (b) of this section; or with the obligations assumed in accordance with paragraph (c) of this section; or with the obligation, surety bond, or other arrangement assumed, procured or entered into in accordance with paragraph (d) of this section.

(f) *Limitation on special orders and amendments to interim operating certificates.* It is the policy of the Board to limit the effectiveness of special orders and amendments to interim operating certificates under Parts 207 and 295 of this chapter so that each such order or amendment shall be effective only with respect to transatlantic charter flights as to which:

(1) There is in full force and effect, to the extent specified in paragraphs (b), (c) and (d) of this section and in any special order or Board order granting an amendment to interim operating certificate, insurance coverage, a surety bond or equivalent arrangement and an obligation to provide substitute air transportation and cover the costs of incidental expenses; and

(2) The air carrier has fully complied with each and every condition specified in paragraph (e) of this section and any pertinent provisions of a special order or amendment to interim operating certificate.

§ 399.18 Maximum duration of fixed-term route authorization granted by exemption; renewal of such authority.

It is the policy of the Board to limit the duration of exemptions which authorize fixed-term route service to a maximum period of two years, and to entertain requests for renewal of such authority only when incorporated in a duly filed application for substantially equivalent certificate authority under section 401 of the Act. (See § 302.909 of this chapter (Procedural Regulations) and § 377.10 (c) of this chapter (Special Regulations).)

Subpart C—Policies Relating to Rates and Tariffs

§ 399.30 Temporary subsidy rates.

It is the policy of the Board to fix temporary subsidy rates, when such emergency action is required, at a level designed to provide only such amounts as are deemed necessary for continuation of operations prior to the establishment of a final rate. In most cases, this objective may be attained by providing an amount of subsidy equivalent to the subsidy break-even need (i.e., the excess of operating expenses over non-subsidy revenues) plus the carrier's interest charges on long-term debt. Temporary subsidy rates will be established at an amount less than the sum of subsidy break-even need and interest charges in any case where overpayment might otherwise appear likely to result.

§ 399.31 Rate policy applicable to non-subsidized carriers.

It is the policy of the Board that rate levels should reflect cyclical needs, rather than the needs of any particular year. In examining mail or commercial rate proposals, the Board will consider not only the conditions prevailing at the time the proposals are advanced, but also the future prospects and the abnormal earnings of prior years. Accordingly, if earnings should fall markedly after a period during which they have been at high levels, the carriers will be expected to absorb such losses without resort to mail or commercial rate adjustments, unless it can be demonstrated that such earnings are below the level necessary to provide a fair return over a reasonably extended period which includes the good years as well as the bad.

§ 399.32 Rate policy applicable to subsidized carriers.

It is the policy of the Board to permit subsidized carriers maximum freedom to experiment, in interstate and overseas air transportation, with commercial rate changes for the purpose of maximizing revenues and thereby minimizing subsidy requirements, provided the resulting rates are not otherwise unreasonable.

§ 399.33 Domestic coach policy.

It is the policy of the Board to encourage regular coach service by the certificated route air carriers as one means of achieving the maximum development of civil aviation in the United States through placing air travel within the economic reach of the great majority of the traveling public. For the purpose of this policy, coach operations will be divided into two main classes: off-peak services and high density services.

(a) *Off-peak services.* Off-peak services are reduced-fare services which have as their primary objective the additional utilization of available equipment and facilities with flights departing at such times—particularly during the night hours—as would make their operation in first-class service uneconomic because of the inconvenience of the departure time.

(b) *High density services.* High density services are reduced-fare services which are conducted, without restriction as to flight departure time, in aircraft specifically equipped for and assigned to such service and having the applicable minimum seating capacity set forth below:

DC-4	64
DC-6	72
DC-6B	76
Constellation 049 to 749	79
Constellation 1049	86

NOTE: Maximum seating density is governed by the Civil Air Regulations.

(c) *Food service.* No free food service except coffee or similar beverages will be permitted on either off-peak or high density service.

(d) *Fare differentials.* Both high density and off-peak services will be subject to a fare ceiling of 75 percent of the corresponding first-class fare.

§ 399.34 Free transportation on inaugural flights in overseas and foreign air transportation with "new type" aircraft.

This policy statement prescribes the general standards that will be used in deciding applications, under § 223.6 of this chapter, for permission to furnish free transportation in overseas and foreign air transportation on so-called "inaugural flights" with "new type" aircraft.

(a) *Free transportation permissible.* Free transportation may be authorized on each type of aircraft described herein when that type is being introduced for the first time by a carrier on its system of routes or a part thereof as hereinafter set forth. Free transportation on such flights may be authorized even though the type of aircraft involved may have been on the market and in use by other carriers for a number of years.

(b) *"New type" aircraft.* (1) For purposes of this policy, aircraft are classified according to the aircraft type certificate issued by the Administrator of the Federal Aviation Agency pursuant to section 603(a) of the Act. Variations of a basic model of aircraft covered by a single type certificate are listed together and are considered a single type. Any one of the following certificated aircraft may be regarded as a "new type" aircraft:

Manufacturer's model designation	*Date certificated*
Boeing S-307	Mar. 13, 1940.
Boeing SA-307B	May 4, 1940.
L-65, L-149, L-649 and L-749	Dec. 29, 1945.
DC-4	June 6, 1946.
DC-6	June 23, 1947.
M-202	Sept. 3, 1947.
B-377	Sept. 3, 1948.
CV-240	Dec. 7, 1948.
DC-6B	Apr. 11, 1951.
M-404	Oct. 5, 1951.
L-1049	Nov. 28, 1951.
CV-340 and CV-440	Mar. 27, 1952.
DC-7	Nov. 12, 1953.
Viscount	June 13, 1955.
L-1649A	Mar. 29, 1957.
F-27	Oct. 29, 1957.
Bristol Britannia 305	Apr. 10, 1958.
Lockheed 188A-08	Aug. 22, 1958.
Boeing 707-100 & -200	Sept. 16, 1958.
Sud Caravelle SE210	Apr. 6, 1959.
Grumman-G-159	May 21, 1959.
Boeing 707-300 & -400	July 15, 1959.
Douglas DC-8	Aug. 31, 1959.
Convair 22 (880)	May 1, 1960.
Boeing 720	June 30, 1960.
Armstrong-Whitworth 650	Dec. 2, 1960.
de Havilland Comet 4C	Dec. 21, 1960.
de Havilland DHC-4 Caribou	Dec. 23, 1960.
Canadair CL-44D4	May 24, 1961.
Lockheed GL-1329	Aug. 23, 1961.
Convair 30 (990)	Dec. 15, 1961.
Handley Page Herald 200	May 25, 1962.

(2) With respect to aircraft for which the Administrator may issue type certificates in the future, all aircraft covered by a single type certificate will be regarded as of the same type in the Board's consideration of proposals to furnish free transportation on inaugural flights. Examples of such types of aircraft, which are now being developed, are:

A. V. Roe 748.
Boeing 727.
Breguet 941.
Convair 63.
de Havilland DH-121.
Lockheed 300.
Short SC 5.
Vickers BAC-111.
Vickers Vanguard 950.
Vickers VC-10.

(3) With respect to aircraft of foreign manufacture not certificated by the Administrator, each basic type of aircraft and all its variations shall be regarded as one type.

(c) *Geographical areas.* (1) Some carriers' operations are virtually worldwide in scope and these carriers generally maintain operating divisions or areas. For equitable reasons, therefore, the Board is establishing three "geographical areas" and will consider a carrier's system having routes in more than one of these areas to be divided into separate parts coincident with such areas.

(2) In the case of a carrier having a multi-area system, as above described, inaugural flights may be permitted in each geographical area at the time a new type of aircraft is introduced in service by the carrier in such area. If an inaugural flight is operated over routes of the carrier in two or more geographical areas, such flight will be considered as a separate inaugural flight in each of the geographical areas in which such flight is operated.

(3) A carrier having both overseas and foreign routes in the same area will be permitted inaugural flights in such area to the same extent as a carrier having only overseas, or only foreign, routes in such area.

(4) "Geographical areas" shall be considered to be as follows:

Area 1. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, or the District of Columbia, on the one hand, and points in Puerto Rico, the Virgin Islands, or the Canal Zone, on the other;

(b) Points in one and points in any other of the following territories and possessions: Puerto Rico, Virgin Islands, and the Canal Zone;

(c) Points in any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone, on the one hand, and any other points outside thereof on the North American and South American continents, Greenland, Bermuda, Cuba, Haiti, Dominican Republic, Jamaica, Netherlands Antilles, Trinidad, Bahamas, Leeward Islands, or Windward Islands, on the other.

Area 2. The area encompassed by the routes of any given carrier between:

Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and (a) points in Europe, Africa, Iceland, Ascension Island, Azores, Canary Islands, and Madeira, and (b) points beyond Europe or Africa in Asia or Australasia, involving transportation over the Atlantic Ocean, on the other.

Area 3. The area encompassed by the routes of any given carrier between:

(a) Points in any State of the United States, the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Asia or Australasia and points intermediate thereto that are not in the United States, or a territory or possession thereof, on the other hand, involving transportation over the Pacific Ocean; or

(b) Points in any State of the United States, or the District of Columbia, on the one hand, and points in a territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean; or

(c) Points in a territory or possession of the United States, on the one hand, and points in any other territory or possession of the United States located in the Pacific Ocean, on the other, which involves transportation over the Pacific Ocean.

§ 399.35 Free or reduced-rate transportation of persons in foreign air transportation by United States flag air carriers.

It is the policy of the Board to grant applications of United States flag air carriers, pursuant to section 403(b) of the Act, for free or reduced-rate foreign air transportation of persons requested by agencies of the United States Government only where such agencies represent to the Board that considerations of paramount national interest require such transportation and where the Board finds such considerations to exist.

§ 399.36 Processing of tariff publications filed on notice of 45 days or longer.

When tariffs are filed with the Board 45 days or more in advance of their effective date, and bear a posting date as provided in § 221.31(a)(10) of this chapter, it is the policy of the Board to issue an order, if any, suspending the tariff and ordering an investigation at least fifteen (15) days before such tariff is to become effective. In the event the Board, for any reason, cannot take action on a tariff within the time specified herein, the Board will notify the filing carrier or his agent of this fact at least fifteen (15) days before the effective date of the tariff. This policy statement, however, should not be interpreted as limiting the Board's power, under section 1002 of the Act, to suspend a tariff at any time prior to its effective date. Thus, where circumstances warrant, the Board will issue a suspension order although it is less than 15 days prior to the tariff's effective date.

Subpart D—Policies Relating to Accounts and Reports

§ 399.50 Extensions of time for filing reports.

With respect to the prescribed reporting requirements, the Board will grant extensions of time for filing reports only in emergency situations that could not be anticipated and guarded against by the air carrier concerned. Written requests setting forth good reason for such an extension must be submitted sufficiently in advance of the due date to permit consideration and communication to the carrier of the action taken. When requests for extensions are denied by the Board and reports are not filed on the due date, the delinquent carriers will be subject to a civil penalty for each day the violation continues, as provided in section 901(a) of the Act.

§ 399.51 Confidential treatment of unaudited preliminary year-end reports.

In consideration of air carrier interest in confidential treatment of unaudited preliminary year-end reports, which are by their nature subject to change, and in the absence of specific public interest factors that require disclosure of such reports, it is the policy of the Board to grant requests of air carriers for temporary withholding of such unaudited reports from public disclosure until the final report is filed, or the final report is due, or the carrier releases the information contained in the preliminary report, whichever shall first occur.

§ 399.52 Retroactive adjustments of expenses.

Except as required by the Board to conform the accounting to the provisions of the Economic Regulations or as permitted by the Board to conform the books with adjustments required by the Board for rate-making purposes, it is the policy of the Board for accounting and reporting purposes to adhere strictly to the principle that costs once charged to expense shall not be reversed in a subsequent fiscal year and charged again as expense of future periods.

Subpart E—Policies Relating to Hearing Matters

§ 399.60 Standards for determining priorities of hearing.

(a) *General.* This policy statement describes the general standards which will be used by the Board in determining the order in which it will designate for hearing those matters on its docket which are to be decided after notice and hearing. Among such matters are applications for certificates of public convenience and necessity or for foreign air carrier permits; applications under section 408 of the Act for approval of consolidations or acquisitions of control; complaint cases; and various rate-making proceedings.

(b) *Standards.* Matters will be assigned for hearing in accordance with the degree of relative priority which each matter is entitled to on the basis of the comparative public interest involved therein. Among other things, the Board will take into account:

(1) Statutory requirements for preference or statutory limitations on the time within which the Board shall act;

(2) The impact of delay on the public or particular persons;

(3) The need for promptly securing compliance with the provisions of the Act;

(4) The time for which the matter has already been pending and which would be required to dispose of it;

(5) Whether the application requests renewal of an existing temporary authorization; and

(6) In matters relating to operating authority—

(i) Whether a proposal might reduce subsidy or increase economy of operations;

(ii) Whether an application proposes new service;

(iii) The volume of traffic that might be affected by the grant or denial of the proposal;

(iv) The period that has elapsed since the Board considered the service needs of the places or areas involved; and

(v) The relative availability of necessary staff members of the carriers, communities and the Board, in the light of other proceedings already in progress, to handle the processing of the case.

Interested persons may urge upon the Board such considerations as they believe should lead it to accord a particular application a priority different from that which the Board has given it.

§ 399.61 Presentations of public and civic bodies in route proceedings.

For the purpose of implementing the Board's policy to provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and otherwise to expedite route proceedings, and in light of experience, the following guidelines are hereby established:

(a) Public and civic bodies which represent the same geographic area or community should consolidate their presentation of evidence, briefs or oral argument to the examiner and the Board;

(b) A public body or a civic organization, or several such bodies or organizations whose presentation of evidence is consolidated, should keep to a minimum the number of witnesses used to present the factual evidence in support of the community's position;

(c) Exhibits offered in evidence by a public body or civic organization should be limited to evidence of the economic characteristics of the community and area involved, data as to community of interest and traffic, evidence with respect to the sufficiency of existing service, and airport data, and should not include data relating to number of electricity, water and gas meters, telephones, schools, freight car loadings, building permits, sewer connections, or volume of bank deposits in the community.

Subpart F—Policies Relating to Aircraft Accident Investigations

§ 399.70 Investigation of accidents involving foreign aircraft.

It is the policy of the Board, in the case of accidents involving aircraft of foreign air carriers that occur in the United States, to investigate to the extent necessary to furnish the foreign government a full report of all facts, conditions, and circumstances, as well as the probable cause. This investigation may or may not require a public hearing.

Subpart G—Policies Relating to Enforcement

§ 399.80 Unfair and deceptive practices of ticket agents.

It is the policy of the Board to regard any of the following enumerated practices (among others) by a ticket agent as an unfair or deceptive practice or unfair method of competition:

(a) Misrepresentations[1] which may induce members of the public to believe that the ticket agent is an air carrier.

(b) Using or displaying or permitting or suffering to be used or displayed the name, trade name, slogan or any abbreviation thereof, of the ticket agent, in advertisements, on or in places of business, or on aircraft in connection with the name of an air carrier with whom it does business, in such manner that it may mislead or confuse the traveling public with respect to the agency status of the ticket agent.

(c) Misrepresentations as to the quality or kind of service, type or size of aircraft, time of departure or arrival, points served, route to be flown, stops to be made, or total trip-time from point of departure to destination.

(d) Misrepresentation as to qualifications of pilots or safety record or certification of pilots, aircraft or air carriers.

(e) Misrepresentations that passengers are directly insured when they are not so insured; for example, where the only insurance in force is that protecting the air carrier in event of liability.

(f) Misrepresentations as to fares and charges for air transportation or services in connection therewith.

(g) Misrepresentation that special discounts or reductions are available, when such discounts or reductions are not specified in the lawful tariffs of the air carrier which is to perform the transportation.

(h) Advertising or otherwise offering for sale or selling air transportation or services in connection therewith at less than the rates, fares and charges specified in the currently effective tariffs of the air carrier or air carriers who are engaged to perform such air transportation or services, or offering or giving rebates or other concessions thereon, or assisting, suffering or permitting persons to obtain such air transportation or services at less than such lawful rates, fares and charges.

(i) Misrepresentations that special priorities for reservations are available when such special considerations are not in fact granted to members of the public generally.

(j) Selling air transportation to persons on a reservation or charter basis for specified space, flight or time, or representing that such definite reservation or charter is or will be available or has been arranged, without a binding commitment with an air carrier for the furnishing of such definite reservation or charter as represented or sold.

(k) Selling or issuing tickets or other documents to passengers to be exchanged or used for air transportation knowing or having reason to know or believe that such tickets or other documents will not be or cannot be legally honored by air carriers for air transportation.

[1] The word "misrepresentation" used in this list includes any statement or representation made in advertising or made orally to members of the public which is false, fraudulent, deceptive or misleading, or which has the tendency or capacity to deceive or mislead.

(l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point, thus depriving persons of the immediate use of the money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost; or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

(m) Misrepresentations regarding the handling, forwarding or routing of baggage or other property, or the loss or tracing thereof, or failing or refusing to honor proper claims for loss of or damage to baggage or other property.

(n) Misrepresentation as to the requirements that must be met by persons or organizations in order to qualify for charter or group fare flights.

Subpart H—Policies Relating to Prohibited Interests and Activities of Air Carriers

§ 399.90 Non-transport activities of subsidized air carriers.

(a) *Applicability.* This policy shall apply to proceedings in which the Board, in exercising its regulatory powers with regard to subsidized carriers, is required to make a determination as to the public interest or consistency with the Act. Its applicability shall include, but not be limited to, proceedings under sections 408, 409, and 412 of the Act.

(b) *Non-transport activity* means any business activity performed by a subsidized air carrier which is not an integral part of the transportation of persons, property or mail by the carrier pursuant to its certificate of public convenience and necessity or other authorization granted by the Board.

(c) *Presumption against non-transport activity.* Substantial engagement by subsidized carriers in non-transport activities will be presumed by the Board not to be in the public interest. The carriers shall have the burden of proving through factual evidence submitted in proceedings before the Board that their engagement in such activities will not involve a risk of significant financial loss and will not unduly divert the management or otherwise interfere with the primary business of the subsidized carrier which is to provide air transportation.

(d) *Public interest factors.* The major factors which the Board will consider in determining whether a non-transport activity is in the public interest are as follows:

(1) The amount of additional investment in plant and organization and the number of personnel necessary to perform the non-transport activity in excess of that required to perform the carrier's own air transportation functions (to the extent the non-transport activity is performed making use of the idle time of plant, organization and personnel essential to the carrier's air transport function it shall not be deemed adverse to the public interest);

(2) The carrier's past experience and degree of financial success in performing the activity;

(3) The amount and strength of the competition;

(4) The speculative nature of the activity;

(5) The affinity of the activity to the normal activities of an air carrier;

(6) The amount of supervision by the management required by the nature and scope of the activity;

(7) The extent to which the financial interest of the carrier in the non-transport activity may conflict with its interest in the economic performance of air transportation;

(8) The extent to which the non-transport activity contributes to the development of traffic over the routes of the carrier; and

(9) The extent to which the activity constitutes a contribution to safety in air commerce which would be lost if the activity were discontinued.

[F.R. Doc. 64-887; Filed, Jan. 28, 1964; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1944; Amdt. 678]

PART 507—AIRWORTHINESS DIRECTIVES

Hamilton Standard Propellers

A proposal to amend Part 507 of the Regulations of the Administrator to supersede Amendment 37, 24 F.R. 7254, AD 59-17-3, with a new directive to include the increase in number of blade models affected on Hamilton standard aluminum alloy propeller blades and to incorporate the new service bulletins was published in 28 F.R. 9957.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received concerning the proposal to substitute the words "gouging and/or marring" for the words "other damage" used in the present AD. This proposed change was an attempt to be more definitive concerning the types of damages which require blade removal. However, from the comment received objecting to the substitution, it is clear that the words "gouging and/or marring" do not accomplish the intended purpose and are, in fact, ambiguous when used in connection with this AD. Therefore, the proposed change has not been adopted and the present phrase "other damage" has been retained in the AD.

Another comment suggested that all propellers should be permitted to continue in service for 50 hours following the required inspection before having a face alinement check. This suggestion is made in connection with the provision in the AD which would permit postponement of the face alinement check for 50 hours' time in service in those instances where a face alinement gage is not available and a satisfactory track check is made. The requirements in the AD concerning face alinement checks are consistent with the provisions of the manufacturers' service bulletins. In this connection the manufacturer recommends and the Agency concurs that the face alinement check should be made as soon as possible. Therefore, the Agency does not consider it appropriate in the interest of safety to permit propellers to be continued in service without a face alinement check in those instances where a face alinement gage is available.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HAMILTON STANDARD. Applies to all Hamilton Standard aluminum-alloy propeller blades. (Aircraft on which these propeller blades are installed include but are not necessarily confined to the Boeing 377; Convair 240, 340, 440; Douglas DC-3 Series, DC-6, DC-6A, DC-6B, DC-7, DC-7A, DC-7B, DC-7C; Lockheed 049, 749A, 1049/C/D/G/H, 1649A; and Martin 202A, 404.)

Compliance required as indicated.

For all aluminum-alloy propeller blades exposed to known or suspected impact with solid objects (blades static or rotating), the following shall be accomplished:

(a) Non-surface-treated blades shall be inspected in accordance with the applicable Hamilton Standard Bulletins and Service Manuals. If repair of damage requires procedures that include bending or twisting, the blade shall be removed and repaired prior to further flight. Other damage may be repaired without blade removed in accordance with the applicable Hamilton Standard instructions.

(b) Surface-treated blades as classified in Hamilton Standard Bulletin No. 596B shall be inspected in accordance with the applicable Hamilton Standard Bulletins and Service Manuals.

(1) Blades with visual evidence of bending, twisting, or other damage shall be removed before further flight and submitted to Hamilton Standard for repair. A complete description of the circumstances surrounding the incident plus all available alinement records shall accompany the blade, since such details will determine the extent of the repair required.

(2) Blades with no visual evidence of bending, twisting, or other damage shall be treated as follows:

(i) If the applicable alinement gage is available, measure alinement and disposition blades in accordance with Hamilton Standard Service Bulletin No. 602A.

(ii) If an alinement gage is not available, measure propeller track. If track is beyond the tolerance specified in Table II of Hamilton Standard Service Bulletin No. 596A, the propeller shall be removed from service immediately. If track is within limits, the propeller may be continued in service for a period not to exceed 50 hours' time in service before the face alinement check prescribed in (1) is conducted.

(Hamilton Standard Service Bulletins Nos. 596, 596A, 596B, and 602A cover this same subject.)

This supersedes Amendment 37, 24 F.R. 7254 (AD 59-17-3).

This amendment shall become effective March 1, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on January 21, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-800; Filed, Jan. 28, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-633]

PART 13—PROHIBITED TRADE PRACTICES

American Textile Company of New England, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.30–75 *Textile Fiber Products Identification Act.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification.* Subpart—Furnishing false guaranties: § 13.1093 *Furnishing false guaranties;* § 13.1093–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–80 *Textile Fiber Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–70 *Textile Fiber Products Identification Act.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, American Textile Company of New England, Inc., et al., Boston, Mass., Docket C-633, Dec. 27, 1963]

In the Matter of American Textile Company of New England, Inc., a Corporation, and Benjamin Weissman, Esther Weissman and Allen Weissman, Individually and as Officers of Said Corporation

Consent order requiring Boston, Mass., sellers of upholstery fabrics to furniture manufacturers and upholstery shops, to cease violating the Textile Fiber Products Identification Act by using terms for their products which falsely represented the fiber content, such as "Silkora", and failing to label fiber textiles with the correct generic name, on labels and in advertising; labeling products misleadingly as "Nylock" and setting forth the fiber content on labels as "100% Nylon" when only the surface yarns were composed of 100 percent Nylon; failing to label samples and swatches with required information; removing labels or other identification prior to final sale; furnishing false guaranties that their textile fiber products were not misbranded or falsely invoiced; and failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents American Textile Company of New England, Inc., a corporation, and its officers and Benjamin Weissman, Esther Weissman, and Allen Weissman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Stamping, labeling, invoicing, advertising or otherwise identifying such products by representing, either directly or by implication through the use of such terms as "Nylock" and "Silkora" or any other terms, that such products contain any fibers which are not present therein.

3. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

4. Using a generic name or fiber trademark on any label whether required or non-required, without making a full and complete fiber content disclosure in accordance with the Act and regulations the first time such generic name or fiber trademark appears on such label.

5. Using fiber trademarks or generic names on labels affixed to textile fiber products in such a manner as to be false, deceptive or misleading as to fiber content or so as to indicate directly or indirectly that any such textile fiber product is composed of wholly or in part of a particular fiber when such is not the case.

6. Using words, symbols, or depictions on labels attached to textile fiber products which constitute or imply the name or designation of a fiber when such fiber is not present in the aforesaid product.

7. Failing to affix labels showing the respective fiber content and other required information to samples, swatches and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication of the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

3. Failing to set forth all parts of the required information in advertisements of textile fiber products in immediate conjunction with each other in legible and conspicuous type or lettering of equal size and prominence.

4. Using non-required information and representations in any advertisement of any textile fiber product in such a manner as to be false, deceptive or misleading as to the fiber content of the textile fiber product or so as to interfere with, minimize or detract from required information.

C. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents American Textile Company of New England, Inc., a corporation, and its officers and Benjamin Weissman, Esther Weissman, and Allen Weissman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be on or affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product has been sold and delivered to the ultimate consumer.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 27, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-818; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-633]

PART 13—PROHIBITED TRADE PRACTICES

AMT Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, AMT Corporation (Troy, Mich.) et al., Docket C-633, Dec. 24, 1963]

In the Matter of AMT Corporation, a Corporation, and West H. Gallogly, John A. Bacon, Jr., Harry C. Haaxma, and Harold R. Smith, Individually and as Officers of Said Corporation

Consent order requiring distributors of toys and related products in Troy, Mich., to cease representing by means of television commercials that their toy designated "Authentic Model Turnpike" included two cars when it had only one, and representing falsely that it also included "track infield grass, shrubbery and trees, driving course obstacles and numerous miniature pieces" such as "lamp posts, grandstand, first-aid shack, start and finish markers scoreboard and human figures".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents AMT Corporation, a corporation, and its officers, and West H. Gallogly, John A. Bacon, Jr., Harry C. Haaxma, and Harold R. Smith, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of toys or related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, by use of any illustration, depiction or demonstration, alone or accompanied by oral or written statements, purporting to illustrate, depict or demonstrate any toy or related product, or the characteristics thereof, or representing in any other manner, directly or by implication, that any toy or related product possesses any characteristic, or contains or includes any pieces, parts or components not in accordance with fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 24, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-819; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-634]

PART 13—PROHIBITED TRADE PRACTICES

Sarah Cohen, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 72 Stat. 1717, 15 U.S.C. 45, 68, 70) [Cease and desist order, Sarah Cohen, Inc., et al., Norfolk, Va., Docket C-634, Dec. 24, 1963]

In the Matter of Sarah Cohen, Inc., a Corporation, and Anna Klein, Herbert Goldberg, and Jeanette Goldberg, Individually and as Officers of Said Corporation

Consent order requiring the operators of a ladies' specialty shop in Norfolk, Va., engaged in the retail sale of coats, dresses, sweaters and other apparel, to cease violating the Textile Fiber Products Identification and the Wool Products Labeling Acts by failing to label certain textile fiber and wool products and by removing, prior to final sale, the stamps or other identification required to be affixed to such products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg and Jeanette Goldberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg andn Jeanette Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, the stamp, tag, label or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg, and Jeanette Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the offering for sale, sale, transportation, or delivery for shipment, in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Sarah Cohen, Inc., a corporation, and its officers, and Anna Klein, Herbert Goldberg, and Jeanette Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of any stamp, tag, label, or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 24, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-820; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-672]

PART 13—PROHIBITED TRADE PRACTICES

Gert Salomon et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.*

Subpart—Misbranding or mislabeling: § 13.1128 *Composition;* § 13.1185–90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–90 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–900 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–6, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Gert Salomon trading as Knitting Machines Unlimited trading as Yarns Unlimited, Santa Monica, Calif., Docket C–672, Dec. 31, 1963]

In the Matter of Gert Salomon, Also Known as George Salomon, an Individual Trading as Knitting Machines Unlimited Trading as Yarns Unlimited

Consent order requiring a Los Angeles retailer of yarns to cease violating the Wool Products Labeling Act by such practices as labeling as containing "100% Mohair", yarns which contained substantially less than "100% Mohair", and contained a substantial amount of non-woolen fibers, failing to disclose on labels the percentages of woolen and other fibers in yarns, describing fiber content on labels as "vinylic (Rhovyl)" instead of using the common generic name, and failing to comply with other labeling requirements; and to cease violating the Federal Trade Commission Act by advertising as "100% Italian Mohair", yarn which contained fibers other than Mohair.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Gert Salomon, also known as George Salomon, an individual trading as Knitting Machines Unlimited trading as Yarns Unlimited and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool yarn or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth the common generic name of fibers in the required information on labels, tags or other means of identification attached to wool products.

4. Failing to set forth the percentages of specialty fibers in required information on stamps, tags, labels or other means of identification attached to wool products when an election is made to use the generic name of the specialty fiber instead of the term wool.

It is further ordered, That respondent Gert Salomon, also known as George Salomon, an individual trading as Knitting Machines Unlimited trading as Yarns Unlimited and respondent's representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products in advertisements applicable thereto or in any other manner.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: December 31, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–821; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. 7813 o.]

PART 13—PROHIBITED TRADE PRACTICES

Joseph A. Kaplan & Sons, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.736 *Group buying organizations;* § 13.738 *Markdown allowances.* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.* Discriminating in price under section 2, Clayton Act—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.844 *Return of merchandise.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Joseph A. Kaplan & Sons, Inc., Yonkers, N.Y., Docket 7813, Nov. 15, 1963]

Order requiring a Yonkers, N.Y., manufacturer of shower curtains, shower curtain sets and accessories under the trade name of "Jackson", to cease discriminating in price in various ways in its favored treatment of, among others, some 26 large retail customers which were the stockholders of a corporate wholesaler they organized in 1946—soon after the Commission issued a desist order against their knowingly inducing and receiving discriminations in price through a corporate agency created by them for such purpose, Associated Merchandising Corp. (AMC) et al., Docket 5027, 40 F.T.C. 578—for the purpose of providing special prices to them; respondent's price discriminations including charging differences in cost of as much as about 18 percent in favor of AMC stores and regularly favoring the AMC stores with markdown allowances resulting in lower net prices which were not made to AMC's competitors, in violation of section 2(a) of the Clayton Act; negotiating with AMC and the other customers on an individual basis in granting advertising allowances on close-out sales while not making such allowances to competing stores, in violation of section 2(d); and accepting the return of merchandise from some of its customers but not all, thus providing those favored with a service not provided others, in violation of section 2(e).

The order to cease and desist is as follows:

It is ordered, That respondent Joseph A. Kaplan & Sons, Inc., a corporation, its officers, employees, assignees, and representatives, directly or through any corporate or other device, in or in connection with the sale of shower curtains, shower curtain sets, shower curtain accessories, and related products in commerce, as commerce is defined in the Clayton Act, as amended, forthwith cease and desist from:

1. Discriminating, directly or indirectly, in the price of said products of like grade and quality by selling to any purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products.

2. Paying or contracting to pay, or granting or contracting to grant, or allowing, directly or indirectly, anything of value, including checks and credits, to or for the benefit of a customer as compensation or in consideration of any advertising or promotional services or facilities furnished by or through said customer in connection with the sale or offering for sale of respondent's products, unless such payments, credits, grants or allowances are available on proportionally equal terms to all other customers competing in the distribution of said products.

3. Discriminating directly or indirectly among competing purchasers of its products by contracting to furnish, furnishing, or contributing to the furnishing of the service or facility of accepting the return of its unsold products to any purchaser of said products bought for resale, with or without processing, unless such service or facility is accorded on proportionally equal terms to all purchasers concerned in the resale of said products.

Further order requiring report of compliance is as follows:

It is further ordered, That respondent, Joseph A. Kaplan & Sons, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as set forth in this order.

Issued: November 15, 1963.

[1] New.

By the Commission, Commissioners Elman and Higginbotham concurring in the result.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–822; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C–637]

PART 13—PROHIBITED TRADE PRACTICES

Prager Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Prager Company trading as Prager Brush Company et al., Atlanta, Ga., Docket C–637, Dec. 27, 1963]

In the Matter of The Prager Company, a Corporation, Trading and Doing Business as Prager Brush Company, and Hans E. Prager, Individually and as an Officer of Said Corporation

Consent order requiring Atlanta, Ga., manufacturers of paint and varnish brushes and other products to cease selling brushes with no disclosure of the fact that they were composed of bristles which had been previously used; stamping the handles of certain brushes with the words "Contains CHINA 100% Pure Bristle", when the brushing part was made in substantial part of bristle from other sources; and selling brushes without revealing that the brushing part of some of them contained other material simulating bristle along with the bristle.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Prager Company, a corporation, trading and doing business as Prager Brush Company, or under any other name or names, and Hans E. Prager, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of paint and varnish brushes or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale or selling brushes having a brushing part composed in whole or in part of bristle of the hog or swine or any other material which has been previously used without clearly disclosing such fact in advertising and sales promotional material and on invoices and other sales memoranda and by means of a legible marking or stamping on the handle or ferrule of such brushes of such size, conspicuousness and degree of permanency, as to be noticeable and readable upon casual inspection when the brush is offered for sale to consumer purchasers.

(2) Using the word "China" or any other word or words of similar import or meaning, either alone or in conjunction with other words, to designate or describe or refer to bristle of the hog or swine which is not imported from China, or otherwise misrepresenting the origin of the bristle of which the brushing part of respondents' brushes is made or composed.

(3) Offering for sale or selling brushes having a brushing part composed in part of bristle of the hog or swine and in part of material other than such bristle but which has the appearance of bristle without truthfully describing, in the order of their predominance, all constituent materials by means of a legible marking or stamping on the handle or ferrule of the brush of such size, conspicuousness and degree of permanency as to be noticeable and readable upon casual inspection when the brush is offered for sale to consumer purchasers.

(4) Placing in the hands of others the means or instrumentalities whereby they may mislead the public as to any of the matters or things prohibited in Paragraphs 1, 2 and 3 hereof.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 27, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–823; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. 8295 o.]

PART 13—PROHIBITED TRADE PRACTICES

Royal Crown Cola Co.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Royal Crown Cola Co., Columbus, Ga., Docket 8295, Dec. 23, 1963]

Order requiring a manufacturer of beverage concentrates which were sold to independent franchised bottlers for processing into beverages for sale to retailers, to cease violating section 2(d) of the Clayton Act by such practices as paying a retail grocery chain with headquarters in Jacksonville, Fla., the sum of $1,474.30 as compensation for advertising furnished in connection with the sale of respondent's product, while not making comparable allowances available to the chain's competitors.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Royal Crown Cola Co., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of carbonated beverages in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: "Paying or contracting for the payment of anything of value to or for the benefit of any customer of respondent as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer in connection with the offering for sale, sale or distribution of respondent's carbonated beverages, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products."

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order set forth herein.

Issued: December 23, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–824; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C–632]

PART 13—PROHIBITED TRADE PRACTICES

W. B. Snook Mfg. Co., Inc., and Walter B. Snook

Subpart—Advertising falsely or misleadingly: § 13.190 *Results.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45). [Cease and desist order, W. B. Snook Mfg. Co., Inc., et al., Palo Alto, Calif., Docket C–632, Dec. 18, 1963]

In the Matter of W. B. Snook Mfg. Co., Inc., a Corporation, and Walter B. Snook, Individually and as an Officer of Said Corporation

Consent order requiring Palo Alto, Calif., manufacturers of silver recovery units to cease representing falsely in advertising brochures and other promotional material that their "Rotex model X–4" silver recovery unit would under all conditions of operation recover 95 percent or more of the silver released into X-ray or film clearing or fixing solutions.

The order to cease and desist, including further order requiring report of compliance therewith, is a follows:

It is ordered, That respondents, W. B. Snook Mfg. Co., Inc., a corporation, and its officers, and Walter B. Snook, individually and as an officer of said corporation, and respondents' agents, represent-

atives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of silver recovery units, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their Rotex model X-4 silver recovery unit, or any other silver recovery unit of similar construction irrespective of its designation, will recover any stated percentage or amount of silver released into X-ray or film clearing or fixing solutions, unless (1) the stated percentage or amount does in fact reflect the percentage or amount of silver actually recoverable by the unit, and (2) there is clear disclosure of the required conditions of operation, including the type of processing equipment, whether automatic or manual, with which the unit is to be used to achieve such percentage or amount of recovery.

2. Misrepresenting, in any manner, the amount or percentage of silver that their silver recovery units will recover from X-ray or film clearing or fixing solutions.

3. Placing any means or instrumentalities in the hands of others whereby they may mislead and deceive purchasers of respondents' products as to the efficiency of silver recovery of their products.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 18, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-825; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. C-673]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel Brothers Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices;* § 13.155-40 *Exaggerated as regular and customary;* § 13.175 *Quality of product or service.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-40 *In general;* § 13.1220 *Guarantees;* § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1900 *Source or origin;* § 13.1900-30 *Foreign in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Spiegel Brothers Corporation, et al., Long Island City, N.Y., Docket C-673, Dec. 31, 1963]

In the Matter of Spiegel Brothers Corporation, a Corporation, Steelcraft Tool Corporation, a Corporation, and Kurt J. Spiegel, Individually and as an Officer of Each of Said Corporations

Consent order requiring a corporate importer of tools and hardware, and its wholly owned sales subsidiary, both in Long Island City, N.Y., to cease misrepresenting imported drill sets by falsely stating in catalogs and on cartons that they were high speed drills, made of an alloy especially formulated for high speed drills, fully guaranteed, and regularly sold for $42.50 in the trade areas concerned; and to cease selling the drill sets with inadequate disclosure—such as the inconspicuous lettering employed—as to the foreign country of origin.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Spiegel Brothers Corporation, a corporation, Steelcraft Tool Corporation, a corporation, and their respective officers, and Kurt J. Spiegel individually and as an officer of each of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of drills and indexes or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that their drill bits are speed drills or high speed drill bits; provided, however, that it shall be a defense in any enforcement proceeding herein for the respondents to establish that said drill bits are composed of the materials and have the physical properties and performance characteristics generally required for and possessed by speed drill bits or high speed drill bits respectively;

2. Representing, directly or indirectly, that said drill bits are composed of an alloy of chrome vanadium steel or other materials; provided, however, that it shall be a defense in any enforcement proceeding herein for the respondents to establish that said drill bits contain chrome vanadium steel or other materials in such amounts as to be significant to the durability, performance and other characteristics thereof;

3. Representing, directly or indirectly, that any amount is the retail price of the product in any trade area or areas in which it is offered for sale; provided, however, that it shall be a defense in any enforcement proceeding herein for the respondents to establish that said price is the price at which the product has been usually and customarily sold at retail in the trade area or areas where the representation is made;

4. Offering for sale or selling any product which is in whole or in part of foreign origin, without clearly and conspicuously disclosing on such product or in immediate connection therewith, and, if such product is enclosed in a package or container on the front panel of the package or container, in such a manner that it will not be hidden or readily obliterated, the country of origin of the product or part thereof;

5. Representing, directly or by implication that their drills or other products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

6. Furnishing or otherwise placing in the hands of retailers or dealers in such products the means or instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things prohibited by this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 31, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F. R. Doc. 64-826; Filed, Jan. 28, 1964; 8:47 a.m.]

[Docket No. C-635]

PART 13—PROHIBITED TRADE PRACTICES

State Blind Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15-125 *Individual or private business being;* § 13.15-125(c) *Charitable institution.* Subpart—Using misleading name—Vendor: § 13.2397 *Individual or private business being charitable institution.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, State Blind Sales, Inc., (Detroit, Mich.) et al., Docket C-635, Dec. 24, 1963]

In the Matter of State Blind Sales, Inc., a Corporation, Norman W. Henson, Individually and as an Officer of Said Corporation, and Philip K. Dauvin, an Individual, Trading and Doing Business as State Blind Sales

Consent order requiring Detroit, Mich., sellers of rugs, brooms, mops and other household articles direct to the public and to distributors for resale, to cease representing falsely in advertisements in magazines, hand circulars, telephone solicitations, radio broadcasts and by other means, that their commercial businesses operated for their own profit were charitable enterprises operated for the benefit of blind and handicapped persons, that only blind and handicapped persons were employed, and that such persons produced or packaged all their products and benefitted from the sale thereof.

[1] New.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents State Blind Sales, Inc., a corporation, and its officers, and Norman W. Henson, individually and as an officer of said corporation, and Philip K. Dauvin, individually and trading and doing business as State Blind Sales, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rugs, brooms, mops, or other miscellaneous household articles, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

a. A charitable or eleemosynary enterprise is being conducted for the benefit of the blind or the handicapped.

b. Any product which is not produced, processed or packaged by a blind or handicapped person is produced, processed or packaged by a blind or handicapped person.

c. The profits from the sale of merchandise are used for the benefit of the blind or the handicapped.

d. Only blind or handicapped persons are employed; or that blind or handicapped persons are employed, unless it is clearly and conspicuously disclosed in immediate connection and conjunction therewith the percentage of such blind or handicapped persons so employed.

2. Using the word "blind" or any other word or words of similar import or meaning in a corporate or trade name or in any other manner, to designate or describe merchandise, unless in immediate connection and conjunction therewith a clear and conspicuous disclosure is made that a substantial percentage of merchandise sold or distributed by the respondents is produced, processed or packaged by other than blind persons.

3. Placing in the hands of jobbers, retailers, salesmen and others, the means and instrumentalities by and through which they may mislead and deceive the purchasing public concerning merchandise in the respects set out above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 24, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-827; Filed, Jan. 28, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Grated American Cheese Food; Notice of Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of November 28, 1963 (28 F.R. 12664), amending the standard of identity for grated American cheese food by changing the basis and the minimum percentage for prescribing the milk fat, and by adding dried whey to the list of optional ingredients. Accordingly, the amendments promulgated by that order will become effective January 27, 1964.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: January 23, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-828; Filed, Jan. 28, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1058) filed jointly by Allied Chemical Corporation, 40 Rector Street, New York 6, New York; Eastman Chemical Products, Inc., 260 Madison Avenue, New York 16, New York; and Union Carbide Corporation, 270 Park Avenue, New York 17, New York, and other relevant material, has concluded that § 121.2510 of the food additive regulations should be amended to provide for the use of an additional grade of polyethylene, the so-called polyethylene "blending resins," as components of food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2510 is amended by inserting in paragraph (d) a new subparagraph (4), as follows:

§ 121.2510 Polyethylene.

* * * * * *

(d) * * *

(4) Polyethylene complying with the extractability limitations of subparagraph (1) of this paragraph may be used as a component of food-contact coatings. In addition, polyethylene that complies with the following extractability limitations may be used at levels up to and including 50 percent by weight of any mixture employed as a food-contact coating:

(i) Maximum soluble fraction of 75 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 8 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 53 percent when extracted with *n*-hexane at 50° C.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: January 23, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64-830; Filed, Jan. 28, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

FURALTADONE; AMENDMENT TO REGULATIONS

In the matter of establishing a regulation with respect to prescribing the con-

ditions for the safe use of furaltadone in treatments for bovine mastitis.

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of November 30, 1963 (28 F.R. 12767). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the amendments are adopted as proposed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: January 23, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

Section 121.249. *Food additives for use in milk-producing animals* is amended by adding to paragraph (a) a new subparagraph (2), as follows:

§ 121.249 Food additives for use in milk-producing animals.

(a) • • •

(2) (i) It contains the following in each 15 milliliters of suspension:

Furaltadone (5-(morpholino methyl)-3-[(5-nitrofurfurylidene)amino]-2-oxazolidinone) 500 mg.

Peanut oil-2 percent (weight per unit volume) aluminum monostearate vehicle, q.s.

(ii) Treat lactating cows with the contents of 15 milliliters in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat after each milking for a total of three instillations.

(iii) Milk that has been drawn from animals during treatment and within 48 hours of the latest treatment may not be used for food.

• • • • •

[F.R. Doc. 64-829; Filed, Jan. 28, 1964; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYSULFIDE POLYMER-POLYEPOXY RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1198) filed by Thiokol Chemical Corporation, 780 North Clinton Avenue, Trenton 7, New Jersey, and other relevant material, has concluded that the list of substances in § 121.2572 (a) (3) of the food additive regulations should be amended to provide for the use of additional optional substances as components of polysulfide polymer-polyepoxy resins used as the food-contact surface of articles intended for packaging, transporting, holding, or otherwise contacting dry food. The Commissioner has also concluded that the list of substances in § 121.2572(a) (3) should be further amended by changing the item "channel black" to read "carbon black (channel process)"; by deleting the limitation on the use of the item "magnesium chloride"; and by deleting certain substances that are generally recognized as safe in food or food packaging and thus permitted for use under the provisions of § 121.2572(a) (1). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2572(a) (3) is amended to read as follows:

§ 121.2572 Polysulfide polymer-polyepoxy resins.

• • • • • •

(a) • • •

(3) Substances named in this subparagraph and further identified as required:

List of substances	*Limitations*
Bis(2-chloroethyl) formal.	----------
Bis(dichloropropyl) formal.	Cross-linking agent.
Butyl alcohol	Solvent.
Carbon black (channel process).	----------
Chlorinated paraffins.	Cross-linking agent.
Epoxidized linseed oil.	----------
Epoxidized soybean oil.	----------
Epoxy resins (as listed in § 121.2514 (b) (3) (viii) (a)).	----------
Ethylene glycol monobutyl ether.	Solvent.
Magnesium chloride	----------
Methyl isobutyl ketone.	Solvent.
Naphthalene sulfonic acid-formaldehyde condensate, sodium salt.	----------
Sodium dibutyl naphthalene sulfonate.	Wetting agent.
Sodium hydrosulfide	----------
Sodium polysulfide	----------
β,β',γ,γ'-Tetrachloro normal propyl ether.	Cross-linking agent.
Titanium dioxide	----------
Toluene	Solvent.
Trichloroethane	Cross-linking agent.
1,2,3-Trichloropropane.	Do.
Urea-formaldehyde resins.	----------
Xylene	Solvent.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1))

Dated: January 23, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-831; Filed, Jan. 28, 1964; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VI—President's Committee on Equal Opportunity in Housing

PART 1800—NONDISCRIMINATION IN HOUSING

Committee on Equal Opportunity in Housing

Executive Order 11063 of November 20, 1963 (27 F.R. 11527), directs Federal departments and agencies, among other things, to take necessary and appropriate action to prevent discrimination in the sale, leasing, or use of housing and related facilities (a) owned or operated by the Federal Government, (b) provided with the aid of (i) loans or grants from the Federal Government or (ii) loans insured or guaranteed by the Federal Government, or (c) made available through the development or redevelopment of property under Federally-aided

slum clearance and urban renewal programs. The Order also establishes the President's Committee on Equal Opportunity in Housing (a) to recommend general policies and procedures to implement the Order, to check on progress under the Order, and to make reports to the President, (b) to promote the coordination of the activities of the Federal departments and agencies subject to the Order, and (c) to encourage educational programs by nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

A new chapter VI is added to Title 24 to read as follows:

Sec.
1800.1 Purpose and scope of rules.
1800.2 Definitions.
1800.3 Duties of the Committee.
1800.4 Duties of the Departments and Agencies subject to the Order.

AUTHORITY: The provisions of this chapter issued under sec. 501(a) of Executive Order 11063, 27 F.R. 11527, 3 CFR 1962 Supp. p. 264.

§ 1800.1 Purpose and scope of rules.

The purpose of the rules in this part is to set forth the responsibilities of the Committee and also the responsibilities of the Federal departments and agencies in relation to the Committee. The rules in this part may be amended whenever deemed necessary by the Committee.

§ 1800.2 Definitions.

(a) "Order" means Executive Order 11063 of November 20, 1962 (27 F.R. 11527; 3 CFR 1962 Supp., p. 264).

(b) "Committee" means the President's Committee on Equal Opportunity in Housing, established by the Order.

(c) "Subcommittee" means a committee of one or more members of the Committee appointed by the Chairman.

(d) "Executive Committee" means the Committee established by the Order consisting of the Committee's Chairman and two public members designated by him.

§ 1800.3 Duties of the Committee.

(a) *General policies and procedures.* The Committee shall adopt such general policies and procedures for the guidance of all Federal departments and agencies subject to the Order, as it deems appropriate.

(b) *Coordination of agency activities.* The Committee shall take such actions and make such recommendations as it deems necessary and appropriate to promote the coordination of the activities of the departments and agencies subject to the Order. The Committee may further consider such problems relating to the Order as are presented to it by any department or agency subject to the Order, or by any person, and make recommendations for resolving such problems in a coordinated manner in keeping with the spirit and objectives of the Order.

(c) *Review of agency rules and regulations.* The Committee shall, from time to time, examine the relevant rules, regulations, procedures, policies, practices, and other actions of the departments and agencies subject to the Order and make such recommendations as may be necessary or desirable to achieve the purposes of the Order.

(d) *Liaison and education.* The Committee, or any subcommittee thereof, may confer with representatives of any Federal department or agency, State or local public agency, civic, industry, or labor group, or any other group, or person directly or indirectly affected by the Order; and shall encourage educational programs by civic, educational, religious, industry, labor and other nongovernmental groups to eliminate the basic causes of discrimination in housing and related facilities provided with Federal assistance.

(e) *Hearings.* The Committee, or any subcommittee thereof, may hold such hearings, public or private, as the Committee may deem advisable, for compliance, enforcement, or educational purposes.

(f) *Reports by the Committee.* The Committee shall, at least once annually, make a report to the President which shall include reference to the actions taken and results achieved by the departments and agencies subject to the Order. Such interim reports shall be made to the President as he may require or as the Committee may deem appropriate.

(g) *Executive Committee.* Between meetings of the Committee, the Executive Committee shall carry out the functions of the Committee, except that no general policies and procedures and no general recommendations on complaints or reports or recommendations to the President shall be issued without the approval of the Committee.

(h) *Ancillary matters.* Communications intended for Committee attention should be forwarded to the President's Committee on Equal Opportunity in Housing, The White House, Washington, D.C.

§ 1800.4 Duties of the departments and agencies subject to the Order.

(a) *Cooperation with the Committee.* Each department and agency shall cooperate with the Committee, furnish the Committee, in accordance with law, such information and assistance as it may request in the performance of its functions and make reports to the Committee at such intervals as it may require.

(b) *Consultations with the Committee.* Each department and agency shall consult with the Committee in order to achieve such consistency and uniformity as may be feasible.

(c) *Rules and regulations.* Each department and agency shall, upon the adoption or amendment of any rule, regulation, procedure, or policy implementing the Order, promptly forward copies thereof to the Committee.

(d) *Complaints.* No later than the last day of each month, each department and agency shall forward to the Committee a summary of the status of all complaints under the Order pending before such department or agency and shall forward a detailed report to the Committee concerning all complaints disposed of during the preceding month.

Issued in Washington, D.C., this 8th day of January 1964.

DAVID L. LAWRENCE,
Chairman, President's Committee on Equal Opportunity in Housing.

[F.R. Doc. 64-844; Filed, Jan. 28, 1964; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[DMO I-26]

DMO I-26—PROVIDING FOR ESTABLISHMENT AND COORDINATION OF A NATIONAL DAMAGE ASSESSMENT PROGRAM

Revocation

Defense Mobilization Order I-26, dated November 22, 1957 (22 F.R. 9534) is hereby revoked. The functions of this program are restated in OEP Circular 6500.1 which may be obtained from the Office of Emergency Planning.

Dated: January 21, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 64-855; Filed, Jan. 28, 1964; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

PART 3—ADJUDICATION

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

PART 17—MEDICAL

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Miscellaneous Amendments

1. In Part 2, § 2.66 is revised to read as follows:

§ 2.66 Chairman and Vice Chairman, Board of Veterans Appeals delegated authority to authorize assumption of jurisdiction of adjudicative determination not involved in appeal before Board where determination has not become final; to authorize administrative action on adjudicative determination not involved in appeal before Board where determination has become final; and to approve central office investigations of matters before the Board.

This delegation of authority is identical to § 19.2 of this chapter.

2. In Part 3, § 3.103 is revised to read as follows:

§ 3.103 Information to be furnished claimants; appellate rights.

The claimant will be notified of any decision authorizing the payment of benefit or disallowance of a claim. Notice will include the reason for the decision, the claimant's right to initiate an appeal by filing a notice of disagreement and the time limits within which such notice may be filed. See subpart B, Part 19 of this chapter.

3. In § 3.104, paragraph (a) is amended and paragraph (c) is revoked so that the amended material reads as follows:

§ 3.104 Finality of decisions.

(a) The decision of a duly constituted rating agency or other agency of original jurisdiction on which an action was predicated will be final and binding upon all field offices of the Veterans Administration as to conclusions based on evidence on file at that time and will not be subject to revision on the same factual basis except by duly constituted appellate authorities or except as provided in § 3.105. See §§ 19.153 and 19.154 of this chapter.

* * * * *

(c) Revoked.

4. Section 3.107 is revised to read as follows:

§ 3.107 Awards where all dependents do not apply.

Except as provided in § 3.251(a)(4), in any case where claim has not been filed by or on behalf of all dependents who may be entitled, the awards (original or amended) for those dependents who have filed claim will be made for all periods at the rates and in the same manner as though there were no other dependents. However, if the file reflects that there is a child or children under 18 years of age for whom no claim has been filed, the award will be made only at the apportioned rate, if as to such children it is possible for a claim to be filed under which benefits may be awarded for a period prior to date of filing claim. If, at the expiration of the period allowed, claims for such additional children have not been filed, the award to the widow or child will be amended to provide for payment at the full rate over the period affected.

5. In § 3.109, paragraph (b) is amended to read as follows.

§ 3.109 Time limit.

* * * * *

(b) *Failure to furnish claim form or notice of time limit.* Failure to furnish a potential claimant any form or information concerning the right to file claim for pension, compensation, or dependency and indemnity compensation, or to furnish notice of the time limit for the filing of a claim or submission of evidence will not extend the periods allowed for these actions. As to appeals, see § 19.110 of this chapter.

6. Section 3.111 is revoked.

§ 3.111 Appeals on simultaneously contested claims. [Revoked]

7. In § 3.200, paragraph (a) is amended to read as follows:

§ 3.200 Testimony certified or under oath.

(a) Claimants and witnesses in their behalf will be duly sworn before presenting oral testimony before any rating or authorization body.

* * * * *

8. In Part 6, § 6.150 is revised to read as follows:

§ 6.150 Claims alleging insurance contract where there is no application for insurance on file.

In those cases where claim is made alleging that a person made valid application for yearly renewal term (War Risk) insurance or United States Government life insurance, and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and, in case of death, that there was a valid designation of beneficiary, or that there is entitlement to total disability benefits, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not become permanently and totally disabled, or die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed. The claimant will be notified of his right to initiate an appeal by filing a notice of disagreement and the time limitation for filing such notice. Further, the claimant will be informed that unless he desires to initiate and perfect an appeal to the Board of Veterans Appeals, a disagreement exists as to the matters in controversy as contemplated by the provisions of 38 U.S.C. 784 as far as the Veterans Administration is concerned. The Director, Insurance Service, or Deputy Director for Underwriting, Accounts and Insurance Claims will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity having jurisdiction over the insurance death claim.

9. Section 6.210 is revised to read as follows:

§ 6.210 Appeal to Board of Veterans Appeals.

The provisions of Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals involving a claim for insurance benefits, or from a decision of fraud or forfeiture. Notice to the claimant and his representative, if any, of the right to appeal to the Board of Veterans Appeals will be sent by the Insurance Service in connection with the disallowance or partial disallowance of a claim for insurance benefits or a decision of fraud or forfeiture.

10. In Part 8, § 8.70 is revised to read as follows:

§ 8.70 Claims alleging insurance contract where there is no application for insurance on file.

In those cases where claim is made alleging that a person made valid application for National Service life insurance on file, the claimant will be reject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force, and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government relative to the question as to whether the person made a valid application for insurance will be considered and, if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained, a record of insurance will be established in accordance with such finding. However, if it be determined that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or determined that any insurance applied for as alleged would not be valid or not subject to reinstatement, or determined that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or, in case of death, if it be determined that there was no valid designation of beneficiary, the claimant will be so informed. The claimant will be notified of his right to initiate an appeal by filing a notice of disagreement and the time limitation for filing such notice. Further, the claimant will be informed that unless he desires to initiate and perfect an appeal to the Board of Veterans Appeals, a disagreement exists as to the matters in controversy as contemplated by the provisions of 38 U.S.C. 784 as far as the Veterans Administration is concerned.

The Director, Insurance Service, or Deputy Director for Underwriting, Accounts and Insurance Claims will make all original determinations as to whether a person made valid application for insurance as alleged. The determination as to the validity of beneficiary designations, in death cases, will be made by the claims activity in the office having jurisdiction over the insurance death claim.

11. Section 8.117 is revised to read as follows:

§ 8.117 Appeal to Board of Veterans Appeals.

The provisions of Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals involving a claim for insurance benefits, or from a decision of fraud or forfeiture. Notice to the claimant and his representative, if any, of the right to appeal to the Board of Veterans Appeals will be sent by the Insurance Service in connection with the disallowance or partial disallowance of a claim for insurance benefits or a decision of fraud or forfeiture.

12. In Part 13, § 13.76 is revised to read as follows:

§ 13.76 Appeals from Chief Attorney's determination under 38 U.S.C. 3203 (b)(3).

(a) *Notification.* The Chief Attorney will be responsible for notification of action taken and the right to initiate an appeal by filing a notice of disagreement and of the time limits within which such notice may be filed (§ 19.109 of this chapter) when he determines that:

(1) The dependent is not in need.

(2) The needs of the dependent parent are to be met from the veteran's estate or from Personal Funds of Patients and no payments or partial payments will be made for the dependent parents' support from appropriated funds.

(3) No award from appropriated funds for care and maintenance for the veteran in a non-Veterans Administration hospital will be made, and that the veteran's estate will have to defray the cost.

(b) *Appeals.* Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals from determinations of the Chief Attorney. Appeals may be initiated by a dependent parent on questions of need and payments for his or her support from appropriated funds, and by a guardian for the disallowance of the use of appropriated funds for the veteran's institutional care and maintenance.

(c) *Statement of the case.* When a notice of disagreement is filed, the Chief Attorney will be responsible for furnishing the claimant and his representative with a statement of the case and such notification regarding the filing of an appeal as is provided for in §§ 19.114(b) and 19.115 of this chapter.

13. In Part 17, § 17.120 (a) and (b) is amended to read as follows:

§ 17.120 Authorization of dental examinations.

* * * * *

(a) Those having a dental disability adjudicated as incurred or aggravated in active military, naval, or air service or those requiring examination to determine whether the dental disability is service connected.

(b) Those having disability from disease or injury other than dental, adjudicated as incurred or aggravated in active military, naval, or air service but with an associated dental condition that is considered to be aggravating the basic service-connected disorder.

* * * * *

14. Section 17.123(b) is amended to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

* * * * *

(b) *Class II.* Those having a service-connected noncompensable dental condition or disability shown to have been in existence at time of discharge or release from active service may be authorized any treatment indicated as reasonably necessary for the one-time correction of the service-connected noncompensable dental disability or condition, but only if application for treatment is made within 1 year after discharge or release. When the services rendered on a one-time basis, as provided in this class, are found unacceptable within the limitations of good professional standards, such additional services may be afforded as are required to complete professionally acceptable treatment. The foregoing limitations in this class II as to existence of disability at time of separation from service, time of filing claim, and one-time completion of treatment are not applicable to classes II (a) and (b).

* * * * *

15. In § 17.140, paragraphs (a), (b) and (d) are amended as follows:

§ 17.140 Adjudication of claims.

(a) Claims for reimbursement of expenses or payment for medical services obtained without prior authorization of the Veterans Administration will be adjudicated in the Outpatient Service or Clinic having responsibility for the fee basis program of the area in which the unauthorized medical services were rendered.

(b) Claims for services rendered veterans in foreign countries excluding the Philippines will be adjudicated in the Office of the Clinic Director, Veterans Benefits Office, Washington, D.C.

* * * * *

(d) Claims, as defined in § 17.141, will be subject to one review, after an adverse decision, upon appeal to the Board of Veterans Appeals. Appeals must be initiated within 1 year from the date of notification to the claimant or his representative of the original adverse decision, and the claimant or representative will be so advised. (See §§ 19.109 and 19.118 of this chapter.) Appeals are governed by Part 19 of this chapter.

16. In Part 21, § 21.0 is revised to read as follows:

§ 21.0 Appeals from vocational rehabilitation and education determinations.

Determinations made on claims for education and training benefits under Part VII or Part VIII, Veterans Regulation No. 1(a), as amended, and chapters 31, 33 and 35, Title 38, United States Code, are subject to appeal to the Board of Veterans Appeals. Appeals are governed by Part 19 of this chapter.

17. In § 21.1, the introductory portion immediately preceding paragraph (a) is amended to read as follows:

§ 21.1 Finality of action.

The decision of a duly constituted vocational rehabilitation and education activity of original jurisdiction as to an issue properly within its jurisdiction will be final and binding upon all field offices of the Veterans Administration and is not subject to revision on the same evidence except by duly constituted appellate authority or except as provided in § 21.2.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: January 22, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-853; Filed, Jan. 28, 1964; 8:49 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

GENERAL RATING CONSIDERATIONS

In § 3.321, paragraphs (b) and (c) are amended to read as follows:

§ 3.321 General rating considerations.

* * * * *

(b) *Exceptional cases—(1) Compensation.* Ratings shall be based as far as practicable, upon the average impairments of earning capacity with the additional proviso that the Administrator shall from time to time readjust this schedule of ratings in accordance with experience. To accord justice, therefore, to the exceptional case where the schedular evaluations are found to be inadequate, the Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission, is authorized to approve on the basis of the criteria set forth in this paragraph an extra-schedular evaluation commensurate with the average earning capacity impairment due exclusively to the service-connected disability or disabilities. The governing norm in these exceptional cases is: a finding that the case presents such an exceptional or unusual disability picture with such related factors as marked interference with employment or frequent periods of hospitalization as to render impractical the application of the regular schedular standards.

(2) *Pension.* Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unem-

payable by reason of his disability(s), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: The Chief Benefits Director or the Director, Compensation and Pension Service, upon field station submission; the rating board, without field station submission, where regular schedular standards are met as of the date of rating decision; or the Adjudication Officer, without field station submission, where the regular schedular standards are not met but the applicant has attained 55 years of age.

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with the facts found but not earlier than the date of claim.

(c) *Advisory opinion.* Cases in which application of the schedule is not understood or the propriety of an extra-schedular rating is questionable may be submitted to Central Office for advisory opinion.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: January 24, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-858; Filed, Jan. 28, 1964; 8:50 a.m.]

PART 19—BOARD OF VETERANS APPEALS

Part 19 is revised to read as follows:

Subpart A—Appeals—General

Sec.
19.1 General appellate jurisdiction.
19.2 Delegation of authority to Chairman and Vice Chairman, Board of Veterans Appeals.
19.3 Subject matter of appeals.
19.4 Disclosure of information.
19.5 Restriction as to change in payments pending determination of administrative appeals.

Subpart B—Appeals—Rules of Practice

GENERAL

19.101 Rule 1; authority.
19.102 Rule 2; jurisdiction.
19.103 Rule 3; governing criteria.
19.104 Rule 4; finality of decisions.

ESTABLISHMENT AND COMPOSITION OF BOARD

19.105 Rule 5; establishment of Board.
19.106 Rule 6; composition of Board.
19.107 Rule 7; appointment, assignment and rotation of members.
19.108 Rule 8; function of Board.

NOTIFICATION OF APPELLATE RIGHTS

19.109 Rule 9; notice of right to appeal.
19.110 Rule 10; failure to receive notice.

APPLICATION FOR REVIEW ON APPEAL

19.111 Rule 11; who can file an appeal.
19.112 Rule 12; what constitutes an appeal.
19.113 Rule 13; notice of disagreement.
19.114 Rule 14; action by agency of original jurisdiction on notice of disagreement.
19.115 Rule 15; statement of the case.
19.116 Rule 16; substantive appeal.
19.117 Rule 17; contested claims.
19.118 Rule 18; time limit for filing.
19.119 Rule 19; adequacy or timely filing of appeals questioned.
19.120 Rule 20; place of filing.
19.121 Rule 21; termination of appeals.
19.122 Rule 22; docketing of appeals.

ADMINISTRATIVE AND MERGED APPEALS

19.123 Rule 23; administrative appeal.
19.124 Rule 24; officials authorized and time limits for filing administrative appeals.
19.125 Rule 25; notification of claimant.
19.126 Rule 26; merger of administrative appeal and claimant's appeal.
19.127 Rule 27; effect of decision on administrative or merged appeal.

REPRESENTATION

19.128 Rule 28; right to representation.
19.129 Rule 29; service organizations.
19.130 Rule 30; attorneys or agents admitted to practice before Veterans Administration.
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AUTHORITY: The provisions of this Part 19 issued under 72 Stat. 1114; 1240, as amended; 38 U.S.C. 210, 4001–4009.

Subpart A—Appeals—General

§ 19.1 General appellate jurisdiction.

All questions on claims involving benefits under the laws administered by the Veterans Administration are subject to review on appeal to the Administrator of Veterans Affairs, decisions in such cases to be made by the Board of Veterans Appeals. Jurisdiction is vested by statute in the Board to make final decisions on all questions reviewed on appeal, with the exception of those involving insurance contracts. (38 U.S.C. 784, 4004(a)) In its decision, the Board is bound by the regulations of the Veterans Administration, instructions of the Administrator and precedent opinions of the chief law officer. The statutory jurisdiction vests responsibility in the Board to apply and exercise all the adjudicative criteria and authority in such controlling media properly for application by the department having original adjudicative responsibility for claims for benefits.

§ 19.2 Delegation of authority to Chairman and Vice Chairman, Board of Veterans Appeals.

In addition to the authority vested in the Chairman and Vice Chairman, Board of Veterans Appeals, by law, Veterans Administration regulations and manuals, authority is delegated to each as follows:

(a) To authorize assumption of jurisdiction of an adjudicative determination not involved in an appeal before the Board where the determination has not become final.

(b) To authorize administrative action on an adjudicative determination not involved in an appeal before the Board where the determination has become final.

(c) To approve Central Office investigations of matters before the Board.

§ 19.3 Subject matter of appeals.

More specifically, the Board's appellate jurisdiction covers questions of entitlement to compensation for service-connected disabilities; pension for disability without regard to service connection; death compensation and pension; dependency and indemnity compensation; vocational rehabilitation, including need therefor; education and training allowance; subsistence allowance; educational assistance allowance and special training allowance (38 U.S.C. ch. 35); special allowance (38 U.S.C. 412); death gratuity (38 U.S.C. 423); insurance benefits, including maturity of contracts, waiver of premiums, and legal beneficiary; payment or reimbursement for unauthorized medical expenses; burial allowances; disability suffered as the result of examination, treatment or hospitalization or vocational training; emergency officers' retirement benefits; basic eligibility to loans and unemployment compensation; adjusted compensation; waiver or recovery of overpayments; forfeiture of rights; and all related mixed questions of fact and law, such as character and type of service, attorney fees, marital relations, dependency, validity of claims, apportionment, reduction and increase in compensation or pension benefits, and similar questions. Under 38 U.S.C. 3203(b)(3), jurisdiction extends to determinations of the Chief Attorney on the following questions: need of a dependent parent; payments from appropriated funds to a dependent parent for his or her support; use of appropriated funds for the veteran's institutional care and maintenance.

§ 19.4 Disclosure of information.

Appeals decisions and statements of the case will not disclose matters that would be contrary to 38 U.S.C. 3301 or otherwise contrary to the public interest. Such matters may be disclosed to a designated representative unless the relationship between the claimant and the representative is such that disclosure to the representative would be as harmful as if made to the claimant. (38 U.S.C. 4005 (d)(2))

§ 19.5 Restriction as to change in payments pending determination of administrative appeals.

In the event of an administrative appeal, no change in payments based on that review or determination will be made until a decision is made by the Board of Veterans Appeals.

Subpart B—Appeals—Rules of Practice

GENERAL

§ 19.101 Rule 1; authority.

Pursuant to the authority vested in the Administrator of Veterans Affairs (38 U.S.C. 210(c)) there are hereby issued revised rules of practice which govern proceedings in appeals to the Board of Veterans Appeals.

§ 19.102 Rule 2; jurisdiction.

(a) *Statutory.* The Board's jurisdiction extends to all questions on claims involving benefits under the laws administered by the Veterans Administration. (38 U.S.C. 4004(a))

(b) *Delegated authority.* The Board may assume jurisdiction of an unappealed issue on its own motion in a case properly before the Board, as provided in § 19.2.

§ 19.103 Rule 3; governing criteria.

In the consideration of appeals, the Board shall be bound by the regulations of the Veterans Administration, instructions of the Administrator, and precedent opinions of the General Counsel. (38 U.S.C. 4004(c))

§ 19.104 Rule 4; finality of decisions.

Decisions of the Board of Veterans Appeals are final, with the exception that claims involving insurance contracts are subject to court review. (38 U.S.C. 211(a), 784, 4004(a)) Reconsideration by the Board may be accorded under Rule 48 (§ 19.148).

ESTABLISHMENT AND COMPOSITION OF BOARD

§ 19.105 Rule 5; establishment of Board.

The Board of Veterans Appeals is established by authority of and functions pursuant to Chapter 71, Title 38, United States Code.

§ 19.106 Rule 6; composition of Board.

The Board shall consist of a Chairman, Vice Chairman, associate members, and such other professional, administrative, clerical and stenographic personnel as are found necessary. (38 U.S.C. 4001(a))

§ 19.107 Rule 7; appointment, assignment and rotation of members.

(a) *Appointment.* Members of the Board (including the Chairman and Vice Chairman) shall be appointed by the Administrator with the approval of the President of the United States. (38 U.S.C. 4001(b))

(b) *Assignment.* The Chairman may divide the Board into sections of three members and assign the members of the Board thereto. (38 U.S.C. 4002)

(c) *Rotation.* The Chairman may from time to time rotate the members of the sections.

(d) *Vacancy or absence.* If as a result of a vacancy, absence, or inability of an assigned member to serve, a section of the Board does not have a full complement of members, the Chairman may assign other members or direct the section to proceed without any additional assignment of members. (38 U.S.C. 4002)

§ 19.108 Rule 8; function of Board.

The principal function of the Board is to consider all applications on appeal properly before it, conduct hearings on appeal, evaluate the evidence of record and enter decisions in writing on the questions presented on appeal.

NOTIFICATION OF APPELLATE RIGHTS

§ 19.109 Rule 9; notice of right to appeal.

(a) *General.* The claimant and his representative, if any, will be informed of the right to initiate an appeal by the filing of a notice of disagreement in writing, and the time limit within which such notice must be filed. This information will be included in each notification of a determination of entitlement or nonentitlement to Veterans Administration benefits by the agency of original jurisdiction.

(b) *Administrative appeals.* In notifying a claimant of an administrative appeal, see Rule 25 (§ 19.125).

(c) *Contested claims.* In notifying a contesting claimant of appellate rights, see Rule 17 (§ 19.117).

§ 19.110 Rule 10; failure to receive notice.

While it is contemplated that the agency of original jurisdiction will give proper notice of the right to appeal and the time limit, failure to notify the claimant of his right to such appellate review or of the time limit applicable to a notice of disagreement or substantive appeal will not extend the applicable period for taking this action.

APPLICATION FOR REVIEW ON APPEAL

§ 19.111 Rule 11; who can file an appeal.

(a) *Claimant, authorized representative, attorney or agent.* A notice of disagreement and a substantive appeal may be filed by a claimant personally or by an accredited representaitve of a recognized service organization, attorney or agent, provided a proper power of attorney has been filed. Where contesting claimants are involved, see Rule 17 (§ 19.117).

(b) *Incompetent claimant.* If the claimant is incompetent, a notice of disagreement and a substantive appeal may be filed by the legal guardian or other proper fiduciary; or, in the absence of one of these, by the next of kin or next friend.

(c) *Attorneys and agents for fee.* An attorney or agent may file an appeal for a fee in any claim wherein a fee has been denied or he is not satisfied with the determination as to the amount of the fee.

§ 19.112 Rule 12; what constitutes an appeal.

An appeal consists of a timely filed notice of disagreement in writing and, after a statement of the case has been furnished, a timely filed substantive appeal.

§ 19.113 Rule 13; notice of disagreement.

A written communication from a claimant or his representative expressing dissatisfaction or disagreement with an adjudicative determination of an agency of original jurisdiction will constitute a notice of disagreement. The notice should be in terms which can be reasonably construed as evidencing a desire for review of that determination. It need not be couched in specific language. Specific allegations of error of fact or law are not required.

§ 19.114 Rule 14; action by agency of original jurisdiction on notice of disagreement.

(a) *Preliminary action.* When a notice of disagreement is timely initiated, the agency of original jurisdiction may take appropriate development and review action, not inconsistent with Title 38, United States Code, and the applicable Veterans Administration Regulations in Title 38, Code of Federal Regulations.

(b) *Statement of the case.* If no preliminary action is required or when it is completed, the agency of original jurisdiction will prepare a statement of the case pursuant to Rule 15 (§ 19.115), if the issue or issues are not resolved by granting the benefit sought in the appeal, or through withdrawal of the notice of disagreement.

§ 19.115 Rule 15; statement of the case.

(a) *Purpose.* The purpose of the statement of the case is to give the claimant "notice" of the facts pertinent to the issue or issues and the action taken, sufficient to permit proper exercise of statutory appeal rights.

(b) *Contents.* A statement of the case shall consist of:

(1) A summary of the evidence in the case pertinent to the issue or issues with which disagreement has been expressed;

(2) A citation or discussion of the pertinent law, Veterans Administration Regulations or other criteria, and, where applicable, the provisions of the Schedule for Rating Disabilities;

(3) The decision on the issue or issues and the reasons for the determination.

(c) *Furnishing statement of the case and information on filing substantive*

appeal—(1) *Copies of statement of the case.* The statement of the case will be forwarded to the claimant at his latest address of record and to his representative, if any.

(2) *Information on filing substantive appeal.* With the statement of the case, the appellant and his representative will be furnished information on the right and time limit to file a substantive appeal, and VA Form 1–9, Appeal to Board of Veterans Appeals. Information will also be included as follows:

(i) That the benefits sought must be clearly identified;

(ii) That the substantive appeal should set out specific allegations of error of fact or law, related insofar as possible to specific items in the statement of the case;

(iii) That the appellant will be presumed to be in agreement with any statement of fact contained in the statement of the case to which no exception is taken;

(iv) That the agency of original jurisdiction may close the case for failure to respond to the statement of the case; and

(v) That the Board of Veterans Appeals will base its decision on the evidence and argument of record, and will not be limited to that cited in the statement of the case.

(d) *Supplemental statement of the case.* A supplemental statement of the case, so designated, will be furnished when subsequent actions are taken, evidence is received, a material defect is discovered, or for any other reasons the original statement is inadequate to effect the letter and intent of the law.

§ 19.116 Rule 16; substantive appeal.

VA Form 1–9, Appeal to Board of Veterans Appeals, adequately executed, or its equivalent in correspondence, from a claimant or his representative following the furnishing of a statement of the case will constitute a substantive appeal. The appeal should set out specific allegations of error of fact or law. Such allegations shall be construed in a liberal manner in determining their adequacy, with consideration of the technicalities involved. To the extent feasible, allegations should be related to specific items in the statement of the case.

§ 19.117 Rule 17; contested claims.

(a) *Notice of appeal rights.* In a contested claim, where one is allowed and the other is denied or the allowance of one claim would result in payment of a lesser amount to another claimant, all parties of interest will be specifically notified of the action taken and of the right and time limit for initiation of an appeal. (38 U.S.C. 4005A(a))

(b) *Who can file a notice of disagreement or substantive appeal.* In a contested claim, a notice of disagreement or substantive appeal may be filed by either party within the time limits set out in Rule 18 (§ 19.118).

(c) *Notice to parties on receipt of notice of disagreement.* Upon the filing of a notice of disagreement in a contested claim, all parties in interest and their representatives will be furnished a copy of the statement of the case in the same manner as that prescribed in Rule 15 (§ 19.115). The party in interest who filed the notice of disagreement will be duly notified of the right and time limit to file a substantive appeal and of the requirements, and furnished with VA Form 1–9, Appeal to Board of Veterans Appeals. (38 U.S.C. 4005A(b))

(d) *Notice of substance of appeal to other parties.* When a substantive appeal is filed, the substance of the appeal will be communicated to the other party or parties of interest and a period of 30 days will be allowed for filing a brief or argument in answer. (38 U.S.C. 4005A(b))

(e) *Notices to last addresses of record.* Notices in contested claims will be forwarded to the last known address of record of the parties concerned and such action will constitute sufficient evidence of notice. (38 U.S.C. 4005A)

§ 19.118 Rule 18; time limit for filing.

(a) *Notice of disagreement*—(1) *General.* A notice of disagreement shall be filed within 1 year from the date of mailing of notification of the initial review or determination; otherwise, that determination will become final. (38 U.S.C. 4005(b)(1))

(2) *Contested claims.* Where one claim is allowed and one denied, or the allowance of one claim would result in payment of a leser amount to another claimant, the notice of disagreement from the person adversely affected shall be filed within 60 days from the date of mailing of notification of the review or determination; otherwise, that determination will become final. (38 U.S.C. 4005A(a))

(b) *Substantive appeal*—(1) *General.* A substantive appeal shall be filed within 60 days from the date of mailing of the statement of the case, or within the remainder of the 1-year period from the date of mailing of notification of the review or determination being appealed, whichever is greater. (38 U.S.C. 4005(d)(3)) Where a supplemental statement of the case is furnished, a period of 30 days will be allowed for supplementing the appeal.

(2) *Contested claims.* A substantive appeal shall be filed within 30 days from the date of mailing of the statement of the case. (38 U.S.C. 4005A(b))

(c) *Extension of time*—(1) *General.* An extension of the 60-day period to file a substantive appeal or the 30-day period for supplementing an appeal following a supplemental statement of the case may be granted for good cause shown.

(2) *Contested claims.* An extension of the 30-day period to file a substantive appeal may be granted for good cause shown. In granting an extension in contested claims, consideration will be given to the interests of the other parties involved. (38 U.S.C. 4005A(b))

(3) *Additional evidence filed.* The filing of additional evidence after receipt of notice of an adverse decision shall not extend the time limit for initiating or completing an appeal from that decision.

(d) *Acceptance of postmark date.* A notice of disagreement or a substantive appeal postmarked prior to expiration of the applicable time limit will be accepted as having been timely filed.

(e) *Computation of time limit.* In computing the time limit for filing a notice of disagreement or a substantive appeal, the first day of the specified period will be excluded and the last day included. Where the time limit would expire on a Saturday, Sunday, or holiday, the next succeeding workday will be included in the computation.

§ 19.119 Rule 19; adequacy or timely filing of appeals questioned.

If there is a question as to the adequacy or timely filing of a notice of disagreement or substantive appeal, or if a protest is received from an adverse determination as to adequacy or timeliness, the agency of original jurisdiction will forward the case to the Board of Veterans Appeals for a final determination.

§ 19.120 Rule 20; place of filing.

The application for review on appeal shall be filed with the Veterans Administration office from which the claimant received notice of the decision being appealed. (38 U.S.C. 4005(b)(1))

§ 19.121 Rule 21; termination of appeals.

(a) *Closing; failure to respond to statement of case.* The agency of original jurisdiction may close a case without notice to a claimant for failure to respond to a statement of the case within the period or periods allowed. (38 U.S.C. 4005(d)(3)) However, if response is subsequently received within the 1-year appeal period (except for contested claims), the appeal will be considered to be reactivated.

(b) *Withdrawal*—(1) *Notice of Disagreement.* A notice of disagreement may be withdrawn at any time before a timely substantive appeal is filed or expiration of the time allowed for such action.

(2) *Substantive appeal.* A substantive appeal may be withdrawn at any time before the Board enters a decision, except where withdrawal would be detrimental to the appellant or the Government.

(3) *Who may withdraw.* Withdrawal may be by the claimant or his authorized representative (person or organization) except that a representative may not withdraw either a notice or disagreement or substantive appeal filed by the claimant personally.

(c) *Dismissal.* Appeals which are insufficient in allegations of error of fact or law may be dismissed by the Board of Veterans Appeals. (38 U.S.C. 4005(d)(5))

§ 19.122 Rule 22; docketing of appeals.

(a) *In order received.* Applications for review on appeal shall be docketed in the order in which they are received. (38 U.S.C. 4007)

(b) *Remanded cases.* Cases returned to the Board following action pursuant to a remand decision shall assume their original places on the docket.

ADMINISTRATIVE AND MERGED APPEALS

§ 19.123 Rule 23; administrative appeal.

(a) *General.* An administrative appeal from a decision of the agency of original jurisdiction may be filed by officials of the Veterans Administration authorized to do so to resolve a conflict of opinion concerning a question on a claim involving benefits under laws administered by the Veterans Administration. Such appeals may be taken from unanimous decisions denying or allowing the benefit claimed, in whole or in part, or from decisions involving dissenting opinions.

(b) *Form of appeal.* An administrative appeal is entered by memorandum entitled "Administrative Appeal" in which the issues and the bases for the appeal are set forth.

§ 19.124 Rule 24; officials authorized and time limits for filing administrative appeals.

The following officials of the Veterans Administration are authorized by the Administrator of Veterans Affairs, pursuant to authority contained in 38 U.S.C. 4006, to file administrative appeals within the time limits specified:

(a) *Central Office*—(1) *Officials.* A Chief Director or Service Director of the Department of Veterans Benefits and the Department of Medicine and Surgery, and the General Counsel.

(2) *Time limit.* Such officials must file an administrative appeal within one year from the date of the decision, or within one year from the date of mailing notice of such decision, whichever is later.

(b) *Agencies of original jurisdiction*—(1) *Officials.* Managers, adjudication officers, and officials at comparable levels in field offices deciding any claims for benefits, from any decision originating within their established jurisdiction.

(2) *Time limit.* The Manager or comparable official must file an administrative appeal within 6 months from the date of the decision appealed or within 6 months from the date of mailing notice of the decision, whichever is the later date. Officials below the level of Manager must do so within 60 days from such date.

§ 19.125 Rule 25; notification of claimant.

When an administrative appeal is entered, the claimant and his representative, if any, will be promptly informed concerning the question at issue, and will be allowed a period of 60 days to join in the appeal if he so desires. Information will be included relative to the effect of such action and preservation of Normal appeal rights if he does not elect to join.

§ 19.126 Rule 26; merger of administrative appeal and claimant's appeal.

If the claimant or his representative elects to join in the administrative appeal, it becomes a "merged" appeal and the rules governing an appeal initiated by a claimant are for application. The presentation of evidence or argument in response to notification of the right to "join" in the administrative appeal will be construed as merging the appeal.

§ 19.127 Rule 27; effect of decision on administrative or merged appeal.

If the administrative appeal is merged, the appellate decision on the merged appeal will constitute final disposition of the claimant's appellate rights. If the claimant does not merge, normal appellate rights on the same issue are preserved, and the decision is entered by another section of the Board. For disqualification of members, see Rule 47. (§ 19.147)

REPRESENTATION

§ 19.128 Rule 28; right to representation.

A claimant will be accorded full right to representation in all stages of an appeal by a recognized service organization, attorney or agent, or other person authorized to represent him before the agency of original jurisdiction. (38 U.S.C. 3401–3405; 4005(a))

§ 19.129 Rule 29; service organizations.

(a) *Designation.* The designation of a service organization will be by duly executed VA Form 23–22, Appointment of Service Organization as Claimant's Representative. (§ 14.628(a) of this chapter)

(b) *Revocation or change of power of attorney.* A claimant shall be permitted to revoke a power of attorney to a service organization whenever he so desires, irrespective of whether he concurrently executes a power of attorney to another organization.

§ 19.130 Rule 30; attorneys or agents admitted to practice before Veterans Administration.

(a) *Designation.* The designation of an attorney or agent will be by duly executed VA Form 2–22a, Power of Attorney, or its equivalent. (§ 14.649 of this chapter) The designation should be an individual attorney or agent, rather than a firm or partnership.

(b) *Diligence in prosecution of claim.* In order to preserve attorneyship rights, an attorney or agent shall be required to exercise due diligence in the prosecution of a claim. (§ 14.642 of this chapter)

(c) *Revocation or change of power of attorney.* Upon a showing of good cause, a claimant may revoke a power of attorney to an attorney or agent. (§ 14.644 of this chapter)

(d) *Admission to practice.* The provisions of 38 U.S.C. 3404 and § 14.629 of this chapter are applicable to admission of attorneys or agents to practice before the Veterans Administration. Admissions to practice are under the control of the General Counsel of the Veterans Administration and any questions concerning admissions should be addressed to him.

(e) *Fee and expenses.* An attorney or agent may initiate an appeal to the Board of Veterans Appeals on the question of entitlement to a fee or expenses in connection with a claim for Veterans Administration benefits. See §§ 14.650 through 14.658 of this chapter for criteria covering fees and expenses.

§ 19.131 Rule 31; other persons as representative.

(a) *Recognition for a particular claim.* Any competent person, including an attorney who has not been admitted to practice before the Veterans Administration, who is a citizen of the United States or a resident of the United States or one of the possessions, may be recognized as a representative for a particular claim, unless that person has been barred from practice before the Veterans Administration. (38 U.S.C. 3403)

(b) *Designation.* The designation must be by power of attorney which stipulates that no fee or compensation of any nature will be charged or paid for the services. The designation will be by VA Form 2–22a, Power of Attorney, or its equivalent.

§ 19.132 Rule 32; general.

(a) *One representative.* Only one attorney, agent or service organization shall be recognized at any one time. (38 U.S.C. 4005(b)(2))

(b) *Change of status from wife to widow.* A power of attorney submitted by the wife of a veteran may continue in effect after she becomes a widow.

(c) *Recognition of power of attorney after death of veteran.* A service organization which has power of attorney to represent a veteran may, in the event of death of the veteran, be recognized for a reasonable period thereafter, but not as representative of a survivor claimant who has appointed another representative.

HEARINGS

§ 19.133 Rule 33; general.

(a) *Right to a hearing.* A hearing on appeal shall be granted where a claimant or his representative expresses a desire to appear in person. (38 U.S.C. 4002)

(b) *Purpose of hearing.* The purpose of a hearing is to receive argument or testimony relevant and material to the appellate issue.

(c) *Nonadversary proceedings.* Hearings conducted by and for the Board are ex parte in nature and nonadversary. Cross-examination by parties to the hearing will not be permitted. Proceedings will not be limited by legal rules of evidence, but reasonable bounds of relevancy and materiality will be maintained.

§ 19.134 Rule 34; who may appear.

The claimant, his authorized representative, Members of Congress and their staff may appear and present argument in support of a claim. At the request of a claimant, a contact representative of the Veterans Administration may present the appeal at a hearing before the Board of Veterans Appeals or to a hearing agency acting for the Board.

§ 19.135 Rule 35; witnesses.

(a) *General.* The testimony of witnesses will be heard. A claimant or his representative may arrange for the voluntary appearance of such witnesses as he desires, but the Board will not require the appearance of any Veterans Administration official or other person.

(b) *Testimony under oath.* All testimony must be given under oath (affir-

mation if oath against religious principles), unless excused for cause. If the individual declines, he should be informed that his testimony will not bear the weight of sworn testimony. Administration of the oath for the sole purpose of presenting contentions and argument is not required.

§ 19.136 Rule 36; expenses of attending hearing.

No expenses incurred by a claimant, his counsel, or witnesses incident to attendance at a hearing may be paid by the Government.

§ 19.137 Rule 37; scheduling and notice of hearing.

(a) *General.* A hearing on appeal will normally be set for a date after the statement of the case is furnished the claimant. To the extent that facilities permit, they are set for the convenience of claimants and their representatives, with consideration of the travel distance involved.

(b) *Notification of hearing.* When a hearing is scheduled, the person requesting the hearing will be notified of the time and place of the hearing, including notice that the Government may not assume any expense incurred by the claimant, his representative or witnesses incident to attendance at the hearing.

(c) *Extension of time.* An extension of time for appearance at a hearing may be granted, but with consideration of the interests of other parties involved in contested claims. Ordinarily, hearings will not be postponed more than 30 days.

§ 19.138 Rule 38; place of hearing.

A hearing may be held in one of the following places, at the option of the claimant:

(a) Before a section of the Board of Veterans Appeals in Washington, D.C.

(b) Before a traveling section of the Board of Veterans Appeals, if practicable.

(c) Before appropriate personnel in the Veterans Administration regional or other office nearest the claimant's residence, acting as a hearing agency for the Board of Veterans Appeals.

§ 19.139 Rule 39; hearings in contested claims.

If a hearing is scheduled for either party to a simultaneously contested claim, the Board will either accord the representative of the other contesting claimant the opportunity to be present but not participate, or will advise the other contesting claimant in writing of the substance of the argument or contentions advanced. In either event, a reasonable time will be allowed for argument or testimony in refutation, and a separate hearing for the other contesting claimant will be scheduled for that purpose, if requested.

§ 19.140 Rule 40; transcript of hearing.

The proceedings at the hearing shall be recorded and a copy of the complete transcript incorporated as a permament part of the claims record. (38 U.S.C. 4002) A copy may be furnished without cost to the claimant or his representative upon request made at the time of or prior to the hearing; otherwise, a charge may be made in accordance with § 1.526 of this chapter.

EVIDENCE

§ 19.141 Rule 41; submission of additional evidence in support of appeal.

A claimant may submit additional evidence or information as to the availability of additional evidence after initiating an appeal. Failure to submit evidence requested by the agency of original jurisdiction after initiation of an appeal will not serve as a ground for withdrawal of the appeal.

§ 19.142 Rule 42; action by agency of original jurisdiction on evidence.

(a) *Evidence received prior to transfer of records to Board of Veterans Appeals.* Evidence received in the agency of original jurisdiction after the initiation of an appeal and prior to transfer of the records to the Board of Veterans Appeals, including cases in which certification may have been completed, will be referred to the rating or authorization activity for review and disposition. A supplemental statement of the case will be furnished the claimant and his representative as provided in Rule 15 (§ 19.115). Where a supplemental statement of the case is not furnished, the claimant and his representative will be notified of the action taken and the reasons for the action.

(b) *Evidence received after transfer of records to the Board of Veterans Appeals.* Additional evidence received in an agency of original jurisdiction after the records have been transferred to the Board of Veterans Appeals for appellate consideration will be forwarded to the Board if it has a direct bearing on the appellate issue or issues. The Board will then determine what procedural steps are required with respect to the new evidence.

ACTION BY THE BOARD

§ 19.143 Rule 43; order of consideration.

Applications for review on appeal shall be considered in the order in which they are entered on the docket, except that a case may be advanced on the docket for earlier consideration for sufficient cause shown. (38 U.S.C. 4007)

§ 19.144 Rule 44; expert medical opinions.

(a) *Opinion of the Chief Medical Director.* The Board may obtain an expert medical opinion from the Chief Medical Director of the Veterans Administration on medical questions involved in the consideration of an appeal, when in its judgment such medical expertise, in addition to that available from the Board's medical staff, is needed for equitable disposition of the appeal.

(b) *Opinion of independent medical experts.* When in the judgment of the Board expert medical opinion, in addition to that available within the Veterans Administration, is warranted by the medical complexity or controversy involved in an appeal, the Board may obtain an advisory medical opinion from one or more independent medical experts who are not employees of the Veterans Administration. Opinions will be secured, as requested by the Chairman of the Board, from recognized medical schools, universities, clinics or medical institutions, with which arrangements for such opinions have been made by the Administrator of Veterans Affairs. Actual selection of the expert or experts to give the opinion in an individual case will be made by an appropriate official of the institution. (38 U.S.C. 4009)

§ 19.145 Rule 45; the decision.

(a) *Decisions based on entire record.* The claimant is presumed to be in agreement with any statement of fact contained in a statement of the case to which no exception is taken. Decisions of the Board, however, shall be based on a review of the entire record. (38 U.S.C. 4005(d) (4), (5))

(b) *Disposition of issues.* The decision of the Board will dispose of each issue on appeal by allowance, denial, remand or dismissal, in whole or in part.

(c) *Format.* The decision of the Board shall be in writing and shall set forth specifically the issue or issues, findings of fact and conclusions of law separately stated and the reasons for the Board's decision. (38 U.S.C. 4004(d))

(d) *Unanimous decision.* Where the members of the section unanimously concur in the decision, it shall be the final determination of the Board. (38 U.S.C. 4003(a))

(e) *Dissent.* Where the members do not agree, the Chairman of the Board may either concur with the majority, in which event this will constitute final determination of the Board, or he may direct further consideration by two or more sections, including the section to which the case was originally assigned. Any decision which is not unanimous will require concurrence of the Chairman of the Board. If the members are equally divided, the Chairman will participate in the determination.

§ 19.146 Rule 46; remand for further development.

(a) *General.* When, during the course of review, it is determined that further evidence or clarification of the evidence is essential for a complete and impartial appellate determination, the section of the Board shall remand the case to the agency of original jurisdiction, directing the further development to be undertaken.

(b) *Review by agency of original jurisdiction.* Where the development results in additional evidence, a supplemental statement of the case will be furnished the claimant and his representative, where indicated, and the records will again be reviewed by the agency of original jurisdiction. Review by the agency of original jurisdiction is not required where the remand is only for assembly of records previously considered by the agency of original jurisdiction.

(c) *Resubmission to Board of Veterans Appeals.* Unless the benefits appealed for are granted on review by the agency of original jurisdiction, the records will

be returned to the Board of Veterans Appeals for completion of appellate review. Remanded cases will not be closed for failure to respond to the supplemental statement of the case.

§ 19.147 Rule 47; disqualification of members.

(a) *General.* A member of the Board shall disqualify himself in a hearing or decision on an appeal from a determination in which he participated or had supervisory responsibility in the agency of original jurisdiction prior to his appointment as a member of the Board, or where there are other circumstances which might give the impression of bias either for or against the appellant.

(b) *Appeal on same issue subsequent to decision on administrative appeal.* Members of the Board signatory to the decision on administrative appeal will disqualify themselves from acting on a subsequent appeal by the claimant on the same issue.

RECONSIDERATION OF APPELLATE DECISIONS

§ 19.148 Rule 48; when accorded.

Reconsideration of an appellate decision may be accorded by the Board of Veterans Appeals:

(a) For obvious error of fact or law upon allegation by the claimant or on the Board's own motion; or

(b) Upon discovery of additional service department records. (38 U.S.C. 4003, 4004(b))

§ 19.149 Rule 49; requirements in application.

Application for reconsideration shall set forth clearly and specifically the alleged error of fact or law in the decision of the Board.

§ 19.150 Rule 50; evidence considered.

The determination as to whether an error exists which warrants reversal of the Board's decision shall be based on evidence of record at the time the decision was entered and additional evidence submitted after the decision may not be considered.

§ 19.151 Rule 51; time limit for filing of requests for reconsideration.

Request for hearing for the purpose of showing error in the Board's decision shall be made within 1 year from the date of the mailing of notice of the original decision. A brief for the purpose of showing error in the Board's decision may be filed at any time.

§ 19.152 Rule 52; members to consider allegations of error.

When allegations of error of fact or law result in reconsideration, the Chairman may assign one or more additional sections to participate with the members signatory to the decision being reconsidered. Any decision which is not unanimous will require concurrence of the Chairman of the Board. If the members are equally divided, the Chairman will participate in the determination.

§ 19.153 Rule 53; finality of decisions of the agency of original jurisdiction where appeal not timely initiated and perfected.

If a notice of disagreement is not timely filed and followed by a timely substantive appeal within the periods prescribed in Rule 18 (§ 19.118), the action or determination of the agency of original jurisdiction shall become final and the claim will not thereafter be reopened or allowed, except as may otherwise be provided by Veterans Administration Regulations in Title 38, Code of Federal Regulations.

§ 19.154 Rule 54; finality of decisions of the agency of original jurisdiction affirmed on appeal.

Where an appeal is timely filed and perfected, the decision of the agency of original jurisdiction, if affirmed, does not become final until the date of the appellate decision.

§ 19.155 Rule 55; new claim after appellate decision.

Where a reopened claim is filed and evidence is submitted in support thereof which establishes a new factual basis, the reopened claim shall be adjudicated without regard to prior appellate decision on the issue. The claimant may appeal the action.

§ 19.156 Rule 56; death of claimant during pendency of appeal.

Where at the death of the veteran an appeal was pending before the Board of Veterans Appeals, the Board may complete its action without application from the survivors.

These VA regulations are effective the date of approval.

Approved: January 22, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-864; Filed, Jan. 28, 1964; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form P—Carriers by Pipe Line

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1964.

It appearing, that the matter of annual reports of carriers by pipe line being under further consideration and, the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.61 of the order of January 21, 1959, in the matter of Carriers by Pipe Line—Annual Report Form P, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.61 be, and it is hereby, modified and amended to read as follows:

§ 120.61 Annual reports of carriers by pipe line.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all carriers by pipe line subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form P (Carriers by Pipe Line), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 54 Stat. 944; 49 U.S.C. 20)

And it is further ordered, That a copy of this order and of Annual Report Form P shall be served on all carriers by pipe line subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Federal Register Division.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-858; Filed, Jan. 28, 1964; 8:50 a.m.]

SUBCHAPTER C—CARRIERS BY WATER

PART 301—REPORTS

Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Carriers)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1964.

The matter of annual reports of Class A and B water carriers operating on inland and coastal waterways being under further consideration, and the changes to be made by this order being reductions and minor changes in the data to be furnished, rulemaking procedures under section 4 of the Administrative Proce-

[1] Filed as part of the original document.

dure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 301.10 of the order of January 25, 1963, in the matter of Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Carriers), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 301.10 be, and it is hereby, modified and amended to read as follows:

§ 301.10 Annual reports of Class A and B water carriers on inland and coastal waterways.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter until further order, all water carriers on inland and coastal waterways, subject to the provisions of section 313, Part III of the Interstate Commerce Act, and Classes A and B, as described in § 136.2 of this chapter viz., carriers with average annual operating revenues exceeding $100,000, are required to file annual reports in accordance with Inland and Coastal Waterways Annual Report Form K–A (Class A and Class B Water Carriers), which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year of which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12, and sec. 304, 54 Stat. 963; 49 U.S.C. 904. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20, and sec. 313, 54 Stat. 944, as amended; 49 U.S.C. 913)

And it is further ordered, That copies of this order and of Annual Report Form K–A shall be served on all Class A and Class B water carriers on inland and coastal waterways subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such water carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–859; Filed, Jan. 28, 1964; 8:50 a.m.]

SUBCHAPTER B—FREIGHT FORWARDERS

PART 445—ANNUAL REPORTS

Annual Report Form F–a (Class A Freight Forwarders)

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of January A.D. 1964.

The matter of annual reports from Class A freight forwarders being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 445.1 of the order of January 26, 1961, in the matter of Annual Report Form F–a (Class A Freight Forwarders), be, and it is hereby, modified and amended with respect to reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 445.1 be, and it is hereby, modified and amended, to read as follows:

§ 445.1 Annual reports of Class A Freight Forwarders.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all Class A freight forwarders, as described in § 445.3, viz., forwarders having annual gross operating revenues of $100,000 or more, are required to file annual reports in accordance with Annual Report Form F–a (Class A Freight Forwarders), which is attached hereto and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 408, 56 Stat. 285; 49 U.S.C. 1003. Interpret or apply sec. 412, 56 Stat. 294, as amended; 49 U.S.C. 1012)

And it is further ordered, That copies of this order and of Annual Report Form F–a shall be served upon all Class A freight forwarders subject to its terms and upon every trustee, receiver, executor, administrator, or assignee of any such forwarder, and that notice of this order shall be given to the general public by posing a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–860; Filed, Jan. 28, 1964; 8:51 a.m.]

[1] Filed as part of the original document.

Title 46—SHIPPING

Chapter II—Department of Commerce, Maritime Administration

SUBCHAPTER A—POLICY, PRACTICE AND PROCEDURE

[General Order 69, 76, 88]

PART 206—MISCELLANEOUS FEES

PART 222—STATEMENTS, REPORTS AND AGREEMENTS REQUIRED TO BE FILED

PART 223—BILL OF LADING REQUIREMENTS

PART 226—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER

PART 231—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES

PART 236—STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

Miscellaneous Amendments

Pursuant to Reorganization Plan No. 7 of 1961, the newly created Federal Maritime Commission in continuing the regulatory functions of the former Federal Maritime Board transferred to it under certain regulations contained in Chapter II of Title 46, Code of Federal Regulations, published its General Order 1 in the FEDERAL REGISTER issue of August 19, 1961 (26 F.R. 7788) citing its authority for the continuance of such functions under said regulations.

This document is being published for the purpose of clarifying the changes effected in Chapter II, Title 46, Code of Federal Regulations, by the "revocations, redesignations, and change of terminology" and/or republications of certain regulations by the Federal Maritime Commission under its Chapter IV, Title 46, Code of Federal Regulations.

1. Whereas, the Federal Maritime Commission under its Chapter IV, Title 46, Code of Federal Regulations, published "revocations, redesignations and change of terminology" in F.R. Doc. 63–10552, appearing in the FEDERAL REGISTER issue of October 4, 1963 (28 F.R. 10703); therefore §§ 222.11–222.17 of Part 222, Parts 223, 226 [General Order 69], 231, and 236 [General Order 76] are hereby deleted from Chapter II, Title 46, Code of Federal Regulations.

2. Whereas, the Federal Maritime Commission republished the text of Subpart B [General Order 88] of Part 206, without substantive change, in F.R. Doc. 64–223, appearing in the FEDERAL REGISTER issue of January 10, 1964 (29 F.R. 265); therefore, Subpart B of Part 206 is hereby deleted from Chapter II, Title 46, Code of Federal Regulations; Subpart C of Part 206 is redesignated Subpart B.

Dated: January 22, 1964.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr., *Secretary.*

[F.R. Doc. 64–842; Filed, Jan. 28, 1964; 8:49 a.m.]

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 95, Rev., Amdt. 1]

PART 293—INVENTORIES OF VESSELS COVERED BY OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Miscellaneous Amendments

Part 293 is hereby amended as follows:

1. Paragraph (b) of § 293.4 *Responsibilities and participation* is amended to read as follows:

§ 293.4 Responsibilities and participation.

* * * * * *

(b) the Maritime Administration reserves the right to participate in the taking and processing of any inventories required by § 293.3(a) to the degree considered necessary to protect the Government's interest.

§ 295.5 [Amended]

2. Section 293.5 *Scope and evaluation of inventories* is amended by deleting the words "Maritime Administration's" in the last sentence of paragraph (a) and by deleting all of paragraph (d).

3. Section 293.6 *Certifications* is amended by changing paragraphs (b) (1), (c), and (d) to read as follows:

§ 293.6 Certifications.

* * * * * *

(b) *Subsistence stores, slop chest, bar stock, unbroached consumable stores, and fuel.* (1) Within 60 days after the completion of the physical inventories of subsistence stores, slop chest, bar stock (if maintained by the operator), unbroached consumable stores, and fuel, taken pursuant to § 293.3(a), certified priced listings shall be submitted to the appropriate Coast Director.

* * * * * *

(c) *Inventory differences of expendable equipment and spare parts.* Within 120 days (unless an extension of not more than 60 days is granted for a good cause by the Coast Director) after the completion of the physical inventories of expendable equipment and spare parts taken pursuant to the provisions of § 293.3(a) (excepting subparagraph (1) thereof) a responsible official of the Operator shall submit a certified priced statement of differences, determined by comparison of the initial inventory with the closing inventory, to the appropriate Coast Director.

(d) *Certificates.* Upon completion of the physical inventory of a subsidized vessel taken pursuant to § 293.3 and at the time of submittal of the priced statements required by this section, a responsible official of the Operator shall execute in duplicate certifications as to the accuracy of the inventory and forward one such certification to the appropriate Coast Director and the other (without supporting documents) to the Chief, Office of Government Aid, Washington, D.C. Form MA–500, entitled "Certification of Inventories and Inventory Statements of Ships Covered by Operating-Differential Subsidy Agreements" shall be utilized for this purpose and it shall be the responsibility of each subsidized operator to reproduce and furnish his own required supply of these forms.

The foregoing changes shall be effective as of the date of publication in the FEDERAL REGISTER and shall be applicable to all inventories in process as of such date.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Report's Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: January 22, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr., *Secretary.*

[F.R. Doc. 64–843; Filed, Jan. 28, 1964; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

CUSTOMS DISTRICTS, PORTS, AND STATIONS; LOS ANGELES, CALIFORNIA

Proposed Change in Name

JANUARY 21, 1964.

The port of Long Beach, California, since the end of World War II, has attained the position of a major center of world commerce. At the same time, Long Beach is an integral part of the customs port of entry of Los Angeles, California, in Customs Collection District No. 27 (Los Angeles). It is the long-established policy of the Bureau of Customs to give proper recognition to the cities involved, when two or more cities comprise one combined customs port of entry. Other such dual port names include San Francisco-Oakland, California; Duluth-Superior, Wisconsin; Beaufort-Morehead City, North Carolina; Norfolk-Newport News, Virginia; and others. It is felt that the inclusion of both Los Angeles and Long Beach in the official name of the customs port of entry will benefit the commerce of both cities.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), it is proposed that the official name of the customs port of entry of Los Angeles, California, in Customs Collection District No. 27 (Los Angeles) be changed to include the words "Long Beach", the combined customs port of entry to be known as Los Angeles-Long Beach. It is further proposed to amend § 1.1(c) of the Customs regulations to reflect this change.

Data, views, or arguments with respect to the proposed change in the official name of the customs port of entry of Los Angeles may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the FEDERAL REGISTER. No hearings will be held. (FM 192-27.1 S)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-874; Filed, Jan. 28, 1964; 8:52 a.m.]

Internal Revenue Service

[26 CFR Part 301]

PROFESSIONAL SERVICE CORPORATIONS, ASSOCIATIONS, AND TRUSTS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under section 7701 of the Code, to clarify the tax treatment of professional service corporations, associations, trusts, and other organizations were published in the FEDERAL REGISTER for December 17, 1963.

A public hearing on these proposed amendments to the regulations will be held on Wednesday, Thursday, and Friday, March 4, 5, and 6, 1964, commencing each day at 10:00 a.m., e.s.t., at the Auditorium, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. It is necessary to schedule these hearings for more than one day in order that all persons who requested an opportunity to comment on the proposed amendments can be afforded that opportunity. Each person who submitted such a request will be notified of the date scheduled for him to present his comments on these proposed amendments.

Other persons who plan to attend the public hearings are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by February 28, 1964, and to advise whether they desire an opportunity to present oral comments.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 64-885; Filed, Jan. 28, 1964; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 25, 26, 27, 28, 29, 31, 32, 33, 70, 71]

PUBLIC RECREATION, ACCESS, AND USE ON WILDLIFE REFUGE AREAS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that it is proposed to amend Title 50 of the Code of Federal Regulations as set forth below. The purpose of this amendment is to establish regulations in 50 CFR 28 to define and limit public uses of and activities on national fish and wildlife conservation areas for recreational purposes and to adjust the organizational arrangement of the sections pertaining to public access and use, pursuant to the act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k). The amendment also adds citations of this act to the other Parts of Subchapter C, except Part 30, and to Subchapter E as statutory rule-making authority under which the provisions of such Parts are issued, and revises §§ 25.1, 27.10 and 70.6 to make these sections consistent with the revision of Part 28. Section 29.4, Facilitating services, is revoked as it is now covered under new §§ 28.23 and 28.24.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Part 28 is amended to read as follows:

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Sec.
28.1 Access to areas.
28.2 Access to headquarters.
28.3 Access when escorted.
28.4 Access for economic use privileges.
28.5 Emergency shelter.
28.6 Use of trails and roads.
28.7 Operation of vehicles.
28.8 Firearms.
28.9 Fires.
28.10 Scientific study.
28.11 Scientific specimens.
28.12 Archeological and paleontological studies; search and removal of valued objects.
28.13 Public safety.
28.14 Public sanitation.
28.15 Reporting of accidents.
28.16 Lost and found articles.
28.17 Public recreation.
28.18 Sightseeing, nature observations, and photography.
28.19 Hunting and fishing.
28.20 Limitation on certain recreational uses.
28.21 Operation of boats.
28.22 Water skiing.
28.23 Facilitating services.
28.24 Fees, charges, and permits.
28.25 Special regulations.
28.26 Penalties; visitor control and protection.
28.27 Public notice and posting.
28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

AUTHORITY: The provisions of this part §§ 28.1 to 28.28 issued under R.S. 161, as amended; sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 2, 48 Stat. 1270; sec. 4, 76 Stat. 653; sec. 401, 49 Stat. 383, as amended; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 715s, 664, 460k; 43 U.S.C. 315a.

§ 28.1 Access to areas.

(a) Any person entering or using any wildlife refuge area will comply with the regulations in this subchapter, the provisions of any special regulations, and all official notices posted in the area.

(b) A permit may be required for any person to enter a wildlife refuge area, unless otherwise provided in this subchapter. The permittee will abide by all the terms and conditions set forth in the permit.

§ 28.2 Access to headquarters.

The headquarters office of any wildlife refuge area will be open to public access and admission during regularly established business hours.

§ 28.3 Access when escorted.

A permit is not required for access to any part of a wildlife refuge area by a person when accompanied by the officer in charge.

§ 28.4 Access for economic use privileges.

Access to and travel upon wildlife refuge areas by a person granted economic use privileges on a wildlife refuge area are to be in strict accordance with the provisions of his agreement, lease, or permit.

§ 28.5 Emergency shelter.

A permit is not required for access to any wildlife refuge area for temporary shelter or temporary protection in the event of emergency conditions.

§ 28.6 Use of roads and trails.

Entrance to, travel on, and exit from any wildlife refuge area are permitted only on such roads, trails, footpaths, walkways, or other routes which may be designated for public use under the provisions of this subchapter. (See also §§ 26.3 and 26.14 of this subchapter.)

§ 28.7 Operation of vehicles.

When the operation of vehicles is permitted within a wildlife refuge area, under § 26.14 of this subchapter, the vehicles will be subject to the following operating requirements:

(a) The vehicles are to be mechanically safe and are to be operated in a safe and proper manner so as not to endanger life and property.

(b) The operation of vehicles will conform to the laws of the State in which the area is located governing the operation of such vehicles, except where further restricted under the provisions of this subchapter.

(c) No person is to operate any vehicle while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(d) Drivers of all vehicles are to comply with the directions of all official traffic signs posted on the area and with the directions of authorized Federal or State personnel.

(e) The speed of any vehicle must be reasonable and proper for the existing road conditions and at all times be within the established speed limits. Vehicle speed limits are thirty-five miles an hour except where otherwise posted.

(f) Load and weight limitations, as may be necessary, are those prescribed and posted from time to time. Such limitations are to be complied with by the operators of all vehicles. Schedules showing load and weight limitations are available at the wildlife refuge area headquarters.

(g) The parking or leaving unattended of any vehicle on any wildlife refuge area, or upon public roads where title to the land is vested in the United States, is permitted only in those places which are designated for that purpose under the provisions of this subchapter.

(h) Such other requirements which are established under the provisions of this subchapter. (See also § 27.6 of this subchapter.)

§ 28.8 Firearms.

Only the following persons may possess, use, or transport firearms on wildlife refuge areas, in accordance with applicable Federal and State law:

(a) Persons authorized to take specimens of wildlife for scientific purposes when the use of firearms is necessary for such purposes.

(b) Persons authorized by special permit to possess or use firearms for the protection of property, for field trials, and for other special purposes.

(c) Persons carrying unloaded firearms that are dismantled or cased over regularly established routes of travel.

(d) Persons commercially transporting weapons and explosives in accordance with applicable State or Federal laws and regulations.

(e) Persons using firearms for public hunting under the provisions of Part 32 of this subchapter.

(f) Such other persons as may be permitted under this subchapter. (See also § 26.12 of this subchapter.)

§ 28.9 Fires.

When the use of fires on wildlife refuge areas is permitted, under § 26.17 of this subchapter, such use must be in accordance with State or local law, and approved recreational and management rules established under the provisions of this subchapter. (See also § 27.8 of this subchapter.)

§ 28.10 Scientific study.

The use of wildlife refuge areas for scientific study is encouraged. Permits are required and may be obtained without charge for entry on such areas for scientific study and for similar purposes.

§ 28.11 Scientific specimens.

The collection of specimens of plant and animal life by recognized scientific institutions and Government agencies may be authorized under special permit. (See also § 26.8 of this subchapter.)

§ 28.12 Archeological and paleontological studies; search and removal of valued objects.

(a) Permits are required for archeological studies on wildlife refuge areas in accordance with the provisions of 43 CFR, Part 3.

(b) Permits are required for paleontological studies on wildlife refuge areas in accordance with the provisions of this subchapter.

(c) Persons may not search for or remove semi-precious rocks or mineral specimens, except as provided in § 26.28 of this subchapter.

§ 28.13 Public safety.

Persons using wildlife refuge areas are to comply with the safety requirements which are established under the provisions of this subchapter for each individual area, and with any safety provisions which may be included in leases, agreements, or use permits.

§ 28.14 Public sanitation.

Persons using a wildlife refuge area are to comply with the sanitary requirements which are established under the provisions of this subchapter for each individual area, and with the sanitation provisions which may be included in leases, agreements, or use permits. (See also § 26.19 of this subchapter.)

§ 28.15 Reporting of accidents.

(a) Accidents of whatever nature occurring within the boundaries of any wildlife refuge area are to be reported as soon as possible by the persons involved, to the officer in charge or other Federal personnel on duty at the wildlife refuge area headquarters.

(b) A motor vehicle involved in an accident is not to be moved until an investigating officer arrives at the scene of the accident, unless such vehicle constitutes a traffic or safety hazard.

§ 28.16 Lost and found articles.

Lost articles or money found on a wildlife refuge area are to be immediately turned in to the nearest refuge office.

§ 28.17 Public recreation.

(a) Wildlife refuge areas offer unusual opportunities for outdoor recreation that constitute a beneficial and proper use of national significance. Wildlife refuge areas vary greatly in their physical adaptability and accessibility for public recreational use.

(b) Public recreation of the types set forth in §§ 28.18 and 28.20 (a) and (b), will be permitted on wildlife refuge areas as an appropriate incidental or secondary use, only after it has been determined that such recreational use is practicable and not inconsistent with the primary objectives for which each particular area was established or with other previously authorized Federal operations.

(c) After consideration of all authorized uses, purposes, and other pertinent factors relating to individual areas, all public recreational use or certain types of public recreational uses within individual areas or in portions thereof may be curtailed whenever it is considered that such action is necessary. The public will be notified of such curtailment under the provisions of this subchapter.

§ 28.18 Sightseeing, nature observations, and photography.

Priority is given to the development of facilities and services which will enhance those recreational uses directly associated with wildlife in its habitat, and which give the public enjoyment from observation, appropriate utilization, interpretation, and a better understanding of wildlife populations, habitat, and conservation values. These recreational uses include sightseeing, nature observa-

tion and photography, interpretive centers and exhibits, fishing and hunting, and other similar activities. Tour routes may be closed when these activities may disturb wildlife during the breeding, concentration, or hunting seasons and when roads are damaged or susceptible to damage, or fire hazards are high. When these recreational uses and activities are permitted, the public will be notified under the provisions of this subchapter. The recreational uses and activities will be limited to designated portions of the wildlife refuge area, to specific times, and to those periods of the year which will result in the least disturbance to wildlife and its habitat.

§ 28.19 Hunting and fishing.

Hunting and fishing are permitted only in accordance with Parts 32 and 33, respectively, of this subchapter. (See also §§ 26.5, 26.6, 26.7, and 26.8 of this subchapter.)

§ 28.20 Limitation on certain recreational uses.

(a) When recreational uses, which are not directly related to the primary function of wildlife refuge areas, such as bathing, boating, camping, ice skating, picnicking, swimming, water skiing, and other similar activities are permitted, the public will be notified under the provisions of this subchapter. These recreational uses will be limited to designated portions of the wildlife refuge area, to specific times, and to those periods of the year which will result in the least disturbance to wildlife and its habitat.

(b) If golf, baseball, target shooting, and other similar activities which are foreign to the concept of conservation areas are permitted, the public will be notified under the provisions of this subchapter.

§ 28.21 Operation of boats.

When the use of boats is permitted on any wildlife refuge area, the public will be notified under the provisions of this subchapter, and the following operational requirements and limitations will apply:

(a) A permit may be required before any boat is placed in or allowed to operate upon the waters of any wildlife refuge area. (See also § 26.15 of this subchapter.)

(b) All boats operated on wildlife refuge area waters are to conform with the provisions of applicable Federal, State, and local laws, and regulations, and the provisions of this subchapter. (See also § 27.7 of this subchapter.)

(c) All boats are to conform with the terms and conditions of boat and motor specifications which are posted or otherwise established under the provisions of this subchapter.

(d) No person will operate any boat in a manner which unreasonably interferes with other boats or with the free and proper navigation of the waterways of the areas.

(e) Government-owned docks, piers, and floats are not to be used for loading and unloading of boats, except in emergencies or unless specifically authorized by the provisions of this subchapter.

(f) Boats will be operated in a safe and reasonable manner, at speeds which are reasonable and proper for existing conditions.

(g) No boats, except sailboats, are to be operated with any person riding or sitting on the gunwales or on the decking over the bow.

(h) No person is to operate any boat while under the influence of intoxicating liquor, narcotics, or tranquilizing drugs.

(i) Such other requirements or limitations which are established under the provisions of this subchapter.

§ 28.22 Water skiing.

When water skiing is permitted upon wildlife refuge area waters, the public will be notified under the provisions of this subchapter and the following requirements and limitations will apply:

(a) Water skiing is permitted only in large deep water areas during periods of low waterfowl use, in daylight hours and on those waters of the area which are posted or otherwise designated under the provisions of this subchapter.

(b) There must be two persons in the boat at all times when a skier is in "tow", with one person acting as an observer of the skier in tow.

(c) The direction of a tow boat when circling will be counter clockwise.

(d) Skiers must wear ski belts, or U.S. Coast Guard approved life jackets or buoyant vests.

(e) Water skiing is prohibited within 300 feet of harbors, swimming beaches, and mooring areas, and within 100 feet of any person swimming outside a designated swimming area.

(f) Such other requirements and limitations which are established under the provisions of this subchapter.

§ 28.23 Facilitating services.

(a) Recreational facilities may be operated by concessionaires under appropriate contract on wildlife refuge areas where there is a demonstrated justified need for large scale recreational activities such as boat rentals, swimming facilities, conducted tours of special natural attractions, shelters, tables, trailer lots, food, lodging, and related services.

(b) Facilities and services directly supporting interpretation, fishing, or hunting activity will be provided and managed either by the Bureau, by State conservation agencies, or by non-profit organizations under appropriate arrangements.

§ 28.24 Fees, charges, and permits.

(a) Reasonable charges and fees may be established and permits issued for public recreational use of national wildlife refuges.

(b) The Bureau encourages private capital or local sponsoring groups to provide and maintain recreational services or facilities whenever it is feasible. This is normally done through contracting authority of the Department of the Interior, and when so done, may allow for the charging of fees and charges commensurate with the cost of furnishing the services, providing a fair profit to the concessionaire and an equitable return to the Government.

§ 28.25 Special regulations.

(a) Special regulations may be issued for public use, access, and recreation within certain individual wildlife refuge areas where special control problems exist or where the posting of official signs would be inadequate to afford the public notice. The issued special regulations will supplement the provisions in this Part 28.

(b) Special recreational use regulations may contain the following items:

(1) Recreational uses authorized.

(2) Seasons, periods, or specific time of use.

(3) Description of areas open to recreation.

(4) Specific conditions or requirements.

(5) Other provisions.

(c) Special regulations for public use, access, and recreation are published in the daily issue of the FEDERAL REGISTER but are not codified in the Code of Federal Regulations. They are limited to one season, issued annually, and are effective upon publication in the FEDERAL REGISTER or in as many days thereafter as it is practical to allow under the circumstances. Such special regulations will be available at the headquarters of the wildlife refuge to which they relate.

§ 28.26 Penalties; visitor control and protection.

(a) Any person who violates any of the provisions, rules, regulations, posted signs, or special regulations of this subchapter, or any items, conditions or restrictions in a permit, license, grant, privilege, or any other limitation established under this subchapter shall be subject to the penalty provisions of § 27.10 of this subchapter.

(b) Refuge managers are authorized pursuant to authority delegated from the Secretary and which has been published in the FEDERAL REGISTER (Administrative Manual 4 AM 4.9), to protect fish and wildlife and their habitat and prevent their disturbance, to protect Bureau property and facilities, and to insure the safety of the using public to the fullest degree possible. The control of recreational use will be enforced to meet these purposes pursuant to Federal, State and local laws and regulations; the provisions of this subchapter and any special regulation issued pursuant thereto; and the prohibitions and restrictions as posted.

§ 28.27 Public notice and posting.

(a) Whenever a particular public access, use, or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a wildlife refuge area, or where public access, use, or recreational activities previously permitted are curtailed, the public will be notified by one of the following methods, all of which supplement this subchapter:

(1) Official signs posted conspicuously at appropriate intervals and locations;

(2) Special regulations issued under the provisions of this subchapter;

(3) Maps available in the office of the refuge manager; and

(4) Other appropriate methods which will give the public actual or constructive notice of the permitted public access, use, or recreational activity.

(b) All public access, use, or recreational activity is prohibited in a wildlife refuge area unless the public is notified that such activity is permitted by the provisions of this subchapter. At no time will the public be notified when public access, use, or recreational activity is prohibited, unless such activity is being curtailed.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

NOTE: For FEDERAL REGISTER pages of regulations affecting temporary and special regulations of wildlife refuge areas, see List of Sections Affected.

2. The authority citations immediately preceding the first section in Parts 25, 26, 27, 29, 31, 32, 33, 70, and 71, are amended by the addition of sec. 4, 76 Stat. 654; 16 U.S.C. 460k.

3. The definition of "Special regulations" in § 25.1 is amended to read as follows:

§ 25.1 Definitions.

* * * * *

"Special regulations" mean those regulations within this subchapter used to announce and regulate the annual public hunting and fishing activity, and the public recreation, access, and use activity on the individual wildlife refuge areas.

4. Paragraph (a) of § 27.10 is amended to read as follows:

§ 27.10 Penalties.

* * * * *

(a) The penalties as prescribed by law. (Sec. 4, 76 Stat. 654, 16 U.S.C. 460k-3; Sec. 7, 60 Stat. 1080, 16 U.S.C. 668a; Sec. 9, 45 Stat. 450, 16 U.S.C. 690g; Sec. 6, 40 Stat. 756, as amended, 16 U.S.C. 707; Sec. 14, 45 Stat. 1225, 16 U.S.C. 715m; Sec. 7, 48 Stat. 452, 16 U.S.C. 718g; Sec. 11, 43 Stat. 652, 16 U.S.C. 730; Sec. 2, 33 Stat. 614, as amended, 18 U.S.C. 41)

5. Section 29.4 is revoked.

6. Section 70.6 is amended to read as follows:

§ 70.6 Public access, use, and recreation.

The public access, use, and recreation provisions set forth in Part 28 of this chapter are equally applicable to national fish hatchery areas.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 22, 1964.

[F.R. Doc. 64-833; Filed, Jan. 28, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 950]

IRISH POTATOES GROWN IN MAINE

Notice of Proposed Expenses

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses hereinafter set forth, which were recommended by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950), regulating the handling of Irish potatoes grown in Maine. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than 30 days following publication of this notice in the FEDERAL REGISTER. The proposal is as follows:

§ 950.211 Expenses.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and Order No. 950, both as amended, to enable such committee to perform its function under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1964 will amount to $14,379.00.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: January 24, 1964.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-898; Filed, Jan. 28, 1964; 8:55 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

METHOD OF COMPUTING CONSTRUCTION-DIFFERENTIAL SUBSIDY

Revision of Policy

Notice is hereby given that the Maritime Subsidy Board intends to revise its procedures for the determination of construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended. These new procedures will apply to all ship construction contracts hereafter executed by the Maritime Subsidy Board.

Under present law, a United States ship owner operating a United States flag ship with the aid of operating-differential subsidy is required to have his ships constructed in a United States shipyard. This owner, in turn, may receive a construction-differential subsidy to aid in the construction of a new ship to be used in the foreign commerce of the United States. This subsidy may equal, but not exceed, the difference between the bid of the United States shipbuilder constructing the ship and the fair and reasonable estimate of cost, as determined by the Maritime Subsidy Board, of constructing the proposed ship in a foreign shipbuilding center deemed by the Board to furnish a fair and representative example for determining this estimated foreign cost. It has been the practice of the Maritime Subsidy Board to compute the construction-differential subsidy on the basis of the estimated cost of building the ship in a single "fair and representative" foreign shipbuilding center, usually in the lowest cost responsible shipbuilding area.

The overall purpose of the construction-differential subsidy program, therefore, is to be as certain as possible that the American ship owner is not at a disadvantage in competition with foreign-flag operators. In administering this program, however, it is quite apparent that foreign ship owners in liner service who are in direct competition with United States operators frequently do not have their ships built at the lowest cost shipyard wherever it may appear in the world. They build their ships instead in their own shipyards to provide shipbuilding work in their own country (much as we do) or they build their ships in shipyards close to home to reduce the delivery and inspection costs that would be involved if the ship were built in some distant shipyard.

Therefore, in the interest of satisfying the major objectives of the construction-differential subsidy program, and to be as certain as possible that the Government's subsidy expense is not more than what is required to meet these objectives, the Maritime Subsidy Board believes it would be more "fair and representative" to estimate foreign shipbuilding costs not on a single shipyard basis but on the basis of a range of costs in yards throughout the world where the ship proposed by the United States operator could be built.

Accordingly, the Board intends to modify its present procedures to determine foreign shipbuilding costs by use of procedures described more fully below:

STEPS IN THE PROPOSED REVISED METHOD OF COMPUTING AND CALCULATING CONSTRUCTION-DIFFERENTIAL SUBSIDY

1. Identify the five leading foreign shipbuilding centers from the standpoint of volume of construction of vessels comparable in type to the proposed subsidized vessel. The volume of construction will be measured in terms of total tonnage under construction or on order in each shipbuilding center at the end of the calendar year preceding the year in which the proposed subsidized vessel(s) would be contracted for.

2. Prepare preliminary estimates of cost of construction of the proposed subsidized or similar vessel(s) in each of the five leading centers as determined in "1" above.

3. Calculate the weighted average of the five preliminary foreign cost estimates. The weighting would be on the basis of the relative tonnage of construction in each of the five centers.

4. Select the one foreign shipbuilding center where the preliminary estimated cost is closest to the weighted average as determined in "3" above.

5. Prepare refined cost estimate of the foreign cost of building the proposed subsidized vessel(s) in the foreign shipbuilding center identified in "4" above.

6. The subsidy rate would be based on the difference between the refined cost estimate derived in "5" above and the lowest responsible bid submitted by an American yard for the construction of the proposed subsidized vessel(s).

Interested persons may submit data, views or comments relative to this matter, in writing, in triplicate, addressed to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on February 28, 1964. The Maritime Subsidy Board will consider such written data, views or comments and take such action with respect thereto as in its discretion it deems warranted.

By order of the Acting Maritime Administrator/Maritime Subsidy Board.

Dated: January 27, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-953; Filed, Jan. 28, 1964; 8:56 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Special Provisions for Certain States

A document amending 41 CFR Part 50-204 to include radiation safety and health standards was published in the FEDERAL REGISTER on August 9, 1963 (28 F.R. 8208). On November 8, 1963, additional proposed amendments to the radiation safety and health standards were published (28 F.R. 11929). These are adopted in another document published in this issue of the FEDERAL REGISTER. It was provided, however, that application of the regulations to employers in the States of Arkansas, California, Kentucky, Mississippi, New York, or Texas, operating under licenses issued by those States would be withheld until appropriate orders are issued after opportunity is accorded such States to demonstrate why the regulations should contain special provisions for them.

Now, therefore, I hereby give notice of oral proceedings to be held at 10:00 a.m. on April 13, 1964, in the United States Department of Commerce Auditorium, on 14th Street between Constitution Avenue and E Street NW., Washington, D.C., before a hearing examiner appointed under section 11 of the Administrative Procedure Act, 5 U.S.C. 1010, for the purpose of receiving data, views, and argument concerning the question of what, if any, circumstances exist which warrant special provision for application in such States.

All persons wishing to be heard on this question shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., on or before March 31, 1964, notice of intention to appear which shall contain the following information:

(1) The name and address of the person appearing;

(2) If such person is appearing in a representative capacity, the name and address of the person or persons or organization he is representing;

(3) The substance of the position he intends to take; and

(4) The approximate length of time he will need for his presentation.

The oral presentations shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and related matters, and confine the proceedings to the terms of the aforementioned question. The hearing examiner shall have discretion to keep the record open to permit any person who participated in the oral presentations to submit additional data, views, and argument responsive to the oral presentations made by other persons. After the record has been closed, the hearing examiner shall certify it to me for final determination.

Signed at Washington, D.C., this 24th day of January 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-884; Filed, Jan. 28, 1964; 8:53 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 399]

[Economic Regulations; Docket 14148]

CHARTER TRIPS AND SPECIAL SERVICES; STATEMENTS OF GENERAL POLICY

Notice of Proposed Rule Making

JANUARY 23, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 207 of the Board's Economic Regulations to, inter alia, revise the limitations on the amount of charter trips which may be performed by combination carriers and all-cargo carriers and to revise Part 399 of its Policy Statements to delineate the roles of the all-cargo and supplemental carriers and to establish a policy favoring the purchase from all-cargo carriers of block space at wholesale rates by the combination carriers.

The principal features of the proposed amendments are set forth in the attached explanatory statement. The texts of the proposed rules are attached as well. The rules are proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754; 49 U.S.C. 1324, 1371).

Interested persons may participate in these rule-making proceedings through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before February 28, 1964, will be considered by the Board. In addition, all interested persons are invited to submit ten (10) copies of written data, views, or arguments pertaining solely to the communications to be filed by other persons pursuant to the invitation set forth above. All relevant communications of this nature received on or before March 15, 1964, will be considered by the Board before taking action.

Copies of all such communications will be available for examination by interested person in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 401 (e) of the Federal Aviation Act of 1958 authorizes the Board, to regulate the performance of charter trips or other special services of certificated route air carriers. This statutory provision is implemented by Part 207 of the Board's Economic Regulations. On July 10, 1962, the Congress enacted Public Law 87-528 which gave the all-cargo carriers a right to conduct passenger charters under regulations established by the Board, and also provided for the certification of supplemental air carriers to engage in charter operations.

On November 13, 1962, the Board issued a notice of proposed rule making,[2] to consider whether changes in Part 207 should be made in the light of the statutory amendments described above. The notice afforded an opportunity to all interested persons to submit their views on certain policy questions. Specifically the notice pointed out that under present Part 207 certain limitations are in force (1) governing the amount and frequency of off-route charter operations, and (2) prohibiting any foreign or overseas off-route charter over the route of another carrier unless prior approval has been obtained from that carrier or from the Board. Thus questions are raised whether these restrictions on the certificated combination and all-cargo route carriers should be modified in view of the role of supplemental air carriers as principally engaging in charter operations to supplement the scheduled services of the aforementioned carriers. The notice also raised the question (1) to what extent, if any, should the Board continue the policy maintained prior to enactment of Public Law 87-528 of excluding the certificated all-cargo carriers from general participation in the domestic passenger charter market; and (2) whether passenger charters of cargo carriers should be treated differently depending on whether or not they are "on-route" with reference to their cargo routes.

[1] Dissenting statements of Gurney and Gillilland, members, filed as part of original document.

[2] EDR-48, Docket 14148, Part 207—Charter Trips and Special Services.

Comments from 28 parties have been received in response to the notice of proposed rule making. Twelve combination carriers have filed comments. In the main they relate to passenger charters by all-cargo carriers and range from suggestions of outright prohibition of such charters to their being restricted as "off-route". Intermediate views are that these carriers should be limited to military passenger charters domestically or given authorization only on an individual application basis. Apart from this, several carriers comment that there should be no changes in Part 207 at this time or that there be no additional restrictions on combination carriers. Two carriers suggest that the "first refusal" of § 207.8 as it applies to overseas or foreign charters on routes of other carriers, be terminated.

Four all-cargo carriers have filed comments. They uniformly seek passenger charter authority almost without restriction as well as broad off-route cargo charter authority.

Nine supplemental air carriers have filed comments. The most frequent view expressed was that all charters by combination and all-cargo carriers—on-route or off-route, civil or military—should be placed under the volume limitations of § 207.5, with the provision that the all-cargo carriers should have somewhat broader authority.

Part 207 establishes restrictions on the use of charter authority by the route carriers. A route carrier is not restricted in the amount of charters it may offer over its own routes; it is limited in the amount of charters it can operate off-route.[3] During any calendar quarter, off-route charter mileage may not exceed 2½ percent of the revenue miles flown in scheduled services during the preceding 12-month period (§ 207.5). On an annual basis the permissible off-route charter mileage would thus be equivalent to about 10 percent of the mileage in scheduled service. A second restriction limits charters between points on another carrier's routes to a pattern that is irregular and infrequent (§ 207.7). Finally, if a foreign or overseas off-route charter is between points on some other carrier's routes, the consent of such carrier must be obtained or approval granted by the Board (§ 207.8). This is often referred to as the "first refusal" right.

In the light of the tremendous growth in normal route operations since Part 207 was enacted in 1951, the Part 207 restrictions come into play only infrequently in the civilian charter market insofar as the combination carriers are concerned. Thus, the relative charter volume and frequency of off-route charters is so limited that the restrictions of § 207.5 and § 207.7 are rarely faced. And in the case of overseas or foreign charters in the several instances where carrier consent has not been granted, the Board in recent years has almost invariably granted the necessary authority taking into account the chartering public's preference. Under these circumstances, we see little need for continuation of either the carrier consent provisions of § 207.8, or the frequency and regularity provisions of § 207.7. Moreover, there is certainly no over-all industry need for continuation of as high a volume limitation on off-route charters as that presently found in § 207.5. In fact, analysis of the off-route charter activity of 34 combination carriers for the 12-month period ended June 30, 1963 indicates that with the exception of 2 carriers, no combination carrier exceeded 1.5 percent of its scheduled revenue miles in civil off-route charters.

Certain basic facts about the industry are disclosed by the following tabulation for the 12 months ended June 30, 1963:

Class of carrier	Revenues (millions)			
	Total	Charter only		
		Total	Military	Commercial
Combination	$3,397	[1] $67	$42	$25
All-cargo	116	[2] 84	77	7
Supplemental	98	90	77	13
Total	3,611	241	196	45

[1] Approximately 63 percent of the related mileage involves off-route charters.

[2] Approximately one-quarter of the related traffic involves passenger transportation; about 98 percent of the related mileage involves off-route charters.

Several things are clear. First, for combination carriers as a class, charter traffic, especially off-route, represents a relatively small part of their total revenue. For the all-cargo carriers, charters especially for the military, have been the most substantial source of revenue. A similar conclusion is evident for the supplementals.

This fact takes on added significance in the light of the recently anounced intention of the Department of Defense in contracting for commercial airlift in fiscal 1965 and subsequent years to take account of a carrier's effort to reduce its relative dependency on military traffic by increasing its civil business.[4] As the Department points out, the purpose of this policy from its standpoint is to improve its emergency posture by assuring greater expansibility of airlift. It also has the further purpose of strengthening the national air transportation system so that it can better meet its multiple national objectives, including the interest of national defense. The Department also intends, insofar as is consistent with the maintenance of an adequate mobilization base, to contract with the carriers for services within the scope of their commercial operations.

In the light of the foregoing it appears reasonable to establish for the combination carriers an annual limitation on their off-route charter authority at two percent of their on-route revenue plane miles, provided that no more than one-third of such amount may be flown in any consecutive three-month period. For most carriers such a limitation would not involve any serious adverse effect upon established business resources, nor would it act to deprive unduly access of the Defense Department to needed charter airlift. We would, of course, anticipate reviewing this limitation from time to time, both from the standpoint of user interests as well as for its effect on the relative position of the various carrier classes in charter activity. There may be certain carriers who have made a substantial commitment of resources to off-route charter business. In such instances we would consider taking individual action designed to provide a transition period for such carriers. In addition, we would, of course, give favorable consideration to any indicated need for broader off-route charter authority for military operations in order to permit military contract awards to a carrier designed to maintain modern turbine equipment in the national mobilization base.

We now turn to the all-cargo carriers. Cargo transportation represents a link in a system or many systems of distribution. It is an integral part of the manufacturers or distributors commercial process. Cargo carriers, by the nature of their operations require an authority which will permit them to provide cargo service on a flexible basis from the points of industrial production to points where the goods are consumed. As a supplement to their certificated route operations we will permit the all-cargo carriers unlimited off-route cargo charter authority within the area of the certificated operations. By so doing the Board does not mean to deprecate the increased reliance the Department of Defense is placing upon the individually-waybilled service, both domestic and internationally, for movement of cargo in lieu of total reliance on charter services.

We believe that the major responsibility of the all-cargo carriers is to serve the public on their certificated routes. For this purpose we have encouraged, and will continue to encourage, government procurement of their services over their routes. We believe this purpose will be furthered by providing a regulatory climate in which they are free to provide contract services within the general area of their certificated authority.[5] We anticipate that as these operations develop they will contribute to a reshaping of the pattern of cargo service, and to the development of a sounder and more extensive route structure with broader benefits to the public.

We affirm our previous ruling that passenger charters are to be considered off-route for all-cargo carriers. We propose to place a limit of 2% of on-route revenue miles on passenger charters. We would anticipate granting exemption from the limitation on passenger charters should we be advised by the Department of Defense that it is required to maintain an equitable distribution of military business among the carriers.

[3] In the case of all-cargo carriers, any passenger charters between points for which the carriers hold cargo rights are nevertheless considered to be "off-route" since passenger services are not covered by the underlying certificate authority. See amendment No. 2 to Part 207 effective March 26, 1963.

[4] Department of Defense News Release No. 201-63, dated Feb. 13, 1963.

[5] For example, within the United States, each of the domestic certificated cargo carriers would be able to contract freely for the provision of charter service.

We encourage the use of blocked-space agreements between combination and all-cargo carriers. The normal facilitation of a shipper's business requires that a carrier offer space for large as well as small shipments. A combination carrier should be in a position to handle bulk cargo, as well as the small express-type packages normally moved in the belly of the combination aircraft. This purpose can be served with great benefit to both types of carriers by permitting a cargo carrier to sell guaranteed space to a combination carrier. All-cargo services of the combination carrier have been operated at substantial losses. This has had a twofold effect, (1) effective reduction of cargo rates has been impeded and (2) passenger fares subsidize all-cargo losses.

We also propose to subject the opportunity of the combination carriers to carry cargo charters off their route to the right of first refusal of the cargo carrier or carriers serving the area.[4] This will further assist in maintaining their role as cargo specialists in the national air route structure.

We turn now to the role of the supplemental carriers. As previously noted, the Congress in Public Law 87-528 established for the supplemental carriers the role of charter specialists. The supplemental carriers as a class are heavily dependent upon military charters. However, the military are concerned about the long-term continuation of this situation and propose to place increasing weight upon the volume of civil operations in awarding military airlift contracts. It can, therefore, be seen that providing an appropriate climate for the development of commercial charter traffic is vital for the future survival of this class of carrier. Moreover, we must recognize that these carriers are disadvantaged in major respects in competing with combination carriers for passenger charters or with cargo carriers for civil charter business.[5] For these reasons, it appears that a sound conclusion giving recognition to consumer interest, to the long-term development of our national air route structure, as well as the competing interest of the various classes of carrier is to subject the off-route passenger charter authority of the combination carriers to the first refusal of any supplemental carrier who will offer the charterer comparable equipment.

For the implementation of this policy we shall place responsibility upon the combination carrier to contact any supplemental carrier who shall have first advised it of its available equipment and of its interest in providing passenger charters in the area involved. We are hopeful that these provisions will lead to a close partnership between the combination carriers and the supplementals through which the latter will provide a better public service to a broader part of the public than have heretofore obtained effective charter service in the United States.

The Civil Aeronautics Board proposes to amend Part 207 of the Economic Regulations (14 CFR Part 207) as follows:

1. By adding a new § 207.1(d) to read:

(d) "Combination carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2) which authorizes the carriage of persons, property and mail or persons and property only.

2. By adding a new § 207.1(e) to read:

(e) "All-cargo carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2), which authorizes the carriage of property only or property and mail only.

3. By adding a new § 207.1(f) to read:

(f) "On-route" shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to either its certificate of public convenience and necessity or exemption authority: *Provided, however,* That passenger charter trips by any all-cargo carrier are not considered to be on-route whether or not they are performed between points designated to receive service by such carrier in its certificate of public convenience and necessity, except that in the event services are performed pursuant to a contract with the Department of Defense or an agency thereof, by an all-cargo carrier between points designated to receive service by such carrier in its certificate of public convenience and necessity which (1) involves cargo transportation in one direction and passenger transportation in the other direction or (2) involves a mixed charter, the passenger charter leg or the mileage operated in the mixed charter, as the case may be, will be considered on-route. "Off-route" shall refer to any charter which is not on-route.

4. By adding a new § 207.1(g) to read:

(g) "Base Revenue Plane Miles" means revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

5. By adding a new § 207.1(h) to read:

(h) "Mixed charter" means a charter trip in which passengers and cargo are carried on the same flight.

6. By amending § 207.5 to read as follows:

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall not during any calendar year perform off-route charter trips which in the aggregate, on a revenue plane mile basis, exceed 2 percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That no more than one-third of such 2 percent amount shall be flown by said carrier in any consecutive 3-month period.

7. By adding a new § 207.6 to read:

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

(a) An all-cargo carrier shall not during any calendar year perform any off-route charters (other than all-cargo charters) which in the aggregate, on a revenue plane mile basis, exceed 2 percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That no more than one-third of such 2 percent amount shall be flown by said carrier in any consecutive 3-month period.

(b) An all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations (as defined in § 207.9(d)(1)(2)(3)(4)), without any limitation as to volume of service.

8. By abolishing the following sections:

(a) Present § 207.7,
(b) Present § 207.8,
(c) Present § 207.10,
(d) Present § 207.11,
(e) Present § 207.12,
(f) Present § 207.13.

By renumbering the following sections:

(a) Present § 207.6 as § 207.7,
(b) Present § 207.9 as § 207.8.

By adding a new § 207.9 to read as follows:

§ 207.9 First refusal rights of all-cargo and supplemental air carriers.

(a) A combination carrier shall not perform any off-route cargo charter trips between points within the area of operations of any all-cargo carrier, as defined in paragraph (d) of this section, unless (1) the consent in writing therefor of such cargo carrier has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or (2) the Board grants authority to conduct the charter trip upon a finding that the public interest so requires.

(b) No combination carrier shall perform any off-route passenger charter trip between any pair of points or within any areas designated in a statement served upon it by a supplemental air carrier in accordance with paragraph (c) of this section, where such trip is to be performed with equipment comparable to that offered in such statement, and on dates covered by such statement, unless (1) the consent in writing therefor of such supplemental air carrier has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or (2) the Board grants authority to conduct the charter trip upon a finding that the public interest so requires.

(c) Any supplemental air carrier desiring to render itself eligible for the privileges conferred by paragraph (b) of this section may file with any combination carrier a statement setting forth (1) that he is willing and able to provide charter air transportation between such points or within such areas as are designated in the statement, (2) the aircraft type or types and seating capacities operated by the carrier which are available to perform such transportation, and (3) the dates, covering a period not to exceed three months from the date of mailing of such statement, on which the supplemental air carrier holds out to furnish such charter trips.

(d) Within the meaning of paragraph (a) of this section, the areas of operations of the all-cargo carriers are the following:

(1) Within the 48 contiguous States—Slick Airways, Inc., Flying Tiger Line, Inc., and Riddle Airlines, Inc.
(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc., and
(3) Between the 48 contiguous States and Puerto Rico-Riddle Airlines, Inc.
(4) Between the 48 contiguous States on the one hand and the Caribbean, Central and South America on the other hand—Aerovias Sud Americana, Inc.

(e) Within the meaning of this section two aircraft types are comparable if:

(1) The aircraft types are the same class, i.e., piston aircraft, turbine propeller aircraft, or pure jet aircraft.

(2) There is a deviation of no more than 20 percent between the seating capacity of the aircraft type proposed for operation by the supplemental carrier and that proposed for operation by the combination carrier.

(3) The aircraft type operated by the supplemental carrier has sufficient seating capacity to transport the charter group in question.

It is proposed to amend Part 399 of the Board's Regulations, 14 CFR Part 399, by adding a new § 399, to read:

§ 399. Pooling arrangements of certificated air carriers.

It is the policy of the Board to permit the all-cargo carriers to sell blocked space at wholesale rates to such combination carriers as may choose to do so to provide service between the certificated points of the combination carrier involved.

[F.R. Doc. 64-868; Filed, Jan. 28, 1964; 8:53 a.m.]

[4] For this purpose, we would define the area of service of the cargo carriers broadly to include operations within the geographic area served.

[5] We recognize that at least one supplemental carrier developed a substantial cargo contract business. However, the operation is not a charter one and its development took place many years ago at a time prior to full development of the resources and market ability of the all-cargo carriers. The only other supplemental which has had a substantial volume of civil cargo charters has not had to contend with an effective cargo carrier competitor in its area.

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-135]

FEDERAL AIRWAY

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 217 is designated in part from Green Bay, Wis., to Rhinelander, Wis. The Federal Aviation Agency is considering extending Victor 217 from Rhinelander direct to the Duluth, Minn., VORTAC and expanding the width of this airway segment to 13 miles from 45 nautical miles from Rhinelander to 45 nautical miles from Duluth.

The extension of Victor 217 as proposed herein would provide a connecting airway between two permanently certificated air carrier stops. The increased width would provide additional protection for aircraft when operating along this airway at more than 45 nautical miles from Rhinelander and Duluth.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-804; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-142]

FEDERAL AIRWAY AND TRANSITION AREA

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 108 extends in part from Hill City, Kansas, via the intersection of the Hill City 093° and the Salina, Kansas, 286° True radials to Salina. The latest FAA IFR peak day airway traffic survey shows two aircraft movements along this segment of Victor 108. Therefore, it appears that the retention of this portion of the airway is unustified as an assignment of airspace and the FAA proposes its revocation.

A portion of the Salina transition area northwest of Salina is bounded by the north boundary of Victor 108 from Salina to Longitude 98°30'00" W.

The proposed revocation of this segment of Victor 108 would necessitate an alteration of the Salina transition area. To provide adequate controlled airspace to accommodate Schilling AFB IFR operations in the airspace encompassed by the eastern portion of the segment of Victor 108 proposed for revocation, the boundary of the Salina transition area would be redefined as a line five miles south of and parallel to the Salina 286° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-806; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-98]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an

amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 435 is designated from Rosewood, Ohio, via Attica, Ohio; to Carleton, Mich. The Federal Aviation Agency is considering the revocation of the segment from Attica to Carleton. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 435 shows a maximum of one aircraft movement between Attica and Carleton. Therefore, it would appear that this airway segment is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-806; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-104]

FEDERAL AIRWAYS

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 153 is designated in part from the intersection of the Hartford, Conn., 223° and the La Guardia, N.Y., 059° True radials (Sound Intersection) to La Guardia. VOR Federal airway No. 863 northbound preferred route between New York, N.Y., and Boston, Mass., is designated from the INT of Idlewild, N.Y., 042° and Riverhead, N.Y., 307° True radials via the INT of Hartford, Conn., 223° and the Trinity, N.Y., 093° True radials; INT of the Trinity 093° and Norwich, Conn., 227° True radials; Norwich; to Boston, Mass.

The FAA is considering the following airspace actions:

1. Extend V-153 airway from the Sound Intersection direct to Madison, Conn.

2. Redesignate V-863 airway from La Guardia, N.Y., via Madison; Norwich; to Boston.

The extension of V-153 would provide the completing airway segment which will be utilized by aircraft operating via the proposed redesignated V-863 preferred route between La Guardia Field and Boston.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-807; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-EA-106]

FEDERAL AIRWAY

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 167 is designated in part from Colts Neck, N.J., to Idlewild, N.Y. The Federal Aviation Agency is considering the designation of an additional segment to this airway to extend from La Guardia, N.Y., via the intersection of La Guardia 034° and Hartford, Conn., 246° True radials; to Hartford.

The preferred route from Boston, Mass., to La Guardia is via VOR Federal airway No. 875 to its intersection with the La Guardia 046° magnetic radial (034° T), thence to Stamford Intersection. The portion of this preferred route between Victor 875 and Stamford is off airways. The action proposed herein would improve air traffic service and flight planning by providing airways for the entire preferred route.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-808; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-84]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 134 is designated in part from Tuskegee, Ala., via the intersection of the Tuskegee 053° and the Columbus, Ga., 011° True radials; intersection of the Columbus 011° and the Atlanta, Ga., 233° True radials; to Atlanta. The latest FAA peak day airway traffic survey shows no aircraft movements on this airway segment. Therefore, it appears that this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave., SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 22, 1964.

MICHAEL J. BURNS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-810; Filed, Jan. 28, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 3067]

AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series Aircraft

Amendment 284, 26 F.R. 4051, AD 61-10-3, requires repetitive inspections of the main landing gear cylinder torque link attach lugs on Fairchild Model F-27 Series aircraft, and repairs within specified limits until such time as a FAA approved permanent modification is developed and installed. Since the issuance of Amendment 284, it has been determined that the AD should be made applicable to additional parts. It has also been determined that in certain instances repetitive inspections may be alleviated without adversely affecting safety. A provision is also being made for operators to compute their compliance in terms of landings rather than hours' time in service, based on a landing frequency of two landings per hour. Therefore, it is proposed to supersede Amendment 284 with a new directive to incorporate these changes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 1, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

FAIRCHILD. Applies to all Model F-27 Series aircraft with Dowty main landing gear outer cylinders P/N's 9010Y3, 9017Y1, 200020.609, 2.00021.241, 200021.276, 200042.202, 2.00042.303, 2.00042.601, and 2.00042.618.

Compliance required as indicated.

Due to failures of main landing gear outer cylinder torque link attach lugs, to which the upper torque link, Dowty P/N C9027Y3 is attached, the following measures are required:

(a) Outer cylinders which have accumulated 8,000 landings as of the effective date of this AD, but have not been modified in accordance with either Fairchild Service Bulletin No. 32-41A dated April 5, 1961, or Dowty Service Bulletins No. 32-15 dated October 1961, or No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (a)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD, unless already accomplished within the last 250 landings, and every 300 landings after such inspection.

(3) If cracks are found the following shall be accomplished:

(i) A crack that can be removed by reworking the outer cylinder in accordance with Fairchild Service Bulletin No. 32-41A dated April 5, 1961, or Dowty Service Bulletin No. 32-15 dated October 1961 or No. 32-11 issued August 1961, revised December 1962; or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be removed before further flight, or that cylinder must be replaced before further flight.

(ii) If the crack cannot be removed as specified in (a)(3)(i), that cylinder must be replaced before further flight.

(b) Outer cylinders modified in accordance with Fairchild Service Bulletin No. 32-41A dated April 5, 1961, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (b)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD unless already accomplished within the last 250 landings, and every 300 landings after such inspection.

(3) If cracks are found the following shall be accomplished:

(i) A crack that can be removed by reworking the outer cylinder in accordance with Dowty Service Bulletin No. 32-15 dated October 1961, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be removed before further flight, or that cylinder must be replaced before further flight.

(ii) If the crack cannot be removed as specified in (b)(3)(i), that cylinder must be replaced before further flight.

(c) Outer cylinders modified in accordance with Dowty Service Bulletin No. 32-15 dated October 1961 or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (c)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD unless already accomplished within the last 250 landings, and every 300 landings after such inspection.

(3) If cracks are found, that cylinder must be replaced before further flight.

(d) Outer cylinders modified after the accumulation of 7,000 landings, in accordance with Dowty Service Bulletin No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, must be inspected as follows:

(1) Conduct a daily visual inspection for cracks in the vertical radii on the inboard and outboard sides of the main cylinder lug.

(2) Inspect the area specified in (d)(1) using dye penetrant method or FAA approved equivalent inspection within the next 50 landings after the effective date of this AD unless already accomplished within the last 650 landings, and every 700 landings after such inspection.

(3) If cracks are found, that cylinder must be replaced before further flight.

(e) Outer cylinders modified prior to the accumulation of 7,000 landings in accordance with Dowty Service Bulletin No. 32-11 issued August 1961, revised December 1962, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, are not required to be inspected under this AD.

(f) Compliance with this AD requires operators to maintain a record of landings. Where past records of landings have not been maintained or are unavailable, the number of landings prior to the effective date of this AD shall be estimated by substituting two (2) landings for each hour of time in service.

(g) Compliance inspection times and effectivity paragraphs, specified in the service bulletins discussed herein, must be disregarded.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior ap-

proval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 284, 26 F.R., 4051, AD 61-10-3.

Issued in Washington, D.C., on January 21, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-801; Filed, Jan. 28, 1964; 8:45 a.m.]

[14 CFR Part 514]

[Reg. Docket No. 2073; Notice No. 63-44A]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS AND APPLIANCES

Notice of Proposed Rule Making: Extension of Comment Period

In the notice of proposed rule making on TSO-C63a airborne weather and ground mapping radar operating within the radio-frequency bands of 5,350 to 5,470 mc. and 9,300 to 9,500 mc., Notice No. 63-44, published in the FEDERAL REGISTER on November 28, 1963 (28 F.R. 12669), it was stated that consideration would be given to all relevant comments received on or before January 13, 1964.

It has subsequently been determined that the proposed standard for TSO-C63a was not readily available on the date that the proposal was published in the FEDERAL REGISTER. For this reason, the specified comment date of January 13, 1964, did not afford interested persons sufficient time within which to submit their comments.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on proposed TSO-C63a (Notice 63-44) will be received is extended to February 15, 1964.

Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All comments submitted will be available, both during and after the comment period, in the Docket Section for examination by interested persons.

Issued in Washington, D.C., on January 21, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-811; Filed, Jan. 28, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 179]

[No. 32339]

TRANSFERS OF RIGHTS TO OPERATE AS A MOTOR CARRIER IN INTERSTATE OR FOREIGN COMMERCE

Notice of Proposed Rule Making

JANUARY 17, 1964.

In view of the decision of Ralph A. Veon, Inc., Contract Carrier Application, 92 M.C.C. 248, the Commission has decided that an amendment to the rules and regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, prescribed under section 212(b) of the Interstate Commerce Act, as revised August 9, 1960, and supplemented January 23, 1963, will more effectively promote the public interest and the national transportation policy as declared in said Act and aid in its administration.

Accordingly, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), notice is hereby given of a proposed amendment of said transfer rules by the addition of a paragraph, to be designated § 179.5(h), to follow paragraph (g) in § 179.5, reading substantially as follows:

(h) Unless unusual circumstances are found by the Commission to necessitate such a transfer, the Commission will not approve a transfer of operating rights to a person engaged in a business enterprise other than for-hire transportation if such person transports property by motor vehicle in interstate or foreign commerce for business purposes within the scope, and in furtherance, of a primary business enterprise (other than transportation) of such person.

No oral hearing is contemplated on the proposed amendment to the rules, but anyone wishing to make representations in favor of or against the proposals may do so through the submission of written data, views, or arguments. The original and fourteen copies of such submission shall be filed with the Commission on or before April 1, 1964.

Notice to the general public of the proposed amendment to the rules shall be given by depositing a copy thereof in the office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register. Publication of this notice of proposed rule making is principally for the purpose of securing views of interested persons and does not mean that the proposed amendment will be adopted necessarily in the form proposed.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-861; Filed, Jan. 28, 1964; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 363]

ARIZONA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

JANUARY 23, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., February 28, 1964:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 23 E.,
Sec. 1, lots 1 to 5, inclusive, and SW¼ NW¼;
Sec. 4 to 11, inclusive.
Sec. 12, lots 1, 2, 3, 4, 5, and S½SW¼;
Secs. 13, 14, 15, and secs. 17 to 36, inclusive.

The areas described aggregate 20,128.62 acres.

2. The lands described above vary from low rolling foothills to mountainous terrain cut by numerous washes. Most of the soil is a rocky or sandy clay loam.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 23 E.,
Secs. 32 and 36.

The areas described aggregate 1,280.00 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the non-mineral public land laws presented prior to 10:00 a.m., on February 28, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-886; Filed, Jan. 28, 1964; 8:53 a.m.]

[Group 377]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JANUARY 22, 1964.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., February 27, 1964:

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 10 W.,
T. 42 N., R. 10 W.,
T. 41 N., R 11 W.,
T. 42 N., R. 11 W.,
Sec. 33, lots 1, 2, 3, 4, and S½;
Sec. 34, lots 1, 2, 3, 4, and S½;
Sec. 35, lots 1, 2, 3, 4, and S½.

The areas described aggregate 50,682.54 acres of public land.

2. In Tps. 41 N. and 42 N., R. 10 W., the lands described vary from nearly level land to low rolling hills cut by numerous washes and gullies. Most of the soil is gravelly and rocky. Some areas have a rocky clay loam. In Tps. 41 N. and 42 N., R. 11 W., the terrain varies from nearly level land to steep broken mountains cut by many washes and draws. The soil is mostly rocky with some gravel or sandy clay loam areas.

3. All rights of the State of Arizona on the following lands have been conveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 10 W.,
Secs. 2, 16, 32, and 36.
T. 42 N., R. 10 W.,
Secs. 32 and 36.
T. 41 N., R. 11 W.,
Secs. 2, 16, 32, and 36.

The areas described aggregate 5,934.12 acres.

4. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 5 below. No application for these lands will be allowed under the nonmineral public land laws, unless, or until, the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on February 27, 1964 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-835; Filed, Jan. 28, 1964; 8:48 a.m.]

Office of the Secretary

LANDS IN SUN RIVER WINTER ELK RANGE, MONTANA

Notice of Approval of Classification Agreement

Notice is hereby given that representatives of the Bureau of Land Management and the Bureau of Sport Fish-

eries and Wildlife of this Department and of the Montana Department of Fish and Game have, in accordance with the regulations 43 CFR 192.9, agreed that the following-described lands shall not be subject to oil and gas leasing, such activities being incompatible with the management thereof for wildlife conservation purposes. Group I comprises the lands in the Sun River project in which both the surface and the mineral interests are federally-owned, whereas the lands identified in Group II are former public domain lands which were patented under the public land laws with a reservation of the oil and gas deposits therein to the United States.

GROUP I

MONTANA PRINCIPAL MERIDIAN

T. 21 N., R. 8 W.,
Sec. 1, lot 3, SE¼NW¼, and E½SW¼;
Sec. 2, lots 3 & 4, S½NW¼, SW¼SW¼, and E½SE¼;
Sec. 11, E½NE¼, SW¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 12, NE¼SW¼;
Sec. 14, NW¼NE¼;
Sec. 18, lots 1 to 12 inclusive, and SW¼NE¼;
Sec. 19;
Sec. 20, lots 1 to 11 inclusive, and SW¼SW¼;
Sec. 23, SW¼NE¼;
Sec. 29, W½NW¼, SE¼NW¼, and SW¼;
Sec. 30;
Sec. 31, NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 32, lots 3 & 4, lots 8 to 11 inclusive, and NW¼NW¼;
Sec. 35, NE¼NW¼.

GROUP II

MONTANA PRINCIPAL MERIDIAN

T. 21 N., R. 8 W.,
Sec. 1, lots 1, 2, 3, 6, 7, SW¼NE¼, W½SE¼;
Sec. 2, lots 1 and 2, S½NE¼, NW¼SW¼, W½SE¼;
Sec. 3, S½NE¼, NE¼SW¼, NW¼SE¼, E½SE¼;
Sec. 4, lots 1, 2, 3, 4, S½NE¼, W½SW¼, SE¼;
Sec. 5, lot 1, E½SE¼;
Sec. 6, SW¼NE¼, NW¼SE¼;
Sec. 7, lot 3;
Sec. 8, NW¼SW¼;
Sec. 9, NW¼NE¼, S½NE¼;
Sec. 10, E½NW¼, NE¼, NW¼SE¼, E½SE¼;
Sec. 11, NW¼NW¼, W½SW¼, SE¼SW¼, W½NE¼;
Sec. 13, lots 1, 2, 3, 4, W½E½, NW¼;
Sec. 18, lots 1, 2, 4, NE¼NW¼, S½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 14, N½NW¼, SW¼NW¼, SE¼NE¼;
Sec. 15, NE¼NE¼, S½N½;
Sec. 17, NW¼NW¼, SW¼NE¼, E½SE¼, SE¼SW¼;
Sec. 18, NE¼NE¼;
Sec. 20, NW¼NE¼, S½NE¼;
Sec. 21, SE¼NW¼, N½SE¼;
Sec. 23, E½NE¼, NW¼NW¼, S½NW¼;
Sec. 28, SW¼NW¼, E½NE¼;
Sec. 24, lots 1, 4, NW¼NE¼, NW¼, SW¼SE¼;
Sec. 25, NW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 26, NW¼NE¼, NE¼NW¼;
Sec. 27, SW¼SE¼;
Sec. 29, E½, NE¼NW¼;
Sec. 31, lots 1, 2, 3, 4, SE¼SW¼;
Sec. 32, lots 1, 2, 5, 6, 7, SE¼;
Sec. 33, NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 34, lot 1, NE¼SE¼, SE¼NE¼, NE¼NW¼;
Sec. 35, lots 1, 4, SE¼NE¼, N½SE¼, SW¼NW¼, NW¼SW¼.

1. The lands described in Group I, containing a total of 4,144.83 acres, were withdrawn by Public Land Order 766 of November 23, 1951, and were made available for the use and control of the Montana Department of Fish and Game by a Cooperative Agreement effective May 19, 1952, under the provisions of the Coordination Act (60 Stat. 1080).

2. The lands described in Group II, containing a total of 6,807.16 acres, are patented lands in which the oil and gas deposits are owned by the United States. A majority of these tracts have been acquired by the Montana Department of Fish and Game and, together with certain State-owned school lands, some privately-owned lands which are leased, and the withdrawn public domain lands, comprise the 20,000-acre Sun River Winter Elk Range.

3. This project provides winter range for about 3,000 head of elk that summer on the adjacent National forest lands. This elk herd is very wild due to the isolation of the summer range and, therefore, particularly susceptible to disturbances.

4. In accordance with the regulations 43 CFR 192.9(b)(3), the classification agreement closing to oil and gas leasing the public lands withdrawn by Public Land Order 766 for the Sun River Winter Elk Range and described in Group I is hereby approved. It has also been determined that the leasing of the oil and gas deposits owned by the United States in the patented lands within this elk range area, described in Group II, would be incompatible with the use and development of the range. Therefore such reserved oil and gas deposits will not be subject to lease.

5. Any oil and gas lease offers for the lands described in this notice which have been suspended pursuant to the regulations 43 CFR 192.9(d), pending completion and approval of this classification agreement, will be rejected. Any oil and gas lease which is outstanding on these lands shall continue in force and effect for the term thereof, unless sooner relinquished or terminated; however, no such lease which was issued prior to the enactment of Public Law 86-705 on September 2, 1960, shall be granted an extension under the provisions of § 192.120, 43 CFR, except in the circumstances prescribed in subparagraph (d) thereof.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 22, 1964.

[F.R. Doc. 64-836; Filed, Jan. 28, 1964; 8:48 a.m.]

HUBBELL CARPENTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 17, 1964.

Dated: January 17, 1964.

HUBBELL CARPENTER.

[F.R. Doc. 64-837; Filed, Jan. 28, 1964; 8:48 a.m.]

CHARLES R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1964.

Dated: January 13, 1964.

CHARLES R. LEEVER.

[F.R. Doc. 64-838; Filed, Jan. 28, 1964; 8:48 a.m.]

JOHN LAWRENCE McNEALEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) None.
(4) None.

This statement is made as of January 17, 1964.

Dated: January 17, 1964.

JOHN LAWRENCE McNEALEY.

[F.R. Doc. 64-839; Filed, Jan. 28, 1964; 8:48 a.m.]

CHARLES S. McNEER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 16, 1964.

Dated: January 16, 1964.

CHARLES S. McNEER.

[F.R. Doc. 64-840; Filed, Jan. 28, 1964; 8:49 a.m.]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 6, 1964.

Dated: January 6, 1964.

CHARLES W. WATSON.

[F.R. Doc. 64-841; Filed, Jan. 28, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-163]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the "SS Mormacguide," which is under time charter to States Marine Lines, Inc., for a period of about three to five months from September 17, 1963, to load lumber and/or lumber products, commencing about February 9, 1964, for carriage on one eastbound voyage from U.S. North Pacific ports to U.S. Atlantic ports.

This application may be inspected by interested parties in the Hearing Examiners' Office, Maritime Subsidy Board/Maritime Administration.

A hearing on the application has been set for February 5, 1964, at 10:00 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on February 4, 1964 notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on February 4, 1964, will not be granted in this proceeding.

By order of the Maritime Administrator.

Dated: January 27, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-937; Filed, Jan. 28, 1964; 8:56 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3999 etc.]

ASSOCIATED OIL & GAS CO. ET AL.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Substituting Parties, Amending and Terminating Certificates, Permitting and Approving Abandonment of Service, Cancelling Docket Numbers, Accepting and Redesignating Related Rate Schedules for Filing

JANUARY 20, 1964.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on January 16, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3999, G-5089, G-11922, G-12112, G-12440, CI60-467, CI62-555, CI62-660, CI62-988, CI62-1521, CI63-128, CI63-290, CI63-1124 and CI63-1288 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules as designated or redesignated in the tabulation herein, should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable

and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-5089, G-11922, G-12112, CI62-555, CI62-660, CI62-1521, CI63-290, CI63-1124 and CI63-1288 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate heretofore issued in Docket No. CI63-128 is hereby amended by deleting therefrom authorization granted herein, in Docket No. CI64-635.

(G) The certificates heretofore issued in Docket Nos. CI60-467 and CI62-988 are hereby amended to reflect the change in operators and the redesignation of rate schedules as indicated in the tabulation herein.

(H) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G-3999 and G-12440 are hereby amended by sustituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The certificates heretofore issued in Docket Nos. G-4515, G-5089 G-9428, G-14222 and C162-118 are hereby terminated.

(K) Docket Nos. CI62-372 and CI64-640 are hereby cancelled.

(L) All FPC Gas Rate Schedules relating to the abandonment of service and the deletion of acreage permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(M) The respective related rate schedules as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the date indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-3999 E 11-26-63	Associated Oil & Gas Co. (successor to the Nueces Co.).	Tennessee Gas Transmission Co., Agua Dulce Field, Nueces County, Tex.	The Nueces Co., FPC GRS No. 1.	15	
			Supplement Nos. 1-9	15	1-9
			Notice of succession 11-19-63.		
			Assignment 11-14-63 [2]	[1] 15	10
G-5089 D 1-30-61	Shell Oil Co	Phillips Petroleum Co., Panhandle Field, Gray County, Tex.	Notice of cancellation [3] [4]	185	2
G-11922 [5] C 11-23-62	Humble Oil & Refining Co.	Panhandle Eastern Pipe line Co., Taloga Field, Morton County, Kans.	Supplemental agreement 4-5-62.	204	6
			Letter agreement 10-5-62.	204	7
G-12440 E 11-26-63	Cloris Dale (Operator), et al. (successor to Walter Kuhn (Operator), et al.).	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	Walter Kuhn (Operator), et al., FPC GRS No. 54.	1	
			With supplement Nos. 1-9.	1	1-9
			Notice of succession 11-21-63.		
G-14222 B 11-21-63	Pan American Petroleum Corp.	Texas Gas Gathering Corp., Lake St. John Field, Tensas Parish, La.	Assignment 10-9-63 [3]	1	10
			Notice of cancellation 11-19-63. [4] [7]	217	3
CI60-467 11-18-63 [8]	Graridge Corp. (Operator), et al. (formerly Arthur I. Ginsberg, Trustee (Operator), et al.).	Tennessee Gas Transmission Co., Southeast Tomball Field, Harris County, Tex.	Arthur I. Ginsberg, Trustee (Operator), et al., FPC GRS No. 1.	10	
			Notice of succession 11-13-63.		
			Effective date: Date of change of operator 1-1-62.		
CI60-586 [9] A 5-6-60 4-25-62 [10] D 6-4-63	Falcon Seaboard Drilling Co. (Operator), et al.	Transwestern Pipeline Co., Kiowa Creek Field, Lipscomb County, Tex.	Contract 3-25-60 [6]	7	
			Letter agreement 4-10-63	7	1
			Letter agreement 4-23-63.	7	2
			Letter agreement 4-29-63.	7	3
D 11-8-63			Letter agreement 9-5-63.	7	4
			Effective Date: 12-9-63.		
CI62-372 (G-12112) A 10-9-61 [11]	Petroleum, Inc. (Operator), et al.	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	Supplemental agreement 8-25-61. [3]	[12] 6	3
CI62-555 C 11-29-62	Graham-Michaelis Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	Supplemental agreement 12-17-62. [4]	50	2
CI62-660 C 11-27-62	James C. Sherrill, et al.	Colorado Interstate Gas Co., West Panhandle Field, Potter County, Tex.	Supplemental agreement 11-12-63. [3]	1	5
CI62-783 A 1-15-62	Pan American Petroleum Corp.	Western Gas Service Co., Guymon-Hugoton Field, Beaver County, Okla.	Contract 10-15-54	327	
			Letter 8-8-60 [4]	327	1
CI62-988 [4] E 11-18-63	Ainslie Perrault (Operator), et al. (formerly Wilshire Oil Co. of Texas (Operator), et al.).	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Wilshire Oil Co. of Texas (Operator), et al., FPC GRS No. 2.	2	
			Notice of succession 11-16-63.		
			Effective date: Date of change of operator 8-1-63.		
CI62-1521 C 11-6-63	Socony Mobil Oil Co., Inc.	El Paso Natural Gas Co., San Juan Basin Field, San Juan County, N. Mex.	Supplement agreement 10-10-63. [3]	314	7
CI63-124 A 7-26-62	Reaves and Myers (Operator), et al.	Texas Eastern Transmission Corp., Goebel Field, Live Oak County, Tex.	Socony Mobil Oil Co., Inc., FPC GRS No. 29.	1	
			Supplement Nos. 1-15	1	1-15
			Notice of succession 8-16-62.		
			Assignment 4-3-62	1	16
			Assignment 4-20-62 [3]	1	17
CI63-1124 C 11-7-63	Wrico Drilling Co. (Operator), et al.	Cities Service Gas Co., acreage in Cowley County, Kans.	Amendatory agreement 8-16-63. [6]	1	1
CI63-1288 G 11-18-63	J. C. Trahan, Drilling Contractor, Inc.	Arkansas Louisiana Gas Co., Lick Creek Field, Claiborne Parish, La.	Supplemental agreement 10-16-63. [3]	25	3
CI64-488 (G-14222) B 10-28-63	Amerada Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Mission Bridge Area, Victoria County, Tex.	Notice of cancellation 11-29-63. [4] [7]	66	2
CI64-612 A 11-20-63	Signal Oil and Gas Co., Operator.	Cities Service Gas Co., Fox Gasoline Plant, Sho-Vel-Tum, Healdton, North Orr, and Joiner City Fields, Carter, Stephens and Jefferson Counties, Okla.	Contract 7-23-63 [6]	30	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-613 A 11-20-63	Commonwealth Gas Corp.	Columbian Fuel Corp., Elk District, Kanawha County, W. Va.	Contract 11-19-63 [1] [2]	12	
CI64-620 A 11-26-63	Severino P. Severino, et al.	Lake Shore Pipe Line Co., Conneaut Township, Erie County, Pa.	Contract 10-8-63 [6]	1	
CI64-622 A 11-26-63	The Shamrock Oil and Gas Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 9-6-63 [6]	43	
CI64-628 (G-9428) B 11-26-63	Sam Sklar, et al.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Notice of cancellation 11-21-63. [4] [13]	1	11
CI64-629 (G-4515) B 11-26-63	Bennett's Valley Development Co.	New York State Natural Gas Corp., Benezette Township, Elk County, Pa.	Notice of cancellation 11-14-63.	1	3
			Notice of cancellation 11-14-63. [4] [7]	2	2
CI64-630 A 11-26-63	Star Gas Co	Cabot Corp., Sherman District, Calhoun County, W. Va.	Contract 8-23-63 [6]	22	
CI64-632 A 11-26-63	Thomas N. Berry & Co.	Cities Service Gas Co., East Goodnight Field, Lincoln County, Okla.	Contract 11-8-63 [6]	3	
CI64-634 (CI62-118) B 11-29-63	Humble Oil & Refining Co.	Northern Natural Gas Co., Dude Wilson Field, Ochiltree County, Tex.	Notice of cancellation (undated). [4] [7]	275	2
CI64-635 (CI63-128) A 11-29-63	Tommy Ward Drilling Co. (partial succession).	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Contract 6-10-62	5	
			Supplemental agreement 12-9-62.	5	1
			Assignment 12-5-62 [10]	5	2
CI64-636 A 11-29-63	Howard W. Sharpley, et al.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Contract 9-18-63 [6]	1	
CI64-637 A 11-29-63	Thomas Jordan, Inc.	Texas Eastern Transmission Corp., Reeves Field, Allen Parish, La.	Contract 8-28-63 [6]	2	
CI64-639 A 11-29-63	Sunray DX Oil Co., (Operator), et al.	Texas Gas Transmission Corp., Egan Field, Acadia Parish, La.	Ratification 10-25-63	243	
			Contract 12-1-51	243	1
			Letter agreement 11-1-51.	243	2
			Supplemental agreement 12-1-51.	243	3
			Letter agreement 11-18-54.	243	4
			Supplemental agreement 9-23-57.	243	5
			Letter agreement 5-18-62. [6]	243	6
CI64-640 (CI63-290) A 11-29-63 [14]	Mountain States Natural Gas Corp.	El Paso Natural Gas Co., Basin Dakota Field, LaPlata County, Colo.	Supplemental agreement 11-14-63. [6]	6	3
CI64-641 A 11-29-63	Jake L. Hamon (Operator), et al.	Northern Natural Gas Co., L. E. Graff Unit, Beaver County, Okla.	Contract 9-27-63 [6]	40	
CI64-645 A 12-2-63	Big Run Oil & Gas Co., et al. d/b/a Theodore Lockhard Well No. 1.	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	Contract 9-25-63 [6]	3	
CI64-646 A 12-2-63	Cimarron Exploration, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., Borchers NE. Field, Meade County, Kans.	Contract 11-5-63 [6]	1	
CI64-647 A 12-3-63	George L. Yaste d/b/a Oil States Sales Co.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Contract 11-19-63 [6]	12	
CI64-648 A 12-2-63	Sun Oil Co	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Contract 10-16-63	165	
			Letter agreement 10-23-63. [3]	165	1
CI64-651 A 12-2-63	Boyd Oil and Gas Co	United Fuel Gas Co., Harvey District, Mingo County, W. Va.	Contract 2-1-47 [6]	1	
CI64-652 A 12-4-63	Shell Oil Co. (Operator), et al.	Arkansas Louisiana Gas Co., West Enid Area, Garfield County, Okla.	Contract 10-24-63 [6]	204	
CI64-653 A 12-4-63	Amax Petroleum Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla.	Contract 11-7-63 [6]	13	
CI64-654 A 12-4-63	Union Texas Petroleum, a division of Allied Chemical Corp., et al.	Arkansas Louisiana Gas Co., North East Ames Field, Major County, Okla.	Contract 10-28-63	73	
			Contract 7-2-63 [6]	73	1

[1] Rate in effect subject to refund in Docket No. RI62-206.
[2] Effective date: Date of transfer of property.
[3] Partial assignment dated 6-29-60 assigned rights to Kenneth M. Axelrod to render subject service in Docket No. CI61-404. Docket No. G-5089 will be terminated.
[4] Effective date: Date of this order.
[5] Applicant agreed to accept a permanent certificate at total inital price of 16.0 cents per Mcf by letter dated 5-28-63.
[6] Effective date: Date of initial delivery.
[7] Source of gas depleted.
[8] Amendment filed to reflect change in Operator and redesignate the rate schedule.
[9] Applicant agreed to accept a permanent certificate at total initial price of 17.0 cents per Mcf by letter dated 7-15-63.
[10] Amendment to certificate application filed to include interests of co-owners and redesignate rate schedule to read (Operator), et al.
[11] Petition was originally assigned Docket No. CI62-372, however said docket will be cancelled and petition processed as an amendment to certificate in Docket No. G-12112 to add acreage.
[12] Rate under suspension in Docket No. RI63-301.
[13] Gas was formerly dedicated to United Fuel Gas Co., but was released because of an increase in pressure of buyers line. Abandonment was permitted in Docket No. CI64-362.
[14] Production no longer economically feasible.
[15] Partial assignment from Hall-Jones Oil Corp. in Docket No. CI63-128 to Applicant, subject to Northern's contract with Hall-Jones dated 6-19-62.
[16] Erroneously assigned Docket No. CI64-646, said docket will be cancelled and petition processed as an amendment to certificate in Docket No. CI63-290 to add acreage.

[F.R. Doc. 64-707; Filed, Jan. 28, 1964; 8:45 a.m.]

[Docket No. G-17270]

ACCO OIL & GAS CO. ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, Requiring Refunds, Terminating and Severing Proceeding

JANUARY 22, 1964.

On December 23, 1963, Acco Oil & Gas Company (Acco) filed an Offer of Settlement in the above-designated rate suspension proceeding, pursuant to § 1.18 of the Commission's rules of practice and procedure. This proceeding relates to the jurisdictional sale of natural gas by Acco under its FPC Gas Rate Schedule No. 2 to Tennessee Gas Transmission Company (Tennessee) from Harris and Montgomery Counties, Texas (Railroad Commission District No. 3).

The following table sets forth the data pertinent to the proceeding involved herein:

Docket No.	Rate schedule No.	Supplement No.	Effective rate	Date effective subject to refund
G-17270	2	2	[1] 16.10047	June 1, 1959

[1] At 14.65 psia.

In its offer of settlement, Acco proposes to eliminate the favored-nation, price redetermination, and periodic escalation clauses from the rate schedule involved, and to establish a settlement rate of 15.0 cents per Mcf, inclusive of present tax reimbursement,[2] for the remaining term of the contract. Acco also proposes to refund to Tennessee all amounts collected in excess of the settlement rate, plus interest at the rate of 6 percent per annum to the date of refund. The estimated amount of the refund is approximately $6,700, exclusive of interest, and the estimated decrease in annual revenues is approximately $1,370.

In support of its offer, Acco cites the deletion of the price redetermination, favored-nation and periodic escalation clauses from its gas purchase contract with Tennessee, and states that such provisions were important elements of consideration required by Acco under the contract for the long-term commitment of its gas reserves to the performance of the contract. Tennessee has stated that it has no objection to the proposed settlement.

Since the proposed settlement rate of 15.0 cents per Mcf at 14.65 psia is acceptable under the provisions of the Second Amendment[3] to the Commission's Statement of General Policy No. 61-1,[4]

[2] Under its offer, Acco further proposes to amend its contract to provide for tax reimbursement of three-fourths of any tax increases levied subsequent to Dec. 1, 1963, rather than Jan. 1, 1954.

[3] Issued Dec. 20, 1960, 24 F.P.C. 1107; amended by order No. 264, in Docket No. R-234, issued Mar. 27, 1963.

[4] Issued Sept. 28, 1960, 24 F.P.C. 818 (18 CFR, Chapter I, Part 2, § 2.56).

for jurisdictional sales of natural gas in Texas Railroad Commission District No. 2, it is believed that the public interest will best be served by accepting Acco's proposed settlement as hereinafter set forth.

Our approval of the settlement proposal should not be construed as constituting approval of any future rate increases filed in accordance with its reservation of the right to file increases to cover future tax increases.

The proceeding in Docket No. G–17270 was consolidated with the proceeding in area rate proceeding, Docket No. AR64–2; consequently, it should be severed from such area rate proceeding, and terminated as hereinafter ordered.

The Commission finds. The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the Offer of Settlement filed by Acco with the Commission on December 23, 1963, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed by Acco with the Commission on December 23, 1963 is hereby approved in accordance with the provisions of this order.

(B) Acco shall file, within 30 days from the date of issuance of this order, a notice of change providing for the 15.0 cents per Mcf rate, including present tax reimbursement, specified in its offer of settlement, and a contractual amendment to its FPC Gas Rate Schedule No. 2, which Acco shall execute with Tennessee in conformity with Acco's offer of settlement in all respects. Both the notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Within 30 days from the date of issuance of this order, Acco shall refund to Tennessee all amounts collected under its FPC Gas Rate Schedule No. 2, in excess of the settlement rate of 15.0 cents per Mcf, together with simple interest at the rate of 6 percent per annum, from the date of receipt of such excess amounts by Acco to the date of refund. Acco shall bear all costs incidental to the making of such refunds.

(D) Within 45 days from the date of issuance of this order, Acco shall report to the Commission, in writing, the details of its calculations resulting in refunds ordered pursuant to paragraph (C) above, together with a copy of a release from Tennessee with respect to such refunds.

(E) Upon notification by the Secretary of the Commission that Acco has complied with the terms and conditions of this order, the rate and charge of 15.0 cents per Mcf, including present tax reimbursement specified in the offer of settlement, shall be effective as of the date of issuance of this order, the proceeding in Docket No. G–17270 shall be deemed terminated and severed from area rate proceeding, Docket No. AR64–2, and Acco's refund obligation with respect to the proceeding in Docket No. G–17270 shall be deemed discharged.

(F) The acceptance of this offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending or hereafter instituted by or against Acco.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–812; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. RI60–196]

McGRATH & SMITH, INC., ET AL.

Order Substituting Respondent, Accepting Successors' Undertaking, Making Rate Effective Under Undertaking, and Redesignating Proceeding

JANUARY 22, 1964.

On November 12, 1963, McGrath & Smith, Inc., agent (Operator) et al., (McGrath & Smith) filed a motion to be substituted for Carl J. Westlund (Operator), et al., (Westlund) in the above-entitled proceeding.[1] On June 11, 1963, McGrath & Smith filed a notice of succession and request for authorization to continue a sale of gas to El Paso Natural Gas Company in Upton County, Texas, previously authorized to be rendered by Westlund, in Docket No. G–16092, under Westlund's FPC Gas Rate Schedule No. 1. Westlund has sold his interest in the subject properties to Wolfson Oil Company and by action of a majority of the interest owners in the properties, McGrath & Smith, as agent, has assumed operations of the properties. By letter order dated September 11, 1963, the Commission granted temporary authorization to McGrath & Smith to continue the service formerly authorized to be rendered by Westlund in Docket No. G–16092, and accepted for filing McGrath & Smith's notice of succession to be effective as of the date of such authorization, and on the basis thereof, Westlund's FPC Gas Rate Schedule and supplements were redesignated as McGrath & Smith's FPC Gas Rate Schedule No. 1 with Supplements Nos. 1 through 5, thereto.

The proceeding in Docket No. RI60–196 relates to a rate increase (from 11.1056 cents to 17.14325 cents per Mcf) filed by Westlund on February 25, 1960, and designated as Supplement No. 5 to Westlund's FPC Gas Rate Schedule No. 1. By the Commission's order issued March 23, 1960, the proposed increased rate was suspended and the use thereof deferred until August 27, 1960, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Motion pursuant to section 4(e) of the Natural Gas Act was never filed by Westlund.

[1] The above-entitled proceeding is consolidated with the proceeding in Docket No. AR61–1, et al.

Concurrently with the filing of the above motion to substitute Respondent, McGrath & Smith filed a motion, pursuant to section 4(e) of the Natural Gas Act, requesting that the Commission allow the suspended rate involved herein to become effective as of August 27, 1960, or such subsequent date as conforms to the regulations and practice of the Commission. On the same date, November 12, 1963, McGrath & Smith filed their agreement and undertaking to comply with § 154.102 of the Commission's regulations under the Natural Gas Act.

McGrath and Smith's request for the August 27, 1960 effective date may not be granted as § 154.102(a) of the Commission's regulations under the Natural Gas Act specifically provides, in part, as follows: "• • • The proposed change of rate, charge, classification, or service shall go into effect upon motion of the independent producer proposing the change as the legally effective rate and shall be charged, effective as of a date not earlier than the date of receipt of such motion by the Commission or the expiration of the suspension period, whichever is later." As stated above, a motion pursuant to section 4(e) was never filed in this proceeding by Westlund.

The Commission finds. It is necessary and proper in carrying out the provisions of the Natural Gas Act that McGrath & Smith be substituted for Westlund in Docket No. RI60–196; that the proceeding in said docket be redesignated; that the agreement and undertaking filed by McGrath & Smith be accepted for filing, and that the suspended rate in said docket be made effective subject to refund as of November 12, 1963.

The Commission orders:

(A) McGrath & Smith, Inc., agent (Operator), et al., is hereby substituted as Respondent in lieu of Carl J. Westlund (Operator), et al., in Docket No. RI60–196, and said proceeding is accordingly redesignated.

(B) The agreement and undertaking filed by McGrath & Smith to assure refunds of any amount found by the Commission not justified in this proceeding is hereby accepted for filing.

(C) The rate, charge and classification set forth in the supplement suspended in Docket No. RI60–196 is hereby made effective subject to refund as of November 12, 1963, under the agreement and undertaking filed by McGrath & Smith, and the effective rate shall be charged and collected commencing November 12, 1963, subject to any future orders of the Commission in this proceeding.

(D) McGrath & Smith shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–815; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket No. CP63–230]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application To Amend

JANUARY 22, 1964.

Take notice that on December 11, 1963, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan, filed an application to amend the Commission's order issued November 12, 1963, in Docket No. CP63–230 (Phase I) by authorizing Applicant to deliver to Iowa Electric Light and Power Company (Iowa Electric) a maximum daily quantity of 6,315 Mcf of natural gas under Applicant's FPC Gas Rate Schedule ACQ–1 in lieu of the presently authorized maximum daily quantity of 6,000 Mcf under Applicant's FPC Gas Rate Schedule SGS–1, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The order of November 12, 1963, affirmed the examiner's decision and issued a conditioned certificate wherein Applicant was authorized, among other things, to increase its system capacity so as to enable it to deliver additional maximum daily quantities of natural gas to existing customers.

Applicant states that during the contract year ending August 31, 1963, Iowa Electric's purchases were in excess of 102 per cent of 6,000 Mcf; accordingly, pursuant to the provisions of section 8 of the General Terms and Conditions of Applicant's FPC Gas Tariff a new service agreement was executed providing for a maximum daily quantity of 6,315 Mcf under Applicant's FPC Gas Rate Schedule ACQ–1. Applicant states further that this increase was not reflected in its original application in this proceeding since Iowa Electric then estimated that its requirements could be adequately met by deliveries under the SGS–1 Rate Schedule. Therefore, Applicant requests that the order of November 12, 1963, be amended to authorize the delivery of the additional 315 Mcf in maximum daily quantity.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–816; Filed, Jan. 28, 1964; 8:46 a.m.]

[Docket Nos. CP64–67, CP64–69]

UNITED NATURAL GAS CO. ET AL.

Notice of Applications

JANUARY 22, 1964.

United Natural Gas Company and The Manufacturers Light and Heat Company, Docket No. CP64–67; The Sylvania Corporation, Docket No. CP64–69.

Take notice that on September 18, 1963, as supplemented on November 12, 1963, United Natural Gas Company (United), 308 Seneca Street, Oil City, Pennsylvania, and the Manufacturers Light and Heat Company (Manufacturers), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed in Docket No. CP64–67 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing United to construct and operate certain facilities and to operate certain existing facilities and authorizing United and Manufacturers to exchange and deliver natural gas pursuant to two separate agreements, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

The joint application shows that United proposes to purchase natural gas from the Sylvania Corporation (Sylvania) produced by the latter from fields in Brush Valley and Cherryhill Townships, Indiana County, Pennsylvania. United proposes to construct and operate approximately 500 feet of 3-inch pipeline extending from Sylvania's well to an existing tap on Manufacturers' 4-inch line, together with a meter station and appurtenant facilities. Said facilities are estimated to cost $5,385, which cost will be financed out of cash on hand.

Since United has no pipeline in Indiana County, it proposes to exchange gas with Manufacturers whereby gas purchased from Sylvania will be delivered by United, by means of the herein proposed 3-inch line, into Manufacturers' 4-inch line at a point in Brush Valley Township; Manufacturers will in turn deliver equal volumes of gas to United at an existing connection near Medix Run, Benezette Township, Elk County, Pennsylvania. This proposed exchange arrangement is pursuant to an agreement, dated July 3, 1963, between United and Manufacturers.

The application shows further that United and Manufacturers have also been exchanging gas in Elk County, pursuant to an agreement, dated March 8, 1960, as supplemented. Under this agreement, as supplemented, gas purchased by United in the Benezette Field is delivered into Manufacturers' 4- and 12-inch production lines and then redelivered by Manufacturers through United's Medix Run Station into United's Line No. F–100.[1] United and Manufacturers state that the facilities utilized for this exchange were considered production facilities; however, United and Manufacturers state further that by the Commission's order issued January 8, 1963, as amended, in Docket No. CP62–276, United's Line No. F–100 was authorized to be utilized for a jurisdictional service. Accordingly, United and Manufacturers request herein authorization to continue the exchange, pursuant to the March 8, 1960, agreement, as supplemented, and, further, United requests herein authorization to operate its Line No. F–100 and its Medix Run Station and the connecting 12-inch line related thereto in order to effect said exchange.

Take further notice that on September 18, 1963, Sylvania, 308 Seneca Street, Oil City, Pennsylvania, filed in Docket No. CP64–69 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to United produced from fields in Brush Valley and Cherryhill Townships, Indiana County, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

The initial price is 27 cents per Mcf at 15.025 psia.[2]

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–817; Filed, Jan. 28, 1964; 8:46 a.m.]

[1] Said agreement, as supplemented, also permits Manufacturers to use a portion of the capacity at the Medix Run Station to pump its own gas, with Manufacturers paying its pro-rata share of the cost of operating and maintaining the station.

[2] Sylvania agreed to accept a permanent certificate at an initial price of 27.0 cents per Mcf at 15.025 psia by letter received Oct. 1, 1963.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4184]

DELAWARE POWER & LIGHT CO. ET AL.

Notice of Proposed Modification of Method of Allocating Consolidated Tax Liabilities, as Reduced by Investment Credit, Among System Companies

JANUARY 23, 1964.

In the matter of Delaware Power & Light Company, 600 Market Street, Wilmington 99, Delaware, The Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia; File No. 70-4184.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary companies have filed a joint declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and have designated section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the transaction proposed. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Declarants annually join as a group in filing a consolidated Federal income tax return. It is stated that certain inequities in the allocation of the group's consolidated income tax liabilities, after giving effect to the investment credit allowed on Federal income tax returns under the Revenue Act of 1962, would result if the allocation were effected pursuant to the exemptive provisions of Rule 45(b)(6) under the Act. Accordingly, declarants propose to utilize a method of allocation which will give to each of the companies included in consolidated tax returns of Delaware and its subsidiaries the full investment credit each company contributes to the total investment credit allowed on the consolidated returns. However, no company shall receive an investment credit in excess of its allocation of the consolidated tax liability as determined before the investment credit.

The joint declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that no fees and expenses are to be incurred in connection with the proposed transaction.

Notice is further given that any interested person may, not later than February 18, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-845; Filed, Jan. 28, 1964; 8:49 a.m.]

[File No. 24SF-3177]

FORT APACHE OIL & GAS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 23, 1964.

I. Fort Apache Oil & Gas, Inc. (issuer), 317-20th Avenue, Yuma, Arizona, was incorporated in Nevada on October 26, 1963, for the general purpose of developing and exploiting oil and gas leaseholds, and specifically to explore for oil and gas on 1,788 acres of leased land in Navajo County, Arizona. Issuer filed with the Commission on November 18, 1963, a notification and exhibits including an offering circular relating to an offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that:

A. The offering circular proposed to be used by issuer in the offer and sale of its securities omits to state material facts necessary to make statements made, in the light of the circumstances under which they were made, not misleading, in that it fails to disclose:

1. The speculative aspects and risk features of issuer's business and securities, including:

(a) The nature and extent of exploration, development and production in Arizona and in the general area where issuer's leaseholds are located,

(b) The interests of and benefits to be derived by one who is the dominant officer, director and promoter of issuer, in other leaseholds in the immediate vicinity and adjacent to issuer's leaseholds,

(c) The location of issuer's leaseholds in relation to the location of test wells recommended by issuer's geologist,

(d) The nature and extent of the investment and risk to be assumed by the public in relation to the interests of officers, directors and promoters,

(e) The dilution aspects of the offering in light of the fact that there is no provision for return of funds if less than all shares offered are sold,

(f) The inexperience of management in the oil and gas business, and issuer's need for experienced persons to commence and operate its business.

2. The fact that electronic devices used in locating potential sites for drilling for oil and gas are not accepted in the industry as bona fide devices for locating oil.

B. The offering circular omits information required by Rule 255 in the following particulars:

1. The purposes, reasonably itemized, for which some $80,000 of the proceeds of the offering are to be used, are not disclosed.

2. The amount of money paid for leases transferred to issuer for 300,000 shares, and the services rendered by officers, directors and promoters for which they received these shares are not disclosed.

3. The geological map and geologist's report appended to and part of the offering circular are incomplete and unclear as to location of nearest production, distances thereto, elevations and contours on the map, development drilling and the results thereof.

C. The offering, if made with the offering circular proposed to be used by the issuer in the offer and sale of its securities, would be made in violation of section 17 of the Act.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended;

It is ordered, Pursuant to Rule 261(a)(1), (2) and (3) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-846; Filed, Jan. 28, 1964; 8:49 a.m.]

[File No. 70-4183]

SOUTHWESTERN ELECTRIC POWER CO. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Intrasystem Sale and Acquisition of Utility Assets

JANUARY 23, 1964.

Notice is hereby given that Southwestern Electric Power Company ("Southwestern"), 428 Travis Street, Shreveport 2, Louisiana, and Public Service Company of Oklahoma ("Public Service"), 600 South Main Street, Tulsa 2, Oklahoma, both public-utility subsidiary companies of Central and South West Corporation, a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, and 12 of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the joint application-declaration, on file in the office of the Commission, for a statement of the proposed transaction which is summarized below.

Southwestern proposes to sell and Public Service proposes to acquire a portion (127.54 miles) of a 138 Kv transmission line, and all rights appurtenant thereto, located in Oklahoma. The proposed consideration is $548,151, equal to the original cost of the property ($944,565) less the related reserve for depreciation ($396,414) reflected on Southwestern's books at December 31, 1963. Public Service intends to record the acquired property and rights at these same amounts, as of that date. Among other things, Public Service contemplates the construction on the acquired line of a substation which will enable it to make an interconnection with the proposed Broken Bow Dam Hydro plant to be constructed by the U.S. Army Engineers. The filing states that such expenditures and the proposed use of the line by Public Service make it appropriate and desirable that Public Service acquire and own said portion of the 138 Kv line.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Total fees and expenses to be incurred in connection with the proposed transaction are estimated in the filing at $3,050 ($1,975 to be paid by Southwestern and $1,075 to be paid by Public Service), including $1,800 for legal fees and $350 as the fee of Middle West Service Company.

Notice is further given that any interested person may, not later than February 19, 1964, request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon each applicant-declarant at the above-stated addresses, and proof of service (by affidavit, or in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-847; Filed, Jan. 28, 1964; 8:49 a.m.]

[File No. 24W-2579]

TRANSPORT INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JANUARY 23, 1964.

I. Transport Industries, Incorporated (issuer), a Pennsylvania corporation, incorporated on April 26, 1948, as "Hoppenstand Motors, Incorporated", whose name was changed to Transport Industries, Incorporated, on May 9, 1960, by amendment to the certificate of incorporation, with principal office and plant located at 126 Pearl Street, Albion, Pennsylvania, filed with the Commission on February 16, 1962, a notification on Form 1-A and an offering circular relating to an offering of 75,000 shares of $.10 par value common stock at $4.00 per share for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The offering commenced on April 18, 1962, and was terminated on June 21, 1962, with the sale of 16,843 shares.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The Form 2-A report reflected the disbursement of $1,500 under the category of "Accounting" when in fact none of the $1,500 had been paid.

2. The Form 2-A report reflected the disbursement of $2,255.87 under the category of "Printing and Advertising" when in fact only $585.33 of this expense had been paid and the balance of $1,670.54 was still owed.

3. The Form 2-A report reflected the disbursement of $7,596.91 under the category of "Legal (including Organizational)" when in fact only $4,834.45 of this expense had been paid and the balance of $2,762.46 was still owed.

4. The Form 2-A report reflected the disbursement of $31,870.79 under the category of "Purchase of raw materials, inventories, supplies, etc." when in fact the purchase actually made totaled only approximately $15,000.

B. The offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, concerning among other things:

1. The failure to disclose that there is no reasonable accounting basis for reflecting the inventory raw material in the amount of $7,922.48.

2. The failure to disclose that there is no reasonable accounting basis for reflecting "shop machinery and equipment" $19,401.10; "tools and molds" $1,429.65; and "office furniture and fixtures" $1,425.30.

3. The representation that the company had a cash asset of $1,000.70 as of December 31, 1961, when in fact the cash asset was $.70.

4. The failure to disclose that the company had not filed Federal or State corporate income tax returns for the years of 1960 and 1961.

5. The failure to disclose that the corporation did not maintain proper accounting records, specifically, a general ledger, general journal, accounts receivable ledger, accounts payable ledger, inventory records, purchase journal, and a sales journal.

6. The failure to disclose that most, if not all, orders for future delivery were from an affiliated company.

7. The representation that "inventory is maintained on the basis of first-in, first-out; and has been priced at the lower of cost or market" when in fact no recognized inventory pricing basis is followed.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it

is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-848; Filed, Jan. 28, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Specific Approval and of Withdrawal of Specific Approval

On September 19, 1962, February 1, 1963, March 19, 1963, April 26, 1963, May 28, 1963, July 11, 1963, July 26, 1963, August 15, 1963, October 4, 1963, and December 3, 1963, notices were published in the FEDERAL REGISTER (27 F.R. 9266; 28 F.R. 990, 2690, 4146, 5276, 7102, 7615, 8380, 10721, and 12835), which contained lists of all stockyards and slaughtering establishments approved under §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125).

I. Pursuant to such authority, notice is hereby given that the following additional stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

Specifically approved stockyards. The following additional stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

ARKANSAS

*Beebe Auction Company—Beebe.

COLORADO

*Alamosa Auction—Alamosa.

ILLINOIS

Sullivan Livestock Market—Sullivan.

IOWA

Haviland Bros—Sergeant Bluff.

KANSAS

*Clay Center Sales Company, Inc.—Clay Center.
*Minneapolis Sales Pavilion—Minneapolis.
*Farmers Livestock Exchange, Inc.—Wakarusa.
*Waverly Livestock Sale Barn—Waverly.

LOUISIANA

*J. D. Lacy Stockyard—Alexandria.

MARYLAND

*Friend's Stock Yard, Inc.—Accident.

MISSISSIPPI

Batesville Sales Company, Inc.—Batesville.

MISSOURI

Producers Livestock Market—Marshall Junction.

NORTH DAKOTA

*Lorinz Livestock Sales—Hazen.

OHIO

*Zanesville Community Sales Company, Inc.—Zanesville.

OKLAHOMA

*Buffalo Livestock Commission—Buffalo.
*Clinton Cattle Commission Company—Clinton.
*Big Pasture Auction—Frederick.
*Hollis Livestock Commission Company—Hollis.
*Mountain View Community Sale—Mountain View.
Mangum Livestock Company—Oklahoma City.

TEXAS

*Groesbeck Commission Company—Groesbeck.
*Palestine Livestock Auction—Palestine.
*Swift & Company—San Antonio.
*Seymour Stockyards Company—Seymour.

VERMONT

Westminster Commission Sales—Westminster.

Specifically approved slaughtering establishments. The following additional slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

KANSAS

*Hinman Packing Company—South Wichita.

LOUISIANA

*Swifty Meat Packing Company, Inc.—Opelousas.

MARYLAND

Heinzerling's Meats, Inc.—Baltimore.

MICHIGAN

*Tamaren Beef Company, Inc.—Detroit.

NEVADA

*Horlacher Meat Company—Fallon.

OHIO

Henderson Meats—Waterloo.
Zimmerman Packing Company—Youngstown.

OKLAHOMA

John Bittings Slaughtering Establishment—Tulsa.

PENNSYLVANIA

Wilkes-Barre City Abattoir—Wilkes-Barre.

WISCONSIN

Osseo Lockers—Osseo.

II. Notice is hereby given also that the following stockyards and slaughtering establishments have been deleted from the list of specifically approved stockyards and slaughtering establishments, respectively, as follows:

STOCKYARDS

ILLINOIS

Charleston Livestock Auction—Charleston.
Feller Livestock Sales—Cisna Park.
Illinois Producers Livestock Market Assn.—Dieterich.
Ruder Feeder Pig Sales—Manteno.
Artie Worrell Cattle Company—Milledgeville.
Champaign Company Livestock Market Assn., Inc.—Urbana.

MICHIGAN

Isaac Tamaren Beef Company—Detroit.
Foster's Market—Quincy.

MISSISSIPPI

Batesville Sales Company—Batesville.
Owen Brothers Stockyard—Meridian.

MISSOURI

Cassville Auction Company—Cassville.
Crocker Sales Barn—Crocker.
Lamar Community Sale—Lamar.
"E" 66 Auction Company—Springfield.

NEW YORK

Horseheads Livestock Market, Inc.—Horseheads.
Warwick Auction Market, Inc.—Warwick.

OKLAHOMA

Pawhuska Auction—Pawhuska.
Perry Auction Sale—Perry.

TEXAS

Perryton Livestock Auction Company—Perryton.
Seymour Livestock Commission Company—Seymour.

VERMONT

Chickering Commission Sales—Westminster.

SLAUGHTERING ESTABLISHMENTS

IOWA

Kane's Dressed Beef—Hawarden.
Karzlarich Pack—Rathbun.
Sergeant Bluff Produce Company—Sergeant Bluff.

LOUISIANA

Jagneaux's Quality Meats—Opelousas.

MICHIGAN

Hillsdale Packing Company—Hillsdale.

MISSISSIPPI

Orman's Sausage Company—Ellisville.
Barnett Sausage Company—North Biloxi.
Cochran Frozen Food Locker—Waynesboro.

NEVADA

Mori Slaughterhouse—Fallon

OKLAHOMA

Southeastern Slaughtering Establishment—Durant.
O.K. Packing Company—Tecumseh.
C. L. Van Cleave Slaughtering Establishment—Tulsa.
John Ward Slaughtering Establishment—Woodard.

WEST VIRGINIA

N. J. Bell Slaughtering Establishment—Blackville.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER.

Certain additional stockyards and slaughtering establishments have been added to the lists of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspections and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments have been removed from the lists of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved thereby. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this action are impracticable, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-899; Filed, Jan. 28, 1964; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9093 et al.]

SERVICE TO SPOKANE CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on February 19, 1964, at 10:00 a.m. (e.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 24, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-889; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket 13415 et. al.]

WEST COAST AIRLINES, INC., "USE IT OR LOSE IT" INVESTIGATION AND ROUTE REALIGNMENT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on February 20, 1964, at 10:00 a.m. (e.s.t.) in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 24, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-890; Filed, Jan. 28, 1964; 8:54 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14154, 15011; FCC 64M-75]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 14154, regulations and charges for developmental line switched service; American Telephone and Telegraph Company, Docket No. 15011, charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service.

An informal conference among counsel for the parties having been held on January 23, 1964, which conference resulted in the informal presentation to the Hearing Examiner of proposed procedural dates to govern this hearing;

It is ordered, This 23d day of January 1964, that copies of the direct written case of American Telephone and Telegraph Company will be served on all other parties hereto and the Hearing Examiner on or before July 6, 1964;

It is further ordered, That hearing herein shall convene on September 14, 1964, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-891; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket Nos. 15163, 15164; FCC 64R-41]

CLEVELAND BROADCASTING, INC., AND COMMUNITY TELECASTERS OF CLEVELAND, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

1. The Review Board has before it for consideration a petition to enlarge issues filed by Community Telecasters of Cleveland, Inc. (Community) on November 19, 1963, seeking to add comparative coverage issues to the instant proceeding.[1]

2. By Commission Order (FCC 63-831) released September 16, 1963, the applications of Cleveland Broadcasting, Inc. (Cleveland); Community; and the Station View Realty Company[2] for a new television broadcast station to operate on Channel 19, Cleveland, Ohio, were designated for consolidated hearing on various issues including the standard comparative issue. The hearing has been rescheduled to commence on March 30, 1964.

3. In its petition Community admits that its request is late filed and thereby does not conform to the provisions of § 1.229 of the Rules. However, it contends that good cause is shown in its allegations and that the public interest requires the enlargement of issues as requested. Petitioner contends that the Commission would have included a comparative coverage issue in the Order of Designation had it observed the differences in location of the City Grade, Grade A and Grade B contours contained in the exhibits in the applications. Attached to Community's petition is an engineering study which shows the differences in the coverage areas and populations included within the City Grade, Grade A and Grade B contours as reflected by the two applications. Within the Grade B contour there is said to exist a difference of 482,029 persons and 1,759 square miles with an urban difference in population of 293,492; within the Grade A contour a difference of 486,610 persons and 1,088 square miles with an urban difference in population of 364,022; and in the City Grade contour a difference of 539,971 persons and 723 square miles with an urban difference in population of 459,674. Community further contends that the Commission has in the past, on its own motion, enlarged the issues to include an issue of comparative coverage even where good cause has not been shown for late filing, when it was in the public interest to take such action.

4. Cleveland argues in its opposition that the petition should be denied because good cause has not been shown for late filing and because petitioner's arguments lack merit. It maintains that the cases on which petitioner relies are distinguishable and that the Commission under similar circumstances has added such issues only where more significant differences in coverage between the proposals were found to exist. Cleveland contends that in the instant situation only 15 percent more population will receive Grade B service from Community than from Cleveland and that the differences in the Grade A and City Grade contours are irrelevant since the people located in these areas will receive adequate service from both proposals. Also, Cleveland claims that the area of difference between the two proposals is served by a minimum of three other television stations, thus minimizing the signifi-

[1] Under consideration are (1) Petition to enlarge issues, filed November 19, 1963, by Community Telecasters of Cleveland, Inc.; (2) Opposition to petition to enlarge issues, filed December 4, 1963, by Cleveland Broadcasting, Inc.; (3) Comments, filed December 2, 1963, by the Broadcast Bureau; (4) Reply to comments, filed December 12, 1963, by Cleveland Broadcasting, Inc.; (5) Reply to opposition, filed December 16, 1963, by Community Telecasters of Cleveland, Inc. On December 16, 1963, Community filed a motion to strike reply to the Bureau's comments on the petition to enlarge issues. On December 20, 1963, Cleveland filed an opposition to this motion. In view of the disposition of the petition to enlarge issues, it is unnecessary to pass on Community's motion to strike Cleveland's reply pleading.

[2] The application of the Station View Realty Company was subsequently dismissed with prejudice (FCC 63M-1101, released October 4, 1963).

cance of the population difference between them.

5. The Bureau supports the enlargement of issues and submits that petitioner has made a threshold showing of a substantial difference between the coverage of the two proposals. The Bureau agrees with petitioner that while this petition is not timely filed, the public interest factor would require the enlargement of issues on the Board's own motion. However, the Bureau believes that all references to the City Grade signal should be deleted from the proposed issues as the relevancy of this signal has not been shown in the instant petition. Community, in its reply to Cleveland's opposition, contends that questions relating to the significance of the degree of difference in coverage and the availability of other services in the area of difference between the two proposals are determinations to be made on the record under the proposed issues and not on the basis of the pleadings before the Board.

6. Petitioner has not shown good cause for late filing of its petition to enlarge the issues within the meaning of § 1.229 of the rules. The issues in this proceeding were designated for hearing on September 16, 1963, but the instant petition was not filed until November 19, 1963. Petitioner admits that its petition is late filed, and offers no excuse for the delay. Therefore, this petition will be denied for late filing. However, with the exception of the proposed City Grade coverage issue, the issues requested by petitioner should be added on the Board's own motion. Petitioner has shown in its attached appendix that there is a sufficient difference in relative coverage areas and populations of the Grade A and Grade B contours to warrant inclusion of these issues. The Commission has held under similar circumstances that the inclusion of these issues serves the public interest and that the relative needs of the respective coverage areas cannot properly be determined without a showing as to what other stations serve the areas concerned. See Publix Television Corp., FCC 59-646, 18 RR 771 (1959). Cleveland's objection that the availability of other services within the proposed Grade A and Grade B contours minimizes the significance of the population difference between the two proposals goes to the weight of Community's showing on the record as to the differences in coverage under this issue, and not as to whether these issues should be added. However, we do agree with Cleveland that the showing made with respect to the differences in coverage in the City Grade contour is irrelevant and therefore this aspect of the requested issues will be deleted.

Accordingly, it is ordered, This 22d day of January 1964, that the Motion to Strike Reply to the Broadcast Bureau's Comments on the Petition to Enlarge Issues, filed by Community Telecasters of Cleveland, Inc. on December 16, 1963, is dismissed; and

It is further ordered, That the Petition to Enlarge Issues, filed by Community Telecasters of Cleveland, Inc. on November 19, 1963, is denied; and that the issues in this proceeding are enlarged on the Board's own motion by the addition of the following issues:

(a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations of the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under issues (a) and (b) above shall establish that either applicant will bring actual service to areas and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations.

Released: January 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-892; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket Nos. 15190, 15191; FCC 64R-21]

BOARDMAN BROADCASTING CO., INC. AND DANIEL ENTERPRISES, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Boardman Broadcasting Company, Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886; for construction permits.

1. This proceeding involves the mutually exclusive applications of Boardman Broadcasting Company, Inc. (Boardman) and Daniel Enterprises, Inc. (Daniel). These applications were designated for a comparative hearing in an Order released October 14, 1963 (FCC 63-921).

2. Daniel alleges[1] that there is no town of Boardman, Ohio; that Boardman's proposed 5 mv/m contour covers the entire city of Youngstown, Ohio; that part of Boardman Township is located within the Youngstown-Warren Urbanized Area; and that Youngstown has many more other broadcast services. Daniel attaches two verified letters and an affidavit which state that certain Youngstown and nearby stations provide public service and local sports broadcasts to Boardman and that these stations carry advertising by many Boardman merchants. Daniel therefore requests that two issues be added as to Boardman:

(a) To determine the type and character of program service now available to the Boardman, Ohio, area from radio stations operating in Youngstown, Ohio, and nearby cities.

(b) To determine whether the application of Boardman Broadcasting Company, Inc. is in reality an application for a station in Youngstown, Ohio.

Daniel's request is contingent upon a ruling by the Hearing Examiner as to whether evidence on the above matters can be adduced under the existing issues. The Examiner has since ruled that evidence relevant to proposed issue (b) would be relevant to designated Issues 4 or 5 (FCC 63M-1262, released November 22, 1963).[2]

3. Proposed issue (b) will not be added in light of the Examiner's ruling, supra, that evidence relevant to issue (b) can be admitted under existing issues 4 or 5. The Board would note, however, that the question as to what specific evidence is admissible under these existing issues is one to be resolved by the Examiner in the first instance.

4. Turning to proposed issue (a), Boardman opposes Daniel's petition on two grounds. Boardman contends that the petition is defective because the allegations of fact are not supported by affidavits of persons with personal knowledge thereof (citing § 1.229 of the Commission's rules), and because the petition does not contain allegations of fact sufficient to make the necessary threshold showing in support of its request. These objections are not well founded. The two letters attached to Daniel's petition are notarized and are from officers of two area radio stations. They attest to the programming which their respective stations broadcast of interest to Boardman, Ohio, and list the Boardman merchants who advertise on their stations. The affidavit is from an officer of Daniel who attests to programs of interest to Boardman, Ohio, which he has heard in the past year on various stations. Thus, Boardman's assertion that these attestations do not reflect personal knowledge is without substance. Certainly a station official has personal knowledge of his station's programming and advertising. A sworn statement that affiant heard certain specified programs is also based on personal knowledge. Moreover, Boardman's argument that no threshold showing has been made by Daniel is equally without merit. The two letters and the affidavit sufficiently raise the question of whether the programming needs of Boardman are now being satisfied to some extent by Youngstown and other nearby stations. However, existing issues 4 and 5 (see footnote 2, supra) must be resolved favorably to Boardman before this question can be reached.[3] Accordingly, the Board will adapt the Broadcast Bureau's suggested phrasing of the issue.

Accordingly, it is ordered, This 14th day of January 1964, That the Petition to Enlarge Issues, filed November 1, 1963, by Daniel Enterprises, Inc., is granted to the extent indicated herein, and the issues in this proceeding are enlarged by the addition of the following issue:

In the event that Issues 4 and 5 are resolved favorably to Boardman Broadcasting Company, Inc., to determine the extent to which the programming of existing stations in Youngstown, Ohio, and nearby cities meets the local needs and interests of Boardman, Ohio.

Released: January 15, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-893; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket No. 15295]

FLOWERS SUPPLY CO.

Order To Show Cause

In the matter of Vernon Flowers d/b as Flowers Supply Co., Port Arthur, Texas, order to show cause why there should not be revoked the license for radio station 9W1577 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 11, 1963, alleging violation of § 19.25(c) (now § 95.37(c)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 28, 1963, also mailed to the licensee at his address of record; and

It further appearing, that in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 24th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 630 7th Street, Port Arthur, Texas.

Released: January 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-894; Filed, Jan. 28, 1964; 8:54 a.m.]

[Docket No. 15294]

RONALD B. SMITH

Order To Show Cause

In the matter of Ronald B. Smith, Miami, Florida, order to show cause why there should not be revoked the license for radio station KDI-1452 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated October 10, 1963, alleging violation of § 95.81(a), formerly § 19.61 (a), and violation of § 95.87, formerly § 19.62, of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated October 16, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 24th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 2920 SW. 16th Street, Miami 45, Florida.

Released: January 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-895; Filed, Jan. 28, 1964; 8:55 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1155]

PACIFIC NAVIGATION SYSTEM, INC.

Imposition of Surcharge on Cargo to Manila, Republic of the Philippines

The Pacific Navigation System, Inc., has imposed a surcharge upon cargoes moving from the United States to Manila, Republic of the Philippines, which may violate sections 15, 16, 17 and/or 18(b)(5) of the Shipping Act, 1916, as amended. For the reasons stated in the original order in this matter;

It is ordered, That Pacific Navigation System, Inc., be made a respondent in this proceeding; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy of this order together with a copy of the original order in this proceeding and notice of hearing be served upon this respondent;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission, January 17, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-875; Filed, Jan. 28, 1964; 8:52 a.m.]

AMERICAN AND AUSTRALIAN STEAMSHIP LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7787-3, between the member lines of the American and Australian Steamship Line, modifies the approved joint cargo and passenger service Agreement No. 7787, as amended, by expanding the range covered by such agreement to include Great Lakes and St. Lawrence River ports of the United States in addition to United States Atlantic and Gulf ports.

Also, the present Article 7 of the approved agreement is renumbered "Article 8" and a new Article 7 is added to the

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[1] The Review Board has before it the following pleadings: petition to enlarge issues, filed November 1, 1963, by Daniel; opposition, filed November 13, 1963, by Boardman; and Broadcast Bureau's comments, filed November 14, 1963.

[2] Issue 4 is a § 73.30(a) of the Rules question. Issue 5 is a standard section 307(b) issue.

[3] Thus, if Warren is preferred over Boardman on the standard 307(b) criteria other than programming, there would be no need to reach this issue.

agreement providing for a self-policing system.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-876; Filed, Jan. 28, 1964; 8:52 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND PACIFIC FAR EAST LINE, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9454-1, between American President Lines, Ltd. and Pacific Far East Line, Inc., modifies their approved rate agreement in the trade between the United States and Guam, Midway Island, Wake Island, Eniwetok and Kwajalein, Agreement 9454, to provide for policing of the obligations of the parties, pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-877; Filed, Jan. 28, 1964; 8:52 a.m.]

ATLANTIC AND GULF-INDONESIA CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8080-6, between the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement of this conference, No. 8080 as amended, to provide for the posting of security deposits by the members and for the adoption of a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-878; Filed, Jan. 28, 1964; 8:52 a.m.]

CALIFORNIA/JAPAN COTTON POOL

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8882-2 between the members of the California/Japan Cotton Pool, provides for changes in the percentage participation and minimum sailings as stated in the basic agreement for the Japanese flag carriers, due to certain mergers or consolidations of the Japanese flag members of the pool.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-879; Filed, Jan. 28, 1964; 8:52 a.m.]

NOUVELLE COMPAGNIE HAVRAISE PENINSULAIRE DE NAVIGATION AND ROBIN LINE, A DIVISION OF MOORE-McCORMACK LINES, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9296, between Robin Line Division of Moore-McCormack Lines, Inc., and Nouvelle Compagnie Havraise Peninsulaire De Navigation provides for a through billing arrangement for general cargo transported in the trade between United States Atlantic Coast ports and ports in Madagascar, Mauritius, Reunion and the Comores Islands with transhipment at Tamatave or at a port in South or East Africa, in the Cape Town/Mombasa range (both included), as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 24, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-880; Filed, Jan. 28, 1964; 8:52 a.m.]

RIVER PLATE AND BRAZIL CONFERENCES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 59-39, between the member lines of the River Plate and Brazil Conferences, modifies the basic agreement of these conferences, No. 59 as amended, in the following essential respects:

1. Revision of security deposit requirements to provide for use of letters of credit as an alternative to cash deposits or bonds;

2. Revision of provisions governing the amount of liquidated damages assessable for breach of the agreement; and

3. Adoption of a detailed self-policing system to supersede the present arbitration of disputes clause, pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-881; Filed, Jan. 28, 1964; 8:53 a.m.]

SCINDIA STEAM NAVIGATION CO., LTD., AND SEATRAIN LINES, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9297 between The Scindia Steam Navigation Co., Ltd., and Seatrain Lines, Inc. provides for a through billing arrangement for general cargo transported in the trade from India and East Pakistan to Puerto Rico with transhipment at New York in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 23, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-882; Filed, Jan. 28, 1964; 8:53 a.m.]

No. 20—Pt. I——9

TARIFF COMMISSION

[AA1921-36]

TITANIUM DIOXIDE FROM JAPAN

Notice of Investigation

Having received advice from the Treasury Department on January 21, 1964 that titanium dioxide from Japan is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to § 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than February 26, 1964.

Issued: January 24, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-849; Filed, Jan. 28, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Approval of Applications, October 1963

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of October 1963:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
DRUGS FOR HUMAN USE					
Polythiazide, reserpine.	Renese-R Tablets.	Diuretic, antihypertensive.	Chas. Pfizer and Co., Inc., New York, N.Y.	Oct. 15, 1963	R,
Cyclothiazide, reserpine, potassium chloride.	Anhydron KR Tablets.	Diuretic, antihypertensive, replacement agent.	Eli Lilly and Co., Box 618, Indianapolis, Ind.	Oct. 18, 1963	R,
Pseudoephedrine sulfate, dexbrompheniramine maleate.	Disophrol Chronotab Tablets.	Sympathomimetic, antihistamine.	White Labs. Inc., Kenilworth, N.J.	do	R,
Cyclothiazide, potassium chloride.	Anhydron K Tablets.	Diuretic, replacement agent.	Eli Lilly and Co., Box 618, Indianapolis, Ind.	do	R,
DRUGS FOR VETERINARY USE					
Salicylic acid	Surgets Teat Dilators.	Keratolytic agent.	Drs. Irvin Jorgensen, Olaf Borre, Spring Valley, Minn.	Oct. 1, 1963	R,
Hexetidine	Hexederm Ointment, Pet's Best Fun Jex.	Antiinfective	Philips Roxane, Inc., 2400 Frederick Ave., St. Joseph, Mo.	Oct. 11, 1963	OTC
Pentapiperide methylsulfate.	Hycholin Injectable.	Anticholinergic, antisecretory agent.	Ayerst Labs., 685 Third Ave., New York, N.Y.	Oct. 18, 1963	R,

[1] The abbreviation "R," means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Dated: January 23, 1964.

GEO P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-873; Filed, Jan. 28, 1964; 8:52 a.m.]

MARGARINE, MAYONNAISE, AND FRENCH DRESSING DEVIATING FROM STANDARDS

Notice of Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations, concerning permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that an extension of the temporary permit issued to Corn Products Company, 717 Fifth Avenue, New York 22, New York, has been granted.

This permit covers interstate marketing tests of margarine, mayonnaise, and french dressing with not more than 64 parts per million of calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) added to retard flavor deterioration. The fact that the foods contain the additive ingredient is shown by label declaration naming the additive and stating that it is added as a preservative.

This extension expires June 30, 1964.

Dated: January 22, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-632; Filed, Jan. 28, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 504]

MOTOR CARRIER APPLICATIONS

JANUARY 24, 1964.

Important Notice. The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 72), filed January 6, 1964. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: M. T. Schumacher, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures for glass containers, and fibreboard boxes* when moving in mixed shipments with glass containers and closures, from Alton and Streator, Ill., and Fairmont and Huntington, W. Va., to points in that part of Florida south of a line beginning at Fort Pierce and extending west along Florida Highway 70 to junction of Florida Highway 72, at or near Arcadia, Fla., and thence along Florida Highway 72 to Sarasota, (2) *wooden boxes and wooden box parts*, when moving in connection with glass containers and closures, from Alton, Ill., to points in that part of Florida south of a line beginning at Fort Pierce and extending west along Florida Highway 70 to junction of Florida Highway 72, at or near Arcadia, Fla., and thence along Florida Highway 72 to Sarasota, and (3) *glass containers, closures for glass containers, corrugated boxes*, knocked down, *plastic bottles and plastic vials*, when moving in connection with glass containers and closures, and closures for plastic bottles and plastic vials, from Gas City, Ind., to points in that part of Florida south of a line beginning at Fort Pierce and extending west along Florida Highway 70 to junction of Florida Highway 72, at or near Arcadia, Fla., and thence along Florida Highway 72 to Sarasota.

NOTE: Applicant states that it is presently authorized to transport the above named commodities from the named origins to all points in Georgia and to all points in Florida not embraced in this application.

No. MC 1585 (Sub-No. 5), filed January 10, 1964. Applicant: BARNES TRUCK LINE, a corporation, Columbia, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Mississippi within ten (10) miles of Columbia, Miss., as off-route points in connection with applicant's authorized regular-route operations.

No. MC 3581 (Sub-No. 9), filed January 15, 1964. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorney: Paul M. Daniell, Suite, 214 Standard Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks*, and *tractors* from the plant site of the Ford Motor Company located at Hapeville, Ga., to points in that part of Michigan on and east of U.S. Highway 27 and on and south of Michigan Highway 21.

No. MC 3581 (Sub-No. 10), filed January 15, 1964. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (except crawler type), moving in mixed loads with automobiles and trucks, in secondary movements in truckaway service from Winston-Salem, N.C., to points in Tennessee, Virginia, and West Virginia.

No. MC 3581 (Sub-No. 11), filed January 15, 1964. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorney: Paul M. Daniell, Suite 214-217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and tractors*, (except crawler type), in secondary movements, from Nashville, Tenn., to points in Kentucky, Virginia, and West Virginia.

No. MC 4883 (Sub-No. 33), filed January 13, 1964. Applicant: THE GUYOTT COMPANY, a corporation, 176 Forbes Avenue, New Haven, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk in tank and hopper type vehicles, from Rocky Hill, Conn., to points in Berkshire, Franklin, Hampden, and Hampshire Counties, Mass., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and rejected shipments* thereof, on return.

No: MC 6461 (Sub-No. 6), filed January 16, 1964. Applicant: B-LINE TRANSPORT CO., INC., 7100 East Broadway, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Pend Oreille, Stevens, and Ferry Counties, Wash.

No. MC 13235 (Sub-No. 13), filed January 2, 1964. Applicant: CENTRALIA CARTAGE CO., a corporation, 650 West Noleman Street, Centralia, Ill. Applicant's attorney: Charles W. Singer, 33 N. La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, Ill., and Kankakee, Ill., over U.S. Highway 54, as an alternate route in connection with applicant's presently authorized route, serving no intermediate points and serving Kankakee only for the purpose of joinder, (2) between the junction of U.S. Highway 45 and Illinois Highway 37 south of Effingham, Ill., and the junction of U.S. Highways 45 and 50 west of Flora, Ill., over U.S. Highway 45, as a connecting route in connection with applicant's presently authorized routes, serving no intermediate points, (3) between Wayne City and McLeansboro, Ill., over Illinois Highway 142, as a connecting route in connection with applicant's presently authorized routes, serving no intermediate points, (4) between the junction of U.S. Highway 51 and Illinois Highway 14 south Du Quoin, Ill., and Carbondale, Ill., over U.S. Highway 51, as a connecting route in connection with applicant's presently authorized routes, serving no intermediate points and (5) service to all intermediate points on applicant's presently authorized route U.S. Highway 51 between Sandoval and Vandalia, Ill., not including Sandoval and Vandalia.

No. MC 15394 (Sub-No. 5), filed January 13, 1964. Applicant: KUHLMAN TRUCK LINE, INC., 117 Clinton Street, Elmore, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Redwood furniture*, from Elmore, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

No. MC 19416 (Sub-No. 12), filed January 13, 1964. Applicant: DUNN BROS., INC., P.O. Box 5771, Dallas, Tex. Applicant's attorney: John F. Edell, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, between points in California, Idaho, Nevada, Oregon, Washington, and Arizona.

No. MC 19595 (Sub-No. 2), filed January 6, 1964. Applicant: RALPH BRUMM and GLEN G. CANNY, doing business as BRUMM & CANNY, 217 North 2d Street, Osage, Iowa. Applicant's attorney: Erwin Larson, Ellis Block, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal blood*, from Albert Lea, Minn., to Osage, Iowa.

No. MC 23251 (Sub-No. 3), filed January 10, 1964. Applicant: WM. J. RUPP and WM. L. RUPP, doing business as WM. J. RUPP & SON, Adrian, Minn., 56110. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bags and in bulk, from Sheldon, Iowa, to Adrian, Minn., and points within 15 miles of Adrian, and *exempt commodities*, on return.

No. MC 25798 (Sub-No. 110), filed January 3, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Daniel B. Johnson, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Atkinson, Wis., to points in Kentucky, Tennessee, West Virginia, Virginia, Pennsylvania, New York, Ohio, Georgia, Florida, Maryland, and the District of Columbia.

No. MC 27817 (Sub-No. 54), filed January 10, 1964. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer* and *fertilizer ingredients* and *materials*, between points in Frederick County, Va., on the one hand, and, on the other, points in Pennsylvania, Maryland, West Virginia, and the District of Columbia, (2) *lime* and *limestone*, from points in Frederick and Clarke Counties, Va., to points in Pennsylvania, Maryland, West Virginia, and the District of Columbia, and (3) *labels, bags, cartons, drums* and *other containers*, from points in Pennsylvania, Maryland, West Virginia, and the District of Columbia, to points in Frederick and Clarke Counties, Va.

No. MC 29643 (Sub-No. 4), filed January 17, 1964. Applicant: WALSH TRUCKING SERVICE, INC., 2 Talcott Street, Massena, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, from the town of Massena, N.Y., and points within five (5) miles thereof, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, and Vermont, and those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highway 15 to the Pennsylvania-Maryland State line, and (2) *commodities used in the manufacture, packing, and shipping of aluminum and aluminum products*, from points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York (except Albany and New York, N.Y.), and those in that part of Pennsylvania as above-specified, to the town of Massena, N.Y., and points within five (5) miles thereof.

NOTE: Applicant states no duplicating authority is sought.

No. MC 30637 (Sub-No. 298), filed January 3, 1964. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Musical acoustic shells*, from Warminster, Pa., to points in the United States (except Hawaii).

No. MC 28573 (Sub-No. 24), filed January 13, 1964. Applicant: GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: Elmer B. Trousdale (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment, materials and supplies*, (1) between Great Northern Railway Company stations located in Cavalier, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Griggs, Steele, Barnes, and Cass Counties, N. Dak., on the one hand, and on the other, intercontinental ballistic launching sites and control centers located in Cavalier, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Griggs, Steele, Barnes, and Cass Counties, N. Dak., (2) between such launching sites and control centers, and (3) to or from such stations, sites and control centers, on the one hand, and, on the other, to or from points between such stations, sites and control centers.

NOTE: Applicant states the proposed operations will be limited to service which is auxiliary to or supplemental of the rail service of Great Northern Railway Company and to the handling of traffic having a prior or subsequent movement by rail to or from points outside North Dakota. Common control may be involved. Applicant also holds common carrier authority in MC 28572 and Subs thereto to transport passengers.

No. MC 30844 (Sub-No. 135), filed January 6, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC 30844 (Sub-No. 136), filed January 13, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese spreads, prepared dough, gelatine salads, and sterilized milk*, in bundles and cartons, from Plymouth, Wis., to Denver, Colo.

No. MC 30900 (Sub-No. 15), filed January 13, 1964. Applicant: FILKINS TRANSPORTATION COMPANY, INC., Crane Avenue, Pittsfield, Mass. Applicant's representative: William L. Mobley, Rooms 311-315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet blue cowhide splits* (flesh side of cowhides), loose, in bulk, from Pownal, Vt., to Pittsfield, N.H.

No. MC 32775 (Sub-No. 11), filed January 12, 1964. Applicant: HERMANN FORWARDING COMPANY, a corporation, Hermann Road, North Brunswick, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome ore*, in bulk, in hopper-type vehicles, from Conshohocken, Pa., to Old Bridge and Sayreville, N.J., and *rejected shipments* on return.

No. MC 33597 (Sub-No. 2), filed January 8, 1964. Applicant: C & A TRANSPORT, INC., P.O. Box 1105, 1119 Elliott Avenue, Charlottesville, Va. Applicant's attorney: John Douglas Clark, P.O. Box 608, Washington 44, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cumberland, Md., to Charlottesville, Va., and *empty containers or other such inci-*

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

dental facilities, used in transporting the above described commodities on return.

No. MC 38478 (Sub-No. 1), filed January 2, 1964. Applicant: FRANK RUMSEY AND BERNARD RUMSEY, RUMSEY TRANSFER COMPANY, West of 16th on Walnut, Wheatland, Wyo. Applicant's attorney: A. Fred Miller, R. M. Straw Building, Wheatland, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, (1) from points in Platte County, Wyo., to Fort Collins, Loveland, Golden, Greeley, and Denver, Colo., and (2) from points in Platte County to those facilities within Platte County owned and operated by the CB&Q Railroad, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 40617 (Sub-No. 9), filed January 9, 1964. Applicant: MERRITT E. CAGWIN, Route 1, Lockport, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry, in bulk, and in bags, between Janesville, Wis., on the one hand, and, on the other, points in Illinois, on and north of Illinois Highway 9.

No. MC 42614 (Sub-No. 39), filed January 3, 1964. Applicant: CHICAGO AND NORTH WESTERN RAILWAY COMPANY, a corporation, 400 West Madison Street, Chicago, Ill. Applicant's attorney: Eugene D. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Brandon, Valley Springs, and Sioux Falls, S. Dak., and Hawarden, Sioux City, Hinton, Ireton, McNalley, Craig, Burnsville, and Merrill, Iowa, on the one hand, and on the other, construction sites of transmission lines and transmission sub stations located in Minnehaha County, S. Dak. and Lyon, Sioux, and Plymouth Counties, Iowa.

NOTE: Applicant states the proposed operation will be restricted to prior or subsequent rail haul. Common control may be involved. Applicant also holds common carrier authority to transport passengers in MC 64655 and Subs thereunder.

No. MC 43251 (Sub-No. 10), filed January 10, 1964. Applicant: H. MAYNARD GOULD, CO., Union Street, East Walpole, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flower pots, peat flower pots, and siding*, from Norwood and Walpole, Mass., and Phillipsdale, R.I., to points in Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, and Saratoga, Rensselaer, Washington, Albany, Schenectady, Columbia, Dutchess, Putnam, Westchester, Greene, Ulster, and Orange Counties, N.Y.

NOTE: Applicant states that the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with Bird & Son, East Walpole, Mass. It is further noted that applicant is also authorized to conduct operations as a common carrier in Certificate MC 34689 and subs thereunder; therefore dual operations may be involved.

No. MC 43251 (Sub-No. 11), filed January 13, 1964. Applicant: H. MAYNARD GOULD, CO., Union Street, East Walpole, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, roofing, floor covering, wallboard, fiberboard, and materials and supplies* (except commodities in bulk, in tank vehicles) used in the installation thereof, from Walpole and Norwood, Mass., to points in York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, (2) *roofing, and materials and supplies* (except commodities in bulk, in tank vehicles) used in the installation thereof, from Phillipsdale, R.I., to points in York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, and (3) *paper products, waste paper, and plastic flower pots*, from Waterville, Maine to Norwood and Walpole, Mass. and Phillipsdale, R.I.

NOTE: Applicant states that the proposed operation is to be limited to a transportation service to be performed under a continuing contract or contracts with Bird & Son, East Walpole, Mass. It is further noted that the applicant is also authorized to conduct operations as a common carrier in Certificate MC 34689, therefore dual operations may be involved.

No. MC 47583 (Sub-No. 6), filed January 9, 1964. Applicant: ED HOLESTINE, 41 Lyons Avenue, Kansas City, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as defined in Practices of motor common carrier of household goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Kansas City, Mo., and Tulsa and Oklahoma City, Okla.

NOTE: The purpose of this application is to eliminate the gateway point of Independence, Kans., in applicant's present operation between Kansas City, Mo., on the one hand, and, on the other, Tulsa and Oklahoma City, Okla.

No. MC 49304 (Sub-No. 11), filed January 14, 1964. Applicant: JAMES L. BOWMAN, doing business as BOWMAN TRUCKING CO., Stephens City, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers, and materials and supplies normally used in the manufacture of fertilizer*, between points in Frederick County, Va., on the one hand, and, on the other, points in Maryland, Pennsylvania, and West Virginia, and (2) *lime and limestone products* (except open hearth limestone), from points in Clarke and Frederick Counties, Va. (except Middletown and points within 6 miles of Middletown, Va.), to points in Delaware, Maryland, Pennsylvania, and West Virginia.

No. MC 52110 (Sub-No. 80), filed January 13, 1964. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat-packinghouses*, as defined in Sections A, B and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates* 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles and except hides), (1) from Austin and Albert Lea, Minn., Sioux Falls, S. Dak., St. Joseph, and Kansas City, Mo., Kansas City, Kans., Omaha, Nebr., and points in Saunders County, Nebr., and points in Iowa, to Louisville, Ky., points in Indiana and Ohio, points in Michigan on and south and west of U.S. Highway 10 between and including Ludington, and Flint, Mich., and on and south of Michigan Highway 21 between Flint, Mich., and Port Huron, Mich., including Port Huron, Mich., (2) from Spencer, Iowa, to Kankakee, Ill., and (3) from Storm Lake, Iowa, to Bushnell, Ill.

NOTE: Common control may be involved.

No. MC 52460 (Sub-No. 68), filed January 2, 1964. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in bulk, in government-owned and shipper-owned trailers, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, between all helium production plants and storage facilities located at points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE: Common control may be involved.

No. MC 52657 (Sub-No. 632), filed January 6, 1964. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers, semi-trailers, trailer chassis, and semi-trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Hazelton, Pa., to points in the United States (except Hawaii); (B) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Hazelton, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia; (C) *cargo and shipping containers*, from Hazelton, Pa., to points in the United States (except Hawaii).

No. MC 54567 (Sub-No. 4), filed January 2, 1964. Applicant: RELIANCE TRUCK CO., a corporation, 2500 North 24th Avenue, Phoenix, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix 12, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, between points in Nevada and Arizona, and (2) (a) *construction materials, equipment and supplies, including explosives*, (b) *machinery and machinery parts and engines* of all types and *parts thereof*, and *aircraft and missiles and parts thereof*, (c) *iron and steel*, and *iron and steel products*, (d) *buildings*, portable or prefabricated, (e) *electrical equipment and parts thereof*, (f) *boiler and boiler parts*, (g) *commodities*, which because of size or weight, require the use of special equipment, and (h) *paper and fibre board and products thereof; cartons and boxes*, between points in Arizona.

No. MC 55236 (Sub-No. 79), filed January 12, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities, dry commodities*, and *empty containers or other such incidental facilities* (not specified) used in transporting said commodities, between points in Wisconsin.

No. MC 61592 (Sub-No. 15), filed January 2, 1964. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements* (other than hand), (2) *attachments for agricultural machinery implements* (other than hand), (3) *equipment* designed for use in conjunction with tractors, (4) *industrial attachments*, and (5) *parts* of the commodities described in 1, 2, 3, and 4 above when incidental to and moving in the same vehicle with said commodities, from Horicon, Wis., to points in Illinois and Iowa.

No. MC 61592 (Sub-No. 16), filed January 15, 1964. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental and showdisplay tractors and farm and industrial machinery and equipment*, which, at the time of movement are being transported for purposes of display or experiment, and not for sale, and incidental paraphernalia, moving in the same vehicles, and at the same time, between points in the United States and (excluding points in Alaska, and Hawaii), and *rejected shipments*, of the commodities specified above, on return.

No. MC 61592 (Sub-No. 17), filed January 16, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*, other than hand, (2) *farm machinery*, (3) *tractor attachments*, (4) *automatic feeding systems*, and (5) *parts and accessories*, when moving in mixed loads with the articles described in items 1, 2, 3, and 4, above, from Vinton, Dubuque, and Sac City, Iowa, Omaha and Columbus, Nebr., Glencoe and Minneapolis, Minn., Olathe, Kans., Kansas City and Independence, Mo., Bloomington and Harvard, Ill., Chattanooga, Tenn., Columbia City, Ind., and Burr Oak, Mich., to points in Wisconsin, Illinois, and the upper peninsula of Michigan.

NOTE: Applicant states that the proposed operation is to be restricted against the transportation of commodities requiring the use of special equipment and handling.

No. MC 69833 (Sub-No. 72), filed January 8, 1964. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Saginaw, Mich., and Vassar, Mich.; from Saginaw over Michigan Highway 46 to the junction of Michigan Highway 15, thence over Michigan Highway 15 to Vassar, and return over the same route, serving no intermediate points.

No. MC 71530 (Sub-No. 14), filed January 8, 1964. Applicant: W. EARL APPLEGATE, Station Road, Cranbury, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer ingredients* (except in tank or hopper type vehicles), and *insecticides, herbicides, fungicides, sprayers, applicators and distributors and parts thereof* for applying fertilizers, insecticides, herbicides and fungicides, *advertising paraphernalia and displays* used in promoting the sale of these commodities and *extra empty containers or bags* to be used in the event of damage to any container or bag of such commodities, limited to shipments transported simultaneously with fertilizers or fertilizer materials and ingredients, from Cranbury and Prospect Plains, N.J., to points in Connecticut; New Castle County, Del.; Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.; Ann, Baltimore, Cecil, Harford, Howard and Montgomery Counties, Md.; Albany, Columbia, Dutchess, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y.; Bucks, Berks, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, and Northampton Counties, Pa.; Providence County, R.I.; Fairfax County, Va.; the District of Columbia; Portland, Maine; Concord and Manchester, N.H.; Bennington, Burlington and White River Junction, Vt., and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

No. MC 83539 (Sub-No. 109), filed January 6, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Towers, water cooling with blowers*, thicker than 20 gauge, or steel and wood combined with hardware packaged, (2) *machine, cooling of freezing*, with winter control, and (3) *accessories, attachments or fittings therefor* when moving in connection with the commodities named in (1) and (2) above, from the plant site of the Marley Company, Louisville, Ky., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

No. MC 83539 (Sub-No. 110), filed January 14, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Transformers, switches, or circuit breakers*, (2) *accessories, attachments, and parts*, for the commodities in (1) above, when moving in connection therewith, from the plant site of General Electric Company located at or near Rome, Ga., to points in the United States (except points in Hawaii).

No. MC 83539 (Sub-No. 111), filed January 13, 1964. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, plate (not framed, bent, or leaded); glass, rolled, plain, figured, or wired (not bent); glazing units, glass (not in sash); glass doors, with and without fittings; glass, automoble, cut to*

shops, from Toledo, Ohio, to points in Arizona, Arkansas, Kansas, Louisiana, Colorado, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Montana, Oklahoma, South Dakota, Texas, Wyoming, Oregon, and Washington.

No. MC 103880 (Sub-No. 302), filed January 3, 1964. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer, and fertilizer ingredients*, dry in bulk, from Louisiana, Mo., to points in Illinois, Indiana, Kentucky, Tennessee, Iowa, Wisconsin, Kansas, Nebraska, and South Dakota.

No. MC. 105457 (Sub-No. 52), filed January 6, 1964. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. Applicant's attorney: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Charlotte, N.C., and Greenville, S.C.; (a) from Charlotte over Interstate Highway 85 to Greenville, and return over the same route, and (b) from Charlotte over U.S. Highway 29 to Greenville, and return over the same route, (2) between Charlotte, N.C., and Columbia, S.C.; from Charlotte over U.S. Highway 21 to Columbia, and return over the same route, (3) between Charlotte, N.C., and Charleston, S.C.; from Charlotte over U.S. Highway 21 to Pineville, N.C., thence over U.S. Highway 521 to Greeleyville, S.C., thence over South Carolina Highway 375 to junction US. Highway 52, thence over U.S. Highway 52 to Charleston, and return over the same route, (4) between Charlotte, N.C., and Florence, S.C.; from Charlotte over U.S. Highway 74 to Wadesboro, N.C., thence over U.S. Highway 52 to Florence, and return over the same route, (5) between Charleston, S.C., and Greenville, S.C.; from Charleston over Interstate Highway 26 to junction U.S. Highway 276, approximately four (4) miles north of Clinton, S.C., thence over U.S. Highway 276 to Greenville, and return over the same route, (6) between Charleston, S.C., and Fayetteville, N.C.; (a) from Charleston over U.S. Highway 52 to Florence, S.C., thence over U.S. Highway 301 to Fayetteville, and return over the same route; and (b) over the above route to Florence, S.C., thence over U.S. Highway 52 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 301 approximately four (4) miles south of Hope Mills, N.C., thence over U.S. Highway 301 to Fayetteville, and return over the same route, (7) between Columbia, S.C., and Florence, S.C.; from Columbia over U.S. Highway 76 to Florence, and return over the same route, (8) between Charlotte, N.C., and Florence, S.C.; from Charlotte over U.S. Highway 74 to Monroe, N.C., thence over U.S. Highway 601 to Pageland, S.C., thence over South Carolina Highway 151 to Darlington, S.C., thence over U.S. Highway 52 to Florence, and return over the same route, (9) between Fayetteville, N.C., and Florence, S.C.; from Fayetteville over U.S. Highway 401 to Darlington, S.C., thence over U.S. Highway 52 to Florence, and return over the same route, and (10) between Peedee, S.C., and Lumberton, N.C.; from Peedee over U.S. Highway 76 to Marion, S.C., thence over South Carolina Highway 41A to Fork, S.C., thence over South Carolina Highway 41 to South Carolina-North Carolina State line, thence over North Carolina Highway 41 to Lumberton, and return over the same route serving all intermediate points on the above routes and all off-route points in South Carolina. RESTRICTION: Service in South Carolina over the above-described routes is restricted against the handling of shipments tendered to the carrier for transportation by it from a point in South Carolina to a point in South Carolina.

NOTE: Applicant states that in Docket No. MC 105457 Sub 45, under date of January 21, 1958, it was granted authority to transport general commodities with certain exceptions between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina. Applicant is willing to accept as a condition precedent to a grant of the instant application the cancellation of the Sub 45 certificate.

No. MC 105813 (Sub-No. 110), filed January 17, 1964. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's representative: H. R. Marlane, 2020 Biscayne Boulevard, Miami 37, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209 and 766, in mechanically refrigerated vehicles, from Danville, Ill., to points in Florida.

No. MC 105946 (Sub-No. 9), filed January 7, 1964. Applicant: SUPERIOR CARRIERS, a corporation, Kenvil, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in dump vehicles, from points in Nassau, Suffolk, Orange, Westchester, and Rockland Counties, N.Y., to points in Sussex, Passaic, Bergen, Union, Essex, Hudson, Morris, and Somerset Counties, N.J., and (2) *Magnetite ore*, in bulk, and in bags from Mount Hope, N.J., to points in Pennsylvania, Virginia, West Virginia, and Kentucky.

NOTE: Common control may be involved. It is further noted that applicant is also authorized to conduct operations as a contract carrier in Permit MC 108363 and Subs thereunder; therefore dual operations may be involved.

No. MC 106194 (Sub-No. 11), filed January 9, 1964. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. Applicant's attorney: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe coupling, and fittings therefor, iron and steel articles, machinery and agricultural implements and parts therefor, materials, equipment, and supplies*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, *contractor's equipment, materials, and supplies, livestock, and petroleum products*, other than in bulk, in tank vehicles, (1) between points in Kansas, Oklahoma, Colorado, Nebraska, and Council Bluffs, Iowa, and its commercial zone, and (2) between Kansas City, Mo., and its commercial zone, and points in Nebraska, Colorado, and Oklahoma.

No. MC 106657 (Sub-No. 24), filed January 16, 1964. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High-calcium limestone*, in bulk, in dump vehicles, from Milwaukee, Wis., to points in Illinois and Indiana.

No. MC 107403 (Sub-No. 524), filed January 9, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa., 19050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, dry, in bulk, from Skaneateles Falls, N.Y., to Euclid, Ohio.

NOTE: Common control may be involved.

No. MC 107496 (Sub-No. 305), filed January 15, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P. O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax and lube oils*, in bulk, in tank vehicles, from Casper, Wyo., to points in Kansas, Missouri, Illinois, Wisconsin, Minnesota, and Iowa.

NOTE: Common control may be involved.

No. MC 107496 (Sub-No. 306), filed January 15, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, P. O. Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Idaho, to points in Wyoming.

NOTE: Common control may be involved.

No. MC 107515 (Sub-No. 466), filed January 8, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214, Standard Federal Building, Atlanta, Ga., Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Dallam and Hartley Counties, Tex., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

No. MC 107515 (Sub-No. 467), filed January 9, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 214, Standard Federal Building, Atlanta, Ga., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese spreads and salad dressings*, from Dallas and Forth Worth, Tex., to points in North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis).

No. MC 107839 (Sub-No. 57), filed January 13, 1964. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Leslie R. Kehl, Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soup ingredients* (soup mix), from the plant site of Corn Products Co., Dallas, Tex., to Denver, Pueblo, and Colorado Springs, Colo.

No. MC 108329 (Sub-No. 6), filed January 16, 1964. Applicant: KATO THEATRE SERVICE, INC., Route No. 3, Elizabethtown, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hardin County, Ky., and Louisville, Ky., restricted to the transportation of those shipments which will have a prior or subsequent movement by air.

No. MC 108449 (Sub-No. 175), filed January 13, 1964. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar products, coal, and coke*, in bulk, from points in Hennepin, Ramsey and Dakota Counties, Minn., to points in Minnesota, Iowa, Illinois, Wisconsin, and the upper peninsula of Michigan.

No. MC 109346 (Sub-No. 8), filed January 15, 1964. Applicant: J. L. COX & SON, INC., Raytown, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies, used in or in connection with the construction, operations, maintenance, servicing, repair or dismantling of pipelines*; between points in the United States (except California).

No. MC 109478 (Sub-No. 72), filed January 10, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Common control may be involved.

No. MC 109584 (Sub-No. 121), filed January 15, 1964. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, granulated and liquid, in bulk, in tank and hopper vehicles, and *syrup*, in bulk, in tank vehicles from points in Arizona, to points in California, New Mexico, Nevada, Colorado, Texas, and Utah.

NOTE: Common control may be involved.

No. MC 109891 (Sub-No. 4), filed January 6, 1964. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Charleston Heights, S.C. Applicant's attorney: Ernest F. Hollings, 38 Broad Street, Charleston, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, including *blended gasoline, diesel and kerosene*, in tank vehicles, from Belton and Camp Croff, S.C., to points in Georgia, and *returned and rejected shipments*, on return.

NOTE: Applicant states the proposed operations will be performed for the account of Humble Oil and Refining Co.

No. MC 111181 (Sub-No. 3), filed January 13, 1964. Applicant: NUCERA BEVERAGE TRANSPORTATION CO., a corporation, 51 Carmen Avenue (Bordentown Township), Trenton 10, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Brooklyn, N.Y., to points in New Jersey, and Philadelphia, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operations will be performed under contract with the Joseph Schlitz Brewing Co.

No. MC 111401 (Sub-No. 149), filed January 6, 1964. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard (P.O. Box 632), Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Alamosa and Rio Grande Counties, Colo., and points in Arizona, New Mexico, and Utah.

NOTE: Applicant states that no duplicating authority is requested. It is further noted that the applicant has a pending contract application MC 125020, therefore dual operations may be involved.

No. MC 111625 (Sub-No. 11), filed January 17, 1964. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 781, Binghamton, N.Y. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction of U.S. Highway 20 and Massachusetts Highway 146 near Worcester, Mass., and Providence, R.I., from junction U.S. Highway 20 and Massachusetts Highway 146 over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, and return over the same route, serving no intermediate points. RESTRICTION: The authority sought herein to transport general commodities shall not include the authority to transport chemicals, including acids, to points in Massachusetts.

No. MC 111812 (Sub-No. 236), filed January 15, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (*other than frozen*), *bird and fish foods* (*pet foods*), *and pet supplies, pressed wood pulp, impregnated* (*fire starters*), *buffing and polishing compounds*, from Rochester, N.Y., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Milan, Ill.

NOTE: Applicant states "no duplicating authority is sought by this application." Common control may be involved.

No. MC 111812 (Sub-No. 237), filed January 17, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building (P.O. Box 747), Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from Milton, Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant states that no duplicating authority is sought by this application. It is further noted that common control may be involved.

No. MC 112184 (Sub-No. 17), filed January 13, 1964. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Newbury, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *con-*

tract carrier, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Newark, N.J., to Cleveland, Ohio.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Benjamin Moore & Co.

No. MC 112520 (Sub-No. 98), filed January 8, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank and hopper type vehicles, from points in Florida, to points in Kanawha County, W. Va.

NOTE: Common control may be involved.

No. MC 112595 (Sub-No. 21), filed January 6, 1964. Applicant: FORD BROTHERS, INC., 2940 South Third Street, Ironton, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk and in containers, from Ironton, Ohio, to points in Indiana, Kentucky, Pennsylvania, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 112750 (Sub-No. 175), filed January 9, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records and audit, and accounting media of all kinds* (excluding plant removals), (1) between River Grove (Cook County), Ill., on the one hand, and, on the other, Davenport, Waterloo, and Webster City, Iowa, under a continuing contract or contracts with Continental Baking Co., and (2) between Davenport, Iowa, on the one hand, and, on the other, Melrose Park (Cook County), Ill., under a continuing contract or contracts with Graybar Electric Co., Inc.

NOTE: Common control may be involved.

No. MC 112750 (Sub-No. 177), filed January 14, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Imprinted checks, fillers and check books and orders for the described commodities*, between Louisville, Ky., on the one hand, and, on the other, Charleston, W. Va., (2) *checks, business papers, records and audit, and accounting media of all kinds* (except plant removals), (a) between Columbus, Ohio, on the one hand, and, on the other, Huntington, W. Va., (b) between Cleveland, Ohio, on the one hand, and, on the other, Erie, Pa., (c) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (d) between Akron, Ohio, on the one hand, and, on the other, Boyers, Pa., (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moving therewith* (except motion picture film used primarily for commercial theater and television exhibition), between Findlay and Columbus, Ohio, on the one hand, and, on the other, points in Cabell, Kanawha and Wood Counties, W. Va., (4) *impressions, models and bites, articulators, dentures and products relating to restorative dentistry*, (a) between Charleston, W. Va., on the one hand, and, on the other, Ashland, Ky., and, (b) between Charleston, W. Va., on the one hand, and, on the other, points in Ohio on and east of U.S. Highway 23 and on and south of U.S. Highway 40, and, (5) *ophthalmic goods and commercial papers* (except supplies and plant removals), (a) between Cleveland, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, Richmond, Jeffersonville and Indianapolis, Ind., Lexington, Ky., and Huntington, Charleston and Parkersburg, W. Va.

NOTE: Applicant states the above proposed operations will be performed under continuing contract or contracts with Herald Printery, Louisville, Ky., in (1), with Service Bureau Corporation and Ohio Fuel Gas Co., Columbus, Ohio, in (2)(a), with Service Bureau Corporation, in (2)(b), with The Peoples Natural Gas Co., in (2)(c), with Firestone Tire and Rubber Co. of Akron, Ohio, in (2)(d), with Eastman Kodak Co., in (3), and with Schuron Optical Co., in (5) (a) and (b). Further, it is noted that common control may be involved.

No. MC 113271 (Sub-No. 17), filed January 13, 1964. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in sacks, from Tooele County, Utah, to points in Montana, and *rejected shipments*, on return.

NOTE: Common control may be involved.

No. MC 113678 (Sub-No. 69), filed January 2, 1964. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* not requiring refrigeration, from points in Adams County, Pa., and Inwood, W. Va., to points in Colorado, Nebraska, Wyoming, Minnesota, North Dakota, and South Dakota.

No. MC 114004 (Sub-No. 46), filed January 16, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 3828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in California to points in the United States (except Hawaii).

No. MC 114045 (Sub-No. 127), filed January 9, 1964. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Louisville, Ky., to points in Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas.

No. MC 114115 (Sub-No. 8), filed January 2, 1964. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity, (1) between points in Kentucky, Illinois, Indiana, and Michigan, and (2) between points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be limited to salt that has had a prior water or rail movement.

No. MC 114115 (Sub-No. 9), filed January 16, 1964. Applicant: TRUCKWAY SERVICE, INC., 1099 South Oakwood Boulevard, Detroit, Mich. Applicant's attorney: Rex Eames, 1600 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in mixed shipments with salt*, from St. Clair, Mich., to points in Ohio, Indiana, and Illinois.

NOTE: Applicant states it is presently authorized to transport salt from St. Clair, Mich., to points in Ohio, Indiana, and Illinois.

No. MC 114126 (Sub-No. 5), filed January 6, 1964. Applicant: ASSOCIATED ENTERPRISES, LTD., Box 139, Salmo, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, between the port of entry on the International Boundary line between the United States and Canada located at or near Metaline Falls, Wash., and Metaline Falls, Wash.

NOTE: Applicant states the proposed service will include service to the railhead of the Milwaukee railroad located at or near Metaline Falls, Wash.

No. MC 114194 (Sub-No. 62), filed January 3, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid yeast*, in bulk, from St. Louis, Mo., to points in Iowa and Illinois, and *rejected shipments*, on return.

No. MC 114533 (Sub-No. 83), filed January 17, 1964. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Papers*, used in the processing of data by computing machines, *punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, and documents* and *office records*, (1) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, points in Brown, Calumet, Dane, Fond du Lac, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygen, Washington, Waukesha, and Winnebago Counties, Wis., and points in Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Macomb, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Ottawa, St. Clair, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, and Wayne Counties, Mich., (2) between Detroit, Mich., and Indianapolis, Ind., (3) between Toledo, Ohio, and Alma, Mich., and (4) between Kansas City, Mo., on the one hand, and, on the other, points in that part of Kansas east of a line beginning at the Oklahoma-Kansas State line and extending along the western boundary of Harper County, Kans., to the southern boundary of Kingman County, Kans., thence along the southern boundary of Kingman County to the western boundary of Kingman County, and thence along the western boundaries of Kingman, Reno, Rice, Ellsworth, Lincoln, Mitchell and Jewell Counties, Kans., to the Kansas-Nebraska State line, and points in Nuckolls and Richardson Counties, Nebr. RESTRICTION: The service authorized herein is subject to the following conditions: (1) The service shall be limited to the transportation of packages each weighing 100 pounds or less, and (2) the carrier shall not transport more than one package from one consignor at one location to one consignee at one location on any one day.

NOTE: Applicant is presently authorized under MC 114533 Sub-No. 24, to transport the commodities involved herein within the territory sought to be served herein, limited to shipments of packages each weighing 25 pounds or less. The purpose of this application is to increase the weight of the packages sought to be transported to 100 pounds or less.

No. MC 114718 (Sub-No. 9), filed January 8, 1964. Applicant: OHIO VALLEY MOTOR FREIGHT, INC., Moore's Junction, Marietta, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tricalcium phosphate* (bone ash), dry, in bulk, in dump vehicles, from Riverview, Ohio, to points in Illinois, Missouri, North Carolina, Pennsylvania, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 115180 (Sub-No. 7), filed January 2, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766 (except liquid commodities in bulk, in tank vehicles) in less than truckload quantities, from New York, N.Y., to points in Illinois, Iowa, Indiana, Ohio, Pennsylvania, and Wisconsin.

No. MC 115841 (Sub-No. 161), filed January 8, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West (P.O. Box 2169), Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lake City, Pa., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi.

No. MC 116063 (Sub-No. 34), filed January 3, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, P.O. Box 7346, Fort Worth, Tex., 76111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, mineral and protein mixtures*, from points in Eddy County, N. Mex., to points in Oklahoma and Colorado, points in Texas on and west of U.S. Highway 75, and points in Kansas on and south of U.S. Highway 40, and *rejected and damaged shipments*, on return.

No. MC 116564 (Sub-No. 14), filed January 14, 1964. Applicant: LEWIS W. AND MARGARET J. McCURDY, a partnership, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant holds common carrier authority in MC 119118 and Subs thereto; therefore dual operations may be involved.

No. MC 117250 (Sub-No. 4), filed January 6, 1964. Applicant: JAMES WILSON & SONS TRUCKING CORP., 200 King Street, Brooklyn 31, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of paints, colors, chemicals, and pigments* (except in bulk) and *materials and supplies used in connection therewith* (except in bulk), from the site of the shipper's plant at Newark, N.J., to New York, N.Y.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Sherwin-Williams Company, Brooklyn, N.Y. It is further noted that the applicant presently holds authority to transport lacquers, paints, enamels, thinners, solvents and paint dryers from Newark, N.J., to New York. The purpose of this application is to enable the applicant to transport materials and supplies in connection therewith for the same shipper.

No. MC 117344 (Sub-No. 116), filed January 13, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles, between points in Dearborn County, Ind., and Hamilton County, Ohio, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, on return.

No. MC 117578 (Sub-No. 6), filed January 2, 1964. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and dolomitic limestone*, in bulk, in tank and hopper type vehicles, from points in Russell County, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, and West Virginia.

NOTE: Common control may be involved.

No. MC 117815 (Sub-No. 18), filed January 16, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines 17, Iowa. Applicant's representative: William A. Landau, 1307 E. Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products*, and *commodities* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Des Moines, Iowa, to La Porte, Ind.

No. MC 117686 (Sub-No. 37), filed January 16, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples and coconuts when moving in the same vehicle with bananas*, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Houston and Galveston, Tex., to points in Iowa, Illinois (except Chicago commercial zone), Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, and South Dakota.

No. MC 118142 (Sub-No. 15), filed January 2, 1964. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's attorney: James P. Miller, Suite N–13, Medical

and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Sedgwick County, Kans., to points in Florida, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, and Georgia, and *fresh fruits and vegetables*, on return.

No. MC 118529 (Sub-No. 2), filed January 14, 1964. Applicant: I & M, INC., 2525 Euclid Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone* and *phosphate feed supplements*, from Alden, Iowa, and points within 5 miles thereof to points in Minnesota, Nebraska, North Dakota, and South Dakota.

No. MC 119380 (Sub-No. 4), filed January 9, 1964. Applicant: RATLIFF BROS. AND CO., 701 Dewey Avenue, Kewanee, Ill., 61443. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock salt*, in dump vehicles, from Davenport, Iowa, and points within 25 miles thereof, in Iowa, to points in that part of Illinois north and west of a line commencing at the Missouri-Illinois State line near Pike, Ill., and extending eastward along U.S. Highway 54 to Clinton, Ill., thence north along U.S. Highway 51 to the Illinois-Wisconsin State line at South Beloit, Ill., and (2) coal, in dump vehicles, from points in Henry, Stark, Knox, Mercer, and Rock Island Counties, Ill., to points in Muscatine, Scott, Clinton, Lee, Louisa, and Des Moines Counties, Iowa.

No. MC 119560 (Sub-No. 2), filed January 16, 1964. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 2095 Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) between points in Georgia, (2) between points in North Carolina, and (3) between points in South Carolina.

NOTE: Applicant states that the proposed operation is to be restricted to shipments having a prior movement by rail and/or water.

No. MC 119777 (Sub-No. 22), filed January 9, 1964. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except those which require special equipment), from points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., and Cleveland, Canton, Youngstown, and Warren, Ohio, to points in Indiana and Illinois on and south of U.S. Highway 40, and *rejected shipments*, on return.

No. MC 119778 (Sub-No. 64), filed January 10, 1964. Applicant: REDWING CARRIERS, INC., P.O. Box 34 Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from points in Alabama to points in Tennessee.

NOTE: Common control may be involved.

No. MC 120947 (Sub-No. 2), filed January 2, 1964. Applicant: HARRY C. REHM, JR., doing business as REHM TRUCKING SERVICE, Hebron, N. Dak. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Hebron, N. Dak., to points in Minnesota, Montana, South Dakota (except points on and west of South Dakota Highway 65 and on and north of U.S. Highway 212, and points within a 65-mile radius of Rapid City, S. Dak.), and points in Wyoming on and north of U.S. Highway 26, and *exempt commodities*, on return.

No. MC 121108 (Sub-No. 2), filed January 3, 1964. Applicant: M. G. BOSTWICK, doing business as BOSTWICK TRUCK LINES, 710 South Pacific Street, Dillon, Mont. Applicant's attorney: Carl M. Davis, 30 South Montana Street, Dillon, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Butte, Mont., and Monida, Mont., from Butte over U.S. Highway 91 and Interstate Highway 15 to Monida, and return over the same route, serving the intermediate points of Divide, Maiden Rock, Melrose, Glen, Dillon, Barrett's Station, Armstead, Dell, Lima, and Clark Canyon Dam.

No. MC 123048 (Sub-No. 32), filed January 13, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, agricultural implements, parts and attachments thereof, concrete mixing machines, internal combustion engines, snow plows and attachments for tractors, wagons, carts and sulkies, lawn mowers and engines combined, lawn vacuums and parts of machines being transported, charbroilers*, charcoal burning barbecue type (except those commodities requiring the use of special equipment or special handling), from Plymouth and Oostburg, Wis., to points in Iowa, Kansas, Missouri, Texas, Arkansas, Colorado, Nebraska, Oklahoma, Utah, Kentucky, Tennessee, Michigan, Mississippi, Illinois, and Minnesota, and *rejected shipments*, on return.

No. MC 123048 (Sub-No. 33), filed January 13, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, and tractor attachments* (except commodities requiring the use of special equipment or special handling), (1) from Racine, Wis., to points in Oklahoma, and (2) Burlington, Iowa, to points in Missouri.

NOTE: Applicant states it proposes to transport in (1) and (2) above, *rejected shipments*, on return.

No. MC 123048 (Sub-No. 34), filed January 13, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, agricultural implements, and parts thereof* that are intended for and that accompany the farm machinery and agricultural implements being transported (except those commodities which because of size or weight require the use of special equipment or handling), from Schoolcraft, Mich., to points in Indiana, Ohio, Illinois (except the Chicago commercial zone), and Wisconsin, and *rejected shipments* on return.

No. MC 123286 (Sub-No. 1), filed January 16, 1964. Applicant: JUNE A. JONES, doing business as JOHNSTON'S DELIVERY & MOVING, 1040 Hayden Street, Fort Wayne, Ind. Applicant's attorney: Philip W. Freiberger, 130 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, between Fort Wayne, Ind., and points on the lines of the Wabash Railroad in Indiana.

NOTE: Applicant states that the proposed operation will substitute motor carrier service for railroad service.

No. MC 123383 (Sub-No. 11), filed January 2, 1964. Applicant: BOYLE BROTHER, INC., 256 River Road, Edgewater, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in dump vehicles, from points in Nassau, Suffolk, Orange, Westchester, and Rockland Counties, N.Y., to points in Somerset, Morris, Essex, Passaic, Bergen, Union, Hudson, and Sussex Counties, N.J., and (2) *magnetite ore*, in bulk and in bags, from Mount Hope, N.J., to points in Pennsylvania, West Virginia, and Kentucky.

No. MC 124004 (Sub-No. 2), filed January 3, 1964. Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in dump vehicles, from Nassau, Orange, Rockland, Westchester, and Suffolk Counties, N.Y., to Sussex, Bergen, Passaic, Morris, Essex, Union, Somerset, and Hudson Counties, N.J.

No. MC 124047 (Sub-No. 22), filed January 3, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers* and *fertilizer materials*, from Greenville, Ohio, to points in Indiana and Ohio. Common control may be involved.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 111029.

No. MC 124410 (Sub-No. 6), filed January 1, 1964. Applicant: ROBERT A. STATON, doing business as BOB STATON TRANSPORT CO., Junction U.S. Highways 36 and 65, Chillicothe, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Waverly, Mo., to points in Nebraska and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 124511 (Sub-No. 3), filed January 6, 1964. Applicant: JOHN F. OLIVER, P.O. Box 233, Mexico, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in specialized vehicles, from Mexico, Mo. (1) to Ivorydale, Ohio, Memphis, Tenn., and points in Illinois, including the Chicago, Ill. commercial zone, and (2) to barge terminals located in St. Louis, Mo., and its commercial zone, on traffic destined to out-of-State points.

No. MC 124939 (Sub-No. 3), filed January 13, 1964. Applicant: FOOD HAUL, INC., 888 West Goodale Boulevard, Columbus 12, Ohio. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between points within the territory bounded by a line beginning at Marlinton, W. Va., and extending west to Richwood, W. Va., thence in a northwesterly direction through Gassaway and Pennsboro to St. Marys, W. Va., thence north through Barnesville, Ohio, to Cadiz, Ohio, thence in a northwesterly direction through Uhrichsville and Dover to Orrville, Ohio, thence west to Plymouth, Ohio, thence in a southwesterly direction through Upper Sandusky, to St. Marys, Ohio, and thence in a southeasterly direction through Sidney, Piqua, Troy, Tipp City, Xenia, and Greenfield to Portsmouth, Ohio, thence in a westerly direction along the northern shores of the Ohio River through Cincinnati, Ohio, to the junction of the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to Toledo, Ohio, thence easterly along the shores of Lake Erie to the New York-Pennsylvania State line, thence south and east along the New York-Pennsylvania State line to a point due north of Renovo, Pa., thence due south to Renovo, thence in a southeasterly direction through Jersey Shore, Pa., and Middleburg, Pa., to Millersburg, Pa., thence southwesterly through Duncannon, Pa., McConnellsburg, Pa. (including the Maryland points lying westerly), Moorefield, W. Va., Petersburg, W. Va., and Cass, W. Va., to Marlinton, W. Va., including the points named.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with The Great Atlantic & Pacific Tea Co., Inc., located at Columbus, Ohio.

No. MC 125279 (Sub-No. 1), filed January 6, 1964. Applicant: A. C. BENNINGER, Newmansville, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clarion County, Pa., to Medina, Westfield, and Jamestown, N.Y.

No. MC 125338 (Sub-No. 1), filed January 15, 1964. Applicant: SUPER SPEED TRANSPORT, INC., 415 Levis Street, St. Jean, Province of Quebec, Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper type equipment, from points in New Hampshire, New York, and Vermont, on the International Boundary line between the United States and Canada, to points in New York and Vermont.

No. MC 125543 (Sub-No. 1), filed January 17, 1964. Applicant: PERISHABLE SERVICES, INC., P.O. Box 331, Waukesha, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail food business houses*, between Waukesha, Wis., on the one hand, and, on the other, points in Lake and McHenry Counties, Ill.

No. MC 125706 (Sub-No. 1), filed January 3, 1964. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, beams, pillars, lumber*, and *forest products*, (1) from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi (except Meridian), Missouri, Oklahoma, Tennessee, and Texas, to points in Illinois (except Chicago Heights and East St. Louis), Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska (except Omaha), Ohio, and Wisconsin, and (2) between East St. Louis, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116434.

No. MC 125916, filed January 3, 1964. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 7105 West 3500 South Street, Magna, Utah. Applicant's attorney: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, of a character for use, and to be used only in oil or gas well drilling operations, from Salt Lake City, Spray, and Lake Point, Utah, to points in Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, San Juan, Montezuma, and La Plata Counties, Colo., and *rejected shipments* on return.

NOTE: Applicant states that the purpose of this application is to convert his Contract Authority to Common Carrier Authority.

No. MC 125918, filed January 2, 1964. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, clay, cinder, and cement products*, other than in bulk, on flat bed trailers, (1) from Winslow, N.J., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, and Lehigh Counties, Pa., and points in Delaware; (2) from Columbus and Alliance, Ohio, Washington, D.C., and Charleston and Martinsburg, W. Va., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, and Lehigh Counties, Pa., and Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and points in Delaware; and, (3) from Pittsburgh, Harrisburg, Reading, York, and Ephrata, Pa. to points in Delaware, and Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Diener Brick Co., Collingswood, N.J.

No. MC 125919, filed January 2, 1964. Applicant: WILLIAM L. HALTER, doing business as HALTER'S DISTRIBUTING COMPANY, 1201a Collins, Lawrenceville, Ill. Applicant's attorney: Roscoe D. Cunningham, Court House, Borden Building, Lawrenceville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and alcoholic beverages*, from Milwaukee, Wis., St. Louis, Mo., Newport, Ky., South Bend, Ind., and Peoria, Ill., to points in Lawrence, Wabash, Crawford, Jasper, Richland, Edwards, Clark, Edgar, Marion, Wayne, Clay, Effingham, Jefferson, Cum-

berland, White, and Fayette Counties, Ill., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states he proposes to transport the above commodities from source at indicated breweries to wholesalers located within the Illinois counties enumerated.

No. MC 125920, filed January 2, 1964. Applicant: MARCELLA SCHMITT, doing business as AMBRAW DISTRIBUTING COMPANY, 1216 State, Lawrenceville, Ill. Applicant's attorney: Roscoe D. Cunningham, Borden Building, Lawrenceville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, alcoholic beverages, and brewery products*, from St. Louis, Mo., Louisville, Ky., Cincinnati, Ohio, Evansville, Ind., and Milwaukee, Wis., to points in Lawrence, Wabash, Crawford, Jasper, Richland, Edwards, Clark, Edgar, Marion, Wayne, Clay, Effingham, Jefferson, Cumberland, White, and Fayette Counties, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 125921, filed January 5, 1964. Applicant: NEIL HUBBARD, RFD No. 1, Box 169, Leaf River, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dairy products* and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between Leaf River, Ill., and Monroe, Wis., from Leaf River over unnumbered county highway to Mount Morris, Ill., thence over unnumbered county highway to junction unnumbered county highway, thence over unnumbered county highway to Polo, Ill., thence over Illinois Highway 26 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 69 to Monroe, and return over the same route, serving all intermediate points.

No. MC 125923, filed January 2, 1964. Applicant: LIND MOVING AND STORAGE COMPANY, INC., 3654 Marion Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, fixtures, and household goods*, in the conduct of a transfer, moving and general cartage business. In the City and County of Denver and in the Counties of Adams, Arapahoe and Jefferson, and also occasional service throughout the State of Colorado and each of the counties thereof.

No. MC 125930, filed January 10, 1964. Applicant: RARITAN TRUCKING CORP., Foot of Tillman Street, Raritan, N.J. Applicant's attorney: Joseph LeVow Steinberg, 744 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon steel coils* weighing 3,000 to 25,000 pounds, from the plant site of National Steel Corp., Weirton Steel Co. Division, located in Weirton, W. Va., to the plant site of Federal Steel Corp. (Pa.), located in Bristol, Pa.

No. MC 125932, filed January 9, 1964. Applicant: KENZIE BIDDLE and GENE FLAUGHER, doing business as BIDDLE & FLAUGHER R.R. 1, Foster, Ky. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk products, milk byproducts, and fruit juices, fruit drinks, and fruit segments*, in containers, from the plant sites of Sealtest Foods Division, National Dairy Products Corp., at Cincinnati, Ohio, to points in Kentucky east of U.S. Highway 421 from the Kentucky-Indiana State line to its intersection with U.S. Highway 127, and east of U.S. Highway 127 to the Kentucky-Tennessee State line, including points on and within 3 miles from the above-named highways.

No. MC 125933, filed January 13, 1964. Applicant: J. CARL HUNT and A. J. White, doing business as H & W TRUCKING, 12016 North 112 Drive, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock and poultry feeds, processed grains and grain mixtures, and protein concentrates* in sack and in bulk, and (2) *fertilizers and agricultural chemicals*, primarily calcium nitrate, 20 percent single super phosphate, inert clay and 45 percent urea, between Phoenix, Ariz., and San Diego and Los Angeles, Calif.

No. MC 125938, filed January 8, 1964. Applicant: JOHN BRADY AND WILLIS BRADY, doing business as BRADY BROTHERS, 440 Hill Street, Maniwaki, Province of Quebec, Canada. Applicant's attorney: Cyrille H. Goulet, 116 Lisgar Street, Ottawa 4, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from the port of entry on the International Boundary line between the United States and Canada, located at Ogdensburg, N.Y., to points in New York.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 45), filed January 8, 1964. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Oakland, and Wyckoff, N.J., from the junction of U.S. Highway 202 (Ramapo Valley Road), and West Oakland Avenue, in Oakland, over U.S. Highway 202 to its junction with Long Hill Road, thence over Long Hill Road to the Oakland-Franklin Lakes municipal boundary line, thence over Franklin Lake Road, in Franklin Lakes, N.J., to the Franklin Lakes-Wyckoff municipal boundary line, thence over Sicomac Avenue in Wyckoff, to its intersection with Cedarhill Avenue to its junction with Wyckoff, and return over the same route serving all intermediate points.

NOTE: Common control may be involved.

No. MC 5723 (Sub-No. 6), filed January 13, 1964. Applicant: MT. CARMEL BUS SERVICE, INC., 3227 Laconia Avenue, Bronx, New York, N.Y. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common* or *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* from Bronx and Brooklyn, N.Y., to the plant site of Foster Wheeler Corp., Livingston, N.J., and return. RESTRICTION: The proposed service will be limited to the transportation of employees of Foster Wheeler Corp.

NOTE: Applicant states if contract carrier authority is authorized, the service will be performed under a continuing contract or contracts with the Foster Wheeler Employees Club.

No. MC 7914 (Sub-No. 3), filed January 5, 1964. Applicant: UTICA ROME BUS CO., INC., Elizabeth Street, Utica, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and personal effects*, in charter and special operations, providing round trip and one-way sightseeing, pleasure, educational, and recreational tours, beginning and ending at points in Lewis, Oneida, Madison, and Herkimer Counties, N.Y., and extending to points in the United States (except Hawaii), including service to points on the International Boundary Lines between the United States and Canada and Mexico.

No. MC 66810 (Sub-No. 13), filed January 6, 1964. Applicant: PEORIA-ROCKFORD BUS COMPANY, a corporation, 1034 Seminary Street, Rockford, Ill. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Rockford, Ill., and Beloit, Wis., from Rockford over Illinois Highway 2 to Beloit, and return over the same route, serving all intermediate points, and (2) between Milwaukee, Wis., and Beloit, Wis., from Milwaukee over Wisconsin Highway 59 to junction Wisconsin Highway 26, thence over Wisconsin Highway 26 to Beloit, and return over the same route, serving all intermediate points.

NOTE: Applicant states it holds certificated I.C.C. authority over both routes (1) and (2) as above described and is filing this application in order to eliminate restrictions which presently apply to each of them as follows: (1) Serving no intermediate points, restricted to traffic moving between Rockford, Ill., and points on carrier's authorized routes south and west of Rockford, on the one hand, and, on the other, points on its route north and east of Milton, Wis., and (2) serving all intermediate points, with service between Milton, Wis., and Beloit, Wis., inclusive, restricted to traffic moving to or from points east of Milton and south of Beloit, Wis. Applicant further states both single-line service and joint-line service is proposed with tacking of proposed routes with those presently authorized in carrier's Certificate No. MC 66810.

No. MC 94742 (Sub-No. 19), filed January 2, 1964. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Peabody, Mass., and Exeter, N.H., from Peabody at the North Shore Shopping Center on Massachusetts Highway 114 to junction Massachusetts Highway 114 and U.S. Highway 1, thence over U.S. Highway 1 to junction of U.S. Highway 1 and Interstate Highway 95, thence over Interstate Highway 95 and Massachusetts Highway 133, thence on Massachusetts Highway 133 to junction of Massachusetts Highway 133 and Massachusetts Highway 97 in Georgetown, Mass., thence on Massachusetts Highway 97 to junction of Massachusetts Highway 97 and Massachusetts Highway 125 in Haverhill, Mass., thence on Massachusetts Highway 125 to the Massachusetts-New Hampshire State line, thence on New Hampshire Highway 125 in Plaistow, N.H., to the junction at New Hampshire Highway 111 in Kingston, N.H., thence on New Hampshire Highway 111 to junction of New Hampshire Highway 108 in Exeter, N.H., and return over the same routes, serving all intermediate points, and (2) between Peabody, Mass., and Nashua, N.H.; from Peabody at the North Shore Shopping Center on Massachusetts Highway 114 to the junction of Massachusetts Highway 114 and Massachusetts Highway 125 in North Andover, Mass., thence on Massachusetts Highway 125 to and over various streets in the municipalities of North Andover and Lawrence, Mass., thence on Massachusetts Highway 110 to junction of Massachusetts Highway 110 and Interstate Highway 93, thence on Interstate Highway 93 to junction of Interstate Highway 495, thence on Interstate Highway 495 to junction of Interstate Highway 495 and American Legion Connecting Highway (495 spur) in Lowell, Mass., thence on American Legion Connecting Highway to Rogers Square in Lowell, thence back to junction of Interstate Highway 495, thence on Interstate 495 to New U.S. Highway 3, thence on New U.S. Highway 3 to Railroad Square in Nashua, N.H., and return over the same route serving all intermediate points.

No. MC 94742 (Sub-No. 20), filed January 13, 1964. Applicant: MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Peabody, Mass., and Rochester, N.H.; from Peabody over Massachusetts Highway 114 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction Interstate Highway 95 in Danvers, Mass., thence over Interstate Highway 95 in Byfield, Mass., to junction Massachusetts Highway 110 in Newburyport, Mass., thence over Massachusetts Highway 110 to junction Massachusetts Highway 150 in Amesbury, Mass., thence over Massachusetts Highway 150 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 150 to junction New Hampshire Highway 108, thence over New Hampshire 108 to Dover, N.H., thence over an unnumbered highway to junction New Hampshire Highway 16A, thence over New Hampshire Highway 16A to Somersworth, N.H., thence over New Hampshire Highway 16 to Rochester (also from Dover over an unnumbered highway to junction Spaulding Turnpike, thence over Spaulding Turnpike to junction New Hampshire Highway 125 at or near Gonic, N.H., and thence over New Hampshire Highway 125 to Rochester), and return over the same routes, serving all intermediate points.

No. MC 109148 (Sub-No. 18), filed January 15, 1964. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 917 Stewart Street, Las Vegas, Nev. Applicant's attorney: Richard R. Hanna, Plaza Building, P.O. Box 648, Carson City, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Schurz, Nev., and Reno, Nev., from Schurz over U.S. Highway 95 to Fallon, Nev., thence over Alternate U.S. Highway 95 (formerly U.S. Highway 95) to junction U.S. Highway 40, thence over U.S. Highway 40 to Reno, and return over the same route, serving all intermediate points.

NOTE: Applicant states it holds above authority in Certificate No. MC 109148. The purpose of this application is to eliminate the following restriction: "Service shall not be provided between Reno and Fallon; and service at points on U.S. Highways 95 and 40 between Fallon and Reno shall be limited to traffic moving in said carrier's vehicles to or from points south of Fallon."

No. MC 110373 (Sub-No. 8), filed January 7, 1964. Applicant: NORTHEAST COACH LINES, a corporation, 780 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Sparta, N.J., and West Milford, N.J.; from junction Sussex County Highway 517 and Glen Road in Sparta, over Glen Road to junction Oak Ridge Road in Jefferson Township, N.J., thence over Oak Ridge Road to Junction New Jersey Highway 23 in West Milford, and return over the same route serving all intermediate points.

NOTE: Common control may be involved.

No. MC 125881, filed December 11, 1963. Applicant: JOHN ARCHAMBAULT, doing business as QUINN'S BUS LINE, Mt. Sinai Road, Coram, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, tranpsorting: *Passengers, their baggage and personal effects*. (1) Regular routes in the towns of Brookhaven, N.Y., Riverhead, N.Y., and Smithtown, N.Y. (a) In the town of Brookhaven, N.Y., as follows: From Surf Avenue over Main Street (Port Jefferson) to intersection Hallock Avenue (New York Highway 25A), thence over North Country Road to New York Avenue, thence over New York Avenue to Sound Beach Boulevard, thence over Sound Beach Boulevard to Hallock Avenue, thence over Hallock Avenue to the Brookhaven-Riverhead town line, thence over Echo Avenue to intersection North Rocky Point Road, thence over Rocky Point Landing Road to Hallock Avenue, thence over New York Highway 25A to Cedar Street, thence over Cedar Street to Christian Avenue, thence over Christian Avenue to New York Highway 25A, thence over New York Highway 25A to the Smithtown-Brookhaven town line. (b) In the town of Riverhead, N.Y., as follows: From the Brookhaven-Riverhead town line over New York Highway 25A to Manor Road (Wading River), thence over Manor Road to Parker Road, thence over Parker Road to New York Highway 25A, thence over New York Highway 25A to Hulse Avenue, thence over Hulse Avenue to North Wading River Road, thence over North Wading River Road to the entrance of Wildwood State Park. (c) In the town of Smithtown, N.Y., as follows: From the Smithtown-Brookhaven town line over New York Highway 25A (North Country Road) to Lake Avenue, thence over Lake Avenue to New York Highway 25, thence over New York Highway 25 (Jericho Turnpike) to intersection Commack Road, thence over New York Highway 25A to Indian Head Road, thence over Indian Head Road to intersection New York Highway 25, thence over Commack Road to a point approximately 200 feet south of New York Highway 25.

NOTE: Applicant states he intends to return to point of origin over the same routes, serving all intermediate points, as described in (1) above. Further, the above represents the same routes as described in applicant's intrastate certificate. In addition, authority is sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (2) *Passengers and their baggage and personal effects*, in one way or round-trip charter and special operations, beginning or ending at Port Jefferson, N.Y., and extending to points in Nassau and Suffolk Counties, N.Y., and (3) *Passengers and their baggage and personal effects*, in one way or round-trip charter operations, beginning or ending at the town of Brookhaven, N.Y., and extending to points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12520 (Sub-No. 2), filed January 16, 1964. Applicant: ROGER Q. WILLIAMS TOURS, INC., P.O. Box 9112, Knoxville 20, Tenn. Applicant's attorney: Joe D. Duncan, Suite 219, Journal Building, Knoxville, Tenn. For a license (BMC 5) to engage in operations as a *broker* at Knoxville, Tenn., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in round-trip tours, (a) beginning and ending at Norris, Tenn., and points within 75 miles thereof, and extending to points in the

United States (except Alaska and Hawaii), and (b) beginning and ending at points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and West Virginia, and at points in Kentucky, Virginia, and North Carolina (except those within 75 miles of Norris, Tenn.), and extending to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states the purpose of this application is to secure permission to operate as a broker at Knoxville, Tenn., rather than at its presently authorized point of Norris, Tenn.

No. MC 12891, filed January 7, 1964. Applicant: STANLEY BOLLMAN, R.D. No. 1, Everett, Pa. Applicant's attorney: Stanley G. Stroup, 8-10 Court House Square, Bedford, Pa. For a license (BMC 5) to engage in operations as a *broker* at Everett, Pa., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, as groups, in charter operations, beginning and ending at points in Bedford County, Pa., and extending to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 75007 (Sub-No. 1), filed January 10, 1964. Applicant: COLPITTS TOURIST CO., INC., 262 Washington Street, Boston, Mass. Applicant's attorney: Francis E. Barrett, Jr., 132 Forbes Building, Forbes Road, Braintree 84, Mass. For a license (BMC 5) to engage in operations as a *broker* at Boston, Mass., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in roundtrip tours, beginning and ending at Boston, Mass., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 110), filed January 2, 1964. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. Applicant's attorney: Bates Block, First National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious to or contaminating to other lading), serving the plant site of E. T. Barwick Mills, located on Georgia Highway 341, as an off-route point, in connection with applicant's authorized regular route operations between Altanta, Ga., and Chattanooga, Tenn., and also between Chattanooga, Tenn., and Springville, Ala.

NOTE: Common control may be involved.

No. MC 2900 (Sub-No. 111), filed January 15, 1964. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, Fla. Applicant's attorney: Allen Post, First National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those which are injurious or contaminating to other lading), serving Damascus, Ga., as an off-route point in connection with applicant's regular-route operations.

No. MC 3009 (Sub-No. 53), filed January 2, 1964. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious and contaminating to other lading), between Mt. Vernon, Ala., and junction Alabama Highway 96 and Mississippi Highway 594, at the Alabama-Mississippi State line, from Mt. Vernon over Alabama Highway 96 through Citronelle, Ala., to Alabama-Mississippi State line, and return over the same route, serving no intermediate points and serving Mt. Vernon, Ala., and Citronelle, Ala., for the purpose of joinder only, as an alternate route, for operating convenience only, to be used in connection with applicant's authorized regular-route operations.

No. MC 8964 (Sub-No. 24), filed January 12, 1964. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 North Cleveland Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk in shipper-owned tank trailers, from Saint Paul, Minn., to points in Wisconsin, and *shipper-owned tank trailers*, on return.

No. MC 23441 (Sub-No. 3), filed January 2, 1964. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. Applicant's attorney: Maxwell A. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between La Porte, Ind., and Kingsbury, Ind.; from La Porte over U.S. Highway 35 to Kingsbury, and return over the same route, serving the Indiana Ordnance Plant Site, at Kingsbury, as an off-route point.

No. MC 33753 (Sub-No. 1), filed January 14, 1964. Applicant: WEIRTON ICE & COAL SUPPLY COMPANY, a corporation, 401 Pennsylvania Avenue, Weirton, W. Va. Applicant's attorney: Howard R. Klostermeyer, Kanawha Banking & Trust Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water and liquid industrial wastes*, in tank vehicles; and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Hancock, Brooke, and Ohio Counties, W. Va., Allegheny and Washington Counties, Pa., and Jefferson and Columbiana Counties, Ohio.

NOTE: Common control may be involved.

No. MC 42487 (Sub-No. 593), filed January 9, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Providence, R. I., and Worcester, Mass.; from Providence, over Rhode Island Highway 146 to Massachusetts Highway 146, and thence over Massachusetts Highway 146 to Worcester, and return over the same route, serving no intermediate points, to be used as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

No. MC 55236 (Sub-No. 80), filed January 13, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, and Classes A and B explosives), serving the Cleveland-Cliffs Iron Company mine sites of Humbolt Mine located at or near Humbolt, Mich., and Republic Mine located at or near Republic, Mich., and the Hanna Mining Co. mine site of Groveland Mine, located near Randville, Mich., as off-route points in connection with applicant's regular-route operations.

No. MC 59694 (Sub-No. 37), filed January 5, 1964. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Street (P.O. Box 1034), El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, and Classes A and B explosives), (1) between Tucson, and Nogales, Ariz., from Tucson, over Interstate Highway 19 to Nogales, and return over the same route, serving all intermediate points, and (2) between El Centro, Calif., and Junction Interstate Highway 10 near Casa Grande, Ariz., from El Centro, Calif., over Interstate Highway 8 to Junction of Interstate Highway 10 near Casa Grande, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 107403 (Sub-No. 523), filed January 9, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isopropyl percarbonate*, unstabilized, from Barberton, Ohio, to ports of entry on the international boundary line between the United States and Canada, located in Montana, on traffic destined to Edmonton, Alberta, Canada.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 632), filed January 15, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between the plant site of the American Cyanamid Co., located at Willow Island, W. Va., on the one hand, and, on the other, the plant site of the American Cyanamid Co., located at Marietta, Ohio.

No. MC 110525 (Sub-No. 633), filed January 21, 1964. Applicant: CHEMICAL LEAMAN TRUCK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote*, in bulk, in tank vehicles, from the plant site of Allied Chemical Corp., located at Philadelphia, Pa., to Warsaw, Va.

NOTE: Applicant states the proposed service is subject to the restriction that the authority sought shall not be tacked, joined or combined with any other authority presently held.

No. MC 114194 (Sub-No. 61), filed January 2, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steepwater and blends*, in bulk, from Granite City, Ill., to points in California, Arizona, New Mexico, Texas, Oklahoma, Colorado, Wyoming, Montana, South Dakota, North Dakota, and Minnesota, and *rejected shipments* on return.

No. MC 114194 (Sub-No. 63), filed January 6, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mothproofing liquids and blends*, in bulk, from St. Louis, Mo., to points in Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Delaware, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, and West Virginia, and *rejected shipments*, on return.

No. MC 114194 (Sub-No. 64), filed January 9, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mothproofing liquids and blends*, in bulk, from St. Louis, Mo., to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and *rejected shipments*, on return.

No. MC 114194 (Sub-No. 65), filed January 13, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steepwater and blends*, in bulk, from Granite City, Ill., to points in Arkansas, Mississippi, Ohio, Pennsylvania, Kansas, Nebraska, Florida, Louisiana, Alabama, and Georgia, and *rejected shipments*, on return.

No. MC 115917 (Sub-No. 13), filed January 17, 1964. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 348, Crossnore, N.C. Applicant's attorney: Paul M. Daniell, 214 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures*, in packages, in mixed shipments with salt and salt products, from Weeks, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, and *exempt commodities* on return.

No. MC 124616 (Sub-No. 2), filed January 15, 1964. Applicant: S. RODMOND SMITH, JR., Box 131, Odessa, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides* and *insecticides* (in mixed shipments with fertilizer), from Baltimore, Md., to New Castle County, Del., and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

NOTE: Applicant states that he holds authority under MC 124616 to transport fertilizer from Baltimore, Md., to New Castle County, Del.

No. MC 125926, filed January 6, 1964. Applicant: CLAUDE R. MYERS, doing business as CLAUDE'S, INC., 9805 Northwest Expressway, Oklahoma City, Okla. Applicant's representative: John D. Fitch, State Capital Station, P.O. Box 53441, Oklahoma City, Okla., 73105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Replacement vehicles* from terminals of Motor Carriers to points of breakdown and returning *disabled vehicles* as directed, and towing and transporting *other operable, disabled, and wrecked vehicles* (excluding the transport of new vehicles to dealers for resale), between points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, New Mexico, and Texas.

No. MC 125931, filed January 13, 1964. Applicant: RITA T. PROCTOR, doing business as LEBOEUF TRANSIT SERVICE CO., 817 High Street, Waterford, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized agricultural limestone*, from Conneaut, Ohio, to points in the Townships of Summit, Greene, Washington, Waterford, LeBoeuf, Amity, Union, Wayne, and Concord, in Erie County, Pa., and Edinboro, Waterford, Mill Village, Elgin, Union City, and Corry, Pa.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 50), filed January 6, 1964. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Route 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Palisades Park, N.J., and New York, N.Y., from junction of U.S. Highway 46 and Columbia Avenue, over U.S. Highway 46 to the George Washington Bridge, thence over the George Washington Bridge to New York, N.Y., and return over the same route, serving no intermediate points.

NOTE: Applicant proposes to join the proposed route with its existing route at the junction of U.S. Highway 46 and Columbia Avenue, Palisades Park, N.J. RESTRICTION: The proposed route is requested for operating convenience only, restricted to the duration of the World's Fair in New York, N.Y.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-864; Filed, Jan. 28, 1964; 8:51 a.m.]

[Notice 288]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 35320 (Deviation No. 11), T.I.M.E. FREIGHT, INC., P.O. Box 1120,

Lubbock, Tex. Applicant's representative: John T. Coon, 2722 62d Street, Lubbock, Tex., filed January 19, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: From interchange of the H. E. Bailey Turnpike near junction Oklahoma Highway 37 and U.S. Highway 277, near Oklahoma City, Okla., over the H. E. Bailey Turnpike to interchange of the said Turnpike near junction Oklahoma Highway 36 and U.S. Highway 277, near Lawton, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Lubbock, Tex., over U.S. Highway 62 via Ralls, Tex., to Floydada, Tex., thence over U.S. Highway 70 to Oklaunion, Tex., thence over U.S. Highway 183 to Frederick, Okla., thence over Oklahoma Highway 5 to junction Oklahoma Highway 36, thence over Oklahoma Highway 36 to junction U.S. Highway 277, thence over U.S. Highway 277 to Lawton, thence over Oklahoma Highway 7 to junction U.S. Highway 81, thence over U.S. Highway 81 to Chickasha, Okla., thence over U.S. Highway 277 to Oklahoma City, and return over the same route.

No. MC 55843 (Deviation No. 3), SAGINAW TRANSFER COMPANY, INC., 2130 Midland Road, Saginaw, Mich., filed January 16, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Detroit, Mich., over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich., (B) from Detroit over Interstate Highway 75 to Flint, (C) from the Michigan-Indiana State line at junction Interstate Highway 94 and Indiana Highway 39 over Indiana Highway 39 to junction Interstate Highways 80 and 90 (Indiana Toll Road), thence over Interstate Highways 80 and 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., (D) from junction U.S. Highway 20 and Indiana Highway 149 over Indiana Highway 149 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Alternate U.S. Highway 30 and Illinois Highway 83, thence over Alternate U.S. Highway 30 to junction U.S. Highways 12 and 20 at Chicago, and (E) from junction Indiana Highway 212 and U.S. Highway 20 over U.S. Highway 20 to junction Indiana Highway 39, thence over Indiana Highway 39 to junction Interstate Highway 94 at the Michigan-Indiana State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Detroit over U.S. Highway 10 to Flint; from Kalamazoo, Mich., over U.S. Highway 12 to Chicago; and, from junction U.S. Highway 12 and Indiana Highway 212 over Indiana Highway 212 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-863; Filed, Jan. 28, 1964; 8:51 a.m.]

[Notice No. 392]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A MOTOR CARRIERS OF PROPERTY

No. MC 59583 (Sub-No. 101), filed January 16, 1964. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn., 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's regular-route operations between Washington, D.C., and Baltimore, Md.

NOTE: Common control may be involved.

HEARING: March 3, 1964, at Room 709, U.S. Appraisers' Stores Bldg., Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 72444 (Sub-No. 15), filed January 20, 1964. Applicant: THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 1016 Triplett Boulevard, Akron, Ohio. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Grabill, Ind., as an off-route point in connection with applicant's regular-route operations.

HEARING: February 6, 1964, in Room 906, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner A. Lane Cricher.

No. MC 73165 (Sub-No. 180), filed January 13, 1964. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, pipe connections, and pipe couplings*, except those used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, from Lone Star and Bond, Tex., to points in Alabama, Mississippi and Tennessee, and *empty containers or other incidental facilities* (not specified) used in transporting the above describe commodities, on return.

HEARING: February 21, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Francis A. Welch.

No. MC 107403 (Sub-No. 525), filed January 14, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and points within five (5) miles thereof, to points in the United States east of the Mississippi River, and to points in Louisiana and Texas.

NOTE: Common control may be involved.

HEARING: February 19, 1964, at the Federal Building, Lansing, Mich., before Examiner A. Lane Cricher.

No. MC 107403 (Sub-No. 526), filed January 16, 1964. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Chemical Co., located at Avon Lake, Ohio, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 108068 (Sub-No. 49), filed January 13, 1964. Applicant: U.S.A.C. TRANSPORT, INC., 457 West Fort Street, Detroit 26, Mich. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and by-product materials, radioactive materials, and related reactor equipment, component parts, and associated materials*, between points in Cattaraugus County, N.Y., on the one hand, and on the other, points in the United States except Hawaii and Alaska.

HEARING: February 14, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110420 (Sub-No. 359), filed January 20, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calument, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch and blends thereof, and yeast and blends thereof*, from St. Louis, Mo., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and *rejected and returned shipments* of the commodities specified above, on return.

NOTE: Common control may be involved.

HEARING: February 7, 1964, in Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 112520 (Sub-No. 97), filed January 3, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles, from points in Mobile County, Ala. (except Mobile and the commercial zone thereof), to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

HEARING: February 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 113336 (Sub-No. 67), filed January 2, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Duval County, Fla., to points in Connecticut, Kentucky, Illinois, Indiana, Michigan, Mississippi, Missouri, New Jersey, Ohio, Tennessee, and Wisconsin, and (2) from points in Kanawha County, W. Va., to points in Florida.

HEARING: March 3, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 115331 (Sub-No. 66), filed January 22, 1964. Applicant: TRUCK TRANSPORT, INC., 719 Buder Building, 707 Market Street, St. Louis, Mo. Applicant's attorney: Daniel B. Johnson, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in St. Clair County, Ill., to points in Iowa, Missouri, and Indiana.

HEARING: February 5, 1964, in Room 401, U.S. Court and Custom House Building, 1114 Market Street, St. Louis, Mo., before Examiner Gerald F. Colfer.

No. MC 116063 (Sub-No. 36), filed January 17, 1964. Applicant: WESTERN TRANSPORT CO., INC., 1030 Stayton Street, P.O. Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid acids and chemicals*, (2) *liquid petroleum products*, in bulk, and (3) *compressed gases and cryogenics* in bulk, in manifolded tube trailers, and in truck trailers, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Montana, Utah, and Texas.

NOTE: Common control may be involved.

HEARING: February 24, 1964, at the Federal Building and U.S. Court House, 515 Rusk Street, Houston, Tex., before Examiner Francis A. Welch.

No. MC 119767 (Sub-No. 18), filed January 10, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: E. R. Kershner, P.O. Box 339, Burlington, Wis. Applicant's attorney: Charles Singer, 33 North LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one (1) gallon or less in capacity from Gas City, Ind., to points in Kentucky; Detroit, Holly, Alma, Lakeview, Newaygo, Fremont, Bailey, Fruitport, Bangor, Lowell, Harbert, Traverse City, Croswell, Bay City, Hart, Ypsilanti, Livonia, and Frankenmuth, Mich.; Pulaski, Manitowoc, Green Bay, Sheboygan, Oshkosh, New London, Stevens Point, Plymouth, Ripon, Lyons, Sturgeon Bay, and Wantoma, Wis.; and *pallets and skids* on return.

HEARING: February 13, 1964, at the Midland Hotel, Chicago, Ill., before Examiner A. Lane Cricher.

SECTION B, MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 68), filed December 6, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Jesup, Ga., and Brunswick, Ga.: From Jesup over U.S. Highways 25 and 341 to Brunswick, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations between Waycross, Ga., and Brunswick, Ga.

HEARING: March 23, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 504 (Sub-No. 69), filed December 6, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Macon, and Savannah, Ga., from Macon over Georgia Highway 57 to intersection of Georgia Highway 57 with U.S. Highway 80, approximately 1 mile east of Swainsboro, Ga., thence over U.S. Highway 80 to Savannah, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Atlanta and Macon, Ga., on the one hand, and, on the other, Savannah, Ga.

HEARING: March 24, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 504 (Sub-No. 70), filed December 6, 1963. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Macon, and Savannah, Ga., from Macon over Georgia Highway 57 to intersection of Georgia Highway 57 with U.S. Highway 80, approximately 1 mile east of Swainsboro, Ga., thence over U.S. Highway 80 to Savannah, and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Atlanta and Macon, Ga., on the one hand, and, on the other, Savannah, Ga.

HEARING: March 24, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 2542 (Sub-No. 8), filed November 6, 1963. Applicant: THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and

those injurious or contaminating to other lading), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular route operations.

HEARING: March 3, 1964, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 4940 (Sub-No. 6), filed December 16, 1963. Applicant: H. & S. INC., 2911 St. Clair Street, Jacksonville, Fla. Applicant's attorney: Richard B. Austin, 606 Florida Title Building, Jacksonville 2, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, (1) between points in Duval County, Fla., and points in Florida and Georgia, and (2) between points in Duval County, Fla., on the one hand, and, on the other, points in Florida, and points in Decatur, Colquitt, Thomas, Lowndes, Coffee, Ben Hill, Wayne, Bulloch, Tift, and Ware Counties, Ga.

NOTE: Applicant states the proposed service is to be restricted to transportation services performed under contract with The Great Atlantic & Pacific Tea Company.

HEARING: March 4, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 20491 (Sub-No. 3) (CORRECTION), filed December 15, 1963, published FEDERAL REGISTER issue January 15, 1964, republished, as corrected, this issue. Applicant: SOL COHEN & SONS, INC., 1208 Channing Road, Far Rockaway, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage and personal effects*, (1) between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., points in Fairfield County, Conn., and points in Hudson, Bergen, Union, Essex, Passaic, Morris, Somerset, Ocean, and Monmouth Counties, N.J., on the one hand, and, on the other, points in Delaware, Suffolk, Dutchess, Greene, Orange, Rockland, and Ulster Counties, N.Y., New London County, Conn., Hillsboro County N.H., Worcester County, Mass., and Pike County, Pa., and (2) between points in Ocean County, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y., Middlesex and Litchfield Counties, Conn., Berkshire County, Mass., Wayne County, Pa., and Grafton County, N.H.

NOTE: The purpose of this republication is to include in (1) above, origin points in "Ocean County, N.J." inadvertently omitted from the previous publication.

HEARING: Remains as assigned, February 27, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner James A. McKiel.

No. MC 30887 (Sub-No. 133), filed December 16, 1963. Applicant: SHIPPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Chemical Co. at Avon Lake, Ohio, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 31389 (Sub-No. 60), published FEDERAL REGISTER, issue of January 15, 1964, in No. MC 42329 (Sub-No. 160), filed August 22, 1963. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except currency, bullion, articles of virtu, livestock, loose bulk commodities, and commodities requiring special equipment), serving the plant site of the Princeton Co., located approximately four (4) miles southeast of Princeton, Ky., as an off-route point in connection with its existing regular route operations between Elizabethtown, Ky. (over U.S. Highway 62) and Smithland, Ky.

NOTE: Common control may be involved. The purpose of this republication is to show that McLean Trucking Company has been substituted as applicant in lieu of Hayes Freight Lines, Inc., No. MC 42329 (Sub-No. 160) and also to show the new docket No. MC 31389 (Sub-No. 60), McLean Trucking Company.

HEARING: February 18, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 105.

No. MC 47142 (Sub-No. 82), filed September 20, 1963. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C, explosives*, between Gainesville, Va., and Duck, N.C., and points within twenty (20) miles of Duck.

HEARING: March 11, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 7.

No. MC 56388 (Sub-No. 29), filed December 4, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, ingredients and chemicals, and fertilizer solutions, nitrate and nitrate solutions*, from points in Virginia, Maryland, and Delaware to points in Maryland, Virginia, West Virginia, Delaware, Pennsylvania, and New Jersey and *refused and rejected shipments* on return.

HEARING: March 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Wm. N. Culbertson.

No. MC 59583 (Sub-No. 99), filed November 29, 1963. Applicant: THE MASON & DIXON LINES, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), serving the warehouse site of E. T. Barwick Mills, Inc., located on Georgia Highway 341, located approximately one-half mile north of Davis Crossroads and approximately 9 miles west of LaFayette, Ga., as an off-route point in connection with applicant's presently authorized regular route operations between Chattanooga, Tenn., and Rome, Ga., over U.S. Highway 27.

NOTE: Common control may be involved.

HEARING: March 26, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 60122 (Sub-No. 5), filed December 19, 1963. Applicant: JOHN VIANO AND EDWARD VIANO, doing business as VIANO BROTHERS, Harding Highway, Landisville, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt berevages* from Baltimore, Md., to Landisville, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and rejected shipments* thereof, on return.

HEARING: March 10, 1964, in Room 709, U.S. Appraisers' Stores Building, Bay and Lombard Streets, Baltimore, Md., before Joint Board No. 283.

No. MC 61403 (Sub-No. 96), filed August 27, 1963. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, including carbon powders and graphite*, in bulk, in tank and hopper vehicles, from Clarksburg, W. Va., to points in Virginia.

NOTE: Common control may be involved.

HEARING: March 12, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 245.

No. MC 64112 (Sub-No. 18), filed December 12, 1963. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Charlotte, N.C. Applicants' representative: W. D. Turner, P.O. Box 3661, Charlotte, N.C., 282–03. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: *Pulp board and fiberboard* (not corrugated or indented), the fiber content of which is not less than 80 percent woodpulp, waste paper or straw pulp, or mixture thereof, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between the plant site of the Riegel Paper Corp., located at Riegelwood, N.C. (near Acme, N.C.), and Fayetteville, Laurinburg, Raleigh, and Rocky Mount, N.C.

NOTE: Applicant states the purpose of this instant application is for tacking on to present authority and offering through service at points served.

HEARING: March 20, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 103.

No. MC 66562 (Sub-No. 1895) (REPUBLICATION), filed June 22, 1962, published FEDERAL REGISTER, August 29, 1962, and republished this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). By application filed June 22, 1962, applicant seeks a certificate to operate as a common carrier, by motor vehicle, over regular routes, transporting general commodities, moving in express service, over four specified regular routes, between Harrisburg, Shamokin, and Bethelem (Allentown-Bethlehem), Minersville, Pa., and points in Muhlenberg Township, Berks County, Pa., subject to certain restrictions. A Decision and Order, by Division 1, served January 6, 1964, which sets forth, among other things, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted, will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of publication, during which time any proper party in interest may file an appropriate protest or other pleading. The authority granted is as follows: "Operation, in interstate or foreign commerce, as a common carrier by motor vehicle of general commodities, moving in express service, (1) between Harrisburg and Shamokin, Pa., from Harrisburg, over U.S. Highway 11–15, to its junction with U.S. Highway 122, thence over U.S. Highway 122 to Shamokin, and return over the same route; (2) between Harrisburg, and Easton, Pa., from Harrisburg over U.S. Highway 22 to Easton, and return over the same route, serving the intermediate points of Allentown and Bethlehem, Pa., (3) between Harrisburg and Minersville, Pa., from Harrisburg over U.S. Highway 122, thence over U.S. Highway 122 to its junction with U.S. Highway 209, thence over U.S. Highway 209 to its junction with Pennsylvania Highway 901, thence over Pennsylvania Highway 901 to Minersville, and return over the same route, serving the intermediate point of Pottsville, Pa.; (4) between Harrisburg and Muhlenburg Township, Pa., from Harrisburg over U.S. Highway 322, to its

junction with U.S. Highway 422, thence over U.S. Highway 422 to its junction with U.S. Highway 222, thence over U.S. Highway 222 to Muhlenberg Township, and return over the same route, serving the intermediate points of Reading, Lebanon, and Palmyra, Pa., subject to the following conditions: (1) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. (2) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. (3) The authority granted herein, to the extent it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of this certificate. (4) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency.

No. MC 83539 (Sub-No. 106) (AMENDMENT), filed November 21, 1963, published in FEDERAL REGISTER issue, December 18, 1963, amended January 14, 1964, republished as amended, this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street (P.O. Box 5976), Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron conduit and pipe*, from Gilmer, Tex., to points in Arkansas, Louisiana, Oklahoma, and Texas.

NOTE: The purpose of this republication is to show the proposed operations as a "from and to" movement rather than a "between," as previously published.

HEARING: Remains as assigned February 12, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo M. Pellerzi.

No. MC 95540 (Sub-No. 554), filed August 30, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Albany, Ga., and points in Glynn County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: March 9, 1964, at the Dupont Plaza Hotel, Miami, Fla., before Examiner C. Evans Brooks.

No. MC 102567 (Sub-No. 90), filed September 19, 1963. Applicant: EARL CLARENCE GIBSON, doing business as EARL GIBSON PETROLEUM, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except liquefied petroleum gases) in bulk, in tank vehicles, from points in Jefferson and Orange Counties, Tex., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: February 5, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard A. White.

No. MC 102616 (Sub-No. 739), filed December 2, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil, and gasoline, and kerosene*, in bulk, in tank vehicles, from Changewater, Washington Township, Warren County, N.J., to points in Berks, Bucks, Carbon, Chester, Delaware, Lackawanna, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming Counties, Pa.

HEARING: February 4, 1964, at The Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Dallas B. Russell.

No. MC 103051 (Sub-No. 162), filed December 12, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 402–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from points in Polk County, Fla. (except Brewster, and Nichols, Fla.) to points in Hillsborough County, Fla.

HEARING: March 5, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 103051 (Sub-No. 164), filed December 16, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403, Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphate*, in bulk, in tank or hopper-type vehicles, from points in Bibb County, Ga., to points in Georgia.

HEARING: March 26, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 103051 (Sub-No. 165), filed December 24, 1963. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11, Healey Building,

Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer*, in dump and hopper type vehicles, from points in Muscogee County, Ga., to points in Alabama.

HEARING: March 25, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 103378 (Sub-No. 276), filed September 26, 1963. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank, hopper, and dump type vehicles, from points in Colquitt County, Ga. (except Moultrie, Ga., and points within three (3) miles of Moultrie), to points in Alabama, Florida, and South Carolina.

HEARING: March 2, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 106223 (Sub-No. 66), filed November 29, 1963. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 905 The Leander Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., at Avon Lake, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 107107 (Sub-No. 292), filed November 20, 1963. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station Miami 33142, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum building materials, glazed or unglazed, aluminum products, and component parts thereof*, from points in Dade County, Fla., and Colquitt County, Ga., to points in Arizona, California, and New Mexico.

HEARING: March 12, 1964, at the Dupont Plaza Hotel, Miami, Fla., before Examiner C. Evans Brooks.

No. MC 107644 (Sub-No. 62), filed September 6, 1963. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles, from Swannanoa, N.C., to points in Virginia located on and west of a line extending from the Virginia-North Carolina State line along U.S. Highway 220 to junction U.S. Highway 220 and U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 113950; therefore dual operations may be involved.

HEARING: March 11, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 7.

No. MC 109533 (Sub-No. 17), filed October 29, 1963. Applicant: OVERNITE TRANSPORTATION CO., a corporation, 1100 Ninth Street Road, Richmond, Va. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond 9, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lynchburg, Va., and Covington, Va.: from Lynchburg, Va., over U.S. Highway 501 to Buena Vista, Va., thence over U.S. Highway 60 to Covington, Va., and return over the same route, serving all intermediate points.

HEARING: March 9, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 108.

No. MC 109649 (Sub-No. 6), filed November 26, 1963. Applicant: L. P. TRANSPORTATION, INC., Chester, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in New York (except New York City), to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Applicant states it presently holds authority to perform a substantial part of the proposed service by operating via specific gateways. All duplicating authority to be eliminated.

HEARING: March 4, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 110525 (Sub-No. 620), filed December 3, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., at Avon Lake, Ohio, to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Maine, Michigan, New Hampshire, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 110683 (Sub-No. 24), filed November 14, 1963. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., P.O. Box 1000, Staunton, Va. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and cast iron pipe fittings*, from Radford, and Lynchburg, Va., and Bluefield, W. Va., to points in Lewis, Greenup, Fleming, Carter, Boyd, Elliott, Lawrence, Bath, Rowan, Menifee, Morgan, Johnson, Wolfe, Martin, Magoffin, Breathitt, Floyd, Pike, Knott, Leslie, Letcher, Harlan, Bell, Perry, Montgomery, Clark, Powell, Nicholas, Robertson, Braken, and Mason Counties, Ky.

NOTE: Common control may be involved.

HEARING: March 13, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 263.

No. MC 110878 (Sub-No. 27), filed December 12, 1963. Applicant: ARGO TRUCKING COMPANY, INC., Lower Heard Street, Elberton, Ga. Applicant's attorney: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap*, from points in South Carolina to Elberton, Ga.

HEARING: March 24, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 111045 (Sub-No. 36), filed December 9, 1963. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles (1) from points in Duval County, Fla., to points in Connecticut, Kentucky, Illinois, Indiana, Michigan, Mississippi, Missouri, New Jersey, Ohio, Tennessee, and Wisconsin, and (2) from points in Kanawha County, W. Va., to points in Florida.

HEARING: March 3, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 112520 (Sub-No. 95), filed November 18, 1963. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, (1) from points in Duval County, Fla., to points in Connecticut, Kentucky, Illinois, Indiana, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Tennessee, and Wisconsin; and (2) from points in Kanawha County, W. Va., to points in Florida.

NOTE: Common control may be involved.

HEARING: March 3, 1964, at the Mayflower Hotel, Jacksonville, Fla., before Examiner C. Evans Brooks.

No. MC 113271 (Sub-No. 16), filed December 16, 1963. Applicant: CHEMICAL TRANSPORT, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from the International Boundary line between the United States and Canada located at the port of entry at or near Roosville, Mont. to points in Flathead County, Mont., and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: March 4, 1964, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 345.

No. MC 113336 (Sub-No. 64), filed December 6, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler and pulverized slate*, in bulk, in tank and hopper type vehicles, from points in Stanly County, N.C., to points in South Carolina, Georgia, and Virginia.

HEARING: March 9, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner H. Reece Harrison.

No. MC 113678 (Sub-No. 65), filed December 6, 1963. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and exempt commodities* when moving in the same vehicle with regulated commodities from points within a 10-mile radius of Glenville, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: March 9, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 115018 (Sub-No. 10), filed November 27, 1963. Applicant: LEWIS W. OWEN, Lawrenceville, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Sawdust and shavings*, from Lawrenceville, Va., to Philadelphia, Pa., (2) *wooden crates* (partly assembled), from Lawrenceville, Va., to Cumberland, Md., (3) *wooden crate material*, from Lawrenceville, Va., to Creighton, Pa., (4) *wooden skids and wooden racks* (partly assembled), from Lawrenceville, Va., to Cumberland, Md., and Pennsauken, N.J., and (5) *wooden pallets*, from Lawrenceville, Va., to points in New Jersey, New York, and Pennsylvania, and *refused, rejected and damaged shipments*, on return.

HEARING: March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 115499 (Sub-No. 13), filed December 11, 1963. Applicant: LOWER LAKES CARRIER, INC., 1451 East 21st Street, Ashtabula, Ohio. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed foundry additives*, from the plant site of International Minerals & Chemical Corp., located at Wadsworth, Ohio, to points in Pennsylvania, West Virginia, Michigan, and Indiana.

NOTE: Applicant states the proposed service will be under continuing contract with International Minerals and Chemical Corp., located at Old Orchard Road, Skokie, Ill.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard A. White.

No. MC 115831 (Sub-No. 5), filed November 1, 1963. Applicant: TIDEWATER TRANSIT COMPANY, INC., 114 North Queen Street, Kinston, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in seasonal operations between January 1 and August 1 inclusive of each year, transporting: *Liquid fertilizers, liquid fertilizer materials, and anhydrous ammonia*, in bulk, in tank trucks, from points in North Carolina, to points in South Carolina, and *refused or rejected shipments* thereof, on return.

HEARING: March 18, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 2.

No. MC 117119 (Sub-No. 133) (AMENDMENT), filed December 30, 1963, published in FEDERAL REGISTER, issue of January 15, 1964, amended January 16, 1964, and republished as amended this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in straight or mixed shipments with commodities exempt from economic regulations pursuant to the provisions of Section 203(b)(6) of the Interstate Commerce Act, in vehicles equipped with mechanical refrigeration, from points in Arizona and California, to points in Mississippi, Tennessee, Georgia, Florida, Alabama, North Carolina, and South Carolina.

NOTE: The purpose of this republication is to substitute the revised commodity and territorial descriptions as shown above in lieu of those previously published.

HEARING: Remains as assigned February 6, 1964, at the Federal Building, Los Angeles, Calif., before Examiner Bernard J. Hasson, Jr.

No. MC 117294 (Sub-No. 1) filed December 2, 1963. Applicant: W. B. STUCKEY, doing business as STUCKEY TRUCK LINE, P.O. Box 177, Rhine, Ga. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and pallets, and empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between points in Georgia and points in Florida.

HEARING: March 27, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 64.

No. MC 118831 (Sub-No. 29), filed December 30, 1963. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. BOX 5044, Uwharrie Road, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash) in bulk, in tank and hopper type vehicles, between points in North Carolina, South Carolina, and Virginia.

NOTE: Common control may be involved.

HEARING: March 19, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 196.

No. MC 119778 (Sub-No. 62), filed December 24, 1963. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the plant site of Dixie Pipe Line Terminal, located at or near Opelika, Ala., to points in Georgia.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 157.

No. MC 119793 (Sub-No. 3), filed December 2, 1963. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, in bags, and boxes, and wood chips, lighter fluid and barbeque base material* (vermiculite other than crude), in mixed shipments in the same vehicle with charcoal, from Parsons, W. Va., to points in Pennsylvania, Ohio, Maryland, Virginia, and the District of Columbia.

NOTE: The proposed service is restricted to transportation performed under a continuing contract or contracts with the Kingsford Company.

HEARING: March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 120543 (Sub-No. 17), filed December 2, 1963. Applicant: FLORIDA REFRIGERATED SERVICE, INC.,

U.S. 301, North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cream*, sterilized, in hermetically sealed containers, and (2) *cream*, aerated, not frozen, in gas charged dispenser cans, in vehicles equipped with mechanical refrigeration, from Gustine, Calif., to points in Alabama, Mississippi, Georgia, South Carolina, North Carolina, Florida, and Tennessee.

HEARING: March 9, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 123314 (Sub-No. 1), filed November 27, 1963. Applicant: JOHN F. WALTER, P.O. Box 175, Newville, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from points in Fayette County and the Borough of Scottsdale, Westmoreland County, Pa., to points in Ohio, Indiana and Michigan.

HEARING: March 4, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 124078 (Sub-No. 91), filed December 18, 1963. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spodumene ore*, in bulk, from Kings Mountain, N.C., to points in Scott County, Va. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832.

HEARING: March 18, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 124896 (Sub-No. 1), filed December 11, 1963. Applicant: WILLIAMSON TRUCK LINES, INC., Route 2, Wilson, N.C. Applicant's attorney: John Hill Paylor, 108 East Wilson Street, Farmville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit, canned vegetables, and other canned products*, from points in Maryland and Virginia to points in North Carolina.

HEARING: March 16, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 338.

No. MC 125774, filed October 25, 1963. Applicant: W. E. BOYD, doing business as W. E. BOYD & SONS, Arapahoe, N.C. Applicant's attorney: Thomas W. Steed, Jr., Superior Building, P.O. Box 2058, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, wood and metal, uncrated, between points in Virginia on and east of U.S. Highway 301 and points in North Carolina on and east of U.S. Highway 17, and (2) *materials, commodities, equipment and parts used in cleaning, painting, repair, and construction of boats*, from points in Virginia on and east of U.S. Highway 301, to points in North Carolina on and east of U.S. Highway 17, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, on return, in (2).

HEARING: March 17, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 125779 (Sub-No. 1), filed October 28, 1963. Applicant: DAVID E. SNELL, doing business as COASTAL TRANSPORT CO., Box 425, Columbia, N.C. Applicant's attorney: Vaughn S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (except liquid fertilizer and liquid fertilizer materials), from Norfolk, Chesapeake, and Suffolk, Va., to points in North Carolina.

HEARING: March 17, 1964, at the U.S. Court Rooms, Uptown P.O. Building, Raleigh, N.C., before Joint Board No. 7.

No. MC 125862, filed December 4, 1963. Applicant: PARKER TRANSFER COMPANY, a corporation, R.D. 1, Amherst, Ohio. Applicant's attorney: J.A. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers, heat transfer equipment, fintubes, preheaters, heaters, coolers, boilers, recuperators, and other heat exchange equipment* that is manufactured by Brown Fintube Co., from Elyria, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and (2) *pipe and tubing*, from Rosenberg, Tex. to Elyria, Ohio.

NOTE: Applicant states that the proposed operation is to be performed under continuing contract with Brown Fintube Co. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 109443; therefore dual operations may be involved.

HEARING: March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 125867, filed December 5, 1963. Applicant: CHAIR CITY TRUCKING, INC., 535 West Broadway, Gardner, Mass. Applicant's attorney: John F. Bohman, Bohman Building, 335 East Broadway, Gardner, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and pulpboard products, articles manufactured therefrom, return shipments thereof*, and *raw materials and supplies used* in the manufacture thereof (except for all shipment of such commodities in bulk in tank vehicles), and *pallets and skids* used in the shipment of any of the foregoing, (1) between Gardner, Mass., and points in Massachusetts, Maine, Vermont, Connecticut, Rhode Island, and New Hampshire, (2) between Gardner, Mass., and points in New York on and east of a line beginning at Pulaski, N.Y., and thence south on U.S. Highway 11 and Interstate Highway 81, to the New York-Pennsylvania State line, (3) between Gardner, Mass., and points in New Jersey east and north of a line beginning at the Pennsylvania-New Jersey State line (near Milford, Pa.), and thence south on U.S. Highway 206 to New Jersey Highway 514, thence along New Jersey Highway 514 to New Jersey Highway 18, thence along New Jersey Highway 18 to New Jersey Highway 535, thence along New Jersey Highway 535 to the Atlantic Ocean, and (4) between Gardner, Mass., and Camillus, N.Y.

HEARING: March 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 125907, filed December 27, 1963. Applicant: HUGHES HAULING COMPANY, a corporation, 1601 South Avenue, West, Missoula, Mont. Applicant's attorney: Karl R. Karlberg, Room 344, Higgins Block, Missoula, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy equipment, machinery, and supplies used in the construction, mining, manufacturing and logging businesses*, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between points in Flathead, Lincoln, Lake, Missoula, Sanders, Mineral, Ravalli, Granite and Deer Lodge Counties, Mont., and points in Idaho.

HEARING: March 3, 1964, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 83.

MOTOR CARRIERS OF PASSENGERS

No. MC 115156 (Sub-No. 2), filed July 8, 1963. Applicant: PHILIP R. PRICE, doing business as PRICE'S CHARTER SERVICE, Chance, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Waterview and Salisbury, Md., (1) from Waterview over Maryland Highway 349 to junction unnumbered highway, thence over unnumbered highway to Jesterville, Md., thence return over unnumbered highway to junction Maryland Highway 349, thence over Maryland Highway 349 to junction unnumbered highway, thence over unnumbered highway to Tyaskin, Md., thence return over unnumbered highway to junction Maryland Highway 349, thence over Maryland Highway 349 to junction Maryland Highway 347 (Quantico Road), thence over Maryland Highway 347 to Quantico, Md., thence return over Maryland Highway 347 to junction Maryland Highway 349, thence over Maryland Highway 349 to Salisbury, and (2) from Waterview as specified above to junction Maryland Highways 349 and 385, thence over Maryland Highway 385 to junction unnumbered highway, thence over unnumbered highway to Whitehaven, Md., thence return over unnumbered highway to junction Maryland Highways 385 and 352, thence over Maryland Highway 352 to junction Maryland Highway 349, thence to Salisbury as specified above, and return over the same routes, serving all intermediate points.

HEARING: March 5, 1964, in Room 709, U.S. Appraisers' Stores Building, Bay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12886, filed November 14, 1963. Applicant: HAROLD B. CRAFTS, doing business as PLEASURE CRAFT TOURS, 1600 Wentbridge Road, Richmond 27, Va. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Richmond, Va., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in roundtrip tours, beginning and ending at points in Virginia, and extending to points in the United States, including Alaska.

HEARING: March 10, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 106.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 124034 (Sub-No. 22) (CORRECTION), filed December 30, 1963, published FEDERAL REGISTER, issue of January 15, 1964, and republished as corrected this issue. Applicant: SCHWERMAN TRUCKING CO., of N.Y. Inc., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in packages, from the plant site of the Lone Star Cement Corporation at Hudson, N.Y., to the plant site of the Lone Star Cement Corporation at Nazareth, Pa.

NOTE: Common control may be involved. The purpose of this correction is to show applicant's correct name as shown above.

NOTICE OF FILING OF PETITIONS

No. MC 111545 (PETITION FOR MODIFICATION AND CLARIFICATION OF "GRANDFATHER" AUTHORITY ISSUED IN NO. MC-30349), filed December 16, 1963. Petitioner: HOME TRANSPORTATION COMPANY, INC., Marietta, Ga. Petitioner's attorney: Paul M. Daniell and Rogert E. Born, 214 Grant Building, Atlanta 3, Ga. Petitioner, as successor-in-interest, petitions this Commission to modify and clarify the portion of its certificate now held in No. MC 111545 reading as follows: "Heavy Machinery, from Atlanta and East Point, Ga., to points in Alabama, Tennessee, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized." By the instant petition, Petitioner requests that its Certificate in MC 111545 be modified to read: "Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment,; and Road Building Type Machinery and Equipment, from Atlanta and East Point, Ga., to points in Alabama, Tennessee, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized." Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8654. Authority sought for purchase by BLANTON TRUCKING COMPANY, INCORPORATED, P.O. Box 201, Milford, Va., of a portion of the operating rights of C. DOUGLAS THOMAS, doing business as M. & G. TRANSPORTATION, Cobbs Creek, Va., and for acquisition by JULIAN J. BLANTON, also of Milford, Va., of control of such rights through the purchase. Applicants' attorney: John C. Bradley, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Richmond, Va., on the one hand, and, on the other, points in those portions of King William and King and Queen Counties, Va., southeast of U.S. Highway 360, except points within one mile of U.S. Highway 360. Vendee is authorized to operate as as *common carrier* in Virginia, New York, Pennsylvania, Maryland, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-8655. Authority sought for merger into BRASWELL MOTOR FREIGHT LINES, INC., 301 Raynolds Street, P.O. Box 9518, El Paso, Tex., of the operating rights and property of BRASWELL FREIGHT LINES., INC., 301 Raynolds Street, P.O. Box 9518, El Paso, Tex., and for acquisition by J. V. BRASWELL, also of El Paso, Tex., of control of such rights and property through the transaction. Applicants' attorney: M. Ward Bailey, Continental Life Building, Fort Worth, Tex. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Fort Worth, Tex., and Dallas, Tex., serving intermediate and off-route points within the Dallas, Tex., and Fort Worth, Tex., Commercial Zones, as defined by the Commission, between Leland, Miss., and Memphis, Tenn., serving no intermediate points, between Jackson, Miss., and Monroe, La., serving the intermediate point of Vicksburg, Miss., between Sterlington, La., and junction Louisiana Highway 553, and U.S. Highway 165, serving all intermediate points, between Oklahoma City, Okla., and Midwest Air Depot, located approximately 4 miles from Oklahoma City, serving no intermediate points, between Tulsa, Okla., and Oklahoma City, Okla., serving points in the Oklahoma City, Okla., Commercial Zone, and those in the Tulsa, Okla., Commercial Zone, as defined by the Commission, as intermediate or off-route points various alternate routes for operating convenience only: *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading, between Oklahoma City, Okla., and Fort Worth, Tex., between Oklahoma City, Okla., and Dallas, Tex., serving all intermediate points and the off-route point of the site of the Ardmore Army Air Field, Okla., RESTRICTION: Service over the two routes specified immediately above is restricted against traffic moving between the junction of U.S. Highway 77 and Texas Highway 121, and Lake Dallas, Tex., and points intermediate thereto, and against traffic moving between Fort Worth and Dallas, Tex.; *class A and B explosives, and general commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Fort Worth, Tex., and New Orleans, La., serving certain intermediate and off-route points, with certain restrictions, between Hazelhurst, Miss., and Fayette, Miss., serving all intermediate points, between Baton Rouge, La., and Lobdell, La., between Memphis, Tenn., and Monroe, La., serving no intermediate points, between Shreveport, La., and Oklahoma City, Okla., serving intermediate and off-route points in the Oklahoma City, Okla., and Shreveport, La., Commercial Zones, as defined by the Commission, between Shreveport, La., and Tulsa, Okla., serving certain intermediate and off-route points with certain restrictions, between Jackson, Miss., and Memphis, Tenn., between Vicksburg, Miss., and Leland, Miss., serving all intermediate points, between Baton Rouge, La., and McComb, Miss., serving no intermediate points, between Jackson, Miss., and New Orleans, La., serving certain intermediate and off-route points, between Natchez, Miss., and Vicksburg, Miss., serving all intermediate points, between Shreveport, La., and Monroe, La., between Ruston, La., and Bernice, La., between Ruston, La., and Marion, La., between Bernice, La., and Sterlington, La., between Marion, La., and Monroe, La., between Fillmore, La., and

junction of unnumbered highway and U.S. Highway 80 just north of Doyline, La., between the United States Government reservation approximately 10 miles west of Minden, La., and junction unnumbered highways and U.S. Highway 80, serving all intermediate points, between Shreveport, La., and Jackson, Miss., serving certain intermediate and off-route points, two alternate routes for operating convenience only; *such commodities as require refrigeration* and *packinghouse food products which do not require refrigeration*, between Alexandria, La., and Camp Claiborne, La., between Alexandria, La., and Camp Beauregard, La., between Alexandria, La., and Camp Livingston, La., serving no intermediate points; *packinghouse products, poultry, butter, eggs,* and *cheese*, between Shreveport, La., and Camp Polk, La., between Camp Polk, La., and Alexandria, La., serving no intermediate points; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Fort Worth, Tex., on the one hand, and, on the other, the Consolidated Bomber Assembly Plant and Anchorage and Dock Space, near Fort Worth. BRASWELL MOTOR FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Texas, California, Arizona, and New Mexico. Application has not been filed for temporary authority under Section 210a(b).

NOTE: BRASWELL MOTOR FREIGHT LINES, INC., controls BRASWELL FREIGHT LINES, INC. (formerly in the name of D. C. HALL COMPANY), through ownership of capital stock pursuant to authority granted in Docket No. MC-F-6154.

No. MC-F-9657. Authority sought for purchase by DISTRIBUTORS SERVICE CO., 3535 South Normal Street, Chicago 9, Ill., of a portion of the operating rights of MID-AMERICA HIGHWAY EXPRESS, INC., 507 Stryker Street, Archbold, Ohio, and for acquisition by A. FRED BOGGS, 5500 Riverside Drive, Dublin, Ohio, of control of such rights through the purchase. Applicants' representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio. Operating rights sought to be transferred: *Meats, meat products and meat byproducts*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Fulton County, Ohio, on the one hand, and, on the other, New York, N.Y., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, within 150 miles of New York, N.Y.; and *meats, meat products* and *meat byproducts*, as described in appendix I(A), to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Archbold, Ohio, and points within three miles thereof, on the one hand, and, on the other, Boston, Mass., Buffalo, Rochester, Syracuse, and Utica, N.Y., and New Castle, Pa. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Missouri, Ohio, and Iowa. Application has been filed for temporary authority under section 210a (b).

By the Commission. Certified to be a true copy of the original.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-815; Filed, Jan. 28, 1964; 8:51 a.m.]

[Notice No. 503]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passenger or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time or 9:30 a.m., local daylight saving time, if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special rules of procedure for hearing (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 30687 (Sub-No. 131), filed August 16, 1963. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 56388 (Sub-No. 28), filed November 13, 1963. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Maryland and Virginia, to points in Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 61506 (Sub-No. 17), filed April 3, 1963. Applicant: RUSSELL TRANSFER COMPANY, INC., P.O. Box 92, Washington, Ga. Applicant's attorney: Theodore M. Forbes, Jr., Suite 825, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as defined in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, including *naphtha*, but excluding all other acids and chemicals named in Appendix XV thereto, in bulk, in tank vehicles only, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 102616 (Sub-No. 732), filed September 9, 1963. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 103051 (Sub-No. 145) (AMENDMENT), filed May 22, 1963, published FEDERAL REGISTER issue June 12, 1963, amended September 5, 1963, and republished as amended this issue. Applicant: WALKER HAULING CO., INC., 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403, 411 Healey Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, in bulk, in tank vehicles, from the terminals of the Colonial Pipeline Co., located at points in Alabama, Georgia, Tennessee, and South Carolina, to points in Alabama, Tennessee, Georgia, Florida, and South Carolina, and Kentucky.

NOTE: Common control may be involved. The purpose of this republication is to add Kentucky as a destination state.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 471), filed May 29, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as defined in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *including naphtha*, but excluding all other acids and chemicals named in Appendix XV thereto, in bulk, in tank vehicles, from Colonial Pipeline Co., terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 474), filed June 7, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub-No. 475), filed June 10, 1963. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Bedford County, Va., to points in the District of Columbia, Maryland, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107544 (Sub-No. 58), filed May 28, 1963. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the sites of pipeline terminals or outlets of the Colonial Pipeline located at points in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia, (2) from the sites of pipeline terminals or outlets of the Colonial Pipeline located at points in Tennessee, to points in Virginia, North Carolina, Kentucky, South Carolina, Georgia, and Alabama, and (3) from the sites of the pipeline terminals or outlets of the Colonial Pipeline located at points in Virginia, to points in North Carolina, Maryland, Virginia, Pennsylvania, and the District of Columbia.

NOTE: Applicant states "no duplicating rights are sought."

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 109497 (Sub-No. 8), filed June 7, 1963. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Rocky Mount, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 109637 (Sub-No. 240), filed July 17, 1963. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 109891 (Sub-No. 3), filed June 24, 1963. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Charleston Heights, S.C. Applicant's attorney: Ernest F. Hollings, 38 Broad Street, Charleston, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, (excluding acids and chemicals), in bulk, in tank trucks and trailers, from Colonial Pipeline Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *refused and rejected shipments* on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110525 (Sub-No. 585), filed June 19, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipeline facilities and terminals in Delaware, Maryland, New Jersey, New York, Pennsylvania, and Virginia, to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 110698 (Sub-No. 250), filed June 18, 1963. Applicant: RYDER TANK LINE, INC., Winston-Salem Road, P.O. Box 457, Greensboro, N.C. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipeline Co. terminals located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, North Carolina, Virginia, and Georgia, and *returned or rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111302 (Sub-No. 27), filed June 12, 1963. Applicant: HIGHWAY TRANSPORT, INCORPORATED, P.O. Box 79, Powell, Tenn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Colonial Pipeline terminals and tank storage areas on or near the Colonial Pipeline or spurs thereof, located at points in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 8, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112446 (Sub-No. 37), filed May 23, 1963. Applicant: REFINERS TRANSPORT, INC., 1300 31st Avenue, North (P.O. Box 1164), Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as defined in Appendix XIII to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *including naphtha*, but excluding all other acids and chemicals named in Appendix XV thereto, in bulk, in tank vehicles only, from the terminals of the Colonial Pipe Line Co., located in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 112520 (Sub-No. 90), filed June 3, 1963. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, North Carolina, South Carolina, and Virginia, and *returned and rejected shipments* on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113336 (Sub-No. 58), filed May 15, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, from Colonial Pipe Line Co. terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina and Virginia, and *returned and rejected shipments* on return.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113828 (Sub-No. 33), filed May 21, 1963. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals), in bulk, in tank vehicles, from Colonial Pipe Line Company terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113828 (Sub-No. 34), filed June 7, 1963. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the terminal of the Colonial Pipe Line Co., located at or near Fairfax, Va., to points in the District of Columbia, Maryland, Clarksburg, and Fairmont, W. Va., and to points in West Virginia, on and east of U.S. Highway 119, extending from the Pennsylvania-West Virginia State line to Philippi, W. Va., and thence on, east and north of U.S. Highway 250, extending from Philippi, W. Va., to the Virginia-West Virginia State line and to points in Adams, Franklin, Bedford, Cumberland, Fulton, Somerset, Cambria, Blair, and Huntingdon Counties, Pa., and *returned and rejected shipments*, of the commodities specified above, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113861 (Sub-No. 25), filed August 11, 1963. Applicant: WOOTEN TRANSPORTS, INC., 158 Gaston, Memphis, Tenn. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis 1, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipe Line terminals located in Tennessee, Alabama, Georgia, South Carolina, North Carolina, and Virginia to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, North Carolina, Virginia, and Georgia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114091 (Sub-No. 52), filed June 10, 1963. Applicant: FLEET TRANSPORT CO. OF KY., INC., Fern Valley Road, Louisville 13, Ky. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals), in bulk, from Colonial Pipe Line terminals, located at points in Alabama, Georgia, Tennessee, South Carolina, North Carolina, and Virginia, to points in West Virginia, Maryland, Pennsylvania, Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, of commodities specified above, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 114848 (Sub-No. 17), filed November 1, 1963. Applicant: WHARTON TRANSPORT CORPORATION, 1496 Channel Avenue, Memphis, Tenn. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis 1, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipe Line terminals located in Tennessee, Alabama, Georgia, South Carolina, North Carolina, and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Florida, South Carolina, Virginia, and Georgia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 116254 (Sub-No. 29), filed June 10, 1963. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from terminals located on the pipe line of the Colonial Pipe Line Co. in Alabama, Georgia, Tennessee, and South Carolina, to points in Alabama, Georgia, Tennessee, Florida, and South Carolina.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 117578 (Sub-No. 5), filed September 30, 1963. Applicant: PETROLEUM TRANSIT CORPORATION OF VIRGINIA, P.O. Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Bedford and Fairfax Counties, Va., to points in West Virginia, North Carolina, Maryland, Pennsylvania, and Delaware.

NOTE: Common control may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 118899 (Sub-No. 1), filed September 16, 1963. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER, AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Terminals in Virginia and Maryland to points in Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119496 (Sub-No. 4), filed June 17, 1963. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue (Relay), Baltimore 27, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from all distribution points on the Colonial Pipe Line located in Maryland and Virginia, including all spur lines, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119496 (Sub-No. 5), filed August 7, 1963. Applicant: THE JAMES GIBBONS COMPANY, a corporation, Sutton Avenue (Relay), Baltimore 27, Md. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 119778 (Sub-No. 36), filed May 15, 1963. Applicant: REDWING CARRIERS, INC., P.O. Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha* (but excluding all other acids and chemicals) in bulk, in tank vehicles, from Colonial Pipe Line Company terminals in Alabama, Georgia, Tennessee, South Carolina, North Carolina and Virginia, to points in Mississippi, Alabama, Tennessee, Kentucky, Georgia, Florida, South Carolina, North Carolina, and Virginia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 123156 (Sub-No. 1), filed December 5, 1963. Applicant: RAND'S TRANSPORT, INC., Hammonds Ferry Road, Linthicum, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from all distribution outlets of the Colonial Pipe Line maintained within Maryland, to points in Pennsylvania, District of Columbia, Virginia, West Virginia, and Delaware, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 124306 (Sub-No. 3), filed July 21, 1963. Applicant: KENAN TRANSPORT COMPANY, a corporation, P.O. Box 2933, West Durham Station, Durham, N.C. Applicant's attorney: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including specifically naphtha*, in bulk, in tank vehicles, from Colonial Pipe Line terminals or outlets in South Carolina, North Carolina, and Virginia, to points in South Carolina, North Carolina, Virginia and West Virginia, and *returned or rejected shipments of the above named commodities*, on return.

NOTE: Applicant has pending a contract carrier application in MC 124645; therefore, dual operations may be involved.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-866; Filed, Jan. 28, 1964; 8:52 a.m.]

[Notice No. 931]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66429. By order of January 23, 1964, the Transfer Board, on reconsideration, approved the transfer to Mollerup Van Service, Inc., Salt Lake City, Utah, of the operating rights in Certificate No. MC 1931, issued June 12, 1961 to Mollerup Van Lines, a corporation, doing business as Mollerup Van Lines and Mollerup Moving & Storage Co., Salt Lake City, Utah, authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, Wisconsin, Utah, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, and Wyo-

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 24, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3433, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-11501, filed December 16, 1963. Applicant: KRUSE TRANSPORTATION COMPANY, INC., Yutan, Nebr. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), over irregular routes, (1) from points within a twenty-five (25) mile radius of Waterloo, Nebr., to and from Omaha, Nebr., and occasionally to various points within a 150-mile radius of Waterloo, Nebr., and (2) from Yutan, Nebr., and vicinity, to and from Omaha, Nebr., operations to be limited to and from various points within a fifty (50) mile radius of Yutan, Nebr.

HEARING: February 24, 1964, at 9:00 A.M., in the Railway Commission Hearing Rm., Capitol Building, Lincoln, Nebr.

Requests for procedural information, including time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Bldg., Lincoln 9, Nebr., and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-867; Filed, Jan. 28, 1964; 8:52 a.m.]

ming. Lon Rodney Kump, 716 Newhouse Building, Salt Lake City, Utah, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-868; Filed, Jan. 28, 1964; 8:52 a.m.]

DONALD LEROY MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8789) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (27 F.R. 6911, 28 F.R. 1576, and 28 F.R. 7490) during the six months period ended January 18, 1964.

None.

D. L. MANION.

JANUARY 18, 1964.

[F.R. Doc. 64-869; Filed, Jan. 28, 1964; 8:52 a.m.]

[Section 5a; Application No. 86]

MOTOR CARRIERS TARIFF BUREAU, INC.

Agreement (4)

JANUARY 24, 1964.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed January 17, 1964, by Thomas F. Kilroy, 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006.

Agreement involved: Agreement between and among motor common carriers, members of Motor Carriers Tariff Bureau, Inc., relating to joint initiation, consideration, and establishment of rates, classifications, rules, regulations, and practices governing the transportation of property between points served by such carriers in Wisconsin, South Dakota, Nebraska, Missouri, Tennessee, North Carolina, and States east and north thereof, and the District of Columbia.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-871; Filed, Jan. 28, 1964; 8:52 a.m.]

PLEADING COPIES

JANUARY 17, 1964.

In filing with the Commission the number of pleading copies required by the rules of practice, practitioners occasionally in addition transmit to each Commissioner a separate copy of such pleading. Every effort has been made to reduce the number of copies filed with the Commission in order to minimize the burden placed upon the parties and the Commission's staff. Accordingly, the practice of transmitting additional copies of pleadings directly to Commissioners is not favored and hereafter such copies will be returned to the sender by the Secretary.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-872; Filed, Jan. 28, 1964; 8:52 a.m.]

[Section 5a; Application No. 2; Amdt. No. 14]

WESTERN TRAFFIC ASSOCIATION

JANUARY 24, 1964.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed January 20, 1964, by James M. Souby, Jr., attorney-in-fact and counsel for applicants, Room 514 Union Station, Chicago, Ill., 60606.

Amendments involved: Change Article XI, North Pacific Coast Freight Bureau, of the Articles of Organization and Procedure of the Western Railroad Traffic Association so as to provide that a quorum of the Executive Committee and the Freight Traffic Committee shall consist of representatives of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Great Northern Railway Company, Northern Pacific Railway Company, and Union Pacific Railroad Company, rather than representatives of five member lines.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-870; Filed, Jan. 28, 1964; 8:52 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 24, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38777: *Crude petroleum oil from points in Montana and North Dakota.* Filed by Great Northern Railway Company (No. 1067); jointly with Northern Pacific Railway Company (No. 134), for themselves and interested rail carriers. Rates on crude petroleum oil, in tank car loads, subject to certificatory provisions described in the application, from points in Montana and North Dakota, to points in Minnesota, Montana, North Dakota, Washington, and Wisconsin.

Grounds for relief: Carrier competition.

Tariffs: Supplements 24, 53, and 55 to Great Northern Railway Company tariffs I.C.C. A-8918, A-8958 and A-8854, respectively, and supplement 27 to Northern Pacific Railway Company tariff I.C.C. 9977.

By the Commission.

HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-862; Filed, Jan. 28, 1964; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION V

Ulbrich's Super Market, 407 South Wayne Street, Piqua, Ohio; effective 1-2-64 to 9-2-64 (food store; 32 employees).

REGION VI

Roth Brothers Co., 1321-27 Tower Avenue, Superior, Wis.; effective 12-24-63 to 9-30-64 (department store; 139 employees).

REGION VII

The Beaver Co., Inc., Hinky Dinky Store, No. 58, 4415 Douglas, Des Moines, Iowa; effective 6-20-63 to 3-31-64 (food store; 27 employees).

11th and Chestnut Co., Inc., Hinky Dinky Store, No. 41, 11th and Chestnut Streets, Wahoo, Nebr.; effective 6-20-63 to 3-31-64 (food store; 22 employees).

The Elkhorn Co., Inc., Hinky Dinky Store, No. 56, 23d and Bell Street, Fremont, Nebr.; effective 6-20-63 to 3-31-64 (food store; 39 employees).

Hinky Dinky Store, No. 44, 211-15 West Broadway, Council Bluffs, Iowa; effective 6-20-63 to 3-31-64 (food store; 16 employees).

Hinky Dinky Store, No. 32, 1212 J Street, Auburn, Nebr.; effective 6-20-63 to 3-31-64 (food store; 8 employees).

Hinky Dinky Store, No. 27, 50 West Sixth Street, Fremont, Nebr.; effective 6-20-63 to 3-31-64 (food store; 10 employees).

Hinky Dinky Store, No. 51, 2555 O Street, Lincoln, Nebr.; effective 6-20-63 to 3-31-64 (food store; 23 employees).

Hinky Dinky Store, No. 47, 216 East B Street, McCook, Nebr.; effective 6-20-63 to 3-31-64 (food store; 11 employees).

Hinky Dinky Store, No. 50, 121 South Third Street, Norfolk, Nebr.; effective 6-20-63 to 3-31-64 (food store; 20 employees).

Hinky Dinky Store, No. 49, 514 North Vine Street, North Platte, Nebr.; effective 6-20-63 to 3-31-64 (food store; 13 employees).

Hinky Dinky Store, No. 24, 624 Avenue A, Plattsmouth, Nebr.; effective 6-20-63 to 3-31-64 (food store; 15 employees).

The Orchard Co., Inc., Hinky Dinky Store, No. 33, 1406 Central Avenue, Nebraska City, Nebr.; effective 6-20-63 to 3-31-64 (food store; 14 employees).

The Pottawattamie Co., Inc., Hinky Dinky Store, No. 57, 2801 West Broadway, Council Bluffs, Iowa; effective 6-20-63 to 3-31-64 (food store; 43 employees).

Sixtieth and Adams Co., Inc., Hinky Dinky Store, No. 59, 60th and Adams, Lincoln, Nebr.; effective 6-20-63 to 3-31-64 (food store; 33 employees).

REGION X

Teague's Shop-Rite Foods, Inc., 420 Madison Street, Clarksville, Tenn.; effective 2-14-64 to 3-31-64 (food store; 24 employees).

REGION XI

Rose Store, Inc., 116-118-120 South Broad Street, Thomasville, Ga.; effective 1-2-64 to 9-2-64 (variety store; 29 employees).

The following certificate was issued to an establishment coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificate permits the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Peebles Department Store, Inc., of Woodbridge, Va., Marumsco Plaza Shopping Center, Woodbridge, Va.; effective 1-7-64 to 9-2-64; sales clerks, office workers, stock clerks; between 8.0 percent and 10 percent (department store; 25 employees).

The following certificate was issued to an establishment under paragraph (k) of § 519.6 of 29 CFR, Part 519. This certificate supplements the certificate issued pursuant to other paragraphs of that section, but does not authorize the employment of full-time students at rates below $1.00 an hour in additional occupations. The certificate contains limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The additional allowance applies to the specified month.

J. J. Newberry Co., 815 Franklin Street, Tampa, Fla.; effective 12-16-63 to 12-31-63; 11.0 percent for the fiscal month ending in December (variety store; 59 employees).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 17th day of January 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-850; Filed, Jan. 28, 1964; 8:49 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 20

Washington, Wednesday, January 29, 1964

Department of Agriculture

Agricultural Marketing Service

Revised Recommended Decision Regarding Milk in Central Illinois, Suburban St. Louis, and Quad Cities-Dubuque Marketing Areas

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1032, 1050, 1063]

[Docket Nos. AO-369, AO-318-A3, AO-166-A14]

MILK IN CENTRAL ILLINOIS, SUBURBAN ST. LOUIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to a proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area and proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Suburban St. Louis and Quad Cities-Dubuque marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on November 13, 1962 (27 F.R. 11369) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

On the basis of the exceptions filed to the recommended decision, revisions have been made in certain provisions. Inasmuch as one of these changes involves redefinition of the proposed Central and Southern Illinois marketing areas, interested parties are being afforded further opportunity to file exceptions.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in sextuplet.

Preliminary statement. The hearing on the record of which the proposed marketing agreements and orders, as hereinafter set forth, were formulated, was conducted at Effingham and Peoria, Illinois, on January 3–12, 1962, pursuant to notice thereof which was issued December 14, 1961 (26 F.R. 12132). This hearing was reopened at a joint hearing held in St. Louis, Missouri, on January 8–11, 1963, and again reopened on June 4–11, 1963. This decision is limited to those matters considered at the January 3–12, 1962, hearing. The issues considered at the reopened hearing of January 8–11, 1963, are dealt with in a separate decision which is to be issued concurrently with this decision. A decision on the issues of the June 4–11, 1963, hearing, is expected in the near future.

The hearing of January 3–12, 1962, gave consideration among other things to the alternative possibilities of (1) issuing a separate order to regulate the handling of milk in all or part of certain counties in Illinois to be known as the Central Illinois marketing area; (2) expanding the present Suburban St. Louis marketing area to regulate the handling of milk in all or part of such counties; and (3) expanding the present Quad Cities-Dubuque marketing area to include four counties in Illinois.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (27 F.R. 11369; F.R. Doc. 62–11465) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The paragraph following subheading (3) of the "Findings and conclusions" is changed.

2. The first, second and third paragraphs after the subheading "Central Illinois marketing area" are changed.

3. The sixth paragraph following the subheading "Central Illinois marketing area" is deleted and three new paragraphs put in its place.

4. The paragraph immediately following the subheading "Suburban St. Louis marketing area" is changed.

5. The first and ninth paragraphs after subheading "(b) Northern zone" are changed and the fourth is deleted.

6. The single paragraph of the subheading "Supply plant" after subheading "1. (a) The scope of regulation" is deleted and four new paragraphs are inserted in its place.

7. The third, fourth, fifth and twelfth paragraphs of the subheading "Pool plant" after subheading "1. (a) The scope of regulation", are changed, and two new paragraphs are inserted following the seventh paragraph.

8. The ninth through the fourteenth paragraphs after subheading "1.(b) Classification and allocation of milk" are deleted and are replaced with two new paragraphs.

9. All of the paragraphs contained in subpart "(2) Transfers", after subheading "1.(b) Classification and allocation of milk", are deleted and replaced with two new paragraphs.

10. All of the paragraphs contained in subpart "(3) Allocation", after subheading "1.(b) Classification and allocation of milk", are deleted and a new paragraph is added.

11. Paragraph (6) of "(c) The determination and level of class prices" is deleted and three new paragraphs are added after paragraph (c)(5) to read as follows:

12. The last paragraph of subpart "(3) Payments to producers", of subheading "1.(d) Distribution of proceeds to producers", is revised into four new paragraphs.

13. The first, third and fourth paragraphs of the findings of issue No. 2 of the Suburban St. Louis order are changed and a new paragraph is added.

14. The fourth through the last paragraphs of the findings of issue No. 4 are deleted and two new paragraphs are added.

15. Four new paragraphs are added after the single paragraph in the preamble of issue No. 5, "The determination and level of class prices".

16. The fourth paragraph of subpart "(a) Class I price" of issue No. 5 is changed.

17. A new paragraph is added after the last paragraph of subpart "(c) Location differentials" of issue No. 5.

18. The single paragraph of issue number 6 is deleted and issue number 7 is renumbered as 6 and is changed.

General statement of issues. The general issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for regulation, and whether the issuance of a new marketing agreement or order or the expansion of existing orders or a combination of both, will best tend to effectuate the policy of the Act; and

3. The form of such regulation and the area to be included under each order.

Findings and conclusions. The following findings and conclusions on the general issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of commerce.* All milk to be regulated by the proposed marketing agreement and order for Central Illinois and the tentative marketing agreements and orders as proposed to be amended for Suburban St. Louis and Quad Cities-Dubuque is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Although all the area under consideration is located entirely within the State of Illinois, a substantial proportion of the fluid milk products disposed of in the areas to be regulated originates at sources outside the state. A number of farms and plants in the States of Wisconsin, Iowa, Indiana and Missouri have been and are supply sources of milk for the handlers to be regulated. Several Wisconsin plants supply large quantities of milk to handlers located throughout all the area proposed for regulation.

Handlers regulated by the Quad Cities-Dubuque and Rock River Valley orders distribute fluid milk products on routes to some extent in the Central Illinois area. Fluid milk products are also distributed on routes in the Central Illinois area by handlers regulated by the Chicago, Illinois, order. Several handlers regulated either by the Indianapolis, Indiana, or Louisville-Lexington-Evansville order have extensive sales throughout the counties proposed for regulation.

Fluid milk products are imported in packaged form by a handler located in Peoria, Illinois, from an affiliated plant at St. Louis, Missouri, where the milk used to produce such products is priced. Another handler located at Bloomington, Illinois, imports fluid milk products in packaged form from an affiliated plant at Kansasville, Wisconsin, which is regulated by the Milwaukee, Wisconsin, order where the milk used to produce such products is priced. Handlers regulated by the St. Louis, Missouri, order distribute fluid milk products on routes throughout most of the counties in southern Illinois, including those adjacent to the Wabash River.

Fluid milk products received at plants from plants regulated by other orders have been determined to be in the current of interstate commerce or to directly burden, obstruct, or affect interstate commerce. Fluid milk products received from out-of-state sources by plants to be regulated are disposed of at wholesale and retail in direct and regular competition with fluid milk products derived from milk produced on farms within the state of Illinois. In many instances milk from out-of-state sources and milk produced on Illinois farms are commingled at the time of processing in such plant.

During several months of the year the handlers to be regulated must supplement their supplies of milk from dairy farmers by purchases from other handlers or from sources outside the state. This importation of milk is not confined to a few handlers but is a practice generally followed by most handlers throughout the entire area proposed for regulation. Relatively few plants rely entirely upon milk locally produced on farms to cover their complete need of milk for Class I purposes.

During the spring months, on the other hand, milk delivered by local dairy farmers to handlers to be regulated is generally in excess of the demand for fluid milk products and, therefore, it must be manufactured into various dairy products. These are distributed in other states as well as in Illinois.

(2) *Need for regulation.* The issuance of a marketing agreement and order for Central Illinois and the proposed amendments to the tentative marketing agreements and orders for Suburban St. Louis and Quad Cities-Dubuque will tend to effectuate the declared policy of the Act.

The area proposed for regulation generally lacks a full supply of milk from local dairy farmers who may be identified as a regular source of Grade A milk for the market. To a large extent handlers rely upon supplies from distant sources mainly in Wisconsin, to supplement milk received from nearby producers. These distant milk supplies, in large part, represent milk which is surplus to the fluid milk requirements of other markets and are only incidentally associated with the area proposed for regulation. Such milk is disposed of on an opportunity basis to fluid milk markets which return the highest price at the time. The suppliers, however, assume no obligation to make milk available when needed by these markets.

Often Grade A milk is purchased from distant but irregular sources at a price higher than that received by local dairy farmers.

Dairy farmers delivering to plants, other than those operated by cooperative associations of which they are members, have little or no opportunity to bargain for the price to be paid for their milk.

No uniform method of payment for milk now exists in the area proposed for regulation. Prices paid producers delivering to the Chicago, Quad Cities-Dubuque, Indianapolis, Suburban St. Louis and Louisville-Lexington-Evansville markets, as well as the cost of available supplies of milk from out-of-state sources, are used by handlers as a basis for paying dairy farmers. This results in various schemes and rates of payments to dairy farmers delivering to plants that would be regulated. Since most of the handlers that will be regulated are engaged primarily in the distribution of Class I milk and since prices paid to dairy farmers are not generally determined on the basis of a classified pricing plan, dairy farmers have no assurance that they are receiving the full utilization value for their milk. Without a classified pricing plan dairy farmers may be paid manufacturing prices for a portion of their milk which is actually disposed of for fluid consumption.

The majority of the dairy farmers on the market deliver their milk to plants operated by proprietary handlers. Most of these farmers, even those belonging to cooperative bargaining associations, have had little voice in the determination of prices paid for their milk. In most cases milk is purchased on a "flat price basis" without regard to the utilization of the milk. Since most of these plants have a high utilization, it results in producers receiving less than full utilization value for their milk.

Grade A milk from other markets which is in excess of the fluid requirements of such markets and which would otherwise be used for manufacturing purposes is available to handlers in the area proposed for regulation. During much of the year this milk may be purchased at a price only slightly in excess of its value for manufacturing uses. The competitive pressure of this supply has adversely affected the bargaining position of producers and has tended to reduce the price for milk used for fluid purposes to a level below the economic value of such milk when used for fluid purposes and below the level which is contemplated should be returned to producers under the Act.

The introduction of regulation will tend to effectuate the declared policy of the Act by assisting in the establishment and maintenance of orderly marketing conditions for all producers and thus provide the basis for insuring an adequate and dependable supply of milk for consumers. The principal measures to be employed for this purpose are:

(a) The determination of minimum prices to producers at levels contemplated under the Agricultural Marketing Agreement Act of 1937, as amended;

(b) The establishment of uniform pricing to handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization, to insure uniform prices for milk purchased;

(d) A means for insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of reserve milk; and

(f) Marketwide information on receipts and sales and other data relating to milk marketing in the area.

(3) The form of such regulation and the area to be included under each order.

It is concluded that there should be a separate order for 17 Illinois counties to be called the Central Illinois marketing area. In the recommended decision the proposed Central Illinois market was limited to 14 Illinois counties. As discussed elsewhere herein, three counties originally recommended for inclusion in the expanded Suburban St. Louis market are now recommended for inclusion in the Central Illinois marketing area. These counties are Champaign, Piatt, and Vermilion Counties. The Illinois counties of Mercer and Henry should be added to the Quad Cities-Dubuque marketing area and the Suburban St. Louis area should be expanded to include 22 additional Illinois counties instead of the 25 originally recommended.

Proposed marketing agreement and order for the Central Illinois marketing area—Central Illinois marketing area. The marketing area for Central Illinois should include all the territory within the Illinois counties of: Champaign, De Witt, Fulton, Knox, Logan, Marshall, Mason, McDonough, McLean, Menard, Peoria, Piatt, Stark, Tazewell, Vermilion, Warren, and Woodford, together with all local, State and Federal institutions located wholly or partially therein.

The sanitary requirements applicable for Grade A milk produced for fluid distribution throughout the marketing area are patterned according to a U.S. Public Health Ordinance and Code. Milk meeting the sanitary requirements of the State of Illinois is acceptable for distribution throughout the proposed marketing area. The state regulations provide a minimum standard which may be, but seldom is, modified by stricter requirements adopted by local health authorities. The high degree of similarity in the health standards and the reciprocity of approval practiced throughout the 17-county area readily adapt themselves to a single regulation for the handling of all milk produced in such area.

The Central Illinois marketing area as herein proposed includes all of the 12 counties which were proposed and supported by the three proponent cooperative associations. The other five counties were proposed and supported by various interested parties. The population of the recommended area is approximately 894,000.

Most of the fluid milk products disposed of on routes in the proposed marketing area are processed in plants located within the area which will be fully subject to the order. Handlers regulated by the Quad Cities-Dubuque, Rock River Valley, Chicago, Indianapolis, and Suburban St. Louis orders also distribute fluid milk products on routes in the marketing area. A small percentage of the total distribution of fluid milk products, less than 1 percent of the total, is distributed by other plants located outside the defined marketing area.

As the result of active competition in the distribution of fluid milk products, wholesale and retail, throughout the counties a complex criss-cross pattern of distribution routes has been established. Several of the largest plant operators maintain route distribution throughout most of the proposed marketing area although each such handler does not maintain routes in each and every county. Handlers with smaller operations tend to be more localized in their distribution, sometimes confining routes to the county within which the plant is located. They are, nevertheless, in active, day-to-day, wholesale and retail route competition with the largest handlers. Although some routes of handlers to be regulated extend into other counties which were proposed for regulation by interested parties and in certain instances even into counties not considered for regulation under this order, the great bulk of their fluid milk sales is made within the above named counties.

It was concluded in the original recommended decision that the counties of Champaign, Piatt, and Vermilion should be included in the expanded Suburban St. Louis marketing area. It is now concluded in view of the exceptions and a further review of the record evidence that these counties should properly be a part of the Central Illinois marketing area.

At the original hearing the operator of a plant at Galesburg, Illinois (Knox County), testified that they planned to close the plant and move the operations to a plant at Champaign operated by the same company. With the addition of the distribution formerly made from the Galesburg plant, the major portion of the sales of the Champaign plant would be in the counties previously recommended for inclusion in the Central Illinois area, rather than in the proposed Southern Illinois marketing area. In the exceptions filed to the original recommended decision the operator of the Galesburg plant stated that the plant was already in the process of closing and the operations were being transferred to Champaign.

A further review of the record indicates that the competition for sales in these counties will be greatest among handlers regulated by the Central Illinois order. Some handlers with plants located in the Central Illinois marketing area have sufficient sales in Champaign, Piatt, and Vermilion Counties that a small increase in the percentage of sales in these counties could shift their regulation from the Central Illinois to the Southern Illinois market, if these counties remained in the Southern Illinois market.

It is concluded that the addition of these counties to the Central Illinois market will provide a more appropriate marketing area for both orders and more accurately reflect the current distribution patterns of handlers to be regulated.

It was proposed that the counties of Mercer, Henry, Warren and Knox be included either in the expansion of the Quad Cities-Dubuque marketing area or in the Central Illinois marketing area. Most of the distribution of fluid milk products in the counties of Mercer and Henry is made by handlers regulated by the Quad Cities-Dubuque marketing order. Sales of fluid milk products by Central Illinois handlers in these two counties represent only a small percentage of the total distribution of such handlers. It has been concluded elsewhere in this decision that Mercer and Henry counties should be added to the Quad Cities-Dubuque marketing area. Distribution of fluid milk products by handlers regulated by the Quad Cities-Dubuque order in the counties of Warren and Knox is negligible. These two counties are served primarily by handlers to be regulated by the Central Illinois order. They should, therefore, be included in the proposed marketing area.

Bureau, Grundy, La Salle, Livingston, Putnam, Ford, Iroquois, and Kankakee Counties are served primarily by handlers with plants located therein or by plants regulated by other Federal orders. Distribution from Central Illinois area plants in these counties is minor, and they do not form a part of the major distribution area of handlers to be regulated. Accordingly, their inclusion in the proposed marketing area is not recommended.

It was proposed that the counties of Sangamon, Christian, Moultrie, Morgan, Coles and Shelby be added either to the expanded Suburban St. Louis marketing area or to the Central Illinois marketing area. As discussed elsewhere in this decision it is concluded that, except for Morgan County, these counties more appropriately should be added to the Suburban St. Louis marketing area.

The majority of the distribution of fluid milk products in Morgan County is made by local handlers and by a handler located in Adams County. The major portion of the distribution area of the Adams County handler was not proposed for regulation. Thus, this handler is not expected to be regulated by the order. Inclusion of Morgan County could result in regulation of handlers whose primary association is with other markets and who have little or no sales competition with handlers to be regulated.

Furthermore, it was not shown to be necessary to include Morgan County in either marketing area to maintain integrity of regulation. It is therefore concluded that Morgan County not be included in either marketing area.

Suburban St. Louis marketing area. The marketing area for Suburban St. Louis should be extended to include 22 additional counties. The name should be changed to Southern Illinois marketing area. The expanded marketing area should include all the territory within the following counties, all of which are in the State of Illinois, together with all municipal corporations therein and all institutions located wholly or partially within the marketing area which are owned or operated by Federal, State, county or local governments:

(a) *Base zone.* The counties of Clay, Clinton, Edwards, Franklin, Hamilton, Jackson, Jefferson, Lawrence, Madison, Marion, Monroe, Perry, Randolph, Richland, St. Clair (except that portion regulated by the St. Louis order), Saline, Wabash, Washington, Wayne, White, and Williamson.

(b) *Northern zone.* The counties of Bond, Calhoun, Christian, Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Greene, Jasper, Jersey, Macon, Macoupin, Montgomery, Moultrie, Sangamon, and Shelby.

Most fluid milk products disposed of on routes in the marketing area as proposed herein are processed at plants located within the marketing area. In addition, handlers regulated by the Chicago, Indianapolis, St. Louis, Louisville-Lexington-Evansville and the proposed order for Central Illinois have route distribution in the marketing area as proposed. A very small percentage of the total fluid milk products distributed on routes originate at plants located outside the defined marketing area which would not be fully regulated under the proposed expanded order or other orders.

Handlers presently fully or partially regulated under the Suburban St. Louis market distribute fluid milk products throughout the proposed expanded area. A handler with plants located in Champaign, Macon and Coles Counties and with a distributing point in Sangamon County distributes fluid milk products throughout most of the area proposed for Southern Illinois. This handler also operates a plant at Vincennes, Indiana, which distributes fluid milk products on routes in the Southeastern portion of the proposed marketing area. The plant in Coles County is presently fully regulated under the Suburban St. Louis order but has approximately 37 percent of its total distribution of fluid milk products in the state of Indiana. The remainder of its route distribution would be in the proposed Southern Illinois marketing area. The distribution from the plant in Macon County and the distributing point in Sangamon County is almost entirely within the defined marketing area. At the time of the hearing the Champaign plant furnished some fluid milk products to the plant in Macon County and a full supply to the distributing point in Sangamon County. Considering these three operations as a single unit, approximately one-third of the distribution of fluid milk products from the Champaign operation would be in the Central Illinois area as proposed with minor distribution in the State of Indiana. The remaining two-thirds of the distribution of fluid milk products on routes would be within the area as defined for Southern Illinois.

Plants to be regulated by the expansion of the marketing area have extensive sales of fluid milk products on routes in the present Suburban St. Louis marketing area. Presently regulated handlers and handlers who would be fully regulated as a result of the expansion of the marketing area procure supplies from dairy farmers in the same general area. A plant operated by a cooperative association which is presently regulated by the St. Louis order also procures milk from dairy farmers from some of the same counties.

Two handlers that would be regulated by the Central Illinois order distribute approximately 13 percent and 20 percent, respectively, of their fluid milk products in the area proposed for Southern Illinois. These two are the only handlers of the approximately twenty who would be regulated by the Central Illinois order that distribute any appreciable volume of milk in the Southern Illinois area.

The additional plants that would be regulated by the expansion of the marketing area are located in Sangamon, Christian, Macon, Moultrie, Coles, Crawford, and Richland Counties. There is active competition in the distribution of milk, wholesale and retail, between handlers located in the above counties and handlers now regulated by the Suburban St. Louis order.

The only plant known to be located in the remaining counties proposed for inclusion in the marketing area is one that is now regulated under the Suburban St. Louis order and is located in Saline County. Most of the milk distributed in each of these counties is handled by plants which are now regulated or would become regulated on the issuance of this amendment. Practically all of the remainder of the distribution in these counties is by handlers regulated under one of the Indiana orders.

The health regulations applicable to the production and handling of milk are so similar in all counties as to permit milk to move freely from one part of the area to another. State health regulations have been established which closely follow the standards of the milk ordinance and code of the U.S. Public Health Service. Because of the free movement of milk throughout the area and the extensive competition among handlers one order should be issued to regulate both the present Suburban St. Louis area and the additional 22 counties recommended herein.

Quad Cities-Dubuque marketing area. As noted previously in this decision handlers regulated by the Quad Cities-Dubuque order have the major portion of the distribution of fluid milk products on routes in the Illinois counties of Mercer and Henry. Two small handlers purchase milk from approximately a dozen dairy farmers located in Henry County. These handlers are engaged exclusively in the distribution of Class I milk, but purchase their milk on a flat price based on the uniform price announced under the Quad Cities-Dubuque order. There are no handlers located in Mercer County.

These two counties are adjacent to the present Quad Cities-Dubuque marketing area and will encompass more completely the general sales area of the handlers now regulated under this order and will accommodate more orderly marketing of milk in this general area.

Only a small percentage of the distribution in these counties is by handlers who would be regulated by the Central Illinois order. Proponents of its inclusion in Central Illinois indicated only that these counties should be included in one order or the other to promote orderly marketing therein. Because of their much closer relationship with the Quad Cities-Dubuque market, they should be added to that marketing area.

Proposed marketing agreement and order for Central Illinois Marketing Area—Statement of issues. The material issues of record relate to:

1. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(a) *The scope of regulation.* The minimum class prices under the order should apply to that milk, which is produced in compliance with the Grade A inspection requirements of any duly constituted health authority, and which is regularly received at plants primarily engaged in processing fluid milk for distribution on retail or wholesale routes in the marketing area, or at plants which are regular and substantial suppliers of milk to such processing plants. This milk may be identified by providing appropriate definitions of the terms "producer", "handler", "producer-handler", "distributing plant", "supply plant", "pool plant", "producer milk", "other source milk", and "fluid milk product".

Producer. The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants for fluid consumption in the marketing area. Accordingly, the definition of "producer" should distinguish between those farmers who produce milk in compliance with the sanitary requirements of a fluid market and other dairy farmers whose milk is qualified only for manufacturing purposes. Milk intended for fluid consumption in the proposed area is required to be produced in compliance with specific health standards. In addition to the milk which complies with Grade A requirements of a state or municipal health ordinance that which is approved by government authorities at installations under their supervision also would be considered as satisfying the health approval provision.

The qualification of a dairy farmer as a "producer" should be established primarily on receipt of his milk at a plant which is substantially supplying the marketing area, hereinafter defined as a "pool plant".

Handler. "Handler" is a term used to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. It would include (a) persons operating pool plants, (b) persons operating nonpool plants from which Grade A milk is supplied to the market, and (c) cooperative associations with respect to milk diverted to a nonpool plant or which is delivered to a pool plant in a bulk tank truck owned and operated by, or under contract to, the association, if the association gives prior notice to the market administrator and the plant operator of its intention to be the handler for such milk.

When a cooperative association is the handler for bulk tank milk delivered to the pool plant of another handler, the transaction constitutes an interhandler transfer and will be classified in the same manner as a transfer between pool plants. The pool plant operator will be required to pay the association the class prices for milk received. The association, in turn, will be required to settle with the pool through the producer-settlement fund.

Distributing plant. A "distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on routes in the marketing area during the month.

Supply plant and reload point. "Supply plant" means any plant at which Grade A milk is received from dairy farmers and cooperative associations as handlers and from which fluid milk products are moved to a distributing plant. This definition should not include facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck, is commingled in another tank truck, with milk from other farms before entering a milk plant. These latter facilities should be designated a "reload point".

If such reloading operations are conducted on the premises of a plant at which equipment for the receiving, cooling, storing and processing of milk is currently being used to handle milk, such facilities should not be considered a reload point and the reloading of milk conducted on the premises of such a plant should be considered a part of the operation of the plant. This would not preclude a reload point from being operated on the premises of a plant which is not currently used for receiving, cooling, storing or processing milk.

In their exceptions, producers indicated that this definition is needed to accommodate reloading operations which presently function to assure the market of an adequate and dependable supply of milk. The facilities in question are used to assemble milk by transferring smaller loads of milk from farm pickup trucks to larger over-the-road tankers. Milk in these larger tankers can be transported to a plant for processing at much less cost than the same milk in a number of vehicles of smaller capacities. Such reloading operations are usually conducted at some distance from a pool plant and reloaded milk is held in a larger over-the-road truck for only a short time until a full load is assembled.

Provision should be made to exclude such an operation from the supply plant definition. Any milk received at a pool plant which passes through a reload point should be considered to be a direct receipt at the pool plant just as if it came directly from farms of producers. This provision will insure producers whose milk goes through a reload point that they will receive the uniform price applicable at the pool plant of receipt rather than the price which might apply at such

a reloading facility in the absence of a specific exclusion from the supply plant definition. In order to clearly distinguish between a supply plant and a reload point, it should be provided that any facility, with equipment for the receiving, cooling, storing and processing of milk which is in current use, not be considered a reload point as defined since it would be performing certain marketing functions other than assembling. Receiving, cooling, and storing of milk before moving it to distributing plants are clearly the functions of a supply plant. Any milk moved from farms to such a facility should, therefore, be considered to have been received at the plant at that location and not at a reload point.

Pool plant. Generally there are two categories of milk plants functioning in the Central Illinois market. In one category are plants from which packaged fluid milk products are distributed in the marketing area. Such plants are defined as "distributing plants". In the other category are plants at which milk is received from dairy farmers, commingled and shipped to other plants for further processing and distribution. Such plants are defined as "supply plants".

Distributing plants should be further divided into two categories—pool distributing plants, those having a significant association with the market and nonpool distributing plants, those with only an incidental association.

To qualify under the first category a distributing plant should have a total route distribution, both inside and outside the marketing area during the month, of an amount equal to 50 percent or more of its Grade A receipts from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk, during each of the months of August through February and 40 percent during all other months.

In addition to the above standards such a plant should dispose of as fluid milk products on routes in the marketing area during the month, either a minimum of 10 percent or more of its Grade A receipts from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk, or an average of not less than 7,000 pounds per day. A plant meeting either of these standards is sufficiently identified with the market to participate in the marketwide pool under the order on a regular basis. These are the same standards as provided in the present Suburban St. Louis (proposed Southern Illinois) order.

A plant which distributes on routes within the marketing area a volume of Class I milk equal to 7,000 pounds per day is an important competitive factor in the market and should be subject to full regulation, even though this volume represents less than 10 percent of its Grade A receipts from dairy farmers and cooperatives in their capacity as handlers.

Use of the fixed figure rather than of a percentage related to the total Class I sales by all handlers in the market will afford the operators of plants an opportunity to know beforehand whether they will be subject to regulation and will permit them to adjust their business accordingly. It will also eliminate the shifting in and out of the pool of plants whose distribution in the area might be fairly constant but might vary percentagewise to the total in the pool as total Class I sales change seasonally or for other causes.

It was proposed that during the spring months the requirement that a distributing plant dispose of through route distribution an amount equal to at least 50 percent of its total receipts be reduced to 35 percent. Certain distributing plants that have been regularly associated with the Central Illinois market have maintained supply and distribution patterns which indicate the need for a lower standard during the months of March through July. On the basis of this record a decrease in the standard during these flush months from 50 percent to 40 percent should be adequate during the initial period of the operation of the order. The lower standard during the March through July period will assure dairy farmers regularly associated with the market an opportunity to continue to participate in the marketwide pool. Receipts of milk for custom bottling would not be included in determining a plant's qualification.

A number of exceptions were filed to the recommendation that all Grade A milk received at a distributing plant be included in the computations to determine whether a distributing plant has met the pooling standards of the order. Exceptions pointed out that a number of pool handlers under the Suburan St. Louis order have at times received large volumes of excess Grade A milk from other pool plants which is manufactured into nonfluid products. These plants, which presently serve as surplus disposal outlets, can now handle such excess supplies without the danger of such supplies resulting in the loss of pool status because transfers from other plants are excluded in determining pool status.

The orderly disposition of reserve milk supplies for the Central Illinois market can best be achieved by permitting the efficient use of all available manufacturing outlets. The recommended orders are, therefore, revised so that only Grade A receipts from dairy farmers and cooperative associations as handlers would be compared to total Class I route distribution in determining the pool plant status of distributing plants. This provision is identical to the provision presently in the Suburban St. Louis order and will permit the continued use of regular outlets for the disposition of excess Grade A milk without the danger of the distributing plants which receive such milk losing their pool status.

The second category of distributing plants consists of those plants which distribute only a token share of their fluid milk products on routes in the marketing area. The primary sales territory of such plants is in another market which may be subject to substantially different marketing conditions. Such a plant might suffer undue hardship through becoming regulated as a result of minor sales in the marketing area.

The marketing performance provisions of the order should permit a distributing plant meeting the requirements for full regulation under this order and another order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent months, to retain pool status under this order until the third consecutive month in which a greater volume of Class I sales is made in the other marketing area. However, it must be recognized that the provisions of the other order may require such plant to be pooled under such other order. In such circumstances, the plant should be exempted from regulation under this order except for a requirement to file reports and permit verification.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribution. However, recognition should be given to the confusion that would result were a plant, with almost equal utilization in this and another market, to shift back and forth from one pool to the other with minor changes in its distribution pattern. A handler operating a pool distributing plant which has been subject to regulation under this order and continues to meet the pool standards provided herein, generally should not be subject to another order unless it has disposed of more milk on routes in such other marketing area than in the Central Illinois marketing area for three consecutive months. This will afford the handler reasonable notice that regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business if he desires to do so. Provision is made also for exempting from regulation under this order a plant which may, for one or two months, dispose of a greater portion of milk in the Central Illinois marketing area than in the area of the order to which it has been subject, if such other order contains a provision similar to the one provided herein.

There are several plants from which fluid milk products are distributed on routes that receive no milk directly from dairy farmers. Their total supply of milk is received either from supply plants or from cooperative associations as handlers of bulk tank milk. Other distributing plants operating in the market and receiving milk directly from dairy farmers find the volume of such milk is insufficient to meet their full demand for fluid milk products. Some of these plants purchase supplemental milk from supply plants seasonally, while others do so on a regular and continuing basis.

Supply plants from which 50 percent or more of the receipts of Grade A milk from dairy farmers and cooperative associations as handlers is regularly delivered to pool distributing plants are clearly associated with the market. The dairy farmers supplying such plants should participate in the marketwide pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with this market and should not participate in the pool.

It was proposed that a supply plant should be considered a regular source of supply for the market if shipments to pool distributing plants during the month are equal to 50 percent or more of its receipts of Grade A milk from dairy farmers during each of the months of September through November. Under the marketing conditions currently prevalent in this market, distributing plants rely on supply plants for a substantial volume of milk during each of the months of September through January. It is therefore concluded that supply plants which qualify as pool plants during each of the months of September through January should be allowed to maintain pool status if the operator so desires, during the following months of February through August, even though in such months the operator of such plant may ship to the market less than the standards herein provided. This will accommodate the economical handling of seasonal reserve supplies which normally would not be needed by distributing plants during the February through August period. This division of the year also conforms to the pattern in the Southern Illinois marketing order, with whose provisions, this order must maintain a high degree of uniformity.

Producer-handler. The term "producer-handler" would apply to any person who produces milk on his own farm(s) and operates a plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products from sources other than his own farm(s) or from pool plants.

The milk produced by a "producer-handler" would be exempt from pooling. In view of this it is necessary in the interest of orderly marketing that the term cover a particular type of operation. A handler whose milk supply is obtained entirely from his own production and from pool plants would qualify as a producer-handler.

The record does not disclose the number of producer-handlers but there would appear to be no more than two or three such handlers distributing fluid milk products on routes in the defined marketing area. Their competitive impact on other handlers and on other dairy farmers, under the present circumstances, is such that their full regulation is not necessary to insure orderly marketing throughout the area.

The order should provide that transfers of milk to producer-handlers from pool plants be a Class I disposition by the transferor handler. Receipts of milk at a pool plant from producer-handlers should be other source milk. This classification is appropriate, otherwise producer-handlers would share in the Class I sales of the market while not bearing a proper share of the reserve supplies associated with such Class I sales.

The exemption of producer-handlers from pooling might provide an incentive for individuals to attempt to adopt devices to circumvent the order's intent to regulate plants which receive milk from farmers. To preclude the use of such devices the order should provide that, to be a producer-handler, the maintenance, care and management of the dairy animals and all other resources used to produce the milk as well as the resources used in the processing, packaging and distribution of the milk be at the sole risk of the person who claims producer-handler status.

A producer-handler would be required to make such reports of his receipts and utilization as the market administrator deems necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

Producer milk. "Producer milk" should be defined as all skim milk and butterfat received at a pool plant directly from producers or from a cooperative association, and milk diverted by the operator of a pool plant or by a cooperative association under specific conditions. It was proposed that operators of pool plants should be permitted to divert milk production of a producer to the pool plant of another handler on an unlimited basis. There are many circumstances that arise when it is more practical and economical to move milk directly from the farm to the pool plant of another handler. Such movement of milk should be permitted but not on an unlimited basis. So that there may be proper accounting of milk received from dairy farmers while accommodating the economical movement of milk between pool plants, the operator of a pool plant should be limited to diverting the milk of not more than one-half of the days of production during the month of a producer to the pool plant of another handler.

Generally the purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the supply of Grade A milk in the market is not needed for Class I purposes. Allowing for unlimited diversion to nonpool plants during those months when the reserve supplies of milk are heaviest will contribute to the economical movement of milk to nonpool plants. Unlimited diversion, however, is neither necessary nor desirable during the other months of the year when producer milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary even during the short supply season to permit handlers to divert milk on weekends or holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market.

It is, therefore, provided that the operator of a pool plant may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days during the months of February through August but during the months of September through January diversion to a nonpool plant should be limited to not more than one-half of the days of production of a producer during such month. A cooperative association would be similarly limited in the diversion of milk production of its producer-members from a pool plant or directly from the farm to a nonpool plant.

Likewise, diversion should be permitted on a limited basis between pool plants under this order and nonpool plants which are subject to full regulation under another order. Such milk designated as being diverted would thereby retain its association with the Central Illinois order as producer milk. It must be recognized, however, that the provisions of the other order may require that such milk be pooled under the other order. In that instance, such milk would not be producer milk under this order and would be excluded from the pricing and pooling provisions.

A handler should be permitted to divert producer milk equal to the number of days' production of any producer which is received at a Central Illinois pool plant during the month. Milk diverted in excess of this limt should be considered a part of the supply at the plant to which diverted and should not be producer milk under this Part. Permitting diversion of approximately 15 days' production of a producer during any month to a plant regulated under another order will significantly improve the orderly disposition of reserve milk not needed for fluid use by regulated handlers.

A correlative provision should be placed in the order to allow milk received by diversion from a plant at which such milk would be fully subject to pricing and pooling under another order issued pursuant to the Act to remain associated with the other order and not be producer milk under this Part on days when such milk was received at a Central Illinois pool plant. Such a provision would permit milk to be diverted from regulated plants under nearby markets such as the newly designated Southern Illinois order and yet allow producers to retain their association with the other orders.

Thus, a number of pool plants throughout the State of Illinois which presently serve as outlets for surplus milk would continue to be available to accommodate surplus milk diverted between orders without such diverted milk being considered a receipt at these plants for purposes of determining pool plant status. Dairy farmers who are regularly associated with a certain Federal order market and whose milk is generally pooled under such order would continue to participate in the pool with which they are normally associated on days when their milk is diverted to a Central Illinois pool plant. However, recognition must be given to the possibility that the other order may exclude milk so diverted to a Central Illinois pool plant from its pricing and pooling provisions. In this case, the milk would be a direct receipt of producer milk at a Central Illinois pool plant and would participate in the marketwide equalization of this order.

Milk diverted for the account of the operator of a pool plant, or a cooperative association, from a pool plant to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted.

Other source milk. "Other source milk" should be defined as all skim milk and butterfat contained in fluid milk products received by a handler at his plant(s) (except producer milk, inventory of fluid milk products at the beginning of the month, and fluid milk products received from pool plants), products other than fluid milk products from any

source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month and any disappearance of nonfluid milk products not otherwise accounted for. As noted above, receipts from a producer-handler would be other source milk.

Fluid milk product. "Fluid milk product" should be defined as milk, skim milk, buttermilk, flavored milk and flavored milk drinks, "unmodified" or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures, other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and cream or cream products in hermetically sealed containers.

Additional definitions. Additional definitions such as "Act", "Secretary", "Department", "person", "cooperative association", "nonpool plant", "route", and "Chicago butter price" should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self explanatory.

(b) *Classification and allocation of milk.* Skim milk and butterfat are not used in most products in the same proportions as contained in producer milk, and, therefore, it is appropriate that they be classified as Class I or Class II separately according to use. Class prices, however, will apply to each hundredweight of milk and will be adjusted by butterfat differentials according to the butterfat content of the milk used in each class.

(1) *Classes of milk.* Class I milk should be all skim milk and butterfat disposed of in those fluid milk products which are required by health authorities having jurisdiction in the marketing area to be made from Grade A milk. The specific products included in Class I have already been specified in the definition of fluid milk product.

Fluid milk products which contain concentrated skim milk solids, such as skim milk drinks and buttermilk, to which extra solids are often added, or unsterilized concentrated whole milk disposed of for fluid use, should be included under the Class I definition. Products, such as evaporated or condensed milk which are either packaged in hermetically sealed containers or are used in the manufacture of other milk products, should not be considered concentrated milk and should not be classified as Class I.

Concentrated and reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Concentrated milk to be restored to its original form in the home through the addition of water and reconstituted fluid milk products compete for the same Class I sales as whole milk and displace producer milk which is available for the same purpose. Therefore, accounting for these fluid milk products on the basis of original volume, including all the water originally associated with the solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

It is also necessary that milk solids used to fortify Class I products be priced as Class I utilization. However, it is not necessary to price as Class I all the water originally associated with the solids. The addition of the solids used in fortification does not displace producer milk in Class I in this market and by making a more desirable product may actually result in increased sales of producer milk.

To maintain proper accounting for such items, however, the nonfat milk solids added to such fortified items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of such nonfat solids would likewise be considered a receipt of other source milk by the handler. Through the allocation procedures any additional charge to handlers would be eliminated.

Class II should include skim milk and butterfat used to produce those less perishable products which are not required to be made from Grade A milk. These products would include butter, cheese, evaporated and condensed milk, nonfat dry milk, cottage cheese, ice cream mix, eggnog, and cultured sour cream mixtures other than sour cream. In addition to the skim milk equivalent of nonfat solids added to fortified fluid milk products, Class II should also include the skim milk component of any fluid milk product which is dumped after prior notification to and opportunity for verification by the market administrator; skim milk and butterfat used for livestock feed to the extent that appropriate records of such utilization are available; and skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain production records of such products, however, to permit audit of the utilization by the market administrator.

Inventories of fluid milk products on hand at the beginning and end of the month will enter into the detailed allocation sequence contained in the recommended decision based on the joint hearing dealing with compensatory payments and the integration of other source milk into the regulatory plan. Thus, findings and the mechanics of accounting for fluid milk inventories are contained in a separate document and are omitted from this decision.

Shrinkage provisions, since they are likewise integrated with the allocation procedure, are also omitted here and appear in the separate document.

(2) *Transfers.* Exceptions were filed to the recommended surplus disposal area of 400 miles from Peoria, Illinois. Exceptions pointed out that a number of plants which have historically served as outlets for handling reserve supplies of the market are located in Wisconsin at a distance greater than 400 miles from Peoria. It would not be conducive to orderly marketing to provide that any milk moved to such plants be classified as Class I, since it would interfere with the orderly disposal of seasonal surpluses.

A distance of 450 miles is needed to accommodate the continued use of these outlets for handling the market's reserve supplies and to accommodate the orderly disposition of reserve milk. The mileage provisions, since they are part of the transfer provisions, have been omitted from this order and are contained in the separate document based on the joint hearing dealing with compensatory payments.

(3) *Allocation.* The development of allocation provisions for the integration of receipts of other source milk into the regulatory plan was one of the issues considered at the joint hearing held in St. Louis, Missouri, on January 8-11, 1963. Findings relative to this issue are therefore contained in a separate document and are omitted from this document.

(c) *The determination and level of class prices.* In order to restore and maintain orderly marketing conditions in the Central Illinois marketing area, minimum Class I and Class II prices for producer milk must be established at levels which will reflect economic conditions affecting the market supply and demand for milk and its products and assure the maintenance of a supply of quality milk adequate for the needs of the market.

The Class I price should be established at a level which will bring forth the required supply of fluid milk for Class I needs plus a reasonable reserve supply. Too low a Class I price will result in the production of insufficient milk to meet the Class I needs of the market. On the other hand, a Class I price which is too high will attract more milk than is needed to supply the demand for Class I milk including the necessary reserve. Such oversupplies would tend to shift agricultural resources into the production of unnecessary and uneconomical surpluses which would depress the blend price to producers.

Class II prices should be established at a level which will assure a market for milk delivered by producers in excess of Class I needs in the market. Such prices should not, however, encourage the development of milk supplies for use in Class II products.

Class prices as well as uniform prices to producers should be computed and announced for milk of 3.5-percent butterfat content. Milk prices in this general area are now quoted for milk of 3.5 percent butterfat. Continuation of the practice of announcing prices at this butterfat content will facilitate comparison of prices with other markets throughout the country.

(1) *Class I price.* For the first 18 months beginning with the effective date

of the pricing sections of this order the Class I price for milk of 3.5-percent butterfat content at plants located within the marketing area should be the basic formula price for the preceding month plus $1.40 during each of the months of August through November; plus $1.00 during each of the months of March through June and plus $1.20 during all other months. Class I prices should be further adjusted by increasing or decreasing, respectively, such prices by 2 cents for each full percent that the adjusted supply demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent. This price adjustment should be limited to increases or decreases of not more than 24 cents.

The basic formula price should be the Minnesota-Wisconsin manufacturing milk price series. This is now used as a basis for pricing Class I milk in the other Federal order markets located in the Midwest area. Official notice is taken of a final decision issued February 21, 1962 (27 F.R. 1802), in which that series is recommended for use as the basic formula in these markets.

The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk used in manufactured dairy products. Because the market for manufactured dairy products is nationwide, prices for such products and the milk used in them reflect to a large extent changes in general economic conditions affecting the supply and demand for milk. By using manufacturing milk prices as a formula factor in determining Class I prices it is possible to reflect such general economic factors automatically in the Class I price.

The basic formula price would be used in establishing the Class I price and should be the average price paid for manufacturing grade milk in Minnesota and Wisconsin for the preceding month as reported by the Department. Prices paid by the large number of plants in these two states are reported to the Department on the basis of the actual butterfat tests of milk received. The average price should be adjusted to a 3.5-percent butterfat test by a differential obtained by multiplying the Chicago butter price by 0.120. This butterfat differential is reflective of the value of butterfat at plants in this two-state region.

This price series reflects about the same level of prices as those reported paid at selected midwest condenseries. It was proposed that a condensery price series should be used as an alternative factor in the basic formula. However, the number of plants reporting prices for condenseries has been reduced to seven. Three of these seven plants are operated by one business concern and a further reduction in the number of reporting plants could result in the discontinuance of this price series.

The Minnesota-Wisconsin price series reflects prices paid by a large number of plants in these two states, and, therefore, provides a more representative basic price. Moreover, this price series is now in general use in Federal order markets and its use here will facilitate alignment of prices in this market with prices in surrounding order markets. The differentials to be added to the basic formula price follow the same seasonal pattern as those added to the Chicago order basic formula. The differential of the Central Illinois area should be 30 cents above the differentials for Chicago. Adjusting the Class I price for the Central Illinois market by the supply-demand ratio provided for in the Chicago order will further provide alignment of class prices between the two markets as well as other surrounding order markets.

There is no uniform system of determining prices at the present time in the Central Illinois market. The three proponent cooperative associations, another cooperative association, and individual handlers all use various schemes in determining the blend price to be paid to dairy farmers. In some instances, but not uniformly, "base" and "excess" prices are paid producers.

The wide variation in pricing schemes in the market and the lack of a classified plan for pricing milk makes it difficult to properly appraise the existing price levels in this market in relation to the supply and demand for milk. With the issuance of a Federal milk order, it may reasonably be assumed that the level of the Class I price in the Central Illinois area must bear an appropriate relationship to Class I prices in surrounding other Federal order markets.

Various proposals were made to establish the Class I price. These proposals varied from the addition of $1.15 to the basic formula price each month to the addition to the Chicago price of amounts which would provide an average annual differential above the basic formula of $1.08 to $1.34. The annual average differential to be added to the basic formula price to determine the Class I price as recommended in this decision would be $1.20. All proposals would adjust the Class I price by the supply-demand ratio of the Chicago order. During the past year this supply-demand ratio has reduced the Class I price by 24 cents each month.

The Chicago, Illinois, market Class I price is currently reduced because of large milk supplies relative to sales. Since the Central Illinois market procures a portion of its regular supply and all of its reserve supplies from the same general area as the Chicago market, it is appropriate that class prices for this order be related to those in the Chicago market. This is best accomplished by adjusting the Class I price for this market in the same manner and to the same degree as the Class I prices are adjusted in Chicago by the supply-demand adjuster.

Class I prices in the Central Illinois market should reflect local milk supply and sales relationships as well as a reasonable alignment with other markets. However, complete data with respect to receipts and sales of milk in the Central Illinois area are not available. Therefore, this approach is not practical at this time. Moreover, the conditions of supply and sales are likely to be somewhat different under a program of orderly pricing than they have been in this unregulated market.

(2) *Class II price.* The Class II price should be based on the average price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

As noted above, this price series has been adopted as the basis for determining the Class I price. In this market it provides an equally satisfactory standard for pricing the reserve milk that must be manufactured into dairy products. It will reflect the competitive value of milk for manufacturing uses in the area from which this market draws a substantial portion of its milk supply.

Elsewhere in this decision the need for aligning Class I prices with those of other markets, particularly to the north, has been noted. It is equally important that prices for reserve milk be so aligned. Most of the plants on which this market relies for its reserve supply are located in northern Illinois or southern Wisconsin. Milk from this area is regularly furnished to the Chicago, Madison, and Rock River Valley marketing areas and handlers in these markets are in active competition with Central Illinois handlers for the available milk. Official notice is taken of the fact that these markets use the Minnesota-Wisconsin price series for pricing reserve supplies of milk. Use of the same price series in this order will maintain proper intermarket alignment of prices. Its feasibility in achieving the orderly disposition of reserve supplies in markets where it is now in use for this purpose indicates that it should also achieve the same result in this market. It will be high enough, however, so that it will not encourage handlers to procure milk supplies solely for the purpose of converting them into manufactured dairy products.

Proponents of the marketing order for this area proposed that the Class II price be the higher of either the Minnesota-Wisconsin price series or the price resulting from a butter-powder formula.

The butter-powder formula should not be used as an alternative price for Class II milk. In addition to the deficiencies which are inherent in the formula which must be based on an arbitrary allocation of manufacturing costs, its use only when it would return a higher price than the Minnesota-Wisconsin price could result in intermarket dislocation of reserve supplies at times when it was the effective Class II price in the Central Illinois order.

(3) *Butterfat differentials.* The class and uniform prices are established for milk containing 3.5 percent butterfat. Therefore, to reflect differences in the value of milk due to variation in butterfat content, it will be necessary to adjust Class I, Class II and uniform prices in accordance with the average butterfat test of milk in each class and of the milk delivered by each producer. The values obtained by multiplying the average price of 92-score butter at Chicago by 0.12 for Class I and 0.115 for Class II will provide an appropriate basis for adjusting the class prices for each one-tenth of one percent variation of butterfat content.

It was proposed that the Class II butterfat differential be at the same level as the Class I butterfat differential. On the basis of the record and a comparison

of butterfat differentials in surrounding markets it is concluded that a Class II differential determined by multiplying the Chicago butter price by 0.115 will price butterfat at a level that will facilitate its disposition while leaving the skim milk value at a level more appropriately aligned with today's market.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. This follows the principle of uniform pricing to producers and will reflect changes in the use of butterfat and skim milk in each class.

(4) *Location differentials.* Class I and uniform prices paid by handlers operating plants located at a considerable distance from the market should be subject to minus adjustments to reflect the cost of moving milk to the market. Adjustments to Class I prices at such plants are necessary to equalize the cost of milk to all handlers distributing in the marketing area. Adjustments to the producers' prices will recognize the lesser location value of milk which must be transported considerable distances to the major distribution centers within the marketing area.

No location adjustment should apply at plants located within the State of Illinois within 50 miles of the City Hall in Peoria, Illinois, or south of the northernmost boundaries of Henderson, Warren, Knox, Stark, Marshall, Woodford, Livingston, Ford, and Iroquois Counties. The area thus circumscribed constitutes a homogeneous supply-demand region in which the competitive procurement among handlers requires the same Class I price level.

Location adjustment rates should apply to plants located outside the State of Illinois or in the State but north of the counties of Henderson, Warren, Knox, Stark, Marshall, Woodford, Livingston, Ford and Iroquois and 50 miles or more from the City Hall in Peoria, Illinois. Plants located outside the State of Illinois or north of the specified counties in the State of Illinois and more than 50 miles from the City Hall in Peoria but not more than 60 miles should receive a location adjustment of 7.5 cents per hundredweight. A further adjustment at the rate of 1.5 cents for each additional 10 miles or fraction thereof should apply at such plants located in excess of 60 miles from the City Hall in Peoria.

The rates provided herein reflect the approximate cost of moving milk to the marketing area. Transportation costs per mile are normally greater for short hauls than for longer hauls. Exhibits indicated that milk could be hauled from anticipated supply sources at approximately the rates provided herein. The location differentials as proposed will establish prices at each pool plant which will not only permit such pool plants to compete among themselves on the basis of prices adjusted to reflect transportation costs but will also establish prices at such plants which are aligned with minimum prices effective at plants regulated under nearby Federal milk orders.

No location adjustment should apply to Class II milk. The cost involved in moving manufactured products is minor relative to the cost involved in moving whole milk. Manufactured dairy products are much less perishable and the components of manufactured products are usually in concentrated form. Accordingly, there is little value in the milk used for manufacturing purposes which can be equated to plant location.

Since the supply of Grade A milk at pool plants in the marketing area is not adequate at all times to supply the demand for fluid milk products, some tolerance should be allowed in the assignment to Class I of milk brought in from supply plants. In calculating the location adjustment, transfers may be assigned to Class I only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers and cooperative associations at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence beginning with the plants at which the lowest rate of such adjustment credit would apply.

(5) *Equivalent price.* If for any reason a price quotation required for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Experience has shown that quotations described in the order may not be available at all times. It is concluded that provision for such contingencies should be made by providing for a determination by the Secretary of an equivalent price.

A number of exceptions were received to the recommended Class I price for the proposed Central Illinois market. These exceptions were mixed with respect to the appropriate differential to be applied in computing the Class I price. They ranged from a proposal to increase the recommended price ten cents to a similar proposal to reduce it ten cents. Other exceptions indicated that the Class I price in Champaign, Piatt, and Vermilion Counties should be the same as that in Central Illinois even though such counties were regulated under the Southern Illinois order. Except for this 3-county area, the exceptions failed to establish the need for a Class I price, for the market, other than that previously recommended.

As indicated elsewhere herein, the transfer of the three counties of Champaign, Piatt, and Vermilion from the proposed Southern Illinois market to that of the proposed Central Illinois market will result in the Central Illinois Class I price being effective at plants located in the three counties. This is the only modification of the previously recommended Class I pricing which is necessary.

Some exceptions to the Class II price indicated that the proposed Class II price should be reduced, others that it be retained at the recommended level. Still other exceptions suggested that it be at the same level as the Class II price in the St. Louis market. A hearing on the level of the Class II price in the St. Louis market was held on June 4–8, 1963. A decision on the record of that hearing has not yet been issued. No change in the recommended level of the Class II price would be appropriate at this time.

(d) *Distribution of proceeds to producers.* The order should contain provisions which describe the means whereby the payments made by handlers for milk at class prices are to be converted to uniform prices to be paid to producers. The provisions should specify also the terms under which such payments must be made.

(1) *Type of pool.* The order should provide for the distribution of returns to producers through a marketwide equalization pool requiring payments for milk by all handlers.

Payments by handlers to producers have been made in many instances without regard to the utilization of milk by the handler and prices paid by different handlers have varied considerably. When a handler did not need milk for fluid milk products he could reduce his supply by discontinuing purchases from certain producers.

A proposal was made to adopt the individual-handler type pool. The proposal was not supported at the hearing.

It should be pointed out, however, that under an individual-handler pooling system handlers in this market would be encouraged to buy from producers only enough milk to supply their Class I needs. Thus, a handler having 100 percent Class I utilization could add producers whenever he needed more milk and discontinue purchases from certain producers when he did not need the milk for Class I use. This adding and dropping of producers would create unstable marketing and would shift the burden of carrying the necessary reserve for the market to other handlers and to other producers.

The marketwide pool will insure that each producer supplying the market will receive a return based on his pro rata share of Class I and Class II utilization. Each producer will receive a "blend" price for his milk which will reflect the average utilization in the market. Each handler, however, will pay for milk according to the class prices. The utilization of all pool plants will be averaged to derive a uniform "blend" price for all producers.

The marketwide pooling of returns to producers will promote efficient handling of milk in the area. The proposed marketing area encompasses a wide geographical area with the supply of milk readily available at some plants in much greater or lesser supply than at others. Some plants disposing of milk in the proposed marketing area have no manufacturing facilities. Such plants normally limit their receipts of producer milk to the quantity needed for Class I in the flush production season and procure supplemental supplies of milk for Class I during the short production. Other plants have some manufacturing facilities or outlets available to market

surplus supplies, and thus are able to carry adequate supplies of milk throughout the year.

The marketwide pool will enable a handler with manufacturing facilities or a cooperative association to handle the reserve supplies and to pay producers the same price as is paid by handlers who do not assume the responsibility of carrying the necessary reserve. The lower return for the reserve milk in the market will thereby be apportioned equally among all producers in the market. Under an individual-handler pool this burden would be carried by individual groups of producers.

A marketwide pool facilitates the sharing among all producers of the Class I utilization under contracts for large quantities of Class I products. There are several governmental institutions in the area which let contracts for fluid milk products on a bid basis. A marketwide pool permits a handler to bid on the contract business of military installations and other public institutions and to obtain supplies for such sales without upsetting the market when the business shifts from one handler to another.

Under the circumstances which exist in the Central Illinois market a system of marketwide pooling will promote and maintain more efficient and orderly marketing of milk than would an individual-handler pool.

(2) *Producer-settlement fund.* Because all producers will receive payment at the rate of the marketwide uniform price each month, and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to his producers, some method of balancing these differences is necessary. A handler who is required to pay more according to his utilization than he is required to pay his producers, shall pay such difference into the producer-settlement fund. A handler who is required to pay less according to his utilization than he is required to pay his producers shall receive such difference from the producer-settlement fund.

For efficient functioning of the producer-settlement fund, a reasonable reserve should be set aside each month. This fund is necessary to cover such contingencies as a failure of a handler to pay his monthly billing promptly to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the order by withholding from the pool computation each month an amount equal to not less than four cents nor more than five cents per hundredweight of producer milk.

If the balance in the producer-settlement fund is insufficient to cover the payments due handlers, the market administrator shall uniformly reduce payments per hundredweight to such handlers. The remaining amounts due such handlers should be paid as soon as the balance in the fund is sufficient to meet such payments, and producers in turn should receive full payment from handlers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments for the preceding month would not be included in the computation of the uniform price.

(3) *Payments to producers.* Each handler should pay each producer for milk received from him and for which payment is not made to a cooperative association, at the applicable uniform price no later than the 20th day after the end of each month.

Provision should be made for a cooperative association, if it so desires, to receive payment for the producer milk of its members which is received by a pool plant. The collection of payments for milk of its members will permit the cooperative association to reblend proceeds from the sale of such milk, will tend to facilitate the transfer of milk from handler to handler to maximize the use of producer milk in Class I as well as aid in the diversion of surplus milk to nonpool plants. Thus, a cooperative association will be assisted in discharging its responsibilities to its members and the market.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by their members and permits the reblending of all proceeds from the sale of member milk. Cooperative associations in the area have contracts with their members which allow the associations to collect payment for members' milk. Therefore, each handler, if so requested, should pay cooperative associations, in lieu of paying the producer, the full amount due for such producer's milk. The association's request should provide for reimbursement for any loss incurred because of an improper claim. Handlers should be required to pay the association two days before payment is required to be made to individual producers so that the cooperative will have time to reblend its receipts and pay its members on the same date nonmembers are required to be paid.

At the time final settlement is made by the handler he should submit to the producer (or his cooperative association) a supporting statement. Such statement should contain the identity of each producer, the total pounds and average butterfat content of milk, the rate used in making the payment, the rate and nature of each deduction claimed by the handler and the net amount of payment to each producer.

In the recommended decision, it was concluded that sufficient seasonal variation in producers' prices would result from the seasonality of the recommended Class I pricing without the necessity of adopting a "Louisville plan".

Exceptions pointed out that a fall incentive plan similar to that contained in the Suburban St. Louis order would be beneficial to the Central Illinois market by providing incentive for more seasonal production. For this reason, and because provisions of the two orders should be as nearly alike as possible for maximum effectiveness, a "Louisville plan" identical to that applicable in the Suburban St. Louis market is recommended for the Central Illinois market.

The recommended "Louisville plan" is a fall incentive plan which operates by subtracting during each of the months of April through July an amount equal to ten cents per hundred-weight on the total amount of producer milk in the pool. This money is then retained in the producer-settlement fund and disbursed during each of the months of October, November and December of the same year by adding one-third of the total amount subtracted during the previous flush months of April through July, to the uniform price computations.

The mechanics of computing the fall incentive payment plan appear in the separate document on compensatory payments. This is done since the method of computing such adjustment can best be expressed in the uniform price computations.

(e) *Administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which established the scope of regulation, certain other terms and definitions are desirable for the purpose of brevity and to assure that each usage of the term implies the same meaning. Several terms as defined in the proposed order are common to most other Federal orders.

(2) *Market administrator.* The order should provide for the appointment by the Secretary of a market administrator to administer the order and should set forth the powers and duties of the market administrator.

(3) *Records and reports.* Provisions should be included in the order requiring handlers to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of milk and payments due producers for milk.

It is essential that handlers' reports be submitted to the market administrator not later than the 8th day of each month. The market administrator should announce the uniform price for the previous month's milk by the 14th of each month. The payroll report of each handler should be submitted to the market administrator on or before the 20th day of each month. It should include such information as weights, butterfat tests, payments for milk and authorized deductions.

Handlers should maintain and make available to the market administrator all records and accounts of their operations which are necessary to determine the accuracy of the information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the orders.

Detailed reports to the market administrator by all handlers would be used to determine whether the plants of such handlers qualify as pool plants.

The market administrator should report to each cooperative association, which so requests, the percentage of milk delivered by its members and uti-

of this occurring, milk received by any

a fall incentive plan which operates by

milk delivered by its members and uti-

lized in each class at each pool plant receiving such milk. For the purpose of this report the percentage of members' milk in each pool plant should be prorated in the proportion that producer milk was utilized by that handler. These reports are necessary for cooperative associations to market their member milk most efficiently so that available producer milk will be channeled to available Class I uses.

The order should also provide for a specific period of time that handlers are required to retain books and records and the time which such obligations expire. The provision made in this order is identical in principle to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). The decision covering the retention of records and claims is equally applicable in this situation and is adopted as a part of this decision.

It was proposed in regard to reports which handlers are required to file and the records and facilities which must be made available to the market administrator to verify such reports that the term "reasonably necessary" be inserted for the term "necessary". The testimony in support of the substitute language infers that the addition of the word "reasonably" would transfer the immediate responsibility for determining what records and reports are necessary from the market administrator to some unknown person. This would leave uncertainty in regard to such matters and, thus, hamper effective administration of the order. Hence, the proposal should not be adopted. The handler is not, of course precluded from seeking administrative correction of any demands of the market administrator which he deems are unreasonable.

(4) *Expense of administration.* The Act requires handlers to pay the cost of operating an order through an assessment on milk handled. Each handler operating a pool plant should be required to pay to the market administrator, as his proportionate share of the cost of administering the order, four cents, or such lesser amount as the Secretary may prescribe, on all receipts within the month of milk from producers including milk of such handler's own production, and any other source milk allocated to Class I, except milk so assessed under another Federal order.

The market administrator must have funds sufficient to enable him to administer the order. The order is designed to share this cost equitably among all handlers distributing milk in the proposed marketing area. However, to prevent duplication, an assessment should not be made on other source milk on which an assessment was made under another Federal order.

Provision should be made so that the Secretary may reduce the amount of the administrative assessment without the necessity of amending the order. The rate can thus be reduced when experience indicates a lower rate will be sufficient to provide adequate funds for the administration of the order.

(5) *Marketing service.* Provisions should be made in the order for providing for producers marketing services, such as the verification of tests and weights of producer milk and furnishing them with market information. The services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own services.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producers' deliveries as reported by the handler are proved to be accurate.

An additional phase of this market service program is to furnish producers with current market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a marketwide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved, location of handlers' plants and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

(6) *Interest payments on overdue accounts.* Provision is made for the payment of interest on amounts due to or from accounts of the market administrator at the rate of one-half percent on the first day of the month following the date such obligation is due and on the first day of each succeeding month until such obligation is paid.

Prompt payment of amounts due to or from the market administrator is essential to the operation of order provisions. Interest charges will encourage payment of amounts due on or before the specified date. The rate provided herein is reasonable to compensate for the cost of borrowing money in accord with normal business practices.

Interest charges should not be assessed on payments due to cooperative associations. These payments are not within the immediate supervision of the market administrator and, therefore, he cannot positively determine that payments to cooperative associations have not been made on time.

Proposed amendments to the suburban St. Louis order statement of issues. The material issues of record relate to:

1. The rules governing the diversion of milk between pool plants and to nonpool plants;
2. Revision of pool plant provisions;
3. Type of pooling;
4. Revision of the classification, transfer and allocation provisions;
5. The determination and level of class prices and revision of handler and producer location adjustments;
6. Rate of payment on unpriced milk and the obligation of nonpool plants; and
7. The review of all provisions of the order and possible changes for administrative purposes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The rules governing the diversion of milk should be modified to permit diversion between pool plants and during the months of February through August, unlimited diversion from pool plants or by a cooperative association directly from the farm to nonpool plants not regulated by another order. During the period of September through January it should be provided that milk may be diverted from a pool plant to a nonpool plant on not more than one-half of the days of production of a producer.

The order does not now permit diversion between pool plants. During the period March through July the order presently allows unlimited diversion from pool plants to nonpool plants not regulated by another order. A limitation on diversion of 10 days' production is now provided in the order during any month form August through February.

There are many circumstances that arise when it is more practical and economical to move milk directly from the farm to the pool plant of another handler. Such movement of milk should be permitted but not to exceed more than one-half of the days of production of a producer during the month. Permitting this limited diversion between pool plants will accommodate the economical movement of milk, particularly on weekends and holidays when many bottling plants do not operate, and further will provide proper accounting of milk received from dairy farmers.

Likewise, diversion should be permitted on a limited basis betwen pool plants under this order and nonpool plants which are subject to full regulation under another order. Such milk designated as being diverted would thereby retain its association with the Southern Illinois order as producer milk. It must be recognized, however, that the provisions of the other order may require that such milk be pooled under the other order. In that instance, such milk would not be producer milk under this order and would be excluded from the pricing and pooling provisions.

A handler should be permitted to divert producer milk equal to the number of days' production of any producer which is received at a Southern Illinois pool plant during the month. Milk diverted in excess of this limit should be considered a part of the supply at the

plant to which diverted and should not be producer milk under this Part. Permitting diversion of approximately 15 days' production of a producer during any month to a plant regulated under another order will significantly improve the orderly disposition of reserve milk not needed for fluid use by regulated handlers.

A correlative provision should be placed in the order to allow milk received by diversion from a plant at which such milk would be fully subject to pricing and pooling under another order issued pursuant to the Act to remain associated with the other order and not be producer milk under this Part on days when such milk was received at a Southern Illinois pool plant. Such a provision would permit milk to be diverted from regulated plants under nearby markets such as the St. Louis and newly designated Southern Illinois orders and yet allow producers to retain their association with the other orders.

Thus, a number of pool plants throughout the State of Illinois which presently serve as outlets for surplus milk would continue to be available to accommodate surplus milk diverted between orders without such diverted milk being considered a receipt at these plants for purposes of determining pool plant status. Dairy farmers who are regularly associated with a certain Federal order market and whose milk is generally pooled under such order would continue to participate in the pool with which they are normally associated on days when their milk is diverted to a Southern Illinois pool plant. However, recognition must be given to the possibility that the other order may exclude milk so diverted to a Southern Illinois pool plant from its pricing and pooling provisions. In this case, the milk would be a direct receipt of producer milk at a Southern Illinois pool plant and would participate in the marketwide equalization of this order.

Generally the purpose of the diversion privilege is to facilitate the movement of milk to nonpool plants when all of the supply of Grade A milk in the market is not needed for Class I purposes. Thus, in the present order unlimited diversion is permitted to nonpool plants during the period of March through July. As production has increased in this market at a greater rate than the increase in Class I sales it has become necessary to divert more milk during the months of February and August. The revised provision will accommodate changes in production and in the sale of fluid milk products and further align the provisions of this order with those of the proposed Central Illinois order. It is concluded that the period of unlimited diversion should be extended to include each of the months of February through August.

During the months of the year when producer milk regularly associated with the market is needed to supply the Class I needs there is no need for unlimited diversion. Under the revised provision, diversion by the operator of a pool plant to a nonpool plant is limited to not more than one-half of the days of production of such producer during all months of September through January. This limitation will further coordinate this order with the Central Illinois order and will enable handlers to divert milk on weekends and holidays or under unusual circumstances when the milk is not needed to fill the Class I needs of the market during this normally short production season. Cooperative associations would be similarly limited in the diversion of milk production of producer members.

It was proposed that the milk production of a producer diverted from a pool distributing plant to a nonpool plant located more than 150 airline miles from the United States post office in Carlyle, Illinois, be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted. The record, however, fails to show the need for such a provision in the light of the expanded marketing area previously recommended in this decision. It is, therefore, provided that milk diverted for the account of the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant should be considered to have been received at the location of the pool plant from which diverted. Under the marketing conditions existing in the expanded marketing area such a provision should adequately accommodate the economical movement of milk without creating inequities in the prices paid to producers.

2. The standards under which a plant may qualify as a pool plant should be further revised. The original recommended decision provided that a distributing plant had to have route distribution in the marketing area of fluid milk products equal to ten percent or more of its total receipts of Grade A milk or an average of not less than 7,000 pounds per day of fluid milk products on routes in the marketing area in order to qualify as a pool plant. For the same reasons indicated on the findings for the Central Illinois market a distributing plant should be given pool plant status if it disposes of an amount equal to ten percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations, in their capacity as handlers with respect to bulk tank milk. This will permit plants presently serving as outlets for excess supplies of Grade A milk to continue to do so without endangering their pool status.

The present order requires that a plant dispose of 20 percent or more of its total Class I milk or an average of not less than 7,000 pounds per day of fluid milk products as fluid milk products on routes in the marketing area in order to qualify as a pool plant.

The Southern Illinois and the Central Illinois orders should have similar provisions wherever possible since the similarity of marketing conditions and intermarket movements of milk require similar standards. The enlargement of this marketing area also involves distributing plants that distribute fluid milk products on routes in adjoining marketing area. In the adjoining marketing areas, similar distribution of fluid milk products on routes is set up as a requirement for pooling. A plant meeting the standards as provided herein is sufficiently identified with the market to participate in the marketwide pool of the order on a regular basis. It is concluded, therefore, under the marketing conditions in the expanded marketing area, that the pool plant provisions should be modified as provided herein.

It was proposed that during the spring months the requirement that a distributing plant dispose of as Class I through route distribution, an amount equal to at least 50 percent of its total receipts of Grade A milk be reduced to 35 percent. Certain distributing plants that have been regularly associated with this market have maintained supply and distribution patterns which indicate the need for a lower standard in the months of March through July. On the basis of this record and exceptions filed to the recommended decision, a decrease in the standard during these flush months from 50 percent to 40 percent of the receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers should be adequate to accommodate such plants. The lower standard during the March through July period will assure dairy farmers regularly associated with the market an opportunity to continue to participate in the marketwide pool in the months of flush production whenever supplies are not needed for fluid use. This provision will also coordinate this order with the order proposed for the Central Illinois marketing area.

Supply plants from which 50 percent or more of the receipts of Grade A milk from dairy farmers and cooperative associations as handlers is regularly delivered to pool distributing plants are clearly associated with the market. The dairy farmers supplying such plants should participate in the marketwide pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with this market and should not participate in the pool. For the same reasons stated in the findings for the Central Illinois order, a reload point is excluded from the supply plant definition of this order also.

The pooling provisions of the order should be further modified to permit a distributing plant meeting the requirements for full regulation under this order and another order and with a greater proportion of its Class I disposition in the other market, but which was pooled under this order in the most recent month, to retain pool status under this order until the third consecutive month in which a greater volume of Class I sales is made in such other marketing area.

If the provisions of the other order require such plant to be pooled under such other order it is provided herein that, except for requirements to file reports and permit verification of records, such plant would be exempt from regulation under this order.

A distributing plant meeting the pooling requirements of more than one order should in general be regulated under the order covering the area in which it has the greatest proportion of its distribu-

tion. This marketing area, however, is surrounded by the Louisville-Lexington-Evansville, Indianapolis, Central Illinois and St. Louis marketing areas. With the wide areas of distribution from some distributing plants, it is entirely possible that inadvertent shifting between orders may occur from month to month. Therefore, it should be provided that a handler operating a pool distributing plant which has been subject to the regulation under this order and continues to meet the pool plant standards provided herein generally should not be subject to another order unless it has disposed of more milk on routes in such other marketing area for three consecutive months. This will afford the handler reasonable notice that the obligation of regulation is shifting from one order to another and will afford him the opportunity to make adjustments in his business, if he so desires. Provision is also made to exempt from regulation under this order a plant which may, for one or two months, dispose of a greater proportion of sales in the Southern Illinois marketing area than in the area of the order under which it has been regulated if such other order contains a provision similar to the one provided herein.

3. The order should continue to provide for the distribution of returns to producers through a marketwide equalization of the required payments for milk by all handlers.

The evidence in this record did not disclose that the findings and conclusions issued as a result of the promulgation proceedings (25 F.R. 3266) should be changed.

The Act specifies that an order must provide for (1) the payment of uniform prices for all milk delivered by producers to the same handler, or (2) the payment of uniform prices for all milk delivered by producers to all handlers based upon the marketwide use of such milk. The former method of payment is known as distribution by individual-handler pools, the latter by marketwide pool. Under either method, all handlers pay the same class prices for producer milk except as adjusted for location and butterfat content.

There is wide variation in the utilization of producer milk at the various pool plants in the marketing area as proposed herein. Some handlers are equipped to handle their own reserve supplies as well as the reserve of other plants. Other handlers have extremely limited manufacturing facilities or none at all. Thus, the adoption of an individual-handler pool as proposed could create such differences in prices paid producers as to cause disorderly marketing conditions. Under an individual-handler pool handlers would be encouraged to buy from producers only enough milk to supply their Class I needs. A handler with only Class I utilization could easily add producers whenever he needed more milk and discontinue purchases from certain producers when he did not need milk for Class I use. This adding and dropping of producers would create unstable marketing and shift the burden of carrying the necessary reserve to other producers in the market.

The continuation of the marketwide pool will promote stability by insuring that all producers supplying the market will share equally in the Class I and Class II utilization and will receive a blend price for milk which reflects the average utilization in the market.

4. The classification, transfer and allocation provisions of the order should be modified to reflect current marketing conditions and to conform more precisely with the provisions recommended herein for the Central Illinois marketing area.

Fluid milk products which contain concentrated skim milk solids such as skim milk drinks and buttermilk to which solids are often added should be included under the Class I definition. However, it is not necessary to price as Class I all the water originally associated with such solids. It is not demonstrative that the water associated with the solids used in fortification displaces producer milk in Class I in this market. The findings and conclusions under the heading "classification and allocation of milk" for the Central Illinois marketing area are equally applicable to the Southern Illinois marketing area with respect to the classification of milk solids used in the fortification of fluid milk products and are hereby adopted as part of the findings and conclusions relating to the amendment to the Southern Illinois order. Unsterilized concentrated whole milk should also be included in Class I. Since this product is intended to be reconstituted by the consumer to its original form, it displaces producer milk in an amount equivalent to its original volume and hence the water originally associated with it should be classified as Class I.

Skim milk and butterfat disposed of in bulk to commercial food processors and used in food products prepared for consumption off the premises should be classified as Class II. Grade A milk is not required by bakeries or by candy, soup or other commercial food manufacturing establishments. Skim milk and butterfat used to produce products not required to be made from Grade A milk are customarily defined as Class II. Therefore, skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises should be classified as Class II.

Exceptions to the recommended decision indicated that a surplus disposal area of up to 450 miles from Vandalia, Illinois, rather than 400 miles from this point is necessary to accommodate the orderly disposition of the market's reserve milk to manufacturing plants. They indicated that there are a number of plants located in Wisconsin which are more than 400 miles from Vandalia and which could become associated with the newly designated Southern Illinois market. An additional 50 miles is necessary to encompass the area within which are located the plants that might serve as outlets for the reserve supplies of the potential pool plants.

The area should be expanded to 450 miles to be certain that all available outlets for the manufacture of the market's reserve milk will be made available when needed for handling such milk. Since the mileage provisions are part of the transfer provisions, they are contained in the separate document dealing with compensatory payments rather than in the attached abbreviated order.

5. The determination and level of class prices and the handler and producer location adjustments are revised to reflect the changes resulting from the expanded marketing area and to maintain orderly marketing conditions in the Southern Illinois marketing area.

Numerous exceptions were filed to the recommended class prices. Producers as well as handlers under the Louisville-Lexington-Evansville order objected to the pricing pattern recommended for the proposed Southern Illinois market, particularly to the price applicable at locations in the southeastern sections of Illinois. They pointed out that they felt such prices were too low relative to the applicable prices at such points as Evansville and Vincennes, Indiana.

After a careful and thorough review of the entire pricing structure it is concluded that no change should be made in the recommended Class I price structure as previously set out. Based on the cost of transporting milk from alternative sources of supply, which in the past have been plants located in Southern Wisconsin, the recommended Class I price is proper for plants in Southern Illinois. The cost per hundredweight of moving milk from a plant near Chicago, to a plant at Olney, Illinois, would be approximately 38 cents for the 249 miles involved (hauling rate of 1.5 cents per hundredweight per 10 miles). On this basis, the recommended Class I price which would be applicable at a plant at Olney, Illinois, was set at 40 cents over the Chicago Class I price.

It was further contended that the recommended Class I prices at Southern Illinois plants, such as the one at Olney, are too low when considered relative to the Class I prices applicable at plants under the Louisville-Lexington-Evansville order. The mileage from Olney to Louisville, Kentucky, is 144 miles. Based on the hauling rate of 1.5 cents per hundredweight per 10 miles, the cost of moving milk from Olney, Illinois, to Louisville, Kentucky, is about 22½ cents. The resulting total cost of milk (Southern Illinois Class I price plus hauling costs) at a Louisville, Kentucky, plant would be greater on the average, than the Louisville Federal order Class I prices which are applicable at plants in that city. Since there are no location differentials applicable under the Louisville-Lexington-Evansville order at Evansville, Indiana, the Class I price at that location is higher than the Olney price plus transportation. It would not be proper, however, to adjust the Olney price to that at Evansville and thereby place the Olney price out of line with other markets in Illinois.

No change is therefore made in the recommended Class I price based on the above exceptions. As previously indicated under the findings dealing with the Class I price, the applicable Class I price at plants located in the three counties shifted from the northern zone to the Central Illinois market will provide more appropriate price alignment at plants located in these areas and is the only revision in Class I pricing which is made herein.

(a) *Class I price.* For the first 18 months beginning with the effective date of the pricing provisions of this order, the Class I price for milk of 3.5 percent butterfat content at plants located within the base zone of the marketing area should be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. The Class I price should be further adjusted by increasing or decreasing, respectively, such prices by two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent. This price adjustment should be limited to increases or decreases of not more than 24 cents. The Class I price for milk of 3.5 percent butterfat content at plants located within the northern Zone of the marketing area should be five cents per hundredweight less than for the base zone.

For the same reasons as provided in the findings and conclusions under the subheading of "Class I price" for the Central Illinois marketing area, the basic formula price in this order should be the Minnesota-Wisconsin manufacturing price series.

The counties of Clay, Richland, Lawrence, Wayne, Edwards, Wabash, Hamilton, White, and Saline are added to the present "base zone". These counties lie directly east of the counties now designated as the "base zone" and by their addition make one contiguous area. Generally speaking, the base zone is distinguished from the northern zone by the fact that handlers regulated under the St. Louis and Louisville-Lexington-Evansville orders distribute rather generally throughout this area in competition with handlers regulated under this order, while there is little or no Class I distribution by such handlers in the northern zone. The addition of the above counties to the base zone area will thus align prices between this order and the St. Louis and Louisville-Lexington-Evansville orders. A handler located in Richland County, that is presently partially regulated, would become a fully regulated handler as a result of the expansion of the marketing area. This will be the only additional handler regulated by the addition of these counties.

The counties of Sangamon, Macon, Christian, Moultrie, Douglas, Edgar, Shelby, Coles, Cumberland, Clark, Effingham, Jasper, and Crawford should be added to the present northern zone for pricing purposes. In these counties there are located 12 distributing plants. The handlers operating these plants not only distribute fluid milk products on routes in the expanded area but also in the present northern zone and to a limited extent into other parts of the present marketing area. The distribution routes of these handlers also extend into Indiana in competition with handlers at Terre Haute and to some degree with handlers regulated under the Indianapolis order. There is further limited distribution of fluid milk products into counties not included in the marketing area and into the counties recommended as a part of the Central Illinois marketing area. As noted earlier, two large distributing plants in the Central Illinois marketing area have route distribution in the present and expanded portion of the northern zone of the proposed Southern Illinois marketing area.

Plants located in the northern zone are closer to alternative supply sources and thus can be expected to obtain Class I supplies at a somewhat lower cost than handlers located in the base zone. Although handlers with plants located in the northern zone distribute some fluid milk products in the base zone, the costs of moving milk from the northern zone counties to the base zone will offset any competitive advantage that might otherwise occur because of the difference in Class I prices. The lower rate of five cents per hundredweight for milk received at plants located in the northern zone will also provide a better alignment with Class I prices herein recommended for the Central Illinois marketing area.

A decision issued by the Under Secretary on November 16, 1961 (26 F.R. 10879) concluded that the level of Class I prices then in effect in the Suburban St. Louis order should be continued. The Class I prices have been primarily based on the Chicago Class I price adjusted by the supply-demand factor plus $.40 per hundredweight. Prices for Class I recommended herein are maintained at the same level. Presently, however, the Class I price under this order is further adjusted by the supply-demand factor for the St. Louis order.

The pricing provision of this order became effective June 1, 1960. During the first 12 months the Class I price in this market was adjusted upward by plus $.06 per hundredweight as a result of the supply-demand relationship of the St. Louis market. During the 12-month period, June 1, 1961, through May 1962, this adjustment amounted to fractionally over one cent per hundredweight. As a result of the expansion of this marketing area and the promulgation of an order for the Central Illinois marketing area it is imperative that prices be aligned more closely with those under the Central Illinois order than with St. Louis. The establishment of Class I prices for the Southern Illinois marketing area on a direct relationship to Chicago will aid materially in the alignment of order prices with surrounding markets. It is anticipated that the marketing conditions in the Southern Illinois marketing area for the first 18 months after the effective date of this order will provide the necessary factual information on which to base future price alignment and develop supply-demand standards based on actual market experience.

The Southern Illinois market, like the Central Illinois area, depends to a large extent on plants located in the general supply area of the Chicago market for its reserve supplies of milk. It is, thus, appropriate that Class I prices for this order should reflect price conditions in the Chicago market. This reflection is accomplished by adjusting the Class I price in the same manner and to the same degree as the Class I prices are adjusted in Chicago by the supply-demand ratio.

(b) *Class II price.* The Class II price per hundredweight for milk of 3.5 percent butterfat should be based on the average price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

The price for Class II milk under the present Suburban St. Louis marketing order is established at the same level as that in the St. Louis order. This price, during the months of August through February, is the higher of either the average price paid by a specified group of Midwestern condenseries or a price resulting from a butter-powder formula. For the months of March through July the Class II price is based on a butter-powder formula which results in a somewhat lower price than that used during the other months of the year. During the first 24 months that the Suburban St. Louis order was in effect, the Class II price has averaged 12 cents per hundredweight below the Minnesota-Wisconsin price series.

The supply of milk in excess of the market's needs for Class I use has increased substantially during that period. This is an indication that handlers may be adding producers to the market for the purpose of converting milk into manufactured dairy products.

A further reason for changing the Class II price in the amended order results from the extensive expansion of the marketing area which has been recommended. Much of this additional area overlaps the milkshed of the proposed Central Illinois marketing area as well as those of the Indianapolis, Indiana, and Louisville-Lexington-Evansville orders, the Class II price is based on the Minnesota-Wisconsin price series. This same price series has also been recommended as the basis for pricing Class II milk in the Central Illinois marketing area.

To continue in the expanded order a Class II price as low as that which has prevailed in the Suburban St. Louis marketing area could result in a disruption of intermarket relations where the above mentioned milksheds overlap and would undoubtedly result in the attraction of additional volumes of surplus milk to plants regulated under this order.

(c) *Location differentials.* No location adjustments should apply at plants located within either the base zone or northern pricing zone. Homogeneity of supply-demand conditions within each zone is such that the same price should be applicable at all plants located therein.

For that milk which is received from producers at a pool plant located outside the marketing area and which is transferred to another pool plant in the form of fluid milk products or is otherwise classified as Class I, the Class I price at the base zone will be reduced 7.5 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 60 miles from the County Courthouse in Vandalia, Illinois. In calculating such adjustment, transfers may be assigned to Class I only to

the extent that 105 percent of Class I disposition at the transferee plant exceeds receipts from producers and cooperative associations at such plant. Such assignment to transferor plants shall be made first to plants at which no location adjustment credit is applicable and then in sequence beginning with the plants at which the lowest rate of such adjustment credit would apply. At the present time there are two supply plants located outside the proposed expanded marketing area. The revised location rates will not substantially change the location adjustment of these two plants.

Since the supply of Grade A milk at some pool plants in the marketing area as herein proposed is not expected to be adequate at all times to supply the demand for fluid milk products, some tolerance should be allowed in the assignment to Class I of milk brought in from supply plants. For this reason it is provided that in calculating the location adjustment, transfers from supply plants located outside the marketing area may be assigned to Class I only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers and cooperative associations at such plant.

As provided in the present order, handlers, in making payments for milk to producers, may deduct from the uniform price the location adjustment which is applicable at the location of the pool plant at which the producer milk is received. This adjustment is computed at the same rate as the location adjustment to handlers.

No change is made in the recommended location adjustments for handlers and producers. However, since these adjustments are related to the proposed method for integrating other source milk into the regulatory scheme, the mechanics of computing location adjustments appears in the separate document based on the regional hearing.

6. *Miscellaneous and conforming changes.* The present Suburban St. Louis order contains compensatory payment provisions concerning other source milk from plants not regulated by another order issued pursuant to the Act. This proposed order does not contain such provisions. The hearing on which this order is based was held before the Supreme Court's decision in the Lehigh Valley case (No. 79, October 1961 term). The record was then reopened to receive additional evidence on the issue of substitutes for compensatory payments and related matters in St. Louis, Missouri, on January 8–11, 1963, and again reopened on June 4–11, 1963, for proposals to further expand the marketing area.

Since the matter of compensatory payments in the proposed orders for Central Illinois and Southern Illinois (presently the Suburban St. Louis order), was considered at this hearing on a regional basis, it is appropriate that amendment action be likewise accomplished in a regional frame of reference. The provisions dealing with substitutes for compensatory payments and related provisions are therefore included in a separate document and this order contains omissions where such provisions would otherwise appear.

A specific provision concerning transportation rates has been deleted since such information may be reported on handler payrolls submitted each month.

It is further provided for purposes of clarity and to conform with usual business practices that the payment of interest on overdue moneys due to or from the accounts of the market administrator shall be increased one-half of one percent on the first day of the month following the due date of such obligation and on the first day of each succeeding month until the obligation is paid. This is the same rate as is now provided in the order.

A proposal to give credit for compensatory payments on transfers of milk from a pool plant to a nonpool plant partially regulated under another order is not necessary with the enlargement of the marketing area and the revision of order provisions with respect to unpriced milk. The conditions cited by the proponent no longer exist. Therefore, the proposal is denied.

It was proposed that the butterfat differential to producers should be changed from the weighted average values of butterfat used for Class I and Class II purposes to an amount equal to the Class II butterfat differential. The use of the Class II butterfat differential would conform to the practice followed under the St. Louis order but should not be adopted because it would bring about a misalignment of prices with other markets which are more closely associated with much of the proposed expanded marketing area than is the St. Louis market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders (Parts 1063 and 1032) regulating the handling of milk in the Quad Cities-Dubuque and Suburban St. Louis marketing areas and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the proposed order for the Central Illinois marketing area and the tentative marketing agreements and the orders as hereby proposed to be amended for the Quad Cities-Dubuque and Suburban St. Louis marketing areas and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the proposed order for the Central Illinois marketing area and the tentative marketing agreements and the orders as hereby proposed to be amended for the Quad Cities-Dubuque and Suburban St. Louis marketing areas will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and orders. The following order for the Central Illinois marketing area and the orders amending the orders regulating the handling of milk in the Quad Cities-Dubuque and Suburban St. Louis marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders as set forth herein.

Amendments to Part 1063 regulating the handling of milk in the Quad Cities-Dubuque marketing area. Section 1063.6 is revised to read as follows:

§ 1063.6 Quad Cities-Dubuque marketing area.

"Quad Cities-Dubuque marketing area" hereinafter called the marketing area, means the territory within the boundaries of the counties of Clinton, Dubuque, Jackson, Muscatine and Scott in the State of Iowa; the counties of Henry, Mercer and Rock Island, and the city of East Dubuque, in the State of Illinois, including territory within such boundaries that is occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other establishments.

Recommended order (Part 1050) regulating the handling of milk in the Central Illinois marketing area.

DEFINITIONS

Sec.
1050.1 Act.
1050.2 Secretary.
1050.3 Department.
1050.4 Person.
1050.5 Cooperative association.
1050.6 Central Illinois marketing area.
1050.7 Producer.
1050.8 Handler.
1050.9 Producer-handler.
1050.10 Distributing plant.
1050.11 Supply plant.
1050.12 Pool plant.
1050.13 Nonpool plant.
1050.14 Producer milk.
1050.15 Other source milk.
1050.16 Fluid milk product.
1050.17 Route.
1050.18 Chicago butter price.
1050.19 Reload point.

MARKET ADMINISTRATOR

1050.20 Designation.
1050.21 Powers.
1050.22 Duties.

REPORTS, RECORDS AND FACILITIES

1050.30 Reports of receipts and utilization.
1050.31 Payroll reports.
1050.32 Other reports.
1050.33 Records and facilities.
1050.34 Retention of records.
1050.35 Reports to cooperative associations.

CLASSIFICATION

1050.40 Skim milk and butterfat to be classified.
1050.41 Classes of utilization.
1050.42 Assignment of shrinkage.
1050.43 Responsibility of handlers.
1050.44 Transfers.
1050.45 Computation of skim milk and butterfat in each class.
1050.46 Allocation of skim milk classified.

MINIMUM PRICES

1050.50 Basic formula price.
1050.51 Class prices.
1050.52 Butterfat differentials to handlers.
1050.53 Location differentials to handlers.
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APPLICATION OF PROVISIONS

1050.60 Producer-handler.
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1050.62 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF PRICES TO PRODUCERS

1050.70 Computation of value of milk.
1050.71 Computation of the uniform price.
1050.72 Butterfat differential to producers.
1050.73 Location differential to producers.
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PAYMENTS

1050.80 Time and method of payment.
1050.81 Producer-settlement fund.
1050.82 Payments to the producer-settlement fund.
1050.83 Payments out of the producer-settlement fund.
1050.84 Adjustment of accounts.
1050.85 Marketing services.
1050.86 Expense of administration.
1050.87 Overdue accounts.
1050.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

1050.100 Effective time.
1050.101 Suspension or termination.
1050.102 Continuing obligations.
1050.103 Liquidation.

MISCELLANEOUS PROVISIONS

1050.104 Agents.
1050.105 Separability of provisions.

AUTHORITY: §§ 1050.1 to 1050.105 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

The provisions of the proposed order contained in the recommended decision issued by the Assistant Secretary on November 13, 1962 (27 F.R. 11369; F.R. Doc. 62–11465) are set forth in full herein subject to the following revisions:

Changes are made in §§ 1050.6, 1050.11, 1050.12, 1050.14(a) and 1050.35. A new § 1050.19 and a heading for § 1050.62 have been added. The following sections are not printed herein since they will appear in the recommended decision dealing with the integration of other source milk into the regulatory plan as a result of the joint hearings: §§ 1050.7, 1050.8(b), 1050.13, 1050.30, 1050.31(b), 1050.32, 1050.41(b) (7) and (8), 1050.42, 1050.44, 1050.46, 1050.53, 1050.62, 1050.70, 1050.71, 1050.73, 1050.81, 1050.82, 1050.83, and 1050.86. Sections 1050.47 and 1050.48 would be superfluous and are therefore revoked.

DEFINITIONS

§ 1050.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1050.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1050.3 Department.

"Department" means the United States Department of Agriculture.

§ 1050.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1050.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1050.6 Central Illinois marketing area.

"Central Illinois marketing area", hereinafter called the "marketing area" means all of the territory within the counties of Champaign, De Witt, Fulton, Knox, Logan, Marshall, Mason, MacDonough, McLean, Menard, Peoria, Piatt, Stark, Tazewell, Vermilion, Warren, and Woodford, all in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county or municipal Government located wholly or partially within such counties.

§ 1050.7 Producer.

* * * * *

§ 1050.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool distributing plants or supply plants, except that in the case of recognized divisions of the same company, which the market administrator determines are operated as separate and distinct business units, each such division shall be a handler with respect to the plant or plants which it operates;

(b) * * *

(c) A cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant; and

(d) A cooperative association with respect to producer milk which is delivered from the farm to the pool plant(s) of another handler for the account of a cooperative association in a tank truck owned or operated by such cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at a pool plant at the location of the first plant to which it is delivered.

§ 1050.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1050.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1050.11 Supply plant.

"Supply plant" means any plant (except a reload point) at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1050.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1050.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.8(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1050.8(d) during the months of August through February and 40 percent during all other months: *Provided*, That in determining receipts at a plant which disposes of packaged fluid milk products to another distributing plant, receipts of milk in bulk from such plant shall be excluded in an amount equal to the volume returned to such plant in packaged form;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

Any supply plant that was a pool plant during each of the months of September through January shall continue to be a pool plant during the following months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph: *Provided*, That for each month from the effective date of this order through August 1964, the supply plant may be a pool plant if the operator of such plant furnishes proof that 50 percent of such plant's receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1050.8(d) during the preceding period of September through January, inclusive, was shipped to distributing plants pursuant to paragraph (a) of this section.

§ 1050.13 Nonpool plant.

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§ 1050.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at a pool plant or plants pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

§ 1050.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1050.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and sterile cream or mixtures in hermetically sealed containers.

§ 1050.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a milk plant or a commercial food processing establishment.

§ 1050.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1050.19 Reload point.

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATOR

§ 1050.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1050.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1050.22 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1050.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1050.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 14th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report the milk caused to be delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1050.30 Reports of receipts and utilization.

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§ 1050.31 Payroll reports.

(a) Each handler, except a producer-handler and a handler pursuant to § 1050.61, shall report to the market administrator on or before the 20th day after the end of each month, in the detail and on forms prescribed by the market administrator for each producer or cooperative association from whom milk was received during the preceding month the following:

(1) His name and address;

(2) The total pounds and butterfat content of milk received during the month;

(3) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(4) The prices paid and the net amount of the payment to each producer;

(b) * * *

§ 1050.32 Other reports.

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§ 1050.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1050.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1050.35 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1050.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows: On or before the 7th day after the end of the month:

(1) Total pounds of milk received from each producer together with the butterfat content of such milk, and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

CLASSIFICATION

§ 1050.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1050.30 shall be classified each month by the market administrator pursuant to the provisions of § 1050.41 through § 1050.47.

§ 1050.41 Classes of utilization.

Subject to the conditions set forth in §§ 1050.42 to 1050.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

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§ 1050.42 Assignment of shrinkage.

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§ 1050.43 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required by

this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

§ 1050.44 Transfers.

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§ 1050.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1050.8 (c) and (d): *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

§ 1050.46 Allocation of skim milk classified.

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MINIMUM PRICES

§ 1050.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1050.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* The Class I price for the first 18 months beginning with the effective date of this provision shall be the basic formula price for the preceding month plus $1.40 during each of the months of August through November; $1.00 during each of the months of March through June and plus $1.20 during all other months, and it shall be increased or decreased, respectively, 2 cents each month for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter for the same month is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio; and

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1050.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 1050.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1050.53 Location differentials to handlers.

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§ 1050.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 1050.60 Producer-handler.

Sections 1050.40 through 1050.54 and §§ 1050.61 through 1050.86 shall not apply to a producer-handler.

§ 1050.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b) and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1050.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which is nevertheless fully regulated under such other marketing area; and

(c) Any plant qualified pursuant to § 1050.12(b) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

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DETERMINATION OF PRICES TO PRODUCERS

§ 1050.70 Computation of value of milk.

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§ 1050.71 Computation of the uniform price.

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§ 1050.72 Butterfat differential to producers.

In making payments pursuant to § 1050.80 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1050.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.

§ 1050.73 Location differential to producers.

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§ 1050.74 Notification of handlers.

On or before the 14th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in §§ 1050.30 and 1050.31 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1050.71 and the butterfat differential computed pursuant to § 1050.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1050.82, 1050.85, or 1050.86 and the amount due such handler pursuant to § 1050.83.

PAYMENTS

§ 1050.80 Time and method of payment.

Each handler shall make payment as follows:

(a) To each producer from whom milk is received during the month and to whom payment is not made pursuant to paragraph (b) of this section, on or before the 20th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 1050.85;

(2) Plus or minus adjustments for errors made in previous payments made to such producer; and

(3) Less proper deductions authorized in writing by such producer: *Provided*, That, if by such date, such handler has not received full payment from the market administrator pursuant to § 1050.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall, on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association.

(c) On or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1050.8(d) at not less than the value of such milk at the applicable class prices.

§ 1050.81 Producer-settlement fund.

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§ 1050.82 Payments to the producer-settlement fund.

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§ 1050.83 Payments out of the producer-settlement fund.

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§ 1050.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1050.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1050.80, shall deduct six cents per hundredweight, or such amount not exceeding six cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deduction and the amount of milk for which such deduction is computed for each producer.

§ 1050.86 Expense of administration.

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§ 1050.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1050.82, 1050.83, 1050.84 (a) and (b), 1050.85(a), or 1050.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first of the month shall be considered to have been received when postmarked.

§ 1050.88 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and record pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1050.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1050.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1050.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1050.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the mar-

or less than 3.5 percent butterfat, the

riod of February through August, in-

dler has not received full payment from

ket administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1060.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1060.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Amendments to Part 1032 regulating the handling of milk in the Suburban St. Louis marketing area:

DEFINITIONS

Sec.
1032.1 Act.
1032.2 Secretary.
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AUTHORITY: §§ 1032.1 to 1032.105 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

The provisions of the proposed order contained in the recommended decision issued by the Assistant Secretary on November 13, 1962 (27 F.R. 11369; F.R. Doc. 62–11465) are set forth in full herein subject to the following revisions:

Changes are made in §§ 1032.6(b), 1032.11, 1032.12 and 1032.14(a). A new § 1032.19 and a heading for § 1032.62 have been added. The following sections are not printed herein since they will appear in the recommended decision dealing with the integration of other source milk into the regulatory plan as a result of the joint hearings: §§ 1032.7, 1032.8(b), 1032.13, 1032.30, 1032.31(h), 1032.32, 1032.41(b) (7) and (8), 1032.42, 1032.44, 1032.46, 1032.53, 1032.62, 1032.70, 1032.71, 1032.73, 1032.81, 1032.82, 1032.83, and 1032.86. Sections 1032.47 and 1032.48 would be superfluous and are therefore revoked.

DEFINITIONS

§ 1032.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1032.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1032.3 Department.

"Department" means the United States Department of Agriculture.

§ 1032.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1032.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act"; and

(b) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1032.6 Southern Illinois marketing area.

"Southern Illinois marketing area", hereinafter called "marketing area", means all the territory within the following counties all of which are in the State of Illinois, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, County or municipal government located wholly or partially within such counties:

(a) *Base zone.* The counties of Clay, Clinton, Edwards, Franklin, Hamilton, Jackson, Jefferson, Lawrence, Madison, Marion, Monroe, Perry, Randolph, Richland, St. Clair (except Scott Military Reservation, East St. Louis, Centerville, Canteen, and Stites Townships and the city of Belleville), Saline, Wabash, Washington, Wayne, White and Williamson.

(b) *Northern zone.* The counties of Bond, Calhoun, Christian, Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Effingham, Fayette, Green, Pasper, Jersey, Macon, Maceupin, Montgomery, Moultrie, Sangamon, and Shelby.

§ 1032.7 Producer.

* * * * *

§ 1032.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool distributing or supply plants, except that in the case of recognized divisions of the same company, which the market administrator determines are operated as separate and distinct business units, each such division shall be a handler with respect to the plant or plants which it operates;

(b) * * *

(c) A cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant; and

(d) A cooperative association with respect to producer milk which is delivered from the farm to the pool plant(s) of another handler for the account of a cooperative association in a tank truck owned or operated by such cooperative association, if the cooperative association, on or before the first day of the month in which such milk is received from producers, has notified, in writing, both the market administrator and the handler to whom the milk is delivered, that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk effective the first day of the month following receipt of such notice and milk so delivered shall be considered as having been received by the cooperative association at a pool plant at the location of the first plant to which it is delivered.

§ 1032.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a distributing plant at which no fluid milk or fluid milk products are received during the month except that of his own farm milk production or that which is transferred from a pool plant(s); and

(b) Assumes as his personal enterprise and risk the processing and distribution of fluid milk products and the maintenance, care and management of dairy animals and other resources necessary to produce his own farm milk production.

§ 1032.10 Distributing plant.

"Distributing plant" means any plant at which fluid milk products are processed and packaged and from which Grade A fluid milk products are disposed of on a route(s) in the marketing area during the month.

§ 1032.11 Supply plant.

"Supply plant" means any plant (except a reload point) at which Grade A milk is received from dairy farmers and from which fluid milk products are moved to a distributing plant.

§ 1032.12 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than that of a producer-handler or one described in § 1032.61, from which during the month:

(1) Disposition of fluid milk products in the marketing area on routes is equal to 10 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.8(d), or from which an average of not less than 7,000 pounds per day of fluid milk products is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products on routes is equal to 50 percent or more of its Grade A receipts from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1032.8(d) during the months of August through February and 40 percent during all other months: *Provided*, That in determining receipts at a plant which dispose of packaged fluid milk products to another distributing plant, receipts of milk in bulk from such plant shall be excluded in an amount equal to the volume returned to such plant in packaged form;

(b) A supply plant from which during the month an amount equal to 50 percent or more of its receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.8(d) is moved to and received at a pool plant(s) described in paragraph (a) of this section.

Any supply plant that was a pool plant during each of the months of September through January shall continue to be a pool plant during the following months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in this paragraph: *Provided*, That for each month from the effective date of this order through August 1964, the supply plant may be a pool plant if the operator of such plant furnishes proof that 50 percent of such plant's receipts of Grade A milk from dairy farmers and from cooperative associations in their capacity as handlers pursuant to § 1032.8(d), during the preceding period of September through January, inclusive, was shipped to distributing plants pursuant to paragraph (a) of this section.

§ 1032.13 Nonpool plant.

* * * * *

§ 1032.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk which is:

(a) Received during the month at a pool plant directly from producers (including milk which is commingled at a reload point) except that received by diversion pursuant to paragraph (b)(1) of this section: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk; or

(b) Diverted by the operator of a pool plant or by a cooperative association subject to the following conditions:

(1) Diverted during the month from a pool plant to another pool plant(s) for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(2) Diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of February through August and in any other month for not more days of production of producer milk than is physically received at a pool plant(s) pursuant to paragraph (a) of this section;

(3) Diverted during the month from a pool plant to a nonpool plant(s) at which the handling of milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act for not more days of production of producer milk than is received at a pool plant(s) pursuant to paragraph (a) of this section: *Provided*, That milk so diverted shall not be producer milk if, notwithstanding the provisions of this subparagraph, the milk is fully subject to the pricing and pooling provisions of the other order;

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted; and

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted.

§ 1032.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants;

(2) Producer milk; and

(3) Inventory of fluid milk products on hand at the beginning of the month;

(b) Products other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for.

§ 1032.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks unmodified or "fortified" including "dietary milk products" and reconstituted milk or skim milk; concentrated milk not in hermetically sealed containers; cream, sweet or sour; and mixtures of cream and milk or skim milk, but not including the following: frozen cream, aerated cream products, cultured sour cream mixtures other than sour cream, eggnog, yogurt, ice cream and frozen dessert mixes, and sterile cream or mixtures in hermetically sealed containers.

§ 1032.17 Route.

"Route" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product to a retail or wholesale outlet other than a milk plant or a commercial food processing establishment.

§ 1032.18 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1032.19 Reload point.

"Reload point" means a location at which facilities approved, by a health authority exercising jurisdiction in the marketing area, only for the transfer of milk from one tank truck to another and for the washing of tank trucks and at which milk moved from the farm in a tank truck is commingled in a tank truck with milk from other tank trucks before entering a milk plant: *Provided*, That reloading facilities on the premises of a plant having equipment for the receiving, cooling, storing and processing of milk, which equipment is in current use, shall be considered a supply plant rather than a reload point.

MARKET ADMINISTRATOR

§ 1032.20 Designation.

The agency for the administration of this part shall be a market administrator, appointed by the Secretary, who

shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1032.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make such rules and regulations as are necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1032.32 Duties.

The market administrator shall perform all the duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount, and with satisfactory surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay from the funds received pursuant to § 1032.86, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 1032.85, that are necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments of each handler by audit, or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other person upon whose utilization the classification of skim milk and butterfat depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Prepare and disseminate to producers, handlers and the public, general information as he deems necessary;

(j) On or before the dates specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 6th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential for the preceding month;

(k) On or before the 14th day after the end of each month, report to each cooperative association which so requests, the amount and class utilization of producer milk received by each handler. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1032.30 Reports of receipts and utilization.

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§ 1032.31 Payroll reports.

(a) Each handler, except a producer-handler and a handler pursuant to § 1032.61, shall report to the market administrator on or before the 20th day after the end of each month in the detail and on forms prescribed by the market administrator for each producer or cooperative association from whom milk was received during the preceding month the following:

(1) His name and address;

(2) The total pounds and butterfat content of milk received during the month;

(3) The amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered; and

(4) The prices paid and the net amount of the payment to each producer;

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§ 1032.32 Other reports.

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§ 1032.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary to the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1032.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1032.35 Reports to cooperative associations.

Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1032.80(b) shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(a) On or before the 25th days of the month the total pounds of milk received during the first 15 days of such month; and

(b) On or before the 7th day after the end of the month:

(1) The total pounds of milk received from each producer together with the butterfat content of such milk, and

(2) The amount or rate and nature of any deductions authorized by a cooperative association.

CLASSIFICATION

§ 1032.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1032.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1032.41 through 1032.47.

§ 1032.41 Classes of utilization.

Subject to the conditions set forth in §§ 1032.42 to 1032.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), (4), (5), and (6) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I in an amount equal only to the weight of an equal volume of an unmodified product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product prepared for consumption off the premises;

(3) All skim milk authorized by the market administrator to be dumped;

(4) All skim milk and butterfat accounted for as disposed of for livestock feed;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The skim milk and butterfat contained in that portion of "fortified" fluid milk products not classified as Class I pursuant to paragraph (a)(1) of this section;

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§ 1032.42 Assignment of shrinkage.

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§ 1032.43 Responsibility of handlers.

In establishing the classification of skim milk and butterfat as required by this part, the burden rests upon the handler who first receives such skim milk or butterfat to establish to the satisfaction of the market administrator that such skim milk or butterfat should not be classified as Class I.

§ 1032.44 Transfers.

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§ 1032.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to this part and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, or in the case of a cooperative association, for that milk received pursuant to § 1032.8 (c) and (d): *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all the water originally associated with such solids.

§ 1032.46 Allocation of skim milk classified.

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MINIMUM PRICES

§ 1032.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1032.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I price.* (1) The Class I price at plants located in the Base Zone for the first 18 months beginning with the effective date of this section shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months, and it shall be increased or decreased, respectively, two cents each month for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this Chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio; and

(2) The Class I price at plants located in the Northern Zone shall be 5 cents less than the price determined pursuant to subparagraph (1) of this paragraph; and

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

§ 1032.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1032.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

§ 1032.53 Location differentials to handlers.

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§ 1032.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 1032.60 Producer-handler.

Sections 1032.40 through 1032.54 and §§ 1032.61 through 1032.86 shall not apply to a producer-handler.

§ 1032.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b) and (c) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of on routes in another marketing area regulated by another order issued pursuant to the Act and which is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding months shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated by such other order;

(b) A distributing plant meeting the requirements of § 1032.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is so disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing area; and

(c) Any plant qualified pursuant to § 1032.12(b) for any portion of the period of February through August, inclusive, that the milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

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DETERMINATION OF PRICES TO PRODUCERS

§ 1032.70 Computation of value of milk.

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§ 1032.71 Computation of the uniform price.

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§ 1032.72 Butterfat differential to producers.

In making payments pursuant to § 1032.70 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1032.52 weighted by the pounds of butterfat in producer milk in Class I and II, respectively, with the result rounded to the nearest tenth of a cent.

§ 1032.73 Location differential to producers.

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§ 1032.74 Notification of handlers.

On or before the 14th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in §§ 1032.30 and 1032.31 at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The uniform price computed pursuant to § 1032.71 and the butterfat differential computed pursuant to § 1032.72; and

(c) The amounts to be paid by such handler pursuant to §§ 1032.82, 1032.85 or 1032.86 and the amount due such handler pursuant to § 1032.83.

PAYMENTS

§ 1032.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) and (c) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 20th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made such producer pursuant to subparagraph (1) of this paragraph;

(ii) Less marketing service deductions made pursuant to § 1032.85;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer;

(iv) Less proper deductions authorized in writing by such producer; and

(v) Less 5 cents for each hundredweight of milk received from each producer at a plant located in the northern zone.

(b) In the case of a cooperative association which has so requested the handler in writing, such handler shall, on or before the second day prior to the date payments are due to individual producers pursuant to paragraph (a) of this section, pay the association for milk received during the month from the producer-members of such association an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) (1) and (2) (i), (ii), (iii), and (v) of this section less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association; and

(c) On or before the second day prior to the date payments are due individual producers, each handler shall pay a cooperative association for milk received by him from such association for which the association is the handler not less than the minimum prices for milk in each class, subject to the applicable location and butterfat differentials.

§ 1032.81 Producer-settlement fund.

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§ 1032.82 Payments to the producer-settlement fund.

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§ 1032.83 Payments out of the producer-settlement fund.

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§ 1032.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, accounts, or other verification discloses errors resulting in moneys due (a) the market administrator from a handler, (b) a handler from the market administrator, or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1032.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 1032.80, shall deduct six cents per hundredweight, or such amount not exceeding six cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section) make such deductions from payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deduction and the amount of milk for which such deduction is computed for each producer.

§ 1032.86 Expense of administration.

* * * * *

§ 1032.87 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1032.82, 1032.83, 1032.84 (a) and (b), 1032.85(a), or 1032.86 shall be increased one-half of one percent on the first day of the month following after the date such obligation is due and on the first day of each succeeding month until such obligation is paid. Any remittance received by the market administrator postmarked prior to the first day of the month shall be considered to have been received when postmarked.

§ 1032.88 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account of which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1032.100 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1032.101 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1032.102 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendments thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1032.103 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1032.104 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1032.105 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on January 20, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-781; Filed, Jan. 28, 1964; 8:45 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 127]

PART 1127—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the San Antonio, Texas, marketing area (7 CFR Part 1127), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of February:

(1) Section 1127.65(a); and

(2) In § 1127.65(b) the provision "during the months of August and January"

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order would make effective for the month of February a rate of compensatory payment at the difference between the Class I milk price and the blend price to producers rather than a rate of payment at the difference between the Class I and Class II milk prices as now provided in the order. This action is corollary to that taken by the Assistant Secretary on February 28, 1963 (28 F.R. 1983) which similarly lowered the rate of compensatory payment on unpriced other source milk for the months of March through July. A hearing at which evidence was received on this issue was held at Denver, Colorado, January 14–18, 1963, for this and 24 other orders. Final action on the record of this hearing cannot be effected for the month of February 1964. This suspension order will assure the continuance of orderly marketing of milk in this area.

Therefore, good cause exists for making this order effective February 1, 1964.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of February.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. February 1, 1964.

Signed at Washington, D.C., on January 24, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-929; Filed, Jan. 29, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Miscellaneous Amendments

On July 18, 1963, there was published in the FEDERAL REGISTER (28 F.R. 7348) a notice with respect to proposed amendments to Part 78, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such Notice and pursuant to the provisions of sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 120, 121, 125, 134b), the regulations in Part 78, as amended, restricting the interstate movement of domestic animals because of brucellosis, are hereby further amended in the following respects:

1. The title of said part is amended to read: Part 78—Brucellosis.

2. Paragraph (a) of § 78.1 is amended to read:

§ 78.1 Definitions.

(a) *Brucellosis.* The infectious and communicable disease of animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

* * * * *

3. Paragraph (c) of § 78.3 is amended to read:

§ 78.3 Certificates pertaining to movement of animals.

* * * * *

(c) The person issuing a certificate required for the interstate movement of cattle under paragraph (d) or (e) of § 78.12, or of bison under § 78.20, shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the cattle or bison.

4. Section 78.4 is amended to read:

§ 78.4 General restriction.

Domestic animals (other than bison) affected with brucellosis may not be moved interstate except in compliance with the regulations in this subpart. Bison may not be moved interstate except as provided in Subpart E of this part.

5. Paragraph (b) of § 78.15 is amended to read.

§ 78.15 Slaughtering establishments.

* * * * *

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of § 78.5; paragraphs (b) and (c) of § 78.12; and §§ 78.18 and 78.19 are published in the FEDERAL REGISTER. Information with respect to these slaughtering establishments may also be obtained from the Division and from the Federal Inspectors and State Inspectors.

6. A new subpart E is added, reading as follows:

Subpart E—Restrictions on Movement of Bison Because of Brucellosis

Sec.
78.17 General restriction.
78.18 Movement of brucellosis reactor bison.
78.19 Movement of bison for immediate slaughter.
78.20 Movement of bison for purposes other than slaughter.
78.21 Movement of bison from public zoo to public zoo.
78.22 Handling of bison in transit.
78.23 Other movements.

AUTHORITY: The provisions of this Subpart E issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125, 134 b and f; 19 F.R. 74, as amended; 9 CFR 78.16.

§ 78.17 General restriction.

Bison may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.18 Movement of brucellosis reactor bison.

Bison which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart, in accordance with the requirements of § 78.5(a), (b), and §§ 78.7 through 78.9, for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71 et. seq.), or a slaughtering establishment specifically approved under § 78.16 (b) for the purposes of § 78.5.

§ 78.19 Movement of bison for immediate slaughter.

Bison not known to be affected with brucellosis may be moved interstate under this subpart for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.16(b).

§ 78.20 Movement of bison for purposes other than slaughter.

(a) Bison steers and spayed heifers may be moved interstate without restriction under this subpart.

(b) Bison of the following classes, from herds not known to be affected with brucellosis, may be moved interstate under this subpart if accompanied by a certificate issued by a State or Federal inspector or an accredited veterinarian showing (1) the brucellosis status of the herd of origin (brucellosis-free or unknown); (2) whether or not the animals have been officially vaccinated against brucellosis; (3) the eartag number, brand or other positive identification of each animal; (4) the name and address of the consignor and that of the consignee of the animals; and (5) the destination of the animals:

(i) Bison which have been subjected to a blood agglutination brucellosis test or other brucellosis test recognized by the Secretary of Agriculture, under the supervision of a Federal or State veterinary official or an accredited veterinarian, within 30 days prior to the date of movement interstate, and found negative. If reactors to the test are found among animals so tested, the exposed animals may be moved interstate only under the provisions of § 78.19.

(ii) Officially vaccinated bison under 30 months of age which are not parturient (springers) or post-parturient.

(iii) Bison from a herd which has been declared free of brucellosis by the cooperating State and Federal livestock sanitary officials of the State in which the herd is located.

(iv) Bison calves under 4 months of age.

§ 78.21 Movement of bison from public zoo to public zoo.

Bison originating in a zoo owned by the public moving to another such zoo and handled in accordance with § 78.22 may be moved interstate without further restriction under this subpart.

§ 78.22 Handling of bison in transit.

Bison moving under §§ 78.19, 78.20, or 78.21 of this subpart shall be moved interstate only in clean vehicles, and, if unloaded in the course of such movement, shall be handled only in clean pens at stockyards, or good, water, and rest stations.

§ 78.23 Other movements.

The Director of the Division may provide for the movement, not otherwise provided for in this subpart, of bison not known to have reacted to a test for brucellosis, under such conditions as he may prescribe to prevent the spread of brucellosis. The Director of the Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125, 134 b and f; 19 F.R. 74, as amended; 9 CFR 78.16)

The amendment includes bison within the applicable provisions of the regulations in this part. The amendment is considered necessary as many bison herds in this country are known to be affected with brucellosis. It is believed, therefore, that there is a definite need for restrictions to be placed on the interstate movement of these animals.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64–930; Filed, Jan. 29, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 3060; Amdt. 1, Reg. No. SR–450A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

Special Civil Air Regulation; Airspeed Operation Limitation for Transport Category Airplanes

Special Civil Air Regulation No. SR–450A, effective August 31, 1962, requires, in part, that on or before February 1, 1964, all turbine-powered transport category airplanes certificated under the provisions of Part 4b in effect prior to May 3, 1962, be equipped with an aural speed warning device.

A number of operators of turboprop airplanes affected by SR–450A have requested further extension of this compliance date, contending that in some cases unforeseen delays occurred in the development of a satisfactory device and in others difficulties in production caused a high rate of rejection. These operators state that the necessary parts cannot be obtained in time to permit completing the installation and checking by the February 1, 1964, compliance date. A few of these operators requested, and were granted, individual extensions of the compliance date until April 1, 1964, which they considered a sufficient time in which to comply. However, a majority of the operators have found that a longer extension is necessary to comply with the provisions of section 1(b) of SR–450A.

The Agency has determined that, for the aforementioned reasons and despite diligent efforts on their part, many persons affected by SR–450A will not be able to comply with the provisions of section 1(b) before the specified date of February 1, 1964. The requirements of section 1(a), governing the airplane flight manual and airspeed instrument marking, have been complied with, and will permit an indication of the V_{MO} speed limit on these turboprop airplanes. In view of this, a further period of relief may be granted to operators of turboprop airplanes without adversely affecting safety. In general, operators of other turbine-powered airplanes have not experienced the same difficulty in meeting the February 1, 1964, compliance date and no generally applicable extension is necessary for such airplanes. Accordingly, SR–450A is being amended to change the February 1, 1964, compliance date to August 1, 1964, for turboprop airplanes.

Since this amendment provides relief from a previous regulation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days' notice.

In consideration of the foregoing, effective February 1, 1964, section 1(b) of Special Civil Air Regulation No. SR–450A is hereby amended by deleting the words "On or before February 1, 1964," and inserting in lieu thereof, "On or before August 1, 1964, for turboprop airplanes and on or before February 1, 1964, for all other turbine-powered airplanes,".

This amendment is made under the authority of sections 313(a), 601, 603, 604; 72 Stat. 752, 775, 776, 778, (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on January 27, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64–954; Filed, Jan. 29, 1964; 8:50 a.m.]

[Airspace Docket No. 63–WA–94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Continental Control Area

The purpose of this amendment to § 71.151 of the Federal Aviation Regulations is to add Restricted Area R–5104, Melrose, N. Mex., to the continental control area for the purpose of air traffic control.

Restricted Area R–5104 is presently designated from the "Surface to 23,000 feet MSL" during the hours of "Sunrise to sunset," and is a joint use area with the Albuquerque ARTC Center acting as the controlling agency. The Commander, Cannon AFB is the using agency.

The inclusion of R–5104 in the continental control area will provide for air traffic control in this airspace from 14,500 feet MSL to 23,000 feet MSL when it can be released on a joint use basis by the using agency.

Since this amendment is minor in nature, compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon public publication.

In consideration of the foregoing, the following action is taken: In § 71.151 (27 F.R. 220–54, November 10, 1962), "R–5104 Melrose, N. Mex." is added.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 22, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64–903; Filed, Jan. 29, 1964; 8:45 a.m.]

[Airspace Docket No. 61–FW–24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Postponement of Effective Date

On October 18, 1963, there were published in the FEDERAL REGISTER (28 F.R. 11185) amendments to Part 71 [New] of the Federal Aviation Regulations which realigned VOR Federal airways Nos. 157, 243, 819, 839 and 881 via a new VOR to be installed in the vicinity of Waycross, Ga. These amendments were to become effective December 12, 1963. On December 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12925) an amendment to Airspace Docket No. 61–FW–24 which postponed the effective date until February 6, 1964. This was necessary due to a delay in the commissioning date of the Waycross VOR. Because of an additional delay in the commissioning of the Waycross VOR, action is taken herein to further amend Airspace Docket No. 61–FW–24 by postponing the effective date until April 2, 1964.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the following action is taken: In Airspace Docket No. 61–FW–24, "effective 0001 e.s.t., February 6, 1964" is deleted and "effective 0001 e.s.t., April 2, 1964" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–904; Filed, Jan. 29, 1964; 8:45 a.m.]

[Airspace Docket No. 64–EA–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Alteration of Federal Airways, Control Area Extension, Control Zone, Reporting Point, Jet Routes and Jet Advisory Areas

On December 24, 1963, the New York International Airport was renamed the John F. Kennedy International Airport in honor of our late President.

The purpose of these amendements to the Federal Aviation Regulations is to change the name of Idlewild to Kennedy wherever it appears in Parts 71 [New] and 75 [New].

Since these amendments are editorial in nature and impose no additional burden on any person, compliance with Section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 71.123 (29 F.R. 1009) wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

2. In § 71.143 (29 F.R. 1049) wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

3. Section 71.163 (29 F.R. 1068) is amended as follows: In the text of Control 1169 wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

4. Section 71.165 (29 F.R. 1073) is amended as follows:

a. In the text of Harrisburg, Pa., "Idlewild, N.Y., VORTAC" is deleted and "Kennedy, N.Y., VORTAC" is substituted therefor.

b. In the text of New York, N.Y., wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

5. Section 71.171 (29 F.R. 1101) is amended as follows: New York, N.Y. (International Airport), is amended to read:

New York, N.Y., (International Airport)

Within a 5-mile radius of John F. Kennedy International Airport (latitude 40°38'29" N., longitude 73°46'41" W.); within a 5-mile radius of NAS New York, N.Y., (latitude 40°-35'40" N., longitude 73°53'30" W.); within 2 miles either side of the 121° bearing from the Kennedy RBN extending from the RBN to 10 miles SE of the RBN; within 2 miles either side of the 211° bearing from the Kennedy RBN extending from the John F. Kennedy International 5-mile radius zone to 19 miles SW of the RBN; and within 2 miles either side of the 010° bearing from the Scotland, N.J., RBN extending from the NAS New York 5-mile radius zone to the RBN.

6. In the text § 71.307 (29 F.R. 1223) "Idlewild, N.Y.," is deleted and "Kennedy, N.Y.," is substituted therefor.

7. In § 75.100 (29 F.R. 1287) wherever the name "Idlewild" appears the name "Kennedy" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on January 24, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64–938; Filed, Jan. 29, 1964; 8:49 a.m.]

[Airspace Docket No. 63–CE–99]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On October 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11074) stating that the Federal Aviation Agency was considering an amendment to § 73.42 of the Federal Aviation Regulations which would alter the dimensions of the Mount Clemens, Mich., (Selfridge AFB), Restricted Area/Military Climb Corridor R–4203.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the Notice, the following action is taken:

In § 73.42 *Michigan,* (28 F.R. 19–26, January 26, 1963), R–4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor, is amended to read:

R–4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 42°39'35" N., longitude 82°50'05" W., the area centered on a bearing therefrom of 008°, extending to a point 30 nmi N., having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes.

Surface to flight level 240 from the point of beginning to 3 nmi N.

2,000 feet MSL to flight level 240 from 3 nmi to 6 nmi N of the point of beginning.

5,000 feet MSL to flight level 240 from 6 nmi to 10 nmi N of the point of beginning.

9,000 feet MSL to flight level 240 from 10 nmi to 15 nmi N of the point of beginning.

14,000 feet MSL to flight level 240 from 15 nmi to 21 nmi N of the point of beginning.

17,000 feet MSL to flight level 240 from 21 nmi to 26 nmi N of the point of beginning.

20,000 feet MSL to flight level 240 from 26 nmi to 30 nmi N of the point of beginning.

Time of designation. Continuous.

Using agency. Selfridge AFB Approach Control.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 22, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64-905; Filed, Jan. 29, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-678]

PART 13—PROHIBITED TRADE PRACTICES

Glotzer and Glotzer, Inc., et al.

Subpart—Advertising falsely and misleadingly: § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Concealing, obliterating or removing, law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labelling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Glotzer and Glotzer, Inc., et al., Hartford, Conn., Docket C-678, Jan. 13, 1963]

In the Matter of Glotzer and Glotzer, Inc., a Corporation, Isadore Glotzer, Sara Glotzer, and William B. Glotzer, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Hartford, Conn., to cease violating the Fur Products Labeling Act by failing, in labeling, invoicing and advertising, to show the true animal name of fur and to use the term "natural" where required; failing to show the registered identification of the manufacturer on labels and the country of origin of imported furs on invoices; invoicing "Spotted Cat" falsely as "Leopard Cat"; advertising prices as reduced from usual retail prices which were fictitious; failing to keep adequate records as a basis for pricing claims; substituting non-conforming labels for those originally affixed to fur products and failing to comply in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Glotzer and Glotzer, Inc., a corporation, and its officers, and Isadore Glotzer, Sara Glotzer and William B. Glotzer, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Represents, directly or by implication, that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at such price by respondents in the recent past.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That Glotzer and Glotzer, Inc., a corporation and its officers and Isadore Glotzer, Sara Glotzer and William B. Glotzer individually and as officers of the said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labs as permitted by section 3(e) of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-916; Filed, Jan. 29, 1964; 8:46 a.m.]

[Docket No. 8525 o.]

PART 13—PROHIBITED TRADE PRACTICES

Great Western Distributing Co. et al.

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 46) [Cease and desist order, Great Western Distributing Company et al., Lewiston, Idaho, Docket 8525, Dec. 31, 1963]

In the Matter of Great Western Distributing Company, a Corporation, and Earl C. Jasper, Individually and as an Officer of Said Corporation, and Edward J. Carr, an Individual

Order requiring Lewiston, Idaho, distributors of punchboards and a variety of items of general merchandise to jobbers and retail dealers for resale, to cease selling punchboards or other devices, either with or without merchandise, which are designed to be used in ultimate sale of the merchandise by means of a lottery scheme.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Great Western Distributing Company, a corporation, and its officers, and Earl C. Jasper, individually and as an officer of said corporation, and Edward J. Carr, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punch boards or other devices, either with merchandise or separately, which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the initial decision as supplemented to conform to the views expressed in the accompanying opinion be adopted as the decision of the Commission.

It is further ordered, That respondents shall file with the Commission, within sixty (60) days after service of the order herein upon them, a report in writing setting forth in detail the manner and form of respondents' compliance with the order.

Issued: December 31, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-917; Filed, Jan. 29, 1964; 8:46 a.m.]

[Docket No. C-638]

PART 13—PROHIBITED TRADE PRACTICES

Harry Hutt and Harry Hutt Fur Co.

Subpart—Invoicing products falsely: § 13.1108. *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2280–30 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Harry Hutt trading as Harry Hutt Fur Co., New York, N.Y., Docket C-638, Dec. 27, 1963]

In the Matter of Harry Hutt, an Individual Trading as Harry Hutt Fur Co.

Consent order requiring manufacturing furriers in New York City to cease violating the Fur Products Labeling Act by failing to show, on labels and invoices, the true animal name of furs; to disclose, on labels, when fur was artificially colored and to identify the manufacturer, etc.; to show, on invoices, when fur products contained used fur and the country of origin of imported furs; to set forth the terms "Persian Lamb", on labels and invoices, and "Dyed Broadtail-processed Lamb", on invoices; invoicing dyed rabbit as "Coney" and "Sealine"; and failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist, together with further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Harry Hutt, an individual, trading as Harry Hutt Fur Co., or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

C. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder in handwriting.

D. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

E. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

F. Failing to set forth on labels the item number or marks assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices pertaining to fur products any false and deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

C. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

D. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

E. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

F. Failing to disclose that fur products contain or are composed of second-hand used fur.

G. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

H. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner

and form in which he has complied with this order.

Issued: December 27, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-918; Filed, Jan. 29, 1964; 8:46 a.m.]

[Docket No. C-677]

PART 13—PROHIBITED TRADE PRACTICES

Irving-Frederick, Inc., et al.

Subpart—Concealing, obliterating, or removing law required and informative marking: § 13.512 *Fur products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1845–80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 68, 69f) [Cease and desist order, Irving-Frederick, Inc., et al., San Francisco, Calif., Docket C-677, Jan. 9, 1964]

In the Matter of Irving-Frederick, Inc., a Corporation, and Irving Bartel and Mrs. Joseph Nagel, Individually and as Officers of Said Corporation, Irving Bartel, Inc., a Corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, Individually and as Officers of Said Corporation

Consent order requiring two associated retailers of fur products in San Francisco, Calif., to cease violating the Fur Products Labeling Act by failing, in labeling and invoicing, to show the true animal name of fur and when fur was bleached or dyed; failing to disclose, in invoicing, the country of origin of imported furs; failing to use the term "natural" in labeling, invoicing, and advertising to describe fur products which were not artificially colored; substituting nonconforming labels for those affixed by the manufacturer or distributor; and failing in other respects to comply with provisions of the Act; and to cease violating the Wool Products Labeling Act by failing to label wool products as required and removing labels or other identification prior to ultimate sale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or identification of the animal or animals that produced the fur contained in the fur product.

2. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information on labels affixed to fur products.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder, to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product and which:

Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

It is further ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

It is further ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers, of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation or delivery for shipment, in commerce, of any wool product, as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each product, a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Irving-Frederick, Inc., a corporation, and Irving Bartel and Mrs. Joseph Nagel, individually and as officers of said corporation, Irving Bartel, Inc., a corporation, and Irving Bartel, Gerson Bartel, and Ben Bartel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of any stamp, tag, label or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 9, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-919; Filed, Jan. 29, 1964; 8:47 a.m.]

[Docket No. C-674]

PART 13—PROHIBITED TRADE PRACTICES

Milton Kastil et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Milton Kastil et al., trading as Milton Kastil Furs, Etc., Chicago, Ill., Docket C-674, Jan. 7, 1964]

In the Matter of Milton Kastil and Edward Kastil Individually and as Copartners Trading as Milton Kastil Furs and Irving Kastil, Individually and as an Employee of the Partnership

Consent order requiring manufacturing furriers in Chicago, Ill., to cease violating the Fur Products Labeling Act by failing to use the term "natural" on labels to describe fur products which were not artificially colored; failing, in invoicing, to show the true animal name of furs and the country of origin of imported furs, to disclose when fur was bleached or dyed, and to use the terms "Persian Lamb" and "natural" where required, and invoicing furs improperly as "Broadtail"; substituting nonconforming labels for those attached by the manufacturer or distributor; and failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist, together with further order requiring report of compliance, is as follows:

It is ordered, That respondents Milton Kastil and Edward Kastil, individually and as copartners trading as Milton Kastil Furs or under any other trade name and Irving Kastil, individually and as an employee of the partnership and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

6. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

6. Failing to set forth on invoices the item number or mark assigned to fur products.

It is further ordered, That respondents Milton Kastil and Edward Kastil, individually and as copartners trading as Milton Kastil Furs, or under any other name and Irving Kastil, individually and as an employee of the partnership, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regulations promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-920; Filed, Jan. 29, 1964; 8:47 a.m.]

[Docket No. 8489 c.]

PART 13—PROHIBITED TRADE PRACTICES

Papercraft Corp.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Papercraft Corporation, Pittsburgh, Pa., Docket 8489, Dec. 24, 1963]

Order requiring a Pittsburgh, Pa., manufacturer of gift wrappings, ribbons and related products, to cease misrepresenting the size of rolls of gift wrapping papers by such practices as packaging the rolls in display boxes with two inches of empty space at either end, thus creating the false impression that the rolls were as wide as the containers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, The Papercraft Corporation, a corporation, and its officers, directors, agents, representatives, employees, successors and assigns, directly or indirectly, under any name or through any corporate or other device, in connection with the offering for sale, sale or distribution, in commerce, of rolls of gift wrapping papers, do forthwith cease and desist from:

(1) Packaging rolls of gift wrapping paper in oversized boxes or other containers so as to create the appearance or impression that the width or other dimensions or quantity of the gift wrapping paper contained in the box or container is appreciably greater than is the fact; but nothing in this order shall be construed as forbidding respondent to use oversized containers if respondent justifies the use of such containers as necessary for the efficient packaging of the rolls contained therein and establishes that respondent has made all reasonable efforts to prevent any misleading appearance or impression from being created by such containers;

(2) Providing wholesalers, retailers or other distributors of respondent's rolls of gift wrapping papers with any means or instrumentality with which to deceive the purchasing public in the manner described in paragraph (1) above.

It is further ordered, That respondent shall, within sixty (60) days of receipt of this order, file with the Commission a report in writing setting forth in detail the manner in which respondent has complied with the terms of this order.

Issued: December 24, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-921; Filed, Jan. 29, 1964; 8:47 a.m.]

[Docket No. C-676]

PART 13—PROHIBITED TRADE PRACTICES

Prentice-Hall, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–25 *Concealed subsidiary, fictitious collection agency, etc.;* § 13.60 *Earnings and profits;* § 13.75 *Free goods or services;* § 13.125 *Limited offers or supply;* § 13.143 *Opportunities;* § 13.155 *Price;* § 13.155–100 *Usual as reduced, special, etc.;* § 13.250 *Success, use or standing;* § 13.280 *Unique nature or advantages.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Prentice-Hall, Inc., et al., Englewood Cliffs, N.J., Docket C-676, Jan. 7, 1964]

In the Matter of Prentice-Hall, Inc., a Corporation, Parker Publishing Company, Inc., a Corporation, and Institute for Business Planning, Inc., a Corporation

Consent order requiring three associated corporate publishers with a common place of business at Englewood Cliffs, N.J., to cease representing falsely in advertising that certain publications were given free of cost when, in fact, persons accepting such "free" offers obligated themselves to examine and either return or pay for another publication or to subscribe to a publication, and that the supply of certain advertised publications was limited and the offer must be accepted immediately; and representing falsely in letters and materials sent to delinquent customers, some on letterheads of purported collection agencies, that delinquent accounts would be, or had already been turned over to a credit rating agency or an independent collection agency or attorney; and requiring the parent corporation to cease representing falsely that the sales techniques described in its "Prentice-Hall Miracle Sales Guide"—actually a compilation by its editors—were based on a broad individual case study of successful salesmen, were new and unique, assured mediocre salesmen of large incomes and had been used with success by prominent, named companies and individuals, and that the book was offered at a special reduced price.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That:

I. Respondents Prentice-Hall, Inc., Parker Publishing Company, Inc., and Institute for Business Planning, Inc., corporations, and their respective officers, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, periodicals, publications, tax or business reports or other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Using the terms "free", "At no cost or obligation * * *" "* * * With our compliments:", "Free of cost" or any other word or words of similar import or meaning, to designate or describe any publication, book, service or other product, in advertising or in other offers to the public, when all of the conditions, obligations, or other prerequisites to the receipt and retention of the said free publication, book, report or other product, are not clearly and conspicuously explained or set forth at the outset so as to leave no reasonable probability that the terms of the advertisements or offer might be misunderstood.

B. Representing, directly or by implication, that the supply of publications, books or other products is limited when adequate supplies are available or will be obtained.

C. Representing, directly or by implication, that:

1. Delinquent customers' general or public credit ratings will be adversely affected unless where payment is not received, respondents in fact refer the information of said delinquency to a separate, bona fide credit rating agency or bureau;

2. Delinquent accounts will be or have been turned over to an independent, bona fide collection agency or outside attorney unless respondents in fact turn or have turned said accounts over to such agencies or persons;

3. "The Mail Order Credit Reporting Association, Inc." and "Gresham Collection Agency" are independent, bona fide collection agencies; or that any other organization or trade name owned in whole or in part by respondents or over which respondents exercise any direction or control are independent collection agencies;

4. Any employee of respondents is an independent, outside attorney; or that any person or firm is an outside, independent attorney or firm of attorneys representing respondents for collection purposes unless a bona fide attorney-client relationship exists for purposes of collecting delinquent accounts;

5. Notices or other communications, which have been prepared, written or mailed by respondents, have been sent by "The Mail Order Credit Reporting Association", the "Gresham Collection Agency", or any other person, firm or organization;

6. Delinquent accounts have been turned over to "The Mail Order Credit Reporting Association, Inc.", "Gresham Collection Agency", or to any attorney, or to any other person, firm, or organization with instructions to take legal steps to collect the amount purportedly due, unless respondents establish that such is the fact.

II. Respondent Prentice-Hall, Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books, periodicals, publications, tax or business reports, or other merchandise or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That the sales methods and techniques described in the "Prentice-Hall Miracle Sales Guide" are derived from an individual case study of sales methods and techniques of individual salesmen;

2. That the techniques or methods contained in said "Prentice-Hall Miracle Sales Guide" are new, unique or have not heretofore been known or available;

3. That the use of the sales methods and techniques described in said "Prentice-Hall Miracle Sales Guide" will assure mediocre salesmen of incomes in excess of $40,000 a year or enable all salesmen to earn ten times their present incomes.

B. Misrepresenting, in any manner, the method or basis by or upon which said "Prentice-Hall Miracle Sales Guide" or any other book or publication was compiled or written.

C. Misrepresenting, in any manner, that any book or publication is the only one of its kind, or that its contents are current, or that the techniques or methods of its preparation have never before been utilized: provided, however, that it shall be a defense hereunder, involving any book or publication not prepared by respondent's editorial staff, that respondent did not know and had no reason to know of the falsity of such representation.

D. Representing, directly or by implication, that the amount of income or increase in income which will be derived by persons applying the methods or techniques described in said "Prentice-Hall Miracle Sales Guide" or any other book or publication will be in excess of the amounts of income or increases in income typically and usually received by others contemporaneously using or applying the methods or techniques of the aforesaid sales guide or other book or publication.

E. Representing, directly or by implication, that said "Prentice-Hall Miracle Sales Guide" or any other publication, book or service has been used or is being used by stated persons or organizations or that said persons have experienced gains in income, sales or other benefits from the use of said "Prentice-Hall Miracle Sales Guide" or other publications, book or service, unless respondent establishes that such is the fact.

F. Representing, directly or by implication, that the price of any publication, book or service is a reduced price, unless it constitutes a reduction from the price at which the publication, book or service referred to has been usually and regularly sold by the respondent at retail in the recent, regular course of its business or a reduction from the price at which said product or service is generally sold in the trade area or areas where the representation is made; or otherwise misrepresenting the amount of savings afforded purchasers of respondent's publications, books or services.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-922; Filed, Jan. 29, 1964; 8:47 a.m.]

[Docket No. C-675]

PART 13—PROHIBITED TRADE PRACTICES

Sidney Wolff et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Sidney Wolff trading as Wolfson Yarn Company, et al., New York, N.Y., Docket C-675, Jan. 7, 1964]

In the Matter of Sidney Wolff, an Individual Trading as Wolfson Yarn Company and Em-Gee-Ess Knitwear Company

Consent order requiring a New York City importer of wool products to cease violating the Wool Products Labeling Act by such practices as labeling and invoicing as "100% Mohair", yarns which contained substantially different amounts of woolen fibers than thus represented and also contained other fibers, and failing to disclose on labels on certain yarns the percentages of the different fibers contained therein.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Sidney Wolff, an individual trading as Wolfson Yarn Company and Em-Gee-Ess Knitwear Company, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool yarn or other wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Sidney Wolff, an individual trading as Wolfson Yarn Company and Em-Gee-Ess Knitwear Company, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of yarn or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in yarn or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 7, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-923; Filed, Jan. 29, 1964; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-232]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

Interim Accounting Treatment of Investment Tax Credit by Public Utilities, Licensees, and Natural Gas Pipeline Companies; Continuation of Effectiveness

JANUARY 23, 1964.

The Commission has under consideration in this docket[1] an order prescribing the accounting treatment to be accorded under the Commission's Uniform Systems of Accounts to the investment tax credit provided by the Revenue Act of 1962.[2]

The Commission has reached the conclusion that on the basis of existing law the accounting treatment to be prescribed should be to flow through the credit to income. We recognize, however, that legislation is pending in the Congress dealing with the investment credit and that it is not now possible to determine whether such legislation as might be adopted would require a different accounting treatment for the credit.

In order to enable affected companies to close their books of account for the year 1963, the Commission hereby notifies all public utilities, licensees, and natural gas companies that the interim accounting prescribed for the investment tax credit under Order No. 261, Docket No. R-231, issued January 9, 1963,[3] continues in effect for calendar year 1963 and in accounting for income taxes until

[1] Notice issued January 15, 1963, published in 28 F.R. 528 of January 19, 1963.

[2] 76 Stat. 960, Public Law 87-834, section 2, adding new sections 38, 46-48, 181, to and amending certain existing sections of the Internal Revenue Code of 1954.

[3] 29 FPC 62, 28 F.R. 402.

further notice or order of the Commission.

By the Commission.[4]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-915; Filed, Jan. 29, 1964; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56096]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1963 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1963	*Net amount of bounty per 2,240 lbs. of sugar content*
July	Aŧ0. 0.0
August	0. 0.0
September	4.14.0
October	0. 0.0
November	30. 0.0
December	30. 0.0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, except those commodities covered by T.D. 55716, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New Rates" in the column headed "Action."

[4] Commissioners O'Connor and Woodward dissent as to the statement of the accounting treatment which is appropriate under existing law. Commissioner O'Connor believes decision should be deferred until Congress has acted on the pending legislation. Commissioner Woodward favors deferred tax accounting.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] PHILIP NICHOLS, Jr., *Commissioner of Customs.*

Approved: January 21, 1964.

JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-945; Filed, Jan. 29, 1964; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 751—NAVY PERSONNEL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. The amendments are intended (a) to indicate the settlement authority of the Officer in Charge, U.S. Sending State Office for Australia, for certain types of claims, (b) to update the authority note of Part 753, (c) to update certain mailing addresses, and (d) to clarify in §§ 753.18(b) and 753.21 (c) without substantial change the reviewing authority of the commanding officer for claims exceeding $2,500 but not exceeding $15,000, the finality of his approval for claims exceeding $2,500 but not exceeding $5,000, and the requirement of approval by the Judge Advocate General (or Officer in Charge, U.S. Sending State Office for Australia or Italy) for claims exceeding $5,000 but not exceeding $15,000. Corresponding changes to the Manual of the Judge Advocate General will be distributed to Navy and Marine Corps commands in due course.

1. Section 750.41(b)(9) is revised to read as follows:

§ 750.41 Approval of claims.

* * * * *

(b) *Military Claims Act cases.* * * *

(9) The Officer in Charge, U.S. Sending State Office for Italy, and the Officer in Charge, U.S. Sending State Office for Australia.

* * * * *

2. Section 750.44 is revised to read as follows:

§ 750.44 Payment of claims.

Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, the Assistant Judge Advocate General (International and Administrative Law), the Director, Litigation and Claims Division, Office of the Judge Advocate General, or the Assistant Director, Litigation and Claims Division, Office of the Judge Advocate General as provided in § 750.41 shall be forwarded to the U.S. Navy Finance Center, Washington, D.C., 20390, for payment from appropriations designated for that purpose. Claims approved by the Officer in Charge, U.S. Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, the Legal Officer, U.S. Naval Base, Newport, Rhode Island, the Legal Officer, U.S. Naval Submarine Base, New London, Groton, Connecticut, or a commandant or commander or district or staff legal officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Bureau of Supplies and Accounts for payment from appropriations designated for that purpose.

3. Section 751.21(c)(2)(iii)–(3) is revised to read as follows:

§ 751.21 Action of Claims Investigating Officer in transportation losses.

* * * * *

(c) *Approval or denial of concurrent claim by carrier or insurer.* * * *

(2) *Approval of claim by carrier or insurer.* * * *

(iii) If the claimant has received settlement from the Government he will be advised to pay the proceeds received from the carrier or insurer to the United States by endorsing the check to the Commanding Officer, U.S. Navy Finance Center, Washington, D.C., 20390, or Disbursing Officer, Marine Corps Disbursing Office, Arlington, Va., 22206, as appropriate and turning it over to the commanding officer or his representative. The remittance may be made by personal check or money order if the amount to be refunded as determined according to § 751.13 is less than the amount received from the carrier or insurer. The commanding officer will forward the endorsed check to the Navy or Marine Corps Disbursing Officer, as appropriate, by speedletter shown in subparagraph (3) of this paragraph using the optional speedletter paragrah 5.

(3) *Form of notification to activity paying claim.* Notification to the appropriate disbursing officer of a payment or denial to the claimant by a carrier or insurer should contain the following:

AIR MAIL SPEEDLETTER

From: Commanding Officer
To: Commanding Officer
U.S. Navy Finance Center
Washington, D.C., 20390
or Disbursing Officer
Marine Corps Disbursing Office
Arlington, Va., 22206

Re Claim For Reimbursement Household Goods:

1. (Full name of claimant).
2. (Grade).
3. (Service number).
4. (Date claim forwarded to adjudicating authority).
5. Claimant has retained (amount paid) settlement from carrier/insurer. Request deduction from Government settlement or checkage as appropriate.

or

5. Attached carrier/insurer settlement check endorsed for redeposit to appropriate claims allotment.

or

5. Claim with carrier/insurer denied; considered (justified/unjustified*).

* * * * *

*Requires additional action specified in paragraph (e) of this section.

4. Section 751.24(c) is revised to read as follows:

§ 751.24 Navy service personnel adjudicating authority.

* * * * *

(c) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U.S. Navy Finance Center, Washington, D.C., 20390, from such appropriation as may be designated, or by reimbursement in kind by supply officers of the Navy, as provided in instructions issued by the Chief of Naval Personnel.

5. Section 751.26(b) is revised to read as follows:

§ 751.26 Civilian personnel adjudicating authority.

* * * * *

(b) *Reimbursement.* Upon approval of claims, reimbursement shall be made by payment by the U.S. Navy Finance Center, Washington, D.C., 20390, from such appropriation as may be designated for this purpose, or by reimbursement in kind, as provided in instructions issued by the Judge Advocate General of the Navy.

6. Part 753 is amended by revising the authority note to read as follows:

AUTHORITY: §§ 753.1 to 753.31 issued under R.S. 161, secs. 2734, 5031, 70A Stat. 154, 278, as amended, sec. 2736, 75 Stat. 488, secs. 133(d), 2734a–b, 2736, 76 Stat. 512, 517, 767, 5 U.S.C. 22, 10 U.S.C. 133(d), 2734, 2734a–b, 2736 (as added by Pub. Law 87-212), 2736 (as added by Pub. Law 87-769), 5031.

7. Section 753.18(a)–(b) is revised to read as follows:

§ 753.18 Creation.

(a) *Appointing power and composition.* All commanding officers are hereby granted authority to appoint Foreign Claims Commissions. For the purposes of the Foreign Claims Act and this part, the Officer in Charge, U.S. Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, Chiefs of Naval Missions (including chiefs of the naval section of military missions), Chiefs, Military Assistance Advisory Groups (including Chiefs, Naval Section, MAAGS), Senior Naval Advisor to Argentina and naval attaches are to be considered commanding officers. Commissions may be appointed to consider each claim as presented, or to constitute a standing claims commission to consider all claims presented to it. The commanding officer to whom a claim is presented has the duty of referring the claim to a commission, and of appointing a commission himself where necessary or expeditious. Each Foreign Claims Commission will be composed of one or more officers.

(b) *Compostition of commission and review in relation to amount of claims.* Claims may be considered by a commission of not more than one member when the amount claimed is not in excess of $1,000; claims may be considered by a commission consisting of three members when the amount claimed exceeds $1,000. The findings of a claims commission are final and not subject to review where the amount awarded is not in excess of $2,500. Where the amount which the commission recommends be paid exceeds $2,500 but does not exceed $15,000, the findings and opinion of the claims commission are subject to the review of the commanding officer; claims as to which the amount the commission recommends be paid exceeds $2,500 but does not exceed $5,000 may be paid only when the commanding officer has approved the action of the commission in allowing such claim. Claims as to which the amount the commission recommends be paid exceeds $5,000 but does not exceed $15,000 may be paid only when the Judge Advocate General or, with respect to claims which arose in Italy, the Officer in Charge, U.S. Sending State Office for Italy, or, with respect to claims which arose in Australia, the Officer in Charge, U.S. Sending State Office for Australia, has approved the action of the commission in allowing such claims. As to claims exceeding $15,000, see §§ 753.24(b) and 753.27.

* * * * *

8. Section 753.21(c) is revised to read as follows:

§ 753.21 Report of proceedings.

* * * * *

(c) *Submission to convening authority.* The original report, together with three copies, will be submitted to the convening authority. When the findings of fact of such commission are received by the convening authority, they shall in each case be final and conclusive. This procedure applies to claims where the amount to be paid does not exceed $2,500. Where the amount which the commission recommends be paid exceeds $2,500 but does not exceed $5,000, the findings of the commission are transmitted to the convening authority for his consideration and approval; upon receiving such approval, the findings shall in such cases be final and conclusive. See § 753.18(b) for claims as to which the amount the commission recommends be paid exceeds $5,000 but does not exceed $15,000. For claims which the commission considers meritorious in an amount exceeding $15,000, see §§ 753.24(b) and 753.27.

(R.S. 161, secs. 2671–2680, 62 Stat. 982–984, secs. 2732, 2733, 2734, 5031, 70A Stat. 152, 153, 154, 278, as amended, sec. 2736, 75 Stat. 488, secs. 133(d), 2734a–b, 2736, 76 Stat. 512, 517, 767; 5 U.S.C. 22, 10 U.S.C. 2732, 2733, 2734, 2734a–b, 2736 (as added by Pub. Law 87-212), 2736 (as added by Pub. Law 87-769), 5031)

Dated: January 22, 1964.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr., *Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.*

[F.R. Doc. 64-901; Filed, Jan. 29, 1964; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 64-6]

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

SUBCHAPTER L—SECURITY ON WATERFRONT FACILITIES

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

Vessel's Advance Notice of Time of Arrival in Commonwealth of Puerto Rico; and Handling Vehicles With Gasoline in Tanks on Waterfront Facilities

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other causes of similar nature to vessels, ports, and waterfront facilities in the United States and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04–8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof when within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility on waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of a vessel's estimated time of arrival at a United States port-of-call to the Captain of the Port. The purpose for amending § 124.10(a)(7) is to provide a means whereby the Commander, 7th Coast Guard District, may prescribe conditions under which the many small cargo vessels voyaging between the Lesser Antilles and the Commonwealth of Puerto Rico may be considered to be in constructive compliance with the advance notice of time of arrival requirement. Although the general pattern of this tramp cargo activity is well known, frequently the individual schedules are not known 24 hours in advance. Other changes in wording have been made which are editorial in nature.

The provisions of 33 CFR 126.15 set forth the conditions for a designated waterfront facility, and in § 126.15(d) are the conditions governing the han-

dling and storage of trucks and other motor vehicles. The provisions in § 126.15(d)(4) are amended by deleting the requirement that vehicles handled and stored as cargo on a waterfront facility must have empty gasoline tanks since the dangerous cargo regulations (46 CFR 146.27-30) now allow such vehicles to be transported with gasoline in the tanks.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352 I hereby prescribe the following amendments, which shall become effective upon the date of publication in the FEDERAL REGISTER:

1. Section 124.10(a)(7) is amended to read as follows:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) • • •

(7) For that vessel which is engaged in operations in and out of the same port to sea and return without entering any other port, or on coastwise voyages between ports in the same Coast Guard District, or on voyages between ports in the First, Ninth, Thirteenth, or Seventeenth Coast Guard Districts and adjacent Canadian ports, or between ports in the Commonwealth of Puerto Rico and ports in the Lesser Antilles, the Coast Guard District Commander having jurisdiction may, when no reason exists which renders such action prejudicial to the rights and interests of the United States, prescribe conditions under which such vessels may be considered by the Captains of the Port as being in constructive compliance with the requirements of this section without the necessity for reporting each individual arrival.

• • • • •

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E. O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

2. Section 126.15(d)(4) is amended to read as follows:

§ 126.15 Conditions for designation as designated waterfront facility.

• • • • •

(d) *Trucks and other motor vehicles.* • • •

(4) When a vehicle is handled and stored as an item of cargo.

• • • • •

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E. O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: January 27, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-944; Filed, Jan. 29, 1964; 8:49 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

St. Johns River, Fla., and Block Island Sound, N.Y.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.430a is hereby prescribed to govern the operation of the Florida State Road Department bridge across St. Johns River near Sanford, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.430a St. Johns River, Fla.; Florida State Road Department bridge between Sanford and Osteen.

(a) The owner of or agency controlling the bridge will not be required to keep a draw tender in attendance or to open the drawspan between the hours of 7:00 p.m. and 7:00 a.m. except on 12 hours' advance notice to be given to the authorized representative of the owner of the bridge. Regular draw tender service will be maintained between 7:00 a.m. and 7:00 p.m.

(b) The owner of or the agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that they can easily be read at any time, signs setting forth the salient features of the regulations and stating exactly how the authorized representative specified in paragraph (a) of this section may be reached for opening the bridge.

[Regs., January 16, 1964, 1507-32 (St. Johns River, Fla.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.12 governing the use and navigation of a danger zone in Block Island Sound, N.Y., is hereby revoked, effective on publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.12 Block Island Sound in vicinity of Gardiners Point, N.Y.; naval bombing, rocket firing, and strafing area.

[Revoked.]

[Regs., January 15, 1964, 1507-32 (Block Island Sound, N.Y.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-900; Filed, Jan. 29, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 953]

PART 95—CAR SERVICE

Free Time on Unloading Box Cars at Ports

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 24th day of January A.D. 1964.

It appearing, that there is a critical shortage of box cars, that such cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.953 Service Order 953.

(a) *Free time on unloading box cars at ports.* (1) No Common Carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of seven (7) days' free time on any box car held for unloading at the point of transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this order.

(2) Section 22 quotations: Common carrier or carriers by railroad, subject of the Interstate Commerce Act, who have entered or may enter into Section 22 agreements with the United States, providing for waiver of storage and/or demurrage charges at port areas where shipments are held for transfer to vessels or storage or where held short of such transfer or storage point shall, upon expiration of the combined total of 7 days' time, provided by this order, unload and release the car or cars for transportation service within 24 hours thereafter.

(b) *Computation of free time.* (1) All Saturdays, Sundays and holidays listed in item 25 of Agent Hinsch's Demurrage Tariff 4-F, I.C.C. H-11 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7:00 a.m., after notice of arrival or constructive placement is sent or given to the party entitled to receive same until final release of the car, less time required to move a constructively placed car from hold point to point of unloading.

(3) Any detention beyond the seventh day of free time provided in paragraph (a) of this section shall not be offset by credits earned under any average detention basis for settlement.

(c) *Definition of boxcars.* The term "boxcars" as used herein means freight equipment having a mechanical designation in the Official Railway Equipment Registered prefixed by "X" or "V".

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions.

(e) *Regulations suspended—announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(f) *Effective date.* This order shall become effective at 12:01 a.m., February 1, 1964, and the provisions of this order shall apply to all cars on which the free time provided herein has not expired on the effective date and hour herein stated.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1964, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(h) This order shall not change Demurrage Rule 8 of Tariff I.C.C. H-11 as amended or as reissued, or similar rules in other tariffs adjusting, cancelling, or refunding demurrage charges arising from the unusual conditions or circumstances described in said Rule 8 or similar rules in other tariffs.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-932; Filed, Jan. 29, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mattamuskeet National Wildlife Refuge, North Carolina

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 40,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, white perch, pan fish (crappie, yellow perch, pickerel, sunfish), and other minor species permitted by State regulations.

(b) Open season: January 28, 1964, through the day before the opening of the waterfowl hunting season.

(c) Daily creel limits: Black bass—8; white perch—no limit; pan fish—25 (in aggregate); other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live bait permitted.

(2) Boats and motors, without size limitations, permitted.

(3) Guide services are available.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to December 1, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 22, 1964.

[F.R. Doc. 64-924; Filed, Jan. 29, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[33 CFR Parts 67, 80, 84, 95, 124, 126]

[46 CFR Parts 2, 12, 25, 30–35, 43–46, 55, 57, 70–78, 90, 91, 93–98, 111–113, 146, 157, 160, 162, 164, 176, 180, 187]

[CGFR 63–88]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

Public Hearing on Proposed Changes

1. The Merchant Marine Council will hold a public hearing on Monday, March 23, 1964, commencing at 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views and data on the proposed changes in the navigation and vessel inspection rules and regulations as set forth in Items I to XI, inclusive, in Volume I, Item XII in Volume II, and Items XIII and XIV in Volume III of the Merchant Marine Council Public Hearing Agenda (CG–249), dated March 23, 1964. The Agenda contains the specific changes being proposed to the navigation and vessel inspection regulations, and for certain items the present and proposed regulations are set forth in comparison form, together with reasons for the changes.

2. This document contains general descriptions of the proposed changes in the regulations together with appropriate references to statutes authorizing such requirements governing:

(a) Navigation and vessel inspection;

(b) Security of vessels and waterfront facilities;

(c) Private aids to navigation on structures on the Outer Continental Shelf, Gulf of Mexico, and adjacent waters;

(d) Rules of the Road; and

(e) Implementation of the 1960 Safety of Life at Sea Convention.

The complete text of proposed changes and additions to regulations is set forth in three volumes of the "Merchant Marine Council Public Hearing Agenda" (CG–249), dated March 23, 1964. Copies of this Agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the Agenda will be furnished, upon request, to the Commandant (CMC), United States Coast Guard, Washington, D.C., 20226, so long as they are available. After the supply of extra copies is exhausted copies will be available, for reading purposes only, in Room 4211, Coast Guard Headquarters or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. Written comments containing constructive criticism, suggestions, or views are welcomed. However, acknowledgement of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel are not available to handle the necessary correspondence involved. Each oral or written comment is considered and evaluated. If it is believed the comment, view or suggestion clarifies or improves a proposed regulation or amendment, such proposal is changed accordingly and, after adoption by the Commandant, the regulations as revised are published in the FEDERAL REGISTER.

4. Each person or organization who desires to submit comments, data or views in connection with the proposed regulations set forth in this Agenda should submit them in duplicate so that they will be received by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D.C., 20226, prior to March 20, 1964. Comments, data or views may be presented orally or in writing at the Public Hearing before the Merchant Marine Council on March 23, 1964. In order to insure consideration of written comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations be submitted on Form CG–3287, showing the section number (if any), the name, the proposed change, the reason or basis, and the business firm or organization (if any) and the address of the submitter. A small quantity of Form CG–3287 is attached to this Agenda. Additional copies may be reproduced by typewriter or otherwise, or may be obtained upon request from the Commandant (CMC).

5. Each item in the Agenda has been given a general title, intended to encompass the specific proposals presented. It is urged that each item be read completely because the application of proposals to specific employment or types of vessels may be found in more than one item. For example, Item I contain proposals regarding bulk dangerous chemicals and is applicable to tank vessels and cargo and miscellaneous vessels and manning of such vessels while Item III applies to tank vessels, cargo and miscellaneous vessels and small passenger vessels.

ITEM I—BULK DANGEROUS CARGOES

A—TANK BARGES CARRYING CERTAIN BULK INFLAMMABLE OR COMBUSTIBLE DANGEROUS CARGOES

6. It is proposed to add to the rules and regulations for tank vessels new regulations designated 46 CFR 32.63–1 to 32.63–25, inclusive, in a new Subpart 32.63 entitled "Hull and Cargo Tank Requirements for Tank Barges Carrying Certain Dangerous Cargoes, Constructed or Converted on or after July 1, 1964," as well as a new section governing operating requirements designated 46 CFR 35.01–50 and entitled "Special operating requirements for tank barges carrying certain dangerous bulk cargoes after July 1, 1964—B/ALL."

7. The use of barges for bulk shipments of petroleum products and liquid chemical commodities has been growing rapidly and steadily. It is estimated that, in the years since the end of World War II, the production of chemicals has tripled. Not only has overall production increased, but products which were unknown, at the most were laboratory curiosities a few short years ago, are being produced by the thousands of tons today. This increased production has resulted in the growth of another problem; that of transportation of large quantities of these products from producer to consumer. Shipment by carboy, drum, and tank car has successively given way to bulk shipment by barge.

8. For a good many years, the Coast Guard has regulated the shipment of inflammable and combustible liquids in bulk by means of tank barges and tank vessels. In 1936, when the governing Tank Vessel Regulations (46 CFR Parts 30 to 38) were enacted, petroleum products were the principal hazardous liquids shipped in bulk. For these liquid cargoes, fire and explosion were the principal hazards to be guarded against. Today, a great many of the dangerous commodities shipped by water possess additional hazards to operating personnel and to the general public. To the danger of fire may be added the toxic or asphyxiating properties of the material, or the reactivity or instability of the material as manifested by decomposition or polymerization. To make the hazard more serious, it can be seen that, as the size of the shipments of these products grows progressively larger, the potential danger to the public increases as well.

9. The Coast Guard has studied a number of marine casualties involving open hopper type barges. These casualties resulted in such barges sinking because of swamping or diving. A review of the marine casualties involving barges carrying dangerous cargoes disclosed an urgent and immediate need for positive action in the public interest to prevent similar future barge sinkings. A special Coast Guard Committee on Dangerous Cargoes has recommended corrective action be taken to minimize the possibility of future casualties. The Committee recommended that this action be in separate phases; namely, (1) operating requirements for open hopper type barges, (2) changes in the regulations covering the design, construction and operation of new barges, and (3) a study of existing open hopper type barges to determine to what extent such barges

should be modified to meet the revised safety standards for new barge design and construction.

10. The first phase, the operation of existing open hopper type barges, is now in effect. The special regulations were published in the FEDERAL REGISTER of February 6, 1963 (28 F.R. 1150, 1511), with an effective date of March 1, 1963 (46 CFR 35.01–45). The second phase, proposed safety standards and operating requirements for new barges, is set forth for consideration in this item.

11. In general, the proposed regulations outline the construction requirements and certain operating procedures for barges carrying certain dangerous cargoes in bulk. It is intended to designate three types of barges, which will be given numerical designations. The types will differ by strength and stability.

12. A given bulk liquid cargo will be considered by the Commandant from the standpoint of fire hazard, danger to health, and chemical reactivity and stability involved. As the hazards inherent in the product increase in severity, the strength and stability required of the barge in which the product is to be carried will become more stringent. This is considered necessary in order to prevent, insofar as possible, the uncontrolled release of hazardous products into the water and/or the atmosphere. However, at this time it is not intended to specifically designate what categories of commodities shall be carried in a particular designated type of barge, but to leave this matter to administrative discretion after consideration of facts presented by barge owner and/or operator.

13. It is proposed that a barge carrying dangerous inflammable or combustible liquids in bulk have cargo transfer operations supervised or handled by a certificated tankerman especially qualified to handle the particular cargo involved. In the case of an unmanned barge under tow, or while such barge is moored, a certificated tankerman especially qualified to handle such cargo or a licensed officer specifically instructed and capable to have maintained conditions governing such commodities, including emergency procedures to be followed, must be on duty.

14. The posting of certain signs and information boards has been proposed in order that, in the event of an emergency, persons rendering assistance will be apprised of the nature of the cargo, and of any special considerations which should be noted as, for example, the reactivity of certain cargoes with water.

15. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, and 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and E.O. 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167–14, November 26, 1954, 19 F.R. 8026.

B—BARGES CARRYING CERTAIN OTHER BULK DANGEROUS CARGOES

16. It is proposed to amend the rules and regulations for cargo and miscellaneous vessels by amending 46 CFR 98.03–1 and 98.03–5 to extend the scope of application to include all barges which carry certain dangerous cargoes in bulk as specified in 46 CFR Part 98 and to show the effective dates for various requirements, and to add new regulations designated 46 CFR 98.03–7, 98.03–8, 98.03–15, 98.03–20, 98.03–25, 98.03–30, 98.03–35, and 98.03–40 to outline the construction requirements and certain operating procedures for barges carrying certain dangerous cargoes in bulk, including such commodities as elemental phosphorous in water, sulfuric acid, hydrochloric acid, liquid chlorine, anhydrous ammonia, etc.

17. The chemical industry has been growing rapidly and steadily since the beginning of the current century. It is estimated that the production of chemicals has tripled on a yearly basis since the end of World War II. Not only has overall production increased, but products, which were then unknown or at the most were laboratory curiosities a few short years ago, are being produced by the thousands of tons today. This increased production has resulted in the growth of another problem; that of transportation of large quantities of these products from producer to consumer. Shipment by carboy, drum, and tank car has successively given way to bulk shipment by barge.

18. For a good many years, the Coast Guard has regulated the shipment of inflammable and combustible liquids in bulk by means of tank barges and tank vessels. In 1936, when the governing Tank Vessel Regulations (46 CFR Parts 30 to 38) were enacted, petroleum products were the principal hazardous liquids shipped in bulk. For these liquid cargoes, fire and explosion were the principal hazards to be guarded against. Today, a great many of the dangerous commodities shipped by water possess additional hazards to operating personnel and to the general public. To the danger of fire may be added the toxic or asphyxiating properties of the material, or the reactivity or instability of the material as manifested by decomposition or polymerization. To make the hazard more serious, it can be seen that as the size of the shipments of these products grows progressively larger, the potential danger to the public increases as well. The recent sinking of a barge laden with 1,100 tons of chlorine in the Mississippi River necessitated a massive effort by Federal, State, and local authorities in order to prepare for the evacuation of the entire population of a large city. Fortunately, the four chlorine-filled tanks were recovered intact and the prepared-for evacuation was not necessary. Nevertheless, the danger to the city's population was real, and the elaborate preparations were necessary. The Coast Guard has studied a number of other marine casualties involving open hopper type barges. These casualties resulted in such barges sinking because of swamping or diving. A review of the marine casualties involving barges carrying dangerous cargoes disclosed an urgent and immediate need for positive action in the public interest to prevent similar future barge sinkings. A special Coast Guard Committee on Dangerous Cargoes has recommended corrective action be taken to minimize the possibility of future casualties. The Committee recommended that this action be in separate phases; namely, (1) operating requirements for open hopper type barges, (2) changes in the regulations covering the design, construction and operation of new barges, and (3) a study of existing open hopper type barges to determine to what extent such barges should be modified to meet the revised safety standards for new barge design and construction.

19. The first phase, the operation of existing open hopper type barges, is now in effect. The special regulations were published in the FEDERAL REGISTER of February 6, 1963 (28 F.R. 1150, 1151), with an effective date of March 1, 1963 (46 CFR 98.03–1 to 98.03–10). The second phase, proposed safety standards and operating requirements for new barges is set forth for consideration in this item.

20. In general, the proposed regulations outline the construction requirements and certain operating procedures for barges carrying certain dangerous cargoes in bulk. It is intended to designate three types of barges, which will be given numerical designations. The types will differ by strength and stability.

21. A given bulk liquid cargo will be considered by the Commandant from the standpoint of fire hazard, danger to health and chemical reactivity and stability involved. As the hazards inherent in the product increase in severity, the strength and stability required of the barge in which the product is to be carried will become more stringent. This is considered necessary in order to prevent, insofar as possible, the uncontrolled release of hazardous products into the water and/or the atmosphere. However, at this time it is not intended to specifically designate what categories of commodities shall be carried in a particular designated type of barge, but to leave this matter to administrative discretion after consideration of facts presented by barge owner and/or operator.

22. It is proposed that a barge carrying dangerous inflammable or combustible liquids in bulk have cargo transfer operations supervised or handled by a certificated tankerman especially qualified to handle the particular cargo involved. In the case of an unmanned barge under tow, or while such barge is moored, a certificated tankerman especially qualified to handle such cargo or a licensed officer specifically instructed and capable to have maintained conditions governing such commodities, including emergency procedures to be followed, must be on duty.

23. The posting of certain signs and information boards has been proposed

in order that, in the event of an emergency, persons rendering assistance will be apprised of the nature of the cargo, and of any special considerations which should be noted as, for example, the reactivity of certain cargoes with water.

24. The authority to prescribe regulations governing cargo and miscellaneous vessels carrying specified dangerous cargoes in bulk is in R.S. 4495, as amended, 4462, as amended, 4472, as amended (46 U.S.C. 375, 416, 170). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198), and E.O. 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167–14, November 26, 1954, 19 F.R. 8026.

C—VESSELS CARRYING LIQUID CHLORINE IN BULK

25. It is proposed to amend 46 CFR 98.20–30 regarding valves, fittings and accessories, and 98.20–35 regarding filling and discharge pipes, which are applicable to vessels carrying liquid chlorine in bulk. These changes have been proposed by the Chlorine Institute, Inc. The proposed changes delete certain alternative valve arrangements permitted by the regulations. These alternatives were originally included in this subpart to standardize tank valves and fittings used in the handling of compressed gases. Presently the alternatives are not applicable to chlorine tanks since the size of filling, discharge and vapor return lines are normally limited to two or two and one-half inches, permitting the use of manually operated shutoff and internal excess flow valves in these sizes. Where larger size cargo and vent lines are employed, such as in the case of propane and anhydrous ammonia, the alternative arrangements are considered necessary and will not be changed. By eliminating the alternates for chlorine it is believed the proposed regulations will not, in fact, change the design and operating conditions of existing vessels.

26. The authority to prescribe regulations governing cargo and miscellaneous vessels carrying liquid chlorine in bulk is in R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and E. O. 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167–14, November 26, 1954, 19 F.R. 8026.

D—QUALIFICATIONS FOR PERSONNEL AND MANNING OF VESSELS WHEN CARRYING CERTAIN BULK DANGEROUS CARGOES

27. It is proposed to amend 46 CFR 12.20–1, 30.10–71 and 157.10–80 and to add 46 CFR 90.10–41 to show that a holder of a valid license is limited to serve as a tankerman handling only petroleum products which are inflammable or combustible bulk liquid cargoes and to indicate that a tankerman's certificate may have a specific dangerous cargo endorsement. It is proposed to amend 46 CFR 31.15–1, 31.15–5 and 35.35–1 to show that holders of current valid licenses or current "tankerman certificates" may handle bulk liquid cargo having inflammability or combustibility characteristics but will need a "tankerman's certificate" specifically endorsed to handle other specified dangerous commodities.

28. The "tankerman's certificate" issued pursuant to the Tank Vessel Act (Title 46, U.S. Code, Section 391a) is a special endorsement of efficiency on the Merchant Mariner's Document. In addition, by various regulations in the "Rules and Regulations for Licensing and Certificating of Merchant Marine Personnel" (CG–191), "Rules and Regulations for Tank Vessels" (CG–123), and "Rules and Regulations for Manning of Vessels" (CG–268) (46 CFR Parts 10–12, 20–40 and 157) the holding of a valid license as a master, mate, pilot or engineer permits such holder to serve as a "tankerman" where required by law or regulation without actually holding a separate "tankerman's certificate."

29. During the time from 1935 when the Tank Vessel Act (46 U.S.C. 391a) was passed until after World War II, the vast majority of bulk liquid cargoes carried on board tank vessels consisted of petroleum products, and the hazards requiring special consideration were primarily inflammability or combustibility. Since the end of World War II, however, conditions are changing rapidly and more diversified commodities are being offered as bulk liquid cargo for transportation by barge or ship. The chemical industry is manufacturing many commodities which can be now shipped in large bulk liquid quantities, which often only a few years ago were experimental items in research laboratories. Many of these bulk liquid commodities present hazards of inflammability or combustibility, as well as other hazards which need to be considered, while other commodities may present as primary hazards toxicity and/or reactivity and secondary hazards may be inflammability or combustibility.

30. To keep abreast of these changing conditions and to provide adequate safety control over the water transportation of specified dangerous bulk liquid cargoes, it is considered desirable and necessary to provide special qualifications for personnel handling the cargo transfer operations, as well as manning to provide for "in-transit" conditions and "idle" conditions when the vessel is underway, anchored or moored. It is recognized that the greatest chance for a serious casualty or accident may occur during the cargo transfer operations. Therefore, the persons performing such work should always meet minimum standards common to all tankermen and special requirements covering the specific bulk liquid being handled. For vessels "in-transit" or "idle" with specified dangerous bulk liquid cargoes on board, a minimum number of officers or others in the crew complement should hold appropriate licenses or documents as evidence of being qualified to maintain the conditions governing the transportation of such commodities, including necessary emergency procedures to be followed, without necessarily being especially qualified to handle the cargo transfer operations. Therefore, the special operating requirements in the regulations and the manning required by the vessel's certificate of inspection will cover personnel for cargo transfer operations and for barges while "in-transit," moored or docked. The proposed changes are directed primarily at the problem of providing and requiring qualified personnel. First, by establishing minimum qualifications and identification of persons capable of safely handling the cargo transfer operations for certain dangerous bulk liquids and to have such facts evidenced by endorsement on the merchant mariner's document or by holding valid license as master, mate, pilot, or engineer. Second, by requiring qualified personnel to supervise or perform cargo transfer operations. Third, by requiring a licensed officer or other person specifically instructed and capable to have maintained conditions governing the movement of specified bulk liquids, including emergency procedures to be followed, when in a barge being towed or "in idle" condition (moored or docked). To illustrate the situations being considered, the Coast Guard published in the FEDERAL REGISTER of October 8, 1963 (28 F.R. 10778–10782) (46 CFR Part 40), special regulations governing the bulk shipment of ethylene oxide in tank vessels. In the manning of tank vessels carrying bulk ethylene oxide, as a part of the special cargo handling requirements in 46 CFR 40.05–83(g), the owner, master or person in charge of such vessel is responsible for having especially qualified persons in handling of ethylene oxide during cargo transfer operations. For such persons it is proposed to require that they have "tankerman's certificate" especially endorsed to handle ethylene oxide.

31. It must be realized that the present holders of "tankerman's certificates" or valid licenses as master, mate, pilot, or engineer have not presented evidence nor to date have they been examined to ascertain if they have or are necessarily qualified to handle the cargo transfer operations of all types of dangerous bulk liquids. In fact, to date these merchant mariners have been only required and have been determined to be qualified to handle the cargo transfer operations of petroleum products presenting primarily the hazard characteristics of inflammability or combustibility, as well as being qualified to maintain or have maintained the conditions governing the "in-transit" movement of such cargoes.

A. It is proposed to require that persons (including licensed officers) demonstrate to the satisfaction of the Officers in Charge, Marine Inspection, their ability and qualifications to handle the cargo transfer operations, etc., for certain dangerous bulk liquids subject to special regulations in 46 CFR Parts 30 to 40, inclusive, and 98. As a condition of employment in performing such work, the persons will have to be holders of merchant mariner's documents bearing specific tankerman's endorsements for such commodities. In effect, this means that the "tankerman's certificate" will be used as identification of all persons found qualified to handle various dangerous bulk liquids, which naturally will include inflammable or combustible bulk liquids. The merchant mariner's documents will be appropriately endorsed to show scope of holders' qualifications in handling inflammable and combustible liquids, as always described in the tank vessel regulations (46 CFR Parts 30 to 35); and/or dangerous bulk liquids, including the following: Ethylene oxide, elemental phosphorous, sulfuric acid, hydrochloric acid, liquid chlorine, anhydrous ammonia, bulk liquids having lethal characteristics (class B or C poisons), elevated temperature cargoes, liquefied inflammable gasses, etc.

B. As many of the liquid commodities now subject to special regulations (46 CFR Parts 30 to 40, inclusive, and 98) have been shipped in bulk quantities for years, it is realized that many competent persons may currently be performing the cargo transfer operations at terminals and other places who may or may not be holders of "tankerman's certificates." Those persons who are currently holding merchant mariner's documents endorsed as tankermen or who hold valid licenses will only need to present to the nearest Officer in Charge, Marine Inspection, documentary evidence showing extent of experience from present and former employers together with current document or license and completed application so that the Officer in Charge, Marine Inspection, when satisfied as to the holders qualifications may issue replacement or new merchant mariner's documents bearing endorsements showing the holders qualifications to handle specified dangerous bulk liquids. Those persons who are currently performing the cargo transfer operations of specified dangerous bulk liquids and who do not hold current "tankerman's certificates" or valid licenses will be required to submit applications for the appropriate ratings desired together with the required documentary evidence, etc., as set forth in the regulations and the proposals.

C. It is proposed to limit by proposed changes in the regulations the scope of current "tankerman certificates" and valid licenses as master, mate, pilot or engineer so that such holders will be authorized to handle those petroleum products which have primary hazard characteristics of inflammability or combustibility. This proposed limitation, which will not require the surrender or reissuance of merchant mariner's documents with tankerman endorsements or valid licenses, will serve a very useful purpose and prevent or minimize the happening of serious casualties by not authorizing personnel who have no knowledge and/or experience with specific dangerous bulk liquids to perform cargo transfer operations.

32. The authority to issue "tankerman's certificates" is in R.S. 4417a, as amended (46 U.S.C. 391a), and applies to handling all bulk inflammable or combustible liquids. The authority to require special endorsements for handling other specific dangerous cargoes is in R.S. 4472, as amended (46 U.S.C. 170). The provisions in R.S. 4551, as amended, section 13 of the Act of March 4, 1915, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 643, 672, 689), provide authority for merchant mariner's documents as certificates of identification and qualification. While the many statutes governing manning of vessels are given in 46 CFR Part 157, the principal authorities governing manning of vessels carrying inflammable or combustible liquids in bulk or dangerous cargoes are R.S. 4417a, as amended, 4421, as amended, 4453, as amended, 4463, as amended, 4472, as amended, Act of June 20, 1936, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 391a, 399, 435, 222, 170, 367, 689), and section 3 of the Act of August 9, 1954 (50 U.S.C. 198). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167–14, November 26, 1954, 19 F.R. 8026.

ITEM II—QUALIFIED MEMBERS OF ENGINE DEPARTMENT RATING LIST AND TANKERMAN REQUIREMENTS

A—MERCHANT MARINER'S DOCUMENT ENDORSED AS QUALIFIED MEMBER OF ENGINE DEPARTMENT

33. The proposed amendment to 46 CFR 12.15–11 is to remove the ratings of "boilermaker" and "machinist" from the qualified member of engine department rating list since these ratings are not required on the certificate of inspection. Individuals holding merchant mariner's documents bearing endorsements as "boilermaker" and "machinist" may continue to hold such documents without being required to change such endorsements.

34. The authority for regulations governing merchant mariner's documents and endorsements thereon as qualified member of engine department is in section 13 of the Act of March 4, 1915, as amended and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 672, 689). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

B—EXAMINATION SUBJECTS FOR PUMPMAN

35. It is proposed to amend 46 CFR 12.15–9 by adding examination requirements for "pumpman," which is listed as a qualified member of engine department rating. The present regulations do not describe the examination subjects for "pumpman." Since this is an important rating on tank vessels and desirable in the interest of uniformity of administration of certification of merchant mariners, it is proposed to show the rating of "pumpman" and indicate subjects covered by the examination.

36. The authority for regulations governing merchant mariner's documents and endorsements thereon as qualified member of engine department is in section 13 of the Act of March 4, 1915, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 672, 689). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

C—QUALIFIED PUMPMAN AND RATING OF TANKERMAN

37. It is proposed to add a paragraph designated 46 CFR 12.20–1(e) so that a qualified "pumpman" who holds a merchant mariner's document endorsed as "pumpman" may have his document endorsed with the rating of "tankerman" if he so desires.

38. The authority for regulations governing merchant mariner's documents and endorsement thereon as "pumpman" as a qualified member of the engine department is in section 13 of the Act of March 4, 1915, as amended, and section 7 of the Act of June 25, 1936, as amended (46 U.S.C. 672, 689). The authority for regulations governing merchant mariner's documents and endorsement thereon as "tankerman" is in R.S. 4417a, as amended (46 U.S.C. 391a). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

ITEM III—LOAD LINES

39. Within the last few years and particularly in recent cases involving offshore supply vessels, load line assignments made in accordance with the load line rules have been such as to permit a draft in excess of that which is safe from the viewpoint of stability. Since the load line is supposed to be a line of safety, this has indicated an evident weakness in the present regulations. The proposed new text for 46 CFR 43.01–32, 44.05–25(a) and 45.01–22 will prevent such erroneous assignments in the future. At the same time and except in the matter of administrative procedure, it will have no effect on the majority of load line assignments, since the number of cases where stability is a limiting factor is small. 46 CFR 46.10–10, which already refers to the applicable requirements of Part 73 of Subchapter H (Passenger Vessels), is also amended to make it clear that the stability provisions of Part 74 of Subchapter H (Passenger Vessels) must also be taken into consideration in those cases where the stability requirements limit the safe draft. This proposal is in accordance with presently established procedure followed in administration of load line requirements.

A—STABILITY CONSIDERATION IN LOAD LINE ASSIGNMENTS

40. The proposed amendments to 46 CFR Parts 43, 44, and 45 are necessary to insure that load line assignments will, in no case, permit a deeper draft than permissible as a result of stability considerations. While these changes have been found to be necessary, the proportion of cases in which they will result in any physical change in the load line assignment is small. It is proposed to add 46 CFR 43.01–34 and 45.01–22 and amend 46 CFR 44.05–25 regarding stability of vessels. The text of this proposal is based on the note preceding 46 CFR 43.05–1 and 45.05–1. There is also added additional language necessary to

deal with conflicts which have occurred in administration of stability limitations for merchant vessels. It is proposed to cancel the notes preceding 46 CFR 43.05–1 and 45.05–1 since the requirements are covered in the proposed 46 CFR 43.01–32 and 45.01–22. The amendments proposed to 46 CFR 43.10–10, 44.05–35 and 45.25–5 will revise the forms of the various load line certificates by adding statements regarding the owner's responsibility to furnish the master of the vessel with stability information and instructions when this is necessary. Other editorial amendments are proposed to 46 CFR Subpart 45.25, such as the changing of heading and renumbering sections therein.

41. The authority to prescribe regulations governing load lines for merchant vessels of 150 gross tons and over is in section 2 of the Act of March 2, 1929, as amended, and section 2 of the Act of August 27, 1935, as amended (46 U.S.C. 85a, 88a), and Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167–48, October 19, 1962, 27 F.R. 10504.

B—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

42. The proposed amendment to 46 CFR 46.10–10(b) revises requirements regarding marks to indicate subdivision load lines for passenger vessels. This proposal eliminates the proviso at the end of the first sentence in 46 CFR 46.10–10(b) because it is considered to be adequately covered by 46 CFR Parts 73 and 74 in the Passenger Vessel Regulations (Subchapter H).

43. The authority to prescribe regulations governing subdivision load lines for passenger vessels is in section 2 of the Act of March 2, 1929, as amended, and section 2 of the Act of August 27, 1935, as amended (46 U.S.C. 85a, 88a). These regulations also interpret or apply R.S. 4490, as amended, section 3 of Act of July 9, 1886, as amended, Act of October 25, 1919, as amended, section 5 of Act of May 27, 1936, as amended, Act of June 20, 1936, as amended, section 3 of Act of June 12, 1940, as amended, and section 3 of Act of August 9, 1954 (46 U.S.C. 482, 483, 363, 369, 367, 1333, 50 U.S.C. 198), and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; and 167–48, October 19, 1962, 27 F.R. 10504.

ITEM IV—INSPECTION AND CERTIFICATION OF VESSELS

A—PERMIT TO PROCEED TO ANOTHER PORT FOR REPAIRS OF TANK VESSEL

44. A recent incident, which involved the issuance of a "Permit to Proceed to Another Port for Repairs" (Form CG–948) to a tank vessel, emphasized the need for clarification of the regulation regarding the issuance of such permits. The proposed change to 46 CFR 31.10–35 provides that a "Permit to Proceed to Another Port for Repairs" will only be issued upon written application of the master, owner or agent of the vessel. This provision is presently included in 46 CFR 2.01–15(b) of Subchapter A (Procedures Applicable to the Public).

45. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply R.S. 4453, as amended (46 U.S.C. 435), and section 3 of the Act of August 9, 1954 (50 U.S.C. 198), and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–14, November 26, 1954, 19 F.R. 8026.

B—PUMPROOMS ON TANK VESSELS

46. The proposed amendments to 46 CFR 32.60–20, regarding pumprooms on tank vessels, are editorial in order to clarify application of requirements. When 46 CFR 32.60–20 was amended on September 11, 1962 (27 F.R. 9083), it was not intended to require cargo pumps to be isolated from sources of vapor ignition by gastight bulkheads when vessels are carrying only Grade E cargo. Therefore, this amendment will reinstate this exemption.

47. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–14, November 26, 1954, 19 F.R. 8026.

C—DRYDOCKING REQUIREMENTS FOR TANK, CARGO AND MISCELLANEOUS VESSELS

48. There has been considerable confusion and a variety of interpretations resulting from the words "exclusively in fresh water" as related to drydocking barges in 46 CFR 31.10–20 (tank vessels) and 91.40–1 (cargo and miscellaneous vessels). This has been particularly true for barges operating on rivers with intermittent operation on the Intracoastal Waterways which may or may not include trips across Galveston Bay. These proposed changes to 46 CFR 31.10–20 and 91.40–1 will permit drydocking intervals to be;

(a) 60 months when operation in salt water does not exceed an aggregate of one month in each 12-month period since last drydocking.

(b) 48 months when operation in salt water exceeds an aggregate of one month but does not exceed 3 months in each 12-month period since last drydocking.

(c) 36 months when operation in salt water exceeds an aggregate of 3 months but does not exceed 6 months in each 12-month period since last drydocking.

(d) 18 months when operation in salt water exceeds an aggregate of more than 9 months in the 18-month period since it was last drydocked.

49. The authority for regulations regarding inspection of vessels is in R.S. 4405, as amended, 4462, as amended, R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, the Act of June 20, 1936, as amended, section 3 of the Act of June 12, 1940, as amended and section 3 of the Act of August 9, 1954 (46 U.S.C. 375, 416, 391, 391a, 392, 367, 1333, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; CGFR 56–28, July 24, 1956, 21 F.R. 6569; and 167–38, October 26, 1959, 24 F.R. 8857.

D—CERTIFICATE OF INSPECTION AMENDMENT FOR SMALL PASSENGER VESSELS

50. This proposed regulation change to 46 CFR 176.01–35(b) will require that the operator, owner, or agent of a vessel notify the Officer in Charge, Marine Inspection, having jurisdiction over the vessel, any time there is a change in the character of a vessel or in her route, equipment, ownership, etc., as specified in her "Certificate of Inspection" previously issued and currently valid. The major reason for this change is to enable the Officer in Charge, Marine Inspection, to "keep track" of the vessels within his jurisdiction, thus facilitating the locating of vessels, the scheduling of required inspections, the maintenance of required records and enabling the Officer in Charge, Marine Inspection, to keep the vessels' "Certificates of Inspection" correct and current as required by regulation.

51. The authority to prescribe regulations regarding small passenger vessels is in section 3 of the Act of May 10, 1956 (46 U.S.C. 390b), and generally in R.S. 4405, as amended, 4462, as amended, 4426, as amended, 4488, as amended, 4491, as amended, section 3 of the Act of June 12, 1940, as amended, and section 3 of the Act of August 9, 1954 (46 U.S.C. 375, 416, 404, 481, 489, 1333, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; and 167–38, October 26, 1959, 24 F.R. 8857.

ITEM V—MARINE ENGINEERING

A—FUEL OIL AND CARGO OIL SYSTEMS

52. The amendment to 46 CFR 55.10–35, regarding fuel oil and cargo oil systems, is proposed in order to permit gage glasses, of an acceptable type with heat resistant materials, adequately protected from mechanical damage and fitted with self-closing devices at the tank connections, to be installed on fuel oil tanks independent of the ship's structure. Also this change is necessary to bring this regulation into agreement with the proposed amendment to 46 CFR 55.10–65.

B—MEANS OF SOUNDING OIL AND WATER TANKS

53. The amendment to 46 CFR 55.10–65, regarding sounding devices, is proposed to permit other manual means of sounding for ship's service oil and water tanks when separate from the ship's hull. This change will allow remote or direct reading liquid level indicating gages, provided they were of an acceptable type, adequately protected against breakage and fitted at the tank connections with devices which will automatically close in case of rupture of the gage when installed on tanks containing lubricating oil, fuel oil and other inflammable liquids. Sounding tubes will still be required for all tanks integral with the hull in order to provide a positive means of sounding tanks for damage control purposes. Sounding tubes will also be required on all cargo tanks, including those of the portable type. Objections have been received from designers and builders indicating that in some new vessel designs the location of tanks, their shape and boundary bulkheads make conventional manual means of sounding ineffectual or hazardous. Improved techniques and systems for tank filling and the increased reliability of gaging equipment has reduced the need for manual sounding.

C—STEERING APPARATUS

54. The changes to 46 CFR Subpart 57.25 regarding steering apparatus, are proposed to clarify certain areas and to require duplicate means of controlling the rudder from the pilothouse where the alternative steering station is not located on the after weather deck. The proposed changes will also eliminate the requirement for a steering control station (in addition to the bridge) when the alternative steering station is in the steering gear room. These changes will apply to new vessels and to new systems when installed on existing vessels.

55. The proposed amendments to 46 CFR 57.25–1 are to eliminate the requirements that the emergency steering wheel be located on the after weather deck. In 46 CFR 57.25–35, regarding rudder stops and "followup", it is proposed to delete "followup" requirements and transfer them to the proposed regulations designated 46 CFR 57.25–45 and 57.25–50. In order to rearrange the rules in a more orderly fashion and to modify requirements for the alternative steering station and control station, it is proposed to revise the requirements in 46 CFR 57.25–45, 57.25–47, 57.25–50, 57.25–55 and 57.25–60. These proposals will also specify that duplicate pilothouse steering control means will be required if the alternative steering station is not located on the after weather deck. The duplicate control systems will improve the safety of vessels by reducing the time required to restore steering means and by reducing the possibility of incorrect action in case of steering control failure. By having two selector means in the pilothouse, it should facilitate the selection of the other steering control system in an emergency with very little time delay. With two separate and independent steering systems, a complete steering means is available if the one in use should fail, whether the failure is in the control system, the main steering gear, cable, linkage, piping, etc. No determination of what steering component has failed need be made in order to restore steering capability. The helmsman can restore steering by means of only one operation, such as moving a lever or throwing a switch. The number of combinations of arrangements of steering power units, control systems, and power supplies has been reduced to two. This should decrease the chance of taking incorrect action following a steering failure. These proposals will apply to new vessels.

D—ELECTRICAL STEERING AND STEERING CONTROL SYSTEMS

56. These proposed changes to 46 CFR 111.45–5, 111.45–10, 111.45–20 and 111.50–5, and by adding 111.65–55 concern the requirements pertaining to electric powered or electric controlled steering gears. The proposals are intended to simplify the regulations by locating most of the steering gear requirements under one section. Included in these proposed changes are new requirements for duplicate pilothouse steering gear control systems that are based on proposed changes to 46 CFR 57.25–1 to 57.25–60 in Subchapter F (Marine Engineering) concerning steering apparatus. The requirement for duplicate pilothouse steering gear control systems is an increase over the present requirements. These proposed changes will also modify the requirements for overcurrent protection for steering gears by specifying new protection requirements for control, alarm, and indicating circuits. The proposed regulations designated 46 CFR 111.65–55, regarding special requirements for electrical steering gear, will contain additional requirements concerning duplicate pilothouse control systems and place in one section the revised existing requirements. These proposals apply to new vessels.

57. The authority to prescribe regulations concerning marine engineering and electrical engineering is set forth generally in R.S. 4405, as amended, and 4462, as amended, while other provisions of law interpreted or applied are in 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426–4431, as amended, 4433, as amended, 4434, as amended, 4453, as amended, 4472, as amended, 4488, as amended, 4491, as amended, section 14 of the Act of March 3, 1897, as amended, the Act of October 25, 1919, as amended, sections 1 and 2 of the Act of June 20, 1936, as amended, section 17 of the Act of April 25, 1940, as amended, section 3 of the Act of June 12, 1940, and section 3 of the Act of August 9, 1954 (46 U.S.C. 375, 416, 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 170, 481, 489, 366, 363, 367, 526p, 1333, and 50 U.S.C. 198), and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.).

ITEM VI—ELECTRICAL ENGINEERING

A—ELECTRICAL POWER-OPERATED WATERTIGHT DOORS

58. The proposed change to 46 CFR 73.35–20(c) is a clarification in wording of the requirements pertaining to the power supplies for electric power-operated watertight doors. This change is intended to clarify the requirements of Subchapter H (Passenger Vessels) and to bring it into agreement with Subchapter J (Electrical Engineering). The wording proposed to be deleted is copied directly from the 1960 Safety of Life at Sea Convention. This language is considered to be ambiguous and under some interpretations would be almost impossible to accomplish electrically. The revised wording would substitute the requirements of Subchapter J (Electrical Engineering), which represents the Coast Guard interpretation of the wording in the Convention.

B—POWER SUPPLIES FOR ELECTRICAL POWER-OPERATED WATERTIGHT DOORS

59. It is proposed to revise 46 CFR 111.65–30(c), regarding special requirements for electric power-operated watertight door systems, so that electrical requirements will agree with Subchapter H (Passenger Vessels). It is proposed to require that the total time for all doors to be closed shall not exceed 60 seconds.

60. The authority to prescribe regulations governing electrical equipment is in R.S. 4418, as amended, and other laws interpreted or applied are R.S. 4405, as amended, 4462, as amended, 4417, as amended, 4426, as amended, 4490, as amended, section 3 of the Act of July 9, 1886, as amended, section 10 of the Act of May 28, 1908, as amended, Act of October 25, 1919, as amended, section 2 of the Act of March 2, 1929, as amended, section 2 of the Act of August 27, 1935, as amended, section 5 of the Act of May 27, 1936, as amended, Act of June 20, 1936, as amended, section 3 of the Act of June 12, 1940, as amended, section 3 of the Act of May 10, 1956, and section 3 of the Act of August 9, 1954 (46 U.S.C. 392, 375, 416, 391, 404, 482, 483, 395, 363, 85a, 88a, 369, 367, 1333, 390b, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, November 26, 1954, 19 F.R. 8026; 167–20, June 18, 1956, 21 F.R. 4894; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, October 26, 1959, 24 F.R. 8857.

C—MULTI-SPEED MOTORS, OVERCURRENT PROTECTION FOR MOTORS, DIRECT-CURRENT EXCITERS, GROUND DETECTION AND HOOK-UP WIRE

61. In recent years the use of multi-speed motors has increased on merchant vessels. The existing Electrical Engineering Regulations (CG–259) do not provide adequate overcurrent protection in many multi-speed motor installations. The proposed changes to 46 CFR Part 111 concerning multi-speed motors will provide overcurrent protection that is in keeping with the intent of the present overcurrent protection requirements of the National Electrical Code as well as Electrical Engineering Regulations. The proposed change to 46 CFR Part 111 concerning exciters merely recognizes that exciters do not necessarily have to be of the D.C. generator type. The Coast Guard is now requiring that ground detection means for grounded A.C. systems

be in accordance with requirements specified by American Institute of Electrical Engineers (A.I.E.E.). The proposed change to 46 CFR Part 111 concerning ground detection, which will require a ground detection ammeter, is based on the A.I.E.E. recommended practices. The changes proposed do not represent any substantial increase over the existing regulations, but are intended to include in the regulations requirements that reflect current Coast Guard practices and policy in these areas. These changes will apply only to new construction vessels and vessels undergoing major alterations. The proposed changes to 46 CFR Parts 111 and 113 concerning hook-up wire permits the use of hook-up wire which conforms with certain Military Standards for low power equipment. The changes are in 46 CFR 111.05-15(g), 111.10-10(a), 111.25-5(b), 111.25-35(a), 111.45-5, 111.45-20(b), and 111.60-5. It is proposed to add 46 CFR 113.05-10 to specifically permit smaller wire within components of low power consumption.

B—RECEPTACLE OUTLETS

62. The present regulations concerning receptacle outlets for crew's accommodations do not permit receptacle outlets to be installed in or adjacent to berth lights. This proposed change to 46 CFR 111.50-15(f), regarding receptacle outlets, would eliminate this limitation and would be a decrease from the existing requirements. The prohibition of receptacle outlets in or adjacent to berth lights has not increased safety. Radios may be used in such a manner that the radio and cord may be in contact with the bedding in the berth. In addition, this prohibition could result in the use of cords of excessive length.

E—FEEDER AND BRANCH CIRCUIT CABLES

63. In many recent cases of vessel alteration, particularly the "jumboizing" of vessels, the Coast Guard has considered it to be unreasonable to require the renewal of entire cable runs which could be extended safely by splicing. Where the extending of cables has been permitted there has often been the question as to the method which should be employed. This proposed change to 46 CFR 111.60-15, regarding general requirements for wiring methods, will specify that certain cables may be extended and will also specify how it must be done. The proposed requirements will apply only to existing vessels that are undergoing major alteration.

F—EMERGENCY ELECTRICAL SYSTEMS

64. The application of requirements for emergency source of power to passenger, cargo and miscellaneous vessels is proposed to be set forth in greater detail in order that the electrical engineering regulations will be in agreement with requirements in the 1960 Safety of Life at Sea Convention and to reflect recognition of current industry practices. The change consists of prohibiting the locating of the emergency source of power forward of the collision bulkhead. Also added is the phrase "uppermost continuous deck" in the subparagraph applicable to cargo and miscellaneous vessels. The proposed change to 46 CFR 112.55 is intended to bring regulations into agreement with current industry practices determined to be satisfactory from a safety standpoint. These changes are in 46 CFR 112.05-5(d) (emergency source of supply), 112.55-5 and 112.55-15 (storage battery installation), and by adding a new section designated 46 CFR 112.55-20 (diesel engine cranking batteries).

G—SOUND-POWERED TELEPHONE AND VOICE TUBE SYSTEMS

65. The existing regulations for sound-powered telephones permit the system to be extended to cover stations where necessary or desirable, provided such extension does not interfere with the communications required by the regulations. This has led to a wide variation in interpretations as to what is "necessary or desirable," and has been the cause of disagreement between the Coast Guard and ship designers and builders. This proposed change should eliminate a point of contention by specifying the stations that may be included on the circuit for the required stations. The proposed changes to 46 CFR 113.30-5 and 113.30-20 clarify the requirements for steering station telephones and delete unnecessary requirements.

H—INTRINSICALLY SAFE EQUIPMENT AND CIRCUITS

66. The concept of intrinsically safe equipment is widely recognized in industry. A recent need for this type of equipment has been generated by the development and use of automated liquid cargo systems and by the increased carriage of low temperature cargoes and chemical cargoes, for which the present standard marine methods of measuring liquid levels, pressures, and temperatures are not adequate. Intrinsic safety is based on the concept that, for explosive mixtures, there is an experimentally determinable level of energy needed from an ignition source below which a particular mixture cannot be made to explode. Intrinsically safe equipment and circuits are designed to prevent energy levels of this magnitude from being generated or stored under both normal and abnormal conditions of operation. The proposed changes would first of all define intrinsic safety, outline the approval and installation requirements for acceptance of devices and circuits on inspected vessels, and specify minimum standards. This would be done by inserting a new Subpart 113.80, consisting of 46 CFR 113.80-1 to 113.80-15, in 46 CFR Part 113 Subchapter J (Electrical Engineering). Additional changes are proposed for 46 CFR 111.60-40 and 111.70-1 by which the use of intrinsically safe equipment and circuits are recognized for Class I hazardous areas and for tank vessels by amendment to 46 CFR 32.45-1 to introduce the concept of intrinsic safety. In the proposed changes to 46 CFR Parts 111 and 113 of Subchapter J concerning intrinsically safe equipment, it is required that such equipment shall be approved by a testing laboratory recognized by the Commandant before it can be considered for use on merchant vessels in hazardous locations. In order to provide means to enable a laboratory to be recognized by the Commandant, it is proposed to add 46 CFR 2.75-35 to Subchapter A (Procedures Applicable to the Public).

67. The authority to prescribe regulations concerning electrical engineering is in R.S. 4418, as amended, while the other provisions of law interpreted or applied are R.S. 4405, as amended, 4462, as amended, 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, 4491, as amended, section 14 of the Act of March 3, 1897, as amended, section 10 of Act of May 28, 1908, as amended, Act of October 25, 1919, as amended, section 5 of Act of May 27, 1936, as amended, Act of June 20, 1936, as amended, section 17 of Act of April 25, 1940, as amended, section 3 of Act of June 12, 1949, as amended, section 3 of Act of May 10, 1956, and section 3 of Act of August 9, 1954 (46 U.S.C. 392, 375, 416, 361, 362, 391, 391a, 399, 404, 405, 411, 435, 481, 489, 366, 395, 363, 368, 367, 526p, 1333, 390b, and 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.).

PART VII—REQUIREMENTS AND SPECIFICATIONS FOR LIFESAVING DEVICES, EXTINGUISHERS AND BACKFIRE FLAME ARRESTERS

A—SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

68. The use of buoyant devices for special purposes has raised questions concerning how such devices may be accepted in lieu of presently required lifesaving equipment on uninspected motorboats and as additional equipment on inspected motorboats. The proposals include a new specification for special purpose water safety buoyant devices designated 46 CFR Subpart 160.064 in Subchapter Q (Specifications), consisting of §§ 160.064-1 to 160.064-9, along with regulation amendments to 46 CFR 25.25-5, 25.25-10 and 180.05-5 to provide for their use and to add 46 CFR 2.75-30 to recognize laboratories for listing and labeling them. These devices include water ski vests, motorboat racing vests, white water vests, buoyant hunter's style jackets, folding type vests, etc. The present Coast Guard specifications for standard buoyant vests do not allow sufficient latitude for new designs of special purpose water safety devices which are being developed in connection with increased water sports activities. The purposes of these proposals are to:

a. Provide an avenue for the recognition and acceptance of special purpose water safety devices which, in addition to having characteristics valuable for a designated purpose, will have desirable performance characteristics as a buoyant device.

b. Establish minimum safety standards for evaluating these devices to assure they are and will be acceptable for the special purposes as designated on their labels and to provide that such devices (such as water ski vests, hunter's buoyant jackets, etc.) may be used for their designated purposes on both inspected and uninspected motorboats as well as for general use as buoyant devices on motorboats of Classes A, 1 or 2 not carrying passengers for hire.

c. Recognize industry standards for special purpose buoyant devices. This will permit more latitude in design while, at the same time, maintain accepted minimum standards for designs, materials, and construction.

d. Provide for the recognition of nonprofit laboratories which have established standards, factory inspection, listing and labeling programs for special purpose water safety buoyant devices.

e. Revise various regulations to authorize use of special purpose water safety buoyant devices. In this connection, these special purpose water safety devices are intended to qualify under 46 CFR 180.05-5 for use as additional safety equipment which may be carried as excess equipment on inspected small passenger motorboats. These devices would be permitted and accepted as excess lifesaving devices when used for the special purposes designated on their labels.

69. The proposed procedures respecting the approval of special purpose water safety buoyant devices and the specification in 46 CFR Subpart 160.064 set forth in this item will apply as follows:

(1) On and after the date of publication of regulations and specifications in the FEDERAL REGISTER, special purpose water safety buoyant devices listed and labeled with the combination "Laboratory/USCG" labels will be accepted as approved for the special purpose use designated on the labels on or with all motorboats and small passenger vessels not more than 65 feet in length subject to the provisions of 46 CFR Subchapter C (Uninspected Vessels) and Subchapter T (Small Passenger Vessels), and for general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

(2) On and after the date of publication of the regulations and specification in the FEDERAL REGISTER, applications from manufacturers or others for specific Commandant's approvals of special purpose water safety buoyant devices will not be accepted, but such manufacturers will be referred to recognized laboratories authorized to list and label such devices under the provisions of the specification in 46 CFR Subpart 160.064 (§§ 160.064-1 to 160.064-9).

(3) A recognized laboratory's authority will be limited and will issue its "Laboratory/USCG" labels to manufacturers whose devices the laboratory has found to be qualified under the requirements of 46 CFR Subpart 160.064.

(4) A recognized laboratory must meet the following requirements:

(a) Operate as a nonprofit public service;

(b) Be regularly engaged in the examination, testing, and evaluation for safety of materials, installations, and devices used aboard motorboats;

(c) Shall have an established factory inspection, listing, and labeling program;

(d) Maintain standards acceptable to the Coast Guard for evaluating, listing and labeling special purpose water safety buoyant devices;

(e) Be located in either the United States, the Commonwealth of Puerto Rico, or the District of Columbia, as well as all of its laboratory facilities, etc.; and,

(f) Have its principal officers and a majority of its managing directors residing in the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

70. The authority to prescribe regulations for special lifesaving devices is in R.S. 4488, as amended, 4491, as amended, sections 6 and 17 of the Act of April 25, 1940, as amended and other provisions interpreted or applied are in section 632 of Title 14, U.S. Code, R.S. 4405, as amended, 4462, as amended, 4426, as amended, and section 3 of the Act of May 10, 1956 (46 U.S.C. 481, 489, 526f, 526p, 375, 416, 404, 390b). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-20, June 18, 1956, 21 F.R. 4894; and 167-38, October 26, 1959, 24 F.R. 8857.

B—UNICELLULAR POLYETHYLENE FOAM BUOYANT VESTS

71. In accordance with 46 CFR Subpart 160.052 in Subchapter Q (Specifications), the Coast Guard has been approving buoyant vests which use unicellular polyvinylchloride foam as a buoyant material. Another buoyant material has now been developed. It is unicellular polyethylene foam and is proposed as an alternate buoyant material. The Coast Guard has been requested to provide for the approval of adult and child buoyant vests containing unicellular polyethylene foam as a buoyant material. The new specification designated 46 CFR 160.060, consisting of §§ 160.060-1 to 160.060-9, is proposed for this purpose.

72. Authority to prescribe regulations governing buoyant vests for motorboats of Classes A, 1 and 2 not carrying passengers for hire is in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 6 and 17 of Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 481, 489, 526e, 526p). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

C—UNICELLULAR POLYETHYLENE FOAM MATERIAL

73. The Coast Guard for several years has approved buoyant vests, 46 CFR Subpart 160.052, which use unicellular polyvinyl-chloride (PVC) foam as a buoyant material. The material specification for the PVC is MIL-P-15280: "Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape." As an alternate to the PVC foam, a unicellular polyethylene foam has been developed. The proposal has been made to supply this material in slabs having a trigonal slitted pattern as a means of achieving the flexibility of PVC foam for use in a lifesaving device. At present there is no Federal or MIL specification for the proposed foam. The proposed specification designated 46 CFR 164.013, consisting of §§ 164.013-1 to 164.013-5, in Subchapter Q (Specifications) provides for the unicellular polyethylene foam which may be used in connection with the proposed Subpart 160.060 for buoyant vests.

74. Authority to prescribe regulations governing materials for lifesaving devices is in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, and sections 6 and 17 of Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 481, 489, 526e, 526p). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

D—PRESSURE GAGE OR DEVICE ON DRY CHEMICAL EXTINGUISHERS

75. Several types of dry chemical stored pressure type portable fire extinguishers having a disposable nonrefillable chamber which contains both the dry chemical powder and the expellant gas have been accepted during the past several years. Some models were not fitted with a gage or visual device to show the presence of the expellant gas inside the chamber. These models are intended to be checked for the expellant gas by weighing to a small (⅛-oz., ¼-oz., etc.) tolerance. This weight check to such small tolerances has not been found possible on boats boarded by Coast Guard Boarding Officers or Merchant Marine Inspectors. A survey of more than 360 agents and dealers by Officers in Charge, Marine Inspection, throughout the United States disclosed that purchased units were generally not brought back for the required semi-annual weight checks.

76. The purpose of the proposed amendment to 46 CFR 162.028-3(j) in specification for portable fire extinguishers is to require that all such extinguishers manufactured after January 1, 1965, shall be fitted with visual means for checking whether or not the expellant pressure inside the chamber is in the operating range. A separate Navigation and Vessel Inspection Circular is also being proposed to furnish substitute inspection instructions for interim acceptance of units not having a pressure gage or indicator until January 1, 1968. These substitute instructions provide for certain visual checks of such units, which have not been found acceptable to the National Fire Protection Association or Underwriters' Laboratories, Inc., but are believed to be the best which can be done aboard boats in the water until boat owners can have time to obtain units having a pressure gage or indicator.

77. The authority to prescribe regulations regarding marine type fire extinguishers generally is in R.S. 4405, as amended, 4462, as amended (46 U.S.C. 375, 416). The provisions interpreted or applied are in R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, Act of June 20, 1936, sections 8 and 17 of the Act of April 25, 1940 as amended, section 3 of Act of June 12, 1940, as amended, section 3 of Act of May 10, 1956, and section 4 of the Act of August 7, 1953 and section 3 of Act

of August 9, 1954 (46 U.S.C. 391a, 404, 481, 489, 367, 526g, 526p, 1333, 1340, 43 U.S.C. 1333, 50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1954, 19 F.R. 8026; 167-15, January 3, 1955, 20 F.R. 340; 167-20, June 18, 1956, 21 F.R. 4394; 167-32, September 23, 1958, 23 F.R. 7605; and 167-36 October 26, 1959, 24 F.R. 8867.

K—BACKFIRE FLAME CONTROL ON UNINSPECTED VESSELS (MOTORBOATS)

78. The purpose of the proposals to amend 46 CFR 25.35-1 regarding backfire flame control, is to make the regulations clear to all concerned and to facilitate enforcement. The heading of this Subpart 46 CFR 25.35 is changed from "Carburetor Backfire Flame Arrestors" to "Backfire Flame Control" to better describe the regulations which prescribe devices acceptable for controlling backfire. Also, present intentions are to change the heading of the specification in 46 CFR Subpart 162.015 to "Specification for Backfire Flame Control, Gasoline Engines" and to include requirements for testing and labeling of engines which do not require flame arrestors. The proposed amendment designated 46 CFR 25.35-1(b)(2) and (3) cover installations similar to those which have already been accepted under the provisions of 46 U.S.C. 526l, "carburetor flame arrestors and backfire traps," which permit "other similar devices" in lieu of flame arrestors. These provisions permit the Commandant to accept two-cycle, solid fuel injection and supercharged engines for use without flame arrestors where the air and fuel intake systems provide equivalent protection to that of an approved flame arrestor. Functionally describing "other similar devices" as those attachments or location of engine which disperses backfire flame to the atmosphere permits acceptance for use without a flame arrestor by the Coast Guard law enforcement officer.

79. The authority to prescribe regulations regarding backfire flame controls on uninspected motorboats is in R.S. 4405, as amended, 4462, as amended, and sections 8 and 17 of the Act of April 25, 1940, as amended (46 U.S.C. 375, 416, 526g, 526p). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

ITEM VIII—DANGEROUS CARGOES

80. The proposed amendments to the dangerous cargo regulations in 46 CFR Part 146 are miscellaneous amendments intended to bring the regulations up to date.

81. The authority to prescribe regulations governing the transportation of dangerous cargoes is in R.S. 4472, as amended, while the general laws authorizing regulations are R.S. 4405, as amended, and 4462, as amended (46 U.S.C. 170, 375, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority to the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167-14, November 26, 1954, 19 F.R. 8026.

A—HATCH COVERS

82. The proposed amendment to 46 CFR 146.03-34(e), which contains definition of stowage term "tween decks readily accessible," will provide that the hatch covers remain clear of any cargo when a dangerous cargo requiring this stowage is stowed in the hold below.

B—LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES AND COMBUSTIBLE LIQUIDS

83. It is proposed to amend 46 CFR 146.04-5, the commodity list, to reflect additions of dangerous articles, editorial changes, and to state the label required for each item.

C—SPECIAL STOWAGE PLAN FOR RECORDING DANGEROUS CARGO ABOARD

84. The proposed amendments to 46 CFR 146.06-12 through 146.06-19, containing requirements governing dangerous cargo manifests or plans, will provide for the use of a separate stowage plan as an alternate to a manifest or list for recording dangerous cargo being transported aboard a vessel. The proposals are intended to simplify the details required to be shown on a dangerous cargo manifest, list or plan, and will standardize the requirements applicable to various types of vessels and barges. These proposals are also in agreement with the requirements in Chapter VII, Regulation 5, of the 1960 Safety of Life at Sea Convention.

D—COMPATIBILITY OF DANGEROUS CARGOES WITHIN VEHICLES, VANS OR PORTABLE CONTAINERS

85. It is proposed to amend 46 CFR 146.07-40(b), which governs the dangerous articles stowed in vehicles, vans or portable containers, to clarify the prohibition that no dangerous article or substance may be stowed in the same vehicle, van or portable container with any other incompatible article or substance, according to the regulations in 46 CFR Part 146.

E—PORTABLE MAGAZINES FOR STOWAGE OF EXPLOSIVES

86. It is proposed to amend 46 CFR 146.09-6(a), which covers the requirements applicable to portable magazines, to clarify the regulation so that the word "gross" pertains to explosives and the size of magazine will be limited to not more than 100 cubic feet plus 10 percent of explosives (gross) stowed therein.

F—EXPLOSIVES

87. The proposed amendment to 46 CFR 146.20-15, which governs the stowage of explosives, will delete § 146.20-15(b) and transfer the revised requirements to a new section designated 46 CFR 146.20-16 to provide separate requirements for stowage of blasting caps and small quantities of other explosives. These proposed amendments specifically provide for the stowage of blasting caps, ammonium nitrate and nitro carbo nitrate when these materials are handled as Class A explosives on board a vessel. It is also proposed to add certain specific requirements relating to the stowage of blasting caps with other explosives and dangerous articles. It is proposed to amend 46 CFR 146.20-23(g) and 146.22-15(b), regarding compatibility of certain explosives with nitro carbo nitrate, by including special provisions for the stowage of dynamites and ammonium nitrate and nitro carbo nitrate on board one vessel. These proposals are based on the type of container and the condition that the aggregates are handled as Class A explosives. It is proposed to amend 46 CFR 146.20-31, regarding the loading and unloading of explosives, so as to permit the handling of explosives simultaneously with other cargo under specified controlled conditions. It is proposed to amend 46 CFR 146.20-100 (Table A), which applies to Class A dangerous explosives, to clarify the exemptions applicable to the shipment of small quantities of certain dry high explosives.

G—INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

88. It is proposed to amend 46 CFR 146.22-15(b) and 146.20-23(g), regarding compatibility of certain oxidizing materials with explosives and other dangerous articles, by including special provisions for the stowage of dynamites with ammonium nitrate and nitro carbo nitrate on board one vessel when the aggregate is considered as Class A dangerous explosives. Regarding the authorization of loading or discharging ammonium nitrates and nitro carbo nitrate, it is proposed to amend 46 CFR 146.22-30 and 146.22-40 to clarify requirements regarding who are the proper issuing officers in the Coast Guard authorized to issue the required permits without any further special designation from the Commandant. It is also proposed to revise 46 CFR 146.22-30 to extend applicability of present provisions to ammonium nitrate in burlap bags now governing when such materials are packaged in paper bags. The proposed revision of 46 CFR 146.22-40, regarding nitro carbo nitrate, also will prescribe stowage conditions when such materials are packaged in paper bags as an ammonium nitrate formulation and subject to provisions in 46 CFR 146.22-30(f). It is proposed to amend 46 CFR 146.22-100 (Table E), regarding inflammable solids and oxidizing materials, to add provisions which should give additional safety protection for the handling of nitro carbo nitrate in bags and boxes, as well as to make other editorial changes in the various ammonium nitrate entries by adding specific references to sections of regulations which provide for special handling of a particular product under certain conditions.

H—CORROSIVE LIQUIDS

89. The proposed amendments to 46 CFR 146.23-100 (Table F), regarding corrosive liquids, are intended to provide stowage and labeling requirements and set forth a description of the physical characteristics for the new item "memtetrahydro phthalic anhydride."

I—HAZARDOUS MATERIAL

90. It is proposed to amend 46 CFR 146.27-5, which exempts certain liquids from the hazardous article classification, to agree with certain hazardous liquids proposed to be regulated by changes in regulations in this subpart. The proposed amendments to 46 CFR 146.27-100 (Table K), regarding hazardous articles, will specify the stowage and packing requirements and set forth descriptions of physical characteristics for new items "carbon tetrachloride," "chloroform," "tetrachloroethane," and "phosphoric acid."

J—MILITARY EXPLOSIVES

91. It is proposed to amend 46 CFR 146.29-35(e), regarding tools to be used when handling military explosives, so as to clarify the requirements by stating that tools of ferrous composition are the tools for which prior special permission is required from the Captain of the Port. The proposed amendments to 46 CFR 146.29-55, governing the stowage of military explosives with household or personal effects and/or mail, will require a buffer between the household goods, mail, or personal effects and any bulkhead having military explosives stowed up against it on the opposite side. This proposal will apply only to an adjacent hold stowage. It is proposed to cancel 46 CFR 146.29—97(b)(2) because "dinitrotoluene" is not classified as a high explosive. The proposed amendments to 46 CFR 146.29-100, regarding the classification, handling and stowage of military explosives, add new provisions for certain military explosives to provide for their correct classification.

ITEM—IX SECURITY OF VESSELS AND WATERFRONT FACILITIES

A—HOT WORK ON WATERFRONT FACILITY OR VESSEL

92. The proposed amendment to 33 CFR 126.15(c), regarding conditions for designation as a designated waterfront facility, will require a permit from the Captain of the Port before any welding or hot work is undertaken on a vessel alongside a waterfront facility whenever dangerous cargo is on the facility or on a vessel moored thereto. The purpose of requiring a permit for welding on vessels is to lessen the hazards of fires which may occur in the vicinity of dangerous cargoes, whether on the waterfront facilities or nearby vessels.

93. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp., 16 F.R. 7537, 3 CFR 1951 Supp., 17 F.R. 4607, 3 CFR 1952 Supp.).

B—POWER-OPERATED EQUIPMENT ON WATERFRONT FACILITY

94. It is proposed to amend 33 CFR 126.15(e), regarding conditions for designation as designated waterfront facility, to control use of power-operated equipment. It is proposed to apply revised requirements to power-operated industrial equipment when used on waterfront facilities to handle dangerous cargo as one of the conditions for designation as a designated waterfront facility. It is proposed to govern the handling of dangerous cargoes on waterfront facilities by correcting problems affecting the safety of such facilities and the vessels in port. One of the dangers creating concern is the current use of power-operated industrial trucks, such as tractors, stackers, hoisters, fork lifts, etc., powered by electricity or by internal combustion engines. The Coast Guard believes there is a need to set forth minimum standards governing the use of power-operated industrial trucks when on waterfront facilities handling dangerous cargoes.

95. The proposals governing power-operated industrial trucks are based on the standards recommended by the Underwriters' Laboratories, Inc., P.O. Box 247, Northbrook, Illinois. They establish minimum safety requirements concerning construction, maintenance, performance, and operation.

96. It is proposed to require on waterfront facilities that each power-operated industrial truck which handles general items of dangerous cargo shall be a laboratory designated and approved type. However, each unit handling such special items as explosives, inflammable liquids, inflammable solids, oxidizing materials, inflammable compressed gases, bulk sulfur, or hazardous articles of a fibrous nature (not enclosed in vans or portable containers) shall be a designated type "EX," "EE," "LPS," "GS," or "DS." In the administration of these proposals, it is realized that present industry practices may need to be revised. Therefore, it is proposed to require that on and after a date in 1965 all trucks used on waterfront facilities for the handling of Classes A and B explosives shall be converted to or replaced by a laboratory designated and approved type meeting the specified requirements and on and after a date in 1966 all trucks used for handling other dangerous cargoes shall be either converted to or replaced by a laboratory designated and approved type meeting the specified requirements.

97. The regulations are deemed to be necessary for the protection of the waterfront facilities and the safety of the vessels moored thereto. Waterfront facilities are rated among the highest fire hazards of the nation. This is due not only to the hazardous conditions inherent in the normal structure of waterfront facilities but also in the character of the routine operations and the dangerous nature of the explosives and other materials being handled.

98. Fire losses for piers and wharves have averaged higher than most other structures. The National Fire Protection Association (NFPA) has reported that preceding January 1, 1945 some 1,314 pier and wharf fires averaged $62,143 per fire. In 1953, National Bureau of Fire Underwriters (NBFU) reported that, in a two-year period under study, individual warehouse fire losses (which are illustrative of pier and wharf fire potential) ranged from $100,000 to over $5,000,000. In 1962, some 1,770 fire losses on piers (including shipyards) totaled $15,230,000. What percentage of these fires were caused by power-operated industrial trucks can only be estimated. In reporting special causes of some 805 pier and wharf fires the NFPA in 1948 attributed 16 percent to defective handling equipment and 12 percent to hoisting and loading equipment. In 1962 9.7 percent of the fires reported in cotton warehouses were reported to be caused by lift trucks. The NBFU has stated: "It is necessary to recognize the fact that both the gasoline and electrical units (of power-operated equipment) possess inherent fire hazards in their operation as well as their maintenance." Individual accounts of fires involving power-operated industrial trucks and equipment are numerous enough to substantiate the need for uniform safety requirements.

99. On a waterfront facility in Tacoma, Wash., a fork lift backfired when the motor was started. The fire loss amounted to $125,000. On another waterfront facility in Tacoma, Wash., a cargo crane started a fire by shorting its electrical feed cable. Damage loss was estimated at $1,200,000. In a warehouse at Ryde, Calif., a fire originated in a fork lift truck with a loss of $273,000. At a warehouse at Jeffersonville, Ind., a fire was started by careless operation of a fork lift truck. Damage was reported as $272,000. In a warehouse in Oregon, sparks from a short circuit of the battery leads in an electric lift truck caused a loss of $700,000. In Baltimore, Md., a backfire from a gasoline-powered lift truck caused a fire loss of $26,000. In Lumberton, N.C., a backfire from a gasoline lift truck with a leaky carburetor started a fire which seriously threatened an adjoining warehouse containing $7,000,000 worth of tobacco. In Shreveport, La., the backfire of one lift truck ignited the gasoline vapors of another which was being refueled and started a fire which destroyed a warehouse, 28 railroad box cars, 12 freight trailers, and 11 automobiles. In Merced, Calif., the turning on of an ignition switch of a fork lift truck ignited vapors from a gasoline spill and started a fire with a loss of $154,000. In Berlin, N.H., careless operation of a fork lift truck started a fire which destroyed the building and its contents with a loss of $500,000. In Henrietta, N.C., a fork lift truck backed into a pile of cotton bales and started a fire amounting to $300,000. In Taylor Twp., Mich., an accidental collision of an electric lift truck with the valve of a 3,800 gallon LP-Gas container resulted in a fire which destroyed a truck terminal with estimated loss of $718,000. In Highpoint, N.C., a gasoline lift truck was accidentally upset in a sisal warehouse. The resulting fire destroyed the contents of the building with a loss of $57,000. A spark from an electric lift truck ignited vapors from a leaking drum of alcohol starting a fire which destroyed two storage houses with damage estimated at $157,000.

100. One of the worst fires occurred in Brooklyn. A fork lift truck on board the

"USS Constellation" accidentally started a fire which resulted in property damage estimated at $47,942,000.

101. The NFPA reported in 1962 that in a study of 120 fires originating in power-operated industrial trucks it was found that 62 percent were caused by mechanical failures which could be traced back to improper maintenance. The remaining 38 percent were caused by improper operation of the truck or improper fueling procedures. Approximately 66 percent of the fires started while the trucks were being operated. 14.7 percent started while the trucks were being refueled. The remainder of the fires started while the trucks were parked or undergoing maintenance work. In 79.5 percent of the cases studied, original ignition of the fire was in the truck itself and of these, 20 percent spread to the building or contents. In 20.5 percent of the cases, the fire started when sparks or heat from the truck ignited materials such as cotton, paper, vapors, or dust adjacent to the truck. Almost all of the fires caused by electric trucks were short circuits. Fires from liquefied petroleum gas units were caused mainly by leaking lines and connections and by short circuits. Fires in gasoline trucks were caused by electrical short circuits, sparks from exhaust systems, fuel leaks and hydraulic leaks. About 20 percent of the fires were caused by driver failure.

102. As early as 1951, NFPA recommended that pier and wharf power-operated equipment, such as mules, tractors, fork lifts and dock cranes should be of approved construction. And in 1959, the NBFU recommended that all gasoline or electric powered industrial trucks and tractors used in warehouses should be listed for acceptance by a recognized testing organization and should be operated only by trained drivers.

103. The safeguarding of waterfront facilities is of major importance to the welfare of the country. In time of peace these facilities are essential if commerce is to be carried on in a normal manner. In time of war their role becomes vital to the security of the nation itself. Under emergency conditions there is no time for replacement of port facilities destroyed by fire. Any recognized fire hazard which threatens the safety of port facilities should be promptly corrected. These proposed regulations are intended to control a known major cause of many high cost and extensively destructive fires. These regulations are considered a necessary and integral part of any responsible program for the prevention of fires at marine terminals.

104. These requirements will become effective for waterfront facilities handling Class A and B explosives one year after publication in the FEDERAL REGISTER and for waterfront facilities handling other dangerous cargoes two years after publication in the FEDERAL REGISTER.

105. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp.; 16 F.R. 7537, 3 CFR 1951 Supp.; 17 F.R. 4607, 3 CFR 1952 Supp.).

C—AMMONIUM NITRATE PRODUCTS HANDLED AND STORED ON WATERFRONT FACILITY

106. It is proposed to add a new section designated 33 CFR 126.28 covering general provisions for ammonium nitrate, ammonium nitrate fertilizers, fertilizer mixtures, or nitro carbo nitrate. This proposal will provide for the handling of ammonium nitrate products on waterfront facilities to prevent or reduce fires, and should a fire occur to prevent serious explosions. The proposed measures for handling ammonium nitrate products are based on the recommendations originally submitted by the Interagency Committee on the Hazards of Ammonium Nitrate, Fertilizer Grade, in its report of November 10, 1947, and from the proposals of the Committee on Chemicals and Explosives of the National Fire Protection Association. The purpose of these proposed measures is to lessen the support ammonium nitrate products would give to combustion if involved in a fire on a waterfront facility and to prevent their becoming sensitized with carbonaceous, organic, or combustible material. When these products are contaminated with approximately six percent of some carbonaceous or organic substance, the resulting mixture may become as sensitive as a blasting agent.

107. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp.; 16 F.R. 7537, 3 CFR 1951 Supp.; 17 F.R. 4607, 3 CFR 1952 Supp.).

D—ADVANCE NOTICE OF ARRIVAL OF VESSEL WHEN LADEN WITH EXPLOSIVES (OR CERTAIN SPECIFIED DANGEROUS CARGOES) OR WHEN FIRE (OR OTHER HAZARDOUS CONDITIONS) EXISTS ON THE VESSEL

108. It is proposed to add new regulations designated 33 CFR 124.14 and 124.16 to require advance notice of arrival of a vessel under certain conditions which will affect the security of the port of arrival. The purpose of these proposed regulations is to increase the safety and security of certain ports vital to domestic and foreign commerce. Captains of the Port are normally unaware of the nature of the cargoes carried aboard vessels and sometimes have not been advised of hazardous conditions present on the vessels about to enter port. The Dangerous Cargo Regulations, 46 CFR 146.02–13, require a report of fire or hazardous condition by a vessel carrying dangerous cargo. However, it is desired that all vessels with or without dangerous cargo be required to report in advance any hazardous condition which might jeopardize the safety of the vessel or affect the safety of the port. This advance notice will give time to those vitally concerned to make such preparations and to coordinate such local assistance as the emergency may require. The carrying of explosives or certain specified types of dangerous cargoes requires prior emergency planning of the Captain of the Port. The proposed regulation requiring this advance notice from such a vessel would materially aid the Captain of the Port in developing emergency preparations in providing for the safety of the port.

109. The authority for the Commandant, U.S. Coast Guard, to prescribe regulations regarding security of waterfront facilities and vessels is in the Act of June 15, 1917, as amended (50 U.S.C. 191), and Executive Order 10173, as amended by Executive Order 10277, and Executive Order 10352 (15 F.R. 7005, 3 CFR 1950 Supp.; 16 F.R. 7537, 3 CFR 1951 Supp.; 17 F.R. 4607, 3 CFR 1952 Supp.).

ITEM X—STRUCTURES ON OUTER CONTINENTAL SHELF AND ADJACENT WATERS

110. It is proposed to revise and supplement 33 CFR Subparts 67.05, 67.10 and 67.50 in Part 67 regarding private aids to navigation. These revisions and additions concern the marking requirements for structures and artificial islands erected in the waters of the Outer Continental Shelf and adjacent waters of the United States. The proposals, initially prepared by the National Offshore Operations Panel to the Merchant Marine Council, have been under study and consideration by the Coast Guard for nearly two years. These changes and additions will remove an existing burden on the owners and operators of the structures and artificial islands to display multiple obstruction lights, depending on the size of the structure, in instances where not actually required for the safety of navigation, to the expense of synchronized operation of more than one fog signal from a single structure whose dimensions are such as to cause the signals to appear to originate at the same point, and to adjust lines of demarcation in certain areas where experience over the past five years since the regulations were originally promulgated indicates that the revision will not imperil the lives of persons employed on the structures or mariners plying the waters of the Gulf of Mexico.

A—LIGHTS TO MARK STRUCTURES

111. It is proposed to amend 33 CFR 67.05–1 regarding general requirements for lights and arrangement of obstruction lights. Tests made by the Coast Guard show that candlepower emitted from small drum lenses of the types commonly used for obstruction lights on the structures have a vertical divergence of from 65° above the focal plane to 65° below the focal plane and is such that the light will be visible at a distance of 50 feet, even though the light may be mounted as much as 100 feet above the water.

B—FOG SIGNALS ON STRUCTURES

112. It is proposed to cancel 33 CFR 67.10–1(d) regarding general requirements for fog signals. This requirement is to be cancelled because nearly all of the existing offshore structures and those which may be erected in the foreseeable future are of a size not to require more than one fog signal to mark them. In addition, where because of the physical layout of such a structure more than one fog signal is necessary to preclude shadow zones in sound propagation, experience indicates that adequate marking of the structure for the benefit of marine commerce will be provided even when the signals are operated independently of each other.

C—LINES OF DEMARCATION BETWEEN PRIMARY AND SECONDARY AREAS IN THE 8TH COAST GUARD DISTRICT (NEW ORLEANS)

113. It is proposed to revise and supplement 33 CFR 67.50–25(b) regarding the primary and secondary lines of demarcation located in the waters of the Gulf of Mexico within the 8th Coast Guard District. The proposed changes will modify the present lines of demarcation to correct certain inequalities in existing alignment, having due regard to the depths of water and traffic patterns, as well as the nature and volume of marine traffic in the coastal waters of the Gulf of Mexico from the Mississippi Delta area westward to the vicinity of Vermillion Bay, Louisiana.

114. The authority to prescribe regulations generally is in section 92 of Title 14, U.S. Code. These regulations also interpret or apply sections 83, 85 and 633 of Title 14, U.S. Code, and section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). The delegations of authority to the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 167–3, May 6, 1953, 18 F.R. 2961; 167–15, January 3, 1955, 20 F.R. 840; 167–17, June 29, 1955, 20 F.R. 4976; and 167–23, July 27, 1956, 21 F.R. 5852.

ITEM XI—RULES OF THE ROAD

A—TOWING OF BARGES—INLAND WATERS

115. This proposal amends several incorrect aids-to-navigation designations to conform with List of Lights. Further, the proposal presents the material in a more accurate and understandable format with no change in context. Definitions of "close-up" and "intermediate" towing have been relocated to the sections related to barge lights since this is the only place these terms are used. Presently the regulations use the terms in one section and define them in a separate and relatively unrelated second section. The proposal thus clarifies both the section on barge lights as well as the section on hawser length. The exception clause—33 CFR 84.15(b)—is relocated to come after the section to which it relates. As presently arranged the material is misleading in that the exception appears to apply to the specific locations where hawser lengths must be shortened.

116. It is proposed to amend 33 CFR 84.10, regarding hawser lengths for all tows on inland waters, to remove inaccuracies and improve clarity of presentation. Definitions of "close-up" and "intermediate towing," which relate to barge lights and not hawser lengths, are relocated to more apropriate regulations designated 33 CFR 80.16 and 80.17. The name Thimble Light is corrected to Thimble Shoal Light. The Brenton Reef Lightship has been dis-established and replaced by Brenton Reef Light in approximately the same location.

117. It is proposed to cancel 33 CFR 84.15, regarding hawser length exceptions, since this material is proposed to be included in a revised regulation designated 33 CFR 84.10 covering hawser lengths for all tows on inland waters.

118. It is proposed to amend 84.20 regarding bunching of tows, by transferring a portion thereof to the proposed 33 CFR 84.10 and to revise nomenclature to agree with the List of Lights.

119. It is proposed to revise 33 CFR 80.16a, regarding lights for barges, canal boats, scows, and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intercoastal Waterway to relate barge lights with the hawser length between vessels. It is proposed to amend 33 CFR 80.17, regarding lights for barges and canal boats on the Hudson River and adjacent waters and Lake Champlain, to relate barge lights with the hawser length between vessels. These additions have been transferred from 33 CFR 84.10 since they relate to barge lights rather than hawser lengths. Inasmuch as the terms "close-up" and "intermediate" only appear a few times, it is considered more appropriate to use their definitions directly rather than utilize a separate defining paragraph.

120. The authority to prescribe "Rules of the Road—Inland Waters" is in section 2 of the Act of June 7, 1897, as amended, and section 14 of the Act of May 28, 1908, as amended (33 U.S.C. 157, 152). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521, and 167–33, September 23, 1958, 23 F.R. 7592.

D—TOWING OF BARGES—WESTERN RIVERS

121. It is proposed to amend 33 CFR 95.38, regarding hawser lengths for all tows, to improve the clarity of presentation and to transfer definitions relating to hawser lengths to 33 CFR 95.31 covering lights for barges towed astern.

122. It is proposed to amend 33 CFR 95.31, regarding lights for barges towed astern, to properly relate barge lights with hawser lengths. These additions have been transferred from 33 CFR 95.38 since they relate to required use of barge lights rather than to distances required between barges. Inasmuch as the terms "close-up" and "intermediate" appear only a few times in the Rules of the Road, it is considered more appropriate to use their definitions directly rather than have a separate paragraph defining these terms.

123. The authority to prescribe "Rules of the Road—Western Rivers" is in R.S. 4233A, as amended, 4233, as amended (33 U.S.C. 353, 316). The delegation of authority to the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 167–33, September 23, 1958, 23 F.R. 7795.

ITEM XII—IMPLEMENTING 1960 SAFETY OF LIFE AT SEA CONVENTION

124. The International Convention for Safety of Life at Sea, 1960 (SOLAS), was ratified by the United States and this Convention will replace the International Convention for Safety of Life at Sea, 1948. The 1960 SOLAS Convention enters into force, as regards those countries depositing instruments of acceptance, 12 months after the date on which not less than 15 acceptances, including 7 by countries each with not less than 1,000,000 tons of shipping, have been deposited. Acceptances deposited after the date on which the Convention enters into force will take effect 3 months after the date of their deposit.

125. The 1960 SOLAS Convention was drafted at the Fourth International Conference on Safety of Life at Sea held in London from May 17 to June 17, 1960. This Conference was called primarily to take advantage of the many technological advances which had been made since the 1948 Convention was drafted and adopted. In addition, the "Andrea Doria"—"Stockholm" disaster in 1956 pointed out the need for re-examination of the provisions of the 1948 Convention. The 1960 Conference was held under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO), which is an agency of the United Nations.

126. Copies of the 1960 "International Convention for Safety of Life at Sea" may be purchased from the British Information Office, 45 Rockefeller Plaza, New York 20, New York, Sales No. IMCO 1960.1, S.O. Code 88–3501, for $3.78 per copy, plus local sales tax, if applicable.

127. The 1960 SOLAS Convention bears a strong resemblance to the 1948 SOLAS Convention insofar as general format is concerned. This Convention sets forth the basic undertaking among the contracting governments, together with provisions relating to procedural matters. Annexed to the Convention and forming an integral part thereof are 8 chapters of technical regulations titled respectively: "General Provisions"; "Construction"; "Lifesaving Appliances, etc."; "Radiotelegraphy and Radiotelephony"; "Safety of Navigation"; "Carriage of Grain"; "Carriage of Dangerous Goods"; and "Nuclear Ships." The following is a brief description of some of the major changes between the 1948 SOLAS Convention and the 1960 SOLAS Convention:

Chapter I—General provisions. The most important change in this chapter concerns the area of application of the 1960 SOLAS Convention. The Great Lakes and the St. Lawrence River west of the lower exit of the Lachine Canal were exempted from the provisions of the 1948 SOLAS Convention. In the 1960 SOLAS Convention this area of exemption was extended to Anticosti Island to permit Great Lakes freight vessels to bring in the Labrador ore from Seven Islands and similar ports to the Great Lakes ports without being subject to the Convention. Therefore, limited operations in the Gulf of St. Lawrence are permitted by Great Lakes vessels without requiring compliance with the 1960 SOLAS Convention.

Chapter II—Construction. The provisions with respect to subdivision and stability have been revised and improved over the 1948 standards. Significant machinery and electrical changes were made for passenger vessels, particularly

with regard to steering gear and a prohibition against low flashpoint fuels. The steering and electrical requirements were also extended to cover cargo ships (including tankers) of 500 gross tons and over. The fire protection requirements have been increased so that in effect they are now closer to the minimum standards required by Coast Guard regulations. In particular, the application of requirements was broadened to include cargo ships to a limited extent. The fire detecting and extinguishing requirements were also improved.

Chapter III—Lifesaving appliances, etc. The requirements for lifesaving appliances were revised and increased. The application was extended to include cargo ships (including tankers). One of the reasons given for calling the 1960 Conference was to consider the possible use of inflatable liferafts which were prohibited under the 1948 SOLAS Convention. In view of the improvements in the industry since 1948, inflatable liferafts will be accepted under the Convention. The minimum requirements for the construction and use of inflatable liferafts were established.

Chapter IV—Radiotelegraphy and radiotelephony. The scope of application was extended to a new category of ships, namely, those from 300 to 500 gross tons which are on international voyages. Four years after the 1960 SOLAS Convention comes into force, the automatic alarms on all ships will be required to be of a new and improved type.

Chapter V—Safety of navigation. A new concept was introduced regarding the North Atlantic routes used by passenger and cargo vessels. This emphasizes the importance of the converging areas on both sides of the Atlantic and the necessity to ensure adherence to such routes by all ships when in such converging areas.

Chapter VI—Carriage of grain. Stability has been recognized as one of the main factors in the carriage of bulk grain. Provisions are made for vessels which are specifically designed for the carriage of bulk grain.

Chapter VII—Carriage of dangerous goods. There was no significant change to this subject, except that it was rewritten to provide more clarity and to correspond to recognized safety practices for the transportation of dangerous goods by sea.

Chapter VIII—Nuclear Ships. This is a new subject, and the 1948 SOLAS Convention was silent concerning special safety practices for nuclear powered ships. The 1960 SOLAS Convention includes suitable provisions for accepting foreign nuclear powered ships into one's ports or denying it entrance. The scope of application includes all nuclear ships, except ships of war. These nuclear ships are now recognized as a separate class. The Convention provides a procedure whereby a nation may evaluate the safety of a foreign nuclear ship before permitting it to enter its ports. In addition, authorization for a government to take such steps as necessary to ensure that the presence of the ship does not create an unreasonable radiation hazard. These new provisions for nuclear ships are in general agreement with United States procedures governing the "N.S. Savannah."

126. In order to give effect to the 1960 SOLAS Convention with respect to those matters coming within the jurisdiction of the Coast Guard, the vessel inspection regulations in Chapter I of Title 46 (Shipping), Code of Federal Regulations, will be revised. It is proposed that the passenger, tank, cargo and miscellaneous U.S. flag vessels intended for use on voyages subject to the 1960 SOLAS Convention will be in general conformity with Convention requirements at the time required inspections are made by the Coast Guard. Some of the necessary changes to the marine and electrical engineering regulations and the grain regulations have been already accomplished, as they were considered at the 1961 Merchant Marine Council Public Hearing, and could be made effective at that time. Certain proposals regarding equipment specifications are still being developed and will be considered at a later date. The proposals in this item will revise the "Rules and Regulations for Passenger Vessels" (CG–256), "Rules and Regulations for Cargo and Miscellaneous Vessels" (CG–257), and "Rules and Regulations for Tank Vessels" (CG–123), which are published in 46 CFR Parts 70 to 78 (Subchapter H), Parts 90 to 98 (Subchapter I), and Parts 30 to 40 (Subchapter D). The more important proposals, without references to specific sections, are:

A. *General provisions.* The proposals provide authority for the Commandant's exemption to be given to certain U.S. flag vessels on international waters so that compliance with 1960 SOLAS Convention requirements will not be required when it is desired to move vessels not normally engaged on international voyages. The definitions of "international voyage" are revised so that they will be in agreement with the definition in the 1960 SOLAS Convention.

B. *Inspection and certification.* Proposals are added to provide for inspection and certification of nuclear powered ships. The proposals also describe convention certificates and applicable posting requirements on board ships. For tank vessels proposed changes also revise descriptions of the initial and subsequent inspection requirements.

C. *Construction and arrangement.* For passenger vessels the proposals are extensive and revise requirements to agree with 1960 SOLAS Convention. However, the major change involves the fire bulkhead test procedure, which was modified to include heat testing at all joints, which increases present Coast Guard requirements.

D. *Watertight subdivision.* For passenger vessels the proposals contain many detailed changes of a technical nature in order that the regulations will agree with 1960 SOLAS Convention.

E. *Stability.* Many detailed changes of a technical nature are proposed for passenger, cargo and tank vessels in order to have the regulations agree with the 1960 SOLAS Convention. The proposals will also authorize the Commandant to allow the stability test of an individual vessel or class of vessels, especially when designed for the carriage of liquid or ore in bulk, to be omitted when reference to existing data for similar vessels indicates such vessels have more than sufficient metacentric height available under normal loading conditions.

F. *Lifesaving devices, etc.* A number of changes are proposed for passenger, cargo and tank vessels to reflect changes required by the 1960 SOLAS Convention. The Convention established minimum requirements for certain vessels engaged in specific occupations, such as whaling, etc., and as there are few of such vessels performing such work registered in the United States, it is proposed to authorize the Commandant to give such vessels special consideration in prescribing the lifesaving equipment requirements therefor on an individual vessel basis rather than to add voluminous details to the regulations which may seldom or never need to be used. The 1960 SOLAS Convention limits the size for hand-propelled lifeboats to 100-person capacity, and all lifeboats for over 100-person capacity will be required to be motor lifeboats. The requirements for the rigid type liferafts have been modified by the 1960 SOLAS Convention so that the 400-pound rigid type liferaft allowed by the 1948 SOLAS Convention will no longer be permitted as part of the required equipment. The proposed regulations will clarify requirements and show that the Coast Guard has no objection to permitting the carriage of this type of equipment on an equivalent basis. The proposed regulations also permit the substitute of inflatable liferafts carried under approved launching devices for certain lifeboats, but existing vessels which carry inflatable liferafts cannot use such equipment to increase the number of passengers presently allowed. Revised requirements are proposed regarding liferafts on vessels engaging in short international voyages. While the 1960 SOLAS Convention does not require the 25 percent buoyant apparatus presently required by the regulations, it is proposed to continue this requirement for buoyant apparatus, even though the 1960 SOLAS Convention substituted 10 percent liferafts for buoyant apparatus. Other proposals deal with such things as liferaft stowage, additional lifeboat equipment, permitting the use of desalting kits under certain circumstances, prohibition against the nesting of lifeboats on new construction, liferaft launching devices, minimum winch capacity, whistles for life preservers, additional life preservers required, smoke signals for attachment to ring buoys, and illumination requirements for inflatable liferaft launching operations. The use of inflatable life preservers on cargo vessels only is permitted in the 1960 SOLAS Convention. The proposals do not permit the use of such inflatable life preservers. No reason is known why the 1960 SOLAS Convention permits inflatable preservers on one type of vessel only. This prohibition is proposed because the Coast Guard has serious reservations regarding the adequacy of inflatable life preservers under emergency conditions and it is felt that problems of shipboard inspection and maintenance of inflatable life preservers have not been satisfactorily resolved.

G. *Fire protection equipment.* Few changes are proposed with respect to fire protection requirements. The principal proposals will require the carriage of an international firemain shore connection, and that the firemain piping size shall be capable to handle the output from two fire pumps. The water spray system requirements were revised by the 1960 SOLAS Convention and placed certain operating conditions on such installations. It is proposed to delete present requirements regarding water spray extinguishing systems because such systems have not found favor with the industry and the revised conditions make future installations even less likely. However, authorization is provided in the proposed regulations so that if such an installation is desired for a specific vessel, it may be permitted. For cargo vessels it is proposed to also require smoke detecting devices when transporting explosives.

H. *Vessel control and miscellaneous systems.* The 1960 SOLAS Convention no longer requires a flame safety lamp, and substituted a flashlight. Requirements for a flame safety lamp will be continued since it has very practical usages on board vessels. New proposals regarding fireman's outfits are added to be in compliance with the 1960 SOLAS Convention.

I. *Operations.* Proposals regarding lifesaving signals have been added and will be applicable to all vessels, regardless whether or not they are on voyages subject to the 1960 SOLAS Convention except those vessels on strictly inland waters and Great Lakes vessels under 150 gross tons. With respect to markings on lifesaving equipment, it will be necessary to have placed on lifeboats, liferafts, buoyant apparatus and ring buoys, the vessel's name and port of registry. In addition, on lifeboats the name of the vessel and the port of registry shall be marked on both bows.

A—PASSENGER VESSELS

129. It is proposed to amend 46 CFR Parts 70 to 76, inclusive, in Subchapter H, Rules and Regulations for Passenger Vessels, in order to incorporate the requirements contained in the International Convention for the Safety of Life at Sea, 1960. Reference to some specific regulations of the 1960 SOLAS Convention will be found opposite the proposed amendments in the Agenda (CG–249). In some instances, the requirements have been extended to services other than international voyages for the purpose of taking advantage of improved materials, equipment, methods, procedures, or arrangements.

130. In 46 CFR Part 70, regarding general provisions for passenger vessels, it is proposed to amend 46 CFR 70.05–1, 70.05–3, 70.05–10, 70.10–21, 70.15–1 and 70.20–5 and to add 46 CFR 70.10–30 defining nuclear vessels.

131. In 46 CFR Part 71, regarding inspection and certification of passenger vessels, it is proposed to amend 46 CFR 71.20–15, 71.25–10, 71.75–1 and to add 46 CFR 71.75–5, 71.75–10 and 71.75–15 describing 1960 SOLAS Convention certificates.

132. In 46 CFR Part 72, regarding construction and arrangement of passenger vessels, it is proposed to amend 46 CFR 72.05–1, 72.05–10 and 72.05–90.

133. In 46 CFR Part 73, regarding watertight subdivisions of passenger vessels, it is proposed to amend 46 CFR 73.01–1, 73.05–10, 73.10–35, 73.25–5, 73.25–10, 73.30–25, 73.35–10, 73.35–15, and 73.90–1 and to add 46 CFR 73.10–23 describing special subdivision requirements for vessels 430 feet or longer in length.

134. In 46 CFR Part 74, regarding stability of passenger vessels, it is proposed to amend 46 CFR 74.01–1 and 74.10–15 and to add a new Subpart 74.90 containing § 74.90–1 for existing vessels.

135. In 46 CFR Part 75, regarding lifesaving equipment on passenger vessels, it is proposed to amend 46 CFR 75.10–1, 75.10–5, 75.10–10, 75.10–15, 75.10–20, 75.10–25, 75.10–90, 75.15–1, 75.15–10, 75.15–90, 75.20–1, 75.20–10, 75.20–15, 75.20–90, 75.25–1, 75.25–5, 75.25–10, 75.25–90, 75.30–1, 75.30–10, 75.30–15, 75.30–90, 75.33–1, 75.33–5, 75.33–10, 75.33–15, 75.33–90, 75.35–5, 75.40–1, 75.40–5, 75.40–10, 75.40–90, 75.43–1, 75.43–5, 75.43–10, 75.43–90, 75.50–1, 75.50–5, 75.50–90, and 75.55–1 and to add a new Subpart 75.27 containing §§ 75.27–1 and 75.27–5 covering inflatable liferaft launching devices, a new Subpart 75.37 containing §§ 75.37–1 and 75.37–5 covering installation of inflatable liferaft launching devices, and a new § 75.50–15 covering illumination for inflatable liferaft launching operations.

136. In 46 CFR Part 76, regarding fire protection equipment for passenger vessels, it is proposed to amend 46 CFR 76.05–1, 76.05–30, 76.10–1, 76.10–5, 76.10–10, 76.10–15, 76.10–90 and 76.15–5 and to cancel 46 CFR 76.20–1 to 76.20–90, inclusive, regarding water spray extinguishing systems, and § 76.50–10(e) regarding locations for portable fire extinguishers.

137. In 46 CFR Part 77, regarding vessel control and miscellaneous systems and equipment for passenger vessels, it is proposed to amend 46 CFR 77.30–1 and 77.30–10, and to add a new Subpart 77.35, consisting of §§ 77.35–1 to 77.35–90, inclusive, regarding a "fireman's outfit."

138. In 46 CFR Part 78, regarding operations of passenger vessels, it is proposed to amend 46 CFR 78.13–10, 78.17–50, 78.47–60, 78.47–63, 78.47–65 and to add a new Subpart 78.54, consisting of §§ 78.54–1 and 78.54–5, regarding "lifesaving signals."

139. The authority to prescribe regulations regarding inspection of vessels is in R.S. 4405, as amended and 4462, as amended (46 U.S.C. 375, 416) and section 632 of Title 14, U.S. Code; as applicable, portions of the regulations will also interpret or apply specific statutory provisions as set forth in 46 CFR 70.01–10.

B—CARGO AND MISCELLANEOUS VESSELS

140. It is proposed to amend 46 CFR Parts 90 to 97, inclusive, in Subchapter I, Rules and Regulations for Cargo and Miscellaneous Vessels, in order to incorporate the requirements contained in the International Convention for the Safety of Life at Sea, 1960. Reference to some specific regulations of the 1960 SOLAS Convention will be found opposite the amendments in the Agenda (CG–249). In some instances the requirements have been extended to services other than international voyages for the purpose of taking advantage of improved materials, equipment, methods, procedures, or arrangements.

141. In 46 CFR Part 90, regarding general provisions for cargo and miscellaneous vessels, it is proposed to amend 46 CFR 90.05–1, 90.05–10, 90.10–17, 90.15–1, 90.20–5 and to add 46 CFR 90.10–30 defining a nuclear vesel.

142. In 46 CFR Part 91, regarding inspection and certification of cargo and miscellaneous vessels, it is proposed to amend 46 CFR 91.01–10, 91.20–15, 91.25–10, 91.60–1 and to add 46 CFR 91.60–5 describing conditions applicable to nuclear vessels on international voyages.

143. In 46 CFR Part 93, regarding stability of cargo and miscellaneous vessels, it is proposed to amend 46 CFR 93.05–1 and 93.15–5.

144. In 46 CFR Part 94, regarding lifesaving equipment for cargo and miscellaneous vessels, it is proposed to amend 46 CFR 94.10–1, 94.10–5, 94.10–10, 94.10–30, 94.10–40, 94.10–55, 94.10–90, 94.15–1, 94.15–10, 94.15–90, 94.20–1, 94.20–10, 94.20–15, 94.20–90, 94.25–1, 94.25–10, 94.25–90, 94.33–1, 94.33–5, 94.33–90, 94.35–5, 94.40–1, 94.40–5, 94.40–10, 94.40–90, 94.43–1, 94.43–5, 94.43–10, 94.43–90, 94.50–1, 94.50–5, 94.50–90 and 94.55–1 and to add 46 CFR 94.50–15 regarding illumination for liferaft stowage areas.

145. In 46 CFR Part 95, regarding fire protection equipment for cargo and miscellaneous vessels, it is proposed to amend 46 CFR 95.05–1, 95.05–20, 95.10–1, 95.10–5, 95.10–10, 95.10–15, 95.10–90 and 95.15–5 and to delete 46 CFR 95.20–1 to 95.20–90 regarding water spray extinguishing systems and § 95.50–10(e) regarding location of portable extinguishers.

146. In 46 CFR Part 96, regarding vessel control and miscellaneous systems and equipment for cargo and miscellaneous vessels, it is proposed to amend 46 CFR Subpart 96.30, consisting of §§ 96.30–1 to 96.30–90, inclusive, regarding protection from refrigerants, and to add 46 CFR Subpart 96.35, consisting of §§ 96.35–1 to 96.35–90, inclusive, regarding a "fireman's outfit."

147. In 46 CFR Part 97, regarding operations of cargo and miscellaneous vessels, it is proposed to amend 46 CFR 97.13–15, 97.15–35, 97.37–37, 97.37–40 and 97.37–43 and to add 46 CFR Subpart 97.44, consisting of §§ 97.44–1 and 97.44–5, regarding "lifesaving signals."

148. The authority to prescribe regulations regarding inspection of vessels is in R.S. 4405, as amended and 4462, as amended (46 U.S.C. 375, 416), and section 632 of Title 14, U.S. Code. As applicable, portions of the regulations will interpret or apply specific statutory provisions as set forth in 46 CFR 90.01–10.

C—TANK VESSELS

149. It is proposed to amend 46 CFR Parts 30 to 35, inclusive, in Subchapter D, Rules and Regulations for Tank Vessels, in order to incorporate the require-

ments contained in the International Convention for the Safety of Life at Sea, 1960. Reference to some specific regulations of the 1960 SOLAS Convention will be found opposite the amendments in the Agenda (CG-249). In some instances, the requirements have been extended to services other than international voyages for the purpose of taking advantage of improved materials, equipment, methods, procedures, or arrangements.

150. In 46 CFR Part 30, regarding general provisions for tank vessels, it is proposed to amend 46 CFR 30.01–5, 30.10–36, 30.15–1 and to add 46 CFR 30.01–6 describing application of regulations to tank ships on international voyages, and § 30.10–44, defining a nuclear vessel.

151. In 46 CFR Part 31, regarding inspection and certification of tank vessels, it is proposed to amend 46 CFR 31.01–1, 31.05–10, 31.10–15, 31.10–30, 31.30–1 and 31.40–1 and to add 46 CFR 31.01–5 regarding scope of initial inspection, and § 31.40–5 applying regulations to nuclear vessels on international voyages.

152. In 46 CFR Part 33, regarding lifesaving appliances for tank vessels, it is proposed to amend 46 CFR 33.01–30, 33.05–1, 33.05–2, 33.05–25, 33.07–5, 33.07–15, 33.07–20, 33.07–25, 33.10–1, 33.10–5, 33.10–10, 33.15–1, 33.15–5, 33.15–10, 33.15–25, 33.15–90, 33.20–1, 33.25–5, 33.35–1, 33.35–15, 33.40–1 and 33.40–5; to cancel 46 CFR 33.05–10 and 33.05–11; and to add 46 CFR 33.05–3 regarding lifeboats and liferafts on tank ships.

153. In 46 CFR Part 34, regarding firefighting equipment for tank vessels, it is proposed to amend 46 CFR 34.10–1, 34.10–5, 34.10–15, 34.10–90 and 34.15–5 and to delete 46 CFR 34.50–10(f) regarding location of portable extinguishers.

154. In 46 CFR Part 35, operations of tank vessels, it is proposed to amend 35.01–20, 35.10–5, 35.30–20 and 35.40–40 and to add 46 CFR 35.10–15 regarding radio apparatus for lifeboats, and a new Subpart 35.12, consisting of §§ 35.12–1 and 35.12–5, regarding "lifesaving signals."

155. The authority to prescribe regulations regarding tank vessels is in R.S. 4405, as amended, 4417a, as amended, 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198). The delegations of authority to the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–14, November 26, 1954, 19 F.R. 8026.

ITEM XIII—COMBUSTIBLE GAS DETECTORS ON TANK VESSELS

156. The Secretary of Treasury's Tanker Hazards Committee has recommended that combustible gas detectors be carried on all tank ships to provide a means of determining the existence of explosive concentrations of gases and vapors in spaces, such as pumprooms, voids, empty cargo tanks, etc. At present, there is no requirement for such an instrument and, in its absence, explosive conditions must be determined intuitively by the senior officer present except when the services of a certificated Marine Chemist are available in port and in repair yards. This proposal will standardize a current common practice of carrying a portable instrument for measuring actual vapor and gas concentrations in terms of their lower explosive limit.

157. To provide a means of determining the existence of explosive conditions on board a tank ship by the ship's officers, under circumstances when a certificated Marine Chemist is not required, it is proposed to add a new regulation designated 46 CFR 35.30–15 to require combustible gas or vapor detectors shall be carried. This proposal states that all manned tank barges and all tank ships shall have on board appropriate detectors suitable for the cargoes carried. A detector bearing the label of Underwriters' Laboratories, Inc., Factory Mutual Engineering Division, or other organizations acceptable to the Commandant will be considered as meeting the minimum requirements.

158. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, 416). These regulations also interpret or apply section 3 of the Act of August 9, 1954 (50 U.S.C. 198) and Executive Order 10402 (17 F.R. 9917, 3 CFR 1952 Supp.). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–14, November 26, 1954, 19 F.R. 8026.

ITEM XIV—RENEWAL OF OPERATORS' AND OCEAN OPERATORS' LICENSES—EXERCISE ON RULES OF THE ROAD

159. It is proposed to require all Operators and Ocean Operators of small passenger vessels to demonstrate their knowledge of the applicable "Rules of the Road" prior to renewing their licenses. These proposed changes are necessary to insure continued review and acquaintance with the Rules of the Road for the waters for which they are licensed by applicants who renew their Operators' and Ocean Operators' licenses. It is felt that, due to the rapid increase in boating, the best interests of safety dictate continued knowledge and demonstration of Rules of the Road by Operators and Ocean Operators renewing their licenses.

160. This demonstration is an exercise to assist the licensee to be completely informed regarding the Rules of the Road and is not an examination in the usual sense of the word. The rules are formulated so that there is no hardship or discrimination imposed on anyone. The Operator or Ocean Operator who is actively engaged in his profession may renew his license in the same manner as in the past, except that such Operator or Ocean Operator must submit an affidavit that he has read within the three months next preceding the date of the application for renewal, the Rules of the Road applicable to the waters for which he is licensed and demonstrate his knowledge of such Rules of the Road. The answering of questions is an exercise designed to demonstrate the applicant's knowledge of the application of the particular Rules of the Road to the area of operations for which he is licensed. In the exercise the specific references to applicable Rules of the Road which apply are shown by each question. During the exercise the Operator or Ocean Operator may refer to the pamphlets containing Rules of the Road in answering the questions. This procedure is educational in principle and is designed to encourage all Operators and Ocean Operators to remain thoroughly familiar with the Rules of the Road applicable to the waters for which they are licensed.

161. To describe the proposals clearly in the requirements governing the renewal of licenses as Operators and Ocean Operators, it is proposed to add to 46 CFR 187.15–1, as paragraphs (c) and (d), the revised requirements. These proposals are based in part on 46 CFR 187.15–5(a)(5), regarding the application for renewal, which will be deleted.

162. The authority to prescribe regulations regarding requirements for renewal of licenses as Operators and Ocean Operators is in section 3 of the Act of May 10, 1956 (46 U.S.C. 390b). The delegation of authority for the Commandant, U.S. Coast Guard, to prescribe regulations is in Treasury Department Order 167–20, June 18, 1956, 21 F.R. 4394.

Dated: January 27, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-943; Filed, Jan. 29, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-81]

CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is designated within the Farmington, N. Mex., terminal area:

1. The Farmington control zone is designated within a 5-mile radius of Farmington Municipal Airport and within 2 miles either side of the Farmington VORTAC 266° True radial, extending from the 5-mile radius zone to the VORTAC.

2. The Farmington transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles south and 7 miles north of the Farmington VORTAC 094° and 274° True radials extending from 20 miles east to 9 miles west of the VORTAC, excluding the airspace within Federal airways.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Farmington area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Farmington control zone by redesignating it as that airspace within a 5-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), and within 2 miles each side of the Farmington VORTAC 268° True radial, extending from the 5-mile radius zone to the VORTAC.

2. Alter the Farmington transition area by redesignating it as that airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (latitude 36°44'35" N., longitude 108°13'46" W.), and that airspace within 2 miles each side of the Farmington VORTAC 094° True radial, extending from the 11-mile radius area to 8 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles north and 8 miles south of the Farmington VORTAC 094° True radial, extending from the 11-mile radius area to 13 miles east of the VORTAC, and that airspace within 5 miles each side of the Farmington VORTAC 257° True radial, extending from the 11-mile radius area to 17 miles west of the VORTAC.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The actions taken herein would, in part, realign the Farmington control zone east extension to coincide with the final approach course specified by the prescribed instrument approach procedures. The portion of the proposed transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach and departure procedures at Farmington Airport. The portion with a floor of 1,200 feet above the surface would provide protection for aircraft while holding at the Farmington VOR, for portions of the instrument approach and departure procedures conducted above 1,500 feet above the surface, and for aircraft executing prescribed instrument holding pattern procedures within the Farmington terminal area.

The exclusion of Federal airways contained in the present description of the Farmington transition area would no longer be required with the action proposed herein and would be deleted.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southwest Region, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-908; Filed, Jan. 29, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-12]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Notice of Proposed Alteration, Designation, and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the Bettles, Alaska, terminal area:

1. The Bettles control zone is designated within a 5-mile radius of Bettles Airport, within 2 miles either side of the Bettles radio range southeast course extending from the 5-mile radius zone to 12 miles southeast of the radio range, and within 2 miles either side of the 211° True bearing from the Bettles radio range extending from the 5-mile radius zone to 12 miles south of the radio range.

2. The Bettles control area extension is designated within 16 miles east and 25 miles west of the 337° and 157° True bearings from the Bettles radio range, extending from 25 miles north to 42 miles south of the radio range.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Bettles area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, has under consideration the following airspace actions:

1. Alter the Bettles control zone by redesignating it as that airspace within a 5-mile radius of Bettles Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles each side of the Bettles radio range southeast course, extending from the 5-mile radius zone to 8 miles southeast of the radio range; within 2 miles each side of the 210° True bearing from the radio range, extending from the 5-mile radius zone to 8 miles southwest of the radio range, and within 2 miles each side of the Bettles VOR 216° True radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

2. Revoke the Bettles control area extension and designate the Bettles transition area as that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Bettles VOR, extending clockwise from the northeast boundary of Amber 2 to a line 8 miles northwest of and parallel to the Bettles VOR 216° True radial, and within an 8-mile radius of Bettles VOR, extending clockwise from a line 8 miles northwest of and parallel to the Bettles VOR 216° True radial to the northeast boundary of Amber 2; and that airspace extending upward from 14,500 feet MSL within 9 miles northeast and 16 miles southwest of the Bettles VOR 155° and 335° True radials, extending from 12 miles northwest to 26 miles southeast of the VOR. The portion of the transition area extending upward from 14,500 feet MSL is excluded from Federal airways.

The actions proposed herein would, in part, reduce the length of the control zone extensions south and southeast from 12 to 8 miles. This reduction and the addition of an extension southwest of Bettles would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Bettles Airport. The portions of the control zone extensions proposed for revocation are no longer required for air traffic control purposes. The proposed designation of the portion of the Bettles transition area with a floor of 1,200 feet above the surface would result in raising the floor of controlled airspace in a major portion of the Bettles terminal area from 700 feet to 1,200 feet and would provide protection for aircraft executing the portions of prescribed instrument approach and departure procedures conducted above 1,500 feet above the surface. The portion of the proposed transition area with a floor of 14,500 feet MSL would provide protection for aircraft executing the higher portions of instrument holding, departure and approach procedures. The portion of

airspace released would become available for other aeronautical purposes.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Alaskan Region, 632 6th Avenue, Anchorage, Alaska, 999501.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within fourty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-909; Filed, Jan. 29, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-40]

TRANSITION AREA

Notice of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER October 12, 1963 (28 F.R. 10978), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Palacios, Tex.

Subsequent to the publication of the notice, it has been determined that additional controlled airspace is required extending upward from 700 feet above the surface within 2 miles each side of the Palacios VOR 176° and the Matagorda Island AFB VOR 033° True radials, extending from the Palacios VOR to 15 miles south and extending from 17 miles northeast to 20 miles northeast of the Matagorda Island AFB VOR; and that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Palacios VOR, extending clockwise from a line 5 miles west of and parallel to the Palacios VOR 199° True radial to the southeast boundary of V-20.

Accordingly, the notice is hereby amended to propose the Palacios transition area to be that airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VOR 308° True radial, extending from the VOR to 8 miles northwest; within 2 miles each side of the Palacios VOR 176° and the Matagorda Island AFB VOR 033° True radials, extending from the Palacios VOR to 15 miles south and extending from 17 miles northeast to 20 miles northeast of the Matagorda Island AFB VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the Palacios VOR 308° and 128° True radials, extending from 13 miles northwest to 7 miles southeast of the VOR; within 5 miles each side of the Palacios VOR 128° True radial, extending from 7 miles to 23 miles southeast of the VOR; and within the arc of a 29-mile radius circle centered on the Palacios VOR, extending clockwise from a line 5 miles west of and parallel to the Palacios VOR 199° True radial to the southeast boundary of V-20; excluding that portion outside of the United States.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this Supplemental Notice.

Communications should be submitted to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Tex., 76101.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-910; Filed, Jan. 29, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-LAX-10]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 421 is designated from St. Johns, Ariz., via Zuni, N. Mex., to Farmington, N. Mex. The Federal Aviation Agency is considering the revocation of the segment of Victor 421 from St. Johns to Zuni. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 421 shows no aircraft movements between St. Johns and Zuni. Therefore, it would appear that this segment of Victor 421 is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal Docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-911; Filed, Jan. 29, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-87]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

A west alternate of VOR Federal airway No. 185 extends from Savannah, Ga., to the Dover, Ga., Intersection. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this west alternate of Victor 185 is unjustified as an assignment of airspace. Accordingly, the FAA proposes to revoke this alternate airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 23, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-912; Filed, Jan. 29, 1964; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 973 (Sub. 1); General Order 4, Amdt. 1]

PRACTICES OF LICENSED INDEPENDENT OCEAN FREIGHT FORWARDERS, OCEAN FREIGHT BROKERS, AND OCEAN GOING COMMON CARRIERS

Notice of Proposed Rule Making

By order entered October 1, 1963 on the Motion of the Commission the United States Court of Appeals for the Second Circuit remanded for further consideration by the Commission § 510.24(g) of this part. Notice is hereby given that the Commission is considering changing said § 510.24(g) to read as follows:

(g) No licensee, and no person, firm or corporation directly or indirectly controlled by a licensee or in whom a licensee has a beneficial interest, nor any person, firm or corporation directly or indirectly controlling or having a beneficial interest in a licensee, shall demand, charge or collect any compensation or brokerage from a common carrier by water unless there shall be first filed with such carrier a certificate in the form prescribed in paragraph (e) of this section, and in compliance with section 44(e) of the Shipping Act: *Provided, however,* That the provisions of this paragraph shall not be applicable to brokerage paid on cargoes exempted from the tariff filing requirements of section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817(b)(1)).

Participation in this proceeding. Interested persons may participate in the reconsideration of the above rule by filing with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days from the publication of this notice in the FEDERAL REGISTER, an original and 15 copies of their views or arguments pertaining to the proposed revised rule. All suggestions for changes in the proposed rule should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b)).

Dated: January 17, 1964.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-941; Filed, Jan. 29, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 8]

[Docket No. R-255]

PUBLICIZING LICENSE CONDITIONS OF GENERAL PUBLIC INTEREST

Notice of Proposed Rulemaking

JANUARY 23, 1964.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to amend its regulations under the Federal Power Act to provide for the publicizing of license conditions of general interest.

2. The Commission, in a recent opinion and order issuing a license under Part I of the Federal Power Act stated that it had undertaken a review of hydroelectric licenses in the interest of making the most effective use of its authority in issuing licenses to impose conditions upon licensees in the public interest. It also stated that it was contemplating a rulemaking proceeding looking toward requiring licensees to publicize license conditions of general public interest.[1] In this proceeding we are proposing such a requirement and would be particularly interested in receiving comments from Federal, State, and local authorities charged with the promotion and development of recreational facilities for the use of the public.

3. The proposed amendment would prescribe a new Part 8 of the Commission's regulations to provide for publicizing those license conditions considered by the Commission to be of general interest to the public. Section 8.1 would require a licensee, following issuance or amendment of its license, to publicize in the press in the area in which the project is located such of the license conditions as the Commission may direct. Those which ordinarily would be designated by the Commission as being of general public interest would include, particularly, conditions which relate to the public access to and use of project waters and lands for recreational purposes and which may relate to the circumstances of project operation (especially as to reservoir level and peaking operations) affecting such use by the public.

Section 8.2 would require a licensee, following issuance or amendment of its license, to post, at points of public access, signs giving notice of the name of the owner of the project and advising the public that license conditions of general public interest, including the approved recreational plan, may be inspected at the offices of the licensee and that information concerning such license conditions and recreational plan may also be secured from the Commission.

4. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before March 31, 1964, data, views and comments in writing concerning the new part proposed herein. The Commission will consider these written submittals before taking any action upon this proposal. An original and nine copies of any such submittals should be filed.

5. This amendment to the Commission's regulations is proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly sections 4, 10, and 309 thereof (41 Stat. 1065, 1068; 49 Stat. 839, 842, 858; 16 U.S.C. 797, 803, 825h).

6. In consideration of the foregoing, it is proposed to amend Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, by inserting a new Part 8 to read as follows:

PART 8—PUBLICIZING LICENSE CONDITIONS OF GENERAL PUBLIC INTEREST

§ 8.1 Publication of license conditions of general public interest.

Following issuance or amendment of a license, the licensee shall publish, within a specified time, in the newspaper or newspapers which contained the notice of application for the license or amendment thereof, those license conditions designated by the Commission as being of general public interest. The license conditions so designated shall particularly include those which relate to the public access to and use of the project waters and lands for recreational purposes and which may relate to the circumstances of project operation (especially as to reservoir level and peaking

[1] South Carolina Electric & Gas Co., Project No. 2315, Opinion No. 411, issued Nov. 21, 1963, 30 FPC ____.

operations) affecting such use by the public.

§ 8.2 Posting of project lands as to availability of information.

Within a specified time following issuance or amendment of a license, the licensee shall post and maintain, at all points of public access which are required by the license, a conspicuous sign giving the name of the owner of the project and advising (a) that license conditions of general public interest (with specific mention of public access to and use of project lands and waters for recreational purposes) and any approved recreational plan, may be inspected at local offices of the licensee in the vicinity of the project, and (b) that information about such license conditions of general public interest and any approved recreational plan may also be secured from the Federal Power Commission, Washington, D.C., 20426. The licensee shall make available for public inspection at its local offices in the vicinity of the project the entire license instrument, properly indexed to include the license conditions designated for publication in § 8.1 and any approved recreational plan.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-913; Filed, Jan. 29, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Wyoming No. 10]

WYOMING

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

Phosphate Lands

T. 41 N., R. 116 W.,
Sec. 17, W½NE¼, NE¼NW¼, W½NW¼, NW¼SW¼;
Sec. 18, E½E½.

Reclassified Phosphate Lands from Nonphosphate Lands

Prior classification of the following as nonphosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 41 N., R. 116 W.,
Sec. 7, SE¼SE¼;
Sec. 8, S½S½;
Sec. 15, W½NE¼, E½NW¼, SW¼;
Sec. 16, SE¼SW¼, SE¼;
Sec. 17, NE¼NE¼, NW¼SE¼;
Sec. 21, N½, NW¼SE¼;
Sec. 22, NW¼NW¼.

Nonphosphate Lands

T. 41 N., R. 116 W.,
Sec. 17, SE¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 18, lots 1 to 4, inclusive, W½E½, E½W½;
Sec. 19, lot 1, N½NE¼, NE¼NW¼;
Sec. 28, W½SW¼;
Sec. 29, SE¼;
Sec. 32, lots 1 to 13, inclusive, N½NE¼NE¼, NE¼NW¼NE¼, S½NE¼, SE¼;
Sec. 33, lots 10 to 17, inclusive, N½NW¼NW¼, SW¼NW¼, S½;
Sec. 34, S½;
Sec. 35, SW¼.

The area described totals 3,785 acres, more or less, of which about 400 acres are classified as phosphate lands, about 1,200 acres previously classified as nonphosphate lands are reclassified as phosphate lands, and about 2,185 acres are classified as nonphosphate lands.

Dated: January 24, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-951; Filed, Jan. 29, 1964; 8:50 a.m.]

Bureau of Land Management

[Montana 060295]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1964.

The United States Department of Agriculture has filed an application, Serial Number Montana 060295 for the withdrawal of the lands described below, from mineral entry and location under the general mining laws. The applicant desires the land for protection of the government's investment in the structures on these areas.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LOLO NATIONAL FOREST

Big Nelson Camp

T. 15 N., R. 10 W.,
Sec. 7, lot 5 and N½N½NE¼SW¼.

Total area 43.42 acres.

Seeley Lake Camp

T. 17 N., R. 15 W.,
Sec. 33, lot 1.

Total area 46.01 acres.

Big Larch Camp

T. 17 N., R. 15 W.,
Sec. 34, lots 4 and 7, and NW¼SE¼.

Total area 77.83 acres.

Lake Inez Camp

T. 18 N., R. 15 W.,
Sec. 30, lot 1.

Total area 27.74 acres.

Big Horn Camp

T. 7 N., R. 16 W.,
Sec. 6, NW¼NW¼SW¼NW¼, S½NW¼SW¼NW¼, S½NE¼SW¼NW¼, N½SW¼SW¼NW¼, SE¼SW¼NW¼, SW¼SW¼SE¼NW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, and W½NW¼NE¼SW¼.

Total area 42.5 acres.

Lake Alva Camp

T. 18 N., R. 16 W.,
Sec. 13, that portion of lot 5 lying west of the Swan River Highway.

Total area 13 acres, more or less.

Bitterroot Flat Camp

T. 8 N., R. 17 W.,
Sec. 6, E½SW¼, except that part within H.E.S. 287.

Total area 60 acres, more or less.

Cougar Creek Camp

T. 8 N., R. 17 W.,
Sec. 18, SE¼NE¼SE¼ and NE¼SE¼SE¼.

Total area 20.00 acres.

Hutsinpillar Camp

Unsurveyed, but which will be when surveyed:

T. 8 N., R. 17 W.,
Sec. 20, SW¼NE¼NE¼NE¼ and NW¼SE¼NE¼NE¼.

Total area 5 acres.

Dallas Camp

T. 9 N., R. 17 W.,
Sec. 11, SW¼SW¼NE¼NW¼, SE¼SW¼NW¼NW¼, S½SE¼NW¼NW¼, N½NE¼SW¼NW¼, NW¼SW¼NW¼ and SW¼NE¼SW¼NW¼.

Total area 27.50 acres.

Harry's Flat Camp

T. 9 N., R. 17 W.,
Sec. 9, S½SE¼SW¼;
Sec. 16, NW¼NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼ and W½SW¼NW¼;
Sec. 17, SE¼SE¼NE¼ and NE¼SE¼.

Total area 130.00 acres.

Pattee Canyon Picnic Area

T. 12 N., R. 18 W.; T. 12 N., R. 19 W.,
That part of the former Fort Missoula Wood and Timber Reservation by metes and bounds survey described as follows:

Beginning at I P Post No. 5; thence N. 39° E., a distance of 2640.00 feet to I P Post No. 6; thence N. 85° E., a distance of 4141.84 feet to I P Post No. 7; thence S. 14° E., a distance of 4880.00 feet to the southeast corner of the timber reserve; thence S. 75°15' W., a distance of 5856.00 feet to M P 3; thence N. 18°53' W., a distance of 4030.47 feet to I P Post No. 8, the point of beginning.

Total area 707.74 acres.

Lewis and Clark Camp

T. 12 N., R. 22 W.,
Sec. 29, N½NE¼NE¼.

Total area 20 acres.

Lee Creek Camp

T. 11 N., R. 23 W.,
Sec. 18, E½SW¼SW¼SE¼ and W½SE¼SW¼SE¼.

Total area 10 acres.

Cascade Camp

T. 18 N., R. 28 W.,
Sec. 19, lots 7 and 8.

Total area 69.26 acres.

West Fork Camp

Unsurveyed, but which will be when surveyed:

T. 23 N., R. 28 W.,
Sec. 23, W½SE¼NE¼SW¼ and SW¼NE¼NE¼SW¼.

Total area 7.5 acres.

Clark Memorial Camp

Unsurveyed, but which will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 27, W½E½NE¼SW¼, W½NE¼SE¼SW¼ and E½NW¼SE¼SW¼.

Total area 20 acres.

Copper King Camp

Unsurveyed, but which will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 33, E½NW¼SE¼ exclusive of that portion covered by M.S. 5735 and M.S. 5736.

Total area 15 acres, more or less.

Fishtrap Lake Camp

T. 24 N., R. 28 W.,
Sec. 9, NW¼NW¼NE¼NW¼, N½NE¼NW¼NW¼ and NW¼NW¼NW¼.

Total area 17.50 acres.

West Fork Fishtrap Camp

Unsurveyed, but which will be when surveyed:

T. 24 N., R. 28 W.,
Sec. 26, N½S½NW¼NE¼.

Total area 10 acres.

KOOTENAI NATIONAL FOREST

Howard Lake Recreation Area

T. 27 N., R. 31 W.,
Sec. 13, that part of E½SW¼NE¼ lying south and west of Howard Lake.

Total area 15 acres, more or less.

Upper Ford Work Center Administrative Site

T. 36 N., R. 31 W.,
Sec. 6, lot 7;
Sec. 7, lot 1.

Total area 69.13 acres.

Dorr Skeels Recreation Area

T. 29 N., R. 33 W.,
Sec. 20, lot 1.

Total area 45.9 acres.

E. I. ROWLAND,
State Director.

[F.R. Doc. 64-939; Filed, Jan. 29, 1964; 8:49 a.m.]

[Fairbanks 031751]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 23, 1964.

The Department of the Army has filed an application, Serial Number Fairbanks 031751, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Material Act of 1947, as amended. The applicant desires the land for establishment of National Guard Armories at Nightmute and Kwiguk, Alaska under the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C.A. 141) and the Act of October 31, 1951 (65 Stat. 712; 3 U.S.C.A. 301).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NIGHTMUTE

Commencing at latitude N. 60°29′ and longitude W. 164°44′, said point now being monumented by an iron pipe which is 4 feet high, and being the True Point of Beginning for this description; said Point of Beginning also bearing N. 82° W., 1,000 feet, more or less from the south peak on school; thence S. 18°00′ W., 50 feet, more or less to a point on the north bank of the Tooksook River; thence northwesterly 170 feet, more or less, along the north bank of said river; thence N. 18°00′ E., 130 feet, more or less; thence S. 72°00′ E., 165 feet; thence S. 18°00′ W., 115 feet, more or less to the Point of Beginning for this description.

The areas described aggregate approximately 0.54 acre.

KWIGUK (EMMANAAK)

Commencing at U.S. Land Management Monument No. 4095; thence N. 11°20′ E., 400 feet to the True Point of Beginning for this description; thence West 120 feet; thence North 165 feet; thence East 165 feet; thence South 165 feet; thence West 45 feet to the Point of Beginning.

The areas described aggregate approximately 0.62 acre.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-925; Filed, Jan. 29, 1964; 8:47 a.m.]

Office of the Solicitor

[Solicitor's Regulation 16]

ASSISTANT SOLICITOR, BRANCH OF PATENTS

Delegation of Authority Regarding Patent Matters

JANUARY 24, 1964.

The Assistant Solicitor, Branch of Patents, may exercise all the authority vested in the Solicitor of the Department of the Interior by 210 DM 2.2A(5) with respect to:

I. Any action required to be taken by the Solicitor under Title 43 CFR Subtitle A, Part 6—Patent Regulations. Such authority includes:

(1) Prescribing the form of the invention report;

(2) Taking such action as is deemed necessary to protect the Government's interests in inventions in which it has the entire right, title and interest;

(3) Adjudication of patent rights in inventions made by personnel of the Department;

(4) Granting or refusing requests for authorization to publish articles describing unpatented inventions;

(5) Issuance of certificates of public interest required in filing patent applications under 35 U.S.C. 266;

(6) Issuance of licenses under patents in which the United States, as represented by the Secretary of the Interior, has a transferable interest, and

II. Any request to the Commissioner of Patents to accept for filing without fee a patent application in which the Government has an interest.

(210 DM 2.2A(5), 24 F.R. 1343; 210 DM 2.3, 24 F.R. 1349; 200 DM 3.2, 25 F.R. 325)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 64-940; Filed, Jan. 29, 1964; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS AND VIRGINIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that, in the hereinafter-named counties in the States of Texas and Virginia, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Dallas.

VIRGINIA

Surry. Sussex.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Texas county after June 30, 1964, or in the above-named Virginia counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established polices and procedures.

Done at Washington, D.C., this 27th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-952; Filed, Jan. 29, 1964; 8:50 a.m.]

NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Grant. Sioux.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-931; Filed, Jan. 29, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMOCO CHEMICALS CORP.

Notice of Filing of Petition Regarding Food Additive Polyisobutylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1265) has been filed by Amoco Chemicals Corporation, 130 East Randolph Drive, Chicago 1, Illinois, proposing that the food additive regulations be amended to provide for the use of polyisobutylene (minimum molecular weight 300) as a plasticizer in polyethylene intended for use in contact with food, except for polyethylene articles used for packing or holding food during cooking.

Dated: January 23, 1964.

J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 64-950; Filed, Jan. 29, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Notice of Proposed Issuance of Provisional Operating License

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, § 50.58 (10 CFR Part 50), and § 2.105 (10 CFR Part 2), that unless within thirty (30) days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by the Northern States Power Company ("the applicant") or a petition for leave to intervene is filed by any person whose interest may be affected as provided by and in accordance with the Commission's rules of practices (10 CFR Part 2), the Commission proposes to issue a provisional operating license to the applicant, substantially in the form set forth below, authorizing the applicant to operate the Pathfinder nuclear reactor at power levels up to one (1) megawatt thermal. The reactor, which is part of the Pathfinder Atomic Power Plant located approximately five and one-half miles northeast of Sioux Falls, South Dakota, is a controlled recirculation boiling water reactor.

Prior to the issuance of the license the applicant will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 and the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPPR-8, except for fabrication of the nuclear fuel for the superheater region of the core, and installation of a stop valve in the safety valve discharge line and associated installation of a rupture disc on a new branch line from the present discharge line, all of which are not required for the operations authorized by the proposed license.

The Commission has found that the application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as set forth in Title 10, Chapter I, CFR.

For further details with respect to the proposed provisional operating license, see (1) the application dated March 30, 1959, and amendments thereto dated July 6, 1959, August 7, 1959, November 5, 1959, November 20, 1959, December 18, 1959, August 24, 1960, November 7, 1960, January 17, 1961, May 22, 1962, June 12, 1962, February 22, 1963, April 24, 1963, May 15, 1963, May 29, 1963, June 11, 1963, June 18, 1963, August 14, 1963, August 28, 1963, October 18, 1963, October 25, 1963, October 29, 1963, October 30, 1963, and December 18, 1963, (2) the report by the Advisory Committee on Reactor Safeguards (ACRS) dated July 18, 1963, (3) a related hazards analysis by the Division of Licensing and Regulation and (4) the Technical Specifications designated as Appendix "A" to the provisional operating license. These documents will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the hazards analysis and the report by the ACRS may be obtained at the Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 23d day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[Docket No. 50-130]

PROPOSED PROVISIONAL OPERATING LICENSE

1. This provisional operating license applies to the controlled recirculation boiling water reactor owned by the Northern States Power Company (hereinafter referred to as "Northern States"). The reactor which is part of the Pathfinder Atomic Power Plant is located approximately five and one-half miles northeast of Sioux Falls, South Dakota. The reactor is described in the licensee's application for operating license dated March 30, 1959, and amendments thereto dated July 6, 1959, August 7, 1959, November 5, 1959, November 20, 1959, December 18, 1959, August 24, 1960, November 7, 1960, January 17, 1961, May 22, 1962, June 12, 1962, February 22, 1963, April 24, 1963, May 15, 1963, May 29, 1963, June 11, 1963, June 18, 1963, August 14, 1963, August 28, 1963, October 18, 1963, October 25, 1963, October 29, 1963, October 30, 1963, and December 18, 1963 (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the rules and regulations contained in Title 10, CFR, Chapter I, Part 50, and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. Construction of the reactor has proceeded, and there is reasonable assurance that the reactor will be completed, in conformity with the construction permit, the application as amended, the provisions of the Act, and the rules and regulations of the Commission;

B. There is reasonable assurance (i) that the activities authorized by this provisional operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the rules and regulations of the Commission;

C. Northern States is technically and financially qualified to engage in the activities authorized by this provisional operating license in accordance with the rules and regulations of the Commission, and to assume responsibility for payment of Commission charges for the special nuclear material allocated;

D. Northern States has submitted proof of financial protection which satisfies the requirements of 10 CFR Part 140, and has executed an indemnity agreement as required by section 170 of the Act and 10 CFR 140;

E. There is reasonable assurance that the reactor will be ready for initial loading with nuclear fuel within ninety (90) days from the date of issuance of this provisional operating license;

F. The issuance of this provisional operating license is not inimical to the common

defense and security or to the health and safety of the public.

2. Subject to the conditions and requirements incorporated herein, including the Technical Specifications hereto, the Commission hereby licenses Northern States:

A. Pursuant to section 104(b) of the Act and 10 CFR Part 50, to possess, use and operate the reactor as a utilization facility.

B. Pursuant to the Act and 10 CFR Part 70, to receive, possess and use in operation of the reactor at any one time:

(1) 300 kilograms of contained uranium-235 for the operation of the reactor;

(2) 128 grams of plutonium encapsulated as two 1-curie and one 6-curie plutonium-beryllium neutron sources.

C. Pursuant to the Act and 10 CFR Part 30, to receive, possess and use in operation of the reactor at any time:

(1) 10,000 curies of antimony-124 as an antimony-beryllium neutron source;

(2) Three sealed sources of cobalt-60 not to exceed 100 millicuries each for calibration of film badges and instruments and for the testing of radiation monitors and measurement of liquid levels in tanks and pipes;

(3) 300 microcuries of cesium-137 to be used as a laboratory standard;

(4) 50 microcuries of iron-59 to be used as a laboratory standard;

(5) 100 microcuries of strontium-90 to be used as a laboratory standard;

(6) 300 microcuries of cobalt-60 to be used as a laboratory standard;

(7) 0.002 microcurie of americium-241 for calibration of instruments;

(8) 50 millicuries of krypton-85 for calibration of gaseous activity monitors;

(9) 300 microcuries of chromium-51 in a solution of $CrCl_3$ to be used as a laboratory standard.

D. Pursuant to the Act and 10 CFR Part 30, to possess, but not to separate, such by-product material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules, regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. Northern States shall not operate the reactor at power levels in excess of one (1) megawatt thermal.

B. Northern States shall not install the proposed nuclear superheater fuel in the reactor without prior written authorization by the Commission.

C. *Technical specifications.* The Technical Specifications contained in Appendix "A" hereto are hereby incorporated into this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, Northern States shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, Northern States shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level;

(2) Records showing radioactivity discharges into the air or water beyond the effective control of Northern States as measured at or prior to the point of such release or discharge;

(3) Records of radioactivity levels at both on-site and off-site monitoring stations;

(4) Records of emergency shutdowns and inadvertent scrams including the reasons therefor;

(5) Records of safety system component tests and measurements performed pursuant to the Technical Specifications;

(6) Records of maintenance operations involving substitution or replacement of reactor equipment or components;

(7) Records of all facility tests and measurements performed.

E. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Northern States shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the reactor, including, without implied limitation:

(a) Any substantial variance disclosed by operation of the reactor from the performance specifications set forth in the Hazards Summary Report;

(b) Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Within 60 days after (a) completion of initial core loading and associated critical testing and (b) completion of Phase II of the Power Operation Test Program Northern States shall submit a written report to the Commission of the results pertinent to safety of the tests and operations conducted, including a description of changes made in the facility design, performance characteristics and operating procedures.

(3) Within 30 days after the completion of six months of operation of the reactor (calculated from the date of completion of Phase II of the Power Operation Test Program), and at the end of each six-month period thereafter Northern States shall submit a written report to the Commission which summarizes the following:

(a) Total number of hours of operation and total energy generated by the reactor;

(b) Number of shutdowns of the reactor with a brief explanation of the cause of each shutdown;

(c) Operating experience including levels of radioactivity in principal systems; routine releases, discharges, and shipments of radioactive materials; a description of tests performed in the reactor; and the results of any test analyses completed during the period in the reactor including results of tests required by the Technical Specifications; a summary of experiments conducted; number of malfunctions in the control and safety systems with brief explanations of each; and a discussion of data obtained relating to superheater operation;

(d) Principal maintenance performed and replacements made in the reactor and associated systems including a report on various tests performed on components of the reactor and associated systems;

(e) A description of the leak tests performed pursuant to the Technical Specifications and the results of such tests including a description of any necessary corrective measures taken to meet the requirements of the Technical Specifications for assuring the specified containment leak tightness;

(f) Significant changes made in operating procedures and in plant organization;

(g) Radiation levels recorded at both on-site and off-site monitoring stations.

5. Pursuant to § 50.60 of 10 CFR Part 50, the Commission has allocated to Northern States for use in the operation of the reactor 756.4 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Northern States and returns to the Commission are contained in Appendix "B" attached hereto, which amends the allocation contained in Construction Permit No. CPPR-8. Transfers by the Commission to Northern States in accordance with column (2) in Appendix "B" will be conditioned upon Northern States' return to the Commission of material substantially in accordance with column (3) of Appendix "B".

6. This license shall be effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

Date of issuance: January 23, 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

APPENDIX "B"

ESTIMATED SCHEDULE OF TRANSFERS OF SPECIAL NUCLEAR MATERIAL FROM THE COMMISSION TO NORTHERN STATES POWER COMPANY (NSP) AND FROM NSP TO THE COMMISSION

(1) Date of transfer (fiscal year)	(2) Transfers from AEC to NSP kilograms U-235	(3) Returns by NSP to AEC kilograms U-235		(4) Net yearly distribution kilograms U-235	(5) Cumulative distribution kilograms U-235
		Cold	Hot		
Through 10-18-63	490.0				490.0
1964 [1]	80.6	194.2		(114.6)	375.4
1965	243.8	13.1	41.9	188.8	564.2
1966	243.8	53.2		190.6	754.8
1967	154.0	15.4	219.3	(80.7)	674.1
1968	187.0	54.2	183.8	(51.0)	623.1
1969	196.4		61.1	135.3	758.4
1970	87.2	17.3	188.6	(118.6)	639.8
Total	1,682.8	348.9	694.1		

[1] 3d and 4th quarters FY 1964 only.

[F.R. Doc. 64-936; Filed, Jan. 29, 1964; 8:49 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Proposed Issuance of Operating License

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, and § 50.58 of 10 CFR 50, that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission (the "Commission") by Saxton Nuclear Experimental Corporation ("Saxton"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an operating license, substantially as set forth below, to Saxton authorizing operation of the 23.5-megawatt (thermal) light water moderated and cooled, pressurized water reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania.

Construction of the reactor was authorized by Construction Permit No. CPPR-6 issued February 11, 1960. The reactor has been operated under Provisional Operating License No. DPR-4 issued to Saxton November 15, 1961.

The Commission has found that:

(1) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter, I, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Saxton is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations and to assume financial responsibility for payment of Commission charges for special nuclear material;

(4) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application amendment dated May 28, 1963, and supplement thereto dated January 8, 1964; (2) the report of the Advisory Committee on Reactor Safeguards dated September 12, 1963; (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation; and (4) the Technical Specifications which are incorporated in the license and designated as Appendix A thereto; all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 28th day of January 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[License No. DPR-4]

1. This license applies to the pressurized water reactor (hereinafter referred to as the "reactor") owned by Saxton Nuclear Experimental Corporation (hereinafter referred to as "Saxton"), located north of the Borough of Saxton in Liberty Township, Bedford County, Pennsylvania, and described in Amendment No. 5 dated April 19, 1961, and Amendment No. 7 dated June 30, 1961, to Saxton's license application.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter referred to as the "Commission") hereby licenses Saxton:

A. Pursuant to Section 104(b) of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the "Act"), and Title 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility;

B. Pursuant to the Act and Title 10 CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use at any one time 130 kilograms of contained Uranium 235 as fuel for the operation of the reactor; and

C. Pursuant to the Act and Title 10 CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor, and to receive, possess, and use at any one time not to exceed 120 curies of polonium-beryllium as core neutron sources.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Saxton shall not operate the reactor at power levels in excess of 23.5 megawatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Saxton shall operate the facility only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests and experiments.* Saxton may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, Saxton shall keep the following records:

(1) Reactor operating records, including power levels and period of operations at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Saxton as measured at or prior to the point of such release or discharge.

(3) Records of scrams, including reasons therefor.

(4) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(5) Records of radioactivity measurements at on-site and off-site monitoring stations.

(6) Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

E. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Saxton shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation, any possible unsafe condition arising out of:

(a) Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

(b) Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Saxton shall report to the Commission in writing significant changes in plant organization, and transient or accident analyses, as described in the hazards summary report.

(3) Saxton shall submit to the Commission, on at least a semi-annual basis, a written report of operating experience including:

(a) A brief explanation of the cause of each unplanned shutdown of the reactor.

(b) The amount of radioactive material removed from the reactor by releases, discharges, and shipments of radioactive waste material.

(c) The levels of radioactivity in the principal fluid systems.

(d) A description of changes, tests, and experiments performed pursuant to § 50.59 (a) of the Commission's Rules and Regulations.

(e) A description of the principal maintenance performed.

(f) A summary of reactor operation performed during the period including: Operations performed pursuant to the Research and Development program; an explanation of malfunctions of any equipment important to safety; periodic testing performed as required in section N.8, of the Technical Specifications.

Such reports shall be due within 60 days after the end of each reporting period.

F. *Definitions.* (1) As used in section 3 in this license, the term "facility" means the following systems and components as described in the hazards summary report:

(a) The containment vessel which houses the reactor, steam generator, main coolant system, other miscellaneous auxiliary systems, and the fuel storage well.

(b) The reactor core including the control rods, control rod drives, support structure, and normal operation instrumentation and controls.

(c) The main coolant loop including the piping, steam generator, main coolant pump, reactor vessel, and normal operation instrumentation and controls.

(d) The pressure control and relief system which consists of a pressurizer, discharge tank, relief valve, safety valves, electric heaters, and instrumentation and controls.

(e) The charging system consisting of high pressure pumps and instruments and controls.

(f) The purification system consisting of heat exchangers, flow control valve, demineralizers, and instrumentation and controls.

(g) The chemical addition system consisting of a steam heated boric acid tank, boric acid pump, and a chemical addition tank.

(h) The sampling and leak detection system consisting of high pressure and low pressure sampling and leak detection lines, sample coolers, sample bombs, and instruments and controls.

(i) The shutdown cooling system consisting of a low pressure heat exchanger, pumps and instrumentation and controls.

(j) The safety injection system consisting of two high pressure pumps arranged in series, a high pressure and low pressure piping system, and instrumentation and controls.

(k) The station service electrical system consisting of a normal and emergency power supply, 440-volt feeder busses, pressurizer heater control center, motor control centers, battery and battery charger, safety injection pumps supply, inverter bus and vital bus supply, and main coolant pump supplies.

(l) The radioactive waste disposal facility consisting of a solid waste disposal system,

a liquid waste disposal system, and a gaseous waste disposal system.

(m) The radiation monitoring system consisting of plant process monitoring, plant effluents monitoring, site monitoring and plant area monitoring.

(n) Shielding inside and immediately outside the containment vessel, in the walls of and inside the containment vessel, in the walls of and inside of the control and auxiliary building, and in the waste treatment building.

(o) The fuel handling system consisting of special tools, hoists, and fuel storage rack.

(p) The secondary coolant system inside the containment vessel and the piping outside the containment vessel up to the feedwater regulating valve and the steam pressure regulating valve.

(q) The component cooling system consisting of circulating pumps, heat exchangers, a surge tank, piping, valving, and instrumentation.

(r) The storage well system consisting of circulating pumps, heat exchanger, demineralizer, filters, storage tank, and the necessary piping, valving, fittings, instrumentation and controls.

(s) The cooling, heating, and ventilation systems consisting of the three systems provided to ventilate potentially radioactive areas of the plant (containment vessel, waste treatment plant, and control and auxiliary building) and their common exhaust system.

(t) The Unit No. 2 turbine and main condenser in the existing Pennsylvania Electric Company plant which will be used to utilize the steam produced by the Saxton reactor plant.

(u) The spent fuel storage rack consisting of a rectangular stainless steel crate type structure which is located in the storage well.

(2) As used in this license, the term "hazards summary report" means the report designated by Saxton as the Final Safeguards Report and submitted by Amendment No. 5 to Saxton's license application, including the supplemental information submitted by Saxton in Amendment No. 7, the report designated by Saxton as the Phase I Safeguards Report submitted by Amendment No. 10, including the supplemental information submitted by Saxton in Supplement No. 1 to Amendment No. 10.

4. The license is effective as of the date of issuance and shall expire April 13, 1967, unless extended for good cause shown.

For the Atomic Energy Commission.

———,
Director, Division of Licensing and Regulation.

Attachment: Appendix A.

Date of issuance:

[F.R. Doc. 64-985; Filed, Jan. 29, 1964; 8:50 a.m.]

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Proposed Issuance of Operating License

Notice is hereby given pursuant to section 189 of the Atomic Energy Act of 1954, as amended, and § 50.58 of 10 CFR 50, that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission (the "Commission") by Consumers Power Company ("Consumers"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an operating license, substantially as set forth below, to Consumers authorizing operation of the Big Rock Point nuclear reactor located in Charlevoix County, Michigan. The proposed license would (1) convert Consumers' existing provisional operating license to a full term operating license, (2) authorize the conduct of Phase II of a Research and Development Program, and (3) authorize operation of the reactor at thermal power levels not to exceed 240 megawatts.

Construction of the reactor was authorized by Construction Permit No. CPPR-9 issued May 31, 1960. Consumers has operated the reactor under Provisional Operating License No. DPR-6 issued on August 30, 1962.

The Commission has found that:

(1) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Consumers is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations and to assume financial responsibility for payment of Commission charges for special nuclear material;

(4) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

Prior to the issuance of the license Consumers will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an amendment to its indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

For further details with respect to this proposed license, see (1) the license application amendments dated November 14, 1963, and January 16, 1964, and supplement thereto dated January 20, 1964; (2) the report of the Advisory Committee on Reactor Safeguards dated January 17, 1964; (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation; and (4) the Technical Specifications which are incorporated in the license and designated as Appendix A thereto, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Appendix B to the license, the special nuclear material transfer schedule, is unchanged from Appendix B incorporated in Provisional Operating License No. DPR-6 issued August 30, 1962, a copy of which is on file in the Commission's Public Document Room. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 29th day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[License No. DPR-6]

1. This license applies to the facility, consisting of a boiling water reactor (hereinafter referred to as "the reactor") and associated components and equipment, which is owned by Consumers Power Company (hereinafter referred to as "Consumers"), located in Charlevoix County, Michigan, and described in Consumers' license application dated January 14, 1960, and license application Amendments Nos. 3, 4, 6, 7, 8, 9, 10, 12, 14, and 15, dated December 1, 1961, January 19, 1962, March 19, 1962, March 22, 1962, March 23, 1962, March 28, 1962, May 3, 1962, May 31, 1962, November 15, 1963, and January 16, 1964, respectively, (hereinafter referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter referred to as "the Commission") hereby licenses Consumers:

A. Pursuant to Section 104b of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use at any one time 1,200 kilograms of contained Uranium 235 as fuel for operation of the reactor;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use 10.32 grams of Uranium 235 in fission counters;

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, to receive, possess and use five curies of plutonium encapsulated as a plutonium-beryllium neutron source for startup of the reactor;

E. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to receive, possess and use antimony-beryllium with an initial strength not exceeding 7,000 curies as neutron sources;

F. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and is subject to all applicable provisions of the Act and the rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. *Maximum power level.*—Consumers shall not operate the reactor at steady state power levels in excess of 240 megawatts thermal.

B. *Technical specifications.* The technical specifications contained in Appendix A to this license (hereinafter referred to as the "Technical Specifications") are hereby incorporated in this license. Consumers shall operate the facility in accordance with the technical specifications. No changes shall be made in the technical specifications unless authorized by the Commission as provided in 10 CFR 50.59, or as otherwise

permitted by the Act and the Commission's rules and regulations.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, Consumers shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records showing the radioactivity released or discharged into the air or water beyond the effective control of Consumers as measured at or prior to the point of such release or discharge.

(3) Records of scrams, including reasons therefor.

(4) Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

(5) Records of radioactivity measurements at on-site and off-site monitoring stations.

(6) Records of facility tests and measurements performed pursuant to the requirements of the technical specifications.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Consumers shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Consumers shall report to the Commission in writing significant changes in plant organization, and transient or accident analyses, as described in the hazards summary report.

(3) Consumers shall submit to the Commission, at least semiannually during the remaining period of the Research and Development Program and at least annually thereafter a written report of operating experience including:

a. A brief explanation of the cause of each unplanned shutdown of the reactor.

b. The amount of radioactive material removed from the reactor by releases, discharges, and shipments of radioactive waste material.

c. The levels of radioactivity in the principal fluid systems.

d. A description of changes, tests, and experiments performed pursuant to Paragraph 50.59(a) of the Commission's rules and regulations.

e. A description of the principal maintenance performed on the facility.

f. A summary of reactor operation performed during the period, including: Operations performed pursuant to the Research and Development Program; an explanation of malfunctions of any equipment important to safety; periodic testing performed as required in the technical specifications.

Such reports shall be due within 60 days after the end of each reporting period.

4. Pursuant to § 50.60, Title 10, CFR, Chapter I, Part 50, the Commission has allocated to Consumers for use in the operation of the reactor 4791.8 kilograms of Uranium 235 contained in uranium at the isotopic ratios specified in the application. Estimated schedules of special nuclear material transfers to Consumers and returns to the Commission are contained in Appendix B which is hereby incorporated in this license. Shipments by the Commission to Consumers in accordance with Column (2) in Appendix B will be conditioned upon Consumers' return to the Commission of material substantially in accordance with Column (3) of Appendix B.

5. This license is effective as of the date of issuance and shall expire May 31, 2000.

For the Atomic Energy Commission.

———,
Director, Division of Licensing and Regulation.

Attachments: Appendix A and Appendix B.

Date of issuance:

[F.R. Doc. 64-998; Filed, Jan. 29, 1964; 11:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14657]

TRADE WINDS AIRWAYS CORP.

Notice of Postponement of Hearing Regarding Enforcement Proceeding

The hearing presently assigned to be held in the above proceeding on February 11, 1964, at 10:00 a.m. (local time), in the Hearing Room, Second Floor, Veteran's Administration Center, 520 Ponce de Leon, San Juan, Puerto Rico, is hereby postponed until further notice.

Dated at Washington, D.C., January 24, 1964.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 64-947; Filed, Jan. 29, 1964; 8:50 a.m.]

[Docket 13777; Order No. E-20395]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January, 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17280, R-49.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names an additional specific commodity rate as set forth below:

Agreement C.A.B. 17280	IATA memorandum	Commodity item	Rates
R-49.....	TC1/Rates 1886.	4600	27 cents per kilogram; minimum weight, 1,000 kilograms; Miami to Panama City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17280, R-49, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-946; Filed, Jan. 29, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15289, 15290]

C & G ELECTRONICS CO., AND RADIOFONE SERVICE

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of C & G Electronics Company, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Tacoma, Washington, Docket No. 15289, File No. 216-C2-P-63; Robert M. Kunz, d/b as Radiofone Service, for a construction permit to modify the facilities of Station KOE518 in the Domestic Public Land Mobile Radio Service at Tacoma, Washington, Docket No. 15290, File No. 1167-C2-P-63.

1. The Commission, by its Chief of the Common Carrier Bureau acting under delegation of authority, pursuant to section 0.292 of the Commission's rules, has before it (1) an application filed July 11, 1962 by C & G Electronics Company (hereinafter called C & G) to establish a new two-way communications service,

using the frequencies 152.06 and 158.52 Mc/s in the Domestic Public Land Mobile Radio Service at Tacoma, Washington; and (2) an application filed September 7, 1962 by Robert M. Kunz, d/b as Radiofone Service (hereinafter called Radiofone) to modify the facilities of Station KOE518 by changing its frequencies and equipment, to offer an improved two-way communications service on the frequencies 152.06 and 158.52 Mc/s in the Domestic Public Land Mobile Radio Service at Tacoma, Washington. C & G and Radiofone are each seeking to provide two-way communications service on the same frequencies in the same general area, in and about Tacoma, Washington, and it appears that these applications are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either of the applicants would serve the public interest, convenience and necessity.

2. It also appears that section 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above one microvolt per meter as the limit of reliable service area for base stations engaged in two-way communication service, and that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50, 50) and interference contours of the facilities involved in this proceeding.

3. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

4. Accordingly, in view of our conclusions above; *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations and facilities pertaining thereto.

(b) To determine whether any harmful interference would result from simultaneous operations on the frequencies 152.06 and 158.52 Mc/s by C & G and Radiofone, and if so, whether such interference would be intolerable or undesirable.

(c) To determine on a comparative basis, the areas and populations that C & G and Radiofone propose to serve within their respective 37 dbu median field strength contours, based upon the standards set forth in paragraph 2 above; and to determine the need for the proposed services in the said areas.

(d) To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any of the captioned applications, and the terms or conditions which should be attached thereto, if any.

5. *It is further ordered*, That the burden of proof on each of the issues in paragraph 4 is placed upon the applicants so far as the same relates to their respective applications; and

6. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: January 23, 1964.

Released: January 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-948; Filed, Jan. 29, 1964; 8:50 a.m.]

[Docket Nos. 14973-14975; FCC 64R-26]

CALHIO BROADCASTERS ET AL.

Memorandum Opinion and Order

In re applications of Thomas B. Friedman, tr/as Calhio Broadcasters, Seven Hills, Ohio, Docket No. 14973, File No. BP-13946; Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP-3950; Tele-Sonics, Inc., Parma, Ohio, Docket No. 14975, File No. BP-14992; for construction permits.

1. The applicants in this proceeding seek (a) approval of an agreement looking toward the dismissal of the Salem Broadcasting Company (Salem) application for a new standard broadcast station at Salem, Ohio, and the payment by Thomas B. Friedman, tr/as Calhio Broadcasters (Calhio) and Tele-Sonics, Inc. (Tele-Sonics) to Salem of an amount not to exceed $13,260.97, as partial reimbursement of expenses incurred in connection with Salem's application; (b) approval of an agreement providing for a merger of Calhio and Tele-Sonics; and (c) acceptance of an amendment to the Tele-Sonics application. Separate pleadings have been submitted concerning (b) and (c). Inasmuch as the results of compliance with our order herein may materially affect (b) and (c), we are, at present, limiting our consideration to (a).[1]

2. Calhio proposes a new standard broadcast station at Seven Hills, Ohio; Salem proposes a new station at Salem, Ohio; and Tele-Sonics a station at Parma, Ohio. By Commission Order (FCC 63-170), released February 25, 1963, these applications were designated for hearing in a consolidated proceeding to determine, among other things, which proposal would better provide a fair, efficient, and equitable distribution of radio service pursuant to section 307(b) of the Act. Taft Broadcasting Company (WTVN) and Whitehall Stations, Inc. (WTAC), were included among the respondents who were made parties to the proceedings.

3. Salem alleges that its agreement to accept out-of-pocket expenditures and to dismiss its application is based on its conclusion that the possibility of its eventual success in this proceeding did not justify the substantial expense involved in further prosecuting its application. The Broadcast Bureau agrees that Salem's expenses were legitimate and prudent; it urges, however, that action on its request be withheld until after due publication of Salem's proposed dismissal of its application. WTVN opposes approval of the Salem agreement arguing, in substance, that the showing on expenditures was inadequate; that publication is required; and that a public interest finding to support such approval by the Commission cannot be made.

4. In effect, Salem concedes that a 307(b) situation exists and that it will, under § 1.525(b) of the rules, duly publish notice of its proposed dismissal. Such publication will be ordered and shall include such pertinent details of the proposed Calhio-Tele-Sonics merger agreement as will apprise interested parties fully concerning their existing and proposed competitors. Pending such publication, action on the request for approval of the Salem agreement will be held in abeyance. Upon compliance with said order, petitioners shall notify the Review Board of the results of the publication and whether such results have affected in any way petitioners' other requests pending before us.[2]

5. The dismissal agreement specifies that Calhio and Tele-Sonics will reimburse Salem for the legitimate and prudent expenses which it has incurred to date in the preparation and prosecution of its application in an amount not to exceed a total of $13,260.97.[3] An affidavit submitted with the joint petition signed by Salem's president lists itemized expenses totalling $13,261.10. However, supporting affidavits of Salem's attorneys and engineers substantiate only $9,681.06 of this amount. The unsubstantiated expenses, totalling $3,580.40, include $1,103.90 for engineering fees, and $1,100.00 for option fees. Since petitioners have not substantiated all of their major expenses, as required by § 1.525(a) of the rules, final action on the dismissal agreement will be withheld until Salem submits further supporting affidavits.

6. The Board presently has pending before it several pleadings filed in connection with the requested merger between the Calhio and Tele-Sonics applicants and a proposed amendment to the Tele-Sonics application. Action on these pleadings is being withheld until we reach a determination on the requested dismissal of the Salem application. In its engineering amendment, petitioners seek the utilization of the original Calhio engineering proposal in the amended application. Without implying any action it may take on the merger agreement and solely for the purpose of assisting the parties in effecting proper publication, the Board now indicates that if it becomes necessary to rule on the proposed engineering amendment, the request therefor will be denied for the reasons hereafter to be stated.

Accordingly, it is ordered, This 15th day of January 1964, That further consideration of the joint request for approval of dismissal agreement and motion for dismissal of the application of Salem Broadcasting Company, filed by Calhio Broadcasters, Salem Broadcasting Company, and Tele-Sonics, Inc. on July 15, 1963, will be held in abeyance; that Salem Broadcasting Company is afforded until 30 days from the date of release of this order the opportunity to supplement its showing as to its expenses; that further opportunity be afforded for other persons to apply for the facilities specified in the application of Salem Broadcasting Company; and that Salem Broadcasting Company will therefore comply with the provisions of § 1.525(b) of the rules, in accordance with the requirements of this opinion.

Released: January 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-949; Filed, Jan. 29, 1964; 8:50 a.m.]

[1] The Review Board has the following pleadings before it for consideration: (1) Joint request for approval of dismissal agreement and motion for dismissal of the application of Salem Broadcasting Company, filed by Calhio Broadcasters, Salem Broadcasting Company and Tele-Sonics, Inc. on July 15, 1963; (2) Comments on (1), filed by the Broadcast Bureau on July 29, 1963; (3) Opposition to (1), filed by Taft Broadcasting Co. on July 30, 1963; (4) Reply to (2) and (3), filed by Tele-Sonics, Inc. on Aug. 9, 1963; (5) Reply to (2) and (3), filed by Salem Broadcasting Company on Aug. 9, 1963; (6) Addenda to (5), filed by Salem Broadcasting Company on Aug. 14, 1963; (7) Comments on Oppositions, filed by Calhio Broadcasters on Aug. 20, 1963.

[2] The first of the 22 pleadings in these matters was filed on July 15, 1963 and the last on Nov. 5, 1963. The proposals herein were presented in staggered form, piecemeal, at times partly incomplete, and in some respects are contingent, uncertain and extremely shy of clarity. As a result, the Board's task has been made unnecessarily complicated and its efforts to arrive at an expeditious determination have been frustrated.

[3] The dismissal agreement provides that Salem is not to be reimbursed for its expenses if another applicant applies for the identical facilities pursuant to publication of the Salem dismissal.

[4] Concurring statement of Chairman Berkemeyer and dissenting statement of Board Member Slone filed as part of original document.

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND DEUTSCHE OST-AFRIKA LINIE (G.m.B.H.)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9292, between Farrell Lines Incorporated and Deutsche Ost-Afrika Linie (G.m.B.H.), provides for a through billing arrangement for cargo in the trade between Kismayu and Mogadiscio (Somalia Republic) and United States Atlantic ports with transhipment at ports in Kenya and Tanganyika in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 27, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-942; Filed, Jan. 29, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-534 etc.]

J. A. KIMMEY ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

JANUARY 22, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf[2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-534	J. A. Kimmey (Operator), et al., Driscoll Bldg., Corpus Christi, Tex.	3	1	Tennessee Gas Transmission Co. (Ammonsa Field, Wharton County, Tex.) (R.R. District No. 3).	$1,200	12-23-63	[3] 2-1-64	[3] 2-2-64	13.5	[4] [5] 14.5	
RI64-535	The Superior Oil Co., Box 1521, Houston, Tex.	100	3	Valley Gas Transmission, Inc. (Orcones Field, Duval County, Tex.) (R.R. District No. 4).	4,986	12-26-63	[3] 1-26-64	[3] 1-27-64	14.0	[4] [5] 15.0	
RI64-536	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	375	5	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	6,617	12-23-63	[3] 1-23-64	[3] 1-24-64	[7] 12.5	[5] [7] 13.5	RI64-46
RI64-537	Pubco Petroleum Corp., P.O. Box 1419, Albuquerque, N. Mex. Attn: Mr. Frank D. Gorham, Jr.	4	27	El Paso Natural Gas Co. (Various Pictured Cliffs Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	9,728	12-23-63	[3] 1-23-64	[3] 1-24-64	[8] 11.2104	[4] [9] 12.2306	RI64-91
	----do----	7	4	El Paso Natural Gas Co. (South Blanco-Pictured Cliffs and Blanco-Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	310	12-26-63	[3] 1-26-64	[3] 1-27-64	[8] [10] 11.2104	[4] [9] [10] 12.2306	RI64-91
RI64-538	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	25	5	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,574	12-30-63	[3] 2-1-64	[3] 2-2-64	11.0	[4] [5] 12.2205	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] The stated effective date is the first day after expiration of the required statutory notice.
[6] Subject to a downward Btu adjustment.
[7] Pressure base is 15.025 psia.
[8] Includes partial reimbursement for full 2.35 percent New Mexico Emergency School Tax.
[9] For gas produced from Pictured Cliffs Formation.

[1] Does not consolidate for hearing or dispose of the several matters herein.

J. A. Kimmey (Operator), et al., (Kimmey) request waiver of notice to make their proposed rate increase effective as of January 1, 1964, and Pubco Petroleum Corporation proposes an effective date of January 1, 1964, the contractually provided effective date, for its rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The basic contracts of Kimmey, The Superior Oil Company (Superior) and Pan American Petroleum Corporation (Pan American) are dated after the issuance of the Commission's Statement of General Policy No. 61–1, as amended, and the proposed rates are above the applicable area ceiling for increased rates but below the initial service ceilings for the area involved. We believe, in this situation, that these producers' rate filings should be suspended for one day from the effective date shown in the attached tabulation.

The proposed rate increases of Pubco Petroleum Corporation (Pubco) and Marathon Oil Company (Marathon) include partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent effective April 1, 1963. El Paso Natural Gas Company (El Paso) questions the right of Pubco and Marathon under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Pubco and Marathon shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested. Since the rate increases reflect tax reimbursement, the suspension period for each may be shortened to one day from the date shown in the above "Effective date" column.

Pubco and Marathon's proposed increased rates are below the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended, but are suspended because of El Paso's protest with respect to the tax reimbursement.

The proposed rate increases of Kimmey, Superior, and Pan American exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Pubco and Marathon's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained Kimmey, Superior, and Pan American's proposed rate filings, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for Public and Marathon's proposed rate filings which El Paso has protested, and the statutory lawfulness of the rates and charges contained in Kimmey, Superior, and Pan American's proposed rate supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 9, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–814; Filed, Jan. 29, 1964; 8:45 a.m.]

[Project No. 2423]

BROWN CO.

Notice of Application for License

JANUARY 23, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Brown Company (correspondence to: John W. Jordan, Vice President and Secretary, Brown Company, 650 Main Street, Berlin, New Hampshire) for license for constructed Project No. 2423, known as the Riverside Project, located on the Androscoggin River, City of Berlin, Coos County, New Hampshire.

The project consists of: a dam about 802 feet long, having a rock filled timber crib section about 329 feet long extending about 131 feet diagonally downstream from the left bank (including a sluiceway about 14 feet wide) and also extending about 198 feet generally downstream, a concrete ogee section about 235 feet long, and a timber crib section (topped with flashboards about 2 feet high about 200 feet long extending further downstream to a sluice gate section having 2 gates, each 7 feet wide, adjacent to the gatehouse; a gatehouse adjacent to the right bank; 3 wood stave penstocks 13 feet in diameter and about 1250 feet long; a powerhouse on the right bank containing three 5,000 horsepower turbines direct connected to three 3,800 kilowatt generators; a substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–914; Filed, Jan. 29, 1964; 8:46 a.m.]

[Docket No. RI64–539 etc.]

APACHE CORP. ET AL.

Order Permitting Substitution of Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 22, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–539	Apache Corp., 823 South Detroit, Tulsa 20, Okla.	14	2	Colorado Interstate Gas Co. (Southwest Campcreek and Mocane Fields, Beaver County, Okla.) (Panhandle Area).	$1,408	12–30–63	[2] 1–30–64	6–30–64	[3] 15.0	[3] [4] 16.0	
	do	27	5	Northern Natural Gas Co. (Spearman North Field, Hansford County, Tex.) (R.R. District No. 10).	1,016	1– 2–64	[2] 2– 2–64	7– 2–64	[3] 16.5	[3] [4] 17.5	
RI64–540	Atlas Corp., 2000 National Bank of Tulsa Bldg., Tulsa 3, Okla. Attn: Mr. F. T. Anderson.	3	11	El Paso Natural Gas Co. (Gallegos-Gallup Sand Unit, San Juan Field, San Juan County, N. Mex.) (San Juan Basin Area).	264	12–23–63	[7] 1–23–64	6–23–64	[10] 14.0	[3] [8] [9] 15.0577	
RI64–541	Pubco Petroleum Corp., P.O. Box 1419, Albuquerque, N. Mex. Attn: Mr. Frank D. Gorham, Jr.	6	2	El Paso Natural Gas Co. (Ignacio-Blanco Field, La Plata County, Colo.).	3,922	12–23–63	[2] 1–23–64	6–23–64	13.0	[3] [9] 14.0	
	do	1	26	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	40,286	12–23–63	[3] 1–23–64	6–23–64	[11] [13] 13.2295	[3] [8] [11] [13] 14.2501	RI64–91
	do	2	3	do	200	12–24–63	[3] 1–24–64	6–24–64	[11] [13] 13.2295	[3] [8] [11] [13] 14.2501	RI64–91
	do	3	3	do	1,242	12–26–63	[3] 1–26–64	6–26–64	[11] [13] 13.2295	[3] [8] [11] [13] 14.2501	RI64–91
	do	5	4	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	2,109	12–23–63	[3] 1–23–64	6–23–64	[13] 13.2501	[3] [8] [13] 14.2603	RI64–145
	do	7	5	El Paso Natural Gas Co. (South Blanco-Pictured Cliffs Field and Blanco-Mesa Verde Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	3,839	12–26–63	[3] 1–26–64	6–26–64	[11] [12] [13] 13.2295	[3] [8] [11] [12] [13] 14.2501	RI64–91
	do	9	5	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	271	12–26–63	[3] 1–26–64	6–26–64	[13] 13.2501	[3] [8] [13] 14.2695	RI64–145
	do	10	7	do	233	12–26–63	[3] 1–26–64	6–26–64	[13] 13.2501	[3] [8] [13] 14.2693	RI64–145
	do	11	7	do	389	12–26–63	[3] 1–26–64	6–26–64	[13] 13.2501	[3] [8] [13] 14.2693	RI64–145
RI64–544	Pubco Petroleum Corp. (Operator), et al.	8	10	do	824	12–26–63	[3] 1–26–64	6–26–64	[13] 12.2501	[3] [8] [13] 14.2603	RI64–146
	do	13	12	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	10,269	12–26–63	[3] 1–26–64	6–26–64	[11] [13] 13.2295	[3] [8] [11] [13] 14.2501	RI64–82
RI64–542	The Shamrock Oil and Gas Corp., P.O. Box 631, Amarillo, Tex.	32	3	Panhandle Eastern Pipe Line Co., (McKee Plant, Panhandle Field, Moore County, Tex.) (R.R. District No. 10).	114,701	12–23–63	[7] 2– 1–64	7– 1–64	[10] 11.5	[3] [8] [10] 12.0	RI62–302
RI64–543	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	143	2	Lone Star Gas Co. (North Healdton Field, Carter County, Okla.) (Oklahoma "Other" Area).	149	12–27–63	2– 1–64	7– 1–64	16.8	[3] [17] 17.9	RI60–139
RI64–545	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103. Attn: Mr. C. E. Webber.	60	9	Northern Natural Gas Co. (Eumont Pool, Lea County, N. Mex.) (Permian Basin Area).	1,236	12–27–63	[7] 2–26–64	7–26–64	[3] [10] 10.5445	[3] [8] [9] [10] 11.5487	
RI64–474	H. H. Phillips, et al., Milam Bldg., San Antonio, Tex., 78205.	1	3	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex.) (San Juan Basin Area) and (La Plata and Archuleta Counties, Colo.).	88	1– 3–64	[3] 2– 3–64	6– 2–64	[11] [13] 12.0	[3] [8] [11] 14.0	
RI64–546	The Atlantic Refining Co., P.O. Box 2819, Dallas 21, Tex.	281	3	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	6,597	12–23–63	[3] 1–23–64	6–23–64	[3] [15] 12.0600	[3] [8] [9] [15] 13.0651	
RI64–547	The Superior Oil Co., P.O. Box 1521, Houston, Tex., 77001. Attn: H. W. Varner, attorney.	94	1	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin Area).	209	12–26–63	[7] 1–26–64	6–26–64	[11] 13.0000	[3] [8] [11] 14.0536	
RI64–548	R. S. Murray, Jr., et al., P.O. Box 17, El Paso, Tex., 79999.	1	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,000	12–26–63	[7] 1–26–64	6–26–64	[10] 13.0	[3] [9] [10] 14.0	
RI64–549	Marathon Oil Co., 539 South Main St., Findlay, Ohio.	24	4	El Paso Natural Gas Co., (Lapiata Area, Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,902	12–30–63	[7] 2– 1–64	7– 1–64	[11] 13.0	[3] [8] [11] 14.0	
	do	10	13	Transcontinental Gas Pipe Line Corp. (North Markham-North Bay City Field, Matagorda County, Tex.) (R.R. District No. 3).	314,189	1– 2–64	[3] 2– 3–64	7– 2–64	[3] [16] 14.0	[3] [8] [16] 15.70629	
RI64–550	Marathon Oil Co. (Operator), et al.	55	2	El Paso Natural Gas Co. (Kutz Canyon Area, San Juan County, N. Mex.) (San Juan Basin Area).	16,143	12–30–63	[7] 2– 1–64	7– 1–64	[3] [16] 13.0	[3] [8] [16] 14.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-551	Shiprock Industries, Inc. (Operator), et al. 2000 Natural Bank of Tulsa Bldg., Tulsa, Okla. Attn: Mr. F. T. Anderson.	5	10	El Paso Natural Gas Co. (Blanco-Mesa Verde and Basin-Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	$504	12-30-63	[7] 1-30-64	6-30-64	[21] 13.0	[21] [22] 14.0536	
RI64-552	Ashland Oil & Refining Co., P.O. Box 1503, Houston 1, Tex. Attn: H. L. Hester, attorney.	141	1	Panhandle Eastern Pipe Line Co. (Beaver County, Okla.) (Panhandle Area).	5,447	12-31-63	[7] 2- 1-64	7- 1-64	[20] 17.0	[4] [24] 20.085	
RI64-553	Continental Oil Co., P.O. Box 2197, Houston, Tex., 77001. Attn: Fred T. O'Leary, assistant director, natural gas activities. Attn: Bruce B. Merrill, legal department.	191	4	Michigan-Wisconsin Pipe Line Co. (Laverne and Northeast Buffalo Fields, Harper and Beaver Counties, Okla.) (Panhandle Area).	11,450	1- 2-64	[7] 2-17-64	7-17-64	[20] 17.0	[4] [25] 19.5	
RI64-554	Petroleum, Inc. (Operator), et al. 525 North Broadway, Wichita, Kans.	10	1	Panhandle Eastern Pipe Line Co. (Carthage Field, Texas County, Okla.) (Oklahoma-Panhandle Area).	180	1- 6-64	[7] 2- 6-64	7- 6-64	15.0	[4] 16.0	
RI64-555	Socony Mobil Oil Co., Inc. (Operator), et al. 150 East 42d St., New York, N.Y., 10017.	118	6	Lone Star Gas Co. (Panther Creek Field, Garvin County, Okla.) (Oklahoma "Other" Area).	2,644	1- 3-64	[3] 2- 3-64	7- 3-64	9.0	[4] [27] 12.35	
RI64-556	A. L. Abercrombie (Operator), et al. 801 Union Center Bldg., Wichita 2, Kans., 67202.	2	3	Cities Service Gas Company (North Rhodes Field, Barber County, Kans.).	500	1- 6-64	[7] 2- 6-64	7- 6-64	[6] 12.0	[4] [6] 13.0	
	do	3	3	Cities Service Gas Co. (Rhodes Field, Barber County, Kans.).	250	1- 6-64	[7] 2- 6-64	7- 6-64	[6] 12.0	[4] [6] 13.0	
RI64-557	A. L. Abercrombie, et al.	4	3	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Oklahoma-Panhandle Area).	180	1- 6-64	[7] 2- 6-64	7- 6-64	12.0	[4] 13.0	
	do	5	4	Cities Service Gas Co. (North Rhodes Field, Barber County, Kans.).	1,500	1- 6-64	[7] 2- 6-64	7- 6-64	[6] 12.0	[4] [6] 13.0	
RI64-558	San Jacinto Oil and Gas Co. (Operator), et al., San Jacinto Bldg., Houston, Tex., 77002. Attn: R. C. Dougherty, Jr.	11	10	Texas Eastern Transmission Corp. (Big Hill Field, Jefferson County, Tex.) (R.R. District No. 3).	22,820	1- 2-64	[7] 2- 2-64	7- 2-64	[37] 14.6	[4] 15.6	
RI64-559	N. B. Hunt, 700 Mercantile Bank Bldg., Dallas 1, Tex.	8	11	Natural Gas Pipeline Co. of America (West Bernard Field, Wharton County, Tex.) (R.R. District No. 3).	2,004	1- 6-64	[2] 2- 6-64	7- 6-64	[39] 17.12824	[4] [39] 19.8	G-16086
RI64-560	Monsanto Chemical Co., 1401 South Coast Bldg., Houston 2, Tex.	31	6	United Gas Pipe Line Co. (Ada Field, Bienville Parish, La.).	22,750	12-27-63	[7] 1-31-64	6-30-64	[20] 18.25	[4] [20] 21.75	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Subject to an upward and downward Btu adjustment from 1000 Btu's (net rates for Dixon and Shadden Units before increase are 17.43 cents and 16.83 cents per Mcf, respectively, net rates after increase are 18.58 cents and 17.86 cents, respectively, based on Btu content of 1162 and 1122, respectively, as stated in filing.
[5] Subject to downward Btu adjustment.
[6] The stated effective date is the effective date requested by Respondent.
[7] Pressure base is 15.025 psia.
[8] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[9] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[10] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[11] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[12] For gas produced from Mesa Verde Formation.
[13] Periodic increase in compression charge.
[14] Includes base rate of 11.0 cents plus 1.0 cent for compression charged by Seller.
[15] Includes base rate of 11.0 cents plus 0.5 cent for compression charged by Seller.
[16] Favored-nation rate increase.
[17] Subject to 0.5 cent per Mcf reduction for compression.
[18] Previously reported as 14.0 cents per Mcf suspended in Docket No. RI64-474 (superseded rate).
[19] Rate applicable to gas produced from Mesa Verde Formation only.
[20] Converted from contractually provided for pressure base of 16.7 psia to the area pressure base of 14.65 psia.
[21] Rate includes 0.21931 cent dehydration paid to Seller by Buyer.
[22] Exclusive of acreage added by Supplement No. 1 (Supplemental Agreement dated July 25, 1963).
[24] Base price of 19.5 cents per Mcf plus 0.585 cent per Mcf for upward Btu adjustment.
[25] Temporary certificate issued October 27, 1960, in Docket No. CI61-16 at initial rate of 17.0 cents per Mcf not subject to any upward Btu adjustment.
[26] Price subject to upward Btu adjustment.
[27] Rate is result of Settlement Offer approved by Commission order issued November 19, 1959, in Docket Nos. G-13312 et al.
[28] Redetermined rate increase.
[29] Rate includes compression, gathering and dehydration charges deducted by Buyer.
[30] Includes 1.75 cents per Mcf tax reimbursement.

Apache Corporation, Pubco Petroleum Corporation and Pubco Petroleum Corporation (Operator), et al., H. H. Phillips, et al. (Phillips), and The Atlantic Refining Company request an effective date of January 1, 1964, for their proposed rate increases. Socony Mobil Oil Company, Inc. (Operator), et al., and Marathon Oil Company (Marathon) (Supplement No. 13 to Marathon's FPC Gas Rate Schedule No. 10) request an effective date of February 1, 1964, for their proposed rate filings. N. B. Hunt requests a retroactive effective date of September 1, 1963, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Supplements Nos. 26, 3, 3, and 5 to Pubco Petroleum Corporation's FPC Gas Rate Schedules Nos. 1, 2, 3, and 7, respectively; Supplement No. 12 to Pubco Petroleum Corporation (Operator), et al. FPC Gas Rate Schedule No. 13; Supplement No. 4 to Marathon's FPC Gas Rate Schedule No. 24; Supplement No. 2 to Marathon Oil Company (Operator), et al., FPC Gas Rate Schedule No. 55, and the rate filings of H. H. Phillips, et al., The Superior Oil Company and Shiprock Industries, Inc. (Operator), et al., provide for tax reimbursement computed on the contract base rate of 12.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate to 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

The proposed rate increases of Pubco Petroleum Corporation and Pubco Petroleum Corporation (Operator), et al., reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The producers have previously filed for this reimbursement and the buyers, El Paso Natural Gas Company (El Paso) and Southern Union Gathering Company (Southern Union), have protested the filings. El Paso questions the right of the producers under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein shall concern themselves with the contractual basis for these producers rate filings, as well as the statutory lawfulness of the increased rates contained in the proposed rate filings.

With respect to the rate increase of Sun Oil Company, the gas is sour and must be processed for removal of excess sulphur. The addition of the sweetening cost to the proposed increase rate of 11.5487 cents per Mcf, already in excess of the 11.0 cents per Mcf area ceiling price, would amount to a total rate of approximately 12.7987 cents per Mcf for pipeline quality gas and is suspended as hereinafter ordered.

The rate filing of Phillips was submitted to replace a previous filing which did not include the interests of the "et al" parties. The instant filing includes such interests. The previous filing, submitted on December 2, 1963, was suspended by the Commission's order issued December 26, 1963, in Docket No. RI64-474 until June 2, 1964. We believe it to be in the public interest to permit Phillips to substitute the instant rate filing of January 3, 1964, for the rate filing of December 2, 1963, now under suspension in Docket No. RI64-474. Under the circumstances, the suspension period for Phillips' rate filing may be shortened to terminate concurrently with the suspension period (June 2, 1964) in said docket.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that Phillips' proposed periodic rate increase, designated as Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 1, be permitted to be substituted for the periodic rate increase contained in Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 1 now under suspension in Docket No. RI64-474.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of the proposed rate filings which El Paso and Southern Union have protested, as set forth above, and the statutory lawfulness of all of the producers' proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 1 is hereby permitted to be substituted for Supplement No. 2 to Phillips' FPC Gas Rate Schedule No. 1 suspended in Docket No. RI64-474.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filing which El Paso and Southern Union have protested, as set forth above, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate supplements.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(D) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 9, 1964.

By the Commission. Commissioner Woodward dissenting to the suspension of Supplements Nos. 26, 3, 3, and 5 to Rate Schedule Nos. 1, 2, 3, and 7, respectively, in Docket No. RI64-541, Pubco Petroleum Corporation; Supplement No. 12 to Rate Schedule No. 13 in Docket No. RI64-544, Pubco Petroleum Corporation (Operator), et al.; and the rate filings in Docket No. RI64-474, H. H. Phillips; RI64-547, The Superior Oil Company; Docket No. RI64-549, Marathon Oil Company; Docket No. RI64-550, Marathon Oil Company (Operator), et al.; and Docket No. RI64-551, Shiprock Industries, Inc. (Operator), et al.

Commissioner Woodward not participating in the suspension of the rate filing in Docket No. RI64-558, San Jacinto Oil and Gas Company (Operator), et al.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-813; Filed, Jan. 29, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Amendment of List of Tariff Schedules of United States Annotated Numbers

JANUARY 23, 1964.

There is published below a letter dated December 23, 1963, from the Acting Chairman, Interagency Textile Administrative Committee, to the Commissioner of Customs, amending the list of Tariff Schedules of the United States Annotated numbers, used by the United States in administering the Long Term Arrangement Regarding International Trade in Cotton Textiles originally published in the FEDERAL REGISTER of October 1, 1963 (28 F.R. 10551).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE
Washington 25, D.C., December 23, 1963.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: With the inauguration of the new T.S.U.S.A. numbers in September 1963, infants' shirts ornamented (formerly included in Schedule A numbers 3113 935 and 3113 945) and infants' shirts not ornamented (formerly Schedule A numbers 3113 126, 3113 127, 3113 128, 3113 129, 3113 177, 3113 178, 3113 179, 3113 181, and 3113 182), were all included under two T.S.U.S.A. numbers 382.0377 and 382.3366. These two T.S.U.S.A. numbers were residual classifications under women's, girls', and infants' wearing apparel and this change resulted in infants' shirts being moved from Categories 45 and 46, under the Schedule A number system of classification to Category 63 under the T.S.U.S.A. classification system. On November 21 a C.I.E. (T.S.U.S.A. 90) was issued creating four new T.S.U.S.A. numbers, two for ornamented shirts and two for non-ornamented shirts.

In order to preserve the category structure and restore the historical continuity of the statistical data, we are requesting that T.S.U.S.A. numbers 382.3370 and 382.0396 be assigned to Category 45 and T.S.U.S.A. numbers 382.3368 and 382.0397 be assigned to Category 46 rather than to Category 63 where they are currently being assigned. The two original T.S.U.S.A. numbers from which these have been broken out 382.3366 and 382.0377 should be retained in Category 63.

Sincerely yours,

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile Administrative Committee, and Acting Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-926; Filed, Jan. 29, 1964; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

H. M. BOTKIN

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission, published August 21, 1963 (28 F.R. 9224).

Dated: December 24, 1963.

H. M. BOTKIN.

[F.R. Doc. 64-902; Filed, Jan. 29, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-3146]

HOMESTEAD GOLD EXPLORATION CORP.

Notice and Order for Hearing

JANUARY 24, 1964.

I. Homestead Gold Exploration Corporation (issuer) 3460 Wilshire Boulevard, Los Angeles 5, California, was incorporated in California in 1962 to engage in the general business of exploration of mining properties.

On May 10, 1963, issuer filed with the San Francisco Regional Office a notification on Form 1-A and offering circular relating to an offering of 300,000 shares of its $1.00 par value common stock at $1.00 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. V. K. Osborne & Sons, Inc., a California corporation, was the underwriter. The offering commenced on or about June 11, 1963.

II. The Commission, on December 18, 1963, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having an interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on February 17, 1964, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters set forth in section II of the Commission's order dated December 18, 1963, which temporarily suspended the Regulation A exemption of Homestead Gold Exploration Corporation, without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

It is further ordered, That Irving Schiller, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Homestead Gold Exploration Corporation; that notice of the entry of the order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before February 13, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Homestead Gold Exploration Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II of the Commission's order dated December 18, 1963. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Homestead Gold Exploration Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II of the Commission's order dated December 18, 1963.

Notice is hereby given that if Homestead Gold Exploration Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceeding may be determined against Homestead Gold Exploration Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II of the Commission's order dated December 18, 1963, may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 64-927; Filed, Jan. 29, 1964; 8:47 a.m.]

[File No. 811-268]

INSURANSHARES CERTIFICATES INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 24, 1964.

Notice is hereby given that Insuranshares Certificates Incorporated ("applicant"), 312 Keyser Building, Baltimore 2, Maryland, a Maryland corporation and a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein which are summarized below.

Applicant represents that on December 7, 1962, the stockholders of the corporation adopted a plan of liquidation and dissolution ("plan") and that on December 31, 1962, Articles of Dissolution were filed with the Maryland State Department of Assessments and Taxation, after which the assets were distributed in accordance with the terms of the plan to the shareholders who surrendered their certificates. Assets presently held for the shareholders who have not surrendered their certificates have been converted into cash and an aggregate of $71,332.08 is being held for 48 shareholders who own an aggregate of 1,244 shares of the liquidated company. These assets are held by Mr. Charles G. Page who was appointed Receiver of such amount in a proceeding entitled "In the Matter of Unlocated Shareholders of Stock of Insuranshares Certificates Incorporated, a Maryland Corporation" in the Circuit Court of Baltimore City on October 17, 1963. The Receiver will hold this amount subject to the Court's order for distribution in accordance with the plan.

In addition, the Morgan Guaranty Trust Company of New York, as custodian, holds, in the form of short-term government bonds and a small cash deposit, the sum of $80,506.96 which is reserved until the final audit of the company's income tax returns. To the extent not required for payment of taxes, this amount will be distributed to the shareholders of the company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 12, 1964 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 64-928; Filed, Jan. 29, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 27, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38778: *Soda ash to Grasselli, N.J.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2700), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from Detroit and Wyandotte, Mich., to Grasselli, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 32 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-383.

FSA No. 38779: *Joint motor-rail rates—Eastern Central.* Filed by The New York Central Railroad Company (No. 346), for itself and interested carriers. Rates on various commodities moving on less-than-carload and any quantity class rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplements 45 and 54 to Eastern Central Motor Carriers Association, agent, tariff MF-I.C.C. 217.

FSA No. 38780: *Lacquer solvent to Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-8501), for interested rail carriers. Rates on lacquer solvent, in tank car loads, from Sterlington, La., to Chicago, Ill. (applicable only for delivery on railroad tracks serving the Lake River Terminal (Harlem Ave.), Chicago Sanitary and Ship Canal).

Grounds for relief: Market competition.

Tariff: Supplement 295 to Southwestern Freight Bureau, agent, tariff I.C.C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-933; Filed, Jan. 29, 1964; 8:48 a.m.]

[Ex Parte No. 241]

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

JANUARY 20, 1964.

Division 3 having under consideration the instructions contained in Appendix B to the order dated December 20, 1963, (29 F.R. 119) instituting this proceeding, and being of the view that certain clarification is necessary:

It is ordered, That Revised Appendix B, attached hereto, shall be, and it is hereby, substituted for the above-mentioned Appendix B.

It is further ordered, That the filing date of March 1, 1964, specified in the order of December 20, 1963, be, and it is hereby, changed to April 1, 1964.

And it is further ordered, That a copy of this order shall be (1) served upon each respondent, (2) posted in the office of the Secretary of the Commission, and (3) delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

NOTE: A correction sheet for Appendices A, C, and D, filed as part of the original document.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary*.

REVISED APPENDIX B

Period to be covered by record of car handling shall be for a period of 5 weeks, by weeks, beginning with the week ending October 5, 1963 through the week ending November 2, 1963.

If peak loading occurred on your line during a 5-week period other than that designated herein, furnish weekly loading data for that peak period also as required by Item 1. Answers to questions 2 to 5 inclusive, need cover only the 5 weeks ended November 2.

1. Number of revenue cars loaded each week for the period specified.

(a) All cars loaded with revenue or nonrevenue freight for roadhaul or intraterminal or interterminal movement, including cars originated in a switching district on connecting lines and received for roadhaul movement.

(b) Originated on dependent short lines (not included in (a)).

(c) Should include only cars used in interchange, which are loaded for switch movement within a terminal.

2. Show number of foreign cars loaded and included in total loadings during peak week.

3. Actual average daily shortage of cars for each of the 5 weeks covered in Item 1(a). The shortage at all stations for each working day (Monday through Friday) totaled for the entire railroad and divided by 5 should be reported as the average daily shortage for each of the 5 weeks. The number of cars so reported must not exceed one-fifth of the net additional number of cars that could have been loaded (had ample car supply been available) over and above number that were actually loaded.

4. Express in percentage any anticipated increase or decrease in requirements for cars during same 5-week period of 1964 as used in this study.

5. Number of serviceable cars separated between system, foreign and private (cars used in interchange) on line on the first day of October and on the first day of November 1963.

Equipment statistics.

1. Ownership of cars as of January 1, 1964.

(a) System cars in unserviceable condition as of January 1, 1964.

(b) System cars held awaiting dismantling or retirement as of January 1, 1964 (included in 1(a)).

(c) Number of cars given heavy repair during period of January 1 to December 31, 1963.

2. Installation of cars during period January 1 to December 31, 1963.

(a) New cars purchased or leased.[1]

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased secondhand.

3. Retirements of cars during period January 1 to December 31, 1963.

(a) For demolition or sale.

(b) For rebuilding.

(c) For reclassification or lease to others.

4. Estimated installation of cars during 12-month period ending December 31, 1964.

(a) New cars purchased or leased.

(b) Rebuilt.

(c) Otherwise acquired, including cars reclassified, returned from lease or purchased secondhand.

5. Estimated retirements of cars during 12-month period ending December 31, 1964.

6. Estimated ownership of cars as of January 1, 1965.

(a) Total ownership.

(b) System bad orders.

(c) Total serviceable ownership.

[F.R. Doc. 64-934; Filed, Jan. 29, 1964; 8:49 a.m.]

[1] Long-term lease.

CUMULATIVE CODIFICATION GUIDE—JANUARY

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28, California, with respect to the mat-

shares Certificates Incorporated ("appli-

by certificate) shall be filed concur-

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, the present paragraph in § 213.3101 is lettered "(a)" and a new paragraph (b) is added, and paragraph (q) of § 213.3102 is amended, as set out below.

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

* * * * *

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 1, 1964, and September 30, 1964.

§ 213.3102 Entire executive civil service.

* * * * *

(q) Temporary or intermittent positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under subparagraph (1) of this paragraph in a position of a routine clerical type; or subparagraph (2) of this paragraph in excess of 130 working days a year; or (3) at a compensation during a period of a year that aggregates for positions at GS–4 and below more than 40 percent of the annual salary for the first step of GS–3, and for positions at GS–5, 6, or 7 more than 33⅓ percent of the annual salary for the first step of the grade at which the position is classified. The grade level at which the person enters on duty determines the pay limitation applicable to him throughout his service year. These limitations on compensation include any premium pay such as for overtime, night, Sunday, or holiday work. They do not, however, include any mandatory within-grade salary increase to which the employee becomes entitled subsequent to appointment under this authority.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7251, 3 CFR 1954–1958 Comp., p. 218)

2. Effective upon publication in the FEDERAL REGISTER, § 336.202 is added to Subpart B of Part 338 as set out below.

§ 338.202 Nepotism.

An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, under a temporary limited appointment made for part-time, seasonal, intermittent, or other temporary employment within the United States, between May 1, 1964 and September 30, 1964.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7251, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–983; Filed, Jan. 30, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) AND MARYLAND TOBACCO ALLOTMENT AND MARKETING QUOTA REGULATIONS, 1963–64 AND SUBSEQUENT YEARS

Subpart—Announcement and Apportionment of the National Marketing Quota for Maryland Tobacco for the 1964–65 Marketing Year

§ 724.22 Basis and purpose.

(a) Sections 724.22 and 724.23 are issued (1) to determine the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1963; (2) to announce the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1964 and (3) to apportion the quota for the marketing year beginning October 1, 1964 among the several States. The determinations by the Secretary contained in § 724.23 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (28 F.R. 10214) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since Maryland tobacco producers need to know the 1964 allotments for their farms as soon as possible so they can make their plans for producing Maryland tobacco in 1964, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for Maryland tobacco for the 1964–65 marketing year, contained herein, shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.23 Determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1964.

(a) *Reserve supply level.*[1] The reserve supply level for Maryland tobacco is 103.6 million pounds, calculated as provided in the Act from a normal year's domestic consumption of 27.5 million pounds and a normal year's exports of 14.0 million pounds.

(b) *Total supply.*[1] The total supply of Maryland tobacco for the marketing year beginning October 1, 1963, is 104.6 million pounds, consisting of estimated carryover of 77.0 million pounds and estimated 1963 production of 27.6 million pounds.

(c) *Carryover.*[1] The estimated carryover of Maryland tobacco on January 1, 1965, is 68.4 million pounds.

(d) *National marketing quota.*[1] The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1964, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 35.2 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 35.2 million pounds would unduly restrict marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1964, is 42.2 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

[1] Rounded to the nearest tenth of a million pounds.

State	Acreage allotment	Reserve [2]
Maryland	47,274.99	28.62
Virginia	22.17	0.02
Delaware	0.13	0.00
Reserve [1]	118.54	

[1] Acreage reserved for establishing allotments for new farms.

[2] The acreage included in the State acreage allotment available pursuant to § 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 2667; 28 F.R. 9144; 30 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 28, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-971; Filed, Jan. 30, 1964; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—STATEMENT OF ORGANIZATION, DELEGATIONS, AND GENERAL INFORMATION

Miscellaneous Amendments

Notice is hereby given of the amendment of the Statement of Organization, Delegations, and General Information of the United States Atomic Energy Commission, 10 CFR Part 1, published in the FEDERAL REGISTER on December 29, 1961 (26 F.R. 12729-12745), as amended.

The present amendment (a) clarifies the statement of functions and authority of the Division of Headquarters Services relating to contracting and other services provided for AEC Headquarters, (b) reflects discontinuance of the assignment of the Division of Contracts to provide centralized procurement services for AEC Headquarters, and (c) reflects assignment to the Division of Construction of certain new functions relating to AEC community management and staff responsibilities in the procurement of gas and electric utilities.

Because this amendment relates to matters of internal management, general notice of proposed rulemaking and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Administrative Procedure Act of 1946, and 1 CFR 13.2, the following amendments of 10 CFR Part 1 are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

Section 1.86 *Division of headquarters services* is revised to read as follows:

§ 1.86 Division of headquarters services.

(a) The Division of Headquarters Services:

(1) Performs a central contracting service for Headquarters divisions and offices to which contracting authority is not delegated;

(2) Develops and maintains, on a Commission-wide basis, policies, procedures, and standards for all printing and reproduction operations; and acts as liaison with the Joint Committee on Printing and the Government Printing Office;

(3) Provides Headquarters with complete office services, equipment and supplies, building and real estate operation and management, planning, design and construction of buildings and facilities, emergency facilities and services, travel and transportation services, and provides Commission foreign offices with certain similar office services, property management and miscellaneous services, and procurement.

(b) The Director, Division of Headquarters Services, is authorized and directed to exercise contract authority as described in § 1.5(b), provided that any such action which within itself exceeds $100,000 is subject to the approval of the Assistant General Manager for Administration or of higher authority, as required.

Paragraph (a) of § 1.91 *Division of contracts* is revised by the deletion of subparagraph (1), the renumbering of the remaining subparagraphs, and revision of former subparagraph (4), new (3). As revised paragraph (a) reads as follows:

§ 1.91 Division of contracts.

(a) The Division of Contracts: (1) Plans, develops, and maintains over-all policies, standards, and procedures for selection of contractors and the negotiation and approval of both fixed-price and cost-type contracts by AEC, and subcontracting by AEC cost-type prime contractors; (2) develops and controls the AEC Procurement Regulations part of the Federal Procurement Regulations System; (3) establishes or approves contractor selection boards for Headquarters contracts not within the delegated authority of others; (4) reviews and assures proper coordination and approval of all contracts, contractor selections, and related actions proposed to be awarded in Headquarters and field actions which require Headquarters approval; (5) provides staff advice and assistance on the application of contract policies, standards, and Federal regulations, including interpretations as applied to problems or unique situations; (6) assists contracting officers, upon their request, with contract negotiations; (7) develops and maintains a program for keeping small business concerns generally informed about how to do business with AEC and its contractors; (8) maintains liaison and serves as principal point of contact with Small Business Administration and Renegotiation Board; (9) represents the AEC in over-all contract policy matters with other Federal agencies; and (10) operates the contract reporting and file system.

* * * * * *

Section 1.92 is revised by addition of a new paragraph (b)(4) "community management exclusive of (i) the statutory functions of AEC under the Atomic Energy Community Act of 1955, as amended, and (ii) the community program of Los Alamos, New Mexico" by renumbering of the succeeding subparagraphs in paragraph (b), and by clarification of other subparagraphs. As amended § 1.92 reads as follows:

§ 1.92 Division of construction.

(a) Provides a central engineering and construction service for Headquarters and field offices, including developing and assuring application of policies and standards for the design and construction of AEC facilities;

(b) Develops policies and administers AEC-wide activities related to (1) telecommunications, (2) transportation and traffic management, (3) real estate management, (4) community management exclusive of (i) the statutory functions of AEC under the Atomic Energy Community Act of 1955, as amended, and (ii) the community program of Los Alamos, New Mexico, (5) continuity of essential agency functions and coordination of emergency, disaster, and mobilization planning, including civil defense measures, and (6) industrial mobilization, including mobilization base planning and administration of the priorities and allocations system;

(c) Maintains liaison with Office of Emergency Planning, Office of Civil Defense and other agencies as principal point of contact on AEC mobilization planning and civil defense;

(d) Provides procurement assistance in obtaining equipment and materials to meet program requirements; and

(e) Provides advice and assistance on the purchase of gas and electric power (including contractual matters), and upon request, provides assistance and consulting services on maintenance of AEC facilities.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 24th day of January 1964.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 64-955; Filed, Jan. 30, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3081; Amdt. 111]

PART 95—IFR ALTITUDES [NEW]

Miscellaneous Amendments

This amendment is adopted to provide safety in air commerce for IFR operations by prescribing the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes also assure navigational coverage that is adequate and free of frequency interference for such a route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 [New] (14 CFR Part 95 [New]) is amended as follows:

Section 95.625 *Blue Federal airway 25* is amended to read in part:

From Seal INT, Alaska; to Rock INT, Alaska; MEA 1,000.

From Rock INT, Alaska; to *Hinchinbrook, Alaska; LFR; MEA 4,300. *5,500—MCA Hinchinbrook LFR, northeastbound.

Section 95.1001 *Direct route—U.S.* is amended to read in part:

From Ambrose INT, N.J.; to Newark, N. J., LF/RBN; MEA 1,500.

From Asbury Park, N.J., FM; to Newark, N.J., LF/RBN; MEA 1,500.

From Asbury Park, N.J., FM; to Point Pleasant INT, N.J. (via 177 M brg from Newark LF/RBN); MEA 1,500.

From Branchville INT, N.J.; to Newark, N.J., LF/RBN; MEA 3,000.

From Colts Neck, N.J., VOR; to Newark, N.J., LF/RBN; MEA 1,500.

From Coney Island INT, N.Y.; to Newark, N.J., LF/RBN; MEA 1,500.

From Newark, N.J., LF/RBN; to Paterson, N.J., LF/RBN; MEA 2,000.

From Newark, N.J., LF/RBN; to Scotland, N.J., LF/RBN; MEA 1,500.

From Newark, N.J., LF/RBN; to Wilkes-Barre, Pa., LFR; MEA 3,500.

From Newark, N.J., LF/RBN; to Woolf INT, N.J.; MEA 2,000.

Section 95.1001 *Direct route—U.S.* is amended by adding:

From Miami, Fla., LF/RBN; to Fort Lauderdale, Fla., VOR; MEA 2,000.

From Miami, Fla., VOR; to Fort Lauderdale, Fla., LF/RBN; MEA *1,500. *1,300—MOCA.

From Fort Lauderdale, Fla., LF/RBN; to New River INT, Fla.; MEA *1,500. *1,200—MOCA.

From Fort Lauderdale, Fla., VOR; to New River INT, Fla.; MEA *1,500. *1,200—MOCA.

From Savannah, Ga., VOR; to Statesboro INT, Ga.; MEA *1,700. *1,500—MOCA.

From Daytona Beach, Fla., VOR; to Woodruff INT, Fla.; MEA *1,600. *1,400—MOCA.

From Allendale, S.C., VOR; to Marlow INT, S.C.; MEA *1,700. *1,600—MOCA.

From Charleston, S.C., VOR; to Ritter INT, S.C.; MEA *1,700. *1,500—MOCA.

From Sod House, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 11,500.

From Whitmore, Calif., LFR; to Klamath Falls, Oreg., LFR; MEA 10,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From Muskegon, Mich., VOR; to Ada INT, Mich.; MEA *2,600. *2,000—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From Antwerp INT, Ohio; to Findlay, Ohio, VOR; MEA 2,600.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From Nashville INT, Mo.; to *Nevada INT, Mo.; MEA **2,700. *3,000—MRA. **2,000—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From Piano INT, Mo.; to Springfield, Mo., VOR; MEA *2,800. *2,300—MOCA.

From Springfield, Mo., VOR; to Conway INT, Mo.; MEA *3,100. *2,300—MOCA.

From Conway INT, Mo.; to Vichy, Mo., VOR; MEA *3,200. *2,600—MOCA.

From Miller INT, Mo., via N alter.; to Springfield, Mo., VOR via N alter.; MEA *3,000. *2,600—MOCA.

From Billings INT, Mo., via S alter.; to Springfield, Mo., VOR via S alter.; MEA *2,900. *2,600—MOCA.

From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 2,700.

From Erie, Pa., VOR; to Dunkirk, N.Y., VOR; MEA 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From Huron, S. Dak., VOR; to Aberdeen, S. Dak., VOR; MEA *3,000. *2,500—MOCA.

From Huron, S. Dak., VOR via W alter.; to Aberdeen, S. Dak., VOR via W alter.; MEA *3,000. *2,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From *Palm Springs INT, Calif.; to Cones INT, Calif.; MEA **13,000. *13,000—MCA Palm Springs INT, westbound. **7,500—MOCA.

From Cones INT, Calif.; to Blythe, Calif., VOR; MEA *8,000. *7,300—MOCA.

From Pulaski, Va., VOR; to Roanoke, Va., VOR; MEA *5,000. *4,700—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

From Nocona INT, Tex.; to Duncan, Okla., VOR; MEA *2,600. *2,100—MOCA.

From Duncan, Okla., VOR; to *Alex INT, Okla.; MEA **2,900. *2,900—MCA Alex INT, southbound. **2,500—MOCA.

From Alex INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,500.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

From Malad City, Idaho, VOR; to Bannock INT, Idaho; MEA 11,000.

From Bannock INT, Idaho; to *Pocatello, Idaho, VOR, northbound; MEA 9,000. Southbound MEA 11,000. *9,000—MCA Pocatello VOR, southbound.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

From Stockton, Calif., VOR via W alter.; to Walnut Grove INT, Calif., via W alter.; MEA 2,000.

From Walnut Grove INT, Calif., via W alter.; to Sacramento, Calif., VOR via W alter.; MEA 2,500.

Section 95.6024 *VOR Federal airway 24* is amended to read in part:

From Aberdeen, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA *3,700. *3,500—MOCA.

From Aberdeen, S. Dak., VOR via N alter.; to Watertown, S. Dak., VOR via N alter; MEA *3,600. *3,000—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VOR; to Mt. Dome INT, Calif.; MEA 11,000. *5,000—MCA Red Bluff VOR, southbound.

From Mt. Dome INT, Calif.; to Klamath Falls, Oreg., VOR northbound; MEA 9,000. southbound; MEA 11,000.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

From Casper, Wyo., VOR; to Sand Creek INT, Wyo.; MEA *9,200. *7,600—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

From Erie, Pa., VOR; to U.S.-Canadian border; MEA 2,300.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

From Youngstown, Ohio, VOR; to Linesville INT, Pa.; MEA 3,000.

From Linesville INT, Pa.; to Erie, Pa., VOR; MEA, 2,900.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

From Garfield INT, Mo.; to Billings INT, Mo.; MEA *3,300. *2,600—MOCA.

From Billings INT, Mo.; to Springfield, Mo., VOR; MEA *2,900. *2,600—MOCA.

From Springfield, Mo., VOR; to Buffalo INT, Mo.; MEA *3,100. *2,300—MOCA.

From Buffalo INT, Mo.; to Eldon INT, Mo.; MEA *3,500. *2,500—MOCA.

From Eldon INT, Mo.; to Wilton INT, Mo.; MEA *3,000. *2,200—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

From Corona, N. Mex., VOR; to Hondo INT, N. Mex.; MEA 9,000.

From Corona, N. Mex., VOR via N alter.; to Dunlap INT, N. Mex., via N alter.; MEA 9,000.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

From Flippin, Ark., VOR; to Sparta INT, Mo.; MEA *3,500. *2,600—MOCA.

From Sparta INT, Mo.; to Springfield, Mo., VOR; MEA 3,000.

From Springfield, Mo., VOR; to *Schell City INT, Mo.; MEA **3,000. *3,500—MRA. **2,300—MOCA.

From Schell City INT, Mo.; to Butler, Mo., VOR; MEA *2,700. *1,900—MOCA.

From Springfield, Mo., VOR via W alter.; to *Nevada INT, Mo., via W alter.; MEA **3,000. *3,000—MRA. **2,300—MOCA.

From Natchez, Miss., VOR; to *Baskin INT, La.; MEA **2,000. *3,500—MRA. **1,900—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

From Fayetteville, Ark., VOR; to Chadwick INT, Mo.; MEA *3,200. *2,700—MOCA.

From Chadwick INT, Mo.; to Dogwood, Mo., VOR; MEA *3,400. *2,700—MOCA.

From Dogwood, Mo., VOR; to Maples, Mo., VOR; MEA *3,500. *2,900—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

From Mazie INT, Okla.; to Long INT, Okla.; MEA *3,000. *2,700—MOCA.

From Long INT, Okla.; to Fort Smith, Ark., VOR; MEA 2,600.

Section 95.6075 *VOR Federal airway 75* is amended to read in part:

From Wheeling, W. Va., VOR; to Briggs, Ohio, VOR; MEA 3,100.

Section 95.6083 *VOR Federal airway 83* is amended to read in part:

From Hondo INT, N. Mex.; to Corona, N. Mex., VOR; MEA 9,000.

From Dunlap INT, N. Mex., via E alter.; to Corona, N. Mex., VOR via E alter.; MEA 9,000.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

From Miller INT, Mo.; to Springfield, Mo., VOR; MEA *3,000. *2,600—MOCA.
From Springfield, Mo., VOR; to Conway INT, Mo.; MEA *3,100. *2,200—MOCA.
From Conway INT, Mo.; to Vichy, Mo., VOR; MEA *3,200. *2,600—MOCA.

Section 95.6091 *VOR Federal airway 91* is amended to read in part:

From Benson INT, Vt.; to *Ferrisburg INT, Vt.; MEA **4,000. *6,000—MRA. **3,300—MOCA.
From Ferrisburg INT, Vt.; to Burlington, Vt., VOR; MEA 3,000.
From Burlington, Vt., VOR; to Plattsburgh, N.Y., VOR; MEA 2,600.
From Plattsburgh, N.Y., VOR; to U.S.-Canadian border; MEA 2,500.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From Briggs, Ohio, VOR; to Wheeling, W. Va., VOR; MEA 3,100.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

From Massena, N.Y., VOR; to U.S.-Canadian border; MEA *2,000. *1,300—MOCA.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

From Wheeling, W. Va., VOR; to Briggs, Ohio, VOR; MEA 3,100.

Section 95.6104 *VOR Federal airway 104* is amended to read:

From U.S.-Canadian border; to Massena, N.Y., VOR; MEA *1,900. *1,500—MOCA.
From Massena, N.Y., VOR; to Malone INT, N.Y.; MEA *3,500. *3,400—MOCA.
From Malone INT, N.Y.; to *Plattsburgh N.Y., VOR; MEA 4,700. *3,000—MCA Plattsburgh VOR, westbound.

Section 95. 6115 *VOR Federal airway 115* is amended to read in part:

From Jamestown, N.Y., VOR; to Langford INT, N.Y.; MEA 3,700.

Section 95.6126 *VOR Federal airway 126* is amended to read in part:

From Jefferson, Ohio, VOR; to Erie, Pa., VOR; MEA 2,700.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

From Nashville INT, Mo.; to Springfield, Mo., VOR; MEA *3,000. *2,600—MOCA.
From Miller INT, Mo., via S alter.; to Springfield, Mo., VOR via S alter.; MEA *3,000. *2,600—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

From Sea Isle, N.J., VOR; to Haven INT, N.J.; MEA *5,000. *1,500—MOCA.
From Haven INT, N.J.; to Shark INT, N.J.; MEA *6,000. *1,000—MOCA.
From Shark INT, N.J.; to Int. 125 M rad Idlewild VOR and 236 M rad Hampton VOR; MEA *6,000. *1,500—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

From Walnut Ridge, Ark., VOR; to Holland INT, Mo.; MEA *2,400. *1,700—MOCA.
From Holland INT, Mo.; to Dyersburg, Tenn., VOR; MEA 1,700.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

From Lebanon, N.H., VOR; to Granite INT, Vt.; MEA *6,000. *5,200—MOCA.
From Granite INT, Vt.; to *Burlington, Vt., VOR; MEA—6,000. *4,000—MCA Burlington VOR, southeastbound.

From Burlington, Vt., VOR; to *Keeseville INT, N.Y.; MEA **6,000. *4,000—MCA Keeseville INT, northwestbound. **3,600—MOCA.
From Keeseville INT, N.Y.; to Redford INT, N.Y.; MEA *6,000. *4,200—MOCA.
From Redford INT, N.Y.; to *West Bangor INT, N.Y.; MEA **6,000. *3,700—MCA West Bangor INT, eastbound. *4,500—MRA. **5,900—MOCA.
From West Bangor INT, N.Y.; to Massena, N.Y., VOR; MEA 3,200.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

From Dublin, Ga., VOR; to Oconee INT, Ga.; MEA 3,300.
From Oconee INT, Ga.; to Lotts INT, Ga.; MEA *2,000. *1,600—MOCA.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

From Northport INT, N.Y.; to Hartford, Conn., VOR; MEA 2,000.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

From *Grand Junction, Colo., VOR; to Rangely INT, Colo.; MEA 12,000. *12,000—MCA Grand Junction VOR, southbound.
From Plateau INT, Colo.; to Grand Junction, Colo., VOR, southbound only; MEA 10,000.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

From Miller INT, Mo.; to Springfield, Mo., VOR; MEA *3,000. *2,600—MOCA.
From Springfield, Mo., VOR; to Maples, Mo., VOR; MEA *3,200. *2,500—MOCA.

Section 95.6192 *VOR Federal airway 192* is amended to read in part:

From Corona, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA *11,000. *9,000—MOCA.

Section 95.6196 *VOR Federal airway 196* is amended to read:

From Tupper Lake INT, N.Y.; to Redford INT, N.Y.; MEA *6,000. *4,900—MOCA.
From Redford INT, N.Y.; to Plattsburgh, N.Y., VOR; MEA *5,000. *4,500—MOCA.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

From Messena, N.Y., VOR; to U.S.-Canadian border; MEA *1,900. *1,500—MOCA.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

From Springfield, Mo., VOR; to *Bolivar INT, Mo.; MEA **3,000. *5,500—MRA. **2,300—MOCA.
From Springfield, Mo., VOR via W alter.; to *Schell City INT, Mo., via W alter.; MEA **3,000. *3,500—MRA. **2,300—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

From Columbus, Ohio, ILS loc.; to Zanesville, Ohio, VOR; MEA 2,600.

Section 95.6233 *VOR Federal airway 233* is amended to read in part:

From *Pekin INT, Ill.; to Peoria, Ill., VOR; MEA **2,300. *2,900—MRA. **1,700—MOCA.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

From Malad City, Idaho, VOR; to Bannock INT, Idaho; MEA 11,000.
From Bannock INT, Idaho; to *Pocatello, Idaho, VOR northbound; MEA 9,000. Southbound; MEA 11,000. *9,000—MCA Pocatello VOR, southbound.

Section 95.6263 *VOR Federal airway 263* is amended to read in part:

From Pierre, S. Dak., VOR; to Aberdeen, S. Dak., VOR; MEA *3,800. *3,000—MOCA.

Section 95.6282 *VOR Federal airway 282* is amended to read in part:

From *West Bangor INT, N.Y.; to Malone INT, N.Y.; MEA **4,500. *4,500—MRA. **3,400—MOCA.
From Malone INT, N.Y.; to U.S.-Canadian border; MEA *3,500. *3,100—MOCA.

Section 95.6422 *VOR Federal airway 422* is amended to delete:

From Wolfiake, Ind., VOR; to Garrett INT, Ind.; MEA 2,200.
From Garrett INT, Ind.; to Defiance, Ohio, VOR; MEA 2,100.
From Defiance, Ohio, VOR; to Attica, Ohio, VOR; MEA 2,100.

Section 95.6422 *VOR Federal airway 422* is amended by adding:

From Wolfiake, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,600.

Section 95.6423 *VOR Federal airway 423* is amended by adding:

From Williamsport, Pa., VOR; to Binghamton, N.Y., VOR; MEA 4,300.

Section 95.6434 *VOR Federal airway 434* is amended to read in part:

From Elmwood INT, Ill.; to Peoria, Ill., VOR; MEA *2,300. *1,800—MOCA.

Section 95.6438 *VOR Federal airway 438* is amended to read in part.

From Anchorage, Alaska, VOR; to Talkeetna, Alaska, VOR; MEA 5,000.
From *Talkeetna, Alaska, VOR; to Glacier INT, Alaska; MEA 10,500. *6,400—MCA Talkeetna VOR, northbound.
From Glacier INT, Alaska; to Ferry INT, Alaska; MEA 10,500.
From Ferry INT, Alaska; to Nenana, Alaska, VOR; MEA *6,500. *4,300—MOCA.

Section 95.6447 *VOR Federal airway 447* is amended to read:

From Montpelier, Vt., VOR; to Newport INT, Vt.; MEA *5,000. *4,300—MOCA.

Section 95.6487 *VOR Federal airway 847* is amended to read in part:

From Benson INT, Vt.; to *Ferrisburg INT, Vt.; MEA **4,000. *6,000—MRA. **3,300—MOCA.
From Ferrisburg INT, Vt.; to Burlington, Vt., VOR; MEA 3,000.
From Burlington, Vt., VOR; to U.S.-Canadian border; MEA 2,800.

Section 95.6489 *VOR Federal airway 489* is amended to read in part:

From Crown INT, N.Y.; to Lewis INT, N.Y.; MEA *6,000. *4,700—MOCA.
From Lewis INT, N.Y.; to Keeseville INT, N.Y.; MEA 4,000.
From Keeseville INT, N.Y.; to Platteburgh, N.Y., VOR; MEA 3,000.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

From Utica, N.Y., VOR; to *Rockwood INT, N.Y.; MEA **4,000. *6,500—MRA. **3,900—MOCA.
From Rockwood INT, N.Y.; to *Perth INT, N.Y.; MEA **4,000. *4,400—MRA. **3,900—MOCA.

Section 95.6496 *VOR Federal airway 496* is amended to read:

From Utica, N.Y., VOR; to *Rockwood INT, N.Y.; MEA **4,600. *6,500—MRA. **3,900—MOCA.
From Rockwood INT, N.Y.; to Glens Falls, N.Y., VOR; MEA *6,500. *4,300—MOCA.

Section 95.6508 *VOR Federal airway 508* is amended to read in part:

From Middleton Island, Alaska, VOR; to *Skilak INT, Alaska; MEA 9,000. *4,700—MCA Skilak INT, southeastbound.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

From Avalon INT, N.J.; to Haven INT, N.J.; MEA *5,000. *1,500—MOCA.
From Haven INT, N.J.; to Shark INT, N.J.; MEA *6,000. *1,000—MOCA.
From Shark INT, N.J.; to Int. 125 M rad Idlewild VOR and 236 M rad Hampton VOR; MEA *6,000. *1,500—MOCA.

Section 95.6845 *VOR Federal airway 845* is amended to read in part.

From Wilton INT, Mo.; to Eldon INT, Mo.; MEA *2,000. *2,200—MOCA.
From Eldon INT, Mo.; to Buffalo INT, Mo.; MEA *3,500. *2,500—MOCA.
From Buffalo INT, Mo.; to Springfield, Mo., VOR; MEA *3,100. *2,300—MOCA.
From Springfield, Mo., VOR; to Plano INT, Mo.; MEA *2,900. *2,200—MOCA.

Section 95.60855 *VOR Federal airway 855* is amended to read in part:

From Findlay, Ohio, VOR; to Wolfiake, Ind., VOR; MEA 2,600.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

From Vichy, Mo., VOR; to Conway INT, Mo.; MEA *3,200. *2,600—MOCA.
From Conway INT, Mo.; to Springfield, Mo., VOR; MEA *3,100. *2,300—MOCA.
From Springfield, Mo., VOR; to Plano INT, Mo.; MEA *2,800. *2,200—MOCA.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

From Sound INT, N.Y.; to Int. 105 M rad Trinity VOR and 236 M rad Hartford VOR; MEA 2,000.

Section 95.875 *VOR Federal airway 875* is amended to read in part:

From Roanoke, Va., VOR; to Pulaski, Va., VOR; MEA *5,000. *4,700—MOCA.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

From Beach INT, N.Y.; to Int. 125 M rad Idlewild VOR and 236 M rad Hampton VOR; MEA *5,000. *1,400—MOCA.
From Int. 125 M rad Idlewild VOR and 236 M rad Hampton VOR; to Shark INT, N.J.; MEA *6,000. *1,500—MOCA.
From Shark INT, N.J.; to Haven INT, N.J.; MEA *6,000. *1,000—MOCA.
From Haven INT, N.J.; to Avalon INT, N.J.; MEA *5,000. *1,500—MOCA.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775). These rules shall become effective March 5, 1964.

Issued in Washington, D.C., on January 23, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-906; Filed, Jan. 30, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

β-CAROTENE; CONFIRMATION OF EFFECTIVE DATE; DELETION FROM PROVISIONAL LISTINGS

1. Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of December 13, 1963 (28 F.R. 13745), with reference to the color additive β-Carotene. Accordingly, the amendments promulgated by that order will become effective February 11, 1964.

2. Effective February 11, 1964, § 8.501 *Provisional lists of color additives* is amended by deleting from paragraph (c) the item "Carotene, natural and synthetic."

(Sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2))

Dated: January 27, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-978; Filed, Jan. 30, 1964; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PRESSURE-SENSITIVE ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 996) filed by Minnesota Mining and Manufacturing Company, 2501 Hudson Road, St. Paul 19, Minnesota, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of pressure-sensitive adhesives formulated from substances identified in § 121.1059 *Chewing gum base*, and used as the food-contact surface of pressure-sensitive labels and/or tapes applied to poultry, dry food, and raw, processed, frozen, dried, or partially dehydrated fruits or vegetables. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2577 of the food additive regulations (21 CFR 121.2577; 28 F.R. 9669) is amended to read as follows:

§ 121.2577 Pressure-sensitive adhesives.

Pressure-sensitive adhesives may be safely used as the food-contact surface of labels and/or tapes applied to food, in accordance with the following prescribed conditions:

(a) Pressure-sensitive adhesives prepared from one or a mixture of two or more of the substances listed in this paragraph may be used as the food-contact surface of labels and/or tapes applied to poultry, dry food, and processed, frozen, dried, or partially dehydrated fruits or vegetables.

(1) Substances generally recognized as safe in food.

(2) Substances used in accordance with a prior sanction or approval.

(3) Color additives listed for use in or on food in Part 8 of this chapter.

(4) Substances identified in § 121.1059.

(b) Pressure-sensitive adhesives prepared from one or a mixture of two or more of the substances listed in this paragraph may be used as the food-contact surface of labels and/or tapes applied to raw fruit and raw vegetables.

(1) Substances listed in paragraph (a) (1), (2), and (3) of this section and those substances listed in paragraph (a) (4) of this section not identified in subparagraph (2) of this paragraph.

(2) Substances identified in this subparagraph and subject to the limitations provided:

BHA.
THT.
Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-styrene copolymer.
Butyl rubber.
Chlorinated natural rubber.
Glycerol ester of partially hydrogenated wood rosin, having an acid number of 3 to 10, a drop softening point of 79° C. to 88° C., and a color of N or paler.
Isobutylene-styrene copolymer.
Pentaerythritol ester of partially hydrogenated wood rosin, having an acid number of 7 to 16, a drop softening point of 102° C. to 110° C., and a color of K or paler.
Petrolatum.
Polybutene-1.
Polyisobutylene.
Polystyrene.
Propyl gallate.
Rapeseed oil, vulcanized.
Rubber hydrochloride.
Rubber (natural latex solids or crepe, smoked or unsmoked).
Terpene resins (α- and β-pinene), homopolymers, copolymers, and condensates with phenol, formaldehyde, coumarone, and/or indene.
Tetrasodium ethylenediaminetetraacetate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely af-

fected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 24, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-979; Filed, Jan. 30, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6703]

PART 16—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1962

Election by Individuals To Be Subject to Tax at Corporate Rates

The following regulations, prescribed under section 962 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), relate to the election by an individual who is a United States shareholder of a controlled foreign corporation to be subject to tax at corporate rates on amounts included in gross income under section 951(a) and to treat such amounts as if they were received by a domestic corporation for purposes of applying the special rules under section 960 applicable to the foreign tax credit.

The regulations set forth herein are temporary and are designed only to inform individuals who are United States shareholders of controlled foreign corporations as to how, when, and where to make the election under section 962. More comprehensive rules with respect to the election under such section will be issued subsequently.

In order to prescribe temporary regulations relating to an election under section 962 of the Internal Revenue Code of 1954 by an individual to be subject to tax at corporate rates, the following regulations are hereby adopted, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such corporations end:

§ 16.5 Statutory provisions; election by individuals to be subject to tax at corporate rates.

SEC. 962. *Election by individuals to be subject to tax at corporate rates*—(a) *General rule.* Under regulations prescribed by the Secretary or his delegate, in the case of a United States shareholder who is an individual and who elects to have the provisions of this section apply for the taxable year—

(1) The tax imposed under this chapter on amounts which are included in his gross income under section 951(a) shall (in lieu of tax determined under section 1) be an amount equal to the tax which would be imposed under section 11 if such amounts were received by a domestic corporation, and

(2) For purposes of applying the provisions of section 960 (relating to foreign tax credit) such amounts shall be treated as if they were received by a domestic corporation.

(b) *Election.* An election to have the provisions of this section apply for any taxable year shall be made by a United States shareholder at such time and in such manner as the Secretary or his delegate shall prescribe by regulations. An election made for any taxable year may not be revoked except with the consent of the Secretary or his delegate.

(c) *Surtax exemption.* For purposes of applying subsection (a)(1), the surtax exemption provided by section 11(c) shall not exceed, in the case of any United States shareholder, an amount which bears the same ratio to $25,000 as the amounts included in his gross income under section 951(a) for the taxable year bears to his pro rata share of the earnings and profits for the taxable year of all controlled foreign corporations with respect to which such United States shareholder includes any amount in gross income under section 951(a).

(d) *Special rule for actual distributions.* The earnings and profits of a foreign corporation attributable to amounts which were included in the gross income of a United States shareholder under section 951(a) and with respect to which an election under this section applied shall, when such earnings and profits are distributed, notwithstanding the provisions of section 959(a)(1), be included in gross income to the extent that such earnings and profits so distributed exceed the amount of tax paid under this chapter on the amounts to which such election applied.

[Sec. 962 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

§ 16.5-1 Election by United States shareholders of controlled foreign corporations to be subject to tax at corporate rates.

(a) *Election after publication of regulations.* An individual who is a United States shareholder of a controlled foreign corporation may elect as provided in paragraph (b) of this section to have section 962 apply for a taxable year or, in lieu of making the election under such paragraph, may elect for such year under the regulations to be issued under section 962. Such regulations will provide a reasonable period of time within which an individual who is a United States shareholder of a controlled foreign corporation will be permitted to elect to have section 962 apply for a taxable year which ends after December 31, 1962, and before the date on which such regulations are published in the FEDERAL REGISTER. If an election is made for any taxable year under paragraph (b) of this section, it must be made with respect to all controlled foreign corporations with respect to which the individual includes an amount in gross income for such year under section 951(a).

(b) *Manner of making election under temporary regulations*—(1) *Filing of statement and schedule.* An individual who is a United States shareholder of a controlled foreign corporation may elect under this paragraph to have section 962 apply for a taxable year. Such election shall be made by filing with the shareholder's return for the taxable year a statement that such election is made for the taxable year and by attaching to such return a schedule on which is shown the computation of the tax on all amounts included in his gross income under section 951(a) for the taxable year. The amount of tax as so computed shall be included in the amount of total tax shown on the face of the return.

(2) *Information to be provided.* The following information shall be submitted with the statement of election filed with the United States shareholder's return pursuant to subparagraph (1) of this paragraph:

(i) All amounts which are included in the shareholder's gross income for his taxable year under section 951(a);

(ii) The shareholder's pro rata share of the earnings and profits for the taxable year of all controlled foreign corporations with respect to which such shareholder includes any amount in gross income for his taxable year under section 951(a);

(iii) The amount of distributions received by the shareholder for his taxable year from all controlled foreign corporations from earnings and profits for the taxable year of such corporations attributable to amounts included in the gross income of the shareholder under section 951(a) for his taxable year;

(iv) The names and addresses of the controlled foreign corporations to which the election applies; and

(v) The country of incorporation, taxable year, and earnings and profits and income, war profits, excess profits, or similar taxes for the taxable year, of each controlled foreign corporation to which the election applies.

(c) *Revocation of election.* An election made under paragraph (b) of this section shall be binding for the taxable year for which the election is made and may not be revoked except—

(1) With the consent of the district director for the district in which the statement of election for such year is required to be filed, or

(2) By filing, after the date on which the regulations under section 962 are published in the FEDERAL REGISTER, an amended return to which is attached a statement that the election previously made is revoked.

Application for consent of the district director to revoke such an election will not be accepted before the date on which the regulations under section 962 are published in the FEDERAL REGISTER. Such regulations will provide a reasonable period of time within which an individual will be permitted to make the revocation of election, under subparagraph (2) of this paragraph.

Because of the importance of immediately providing regulations setting forth the manner in which the election under section 962 may be made for taxable years ending after December 31, 1962, it is hereby found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: January 29, 1964.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1005; Filed, Jan. 30, 1964; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 515—CUBAN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Cuban Assets Control Regulations are amended by adding §§ 515.607 and 515.608. The amendment requires persons in the U.S. holding property blocked by the Cuban Assets Control Regulations to file reports with respect to such property with the Treasury Department by March 15, 1964.

§ 515.607 Instructions relating to reports on Form TFR-607 with regard to property of nationals of Cuba.

(a) *Requirement that reports be filed on Form TFR-607.* Reports on Form TFR-607 are hereby required to be filed on or before March 15, 1964, with respect to all property subject to the jurisdiction of the United States on the opening of business on July 8, 1963, in which on that date Cuba or any of the following nationals thereof had any interest, direct or indirect:

(1) An individual who on July 8, 1963, was in Cuba, except an individual who is unblocked under § 515.505 or § 515.507.

(2) A person who was on July 8, 1963, or thereafter a specially designated national.

(3) A partnership, association, corporation, or other organization except a partnership, association, corporation, or other organization which is unblocked under § 515.505 or § 515.507.

(b) *Property which is not required to be reported.* No reports are required with respect to property of the following types:

(1) Patents, trademarks, copyrights and inventions, but this exemption shall not constitute a waiver of any reporting requirement with respect to royalties due and unpaid.

(2) Property of any person (other than any associated foreign person) which any one person would otherwise be required to report if the total value of all such property was less than $1,000 at the close of business July 7, 1963. In arriving at the value of $1,000, no deduction shall be made for offsets, liens, or other deductions from gross value.

(c) *Who must make report.* (1) Every individual in the United States who is a national of Cuba, except such nationals unblocked under § 515.505 or § 515.507, with respect to all property subject to the jurisdiction of the United States on July 8, 1963, in which on that date he had any interest of any nature whatsoever, direct or indirect.

(2) Every person in the United States with respect to all property whatsoever held by him or in his custody, control, or possession, directly or indirectly, in trust or otherwise, and all debts or other obligations whatsoever owed by or asserted against him, and all contracts of any nature whatsoever to which he was a party, subject to the jurisdiction of the United States on July 8, 1963, in which on such date Cuba or any national thereof, except such nationals unblocked under § 515.505 or § 515.507, had any interest of any nature whatsoever, direct or indirect.

(3) Every partnership, trust, association, corporation, or other organization organized or existing under the laws of the United States or of any State, territory, or district of the United States, or having its principal place of business in the United States, with respect to any shares of its stock, including any right or claim to ownership or control or participation in ownership or control thereof or profits or income derived therefrom, or any equity in any of the foregoing, whether or not expressed by written agreement or evidenced by any instrument, and with respect to any of its bonds, debentures, notes, or other funded obligations or any equity therein, and with respect to any other of its outstanding securities or equity therein, in any of which Cuba or any national thereof, except such nationals unblocked under § 515.505 or § 515.507, had on July 8, 1963, any interest of any nature whatsoever, direct or indirect.

(4) Every agent or representative in the United States for Cuba or for any national thereof, except such nationals unblocked under § 515.505 or § 515.507, having any information with respect to property subject to the jurisdiction of the United States on July 8, 1963, in which on that date Cuba or a national thereof for which he was agent or representative had any interest of any nature whatsoever, direct or indirect, but such an agent or representative who files a report in behalf of the country or national under subparagraph (1) of this paragraph need not file a duplicate report under this subparagraph.

(5) Such other persons or groups or classes of persons, and in such cases or kinds of cases, as the Secretary of the Treasury may provide by means of regulations, rulings, instructions, licenses, or otherwise.

(d) *Reports by more than one person.* (1) Except as provided in subparagraph (2) of this paragraph no person required to submit a report with respect to property pursuant to this section is excused from submitting such report by reason of the fact that another person has submitted a report with regard to the same property.

(2) No person otherwise required to file a report with respect to the property of a national (other than an associated foreign person or a specially designated national) need file such report if such person has actual knowledge that another person has filed a report with respect to the same interests in the property of the national which is as full and complete as that which such person would otherwise be required to file: *Provided*, That nothing herein shall be deemed to waive the reporting requirement with respect to the person who has primary responsibility for reporting such property. For the purpose of this subsection the person who has primary responsibility for reporting property shall be the person because of whose interest the property is required to be reported, if such person is subject to the jurisdiction of the United States. If such person is not so subject, the person who has primary responsibility shall be the person having actual custody of the property in connection with which a report is required, except that with respect to any trust the trustee shall have the primary responsibility, with respect to any estate the executor or administrator shall have the primary responsibility and with respect to any safe deposit box the lessee shall have the primary responsibility. However, where the primary responsibility for reporting rests with more than one person, as, for example, where there are joint trustees or executors, one such person may report for all.

(3) Nothing contained in this paragraph shall be deemed to waive the reporting requirement applicable to any person with respect to property of any associated foreign person or any specially designated national.

(e) *Transactions not authorized.* No transaction prohibited by or pursuant to this chapter is authorized with respect to any property by reason of the fact that reports are not required with respect to such property.

(f) *Definitions*—(1) *Person.* As used in this section the term "person" shall have the same meaning as specified in § 515.308 except that it shall also include any foreign government or any agency or subdivision thereof.

(2) *National.* As used in this section the term "national" shall have the same meaning as specified in § 515.302 except that (i) it shall also include foreign governments or any agency or subdivision thereof, and (ii) it shall not include members of the armed forces of the United States who are within any foreign country or citizens of the United States who are within any foreign country in the course of their employment by the Government of the United States or of any organization acting on behalf of the Government of the United States.

(3) *Other terms defined in §§ 515.301-515.331.* As used in this section all terms, other than "person" and "national", which are defined in §§ 515.301-515.331 shall have the same meanings as specified therein. Particular attention is directed to the following definitions:

(i) "Foreign country" set forth in § 515.301.

(ii) "Nationals of more than one foreign country" set forth in § 515.303.

(iii) "Designated national" set forth in § 515.305.

(iv) "Specially designated national" set forth in § 515.306.

(v) "Property; property interests" set forth in § 515.311.

(vi) "Interest" set forth in § 515.312.

(vii) "Property subject to the jurisdiction of the United States" set forth in § 515.313.

(viii) "United States; continental United States", set forth in § 515.321.

Attention is also directed to § 515.201(d) which specifies Cuba as the "designated foreign country".

(4) *Associated foreign person.* (i) As used in this section the terms "associated foreign person" or "foreign person associated with an organization" shall mean, with respect to any organization within the United States, any person in Cuba who, directly or indirectly, or in conjunction with one or more of his affiliates, controlled such organization, or owned or controlled a substantial part of the stock, shares, bonds, debentures, notes, drafts, certificates, or other securities or obligations, of such organization. Without limitation of the foregoing, the terms shall in any event include (*a*) any person in Cuba who owned or controlled, directly or indirectly, or in conjunction with one or more of his affiliates, 25 percent or more of the outstanding voting stock, shares, or other voting securities, or comparable ownership therein, of any organization subject to the jurisdiction of the United States, (*b*) any person in Cuba who was a partner, whether general, special, limited, or otherwise in a partnership subject to the jurisdiction of the United States, and (*c*) any person in Cuba having a branch or office subject to the jurisdiction of the United States.

(ii) When, within the meaning of the foregoing, with respect to an organization or its securities, control or ownership is held by a person in Cuba in conjunction with one or more of his affiliates, such person and each of such affiliates in Cuba shall be deemed to be an "associated foreign person".

(iii) The Secretary of the Treasury reserves the power to determine, in any case, that any person was or shall be deemed to have been an "associated foreign person" within the meaning of this definition.

(5) *Affiliate.* As used in this section the term "affiliate" shall mean (i) in relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, 10 percent or more of the outstanding voting securities thereof, and (ii) as to any other organization, any person who owned or controlled 10 percent or more of the comparable ownership rights therein. Any corporation or other organization of which a person was an affiliate shall also be deemed to have been an affiliate of such person, and all persons who were affiliates of the same person shall likewise be deemed to have been affiliates of each other. Notwithstanding the foregoing, persons shall not be deemed to have been affiliates of each other only by reason of ownership or control with respect to an organization subject to the jurisdiction of the United States.

(6) *Organization within the United States.* As used in this section the term "organization within the United States" shall mean any partnership, trust, association, corporation or other organization organized or existing under the laws of the United States or of any State, territory, or district of the United States or having a branch or office in the United States.

(g) *General instructions with respect to reporting on Form TFR–607*—(1) *Obtaining forms.* Copies of the relevant sections of the regulations and copies of Form TFR–607 may be obtained from the Foreign Assets Control, Treasury Department, Washington, D.C., 20220, or the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, 10045.

(2) *Separation of reports for different nationals.* A separate report shall be made with respect to each national having any interest in any property to be reported but all items of property of each such person shall be included in one report. For example, if the person reporting owed debts to five different nationals, he will make five separate reports, listing on each report all of his debts to the particular national for whom that report is made. If he owed one debt jointly to five nationals, he will also make five separate reports, entering the whole debt on each. If it is known or there is reasonable cause to believe that a national other than the national in whose name any property was carried had an interest in or adverse claim upon the property, the property must be shown on a report for each such national interested or adverse claimant as well as for the national in whose name it was carried. Any duplication in reporting the same property or debt on several reports shall not excuse anyone from rendering all reports required of him.

(3) *Filing Form TFR–607.* Reports on Form TFR–607 shall be prepared in duplicate. On or before March 15, 1964, both copies shall be sent in a set, with corresponding Form TFR–608, if applicable, to Unit 607, Foreign Assets Control, Treasury Department, Washington, D.C., 20220.

(h) *Detailed instructions for filling out Form TFR–607*—(1) *Definitions.* For definitions referred to in § 515.607(f) above, the appropriate sections of the Cuban Assets Control Regulations should be consulted.

(2) *Answers required.* Each question on the report must be answered, and all the specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No," "None," or "Unknown," as the case may be, with an explanation if required, except that in Part B spaces not needed for reporting should be left blank. If the space provided on the Form for answers should prove inadequate, the answer may be made or continued on a blank sheet of paper securely attached to the Form. No person is excused from furnishing any information he reasonably should have furnished.

(3) *Part A*—(i) *Name.* If the national was an individual doing business under a trade name, give that name in addition to his actual name.

(ii) *Citizenship.* State the country of which the person is a subject or citizen. If the national was not an individual, enter the name of the country, state, district, territory, or possession under the laws of which it is incorporated, or, if unincorporated, in which it had its principal place of business. When the national was a subject or citizen of more than one country, state the name of each country, including the United States when that is one of the countries.

(4) *Part B*—(i) *Classification of property—general.* In stating the value called for under property types 1 through 12, reporters should be careful to classify correctly the property which they are reporting. No property should be reported under 12 if it constitutes property reportable under any other type.

(ii) *Interests of associated foreign persons (type 7).* The total value of the interests of associated foreign persons should be entered in the column opposite type 7. No property required to be reported under this type is to be listed under any other type on Form TFR–607. Property of this type is to be reported in detail on Form TFR–608 as required by § 515.608.

(iii) *Miscellaneous personal property (type 8).* Type 8 calls for the reporting of miscellaneous personal property, including: warehouse receipts, bills of lading, options and futures in commodities, goods and merchandise, jewelry, precious stones and precious metals, machinery, equipment and livestock, objects of art, furnishings for personal use, as well as liens on and claims to personal property not otherwise classified, as, for example, trust receipts, lease-sale arrangements, chattel mortgages, pledges, and crop liens.

(iv) *Valuation—general.* Enter in the valuation column opposite each property type from 1 to 12 (found in Part B of Form TFR–607) the total value of the items reportable under that type, determined for each type of property in accordance with the following principles:

Examples of Property Types	Principle
Bullion	Gold—$35 per ounce; silver—market value.
Currency and coin	Face value.
Deposits and cash balances	Balance of the account.
Securities	Market or estimated value.
Checks, drafts, acceptances, and notes.	Face or estimated value.
Letters of credit	Available amount.
Debts, claims, and demands	Face or estimated value.
Foreign exchange futures	Difference between market price of contract and price specified in contract.
Goods and merchandise and other personal property.	Market or estimated value.
Land, buildings, and mortgages on real estate.	Market or estimated value.
Royalties, gas, and oil	Normal monthly payment times 100.
Franchises and concessions	Market or estimated value.
Interests in estates and trusts.	Actuarial values where appropriate.
Insurance policies:	
Annuity policies	Present value of future payment.
Life policies	Cash surrender or paid-up value.
Pension contracts	Present value of future payment.
Policies having no immediate value (fire, etc.).	Not reportable.
Interests of associated foreign persons.	(See subparagraph (vii)).

All amounts reported should be given in dollars to the nearest dollar.

(v) *Valuation date.* Values shall be given as of the close of business on July 7, 1963.

(vi) *Market or estimated values.* Where market or estimated value is required pursuant to subdivision (iv) of this subparagraph enter the market price at the close of business on July 7, 1963, or, if such price is not available, the estimated value on that date. In estimating value the last sale price or bid, if reasonably close to July 7, 1963, may be used as a basis.

(vii) *Value—interests of associated foreign persons (type 7).* Enter in the valuation column opposite this property type the total value shown in Part B of Form TFR–608.

(viii) *Value expressed in foreign currency.* Property, the value of which is expressed in a foreign currency, or which is to be paid or liquidated in a foreign currency, shall be valued at the dollar value if dollar market value exists for such property itself; if not, the foreign currency value thereof shall be converted into dollar value, in accordance with instructions relating to exchange rates given in paragraph (i) of this section and such dollar value shall be used in the report. In no case shall a value be entered upon the report in a foreign currency, but the fact that property was originally valued in a foreign currency should be clearly indicated in Part C, question 1.

(ix) *Property of indeterminable value.* In reporting property of indeterminable value, enter "indeterminable" in the space opposite the appropriate property type and describe the property briefly in Part C, question 1. When both property of determinable value and property of indeterminable value are to be reported under any one property type, only the determinable value should be reported. However, in response to Part C, question 1, both kinds of property should be described and the property of indeterminable value should be so described.

(5) *Part C—Brief description of the property set forth in Part B.* The property, the value of which has been set forth in Part B, shall be briefly described in answer to question 1 of Part C, except that no description shall be given of property coming under type 7 (interests of associated foreign persons). Breakdowns into specific property items and detailed descriptions are unnecessary. Property may be described in some general but reasonably descriptive manner, as, e.g., "silver bullion", "U.S. dollar currency", "Swiss franc currency", "bank deposit", "bonds issued by the reporter", "postal savings account", "miscellaneous portfolio of stocks and bonds", "Pound sterling securities", "letters of credit", "goods and merchandise", "land", "mortgage", "life estate", "cash surrender value of insurance policy", etc.

(6) *Part D*—(i) *Person reporting his own property.* A person reporting his own property need not fill out this Part further than to check the box opposite the line designated "Same person as national whose property is reported".

(ii) *Persons reporting property of others.* A person reporting the property of another should state in Part D, as indicated in the margin thereof: (*a*) his name; (*b*) his address; (*c*) his business; and (*d*) his relationship to the national whose property is being reported, e.g. as agent, nominee, trustee, custodian, banker, etc

(7) *Part E—Certification.* Failure to complete the certification provided in Part E of Form TFR–607 shall render ineffective the report to which such defective certification relates and the submission of such report shall not constitute compliance with the reporting requirements of this section.

(i) *Table of exchange rates.* (1) Where the value of property expressed in terms of foreign currency is required to be converted into dollars, the rates of exchange set forth below should be used. If no rate is given for a country, the latest rate next before the effective date of the report, as generally quoted by foreign exchange dealers or other recognized sources of information, shall be used.

(2) The exchange rates given in this table are for use only in preparing reports on Form TFR–607, and are not intended to be used or relied upon in any other connection or for any other purpose whatsoever.

Country	Currency	U.S. cents per currency unit
Argentina	Peso	1.204
Australia	Pound	224.000
Belgium	Franc	2.000
Bolivia	Peso	8.421
Brazil	Cruzeiro	.212
Canada	Dollar	92.500
Chile	Escudo	84.845
Colombia	Peso	11.111
Costa Rica	Colon	15.094
Cuba	Peso	100.000
Dominican Republic	Peso	100.000
Ecuador	Sucre	5.555
El Salvador	Colon	40.000
France	Franc	20.255
Germany, Federal Republic of	Deutsche Mark	25.000
Guatemala	Quetzal	100.000
Haiti	Gourde	20.000
Honduras	Lempira	50.000
Italy	Lira	.160
Japan	Yen	.277
Mexico	Peso	8.000
Netherlands	Guilder	27.624
Nicaragua	Cordoba	14.285
Panama	Balboa	100.000
Paraguay	Guarani	.819
Peru	Sol	2.729
Portugal	Escudo	3.478
Spain	Peseta	1.666
United Kingdom	Pound Sterling	280.000
Union of South Africa	Rand	140.000
Uruguay	Peso	13.513
Venezuela	Bolivar	29.850

(j) *Reports held in confidence.* Reports filed on Form TFR–607 are regarded as confidential official records (§ 1.2 of this title) and are not generally available to the public.

§ 515.608 Reports on Form TFR–608 with regard to interests of associated foreign persons.

(a) *Requirement that reports be filed on Form TFR–608.* Reports on Form TFR–608 are hereby required to be filed on or before March 15, 1964, with respect to interests on the opening of business on July 8, 1963, of foreign persons associated with organizations within the United States.

(b) *Who must make report.* A report must be filed by every organization within the United States as to which on July 8, 1963, any person was an associated foreign person, as defined in § 515.607(f)(4).

(c) *General instructions with respect to reporting on Form TFR–608*—(1) *Obtaining forms.* Copies of the relevant sections of the Regulations and copies of Form TFR–608 may be obtained from the Foreign Assets Control, Treasury Department, Washington, D.C., 20220, or the Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y., 10045.

(2) *Filing Form TFR–608.* Reports on Form TFR–608 shall be prepared in duplicate. On or before March 15, 1964, both copies shall be sent in a set, with corresponding Form TFR–607, to Unit 607, Foreign Assets Control, Treasury Department, Washington, D.C., 20220.

(3) *Separation of reports for different persons.* Except as provided in subparagraph (4) of this paragraph, a separate report shall be made with respect to each associated foreign person. For example, if the organization reporting is associated with three different foreign persons, three separate reports shall be filed, even if all three of such persons are jointly and equally interested in the property or arrangement through which they are associated with the organization.

(4) *Persons associated through another person—indirect beneficial interest.* If a foreign person was associated with a reporting organization through a beneficial interest held through agents, nominees, or other persons not having a beneficial ownership interest, the report on Form TFR–608 shall be made as if the associated foreign organization held the interest directly, except that an appropriate description of the manner in which the interest is actually held shall be given in answer to question 6 in Part A of the Form.

(5) *Persons associated through another person; chain of beneficial interests.* (i) If several persons were associated with a reporting person through a chain of successive ownership interests of foreign persons, as where corporation X owned securities of the reporting organization and, in turn, corporation Y owned securities of X and corporation Z owned securities of Y, a report should be filed in the name of each foreign person. However, the information required in Part B of Form TFR–608 need be given only with regard to the foreign person directly associated with the person reporting, i.e., in the foregoing example, corporation X. With respect to the other associated foreign persons only the information required in questions 1–5 and question 7 of Part A of the Form need be supplied. On each report the information specified in question 7 must be given in full exactly as it appears on the report in the name of the first foreign person. In cases covered solely by this paragraph, question 6 in Part A should be disregarded, but circumstances may arise in which answers are required to both question 6 and question 7, for instance if, in the foregoing example, the interests of corporation X were held through a nominee.

(2) If several persons in the United States were associated with a foreign person through a chain of successive ownership interests, as where securities of domestic corporation L were owned by domestic corporation M and securities of M were owned by domestic corporation N and securities of N were owned by foreign corporation O, a complete report on Forms TFR–607 and 608 need be filed only by domestic corporation N. The other domestic persons need only submit reports showing the chain of their relationship to the foreign person through the reporting person. Such reports should give the information required under Part A, questions 1 and 2, of Form TFR–608, and the chain of relationship to the associated foreign person should be fully specified in answer to Part A, question 5. On Form TFR–607, Part A should be filled in and an appropriate reference to this instruction should be given in lieu of all other information required on the Form.

(d) *Detailed instructions for filing out Form TFR–608*—(1) *Answers required.* Except as specifically indicated on the report form or in these instructions, each question on the report must be answered and all specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No," "None," "Unknown," as the case may be, with an explanation if required, except that in Part B spaces not needed for reporting should be left blank. If the space provided on the Form for answers should prove inadequate, the answer may be made or continued on a blank sheet of paper securely attached to the Form. No person is excused from furnishing any information he reasonably should have furnished.

(2) *Part A*—(i) *Question 3(a).* Check the English word denoting the type of person, e.g., "individual", "corporation", "association", "partnership", and on the same line enter the exact designation, unabbreviated, but translated into English, of the type of person, if other than an individual, in the laws of the jurisdiction under which the organization was created or organized.

(ii) *Question 4.* Enter a brief but definite description of the business carried on by the foreign person, e.g., "manufacturing electric irons" or "general banking".

(3) *Part B*—(i) *Percent owned.* Show here the percentage owned by, or owed to, the associated foreign person of the total amount of property of each kind reported.

(ii) *Value.* With regard to securities traded in a recognized securities market fill out both column 3 and column 4. However, in the case of such securities only the value appearing in column 4 shall be included in the final total to be carried to Form TFR–607. When a value is given in column 4 for common stock, not only the value in column 3 under "common stock" but also the respective values in that column under "surplus or deficit" and "surplus reserves" shall be omitted from the total.

(iii) *Space insufficient.* Whenever more than one item should be reported with respect to any space in the table, attach clearly labelled sheets showing the items and enter in the table merely the appropriate totals.

(iv) *Branches.* If the organization reporting is a branch of a foreign person, the investment of the latter in the branch shall be entered so as to show the total investments therein, regardless of the methods of bookkeeping actually used. Where the practice has been to include all transactions between the branch and the foreign person in one account on the books of the branch no adjustment will be necessary. However, when any deviation from this procedure has occurred appropriate adjustments shall be made. A debit balance should be entered on the line designated "DR", which should also be carried to Form TFR–607. Under "Date Acquired" state the date on which the reporting branch was established.

(4) *Part D—Question 5*—(i) *Location of assets.* For the purposes of this question property shall be deemed to have been located in a foreign country on the reporting date if, (*a*) in case of tangible property, it was physically located in a foreign country; (*b*) in case of other property, it was issued or created by, or constituted an obligation of, or was asserted to constitute an obligation of a foreign country or a person within a foreign country, regardless of where any evidence thereof was located; and (*c*) without limitation upon the foregoing, in case of currency and coin, securities, and negotiable instruments for the payment of money issued or created by the United States, or any agency or person therein, the property or evidence thereof, as the case may be, was physically located in a foreign country.

(ii) *Valuation.* The valuations required in answer to Question 5 shall be made in accordance with the principles set forth in § 515.607(h)(4)(iv).

(5) *Part E—Certification.* Failure to complete the certification provided in Part E of Form TFR–608 shall render ineffective the report to which such defective certification relates and the submission of such report shall not constitute compliance with the reporting requirements of this section.

(e) *Definition.* The definitions prescribed in § 515.607(f) shall be applicable to this section.

(f) *Reports held in confidence.* Reports filed on Form TFR–608 are regarded as confidential official records (31 CFR § 1.2) and are not generally available to the public.

Effective date. This amendment shall become effective 12:01 a.m., e.s.t., January 31, 1964.

(Sec. 620(a), 75 Stat. 445; Proclamation 3447; sec. 5, 40 Stat. 415, as amended; 50 U.S.C. App. 5; E.O. 9193, July 6, 1942, 7 F.R. 5205, 3 CFR, Cum. Supp., p. 1174; E.O. 9989, Aug. 20, 1948, 13 F.R. 4891, 3 CFR, 1943–1948 Comp., p. 748)

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64–970; Filed, Jan. 30, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Radiation

Correction

In F.R. Doc. 64–883, appearing at page 1437 of the issue for Wednesday, Jan. 29, 1964, the revision of § 50–204.306(d)(1) was inadvertently omitted. The amendment reads as follows:

§ 50–204.306 Exposure to radiation.

* * * * * * *

(d) * * *

(1) The first period of any year may begin on any date in January; provided that the second, third and fourth periods accordingly begin on the same date in April, July and October, respectively, and that the fourth period extends into January of the succeeding year, if necessary to complete a three-month quarter. During the first year of use of this method of determination, the first period of that year shall also include any additional days in January preceding the starting date for the first period.

* * * * * * *

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3317]

[Washington 05009]

WASHINGTON

Partial Revocation of Certain Reclamation Withdrawals; Yakima Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental Orders of September 8, 1904, October 9 and December 22, 1905, and April 29, 1907, and any other order or orders which withdrew lands for reclamation purposes under the Act of June 17, 1902, supra, are hereby revoked so far as they affect the following-described lands:

WILLAMETTE MERIDIAN

T. 13 N., R. 14 E.,
That portion of the SE¼, sec. 6 T. 13 N., R. 14 E., described as follows: Beginning at the SE corner of said sec. 6 and running thence S. 89°09' W. 1956.92 ft, along the south line of said sec. 6 to a true point of beginning; thence N. 42°48' E. 2039.01 ft; thence N. 47°12' W. 300 ft; thence S. 42°48' W. 2326.07 ft. to the south line of said sec. 6; thence N. 89°09' E. 414.54 ft. along the south line of said sec. 6 to the true point of beginning; containing 15.03 acres.

That portion of the N½, sec. 7, T. 13 N., R. 14 E., described as follows: Beginning at the NE corner of said sec. 7 and running thence S. 89°09' W. 1956.92 ft. along the north line of said sec. 7 to the true point of beginning; thence continuing along the north line of said sec. 7 S. 89°09' W. 693 ft. more or less to the high water line of Tieton Lake; thence southerly along the high water line of Tieton Lake 800 ft. more or less to a point which bears S. 42°48' W. from the true point of beginning; thence N. 42°48' E. 1123 ft. more or less to the true point of beginning; containing 7.17 acres.

T. 20 N., R. 14 E.,
Sec. 2, lots 4, 5 and 6;
Sec. 3, lots 1, 2, 3, 4, 5 and 6;
Sec. 4, lots 5 and 6;
Sec. 10, lot 1, NE¼NE¼ and NE¼NW¼.

T. 21 N., R. 14 E.,
Sec. 5, lots 1, 2, 3, SE¼NW¼, S½NE¼, SE¼, NE¼SW¼ and S½SW¼;
Sec. 8, NW¼, SE¼, E½SW¼ and SE¼NE¼;
Sec. 17, lots 1, 2, 3, 4, W½NW¼, W½SW¼ and E½;
Sec. 20, lots 1, 2, 3 and NE¼NE¼;
Sec. 28, lots 1, 3, 4, SE¼NW¼ and NW¼SE¼;
Sec. 29, lots 1, 2, 3, 4, 5 and 6;
Sec. 33, lots 1, 2, 3 and NE¼NE¼;
Sec. 34, lots 1, 2, 3, 4 and SE¼SE¼.

T. 14 N., R. 15 E.,
Sec. 13, lots 1, 2, 3, 4, W½NE¼, W½SE¼ and SW¼;
Sec. 14, S½;
Sec. 21, SE¼;
Sec. 22, NE¼ and N½SW¼;
Sec. 23, N½;
Sec. 27, NW¼;
Sec. 28, NW¼NW¼;
Sec. 29, S½.

T. 20 N., R. 15 E.,
Sec. 31, lots 3, 4, E½SW¼ and W½SE¼.

T. 13 N., R. 16 E.,
Sec. 25, E½NE¼, SW¼NE¼ and SE¼;
Sec. 36, NE¼ and NE¼SE¼.

T. 14 N., R. 16 E.,
Sec. 2, lots 1, 2, 3, 4, S½NW¼ and SW¼NE¼;
Sec. 3, NE¼SE¼ and SW¼SE¼ (all north and west of Tieton River);
Sec. 14, N½NE¼.

T. 15 N., R. 16 E.,
Sec. 36, S½S½.

T. 20 N., R. 16 E.,
Secs. 26, 27, 33, 34 and 35.

The lands described aggregate approximately 9,167 acres, of which 8,567 are patented and 600 are national forest lands in the Washington National Forest.

2. At 10:00 a.m. on June 2, 1964, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 27, 1964.

[F.R. Doc. 64–964; Filed, Jan. 30, 1964; 8:46 a.m.]

[Public Land Order 3318]

[Riverside 04320]

CALIFORNIA

Revoking Stock Driveway Withdrawal No. 270, California No. 21

By virtue of the authority vested in the Secretary of the Interior by section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Order of January 29, 1944, which withdrew the following described lands for stock driveway purposes as Stock Driveway Withdrawal No. 270, California No. 21, is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 5 E.,
Sec. 13, S½SE¼;
Sec. 24, W½NE¼, E½NW¼, SW¼NW¼, and SW¼;
Sec. 26, SE¼NE¼ and NE¼SE¼.

T. 14 S., R. 6 E.,
Sec. 18, lots 3, 4, E½SW¼, and SE¼.

The areas described aggregate 842.56 acres.

2. Until 10:00 a.m. on July 27, 1964, the State of California shall have a preferred right of application to select the lands as provided by subsection (*c*) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State, received at or prior to 10:00 a.m. on July 27, 1964, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the regulations in 43 CFR 185.35.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Riverside, California.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 27, 1964.

[F.R. Doc. 64–965; Filed, Jan. 30, 1964; 8:46 a.m.]

[Public Land Order 3319]

[Wyoming 0252615]

WYOMING

Correcting Public Land Order No. 3118 of June 28, 1963

1. Public Land Order No. 3118 of June 28, 1963 (28 F.R. 6877–8), revoking certain public water reserves and stock driveways in whole or in part, is corrected in the following particulars:

a. In T. 39 N., R. 89 W., Section 2, "S½NE¼" is corrected to read "S½NW¼"

b. In T. 37 N., R. 78 W., after Section 11, "N½S½" should read "N½S½".

c. In T. 29 N., R 80 W., add the following:

Sec. 15, E½W½;
Sec. 20, SE¼SW¼;
Sec. 21, W½NE¼, NW¼SE¼, N½SW¼;
Sec. 29, E½W½;
Sec. 32, E½W½.

d. In T. 35 N., R. 86 W., the land descriptions for Sec. 6 should read "Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼".

2. Items b, c, and d of this order reflect errors in publication.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 27, 1964.

[F.R. Doc. 64–966; Filed, Jan. 30, 1964; 8:46 a.m.]

[Public Land Order 3320]

[Washington 04992]

WASHINGTON

Power Site Restoration No. 607; Partly Revoking Indian Power Site Reserves No. 211 and No. 212

By virtue of the authority vested in the Secretary of the Interior by section 13 of the Act of June 25, 1910 (36 Stat. 858; 43 U.S.C. 148), it is ordered as follows:

The departmental order of November 13, 1911, establishing Power Site Reserve No. 211, as construed by Interpretation No. 130 of March 1, 1929, and the departmental order of November 7, 1911, establishing Power Site Reserve No. 212, as construed by Interpretation No. 131 of March 30, 1929, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 30 N., R. 30 E.,
Sec. 1, N½NW¼;
Sec. 2, N½, N½SW¼ and NW¼SE¼;
Sec. 3, lots 13, 15 to 23, incl., 30 to 40, incl., and SE¼NE¼.

T. 31 N., R. 30 E.,
Sec. 35, S½SE¼;
Sec. 36, S½SW¼.

T. 33 N., R. 32 E.,
Sec. 11, S½;
Sec. 13, SW¼;
Sec. 14, E½ and E½NW¼;
Sec. 23, NE¼, E½SE¼, NW¼SE¼, and NE¼SW¼;
Sec. 25, NW¼SW¼;
Sec. 26, NE¼NE¼;
Sec. 36, NE¼SW¼.

T. 28 N., R. 33 E.,
Sec. 5, lots 3A, 3C, 15, 17, 19 to 22, incl., 24, 26, 28, 31, W½W½W½SE¼NE¼(A), SE¼NW¼(A), and SE¼SW¼;
Sec. 8, lots 10A, 12 and 14.

T. 29 N., R. 33 E.,
Sec. 4, tracts H-1211A(a), H-1211B(a), H-1266A(a), H-1266C(a), H-1282A(a), lots 4A, 10, 21, 23, 24, 26, S½NW¼SW¼(A), and S½N½NW¼SW¼(A);
Sec. 8, lots 2, 4 and E½SE¼;
Sec. 9, tract no. 37 (H-310)(A), lots 11, 13, 14 and E½SW¼SW¼(C);
Sec. 16, lot 2, S½NW¼NW¼(A) and S½NW¼NW¼(C);
Sec. 17, lots 1, 4, 7, S½NW¼SE¼(A), S½SE¼NE¼(A), N½NE¼SE¼(A), N½SW¼SE¼(A), and N½NW¼SE¼(A);
Sec. 20, lots 2, 3, SE¼NW¼(A), NE¼NW¼(A), NE¼NW¼(C), and W½SE¼SW¼(A);
Sec. 29, NW¼NW¼(A), W½NE¼NW¼(A), SW¼NW¼, W½SE¼NW¼(A), NW¼SW¼(A), SW¼SW¼(A), and N½NE¼SW¼(A);
Sec. 30, lot 5 and NE¼SE¼;
Sec. 31, lots 6, 7, 10, 11, and 13;
Sec. 32, lots 1, 3, 4, 6, 7, and NE¼NW¼(A).
T. 30 N., R. 33 E.,
Sec. 5, lots 2, 4, 5, 6, 7, SW¼NE¼, S½NW¼ and SW¼;
Sec. 7, E½NE¼ and SE¼;
Sec. 8, N½NW¼ and SW¼NW¼;
Sec. 17, SW¼NW¼ and SW¼;
Sec. 18, NE¼ and NE¼SE¼;
Sec. 20, SW¼NE¼, W½, W½SE¼ and SE¼SE¼;
Sec. 28, W½NW¼, NW¼SW¼(A), W½SW¼SW¼(A), NW¼SW¼(C) and lot 2;
Sec. 29, NE¼ and E½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, lots 3, 4, SE¼SW¼(A), SE¼SW¼(C), E½NW¼NW¼(A), E½SW¼NW¼(A), NE¼NW¼(A), W½SE¼NW¼(A), E½SE¼NW¼(A), SW¼SW¼, NE¼SW¼(A), NE¼SW¼(C), E½NW¼SW¼(A), W½NW¼SW¼.
T. 31 N., R. 33 E.,
Sec. 31, E½E½;
Sec. 32, W½.

The areas described aggregate 5,835.93 acres.

The lands remain withdrawn by the Executive order of July 2, 1872, for the Colville Indian Reservation.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JANUARY 27, 1964.

[F.R. Doc. 64-975; Filed, Jan. 30, 1964; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 73 [New]]

[Airspace Docket No. 63-WE-91]

RESTRICTED AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to § 73.25 of the Federal Aviation Regulations, the substance of which is stated below

The Merced, California (Castle AFB), Restricted Area/Military Climb Corridor R-2514 is described as follows:

R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor:
Boundaries. The area centered on the NW course of the Castle AFB ILS localizer, extending from 5 miles NW of the airbase (latitude 37°22'45" N., longitude 120°34'00" W.) to 32 miles NW of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.
Designated altitudes.
2,200 feet MSL to 15,200 feet MSL from 5 miles NW of the airbase to 6 miles NW of the airbase.
2,200 feet MSL to flight level 242 from 6 to 7 miles NW of the airbase.
2,200 feet MSL to flight level 270 from 7 to 10 miles NW of the airbase.
6,200 feet MSL to flight level 270 from 10 to 15 miles NW of the airbase.
10,200 feet MSL to flight level 270 from 15 to 20 miles NW of the airbase.
15,200 feet MSL to flight level 270 from 20 to 25 miles NW of the airbase.
19,200 feet MSL to flight level 270 from 25 to 32 miles NW of the airbase.
Time of designation. Continuous.
Using agency. Castle AFB Approach Control.

The Federal Aviation Agency is considering the alteration of R-2514 as follows:

R-2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.
Boundaries. From a point of beginning Lat. 37°25'15" N., Long. 120°36'29" W; the area centered on a true bearing therefrom of 320°, extending to a point 25 nmi NW, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.
Designated altitudes.
Surface to 23,000 feet MSL from the point of beginning to 3 nmi NW.
2,000 feet MSL to 23,000 feet MSL from 3 nmi to 6 nmi NW of the point of beginning.
5,000 feet MSL to 23,000 feet MSL from 6 nmi to 11 nmi NW of the point of beginning.
10,000 feet MSL to 23,000 feet MSL from 11 nmi to 15 nmi NW of the point of beginning.
14,000 feet MSL to 23,000 feet MSL from 15 nmi to 19 nmi NW of the point of beginning.
16,000 feet MSL to 23,000 feet MSL from 19 nmi to 25 nmi NW of the point of beginning.
Time of designation. Continuous.
Using agency. Castle AFB Approach Control.

Due to the capability of the latest fighter/interceptor aircraft to reach high speed and high rates of climb in a short time after take-off, the Federal Aviation Agency has revised the criteria for establishing restricted area/military climb corridor for use by these aircraft. The action proposed herein is consistent with the new criteria except that in order to avoid encroachment upon existing airways the length of the corridor proposed herein would be 25 nautical miles rather than 30 nautical miles. Altered as proposed, R-2514 will provide protection for air defense aircraft and other air traffic operating in the vicinity of Castle Air Force Base, during the initial climb phase of air defense missions. The using agency would authorize aircraft to operate within R-2514 when not in use by active air defense aircraft.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 24, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-957; Filed, Jan. 30, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

CORNELIA TEN BOSCH GERBER AND MAURITS TEN BOSCH, JR.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Cornelia ten Bosch Gerber; Susenbergstrasse 191, Zurich, Switzerland, Claim No. 42863, Vesting Order No. 500A-150, $44.40 in the Treasury of the United States.

Maurits ten Bosch, Jr., c/o M. ten Bosch, Inc., 80 Wheeler Avenue, Pleasantville, New York, Claim No. 42863, Vesting Order No. 500A-150, $44.40 in the Treasury of the United States.

Executed at Washington, D.C., on January 27, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-966; Filed, Jan. 30, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. C3-3]

CALIFORNIA

Small Tract Classification; Amendment

JANUARY 24, 1964.

1. Effective immediately, paragraph 1 of F.R. Doc. 63-4001 appearing on page 3736 of the issue for April 17, 1963, is hereby amended as to the method of disposition from direct sale to two year lease, with option to purchase, affecting the following described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 32: Lots 74, 77, 98, 101, that portion of Lot 102 lying East of the centerline of Lower Springs Road, Lots 115, 116 and 119.
T. 31 N., R. 5 W.,
Sec. 5: SW¼NE¼ of Lot 3, NW¼SE¼ of Lot 3, the North 330 feet of the NE¼NE¼ of Lot 3, NW¼NW¼SE¼NW¼, and that portion of the NW¼SW¼NW¼ lying North of the centerline of Lower Springs Road.
Sec. 6: E½E½ of Lot 4, N½NE¼SE¼NE¼, SW¼NE¼SE¼NE¼ and SW¼SE¼SE¼NE¼.

2. Effective immediately, F.R. Doc. 63-7969 appearing on page 7735 of the issue for July 30, 1963 is amended to include the method of disposition, two year lease, with option to purchase, with regard to all lands listed in said document.

3. Each tract embraced within subject lands is covered by an application or lease and this accomodative type order is prescribed for the benefit of the current applicant-occupant of each tract.

Present lessees of the lands as cited in paragraph 2 of this order are allowed the right to continue their lease-only contracts or to convert to lease with option to purchase contracts.

4. Applicants and lessees of record will be required to pay the annual rentals and appraised values of the appropriate tracts as prescribed by the Classification Officer.

5. Paragraph 1 of F.R. Doc. 63-7969 of the issue for July 30, 1963, is hereby further amended to correct the described lands, in part, as follows:

T. 31 N., R. 5 W.,
Sec. 5: NE¼SW¼NW¼NE¼ should read NE¼SW¼ of Lot 2; W½SW¼NW¼NW¼NE¼ should read NW¼ of Lot 2; E½SE¼NE¼NE¼NW¼ should read E½SW¼ of Lot 3; SE¼NW¼NE¼NW¼ should read SE¼NW¼ of Lot 3; E½SW¼NE¼NW¼ should read E½SW¼ of Lot 3.
Sec. 6: SW¼SW¼NW¼NE¼ should read SW¼SW¼ of Lot 2.

6. Title to any tract which cannot be adequately described will not pass until such time that supplemental plat of survey is accepted and officially filed in the Land Office.

VIRGIL L. BOTTINI,
District Manager, Redding District Office, Redding, California.

[F.R. Doc. 64-967; Filed, Jan. 30, 1964; 8:46 a.m.]

[Classification No. C3-11]

CALIFORNIA

Small Tract Classification

JANUARY 24, 1964.

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part I, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, the public land in Shasta County, California, described as follows:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 5 W.,
Sec. 7: E½NW¼, exclusive of M.S. 2689.

Containing 10.0 acres more or less.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws and the Act of October 23, 1962 (76 Stat. 1127), and 43 U.S.C. 2, 1201, 1371.

3. The lands are located approximately 3 miles west of the city limits of Redding, Shasta County, California, at an elevation of about 900 feet. The terrain of these lands is flat to moderately rolling, with vegetative cover of predominately manzanita brush interspersed with digger pine and oak.

4. The lands classified by this order shall not become subject to disposition under the Small Tract Act of June 1, 1938 (52 Stat. 609); 43 U.S.C. 682a, as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to sale.

VIRGIL L. BOTTINI,
District Manager, Redding District Office, Redding California.

[F.R. Doc. 64-968; Filed, Jan. 30, 1964; 8:46 a.m.]

[Oregon 012736]

OREGON

Order Providing for Opening of Public Lands

JANUARY 24, 1964.

The withdrawal, created by Executive Order No. 7430 of August 17, 1936, has been revoked by Public Land Order 2739 of July 27, 1962. (27 F.R. 7636, August 2, 1962.)

By virtue of the authority vested in me by Bureau Order No. 684, (26 F.R. 8216, August 31, 1961), it is ordered as follows:

1. This opening effects the following described lands:

OREGON

WILLAMETTE MERIDIAN

T. 37 S., R. 14 W.,
Sec. 4, lot 15.

Containing 38.68 acres.

2. Public Land Order 2739 erroneously identified these public domain lands as a part of the Siskiyou National Forest. The public lands by this opening are restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals provided, that, until 10:00 a.m. on July 25, 1964, the State of Oregon shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals beginning at 10:00 a.m. on July 25, 1964.

4. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 710 N.E. Holladay, Portland, Oregon, 97232.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 64-969; Filed, Jan. 30, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

S & C LIVESTOCK COMMISSION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, Location of Stockyard, and Date of Posting

S & C Livestock Commission Co., San Jose, Calif., October 28, 1959.
Cambridge Sale Yard, Cambridge, Idaho, June 1, 1960.
Salmon River Livestock Auction, Salmon, Idaho, January 16, 1961.
Hernando Auction Co., Hernando, Miss., January 14, 1959.
Beulah Livestock Sales, Beulah, N. Dak., May 11, 1960.
Kingsport Live Stock Auction Corp., Kingsport, Tenn., May 9, 1959.
Moore's Livestock Company, Sturgeon Bay, Wis., March 14, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 24th day of January 1964.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-964; Filed, Jan. 30, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 25]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through January 17, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total—All flags (199 ships)	1,491,007
British (60 ships)	513,770
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Arlington Court	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,158
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kirriemoor	5,923
Linkmoor	8,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
*Mulberry Hill	7,121
Newgate	6,743
Newlane	7,043
*Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
*Santa Granda	7,229
Greek (52 ships)	404,931
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
Despoina	5,006
Efcharis	7,249
Eftychia	7,228
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kostis	7,264
Kyra Hariklia	6,888
Maria de Lourdes	7,219
Maria Santa	7,317
Maria Theresa	7,345
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,382
Nicolaos Frangistas	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
Polyxeni	7,143
**Presvia (broken up)	10,820
Propontis	7,128
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Vasiliki (Tanker)	10,507
Western Trader	9,268
Lebanese (44 ships)	293,973
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Areti	7,176
Aristefs	6,995

*Added to Report No. 24 appearing in the FEDERAL REGISTER issue of January 17, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY AND NAME OF SHIP—CON.

	Gross tonnage
Lebanese—Continued	
Astir	5,824
Athamas	4,720
Ares	4,557
Carnation	4,884
**Christos (trips to Cuba under ex-name, Pamit—Greek flag).	
*Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Lefkio	7,176
Maiou	7,145
Mantric	7,255
Marsinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Rasani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Italian (8 ships)	60,648
Achille	6,950
Afrone	6,969
Annalisa	2,479
Aspromonte	7,154
Cannaregio	7,184
Masareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (10 ships)	66,190
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,083
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,300
Dugi Otok	6,997
Promina	6,960
Trebinjica	7,145
Norwegian (4 ships)	34,508
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jesreel—Panamanian flag)	4,750

*Added to Report No. 24 appearing in the FEDERAL REGISTER issue of January 17, 1964.
**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY AND NAME OF SHIP—CON.

	Gross tonnage
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,062
Mauritanie	10,392
Toubkal	8,748
Spanish (4 ships)	6,563
Castillo Ampudia	3,546
*Escorpion	999
Sierra Madre	999
Sierre Maria	999
Swedish (2 ships)	14,295
Atlantic Friend	7,805
Dagmar	6,490
Finnish (1 ship)	11,691
Vainy (Tanker)	11,691
Indian:	
**Jalaganga (trip to Cuba under ex-name, Silverlake—British flag).	
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Panamanian:	
**Jesreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
a. Since last report:	
British (2 ships):	
London Confidence (Tanker)	21,699
London Independence (Tanker)	22,648
Greek (1 ship):	
Hydraios III	5,239
Norwegian (1 ship):	
Kongsgaard (Tanker)	19,999

b. Previous reports:

Flag of registry:	Number of ships
British	4
Danish	1
German (West)	1
Greek	5
Italian	2
Japanese	1
Norwegian	1

SEC. 3. The ships listed in Sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through January 17, 1964:

Flag of registry	Number of trips											
	1963										1964	
	Jan.-Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Total
British	21	17	13	15	14	11	8	10	12	12	6	139
Greek	16	8	17	12	17	7	8	8	2	2	1	100
Lebanese	2	8	8	9	8	3	4	10	5	6	2	65
Norwegian	6		1	2	1	2	1			1	1	15
Italian	3	2	3	2	2	2		1	1			16
Yugoslav	4	1	1		1	1	2		2			12
Spanish	2				1	1	1		1	2		8
Danish	1											1
Finnish				1								1
French							5	1		2		8
German (West)			1									1
Japanese	1											1
Moroccan	1			1	1	1	1	2	1	1		9
Swedish		1		1		1						3
Subtotal	60	37	44	43	45	29	30	32	24	26	10	390
Polish	4	2	2	2	1	1		2	3	1		18
Grand total	64	39	46	45	46	30	30	34	27	27	10	408

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: January 24, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-804; Filed, Jan. 30, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20396]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1964.

An agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17022, R-8.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conferences 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590a—Specific Commodity Rates.

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as follows:

ITEM 3126—RAZOR BLADES

Rate: 183 cents per kilogram, minimum weight 100 kilograms and 168 cents per kilogram, minimum weight 200 kilograms, from Calcutta to New York.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered: That Agreement C.A.B. 17022, R-8, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-981; Filed, Jan. 30, 1964; 8:48 a.m.]

[Docket Nos. 14695, 14737; Order E-20402]

ROUTT COUNTY, COLORADO, AND FRONTIER AIRLINES, INC.

Order Instituting Investigation and for Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of January 1964.

Application of Routt County, Colorado for scheduled air service, Docket No. 14695; application of Frontier Airlines, Inc. for amendment of its certificate of public convenience and necessity, Docket No. 14737.

On August 12, 1963, Routt County, Colorado (Routt County), filed an application in Docket 14695 for scheduled air service to the Steamboat Springs-Hayden-Craig area on a route between Denver, Colorado, and Salt Lake City, Utah.[1] Concurrent with the filing of its application, Routt County moved for an expeditious hearing. The motion was denied on October 23, 1963.[2] By Order E-20297, December 24, 1963, we dismissed Routt County's petition for reconsideration of Order E-20113. At that time, we noted that the Routt County application would be set down for hearing either in a proceeding involving related air transportation issues, or for separate consideration, as soon as it was practical to do so. We find the proceeding instituted herein an appropriate forum for the disposition of the Routt County application.

In reviewing our docket, we find that on September 4, 1963, Frontier filed an application in Docket 14737 seeking to amend its certificate of public convenience and necessity for the purpose of, among other things, eliminating the present expiration date of its authority to serve Gunnison, Colorado, as an intermediate point on segment 3 of Route 73 between the terminal points Denver and Grand Junction.[3] Gunnison is served on flights operated between Denver and Grand Junction with close online connections at Grand Junction for flights to the west serving Moab and Vernal enroute to Salt Lake City. For the 12 months ended September 30, 1963, Gunnison experienced an average of 5.06 passenger originations daily which represented a substantial increase over the 3.09 average daily passenger originations experienced for the comparable period ended September 30, 1962.

For purposes of administrative convenience and for the proper dispatch of the Board's business, we find and conclude that the portion of Frontier's application in Docket 14737 which relates to a renewal of the carrier's authority to serve Gunnison should be severed therefrom and consolidated with Docket 14695, the Routt County application, for contemporaneous consideration and disposition.

Since, in this proceeding, we intend to consider only the request of Routt County for air service, as reflected in its application, along with Frontier's request to serve Gunnison for an indefinite period, we will not consider any new or previously filed route applications of any carrier, nor possible certificate modifications, except as contemplated herein, and we intend that this investigation shall be conducted so that it may proceed promptly and be disposed of in the shortest possible time allowing for a decision upon an adequate record. For the guidance of the parties in presenting their respective cases, we note that data reflecting traffic, service and costs will be of particular significance in reaching our decision in this investigation, and we expect any carrier party to this proceeding to submit as direct exhibits in this case data which will reflect the quality, quantity and other characteristics of service it has provided, or intends to provide, to the points here in issue.

Accordingly, it is ordered: 1. That the application of Routt County, Colorado, et al., in Docket 14695 be and it hereby is assigned for hearing before an examiner of the Board to determine whether the public convenience and necessity require air transportation to and from Steamboat Springs-Hayden-Craig, Colorado, and the Denver-Salt Lake City termini;

2. That the portion of Frontier's application in Docket 14737 which seeks to amend its certificate of public convenience and necessity so as to serve Gunnison, Colorado, for an indefinite period of time be and it hereby is severed therefrom and consolidated into Docket 14695;

3. That the proceeding instituted in Docket 14695 shall also include the issues of whether the public convenience and necessity require the renewal, and if so for what period, of Frontier's certificate authority to serve Gunnison, Colorado, as an intermediate point on segment 3 of Route 73; and

4. That a copy of this order be served upon Frontier, and the Cities of Gunnison, Colorado; Craig, Colorado; the city and County of Denver, Colorado; the city of Vernal and the Salt Lake City Corporation, Utah; the town of Steamboat Springs, the town of Hayden, the town of Meeker, Colorado; the Boards of County Commissioners for the Counties of Routt, Moffat, and Rio Blanco, Colorado; and Uintah County (Utah) Commission; the Chambers of Commerce of Steamboat Springs, Craig, and Denver, Colorado; Vernal and Salt Lake City, Utah; and the Aeronautical Departments of the States of Colorado and Utah; all of whom are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-982; Filed, Jan. 30, 1964; 8:48 a.m.]

[1] Routt County's application was joined in by certain civic parties on Dec. 5, 1963.
[2] See Order E-20113.
[3] Frontier's authority to serve Gunnison expires on Feb. 4, 1965. Order E-19990, June 17, 1963.

FEDERAL AVIATION AGENCY

[OE Docket No. 66-SO-1]

FLORIDA POWER AND LIGHT CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3629) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Florida Power and Light Company, Miami, Florida, proposes to increase by 146 feet the height of four existing concrete exhaust stacks near Fort Lauderdale, Florida, at latitude 26°-05'07" N., longitude 80°07'32" W. The new overall height of the stacks would be 419 feet above mean sea level (400 feet above ground).

The existing structures are located approximately 10,130 feet northeast of the airport reference point, 6,966 feet northeast of the northeast end of Runway 4/22 and 2,000 feet southeast of the extended runway centerline at the Fort Lauderdale - Hollywood International Airport (formerly Broward County International). At the proposed height the structures would exceed the inner horizontal surface as defined in § 77.25(a) (1) of the Federal Aviation Regulations as applied to this airport by approximately 259 feet.

The aeronautical study disclosed that the existing structures are the controlling obstructions for instrument approach procedures to the airport. The proposed increase in height of the stacks would require an increase from 600 feet to 700 feet in the instrument landing minimums when a circling approach to land is required. Straight-in approach procedures would not be affected. Noise abatement factors and traffic control considerations limit to some extent straight-in instrument approaches to all runways except Runway 9. Because of these limitations, circling approaches are commonly used. A 100-foot increase in landing minimums would create delays to arriving aircraft under a minimum ceiling situation.

The study also disclosed that the take-off minimums for departing aircraft using Runway 4 would be increased from 300 feet to 400 feet, thereby creating departure delays under minimum weather conditions.

The proposed structures, because of their size, height and proximity to the airport, would be dominating factors for aircraft operating under visual flight rules in the area immediately northeast of the airport, particularly when Runway 4/22 is in use and, to a lesser degree, when Runway 9/27 is in use. Arriving or departing aircraft maneuvering within the traffic pattern areas of these runways may be required to alter course in order to obtain adequate vertical or horizontal obstruction clearance from the structures.

The shoreline is a natural VFR route. The study disclosed that aircraft transitting between the airport and the shoreline under the special VFR procedure, which allows aircraft to operate during weather conditions which are less than those prescribed for normal VFR flight, pass almost directly over the stacks. If the height of the stacks is increased to that which is proposed, these VFR operations would be adversely affected.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures would have a substantial adverse effect upon aeronautical operations in the vicinity of the Fort Lauderdale-Hollywood International Airport since they would be located in close proximity to the airport in such a position as to be detrimental to the safety of aircraft in flight.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structures would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structures would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on January 23, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-956; Filed, Jan. 30, 1964; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1121]

INTERNATIONAL SHIPPING CO.

Application for a Freight Forwarding License; Discontinuance of Proceeding

By order dated June 27, 1963, the Commission, pursuant to a request by International Shipping Company, 121 Hanover Street, Wilmington, North Carolina, an applicant for an independent ocean freight forwarder's license, instituted a proceeding to determine whether applicant was qualified, fit, willing, and able properly to carry on the business of an independent ocean freight forwarder.

Applicant's attorney has made motion that the proceeding be dismissed without prejudice.

Now therefore it is ordered, That the proceeding to determine whether International Shipping Company qualifies for licensing as an independent ocean freight forwarder, is hereby discontinued.

It is further ordered, That the International Shipping Company's application for a license is hereby dismissed without prejudice to the filing of a new application on the basis of changed facts.

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein; and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

JANUARY 23, 1964.

[F.R. Doc. 64-980; Filed, Jan. 30, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2422]

BROWN CO.

Notice of Application for License

JANUARY 27, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Brown Company (correspondence to: John W. Jordan, Vice President and Secretary, Brown Company, 650 Main Street, Berlin, New Hampshire) for license for constructed Project No. 2422, known as the D. C. Hydro (Sawmill) Project, located on the Androscoggin River, City of Berlin, Coos County, New Hampshire.

The project consists of: A dam about 737 feet long, having a concrete section about 328 feet long (with a floodgate section containing 5 floodgates, each 18 feet long and 13 feet deep) extending diagonally downstream from the left bank, a rock filled timber crib section (topped by flashboards about 1.5 feet high) and also extending generally about 273 feet downstream, a concrete gravity section (topped by steel drop flashboards about 7.5 feet high) extending about 136 feet further downstream to the powerhouse; concrete wing walls and abutments; a powerhouse (adjacent to the right bank) with six 325 horsepower vertical turbines gear connected in pairs through horizontal jack shafts to two 500 kilowatt d.c. generators and one 400 kilowatt d.c. generator, and four 325 horsepower vertical turbines gear connected in pairs through two horizontal jack shafts which are connected through rope drives to one 800 kilowatt d.c. generator; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-958; Filed, Jan. 30, 1964; 8:46 a.m.]

[Docket Nos. CP64-87, CP64-11]

MISSISSIPPI GAS CORP. AND STARKS UTILITIES INC.

Notice of Application, Consolidation, and Date of Hearing

JANUARY 24, 1964.

Take notice that Mississippi Gas Corporation (Mississippi Gas), 3404 Iroquois Street, Baton Rouge, Louisiana, filed on October 7, 1963, an application (Docket No. CP64-87), and on November 18, 1963, a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its transportation facilities with the transportation facilities proposed to be constructed by Mississippi Gas and to sell up to 98 Mcf of natural gas per day to Mississippi Gas for resale and distribution in the village of Reeves, Louisiana, and its environs, at a rate not to exceed 26.13 cents per Mcf, all as more fully set forth in said application, which is on file with the Commission and open for public inspection.

Mississippi Gas estimates its annual and peak day requirements for the first three years of operation as follows:

Year	Peak day (Mcf)	Annual (Mcf)
First	94	9,964
Second	96	10,248
Third	98	10,512

Mississippi Gas estimates the cost of its project will be $30,000, which will be financed by the issuance and sale of twenty year revenue bonds.

Take further notice that the Secretary of the Commission has heretofore issued a notice of application and date of hearing in Docket No. CP64-11, Starks Utilities, Inc. setting said case for hearing to commence at ten o'clock a.m. on February 26, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

These matters should be heard upon a consolidated record and are hereby consolidated for hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1964, at 10:00 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-959; Filed, Jan. 30, 1964; 8:45 a.m.]

[Docket No. CP64-130]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

JANUARY 24, 1964.

Take notice that on December 9, 1963, Tennessee Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas, 77001, filed in Docket No. CP64-130 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1964 of miscellaneous natural gas gathering facilities necessary to take into its certificated main pipeline system natural gas which will be purchased from producers thereof in the general area of Applicant's existing transmission system, and to operate such facilities only to take natural gas from producers who have received authorization from the Commission to sell natural gas to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its existing pipeline system new supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of such facilities is not to exceed a maximum of $2,500,000, with no single project to exceed a cost of $500,000, which costs Applicant proposes to finance from general funds or from revolving credit.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene in filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-960; Filed, Jan. 30, 1964; 8:45 a.m.]

[Docket No. CP64-132]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 24, 1964.

Take notice that on December 6, 1963, as supplemented on January 10, 1964, United Gas Pipe Line Company (Applicant), 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application in Docket No. CP64-132 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following:

Install 30 feet of 4" pipe line, positive meter and regulator station, heater and separator installation and appurtenant equipment at approximate Milepost 6.07 on Applicant's 8" Allentown Field line located in the Vincent Michelli Survey, Abstract 29, Angelina County, Texas;

all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the facilities will be used for the sale and delivery of natural gas to the City of Alto, Texas, for resale and distribution through the proposed distribution system of said City and the community of Wells as described in said Application located in Angelina and Cherokee Counties, Texas. Applicant states that the facilities for which a certificate is sought will cost $11,607 and that during the first year of operation Applicant will sell and deliver to the City of Alto approximately 37,830 Mcf.

Protests or petitions to intervene or requests for hearing may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-961; Filed, Jan. 30, 1964; 8:45 a.m.]

[Docket Nos. RI64-561, RI64-562]

CONSOLIDATED OIL & GAS, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

JANUARY 24, 1964.

Consolidated Oil & Gas, Inc., Docket No. RI64-561; William M. Aber (Operator), et al., Docket No. RI64-562.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sale made by Consolidated Oil & Gas, Inc. (Consolidated) is made at a pressure base of 15.025 psia and the sale made by William M. Aber (Operator), et al. (Aber), is made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the matters covered herein.

Docket No.	Respondent	Rate sched. No.	Supp. No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R164-661	Consolidated Oil & Gas, Inc., 4125 East Mexico Ave., Denver Colo., 80222.	17	1	El Paso Natural Gas Co. (Ignacio Blanco Field, LaPlata County, Colo).	$200	1-7-64	[2] 2-7-64	[2] 2-8-64	[3] 13.0	[4] 14.0	.....
R164-662	William M. Aber (Operator), et al., 727 San Jacinto Bldg., Houston 2, Tex.	1	1	Texas Eastern Transmission Corp. (Sheridan Field, Colorado County, Tex.) (R.R. District No. 3).	1,830	1-13-64	[2] 2-13-64	[2] 2-14-64	[5] 15.0	[6] 15.6	.....

[1] The stated effective date is the first day after expiration of the required 30 days' notice.
[2] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] Rate subject to downward Btu adjustment for gas below 1000 Btu's.

Aber requests waiver of notice to make his proposed rate increase effective as of November 1, 1963, and Consolidated requests an effective date of January 1, 1964, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Aber and Consolidated's rate filings and such requests are denied.

Consolidated and Aber's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, 2.56). Service under these producers' contracts started after September 28, 1960, the date of issuance of the Commission's aforementioned Statement of General Policy No. 61–1, as amended, and the proposed rates are below the applicable area ceiling for initial rates in their respective areas. Under the circumstances, we believe it to be in the public interest to suspend Consolidated and Aber's proposed increases for one day from date of expiration of the statutory notice.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date suspended until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 11, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-962; Filed, Jan. 30, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4186]

AMERICAN NATURAL GAS CO.

Notice of Proposed Acquisition of Securities of Newly-Organized Corporation

JANUARY 27, 1964.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4950, New York, New York, 10020, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 (a) and 10 thereof as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

The application states that American Natural has been incorporated in the State of New Jersey for many years, that it does no business and has no assets in New Jersey, and that its only office in that State is that of its registered agent. It is further stated that American Natural's annual franchise tax payments to the State of New Jersey have risen from $33,660 in 1950 to $201,509 in 1962, even though the company's activities in the State have not changed in any respect during that period.

American Natural has determined to reincorporate in the State of Delaware, subject to the necessary approvals by this Commission and by the company's stockholders. American Natural estimates that the saving in State taxes resulting from such reincorporation will approximate $170,000 annually.

The reincorporation of American Natural in Delaware is to be effectuated in two steps, only the first of which is subject to the instant application: (1) The acquisition by American Natural of all the capital stock of a newly-organized Delaware corporation; and (2) the subsequent merger of American Natural into said wholly-owned Delaware subsidiary company. All matters pertinent to step (2) will be the subject of a further application or applications to this Commission.

In connection with the foregoing, a new company has been incorporated in Delaware, known as American Natural Gas Corporation ("Corporation"). One hundred shares of $10 par value common stock have been authorized, but no stock has yet been issued nor has any capital been paid in. It is stated that the certificate of incorporation and by-laws of Corporation are the same, except for essential changes, as the certificate of incorporation and by-laws of American Natural.

In the present filing, American Natural proposes to acquire all of said 100 shares of authorized $10 par value common stock of Corporation for $1,000 cash, which will constitute the initial capital of Corporation. The $1,000 paid to Corporation is the minimum capital required by Delaware law to enable a corporation to commence business and will permit Corporation to pay any incidental expenses incurred by it prior to the effective date of the contemplated merger.

If the subsequent merger of American Natural into Corporation should not be approved by this Commission or by the stockholders of American Natural, American Natural will promptly take steps to dispose of the common stock of Corporation and to dissolve that company.

The filing states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed acquisition of said shares of common stock. Fees and expenses expected to be incurred in connection with the proposed transaction are estimated at $1,500, including legal fees of $1,000.

Notice is further given that any interested person may, not later than February 17, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-976; Filed, Jan. 30, 1964; 8:47 a.m.]

[File No. 70-4185]

POTOMAC EDISON CO. AND ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Issuance and Sale of Bonds at Competitive Bidding; Intrasystem Issuance, Sale and Acquisition of Common Stock

JANUARY 27, 1964.

In the matter of The Potomac Edison Company, 55 East Washington St., Hagerstown, Md. 21740; Allegheny Power System, Inc., 320 Park Avenue, New York, N.Y. 10022.

Notice is hereby given that Allegheny Power System, Inc., ("Allegheny"), a registered holding company, and The Potomac Edison Company ("Potomac"), one of Allegheny's electric utility subsidiary companies and also a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6, 7, 9, 10, and 12 of the Act and Rules 43, 44 and 50 promulgated thereunder as applicable to the proposed transactions All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Potomac proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $16,000,000 principal amount of First Mortgage and Collateral Trust Bonds, _____ percent Series, due 1994. The interest rate on the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Potomac (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under an Indenture dated as of October 1, 1944, between Potomac and Chemical Bank New York Trust Company, as successor Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of March 1, 1964.

Potomac further proposes to issue and sell to Allegheny, its sole common stockholder, 200,000 additional shares of its common stock, without par value, and Allegheny proposes to acquire the shares for $4,000,000. Upon such acquisition Allegheny proposes to pledge the shares of Potomac with Chemical Bank New York Trust Company, successor Trustee under a Trust Indenture dated as of September 1, 1949, securing Allegheny's 3½ percent Sinking Fund Collateral Trust Bonds, due 1974.

The proceeds from the sale of the new bonds and common stock are to be used to finance, in part, the construction program of Potomac and its subsidiaries for 1964 and 1965 and to pay $6,000,000 of short-term notes previously issued and sold to Allegheny to obtain funds for construction purposes.

Expenses incident to the issuance and sale of the new bonds are estimated at $82,000, including accountants' fees of $5,500, legal fees of $11,150, and $65,350 for printing, taxes, registration fees and other miscellaneous items. The fees and expenses of counsel for the purchasers of the new bonds, which are to be paid by the successful bidders, are estimated at $7,500. Expenses in connection with the proposed issuance and sale of common stock are estimated at $4,000 for Federal stamp tax and $220 for miscellaneous expenses

Prior authorization of the Maryland Public Service Commission is required for the issuance and sale of the bonds and for the issuance and sale of common stock and its acquisition by Allegheny and by Chemical Bank New York Trust Company, as pledgee, and petitions for such authorizations have been filed with said Commission. Copies of the orders entered therein are to be supplied by amendment. The filing states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 25, 1964, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-977; Filed, Jan. 30, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 28, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38781: *Liquid caustic soda from Acme and Wilmington, N.C.* Filed by O. W. South, Jr., agent (No. A4443), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Acme and Wilmington, N.C., to Augusta, Ga., Clearwater, Graniteville, and Langley, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 66 to Southern Freight Association, agent, tariff I.C.C. S–207.

FSA No. 38782: *Phosphatic feed supplements from Garrison, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 417), for interested rail carriers. Rates on phosphatic feed supplements, not fit for human consumption

or pharmaceutical use, viz: superphosphate, defluorinated, phosphate rock, defluorinated, in carloads, from Garrison, Mont., to points in western trunkline and southwestern territories.

Grounds for relief: Market competition.

Tariff: Supplement 129 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1644.

FSA No. 38783: *Silica sand to Paducah, Ky.* Filed by Southwestern Freight Bureau, agent (No. B-8603), for interested rail carriers. Rates on silica sand, in carloads, from Klondike, Ludwig, and Pacific, Mo., to Paducah, Ky.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 1 to Southwestern Freight Bureau, agent, tariff I.C.C. 4565.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-972; Filed, Jan. 30, 1964; 8:46 a.m.]

[Notice 932]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 28, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65666. By order of January 20, 1964, the Commission, Division 3, Acting as an Appellate Division, reopened the subject proceeding, and vacated and set aside the approval order entered herein on October 16, 1963, and conditionally reapproved the transfer to Great Western Packers Express, Inc., Denver, Colo., of a portion of the operating rights in Certificate No. MC 44605 (Sub-No. 13), issued March 28, 1960, to Milne Truck Lines, Inc., Salt Lake City, Utah, authorizing the transportation, over regular routes, of: Packinghouse products and dairy products, fresh, frozen, or dried fruits and vegetables, from Denver, Colo., to Tucson, Ariz., and from Yuma, Ariz., to Denver, Colo., serving certain named intermediate points. The operations are limited to traffic moving from, to, or through Denver, Colo. Wood R. Worsley, 701 Continental Bank Building, Salt Lake City, Utah, and Charles W. Singer, 33 North La Salle St., Chicago, Ill., attorneys for applicant, and Marshall D. Becker, 924 City National Bank Building, Omaha 2, Nebr., attorney for petitioner, Midwest Coast Transport, Inc.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-973; Filed, Jan. 30, 1964; 8:47 a.m.]

[Notice 932-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 28, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66503. By order of January 27, 1964, the Transfer Board approved the transfer to Romans Motor Freight, Inc., Ord, Nebr., of Certificates in Nos. MC 68539, MC 68539 (Sub-No. 1), MC 68539 (Sub-No. 5), and MC 68539 (Sub-No. 7), issued June 7, 1956, August 9, 1956, July 8, 1957, and March 5, 1963, respectively, to John Jack Romans, doing business as Romans Motor Freight, Ord, Nebr., authorizing the transportation of: Salt, grain, farm machinery, agricultural commodities, farm commodities, household goods and immigrant movables, livestock, plaster board, plaster, plaster products, and metal lath, dips, nails, and miscellaneous building materials, used with, or in the installation of, plasterboard and plaster products, and general commodities, with the usual exceptions including household goods and commodities in bulk, from, to, or between, specified points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-974; Filed, Jan. 30, 1964; 8:47 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11140

DELEGATING CERTAIN FUNCTIONS OF THE PRESIDENT RELATING TO THE PUBLIC HEALTH SERVICE

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare is hereby authorized and empowered, without the approval, ratification, or other action of the President, to perform the following-described functions vested in the President under the Public Health Service Act (58 Stat. 682), as amended:

(a) The authority under Section 203 (42 U.S.C. 204) to appoint commissioned officers of the Reserve Corps.

(b) The authority under Section 206(b) (42 U.S.C. 207(b)) to prescribe titles, appropriate to the several grades, for commissioned officers of the Public Health Service other than medical officers.

(c) The authority under Section 207(a)(2) (42 U.S.C. 209(a)(2)) to terminate commissions of officers of the Reserve Corps without the consent of the officers concerned.

(d) The authority under Section 210(a), (k), and (l) (42 U.S.C. 211(a), (k), and (l) to make or terminate temporary promotions of commissioned officers of the Regular Corps and Reserve Corps.

(e) The authority under Section 211(a)(5) (42 U.S.C. 212(a)(5)) to approve voluntary retirements under that section.

(f) The authority to prescribe regulations under the following-designated Sections: 207(a), 207(b), 208(e), 210(a), 210(b), 210(d)(1), 210(h), 210(i), 210(j)(1), 210(k), 215(a), 218(a), 219(a), and 510 (42 U.S.C. 209(a), 209(b), 210(e), 211(a), 211(b), 211(d)(1), 211(h), 211(i), 211(j)(1), 211(k), 216(a), 218a(a), 210–1(a), and 228).

(g) The authority under Sections 321(a) and 364(a) (42 U.S.C. 248(a) and 267(a)) to approve the selection of suitable sites for and the establishment of additional institutions, hospitals, stations, grounds, and anchorages; subject, however, to the approval of the Director of the Bureau of the Budget, except as he may otherwise provide.

SEC. 2. The Surgeon General is hereby authorized and empowered, without the approval, ratification, or other action of the President, to perform the function vested in the President by Sections 203 and 207(a)(2) of the Public Health Service Act (58 Stat. 683, 685), as amended (42 U.S.C. 204 and 209(a)(2)), or otherwise, of accepting voluntary resignations of commissioned officers of the Regular Corps or the Reserve Corps.

SEC. 3. The Secretary of Health, Education, and Welfare is hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise the authority vested in the President by Section 704 of Title 37 of the United States Code to prescribe regulations.

SEC. 4. The Secretary of Health, Education, and Welfare is hereby authorized to redelegate all or any part of the functions set forth under (a), (b), (c), and (d) of Section 1 hereof to the Surgeon General of the Public Health Service or other official of that Service who is required to be appointed by and with the advice and consent of the Senate.

SEC. 5. All actions heretofore taken by appropriate authority with respect to the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 6. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

SEC. 7. (a) Executive Order No. 10506 of December 10, 1953, entitled "Delegating Certain Functions of the President under the Public Health Service Act," is hereby superseded.

(b) Executive Orders Nos. 9993 of August 31, 1948, 10031 of January 26, 1949, 10280 of August 16, 1951, 10354 of May 26, 1952, and 10497 of October 27, 1953, which prescribed regulations relating to commissioned officers and employees of the Public Health Service, are hereby revoked. Nothing in this subsection shall be deemed to alter or otherwise affect the regulations prescribed by the Surgeon General (42 CFR Parts 21 and 22) to replace the regulations prescribed by the orders described in the preceding sentence.

LYNDON B. JOHNSON

THE WHITE HOUSE,
January 30, 1964.

[F.R. Doc. 64-1076; Filed, Jan. 30, 1964; 4:21 p.m.]

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CFR CHECKLIST

1964 Issuances

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CFR unit (as of Jan. 1, 1964)	*Price*
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Title 7—AGRICULTURE

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) AND MARYLAND TOBACCO

Subpart—Announcement and Apportionment of the National Marketing Quota for Burley Tobacco for the 1964–65 Marketing Year

§ 724.20 Basis and purpose.

(a) Sections 724.20 and 724.21 are issued (1) to determine the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1963; (2) to announce the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1964; and (3) to apportion the national marketing quota for burley tobacco for the 1964–65 marketing year among the several States. The determinations contained in § 724.21 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (28 F.R. 10214) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since burley tobacco farmers are now making preparations for 1964 production of burley tobacco and need to know, at the earliest possible date, the 1964 burley tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for burley tobacco for the 1964–65 marketing year contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.21 Determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1964.

(a) *Reserve supply level.*[1] The reserve supply level for burley tobacco is 1,771.1 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, from a normal year's domestic consumption of 575.0 million pounds and a normal year's exports of 64.0 million pounds.

(b) *Total supply.*[1] The total supply of burley tobacco for the marketing year beginning October 1, 1963, is 1,937.9 million pounds, consisting of carryover of 1,227.9 million pounds and estimated 1963 production of 710.0 million pounds.

(c) *Carryover.*[1] The estimated carryover of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964, is 1,288.4 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963 of 649.5 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of burley tobacco which will make available during the marketing year beginning October 1, 1964 a supply of burley tobacco equal to the reserve supply level of such tobacco is 482.7 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 482.7 million pounds would result in undue restriction of marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964 is 579.2 million pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

[1] Rounded to the nearest tenth of a million pounds.

State	Acreage allotment	Reserve [2]
Alabama	27.88	0.02
Arkansas	43.95	0.06
Georgia	80.34	0.10
Illinois	3.01	0.01
Indiana	7,809.30	8.30
Kansas	83.77	0.10
Kentucky	203,606.72	215.34
Missouri	3,157.66	3.36
North Carolina	10,365.55	11.00
Ohio	10,011.04	10.64
Pennsylvania	1.63	0.00
South Carolina	3.52	0.01
Tennessee	64,118.12	68.09
Texas	0.15	0.00
Virginia	11,206.61	11.88
West Virginia	2,800.92	3.06
Reserve [3]	785.68	

[2] Acreage reserved for establishing allotments for new farms.

[3] The acreage included in the State acreage allotment available pursuant to § 724.57 of the regulations governing determination of tobacco farm acreage allotment (27 F.R. 8937, 28 F.R. 9144; 29 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 29, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-996; Filed, Jan. 31, 1964; 8:45 a.m.]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER TYPES 42, 43, 44, 53, 54, AND 55) AND MARYLAND TOBACCO

Subpart—Proclamations of National Marketing Quotas for Fire-Cured (Type 21) Tobacco, Fire-Cured (Types 22, 23, and 24) Tobacco, and Dark Air-Cured (Types 35 and 36) Tobacco, for the Three Marketing Years Beginning October 1, 1964; and Announcements and Apportionments of the National Marketing Quotas for Fire-Cured (Type 21) Tobacco, Fired-Cured (Types 22, 23, and 24) Tobacco, Dark Air-Cured (Types 35 and 36) Tobacco, and Virginia Sun-Cured (Type 37) Tobacco, for the 1964–65 Marketing Year

Sec.
724.24 Basis and purpose.
724.25 Proclamation of a national marketing quota for the three marketing years beginning October 1, 1964, and determinations with respect to the national marketing quota for the marketing year beginning October 1, 1964, for fire-cured (type 21) tobacco.

Sec.

724.26 Proclamation of a national marketing quota for the three marketing years beginning October 1, 1964, and determinations with respect to the national marketing quota for the marketing year beginning October 1, 1964, for fire-cured (types 22, 23, and 24) tobacco.

724.27 Proclamation of a national marketing quota for the three marketing years beginning October 1, 1964, and determinations with respect to the national marketing quota for the marketing year beginning October 1, 1964, for dark air-cured tobacco.

724.28 Determinations with respect to the national marketing quota for the marketing year beginning October 1, 1964, for Virginia sun-cured tobacco.

AUTHORITY: The provisions of this subpart issued under Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

§ 724.24 Basis and purposes.

(a) Sections 724.24 through 724.28 are issued (1) to proclaim national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, and dark air-cured (types 35 and 36) tobacco for the three marketing years beginning October 1, 1964, (2) to determine the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1963; (3) to announce the amounts of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1964; and (4) to apportion such national marketing quotas for the 1964–65 marketing year among the several States. The determinations contained in §§ 724.25 through 724.28 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (28 F.R. 10214) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.); hereinafter called the Act, requires the holding of referenda of fire-cured tobacco producers and dark air-cured tobacco producers within 30 days after issuance of the proclamations of national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, and dark air-cured (types 35 and 36) tobacco, to determine whether such producers favor quotas, and since tobacco farmers need to be notified of 1964 crop year allotments prior to the referenda and as soon as possible in order to make their plans for 1964 tobacco production, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamations, and the announcements and apportionments of the national marketing quotas for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco and Virginia sun-cured tobacco contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.25 Proclamation of national marketing quota for the three marketing years beginning October 1, 1964, and determinations with respect to the amount of the national marketing quota for the marketing year beginning October 1, 1964, for fire-cured (type 21) tobacco.

(a) *Proclamation.* Since the 1963–64 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for fire-cured (type 21) tobacco, a national marketing quota for fire-cured (type 21) tobacco for each of the three marketing years beginning October 1, 1964, is hereby proclaimed pursuant to section 312(a) of the Act.

(b) *Reserve supply level.*[1] The reserve supply level for fire-cured (type 21) tobacco is 25,872,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the Act, from a normal year's domestic consumption of 5,600,000 pounds and a normal year's exports of 5,600,000 pounds.

(c) *Total supply.*[1] The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1963, is 26,936,000 pounds, consisting of carry-over of 20,236,000 pounds and estimated 1963 production of 6,700,000 pounds.

(d) *Carry-over.*[1] The estimated carry-over of fire-cured (type 21) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964 is 16,565,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963 of 10,371,000 pounds from the total supply of such tobacco.

(e) *National marketing quota.*[1] The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1964, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 9,307,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 9,307,000 pounds would result in undue restriction of marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent to 11,168,000 pounds. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964, is 11,168,000 pounds.

(f) *Apportionment of the quota.* Since fire-cured (type 21) tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Act. The national marketing quota less 27,920 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 9,138.70 acres. Likewise, the reserve of 27,920 pounds for establishing allotments for new farms is hereby converted into 22.90 acres. The State acreage allotment includes 180.75 acres available pursuant to § 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8937; 28 F.R. 9144; 29 F.R. 1315) in the State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

§ 724.26 Proclamation of national marketing quota for the three marketing years beginning October 1, 1964, and determinations with respect to the national marketing quota for the marketing year beginning October 1, 1964, for fire-cured (types 22, 23 and 24) tobacco.

(a) *Proclamation.* Since the 1963–64 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on fire-cured (types 22, 23, and 24) tobacco, a national marketing quota for fire-cured (types 22, 23, and 24) tobacco for each of the three marketing years beginning October 1, 1964, is hereby proclaimed pursuant to section 312(a) of the Act.

(b) *Reserve supply level.*[1] The reserve supply level for fire-cured (types 22, 23, and 24) tobacco is 127.7 million pounds calculated as provided in the Act from a normal year's domestic consumption of 28.0 million pounds and a normal year's exports of 27.0 million pounds.

(c) *Total supply.*[1] The total supply of fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1963, is 139.2 million pounds consisting of carry-over of 93.2 million pounds and estimated 1963 production of 46.0 million pounds.

(d) *Carry over.*[1] The estimated carry-over of fire-cured (types 22, 23, and 24) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964, is 89.5 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963 of 49.7 million pounds from the total supply of such tobacco.

(e) *National marketing quota.*[2] The amount of fire-cured (types 22, 23, and 24) tobacco which will make available during the marketing year beginning October 1, 1964, a supply of fire-cured (types 22, 23, and 24) tobacco equal to the reserve supply level of such tobacco is 38.2 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 38.2 million pounds would result in undue restriction of marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22, 23, and 24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964, is 45.8 million pounds.

(f) *Apportionment of the quota.* The national marketing quota announced in paragraph (e) of this section is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment	Reserve [3]
Illinois	0.05	0.09
Kentucky	13,905.38	15.47
Tennessee	15,638.80	17.37
Reserve [3]	74.06	

[1] Acreage reserved for establishing allotments for new farms.

[2] The acreage included in the State acreage allotment available pursuant to §724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8937; 28 F.R. 9144; 29 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

§ 724.27 Proclamation of national marketing quota for the three marketing years beginning October 1, 1964, and determinations with respect to the amount of the national marketing quota for the marketing year beginning October 1, 1964, for dark air-cured tobacco.

(a) *Proclamation.* Since the 1963–64 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect on dark air-cured (types 35, and 36) tobacco, a national marketing quota for dark air-cured tobacco for each of the three marketing years beginning October 1, 1964, is hereby proclaimed pursuant to section 312(a) of the Act.

(b) *Reserve supply level.*[2] The reserve supply level for dark air-cured tobacco is 71.1 million pounds calculated as provided in the Act from a normal year's domestic consumption of 21.0 million pounds and a normal year's exports of 6.0 million pounds.

(c) *Total supply.*[2] The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1963, is 81.0 million pounds consisting of carry-over of 58.2 million pounds and estimated 1963 production of 22.8 million pounds.

(d) *Carry-over.*[2] The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964, is 52.9 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963, of 28.1 million pounds from the total supply of such tobacco.

(e) *National marketing quota.*[2] The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1964, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 18.2 million pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 18.2 million pounds would result in undue restriction of marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964, is 21.8 million pounds.

(f) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage Allotment	Reserve [3]
Kentucky	12,086.35	13.45
Tennessee	2,046.02	2.27
Indiana	34.95	0.04
Reserve [3]	35.50	

[2] Acreage reserved for establishing allotments for new farms.

[3] The acreage included in the State acreage allotment available pursuant to §724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8937; 28 F.R. 9144; 29 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

§ 724.28 Determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1964.

(a) *Reserve supply level.*[1] The reserve supply level for Virginia sun-cured tobacco is 6,860,000 pounds calculated as provided in the Act from a normal year's domestic consumption of 2,200,000 pounds and a normal year's exports of 293,000 pounds.

(b) *Total supply.*[1] The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1963, is 6,297,000 pounds consisting of a carry-over of 5,097,000 pounds and estimated 1963 production of 1,200,000 pounds.

(c) *Carry-over.*[1] The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964, is 3,996,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963, of 2,301,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1964, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 2,864,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 2,864,000 pounds would result in undue restriction of marketings for the 1964–65 marketing year and such amount is hereby increased by 20 percent to 3,437,000 pounds. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964, is 3,437,000 pounds.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313(a) of the Act. The national marketing quota, less 8,592 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313(g) of the Act into a State acreage allotment of 3,484.15 acres. Likewise, the reserve of 8,592 pounds for establishing allotments for new farms is hereby converted into 8.73 acres. The State acreage allotment includes 75.14 acres available pursuant to § 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8937; 28 F.R. 9144; 29 F.R. 1315) in the State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1065; Filed, Jan. 31, 1964; 8:50 a.m.]

[1] Rounded to the nearest thousand pounds.

[2] Rounded to the nearest tenth of a million pounds.

[3] Rounded to the nearest tenth of a million pounds.

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) AND MARYLAND TOBACCO

Subpart—Announcement of the Amounts of and the Apportionments of the National Marketing Quotas for Cigar-Binder (Types 51 and 52) Tobacco and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54 and 55) Tobacco, Respectively, for the 1964–65 Marketing Year

Sec.

724.29 Basis and purpose.

724.30 Determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1964.

724.31 Determinations with respect to the national marketing quota for cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1964.

AUTHORITY: The provisions of this subpart issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as

amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

§ 724.29 Basis and purpose.

The regulations contained in §§ 724.29 through 724.31 are issued (a) to determine the reserve supply level and the total supply of (1) cigar-binder (types 51 and 52) tobacco, and (2) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1963; (b) to announce the amounts of the national marketing quotas for (1) cigar-binder (types 51 and 52) tobacco, and (2) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the marketing year beginning October 1, 1964; and (c) to apportion the national marketing quotas for the 1964–65 marketing year among the several States. The determinations by the Secretary contained in §§ 724.30 and 724.31 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from cigar-binder and cigar-filler and binder tobacco producers and others as provided in a notice (28 F.R. 10214) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003).

Since cigar-binder (types 51 and 52) tobacco producers and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco producers need to know the 1964 allotments for their farms as soon as possible in order to complete their plans for 1964 tobacco production, it is hereby determined that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the determinations, announcements and apportionments of the quotas contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.30 Determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1964.

(a) *Reserve supply level.*[1] The reserve supply level for cigar-binder (types 51 and 52) tobacco is 31.5 million pounds, calculated, as provided in the Act from a normal year's domestic consumption of 10.0 million pounds and a normal year's exports of 1.5 million pounds.

(b) *Total supply.*[1] The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1963, is 31.1 million pounds consisting of carryover of 25.6 million pounds and estimated 1963 production of 5.5 million pounds.

(c) *Carryover.*[1] The estimated carryover of cigar-binder (types 51 and 52) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964, is 21.0 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963, of 10.1 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1964, a supply of cigar-binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 10.5 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 10.5 million pounds would cause undue restriction of marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (types 51 and 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964, is 12.6 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-binder (types 51 and 52) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment	Reserve[2]
Connecticut	4,509.49	62.73
Massachusetts	2,204.05	31.77
New York	0.04	0.00
Vermont	3.40	0.05
Reserve[3]	16.84	

[3] Acreage reserved for establishing allotments for new farms.

[2] The acreage included in the State acreage allotment available pursuant to § 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8037; 28 F.R. 9144; 29 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

§ 724.31 Determinations with respect to the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the marketing year beginning October 1, 1964.

(a) *Reserve supply level.*[1] The reserve supply level for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is 98.0 million pounds, calculated, as provided in the Act from a normal year's domestic consumption of 33.0 million pounds and a normal year's exports of 1.5 million pounds.

(b) *Total supply.*[1] The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1963, is 96.6 million pounds consisting of carryover of 72.9 million pounds and estimated 1963 production of 23.7 million pounds.

(c) *Carryover.*[1] The estimated carryover of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1964, is 71.1 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1963, of 25.5 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco which will make available during the marketing year beginning October 1, 1964, a supply of cigar-filler and binder tobacco equal to the reserve supply level of such tobacco is 26.9 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 26.9 million pounds would cause undue restriction of marketings during the 1964–65 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1964, is 32.3 million pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is hereby apportioned among the several States pursuant to section 313(a) of the Act and converted into State acreage allotments in accordance with section 313(g) of the Act as follows:

State	Acreage allotment	Reserve[3]
Illinois	4.28	0.03
Indiana	1.28	0.01
Iowa	7.27	0.03
Minnesota	170.24	0.87
New York	35.30	0.24
Ohio	4,598.93	22.99
Pennsylvania	177.82	0.92
Wisconsin	15,342.60	74.40
Reserve[2]	50.95	

[2] Acreage reserved for establishing allotments for new farms.

[3] The acreage included in the State acreage allotment available pursuant to § 724.57 of the regulations governing determination of tobacco farm acreage allotments (27 F.R. 8037; 28 F.R. 9144; 29 F.R. 1315) in each State for use in making corrections, adjustments in old farm allotments that are relatively smaller than those for similar farms, and in determining allotments for overlooked old farms.

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 29, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-997; Filed, Jan. 31, 1964; 8:46 a.m.]

[1] Rounded to the nearest tenth of a million pounds.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 41, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(2) of § 907.341 (Navel Orange Regulation 41, 28 F.R. 13540) are hereby amended to read as follows:

§ 907.341 Navel Orange Regulation 41.

* * * * * * *

(b) * * *

(2) During the period beginning at 12:01 a.m., P.s.t., February 2, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no handler shall handle any navel oranges grown in District 1, District 2, District 3, or District 4 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter: *Provided*, That in addition to such tolerance each handler may, during each calendar week of the aforesaid period handle a quantity of such oranges, which are smaller than 2.32 inches in diameter but not smaller than 2.20 inches in diameter, except not to exceed 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.32 inches in diameter, equal to, but not in excess of, 15 percent of (i) the weekly allotment issued to such handler when volume regulation is in effect, or (ii) 15 percent of the weekly volume handled by such handler when volume regulation is not in effect.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1069; Filed, Jan. 31, 1964; 9:32 a.m.]

[Navel Orange Reg. 40]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.349 Navel Orange Regulation 49.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 30, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 2, 1964, and ending at 12:01 a.m., P.s.t., February 9, 1964, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1105; Filed, Jan. 31, 1964; 11:22 a.m.]

[Lemon Reg. 95]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.395 Lemon Regulation 95.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee,

and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 28, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 2, 1964, and ending at 12:01 a.m., P.s.t., February 9, 1964, are hereby fixed as follows:

(i) District 1: 11,160 cartons;

(ii) District 2: 153,450 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 30, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1068; Filed, Jan. 31, 1964; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8422 o.]

PART 13—PROHIBITED TRADE PRACTICES

Magnaflo Co., Inc., and Webster B. Harpman

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.85 *Government approval, action, connection, or standards;* § 13.85–35 *Government indorsement;* § 13.170 *Qualities or properties of product or service;* § 13.170–12 *Auxiliary, improving, or supplementary;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts;* § 13.250 *Success, use or standing;* § 13.265 *Tests and investigations.* Subpart—Using misleading name—Goods: § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Magnaflo Company, Inc., et al., Youngstown, Ohio, Docket 8422, Dec. 26, 1963]

In the Matter of Magnaflo Company, Inc., a Corporation, and Webster B. Harpman, Individually and as an Officer of Said Corporation

Order requiring Youngstown, Ohio, manufacturers of a battery additive known as "Lifetime Charge" designed to be used in both new and used lead acid storage batteries, to cease making a variety of false claims for their product—in advertising in newspapers, trade publications and sales literature and on labels, cartons and other advertising material—including misrepresentations concerning its effectiveness, guarantees, demand and use, endorsements, government approval and tests, as in the order below set forth; and to cease using the trade name "Life Charge" for their said product.

The order to cease and desist is as follows:

It is ordered, That Magnaflo Company, Inc., a corporation, and its officers, and Webster B. Harpman, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their product now known as Lifetime Charge, or any other battery additive of substantially similar composition or possessing substantially similar properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

(1) Said product is guaranteed unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(2) Ohio Farmers Indemnity Company, or any other insurance company, insures the performance of respondents' product.

(3) Said product has been used by one million, two million, or any other number of automobile owners in excess of that which has used such product.

(4) Any battery manufacturer agrees or states that the use of a chemical battery additive will increase the life of a battery, unless such statement is unequivocally made by a battery manufacturer.

(5) The use of respondents' product will enable the purchaser thereof to operate his car free from battery trouble for a year or any other specific period of time.

(6) Respondents' product will charge or permanently charge a battery.

(7) Respondents' product has been approved by the United States Government.

(8) Said product has been tested by the Ford Motor Company and found to cause a battery to hold a charge longer than normal.

Respondents' product has been approved or has been tested by any organization or agency which has not in fact approved or tested such product; or misrepresenting in any manner the results of tests conducted on respondents' product.

(9) Respondents insure winter starting of automobiles or will pay the cost of starting the automobiles of purchasers of their product, unless respondents will pay for starting of the automobiles the number of times that may be required.

B. Using the trade name Lifetime Charge, or any other name of the same or similar import, for said product.

By "Final Order", order requiring report of compliance is as follows:

That the respondents, Magnaflo, Inc., a corporation, and Webster B. Harpman, an individual, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the initial decision.

Issued: December 26, 1963.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–991; Filed, Jan. 31, 1964; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 310–64]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Designating Officials To Perform Functions and Duties of Certain Offices in Case of Absence or Inability or Disqualification To Act

JANUARY 28, 1964.

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is hereby ordered as follows:

1. The heading of Subpart U of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is amended to read: Subpart U—Additional Assignments of Functions and Designation of Officials To Perform the Duties of Certain Offices in Case of Vacancy, or Absence Therein or in Case of Inability or Disqualification To Act.

2. Subpart U of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof a new section reading:

§ 0.133 Designating officials to perform the functions and duties of certain offices in case of absence therein or in case of inability or disqualification to act.

The head of each office, division, bureau, and board within the Department is authorized, in case of absence from his office or in case of his inability or disqualification to act, to designate his First Assistant to act in his stead. In unusual circumstances, or in the absence of his First Assistant, or in case there is no office of First Assistant, a person other than the First Assistant may be so designated.

3. The amendment made by section 2 of this order shall be deemed to be a restatement of authority heretofore informally conferred upon the head of each office, division, bureau, and board and any action heretofore taken on the basis thereof is hereby ratified.

§ 0.130 [Amended]

4. Paragraph (c) of § 0.130 of Subpart U of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is hereby superseded.

The amendments made by this order shall become effective upon the date of the publication of this order in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., 64 Stat. 1261)

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 64–992; Filed, Jan. 31, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–56—SELECTION OF CONTRACTORS BY BOARD PROCESS

Applicability

Correction

In F.R. Doc. 63–13393 appearing in the issue for Saturday, December 28, 1963, at page 14426, an example was inadvertently omitted from § 9–56.001(a). It should read as follows:

§ 9–56.001 Applicability.

(a) • • •

(1) Operating contractors;

• • • • • •

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Miscellaneous Amendments

Sections 316.5, 316.9, and the introductory text of 316.18 of Department Circular No. 653, Fifth Revision, dated September 23, 1959, as amended (31 CFR, Part 316, Supp. 1963), are hereby amended effective May 1, 1964, to read as follows:

§ 316.5 Description (registered form only—denominations—issue date, etc.).

Series E bonds are issued only in registered form and in denominations of $25, $50, $75, $100, $200, $500, $1,000, $10,000, and $100,000 (which is provided for trustees of employees' savings plans). Each bond will bear the facsimile signature of the Secretary of the Treasury and an imprint of the Seal of the Treasury Department. At the time of issue, the issuing agent will inscribe on the face of each bond the name and address of the owner and the name of the coowner or beneficiary, if any; will enter in the upper right-hand portion of the bond the issue date (which shall be the first day of the month and year in which payment of the issue price is received by an authorized issuing agent); and will imprint the agent's dating stamp in the lower right-hand portion to show the date the bond is actually inscribed. As indicated in § 316.3(b), the issue date is important in determining the date on which the bond becomes redeemable, its maturity date and yield thereto as well as its intermediate yields. Accordingly, it should not be confused with the date on the agent's dating stamp. A Series E bond shall be valid only if an authorized issuing agent receives payment therefor, duly inscribes, dates, stamps, and delivers it. See § 316.6 for forms of registration and § 316.9 for issue prices of bonds.

§ 316.9 Issue prices of bonds.

The issue prices of the various denominations of Series E bonds follow:

Denomination (face value)	*Issue (purchase) price*
$25.00	$18.75
50.00	37.50
75.00	56.25
100.00	75.00
200.00	150.00
500.00	375.00
1,000.00	750.00
10,000.00	$7,500.00
[3] 100,000.00	75,000.00

§ 316.18 Payment or redemption (in general).

A Series E bond may be redeemed at the option of the owner at any time after two months from the issue date at the appropriate redemption value as shown in the tables at the end of this circular, which apply to bonds bearing various issue dates back to May 1, 1941. The redemption values of bonds in the denomination of $100,000[3] (which was authorized as of January 1, 1954) are not shown in those tables. However, the redemption values of bonds in that denomination will be equal to the total redemption values of ten $10,000 bonds bearing the same issue dates. The redemption values before maturity of bonds of Series E in the denominations of $75 are set forth in the appended table. A Series E bond in a denomination higher than $25 (face value) may be redeemed in part but only in the amount of an authorized denomination or multiple thereof. Payment of a Series E bond will be made upon presentation and surrender of the bond by the owner to authorized paying agencies as follows:

• • • • • •

The Appendix to Part 316 is amended by the addition of the following new table.

U.S. SAVINGS BONDS—SERIES E

TABLE OF REDEMPTION VALUES AND INVESTMENT YIELDS FOR $75 DENOMINATION BONDS

Table showing: (1) How bonds of Series E, $75 denomination, increase in redemption value during successive half-year periods following issue; (2) the approximate investment yield on the purchase price from issue date to the beginning of each half-year period; and (3) the approximate investment yield on the current redemption value from the beginning of each half-year period to maturity. Yields are expressed in terms of rate percent per annum, compounded semiannually.

Face value / Issue price	$75.00 / 56.25	Approximate investment yield	
Period after issue date	(1) Redemption values during each half-year period [1] (values increase on first day of period shown)	(2) On purchase price from issue date to beginning of each half-year period [1]	(3) On current redemption value from beginning of each half-year period [1] to maturity
		Percent	*Percent*
First ½ year	$56.25	0.00	[2] 3.75
½ to 1 year	56.73	1.71	3.89
1 to 1½ years	57.57	2.33	3.96
1½ to 2 years	58.53	2.67	4.01
2 to 2½ years	59.70	3.00	4.01
2½ to 3 years	60.84	3.16	4.03
3 to 3½ years	61.98	3.26	4.05
3½ to 4 years	63.21	3.36	4.06
4 to 4½ years	64.50	3.45	4.06
4½ to 5 years	65.85	3.53	4.04
5 to 5½ years	67.20	3.59	4.03
5½ to 6 years	68.58	3.64	4.02
6 to 6½ years	69.96	3.67	4.01
6½ to 7 years	71.37	3.70	4.01
7 to 7¼ years	72.81	3.72	3.99
7¼ years to 7 years and 9 months	74.25	3.74	4.06
Face value (7 years and 9 months from issue date)	75.00	3.75	

[1] 3-month period in the case of the 7¼ year to 7 year and 9 month period.
[2] Approximate investment yield for entire period from issuance to maturity.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

JANUARY 27, 1964.

[F.R. Doc. 64–1006; Filed, Jan. 31, 1964; 8:47 a.m.]

[3] The $100,000.00 denomination is available for purchase only by trustees of employees' savings plans described in § 316.7(c).

savings plans described in § 316.7(c).

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Parts 35, 78, 97]

[CGFR 64-3]

PROPER LOOKOUT

Public Hearing on Proposed Definition

1. The Merchant Marine Council will hold a public hearing on Monday, March 23, 1964, commencing at 9:30 a.m. in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed changes in the navigation and vessel inspection rules and regulations. The first 14 items containing these proposals are described in detail in the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 23, 1964, and generally described in another notice of proposed rulemaking, identified as document CGFR 63-88.

2. This document contains another proposal which will be considered by the Merchant Marine Council at the public hearing on March 23, 1964, and is identified as "Item XV—Proper Lookout." The provisions requiring the maintenance of a "proper lookout" have been contained in statute and regulation for many years. Numerous court decisions have been rendered which have, in effect, defined by description the meaning of the term "proper lookout"; however, these descriptions have not, to date, been incorporated in regulations available to the maritime industry both ashore and afloat. The proposed regulations, identified as 46 CFR 35.20-20(b) (tank vessels), 78.30-20(b) (passenger vessels) and 97.27-5(b) (cargo and miscellaneous vessels), present a definition of the term "proper lookout" which is based upon a thorough review of pertinent court decisions. It is felt that the availability of this definition to the seagoing community is long overdue.

3. Each person or organization who desires to submit comments, data or views in connection with the proposed regulations set forth in this document should submit them in duplicate so that they will be received by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D.C., 20226, prior to March 20, 1964. Comments, data or views may be presented orally or in writing at the Public Hearing before the Merchant Marine Council on March 23, 1964. In order to insure consideration of comments and to facilitate checking and recording, it is preferred that each comment regarding a section or paragraph of the proposed regulations be submitted on Coast Guard Form CG-3287, copies of which were attached to the Agenda (CG-249) and may be reproduced or copies may be obtained from the Coast Guard. However, each comment should show the subject, the section or paragraph number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter.

Item XV—Proper lookout. 4. It is proposed to amend 46 CFR 35.20-20 by designating the present text as paragraph (a) and by adding a new paragraph (b) so this section will read as follows:

SUBCHAPTER D—TANK VESSELS

PART 35—OPERATIONS

§ 35.20-20 Master's and officer's responsibility—TB/ALL.

(a) Nothing in this part shall exonerate any master or officer in command from the consequences of any neglect to keep a "proper lookout" or the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

(b) A "proper lookout" is one who is possessed of visual acuity, sense of color determination, and adequate hearing; has been fully instructed in his duties, possesses suitable experience, is properly stationed on the vessel, and is actually and vigilantly employed in the performance of that duty.

5. The authority to prescribe regulations governing tank vessels is in R.S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U.S.C. 375, 391a, 416). The proposed amendment is an interpretive definition and prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and section 633 of Title 14, U.S. Code. The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-17, dated June 29, 1955, 20 F.R. 4976.

6. It is proposed to amend 46 CFR 78.30-20 by adding a paragraph (b) reading as follows:

SUBCHAPTER H—PASSENGER VESSELS

PART 78—OPERATIONS

§ 78.30-20 Master's and officer's responsibility.

* * * * *

(b) A "proper lookout" is one who is possessed of visual acuity, sense of color determination, and adequate hearing; has been fully instructed in his duties, possesses suitable experience, is properly stationed on the vessel, and is actually and vigilantly employed in the performance of that duty.

7. The authority to prescribe regulations regarding inspection of passenger vessels generally is in R.S. 4405, as amended, and 4462, as amended (46 U.S.C. 375, 416), and section 632 of Title 14, U.S. Code. The proposed amendment is an interpretive definition and prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and section 633 of Title 14, U.S. Code. The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-17, dated June 29, 1955, 20 F.R. 4976.

8. It is proposed to amend 46 CFR 97.27-5 by adding a paragraph (b) reading as follows:

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

§ 97.27-5 Master's and officer's responsibility.

* * * * *

(b) A "proper lookout" is one who is possessed of visual acuity, sense of color determination, and adequate hearing; has been fully instructed in his duties, possesses suitable experience, is properly stationed on the vessel, and is actually and vigilantly employed in the performance of that duty.

9. The authority to prescribe regulations regarding inspection of cargo and miscellaneous vessels generally is in R.S. 4405, as amended, 4462, as amended (46 U.S.C. 375, 416), and section 632 of Title 14, U.S. Code. The proposed amendment is an interpretative definition and prescribed pursuant to section 3 of the Administrative Procedure Act (5 U.S.C. 1002) and section 633 of Title 14, U.S. Code. The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-17, dated June 29, 1955, 20 F.R. 4976.

Dated: January 28, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-1003; Filed, Jan. 31, 1964; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1001, 1002, 1003, 1004, 1006, 1007, 1014, 1015, 1016]

[Docket No. AO-14 A36 etc.]

MILK IN GREATER BOSTON, MASS., MARKETING AREA ET AL.

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Milk in the Greater Boston, Mass.; New York-New Jersey; Washington, D.C.; Delaware Valley; Springfield, Mass.; Worcester, Mass.; Southeastern New England; Connecticut; and Upper Chesapeake Bay marketing areas: Docket Nos. AO-14 A36, AO-71 A45, AO-293 A8, AO-160 A27, AO-203 A18, AO-204 A18, AO-276 A7, AO-302 A10, AO-305 A10, AO-312 A5.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City, on May 6-23, 1963, pursuant to notice thereof issued on April 3, 1963 (28 F.R. 3419).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Secretary on October 31, 1963 (28 F.R. 12000; F.R. Doc. 6311687) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. The Assistant Secretary on December 31, 1963 (29 F.R. 146; F.R. Doc. 64-127) filed with the Hearing Clerk, United States Department of Agriculture, a revised recommended decision containing notice of the opportunity to file written exceptions thereto.

The findings and conclusions of the revised recommended decision issued December 31, 1963 are incorporated in the recommended decision issued October 31, 1963 immediately following the twentieth paragraph of Issue No. 2 of such decision. The material issues, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 12000; F.R. Doc. 63-11687) and the revised recommended decision (29 F.R. 146; F.R. Doc. 64-127) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The recommended decision issued October 31, 1963 is changed as follows:

a. A new sentence is added in the fourth paragraph of Issue No. 1.

b. A new paragraph is added after the thirtieth paragraph of Issue No. 1.

c. In Issue No. 2 the first sentence of the twentieth paragraph is changed.

d. The last sentence of the second paragraph of "Rulings on proposed findings and conclusions and on motions" is deleted and two new sentences are added.

2. In the revised recommended decision issued December 31, 1963 the last sentence of the first paragraph under the heading "Findings and Conclusions" is changed.

The material issues on the record of the hearing relate to:

1. Reserve milk pricing under each of the aforesaid orders.

2. Class I milk pricing under each of the aforesaid orders.

3. Zone application of nearby farm differentials under New York-New Jersey order.

4. Revision of zone price differentials (certain zones) under New York-New Jersey order.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

(1) *Reserve milk pricing.* The formulas for computing the Class II (Class III under the New York-New Jersey order) milk prices under the ten Northeastern Federal order markets should not be revised.

On April 25, 1962 the Under Secretary of Agriculture issued a comprehensive decision concerning the question of an appropriate basis for pricing reserve (manufacturing) milk in the ten Federally regulated fluid milk markets in the Northeastern section of the United States. The July 1, 1962 order amendments resulting from that decision established a competitive "pay price" formula, related to the average price paid for manufacturing grade milk in the United States, as the appropriate basis for determining the level and direction of reserve milk prices in the New York-New Jersey and the nine other Northeastern fluid markets. It was found at that time, among other things, that a "dairy product price minus handling allowance" type of price formula does not adjust readily to cost and technological changes affecting the manufactured products segment of the dairy industry.

The decision of the Under Secretary concluded that the public interest requires that an administered reserve milk price be one which is reflective of and promptly responsive to competitive conditions generally prevailing in the manufactured products segment of the dairy industry. It was determined that the competitive pay price method provided in the July 1962 amendment met that requirement. The findings and conclusions of such April 25, 1962 decision of the Under Secretary, as well as the record evidence of the hearing (held during the periods June 19-30 and July 10-August 2, 1961) on which such decision was based, were officially noticed in the record of the present hearing.

Only one proposal, supported by a single New York-New Jersey handler for application to the New York-New Jersey market, was aimed at persuading the Secretary to discard the competitive pay price formula in favor of a return to the so-called "butter-powder", or "product price minus handling allowance", type of formula. Other proposals would vary surplus milk prices as the actual amount of milk available for surplus disposition varied. Under these proposals surplus prices would be automatically reduced as the amount of milk available for surplus disposition increased. On the other hand, a decrease in the amount of surplus available would call for an increase in surplus milk prices. In the main, proponents in the Northeast for reducing the price level for manufacturing milk in these markets directed their testimony to modification of the present formula based upon changes in marketing conditions since the public hearing held in the summer of 1961 and the subsequent adoption of such formula.

The case for lower prices was presented with particular reference to increased supplies of reserve milk for manufacture in the Boston and New York-New Jersey markets which are the largest among the Northeastern group. The focal point of such presentation was that a lower price is necessary to cope with current marketing pressure in these markets to dispose of increased production for manufacturing without undue financial loss on such milk to those who handle or manufacture it. Producer proponents maintained that the marketing problem is particularly acute at this time with respect to milk necessarily utilized in the so-called "hard products" of milk, such as butter and cheddar cheese, while some handlers, particularly ice cream processors, contended that the marketing problem extends also to milk used for the so-called "soft products", such as fluid cream, ice cream mix and cottage cheese. Producer proponents would adopt a "differential price" for milk used for butter, cheese and storage cream for a period of one year while a handler association supported such a differential price as a permanent formula provision. There was substantial agreement among the various witnesses, however, that price levels for comparable uses of milk should continue to be as nearly identical as possible among the 10 Northeastern markets.

Representatives from the Philadelphia market submitted price-reducing proposals designed for the Philadelphia and Wilmington orders (Nos. 4 and 10). Such proposals would (1) base the value of Class II butterfat under such orders on the price of cream as indicated by the Philadelphia cream quotation (this would restore a pricing provision effective in such markets prior to July 1962); and (2) remove the plus seasonal adjustments over the U.S. average manufacturing milk price from the Class II price formulas of such orders.

Representatives of Midwestern producer groups opposed the proposals to lower, even temporarily, the reserve milk price level of the ten Northeastern orders on the primary ground that such reduction would undermine the principle of using competitive pay prices for manufacturing grade milk as a basis for pricing reserve milk in Northeastern as well as other regulated fluid markets. They stated that the processing of milk into the hard products normally is seasonal in nature and that the present pricing formula with its seasonal adjustments takes this into account in adequate fashion.

Additional opposition to the proposals to lower reserve milk prices was expressed by certain New England producer representatives, and by a large handler with distribution throughout New England, on the basis that a "butter-cheese differential price" would not be consistent with the principle, well established in New England, of a single reserve milk price, uniformly applicable throughout the ten Northeastern markets. It was contended that a separate, lower reserve milk price for specified manufactured dairy products tends to deter the disposition of milk in the highest-valued uses, and thus is disadvantageous to efficient marketing.

Proposals for the proposed lower reserve milk price level throughout the Northeast were based primarily on four closely related marketing conditions: (1) Inability of plants in the New York-New Jersey milkshed manufacturing butter and cheese to break even because of reduced operating margins, (2) a generally weakned "spot" market for fluid milk

in the New York-New Jersey market, (3) a persistent decline in annual handling charges for full plant outputs of milk for Class I use (and on orders for stated quantities) in the New York-New Jersey market, and (4) increased milk production in the Northeastern region. It was contended that these circumstances have resulted in payment of less than market blend prices to member producers by some operating cooperatives in the New York-New Jersey and Boston milksheds.

Testimony concerning reduced handling margins for receiving stations, and on spot market sales, was designed to show that current operating margins for both such plants and plants manufacturing butter and cheddar cheese are so low as to jeopardize the continued ability of feeder plants to function as necessary adjuncts to the fluid milk marketing system. Manufacturing plant cost studies based on butter-powder operations in the New York-New Jersey milkshed made in 1956 were presented to illustrate that the reserve milk price formula effective since July 1, 1962, which narrowed operating margins on manufacturing milk, has been the primary factor causing financial losses on milk used for butter and cheese manufacture in such milkshed.

In 1961, when these same data were introduced in connection with the prior hearing on surplus price formulas, it was testified that even with only limited changes in physical facilities, such as rearrangement of plant equipment and the introduction of additional labor saving devices, important cost savings could be realized in New York manufacturing plants.

There have been significant changes in the market's structure since 1956. Numerous receiving stations have closed. Milk has been consolidated at other plants. New manufacturing plants have been built, existing plant facilities have been expanded, and the construction of additional manufacturing facilities is underway. The 1956 study could not take into account, of course, the increased efficiencies and cost reductions indicated by such developments. In the face of numerous changes in market structure and improved technology in milk handling since that time, it is not practicable to rely on studies based upon circumstances in 1956 as a guide to appropriate pricing under current marketing conditions. It is reasonable to conclude, on the other hand, from the present hearing that the reserve milk price formula adopted July 1, 1962, has been a stimulant to improvement in handling and manufacturing facilities in the Order 2 milkshed.

The following situations typify the current problems in handling manufacturing milk under the present price formula as cited for the record. They were described in support of a price reduction in order to widen handling margins and reduce alleged losses in handling and manufacturing.

A representative for a cooperative association in the New York-New Jersey milkshed which has only Class III outlets testified to an association loss of $33,000 over a period of several months following the effective date of the present Class III price formula on July 1, 1962. The association in recent months has returned to members a price 10 cents less than the minimum order blend for its price zone. This plant sells fluid cream and skim milk for ice cream and for the manufacture of skim milk cheese. When such outlets do not take the entire output, milk supplies are manufactured at the cooperative's own plant into roller process nonfat dry milk. The association finds the sale of milk for Class I use difficult because of the high butterfat test of member milk.

During most of the period referred to the Class III price was at its highest levels seasonally. Further, this plant is converting milk for which it has no other outlet into roller process nonfat dry milk which commands a lower price than spray process nonfat dry milk or other Class III uses. Roller process nonfat dry milk is produced in very minor quantities in the New York-New Jersey milkshed relative to other higher-valued Class III products. It would not be reasonable to adjust the formula to insure roller process nonfat dry milk as a profitable outlet when other Class III products bring higher returns to producers.

Representatives of two proprietary manufacturers specializing in "New York State" cheddar cheese testified as to the need for a lower class price payable to producers for milk used in cheddar cheese in order to preserve cheese manufacture as a substantial and dependable outlet for reserve milk supplies in the New York-New Jersey milkshed during the spring and summer months. These manufacturers stated, however, that handling charges paid cooperative suppliers were reduced on milk purchased this year by amounts substantially offsetting the increase in price resulting from the Class III price formula adopted July 1, 1962.

By reducing handling charges paid to cooperative suppliers on the purchased raw milk, the cheese companies have kept their total cost per hundredweight of such milk purchased in 1963 close to 1962 purchase cost. Such total costs for raw milk f.o.b. plant were closely in line, however, with Minnesota and Wisconsin plant delivered prices for raw milk for manufacturing uses. While the cooperative suppliers received reduced allowances for handling service as compared with 1962, the increase in the Class III price effective in July 1962 was shared in by the cooperatives and their member producers. One such cooperative supplier is itself a substantial maker of cheddar cheese. The record does not indicate that this cooperative experienced difficulty in producing cheese in its own plant under the present formula. It may not be concluded from the record that such cooperative realized a total return on the disposition of member milk as Class III milk (it has no Class I outlets) below the general level of manufacturing milk prices plus a reasonable operating margin.

A representative of a cooperative manufacturing plant which handles reserve milk for the Washington, D.C. and Upper Chesapeake Bay markets complained that the (relatively minor) butter-making operation at this "Class I balancing" plant had operated at a loss of $0.006 per hundredweight of milk since July 1, 1962. It was testified, however, that the over-all operation of this plant is profitable at the present Class II price level. The small loss on butter manufacture admittedly was offset by income resulting from other manufacturing departments, and from the function of balancing fluid market needs.

In contrast to the above situations, a cooperative organization opened a new, modern butter-powder plant in the New York-New Jersey market earlier this year. The witness for this group of cooperatives, although stating his belief that the efficiency of most manufacturing plants in the New York-New Jersey milkshed should not be measured by the operations of this new plant, indicated an operating cost for such plant closely in line with those described on the record for Minnesota butter-powder operations.

The witness of another cooperative group described the expansion of cooperative facilities for butter manufacture in the New York-New Jersey market, and stated that when such expansion of facilities is complete, they should be among the most efficient butter manufacturing facilities in the East.

Those New England producers favoring a modification of the formula to reduce prices stressed that the present reserve milk price formula is inadequate primarily because it fails to give appropriate recognition to the "balancing" nature of manufacturing plants which are operated as an adjunct to the marketing of milk for fluid utilization. It was indicated that under the New England Federal orders approximately 65 percent of producer milk receipts is marketed annually as Class I (fluid) milk. The remaining 35 percent is marketed as Class II milk. Of the 16 plants having manufacturing facilities in the New England regulated markets, 10 were stated to be owned and operated by cooperatives. Such New England cooperatives contended that they are not "breaking even" on milk disposed of in the manufacture of hard products, and likewise requested a lower Class II price for one year on milk used for butter and cheese.

It was testified that the proportion of New England butterfat used in hard products has been increasing steadily. This was not attributed entirely to increased milk production but in large measure to a changing production and marketing pattern for fluid milk in New England. Proponents maintained that increasing store deliveries of fluid milk, together with seasonal variations in producer receipts, result in pronounced daily fluctuations in receipts available for manufacturing. This was contrasted to the more uniform daily and seasonal receipts of milk available to unregulated plants such as those in the Midwest that specialize in the manufacture of dairy products and do not "service" fluid milk markets.

Such daily and seasonal fluctuations in available milk supplies were stated to increase the operating costs of manufacturing (also balancing) plants significantly. It was contended that allowance

for these higher operating costs is not reflected in competitive pay price series such as the currently used U.S. average price or the Minnesota-Wisconsin price series but nevertheless should be reflected in an appropriate level of price for reserve milk.

The U.S. average price and the Minnesota-Wisconsin price series reflect prices to dairy farmers for milk strictly for manufacturing uses. They do not include any returns from, or allow for costs of, balancing supplies for fluid markets. Also, such prices are established at the manufacturing plant location, so that it is the individual producers', or cooperative's responsibility to move the milk from the farm to the plant, incurring whatever moving or handling cost is involved, i.e., prices f.o.b. manufacturing plant do not allow either for handling or hauling costs on the milk prior to arrival at the plant.

It is reasonable that in the regulated market, the producer or cooperative marketing (in many cases primarily) for the fluid market as well as for manufacturing uses should recover a sufficient return from the fluid market to enable disposition of the necessary market reserve on a competitive basis with manufacturing milk generally. When wide variations in supply available for manufacturing occur in connection with fluid markets, because of the uneven daily demands of the latter, the extra cost of carrying such supplies is properly chargeable to and to be recovered from, fluid market operations. Handling charges on milk for the fluid market generally should augment manufacturing margins adequately to enable disposition of the reasonable, even though somewhat sporadic, surpluses appropriate and necessary as a reserve for the fluid market. However, if surpluses of milk become excessive to the fluid market and thereby burdensome to the producers or cooperatives which have them in possession, then Class I price correction may be required to reduce total milk supplies and thus to ease the burden on producers generally of their own surplus. It is noted that the ability of the New England markets to pay producers on the present price formula has been demonstrated over a period of several years even though numerous changes in handling and manufacturing methods were necessary following its introduction into the New England orders.

Under the present provisions of the ten Northeastern orders all products made from reserve milk are included under a single classification. Soft products represent the major portion of the wide range of dairy products made from reserve milk in these markets (Class III under Order 2 and Class II in the other orders). As previously stated, certain producer groups proposed a "differential price" for butter, cheese and storage cream. Proprietary handlers of cream and ice cream products, on the other hand, opposed such proposals to differentiate among the so-called "soft" and "hard" products categories by providing a separate price level for each.

Though there are some exceptions, it is not the general practice for ice cream manufacturers in the New York-New Jersey supply area to buy milk directly from producers or to operate their own milk supply plants. They rely on pool sources when the price is "right" for purchase. For the past four or five years, pool milk has been the principal supply source for New York ice cream manufacturers but they are in position to purchase readily from other sellers. Also, it must be recognized that ungraded milk (or butterfat) may be used in soft products marketed throughout the Northeast. Butter is a substitute ingredient for fluid cream in ice cream and related products. Nonfat dry milk can be used as a substitute ingredient for fluid skim milk in making ice cream or cottage cheese.

Because of the nature of their operations, individual manufacturers of soft products cannot offset price differences between producer and other sources of milk by increasing production when the reserve milk price is lower for later use when such price is higher. For example, cottage cheese and other soft cheeses are fairly uniformly produced throughout the year. While ice cream production is heaviest during the last half of the year when seasonal price differentials have been the highest, production of this product also continues on a fairly uniform basis in other months. Soft products are not made at one time of the year and stored for sale during subsequent months.

Price differentiation for milk utilized in certain manufactured dairy products would tend to minimize the incentive for handlers to seek the higher-valued uses for reserve milk and tend to siphon larger quantities of milk into butter and cheese. Soft product manufacturers who provide a year-round outlet for reserve milk would be disadvantaged in the months of seasonally heavy production by being required to pay a higher minimum price for supplies than butter and cheese manufacturers during these months.

In these circumstances, competitive price levels should be established so as to encourage maximum utilization of producer milk supplies in such soft product uses. The absence of minimum price differentiation for separate categories of reserve milk tends to encourage handlers to use reserve milk in the higher-valued soft product outlets and thus assist to minimize the need for disposing of milk through butter and cheese outlets.

The proposals to relate manufacturing milk prices to the amount of milk available for surplus disposition would not provide a satisfactory basis for pricing such milk. Since most manufactured products are storable, the market for such products need not be cleared from day to day or even month to month, as is the case with more perishable products. Therefore, the market value of manufactured milk products does not vary signficantly when the quantity of milk available for such products changes. Adoption of these proposals, moreover, would reduce the incentive for the development of efficient outlets for producer milk and would tend to lessen the degree of price relationship with other producing areas which is provided by the present formulas.

Proposals were considered that would replace the U.S. average price with the "Minnesota-Wisconsin Price Series" as the basis for reserve milk pricing in the Northeastern markets.

In support of these proposals testimony was presented by Midwestern representatives at the hearing to the effect that reserve milk in regulated markets of the Northeast generally has not been priced competitively with Midwestern milk. They contended that the competitive position of Midwestern milk product manufacturers in making sales in Eastern markets has been damaged by a relatively low level of reserve milk prices in the Northeastern region.

It is not possible to document from the record, however, the extent of any loss in competitive position in Eastern markets of Midwestern manufacturers as a group. From the testimony an account was lost here and another there. It may be deduced that at least some butter accounts lost accrued to other Midwestern plants rather than to Northeastern manufacturers since one large Midwestern manufacturer stated that its position in Eastern butter markets had improved in recent years against a trend of total declining sales in these markets and over the nation.

The losses in the Northeastern region of nonfat dry milk sales alleged by Midwestern plants occurred generally over a five-year period. There is no contention that such losses were in any way associated with the present price formula for reserve milk made effective July 1, 1962. It may not be concluded from the evidence that Midwestern manufacturing plants are at a competitive disadvantage in the sale of butter, cheese, and nonfat dry milk insofar as the current minimum price level for reserve milk in these markets is concerned.

It is not necessary to adopt the Minnesota-Wisconsin price series at this time to provide a reasonable competitive relationship between the two regions for raw milk in the basic manufactured products. While the Minnesota-Wisconsin price series could be adapted to the pricing of reserve milk in the Northeastern markets with equitable results, the U.S. average price has provided an appropriate and satisfactory base for such pricing. Although computed by different statistical techniques, there is a very close correlation of movement in the two price series.

The U.S. average price, the construction of which was described in the record of the 1961 hearing, is computed by an entirely different statistical technique. It has been published continuously by the Department since 1946 and is a widely known and accepted series of pay prices. It is published by the Statistical Reporting Service in "Agricultural Prices" on a preliminary basis near the end of each month. In computing this nationwide average price, sperate prices are first determined for each of the three principal uses covered, i.e., butter-nonfat dry milk, cheese, and evaporated milk (the residual uses for milk nationally as well as in the fluid milk

markets of the Northeast). These prices are then weighted according to the relative quantities of manufacturing grade milk going into such uses.

On July 1, 1962, when such "3-product" U.S. average price series was adopted to price reserve milk in the ten Northeastern Federally regulated markets, it was the "national average" price series used in establishing the "parity equivalent" for manufacturing milk. It therefore was directly involved in the determination of support prices for dairy products (butter, cheese, nonfat dry milk). However, as announced in the November 30, 1962, issue of "Agricultural Prices", official notice of which is taken a new U.S. average prices series for manufacturing grade milk has been adopted for establishing the "parity equivalent" for manufacturing milk. The new series is based upon the farm pay prices for manufacturing grade milk in the United States.

During the 3-year period 1960 through 1962 the latter, or "all manufacturing grade milk", pay price series on a 3.5 percent butterfat basis, averaged 2 cents per hundredweight, higher than the 3-product U.S. average price series which is employed in the ten Northeastern Federal orders. The use of the 3-product series in the Northeastern markets, therefore, provides a base (prior to seasonal adjustment) for computing reserve milk prices which is slightly lower than the manufacturing milk price presently used in connection with the support price program.

The 3-product U.S. average price continues to be a practicable measure of manufacturing milk price movements. Although the basic guide for the direction of reserve milk prices in the Northeastern markets, such average price is not solely determinant of the level of reserve milk prices. Other factors, particularly seasonal adjustments adapted to the marketing conditions and outlets for reserve milk in these markets, have shaped the formula and determined the final level of price reached.

In the Northeastern markets, the products manufactured from reserve milk, in the order of their importance, are: ice cream, cream, butter, cheese (other than cheddar), cheddar cheese, evaporated milk and dry whole milk. Ice cream is by far the most important use for reserve milk. The volume of reserve milk in the latter use has doubled in the last two decades.

The relative importance of the various product uses varies widely from season to season. For example, in the New York-New Jersey market the most recent three-year average utilization of milk in fluid cream, ice cream and plain condensed was about 39 percent of total Class III.

During the months of January through June such utilization was only 33 percent of total Class III while during the months of July through December it was 46 percent. Contrarily, the three-year average utilization of milk in butter and cheddar cheese was about 31 percent of total Class III milk. During the months of January through June such utilization was about 38 percent of total Class III milk while during the months of July through December it was only 23 percent. Further, during the three-year period the proportion of total Class III milk utilized in fluid cream, ice cream and plain condensed increased nearly 17 percent from June to July, while, conversely, the proportion used in the manufacture of butter and cheese declined about 9 percent between these months.

Butter and cheddar cheese combined have been the most important outlets for reserve milk in the New York-New Jersey milkshed during the months of January through June. Cheddar cheese production sometimes continues into July. In the other markets of the Northeast there are relatively lesser proportions of butter and cheddar cheese use and higher proportions of fluid cream and ice cream utilization.

Under the present formula, the seasonal adjustments which are applied to the U.S. average price at the 201–210 mile zones of the New York-New Jersey and Boston markets are as follows: [1]

Month:	Amount	Month:	Amount
January	$+.08	July	$+.08
February	+.07	August	+.15
March	.00	September	+.11
April	—.04	October	+.11
May	—.07	November	+.11
June	—.06	December	+.11

It is concluded, therefore, that the present formula produces a price level seasonally reflective of the above stated conditions and at the same time is reasonably related to levels of prices currently being paid in the Midwest for milk for hard products, as well as for other manufacturing uses. The various proposals to modify the present reserve milk price formulas, including the proposal to employ the Minnesota-Wisconsin price series for pricing such milk, therefore are denied.

(2) *Class I pricing.* The Class I pricing provisions of the 10 Northeast orders should not be revised at the present time.

Following a period of three consecutive months (September, October and November, 1962) in which the New York-New Jersey Class I–A price exceeded the Midwestern condensery price by more than $2.50, the present public hearing was called pursuant to the "price review" provisions of the order. In addition to such consideration of the Class I–A pricing provisions of the New York-New Jersey order the hearing gave consideration also to the levels and relationship of Class I prices in all Northeastern order markets to one another and to the general level of manufacturing milk prices.

The pricing standards of the Agricultural Marketing Agreement Act require the Secretary of Agriculture to fix such prices in Federal milk orders as he finds will reflect the price of feeds, the available market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. The Class I pricing provisions in the 10 Northeastern order markets have been reviewed in light of economic conditions in relation to these pricing standards.

A primary consideration in determining appropriate price levels under the pricing standards of the Act is adequacy of supply available for the market's needs. In this connection it is noted that milk supplies for the Northeastern order markets individually and in the aggregate have increased in recent years in relation to fluid requirements. This has been true especially since 1959, a year in which Class I prices in most of the Northeastern markets were among the highest on record.

In the year 1959, for example, Class III (surplus) disposition in the New York-New Jersey market averaged 39.4 percent of total producer receipts. However, this proportion increased to 43.2 percent in 1960, to 46.3 percent in 1961, and to 46.7 percent in 1962. A substantially similar increase in surplus utilization occurred in the Boston market. In 1959, 39.4 percent of producer milk receipts were used in Class II (surplus) products. In 1960 this percent rose to 42.0 and in 1961 to 46.2 percent. Class II utilization in the Boston market declined slightly in 1962 to 45.7 percent of producer receipts.

In all Northeastern markets combined, 40.8 percent of total producer receipts were used in the lowest use classes in 1961. In 1962 such proportion of surplus increased to 41.3 percent. Comparable statistics are not available for 1959 and 1960 because of the fact that not all 10 Federal orders were in effect during each of such years.

It should be noted, on the other hand, that under the price formulas now in the orders [2] Class I prices in the Northeast have declined in recent years. The decline has been particularly significant in the New York-New Jersey and the five New England markets. The New York-New Jersey Class I–A price for 1962 was 34 cents per hundredweight less than the average Class I price during 1959. For the months of January–October 1963 the New York-New Jersey Class I–A price was 10 cents per hundredweight below the level which prevailed in the same period in 1962, and 44 cents less than the 1959 level. The 1962 annual average Class I price for the Greater Boston market, reflecting the general price trend in New England, was 27 cents per hundredweight less than the 1959 average. Because the New England supply-sales relationship has not changed significantly between 1962 and 1963, however, the Greater Boston and the four other New England market Class I prices, which employ the same Class I price formula as the Greater Boston market, are expected to maintain about the same level in 1963 as prevailed in 1962.

The Washington and Upper Chesapeake Bay Class I prices were reduced by amendatory action effective January 1, 1963. Such amendments resulted in

[1] Location adjustments are made in the other eight markets to reflect city plant location.

[2] In this connection official notice is taken of the Northeast orders' Class I prices as announced by the respective market administrators for the months of May through October, 1963.

a Class I price decrease of about 20 cents per hundredweight from the 1961–62 price level. Until such action, these Class I prices had varied little from the level established at the time the orders were made effective.

The 1962 Class I prices in the Philadelphia and Wilmington markets changed only slightly from their 1959 level. This was due primarily to the fact that the production-sales relationship changed very little during this entire period. However, such Class I prices during 1963 will average 15 cents per hundredweight below the 1962 level.

Northeastern order Class I prices generally have declined also since 1959 in relation to the Midwest Class I price level.[3] The 1959 New York-New Jersey announced Class I price of $5.64 for milk of 3.5 percent butterfat exceeded the Chicago order Class I price by $1.96 per hundredweight. However, the comparable difference in 1962 was $1.52, a decrease of 44 cents per hundredweight during the period. Similarly the 1959 Class I price for the New England markets, converted to a 3.5 percent butterfat basis, exceeded the announced Class I price for the Chicago order during that year by $2.02 whereas the comparable difference in 1962 was $1.65, a reduction during this period of $.37 per hundredweight in relation to the Chicago order Class I price.

Another important consideration in establishing appropriate Class I price levels in the Northeast orders is the relationship of such prices to prices paid for manufacturing grade milk. During 1959 the New York–New Jersey Class I–A price exceeded the Midwest condensery price by $2.62. For 1960 the comparable difference was $2.40 and for 1961 and 1962 the Class I–A price exceeded the Midwest condensery price by $2.11 and $2.32, respectively. Although in the fall months of 1962, the difference exceeded $2.50 primarily due to seasonal changes in the Class I–A price, for those months of 1963 for which information is available the Class I–A price has exceeded the Midwest condensery price by only $2.10 per hundredweight. It is expected that the difference for the full year may approximate $2.20 per hundredweight.

Similar differences have existed as between the New York-New Jersey Class I–A price and the U.S average price for manufacturing milk. For the years 1959 through 1962 such annual average differences were $2.70, $2.50, $2.19, and $2.29, respectively. It is estimated that the difference for the full year may approximate $2.18 per hundredweight.

The 1959 Greater Boston 21st zone Class I price converted to a 3.5 percent butterfat basis, averaged $2.77 over the U.S. average price for manufacturing milk while the comparable 1962 Class I price averaged $2.42 over such average price. Comparable differences between the Boston Class I price and the Midwestern condensery price during 1959 and 1962 were $2.68 and $2.45, respectively. Since the Connecticut, Southeastern New England, Springfield and Worcester orders contain the same Class I price formula as Greater Boston, the 1962 price relationship would be the same for these markets.

Thus, Class I prices in all Northeastern order markets have declined during recent years, both in absolute amounts and in relation to manufacturing milk prices and prices in other fluid markets.

There are recent indications, particularly in the New York-New Jersey, Boston and Philadelphia markets, that the decline in Class I prices may be effective in reducing the present surplus within a reasonable period.[4] During September 1963 the utilization of Class I milk in the New York-New Jersey market, at 57.2 percent of producer receipts, was two percent higher than in September 1962. The utilization of producer milk in Class I during August and September 1963 increased in relation to the same month of the previous year. Only three other times in the past 43 months (i.e., from January 1960 through July 1963) has Class I utilization increased in relation to the same month of the preceding year.

Moreover, there has been a significant change recently in the number of producers supplying the New York-New Jersey market. During the past year producer numbers have declined at a much faster rate than for any other period since the marketing area was greatly expanded in 1957. For several years prior to 1962 the average number of producers each month on the New York-New Jersey market was about 1000 less than the number supplying the market during the same month of the preceding year. Since March 1963, however, average number of producers each month has been less than the number for the same month of the preceding year by more than 2000. During August 1963 there were 3077 fewer producers on the market than during August 1962 and during September 1963 there were 2929 fewer producers than in September 1962. It is estimated that the annual average reduction in producer numbers on the market during 1963 under 1962 will substantially exceed 2000. This decline compares with an average decline from 1961 to 1962 of 1179, from 1960 to 1961 of 1224, and from 1959 to 1960 of 934.

In the Greater Boston market, which tends to carry greater proportions of surplus than the other four regulated markets in New England, the percentage of Class I utilization during 1962 increased in relation to Class I utilization in the preceding year for the first time since 1959. Moreover, in July, August and September 1963 Class I utilization showed further improvement over the higher level which existed in 1962. During September 1963 Class I utilization of producer milk in the Boston market was more than two percent greater than in September 1962.

During September 1963 the utilization of producer milk in Class I under the Philadelphia order was 80 percent, an increase of three percent from the Class I utilization of producer milk in September 1962, and the highest September fluid utilization since 1958. While the fluid utilization in the Washington and Upper Chesapeake Bay markets decreased, as a percentage of producer receipts during recent years, a Class I price reduction in these markets was effected in January 1963.

Whether the declines in Class I prices generally, and in producer numbers in the New York-New Jersey market, will reverse over time the recent trend toward increased production in relation to Class I sales in the Northeast is difficult to ascertain from this record. In view of the downward trends of Class I prices in these markets and recent indications of improvement in the supply-demand balance, it is concluded that no action should be taken at this time to further reduce such Class I prices through amendment procedure.

Recent events do not remove, however, all uncertainty as to the future effect on milk production of the current and prospective Class I price levels. Therefore, it is contemplated that if marketing conditions so indicate further review in hearing will be made in 18 months.

Except for the change in seasonality proposed for the Delaware Valley market, no change should be made in the present relationships of Northeastern order Class I prices one to another. As heretofore noted, Class I prices in all such markets have declined during recent years. Although some short-term changes in price relationships have occurred from time to time, particularly because of changes in local supply-demand conditions, the longer-term relationships have not changed significantly during recent years. However, this matter may be further reviewed at another hearing in 18 months.

Exception was taken to the failure of the recommended decision to adopt a proposed change in the seasonality of the Delaware Valley (previously Philadelphia) order Class I price. The proposal would reduce the Class I price seasonally 45 cents per hundredweight during the second quarter (April, May and June) and increase such price seasonally 15 cents per hundredweight in the remaining three quarters. The proposal would not affect the present annual Class I price level and was unopposed at the hearing. Under the present quarterly pricing provisions the Class I price is reduced 40 cents per hundredweight seasonally (from the "annual level") in the second quarter and increased 40 cents per hundredweight seasonally in the fourth quarter. On the basis of the exception and in light of the evidence in the record, the seasonal price pattern of the Delaware Valley market has been reconsidered.

There has been a tendency toward more even seasonal milk production in

[3] Official notice is taken of minimum Class I prices under the Chicago Federal milk order for the period January 1959 through December 1962.

[4] In this connection official notice is taken of official press releases of the New York-New Jersey market administrator, announcing uniform prices for the months of January through September 1963, the "Blended Price Announcement" of the Greater Boston market administrator for the months of March through September 1963 and the official press release of the Philadelphia market administrator dated October 15, 1963.

the Delaware Valley market. The proposed Class I price seasonal adjustment recognizes this improved seasonality and also will tend to improve the seasonal Class I price alignment with Class I prices in the Washington, D.C., and Upper Chesapeake Bay milk markets with which there is substantial competition for Class I sales outlets. For these reasons the Class I seasonal pricing provisions should be modified in accordance with the proposal as presented at the hearing and as described above.

As outlined above, the present seasonal price pattern in the Delaware Valley order provides for an 80-cent variation from the highest to the lowest quarterly price. The proposed seasonal pattern would provide for only a 60-cent variation from high to low. This proposed seasonal variation is closer to the 45 cent seasonal variation provided for in the Upper Chesapeake Bay and Washington, D.C., markets. Therefore, by adopting the proposal, differences in the established seasonal Class I price adjustments as between the Delaware Valley order and the Upper Chesapeake Bay and Washington, D.C., orders will be reduced even though changes in price in the Delaware Valley market will continue to take place on a quarterly basis as compared with the monthly price plan in the other markets.

This amendment to the Delaware Valley order necessitates conforming amendments to the Washington, D.C., and Upper Chesapeake Bay milk orders, which orders use the annual average Delaware Valley Class I price as a factor in their Class I price computations. Therefore, accommodating amendments to such orders also are provided for herein in order not to alter Class I price levels in such markets.

Proposals were presented at the hearing which related particularly to Class I prices in the Washington, D.C. and Upper Chesapeake Bay markets. One such proposal would provide a "floor" under Class I prices for both markets based on fixed differentials above the price for manufacturing grade milk in Minnesota and Wisconsin as an added provision to the present formula. The proposed fixed differentials over the Minnesota-Wisconsin price, $1.82 for the months of March through June and $2.27 for the months of July through February, would prevent other factors of the formula from resulting in a lower price. Another proposal submitted for the hearing by a handler in the Upper Chesapeake Bay market, but not supported at the hearing, would base the Class I price directly on the U.S. average price for manufacturing grade milk.

Class I prices in the Washington, D.C. and Upper Chesapeake Bay orders are related directly to Class I prices in the Philadelphia and New York-New Jersey markets, thus insuring a close and continuing relationship in the movement and level of such Class I prices. The price alignment resulting from these provisions was found necessary in a decision on the Washington and Upper Chesapeake Bay orders issued December 17, 1962 (27 F.R. 12644), official notice of which is taken. The testimony presented at this hearing does not justify a change in this price relationship. Adoption of either of these proposals, without further change in other Northeastern orders, might well tend to lessen the degree of price alignment provided by the present provisions and, accordingly, the proposals are denied.

A proposal with respect to Class I prices in Northeast order markets presented by certain Midwest representatives would replace "economic formula" Class I pricing where presently effective (all Northeastern order markets except Upper Chesapeake Bay and Washington) with fixed differentials over the Minnesota-Wisconsin price series. No specific price level was suggested by this proposal or in the testimony and it was strongly opposed by others. While one Midwest witness testified that appropriate relationships of Midwest and Northeast Class I prices should prevail, he did not propose a Class I price reduction in the Northeast. The record does not support the proposal and it must be denied.

(3) *Nearby farm differentials—New York-New Jersey order.* The zone transportation (freight) rates (§ 1002.42 (c)) and the nearby farm differential payment schedule (§ 1002.71(b)) of the New York-New Jersey order should not be revised.

Two cooperatives jointly submitted companion proposals for modifying Class I transportation differentials and nearby farm differentials as applied to milk customarily supplied to pasteurizing and bottling plants in the Capital and Syracuse districts of the marketing area. The Capital District includes the cities of Albany, Amsterdam, Schenectady and Troy, New York and their environs. Generally, it includes an area within a 50-mile radius of the city of Albany, which is located in the 131–140 mile zone under the transportation differential schedule. The Syracuse district includes Syracuse, New York, and its suburban townships and is in the 226–230 mile zone from New York City.

One proposal would add amounts ranging from 5–25 cents to present transportation differentials applicable to Class I and uniform prices for zones within 80 miles of the arc of price basing points for metropolitan New York. Such added amounts would vary from 25 cents in the 1–10 mile zone to 5 cents in the 71–75 and 76–80 mile zones. Increases in such differentials would be applicable also in the Albany-Schenectady-Troy-Rensselaer area (25 cents), in the Clifton Park-Amsterdam-Rotterdam area (20 cents) and in the Syracuse district (5 cents). The effect of the latter would be to establish minimum Class I and uniform prices in the Albany-Schenectady-Troy-Rensselaer area comparable with those applicable in the 1–10 mile zone from New York City. Correspondingly, the Clifton Park-Amsterdam-Rotterdam area would be considered equivalent to the 11–20 mile zone from New York City for such pricing purposes. Milk in the Syracuse district would be priced on a basis equivalent to milk received at the 71–75 mile zone from New York City.

The proposed increases in transportation differentials for locations within 1–80 miles of New York City and for the Syracuse district were not supported on the record.

The proposed increases in the transportation adjustment rates for the Albany and Syracuse districts are equal to the mileage zone rates which proponents proposed to be added to the direct delivery differential provisions at an earlier hearing opened at Woodbridge, New Jersey on April 1, 1963 and reconvened at New York City during the period April 8–18, 1963.

The effect of the revised transportation rate adjustments would be to charge additional amounts to handlers for milk received at their plants and utilized in Class I. The proposal was offered as an alternative to direct delivery differentials considered at the earlier hearing just cited which apply to all milk received at a plant.

A principal reason offered for revising transportation rates was to increase prices to producers supplying the Capital District in partial recognition of "premium" prices they had enjoyed prior to expansion of regulation to such district in 1957. Capital District producers have felt disadvantaged since their market outlets were brought under the order in 1957. Concerning the proposal to increase prices by adjusting transportation rates, official notice is taken of the decision on the record of the above-mentioned public hearing held April 1 and April 8–18, 1963. The decision found and determined that direct delivery differentials should no longer be applicable to can milk in the Capital and Syracuse Districts and should not be restored to bulk tank milk in such districts. In view of the findings of such decision with respect to available supplies of milk for the Albany and Syracuse districts, indicating ample supplies of milk available to such districts as well as to the entire marketing area, it may not be concluded that the present record supports an increase in Class I price (through the proposed increase in transportation rate) to either Capital or Syracuse district handlers relative to other regulated handlers of like distances from New York City. Proposal number 9 in the present hearing notice, together with complementary proposal number 11 therein therefore are denied.

Proposal number 10 in the hearing notice, on which greater emphasis was placed by proponents, would increase the rates of "nearby farm differentials" (paid from pool funds) to producers whose milk is supplied to Capital District pasteurizing and bottling plants. This proposal would consider the farms of such producers to be within the 1–50 mile zone for the purpose of the order schedule of nearby farm differentials.

The increase in returns to be realized from this proposal, taken together with the higher price provided by proposal 9, presumably would restore prices to Capital District producers to levels approximating those received prior to the expansion of the regulated marketing area to encompass Albany and its environs. The principal reason presented in support of the proposal to increase nearby farm differential payments from

the pool to such producers was, again, that it would assist to restore the historical price position to such producers in relation to other New York-New Jersey producers which resulted from "premiums" paid by local handlers above the zone price under the earlier New York order covering the smaller marketing area. It was pointed out also that some producers supplying the district are turning to the Connecticut and Southeastern New England markets because of higher blend prices in such markets.

Under the current order, mileage zones used in the schedule of nearby farm differentials are modified as to the Hudson Valley production area in a manner which extends the differentials farther than would result from strict adherence to the most distant zone provided by the schedule. This action resulted from the decision of the Acting Secretary dated June 10, 1957, official notice of which is taken, and was adopted to provide appropriate alignment of prices to Capital District producers with those of other New York-New Jersey producers supplying plants primarily serving the Metropolitan district of the marketing area. The historical price position of Capital District producers was taken into account in the establishment of the differential rates then adopted.

Accordingly, present differential rates for farms in Albany County, Columbia County, the eastern half of Greene County, and Rensselaer County are determined as follows: for farms in the 91–120 mile zone, the rate for the 91–100 mile zone; for farms in the 121–130 mile zone, the rate for the 101–110 mile zone; and for farms in the 131–140 mile zone, the rate for the 111–120 mile zone. Present maximum rates in Rensselaer County (to the southeast of Albany), for example, are 14 cents for farms in the 91–120 mile zone and 7 cents in the 131–140 mile zone in such county. Under the formula for computing nearby farm differentials, such differentials at the present time are reduced, however, 20 percent below the zone maximum because of increased deliveries of milk from farms in the nearby farm differential areas in relation to pool sales of Class I–A milk.

While the present nearby farm differential rates, added to the blend price, may not guarantee the historical (prior to regulation of the Capital District) relationship of prices to Capital District producers to prices received by other New York-New Jersey producers equi-distant from the Metropolitan District, there is no evidence in the present record which would warrant a reduction in the returns of the latter producers to augment those of Capital District producers. The Capital District is amply supplied with direct-delivered milk at order minimum prices at this time. No premiums are required to procure adequate supplies. Even though seemingly attractive markets lie to the east of the district, any shifting of producers which has taken place has not resulted in short supplies or caused handlers to renew premium payments. On the other hand, as stated in the June 10, 1957, decision, the Capital District producers are assured a protected market by being under the Federal order. Proposal 10 should not be adopted.

(4) *Zone price differentials—New York-New Jersey order.* (a) Price zones for bulk tank milk produced in Delaware and Maryland by New York-New Jersey order producers should not be revised at this time.

A proposal was made to price bulk tank milk originating from farms in Delaware and Maryland according to zones based upon State "election districts" rather than by counties, as at present.

Farm zones for pricing bulk tank milk are currently determined under the New York-New Jersey order for all milkshed areas except the States of Delaware and Maryland by assigning zones according to minor civil divisions, in most cases townships. Because in Delaware and Maryland there are no such minor civil divisions, the zones have been established by counties. It was contended that this method of zoning can result in relatively high prices to handlers with respect to bulk tank milk purchased in certain locations in those States as compared to prices applicable at farms in other parts of the milkshed at corresponding distances from the price basing points for the metropolitan area.

No information was provided for the record upon which judgment may be made as to how the proposal would apply to milk originating in Delaware. Its intended application in Delaware in relation to the remainder of the present zone pricing system and to the proposed application in Maryland is not disclosed by this record. The proposal therefore is denied.

(b) The freight zone schedule in the transportation differential provision of Order 2 should not be revised.

Separate zone pricing points are provided in the New York-New Jersey order for milk received by the handler directly from farms in bulk tanks and for milk received in cans at pool plants. A proposal was made to eliminate any difference between the zone freight differential applicable at a pool plant and that used to determine the "township zone price" for bulk tank milk in cases where the pool plant is located in the same township.[*] Thus, in any township where there is a pool plant, the freight zone of the plant establishing the location price for can milk, and the zone designation of the township establishing the location price for bulk tank milk from individual farms located in the township, would be the same.

As the order is presently constituted, there are no plant locations where such differences between plant zone and township zone are greater than two zones (20 miles). The proposal therefore would involve class price changes (to increase the plant zone price) of 1.2 cents per hundredweight for a one-zone difference and 2.4 cents per hundredweight for a two-zone difference.

For bulk tank farms the zone price is measured by the distance of the nearest point in the township from the arc of "price-basing points" for the market. For pool plants zone locations are measured from such arc of price-basing points to the location of the plant. In numerous instances the township zone adjustment for bulk tank milk results in a higher class price for such milk than does the applicable freight zone adjustment for can milk at a pool plant located in the same township. Proponents contended that if a certain freight zone is appropriate for a given township in pricing bulk tank milk, it should be equally applicable as the freight zone for a plant located in the same township.

The proposal is a departure from the pricing principle generally followed in Federal orders concerning transportation differentials applicable at pool plants scattered throughout a milkshed. Location value of milk at individual country plants is based upon the relative costs of moving milk to the principal segment of the marketing area from one country plant location as compared with another. Such a pricing plan calls for a pattern of location prices uniformly applied throughout the milkshed. The method now employed in the New York-New Jersey market conforms with this principle.

The proposed price increase would not apply to isolated instances. It was estimated on the record that about 56 percent of the pool plants (receiving milk from more than 25 producers each) would be involved in a price increase of 1.2 cents per hundredweight, and that about 14 percent of such pool plants would be involved in an increase of 2.4 cents. As discussed in greater detail elsewhere herein, the Class I utilization experience of the market does not warrant any price increase.

Moreover, while it is difficult to appraise the full impact the proposed change might have on zone pricing of producer milk, it would alter considerably the present plant zone pricing structure of the market, and would result in distortion in the zone pricing of plants similarly situated in relation to the fluid market. The proposal therefore is denied.

Rulings on proposed findings and conclusions and on motions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings of the Presiding Officer to which specific objections were taken in one of the briefs filed under § 900.9(b) of the rules of practice have been reviewed. Objections were raised to the Presiding Officer's rulings concerning the elimination from the hearing of any consideration of the provisions of Federal order 4 (for Philadelphia, Pennsylvania,

[*] In certain portions of the milkshed other minor civil divisions are used in lieu of townships to establish location pricing. The proposal and findings are equally applicable to the latter circumstances.

marketing area). In the brief it was maintained that the Presiding Officer was in error in overruling the objections, motions and offers of proof aimed at eliminating from the hearing any consideration of the provisions of Order 4. The decision to include consideration at the hearing of Class I and surplus prices in all Northeast order markets in the Northeast was made because of the necessity of maintaining close alignment of class prices in these competing markets. The information presented in support of the motion does not justify a different conclusion at this time.

In another brief filed a motion was made for a specific finding by the Secretary (or in explanation of the basis on which such a finding is refused) that milk weighing and butterfat testing practices in Minnesota and Wisconsin, as discussed on the record, result in the Minnesota-Wisconsin price series level being 10 to 12 cents higher than the "actual" price in such region, and that for like reasons the U.S. average price reflects a price 5 to 6 cents higher than the actual level nationally.

Concerning the Minnesota-Wisconsin series, we cannot agree that statistically such average price, especially one which is based upon a large statistical sample, is understated or overstated by reason of the analysis presented in the record as to the receipts and yield data of the five individual Minnesota plants referred to on the record. It would not be reasonable to conclude from such limited analysis on this matter that the Minnesota-Wisconsin price series is not representative of the average level of manufacturing milk prices in the Minnesota-Wisconsin area.

The U.S. average price which was cited in the motion is computed by an entirely different statistical technique, as hereinbefore described. The findings previously cited demonstrate that the alleged interdependency between the U.S. average price and the Minnesota-Wisconsin price series, said to result in a higher than actual U.S. average price, does not exist. Moveover, as earlier stated, the U.S. average price used as the basis for computing reserve milk prices in these markets is less than that employed in determining the "parity equivalent" for manufacturing milk. We conclude, therefore, that this series reasonably reflects the prevailing values for manufacturing milk.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreements and orders. Annexed hereto and made a part hereof are six documents entitled respectively, "Marketing agreement regulating the handling of milk in the Delaware Valley marketing area", "Order amending the order regulating the handling of milk in the Delaware Valley marketing area", "Marketing agreement regulating the handling of milk in the Washington, D.C., marketing area", "Order amending the order regulating the handling of milk in the Washington, D.C., marketing area", "Marketing agreement regulating the handling of milk in the Upper Chesapeake Bay marketing area", and "Order amending the order regulating the handling of milk in the Upper Chesapeake Bay marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of December 1963 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Washington, D.C., and Upper Chesapeake Bay marketing areas, is approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Delaware Valley marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of December 1963 is hereby determined to be the representative period for the conduct of such referendum

Mr. L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on January 29, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Delaware Valley Marketing Area

§ 1004.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the revised recommended decision issued by the Assistant Secretary, on December 31, 1963, and published in the FEDERAL REGISTER on January 7, 1964 (29 F.R. 146; F.R. Doc. 64-127), shall be and are the terms and provisions of this order, and are set forth in full herein.

The table in § 1004.50(a) (2) and (3) is revised to read as follows:

§ 1004.50 **Class prices.**

* * * * * * *

(a) * * *

(2) * * *

Formula index	1st quarter (Jan., Feb., Mar.)	2d quarter (Apr., May, June)	3d quarter (July, Aug., Sept.)	4th quarter (Oct., Nov., Dec.)
At least but less than:[1]				
80.0-82.0	4.00	4.00	4.00	4.00
83.8-85.8	4.80	4.20	4.80	4.80
87.6-89.6	5.00	4.40	5.00	5.00
91.4-93.4	5.20	4.60	5.20	5.20
95.2-97.2	5.40	4.80	5.40	5.40
99.0-101.0	5.60	5.00	5.60	5.60
102.8-104.8	5.80	5.20	5.80	5.80
106.6-108.6	6.00	5.40	6.00	6.00
110.4-112.4	6.20	5.60	6.20	6.20
114.2-116.2	6.40	5.80	6.40	6.40
118.0-120.0	6.60	6.00	6.60	6.60

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls) is greater than $2.60 over the simple average of prices of selected Midwestern condensaries as reported by the Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such $2.60 variance;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order[1] Amending the Order Regulating the Handling of Milk in the Washington, D.C., Marketing Area

§ 1003.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the revised recommended decision issued by the Assistant Secretary, on December 31, 1963, and published in the FEDERAL REGISTER on January 7, 1964 (29 F.R. 146; F.R. Doc. 64-127), shall be and are the terms and provisions of this order, and are set forth in full herein.

Section 1003.50(a) (2) (i) is revised to read as follows:

§ 1003.50 **Class prices.**

* * * * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order[1] Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay Marketing Area

§ 1016.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the revised recommended decision issued by the Assistant Secretary, on December 31, 1963, and published in the FEDERAL REGISTER on January 7, 1964 (29 F.R. 146; F.R. Doc. 64–127), shall be and are the terms and provisions of this order, and are set forth in full herein.

Section 1016.50(a)(2)(i) is revised to read as follows:

§ 1016.50 Class prices.

* * * * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

[F.R. Doc. 64–1030; Filed, Jan. 31, 1964; 8:49 a.m.]

[7 CFR Part 1049]

[Docket No. AO–319–A4]

MILK IN INDIANAPOLIS, INDIANA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Macmillan Room of the Marott Hotel, 2625 North Meridian Street in Indianapolis, Indiana, beginning at 10:00 a.m., local time, on February 7, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Indianapolis, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Beatrice Foods Company

Proposal No. 1. Amend § 1049.12(a) to provide that only milk received from producers and supply plants (instead of all Grade A milk) be used to determine whether a distributing plant qualifies as a pool plant by selling 50 percent of its milk receipts on routes.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Market Administrator, Wendell M. Costello, 5130 North Brouse Avenue, Indianapolis, Indiana, 46205, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on January 29, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64–1031; Filed, Jan. 31, 1964; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO 335–A3]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at El Paso, Texas, on November 13–15, 1963, pursuant to notice thereof which was issued October 29, 1963 (28 F.R. 11697).

The material issues on the record of the hearing relate to:

1. Class I price.
2. Location differentials.
3. Base and excess price plan.
4. Class III classification of milk dumped or used for fertilizer and livestock feed.
5. Payment to cooperative association handlers.
6. Producer butterfat differential.
7. Marketing area.
8. Regulation of the own-farm production of a handler.

Issues 1 through 6 were considered separately in a recommended decision issued by the Assistant Secretary on December 27, 1963 (28 F.R. 14526). The remaining issues 7 and 8 are considered herein.

Findings and conclusions. The following findings and conclusions on material issues 7 and 8 are based on evidence presented at the hearing and the record thereof:

7 and 8. *Marketing area and regulation of the own-farm production of a handler.* The proposals to delete the New Mexico counties of Mora and San Miguel from the Rio Grande Valley marketing area and to exempt the own-farm production of a handler from any regulation by the Rio Grande Valley order are denied. These proposals have certain aspects in common and hence are considered together.

The proposal to delete Mora and San Miguel Counties from the marketing area was made by two producer-handlers who have all of their sales in the two counties. Pool handlers, the Dairy Farmers' Association and the New Mexico Milk Producers Association opposed the deletion of the counties from the marketing area.

The two producer-handlers have from 60 to 90 percent, according to different estimates, of the sales in Mora County and from 65 to 80 percent of the sales in in San Miguel County. The remaining sales in these two counties are made by handlers fully regulated under the Rio Grande Valley order.

One of the producer-handlers sells an average of 128,000 pounds of milk per month on routes in the two counties with approximately 12 percent of these sales in Mora County and 88 percent in San Miguel County. This producer-handler does not normally purchase fluid milk products from any other source but purchases in May 1963 qualified the plant as a pool plant under the Rio Grande Valley order for that month. The other producer-handler sells an average of 100,000 pounds of milk per month on routes in the two counties with approximately 10 percent of these sales in Mora County and 90 percent in San Miguel County. This producer-handler processes all of his fluid milk products from milk he produces, except for sweet cream which he purchases from a pool plant. Both producer-handlers testified that their milk supply and sales have remained relatively unchanged since the order became effective.

The proponent of the proposal to exempt the own-farm production of a handler from any regulation by the order is a fully regulated handler under the Rio Grande Valley order whose plant is located at El Paso, Texas. This handler purchases around 800,000 pounds of milk per month and has own-farm production of approximately 1,000,000 pounds per month. The plant was operated in essentially the same manner before the order became effective with about 40 percent of the handler's needs supplied from sources other than his own-farm production. This handler, as well as both producer-handlers, wanted the opportunity to purchase unlimited amounts of fluid milk products from other sources but still maintain exemption from pooling own-farm production.

Exemption from pricing and pooling under the order is afforded to producer-handlers with respect to their own-farm production. However, certain conditions must be met for producer-handler status. A producer-handler, as presently defined under the order, includes any person who processes and packages milk from his own-farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant (and receipts from pool plants shall not be in excess of 11,000 pounds per month).

Purchases not in excess of 11,000 pounds monthly from pool plants are allowed producer-handlers to deal with any emergency a producer-handler might experience with his own milk supply. To provide that a producer-handler be permitted to purchase supplemental needs through Class I transfers from pool plants in unlimited quantities would result in the situation whereby the pool of producer milk would carry the reserve for such producer-handler's sales. The exemption from pooling carries with it the obligation that the producer-handler bear the burden of his necessary reserve except for the small quantity he may buy from pool plants. In carrying his own reserves, he will necessarily have some milk in excess of that which he needs for Class I sales. If he were permitted to buy unlimited amounts from the producer pool, he could avoid using any of his own milk for uses other than Class I.

The deletion of the counties of Mora and San Miguel from the marketing area would exempt the two producer-handlers from any regulation under the order. A fully regulated handler with substantial sales in the two counties objected to such deletion on the grounds that he would then be at a disadvantage in meeting the competition from the two plants. The producer-handlers submit bids for supplying milk to schools in these counties. As producer-handlers, the amount of fluid milk they can supply under contract is limited to their own-farm production plus 11,000 pounds monthly from pool plants. Hence, they must consider their ability to supply such sales from their own-farm production.

If completely unregulated, the two plants would be free to purchase fluid milk from any source in unlimited quantities if they so desired. They would thus be relieved of the responsibility of providing a reserve supply through their own production since the reserve could be obtained from other sources. Their sales in the two counties would be made in competition with fully regulated handlers who purchase milk from producers at order prices. These regulated handlers would be at a competitive disadvantage in competing for sales in Mora and San Miguel Counties. Therefore, it is concluded that the retention of Mora and San Miguel Counties as part of the marketing area is necessary to effectuate orderly marketing in the Rio Grande Valley marketing area.

The handler who proposed that his own-farm production be exempt from regulation by the order objected to the payments required by the order to the producer-settlement fund on his own-produced milk.

When the Rio Grande Valley order was instituted, it was determined that a marketwide pooling arrangement best met the needs of both handlers and producers. Under marketwide pooling, each producer receives a "blend" price for his milk which reflects the average utilization in the market. Each handler pays for the milk at the class prices according to the use of the milk in his plant. The utilization of all pool plants is averaged to derive the uniform "blend" price for all producers. A producer-settlement fund is provided to balance payments from pool plants with higher than the market average utilization with payments to pool plants with lower than the market average utilization.

To exempt the own-farm production of a fully regulated handler from any regulation under the order would give such a handler an advantage over other "pool handlers" or producers. If his own-farm production was valued at the order "blend" price and utilized in Class I products, he would have a competitive advantage over other handlers who must pay the order Class I price for milk utilized in Class I products. If his own-farm production was utilized in Class I products and valued at the order Class I price, he would have an advantage over other producers who receive only the order "blend" price for their milk. Therefore, it is necessary that the own-farm production of a fully regulated handler be included in the producer pool to effectuate orderly marketing in the Rio Grande Valley marketing area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Signed at Washington, D.C., on January 29, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–1032; Filed, Jan. 31, 1964; 8:50 a.m.]

Agricultural Research Service

[9 CFR Part 18]

MEAT INSPECTION

Proposed Use of Citric Acid or Sodium Citrate

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 71–96), and section 306 of the Tarriff Act of 1930, as amended (19 U.S.C. 1306), proposes to amend paragraph(s) of § 18.7 of the Meat Inspection Regulations (9 CFR 18.7, as amended) to read as follows:

§ 18.7 **Use in preparation of meat food products of chemicals, antitoxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.**

* * * * * * *

(s) Ascorbic acid, erythorbic acid, sodium ascorbate, sodium erythorbate or a combination of one of these with citric acid or sodium citrate in which the citric acid or sodium citrate does not exceed 50 percent of the mixture may be used in the preparation of cured pork and beef products and cured comminuted meat food products as follows:

(1) Pickle used for pumping, curing or packing pork or beef products shall not contain more than 75 ounces of ascorbic acid or erythorbic acid or a mixture of one of these with citric acid or sodium citrate, or 87.5 ounces of sodium ascorbate or sodium erythorbate or a mixture of one of these with citric acid or sodium citrate, to each 100 gallons of pickle.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, ascorbic acid, erythorbic acid, sodium ascorbate or sodium erythorbate or a combination of one of these with citric acid or sodium citrate may be used in the preparation of cooked, cured, comminuted meat food products in an amount not to exceed ¾ ounce of ascorbate or sodium erythorbate or a mixture of one of these with citric acid or sodium citrate, or ⅞ ounce of sodium ascorbate or sodium erythorbate or a mixture of one of these with citric acid or sodium citrate, for each 100 pounds of fresh meat or meat by-product. A solution containing not more than 10 percent ascorbic acid, erythorbic acid, sodium ascorbate or sodium erythorbate in water or brine may be applied to the outer surface of sliced and unsliced cured pork and beef product and cured comminuted meat food products prior to packaging. The use of such solutions shall not result in the addition of a significant amount of moisture to the product.

The proposed amendment would permit the use of limited amounts of citric acid or sodium citrate in the preparation of meat food products. The use of these agents accelerates color fixing in the curing process and does not appear to have any objectionable effects on the meat so treated.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-1036; Filed, Jan. 31, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economics Regs. Docket No. 14997]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making

JANUARY 29, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration various amendments to Part 241 of the Economic Regulations (14 CFR Part 241) which would, among other things, delete Schedule B-45 and transfer certain items from that schedule to Schedule B-43; require statements of plans for accruing liability for personnel vacations; provide a check-off list (Schedule A-1)[1] for accounting procedures; and require supplemental air carriers to report revenue passengers on Schedule T-3.1.[1] The purpose of these amendments is to simplify and clarify, and to correct inadequacies in, the reporting requirements.

The rules are proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of their views in writing addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received by February 28, 1964, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement... Several reporting modifications and clarifications are being proposed as a result of carrier suggestions and in order to correct certain reporting deficiencies in the present Uniform System of Accounts and Reports. These modifications and clarifications are itemized and briefly explained.

1. Section 03 contains a definition of "Continental United States", which is referred to in reporting payroll data in section 24, paragraph (b) of Schedule P-10—Payroll; and in section 25, paragraphs (k) and (l) of Schedule T-1—Monthly Statement of Summarized Traffic and Capacity Statistics.

[1] Filed as part of the original document.

2. Sections 6-2120, 22, and 32 provide for the submission of statements of accounting procedures for accruing vacation liability.

3. Sections 22, 23, 32, and 33 incorporate a new Schedule A-1—Status of Accounting Plans Required To Be Filed, which will indicate what accounting procedures were changed during the year, and the filing and effective dates of the latest statement.

4. Sections 22 and 32 delete reference to the original filing date of January 1, 1957 for statements on accounting procedures and require a separate page for each procedure.

5. Sections 22 and 23 delete Schedule B-45—Flight Equipment Airworthiness Reserves by Airframe and Aircraft Engine Types as no longer necessary, and transfer the reporting of airworthiness liability for leased equipment from this schedule to Schedule B-43—Inventory of Airframes and Aircraft Engines.

6. Sections 23, 24, 33, and 34 make clear that the prescribed interim reports are to be filed, whether or not prepared by the carrier for management purposes.

7. Sections 24 and 34 provide that costs for aircraft specifically designed for cargo service shall be reported separately on Schedules P-5.1 and P-5.2—Aircraft Operating Expenses.

8. Section 24 provides that "account 97, Special income tax credits and debits (net)" shall be reported on Schedule P-41—Taxes, in order that the schedule will reflect all taxes.

9. Section 35 adds the requirement that supplemental air carriers report the number of revenue passengers on Schedule T-3.1—Statement of Traffic and Capacity Statistics, because such data are needed for industry-wide safety statistics.

Proposed rule. The Board proposes to amend Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By adding a definition of "Continental United States" in section 03—Definitions for Purposes of This System of Accounts and Reports, immediately after the definition of "Compensation (of personnel)", as follows:

Continental United States—the 48 contiguous states and the District of Columbia.

2. By adding new paragraph (c) to section 6-2120, Accrued Vacation Liability, as follows:

(c) Each air carrier shall file a statement with the Board fully describing the accounting procedures followed in accruing liability for personnel vacations. The statement shall include such information as (1) bases of accrual; (2) whether the accruals are made pursuant to a firm labor agreement or contract; and (3) whether the accruals cover all employees or certain categories only. (See section 22(d) or 32(d), as applicable).

3. By deleting Schedule B-45 from the list of report schedules in paragraph (a) of section 22—General Reporting Instructions, and by adding Schedule A-1 thereto so that the list in pertinent part reads as follows:

Schedule No.	Description	Filing frequency	Postmark interval (days)
A	Certification	Quarterly	40
A-1	Status of Accounting Plans Required to be Filed	Annually	40
B-1	Balance Sheet	Quarterly	40

4. By adding new item (13) to paragraph (d) of section 22—General Reporting Instructions, and revising the paragraph immediately following the numbered items to read:

(13) Procedures for the accrual of vacation liability, as required by section 6-2120(c).

The foregoing statements, where applicable, shall be filed in duplicate either before or with the Form 41 report for the quarter in which procedures are either established or revised. Each statement shall be submitted on a separate page to facilitate processing and filing.

5. By adding new Schedule A-1 with related instructions to section 23—Certification and Balance Sheet Elements, immediately following the text for Schedule A——Certification, as follows:

Schedule A-1—Status of Accounting Plans Required To Be Filed

(a) This schedule shall be filed by all route carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The indicated data shall be entered on this schedule for each accounting plan listed in section 22(d) and for changes in other accounting or statistical procedures made during the current 12-month period ended June 30.

(d) Columns 1 and 2 shall reflect the title of the accounting plan and its applicable section under this Uniform System of Accounts and Reports.

(e) Column 3 shall indicate for each plan, by inserting either "Yes" or "No", whether the plan was revised this period.

(f) Columns 4 and 5 shall reflect for each plan the date filed with the Board and its effective date.

6. By revising paragraphs (e) and (f) under Schedule B-43—Inventory of Airframes and Aircraft Engines in section 23, to read:

(e) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. The data shall be grouped separately as to owned or leased operating equipment. Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13. Data pertaining to non-operating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(f) Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 13; the cost of impovements thereto shall be listed in columns 8 through 12.

7. By deleting the subheading and all text for Schedule B-45—Flight Equipment Airworthiness Reserves by Airframe and Aircraft Engine Types from section 23.

8. By revising the subheading "Interim Balance Sheet" in section 23 to read:

Interim balance sheet. Each route carrier shall file each month two copies of a balance sheet as at the end of each month, which may be in the form prepared for management purposes; provided that such balance sheet need not be filed at the close of calendar quarters where the amount reflected in the "Stockholder Equity" section thereof agrees with similar data reflected on Schedule B-1 of CAB Form 41 as at the same date.

9. By revising paragraph (e) of Schedules P-5.1 and P-5.2—Aircraft Operating Expenses of section 24 to read as follows:

(e) "Aircraft type" refers to models, such as B-707-100, B-707-300, CV-240, DC-6, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

10. By adding objective account 97 (special income tax credits and debits—net) to paragraph (d) of Schedule P-41—Taxes in section 24, so that the paragraph reads:

(d) The "Grand Total" of taxes reported on this schedule shall agree with the sum of the amounts reported in accounts 68, 69, 91, 92, 95, and 97 for the twelve months ended December 31.

11. By revising paragraph (a) of Interim Income Statement under section 24 to read:

(a) Each route air carrier shall file each month two copies of a monthly income statement, which may be in the form prepared for management purposes.

12. By adding new Schedule A-1 to the list of report schedules in paragraph (a) of section 32—General Reporting Instructions for supplemental carriers, so that the list reads in pertinent part as follows:

Schedule No.	Description	Filing frequency	Postmark interval (days)
A	Certification	Quarterly	40
A-1	Status of accounting plans required to be filed	Annually	40
B-1	Balance sheet	Quarterly	40

13. By adding new item (12) to paragraph (d) of section 32—General Reporting Instructions, and revising the paragraph immediately following the numbered items, to read:

(12) Procedures for the accrual of vacation liability, as required by section 6-2120(c).

The foregoing statements, where applicable, shall be filed in duplicate either before or with the Form 41 report for the quarter in which procedures are either established or revised. Each statement shall be submitted on a separate page to facilitate processing and filing.

14. By adding a new Schedule A-1 with related instructions in section 33—Certification and Balance Sheet Elements, immediately following the text for Schedule A—certification, as follows:

Schedule A-1—Status of Accounting Plans Required To Be Filed

(a) This schedule shall be filed by each supplemental air carrier.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The indicated data shall be entered on this schedule for each accounting plan listed in section 32(d) and for changes in other accounting or statistical procedures made during the current 12-month period ended June 30.

(d) Columns 1 and 2 shall reflect the title of the accounting plan and its applicable section under this Uniform System of Accounts and Reports.

(e) Column 3 shall indicate for each plan, by inserting either "Yes" or "No", whether the plan was revised during this period.

(f) Columns 4 and 5 shall reflect for each plan the date filed with the Board and its effective date.

15. By revising the first part of the instructions for "Interim Balance Sheet" of section 33 so that the paragraph reads as follows:

Interim balance sheet. Each supplemental air carrier shall file each month two copies of a balance sheet as at the end of each month, which may be in the form prepared for management purposes; provided that such balance sheet need not be filed as at the close of calendar quarters where the amount reflected in the "Stockholder Equity" section thereof agrees with similar data reflected on Schedule B-1 of CAB Form 41 as at the same date.

16. By revising paragraphs (d) and (e) under Schedule B-43—Inventory of Airframes and Aircraft Engines in section 33 to read:

(d) The data to be reported shall include owned and rented airframes and aircraft engines currently in operation or in conversion. The data shall be grouped separately as to owned or leased operating equipment. Totals for owned operating equipment shall agree with property and equipment accounts 1601 Airframes; 1611 Reserve for Depreciation—Airframes; 1602 Aircraft Engines; 1612 Reserve for Depreciation—Aircraft Engines; and 1629 Flight Equipment Airworthiness Reserves. The airworthiness liabilities for rented equipment included in accounts 2190 Other Current Liabilities and 2290 Other Noncurrent Liabilities shall be shown in column 13. Data pertaining to non-operating airframes and aircraft engines shall be reported in a group below the data for operating equipment.

(e) Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7 and in column 13; the cost of improvements thereto shall be listed in columns 8 through 12.

17. By deleting part of the first sentence and adding a new sentence in paragraph (d) of Schedule P-5.1—Aircraft Operating Expenses—Group I Air Carriers in section 34, so that paragraph (d) reads as follows:

(d) "Aircraft type" refers to models, such as DC-6, DC-6A, CV-240, L-649, etc., as designated by the manufacturer. Data applicable to aircraft designed primarily for cargo services and only incidentally used for passenger services shall be reported in separate columns, and the word "cargo" shall be inserted after the aircraft type at the head of the column. The prescribed reporting by aircraft types may be reviewed from time to time upon request by individual air carriers, or upon the initiative of the Board, and groupings of aircraft types for reporting purposes may be prescribed or amended in specific instances.

18. By revising Interim Income Statement of section 34 to read:

Interim income statement. Each supplemental air carrier shall file each month two copies of a monthly income statement, which may be in the form prepared for management purposes.

19. By redesignating paragraphs (i), (j), and (k) as paragraphs (j), (k), and (l), respectively, of Schedule T-3.1—Statement of Traffic and Capacity Statistics in section 35—Traffic and Capacity Elements, and inserting a new paragraph (i) to read:

(i) Revenue passenger originations shall represent an unduplicated count of passengers originating journeys on the lines of each reporting entity. (See section 03 "Passenger originations".)

[F.R. Doc. 64-1012; Filed, Jan. 31, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 13961; FCC 64-45]

BROADCAST APPLICATION FORMS

Third Notice of Further Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. The proceedings herein were instituted by the Commission on February 21, 1961, with issuance of a notice of proposed rule making looking toward adoption of a new program reporting form for television and radio broadcast applicants (Section IV of broadcast applications). After extensive comments and informal conferences, on July 7, 1961 the Commission issued a notice of further proposed rule making, proposing separate forms for television and for radio. By a second notice of further proposed rule making released December 20, 1963 (FCC 63-1163) we invited comments on another section IV for television. A different form of section IV has been drafted to secure relevant information regarding program service by AM and FM broadcasters. The proposed section IV for AM and FM radio is attached.[1]

3. To facilitate this proceeding and to provide for direct presentation of views and comments on the attached proposal, the Commission is hereby scheduling an en banc oral proceeding at the Commission's offices in Washington, D.C., on April 23, 1964. Representatives of all segments of the radio industry and other interested parties are invited to participate. The Commission will particularly welcome coordination of industry comments in order to encourage a detailed review and discussion of each significant aspect of this proposal while avoiding repetitious testimony.

4. All parties intending to appear before the Commission shall notify the Secretary of the Commission in writing on or before April 1, 1964, indicating the approximate amount of time they wish to use. Parties not participating in the oral proceeding may submit comments on or before April 23, 1964, in the form of a written statement for inclusion in the record. (Include an original and 14 copies of such statement.)

5. This action is taken pursuant to authority found in sections 4(i), 303(r), 307(d), 308(a) and 308(b) of the Communications Act of 1934, as amended.

Adopted: January 22, 1964.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1015; Filed, Jan 31, 1964; 8:50 a.m.]

[1] Filed as part of the original document.

[2] See concurring statement of Commissioner Hyde filed as part of original document.

Notices

DEPARTMENT OF STATE

[Public Notice 226]

CERTAIN FOREIGN PASSPORTS

Validity

Under the provisions of section 212(a)(26) of the Immigration and Nationality Act, a nonimmigrant alien who makes application for a visa or for admission into the United States is required to be in possession of a passport which is valid for a minimum period of six months from the date of expiration of the initial period of his admission into the United States or his contemplated initial period of stay authorizing him to return to the country from which he came or to proceed to and enter some other country during such period. By reason of the foregoing requirement, certain foreign governments have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of six months beyond the expiration date specified in the passport. These agreements have the effect of extending the validity period of the foreign passport an additional six months notwithstanding the expiration date indicated in the passport. Notice is hereby given that the Government of Sweden has recently concluded such an agreement with the Government of the United States. A list of all foreign governments which have entered into such agreements follows:

Australia.	Korea.
Austria (Reisepass only).	Laos.
Bahamas (See United Kingdom).	Lebanon.
Belgium.	Luxembourg.
Bolivia.	Malagasy Republic.
Brazil.	Malaya.
Cambodia.	Mexico.
Canada.	Monaco.
Ceylon.	The Netherlands.
Chile.	Nigeria.
Colombia.	Norway.
Cuba.	Pakistan.
Cyprus.	Peru.
Dominican Republic.	Philippines.
Ecuador.	Portugal.
Ethiopia.	Spain.
Finland.	Sweden.
France.	Switzerland.
Germany (Reisepass and Kinderausweis).	Syrian Arab Republic.
Greece.	Togo.
Guatemala.	United Arab Republic.
Guinea.	United Kingdom of Great Britain and Northern Ireland (including Jersey and Guernsey and its Dependencies) and the Bahamas.
Honduras.	Uruguay.
Iceland.	Venezuela.
India.	
Ireland.	
Israel.	
Ivory Coast.	

In addition, travel documents issued by the Government of the Trust Territory of the Pacific Islands are considered to be valid for the return of the bearer to the Trust Territory for a period of six months beyond the expiration date specified therein.

This notice supersedes Public Notice 213 of November 8, 1962 (27 F.R. 11325) and Public Notice 224 of November 5, 1963 (28 F.R. 12103).

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

JANUARY 18, 1964.

[F.R. Doc. 64-993; Filed, Jan. 31, 1964; 8:45 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Management and Service Improvement Branch, Bureau of Operations

The Statement of the Department's Organization and Administration, as published in the FEDERAL REGISTER of September 11, 1962, at pages 8982 and 9007, and as amended by 27 F.R. 11558-11559, 27 F.R. 12452-12453, 28 F.R. 914, 38 F.R. 2690, 28 F.R. 3674, 28 F.R. 7362, 28 F.R. 8295-8296, and 28 F.R. 11322-11323 is further amended to show the establishment of the Management and Service Improvement Branch in the Bureau of Operations. Accordingly, in 823.441 amend paragraphs a through g and add a new paragraph (5) to read as follows:

823.4 ASSISTANT POSTMASTER GENERAL BUREAU OF OPERATIONS

* * * * *

.44 *Deputy Assistant Postmaster General—Field Operations.* * * *

.441 *Installations Management Division.* a. Performs functions pertaining to the organization, management, establishment, discontinuance, and productivity of post offices and subunits thereof.

b. Establishes standards for the determination of supervisory structure, staffing, and complements of post offices; reviews recommendations for supervisory promotions; reviews disciplinary and grievance cases of post office personnel.

c. Establishes and administers a work measurement system in post offices; responsible for manpower and complement control; determines proper utilization of manpower.

d. Establishes and administers a comprehensive system of management and service improvement studies in postal installations.

e. Provides functional direction for the service analysis program.

f. Promulgates criteria for the establishment and operation of military post offices.

g. Provides policy guidance for distribution of less than bulk lot shipments of accountable paper.

h. Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus as required to carry out the assigned functions of the division.

* * * * *

5. *Management and Service Improvement Branch.* a. Develops and issues policies and procedures for conducting management and service improvement studies involving all phases of postal operations within a postal installation.

b. Plans and coordinates post office management and service improvement programs, providing technical guidance in the field to:

i. Eliminate unnecessary expenditures of workhours in all post office functions.

ii. Implement management and procedural techniques for improving service wherever justified, increasing production, and reducing costs.

iii. Improve employer-employee relationships in post offices.

c. Develops and prepares manuals, handbooks and guidelines for conducting management and service improvement studies.

d. Conducts from time to time, in cooperation with appropriate Departmental, regional, and post office personnel as required, special management and service studies in selected postal installations. As a result of such studies, proposes revisions to policy and/or procedure for consideration of appropriate Bureaus and offices.

e. Develops and initiates programs to encourage employee organization participation in effecting improved post office operations.

(R.S. 161, as amended; 5 U.S. Code 22, 39 U.S. Code 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1004; Filed, Jan. 31, 1964; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-563 etc.]

CONSOLIDATED OIL & GAS, INC., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 24, 1964.

Consolidated Oil & Gas, Inc. (Operator), et al., and other Respondents listed herein.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-563	Consolidated Oil & Gas, Inc. (Operator), et al., 4150 East Mexico Ave., Denver, Colo., 80222.	2	7	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,706	1- 7-64	[2] 2- 7-64	7- 7-64	[3] 13.0	[4] [5] [6] 14.0577	
	do	3	3	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	445	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0593	
	do	6	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	454	1- 7-64	[2] 2- 7-64	7- 7-64	[3] 13.0	[4] [5] [6] 14.0577	
	do	10	1	do	1,798	1- 7-64	[2] 2- 7-64	7- 7-64	[3] 13.0	[4] [5] [6] 14.0577	
	do	15	1	do	296	1- 7-64	[2] 2- 7-64	7- 7-64	[3] 13.0	[4] [5] [6] 14.0577	
	do	18	10	Southern Union Gathering Co. (Blanco-Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	10,169	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0593	
	do	19	5	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	7,415	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0593	
	do	20	11	Southern Union Gathering Co. (Blanco-Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	6,462	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0593	
	do	21	1	El Paso Natural Gas Co. (Blanco-Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	1,000	1- 7-64	[2] 2- 7-64	7- 7-64	[3] 13.0	[4] [6] 14.0	
RI64-564	Consolidated Oil & Gas, Inc.	4	3	Southern Union Gathering Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	519	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0593	
	do	5	1	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	370	1- 7-64	[2] 2- 7-64	7- 7-64	[3] 13.0	[4] [5] [6] 14.0577	
	do	7	24	do	952	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [5] [6] 14.0577	
	do	8	1	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,164	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [5] [6] 14.0577	
	do	12	1	do	952	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [5] [6] 14.0577	
	do	13	11	El Paso Natural Gas Co. (Tapacito, Blanco-Mesa Verde and Basin-Dakota Fields, Rio Arriba County, N. Mex. (San Juan Basin Area).	15,616	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0577	
	do	14	2	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	317	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [5] [6] 14.0577	
	do	16	13	El Paso Natural Gas Co. (Tapacito, Blanco-Mesa Verde and Basin-Dakota Fields, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,238	1- 7-64	[2] 2- 7-64	7- 7-64	13.0	[4] [6] 14.0577	
RI64-565	A. N. Brown (Operator), et al., 708 Midland Savings Bldg., Denver, Colo., 80202.	2	6	El Paso Natural Gas Co. (Angel Peak-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area)	182	1- 9-64	[2] 2- 9-64	7- 9-64	[7] 13.0	[4] [6] [7] 14.0536	
RI64-566	N. A. Steed (Operator), et al., 1000 First-Wichita National Bank Bldg., Wichita Falls, Tex.	1	6	El Paso Natural Gas Company (Mesa Verde Field San Juan County, N. Mex.) (San Juan Basin Area).	961	12-27-63	[1] 1-27-64	6-27-64	[7] 13.0	[4] [6] [7] 14.0536	
RI64-567	Elliott Production Co., P.O. Box 1355, Roswell, N. Mex. Attn: Mr. Frank O. Elliott.	3	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County N. Mex.) (San Juan Basin Area).	669	1- 6-64	[2] 2- 6-64	7- 6-64	[7] 13.0	[4] [6] [7] 14.0536	
RI64-568	Sunshine Royalty Co., P.O. Box 1355, Roswell, N. Mex., Attn: Mr. Frank O. Elliott.	2	2	do	569	1- 6-64	[2] 2- 6-64	7- 6-64	[7] 13.0	[4] [6] [7] 14.0536	
RI64-569	Frank O. Elliott and Ora R. Hall, Jr., P.O. Box 703, Roswell, N. Mex., Attn: Mr. Frank O. Elliott.	2	1	El Paso Natural Gas. Co. (Bisti Lower Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	968	1- 9-64	[2] 2- 9-64	7- 9-64	13.0	[4] [6] 14.0577	
RI64-570	Westhoma Oil Co., 1670 Denver Club Bldg., Denver, Colo., 80202.	1	2	Colorado Interstate Gas Co. (Keyes Field, Cimarron County Okla.) (Oklahoma-Panhandle Area).	305	1-10-64	[2] 2-10-64	7-10 64	[11] 16.0	[8] [10] [11] 17.0	G-17322
	do	3	1	Northern Natural Gas Co. (Wide Awake Field, Seward County, Kans.).	300	1-10-64	[2] 2-10-64	7-10 64	[12] 16.0	[8] [10] [12] 17.0	
RI64-571	Vernon F. Taylor, Inc., 1670 Denver Club Bldg., Denver, Colo., 80202.	1	3	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Oklahoma-Panhandle Area).	965	1-10-64	[2] 2-10-64	7-10-64	[12] 16.0	[8] [10] [12] 17.0	G-17319
RI64-572	Jay Kornfeld (Operator), et al., Union National Bldg., Wichita 2, Kans.	3	2	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	360	1-13-64	[2] 2-13-64	7-13-64	[14] 12.5	[9] [13] [14] 13.5	RI63-39
RI64-573	Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.	55	1	Cimarron Transmission Co. (Enville Field, Love County, Okla.) (Oklahoma "Other" Area).	1,800	1-13-64	[2] 2-13-64	7-13-64	[12] 15.0	[9] [10] [12] 16.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-574	W. E. Bakke Oil Co. (Operator), et al., D-300 Petroleum Center, San Antonio 9, Tex.	1	6	Cities Service Gas Co. (Hugoton Field, Haskell, Morton, Kearney, Finney, and Stanton Counties, Kans.).	[15] $131,125	1-13-64	[2] 2-13-64	7-13-64	[12] 10.7195	[10] [12] [16] [17] 14.5	
RI64-575	Panhandle Producing Co., et al. (Operator), 2202 Alamo National Bldg., San Antonio, Tex.	2	11	Colorado Interstate Gas Co. (Sanford Gasoline Plant, Panhandle (Amarillo) Field, Hutchinson County, Tex.) (R.R. District No. 10).	[18] 151,224	12-26-63	[1] 1-26-64	6-26-64	[12] [18] 15.0583	[8] [12] [18] [20] 17.0661	
RI64-576	Ashland Oil & Refining Co., P.O. Box 1503, Houston 1, Tex.	107	16	Colorado Interstate Gas Co. (Panhandle (Amarillo) Field, Hutchinson County, Tex.) (R.R. District No. 10).	[18] 90,735	12-26-63	[1] 1-26-64	6-26-64	[12] [18] 15.0583	[8] [12] [18] [20] 17.0661	
RI64-563	Consolidated Oil & Gas, Inc. (Operator), et al.	11	1	El Paso Natural Gas Co. (Blanco-Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	635	1- 7-64	[2] 2- 7-64	7- 7-64	[7] 13.0	[4] [6] 14.0577	

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[5] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.
[6] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[7] The stated effective date is the effective date requested by Respondent.
[8] Renegotiated rate increase.
[9] Pressure base is 14.65 psia.
[10] Subject to downward and upward Btu adjustment based on 1000 Btu (net rate is 12.964 cents per Mcf before increase and 13.504 cents per Mcf after increase based on 804 and 812 Btu, respectively, shown in filing).
[11] Subject to downward Btu adjustment.
[12] Subject to downward and upward Btu adjustment based on 1000 Btu (net rate is 12.752 cents per Mcf before increase and 13.600 cents per Mcf after decrease based on 797 and 800 Btu, respectively, shown in filing).
[13] Subject to downward Btu adjustment based on 950 Btu (net rate is 10.5263 cents per Mcf before increase and 11.3684 cents per Mcf after increase based on 800 Btu, shown in filing).
[14] As shown in filing.
[15] Redetermined rate increase.
[16] Corrected for supercompressibility.
[17] Revenues of $151,224 and $90,735 are estimated respective revenues to each Respondent based on Panhandle's estimated annual volume of 12,080,972 Mcf (Ashland estimates a lower figure of 10,961,305 Mcf) Panhandle receives 10/16th and Ashland 6/16th of the total sales price to Colorado Interstate Gas Company.
[18] Includes base rate of 15.0 cents per Mcf plus tax reimbursement as per Comparative Statement.
[19] Includes base rate of 17.0 cents plus tax reimbursement.

Consolidated Oil & Gas, Inc. (Operator), et al., Consolidated Oil & Gas, Inc., N. A. Steed (Operator), et al., Elliott Production Company, Sunshine Royalty Company and Frank O. Elliott and Ora R. Hall, Jr., request an effective date of January 1, 1964, for their proposed rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied. W. E. Bakke Oil Company (Operator), et al. (Bakke), request that should the Commission suspend their rate filing that the suspension period with respect thereto be shortened to one day. Good cause has not been shown for limiting to one day the suspension period with respect to Bakke's rate filing and such request is denied.

Panhandle (successor to Henderson Trusts) and Ashland (successor to Combined Carbon Company) have each filed a renegotiated increase from 15.0583 cents to 17.0661 cents per Mcf for gas sold to Colorado Interstate Gas Company (Colorado Interstate) at the tailgate of Panhandle's Sanford Gasoline Plant. The revenue from this sale is shared on the basis of Ashland receiving six-sixteenths of the contract price and Panhandle the remainder.*

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 11, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-963; Filed, Jan. 31, 1964; 8:45 a.m.]

*Prior to the time Colorado Interstate commenced taking gas, the residue gas was sold by the plant owners to Ashland's predecessor for the manufacture of carbon black. For giving up its right to buy the residue gas so that the entire plant residue gas could be sold to Colorado Interstate the revenue sharing agreement was entered into.

[Docket No. CP64-141]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Notice of Application

JANUARY 27, 1964.

Take notice that on December 18, 1963, Tennessee Gas Transmission Company (Tennessee), Tennessee Building, Houston, Texas, 77001; Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama, Houston, Texas, 77001; and United Fuel Gas Company (United Fuel), P.O. Box 1273, Charleston, West Virginia, 25325, filed in Docket No. CP64-141, a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two emergency interconnections between the pipeline systems of Tennessee and Columbia Gulf for the emergency exchange of natural gas under the terms of an exchange letter agreement dated November 15, 1963, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects the proposed emergency interconnections will be located at the point where Columbia Gulf's 30-inch main line 200 crosses Tennessee's 30-inch discharge header No. 4 in Morehead, Rowan County, Kentucky, and at the point where Columbia Gulf's 30-inch main line 100 crosses Tennessee's 30-inch Kinder-Portland Line 800-1 in LaSalle Parish, Louisiana. The interconnection will be utilized on an emergency basis only, on a gas-for-gas exchange basis, with deliveries or receipts by Columbia Gulf being for the account of United Fuel, its only customers, for which it provides a transportation service.

The estimated cost of the interconnections is $41,285 and will be defrayed from

cash on hand of Columbia Gulf for the facilities in LaSalle Parish, Louisiana, and by Tennessee for the facilities in Rowan County, Kentucky.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 18, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-989; Filed, Jan. 31, 1964; 8:45 a.m.]

[Docket No. CP64-114]

TRUNKLINE GAS CO.

Notice of Application

JANUARY 28, 1964.

Take notice that on November 20, 1963, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston 1, Texas, filed in Docket No. CP64-114 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of increased volumes of natural gas for resale to certain of its existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(a) 3,000 additional horsepower at each of the following existing main line compressor stations: Station No. 57, Pollock, Louisiana; Station No. 75, Shaw, Mississippi; Station No. 93, Dyersburg, Tennessee, and Station No. 112, Johnsonville, Illinois.

(b) 4,000 horsepower at a new compressor station to be designated Station No. 210, Kaplan, Louisiana.

(c) 6,000 horsepower at a new compressor station to be designated Station No. 121, Tuscola, Illinois.

The application shows that the proposed new facilities will increase the design capacity of Applicant's pipeline system to 890,000 Mcf per day.

Further, Applicant proposes herein to sell an additional 25,000 Mcf of natural gas per day, commencing April 1, 1964, and a further increase of 25,000 Mcf per day commencing November 1, 1964, to Consumers Power Company. Also, Applicant proposes an additional total increase of 961 Mcf per day to three other existing customers.

Applicant states that it has obtained amendments to existing gas purchase contracts with Pan American Petroleum Corporation and Union Oil Company of California, providing for price reductions regarding existing supplies purchased from those producers in Vermilion Parish, Offshore Louisiana, as well as the dedication of additional supplies, scheduled to become effective April 1, 1964.[1] Applicant states further that it proposes to utilize such price reductions, together with the economies of the herein proposed increased sales, so as to provide a reduction in the level of its rates, following the necessary authorizations, to become effective April 1, 1964. Further, Applicant proposes a revision in its R-1 and R-2 Rate Schedules so as to provide different rate levels for winter and summer deliveries and, also, proposes the introduction of a G-2 Rate Schedule.

The proposed facilities are estimated to cost approximately $8,700,000, which cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 18, 1964.

[1] These amendments were filed by the suppliers with the Commission in Docket Nos. CI64-669 and CI64-668 on December 6, 1963, and December 9, 1963, respectively. Said amendments were noticed on January 14, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-990; Filed, Jan. 31, 1964; 8:45 a.m.]

[Docket No. G-11621 etc.]

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JANUARY 23, 1964.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued January 14, 1964 and published in the FEDERAL REGISTER January 21, 1964 (F.R. Doc. 64-503; 29 F.R. 510), change title of column No. 2 in the chart to read "Applicant" in lieu of "Purchaser"; in column No. 3 insert the word "Purchaser" above "Field and Location".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-988; Filed, Jan. 31, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

FIRE-CURED AND DARK AIR-CURED TOBACCO

Notice of Referenda

Notice is hereby given that on February 28, 1964, a referendum will be held of farmers engaged in the production in 1963 of fire-cured tobacco, and a referendum will be held of farmers engaged in the production in 1963 of dark air-cured tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing a date for holding the referenda was given in 28 F.R. 10214. The purpose of the referenda is to determine whether the farmers voting favor a national marketing quota for each of the 1964-65, 1965-66 and 1966-67 marketing years for the respective kinds of tobacco. The referenda will be conducted in accordance with the provisions of the Act and the regulations governing the holding of referenda on marketing quotas (28 F.R. 13249).

In order that arrangements for holding the referenda may be made in an orderly manner and as much advance notice as possible be given to the date of the referenda, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-1066; Filed, Jan. 31, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Guideline No. 1B]

WHEAT AND WHEAT FLOUR TO RUSSIA

Voyage Charter Rate

Effective as of the date hereof, notice is hereby given that the Acting Maritime Administrator has established the following voyage charter rate guidelines to Russia for the carriage of wheat in bulk and wheat flour in bags in U.S.-flag vessels up to 30,000 TDWT:

U.S. North Pacific ports to—	Loading	Rates		
		Discharge rate	Winter load-line	Summer load-line
Siberia—		*TPD*		
Nakhodka:				
Wheat in bulk	6 days	1,500	$13.73	$13.44
Wheat flour in bags	15 days	1,000	24.45	24.04

The guideline rates for vessels over 30,000 TDWT will be subject to consultation on specific shipments.

Rates are based on following conditions:

From one port of loading to one port of discharge.

Loading, trimming, and/or stowage expense for account of vessel.

Discharge expense for account of charterer.

The foregoing represent maximum voyage charter rates per ton for the transportation in U.S.-flag vessels of full cargo lots of wheat in bulk and wheat flour.

Dated: January 24, 1964.

ROBERT E. GILES,
Acting Maritime Administrator.

[F.R. Doc. 64-995; Filed, Jan. 31, 1964; 8:45 a.m.]

CERTAIN TROOPSHIPS

Background Information on Availability, Criteria for Assignment, and Applications Received

By notice dated October 8, 1963, published in the FEDERAL REGISTER issue of October 11, 1963 (28 F.R. 10929), the Maritime Administration advised that pursuant to the provisions of Public Law 86-575, eighteen C4 troopships, owned by the Maritime Administration, U.S. Department of Commerce, were available to American steamship operators in exchange for their older and less efficient ships, the requisite approval of the Department of Defense for the release of these ships having been received. Applications for the ships in addition to those previously received were required to be submitted to the Maritime Administration on or before November 15, 1963.

The notice stated that the assignment of these ships would be made in accordance with the provisions of General Order 92 as published in the FEDERAL REGISTER issue of March 1, 1962 (27 F.R. 2011), except that applications would be closely scrutinized—

to determine the requirements of the contemplated trade, type of conversion and resulting efficiency of the ship, the applicant's operating ability and financial responsibility, private financial assistance available to the applicant, the extent by which the Merchant Marine is upgraded, and other factors having a bearing on the intent of the Ship Exchange law.

Applicants were required to furnish information relating to these factors.

The principal characteristics of the C4 troopships are:

Length overall—522' 10";
Beam—71' 6";
Speed—17 knots;
Deadweight tonnage—approximately 15,000.

The C4 troopships available for assignment are:

Name	Type	Fleet
Marine Swallow	C4-S-A2	Hudson River, N.Y.
Ernie Pyle	C4-S-A2	James River, Va.
Gen. G. O. Squier	C4-S-A1	Do.
Gen. J. R. Brooke	C4-A-A1	Do.
Gen. Omar Bundy	C4-S-A1	Do.
Marine Falcon	C4-S-A2	Do.
Marine Flasher	C4-S-A2	Do.
Marine Jumper	C4-S-A2	Do.
Marine Marlin	C4-S-A2	Do.
Marine Perch	C4-S-A2	Do.
Marine Shark	C4-S-A2	Do.
Marine Tiger	C4-S-A2	Do.
Gen. O. H. Ernst	C4-S-A1	Suisun Bay, Calif.
Marine Cardinal	C4-S-A1	Do.
Marine Devil	C4-S-B2	Do.
Marine Dragon	C4-S-B2	Do.
Gen. H. L. Scott	C4-S-A1	Olympia, Wash.
Gen. T. H. Bliss	C4-S-A1	Do.

By notice dated October 24, 1963, published in the FEDERAL REGISTER issue of October 26, 1963 (28 F.R. 11483), a form letter sent in the latter part of October to applicants for C4 troopships under Public Law 86-575 was published. This letter stated that "due to the limited number of ships available for transfer in relation to the number of applications on file, special attention will be given to the potential benefit to the American Merchant Marine in determining the assignment of ships to applicants of record." To assist in arriving at proper determinations, applicants were requested to furnish the following information:

(1) Number and types of American-flag ships presently owned and operated by the applicant and the trades in which operated.

(2) Name(s) and type(s) of ship(s) to be traded-in and the trades in which the ship(s) are presently operated.

(3) Details of proposed conversion including deadweight tonnage.

(4) Estimated cost of proposed conversion.

(5) Proposed manning scales.

(6) Description of proposed trade of traded-out ship and requirements of trade.

(7) Financial resources available to the applicant and proposed method of financing.

(8) Operating ability and experience of applicant.

(9) Pro forma statement of anticipated operating results.

Applicants were advised by the notice of October 24, 1963, that the exchange contract will contain a provision that subsequent transfer of title to the C4 troopships within five years of the contract date will be subject to the prior written consent of the Maritime Administration.

Applications were filed by 18 companies for a total of 50 ships. The applicants and numbers of ships applied for are as follows:

Company	*Number of ships applied for*
American Union Transport, Inc	1
Blidberg Rothchild Co., Inc	1
Bulk Transport, Inc	2
Calmar Steamship Corp./Bethlehem Steel Corp	6
Central Gulf Steamship Corp	6
Doric Shipping & Trading Corp	1
Hudson Waterways Corp	5
Marine Carriers Corp	1
Marine Navigation Co., Inc	4
Matson Navigation Co	2
Oceanic Petroleum Carriers, Inc	1
Pacific Seafarers, Inc	1
Penn Marine Co., Inc	1
Penn Navigation Co	1
Penntrans Co	2
U.S. Shipping Corp	2
Waterman Steamship Corp./Sea-Land Service, Inc	12
Winco Tankers, Inc	1
Total	50

The Ship Exchange Act. The Ship Exchange Act (section 510(i) of the Merchant Marine Act, 1936, as amended by Public Law 85-575 (46 U.S.C. 1160) authorizes the Secretary of Commerce to acquire at any time within 5 years from July 5, 1960, war built vessels (which are defined as ocean-going vessels of one thousand five hundred gross tons or over constructed or contracted for by U.S. shipyards during the period September 3, 1939, to September 2, 1945) in exchange for more modern and efficient war built vessels owned by the United States. By specific provision, traded-out war built vessels may include those of a military type if the Secretary of Commerce has consulted with and obtained the approval of the Defense Department. Specific conditions under which exchanges may be made include the requirement that the traded-in vessel shall have been owned and operated without subsidy under Title VI of the 1936 Act by a citizen or citizens of the United States, and documented under the laws of the United States, for at least three years immediately prior to the date of the exchange. The Secretary of Commerce has delegated his authority under the Ship Exchange Act to the Maritime Administrator pursuant to section 3 of Department of Commerce Order No. 117 (Revised) (27 F.R. 3637, April 7, 1962).

The provisions of the Ship Exchange Act relating to valuation of exchanged ships and the application thereof are discussed below.

General objectives of the Ship Exchange Act. The Ship Exchange Act declares that exchanges are authorized "in order to improve the type and suitability of vessels operating in the domestic and foreign commerce of the United States, and to further the policies of the 1936 Act." The policies of the 1936 Act are stated in section 101 as follows:

> It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

The legislative history of the Ship Exchange Act indicates a general intent to make Government-owned war built cargo vessels available as replacements for less desirable privately-owned war built vessels operating without subsidy. The Congressional Committees reporting on the purpose of the Ship Exchange Act stated:

> All segments of the country's shipping industry currently are having their troubles, but the owners most severely affected are those operating without subsidy—the coastal and intercoastal lines, and the bulk carriers in the foreign tramp trades. Replacement of the vessels engaged in those trades—most of them war built—is essential if they are to continue to be truly competitive in these vital areas. Construction costs are high, however, and shipping profits in recent years have barely sufficed to assure continued operation, much less to permit provision for building the more modern vessels required. (House Rep. 1652, 86th Cong. on S. 2618; Senate Rep. 1275, 86th Cong. on S. 2618.)

The Congressional Committee Reports also mention other possible benefits accruing from the Ship Exchange Act including monetary payments to the Government both in the form of capital gains taxes and cash payments in connection with exchanges.

Explanation of basis for applying criteria for assignment. The notice of October 8, 1963, stated that the assignment of the troopships would be made in accordance with the provisions of General Order 92 which prescribes the general procedures for the exchange of war built vessels except, in effect, that applications would not be given priority based on the date of filing but instead would be reviewed on the basis of criteria determined by the Maritime Administrator and set forth in the notice. The Maritime Administrator herewith gives an explanation of the basis for applying these criteria to the applications received pursuant to the notice.

Criterion 1—Requirements of the contemplated trade. The applications and the contemplated trades are varied. They include applications for ships to be operated in the domestic trade (coastwise, intercoastal, off-shore and bulk), foreign bulk and tramp trades, and foreign liner services. All of these trades are unsubsidized and the improvement of the type and suitability of vessels operating in such trades is within the purview of the Ship Exchange Act.

Each of the contemplated trades is vital and requires improved service as best evidenced by the enactment of the Ship Exchange Act for the benefit of the owners of ships operating in such trades. It is reasonably certain, therefore, that this criterion alone would—if sufficient ships were available—justify the assignment of ships in response to each fully qualified application. But there are other matters for consideration. There is the limitation of ships available in relation to the number of applications. There is also the most important objective of realizing the full potential of the C4 type ship.

Many of the applicants contemplate minimum conversions and operation in services which do not utilize the greatest potential of the C4 type ships and which could be adequately served by other types of vessels available in greater numbers from the reserve fleet. It would, therefore, result in less than optimum use to assign the C4 ships to such applicants.

Since all of the trades proposed to be served require upgrading, the assignment of ships is being made to those qualified applicants who propose to convert and operate the ships in existing trades in a manner which will result in the greatest utilization of the ships' potential.

Based on the foregoing, the assignment of the ships is being made in substantial numbers to the domestic trade. Where more than one ship has been assigned to an applicant for scheduled service in the domestic trade the number assigned was determined so as to be consistent with suitable scheduling requirements. This will provide improved and efficient service in the coastwise, intercoastal and off-shore trades; will support the economy of the areas served by these trades; will place U.S. manufactured products on a more competitive basis with foreign products now being imported in increasing amounts, due in an important degree to the regular and less costly foreign transportation available foreign exporters; and will provide for more certain availability of ships for national defense purposes in time of need.

The assignment of a lesser number of ships is being made to the bulk trade. This trade is the other segment which needs modern or improved equipment such as can be provided by the C4 vessels. The ships in this trade require prompt improvement in the interest of reducing costs for the transportation of cargo under our huge foreign aid programs, and to provide shipping services for essential bulk materials to industry in time of peace and in the event of a national emergency. Again in view of the few ships available, the assignment of the C4 ships to this trade is being restricted to those qualified applicants who propose to convert the ships into bulk carriers with capacities in the upper ranges.

Criterion 2—Type of conversion and resulting efficiency of the ship. The proposed conversions of the C4 troopships and the resulting efficiency of the converted ships are of utmost importance in the assignment of ships. These are the factors by which the maximum potential of this class of ship is realized. They also enable the ships to serve as economical and efficient, and therefore competitive, units in performing needed transportation service. It is by the process of conversion that the ships and contemplated transportation services will best be upgraded.

The ship exchange program places upon the Maritime Administration the responsibility to exercise control over the final conversion of the ships. Moreover, the competition among qualified applicants for the ships enables the Maritime Administration to choose designs for conversion which will best serve the domestic and foreign commerce of the United States. This opportunity cannot be overlooked in view of the number of ships now operating which are barely adequate, or indeed inadequate.

Also of great importance in connection with the conversion of ships is the amount of work provided for the depressed shipbuilding industry and the improvement of the national defense potential of the ships. Development of their full potential through conversion will result in the greatest benefits in these areas.

In the domestic trade, the elongated fully containerized ships, the modified and specially adapted break-bulk ships and the versatile container, auto and bulk commodity ships, are especially suitable designs. In the bulk service, the elongated ships with increased carrying capacities are likewise especially suitable designs. Mechanized functions and other labor saving devices are also desirable. Conversions which do not offer features directed toward making the ships more effective and competitive transportation units do not warrant primary consideration. In all cases where applicants contemplate improved conversions the assignments made to these applicants are being conditioned on the conversions being undertaken.

Criterion 3—Applicant's operating ability and financial responsibility, and private financial assistance available to applicant. In order to insure the conversion and successful operation of the ships in the manner proposed by the applicants, to eliminate speculative interest in the ships and to assure the accomplishment of the overall objective of providing required, efficient transportation service in the domestic and foreign commerce, applicants have been considered according to their basic capabilities. This includes their operating ability, their financial responsibility, their interest and record of participation in the American Merchant Marine and their record of performance of obligations with the Maritime Administration.

To the extent that reliance is placed on related companies, charterers and others for operating and financial assistance, the capabilities of these parties have been taken into account. By the same token, when applicants are related to companies having obligations with the Maritime Administration, these obligations and the record of performance of such obligations have also been taken into account.

It is recognized that the capability to undertake substantial conversion and operating programs ofttimes requires demonstration, particularly as regards the execution of shipyard contracts and the arrangement of necessary financing. It is also recognized that these matters are not always practical prior to the assignment of ships. Accordingly, all assignments are being made contingent upon execution of shipyard contracts or commitments for the contemplated conversions and the arrangement of necessary financing, both as approved by the Maritime Administrator, within the time indicated below. Assignments have been made with the understanding that private financing without Government support is contemplated. Also, applications which depend on the acquisition of vessels by applicants except from related companies for the purpose of trade-in are not being considered.

Criterion 4—Extent by which the Merchant Marine is upgraded and other factors having a bearing on the intent of the Ship Exchange Act. This criterion is otherwise included in the other criteria herein discussed and applied.

Valuation of exchanged ships. The Ship Exchange Act provides for the fair and reasonable value of the traded-in and the traded-out vessels to be determined as of the date of the exchange pursuant to section 510(d) of the Merchant Marine Act, 1936, as amended, which is concerned with the determination of the value of an obsolete vessel traded-in for an allowance of credit on the purchase price of a new vessel. Section 510(d) provides that the trade-in allowance of an obsolete vessel—

> shall be the fair and reasonable value of such vessel as determined by the [Maritime Administrator].

In making that determination, the Maritime Administrator is required to consider the scrap value, the depreciated value, and the market value in the domestic and world markets. The Ship Exchange Act provides that in determining the "fair and reasonable value" of vessels to be exchanged there shall also be considered the cost of placing the vessel in class with respect to hull and machinery, and with respect to any traded-out vessels of the military type, the cost of reconverting and restoring such vessels for normal operation in commercial service.

Consistent with the valuation requirements of the Ship Exchange Act, and the legislative history of that Act, the Maritime Administrator has determined, and has approved as a matter of policy because of the military type of ship involved in these particular exchanges, that the domestic market value of the traded-in and traded-out vessels, "as is, where is", will represent the "fair and reasonable value" of such vessels in the absence of material unforeseen circumstances, and will be approved as such.

The valuation policy adopted for these exchanges takes into account the views set out in House Committee Report No. 1097, 87th Congress, and is a departure from the general policy of averaging domestic and restricted world market values, and from the prior practice of valuing a military type C4 vessel by first determining the value of a standard type C4 merchant vessel in operation and deducting therefrom the cost of conversion.

Assignment of C4 Troopships. On the basis of a review of the applications received in relation to the criteria stated in the Notice of October 8, 1963, and the explanation of the basis for applying such criteria herein contained, the eighteen C4 troopships have been assigned by the Maritime Administrator to the following applicants:

Blidberg Rothchild Co. Inc. This applicant has been assigned the C4 troopship "Marine Swallow" in exchange for the applicant's AP–3 type vessel "Wellesley Victory."

This assignment is made for the conversion of the troopship to an elongated bulk cargo vessel of about 21,000 deadweight tons.

The converted troopship will serve to upgrade the vessels operating in the foreign and domestic bulk trade and to provide more efficient transportation service for cargoes under the Government's foreign aid programs and for bulk materials to industry in time of peace and in the event of a national emergency.

One of the highest potentials of the C4 type ship will be realized from the stated conversion and maximum service will thereby be rendered to the bulk trade.

The applicant is an established operator of ships under the U.S. flag and has a long standing interest and record of participation in the American Merchant Marine. The applicant appears to have sufficient financial resources for the conversion and satisfactory operation of the assigned ship. It has currently met all financial obligations with the Maritime Administration.

Accordingly, this applicant has been assigned one ship as stated above on the basis that its application is one of those that best meets the applicable criteria for assignment.

Calmar Steamship Corporation/Bethlehem Steel Corporation. This applicant has been assigned the C–4 troopships "Gen. G. O. Squier", "Gen. Omar Bundy," "Gen. J. R. Brooke," "Gen. O. H. Ernst," and "Gen. T. H. Bliss" in exchange for the applicant's converted Liberty-type vessels "Pennmar", "Flomar," "Marymar," "Yorkmar" and "Portmar."

This assignment is made for the conversion of the troopships, substantially as proposed by the applicant, for maximum efficiency in the handling of non-containerized break-bulk cargoes now being offered in the intercoastal trade. The resultant ships will be approximately 15,000 deadweight tons and have four holds and hatches. Major special features will include three enlarged hatches with only a single 'tween deck; mechanically operated rolling covers for weather deck hatches; heavy and medium lift cranes and Burtoning gear; relocation of forward bridge; revamped quarters; mechanized functions; and a complete system of cargo hold humidity control.

As in the case of the trade-in vessels, the converted ships will be owned by Bethlehem Steel Corporation, parent of Calmar Steamship Corporation, and bareboat chartered to Calmar for operation as common carriers in the intercoastal trade.

The intercoastal trade is now being served by Calmar with 10 Liberties and by Weyerhauser Line with 6 Liberties. These carriers provide the only regular break-bulk service between West Coast and East Coast ports. In addition, there are the intercoastal segments of round-world voyages of States Marine Corporation of Delaware and Isbrandtsen Steamship Company and the intercoastal container service by Sea-Land Service, Inc. The primary commodities in the trade consist of lumber eastbound and iron and steel westbound, although a substantial volume of general cargo and other miscellaneous commodities are carried. The applicant estimates approximately 25–35 percent of total utilization of the converted ships will be for steel, of which approximately 50–75 percent will be for Bethlehem and the remainder will be for other steel producers and shippers. Since 1927, and notwithstanding the interruption of World War II, Calmar has carried in excess of 10 million tons of general cargo westbound and 700,000 tons of general and bulk cargo and 6 billion feet of lumber eastbound.

The Intercoastal Trade has suffered a severe decline in volume in recent years. In 1939 there were approximately 145 vessels and 5,510 seamen employed in the trade. At present there are less than 25 vessels and 1,100 seamen so employed. The movement of iron and steel westbound is threatened by importations of Japanese steel on the West Coast and the movement of lumber eastbound is threatened by shipments of Canadian lumber via foreign flag vessels to the East Coast. The remaining break-bulk intercoastal service and the continued domestic production and sale of these principal commodities are in jeopardy. This condition can be materially alleviated if more efficient ships and transportation service can be provided. The 5 assigned ships will substantially replace Calmar's 10 existing Liberties and it is estimated that the assigned ships can be operated at costs 25 percent or more below the costs of operating Liberties. Also, sailing schedules and transit time, factors important to producers and shippers and the maintenance of trade, can be improved by the use of the assigned ships.

One of the highest potentials of the C4 type vessel will be realized from the stated conversion and maximum service will thereby be rendered in the intercoastal trade. In addition, the converted ships will have high national defense value because of their ability to move large heavy equipment and their immediate availability operating in the intercoastal trade.

explanation of the basis for applying

ships available, the assignment of the

on related companies, charterers and

The applicant is an established operator of U.S. flag vessels and has a substantial and longstanding interest and record of participation in the American merchant marine. Calmar and Bethlehem have sufficient financial resources for the conversion and successful operation of the ships and have met all financial obligations with the Maritime Administration.

Accordingly, this applicant has been assigned five ships as stated above on the basis that its application is one of those that best meets the applicable criteria for assignment.

Marine Carriers Corporation, Oceanic Petroleum Carriers, Inc., and U.S. Shipping Corp. (related companies).

NOTE: These three companies are closely related as to ownership and management and perform similar services. Hence their applications have been considered on a combined basis and the term "applicant" as hereinafter used refers both to the three companies collectively and to the company whose vessel is designated for trade-in.

This applicant has been assigned the C4 troopship "Marine Perch" in exchange for the T2 type vessel "Elemir" owned by Oceanic Petroleum Carriers, Inc.

This assignment is made for the conversion of the troopship to an elongated bulk cargo vessel of about 20,000 deadweight tons.

The converted troopship will serve to upgrade the vessels operating in the foreign and domestic bulk trade and provide more efficient transportation service for cargos under the Government's foreign aid programs and for bulk materials to industry in time of peace and in the event of a national emergency.

One of the highest potentials of the C4 type ship will be realized from the stated conversion and maximum service will thereby be rendered to the bulk trade.

The applicant has been for over six years the operator of a number of ships under the U.S. flag. The principals of the companies have been in the shipping industry for many years. The applicant owns six U.S. flag vessels. Additional vessels are owned by other related companies. The applicant therefore has a record of interest and participation in the American Merchant Marine. The applicant is believed to have sufficient financial resources for the conversion and successful operation of the one assigned ship. It has currently met all financial obligations with the Maritime Administration.

Accordingly, the applicant has been assigned one ship as stated above on the basis that its application is one of those that best meets the applicable criteria for assignment.

Marine Navigation Company, Inc. This applicant has been assigned the C4 troopships "Ernie Pyle" and "Marine Marlin" in exchange for the applicant's EC2 type vessels "Marine Courier" and "Marine Ranger."

This assignment is made for the conversion of the troopships, substantially as proposed by the applicant, either to jumboized bulk cargo vessels of approximately 25,000 deadweight tons or to self-discharging jumboized bulk cargo vessels of similar tonnage.

The converted troopships will serve to upgrade the vessels operating in foreign and domestic bulk trade and provide more efficient transportation service for cargoes under the Government's foreign aid programs and for bulk materials to industry in time of peace and in the event of a national emergency. Particular emphasis will be placed on coastwise trade, which will sustain essential American industries and benefit the national economy. This will also provide service in the offshore trade to Puerto Rico and thereby lend support to its economy. Vessels presently operating in these trades are over-age and require early replacement. The converted ships will be readily available in time of national emergency for defense purposes or for support of the national economy.

One of the highest potentials of the C4 type ship will be realized from the stated conversion and maximum service will thereby be rendered to the bulk trade. If self-discharging equipment is installed, the converted ships will be among the most modern in the U.S. flag fleet.

The applicant and its affiliates are well established operators in the carriage of bulk and other specialized cargoes, and operate a large number of U.S. and foreign flag vessels, including a substantial number of owned vessels. It entered the domestic trade in 1919 and is now the largest operator of dry bulk cargo carriers in such trade. The applicant therefore has a long-standing and substantial interest and record of participation in the American Merchant Marine. The applicant appears to have sufficient financial resources for the conversion and satisfactory operation of the two assigned ships. It has currently met all financial obligations with the Maritime Administration.

Accordingly, this applicant has been assigned two ships as stated above on the basis that its application is one of those that best meets the applicable criteria for assignment.

Matson Navigation Company. This applicant has been assigned the C4 troopships "Marine Devil" and "Marine Dragon" in exchange for the applicant's C3 type vessels "Hawaiian Packer" and "Hawaiian Farmer."

This assignment is made for conversion of the troopships, substantially as proposed by the applicant, for carriage of cargo containers, automobiles and bulk sugar.

The converted ships will serve to upgrade the vessels operating in the Pacific Coast-Hawaiian trade. The extension of cargo container service to the Islands of Hawaii, Maui, and Kauai (in addition to previously existing service to Oahu) and to the Pacific Northwest will be facilitated. Improved and more efficient ships and service will support the economy of the State of Hawaii and of the Nation. The threat of competition from foreign imports will be minimized and domestic markets will be maintained. The vessels operating in this ocean lifeline are reaching maximum age and require upgrading.

One of the highest potentials of the C4 type vessel will be realized from the stated conversion and maximum service will thereby be rendered in the Hawaiian trade. The converted ships will be particularly adapted to the island trade, with the capability of carrying approximately 392 containers and 200 automobiles westbound or 256 containers and 12,000 tons of bulk cargo eastbound. The ships will be readily available for national defense purposes or can be relied on for logistical support in the Hawaiian trade.

The applicant has been an established operator in this trade for over 80 years and presently owns 15 general cargo and container ships and 1 passenger ship operating in the Hawaiian trade. Since 1958 it has spent or committed $30 million to expand and improve its container, bulk, auto, and general cargo service in the trade. The applicant, therefore, has a substantial and long standing interest and record of participation in the American Merchant Marine. It is financially well qualified to convert and successfully operate the ships. While the applicant has received a deferment of certain limited recourse indebtedness on its passenger ship, it has arranged for the payment of such indebtedness in a manner satisfactory to the Maritime Administration. It has currently met all other financial obligations with the Maritime Administration.

Accordingly, this applicant has been assigned two ships as stated above on the basis that its application is one of those that best meets the applicable criteria for assignment.

Penn Martne Company, Inc., Penn Navigation Company, and Penntrans Company (related companies).

NOTE: These three companies are closely related as to ownership and management and perform similar services. Hence their applications have been considered on a combined basis and the term "applicant" as hereinafter used refers both to the three companies collectively and to the company whose vessel is designated for trade-in.

This applicant has been assigned the C4 troopship "Gen. H. L. Scott" in exchange for the EC2 type vessel "Penn Trader" owned by Penntrans Company.

This assignment is made for the conversion of the troopship, substantially as proposed by the applicant, to an elongated self-trimming bulk cargo vessel of about 19,700 deadweight tons, with special features designed to contribute to cost reduction and efficiency.

The converted troopship will serve to upgrade the vessels operating in the foreign and domestic bulk trade and provide more efficient transportation service for cargoes under the Government's foreign aid programs and for bulk materials to industry in time of peace and in the event of national emergency.

One of the highest potentials of the C4 type vessels will be realized from the stated conversion and maximum service will thereby be rendered to the bulk trade. The converted ship will be among the most efficient bulk carriers under the U.S. flag.

The applicant and affiliates are established owners and operators of vessels

under the U.S. flag and have a record of interest and participation in the American merchant marine. The applicant appears to have sufficient financial resources for the conversion and satisfactory operation of the one assigned ship. An affiliated company of the applicant has received assistance from the Government in the form of deferment of principal payments under a Title XI insured mortgage on a 32,000 ton tanker. However, this company has accumulated earnings which have been placed in a reserve fund as security for the mortgage indebtedness sufficient to cover substantially all of the deferred payments. The applicant has currently met all other financial obligations with the Maritime Administration.

Accordingly, this applicant has been assigned one ship as stated above on the basis that its application is one of those that best meets the criteria for assignment.

Waterman Steamship Corporation/Sea-Land Service, Inc. This applicant has been assigned the C4 troopships "Marine Flasher", "Marine Cardinal", "Marine Shark", "Marine Falcon", "Marine Jumper", and "Marine Tiger" in exchange for the applicant's C2 type vessels "Young America", "Claiborne", "Morning Light", "Wacosta", "Jean Lafitte", and "Warrior".

This assignment is made for the conversion of the troopships, substantially as proposed by the applicant, to elongated containerships, with movable and fixed cranes.

The converted troopships will serve to upgrade the containerships operating on schedule in existing domestic trades of Sea-Land Service, Inc. The applicant proposes to operate four of the converted ships in the North Atlantic-Puerto Rico service and two in the North Atlantic-Florida-Texas service. Existing containerships displaced by these assignments will be available for reassignment by the applicant to service for Hawaii and Alaska as described in its application.

The converted troopships will thus directly or indirectly provide improved and efficient container service in the coastwise, intercoastal and offshore trades; will support the economy of the areas served by these trades; and will place U.S. manufactured products on a more competitive basis with foreign products. The ships will be readily available in time of national emergency either for defense purposes or for support of the national economy.

One of the highest potentials of the C4 type ship will be realized from the stated conversion and maximum service will thereby be rendered to the growing domestic container services. The converted ships will carry approximately 480 containers and will be well suited to operate in Sea-Land's existing services.

The applicant has operated U.S. flag vessels in the foreign trades of the United States for more than 45 years and currently so operates 29 vessels. Sea-Land (formerly Pan-Atlantic Steamship Corporation) has operated vessels in the domestic trade for more than 30 years and currently operates 14 containerships in such trade. The applicant and related companies own a large number of U.S. flag vessels. The applicant therefore has a substantial and long standing interest and record of participation in the American merchant marine. The applicant appears to have sufficient financial resources for the conversion and successful operation of the six assigned ships. It has currently met all financial obligations with the Maritime Administration.

Accordingly, this applicant has been assigned six ships as stated above on the basis that its application is one of those that best meets the applicable criteria for assignment.

Conditions of assignment. Each assignment is contingent upon the execution of a shipyard contract or commitment for the contemplated conversion, and the completion of private financing, both as approved by the Maritime Administrator, not later than the execution of the exchange contracts. Exchange contracts must be executed within 120 days after publication of this notice in the FEDERAL REGISTER unless additional time is granted by the Maritime Administrator for good cause. The assignments are also contingent upon the applicants meeting all other requirements for the exchanges involved.

The substitution of trade-in vessels will be permitted only with the approval of the Maritime Administrator.

In the event any assignment is rejected or any applicant does not comply with the conditions of assignment, the Maritime Administrator reserves the right either to make further assignments on the basis of the notice of October 8, 1963, the criteria therein stated and the explanation of such criteria hereinabove stated or take such other action in respect of the unassigned C4 troopships as he may deem appropriate.

The Maritime Administrator reserves the right to cancel, in whole or in part, any of the above assignments prior to the execution of an exchange contract, if he determines for good cause that it would be in the public interest to do so, or that the applicant is not proceeding promptly and in good faith to comply with the conditions of the assignment.

By order of the Acting Maritime Administrator.

Dated: January 30, 1964.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 64-1069; Filed, Jan. 31, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-119]

RENSSELAER POLYTECHNIC INSTITUTE

Notice of Issuance of Facility License

Please take notice that the Atomic Energy Commission has issued Facility License No. CX-14A, as set forth below, effective as of the date of issuance. The license, in accordance with the applications from Rensselaer Polytechnic Institute (RPI) dated December 11, 1963, and from Alco Products, Inc., and Allis-Chalmers Manufacturing Company dated December 12, 1963, authorizes RPI to acquire the legal title to, but not to possess, use or operate the critical experiment facility previously owned and possessed by Alco Products, Inc., and located at Schenectady, New York.

The Commission has found that:

(1) Issuance of a license authorizing RPI to acquire the legal title to, but not to possess, use or operate the facility will not be inimical to the common defense and security or to the health and safety of the public;

(2) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this license is not required since the license does not involve significant hazard considerations different from those previously evaluated in conjunction with this facility.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the applicants may file a request for hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license, see the applications for license by RPI, dated December 11, 1963, and by Alco Products, Inc., and Allis-Chalmers Manufacturing Company, dated December 12, 1963, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 24th day of January 1964.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
Director, Division of Licensing and Regulation.

[License CX-14A; Docket No. 50-119]

Rensselaer Polytechnic Institute (hereinafter "RPI") by application dated December 11, 1963 has applied for a license authorizing RPI to acquire the legal title to, but not to possess, use or operate, the critical experiment facility (hereinafter the "facility") which is presently owned and possessed by Alco Products, Inc., and located in Schenectady, New York. The application was accompanied by a letter dated December 12, 1963 from Alco Products, Inc., and Allis-Chalmers Manufacturing Company as part of the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and having considered the record in this matter, the Atomic Energy Commission (the "Commission") finds that:

A. Issuance of a license authorizing RPI to acquire the legal title to, but not to possess, use or operate the facility will not be

inimical to the common defense and security or to the health and safety of the public;

B. The Commission has been furnished proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

Subject to the conditions and requirements incorporated herein, the Commission hereby licenses RPI to acquire the legal title to, but not to possess, use or operate the facility in accordance with the procedures and limitations described in the application, including the letter dated December 12, 1963 from Alco Products, Inc., and Allis-Chalmers Manufacturing Company.

The license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect.

This license shall expire on June 30, 1964.

Date of issuance: December 17, 1963.

For the Atomic Energy Commission.

ROBERT LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-1014; Filed, Jan. 31, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14996; Order No. E-20410]

UNITED AIR LINES, INC.

Order Regarding Open-Jaw Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1964.

On December 30, 1963, United Air Lines, Inc. (United), filed revisions to its open-jaw group tour tariff[1] to become effective February 1, 1964, to add fares between Cleveland, Detroit, Hartford, Kansas City, and Pittsburgh, on the one hand, and Las Vegas, Los Angeles, Salt Lake City, and San Francisco, on the other hand. The original open-jaw group tour tariff of United became effective October 21, 1962, and has subsequently been revised from time to time.

A complaint was filed by American Airlines, Inc. (American), requesting that the revisions to United's tariff be suspended and that an investigation of United's group fares be instituted insofar as the same fares would apply to both one-class and coach services. The complaint was not timely filed in accordance with Rule 505(b) of the rules of practice insofar as it requests suspension, and to that extent it will be dismissed. However, the Board will consider the merits of American's complaint insofar as it requests investigation of United's proposed fares. In its complaint, American states that the transportation of passengers in one-class and coach services at the same fare is discriminatory and gives United a competitive advantage; and that United should not be permitted to offer a discount greater than 25 percent of the applicable one-class fares.

[1] United's Local Group Passenger Tariff No. UGR-2, C.A.B. No. 126.

United filed an answer in opposition to American's complaint. In its answer, United states that, except for Hartford, where a more-distant-point situation exists, the proposed fares are less than 25 percent lower than one-class fares; that all of its group fares in this tariff are within the zone of reasonableness; that group fares are not necessarily constructed in the same manner as individual fares; and that American was the originator of the proposed applicability of these fares to both coach and economy service, where the differential on individual fares is approximately 20 percent, whereas the differential between one-class and coach is only about 8 percent.

We note that no complaints were filed when United first proposed applicability of its open-jaw group tour fares to one-class service in February 1963 nor on November 24, 1963, when the expiration date of this tariff was extended. The Board is aware of the fact that, except for one-class applicability, United's proposed tariff revisions are competitive with those already in effect by Trans World Airlines. Our analysis indicates that the proposed fares are, except in the case of Hartford, within 20 to 23 percent of the individual one-class fares, and the yields do not appear prima facie unreasonably low for such experimental fares. Accordingly, we find no basis for investigation of the instant proposal on these grounds. However, United's tariff provides that these fares are available only when certain ground accommodations or facilities are also purchased. We have earlier ordered similar tariffs of American, TWA, and Delta investigated since such provisions may be unjustly discriminatory and unlawful. It is therefore appropriate to order United's tariff similarly investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof, and Rule 505(b) of the Board's rules of practice in economic proceedings,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in United Air Lines, Inc., Local Group Passenger Tariff No. UGR-2, C.A.B. No. 126, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions;

2. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated;

3. The complaint of American Airlines, Inc., in Docket 14968, be dismissed; and

4. A copy of this order shall be filed with the aforesaid tariff and shall be served upon United Air Lines, Inc. and American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1013; Filed, Jan. 31, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-WE-1]

SAN DIEGO GAS AND ELECTRIC CO.

Air Navigation; Determination of Hazard and no Hazard

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (WE-OE-2913) to determine its effect upon the safe and efficient utilization of navigable airspace.

The San Diego Gas and Electric Company, San Diego, California, proposes to construct a three wire, 60 cycle, 138 KV electrical transmission power line and supporting steel towers between the limits of the city of National City, California, and the city of Chula Vista, California, aligned in a north/south direction adjacent and parallel to U.S. Highway 101. The overall height of the towers would vary from 135 feet to 146 feet above mean sea level (122 feet to 132 feet above ground).

The proposal as originally circularized and discussed in FAA's Western Region Airspace Meeting No. 38 specified a maximum height of 160 feet AMSL (146 feet AGL). Subsequent to the airspace meeting, the proponent amended the tower height to that stated above.

The aeronautical study disclosed that the proposed electrical transmission line would cross the extended runway centerline of the National City Airport's only runway at a point 1,295 feet northwest of the end of the runway. The segment of the transmission lines which would cross the extended centerline would be supported by towers located in the transitional area approximately 650 feet northeast and 580 feet southwest of the centerline and would exceed the standards for determining hazards to air navigation in § 77.27(c)(1) of the Federal Aviation Regulations by 76 feet and 97 feet respectively. The transmission line, itself, would exceed the noninstrument approach area surface as defined in § 77.27(b)(2) FAR by varying amounts because of the normal sag in the lines between the supporting towers. There are to be three superimposed lines with the highest 74 feet AMSL (71 feet AGL) at the intersection with the runway centerline, 96 feet AMSL (77 feet AGL) at the northeast limits and 110 feet AMSL (99 feet AGL) at the southwest limits of the approach area surface. The transmission line would exceed the 40:1 noninstrument approach area surface as defined in the above standards by 49 feet, 71 feet, and 85 feet respectively and would result in obstruction clearance slope ratios of 19:1, 14:1, and 12:1 respectively. The Agency standards establish a maximum obstruction clearance slope ratio of 20:1 for runways the length of the one at National City. By applying a 20:1 slope ratio to provide the standard obstruction clearance, it was found that only 1,195 feet of runway would be usable for aircraft landing to the southeast or taking off to the northwest.

The study also disclosed that the traffic patterns for the National City Airport are to the northeast of the runway. The supporting tower northeast of the extended runway centerline would be within the base leg of the patterns and would extend into the altitudes normally used by aircraft when landing or taking off. Therefore, if the above segment of the proposed transmission line were to be constructed, it would be a formidable obstruction to aircraft operations from this runway.

The airport facilities record, Form FAA 29A dated August 22, 1963, shows 60 aircraft based at National City Airport, one of which is a multiengine aircraft. The estimated number of annual operations is shown as 15,000, of which 7,000 were local and 8,000 itinerant.

Based upon the aeronautical study, it is the finding of the Agency that the above segment of the proposed transmission line would have a substantial adverse effect upon aeronautical operations at the National City Airport.

The aeronautical study further disclosed that the proposed transmission line and four supporting towers would cross the extended centerline of sealane 27 of the naval air station, North Island, South San Diego Bay Seaplane Base, at a point 6,400 feet east of the end of the landing area and would exceed the 50:1 noninstrument approach area surface as defined in § 77.27(b)(1) FAR as applied to the landing area by seven to 36 feet. The study disclosed that the approach slope of approximately 46:1 which would result would be satisfactory for the type of operation conducted at this base.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the segment of the proposed transmission lines which would be adjacent to the National City Airport would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed construction would be a hazard to air navigation. It is also found that the segment of the proposed transmission line which would be adjacent to the South Seaplane Landing Area would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that this segment of the proposed construction would not be a hazard to air navigation provided that it is marked and lighted in accordance with applicable Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on January 24, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-987; Filed, Jan. 31, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15297]

ROMAN CONAWAY

Order To Show Cause

In the matter of Roman Conaway, Kansas City, Kansas, Docket No. 15297; order to show cause why there should not be revoked the license for Radio Station 17W4112 in the Citizens Radio Service.

The Commission, by the Chief, Safety, and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated July 19, 1963, alleging violation of § 19.33 of the Commission's rules (now § 95.45).

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated August 8, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 28th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order: *And it is further ordered*, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 816 South 10th Street, Kansas City, Kansas.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1019; Filed Jan. 31, 1964; 8:48 a.m.]

[Docket No. 15272]

TERRELL F. FINES

Order To Show Cause

In the matter of Terrell F. Fines, Pontiac, Michigan, Docket No. 15272; order to show cause why there should not be revoked the license for Radio Station KHG-8046 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated June 11, 1963, alleging violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated August 23, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules:

It is ordered, This 28th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order: *And it is further ordered*, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 240 North Roslyn, Pontiac, Michigan.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1020; Filed, Jan. 31, 1964; 8:48 a.m.]

[Docket No. 15296]

JAMES CLARENCE NIX

Order To Show Cause

In the matter of James Clarence Nix, Bossier City, Louisiana, Docket No. 15296; order to show cause why there should not be revoked the license for Radio Station W5VKV in the Amateur Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated July 5, and October 3, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended,

and § 1.89 (formerly § 1.76) of the Commission's rules:

It is ordered, This 27th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at 1017 Anthony Street, Bossier City, Louisiana.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1024; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket No. 15097; FCC 64M-91]

WALTER W. OLDRING

Order Continuing Hearing

In the matter of Walter W. Oldring, Jacksonville, Florida, Docket No. 15097; order to show cause why there should not be revoked the License for Radio Station 7Q1471 in the Citizens Radio Service.

In light of respondent's January 28, 1964 notarized letter, received this day in the offices of the Commission: *It is ordered*, This 29th day of January 1964, that the hearing presently scheduled to commence on January 30, 1964, is continued to a date to be specified by subsequent order.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1027; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket Nos. 14321—14323; FCC 64M-89]

BLACK HILLS VIDEO CORP.

Order Continuing Hearing

In re applications of Black Hills Video Corporation, Docket No. 14321, File No. 223-C1-R-61, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14322, File No. 361-C1-ML-61, for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14323, File No. 338-C1-R-61, for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas; Docket No. 14324, File No. 752-C1-R-61, for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado; Docket No. 14325, File No. 753-C1-R-61, for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska; Docket No. 14326, File No. 754-C1-R-61, for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska; Docket No. 14327, File No. 755-C1-R-61, for renewal of the license for Station KQY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming; Docket No. 14328, File No. 756-C1-R-61, for renewal of the license for Station KAQ68, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota.

The Hearing Examiner having under consideration the motion to continue hearing, filed herein on January 24, 1964, by Black Hills Video Corporation, which seeks a continuance of the hearing from February 10, 1964 to March 10, 1964;

It appearing, that all parties have informally consented to immediate consideration and grant of the said motion and that good cause for a grant thereof is shown:

It is ordered, This 27th day of January 1964 that the said motion is granted and the hearing herein presently scheduled for February 10, 1964, is continued to March 10, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1016; Filed, Jan. 31, 1964; 8:48 a.m.]

[Docket Nos. 15289, 15290; FCC 64M-84]

C & G ELECTRONICS CO. ET AL.

Order Scheduling Hearing

In re applications of C & G Electronics Company, Docket No. 15289, File No. 216-C2-P-63, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Tacoma, Washington; Robert M. Kunz, d/b as Radiofone Service, Docket No. 15290, File No. 1167-C2-P-63, for a construction permit to modify the facilities of Station KOE518 in the Domestic Public Land Mobile Radio Service at Tacoma, Washington.

It is ordered, This 28th day of January 1964, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., February 27, 1964.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1017; Filed, Jan. 31, 1964; 8:48 a.m.]

[Docket Nos. 15282, 15283; FCC 64M-90]

GREYLOCK BROADCASTING CO. AND WBEC, INC.

Order Scheduling Hearing

In re applications of Greylock Broadcasting Company, Pittsfield, Massachusetts, Docket No. 15282, File No. BPH-4148; WBEC, Incorporated, Pittsfield, Massachusetts, Docket No. 15283, File No. BPH-4154; for construction permits.

It is ordered, This 29th day of January 1964, that Chester F. Naumowicz, Jr., will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 23, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 6, 1964.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1021; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket Nos. 15282, 15283]

GREYLOCK BROADCASTING CO. AND WBEC, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Greylock Broadcasting Company, Pittsfield, Massachusetts, Docket No. 15282, File No. BPH-4148, requests: 105.5 mc, No. 288A; 3 kw; -202 feet; WBEC, Incorporated, Pittsfield, Massachusetts, Docket No. 15283, File No. BPH-4154, requests: 105.5 mc, No. 288A; 631 kw; 586 feet; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on January 27, 1964;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective proposed 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, That upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM service (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the FM broadcast station as proposed.

(b) The proposals of each with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1022; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket No. 11290; FCC 64M-83]

IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY (WOI)

Order Regarding Procedural Dates

In re application of Iowa State University of Science and Technology (WOI), Ames, Iowa, Docket No. 11290, File No. BSSA-276; for special service authorization to operate additional hours from 6:00 a.m. to local sunrise, c.s.t., with 1 kw.

The Hearing Examiner having under consideration an informal request by the parties in the above-captioned proceeding for adjustment of the date for exchange of exhibits and postponement of the further prehearing conference now scheduled for February 14, 1964;

It appearing, that on December 23, 1963 the applicant in this proceeding filed an application on FCC Form 340 requesting a modification of the license for standard broadcast station WOI at Ames, Iowa, to permit operation of that station between 6:00 a.m. c.s.t., and local sunrise at Ames with 1 kw power; and

It further appearing, that under the terms of the Commission's Memorandum Opinion and Order released in this proceeding on October 28, 1963, the foregoing application will, after processing, be consolidated for hearing in this proceeding with such modification or enlargement of issues as is then appropriate; and

It further appearing, that processing of the foregoing application has not yet been completed and that it would be appropriate to defer exchange of hearing exhibits and a further prehearing conference until such processing has been completed and the application has been formally consolidated in this proceeding;

It is ordered, This 27th day of January 1964, that the dates previously established for exchange of exhibits by the applicant and the respondent and for a further prehearing conference are cancelled; that a further prehearing conference will be held five days after release of the Commission's order consolidating the application for modification of the WOI license for hearing in this proceeding, and that, unless otherwise ordered hereafter, the applicant and the respondent will exchange their written exhibits, with copies to the Hearing Examiner and counsel for the Broadcast Bureau, within fifteen days after release of said order of consolidation.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1023; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket No. 15282; FCC 64M-85]

NOBLE BROADCASTING CORP.

Order Continuing Prehearing Conference

In re application of The Noble Broadcasting Corporation, Docket No. 15232, File No. BR-1406; for renewal of license of Station WILD, Boston, Massachusetts.

The Hearing Examiner having under consideration a motion filed January 27, 1964, by counsel for the above-entitled applicant requesting that the prehearing conference now scheduled to be held on January 30, 1964, be continued to February 13, 1964; and

It appearing that the reason for the requested continuance is the fact that applicant's counsel is presently outside of the continental limits of the United States and will not return to Washington, D.C., prior to January 30, 1964; and

It further appearing that Commission counsel has no objection to granting the motion, that good cause for granting the same having been shown:

It is ordered This the 28th day of January 1964, that the motion for continuance is granted and the prehearing conference now scheduled for January 30, 1964, is continued to Thursday, February 13, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1025; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket No. 15223; FCC 64M-88]

DAVID A. WOMMACK ET AL.

Order Continuing Hearing

In re application of David A. Wommack and Herman H. Wommack, Jr., d/b as North Caddo Broadcasting Company, Vivian, Louisiana, Docket No. 15223, File No. BP-15424; for construction permit.

The Hearing Examiner having under consideration a request in behalf of the applicants, filed January 27, 1964, that hearing in the above-entitled proceeding, which by previous order was scheduled to commence February 3, 1964, be continued for approximately four months;

It appearing, that the instant request is supported by a showing of good and sufficient cause, viz., the critical illness of one of the partners in the applicant company whose presence in the hearing as a witness will be necessary;

It appearing further, that, in view of the circumstances present, the Commission's Broadcast Bureau, the only other party to the proceeding, consents to the continuance sought;

It is ordered, This 29th day of January 1964, that the request is granted, and that the hearing in the above-entitled proceeding is continued from February 3 to June 9, 1964.

Released: January 29, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1026; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket No. 15180; FCC 64M-82]

OTTAWA BROADCASTING CORP. (WJBL)

Order Continuing Hearing

In re application of Ottawa Broadcasting Corporation (WJBL), Holland, Michigan, Docket No. 15180, File No. BP-15189; for construction permit.

The applicant has petitioned for rescheduling of procedural dates. Good cause has been sufficiently stated; the request is unopposed.

Accordingly, it is ordered, This 27th day of January 1964, that the petition is granted, that the commencement date of the hearing is postponed from February 25 to April 14, 1964, and that the other procedural dates are rescheduled as follows: March 3 for the informal exchange of engineering material related to the question of interference to Station WFBM; March 17 for the formal exchange of the applicant's entire direct case; March 25 for the notification of witnesses, if any are to be produced. The other ground rules established at the conference continue to govern the conduct of this proceeding.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1028; Filed, Jan. 31, 1964; 8:49 a.m.]

[Docket Nos. 15136, 15137; FCC 64M-81]

WEAT-TV, INC. (WEAT-TV) AND SCRIPPS-HOWARD BROADCASTING CO. (WPTV)

Order Continuing Hearing

In re applications of WEAT-TV, Inc. (WEAT-TV), West Palm Beach, Florida, Docket No. 15136, File No. BPCT-2916, and Scripps-Howard Broadcasting Company (WPTV), West Palm Beach, Florida, Docket No. 15137, File No. BPCT-2921; for construction permits to change transmitter location, to increase antenna height, and to make other changes.

The Examiner is of the view, as suggested by the applicants, that the imminence of action on pending petitions which would terminate this proceeding warrants putting off the hearing.

Accordingly, it is ordered, This 27th day of January 1964, that the hearing in this matter now scheduled to begin on January 31, 1964, is rescheduled for February 28, 1964.

Released: January 28, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1029; Filed, Jan. 31, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MANZ LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7814-2, between the member lines of Manz Line, modifies the approved joint cargo and passenger service agreement No. 7814, as amended, so as to provide that the parties to the joint service agreement shall be separate members of conference or other section 15 agreements and to delete Montreal Australia New Zealand Line, Ltd. as a party to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy of the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1008; Filed, Jan. 31, 1964; 8:47 a.m.]

AMERICAN & AUSTRALIAN STEAMSHIP LINE AND PORT AND ASSOCIATED LINES JOINT SERVICES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 7996-3, the notice of filing of which was published in the FEDERAL REGISTER of January 17, 1964, has been refiled and includes, in addition to the provisions stated in the said FEDERAL REGISTER notice, a new provision covering the agreement's self-policing system as required by Federal Maritime Commission General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy of the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 29, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1007; Filed, Jan. 31, 1964; 8:47 a.m.]

MANZ-BLUE STAR JOINT AGREEMENT

Notice of Filing of Agreement

Notice is herby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9050-1, between the member lines of Manz-Blue Star joint agreement, modifies the approved joint cargo and passenger agreement No. 9050, so as to provide that the parties to the joint service agreement shall be separate members of conference or other section 15 agreements and to delete Montreal Australia New Zealand Line, Ltd. as a party to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 29, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

F.R. Doc. 64-1009; Filed, Jan. 31, 1964; 8:47 a.m.]

STATES STEAMSHIP CO. AND IINO LINES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9282-1 between States Steamship Company and Iino Lines, modifies approved Agreement 9282, between said carriers, which covers a through billing arrangement on cargo moving from loading ports of States on the West Coast of the United States, with transhipment at Yokohama, Japan, to Iino Lines for discharge at North West Cape, Western Australia. This modification provides for an expansion of the scope of the agreement so that the trade from ports on the West Coast of the United States, Canada and Hawaii, to ports in Western Australia and Northern Territory, Australia, with transhipment at Yokohama, Japan, will be covered by said agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1010; Filed, Jan. 31, 1964; 8:48 a.m.]

STATES MARINE LINES, INC., AND KNUTSEN LINE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9298, between States Marine Lines, Inc., Global Bulk Transport Incorporated, (States Marine Lines) as one member only, and the Knutsen Line, provides for a through billing arrangement for general cargo transported from loading ports of States Marine Lines in the Republic of the Philippines to ports of call of the Knutsen Line on the West Coast of the United States, with transhipment at the port of Hong Kong.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 29, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1011; Filed, Jan. 31, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 29, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38784: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 231), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-999; Filed, Jan. 31, 1964; 8:46 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1693, 6405; 27 F.R. 648, 6409; 28 F.R. 197, and 7060) for the period from July 1, 1963 through December 31, 1963.

Nothing to report.

Dated: January 27, 1964.

EUGENE S. ROOT.

[F.R. Doc. 64-1000; Filed, Jan. 31, 1964; 8:46 a.m.]

[Notice No. 933]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 29, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66111. By order of January 27, 1964, the Transfer Board approved, on reconsideration, the transfer to Erickson Refrigerated Transport Corporation, Omaha, Nebr., of that portion of the operating rights in certificate in No. MC 115273 (Sub-No. 2), issued by the Commission June 24, 1959, to Acme Carriers, Inc., South Kearny, N.J., authorizing the transportation, over irregular routes, of butter, eggs, and dressed poultry, from Omaha, Nebr., and points within 100 miles thereof, to New York, N.Y., Philadelphia, Pa., and Boston, Mass., and of frozen foods, from Omaha, and Wahoo, Nebr., and Atlantic, Iowa, to Boston, Mass., Philadelphia, Pa., and New York, N.Y., and points in New Jersey within 5 miles of New York, N.Y. Turner White, III, 805 Woodruff Building, Springfield, Mo., attorney for applicants.

No. MC-FC 66168. By order entered January 28, 1964, the Transfer Board on reconsideration, approved the transfer to Larson and Son, Inc., Belle Fourche, S. Dak., of permit in No. MC 114854 (Sub-No. 1), issued May 5, 1955, to Gleason Smith, Belle Fourche, S. Dak., authorizing the transportation of: Bentonite, in bulk, in dump trucks, from points in Carter County, Mont., and Crook County, Wyo., to points within 5 miles of Belle Fourche, S. Dak. Harry R. Stephens, 612 Sixth Avenue, Belle Fourche, S. Dak., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1001; Filed, Jan. 31, 1964; 8:47 a.m.]

[Notice No. 933–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 29, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66311. By order of January 29, 1964, the Transfer Board approved the transfer to Time Transportation Co., Inc., Whitinsville, Mass., of the "grandfather" operating rights claimed in No. MC 98275 by Joseph H. Reeves, doing business as Millbury-Boston Express, Millbury, Mass. Arthur A. Wentzell, 539 Hartford Turnpike, Shrewsbury, Mass., traffic consultant.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–1002; Filed, Jan. 31, 1964; 8:47 a.m.]

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VOLUME 29 NUMBER 24

Washington, Tuesday, February 4, 1964

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(As of January 1, 1964)

The following revised book is now available:

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Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402

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Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 29—INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

Eligibility of Foreign Countries for Importation of Horse Meat and Horse Meat Food Products Into United States

On November 20, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12280) a notice of a proposal to amend § 29.10(b) of the Federal Meat Inspection Regulations (9 CFR 29.10(b)) pursuant to the authority conferred by section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), the Horse Meat Act (21 U.S.C. 96), and the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), to add Paraguay to the list of countries from which horse meat and horse meat food products may be imported into the United States as provided in the regulations.

After due consideration of all relevant matters, and pursuant to the authority cited above, § 29.10(b) of said regulations is hereby amended by inserting the word "Paraguay" in alphabetical order in the list of countries specified therein from which horse meat and horse meat food products may be imported into the United States as provided in the regulations.

(34 Stat. 1264, 41 Stat. 241, Sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306, 21 U.S.C. 89, 96; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment relieves restrictions presently imposed by permitting the importation of horse meat and horse meat food products from Paraguay, which has now been found to have an adequate system for the inspection of horse meat. Since the amendment relieves restrictions, it may, under section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)), be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64–1064; Filed, Feb. 3, 1964; 8:49 a.m.]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McKenzie, McLean, Mercer, Morton,

Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lynn, McCulloch, Martin, Mason, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence, running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence, running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence, running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Bibb County in Alabama; Latimer County in Oklahoma; Knox County in Texas; and Sublette County in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64–1060; Filed, Feb. 3, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3085; Amdt. 579]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707, 720, and 727 Series Aircraft

As a result of a continuing investigation of the destruction of a Boeing 707 airplane, possibly due to an explosion of a fuel tank, an airworthiness directive is being issued as a precautionary measure to require modification of the fuel tank access doors of all Boeing Models 707, 720, and 727 Series aircraft to prevent their acting as possible electrical discontinuity for lightning discharge current flow. Although the certification of transport aircraft has always included careful consideration of electrical continuity in the wing structure as well as protection against lightning strikes, recent events have prompted the FAA to undertake a complete review of the lightning protection features on transport aircraft, with the assistance of government and industry experts. This AD constitutes an interim precaution to minimize any hazards which might arise from electrical discontinuity at the access doors. Operators are to begin incorporation of the modification as soon as practicable, but in no event will they be permitted to exceed a maximum of 1,000 hours' time in service from the effective date of the AD.

As a situation exists which demands immediate adoption of this regulation in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707, 720 and 727 Series aircraft.

Compliance required as soon as the modification can be scheduled but not later than 1,000 hours' time in service after the effective date of this AD unless already accomplished.

Modify the fuel tank access panels and clamp rings in accordance with the following or an FAA Western Region Engineering and Manufacturing Branch approved equivalent:

(1) Remove all fuel tank clamp rings and access doors from the aircraft.

(2) Remove the phenolic insulation from the clamp ring by application of heat for 1-hour at 300° F.

(3) Clean all mating surfaces of the access door, clamp ring, and wing skin flange of all material coating such as primer, zinc chromate, and anodizing by scraping and hand sanding to base metal with 600 grit aluminum oxide paper or equivalent.

(4) Prepare a mixture of conductive anti-corrosive Aeroshell No. 14 grease MIL–G–25537 and Alcoa 408 aluminum powder in a ratio by weight of 35 percent of Alcoa 408 and apply to mating surfaces of clamp ring in sufficient quantity so as to obtain good surface coverage when reinstalled.

(Boeing Service Bulletin No. 1955 dated January 10, 1964, covers this same subject. This bulletin is applicable to Boeing Models 707 and 720 Series aircraft; however, the bulletin may also be used as a basis for modifying those access doors having clamping rings on Boeing Model 727 Series aircraft.)

This amendment shall become effective February 4, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 28, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1044; Filed, Feb. 3, 1964; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

Add new § 1001.113–2 as follows:

§ 1001.113–2 Organizational conflicts of interest.

Copies of all clauses used under the Organizational Conflict of Interest section (§ 1.113–2(b) of this title) will be provided to AFSPP–S, through June 30, 1964, for transmission to the ASPR Committee.

Subpart D—Procurement Responsibility and Authority

Revise § 1001.453(a) to read as follows:

§ 1001.453 Delegations of authority.

* * * * * * *

(a) The exercise of the delegated authorities will be subject to the applicable provisions of chapter 1 of this title, this subchapter, and other directives issued by proper authority, except that emergency procurements in combat areas or areas subject to hostile fire will be accomplished in the manner prescribed by the commander of the combat theatre or by the commander of the major air command responsible for logistic support of AF units involved. The provisions of chapter 1 of this title and this subchapter apply to procurement in oversea areas for Government and Relief in Occupied Areas (GARIOA) chargeable to annual appropriations for such purposes.

* * * * * * *

Subpart G—Small Business Concerns

1. Revise § 1001.704–3 to read as follows:

§ 1001.704–3 Small business specialists.

(a) * * *

(1) At central procurement activities, the PR–MIPR Management Office or comparable office at each installation will furnish a copy of each purchase request (PR or incoming MIPR) to the small business specialists not later than when the coordinated copy is sent to the buyer for procurement action. A copy of each PR with an estimated value of over $300,000 will be forwarded by the Director of Procurement and Production at AFLC AMAs, the Chief, Procurement and Production Office at AFSC Divisions or the Deputy for Procurement at AFSC Centers direct to SAF–MA (Special Assistant for Economic Utilization Policy) Room 4D865, Pentagon, Washington 25, D.C., with a cover letter describing the type of procurement action contemplated (i.e., competitive, sole source, follow-on, etc.); and a statement as to (i) Whether a partial set-aside for labor surplus area concerns will be applied (§ 1.804 of this title) and if not, why not; or, (ii) whether the special labor surplus area test procedure established by the Assistant Secretary of Defense I&L will be used and if not, why not. If the procurement is one specifically excepted from the test procedures, that fact should be indicated and the exception cited. If procurement action is to be taken by an activity other than the one which forwards the PR to SAF–MA, that fact should be indicated in the covering letter, and the procuring activity identified. The activity that will take the procurement action is then responsible for furnishing the foregoing information to SAF–MA. The PRs and the covering letter will be forwarded to SAF–MA at least ten (10) workdays prior to any Source Selection Board or other action leading to source selection in order to permit SAF–MA sufficient time to make any labor surplus area recommendations deemed necessary. Prior to solicitation of bids, proposals, quotations in central and base procurement, the buyer and the small business specialists are jointly responsible for the following procedures if the procurement is expected to exceed $2,500:

* * * * * * *

(d) * * *

(2) Maintain with the approval of the Chief of the CMD or CMO current data on the capabilities of small business, labor surplus area concerns, and on the subcontracting requirements of large defense prime contractors and major subcontractors within the boundaries of the CMD or CMO. Such data will be made available to PCOs when advice and assistance is required in connection with a contractor's "make or buy" program (see § 3.902 of this title). AFPI Form 87, "Facilities Data Record," (marginal punched card), is authorized for use in maintaining the necessary data.

* * * * * * *

(5) Participate as a voting member in FCR review board meetings when an FCR on a small business or labor surplus area concern is under consideration.

* * * * * * *

2. Revise § 1001.706–1 to read as follows:

§ 1001.706–1 General.

If circumstances permit the use of preinvitation notices (see § 2.205–4(c) of this title and § 1002.205–4(c) of this subchapter) and the Commerce Business Daily prior to issuing IFBs or RFPs, the definition for that particular procurement will be included in the preinvitation notice and in the transmittal to the Department of Commerce. Prospective suppliers will be required to state in their replies to the preinvitation notices whether they qualify as small business according to that definition. In such cases no determination as to the applicability of a set-aside will be made until the replies to the preinvitation notices have been reviewed to determine the extent of available competition.

Subpart H—Labor Surplus Area Concerns

§§ 1001.804; 1001.804–1 [Deletion]

Delete §§ 1001.804 and 1001.804–1.

Subpart I—Responsible Prospective Contractors

Revise § 1001.902–2(b)(5) as follows:

§ 1001.902–2 Exemptions.

* * * * * * *

(b) * * *

(5) Basic ordering agreement and call procurement arrangements (§§ 1003.410–2 and 1003.409–50 of this subchapter). However, a complete FCR is required for orders or calls of more than $20,000.

* * * * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

1. In § 1003.101–50(c)(2), line 14, "officers" should read "offices." This subparagraph now reads as follows:

§ 1003.101–50 Requests for proposals (RFPs).

* * * * * * *

(c) * * *

(2) Requirements which do not meet the criteria of subparagraph (1) of this paragraph, a minimum of 30 days will normally be allowed for submission of proposals. When a period of less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production at AFLC activities, directors or deputy directors of procurement (or comparable level) at AFSC activities and OAR, or the chief or deputy chief of base procurement offices. AFLC AMA directors of procurement and production may redelegate this authority to positions not lower than two levels above the contracting officer. The contract file will be documented accordingly.

2. Revise § 1003.101–51 to read as follows:

§ 1003.101–51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation. Except for procurement of $2,500 or less utilizing the procedures in Subpart F, Part 3 of this title and Subpart F of this part, the contracting officer will again verify the requirement within 20 days prior to final execution of the contract for the Government and will document the record accordingly.

Subpart D—Types of Contracts

1. Add new § 1003.404–2 as follows:

§ 1003.404–2 Firm fixed-price contract.

This contract type is identified by the symbol FFP.

2. In § 1003.408, revise paragraphs (c) and (d), as follows:

§ 1003.408 Letter contract.

* * * * * * *

(c) * * *

(3) * * *

(x) * * *

(b) Type and form of contract contemplated.

* * * * * * *

(f) Are there to be any deviations from standard contract clauses? If yes, comply with § 1001.109–51 of this subchapter.

(g) Percentage and method of current reimbursement contemplated, if any?

(h) Indicate as briefly as possible the project fund or funds to be utilized.

(i) What is contemplated date of definitization?

(j) If date in (i) of this subdivision is more than 90 days in the future, what is expected to cause the delay?

(k) [Deleted]

(d) Copies of the letter contract issued will be forwarded to AFSC (SCK–3) or AFLC (MCPC) if the letter contract required Procurement Committee approval for issuance, or if the definitive contract contemplated will require manual approval of the Director or Deputy Director for Procurement.

2. In § 1003.409 revise the introduction and paragraph (a) only, as follows:

§ 1003.409 Indefinite delivery type contracts.

For replenishment spare parts, AFLCM 300–71 provides procedures leading to award of a definitive contract at a point in time prior to the firm establishment of and the actual need for centrally negotiated replenishment spare parts. When these procedures are followed, one of the following indefinite delivery type contracts should be used. Contracts placed for replenishment spare parts, consistent with AFLCM 300–71, will be identified as price lists contracts with the suffix, "/PL" placed after the type contract used, i.e. (DQ/PL), (RC/PL), or (IQ/PL).

(a) *Definite quantity contracts (DQ)*— (1) *Description.* This contract will provide only for firm fixed-prices or price escalation.

* * * * *

PART 1007—CONTRACT CLAUSES

Subpart F—Clauses for Fixed Price Construction Contracts

Revise §§ 1007.602 and 1007.650–18 and add new § 1007.650–20 as follows:

§ 1007.602 Required clauses.

The clauses appearing in §§ 7.602–1 through 7.602–22 of this title, with the exception of § 7.602–10 of this title, are the clauses printed as Standard Form 23A, "General Provisions (Construction Contracts)." The labor provisions covered by § 7.602–23 of this title, with the exception of the Employee Compensation (October 1962) clause of § 12.403–5 of this title, are the clauses printed in Standard Form 19A, Labor Provisions, as amended. These forms will be used together with the Standard Form 23, Construction Contract, and such additional clauses as are required by Subchapter A, Chapter 1 of this title and this subpart. The additional clauses (General Provisions) will be serially numbered beginning with the number 22 to follow the numbering of Standard Form 23A. The commonly used additional General and Special provisions have been printed as AFPI 71–1031 for convenience and standardization. Inapplicable clauses will be deleted and additional clauses will be added according to instructions in Subchapter A, Chapter I of this title and this subpart.

§ 1007.650–18 Rates of wages.

SP 1–18 RATES OF WAGES (JULY 1962)

(a) In accordance with the requirements of Clause 1, Davis-Bacon Act (40 U.S.C. 276a-a (7)), of Standard Form 19A of this contract, the minimum wages to be paid laborers and mechanics on this project, as most recently determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as set forth in Schedule "A," attached. The complete determination is incorporated in the contract specifications regardless of whether the Contractor will employ all of the classes of laborers and mechanics listed. When construction work is to be accomplished at Patrick AFB and Cape Canaveral, or elsewhere in Brevard County as described in the clause in § 12.403–5(c) of this title, SP 1–18 should be changed to read as follows:

(a) In accordance with the requirements of Clause 1, Davis-Bacon Act (40 U.S.C. 276a-a(7)) of Standard Form 19A of this contract and to the extent that such wages are not superseded by the Table of Compensation under the Employee Compensation (October 1962) clause if applicable, the minimum wages to be paid laborers and mechanics on this project, as most recently determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, as set forth in Schedule "A" attached. The complete determination is incorporated in the contract specifications regardless of whether the contractor will employ all of the classes of laborers and mechanics.

(b) Except as provided by the Table of Compensation under the Employee Compensation (October 1962) clause, any class of laborers and mechanics not listed in Schedule "A," attached, which will be employed on this contract shall be classified or reclassified conformably to Schedule "A," attached, by mutual agreement between the Contractor and the class of labor concerned, subject to the prior approval of the Contracting Officer. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the Contracting Officer, shall be referred to the Secretary of Labor for final determination.

§ 1007.650–20 Medical information.

SP 1–20 MEDICAL INFORMATION (AUG. 1963)

The name of the contractor's physician(s) and preferred hospital (for use in the event of industrial injury of employees) shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. This information shall also be furnished to the Director of Base Medical Services.

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Revise § 1009.050 as follows:

§ 1009.050 Definitions.

For the purpose of this part:

(a) The "Chief, Patents Division" is the Chief, Patents Division, Office of The Judge Advocate General, USAF, Hq USAF.

(b) The "Procurement Staff Judge Advocate" is the staff judge advocate of the activity that wrote the contract or the staff judge advocate of the activity to which procurement responsibility has been transferred.

Subpart A is revised to read as follows:

Subpart A—Patents

Sec.	
1009.102	Authorization and consent.
1009.102–1	Authorization and consent in contracts for supplies.
1009.103–3	Patent indemnification in negotiated contracts.
1009.103–4	Waiver of indemnity by the Government.
1009.103–50	Indemnification of contractor by the Government.
1009.104	Notice and assistance.
1009.105	Processing of infringement claims.
1009.106	Classified contracts.
1009.106–1	Classified contracts to be performed outside the United States.
1009.107	Patent rights.
1009.107–1	General.
1009.107–2	Patent rights; domestic contracts.
1009.107–3	License rights; foreign contracts.
1009.107–4	Contracts relating to atomic energy.
1009.107–6	Patent license rights under product improvement programs or independent research programs.
1009.107–7	Contracts placed for NASA.
1009.107–50	Costs of patents, purchased designs, license fees, and royalty payments.
1009.108	Patent rights under contracts for personal services.
1009.109	Followup of patent rights.
1009.110	Reporting of royalties.
1009.111	Adjustment of royalties.
1009.112	Refund of royalties.

AUTHORITY: The provisions of this subpart A issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1009.102 Authorization and consent.

(a) No request of a contractor in a negotiated supply contract, for a provision whereby the Government expressly agrees to indemnify the contractor against liability for patent infringement should be granted. Instead of Government patent indemnification of the contractor, such requests can be partially satisfied by omitting a Patent Indemnity Clause which indemnifies the Government against patent infringement liability (see § 9.103–3 of this title) and inserting the appropriate Authorization and Consent clause (see §§ 9.102–1 and 9.102–2). This procedure should not be used as a matter of course, but only in instances where, all factors of the procurement having been considered, the contracting officer having obtained the advice and recommendations of his patent advisor, concludes that the request of the contractor is appropriate.

(b) Since 28 U.S.C. 1498 (see § 9.102 (a) of this title) has no effect with respect to infringement of foreign patents, and procedure in paragraph (a) of this section is not appropriate in relation to the use or manufacture of inventions to the extent they are covered by foreign patents.

§ 1009.102–1 Authorization and consent in contracts for supplies.

In contracts calling for both supplies and experimental, developmental, or research work, the use of the contract clause in § 9.102–1 of this title is preferred to the clause in § 9.102–2 of this title.

§ 1009.103–3 Patent indemnification in negotiated contracts.

No patent indemnity clause is required in contracts with educational institutions, including such contracts which call for the furnishing of facilities as an incident to the performance of research or development work. (See §§ 1013.402–50 and 1007.2703–30 of this subchapter for facilities contracts.)

§ 1009.103–4 Waiver of indemnity by the Government.

When it is determined to be in the interest of the Government, specific patents may be excluded from the indemnity with the approval of the Deputy Chief of Staff, S&L, Hq USAF.

§ 1009.103–50 Indemnification of contractor by the Government.

See §§ 1009.102(a) and (b).

§ 1009.104 Notice and assistance.

For proper action to be taken by the contracting officer with respect to reports of notices or claims of patent infringement received by him under the provisions of § 9.104 of this title, see § 1009.105.

§ 1009.105 Processing of infringement claims.

This section sets forth the procedure for referring the following: (a) All proposed contracts where the primary item of procurement is a license under or an assignment of an invention or a patent; (b) all reports of notices or claims of patent infringement received by contracting officers from contractors under the provisions of § 9.104 of this title; and (c) all communications received in any AF activity in which a claim is made that the manufacture, use, or disposition of any article, material, or process by or for that activity or by or for any other AF activity, involves or will involve the unauthorized use of any invention or design, whether patented or unpatented.

(1) All such proposed contracts, reports, or communications arising within AFSC, and OAR, will be forwarded to Hq AFSC (SCJP), who will acknowledge receipt thereof and forward, together with a statement of pertinent facts to the Chief, Patents Division.

(2) All such proposed contracts, reports, or communications arising within AFLC will be forwarded to Hq AFLC (MCJP) who will acknowledge receipt thereof and forward, together with the statement of all pertinent facts to the Chief, Patents Division.

(3) All such proposed contracts, reports, or communications arising in AF activities other than AFLC, OAR, and AFSC, will be forwarded, along with a statement of all pertinent facts, directly to the Chief, Patents Division.

§ 1009.106 Classified contracts.

See §§ 1009.1104(a)(3) and 1009.1105(a)(2).

§ 1009.106–1 Classified contracts to be performed outside the United States.

When, pursuant to the provision of the clause of § 9.106–1 of this title, the contractor requests written approval of the contracting officer for filing an application or registration for a patent, the contracting officer will obtain from the contractor a copy of the proposed application or registration for a patent and will refer the contractor's request for approval and the application or registration copy directly to AFSC (SCJP).

§ 1009.107 Patent rights.

§ 1009.107–1 General.

(a) to (c) No implementation.

(d) *Contracting officer's duties.* In arriving at the determination whether to request the deviation referred to in § 9.107–1(d) of this title, to insert the Patent Rights (Title) clause in a contract, the contracting officer should consult with the project engineer and his patent advisor regarding the criteria in § 9.107–1(c) of this title. As an aid in obtaining information for such determination, the check list set forth below may be used by contracting officers. This check list or similar documentation will be inserted in and become part of the contract file.

CHECKLIST AND DETERMINATION

(To Be Completed by Contracting Officer)

a. Does the proposed contract relate to a new technological field in which there is no significant nongovernmental experience and in which inventions arising out of the contract would be likely to dominate the field or be of critical significance? (Yes) (No).

b. Do the services of the contractor under the proposed contract largely consist of coordinating and directing the work of others? (Yes) (No).

c. Is the proposed contract in a field directly relating to the health or safety of the public where the availability of the inventions for public use would not depend on patent incentive? (Yes) (No).

d. Does the proposed contract involve considerations similar to those of a, b, or c above? (Yes) (No).

Having consulted the appropriate project engineer and patent advisor and having considered the criteria in ASPR 9–107.1(c), I am of the opinion that the Patent Rights (Title) clause of ASPR 9–107.2(c) (should) (should not) be included in the contract.

(Signature of Contracting Officer)

If it is determined that the Government should obtain full title to the inventions made under the contract, the contracting officer will take the action set forth in § 9.107–1(d) of this title relating to processing deviations and incorporating the Patent Rights (Title) clause in the contract.

§ 1009.107–2 Patent rights; domestic contracts.

(a) *Exclusion of inventions.* Pursuant to the provisions of § 9.107–2(a) of this title, the contracting officer will obtain identification of the patent number or patent application serial number of each invention for which exclusion is sought by the contractor and obtain verification of the existence of one or more of the circumstances in § 9.107–2(a) (1), (2), (3), and (4) of this title. Where the contractor claims, in justification of a request for exclusion, that the practicability of the invention has been established by engineering design or otherwise, the opinion of the project engineer, or other cognizant technical personnel, will be obtained as to whether such practicability has in fact been established. Where the invention is identified only by a patent application serial number, a copy of such application and the filing date will be obtained from the contractor. For the purpose of obtaining advice and recommendations, the contracting officer will then forward the contractor's request for exclusion, together with copies of all pertinent material and a full statement of facts, within:

(1) AFSC and OAR to AFSC (SCJP).

(2) AFLC to AFLC (MCJCO).

(3) AF activities other than OAR, AFSC, and AFLC to the Chief, Patents Division.

With respect to the provisions of § 9.107–2(a)(1) of this title, in comparing the contractor's expenditures with the amount of the proposed contract or such portion of the proposed contract amount as can be allocated in advance for the development of such an invention, prior government expenditures on the development of such invention and the government contribution to the general research work of the contractor related to the subject matter of the contract will be taken into consideration. Upon granting a request for exclusion of inventions pursuant to § 9.107–2(a) of this title and this paragraph (a), the AFSC or AFLC Command Staff Judge Advocate will forward a report thereof, along with a statement of all pertinent facts, to the Chief, Patents Division.

(b) *Contract clause (license).* The following subparagraphs relate to material required to be furnished by contractors under the provisions of paragraphs (c), (d), (e), and (h) of the Patent Rights clause of § 9.107–2(b) of this title.

(1) All such material will be processed according to the procedure in Subpart K of this part. BOB Approval No. 22–R160 authorizes submission of DD Form 882, Reports of Inventions and Subcontracts, by contractors (see §§ 9.107–2(b) and 16.809 of this title). This approval also includes authority for obtaining "Invention Disclosure Reports" from contractors pursuant to requirements of paragraph (c)(i) of the clause of § 9.107–2(b) of this title and paragraph (b)(i) of the clause of § 9.107–2(c) of this title.

(2) If in complying with paragraphs (c) and (d) of the Patent Rights clause of § 9.107–2(b) of this title, the contractor has had a patentability search made or has otherwise determined that an invention reasonably appears to be patentable, but the contractor decides not to file a patent application thereof, and if the costs of such search or determination are allowed as an item of cost under a government contract, or such search report or determination will be furnished without specific charge, the contractor will transmit to the contracting officer a copy of such patentability search report or documents supporting such determination when the contractor notifies the contracting officer that the contractor will not file such application.

The report or documents will include a copy of all applicable references.

(c) *Contract clause (title).* All material required to be furnished by the contractors under the provisions of paragraph (b) of the Patent Rights (Title) clause will be processed according to the procedures in Subpart K of this part. When the title clause of § 9.107–2(c) of this title is used, paragraph (g) is optional and may be used according to the instructions of § 9.107–2(c) of this title. Requests for approval to use the said optional paragraph (g) shall be referred together with all pertinent facts and correspondence in the case of AFSC and OAR contracts, to AFSC (SCJP), in the case of AFLC contracts to AFLC (MCJCO), and in the case of contracts from other commands, to Chief, Patents Division.

§ 1009.107–3 License rights; foreign contracts.

Material required by the provisions of the Patent Rights clause in § 9.107–3 of this title will be furnished and processed according to § 1009.107–2(b) (1) and (2). DD Form 882 has been approved, BOB Approval No. 22R–160, and has been extended for optional use by contractors in reporting information required by this clause.

§ 1009.107–4 Contracts relating to atomic energy.

All contractor furnished information with respect to "Subject Inventions" relating to atomic energy received by contracting officers under the provisions of § 9.107–4 of this title and all requests for deviations which are to be forwarded to the Atomic Energy Commission to determine whether the deviation may be granted, will be forwarded in the same manner as prescribed for the submission of material in § 1009.105. The cognizant patent officer or staff judge advocate will forward it with his recommendations to Chief, Patents Division.

§ 1009.107–6 Patent license rights under product improvement programs or independent research programs.

(a) The word "substantial", appearing in § 9.107–6 of this title indicates more than normal support in the sense of being in excess of the allowable usual portion of general research, related research, or development costs.

(b) When a product improvement proposal has been approved by the appropriate authority, the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCK–3), Hq AFSC, as appropriate, will recommend whether any patent rights should be obtained according to § 9.107–6 of this title and, if the recommendation is affirmative, the Chief, Patents and Royalties Division (MCJP), Hq AFLC, or Chief, Patents Division (SCJP), Hq AFSC, as appropriate, will recommend the Patents Rights clauses to be included in procurement contracts under which the product improvement proposal will be carried out. The matter will then be forwarded for approval to the Director of Procurement and Production, or the Deputy Director of Procurement, Hq AFLC, or the Director or Deputy Director of Procurement, Hq AFSC, as appropriate.

(c) When a specific project within a contractor's independent research program has been approved by the contracting officer, the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCK–3), Hq AFSC, as appropriate, will recommend whether any patent rights should be obtained according to § 9.107–6 of this title and, if the recommendation is affirmative, the matter will then be forwarded for approval to the Director of Procurement and Production or the Deputy Director of Procurement, Hq AFLC, or the Director or Deputy Director of Procurement, Hq AFSC, as appropriate. When it has been determined to obtain for the Government patent license rights under a specific project within a contractor's independent research program, which specific project is not included in the Statement of Work, paragraph (c) will be added following paragraph (a) (i) (B) of the Patent Rights clause of § 9.107–2(b) of this title as follows:

or (C) in the performance of any research, experimental or developmental work on specific projects within Contractor's independent research program, which projects are approved for financial support by the Contracting Officer, and which performance occurs during the period of time covered by this contract or as a result of such support;

(d) When it is determined to provide substantial financial support to a contractor's specific product improvement program, this will be accomplished by appropriate description of such program in the schedule of the contract. When it is determined to provide substantial financial support to specific projects in a contractor's independent research program, this will be done in the case of: (1) Firm fixed price contracts, in the negotiation of the price; (2) fixed-price contracts providing for price redetermination by appropriate provision in the contract or appropriate reference in the record of contract negotiation that the cost of such projects will be considered for pricing purposes; and (3) cost type contracts by including the following clause:

The cost of specific projects within the Contractor's independent research program will be recognized as an indirect cost under this contract and be reimbursed on an allocable basis to the extent that such projects and the cost thereof have been approved in advance by the Contracting Officer.

(e) In respect to the clauses of paragraphs (c) and (d) of this section, the contracting officer will consult the procurement staff judge advocate for advice, the procurement staff judge advocate may forward all questions relating to Patent Rights clauses, within:

(1) AFSC to AFSC (SCJP).

(2) AFLC to AFLC (MCJCO).

§ 1009.107–7 Contracts placed for NASA.

If necessary to obtain the NASA "Property Rights in Inventions" clause as required by § 9.107–7(a) (1) (v) of this title, contracting officers should communicate with National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, F.o.b. 6,400 Maryland Avenue SW., Washington 25, D.C., identifying the work request.

§ 1009.107–50 Costs of patents, purchased designs, license fees, and royalty payments.

See §§ 15.205–26, 15.205–36, 15.307–3 (ii) and (ff) of this title.

§ 1009.108 Patent rights under contracts for personal services.

(a) Applicable AF policy and procedures for implementing Executive Order 10096, January 23, 1950, are set forth in Section B, AFR 110–8, which may be consulted for background information.

(b) All disclosures or certifications received by contracting officers pursuant to paragraph (b) of the clause in § 9.108 of this title will be referred in the same manner as prescribed for submitting material in § 1009.105. The office to which such disclosures and certifications are referred will process them according to Section B, AFR 110–8.

§ 1009.109 Followup of patent rights.

The applicable system of followup is set forth in detail in Subpart K of this part.

§ 1009.110 Reporting of royalties.

(a) to (b) No implementation.

(c) The following clause will be inserted in the "Schedule of Open Contracts" for the purpose of obtaining royalty information upon the subsequent submission to the appropriate administrative contracting officer, of a proposed price exhibit or "Spare Parts Change Request":

Reporting royalties (_____ 1962). At the time of submission of a proposed price exhibit, or proposed "Spare Parts Change Request," whichever occurs first, the Contractor shall, in connection therewith, furnish the Administrative Contracting Officer with the following royalty information applicable to each separate item of royalty or license fee, with regard to each of the items on the production list, order call or instrument of a like import: *Provided, however,* That the total dollar amount of the proposed "Price Exhibit" or "Spare Parts Change Request" is in excess of $10,000 and that the total cost or charge of royalties is in excess of $250:

(1) Name and address of licensor;

(2) Date of license agreement;

(3) Patent numbers, patent application serial numbers, or other basis on which the royalty is payable;

(4) Brief description, including any part of model numbers of each contract item or component on which the royalty is payable;

(5) Percentable or dollar rate of royalty per unit;

(6) Unit price of contract item;

(7) Number of units; and

(8) Total dollar amount of royalties.

DD Form 783, Royalty Report, is approved for use in furnishing the above information.

In addition, if specifically requested by the Administrative Contracting Officer, a copy of the current license agreement and identification of applicable claims of specific patents shall be furnished.

(d) Where, (1) The Royalty Information clause prescribed in § 9.110(a) (2) of this title is contained in any solicitation for a negotiated contract or subcontract; (2) the clause in paragraph (c) of this section is contained in an open contract, or (3) royalty information as provided in § 1009.112(b) is received, the contracting officer will complete five copies of AFPI Form 45, Request for Royalty Approval, for each separate royalty appearing as an item of cost. Such forms should be sent to the procurement staff judge advocate (see § 1009.050(b)).

(e) Upon receipt of AFPI Form 45, the procurement staff judge advocate will:

(1) Review the forms for completeness.

(2) Obtain from the contractor copies of the license agreements and patents or patent applications which form the basis for the proposed royalty payments.

(3) Obtain from the project engineer or other cognizant technical personnel, a determination of whether or not in his opinion: (i) The items to be procured under the contract embody the inventions covered by the patents or patent applications listed in the AFPI Form 45, (ii) the items to be procured under the contract will be used as an operational end product or a component thereof, or in an experimental capacity.

(4) If the contract involves research or development, and the proposed royalty is based on a unit price, ascertain whether the unit price listed in the AFPI Form 45 is based on production costs and excludes any research or development costs.

(5) Forward four copies of the AFPI Form 45, together with the material required to be obtained in paragraph (c) (2), (3), and (4) of this section, to Hq AFSC (SCJP), if the matter arose in any AF procurement activity other than AFLC, or to Hq AFLC (MCJP) if the matter arose in AFLC.

(6) When time does not permit processing AFPI Form 45 as prescribed in subparagraph (5) of this paragraph, the procurement staff judge advocate may send the required information by electrically transmitted message. In those cases all information required in the AFPI Form 45 must be submitted and reasons for the emergency action explained in the electrically transmitted message. As soon as possible, the procedure in subparagraph (5) of this paragraph will be followed and reference made to the previous electrical transmission.

(f) With respect to proposed contracts, subcontracts, or open contract order calls estimated to be in excess of $10,000 in which (1) The contractor is under no obligation to pay royalties, or (2) the royalty payments are $250 or less, the buyer or contracting officer will enter on the AFPI Form 45, in the box titled "Total Dollar Amount of Royalties," or have appear in the RFP, either: "None" or "Less than $250," as appropriate. In these instances, only the AFPI Form 45 or similar statement will be made part of the contract file without being processed as set forth in paragraphs (d) and (e) of this section.

(g) Upon receipt of the AFPI Form 45, SCJP or MCJP will: (1) Review the information contained in the form and allied papers, (2) retain two copies of the form and all allied papers, (3) expedite transmission to the procurement staff judge advocate of its final recommendation including advice as to the reasonableness and propriety of the royalty charge by placing such recommendation on or attaching it to one copy of the form, and (4) forward a copy of the form to the non-interested Headquarters (SCJP or MCJP), for information. The procurement staff judge advocate will transmit the recommendation to the contracting officer immediately upon receipt.

(h) Exceptions to the final recommendation of the staff judge advocate will be made only when approved as follows:

(1) Within AFSC, by the Director of Procurement or Deputy for Procurement, Hq AFSC.

(2) Within AFLC, by the Director of Procurement and Production or Deputy for Procurement, Hq AFLC.

(3) Within AF procuring activities other than AFSC or AFLC, according to the directives of each activity.

§ 1009.111 Adjustment of royalties.

If, subsequent to the review of royalties prescribed in § 9.110 of this title and § 1009.110, the contracting officer discovers information which was not available during prior review, and which indicates that royalties paid or to be paid are unreasonable, improper, or are otherwise subject to question, he will promptly report the matter with such information as is available to the staff judge advocate according to § 1009.110(d).

§ 1009.112 Refund of royalties.

(a) Upon the receipt of the contractor's final report of royalties under a contract requiring such a report, the contracting officer will make a comparison with all earlier royalty reports from the contractor to determine whether there is a change in the contractor's royalty obligation either as to basis or in a substantial amount. If there is such a change, information with respect thereto will be forwarded to the procurement staff judge advocate according to § 1009.110(d) for review and action according to § 1009.110(e). If the final report of royalties shows no change from earlier reports, the final report will be filed in the contract file and final payment clearance procedure accomplished according to § 1009.1103, with no further action required by the contracting officer. When a final report of royalties has been forwarded to the procurement staff judge advocate for review and processing the contractor's final voucher will be held and not paid until royalty approval has been received from the procurement staff judge advocate.

(b) Royalty cost information received by the contracting officer under cost and fixed price redeterminable contracts will be forwarded to the procurement staff judge advocate according to § 1009.110 (d).

Subpart J is revised to read as follows:

Subpart J—Processing of Purchase Requests and Military Interdepartmental Purchase Requests

Sec.

1009.1000 Scope of subpart.
1009.1001 Responsibilities of initiator.
1009.1002 Activity of the staff judge advocate and exceptions to recommendations.

AUTHORITY: The provisions of this Subpart J issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1009.1000 Scope of subpart.

This subpart sets forth procedures for processing purchase requests (PRs) and military interdepartmental purchase requests (MIPRs) and prescribes the activity of the cognizant staff judge advocate for the procuring activity concerned, with respect to the inclusion of patent and data clauses in appropriate cases.

§ 1009.1001 Responsibilities of initiator.

(a) References should be made to the directives for each procuring activity relative to the preparation of PRs and MIPRs. For AFLC, reference should be made to AFLCM 170–1. Further reference should be made to § 1009.202–1 with respect to acquisition of data.

(b) PRs and MIPRs may be submitted to the staff judge advocate for review or recommendation as to the inclusion of the appropriate patent and data clauses.

§ 1009.1002 Activity of the staff judge advocate and exceptions to recommendations.

(a) Whenever a prospective contractor refuses to accept a patent or data provision, the use of which is authorized but is not mandatory under Subchapter A, Chapter 1 of this title or this subchapter, the matter will be referred to the staff judge advocate for consideration and recommendation. The staff judge advocate will recommend in writing, acceptance of any substitute provision proposed by the contracting officer or will furnish the contracting officer a written statement of the reason why the proposed provision should not be accepted.

(b) The contracting officer will not consider any proposal or request preparation of a contract so long as there is any disagreement between the prospective contractor and the recommendations of the staff judge advocate concerning patent or data clauses unless an exception from the recommendations of the staff judge advocate has been approved as follows, within:

(1) AFLC by the Deputy for Procurement, Hq AFLC, on the written recommendation of AFLC field procurement activities.

(2) AFSC by the Director of Procurement, Hq AFSC.

(3) Procuring activities other than subparagraphs (1) and (2) of this paragraph, according to the directives of each activity.

Subpart K is revised to read as follows:

Subpart K—Processing and Clearance of Invention, Subcontract and Royalty Reports

Sec.

1009.1100 Scope of subpart.
1009.1101 Applicability of subpart.
1009.1102 Definitions.
1009.1103 Clearance procedures.
1009.1104 Responsibility of contractor.

Sec.
1009.1105 Responsibility of the office administering the contract.
1009.1106 Responsibility of AFSC or AFLC procurement staff judge advocate.
1009.1107 Responsibility of accounting and finance office.
1009.1108 Responsibility of the command staff judge advocate.
1009.1109 Discount provisions—expedition.

AUTHORITY: The provisions of this Subpart K issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1009.1100 Scope of subpart.

This subpart establishes reponsibilities and procedures for processing invention disclosure reports, interim and final reports of inventions, patentability search reports, reports of subcontracts, and final reports of royalties required by contract clauses and for the issuance of clearances authorizing final payment of AF contracts.

§ 1009.1101 Applicability of subpart.

This subpart applies to the staff judge advocate, Hq, AFLC and Hq AFSC, AFLC and AFSC field procurement activities, contract administration activities and procurement staff judge advocates, and AF accounting and finance offices responsible for payment of AF contractors. These provisions are also intended as a guide to contractors in preparing and submitting reports required by clauses contained in the specific contract.

§ 1009.1102 Definitions.

For the purpose of this subpart:

(a) The "office administering the contract" is the administrative contracting officer or, if there is none assigned, it is the activity charged with administration of the contract.

(b) "Clearance" means a letter or other formal communication stating that the reporting requirements of the patent rights or refund of royalties clause contained in a contract have been complied with by the contractor.

(c) "Procurement Staff Judge Advocate." See § 1009.050(b).

§ 1009.1103 Clearance procedures.

For all contracts the offices designated below will process clearances as follows:

(a) Except with respect to clearances on negative royalty reports, the procurement staff judge advocate will issue clearances as set forth in §§ 1009.1106(c)(2) and 1009.112 and will forward an original and three copies of the clearance to the office administering the contract.

(b) The office administering the contract will: (1) Mark the original and one copy of the clearance for the accounting and finance officer, (2) attach them to the voucher liquidating the reserve if the voucher is in its possession, (3) make appropriate certification, and (4) forward to the accounting and finance office the original and one copy earmarked for the accounting and finance office, together with the audit voucher liquidating the reserve, if the voucher is in its possession. The office administering the contract will retain one copy of the clearance.

(c) The accounting and finance office will forward the original to the General Accounting Office and retain the other copy.

§ 1009.1104 Responsibility of contractor.

AF contracts containing a Patent Rights clause or a Reporting of Royalties clause place upon the contractor the obligation of forwarding the following information directly to the office administering the contract.

(a) *Invention disclosure reports.* A written disclosure of each subject invention which reasonably appears to be patentable must be submitted promptly after the invention is conceived or first actually reduced to practice. Since no forms have been prepared by the Government for the use of contractors in preparing and forwarding invention disclosure reports, contractors will submit such reports on their own forms or by letters.

(1) Where the contractor has determined to file a patent application, the report should be submitted in two copies and should contain the following:

(i) Name of the inventor, title of the invention, and a brief written description accompanied by appropriate drawings or sketches illustrating the invention, or a copy of the patent application.

(ii) Patent application serial number and date of filing or approximate date of intended filing.

(2) An instrument confirmatory of the rights granted to the Government by the patent rights clause in the contract will be furnished upon the filing of a patent application covering a "Subject Invention." The "Confirmatory License" may be an executed AFPI Form 83 or equivalent.

(3) Where the contractor has decided to file a patent application which may disclose classified subject matter, two copies of the patent application must be submitted as follows, to the office administering the contract, according to the "Filing of Patent Applications" clause set out in §§ 9.106 or 9.106–1 of this title. If the subject matter is classified "Secret" or higher, two copies of the application must be transmitted to the office administering the contract prior to the filing of the application. If the subject matter is classified "Confidential," two copies of the application must be transmitted concurrently with the filing of a patent application. Copies of a patent application submitted pursuant hereto will satisfy the requirement of subparagraph (1)(i) of this paragraph.

(4) Where the contractor has determined not to file a patent application, the report should be submitted in four copies and should contain the following:

(i) Name of the inventor.

(ii) Title of the invention.

(iii) A statement to the effect that a patent application claiming the invention will not be filed by or on behalf of the contractor.

(iv) A written description of the invention together with drawings in sufficient detail to enable the preparation and filing of a patent application without further recourse to the contractor, if such is determined to be in the best interests of the Government.

(v) The date and relevant details of any publication or public use of the invention which has taken place or which is contemplated.

(vi) A copy of any relevant patentability search report which may be available to the contractor.

(b) *Interim reports of inventions.* Interim reports, listing all "Subject Inventions" which were conceived or first actually reduced to practice more than 3 months prior to the date of such reports, must be submitted to the office administering the contract at least every 12 months, commencing with the effective date of the contract. Each report will list any "Subject Inventions" made under the contract which have not been listed in a prior interim report, and will include an invention disclosure report, as specified in paragraph (a) of this section, for any invention not previously disclosed. If no such inventions have been made, the report should so state. The interim report should be in three copies, and may be submitted by using section I of DD Form 882, Report of Inventions and Subcontracts, or by using the contractor's own form or letter containing the same information.

(c) *Final report of inventions.* Before a contract is closed, the contractor is required, by the provisions of the patent rights clause, to submit a final report of inventions to the office administering the contract. The final report should include: (1) A list of all "Subject Inventions" made under the contract, including those which have previously been reported in invention disclosure reports or interim reports of invention, and (2) a statement that the inventions listed in the final report are the only inventions conceived or first actually reduced to practice under the contract. The final report must include an invention disclosure report, of the content specified in paragraph (a) of this section, for each invention not previously reported. A negative report must be submitted by the contractor where there have been no inventions made under the contract. The final report of inventions must be in three copies and may be submitted by using section I of DD Form 882 or by using the contractor's own form containing the same information.

(d) *Subcontract reports.* The contractor is required by the provisions of the patent rights clause to submit a subcontract report to the office administering the contract at the earliest practicable date but, in any event, prior to the final settlement of the contract. For each subcontract or purchase order containing a patent rights clause, the report should include the following information: (1) The name and address of the subcontractor; (2) the subcontract or purchase order number; (3) a copy of the patent rights clause contained in the subcontract or purchase order, or the date on which a copy of such clause was submitted to the office administering the contract; and (4) an estimate of the date when the subcontract or purchase order is expected to be completed. If there are not subcontracts or purchase orders containing a patent rights clause, a negative subcontract report should be submitted. The subcontract report must be in three copies and may be submitted by using section II of DD Form 882 or by using the contractor's own form or letter containing the same information.

§ 1009.1105 Responsibility of the office administering the contract.

The office administering the contract is responsible for reviewing each report submitted by the contractor to insure that it contains all the information required of such a report. The office administering the contract will take the following action with respect to each report:

(a) *Invention disclosure reports.* (1) Where the contractor has elected not to file a patent application, review each invention disclosure to insure that it contains all required information as set forth in § 1009.1104(a). Particular emphasis should be placed upon insuring that the report, where the contractor has elected not to file a patent application, contains such a complete and detailed description of the invention that a person normally skilled in the art could practice the invention from the description. If the report does not contain all the necessary information, additional information should be obtained immediately from the contractor. All copies of the invention disclosure reports will be forwarded, as promptly after receipt as possible, to the procurement staff judge advocate. Invention disclosure reports must be processed as rapidly as possible in view of the fact that a valid patent cannot be issued upon an application which has been filed more than one year after first publication or public use of the invention. The cover letter forwarding these reports will contain the following information:

(i) Name of the contractor and the contract number.

(ii) Title of the invention and the name of the inventor.

(iii) Indication as to which patent rights clause was included in the contract.

(iv) Name and organizational code of the current project engineer, or, if the name of the project engineer is not known, the name and organizational code of the procurement contracting officer or buyer.

(2) *Classified contracts.* (i) When a copy of a patent application is submitted pursuant to the provisions of §§ 9.106 and 9.1104(a)(2) of this title, the contracting officer, in consultation with the project engineer or contract monitor, will determine whether the publication or disclosure of the invention would be detrimental to the national security.

(ii) In any case where it is determined that the publication or disclosure of any invention would be detrimental to national security, a written statement to this effect, together with a copy of the patent application, will be forwarded immediately to AFSC (SCJP).

(iii) In any case where it is determined that publication or disclosure of an invention would not be detrimental to the national security, a written statement to this effect should be forwarded as set forth in subparagraph (2)(ii) of this paragraph.

(b) *Interim reports of inventions.* (1) Two copies of each interim report of inventions will be forwarded to the procurement staff judge advocate. The reports should be forwarded whether affirmative or negative and at least one copy should be an original, manually signed by the appropriate representative of the contractor. One copy of the report will be retained by the office administering the contract as a part of the official contract file. The cover letter forwarding these reports will contain the following information:

(i) The name and address of the contractor.

(ii) The contract number.

(iii) An indication of which patent rights clause is included in the contract.

(2) If an invention disclosure report is submitted as a part of the interim report of inventions, it should be processed as prescribed in paragraph (a) of this section.

(c) *Final reports of inventions and reports of subcontracts.* The office administering the contract will insure that each appropriate report is obtained from the contractor in sufficient time to enable the issuance of clearance before the presentation by the contractor of its completion voucher to the accounting and finance office. Immediately upon receipt of a contract containing a patent rights or reporting of royalties clause, the office administering the contract should establish a target date for requesting the required reports from the contractor. Normally, at approximately 75 percent of completion of the contract or 60 to 90 days in advance of final shipment on the contract, if the required reports have not been submitted, the contractor should be requested to submit them as soon as practicable. Each report should be checked to insure that it contains all the information necessary for that type of report as set forth in § 1009.1104 (c) and (d). If any report is not complete, the necessary information should be obtained from the contractor. The original and one copy of each of these reports, whether they be negative or affirmative, will be forwarded to the procurement staff judge advocate. One copy of each of these reports will be retained by the office administering the contract as a part of the official contract file. The cover letter, forwarding these reports will contain the following:

(1) Name and address of the contractor and the contract number.

(2) Date, subject, and amount of the contract.

(3) Accounting and finance officer disbursing funds.

(4) Indication of which patent rights and royalty clause are included in the contract.

(5) Name and organizational code of the project engineer or contract monitor.

(6) Name and organizational code of the initiator or buyer.

(7) Type of contract.

§ 1009.1106 Responsibility of AFSC or AFLC procurement staff judge advocate.

All reports transmitted to the procurement staff judge advocate according to § 1009.1105 will be reviewed for proper compliance with pertinent contractual requirements and the requirements of § 1009.1104. If a report is not complete in all respects, the necessary additional information should be obtained immediately from the contractor through the office administering the contract before any clearance are made or reports forwarded. All reports required by the following paragraphs to be forwarded to the Command Staff Judge Advocate, will include the original report and two copies thereof.

(a) *Invention disclosure reports.* (1) Where the contractor has elected to file a patent application, the invention disclosure report and allied papers should be retained by the procurement staff judge advocate and only the confirmatory license will be forwarded to AFSC (SCJP) or AFLC (MCJP), as appropriate. If the confirmatory license is not submitted with the invention disclosure report, the procurement staff judge advocate will insure that the confirmatory license is obtained from the contractor as soon as practicable.

(2) Where the contractor has elected not to file a patent application, the procurement staff judge advocate will take the following actions:

(i) Obtain an evaluation of the invention. The evaluation should be accomplished, by the project engineer or other technical personnel cognizant of the art to which the invention relates on AFPI Form 70A, Invention Evaluation, as appropriate.

(ii) The completed invention evaluation will be forwarded together with the invention disclosure report to AFSC (SCJP) or AFLC (MCJP), as appropriate, if the evaluation indicates that: (a) The invention was awarded a total of 30 or more points, and (b) the disclosure is sufficiently detailed to enable construction of a working apparatus embodying the invention or enable the practice of the process.

(iii) If the evaluator of the invention has not awarded the invention 30 or more points, the invention disclosure report may be forwarded as provided in subdivision (ii) of this subparagraph, if, in the opinion of the procurement staff judge advocate, the invention should be considered for further patent processing due to other considerations.

(iv) If the evaluator has indicated on the evaluation form that the disclosure is not sufficiently detailed to enable construction of a working apparatus, the procurement staff judge advocate should obtain a more complete disclosure directly from the contractor.

(v) At the time patent clearance is issued under any contract, submit a report to AFSC (SCJP) or AFLC (MCJP), as appropriate, of the number of invention disclosures which were not required to be forwarded according to subparagraph (2)(ii) and (iii) of this paragraph.

(b) *Interim reports of inventions.* The procurement staff judge advocate

will retain the interim reports of inventions as a part of the contract patent administration file. If the report lists any inventions upon which no invention disclosure has been submitted, the contractor will immediately be requested to furnish an invention disclosure report.

(c) *Final report of inventions.* The procurement staff judge advocate will retain the final report of inventions as a part of the contract patent administration file. If the report lists any invention upon which no invention disclosure has been submitted, the contractor will immediately be requested to furnish an invention disclosure report thereon. The procurement staff judge advocate will take the following action with respect to the final report of inventions:

(1) Laboratory check: To ascertain whether the contractor has reported all inventions, improvements, or discoveries made under the contract, the procurement staff judge advocate will conduct a laboratory check as follows:

(i) A copy of the final invention report will be transmitted to the project engineer or other technical personnel who are familiar with the work done under the contract. Additionally, copies of all invention disclosures submitted under the contract will be made available to the project engineer or other technical personnel.

(ii) The project engineer or other technical personnel will be requested to review the final invention report and render an opinion, after examination of the work done under the contract, whether or not all inventions, improvements or discoveries conceived or built under the contract have been reported. It should be emphasized that this opinion should be rendered completely independent of the contractor.

(iii) If it is determined that the contractor's final invention report is correct, the project engineer or other technical personnel will certify in writing that in his opinion the final invention report is correct. If it is determined that the contractor has not disclosed all inventions made under contract, the project engineer or other technical personnel will identify such invention or inventions.

(iv) The final invention report and copies of all invention disclosures will be returned to the procurement staff judge advocate together with the written opinion of the project engineer or other technical personnel.

(2) Patent clearance of contract: When the laboratory check indicates that the contractor's final invention report is correct and the contractor has submitted a subcontract report, the procurement staff judge advocate will issue patent clearance on the contract according to the procedures set forth in § 1009.1103. If the laboratory check indicates that the contractor's final invention report is incorrect, the procurement staff judge advocate will obtain invention disclosure reports on those subject inventions which have not been reported. Only upon complete reporting by the contractor and concurrence therewith by the project engineer or other technical personnel, will patent clearance be issued. If the final invention report is negative and is submitted under a Technical Representative Service Contract, patent clearance will be issued without further investigation or action. A record will be maintained by the procurement staff judge advocate on AFPI Form 70, Contract Legal Record, when clearance is issued.

(d) *Subcontract reports.* (1) If the report from the prime contractor shows that subcontracts were awarded which contained a patent rights clause and that the subcontracts are complete, the procurement staff judge advocate will conduct correspondence with each subcontractor to obtain, according to the particular patent rights clause included in its subcontract, all reports as required to be submitted by the prime contractor according to § 1009.1104.

(2) Subcontractor's invention disclosure reports and patentability search reports will be processed in the same manner as those of prime contractors.

(3) Forwarding of prime contractor invention reports and clearance of prime contracts should not be delayed pending receipt of subcontractor's invention disclosure reports.

(4) If the report from the prime contractor shows that no subcontracts were awarded which contained a patent rights clause, no further action is required.

§ 1009.1107 Responsibility of accounting and finance office.

If the accounting and finance office receives the completion voucher from the contractor for final payment on a contract for which necessary clearances have not been received, the accounting and finance office will forward a request for the status of clearance to the office administering the contract. All requests will set forth the contractor's name and address, contract number, and the nature of the clearance about which information is desired. Upon the receipt of such a request, the office administering the contract will obtain the desired information, and advise the requesting accounting and finance office of the status of clearance. Under no circumstances should the accounting and finance office request the status of clearance prior to the actual receipt of the completion voucher from the contractor for final payment nor should the accounting and finance officer forward a request for status of clearance to the procurement staff judge advocate.

§ 1009.1108 Responsibility of the command staff judge advocate.

AFLC (MCJP) and AFSC (SCJP) will be responsible for the following action with respect to the various types of reports:

(a) *General.* Rendering advice and assistance on all questions concerning this subpart which have been forwarded through the appropriate AFLC or AFSC local staff judge advocate.

(b) *Invention disclosure reports.* Taking necessary steps, according to the terms of the patent rights clause, to obtain assignments of inventions on which the contractor has elected not to file patent applications but on which the Government intends to file patent applications or on inventions submitted pursuant to the requirements of the Patent Rights (Title) clause of § 9.107-2(c) of this title.

(c) *Royalty reports.* Checking all affirmative reports as to appropriateness of payment of the royalties reported and conducting necessary correspondence with contractors and/or their licensors to resolve all questions arising from the reports.

(d) *Exchange of information.* Copies of all confirmatory licenses and royalty reports together with any actions taken thereon will be exchanged for the information of the opposite commands to permit uniform actions.

§ 1009.1109 Discount provisions—expedition.

All correspondence under this instruction which relates to a contract which contains discount provisions should be marked prominently by rubber stamp impression or other suitable means, with the legend "Discount-Expedite."

PART 1012—LABOR

Subpart D—Labor Standards in Construction Contracts

Revise §§ 1012.402, 1012.404–1, and 1012.404–2 to read as follows:

§ 1012.402 Applicability.

The contracting officer will determine the applicability of the acts cited in § 12.401 of this title. In case of doubt, AFSC contracting officers will submit the matter to the appropriate AFSC staff judge advocate for advice. Major air command contracting officers may seek the advice of their own staff judge advocate or, alternately, of the Staff Judge Advocate, Hq AFSC, using normal command channels. Requests for opinions by the Secretary of Labor concerning the applicability or interpretation of the acts and regulations cited in § 12.401 of this title, supported by full information and documentation, will, after coordination with the Staff Judge Advocate, Hq AFSC, be submitted by Hq AFSC to Hq USAF (AFSPPDB).

§ 1012.404–1 General.

(a) *Administration of labor standards.* Special labor problems encountered by contracting officers, in connection with administration of contract provisions, may be referred to the appropriate AFLO, or AFSC (SCKM), at the discretion of the command involved.

(b) *Examination of records.* Prior to the approval of payment on any construction contract, the contracting officer administering the contract will initiate such examinations into the records and activities of the contractor and his subcontractor(s) necessary to insure full compliance with the applicable labor statutes and labor standards provisions in this Subpart.

(c) Contracts or modifications thereto which incorporate the employee compensation (October 1962) clause will, in addition to any other applicable statutory citation, cite Public Law 85–804, according to § 17.206 of this title, as implemented by Executive Order No. 10789 and determination thereunder dated September 21, 1962, by the Deputy Secretary of Defense.

(d) The Cape Canaveral Project Stabilization Board composed of representatives of Army, Navy, Air Force and NASA is established for the purpose of reviewing and determining reasonableness of the table of employee compensation and for other matters affecting administration of the project stabilization agreement.

(e) Procuring contracting officers and administrative contracting officers will rely on the wage rates and other compensations as set forth by the table of employee compensation provided by the Cape Canaveral Project Stabilization Board for use in conjunction with the employee compensation (October 1962) clause for the purpose of determining reasonable allowance of costs in cost-reimbursement type contracts and for recognition of costs in pricing fixed-price type contracts.

(f) Special problems not resolved by administrative contracting officers in connection with administration of the clause employee compensation (October 1962) will be referred to the Cape Canaveral Project Stabilization Board, Patrick AFB, Florida.

§ 1012.404–2 Wage determinations.

(a) The wage determination, issued by the Department of Labor pursuant to the Davis-Bacon Act, is a schedule of the minimum hourly rates of wages to be paid laborers and mechanics employed by the contractor and his subcontractors performing work called for by the contract. It normally includes all the classifications of laborers and mechanics expected to be employed on the work. There are three types of determinations; area, limited area, and individual. Publication and distribution of approved wage rates and compensations in the table of employee compensation for use with the clause required by § 12.403–5 of this title will be accomplished by the Cape Canaveral Project Stabilization Board, Patrick AFB, Florida. It will be the responsibility of procuring contracting officers or administrative contracting officers to insure that the latest amendment to the table is included in affected contracts.

* * * * *

(b) Processing requests: (1) Requests for area (54A) determinations, limited area (54A) determinations, and individual determinations will be submitted directly to the Davis-Bacon Section, Department of Labor, 815 Mount Vernon Place NW., Washington 25, D.C. The wage determinations will be returned direct to the requesting office by Hq USAF (AFSPPDB).

* * * * *

(c) Use of wage rate determinations: (1) The specifications of every contract subject to the Davis-Bacon Act will include a copy of a current wage rate determination. Contracting officers will not accept purchase requests covering projects subject to the Act until the required determination has been incorporated in the specifications. Contracts may be advertised up to the expiration date of the determination; however, bids will not be opened after expiration until a new determination has been received and all bidders have been advised of the new determination and given a reasonable opportunity to resubmit their bids on the basis of the contract specifications as revised by the new determination. The same advisory procedure will be followed when prior to bid openings, an amendment is made in the table of employee compensation rates under § 12.403–5 of this title.

(2) Wage rates properly included in the contract at the time of award are applicable to the contract for its duration, except as specified in subdivisions (ii) and (iii) of this subparagraph. These same rates may be used for additional or new work not included in the specifications if an area determination was used in the IFB or RFP and that determination is still in effect at the time of change. If the area determination has expired or if an individual determination was used, a new wage determination must be used for such new or additional work unless it is clear that the new or additional work is so much a part of the work originally contracted for that is reasonably impossible of performance by other than the original contractor. (An apparent probability that the new work may be done more conveniently or even at less expense by the original contractor does not in itself justify use of the original determination for such work; the original determination should be used for the new work only if the new work (i) Does not reflect a change or modification which materially alters the scope or character of the original contract requirements and (ii) is so closely related to the original work both in nature and in timing that it cannot reasonably be regarded as a separate and distinct undertaking.)

* * * * *

(c) The table of employee compensation rates at time of award of a contract do not apply to a contract for its duration; for example, if a revision is issued by the Board, it becomes effective pursuant to paragraph (a) of the employee compensation clause, and at no increase in cost to the Government except in cost-reimbursement type contracts. Whenever rates in the current table and amendments thereto exceed the Department of Labor rates, the table rates will govern as the minimum to be paid laborers and mechanics and the maximum for pricing or cost allowability purposes.

(*f*) If the Department of Labor issues amendments or new rates which may affect the pricing by bidders, care should be taken to advise bidders in any amendment to IFBs or RFPs that the rate changes do not supersede the table of employee compensation wherever the Table rates remain the higher of the two.

* * * * *

(e) Posting: * * *

(2) The contractor will be required to post a copy of the wage rate information poster together with the applicable wage determination in at least one conspicuous place.

3. In § 1012.404–7 revise the introduction and paragraph (b) as follows:

§ 1012.404–7 Investigations.

The contracting officer administering the contract is responsible for accomplishing routine checks and field checks in paragraphs (a) and (b) of this section. The required checks will be made by the contracting officer or his representative. The procedure in paragraphs (a) and (b) of this section will be equally applicable to the table of employee compensation except that the minimum rates and overtime will be either the table rates or the Department of Labor rates, whichever is higher. In addition, checks will be made to insure that classifications and and other compensations in the table of employee compensation are in conformance therewith.

* * * * *

(b) *Field checking.* Field checks are conducted at the work site. AFPI Form 7, Labor Law Compliance Check Sheet, Air Force Construction Contract will be used in accomplishing field checks. The first field check should be conducted within 14 days after work begins. The frequency of subsequent field checks will be determined by the degree of contractor and subcontractors compliance which is anticipated on the basis of the first field check and the preconstruction conference or in the light of experience with the contractors or subcontractors. The use of AFPI Form 7 will, for the most part, apply equally in checking compliance with the table of employee compensation. However, due to the added compensations required by the Table, a suitable supplementary checklist should be devised to cover such added compensations (i.e., premium shift pay, overtime variations, hazard pay, fringe benefits, and travel pay).

* * * * *

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

In § 1054.104 delete paragraphs (j), (l), (r), and (dd) and insert the following therefor:

§ 1054.104 Matters of contract administration to be handled by Administrative Contracting Officers.

* * * * *

(j) When requested, participate in price redeterminations at AFSC/AFLC procurement activities.

(l) Approve contractor's accounting system for cost-reimbursement contracts and fixed-price contracts having redetermination causes according to existing directives.

* * * * *

(l) Take action to approve sale or disposition of Government property according to existing directives. (See Subpart E, Part 8 of this title and Subpart E, Part 1008 of this subchapter.)

* * * * *

(r) Be responsible for determining whether a contractor has complied with applicable labor clauses, such as Davis-Bacon Act, employee compensation (October 1962) clause, Walsh-Healey Public Contracts Act, Convict Labor, etc., insofar as the Air Force is charged with such responsibility.

• • • • • •

(dd) When advised by the contractor according to § 1007.4053 of this subchapter that an item being procured under any contract he is administering will contain radioactive materials, he will forward this information to AFLC (MCDPE), SAAMA (SANUSE), and the inventory manager of the commodity.

• • • • • •

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. 33, Aug. 30, 1963; AFPC Nos. 72, Aug. 28, 1963; 79, Sept. 20, 1963; 82, Sept. 24, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 64–1018; Filed, Feb. 3, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 1—Federal Procurement Regulations

PART 1–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 1–5.9—Use of GSA Supply Sources by Prime Contractors in Performing Cost-Reimbursement Type Contracts

POLICY

In § 1–5.901, paragraph (b) is amended to read as follows:

§ 1–5.901—Policy.

• • • • • •

(b) Except as otherwise specifically authorized by the Administrator of General Services, Government prime contractors and their subcontractors shall not be authorized to utilize GSA supply sources in connection with the performance of any fixed-price type contract, or any subcontract thereunder, or any subcontract under a cost-type contract, whether or not such contract provides for price adjustment, escalation, redetermination or modification, or cost-reduction incentive.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective immediately.

Dated: January 29, 1964.

BERNARD L. BOUTIN,
Administrator of General Services.

[F.R. Doc. 64–1144; Filed, Feb. 3, 1964; 9:56 a.m.]

Chapter 8—Veterans Administration

PART 8–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 8–4.50—Contracts for Architect-Engineer or Professional Engineering Services

MISCELLANEOUS AMENDMENTS

1. Section 8–4.5002 is revised to read as follows:

§ 8–4.5002 The Architect-Engineer Selection and Negotiation Board.

(a) The Architect-Engineer Selection and Negotiation Board is appointed by the Assistant Administrator for Construction for the purpose of selecting and recommending to him the names of several architect-engineers considered to be best qualified to perform the work; also, for negotiating contracts with such architect-engineers for performing the work. The Board performs this same function when only professional engineering services are required.

(b) The Architect-Engineer Selection and Negotiation Board will give consideration to as many firms, within practical limits, as may offer possible qualifications for performance of the work. Information made available to the Board by the various firms, and from other sources, enables the maintenance of a library of current information pertaining to the firms which have made known their desire to be considered for Veterans Administration design work. Firms desiring consideration submit to the Board a completed SF 251, "U.S. Government Architect-Engineer Questionnaire" giving current and complete information on all items indicated on the form.

(c) The Architect-Engineer Selection and Negotiation Board and the selected firm will negotiate the terms of a contract for the services required. If a satisfactory agreement cannot be reached, the negotiations will be terminated and a new selection made. (See § 8–75.201–2 and § 8–75.201–3 for authority to execute, award and administer architectural and engineering contracts.)

(d) The word "firm" as used herein, includes an individual, an individually owned organization, a joint venture or other associations or combinations of architects and/or engineers.

(Sec. 205(c), 63 Stat. 390, as amended, 40 USC 486(c); section 210(c), 72 Stat. 1114, 38 USC 210(c))

This regulation is effective immediately.

Approved: January 29, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 64–1070; Filed, Feb. 3, 1964; 8:48 a.m.]

PART 8–11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 8–11.3—State and Local Taxes

TAX EXEMPTION FORMS

Section 8–11.302 is revised to read as follows:

§ 8–11.302 Tax exemption forms.

(a) SF–1094 will be furnished the vendor to claim exemption from payment of State and local taxes when the purchase price excludes such taxes. This form will be used by the United States Government as the basis for billing taxing authorities for refund of taxes paid, when the vendor refuses to sell at a price exclusive of such taxes.

(b) SF–1094 will not be furnished the vendor or used by the United States Government to claim reimbursement from the taxing authority, where the amount of each tax (State or local), on any one purchase is $1.00 or less.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); section 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

This regulation is effective immediately.

Approved: January 30, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 64–1071; Filed, Feb. 3, 1964; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 64–8]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

MAINE SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32 dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on January 22, 1964, approved the Maine system for numbering of motorboats.

As provided in this approval, the Maine system shall be operative on and after February 1, 1964. On that date the authority to number motorboats principally used in the State of Maine passes to the State of Maine, and simultaneously the Coast Guard discontinues to number such motorboats. Those motorboats presently numbered should continue to display such numbers until renumbered by the State of Maine. To avoid duplicating numbers awarded by the Coast Guard prior to February 1, 1964, none of the numbers issued under the Maine system are to be assigned the suffixes "A" and "B".

On and after February 1, 1964, the reports of "boating accidents", which involve motorboats numbered in the State of Maine, will be reported to the Bureau of Watercraft Registration and Safety, State Office Building, Augusta, Maine, 04330, pursuant to Maine's "Act to Revise the Boating Law and Extend Boat Registration and Safety Law to Cover Coastal Waters" (Chapter 354 of the Public Laws of 1963) and the implementing regulations adopted by the Maine Bureau of Watercraft Registration and Safety.

Because the amendment to § 171.10–1 (a) (1) and (b), as set forth in this document, is an informative rule about official acts performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167–17 dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following amendment is prescribed:

In § 171.10–1 *To whom made* paragraph (a) (1) is amended by deleting from the list of States the name "Maine"; and paragraph (b) is amended by inserting in the list of States having approved numbering systems the name "Maine", to follow after the State of "Louisiana."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–17, June 29, 1955, 20 F.R. 4976)

Dated: January 30, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 64–1077; Filed, Feb. 3, 1964; 8:48 a.m.]

[CGFR 64–9]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

PENNSYLVANIA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32 dated September 23, 1958 (23 F.R. 7605), the Acting Commandant, United States Coast Guard, on January 24, 1964, approved the Pennsylvania system for numbering of motorboats.

As provided in this approval, the Pennsylvania system shall be operative on and after February 1, 1964. On that date the authority to number motorboats principally used in the State of Pennsylvania passes to the State of Pennsylvania, and simultaneously the Coast Guard discontinues to number such motorboats. Those motorboats presently numbered should continue to display such numbers until renumbered by the State of Pennsylvania. To avoid duplicating numbers awarded by the Coast Guard prior to February 1, 1964, none of the numbers issued under the Pennsylvania system are to be assigned the suffixes "A", "B", "C", "D", and "E".

On and after February 1, 1964, the reports of "boating accidents," which involve motorboats numbered in the State of Pennsylvania, will be reported to the Pennsylvania Fish Commission, South Office Building, Harrisburg, Pennsylvania, pursuant to the Pennsylvania Motorboat Law approved August 14, 1963 and the implementing regulations adopted by the Pennsylvania Fish Commission with the concurrence of the Department of Revenue and the Navigation Commission for the Delaware River and its navigable tributaries, and approved by the Honorable Robert Broughton, Deputy Attorney General.

Because the amendment to § 171.10–1(a)(1) and (b), as set forth in this document, is an informative rule about official acts performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rulemaking, public rulemaking procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), and 167–17 dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following amendment is prescribed:

In § 171.10–1 *To whom made* paragraph (a) (1) is amended by deleting from the list of States the name "Pennsylvania"; and paragraph (b) is amended by inserting in the list of States having approved numbering systems the name "Pennsylvania" to follow after the State of "Oregon."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–17, June 29, 1955, 20 F.R. 4976)

Dated: January 30, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 64–1078; Filed, Feb. 3, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Big Lake National Wildlife Refuge, Arkansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Arkansas, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,400 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass; striped bass; crappie; bream; and other minor species permitted by State regulations.

(b) Open season: March 1, 1964, through October 31, 1964, sunrise to sunset.

(c) Daily creel limits: Black bass—10; striped bass—15; bream—50; crappie—20; and other minor species as permitted by State regulations; total aggregate of all game fish shall not exceed 75 by any person during one day. No limitations on weight, size, etc.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes, skiffs, and boats with motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1964.

[F.R. Doc. 64–1050; Filed, Feb. 3, 1964; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 4b]

[Notice 64–6; Docket No. 1967]

STABILITY AND STALLING CHARACTERISTICS REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend the stability and the stalling characteristics requirements of Part 4b of the Civil Air Regulations. The proposal would be applicable to newly certificated transport category airplanes and thus would primarily affect the manufacturers of such airplanes. Under the proposal, changes would be made to the static longitudinal stability requirements involving replacement of the requirement for stick-fixed stability with a broad and objective standard affecting stability augmentation and artificial feel devices, a change prescribing the specified slope for the stick force-speed curve as an average measure over the speed range rather than a local measure at all speeds within the speed range, a change in the friction band (free-return speed range) requirements, clarification of the stability characteristics applicable to the free-return speed range, and other changes affecting the conditions applicable to the cruising stability requirements. In addition, changes to the stalling characteristic requirements would require demonstration of the full stall maneuver in all cases except where inherent aerodynamic warning at a speed greater than the stalling speed is manifested as a strong and effective deterrent to further speed reductions.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 2, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Aerospace Industries Association (AIA) has requested the Agency to reconsider the changes to the stability requirements which were promulgated by Amendment 4b–12. In consideration of the comments submitted by the AIA and of the more recent experience gained in the type certification of turbine-powered transport airplanes, notice of proposed rule making is warranted on the proposed changes hereinafter set forth.

The AIA contended that the newly introduced stick-fixed stability requirements dictate design, are unnecessary for minimum safety, and should be deleted. These requirements highlight the fact that the currently effective flight requirement are not fully applicable to stability augmentation devices or to auxiliary devices incorporated to improve flight characteristics. In consideration of the fact, however, that literal application of these requirements might be overly conservative, it is proposed to delete the requirements for stick-fixed stability by appropriate revisions to §§ 4b.150, 4b.151(a), and 4b.152 through 4b.155 and to establish in lieu thereof a broad and objective standard specifically applicable to the aforementioned devices. It is proposed to include such a standard under § 4b.100 which would require that the airplane possess adequate controllability, trim, stability, and stalling characteristics in the event of any single failure of stabilty augmentation or other such auxiliary devices the operation of which is necessary to comply with the aforementioned flight requirements.

The AIA proposed that the stick-force gradient of one-half pound in 3 knots prescribed in § 4b.151(c) should be deleted and replaced by a specification of a positive gradient on the basis that the latter gradient would provide an adequate minimum standard. Prior to the changes made by Amendment 4b–12, the provision in § 4b.151(c) specified that the stable slope of stick force versus speed curve shall be such that any substantial change in speed is clearly perceptible to the pilot through a resulting change in stick force. This requirement has previously posed an administrative problem with respect to establishment of what was substantial and perceptible. Such definition was intended by the specification of a local force gradient of one-half pound in 3 knots which resulted from Amendment 4b–12. We do not believe that sufficient evidence has been presented to propose revision of the stick-force gradient in accordance with the proposal made by the AIA. We believe, however, that the specification of a local gradient of one-half pound in 3 knots might be more severe than is needed for a minimum standard and that, on the basis of experience with currently operated transport airplanes, an average gradient of the same magnitude should be acceptable. Therefore, it is proposed to change § 4b.151(c) accordingly.

The AIA questions the need for limiting the stick force to 50 pounds within the speed range over which a stable slope of the stick force-speed curve is required to be demonstrated under § 4b.155 on static longitudinal stability. The AIA indicates that this requirement could not be met by most of today's large jet airplanes at the forward center of gravity conditions. It is argued that, for purposes of minimizing overspeeds, it would be more appropriate to limit the speed range to that attainable without exceeding a stick force of ±50 pounds rather than to limit the stick force as currently prescribed in § 4b.155. On the basis of the foregoing, there is included a proposal to change § 4b.155 accordingly.

Some questions have been raised on whether the speed range prescribed in § 4b.155 is greater than needed to demonstrate an acceptable degree of static longitudinal stability for the cruising condition. Experience with the use of somewhat smaller speed ranges approved under the provisions of § 4b.10 in the type certification of a number of turbine-powered airplanes indicates that such lower speed ranges provide an adequate safety standard.

In Amendment 4b–12, the speed range associated with static longitudinal stability for the cruise condition was reduced approximately to one-half of that previously prescribed. At the time, no corresponding changes were made to the control friction requirements. Under the currently effective provisions, it is possible for the friction effects of the control system to mask stability over the prescribed speed range. To preclude occurrence of such condition, it is proposed that § 4b.151(c) be revised to require a friction band or free return speed range about the trim speed of not more than ±5 percent of the trim speed or ±20 knots, whichever is lesser.

A question was recently raised on the intent of the regulations with respect to acceptable stability characteristics within the allowable free return speed range. Experience appears to indicate that the lack of stick force to maintain any speed within this speed range is satisfactory as long as exceptional pilot attention is not required to maintain the desired trim speed and altitude. This clarification is reflected in a proposed provision in § 4b.151(d). Further, § 4b.155 would be revised to specify the speed range in terms of a percentage about the trim speed with an additional range equal to the friction band or free return speed range. The latter specification is intended to provide an incentive for reducing friction in control systems.

In addition, there is proposed a change to § 4b.160(c) which would require demonstration of the complete stall maneuver for all airplanes except for those having stall warning at a speed higher than the stall such as to serve as a strong deterrent to further reduction in speed. This proposal is made to insure satisfactory stall characteristics throughout the stall maneuver.

This proposal is subject to the FAA Recodification Program announced in

Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in the recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to amend Part 4b of the Civil Air Regulations as hereinafter set forth.

1. By amending § 4b.100 by redesignating paragraphs (d) through (g), as paragraphs (e) through (h) and by adding a new paragraph (d) to read as follows:

§ 4b.100 Proof of compliance.

* * * * *

(d) If compliance with the flight requirements is dependent upon stability augmentation devices, or on other automatically or power-operated devices, it shall be shown that, in the event of any single failure of such devices, the controllability, trim, stability, and stalling characteristics of the airplane are satisfactory to permit continued safe flight and a safe landing.

* * * * *

2. By amending § 4b.150 by inserting in the second sentence after the words "suitable stability" the words "and control feel (static stability)".

3. By amending § 4b.151 to read as follows:

§ 4b.151 Static longitudinal stability.

In the conditions outlined in §§ 4b.152 through 4b.155, the characteristics of the elevator control forces including friction shall comply with paragraphs (a) through (d) of this section.

(a) A pull shall be required to obtain and maintain speeds below the specified trim speed, and a push shall be required to obtain and maintain speeds above the specified trim speed. These criteria shall apply to any speed which can be obtained, except that such speeds need not be greater than the landing gear or the wing-flap operating limit speed or V_{RC}/M_{RC}, whichever is appropriate, or need not be less than the minimum speed in steady unstalled flight.

(b) The airspeed shall return to within 10 percent of the original trim speed for the conditions specified in §§ 4b.152 through 4b.154 and to within 5 percent of or 20 knots from the original trim speed whichever is lesser for the conditions specified in § 4b.155 when the control force is slowly released from any speed within the limits defined in paragraph (a) of this section.

(c) The average stable slope of the stick force curve shall not be less than one pound per 6 knots.

(d) For speeds above or below the specified trim speed and within the allowable speed range specified in paragraph (b) of this section, it shall be acceptable if such speeds are maintained without a pull or push force if exceptional attention on the part of the pilot is not required to maintain the desired trim speed and altitude.

4. By amending §§ 4b.152, 4b.153, and 4b.154 by deleting from the introductory paragraph of each of these sections the words "and, if required by § 4b.151(a), the elevator angle curve,".

5. By amending § 4b.155 to read as follows:

§ 4b.155 Stability during cruising.

(a) *Landing gear retracted; high speed.* (1) The stick force curve shall have a stable slope at all speeds within the applicable speed range specified in subparagraph (2) of this paragraph with:

(i) The wing flaps retracted;

(ii) The center of gravity in the most adverse position (see § 4b.102);

(iii) The most critical weight between the maximum takeoff and maximum landing weight;

(iv) Seventy-five percent of maximum continuous power for reciprocating engines; maximum cruising power selected by the applicant as an operating limitation (see § 4b.718) for turbine engines, except that the power need not exceed that required at V_{MO}/M_{MO}; and

(v) The airplane trimmed for level flight with the power required in subdivision (iv) of this subparagraph.

(2) The applicable speed range shall be the greater of the speed ranges defined by the speeds in subdivisions (i) and (ii) of this subparagraph except that the speed range need not include speeds less than $1.4V_{S_1}$, nor speeds greater than V_{RC}/M_{RC}, nor speeds which require a stick force of more than 50 pounds.

(i) Speeds above and below the trim speed by an amount equal to 15 percent of the trim speed plus the resulting free return speed range.

(ii) Speeds above and below the trim speed by an amount equal to 50 knots plus the resulting free return speed range.

(b) *Landing gear retracted; low speed.* (1) The stick force curve shall have a stable slope at all speeds within the applicable speed range specified in subparagraph (2) of this paragraph with:

(i) Wing flaps, center of gravity position, and weight as specified in paragraph (a) of this section;

(ii) Power required for level flight at a speed equal to $\left(\frac{V_{MO}+1.4\,V_{S_1}}{2}\right)$; and

(iii) The airplane trimmed for level flight with the power required in subdivision (ii) of this subparagraph.

(2) The applicable speed range shall be the greater of the speed ranges defined by the speeds in subdivisions (i) and (ii) of this subparagraph except that the speed range need not include speeds less than $1.4V_{S_1}$, nor speeds greater than the minimum speed of the applicable speed range required for compliance with paragraph (a) of this section, nor speeds which require a stick force of more than 50 pounds.

(i) Speeds above and below the trim speed by an amount equal to 15 percent of the trim speed plus the resulting free return speed range.

(ii) Speeds above and below the trim speed by an amount equal to 50 knots plus the resulting free return speed range.

(c) *Landing gear extended.* (1) The stick force curve shall have a stable slope at all speeds within the applicable speed range specified in subparagraph (2) of this paragraph with:

(i) Wing flap, center of gravity position, and weight as specified in paragraph (a) of this section;

(ii) Seventy-five percent of maximum continuous power for reciprocating engines; maximum cruising power selected by the applicant as an operating limitation except that this power need not exceed that required for level flight at V_{LE}; and

(iii) The aircraft trimmed for level flight with the power required in subdivision (ii) of this subparagraph.

(2) The applicable speed range shall be the greater of the speed ranges defined by the speeds in subdivisions (i) and (ii) of this subparagraph except that the speed range need not include speeds less than $1.4\,V_{S_1}$ nor speeds which require a stick force of more than 50 pounds.

(i) Speeds from trim speed to 80 percent of the trim speed.

(ii) Speeds from trim speed to a speed 50 knots below the trim speed.

6. By amending § 4b.160(c) by deleting the one sentence provision of subparagraph (2) and inserting in lieu the following: "The airplane shall be considered stalled when at an angle of attack measurably greater than that for maximum lift, the inherent flight characteristics give a clear and distinctive indication to the pilot that the airplane is stalled, except that for airplanes demonstrating unmistakable inherent aerodynamic warning, associated with the stall in all required configurations, of a magnitude and severity that is a strong and effective deterrent to further speed reduction, the speed need not be reduced below this value."

Issued in Washington, D.C., on January 28, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–1042; Filed, Feb. 3, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–78]

CONTROLLED AIRSPACE

Alteration of Proposal; Supplemental Notice of Proposed Rule Making

On October 30, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11567) stating that the Federal Aviation Agency proposed to alter the control zone at Modesto, Calif., and designate the Modesto transition area.

Subsequent to the publication of the notice, United Airlines has stated that they will increase their present daily weather reporting service for the Modesto control zone to include the period from 0630 to 2200 hours, local time, daily, in-

stead of from 0600 to 1900 hours, daily, as specified in the original notice.

Accordingly, the notice is hereby amended to propose the Modesto control zone to be effective from 0630 to 2200 hours, local time, daily.

In order to provide interested persons time to adequately evaluate this proposal as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is hereby extended to 15 days after the publication of this alteration of proposal.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1035; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-133]

FEDERAL AIRWAY SEGMENTS AND CONTROL AREA SEGMENT

Proposed Revocation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 12 south alternate is designated in part from Lewis, Ind., to Shelbyville, Ind.; VOR Federal airway No. 14 north alternate is designated in part from Terre Haute, Ind., to Indianapolis, Ind.; VOR Federal airway No. 97 east and west alternates are designated in part from Shelbyville to Cincinnati, Ohio; VOR Federal airway No. 171 west alternate is designated in part from Danville, Ill., to Lewis, Ind.; and VOR Federal airway No. 227 is designated in part from Indianapolis to Mitchell, Ind., Intersection. The Federal Aviation Agency is considering the revocation of these airway segments.

The latest Federal Aviation Agency IFR peak day air traffic survey for these segments of Victors 12 south alternate, 14 north alternate, 97 east and west alternates, 171 west alternate and 227 shows no aircraft movements. Therefore, it appears that retention of these airway segments can no longer be justified as assignments of airspace and that they may be revoked.

The Indianapolis, Ind., control area extension is bounded in part by Victor 14 north alternate. Concurrently with the revocation of Victor 14 north alternate as proposed herein, it is proposed to substitute Victor 14 for Victor 14 north alternate in the description of the Indianapolis control area extension. This would entail a slight increase in size of the Indianapolis control area extension by including the controlled airspace presently within Victor 14 north alternate.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1036; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-105]

FEDERAL AIRWAYS AND CONTROL AREA EXTENSION

Proposed Alteration

Notice is herby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 22 extends in part from Tibby, La., via New Orleans, La., and Dog Intersection (intersection of the New Orleans 085° and the Brookley, Ala., 240° True radials) to Brookley. VOR Federal airway No. 240 extends from New Orleans via the intersection of the New Orleans 100° and the Mobile, Ala., 224° True radials to Mobile.

The FAA is commissioning a new VOR in the vicinity of Harvey, La. (longitude 90°00'15" W., latitude 29°51'00" N.) on or about February 6, 1964. The agency proposes to realign Victor 22 from Tibby via the new Harvey facility and Dog Intersection to Brookley. Victor 240 would be realigned via the New Orleans 085° True radial to Dog Intersection to overlie the present alignment of this segment of Victor 22, and thence to Mobile. Victor 22 would be decreased in width to 4 miles south of the centerline of the airway from 25 nautical miles west of Harvey to 25 nautical miles east of Harvey.

The proposed realignment of Victor 22 via the new VOR would provide a bypass route south of the New Orleans terminal area and would eliminate the need for the present alignment of Victor 240. The reduction in width of the airway would provide for shorter restrictions for departures and arrivals at the naval air station in this area. The realignment of Victor 240 would continue to provide an east route out of New Orleans.

The realignment of the segment of Victor 240 over the present alignment of Victor 22 from New Orleans to Dog Intersection would necessitate a change in the boundary description of this portion of the New Orleans control area extension. This would be effected by substituting Victor 240 for Victor 22 in the description.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1037; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-112]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 12 includes a north alternate from Anton Chico, N. Mex., via the intersection of the Anton Chico 067° and the Tucumcari, N. Mex., 291° True radials to Tucumcari. VOR Federal airway No. 16 includes a north alternate from Salt Flat, Tex., to Wink, Tex. VOR Federal airway No. 114 includes a north alternate from Amarillo, Tex., to Childress, Tex. Intermediate VOR Federal airway No. 1630 extends in part from Santa Fe, N. Mex., via Las Vegas, N. Mex.; Tucumcari, N. Mex.; Texico; intersection of the Texico 117° and the Lubbock, Tex., 008° True radials; to Lubbock.

The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on these segments of airways. Therefore, it appears that the retention of these airway segments are unjustified as assignments of airspace and the FAA proposes their revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1038; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-116]

FEDERAL AIRWAY SEGMENTS

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 13 west alternate is designated in part from Lufkin, Tex., to Shreveport, La.; VOR Federal airway No. 16 north alternate is designated in part from Abilene, Tex., to Mineral Wells, Tex.; VOR Federal airway No. 1622 is designated in part from Lubbock, Tex., to Abilene; and VOR Federal airway No. 1537 is designated in part from Dallas, Tex., via Ardmore, Okla., to McAlester, Okla. The Federal Aviation Agency is considering the revocation of these airway segments. The latest Federal Aviation Agency IFR peak day airway traffic survey for these airway segments shows no aircraft movements between Lufkin and Shreveport, Abilene and Mineral Wells, a maximum of two aircraft movements between Lubbock and Abilene and between Dallas and McAlester. Therefore, it would appear that these segments of Victors 13 west alternate, 16 north alternate, 1622 and 1537 are unjustified as assignments of airspace and that they could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1039; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-118]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 284 is designated from Fort Stockton, Tex., to San Angelo, Tex., via the intersection of the Fort Stockton 097° and the San Angelo 237° True radials, including a north alternate segment from Fort Stockton direct to San Angelo.

The FAA is considering realignment of V-284 main airway segment from Fort Stockton direct to San Angelo and revoking the north alternate segment between these points. This realignment would provide a shorter route for aircraft operating via V-284 main airway segment between Fort Stockton and San Angelo. In addition, the latest FAA peak day airway traffic survey shows no aircraft movements on V-284 as it is presently designated between Fort Stockton and San Angelo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1040; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-115]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 168 is designated in part from Medicine Bow, Wyo., to Scottsbluff, Nebr. The latest FAA peak day airway traffic survey shows no aircraft movements on this segment of V-168. Therefore, it appears that this airway segment is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1041; Filed, Feb. 3, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-30]

TRANSITION AREAS

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to § 71.181 of the Federal Aviation Regulations, the substance of which is stated below:

1. Designate the Fairbanks, Alaska, transition area as that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Fairbanks, Alaska, radio range station. The portions of airspace within Federal airways, the Bettles, Alaska, and the Minchumina, Alaska, control area extensions and the portions of airspace less than 1,500 feet above the earth's surface would be excluded.

2. Designate the Anchorage, Alaska, transition area as that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage, Alaska, VOR. The portions of airspace outside the United States and that which is within Federal airways, Control 1218, Control 1310, the Anchorage, Alaska, Cordova, Alaska, Kennai, Alaska, and Middleton Island, Alaska, control area extensions, the Fairbanks, Alaska, and King Salmon, Alaska, transition areas (as described herein) and 1,500 feet above the earth's surface would be excluded.

3. Designate the King Salmon, Alaska, transition area as that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon, Alaska, VOR. The portions of airspace outside the United States and that which is within Federal airways, Control 1217, Control 1400, Control 1401, Control 1484, and the Kodiak, Alaska, control area extension would be excluded.

The FAA is currently engaged in a program for the integration and improvement of Air Defense activities within the air traffic control system. An objective of this program is to eliminate the control of aircraft by two independent agencies in the same airspace to the maximum practical extent. The designation of the controlled airspace proposed above would permit the expansion of air traffic control services to air defense operations in these areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Alaskan Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within fifteen days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 27, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1042; Filed, Feb. 3, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 17, 18, 27]

LABELING; REINSPECTION AND PREPARATION OF PRODUCTS; IMPORTED PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering amending Parts 17, 18 and 27 of the Federal Meat Inspection Regulations (9 CFR Parts 17, 18 and 27) as indicated below, pursuant to authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71-96), and sections 306(b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306), for the purpose of assuring that meat and meat food products subject to the Acts are not sold in interstate or foreign commerce under false or deceptive names and that such articles are wholesome and fit for human food.

1. In § 17.2(b)(2) a sentence would be inserted between the first and second sentences, and another sentence would be added at the end of paragraph (2), which would read, respectively, as follows: "* * * When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word 'and' in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients." "* * * The term 'Corn Syrup' may be used as an ingredient identification on labeling material for meat food products to reflect the use of either corn syrup or corn syrup solids."

2. Section 17.8(c) would be amended by revising subparagraphs (26) and (40) to read as follows:

§ 17.8 False or deceptive labeling and practices.

* * * * * * *

(c) * * *

(26) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legibly marked with the true name of the product. Shortening prepared with a mixture of meat fats and vegetable oils may be identified either as "Shortening Prepared With Meat Fats and Vegetable Oils" or "Shortening Prepared With Vegetable Oils and Meat Fats" without regard to the order of predominance of the fats and oils used, provided not less than 30 percent of the lesser ingredient is used.

* * * * * * *

(40) Except as otherwise provided in this section, or as otherwise permitted under the Poultry Products Inspection Act with respect to products consisting partly of poultry, sausage shall be prepared with meat, or meat and meat byproduct seasoned with condimental proportions of condimental substances. Pork sausage and breakfast sausage, whether fresh, smoked, or canned, shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat; that is, fat which can be removed by thorough, practicable trimming and sorting. Partially defatted pork fatty tissue or partially defatted beef fatty tissue may be used in the preparation of those types of sausage in which meat byproducts are considered normal ingredients. The amount of either, or a combination of both, shall not exceed 15 percent of the meat and meat byproduct portion of the formula. The terms "partially defatted pork fatty tissue" and "partially defatted beef fatty tissue" refer to the meat byproducts derived from the low temperature rendering (not exceeding 120°F.) of fresh pork fatty tissue exclusive of skin, or beef fatty tissue, respectively. Such byproducts shall have a pinkish color and a fresh odor and appearance. When used in any meat food product these meat byproducts shall be identified in the ingredient statement, respectively, as "Partially Defatted Pork Fatty Tissue" and "Partially Defatted Beef Fatty Tissue." Sausage may contain not more than 3½ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, nonfat dry milk, calcium reduced dried skim milk, or dried milk. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of sausage which is not cooked, luncheon meat and meat loaf in an amount not to exceed 3 percent of the total ingredients used. Cooked sausage such as frankfurter, vienna, and bologna may contain no more than 10 percent of added water or other moisture.

3. Section 17.8(c) (52) would be amended by adding at the end thereof the following sentence: "The application of curing solution to fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue."

4. Section 17.8(c) would be amended by the addition of new paragraphs to read, respectively, as follows:

(61) Products labeled as meat pies, e.g., "Beef Pie," "Veal Pie," and "Pork Pie," shall contain not less than 25 percent of meat computed on the weight of the fresh uncooked meat in relation to all of the other ingredients including the crust.

(62) When beef cheek meat (trimmed beef cheeks) is used in the preparation of hamburger, chopped beef, and fabricated beef steaks, the amount of such cheek meat shall be limited to 25 percent of the meat ingredient and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.

(63) Barbecued meats shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period of time to permit the product to assume the usual characteristics of a barbecued article which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of the barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.

(64) When methyl polysilicone is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Methyl Polysilicone, An Antifoaming Agent Added."

(65) Cured, unsmoked, boneless pork shoulders, pork shoulder butts, or pieces of pork loin, in casings or similar packages of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.

(66) Cheesefurters and similar products made in simulation of sausage in casings but containing sufficient cheese to give definite characteristics to the finished article may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, nonfat dry milk, calcium reduced dried skim milk, or dried milk. The finished product shall contain no more than 3½ percent of these additives, individually or collectively, exclusive of the cheese constituent. When any such additive is added to these products, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Nonfat Dry Milk Added," "Cereal and Nonfat Dry Milk Added," as the case may be.

(67) When harmless synthetic flavoring is added to product for which it is approved by the Director of Division, it shall be declared in the ingredient statement as "Artificial Flavoring."

(68) The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

5. Section 18.6(b) would be amended by the addition of a new subparagraph to read:

(12) Poultry products which are intended for use as ingredients of meat food products shall be considered acceptable when identified as having been inspected for wholesomeness by the Department and when found to be sound and otherwise acceptable when presented for use as an ingredient. Poultry products which have not received inspection for wholesomeness by the Department shall not be used in the preparation of meat food products.

6. The heading of § 18.7 would be amended to read as follows: "§ 18.7 *Approval of substance for use in the preparation of meat food products.*"

7. Section 18.7(b) would be amended to read as follows:

(b) Under appropriate declaration as required in Parts 16 and 17 of this subchapter, the following substances may be added to products:

(1) Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph (4) of this paragraph may be added to products under conditions, if any, specified in this part or in Part 17 of this subchapter.

(2) Other harmless synthetic flavorings may be added to products with the approval of the Director of Division.

(3) Coloring matter and dyes other than those specified in the chart in subparagraph (4) of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Director of Division. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.

(4) The substances specified in the following chart are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated, and under other conditions specified in this part and in Part 17 of this subchapter.

Class of substance	Substance	Purpose	Products	Amount
Anticoagulants	Citric acid Sodium Citrate	To prevent clotting	Fresh beef blood	0.2%—with or without water. When water is used to make a solution of citric acid or sodium citrate added to beef blood not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.
Antidrying agent	Glycerol (glycerine)	To inhibit drying	Curing mixes	2.0%.
Antifoaming agent	Methyl polysilicone	To retard foaming	Soups	10 parts per million.
			Rendered fats	Do.
			Curing pickle	Do.
Antioxidants and oxygen interceptors.	BHA (butylated hydroxyanisole)	To retard rancidity development	Unsmoked, dry sausage	0.003%.
	do	do	Rendered animal fat or a combination of such fat and vegetable fat.	0.01%
	BHT (butylated hydroxytoluene)	do	do	0.01% 0.02% in combination.
	Glycine	do	do	0.01%
	Nordihydroguaiaretic acid (NDGA)	do	do	0.01%
	Propyl gallate	do	do	0.01%
	Resin guaiac	do	do	0.10%
	Tocopherols	do	do	0.03%—A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."
Bleaching agent	Hydrogen peroxide	To remove color	Tripe (substance must be removed from product by rinsing with clear water).	Sufficient for purpose.
Catalysts (substances must be eliminated during processing).	Nickel	To accelerate chemical reaction.	Rendered animal fats or a combination of such fats and vegetable fats.	Do.
	Sodium amide	Rearrangement of fatty acid radicals.	do	Do.
	Sodium methoxide	do	do	Do.
Coloring agents (vegetable).	Alkanet, annatto, carotene, cochineal, green chlorophyl, saffron and tumeric.	To color casings or rendered fats; marking and branding product.	Sausage casings, oleomargarine, shortening, marking or branding ink on product.	Sufficient for purpose (may be mixed with approved synthetic dyes or harmless inert material such as common salt and sugar).
Coloring agents (synthetic).	Coal tar dyes (FD&C) must furnish evidence to inspector in charge that dye has been certified for use in connection with foods by Food and Drug Administration.	do	do	Sufficient for purpose (may be mixed with approved natural coloring matters or harmless inert material such as common salt or sugar).
Curing agents	Ascorbic acid	To accelerate color fixing.	Cured pork and beef cuts, cured comminuted meat food product.	75 ozs. to 100 gals. pickle at 10% pump level; ¾ oz. to 100 lbs. meat or meat byproduct; 10% solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Isoascorbic acid (erythorbic acid).	do	do	Do.
	Sodium ascorbate	do	do	87.5 ozs. to 100 gals. pickle at 10% pump level; ¾ oz. to 100 lbs. meat or meat byproduct; 10% solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium isoascorbate (sodium erythorbate).	do	do	Do.
	Sodium or potassium nitrite (supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly.)	To fix color	Cured products	2 lbs. to 100 gals. pickle at 10% pump level; 1 oz. to 100 lbs. meat (dry cure); ¼ oz. to 100 lbs. chopped meat and/or meat byproduct. The use of nitrites, nitrates or combination shall not result in more than 200 ppm. nitrite in finished product.
Denuding agents; may be used in combinations. Must be washed off following use with clear water.	Lime	To denude mucous membrane.	Tripe	Sufficient for purpose.
	Sodium carbonate (soda ash or saloda).	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium hydroxide (caustic soda).	do	do	Do.
	Trisodium phosphate.	do	do	Do.
Emulsifying agents	Acetylated monoglycerides (distilled).	To emulsify product	Shortening	Do.
	Diacetyl tartaric acid esters of mono and diglycerides.	do	Rendered animal fat or a combination of such fat with vegetable fat.	Do.

Class of substance	Substance	Purpose	Products	Amount
Emulsifying agents (continued).	Glycerol-lacto stearate, oleate, or palmitate.	To emulsify product.	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose. (continued).
	Gums, vegetable	do	Spice emulsion, egg roll.	Do.
	Lecithin	To emulsify product (also as antioxidant).	Oleomargarine	Do.
	Mono and diglycerides (glycerol palmitate, etc.).	To emulsify product.	Rendered animal fat or a combination of such fat with vegetable fat.	Sufficient for purpose in lard and shortening; 0.5% in oleomargarine.
	Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	do	Shortening	Sufficient for purpose.
	Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).	do	do	Do.
	Stearyl-2-lactylic acid.	do	Shortening—to be used for cake icings, and fillings.	1.0%.
	Stearyl monoglyceridal citrate.	do	Shortening	1.0%.
	Sorbitan monostearate.	do	do	Sufficient for purpose.
Extenders, stabilizers and binders.	Algin	To extend and stablize product.	Breading mix; sauces.	Do.
	Carrageenin	do	do	Do.
	Carboxymethyl cellulose (cellulose gum).		Baked pies	Do.
	Methyl cellulose	To extend and stabilize product (also carrier).	Meatballs (diet food).	2%.
	Isolated soy protein	To bind and extend product.	Imitation sausage; nonspecific loaves; soups; stews.	Sufficient for purpose.
	Sodium caseinate	do	do	Do.
	Sodium soy protein	do	do	Do.
	Whey (dried)	do	do	Do.
Flavoring agents; protectors and developers.	Autolyzed yeast extract.	To flavor product	Various	Do
	Harmless bacterial starters of the acidophilus type, lactic acid starter or culture of Pediococcus cerevisiae.	To develop flavor	Dry sausage, pork roll, thuringer, lebanon bologna, cervelat, salami, and pork roll.	0.5%.
	Benzoic acid, sodium benzoate.	To retard flavor reversion.	Oleomargarine	0.1%.
	Citric acid	To protect flavor	do	Sufficient for purpose.
	do	Flavoring	Chili con corne	Do.
	Corn syrup solids, corn syrup, glucose syrup.	To flavor	Sausage, hamburger meat loaf, luncheon meat, chopped or pressed ham.	2.0% individually or collectively, calculated on a dry basis.
	Dextrose	To flavor product	Sausage, ham, and cured products.	Sufficient for purpose.
	Diacetyl	do	Oleomargarine	Do.
	Hydrolyzed plant protein.	do	Various	Do.
	Isopropyl citrate	To protect flavor	Oleomargarine	0.02%.
	Malt syrup	To flavor product	Cured products	2.5%.
	Milk protein hydrolysate.	do	Various	Sufficient for purpose.
	Monosodium glutamate.	do	do	Do.
	Sodium sulfoacetate derivative of mono- and diglycerides.	do	Oleomargarine	0.5%.
	Starter distillate	do	do	Sufficient for purpose.
	Stearyl citrate	To protest flavor	do	0.15%.
Flavoring agents; protectors and developers (con.).	Sugars, approved (sucrose and dextrose).	To flavor product	Sausage, ham, and miscellaneous.	Sufficient for purpose.
Gases	Carbon dioxide solid (dry ice).	To cool product	Chopping of meat, packaging of product.	Do.
	Nitrogen	To exclude oxygen	Sealed containers	Do.
	do	Propellant for enzyme solution.	Beef cuts	Do.
Miscellaneous	Sodium bicarbonate	To neutralize excess acidity, cleaning vegetables.	Rendered fats	Do.
	Propylene glycol	To carry flavor and to stabilize solutions.	Solutions of flavors	Do.
Phosphates	Disodium phosphate.	To decrease amount of cooked out juices.	Cured hams, pork shoulder, picnics, loins, nonspecific loaves, canned hams, and picnics.	5.0% of phosphate in pickle at 10% pump level; 0.5% in product (only clear solution may be injected into product).
	Monosodium phosphate.	do	do	Do.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium tripolyphosphate.	do	do	Do.
	Sodium pyrophosphate.	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
	do	do	Canned chopped ham.	8 oz./100 lbs. fresh uncured comminuted ham.
Proteolytic enzymes	Aspergillus oryzae	To soften tissues	Beef cuts	Solutions consisting of water, salt, monosodium glutamate, and approved proteolytic enzymes applied or injected into cuts of beef shall not result in a gain of more than 3 percent above the weight of the untreated product and the injected beef shall be frozen after treatment in order to control action of the enzyme.
	Aspergillus flavus-oryzae group.	do	do	Do.
	Bromelin	do	do	Do.
	Ficin	do	do	Do.
	Papain	do	do	Do.
	Acetic acid	To separate fatty acids and glycerol.	Rendered fats	Sufficient for purpose.
Refining agents (must be eliminated during process of manufacturing).	Bicarbonate of soda	do	do	Do.
	Carbon (purified charcoal).	To aid in refining of animal fats.	do	Do.
	Caustic soda (sodium hydroxide).	To refine fats	do	Do.
	Diatomaceous earth; Fuller's earth.	do	do	Do.
	Sodium carbonate	do	do	Do.
	Tannic acid	do	do	Do.
Rendering agents	Tricalcium phosphate.	To aid rendering	Animal fats	Do.
	Trisodium phosphate.	do	do	Do.
Sweetners	Saccharin	To sweeten product	Bacon	0.01%.
	Sodium cyclamate	do	Ham	0.03%.
			Bacon	0.15%.

Class of substance	Substance	Purpose	Products	Amount
Synergists (used in combination with antioxidants).	Citric acid	To increase effectiveness of antioxidants.	Lard and shortening.	0.01%—alone or in combination with antioxidants in lard or shortening.
			Unsmoked dry sausage.	.001% in unsmoked dry sausage in combination with .003% of butylated hydroxyanisole.
	Monoisopropyl citrate.	do	Lard, shortening, oleomargarine.	0.01% in lard and shortening 0.02% in oleomargarine.
	Phosphoric acid	do	Lard and shortening.	0.01%.

8. Section 18.11(b) would be amended to read as follows:

(b) Containers of metal, glass, or similar material shall be washed in an inverted position with running water at a temperature of at least 180° F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling.

9. Section 27.6 would be amended by the addition of a new paragraph to read:

(i) Imported canned corned beef which contains head meat, cheek meat, and/or heart meat shall be covered by a certification in addition to the regular approved official meat inspection certificate of the country of origin. The additional certification shall state that the canned corned beef contains no more than 5 percent individually or collectively of head meat, cheek meat, and/or heart meat. This certification may be made a part of the regular official meat inspection certificate of the country of origin or it may be a separate certificate provided it is signed by the same official who signed the meat inspection certificate.

10. Section 27.17(b) would be amended to read as follows:

(b) Stencils, box dies, labels and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products provided the markings made by such devices are applicable to the product, are not false or deceptive, and are used with the approval of the inspector in charge.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington, D.C., 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of January 1964.

M. R. CLARKSON,
Acting Administrator,
Agriculture Research Service.

[F.R. Doc. 64-1063; Filed, Feb. 3, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treas. Dept. Order No. 162-5]

COMMISSIONER OF ACCOUNTS

Delegation of Authority

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, the authority conferred upon the Treasury Department by the President of the United States to liquidate the following agency is hereby delegated to the Commissioner of Accounts:

Name of agency and date of presidential letter

The United States Study Commission, Southeast River Basins—January 13, 1964.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

JANUARY 29, 1964.

[F.R. Doc. 64-1068; Filed, Feb. 3, 1964; 8:50 a.m.]

[AA 643.3-m]

VITAL WHEAT GLUTEN FROM CANADA

Determination of Sales at Less Than Fair Value

JANUARY 28, 1964.

A complaint was received that vital wheat gluten from Canada, manufactured by The Ogilvie Flour Mills Co., Limited, or its subsidiary, Industrial Grain Products Limited, was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that vital wheat gluten from Canada, manufactured by The Ogilvie Flour Mills Co., Limited, or its subsidiary, Industrial Grain Products Limited, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The information received indicated that shipments to the United States were pursuant to outright sales between firms not related within the meaning of section 207 of the Antidumping Act of 1921.

The quantity sold in the home market for home consumption was sufficient to form a basis for fair value comparison.

Accordingly, the appropriate comparison for fair value purposes is between purchase price and home market price.

Purchase price was calculated by deducting freight, entry fee, and duty from the duty paid delivered price to the United States.

Home market price was calculated by deducting freight from the delivered price in Canada.

Purchase price was found to be less than adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1087; Filed, Feb. 3, 1964; 8:49 a.m.]

[AA 643.3-m]

VITAL WHEAT GLUTEN FROM AUSTRALIA

Fair Value Determination

JANUARY 28, 1964.

A complaint was received that vital wheat gluten from Australia was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that vital wheat gluten from Australia is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Sales to the United States were outright transactions between unrelated persons. The quantity sold in the home market was adequate to afford a proper basis of comparison. Purchase price was, accordingly, compared with adjusted home market price for fair value purposes.

Sales for exportation to the United States by all producers were made either on a C&F or c.i.f. duty paid basis. Purchase price was calculated by deducting from the C&F or c.i.f. duty paid price, ocean freight, inland freight, f.o.b. charges and, where appropriate, insurance and United States import duty.

Adjusted home market price for all producers except as noted below was calculated by deducting from the delivered home market price, a resellers discount and inland freight. Adjustment was made for differences in commissions between sales for export to the United States and in the home market. Further adjustment was made for technical services provided to home market purchasers which services were not available to United States customers. Differences in cost of packing were adjusted as appropriate.

For these producers, purchase price was found not to be lower than adjusted home market price.

With regard to the one remaining producer, home market price was calculated by deducting inland freight and home market packing from the delivered home market price. To this was added the cost of export packing.

Purchase price was found to be slightly lower than home market price. The amounts involved during the period under consideration in which margins existed were deemed to be not more than insignificant. The manufacturer has been informed of this fact, and advised that should shipments resume in which purchase price is lower than home market price, the case could be reopened as regards such shipments.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1086; Filed, Feb. 3, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 058714]

ALASKA

Order Opening Public Lands

JANUARY 29, 1964.

1. Public Land Order No. 1245, dated November 3, 1955, partially revoked Executive Order No. 8344 of February 10, 1940, and Executive Order No. 8789 of June 14, 1941, and provided that the status of the following described lands, except an area of 180 acres reserved for use of the Coast Guard, would not change so far as applications, locations, settlement, entry, or other forms of appropriation are concerned until further order of an authorized officer of the Bureau of Land Management:

MILLER POINT, SPRUCE CAPE AREA
KODIAK ISLAND, ALASKA

Beginning at a point on line of mean high tide on the east side of Kodiak Island, 57°48'30" N., latitude, 152°20'48" W., longitude, as shown on United States Coast and Geodetic Survey Chart No. 8570, March 1910.

Thence from said initial point, N. 45° W., 1.8 miles to line of mean high tide on east shore of Sycamore Bay;

Thence northeasterly and southeasterly around Miller Point and Spruce Cape with meanders of Sycamore Bay, Popof Bay, and Chiniak Bay to the point of beginning.

The area described, including both public and non-public lands, aggregates approximately 780 acres.

2. Subject to any existing valid rights and requirements of applicable law, the public lands described in paragraph 1, above, not otherwise withdrawn, are hereby opened to settlement and to filing of such applications, selections and locations as are allowable in unsurveyed lands, in accordance with the following:

a. Applications and selections under the non-mineral public-land laws and applicable regulations may be presented to the manager named below, beginning on the date of this order. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable

claims subject to allowance and confirmation will be adjudicated on the facts presented in support thereof. All other applications will be subject to the applications and claims mentioned in this paragraph.

b. All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraph 2a, above, presented prior to 10:00 a.m. on March 5, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands have been open to applications and offers under the mineral leasing laws. They will be open to settlement under the homestead and Alaska homesite laws, and to location under the United States mining laws, beginning at 10:00 a.m. on April 30, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JAMES F. DOYLE,
Acting Associate Director.

[F.R. Doc. 64-1051; Filed, Feb. 3, 1964; 8:47 a.m.]

TIMBER SALE CONTRACTING

Redelegation of Authority

Pursuant to the authority contained in § 1.1(a) of Bureau Order No. 684 (26 F.R. 8216) of August 28, 1961, the following officials are authorized to dispose of or permit the free use of forest products when authorized by law, on lands under the jurisdiction of the Bureau of Land Management: Assistant District Managers, District Offices at Coos Bay, Eugene, Medford, Roseburg, and Salem, Oregon; Officer-in-Charge, Tillamook Sub-office, Tillamook, Oregon.

This authority shall not include the approval of any sale of timber in excess of one million feet, board measure.

RUSSELL E. GETTY,
State Director.

Approved: January 28, 1964.

JAMES F. DOYLE,
Acting Associate Director.

JANUARY 29, 1964.

[F.R. Doc. 64-1052; Filed, Feb. 3, 1964; 8:47 a.m.]

Fish and Wildlife Service

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain New Mexico Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 1, 1964, through May 31, 1964, in New Mexico, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following named counties:

Eddy.	Valencia.
Guadalupe.	De Baca.
Torrence.	Bernalillo.
Grant.	Otero.
Catron.	Socorro.
Chaves.	McKinley.
San Miguel.	Sierra.
Lincoln.	

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 30, 1964.

[F.R. Doc. 64-1067; Filed, Feb. 3, 1964; 8:48 a.m.]

Office of the Secretary

JOSEPH T. DICKERSON JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) During the last half of the year 1963, I purchased on the New York Stock Exchange, and sold, stock in Shell Oil Company. No other change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1964.

Dated: January 21, 1964.

JOE T. DICKERSON.

[F.R. Doc. 64-1053; Filed, Feb. 3, 1964; 8:47 a.m.]

CHARLES E. WEBBER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of January 20, 1964.

Dated: January 20, 1964.

CHARLES E. WEBBER.

[F.R. Doc. 64-1054; Filed, Feb. 3, 1964; 8:47 a.m.]

ROLAND A. WHEALY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1963.

Dated: January 24, 1964.

ROLAND A. WHEALY.

[F.R. Doc. 64-1055; Filed, Feb. 3, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23-932]

PI-MO K. PIRKER & CO. ET AL.

Order Terminating Indefinite Denial Order

In the matter of PI-MO K. Pirker & Co., Mollardgasse 64, Vienna VI, Austria, Respondent; Mr. Karl Pirker, Mrs. Elfriede Mondschein, Mollardgasse 64, Vienna VI, Austria, Related Parties; File 23-932.

On October 9, 1963 an order was entered against the above respondent and related parties denying them for an indefinite period, all privileges of participating in exportations from the United States because of the failure of the respondent to answer interrogatories duly served in accordance with § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B) and not having given adequate reasons for its failure to answer (28 F.R. 10928, October 11, 1963). Good cause having now been shown that this order should no longer be maintained in effect; *It is ordered*, That the said order of October 9, 1963 be and the same is hereby terminated.

Dated: January 31, 1964.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-1068; Filed, Feb. 3, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Hickory County, Missouri, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of January 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1085; Filed, Feb. 3, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

CLEVELAND AIR FORWARDING, INC., ET AL.

Notice of Proposed Approval

In the matter of the Application of Cleveland Air Forwarding, Inc., William C. Conn, et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended. Docket 14842.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated in Washington, D.C., January 29, 1964.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D.C.

ISSUED UNDER DELEGATED AUTHORITY

Order Approving Control and Interlocking Relationships

The joint application of Cleveland Air Forwarding, Inc., William C. Conn, et al., under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, for approval of control and interlocking relationships; Docket No. 14842.

By application filed October 30, 1963, as amended December 6, 1963, Cleveland Air Forwarding, Inc. (Cleveland), William C. Conn, John V. Motsch, and Carl R. Munn jointly request the Board to approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), the common control by Mr. Munn of Cleveland and Cleveland Freight Lines, Inc. (Freight Lines). In addition, pursuant to section 409 of the Act, approval is requested for the following interlocking relationships: [1]

Individual	Company and position	
	Cleveland	Freight Lines
William C. Conn.	Vice President, Director.	Vice President—Corporate Relations.
John V. Motsch.	Director.	Vice President—Sales.
Carl R. Munn.	President, Chairman, Board of Directors.	President, Chairman, Board of Directors.

Cleveland is an applicant for domestic air freight forwarder operating authority pursuant to Part 296 of the Board's Economic Regulations.[2] Freight Lines is an intrastate irregular common carrier operating trucks throughout the State of Ohio and operates under Interstate Commerce Commission regulations governing intrastate certified carriers. Mr. Munn owns 70 percent of the issued and outstanding stock of Cleveland, and 79 percent of that of Freight Lines.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication.

We have concluded, upon consideration of the application, that the activities of Freight Lines are those of a common carrier within the meaning of section 408 of the Act and, therefore, that the common control of Cleveland and Freight Lines by Mr. Munn is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and essentially do not represent any new substantive issues.[3] It therefore appears that approval of the control relationships would not be inconsistent with the public interest. However, should the trucking services of Freight Lines be expanded, new issues would be raised which could only be resolved upon the filing of a further application for prior approval by the Board. Accordingly, we will condition our approval of the instant relationships so that such approval shall be effective only as long as the operation of motor vehicles by Freight Lines is limited to the State of Ohio.

We also find that interlocking relationships within the scope of section 409(a) of the Act will exist between Cleveland and Freight Lines from the holding by William C. Conn, John V. Motsch, and Carl R. Munn of the positions described herein. In this connection, we have concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest, provided that approval thereof is made subject to the limitation noted above.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control of Cleveland and Freight Lines by Carl R. Munn be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Economic Regulations, as now in effect or as hereafter amended, the interlocking relationships resulting from the holding by William C. Conn, John V. Motsch, and Carl R. Munn of the positions described above be and they hereby are approved;

3. That the approvals granted herein shall be effective only so long as the operation of motor vehicles by Freight Lines is limited to the State of Ohio;

4. That except to the extent granted herein, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this Order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this Order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[F.R. Doc. 64-1079; Filed, Feb. 3, 1964; 8:48 a.m.]

[1] To the extent that the application also requests approval of certain interlocking relationships involving David J. Eardley and Bruce D. Munn, the joint applicants request that the application be dismissed.

[2] For the purpose of this proceeding, Cleveland is considered to be an air carrier.

[3] See, for example, Alaska Air Forwarding Corp., et al., Docket 14021, Order E-18904, Oct. 11, 1962, and Allied Air Freight, Inc., et al., Docket 13400, Order E-19026, November 21, 1962.

[Docket No. 13777; Order E-20418]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of January 1964.

Agreement adopted by Joint Traffic Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17022, R-9.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Traffic Conference 1-2-3 of the International Air Transportation Association (IATA), and adopted pursuant to the provisions of Resolution 590a (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum, JT123/Rates 753, names an additional specific commodity rate as set forth below:

ITEM 9090—HUMAN HAIR

Rates: 194 cents per kilogram, minimum weight 45 kilograms, from Madras to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17022, R-9, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-1060; Filed, Feb. 3, 1964; 8:48 a.m.]

[Docket No. 14918]

LINEAS AEREAS DE NICARAGUA, S.A.

Notice of Hearing

In the matter of the application of Lineas Aereas de Nicaragua, S.A., for the issuance of a foreign air carrier permit, authorizing the foreign air transportation of persons, property, and mail between the terminal points Managua, Nicaragua and Miami, Florida, via the intermediate point San Salvador, El Salvador.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding will be held on February 17, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on January 8, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 28, 1964.

[SEAL] LESLIE G. DONAHUE, *Hearing Examiner.*

[F.R. Doc. 64-1061; Filed, Feb. 3, 1964; 8:49 a.m.]

[Docket No. 14695 [1] etc.]

ROUTT COUNTY, COLORADO

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 18, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ross I. Newmann.

Dated at Washington, D.C., January 30, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-1062; Filed, Feb. 3, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

UNITED STATES ATLANTIC AND GULF-SANTO DOMINGO CONFERENCE ET AL.

Notice of Filing of Agreements

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 6080-10, between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference;

Agreement No. 6800-3, between the member lines of the East Coast South America Reefer Conference;

Agreement No. 7200-5, between the member lines of the River Plate and Brazil/United States Reefer Conference;

Agreement No. 7550-1, between the member lines of the Havana Northbound Rate Agreement;

Agreement No. 8100-4, between the member lines of the Thailand/U.S. Atlantic & Gulf Conference; and

Agreement No. 8290-1, between the member lines of the Hawaii/Orient Rate Agreement.

The above agreements modify the basic agreements of their respective conferences to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulations, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 30, 1964.

By order of the Federal Maritime Commmission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-1075; Filed, Feb. 3, 1964; 8:48 a.m.]

[1] See Order E-20402 C.A.B. January 27, 1964.

FEDERAL POWER COMMISSION

[Docket No. CP64-138]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 28, 1964.

Take notice that on December 13, 1963, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado, filed in Docket No. CP64-138, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Texas County, Oklahoma, in order to continue the exchange deliveries of natural gas with Panhandle Eastern Pipe Line Company (Panhandle) pursuant to Applicant's FPC Gas Rate Schedule X-19, all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Applicant states that it has been unable to deliver exchange gas to Panhandle because of a permanent increase in pressure in Panhandle's line in Texas County, Oklahoma. Thus, Applicant proposes herein to construct and operate a skid-mounted 453 horsepower package compressor unit in order to effect continued deliveries.

Applicant has been delivering to Panhandle a quantity of gas equal to that quantity delivered by Phillips Petroleum Company to Cabot Corporation for Applicant's account. Upon the expiration of the subject exchange arrangement at 12:01 a.m., January 1, 1965, Applicant proposes to install permanently the subject compressor unit in its Panhandle Field gathering system.

The application shows the estimated cost of the proposed facilities to be $82,000, which costs will be financed from current working funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no

within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 19, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1045; Filed, Feb. 3, 1964; 8:46 a.m.]

[Docket No. G-19191]

HUMBLE OIL & REFINING CO. ET AL.

Order Consolidating Proceedings and Fixing Date of Hearing

JANUARY 28, 1964.

Humble Oil & Refining Company (Operator), et al., Docket No. G-19191; Chicago Mill and Lumber Company, et al., Docket No. G-19192; Sunray DX Oil Company, Docket No. CI60-85; Wheless Drilling Company (Operator), et al., Docket No. CI61-587.

Each of the above-entitled proceedings concerns an application for a certificate of public convenience and necessity filed under section 7 of the Natural Gas Act to sell natural gas produced in north Louisiana [1] for resale in interstate commerce, all as more fully described in the appendix attached hereto and in the respective applications (and supplements and amendments thereto) which are on file with the Commission and open to public inspection.

In order to effect an expeditious disposition of these proceedings we shall require that the applicants' cases in chief and answering cases of staff and interveners be filed in advance of hearing.

The Commission finds: It is appropriate and in the public interest that the above-entitled matters be consolidated for hearing and decision as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction protest or petition to intervene is filed conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held at 10 a.m., e.s.t., on March 30, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

(B) Protests and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1964. Protestants and Petitioners shall state with particularity the dockets in which they claim to have an interest.

(C) Cases in chief of the applicants prepared in writing shall be served on all intervener parties, if any, and the Federal Power Commission Staff on or before March 9, 1964. Answering cases prepared in writing of Staff and intervener parties, if any, shall be served on or before March 23, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX

Docket No.	Applicant	Field and location	Purchaser	Proposed total initial price cents/Mcf at 15.025 psia	Rate schedule and contract date	Comments
G-19191	Humble Oil & Refining Co. (Operator), et al.	Killens Ferry Field, Franklin and Tensas Parishes.	United Fuel Gas Co.	19.1	324 [1] (12-31-52)	Temporary certificate conditioned initial price to 17 cents/Mcf plus tax reimbursement.
G-19192	Chicago Mill and Lumber Co., et al.	do	do	19.1	1 (6-22-59)	Do.
CI60-85	Sunray DX Oil Co.	Calhoun Field, Ouachita Parish	United Gas P/L Co.	20.0	191 (11-17-59)	Do.
CI61-587	Wheless Drilling Co. (Operator), et al.	W. Simsboro Field, Lincoln Parish.	do	20.25	6 10-6-60	Do.

[1] Ratification dated 6-22-59 of contract dated 12-31-52.

[F.R. Doc. 64-1046; Filed, Feb. 3, 1964; 8:46 a.m.]

[Docket No. G-16842 etc.]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application To Amend

JANUARY 28, 1964.

Take notice that on December 5, 1963, Tennessee Gas Transmission Company (Applicant), P.O. Box 2511, Houston 1, Texas, filed an application to amend the Commission's opinion and order issued September 19, 1963, in Docket No. G-16842, et al., by authorizing the reallocation of volumes of natural gas to be sold and delivered to Connecticut Gas Company (Connecticut) by Applicant, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The opinion and order of September 19, 1963 (specifically with reference to Docket No. CP60-94 thereof), authorized Applicant, among other things, to sell and deliver a total volume of 19,900 Mcf of natural gas to Connecticut under four separate gas sales contracts, each concerning a separate service area. By the Commission's order issued May 16, 1963, in Docket No. CP63-247 Applicant was authorized to increase further its deliveries to Connecticut to a total volume of 20,374 Mcf or an increase of 474 Mcf.

Applicant proposes herein to reallocate, as follows, the volumes of natural gas delivered to Connecticut for each of the four service areas involved.

Service area	Authorized at Docket No. CP60-94	Proposed reallocation		CP63-247 authorized increase	Total
		Increase (decrease)	Total		
Derby-Shelton	12,083	(533)	11,550		11,550
Norwalk	2,670	330	2,900	220	3,220
Wallingford	3,836	247	4,083	244	4,327
Winsted	1,311	(34)	1,277		1,277
Total	19,900		19,900	474	20,374

All volumes Mcf at 14.73 psia.

Applicant states that the proposed reallocations will permit Applicant and Connecticut to meet their peak-day requirements through the 1964-65 winter heating season in the most economical manner.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1047; Filed, Feb. 3, 1964; 8:47 a.m.]

[1] The geographical area consisting of that portion of the State of Louisiana lying north of the 31° parallel.

[Docket Nos. G-9476 etc.]

TEXAS GULF PRODUCING CO.

Order Conditionally Approving Rate Settlement Proposal, Terminating Proceedings and Prescribing Refunds; Correction

JANUARY 27, 1964.

Texas Gulf Producing Company, Docket Nos. G-9476, et al.; Texas Gulf Producing Company, Docket No. G-14832.

In the order conditionally approving rate settlement proposal, terminating proceedings and prescribing refunds, issued December 30, 1963 and published in the FEDERAL REGISTER January 8, 1964 (F.R. Doc. 64-98; 29 F.R. 198-200) make the following changes:

In ordering paragraph (G): After "G-19910" delete "RI63-223" and add "RI61-223, RI62-75". After "G-15056" add "G-17372". After "RI60-402" delete "RI60-1403" and add "RI60-403".

In ordering paragraph (J): Delete "Prentice." and insert "Texas Gulf."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1043; Filed, Feb. 3, 1964; 8:47 a.m.]

[Docket Nos. G-2671, etc.]

J. CLEO THOMPSON ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JANUARY 28, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2671, et al. E 1-20-64	J. Cleo Thompson, et al. (successor to Joe Blalock, et al.).	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	10.7310	14.65
G-2672	do	do	11.3940	14.65
G-2673	do	Arkansas Louisiana Gas Co., South Hallsville Field, Harrison County, Tex.	10.3812	14.65
G-9310	do	Arkansas Louisiana Gas Co., Bethany Field, Panola County, Tex.	11.3940	14.65
CI61-666	do	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	10.8876	14.65
G-6107 12-16-63	Gloria Jean Howard, et al. (formerly E. E. Brown estate).	Montana-Dakota Utilities Co., South Elk Basin Unit Area, Park County, Wyo.	(2)	
G-6108 12-16-63	do	do	(3)	
G-7670 C 1-17-64	Southern Union Gathering Co.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	14.05575	15.025
G-11159 D 1-15-64	The Pure Oil Co.	Transcontinental Gas Pipe Line Corp., Gueydan and Southeast Gueydan Fields, Vermilion Parish, La.	(4)	
G-11606 C 1-22-64	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Enns Area, Texas County, Okla.	17.2	14.65
G-11821 C 1-22-64	Marathon Oil Co.	United Gas Pipe Line Co., acreage in Forrest County, Miss.	20.126	15.02
G-12398 D 1-2-64	Calvert Drilling Co. (Operator), et al. d/b/a Frankfort Oil Co.	United Fuel Gas Co., Deep Lake Field, Cameron Parish, La.	(5)	
G-15714 D 1-20-64	Humble Oil & Refining Co.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	(5)	
CI60-901 12-20-63	Continental Oil Co.	Panhandle Eastern Pipe Line Co., Kimball No. 1 Unit, Major and Dewey Counties, Okla.	15.0	14.65
CI61-1630 C 12-2-63	Gulf Oil Corp.	Transcontinental Gas Pipe Line Corp., South Marsh Island Area, Offshore South La.	[6] 19.0	15.025
CI62-193 E 1-20-64	McWood Corp. (Operator) (successor to Tower Oil & Gas Co. of Texas).	North Central Gas Co. and Kansas-Nebraska Natural Gas Co., Inc., Shawnee Area, Converse County, Wyo.	20.0	15.025
CI62-358 D 1-20-64	E. H. Adair, d/b/a E. H. Adair Oil Co.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	(7)	
CI63-689 C 1-20-64	Humble Oil & Refining Co.	El Paso Natural Gas Co., Spraberry Area, Reagan County, Tex.	17.2295	14.65
CI63-1241 E 1-20-64	Ginther, Warren & Co., et al. (successor to Lavaca Production Co.).	Valley Gas Transmission, Inc., Alta Mesa Field, Brooks County, Tex.	14.0	14.65
CI64-605 C 1-22-64	Hojka Oil & Gas Co.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	26.0	15.325
CI64-609 A 1-15-64	Texco Inc.	Colorado Interstate Gas Co., Table Rock Unit No. 15 Well, Table Rock Field, Sweetwater County, Wyo.	15.0	14.65
CI64-610 A 1-16-64	Lundells Inc. (Operator), et al.	Natural Gas Pipeline Co. of America, Lundell Queen City Fields Nos. 1, 2, 3, and 4, Du Val County, Tex.	16.0	14.65
CI64-611 A 1-16-64	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Cheniere Brake Field, Ouachita County, La.	18.33	15.025
CI64-612 A 1-17-64	Logue and Patterson	Lone Star Gathering Co., South Weesatche Field, Goliad County, Tex.	14.0	14.65
CI64-613 A 1-17-64	Graham-Michaelis Drilling Co.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	17.0	14.65
CI64-614 B 1-17-64	Standard Oil Co. of Texas, a division of California Oil Co.	Union Texas Petroleum, a division of Allied Chemical Corp., Robinson Lake Field, Chambers County, Tex.	Depleted	
CI64-615 A 1-20-64	Big Sandy Gas Co.	United Fuel Gas Co., Geary District, Roane County, W. Va.	26.0	15.325
CI64-616 A 1-20-64	Gulf Oil Corp.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	17.0	14.65
CI64-617 A 1-20-64	Eason Oil Co.	Arkansas Louisiana Gas Co., Star Field, Kingfisher County, Okla.	15.0	14.65
CI64-618 A 1-20-64	Gulf Oil Corp.	Transwestern Pipeline Co., Haley Field, Winkler County, Tex.	16.0	14.65
CI64-619 A 1-20-64	J. M. Huber Corp.	Natural Gas Pipeline Co. of America, acreage in Beaver County, Okla.	17.0	14.65
CI64-620 A 1-20-64	Chase Petroleum Co., et al.	El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex.	17.0	14.65
CI64-621 A 1-20-64	Continental Oil Co.	Arkansas Louisiana Gas Co., Star Field, Kingfisher County, Okla.	15.0	14.65
CI64-622 A 1-21-64	The Atlantic Refining Co.	Kansas-Nebraska Natural Gas Co., Inc., SE. Dombey Field, Beaver County, Okla.	(8)	14.65
CI64-623 A 1-20-64	W. E. Bakke, et al.	Coastal States Gas Producing Co., Person Field, Karnes County, Tex.	13.0	14.65
CI64-624 A 1-20-64	Texaco Inc.	Southern Union Gathering Co., various leases, San Juan County, N. Mex.	13.0	15.025
CI64-625 B 1-20-64	Highland Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Pheasant Field, Matagorda County, Tex.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI64-826 B 1-20-64	Sohio Petroleum Co.	Trunkline Gas Co., Dunn Field, Jim Wells County, Tex.	Depleted	
CI64-827 B 1-17-64	Prairie Petroleum, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Bijou Field, Morgan County, Colo.	(9)	
CI64-828 A 1-22-64	Graham-Michaelis Drilling Co.	Panhandle Eastern Pipe Line Co., Keyes Pool, Cimarron County, Okla.	[10] 15.0	14.65
CI64-829 B 1-22-64	Cities Service Oil Co.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	(11)	
CI64-830 A 1-22-64	Hundred Gas Co.	The Ohio Fuel Gas Co. (formerly Natural Gas Co. of West Virginia, Inc.), Church District, Wetzel County, W. Va.	16.0	15.325

[2] Applicant seeks to terminate certificates issued to E. E. Brown Estate in Docket Nos. G-6107 and G-6108. Applicant states subject gas is now being sold under subsequent authorization.
[3] Applicant filed amendment to delete all nonproductive leases from contract.
[4] Certificate in Docket No. G-12398 was issued to Calvert Drilling Co. (Operator), et al. d/b/a Frankfort Oil Co. which covered interest owned by Royalite Oil Co., Inc. Pursuant to a "Farmout Agreement" dated Feb. 25, 1963, Royalite farmed out to British-American Oil Producing Co. all its undivided interest except for Frankfort-Royalite No. 1 well.
[5] Amendment to delete acreage filed per agreement between parties dated Nov. 22, 1963.
[6] Amendment to certificate filed to include interest of co-owners.
[7] Settlement rate approved by order issued 11-12-63, which issued permanent certificate in Docket No. CI61-1630.
[8] Acreage has been proven to be nonproductive.
[9] Price is 11.0 cents for gas above the base of the Wolfcampian series; 15.0 cents for gas below the base of the Wolfcampian series.
[10] Applicant states well is unable to meet existing line pressure.
[11] Contract provides downward BTU adjustment.
[12] Well has ceased to produce gas in commercial quantities.

[F.R. Doc. 64-1049; Filed, Feb. 3, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1644]

PENSION PLANS FUND, INC.

Notice of Application for Order of Exemption

JANUARY 29, 1964.

In the matter of Pension Plans Fund, Inc., 20 Broad Street, New York, New York; File No. 812-1644.

Notice is hereby given that Pension Plans Fund, Inc. ("Applicant"), a Maryland corporation, and an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission granting an exemption from the requirements of section 14(a)(3) of the Act so that Applicant will have an additional 90-day period within which to raise the initial net worth of $100,000 required by that Section. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 covering 500,000 shares of common stock to be offered to pension trusts created as a result of collective bargaining pursuant to the Federal Labor-Management Act or local law, and which are qualified under the provisions of section 401 of the Internal Revenue Code. Such registration became effective on August 5, 1963. Since Applicant did not have a net worth of at least $100,000 on that date, provision was made pursuant to section 14(a)(3) of the Act to obtain that amount from not more than twenty-five responsible persons and to repay any proceeds received by the Applicant in the event the total net proceeds received during that period did not result in the Applicant having a net worth of at least $100,000 within 90 days after the effective date of such registration statement.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least $100,000 or unless provision is made as a condition of the registration of its securities under the Securities Act which, in the opinion of the Commission, adequately insures (A) that, after the effective date of such registration statement, it will not issue any security or receive any proceeds of any subscription until no more than 25 responsible persons have made firm agreements to purchase securities in an aggregate net amount which will give the company a net worth of at least $100,000; (B) that said amount will be paid in to such company before subscriptions will be accepted from any persons in excess of 25; and (C) that arrangements will be made whereby any amounts so paid in, plus any sales load, will be refunded to any subscriber on demand in the event the net proceeds so received do not result in the company's having a net worth of at least $100,000 within 90 days after such registration statement becomes effective. At any time after the occurrence of the event specified in clause (C) of paragraph (3) of section 14(a), the Commission may issue a stop order suspending the effectiveness of the registration statement of such securities under the Securities Act of 1933 and may suspend or revoke the registration of such company under this title. Copies of Applicant's preliminary and final prospectus were delivered to various pension trusts meeting the qualifications described above. No moneys or subscriptions have been tendered, contributed or paid to the Fund. More than 90 days have elapsed since the effective date of Applicant's registration statement. The pension trusts which are the prospective offerees of Applicant's shares operate through boards of trustees or similar bodies which make investment decisions for such pension trusts. Meetings of such boards of trustees are held infrequently, generally once every three months. Applicant represents that those pension trusts which have been approached by Applicant with prospective offers to purchase shares of its securities have had insufficient time for their boards of trustees to consider and act upon a proposed investment in Applicant. Applicant is desirous of continuing its efforts for an additional period of 90 days from the date of the Commission's order in this matter in order to permit the offerees described to consider and pass upon this investment, and submits that under the circumstances described the exemption sought would be consistent with the purposes intended to be served by section 14(a).

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 14, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant, at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1074; Filed, Feb. 3, 1964; 8:48 a.m.]

[File No. 70-4188]

JACOB M. KAPLAN

Notice of Filing of Application Regarding Acquisition of Common Shares of Exempt Holding Company

JANUARY 29, 1964.

Notice is hereby given that Jacob M. Kaplan, 55 Fifth Avenue, New York 3, New York, has filed with this Commission an application, pursuant to sections 9(a)(2) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the acquisition of shares of the common stock of Eastern Gas and Fuel Associates ("Eastern"), an exempt holding company, which owns all of the common stock of Boston Gas Company (formerly Boston Consolidated Gas Company), a gas public utility company.

Applicant states that in various fiduciary and representative capacities he has acquired, and now owns, controls or holds with power to vote, 105,364 shares of Eastern's common stock, or approximately 6.5 percent of the 1,634,324 shares of common stock outstanding. Applicant requests approval by this Commission of such of the stock acquisitions as were subject to sections 9(a)(2) and 10 of the Act.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the acquisition; and that no fees and expenses are to be incurred in connection therewith other than legal fees of $500.

Notice is further given that any interested person may, not later than February 24, 1964, request in writing that a hearing be held regarding such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing regarding such matter. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon application at the above-noted address; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the application, as filed or as it may be amended, may be granted effective forthwith as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1073; Filed, Feb. 3, 1964; 8:48 a.m.]

[File No. 70-4189]

CENTRAL AND SOUTH WEST CORP. ET AL.

Notice of Filing of Application-Declaration Regarding Intrasystem Issuances and Acquisitions of Short-Term Notes

JANUARY 28, 1964.

Notice is hereby given that Central and South West Corporation ("Central"), 902 Market Street, Wilmington 99, Delaware, a registered holding company, and three of its electirc utility subsidiary companies, i.e., Central Power and Light Company ("Central Power"), Public Service Company of Oklahoma ("Oklahoma"), and Southwestern Electric Power Company ("Southwestern"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") regarding certain proposals described below, and have designated sections 6, 7, 9, 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50(a)(3) as applicable to such transactions.

All interested persons are hereby referred to the application-declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Central proposes to lend, from time to time during 1964, to the three named subsidiary companies, or any one or more of them, such amounts as are requested but not in excess of the following amounts to each:

Central Power	$5,000,000
Oklahoma	4,000,000
Southwestern	4,000,000

However, total loans hereunder by Central to these subsidiary companies will not exceed $8,000,000 at any one time outstanding.

Each loan will be evidenced by a promissory note or notes dated as of the dates the respective loans are made, will bear interest at 3½ percent per annum, and will mature as to each of such subsidiary companies one year from the date of the initial loan thereto. The notes will be prepayable, in whole or in part at any time, without premium or penalty.

The funds from which Central will make the proposed loans will be treasury funds now invested in U.S. Treasury securities and other temporary investments. The subsidiary companies will use the proceeds of such loans for 1964 construction expenditures, estimated as follows:

Central Power	$19,550,000
Oklahoma	20,277,000
Southwestern	14,864,000

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the estimated fees and expenses to be incurred in connection therewith amount to $1200, of which $1000 represents an allocation of counsel's annual retainer.

Notice is further given that any interested person may, not later than February 24, 1964, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles distance from the point of mailing) upon the applicants-declarants at the above noted address; and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1072; Filed, Feb. 3, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Orders No. 561 (27 F.R. 4001) and No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alamo Shirt Co., Inc., Alamo, Ga.; effective 2-12-64 to 2-11-65 (men's sport shirts).

The Arrow Co., 18th and Penn Streets, Huntingdon, Pa.; effective 1-20-64 to 1-19-65 (men's sport shirts).

Big-Dad Manufacturing Co., Inc., Stark Fla.; effective 1-23-64 to 1-22-65 (work pants).

Blount Manufacturing Co., Blountsville, Ala.; effective 1-9-64 to 1-8-65 (children's pants).

Blue Nell, Inc., 626 South Elm Street, West Lee and Fuller Streets, Greensboro, NW., Banks and Taylor Streets, Stokesdale, N.C.; effective 1-21-64 to 1-20-65. Learners may not be employed at special minimum wages in the production of skirts (misses', girls', kiddies' shorts and pedal pushers).

C & J Manufacturing Co., Eastman, Ga.; effective 1-22-64 to 1-21-65 (boys' dress and sport shirts).

Cherryvale Manufacturing Co., Cherryvale, Kans.; effective 1-10-64 to 1-9-65 (men's work pants).

City Shirt Corp., 19-21 West Vine Street, Mahanoy City, Pa.; effective 2-1-64 to 1-31-65 (men's sport shirts, uniform shirts, and dress shirts).

Colshire Manufacturing Co., Inc., Morgantown, W. Va.; effective 2-1-64 to 1-31-65 (men's pajamas).

Cowden Manufacturing Co., Standford, Ky.; effective 1-19-64 to 1-18-65 (men's and boys' dungarees).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa.; effective 1-20-64 to 1-19-65 (women's sleepwear—woven).

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 1-17-64 to 1-16-65 (men's and boys' sport shirts).

Dunbrooke Shirt Co., Lexington, Mo.; effective 1-12-64 to 1-11-65 (men's shirts).

Ely and Walker, Division of Burlington Industries, Inc., Yazoo City, Miss.; effective 2-1-64 to 1-31-65 (men's and boys' pajamas).

Gloria Manufacturing Corp., 815 24th Street, Newport News, Va.; effective 1-20-64 to 1-19-65 (children's dresses).

Huggins Garment Co., Inc., Donalds, S.C.; effective 1-29-64 to 1-28-65 (men's sport and utility shirts).

Huggins Garment Co., Inc., Due West, S.C.; effective 1-26-64 to 1-25-65 (men's sport and utility shirts).

Kinston Shirt Co., Box 614, Kinston, N.C.; effective 1-31-64 to 1-30-65 (men's and boys' shirts).

L & H Shirt Co., Cochran, Ga.; effective 1-22-64 to 1-21-65 (boys' dress and sport shirts).

McColl Manufacturing Co., McColl, S.C.; effective 1-6-64 to 1-5-65 (ladies' dresses).

Manchester Industries, Inc., Manchester, Tenn.; effective 1-25-64 to 1-24-65 (men's and boys' sport shirts).

Manufacturers' Sportswear, Inc., Meadow Avenue at Maple Street, Scranton, Pa; effective 1-6-64 to 1-5-65 (boys' trousers).

Mid-South Manufacturing Co., Inc., Richton, Miss.; effective 1-19-64 to 1-18-65 (men's work shirts and work pants).

Princess Peggy, Inc., Items Division, Belleville, Ill.; effective 1-8-64 to 1-7-65. Learners may not be employed at special minimum wage rates in the production of skirts (women's cotton dresses).

Rosebud Manufacturing Co., Vidalia, Ga.; effective 2-1-64 to 1-31-65 (women's lingerie).

Salant and Salant, Inc., First Street, Lawrenceburg, Tenn.; effective 1-20-64 to 1-19-65 (men's cotton work shirts, men's and boys' outerwear jackets).

A. J. Schneierson and Son, Inc., Randleman, N.C.; effective 1-17-64 to 1-16-65. Learners may not be employed at special minimum wages in the production of ladies' slips made from knit fabrics (ladies' slips and dresses).

A. J. Schneierson and Son, Inc., Siler City, N.C.; effective 1-16-64 to 1-15-65 (ladies' slips and pajamas).

Smith Brothers Manufacturing Co., St. Joseph, Mo.; effective 1-23-64 to 1-22-65 (men's denim work jackets, overalls, coveralls, and work pants).

Levi Strauss and Co., Route 3, Warsaw, Va.; effective 1-30-64 to 1-29-65 (men's cotton pants).

Superior Garment Contractors, Inc., Middlesex, N.C.; effective 1-10-64 to 1-9-65 (ladies' and children's pedal pushers and shorts).

Swirl, Inc., 508 Greenville Road, Easley, S.C.; effective 1-13-64 to 1-12-65 (women's dresses).

Tennessee Overall Co., Inc., 401 North Atlantic Street, Tullahoma, Tenn.; effective 1-23-64 to 1-22-65 (men's trousers).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 1-10-64 to 1-9-65 (ladies' and girls' blouses).

Tri-State Manufacturing Co., Main Street, Adairsville, Ga.; effective 1-9-64 to 1-8-65. Learners may not be employed at special minimum wage rates in the production of skirts (ladies' blouses and pants).

Vidalia Garment Co., Inc., Vidalia, Ga.; effective 1-30-64 to 1-29-65 (men's sport and dress shirts).

Wilker Brothers Co., Inc., McKenzie, Tenn.; effective 1-17-64 to 1-16-65 (men's and boys' cotton pajamas).

Yunker Manufacturing Co., 315 Ann Street, Parkersburg, W. Va.; effective 1-2-64 to 1-1-65 (children's wear-coveralls, overalls, creepers, and sun-suits).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bennettsville Manufacturing Co., Bennettsville, S.C.; effective 1-2-64 to 1-1-65; 10 learners (ladies' cotton dresses).

Blue Bell, Inc., Nappanee, Ind.; effective 1-10-64 to 1-9-65; 10 learners (men's, boys', girls', and ladies' dungarees).

Howard Manufacturing Co., Inc., Nashville, Ark.; effective 1-20-64 to 1-19-65; 10 learners (men's bath robes).

Joses Blouse, 1212 South Main Avenue, Scranton, Pa.; effective 1-8-64 to 1-7-65; 5 learners (ladies' blouses).

Klos Manufacturing Co., Muskogee, Okla.; effective 1-8-64 to 1-7-65; 10 learners (children's clothing—shorts and slimjim pants).

Mount Airy Pants Factory, Mount Airy, Md.; effective 1-23-64 to 1-22-65; 10 learners (men's work pants).

Nat Nast, Inc., Bonner Springs, Kans.; effective 1-14-64 to 1-13-65; 10 learners (men's and boys' bowling shirts and women's bowling blouses).

Powellville Pants Factory, Powellville, Md.; effective 1-27-64 to 1-26-65; 10 learners (men's and boys' work pants).

Henry I. Siegel Co., Inc., Tiptonville, Tenn.; effective 1-27-64 to 1-26-65; 10 learners Learners may not be employed at special minimum wage rates in the production of sport coats of suit type construction (men's and boys' outerwear jackets).

Smith Brother Manufacturing Co., Lamar, Mo.; effective 1-23-64 to 1-22-65; 10 learners (men's and boys' denim dungarees).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; effective 1-14-64 to 1-13-65; 10 learners (men's and boys' sport shirts).

Willards Shirt Co., Willards, Md.; effective 1-29-64 to 1-28-65; 10 learners (men's work shirts and pants).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Spencer, Iowa; effective 1-18-64 to 5-17-64; 10 learners (boys' denim jeans) (supplemental certificate).

Hickory Grove Sportswear Co., Inc., Hickory Grove, S.C.; effective 1-6-64 to 7-5-64; 100 learners. Learners may not be employed at special minimum wage rates in the production of women's skirts (ladies' and children's culottes, perts, capris, jamacis, and bermuda shorts).

Hicks-Ponder Co., 1795 Maple Avenue, Yuma, Ariz.; effective 1-20-64 to 7-19-64; 100 learners (men's utility pants and casual slacks).

The H. D. Lee Co., Inc., Houston, Mo.; effective 1-17-64 to 7-16-64; 100 learners (men's and ladies' western pants).

Rutherford Garment Co., a division of Kellwood Co., Rutherford, Tenn.; effective 1-15-64 to 7-14-64; 40 learners (men's and boys' outerwear jackets).

Salant and Salant, Post Office Box 466, Marked Tree, Ark.; effective 1-10-64 to 7-9-64; 50 learners (children's pants and shirts).

Sandy Lee Manufacturing Co., 1900 North Broadway, Menomonie, Wis.; effective 1-13-64 to 7-12-64; 10 learners (boys' and girls' outerwear jackets).

A. J. Schneierson and Sons, Inc., Siler City, N.C.; effective 1-16-64 to 7-15-64; 75 learners (ladies' slips and pajamas).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 1-8-64 to 7-7-64; 15 learners for plant expansion purposes (work gloves).

Indianapolis Glove Co., Inc., Mt. Ida, Ark.; effective 1-22-64 to 1-21-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (jersey work gloves).

Knoxville Glove Co., 819 McGhee Street, Knoxville, Tenn.; effective 1-15-64 to 1-14-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Waynesboro, Miss.; effective 2-1-64 to 1-31-65; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ballet Hosiery Co., Wadesboro, N.C.; effective 1-21-64 to 1-20-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 1-20-64 to 1-20-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N.C.; effective 1-25-64 to 1-24-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 1-6-64 to 1-5-65: 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-64 to 1-24-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 1-25-64 to 1-24-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Beauty Mold Mills, Inc., Monroe Street Ext., Statesville, N.C.; effective 1–6–64 to 1–5–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' undergarments and nightwear).

The H. W. Gossard Co., Artemis Division, Malden, Mo.; effective 1–20–64 to 1–19–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

The H. W. Gossard Co., Artemis Division, Poplar Bluff, Mo.; effective 1–20–64 to 1–19–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

The H. W. Gossard Co., Artemis Division, Troy, Mo.; effective 1–20–64 to 1–19–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

The H. W. Gossard Co., Artemis Division, Bristow, Okla.; effective 1–20–64 to 1–19–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and nightwear).

Ladyfair Mills, Inc., 1505 West Front Street, Post Office Box 631, Statesville, N.C.; effective 1–13–64 to 7–12–64; 60 learners for plant expansion purposes (ladies' panties and slips).

Shadowline, Inc., Morganton, N.C.; effective 1–15–64 to 1–14–65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' knit lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

Louis Hand, Inc., 847 Pleasant Street, Fall River, Mass.; effective 2–5–64 to 8–4–64; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 160 hours at the rate of not less than $1.15 an hour (curtains).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Affiliated Industries, Inc., Road to San Lorenzo, Post Office Box 584, Caguas, Puerto Rico; effective 12–4–63 to 6–3–64; 20 learners for plant expansion purposes, in the occupations of: (1) stitcher machine operator for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 65 cents an hour for the remaining 160 hours; and (2) clicker machine operator; riveter machine operator; cementer machine operator; bar tacker, each for a learning period of 160 hours at the rate of 56 cents an hour (brief cases and school bags).

Bonita, Inc. (Brassiere Department), Industria Avenue, Post Office Box 1127, Cayey, Puerto Rico; effective 12–16–63 to 6–15–64; 10 learners for plant expansion purposes, in the occupation of machine stitcher for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (brassieres for swimsuits).

Bonita, Inc., Industria Avenue, Post Office Box 1127, Cayey, Puerto Rico, effective 12–16–63 to 6–15–64; 16 learners for plant expansion purposes, in the occupation of machine stitcher; presser, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (swimwear).

Columbia Manufacturing Co., Post Office Box 333, San Lorenzo, Puerto Rico; effective 12–16–63 to 11–3–64; 5 learners for normal labor turnover purposes, in the occupation of induction brazer; straightener; sand blastwash; point grinder; centerless grinder; shot and fin miller; thread roller; stamper; cylindrical grinder; inspector, each for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (drills) (replacement certificate).

Connie Embroidery, Inc., 614 Carpenter Road, Barrio Obrero, Santurce, P.R.; effective 11–26–63 to 11–27–64; 5 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) hand cutter of applique on embroidery panels for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours (embroidery of women's underwear).

Connie Embroidery, Inc., 614 Carpenter Road, Barrio Obrero, Santurce, P.R.; effective 11–26–63 to 5–27–64; 10 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) hand cutter of applique on embroidery panels for a learning period of 240 hours at the rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the remaining 80 hours (embroidery of women's underwear).

United Corp., Post Office Box 52, Cabo Rojo, P.R.; effective 12–16–63 to 4–30–64; 42 learners for plant expansion purposes, in the occupations of: (1) machine stitcher; layers off, each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 82 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 71 cents an hour (leather gloves).

The following learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Standard Time Corp., 102 Richmond, Christiansted, St. Croix, V.I.; effective 11–16–63 to 11–15–64; 10 learners for normal labor turnover purposes, in the occupation of watch assembler for a learning period of 240 hours at the rate of $1.00 an hour (watches).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 24th day of January 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64–1056; Filed, Feb. 3, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 934]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66468. By order of January 28, 1964, the Transfer Board approved the transfer to S. S. S. Freight Lines, Inc., Jefferson City, Mo., of the operating rights in Certificate in No. MC 123867, issued May 15, 1962, to Paul F. Brondel and Raymond A. Brondel, a partnership, doing business as Brondel Brothers Truck Service, Jefferson City, Mo., authorizing the transportation, over regular routes, of livestock and poultry, from Lohman, Mo., to National Stock Yards, Ill., and of general commodities excluding household goods, commodities in bulk, and other specified commodities, from National Stock Yards, Ill., to Lohman, Mo. Thomas P. Rose, Jefferson Building, Jefferson City, Mo., attorney for applicants.

No. MC–FC 66492. By order of January 28, 1964, the Transfer Board approved the transfer to Cox-Patrick Transfer & Storage Co., a corporation, Houston, Tex., of the operating rights in Certificate in No. MC 2184, issued April 18, 1960, to Clifton D. Cox, doing business as Cox-Patrick Transfer & Storage, Houston, Tex., authorizing the transportation, over irregular routes, of household goods, from Galveston and Houston, Tex., to points in Louisiana, Missouri, and Oklahoma, and from points in Louisiana, Missouri, and Oklahoma, to points in Texas. Donald O. Baker, 723 Houston First Federal Building, Houston 2, Tex., attorney for applicants.

No. MC–FC 66501. By order of January 28, 1964, the Transfer Board approved the transfer to Johnson Storage and Moving Co., a corporation, Denver, Colo., of Certificate in No. MC 89442, issued June 26, 1947, to Louis J. Johnson and Raymond W. Johnson, doing business as The Johnson Storage and Moving Company, Denver, Colo., authorizing the transportation of: Household goods, between points in Colorado, on the one hand, and, on the other, points in Kansas, Missouri, Nebraska, Utah, and Wyoming. Marion F. Jones, 526 Denham Building, Denver, Colo., attorney for applicants.

No. MC–FC 66520. By order of January 28, 1964, the Transfer Board approved the transfer to Bruce L. Clevenger, doing business as Braymer Freight Service, Braymer, Mo., of Certificate in No. MC 1607, issued July 19, 1961, to Virgil E. Silkwood, doing business as Silkwood Truck Line, Braymer, Mo., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between specified points in Kansas and Missouri, and, household goods, between Polo, Mo., and points within 20 miles of Polo, on the one hand, and, on the other, points in Iowa and Kansas. Henry Vers, Western Traffic Service, 906 Grand Avenue, Kansas City 6, Mo., representative for applicants.

No. MC–FC 66527. By order of January 28, 1964, the Transfer Board approved the transfer to Hoppie's Towing, Inc., St. Louis, Mo., of the operating rights in Certificates in Nos. MC 117529 and MC 117529 (Sub-No. 1), issued February 26, 1959, and June 4, 1962, respectively, to Milton J. Hopkins, III, doing business as Hoppie's Service Station and Towing, Berkley, Mo., authorizing the transportation, over irregular routes, of wrecked, damaged, and disabled motor vehicles, by use of wrecker equipment only, between points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, and Tennessee, and between points in Missouri, on the one hand, and, on the other, points in Indiana and Ohio. A. A. Marshall, 216 Buder Building, St. Louis, Mo., 63101, representative for applicants.

No. MC–FC 66546. By order of January 28, 1964, the Transfer Board approved the transfer to Joe J. Dempewolf, doing business as W. D. Clarke Transfer & Storage, 305 South Pine, Ponca City, Okla., of the operating rights in Certificate in No. MC 44024, issued July 19, 1956, to Henry Dempewolf and Henry W. Dempewolf, a partnership, doing business as W. D. Clarke Transfer & Storage Co., 305 South Pine, Ponca City, Okla., authorizing the transportation, over irregular routes, of household goods, between points in Kay County, Okla., and those within 35 miles of the boundaries of Kay County, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, and Texas.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–1064; Filed, Feb. 3, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 30, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38785: *Ferro alloys from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4444), for interested rail carriers. Rates on ferrosilicon, ferrochrome, ferromanganese, silicomanganese and ferro-chrome-silicon, in carloads, from Calvert, Ky., to points in Pittsburgh, Pa., District.

Grounds for relief: Barge-truck competition.

Tariff: Supplement 20 to Southern Freight Association, agent, tariff I.C.C. S–308.

FSA No. 38786: *Liquid caustic soda from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A4445), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Evans City, Ala., to Franklin, Va.

Grounds for relief: Market competition.

Tariff: Supplement 113 to Southern Freight Association, agent, tariff I.C.C. S–194.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–1063; Filed Feb. 3, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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Washington, Wednesday, February 5, 1964

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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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U.S. Constitution

Amendment 24

ADMINISTRATOR OF GENERAL SERVICES

CERTIFICATION OF AMENDMENT TO CONSTITUTION OF THE UNITED STATES RELATING TO QUALIFICATIONS OF ELECTORS

To All to Whom These Presents Shall Come, Greeting:

KNOW YE, That the Congress of the United States, at the second session, eighty-seventh Congress begun at the City of Washington on Wednesday, the tenth day of January, in the year one thousand nine hundred and sixty-two, passed a Joint Resolution in the words and figures as follows: to wit—

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the qualifications of electors.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article—

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

And, further, that it appears from official documents on file in the General Services Administration that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Alaska, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin.

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And, further, that the States whose Legislatures have so ratified the said proposed Amendment constitute the requisite three-fourths of the whole number of States in the United States.

Now, therefore, be it known that I, Bernard L. Boutin, Administrator of General Services, by virtue and in pursuance of Section 106b, Title 1 of the United States Code, do hereby certify that the Amendment aforesaid has become valid, to all intents and purposes, as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the General Services Administration to be affixed.

DONE at the City of Washington this 4th day of February in the year of our Lord one thousand nine hundred and sixty-four.

[SEAL] BERNARD L. BOUTIN

The foregoing was signed in my presence on this 4th day of February, 1964.

LYNDON B. JOHNSON

[F.R. Doc. 64-1229; Filed, Feb. 4, 1964; 10:35 a.m.]

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3572

RED CROSS MONTH, 1964

By the President of the United States of America

A Proclamation

WHEREAS the American National Red Cross, in fulfilling the responsibility vested in it by congressional charter, acts as a medium of communication between the people of the United States and their Armed Forces and in matters of voluntary relief affecting our servicemen and their families; and

WHEREAS for more than three-quarters of a century the American Red Cross has served during periods of national emergency, war, and peace as a voluntary aid to the Government of the United States in matters affecting the welfare of all the American people; and

WHEREAS such vital Red Cross services as the Blood Program, Disaster, First Aid, Water Safety, and Nursing Services, and other activities must be maintained at maximum effectiveness at all times; and

WHEREAS these services and programs, essential to the United States and the welfare of its people, are carried on by the 46,000,000 members and volunteers of the 3,500 Red Cross chapters throughout the Nation; and

WHEREAS the United States of America, as a signer and adherent to the Red Cross Treaty of Geneva, is a member of the International Red Cross family which now begins its one-hundred-and-first year of effective service to the world community; and

WHEREAS the American Red Cross, as a member of the League of Red Cross Societies and in cooperation with the League, assists in many of the great international relief programs around the world, bringing sustenance and hope to the victims of war, civil conflict, epidemic, and disaster; and

WHEREAS, acting under the provisions of the Geneva Conventions, the American Red Cross and its sister societies have furnished voluntary aid to the sick and wounded of armies in time of war and have protected prisoners of war:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1964 as Red Cross Month; and I urge all Americans to honor the American Red Cross to the limit of their capability by participating in and strengthening its work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirty-first day of January in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-1206; Filed, Feb. 4, 1964; 9:54 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 48, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 907.348 (Navel Orange Regulation 48, 29 F.R. 1315) are hereby amended to read as follows:

§ 907.348 Navel Orange Regulation 48.

(b) • • •

(1) • • •

(i) District 1: 1,025,000 cartons;

(ii) District 2: 375,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1106; Filed, Feb. 4, 1964; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Handling of Bison in Transit

Correction

In F.R. Doc. 64–930, appearing at page 1559 of the issue for Thursday, January 30, 1964, the following correction is made in § 78.22: The phrase "or good, water, and rest stations." should read "or feed, water, and rest stations.".

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Definitions and Collective Investment

These amendments, issued pursuant to the authority of section 1(j) of the Act of September 28, 1962, 76 Stat. 668, 12 U.S.C. 92a, amend paragraph (g) of § 9.1, subparagraph (3) of paragraph (a), and subparagraph (3) of paragraph (c) of § 9.18 of Part 9, relating to the fiduciary powers of national banks. Since the first two amendments will affect no existing activities of national banks and will remove existing obstacles to the utilization of the provisions being amended, and since the third amendment provides clarification and will make no substantive change, notice, public procedure and delayed effectiveness is found to be impractical, unnecessary and contrary to the public interest. These amendments, therefore, will become effective upon publication.

Part 9, Chapter I, Title 12, of the Code of Federal Regulations of the United States of America is amended by revising paragraph (g) of § 9.1, subparagraph (3) of paragraph (a), and subparagraph (3) of paragraph (c) of § 9.18 to read as follows:

§ 9.1 Definitions.

• • • • • •

(g) "Managing agent" means the fiduciary relationship assumed by a bank upon the creation of an account so entitled which confers investment discretion on the bank and imposes upon it the fiduciary responsibilities imposed upon trustees under will or deed;

• • • • • •

§ 9.18 Collective investment.

(a) • • •

(3) In a common trust fund, maintained by the bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as managing agent under a managing agency agreement expressly providing that such monies are received by the bank in trust;

• • • • • •

(c) • • •

(3) In a common trust fund maintained by the bank for the collective investment of cash balances received or held by a bank in its capacity as trustee, executor, administrator or guardian, which the bank considers to be individually too small to be invested separately to advantage, and the total investment in which on the part of any one account does not exceed $10,000: *Provided,* That in applying this limitation if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, such account shall be considered as one: *And provided,* That no fund shall be established or operated under this subparagraph for the purpose of avoiding the provisions of paragraph (b) of this section.

Dated: January 31, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64–1129; Filed, Feb. 4, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1994]

PART 44—FOREIGN AIR CARRIER REGULATIONS

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS [NEW]

This amendment adds to Subchapter G—Air Carrier and Commercial Operator Certification and Operations [New] of Chapter I of Title 14 of the Code of Federal Regulations Part 129 [New] relating to operations of foreign air carriers. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between

the two, the recodified parts, such as this one, will be labeled "[New]". The label will be of course be dropped at the completion of the project as all of the regulations will be new.

This action was published as a notice of proposed rule making in the FEDERAL REGISTER on October 8, 1963 (28 F.R. 10792) and as Notice number 63-38.

No adverse comments were received and no changes were requested as a result of the notice. No changes of the substance of the regulation have therefore been made. For conformity with paragraph (b) of § 129.13, paragraph (a) of that section has been amended by inserting the words "within the United States" to clarify the applicability of that paragraph.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to the new part.

Interested persons have been afforded an opportunity to participate in the making of this regulation. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended by deleting Part 44 and inserting the following new part in Subchapter G [New], effective April 1, 1964.

Issued in Washington, D.C., on January 29, 1964.

N. E. HALABY,
Administrator.

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS [NEW]

Sec.
129.1 Applicability.
129.11 Operations specifications.
129.13 Airworthiness and registration certificates.
129.15 Flight crewmember certificates.
129.17 Radio equipment.
129.19 Air traffic rules and procedures.
129.21 Control of traffic.
Appendix A—Application for operations specifications by foreign air carriers.

AUTHORITY: The provisions of this Part 129 issued under secs. 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

§ 129.1 Applicability.

This part prescribes rules governing the operation within the United States of aircraft of each foreign air carrier holding a permit issued by the Civil Aeronautics Board under section 402 of the Federal Aviation Act of 1958 (49 U.S.C. 1372).

§ 129.11 Operations specifications.

(a) Each foreign air carrier shall conduct its operations within the United States in accordance with operations specifications issued by the Administrator, including—

(1) Airports to be used;

(2) Routes or airways to be flown, and

(3) Such operations rules and practices as are necessary to prevent collisions between foreign aircraft and other aircraft.

(b) An application for the issue or amendment of operations specifications must be submitted in duplicate, at least 30 days before beginning operations in the United States, to the International District or Field Office in the area where the applicant's principal business office is located or to the Regional Director having jurisdiction over the area to be served by the operations. If a military airport of the United States is to be used as a regular, alternate, refueling, or provisional airport, the applicant must obtain written permission to do so from the Washington Headquarters of the military organization concerned and submit two copies of that written permission with his application. Detailed requirements governing applications for the issue or amendment of operations specifications are contained in Appendix A.

§ 129.13 Airworthiness and registration certificates.

(a) No foreign air carrier may operate any aircraft within the United States unless that aircraft carries current registration and airworthiness certificates issued or validated by the country of registry and displays the nationality and registration markings of that country.

(b) No foreign air carrier may operate a foreign aircraft within the United States except in accordance with the limitations on maximum certificated weights prescribed for that aircraft and that operation by the country of manufacture of the aircraft.

§ 129.15 Flight crewmember certificates.

No person may act as a flight crewmember unless he holds a current certificate or license issued by the country in which that aircraft is registered, showing his ability to perform his duties connected with operating that aircraft.

§ 129.17 Radio equipment.

Subject to the applicable laws and regulations governing ownership and operation of radio equipment, each foreign air carrier shall equip its aircraft with such radio equipment as is necessary to properly use the air navigation facilities, and to maintain communications with ground stations, along or adjacent to their routes in the United States.

§ 129.19 Air traffic rules and procedures.

(a) Each pilot must be familiar with the applicable rules, the navigational and communications facilities, and the air traffic control and other procedures, of the areas to be traversed by him within the United States.

(b) Each foreign air carrier shall establish procedures to assure that each of its pilots has the knowledge required by paragraph (a) of this section and shall check the ability of each of its pilots to operate safely according to applicable rules and procedures.

(c) Each foreign air carrier shall conform to the practices, procedures, and other requirements prescribed by the Administrator for U.S. air carriers for the areas to be operated in.

§ 129.21 Control of traffic.

(a) Subject to applicable immigration laws and regulations, each foreign air carrier shall furnish the ground personnel necessary to provide for two-way voice communication between its aircraft and ground stations, at places where the Administrator finds that voice communication is necessary and that communications cannot be maintained in a language with which ground station operators are familiar.

(b) Each person furnished by a foreign air carrier under paragraph (a) of this section must be able to speak both English and the language necessary to maintain communications with the aircraft concerned, and shall assist ground personnel in directing traffic.

APPENDIX A—APPLICATION FOR OPERATIONS SPECIFICATIONS BY FOREIGN AIR CARRIERS

(a) *General.* Each application must be executed by an authorized officer or employee of the applicant having knowledge of the matter set forth therein, and must have attached thereto two copies of the appropriate written authority issued to that officer or employee by the applicant. Negotiations for permission to use airports under U.S. military jurisdiction is effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The following outline must be followed in completing the information to be submitted in the application.

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(OUTLINE)

To: The Federal Aviation Agency
Washington, D.C., 20553

In accordance with the Federal Aviation Act of 1958 (49 U.S.C. 1372) and Part 129 of the Federal Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant must submit the following information only with respect to those parts of his proposed operations that will be conducted within the United States.

SECTION I. *Operations.* State whether the operation proposed is day or night, visual flight rules, instrument flight rules, or a particular combination thereof.

SEC. II. *Operational plans.* State the route by which entry will be made into the United States, and the route to be flown therein.

SEC. III. A. *Route.* Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type of facility to be used, such as radio range, ADF, VOR, etc.

B. *Airports.* Submit the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation:

1. Name of airport or landing area.
2. Location (direction distance to and name of nearest city or town).

SEC. IV. *Radio facilities: Communications.* List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

SEC. V. *Aircraft.* Submit the following information in regard to each type and model aircraft to be used.

A. *Aircraft.*

1. Manufacturer and model number.
2. State of origin.
3. Single-engine or multiengine. If multiengine, indicate number of engines.
4. What is the maximum takeoff and landing weight to be used for each type of aircraft?

B. *Aircraft Radio.* List aircraft radio equipment necessary for instrument operation within the United States.

C. *Licensing.* State name of country by whom aircraft are certificated.

SEC. VI. *Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crewmember.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument letdowns along or adjacent to the route to be flown within the United States.

C. State whether or not personnel are familiar with those parts of the Federal Air Regulations pertaining to the conduct of foreign air carrier operations within the United States.

D. State whether pilot personnel are able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communication Stations using radiotelephone communications.

SEC. VII. *Dispatchers.*

A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Federal Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

SEC. VIII. *Additional Data.*

A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this _____ day of _____ 19__.

_____
(Name of Applicant)

By _____
(Name of person duly authorized to execute this application on behalf of the applicant.)

PART 129

DISTRIBUTION TABLE

Former section	Revised section
44.0	129.1
44.1	(1)
44.2	129.11
44.2-1(a)(1) (1st and 3d sentences)	129.11
44.2-1(a)(2) (1st sentence)	129.11
44.2-1 (less (a)(1) (1st and 3d sentences)) and (a)(2) (1st sentence)	(2)
44.3	129.13
44.4	129.17
44.5	129.15
44.6	129.19
44.7	129.21

[1] Transferred to Part 1 [New].
[2] Appendix A.

[F.R. Doc. 64-1142; Filed, Feb. 4, 1964; 8:51 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3086; Amdt. 680]

PART 507—AIRWORTHINESS DIRECTIVES

Marvel-Schebler MA4-5 Carburetors

Amendment 636, 28 F.R. 11534, AD 63-22-3, requires the incorporation of a one-piece combination primary-main venturi on Marvel-Schebler MA4-5 carburetors. The letter "P" was inadvertently omitted from Cessna P172 Series aircraft in the applicability statement. Therefore, Amendment 636 is being revised to correct this omission.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 636, 28 F.R. 11534, AD 63-22-3, Marvel-Schebler MA4-5 carburetors, is amended by adding, in the applicability statement, the letter "P" to Cessna 172 Series aircraft.

This amendment shall become effective February 4, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 28, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-1092; Filed, Feb. 4, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket Nos. C-639, C-671]

PART 13—PROHIBITED TRADE PRACTICES

Adele Fashions, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale: under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13)

[Cease and desist order, Adele Fashions, Inc. (New York, N.Y.), et al., Dockets C-639—C-671, Dec. 27, 1963]

In the Matter of Adele Fashions, Inc., and the Other Respondents Named in the Appendix Attached to These Orders

Consent orders requiring 32 wearing apparel manufacturers to cease discriminating in price among their customers in violation of section 2(d) of the Clayton Act by favoring certain retailers with promotional payments not made proportionally available to competing stores.

The orders to cease and desist, including further orders requiring report of compliance therewith, are as follows:

It is ordered, That respondents listed in the appendix below, corporations, their officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of their business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondents as compensation or in consideration for, advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of these orders to cease and desist be and it hereby is postponed until further order of the Commission.

Issued: December 27, 1963.

[SEAL] JOSEPH W. SHEA,
Secretary.

The respondents are (addresses are New York City, unless otherwise indicated):

(C-639) Adele Fashions, Inc., 1407 Broadway.
(C-640) Blume Knitwear, Inc., 30-02 48th Avenue, Long Island City, N.Y., and a subsidiary at the same address, Impromptu Casuals, Inc.
(C-641) Cluett, Peabody & Co., Inc., 530 Fifth Avenue.
(C-642) Country Tweeds, Inc., 250 West 39th Street.
(C-643) Litt-Gluck Co., 111 West 19th Street.
(C-644) Sy Frankl, Inc., 1350 Broadway.
(C-645) Glenader Corp., 417 Fifth Avenue.
(C-646) The Hadley Corp., Weaverville, N.C.
(C-647) Larry Levine, Inc., 252 West 37th Street.
(C-648) Lord Jeff Knitting Co., Inc., 58-30 64th Street, Maspeth, N.Y.
(C-649) Miss Maude, Inc., 1311 Park Avenue, Hoboken, N.J.
(C-650) Mayflower Dress Co., Inc., 1350 Broadway.
(C-651) Munsingwear, Inc., 718 Glenwood Avenue, Minneapolis, Minn.

(C-662) Puritan Skirt & Dress Co., Inc., 144 Moody Street, Waltham, Mass.
(C-663) The Puritan Sportswear Corp., 813 25th Street, Altoona, Pa.
(C-664) Rainfair, Inc., 1501 Albert Street, Racine, Wis.
(C-665) Sportswear Corporation of America, 6616 Page Boulevard, St. Louis, Mo.
(C-666) Serbin, Inc., 1200 Southwest First Street, Miami, Fla.
(C-667) Sir James, Inc., 910 South Los Angeles Street, Los Angeles, Calif.
(C-668) Kandahar Sportswear Co., Inc., 8 West 30th Street.
(C-669) Bobbie Brooks, Inc., 3839 Kelley Avenue, Cleveland, Ohio.
(C-660) Gay Gibson, Inc., 2617 Grand Avenue, Kansas City, Mo.
(C-661) The Grove Co., 8300 Manchester Road, St. Louis, Mo.
(C-662) Irwill Knitwear Corp., 1407 Broadway.
(C-663) Kathi Originals, Inc., 1350 Broadway.
(C-664) Lofties Knitting Mills, Inc., 85 DeKalb Avenue, Brooklyn, N.Y.
(C-665) Mademoiselle Modes, Inc., 520 Eighth Avenue.
(C-666) Donkeany, Inc., 1407 Broadway, and a subsidiary at the same address, Mairay Blouse Co., Inc.
(C-667) Albert Rosenblatt & Sons, Inc., 1400 Broadway.
(C-668) Economy Blouse Corp., 1407 Broadway.
(C-669) E. D. Winter & Co., Inc., 525 Seventh Avenue.
(C-670) Jack Winter, Inc., 233 East Chicago Street, Milwaukee, Wis.
(C-671) Young Timers, Inc., 520 Eighth Avenue.

[F.R. Doc. 64-1104; Filed, Feb. 4, 1964; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

Dehydrating Alfalfa and Coastal Bermuda Grass

In the December 5, 1963, issue of the FEDERAL REGISTER (28 F.R. 12938), there was published a proposal to amend the determination under paragraph 7(b)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(b)(3)) that certain processing of alfalfa is an industry of a seasonal nature by extending it to cover similar processing of coastal bermuda grass.

Interested persons were given 15 days to file written statements of data, views, or arguments, or requests for hearings. None were received.

Now, therefore, in accordance with the procedure described in 29 CFR 526.6, I hereby determine that the following is an industry of a seasonal nature: Dehydrating alfalfa and coastal bermuda grass and subsequent manufacture of meal therefrom, and the following operations when performed at dehydrating plants during the period or periods when dehydrating operations are carried on: The making of dehydrated alfalfa and coastal bermuda grass pellets containing not more than 20 per centum of ingredients other than alfalfa and coastal bermuda grass, including pelleting alfalfa and coastal bermuda grass dehydrated at other plants in any workweek when such pelleting constitutes no more than 20 per centum of the pelleting volume; and any operations necessary or incidental to the foregoing.

Accordingly, effective March 6, 1964, the first three lines of the table in 29 CFR 526.101 are replaced by the following.

§ 526.101 Findings of seasonal industries.

Industry	Date of finding	Citation
Alfalfa and coastal bermuda grass (Artificial drying, subsequent manufacture of meal, and the making of dehydrated pellets).....	Jan. 29, 1964	29 F.R. 1722
• • •	• • •	• • •

Signed at Washington, D.C., this 29th day of January 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-1103; Filed, Feb. 4, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3321]

[Nevada 054565]

NEVADA

Adding Lands to Toiyabe National Forest

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The boundaries of the Toiyabe National Forest are hereby extended to include the following-described lands, subject to valid existing rights, and the public lands within said areas shall hereafter be subject to all laws, rules and regulations applicable to the said national forest:

MOUNT DIABLO MERIDIAN

PRIVATE LANDS

T. 13 N., R. 18 E.,
Sec. 1;
Sec. 2, lot 2 of NE¼;
Secs. 12 and 13;
Sec. 25, N½, SW¼, N½SE¼.
T. 14 N., R. 18 E.,
Sec. 13;
Sec. 14, E½;
Sec. 23, E½;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 35, E½;
Sec. 36.
T. 13 N., R. 19 E.,
Sec. 4, lots 1 and 2 of NW¼, SW¼;
Sec. 5, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, E½SW¼, SE¼;
Sec. 6, W½ lot 1 of NE¼, lot 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, W½SE¼;
Sec. 7, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼;
Sec. 9, N½NW¼, SE¼NW¼, SW¼SW¼;
Sec. 16, W½E½, W½;
Sec. 17, E½;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, W½NE¼, SE¼;
Sec. 20, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 29, NW¼, N½SW¼;
Sec. 30, lots 1 and 2 of NW¼, N½ lot 1 of SW¼, NE¼, N½SE¼;
Sec. 32, S½.
T. 14 N., R. 19 E.,
Sec. 4, SW¼;
Sec. 5, lots 1 and 2 of NW¼, S½;
Sec. 6, W½ lot 1 of NE¼, lot 2 of NE¼, E½ lot 1 of NW¼, lot 2 of NW¼, S½ lot 2 of SW¼, E½SW¼, SE¼;
Secs. 7 and 8;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 and 18;
Sec. 19, lots 1 and 2 of NW¼, NE¼, E½ SE¼;
Sec. 20;
Sec. 21, NE¼, W½, W½SE¼;
Sec. 28, N½, SW¼, N½SE¼;
Sec. 29;
Sec. 30, lot 2 of NW¼, lot 2 of SW¼, E½ E½;
Secs. 31 and 32;
Sec. 33, SE¼NE¼, W½NE¼, W½, SE¼.
T. 15 N., R. 19 E.,
Sec. 32, S½S½.

ACQUIRED LANDS

T. 14 N., R. 19 E.,
Sec. 19, lots 1 and 2 of SW¼, W½SE¼;
Sec. 30, W½E½, E½W½.

PUBLIC LANDS

T. 13 N., R. 19 E.,
Sec. 7, SW¼SE¼;
Sec. 9, NE¼SW¼;
Sec. 17, NW¼SW¼.
T. 14 N., R. 19 E.,
Sec. 21, E½SE¼;
Sec. 28, S½SE¼;
Sec. 33, NE¼NE¼.

The areas described aggregate approximately 21,321 acres, of which approximately 20,921 are patented and 400 acres are public lands.

2. The following-described patented lands are hereby eleminated from the Toiyabe National Forest, and the boundaries of the said forest are adjusted accordingly:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 19 E.,
Sec. 3, lots 1 and 2 of NW¼ and SW¼;
Sec. 4, lots 1 and 2 of NE¼, N½SE¼ and SE¼SE¼;
Sec. 10, W½;
Sec. 15, W½;
Sec. 22, that portion of the NW¼ and the S½ which lies within the State of Nevada.

The areas described aggregate approximately 1,535 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1098; Filed, Feb. 4, 1964; 8:45 a.m.]

[Public Land Order 3322]

[Sacramento 076813]

CALIFORNIA

Withdrawal of Douglas City Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for the protection of the Douglas City Recreation Site.

MOUNT DIABLO MERIDIAN

T. 32 N., R. 10 W.,
Sec. 12, lot 2 and E½NW¼NW¼.

Containing 59.98 acres.

2. This withdrawal does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1099; Filed, Feb. 4, 1964; 8:45 a.m.]

[Public Land Order 3323]

[Riverside 03927]

CALIFORNIA

Modification of Public Water Reserve No. 114

By virtue of the authority vested in the President by Section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of February 23, 1928, creating Public Water Reserve No. 114, is hereby modified to the extent necessary to permit the granting of a right-of-way under Section 2477, U.S. Revised Statutes (43 U.S.C. 932), over the following-described lands, as delineated on a map on file with the Bureau of Land Management, in Riverside 03927, for construction of a public access road to State Highway No. 111.

SAN BERNARDINO MERIDIAN

T. 9 S., R. 12 E.,
Sec. 28, North 60 feet of S½ lying east of State Highway No. 111.

Containing 3.63 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1100; Filed, Feb. 4, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Sport fishing on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 125,000 acres or 100 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions.

(a) Species permitted to be taken: Northern pike, walleyed pike, sauger, largemouth and smallmouth bass and other minor species, and frogs, turtles, crayfish, and clams as permitted by the States' regulations.

(b) Open season: Date of publication in FEDERAL REGISTER through December 31, 1964; subject further to applicable States' seasons.

(c) Daily creel limits:

ILLINOIS

Northern pike—5; walleyed pike and saugers—10 aggregate; largemouth bass and smallmouth bass—10 aggregate; bullfrogs—8; creel limits for other minor species are as prescribed by State regulations.

IOWA

Northern pike—5; walleyed pike and sauger—10 aggregate; largemouth and smallmouth bass—5 aggregate; bullfrogs—12; creel limits for other minor species are as prescribed by State regulations.

MINNESOTA AND WISCONSIN

Northern pike—5; walleyed pike and sauger—6 aggregate, except Wisconsin-Iowa boundary waters 10 aggregate; largemouth and smallmouth bass—5 aggregate; creel limits for other minor species and for inland waters for each state are as prescribed by State regulations.

(d) Methods of fishing:

ILLINOIS

(1) It is unlawful to take fish through the ice by use of more than two poles and lines at any one time or with more than two hooks attached to each line; or from any hole cut in the ice that is larger than 12 inches in diameter.

(2) It is unlawful to use any pole and line, or rod and line device to which more than two (2) hooks have been attached; to use more than 50 hooks in the aggregate; (Trotline may be used under separate license in excess of 50 hooks).

(3) It is unlawful to use any trotline, throw line or similar device, having hooks spaced at intervals less than 24 inches.

(4) It is unlawful to leave unattended any trotline without a tag indicating name and address of owner.

(5) See applicable State regulations for additional details.

IOWA

(1) No person shall at any time take from the waters of the State any fish, except as otherwise provided in this chapter, except with hook, line and bait, nor shall any person use more than two (2) lines with one (1) hook on each line in still fishing or trolling, and in fly fishing not more than one (1) fly may be used on one (1) line and in trolling and bait casting not more than one (1) trolling spoon or artificial bait may be used on one (1) line. No person shall leave such fish line or lines and hooks in the water unattended or take or attempt to take any fish by snagging or to purposely hook them in any other part than in the mouth. One (1) hook shall mean a single, double or treble pointed hook, and all hooks attached as a part of an artificial bait or lure shall be counted as one (1) hook.

(2) It shall be unlawful for any person to use, in the Mississippi River, more than one (1) throw or trotline having more than twenty-five (25) hooks; (one trotline with not to exceed one hundred (100) hooks may be used under separate license).

(3) See applicable State regulations for additional detail.

MINNESOTA

(1) It is unlawful to use more than one (1) line with one (1) hook attached or more than one (1) pole with one (1) line attached in inland waters or to use more than two (2) lines with one (1) hook attached to each or more than two (2) poles with one (1) line attached to each on boundary waters, except that fly fishermen may use two (2) flies on a line in all waters.

(2) It is unlawful to spear game fish at any time.

(3) See applicable State regulations for additional detail.

WISCONSIN

(1) It is unlawful to take, catch or kill fish or fish for fish of any variety with more than two (2) lines or two (2) poles with one (1) line attached to each pole and with one (1) hook or bait to

each line except any fishermen fishing with not more than one (1) line or pole with one (1) line attached thereto may have attached to such line not more than two (2) lures or two (2) hooks or two (2) baits, and in the Wisconsin-Iowa boundary waters of the Mississippi River may use five (5) lines with one (1) bait to each line for fishing through the ice.

(2) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) All State laws in connection with fishing are adopted herein and made a part of this regulation unless further restrictions are imposed in this regulation.

(4) The provisions of this special regulation are effective to January 1, 1965.

W. P. SCHAEFER,
Acting Regional Director.

JANUARY 28, 1964.

[F.R. Doc. 64-1006; Filed, Feb. 4, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Sport fishing on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 7,500 acres or 11 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, rock bass, sauger, rockfish, crappie, bream, and other minor species permitted by State regulations.

(b) Open season: Kentucky Lake (except Duncan Bay and parts of Smith Bay as designated by markers) all year; Duncan Bay and interior lakes Hematite (the closed part of Smith Bay), Empire and Esselstyne—March 15, 1964 to October 31, 1964. Daylight hours only in the interior lakes.

(c) Daily creel limits: Black bass—10, rock bass—15, sauger—10, rockfish—1, white bass—60, crappie—60, bream—no limit; other minor species as permitted by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Row boats, canoes, and other floating devices with motors permitted in Duncan Bay, Smith Bay, and Kentucky Lake. Gasoline powered motors are prohibited on interior lakes. Electric motors permitted.

(3) Bows and arrows may be used for taking non-game fish as prescribed by Kentucky Regulations KFWR-F-62.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Shore fishing permitted on Kentucky Lake but no camping or open fires. Bank fishing in interior lakes only at designated areas.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to November 1, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-1143; Filed, Feb. 4, 1964; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 186, 201]

GAUGING MANUAL AND DISTILLED SPIRITS PLANTS

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol and Tobacco Tax Division, within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

In order to: (1) Provide for the adoption by a successor of a predecessor's approved formulas; (2) require the prompt reporting of substantial and unusual losses that are subject to the provisions of section 5008(c), I.R.C.; (3) implement the provisions of section 5314(a)(3), I.R.C., relating to withdrawals authorized by Puerto Rico; (4) require the proprietor to execute a statement as to the removal of spirits after taxpayment; (5) require submission of applications for changes in construction and use in quadruplicate instead of triplicate; (6) require both shipping and receiving proprietors to enter on transfer forms the measured level of fill of spirits transferred in bond in tank cars and tank trucks; (7) provide additional requirements in respect of the identification of imported distilled spirits; (8) change the requirements for reporting losses and gains in bottling in bond; (9) liberalize the provisions relating to production gauges, proof determination, submission on Form 2546 of reports of spirits mingled, transfers in bond, changes in stockholders and officers, alternating premises, extension and curtailment of premises, filtering and stabilizing spirits, rinsing packages, methods of storage of spirits, daily bottling records, labeling spirits for export, identification of the label to be used on spirits being bottled, relabeling and restamping bottles, marks and effacement of marks on packages, allowance of credit for tax on taxpaid samples taken for use of the United States, construction of pipelines, certification of test weights, withdrawal of spirits free of tax, and production of tax-exempt gin on bottling premises; and (10) make minor changes of a clarifying, editorial, and technical nature; the regulations in 26 CFR Part 186, Gauging Manual, and in 26 CFR Part 201, Distilled Spirits Plants, are amended as follows:

PARAGRAPH A. 26 CFR Part 186 is amended as follows:

1. Paragraphs (c) and (e) of § 186.31 are amended (1) to provide for the use of fractional proof in determining proof gallons of bulk spirits under certain circumstances, and (2) to clarify the manner of determining the proof of imported spirits where solids are present. As amended, paragraphs (c) and (e) read as follows:

§ 186.31 Determination of proof.

* * * * *

(c) The proof of spirits to be transferred in bond or withdrawn from bond in bulk conveyances or by pipeline free of tax or without payment of tax shall be determined to the nearest tenth of a degree. If the spirits are not adjusted to a whole degree (1) the proof shall be rounded to a whole degree and such whole degree shall be the proof of transfer or withdrawal and shall be used in determining the proof gallons; or (2) the fractional proof shall be stated as the proof of the spirits and shall be used in determining the proof gallons;

* * * * *

(e) The proof of tax-determined spirits which have not been rectified (or which have been rectified without the addition of materials containing solids) shall be determined by the use of a hydrometer and a thermometer, except that the proof of imported spirits to be bottled without rectification, after withdrawal from customs bond on tax determination, shall be determined on the same basis as used for customs purposes. (The basis of such determination shall be supported by a copy of the Customs chemist's report which shall be available for inspection by Internal Revenue officers. If the Customs chemist's report of alcoholic content has not been received, the bottler may bottle the spirits provided he ascertains the apparent proof and obscuration caused by solids in the spirits. If the solids content, ascertained before reduction of the spirits, exceeds 0.200 gram per 100 milliliters, representing an obscuration of more than 0.8° proof, the true proof may be used on labels. If the solids content exceeds 0.600 gram per 100 milliliters, the true proof is to be ascertained by the distillation or laboratory method prescribed respectively in paragraphs (f)(2) and (f)(3) of this section. If the solids content is 0.200 gram per 100 milliliters or less, representing an obscuration of 0.8° proof or less, the apparent proof shall be used on labels);

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(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

2. Section 186.43 is amended to provide for additional means of determining the quantity of spirits in packages. As amended, § 186.43 reads as follows:

§ 186.43 Packaged spirits.

When the quantity of spirits (including denatured spirits when gauged by weight) in packages, such as barrels, drums, and similar portable containers, is to be determined by gauge of the individual packages, such quantity shall be determined by weighing each package on an accurate weighing beam or platform scale having a beam or dial showing weight in pounds and half pounds, where packages having a capacity in excess of 10 wine gallons are being gauged, or in pounds and ounces, or pounds and hundredths of a pound, where packages designed to hold 10 wine gallons or less are to be gauged. In either case the tare must be determined and subtracted from the gross weight to obtain the net weight. From the proof and weight ascertained, the quantity of the spirits in proof gallons shall be determined by reference to table 2, 3, or 4. Notwithstanding the provisions of this section or of § 186.44, (a) gross weights and tares of packages being filled need not be taken in any case where the gauge of the spirits is not derived from such weights under the gauging procedure being utilized, and (b) meters or other devices or other methods may be used for determining the quantity of spirits in individual packages, where such meter, device, or other method has been approved by the Director under the provisions of Part 201 of this chapter.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

PAR. B. 26 CFR Part 201 is amended as follows:

1. Section 201.49 is amended to provide for the allowance by an internal revenue officer of credit for tax on samples. As amended, §201.49 reads as follows:

§ 201.49 Adjustments for credited tax.

When notification of allowance of credit is received from the assistant regional commissioner, including notification of credit for tax on spirits or wines exported with benefit of drawback as provided in Part 252 of this chapter,

or when notified by an internal revenue officer of allowance of credit on taxpaid samples, as provided in § 201.83, the claimant shall make an adjusting entry and explanatory statement (specifically identifying the notification of allowance of credit) in the next distilled spirits tax return (or returns) to the extent necessary to exhaust the credit.

(72 Stat. 1323, 1327, 1336; 26 U.S.C. 5008, 5009, 5062)

2. Section 201.77 is amended to delete obsolete material and to conform to changes in the manner of allowing credit for tax. As amended, § 201.77 reads as follows:

§ 201.77 Allowance of remission, abatement, credit, or refund of tax.

The assistant regional commissioner is authorized to allow claims for remission, abatement, credit, and refund of tax, filed under the provisions of this part.

(72 Stat. 1323; 26 U.S.C. 5008)

3. Section 201.83 is amended to authorize internal revenue officers to allow credit for tax on samples taken by them. As amended, § 201.83 reads as follows:

§ 201.83 Samples for the United States.

Any internal revenue officer is authorized (a) to take samples of spirits (including denatured spirits) for analysis, testing, or other determinations to ascertain whether the provisions of law and regulations are being complied with, and (b) to allow credit, without claim, for the tax on samples of taxpaid spirits so taken. The tax paid on such samples removed from the premises of a plant may be refunded or credited as provided in this part.

(72 Stat. 1323, 1356, 1357; 26 U.S.C. 5008, 5201, 5206)

4. Section 201.92 is amended by revising the first sentence to conform with changes in provisions regarding production gauge. As amended, § 201.92 reads as follows:

§ 201.92 Quantity determination of spirits in bond.

Where spirits in bond are gauged for determination of tax, or are gauged in packages, the quantity shall be determined by weight and proof. In all other instances where spirits are gauged in bond, or are gauged for transfer in bond or for withdrawal from bond free of tax or without payment of tax, unless a determination by weight (or by another method approved by the assistant regional commissioner) is required by this part, the quantity may be determined by volume.

(72 Stat. 1396; 26 U.S.C. 5559)

5. Paragraph (b) of § 201.95 is amended to provide for use of fractional proof in determining proof gallons. As amended, paragraph (b) reads as follows:

§ 201.95 Adjustment of proof.

* * * * *

(b) *Bulk spirits.* Except as provided in paragraph (a) of this section and subject to the applicable provisions of this chapter, the proof of bulk spirits stored on bonded premises, to be transferred in bond, or to be withdrawn from bond, may be adjusted to any desired proof, including tenths of a degree. The proof of such spirits to be withdrawn after tax determination shall be determined to the nearest tenth, which shall be used in determining the taxable gallons. The proof of spirits to be transferred in bond or withdrawn from bond in bulk conveyances or by pipeline free of tax or without payment of tax shall be determined to the nearest tenth of a degree. If the spirits are not adjusted to a whole degree (1) the proof shall be rounded to a whole degree in accordance with the provisions of Part 186 of this chapter, and such whole degree shall be the proof of transfer or withdrawal and shall be used in determining the proof gallons; or (2) the fractional proof shall be stated as the proof of the spirits and shall be used in determining the proof gallons. The withdrawal or transfer form shall be noted to show the actual proof of the spirits. Spirits in tanks shall be thoroughly agitated before the proof is determined.

* * * * *

6. Paragraph (e) of § 201.132 is amended to clarify the requirements for listing permits. As amended, paragraph (e) reads as follows:

§ 201.132 Data for application for registration.

* * * * *

(e) In respect of the plant to which the Form 2607 relates, a list of applicant's operating and basic permits, and of the qualification bonds (including those filed with the application) with the name of the surety or sureties for each bond.

* * * * *

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

7. In order to liberalize the requirements in respect of reporting changes in stockholders and officers, two new sections, §§ 201.163a and 201.163b, are inserted immediately following § 201.163, to read as follows:

§ 201.163a Changes in stockholders.

Changes in the list of stockholders furnished under the provisions of § 201.148 (c) (1) may, in lieu of submission within 10 days of the change under the provisions of § 201.160 be submitted annually by the proprietor on May 1, except where the sale or transfer of capital stock results in a change in the control or management of the business.

§ 201.163b Changes in officers.

Where there is any change in the list of officers furnished under the provisions of § 201.148(a)(8), the proprietor shall submit, within 10 days of any such change, an application on Form 2607 for amended registration to cover such change: *Provided*, That where the proprietor has shown to the satisfaction of the assistant regional commissioner that certain corporate officers listed on the original application have no responsibilities in connection with the operations covered by the registration, the assistant regional commissioner may waive the requirements for submitting an application for amended registration to cover changes in such corporate officers.

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

8. Paragraph (a) of § 201.164 is amended to provide for adoption of approved formulas by a successor proprietor. As amended, paragraph (a) reads as follows:

§ 201.164 Changes in proprietorship.

(a) *General.* Where there is a change in the proprietorship of a plant qualified under this part, the outgoing proprietor shall comply with the requirements of § 201.176, and the successor shall, before commencing operations, apply for and obtain the required permits, file the required bonds, and file application for and receive notice of registration of the plant in the same manner as a person qualifying as the proprietor of a new plant, except that he may, in the manner provided in § 201.165, adopt the plats and plans and approved Forms 27–B Supplemental, of the predecessor. Spirits may be transferred from an outgoing proprietor of a plant to a successor in the manner provided in § 201.174.

* * * * * *

(72 Stat. 1349; 26 U.S.C. 5172)

9. Section 201.165 is amended to provide for the adoption, by a successor, of the predecessor's formulas. As amended, § 201.165 reads as follows:

§ 201.165 Adoption of plat and plans and Forms 27–B Supplemental.

(a) *Plat and plans.* The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate to be made a part of the application for registration, in which shall be set forth the identity of the plant and of the predecessor. The required certificate shall set forth a description (by sheet number and title) of each plat or plan sheet adopted, and a certification that the adopted plat and plans accurately depict the premises.

(b) *Forms 27–B Supplemental.* The adoption by a successor of approved Forms 27–B Supplemental, shall be in the form of an application, filed, in quadruplicate, with the Director. The application shall list the formulas for adoption by (1) formula number, (2) name of product, (3) rate of tax, and (4) date of approval. The application shall clearly show that the predecessor has authorized the use of its previously approved formulas by the successor.

(72 Stat. 1349; 26 U.S.C. 5172)

10. Section 201.168 is amended to reflect changes in the provisions regarding alternate operations. As amended, § 201.168 reads as follows:

§ 201.168 Changes in premises.

Except as provided in §§ 201.175, 201.175a, and 201.175b, where bonded premises, bottling premises, or any other premises included as a part of the plant are to be extended or curtailed, the proprietor shall file (a) an application for registration, Form 2607, to cover such extension or curtailment, and (b) an amended plat and plans. Facilities to be included by extension or to be excluded by curtailment shall not, prior to approval by the assistant regional commissioner of the required documents, be used for other than previously approved purposes.

(72 Stat. 1349; 26 U.S.C. 5172)

11. Section 201.171 is amended to reflect changes in provisions regarding alternate operations and to change the requirements for applications for changes in construction and use of buildings. As amended, § 201.171 reads as follows:

§ 201.171 Changes in construction and use of buildings and equipment.

Where a material change is to be made (a) in the buildings or facilities of a plant (other than a change covered by §§ 201.168, 201.175, 201.175a, or 201.175b), (b) in the use of any portion of a plant, or (c) with respect to plant equipment, which affects the accuracy of the notice of registration (including the plat and plans), the proprietor shall, before making such change, secure approval thereof, pursuant to a written application, in quadruplicate, submitted to the assistant regional commissioner through the assigned officer, if any. The application shall describe the proposed change specifically and in detail. The proprietor may be required to submit drawings, photographs, or diagrams of the proposed change. The change shall be made under the supervision of an internal revenue officer, if the assistant regional commissioner considers such supervision necessary. The change shall be reflected in the next amendment of the notice of registration (including the plat and plans), unless the assistant regional commissioner requires the immediate filing of an application for amendment. All changes not affecting the accuracy of the notice of registration (including plat and plans) may be made pursuant to a written application, in duplicate, filed with and approved by the assigned officer. The proprietor may make emergency repairs without prior notification to the assigned officer, but where such emergency repairs are made, the proprietor shall promptly notify such officer and file with him a report thereof in triplicate.

(72 Stat. 1349; 26 U.S.C. 5172)

12. In order to authorize facilities (in addition to bottling facilities) to be alternated between bonded and bottling premises, § 201.175 is amended to read as follows:

§ 201.175 Alternating use of bonded and bottling premises.

Subject to the provisions of this section, a portion of the bonded premises may be alternately used as bottling premises and a portion of the bottling premises may be alternately used as bonded premises. Such alternate use of premises is subject to the filing by the proprietor, and the approval by the assistant regional commissioner, of (a) an application for registration, Form 2607, to cover such operation, and (b) a special plat to designate the premises which are to be alternated. The proprietor shall also file a drawing or diagram, in triplicate, clearly depicting all buildings, rooms, tanks, and spirits lines which are to be subject to such alternation, in their relative operating sequence. All such buildings, rooms, and equipment shall be individually identified by number or letter. Once such qualifying documents have been approved, the premises as described on such documents may be alternated pursuant to approval by the assigned officer of the proprietor's application on Form 2610. Before alternation is effected, all in-bond spirits or taxpaid spirits and other ingredients used in rectifying processes (if any), as the case may be, shall be removed from the portion of the premises to be alternated in opposite status.

(72 Stat. 1349; 26 U.S.C. 5172)

13. In order to provide for the alternate use of a portion of the distilled spirits plant premises, (1) for making the customs gauge of imported distilled spirits or, (2) as a Class 6 customs manufacturing bonded warehouse, two new sections, §§ 201.175a and 201.175b are inserted, immediately following § 201.175 to read as follows:

§ 201.175a Alternate use of gauging facilities.

(a) *General.* The premises of a distilled spirits plant may, as provided in this section, be alternately curtailed and extended to permit gauging facilities of the distilled spirits plant to be used temporarily by customs officers, under applicable customs law and regulations, for the purpose of gauging imported distilled spirits. The use of the excluded portion of the premises by a customs officer is subject to the approval of the collector of customs. When it is necessary to convey spirits in customs custody across the premises of a distilled spirits plant, the proprietor shall comply with the provisions of § 201.103. When a portion of the distilled spirits plant premises is first to be excluded as provided in this section, the proprietor of the distilled spirits plant shall file with the assistant regional commissioner (1) an application for registration, Form 2607, to cover alternate curtailment and extension of premises, and (2) a special plat delineating the premises as they will exist, both during extension and curtailment. The provisions of § 201.175 requiring drawings or diagrams and identification of buildings, rooms, tanks, and spirits lines to be used, alternately, as bottling premises and as bonded premises, shall be applicable to buildings, rooms, tanks, and spirits lines, to be used temporarily by customs officers under the provisions of this section. Once such qualifying documents have been approved by the assistant regional commissioner, the designated gauging facilities of the distilled spirits plant may be alternately curtailed or extended as provided in such documents, pursuant to approval by the assigned officer of the proprietor's application on Form 2610. Portions of premises to be excluded by curtailment or included by extension shall not, before approval, be used for other than currently approved purposes. No application on Form 2610 filed under this section shall be approved if, at the time the change is to be effected, any spirits would be on the portion of the premises to be excluded or included: *Provided*, That, on release by customs, tax-determined spirits may remain on premises to be reincluded in bottling premises.

(b) *Separation of premises.* The portion of the premises which is to be excluded from the distilled spirits plant premises as provided in this section shall be physically separated from the remaining portion of the distilled spirits plant premises in a manner consistent with that intended by §§ 201.175 and 201.231 for the separation of alternated portions of bottling premises and bonded premises and in a manner satisfactory to the assistant regional commissioner and, when the gauging facilities to be used under this section are located on the bonded premises of the distilled spirits plant, the portion to be excluded shall have an entrance from the general premises, or from off the premises, of the distilled spirits plant. Doors or other openings affording intercommunication between the bonded premises of the distilled spirits plant and the portion being excluded therefrom shall be equipped for locking. When the gauging facilities to be used under this section are on the bottling premises of the distilled spirits plant, the assistant regional commissioner may waive the requirements of this section for a physical separation of the premises if the imported distilled spirits are to be under continuous customs supervision until released.

(72 Stat. 1349, 1358; 26 U.S.C. 5172, 5178)

§ 201.175b Alternate use of bottling facilities.

(a) *General.* The premises of a distilled spirits plant may, as provided in this section, be alternately curtailed and extended to permit bottling facilities of the distilled spirits plant to be used temporarily, under applicable customs law and regulations, in a Class 6 customs manufacturing bonded warehouse. The use of the excluded portion of the premises in a Class 6 customs manufacturing bonded warehouse is subject to the approval of the collector of customs. When it is necessary to convey spirits in customs custody across the premises of a distilled spirits plant, the proprietor shall comply with the provisions of § 201.103. When a portion of the distilled spirits plant premises is first to be excluded as provided in this section, the proprietor of the distilled spirits plant shall file with the assistant regional commissioner (1) an application for registration, Form 2607, to cover alternate curtailment and extension of premises, and (2) a special plat delineating the premises as they will exist, both during extension and curtailment. The provisions of § 201.175 requiring drawings or diagrams and identification of buildings, rooms, tanks, and spirits lines to be used, alternately, as bottling premises and as bonded premises, shall be applicable to buildings, rooms, tanks, and spirits lines, to be used temporarily in a Class 6 customs manufacturing bonded warehouse under the provisions of this

section. Once such qualifying documents have been approved by the assistant regional commissioner, the designated bottling facilities of the distilled spirits plant may be alternately curtailed or extended as provided in such documents, pursuant to approval by the assigned officer of the proprietor's application on Form 2610. Portions of premises to be excluded by curtailment or included by extension shall not, before approval as prescribed in this section, be used for other than currently approved purposes. No application on Form 2610 filed under this section shall be approved if, at the time the change is to be effected, any spirits would be on the portion of the premises to be excluded or included.

(b) *Separation of premises.* The portion of the premises which is to be excluded from the distilled spirits plant premises as provided in this section shall be physically separated from the remaining portion of the distilled spirits plant premises in a manner consistent with that intended by §§ 201.175 and 201.231 for the separation of alternated portions of bottling premises and bonded premises and in a manner satisfactory to the assistant regional commissioner and, when the bottling facilities to be used under this section are located on the bonded premises of the distilled spirits plant, the portion to be excluded shall have an entrance from the general premises, or from off the premises, of the distilled spirits plant. Doors or other openings affording intercommunication between the bonded premises of the distilled spirits plant and the portion being used in a Class 6 customs manufacturing bonded warehouse shall be equipped for locking. In no case may any portion of a room on the bonded premises of a distilled spirits plant used for the storage of distilled spirits in portable containers or cases be alternately used in a customs bonded warehouse nor may a bottling line be used for customs bottling while other lines in the same room are being used for distilled spirits plant bottling. For provisions relating to the construction of customs bonded warehouses, see 19 CFR Part 19.

(72 Stat. 1349, 1358; 26 U.S.C. 5172, 5178)

14. Paragraph (a) of § 201.243 is amended to make it clear that Form 244 shall be used on bottling tanks on bottling premises, and to reflect changes in the provisions regarding alternate operations. As amended, paragraph (a) reads as follows:

§ 201.243 Tanks.

(a) *General.* All tanks used as receptacles for spirits (including denatured spirits) or wines shall be located, constructed, and equipped so as to be suitable for the intended purpose and to permit ready examination. An accurate means of measuring the contents of each such tank shall be provided by the proprietor; in any case where such means of measuring is not a permanent fixture of the tank, the tank shall be equipped with a fixed device which will enable the approximate contents to be determined readily. Tanks used for determining the tax imposed by section 5001, I.R.C., shall be mounted on scales; and in addition thereto shall be provided with another suitable device for quickly and accurately determining the contents. The proprietor shall install walkways, landings, and stairways to afford safe access to all parts of tanks where the presence of an internal revenue officer is required. Tanks may be equipped with vents, flame arresters, foam devices, or other safety devices, if the construction is such to prevent abstraction of the spirits. The proprietor shall be responsible for accurate calibration of all tanks. Receiving tanks which are a part of the production facilities and bottling tanks shall not be used until a certificate of approval, Form 244, has been attached thereto. Pursuant to tax determination, spirits in a tank may be removed from bonded premises, and received on bottling premises, in the tank in which they are contained, if (1) the bonded premises are alternated to bottling premises in the manner provided in § 201.175, (2) the tank and/or all necessary connections thereto are locked or sealed in such manner as to prevent the mingling of spirits in bond with tax determined spirits, (3) the tank is properly redesignated, and (4) the structural separation of bonded and bottling premises required by § 201.231 is maintained.

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15. Section 201.244 is amended to authorize the Director to approve the construction and use of pipelines which may not be readily examined. As amended, § 201.244 reads as follows:

§ 201.244 Pipelines.

Pipelines for the conveyance of spirits, other than taxpaid spirits and denatured spirits, shall be of permanent character and constructed, connected, arranged, and secured to afford adequate protection to the revenue and to permit ready examination: *Provided*, That the Director may approve pipelines which may not be readily examined if he finds that no jeopardy to the revenue is created thereby. Where a pipeline connection must be flexible, a hose may be used if connected and secured so as to protect the revenue. Detachable fittings on pipelines for the conveyance of spirits, other than taxpaid spirits or denatured spirits, shall be secured by welding, brazing, or other equally effective methods, or prepared for securing with Government locks or seals. Pipelines may be installed for the conveyance of distilling materials, air, water, and chemicals. Pipelines for the conveyance of air, water, or chemicals may be permanently connected to tanks used as receptacles for spirits on bonded premises if such pipelines are equipped with a control valve which may be locked with a Government lock and also are equipped, at the point of entry to the tanks, with check valves or other equally effective devices or methods which will prevent abstraction of spirits from the tanks.

16. In order to authorize the certification of test weights by responsible scale manufacturers, § 201.246 is amended to read as follows:

§ 201.246 Measuring devices and proofing instruments.

The proprietor shall provide the necessary measuring tanks, weighing tanks, scales, and meters or other measuring devices which have been approved by the Director, for weighing or measuring materials, spirits (including denatured spirits), and denaturants. Where scales or weighing tanks are provided, the proprietor must furnish the internal revenue officer with a set of ten 50-pound cast-iron weights, certified by (a) the National Bureau of Standards, (b) a State department of weights and measures, or (c) a responsible scale company acceptable to the assistant regional commissioner, as conforming to class "C" requirements of the National Bureau of Standards. Where test weights are furnished they shall be under the custody of the assigned officer when not in use. The proprietor shall provide, for his own use, accurate hydrometers, thermometers, and other necessary equipment for determining proof.

17. Section 201.269 is rearranged for the purpose of clarity, and is amended to provide practical procedures for the making of production gauges by average fill methods. As amended, § 201.269 reads as follows:

§ 201.269 Production gauge.

(a) *General.* All spirits shall be gauged (by measuring and proofing) within a reasonable time after production is completed. Except as otherwise specifically provided in this section, quantities may be determined by volume or by weight, or, when approved by the Director, by meter or other device or by other method which accurately determines the quantities. Where caramel is added to brandy or rum, the proof of the spirits shall be determined after such addition.

(b) *Tax to be determined on production gauge.* Where tax is to be determined on the basis of the production gauge, the determination shall be made by weight. Form 2629 (and Form 2630, if any) shall be marked "Withdraw on Original Gauge" if the spirits are to be drawn into bulk conveyances or wooden packages, and are to be withdrawn on determination of tax on original gauge at a later date.

(c) *Tax not to be determined on production gauge.* Where spirits are drawn from the production system into barrels, drums, or similar portable containers, and the tax is not to be determined on the basis of the production gauge, such gauge may be made:

(1) By an individual gauge of each container; or

(2) If the spirits are to be drawn into containers of the same rated capacity, and such containers are filled to capacity:

(i) By deducting the sum of the tares of the containers from the sum of the gross weights of the containers, converting the resultant net weight into proof gallons, and determining therefrom the average content of each container; or

(ii) By weight in a tank, converting the weight into proof gallons, and determining therefrom the average content of each container; or

(iii) By determining, by such device or method as may be approved under the provisions of paragraph (a) of this section, the total quantity filled into containers, and determining therefrom the average content of each container.

The proprietor shall advise the assigned officer of the rated capacity of the packages. The rated capacity of new cooperage shall be as prescribed by specifications of the manufacturer. Proprietors may assign rated capacities to used packages if they have so disposed of the rinsings shall be immediately destroyed or redistilled. Rinse water to be redistilled shall be gauged by the proprietor who shall make a report of such gauge on Form 2629. On delivery of a copy of such Form 2629 to the assigned officer, the proprietor shall transfer the rinse water to the production facilities.

(72 Stat. 1356, 1365, 1367; 26 U.S.C. 5201, 5223, 5234)

20a. Section 201.312 is amended to provide additional requirements in respect of the identification of imported distilled spirits in bond. As amended, § 201.312 reads as follows:

§ 201.312 Importation of spirits.

The proprietor may withdraw from customs custody, without payment of the internal revenue tax imposed on imported spirits by section 5001, I.R.C., imported spirits of 185 degrees or more of proof, which lack the taste, aroma, and characteristics generally attributed to whisky, brandy, or rum, or similar beverage spirits and transfer such spirits to his bonded premises, for nonbeverage use. Spirits of any proof, imported specifically for any purpose incident to the requirements of national defense, may also be transferred from customs custody to the bonded premises of a distilled spirits plant without payment of such tax. A proprietor intending to receive imported spirits from customs custody shall obtain an approved application, Form 2609, in the same manner as for the receipt of spirits in bond from another bonded premises. Imported spirits transferred to bonded premises, as provided in this section, may be redistilled or denatured and may, with or without redistillation or denaturation, be withdrawn for any purpose authorized by chapter 51, I.R.C., in the same manner as domestic spirits. Imported spirits shall be kept separate at the bonded premises and shall not be mixed with domestic spirits or with imported spirits which may be subject to a different rate of additional tax: *Provided*, That imported spirits may be mingled with domestic spirits or with any other imported spirits if the mingled spirits are to be immediately denatured. If imported spirits are transferred in bond as provided in Subpart L of this part, Form 236 shall indicate that the spirits are imported and shall show the rates of duties specified by the customs officer at time of release from customs custody. Each container in which imported spirits are stored in bond, transferred, or withdrawn on tax determination, shall be marked, in addition to other required marks, with the word "Imported." The designation "Imported" shall be shown on Form 179 (and Form 2630, if any) covering the withdrawal of any such spirits on tax determination or taxpayment. The provisions of this section with respect to the separation from other spirits, rates of duty, marking of containers, and identification on transfer and withdrawal forms, are applicable to imported spirits received on bonded premises under this section, whether or not redistilled. Imported spirits to be redistilled shall be appropriately identified on Form 2629.

(72 Stat. 1366; 26 U.S.C. 5232)

21. Section 201.324 is amended to permit filtering and stabilizing of spirits withdrawn for bottling in bond on other than bottling-in-bond facilities. As amended, § 201.324 reads as follows:

§ 201.324 Filtering and stabilizing.

After entry for withdrawal of spirits for bottling in bond, the proprietor may:

(a) Remove foreign substances or other extraneous insoluble materials with or without the use of filter aids; and

(b) Effect minor changes in the soluble color or soluble solids solely by filtration, chill proofing, or other physical treatments (which do not involve the addition of any substance which will remain incorporated in the finished product) as may be necessary or desirable to produce a stable product, provided such changes do not result in the removal of more than 10 percent of the soluble solids or soluble color of the spirits so treated (including the extraction of not more than 10 percent of any class of the natural congeners incident to such changes).

Any treatment of such spirits other than as provided for in this section which alters or changes the original character or composition of the spirits will constitute taxable rectification.

(72 Stat. 1366; 26 U.S.C. 5233)

22. Section 201.325 is amended in order to provide for the soaking of barrels as an authorized rinsing procedure. As amended, § 201.325 reads as follows:

§ 201.325 Rinsing of barrels.

When spirits in wooden packages (except packages treated so as to preclude contact of the spirits with the wood surface) are dumped for bottling in bond, the packages and the char and wood chips therein, if any, shall be thoroughly rinsed by the proprietor. Packages which are to be rinsed may be partially filled with water and allowed to soak for a day or so in order to recover additional spirits in the water. Packages containing rinse water may not be removed from the bonded premises. The rinse water so obtained may be:

(a) Used for reducing the proof of the spirits removed from such packages;

(b) Destroyed under the supervision of the assigned officer;

(c) Collected for transfer to the production facilities for redistillation as provided in § 201.306; or

(d) Collected for mingling with heterogenous spirits as provided in § 201.298.

Char and wood chips contained in or dumped from such packages shall, under the direct supervision of the assigned officer, be burned or treated in such manner as to preclude the abstraction of potable spirits.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

23. Section 201.330 is amended to provide a code system for identification of labels. As amended, § 201.330 reads as follows:

§ 201.330 Labels to agree with contents of tanks and bottles.

The proprietor shall before bottling in bond a lot of spirits affix a copy of the (approved or exempted) label he proposes to use for such bottling, which shall agree with the spirits in the tank, to the Form 1515 to be attached to the tank: *Provided*, That, on application therefor, the Director may approve the entering on Form 1515 of code symbols identifying the labels to be used, in lieu of affixing the labels. Labels affixed to bottles shall be identical with the label affixed to (or with the label identified by the code symbol entered on) Form 1515 attached to the tank from which the bottles were filled. If the assigned officer finds that the label and spirits do not agree in every respect, he shall not permit the spirits to be bottled until the proprietor submits to him a proper label correctly describing the spirits to be bottled, or, if the spirits are labeled with labels which do not agree with the spirits in every respect, he shall cause the proprietor to relabel the spirits with a proper label.

(72 Stat. 1366, 1374; 26 U.S.C. 5233, 5301)

24. Section 201.331 is amended to delete the requirement that the label bear a statement that the spirits were bottled in bond for export and to provide for waiver of certain labeling requirements. As amended, § 201.331 reads as follows:

§ 201.331 Labeling of spirits bottled for export.

All bottles containing spirits bottled in bond for export shall have securely affixed thereto a label showing the following:

(a) Kind of spirits;

(b) Name of distiller, as provided in § 201.332, and plant number in which produced;

(c) Proof of the spirits;

(d) Net contents, unless the markings on the bottle indicate such contents; and

(e) The plant number where bottled, unless the markings on the bottle indicate such number.

The bottler may place on the label any additional information, including his name or trade name, that he may desire if it is not inconsistent with the required information. The label information may be stated in the language of the country to which the spirits are to be exported provided the assigned officer is furnished an English translation of the information. The net contents and proof may be stated in the units of measurement of the foreign country provided the assigned officer is furnished a statement of the equivalent United States units. The Director may waive the requirement of showing any of the information required

marked, in addition to other required

298.

showing any of the information required

by this section, other than the kind of spirits, upon a showing that the country to which the spirits are to be exported prohibits the showing of such information.

(72 Stat. 1360, 1366, 1374; 26 U.S.C. 5206, 5233, 5801)

25. Section 201.333 is amended to provide a code system for identification of labels, and to make an editorial change in the first sentence. As amended, § 201.333 reads as follows:

§ 201.333 Filling of bottles.

Bottles of bottled-in-bond spirits shall be so labeled (a) that the label in use is identical with the label attached to (or with the label identified by the code symbol entered on) Form 1515, and properly describes the spirits, and (b) that the bottled spirits agree in proof with the data on the label; and shall be so filled that the quantity agrees with the data on the label, stamp, or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label, stamp, or bottle, the assigned officer will withhold release of the bottled spirits and require the proprietor to rebottle, recondition, or relabel the spirits in such manner that the label will correctly describe the contents.

26. Section 201.338 is amended in respect of marking remnant cases for export. As amended, § 201.338 reads as follows:

§ 201.338 Marking and disposition of remnant cases.

Where there is less than a case of bottled spirits remaining from a lot of spirits bottled either for domestic use or for exportation, the remnant will be placed in a case and such case will be given the serial number of the last full case containing spirits in the same lot, followed by the letter "R", thus: "100–R": *Provided*, That where spirits, of the same kind and proof, produced by the same distiller at the same distillery during the same distilling season as the remnant, are to be bottled on the same or following business day, and are eligible for inclusion in the remnant case, such remnant cases may be given the next serial number and held in the bottling-in-bond facilities, and the case filled with such spirits. Such remnant case, if not held in the bottling-in-bond facilities, shall be removed with other cases to storage and taxpaid for domestic consumption, or returned to the bottling-in-bond facilities when the next lot of spirits to be bottled is of the same kind, produced by the same distiller, at the same distillery during the same distilling season, and (a) the bottles used for filling a complete case, if of the same proof and otherwise eligible, or (b) the contents dumped into the bottling tank and mingled with such other spirits for bottling. In any instance when a remnant case is removed or returned to the bottling-in-bond facilities for use as provided in this section, appropriate notations will be made on Forms 1515 showing the disposition of such remnant.

(72 Stat. 1366; 26 U.S.C. 5233)

27. In order to change the requirements for reporting losses and gains in bottling in bond, § 201.341 is amended to read as follows:

§ 201.341 Losses or gains in bottling.

The loss or gain for each lot of spirits bottled in bond shall be entered by the proprietor on Form 1515. Where there is an unusual loss or gain in the bottling of spirits, the proprietor shall determine the cause and submit a report thereof to the assigned officer. The assigned officer may, at any time when he determines that the loss or gain of spirits entered for bottling is excessive, require the proprietor to determine the cause of the discrepancy and submit a report thereon. Losses or gains disclosed shall be recorded in accordance with Subpart U of this part.

(72 Stat. 1366; 26 U.S.C. 5233)

28. Section 201.368 is amended in regard to the transfer of spirits, the supervision of the transfer of denatured spirits, and the preparation of Forms 236 and 2630. As amended, § 201.368 reads as follows:

§ 201.368 Consignor premises.

(a) *General.* (1) Form 236 shall be prepared by the consignor proprietor to cover the transfer of spirits or denatured spirits in bond, pursuant to an approved application on Form 2609. In the case of denatured spirits, Form 236 shall be prepared as a notice of shipment. In the case of spirits, Form 236 shall be prepared as an application to the assigned officer for approval of the release. When spirits in packages are to be transferred, the consignor shall also prepare Form 2630, and when spirits in cases or in encased containers are to be transferred, he shall prepare Form 1620. Except as otherwise provided herein, a Form 236 (with Form 2630, or 1620, as applicable) shall be prepared for each conveyance. Each Form 1620 and Form 2630 shall show the real name (or the basic operating name as provided in § 201.235) of the producer (or the name of the packaging or bottling proprietor in the case of spirits of 190 degrees of proof or more) and, if the spirits were produced under a trade name, shall also show the trade name under which produced. A separate Form 1620 or Form 2630 shall be prepared for each name under which spirits were produced. Spirits shall not be removed from the bonded premises until Form 236, with Form 2630 or 1620, as applicable (or, as authorized in subparagraph (2) of this paragraph, an authorized shipment and delivery order), has been submitted to the assigned officer and his approval received for the release of the spirits. In the case of pipeline transfers of spirits, the assigned officer shall not unlock the pipeline until he has approved the Form 236. On completion of lading (or completion of transfer by pipeline), the proprietor shall execute his certificate of removal on all copies of Form 236 and dispose of the forms in accordance with the instructions on Form 236.

(2) The proprietor may, on approval of the assistant regional commissioner, cover on one Form 236 (and Form 2630) all packages of spirits shipped by truck on the same day from his production facilities for deposit for storage in bond in another distilled spirits plant located in the same internal revenue region. In such case, the proprietor shall deliver, to the assigned officers at the shipping and delivery premises, a shipment and delivery order for each shipment, showing the number of barrels, their serial numbers, the name of the producer, and the serial numbers of the Government seals (if any) applied to the truck. Such shipping and delivery order shall be properly authenticated, and shall constitute a complete record of the spirits so transferred in each truck each day. On completion of lading of the last truck for the day, the proprietor shall complete the Form 236 and dispose of the form (and Form 2630) in accordance with the instructions on Form 236.

(b) *Packages.* When spirits are to be transferred in bond in packages, the consignor proprietor shall weigh each package, except (1) when the transfer is to be made in a sealed conveyance, (2) when the individual packages have been securely sealed by the proprietor, or (3) when this requirement has been waived by the Director on a finding that, because of the location of the premises and the proposed method of operation, the transfer can be made under the control of the assigned officer, and there will be no jeopardy to the revenue. The proprietor shall load the packages into the conveyance and prepare the conveyance for sealing, if it is to be sealed. The details of the last gauge for each package shall be recorded on Form 2630. If the tax gallon content for any package to be transferred has been determined by an average, as provided in § 201.269, such average tax gallon content shall be recorded as the quantity of spirits transferred for such package. When packages are weighed at the time of shipment, the shipping weight shall be shown in lieu of the last official gross weight of the package: *Provided:* That in the case of packages to be withdrawn on original gauge, the shipping weight shall be shown in addition to the details of the original gauge.

(c) *Bulk conveyances and pipelines.* When spirits are to be transferred in bond in bulk conveyances or by pipelines, the consignor shall gauge the spirits under the direct supervision of the assigned officer and record the gauge on Form 236. In the case of tank cars and tank trucks, the consignor shall also enter on the Form 236 the level of the spirits above or below the fill mark for each compartment, and the temperature of the spirits, for example: "Filled two inches above fill mark at 80° F." Bulk conveyances of spirits shall be prepared by the proprietor for sealing.

(72 Stat. 1362; 26 U.S.C. 5212)

29. Section 201.369 is amended in regard to preparation of Form 236, weighing of packages, transfers of spirits by pipeline, and supervision of receipt of denatured spirits. As amended, § 201.369 reads as follows:

§ 201.369 Consignee premises.

(a) *General.* When spirits are received by transfer in bond the consignee proprietor shall notify the assigned officer who shall deliver the appropriate Form 236, and Form 2630 or Form 1620, if any, to the consignee, except that where transfers are made under the provisions of § 201.368(a)(2), the assigned officer shall note the receipt of the spirits on his copy of the shipping and delivery order and, on receipt, deliver to the consignee the Forms 236 and 2630 covering the transfers for the day. The assigned officer shall examine each sealed conveyance to determine whether the seals are intact and if so he shall authorize the proprietor to remove the seals. The proprietor shall examine all containers, and any container bearing evidence of loss in transit or of loss due to theft shall be held until released by the assigned officer. Spirits after examination (and, if held, after release by the assigned officer) shall be deposited in the warehouse immediately, or, if the spirits are to be redistilled, they shall be deposited in the production facilities immediately. After execution on the transfer forms of his receipt of the shipment, the consignee shall return the form or forms to the assigned officer. Losses from packages of spirits shall be determined and reported on Form 2630 or, in the case of losses of spirits from bulk conveyances, on Form 236, by the assigned officer, with a notation as to the apparent cause thereof.

(b) *Packages.* When spirits are received in packages, the consignee proprietor shall weigh each package and record the weights on Form 2630, except (1) when the transfer is made in a sealed conveyance and the seals are intact on arrival, (2) when the individual packages have been sealed by the consignor proprietor and are intact on arrival, or (3) when the requirement for weighing the packages at the consignor premises has been waived under the provisions of § 201.368(b)(3). All packages in a sealed conveyance on which the seals are not intact, on arrival, and all packages not intact on receipt, shall be segregated, after weighing, and held until released by the assigned officer. When denatured spirits are received in packages, the consignee proprietor shall prepare Form 1467, appropriately modified, to record their deposit on bonded premises; a separate sheet shall be used for each formula.

(c) *Bulk conveyances and pipelines.* Where spirits are received in bulk conveyances or by pipeline, the consignee shall gauge the spirits under the direct supervision of the assigned officer and record the gauge on Form 236: *Provided*, That the assistant regional commissioner may waive the requirement for gauging spirits on receipt by pipeline if he finds that, because of the location of the premises, the transfer can be made under the observation of the assigned officer, and there will be no jeopardy to the revenue. In the case of tank cars and tank trucks, the consignee shall also enter on the Form 236 the level of the spirits above or below the fill mark for each compartment, and the temperature of the spirits, for example: "Received two inches above fill mark at 80° F."

(72 Stat. 1358, 1362; 26 U.S.C. 5204, 5213)

30. Section 201.373 is amended in regard to recording of entry tare on Form 2630. As amended, § 201.373 reads as follows:

§ 201.373 Packages.

When spirits in packages are to be withdrawn from bonded premises on determination of tax on the basis of individual package gauge, each package shall be gauged unless the tax is to be determined on the original gauge. When the packages are to be withdrawn on the original gauge the proprietor shall prepare Form 2630 and deliver the form to the assigned officer with Form 179. If spirits in wooden packages are to be gauged for tax determination, the proprietor shall complete only the heading of Form 2630 and insert the serial number and entry tare (if such tare has been taken) of each package before delivery of the form, and Form 179, to the assigned officer for gauge of the packages by such officer. The proprietor shall gauge (under the direct supervision of an assigned officer), and report on Form 2630, metal packages to be tax determined on other than the original gauge and deliver such form, and Form 179, to the assigned officer. Spirits in wooden packages filled from storage tanks for tax determination shall be gauged and reported on Form 2630 by an assigned officer on receipt of Form 179; metal packages so filled shall be gauged (under the direct supervision of an assigned officer) and reported on Form 2630 by the proprietor, and the proprietor shall deliver Form 2630 to such officer with Form 179. In the case of spirits distilled at less than 190 degrees of proof, the date of original entry, and the proof of distillation shall be shown on Form 2630. In the case of spirits mingled pursuant to section 5234(a)(1)(C), I.R.C. (homogeneous spirits) the dates of original entry of the oldest and the youngest spirits in the mingled spirits shall be shown. On completion of gauge (if any) and computation of tax, the assigned officer will return Form 179 and Form 2630 to the proprietor.

(72 Stat. 1358, 1362; 26 U.S.C. 5204, 5213)

31. An editorial change is made in the last sentence of § 201.374. As amended, § 201.374 reads as follows:

§ 201.374 Gauge tank.

Each tank of spirits to be tax determined shall be gauged (by weighing and proofing) by an assigned officer, and the gauge recorded on Form 179. When mingled spirits are transferred to bottling premises (either on the same or another plant premises) such information as to the kinds, quantities (as determined by the proprietor), and ages of the spirits included therein as is necessary to permit further processing (as required) and proper labeling thereof, shall accompany the spirits. When a tank is mounted on scales and a proprietor desires to determine tax on a portion of the contents of such tank, the difference between the quantity (ascertained by gauge) in the tank immediately before the removal of the spirits and the quantity (ascertained by gauge) in the tank immediately after the removal shall be the quantity to be taxpaid and considered withdrawn; however, none of the spirits may be removed from bonded premises before the tax determination is complete. On completion of the gauge and computation of the tax, the assigned officer will return Form 179 to the proprietor. Spirits in gauge tanks may, after gauge for tax determination and before release under § 201.385, be reduced in proof to any desired proof by the proprietor under the direct supervision of the assigned officer, if the proprietor so requests on Form 179; the proof of the spirits after reduction shall be shown on Form 179.

(72 Stat. 1320, 1358, 1362; 26 U.S.C. 5006, 5204, 5213)

32. Section 201.377 is amended in order to provide for the soaking of barrels as an authorized rinsing procedure. As amended, § 201.377 reads as follows:

§ 201.377 Rinsing of packages and disposition of rinse water.

When spirits in wooden packages (except packages treated so as to preclude contact of the spirits with the wood surface) are dumped for tax determination, the packages and the char or wood chips therein, if any, shall be thoroughly rinsed by the proprietor: *Provided*, That if the proprietor indicates on his withdrawal application, Form 179, that the packages are to be used for repackaging the same spirits, such packages need not be rinsed. Packages which are to be rinsed may be partially filled with water and allowed to soak for a day or so in order to recover additional spirits in the water. Packages containing rinse water may not be removed from the bonded premises. Water of any temperature may be used for rinsing. When spirits are returned to a rinsed package the temperature of such water shall be marked thereon, as provided in § 201.524. Rinse water not added to the same spirits may be added to the next lot of spirits to be tax determined which are homogeneous therewith, or such rinse water may be mingled with heterogeneous spirits for tax determination under § 201.298; if not so disposed of, the rinsings shall be destroyed or redistilled. Char and wood chips not returned to packages shall be disposed of as provided in § 201.306.

33. Section 201.385 is amended in respect of the reporting, on Form 179, of reports of removal. As amended, § 201.385 reads as follows:

§ 201.385 Release of spirits.

No spirits shall be removed from bonded premises, except as otherwise provided by law, unless the tax thereon has been determined. If the Form 179, and Form 2521 (if required) with remit-

tance, are in order and cover the full amount of the tax on the spirits to be withdrawn, the assigned officer shall execute his certificate of tax determination. The assigned officer shall not execute his certificate of tax determination where a proprietor of bottling premises, whose bond on Form 2614 or 2615 is not in the maximum penal sum, has assumed liability for the tax on the spirits, and the tax is greater than the amount shown on Form 179 as charged against his bond. Where Form 2521 has been filed with the district director, as required by § 201.383(b), the certificate regarding tax determination shall not be executed before the assigned officer has received a receipted copy of the return from the district director. On execution of the certificate of tax determination, the assigned officer shall issue distilled spirits stamps for packages or bulk conveyances of spirits to be removed from bonded premises. Distilled spirits stamps shall be affixed, cancelled, and protected in the manner provided in Subpart Q of this part. When the distilled spirits stamps have been affixed by the proprietor to the containers and the containers have been properly marked, the assigned officer shall release the spirits. When spirits are to be removed by pipeline, the appropriate Form 179, after execution of the certificate of tax determination shall be attached to the gauge tank before the spirits are released by the assigned officer. Bottled-in-bond spirits which are to be withdrawn from bonded premises on determination of tax may be so withdrawn subsequent to bottling, without being returned to the storage portion of the bonded warehouse, if the proprietor executes Forms 179 in advance of withdrawal to cover a specific quantity of such spirits, and also executes, in advance of withdrawal, the statement required by § 201.372. In such case the assigned officer shall execute the certificate of tax determination only if he is satisfied that adequate means and methods are provided for accurately ascertaining the quantities of spirits to be so withdrawn at time of bottling and that the Form 179 is otherwise in order. On completion of the withdrawal covered by Form 179, the proprietor shall complete the forms, identifying the cases and showing the actual quantity of spirits so withdrawn; such information shall be verified by the assigned officer. When any spirits have been removed from the bonded premises as provided in this section, the proprietor shall execute under the penalties of perjury the statement of removal on all copies of Form 179 and distribute them in accordance with the instructions on the form.

34. In order to liberalize the provisions relating to the preparation of applications for the withdrawal of spirits free of tax, § 201.390 is amended to read as follows:

§ 201.390 Withdrawal of spirits free of tax.

Spirits withdrawn free of tax under § 201.389 (a), (b), and (c) shall be withdrawn in approved containers and shipped to the consignee designated in the permit. Before shipment, the proprietor shall submit application for withdrawal, Form 2633, to the assigned officer. Unless the spirits are in cases or are to be withdrawn on the original gauge, the proprietor shall gauge each container under the direct supervision of the assigned officer. For each shipment, the proprietor shall prepare Form 1473 and distribute the form in accordance with the instructions thereon. If the assigned officer finds that the withdrawal papers, and the shipment, conform to regulations, he shall release the spirits.

(72 Stat. 1362; 26 U.S.C. 5214)

35. In order to eliminate the requirement for recording shipments on Form 1444, § 201.391 is amended to read as follows:

§ 201.391 Permits for withdrawal of spirits by the United States.

Where the United States or a governmental agency thereof intends to procure spirits free of tax for nonbeverage purposes, application for a permit shall be filed on Form 1444 under the provisions of Part 213 of this chapter. Where the United States or a governmental agency thereof intends to procure spirits free of tax for other purposes, application for a permit shall be filed on Form 1444 under the provisions of this part. The application shall be signed by the head of the department, independent bureau, or agency to which such spirits are to be shipped, or by some person duly authorized by such head of a department, independent bureau, or agency, and forwarded to the Director. Evidence of authority to sign for the head of a department, independent bureau, or agency shall be furnished to the Director. If the Director finds the application in order, he will issue a permit to the applicant. At the time the spirits are to be procured, the permit on Form 1444 and a purchase order shall be submitted by the governmental agency to the proprietor. At the time of shipment, the consignor shall return the permit to the governmental agency unless he has been authorized by such agency to retain the permit for the purpose of making future shipments. On receipt of a shipment of spirits, the representative of the governmental agency receiving the same shall execute the certificate of receipt on both copies of Form 1473 received from the plant proprietor, after noting thereon any loss or deficiency in the shipment, and shall forward one copy to the assistant regional commissioner of the region in which the plant proprietor is located and retain the other copy for his files. Every appropriate precaution shall be taken by the agency to insure that the spirits so procured will be used only for governmental purposes. When no more spirits will be procured under a permit, the governmental agency shall return it to the Director for cancellation.

(68A Stat. 900; 26 U.S.C. 7510)

36. In order to implement section 5314, I.R.C., a new undesignated center heading and a new section, § 201.395, are inserted, immediately following § 201.394, to read as follows:

WITHDRAWALS AUTHORIZED BY PUERTO RICO

§ 201.395 Withdrawals authorized by Puerto Rico.

Distilled spirits (including denatured spirits) may be withdrawn from the bonded premises of a distilled spirits plant in Puerto Rico pursuant to authorization issued under the laws of the Commonwealth of Puerto Rico; such spirits so withdrawn, and products containing such spirits so withdrawn, may not be brought into the United States free of tax.

(72 Stat. 1375; 26 U.S.C. 5314)

37. Section 201.407 is amended in regard to the preparation of Form 2634. As amended, § 201.407 reads as follows:

§ 201.407 Notice and gauge for denaturation.

The proprietor, when he wishes to denature, shall execute his notice of intent on Form 2634, in triplicate, in accordance with the instructions thereon and deliver one copy, as a notice, to the assigned officer before any spirits are released for denaturation. The gauge of the spirits, when required, and the denaturation thereof, shall be under the direct supervision of the assigned officer. On completion of denaturation, the proprietor shall execute his report of denaturation on the original and copy of the form and deliver them to the assigned officer who, after verification of the report, shall execute his certificate on both copies of the form, return the completed copy to the proprietor, retain the original for his files, and destroy the notice copy originally received. All spirits shall be gauged by the proprietor: *Provided*, That spirits dumped from previously gauged containers or spirits transferred directly to mixing tanks from gauge tanks where they were gauged, need not be again gauged. Measurements of spirits and denaturants shall be made by volume or by weight or, when approved by the Director, by meter or other device.

(72 Stat. 1358, 1369; 26 U.S.C. 5204, 5241)

37a. In order to eliminate the requirement that tax-exempt gin produced on bottling premises must be produced in a closed distilling system, § 201.441 is amended to read as follows:

§ 201.441 Gin.

Gin produced on bottling premises is exempt from the rectification tax (as provided in § 201.29(c)) only if produced by the redistillation over juniper berries and other natural aromatics of spirits distilled at or above 190 degrees of proof, free from impurities, including spirits of such a nature recovered by redistillation of imperfect gin spirits. Gin produced by redistillation is not exempt from tax if it is mixed with other spirits or treated by the addition or abstraction of any substance or material other than pure water after redistillation, or if any substance or material other than juniper berries or other aromatics or pure water is added to the spirits before or during redistillation. The gin shall be collected in a receiving tank and shall be gauged therein by the proprietor. It may be drawn off in packages, bottled, or transferred by pipeline or bulk conveyance to other bottling premises as provided in § 201.465. Gin exempt from the rectification tax may be filtered to remove materials held in suspension, but the use of filters or filter aids which remove essential oils or flavoring materials in solution will subject the product to the rectification tax. The provisions of this section do not preclude the filtering and stabilizing of gin as provided in § 201.445.

(72 Stat. 1328; 26 U.S.C. 5025)

38. Section 201.445 is amended to permit filtering and stabilizing of tax-determined spirits on other than bottling premises. As amended, § 201.445 reads as follows:

§ 201.445 Filtering and stabilizing of spirits.

Spirits on which the tax has been determined may be treated as provided in § 201.324, subject to the limitations prescribed in that section. Such treatment of the spirits may be conducted on the bottling premises. Also, if the bottling premises are a part of the distilled spirits plant where the spirits to be so treated were tax determined, the permissible treatment may, if the assistant regional commissioner is satisfied that such treatment of the spirits will not jeopardize the revenue, be conducted, in whole or in part, on bonded premises after release of the spirits and in the course of prompt removal thereof from the bonded premises, or while the spirits are in transit to the bottling premises. Treatment of spirits under this section does not constitute rectification.

(72 Stat. 1328; 26 U.S.C. 5025)

39. Section 201.456 is amended to provide for use of a code system in identifying labels, and to make an editorial change. As amended, § 201.456 reads as follows:

§ 201.456 Labels to agree with contents of tanks and containers.

A copy of each (approved or exempted) label to be used in bottling spirits or in bottling or packaging wines shall be affixed to a copy of Form 2637 to be attached to the tank: *Provided*, That, on application therefor, the Director may approve the entering on Form 2637 of code symbols, identifying the labels to be used, in lieu of affixing the labels. The label or labels so affixed to (or identified on) Form 2637 shall agree in every respect with the spirits or wines in the tank to which the Form 2637 is attached and such Form 2637 shall not be removed from the tank until it has been emptied. Labels affixed to bottles (and packages in the case of wine) shall be identical with the label affixed to (or with the label identified by the code symbol entered on) Form 2637 attached to the tank from which the containers were filled. If the containers are labeled with labels which do not properly describe the spirits or wines contained therein, the proprietor shall relabel the containers with proper labels.

(72 Stat. 1356; 26 U.S.C. 5201)

40. In order to make editorial changes, § 201.457 is amended to read as follows:

§ 201.457 Liquor bottles.

Spirits may be bottled for domestic purposes only in the sizes provided in 27 CFR Part 5. Liquor bottles may not be used for wines containing 24 percent alcohol by volume or less or for products manufactured with such wines unless such products contain spirits other than wine spirits used in wine production. Liquor bottles may be used, but need not be used, in bottling spirits for export. (See Part 175 of this chapter for provisions respecting liquor bottles.)

(72 Stat. 1374; 26 U.S.C. 5301)

41. Section 201.459 is amended to provide for use of a code system to identify labels, and to make editorial changes. As amended, § 201.459 reads as follows:

§ 201.459 Filling of bottles.

Bottles filled on bottling premises shall be so labeled (a) that the label in use is identical with the label attached to (or with the label identified by the code symbol entered on) Form 2637, and properly describes the spirits, and (b) that the bottled spirits agree in proof with the data on the label; and shall be so filled that the quantity agrees with the data on the label or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label or bottle, the proprietor shall rebottle, recondition, or relabel the spirits in such manner that the label will correctly describe the contents.

(72 Stat. 1356, 1374; 26 U.S.C. 5201, 5301)

42. Section 201.460 is amended in regard to the posting of daily bottling information on Form 2637. As amended, § 201.460 reads as follows:

§ 201.460 Completion of bottling.

When the contents of a bottling tank are not completely bottled at the close of the day, the bottler shall make entries on Form 2637 (not later than the morning of the following business day), covering the total quantity bottled that day from the tank. He may elect to make such daily entries only on the original of the form but shall complete the bottling tank copy when the tank has been emptied. When the tank has been emptied, he shall complete the Form 2637 and shall deliver the original to the assigned officer, by placing it on his desk, and file the copy. If spirits are bottled or packaged especially for export with benefit of drawback, the additional copy of Form 2637 shall be submitted to the assistant regional commissioner.

(72 Stat. 1356; 26 U.S.C. 5201)

43. Section 201.467 is amended to delete the requirements that the label shall show the plant number where bottled and that the spirits were bottled for export, and to provide for waiver of certain of the remaining labeling requirements. As amended, § 201.467 reads as follows:

§ 201.467 Labels for export spirits.

All bottles containing spirits bottled on bottling premises for export shall have securely affixed thereto a label showing the following:

(a) Kind of spirits;

(b) Proof of the spirits;

(c) Net contents, unless the markings on the bottle indicate such contents; and

(d) The name (or, if desired, the trade name) of the bottler.

The bottler may place on the label any additional information that he may desire if it is not inconsistent with the required information. The label information may be stated in the language of the country to which the spirits are to be exported provided the assigned officer is furnished an English translation of the information. The net contents and proof may be stated in the units of measurement of the foreign country provided the assigned officer is furnished a statement of the equivalent United States units. The Director may waive the requirement of showing any of the information required by this section, other than the kind of spirits, upon a showing that the country to which the spirits are to be exported prohibits the showing of such information.

(72 Stat. 1356, 1374; 26 U.S.C. 5201, 5301)

44. Section 201.469 is amended to eliminate, in the case of spirits originally bottled for domestic use but which are to be exported, the requirement that there be affixed to the bottles a label bearing the words "For Export."

§ 201.469 Domestically bottled spirits for export.

Taxpaid spirits, manufactured or produced in the United States, originally bottled for domestic use may be exported with benefit of drawback without rebottling if:

(a) The spirits have not left the premises of the original bottler;

(b) The red strip stamp affixed to each bottle is legibly overprinted with the word "Export" by means of a rubber stamp or other suitable method; and

(c) Each case is marked as required by Part 252 of this chapter.

The proprietor may relabel the spirits to show any of the information provided for in § 210.467. Where spirits are prepared for export under this section the proprietor shall prepare and forward to the assistant regional commissioner a certified true copy, or transcript, of the batch record, on Form 122 (rectified spirits only), and a certified true copy of the bottling record, Form 2637, covering the spirits.

(72 Stat. 1336, 1358; 26 U.S.C. 5062, 5205)

45. That portion of § 201.485 which precedes the table is amended to require the reporting of losses which are substantial and unusual in nature. As amended, § 201.485 reads as follows:

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis; the proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature. Losses of spirits under this section (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth below:

* * * * *

(72 Stat. 1323; 26 U.S.C. 5008)

46. Section 201.489 is amended in order to establish a rule for determining the period which the premises are qualified to operate, for purposes of computation of allowable losses under § 201.485, where the bottling premises are curtailed for alternate use in a Class 6 customs manufacturing bonded warehouse under the provisions of § 201.175b. As amended, § 201.489 reads as follows:

§ 201.489 Losses during short-term operations.

Losses allowable to any proprietor under the provisions of § 201.485 shall not exceed the quantity which would be allowed by a tentative estimate constructed in accordance with the provisions of § 201.488 for the portion of the fiscal year that such proprietor was qualified to operate the plant. Each alternating proprietor shall, when not considered as one proprietor under § 201.490, show in his claim the exact number of days (or calendar months, if complete) he was qualified to operate the bottling premises during the period covered by the claim. The maximum amount of loss allowance shall be limited to an amount proportionate to that which would have been allowed for the full fiscal year at the rate of loss and the rate of completions prevailing in his operations during the pertinent period. Where the period of qualification is other than a calendar month or months, computations shall be based on the exact number of days involved and on a year of 365 days. Where the bottling facilities are qualified and operated alternately for bottling spirits in bond and bottling spirits after withdrawal from bond on payment or determination of tax, the bottling premises, for purposes of computing loss allowances, shall be considered to have remained qualified throughout any periods during which operations were temporarily suspended for bottling-in-bond activities. Days that the bottling premises are curtailed for alternate use in a Class 6 customs manufacturing bonded warehouse, as provided for in § 201.175b, shall be excluded from the period such premises are deemed to be qualified for the purpose of computing losses allowable under § 201.485: *Provided*, That in the event that only a part of the bottling premises is curtailed for alternate use in a Class 6 customs manufacturing bonded warehouse, no adjustment of the period of qualification will be required if the remaining qualified bottling premises are such that they can be operated as bona fide bottling premises of the distilled spirits plant.

(72 Stat. 1323; 26 U.S.C. 5008)

47. Section 201.515 is amended in respect of marks on certain small containers. As amended, § 201.515 reads as follows:

§ 201.515 Specifications for marks and brands.

The proprietor shall place the prescribed marks and brands on cases and encased containers of spirits by printing, stenciling, or stamping and shall place the prescribed marks and brands on packages of spirits by burning, cutting, printing, or stenciling; the prescribed marks and brands may also be made by any equally legible and durable method approved by the Director. The marks required to be placed on packages by this subpart shall be placed on one head, which shall be called the Government head, and the marks for other containers, and for cases, on one side, which shall be called the Government side: *Provided*, That the required marks may be placed on the side of small, cylindrical, steel containers having a capacity of ten gallons or less. The letters and figures shall be large enough to be easily read and, when printed, stamped, or stenciled, shall be in permanent ink and in a color distinctly in contrast to that of the background. The prescribed marks on packages, cases, and encased containers of specially denatured spirits may be placed thereon in the manner provided above, or may be placed thereon by means of labels if the labels are clearly legible and securely affixed to the package, case, or container.

(72 Stat. 1360; 26 U.S.C. 5206)

48. Paragraph (b) of § 201.516 is amended by striking the phrase "(as prescribed by the specifications of the manufacturer)". As amended, paragraph (b) reads as follows:

§ 201.516 Marks on packages of spirits filled on bonded premises.

* * * * *

(b) *Rated capacity.* The marks relating to proof, tare, original gross weight, and proof gallon, required by this section, may be omitted from a package if the package is filled to capacity and the rated capacity of the package in gallons is shown as "RC.____G".

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

49. Section 201.531 is amended to clarify instructions relating to destruction of stamps, and to revise instructions relating to effacement or obliteration of marks and brands on packages emptied on distilled spirits plant premises. As amended, § 201.531 reads as follows:

§ 201.531 Obliteration of marks, brands, stamps, and labels.

Except as to change of designation as provided in § 201.517(b), the marks, brands, stamps, and labels required by this part to be placed on any container or case shall not be destroyed or altered until the container or case is emptied. When the proprietor empties any container, the stamps shall be destroyed, and the marks, brands, and labels shall be effaced or obliterated: *Provided*, That the marks and brands on packages emptied on distilled spirits plant premises need not be effaced or obliterated. The provisions of this section shall not apply to containers stamped with strip stamps or to the permanent marks on tanks required by § 201.236.

(72 Stat. 1358; 26 U.S.C. 5205)

50. In order to provide for relabeling and restamping of bottled spirits off bonded or bottling premises, a new section, § 201.532, is inserted, immediately following § 201.531, to read as follows:

§ 201.532 Relabeling and restamping off bonded or bottling premises.

The proprietor of a distilled spirits plant may relabel, affix brand labels, or restamp bottled taxpaid spirits (including taxpaid bottled-in-bond spirits) on wholesale liquor dealer premises or at a taxpaid storeroom on, contiguous to, adjacent to, or in the immediate vicinity of the plant, if such wholesale liquor dealer premises or taxpaid storeroom is operated in connection with the plant. The proprietor shall make application for such relabeling, restamping, or affixing of brand labels to the assigned officer, if any, at the plant, otherwise to the assistant regional commissioner: *Provided*, That individual bottles constituting less than a full case may be relabeled and restamped with labels and stamps identical to the original labels and stamps without the necessity of prior application. The approving officer may give continuing authority to conduct the operations described in applications submitted under this section. The proprietor shall, on his daily stamp report submitted to the assigned officer, report the number of stamps used, for each location, under the provisions of this section.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

51. Section 201.547 is amended to include references to new § 201.532. As amended, § 201.547 reads as follows:

§ 201.547 Restamping of spirits.

Bottles of bottled-in-bond spirits or alcohol may be restamped under the provisions of § 201.532 or of Subpart K of this part. Bottles or other containers to which red strip stamps have been affixed may be restamped under the provisions of § 201.532 or of Subpart N of this part. Replacement of mutilated or missing stamps by persons other than proprietors of plants shall be made in accordance with the provisions of Part 194 of this chapter.

(72 Stat. 1358, 1366; 26 U.S.C. 5205, 5233)

52. Section 201.607 is amended to provide for the proper labeling of samples of completely denatured alcohol. As amended, § 201.607 reads as follows:

§ 201.607 Label.

On the container of each sample of spirits, except denatured spirits or a sample solely for testing and immediate disposal at the location where taken or at the operator's control position, the proprietor shall affix a label showing the following information:

(a) The word "sample";
(b) The kind of spirits;
(c) The place from which the sample was removed, and the identity of the package where applicable;
(d) The purpose for which the sample was removed;
(e) The size of the sample;
(f) Whether taxable or free of tax, and if taxable, the proof gallon content to the fourth decimal place;
(g) If the sample is to be removed to other than the immediate or contiguous premises of the proprietor, the name and address of the laboratory or purchaser to which the sample is to be sent;
(h) The name of the proprietor and the plant number;
(i) The signature of the person who removed the sample; and
(j) The date the sample was taken.

Each sample of denatured spirits withdrawn from the premises of the distilled spirits plant shall be labeled as a sample and shall show the name, address, and plant number of the proprietor, the name and address of the person to whom sent, and the formula number and the quantity. Labels on samples of specially denatured spirits shall show the words "Specially Denatured Spirits" or "Specially Denatured Alcohol." Labels on samples of completely denatured alcohol shall show the word "Completely Denatured Alcohol."

(72 Stat. 1362, 1382; 26 U.S.C. 5214, 5373)

52a. In order to make it clear that the closed system referred to in the text of § 201.623 following paragraph (1), is that required by § 201.487, § 201.623 is amended to read as follows:

§ 201.623 Daily bottling premises records.

* * * * *

The records required by paragraph (a) of this section shall also show the name and plant number of the producer or rectifier (bonded warehouseman in the case of blended beverage rums or brandies or spirits of 190 degrees or more of proof received from storage facilities) for domestic spirits, the country of origin for imported spirits, and the name and address of the producer of wines and alcoholic flavoring materials. In addition to the above requirements separate records shall be maintained for spirits entered into the closed system (under the provisions of § 201.487) for the production of gin or vodka and the spirits removed therefrom; alcoholic flavoring materials which, under § 201.424, must be procured direct from the manufacturer and covered by an affidavit from him, shall be distinguished in the records from other alcoholic flavoring materials; and spirits bottled or packaged especially for exportation with benefit of drawback, or rebottled, relabeled, or restamped for such exportation, shall be appropriately identified in the records. Where proprietors' copies of perscribed transaction forms reflect details of the transactions required by this section, such copies may constitute the records of such details required under this section.

(72 Stat. 1361; 26 U.S.C. 5207)

53. In order to make clear that the scope of § 201.625 is intended to include wholesale liquor dealer transactions and in order to provide for keeping records of restamping operations, § 201.625 is amended to read as follows:

§ 201.625 Daily record of wholesale liquor dealer and taxpaid storeroom operations.

Where the proprietor, in connection with his plant, conducts wholesale liquor dealer operations, or operates a taxpaid storeroom, on, contiguous to, adjacent to, or in the immediate vicinity of plant premises, or operates storage premises at another location from which distilled spirits are not sold at wholesale, he shall maintain daily records of the receipt and disposition of all distilled spirits and wines at such premises, and of all restamping operations conducted under the provisions of § 201.532. A separate record shall be kept for each such premises. The records in respect of the receipt and disposition of distilled spirits and wines shall contain all data necessary to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and to provide the proprietor with records from which to compile data for his monthly report on Form 338. In addition to any other information shown therein, such daily records shall include:

(a) *As to receipts and dispositions.* (1) The date of the transaction (or date of discovery in the case of casualty or theft),
(2) The name and address of each consignor or consignee, as the case may be,
(3) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles),
(4) The serial numbers of packages or cases involved,
(5) The name of the producer, and
(6) The country of origin, if imported spirits.

(b) *As to restamping operations.* (1) The date of the transaction,
(2) The serial numbers of the cases involved,
(3) The total number of bottles,
(4) The name of the bottler, and
(5) The number and kind of strip stamps used.

(72 Stat. 1343, 1361; 26 U.S.C. 5114, 5207)

54. Section 201.629 is amended to require that the record of spirits on Form 1621 shall be maintained in tax gallons. As amended, § 201.629 reads as follows:

§ 201.629 Summary of deposits and withdrawals, Form 1621.

Each bonded warehouse proprietor shall keep current summary accounts on Form 1621 of all spirits entered into, withdrawn from, and remaining in his warehouse. The record of spirits of less than 190 degrees of proof shall be arranged alphabetically by States and (a) numerically by producers according to plant number within each State (spirits produced under trade names, for the purpose of this record, shall be treated as being produced under the real name of the producer) or (b) in the case of blended rums or brandies numerically by bonded warehouse proprietors according to plant number within each State. Separate sheets shall be used for each kind of spirits of less than 190 degrees of proof, for each season's production, for each kind of container, and for spirits mingled under § 201.301 and spirits not so mingled. Warehouse summary accounts shall be maintained showing separately for packages, cases, and storage tanks (including tank cars and tank trucks) the total deposits and withdrawals by kinds of spirits and the total deposits and withdrawals of all kinds of spirits; each account covering packages or cases shall show the number of packages or cases, and the total tax gallons therein, and each account covering a tank shall show the total tax gallons. A separate account shall be maintained for each storage tank containing spirits of less than 190 degrees of proof, showing all deposits in, and withdrawals from, the tank. Losses determined at the time a tank is emptied or at the time of the month-end inventory required by § 201.311, shall be entered on the form. In the case of spirits of 190 degrees or more of proof the proprietor shall keep separate summaries on Form 1621 for such spirits in packages, in cases, and in tanks (including tank cars and tank trucks) showing the number of packages and of cases and the tax gallons therein, and the total tax gallons in tanks; separate summaries shall be kept for domestic spirits and for imported spirits.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 201.633 [Amended]

55. In order to conform with the revised requirement for submitting Form 2546 on a semiannual basis, § 201.633 is amended by revoking paragraph (b).

56. Section 201.634 is amended to require preparation of Form 2546 as a semiannual report. As amended, § 201.634 reads as follows:

§ 201.634 Semiannual reports.

(a) *Form 332.* As of the close of business June 30, and December 31, of each year, each proprietor of a bonded warehouse shall prepare, on Form 332, in duplicate, a statement by kind, season, and year of production, of spirits in his bonded warehouse. A separate Form 332 shall be prepared for spirits which have been mingled under § 201.301 and for spirits which have not been so mingled. Spirits of 190 degrees or more of proof (on which a record of age is not kept) shall be reported as a single item on Form 332. The quantity of domestic spirits and of imported spirits shall be reported separately. The original of Form 332 shall be submitted to the assigned officer, and the copy shall be retained by the proprietor.

(b) *Form 2546.* As of the close of business June 30, and December 31, of each year, each proprietor of a bonded warehouse shall prepare, on Form 2546, in

duplicate, a report of spirits mingled under § 201.361. A separate report shall be prepared for each kind of spirits. The original of Form 2546 shall be submitted to the assigned officer, and the copy shall be retained by the proprietor.

(72 Stat. 1361, 1396; 26 U.S.C. 5207, 5555)

[F.R. Doc. 64-1120; Filed, Feb. 4, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

Proposed Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210), it is proposed to amend § 221.30 of Title 25, Code of Federal Regulations, as set forth below. The purpose of this amendment is to adjust current irrigation operation and maintenance assessment rates on the various units of the Fort Belknap Indian Irrigation Project to cover the full per-acre cost for non-Indian owned lands and Indian owned lands leased to non-Indians. The amendment also establishes per-acre assessment rates for Indian owned and operated lands based on the financial ability of the Indian landowners or water users as a whole to pay such assessments.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment, Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 221.30 is amended to read as follows:

§ 221.30 Charges.

Pursuant to the provision of the Act of May 18, 1916 (39 Stat. 142) and the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Indian Irrigation Project in Montana are hereby fixed for calendar year 1964 and each succeeding year until further order (a) for the Milk River and White Bear Units, including lands under pumping contract with the Fort Belknap Indian Irrigation Project, at $2.65 per acre against lands in Indian ownership not under lease to a non-Indian, and at $3.88 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; (b) for the Three Mile Unit at $3.20 per acre against lands in Indian ownership not under lease to a non-Indian, and at $4.43 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; (c) for the Brown Unit at $2.00 per acre against lands in Indian ownership not under lease to a non-Indian, and at $3.88 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian; and (d) for the Peoples Creek (Hays) and Ereaux Units at $2.00 per acre for Indian and non-Indian owned lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1097; Filed, Feb. 4, 1964; 8:45 a.m.]

National Park Service

[36 CFR Part 1]

HATTERAS ISLAND AND KILL DEVIL HILLS, NORTH CAROLINA

Landing of Aircraft; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend § 1.61 of Title 36, Code of Federal Regulations, as is set forth below. This amendment includes the name of Cape Hatteras National Seashore, where the landing of aircraft is currently permitted at Billy Mitchell Airstrip, and adds Wright Brothers National Memorial Airstrip as a designated area where aircraft may land. The purpose of adding Wright Brothers National Memorial Airstrip as a designated aircraft landing area is to facilitate travel, to conduct aerial rescue and evacuation operations, and to airlift food, clothing, and medical assistance to isolated areas in event of emergency.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Subparagraph (8) of paragraph (a) of § 1.61 is amended to read as follows, and new subparagraph (9) is added thereto:

§ 1.61 Aircraft.

(a) No person shall land aircraft on land or water on any Federally-owned area within any national park or monument, other than at one of the following designated landing areas:

* * * * *

(8) *Cape Hatteras National Seashore, North Carolina.* Billy Mitchell airstrip, located approximately 6 miles Southwest of Cape Hatteras Lighthouse on Hatteras Island, North Carolina.

(9) *Wright Brothers National Memorial, North Carolina.* Wright Brothers National Memorial airstrip, located at Kill Devil Hills, North Carolina.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1102; Filed, Feb. 4, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Districts; Notice of Proposed Rule Making

Notice is hereby given that the Department is considering a proposed further amendment to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 916.100 et seq.) currently in effect under the provisions of marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The amendment to the said rules and regulations was proposed by the Nectarine Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment redefines the districts into which the production area is divided, renumbers the districts accordingly, and reapportions the membership of said districts on the committee.

1. In § 916.105 *Redefinition of certain districts*, redefine and renumber the subdivisions of the production area as follows:

§ 916.105 Redefinition of certain districts.

(a) "District 1" shall include the counties of Madera, Fresno, and Kings and that portion of Tulare County north of the 4th Standard Parallel south of Mount Diablo Base Line of the General Land Office.

(b) "District 2" shall include that portion of Tulare County not included in District 1.

(c) "District 3" shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(d) "District 4" shall include the counties of Merced and Stanislaus and the balance of the production area.

§ 916.107 Changes in the representation of certain districts.

The representation or membership on the Nectarine Administrative Committee is changed to provide for:

(a) Five (5) members and their respective alternates shall be producers of nectarines in District 1;

(b) One (1) member and his alternate shall be producers of nectarines in District 2;

(c) One (1) member and his alternate shall be producers of nectarines in District 3;

(d) One (1) member and his alternate shall be producers of nectarines in District 4.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should do so by forwarding same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER.

Dated: January 30, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1107; Filed, Feb. 4, 1964; 8:45 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Field-Run Dates; Notice of Proposed Rule Making

Notice is hereby given of a proposal recommended by the Date Administrative Committee to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations) by revising § 987.145(f)(4)(i) so as to provide minimum size requirements for field-run dates of any variety to be withheld from handling to meet restricted obligations and having effective minimum size requirements for restricted dates. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than the tenth day after the date of publication of this notice in the FEDERAL REGISTER.

Section 987.45(f) provides, in part, that any handler may satisfy all or any part of his obligation to withhold restricted dates with field-run dates that meet such quality or size requirements as shall be prescribed in the administrative rules and regulations. It is necessary for such requirements to be established and be in appropriate relationship to the minimum quality or size requirements established for restricted dates so as to assure proper restricted credit to handlers setting aside or disposing of lots of eligible field-run dates in satisfaction of their restricted obligations. Such minimum quality requirements for lots of eligible field-run dates were prescribed in § 987.145(f)(4), effective June 11, 1959. There is now a need to prescribe minimum size requirements for field-run dates because minimum size requirements for restricted dates (of the Deglet Noor variety) were recently established for the first time under the program. Hence, the proposal to amend the administrative rules and regulations is intended to provide, for field-run dates, minimum size requirements in appropriate relationship to those prescribed for restricted dates.

The proposal follows:

Revise § 987.145(f)(4)(i) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) to read as follows:

(i) At least 70 percent, by weight, of the dates in the sample are sound dates which, after normal processing and with respect to size and for the factors of color, uniformity of size, and character, would meet the effective minimum requirements for restricted dates exclusive of those for export to approved countries other than Mexico ("sound dates" meaning dates which are free of defects, other than those removeable by washing, that are scored pursuant to the effective United States Standards for Grades of Dates); and

To provide a ready reference, the present provisions of subdivision (i) are reproduced as follows:

(i) At least 70 percent, by weight, of the dates in the sample are sound dates which would, after normal processing, meet the effective minimum requirements for the factors of color, uniformity of size, and character for restricted dates ("sound dates" meaning dates which are free of defects, other than those removable by washing, that are scored pursuant to the effective United States Standards for Grades of Dates); and

Dated: January 31, 1964.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 64-1138; Filed, Feb. 4, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket 15002]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Indebtedness Data; Notice of Proposed Rule Making

JANUARY 30, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would provide for reporting by the certificated route and supplemental air carriers of data concerning issues of long-term and short-term debt (other than trade liabilities) in excess of 5 percent of total outstanding debt, and lease obligations with an annual rental which exceeds either $500 thousand or 1 percent of total debt and equity capital, whichever is less, but excluding leases of annual rental of less than $100 thousand.

The principal features of the proposed amendments are explained in the attached Explanatory Statement. The rules are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958 (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of their views in writing addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received by February 28, 1964 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory Statement. The extent and terms of air carrier debt, which now exceeds $2 billion are significant elements in determining a variety of regulatory questions affecting the welfare of the air transport industry. The reporting provisions of Part 241 do not now provide information in sufficient detail as to the source, terms and conditions of the indebtedness of the air carriers. The proposal would require data relating to long-term and short-term debt (excluding trade liabilities) which exceeds 5 percent of total outstanding debt; and data relating to leases, including those with purchase options, in which the annual rentals exceed either $500 thousand or 1 percent of debt and equity capital, whichever is less, but excluding leases of annual rentals of less than $100 thousand. It is proposed that data of this character previously supplied by the certificated route carriers in response to a specific request for information as at December 31, 1961 be reported currently on an annual basis by all direct air carriers. Detailed instructions for supplying the information on CAB Form 41 are set forth in §§ 241.23 and 241.33 of the proposed rule. It is proposed that the amendment be effective beginning with reporting for the year 1963.

Proposed Rule. It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By deleting the second sentence in paragraph (c) under Section 5–3 Property and Equipment to eliminate the ref-

[1] Dissenting statement of member Gurney filed as part of original document.

erence to facts related to lease agreements on Schedule B–2 no longer needed under the proposed rule.

2. By adding to the list of report schedules in paragraph (a) of section 22—General Reporting Instructions, immediately following "Schedule B–45," two new lines in appropriate columns as follows:

B–46—Long-Term and Short-Term Non-Trade Debt—do— 90
B–47—Lease Obligations—do— 90

3. By amending section 23—Certification and Balance Sheet Elements to add two new schedules B–46 "Long-Term and Short-Term Non-Trade Debt" and B–47 "Lease Obligations"[1] and related instructions as follows:

Schedule B–46—Long-Term and Short-Term Non-Trade Debt

(a) This schedule shall be filed by all route air carriers and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) in excess of 5 percent of total outstanding debt.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures", "Bank Notes", "Credit Agreement", etc.

(d) Columns 2, 3 and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(e) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(f) Columns 6 and 7 shall reflect the balance outstanding at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(g) Column 8 shall reflect the security or collateral behind the obligation, such as the pledge of flight equipment.

(h) Columns 9 and 10 shall reflect the name and address of holders of more than 5 percent of the issue or $500,000, whichever is smaller, showing for each such holder the amount held as at the end of the reporting period.

(i) Page 2 of this schedule shall be completed for each issue of debt reported in column 1 of page 1 and the issue shall be identified on page 2 by inserting in the box in the upper right hand corner the related line number of page 1 to which page 2 relates.

(j) Item 11 shall reflect a brief summary of any conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(k) Item 12 shall reflect the terms of payment under the agreement, including the date repayment commences and the rate of repayment by periods.

(l) Item 13 shall reflect a summary of provisions in the agreement with respect to any voting rights or rights to participation in management of the reporting company.

[1] Filed as part of the original document.

Schedule B–47—Lease Obligations

(a) This schedule shall be filed by all route air carriers and shall reflect information pertaining to each lease obligation with annual rental of five hundred thousand dollars or 1 percent of total debt and equity capital, whichever is less, but excluding leases with annual rental of less than one hundred thousand dollars.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each item of property and equipment under lease by the reporting carrier of the magnitude specified in paragraph (a).

(d) Column 2 shall reflect the beginning date of the lease.

(e) Column 3 shall reflect the life of the lease and any renewal periods. Where a lease is not renewable, the word "none" shall be reported.

(f) Column 4 shall reflect the name and address of the lessor.

(g) Column 5 shall reflect the cost to the lessor of each item of property and equipment listed in column 1. Where such cost cannot be ascertained, the word "unknown" shall be reported.

(h) Column 6 shall reflect the aggregate amount of the contractual obligation payable over the full life of the lease, including interest and other charges.

(i) Column 7 shall reflect the rate of interest incorporated in the repayments. Where such interest rate cannot be ascertained, the word "unknown" shall be reported.

(j) Column 8 shall reflect the total amount due and payable under each lease in the ensuing twelve month period including interest and other charges. If the lease is conditional, the minimum amount shall be stated with explanation. Where the amount varies from year to year, a schedule of payments shall be attached.

(k) Column 9 shall reflect provisions under each lease for options to purchase, including purchase dates and prices, and any portion of rent applicable to the purchase price. Where a lease contains no option to purchase, the word "none" shall be reported.

4. By deleting from section 23, paragraph (d) under Schedule B–2—Notes to Balance Sheet.

5. By adding to the list of report schedules in paragraph (a) of section 32—General Reporting Instructions, immediately following "Schedule B–43," two new lines in appropriate columns as follows:

B–46 Long-term and short-term non-trade debt.....—do— 90
B–47 Lease obligations.....—do— 90

6. By amending § 33 Certification and Balance Sheet Elements to add two new schedules B–46 "Long-Term and Short-Term Non-Trade Debt" and B–47 "Lease Obligations" and related instructions as follows:

Schedule B–46—Long-Term and Short-Term Non-Trade Debt

(a) This schedule shall be filed by each supplemental air carrier and shall reflect information pertaining to each issue of long-term debt and each short-term debt (other than trade liabilities) in excess of 5 percent of total outstanding debt.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures", "Bank Notes", "Credit Agreement," etc.

(d) Columns 2, 3 and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(e) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(f) Columns 6 and 7 shall reflect the balance outstanding at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(g) Column 8 shall reflect the security or collateral behind the obligation, such as the pledge of flight equipment.

(h) Columns 9 and 10 shall reflect the name and address of holders of more than 5 percent of the issue or $500,000, whichever is smaller, showing for each such holder the amount held as at the end of the reporting period.

(i) Page 2 of this schedule shall be completed for each issue of debt reported in column 1 of page 1 and the issue shall be identified on page 2 by inserting in the box in the upper right hand corner the related line number of page 1 to which page 2 relates.

(j) Item 11 shall reflect a brief summary of any conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(k) Item 12 shall reflect the terms of payment under the agreement, including the rate of repayment by periods.

(l) Item 13 shall reflect a summary of provisions in the agreement with respect to any voting rights or rights to participation in management of the reporting company.

Schedule B–47—Lease Obligations

(a) This schedule shall be filed by each supplemental air carrier and shall reflect information pertaining to each lease obligation with annual rental of five hundred thousand dollars or 1 percent of total debt and equity capital, whichever is less, but excluding leases with annual rental of less than one hundred thousand dollars.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Column 1 shall reflect a description of each item of property and equipment under lease by the reporting carrier of the magnitude specified in paragraph (a).

(d) Column 2 shall reflect the beginning date of the lease.

(e) Column 3 shall reflect the life of the lease and any renewal periods. Where a lease is not renewable, the word "none" shall be reported.

(f) Column 4 shall reflect the name and address of the lessor.

(g) Column 5 shall reflect the cost to the lessor of each item of property and equipment listed in column 1. Where such cost cannot be ascertained, the word "unknown" shall be reported.

(h) Column 6 shall reflect the aggregate amount of the contractual obligation payable over the full life of the lease, including interest and other charges.

(i) Column 7 shall reflect the rate of interest incorporated in the repayments. Where such interest rate cannot be ascertained, the word "unknown" shall be reported.

(j) Column 8 shall reflect the total amount due and payable under each lease in the ensuing twelve month period including interest and other charges. If the lease is conditional, the minimum amount shall be stated with explanation. Where the amount varies from year to year, a schedule of payments shall be attached.

(k) Column 9 shall reflect provisions under each lease for options to purchase, including purchase dates and prices, and any portion of rent applicable to the purchase price. Where a lease contains no option to purchase, the word "none" shall be reported.

7. By deleting from section 33 paragraph (d) under Schedule B–2.1—Notes to Balance Sheet, etc.

[F.R. Doc. 64–1061; Filed, Feb. 4, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 3067]

AIRWORTHINESS DIRECTIVES

Lockheed Model 1649A Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Model 1649A Series aircraft. Several instances of cracks have occurred in the wing upper milled skin. To correct this unsafe condition, this AD requires inspection for cracks in the wing upper milled skin panel and repair if cracks are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 9, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 1649A Series aircraft.

Compliance required as indicated.

(a) Within 350 hours' time in service after the effective date of this AD, unless already accomplished, and within each 5,500 hours' time in service thereafter following the initial inspection, inspect for cracks in the right and left hand wing upper milled skin panel (second plank aft of the front spar) in the area aft of the Nos. 2 and 3 nacelles between W.S. 175 and W.S. 283.5 at the forward and aft-most risers adjacent to the skin lap joints using the ultrasonic shear wave inspection technique described in Lockheed Letter FS/267105–L or an FAA approved equivalent.

(b) Within 1,400 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 1,050 hours' time in service, visually inspect for cracks in the right and left hand wing upper milled skin panel (second plank aft of the front spar) in the area aft of the Nos. 2 and 3 nacelles between W.S. 175 and W.S. 283.5 at the forward and aft-most risers adjacent to the skin lap joints.

(c) Any cracks found during the inspections specified in (a) and (b) shall be repaired in accordance with Lockheed Report 11885 (Structural Repair Manual), Figure 2–10 or an FAA approved equivalent before further flight, except that the aircraft may be ferried in accordance with the provisions of Section 1.76 of CAR Part 1 to a base where the repairs are to be accomplished.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Letter FS/267105–L dated August 30, 1963, covers this same subject.)

Issued in Washington, D.C., on January 30, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–1141; Filed, Feb. 4, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket Nos. 14229, 15201; FCC 64–71]

UHF TELEVISION CHANNELS AND AIRBORNE TELEVISION TRANSMITTERS

Order Extending Time for Filing Comments and Reply Comments

In the matter of fostering expanded use of UHF television channels, Docket No. 14229; amendment of Part 73 (formerly Part 3) of the Commission's rules governing TV broadcast stations to authorize the use of airborne television transmitters, Docket No. 15201, RM–407.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of January 1964;

In a "Further Notice of Proposed Rule Making" in Docket No. 14229 released October 28, 1963 (FCC 63–975), the Commission proposed a revision of the television Table of Assignments designed to expand the use of UHF channels throughout the nation. Released on the same date was a "Notice of Proposed Rule Making" in Docket No. 15201 (FCC 63–974) which contained proposals dealing with the possible reservation of UHF television channels for airborne educational use in a six-state midwest area and regularization of the use of such channels.

Comments in both dockets were due on or before January 3, 1964, and reply comments were due on or before February 3, 1964.

After the release of the aforementioned documents, the National Association of Educational Broadcasters (NAEB) submitted to the Commission the results of a study which it had been making to determine the use of digital computer methods in the developing of a television assignment table. Among other things, the material submitted contained a proposed nationwide television assignment table devised by the use of electronic computers.

The NAEB requested that the Commission postpone further action in Docket No. 14229 pending the outcome of Commission study of the NAEB plan. However, because the Commission did not wish to delay the proceeding in that docket unduly, and because it wished the benefit of comments of interested parties concerning the NAEB plan, it accepted that plan as a comment in Docket No. 14229 and took steps to afford the public a chance to comment on it. The steps consisted of the adoption of an "Order Extending Time for Filing Comments" in Docket No. 14229 (FCC 63–1165, adopted December 18, 1963, released December 27, 1963) to which was attached a reproduction of the proposed NAEB table together with a description of its underlying assignment principles. That order extended the time for filing comments from January 3, 1964, to February 3, 1964, and for reply comments from February 3, 1964, to April 3, 1964.

Because of the close relationship existing between the UHF proceeding in Docket No. 14229 and the airborne television proceeding in Docket No. 15201, the Commission on December 19, 1963, released an order similarly extending the time for filing comments and reply comments in the latter docket to February 3, 1964, and April 3, 1964, respectively (Mimeo No. 44936).

The Commission now has before it a "Petition by Georgia State Board of Education [Georgia] for Extension of Time" filed on January 15, 1964, in Docket Nos. 14229 and 15201; and a "Petition for Extension of Time" filed jointly by the NAEB and the Midwest Program on Airborne Television Instruction, Inc. (MPATI), on January 16, 1964. Both of these petitions request that the dates for

filing comments and reply comments in these dockets be extended from February 3, 1964, to April 3, 1964, and from April 3, 1964, to June 3, 1964, respectively.

As reasons for the requested extensions, Georgia states that in December, 1963, the "Governor's Commission to Improve Education" issued a comprehensive report which concludes that the State must make provision for a statewide educational system utilising six channels per location. The Governor has endorsed the proposal and is taking steps to implement it by state action. Presently, a consulting engineer is preparing data to show the feasibility of the proposal which it is planned to submit to the Commission. Such a study, it is stated, cannot be completed for submission by February 3, 1964. It is urged that the importance of the plan for education in Georgia is such that the dates for filing comments should be extended in the two instant dockets.

NAEB and MPATI state that they are jointly engaged in making a computer study that would most efficiently use UHF channels, and that other engineering and economic data are presently being prepared for filing with the Commission. They aver that such studies cannot be completed by February 3, 1964, and that additional time is therefore needed.

Although we do not wish to delay unduly the ultimate solution of the problems presented in these proceedings, we nevertheless desire to have available to us all data that might be of aid in arriving at ultimate decisions in the public interest if they are submitted within a reasonable time. In the instant case, we are of the opinion that the benefits to be derived from the material which petitioners propose to submit is such as to warrant an extension of time, and that the additional time requested is reasonable. However, we shall not grant additional extensions of time unless a most compelling situation arises.

Accordingly, it is ordered, That the "Petition for Extension of Time" filed jointly by the National Association of Educational Broadcasters and the Midwest Program on Airborne Television Instruction, Inc., and the "Petition by Georgia State Board of Education for Extension of Time" are granted, and That the time for filing comments in the above-captioned proceedings is extended from February 3, 1964, to April 3, 1964, and for filing reply comments from April 3, 1964, to June 3, 1964.

Attention is invited to § 1.419(c) of the Commission rules which states that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket if the proceedings have not been consolidated. Inasmuch as the proceedings in Docket Nos. 14229 and 15201 are related, but separate and not consolidated, parties filing identical comments or reply comments which they desire to be filed in each docket may use the dual caption which is used in the instant order extending time, but if they do so, they should submit two additional copies of the document filed. Those filing comments and reply comments to be filed in only one or the other of the two dockets should use the appropriate single caption for that proceeding, and need file only an original and 14 copies in accordance with the provisions of § 1.419(b).

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1132; Filed, Feb. 4, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 131]

[No. 32248]

RAILROAD TRACK MOTOR CARS AND PUSH TRUCKS

Proposed Applicability of Safety Regulations

It appearing, that a further pre-hearing conference in the above-entitled proceeding is desirable to discuss informally the character and factual matter to be developed upon the record at a subsequent hearing, if found necessary, how such matters should be developed and the procedure to be followed, and good cause appearing therefor:

It is ordered, That this proceeding be, and the same is hereby, assigned for pre-hearing conference before Examiner Henry J. Vinskey, at 9:30 o'clock a.m., U.S. s.t., on March 4, 1964, at the Offices of the Interstate Commerce Commission, in Washington, D.C.

And it is further ordered, That any interested party unable to attend the pre-hearing conference may file with the Commission not later than five days before the date set for the conference, informal written communications which are appropriate for consideration at such conference, furnishing 20 copies for the use of the Commission and 50 copies for the use of other parties and interested persons.

Dated at Washington, D.C., this 23d day of January, A.D., 1964.

By the Commission, Commissioner Tuggle.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1106; Filed, Feb. 4, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 63-61]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-100307 will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted, as described in this document, during the period from October 2, 1963, to October 25, 1963 (List No. 23-63). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3 (c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/42/0, 24-inch cork ring life buoy, U.S.C.G. Specification Subpart 160.009, manufactured by Liberty Cork, Inc., 123 Whitehead Avenue, South River, New Jersey, effective October 24, 1963. (It is an extension of Approval No. 160.009/42/0 dated December 31, 1958.)

BUOYANT APPARATUS

Approval No. 160.010/20/0, 7.5' x 4.0' (11'' x 11'' body section), rectangular solid balsa wood buoyant apparatus, 20-person capacity, assembly dwg. No. 43053 dated April 30, 1953, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective October 22, 1963. (It is an extension of Approval No. 160.010/20/0 dated December 15, 1958.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/6/1, Bullard Supplied Fresh Air Hose Mask No. 1903, Bureau of Mines Approval No. BM-1903, consisting of BM-1903 face piece, BM-1903 blower (both centrifugal type and positive pressure type), BM-1903 harness, and BM-1903 or BM-1903A hose, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, California, effective October 2, 1963. (It is an extension of Approval No. 160.011/6/1 dated October 2, 1958.)

LIFEBOATS

Approval No. 160.035/103/2, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement and construction dwg. No. 49R-2428 dated January 6, 1950, and revised October 3, 1958, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, New York, effective October 24, 1963. (It is an extension of Approval No. 160.035/103/2 dated December 31, 1958.)

Approval No. 160.035/189/2, 28.0' x 9.0' x 3.96' steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. 3205 dated March 3, 1953, and revised August 14, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 24, 1963. (It is an extension of Approval No. 160.035/189/2 dated December 31, 1958.)

Approval No. 160.035/267/1, 28.0' x 9.0' x 4.0' steel, hand-propelled lifeboat, 60-person capacity, identified by construction and arrangement dwg. No. 3396 dated February 7, 1952, and revised August 14, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 24, 1963. (It is an extension of Approval No. 160.035/267/1 dated December 31, 1958.)

Approval No. 160.035/385/0, 24.0' x 8.63' x 3.88' aluminum oar-propelled lifeboat, 47-person capacity, identified by construction and arrangement dwg. No. 80187 dated March 31, 1958, and revised September 4, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 24, 1963. (It is an extension of Approval No. 160.035/385/0 dated December 31, 1958.)

Approval No. 160.035/430/0, 18.0' x 6.0' x 2.5' aluminum, diesel motor-propelled lifeboat, 10-person capacity, identified by construction and arrangement drawing No. 18-6, Rev. B dated October 2, 1963, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective October 8, 1963.

Approval No. 160.035/434/0, 16.0' x 6.25' x 2.5' steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement dwg. No. G-1615 dated June 1963, and revised October 1, 1963, approval for River Service only, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 16, 1963.

Approval No. 160.035/435/0, 24.0' x 7.25' x 3.25' steel, oar-propelled lifeboat, 32-person capacity, identified by construction and arrangement drawing No. 24-14B, Rev. B dated October 16, 1963, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective October 24, 1963.

PUMPS, BILGE, LIFEBOAT

Approval No. 160.044/8/1, Size No. 2 lifeboat bilge pump, identified by general arrangement dwg. No. 3464, revision A dated August 12, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective Oc-

tober 24, 1963. (It is an extension of Approval No. 160.044/8/1 dated December 31, 1958.)

Approval No. 160.044/10/1, Size No. 3 lifeboat bilge pump, identified by general arrangement dwg. No. 3463, revision A dated August 12, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 24, 1963. (It is an extension of Approval No. 160.044/10/1 dated December 31, 1958.)

Approval No. 160.044/12/1, Size No. 1 lifeboat bilge pump, identified by general arrangement dwg. No. 3465, revision A dated August 12, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 24, 1963. (It is an extension of Approval No. 160.044/12/1 dated December 31, 1958.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/559/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130-30 180th Street, Springfield Gardens 34, New York, for Mercantile Sales Co., Inc., 301 South Seventh Street, St. Louis 2, Missouri, effective October 17, 1963.

Approval No. 160.047/560/0, Type I, Model CKM-1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130-30 180th Street, Springfield Gardens 34, New York, for Mercantile Sales Co., Inc., 301 South Seventh Street, St. Louis 2, Missouri, effective October 17, 1963.

Approval No. 160.047/561/0, Type I, Model CKS-1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 130-30 180th Street, Springfield Gardens 34, New York, for Mercantile Sales Co., Inc., 301 South Seventh Street, St. Louis 2, Missouri, effective October 17, 1963.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/130/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Rocklyn Manufacturing Co., 10221 Mabelvale Road, Little Rock, Arkansas, effective October 22, 1963. (It is an extension of Approval No. 160.048/130/0 dated December 31, 1958.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/26/0, 20-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, The Plasti-Kraft Corp. dwg. dated February 1, 1958, and revised specification dated October 12, 1960, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Florida, for The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective October 11, 1963. (It supersedes Approval No. 160.050/26/0 dated October 24, 1960, to show change of address of manufacturer.)

Approval No. 160.050/27/0, 24-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, The Plasti-Kraft Corp. dwg. dated February 1, 1958, and revised specification dated October 12, 1960, approved as alternate construction to that provided by U.S.C.G. Specification Subpart 160.050, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Florida, for The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana. (It supersedes Approval No. 160.050/27/0 dated October 24, 1960, to show change of address of manufacturer.)

Approval No. 160.050/28/0, 30-inch ring life buoy, fibrous glass reinforced plastic shell with unicellular plastic foam core, The Plasti-Kraft Corp. dwg. dated February 1, 1958, and revised specification dated October 12, 1960, approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire, manufactured by The Plasti-Kraft Corp., Ozona Industrial Park, Ozona, Florida, for The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective October 11, 1963. (It supersedes Approval No. 160.050/28/0 dated October 24, 1960, to show change of address of manufacturer.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/13/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, and 12th and Graham Streets, Emporia, Kansas, effective October 11, 1963. (It is an extension of Approval No. 160.052/13/0 dated December 31, 1958.)

Approval No. 160.052/14/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, and 12th and Graham Streets, Emporia, Kansas, effective October 11, 1963. (It is an extension of Approval No. 160.052/14/0 dated December 31, 1958.)

Approval No. 160.052/15/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia and 12th and Graham Streets, Emporia, Kansas, effective October 11, 1963. (It is an extension of Approval No. 160.052/15/0 dated December 31, 1958.)

Approval No. 160.052/16/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Crawford Mfg. Co., Inc., Third and Decatur Sts., Richmond 12, Va., and 12th and Graham Sts., Emporia, Kansas, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective October 11, 1963. (It is an extension of Approval No. 160.052/16/0 dated December 31, 1958.)

Approval No. 160.052/17/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Crawford Mfg. Co., Inc., Third and Decatur Sts., Richmond 12, Va., and 12th and Graham Sts., Emporia, Kansas, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective October 11, 1963. (It is an extension of Approval No. 160.052/17/0 dated December 31, 1958.)

Approval No. 160.052/18/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Crawford Mfg. Co., Inc., Third and Decatur Sts., Richmond 12, Va., and 12th and Graham Sts., Emporia, Kansas, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Illinois, effective October 11, 1963. (It is an extension of Approval No. 160.052/18/0 dated December 31, 1958.)

Approval No. 160.052/22/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio, effective October 24, 1963. (It supersedes Approval No. 160.052/22/0 dated March 14, 1959, to show change of address of manufacturer.)

Approval No. 160.052/23/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio, effective October 24, 1963. (It supersedes Approval No. 160.052/23/0 dated March 14, 1959, to show change of address of manufacturer.)

Approval No. 160.052/24/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio, effective October 24, 1963. (It supersedes Approval No. 160.052/24/0 dated March 14, 1959, to show change of address of manufacturer.)

Approval No. 160.052/28/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Billy Boy Products, Inc., Quincy, Michigan, effective October 11, 1963. (It is an extension of Approval No. 160.052/28/0 dated December 31, 1958.)

Approval No. 160.052/29/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Billy Boy Products, Inc., Quincy, Michigan, effective October 11, 1963. (It is an extension of Approval No. 160.052/29/0 dated December 31, 1958.)

Approval No. 160.052/30/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Billy Boy Products, Inc., Quincy, Michigan, effective October 11, 1963. (It is an extension of Approval No. 160.052/30/0 dated December 31, 1958.)

Approval No. 160.052/246/0, Type II, Model 66-L, adult unicellular plastic foam buoyant vest, dwg. No. 3 and Bill of Materials dated July 7, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective October 8, 1963.

Approval No. 160.052/247/0, Type II, Model 66-M, child medium unicellular plastic foam buoyant vest, dwg. No. 2 and Bill of Materials dated July 7, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective October 8, 1963.

Approval No. 160.052/248/0, Type II, Model 66-S, child small unicellular plastic foam buoyant vest, dwg. No. 1 and Bill of Materials dated July 7, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, effective October 8, 1963.

Approval No. 160.052/263/0, Type II, Model No. LVD, adult unicellular plastic foam buoyant vest, Brunswick dwg. Nos. 1 and 2 dated September 24, 1962, and Bill of Materials dated October 5, 1962, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, for DRYBAK, Eminance, Kentucky, effective October 17, 1963.

Approval No. 160.052/264/0, Type II, Model No. LVDM, child medium unicellular plastic foam buoyant vest, Brunswick dwg. Nos. 1 and 3 dated September 24, 1962, and Bill of Materials dated October 5, 1962, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence Kentucky, for DRYBAK, Eminence, Kentucky, effective October 17, 1963.

Approval No. 160.052/265/0, Type II, Model No. LVDS, child small unicellular plastic foam buoyant vest, Brunswick dwg. Nos. 1 and 4 dated September 24, 1962, and Bill of Materials dated October 5, 1962, manufactured by Brunswick Corporation, Brunswick Sports Division, Eminence, Kentucky, for DRYBAK, Eminence, Kentucky, effective October 17, 1963.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/37/4, Sound-Powered telephone station, selective ringing, common talking, drip-proof, bulkhead mounting, dwg. No. 70-525, Alt. 9 dated July 30, 1958, Types 2, 8, 17, 2-0, 8-0, 17-0, 2-3, 8-3, 17-3, 2-6, 8-6, 17-6, 2-8, 8-8, 17-8, 2-R, 8-R, and 17-R, manufactured by Henschel Corporation, Amesbury, Massachusetts, effective October 22, 1963. For use in locations not exposed to the weather. Stations type 2-0, 8-0, 17-0, without bell; Type 2-R, 8-R, and 17-R, without bell, with relay, shall be supplemented by a separately mounted magneto-operated bell. (It is an extension of Approval No. 161.005/37/4 dated December 31, 1958.)

Approval No. 161.008/38/1, Sound-powered telephone station with internal ringer, selective ringing, common talking, desk type, Types 2, 8, and 17, dwg. No. 70-529, Alt. 1 dated May 16, 1958, manufactured by Henschel Corporation, Amesbury, Massachusetts, effective October 22, 1963. For use in staterooms, chart room and radio room. (It is an extension of Approval No. 161.005/38/1 dated December 31, 1958.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/22/0, Types 1541-M and 1543-M safety valve, bronze body, for steam heating boilers, unfired steam generators and reduced-pressure steam lines, dwg. No. 307643 dated May 28, 1963, approved for a maximum pressure of 30 p.s.i. for sizes ¾", 1", 1¼", 1½", 2", and 2½" in the capacities shown below:

Capacity (Pounds/Hour) at 30 P.S.I.	
Orifice:	Designation
DRL	75
D	226
E	408
F	632
G	1035
H	1615
J	2650

Manufactured by Manning, Maxwell & Moore, Inc., Alexandria, Louisiana, effective October 11, 1963. This valve is similar to Type 1551-M, Approval No. 162.012/1/1 dated December 8, 1959. (It supersedes, without change, Approval No. 162.012/22/0 dated August 27, 1963, to show specific type designation.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/54/2, Model 110 backfire flame arrester for carburetors, 2.68" diameter throat opening with 1.00" element, dwgs. Nos. 110, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 110 is minor change of Model 2-26-10. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/54/1 dated July 16, 1962.)

Approval No. 162.015/56/2, Model 512 backfire flame arrester for carburetors, 5.12" diameter throat opening with 1.25" element, dwg. Nos. 512, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 512 is minor change of Model 4-5-125-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/56/1 dated July 16, 1962.)

Approval No. 162.015/57/2, Model 412 backfire flame arrester for carburetors, 4.23" diameter throat opening with 1.25" element, dwg. Nos. 412, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 412 is minor change of Model 4-4-125-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/57/1 dated July 16, 1962.)

Approval No. 162.015/58/2, Model 410 backfire flame arrester for carburetors, 4.23" diameter throat opening with 1.00" element, dwg. Nos. 410, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 410 is minor change of Model 4-4-10. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/58/1 dated July 16, 1962.)

Approval No. 162.015/71/1, Model 515 backfire flame arrester for carburetors, 5.12" diameter throat opening with 1.50" element, dwg. Nos. 515, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 515 is minor change of Model 4-5-150-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/71/0 dated September 14, 1962.)

Approval No. 162.015/74/1, Model 415 backfire flame arrester for carburetors, 4.23" diameter throat opening with 1.50" element, dwg. Nos. 415, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 415 is minor change of model 4-4-150-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/74/0 dated December 6, 1962.)

Approval No. 162.015/75/1, Model 520 backfire flame arrester for carburetors, 5.12" diameter throat opening with 2.00" element, dwg. Nos. 520, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 520 is minor change of Model 4-5-200-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/75/0 dated January 8, 1963.)

Approval No. 162.015/76/1, Model 525 backfire flame arrester for carburetors, 5.12" diameter throat opening with 2.50" element, dwg. Nos. 525, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 525 is minor change of Model 4-5-250-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/76/0 dated January 8, 1963.)

Approval No. 162.015/77/1, Model 420 backfire flame arrester for carburetors, 4.23" diameter throat opening with 2.00" element, dwg. Nos. 420, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 420 is minor change of Model 4-4-200-6. No testing performed on new model. See University of De-

troit Test No. 396 dated October 26, 1962. (It supersedes Approval No. 162.015/77/0 dated January 8, 1963.)

Approval No. 162.015/78/1, Model 425 backfire flame arrester for carburetors, 4.23" diameter throat opening with 2.50" element, dwg. Nos. 425, FA1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 425 is minor change of Model 4-4-250-6. No testing performed on new model. See University of Detroit Test No. 396 dated October 26, 1962. (It supersedes Approval No. 162.015/78/0 dated January 8, 1963.)

Approval No. 162.015/81/1, Model 315 backfire flame arrester for carburetors, 4.23" throat opening with 1.50" element; dwg. Nos. 315, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 315 is minor change of Model 4-4-150-2. No testing performed on new model. See University of Detroit Test No. 396 dated October 26, 1962. (It supersedes Approval No. 162.015/81/0 dated February 28, 1963.)

Approval No. 162.015/85/1, Model 212 backfire flame arrester for carburetors, 3.12" diameter throat opening with 1.25" element; dwg. Nos. 212, FA-1160, FA-1161, and FA-1162, manufactured by Fisher Industries, 1625 West Maple Road, Troy, Michigan, effective October 25, 1963. Model 212 is minor change of Model 2-3-125-6. No testing performed on new model. See University of Detroit Test No. 395 dated October 26, 1962. (It supersedes Approval No. 162.015/85/0 dated July 30, 1963.)

Approval No. 162.015/88/0, Bendix Model No. B175-26, backfire flame arrester for carburetors, dwg. No. B175-26 flame arrester assembly dated May 17, 1963; for carburetor throat opening 4.220 inches, manufactured by The Bendix Corporation, Zenith Carburetor Division, 606 Hart Avenue, Detroit 14, Michigan, effective October 11, 1963. Similar to approved Model 175-22, but with longer mounting flange. Materials unchanged. No test performed on new model.

STRUCTURAL INSULATIONS

Approval No. 164.007/25/0, "PC Foamglas" cellulated glass type structural insulation identical to that described in manufacturer's pamphlet No. G2508 revised 10-47, and National Bureau of Standards' letter file 10.2/10.2, FF2628 dated August 25, 1948, and file 10.2 dated October 8, 1948, approved for use without other insulating materials as meeting Class A-60 requirements in a 4-inch thickness and 10 pounds per cubic foot density, manufactured by Pittsburgh Corning Corp., One Gateway Center, Pittsburgh 22, Pennsylvania, effective October 11, 1963. (It is an extension of Approval No. 164.007/25/0 dated October 29, 1958.)

Dated: January 27, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F. R. Doc. 64-1128; Filed, Feb. 4, 1964; 8:48 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1963; Rev. Supp. No. 23]

MASSACHUSETTS BAY INSURANCE CO.

Surety Company Acceptable on Federal Bonds

JANUARY 31, 1964.

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of $292,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office
MASSACHUSETTS
Massachusetts Bay Insurance Co., Boston, Mass.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-1131; Filed, Feb. 4, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Land Management Bureau

[Classification No. C3-9]

CALIFORNIA

Small Tract Classification and Opening Order

JANUARY 27, 1964.

1. Pursuant to the authority delegated to me by the California State Director, Bureau of Land Management, under Part 1, Redelegation of Authority, dated March 27, 1962 (27 F.R. 3297), I hereby classify the following described public land, totalling 8.61 acres in Siskiyou County, California, as suitable for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682), as amended:

MOUNT DIABLO MERIDIAN

T. 45 N., R. 7 W.,
Sec. 21: Lots 32, 33, 34, 35, 36.

2. Classification of the above-described lands by this order segregates them from all forms of appropriation, including location under the mining laws, except as to application under the mineral leasing laws.

3. Portions of Lots 34, 35, and 36 are located within the city limits of Yreka, California. Lots 32 and 33 are located immediately west of the city limits of Yreka, and Lots 34 and 35. The lands may be described as slightly sloping, cleared terrain crossed by an unpaved, graded dirt road (Humbug Road). They may be reached by proceeding westerly on North Street, from the center of Yreka, to its intersection with Humbug Road. Schools, churches and service facilities may be found in Yreka. Power and telephone service cross Lot 36. Lots within the limits of Yreka may obtain domestic water by paying the cost necessary to extend the existing city water main from the intersection of Humbug Road and North Street.

4. The lots are to be offered in three separate units (Lots 32 and 33; 34 and 35, and; 36). Lot 36 is covered by an application from a person having preference under 43 CFR 257.5.

5. The lands embraced in this classification order are hereby opened to direct sale at the appraised prices to be set by the classification officer. The statutory preference right applicant cited in paragraph 4 of this order will be offered the designated tract by direct sale at the appraised value.

6. Inquiries concerning these lands should be addressed to Manager, Land Office, Bureau of Land Management, 650 Capitol Avenue, Room 4201, Sacramento, Calif., 95814.

VIRGIL L. BOTTINI,
District Manager, Redding District Office, Redding California.

[F.R. Doc. 64-1101; Filed, Feb. 4, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named parishes in the State of Louisiana, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA	
Catahoula.	La Salle.
Concordia.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named parishes after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1139; Filed, Feb. 4, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-83]

UNIVERSITY OF FLORIDA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 8, set forth below, to Facility License No. R-56, as amended. The amendment authorizes the University of Florida to increase the maximum power level of the University's Argonaut-type nuclear reactor located on the campus in Gainesville, Florida, from 10 to 100 kilowatts (thermal), as described in the application for license amendment dated August 21, 1963 and supplemental letters dated October 4, 1963, and October 22, 1963.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated August 21, 1963, and supplemental letters dated October 4, 1963, and October 22, 1963 which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of January 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-56; Amendment No. 8]

License No. R-56, as amended, issued to the University of Florida, is hereby further amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-56, as amended, the University of Florida is authorized to operate the University's Argonaut-type reactor located in Gainesville, Florida, at power levels up to 100 kilowatts (thermal), as described in the University's application for amendment dated August 21, 1963 and supplemental letters dated October 4, 1963 and October 22, 1963.

2. In addition to other reporting requirements, the University of Florida shall submit as promptly as practicable, but not later than 60 days after attaining the 100 kilowatt power level, a written report to the Commission of the results of the following measurements:

A. Maximum excess reactivity of the facility, not including the worth of control rods or any experiments;

B. Pressure, flow rates, and inlet and outlet temperatures in the primary and secondary loops;

C. Maximum fuel element temperature;

D. Temperature coefficient of reactivity;

E. Radiation levels in the reactor room; and

F. Argon-41 concentrations in the reactor cell, and in the unrestricted areas adjacent to the reactor building.

3. This amendment is effective as of the date of issuance.

Date of issuance: January 28, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-1091; Filed, Feb. 4, 1964; 8:45 a.m.]

[Docket No. 50-200]

BABCOCK & WILCOX CO.

Notice of Issuance of Provisional Operating License

Please take notice that no request for a formal hearing having been filed following publication of a notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. TR-4 to the Babcock & Wilcox Company, authorizing operation of the Babcock & Wilcox Test Reactor (BAWTR) located approximately 4 miles east of Lynchburg, Virginia, at power levels up to 6 megawatts (thermal).

The license as issued is as set forth in the notice of proposed issuance of facility license published in the FEDERAL REGISTER on December 24, 1963, 27 F.R. 14248 except that it has been changed to correctly reflect the dates of amendments to Babcock & Wilcox's license application.

Dated at Bethesda, Md., this 25th day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-1090; Filed, Feb. 4, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11278 etc.; Order E-20419]

DELTA AIR LINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of January 1964.

Reduced specific commodity rates between New York and San Juan proposed by Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Pan American World Airways, Inc., Riddle Airlines, Inc., Transportation Corporation of America; Docket No. 11278 et al.

By tariff revisions, Eastern Air Lines, Inc. (Eastern), Riddle Airlines, Inc. (Riddle), Transportation Corporation of America, also operating as Trans Caribbean Airways (Trans Caribbean), and Pan American World Airways, Inc. (Pan American),[1] respectively, propose to extend their present 100-pound specific commodity rates between New York and San Juan beyond present expiry dates; in addition, Riddle, Trans Caribbean, and PAA proposed reductions in specific commodity rates, in both directions, between New York, N.Y., and San Juan, Puerto Rico.[2] The proposed rates represent reductions of one cent per pound at a 1,000-pound minimum, and two cents per pound at a 2,000-pound minimum, from the present rates at a 100-pound minimum of 12 cents per pound southbound, and 11 cents per pound, northbound. Further, Pan American and Trans Caribbean propose extensive revision of the numerous commodity descriptions that currently apply in the southbound market, resulting in substantial additions to, and relatively minor cancellations of, existing descriptions.

Add Air Freight Corporation (Add) and Allied Air Freight International Corp. (Allied)[3] (air freight forwarders active in the Puerto Rican market), Eastern, and Trans Caribbean have filed

[1] Pan American's rates between New York and San Juan also apply via the joint routing of Delta, Eastern, National, Northeast, or Riddle to Miami, thence via PAA.

[2] Riddle includes the common-rated points of Arecibo, Mayaguez, Ponce, and Ramey Field, P.R., in its filing.

[3] Allied's telegraphic protest of Jan. 14, 1964, is procedurally deficient and will be dismissed. It concerned an initial (rejected) PAA filing, and has not been confirmed by formal complaint as required by Rule 505 of the Rules of Practice (14 CFR 302.505).

complaints requesting investigation and suspension of the proposed specific commodity rates.[4] In summary, the complaints allege that the proposed rates (1) represent reductions since last July of up to 35.7 percent for virtually all commodities now moving by air at the weight breaks at which the greatest amount of traffic is now moving in the New York-San Juan market; (2) are uneconomic, unreasonable, prima facie unlawful, constitute destructive competitive practices, and raise serious questions of unlawful competition violative of anti-trust principles and section 411 of the Act; (3) are not designed to stimulate new traffic; (4) will cause serious dilution in the revenues of all carriers, without offsetting traffic increases; (5) are geared to mortally harm the rate spread for freight forwarders and a further step to minimize competition; (6) represent an attempt to monopolize the market by making uneconomic the operations of airfreight forwarders, from whom Riddle gets the bulk of its traffic, and which has in recent months been diverted mainly from Pan American; and (7) Pan American fails to comply with the Board's regulations, § 221.165(b), as to actual or estimated past and future traffic and revenue data. As to continuation of the present rates beyond their expiry dates, the complaints allege that (1) the rates have not been generative or developmental; (2) Pan American has actually suffered a loss in nonforwarder traffic, and that its increase in forwarder traffic is attributable solely to the negotiation of more favorable contracts with Add's former cartage agents in Puerto Rico, which Pan American has now taken over.

Pan American, in a statement supporting its filing, and in answer to the foregoing complaints, states that (1) the purpose of the proposed lower rates is developmental in nature, to stimulate the increase in the flow of cargo necessary to fill the large amount of cargo space continuously available on combination passenger/cargo jet flights; (2) such objectives will be most effectively achieved by offering additional weight breaks at poundages which are reasonably attainable by individual shippers; (3) the forwarders will also benefit by the increased spread represented by the proposed rates; (4) the proposed rates are higher than, and not competitive with, the lower rates of other carriers at high minimum weights; (5) the proposed rates are economical, and will produce an over-all 10-percent increase in volume.

Upon consideration of the complaints and other matters of record, the Board finds that the specific commodity rate reductions and additional commodity descriptions proposed by Riddle, Trans-Caribbean, and Pan American may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and should be investigated. The proposals would reduce the present forwarder margin on specific commodity traffic in 1,000-pound and 2,000-pound shipments by one and two cents per pound, respectively, in both directions, and are so low at the applicable minimum weights as to raise substantial question as to their lawfulness; nor has any explanation or justification been presented for the substantial expansion of applicable commodity descriptions in the southbound market. PAA's filing is admittedly based on the diversion of traffic which has occurred since the effectiveness of the new volume general commodity rates, which are currently under investigation in Docket 11278, supra. We shall consolidate the investigation instituted herein into the investigation pending in Docket 11278, et al., New York-San Juan Cargo Rates Investigation, embracing numerous rates in that area.

Because of the dilution of carrier revenues that might result from the proposed reduced rates and expanded commodity descriptions, the Board has further concluded to suspend the proposed rates and descriptions and defer their use pending investigation. As previously stated: [5]

"We do not intend to permit air freight rates to fall below economic levels. Neither will we tolerate an incipient return to the rate practices in this market which we previously categorized as a rate war (Docket 11278). We have previously permitted Riddle to experiment with low general commodity rates for large shipments, and we are here permitting an experiment in the level of specific commodity rates. Further reductions will be scrutinized most carefully, as anticipated by the recent revision (see footnote [2]) to our regulations. Further, we should like to point out that the economic validity of these proposed rates will depend to a significant extent upon the development of new air cargo traffic. The filing deserves careful surveillance and PAA will be expected to maintain records on the traffic and revenue experience. We have therefore instructed our staff to arrange for appropriate reporting procedures.

[2] Amendment 15 to Part 221, Reg. ER-383, effective June 28, 1963."

We have now before us still further reductions, in the important area of extensive specific commodity descriptions at relatively low weight breaks, virtually unsupported with economic, cost, or traffic data. The broad listings of commodities on which such proposed rates would apply result in nothing less than general commodity rates, for all practical purposes. Consequently, the proposal can be viewed as an attempt to reduce the present general commodity rates and applicable minimum weights from 10,000 to 2,000 pounds, along with an intermediate reduction from approximately 7,500 pounds to 1,000 pounds. The effect on total revenue yield to the carriers in the market under such a rate structure might well be serious.

The present rates, which became effective last July and August, have had a substantial generative effect upon the market and continuation of the experimental rates is warranted. In this regard, we note that Eastern, Riddle, and Trans Caribbean have extended the experimental volume general commodity rates, without a protest or complaint. In view of the imminent expiration of present provisions, however, the Board has granted special tariff permission to the parties to continue the status quo, during the pendency of this investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That, 1. An investigation be instituted to determine whether the rates and provisions:

(a) From Arecibo, Mayaguez, Ponce, Ramey Field, or San Juan, P.R., to New York, N.Y., subject to minimum weights of 1,000 and 2,000 pounds applicable to Commodity Group Nos. 20, 30, 150, and 215, and from New York, N.Y., to Arecibo, Mayaguez, Ponce, Ramey Field or San Juan, P.R., subject to minimum weights of 1,000 and 2,000 pounds, applicable to Commodity Group Nos. 20, 30, 75, 150, 160, and 215, appearing on 40th and 41st Revised Pages 10 of Riddle Airlines, Inc. C.A.B. No. 7;

(b) From New York, N.Y. (U.S.A.)/Newark, N.J. (U.S.A.) to San Juan P.R., subject to minimum weights of 100, 1,000, and 2,000 pounds, applicable to Commodity Group No. 70, and from San Juan, P.R., to New York, N.Y. (U.S.A.)/Newark, N.J. (U.S.A.) subject to minimum weights of 1000 and 2000 pounds, applicable to Commodity Group Nos. 11, 12, 13, 14, 15, 16, 18, and 50, appearing on 25th Revised Page 21 of Transportation Corporation of America (also operating as Trans Caribbean Airways) C.A.B. No. 28 (Trans Caribbean Airways, Inc. series);

(c) From New York, USA, to San Juan, Puerto Rico, subject to minimum weights of 45, 454, and 908 kilograms, applicable to Commodity Item Number 100, appearing on 35th and 36th Revised Pages 16-B, and from San Juan, Puerto Rico, to New York, USA, subject to minimum weights of 454 and 908 kilograms, applicable to Commodity Item Numbers 115, 116, 2990, 4401, 4702, 5000, 9470, and 9540, appearing on 3rd and 4th Revised Pages 16-F of Agent R. C. Lounsbury's C.A.B. No. 118;

are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions described in ordering paragraph 1 above are suspended and their use deferred to and including May 4, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be consolidated with the proceeding entitled "New York-San Juan Cargo Rates Investigation," Docket 11278, et al.;

4. The complaint of Allied Air Freight International Corp. in Docket 14970 be dismissed;

5. The complaints of Add Air Freight Corporation, in Docket 14963, Eastern Air Lines, Inc., in Docket 14988, and Transportation Corporation of America in Dockets 14960 and 14968, be dismissed except to the extent granted herein; and

6. A copy of this order shall be served upon Add Air Freight Corporation, Allied Air Freight International Corp., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Pan American World Airways, Inc., Riddle Airlines, Inc., and Transportation Corporation of America, which are hereby made parties to Docket 11278 et al., to the extent that they are not parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-1062; Filed, Feb. 4, 1964; 8:51 a.m.]

[4] The complaints also protest continuation of the present 100-pound specific commodity rates beyond the present expiration dates and request suspension of such proposed continuation.

[5] Order E-19850, dated July 24, 1963.

FEDERAL AVIATION AGENCY

[OE Docket No. 61-SW-79; Amdt. 2]

CITY OF SAN ANTONIO, TEXAS

Determination of No Hazard to Air Navigation

The Federal Aviation Agency issued a determination of no hazard to air navigation on October 24, 1961, with regard to the construction of a 200-foot above ground water storage tank as proposed by the City Water Board of San Antonio, Texas. On March 25, 1963, the effective period of the determination was extended for an additional 18 months, and on September 5, 1963, a revised determination was issued amending the location of the proposed structure to a new site approximately 1,600 feet east of the site previously approved. The overall height of the proposed structure was reduced from 200 feet to 170 feet above ground.

The proponent now proposes to relocate the structure at latitude 29°32'30" N., longitude 98°31'35" at an overall height of 1,120 feet above mean sea level, 195 feet above ground level.

The Agency has reviewed the effect of the proposed construction at the new site on the safe and efficient utilization of the navigable airspace. The review disclosed that the present site would be approximately 9,350 feet southwest of the extended centerline of runway 12 at the San Antonio International Airport, approximately 18,750 feet west of the airport reference point.

The new location would be approximately 1,400 feet southeast of the original site. Although it would also be approximately 1,400 closer to the airport reference point, and 100 feet closer to the extended centerline for runway 12 than the original proposal, it will have less effect upon aeronautical operations, procedures and minimum flight altitudes than either of the preceeding proposals because it will be approximately 100 feet farther removed to the southwest from the approach surfaces of this runway.

Therefore, pursuant to the authority delegated to me by the Administrator, Federal Aviation Agency OE Docket No. 61-SW-79 is hereby revised to amend the coordinates from latitude 29°32'37" N., longitude 98°31'40" W., 170 feet above the ground to latitude 29°32'30" N., longitude 98°31'35", 195 feet above the ground.

This revised determination is effective as of the date of issuance.

Issued in Washington, D.C., on January 29, 1964.

GEORGE R. BORSARI, *Chief, Obstruction Evaluation Branch.*

[F.R. Doc. 64-1140; Filed, Feb. 4, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15307]

H. I. DONNELLY

Order To Show Cause

In the matter of H. I. Donnelly, Charleston, South Carolina, order to show cause why there should not be revoked the license for radio station 6W1056 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.76 (now § 1.89) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: official notice of violation dated August 26, 1963, alleging violation of § 19.61(g) (now § 95.81(g)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated August 29, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 31st day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(3) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of Route 4, Box 332, Charleston, South Carolina.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-1133; Filed, Feb. 4, 1964; 8:49 a.m.]

[Docket No. 15305]

ROBERT M. McKINLEY

Order To Show Cause

In the matter of Robert M. McKinley, Costa Mesa, California, order to show cause why there should not be revoked the License For Radio Station KEJ-3634 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: official notice of violation dated October 23, 1963, alleging violation of §19.61(a) (now § 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 27, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 30th day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(3) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 2515 Andover Place, Costa Mesa, California.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 64-1134; Filed, Feb. 4, 1964; 8:49 a.m.]

[Docket No. 15259; FCC 64M-93]

HENRY W. SAVAGE

Order To Show Cause; Hearing

In the matter of Henry W. Savage, Detroit, Michigan, order to show cause why there should not be revoked the license for radio station WI-7136 aboard the vessel Bail Bonds II.

It is ordered, This 30th day of January 1964, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 10, 1964, in Washington, D.C.

Released: January 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1135; Filed, Feb. 4, 1964; 8:49 a.m.]

[Docket No. 15306]

BILLY C. USHER

Order To Show Cause

In the matter of Billy C. Usher, Lubbock, Texas, order to show cause why there should not be revoked the license for Radio Station KEH-4336 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: official notice of violation dated November 26, 1963, alleging violation of §§ 19.61(a) and (g), 19.62, and 19.83 (now §§ 95.81(a) and (g), 95.87, and 95.115) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 12, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 31st day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 6014 Avenue H, Lubbock, Texas.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1136; Filed, Feb. 4, 1964; 8:49 a.m.]

[Docket No. 15306]

JERRY L. WADE

Order To Show Cause

In the matter of Jerry L. Wade, Smyrna, Georgia, order to show cause why there should not be revoked the license for Radio Station 6W2871 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: official notice of violation dated December 11, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 23, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 31st day of January 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at 213 Floyd Street, Smyrna, Georgia, and 1166 Jefferson Street NW., Atlanta, Georgia.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1137; Filed, Feb. 4, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

FEDERAL NEW ZEALAND LINES ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8535-1, between Federal New Zealand Lines, Shaw Savill & Albion Co. Ltd., Port and Associated Lines, and Blue Star Line, Ltd., modifies the approved Agreement No. 8535 by renumbering Article 8 thereof to read "Article 9" and inserting a new Article 8 providing for a self-policing system.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: January 31 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1117; Filed, Feb. 4, 1964; 8:47 a.m.]

FEDERAL NEW ZEALAND LINES ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8552-1, between Federal New Zealand Lines, Shaw Savill & Albion Co. Ltd., Port and Associated Lines, Blue Star Line Ltd. and MANZ Line Joint Service, modifies approved Agreement No. 8552 by deleting the words "M.A.N.Z. Line" where they appear in the agreement and inserting therefor the words "MANZ Line Joint Service". Also, Article 5 of the approved agreement is renumbered Article 6, and a new Article 5 is added to the agreement providing for a self-policing system.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1118; Filed, Feb. 4, 1964; 8:47 a.m.]

JAVA-NEW YORK RATE AGREEMENT ET AL.

Notice of Filing of Agreements

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 90-9, between the member lines of the Java-New York Rate Agreement;

Agreement No. 2744-23, between the member lines of the Atlantic and Gulf/West Coast of South America Conference;

Agreement No. 4183-21, between the member lines of the Gulf and South Atlantic Havana Steamship Conference;

Agreement No. 4189-19, between the member lines of the Havana Steamship Conference;

Agreement No. 4610-7, between the member lines of the U.S. Atlantic & Gulf-Jamaica Conference;

Agreement No. 5450-31, between the member lines of the Brazil/United States-Canada Freight Conference;

Agreement No. 6010-11, between the member lines of the Straits/New York Conference;

Agreement No. 6190-18, between the member lines of the U.S. Atlantic & Gulf-Venezuela & Netherlands Antilles Conference;

Agreement No. 6900-11, between the member lines of the River Plate/United States-Canada Freight Conference;

Agreement No. 7090-9, between the member lines of the Straits/Pacific Conference;

Agreement No. 7540-12, between the member lines of the Leeward and Windward Islands and Guianas Conference;

Agreement No. 7590-10, between the member lines of the East Coast Colombia Conference;

Agreement No. 7630-5, between the member lines of the Mid Brazil/United States-Canada Freight Conference;

Agreement No. 7640-5, between the member lines of the North Brazil/United States-Canada Freight Conference;

Agreement No. 7660-8, between the member lines of the Santiago de Cuba Conference;

Agreement No. 7800-1, between the member lines of the West Coast South America Northbound Conference; and

Agreement No. 8300-3, between the member lines of the Atlantic and Gulf/West Coast of Central America and Mexico Conference.

The above agreements modify the self-policing provisions of the basic agreements of the respective conferences.

Interested parties may inspect these agreements and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1119; Filed, Feb. 4, 1964; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9301 between Lykes Bros. Steamship Company, Inc., and The Clan Line Steamers, Ltd. (Cayzer, Irvine & Co., Ltd.), provides for a through billing arrangement for cargo transported in the trade from United States ports in the Gulf of Mexico to ports in Malagasy, Mauritius, and Reunion with transhipment at a Southern African port in the range Cape Town/Beira inclusive in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated January 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1120; Filed, Feb. 4, 1964; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND DURBAN LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9303 between Lykes Bros. Steamship Company, Inc., and Durban Lines (Pty) Ltd., provides for a through billing arrangement for cargo transported in the trade from United States ports in the Gulf of Mexico to ports in Malagasy, Mauritius, and Reunion with transhipment at a Southern African port in the range Cape Town/Beira inclusive in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1121; Filed, Feb. 4, 1964; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9300 between Lykes Bros. Steamship Company, Inc., and Royal Interocean Lines (Koninklijke Java-China Paketvaart Lijnen N.V.) provides for a through billing arrangement for cargo transported in the trade from United States ports in the Gulf of Mexico to ports in Malagasy, Mauritius, and Reunion with transhipment at a Southern African port in the range Cape Town/Beira inclusive in accordance with

(c) of the Communications Act of 1934, revoked, and appear and give evidence

ment No. 8552 by deleting the words

terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1122; Filed, Feb. 4, 1964; 8:47 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND UNION-CASTLE MAIL STEAMSHIP CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9302 between Lykes Bros. Steamship Company, Inc., and The Union-Castle Mail Steamship Co., Ltd. provides for a through billing arrangement for cargo transported in the trade from United States ports in the Gulf of Mexico to ports in Malagasy, Mauritius, and Reunion with transhipment at a Southern African port in the range Cape Town/Beira inclusive in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1123; Filed, Feb. 4, 1964; 8:47 a.m.]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7670-2, between the member lines of the North Atlantic Baltic Freight Conference, modifies the basic agreement of this conference, No. 7670 as amended, to provide for a system of self-policing pursuant to General Order 7 and to restate the rights and obligations of the parties in light of current statutory requirements.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1124; Filed, Feb. 4, 1964; 8:48 a.m.]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7770-2 between the member lines of the North Atlantic French Atlantic Freight Conference, modifies the basic agreement of this conference, Agreement 7770 as amended, to provide for a system of self-policing pursuant to General Order 7 and to restate the rights and obligations of the parties in light of current statutory requirements.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1125; Filed, Feb. 4, 1964; 8:48 a.m.]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 7100-2, between the member lines of the North Atlantic United Kingdom Freight Conference, modifies the basic agreement of this conference, No. 7100 as amended, to provide for a system of self-policing pursuant to General Order 7 and to restate the rights and obligations of the parties in light of current statutory requirements.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1126; Filed, Feb. 4, 1964; 8:48 a.m.]

UNITED STATES LINES CO. AND OZEAN STINNES LINES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9150-1, between United States Lines Company and Ozean Stinnes Lines, modifies the approved rate agreement of these carriers in the trade from Continental European ports (Bordeaux/Hamburg Range) to U.S. South Atlantic

ports (Cape Hatteras to Key West) to provide for a system of self-policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1127; Filed, Feb. 4, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2405]

CITY OF ANCHORAGE, ALASKA

Notice of Land Withdrawal

JANUARY 30, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in Project No. 2405 for which completed application for preliminary permit was filed September 3, 1963, by the City of Anchorage, Alaska. Under said section 24 these lands are, from said date of filing of application (September 3, 1963), reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by Congress or by the Commission.

SEWARD MERIDIAN

T. 13 N., R. 1 E.,
Sec. 4: SW¼NW¼SW¼NW¼, SW¼SW¼NW¼, SW¼SE¼SW¼NW¼, W½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼, W½SW¼, SE¼SW¼, W½SW¼NW¼SE¼, SE¼SW¼NW¼SE¼, W½NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, W½SW¼SE¼, SE¼SW¼SE¼, SW¼SW¼SE¼SE¼;
Sec. 5: SW¼NW¼NE¼NE¼, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, W½NE¼, SE¼NE¼, NW¼, W½SW¼, NE¼SW¼SW¼, NE¼NW¼SW¼SW¼, NE¼SE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼SW¼, SE¼SW¼SE¼SW¼, SE¼SE¼SW¼, SE¼;
Sec. 6: Unsurveyed N½NE¼, N½SW¼NE¼, N½SE¼SW¼NE¼, SE¼SE¼SW¼NE¼, SE¼NE¼, N½NE¼NW¼, N½SW¼NE¼NW¼, SE¼SW¼NE¼NW¼, SE¼NE¼NW¼, N½NE¼NW¼NW¼, SE¼NE¼NW¼NW¼, N½NE¼NW¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, N½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼;
Sec. 8: Unsurveyed NE¼NE¼, N½NW¼NE¼, E½SW¼NW¼NE¼, SE¼NW¼NE¼, N½NE¼SW¼NE¼, N½SE¼NE¼, NE¼SW¼SE¼NE¼, N¼SE¼SE¼NE¼, SE¼SE¼SE¼NE¼, N½NE¼NE¼NW¼;
Sec. 9: W½W½NE¼NE¼, SE¼SW¼NE¼NE¼, W½NE¼, W¼NE¼SE¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, NW¼, E½SW¼, E½NW¼SW¼, N½NW¼NW¼SW¼, SE¼NW¼NW¼SW¼, NE¼SW¼NW¼SW¼, E½NE¼SW¼SW¼, SE¼;
Sec. 10: W½W½NW¼SW¼, SE¼SW¼NW¼SW¼, SW¼NE¼SW¼SW¼, W½SW¼SW¼, W½SE¼SW¼SW¼. Those portions of the following described, unsurveyed land lying within the project boundaries, which is defined as the 500 foot contour elevation, as delimited on project map Exhibit H and I sheet 3 (FPC No. 2405-3) "Sec. 15: W½; Sec. 16: E½, E½W½; Sec. 21: NE¼; Sec. 22: NW¼."
T. 14 N., R. 1 E.,
Sec. 30: SW¼NW¼ Lot 1, SW¼ Lot 1, SW¼SE¼ Lot 1, Lot 2, W½NW¼SE¼SW¼, SE¼NW¼SE¼SW¼, S½SE¼SW¼, SW¼SW¼SW¼SE¼;
Sec. 31: Lots 1, 2, 3, N½ Lot 4, NE¼SW¼ Lot 4, SE¼ Lot 4, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NW¼NE¼NW¼NE¼, S½NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 32: SW¼NW¼SW¼NW¼, SW¼SW¼NW¼, W½SE¼SW¼NW¼, SW¼NW¼NE¼SW¼, W½SW¼NE¼SW¼, S½NE¼SE¼SW¼, W½SW¼, SE¼SW¼, SW¼NW¼SE¼, SW¼SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE, SW¼SE¼SW¼SE¼.
T. 14 N., R. 1 W.,
Sec. 15: SW¼SW¼;
Sec. 16: SW¼, W½SE¼, SE¼SE¼;
Sec. 17: S½;
Sec. 18: Lots 3, 4, E½SW¼, SE¼;
Sec. 19: Lot 1, NE¼NW¼, N½NE¼;
Sec. 20: N½;
Sec. 21: N½, N½SE¼, SE¼SE¼;
Sec. 22: S½NE¼, NW¼, S½;
Sec. 23: S½NW¼SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼SW¼NW¼, S½SE¼SW¼NW¼, SW¼SW¼SE¼NW¼, NW¼NE¼NE¼SW¼, S½NE¼NE¼SW¼, NW¼NE¼SW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼, SW¼NW¼SE¼, SW¼SE¼, S½SE¼SE¼;
Sec. 25: SW¼NW¼SW¼NE¼, SW¼SW¼NE¼, SW¼SE¼SW¼NE¼, SW¼NW¼NE¼NW¼, SW¼NE¼NW¼, S½SE¼NE¼NW¼, W½NW¼, SE¼NW¼, SW¼NE¼NE¼SE¼, S½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 26: N½, N½NE¼SW¼, NE¼SW¼NE¼SW¼, SE¼NE¼SW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, NE¼NW¼NW¼SW¼, N½SE¼, NE¼SW¼, N½NW¼SW¼SE¼, NE¼SE¼SW¼SE¼, N½SW¼SE¼SE¼, E½SW¼SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, SE¼SE¼SE¼;
Sec. 27: Unsurveyed N½NE¼, NE¼SW¼NE¼, N½NW¼SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼, SE¼SE¼SE¼NE¼, N½NE¼NW¼, NE¼SW¼NE¼NW¼, N½SE¼NE¼NW¼, SE¼SE¼NE¼NW¼;
Sec. 35: Unsurveyed NE¼NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 36: NE¼, NE¼NW¼, N½NW¼NW¼, N½SW¼NW¼NW¼, SE¼SW¼NW¼NW¼, SE¼NW¼NW¼, N½NE¼SW¼NW¼, NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, N½SW¼NE¼, N½NE¼SE¼, N½SW¼NE¼SE¼, N½SE¼NW¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼, NE¼NW¼NW¼SE¼, N½NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, NE¼SE¼SE¼SE¼.
T. 14 N., R. 2 W.,
Sec. 13: NW¼NE¼, S½NE¼, NW¼, S½.

The area of United States land reserved pursuant to the filing of this application is approximately 8,431.02 acres all of which has been previously reserved for power purposes under Power Site Classification Nos. 107 and/or 399.

Copies of project maps, Exhibits H and I sheets 1, 2, and 3 (FPC Nos. 2405-1, -2 and -3, respectively) filed August 19, 1963, are being transmitted to Geological Survey and Bureau of Land Management.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1093; Filed, Feb. 4, 1964; 8:45 a.m.]

[Docket No. G-11174 etc.]

GULF OIL CORP. ET AL.

Notice of Applications for Certificates and Petitions To Amend Certificates [1]

JANUARY 29, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and filing date	Applicant	Purchaser, field, and location	Initial price per Mcf and pressure base	Related rate schedule: Number	Related rate schedule: Supplement
G-11176 C-10-27-62	Gulf Oil Corp.	Colorado Interstate Gas Co., Laverne Field, Harper County, Okla.	15.0 cents at 14.65 psia.	98	6
G-13095 [1] (G-4992) D-6-1-62	Humble Oil & Refining Co. (successor to The Carter Oil Co.).	Lone Star Gas Co., Katie Field, Garvin County, Okla.	7.0 cents at 14.65 psia.	171	5
G-13095 A-5-23-62	do.	Natural Gas Pipeline Co. of America, Camrick Southeast Field, Beaver County, Okla.	16.6 cents at 14.65 psia.	80 80	1
G-18718 A-6-4-62	Cities Service Oil Co.	El Paso Natural Gas Co., Ansth Field, San Juan County, Utah.	17.7 cents at 15.025 psia.	298	
CI62-1215 [2] A-6-6-62	Texaco Inc.			298	1-3
G-17199 C-9-21-62	Banquete Gas Co., a division of Crestmont Consolidated Corp.	United Gas Pipe Line Co., Spartan and Oden Area, San Patricio County, Tex.	13.0 cents at 14.65 psia.	2	1
CI62-1230 A-6-7-62 B-7-12-62	Dorothea Webber, d.b.a. Jack E. Webber, et al.	Hope Natural Gas Co., Meade District, Tyler County, W. Va.	25.0 cents at 15.325 psia.	5 5	1 and 2
CI62-1236 A-6-11-62 B-6-30-62 B-12-3-62 B-2-15-63 B-2-27-63 B-3-13-63	Fred W. Pool (Operator), et al., d.b.a. Durango Syndicate (successor to Irving Pasternak).	El Paso Natural Gas Co., Dakota Formation, La Plata County, Colo.	13.0 cents at 15.025 psia.	1 1	1-7
CI62-181 A-6-8-62 B-10-15-62	Sunray DX Oil Co. (successor to Shell Oil Co.).	Northern Natural Gas Co., Doby Springs Field, Harper County, Okla.	15.0 cents at 14.65 psia.	223 223	1

Filing Code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

[1] The application filed in Docket No. G-15055 will be processed as a petition to amend the certificate heretofore issued in Docket No. G-4992.

[2] Texaco Inc. filed an application in Docket No. CI62-1315 to succeed to the service initiated by Cities Service Oil Co. pursuant to a temporary certificate. The temporary certificate has been terminated but the application filed in Docket No. G-18718 has not been dismissed.

[F.R. Doc. 64-1094; Filed, Feb. 4, 1964; 8:45 a.m.]

[Docket Nos. G-3216 etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JANUARY 28, 1964.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued January 9, 1964, and published in the FEDERAL REGISTER January 17, 1964 (F.R. Doc. 64-387; 29 F.R. 446), column 4 of the chart, the price should read 11.0¢ for gas above the base of the Wolfcampian Series; 15.0¢ for gas below the base of the Wolfcampian Series after Docket No. CI64-735.

In view of the foregoing correction an extension is granted to and including February 24, 1964, within which to file protests or petitions to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1095; Filed, Feb. 4, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 595]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 31, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 (49 CFR 1.247) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

Section A

No. MC 55811 (Sub-No. 81), filed January 24, 1964. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mixed shipments with salt, from St. Clair, Mich., to points in Illinois, Indiana, and Ohio, and *empty containers* on return.

HEARING: February 17, 1964, at the Federal Building, Lansing, Mich., before Examiner A. Lane Cricher.

No. MC 114019 (Sub-No. 114), filed January 27, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission in 61 M.C.C. 209 and 766, in temperature controlled vehicles from Union City, Ohio, to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *returned, refused, damaged, and rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: February 12, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner H. Reece Harrison.

Section B

No. MC 308 (Sub-No. 2), filed October 18, 1963. Applicant: EAST COAST TRUCKING, INC., 262 West First Street, Boston, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except liquid commodities, in bulk, in tank vehicles), as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boston and Southboro, Mass., to points in Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Fulton, Greene, Herkimer, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Orange, Oswego, Otsego, Saratoga, Seneca, Schoharie, Schuyler, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, and Yates Counties, N.Y.

HEARING: March 25, 1964, at the Hotel Essex, Boston, Mass. before Examiner John B. Mealy.

No. MC 844 (Sub-No. 3), filed December 16, 1963. Applicant: C. O. HAY, doing business as HAY TRUCKING COMPANY, 265 East Butler Avenue, Memphis, Tenn. Applicant's attorney: R. Connor Wiggins, Jr., Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rubber tires and tubes* between Memphis, Tenn., and Hazen, Ark., and between Des Arc, Ark., and Hazen, Ark., from Memphis, Tenn., over U.S. Highway 70 to Hazen, Ark., and return over the same route, and from Des Arc, Ark., over Arkansas Highway 11 to Hazen, Ark., and return over the same route, serving no intermediate points.

HEARING: March 13, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 229.

No. MC 1649 (Sub-No. 79) filed November 12, 1963. Applicant: RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 404-W Union Station, Indianapolis, Ind. Applicant's attorney: John H. Engel, c/o Railway Express Agency, Inc., 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, serving North Manchester, Ind., as an off-route point in connection with applicant's existing authorized regular-route operations between Fort Wayne, Ind., and Plymouth, Ind., under MC 1649 Sub-48.

NOTE: Common control may be involved.

HEARING: March 18, 1964, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or if the joint board waives its right to participate, before Examiner Parks M. Low.

No. MC 1649 (Sub-No. 80), filed November 12, 1963. Applicant: RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 404-W Union Station, Indianapolis, Ind. Applicant's attorney: John H. Engel, c/o, Railway Express Agency, Inc., 219 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, serving Warren, Ind., as an off-route point in connection with applicant's existing authorized regular-route operations between Fort Wayne, Ind., and Muncie, Ind., under MC 1649, Subs 6, 21, and 22.

NOTE: Common control may be involved.

HEARING: March 18, 1964, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 2980 (Sub-No. 2), filed October 18, 1963. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road No. 130, Valparaiso, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rubber tires and tubes* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Valparaiso, Ind., and junction Indiana Highway 43 (now U.S. Highway 421) and U.S. Highway 30, from Valparaiso over Indiana Highway 49 to Kouts, Ind., thence over Indiana Highway 8 to La Crosse, Ind., thence over Indiana Highway 43 (now U.S. Highway 421) to junction U.S. Highway 30 at or near Wanatah, Ind., and return over the same route, serving all intermediate points and the terminal points for the purpose of joinder with applicant's existing authority.

HEARING: March 17, 1964, at Room 908, Indiana Public Service Commission, New State Office Building, 100 Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the joint board waives its right to participate before Examiner Parks M. Low.

No. MC 4405 (Sub-No. 414), filed December 16, 1963. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers and trailer chassis and semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway and driveaway service, from Hazelton, Pa., to points in the United States (except Hawaii), (2) *tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, from Hazelton, Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont, and (3) *cargo and shipping containers*, from Hazelton, Pa., to points in the United States (except Hawaii).

NOTE: Common control may be involved.

HEARING: March 18, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 10761 (Sub-No. 146), filed October 28, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Dunkirk, Ind., as an off-route point in connection with applicant's present operating authority between Detroit, Mich., and St. Louis, Mo.

HEARING: March 16, 1964, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72 or, if the joint board waives its right to participate before Examiner Parks M. Low.

No. MC 17226 (Sub-No. 21), filed October 28, 1963. Applicant: FRUIT BELT MOTOR SERVICE, INC., 7626 West Madison, Forest Park, Ill. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and skids, pallets and packing containers used in the transportation of such articles*, from the plant site of the MS Plastics Co., located at Dawson Springs, Ky., to the plant sites of the Whirlpool Corp., located at Evansville, Ind., and *returned and rejected shipments*, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract or contracts with the Whirlpool Corp.

HEARING: March 20, 1964, at Room 908 Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 155, or, if the Joint Board waives its right to participate before Examiner Parks M. Low.

No. MC 19622 (Sub-No. 4), filed November 12, 1963. Applicant: ADOLPH J. FOURNIER, doing business as A. FOURNIER'S EXPRESS, West Spring Street, Windsor Locks, Conn. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious and contaminating to other lading), betwen La Guardia and International Airports, New York, N.Y., Newark Airport, Newark, N.J., and Logan Airport, Boston, Mass., on the one hand, and, on the other, Bradley Field Airport, Windsor Locks, Conn. Restriction: Applicant states that the proposed operations will be restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air.

HEARING: March 23, 1964, at the Hotel Essex, Boston, Mass., before Examiner John B. Mealy.

No. MC 21006 (Sub-No. 14), filed November 26, 1963. Applicant: JOSEPH S. TRIGLIA, 705 East State Street, Delmar, Del. Applicant's attorney: M. Bruce Morgan, 804 Warner Building, 501 13th Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden agricultural commodity containers*, from points in Northampton and Hertford Counties, N.C., to points in Georgia, Florida, and South Carolina.

HEARING: March 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Laurence E. Massoner.

No. MC 28905 (Sub-No. 6), filed November 26, 1963. Applicant: RISBERG'S TRUCK LINE, 2939 Southeast Grand Avenue, Portland, Oreg. Applicant's attorney: William B. Adams,

waives its right to participate before Examiner Parks M. Low.

Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Portland, Oreg., and Yaquina, Oreg.; from Portland over U.S. Highway 99W to junction Oregon Highway 18, thence over Oregon Highway 18 to junction U.S. Highway 101, thence over U.S. Highway 101 to Yaquina, and return over the same route, serving Newport, Oreg., as an intermediate point and all off-route points within seven (7) miles of Newport.

NOTE: Applicant states the purpose of this application is to remove an existing restriction in MC 28005 prohibiting service, over existing authorized routes, between Portland, Oreg., on the one hand, and, on the other, points south of Agate Beach, Oreg., and further to extend the existing service to Yaquina, Oreg., and to points within 7 miles of Newport, Oreg.

HEARING: March 26, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner James Anton.

No. MC 29613 (Sub-No. 1), filed November 5, 1963. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue, Elizabeth, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Newark, N.J., on the one hand, and, on the other, points in Burlington and Warren Counties, N.J.

NOTE: Applicant states that the above authority will be tacked with MC 29613.

HEARING: March 11, 1964, at the Federal Building, Newark, N.J., before Examiner John B. Mealy.

No. MC 31389 (Sub-No. 59), filed September 23, 1963. Applicant: McLEAN TRUCKING COMPANY, Post Office Box 213, Winston Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except currency, bullion, articles of virtu, livestock, loose bulk commodities and commodities requiring special equipment), serving Alamo, Tenn., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: March 10, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 107.

No. MC 31600 (Sub-No. 552), filed October 3, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: K. B. Williams, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Schenley, Pa., to Cambridge, Mass.

HEARING: March 24, 1964, at the Hotel Essex, Boston, Mass., before Examiner John B. Mealy.

No. MC 31600 (Sub-No. 556), filed November 24, 1963. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Springfield, Mass., to points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: March 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 38673 (Sub-No. 10), filed November 20, 1963. Applicant: RALPH E. SORKNESS, doing business as SORKNESS TRUCK LINES, Post Office Box 937, Banning, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride, calcium chloride, and calcium chloride liquid*, in bulk, in tank or hopper vehicles, from points in that portion of San Bernardino County, Calif., south of U.S. Highway 66 and east of unnumbered county road extending south from its junction with U.S. Highway 66 at Amboy, Calif., to Twenty-nine Palms, Calif., thence south to junction of county road with San Bernardino-Riverside County line approximately 8 miles south of Twenty-nine Palms, Calif., to points in Arizona and Nevada, and *contaminated and rejected shipments*, on return.

HEARING: March 11, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner John S. Messer.

No. MC 40757 (Sub-No. 2), filed November 20, 1963. Applicant: CREECH BROTHERS TRUCK LINES, INC., Troy, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Old Monroe, Mo., to points in Arkansas, Illinois, Indiana, Kentucky, and Tennessee.

HEARING: March 25, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Henry A. Cockrum.

No. MC 45736 (Sub-No. 10), filed December 16, 1963. Applicant: WINECOFF MOTOR LINES, INC., 505 Highway 29, Concord, N.C. Applicant's representative: W. D. Turner, 1415 East Boulevard, Post Office Box 3661, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, cement, lime or plaster, building lime, agricultural lime, plaster or lime plaster* and *dehydrated lime*, in bags, from Knoxville, Tenn., to points in Georgia and Virginia.

HEARING: March 10, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 314.

No. MC 48958 (Sub-No. 64), filed August 15, 1963. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between Espanola, N. Mex., and junction New Mexico Highway 3 and Colorado-New Mexico State line: From Espanola over U.S. Highway 64 to Taos, N. Mex., thence over New Mexico Highway 3 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points and the off-route points of Dixon, Red River and the Molybdenum Corporation of America mine located near Red River, N. Mex., and (2) from junction New Mexico Highway 3 and the Colorado-New Mexico State line to Walsenburg, Colo.: From junction New Mexico Highway 3 and the Colorado-New Mexico State line over Colorado Highway 159 to Fort Garland, Colo., thence over U..S Highway 160 to Walsenburg, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: March 18, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 125, or, if the Joint Board waives its right to participate before Examiner John S. Messer.

No. MC 50307 (Sub-No. 29), filed November 14, 1963. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York 1, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and material and supplies used in the manufacture thereof*, between New York, N.Y., and Taneytown, Md.

HEARING: March 17, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner John B. Mealy.

No. MC 52574 (Sub-No. 11), filed December 11, 1963. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers*, from Newark, N.J., to Patchogue, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities above, on return.

NOTE: Applicant states the proposed service will be under contract with Ward Baking Co.

HEARING: March 13, 1964, at the Federal Building, Newark, N.J., before Examiner John B. Mealy.

No. MC 56661 (Sub-No. 8), filed November 12, 1963. Applicant: LUCAS MOTOR EXPRESS, INC., 1006 East Main Street, Post Office Box No. 27, Greensburg, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Indianapolis, Ind., and Rushville, Ind., over Indiana Highway 52, serving all intermediate points.

HEARING: March 19, 1964, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the joint board waives its right to participate, before Examiner Parks M. Low.

No. MC 57315 (Sub-No. 5), filed November 14, 1963. Applicant: TRI-STATE TRANSPORT, INC., 40 B Street, Boston, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except liquid commodities, in bulk, in tank vehicles) as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Boston, Mass., and New Haven, Conn., to points in Fairfield and New Haven Counties, Conn.

HEARING: March 25, 1964, at the Hotel Essex, Boston, Mass., before Joint Board No. 134, or, if the Joint Board waives its right to participate, before Examiner J. B. Mealy.

No. MC 58761 (Sub-No. 3), filed November 26, 1963. Applicant: WILSON FORE, Highway 76 South, Box 606, Healdton, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel, rough lumber, building material and supplies, oil field equipment and supplies* including *pipe, tanks*, and *tank material, drilling muds of various kinds*, and *such commodities as may require special equipment*, from points in Oklahoma to points in Oklahoma and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

HEARING: March 24, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 59014 (Sub-No. 29), filed December 6, 1963. Applicant: TALLANT TRANSFER, INC., 1341 Second Avenue SW., Hickory, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory, technical, public seating, and institutional furniture, fixtures, equipment, materials, and supplies*, uncrated, from points in Burke and Catawba Counties, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and *damaged, defective, returned and rejected shipments*, on return.

HEARING: March 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner William J. Cave.

No. MC 67783 (Sub-No. 5), filed September 5, 1963. Applicant: MARION A. FRANK, doing business as FRANK DELIVERY SERVICE, 230 Market Street, Williamsport, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street (Post Office Box 46), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such general merchandise as is dealt in by retail mail-order houses*, between Williamsport, Pa., on the one hand, and, on the other, points in that portion of Pennsylvania bounded by a line beginning at the New York-Pennsylvania State line, thence over U.S. Highway 219 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 522, thence over U.S. Highway 522 to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike, to junction Interstate Highway 81, thence over Interstate Highway 81 to the Pennsylvania-New York State line, including points in the commercial zones or terminal areas located on the highways specified (except between Williamsport, Pa., and points within 50 miles of Williamsport).

HEARING: March 11, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles B. Heinemann.

No. MC 69365 (Sub-No. 15), filed November 26, 1963. Applicant CONTRACT CARRIER SERVICE, INC., Post Office Box 544, Cottage Grove, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, lumber, and timbers*, fabricated or not fabricated, and related hardware items for the foregoing, from points in Multnomah and Lane Counties, Oreg., and points in Lewis County, Wash., to points in California, Nevada, Arizona, Oregon, Washington, Idaho, Montana, Utah, Colorado, New Mexico, and Nebraska.

HEARING: March 27, 1964, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner James Anton.

No. MC 72729 (Sub-No. 5), filed December 18, 1963. Applicant: PYRAMID VAN LINES WESTERN DIVISION, INC., 184 Harbor Way, South San Francisco, Calif. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods as defined by the Commission*, between points in California, on the one hand, and, on the other, points in Washington, Oregon, and Idaho.

NOTE: Applicant states that no duplicating authority is sought. It is further noted that common control may be involved.

HEARING: March 20, 1964, at the Federal Office Building, Seattle, Wash., before Examiner James Anton.

No. MC 75339 (Sub-No. 12), filed December 11, 1963. Applicant: MILLER MOTOR EXPRESS, INC., 1807 West Independence Boulevard, Charlotte, N.C. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic*, in bulk, in collapsible tanks, premounted on carrier's vehicle, from Charlotte, N.C., to Long Island City, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: March 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 89716 (Sub-No. 34), filed September 30, 1963. Applicant: DICK JONES TRUCKING, Post Office Box 773, Powell, Wyo. Applicant's attorney: Hugh Sweeney, Billings State Bank Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, in bags, and containers, from Salt Lake City, Utah, and points within a 50-mile radius to points in Wyoming; (2) *dry fertilizer and dry fertilizer compounds*, in bulk and in containers, from Don, Idaho, and points within a 25-mile radius to points in Wyoming; (3) *Phosphoric acid, and other liquid fertilizer and liquid fertilizer compounds*, in bulk, in tank vehicles, and containers, from Don, Idaho, and points within a 25-mile radius to points in Wyoming; (4) *asphalt, asphalt compounds, and derivatives*, in cartons and containers only, from points in Park and Hot Springs Counties, Wyo., to points in Idaho, Washington, Utah, Colorado, Nebraska, South Dakota, North Dakota, and Montana; (5) *plasterboard, gypsum lath, and plasterboard joint system*, from points in Park and Big Horn Counties, Wyo., to points in South Dakota, Nebraska, Colorado, Washington, Idaho, Utah, and North Dakota; (6) *animal and poultry feeds*, from Denver, Colo., to points in Fremont and Washakie Counties, Wyo.; (7) *clay, diatomaceous earth, and drilling mud conditioner and barite ore*, in bulk, in bags and containers, from points in Butte, Mead, Laurence, and

Pennington Counties, S. Dak., to points in Montana, Wyoming, Colorado, and Nebraska; (8) *clay, diatomaceous earth, and drilling mud conditioner and barite ore*, in bulk, in bags and containers, from points in Big Horn, Park and Johnson Counties, Wyo., to points in Idaho, Nebraska, South Dakota, North Dakota, Washington, Utah, Colorado, and Montana; (9) *gypsum board paper and used newspaper*, packed in rolls and bales, from Denver, Colo., to points in Big Horn and Park Counties, Wyo.; (10) *barite ore*, from Don, Idaho, and points within 50 miles thereof to points in Montana, Wyoming and Colorado; (11) *building materials* (except cement), from points in Montana to points in Wyoming (except points within a 175-mile radius of Powell, Wyo.), and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *contaminated and rejected shipments*, on return.

NOTE: No duplication of authority sought.

HEARING: March 9, 1964, 1 o'clock at the Yellowstone County Courthouse, Billings, Mont., before Examiner James Anton.

No. MC 92983 (Sub-No. 429), filed December 13, 1963. Applicant: ELDON MILLER, INC., Post Office Box 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Quincy, Ill., to points in Iowa, Missouri, and Indiana.

HEARING: March 19, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 95540 (Sub-No. 561), filed November 13, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food preparations, candy and confections*, from points in Milwaukee commercial zone and Waukesha County, Wis., to points in Louisiana, Mississippi, and Tennessee.

NOTE: Common control may be involved.

HEARING: March 19, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Raymond V. Sar.

No. MC 96096 (Sub-No. 26), filed October 25, 1963. Applicant: H. H. FOLLMER CONTRACT HAULING, INC., Route 15, White Deer Township, Union County, Pa. (mailing address: Post Office Box 389, Milton, Pa.). Applicant's attorney: Preston L. Davis, 37 Arch Street, Milton, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials employed in the construction and building industry and the equiping of buildings and homes*, between points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Virginia, and West Virginia and points in Pennsylvania.

NOTE: Applicant states the proposed operation will be performed from points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Virginia, and West Virginia to the warehouses, retail stores, customers and wholly owned subsidiaries (namely, Claster Lumber Co., Inc., Clasters of the North Branch, Inc., Clasters of Altoona, Inc. and Claster Steel Company) of M. L. Claster & Sons, Inc., all in Pennsylvania, and from said warehouses, retail stores and wholly owned subsidiaries to the customers of M. L. Claster & Sons, Inc., in the said States.

HEARING: March 12, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles B. Heinemann.

No. MC 97461 (Sub-No. 3), filed November 14, 1963. Applicant: H. A. DAY, doing business as H. A. DAY TRUCK LINE, 801 East Reno, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, commodities contaminating to other lading and those requiring special equipment), (1) between Oklahoma City, Okla., and McAlester, Okla., from Oklahoma City over U.S. Highway 270 to McAlester, and return over the same route, (2) between junction extension Southeast 29th Street, Oklahoma City, and U.S. Highway 270, from Oklahoma City over Oklahoma Highway 3 (formerly a county road, commonly known as Southeast 29th Street) to junction U.S. Highway 270, and return over the same route, serving the off-route points of Douglas Aircraft Company Plant and Oklahoma City Air Depot, commonly known as Tinker Field, (3) between Seminole, Okla., and Konawa, Okla., from Seminole over Oklahoma Highway 99 to Konawa, and return over the same route, (4) between Wewoka, Okla., and junction Oklahoma Highways 56 and 99, from Wewoka over Oklahoma Highway 56 to junction Oklahoma Highway 99, and return over the same route, (5) between Wewoka and junction U.S. Highways 62 and 75, from Wewoka over Oklahoma Highway 56 to Okemah, Okla., thence over U.S. Highway 62 to junction U.S. Highway 75, and return over the same route, (6) between Calvin, Okla., and Allen, Okla., from Calvin over Oklahoma Highway 12 to Allen, and return over the same route, (7) between Holdenville, Okla., and Atwood, Okla., from Holdenville over Oklahoma Highway 68 to Atwood, and return over the same route, (8) between Shawnee, Okla., and Asher, Okla., from Shawnee over Oklahoma Highway 18 to Asher, and return over the same route, (9) between junction Oklahoma Highways 18 and 59 and junction Oklahoma Highways 59 and 99, from junction Oklahoma Highways 18 and 59 over Oklahoma Highway 59 to junction Oklahoma Highway 99, and return over the same route, (10) between Holdenville and junction U.S. Highways 62 and 75, from Holdenville over U.S. Highway 270 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 62, and return over the same route, serving the off-route points of Dustin, Lamar, Carson, Wanette, Tribbey, Trousdale, Macomb, Maud, St. Louis, Sacred Heart, Harjo, and Earlsboro, Okla., (11) between McAlester and U.S. Naval Ammunition Depot at Savanna, Okla., from McAlester over U.S. Highway 69 to U.S. Naval Ammunition Depot at Savanna, and return over the same route, (12) between Asher and Ada, Okla., from Asher over Oklahoma Highway 13 to Ada, and return over the same route, (13) between Konawa and Ada, from Konawa over Oklahoma Highways 3 and 99 to Ada, and return over the same route, (14) between Ada and Allen, from Ada over Oklahoma Highway 12 to Allen, and return over the same route, (15) between Konawa and Allen, from Konawa over Oklahoma Highways 3 and 99 to junction unnumbered county highway at a point approximately six (6) miles south of the South Canadian River bridge, thence over unnumbered county highway through Francis, Okla., to Allen, and return over the same route, (16) between Asher and Ada, from Asher over Oklahoma Highway 18 to Stratford, Okla., thence over Oklahoma Highway 19 to Ada, and return over the same route, (17) between Stratford and Roff, Okla., from Stratford over Oklahoma Highway 18 to junction Oklahoma Highway 29, thence over Oklahoma Highway 29 to Roff, and return over the same route, (18) between Roff and Ada, from Roff over Oklahoma Highway 12 to Ada, and return over the same route, and (19) between Oklahoma City and Asher, from Oklahoma City over Interstate Highway 35 and U.S. Highway 77 to Purcell, Okla., and Lexington, Okla., thence over Oklahoma Highway 39 to junction Oklahoma Highway 13, near Asher, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states he intends to serve all intermediate points on the above-described eighteen (18) routes.

HEARING: March 23, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 99300 (Sub-No. 1), filed August 12, 1963. Applicant SAND SPRINGS RAILWAY COMPANY, McKinley and Broadway Streets, Sand Springs, Okla. Applicant's attorney: D. T. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, and trailers*, having a prior or subsequent movement via piggyback, between Sand Springs, and Tulsa, Okla., by way of U.S. Highway 64 and Oklahoma Highway 51.

HEARING: March 18, 1964, at the Federal Building, 200 Northwest Fourth Oklahoma City, Okla., before Joint Board No. 88.

No. MC 99620 (Sub-No. 1), filed October 3, 1963. Applicant: E. R. HAUNSCHILD and CELESTE L. BENTLEY, doing business as, HAUNSCHILD & BENTLEY, Post Office Box 1336, Ada, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in tank vehicles, between points in Oklahoma.

HEARING: March 17, 1964, at the Federal Building, 200 Northwest Fourth

Oklahoma City, Okla., before Joint Board No. 88.

No. MC 99623 (Sub-No. 1) (REPUBLICATION), filed September 13, 1963, published FEDERAL REGISTER issue of October 2, 1963, and republished, this issue. Applicant: JAMES E. GRIFFIN & SONS, INC., Circuit Street, West Hanover, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. By application filed September 13, 1963, as amended at the hearing, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle of (a) furniture, pianos, and baggage, between points in Massachusetts, (b) building materials other than those in bulk, in tank vehicles, contractors equipment, coal, coke, and other fuel other than in bulk, in tank vehicles, between points within 15 miles of the city hall, Boston, Mass., and (c) household goods, between points within 15 miles of town hall, Hanover, Mass. The application was referred to Joint Board 231 for hearing and the recommendation of an appropriate order thereon. Hearing was held on November 13, 1963, at Boston, Mass. A report and order, served December 23, 1963, which became effective January 22, 1964, finds that the present and the future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of *household goods* as defined by the Commission, *furniture, pianos* and *baggage*, between points in Massachusetts, over irregular routes; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate certificate should be issued following publication of this grant of authority in the FEDERAL REGISTER and allowance of 30 days for any interested party to voice objection thereto.

No. MC 99863 (Sub-No. 1), filed August 19, 1963. Applicant: MAX McCALL, 405 North Harley, Post Office Box 706, Drumright, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock; farm products, including baled cotton; cottonseed and cottonseed products* (but not including food products thereof) and *bagging and ties, gin machinery and repair parts* on return load only; *peanuts, soy beans and products thereof* (but not including food products thereof); *coal; sand and gravel; rough lumber; building materials and supplies* to location only; *used emigrant movables including household goods in use; office furniture in use; removal of entire stock of goods, wares and merchandise, fixtures and equipment of an established business; petroleum and petroleum products*, in bulk, and in cans, drums, and packages, and return of *empty containers; glass and glassware, including tops in caps; salt*, in bulk and in packages; *boats*, crated and uncrated; *acids and gases*, when in metal or glass containers, or in bulk, and return of *empty containers; oilfield equipment and supplies, including pipe, tanks and tank materials; grain and grain products; beer*, in barrels and cases, and return of *empty containers; contents of carload shipments, including distribution to one or more consignees; commodities* which such class B carrier may have held in storage in a warehouse owned or controlled by such carrier for at least 5 days prior to the beginning of such transportation; *such commodities*, as may require special equipment not supplied by the class A carrier, or which may require extraordinarily expeditious and rapid transportation, between points in Oklahoma.

HEARING: March 16, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 100666 (Sub-No. 59), filed December 30, 1963. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing*, including composition shingles, asbestos siding, and *materials* used in the installation thereof when moving at the same time and in the same vehicle with composition or prepared roofing, or composition shingles, or asbestos siding, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma and Texas.

HEARING: March 26, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 210.

No. MC 101932 (Sub-No. 3) (AMENDMENT), filed November 20, 1963, published FEDERAL REGISTER issue January 22, 1964, amended January 27, 1964, and republished as amended this issue. Applicant: THE HUB EXPRESS, a corporation, 1932 East McGalliard Avenue, Trenton 10, N.J. Applicant's attorney: Robert Watkins, 170 South Broad Street, Trenton, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetic goods and household supplies*, in packages, from Trenton, N.J., to points in Monmouth, Mercer, Burlington, Ocean, Camden, Gloucester, Atlantic, Salem, Cumberland, and Cape May Counties, N.J., and points in Middlesex County, N.J., south of Raritan River (on shipments having a prior movement from Newark, Del., or Trenton, N.J.).

NOTE: Applicant states the proposed service is for the account of Avon Products, Inc., Newark, Del. The purpose of this republication is to specify "cosmetic goods" in the commodity description, in lieu of "cosmetics" as previously published.

HEARING: Remains as assigned, February 26, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 102401 (Sub-No. 6), filed October 25, 1963. Applicant: TAYLOR HEAVY HAULING, INC., 20601 West Ireland Road, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1617-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Danville, Ill., to points in Indiana and the lower peninsula of Michigan, and *empty containers and pallets* used in transporting the above-described commodities, on return.

NOTE: Applicant states that he is not seeking duplicate authority.

HEARING: March 20, 1964, at Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 73, or, if the Joint Board waives its right to participate before Examiner Parks M. Low.

No. MC 103654 (Sub-No. 75), filed December 16, 1963. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils, greases and blends and products* thereof, in bulk, in tank vehicles, (1) from points in Iowa on and north of U.S. Highway 20, except Fort Dodge, points in Wisconsin on and north or west of U.S. Highway 151, points in North Dakota, points in South Dakota except Mitchell, and ports of entry between the U.S. and Canada on the international boundary in North Dakota and Minnesota, to points in Minnesota; (2) from Winona, Minn., to points in Illinois, Iowa, Wisconsin, and Minnesota; and, (3) between points in Minnesota, on the one hand, and on the other, points in Illinois and that part of Indiana in the Chicago commercial zone.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: March 11, 1964, at Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 104523 (Sub-No. 26), filed May 10, 1963. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, Friend, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared feeds, animal and poultry*, from Lincoln, Nebr., and points within a 25 mile radius thereof, to points in Colorado, Iowa, Missouri, South Dakota, and Wyoming.

HEARING: March 11, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No MC 105207 (Sub-No. 9), filed September 9, 1963. Applicant: JIM'S TRANSFER, INC., East 3023 Sprague Avenue, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from Riverside, Calif., to points in Washington, Oregon, Idaho, and Montana, and *grain*, on return, and (2) *general commodities* (except classes A and B explosives) *building materials, heavy machinery, contractors' equipment and supplies*,

household goods, commodities in bulk and commodities requiring the use of special equipment, between Ione and Metaline Falls, Wash., on the one hand, and on the other, points in Pend Oreille County, Wash.

HEARING: March 16, 1964, at the Davenport Hotel, Spokane, Wash., before Examiner James Anton.

No. MC 106074 (Sub-No. 13), filed November 29, 1963. Applicant: B AND P MOTOR LINES, INC., Main Street, Hazelwood, N.C. Applicant's attorney: Robert R. Williams, Plaza Building, 4 South Pack Square, Asheville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, crated, cartoned, and uncrated; (a) from Hazelwood, Bryson City, and Woodfin, N.C. to points in Colorado, Idaho, Iowa, Kansas, Maine, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, Oregon, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming; (b) from points in Jackson County, N.C. to points in the United States including Alaska but excluding Hawaii; (c) from points in Cleveland County, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming; (2) *petroleum products*, in containers from Oil City, Pa., and St. Marys, W. Va., to points in Tennessee on and east of U.S. Highway 127 and Bristol, Va.; (3) *office furniture and equipment*, crated, cartoned, and uncrated from Swannanoa, N.C. to points in the United States including Alaska but excluding Hawaii; (4) *laboratory, technical, public seating and institutional furniture, fixtures, equipment, materials and supplies*, crated, cartoned, and uncrated from points in Catawba and Burke Counties, N.C., to points in the United States including Alaska but excluding Hawaii; and (5) *New furniture, furniture parts, office furniture, fixtures and equipment*, crated, cartoned, and uncrated from points in Rutherford County, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming; and *refused, rejected, unclaimed, and damaged shipments* and *exempt commodities* on return.

HEARING: March 12, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner William J. Cave.

No. MC 107403 (Sub-No. 515), filed November 26, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Springfield, Mass., to points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 107496 (Sub-No. 303), filed December 9, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed loads of resin plasticizers, mixed loads of soybean oils, and mixed loads of resin plasticizers and soybean oils*, in bulk, in tank vehicles, from Decatur and Mapleton, Ill., to points in Alabama, Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: March 12, 1964, at Room B-29 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. before Examiner Raymond V. Sar.

No. MC 108120 (Sub-No. 8), filed November 15, 1963. Applicant: KENNEDY MOTOR LINES, INC., 215 43d Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory furniture, appliances, equipment, and parts thereof*, crated and uncrated, when moving in mixed shipments in the same vehicle, from Carle Place (Mineola), Hicksville, and Farmingdale, N.Y. to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Louisiana.

HEARING: March 19, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner John B. Mealy.

No. MC 108341 (Sub-No. 6), filed December 24, 1963. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte 8, N.C. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery parts and such commodities which do not require specialized handling or rigging because of size or weight* when their transportation is incidental to, or part of a shipment of heavy machinery, or of such commodities requiring specialized handling or rigging because of size or weight, between points in Georgia, Florida, North Carolina, South Carolina, and Virginia.

HEARING: March 9, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner William J. Cave.

No. MC 108449 (Sub-No. 174), (CORRECTION), filed December 9, 1963, published FEDERAL REGISTER issue of January 22, 1964, republished this issue as corrected. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. The purpose of this republication is to show that applicant's correct name is as above rather than "Indianhead Truck Lines" as previously published.

HEARING: Remains as assigned, February 17, 1964, in Room B-29, Federal Building, and U.S. Courthouse, 110 South Fourth St., Minneapolis, Minn., before Joint Board No. 143.

No. MC 108676 (Sub-No. 13), filed December 13, 1963. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn. Applicant's attorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and concrete products*, the transportation of which, because of size and weight, require the use of special equipment and special handling, from points in Davidson County, Tenn., to points in Tennessee, Kentucky, and Alabama on and north of U.S. Highway 278.

HEARING: March 11, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284.

No. MC 109435 (Sub-No. 33), filed December 13, 1963. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alumina*, calcined and hydrated, in bulk, from Bauxite, Ark., to points in Oklahoma and Texas.

HEARING: March 25, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 15.

No. MC 109435 (Sub-No. 34), filed December 30, 1963. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plant site of Oklahoma Cement Co., located at or near Pryor, Okla., to points in Kansas located at points in or south of Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Mitchell, Cloud, Clay, Pottawatomie, Shawnee, Jackson, Jefferson, Leavenworth, and Johnson Counties, Kans.

HEARING: March 20, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 39.

No. MC 109584 (Sub-No. 119), filed December 4, 1963. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals, acids, fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles and (2) *fertilizer*, in bulk, in tank and hopper vehicles between points in Arizona, on the one hand, and, on the other, points in New Mexico.

HEARING: March 12, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if the Joint Board waives its right to participate before Examiner John S. Messer.

No. MC 109875 (Sub-No. 9), filed December 18, 1963. Applicant: ELMER H. ROCK, Clay, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in mechanically refrigerated vehicles, (1) from Morgantown, Pa., to points in Ohio, to points in Long Island, N.Y., and (2) from Pottstown, Pa., to points in Ohio, New Jersey (except Jersey City), and to points in Long Island, N.Y.

HEARING: March 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 110525 (Sub-No. 618) (AMENDMENT), filed November 21, 1963, published FEDERAL REGISTER issue January 22, 1964, amended January 27, 1964, and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Indiana, Kentucky, Mississippi, Ohio, Tennessee, and Wisconsin,

NOTE: The purpose of this republication is to delete the States of Illinois and Michigan.

HEARING: Remains as assigned February 27, 1964 at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 110525 (Sub-No. 619), filed November 26, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Esq., Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Springfield, Mass., to points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: March 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Louis G. LaVecchia.

No. MC 110988 (Sub-No. 60), filed October 14, 1963. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid liquor*, in bulk, in tank vehicles, from Wisconsin Rapids and Park Falls, Wis., to points in Minnesota, Iowa, Missouri, Illinois, Michigan, Indiana, Ohio, Kentucky, and Pennsylvania.

HEARING: March 18, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Raymond V. Sar.

No. MC 111746 (Sub-No. 15), filed September 9, 1963. Applicant: OIL TRANSPORT COMPANY, a corporation, East Highway 80, P.O. Box 2031, Abilene, Tex. Applicant's attorney: Jerry Prestridge, Brown Building (P.O. Box 858), Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, from the North Cowden plant site of Pan American Petroleum Company, located at North Cowden, Ector County, Tex., and the Slaughter plant site of Pan American Petroleum Company, located approximately four (4) miles west of Sundown, Hockley County, Tex., to the plant site of the Climax Chemical Company, located approximately three (3) miles west of Monument, N. Mex.

HEARING: March 17, 1964, at the New Mexico State Corporation Commission, Santa Fe., N. Mex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner John S. Messer.

No. MC 112184 (Sub-No. 16), filed December 20, 1963. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Newbury, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gasoline additives*, in bulk, in shipper-owned tank vehicles, between Wickliffe and Painesville, Ohio, on the one hand, and, on the other, ports of entry in New York on the international boundary between the United States and Canada.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with The Lubrizol Corporation, Cleveland, Ohio.

HEARING: March 23, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner Parks M. Low.

No. MC 112391 (Sub-No. 30), filed November 26, 1963. Applicant: HADLEY AUTO TRANSPORT, 7428 Paramount Boulevard, Post Office Box 96, Pico Rivera, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, busses, chassis, and farm type tractors*, (1) in driveaway service, from Salt Lake City, Utah, to points in Idaho, Colorado, and Wyoming, (2) in truckaway and driveaway service, from Salt Lake City, Utah, to points in Malheur, Baker, Union, and Wallowa Counties, Oreg., points in Montana, North Dakota, South Dakota, Nebraska, and Kansas (restricted to points on and west of U.S. Highway 83), and (3) in truckaway and driveaway service, from Belen, N. Mex., to points in Kansas, Oklahoma, and Texas (restricted to points on and west of U.S. Highway 81).

NOTE: The proposed service will be under continuing contract with Ford Motor Co., and limited to those vehicles having a prior movement by rail. It is further noted that on return *refused, rejected and damaged vehicles*, will be transported.

HEARING: March 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 112497 (Sub-No. 216), filed November 26, 1963. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservatives* (creosote oil), in bulk, in tank vehicles, from Mobile, Ala., to points in Florida, Georgia and Mississippi.

HEARING: March 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 112582 (Sub-No. 21), filed December 6, 1963. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, 227 West Commerce Street, Chambersburg, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant sites, warehouses and storages of Mrs. Paul's Kitchens located at Doylestown and Philadelphia, Pa., to Cumberland and Hagerstown, Md., and points in Ohio and West Virginia.

HEARING: March 16, 1964, at The Bellevue Stratford Hotel, Broad and Walnut Streets, Philadelphia, Pa., before Examiner Charles B. Heinemann.

No. MC 112617 (Sub-No. 165), filed December 17, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic latices*, in bulk, in tank vehicles, and in drums, moving on the same tank vehicles as is used to transport the bulk commodities described above, from points in Daviess County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee (except Kingsport and Elizabethtown), Texas, West Virginia (except Brooke, Hampshire, Hancock, Kanawha, Marion, Marshall, Monongalia, Ohio, Pleasants, Putnam, and Wetzel Counties), and Wisconsin.

HEARING: March 20, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 113267 (Sub-No. 115), filed November 17, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Casey-

ville, Ill. Applicant's representative: Fred H. Figgo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* (restricted against commodities in bulk, in tank vehicles), from St. Louis, Mo., to points in Louisiana.

NOTE: Applicant states that duplication with present authority is to be eliminated. Common control may be involved.

HEARING: March 26, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Henry A. Cockrum.

No. MC 113271 (Sub-No. 14), filed September 12, 1963. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products*, in bulk, and in sacks, from Warren, Mont., to points in Idaho, and Wyoming, and points in Pend Oreille, Stevens, Ferry, Okanogan, Douglas, Spokane, Whitman, Adams, Grant, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash., and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: March 11, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Examiner James Anton.

No. MC 113336 (Sub-No. 65), filed December 6, 1963. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk and in containers, from Guntersville, Ala., to points in Mississippi, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, and Alabama.

NOTE: Common control may be involved.

HEARING: March 12, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 113651 (Sub-No. 66), filed December 9, 1963. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorneys: Charles Singer, 33 North La Salle Street, Chicago, Ill., and Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and frozen foods*, from Norfolk, Va., and Charleston, S.C., to points in Ohio, Illinois, Kentucky, Indiana, Michigan, Missouri, Minnesota, Wisconsin, and Iowa.

HEARING: March 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Morgan.

No. MC 113678 (Sub-No. 64), filed November 21, 1963. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, from Spencer, Iowa, to Chicago, Joliet, Kankakee, Rockford, Aurora, and Plainfield, Ill., Detroit, Mich., Cleveland, Ohio, and points in Indiana.

HEARING: March 13, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No. MC 113678 (Sub-No. 67), filed December 13, 1963. Applicant: CURTIS, INC., 770 East 51st Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery items, related advertising material, display racks, and empty containers*, from points in Blair County, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: March 17, 1964, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113843 (Sub-No. 77), filed November 14, 1963. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except liquid commodities, in bulk, in tank vehicles) as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Massachusetts, to points in Alleghany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, St. Lawrence, Saratoga, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, and Yates Counties, N.Y.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the Hotel Essex, Boston, Mass., before Examiner John B. Mealy.

No. MC 113996 (Sub-No. 6), filed November 1, 1963. Applicant: T. C. DUNLEVY, 532 Calhoun Street, Johnston, S.C. Applicant's attorney: Blease Ellison, Lexington, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used auto parts*, unpacked, (1) from points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Middletown, Conn., Atlanta, Ga., and Memphis, Tenn., and (2) from Atlanta, Ga., and Memphis, Tenn., to points in the above named states in (1).

NOTE: Applicant states the proposed operations will be performed for the Rayloc Division of Genuine Parts Co., Atlanta, Ga.

HEARING: March 18, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William J. Cave.

No. MC 114045 (Sub-No. 125), filed December 13, 1963. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lake City, Pa., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi.

HEARING: March 18, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Joseph A. Reilly.

No. MC 114364 (Sub-No. 79), filed October 24, 1963. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Pueblo, Colo., to points in Missouri, on and west of U.S. Highway 65 (except Independence and Joplin).

NOTE: Common control may be involved.

HEARING: March 27, 1964, at the New Customhouse, Denver, Colo., before Joint Board No. 178, or, if the Joint Board waives its right to participate, before Examiner John S. Messer.

No. MC 114533 (Sub-No. 81), filed November 14, 1963. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, photo supplies, materials, and equipment, complimentary replacement film and incidental dealer handling supplies* (except motion picture films, materials and supplies used primarily in connection with commercial and television motion pictures), between Richmond, Ind., and Van Wert, Bellefontaine, Sidney, Wilmington, Washington Court House, and Greenfield, Ohio.

HEARING: March 19, 1964, at Room 906, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind. before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Parks M. Low.

No. MC 114541 (Sub-No. 6), filed December 30, 1963. Applicant: FLORIDA FROZEN FOOD EXPRESS, LIMITED, a corporation, 964 Middlegate Road, Cooksville, Ontario, Canada. Applicant's attorney: Lester M. Bridgeman, Woodward Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida to ports of entry on the international boundary line between the United States and Canada, at or near Niagara Falls, Alexandria Bay and Ogdensburg, N.Y.

NOTE: Applicant states that the proposed service is to be restricted to shipments transported from the origins requested to points in Canada.

HEARING: March 5, 1964, at the U.S. Courtrooms, Tampa, Fla., before Examiner Frank R. Saltzman.

No. MC 114569 (Sub-No. 65), filed December 10, 1963. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquets*, and (2) *wood blocks* (including chips or sawdust), *lighter fluid, vermiculite* (other than crude), and *display racks* and *other advertising material* in mixed shipments in the same vehicle with charcoal or charcoal briquets, (a) from Parson, W. Va., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, North Carolina, South Carolina, Georgia, Florida, and Washington, D.C., (b) from Burnside, Ky., to points in Florida, Georgia, Mississippi, Tennessee, Michigan, Alabama, Louisiana, North Carolina and South Carolina, and (c) from Bell, Mo., to points in Mississippi, Louisiana, Texas, Tennessee (excluding points west of U.S. Highway 231), and Kentucky (excluding points west of U.S. Highway 41).

HEARING: March 12, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. O'Brien, Jr.

No. MC 115331 (Sub-No. 65), filed November 22, 1963. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Applicant's attorney: Daniel B. Johnson, 1615 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from La Grange, Mo., to points in Illinois, Iowa, and Indiana.

HEARING: March 25, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Henry A. Cockrum.

No. MC 115841 (Sub-No. 159), filed December 26, 1963. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), from Chattanooga, Tenn., and points in Alabama on and north of U.S. Highway 84, to points in Oklahoma, Kansas, Nebraska, Missouri, Iowa, Minnesota, South Dakota, and Texas.

NOTE: Applicant states that the proposed service is to be (1) restricted against tacking or interlining, with shipments originating in Florida, and (2) restricted to the transportation of commodities requiring temperature control in transit.

HEARING: March 25, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William J. Cave.

No. MC 115955 (Sub-No. 9), filed November 26, 1963. Applicant: SCARI'S DELIVERY SERVICE, INC., 409 North Harrison Street, Wilmington, Del. Applicant's attorney: Albert F. Beitel, American Security Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Wilmington Airport, near Wilmington, Del., the Philadelphia International Airport, Philadelphia, Pa., and the North Philadelphia Airport, near Philadelphia, Pa., on the one hand, and, on the other, Avondale, Kennett Square and West Chester, Pa., and Middletown, Del., and points in Kent County, Del. (except Dover Air Force Base and the plant sites of International Latex Company), points in Sussex County, Del., and points in New Castle County, Del. (except New Castle County Airport, Wilmington and Newark).

NOTE: Applicant states the proposed operations will be restricted to shipments having an immediately prior or immediately subsequent movement by aircraft.

HEARING: March 11, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 116254 (Sub-No. 36), filed December 5, 1963. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, fertilizer materials and ingredients*, from Chattanooga, Tenn., and points within 15 miles thereof, to points in Georgia, Alabama, and Tennessee.

HEARING: March 12, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 239.

No. MC 116282 (Sub-No. 11), filed October 30, 1963. Applicant: ONILE P. FRANCOEUR, doing business as NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Woonsocket, R.I., to Dover, Rochester, Hampton, and Berlin, N.H., and Augusta, Bangor, Biddeford, Brunswick, Ellsworth, Livermore Falls, Lewiston, Newport, Portland, Rockland, Rumford, and Waterville, Maine, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *returned products*, on return.

NOTE: Applicant states that the proposed operations will be under a continuing contract with Leo's Bakery, Inc. of Woonsocket, R.I.

HEARING: March 24, 1964, at the Hotel Essex, Boston, Mass., before Examiner John B. Mealy.

No. MC 116544 (Sub-No. 42), filed September 9, 1963. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Miami, Okla., and Carthage, Mo., to points in Oklahoma, Kansas, Missouri, and Arkansas, on and within the following boundaries: commencing at the intersection of Kansas Highway 99 and U.S. Highway 54 near Eureka, Kans., east along U.S. Highway 54 through Kansas and Missouri to the intersection of U.S. Highway 54 and U.S. Highway 65 near Preston, Mo., thence along U.S. Highway 65 through Missouri and Arkansas to the intersection of U.S. Highway 65 and U.S. Highway 64 near Conway, Ark., thence west along U.S. Highway 64 to the intersection of U.S. Highway 64 and U.S. Highway 71 near Alma, Ark., thence north along U.S. Highway 71 to the intersection of U.S. Highway 71 and U.S. Highway 62 near Fayetteville, Ark., thence west along U.S. way 62 and Oklahoma Highway 99 near homa to the intersection of U.S. Highway 62 and Oklahoma Highway 99 near Prague, Okla., thence north along Oklahoma Highway 99 to the Oklahoma-Kansas State line, thence north along Kansas Highway 99 to the intersection of Kansas State Highway 99 and U.S. Highway 54, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: March 19, 1964, at the Pickwich Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 116622 (Sub-No. 5), filed December 24, 1963. Applicant: SOUTHERN PINE EXPRESS, INC., Post Office Box 128, Gold Hill, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* (except plywood and veneer), from (a) points in West Virginia, to points in Virginia and North Carolina, and (b) from points in Virginia, to points in North Carolina, (2) *grain and grain products*, from points in Illinois, Iowa, Indiana, Ohio, Pennsylvania, and Tennessee, to points in Virginia, North Carolina, South Carolina, Georgia, and Florida, and (3) *returned or rejected shipments* in connection with the commodities specified in (1) and (2) above, on return.

HEARING: March 26, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner Parks M. Low.

No. MC 116816 (Sub-No. 8), filed October 17, 1963. Applicant: THE MERIT TERMINALS CORP., Building 261, Port Newark, N.J. Applicant's attorney: Edward M. Alfano, Two West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen sinks, kitchen ranges, kitchen cabinets, radio, recorder, phonograph, and television sets, washers, dryers, refrigerators, air-conditioning equipment, water heaters, and other household gas and electric appliances*, crated and uncrated, *including parts and equipment for such commodities*, from the site of applicant's warehouse at Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and *returned, damaged or rejected, and trade-in shipments*, on return.

NOTE: Applicant states it seeks no new authority, as it is presently authorized in Permit No. 116816 and Sub-Nos. 1, 4, 5, and 7 to transport the above described commodities, restricted to services performed for various shippers. The purpose of this application is to remove the latter restriction, thereby permitting applicant to serve all its warehouse customers from its warehouse only. Applicant will surrender for cancellation the permits it presently holds.

HEARING: March 10, 1964, at the Federal Building, Newark, N.J., before Examiner John B. Mealy.

No. MC 117101 (Sub-No. 4), filed December 11, 1963. Applicant: LEFFLER TRANSPORTATION CO., a corporation, Main Street, Richland, Pa. Applicant's attorney: James W. Hager, Commerce Building (Post Office Box 432), Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from Lebanon, Pa., to points in New Jersey and New York.

HEARING: March 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neflen.

No. MC 117344 (Sub-No. 115), filed December 11, 1963. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Illinois and Wisconsin.

HEARING: March 24, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner Parks M. Low.

No. MC 117574 (Sub-No. 37), filed December 4, 1963. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, which because of size or weight require the use of special equipment, between points in New York, New Jersey, Delaware, Maryland, District of Columbia, and Virginia, on the one hand, and, on the other, points in Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Kentucky.

NOTE: Applicant states the proposed service will have the effect of eliminating the present gateway in Central Pennsylvania, due to it presently having authority to transport articles as described above with certain exceptions between the two areas involved above, by tacking through gateway areas in Central Pennsylvania.

HEARING: March 9, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Charles B. Heinemann.

No. MC 117574 (Sub-No. 88), filed December 19, 1963. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiators*, air heating or cooling, iron or steel combined with other metal; *radiators*, air heating or cooling, aluminum, brass, bronze or copper; *cooling or freezing equipment and machines; condensers, equalizers*, or *exchangers*, gas or liquid; *coolers, heat exchangers*, or *equalizers* for air, gas, or liquids; *air coolers, heaters, humidifiers, de-humidifiers*, or *washers* and *blowers* or *fans combined; blowers, rotary*, or *exhaust fans, iron; compressors* or *pumps*, gas or liquid, *electric motors*, or *parts; machinery parts*, iron or steel, *machinery parts*, aluminum, brass, bronze or copper; and (2) *parts, attachments and accessories* of and for the commodities described in (1) above, from La Crosse, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.

HEARING: March 16, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Raymond V. Sar.

No. MC 117920 (Sub-No. 1) (AMENDMENT), filed November 21, 1963, published in FEDERAL REGISTER issue of January 22, 1964, republished as amended this issue. Applicant: W. M. TYNAN & COMPANY, INC., 76 Ninth Avenue, New York 11, N.Y. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products, packinghouse materials, packinghouse supplies, containers and canned foods*, between Denison and Iowa Falls, Iowa, on the one hand, and, on the other, Chicago and Momence, Ill., and points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts.

NOTE: The purpose of this republication is to substitute the revised commodity and territorial descriptions as shown above in lieu of those previously published.

HEARING: Remains as assigned February 28, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 118433 (Sub-No. 3), filed October 28, 1963. Applicant: HILL & HILL TRANSPORT OF CANADA, LTD., 10351 60th Avenue, South Edmonton, Alberta, Canada. Applicant's attorney: Joe G. Fender, 2033 Norfolk Street, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the Sweetgrass, Mont. Commercial Zone.

NOTE: Applicant states it is the sole purpose of this application to permit transfer, collection and delivery of general commodities under the Commission's ruling in *Fess Transports, Ltd.*, Common Carrier Application MC 119265.

HEARING: March 12, 1964, at the Yellowstone County Courthouse, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner James Anton.

No. MC 118535 (Sub-No. 14), filed September 12, 1963. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, in bags, in bulk, and in mixed shipments of bags and bulk, from Chicago, Ill., to points in Iowa, Minnesota, Missouri, Kansas, South Dakota, North Dakota, Nebraska, and Oklahoma, and *refused and rejected shipments*, and *empty bags*, on return.

HEARING: March 18, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 118899 (Sub-No. 2), filed December 16, 1963. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of the Plantation Oil Line Company of Atlanta, located at or near Newington, Va., to points in Virginia, West Virginia, District of Columbia, and Maryland.

HEARING: March 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 118959 (Sub-No. 22), filed December 16, 1963. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets, plates, channels, angles, crop ends, mine roof washers, pallets, and couplings*, except those articles the transportation of which, because of size and weight, require the use of special equipment, from Centralia, Ill. to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee, and *exempt commodities, returned and rejected commodities*, on return.

HEARING: March 24, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Henry A. Cockrum.

No. MC 119241 (Sub-No. 3), filed October 18, 1963. Applicant: PCP TRANSPORTATION COMPANY, a corporation, 9500 South Norwalk Boulevard, Santa Fe Springs, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, and flue lining*, from Alberhill, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, and (2) *sacked fire clay*, from Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., commercial zone as defined by the Commission:

NOTE: Applicant states the proposed operation will be under a continuing contract with Pacific Clay Products.

HEARING: March 10, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate before Examiner John S. Messer.

No. MC 119268 (Sub-No. 23), filed December 9, 1963. Applicant: OSBORN, INC., 228 North Fourth Street, Post Office Box 649, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry*, fresh, frozen, cooked, uncooked and breaded and *poultry products*, with or without other ingredients, from points in Alabama, Mississipi, and Georgia to points in the United States, except Hawaii and Alaska.

HEARING: March 19, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William J. Cave.

No. MC 119268 (Sub-No. 24), filed December 9, 1963. Applicant: OSBORN, INC., 228 North Fourth Street (Post Office Box 649), Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen and unfrozen foodstuffs in mixed shipments*, consisting of frozen and unfrozen products moving in the same vehicle, from points in Michigan, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Kentucky, and *exempt commodities*, on return.

HEARING: March 23, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William J. Cave.

No. MC 119778 (Sub-No. 61), filed December 19, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood preservatives*, in bulk, in tank vehicles, from Mobile, Ala., to points in Florida, Georgia, and Mississippi.

NOTE: Common control may be involved.

HEARING: March 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 120831 (Sub-No. 1), filed October 18, 1963. Applicant: G. L. LOWERY, Box 7, Wilson, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field equipment and supplies*, from Healdton, Okla., to points in Oklahoma.

HEARING: March 18, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 88.

No. MC 123157 (Sub-No. 7), filed December 6, 1963. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix 12, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in sack and in bulk, from Clarkdale, Ariz., to points in Catron, McKinley, Valencia, and San Juan Counties, N. Mex., (2) *lime*, in bulk, from Paul Spur, Ariz., to points in New Mexico, and (3) *contaminated or rejected shipments thereof*, in (1) and (2), on return.

HEARING: March 13, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 129, or, if Joint Board waives its right to participate before Examiner John S. Messer.

No. MC 123275 (Sub-No. 4), filed November 12, 1963. Applicant: HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 15, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products (including flour, cereals and dog biscuits), car-bracing material, and machinery, materials, supplies and equipment (including office furniture and supplies)* used in or incidental to the production, packing, and sale of bakery products, between the plant site of the Sunshine Biscuit Company at Sayreville, N.J., on the one hand, and, on the other Albany and Newburgh, N.Y., Allentown, Harrisburg and Philadelphia, Pa., Baltimore, Hagerstown and Salisbury, Md., Washington, D.C., and Wilmington, Del.

HEARING: March 16, 1964, at the Park Sheraton Hotel, New York, N.Y. before Examiner John B. Mealy.

No. MC 123285 (Sub-No. 6), filed August 26, 1963. Applicant: CLETEX TRUCKING, INC., Post Office Box 812, Cleburne, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from the site of the St. Clair Lime Co. in Sallisaw, Okla., to points in Texas (except Houston, Tex., and points within 50 miles thereof).

HEARING: March 19, 1964, at the Federal Building, 200 Northwest Fourth, Oklahoma City, Okla., before Joint Board No. 16.

No. MC 123602 (Sub-No. 5), filed October 18, 1963. Applicant: GRANT COWIE, doing business as FASTEST WAY MOTOR FREIGHT, 3528 West Glass Avenue, Spokane, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, fertilizer, fertilizer compounds, and fertilizer ingredients, and commodities requiring special equipment), between points in Pend Oreille County, Wash.

HEARING: March 18, 1964, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80, or, if the Joint Board waives its right to participate before Examiner James Anton.

No. MC 124034 (Sub-No. 20), filed December 16, 1963. Applicant: SCHWERMAN TRUCKING CO., OF N.Y., INC., 620 South 20 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete structural elements*, from Worcester, Mass., to points in Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Common control may be involved.

HEARING: March 19, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William A. Royall.

No. MC 124373 (Sub-No. 1), filed December 11, 1963. Applicant: NELMAR TRUCKING CO. a corporation, 82 Smith Street, Keasbey, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and beverage preparations*, other than malt (other than in tank vehicles), *and advertising materials*, from Carlstadt, N.J., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Applicant states the proposed operation will be under a continuing contract with Yoo-Hoo Beverage Company of Carlstadt, N.J. Any duplicating authority will be cancelled.

HEARING: March 12, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 124453 (Sub-No. 1), filed November 12, 1963. Applicant: RUSSO TRUCKING CO., INC., 568 Broad Avenue, Ridgefield, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hard surface floor coverings, and mixed shipments of hard surface floor coverings with laying sundries and accessories*, from points in Hamilton Township, N.J., to points in Virginia, Rhode Island, and Massachusets, (2) *laying sundries and accessories, in mixed shipments with hard surface floor coverings*, from points in Hamilton Township, N.J., to Washington, D.C., and

points in Pennsylvania, New York, Maryland, Connecticut, and Delaware, (3) *hard surface floor coverings, and hard surface floor coverings, in mixed shipments with lapping sundries and accessories*, from points in Ewing Township, and Trenton, N.J., to points in Pennsylvania, New York, Maryland, Connecticut, Delaware, Virginia, Rhode Island, Massachusetts, and the District of Columbia, (4) *hard surface floor coverings*, from Boston, Mass., to points in Hamilton Township, N.J., and points in Ewing Township, and Trenton, N.J., (5) *calendar rolls*, between points in Hamilton Township, and points in Ewing Township, and Trenton, N.J., on the one hand, and, on the other, Ansonia, Conn., (6) *resin*, in containers, from Chester, Pa., to points in Hamilton Township, N.J., and points in Ewing Township, and Trenton, N.J.

NOTE: Applicant states the proposed service will be under contract or continuing contracts with American Biltrite Rubber Co., and its subsidiaries. It is further noted that applicant has common carrier authority under MC 66567; therefore, dual operations may be involved.

HEARING: March 20, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner John B. Mealy.

No. MC 124669 (Sub-No. 1), filed December 18, 1963. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st, Post Office Box 502, Sioux Falls, S. Dak. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and its products*, in bulk, in tank trucks, from Mitchell, S. Dak., and Huron, S. Dak., and points within thirty (30) miles thereof, to points in Wyoming, Montana, North Dakota, Minnesota, Nebraska, and Iowa, and *rejected shipments* on return.

HEARING: March 9, 1964, at Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 124774 (Sub-No. 4), filed September 8, 1963. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Norfolk, Nebr., to Chicago, Ill., and points in the commercial zone thereof, restricted to traffic originating at Norfolk, Nebr., and destined to points in Chicago, Ill., and points in the commercial zone thereof, and *exempt commodities*, on return.

HEARING: March 9, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No. MC 124774 (Sub-No. 5), filed November 5, 1963. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, 61 M.C.C. 209, from Norfolk, Nebr., to points in Kentucky, and *exempt commodities*, on return.

HEARING: March 12, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No. MC 125106 (Sub-No. 2), filed December 30, 1963. Applicant: MAX L. DUDLEY, doing business as DUDLEY BOAT & TRAILER TRANSPORT, 2945 17th SE., Auburn, Wash. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats*, from Kelso, Wash., to points in California, and Las Vegas, Nev., and *cradles* used in transporting boats in initial movements, on return, and (2) *new house trailers* (vacation and camper type), designed to be drawn by passenger automobiles, in truckaway service, from points in Los Angeles and Santa Clara Counties, Calif., to points in King, Pierce, and Thurston Counties, Wash.

HEARING: March 19, 1964, at the Federal Office Building, Seattle, Wash., before Examiner James Anton.

No. MC 125204, filed March 22, 1963. Applicant: FRANCIS E. WHITNEY, doing business as WHITNEY'S COMMERCIAL WRECKER SERVICE, 345 South 12th Street, Lincoln, Nebr. Applicant's representative: C. A. Ross, 621 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and recovered stolen motor vehicles; also trucks and tractors for replacement of wrecked and disabled trucks and tractors*, in towaway service utilizing wrecker type equipment only, between Lincoln, Nebr., and points within 25 miles thereof, on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Kansas, Missouri, North Dakota, South Dakota, and Wyoming.

NOTE: Applicant states subject application does not cover the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing.

HEARING: March 10, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No. MC 125363 (Sub-No. 1), filed November 21, 1963. Applicant: JOHN M. KIRK, doing business as KIRK'S GRAIN AND FEED, 5218 Denison Street, Muskogee, Okla. Applicant's attorney: R. M. Mountcastle, Suite 605–606 Barnes Building, Muskogee, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, in bulk and in sacks, from Coffeyville, Kans., to McAlester and Spiro, Okla.

NOTE: Applicant states that the proposed operation will be for the account of Hatter Feed Mills, and will be performed between April and January.

HEARING: March 19, 1964, at the Federal Building, 200 Fourth Street, Oklahoma City, Okla., before Joint Board No. 39.

No. MC 125498 (Sub-No. 2), filed November 14, 1963. Applicant: DAROLD PROMERSBERGER, Littlefork, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden fencing*, set up in sections, including wooden posts, from Littlefork and Northome, Minn., to points in Colorado, Kansas, Oklahoma, and Texas.

HEARING: March 11, 1964, at Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 125691, filed September 20, 1963. Applicant: P. A. FITZGIBBON, L. F. FITZGIBBON, AND J. E. FITZGIBBON, doing business as FITZ FREIGHT, a partnership, Third and D Streets NE., Miami, Okla. Applicant's attorney: Martin E. Wyatt, 3108 East 15th Street, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meatpacking houses* as described in Appendix I of the report on *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Miami, Okla., and Carthage, Mo., to and between, (1) points in Kansas on and east of Kansas Highway 99, and, on and south of U.S. Highway 54, (2) points in Missouri on and south of U.S. Highway 54, and, on and west of U.S. Highway 65, (3) points in Arkansas on and west of U.S. Highway 65, and, on and north of U.S. Highway 64, and, on and east of U.S. Highway 71, and, on and north of U.S. Highway 62, and (4) points in Oklahoma on and north of U.S. Highway 62, and, on and east of Oklahoma Highway 99.

HEARING: March 19, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 125728, filed October 4, 1963. Applicant: FELIX BOUSKA, doing business as FELIX'S GARAGE, 1750 Cass Street, Green Bay, Wis. Applicant's attorney: R. J. Gould, Suite 509, Bellin Building, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and damaged motor vehicles and replacements therefor*, using tow trucks and wrecker equipment only in the performance of said services, and *new vehicles* under their own power from factories to points of sale, between points in that part of Wisconsin on and north of Wisconsin Highway 60 on the one hand, and, on the other, points in Minnesota, Iowa, Lower and Upper Peninsulas of Michigan, Illinois, Indiana, Ohio, Pennsylvania, and New York.

NOTE: Applicant states that it is contemplated that replacement vehicles will be transported to points of disablement and disabled vehicles transported on return trips.

HEARING: March 18, 1964, at the U.S. Courtrooms, Milwaukee, Wis., before Examiner Raymond V. Sar.

No. MC 125746, filed October 14, 1963. Applicant: M. R. WATTERS, doing business as, WATTERS TRUCK LINE, Post Office Box 155, Cheraw, Colo. Applicant's attorney: John H. Lewis, the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knocked-down cardboard boxes* in truckload lots, from Wichita, Kans., to Cheraw, Colo.

NOTE: Applicant states the said transportation will be performed under a continuing contract with the consignee, Holbrook Turkey Growers Association, only.

HEARING: March 26, 1964, at the New Customs House, Denver, Colo., before Joint Board No. 43, or, if the Joint Board waives its right to participate, before Examiner John S. Messer.

No. MC 125764, filed October 21, 1963. Applicant: ELMER H. LOEHLEIN AND ALLEN C. HAMMOND, doing business as LILAC CITY EXPRESS, East 10222 Fourth Avenue, Spokane, Wash. Applicant's attorney: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane 1, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities indigenous to food store distribution, and exempt commodities* in the same load, from points in Alameda, Sacramento, Contra Costa, San Joaquin, Stanislaus, and Butte Counties, Calif., to points in Spokane County, Wash., and *exempt commodities*, on return.

HEARING: March 17, 1964, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 5, if the Joint Board waives its right to participate before Examiner James Anton.

No. MC 125791, filed November 4, 1963. Applicant: IMPERIAL DRAYAGE CO., INC., 1717 Sixth Avenue South, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, semi or full, loaded or empty, (1) between Portland, Oreg., and points in Washington west of the summit of the Cascade Range; and (2) between points in Washington west of the summit of the Cascade Range.

NOTE: Applicant states it proposes to operate as a connecting carrier for carriers engaged in the business of transporting general commodities in interstate commerce.

HEARING: March 25, 1964, at the Federal Office Building, Seattle, Wash., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner James Anton.

No. MC 125801 (Sub-No. 2), filed December 19, 1963. Applicant: WILLIAM E. CAMPBELL, Route 1, Box 393, Gallipolis, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, tankage, and animal hides*, from points in Gallia County, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, New Jersey, New York, Pennsylvania, and West Virginia, and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified.

HEARING: March 23, 1964, at the New Post Office Building, Columbus, Ohio, before Examiner Parks M. Low.

No. MC 125811, filed November 13, 1963. Applicant: NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet and plate plastic material*, from Wisconsin Rapids, Wis., to Miami and Tampa, Fla., and *exempt commodities*, on return.

HEARING: March 18, 1964, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner William J. Cave.

No. MC 125827, filed November 20, 1963. Applicant: FRANK E. VITERA AND R. N. SHAFFER, doing business as, V & S TRANSPORTERS, 4890 South Elati Street, Englewood, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed automobiles*, in driveaway, including towaway, service, between points in Colorado, that part of Kansas on and west of U.S. Highway 83, and, on and north of U.S. Highway 40, that part of Nebraska on and west of the eastern boundaries of Sheridan, Garden, and Deuel Counties; that part of South Dakota located in Butte, Meade, Lawrence, Haakon, Jackson, Pennington, Custer, Fall River, and Shannon Counties, that part of Wyoming located in Goshen, Laramie, and Albany Counties, and that part of New Mexico located in San Juan, Rio Arriba, Taos, and Colfax Counties, on the one hand, and, on the other, points in the United States, excluding Hawaii, and including the District of Columbia.

HEARING: March 23, 1964, at the New Customs House, Denver, Colo., before Examiner John S. Messer.

No. MC 125830, filed November 21, 1963. Applicant: JOSEPH R. TOTO, 99 Titus Avenue, New Dorp, Staten Island 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between February 15 and November 20, inclusive, transporting: *Racing pigeons*, from Staten Island, N.Y., to points in New Jersey, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above, on return.

HEARING: March 19, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner John B. Mealy.

No. MC 125836, filed November 29, 1963. Applicant: WILLIAM O. EVANS, doing business as HIAWATHA TRANSFER, 207 Hickory Street, Red Wing, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods and boats up to 22 feet in length*, from points in Goodhue County, Minn., to points in Minnesota and Wisconsin, and (2) *rigid vinyl frame window glass units and insulated window glass units*, from points in Goodhue County, Minn., to points in Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Iowa, Missouri, Illinois, and Michigan, *and empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in (1) and (2) above, on return.

HEARING: March 13, 1964, at Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 125873, filed December 6, 1963. Applicant: ROBERT J. ANDERSON, doing business as ANDERSON TRUCKING SERVICE, Baldwin, Wis. Applicant's attorney: Robert R. Gavic, Spring Valley, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and more specifically jellies and pie fillings*, in glass and tin containers from Emerald, Wis., to Peoria, Galesburg, and Decatur, Ill., Des Moines, Davenport, Council Bluffs, and Chariton, Iowa, Sioux Falls, Aberdeen, and Watertown, S. Dak., Fargo, Jamestown, and Bismarck, N. Dak., Omaha, Lincoln, and Norfolk, Nebr., Alexandria, Duluth, Minneapolis, St. Paul, and Rochester, Minn., Escanaba, Ishpeming, Iron River, and Laurium, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in MC 115011, therefore dual operations may be involved.

HEARING: March 10, 1964, at Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 125879, filed December 9, 1963. Applicant: MORRISTOWN & ERIE RAILROAD COMPANY, Route No. 10, Whippany, N.J. Applicant's representative: Fred Steigmann, 10 Park Place, Morristown, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in New Jersey on and north of New Jersey Highway 33.

NOTE: Applicant states that the proposed operations will involve shipments having a prior or subsequent movement by rail. It is further noted that common control may be involved.

HEARING: March 12, 1964, at the Federal Building, Newark, N.J., before Examiner John B. Mealy.

No. MC 125890, filed December 17, 1963. Applicant: ARROW TOWING SERVICE CORP., 776 Third Avenue, Brooklyn 32, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacements thereof, fork lift trucks, car and truck cranes, and house trailers*, by use of wrecker equipment, between New York, N.Y., on the one hand, and, on the other, points

in the United States (excluding Alaska, and Hawaii).

HEARING: March 20, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 125892, filed December 17, 1963. Applicant: LOUIS SCAGLIONE, doing business as SCAGGS TRUCKING COMPANY, 68 Jewell Street, Garfield, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent lamp ballasts, materials and supplies used in the manufacture thereof*, between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Illinois, Indiana, Ohio, Missouri, Mississippi, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Universal Manufacturing Corp. of Paterson, N.J.

HEARING: March 20, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Sub-No. 12) (AMENDMENT), filed November 8, 1963, published in FEDERAL REGISTER issue January 15, 1964, amended January 23, 1964, and republished as amended this issue. Applicant: THE ARROW LINE INC., 70 Florence Street, East Hartford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Pittsfield, Mass., and Danbury, Conn., from Pittsfield, Mass., over U.S. Highway 20 through Lenox, Mass., to Lee, Mass., thence over Massachusetts Highway 102 to Stockbridge, Mass., thence over Massachusetts Highway 102 to junction Massachusetts Highway 183, thence over Massachusetts Highway 183 to Housatonic, Mass., thence over Massachusetts Highway 41 to Great Barrington, Mass., thence over U.S. Highway 7 to Danbury, Conn., and return over the same route, serving the intermediate points of Lenox, Lee, Stockbridge, Housatonic, Great Barrington, Sheffield and Ashley Falls, Mass., and Canaan, Falls Village, West Cornwall, Cornwall Bridge, Kent, Gaylordsville, New Milford and Brookfield, Conn.

NOTE: Applicant states that the institution of service proposed is conditioned on discontinuance of service by the New Haven Railroad between Pittsfield, Mass., and Danbury, Conn. The purpose of this republication is to indicate the aforementioned restriction, which did not appear in the previous publication.

HEARING: Remains as assigned March 4, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22.

No. MC 47495 (Sub-No. 6) (AMENDMENT), filed December 5, 1963, published in FEDERAL REGISTER issue of January 15, 1964, amended January 21, 1964, and republished as amended this issue. Applicant: MOUNTAIN VIEW COACH LINES, INC., Coxsackie, N.Y. Applicant's attorney: James H. Glavin III, 54 Broad Street, Waterford, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Hudson, N.Y., and Great Barrington, Mass., from Hudson, N.Y., over New York Highway 23B to junction New York Highway 23 at Claverack, N.Y., thence over New York Highway 23 to Massachusetts State line, thence over Massachusetts Highway 23 to Great Barrington, and return over the same route serving all intermediate points.

NOTE: The purpose of this republication is to delete the seasonal restriction previously published.

HEARING: Remains as assigned February 27, 1964, at the Federal Building, Albany, N.Y., before Examiner Gordon M. Callow.

No. MC 108204 (Sub-No. 2), filed October 24, 1963. Applicant: VANCOUVER TOURS AND TRANSIT, LIMITED, doing business as VANCOUVER TOURS & TRANSIT, LTD., 845 Eighth Street, West Vancouver, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, with passengers, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Washington, and extending to points in Washington, Oregon, California, Nevada, and Idaho.

NOTE: Common control may be involved.

HEARING: March 24, 1964, at the Federal Office Building, Seattle, Wash., before Examiner James Anton.

No. MC 123833 (Sub-No. 10) (AMENDMENT), filed October 14, 1963, published FEDERAL REGISTER issue of January 15, 1964, amended January 21, 1964, and republished, as amended, this issue. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Applicant's attorney: Gregory A. Comerford, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, and *baggage* of passengers in a separate vehicle, between New London, Conn., and Providence, R.I.; from New London over U.S. Highway 1 to junction Rhode Island Highway 2, thence over Rhode Island Highway 2 to junction Rhode Island Highway 3, thence over Rhode Island Highway 3 to Providence, and return over the same route, serving the intermediate point of Westerly, R.I.

NOTE: The purpose of this republication is to delete the service on the intermediate points of Groton, Poquonock Bridge, Mystic, and Pawcatuck, Conn., as previously published.

HEARING: Remains as assigned March 2, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 252.

No. MC 124233 (Sub-No. 2), filed December 3, 1963. Applicant VANCOUVER ISLAND TRANSPORTATION COMPANY LIMITED, doing business as VANCOUVER ISLAND COACH LINES LIMITED, 710 Douglas Street, Victoria, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing tours, beginning and ending at ports of entry on the United States-Canada boundry line in Washington and extending to points in Washington, Oregon, California, Nevada, Utah, Arizona, and Colorado, restricted to traffic originating and terminating on Vancouver Island, British Columbia, Canada and (2) *passengers and their baggage*, in the same vehicle with passengers, in special operations, between the ports of entry on the United States-Canada boundary line in Washington, on the one hand, and, on the other, points in Whatcom, Island, King, Pierce, and Clallam Counties, restricted to traffic moving to and from points on Vancouver Island, British Columbia, Canada.

HEARING: March 23, 1964, at the Federal Office Building, Seattle, Wash., before Examiner James Anton.

No. MC 125790, filed November 4, 1963. Applicant: GEORGE W. MASCO, Pagosa Springs, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and express in the same vehicle with mail*, between Pagosa Springs, Colo., Chama, N. Mex., and Dulce, N. Mex., serving all intermediate points as follows: from Pagosa Springs, Colo., over U.S. Highway 84 to Chama, N. Mex., from Chama, N. Mex., to Dulce, N. Mex., over U.S. Highway 84 to its junction of New Mexico Highway 17, and thence to Dulce, N. Mex., and from Dulce, N. Mex., over New Mexico Highway 87 to Lumberton, N. Mex., thence northward over unnumbered highway to Edith, Colo., thence over Colorado Highway 367 to its junction with U.S. Highway 84, thence over U.S. Highway 84 to Pagosa Springs, Colo.

HEARING: March 26, 1964, at the New Customs House, Denver, Colo., before Joint Board No. 125, or, if the Joint Board waives its right to participate before Examiner John S. Messer.

No. MC 125874, filed December 9, 1963. Applicant: AIRPORT SHUTTLE SERVICE, INC., doing business as AIRPORT SHUTTLE, Dupont Hotel, Wilmington, Del. Applicant's attorney: H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Del. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, luggage and packages*, between Philadelphia International Airport, on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey.

HEARING: March 10, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

APPLICATIONS FOR BROKERAGE LICENSES MOTOR CARRIERS OF PASSENGERS

No. MC 12888, filed December 2, 1963. Applicant: MARY ANN SATTERWHITE, CHARLOTTE EDWARDS ANDERSON, AND CATHERINE BROMELEY DAGGETT, a partnership, doing business as EMERY TRAVEL SERVICE, Hotel Emery, Bradford, Pa. For a license (BMC 5) to engage in operations as a *broker* at Bradford, Pa., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in round trip tours, beginning and ending at Bradford, Pa., and extending to points in the United States.

HEARING: March 13, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Charles B. Heinemann.

No. MC 12881 (AMENDMENT), filed September 9, 1963, published FEDERAL REGISTER, issue of December 25, 1963, and republished as amended this issue. Applicant: MRS. CLARA RAKOWSKI, doing business as ALLIED TOURS, 509 Phillip Avenue, Norfolk, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 65501. For a license (BMC 5) to engage in operations as a *broker* at Norfolk, Nebr., and Sioux City, Iowa, in arranging for transportation of *Passengers and their baggage*, beginning and ending at points in Nebraska and Iowa, and extending to points in the United States.

NOTE: The purpose of this republication is to show that the above transportation arrangements will be with respect to passengers travelling in any type of motor vehicle service, and also to add applicant's attorney as shown above.

HEARING: Remains as assigned February 12, 1964, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 138.

PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

Notice to the parties. In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the appendix attached hereto will be held on February 28, 1964, at 9:30 a.m., U.S. standard time, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view to their simplification;

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements;

(3) The time and place or places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to:

(a) Their present operating authority,

(b) Their corporate organizations if any, ownership and control,

(c) Their fiscal date,

(d) Their equipment, terminals, and other facilities:

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

The application and the authority sought (MC 115495 (Sub-No. 7)), is as follows:

No. MC 115495 (Sub-No. 7) (CORRECTION), filed November 5, 1963, published FEDERAL REGISTER issue January 29, 1964, and republished as corrected this issue. Applicant: UNITED PARCEL SERVICE, INC., 601 West Harrison Street, Chicago 7, Ill. Applicant's attorneys: Bernard G. Segal, and Irving R. Segal, 1719 Packard Building, Philadelphia 2, Pa., and S. Harrison Kahn, Suite 733 Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between all points in a territory described as follows: California, Oregon, and Washington; that part of Idaho north and west of a line beginning at a point on the Washington-Idaho State border, thence southeast along U.S. Highway 95 to Grangeville, Idaho, thence east and north on Idaho Highway 13 to junction with Idaho Highway 9, thence north and west along Idaho Highway 9 to eastern boundary of Nez Perce County, thence north along the eastern boundaries of Nez Perce, Latah, Benewah, and Kootenai Counties to U.S. Highway 10 (Interstate Highway 90), thence east along U.S. Highway 10 (Interstate Highway 90) to the Idaho-Montana border, thence north along the Idaho-Montana border to the Canadian border; that part of Idaho south and west of a line beginning at a point on the Oregon-Idaho border, thence east on U.S. Highway 30N to Weiser, thence south on U.S. Highway 95 to junction with Idaho Highway 52, thence east on Idaho Highway 52 to Horse Shoe Bend, thence south on Idaho Highway 15 to Boise, thence west on U.S. Highway 30 (Interstate Highway 80N) to Nampa, thence west on Idaho Highway 72 to junction with U.S. Highway 95, thence south on U.S. Highway 95 to the Oregon-Idaho border; that part of Nevada south and west of a line beginning at a point on the California-Nevada border, thence east on U.S. Highway 40 (Interstate Highway 80) to junction with U.S. Highway 95 (Alternate), thence east on U.S. Highway 95 (Alternate) to junction with U.S. Highway 50, thence east on U.S. Highway 50 to Fallon, thence west on U.S. Highway 50 to Carson City and junction with U.S. Highway 395, thence south on U.S. Highway 395 to the California-Nevada border; that part of Nevada east, south, and west of a line beginning at a point on the California-Nevada border, thence northeast on U.S. Highway 91 to junction with U.S. Highway 93, thence east on U.S. Highway 93 to Boulder City, thence west on U.S. Highway 93, to junction with U.S. Highway 95, thence south on U.S. Highway 95 to the California-Nevada border, including all points on the highway boundary lines in Idaho and Nevada. Restriction: Applicant states that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.

NOTES: Applicant states that the authority sought herein is to be tacked with its existing authority in accordance with the Commission's rules and regulations. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 13426; therefore dual operations may be involved. The purpose of this republication is to restate the territorial description which, as previously published, was misleading.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 125908 (AMENDMENT), filed December 27, 1963, published FEDERAL REGISTER issue of January 15, 1964, amended January 19, 1964, and republished, as amended, this issue. Applicant: MAURICE WAGNER, doing business as MAURICE WAGNER DELIVERY SERVICE, 137-21 70th Road, Queens 67, N.Y. Applicant's attorney: Samuel B. Zinder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, foot products, drugs used in the care of feet, bandages, surgical dressings, adhesives and medical supplies*, and *store displays*, from East Rutherford, N.J., to points in the commercial zone of New York, N.Y., and *returned and damaged merchandise*, on return, under a continuing contract with the Scholl Manufacturing Company, Inc.

NOTE: The purpose of this republication is to show the correct origin and destination points in lieu of those previously published.

NOTICE OF FILING OF PETITIONS

NOTICE OF FILING OF PETITION SEEKING MODIFICATION OF COMMODITY DESCRIPTION IN PERTINENT ACTIVE OPERATING AUTHORITY HELD BY PETITIONER

In accordance with the procedure outlined in 88 M.C.C. 127, *Southern Tank Lines, Inc., Extension—St. Bernard, Ohio*, the Commission concluded generally that the commodity descriptions utilized in

granting operating authority to motor carriers of liquid chemicals, including those prescribed in *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209, 766, and *Maxwell Co., Extension—Addyston*, 63 M.C.C., 677, should be revised for use in making future grants, and as a basis for modifying outstanding certificates and permits upon application of the holders thereof in accordance with approved procedure. The Commission found with respect to the commodity descriptions at issue, that the generic heading "liquid chemicals in bulk, in tank vehicles," is a proper and reasonable commodity description for use in motor carrier operating authorities issued by the Commission; and that where such commodity description described is utilized, the following will be reasonable and proper definition thereon for determining the commodities which are embraced in such descriptions:

Liquid chemicals, as used in the foregoing commodity description are those substances or materials resulting from a chemical or physical change induced by processes employed in the chemical industry, including uniting, mixing, blending, and compounding.

The subject report provided: "All motor carriers holding certificates or permits authorizing the transportation in bulk, in tank vehicles, of 'liquid chemicals as defined in the *Maxwell* case,' of 'acids and chemicals as described in the *Descriptions* case,' or of liquid chemicals under any other commodity description, are hereby notified that petitions will be entertained requesting the modification of such authorities to reflect the revised commodity descriptions promulgated herein. Such petitions should refer to the specific authority which the carrier desires to have modified, and should contain a certification that there is in fact, traffic available for the transportation from and to the points it is authorized to serve, and that its operations are not dormant. The petitions should be filed in the proceedings in which the authority held was granted, these petitions will be published in the FEDERAL REGISTER, and if no objections are filed thereto, they will be disposed of without extended further proceedings. If protests are received, a hearing may be required for their disposition; but, in such event, every effort will be made to conclude the proceedings promptly." The following petition seeking modification of pertinent operating authorities has been received:

No. MC 61403 (Sub-Nos. 2, 34, 46, and 52), filed January 27, 1964. Petitioner: THE MASON AND DIXON TANK LINES, INC., Kingsport, Tenn. Petitioner's attorneys: W. C. Mitchell and M. B. Margulies, 140 Cedar Street, New York 6, N.Y. Any person or persons desiring to participate in this proceeding may file replies to said petition (original and fourteen (14) copies each) within 30 days from the date of this publication in the FEDERAL REGISTER. In the event it is deemed necessary or desirable, informal conferences between our staff members and the tank truck carriers, and any other persons who may have an interest in the matter, can be arranged for the purpose of implementing the matter. Persons responding to this publication should specifically advise whether an informal conference is desired.

APPLICATIONS UNDER SECTIONS 5 AND 210a(B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8656. Authority sought for control by SCOTT TRUCK LINE, INC., 2950 Blake Street, Denver, Colo., 80216, of COLORADO FREIGHTWAYS, INC., 3930 Blake Street, Denver, Colo., 80216, and for acquisition by E. S. HILLIKER, W. M. GRIFFIN, both of 2950 Blake Street, Denver, Colo., and W. E. BUECHE, 3333 South Cicero, Chicago, Ill., of control of COLORADO FREIGHTWAYS, INC., through the acquisition by SCOTT TRUCK LINE, INC. Applicants' attorneys: Stockton, Linville, Lewis & Mitchell, the 1650 Grant Street Building, Denver 3, Colo. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring the use of tank trucks, as a *common carrier* over irregular routes, routes, between Longmont, Colo., and points within 50 miles thereof, on the one hand, and, on the other points in Colorado. SCOTT TRUCK LINE, INC., is authorized to operate as a *common carrier* in Colorado, Illinois, Nebraska, Wisconsin, Indiana, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8658. Authority sought for control by JOHN J. ORR II, HELEN ORR DALEY, and ANN ORR PICCHIONE, New Terminal Warehouse, Municipal Pier, Providence, R.I., 02905, of WATT BROS., INC., 324 Lonsdale Avenue, Central Falls, R.I., 02863. Applicants' attorney and representative respectively: Homer S. Carpenter, 618 Perpetual Building, Washington 4, D.C., and Russell B. Curnett, 36 Circuit Drive, Providence, R.I., 02905. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Providence, R.I., and Boston, Mass., serving all intermediate and certain off-route points; *general commodities*, except perishable commodities, livestock, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Boston, Mass., and Newark, N.J., serving certain intermediate and off-route points without restriction, and the off-route points of Piermont, N.Y., and Bristol, Woonsocket, and Newport, R.I., restricted to the transportation of *paperboard, pulpboard, paperboard and pulpboard products* and *materials, equipment, and supplies* used in the manufacture thereof; *cardboard*, from Haverhill, Mass., to Providence, R.I., serving the intermediate point of Pawtucket, R.I., and the off-route point of East Providence, R.I.; *waste paper*, from Providence, R.I., to Haverhill, Mass., serving the intermediate point of Pawtucket, R.I., and the off-route point of East Providence, R.I.; *wire, rods, cable*, and *empty reels and containers*, over regular and irregular routes, between Hastings-on-Hudson, N.Y., and Pawtucket, R.I., serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island, between points in Massachusetts; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between New York, N.Y., on the one hand, and, on the other, points in New Jersey north of the southern boundaries of Mercer and Monmouth Counties, N.J.; *candy making and bakery machinery*, and *bakery products*, between points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in that part of New York on and east of New York Highway 14; *products of, and materials and supplies used by*, textile manufacturing plants, between points in New Jersey within 50 miles of Newark, N.J., on the one hand, and, on the other, Boston, Somerville, and Haverhill, Mass., Newark, Bloomfield, and Hoboken, N.J., New Haven, Conn., Pawtucket, East Providence, Providence, and Warren, R.I., and points in the New York, N.Y., commercial zone as defined by the Commission, except New York, N.Y., between points in New Jersey south of the southern boundaries of Mercer and Monmouth Counties, N.J., within 50 miles of Newark, N.J., on the one hand, and, on the other, New York, N.Y. JOHN J. ORR II, HELEN ORR DALEY, and ANN ORR PICCHIONE, hold no authority from this Commission. However, they are affiliated with PIERCE ARROW TRUCKING CO., OF RHODE ISLAND, INC., New Terminal Warehouse, Municipal Pier, Providence, R.I., 02905, which is authorized to operate as a *common carrier* in Rhode Island, Massachusetts, New York, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8659. Authority sought for purchase by HAHN TRUCK LINE, INC., 19 Kansas Avenue, South Hutchinson, Kans. (mailing address: Post Office Box 852, Hutchinson, Kans.), of the operating rights and certain property of A. B. MACOY, doing business as MACOY TRUCK LINE, Post Office Box 494, Hutchinson, Kans., and for acquisition by LEON HAHN, also of 19 Kansas Avenue, South Hutchinson, Kans., of control of such rights and property through the purchase. Applicants' attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Operating rights sought to be transferred: *Malt beverages*, and *advertising matter* for the sale of such beverages, as a *common carrier* over irregular routes, from Milwaukee, Wis., Chicago and Belleville, Ill., South Bend, Ind., and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission to points in Kansas (except from Belleville and Chicago, Ill., to Hutchinson, Great Bend and Wichita, Kans., and from Chicago, Ill., to Liberal, Kans.), Restriction: The service authorized herein is subject to the following conditions: carrier shall conduct his for-hire transportation operations separate from his other business activities; carrier shall maintain separate accounts and records pertaining to his for-hire and private carrier operations; carrier shall not at the same time and in the same vehicle transport property both as a for-hire and a private carrier. Vendee is authorized to operate as a *common carrier* in Oklahoma, Iowa, Kansas, Minnesota, Nebraska, South Dakota, North Dakota, Arkansas, Colorado, Texas, Missouri, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8660. Authority sought for purchase by SWANSON'S TRUCKING SERVICE, INC., 301 South Harbor Boulevard, Fullerton, Calif., of the operating rights and property of JAKE STOKES, doing business as PRICKETT TRANSPORTATION CO., and JAKE STOKES and JOHNSON McMURPHY, a copartnership, doing business as SWANSON'S TRUCKING SERVICE, both of Post Office Box 227, Turlock, Calif., and for acquisition by THOMAS A. HENRY, JOHN J. BARGSTEN, LLOYD G. BLOUNT, HENRY S. DAHL, RICHARD M. WAGNER, LEROY E. BELL, and BERNARD R. DeCONNICK, all of 301 South Harbor Boulevard, Fullerton, Calif., and ROLAND R. SCHMIDT, 1151 Paulette Avenue, Modesto, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., and Marvin M. Handler, 625 Market Street, San Francisco, Calif. Operating rights sought to be transferred: (JAKE STOKES, doing business as PRICKETT TRANSPORTATION CO.). In pending No. MC–121524 BOR–99, which JAKE STOKES, doing business as PRICKETT TRANSPORTATION CO., seeks a certificate of registration covering the rights formerly held by PRICKETT TRANSPORTATION CO., a corporation in No. MC–121198; (JAKE STOKES and JOHNSON McMURPHY, a copartnership, doing business as SWANSON'S TRUCKING SERVICE): Dried fruit, as a *common carrier*, over irregular routes, from Turlock, Calif., and points within 25 miles thereof, and all other points within 10 miles of Atwater, Calif., to Stockton, Oakland, Alameda, and San Francisco, Calif.; *canned goods*, from Atwater, Livingston, Turlock, and Modesto, Calif., and points within 10 miles of each, to Stockton, Alameda, Oakland, and San Francisco, Calif.; *sacks*, from Stockton, Oakland, Alameda, and San Francisco, Calif., to Turlock, Calif., and points within 60 miles thereof; *feed* and *peat moss*, from Stockton, Oakland, Alameda, and San Francisco, Calif., to Turlock, Calif., and points within 50 miles thereof; *beans*, from Turlock, Calif., and points within 50 miles thereof, to Oakland, Alameda, Stockton, and San Francisco, Calif.; *grain*, between Turlock, Calif., and points within 50 miles thereof, on the one hand, and, on the other, Oakland, Alameda, Stockton, and San Francisco, Calif.; *dried* or *dehydrated vegetables, dressed poultry*, and *eggs*, from Turlock, Calif., and points within 25 miles thereof, to Stockton, Alameda, Oakland, and San Francisco, Calif. Restriction: No single portion of the authority contained herein shall be tacked or joined, directly or indirectly with any other authority for the purpose of performing any through service; and of the operating rights claimed under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR–99, in No. MC–120394, Sub–2, in California. SWANSON'S TRUCKING SERVICE, INC., holds no authority from this Commission. However, it is affiliated with BARGSTEN TRUCK LINES, INC., 301 South Harbor Boulevard, Fullerton, Calif., which claims "grandfather" rights in California, under section 206(a)(7) of the Act, pursuant to BOR–99, in No. MC–121336 Sub–1. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8661. Authority sought for control by CAPITAL EXPRESS, INC., Rural Delivery No. 1, Smyrna, Del., of R. H. WRIGHT, INC., Greensboro, Md., and for acquisition by HOWARD G. SLAUGHTER and EDITH SLAUGHTER, both of Smyrna, Del., of control of R. H. WRIGHT, INC., through the acquisition by CAPITAL EXPRESS, INC. Applicants' representatives: L. Merrill Simpson, 1314 Baylis Street, Baltimore 24, Md., and Donald E. Freeman, 172 East Green Street, Westminister, Md. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Caroline, Talbot, and Queen Annes, Counties, Md., on the one hand, and, on the other, New York, N.Y., points in Delaware, New Jersey, Maryland, and the District of Columbia, and certain points in Pennsylvania; *lumber* and *shingles*, from Philadelphia, Pa., and Wilmington, Del., to Selbyville, Del., and Bishop, Md., from Berlin and Bishopville, Md., and Selbyville, Del., to Wilmington, Del., and Philadelphia and Reading, Pa.; *lumber* and *building materials*, from Delair, N.J., to Greensboro and Denton, Md.; *live poultry* and *eggs*, from Greensboro and Denton, Md., to Delair, N.J.; *live poultry*, from certain points in Delaware, Virginia and Maryland, to Norfolk, Va., Washington, D.C., Baltimore, Md., Philadelphia, Chester, and Pittsburgh, Pa., Newark, N.J., and New York, N.Y.; *poultry feed*, from New York, N.Y., Kearny, N.J., Philadelphia, Pa., and Baltimore, Md., to points in Sussex County, Del., from Selbyville, Del., to Salisbury, Md.; *fertilizer*, from Philadelphia, Pa., and Baltimore, and Salisbury, Md., to Selbyville, Del., and points in Delaware and Maryland within 10 miles of Selbyville; *agricultural commodities*, from points in Worcester County, Md., and Sussex County, Del., to Philadelphia and Pittsburgh, Pa., Newark, N.J., New York, N.Y., Baltimore, Md., and Washington, D.C.; *holly berries* (artificial), from Union City, N.J., to Bridgeville, Millsboro, Laurel, Delmar, and Seaford, Del., and Federalsburg, Md.; *holly* and *holly wreaths*, from Federalsburg, Md., and points in Sussex County, Del., to Plainfield, N.J.; *paper cartons*, from Philadelphia, Pa., to Bridgeville, Delmar, Laurel, Seaford, and Millsboro, Del., and Federalsburg, Md.; *memorials*, from Philadelphia and Darby, Pa., and Wilmington, Del., to Denton, Easton, and Greensboro, Md.; *farm implements* and *supplies*, from Philadelphia, Pa., to Greensboro and Whiteleysburg, Md., and Whiteleysburg, Del.; *machinery* and *farm supplies*, from Philadelphia and Chester, Pa., to Harrington, Del., and Preston, Denton and Greensboro, Md.; *leather*, from Philadelphia, Pa., to Greensboro, Md.; *leather goods*, and *canned goods*, from Greensboro, Md., to Philadelphia, Pa.; *livestock feeds* and *building materials*, from Baltimore, Md., and Philadelphia, Pa., to Marydel, Md., and Marydel, Del.; *livestock feeds* and *fertilizer*, from Philadelphia, Pa., to points in Cecil, Kent, Queen Annes, Caroline, and Talbot Counties, Md., and Sussex and Kent Counties, Del.; *livestock, live poultry, eggs, sugar, raw milk, skimmed milk*, dried or not dried *semisolid milk, evaporated milk, cream*, and *ice cream mix*, from Greensboro, Md., to Dover, Newark, Wilmington, Marshallton, and Hockessin, Del., and Chester, Philadelphia, and Media, Pa.; *squash seed*, from Greensboro, Md., to New York, N.Y.; *scrapple cartons, pans, hog casings, binder flour, iceboxes*, and *showcases*, from Philadelphia, Pa., and Wilmington, Del., to Greensboro and Easton, Md.; *showcases*, from Easton and Greensboro, Md., to Wilmington, Del., and Philadelphia, Pa.; *sugar*, from Philadelphia, Pa., and Baltimore, Md., to Greensboro, Md.; *plumbing* and *heating supplies*, between Philadelphia, Pa., and Greensboro, Md.; *machinery* and *parts*, between Philadelphia, Chester, York, Bethlehem, Harrisburg, Reading, and Lancaster, Pa., and Wilmington, and Laurel, Del., on the one hand, and, on the other, Greensboro, Md.; *calcium and chloride* and *bricks*, between Philadelphia, Pa., Wilmington, Del., and Baltimore, Md., on the one hand, and, on the other, Greensboro, Md.; *milk, milk products* and *empty milk cans*, between Greensboro, Md., and Dover, Del., on the one hand, and, on the other, Baltimore and Annapolis, Md., Alexandria, Va., Washington, D.C., points in Delaware, and certain points in Pennsylvania; *poultry manure, cow manure, crab meal*, and *bone meal*, in containers, from Frankford, Dagsboro, and Georgetown, Del., and points within 8 miles of Georgetown, Del., to points in Virginia, Maryland, New Jersey, and certain points in New York; *fish meal*, in bulk and in bags (except the transportation of liquid commodities in bulk), from Lewes, Del., to Harmony and St. Michaels, Md.; *crab meal*, in bulk and in bags (except the transportation of liquid commodities in bulk), from Cambridge, Honga, Marion, and Tilghman, Md., to Bridgeville, Del., Bordentown and Salem, N.J., and Philadelphia, and Lebanon, Pa., from Marion, Md., to Lakewood, N.J.; and *ground animal and poultry offal* (except in bulk, in

tank vehicles), from Bishop, Cambridge, Easton and Salisbury, Md., Bird-in-Hand, Fredericksburg, Lancaster, and Phoenixville, Pa., and Pleasantville, N.J., to points in Delaware, Maryland, New Jersey, and Pennsylvania. CAPITAL EXPRESS, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8662. Authority sought for control by TWIN CITY-FARGO FREIGHT, INC., 122 Eighth Street SE., Minneapolis, Minn., 55414, of GUNDERSON TRUCK LINE, INC., Bejou, Minn., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, Minn., of control of GUNDERSON TRUCK LINE, INC., through the acquisition by TWIN CITY-FARGO FREIGHT, INC. Applicants' attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Winger and Bejou, Minn., on the one hand, and, on the other, Fargo, West Fargo, Union Stockyards, Southwest Fargo, and Grand Forks, N. Dak.; *tires, batteries, machinery, tractors*, and *petroleum products*, in containers, between Fargo, N. Dak., on the one hand, and, on the other, Winger, McIntosh, and Bejou, Minn.; and *livestock*, between Winger, Minn., and points within 15 miles of Winger on the one hand, and, on the other, West Fargo and Union Stockyards, N. Dak. TWIN CITY-FARGO FREIGHT, INC., is authorized to operate as a *common carrier* in Minnesota, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8663. Authority sought for purchase by TTC CORPORATION, 1030 East Market Street, Jeffersonville, Ind., of the operating rights and property of TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta 1, Ga., and for acquisition by AMERICAN COMMERCIAL BARGE LINE COMPANY, also of Jeffersonville, Ind., of control of TTC CORPORATION through purchase of capital stock and of such rights and property through the purchase. Additionally, it is proposed that transferee succeed to the right of transferor to control JOHNSON FREIGHT LINES, INC., through stock ownership, which control was authorized by the Commission in Docket No. MC-F-8230 (TERMINAL TRANSPORT CO., INC.—CONTROL—JOHNSON FREIGHT LINES CO., INC.), on December 19, 1963, published in the September 19, 1962, issue of the FEDERAL REGISTER on page 9305. Applicants' attorneys: S. H. Moerman, 743 Investment Building, Washington 5, D.C., and Guy H. Postell, 1375 Peachtree Street NE., Atlanta 9, Ga. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a common carrier over regular routes, between Eastman, Ga., and Macon, Ga., serving no intermediate points, between Chicago, Ill., and Atlanta, Ga., between Chicago, Ill., and Birmingham, Ala., serving intermediate and off-route points with certain restrictions, between Romeo, Fla., and junction U.S. Highway 41 and Florida Highway 40 near Rainbow Falls, Fla., serving no intermediate points, and serving the termini for the purpose of joinder only, between Birmingham, Ala., and Atlanta, Ga., restricted to traffic moving to or from Indianapolis and Speedway, Ind., or points beyond, between Perry, Ga., and Barnesville, Ga., between Lake City, Fla., and Starke, Fla., between Lake City, Fla., and Romeo, Fla., between Ocala, Fla., and Hernando, Fla., serving no intermediate points, between junction U.S. Highway 41 and unnumbered highway approximately 4 miles south of Macon, Ga., and junction U.S. Highway 41 and unnumbered highway approximately 21 miles south of Macon, serving certain intermediate points, between Atlanta, Ga., and Army Depot, serving no intermediate points, between Atlanta, Ga., and Jonesboro, Ga., serving no intermediate points, and serving the off-route points of Army Depot, between junction Georgia Highway 42 and unnumbered highway and junction unnumbered highway and Georgia Highway 54, serving no intermediate points, between Jacksonville, Fla., and Camp Blanding, Fla., serving all intermediate points, between Jacksonville, Fla., and Naval Base No. 2 (Cecil Field), Fla., serving no intermediate points, between Hammond, Ind., and the junction of U.S. Highways 41 and 6 and Indiana Highway 152, serving no intermediate points; between Jacksonville Fla., and Mayport, Fla., serving no intermediate points, RESTRICTION: The authority granted herein to the extent that it authorizes the transportation of class A and B explosives shall be limited in point of time, to a period expiring 5 years after October 10, 1958; numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting, commodities in bulk, between Valdosta, Ga., and Advanced Flying School No. 2 near Valdosta, serving no intermediate points; *general commodities*, between Tampa, Fla., and Jacksonville, Fla., between Baldwin, Fla., and Atlanta, Ga., serving all intermediate points, between Jacksonville, Fla., and Perry, Ga., serving all intermediate points (except those on Georgia Highway 15 between junction U.S. Highway 1 and Georgia Highway 15 near Alma, Ga., and Hazlehurst, Ga.), and the off-route point of Dinsmore, Fla., between Starke, Fla., and Camp Blanding, Fla., serving no intermediate points, between junction Florida Highways 21 and 215, approximately 3 miles south of Middlesburg, Fla., and junction unnumbered highway and Florida Highway 200, approximately 7 miles south of Starke, Fla., serving the intermediate point of Camp Blanding, Fla.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points in Marion County, Ind., between points in Florida on and south of a line beginning at Cedar Keys, Fla., and extending along Florida Highway 24 (formerly Florida Highway 13) to Baldwin, Fla., thence along U.S. Highway 90 to Jacksonville, Fla., and thence along Florida Highway 10 (formerly Florida Highway 140) to Atlantic Beach, except that part of Florida known as the Florida Keys; and *cotton piece goods* and *rayon piece goods*, from Cordova, Ala., and Crawford, Jefferson, Lindale, and Trion, Ga., to Indianapolis, Ind., TTC CORPORATION holds no authority from this Commission. However, it is affiliated with COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich., which is authorized to operate as a *common carrier* by motor vehicle in all States in the United States (except Hawaii), and the District of Columbia. AMERICAN COMMERCIAL BARGE LINE COMPANY, is a water *common carrier* of commodities generally operating in interstate and foreign commerce between points on the Mississippi River system, and the Gulf Intracoastal Waterway between and including New Orleans, Galveston, and Houston, under certificate in Docket No. W-552. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8664. Authority sought for control and merger by CROUTHAMEL, INC., 855 Cherry Street, Norristown, Pa., of the operating rights and property of FIRLIN FAST FREIGHT, INC., doing business as VALLEY MOTOR FREIGHT, Markley and Washington Streets, Norristown, Pa. (mailing address: Post Office Box 116, Collegeville, Pa.), and for acquisition by PIERCE J. CROUTHAMEL, 3142 Providence Road, Norristown, Pa., DARRAH E. RIBBLE, LAURA W. RIBBLE, both of 1517 Plymouth Boulevard, Norristown, Pa., and ELIZABETH H. ENGLE, 72 South Bethlehem Pike, Ambler, Pa., of control of such rights and property through the transaction. Applicants' attorneys: V. Baker Smith and William E. Zeiter, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania within 25 miles of the Philadephia City Hall; *metal cabinets and metal wardrobes*, uncrated, from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, North Carolina, West Virginia, and those in Maryland and Virginia west of U.S. Highway 1; *rejected shipments* of the above-specified commodities, from points in the above-specified destination territory to Philadelphia, Pa.; *metal furniture*, from Philadelphia, Pa., to points in Delaware, New York, New Jersey, and the District of Columbia, and those in Maryland and Virginia on and east of U.S. Highway 1. CROUTHAMEL, INC., is authorized to operate as a *common carrier* in Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8665. Authority sought for purchase by HOWARD'S EXPRESS, INC., East North Street, Geneva, N.Y., of the operating rights of EXCHANGE TRUCKING CORP., 614 Sackett Street, Brooklyn, N.Y., and for acquisition by SAMUEL BONCARO, also of Geneva, N.Y., of control of such rights through the purchase. Applicants' attorneys and representative respectively: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York 6, N.Y., and James J. Farrell, 281 Montague Place, South Orange, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Morris, Bergen, Hudson, Essex, Union, Middlesex, Hunterdon, Passaic, and Somerset Counties, N.J. Vendee is authorized to operate as a *common carrier* in New York, and also claims "grandfather" rights, in New York, under section 206(a)(7) of the Act, pursuant to BOR-99, in No. MC-97006 Sub-3. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-97006 Sub-4 is a matter directly related.

No. MC-F-8666. Authority sought for purchase by EARL BRAY, INC., Post Office Box 910, Cushing, Okla., of a portion of the operating rights of THE PUBLIC WAREHOUSE COMPANY, INC., 601 North Miller, Oklahoma City, Okla., and for acquisition by FRANK E. COCHRAN (as EXECUTOR of CLARA E. BRAY ESTATE), MARY E. COCHRAN, SAM E. CARPENTER, and FRANK E. COCHRAN, all of Post Office Box 910, Cushing, Okla., of control of such rights through the purchase. Applicants' attorney: Marion F. Jones, 526 Denham Building, Denver, Colo., 80202. Operating rights sought to be transferred: *Lard substitutes*, as a *common carrier* over irregular routes, from Oklahoma City, Okla., to Fayetteville and Fort Smith, Ark.; *canned goods, vegetables, dried fruits, grape juice, and syrup*, from points in Benton, Sebastian, Washington, and Arkansas Counties, Ark., to points in Oklahoma; *vinegar*, from Rogers and Springdale, Ark., to Oklahoma City, Okla.; and *rice*, from Stuttgart, Ark. (and 50 miles from Stuttgart) to points in Oklahoma. Vendee is authorized to operate as a *common carrier* in Kansas, Texas, Oklahoma, Missouri, Arkansas, Illinois, Iowa, Mississippi, Nebraska, Indiana, Louisiana, Kentucky, Tennessee, Minnesota, South Dakota, Wisconsin, New Mexico, North Dakota, Colorado, Wyoming, Montana, Ohio, and Michigan. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 64-1111; Filed, Feb. 4, 1964; 8:46 a.m.]

[Notice No. 596]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 31, 1964.

Section A.—The following publications are governed by the new Special Rule 1.247 (47 CFR 1.247) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B.—The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omission in his written statement is permissible.

MOTOR CARRIERS OF PROPERTY

SECTION A

No. MC 84511 (Sub-No. 15), filed January 20, 1964. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Illinois, Iowa, Missouri, Kansas, and Nebraska.

NOTE: Applicant states that the authority sought above will be restricted as follows: (a) to shipments originating at the plant site of Armour & Co. at or near Worthington, Minn., (b) against tacking at origin, and (c) against commodities in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 111812 (Sub-No. 231), filed January 16, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributing by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. located at or near Worthington, Minn., to points in Colorado, New Mexico, and Wyoming.

NOTE: Applicant states the proposed service is restricted to (a) shipments originating at the plant site of Armour & Co., (b) against tacking or joinder at origin, and (c) against the transportation of commodities in bulk, in tank vehicles. It is further noted that no duplicating authority is sought by this application. Common control may be involved.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 114457 (Sub-No. 13), filed January 2, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., at or near Worthington, Minn., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Illinois, and the Upper Peninsula of Michigan.

NOTE: Applicant states that the proposed service is to be restricted as follows: (a) Restricted to shipments originating at the plant site of Armour & Co. at or near Worthington, Minn., (b) restricted against tacking at origin, and (c) restricted against commodities in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 113272 (Sub-No. 13), filed January 13, 1964. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. located at or near Worthington, Minn., to points in Illinois, Iowa, Missouri, Oklahoma, and Kansas. Restrictions: The proposed authority requested above will be restricted as follows: (a) to shipments originating at the plant site of Armour & Co. at or near Worthington, Minn., (b) against tacking at origin, and (c) against commodities in bulk, in tank vehicles.

NOTE: Applicant states that in Docket No. MC 69782 Sub-16 its operations were found to be those of a common carrier and it was authorized to receive a certificate in lieu of its present permits.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 123639 (Sub-No. 14), filed January 15, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. at or near Worthington, Minn., to points in Illinois, Iowa, Kansas, Nebraska, and Colorado. Restrictions: The authority requested above is restricted as follows: (a) to shipments originating at the plant site of Armour & Co. at or near Worthington, Minn.; (b) against tacking at origin; and (c) against commodities in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

MOTOR CARRIERS OF PROPERTY

SECTION B

No. MC 1375 (Sub-No. 9), filed July 11, 1963. Applicant: BELL LINES, INC., 6414 McCorkle Avenue SE., Charleston, W. Va. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over regular or irregular routes, transporting: *General commodities*, moving in express service, over the routes and between the points where applicant is presently authorized to transport general commodities, with exceptions, pursuant to MC 1375 and Subs thereunder, in the States of West Virginia, Ohio, Kentucky, Pennsylvania, Indiana, Virginia, North Carolina, and South Carolina.

HEARING: March 16, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, W. Va., and New York City at the discretion of the presiding examiner.

No. MC 3474 (Sub-No. 6), filed July 11, 1963. Applicant: MUNDY MOTOR LINES, Post Office Box 331, Roanoke, Va. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over *regular or irregular routes*, transporting: *General commodities*, moving in express service, over the routes and between the points where applicant is presently authorized to transport general commodities, with exceptions, pursuant to MC 3474 and Subs thereunder, in the States of Virginia, New York, the District of Columbia, Maryland, New Jersey, North Carolina, Tennessee, South Carolina, Pennsylvania, and Delaware.

HEARING: March 16, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, W. Va., and New York City at the discretion of the presiding examiner.

No. MC 10761 (Sub-No. 148), filed November 4, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington Minn., to points in Michigan, Indiana, Ohio, New York, Pennsylvania, Maryland, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and District of Columbia, and *refused or rejected shipments*, on return.

NOTE: Applicant states the authority sought will be limited to shipments originating at the plant site of Armour & Co., and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 26739 (Sub-No. 37), filed October 25, 1963. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. at or near Worthington, Minn., to points in Iowa, Kansas, Nebraska, Missouri, and Illinois. Restriction: Applicant states that authority sought is limited to shipments originating at the plant site of Armour & Co., restricted against tacking at point of origin, and further restricted against the transportation of commodities, in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 29566 (Sub-No. 79), filed October 28, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk or tank vehicles), from the plant site of Armour & Co. at or near Worthington, Minn., to points in Arkansas, Iowa, Kansas and Missouri, and *empty containers or other such incidental facilities* used in transporting the above described commodities and *rejected shipments* on return. Restriction: The authority sought will be restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 30844 (Sub-No. 129), filed October 21, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Worthington, Minn., to points in Michigan, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia.

NOTE: Operations will be restricted to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 30887 (Sub-No. 129), filed May 28, 1963. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from all distribution points on the Colonial Pipe Line located in Maryland and Virginia, including all spur lines, to points in Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Leo M. Pellerzi.

No. MC 32562 (Sub-No. 22), filed July 11, 1963. Applicant: POINT EXPRESS, INC., Box 10185 Station C, Charleston, W. Va. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a common or contract carrier, by motor vehicle, over regular or irregular routes, transporting: *General commodities*, moving in express service, over the routes and between the points where applicant is presently authorized to transport general commodities, with exceptions, pursuant to MC 32562 and subs thereunder, in Kentucky, Ohio, Virginia, and West Virginia.

HEARING: March 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, W. Va., and New York City at the discretion of the presiding examiner.

No. MC 52709 (Sub-No. 234), filed December 13, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in paragraphs A and C of Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 272, (1) serving the plant of Armour & Co., at or near Worthington, Minn., as an off-route point in connection with applicant's regular route operations between Fremont, Nebr. and Sioux City, Iowa, (2) from Sioux Falls, S. Dak., to Worthington, Minn., and (3) from Worthington, Minn., to Olympia, Seattle and Tacoma, Wash., and Medford and Portland, Oreg.

NOTE: Common control may be involved.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 55236 (Sub-No. 76), filed September 25, 1963. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: Robert Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals, fertilizers, and fertilizer materials*, dry, in bulk, in tank vehicles, and in bags or packages, from Clinton, Iowa, and points within five (5) miles thereof, to points in Arkansas, Illinois, Indiana, Kentucky, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, and Wisconsin.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 59909 (Sub-No. 6), filed July 11, 1963. Applicant: THE JACOBS TRANSFER COMPANY, INC., 61 Pierce Street NE., Washington, D.C. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, moving in express service, over the routes and between the points where applicant is presently authorized to transport general commodities, with exceptions, pursuant to MC 59909 and subs thereunder, in the District of Columbia, Maryland, Virginia, and Delaware.

HEARING: March 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, W. Va., and New York City at the discretion of the presiding examiner.

No. MC 61396 (Sub-No. 100), filed October 24, 1963. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals (dry) and fertilizer and fertilizer materials (dry) in bulk and in bags and packages*, from Clinton, Iowa, and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Oklahoma, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin, and *rejected shipments* on return.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 64650 (Sub-No. 17), filed September 23, 1963. Applicant: W. T. COWAN, INCORPORATED, 820 South Oldham Street, Baltimore 24, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, as presently authorized in applicant's Certificate No. MC 64650.

HEARING: March 16, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, W. Va., and New York City at the discretion of the presiding examiner.

No. MC 82492 (Sub-No. 16), filed November 4, 1963. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 900 Monroe Avenue NW., Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. located at or near Worthington, Minn., to points in Indiana, Michigan, and Ohio. RESTRICTION: Authority sought will be limited to shipments originating at the plant site of Armour & Co., further restricted against tacking at origin, and also restricted against commodities in bulk in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 94265 (Sub-No. 119), filed October 25, 1963. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Virginia, Maryland, District of Columbia, West Virginia, Pennsylvania, New Jersey, New York, Delaware, and North Carolina.

NOTE: Applicant states that authority sought will be limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 107496 (Sub-No. 288), filed August 26, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, dry, and fertilizer and fertilizer materials, dry*, in bulk, and in bags and packages, from Clinton, Iowa, and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 108053 (Sub-No. 55), filed December 11, 1963. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Co. at or near Worthington, Minn., to points in Washington, Oregon, Idaho, Montana, Arizona, California, Utah, Nevada, Colorado, New Mexico, and

Wyoming. RESTRICTION: Authority sought is limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 108207 (Sub-No. 128), filed November 13, 1963. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Texas, Louisiana, Mississippi, Arkansas, and Oklahoma. Restriction; Applicant states that the authority sought is limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 108449 (Sub-No. 168), filed August 29, 1963. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road "C," St. Paul 13, Minn. Applicant's attorney Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Chemicals* (dry) and *fertilizer and fertilizer materials* (dry), in bulk and in bags and packages, from Clinton, Iowa, and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, and Wisconsin.

NOTE: Applicant states that Moore Freight, Inc., MC 17481 is a wholly owned subsidiary.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 109834 (Sub-No. 18), filed July 11, 1963. Applicant: NOVICK TRANSFER CO., INC., 700 North Cameron Street, Winchester, Va. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over regular or irregular routes, transporting: *General commodities*, moving in express service, over the routes and between the points where applicant is presently authorized to transport general commodities with exceptions, pursuant to MC 109834 and Subs thereunder, in the States of Virginia, Delaware, Maryland, West Virginia, Pennsylvania, New York, New Jersey, North Carolina, and the District of Columbia.

HEARING: March 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, West Virginia and New York City at the discretion of the presiding examiner.

No. MC 110193 (Sub-No. 53), filed November 13, 1963. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour & Co. at or near Worthington, Minn., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: (1) To shipments originating at the plant site of Armour & Co. and (2) against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 110420 (Sub-No. 336), filed September 8, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer, and fertilizer materials*, in bulk and in bags and packages, from Clinton, Iowa, and points within five (5) miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, and Wisconsin.

NOTE: Common control may be involved.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 110663 (Sub-No. 22), filed July 11, 1963. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. Applicant's attorney: David G. Macdonald, 1000 16th Street NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over regulate or irregular routes, transporting: *General commodities*, moving in express service, over the routes and between the points where applicant is presently authorized to transport general commodities, with exceptions, pursuant to MC 110683 and Subs thereunder, in the States of Virginia, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, West Virginia, Delaware, Kentucky, Tennessee, North Carolina, and South Carolina.

HEARING: March 16, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters. This assignment is for applicant's presentation only. A continued hearing is contemplated at Charleston, W. Va., and New York City at the discretion of the presiding examiner.

No. MC 111138 (Sub-No. 38), filed October 28, 1963. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 459, Storm Lake, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from the plant site of Armour & Co., at or near Worthington, Minn., to points in Washington, Oregon, Idaho, Montana, Arizona, California, Nevada, and Utah. Restriction: Authority sought is limited to shipments originating at the said plant site and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 113362 (Sub-No. 31), filed October 31, 1963. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plant site of Armour & Co., at or near Worthington, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia. Restriction: Applicant states that authority sought is limited to shipments originating at the said plant site and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 113651 (Sub-No. 65), filed November 21, 1963. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorneys: Charles Singer, 33 North La Salle Street, Chicago, Ill., and Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Virginia, Maryland, District of Columbia, West Virginia, Ohio, Indiana, Pennsylvania, New Jersey, New York, Delaware, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire.

NOTE: Applicant states the authority sought will be limited to shipments originating at the plant site of Armour & Co., and will be further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 113843 (Sub-No. 73), filed November 6, 1963. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Amrour & Co., located at or near Worthington, Minn., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, and the District of Columbia. Restriction: Applicant states that the proposed operations will be limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

NOTE: Common control may be involved.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 114019 (Sub-No. 113), filed December 11, 1963. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C, Appendix I, in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Co. located at or near Worthington, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Ohio, Indiana, Michigan, Illinois, Colorado, Kentucky, Tennessee, Virginia, and West Virginia.

NOTE: Applicant states the proposed service is limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 115331 (Sub-No. 57), filed August 21, 1963. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer and fertilizer materials*, dry, in bulk, in bags and packages, from Clinton, Iowa, and points within five (5) miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Iowa, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No MC 115669 (Sub-No. 44), filed October 24, 1963. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, and *fertilizer and fertilizer materials*, dry, in bulk and in bags and packages, from Clinton, Iowa, and points within five (5) miles thereof, to points in Arkansas, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wisconsin.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 115915 (Sub-No. 19), filed October 25, 1963. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from the plant site of Armour & Co. located at or near Worthington, Minn., to points in Illinois, Iowa, South Dakota, North Dakota, Minnesota, Nebraska, and Wyoming. Restriction: Authority sought is limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

NOTE: Common control may be involved. Applicant states that the proposed operations will be under a continuing contract with Armour & Co., Chicago, Ill.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 117119 (Sub-No. 127), filed November 27, 1963. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, and Texas.

NOTE: Applicant states that the proposed operations will be restricted to the transportation of shipments originating at the aforesaid plant site and further restricted against tacking at the aforesaid plant site of the applied authority with any authority which applicant may possess.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 117686 (Sub-No. 35), filed October 28, 1963. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Arkansas and Texas.

NOTE: Applicant states the proposed service is limited to shipments originating at the plant site of Armour & Co. and further restricted against tacking at origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 117815 (Sub-No. 16), filed December 16, 1963. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, in tank vehicles), from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Illinois, Iowa, Kansas, Michigan, Missouri, and Wisconsin.

NOTE: Applicant states the proposed service will be restricted against tacking or interlining at the involved origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 117883 (Sub-No. 32), filed December 3, 1963. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described by the Commission in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. located at or near

Charleston, West Virginia and New York examiner.

Worthington, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states the proposed service is restricted to (1) the transportation of shipments originating at the aforesaid plant site, (2) against the transportation of commodities in bulk, in tank vehicles, and (3) against tacking at the aforesaid plant site of the applied for authority with any other authority which applicant may possess.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119810 (Sub-No. 9), filed November 4, 1963. Applicant: NEBRASKA EASTERN EXPRESS, INC., Livestock Exchange Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: Applicant states the proposed service is limited to shipments originating at the plant site specified above, and restricted against tacking at origin; also, restricted against commodities in bulk, in tank vehicles. Common control may be involved.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119934 (Sub-No. 70), filed September 1, 1963. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Chemicals*, dry, and (b) *fertilizer and fertilizer materials*, dry, in bulk, in bags and in packages, from Clinton, Iowa, and points within five (5) miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Oklahoma, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin, and *damaged and rejected shipments*, of commodities specified in (a) and (b) above, on return.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 124078 (Sub-No. 80), filed August 25, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Chemicals, dry*, and *fertilizer and fertilizer materials, dry*, in bulk and in bags and packages, from Clinton, Iowa, and points within five (5) miles thereof, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

NOTE: Applicant states it presently holds contract carrier authority in MC 113632 and subs thereto and that an application is now pending in MC 124078 (Sub-No. 38) to convert its present permits to a common carrier certificate; therefore, dual operations may be involved. It is further noted common control may be involved.

HEARING: March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1112; Filed, Feb. 4, 1964; 8:46 a.m.]

[Notice No. 935]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 31, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66561. By order of January 28, 1964, the Transfer Board approved the transfer and substitution of Gitzinger Trucking Service, Inc., Dayton, Ohio, as applicant in the "claimed grandfather rights" proceeding seeking the issuance of a certificate of registration, covering operations performed under the former second proviso of section 206(a)(1) of the Act in No. MC 99901 accepted in the name of Ralph Gitzinger, doing business as Gitzinger Trucking Service, Dayton, Ohio, involving operations within the State of Ohio. William V. Blake, 123 Glencoe Road, Columbus, Ohio, 43214, Attorney for applicant.

No. MC-FC 66566. By order of January 28, 1964, the Transfer Board approved the transfer to Niederbrach Truck Service, Inc., 106 East Hancock, Steeleville, Ill., of certificates in Nos. MC 1734 and MC 1734 (Sub-No. 1), issued April 5, 1949 and August 1, 1949, to P. H. Garner, doing business as Garner Truck Service, Ellis Grove, Ill., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Chester, Ill., and St. Louis, Mo., and to and from points in St. Louis County, Mo., within the St. Louis-East St. Louis, commercial zone, as off-route points in connection with the regular route operation.

No. MC-FC 66579. By order of January 28, 1964, the Transfer Board approved the transfer to W. F. Pakulis, doing business as W. F. Pakulis Transportation, Brooklyn, Conn., of the operating rights in Permit No. MC 89182, issued December 8, 1941 to Franklin P. Walker, Putnam, Conn., authorizing the transportation, over irregular routes, of: Such merchandise as is dealt in by retail department stores, from Putnam Conn., to points in Massachusetts and Rhode Island within 25 miles of Putnam. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC-FC 66583. By order of January 28, 1964, the Transfer Board approved the transfer to Mullen Bros., Inc., of North Adams, of a portion of the operating rights in Certificate No. MC 22974, issued September 24, 1957, to Paine-Woodfin Express Co., Inc., Marblehead, Mass., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in New Hampshire, Maine, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia. Francis E. Barrett, Sr., 25 Bryant Avenue, East Milton, Mass., attorney for transferor, and Kenneth B. Williams, 111 State Street, Boston 9, Mass., attorney to transferee.

No. MC-FC 66593. By order of January 28, 1964, the Transfer Board approved the transfer to Prigge's Chartered Buses, Inc., 930 North Ninth Street, Sheboygan, Wis., of the operating rights in Certificate No. MC 111347, issued November 22, 1957, to James Prigge and Jerome Prigge, a partnership, doing business as Prigge's Chartered Bus Service, 930 North Ninth Street, Sheboygan, Wis., authorizing the transportation, over irregular routes, of: Passengers and their baggage, in round trip charter operations, beginning and ending at points in Sheboygan and Ozaukee Counties, Wis., and extending to points in Illinois.

No. MC-FC 66603. By order of January 26, 1964, the Transfer Board approved the transfer to H. R. Cook Truck Line, Inc., 1334 West Monroe Avenue, Jonesboro, Ark., of the operating rights in Certificates Nos., MC 76118 (Sub-No. 3) and MC 76118 (Sub-No. 6), issued June 13, 1946 and June 14, 1950, respectively, to Harry R. Cook, doing business as H. R. Cook Truck Line, 1334 West Monroe Avenue, Jonesboro, Ark., authorizing the transportation, over irregular routes, of: Commodities of a general commodity nature between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, and Tennessee.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1114; Filed, Feb. 4, 1964; 8:47 a.m.]

[Notice No. 935-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 31, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66616. By order of January 30, 1964, the Transfer Board approved the transfer to L. J. Nichols and Son, Inc., Newark, Del., of the operating rights issued by the Commission May 22, 1959, under Certificate No. MC 21086, to James E. Nichols, doing business as L. J. Nichols & Son, Newark, Del., authorizing the transportation, over irregular routes, of piling, poles, timber, lumber, millwork, shingles, construction supplies and equipment, machinery, stacks, boilers, and articles requiring specialized handling and rigging because of size or weight, between points in New Castle County, Del., on the one hand, and, on the other, points in Delaware, New Jersey, and Maryland, and points in Pennsylvania east of Susquehanna River. H. James Conaway, Jr., 901 Market Street, Wilmington, Del., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1115; Filed, Feb. 4, 1964; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 31, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38787: *Grains between points in Arkansas.* Filed by Southwestern Freight Bureau, agent (No. B-8500), for interested rail carriers. Rates on grain and grain products, in carloads, between specified points in Arkansas.

Grounds for relief: Carrier competition.

Tariff: Supplement 31 to Southwestern Freight Bureau, agent, tariff I.C.C. 4413.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1109; Filed, Feb. 4, 1964; 8:46 a.m.]

THE UNIVERSITY OF MICHIGAN

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UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3037; Amdt. 358]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED EFFECTIVE 8 FEB. 64.							
City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., SBMRLZ; Ident., FA; Procedure No. 1, Amdt. 10; Eff. Date, 6 Oct. 62; Sup. Amdt. No. 9; Dated, 16 June 62							
MRB-VOR	MB-LFR	Direct	3000	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn	NA	NA	NA
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SW crs, 216° Outbnd, 036° Inbnd, 3000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 036°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing MB–LFR, make a right climbing turn to 3000', hold SW on MB–LFR, 036° Inbnd, 1-minute right turns.
NOTE: For W departure On V8, V44, V166, from Runway 28, make left climbing turn after takeoff climb on 360° heading to 3000' proceed as cleared. For W departures from other runways after takeoff, climb on 360° heading to 3000', proceed as cleared.
CAUTION: Terrain 1660' 5 miles W of airport.

City, Martinsburg; State, W. Va.; Airport Name, Martinsburg Municipal; Elev., 556'; Fac. Class., SBMRLZ; Ident., MB; Procedure No. 1, Amdt. 6; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 5; Dated, 31 Aug. 63

Roswell VOR	RW–LFR	Direct	5000	T–dn	300–1	300–1	*200–½
Walker VOR	RW–LFR	Direct	5000	C–dn	500–2	500–2	500–2
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring using Walker Radar authorized in accordance with approved radar patterns.
Procedure turn E side SE crs, 123° Outbnd, 303° Inbnd, 5000' within 10 miles.
Minimum altitude over facility on final approach crs, 4000'.
Crs and distance, facility to airport, 312°—7.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing RW–LFR, climb to 6000' on NW crs Roswell LFR within 20 miles of RW–LFR.
NOTE: MSA: N—5500', S—5500', E—5000', W—6500.
*300–1 on Runway 12.

City, Roswell; State, N. Mex.; Airport Name, Roswell Municipal; Elev., 3623'; Fac. Class., SBMRAZ; Ident., RW; Procedure No. 1, Amdt. 8; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 7; Dated, 18 May 63

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1½	500–1½
				S-dn-18	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of final approach crs, 004° Outbnd, 184° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 184°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing APN RBn, make a climbing left turn, proceed direct to APN RBn at 2000'.
CAUTION: Report position altitude ETA and intentions as soon as practicable to tower when operating or to Unicom when tower not operating. Thereafter determine that adequate separation exists from other reported users and report changes in altitude and position. Maintain 1000' above previously reported traffic until advised that aircraft making approach has landed. Consult NOTAMS for hours of operation of tower and dates and time controlled airspace is effective.
NOTES: (1) This procedure is effective from 1300 Z–2300 Z and at other times when control tower is in operation. (2) Runway lights on N–S runway only. Prior coordination necessary for runway lights. (3) Not authorized for air carrier use. (4) APN RBn operated by Alpena County. (5) Final approach from holding pattern not authorized. Procedure turn required.

City, Alpena; State, Mich.; Airport Name, Phelps-Collins; Elev., 689'; Fac. Class., MH; Ident., APN; Procedure No. 1, Amdt. 3; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 2; Dated, 9 June 62

CSG–VOR	CSG RBn	Direct	2000	T-dn	300–1	300–1	200–½
CSG LOM	CSG RBn	Direct	2000	C-dn	600–1	600–1	600–1½
Marvyn Int	CSG RBn	Direct	2000	S-dn-2	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring and transitions authorized in accordance with approved patterns.
Procedure turn E side of crs, 202° Outbnd, 022° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 022°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CSG RBn, turn left, climb to 2000' and return to CSG RBn. Hold SW, 1-minute left turns.
CAUTION: Jump towers 574' 1½ miles NE. R–3002 E and SE of Lawson AAF.
NOTE: Authorized for military use only except by prior arrangement.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., SBH; Ident., CSG; Procedure No. 1, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

FLL–VOR	FLL RBn	Direct	1500	T-dn	300–1	300–1	200–½
Oakland VHF Int	Wagner LF Int	Direct	1500	C-dn	600–1	600–1	600–1½
Wagner LF Int	FLL RBn (final)	Direct	1000	S-dn-18	500–1	500–1	500–1
Raton Int	FLL RBn	Direct	1500	A-dn	800–2	800–2	800–2
Dania Int	FLL RBn	Direct	2000				
Martin VHF Int	FLL RBn	Direct	1500				

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 314° Outbnd, 134° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 133°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing RBn, make immediate left turn to a crs of 080°, climbing to 2000' and intercept the 100° crs from FLL RBn and proceed to Martin LF Int* or, when directed by ATC, make left climbing turn to 1500' returning direct to FLL RBn.
*Martin LF Int: Int 100° bearing from FLL RBn and 168° bearing from PBY–RBn.
MSA: 000–090°—1400', 090–180°—2100', 180–270°—1600', 270–360°—1400'.

City, Fort Lauderdale; State, Fla.; Airport Name, Fort Lauderdale-Hollywood International; Elev., 10'; Fac. Class., MHW; Ident., FLL; Procedure No. 1, Amdt. 5; Eff. Date, 8 Feb. 64

TM–LFR	GRF RBn	Direct	2000	T-dn	300–1	300–1	200–½
OLM–VOR	GRF RBn	Direct	2000	C-dn	600–1	600–1	600–1½
Burton VHF Int	GRF RBn	Direct	2000	A-dn	800–2	800–2	800–2
Bayside VHF Int	GRF RBn	Direct	2000				
Carr VHF Int	GRF RBn	Direct	2000				

Radar transitions and vectoring utilizing McChord RAPCON Radar or Gray AAF Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 325° Outbnd, 145° Inbnd, 2000' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over GRF RBn on final approach crs, 1500'.
Crs and distance, GRF RBn to airport, 145°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GRF RBn, turn left, climb to 2000' direct to GRF RBn or, when directed by ATC, turn right, climb to 3000' on crs 270° to R–020 OLM–VOR, thence direct to OLM–VOR.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 524' tower located 0.9 mile from approach end of Runway 14, 550' trees 0.8 mile from approach end of Runway 14, 385' tower 0.1 mile E of Runway 14/32.
Other change: Deletes transitions from Rosedale and Vashon Int.

City, Fort Lewis; State, Wash.; Airport Name, Gray AAF; Elev., 301'; Fac. Class., MH; Ident., GRF; Procedure No. 1, Amdt. 6; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 5; Dated, 11 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Fort Wayne VOR	FA RBn	Direct	2000	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs 4 miles from RBn.
Procedure turn S side of crs, 233° Outbnd, 053° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 053°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing RBn, climb to 2600' on crs of 053° and return to RBn.
Final approach from holding pattern not authorized, procedure turn required.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., SABH; Ident., FA; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 Feb. 64 or upon conversion of LFR to SABH

Clarion VOR	Franklin RBn	Direct	3200	T-dn	300–1	300–1	NA
Seneca Int	Franklin RBn	Direct	3200	C-dn	500–1	500–1	NA
Wesley Int	Franklin RBn	Direct	3200	A-dn	800–2	800–2	NA

Procedure turn N side of crs 103° Outbnd, 283° Inbnd, 3200' within 10 miles.
Minimum altitude over facility on final approach crs 2200'.
Crs and distance, facility to airport 283°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Franklin RBn, climb straight ahead to 3200' and return to Franklin RBn. Hold E 1-minute right turns, 286° Inbnd.

City, Franklin; State, Pa.; Airport Name, Chess-Lamberton; Elev., 1540'; Fac. Class., MHW; Ident., FKL; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

OSH VOR	De Pere Int**	Direct	2500	T-dn	300–1	300–1	200–½
De Pere Int**	LOM (final)	Direct	2200	C-dn	400–1	500–1	400–1½
Wolf Int	LOM	Direct	2300	S-dn-6	400–1	400–1	400–1
Bear Creek Int	LOM	Direct	2300	A-dn	800–2	800–2	800–2
ORB VOR	LOM	Direct	2000				
Sherwood Int	LOM	Direct	2300				
Waffle Int	LOM	Direct	2300				
Nicollet Int	LOM	Direct	3000				
Stadium Int	LOM	Direct	2300				
Freedom Int*	LOM	Direct	2300				
Pine Grove Int	LOM	Direct	3600				

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 050°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing GR LOM, make left turn, climbing to 2300' and return to LOM or, when directed by ATC, climb to 2300' on 050° bearing from LOM within 20 miles.
CAUTION: 2040' tower 7 miles SE of airport.
NOTE: Due to 2040' tower 7 miles SE of airport, aircraft departing on Runway 18 which are SE-bnd, climb to 2500' on runway heading before proceeding on crs. Aircraft departing Runway 12 which are SE-bnd, turn left after takeoff, climb to above 2600' on an 075° magnetic bearing from the GR LOM before proceeding on crs.
*Freedom Int: Int GRB VOR R–204 and 236° bearing from GR LOM.
**De Pere Int: Int OSH VOR R–012 and 230° bearing from GR LOM.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694'; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 5; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 4; Dated, 18 May 63

Florence Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Byram Int	LOM	Direct	2000	C-dn	400–1	500–1	500–1½
Trace Int	LOM	Direct	2000	S-dn-18	400–1	400–1	400–1
Branch Int	LOM	Direct	2000	A-dn	800–2	800–2	800–2
Rankin Int	LOM	Direct	2000				
JAN VOR	LOM (final)	Direct	2000				

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 152°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing JA LOM, turn right, climb to 2000' on JAN VOR R–163 within 20 miles.

City, Jackson; State, Miss.; Airport Name, Thompson Field; Elev., 346'; Fac. Class., LOM; Ident., JA; Procedure No. 1, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 23 Nov. 63

OAK VOR	Fremont FM/RBn	Direct	4000	T-dn*	300–1	300–1	200–½
Fremont FM/RBn	LOM (final)	Direct	1700	C-dn**	500–1	500–1	500–1½
				S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent to 4000' shall be accomplished in the Fremont FM/RBn holding pattern; 293° Inbnd, 1-minute pattern right turns.
Minimum altitude over facility on final approach crs, 1760'.
Crs and distance, facility to airport, 293°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb straight ahead to 1000', heading 293°, then make a right climbing turn, continuing climb to 2500' in a 1-minute holding pattern NW of LOM, 120° Inbnd, left turns.
*300–1 required for takeoff on Runway 33.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 387'—1.6 miles N of Runway 15/33.
MSA: 000–090°—4000', 090–180°—4200', 180–270°—3000', 270–360°—3600'.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class., LOM; Ident., IN; Procedure No. 1 Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 4 May 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
88M VOR	88M RBn	Direct	2300	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1¼
				S–dn–32	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn E side crs, 123° Outbnd, 313° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 313°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing 88M RBn, climb to 2500′ on 313° crs, then return to 88M RBn, or as directed by ATC, climb to 2500′ on crs of 313° and proceed direct to FSP VOR.
NOTE: Final approach from holding pattern not authorized. Procedure turn required. Runway lights R-14 and 32 only.
City, Sault Ste. Marie; State, Mich.; Airport Name, Sault Ste. Marie Municipal; Elev., 722′; Fac. Class., SABH; Ident., 88M; Procedure No. 1, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 18 Oct. 62

Woodstown VOR	LOM	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	800–2	800–2	800–2
				S–dn–1	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2
				If Stack Int‡ received the following minimums apply:			
				C–dn	500–1	500–1	500–1½
				S–dn–1	500–1	500–1	500–1

Procedure turn W side of final approach crs, 194° Outbnd, 014° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 014°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, make climbing left turn to 1600′ and return to Wilmington LOM. Hold S, Wilmington LOM, 1-minute right turns, 014° Inbnd.
CAUTION: Turn left as soon as practical to avoid holding pattern at Philadelphia LOM.
‡Stack Int: Int OOD VOR R-274 and 014° bearing from IL LOM.
City, Wilmington; State, Del.; Airport Name, Greater Wilmington; Elev., 79′; Fac. Class., LOM; Ident., IL; Procedure No. 1, Amdt. 7; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 6; Dated, 28 Apr. 62

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Romeo Int*	ALS VOR	Direct	10,100	T–dn	400–1	400–1	300–½
				C–dn	600–1	600–1	600–1½
				A–dn%	800–2	800–2	800–2

Procedure turn N side of crs 113° Outbnd, 293° Inbnd, 10,100′ within 10 miles.
Minimum altitude over facility on final approach crs 9200′.
Crs and distance, facility to airport 320°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing ALS VOR, climb to 10,000′ on ALS VOR R-320 within 15 miles.
NOTE: Voice communications with Denver ARTCC and Trinidad FSS.
CAUTION: High terrain all quadrants.
%Use as an alternate authorized only while Alamosa weather bureau is in operation from 0400 to 2000 M.S.T.
*Romeo Int: 218 radial ALS VOR and 335 radial TAS VOR or ALS VOR R-218 15-mile DME fix.
#Blanca Int: ALS VOR R-061 and TAS VOR R-006 or ALS VOR R-061 15-mile DME fix.
City, Alamosa; State, Colo.; Airport Name, Alamosa Municipal; Elev., 7535′; Fac. Class., H-BVORTAC; Ident., ALS; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

				T–dn	300–1	300–1	*300–1
				C–dn	500–1	500–1	500–1½
				S–dn–16	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 334° Outbnd, 154° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 154°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing ABY-VOR, climb to 1800′ on R-175 within 20 miles of ABY-VOR.
NOTE: MSA: 0-90°—1700′, 90-180°—1900′, 180-270°—1400′, 270-360°—1800′.
*200-½ authorized for takeoff Runway 2-21 only.
City, Albany; State, Ga.; Airport Name, Municipal; Elev., 196′; Fac. Class., BVOR; Ident., ABY; Procedure No. 1, Amdt. 10; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 9; Dated, 11 Nov. 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Cotulla RBn	Cotulla VOR	Direct	1900	T–dn	300–1	300–1	
				C–dn	400–1	500–1	
				A–dn	800–2	800–2	

Procedure turn N side crs, 075° Outbnd, 255° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 255°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing COT-VOR, turn left, climb to 2000′ on R-185 within 20 miles.
CAUTION: 560′ unlighted water tower 0.9 mile WSW, 860′ tower 5.5 miles ESE of airport.
City, Cotulla; State, Tex.; Airport Name, Municipal; Elev., 471′; Fac. Class., MBVOR; Ident., COT; Procedure No. 1, Amdt. 4; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 3; Dated, 12 May 62

Victory Int	Final approach crs, R-188 GFL VOR (final).	056°—6 miles	3000	T–dn	300–1	300–1	*200–½
				C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2
				Authorized after passing Glens Falls Fan Marker**.			
				C–dn	600–1	600–1	600–1½
				S–dn–1	600–1	600–1	600–1

Procedure turn E side of crs, 188° Outbnd, 006° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.**
Crs and distance, Glens Falls Fan Marker to airport 008°—4.8 miles; breakoff point to Runway 01, 012°—1.23 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing Glens Falls VOR, make a right climbing turn to 3000′ to Glens Falls VOR. Hold S of Glens Falls VOR on R-188, 1-minute right turns, 006° Inbnd.
*300-1 required on Runway 30.
City, Glens Falls; State, N.Y.; Airport Name, Warren County; Elev., 328′; Fac. Class., VOR; Ident., GFL; Procedure No. 1, Amdt. 2; Eff. Date, 8 Feb. 64; Sup Amdt. No. 1; Dated, 20 Dec. 58

				T–d	300–1	300–1	NA
				C–d	700–2	700–2	NA
				A–d	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs 138° Outbnd, 318° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs 1500′.
Crs and distance, facility to airport 318°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing HOP VOR, make a left climbing turn to 2000′ on crs 138° to HOP VOR. Hold SE 1-minute right turns, 320° Inbnd.
NOTE: No weather service.
City, Hopkinsville; State, Ky.; Airport Name, Hopkinsville-Christian County; Elev., 540′; Fac. Class., VOR; Ident., HOP; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

TYS RBn	TYS–VOR	Direct	3100	T–dn	300–1	300–1	200–½
				C–d	800–1	800–1	800–1½
				C–n	800–2	800–2	800–2
				S–dn–22R	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2
				If aircraft has operating VOR and ADF receivers and Rockford Int* is received, following minimums authorized:			
				C–d	600–1	600–1	600–1½
				C–n	600–1½	600–1½	600–1½
				S–dn–22R	500–1	500–1	500–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 041° Outbnd, 221° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′; over Rockford Int,* 1900′.
Crs and distance, facility to airport 221°—6.6 miles; Rockford Int* to airport, 221°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles after passing TYS-VOR, turn right, climb to 3000′ on R-248 TYS-VOR within 20 miles or, when directed by ATC, climb to 3000′ on 225° magnetic bearing from LOM within 15 miles.
*Rockford Int: Int R-221 TYS-VOR and 101° bearing to TYS RBn.
City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 980′; Fac. Class., H-BVORTAC; Ident., TYS; Procedure No. 1, Amdt. 6; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 5; Dated, 29 June 63

Lexington HW	LEX VOR	Direct	2600	T–dn	300–1	300–1	200–½
Richmond Int	LEX VOR	Direct	2600	C–d	600–1	600–1	600–1½
Irvine Int	LEX VOR	Direct	2600	C–n	600–1½	600–1½	600–2
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 304°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LEX-VOR, make a left climbing turn to 2600′, return to LEX-VOR. Hold SE 1-minute right turns, 309° Inbnd.
City, Lexington; State, Ky.; Airport Name, Blue Grass Field; Elev., 976′; Fac. Class., BVORTAC; Ident., LEX; Procedure No. 1, Amdt. 6; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 5; Dated, 2 June 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Transition: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
7-mile radar fix on MRB VOR*	MRB VOR (final)	Direct	3000	T-dn	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-2
				S-dn	500-1½	500-1½	NA
				A-dn	NA	NA	800-2
					800-2	800-2	

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs 139° Outbnd, 319° Inbnd. 3100' within 10 miles. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 220°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing MRB VOR, make immediate left climbing turn to 3100' direct to MRB VOR, hold SE on R-110 1-minute left turns.
*Procedure turn not required if aircraft is positioned by Dulles Radar on final approach MRB VOR R-110 within 7 miles from MRB VOR.
NOTES: For W departures on V8, V44, V106 from Runway 26 make left climbing turn, after takeoff climb on 360° heading to 3000', proceed as cleared. For W departures from other runways after takeoff, climb on 360° heading to 3000', proceed as cleared.
CAUTION: Terrain 1639' 5 miles W of airport.

City, Martinsburg; State, W. Va.; Airport Name, Martinsburg Municipal; Elev., 556'; Fac. Class, M-BVORTAC; Ident., MRB; Procedure No. 1, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 4 Aug. 63

				T-dn	300-1	300-1	NA
				C-dn	1400-1	1400-1	NA
				A-dn	1800-2	1800-2	NA

Procedure turn E side of final approach crs, 157° Outbnd, 337° Inbnd, 4500' within 10 miles.
Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 337°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing MGW VOR, climb to 4500' on MGW R-337 within 10 miles. Reverse crs, proceed to MGW VOR. Hold SE 1-minute right turns, 337° Inbnd.
CAUTION: Antenna 1419' 1.7 miles SW of airport. Antenna 1264' 1 mile SE of airport.

City, Morgantown; State, W. Va.; Airport Name, Morgantown Municipal; Elev., 1256'; Fac. Class., BVORTAC; Ident., MGW; Procedure No. 1, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated 20 July 63

PROCEDURE CANCELLED EFFECTIVE 8 FEB. 64.

City, Newport; State, Oreg.; Airport Name, Newport; Elev., 160'; Fac. Class., VORW; Ident., ONP; Procedure No. 1, Amdt. 1; Eff. Date, 12 Sept. 58; Sup. Amdt. No. Orig.; Dated, 12 Nov. 55

RAP VOR	Sioux Int*	Direct	4000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar transition to final approach authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn on inbnd final approach crs at least 3 miles NW of Sioux Int.*
Procedure turn E side of crs, 321° Outbnd, 141° Inbnd, 4900' within 10 miles of Sioux Int.* Nonstandard due to rising terrain to the W.
Minimum altitude over Sioux Int* on final approach crs, 3900'.
Crs and distance, Sioux Int* to airport, 347°—12.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing Sioux Int,* climb to 4600' on R-142 within 10 miles of RAP VOR.
NOTES: 1. Use of this procedure authorized only for aircraft equipped with VOR and ADF receivers and Sioux Int* received. 2. Aircraft on missed approach may be radar controlled after radar identification. 3. Final approach from holding pattern at Sioux Int* not authorized. Procedure turn required.
Other change: Deletes straight-in minimums.
*Sioux Int: Int RAP VOR R-321 and 096° bearing from RAP RBn.

City, Rapid City; State, S. Dak.; Airport Name, Rapid City Municipal; Elev., 3181'; Fac. Class., B-VORTAC; Ident., RAP; Procedure No. 2, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 4 May 63

SJP RBn	SJU VOR	Direct	1800	T-dn	300-1	300-1	200-½
SJU RBn	SJU VOR	Direct	1600	C-dn	500-1	500-1	500-1½
Isla Verde Int	SJU VOR	Direct	500	A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF receivers and Isla Verde Int identified, the following minimums apply:			
				C-dn	500-1	500-1	500-1½

Procedure turn N side of crs, 095° Outbnd, 275° Inbnd, 1300' within 15 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 600'; if Isla Verde Int identified, 500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right, climb to 2000' on R-359 within 20 miles or, when directed by ATC, turn right, climb to 1800' on R-095 within 20 miles of SJU-VOR.
MSA: 000-100°—1200', 100-180°—4500', 180-270°—4100', 270-360°—1000'.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class., BVOR; Ident., SJU; Procedure No. 1, Amdt. 5; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 4; Dated, 20 July 63

Hopkins Int	SSC VOR	060°—20.0	2200	T-dn*	300-1	NA	NA
Charles Int	SSC VOR	264°—12.5	2200	C-dn*	500-1	NA	NA
				A-dn#	NA	NA	NA

Procedures turns# W side of crs 236° Outbnd, 056° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs 1500'.
Crs and distance, facility to airport 076°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing SSC-VOR, turn right, climbing to 2200', proceed to Charles Int via SSC R-084.
*Aircraft will not takeoff under IFR conditions without prior ATC approval. Night operations not authorized on Runway 12-31.
**IFR flight plan must be closed with Shaw Approach Control on appropriate frequency upon reaching contact at authorized minimums or immediately after landing with Shaw AFB Approach Control.
#No local weather reporting; area weather available from CAE.
##Procedure turn nonstandard due restricted area.

City, Sumter; State, S.C.; Airport Name, Sumter Municipal; Elev., 182'; Fac. Class., VOR; Ident., SSC; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Transition: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
TL LFR	TAL VOR	Direct	2000	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 207° Outbnd, 027° Inbnd, 1900' within 10 miles.
Nonstandard due to terrain.
Minimum altitude over facility on final approach crs 1156'.
Crs and distance, facility to airport 071°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing TAL VOR, turn right, climb to 2500' on R-207 of TAL VOR within 10 miles.
CAUTION: All maneuvering S of airport. 862' terrain 2.8 miles ENE of airport.

City, Tanana; State, Alaska; Airport Name, Tanana; Elev., 229'; Fac. Class., H-VOR; Ident., TAL; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Transition: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CSG VOR	LSF VOR	Direct	2200	T-dn	300-1	300-1	200-½
LGC VOR	LSF VOR	Direct	3000	C-dn	600-1	600-1	600-1½
EUF VOR	LSF VOR	Direct	3000	S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring and transitions authorized in accordance with approved patterns.
Procedure turn E side of crs 204° Outbnd, 024° Inbnd, 1900' within 10 miles of CSG RBN.
Minimum altitude over CSG RBN on final approach crs, 1100'.
Crs and distance, CSG RBn to Runway 2, 024°—2.9 miles.
Crs and distance, breakoff point to Runway 2, 022°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LSF VOR, turn left, climb to 2000' on R-204 LSF VOR within 15 miles.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having operating VOR and ADF receivers.
CAUTION: Jump towers 880' 1½ miles NE, R-3002 E and SE of Lawson AAF.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-2, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

CSG VOR	LSF VOR	Direct	2200	T-dn	300-1	300-1	200-½
LGC VOR	LSF VOR	Direct	3000	C-dn	600-1	600-1	600-1½
EUF VOR	LSF VOR	Direct	3000	S-dn-14	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF receivers and Crawford Int* received, minimums become:			
				C-dn	600-1	600-1	600-1½
				S-dn-14	600-1	600-1	600-1

Radar vectoring and transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 2200' within 10 miles of CS LOM.
Minimum altitude over CS LOM on final approach crs, 2100'.
Crs and distance, CS LOM to Runway 14, 159°—5.9 miles; Crawford Int* to Runway 14, 159°—3.2 miles.
Crs and distance, breakoff point to Runway 14, 143°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LSF VOR, turn right, climb to 2000' on R-204 LSF VOR within 15 miles.
CAUTION: Jump towers 880' 1½ miles NE, R-3002 E and SE of Lawson AAF.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having operating VOR and ADF receivers.
*Crawford Int: Int R-339 LSF VOR and 204° bearing from SG LMM.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-14, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 14 Sept. 63

CSG VOR	Willett Int*	Direct	2200	T-dn	300-1	300-1	200-½
EUF VOR	LSF VOR	Direct	3000	C-dn	600-1½	600-1½	600-1½
LGC VOR	LSF VOR	Direct	3000	S-dn-20	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Radar vectoring and transitions authorized in accordance with approved patterns.
Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 2000' within 10 miles of Willett Int.*
Minimum altitude over Willett Int* on final approach crs, 1800'.
Crs and distance, Willett Int* to Runway 20, 199°—6.0 miles.
Crs and distance, breakoff point to Runway 20, 202°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LSF VOR, climb to 2000' on R-204 LSF-VOR within 15 miles.
NOTES: (1) Authorized for military use only except by prior arrangement. (2) This procedure to be utilized only by aircraft having two operating VOR receivers, or one VOR receiver and one ADF receiver.
CAUTION: Jump towers 880' 1½ miles NE, R-3002 E and SE of Lawson AAF.
*Willett Int: Int R-019 LSF and R-159 CSG or 095° bearing from CS LOM.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-20, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 16 Feb. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Golden Beach VHF Int	FLL VOR	Direct	1500	T–dn	300–1	300–1	200–½
Bradley VHF Int	FLL VOR	Direct	1500	C–dn	600–1	600–1	600–1½
Martin VHF Int	FLL VOR	Direct	1500	S–dn–9	600–1	600–1	600–1
Dania VHF Int	FLL VOR	Direct	2000	A–dn	800–2	800–2	800–2
Int BSY–VOR–345/FLL VOR–278	Big Horse Int	Direct	1500	If aircraft equipped with VOR and ADF receivers and Wagon Wheel Int* identified, the following minimum applies:			
Big Horse Int	Wagon Wheel Int (final)	Direct	600	S–dn–9	500–1	500–1	500–1

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 1500′ within 10 miles. Nonstandard due Miami, Fla., terminal traffic.
Minimum altitude over facility on final approach crs, 600′; over Wagon Wheel Int* 600′.
Crs and distance, Wagon Wheel Int* to VOR, 098°—4.0 miles; breakoff point to Runway 9, 091°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL–VOR, turn left and climb to 2000′ on R–079, and proceed to Martin VHF Int.
MSA: 000–090°—2600′, 090–180°—1400′, 180–270°—2100′, 270–360°—1600′.

City, Fort Lauderdale; State, Fla.; Airport Name, Fort Lauderdale-Hollywood International; Elev., 10′; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-9, Amdt. 5; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 4; Dated, 26 Oct. 63

Golden Beach VHF Int	FLL VOR	Direct	1500	T–dn	300–1	300–1	200–½
Bradley VHF Int	FLL VOR	Direct	1500	C–dn	600–1	600–1	600–1½
Martin VHF Int	FLL VOR	Direct	1500	S–dn–13	600–1	600–1	600–1
Dania VHF Int	FLL VOR	Direct	2000	A–dn	800–2	800–2	800–2
Int BSY–VOR–345/FLL VOR–308	Play Boy Int	Direct	1500	If aircraft equipped with VOR and ADF receivers and Levee Int* identified the following minimum applies:			
Play Boy Int	Levee Int (final)	Direct	600	S–dn–13	500–1	500–1	500–1

Radar vectoring utilizing Miami Radar authorized in accordance with approved patterns.
Procedure turn N side of crs, 308° Outbnd, 126° Inbnd, 1500′ within 10 miles. Nonstandard due Miami, Fla., terminal traffic.
Minimum altitude over facility on final approach crs, 600′; over Levee Int* 600′.
Crs and distance, Levee Int* to VOR, 126°—4.5 miles; breakoff point to Runway 13, 135°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing FLL–VOR, turn left and climb to 2000′ on R–079, and proceed to Martin VHF Int.
MSA: 000–090°—1300′, 090–180°—1400′, 180–270°—2100′, 270–360°—1400′.

City, Fort Lauderdale; State, Fla.; Airport Name, Fort Lauderdale-Hollywood International; Elev., 10′; Fac. Class., VOR; Ident., FLL; Procedure No. TerVOR-13, Amdt. 5; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 4; Dated, 26 Oct. 63

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–4	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2
				*For aircraft equipped with VOR and ADF receiver FA–RBn or radar fix received the following minimums apply:			
				C–dn	400–1	400–1	500–1½
				S–dn–4	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs 7 miles from VOR.
Procedure turn S side of crs, 220° Outbnd, 040° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 4, 044°—0.9 mile; FA–RBn to Runway 4, 040°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R–091 and proceed to Monroe Int or, when directed by ATC, make right climbing turn to 2100′ and proceed direct to FW LOM.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR–4, Amdt. 4; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 3; Dated, 6 Oct. 63

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–9	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2
				*For aircraft equipped with VOR and ADF receiver and Robin Int identified or radar fix obtained in lieu of Robin Int minimums are:			
				C–dn	400–1	500–1	500–1½
				S–dn–9	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs 7 miles from VOR.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 9, 090°—1.25 miles; Robin Int to Runway 9, 085°—3.3 miles; Robin Int to VOR 3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2600′ on R–091 and proceed to Monroe Int or, when directed by ATC, make right climbing turn to 2100′ and proceed direct to FW LOM.
Robin Int: Int FWA VOR R–265 and bearing 226 from FA RBn.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-9, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 16 June 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–13	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2
				Aircraft equipped with VOR and ADF and Wayne Int# or radar fix received, following minimums apply:			
				C–dn	400–1	500–1	500–1½
				S–dn–13	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs 7 miles from VOR.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 13, 135°—0.8 mile; Wayne Int# to Runway 13, 140°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R–091 and proceed to Monroe Int or, when directed by ATC, climb to 2100′ and proceed direct to FW LOM.
#Wayne Int: Int FWA R–320 and bearing 007° from FA RBn.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801′; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-13, Amdt. 3; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 2; Dated, 16 June 62

LeRoy Int	AZO–VOR	Direct	2400	T–dn	300–1	100–3	200–½
Lawton Int	AZO–VOR	Direct	2600	C–dn	700–1	700–1	700–1½
Centerville Int	AZO–VOR	Direct	2500	S–dn–17	700–1	700–1	700–1
Plainwell Int*	Tower Int** (final)	Direct	1900	A–dn##	800–2	800–2	800–2
BTL–VOR	AZO–VOR	Direct	2400	The following minimum applies for aircraft equipped with dual VORs and Tower Int identified:			
GRR–VOR	AZO–VOR	Direct	2900				
PMM–VOR	AZO–VOR	Direct	2500	S–dn–17	400–1	400–1	400–1
Cooper Int	AZO–VOR	Direct	2400				

Procedure turn W side of crs, 002° Outbnd, 182° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Facility on airport.
Crs and distance, Tower Int** to VOR, 182°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AZO–VOR, make climbing right turn to 3000′ and proceed to Cooper Int via AZO R–321 or, when directed by ATC, climb to 2400′ on AZO R–182, turn right and return to AZO–VOR.
Other change: Deletes transition from ELK–VOR.
*Plainwell Int: Int AZO R–002 and BTL R–296
**Tower Int: Int AZO R–002 and BTL R–269
##Alternate minimums authorized only when AZO Tower operational or for air carrier with weather reporting service. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874′; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR–17, Amdt. 4; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 3; Dated, 12 Oct. 63

				T–dn	300–1	300–1	200–½
				C–dn	900–1	900–1	900–1½
				A–dn*	1000–2	1000–2	1000–2

Procedure turn W side of crs 163° Outbnd, 343° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs 1100′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing ONP VOR, climb to 2700′ on R–344 within 10 miles of ONP VOR. All maneuvering W of crs.
NOTE: *No public weather service. Alternate teminimums authorized only for those with approved weather reporting service on the airport.

City, Newport; State, Oreg.; Airport Name, Newport Municipal; Elev., 160′; Fac. Class., H–BVOR; Ident., ONP; Procedure No. TerVOR–34, Amdt. Orig.; Eff. Date, 8 Feb. 64

OAK VOR	Decoto Int/DME fix	Direct	4000	T–dn#	300–1	300–1	200–½
OSI VOR	Decoto Int/DME fix	Direct	4000	C–dn*	500–1	500–1	500–1½
Sunol Int	Irvington Int/DME fix	Direct	5000	A–dn	800–2	800–2	800–2
Irvington Int/DME fix	Decoto Int/DME fix	Direct	3500				
Decoto Int/DME fix	Mount Eden Int/DME fix (final)	Direct	2500				
Mount Eden Int/DME fix	San Lorenzo Int/DME fix (final)	Direct	1000				
San Lorenzo Int/DME fix	OAK VOR (final)	Direct	500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the Decoto Int/DME fix holding pattern 114° Outbnd, 294° Inbnd, right turns, 1-minute, minimum altitude 4000′. Descent to 3500′ authorized to cross Decoto Int/DME fix on final approach crs Inbnd.
Minimum altitude over VOR on final approach, 800′.
Facility on airport.
Final approach crs Inbnd, 294°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing the OAK VOR, climb to 3000′ on OAK VOR R–313 to Richmond Int.
#300–1 required for takeoff on Runway 33.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357′ 1.6 miles N of Runway 15/33.
MSA: 000–090°—4000′, 090–180°—4200′, 180–270°—3000′, 270–360°—3600′.

City, Oakland; State, Calif.; Airport Name, Metropolitan-Oakland International; Elev., 10′; Fac. Class., BVORTAC; Ident., OAK; Procedure No. TerVOR (R–114), Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 7 Apr. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SJU RBn	SJU VOR	Direct	1600	T-dn	300-1	300-1	200-½
SJF RBn	SJU VOR	Direct	1500	C-dn	900-1	900-1	900-1½
				S-dn-7	900-1	900-1	900-1
				A-dn	900-2	900-2	900-2
				If aircraft equipped with VOR and ADF receivers operating normally and Antenna Int# received, the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½
				S-dn-7	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 260° Outbnd, 080° Inbnd, 1500' within 10 miles. Beyond 10 miles, not authorized.
Minimum altitude over facility on final approach crs, 900'; if Antenna Int# or 6-mile DME fix identified, 700'.
Facility on airport.
Crs and distance, Antenna Int# to airport, 080°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Antenna Int,# turn right and climb to 1500' on R-096 within 20 miles of SJU VOR.
NOTE: Procedure turn nonstandard due high terrain S of area.
MSA: 000-100°—1200', 100-180°—4500', 180-260°—4100', 260-360°—1000'.
#Antenna Int: Int SJU VOR R-260 and 360° bearing from SJF RBn or 6-mile DME fix on SJU VOR R-260.

City, San Juan; State, P.R.; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class., BVOR; Ident., SJU; Procedure No. TerVOR-7, Amdt. 3; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 2; Dated, 27 July 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	NA
				C-dn*	600-1	600-1	NA
				C-nt*	600-2	600-2	NA
				A-dn*	1000-2	1000-2	NA

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 4500' within 10 miles.
Minimum altitude over MGW VOR on final approach crs, 3300'; over Deck Int,% 2700'.
Crs and distance, facility to airport, 337°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing MGW VOR or 1.9 miles after passing Deck Int, climb to 4500' on MGW R-337 within 10 miles. Reverse crs, proceed to MGW VOR. Hold SE, 1-minute right turn, 337° Inbnd.
#Do not descend below 2700' until passing Deck Int.
*This approach authorized only for aircraft with installed operational VOR and DME equipment.
%Deck Int: 3.5-mile DME fix on MGW VOR R-337.

City, Morgantown; State, W. Va.; Airport Name, Morgantown Municipal; Elev., 1254'; Fac. Class., BVORTAC; Ident., MGW; Procedure No. VOR/DME #1, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

20-mile DME fix R-093	14-mile DME fix R-093	Direct	3200	T-dn#	300-1	300-1	200-½
14-mile DME fix R-093	9-mile DME fix R-093	Direct	2600	C-dn*	500-1	500-1	500-1½
9-mile DME fix R-093	4-mile DME fix R-093	Direct	1900	A-dn	800-2	800-2	800-2
4-mile DME fix R-093	OAK VOR	Direct	500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed from Bunol Int, or (2) be radar vectored to final approach crs, 273° Inbnd.
Minimum altitude over facility on final approach crs 800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OAK VOR, climb to 3000' on OAK VOR R-313 to Richmond Int (15-mile DME fix R-313).
#300-1 required for takeoff on Runway 33.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357' 1.6 miles N of Runway 15/33.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class., BVORTAC; Ident., OAK; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 7 July 62

15.5-mile DME fix R-288	8-mile DME fix R-288	Direct	2500	T-dn#	300-1	300-1	200-½
8-mile DME fix R-288	6-mile DME fix R-288	Direct	1600	C-dn*	500-1	500-1	500-1½
6-mile DME fix R-288	OAK VOR	Direct	500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed from Commodore Int, or (2) be radar vectored to final approach crs, 106°.
Minimum altitude over facility on final approach crs 800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OAK VOR, climb to 2500' on OAK VOR R-114 to Decoto Int (13.5 -mile DME fix R-114).
#300-1 required for takeoff on Runway 33.
*Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357' 1.6 miles N of Runway 15/33.
MSA: 000-090°—4000', 090-180°—4200', 180-270°—3000', 270-360°—3600'.
CAUTION: Extensive Navy jet operations between 8-mile DME fix and 6-mile DME fix, R-288, Navy Alameda.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class. BVORTAC; Ident, OAK; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 7 July 62

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
6-mile DME fix R-294	6-mile DME fix	Direct	3500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-12	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 294° Outbnd, 114° Inbnd, 2500' within 10 miles.
Minimum altitude over 3-mile DME fix R-114 on final approach crs, 1200'.
Crs and distance 3-mile DME fix R-114 to airport, 114°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6-mile DME fix R-114, make left turn, climb to 2500' and proceed to RFD VOR, or when directed by ATC, make right turn, climb to 2100' and proceed to RF LOM.
NOTE: When authorized by ATC, RFD DME may be used to position aircraft for straight-in approach at 2500' between R-234 clockwise to R-012 via 6-mile DME arc with the elimination of procedure turn.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 735'; Fac. Class., BVORTAC; Ident., RFD; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BTL VOR	Mendon Int*	Direct	2500	T-dn	300-1	300-1	200-½
Leroy Int	Mendon Int*	Via LFD VOR R-294	2600	C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
Vicksburg Int**	Mendon Int* (final)	Direct	2500	A-dn	800-2	800-2	800-2
AZO-VOR	Mendon Int* (final)	Via AZO R-130 and SW ILS crs.	2600				

Procedure turn S side of crs, 224° Outbnd, 044° Inbnd, 2500' within 10 miles of Mendon Int.*
No glide slope. No approach lights.
Minimum altitude over Mendon Int* on final approach crs, 2500'.
Crs and distance, Mendon Int* to airport, 044°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Mendon Int,* make climbing left turn to 3000' and proceed to Hickory Int via BTL-VOR R-321 or, when directed by ATC, climb to 2400' on NE crs ILS to BT LOM.
*Mendon Int: Int SW crs BTL ILS and AZO VOR R-091, or DME fix 5.8 miles from BTL VOR.
**Vicksberg Int: Int AZO-VOR R-150 and SW crs BTL ILS.

City, Battle Creek; State, Mich.; Airport Name, W. K. Kellogg Regional Airfield; Elev., 941'; Fac. Class., ILS; Ident., I-BTL; Procedure No. ILS-4, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 17 Mar. 63

Bismarck RBN	LOM	Direct	3300	T-dn	300-1	300-1	*200-½
Bismarck VOR	LOM	Direct	3300	C-d	400-1	500-1	500-1½
Lincoln Int**	LOM	Direct	3300	C-n	400-1½	500-1½	500-1½
Bell Int***	LOM	Direct	3300	S-dn-30#	300-1	300-1	300-1
				A-dn	700-2	700-2	700-2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3300' within 10 miles.
Minimum altitude over facility on final approach crs 3000'.
Distance to approach end of runway at OM 5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3600' on 261° bearing from BIS RBN or to 3600' on R-262 BIS-VOR within 20 miles or, when directed by ATC, make right climbing turn to 3600' on R-336 BIS-VOR within 20 miles.
#No glide slope or middle marker. Check NOTAMs for commissioning date of glide slope and middle marker.
*300-1 required on Runways 2, 20, 35 and 17.
**Lincoln Int: Int BIS-VOR R-262 and SE crs ILS.
***Bell Int: Int BIS-VOR R-117 and 072° bearing from LOM.
MSA: 000-090°—3400', 090-180°—3300', 180-270°—4100', 270-360°—3300'.

City, Bismarck; State, N. Dak.; Airport Name, Municipal; Elev., 1653'; Fac. Class., ILS; Ident., I-BIS; Procedure No. ILS-30, Amdt. 16; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 15; Dated, 1 June 63

FA-RBn	Ellis Int*	Direct	2200	T-dn	300-1	300-1	200-½
FWA-VOR	Ellis Int*	Direct	2200	C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn on Inbnd final approach crs at least 3 miles from Ellis Int.*
Procedure turn W side of final approach crs, 315° Outbnd, 135° Inbnd, 2200' within 10 miles of Ellis Int.*
Minimum altitude over Ellis Int* on final approach crs, 1900'.
Crs and distance, Ellis Int* to airport, 135°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing Ellis Int,* climb to 2100' on SE crs ILS and proceed to LOM or, when directed by ATC, make climbing right turn to 2600' and proceed to Rock Creek Int via R-218 FWA VOR.
NOTE: Procedure authorized only for aircraft equipped to receive ILS and ADF simultaneously or when Ellis Int* determined by Ft Wayne Radar.
*Ellis Int: Int NW crs FWA ILS and bearing 359° from FA-Rbn or NW crs FWA ILS and radar fix 3.5 miles from Runway 13.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS-13, Amdt. 1; Eff. Date, 8 Feb. 64; Sup. Amdt. No. Orig.; Dated, 15 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Milton VOR	Dunnellon Int	Direct	2200	T-dn	300-1	300-1	200-½
Dunnellon Int	Hensley Int* (final)	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-31	300-1	300-1	300-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side crs, 129° Outbnd, 309° Inbnd, 2500' within 10 miles of Hensley Int.* Beyond 10 miles not authorized.
Minimum altitude over Hensley Int* on final approach crs, 1500'.
Dme and distance, Hensley Int* to airport, 309°—4.5 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Hensley Int,* climb to 2000' on NW crs of GSW ILS within 20 miles or, when directed by ATC, turn left, proceed direct to FTW RBn, climb to 2000'.
CAUTION: 1221' radio towers 5 miles N; 2349' TV towers 14 miles SSE; 1743' TV towers 12 miles WSW of airport.
*Hensley Int: Int DAL VOR R-230 or DKT VOR R-007 and GSW ILS SE crs.

City, Fort Worth; State, Tex.; Airport Name, Greater Southwest International, Dallas-Fort Worth Field; Elev., 565'; Fac. Class., ILS; Ident., I-GSW; Procedure No. ILS-31, Amdt. 8; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 6; Dated, 25 Dec. 63

De Pere Int*	LOM (final)	Direct	2200	T-dn	300-1	300-1	200-½
OSH VOR	De Pere Int*	Direct	2500	C-dn	400-1	500-1	500-1½
Pine Grove Int	LOM	Direct	6000	S-dn-8	300-1¼	300-1¼	300-1¼
Wolf Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2
Bear Creek Int	LOM	Direct	2200				
GRB VOR	LOM	Direct	2200				
Sherwood Int	LOM	Direct	2200				
Stadium Int	LOM	Direct	2200				
Waffle Int	LOM	Direct	2300				
Nicollet Int	LOM	Direct	3000				
Freedom Int**	LOM	Direct	2200				

Procedure turn S side of crs, 260° Outbnd, 080° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2138'—5 miles; at MM, 382'—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 2300', proceed direct to LOM or, when directed by ATC, (1) make left climbing turn to 2300', proceed direct to GRB VOR or (2) climb to 2300' on NE crs GRB ILS within 20 miles.
CAUTION: 2049' tower 7 miles SE of airport.
NOTICE: Due to 2046' tower 7 miles SE of airport, aircraft departing on runway 18 which are SE-bound, climb to 2600' on runway heading before proceeding on crs. Aircraft departing Runway 12 which are SE-bound, turn left after takeoff, climb to above 2500' on a 075° magnetic bearing from the GR LOM before proceeding on crs.
*De Pere Int: Int OSH VOR R-012 and SW crs ILS.
**Freedom Int: Int GRB VOR R-204 and SW crs ILS.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694'; Fac. Class., ILS; Ident., I-GRB; Procedure No. ILS-6, Amdt. 8; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 2; Dated, 7 Oct. 61

MEM-VOR	LOM	Direct	1900	T-dn#	300-1	300-1	200-½
Miller Int	LOM	Direct	1900	C-dn	300-1	300-1	300-1½
Lewisburg Int	LOM	Direct	1900	S-dn-35*	300-1¼	300-1¼	200-½
Walls Int	LOM	Direct	1900	A-dn	800-2	800-2	800-2
Porter Int	LOM	Direct	1900				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1720'.
Altitude of glide slope and distance to approach end of runway at OM, 1699'—4.7 miles; at MM, 527'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on crs of 354° from LOM within 15 miles or, when directed by ATC, turn left, climb to 1800' on R-271 MEM-VOR within 15 miles.
Other changes: Deletes transitions from Savage Int and Norfolk Int.
*300-¾ required when glide slope not utilized.
#RAIL CROSSING NOTE: Takeoff with less than 300-¾ not authorized on Runway 34-32.
MSA: 000-090°—2300', 090-180°—2700', 180-270°—1700', 270-360°—1700'.

City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331'; Fac. Class., ILS; Ident., I-TSE; Procedure No. ILS-35, Amdt. 2; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 1; Dated, 11 Jan. 64

Commodore Int	Island Int	Direct	2000	T-dn#	300-1	300-1	200-½
Richmond Int	Island Int	Direct	2500	C-dn*	300-1	300-1	300-1½
Island Int	Tower Int (final)	Direct	2000	S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Commodore Int, (2) via Richmond Int or (3) be radar vectored to final approach crs, 113°.
No glide slope.
Minimum altitude over Tower Int on final approach crs, 2000'.
Crs and distance, Tower Int to approach end of Runway, 113°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing tower Int, proceed direct to the IN LOM, climbing to 2500' in a 1-minute holding pattern NW of LOM (120° inbnd), left turns.
CAUTION: In vicinity of Tower Int, heavy jet traffic, Navy Alameda.
#300-1 required for takeoff Runway 33.
*Tower Int: Int W crs INB ILS and SFO VOR R-355.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357'—1.6 miles N of Runway 15/33.
MSA: 000-090°—4000', 090-180°—4200', 180-270°—3000', 270-360°—3000'.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class., ILS; Ident., I-INB; Procedure No. ILF-11, Amdt. 5; Eff. Date, 8 Feb. 64; Sup. Amdt No. 4; Dated, 18 May 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bay Point Int	Hayward RBn	Direct	6000	T-dn*	300-1	300-1	200-½
Alameda Int	Hayward RBn	Direct	6000	C-dn**	500-1	500-1	500-1½
OAK VOR	Hayward RBn	Direct	4000	S-dn-27R#	200-½	200-½	200-½
Decoto Int	Hayward RBn	Direct	4000	S-dn-27L##	500-1	500-1	500-1
Fremont FM/RBn	Hayward RBn	Direct	4000	A-dn	800-2	800-2	800-2
Sunol Int	Hayward RBn%	Direct	4000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 4000' within 10 miles of HWD RBn. Beyond 10 miles not authorized.
Procedure turn S side of crs, high terrain to N.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at HWD RBn, 2590'—8.2 miles; at OM, 1320'—4.1 miles; at MM, 230'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to OAK VOR climbing to 3000' on OAK VOR. R-313 to Richmond Int.
%Descend on glide slope authorized to cross Hayward RBn at 2500'.
#300-1 required for takeoff on Runway 33.
**Maneuvering will be accomplished to the south of the OAK RBn. Circling minimums do not provide standard clearance over tank 357'—1.6 miles N of Runway 15/33.
##00-¾ required if glide slope not utilized.
#Crs and distance OM to Runway 27L, 273°—4.2 miles.
MSA: 000-090°—4000', 090-180°—4200', 180-270°—3000', 270-360°—3000'.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class., ILS; Ident., I-OAK; Procedure No. ILS-27R/L, Amdt. 18; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 17; Dated, 2 June 62

OAK VOR	Fremont FM/RBn	Direct	4000	T-dn*#	300-1	300-1	200-½
Mission Int	Fremont FM/RBn (final)	Direct	3700	C-dn**	500-1	500-1	500-1½
Sunol Int	Fremont RBn (final)	Direct	3700	S-dn-29##	300-1¼	300-1¼	200-½
Fremont FM/RBn	LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2*

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must (1) proceed via Sunol or Mission Int or (2) descend in the Fremont holding pattern or (3) be vectored to final approach crs.
Final approach crs Inbnd, 293°.
Minimum altitude at glide slope intercept, 1700'.
Altitude of glide slope and distance to approach end of runway from Fremont FM/RBn 3700'—11.7 miles; LOM 1700'—5.2 miles; LMM 230'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 1000' on the localizer crs, then turn right to intercept the OAK VOR R-313 climbing to 3000' to Richmond Int, or when directed by ATC, climb straight ahead to 1000' on the localizer crs, then make a right climbing turn, continuing climb to 2500' in a 1-minute holding pattern NW of LOM, 120° Inbnd, left turns.
CAUTION: In vicinity of LOM, heavy VFR traffic in Hayward traffic pattern.
*Runway visual range 2600' authorized for takeoff Runway 29; providing high-intensity runway lights are operational.
**Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 357'—1.6 miles N of Runway 15/33.
#300-1 required for takeoff on Runway 33.
##Runway visual range 2600', authorized for landing on Runway 29; providing that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 206' shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds.
%400-¾ required if glide slope not utilized.
MSA: 000-090°—4000', 090-180°—4200', 180-270°—3000', 270-360°—3000'.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class., ILS; Ident., I-INB; Procedure No. ILS-29, Amdt. 3; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 2; Dated, 4 May 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes: From—	To—	Distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
000°	180°	Within 15 miles	3100				
180°	000°	Within 15 miles	3700				
				Precision approach			
				S-dn-26	300-¾	300-¾	300-¾
				C-dn	800-1	800-1	800-1½
				A-dn-26	800-2	800-2	800-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	800-2	800-1	800-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Minimum altitude at glide slope interception Inbnd 2500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate left climbing turn to 3100' direct to MRB VOR, hold SE R-110 MRB VOR 1-minute left turns.
NOTES: Approach available on pilot's request from Dulles Approach Control. This is an Air Force operated and maintained facility, hours of operations—Tuesday through Saturday 0830-1630 local time. For W departure on V8, V44, V165 from Runway 26 make left climbing turn after takeoff, climb on 360° heading to 3000', proceed as cleared. For W departures from other runways after takeoff climb on 360° heading to 2000', proceed as cleared.
CAUTION: Terrain 1690' 5 miles W of airport.

City, Martinsburg; State, W. Va.; Airport Name, Martinsburg Municipal; Elev., 556'; Fac. Class and Ident. MRB Air Force Radar; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 Feb. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	200°	Within 30 miles	5000'	Surveillance approach			
200°	000°	Within 30 miles	4000'	T-dn/%**	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				S-dn-29-11	400-1	400-1	400-1
				S-dn-27R-9L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-29*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar transitions and vectoring utilizing Oakland Radar authorized in accordance with approved radar patterns and sector altitudes.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 27R: Climb to 2000' in a 1-minute holding pattern on R-300 OAK-VOR (300° Outbnd, 120° Inbnd), right turns (all turns W of crs). Runway 29: Climb to 1000' on magnetic heading 293°, then proceed direct to OAK-VOR, climbing to 2000' in a 1-minute holding pattern on R-300 (300° Outbnd, 120° Inbnd), right turns. Runway 11: Proceed direct to the INB LOM, climbing to 2600' in a 1-minute holding pattern NW of LOM (300° Outbnd, 120° Inbnd), left turns. Runway 9L: Climb to 1000' on magnetic heading 095°, then make right climbing turn, and proceed direct to OAK-VOR, climbing to 2000' in a 1-minute holding pattern on R-300 (300° Outbnd, 120° Inbnd), right turns.

*300-1 required Runway 33.

**Runway visual range 2600' also authorized for landing on Runway 29; providing all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flasher, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 205' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

***Runway visual range 2600' also authorized for takeoff on Runway 29 and Runway 27R in lieu of 200-½, when 200-½ authorized, providing high-intensity runway lights are operational.

#Maneuvering will be accomplished to the S of the OAK RBn. Circling minimums do not provide standard clearance over tank 257'—1.6 miles N of Runway 15/33.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10'; Fac. Class. and Ident., Oakland Radar; Procedure No. 1, Amdt. 8; Eff. Date, 8 Feb. 64; Sup. Amdt. No. 7; Dated, 4 May 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on January 3, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-212; Filed, Feb. 5, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grade Evaluation of Tomatoes for Processing [1]

On November 1, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 10655) regarding the issuance of United States Standards for Grade Evaluation of Tomatoes for Processing (7 CFR, §§ 51.3310–51.3318).

Statement of considerations leading to the issuance of the grade standards. In 1950 representatives from tomato grower and processor groups met with Department personnel to discuss a grading system which would employ objective tomato color measurement rather than visual color determination.

Research work was begun in 1952 and, after extensive field studies throughout the East and Midwest, by 1959 a workable system had been developed and demonstrated to growers and processors. In 1960 and 1961 the Department offered, to a limited number of processors on an experimental basis, a service incorporating simultaneous inspection of identical samples by both the new and official grading methods, the purpose being to provide a sound and satisfactory purchasing system for raw tomatoes based on the new standards.

In 1962 and 1963 one large Midwest processor used these standards in one area as the sole basis for contracting with growers. In order to provide the industry ample time to study and apply these standards, a full crop season was allowed for comments. In view of favorable comments from both industry and Department personnel, no changes in the proposal were necessary. Further observations will be made of the application of the standards under commercial conditions so that modifications may be made as needed to maintain their usefulness to the processing industry.

These new standards do not replace the existing official tomato processing standards. The Department offers these standards as a new approach in achieving greater accuracy and efficiency in the grading process as well as providing a more equitable basis of payment for both processor and grower.

The new standards provide for an inspection system for determining the quality of raw tomatoes for processing based on two factors: (1) Objective color measurement through the use of a photoelectric instrument, and (2) subjective classification of defects.

Color measurement is made on a composite raw juice sample by the USDA Tomato Colorimeter in terms of a tomato color index. In addition, the fruit is classified into four categories: A, B, C and Culls. From the weights in these categories a "Percent Usable" is calculated. The color and percent usable factors are combined to give the grade evaluation of a representative sample.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grade Evaluation of Tomatoes for Processing are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GENERAL

Sec.
51.3310 General.

DEFECT EVALUATION

51.3311 Category A.
51.3312 Category B.
51.3313 Category C.

CULLS

51.3314 Culls.

STEMS

51.3315 Stems.

PERCENT USABLE

51.3316 Percent usable.

PERCENT WASTE

51.3317 Percent waste.

COLOR EVALUATION

51.3318 Color evaluation.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State Laws and regulations.

AUTHORITY: The provision of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.3310 General.

The standards contained in this subpart apply to an inspection procedure for determining the quality of tomatoes for processing based on two factors: (1) Objective color measurement by use of a photoelectric instrument (USDA Tomato Colorimeter), and (2) subjective classification of defects.

DEFECT EVALUATION

§ 51.3311 Category A.

"Category A" consists of tomatoes which are free from worms present and feeding, and from worm injury that has penetrated through the outer wall and, which are free from mold or decay, but which may have any other defect or combination of defects the removal of which in the process of trimming would cause a loss of not more than 5 percent, by weight, of the tomato.

§ 51.3312 Category B.

"Category B" consists of tomatoes which are free from worms present and feeding, and from worm injury that has penetrated through the outer wall and, which are free from mold or decay, but which have any other defect or combination of defects the removal of which in the process of trimming would cause a loss of more than 5 percent but not more than 20 percent, by weight, of the tomato.

§ 51.3313 Category C.

"Category C" consists of tomatoes which are free from worms present and feeding, and from worm injury that has penetrated through the outer wall, and which are affected by mold or decay, or which have a combination of defects including mold or decay, the removal of which in the process of trimming would cause a loss of not more than 20 percent, by weight, of the tomato.

CULLS

§ 51.3314 Culls.

"Culls" are tomatoes which do not meet the requirements of Category C.

STEMS

§ 51.3315 Stems.

Unless otherwise specified, tomatoes with stems have no restrictions in any of the foregoing categories. If specified "free from stems" tomatoes with stems shall fall into Category C, unless additional defects make them Culls.

PERCENT USABLE

§ 51.3316 Percent usable.

"Percent Usable" is a calculation of total weights of tomatoes in Category A and the proportion of sound tomatoes in Category B, that remain after all defective portions are removed by trimming, plus 80 percent of the weight of tomatoes in Category C.

PERCENT WASTE

§ 51.3317 Percent waste.

"Percent Waste" is a calculation of total weights of Culls and all defective portions of tomatoes in Category B, plus 20 percent of the weight of tomatoes in Category C.

COLOR EVALUATION [2]

§ 51.3318 Color evaluation.

(a) The raw juice used for the color determination shall be extracted from a representative sample by means of an USDA approved extractor fitted with a .034 inch mesh screen juice attachment.

(b) Color measurement shall be made on a composite raw juice sample by means of a photoelectric instrument (USDA Tomato Colorimeter) in terms of tomato color index.

It is hereby found that good cause exists for not postponing the effective date of these standards beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that (1) grower-processor contracts for the 1964 season are now being negotiated, many of which will use these standards as basis for payment, and to enable contracting parties to cite officially promulgated standards it is in the interest of the public and the industry that the standards be placed in effect at the earliest possible date; and, (2) no special preparation is required for compliance with these standards on the part of members of the tomato industry or of others.

Accordingly the United States Standards for Grade Evaluation of Tomatoes for Processing contained in this subpart shall become effective upon publication in the FEDERAL REGISTER February 6, 1964.

Dated: January 31, 1964.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 64-1180; Filed, Feb. 5, 1964; 8:48 a.m.]

[2] The extractor and the USDA Tomato Colorimeter are commercially available. Information on where they may be purchased and additional details concerning them, may be obtained from the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR TOBACCO CROP INSURANCE

Hartford County, Connecticut, and Hampshire County, Massachusetts, are hereby deleted from the list of counties published in the FEDERAL REGISTER August 20, 1963 (28 F.R. 9142), which were designated for tobacco crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager.

[F.R. Doc. 64-1199; Filed, Feb. 5, 1964; 8:50 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR POTATO CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER August 20, 1963 (28 F.R. 9141), which were designated for potato crop insurance for the 1964 crop year pursuant to the authority contained in § 401.1 of the above-identified regulations.

IDAHO

Canyon.	Madison.
Fremont.	Power.
Jerome.	Twin Falls.
Jefferson.	

MINNESOTA

Kittson.	Polk.

OREGON

Jefferson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager.

[F.R. Doc. 64-1198; Filed, Feb. 5, 1964; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Prompt Payment

On September 25, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10383) regarding the amendment of § 201.43 of the regulations (9 CFR 201.43) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, and arguments with respect to the proposed amendment. After consideration of all relevant matter submitted by interested persons, § 201.43, Part 201, Chapter II, Title 9 of the Code of Federal Regulations, is hereby amended as follows:

§ 201.43 [Amended]

1. Add a descriptive heading to present § 201.43 to read: "Payment and accounting for livestock and live poultry";

2. Designate the descriptive heading and text of present § 201.43 as paragraph "(a)"; and

3. Add a new paragraph "(b)" reading as follows:

(b) *Purchasers to pay promptly for livestock.* Each packer, market agency, or dealer purchasing livestock shall, before the close of the next business day following the purchase of livestock and the determination of the amount of the purchase price, transmit or deliver to the seller or his duly authorized agent the full amount of the purchase price, unless otherwise expressly agreed between the parties before the purchase of the livestock. Any such agreement shall be disclosed in the purchaser's records and on the accountings or other documents issued by the purchaser relating to the transaction.

The purpose of the amendment is to establish a uniform rule regarding payment for livestock purchased by packers, market agencies, and dealers consistent with (1) the established custom that sales of livestock are on a cash basis, and (2) the provisions of present § 201.43 of the regulations under which market agencies selling livestock on a commission basis transmit or deliver net proceeds to shippers before the close of the next business day following the sale of the shippers' livestock. The amendment requires that if the parties to a livestock sales transaction enter into an agreement referred to in the regulation, the substance of such agreement must be disclosed by the packer, market agency, or dealer in his records and on the accountings or other documents issued by him relating to such transaction.

This amendment shall become effective on March 15, 1964.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies secs. 202, 307, 312, 401; 42 Stat. 169; 7 U.S.C. 192, 208, 213, 221)

Done at Washington, D.C., this 3d day of February 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64-1196; Filed, Feb. 5, 1964; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Computation of Reserves

1. Effective January 29, 1964, § 204.2 (b) is amended to read as follows:

§ 204.2 Computation of reserves.

* * * * *

(b) *Deductions allowed in computing reserves.* In determining the reserve balances required under the terms of this part, member banks may deduct from the amount of their gross demand deposits the amounts of balances subject to immediate withdrawal due from other banks and cash items in process of collection as defined in § 204.1(g). Balances "due from other banks" do not include balances due from Federal Reserve banks, balances (payable in dollars or otherwise) due from foreign banks or branches thereof wherever located, or balances due from foreign branches of domestic banks.[*]

* * * * *

2a. The purpose of this amendment is to eliminate from § 204.2(b) the sentence thereof which excluded private banks or bankers from the word "banks" in the term "due from other banks", so as to conform the language of § 204.2(b) in this respect to section 19, paragraph 11, of the Federal Reserve Act (12 U.S.C. 465).

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this relaxing amendment for the reasons and good cause found as stated in paragraph (e) of § 262.1 of the Board's rules of procedure (Part 262 of this chapter), and specifically because in connection with this amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply 12 U.S.C. 248(c), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1146; Filed, Feb. 5, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-682]

PART 13—PROHIBITED TRADE PRACTICES

Chori New York, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

[*] A member bank exercising fiduciary powers may not include in balances "due from other banks" amounts of trust funds deposited with other banks and due to it as trustee or other fiduciary. If trust funds are deposited by the trust department of a member bank in its commercial or savings department and are then redeposited in another bank subject to immediate withdrawal they may be included by the member bank in balances "due from other banks," subject to the provisions of § 204.2(b).

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Chori New York, Inc., et al., New York, N.Y., Docket C-682, Jan. 21, 1964]

In the Matter of Chori New York, Inc., a Corporation, and Shosuke Tanikaga, Kunio Misaki and Akira Utsumi, Individually and as Officers of Said Corporation

Consent order requiring New York City importers to cease violating the Flammable Fabrics Act by importing and distributing in commerce fabrics which were so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That the respondent Chori New York, Inc., a corporation, and its officers, and respondents, Shosuke Tanikaga, Kunio Misaki and Akira Utsumi, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of Section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

Provided, however, that nothing contained herein shall affect any rights afforded to the respondents by Section 11 of the Flammable Fabrics Act.

II. *It is further ordered,* That respondents hereinbefore named furnish to the Federal Trade Commission within 5 days after service of this order a special report which:

(a) Contains a list of the names and addresses of all of the corporate respondents' customers to whom shipments were made, since July 1, 1963, of fabric Style AK 7331 and/or of any other fabric which under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

(b) Shows that respondents have notified in writing the customers of the corporate respondent to whom any of the shipments referred to in subparagraph (a) above were made, as to the questionable flammable nature of the fabrics contained in such shipments.

(c) Contains copies of the aforesaid notification to each of the customers referred to in subparagraph (a) and copies of any and all responses to the aforesaid notification.

III. *It is further ordered,* That respondents, hereinbefore named, shall forward to the Commission, within two (2) days after receipt thereof, copies of any and all responses to the notification required by Subparagraph (c) of Paragraph II above which are received by respondents after the due date of the aforesaid special report.

IV. *It is further ordered,* That the respondents, hereinbefore named, shall, within five (5) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with paragraph I of this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1147; Filed, Feb. 5, 1964; 8:45 a.m.]

[Docket C-683]

PART 13—PROHIBITED TRADE PRACTICES

Joycette Fabrics Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* § 13.1053-30 *Flammable Fabrics Act.* Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Joycette Fabrics Corp., et al., New York, N.Y., Docket C-683, Jan. 21, 1964]

In the Matter of Joycette Fabrics Corp., a Corporation, and Louis A. Levine and David Sherman, Individually and as Officers of Said Corporation

Consent order requiring New York City converters and distributors of imported fabrics to cease violating the Flammable Fabrics Act by importing or selling flammable fabrics in commerce, and falsely representing to customers that they had a continuing guarantee with the Federal Trade Commission to the effect that tests required under the Act showed certain fabrics not to be dangerously flammable; and to furnish to the Commission within five days a list of customers to whom flammable fabrics were shipped, along with a showing that such customers were notified of the questionable flammable nature of the fabrics; and to cease violating the Textile Fiber Products Identification Act by failing to affix required labels to textile products imported or sold in commerce.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That the respondent Joycette Fabrics Corp., a corporation, and its officers, and Louis A. Levine and David Sherman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric, which under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

Provided, however, That nothing contained herein shall affect any rights afforded to the respondents by section 11 of the Flammable Fabrics Act.

2. Furnishing to any person a guaranty with respect to any fabric which respondents, or any of them, have reason to believe may be introduced, sold or transported in commerce, which guaranty represents, contrary to fact, that reasonable and representative tests made under the procedures provided in section 4 of the Flammable Fabrics Act, as amended, and the rules and regulations thereunder, show and will show that the fabric covered by the guaranty, is not, in the form delivered or to be delivered by the guarantor, so highly flammable under the provisions of the Flammable Fabrics Act as to be dangerous when worn by individuals, provided, however, that this prohibition shall not be applicable to a guaranty furnished on the basis of, and in reliance upon, a guaranty to the same effect received by respondents in good faith signed by and containing the name and address of the person by whom the fabric was manufactured or from whom it was received.

II. *It is further ordered,* That respondents Joycette Fabrics Corp., a corporation, and its officers, and Louis A. Levine and David Sherman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

III. *It is further ordered,* That respondents hereinbefore named, furnish to the Federal Trade Commission within five (5) days after service of this order, a special report which:

(a) Contains a list of the names and addresses of all of the corporate respondents' customers to whom shipments were made, since July 1, 1963, of fabric Style AK 7331 and/or of any other fabric which under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

(b) Shows that respondents have notified, in writing the customers of the corporate respondent to whom any of the shipments referred to in subparagraph (a) above were made, as to the questionable flammable nature of the fabrics contained in such shipments.

(c) Contains copies of the aforesaid notification to each of the customers referred to in subparagraph (a) and copies of any and all responses to the aforesaid notification.

IV. *It is further ordered,* That respondents, hereinbefore named, shall forward to the Commission, within two (2) days after receipt thereof, copies of any and all responses to the notification required by Subparagraph (c) of Paragraph II above which are received by respondents after the due date of the aforesaid special report.

V. *It is further ordered,* That the respondents hereinbefore named, shall, within five (5) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with paragraph I of this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1148; Filed, Feb. 5, 1964; 8:45 a.m.]

[Docket C-681]

PART 13—PROHIBITED TRADE PRACTICES

American Cement Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, American Cement Corporation, New York, N.Y., Docket C-681, Jan. 20, 1964]

Consent order requiring a portland cement manufacturer in Los Angeles—one of the ten largest in the United States, operating seven cement manufacturing plants in Pennsylvania, Michigan, California, Arizona, and Hawaii, and a principal supplier in the New York City area herein concerned—to divest itself of all the stock, assets and tangible and intangible properties, rights and

[1] Heading amended.

privileges acquired in its acquisition of a manufacturer operating four ready-mixed concrete plants in the New York City area and one of the five largest consumers of portland cement in that area, subject to the provisions of the order below set out.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, American Cement Corporation, a corporation, through its officers, directors, agents, representatives and employees shall, within nine months from the date of service upon it of this Order, divest itself, in good faith, and in so far as reasonably possible as a unit, and to a purchaser, or purchasers, approved by the Federal Trade Commission, of all stock or of all rights, title and interest in all assets, properties, rights and privileges, tangible and intangible, including but not limited to, all properties, plants, machinery, equipment, raw material reserves, trade names, contract rights, trade marks and good will acquired by respondent as a result of its acquisition of the stock and assets of the M. F. Hickey Company, Inc., together with all plants, machinery, buildings, land, raw material reserves, improvements, equipment and other property of whatever description that have been added to or placed upon the premises of the former M. F. Hickey Company, Inc., as may be necessary to restore or continue the M. F. Hickey Company, Inc., insofar as reasonably possible, as a going concern and an effective competitor in the manufacture and sale of ready-mixed concrete.

It is further ordered, That, except in the ordinary course of business pending divestiture, respondent shall not, without prior approval of the Federal Trade Commission, make any changes in any of the plants, machinery, buildings, equipment, or other property of whatever description of the former M. F. Hickey Company, Inc., which shall impair its present capacity for the production, sale and distribution of ready-mixed concrete, or its market value, unless such capacity or value is restored prior to divestiture.

It is further ordered, That, without prior approval of the Federal Trade Commission, the aforesaid assets or stock required to be divested under this Order shall not be sold or transferred, directly or indirectly, to anyone who, at the time of the divestiture, respondent knows or has reason to know is a stockholder, officer, director, employee, or agent, or otherwise is directly or indirectly connected with or under the control of respondent or any of its subsidiaries or affiliated companies, except that the current stockholdings of former owners, Lawrence F. Hickey and family, shall not prevent divestiture to them with the approval of the Federal Trade Commission.

It is further ordered, That, without prior approval of the Federal Trade Commission, in said divestiture, respondent shall not sell or transfer, directly or indirectly, any of the aforesaid stock or assets, to any corporation, or to anyone who, at the time of said divestiture, respondent knows or has reason to know is an officer, director, employee or agent of a corporation, which at the time of such sale or transfer, is a manufacturer or substantial distributor of portland cement anywhere in the United States, or is engaged in the production or sale of ready-mixed concrete in the New York City area, as defined in the complaint.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this Order, file with the Federal Trade Commission a report, in writing, setting forth in detail its plan for carrying out the provisions of this Order. In the event divestiture has not been accomplished within this sixty day period, respondent will thereafter report each sixty days its progress in carrying out the provisions of this Order.

Issued: January 20, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1149; Filed, Feb. 5, 1964; 8:45 a.m.]

[Docket C-679]

PART 13—PROHIBITED TRADE PRACTICES

K. P. Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.170 *Qualities or properties of product or service;* § 13.170-70 *Preventive or protective;* § 13.170-78 *Renewing, restoring.* Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2325 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat 719, as amended; 15 U.S.C. 45) [Cease and desist order, K. P. Industries, Inc., et al., Chicago, Ill., Docket C-679, Jan. 18, 1964]

In the Matter of K. P. Industries, Inc., a Corporation, and Yale Engineering Company, a Corporation, and William M. Karesh, and Morton J. Smith, Individually and as Officers of Said Corporation

Consent order requiring Chicago distributors of various automotive products, including a kit designated as "CHROME & ALUMINUM TOUCH-UP" consisting of two components "MAGICHROME CLEANER" and "MAGICHROME", to cease representing falsely, in advertising and by the aforesaid trade names, that the products contained chrome and would restore chrome, stop rust and remove it instantly, render metal impervious to weather, corrosion and salt, and were fully guaranteed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents K. P. Industries, Inc., a corporation and Yale Engineering Company, a corporation, their officers, and William M. Karesh and Morton J. Smith individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the product designated as "Chrome & Aluminum Touch-Up" or the component parts thereof, "Magichrome Cleaner" and "Magichrome" whether sold under the same names or any other names, or any product of similar or like composition, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Chrome" or any other terms of similar import or meaning as part of a product name or trade name for such product, or representing in any other manner that respondents' products contain chrome.

2. Representing, directly or by implication:

A. That the product will restore or refinish automobile chrome;

B. That the product will stop rust or render metal impervious to weather, corrosion or salt;

C. That the product will remove rust instantly or effortlessly or that it will be effective in removing rust in any manner not in accordance with the facts;

D. That any of respondents' products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth.

3. Placing in the hands of others any means or instrumentalities by or through which they may mislead the public as to any of the matters and things set out in paragraphs 1 and 2 above.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 13, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1150; Filed, Feb. 5, 1964; 8:45 a.m.]

[Docket 8561]

PART 13—PROHIBITED TRADE PRACTICES

Leonard Margolis et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-60 *List or catalog as regular selling;* § 13.155-80 *Retail as cost, wholesale, discounted, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Leonard Margolis et al. trading as Silvo Hardware Company, Philadelphia, Pa., Docket 8561, Jan. 24, 1964]

In the Matter of Leonard Margolis, and Norton Berger, Individually and as Copartners Trading as Silvo Hardware Company

Order requiring Philadelphia mail order distributors of hardware, housewares, typewriters, toys, and other general merchandise, to cease representing falsely in catalogs distributed to prospective purchasers that higher prices quoted in juxtaposition with lower stated code prices were the usual retail prices in all the trade areas in which the catalogs were distributed; and by such statements in catalogs as "wholesalers and distributors", "Buy at Wholesale Prices", that they sold all their merchandise at wholesale prices.

The order to cease and desist is as follows:

It is ordered, That respondents Leonard Margolis and Norton Berger, individually and as copartners trading as Silvo Hardware Company, or under any other name or names, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hardware, housewares, appliances, typewriters, fishing gear, and other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is the usual and customary retail or wholesale price of merchandise in any trade area to which the respondents distribute their catalogs when it is in excess of the generally prevailing retail or wholesale price (as the case may be) at which such merchandise is sold in such trade area.

2. Representing in any manner that savings are made available to purchasers of respondents' merchandise when it is offered by them at prices which are identified with, or placed in juxtaposition with, or compared to, prices or figures which purport to be the prices at which the same or similar merchandise is customarily sold by competitors or other vendors in the usual course of business in the trade area or areas where the offerings are made unless such other prices or figures are, in truth and in fact, the actual prices or figures at which such merchandise is customarily sold in the usual course of business in such trade areas.

3. Using the word "wholesale" or any other word or term of similar import or meaning, in connection with the direct or indirect solicitation of sales to individual members of the public or other consumers, to describe a price which is higher than the generally prevailing price at which the merchandise is sold by wholesalers to retailers who purchase in the quantity range at which such merchandise is offered and who are engaged in business in the trade area or areas where such use is made.

By "Order Denying Motion for Postponement of Oral Argument," etc., further order requiring report of compliance is as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 24, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1151; Filed, Feb. 5, 1964; 8:45 a.m.]

[Docket C-684]

PART 13—PROHIBITED TRADE PRACTICES

Nichimen Co., Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 Importing, selling, or transporting flammable wear.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Nichimen Company, Inc., et al., New York, N.Y., Docket C-684, Jan. 21, 1963]

In the Matter of Nichimen Company, Inc., a Corporation, and Shunji Uyeda Individually and as an Officer of the Said Corporation

Consent order requiring a New York City importer to cease violating the Flammable Fabrics Act by importing into the United States and selling in commerce fabric which was so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That the respondent Nichimen Company, Inc., a corporation, and its officer, and respondent, Shunji Uyeda, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

Provided, however, That nothing contained herein shall affect any rights afforded to the respondents by section 11 of the Flammable Fabrics Act.

II. *It is further ordered*, That respondents hereinbefore named, furnish to the Federal Trade Commission within 5 days after service of this order a special report which:

(a) Contains a list of the names and addresses of all of the corporate respondents' customers to whom shipments were made, since July 1, 1963, of fabric Style AK 4100 and/or AK 777 and/or of any other fabric which under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

(b) Shows that respondents have notified in writing the customers of the corporate respondent to whom any of the shipments referred to in subparagraph (a) above were made, as to the questionable flammable nature of the fabrics contained in such shipments.

(c) Contains copies of the aforesaid notification to each of the customers referred to in subparagraph (a) and copies of any and all responses to the aforesaid notification.

III. *It is further ordered*, That respondents hereinbefore named shall forward to the Commission, within two (2) days after receipt thereof, copies of any and all responses to the notification required in subparagraph (c) of Paragraph II above which are received by respondents after the due date of the aforesaid special report.

IV. *It is further ordered*, That the respondents hereinbefore named shall, within five (5) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with Paragraph I of this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1152; Filed, Feb. 5, 1964; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

PART 422—STATEMENTS OF PROCEDURE

Statements and Forms

Part 422 (20 CFR 422.1 et seq.) is amended as follows:

1. Subpart A is amended by changing the heading from "Bureau of Old-Age and Survivors Insurance" to "General Procedures".

§ 422.1 [Amended]

2. Section 422.1(a) is amended by changing "Bureau", in the first sentence, to "Social Security Administration".

3. Section 422.1(b) is amended by changing "Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland", in the second sentence, to "Social Security Administration, Baltimore, Maryland, 21235".

4. Section 422.1(c) is amended by changing "Bureau", in the second and last sentences, to "Social Security Administration", and by changing "Bureau's", in the second sentence, to "Administration's".

5. Section 422.1(e) is amended by changing "Bureau", in the third and sixth sentences, to "Social Security Administration".

§ 422.2 [Amended]

6. Section 422.2 is amended by changing "Bureau of Old-Age and Survivors Insurance, Baltimore 35, Maryland", in the second sentence to "Social Security Administration, Baltimore, Maryland, 21235", by changing "Bureau of Old-Age and Survivors Insurance", in the third sentence, to "Social Security Administration", and by changing "Bureau's", in the last sentence, to "Social Security Administration's".

7. Section 422.6 is amended by revising the material in paragraph (a), by redesignating the material therein as paragraphs (a), (b), (c), (d), and (e), and by amending present paragraphs (b), (c), and (d), and redesignating them as paragraphs (f), (g), and (h). As amended § 422.6 reads as follows:

§ 422.6 Statements of earnings; resolving earnings discrepancies.

(a) *Requesting a statement of earnings.* An individual may obtain a statement of earnings recorded in his social security account by mailing to the Social Security Administration, P.O. Box 57, Baltimore, Maryland, 21203, a completed Form OAR–7004, "Request for Statement of Earnings," or in lieu of a Form OAR–7004, a signed written request showing his social security account number and date of birth.

(b) *Statement of earnings, Form OAR–7014.* Upon receipt of such request or Form OAR–7004, the Administration will forward to the individual, without charge, a Form OAR–7014, "Statement of Earnings Recorded in Your Old-Age and Survivors Insurance Account," containing the requested information. The Form OAR–7014 will show the total of earnings credited to date, the total for each of the last 3 complete calendar years, the total credited since the last complete year, and the total credited for each of the periods of 1937 through 1950, and 1951 through the year preceding the first year for which an annual total is shown. See paragraph (e) of this section for information regarding a more detailed earnings statement.

(c) *Insured status reply, Form OAR–7014a.* Where the individual asks for a statement as to his insured status, the Administration will forward a Form OAR–7014a, "Insured Status Reply." The Form OAR–7014a shows the same earnings information as the Form OAR–7014 and, in addition, contains a statement as to the insured status of the individual based on the earnings information recorded in his account. Where the individual is not fully insured according to such information, the Form OAR–7014a shows the number of quarters of coverage he requires and the number of quarters of coverage he has acquired.

(d) *Earnings information for recent periods.* Because of the time it takes to receive and record reports, and because earnings are reported quarterly, semiannually, or annually, pursuant to the reporting procedures governing the particular reporting entities, the total earnings credited to an individual's account may not include all he has earned in recent months or, in some cases, in the current and preceding calendar years.

(e) *Detailed earnings statements.* (1) A more detailed statement of earnings will be furnished upon request, without charge, where it is required for a purpose related to title II of the Social Security Act.

(2) If the more detailed statement of earnings is requested for a purpose not related to title II of the Social Security Act, there will be a charge according to the following schedule of fees:

Type I—Earnings, period of employment or self-employment, and the names and addresses of reporting employers:	
First calendar year or any part thereof requested	$3.25
Each additional calendar year or any part thereof requested	2.25
Type II—Yearly totals only:	
First calendar year requested	2.50
Each additional year requested	.25

If the individual requests that the information be certified by the custodian of the records there will be an additional charge of $5.00.

(f) *Request for revision of earnings records.* If an individual disagrees with a statement of earnings credited to his social security account he may request a revision by writing to the Division of Accounting Operations, Social Security Administration, Baltimore, Maryland 21235, or by calling at or writing to any social security district office or, if the individual is in the Philippines, by calling at or writing to the Veterans' Administration Regional Office, Manila, Philippines. Upon receipt of a request for revision the Social Security Administration will initiate an investigation of the individual's record of earnings. Form OAR–7008, "Statement of Employment for Wages and Self-Employment," is used by the Social Security Administration for obtaining information from the individual requesting a revision to aid the Administration in the investigation. These forms are available at any of the sources listed in this paragraph. If an individual receives a Form OAR–7008 from the Division of Accounting Operations, the completed form should be returned to that office. See Subpart I of Part 404 of this chapter for requirements for filing requests for revision, and for limitation on the revision of records of earnings.

(g) *Notice to individual of determination.* After the investigation has been completed and a determination affecting the individual's earnings record has been made, the Social Security Administration will notify the individual in writing of the status of his earnings record and inform him at the same time of the determination made in his case and of his right to a reconsideration if he is dissatisfied with such determination (see § 422.9).

(h) *Notice to individual of adverse adjustment of his account.* Written notice is given to an individual or his survivor in any case where the Social Security Administration adversely adjusts the individual's self-employment income. Where, subsequent to the issuance of a statement of earnings to an individual, an adverse adjustment is made of an amount of wages included in the statement, written notice of the adverse adjustment is given to the individual or his survivor. Written notice of the adverse adjustment is also given to the survivor if the statement of earnings had been given to such survivor. The individual or his survivor is requested to notify the Social Security Administration promptly if he disagrees, and he is informed that the adjustment will become final unless he notifies the Administration of his disagreement (if any) within 6 months from the date of the letter, or within 3 years, 3 months, and 15 days after the year to which the adjustment relates, whichever is later.

8. Section 422.7 is amended to read as follows:

§ 422.7 General claims procedure.

(a) *Applications and related forms.* The Social Security Administration provides facilities for the public to file claims and to obtain assistance in completing them. An appropriate application form and related forms for use in filing a claim for monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, can be obtained from any district office, contact station, or resident station of the Social Security Administration, or from the Veterans' Administration Regional Office, Manila, Philippines. See § 404.608 of this chapter for offices at which applications may be filed. The application forms used by the public to file claims are as follows:

OA–C1	Application for Old-Age Insurance Benefits.
OA–C1.1	Application for Recomputation of Benefits.
OA–C2	Application for Wife's Insurance Benefits.
OA–C4	Application for Insurance Benefits for Child of Living Wage Earner or Self-Employed Person.
OA–C5	Application for Survivors Insurance Benefits (to be used by applicant for widow's or mother's benefits alone or for these benefits combined with child's benefits).
OA–C6	Application on Behalf of Child for Survivors Insurance Benefits.
OA–C7	Application for Parent's Insurance Benefits.
OA–C8	Application for Lump-Sum Death Payment.
OA–C10	Application for Widow's or Widower's Insurance Benefits (for use by a claimant who previously was entitled as a widow or widower to the lump-sum death payment or survivors insurance benefits on the deceased's account).
OA–C12	Application by Divorced Wife for Mother's and Child's Insurance Benefits.
OA–C13	Application for Widower's Insurance Benefits.
OA–C14	Application for Husband's Insurance Benefits.
OA–C16	Application for Disability Insurance Benefits.

The following are some related forms:

OA–C3	Husband's Certification (generally this form must accompany the wife's application, Form OA–C2).
OA–C11	Application for Substitution of Payee (for use when the individual proposing to be substituted for current payee files application to receive benefits on behalf of self, minor child, or incompetent beneficiary).
OA–C15	Wife's Certification (this form must accompany the husband's application, Form OA–C14).
OA–C17	Disabled Child—Statement Regarding Disability.
OA–C21	Supplement to Application (Beneficiary Living Outside the United States).
OA–C22	Supplement to Application for Child's Insurance Benefits (Beneficiary Living Outside the United States).
OA–C780	Certificate of Individual Applying for Benefits on Behalf of Another.

(b) *Submission of evidence.* An individual who files an application for monthly benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, either on his own behalf or on behalf of another, must establish by satisfactory evidence the material allegations in his application, except as to earnings shown in the Social Security Administration's records (see Subpart H of Part 404 of this chapter for evidence requirements in nondisability cases and Subpart P of Part 404 of this chapter for evidence requirements in disability cases). Instructions, report forms, and forms for the various proofs necessary are available to the public in district offices, contact stations, and resident stations of the Social Security Administration, and the Veterans' Administration Regional Office, Manila, Philippines. These offices assist individuals in preparing their applications and in obtaining the proofs required in support of their applications.

(c) *Determinations and notice to individuals.* In the case of an application for benefits, the establishment of a period of disability, a lump-sum death payment, or a recomputation of a primary insurance amount, the Social Security Administration, after obtaining the necessary evidence, will make a determination as to the entitlement of the individual claiming or for whom is claimed such benefits, and will notify the applicant of the determination and of his rights to a reconsideration if he is dissatisfied with the determination (see § 422.9). Also see § 404.1520 of this chapter for a discussion of the respective roles of State agencies and the Administration in the making of disability determinations and § 404.1521 of this chapter for information regarding initial determinations as to entitlement or termination of entitlement in disability cases.

§ 422.8 [Amended]

9. Section 422.8(a) is amended by changing "Bureau" to "Social Security Administration".

10. Section 422.8(b) is amended by changing "Bureau" in the second, third, and last sentences, to "Social Security Administration".

§ 422.9 [Amended]

11. Section 422.9 is amended by deleting "Bureau" from the heading, and by changing "Bureau" in the first, second, and third sentences, to "Social Security Administration".

12. Subpart B is amended by changing the heading from "Bureau of Hearings and Appeals" to "Procedures of the Bureau of Hearings and Appeals".

13. Section 422.20 is amended to read as follows:

§ 422.20 Duties and functions of Bureau of Hearings and Appeals.

The Appeals Council, its members and hearing examiners, in the Bureau of Hearings and Appeals of the Social Security Administration have, by delegation from the Secretary of Health, Education, and Welfare, the duties, powers, and functions arising under sections 205 and 221 of the Act, relating to the holding of hearings and the rendition and review of decisions in connection with appeals from reconsidered determinations made under title II of the Social Security Act. See Subpart J of Part 404 of this chapter.

14. Section 422.21 is amended to read as follows:

§ 422.21 Hearing before hearing examiner.

After a reconsidered determination of a claim for benefits or any other right under title II of the Act has been made under section 205 or section 221 of the Act, any party to such determination may file a written request for a hearing on his claim. (For individuals who may be parties to a hearing see §§ 404.919 and 404.920 of this chapter.) This request may be made on Form AC–501, "Request for Hearing," or by letter. Form AC–501 may be obtained from any social security district office, from the Bureau of Hearings and Appeals, SSA, 801–19th Street NW., Washington, D.C. 20203, or from any other office where a request for a hearing may be filed. For detailed information about the right to a hearing, the time and place for filing a request for a hearing, the functions of the hearing examiner, the conduct of a hearing, and the rights of parties to a hearing, see §§ 404.917–404.940 of this chapter.

15. Section 422.22 is amended to read as follows:

§ 422.22 Review by Appeals Council.

Any party to a hearing examiner's decision or dismissal may request a review of such decision or dismissal by the Appeals Council. This request may be made on Form AC–520, "Request for Review of Hearing Examiner's Action," or by letter. This form may be obtained from any social security district office, from the Bureau of Hearings and Appeals, SSA, 801 19th Street NW., Washington, D.C., 20203, or from any other office where a request for review may be filed. For detailed information about the time and place for filing a request for review, the functions of the Appeals Council, and the rights of parties to the review, see §§ 404.938, 404.941–404.952, 404.954, and 404.955 of this chapter.

16. *Effective date.* The revised schedule of fees provided in § 422.6(e)(2) shall become effective on the 30th day following publication in the FEDERAL REGISTER. Otherwise, the foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 205 and 1102, 53 Stat 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Dated: January 21, 1964.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 31, 1964.

ANTHONY J. CELEBREZZE
Secretary of Health, Education, and Welfare.

[F.R. Doc. 64–1188; Filed, Feb. 5, 1964; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

TOASTED PARTIALLY DEFATTED COOKED COTTONSEED FLOUR; LISTING FOR FOOD USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs, based on a petition (CAP 7) filed by Traders Oil Mill Company, Subsidiary of Buckeye Cellulose Corp., Ivorydale Technical Center, Cincinnati 17, Ohio, and other relevant material, finds that toasted partially defatted cooked cottonseed flour is safe for use in or on foods under the conditions prescribed in this order, and that certification is not necessary for the protection of the public health. *Therefore, it is ordered*, That Part 8 be amended by adding to Subpart B the following new section:

§ 8.315 Toasted partially defatted cooked cottonseed flour.

(a) *Identity.* (1) The color additive toasted partially defatted cooked cottonseed flour is a product prepared as follows: Food quality cottonseed is delinted and decorticated; the meats are screened, aspirated, and rolled; moisture is adjusted, the meats heated, and the oil expressed; the cooked meats are cooled, ground, and reheated to obtain a product

varying in shade from light to dark brown.

(2) Color additive mixtures made with toasted partially defatted cooked cottonseed flour may contain as diluents only those substances that, if used in foods, are not food additives within the meaning of section 201(s) of the act; or if they are food additives, are used only as prescribed in regulations in Part 121 of this chapter.

(b) *Specifications.* Toasted partially defatted cooked cottonseed flour conforms to the following specifications:

Arsenic (As), not more than 1 part per million.
Lead (Pb), not more than 10 parts per million.
Free gossypol content, not more than 450 parts per million (0.045 percent by weight).

(c) *Uses and restrictions.* Toasted partially defatted cooked cottonseed flour may be safely used for coloring foods generally, in amounts consistent with good manufacturing practices, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirement of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2))

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1163; Filed, Feb. 5, 1964; 8:46 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Creamed Cottage Cheese; Confirmation of Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of November 27, 1963 (28 F.R. 12617), amending the standard for creamed cottage cheese to permit the use of calcium sulfate as an optional stabilizing ingredient. Accordingly, the amendment to the definition and standard of identity promulgated by that order will become effective January 26, 1964.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended; 21 U.S.C. 341, 371)

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1170; Filed, Feb. 5, 1964; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Definitions and Interpretations

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511, 52 Stat. 1055, as amended; 21 U.S.C. 346a, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.1(j) a new subparagraph (7), reading as follows:

§ 120.1 Definitions and interpretations.

* * * * *

(j) * * *

(7) The crowns (leaves at the top of the fruit) shall be removed and discarded from pineapples before examination for pesticide residues.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment effected is interpretative in nature and serves to clarify existing regulations.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 701, 68 Stat. 511, 52 Stat. 1055, as amended; 21 U.S.C. 346a, 371)

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1171; Filed, Feb. 5, 1964; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Chloramphenicol Sodium Succinate

New data indicate that changing the test dose in the toxicity test for chloramphenicol sodium succinate from 1 milligram to 10 milligrams per mouse will increase the reliability of the test. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the tests and methods of assay for chloramphenicol sodium succinate are amended by changing § 141d.314(c) to read as follows:

§ 141d.314 Chloramphenicol sodium succinate.

* * * * *

(c) *Toxicity.* Use sterile physiological salt solution as the diluent, and proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 20 milligrams of chloramphenicol activity per milliliter.

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the change increases the reliability of the toxicity test for the product involved and is in the public interest.

Effective date. This order shall be effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1169; Filed, Feb. 5, 1964; 8:46 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Benzene, Petroleum Distillates, Toluene, Xylene; Labeling Requirements

The Commissioner of Food and Drugs has considered all comments and suggestions submitted in response to the notice of proposed rulemaking published in the FEDERAL REGISTER of March 19, 1963 (28 F.R. 2686), with reference to

clarification of the labeling requirements for the above-identified products, and has concluded that the amendments proposed should be adopted with the following change, effective on publication in the FEDERAL REGISTER:

In amendment 1, affecting § 191.7(a)(4), the word "benzine," following "gasoline," is deleted.

The amendments adopted, with the change indicated, are set forth below.

(Secs. 3(b), 10, 74 Stat. 374, 378; 15 U.S.C. 1262, 1269)

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

Section 191.7, *Products requiring special labeling under section 3(b) of the act*, is amended in the following respects: By changing the introduction to paragraph (a) and subparagraph (4) of that paragraph and by revising paragraph (b)(3) to read as set forth below and by adding to paragraph (b) a new subparagraph (5) as follows:

§ 191.7 Products requiring special labeling under section 3(b) of the act.

(a) Human experience as reported in the scientific literature and to the Poison Control Centers and the National Clearing House for Poison Control Centers, together with opinions of informed medical experts, establishes that the following substances are hazardous:

* * * * *

(4) Products containing 5 percent or more, by weight, of benzene (also known as benzol) and products containing 10 percent or more, by weight, of toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates such as kerosine, mineral seal oil, naphtha, gasoline, mineral spirits, stoddard solvent, and related petroleum distillates.

* * * * *

(b) * * *

(3) *Benzene, toluene, xylene, petroleum distillates.* (i) Because inhalation of the vapors of products containing 5 percent or more, by weight, of benzene may cause blood dyscrasias, such products shall be labeled with the signal word "danger," the statement of hazard "Vapor harmful," and the word "poison," and the skull and crossbones symbol. If the product contains 10 percent or more, by weight, of benzene, it shall bear the additional statement of hazard "Harmful or fatal if swallowed" and the additional statements "If swallowed, do not induce vomiting. Call physician immediately."

(ii) Because products containing 10 percent or more, by weight, of toluene, xylene, or any of the other substances listed in paragraph (a)(4) of this section may be aspirated into the lungs, with resulting chemical pneumonitis, pneumonia, and pulmonary edema, such products shall be labeled with the signal word "danger," the statement of hazard "Harmful or fatal if swallowed," and the statements "If swallowed, do not induce vomiting. Call physician immediately."

(iii) Because inhalation of the vapor of products containing 10 percent or more, by weight, of toluene or xylene may cause systemic injury, such products shall bear the statement of hazard "Vapor harmful" in addition to the statements prescribed in subdivision (ii) of this subparagraph.

* * * * *

(5) *Turpentine.* Because products containing 10 percent or more, by weight, of turpentine, in addition to oral toxicity resulting in systemic poisoning, may be aspirated into the lungs, with resulting chemical pneumonitis, pneumonia, and pulmonary edema, such products shall be labeled with the signal word "danger" and the statement of hazard "Harmful or fatal if swallowed."

[F.R. Doc. 64-1172; Filed, Feb. 5, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACT-FINDING BODIES

Financial Responsibility for Costs Incurred in Support of Courts-Martial

Scope and purpose. The amendment clarifies the funding responsibility for certain costs incurred in support of courts-martial. In regard to functions of personnel of the U.S. Navy-Marine Corps Judiciary Activity, the amendment distinguishes between the function of law officer of a general court-martial and other functions such as that of president of a special court-martial. A corresponding change to the Manual of the Judge Advocate General will be distributed to Navy and Marine Corps commands in due course.

1. Section 719.130(a)(1) is revised to read as follows:

§ 719.130 Financial responsibility for costs incurred in support of courts-martial.

* * * * *

(a) *Travel, per diem and fees.* (1) The costs of travel and per diem of military personnel and civilian employees of the Navy, including that of JAG Task Force personnel but excluding that of personnel attached to the Office of the Director, U.S. Navy-Marine Corps Judiciary Activity and branch offices thereof when acting as law officer of general courts-martial, will be charged to the operation and maintenance allotment which supports temporary additional duty travel for the convening authority of the court-martial. Such costs incurred by personnel attached to the Office of the Director, U.S. Navy-Marine Corps Judiciary Activity and branch offices thereof when acting as law officer of general courts-martial will be charged to the operation and maintenance allotment of the Judge Advocate General.

* * * * *

(R.S. 161, 3679, sec. 5031, 70A Stat. 278, as amended, sec. 133(d), 76 Stat. 517; 5 U.S.C. 22, 10 U.S.C. 133(d), 5031, 31 U.S.C. 665)

Dated: January 28, 1964.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 64-1145; Filed, Feb. 5, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER A—ALASKA

[Cir. 2129]

PART 63—GRAZING

Miscellaneous Amendments

On page 9922 of the FEDERAL REGISTER of September 12, 1963, there were published proposed amendments to Part 63 designated as §§ 63.3, 63.11, 63.13, 63.16, 63.17, 63.20, 63.23, and 63.24 of Title 43, Code of Federal Regulations. The purpose of the amendments is to clarify the previous regulations and to provide additional necessary provisions and instructions.

Adverse comments to the proposed rules suggested a minor modification to § 63.11(c), so that the last sentence is now qualified by an additional provision. Accordingly the proposed regulations are hereby adopted with the following change as set forth below:

1. The following provision is added to the last sentence of § 63.11(c): "; except the lease shall not terminate if the lessee submits payment to the proper office within a grace period of sixty days following the last day of the current lease period together with a showing satisfactory to the authorized officer that the delay in rental payment was for unavoidable reasons and that termination of the lease would cause undue hardship to the lessee."

The amendments shall become effective at the beginning of the 30th calendar day following the date of its publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 30, 1964.

1. Paragraph (d) is revised and a new paragraph (i) is added to § 63.3 as follows:

§ 63.3 Definitions.

* * * * *

(d) "Authorized Officer" or "Manager" means the designated official of the Bureau of Land Management, in whose district the lands involved are situated, who has been delegated the authority to issue grazing leases;

* * * * *

(i) "Animal unit month" means the forage consumed or grazing privileges represented by the grazing of one cow or its equivalent for one month. For the purpose of this definition, one cow shall be considered the equivalent of one horse or five sheep or five goats.

2. The caption of § 63.11 is amended, paragraph (a) is revised, and a new paragraph (c) is added as set forth below.

§ 63.11 Annual rental; amount; adjustment; waiver; effect of failure to pay.

(a) Unless otherwise provided, each lessee shall pay to the Bureau of Land Management such rental per acre, per head, or per animal unit month, as may be determined to be a fair charge for grazing of livestock on the leased land. The rental under any grazing lease may be adjusted every 3 years. The date for making the annual payment will be specified in the lease. If the rental is to be paid according to the number of animals grazed, no charge will be made for the natural increase of grazing animals until the beginning of the following lease year.

* * * * *

(c) The first rental payment required and the return of the proposed lease duly executed by the prospective lessee shall be made within 30 days of receipt of the lease form by the prospective lessee; if the rental is not paid or the lease is not returned within the prescribed time, the offer shall be null and void and of no effect, and all rights of the prospective lessee thereunder or under the application upon which it is based shall be considered as terminated. Subsequent rental payments for succeeding lease periods are payable in advance. In the event such payment is not received in the proper office by the last day of the current lease period or within the time prescribed in the billing notice, whichever is the later, the lease shall be considered canceled and all rights terminated thereunder as of the end of such current lease period; except the lease shall not terminate if the lessee submits payment to the proper office within a grace period of sixty days following the last day of the current lease period together with a showing satisfactory to the authorized officer that the delay in rental payment was for unavoidable reasons and that termination of the lease would cause undue hardship to the lessee.

3. Section 63.13 is revised to read as follows:

§ 63.13 Free grazing permits.

Any person may file application in duplicate on Form 4–469 for a permit to graze, free of charge, not to exceed the number of livestock whose products are consumed or whose work is directly and exclusively used by the applicant or his family, for a term of not more than one year. The permit for such use will be issued on Form 4–1309.

4. Paragraphs (b) and (c) of § 63.16 are revised as follows:

§ 63.16 Report of grazing operations; assignments; renewals.

* * * * *

(b) No part of the leased land may be subleased. Any proposed assignment of a lease, in whole or in part, must be filed in duplicate with the authorized officer within 90 days of its execution. Assignments will be executed on Form 4–1674 and must be accompanied by the application Form 4–469, executed in duplicate, together with the same showing by the assignee as to qualifications and stock development schedule as would be required of applicants for a new lease, including financial responsibility when specifically requested by the manager. The assignee's acceptance of the lease offered pursuant to the grazing lease assignment shall constitute his acceptance of the lease terms. No assignment will be recognized nor will it confer on the assignee any rights to the leased area until a lease therefor is issued to him.

(c) An application for renewal of a grazing lease should be executed and filed in duplicate on Form 4–469 not less than 4 months nor more than 8 months before the expiration date of the lease term. The renewal lease, if issued, will contain such terms and conditions as the authorized officer may determine.

5. Paragraph (b) of § 63.17 is modified as follows:

§ 63.17 Stock driveways; crossing permits; quarantine regulations.

* * * * *

(b) A permit for the crossing of livestock on a stock driveway or other public lands, including lands under grazing lease, may be issued free of charge, upon the filing of an application on Form 4–1367, in duplicate, with the authorized officer at least 30 days prior to the date the crossing is to begin.

6. Section 63.20 is revised to read as follows:

§ 63.20 Permits for construction and maintenance of improvements; fences; assignment of improvements.

Application for a permit to construct and maintain range improvements should be filed with the authorized officer in duplicate on Form 4–1115. The lessee, upon obtaining an executed permit from the authorized officer, may construct, maintain, and utilize authorized fences, buildings, corrals, reservoirs, wells, or other improvements needed for the exercise of the grazing privileges under the lease. The lessee will be required to comply with the laws of the State of Alaska with respect to the construction and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes. The lessee upon written approval by the authorized officer, may improve by seeding or reseeding within the lease area and may harvest hay, or ensilage from such seeded or reseeded areas provided that the forage so produced is used primarily as feed for the lessee's livestock. The authorized officer may approve the assignment of range improvements upon receipt of an application for such assignment on Form 4–1208.

7. Section 63.23 is renumbered as § 63.24 and a new § 63.23 is added as set forth below.

§ 63.23 Grazing trespass.

(a) Grazing livestock upon, allowing livestock to drift and graze on, or driving livestock across lands that are subject to lease or permit under the provisions of this part or within a stock driveway, without a lease or other authorization from the Bureau of Land Management, is prohibited and constitutes trespass. Trespassers will be liable in damages to the United States for the forage consumed and for injury to Federal property, and may be subject to civil and criminal prosecution for such unlawful acts. A lessee who grazes livestock in violation of the terms and conditions of his lease by exceeding numbers specified, or by allowing the livestock to be on Federal land in an area or at a time different from that designated in his lease shall be in default and shall be subject to the provisions of § 63.19. Under section 2 of the act, any person who wilfully grazes livestock on public lands without authority, shall, upon conviction, be punished by a fine of not more than $500.

(b) Whenever it appears that a violation exists the authorized officer shall serve written notice upon the alleged violator. The notice shall set forth the act or omission constituting such violation and will allow the party involved a reasonable specified time from receipt of notice to demonstrate that there has been no violation or that he has since achieved compliance. If the showing is satisfactory to the authorized officer he will close the case; if satisfactory showing is not made within the time allowed, the violation alleged in the notice will be deemed to have been wilful.

(c) Where the owner of the trespassing livestock, or his representative, is known, the authorized officer shall determine the amount of the damage to the public land and other property of the United States and shall make a demand for payment upon the alleged violator setting forth the foregoing values including the value of the forage consumed. Such forage value shall be computed at the commercial rates, if susceptible to proof by reasonably available and reliable data; otherwise, a minimum charge of $2 per animal unit month for trespass not clearly wilful will be made. Where the trespasses are repeated and/or wilful, a minimum charge of $4 per animal unit month for forage consumed will be charged. All offers for settlement for value of forage consumed and for damage to the public land or to other property of the United States resulting from an alleged violation of any provision of the act or regulations found within 43 CFR 63.1 et seq. in the amount of $2,000 or less may be accepted by the authorized officer. Offers for settlement in excess of $2,000 will be transmitted to the State Director for appropriate action. An offer of settlement will not constitute satisfaction of civil liability for consumed forage and damage involved until finally accepted by the authorized officer or the State Director, and in no event will it relieve the violator of criminal liability. No lease or permit will be issued or renewed until payment of any amount found to be due the United States under this section has been offered.

8. Section 63.24 is revised to read as follows:

§ 63.24 Hearings; appeals.

(a) Any lessee of or applicant for grazing privileges may procure a review of any action or decision of the authorized officer by filing with such officer an application for a hearing, stating the nature of the action or decision complained of and the grounds of complaint. The filing of any such application and the conduct of the proceedings before an examiner shall be governed by the rules of practice pertaining to contests (Part 221 of this chapter).

(b) An appeal may be taken from any decision of the authorized officer to the Director of the Bureau of Land Management, and from any decision of the Director to the Secretary of the Interior, pursuant to the rules of practice (Part 221 of this chapter).

[F.R. Doc. 64–1158; Filed, Feb. 5, 1964; 8:46 a.m.]

SUBCHAPTER B—APPLICATIONS AND ENTRIES

[Cir. No. 2130]

PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

Rejection of Applications

The purpose of this amendment is to list various factual situations which under existing rules require rejection of applications. Each inclusion is substantiated by Departmental decision. The amendment also incorporates into the regulations the long established practice of the Department of the Interior that, except where regulations provide otherwise, all applications must be accepted for filing. It also corrects a reference.

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. This Department nevertheless, customarily gives such notice and public precedure thereon. However, that practice is deemed unnecessary in this instance because the changes being made incorporate into the regulations principles contained in Departmental decisions. Accordingly, this amendment shall become effective on publication in the FEDERAL REGISTER.

(1) Paragraph (b) of § 101.2 is amended to correct the reference therein which reads "§ 216.30" to read "§ 216.2."

(2) The caption to § 101.2 is revised and new paragraph (c) is added to read as follows:

§ 101.2 Payments required to effect segregation of land; rejection of applications.

* * * * *

(c) Except where regulations provide otherwise, all applications must be accepted for filing. However, applications which are accepted for filing must be rejected and cannot be held pending possible future availability of the land or interests in land, when approval of the application is prevented by:

(1) Withdrawal or reservation of the lands;

(2) An allowed entry or selection of record;

(3) An irrevocable lease which grants the lessee exclusive use of the land;

(4) Classification under appropriate law;

(5) The fact that for any reason the land has not been made subject, or restored, to the operation of the public land laws.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64–1159; Filed, Feb. 5, 1964; 8:46 a.m.]

[Cir. 2131]

PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

Elimination of Requirements of Oaths on Written Statements in Public Land Matters

The purpose of this amendment is to incorporate into the regulations the principle that false statements as to any material fact made in connection with applications for privileges under 43 CFR, Chapter I, will be a basis for denial of such applications, where allowance is discretionary.

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the changes merely incorporate into the regulations principles enunciated in Departmental decisions. Accordingly, this amendment shall become effective on publication in the FEDERAL REGISTER.

Section 101.18 is amended to add a new paragraph, designated (d):

§ 101.18 Elimination of the requirements of oaths on written statements in public land matters.

* * * * *

(d) False statements as to any material fact made by an applicant in connection with applications, allowance of which is discretionary with the authorized officer, are a proper basis for rejection of the applications.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64–1160; Filed, Feb. 5, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

National Wildlife Refuges, Nebraska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEBRASKA

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Sport fishing on the North Platte National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3300 acres or 90 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, crappies, bullheads and other minor species as permitted under State regulations.

(b) Open season: From effective date of publication through September 30, 1964.

(c) Daily creel limits: In accordance with species limits as prescribed by Nebraska State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used. One hook means a single, double or treble pointed hook and all hooks attached to an artificial bait are counted as one hook.

(2) Boats, motorboats and other floating craft may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1330 acres or 32 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, crappies, bullheads and

other minor species as permitted under State regulations.

(b) Open season: From effective date of publication through September 30, 1964; daylight hours only.

(c) Daily creel limits: In accordance with species limits as prescribed by Nebraska State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used. One hook means a single, double or treble pointed hook and all hooks attached to an artificial bait are counted as one hook.

(2) Boats, without motors, may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,900 acres or 40 percent of the total water area of the refuge, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, black bass, yellow perch, black bullhead; and other minor species permitted by State regulations.

(b) Open season: Daylight hours only from the effective date of this publication through December 31, 1964, in those waters opened by posting except that all fishing is prohibited during the migratory duck hunting season.

(c) Daily creel limits: In accordance with species limits prescribed by Nebraska State regulations.

(d) Methods of fishing:

(1) No more than two lines with two hooks on each line may be used.

(2) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows, seine or net for capturing minnows.

(3) See applicable State regulations for additional details.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 30, 1964.

[F.R. Doc. 64-1155; Filed, Feb. 5, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Sport fishing on the Hart Mountain National Antelope Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 100 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

The sport fishing season on the refuge extends from April 25 through October 31, 1964.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 29, 1964.

[F.R. Doc. 64-1154; Filed, Feb. 5, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Klamath Forest National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Sport fishing on the Klamath Forest National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area is delineated on maps available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The refuge shall be open for bullhead fishing the entire year. Seasons for other species will be in accordance with applicable State regulations.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 30, 1964.

[F.R. Doc. 64-1155; Filed, Feb. 5, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Upper Klamath National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Klamath National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,000 acres, is delineated on maps available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, California, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 25 through October 31, 1964.

(2) Boats with motors are permitted for fishing. Speed of boats shall not exceed 10 miles per hour on that part west of a line beginning at a point on the north shore of Pelican Bay ¼ mile east of Crystal Creek and extending due south to opposite shore of lake; and in any stream, creek, or canal leading into said described portion of the lake.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 29, 1964.

[F.R. Doc. 64-1156; Filed, Feb. 5, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Notice of Proposal To List Specified Antifoaming Agents as Optional Ingredients in Jellies and Preserves

Notice is given that a petition has been filed by the National Preservers Association, 333 North Michigan Avenue, Chicago 1, Illinois, whose members are manufacturers and distributors of fruit jellies and fruit preserves, setting forth proposed amendments to the definitions and standards of identity for fruit jellies and fruit preserves to permit the optional addition during processing of specified antifoaming agents.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are hereby invited to present their views in writing regarding the proposal published below. Such views and comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that the standards of identity for fruit jelly (§ 29.2) and fruit preserves (§ 29.3) be amended by adding immediately at the end of paragraph (a) in each instance a new sentence reading as follows: "To aid in processing the food, one or more of the following antifoaming agents, in a quantity not greater than reasonably required to inhibit foaming, may be added: Butter, oleomargarine, lard, corn oil, cocoanut oil, cottonseed oil, mono- and diglycerides of fat-forming fatty acids."

Dated: January 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1176; Filed, Feb. 5, 1964; 8:48 a.m.]

[21 CFR Part 37]

FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

Notice of Petition Proposing Amendment of the Standard of Identity for Canned Tuna To List Sodium Acid Pyrophosphate as an Optional Ingredient To Inhibit Struvite Crystals

Notice is given that the National Canners Association, 1133 20th Street NW., Washington, D.C., has filed a petition proposing that the standard of identity for canned tuna (21 CFR 37.1) be amended to list sodium acid pyrophosphate in a quantity not to exceed 0.15 gram per ounce net weight of the canned tuna as an optional ingredient for inhibiting the development of struvite crystals in the food. The petition proposes that the paragraph of the standard in which optional ingredients are designated for label declaration be amended to provide that when sodium acid pyrophosphate is added the label shall bear the statement "pyrophosphate added" or "with added pyrophosphate."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding these proposals. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 29, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1175; Filed, Feb. 5, 1964; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Antibiotics for Growth Promotion and Feed Efficiency; Proposed Amendments

Based on an accumulation of information about the use of low-level antibiotics for growth promotion and feed efficiency, the Commissioner of Food and Drugs has found:

1. That the optimum amount of antibiotic for growth promotion is a variable factor depending in part upon area, climatic conditions, and flock and herd management.

2. That after some years of use in the same location the optimum amount of antibiotic may need adjustment to a higher or sometimes lower figure.

3. That when therapeutic levels of antibiotics are added to feeds containing growth-promoting levels of antibiotics, safe and efficacious use requires a knowledge of the quantity of each antibiotic present.

4. That label guidance to the user is necessary if he is to be assured of obtaining a feed containing the minimum necessary to accomplish the intended purpose.

Accordingly, the Commissioner of Food and Drugs has concluded that the conditions under which such an additive may be safely used should include a requirement that the quantity of the antibiotic contained therein should be stated on the label of all feeds for growth promotion.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 371(d)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed to amend the food additive regulations as follows:

1. It is proposed to change §§ 121.205 (d)(2), 121.207(d)(2), 121.208(e)(2), 121.210(d)(2), and 121.213(d)(2) to read, "A statement of the quantity or quantities contained therein."

2. In § 121.225 *Antibiotics for growth promotion and feed efficiency* it is proposed to amend paragraph (w) to read:

(w) *Labeling requirements.* To assure safe use:

(1) The label and labeling of the additive, any combination of additives, and any premix, feed concentrate, or feed supplement prepared therewith, shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity of each contained therein.

(iii) A statement of the conditions for which the feed is to be used.

(iv) Adequate mixing directions to provide a finished feed with the intended concentration of the additives, whether or not premixes are also used.

(v) Adequate use directions to provide a finished feed labeled as provided in subparagraph (2) of this paragraph.

(2) The label and labeling of the complete feed shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive or additives.

(ii) A statement of the quantity contained therein.

(iii) Adequate directions for use.

All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferable in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201.

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1173; Filed, Feb. 5, 1964; 8:47 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Gamma Radiation for the Processing of Food; Proposed Amendments

The Commissioner of Food and Drugs has evaluated the data submitted in a petition (FAP 1226) filed by The United States Atomic Energy Commission, Washington 25, D.C., and other relevant material and has concluded that § 121.-3002 of the food additive regulations should be amended to provide certain conditions under which gamma radiation from a sealed source containing cesium 137 may be safely used in the processing of canned bacon. He has further concluded that in the interest of clarity this section also should specify the conditions under which the bacon must be canned before irradiation and that certain editorial changes should be made. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 701, 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) it is proposed to amend § 121.3002 in the following respects:

1. By inserting the words "and treatment" following the word "processing" in the section heading and introduction to the section.

2. By adding the radiation source cesium 137 to paragraph (a).

3. By inserting in the limitation column in paragraph (b) after the term "§ 121.-2514" the phrase "after packing under vacuum or in an inert atmosphere".

4. By inserting in paragraph (c) the introductory phrase "In the case of radiation used for the preservation of food", in lieu of the word "A", in the first sentence.

As amended, the section would read as follows:

§ 121.3002 Gamma radiation for the processing and treatment of food.

Gamma radiation for the processing and treatment of food may be safely used under the following conditions:

(a) The radiation source consists of sealed units containing one of the following isotopes: Cesium 137, cobalt 60.

(b) The gamma radiation is used or intended for use as follows:

Irradiated food	Limitations	Use
Canned bacon..	Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing under vacuum or in an inert atmosphere; absorbed dose: 4.5 to 5.6 megarads.	Radiation preservation.

(c) In the case of radiation used for the preservation of food, a record of the total dose absorbed shall be obtained by the use of phantoms having the same geometry as the containers of food and containing dosimeters suitable for the maintenance of a permanent record of exposure. Measurement of total dose shall be made by use of one phantom per 24-hour period of operation, or by use of one phantom for each 1,000 packages exposed, whichever occurs first, with exposure records being retained for Food and Drug Administration inspection for a period of 1 year.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1174; Filed, Feb. 5, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[Docket No. 15302 (RM 444); FCC 64-51]

AVIATION SERVICES

Authorization of Non-Type Accepted Transmitters at International Gateway Stations

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend paragraph (b) of § 87.77 of the Commission's rules to except HF transmitters (in excess of 1,000 watts power) in the aeronautical mobile and aeronautical fixed services at international gateway stations from the requirement of type acceptance until January 1, 1970.

3. The present proposal is based upon the Petition for Rule Making (RM 444) filed by Aeronautical Radio, Inc. (ARINC). The petition, like this proposal, is limited to high power HF transmitters used in ground stations in the international aviation service to gateway locations in the United States and to types of transmitting equipment used in the aeronautical mobile and aeronautical fixed services only. It should be noted at the outset that ARINC is the licensee of the majority of these stations.

4. The following enumerated items which are based on information submitted by petitioner form the basis for the Commission's action in this matter.

(a) Type accepted equipment suitable for replacing existing equipment is not available.

(b) The requested exemption from type acceptance applies only to high power HF transmitters in the aeronautical mobile and aeronautical fixed services at international gateway stations.

(c) Operation of the petitioners international gateway stations has not provided any significant number of malfunctions that would not have occurred if the transmitter had been in compliance with all of the type acceptance requirements.

(d) Petitioner has demonstrated willingness to take immediate corrective action in the event of any reported or known difficulty resulting from the improper operation of such equipment or the inadvertent violation of any performance requirement.

(e) The international gateway stations perform a service and obligation of the United States under international agreements.

5. This proposed amendment is issued pursuant to authority contained in sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 9, 1964, and reply comments on or before March 23, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: January 29, 1964.

Released: February 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Paragraph (b) of § 87.77 is amended to read as follows:

§ 87.77 Acceptability of transmitters for licensing:

* * * * *

(b) Except for transmitters used at (1) developmental stations; (2) flight test stations, for limited periods, where justified on the basis of good cause shown; and (3) Civil Air Patrol Stations, each transmitter utilized at a station authorized for operation after July 1, 1959, must be of a type which has been type accepted by the Commission for use in these services. Until January 1, 1965, types of equipment in use by a licensee prior to July 1, 1959, may continue to be used by the same licensee, his successors or assigns, provided that such types of HF transmitting equipment (in excess of 1,000 watts power) in the aeronautical mobile and aeronautical fixed services at international gateway stations may continue to be used in these stations until January 1, 1970. These exceptions are provided on the express condition that the operation of stations using transmitting equipment not type accepted by the Commission shall not result in harmful interference due to the failure of such equipment to comply with the current technical standards of Subpart E of this part.

* * * * *

[F.R. Doc. 64-1200; Filed, Feb. 5, 1964; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56108]

FISH

Tariff-Rate Quota

FEBRUARY 3, 1964.

The tariff-rate quota for the calendar year 1964 on certain fish dutiable under item 110.50, Tariff Schedules of the United States.

In accordance with item 110.50 of part 3, schedule 1, Tariff Schedules of the United States, it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh, chilled or frozen, fillets, steaks, and sticks, of cod, cusk, haddock, hake, pollock, and rosefish, in the three years preceding 1964, calculated in the manner provided for in headnote 1, part 3A, schedule 1, was 165,744,467 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1964 at the reduced rate of duty under item 110.50 is, therefore, 24,861,670 pounds.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 64-1193; Filed, Feb. 5, 1964; 8:49 a.m.]

Office of the Secretary

[Dept. Circular; Public Debt Series—No. 3-64]

3⅞ PERCENT TREASURY NOTES OF SERIES D–1965

Offering of Notes

JANUARY 31, 1964.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.875 percent of their face value, from the people of the United States for notes of the United States, designated 3⅞ percent Treasury Notes of Series D–1965, in exchange for the following securities maturing February 15, 1964, singly or in combinations aggregating $1,000 or multiples thereof:

3¼ percent Treasury Certificates of Indebtedness of Series A–1964; or 3 percent Treasury Bonds of 1964.

The cash payment due subscribers on account of the issue price of the notes will be made as set forth in Section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on February 3 through February 5, 1964, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Notes of Series A–1966 (additional issue), which offering is set forth in Department Circular, Public Debt Series—No. 4–64, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1964, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on August 15, 1964, and February 15 and August 13, 1965. They will mature August 13, 1965, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and Allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before February 17, 1964, or on later allotment, and may be made only in securities of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par, and should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Coupons dated February 15, 1964, should be detached from the certificates and bonds in bearer form and cashed when due. The cash payment of $1.25 per $1,000 on account of the issue price of the notes will be made to subscribers, in the case of bearer securities following acceptance of the securities, and in the case of registered bonds following discharge of registration. In the case of registered bonds, the final interest due on February 15, 1964, together with the cash payment of $1.25 per $1,000 due subscribers, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1964 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing bonds must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Notes of Series D–1965"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Notes of Series D–1965 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Notes of Series D–1965 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-1194; Filed, Feb. 5, 1964; 8:49 a.m.]

[Dept. Circular; Public Debt Series—No. 4-64]

4 PERCENT TREASURY NOTES OF SERIES A–1966

Additional Issue

JANUARY 31, 1964.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series A–1966, in exchange for the following securities maturing February 15, 1964, singly or in combinations aggregating $1,000 or multiples thereof:

3¼ percent Treasury Certificates of Indebtedness of Series A–1964; or 3 percent Treasury Bonds of 1964.

The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on February 3 through February 5, 1964, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Notes of Series A–1966, which offering is set forth in Department Circular, Public Debt Series—No. 3–64, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be an addition to and will form a part of the 4 percent Treasury Notes of Series A–1966 issued pursuant to Department Circular, Public Debt Series—No. 3–62, dated February 5, 1962, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the notes to be issued under this circular will accrue from February 15, 1964. Subject to the provision for the accrual of interest from February 15, 1964, on the notes now offered, the notes are described in the following quotation from Department Circular, Public Debt Series—No. 3–62:

1. The notes will be dated February 15, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before February 17, 1964, or on later allotment, and may be made only in securities of the two issues enumerated in paragraph 1 of section I hereof, which will be accepted at par, and should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Coupons dated February 15, 1964, should be detached from the certificates and bonds in bearer form and cashed when due. In the case of registered bonds, the final interest due on February 15, 1964, will be paid by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1964 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The bonds must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-1195; Filed, Feb. 5, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 684]

ALASKA

Small Tract Classification Order No. 92; Cancellation

JANUARY 30, 1964.

1. Pursuant to the authority redelegated to me from Bureau Order 684,

dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in Section 3, Delegation of Authority (F.R. Doc. 63-219) dated January 9, 1963, Small Tract Classification Order No. 92 of December 22, 1964 (F.R. Doc. 64-10331), as amended by the General Amendment to Small Tract Classification Orders No. 1 to 96, inclusive, which classified the following lands for title transfer under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, for residential sites is hereby cancelled in its entirety:

COLLEGE AREA UNIT NO 1 (MUSKOX RESERVE)

FAIRBANKS AREA

Fairbanks Meridian

T. 1 N., R. 1 W.,
Sec. 29, lots 1-16 inclusive, lots 18-29 inclusive.

Comprising 28 lots aggregating 73.35 acres.

2. This order will take effect immediately upon publication, but this order will not affect any valid existing rights arising under Small Tract Classification Order No. 92.

PEDRO DENTON,
Acting Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64-1161; Filed, Feb. 5, 1964; 8:46 a.m.]

[Colorado 017977]

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 28, 1964.

Notices of an application, Serial No. Colorado 017977, for withdrawal and reservation of lands were published as F.R. Doc. No. 58-8258 on page 7770 of the issue for October 3, 1958; No. 59-2754 on page 2564 of the issue for April 2, 1959; and No. 59-6337 on page 6204 of the issue for August 1, 1959. The applicant agency has canceled its application insofar as it involved the land described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on March 4, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 36 N., R. 14 W.
Sec. 20, all portions of the SE¼NW¼ and the W½SE¼ lying south of the right of way of U.S. Highway 160.
Sec. 30, all portions of the NW¼ lying south of the right of way of U.S. Highway 160.
Sec. 32, SW¼NE¼, E½NW¼, W½SW¼, N½NE¼SW¼, SW¼NE¼SW¼.

The above area aggregates approximately 300 acres.

J. ELLIOTT HALL,
Chief, Lands and Minerals.

[F.R. Doc. 64-1162; Filed, Feb. 5, 1964; 8:46 a.m.]

Geological Survey

[Coal Land Classification Order, Montana No. 249]

MONTANA

Classification of Coal Lands

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

MONTANA PRINCIPAL MERIDIAN, MONTANA

COAL LANDS

T. 17 N., R. 33 E.,
Sec. 2, lots 1, 2, 3, and 4, SW¼NE¼, S½NW¼, N½SW¼;
Sec. 3, lots 1, 2, and 3, S½NE¼, S½NW¼, N½S½;
Sec. 4, lot 1, S½N½, N½S½;
Sec. 5, SW¼NW¼, NW¼SW¼;
Sec. 6, SE¼NE¼, NE¼SE¼.
T. 18 N., R. 33 E.,
Sec. 1, lots 1, 2, and 4, S½NE¼, SE¼;
Sec. 2, lots 1, 2, 3, and 4, SW¼, W½SE¼, SE¼SE¼;
Sec. 3, lot 1, NE¼SE¼;
Sec. 9, SE¼SE¼;
Sec. 10, SE¼NW¼, S½;
Secs. 11 and 12;
Sec. 13, E½, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 14, W½NE¼, W½, SW¼SE¼;
Sec. 15;
Sec. 16, E½, N½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼;
Sec. 21, NE¼NE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, E½SW¼, SE¼;
Sec. 23, N½, W½SW¼, NW¼SE¼;
Sec. 24, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 25, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 26, SW¼NE¼, NW¼, W½SW¼;
Sec. 27, NE¼, S½NW¼, S½;
Sec. 28, NE¼, NE¼SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, E½, N½NW¼, SE¼SW¼;
Sec. 35, W½NW¼, SW¼, W½SE¼.
T. 19 N., R. 33 E.,
Sec. 1, lots 3 and 4, SW¼, W½SE¼, SE¼SE¼;
Sec. 2, lots 1 and 2, NE¼SE¼, S½SE¼;
Sec. 10, SE¼;
Sec. 11, NE¼, E½NW¼, S½;
Secs. 12 and 13;
Sec. 14, N½, NE¼SE¼;
Sec. 15, E½NE¼;
Sec. 24, N½, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 25, SE¼NE¼, E½SW¼, SE¼;
Sec. 36, NW¼NE¼, S½NE¼, NE¼NW¼, S½NW¼, S½.
T. 20 N., R. 33 E.,
Sec. 1, S½S½;
Sec. 2, S½NW¼, S½;
Secs. 3 and 4;
Sec. 5, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, SE¼;
Sec. 6, lots 1 and 2, SE¼NE¼;
Sec. 9, E½, N½NW¼, SE¼NW¼;
Secs. 10 to 14, inclusive;
Sec. 15, N½, NE¼SE¼;
Sec. 16, NE¼NE¼;
Sec. 23, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Secs. 24 and 25;
Sec. 26, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 35, NE¼NE¼, S½NE¼, SE¼SW¼, SE¼;
Sec. 36.

T. 18 N., R. 34 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, NW¼SE¼;
Sec. 2, lots 1, 2, 3, and 4, S½NE¼;
Sec. 3, lots 3 and 4, S½N½, S½;
Secs. 4 to 9, inclusive;
Sec. 10, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 11, NW¼NW¼;
Sec. 16, NE¼, W½, NW¼SE¼;
Secs. 17 to 20, inclusive;
Sec. 21, NE¼NW¼, W½W½;
Sec. 29, N½, N½SW¼, NW¼SE¼;
Sec. 30, lots 1, 2, and 3, E½NE¼, NE¼SE¼.
T. 19 N., R. 34 E.,
Sec. 1, SW¼SW¼;
Sec. 2, lot 2, SE¼;
Sec. 3, SW¼SW¼;
Secs. 4, 5, 6, 7, 8, and 9;
Sec. 10, N½NE¼, SW¼NE¼, NW¼, W½SW¼;
Sec. 11, NE¼NE¼, NW¼NW¼;
Sec. 12, W½NW¼;
Sec. 14, NW¼NW¼, S½NW¼;
Sec. 15, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, S½;
Secs. 16, 17, and 18;
Sec. 19, lots 1, 2, and 3, E½, E½W½;
Secs. 20, 21, and 22;
Sec. 23, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 25, SW¼NW¼, NW¼SW¼, S½SW¼;
Secs. 26 to 29, inclusive;
Sec. 30, E½, E½W½;
Sec. 31;
Sec. 32;
Sec. 33, NE¼, N½NW¼, SE¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 34, N½, NE¼SW¼, SE¼;
Sec. 35;
Sec. 36, SW¼NE¼, W½, W½SE¼.
T. 20 N., R. 34 E.,
Sec. 1, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 4, NW¼SW¼;
Sec. 5, SW¼, NE¼SE¼, S½SE¼;
Sec. 6, lot 14, E½SW¼, SE¼;
Secs. 7 and 8;
Sec. 9, SW¼NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 10, SW¼SW¼;
Sec. 11, NE¼NE¼, S½NE¼, SE¼;
Sec. 12, NE¼NE¼, W½NE¼, NW¼, NE¼SW¼, W½SW¼;
Sec. 13, E½NE¼, W½W½;
Sec. 14, NE¼, S½;
Sec. 15, SW¼NE¼, NW¼NW¼, S½NW¼, NW¼SW¼, S½SW¼.
Secs. 16 to 21, inclusive;
Sec. 22, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 23;
Sec. 24, W½W½;
Sec. 26, NE¼NE¼, W½NE¼, NW¼;
Sec. 27, N½, N½SW¼, NW¼SE¼;
Sec. 28, NE¼, W½, N½SE¼;
Sec. 29 to 32, inclusive;
Sec. 33, SW¼NE¼, W½, W½SE¼, SE¼SE¼.
T. 17 N., R. 35 E.,
Sec. 14, SW¼;
Sec. 15, SW¼SW¼, SE¼SE¼;
Sec. 18, NE¼SW¼;
Sec. 19, E½NE¼;
Sec. 20, W½NW¼;
Sec. 21, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 25, SW¼SW¼;
Sec. 26, S½SW¼, SE¼;
Sec. 27, NW¼, E½SW¼, SE¼;
Sec. 28, N½NE¼;
Sec. 29, NE¼NE¼, S½SW¼;
Sec. 30, lot 2, SW¼NE¼, SE¼NW¼, N½SE¼;
Sec. 32, NE¼NW¼;
Sec. 34, NE¼NW¼;
Sec. 35, N½NW¼, SE¼NW¼;
Sec. 36, N½NW¼.
T. 20 N., R. 35 E.,
Sec. 6, SE¼SW¼, SW¼SE¼;
Sec. 7, NW¼NE¼, NE¼NW¼;
Sec. 18, lots 1 and 2;
Sec. 19, lot 1.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following subdivisions as noncoal is hereby revoked and the lands are reclassified as coal lands:

T. 19 N., R. 34 E.,
Sec. 3, SE¼SW¼, S½SE¼;
Sec. 10, SE¼NE¼.

NONCOAL LANDS

T. 17 N., R. 33 E.,
Sec. 1;
Sec. 2, SE¼NE¼, S½SW¼, SE¼;
Sec. 3, lot 4, S½S½;
Sec. 4, lots 2, 3, and 4, S½S½;
Sec. 5, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 6, lots 1 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼, S½SE¼;
Secs. 7 to 36, inclusive.
T. 18 N., R. 33 E.,
Sec. 1, lot 3, SW¼;
Sec. 2, NE¼SE¼;
Sec. 3, lots 2, 3, and 4, SW¼, W½SE¼, SE¼SE¼;
Secs. 4 to 8, inclusive;
Sec. 9, NE¼, W½, NE¼SE¼, W½SE¼;
Sec. 10, NE¼, NE¼NW¼, W½NW¼;
Sec. 13, SW¼NW¼, W½SW¼;
Sec. 14, E½E½, NW¼SE¼;
Sec. 16, SW¼NW¼, SW¼SW¼;
Secs. 17 to 20, inclusive;
Sec. 21, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 22, SE¼NE¼, W½SW¼;
Sec. 23, E½SW¼, NE¼SE¼, S½SE¼;
Sec. 24, NW¼NW¼;
Sec. 25, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 26, N½NE¼, SE¼NE¼, E½SW¼, SE¼;
Sec. 27, N½NW¼;
Sec. 28, W½, W½SE¼, SE¼SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 34, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 35, NE¼, E½NW¼, E½SE¼;
Sec. 36.
T. 19 N., R. 33 E.,
Sec. 1, lots 1 and 2, S½N½, NE¼SE¼;
Sec. 2, lots 3 and 4, S½N½, SW¼, NW¼SE¼;
Secs. 3 to 9, inclusive;
Sec. 10, NE¼, W½;
Sec. 11, W½NW¼;
Sec. 14, SW¼, NW¼SE¼, S½SE¼;
Sec. 15, W½NE¼, W½, SE¼;
Secs. 16 to 23, inclusive;
Sec. 24, N½SW¼, SE¼SW¼, SW¼SE¼;
Secs. 25 to 34, inclusive;
Sec. 35, NE¼NE¼, W½NE¼, NW¼, W½SW¼;
Sec. 36, NE¼NE¼, NW¼NW¼.
T. 20 N., R. 33 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, N½S½;
Sec. 2, lots 1, 2, 3, and 4, S½NE¼;
Sec. 6, NW¼SW¼, S½SW¼;
Sec. 6, lots 3 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 7 and 8;
Sec. 9, SW¼NW¼, SW¼;
Sec. 15, SW¼, NW¼SE¼, S½SE¼;
Sec. 16, NW¼NE¼, S½NE¼, W½, SE¼;
Secs. 17 to 22, inclusive;
Sec. 23, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 26, SW¼NE¼, W½, W½SE¼;
Secs. 27 to 34, inclusive;
Sec. 35, NW¼NE¼, NW¼, NE¼SW¼, W½SW¼.
T. 17 N., R. 34 E., entire township.
T. 18 N., R. 34 E.,
Sec. 1, SW¼, NE¼SE¼, S½SE¼;
Sec. 2, S½NW¼, S½;
Sec. 3, lots 1 and 2;
Sec. 10, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 11, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 12 to 15, inclusive;
Sec. 16, NE¼SE¼, S½SE¼;
Sec. 21, E½, SE¼NW¼, E½SW¼;
Secs. 22 to 28, inclusive;
Sec. 29, S½S½, NE¼SE¼;
Sec. 30, lot 4, SE¼SE¼;
Secs. 31 to 36, inclusive.
T. 19 N., R. 34 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 2, lots 1, 3, and 4, S½N½, N½SW¼, SE¼SW¼;
Sec. 3, lots 1, 2, 3, and 4, S½N½;
Sec. 10, E½SW¼;
Sec. 11, NW¼NE¼, S½NE¼, E½NW¼, S½SW¼, SE¼;
Sec. 12, NE¼, E½NW¼, S½;
Sec. 13;
Sec. 14, NE¼, NE¼NW¼, S½;
Sec. 15, NW¼NE¼, NE¼NW¼;
Sec. 19, lot 4;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 24;
Sec. 25, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 33, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 34, NW¼SW¼, S½SW¼;
Sec. 36, E½E½, NW¼NE¼.
T. 20 N., R. 34 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, NW¼SW¼, NE¼SE¼;
Secs. 2 and 3;
Sec. 4, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 5, lots 1 to 12, inclusive, NW¼SE¼;
Sec. 6, lots 1 to 13, inclusive;
Sec. 9, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 11, NW¼NE¼, W½;
Sec. 12, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 13, W½NE¼, E½W½, SE¼;
Sec. 14, NW¼;
Sec. 15, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SW¼, SE¼;
Sec. 22, NE¼NE¼;
Sec. 24, E½, E½W½;
Sec. 25;
Sec. 26, SE¼NE¼, S½;
Sec. 27, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 28, S½SE¼;
Sec. 33, N½NE¼, SE¼NE¼, NE¼SE¼;
Secs. 34, 35, and 36.
T. 17 N., R. 35 E.,
Secs. 1 to 13, inclusive;
Sec. 14, N½, SE¼;
Sec. 15, N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Secs. 16 and 17;
Sec. 18, lots 1, 2, 3, and 4, E½, E½NW¼, SE¼SW¼;
Sec. 19, lots 1, 2, 3, and 4, W½NE¼, E½W½, SE¼;
Sec. 20, E½, E½NW¼, SW¼;
Sec. 21, N½NE¼, W½, SW¼SE¼;
Sec. 22, E½, NE¼NW¼, S½NW¼, SW¼;
Secs. 23 and 24;
Sec. 25, E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 26, N½, N½SW¼;
Sec. 27, NE¼, W½SW¼;
Sec. 28, S½NE¼, W½, SE¼;
Sec. 29, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼;
Sec. 30, lots 1, 2, 3, and 4, N½NE¼, SE¼NE¼, NE¼NW¼, E½SW¼, S½SE¼;
Sec. 31;
Sec. 32, E½, NW¼NW¼, S½NW¼, SW¼;
Sec. 33;
Sec. 34, E½, NW¼NW¼, S½NW¼, SW¼;
Sec. 35, E½, SW¼NW¼, SW¼;
Sec. 36, E½, S½NW¼, SW¼.
T. 18 N., R. 35 E., entire township.
T. 19 N., R. 35 E.,
Sec. 1;
Sec. 2, lots 1, 2, 3, and 4, S½N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 3, N½SW¼, SW¼SW¼;
Secs. 4 to 9, inclusive;
Sec. 10, W½NW¼, S½;
Sec. 11, E½W½, SW¼SW¼, E½SE¼;
Sec. 12, E½E½, NW¼NE¼, NW¼, W½SW¼;
Sec. 13, NW¼NW¼, S½;
Sec. 14, NE¼, S½NW¼, SW¼;
Sec. 15, E½NE¼, S½SE¼;
Sec. 21, E½, SE¼NW¼, E½SW¼;
Secs. 22 to 36, inclusive.

The area classified totals 268,919 acres, more or less, of which about 63,261 acres are classified as coal lands, about 160 acres are reclassified as coal lands that were formerly classified as noncoal lands, and about 205,498 acres are classified as noncoal lands.

Dated: January 28, 1964.

THOMAS B. NOLAN,
Director.

[F.R. Doc. 64-1157; Filed, Feb. 5, 1964; 8:46 a.m.]

National Park Service

[Order No. 3, Amdt. 13]

NATIONAL PARK SERVICE SUPERINTENDENTS ET AL.

Delegation of Authority

Order No. 3, issued August 28, 1957 (21 F.R. 1493) is amended by changing the wording in section 1(f), section 2(g), and section 3(m), and by adding (h) to section 1, (i) to section 2, and (o) to section 3 as follows:

SECTION 1. • • •

• • • • • •

(f) Approval of preliminary construction plans not requiring approval by the Director, and preliminary and final concessioners' drawings.

(h) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights.

SEC. 2. • • •

• • • • • •

(g) Approval of preliminary construction plans not requiring approval by the Director and preliminary and final concessioners' drawings.

(i) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights.

SEC. 3. • • •

• • • • • •

(m) Approval of preliminary construction plans not requiring approval by the Director and preliminary and final concessioners' drawings.

(o) Acceptance of donations of lands and water rights, exchanges of lands and water rights and purchase of lands and water rights.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; Southeast Region Order No. 3 (21 F.R. 1493))

Dated: January 21, 1964.

E. M. LISLE,
Acting Regional Director.

[F.R. Doc. 64-1163; Filed, Feb. 5, 1964; 8:46 a.m.]

Office of the Secretary

ZIA PUEBLO RESERVATION, NEW MEXICO

Resolution Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st Session; 67 Stat. 586), I certify that Zia Pueblo Council Resolution was enacted on September 8, 1963, determining that the introduction, sale and possession of intoxicating beverages shall be lawful in accordance with the laws of the State of New Mexico on the Zia Pueblo Reservation, New Mexico. Relevant portions of the Resolution read as follows:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and

Whereas at a special general meeting of the adult membership of the Pueblo of Zia called by the Pueblo Governor on September 8, 1963, the membership by a vote of twenty-six (26) for, and none against, requested the tribal council to enact a resolution providing that the introduction, sale or possession of intoxicating beverages shall be lawful within the lands under the jurisdiction of the Zia Pueblo Tribe, and further, that such introduction, sale or possession be in conformity with the laws of the State of New Mexico.

Therefore, be it enacted by the Zia Pueblo Council that said introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Zia Pueblo Tribe of the Zia Pueblo Reservation: *Provided*, That such introduction, sale or possession is in conformity with the laws of the State of New Mexico.

Be it further enacted that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1164; Filed, Feb. 5, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

WASHINGTON COUNTY STOCKYARDS, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ALABAMA	
Washington County Stockyards, Inc., Chatom, May 18, 1959.	Washington County Stockyards, Nov. 11, 1963.
ARKANSAS	
Arkansas National Stockyards Co., Little Rock, Dec. 17, 1959.	Arkansas National Stockyards Co., Inc., Jan. 14, 1964.
Buddy Shoffner Auction Co., Newport, Jan. 11, 1962	Newport Livestock Auction, July 25, 1963.
Arkansas National Stockyards, North Little Rock, Oct. 9, 1959.	Arkansas National Stockyards Co., Inc., Jan. 14, 1964.
COLORADO	
Hess Livestock Commission Company, Pueblo, Mar. 7, 1957.	Pueblo Livestock Auction Company, Oct. 8, 1963.
KANSAS	
Koenig Sale Company, Inc., Junction City, June 10, 1959.	Koenig Sale Barn, Jan. 1, 1964.
NEBRASKA	
Iowa-Nebraska Sales Yards, Inc., Council Bluffs, May 22, 1959.	Iowa Nebraska Sale Yards, Dec. 7, 1963.
OKLAHOMA	
Hominy Sale Company, Hominy, Oct. 20, 1949	Oklahoma Auction Yards, Aug. 8, 1963.
TEXAS	
Marshall-Longview Livestock Auction, Inc., Longview, Jan. 10, 1957.	Longview Livestock Auction, Inc., Sept. 16, 1963.
Farmers & Ranchers Commission Company, Tyler, Feb. 21, 1961.	Farmer's & Rancher's Commission Company, Sept. 26, 1963.
WISCONSIN	
Nolan Livestock Auction Market, Inc., Lomira, Dec. 13, 1963.	Nolan Livestock Auction, Inc., Dec. 13, 1963.

Done at Washington, D.C., this 31st day of January 1964.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-1197; Filed, Feb. 5, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS AND CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical Linuron

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 413) has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington, Delaware, 19898, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide linuron (3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea) in or on the raw agricultural commodities carrots (with or without tops) and carrot tops, potatoes, and soybean forage and hay.

The analytical method proposed in the petition for determining residues of linuron is as follows: Bleidner et al., published in the Journal of Agricultural and Food Chemistry, volume II, page 476 (1954) for monuron, with modifications for 3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea, and the chromatographic separation technique of Bleidner (ibid., page 682). It is proposed that paper chromatography be used for specific identification of linuron residues.

Dated: January 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1177; Filed, Feb. 5, 1964; 8:48 a.m.]

NEW DRUGS

Approval of Applications, November 1963

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33; 28 F.R. 6377), notice is given of the following new drugs for which applications have been approved during the month of November 1963:

Established name (if any) or active ingredients	Trade name	Class of compound	Applicant	Date approved	How dispensed [1]
DRUGS FOR HUMAN USE					
Meprobamate		Tranquilizer	Truett Labs., Dallas, Tex.	Nov. 20, 1963	Rx
DRUGS FOR VETERINARY USE					
Halothane	Fluothane	Anesthetic	Ayerst Labs., 685 Third Ave., New York, N.Y.	Nov. 21, 1963	Rx
Mepivacaine hydrochloride, epinephrine bitartrate.	Carbocaine Hydrochloride 2 percent with Suprarenin.	Anesthetic, sympathomimetic.	Winthrop Labs., 1450 Broadway, New York, N.Y.	Nov. 25, 1963	Rx
Tylosin	Tylocine Inj.	Antibacterial	Corn States Labs., Inc., Omaha, Nebr.	Nov. 27, 1963	Rx
Furazolidone	nf-180 Dust	do	Hess and Clark, 7th and Orange Sts., Ashland, Ohio.	Nov. 29, 1963	OTC

[1] The abbreviation "Rx" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.

Dated: January 30, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1178; Filed, Feb. 5, 1964; 8:48 a.m.]

UNITED CARBON CO., A DIVISION OF ASHLAND OIL & REFINING CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 937) has been filed by United Carbon Company, a division of Ashland Oil & Refining Company, P.O. Box 1503, Houston 1, Texas, proposing that § 121.2526 *Resinous and polymeric coatings for paper and paperboard* be amended to provide for the use of the following substances as components of food-contact coatings for paper and paperboard:

Butadiene-styrene copolymers containing a total of no more than 5 percent of units derived by copolymerization with one or more of the following monomers:
Acrylic acid.
Itaconic acid.
Methacrylic acid.
Sodium formaldehyde sulfoxylate for use as a polymerization catalyst.
Sodium o-phenylphenate for use as a preservative.

Dated: January 31, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1179; Filed, Feb. 5, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14490]

INTERCONTINENTAL, U.S., INC.

Enforcement Proceeding; Notice of Postponement of Hearing

Public hearing in the above-entitled proceeding previously assigned to be held on February 17, 1964, is hereby postponed and is now assigned to be held before the undersigned examiner on March 9, 1964, at 10:00 a.m., e.s.t., in Conference Room 420 at 45 Broadway, New York, New York.

Dated at Washington, D.C., January 31, 1964.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 64-1184; Filed, Feb. 5, 1964; 8:49 a.m.]

[Docket 14642]

PUERTO RICO-VIRGIN ISLANDS SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held in this proceeding on February 18, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues Northwest, Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 3, 1964.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 64-1185; Filed, Feb. 5, 1964; 8:49 a.m.]

[Docket 12895]

UNITED STATES-CARIBBEAN-SOUTH AMERICA INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a further prehearing conference will be held in this proceeding on February 19, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues, Northwest, Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 3, 1964.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 64-1186; Filed, Feb. 5, 1964; 8:49 a.m.]

[Docket 14808]

WITS AIR CARGO SERVICE, ET AL.

Proposed Approval of Control and Interlocking Relationships

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 3, 1964.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[Docket 14808]

WITS, INC., D/B/A WITS AIR CARGO SERVICE, ET AL.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Application for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed October 14, 1963, as amended December 23, 1963,[1] the Board is requested to approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended, (the Act) the control relationships resulting from the ownership by Ralph F. Sites, Lloyd A. Burgess and Howard Hogue, in equal amounts, of all the outstanding stock of WITS, Inc., d/b/a WITS Air Cargo Service (WITS), a domestic and international air freight forwarder, and 52.2 percent of the outstanding stock of Western International Travel Service, Inc., a Washington corporation (Travel Service of Washington), which in turn owns 100 percent of the outstanding stock of Western International Travel Service of Alaska, Inc. (Travel Service of Alaska). Approval is also requested pursuant to section 409 of the Act for interlocking relationships resulting from Mr. Sites' positions as president and director of WITS and Travel Service of Washington and vice president and director of Travel Service of Alaska.[2] In addition, applicants also request the Board to approve certain proposed control and interlocking relationships which will result from reorganization plans which will be put into effect in the near future, subject to Board approval. Under the proposed reorganization plans, all of the outstanding stock of WITS will be transferred to Travel Service of Washington which will continue to own all the outstanding stock of Travel Service of Alaska, and the present stockholders of Travel Service of Washington will each acquire 10 percent of the stock of a recapitalized Travel Service of Washington. The proposed interlocking relationships for which approval is requested are set forth in the appendix hereto.

The application states that both Travel Service of Washington and Travel Service of Alaska are travel agencies authorized to represent certain airline members of the International Air Transport Association in the sale of passenger air transportation. Travel Service of Washington is also authorized to represent certain airline mem-

[1] A supplemental statement was submitted by letter dated January 13, 1964.

[2] With respect to these control and interlocking relationships, it has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952) and to consider the application on its merits.

bers of the Air Traffic Conference of America in the sale of passenger air transportation. It is further stated that WITS, in addition to its authority to engage in domestic and international air freight forwarding, also holds motor common carrier authority from the State of Alaska to transport general commodities in Zone 3B having an immediate prior or subsequent movement by aircraft in air freight forwarder service.[5]

Applicants state that the proposed reorganization is motivated by a desire to obtain additional financing, and to effect greater efficiency in operation, customer service and corporate savings through the elimination of duplicate bookkeeping and overhead expenses. The application also states that approval of the present and proposed relationships is warranted because such relationships will not restrain competition, create a monopoly or jeopardize any other air carrier as the activities of WITS and Travel Service of Washington and Travel Service of Alaska are non-competitive; there have been no professional, financial, or other business transactions involving the applicants within one year prior to the date of the filing of this application and none are contemplated; and such approval would be consistent with the Board's actions in previous cases involving similar relationships between air freight forwarders and travel agencies.[6]

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, we have concluded that Travel Service of Washington and Travel Service of Alaska are persons engaged in a phase of aeronautics, and that the existing common control of WITS, Travel Service of Washington and Travel Service of Alaska by Messrs. Sites, Hogue and Burgess and the proposed control of WITS and Travel Service of Alaska by Travel Service of Washington are subject to section 408 of the Act.

However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and we find that the public interest does not require a hearing. The control relationships are similar to others which have previously been approved by the Board and essentially do not present any new substantive issues.[7] It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409 of the Act will result from Mr. Sites' present positions as an officer and director of WITS, Travel Service of Washington and Travel Service of Alaska and the proposed holding by the individual applicants of the positions set forth in the appendix hereto. However, we have considered that a due showing has been made in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing and that the interlocking relationships should be approved under section 409.[8]

Accordingly, it is ordered:

1. That the existing control relationships resulting from the common control by Messrs. Sites, Hogue and Burgess of WITS, Travel Service of Washington and Travel Service of Alaska and the proposed control relationships resulting from the common control by Travel Service of Washington of WITS and Travel Service of Alaska be and they hereby are approved; and

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or as hereafter amended, the existing interlocking relationships resulting from Mr. Sites' present positions as an officer and director of WITS, Travel Service of Washington and Travel Service of Alaska and the interlocking relationships resulting from the proposed holding by the individual applicants of the positions set forth in the appendix hereto be and they hereby are approved.

Persons entitled to petition the Board for review of this Order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

(SEAL) HAROLD R. SANDERSON,
Secretary.

PROPOSED INTERLOCKING RELATIONSHIPS

Individual	WITS	Travel Service of Washington	Travel Service of Alaska
Ralph F. Sites	President and Director	President and Director	Vice President and Director.
Lloyd A. Burgess	Director	Director	Do.
Howard Hogue	do	do	Do.
James Ingalls	do	do	Do.
Earl Sommerfeld	Vice President and Director	Vice President and Director	Do.
Joe A. Tudor	Director	Director	Do.
Burton Nelson	do	do	Do.
Miriam Lippincott	Secretary/Treasurer	Secretary/Treasurer	

[F.R. Doc. 64-1188; Filed, Feb. 5, 1964; 8:49 a.m.]

[Docket 13777; Order No. E-20425]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of January 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17280, R-50 and R-51.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth below:

Agreement C.A.B. 17280	IATA memorandum	Commodity Item	Rates
R-50	TC1/Rates 1883.	7105	80 cents per kilogram; minimum weight, 45 kilograms; Buenos Aires to San Juan.
R-51	TC1/Rates 1883.	100	46/44/80 cents per kilogram; minimum weight, 45/400/500 kilograms, respectively; Managua to New Orleans.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17280, R-50 and R-51, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1187; Filed, Feb. 5, 1964; 8:49 a.m.]

[5] Such authority consists of an irregular route permit for service between points and places within the Anchorage, Alaska, area.

[6] The applicants cite, inter alia, control and interlocking relationships involving Wings and Wheels Express, Inc., Docket 13908, authorized by Order E-18615, issued July 19, 1963.

[7] See footnote 4, supra.

[8] It should be noted that if WITS' motor common carrier authority should be expanded in the future to include the operation of motor vehicles in other than the State of Alaska, such activities would appear to create new relationships requiring prior approval by the Board.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15292]

WESLEY D. BELT

Order to Show Cause

In the matter of Wesley D. Belt, Newport Beach, California, order to show cause why there should not be revoked the license for radio station WH-8673 aboard the vessel South Seas.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89, formerly § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Commission letter dated October 23, 1963, referring to alleged violation of §§ 8.102(a), 8.367(b), and 8.601(a) (now §§ 83.102(a), 83.367(b), and 83.601(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 6, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules, and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 30th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 1575 Placentia Avenue, Newport Beach, California.

Released: January 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1201; Filed, Feb. 5, 1964; 8:50 a.m.]

[Docket No. 14321-14328; FCC 64-54]

BLACK HILLS VIDEO CORP.

Memorandum Opinion and Order Designating Additional Issues for Hearing

In re applications of Black Hills Video Corporation, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14321, File No. 223-C1-R-61; for a modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri, Docket No. 14322, File No. 361-C1-ML-61; for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas, Docket No. 14323, File No. 338-C1-R-61; for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado, Docket No. 14324, File No. 752-C1-R-61; for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska, Docket No. 14325, File No. 753-C1-R-61; for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska, Docket No. 14326, File No. 754-C1-R-61; for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming, Docket No. 14327, File No. 755-C1-R-61; for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota, Docket No. 14328, File No. 756-C1-R-61.

1. The Commission has before it for consideration (a) the "Petition for Condition" filed by the Heart of the Black Hills Stations (KRSD-TV) on September 11, 1963; (b) the "Opposition to 'Petition for Condition' and Motion to Strike" filed by Black Hills Video Corporation (the applicant) on September 24, 1963; (c) the "Heart of the Black Hills Reply to Opposition to Petition for Conditions, and Motion to Strike" filed September 26, 1963; (d) "Response to Heart of the Black Hills Petition for Condition" filed by the Common Carrier Bureau on October 9, 1963; (e) the "Motion to Strike Common Carrier Bureau 'Response to Heart of the Black Hills Petition for Condition'" filed October 21, 1963; (f) applicant's reply to Common Carrier Bureau's response to Heart of the Black Hills petition for condition, filed December 30, 1963.

2. Black Hills Video, the licensee of microwave radio stations in the Domestic Public Point-to-Point Microwave Radio Service, applied for renewal of its licenses for the stations serving community antenna television systems (CATV) in Rapid City, South Dakota; Victoria, Texas and Clovas, New Mexico; and for the renewal and modification of license to cover a construction permit for additional facilities for the station serving a CATV system at Poplar Bluff and Dexter, Missouri. By Order released October 30, 1961, the applications were designated for hearing to determine whether there was a public need for the common carrier communications service offered by the applicant.

3. In an Initial Decision released November 26, 1962 (FCC 62D-92), the hearing examiner concluded that the need for the continued holding out of the applicant as a communications common carrier had not been demonstrated and he recommended denial of all the applications. However, by Memorandum Opinion and Order released January 8, 1963 (FCC 63-18) the Commission granted the applicant's motion to enlarge issues and remanded the proceedings to the hearing examiner for the purpose of determining (1) the amount of applicant's investment and the period of time necessary to recover any unamortized portion thereof; (2) the availability and suitability of equipment for use by the applicant in the Business Radio Service, and (3) when and under what circumstances the applicant was first informed that it would be required on renewal to establish usage of its facilities by non-related subscribers. By Memorandum Opinion and Order released July 26, 1963 (FCC 63R-360), the Review Board added additional issues relating to the alleged transfer of facilities in violation of section 310(b) of the Communications Act (47 U.S.C. 310(b)). On August 12, 1963 the Examiner granted leave for applicant to tender amendments reflecting current changes in the use of the facilities which may, upon hearing the evidence, demonstrate sufficient public need for its Rapid City, South Dakota, microwave system by providing a new service to an independent subscriber in the vicinity. The case is now pending before the examiner on the foregoing issues. The matters brought to light by the instant petition are directed only at those renewal applications for the stations which comprise the Rapid City, South Dakota microwave system.

4. The Heart of the Black Hills Stations (hereinafter referred to as KRSD-TV) is the licensee of Station KRSD-TV operating on Channel 7 at Rapid City, South Dakota. KRSD-TV asserts that the microwave facilities of Black Hills Video enables the CATV system serving Rapid City to provide three television channels from Denver, Colorado, one of which duplicates the NBC network programming carried by KRSD-TV; that the CATV system reduces the number of

potential Channel 7 viewers not only by program competition but also by electrical interference which affects reception of the Channel 7 programs on sets connected to the cable system; and that the financial loss resulting from such competition impairs the ability of KRSD–TV to provide the best possible quality of local television programming. Request is therefore made that any grant to Black Hills Video be made only on condition that the programs of the local television station not be duplicated simultaneously, or within a specified period, and that the CATV system, upon request, carry the signal of the local station without material degradation in quality. Should the Commission conclude that a hearing is necessary to determine whether the conditions should be included, petitioner requests that it be permitted to intervene as a party to the proceeding. The Common Carrier Bureau recommends that additional issues be designated for hearing to determine whether the imposition of conditions upon any grant to Black Hills Video is warranted since "a factual situation is presented which is fraught with public interest considerations, namely, the possible impairment of a local television service."

5. Black Hills Video moves to deny the petition of KRSD–TV, insofar as intervention is sought, on the ground that petitioner has not complied with the requirements of § 1.104 (b) and (d) (now § 1.223 (b) and (d)) of the Commission's rules; and to strike the pleading filed by the Common Carrier Bureau on the ground that it is not a pleading contemplated by § 1.13 (now § 1.45) of the rules.

6. The pleadings filed by the Common Carrier Bureau do not contravene the limitations imposed by Section 1.13 and the motion to strike must be denied.[1] Musical Heights, Inc., FCC 58–1094, 17 Pike & Fischer, RR 1101, 1104. The motion to strike the Petition for Condition presents a more difficult problem. KRSD–TV clearly qualifies as a party in interest and its petition to intervene is therefore governed by § 1.104(a) rather than by § 1.104(b). Carroll Broadcasting Company v. FCC, 103 U.S. App. D.C. 346, 258 F. 2d 440. However, under either provision, a petition to intervene is required to be filed not later than 10 days prior to the date of hearing.

7. The renewal applications were designated for hearing on October 30, 1961 and evidentiary hearings were commenced on June 4, 1962. Nevertheless, petitioner made no effort to intervene or otherwise participate in the proceedings until the filing of its Petition for Condition on September 11, 1963. To meet the requirements of § 1.104(d) that reasons be set forth why the petition was not timely filed, KRSD–TV alleges only that the "petition for condition was filed as soon as the facts concerning the destructive impact of competition from the CATV system came to Petitioner's attention." We do not consider the allegation to be a sufficient justification for so long a delay before seeking to intervene in this proceeding. Both KRSD–TV and the applicant have been in operation for several years but the facts alleged to have been only recently learned are not set forth and no explanation is offered as to why the potential injury now claimed did not previously come to petitioner's attention. The petition of KRSD–TV is clearly subject to dismissal unless compelling public interest considerations require that the requested hearing issues be added, and that KRSD–TV be permitted to participate in the hearing.

8. Where the economic injury to a local television station from the grant of authorizations for microwave stations to relay television signals will result in the demise or diminution of local programming service, a serious problem affecting the public interest is presented which requires the attention of the Commission. Carroll Broadcasting Co. v. FCC, 103 U.S. App. D.C. 346, 258 F. 2d 440; Carter Mountain Transmission Corp., 32 FCC 459, 32 FCC 1181, affirmed sub nom. Carter Mountain Transmission Corp. v. FCC, 321 F. 2d 359 (D.C. Cir. 1963). Our concern with the possible adverse effect upon local television service from the competition of CATV systems utilizing microwave facilities was again expressed in the Notice of Proposed Rule Making in Docket Nos. 14895 and 15233 released December 13, 1963 (28 F.R. 13789, December 18, 1963). The Commission may not neglect its obligation to protect the public against loss or deterioration of local television service merely because the pleadings calling the matter to our attention were not timely filed. We have therefore examined the material submitted to determine whether a hearing on the requested issues is required in the public interest.

9. The allegations of KRSD–TV are that both the duplication of its network programming by the CATV and the interference with the reception of the local station's programs on sets hooked up to the cable system will impair its ability to operate profitably and to provide the best possible local programming. In our Notice of Proposed Rule in Docket Nos. 14895 and 15233, we recognized that the failure or refusal of the CATV to carry the local station and the duplication by the CATV of the local station's programming were factors which might adversely affect local service. Because of the compelling public interest considerations presented, our duty to serve that public interest requires us to designate for hearing, on our own motion, these additional Carroll issues.

10. So that our determination in this case may be based upon a fully developed record, we are joining both KRSD–TV, Rapid City, South Dakota and the Broadcast Bureau as parties to the hearing in this matter. Duhamel Broadcasting Enterprises is the licensee of Station KOTA–TV, the other local Rapid City station, which broadcasts on Channel 3. The licensee of that station is a party in interest to this matter and should be afforded an opportunity to be heard on the issues designated herein.

11. We consider that the matter discussed above are dispositive of all prayers for relief raised by the pleadings filed in conjunction with the Petition for Condition, including Black Hills Video's Motion to Strike.

12. In view of the foregoing, *It is ordered*, This 29th day of January 1964, That the following additional issues are designated for hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified:

(a) To determine what impact a grant of the renewal of the licenses of Stations KAP22, KAP23, KAP25, KOY47, and KAQ68 which are used to serve a CATV system at Rapid City, South Dakota, will have upon the operation of Stations KRSD–TV, and KOTA–TV, both of Rapid City, South Dakota, and the resulting injury, if any, to the public now served thereby.

(b) To determine in light of evidence adduced in issue (a) whether the applications for renewal of the above-mentioned stations should be granted on condition that the CATV customer provide for protection against duplication of local programming and the carrying of the signals of KRSD–TV and KOTA–TV, and if so, the nature and terms of such conditions.

(c) To determine in light of evidence adduced on the foregoing issues whether a grant of the aforesaid applications with or without conditions would serve the public interest, convenience or necessity.

It is further ordered, That Heart of the Black Hills Stations (KRSD–TV) and Duhamel Broadcasting Enterprise (KOTA–TV), Rapid City, South Dakota, and the Broadcast Bureau are made parties to the proceeding herein;

It is further ordered, That to avail themselves of the opportunity to be heard, each of the parties specified in the clause immediately above, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order;

It is further ordered, That the burden of proceeding with the introduction of evidence with respect to Issue (a) herein is placed upon KRSD–TV insofar as its station operations are concerned and, upon KOTA–TV if it becomes a party insofar as its station operations are concerned; and the burden of proceeding with the introduction of evidence with respect to Issue (b) herein is placed with Black Hills Video.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

DISSENTING STATEMENT OF COMMISSIONER ROBERT T. BARTLEY

I woud not add the issues on our own motion.

The petition not only fails procedurally but also is grossly inadequate, in my opinion, to raise a public interest question.

[F.R. Doc. 64–1202; Filed, Feb. 5, 1964; 8:50 a.m.]

[1] The Bureau requested that the pleading be accepted even though not timely filed since Bureau counsel was not served with the Petition for Condition as required by § 1.56 (c) (now § 1.47(c) of the rules). Good cause for the late filing having been shown, the pleading will be considered.

[1] See attached dissenting statement of Commissioner Bartley.

[Docket No. 15301]

NICK BRUNS

Order to Show Cause

In the matter of Nick Bruns, Baldwin Park, California, order to show cause why there should not be revoked the license for Radio Station KEJ–4095 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 24, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 19, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 30th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 14441 East Vavette Place, Baldwin Park, California.

Released: January 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1203; Filed, Feb. 5, 1964; 8:50 a.m.]

[Docket No. 15298]

LESLIE L. MYERS

Order to Show Cause

In the matter of Leslie L. Myers, Delray Beach, Florida, order to show cause why there should not be revoked the license for radio station 7W1465 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated September 12, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 13, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 30th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of RFD 1, Box 206, Delray Beach, Florida.

Released: January 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1204; Filed, Feb. 5, 1964; 8:51 a.m.]

[Docket No. 15293]

GERALD E. NORRISON

Order to Show Cause

In the matter of Gerald E. Norrison, Marion, New York, order to show cause why there should not be revoked the license for Radio Station KID–1715 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89, formerly § 1.76, of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 28, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 26, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 30th day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of RD 2, Decker Road, Marion, New York.

Released: January 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R Doc. 64–1205; Filed, Feb. 5, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP COMPANY, INC. AND AFRICAN COASTERS (PTY) LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed

with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8200 between Lykes Bros. Steamship Company, Inc., and African Coasters (Pty) Ltd., provides for a through billing arrangement for cargo transported in the trade from United States ports in the Gulf of Mexico to ports in Malagasy, Mauritius, and Reunion with transhipment at a Southern African port in the range Cape Town/Beira inclusive in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1190; Filed, Feb. 5, 1964; 8:49 a.m.]

OZEAN-LINIE G.m.b.H. and HUGO STINNES

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8810-1 between Ozean-Linie G.m.b.H. and Hugo Stinnes in the trades between ports of the United States and ports in Europe, modifies the basic joint service agreement by eliminating the revenue pooling provision from Article 2 and providing in lieu thereof that there shall be no pooling or other sharing of profits or losses between the parties except as may be provided under other articles of the basic agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1191; Filed, Feb. 5, 1964; 8:49 a.m.]

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 6200-9, between the member lines of the U.S. Atlantic & Gulf/Australia-New Zealand Conference, modifies the basic agreement of this conference, No. 6200 as amended, to provide for a system of self policing pursuant to General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 3, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1191; Filed, Feb. 5, 1964; 8:49 a.m.]

UNITED STATES LINES CO. AND MANZ-BLUE STAR JOINT SERVICE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8690-2 between United States Lines Company and MANZ-Blue Star Joint Service (No. 9050), modifies the approved joint cargo and passenger Agreement No. 8690, so as to provide that the parties to the joint service agreement shall be separate members of conference or other section 15 agreements and to delete Montreal Australia New Zealand Line, Ltd. as a party to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: January 31, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1192; Filed, Feb. 5, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

JANUARY 31, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6% convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period February 1, 1964 through February 10, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1193; Filed, Feb. 5, 1964; 8:49 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

JANUARY 31, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period February 1, 1964 through February 10, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1167; Filed, Feb. 5, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 597]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 31, 1964.

Important notice. The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

MOTOR CARRIERS OF PROPERTY

No. MC 704 (Sub-No. 24), filed January 15, 1964. Applicant: J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Monroe, La. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies* used in connection with the construction, operation, maintenance, servicing, repair, and dismantling of pipelines, between points in the United States (except California).

No. MC 4966 (Sub-No. 13), filed January 21, 1964. Applicant: JONES TRANSFER COMPANY, a corporation, 927 Washington Street, Monroe, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving Britton and Ridgeway, Mich., as intermediate or off-route points in connection with applicant's operations between Tecumseh and Monroe, Mich., over Michigan Highway 50, and (2) between Morenci, Mich., and Toledo, Ohio; from Morenci over Michigan Highway 156 to Ohio Highway 108, thence over Ohio Highway 108 to junction with U.S. Highway 20, thence over U.S. Highway 20 to Toledo, and return over the same route serving all intermediate points.

No. MC 19416 (Sub-No. 13), filed January 15, 1964. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, Post Office Box 5771, Dallas, Tex. Applicant's attorney: Tom B. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials and supplies used in or in connection with the construction, operation, maintenance, servicing, repair, or dismantling of pipelines*, between points in the United States (except California).

No. MC 19776 (Sub-No. 60), filed January 16, 1964. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION CO., a corporation, 516 West Jackson Boulevard, Chicago, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission), (1) between Sioux City, Iowa, and Wessington Springs, S. Dak.; from Sioux City over Interstate Highway 29 to Sioux Falls, S. Dak., thence north over U.S. Highway 77 to junction South Dakota Highway 34, thence west over South Dakota Highway 34 to Wessington Springs, and return over the same route; (2) between Canton and Mitchell, S. Dak.; from Canton over U.S. Highway 18 to junction U.S. Highway 77, thence north over U.S. Highway 77 to junction South Dakota Highway 44, thence west over South Dakota Highway 44 to junction South Dakota Highway 19, thence north over South Dakota Highway 19 to junction U.S. Highway 16 near Pumpkin Center, S. Dak., thence west over U.S. Highway 16 to Mitchell, and return over the same route; (3) between junction Interstate Highway 29 and South Dakota Highway 50 and junction South Dakota Highways 37 and 34; from junction Interstate Highway 29 and South Dakota Highway 50, thence over South Dakota Highway 50 to junction South Dakota Highway 35, thence north over South Dakota Highway 35 to junction U.S. Highway 18, thence west over U.S. Highway 18 to junction South Dakota Highway 37, thence over South Dakota Highway 37 to junction South Dakota Highway 34, and return over the same route, serving all intermediate points in (1), (2), and (3) above, and the off-route points of Cutbert, Dolton, Fairview, Freeman, Hudson, Loomis, Marion Junction, and Menno, S. Dak.; and (4) between Sioux Falls, S. Dak. and junction U.S. Highway 16 and South Dakota Highway 38; from Sioux Falls over South Dakota Highway 38 to junction U.S. Highway 16 north of Alexandria, S. Dak., and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular-route operations.

No. MC 21720 (Sub-No. 4), filed January 16, 1964. Applicant: WILLIAM M. STEGMEIER, doing business as PANTHER VALLEY CARRIERS, Rural Delivery 3, Tamaqua, Pa. Applicant's attorney: John B. Lieberman, III, Union National Bank Building, Mahanoy City, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Mahanoy City, Pa., to points in New Jersey, New York, Ohio, Delaware, Maryland, Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not

specified) used in transporting the above-specified commodities and *damaged and rejected merchandise*, on return.

No. MC 30624 (Sub-No. 16), filed January 23, 1964. Applicant: AALCO EXPRESS COMPANY, INC., 3514 Goodfellow, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated commercial refrigeration cases, and related parts and equipment thereof*, when moving therewith, from Haddonfield, N.J., to St. Louis, Mo.

NOTE: Applicant states it holds authority in Certificate No. MC 30624 (Sub-No. 14) to transport these same commodities here sought, in the reverse direction.

No. MC 30844 (Sub-No. 137), filed January 20, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus, Junction, Iowa, to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

No. MC 31600 (Sub-No. 560), filed January 22, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: K. B. Williams, 111 State Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, in bulk, in tank and hopper type vehicles, from Alstead, N.H., to points in Connecticut, Massachusetts, and Rhode Island.

No. MC 35465 (Sub-No. 1), filed January 20, 1964. Applicant: GRANE TRUCKING COMPANY, INC., 4449 West Division, Chicago, Ill. Applicant's attorney: Charles B. Myers, 611 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and asbestos wallboard*, from the plant site of the United States Gypsum Company, located at East Chicago, Ind., to points in Illinois, and points in Adams, Brown, Calument, Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, LaCrosse, Lafayette, Manitowoc, Marquette, Milwaukee, Monroe, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Sheboygan, Vermon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., and *only empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

No. MC 37896 (Sub-No. 15), filed January 22, 1964. Applicant: YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Rabun Gap and Atlanta, Ga.

NOTE: Applicant states it "already holds the same authority by observing other gateway points" but "seeks no duplicating authority."

No. MC 40858 (Sub-No. 53), filed January 2, 1964. Applicant: THE SILVER FLEET MOTOR EXPRESS, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Kingsport, Tenn., and Appalachia, Va., over U.S. Highway 23, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, serving no intermediate points, and serving Kingsport, Tenn., and Appalachia, Va., for the purpose of joinder only.

NOTE: Common control may be involved.

No. MC 41255 (Sub-No. 40), filed January 20, 1964. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 11–A, Hargrave Road, Lexington, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, crated and uncrated, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Alamance, Beaufort, Chatham, Davie, Davidson, Forsyth, Guilford, Lee, Moore, Nash, Orange, Randolph, Rowan, Stanly, Surry, and Wayne Counties, N.C., to points in Alabama, Arkansas, Louisiana, Mississippi, Kentucky, Tennessee, Texas, and Oklahoma and *refused* and *rejected* shipments on return.

No. MC 41849 (Sub-No. 19), filed January 24, 1964. Applicant: KEIGHTLEY BROS., INC., 1616 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from St. Louis, Mo., to points in Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, and Nebraska.

No. MC 42963 (Sub-No. 20), filed January 24, 1964. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from St. Louis, Mo., to points in Illinois, Iowa, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, and Nebraska.

No. MC 42963 (Sub-No. 21), filed January 24, 1964. Applicant: DANIEL HAMM DRAYAGE COMPANY, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission.

No. MC 43038 (Sub-No. 433), filed January 23, 1964. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used trucks*, in secondary movements, in truckaway and driveaway service, and *new and used automobiles*, in secondary movements, in driveaway service, between points in California, Colorado, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE: Common control may be involved.

No. MC 43608 (Sub-No. 13), filed January 21, 1964. Applicant: SOUTHERN EXPRESS, INC., Old Statesville Road, Charlotte, N.C. Applicant's representative: W. D. Turner, Post Office Box 3661, Charlotte, N.C., 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials, including sweepings, scrap, threads, and bagging*, and *cotton* in bales and bags, in the same vehicle, between points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 44932 (Sub-No. 12), filed January 23, 1964. Applicant: W. W. YOUNG & SON, INC., 11861 Cottage Grove, Chicago 28, Ill. Applicant's attorney: Charles B. Meyers, 611 Field Building, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe*, having prior or subsequent transportation by railroad and consigned from or to the United States Pipe & Foundry Company, from Chicago, Ill., to points in Illinois, Indiana, Michigan, and Wisconsin lying within 75 miles of Chicago, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *refused, rejected and returned shipments*, of iron and steel pipe, on return.

No. MC 46219 (Sub-No. 3), filed January 6, 1964. Applicant: STERNBERGER MOTOR CORPORATION, 44-55 Pearson Street, Long Island City, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between Hampton, Va., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Ohio, Mississippi, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Louisiana, Alabama, and Texas.

NOTE: Applicant states it proposes to tack the above-proposed service with its existing authority. Common control may be involved.

No. MC-52704 (Sub-No. 42), filed January 24, 1964. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Lafayette, Ala. Applicant's attorney: D. H. Markstein, Jr., 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle carrying boxes* (soft drink crates), from West Memphis, Ark. and Memphis, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 52709 (Sub-No. 235), filed January 22, 1964. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Grand Island, Nebr., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: Common control may be involved.

No. MC 60012 (Sub-No. 60), filed January 20, 1964. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Ernest Porter 1531 Stout Street, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives* (excluding livestock, commodities of unusual value, commodities in bulk, and those which because of size or weight require special equipment for handling), between Orangeville, Utah, and Joe's Valley Dam site, Utah, from Orangeville over Utah Highway 29 to Joe's Valley Dam site, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 69116 (Sub-No. 80) filed January 20, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 2100 South Wolcott Avenue, Chicago 8, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, in sealdtand containers, from North Tonawanda, N.Y., to Lake Mills, Iowa, Milwaukee and Middleton, Wis., Kenton, Ohio, and Providence, R.I.

No. MC 71234 (Sub-No. 9), filed January 22, 1964. Applicant: THE GORE FREIGHT LINE, INCORPORATED, 641 Connecticut Avenue, South Norwalk, Conn. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are dealt in or sold by retail mail order houses* (except commodities in bulk, in tank vehicles), from points in Connecticut, to Norwalk, Conn., and Springfield, Mass.

NOTE: Applicant states that no duplications with its present authority are requested. Common control may be involved.

No. MC 77016 (Sub-No. 3), filed January 22, 1964. Applicant: BUDIG TRUCKING CO., a corporation, 1151 Harrison Avenue, Cincinnati, Ohio, 45214. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio and Loveland, Ohio, from Cincinnati over Camargo Pike to junction Loveland Road, thence over Loveland Road to Loveland, and return over the same route, serving all intermediate points.

No. MC 82808 (Sub-No. 6), filed January 23, 1964. Applicant: LEWIS R. HUNT AND C. L. HUNT, doing business as HUNT AND SON, Holden, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Permanent mould machines and equipment, aluminum castings, and finished and unfinished materials*, from Kingsville, Mo., to points in Missouri, Illinois, Kansas, Nebraska, Oklahoma, Iowa, Indiana, Ohio, Pennsylvania, Colorado, Arkansas, Minnesota, Tennessee, Mississippi, Michigan, Texas, Kentucky, and Wisconsin, (2) *aluminum scrap, and aluminum ingots*, from points in Missouri, Illinois, Kansas, Nebraska, Oklahoma, Iowa, Indiana, Ohio, Pennsylvania, Colorado, Arkansas, Minnesota, Tennessee, Mississippi, Michigan, Texas, Kentucky, and Wisconsin, to Kingsville, Mo., (3) *mowers, finished and unfinished, mower components, finished and unfinished, mower parts, finished and unfinished, and finished and unfinished materials used in the construction or production of mowers*, between Warrensburg, Mo., on the one hand, and, on the other, points in Missouri, Illinois, Kansas, Nebraska, Oklahoma, Iowa, Indiana, Ohio, Pennsylvania, Colorado, Arkansas, Minnesota, Tennessee, Mississippi, Michigan, Texas, Kentucky, and Wisconsin, and (4) *fertilizers*, in bag and in bulk, from East St. Louis, Ill., and points in Kansas, to points in Johnson, Cass, Henry, and Bates Counties, Mo.

No. MC 83539 (Sub-No. 110) (CORRECTION), filed January 9, 1964, published FEDERAL REGISTER issue January 29, 1964, and republished as corrected this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla.

NOTE: The above-specified application was filed with the Commission on January 9, 1964, in lieu of the date of January 14, 1964, as shown in previous publication.

No. MC 86003 (Sub-No. 8), filed January 21, 1964. Applicant: HOWARD G. SLAUGHTER, doing business as SLAUGHTER BEVERAGE TRANSPORT, Rural Delivery No. 1, Townsend, Del. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Luggage*, finished and unfinished, (2) *materials, accessories and hardware used in the manufacture thereof*, and (3) *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodities, between Clayton, Del., on the one hand, and, on the other, points in New Jersey, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y., those in that part of Pennsylvania on and east of U.S. Highway 1, and Downington and Greenville, Pa., Louisville, Ohio, Weldon, N.C., and Winchester, Va.

NOTE: Applicant has pending common carrier application in MC 125513. It is further noted that common control may be involved.

No. MC 95540 (Sub-No. 566), filed January 22, 1964. Applicant WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from points in Dallam and Hartley Counties, Tex., to points in Alabama, Connecticut, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Virginia, and the District of Columbia.

NOTE: Common control may be involved.

No. MC 95540 (Sub-No. 567), filed January 23, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (including fruit juices and vegetable juices and concentrates thereof), *in mixed shipments with canned goods* (including fruit juices and

vegetable juices and concentrates thereof, not frozen), (2) *frozen foods*, including fruit juices and vegetable juices and concentrates thereof *in mixed shipments with commodities exempt from economic regulation* pursuant to the provisions of section 203(b)(6) of the I.C.C. Act, (3) *canned goods* (including fruit juices and vegetable juices and concentrates thereof, not frozen), *in mixed shipments with commodities exempt from economic regulation* pursuant to the provisions of section 203(b)(6) of the I.C.C. Act, (4) *canned goods* (including fruit juices and vegetable juices and concentrates thereof, not frozen), and (5) *frozen foods* (including fruit juices and vegetable juices and concentrates), from points in California and Arizona, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

No. MC 95540 (Sub-No. 568), filed January 27, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Henry and Weakley Counties, Tenn., and points in Tippah County, Miss., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

No. MC 95857 (Sub-No. 1), filed January 16, 1964. Applicant: C. J. MORRIS, Star Route, Bradford, Pa. Applicant's attorney: Albert A. Griffin, Bradford, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products*, and (2) *machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof*, from points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending over Interstate Highway 81 to junction northeast extension of the Pennsylvania Turnpike, thence over northeast extension of the Pennsylvania Turnpike to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike via Exit 24 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction U.S. Highway 222, thence over U.S. Highway 222 to the Pennsylvania-Maryland State line, to points in New York, Ohio, West Virginia, and Kentucky, and *empty containers* or other incidental facilities (not specified), used in transporting the above described commodities, on return.

No. MC 96920 (Sub-No. 16), filed January 24, 1964. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Barbur Boulevard, Portland 23, Oreg. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and transformer parts, machinery, materials, supplies and accessories*, from Waukesha and Beaver Dam, Wis., and Rockford, Ill., to Portland, Oreg.

NOTE: Applicant states that the proposed service is to be performed under contract with R. T. E. Corporation.

No. MC 103378 (Sub-No. 283), filed January 24, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Screven County, Ga., to points in South Carolina.

No. MC 106163 (Sub-No. 15), filed January 20, 1964. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 2800 West Sixth Avenue, Pine Bluff, Ark. Applicant's attorney: Louis Tarlowski, 814 Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Little Rock and Pine Bluff, Ark., over U.S. Highway 65, serving all intermediate points and the off-route point of Baldwin (Pine Bluff Arsenal), Ark.

NOTE: Applicant states the "service at Little Rock, Ark., is restricted against the pickup, interchange or delivery of shipments moving to, from or through Memphis, Tennessee." Common control may be involved.

No. MC 106380 (Sub-No. 65), filed January 20, 1964. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Davison, Hanson, and Beadle Counties, S. Dak., to points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

No. MC 109649 (Sub-No. 7), filed January 24, 1964. Applicant: L. P. TRANSPORTATION, INC., Chester, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Lyndonville, Vt., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

No. MC 110563 (Sub-No. 20), filed January 20, 1964. Applicant: COLDWAY FOOD EXPRESS, INC., Post Office Box 259, Sidney, Ohio. Applicant's attorney: Joseph Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds for food flavoring, curing treatment and preservation*, from Flemington, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Wisconsin, Ohio, Minnesota, Colorado, and Iowa.

No. MC 111720 (Sub-No. 5), filed January 23, 1964. Applicant: RAY WILLIAMS AND ARLENE WILLIAMS, a partnership, doing business as WILLIAMS TRUCK SERVICE, 2800 East 11th Street, Sioux Falls, S. Dak. Applicant's attorney: R. G. May, 316 Northwestern Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and articles distributed by meat packinghouses* as described in appendix I of the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Austin, Minn., to points in Virginia on and west of U.S. Highway 21, points in Pike County, Ky., and Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn.

No. MC 111812 (Sub-No. 237) (AMENDMENT), January 17, 1964. Published FEDERAL REGISTER issue January 29, 1964, republished as amended, this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building (Post Office Box 747), Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from Milton, Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, and to Milan, Ill.

NOTE: Applicant states that no duplicating authority is sought by this application. It is further noted that the purpose of this republication is to add Milan, Ill. as a destination area. Common control may be involved.

No. MC 111812 (Sub-No. 238), filed January 23, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 112750 (Sub-No. 179), filed January 14, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency and negotiable securities) as are used in the business of banks and banking institutions, (a) between Cincinnati, Ohio, on the one hand, and, on the other, Charleston and Huntington, W. Va., and (b) between Buffalo, N.Y., on the one hand, and, on the other, Pittsburgh, Pa., and Cleveland, Ohio.

NOTE: Applicant states it presently has authority under Docket MC 112750 Sub-61 to perform the service sought in (a) above, but authority is restricted to service for the following banks: The Huntington National Bank, Columbus, Ohio, and The First National Bank, Cincinnati, Ohio. Common control may be involved.

No. MC 113843 (Sub-No. 78), filed December 18, 1963. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia.

NOTE: Applicant states that no tacking or interlining privileges are sought at Darien, Wis. It is further noted that common control may be involved.

No. MC 113908 (Sub-No. 137), filed January 20, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield/Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glycerine*, in bulk, in tank vehicles, from the plant site of Armour Soap Manufacturing Plant located at or near Aurora, Ill., to points in Michigan and Missouri, and (2) *coconut oil, soap stock, liquid soap, inedible tallow, including fatty acids thereof*, in bulk, in tank vehicles, from the site of Armour Soap Manufacturing Plant located at or near Aurora, Ill., to points in Indiana, Michigan, Ohio, Missouri, Pennsylvania, and Wisconsin.

No. MC 114019 (Sub-No. 115), filed January 27, 1964. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Iowa, Missouri, Nebraska, North Dakota, South Dakota, Minnesota, Arkansas, Kansas, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and the District of Columbia.

NOTE: Applicant states the authority sought will be restricted against tacking with any authority now held by applicant and restricted further against interlining at Darien, Wis. It is further noted that common control may be involved.

No. MC 114045 (Sub-No. 128), filed January 20, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, from Terre Haute, Ind., to points in Kansas, Missouri, New Mexico, Oklahoma, and Texas, and (2) *food products* (other than frozen foods, meat, meat products, and meat byproducts, dairy products, salad dressings, uncooked bakery goods and yeast), from Carrollton, Mo., to points in Kansas, New Mexico, Oklahoma, and Texas.

No. MC 115771 (Sub-No. 6), filed December 11, 1963. Applicant: PENBROOK HAULING COMPANY, INC., Box 1551, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, articles which because of size or weight require use of special equipment, specialized handling, or rigging*, and (2) *related contractors' materials, supplies and equipment which are moving in connection with and for installation or use with items in (1) above*, between Steelton, Pa., and points in Dauphin County, Pa., within ten (10) miles of Steelton, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, and the District of Columbia.

No. MC 115841 (Sub-No. 162), filed January 16, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food preparations, candies and confectionery products* (except liquid commodities in bulk), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., and points in its commercial zone, to points in Tennessee, Alabama, Mississippi, and Louisiana.

No. MC 115841 (Sub-No. 163), filed January 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West (Post Office Box 2169), Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs and Gentry, Ark., to points in Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

No. MC 117355 (Sub-No. 7), filed January 21, 1964. Applicant: JESSE A. KRONINGER, INC., Rural Delivery 1, Mertztown, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in that part of Gloucester County, N.J., northwest of the New Jersey Turnpike, to the plant site of The Berks Products Corporation in Douglas Township, Montgomery County, Pa.

No. MC 117846 (Sub-No. 2), filed January 20, 1964. Applicant: JOSEPH SCIAMACCA, 1316 Academy Street, Scranton, Pa. Applicant's attorney: Albert B. Mackarey, Cannell Building, Scranton 3, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Newark, N.J., to Scranton and Wilkes-Barre, Pa.

No. MC 124576 (Sub-No. 3), filed January 24, 1964. Applicant: PUGET SOUND TRUCKING CO., a corporation, Pier 62, Seattle 1, Wash. Applicant's attorney: Charles J. Keever, Washington Building, Post Office Box 340, Seattle 11, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Palletized cans, palletized can ends in cartons, pallet pack sleeves, caps and divider sheets*, and *pallets*, between Portland, Oreg., on the one hand, and, on the other, Seattle, Olympia, Lacey, and Tumwater, Wash.

NOTE: Common control may be involved.

No. MC 124675 (Sub-No. 2), filed January 17, 1964. Applicant: JACOB CORNELIUS FAST, 8229 Upper Prairie Road, Rural Route 1, Chilliwack, British Columbia, Canada. Applicant's attorney: Thomas G. Kendall (in care of applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marl*, a form of organic lime, from the ports of entry on the international boundary line, between the United States and Canada located in Washington, to points in Whatcom and Skagit Counties, Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 124692 (Sub-No. 7), filed January 20, 1964. Applicant: MYRON SAMMONS, Post Office Box 52, Midland, S. Dak., 57552. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carirer*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Washington, Idaho, and Montana, to points in Iowa, Illinois, and Wisconsin, and *animal and poultry feeds and feed ingredients*, and *exempt commodities*, on return.

No. MC 124692 (Sub-No. 8), filed January 20, 1964. Applicant: MYRON SAMMONS, Post Office Box 52, Midland, S. Dak. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients, lama soy, perma soy*, and *bentonite*, from points in Iowa, Minnesota, South Dakota, and Wyoming, to points in Montana, Idaho, and Washington, and *lumber and lumber products*, on return.

No. MC 128706 (Sub-No. 1), (AMENDMENT), filed January 3, 1964, published in FEDERAL REGISTER issue of January 29, 1964, and republished as amended this issue. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, beams, pillars, lumber and forest products*, (1) from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, (except Meridian), Missouri, Oklahoma, Tennessee, and Texas, to points in Illinois (except Chicago Heights and East St. Louis), Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska (except Omaha), Ohio, and Wisconsin, (2) between East St. Louis, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, and (3) between Louisiana, Mo., on the one hand, and, on the other, points in Arkansas and Tennessee.

NOTE: The purpose of this republication is to add part (3) above.

No. MC 125849 (Sub-No. 1), filed January 23, 1964. Applicant: DARRIS L. WILLIAMS, 205 Corsicana Street, Hillsboro, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Bernalillo, Sandoval, and McKinley Counties, N. Mex., and Apache, Navajo, Gila, and Greenlee Counties, Ariz., to points in that part of Texas bounded by a line beginning at Wichita Falls, Tex., and extending along U.S. Highway 82 to Paris, Tex., thence along U.S. Highway 271 to Tyler, Tex., thence along Texas Highway 155 to Palestine, Tex., thence along U.S. Highway 79 to Rockdale, Tex., thence along U.S. Highway 77 to Giddings, Tex., thence along U.S. Highway 290 to Johnson City, Tex., thence along U.S. Highway 281 to the point of beginning at Wichita Falls, Tex., including points on the indicated portions of the highways specified, and *exempt commodities* on return.

NOTE: Common control may be involved.

No. MC 125941, filed January 17, 1964. Applicant: H. J. JEFFRIES AND JACK SEAGRAVES, a partnership, doing business as J & S TRUCK LINE, 817 Southwest 37th Street, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients* and *feed grade urea*, in bags and in sacks, from Kerens, and points within 10 miles of Kerens, Cameron, Gainesville, Pittsburg, and Vernon, Tex., to points in Oklahoma on and south of a line beginning at the Texas-Oklahoma State line near Texola, Okla., at U.S. Highway 66, and extending east along U.S. Highway 66 to junction U.S. Highway 62, thence east along U.S. Highway 62 to junction U.S. Highway 266, thence east along U.S. Highway 266 to junction U.S. Highway 64, thence east along U.S. Highway 64 to Oklahoma-Arkansas State line, and *damaged and rejected shipments* on return.

No. MC 125942, filed January 16, 1964. Applicant: CHARLES SWINFORD, doing business as SWINFORD TRUCKING CO., Route No. 3, Flat Rock, Ind. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete silos*, knocked down, and *component parts* thereof, from Rays Crossing, Ind., to points in Illinois, Kentucky, and Ohio.

NOTE: Applicant states the proposed service will be performed under a continuing contract with the Indiana Silo Co., Inc.

No. MC 125944, filed January 14, 1964. Applicant: ULYSSES S. SMITH, 115 Northwest 22d Place, Portland 10, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, busses, and cars*, by driveaway method, between points in Oregon, Washington, California, Arizona, Idaho, Wyoming, Utah, Colorado, Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, Missouri, New Mexico, Kansas, and Nevada.

No. MC 125953, filed January 14, 1964. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell, Lovelock, Nev. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diatomaceous and infusorial earths*, processed and unprocessed, in bulk and in containers and bags, from the plant sites of Eagle Picher Co., located at Colado Junction, seven (7) miles east of Lovelock, Nev., on U.S. Highway 40, and at Clark Station, approximately twenty (20) miles east of Reno, Nev., on U.S. Highway 40, to points in California, Utah, Idaho, and Oregon, and (2) *new bags, soda ash and such other commodities as are required and used for the packaging, processing and manufacture of diatomaceous and infusorial earths*, from points in California, to the plant sites of Eagle Picher Co. located as described above in (1).

NOTE: Applicant states it proposes to transport to said plants *empty containers* and *pallets*, on return movements.

No. MC 125955, filed January 21, 1964. Applicant: ROBERT BATES, doing business as "R—B TRANSPORT", 12320 Southwest Denfield Road, Beaverton, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruits and vegetables* (other than frozen), *tomato catsup* in glass and tin containers, *jellies and jams* in glass and tin containers, *canned milk, pickles, vinegar, and condiments* (meat sauces) in glass containers, *canned pork and beans, sugar* in bags and cartons, and *bleach* (Chlorox) in plastic containers, from Sacramento, Stockton, Tracy, Modesto, Newman, Dixon, Crockett, and San Jose, Calif., and points in Alameda County, Calif., to points in Spokane County, Wash., (2) *bananas*, from points in Los Angeles and San Francisco Counties, Calif., to points in Spokane County, Wash., and (3) *exempt commodities transported in the same loads with nonexempt commodities* in (1) and (2) above, and *rejected shipments*, on return in (1) and (2) above.

MOTOR CARRIERS OF PASSENGERS

No. MC 125917, filed January 3, 1964. Applicant: AURORA EDUCATIONAL TOURS, INC., 719 North Highland Avenue, Aurora, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Aurora, Ill., and points within 10 miles thereof, and extending to points in Michigan, Wisconsin, Indiana, District of Columbia, Virginia, Maryland, New York, New Jersey, Colorado, and New Mexico.

WATER CARRIERS OF PROPERTY

No. W-360 (Sub-No. 8), filed January 5, 1964 (W. R. CHAMBERLIN & CO. COMMON CARRIER APPLICATION). Applicant: W. R. Chamberlin & Co., 296 Oregon Bank Building, Portland, Oreg. Applicant's attorney: Rockne Gill, Standard Plaza, Portland, Oreg. Application for a revised certificate as a *common carrier* by water covering an operation heretofore conducted as a *contract carrier*, by self-propelled vessels of *lumber and forest products* between points and ports on the Pacific Coast, Puget Sound, the Columbia River, San Francisco Bay, and tributary waters as authorized in Permit W-360.

No. W-1196 (INLAND-OCEAN BARGES, INC. EXEMPTION APPLICATION), filed January 22, 1964. Applicant: INLAND-OCEAN BARGES, INC., 1008 National Bank of Commerce Building, New Orleans, La., 70112. Applicant's attorney: Henry P. Dart (same address as applicant). Application for exemption, under Part III, Section 302(e)(2), of the Interstate Commerce Act. Applicant proposes to furnish and operate as a *contract carrier* by towing, a specially built barge for transporting *nuclear reactors* weighing 400 to 1,500 tons each, from points on the Mississippi River and its tributaries to points on the Pacific, Atlantic and Gulf coasts of the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 107002 (Sub-No. 182), filed January 22, 1964. Applicant: W. M. CHAMBERS TRUCK LINE, INC., Post Office Box 1123, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building (Post Office Box 1250), Jackson 5, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl sulfide*, in bulk, in tank vehicles, from Begalusa, La., to Pascagoula, Miss., and points within 15 miles thereof.

NOTE: Common control may be involved.

No. MC 114194 (Sub-No. 66), filed January 23, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mothproofing liquids and blends*, in bulk, from St. Louis, Mo., to points in Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, and North Carolina, and, *rejected shipments*, on return.

No. MC 114290 (Sub-No. 18), filed January 21, 1964. Applicant: EXLEY EXPRESS, INC., 2204 Southeast Eighth Avenue, Portland, Oreg., 97214. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits, berries, and vegetables*, from points in Polk, Lane, Benton, and Umatilla Counties, Oreg., and Vancouver, Wash., to points in that part of California south of a line drawn east and west through Chico, Calif.

NOTE: The purpose of this application is to eliminate the present restriction that applicant operate through the Sherwood, Oreg., gateway.

No. MC 116859 (Sub-No. 4), filed January 10, 1964. Applicant: CLARK TRANSFER, INCORPORATED, 829 North 29th Street, Philadelphia, Pa. Applicant's attorney: Matthew T. Molich, 1637 Third Street NE., Washington 2, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Bakery goods*, between Washington, D.C., and Winchester, Va., from Washington over Virginia Highway 7 to Winchester, and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

No. MC 125939, filed January 17, 1964. Applicant: HAULERS, INC., Post Office Box 24, Station B, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed sandstone, crushed limestone, coated aggregates, and dry batch concrete*, between points in Arkansas on and west of U.S. Highway 71 (including, but not limited to Fort Smith, Ark., and its commercial zone), on the one hand, and, on the other, points in Oklahoma on and west of U.S. Highway 77.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1113; Filed, Feb. 5, 1964; 8:48 a.m.]

[Notice No. 290]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 31, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Deviation No. 7), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., filed January 21, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 85 to Charlotte, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over U.S. Highway 29 to Charlotte, and return over the same route.

No. MC 2900 (Deviation No. 8) (Canceling Deviation No. 3), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., filed January 21, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 10 to junction Interstate Highway 75, at or near Lake City, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Jacksonville over U.S. Highway 90 via Baldwin, Fla., to Live Oak, Fla., and return over the same route.

No. MC 2900 (Deviation No. 9), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., filed January 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Miami, Fla., over Sunshine State Parkway to junction Interstate Highway 75, at or near Wildwood, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Miami over U.S. Highway 27 to junction Florida Highway 80 at South Bay, Fla., thence over Florida Highway 80 to junction U.S. Highway 441 at Belle Glade, Fla., thence over U.S. Highway 441 to junction Florida Highway 44 at Leesburg, Fla., thence over Florida Highway 44 to Wildwood, Fla., and return over the same route.

No. MC 2900 (Deviation No. 10), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., filed January 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 75 to Tampa, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta over U.S. Highway 19 to junction Florida Highway 336, at or near Lebanon Station, Fla., thence over Florida Highway 336 to junction U.S. Highway 41, at Dunnellon, Fla., thence over U.S. Highway 41, to Tampa, and return over the same route.

No. MC 59680 (Deviation No. 20), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex., 75222, filed January 20, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 61 and 70 and Interstate Highway 55, approximately 3 miles west of Memphis, Tenn., over Interstate Highway 55 to junction U.S. Highway 61, approximately 3 miles south of Blytheville, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service routes as follows: From Memphis over U.S. Highway 63 via Turrell, Ark. to Jonesboro, Ark., thence over Arkansas Highway 1 to Paragould, Ark., thence over Arkansas Highway 25 to the Arkansas-Missouri State line, thence over Missouri Highway 25 to junction Missouri Highway 84, thence over Missouri Highway 84 to Hayti, Mo., and return over the same route.

No. MC 69116 (Deviation No. 19), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed January 23, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hammond, Ind., over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to Rock Island, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hammond over U.S. Highway 6 to Joliet, Ill., thence over U.S. Highway 30 to junction U.S. Highway 34 near Aurora, Ill., thence over U.S. Highway 34 to Mendota, Ill., thence over Illinois Highway 92 to Rock Island, and return over the same route.

No. MC 76266 (Deviation No. 13), ADMIRAL-MERCHANTS MOTOR

FREIGHT INC., 2625 Territorial Road, St. Paul 14, Minn., filed January 22, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Council Bluffs, Iowa, over Iowa Highway 375 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 48, thence over Iowa Highway 48, to junction U.S. Highway 6, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Council Bluffs over U.S. Highway 6 to junction Iowa Highway 48, and return over the same route.

No. MC 76266 (Deviation No. 14), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul 14, Minn., filed January 22, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicles, of *general commodities*, with certain exceptions, over a deviation route as follows: from Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City over U.S. Highway 169 to St. Joseph, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 145) (Canceling MC 1502, letter of September 10, 1954), GREYHOUND LINES, INC. (Eastern Greyhound Lines), 1400 West Third Street, Cleveland, Ohio, 44113, filed January 22, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From King of Prussia, Pa., over Schuylkill Expressway (Interstate Highway 80S) to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Carlisle Interchange at Middlesex over the Pennsylvania Turnpike to King of Prussia, and thence over Pennsylvania Highway 23 to Philadelphia, and return over the same route.

No. MC 1515 (Deviation No. 146) (Canceling MC 1504 Deviation Nos. 1 and 3), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed January 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicles, of *passengers and their baggage*, over a deviation route as follows: between Abingdon, Va., and Greensboro, N.C., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route, a portion of which follows: * * * thence over U.S. Highway 421 via North Wilkesboro and Winston-Salem, N.C., to junction relocated U.S. Highway 421 and U.S. Highway 158 at the eastern city limits of Winston-Salem, thence over relocated U.S. Highway 421 to junction old U.S. Highway 421, approximately 1 mile west of Guthrie, and thence over old U.S. Highway 421 via Kernersville to Greensboro, N.C. (also from Winston-Salem over U.S. Highway 311 to junction North Carolina Highway 150, thence over North Carolina Highway 150 to Kernersville), and return over the same route".

No. MC 1515 (Deviation No. 147) (cancelling MC 1504 Deviation No. 4), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed January 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highways 29, 70, 29-B and Interstate Highway 85 approximately 6 miles north of Salisbury over Interstate Highway 85 to junction U.S. Highway 29-B approximately 9 miles south of Salisbury, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Fort Chiswell over U.S. Highway 52 to Lexington, N.C., thence over U.S. Highway 29 to junction Alternate U.S. Highway 29 (about 7 miles south of Salisbury, N.C.), thence over New U.S. Highway 29 to Charlotte. * * *", and return over the same route.

No. MC 1515 (Deviation No. 148) (Canceling MC 1504 Deviation No. 2), GREYHOUND LINES, INC. (Southern Greyhound Lines Division) 219 East Short Street, Lexington, Ky., filed January 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: Between Richmond and Petersburg, Va., over Interstate Highway 95 (Richmond-Petersburg Turnpike), for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Richmond over U.S. Highway 1 via Petersburg and South Hill, Va., to Henderson, N.C., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1110; Filed, Feb. 5, 1964; 8:45 a.m.]

[No. 33977]

FREIGHT, ALL KINDS, L.C.L., CONTAINER CHARGES—U.S.A.

Notice of Oral Agrument

JANUARY 31, 1964.

The above-entitled proceeding is assigned for oral argument on March 17, 1964, at 10:00 a.m. U.S. standard time at the office of Interstate Commerce Commission, Washington, D.C., before the Commission.

Any interested person or organization, whether or not at present a party hereto, may apply for an allotment of time for the oral presentation of views on the issues involved in this proceeding, particularly the one concerning the definition of the scope of the operations of REA Express as an express company under Part I and Part II of the Interstate Commerce Act.

Those desiring to participate in the oral argument must request an allotment of time at least 10 days before the assigned date (rule 98 paragraph (b) of the general rules of practice). Such requests should be directed to the Secretary.

A copy of this notice is being mailed to all parties of record and a copy filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1116; Filed, Feb. 5, 1964; 8:44 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 3, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38788: *Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 341), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory, Canada and Alaska, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplement 35 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 404, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1181; Filed, Feb. 5, 1964; 8:48 a.m.]

[Notice No. 936]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 3, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66413. By order of January 30, 1964, the Transfer Board approved the transfer to Ann L. McCartney, doing business as Ann's Travel Service, Fredonia, Pa., of the operating rights in License in No. MC 12724, issued December 6, 1960, to George W. Bax, doing business as Bax Travel Service, Lake City, Pa., authorizing service in connection with transportation by motor vehicle, of passengers and their baggage, in special and charter operations, in all expense round-trip tours, beginning and ending at points in Erie and Warren Counties, Pa., and extending to points in the United States (except points in Alaska and Hawaii). William W. Knox, 23 West 10th Street, Erie, Pa., attorney for applicants.

No. MC-FC 66431. By order of January 30, 1964, the Transfer Board approved the transfer to Russell C. Sorensen, Wakefield, Nebr., of the operating rights issued by the Commission October 18, 1949, and May 29, 1951, under Certificates Nos. MC 93156 and MC 93156 (Sub-No. 3), to Rollen Dunn, Dixon, Nebr., authorizing the transportation, over irregular routes, of scrap iron, from farms in 8 townships of Dixon County, Nebr., to Sioux City, Iowa; building materials, coal, feed, posts, salt, seed, and wire, from Sioux City, Iowa, to the above-specified origin points; hay and livestock, from farms in 8 townships of Dixon County, Nebr., with exceptions, to Sioux City, Iowa; hay and livestock, and grain, between Wayne, Nebr., and points within 20 miles of Wayne, on the one hand, and, on the other, Sioux City, Iowa; livestock, from points in various townships of Dixon County and Wayne County, Nebr., to Sioux City, Iowa; and feed, coke, fence posts, brick, livestock, and general farm supplies, from Sioux City to points in the above-specified Nebraska townships.

No. MC-FC 66450. By order of January 30, 1964, the Transfer Board approved the transfer to Edith Powell, doing business as Powell Trucking Service, Chanute, Kans., of the operating rights issued by the Commission September 6, 1961, in Permit No. MC 115132 (Sub-No. 2), to H. E. Powell, doing business as Bud Powell Trucking Co., Chanute, Kans., authorizing the transportation, over irregular routes, of clay brick and clay tile, from Humboldt, Kans., to points in Missouri on and west of U.S. Highway 63; points in 18 counties in Arkansas, and points in Oklahoma; and of the operating rights in Certificate No. MC 29603, issued May 29, 1959, to Allen Brothers Truck Line, Inc., and acquired by transferor herein pursuant to order entered November 13, 1962, as amended February 21, 1963 in MC-FC 65366, permitting the transportation of lubricating oil, in containers, feed, agricultural machinery, hardware, and fertilizer, from Kansas City, Mo., to Elsmore, Kans., and points within 15 miles of Elsmore; and livestock, between Elsmore, Kans., and points within 15 miles of Elsmore, on the one hand, and, on the other, Kansas City, Mo. Robert L. Briley, Balch & Briley, Chanute, Kans., attorneys for applicants.

No. MC-FC 66462. By order of January 29, 1964, the Transfer Board approved the transfer to Eva J. Kominars, doing business as Ann's Towing Service, Villa Park, Ill., of Certificate in No. MC 114435 issued June 9, 1958, to Jerome J. Kominars, doing business as Ann's Towing Service, Villa Park, Ill., authorizing the transportation of: Used motor vehicles dispatched to relieve wrecked, damaged or disabled vehicles, when towed by wrecker-type equipment, from points in Illinois, Indiana, and Michigan, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin; and wrecked, disabled, and damaged motor vehicles when towed by wrecker-type equipment, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin, to points in Illinois, Indiana, and Michigan.

No. MC-FC 66471. By order of January 30, 1964, the Transfer Board approved the transfer to Ludlow Warehouse, Inc., Yonkers, N.Y., of the operating rights issued by the Commission November 25, 1949, under Certificate No. MC 18727, to George J. Dearden, Yonkers, N.Y., authorizing the transportation over irregular routes, of household goods, between points in Westchester County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Virgina, and the District of Columbia. Alvin Altman, % Brodsky, Linett and Altman, 1776 Broadway, New York 19, N.Y., attorneys for applicants.

No. MC-FC 66539. By order of January 29, 1964, the Transfer Board approved the transfer to Wall Truck Line, Inc., Holden, Mo., of Certificate in No. MC 547, issued August 30, 1962, to Lawrence Zoacek, doing business as Wall Truck Line, Holden, Mo., authorizing the transportation of: general, with the usual exceptions including household goods and commodities in bulk, sand, lumber, feed, meats, oil and grease in containers, livestock, iron and steel articles, and prefabricated parts used in the manufacture of agricultural implements, from, to, or between specified points in Kansas and Missouri. Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo., attorney for applicants.

No. MC-FC 66577. By order of January 30, 1964, the Transfer Board approved the transfer to Norther Film Transport, Inc., Presque Isle, Maine, of the operating rights in Certificate in No. MC 111408 (Sub-No. 1), issued April 3, 1951, to Aroostock Film Transport Company, Inc., Presque Isle, Maine, authorizing the transportation, over a regular route, of motion picture film, film accessories and advertising matter used in connection with the exhibition of motion pictures, between Boston, Mass., and Fort Kent, Maine. Raymond Jensen, 477 Congress Street, Portland, Maine, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1182; Filed, Feb. 5, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Big Yank Corp., Central Street, Water Valley, Miss.; effective 1-28-64 to 1-27-65 (men's continental pants).

Blue Ridge Manufacturers, Inc., Second and Poplar Streets, Murray, Ky.; effective 2-7-64 to 2-6-65 (men's and boys' work trousers).

Cathage Garment Corp., Carthage, Miss.; effective 1-22-64 to 1-21-65 (boys' sport shirts).

Eastwill Sportswear Co. Inc., Greenwood, S.C.; effective 2-2-64 to 2-1-65 (men's and boys' sport shirts).

Ely & Walker, a division of Burlington Industries, Inc., Heber Springs, Ark.; effective 1-23-64 to 1-22-65 (boys' sport shirts).

Hollywood Vassarette, Arkadelphia, Ark.; effective 1-22-64 to 1-21-65 (brassieres).

Hollywood Vassarette, Athens, Tex.; effective 1-22-64 to 1-21-65 (brassieres).

Hollywood Vassarette, Paris, Tex.; effective 1-22-64 to 1-21-65 (brassieres).

Lowenstein Dress Corp., 425 Pleasant Street, Fall River, Mass.; effective 1-22-64 to 1-21-65 (ladies' dresses).

Monticello Manufacturing, Inc., Warren Street, Monticello, Ga.; effective 2-10-64 to 2-9-65 (boys' and men's casual slacks).

The Raleigh Corp., Raleigh, Miss.; effective 1-31-64 to 1-30-65 (ladies' slacks).

Sanford Manufacturing Co., 44-48 Lehigh Street, Wilkes-Barre, Pa.; effective 2-3-64 to 2-2-65 (boys' and men's pants).

A. J. Schneierson & Son, Inc., Sanford, N.C.; effective 1-20-64 to 1-19-65. Learners may not be employed at special minimum wages in the production of ladies' slips made from knit fabrics (ladies' slips and dresses).

Soperton Manufacturing Co., Soperton, Ga.; effective 2-3-64 to 2-2-65 (men's sport shirts).

Tompkinsville Manufacturing Co., Tompkinsville, Ky.; effective 1-25-64 to 1-24-65 (men's cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Arotex Uniform Co., Inc., 201 North Waco, Wichita, Kans.; effective 1-27-64 to 1-26-65; 10 learners (men's and women's washable service garments).

The H. W. Gossard Co., corner of Pine and Jasper Streets, Gwinn, Mich.; effective 2-3-64 to 2-2-65; 10 learners (ladies' foundation garments).

Nightingale Uniform Co., Mill Street, Georgiana, Ala.; effective 1-22-64 to 1-21-65; 10 learners (nurses' uniforms).

Supreme Sportswear Co., 421 Front Street, Rosseto, Pa.; effective 1-24-64 to 1-23-65; five learners (ladies' and children's blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Carthage Garment Corp., Carthage, Miss.; effective 1-22-64 to 7-21-64; 60 learners (boys' sport shirts).

Longley Manufacturing Co., Inc., 1511 Williams Street, Chattanooga, Tenn.; effective 1-22-64 to 7-21-64; 20 learners (children's, boys', and men's jeans).

Pert Sportswear, Inc., Blue Rapids, Kans.; effective 1-20-64 to 7-19-64; five learners. Learners may not be employed at special minimum wages in the production of women's, misses', and juniors' skirts (ladies' aprons).

A. J. Schneierson & Son, Inc., Sanford, N.C.; effective 1-20-64 to 7-19-64; 75 learners. Learners may not be employed at special minimum wages in the production of ladies' slips made from knit fabrics (ladies' slips and dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Belmont Knitting Co., Belmont, N.C.; effective 1-30-64 to 1-29-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Powell Knitting Co., P.O. Box 1712, Spartanburg, S.C.; effective 1-24-64 to 1-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

American Bonfil Corp., Industrialville Building No. 11, Road No. 26, Km. 9.4—Isla Verde, Carolina, P.R.; effective 1-15-64 to 7-14-64; 16 learners for plant expansion purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 74 cents an hour (textured synthetic yarn).

Mayaguez Shoe Corp., State Road No. 2, Km. 190.2, Guaanjibo Industrial Subdivision, Mayaguez, P.R.; effective 1-15-64 to 7-14-64; 100 learners for plant expansion purposes, in any factory productive occupation (with certain exceptions), each for a learning period of 480 hours at the rates of 71 cents an hour for the first 240 hours and 76 cents an hour for the remaining 240 hours (women's shoe uppers).

Milles Engineering, Inc., P.O. Box 131, Las Marias, P.R.; effective 1-7-64 to 7-6-64; 29 learners for plant expansion purposes, in the occupation of wirer (assembler); inspector-tester; technician, each for a learning period of 480 hours at the rates of 95 cents an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours. On and after March 13, 1964, learner rates of 98 cents an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (frequency modulated receivers and related electronic equipment).

Ponce Mills, Inc., Hostos Avenue, P.O. Box 224, Station No. 6, Ponce, P.R.; effective 1-3-64 to 7-2-64; 30 learners for plant expansion purposes, in the occupation of circular knitter machine operator for a learning period of 240 hours at the rate of 72 cents an hour (knitted cloth).

Ricardo Corp., P.O. Box 127, Hormigueros, P.R.; effective 1-7-64 to 1-6-65; 13 learners for normal labor turnover purposes, in the occupations of: (1) machine stitcher; layers-off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at the rate of 73 cents an hour (fabric and leather gloves).

Ricardo Corp., P.O. Box 127, Hormigueros, P.R.; effective 1-7-64 to 7-6-64; 17 learners for plant expansion purposes, in the occupations of: (1) machine stitcher; layers-off, each for a learning period of 480 hours at the rates of 73 cents an hour for the first 240 hours and 84 cents an hour for the remaining 240 hours; and (2) die and clicker machine operator for a learning period of 160 hours at 73 cents an hour (fabric and leather gloves).

Sagner International, Inc., 151 Marina Street, P.O. Box 4128, San Juan, P.R.; effective 1-13-64 to 1-12-65; 10 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operator for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours; and (2) presser other than final presser; machine operator other than sewing (hook and eye); (sliders and stops); final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 75 cents an hour. (Men's slacks)

The following learner certificates were issued in the Virgin Islands to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Quality Products Co., Inc., 78-79 Kronprindsens Gade, P.O. Box 2446, Charlotte Amalie, St. Thomas, V.I.; effective 1-4-64 to 7-3-64; six learners for plant expansion purposes, in the occupation of watch assembler for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (assembly of watch movements).

St. Croix Textile Mills, Inc., Christiansted, St. Croix, V.I.; effective 1-3-64 to 1-2-65; seven learners for normal labor turnover purposes, in the occupation of machine operator for a learning period of 240 hours at the rate of 70 cents an hour (wool yarn).

Standard Time Corp., 102 Richmond, Christiansted, St. Croix, V.I.; effective 1-13-64 to 11-15-64; 10 learners for normal labor turnover purposes, in the occupation of watch assembler for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.05 an hour for the remaining 240 hours (watches) (replacement certificate).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 31st day of January 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-1165; Filed, Feb. 5, 1964; 8:46 a.m.]

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Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

Section 9–7.5006–9(d)(8)(i) is amended to read as follows:

§ 9–7.5006–9 Allowable costs and fixed fee (CPFF operating and construction contracts).

(d) • • •
(8) • • •

(i) Salaries and wages; bonuses and incentive compensation; overtime, shift differential, holiday and other premium pay for time worked; nonwork time including vacations, holidays, sick, funeral, military, jury, witness, and voting leave; salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, negotiating agreements with the Contractor, or serving on labor management (contractor) committees: *Provided, however,* That the Contracting Officer's approval is required in each instance of total compensation to an individual employee at an annual rate of $_____ or more, when it is proposed that a total of fifty percent or more of such compensation be reimbursed under AEC and other Government cost-type contracts. Total compensation, as used here, includes only the employee's base salary and bonus and incentive compensation payments.

NOTE: The specific dollar amount to be inserted in the blank space above is subject to determination by the Contracting Officer, taking into account the cost principles and procedures set forth in subpart AECPR 9–15 with specific reference to § 9–15.5010–14(b). In no event should the dollar amount be more than $25,000 (see AECPR 9–15.5010–14(m)).

Section 9–7.5006–10(d)(8)(i) is amended to read as follows:

§ 9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

(d) • • •
(8) • • •

(i) Salaries and wages; bonuses and incentive compensation; overtime, shift differential, holiday and other premium pay for time worked; nonwork time including vacations, holidays, sick, funeral, military, jury, witness, and voting leave; salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, negotiating agreements with the Contractor, or serving on labor management (contractor) committees: *Provided, however,* That the Contracting Officer's approval is required in each instance of total compensation to an individual employee at an annual rate of $_____ or more, when it is proposed that a total of 50 percent or more of such compensation be reimbursed under AEC and other Government cost-type contracts. Total compensation, as used here, includes only the employee's base salary and bonus and incentive compensation payments.

NOTE: The specific dollar amount to be inserted in the blank space above is subject to determination by the Contracting Officer, taking into account the cost principles and procedures set forth in subpart AECPR 9–15 with specific reference to § 9–15.5010–14(b). In no event should the dollar amount be more than $25,000 (see AECPR 9–15.5010–14(m)).

Section 9–7.5006–12(d)(8)(i) is amended to read as follows:

§ 9–7.5006–12 Allowable costs and fixed fee (Architect-Engineer Contracts).

(d) • • •
(8) • • •

(i) Salaries and wages; bonuses and incentive compensation; overtime, shift differential, holiday and other premium pay for time worked; nonwork time including vacations, holidays, sick, funeral, military, jury, witness, and voting leave; salaries and wages to employees in their capacity as union stewards and committeemen for time spent in handling grievances, negotiating agreements with the Contractor, or serving on labor management (contractor) committees: *Provided, however,* That the Contracting Officer's approval is required in each instance of total compensation to an individual employee at an annual rate of $_____ or more, when it is proposed that a total of 50 percent or more of such compensation be reimbursed under AEC and other Government cost-type contracts. Total compensation, as used here, includes only the employee's base salary and bonus and incentive compensation payments.

NOTE: The specific dollar amount to be inserted in the blank space above is subject to determination by the Contracting Officer, taking into account the cost principles and procedures set forth in subpart AECPR 9–15 with specific reference to § 9–15.5010–14(b). In no event should the dollar amount be more than $25,000 (see AECPR 9–15.5010–14(m)).

The introductory sentences in § 9–15.5010–14(b) and (m) are amended to read as follows:

§ 9–15.5010–14 Compensation for personal services.

• • • • •

(b) *Prior review and approval of compensation paid individual employees.* Except as provided in § 9–15.5010–14(m), it is the general policy of AEC that determinations as to the compensation to be paid individual employees will normally be left to the judgment of contractors subject to the limitations of AEC approved salary schedules, contractor classifications systems, incentive compensation plans, and other plans providing compensation in the form of fringe benefits and allowances. In certain circumstances, the contract may require that individual compensation actions be submitted for prior review and approval. The necessity for such prior review and approval and the compensation level at which such contractual requirements may be imposed is left to the judgment of the Contracting Officer. Among the circumstances taken into account by the Contracting Officer in determining the need, if any, for such prior review and approval are the following:

• • • • • •

(m) *Compensation of $25,000 per annum or more.* The contract shall provide for the approval by the Contracting Officer of the cost of compensating an individual contractor employee at an annual rate of total compensation of $25,000 or more, if a total of fifty percent or more of such compensation is reimbursed under AEC and other Government cost-type contracts. For purposes of determining necessity for such approval under this § 9–15.5010–14(m), such total compensation includes only the employee's base salary and bonus and incentive compensation, and does not include the other elements of compensation covered in § 9–15.5010–14(a). In making his determination as to the allowability of such total compensation, however, the Contracting Officer shall apply the principles of §§ 9–15.5010–14(a), 9–15.5010–14(e), and 9–15.5010–14(f), and other subsections of this § 9–15.5010–14, taking into acount the criteria set forth in § 9–15.5010–14(l).

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 40 U.S.C. 486)

Dated at Germantown, Md., this 27th day of January 1964.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA,
Director,
Division of Contracts.

[F.R. Doc. 64–1207; Filed, Feb. 6, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Deposit Insurance Corporation

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) and (d) are added to § 213.3333 as set out below.

§ 213.3333 Federal Deposit Insurance Corporation.

• • • • • •

(c) General Counsel.

(d) One Special Assistant to the Chairman.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-1241; Filed, Feb. 6, 1964; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Correction

In F.R. Doc. 64-983 appearing at page 1611 of the issue for Friday, January 31, 1964, the following correction is made: The third sentence in § 213.3102(q) should read, "No person shall be employed under this provision: (i) in a position of a routine clerical type; or (ii) in excess of 130 working days a year; or (iii) at a compensation during a period of a year that aggregates for positions at GS–4 and below more than 40 percent of the annual salary for the first step of GS–3, and for positions at GS–5, 6, or 7 more than 33⅓ percent of the annual salary for the first step of the grade at which the position is classified."

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

Revise § 1001.305–3(e)(3)(i)(b); delete paragraph (f); and revise §§ 1001.305–4 (b) and (c), and 1001.305–50, as follows:

§ 1001.305–3 Terms.

* * * * * * *

(e) * * *
(3) * * *
(i) * * *

(*b*) One copy will be addressed for return to the CMD, AFPRO, or other office responsible for administration of the contract, if the contract is to be administered by some office other than the contracting office making the award or contract.

* * * * * * *

(f) [Deleted]

§ 1001.305–4 Time of delivery clauses.

* * * * * * *

(b) The following clause may be inserted in Requests for Proposals where a particular time is necessary to meet the government's requirements and where flexibility is needed in the best interest of the Government. When this clause is used, the files will be documented to indicate the contracting officer's judgment, decision, and the reason therefor.

Time of delivery ( ). Delivery is required to be made in accordance with the following schedule:

Item No.	*Quantity*	*Time*[1]

Offers of delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable delivery period specified above will probably be rejected. If no other delivery schedule is offered, the delivery schedule stated above shall apply.

[OFFEROR'S] PROPOSED DELIVERY SCHEDULE

(To be completed by [Offeror])

Item No.	*Quantity*	*Time*[1]

[1] See footnote at end of paragraph (c) of this section.

(c) The following clause may be inserted in Requests for Proposals where delivery by a certain time is desired, but not essential, and delivery by a specified later time is necessary to meet the government's requirements and where flexibility is needed in the best interest of the Government. When this clause is used, the files will be documented to indicate the contracting officer's judgment, decision, and the reason therefor.

Time of delivery ( ). Delivery is desired by the Government in accordance with the following schedule:

Item No.	*Quantity*	*Time*[1]

[Offeror] unable to meet the above delivery schedule may, without prejudice, set forth his Proposed Delivery Schedule and should not extend the delivery period beyond the time for delivery called for in the following required delivery schedule set forth below:

REQUIRED DELIVERY SCHEDULE

Item No.	*Quantity*	*Time*[1]

Offers of delivery of a quantity under such terms or conditions that delivery will not clearly fall within the applicable required delivery period specified above will probably be rejected. If no other delivery schedule is offered, the Government's desired delivery schedule shall apply.

[OFFEROR'S] PROPOSED DELIVERY SCHEDULE

(To Be Completed by [Offeror])

Item No.	*Quantity*	*Time*[1]

[1] Insert the appropriate phrase below in the indicated spaces above:

a. "[On] (on or before) the date(s) specified below."

b. "Within the number of days stated below after date of contract."

c. "Within the number of days stated below after the date of a written notice of award."

d. "Within the periods specified below."

(NOTE: When this phrase is inserted, the wording "during the month(s) of _____" or "not sooner than _____ and not later than _____" should be used to specify the periods.)

* * * * *

§ 1001.305–50 Maximum delivery schedules.

Appropriations carrying a fiscal year designation as the final year of availability are available for obligation up to and including June 30th of that fiscal year and are available for expenditure for 2 additional years unless otherwise advised. For example, 1961 annual appropriations are available for obligation through June 30, 1961, and for expenditure through June 30, 1963. Accordingly, maximum delivery schedules will be controlled by the foregoing legal requirement for expenditure of appropriated funds. Contracting officers will assure that delivery requirements are in strict accordance with the foregoing and all contract reviewing authorities will assure that strict conformance with the requirements of this section have been met.

Subpart D—Procurement Responsibility and Authority

1. A new sentence is added to § 1001.452. This section now reads as follows:

§ 1001.452 Designation of contracting officers and representatives of contracting officers.

To maintain a high degree of efficiency and effect the most economical management and organization of base procurement activities, AF policy is to centralize all functions of purchasing and contracting, in a consolidated office at all AF installations authorized to make base procurement from appropriated funds. Section 1001.454 sets forth the authority for designating qualified military and civilian employees of the Department of the Air Force as contracting officers and representatives of contracting officers.

2. Sections 1001.454 and 1001.455(a) are revised to read as follows:

§ 1001.454 Authority to designate contracting officers and their representatives.

Contracting officers, as defined in § 1.201–3 of this title, will be those designated by the persons listed in paragraphs (a) through (d) of this section, or by persons who are authorized in writing by the persons listed in paragraphs (a) through (d) of this section to designate contracting officers within the meaning of that term as used throughout Subchapter A, Chapter 1 of this title and this subchapter. Authority to designate includes authority to terminate designations.

(a) Secretary of the Air Force (as defined in § 1.201–15 of this title).

(b) Deputy Chief of Staff, Systems and Logistics.

(c) Director of Procurement Policy, Office of the Deputy Chief of Staff, Systems and Logistics.

(d) Heads of procuring activities (Commanders, AFLC and AFSC).

(1) The authority of the Commander, AFLC, as set forth in § 1.401 of this title and this section, has been delegated to the Director, Assistant to the Director and Deputy for Procurement, of the Directorate of Procurement and Production, Hq AFLC, with power of redelegation. Further redelegation has been made to the officials listed in subdivisions (i) through (iv) of this subparagraph. Except as specified, exercise of the authority is limited to the designation of persons under the jurisdiction of the designating authority.

(i) Commanders and vice commanders of major air commands with power of redelegation limited to the level of a staff officer responsible for procurement within command headquarters and within the headquarters of the first echelon of command immediately subordinate to a major command (numbered Air Force, Hq Transport Air Forces, and Air Photographic and Charting Service or comparable level).

(ii) Commanders and deputy commanders of AFLC field procurement activities and separate base procurement activities. The Commander and Deputy Commander, ROAMA, may redelegate to the Commander and Deputy Commander, Ground Electronics Engineering Installations Agency (GEEIA), with power of further redelegation to commanders GEEIA regional offices for the purpose of executing communications service authorizations only.

(iii) Commanders and deputy commanders of air procurement regions (APRE and APRFE), who may also designate persons under the jurisdiction of other AF commands as representatives of contracting officers.

(iv) Air attaches and chiefs, AF foreign missions, without power of redelegation.

(2) The authority of the Commander, AFSC, as set forth in § 1.401 of this title and this section, has been delegated to the Deputy Chief of Staff, Associate Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, with power of redelegation. Further, redelegation has been made by the Deputy Chief of Staff, Procurement and Production, Hq AFSC, to the officials listed in subdivisions (i) through (v) of this subparagraph. Except as specified, exercise of the authority is limited to the designation of persons under the jurisdiction of the designating authority.

(i) Commander, Office of Aerospace Research, with power of redelegation limited to the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to OAR.

(ii) Commanders and deputy commanders of Aeronautical Systems Division, Ballistic Systems Division, Electronic Systems Division, Space Systems Division, and Aerospace Medical Division.

(iii) Commanders and deputy commanders, contract management regions, who may also designate persons not under the jurisdiction of the designating authority, including persons under the jurisdiction of other AF commands, as representatives of contracting officers. The authority to designate property administrators and plant clearance officers as representatives of administrative contracting officers on property matters and disposition of contractor inventory, respectively, may be further redelegated to chiefs, contract management districts, test site offices, and AF plant representatives without power of further redelegation.

(iv) Commanders and deputy commanders of AFSC centers.

(v) Commander and Deputy Commander, 6592nd Support Group.

§ 1001.455 General procurement authority.

(a) The Commander, AFLC, has delegated, with power of redelegation, to the Director of Procurement and Production, Hq AFLC; and the Commander, AFSC, has delegated, with power of redelegation, to the Deputy Chief of Staff, Associate Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, the authority to act for the Secretary of the Air Force or the Assistant Secretary of the Air Force (Materiel) in the following particulars:

* * * * *

Subpart I—Responsible Prospective Contractors

Revise §§ 1001.950(a)(2)(ii) (*a*) and (*b*) and 1001.951 to read as follows:

§ 1001.950 Small business procedures.

(a) * * *
(2) * * *
(ii) * * *

(*a*) All base and central procurement activties except those of AFSC (§§ 1001.–201–54 and 1001.201–55) forward to AFLC (MCPKF); all AFSC procurement activities forward to AFSC (SCKM).

(*b*) If Hq AFLC or Hq AFSC, as appropriate, concurs, forward the matter, by airmail if most expedient, within 2 work days from receipt, with all pertinent documents, including Hq AFLC or Hq AFSC, recommendation, to the Director of Procurement Policy (AFSPP), Hq USAF. If Hq AFLC or Hq AFSC do not concur, a copy of the nonconcurrence will be furnished Hq USAF to serve as notice that referral will not be made to that level. If the Headquarters of the Small Business Administration considers the issuance of a COC warranted from the facts it has at hand, it has agreed to notify Hq USAF, prior to the issuance of a COC to permit the Air Force to present its case, if the Director of Procurement Policy (AFSPP), Hq USAF, considers the documentation furnished him warrants such a presentation. Pending resolution of the matter between Hq SBA, and Hq USAF, the PCO will take no action pending receipt of instructions from Hq USAF. The foregoing procedure does not affect those cases where the award must be made without delay as described in subparagraph (1) of this paragraph. In such cases, the SBA must be notified promptly.

* * * * * * *

§ 1001.951 Procedures for special source surveys.

(a) Except as provided in § 1001.952, surveys must be requested in writing from AFSC (SCKM) giving the following information:

(1) Organization requesting the survey.

(2) Name and address of each company to be surveyed.

(3) Description of proposed procurement.

(4) Proposed date of survey.

(5) Justification for survey. (See § 1001.902(b)).

(6) State whether or not the survey report will be used in lieu of an FCR.

(7) Recommended team chairman.

(b) SCKM will designate the team chairman, team members and advisors, invite participation by personnel from other AF activities when necessary for the survey, and give team guidance to assure adequacy of objective, results, and followup.

(c) The team chairman will make necessary arrangements with the prospective contractor to be surveyed and will direct and coordinate the activities of the survey team. If it is anticipated that the survey report will be used in lieu of an FCR, the report must answer the six FCR questions (§ 1001.905–1) and the team chairman must establish liaison prior to and during the survey with the FCR activity that would normally perform an FCR on the contractor. The chairman will send a copy of the survey report to the FCR activity. The team chairman will prepare a written report as soon as practicable after completion of the survey. Each team member must participate in the entire survey and will sign the report unless he dissents in which case he will write a minority report for attachment to the chairman's report. The report, with attachments, if any, will be submitted to AFSC (SCKM) for approval. When approved, the report will be distributed by the team chairman as required.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Revise §§ 1002.403(b)(9)(iii) and 1002.404–1(b)(1) to read as follows:

§ 1002.403 Recording of bids (Abstract of bids).

* * * * * * *

(b) * * *
(9) * * *

(iii) *Small Business Administration.* Within 3 working days after bids have been opened and final action taken, or after it is decided to cancel the invitation before opening bids, a copy of the abtract will be mailed to the Small Business Administration (see § 1001.1004–1 (a)(1) of this subchapter for address).

* * * * * * *

§ 1002.404–1 Cancellation of invitation after opening.

* * * * * * *

(b)(1) Prior to cancellation of an IFB, review and approval will be obtained by the contracting officer from the director or deputy director of procurement and production at an AFLC AMA; from the director or deputy director of procurement at an AFSC division; from the director of procurement at an AFSC center; from the Director of Procurement at the Office of Aerospace Research (OAR); or in the case of other major commands and 2750th Air Base Wing, from the chief of the purchasing activity. AFLC AMA directors of procure-

ment and production may delegate this authority to positions not lower than two levels above the contracting officer. This review and approval will be accomplished for:

* * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart T—Repricing of Fixed-Price Contracts Providing for Price Determination or Incentive Revision of Price, and Reporting of Cost and Price Data

In § 1003.2005, revise the heading, the introduction and paragraph (e), as follows:

§ 1003.2005 Special instructions for repricing BOAs.

Where, according to § 1003.2001, the ACO is responsible for redetermining a BOA (see § 3.410–2 of this title and § 1003.410–2), he will comply with the policies and procedures in §§ 1003.2002 through 1003.2004, modified as follows:

* * * * *

(e) Review and manual approval by appropriate approving authority will be accomplished at the procuring activity that awarded the BOA unless the gross redeterminable amount exceeds the procurement authority delegated to the procuring activity under § 1001.457(b) of this subchapter. Under these circumstances, the procuring activity, after review by the local procurement committee, will forward the supplemental agreement to the office of the Procurement Committee (AFLC (MCPC) or AFSC (SCK–3) as appropriate) for final review and manual approval. After manual approval has been obtained, the procuring activity will return the supplemental agreement and file to the ACO.

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Subpart A—Procurement Under Federal Supply Schedule Contracts

Revise § 1005.106(a) as follows:

§ 1005.106 Federal Supply Schedules with multiple source provisions.

* * * * *

(a) Director of supply and transportation in AMA's.

* * * * *

PART 1007—CONTRACT CLAUSES

Subpart AA—Clauses for Facilities Contracts

Delete present § 1007.2703–9 and in § 1007.2704–1(c) delete all of subdivision (ii) and paragraph (d), and insert the following therefor:

§ 1007.2703–9 Records.

Insert the clause in § 7.203–7 of this title.

§ 1007.2704–1 Labor standards for construction work.

* * * * *

(c) * * *

(ii) Work Hours Act of 1962—Overtime Compensation. Insert paragraph (a), (b), and (c) of the clause in § 12.303–1 of this title.

* * * * *

(d) Upon determination that the Copeland Act is applicable to items of work costing $2,000 or less, the Contractor shall comply with the provisions of paragraphs (c) (ii), (v) and (vii) hereof, except that the first sentence of subparagraph (vii) shall be deemed for this purpose to refer only to the "Copeland (Anti-Kickback) Act—Nonrebate of Wages," and "Subcontracts—Termination."

Subpart BB—Clauses for Short-Form Facilities Contracts

1. Revise §§ 1007.2803–12 and 1007.2803–19 to read as follows:

§ 1007.2803–12 Work Hours Act of 1962—Overtime Compensation.

Insert the clause in § 12.303–1 of this title.

§ 1007.2803–19 Liability.

Insert paragraph (g) of the clause in § 1007.2703–2(a) with the following revisions:

(a) Delete the second sentence of subparagraph (3) thereof.

(b) In the second sentence of subparagraph (4) thereof, delete the phrase "paragraph (g)" and insert in lieu thereof the word "clause."

2. In § 1007.2803–23 delete paragraphs (e) through (i) and insert the following therefor:

§ 1007.2803–23 Cost for packing, shipment, or storage.

* * * * *

(e) *Assignment of claims.* Insert the clause prescribed by § 1007.2703–10.

(f) *Public liability insurance.* Add paragraph (b) of the clause in § 1007.2703–14 to the clause prescribed by § 1007.2803–21.

(g) *Government bills of lading.* Insert the following clause:

GOVERNMENT BILL OF LADING (APR. 1959)

Upon total or partial termination of this contract, any transportation of Government facilities from the place where such facilities are located, or the point nearest thereto that rail carrier service is availalbe, shall be by Government Bill of Lading. The required number of such GBL's will be furnished to the Contractor by the cognizant transportation activity. The Contractor shall acknowledge receipt of these GBL's in the manner prescribed. As shipments are made, the Contractor shall prepare and distribute the applicable GBL's in accordance with AFLC Form 232, Instructions for Processing U.S. Government Bill of Lading. The Contractor also agrees that GBL's in excess of the requirements of this contract will be returned to the cognizant transportation activity within a reasonable time after final shipment.

(h) *Renegotiation.* Insert the clause in § 7.103–13 of this title.

3. Add new § 1007.2803–24 as follows:

§ 1007.2803–24 Records.

Insert the clause in § 7.203–7 of this title.

Subpart II is revised to read as follows:

Subpart II—Clauses for Packing and Crating Contracts

Sec.

1007.3500 Scope of subpart.
1007.3501 Applicability.
1007.3502 Definitions.
1007.3502–1 Contracts for packing and crating of household goods.
1007.3503 Schedule and special provisions.
1007.3504 Required clauses.
1007.3504–1 Definitions.
1007.3504–2 Inspection.
1007.3504–3 Responsibility for supplies.
1007.3504–4 Payments.
1007.3504–5 Assignment of claims.
1007.3504–6 Default.
1007.3504–7 Disputes.
1007.3504–8 Notice and assistance regarding patent and copyright infringement.
1007.3504–9 Buy American Act.
1007.3504–10 Convict labor.
1007.3504–11 Work Hours Act of 1962—overtime compensation.
1007.3504–12 Walsh Healey Public Contracts Act.
1007.3504–13 Nondiscrimination in employment.
1007.3504–14 Officials not to benefit.
1007.3504–15 Covenant against contingent fees.
1007.3504–16 Termination for convenience of the Government.
1007.3504–17 Federal, State and local taxes.
1007.3504–18 Utilization of small business concerns.
1007.3504–19 Gratuities.
1007.3504–20 Renegotiation.
1007.3504–21 Interest.
1007.3505 Clauses to be used when applicable.
1007.3505–1 Special clauses.
1007.3505–2 Priorities, allocations and allotments.
1007.3505–3 Approval of contract.
1007.3505–4 Alterations in contract.
1007.3505–5 Examination of records.
1007.3506 Additional clauses.
1007.3506–1 General.

AUTHORITY: The provisions of this Subpart II issued under sec. 8012, 70A Stat. 486; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1007.3500 Scope of subpart.

This suppart sets forth clauses for use in contracts for packing and crating of household goods.

§ 1007.3501 Applicability.

As used throughout this subpart, the term "Packing and Crating Contract" means any contract or modification thereto entered into on a firm fixed price basis for preparation of household goods for shipment and storage and related services including transportation relevant thereto.

§ 1007.3502 Definitions.

§ 1007.3502–1 Contracts for packing and crating of household goods.

"Contracts for packing and crating of household goods" means any contract for the procurement of such services entered into pursuant to authority contained in applicable regulations.

§ 1007.3503 Schedule and special provisions.

The schedule and special provisions in AFPI 71–1035 will be used in preparing IFB and contracts issued hereunder.

§ 1007.3504 Required clauses.

§ 1007.3504–1 Definitions.

Section 7.103–1 of this title.

§ 1007.3504–2 Inspection.

Section 1007.4037.

§ 1007.3504–3 Responsibility for supplies.

Section 7.103–6 of this title.

§ 1007.3504–4 Payments.

Section 7.103–7 of this title.

§ 1007.3504–5 Assignment of claims.

Insert subparagraph (a) of the clause in § 7.103–8 of this title, but *see* § 1007.103–8.

§ 1007.3504–6 Default.

Section 8.707 of this title.

§ 1007.3504–7 Disputes.

Section 7.103–12 of this title.

§ 1007.3504–8 Notice and assistance regarding patent and copyright infringement.

Section 9.104 of this title.

§ 1007.3504–9 Buy American Act.

Section 6.104–5 of this title.

§ 1007.3504–10 Convict labor.

Section 12.203 of this title.

§ 1007.3504–11 Work Hours Act of 1962—overtime compensation.

Section 12.303–1 of this title.

§ 1007.3504–12 Walsh Healey Public Contracts Act.

Section 12.604 of this title.

§ 1007.3504–13 Nondiscrimination in employment.

Section 12.802 of this title.

§ 1007.3504–14 Officials not to benefit.

Section 7.103–19 of this title.

§ 1007.3504–15 Covenant against contingent fees.

Section 7.103–20 of this title.

§ 1007.3504–16 Termination for convenience of the Government.

Section 8.705 of this title.

§ 1007.3504–17 Federal, State and local taxes.

Section 11.401–1 of this title.

§ 1007.3504–18 Utilization of small business concerns.

Section 1.707–3(a) of this title.

§ 1007.3504–19 Gratuities.

Section 7.104–16 of this title.

§ 1007.3504–20 Renegotiation.

Section 7.103–13 of this title.

§ 1007.3504–21 Interest.

Section 163.119, Subchapter E, Part 163 of this title.

§ 1007.3505 Clauses to be used when applicable.

§ 1007.3505–1 Special clauses.

Applicable clauses of Subpart NN of this part, not specifically covered herein, will be inserted according to the instructions pertaining thereto.

§ 1007.3505–2 Priorities, allocations and allotments.

According to the requirements of § 1.307–2 of this title, insert the clause in § 7.104–18 of this title.

§ 1007.3505–3 Approval of contract.

Whenever the contract requires manual approval other than by the contracting officer prior to becoming effective, insert the clause in § 7.105–2 of this title.

§ 1007.3505–4 Alterations in contract.

According to the requirements of § 1007.105–1, insert the clause in § 7.105–1 of this title.

§ 1007.3505–5 Examination of records.

Section 7.104–15 of this title. (Contracts resulting from advertising will not contain this clause).

§ 1007.3506 Additional clauses.

§ 1007.3506–1 General.

Any other clause authorized by Subchapter A, Chapter 1 of this title or this subchapter may be used according to the instructions pertaining thereto.

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

Add new § 1013.103–50 as follows:

§ 1013.103–50 Delegations of authority.

The commanders, AFLC and AFSC, have been delegated the authority to: (a) Control government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (b) grant deviations, in individual cases, from established policy with respect to record requirements on such property, and (c) appoint property administrators. This delegation does not include authority to act on policy matters relating to furnishing government-owned industrial property and the control thereof, except as specifically stated.

(1) The Commander, AFLC, has vested the authority contained in this section in the Director and Deputy Director of Procurement and Production, Hq AFLC. The Director of Procurement and Production, Hq AFLC, has further delegated authority to (i) Control government-owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (ii) grant exceptions, in individual instances, according to item B–301, § 1030.2 of this subchapter, with respect to the policy that contractor's records will be designated and used as official contract records, and (iii) appoint property administrators, to the following, subject to limitations set forth herein:

(*a*) Commanders and vice commanders of major air commands (AFSC and OAR with respect to base procurement only) with power of redelegation limited to the level of a staff officer responsible for procurement within command headquarters and within the headquarters of the first echelon of command immediately subordinate to a major command (numbered Air Force Hq Transport Air Forces and Air Photographis and Charting Service or comparable level).

(*b*) Commanders and deputy commanders of AFLC field procurement activities with power of redelegation limited to that authority cited in subdivision (ii) of this subparagraph, to the staff officer responsible for procurement matters, provided such officer is not below the level of the director of procurement and production at the air materiel area level, or equivalent organization. Authority contained in subdivisions (i) and (iii) of this subparagraph is not subject to further redelegation.

(*c*) Commanders and deputy commanders of air procurement regions (APRE and APRFE) with power of redelegation limited to a staff officer responsible for procurement or contract administration.

(2) The Commander, AFSC, has vested the authority contained in this section in the Deputy Chief of Staff, Associate Deputy Chief of Staff and Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, with power of redelegation. The Deputy Chief of Staff, Procurement and Production, Hq AFSC, has delegated authority to: (i) Control government owned industrial property, including the correction and adjustment of deficiencies and irregularities regarding the administration of such property, (ii) grant exceptions, in individual instances according to item B–301, § 1030.2 of this subchapter, with respect to the policy that contractor's records be designated and used as official contract records, and (iii) appoint property administrators to the following:

(*a*) Commander, Office of Aerospace Research, with power of redelegation limited to the level of the staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to OAR.

(*b*) Commanders and deputy commanders of Aeronautical Systems Division, Ballistic Systems Division, Electronic Systems Division, Space Systems Division, and Aerospace Medical Division.

(*c*) Commanders and deputy commanders of contract management regions with power of redelegation limited to chiefs, contract management districts, test site offices, and AF plant representatives.

(*d*) Commanders and deputy commanders of AFSC centers.

(3) Staff supervision and technical direction over the authority in paragraphs (a) and (b) of this section will be exercised by the following:

(i) The Field Operations Branch (MCPKF), Hq AFLC, which will exer-

cise staff supervision and technical direction over the control of government-owned industrial property for all elements of the Air Force, except AFSC and OAR. MCPKF's responsibility relative to AFSC and OAR in this area is limited to base procurement only. MCPK is authorized to grant deviations from established policy in regard to record requirements (AFSC and OAR with respect to base procurement only).

(ii) The Industrial Property and Plant Clearance Branch (ASXKKI), Hq AFSC, Wright-Patterson AFB, Ohio, which will exercise staff supervision and technical direction over the control of government-owned industrial property within AFSC and OAR other than base procurement. ASXKKI is authorized to grant deviations from established policy in regard to records requirements for AFSC and OAR other than base procurement.

(4) The granting of deviations (i.e., waiver of further accounting and auditing requirements) is limited to instances where: (i) The contract(s) involved have been completed and final payment made, (ii) reconstruction of the property records in technical compliance with ASPR Appendixes B or C would serve no constructive purpose, and (iii) it is determined, after investigation and and documentation of the inadequacies, that waiver of further accounting and auditing action would be in the best interest of the Government.

PART 1015—CONTRACT COST PRINCIPLES

Subpart B—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

In § 1015.205–35(gg), revise subparagraph (3) to read as follows:

§ 1015.205–35 Research and development costs.

* * * * *

(gg) * * *

(3) The format and guidelines in this section have been approved by the Bureau of Budget according to Federal Reports Act of 1942. BOB Number 22–R237 is assigned.

* * * * *

PART 1016—PROCUREMENT FORMS

Subpart E—Special Contract and Order Forms

Revise paragraphs (a) through (c) of § 1016.501–2 to read as follows:

§ 1016.501–2 Estimated annual cost over $2,400.

* * * * *

(a) When the estimated annual cost of the services does not exceed $10,000, a deviation to procure services without a written contract may be granted by MCPC, Hq AFLC, or SCK–3, Hq AFSC.

(b) When the estimated annual cost of the service exceeds $10,000, and it is determined that the primary basis for refusal by the utility service supplier to execute a contract is the nonacceptance of the nondiscrimination clause, the request for deviation will be processed according to § 1012.804 of this subchapter.

(c) When the estimated annual cost is in excess of $10,000, and the utility service supplier refuses to execute a written contract on any government form, except for the reason in § 1016.501–2(b), the case will be forwarded through AFLC (MCPC) or AFSC (SCK–3) to Hq USAF (AFSPPBA). The following information will be furnished:

(1) Name and location of the utility service supplier.

(2) Name and title of the official contacted at the utility service supplier's plant or office.

(3) Services to be furnished.

(4) Estimated annual cost of services.

(5) Reasons given by the utility service supplier for not executing a written contract on a government form.

(6) Availability of services from other sources and estimated cost.

(7) Urgency of the requirement.

(8) A statement by AFLC (MCPC) or AFSC (SCK–3) that a complete and thorough review of all information available does not indicate that the refusal to execute a contract is the inclusion of the non-discrimination clause. Inability to provide this statement will require action according to § 1012.804 of this subchapter.

PART 1054—CONTRACT ADMINISTRATION

Subpart D—Administrative Actions Required in Connection With Cost Overruns and Additional Fund Requirements

Add new §§ 1054.400 and 1054.401 as follows:

§ 1054.400 Scope of subpart.

This subpart sets forth the procedure to be followed when (a) the actual allowable costs of performing cost reimbursement type contracts are anticipated to exceed the estimated costs or (b) funds obligated on an incremental basis are considered inadequate to cover the work to be performed for the period set forth in the schedule.

§ 1054.401 Applicability of subpart.

This subpart applies to contracting officers concerned with the placement and administration of cost reimbursement type contracts, the cost reimbursement portion of time and material contracts, and contracts funded on an incremental basis.

Subpart H—Contract Technical Services Contracts

In § 1054.803(a) delete subparagraphs (2) through (4) and insert the following:

§ 1054.803 Responsibilities.

* * * * *

(a) * * *

(2) Forwarding procedures for committing, obligating, and adjusting funds on CTS contracts are prescribed in paragraph 22, AFM 66–18.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 34, Sept. 30, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–1208; Filed, Feb. 6, 1964; 8:45 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 782—EXEMPTION FROM MAXIMUM HOURS PROVISIONS FOR CERTAIN EMPLOYEES OF MOTOR CARRIERS

Statutory Provisions Considered

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), footnote 12 of 29 CFR 782.1, the latter part of which contains the text of section 203(b) of the Motor Carrier Act (49 U.S.C. 203(b)), is hereby amended just as Public Law 88–208 amends the Motor Carrier Act, by "striking out the period at the end and inserting in lieu thereof a semicolon and the following: 'or (10) the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing'".

Signed at Washington, D.C., this 3d day of February 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64–1228; Filed, Feb. 6, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 260—INSPECTION AND CERTIFICATION

Changes in Fees and Charges

The regulations governing Part 260—Inspection and Certification of Subchapter G—Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products, relating to fees and charges (50 CFR 260.70 to 260.81) are hereby amended pursuant to the authority contained in section 6(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742e(a)), as amended. The amendment as hereinafter set forth revises the schedule of fees and charges for inspection services.

As a result of the Federal pay increase effective January 1, 1964, and increased operating expenses, the cost of maintaining the inspection service for processed fishery products and other products has increased since the adjustment of fees which became effective February 1, 1963. The basic change is the increase in the hourly rates for continuous inspection from $4.45 to $5.55 and for lot inspection and related inspection services from $6.50 to $7.80.

The amendment is as follows:

1. Section 260.70 is hereby revised to read as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be in accordance with the applicable provisions of §§ 260.70 to 260.81.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) Continuous inspection:

	Per hour
Regular time	$5.55
Overtime	6.00

Applicants shall be charged at an hourly rate of $5.55 per hour for regular time and $6.00 per hour for overtime in excess of 40 hours per week for services performed by inspectors assigned to plants operating under continuous inspection. Applicants shall be billed monthly at a minimum charge of 8 hours per working day plus overtime, when appropriate, for each inspector. A minimum yearly charge of 260 days will be made for each inspector permanently assigned to each plant.

(2) Lot inspection; officially and unofficially drawn samples.

For lot inspection services performed between the hours of 7 a.m. and 5 p.m. of any regular workday—$7.80 per hour.

For lot inspection services performed between the hours of 5 p.m. and 7 a.m. of any regular workday—$10.00 per hour.

For lot inspection services performed on Saturday, Sunday, and National legal holidays—$10.00 per hour.

The minimum fee to be charged and collected for inspection of any lot of product shall be $4.00.

(c) Fees to be charged and collected for lot inspection services furnished on an hourly basis shall be based on the actual time required to render such service including, but not limited to, the travel, sampling, and waiting time required of the inspector, or inspectors, in connection therewith, at the rate of $7.80 per hour for each inspector, except as provided in paragraph (b)(2) of this section.

2. Section 260.71(c) is hereby revised to read as follows:

§ 260.71 Inspection services performed on a resident basis.

(c) A charge of $7.80 per hour plus actual costs to the Bureau of Commercial Fisheries for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to, initial plant surveys.

3. Section 260.76 is hereby revised to read as follows:

§ 260.76 Charges based on hourly rate not otherwise provided for in this part.

When the appropriate Regional or Area Director determines that any inspection or related service rendered is such that charges based upon the foregoing sections are clearly inapplicable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $7.80 per hour.

Notice of proposed rule making, public procedure thereon, and the postponement of the effective date of this revision later than February 15, 1964 (5 U.S.C. 1003), are impracticable, unnecessary and contrary to the public interest in that: (1) the Agricultural Marketing Act of 1946, as amended, provides that the fees charged shall, as nearly as possible, cover the cost of the service rendered; (2) the increases set forth herein are necessary to more nearly cover such cost, including but not limited to, increased salaries to Federal employees required by recent legislation; (3) it is imperative that the increase in fees become effective in time to meet such increased costs; (4) users of the inspection service were notified that the rates of fees to be charged for inspection service would be reevaluated as to need for readjustment with each Federal pay act increase by inclusion of § 260.81 into Part 260 Inspection and Certification and published in the FEDERAL REGISTER (27 F.R. 4781); and (5) additional time is not required by users of the inspection service to comply with this revision.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1622 and 1624)

Dated: February 4, 1964, to become effective at 12:01 a.m., February 15, 1964.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 4, 1964.

[F.R. Doc. 64–1278; Filed, Feb. 6, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–CE–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Areas and Revocation of Control Area Extension

On August 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 7995) stating that the Federal Aviation Agency proposed to alter the Cedar Rapids, Iowa, control zone, designate the Cedar Rapids and Iowa City, Iowa, transition areas and revoke the Cedar Rapids control area extension.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Cedar Rapids, Iowa, control zone is amended to read:

Cedar Rapids, Iowa.

Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), within 2 miles each side of the Cedar Rapids ILS localizer W course, extending from the 5-mile radius zone to 8 miles W of the OM, within 2 miles each side of the Cedar Rapids VOR 265° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 2 miles each side of the Cedar Rapids VOR 092° radial, extending from the 5-mile radius zone to 9.5 miles E of the VOR.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Cedar Rapids, Iowa.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'45" W.), and within 8 miles N and 6 miles S of the Cedar Rapids VOR 089° and 269° radials, extending from 3 miles E to 13 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°05'00" N., on the E by longitude 91°00'00" W., on the S by latitude 41°20'00" N., on the SW by a line extending from latitude 41°20'00" N., longitude 92°00'00" W., to latitude 41°30'00" N., longitude 92°15'00" W., and on the W by latitude 92°15'00" W.

Iowa City, Iowa.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41°38'25" N., longitude 91°32'50" W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

3. Section 71.165 (29 F.R. 1073) is amended by revoking the Cedar Rapids, Iowa, control area extension.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat., 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1210; Filed, Feb. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-110]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the description of the Burlington, Vt., control zone.

The Burlington control zone is presently designated, in part, with reference to the Burlington radio range and the Grand Isle, Vt., fan marker. The Federal Aviation Agency has scheduled the conversion of the radio range to a radio beacon and the decommissioning of the fan marker. The action taken herein reflects these facility changes, and in addition, reduces the length of the presently designated control zone extension in accordance with existing air traffic control operational requirements.

Controlled airspace requirements for this area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the changes effected by this amendment are less restrictive than present requirements and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and they may be made effective immediately.

In consideration of the foregoing, the following action is taken:

In § 71.171 (29 F.R. 1101), the Burlington, Vt., control zone is amended to read as follows:

Burlington, Vt.

Within a 5-mile radius of the Burlington Municipal Airport (latitude 44°28'15" N. longitude 73°09'10" W.), and within 2 miles each side of the 334° bearing from latitude 44°30'10" N., longitude 73°11'30" W., extending from the 5-mile radius zone to 9 miles NW of latitude 44°30'10" N., longitude 73°11'30" W.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1211; Filed, Feb. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone and Transition Area

On September 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9825) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Gainesville, Fla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for reasons stated in the notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended by adding the following:

Gainesville, Fla.

Within a 5-mile radius of Gainesville Airport (latitude 29°41'20" N., longitude 82°16'30" W.), and within 2 miles each side of the Gainesville VOR 032° radial, extending from the 5-mile radius zone to the VOR.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Gainesville, Fla.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 221° bearing from latitude 29°40'-03" N., longitude 82°18'07" W., extending from latitude 29°40'03" N., longitude 82°18'-07" W. to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 29°56'20" N., longitude 82°15'25" W., to latitude 29°48'40" N., longitude 82°01'10" W., to latitude 29°21'40" N., longitude 82°21'30" W., to latitude 29°28'50" N., longitude 82°34'50" W., to the point of beginning.

These amendments shall become effective 0001 e.s.t., May 28, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1212; Filed, Feb. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Control Zone, Alteration of Transition Area and Control Zone

On August 23, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9323) stating that the Federal Aviation Agency proposed to designate a control zone at Panama City, Fla., alter the description of the Panama City transition area and alter the description of the Panama City (Tyndall AFB) control zone.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

Inadvertently omitted from the part of the Notice which proposed the alteration of the Panama City transition area was the conditional provision that the portions of the Panama City transition area within R-2912A and R-2912B would be available only after obtaining prior approval from appropriate authority. The action taken herein reflects the addition of this provision.

The substance of the proposed amendments having been published and for reasons stated in the notice, the following actions are taken:

1. Section 71.171 (29 F.R. 1101) is amended by adding the following:

Panama City, Fla.

Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'45" N., longitude 85°40'55" W.), and within 2 miles each side of the Panama City VOR 328° and 090° radials, extending from the 5-mile radius zone to 7 miles NW and E of the VOR, from 0600 to 2200 hours, local time, daily. The portion within the Tyndall AFB control zone is excluded.

2. In § 71.171 (29 F.R. 1101), Panama City, Fla. (Tyndall AFB), is amended to read: Tyndall AFB, Fla.

3. Section 71.181 (29 F.R. 1160) is amended as follows:

In the Panama City, Fla., transition area ", and within 2 miles either side of the 328° and 090° bearings from the Panama City-Bay County Airport," is deleted and ", and within 2 miles each side of the Panama City VOR 328° and 090° radials," is substituted therefor.

In the Panama City, Fla., transition area the following is added "The portion within R-2912A and R-2912B will be used only after obtaining prior approval from the appropriate authority."

These amendments shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1213; Filed, Feb. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On October 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11197) stating that the Federal Aviation Agency proposed to alter the Burbank, Calif., control zone and designate the Burbank transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Burbank, Calif., control zone is amended to read:

Burbank, Calif.

Within a 5-mile radius of Lockheed Air Terminal, Burbank, Calif. (latitude 34°12'-15" N., longitude 118°21'30" W.), and within 2 miles each side of the 113° bearing from the Glendale, Calif., RBN, extending from the 5-mile radius zone to 6 miles SE of the RBN, excluding the portion W of a line from latitude 34°18'00" N., longitude 118°25'35" W., to latitude 34°09'25" N., longitude 118°-25'40" W. and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif. (latitude 34°16'35" N., longitude 118°24'45" W.).

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Burbank, Calif.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°14'00" N., longitude 118°47'00" W.; to latitude 34°14'00" N., longitude 118°15'00" W.; to latitude 34°12'-00" N., longitude 118°15'00" W.; to latitude 34°12'00" N., longitude 117°59'00" W.; to latitude 33°56'00" N., longitude 117°59'00" W.; to latitude 33°56'00" N., longitude 118°-07'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 34°00'00" N., longitude 118°15'09" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°-05'00" N., longitude 118°33'00" W.; to latitude 34°04'00" N., longitude 118°33'00" W.; to latitude 34°04'00" N., longitude 118°-43'00" W.; to latitude 34°10'00" N., longitude 118°43'00" W.; to latitude 34°10'00" N., longitude 118°47'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 118°59'00" W.; to latitude 34°30'00" N., longitude 118°45'00" W.; thence N along longitude 118°45'00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118°-20'00" W.; to latitude 34°36'00" N., longitude 118°20'00" W.; to latitude 34°30'00" N., longitude 117°43'00" W.; to latitude 34°10'-00" N., longitude 117°43'00" W.; to latitude 34°10'00" N., longitude 117°59'00" W.; to latitude 34°03'00" N., longitude 117°59'00" W.; to latitude 34°03'00" N., longitude 118°-33'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 34°00'00" N., longitude 118°59'00" W.; thence to point of beginning.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1214; Filed, Feb. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On November 7, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11909) stating that the Federal Aviation Agency (FAA) proposed to alter the Bakersfield, Calif., control zone, designate the Bakersfield transition area and revoke the Bakersfield control area extension.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

A change in the description of the west boundary of the portion of the Bakersfield transition area with a floor of 1,200 feet above the surface has been made herein to correct an error of 20 seconds of latitude. This action will increase the extent of controlled airspace very slightly to be designated in the Bakersfield area.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Bakersfield, Calif., control zone is amended to read:

Bakersfield, Calif.

Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35°25'40" N., longitude 119°03'05" W.), and within 2 miles W and 2 miles E of the Bakersfield VORTAC 338° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension: Bakersfield, Calif.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Bakersfield, Calif.

That airspace extending upward from 700 feet above the surface within 4 miles NE and 5 miles SW of 125° and 315° bearings from the Bakersfield LOM, extending from the arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 35°25'40" N., longitude 119°03'05" W.), to 10 miles SE of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118°45'00" W., on the S by latitude 35°05'-00" N., on the W by a line extending from latitude 35°50'00" N., longitude 120°05'00" W., to latitude 35°43'50" N., longitude 120°05'00" W., to latitude 35°43'50" N., longitude 119°30'00" W., to latitude 36°00'-00" N., longitude 119°30'00" W., and on the N by latitude 36°00'00" N.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1215; Filed, Feb. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 63-EA-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter VOR Federal airways Nos. 123, 140, 433 and 865 between Washington, D.C., and Rock Hall, Md., Intersection and to alter VOR Federal airway No. 1731 between Ironsides, Md., Intersection and Woodstown, N.J. These airways are aligned via the Andrews AFB, Md., VOR.

The Federal Aviation Agency is installing a new VOR about April 2, 1964, near Andrews AFB, at approximately latitude 38°48'26" N., longitude 76°51'-59" W. Action is taken herein to realign these airway segments via the new Andrews VOR. This is an improved type navigation facility and will provide better navigational guidance along these airway segments.

Since these actions are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V-123 "via Andrews AFB, Md.; INT of Andrews AFB 061°" is deleted and "via Andrews, Md.; INT of Andrews 060°" is substituted therefor.

b. In V-140 "Andrews AFB, Md.; INT of Andrews AFB 061°" is deleted and "Andrews, Md.; INT of Andrews 060°" is substituted therefor.

c. In V-433 "via Andrews AFB, Md.; INT of Andrews AFB 061°" is deleted and "via Andrews, Md.; INT of Andrews 060°" is substituted therefor.

d. In V-865 "via Andrews AFB, Md.; INT of Andrews AFB 061°" is deleted and "via Andrews, Md.; INT of Andrews 060°" is substituted therefor.

2. Section 71.143 (29 F.R. 1049) is amended as follows:

In V-1731 "Andrews AFB, Md., 213° radials; Andrews AFB; INT Andrews AFB 061°," is deleted and "Andrews, Md., 214° radials; Andrews; INT Andrews 060°," is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1216; Filed, Feb. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 63-PC-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

On January 29, 1964, F.R. Doc. 64-809 was published in the FEDERAL REGISTER (29 F.R. 1446) and amended Part 71 [New] of the Federal Aviation Regulations by raising the floors on the VOR Federal airways in Hawaii. These actions are to be effective 0001 e.s.t., April 2, 1964.

In altering the airways, the floors were expressed in feet above mean sea level whereas they should have been expressed in feet above the surface. Action is taken herein to reflect this change.

Since these amendments are editorial in nature and impose no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the final rule may be retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 64-309 is altered as follows:

1. In Items 1, 2, 4, 5, 6 and 7, "MSL" is deleted wherever it appears and "AG" is substituted therefor.

2. Item 3 is altered to read:

In V-9 Hawaii "21,000 feet MSL within W-321 (Area C) is excluded." is deleted and "Flight level 300 within W-321 (Area C) and the airspace below 1,200 feet AG is excluded." is substituted therefor.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 30, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1217; Filed, Feb. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 64-WA-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Control Area Extension; Correction

On January 24, 1964, F.R. Doc. 64-467 was published in the FEDERAL REGISTER (29 F.R. 1001). This document consisted of a compilation of Parts 71, 73 and 75 of the Federal Aviation Regulations combining all amendments to these parts which have been published by the Administrator of the Federal Aviation Agency and which were effective prior to January 12, 1964. During publication of this document, the Yakataga, Alaska, control area extension was inadvertently omitted from the compilation of control area extensions in Part 71, § 71.165. Action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, effective immediately, § 71.165 (29 F.R. 1073) is amended by adding the following:

Yakataga, Alaska.

Within 10 miles SE and 7 miles NW of the 242° bearing from the Yakataga RR, extending from the RR to 45 miles SW and within 5 miles each side of the RR 159° bearing from the Yakataga RR, extending from the RR to the NE boundary of A-1.

This amendment shall become effective immediately.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1218; Filed, Feb. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WA-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation and Revocation of Reporting Points

The purpose of these amendments to §§ 71.203 and 71.211 of the Federal Aviation Regulations is to revoke the Quakertown, Pa., VHF intersection; to designate the Berman, Pa., VHF intersection and the Puntilla Lake, Alaska, VHF and L/MF intersection as reporting points. Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alterations to airway configurations. Recent changes of this nature obviate the requirement for the Quakertown intersection as a reporting point and require that the Berman and Puntilla Lake intersections be designated as reporting points.

Since these amendments are procedural in nature and no not involve the designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, the following actions are taken:

In § 71.203 (29 F.R. 1211) the following changes are made:

a. Delete: Quakertown INT: INT of Pottstown, Pa., 042°, Yardley, Pa., 284° radials.

b. Add:

Berman INT: INT Allentown, Pa., 173°, Yardley, Pa., 284° radials.

2. In § 71.211 (29 F.R. 1228) add:

Puntilla INT: INT Anchorage, Alaska, 309° McGrath, Alaska, 122° radials (Puntilla Lake, Alaska, RBN).

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1219; Filed, Feb. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 63-CE-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On September 21, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10337) stating that the Federal Aviation Agency proposed the designation of a transition area at Pratt, Kans.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

The substance of the proposed amendment having been published, and for the reasons stated in the notice, § 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Pratt, Kans.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pratt Municipal Airport (latitude 37°42'-10" N., longitude 98°44'55" W.), within 2 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the 6-mile radius area to 8 miles N of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 352° bearing from Pratt Municipal Airport, extending from the airport to 12 miles N of the airport, within 5 miles each side of the 352° bearing from Pratt Municipal Airport, extending from the airport to 17 miles N of the airport, and within 5 miles each side of the 272° bearing from Pratt Municipal Airport, extending from the airport to 8 miles W of the airport.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1220; Filed, Feb. 6, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SO-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On November 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11736) stating that the Federal Aviation Agency proposed to designate a transition area at Gadsden, Ala.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published, and for the reasons stated in the notice, § 71.181 (29 F.R. 1160), is amended by adding the following:

Gadsden, Ala.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Gadsden Municipal Airport (latitude 33°58'30" N., longitude 86°05'20" W.); within 2 miles each side of the Gadsden VOR 233° radial, extending from the 8-mile radius area to 11 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Gadsden VOR 233° radial, extending from the VOR to 12 miles SW; and within 8 miles NW and 5 miles SE of the Gadsden VOR 042° radial, extending from the VOR to 18 miles NE.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1221; Filed, Feb. 6, 1964; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3050; Amdt. 359]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 15 FEB. 64.

City, Cleveland; State, Ohio; Airport Name, Cuyahoga County; Elev., 874'; Fac. Class., MHW; Ident., CGF; Procedure No. 1, Amdt. 1; Eff. Date, 14 Dec. 61; Sup. Amdt. No. Orig.; Dated, 21 May 60

PROCEDURE CANCELLED EFFECTIVE 15 FEB. 64.

City, Cleveland; State, Ohio; Airport Name, Cuyahoga County; Elev., 874'; Fac. Class., MHW; Ident., CGF; Procedure No. 2, Amdt. 2; Eff. Date, 14 Dec. 61; Sup. Amdt. No. 1; Dated, 27 Aug. 60

Mentor Int	Cuyahoga County RBn	Direct	3000	T-dn	300-1	NA	NA
Perry RBn	Cuyahoga County RBn	Direct	3000	C-dn	700-1	NA	NA
Fairport Int	Cuyahoga County RBn	Direct	3000	A-dn	NA	NA	NA
				If Kirtland FM or R-307 CXR VOR received minimum becomes:			
				*C-dn	400-1	NA	NA

Procedure turn N side of crs 054° Outbnd, 234° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs 1600'.
Crs and distance, facility to airport 234°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of CUC, turn left climbing to 3000' on crs of 054°, within 10 miles return to CUC RBn.
Hold standard 1-minute holding pattern 234° Inbnd.
*Minimums of 400-1 apply only if Kirtland fan marker received or after passing the 307° radial of CXR VOR Inbnd.

City, Cleveland; State, Ohio; Airport Name, Cuyahoga County; Elev., 874'; Fac. Class., MHW; Ident., CUC; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Feb. 64

EUF VOR	CSG RBn	Direct	3000	T-dn	300-1	300-1	200-½
LGC VOR	CSG RBn	Direct	3000	C-dn	600-1	600-1	600-1½
				S-dn-2	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Initial penetration from TGE VOR at 20,000' or as assigned. Inbnd crs 108° to CSG RBn. Penetration complete over CSG RBn at 3000' or as assigned. Rate of descent and airspeed on penetration not to exceed 6000 FPM and 250 knots.
Procedure turn E side of crs 202° Outbnd, 022° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs 1100'.
Crs and distance, facility to airport 022°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CSG RBn, turn left climb to 2000' and return to CSG RBn. Hold SW 1-minute left turns.
NOTES: Authorized for military use only except by prior arrangement. In the event of two-way radio communications failure, penetration will be made from TGE VOR to the CSG RBn.
CAUTION: Jump towers 574'—1½ miles NE. R-3002 E and SE of Lawson AAF.

City, Columbus; State, Ga.; Airport Name, Lawson AAF; Elev., 232'; Fac. Class., SBH; Ident., CSG; Procedure No. 2; Amdt. Orig.; Eff. Date, 15 Feb. 64

Kingsland Int	LOM (final)	Direct	1900	T-dn	300-1	300-1	200-½
Decatur Int$	LOM (final)	Direct	2100	C-dn	400-1	500-1	500-1½
Osborne Int#	LOM	Direct	2400	S-dn-31	400-1	400-1	400-1
Fort Wayne VOR	LOM	Direct	2100	A-dn	800-2	800-2	800-2
Whitely Int	LOM	Direct	2200				
New Haven Int	LOM	Direct	2200				
Monroe Int	LOM	Direct	2200				
Rock Creek Int	LOM	Direct	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side SE crs, 135° Outbnd, 315° Inbnd, 2100' within 10 miles.
Minimum altitude over LOM on final approach crs, 1900'.
Crs and distance, LOM to approach end of Runway 31, 315°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2600' on crs of 315° and proceed to Whitely Int via R-274 FWA VOR, or when directed by ATC climb to 2600' on 315° crs and proceed direct to Wolflake VOR.
#Osborne Int: Int FWA R-128 and DFI R-201.
$Decatur Int: Int FWA R-128 and DFI R-219.

City, Fort Wayne; State, Ind.; Airport Name, Baer Field; Elev., 801'; Fac. Class., LOM; Ident., FW; Procedure No. 1, Amdt. 8; Eff. Date, 15 Feb. 64; Sup. Amdt. No. 7; Dated, 16 June 62

taken herein to reflect this change.

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ada Int	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Comstock Int	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Byron Int	LOM	Direct	2500	S-dn-26	400–1	400–1	400–1
Orangeville Int	LOM	Direct	2900	A-dn	800–2	800–2	800–2
GRR VOR	LOM	Direct	2500				
Saranac Int	LOM (final)	Direct	2500				
Sun Int*	LOM	Direct	2500				

Procedure turn N side of crs, 082° Outbnd, 262° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 262°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing GR LOM, make right climbing turn to 2500′ and proceed to Comstock Int via GRR VOR R–335 or, when directed by ATC, make right climbing turn and return to the LOM at 2500′.
Other changes: Deletes transitions from Wayland and Caladonia Int.
*Sun Int: Int R–012 BTL–VOR and R–279 LAN–VOR.

City, Grand Rapids; State, Mich.; Airport Name, Kent County-Cascade; Elev., 793′; Fac. Class., LOM; Ident., GR; Procedure No. 1, Amdt. 1; Eff. Date, 15 Feb. 64; Sup. Amdt. No. Orig.; Dated, 14 Dec. 63

Scarsdale Int	UR LOM (final)	Direct	1500	T-dn‡	300–1	300–1	200–½
				C-dn	700–1	700–2	700–2
				S-dn-22*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 044° Outbnd, 224° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, LOM to airport, 224°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing UR LOM, climb to 2500′ on crs 224° to Prospect Int, hold SW, 1-minute left turns, Inbnd crs 041°.
AIR CARRIER NOTES: (1) Sliding scale not applicable to circling minimums. (2) Adjustment of alternate ceiling and visibility minimums not authorized.
CAUTION: Standard clearance not provided over obstructions in final approach area. Tank 422′—1.7 miles N of airport.
Other change: Deletes transition from Scarsdale Int to LA LFR.
*Do not descend below 1000′ until passing Castle FM.
‡Takeoff minimums for Runways 4 and 31 will not be less than 200–1 during periods when tower advisories indicate presence of surface ships in channel.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 21′; Fac. Class., LOM; Ident., UR; Procedure No. 2, Amdt. 1; Eff. Date, 15 Feb. 64; Sup. Amdt. No. Orig.; Dated, 17 Aug. 63

Bainbridge Int	Park RBn (LOM)	Direct	2000	T-dn	300–1	300–1	200–½
SJ–LFR	Park RBn (LOM)	Direct	2000	C-dn	500–1	500–1	500–1½
SEA–VOR	Park RBn (LOM)	Direct	2000	A-dn	800–2	800–2	800–2
PAE VOR	Park RBn (LOM)	Direct	2000				
Burton Int	Park RBn (LOM)	Direct	2000				
Lofall Int	Park RBn (LOM)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 158°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Park RBn, climb to 2000′ on crs 158° to SE LOM or, when directed by ATC, turn right, climb to 2000′ direct to SEA VOR, thence turn right, continue climb on R–225 within 10 miles SEA VOR.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
*Distance indicated is to the displaced threshold.
MSA: 000–135°—6200′, 135–225°—3000′, 225–270°—4700′, 270–360°—4500′.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., MHW; Ident., SZ; Procedure No. 2, Amdt. 2; Eff. Date, 15 Feb. 64; Sup. Amdt. No. 1; Dated, 23 Feb. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-30	400–1	400–1	400–1
				A-dn*	800–2	800–2	800–2

Procedure turn E side of crs 114° Outbnd, 294° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 294°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing BRD–VOR, make right climbing turn to 2900′ and return to VOR.
AIR CARRIER NOTE: Alternate minimums of 800–2 authorized 24 hours daily for air carriers with weather reporting service available at the airport.
*Alternate minimums not authorized 2000 to 0700 local time daily.
MSA: 000–360°—2700′.

City, Brainerd; State, Minn.; Airport Name, Crow Wing County; Elev., 1220′; Fac. Class., L–BVOR; Ident., BRD; Procedure No. 1, Amdt. 1; Eff. Date, 15 Feb. 64; Sup. Amdt. No. Orig.; Dated, 30 Nov. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	NA	NA
				C-dn	500–1	NA	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs 015° Outbnd, 195° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 216°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing Colts Neck VOR, climb on crs 216° to 1000′ within 5 miles, make left climbing turn to 1900′, proceed direct to Colts Neck VOR. Hold S 1-minute right turns, Inbnd crs 010°.
NOTE: Night operations authorized for NE–SW runway only. Runway lights in operation between sunset and 2200 local time.
MSA: 000–090°—2000′, 090–360°—1600′.

City, Colts Neck; State, N.J.; Airport Name, Colts Neck; Elev., 100′; Fac. Class., BVOR–DME; Ident., COL; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Feb. 64

Utica Int	Dyke Int (final)	Direct	2000	T-dn*	500–1	500–1	500–1
Auburn Int	Utica Int	Direct	2700	C-dn	700–1	700–1	700–1½
				S-dn	700–1	700–1	700–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2700′ within 10 miles of Dyke Int.
Minimum altitude over Dyke Int on final approach crs, 2000′.
Final approach from holding pattern at Dyke Int not authorized. Procedure turn required.
Crs and distance Dyke Int to airport, 167°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Dyke Int, climb to 2300′, proceed direct to QG VOR or, when directed by ATC, (1) make 180° left turn climb to 2700′, proceed NE on QG R–347 to Dyke Int or (2) make left turn climb to 2000′, proceed direct to QG LFR.
NOTE: Dual VOR or VOR and ADF receivers required.
AIR CARRIER NOTE: Sliding scale not authorized.
*300–1 takeoff authorized on Runway 33L only.

City, Detroit; State, Mich.; Airport Name, Detroit-City; Elev., 626′; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. 3; Eff. Date, 15 Feb. 64; Sup. Amdt. No. 2; Dated, 23 Nov. 63

				T-dn	300–1	300–1	300–1
				C-d	800–1½	800–1½	800–1½
				C-n	800–2	800–2	800–2
				A-dn	NA	NA	NA

Procedure turn S side of crs 095° Outbnd, 275° Inbnd, 2500′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport 262°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing HLR VOR turn left, climb to 3000′, return to HLR VOR.
NOTE: Authorized for military use only, except by prior arrangement.

City, Robert Gray AAF; State, Tex.; Airport Name, Gray AAF; Elev., 1015′; Fac. Class., VORW; Ident., HLR; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 Feb. 64

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ONT VOR	Norco Int*	Direct	3200	T-dn	300–1	300–1	300–1
RAL VOR	Norco Int*	Direct	3200	C-dn	1000–1	1000–1	1000–1½
Edgemont LF Int	RAL VOR	Direct	4000	S-dn-9	600–1	600–1	600–1
Colton RBn	RAL VOR	Direct	3700	A-dn	1200–2	1200–2	1200–2
Olinda Int	Upland Int**	Direct	3300				
ONT VOR	RAL VOR	Direct	3200				
Upland Int**	Norco Int* (final)	Direct	2000				

Radar vectoring authorized in accordance with approved March Radar patterns.
Procedure turn S side of crs 277° Outbnd, 097° Inbnd, 3200′ within 10 miles of Norco Int.*
Minimum altitude over Norco Int* on final approach crs, 2000′.
Crs. and distance, Norco Int* to VOR 097°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RAL VOR, turn right, climb to 3200′ on R–277 RAL VOR within 10 miles.
*Norco Int: Int RAL VOR R–277 and ONT VOR R–044 or 224° bearing from Colton RBn.
**Upland Int: Int RAL VOR R–277 and LGB VOR R–035.
AIR CARRIER NOTE: Sliding scale not authorized.

City, Riverside; State, Calif.; Airport Name, Riverside Municipal; Elev., 816′; Fac. Class., L–VOR; Ident., RAL; Procedure No. TerVOR–9, Amdt. Orig.; Eff. Date, 15 Feb. 64

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bangor VOR	BG LOM	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn*	700-1	700-1	700-1½
				S-dn-33#	300-½	300-½	300-½
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs 153° Outbnd, 333° Inbnd, 2200' within 10 miles beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, LOM to airport 333°—5.0 miles.
Minimum altitude at glide slope intercption Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM 1906'—5.9 miles at MM 306', 0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 2700' on crs 333° to the BGR VOR. Hold S of BGR VOR R-191, left turns, 1-minute, 011° Inbnd.
CAUTION: 920' obstruction located 0.5 mile NE of LOM.
*632' antenna 2 miles NE of field boundary.
#700-1 required when glide slope not utilized.

City, Bangor; State, Maine; Airport Name, Dow A.F.B.; Elev., 192'; Fac. Class., ILS; Ident., I-BGR; Procedure No. ILS-33, Amdt. Orig.; Eff. Date, 15 Feb. 64

Mount Healthy Int	SI LOM	Direct	2200	T-dn	300-1	300-1	200-½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400-1	500-1	500-1½
Union Int	SI LOM	Direct	2300	S-dn-18	400-1	400-1	400-1
Cincinnati VOR	SI LOM	Direct	2300	A-dn	800-2	800-2	800-2
LUK LFR	SI LOM	Direct	2700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of N crs 360° Outbnd, 180° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport 180°—4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on S crs of ILS, proceed to CV LOM, hold S, 1-minute right turns 360° Inbnd.
CAUTION: 1746' tower 13 miles NE of airport; 1167' tower 19 miles NNE of airport; 1120' tower 11 miles NW of airport.

City, Covington; State, Ky.; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-18 (BC), Amdt Orig.; Eff. Date, 15 Feb. 64

CVG VOR	CV LOM	Direct	2000	T-dn	300-1	300-1	200-½
New Baltimore Int	CV LOM	Direct	2300	C-dn	400-1	500-1	500-1½
LUK LFR	CV LOM	Direct	2700	S-dn-36	400-1	400-1	400-1
Dry Ridge Int	Union Int	Direct	2400	A-dn	800-2	800-2	800-2
Union Int	CV LOM (final)	Direct	2000				
Mount Healthy Int	CV LOM	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 180° Outbnd, 360° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport 360°—3.8 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing CV LOM climb to 2000' on the N crs of the ILS and proceed to the SI LOM, hold N 1-minute right turns 180° Inbnd.

City, Covington; State, Ky .; Airport Name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-SIC; Procedure No. ILS-36(BC), Amdt. Orig.; Eff. Date, 15 Feb.64

Scarsdale Int	UR LOM (final)	Direct	1500	T-dn*	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-22#	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn N side of NE crs, 044° Outbnd, 224° Inbnd, 2000' within 10 miles of UR LOM.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, UR LOM to airport, 224°—6 miles.
No glide scope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on crs of 224° to Prospect Int, hold SW of prospect Int, 1-minute left turns, Inbnd 041°.
AIR CARRIER NOTES: 1. Sliding scale not applicable to circling minimums. 2. Adjustment of alternate ceiling and visibility minimums not authorized.
CAUTION: Bridge tower 383'—2.5 miles NE and tank 422'—1.7 miles N of airport.
*Takeoff minimums for Runways 4 and 31 will not be less than 200-1 during periods when tower advisories indicate presence of surface ships in the channel.
#Do not descend below 700' until passing Castle FM.

City, New York; State, N.Y.; Airport Name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-URD; Procedure No. ILS-22, Amdt. 1; Eff. Date, 15 Feb. 64; Sup. Amdt. No. Orig.; Dated, 17 Aug. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Buffalo VOR	LOM	Direct	2000	T-dn	300-1	300-1	*200-½
Wolcottsville Int	LOM (final)	Direct	**1800	C-dn	500-1	500-1	500-1½
Buffalo RBn	LOM	Direct	2000	S-dn-28R#	200-½	200-½	200-½
Int SE crs Toronto LFR and E crs ILS (or bearing 097° to LOM).	LOM	Direct	1800	A-dn##	600-2	600-2	600-2
Buffalo RBn via VOR R-346	E crs ILS	Direct	**2000				
Buffalo RBn via crs 006°	E crs ILS	Direct	**2000				

Radar transitions and vectoring from Buffalo radar authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 1800' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM 1755'—4.2 miles, at MM 805'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead on crs 277° to 2000' within 10 miles, then make right turn and return to LOM. Hold E 1-minute right turns Inbnd crs 277°.
*300-1 required on Runways 10R and 28L.
**After interception of localizer crs Inbnd, descent on glide slope to cross outer marker at 1755' is authorized.
#400-¾ required with glide slope inoperative.
##All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

City, Niagara Falls; State, N.Y.; Airport Name, Niagara Falls Municipal; Elev., 590'; Fac. Class., ILS; Ident., I-IAG; Procedure No. ILS-28R, Amdt. 7; Eff. Date, 15 Feb. 64; Sup. Amdt. No. 6; Dated, 7 July 62

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering altitudes by sectors and limiting distance				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine more than 65 knots
					65 knots or less	More than 65 knots	
All directions		0-7 miles	2000	Precision approach			
330°	020°	7-20 miles	2600				
020°	250°	7-20 miles	2300	T-dn*	300-1	300-1	200-½
250°	330°	7-20 miles	2500	C-dn	500-1	500-1	500-1½
All directions		20-28 miles	2600	S-dn-5R**	200-½	200-½	200-½
020°	330°	28-30 miles	2900	S-dn-5L	400-1	400-1	400-1
330°	020°	28-30 miles	2700	A-dn	600-2	600-2	600-2
Radar control will provide 1000' vertical clearance within a 3-mile radius of 1240' tower 10 miles W and 1737', 1738', and 1749' tower, 17.5 to 19.5 miles NE of airport.				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn-9L	600-1	600-1	600-1½
				S-dn-9L#	600-1	600-1	600-1
				C-dn-14, 36, 5L-R.	500-1	500-1	500-1½
				S-dn-14, 36, 5L-R.	500-1	500-1	500-1
				23 L-R, 18, 27 L-R, and 32:			
				C-dn	500-1	500-1	500-1½
				S-dn	400-1	400-1	400-1
				A-dn	800-1	800-2	800-2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 23L, 23R, 27R, 27L, 14, and 18, climb to 2300' and proceed to YIP LOM. Runways 5L, 5R, 9L, 36, and 32, climb to 2600', proceed to SVM VOR on R-170.
Aircraft executing missed approach may after being reidentified, be radar controlled.
#Surveillance approaches straight-in to Runway 9R not authorized due to antenna location and ground clutter.
*Runway visual range 2600' authorized for takeoff in lieu of 200-½ when 200-¼ authorized, providing high-intensity runway lights are in satisfactory operating condition.
**Runway visual range 2600' authorized for landing on Runway 5R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below authorized landing minimum altitude of 916' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716'; Fac. Class and Ident., Willow Run Radar; Procedure No. 1, Amdt. 11; Eff. Date, 15 Feb. 64; Sup. Amdt. No. 10; Dated, 28 Nov. 63

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Radar terminal area maneuvering altitudes by sectors and limiting distance				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
		Within:		Precision approach			
000°--------	360°--------	10 miles-------	2500	T-dn§----------	300-1	300-1	200-½
000°--------	360°--------	20 miles-------	5500	C-dn----------	500-1	500-1	500-1½
				S-dn-16/34§§----	200-½	200-½	200-½
				A-dn----------	600-2	600-2	600-2
				Surveillance approach			
				T-dn----------	300-1	300-1	200-½
				C-dn----------	500-1	500-1	500-1½
				S-dn-34--------	400-1	400-1	400-1
				A-dn----------	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 34: Climb to 2000' direct to Park RBn (SZ LOM), continue climb on crs 338° Outbnd, 158° Inbnd within 10 miles Park RBn (SZ LOM) or, when directed by ATC, turn left, climb to 2000', intercept R-225 of Seattle VOR, thence to Burton Int.

Runway 2: Left turn, climb to 2000' direct to Park RBn (SZ-LOM), continue climb on crs 338° Outbnd, 158° Inbnd within 10 miles Park RBn (SZ LOM) or, when directed by ATC, turn left, climb to 2000', intercept R-225 of Seattle VOR, thence to Burton Int.

Runway 16: Climb to 2000' direct to SE LOM or, when directed by ATC, turn right, climb to 2000', intercept R-225, thence to Burton Int.

Runway 20: Left turn, climb to 2000' direct to SE LOM or, when directed by ATC, turn right, climb to 2000', intercept R-225, thence to Burton Int.

Alternate missed approach (all runways): Climb to 2000' direct to Seattle LFR.

CAUTION: Terrain and trees to 501' located immediately N and NE of airport.

§Runway visual range 2600' also authorized for takeoff on Runways 16 and 34 in lieu of 200-½ when 200-½ is authorized, provided high-intensity lights are operational.

§§Runway visual range (RVR) 2600' also authorized for landing on Runways 16 and 34 provided that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 628' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428'; Fac. Class. and Ident., Seattle-Tacoma Radar; Procedure No. 1, Amdt. 7: Eff. Date, 15 Feb. 64; Sup. Amdt. No. 6; Dated, 12 May 62

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on January 10, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-473; Filed, Feb. 6, 1964; 8:45 a.m.]

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS [NEW]

[Reg. Docket No. 1592; Amdts. 1-2; 42-3]

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS [NEW]

Operating Rules

Correction

In F.R. Doc. 64-650, appearing at page 601 of the issue for Friday, January 24, 1964, the following corrections are made in § 133.31:

1. In paragraph (c), the phrase reading "or the operation may not conduct further operations" should read "or the operator may not conduct further operations".

2. In paragraph (e), the phrase reading "such as the following flight-operational checks" should read "such of the following flight-operational checks".

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3083; Amdt. 681]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on January 24, 1964, and made effective immediately because of the safety emergency involved as to all known United States operators of Boeing Models 707 and 720 Series aircraft. The directive requires inspection of the left and right wing upper and lower front and rear spar chord members and repair of any found cracked.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Models 707 and 720 Series aircraft by individual telegrams dated January 24, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required at the next terminal where adequate facilities and personnel are available but not to exceed 25 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Boeing Alert Service Bulletins Nos. 1964 and 1964A.

As a result of recently discovered cracking in the wing structure accomplish the following inspection external to the wing fuel tanks:

(a) On all Models 707-300 and -400 Series aircraft, visually inspect the left and right wing upper rear spar chord for evidence of cracking of the vertical leg of the chord member in the vicinity of Wing Station 208.

(b) On all Models 707 and 720 Series aircraft, visually inspect the left and right wing upper and lower front spar chord for evidence of longitudinal cracking of the vertical leg adjacent to the fillet between the vertical and horizontal legs of the chord in the vicinity of Wing Station 727 outboard to the production splice station.

(c) Repair any cracked chord member before further flight, in accordance with technical data approved by the Engineering and Manufacturing Branch, FAA Western Region.

(Boeing Alert Service Bulletins Nos. 1964 and 1964A cover this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated January 24, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 31, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-1209; Filed, Feb. 6, 1964; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Designation of Eradication Areas

On December 14, 1963, there was published in the FEDERAL REGISTER (28 F.R. 13549) a notice with respect to a proposal to amend § 74.3(a), Part 74, Title 9, Code of Federal Regulations, by adding the State of West Virginia to the sheep scabies eradication area. After due consideration of all relevant material and pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), said § 74.3 is amended in accordance with such notice as indicated below:

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, Tennessee, and West Virginia;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesota: Jackson and Lincoln;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Morrill, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County Line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County Line and the Socorro-Torrance County Line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County Line; thence, running northward along the Lincoln-Chaves County Line and the Lincoln-DeBaca County Line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County Line to its intersection with the Lincoln-Torrance County Line; thence, running southerly along the Lincoln-Torrance County Line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County Line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following county in Virginia: Augusta;

(10) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

The amendment adds Barbour, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mingo, Monongalia, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tyler, Wayne, Wetzel, Wirt, Wood, and Wyoming Counties in the State of West Virginia to the list of areas designated as eradication areas since the cooperative sheep scabies eradication program is now being conducted in such counties. These counties are presently included in the infected areas as sheep scabies is known to exist therein. After the effective date of this amendment, the entire State of West Virginia will have been designated an eradication area, and the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to all parts of such State.

Done at Washington, D.C., this 4th day of February 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-1243; Filed, Feb. 6, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 201]

GAUGING MANUAL AND DISTILLED SPIRITS PLANTS

Notice of Proposed Rule Making

Correction

In F.R. Doc. 64–1130 appearing in the issue for Wednesday, February 5, 1964, at page 1725, § 201.269 appears incorrectly. Also amendatory paragraphs 18, 19 and 20 which affect §§ 201.291, 201.295 and 201.306, respectively, were inadvertently omitted. Paragraphs 17 through 20 should read as set forth below:

17. Section 201.269 is rearranged for the purpose of clarity, and is amended to provide practical procedures for the making of production gauges by average fill methods. As amended, § 201.269 reads as follows:

§ 201.269 Production gauge.

(a) *General.* All spirits shall be gauged (by measuring and proofing) within a reasonable time after production is completed. Except as otherwise specifically provided in this section, quantities may be determined by volume or by weight, or, when approved by the Director, by meter or other device or by other method which accurately determines the quantities. Where caramel is added to brandy or rum, the proof of the spirits shall be determined after such addition.

(b) *Tax to be determined on production gauge.* Where tax is to be determined on the basis of the production gauge, the determination shall be made by weight. Form 2629 (and Form 2630, if any) shall be marked "Withdraw on Original Gauge" if the spirits are to be drawn into bulk conveyances or wooden packages, and are to be withdrawn on determination of tax on original gauge at a later date.

(c) *Tax not to be determined on production gauge.* Where spirits are drawn from the production system into barrels, drums, or similar portable containers, and the tax is not to be determined on the basis of the production gauge, such gauge may be made:

(1) By an individual gauge of each container; or

(2) If the spirits are to be drawn into containers of the same rated capacity, and such containers are filled to capacity:

(i) By deducting the sum of the tares of the containers from the sum of the gross weights of the containers, converting the resultant net weight into proof gallons, and determining therefrom the average content of each container; or

(ii) By weight in a tank, converting the weight into proof gallons, and determining therefrom the average content of each container; or

(iii) By determining, by such device or method as may be approved under the provisions of paragraph (a) of this section, the total quantity filled into containers, and determining therefrom the average content of each container.

The proprietor shall advise the assigned officer of the rated capacity of the packages. The rated capacity of new cooperage shall be as prescribed by specifications of the manufacturer. Proprietors may assign rated capacities to used packages if they have made a physical determination of the actual capacities of a representative number of such packages, or may use the manufacturer's original ratings, if known, and if there is no evidence that a significant change in the capacities of previously rated packages has occurred. Any remnant container, not filled to capacity, shall be gauged by weight.

(d) *Making of production gauge*—(1) *By assigned officer.* The production gauge shall be made by the assigned officer where spirits are to be withdrawn in approved containers other than metal packages from the production facilities on determination of tax, or where, pursuant to the proprietor's request to the assigned officer, spirits are to be withdrawn into bulk conveyances or wooden packages for withdrawal at a later date on determination of tax on the basis of the production gauge.

(2) *By proprietor.* All production gauges, other than those made under subparagraph (1) of this paragraph, shall be made by the proprietor under the direct supervision of the assigned officer: *Provided,* That where the production gauge is made by the proprietor by means of meters or devices (comparable in accuracy and security to meters), approved by the Director, which enable the assigned officer to verify the accuracy of the gauge, such gauge shall be made under such supervision and in such manner as the Director may require.

(e) *Reports of production gauge.* Reports of production gauge shall be made on Form 2629 (accompanied by Form 2630 for barrels, drums, or similar portable containers) where the spirits are to be entered for deposit in storage facilities on the same plant premises. Each Form 2630 shall show:

(1) The real name (or basic operating name as provided in § 201.235) of the producer, and, if the spirits are produced under a trade name, shall also show the trade name under which produced. A separate Form 2630 shall be prepared for each name under which the spirits are produced.

(2) For each barrel, drum, or similar portable container, the serial number, proof, and tax gallons, and, where the gauge is made under paragraph (b) or paragraph (c) (1) or (2) (i) of this section, the gross weight and tare shall also be shown. Where the containers are filled under paragraph (c) (2) of this section, the average tax gallons shall be shown for containers filled to capacity, and the gross weight, tare, and actual tax gallons for any remnant container.

If the spirits are to be transferred in bond to another plant premises or are to be withdrawn from bond, as authorized by this part, the report of production gauge shall be made on the form required by this part to cover the transaction.

(72 Stat. 1357, 1358, 1362; 26 U.S.C. 5202, 5204, 5211)

18. Paragraph (c) of § 201.291 is amended to provide for other methods of storage of spirits in bond. As amended, paragraph (c) reads as follows:

§ 201.291 Receipt and storage of spirits.

* * * * * *

(c) *Storage.* Spirits (including denatured spirits) may be stored in the storage facilities on bonded premises in any container into which spirits (including denatured spirits) may be filled on bonded premises. Containers used for such storage shall be so stored that they can be readily inspected by internal revenue officers, and cases in such storage shall be so stored that they can be readily inventoried: *Provided,* That on application to, and approval by, the Director, the proprietor may be authorized to store packages and cases in any manner which, in the opinion of the Director, adequately safeguards the interests of the Government. Tanks and other containers (except containers to which § 201.88 is applicable) for the storage of spirits on bonded premises shall be kept securely closed, and the flow of spirits into and out of such tanks or other containers shall be controlled by Government locks or seals, or by a meter or other device approved by the Director which permits a determination of the quantity being removed, as the case may be. The provisions of § 201.88 are applicable in respect to storage of spirits on bonded premises in portable containers.

(72 Stat. 1356, 1357, 1362, 1366, 1398; 26 U.S.C. 5201, 5202, 5211, 5212, 5231, 5232, 5601)

19. The fifth sentence of § 201.295 is amended by striking the word "new" in the phrase "show the new tare,". As amended, § 201.295 reads as follows:

§ 201.295 Change of packages.

Denatured spirits on bonded premises may be transferred to another package without prior approval by the assigned officer. Spirits in the storage facilities on bonded premises may be transferred from one package to another on written application to, and approval of, the assigned officer. Except in the case of spirits of 190 degrees or more of proof, each new package shall contain spirits from only one package. Packages shall

be marked and branded as provided in Subpart P of this part. The proprietor shall note the record covering the deposit of the spirits in bond to show the tare, gross weight, and tax gallons of each new package; in addition, he shall furnish the assigned officer a report, in writing, of each package change and the new elements of gauge. The provisions of this section do not apply where spirits are packaged subsequent to mingling.

(72 Stat. 1352, 1357; 26 U.S.C. 5201, 5202)

20. Section 201.306 is amended in order to provide for the soaking of barrels as an authorized rinsing procedure. As amended, § 201.306 reads as follows:

§ 201.306 Rinsing of packages and disposition of rinse water.

When spirits in wooden packages are dumped for mingling or consolidation of spirits on bonded premises, the packages and the char and wood chips therein, if any, shall be thoroughly rinsed unless the packages are to be immediately refilled. Packages to be so refilled may be rinsed. Packages which are to be rinsed may be partially filled with water and allowed to soak for a day or so in order to recover additional spirits in the water. Packages containing rinse water may not be removed from the bonded premises. Char and wood chips not returned to packages shall, under the direct supervision of the assigned officer, be burned or treated in such manner as to preclude the abstraction of potable spirits. Rinse water not used in reducing the proof of the same spirits may be used in reducing the next lot of spirits homogeneous with the rinsings, or may be promptly mingled with heterogeneous spirits for tax determination under § 201.298; if not so disposed of the rinsings shall be immediately destroyed or redistilled. Rinse water to be redistilled shall be gauged by the proprietor who shall make a report of such gauge on Form 2629. On delivery of a copy of such Form 2629 to the assigned officer, the proprietor shall transfer the rinse water to the production facilities.

(72 Stat. 1356, 1365, 1367; 26 U.S.C. 5201, 5223, 5234)

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determination of Acreage Allotments, 1964 and Subsequent Crops; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1375, 1377), the Department proposes to amend § 730.1525 of the regulations for the determination of acreage allotments for the 1964 and subsequent crops of rice. The purpose of this amendment is to incorporate the provisions of Public Law 88–261 which remove the requirement that the transferee of rice history acreage must acquire any land owned by the transferor to which any of the transferred rice history acreage may be ascribed.

Prior to the issuance of this amendment, any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, will be given consideration provided that such submissions are postmarked not later than 15 days from the date of publication in the FEDERAL REGISTER.

It is proposed that subparagraph (3) of paragraph (b) of § 730.1525 be amended to read as follows:

(3) If a producer permanently withdraws from the production of rice as provided in this subparagraph (3), his allotment current at the time of such withdrawal and related rice history acreage during the applicable base period may be transferred to another producer or producers who have had previous rice producing experience, provided the transferee or transferees acquire, except for land, the transferor's entire rice farming operation, including all production and harvesting equipment and irrigation equipment not permanently attached to the land. The transferor at the earliest practicable date shall advise the county committee in writing of his intention to withdraw from the production of rice and the crop year for which the withdrawal is to become effective. He shall also furnish the names and addresses of the persons who will succeed him in his rice farming operations and the percentage of his current allotment that each person is to receive. The related rice history acreages credited to the transferor during the applicable base period shall be divided among the transferees in the same proportions that the allotment is divided. To qualify as having had previous rice producing experience as referred to in this subparagraph (3), the transferee must have actually participated in producing, harvesting and marketing one or more crops of rice as a producer.

In order for the transfer to remain effective, the transferee must actually plant or cause to be planted at least 90 percent of his producer allotment (after release and before reapportionment), including the allotment determined on the basis of the rice history acreage acquired from the transferor, for at least three out of the next four years following the transfer. If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment for the year current at the time of such failure in the same proportion that his producer allotment, immediately before the transfer, bears to the total allotment established for the producer as a result of the transfer. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced in the same proportion as the allotment is reduced.

Signed at Washington, D.C., on February 4, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64–1244; Filed, Feb. 6, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 534]

[Docket No. 1099]

GREEN HIDE WEIGHING PRACTICES

Notice of Proposed Rulemaking

Pursuant to the provisions of sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 39 Stat. 736 and 46 U.S.C. 841(a), 75 Stat. 766) the Federal Maritime Commission, by order published March 30, 1963, in the FEDERAL REGISTER (28 F.R. 3129, 3130), instituted a general investigation to examine the weighing practices in green hide shipments and to determine "whether the Commission shall promulgate appropriate rules, regulations or orders governing the practices to be employed in the weighing and certification of weights and the billed weights of green hides exported in the foreign commerce of the United States."

After due notice, hearings were held before an Examiner in San Francisco on April 30, May 1 and 2, 1963, and in New York City on June 10 through June 14, 1963. All persons who attended these hearings were given an opportunity to participate. The record, which includes the transcript of testimony and the exhibits, was certified to the Commission for its decision.

In our report on this investigation (Docket No. 1099, General Investigation of Weighing Practices In Re Green Hide Shipments) issued February 3, 1964, a copy of which will be furnished to interested persons upon request, we found that only a minimal number of tariffs contain rules or regulations sufficiently explicit as to the manner of declaring shipping weights on green, salted hides, and that the present methods of stating weights vary from shipper to shipper, resulting in a confused and inequitable situation.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and section 43 of the Shipping Act, 1916, (46 U.S.C. 841(a), 75 Stat. 766) the Federal Maritime Commission gives notice it is considering the promulgation of the following rule:

SECTION 1. In order to insure a uniform method of declaring shipping weights on green salted hides for export in the foreign commerce of the United States, all water carriers having commodity rates on green salted hides shall file with the Federal Maritime Commission within 30 days amendments to their tariffs setting forth tariff rules which require that the shipping weight for pur-

poses of assessing transportation charges shall be either a scale weight or a scale weight minus a deduction whose amount and method of computation are specified in said tariff rule.

SEC. 2. The tariff rules shall further require that the shippers furnish to the carrier a weighing certificate or dock receipt from an inland carrier for each shipment of green salted hides at or before the time the shipment is tendered to the ocean carrier. The weighing certificate, if furnished, shall either be certified or attested by the signature of the shipper's supplier of the hides. For purchase lots which are split by the shipper after purchase into two or more shipments, a weighing certificate covering the entire purchase lot may be provided, and the shipping weight shall be determined from a computation of the average weight of the hides in said purchase lot.

Interested parties may submit such written data, views or arguments as they desire. Communications shall be submitted in original and 15 copies to the Secretary, Federal Maritime Commission, Washington, D.C., 20573. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken by the Commission.

By the Commission, January 17, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-1238; Filed, Feb. 6, 1964; 8:48 a.m.]

require that the shipping weight for pur-

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plat of Survey; Correction

JANUARY 31, 1964.

In F.R. Doc. 63-10761, appearing on page 10887 of the issue for October 10, 1963, paragraph 6 is changed to read:

6. Power Site Classification No. 50 approved September 29, 1922 embraced every legal subdivision any portion of which surveyed, will lie within ¼ mile of either bank of the Salmon River in this township, among others. This withdrawal is now described as embracing the following described lands:

BOISE MERIDIAN, IDAHO

T. 23 N., R. 14 E.
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼.

Paragraph 6 of the original publication is redesignated as paragraph 7.

ORVAL G. HADLEY,
Chief,
Division, Land Office.

[F.R. Doc. 64-1226; Filed Feb. 6, 1964; 8:47 a.m.]

Office of the Secretary

[Order No. 2876]

GOVERNMENT OF TRUST TERRITORY OF PACIFIC ISLANDS

Extent and Nature of Administration

SECTION 1. *Purpose.* The purpose of this order is to delimit the extent and nature of the authority of the Government of the Trust Territory of the Pacific Islands (hereinafter called "the Trust Territory"), as it will be exercised under the jurisdiction of the Secretary of the Interior (hereinafter called "the Secretary"), pursuant to Executive Order No. 11021 of May 7, 1962, and to prescribe the manner in which the relationships of the Government of the Trust Territory shall be established and maintained with the Congress, the Department of the Interior and other Federal agencies, and with foreign governments and international bodies.

SEC. 2. *Executive authority.* (a) The executive authority of the Government of the Trust Territory, and the responsibility for carrying out the international obligations undertaken by the United States with respect to the Trust Territory, shall be vested in a High Commissioner of the Trust Territory who shall be appointed by the Secretary, and shall be exercised and discharged under the supervision and direction of the Secretary.

(b) The relations of the Government of the Trust Territory with the Congress of the United States on all legislative matters, including appropriations, shall be conducted through the Department of the Interior.

(c) With freedom to consult directly with the Secretary when necessary, the High Commissioner of the Trust Territory shall normally communicate with the Secretary of the Interior through the Director of the Office of Territories. The High Commissioner shall be responsible for all United States property in the Trust Territory which is required for the operation of the Government of the Trust Territory and for which the Department of the Interior has administrative responsibility. The High Commissioner shall perform such other functions for the Department of the Interior in the Trust Territory as may be delegated to him by the Secretary.

(d) Initial contact by the Government of the Trust Territory with Federal agencies outside the Department of the Interior on other than routine matters shall be established through the Office of Territories of the Department of the Interior. Once the relationship has been established, direct contact between the Government of the Trust Territory and the Federal agencies concerned may be maintained, in which event the office of Territories shall be kept informed of significant developments in the relationship. Federal agencies should be encouraged to extend their normal Federal services and assistance to the Trust Territory whenever practicable, and the Government of the Trust Territory should be reimbursed for services it performs for other Federal agencies.

(e) Communications of the Government of the Trust Territory with foreign governments and international bodies shall be cleared through the Department of the Interior for transmittal by the Department of State, unless some other procedure is approved by the Secretary of the Interior.

(f) In exercising his authority the High Commissioner shall obtain prior Secretarial approval of any significant deviation from the budget justification presented to the Congress, any expenditures from local revenues beyond the amount estimated in the budget justification, and any significant transfer of funds between programs or between administration and construction funds.

SEC. 3. *Legislative authority.* The legislative authority of the Government of the Trust Territory shall be vested in the High Commissioner of the Trust Territory and shall be exercised and discharged under the supervision and direction of the Secretary. The High Commissioner shall obtain Secretarial approval of any proposed new law or any proposed amendment to an existing law, except in the event of an emergency, in which case the law or amendment thereof may be made effective by the High Commissioner who shall seek the Secretary's approval thereof as soon thereafter as possible. In the event that the Secretary does not approve, such law or amendment shall cease to be effective seven days after the date of his disapproval. The High Commissioner shall also obtain Secretarial approval of any proposed new regulations or any amendment of existing regulations which embodies an important change in policy. In the event of an emergency, regulations or amendments thereof, which would require Secretarial approval, may be made effective to the same extent and subject to the same limitations as provided for in the case of laws.

SEC. 4. *Judicial authority.* The judicial authority of the Government of the Trust Territory shall be vested in a High Court for the Trust Territory and such other courts as may be established pursuant to law. The Secretary shall appoint the Chief Justice and the Associate Justice of the High Court. The judicial authority shall be independent of the executive and legislative powers. Budgetary requests for the territorial judiciary, with supporting justification, shall be drawn up by the Chief Justice of the Trust Territory and submitted for the approval of the Department of the Interior by the High Commissioner of the Trust Territory as a separate item in the annual budget for the Trust Territory. The High Commissioner should call the attention of the Department to any question which he may have regarding the budget for the judiciary. Regulations bearing on the organization or operation of the judiciary shall be submitted to the Secretary of the Interior for approval prior to issuance.

SEC. 5. *Prior orders.* Department of the Interior Order No. 2658 of August 29, 1951, and Department of the Interior Order No. 2812 of April 6, 1956, insofar as it pertains to the Trust Territory, are hereby superseded.

SEC. 6. *Existing laws.* Existing laws, regulations, orders, appointments, or other acts in effect immediately prior to the effective date of this order shall remain in effect until they are superseded pursuant to the provisions of this order.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 30, 1964.

[F.R. Doc. 64-1227; Filed, Feb. 6, 1964; 8:47 a.m.]

[Solicitor's Reg. 17]

ESCHEAT IN INDIAN PROBATE PROCEEDINGS

Rehearings and Appeals

JANUARY 28, 1964.

SECTION 1. *Determination.* Each Examiner of Inheritance (Hearing Exam-

iner) is authorized under 25 U.S.C. 373a to decide the question of escheat of restricted or trust estates of Indians who have died intestate and without heirs. This decision shall be final, unless a petition for rehearing or an appeal is filed under section 2 of this regulation. Decisions of escheat under 25 U.S.C. 373b, covering public domain estates, shall continue to be made by the Solicitor upon recommendations by an Examiner.

Sec. 2. *Rehearings and Appeals.* Petitions for rehearing and appeals may be filed from decisions on escheat by an Examiner of Inheritance. Such petitions for rehearing and appeals shall be filed, and acted upon, in accordance with the procedures contained in 25 CFR 15.17 and 25 CFR 15.19, dealing respectively with petitions for rehearing and appeals in Indian probate matters.

(210 DM 2.2A(3)(c), 24 F.R. 1348; 210 DM 2.3, 24 F.R. 1349)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 64-1237; Filed, Feb. 6, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-16590 etc.]

JAMES M. FORGOTSON ET AL.

Notice of Applications for Certificates and Petitions To Amend Certificates [1]

JANUARY 31, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 25, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and filing date	Applicant	Purchaser, field, and location	Initial price per Mcf and psia pressure base	Related rate schedule No.	Related rate schedule Supplement
G-16590 A-10/6/60	James M. Forgotson	Texas Gas Transmission Corp., Carlton and Calhoun Fields, Ouachita Parish, La.	18.25 cents at 15.025 psia.	4	
G-18367 A-4/20/59	Sho-Van Gas Producing Co., Inc.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	5.0 cents at 15.025 psia.	1	
G-20381 A-12/14/59	C. P. Talbot, et al.	Arkansas Louisiana Gas Co, Calhoun Field, Ouachita Parish, La.	18.75 cents at 15.025 psia.	1	1
G-20405 A-12/17/59	Floyd M. Hodge	do	18.75 cents at 15.025 psia.	1	
CI60-612 C-12/14/62	David Crow	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	12.008-15.025 psia	9	2
CI60-800 A-6/23/60	Sunray DX Oil Co.	Texas Gas Transmission Co. Calhoun Field, Ouachita Parish, La.	18.75 cents at 15.025 psia	303	
CI61-123 A-7/25/60	O. A. Phillips	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	18.75 cents at 15.025 psia.	1	
CI61-150 A-7/29/60	J. R. Butler, et al.	Texas Gas Transmission Corp. Sugar Creek Field, Claiborne and Lincoln Parishes, La.	18.25 cents at 15.025 psia.	4	1
CI61-220 A-8/15/60	Jerome A. Carraras	do	18.25 cents at 15.025 psia.	1	
CI61-663 A-10/11/60	W. C. Feazel, et al.	Texas Gas Transmission Corp., Terryville-Ruston Area, Lincoln Parish, La.	18.75 cents at 15.025.	6	
CI61-604 A-10/18/60	Monsanto Chemical Co.	Texas Gas Transmission Corp., Bernice and Hico-Knowles Fields, Union and Lincoln Parishes, La.	18.25 cents at 15.025 psia.	42	
CI61-660 A-10/27/60	The Atlantic Refining Co. (Operator), et al.	Texas Gas Transmission Corp., Terryville Field, Lincoln Parish, La.	18.75 cents at 15.025 psia.	221	
CI61-735 A-11/7/60 B-1/24/61 B-2/2/62	Socony Mobil Oil Co., (Operator), et al.	Texas Gas Transmission Corp., East Blackburn Field, Claiborne Parish, La.	18.25 cents at 15.025 psia.	250 250	1-2
CI61-874 A-12/5/60	Barnwell, Inc.	Texas Gas Transmission Corp., Minden Field, Webster and Claiborne Parishes, La.	18.25 cents at 15.025 psia.	1	
CI61-883 A-12/9/60	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	18.75 cents at 15.025 psia.	294 294	1
CI61-1182 A-2/6/61 B-6/26/61	Ashland Oil & Refining Co.	Texas Gas Transmission Corp., Tremont and Calhoun Fields, Lincoln Parish, La.	18.75 cents at 15.025 psia.	41 41	1
CI61-1388 A-3/24/61	J. C. Trahan, Drilling Contractor, Inc.	United Gas Pipe Line Co., Simsboro Field, Lincoln Parish, La.	18.75 cents at 15.025 psia.	9 9	1
CI61-1663 A-5/18/61	Tidewater Oil Co. (Operator), et al.	Texas Gas Transmission Corp., Calhoun Field, Lincoln Parish, La.	18.75 cents at 15.025 psia.	109	
CI62-709 A-12/26/61	Creslenn Oil Co.	Rio Sabine, Inc., Simpson Lake Field, Caddo Parish, La.	8.0 cents at 15.025 psia.	4	
CI62-1096 A-2/19/62	Bob B. Slack, et al.	Rio Sabine, Inc., Millers Bluff Field, Bossier Parish, La.	8.5 cents at 15.025 psia.	1	
CI62-1327 A-5/10/62	J. C. Trahan, Drilling Contractor, Inc. (Operator), et al.	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	18.75 cents at 15.025 psia.	23	
CI62-1342 A-5/14/62	Douglas Whitaker (Operator), et al.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	13.55076-15.025 psia.	4 4	1-2
CI62-1360 C-12/14/62	Crow Drilling & Producing Co.	Texas Gas Transmission Corp., Terryville Field, Lincoln Parish, La.	18.25 cents at 15.025 psia.	3	1
CI63-666 A-11/19/62	T. W. McGuire, et al.	Texas Gas Transmission Corp., North Lisbon Field, Claiborne Parish, La.	16.75 cents at 15.025 psia.	1	

Filing code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

[F.R. Doc. 64-1222; Filed, Feb. 6, 1964; 8:47 a.m.]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[Docket Nos. G-17851 etc.]

GRAHAM-MICHAELIS DRILLING CO. ET AL.

Notice of Applications To Amend

JANUARY 31, 1964.

Graham-Michaelis Drilling Company (Operator), et al., Docket No. G-17851; Rock Island Oil & Refining Co., Inc., Docket No. CI60-181; N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Company, Docket No. CI61-1704.

Take notice that each of the above Applicants has filed an application pursuant to section 7(c) of the Natural Gas Act for amendment of an existing certificate of public convenience and necessity by including thereunder authorization to sell natural gas to the same producer in the same general area and pursuant to the same original contract as in the original authorization, all as more fully set forth in the tabulation hereinbelow. These applications, which are on file with the Commission and open to public inspection, were given new docket designations when filed but should be disposed of as amendments to the aforesaid original certificate authorizations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Docket No. and filing date	Field and location	Purchaser	Initial price per Mcf and psia pressure base	Related rate schedule No.	Related rate schedule Supplement
G-17851	Graham-Michaelis Drilling Co. (Operator), et al.				
(C-10/27/60)[1]	Hugoton Field, Stanton, and Hamilton Counties, Kans.	Colorado Interstate Gas Co.	12.5 cents at 14.65...	30	1
CI60-181	Rock Island Oil & Refining Co., Inc.				
(C-12/29/60)[2]	Hugoton Field, Seward County, Kans.	Cities Service Gas Co.	16.0 cents at 14.65...	9	1
CI61-1704	N. Bruce and Curtis E. Calder, Jr. d.b.a. Horizon Oil & Gas Co.				
(C-11/6/61)[3]	Hansford Field, Hansford, and Ochiltree Counties, Tex. (R.R Dist. 10).	Northern Natural Gas Co.	17.0 cents at 14.65...	16	1
(C-4/12/62)[4]	Share Field, Ochiltree County, Tex. (R.R Dist. 10).	do	17.0 cents at 14.65...	16	2

Filing code: A—Initial service certificate application.
B—Application to amend pending certificate application.
C—Application to amend certificate by adding acreage.
D—Application to amend certificate by deleting acreage.

[1] Originally docketed as CI61-655 but treated as application to amend G-17851.
[2] Originally docketed as CI61-929 but treated as application to amend CI60-181.
[3] Originally docketed as CI62-487 but treated as application to amend CI61-1704.
[4] Originally docketed as CI62-1212 but treated as application to amend CI61-1704; Docket No. CI62-1212 was cancelled by temporary authorization letter dated May 3, 1962.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1223; Filed, Feb. 6, 1964; 8:47 a.m.]

[Docket No. CP64-136]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 31, 1964.

Take notice that on December 11, 1963, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP64-136, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the sale and delivery of an additional Daily Contract Quantity of 2,500 Mcf of natural gas to Interstate Power Company (Interstate), an existing customer, increasing the total Daily Contract Quantity to 22,734 Mcf, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects Interstate requires the additional volume of gas for the Hawkeye Chemical Company, an industrial customer, which will use the additional quantity of gas as a raw material in the manufacture of agricultural fertilizers. Natural states it has unallocated system capacity sufficient to supply the additional volume, and that no additional facilities will be required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 24, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1225; Filed, Feb. 6, 1964; 8:47 a.m.]

[Docket No. RI64-577 etc.]

MURCHISON TRUSTS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 31, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be

[1] Does not consolidate for hearing or dispose of the several matters herein.

held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 17, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-577	Murchison Trusts (Operator), et al., 1201 Main St., Dallas, Tex., 75202, Attn: Mr. Holman Jenkins.	1	3	El Paso Natural Gas Co. (Blanco and Ignacio Fields, La Plata County, Colo.).	0 $3,167	[3] 12-31-63	[5] 1-31-64	6-31-64	[6] [9] 13.0 [9] 13.0	[4] [6] [7] 14.0 [6] [9] 14.0	
RI64-578	Apco Oil Corp. et al., 1000 Liberty Bank Bldg., Oklahoma City, Okla., Attn: Mr. Charles F. White.	1	10	Northern Natural Gas Co. (Puckett (Ellenburger) Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	10,189	12-30-63	[5] 2- 1-64	7- 1-64	[11] [13] 16.0	[4] [11] [13] 17.1152	
RI64-579	....do....	2	6	Northern Natural Gas Co. (Puckett Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	27,597 20,411	12-30-63	[5] 2- 1-64	7- 1-64	[11] [13] 16.0 [13] 16.0	[4] [11] [13] 17.1152 [4] [13] 17.1152	G-16520
RI64-580	Elliott Production Co., P.O. Box 1355, Roswell, N. Mex., Attn: Mr. Frank O. Elliott.	4	1	El Paso Natural Gas Co., (Bisti Lower Gallup Field, San Juan County, N. Mex.) (San Juan Basin Area).	146	1- 3-64	[5] 2- 3-64	7- 3-64	13.0	[6] [14] 14.0577	
RI64-581	International Oil & Gas Corp., 826 Petroleum Club Bldg., Denver 2, Colo., Attn: Mr. Zane E. Henderson.	2	2	Northern Natural Gas Co., (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area).	2,033	1- 3-64	[5] 2- 3-64	7- 3-64	10.5	[6] [10] [16] 11.5474	
RI64-582	Joseph E. Seagram and Sons, Inc. (Operator), et al., P.O. Box 747, Dallas, Tex., 75221, Attn: Mr. Stanley F. Davis, Jr.	27	6	Northern Natural Gas Co. (Brunson Field, Lea County, N. Mex.) (Permian Basin Area).	2,266	1- 9-64	[5] 3-10-64	8-10-64	[14] 10.5445	[6] [10] [16] 11.5487	
RI64-583	A. N. Brown (Operator), et al., 708 Midland Savings Bldg., Denver, Colo., 80202.	1	7	El Paso Natural Gas Co. (Angel Peak—Gallup Field, San Juan County, N. Mex. (San Juan Basin Area).	1,638 1,638	1- 9-64	[5] 2- 9-64	7- 9-64	[14] [15] [8] 12.0 [15] 11.0	[4] [6] [14] [15] 14.0536 [4] [6] [14] [15] [12] 12.0536	

[1] No sales during year 1963.
[2] The stated effective date is the first day after the expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 psia.
[5] Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.
[6] For wells connected to 500 psig gathering system.
[7] For wells connected to 650 psig gathering system.
[8] The stated effective date is the effective date requested by Respondent.
[9] Pressure base is 14.65 psia.
[10] For gas produced from Ellenburger Formation.
[11] Subject to 5.0 cents per Mcf deduction by buyer for processing and removal of carbon dioxide.
[12] For gas produced from Devonian Formation.
[13] Reflects 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax (effective on April 1, 1963).
[14] For gas delivered at 500 psig.
[15] For gas delivered at 250 psig.

Murchison Trusts (Operator), et al., and Elliott Production Company request waiver of notice to make their proposed rate increases effective as of January 1, 1964. International Oil and Gas Corporation requests an effective date of February 1, 1964, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

A. N. Brown (Operator), et al., (Brown) has certain wells producing at low pressure and in a letter agreement with the buyer, has consented to a 1.0 cent per Mcf reduction in price and deletion of the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids as consideration for the reduction in line pressure from 500 psig to 250 psig. This in effect amounts to a 2.0 cents per Mcf reduction in price. However, this reduction will later be a compression cost to the buyer and when considered as such will cause the proposed rate to exceed the 13.0 cents per Mcf San Juan Basin Area ceiling rates and should be suspended as hereinafter ordered.

The proposed rate increase filed by Brown, with respect to gas delivered at 500 psig, did not include the 1.0 cent per Mcf minimum guarantee for liquids as provided by the contract. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate of 12.0 cents per Mcf plus tax reimbursement results in a total proposed rate in excess of the 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area.

International Oil & Gas Corporation and Joseph E. Seagram and Sons, Inc. (Operator), et al., sales relate to gas that is sour and must be processed for removal of excess suphur. The proposed rates already exceed the Permian Basin Area ceiling for increased rates and the addition of the sweetening costs amounts to a further excess over the ceiling.

With the exception of the proposed rate increase filed by Brown with respect to gas delivered at 250 psig, all of the producers' proposed increased rates exceed the area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, 2.56). Brown's proposed increased rate with respect to gas delivered at 250 psig, even though below the area ceiling, is suspended because the cost to make the gas pipeline quality will cause the increased rate to exceed the area ceiling price.

[F.R. Doc. 64-1224; Filed, Feb. 6, 1964; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 71]

HASTINGS NAVAL AMMUNITION DEPOT, CLAY COUNTY, NEBRASKA

Transfer of Property to Interior Department

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration dated January 9, 1964, the property known as a 320 acre portion, more or less, of the Hastings Ammunition Depot, located in Clay County, Nebraska, and more particularly described in said letter, has been transferred, effective January 9, 1964, to the Department of the Interior.

2. The above-described property was transferred to the Department of the Interior for the national migratory bird management program in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: January 31, 1963.

WALTER C. MORELAND,
Assistant Commissioner for Real Property, Utilization and Disposal Service.

[F.R. Doc. 64-1236; Filed, Feb. 6, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-172; 50-176]

LOCKHEED AIRCRAFT CORP. ET AL.

Notice of Issuance of Facility License Amendment

Lockheed Aircraft Corporation, Docket No. 50-172, and the General Services Administration (represented by the U.S. Army Corps of Engineers), Docket No. 50-176.

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed issuance of facility license amendment in the FEDERAL REGISTER on December 17, 1963, 28 F.R. 13755, the Atomic Energy Commission has issued Amendment No. 4 to Facility License No. R-86 to the General Services Administration and to the Lockheed Aircraft Corporation relating to the radiation effects reactor located in Dawson County, Georgia.

The license was issued as set forth in the FEDERAL REGISTER, except that a reference to the amendment to the application filed by Lockheed Aircraft Corporation dated January 6, 1964 pertaining to changes in the proposed technical specifications has been added to paragraph 1. The changes to the technical specifications were developed by the regulatory staff in consultation with Lockheed Aircraft Corporation personnel to delineate more clearly certain portions of the technical specifications which involve the limitations on experimental facilities (section J) and administrative and procedural safeguards (section L). A copy of Lockheed Aircraft Corporation's January 6, 1964 amendment to the application and the technical specifications as issued are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Amendment No. 4 to Facility License R-86 with the technical specifications may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 31st day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-1239; Filed, Feb. 6, 1964; 8:48 a.m.]

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to March 31, 1964, the latest completion date specified in Construction Permit No. CPRR-75 for the construction of a 0.1 watt (thermal), tank-type nuclear reactor on the campus of Manhattan College in New York City.

Copies of the Commission's Order and of the application for extension filed by Manhattan College are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C.

Dated at Bethesda, Md., this 31st day of January 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-1240; Filed Feb. 6, 1964; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN GREECE

Limitation on Entry or Withdrawal From Warehouse

FEBRUARY 3, 1964.

There is published below a letter of January 31, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 1, produced or manufactured in Greece, which may be entered, or withdrawn from warehouse, for consumption in the United States from February 4, 1964, through February 3, 1965, be limited to 300,000 pounds. This is a continuation of the arrangement presently in effect between the United States Government and the Government of Greece on the export of goods to the United States in Category 1, produced or manufactured in Greece, during the twelve-month period which began February 4, 1963.

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., January 31, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective February 4, 1964, and for the period extending through February 3, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Category 1, produced or manufactured in Greece, in excess of the following level of restraint:

Category:	*Level of restraint*
1	300,000 pounds

A detailed description of the category in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out this directive, entries of cotton textiles and cotton textile products in Category 1, produced or manufactured in Greece, which have been exported to the United States from Greece prior to February 4, 1964, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period February 4, 1963, through February 3, 1964. In the event that the levels of restraint established for the period February 4, 1963, through February 3, 1964, have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exceptions to the notice provisions of Section 4 of the Administrative Procedure Act. This letter is being published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-1242; Filed, Feb. 6, 1964; 8:48 a.m.]

TARIFF COMMISSION

[AA1921-34]

PEAT MOSS FROM CANADA

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on February 3, 1964, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to Peat Moss from Canada. Notice of the institution of this investigation was published in the FEDERAL REGISTER on January 21, 1964 (29 F.R. 518).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 2 p.m. on February 25, 1964. Interested parties desiring to appear and

to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued February 4, 1964.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 64-1233; Filed, Feb. 6, 1964; 8:48 a.m.]

[AA1921-37]

VITAL WHEAT GLUTEN FROM CANADA

Notice of Investigation

Having received advice from the Treasury Department on January 31, 1964 that Vital Wheat Gluten from Canada, manufactured by the Ogilvie Flour Mills Co., Limited, or its subsidiary, Industrial Grain Products, Limited, is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place thereof will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Interested parties are also referred to section 208.5 of the Commission's rules regarding the submission of written statements of pertinent information. Written statements must be filed not later than March 9, 1964.

Issued February 3, 1964.

By order of the Commission.

DONN N. BENT, *Secretary.*

[F.R. Doc. 64-1234; Filed, Feb. 6, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 4, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38789: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 232), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 5th revised page 283 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38790: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 233), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between middle west and southern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 6th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38791: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 234), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central, middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 12th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 38792: *Processed Clay to Kerens, Tex.* Filed by O. W. South, Jr., agent (No. A4446), for interested rail carriers. Rates on processed clay, as described in the application, in carloads, from Toomsboro, Ga., and points taking same rates, to Kerens, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 27 to Southern Freight Association, Agent, tariff I.C.C. S-206.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1230; Filed, Feb. 6, 1964; 8:47 a.m.]

[Notice No. 937]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 4, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66488. By order of January 30, 1964, the Transfer Board approved the transfer to Robert M. Johnson and Nannie Lee Johnson, a partnership, doing business as Ellis Moving Co., 215 Fatherland Street, Nashville, Tenn., of the operating rights issued by the Commission February 25, 1955, under certificate in No. MC 114723, to Rolla Whitten, doing business as Rolla Whitten Transfer, 330 Chestnut Avenue, Lawrenceburg, Tenn., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Lawrence, Wayne, Hardin, and Giles Counties, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Florida.

No. MC-FC 66578. By order of January 30, 1964, the Transfer Board approved the transfer to Russell Politi, doing business as Russ Politi, Brooklyn, N.Y., of the certificate in No. MC 119549, issued September 28, 1960, to Christie Turano, Brooklyn, N.Y., authorizing the transportation of: Homing pigeons, in seasonal operations between March 1 and November 30, inclusive, of each year, from the Boroughs of Brooklyn and Queens, in New York, N.Y., to points in New Jersey, Maryland, and Delaware. Louis J. Cacotti, 181 Fourth Avenue, Brooklyn, N.Y., attorney for applicants.

No. MC-FC 66600. By order of January 30, 1964, the Transfer Board approved the transfer to Charles W. Wiederholt, doing business as Wiederholt Excavating & Trenching, Hazel Green, Wis., of the operating rights in certificate in No. MC 96131, issued April 11, 1960, to Delbert Dall, doing business as Delbert Dall and Son, Cuba City, Wis., authorizing the transportation, over irregular routes, of livestock, agricultural commodities, farm machinery and machinery parts, watermelons, chats, sand, gravel, rock, salt, seed, feed, fertilizer, twine steam pipe, radiators, soil pipe, household goods, and emigrant movables, from, to, and between points in Wisconsin, Illinois, and Iowa, varying with the commodities transported.

No. MC-FC 66608. By order of January 30, 1964, the Transfer Board approved the transfer to Schurman-Lange Company, Inc., 318 South Third Street, Lafayette, Ind., of the operating rights in certificate in No. MC 62574, issued August 30, 1957, to Henry C. Schurman and William R. Schurman, doing business as Schurman-Lange Transfer & Storage Co., 318 South Third Street, Layfayette, Ind., authorizing the transportation, over irregular routes, of: Household goods, between Layfayette, Ind., and points within 60 miles thereof, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Michigan, Kentucky, Wisconsin and Missouri, and general commodities, in collection and delivery service, between points within two (2) miles of Lafayette, Ind., including Lafayette.

No. MC-FC 66619. By order of January 30, 1964, the Transfer Board approved the transfer to Oscar Fine and Herman Granofsky, a partnership, doing business as O & H Trucking Co., Los Angeles Calif., of the "grandfather" rights claimed by Rozay's Transfer, a corporation, Los Angeles, Calif., in BOR-99 application in No. MC 120709 (Sub-No. 1) covering certain operating rights in California. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1231; Filed, Feb. 6, 1964; 8:47 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (22 F.R. 996, 6584; 23 F.R. 1062, 6730; 24 F.R. 552, 6251, 9689; 25 F.R. 109; 26 F.R. 1693, 6463; 27 F.R. 684, 6409; 28 F.R. 1093, and 7060) for the period July 26, 1963 through January 25, 1964.

No changes.

Dated: January 27, 1964.

FLOYD A. MECHLING.

[F.R. Doc. 64-1232; Filed, Feb. 6, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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PART II

FEDERAL REGISTER

VOLUME 29 NUMBER 27

Washington, Friday, February 7, 1964

Department of Agriculture

Agricultural Marketing Service

Handling of Milk in Certain Marketing Areas

Washington, D. C., etc.; Recommended Decision

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1003, 1005, 1008, 1009, 1011, 1013, 1016, 1033–1037, 1040–1044, 1046–1049, 1090, 1098 and 1101]

HANDLING OF MILK IN CERTAIN MARKETING AREAS; WASHINGTON, D.C., ETC.

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Docket No., Marketing area, and 7 CFR Part	
AO–293–A7, Washington, D.C.	1003
AO–177–A21–RO1, Tri-State	1005
AO–268–A7, Greater Wheeling, W.Va.	1008
AO–368–A7, Clarksburg, W. Va.	1009
AO–251–A5, Appalachian	1011
AO–286–A6, Southeastern Florida	1013
AO–312–A4, Upper Chesapeake Bay	1016
AO–166–A27, Greater Cincinnati	1033
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AO–226–A12–RO1, Southern Michigan	1040
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AO–266–A4, Chattanooga, Tenn.	1090
AO–184–A19, Nashville, Tenn.	1098
AO–195–A11, Knoxville, Tenn.	1101

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary Statement

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was held at Arlington, Virginia, on January 2–4 and 23–25, 1963, pursuant to notice thereof which was issued December 20, 1962 (27 F.R. 12771). For the Tri-State, Southern Michigan, Muskegon, Upstate Michigan, and Indianapolis markets, the January 1963 hearing was a reopening of prior hearings. These reopened hearings are discussed further under Section III.

The material issue on the record of the hearing relates to the marketing of milk in each of such regulated markets or its supply system from sources not fully regulated under the respective order. This broad issue is subdivided on the basis of the source of such milk and the manner of entry into the following more specific issues:

1. The integration into the regulatory plan of each of the orders of milk not subect to classified pricing under any Federal order which is:

(a) Disposed of as Class I milk directly on routes in the marketing area of such order; or

(b) Received at a plant fully regulated by such order;

2. The application of the regulatory plan of each of the Federal orders to milk regulated under another Federal order which is:

(a) Disposed of directly on routes in the regulated marketing area; or

(b) Received at a fully regulated plant; and

3. Incidental and corollary changes in order provisions.

The Supreme Court of the United States issued on June 4, 1962, its decision in the case of Lehigh Valley Cooperative Farmers, Inc., et al. v. United States et al. (hereinafter called the Lehigh decision), invalidating certain applications of the "compensatory payment" provisions of the New York-New Jersey Federal milk order. Official notice is taken of such decision.

Until recently a majority of all Federal milk orders with market pooling contained "compensatory payment" provisions which might be considered applicable in parallel circumstances. By notice issued November 9, 1962, and subsequent suspension actions effective January 1, 1963, with respect to 50 milk orders and March 1, 1963, with respect to 13 additional milk orders, certain provisions of this nature were deleted from all milk orders.

Prior to the Lehigh decision many of these orders prescribed specific, but varied, financial obligations to the pool on milk received from "unregulated plants"[1] at regulated plants or distributed in the marketing area on routes from unregulated plants. Most orders provided that unregulated milk received at regulated plants be assigned to surplus uses to the extent of such uses at the receiving plant. On unregulated milk which could not be assigned a surplus class use, a compensatory payment into the pool fund was required. Some orders provided, however, the alternative that the unregulated plant operator with route distribution in the marketing area could pay into the pool (producer-settlement fund) the difference between his payments to dairy farmers and the total value of his milk classified and computed according to the class price provisions of the order. In short, the unregulated plant operator had the choice with respect to route distribution of paying a compensatory payment on the sales actually made in the marketing area or of paying for his milk (by paying his dairy farmers and/or the pool) the same amount of money as if his plant were fully regulated.

With the issuance of the Lehigh decision it was recognized that certain prescribed obligations were subject to legal doubt. The suspensions were made in the compensatory payment provisions of the orders to minimize the legal questions. These suspension orders removed compensatory payments on unregulated milk (both bulk and route distribution) classified as Class I where the rate of payment provided was comparable to that invalidated by the Lehigh decision and no other option was available to handlers.

The consequence of this action in some orders was to remove all financial obligation on the part of an unregulated plant on any route distribution in the respective marketing area. In the case of other orders which provided for handler election of a compensatory payment at the difference between the Class I price and the surplus milk price on market area Class I sales, or payment to the pool of any amount by which the classified use value of milk receipts at such plant exceeded actual payments to dairy farmers regularly delivering to such plant, such provisions were retained. In similar provisions where two optional rates of payment applied on route distribution, Class I less surplus value in some months and Class I less uniform in other months, only the latter was retained

The suspension action removed all payment obligations on bulk unregulated milk (not including in most instances[2] reconstituted milk products) but retained the assignment to surplus class uses to the extent of such uses. In those orders where a payment rate equal to the difference between the Class I price and the blend price was provided in some months, such rate was extended to all months.

Late in November 1962 opportunity was afforded all parties interested in 76 milk orders to submit proposals with respect to the subject of this hearing. Since the problem of reappraising order provisions in light of the Lehigh decision related to all Federal milk orders, a regional hearing was scheduled to provide opportunity, for simultaneous consideration of this problem affecting a substantial number of orders. Proposals relating to one or more of the 24 milk orders listed above were received from 61 parties (29 proprietary handlers, 28 cooperative associations or federations of such associations, 2 trade associations, and 2 state agencies). To expedite the purposes of the hearing the specific proposals received were summarized, for purposes of the hearing notice, into major categories

[1] Defined below.

[2] In some orders where the obligation on unregulated receipts of nonfluid milk products could not be distinguished in the suspension action from the obligation on fluid milk products, the obligation on nonfluid milk products was also removed.

each relating to a general type of transaction involving milk not subject to full regulation under the order to be amended.

As previously stated, the hearing dealt generally with two broad subjects: (1) the treatment to be accorded unregulated milk distributed in a regulated market or received at a regulated plant from a plant not regulated by any Federal milk order, and (2) the treatment of milk distributed in a Federally-regulated market or received at a Federally-regulated plant from a plant subject to another Federal order. Section I of this decision is concerned with the problem of integrating milk from unregulated sources into the regulatory plan for each market. Section II deals with problems of assignment of classes of fluid milk products moved between Federally-regulated markets. Section III of the decision discusses incidental and necessary changes in order provisions related to order revisions based upon the findings and conclusions in Sections I and II.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

I. *Unregulated milk.* Although varied nomenclature is applied in the several orders in defining the separate categories of milk, it will be convenient here to use the general terms "unregulated milk" or "unregulated plant" to describe the general category of transactions which involves milk or plants which are not subject to Federal regulation[3] in any way except for the particular shipment or distribution which enters the orbit of such regulation.

(a) *General basis for order revision.* Milk orders are issued under authority of the Agricultural Marketing Agreement Act of 1937, as amended, primarily for the purpose of establishing and maintaining orderly marketing conditions in the sale of milk by producers to milk handlers. Consumers are to be assured adequate and dependable supplies of milk for which producers are to receive minimum prices related to factors that affect the supply and demand for milk for the regulated marketing area. The basic framework of each order includes a classified price plan, with minimum prices for each class of use, and a pooling system which distributes among producers the values of milk in the various classes.

Under the classified price plan classes of use are established and a different minimum price is established for each class. By this means handlers are required to pay for the milk received from producers in accordance with the use made of it. In most of the milk orders under consideration two classes of use are established. Class I milk usually includes milk used for fluid consumption in the forms for which milk supplies must meet inspection requirements of health authorities. Class II milk then includes all milk used in manufacturing (surplus) uses. In some orders surplus uses are divided into two or more classes. A higher minimum price is established for Class I milk than for the surplus class or classes.

The classified price system is vital to achievement of the goal of orderly marketing. Under it each handler pays for the milk he receives from producers in accordance with the uses he makes of the milk. The uniform minimum prices established by classes, which are subject to various adjustments, such as for butterfat content of milk used in each class and for the location at which the milk is received from producers, assure equity among handlers. Since milk is priced in accordance with its value in each use, it is economically feasible for handlers to accept, under usual circumstances, all milk delivered by producers and thereby to maintain adequate reserves of milk so that the public will be assured of dependable supplies of milk at all times.

Subject to the various adjustments provided by the Act, the pooling systems of the orders provide a uniform, or weighted average price, based on class values at minimum order prices, to be paid producers. The Act authorizes this average price to be computed (a) for each handler, to be paid the producers supplying such handler (individual-handler pool); or (b) for all handlers in the market, to be paid all producers in the market regardless of the use made of their milk by the handler to whom they deliver (market pool). Under market pools handlers pay into or draw out of an "equalization" fund the amount by which the classified use value of their milk exceeds or is less than the amount to be paid producers at the uniform price.

Because producers delivering milk to market pool markets may obtain the same uniform prices irrespective of the particular utilization as Class I or surplus milk of the handler to whom they deliver, it is not necessary for the producers to shift among handlers in order to obtain the best price. This accommodates the orderly and efficient utilization of the necessary surplus supply and returns to all producers an equitable share of the returns from the total sales of Class I and surplus milk in the market. All producers thus share the burden of the surplus for the market.

In a substantial majority of markets under Federal regulation market pools are used. The uniform sharing of the market average utilization promotes orderly marketing under a wider variety of conditions than does individual-handler pooling. Market pools now are provided in 20 of the 24 orders involved in this hearing.

In these market pool orders some form of minimum performance requirement is established to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing—by being included in the pool—in the market average utilization of Class I milk. Such distinction is necessary or else the proceeds of the higher Class I price could be dissipated by including in the pool milk primarily acquired for manufacturing purposes without any obligation on the handler to make milk available for the fluid needs of the market. Unless adequate standards of marketing performance are provided which will determine which milk and plants will participate fully in the market pool funds, the uniform pool price of the market could be depressed to the point that the Class I price would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without being higher than economically necessary.

In this connection it should be noted that the higher prices applicable to Class I milk (which are necessary to assure the consuming public of adequate and dependable supplies of milk) are passed on to the public. It is essential, therefore, in order to share in these funds that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The pool plant performance requirements (particularly those applying to bulk shipments of milk) are essential provisions of a milk order if it is to attain this statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that most serves the public interest. The marketing performance distinctions also serve to minimize the effects of regulation on handlers whose sales operations are primarily in other markets by exempting them from full price and pooling regulation of the orders.

Typical pool plant standards are designed to recognize the separate functions of "distributing plants" which process and package fluid milk products and dispose of them for fluid consumption to wholesale and retail outlets or through plant stores, and of "supply plants" which may function solely for assembly of bulk milk to be shipped to distributing plants. For distributing[4] plants, pool plant standards normally require that a substantial portion of the plant's receipts during the current month be sold for fluid consumption and that a smaller but significant proportion be sold in the order marketing area. Supply plant standards provide year-round pooling for plants with substantial shipments of fluid milk to pool distributing plants in the season of short supply, and also provide for pooling on the basis of volume of shipments in the current month. Plants meeting these requirements establish themselves as an integral part of the fluid milk supply system for the marketing area.

While order nomenclature varies somewhat, such distributing and supply plants are usually referred to as "pool plants." Generally, any plant, wherever located, may become a pool plant if it meets the marketing performance standards which at any time are equal for

[3] Plants which may be subject to some State minimum price regulation are also included in the category of "unregulated plants."

[4] Some orders use different nomenclature in referring to distributing and supply plants.

all plants performing the same function. In short, the pool plant provisions are an essential means of assuring the regulated market of adequate and dependable supplies of milk. It should be emphasized that the pool plant performance standards do not impede the shipment of milk to regulated markets. Quite the contrary, they require milk to be shipped to the market in order to share in the pool funds. They achieve this necessary result by precluding the sharing in the pool funds of plants which do not ship milk in accordance with the prescribed standards. They are thus the opposite of a barrier to the shipment of milk to the market.

Since milk may enter a Federal order market from plants and under conditions which do not meet the pool plant performance standards, milk not regulated by any Federal order may be sold in these order markets. One such way is by direct route distribution of some packaged fluid milk in the marketing area from an unregulated plant. Another is by supplying unregulated milk, either in bulk or packaged form, to pool plants and for such milk to be used by the pool plant for its fluid business. Other sources of unpriced fluid milk products available to handlers fully regulated by an order are from the surpluses of producer-handlers, whose milk is not priced under these Federal orders, and from nonfluid products such as nonfat dry milk, condensed milk or skim milk or butter used to reconstitute fluid milk products.

When such unregulated milk is sold for fluid use in a Federal order market in competition with milk priced and pooled under the order, means for integrating it into the regulatory scheme must be provided. A plant that is not fully regulated (in contrast to one that is) is not required to account for all of its disposition of milk at the established class prices, to return minimum uniform prices to its producers, or to have its records audited, etc. Such plants thus normally would have a competitive advantage over fully regulated plants in the disposition of higher value Class I milk in regulated marketing areas. Unless some method is provided for removing such a competitive advantage when unpriced milk is used for Class I sales in a regulated marketing area, inequities would exist among handlers in the sale of milk in regulated markets. This would obviously have such disruptive effects as to negate completely the purposes sought to be achieved by the milk orders pursuant to the basic statute.

As a result of the suspension actions taken because of uncertainties resulting from the Lehigh decision, unregulated milk may now enter many of these order markets under circumstances which tend to disrupt orderly marketing. The compensatory payment provisions suspended from these orders were intended to remove the competitive advantage attached to such unregulated milk. While the Supreme Court ruled that a compensatory payment on nonpool milk as applied in the circumstances involving the New York-New Jersey order was inconsistent with the terms of the Act, the Court recognized, however, that because of the manner in which Federal orders function, "it is quite obvious that under certain circumstances some regulation of such milk may be necessary".

One way to minimize the quantities of unregulated milk entering marketing areas would be to establish pool plant provisions which reduce the degree of marketing performance required. But this would vitiate the effectiveness of the orders in inducing adequate supplies of milk at order prices, or would unnecessarily involve in total regulation handlers who distribute only small quantities of milk in the regulated marketing areas. Either of these consequences would render more difficult the attainment of the ends sought by the statute. Consideration is confined, therefore, to remedies involving obligations imposed on the unregulated milk entering the marketing area or its regulated supply system which is unregulated in light of current pool plant performance standards.

There is no way to treat unregulated milk equally with regulated milk other than to regulate it fully at the level of first receipt from producers. This is the stage of the marketing system at which minimum order prices apply. The prices paid farmers for any particular lot, or shipment, of milk cannot be distinguished from those paid for other uses; indeed the average price paid for all milk received at an unregulated plant has significance when compared to the minimum class prices of an order only as the utilization of all such milk is known. Short of full regulation, the treatment of unregulated milk can at best only approach equality of treatment with regulated milk.

The extent to which unregulated milk may have competitive advantage over regulated milk varies substantially, depending upon the individual circumstances affecting the operation of the plant receiving the unregulated milk. On the basis of this record affecting 24 markets, only provisions applicable to the general situations common to all such markets can be adopted. Should there be need in any market for more detailed treatment of unregulated milk from specific types of sources, such matters may be considered further in individual market hearings.

(b) *Packaged route sales from unregulated distributing plants.* This portion of the decision deals with the regulatory treatment of milk distributed on routes in the Federally-regulated marketing area from a plant not fully regulated by any Federal order ("fringe" distributor).

Two basic proposals were made at the hearing for amending the several market pool orders to minimize, within the Lehigh decision, the competitive advantage which unregulated distributing plants have over pool plants with respect to sales of milk within regulated markets. These were:

1. Payment to the pool of the difference between the Class I price and the order blend price on in-area route distribution in excess of offsetting Federal order Class I purchases; or, in the alternative, payment to the pool of the Class I price less the order blend price or actual cost, whichever is less.

2. Payment to the pool of any amount by which the classified-use value of total milk receipts exceeds actual payments to dairy farmers ("Wichita option"); or, per various proposals, by payment on the volume of milk distributed in the marketing area of (a) the difference between the order Class I and Class II prices, (b) the difference between the order Class I and blend prices, or (c) the difference between the order Class I price and actual cost of the milk.

The majority of witnesses supported a "Wichita" plan[*] with an option of a pool payment at the difference between the order Class I and Class II prices on marketing area sales in excess of any "offsetting" Federal order Class I purchases. It was their position that marketing area route sales by a nonpool plant were the alternative to an otherwise Class II disposition, and that, accordingly, a Class II value represented the appropriate credit on such sales. Other witnesses questioned the legality of such a credit and supported a credit of the market blend price. In general, however, the latter witnesses recognized the probability that their proposal could not be expected to neutralize fully the advantages in the use of unregulated milk and suggested the likelihood of the need for further hearings to consider full regulation of now unregulated plants with route distribution in regulated marketing areas.

One proposed variation of the Wichita option would require that the value of the unregulated handler's milk utilization include any values higher than the Federal order prices if such are imposed by a State regulation. Under this version, the measure of whether the full value of the handler's milk was paid to his farmers would depend on whether he met the higher of the prices required under the two regulations. Another proposal would provide an optional rate of payment which would vary with the season of the year.

The evidence at the hearing clearly established the varied circumstances under which unregulated milk may enter the 24 regulated markets as route sales from unregulated plants. Both proponents and other witnesses appearing at the hearing obviously were hampered in developing proposals because of the uncertainty as to the treatment of other source milk which would be legally acceptable under the Lehigh decision. The need for order amendments which would maintain the effectiveness of the classified pricing and pooling plans which are the basic tools of regulation was of course stressed by all proponents.

The orders should be amended to provide that the unregulated distributor who disposes of milk on routes in a regulated marketing area should be accorded the following choices as a means of integrating his milk into the general regulatory scheme so that such milk will not have an unduly disruptive effect upon the regulation:

(a) He should be allowed to show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated. This amount may be paid entirely to his dairy farmers or may be paid in part to his dairy farmers and in part to pool funds of regulated markets;

(b) He may show that he has purchased Class I milk priced under some market pool order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a pool payment on the quantity of Class I sales made in the regulated market at a rate equal to the difference between the Class I price and the blend price for such regulated market; or

(d) Any combination of (b) and (c).

Distributing plants with route distribution in a regulated market may not meet the pool plant performance standards fixed by the particular order, either because of insufficient route sales in the regulated marketing area, or because too large a proportion of the milk receipts are utilized for Class II purposes. However, it is usually for the former reason that such plants fail to qualify because, generally, distributing-type plants use a high proportion of their receipts in Class I.

Ideally, marketing area boundaries are drawn to encompass that territory where the same handlers compete with each other for route (Class I) sales and to eliminate the incidence of overlapping sales area with unregulated handlers. Improvements in refrigeration, transportation and packaging, however, have encouraged expansion of sales areas to such an extent that it is difficult in any region to delineate an area which wholly accomplishes these objectives. Even if such a delineation were initially possible it inevitably must be only a temporary situation. Milk distributors are interested in selling milk and hence continue to expand their businesses geographically to increase efficiency and opportunity for profit.

This presents no particular problem under the order program with respect to the fully regulated handler since he is required to pay for his producer milk receipts on a classified use basis at the specified minimum order prices regardless of where his milk is sold. For each additional unit of Class I sales he makes he must pay the higher Class I price, whether such sales are made in or outside the marketing area. He cannot use milk bought at the lower surplus class price to expand his sales in either the regulated market or in other markets. He must report all receipts and utilization of milk and the payments made to producers, and maintain records which will substantiate such reports on audit. The butterfat tests upon which he pays producers likewise are subject to verification. He must pay his prorata share of cost of administration of the order.

The otherwise unregulated destributor is in a substantially different situation, however. He is not required, in the manner of regulated handlers, to purchase his milk on a classified use basis and to pay his dairy farmers any particular minimum price. Normally, he pays a "flat" price without regard to utilization of the milk. The flat price which such a dealer pays is usually at a level which, in relation to competitive conditions in his area of procurement, will obtain sufficient milk for his needs. A dealer who competes with Federal order handlers for his supply is, in effect, in competition with the Federal order blend and usually may procure his supply for an equivalent price. The operator of the unregulated plant thus is in a position to obtain his Class I milk for sale in a regulated market at less than the handler who is fully regulated by the Federal order.

A means must, therefore, be found which, insofar as it is practical to do so, will minimize the advantage which an unregulated distributor has with respect to the sale of unregulated milk within a regulated area. The options which it is concluded should be accorded the unregulated "fringe" distributor taken in combination are designed to achieve this end.

If the unregulated handler elects to show that he has complied with option (a) above, it will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler, for in fact he has paid for all his milk as if he were fully regulated. Such an option accords the unregulated handler competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I whether inside or outside the marketing area, at the Class I price established by the order. So also under this option will the unregulated handler show that he has paid the Class I price on all his sales of Class I both inside and outside the area. To the extent that the unregulated handler has surplus over his fluid milk sales he will likewise show that he has paid the surplus price established by the order which is the same price as the regulated handler pays for his surplus milk. This option provides a meaningful determination of actual pay prices of milk for the unregulated handler based upon comparison with order values.

As earlier stated, this option has been provided in many of the orders previously. Many distributors of unregulated milk in regulated markets have found that using this option is advantageous. This option will particularly accommodate "fringe" distributors who, because of State regulation of milk prices, pay their dairy farm suppliers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. If for one reason or another, and particularly for competitive reasons, the fringe distributor necessarily pays for his milk supply as much as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk will assure that the regulatory plan has been protected.

Some witnesses contended that the operator of an unregulated distributing plant who paid his dairy farmers the full classified use value of milk according to order prices should, nevertheless, pay into the pool fund an amount equal to his sales in the regulated area times the difference between the applicable Class I and blend prices. As previously indicated, the unregulated distributing plant is one which is not sufficiently associated with the regulated market to be eligible for pooling, i.e., to share its sales with regulated plants for the purpose of computing a uniform price to farmers. Such unregulated plants may have Class I sales in excess of the average of the regulated market or they may have a smaller percentage of Class I sales. In either case they need not pay into the pool fund if their payments to dairy farmers are at least equal to the classified use value of milk purchased from such farmers. If this opportunity to make payment to such plant's dairy farmers rather than into the pool fund presents a marketing problem, the standards for pool participation may be reexamined at a later hearing.

The second option—to purchase milk for his marketing area needs from a source fully regulated under a market pool order—also affords the distributor of unregulated milk an opportunity to sell in a regulated area on a basis of competitive equity with respect to such sales.

The equivalent of the milk which he distributes in the marketing area would be fully regulated Class I milk. Presumably, he would purchase it on the same basis as any other handler who purchases milk for Class I sales within the regulated market. Again, since the milk would be fully regulated under some market pool order, it would afford adequate protection to the regulatory plan.

Under this option purchases must be limited to those made from plants subject to market pool orders. In the findings set out below with reference to provisions dealing with interorder transfers of milk, a distinction is made between milk received from a market pool market and from an individual-handler pool market. These findings show that under certain circumstances milk received in a market pool market from an individual-handler pool market may have disruptive marketing consequences and that, therefore, special provisions must be adopted with reference to milk from individual-handler pool markets. The conditions described in these findings with reference to milk from individual-handler pool markets are also the basis upon which it is necessary to exclude receipts of milk from individual-handler pool markets under option (b) and, to provide under this option that only purchases of milk from market pool orders may be used to satisfy the option.

Under certain conditions option (c) also would afford to the fringe distributor competitive equity with respect to his sales within the regulated marketing area, and would protect the order from harmful economic consequences. The rate of payment is computed as the dif-

[*] The various Wichita plans proposed would provide for a showing (by one means or another) that milk in a "fringe" distributor's unregulated plant has been paid for in accordance with the minimum price provisions of a Federal milk order or for the choice of various pool payments by the "fringe" distributor.

ference between the Class I price and the blend price of the market for the month when the sale is made. This rate is a constant for given locations and butterfat test of milk. In essence, the option fixes a value of the sale at the Class I price and assumes payment to his dairy farmer suppliers at the blend price of the market. It also assumes that all milk purchased by the distributor is for Class I use, i.e., that the distributor has no surplus, or reserve, supply.

If the distributor of unregulated milk actually pays as much as the blend price to his dairy farmers and if the milk distributed in the regulated marketing area is not in fact surplus to his normal operations, the payment of a Class I price minus blend obligation on his sales in the marketing area usually will tend to protect the regulation. In the case of regular, everyday distribution of about the same quantities of milk in a regulated area by a distributor of unregulated milk, the supply of milk for such sales normally would be acquired on a regular basis and would not be milk surplus to other fluid operations. In view of the other options afforded the operator of the unregulated distributing plant, it may be expected that this option will be selected in those situations in which it is to his advantage. This rate of payment is discussed more fully in connection with receipts of unregulated bulk milk at fully regulated plants.

When the cost (that is to say the opportunity cost) of Class I milk disposed of in the marketing area by unregulated distributors is not less than the blend price established under the order, this payment will result in substantial equity between pool handlers and unregulated distributors. If the cost of such milk is less than the order blend price (either because of a less than blend price payment to dairy farmers or because the milk is actually surplus to the regular operation of the plant), an advantage will be accorded such unregulated distributors relative to fully regulated handlers. Apropos of the latter situation, there was evidence in the hearing record that some unregulated distributors do not in fact pay, and do not need to pay, as much as the blend price for their milk. Also, as to some of the regulated markets at least, unregulated distributors sometimes have opportunity to distribute in fluid form milk which is surplus to their normal operations. For example, opportunities exist to obtain contracts for the furnishing of Class I milk to military installations and to other facilities which purchase milk on short-range contracts. These contracts sometimes may be fulfilled with milk which is the surplus of a normal fluid milk operation not under the regulatory program. Where distinct basis can be shown in the evidence of subsequent hearings for determining that the unregulated milk carries only a surplus value, a payment which will accurately reflect this condition undoubtedly will be necessary to insure fully the integrity of the classified price and pooling plan.

It is concluded, therefore, that each of the respective orders under consideration (Dayton-Springfield, Michigan Upper Peninsula, North Central Ohio, Toledo, Ohio, and Tri-State excepted) should be amended to provide that the unregulated distributor with route disposition in the marketing area in excess of minimum exemption, but insufficient for full regulation, be afforded the above-stated options.[6] In the case of 8 orders[7] this procedure reduces the amount of the optional compensatory payment computed at the difference between the Class I price and the surplus milk price which is presently provided for with respect to the unregulated distributor's marketing area Class I sales. In light of the Lehigh decision, it is concluded that the evidence on this record is not sufficiently definitive to justify continuation of the larger payment under these orders.

(c) *Milk received at regulated plants from unregulated plants.* When unregulated milk is received by a regulated handler at his regulated plant, provision must be made for its allocation to the total available classification of the regulated plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I. This discussion will consider, for these regulatory purposes, receipts at regulated plants from unregulated plants of fluid milk products which are eligible for distribution in fluid form.

Receipts at a regulated plant from an unregulated plant may be in either bulk or packaged form. The provisions of most of the 24 orders considered at this hearing now "down-allocate" (i.e., assign to classes in sequence beginning with the lowest-priced class) such receipts from unregulated plants whether packaged or in bulk. In the case of Order No. 101 regulating the handling of milk in the Knoxville, Tennessee, marketing area, a special provision in the allocation of other source receipts permits the direct allocation to Class I at pool plants of packaged receipts which are custom-packaged for the pool plant by an unregulated plant, or the quantity of bulk fluid milk product transferred to such unregulated plant for purposes of custom-packaging, whichever is less. Such provision in the Knoxville order should be retained.

A variety of proposals relating to receipts at pool plants of milk from unregulated plants was presented at the hearing. The numerous proposals for continuing to "down-allocate" such receipts call also for various rates of pool payments on the portions of fluid milk products from such sources which are allocated to Class I. These rates include: The Class I price less Class II price; Class I price less "actual cost" of unregulated milk; Class I price less uniform price; Class I price less Class II price or actual cost, whichever is less; Class I price less uniform price or actual cost, whichever is less; or two or more of such rates in combination. In orders with more than two classes, the lowest classification price (as being more representative of the cost of milk for manufacturing) would be used instead of the Class II price.

Proponents of "actual cost" or "surplus" credits to the handler enumerated situations in which milk which is surplus to the normal operations of an unregulated handler may seek an outlet in a regulated market. Prices for such milk were described as about equal to the farm price of milk of manufacturing grade. They also indicated the various sources of Grade A milk presently being received at manufacturing-type plants which is available to regulated handlers. It was shown that to give a regulated handler who purchases such milk a credit greater than its actual utilization value, which in some instances would be as low as the surplus value, would provide him significant price advantage over regulated competitors who purchase only producer milk. However for reasons later set out, this rate is not adopted for general use.

There were several proponents of a rate of payment based on the difference between the Class I price established by the respective order and an ascertained cost of the quantity of unregulated milk disposed of as Class I milk in a regulated market. The different proponents of this approach referred to two different means of ascertaining cost, both of which have serious shortcomings in measuring a rate of payment to be applied uniformly to all purchases of unregulated milk.

One cost approach would be to ascertain the price which the unregulated plant charged the pool handler for a shipment of milk. The inherent weakness in this approach is the community of interest between buyer and seller which could lead to concealment of the facts of the transaction in order to lessen any payment rate. If the transaction were between two units of one company, obviously a simple adjustment in bookkeeping could be used to avoid any payment. In order to be sure that the reported price was the true price at which the transaction took place, a most detailed audit of the financial records of both plants would be necessary. Tracing through the myriad records of both plants to verify a transaction which would probably represent a mere fraction of the business at either plant would be very costly in relation to the volume of milk involved.

Moreover, of course, the transfer of milk between fully regulated handlers involves the application of handling charges by the first handler. Hence, a fully regulated handler normally cannot purchase milk from another handler at the order minimum prices. Likewise, with respect to purchases of unregulated milk, it is not appropriate to take a cost figure which includes handling charges and profits of the unregulated first receiver of the milk.

The second approach to the Class I price minus ascertained cost is to go back, in determining the cost of milk, to the average pay prices (in contrast to the classified use value) paid to dairy farmer suppliers of the unregulated plant. However, the average price paid to dairy farmers for milk delivered in a specified period which is not based upon the class prices under the Federal order will not be representative of the cost of a quantity of milk sold in a regulated market where a classified price plan operates.

For example, a cooperative association may sell half of its milk in an unregulated fluid milk market for $5.00 per hundredweight, a price equal to the minimum Class I price set by the order, and sell half of its milk for manufacturing at $3.00 per hundredweight. The cooperative returns a blend price to its members of $4.00 per hundredweight. The cooperative can enhance returns to its members by marketing the milk going into manufacturing for any price in excess of $3.00. Suppose the cooperative finds a buyer in a Federal milk market (where the Class I price is $5.00 per hundredweight) who will pay $3.50 for such milk for use as Class I. The 50-cent higher price for its surplus milk would permit the cooperative to pay $4.25 to members for all milk. Under this proposal, the cooperative's pay price of $4.25 would be its "cost" of milk. The buyer would make a compensatory payment of $0.75 per hundredweight (the difference between the Class I price ($5.00) and the cooperative's "cost" of $4.25). The handler's total obligation for the Class I milk would be $4.25 ($3.50 plus $0.75). Both parties to this transaction would, of course, gain an advantage. But obviously, the milk order would not be protected for milk could enter the regulated market for Class I sales at less than the Class I price.

Certain other proposals would have the effect of treating a pool plant's receipts from an unregulated plant in the same manner as producer milk received at a pool plant, i.e., the unregulated milk would be charged for (or debited) in the same manner as for producer milk at the receiving plant and the handler would be credited for the unregulated milk at the market blend price. This proposal was suggested as the means for dealing with several sources of milk, both unregulated and regulated. It is referred to as "repooling" and is dealt with more completely under the finding on bulk receipts of milk from other Federal market pool orders. Proponents of this plan stated it would provide more equitable treatment between pool milk and unregulated milk and would provide a means whereby handlers would be able to secure unregulated milk without excessive penalty when milk was needed in the market. They also indicated that additional supplies would not attach permanently to the pool unless the nonpool plant met the order's pooling standards. The proponent failed to take into account, however, that unregulated milk simply is not subject to the same obligations as apply to regulated milk and that treating only one portion of a plant's output in a manner equal to regulated milk would not adequately protect the regulatory plan.

Some proposals would take into account the type of plant from which the unregulated milk is received. If the unregulated plant was engaged primarily in fluid milk distribution, shipments received from it at a regulated plant would be charged at the classification value under the order and credited at the surplus price. On the other hand, with respect to receipts of milk from a plant not so engaged in fluid distribution, the same proponents would allow credit at the market uniform price.

In connection with various other options, it was also proposed that the Wichita plan option of showing that the use value of milk had been paid be provided for integrating into the regulatory scheme bulk milk received at regulated plants. This provision should not be adopted, however.

The conditions which are relevant to sales of packaged milk by "fringe" distributors (who are accorded this option) on the one hand and the receipt of bulk milk from unregulated plants at regulated plants on the other are significantly different. With respect to packaged milk sales by "fringe" distributors, the milk is in the form of Class I products, it is usually a regular and continuing delivery and the "fringe" distributor remains under continuing regulation. Hence, he maintains on a continuing basis the records necessary to ascertaining his sales and receipts of milk and payments to dairy farm suppliers. In contrast, bulk deliveries from unregulated plants have no inherent distinction as either Class I milk or surplus milk. Often the presumption would be valid that bulk milk is the surplus of some unregulated fluid market. Bulk sales are usually intermittent and often unanticipated (if they were not so, they would normally become fully regulated). Because of the intermittent or unanticipated nature of such shipments and because shipment to a regulated market could be only a very small part of the total milk at the unregulated plant, there would be administrative difficulty in ascertaining that all milk has been accounted for in accordance with the provisions of the Federal order. For these reasons, it would be inappropriate to provide with respect to bulk shipments for the option included in the Wichita plan of simply showing that the utilization value of the milk has been returned to the dairy farmers who supply the unregulated milk. Even when a fringe distributor disposes of bulk milk to a fully regulated plant it should be subject to the same allocation and payment to the pool as other unregulated milk in bulk, as later discussed. The amount of such payment would be credited, however, the same as payments to dairy farmers in showing that the use value of his milk had been paid under the option available to him as a fringe distributor.

The orders should continue to provide that fluid milk products moved from an unregulated plant to a regulated plant shall be classified in a manufacturing class utilization if so reported by the operator of the regulated plant. Milk may be purchased by a regulated plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When milk from an unregulated plant is moved to a regulated plant for manufacturing use, the orders presently accommodate this situation by providing that such milk may be allocated to the lowest price class utilization in the regulated plant. This treatment of unregulated milk received at regulated plants should be maintained to encourage the orderly disposal of surplus milk and efficient operation of manufacturing facilities at such plants. Ready access to the manufacturing facilities of regulated plants provides an important service to the unregulated plant operator who has excess milk supplies over and above any fluid milk sales or milk in excess of amounts which can be handled through his own plant facilities. When manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

The orders should be amended further to provide that (within limits) unregulated milk received at a regulated plant which is not specifically designated for manufacturing use should be assigned a classification which is pro rata to priced milk received by the operator of such plant. This is provided because classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with priced milk (within limits) it is treated the same for classification purposes as if it were fully regulated milk.

A limit must be placed on the amount of unregulated milk which may share fully a classification assignment with priced milk, however. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to a regulatory plan. Handlers often obtain unregulated milk simply because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses and this milk would share in his Class I utilization while an equal volume of regulated milk was assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

[6] The Upstate Michigan, Muskegon, Northeastern Ohio, and Southern Michigan orders exempt from regulation handlers who operate plants outside the marketing area and have less than a certain minimum number of units per day of route distribution in such marketing areas (handlers operating plants inside the marketing area are similarly exempt, under the Upstate Michigan order). Full regulation does not apply to such plants exceeding these minima unless the plants qualify under the pooling standards. Four orders (North Central Ohio, Toledo, Michigan Upper Peninsula and Tri-State) provide for individual-handler pooling and, except for Tri-State, similarly prescribe small volume exceptions which if not exceeded result in exemption from regulation. The Dayton-Springfield order, which provides for marketing pooling, has no de minimus basis for exemption.

[7] Indianapolis order amended June 1, 1963, to eliminate compensatory payments, is included.

The limit placed on the amount of unregulated milk to be assigned pro rata with priced milk is such that when 20 percent of all milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. While for price-making purposes a reserve of milk on a marketwide basis more or less than 20 percent above fluid requirements may be required depending upon seasonal and other considerations, an individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not normally need unregulated milk in amounts which will increase his reserve supply above 20 percent of his Class I sales in any given month. Whenever a handler has a milk supply such that more than 20 percent of the intake of his plants is in Class II, no need exists for such unregulated milk in terms of furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler (rather than the utilization at a single plant) shall be used. This is necessary for the same reasons which are set forth later in this decision with respect to receipts of milk from plants regulated by other orders with market pools. Payment at the difference between the Class I and blend price should be made by the receiving handler into the pool fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both fully regulated (pool) and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with pool milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not as clear, i.e., what subtrahend should be used in such a payment formula. There is considerable evidence in the record to the effect that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would not give complete assurance that such milk would not be disposed for fluid use in the marketing area at an unwarranted price advantage over producer milk similarly utilized. Much of the milk from unregulated plants commonly is purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased is processed in the unregulated plant or is disposed of for local distribution from such a plant as fluid milk for other markets, such a plant will experience the same operational problems of daily and seasonal excesses as do regulated plants.

This frequently leaves excess milk at such plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value. In such circumstances, the operator of such a nonpool plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the marketing area or its supply system at any price higher than the surplus, or Class II, value and thereby obtain a competitive advantage for such milk over producer milk. Pool handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the pool essentially at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

It is concluded, however, on this record and at this time and in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in any of these markets actually had only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the marketing order blend price, both as adjusted by the same butterfat and location adjustments applicable under the order to fully pooled and priced producer milk similarly situated, delivered and used. Although the use of the blend price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it, nevertheless, will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If it appears that such payment is not protecting the regulatory plan, then, on the basis of specific evidence, another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum blended price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such blend price on all pool milk classified as Class I because of its fluid use in the marketing area. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of pool milk. If the handler buys pool milk at a price in excess of the blend price, he receives no credit for this excess payment in accounting to the fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the blend price. Bothe the pool milk and the unregulated milk therefore should be credited at only the blend price in accounting to the pool.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a Federally regulated handler. The allowance of a credit to milk from unregulated plants used as Class I by the regulated handler at the blend price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the blend price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full blend price to him.

The order must contain provisions of this kind which adequately relate to the total scheme of regulation milk received by regulated handlers which is not subject to pooling. Othewise, the very existence of an order with its market pooling concept may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area in this way of milk from unregulated sources which is not subject to full regulation.

Some witnesses expressed concern that unregulated bulk milk might pass through a plant fully regulated under an order and move on to be received at a pool plant under a second order. Such milk should be treated in the same manner as milk from an unregulated plant.

A number of States have programs for establishing prices payable to dairy farmers for milk delivered to processors. These programs generally provide for classification of milk for pricing purposes and for the distribution of returns to dairy farmers on an individual-handler utilization basis. Most of the States do not attempt to apply their pricing to bulk milk which is disposed of outside specifically regulated marketing areas. As a consequence, milk which is surplus of a State regulated fluid milk operation may become available for distribution within a Federally regulated marketing area for Class I use. Because the evidence on this matter referred to potential sources of such milk or to availability of such milk at varying costs depending on circumstances, a pool payment at the difference between the blend price and the Class I price rather than at the difference between the Class I price and the Class II price is concluded to be appropriate at this time.

There may be instances also where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as bulk Class I

in a Federally regulated market. The method of assignment and rate of pool payment applicable to other unregulated milk must also be applied to this source of "unregulated" milk for the same reasons previously set forth even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the blend price established by the Federal order.

The proposed treatment of bulk milk received at a pool plant from unregulated sources necessarily differs from the treatment to be accorded milk which is regulated under the terms of another Federal order.

Under the plan here proposed for bulk unregulated milk, such milk will be assigned within limits pro rata to the regulated milk of each handler. A payment into the pool will be made at the difference between the Class I price and the blend price for the market where the pool plant is regulated on that quantity assigned to Class I. No rebate will be made on the milk assigned to Class II. This method is necessary to protect the regulation from the undermining effects of unregulated milk. If a rebate were to be made on unregulated bulk milk assigned to Class II, the order itself would provide a subsidy which would encourage the introduction of surplus unregulated milk into the regulated system. Moreover, there is no assurance as to the prices paid, or the opportunity cost of, unregulated milk when it is received at a regulated plant. Consequently, the problem with unregulated milk is not to assure equality of treatment with regulated milk for this is, in any event, impossible except as unregulated milk may become fully regulated.

On the other hand, the problem of dealing with regulated milk from other orders is one of assuring complementary treatment of milk under both orders. Thus the different measures which apply to the unregulated and regulated milk are based on the different problems which each presents for the regulatory program.

(d) *Producer-handler surplus, reconstituted milk, non-Grade A milk.* Certain milk by its very nature must be treated as surplus when received at pool plants regulated by these Federal orders and it therefore must be assigned a surplus value. One such source is milk received, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing quality (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, therefore, a pool payment at the difference between the Class I price and the surplus price must be required of the receiving handler when such milk is allocated to Class I, following "down-allocation" to the extent it can be absorbed in lower priced uses.

Under the present Federal orders in each of these markets, the producer-handler is essentially exempt from regulation. He retains for himself the full return from his sale of milk on routes in competition with pool handlers. That is to say, his Class I sales are not pooled along with those of all producers whose milk is sold by pool handlers. Producer-handlers generally are engaged only in a Class I milk operation and normally do not maintain facilities for processing manufactured milk products. But from time to time, and particularly during the flush months, they (along with producers generally) produce milk in excess of their Class I needs. This is surplus milk and it must be disposed of through some outlet other than the producer-handler's regular facilities. Such milk is available for Class I use at pool plants, and, in view of the producer-handler's limited capacity for utilizing surplus, may be obtained by pool handlers at prices approximating the order surplus class price.

The exemption of the producer-handler Class I sales from market equalization is based on the principle that the producer-handler will accept the lower returns from his own surplus. Hence, it wuold not be appropriate to allow the receiving handler credit from the pool at more than a surplus price for any milk he receives from the producer-handler. In individual-handler pool markets, this is achieved by down-allocation of the milk. In market pool markets, if milk received at a pool plant from a producer-handler is, in any event, assigned to the pool plant's Class I disposition, the pool handler should be obligated to pay to the producer-settlement fund at the rate which is the difference between the Class I price and the surplus class price. Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers (and hence the basis for the exemption of producer-handlers from pricing and pooling) depends upon the producer-handler assuming himself the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price (either market or handler) for such surplus. Also, as long as the producer-handler has the advantage of enjoying the full benefit of his own Class I sales customarily made on his own distribution routes, without pooling them with sales of producer milk, he should not also receive Class I benefit from a pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Obviously, surplus milk purchased from producer-handlers operating under another order has the same potential for creating disorderly marketing as surplus from producer-handlers operating under the same order and, consequently, no distinction in treatment for such milk should be provided.

The orders should provide therefore that milk received from producer-handlers at a pool plant should first be assigned to surplus milk at the pool plant and if any is then assigned to Class I, a payment at the Class I-surplus price difference should be applied. Such rate of payment on receipts by Federally-regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Missouri, and Fall River, Massachusetts), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest-priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[8]

A surplus value likewise is properly assigned to reconstituted milk (the result of combining, for instance, nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under each of these Federal orders. Since the milk used to produce these products is originally priced at surplus, or manufacturing, milk values, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure price parity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in such reconstitution since similar costs would be incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the

[8] Official notice is taken that such payment was provided for in these orders in accordance with the provisions of section 8c of the Agricultural Adjustment Act of 1933, as amended on August 24, 1935, which provisions were renumbered as section 608c upon enactment of the Agricultural Marketing Agreement Act of 1937 on June 3, 1937.

7 U.S.C. section 672, which contains the codified language of section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products. Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased by the addition of water.

In 10 of the orders for which amendments were considered at this hearing, the essential difference in the economic value of milk solids used to fortify fluid milk products versus solids used for reconstitution is recognized. This is usually accomplished by classifying as Class I the volume actually disposed of as either reconstituted or fortified milk. With respect to reconstituted milk, the skim milk equivalent of the solids used are thus accounted for in Class I; with respect to fortified milk, Class I accountability is limited to that which would apply to an equal volume of unmodified product, and the skim milk equivalent of the added solids is classified as surplus. The Class I and surplus uses of nonfat milk solids likewise should be distinguished in the 10 orders (Wheeling, Clarksburg, Appalachian, Cincinnati, Dayton-Springfield, North Central Ohio, Toledo, Chattanooga, Nashville, and Knoxville) which now classify the entire fluid skim milk equivalent of fortified fluid milk products in Class I. Based on the record of prior hearings, recommended decisions have been issued to recognize this distinction in the Columbus, Southern Michigan, Muskegon, and Upstate Michigan orders. Minor modifications in the provisions of the Washington, D.C., and Louisville-Lexington-Evansville orders are needed to conform the language to that which is relatively standard in other orders.

Several witnesses mentioned the use of manufactured nonfluid milk products by handlers for purposes of fortification of fluid milk products which handlers distribute as Class I milk. The notice of hearing provided for the consideration of assignment of various types of receipts to classified utilization. In the case of fortified products under these orders, the volume by which Class I sales are increased unquestionably relates to the nonfluid products used for fortification. Such products could be assigned first to this Class I volume and then to the surplus class of use. The same result can be obtained by limiting the Class I charge on fortified products to that which would be made for an equal volume of unifortified products. Nonfluid products, then, will be uniformly assigned first to the surplus class, with a pool payment at the difference between the Class I and surplus prices on any amount thereof assigned to Class I. Limitation of the Class I volume as described above avoids any payment with respect to use in fortification.

Milk of manufacturing quality is not usually eligible for fluid (Class I) uses under the requirements of the health authorities in the respective markets. In certain dual-purpose plants, however, such milk could find its way into Class I in the regulated plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this quality of milk. Receipts at a pool plant of manufacturing quality milk therefore should be assigned first to use in the surplus class. But should any manufacturing quality milk be assigned to Class I, a pool payment at the difference between the Class I and the surplus price likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk.

Milk Received at Handler Pool Order Plants From Unregulated Plants

The findings made elsewhere in this decision in connection with prescribing the allocation of milk received from an unregulated plant at a regulated plant are equally applicable under market pool and handler pool orders. It is not necessary, however, to provide for compensatory payments in the handler pool orders on such receipts from unregulated plants which are allocated to Class I. This is because a plant becomes fully regulated under individual handler pool orders by shipping a relatively minor portion of its milk to a regulated plant. Because very little unregulated milk can be received in such markets the effectiveness of regulation under individual handler pool orders is adequately insured without pool payments.

II. *Milk Received From Plants Under Other Federal Orders.* This section of the decision deals with the regulatory treatment to be given under each of the orders to fluid milk products, both packaged and in bulk, which, in rather limited quantities, are received in the respective market from plants regulated by other Federal orders. Such fluid milk products may enter the regulated market for use or disposition either directly on wholesale or retail routes extending from the plant in the first market where the milk was processed, or through plants regulated by the local order. When such fluid milk products are received at locally regulated plants, the regulatory problem is primarily one of allocating such receipts in relation to producer milk at such plants under the milk classification plan.

Sales of regulated milk, bulk or packaged, from one Federal market to another are small in relation to all regulated Class I sales. In the aggregate, route sales are the largest category of intermarket movements, but based on October 1961 data (the month for which data were available in the record) they constitute, for all such markets, only 3.3 percent of all regulated packaged disposition. Intermarket sales of bulk milk to plants represent only 1.5 percent, and intermarket plant sales of packaged milk are only 0.3 of one percent, of all packaged disposition.

Concerning the markets here covered, the amount of intermarket route sales is related to the proximity of order markets. There have been route sales from handlers under other orders in most of the marketing areas of orders here considered. In 12 of the 23 such markets for which data were available in October 1961, in-area sales from other regulated markets were less than 5 percent of all packaged disposition of locally regulated handlers in these markets. In seven additional markets such receipts on routes were between 5 and 10 percent of packaged disposition of locally regulated handlers. In the remaining four markets, the percentage of in-area route sales from other markets varied from 12.7 percent of packaged disposition of locally regulated handlers in the Clarksburg market to 21.6 percent of packaged disposition of locally regulated handlers in the Michigan Upper Peninsula market.

(a) *Route disposition of packaged fluid milk products.* A number of proposals dealing with intermarket movements of packaged fluid milk products under Federal regulation were introduced at the hearing.

Most proponents did not advocate any change in the present method generally employed under the individual orders which permits route sales in the marketing area of packaged fluid milk products originating in another Federal market free of any price obligation in the transferee market. One proposal, however, would charge the handler any plus difference in Class I prices (second market over market of origin) into the second market's pool on such intermarket shipments. Thus, the milk always would be priced at the higher of the Class I prices in the two markets. Such charge presently applies in Order No. 35 regulating the handling of milk in Columbus, Ohio. The establishment of uniformity by this means would provide complete price protection to the producers in the receiving market even in cases where the imported milk was available at lower prices determined under the same statutory pricing standards.

From the viewpoint of the importing market there would be no price problem if the shipping market's Class I price were the higher. However, bringing about close price alignment for all regulated milk sold within a given marketing area is not a matter to be solved in all cases by insulating the importing market against the competition of milk which is reasonably priced even though at a lower level, which is the effect this proposal would achieve. Problems concerning intermarket Class I price levels and relationships may have broad implications. The present hearing did not open, of course, for review the factors to be considered in establishing and relating Class I price levels, seasonally or otherwise, for any of the regulated markets involved. Also, there are alternative methods, such as modification of pool plant criteria or revision of marketing areas, which, under certain circumstances, might also be proper vehicles for bringing about greater uniformity in the application of regulation where milk from more than one market is involved. Such methods likewise were not open for consideration at this hearing. In any case, however, most of the orders currently provide that a plant must be pooled in the market where its Class I sales are greatest. Thus, in virtually all cases, the market importing milk from another regulated market already is assured that milk priced under the other order may not be disposed of on an unlimited basis without coming under the pricing and pooling provisions of the local regulation.

The present procedure for treating intermarket route sales in 23 of the 24 markets which does not apply any additional obligation (except to report them) on route sales from plants subject to other Federal orders should be continued and extended to all such markets. A recently issued recommended decision on the Columbus, Ohio, order would provide similar treatment.

The effect of the provision adopted is to return the full Class I price to the producers in the market of origin, which market both furnishes the milk and carries the reserve supply associated with the sale. Such procedure treats the milk in the same manner as if it were sold by the handler on routes in the market of origin. The fact that all the costs associated with the preparation of the milk for this highest-value, or Class I market, including processing, packaging and intermarket transportation, have been incurred prior to arrival of the fluid product in the second marketing area has been an important consideration underlying general recognition within the industry that fluid milk placed in consumer packages is intended for, and as a practical matter is used (except for minor quantities in route returns) in, the Class I market.

It is concluded, therefore, that the procedure for pricing intermarket route distribution of packaged Class I milk only in the market where it is received from producers and packaged has promoted orderly marketing and should be continued in the 23 orders where it now applies and in the Columbus order as well (as provided in the aforementioned recommended decision). In all cases, the transferee-market order should impose only the obligation of a report to the market administrator.

(b) *Plant receipts of packaged fluid milk products.* Packaged fluid milk products may be moved also from a regulated plant under one order to a regulated plant under another order from which they are distributed on wholesale or retail routes. Such movements require a method of class assignment or allocation under the order for the second, or receiving, market as part of the procedure for determining the class utilization of producer milk priced by such order. Several of the hearing proposals dealt with the treatment to be given to the class assignment, or allocation, of such packaged products.

With respect to packaged fluid milk products received at a pool plant from a plant fully subject to another order, a number of proposals were made to allocate such milk directly to total Class I at the receiving pool plant, subject, however, to an allowance of 2–5 percent to be allocated to Class II milk to allow for route returns. A variation of this proposal would permit direct allocation to the Class I disposition of the receiving plant only if the plant does not process and package the same product. Otherwise the packaged receipt would be assigned first to the surplus classification, then to Class I use, any of such latter assignment to be subject to a payment at a rate which is the difference between the Class I and surplus price. Another proposal would prorate receipts of packaged milk to utilization in the receiving plant if the plant did not process or package the same product.

Some proposals dealt with the problem by applying the higher of the Class I prices in the two markets, providing, usually, that the price difference should be paid into the producer-settlement fund of the higher-priced market. The further application of price methods to such intermarket transfers would call for the payment into the producer-settlement fund of the receiving market at the rate which is the difference between the Class I and Class II prices on any of the packaged products allocated to Class I. Another rate of payment proposed would be the difference between the uniform prices of the two orders. One proponent indicated that such rates of payment should apply unless the supply of producer milk is less than 110 percent of Class I disposition in the receiving market.

If the packaged products were received from a plant regulated under the terms of an individual-handler pool order, it was proposed that such products be assigned first to surplus classification in the receiving market and that a compensatory payment at the difference between the Class I and surplus prices apply on any milk allocated to Class I.

The quantity of packaged fluid milk products moved from plants regulated under one order to plants regulated under another is much smaller than intermarket route sales. In only one order market, Muskegon, did plant receipts of packaged milk from other markets exceed 2 percent of locally regulated handlers' total packaged disposition. These packaged plant receipts in the Muskegon order amounted to 3.5 percent of locally regulated handlers' total packaged sales. Interplant movements usually are made to avoid installing duplicate processing equipment in nearby plants. Seventeen of the present orders "down-allocate" packaged milk so moved on an interplant basis except in a few cases where packaged receipts of specialty products or packaged receipts from an adjacent order market only are involved. The rest of the markets make some provision for assignment of such receipts to Class I. It is possible that "downs-allocating" such packaged receipts in October 1961 may have been a deterrent in some markets to such movements, if moved long distances, or if priced as Class I milk in the market of origin.

Whether such movements are great or small, the essential character of fluid milk products moved in packaged form between regulated markets is the same whether the shipment comes to rest at a milk plant or moves directly on routes to consumers. Indeed, a handler can avoid the plant receipt by providing storage facilities at a location other than his milk plant. It is undesirable and unnecessary to encourage the development of marketing facilities with no purpose other than to avoid the regulation.

The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products moved through a plant in the second market. The remaining 2 percent should be assigned to the surplus class. This will provide essentially the same classification and pricing treatment to such milk as is applied to the quantities moved on an intermarket basis for direct route disposition. While not all markets supported an assignment to the lowest price class of a small allowance for route returns, it was argued by some proponents that such an allowance would be a safeguard against the possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the second market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of two percent for such returns, which must fall into surplus use, should be included in order to avoid such over-assignment in Class I.

It is concluded, therefore, that the allocation provisions in the 24 orders should be amended to provide that packaged Class I products received at a regulated (pool) plant in the transferee-market which are fully classified and priced as Class I milk under any other Federal order shall be assigned in the receiving plant as follows: (1) 98 percent of such packaged receipts to Class I milk, and (2) 2 percent of such packaged receipts to the lowest-priced class utilization. Such assignment procedure should be employed whether the milk originates in a market with a market pool or individual-handler pools.

(c) *Receipts of fluid milk products in bulk.* The classification and assignment of bulk fluid milk products moved between regulated markets likewise requires appropriate modification to insure more equitable application of regulation in each market with respect to all milk entering the market whether from producers, from sources not regulated under Federal orders, or supplied from milk classified and priced under some other order issued pursuant to the Act. Such methods of assignments should distinguish between bulk shipments which originate at a plant under a market pool order and at plants under an order with individual-handler pools.

With respect to intermarket shipments of fluid milk products in bulk, most proponents advocated permitting a "surplus" classification (usually termed Class II milk) under both orders whenever the parties involved agree that the shipment is for manufacturing use in the second market. They said this would aid the orderly disposition of surplus milk especially in markets which have little or no manufacturing facilities and, in light of the agreed classification, such milk obviously is

transferred only for manufacturing purposes. It, therefore, should be classified as surplus under both orders.

There was widespread support also for identical classification treatment in both the shipping and receiving markets of any and all intermarket transfers but the proposals for obtaining identical classification varied. One proposal would give the receiving handler the options of classifying interorder bulk shipments (a) pro rata on the marketwide utilization, (b) pro rata on the receiving handler's utilization, or (c) on any combination of Class I and surplus he might elect.

Some proposals would allocate to the surplus class in the receiving plant any bulk receipts from a plant fully regulated under another order. A variation of this kind of proposal would call for assignment of receipts to surplus utilization if the milk were from a plant with a substantial part of its milk used for fluid distribution in another market, but would provide that if the milk were received from a plant with a minor part of its business representing sales in another fluid market that receipts from such plant would be prorated to marketwide utilization of the receiving market.

Another distinction was proposed between bulk milk receipts from a plant regulated under an individual-handler pool order as compared to receipts from a market where a market pool order applies. The receipt from the individual-handler pool plant would be assigned first to the surplus class and a compensatory payment would be charged to the receiving handler at the rate which is the difference between the Class I price and the surplus price on any of the milk allocated to Class I. On the other hand, for receipts from a plant under a market pool order the assignment to class utilization would be on the basis of the receiving plant's utilization, or, as per another variation, on the basis of marketwide utilization. Another proposal would provide that bulk milk received from a plant under an individual-handler pool order be assigned in the receiving market to marketwide utilization. In view of the proposed changes in the allocation of bulk receipts from other order plants and unregulated sources to a handler's utilization, it was recognized that appropriate changes in the assignment of shrinkage to such receipts would be needed.

One proposal would set up a value for all of the handler's disposition at order class prices and then provide for various credits to the handler, such credit to be at the marketwide uniform price with respect to bulk receipts from other order markets.

In general, proponents contemplated the application of the same class assignment in both the shipping and receiving market with respect to any bulk shipment, and the application of the shipping market's prices to such classification in computing the obligation of the shipping handler. Some proponents, however, contemplated application of the class prices effective in the receiving market.

The present orders in these markets provide a variety of methods by which bulk milk will be classified on transfer to another regulated market. To be aware of the current basis for classifying intermarket movements, it is necessary to know how the milk is treated for classification purposes in the originating market as well as in the receiving market. For example, bulk milk shipped on the inter-plant basis from one regulated market to another may be classified under the order in the transferor market in accordance with assigned classification under the order of the receiving market, as in the Fort Wayne order. Twenty-one of these orders specify that milk transferred to nonpool plants (including plants under other orders) shall be classified as Class I milk unless use in the lowest-priced class is claimed and can be proved (15 of these orders further provide, however, that if milk is transferred to a nonpool plant located more than a stated distance from the marketing area, such milk automatically shall be Class I milk).

As a transferee-market, all of the 24 markets under review currently allocate the bulk shipment from another regulated market to the lowest-priced class to the extent total use in such class will absorb the receipt (following the allocation of unregulated milk), even in cases where the originating market order classifies the entire shipment as Class I milk.

As markets and the order program widen, bringing individual regulation closer together, such a variety of methods for classification and assignment in current use in transferor and transferee-markets obviously cannot achieve the important objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way intermarket shipments of regulated milk.

(1) *Surplus classification by agreement.* The order should provide for assignment to the surplus class under each order of bulk milk received from another order plant when the respective handlers agree to such classification and so report to the market administrators. Milk is frequently transferred from one regulated market to another for intended manufacturing use. The manufacturing facilities available in the regulated transferee-market may be the best available facilities to absorb the disposition of another market's surplus. The wide coverage of the milk order program over the nation results inevitably in important manufacturing facilities being regulated as pool plants under market orders. In order to permit the maximum use of manufactured facilities in these regulated markets, handlers in transferee-markets should be permitted classification in the lowest-priced use when they receive bulk milk on agreement for manufacturing. In such instances, a higher classification would result only when it was found, on verification, that some portion had not been made into manufactured products, and therefore would be reclassified in accordance with use in a different class. The orders should be amended accordingly.

(2) *Application to bulk receipts from market pool orders.* As to milk imports from other regulated markets which may not be so classified by agreement, a decision is necessary on the inclusion in the several orders of an acceptable method of classification assignment in the transferee-market, and on the appropriate classification to be returned to producers in the shipping market's pool. The earlier portions of this decision set forth a plan for appropriately integrating unregulated milk into the regulatory scheme in each market. This plan recognizes that there should be no "trade barrier" to the sale of unregulated milk in regulated markets. By the same token, free flow of milk among markets cannot be a principle to be applied to unregulated milk on entry into a regulated market and not be applied to milk under regulation, especially when there is no danger of regulatory impairment in the receiving market from regulated milk which already is priced and pooled under the same statutory standards.

Various hearing proposals earlier set forth had as their main purpose to eliminate the effects of down-allocation. Although these proposals varied somewhat, they would eliminate situations where milk would be classified as Class I in the shipping market but assigned to Class II in the receiving market by providing the same classification for milk in both markets.

One proposal, would provide for the so-called "repooling" of all intermarket shipments (in bulk or packaged). This proposal was referred to earlier in its application to receipts of unregulated milk and to intermarket packaged milk movements. Although this measure was suggested for dealing with a number of sources of milk (both unregulated and from other orders), its application to receipts of bulk milk from other order plants is the particular reason we deal with it at this point. Nevertheless, the consequences which would follow from its adoption for bulk milk from other order plants would also follow on packaged shipments from other orders, if it were applied to such shipments.

Essentially, this proposal in its application to bulk milk would price and pool in the receiving market, at order prices for that market, all such milk from a plant subject to another order. A credit would be allowed the handler who received the milk on the basis of the blend price in the receiving market.

Proponents indicated that the repooling proposal would promote equity in pricing among handlers, in that each handler, in procuring milk, whether from producers or outside sources, would be able to reflect to his particular source of supply no greater or lesser share of the market's Class I utilization than any other handler.

In effect, the repooling provisions would assign to any shipment between order markets to which the provision applied the marketwide utilization as Class I and surplus of the market of receipt. Hence, if a receiving market during a particular month had a utilization of 60 percent of all its milk in Class I and 40 percent as surplus, then any such shipment to any handler from another order market would arbitrarily be assigned a utilization of 60 percent Class I and 40 percent surplus. A handler who was purchasing milk from another order solely for use as Class I thus would have the milk classified 60 precent Class I and 40 percent surplus. The receiving handler would make a pool payment in his own market to account for the difference between his own utilization value and the marketwide utilization (blend value) which had been assigned to the shipment. The assigned utilization would be passed back to the market of origin and accounted for by the shipping handler.

Class I prices normally vary from market to market by approximately the cost of transporting milk* from other Federal order markets which act as alternative sources of supply. The structure of prices is a natural consequence of the application of the supply-demand pricing standard of the statute to Class I prices in individual markets. Thus, a handler who needs milk for Class I use may purchase such milk from another lower-priced market which stands as an alternative source of supply and his cost for such milk will be approximately the same as if he had purchased locally regulated milk.

Surplus prices, however, are generally at about the same level in all markets. Therefore, the cost of surplus milk purchased by a handler from another market is greater than for local milk by the cost of transportation from the other market. In the case of the handler in the market with 40 percent surplus who purchases milk needed for Class I use from another market, his actual cost of milk under the repooling proposal would be the Class I price plus the cost of transporting the 40 percent which would be classified as surplus.

The repooling provision therefore would burden a shipment to the degree that a Class II assignment is applied. Since the marketwide utilization must be assigned to such a shipment, there is no way by which a handler may avoid this burden. This would act as a deterrent to the movement of milk between markets.

The repooling provision also would have the effect of returning to the producers regularly supplying the market of receipt the differential income between the blend price of the market and the Class I price on all receipts of milk from other orders assigned to Class I. Thus, even though regular producers do not furnish all the milk for Class I use in their own market, they nevertheless would receive the income benefit from all of the Class I sales. In such a situation, they would be relieved of the economic incentive of adjusting their own terms of sale in order to gain the benefits of Class I sales in their own market. The isolation from competitive incentives which thereby would result could encourage the maintenance of misaligned Class I prices among Federal order markets.

The repooling provision would thus interfere with the effective application of the supply-demand pricing standards of the statute. For these standards depend for their effective application on the free flow of milk from all sources in response to price incentives. Inhibiting unduly the flow of milk from any regulated source would mitigate the effectiveness of supply responses upon price levels in regulated markets. Indeed, the minor deterrent to inter-market transfers of bulk milk which are presently occasioned by Class I assignment in the shipping market and then Class II assignment in the transferee market is inconsequential as compared to the repooling proposal. This is so because, under present provisions, the transferee handler can avoid Class II assignment of such receipts by arranging his milk plant operations so that he has little, if any, Class II milk. He cannot, of course, control the Class II milk use in the entire market, which would influence his cost of milk under the repooling proposal.

The adoption of the repooling provision, only with regard to bulk interorder shipments, could have very inequitable consequences. For instance, under such a provision a handler with his plant located in a particular marketing area would be at a disadvantage in obtaining milk in bulk form from another lower-priced Federal order market. Meanwhile such handler might be in competition with a handler whose routes extended from a lower-priced market into his own marketing area. In these circumstances, the first handler would be placed in a very inequitable position. If the local handler may obtain bulk milk from the other market on reasonably equal terms to meet the competition of the bottled milk from the other market, such inequity is avoided.

In addition, the repooling provision could be inequitable to the producers of other Federal order markets with market pools. Normally, the producers in each such market carry the economic burden associated with providing adequate reserves of milk for all Class I sales. Consequently, they share in the burden of providing such reserve supplies in their own market. If the milk is to be repooled when sent to the second market, the producers who supplied the milk would then share additionally in the burden of supplying reserve milk in the second market. Finally, of course, if the repooling provision were to result, as it appears likely that it would, in misalignment of prices among markets, then the public would be treated inequitably and the establishment of prices at levels which are in the public interest would not be achieved.

The problem which the repooling proposal was designed to deal with appears actually to be of little consequence. The orders have generally provided that under specified circumstances, which each handler could control for himself, bulk milk could be transferred between Federal order markets without significant deterrent. Indeed, the recommended provisions simply apply to all interorder shipments of bulk milk, the same conditions as are available to handlers under present provisions if handlers meet the prescribed circumstances. Despite the fact that handlers could receive bulk milk from other order markets without significant deterrent, only insignificant quantities of milk were transferred. In all the Federal milk orders (except New York-New Jersey) taken together the average receipts of bulk milk from other order plants in relation to Class I sales in October 1961 were less than two percent. In 11 of the 24 markets involved in this hearing, Clarksburg, Appalachian, Southeastern Florida, Muskegon, Northeastern Ohio, Columbus, Dayton-Springfield, Cincinnati, Nashville, Knoxville, and Chattanooga, no bulk milk was received from other order plants during that month (or the amount was 0.1 percent or less). Bulk milk received from other order plants accounted for less than two percent of total packaged sales of milk by locally regulated handlers in seven of the other markets. Only in the Wheeling, North Central Ohio and Michigan Upper Peninsula markets did bulk milk received from other order plants exceed five percent of total packaged Class I sales of locally regulated handlers. Thus, although bulk milk could have been transferred freely among order markets, very little of it actually was transferred.

The fairest and most feasible method of allocating the milk in the receiving market is to prorate the milk over the classes of utilization of the receiving handler. This gives the same allocated use to an interorder shipment as is given to producer milk at the plant(s) of the handler who uses it. If the receiving handler uses a relatively high proportion of his milk receipts in Class I, the milk obtained from a plant regulated under another order will be assigned on a prorata basis primarily to Class I. On the other hand, if the handler already has large quantities of milk in excess of his Class I sales, additional receipts from other order plants under the prorata allocation will be proportionately assigned to Class II and the receiving handler will be required to pay the cost of transporting such milk.

Most often imported milk will be received by a handler who operates a single plant. In such cases the milk would be prorated to the particular plant's utilization. In some instances, of course, the milk may be received at the bottling plant of a multiple-plant handler. Utilization at such plant is likely to be higher than the handler's total utilization at all his pool plants. It is possible that the handler would have supplies at his other pool plants which would be placed in lower-priced uses while milk was brought in from other regulated markets. If the milk imported by a multiple-plant handler is prorated only to the receiving plant's utilization, such proration could reduce the handler's percentage of producer milk in Class I in his system to a greater extent than if proration were applied over the whole system.

Prorating the bulk receipts from market pool orders to the handler's system utilization will prevent a handler with more than one plant, with plentiful supplies available to him, from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serv-

*Such prices normally are lowest in the North Central dairy region and increase toward the West, South and East.

ing a bona-fide need for Class I use. Therefore, it is concluded that equitable treatment to producers in both the transferee and transferor markets can be achieved by returning to the transferor market the prorata assignment of such milk to the receiving handler's utilization at all his pool plants combined. Handlerwide proration is provided at the present time in a majority of these orders. In some orders, however, allocation is on a plant-by-plant basis. As to the latter orders provision is made herein that the allocation of bulk receipts from other market pool orders at a plant shall be at the average utilization of the handler's plant system, irrespective of individual plant accounting for other purposes of the regulation.

Provision is also made to the effect that handlers receiving milk to be prorated (as receipts from other orders or from unregulated plants) may not transfer such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the orders so provide it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

The provisions made for dealing with bulk receipts of milk from other market pool order plants are such that, on the one hand, producers in local market areas are protected against arbitrary or inequitable allocations of milk from other Federal order markets by the safeguards inherent in handlerwide allocation and allocation of transfers of other order milk on the basis of second or subsequent handler use. On the other hand, the allocation accorded to milk from other order plants will depend upon each handler's utilization of milk. The particular allocation which is given to such receipts will, therefore, be within the control of each individual handler. Hence, the *orders themselves* will impose no deterrent to the shipment of interorder milk. Obviously, however, a handler's own operations will deter the utilization of local producer milk in Class II at any time the handler is importing milk from other order markets. The provisions, therefore, are those which will carry out the intent of the Act with regard to not placing any trade barriers in the way of milk movements and will most effectively comport with the supply-demand pricing standards of the statute. They are also the most equitable provisions with respect to the interests of local producers versus other order market producers.

Situations may arise where plants subject to different Federal orders ship bulk milk back and forth during the same month (i.e., each plant ships bulk milk to the other plant). As a matter of convenience, market administrators should consider only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant. Since the classification of this milk in the transferor market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

In connection with the proposal to compensate the transferee-market for any difference in its Class I price over the Class I price of the shipping market, certain witnesses alleged that differences in Class I prices, particularly where varying seasonal price structures are found, could provide sufficient advantage that handlers under one order will be encouraged to seek outlets in the other regulated markets. As previously stated, any such occurrence should be approached fundamentally as a price alignment matter rather than as part of a plan to provide equitable classification and assignment for milk entering a particular market from various sources.

As explained in prior findings with reference to receipts of bulk milk from unregulated sources, if such milk was received from a plant fully regulated under another order which allows unregulated milk to pass through the plant without becoming subject to the order pricing, the milk received at the pool plant of a second order would be treated as any other milk from an unregulated source.

(3) *Application to bulk receipts from individual-handler pool orders.* Bulk milk received from individual-handler pool markets presents problems somewhat different from those of bulk milk from market pool markets. One proponent stated that in the case of milk received from a plant operated by a cooperative association and subject to regulation by a Federal order providing for individual-handler pooling, it could not be assumed that such milk is fully regulated and priced on a basis comparable to that of producer milk under a marketwide pool order. The proponent recommended that milk from such source be treated in the same manner as unregulated milk, with respect to assignment to class use and compensatory payments. Another proposal would in effect provide pro rata assignment to class utilization in the receiving handler's plant and allow the receiving handler a credit at the marketwide uniform price. Assignment of milk from individual-handler pool markets to the lowest class utilization when received at a pool plant was also proposed.

Even though milk is subject to full minimum price regulation under individual-handler pool orders, nevertheless, special competitive circumstances develop when milk from an individual-handler pool market is introduced into a market pool market which circumstances do not develop in connection with shipments from other market pool markets. Under the individual-handler pool regulation, the handler does not have any obligation to a market pool fund and pays to his producers the entire amount of the obligation for the milk he receives. Competitive situations may exist within the procurement area which impel the handler to maintain as high a uniform price as he reasonably can. In normally competitive supply situations, therefore, a handler in an individual-handler pool market who, for reasons of his own, carries a reserve over and above his Class I needs will be under competitive pressure to find additional Class I outlets by making out-of-market shipments. There could be an advantage to the handler in accepting a return in the other market less than the Class I price plus his handling costs, since this would enable him to return to his producers a higher blend price than if he used the same milk in manufacturing.

Moreover, in the case of a cooperative association in its capacity as a handler or as the operator of a fluid processing and distributing milk plant under an individual-handler pool order, other special circumstances also provide the incentive to make shipments to other markets. The Agricultural Marketing Agreement Act recognizes the right of any qualified cooperative association to return the proceeds from the sale of milk in all markets to its members. Although, under this provision of the statute, a cooperative may not sell milk to handlers at less than the class prices specified in the order, no similar requirement applies with respect to the sale of milk to nonhandlers. If a cooperative association accumulates quantities of milk beyond those that it can sell readily at normal prices, a special incentive arises for the cooperative to find some outlet where this excess may be disposed of at any price above its manufacturing value. It is especially advantageous if the outlets for this additional milk are outside the cooperative's major market or area of disposal. This situation is different from that of a cooperative association which is a handler in a market pool, since the latter must share with the pool the returns it receives for its Class I disposition. If a cooperative in a market pool reduces its selling prices below its total cost of milk (i.e. Class I prices plus handling charges) this would lower its returns below the market average, and would impair the cooperative's ability to hold its membership.

An objective of the defined qualifications of regulated plants in an individual-handler pool market is to assure orderly marketing through full regulation of all handlers doing business in the marketing area. With this objective the marketing performance requirements for regulated status ordinarily will be lower than in most market pool orders where consideration must be given also to whether the plant is predominantly engaged in handling milk for the fluid market, whether its inclusion in a pool would tend to dissipate returns from the market's Class I disposition to sources of milk intended primarily for manufacturing, and whether handlers doing the principal portion of their fluid milk business elsewhere might be relieved of

the full obligations required of pool handlers.[10]

In recognition of the different character of the markets to which the different pooling methods apply, the market performance standards for full regulation under the two types of orders differ in the manner described. The effect of these differences in standards must be taken into account in dealing with the problem of intermarket shipments. Under these standards plants may become regulated on the basis of a lesser degree of market performance in an individual-handler pool market, but they may, nevertheless, engage in shipping bulk milk in more substantial volume to regulated plants under market pool orders with the disruptive effects which have been described.

In view of the particular circumstances affecting milk shipped from individual-handler pool markets, the assignment of such milk received at a regulated market pool plant should be handled in a manner which assures such receipts will not impair orderly marketing. Bulk milk received at a plant subject to a market pool order from a plant subject to an individual-handler pool order should be assigned pro rata to the receiving handler's class utilization at the same stage in allocation as other order market pool milk unless such receipts are designated specifically for manufacturing use. Unlike receipts from market pool markets, however, the receiving handler should be obligated for such milk at the minimum class prices of the receiving market for utilization so assigned, less the market's minimum uniform price, both adjusted for the location of the plant from which received. The shipping handler (in the individual-handler pool market) should be obligated to his producers for such milk at the market average utilization value in the market pool market to which it was shipped. By reducing the incentive to supply milk under conditions which upset the principles of market pooling, this manner of dividing the proceeds from such sales will promote and maintain orderly marketing.

This provision treats bulk milk from other Federal orders with individual-handler pooling slightly differently than bulk milk from unregulated sources. This is appropriate because bulk milk from other Federal orders is fully accounted for and priced under the other Federal order whereas unregulated bulk milk is not so accounted for or fully priced.

The proposal to assign all receipts from individual-handler pool markets to the surplus class should not be adopted. Such procedure would treat this source of regulated milk less favorably than the procedure adopted with respect to milk from unregulated plants. As in the case of receipts from plants under other market pool orders, and for similar reasons, receipts of bulk milk from individual-handler pool markets should be assigned to the surplus class, however, if both the shipping and receiving handlers report the milk as moved for manufacturing use. If, in any instance, the quantity designed for manufacturing use exceeds the surplus class utilization, the remaining receipts then should be assigned to Class I (or next higher class). In such a case, the receiving handler would be obligated to the market pool for such remaining quantity at the Class I price and be credited thereon at the market blend. The shipping handler would be accountable to his producers at the pro rata utilization of the receiving market on the portion so assigned to Class I.

(d) *Classification in the shipping market.* To further accomplish the objectives outlined under the preceding headings of this section, milk regulated under a Federal order which is disposed of in another Federal order market should receive classification treatment in the transferor-market identical with that it receives under the transferee-market order.

The present transfer "out" provisions in the several orders under review were described previously in this decision. Obviously, such provisions as they apply in the respective markets will not comport, in all cases, with the intent of this decision regarding the assignments to be given in the receiving market to interorder receipts of milk. The interplant transfer provisions in each of the orders therefore should be amended as necessary to provide that when milk (either bulk or packaged) is transferred to a plant subject to another Federal order, the classification of such milk in the transferor-market will be based upon assignment in the market where used. The transferor-handler should account for this milk to his pool, or in individual-handler pool markets to his producers, however, at the class prices of the shipping market.

Such procedure will avoid the possibility of "double" payment on milk transferred between regulated markets and will return to producers of the shipping market the prices of their own market on the transferred milk. It should achieve a coordinated classification and assignment plan for the various orders irrespective of which market is a transferor or transferee market, and therefore should be adopted.

III. *Incidental and Corollary Revisions.* Certain incidental and corollary changes in order provisions, set forth below, are necessary to carry out the objectives of the revised provisions previously discussed.

(a) *Shrinkage.* The allocation pro rata to classes of use herein provided for certain specified unregulated milk and other order milk received at pool plants makes it appropriate to limit the volume of such milk that may be classified in the surplus class as unaccounted for milk (shrinkage). Under the pro rata allocation method such milk will share equally with producer milk in any Class I volume computed because of shrinkage in excess of established limits. No shrinkage limit is provided on unpriced milk that is allocated first to the surplus class, since this allocation insures assignment of such milk to the same class as that in which unaccounted for milk assigned to it is classified.

(b) *Inventory reclassification.* In those orders in which inventories of fluid milk products are classified in Class II or Class III, and allocated to the next month's utilization in series beginning with the same class, provision is made for an inventory reclassification charge at the difference between the applicable class price for the month for the class in which the inventory was classified (Class II or III) and the applicable class price for the following month on the quantity of inventory subtracted from each higher class use (usually Class I) in the allocation of such inventory to the following month's utilization. In orders using this method of handling inventory, three provide more than two classes of utilization (Upstate Michigan, Northeastern Ohio and Cincinnati). The assignment provisions herein adopted insure that any such milk thus assigned to the applicable surplus class the preceding month will either have been so assigned pro rata with producer milk, or is milk which by its very nature is surplus milk. Furthermore, any other order milk so assigned will have been priced at the comparable surplus class in the order of origin. The charge provided, therefore, appropriately reflects the change in value resulting from the inventory reclassification.

(c) *Reopened hearing records.* The hearing held in Arlington was a reopened hearing on various orders. A joint hearing was held previous to the January hearing with respect to the Southern Michigan, Muskegon and Upstate Michigan orders on October 17–26, 1961, and reopened January 2–4 and 23–25, 1963. A joint recommended decision based on the earlier hearing record was issued October 31, 1962 (27 F.R. 10795). The present decision modifies only existing provisions of these Federal orders.

A hearing previously held on the Indianapolis order (January 30–February 1, 1962) was also reopened at Arlington, Virginia, in January 1963. A final decision based on the earlier hearing was issued May 10, 1963 (28 F.R. 4901) and compensatory payments and all related provisions were omitted from the order. Since compensatory payments and related matters had been considered at the joint hearing on a regional basis, it was felt that any amendment action on these issues should likewise be accomplished in a regional frame of reference and simultaneously with similar action on the other orders. Thus, the Indianapolis order made effective June 1, 1963, omitted compensatory payments pending action on the basis of the reopened hearing.

Another previous hearing was held on the Tri-State order July 31–August 1, 1962, and also reopened in January 1963. A final decision was issued by the Secretary March 15, 1963 (28 F.R. 2804). That decision deferred action on the

[10] For example, a plant could qualify for fully regulated status as an approved plant under the Tri-State milk order by disposing of any volume of fluid milk products (no matter how small) in the marketing area on a route. A plant could qualify as a distributing plant under the Toledo Federal order by distributing on routes in the marketing area 10,000 pounds of approved fluid milk products during the month, and could qualify as a supply plant by shipping 70,000 pounds per month to regulated distributing plants.

material issue of record relating to classification, transfer, and allocation provisions with respect to interorder market transfers of fluid milk products. The record had been reopened in January so that the matter could be reconsidered. Final action on the present decision will complete action on the material issues of record for the Tri-State order.

(d) A recommended decision on proposed amendments on the Columbus, Ohio, order considered at a public hearing October 23–25, 1962, the notice of which was published in the FEDERAL REGISTER September 28, 1962 (27 F.R. 9613), has just been issued. The recommended decision on the material issues of record on the Columbus, Ohio, order deferred action on proposed amendments relating to the integration of other source milk into the regulatory scheme. Action relating to this matter is covered in this decision.

(e) *Administrative assessments on unregulated milk.* The Act provides that each handler shall pay his pro rata share (as approved by the Secretary for the particular order) of the cost of administration of the order. As has been previously indicated, each of the orders other than Dayton-Springfield prescribe specific standards for pooling above a minimum which permits pool exemption. With certain specified exceptions, operators of plants not meeting such standards would, under the recommendations hereinbefore set forth, be required on election to make specified payments to the pool on route distribution in the marketing area in excess of offsetting Federal order Class I purchases or otherwise pay to the pool and/or to dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a pool plant).

The market administrator in administering an order as it applies to the nonpool route distributor must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of the nonpool distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated, or pool, handler; i.e., the privilege of pool participation and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make compensatory payment, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of their milk (computed at order prices), it has in the past, on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler. On the basis of the present record, however, there is reason to believe that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to use the pool payment provision. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the prorata share of the administrative expense of the order should in the future be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area, irrespective of whether the pool payment option is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the pool handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as of all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the pool handler should be responsible for payment of the administrative assessment and for obligations to the producer-settlement fund with respect to such unregulated milk.

(f) *Reporting requirements.* Additional reports are required for the computation of certain obligations to be established in accordance with the conclusions set forth elsewhere in this decision. Operators of partially regulated distributing plants whose obligations are to be determined from comparison of the classified use value of their milk with payments to dairy farmers (Wichita option) must report their receipts, utilization and payments on the same basis as fully regulated handlers. Such reports are now included in orders using this option, and are added to all other market pool orders.

Handlers shipping bulk milk to plants regulated under other orders are required to report to the market administrator of their order, on or before the 2d day of the following month, information which will identify the receiver. Thereafter, communication between market administrators will establish the classification assigned to such milk in the receiving market on the basis of reports presently required under the order for that market. Administrative direction will be issued to market administrators with respect to details of such communication and notification to the shipper concerning the classification upon which his obligation is computed in the shipping market.

(g) *Application of location differentials.* In the application of compensatory payments on unregulated milk at the difference between the Class I and blend prices, such prices are computed at the location of the plant from which the milk is either distributed in the marketing area or is received at a regulated plant. Blend prices are usually adjusted for location, at the same rate as Class I prices while surplus class prices do not usually vary by location. At far distant points the blend price may be less than the surplus price. Provision is made that in no case shall the credit given be less than the surplus class price.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the respective orders and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended Marketing Agreements and Orders Amending the Orders

The following orders amending the orders as amended regulating the handling of milk in the specified marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

1. In § 1003.9, the section title and the introductory text preceding paragraph (a) is revised, and a new paragraph (c) is added to read as follows:

§ 1003.9 Pool plants and nonpool plants.

A "pool plant" means any plant described in this section pursuant to paragraph (a) or (b); a "nonpool plant" means any plant described pursuant to paragraph (c);

* * * * *

(c) Any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(i) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(ii) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(3) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units approved by a duly constituted health authority for fluid disposition are distributed on routes in the marketing area during the month.

(4) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

2. In § 1003.10 paragraph (a) is revised to read as follows:

§ 1003.10 Handler.

* * * * *

(a) A producer-handler or any person who operates a pool plant, partially regulated distributing plant, or an other order plant;

§ 1003.15 [Amendment]

3. In the text of § 1003.15 preceding the first proviso and immediately following the words "producer-handler" a phrase is inserted which reads "as defined in any order (including this part) issued pursuant to the Act".

4. In § 1003.16 the heading is revised and a new paragraph is included; §§ 1003.17 and 1003.19 are vacated and the provisions formerly contained therein are now included in § 1003.16. Section 1003.16 as revised now reads as follows:

§ 1003.16 Definitions of milk and milk products.

(a) "Fluid milk product" means milk and skim milk, concentrated milk (including frozen concentrated milk), reconstituted or fortified milk and skim milk, flavored milk and skim milk and cultured skim milk, buttermilk, cream (except aerated cream and sour cream) and any mixture of cream and milk or skim milk except eggnog: *Provided*, That such fluid milk products shall not include products which are packaged in hermetically sealed containers;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1003.10(c); or

(3) Diverted in accordance with the provisions of § 1003.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as Class I products which are reprocessed, converted or combined with another product during the month, and

(2) Receipts in the form of Class I products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1003.10(c);

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of April through June of each year which is not in excess of such producer's daily average base computed pursuant to § 1003.63 multiplied by the number of days on which such producer's milk was received by such pool handler during the month: *Provided*, That with respect to any producer on every-other-day delivery, a day of nondelivery following a day on which delivery is made shall be considered as a day of delivery for purpose of this paragraph.

(e) "Excess milk" means milk received from a producer by a pool handler during any of the months of April through June which is in excess of base milk received from such producer during such month.

5. Section 1003.30 is revised to read as follows:

§ 1003.30 Reports of receipts and utilization.

(a) On or before the 8th day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products from other pool plants, and milk received from a cooperative association for which it is a handler pursuant to § 1003.10(c), and (iii) receipts of other source milk.

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph.

(b) Each handler specified in § 1003.10(a) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

6. In § 1003.31, new paragraphs (e) and (f) are added to read as follows:

§ 1003.31 Other reports.

* * * * *

(e) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and identity of product shipped.

(f) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1003.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

7. In § 1003.41 paragraph (a), and subparagraphs (5), (6), and (7) of paragraph (b) are revised to read as follows:

§ 1003.41 Classes of utilization.

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form for human consumption in the form of a fluid milk product: *Provided*, That any product fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified fluid milk product of the same butterfat content;

(2) Not specifically accounted for as Class II milk.

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1003.42(b)(1), but not to exceed the following:

(i) Two percent of milk received directly from producers for the account of the plant operator; plus.

(ii) One and one-half percent of milk received in bulk tank lots from other pool plants, and receipts which are to be allocated pursuant to § 1003.46(a) (7) and (8), and the corresponding steps in § 1003.46(b); plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1003.10(c), (except that if the handler operating the pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1003.30 that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, and at butterfat tests based on samples taken at the farm, the applicable percentage shall be two percent); less

(iv) One and one-half percent of milk disposed of in bulk tank lots from a pool

plant to other plants (except when the preceding exception hereof with respect to receipts from a cooperative association applies, the applicable percentage shall be two percent);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1003.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided*, That such establishment does not dispose of any fluid milk product; and

8. Section 1003.42 is revised to read as follows:

§ 1003.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1003.41(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1003.41(b)(5).

9. Section 1003.44 is revised to read as follows:

§ 1003.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or a cooperative association as a handler pursuant to § 1003.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers in their reports pursuant to § 1003.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1003.46(a)(8) and the corresponding step of § 1003.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1003.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1003.46 (a)(7) and (8) and the corresponding steps of § 1003.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) If a specified utilization is not claimed by both handlers pursuant to this paragraph in the case of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to §1003.10(c), such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignments pursuant to § 1003.46(a)(8) and the corresponding step of § 1003.46(b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to this paragraph;

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred in bulk in the form of milk, skim milk or cream, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 300 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., except that cream so transferred may be classified as Class II if the transferor claims such classification, gives sufficient notice so that the market administrator may verify conditions of shipment, establishes such cream was transferred without approval of a duly constituted health authority for fluid disposition, labels each container to show that the contents are for manufacturing only, and such shipment is so invoiced;

(d) As Class I milk, if transferred in bulk in the form of milk, skim milk, or cream, or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located less than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1003.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitutes such nonpool plant's regular sources of supply of milk which is approved by a duly constituted health authority for fluid disposition;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitutes such nonpool plant's regular sources of supply of milk which is approved by a duly constituted health authority for fluid disposition;

(iii) If the nonpool plant is an approved plant, Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to any quantities of skim milk and butterfat so transferred to the nonpool plant to the extent that pursuant to § 1003.46(a)(8) transfers from the nonpool plant to pool plants are assigned to Class I milk in such pool plants, next to the remaining receipts from dairy farmers who the market administrator determines constitutes such nonpool plant's regular sources of supply of milk which is approved by a duly constituted health authority for fluid disposition, and any remaining Class I utilization shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred in bulk in the form of milk, skim milk or cream to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1003.46 is revised to read as follows:

§ 1003.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1003.45, the market administrator shall determine the classification of producer milk at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1003.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not approved by a duly constituted health authority for fluid disposition; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1003.10(c) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be substracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant if classified and priced pursuant to the order regulating such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants (except from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant) that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of other source milk in the form of fluid milk products that were not subtracted pursuant to subparagraphs (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1003.10(c) according to the classification assigned pursuant to § 1003.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, substract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1003.52 is revised to read as follows:

§ 1003.52 Location adjustments to handlers.

(a) For that milk which is received from producers (including milk received by a cooperative association as a handler pursuant to § 1003.10(c)) at a pool plant located 75 miles or more by shortest hard-surfaced highway distance as determined by the market administrator from the zero milestone in Washington, D.C., and which is assigned to Class I milk subject to the limitations pursuant to paragraph (b) of this section, and for other source milk assigned Class I location adjustment credit pursuant to paragraph (b) of this section or § 1003.70, the price computed pursuant to § 1003.50(a) shall be reduced by 12 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant which is in excess of the receipts at such plant as specified in subparagraphs (1), (2) and (3) of this paragraph, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply:

(1) Receipts from producers, and cooperative associations pursuant to § 1003.10(c);

(2) Receipts assigned as Class I from market pool other order plants; and

(3) Receipts assigned as Class I from unregulated supply plants and from dairy farmers.

12. Section 1003.62 is revised to read as follows:

§ 1003.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1003.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1003.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1003.9 by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a

pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for milk approved by a duly constituted health authority for fluid disposition and which is received during the month from dairy farmers at such plant, and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1003.9 by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

13. Section 1003.70 is revised to read as follows:

§ 1003.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1003.46(c), by the applicable class prices (adjusted pursuant to §§ 1003.51 and 1003.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1003.46(a)(10) and the corresponding step of § 1003.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1003.46(a)(5) and the corresponding step of § 1003.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1003.46(a)(3) and the corresponding step of § 1003.46(b);

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) through (3) as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers and assigned to Class I pursuant to § 1003.46(a)(8)(ii) and the corresponding step of § 1003.46(b);

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1003.46(a)(8)(ii) and the corresponding step of § 1003.46(b) adjusted for location of the nearest plants from which an equivalent volume of the types of receipts allocated pursuant to § 1003.46(a)(8)(ii) and the corresponding step of § 1003.46(b) was received; and

(3) The value of skim milk and butterfat computed pursuant to subparagraph (2) of this paragraph shall be adjusted for location of the nearest unregulated supply plant(s) and market pool other order plant(s) (from which milk not classified and priced pursuant to the order regulating such plant(s) was received).

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1003.46(a)(7), and the corresponding step of § 1003.46(b), at the applicable class prices adjusted pursuant to §§ 1003.51 and 1003.52(a) at the location of the transferor plant subject to the limitations pursuant to § 1003.52(b); and

(g) Add or subtract as the case may be, an amount necessary to correct errors discovered by the market administrator in verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

14. Section 1003.71 is revised to read as follows:

§ 1003.71 Computation of uniform and weighted average prices.

For each month the market administrator shall compute the weighted average price and for each of the months of July through March the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1003.70 for all handlers who filed the reports prescribed by § 1003.30 for the month and who made the payments pursuant to § 1003.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1003.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1003.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which values are computed pursuant to § 1003.70 (e) and (f); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price" and shall be the "uniform price", per hundredweight of milk of 3.5 percent butterfat received from producers in each of the months of July through March.

15. Section 1003.72 is revised to read as follows:

§ 1003.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through June the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, shall be as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1003.71(a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers and assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) From the amount resulting from the computations of § 1003.71(a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1003.71(e)(2) by the weighted average price;

(d) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk for handlers included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

§ 1003.80 [Amendment]

16. In § 1003.80 the reference "§ 1003.72(e)" is changed to read "§ 1003.72(f)".

17. Section 1003.82 is revised to read as follows:

§ 1003.82 Location differentials to producers and on nonpool milk.

(a) In making payments to producers or to a cooperative association pursuant to § 1003.80 (a) and (b) except with respect to excess milk, a handler, with respect to all such milk received at pool plants located 75 miles by shortest highway distance from the zero milestone in the District of Columbia, as determined by the market administrator, and a cooperative association, with respect to all such milk received by it in its capacity as a handler pursuant to § 1003.10 (b) or (c), at the location of such plant, shall deduct 12 cents per hundredweight plus 1.5 cents for each 10-mile additional distance, or fraction thereof, which such plant is located from such milestone.

(b) For purposes of computations pursuant to §§ 1003.84 and 1003.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) of this section (not to be less than the value at the Class II price) applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1003.83 [Amendment]

18. In § 1003.83 the designation "1003.62(c)" is changed to "1003.62 (a) and (b)"

19. Section 1003.84 is revised to read as follows:

§ 1003.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1003.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1003.71 and 1003.72 adjusted by producer butterfat and location differentials; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received adjusted by the producer butterfat differential pursuant to § 1003.81 and the location differential on nonpool milk pursuant to § 1003.82(b) with respect to other source milk for which values are computed pursuant to § 1003.70 (e) and (f).

20. Section 1003.85 is revised to read as follows:

§ 1003.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1003.84(b) exceeds the amount computed pursuant to § 1003.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

21. Section 1003.88 is revised to read as follows:

§ 1003.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler excluding a cooperative association in its capacity as a handler pursuant to § 1003.10(c), shall pay to the market administrator on or before the 18th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own farm production) and milk received from a cooperative association in its capacity as a handler pursuant to § 1003.10(c), (b) other source milk allocated to Class I pursuant to § 1003.46(a)(3) and (8)(ii) and the corresponding steps of § 1003.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1005—MILK IN THE TRI-STATE MARKETING AREA

1. Section 1005.8 is revised to read as follows:

§ 1005.8 Fluid milk plant.

"Fluid milk plant" means any plant from which a route is operated within the marketing area, except a producer-handler plant or an other order plant defined pursuant to § 1005.11 (a) and (b).

2. Section 1005.11 is revised to read as follows:

§ 1005.11 Nonfluid milk plant.

"Nonfluid milk plant" means any plant which is not a fluid milk plant or supply plant and is utilized for receiving, processing or manufacturing of milk or milk products. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a fluid milk plant or a supply plant.

3. Section 1005.13 is revised to read as follows:

§ 1005.13 Producer.

"Producer" means any person, other than a cooperative association as defined in any order (including this part) issued pursuant to the Act, who produces milk under a dairy farm inspection permit or equivalent certification given by a duly constituted health authority for the production of milk for fluid consumption, and whose milk is:

(a) Received at a fluid milk plant or supply plant (including milk caused to be delivered to such plant by a cooperative association which is not the handler for such milk); or

(b) Diverted by a handler for his account to a nonfluid milk plant not an other order plant during April, May, June or July.

4. Section 1005.14 is revised to read as follows:

§ 1005.14 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant or supply plant;

(b) A producer handler; and

(c) Any person who operates an other order plant.

5. Section 1005.15 is revised to read as follows:

§ 1005.15 Producer-handler.

"Producer-handler" means any person who produces milk, operates a milk plant from which a route is operated within the marketing area and at which no milk is received from other dairy farmers.

6. In § 1005.31, paragraph (a) is revised and a new paragraph (d) is added to read as follows:

§ 1005.31 Other reports.

* * * * *

(a) The intention to receive other source milk shall be reported by the receiving handler who operates a fluid milk plant or supply plant on or before the 1st day other source milk is received and the intention to discontinue such receipts shall be reported on or before the last day such milk is received;

* * * * *

(d) On or before the 2nd day of the following month, the handler operating each fluid milk plant or supply plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1005.40 is revised to read as follows:

§ 1005.40 Skim milk and butterfat to be classified.

All skim-milk and butterfat required to be reported for each fluid milk plant or supply plant pursuant to § 1005.30 shall be classified by the market admin-

istrator pursuant to the provisions of §§ 1005.41 through 1005.46.

8. Section 1005.41 is revised to read as follows:

§ 1005.41 Classes of utilization.

Subject to the conditions set forth in §§ 1005.42 through 1005.46, the classes of utilization at each fluid milk plant or supply plant operated by the handler shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b)(2) and (3) of this section; or

(2) Not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products which have been fortified with nonfat milk solids (which are not accounted for as Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of for livestock feed or, in the case of skim milk and buttermilk only, dumped, upon prior notice as prescribed by the market administrator;

(4) Disposed of in bulk (other than consumer-type packages or dispenser units) to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of any such receipts in the form of fluid milk products;

(5) In inventory of fluid milk products on hand at the end of the month;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1005.42(b)(1), but not to exceed two percent of milk received from producers, milk received in bulk from other order plants and from unregulated supply plants to be allocated pursuant to § 1005.46(a)(7) and the corresponding step in § 1005.46(b); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1005.42(b)(2).

9. Section 1005.42 is revised to read as follows:

§ 1005.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each fluid milk plant or supply plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each plant operated by the handler; and

(b) Shrinkage computed pursuant to paragraph (a) of this section shall be prorated between (1) skim milk and butterfat contained in producer milk and other milk receipts described in § 1005.41(b)(6); and (2) skim milk and butterfat in remaining other source milk exclusive of those pounds specified in § 1005.41(b)(6): *Provided*, That receipts from other fluid milk plants and supply plants at each plant to which the computations pursuant to this paragraph apply, shall be deducted from the total receipts prior to making the computations.

10. Section 1005.44 is revised to read as follows:

§ 1005.44 Transfers.

(a) Skim milk or butterfat transferred from a fluid milk plant (including diverted milk, in the case of movements to nonfluid milk plants under subparagraph (3) of this paragraph) in the form of fluid milk products shall be classified as follows:

(1) If transferred to a fluid milk plant or supply plant, it shall be classified as Class I milk unless utilization in Class II milk is reported to the market administrator by both handlers pursuant to § 1005.30: *Provided*, That the classification of such transfer is subject to the following:

(i) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1005.46(a)(7) and the corresponding step in § 1005.46(b) and the classification of any transfers pursuant to paragraph (b) of this section;

(ii) If the transferor handler received during the month other source milk to be allocated pursuant to § 1005.46(a)(3) and the corresponding step in § 1005.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(iii) If the transferor handler received during the month other source milk to be allocated pursuant to § 1005.46(a)(7) and the corresponding step of § 1005.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(2) If transferred to a producer-handler plant, the skim milk and butterfat shall be Class I milk;

(3) If transferred or diverted to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, the skim milk and butterfat shall be Class I milk unless:

(i) Other utilization is mutually indicated in writing to the market administrator by both the transferor and transferee on or before the 5th day after the end of the month within which such transfer was made;

(ii) The transferee plant maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for audit; and

(iii) Such transferee plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such transferee plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining balance shall be classified in Class I milk to the extent of Class I milk remaining in utilization at the nonfluid milk plant after any Class I utilization disposed of by the nonfluid milk plant on routes in the marketing area of another order issued pursuant to the Act is first assigned to receipts from plants fully regulated by such order, and next pro rata to receipts from market pool other order plants not regulated by such order.

(4) If transferred to a handler pool other order plant, the skim milk and butterfat shall be assigned in the class to which allocated on the basis of receipts and utilization reported for the month under the other order, and if transferred to a market pool other order plant, it shall be assigned pro rata to the average utilization, as estimated by the market administrator of the transferee order, of the milk included in the computation of the weighted average or uniform price for such month under the transferee order. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators, such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

(b) Skim milk and butterfat transferred in the form of fluid milk products from a supply plant to a fluid milk plant or to another supply plant (except as provided in paragraph (c) of this section) shall be classified as reported to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That the classification of such transfer is subject to the following:

(1) If the transferor handler received during the month other source milk to be allocated pursuant to § 1005.46(a)(3) and the corresponding step in § 1005.46(b), the skim milk and butterfat so allocate the least possible Class I utilization to such other source milk; and

(1) The monthly average number of pounds allocated to Class I milk from such fluid milk plant to such supply plant during the preceding period October through January, inclusive;

(2) An amount computed as follows: Determine the percentage which the pounds of Class I milk described under subparagraph (1) of this paragraph bears to the monthly average pounds of Class I milk at such fluid milk plant for the preceding October through January, inclusive; and multiply the total Class I milk at such fluid milk plant for the current month by such percentage; and

(3) The pounds of milk received from producers at such supply plant during the current month.

(d) Skim milk and butterfat in fluid milk products transferred or diverted from a supply plant to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, shall be

classified in the same manner as transfers or diversions from a fluid milk plant pursuant to paragraph (a)(3) of this section and, if transferred from a supply plant to an other order plant, it shall be classified in the same manner as transfers from a fluid milk plant pursuant to paragraph (a)(4) of this section.

11. Section 1005.45 is revised to read as follows:

§ 1005.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1005.30 for each fluid milk plant or supply plant operated by the handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at each plant for such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1005.46(a)(7) and the corresponding step of § 1005.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant: *And provided further*, That the sum of the amounts assigned as Class I milk for any month during the period October through January, inclusive, to all supply plants supplying a fluid milk plant shall not result in the classification as Class II milk of more than 10 percent of the quantity of milk received directly from producers at such fluid milk plants during the month.

(c) During each of the months of February through September, inclusive, a handler operating a fluid milk plant may allocate Class I milk to a supply plant(s) which transferred milk to such fluid milk plant for at least three of the months of October through January immediately preceding even though such milk is not transferred physically to such fluid milk plant during the current month: *Provided*, That the pounds to be subtracted from the Class I utilization of the transferee fluid milk plant pursuant to § 1005.46(a)(8) and the corresponding step in § 1005.46(b) to the extent of skim milk and butterfat remaining in such class in the transferee plant after computations pursuant to § 1005.46(a)(7) and the corresponding step in § 1005.46(b) and so allocated to any supply plant for the current month in the period February through September, inclusive, when added to any quantities actually transferred from such supply plant to such fluid milk plant during the current month and which are assigned to Class I milk pursuant to paragraph (b) of this section, shall not exceed the least of the following amounts:

12. Section 1005.46 is revised to read as follows:

§ 1005.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1005.45, the market administrator shall determine the classification of producer milk received at each fluid milk plant and supply plant operated by the handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1005.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity;

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other fluid milk plants or supply plants, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to paragraph (a)(4)(ii) of this section; and

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products, from other fluid milk plants and supply plants assigned to such classes pursuant to § 1005.44 (a) or (b), or which were allocated pursuant to § 1005.44(c): *Provided*, That with respect to skim milk allocated pursuant to § 1005.44(c), there is added an equivalent quantity of Class II utilization at the fluid milk plant and the same quantity to Class I utilization at the supply plant, and there is subtracted an equivalent quantity from Class II utilization at the supply plant to the extent that there is such Class II utilization;

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1005.70 is revised to read as follows:

§ 1005.70 Computation of the net obligation of each handler.

The net obligation of each handler for producer milk received at each fluid milk plant or supply plant or diverted pursuant to § 1005.13 during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1005.46(c), by the applicable class prices (adjusted pursuant to §§ 1005.53 and 1005.56) and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1005.46(a)(9) and the corresponding step of § 1005.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1005.46(a)(5) and the corresponding step of § 1005.46(b);

(d) With respect to each hundredweight of Class I milk allocated to a supply plant(s) pursuant to § 1005.44(c), there shall be added an amount computed by multiplying such hundredweight of milk by the amount, if any, by which the Class I price at the fluid milk plant exceeds the Class I price applicable at the respective supply plant.

14. Section 1005.71 is revised to read as follows:

§ 1005.71 Computation of uniform price.

For each month the market administrator shall compute for each handler a "uniform price" per hundredweight to be paid to producers and associations of producers for producer milk of 3.5 percent butterfat content at each fluid milk plant or supply plant as follows:

(a) Adjust the value of milk computed for each handler applicable at each plant pursuant to § 1005.70 (or the combined value at his plants if so indicated by the handler) as follows:

(1) Add or subtract for each one-tenth percent that the average butterfat content of producer milk at such plant(s) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential computed pursuant to § 1005.82 and multiplying the result by the hundredweight of producer milk at such plant(s);

(2) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat at such plant(s) for previous months;

(3) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment;

(4) Add the total value of location adjustments on producer milk if applicable pursuant to § 1005.83;

(b) Divide the amount resulting from the computations pursuant to paragraph (a) of this section by the hundredweight of producer milk included therein and adjust to the nearest whole cent;

(c) Adjust the result computed pursuant to paragraph (b) of this section by the location differentials as specified in § 1005.83. The result for each plant shall be the uniform price per hundredweight for producer milk of 3.5 percent butterfat content received at such plant.

15. Section 1005.83 is revised to read as follows:

§ 1005.83 Location adjustments to producers.

(a) If the uniform price at any fluid milk plant or supply plant is computed pursuant to § 1005.71 in combination with another plant at which a different Class I price applies, the uniform price shall be reduced by the amount (if any) that the Class I price at the plant is less than the highest Class I price at any of the plants included.

16. Section 1005.85 is revised to read as follows:

§ 1005.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 12th day after the end of such month with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1005.46(a)(3) and (7)(i) and the corresponding steps of § 1005.46(b): *Provided*, That if a handler uses more than one accounting period within a month, the rate of payment with respect to the quantities of milk specified in this section shall be the monthly rate multiplied by the number of accounting periods within the month or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

PART 1008—MILK IN THE GREATER WHEELING MARKETING AREA

1. Section 1008.6 is revised to read as follows:

§ 1008.6 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, and whose milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except an other order plant defined pursuant to § 1008.11) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

2. Section 1008.11 is revised to read as follows:

§ 1008.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1008.12 is revised to read as follows:

§ 1008.12 Handler.

"Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1008.6;

(b) Any person in his capacity as the operator of one or more pool plants;

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck;

(d) Any person in his capacity as the operator of a partially regulated distributing plant; or

(e) A producer-handler, or any person who operates an other order plant.

4. Section 1008.30 is revised to read as follows:

§ 1008.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler, except a handler as defined pursuant to § 1008.12(b), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 1008.12(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler;

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the disposition of Class I milk outside the marketing area; and

(7) Such other information with respect to his receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

(b) Each handler specified in § 1008.12(d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

5. Section 1008.31 is revised to read as follows:

§ 1008.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request;

(b) Each handler who receives milk from producers shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of May through August the aggregate quantity of base milk received for the preceding month;

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address; (ii) the total pounds of milk received from such producer, including for the months of April through July, the pounds of base milk; (iii) the days for which milk was received from such producer if less than the entire month; (iv) the average butterfat content of such milk; and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the day prior to diverting producer milk pursuant to § 1008.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted;

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

(d) Each handler who is the operator of partially regulated distributing plant and who does not elect to make payments pursuant to § 1008.82(b), shall report for each such plant to the market administrator in the detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom Grade A milk was received, the following:

(1) His name and address;

(2) The total pounds of milk received from such dairy farmer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment to the dairy farmer, together with the price paid and the amount and nature of any deductions.

6. Section 1008.46 is revoked. Section 1008.41 is revised. Sections 1008.42, 1008.43, 1008.44, and 1008.45 are redesignated §§ 1008.43, 1008.44, 1008.45, and 1008.46, respectively, and a new section 1008.42 is added. The redesignated sections 1008.44 and 1008.46 are revised. The text of sections 1008.40 through 1008.46 which appear under the centerhead "Classification of Milk", as revised and redesignated, now read as follows:

Classification of Milk

§ 1008.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1008.30 shall be classified each month pursuant to the provisions of §§ 1008.41 through 1008.46.

§ 1008.41 Classes of utilization.

Subject to the conditions set forth in §§ 1008.42 through 1008.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b)(4) and (5) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Contained in inventories of fluid milk products on hand at the end of the month;

(4) Disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form;

(5) Disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1008.42(b)(1), but not to exceed the following: Two percent of producer milk (except that diverted pursuant to § 1008.6), milk received from a cooperative association for which it is a handler pursuant to § 1008.12(c), milk caused to be delivered to the plant pursuant to § 1008.63, milk delivered in bulk from other order plants and unregulated supply plants to be allocated pursuant to § 1008.46(a)(7) and the corresponding step in § 1008.46(b); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1008.42(b)(2).

§ 1008.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat contained in producer milk and other milk receipts specified in § 1008.41(b)(5); and

(2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1008.41(b)(6).

§ 1008.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1008.44 Transfers.

Skim milk and butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 1008.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 1008.63), unless Class II utilization is mutually agreed upon and reported in writing to the market administrator by both transferor and transferee handlers on or before the 7th day after the end of the month within which such transfer occurred: *Provided*, That the classification of such transfer is subject to the following:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1008.46(a)(7) and the corresponding step in § 1008.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1008.46(a)(3) and the corresponding step in § 1008.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1008.46(a)(7) and the corresponding step of § 1008.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the Courthouse in Wheeling, West Virginia;

(d) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located less than 250 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the Courthouse in Wheeling, West Virginia, unless the requirements of subparagraph (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classi-

fied in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1008.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant not an other order plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1008.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

§ 1008.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1008.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of each handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1008.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1008.45, the market administrator shall determine the classification of producer milk at all pool plants for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1008.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1008.12(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to paragraph (a)(4)(ii) of this section; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to paragraph (a)(4)(ii) of this section;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1008.12(c) according to the classification assigned pursuant to § 1008.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

7. Section 1008.53 is revised to read as follows:

§ 1008.53 Location adjustments to handlers.

(a) For milk received from producers or from a cooperative association as a handler pursuant to § 1008.12(c) at a pool plant (or caused to be delivered pursuant to § 1008.63 at such pool plant) located 60 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the nearest of the City Halls in Wheeling, West Virginia; East Liverpool, Ohio; or Steubenville, Ohio, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to paragraph (b) of this section or § 1008.70, the price computed pursuant to § 1008.51 (a) shall be reduced at the rate set forth in the following schedule:

Distance from the City Hall of Wheeling, West Virginia; East Liverpool or Steubenville, Ohio, whichever is nearest (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	15.0
70 but not more than 80	16.5
80 but not more than 90	18.0
For each additional 10 miles or fraction thereof an additional	1.0

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers, and cooperative associations pursuant to § 1008.12(c), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

8. Section 1008.54 is revoked.

9. Section 1008.62 is revised to read as follows:

§ 1008.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1008.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1008.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1008.9 by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1008.9 by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

10. Section 1008.70 is revised to read as follows:

§ 1008.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1008.12 (a), (b), and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1008.46(c), by the applicable class prices (adjusted pursuant to §§ 1008.52 and 1008.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1008.46(a)(9) and the corresponding step of § 1008.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1008.46(a)(5) and the corresponding step of § 1008.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1008.46(a)(3) and the corresponding step of § 1008.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1008.46(a)(7)(i) and the corresponding step of § 1008.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1008.46(a)(7)(iii) and the corresponding step of § 1008.46(b), at the applicable class prices adjusted pursuant to §§ 1008.52 and 1008.53(a) at the location of the transferor plant, subject to the limitations pursuant to § 1008.53(b).

11. Section 1008.71 is revised to read as follows:

§ 1008.71 Computation of the weighted average and uniform prices.

For each month the market administrator shall compute the weighted average price and for each of the months of August through March the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who filed the reports prescribed by § 1008.30 for the month and who made the payments pursuant to §§ 1008.80 and 1008.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1008.74;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1008.73 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk included in these computations; and

(2) The total hundredweight for which values are computed pursuant to § 1008.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price" and shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers during each of the months of August through March.

12. Section 1008.72 is revised to read as follows:

§ 1008.72 Computation of uniform prices for base milk and excess milk.

For each of the months April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1008.71 (a) as follows:

(1) Multiply the hundredweight of excess milk not in excess of the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price; and

(3) Add together the amounts resulting from the computation pursuant to subparagraphs (1) and (2) of this paragraph;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers.

(c) From the total of the amount resulting from the computations purplus the per hundredweight amount subtract the total value of excess milk determined by multiplying the uniform price per hundredweight for excess milk obtained in paragraph (b) of this section, plus the per hundredweight amount subtracted pursuant to paragraph (b) of this section, by the hundredweight of excess milk;

(d) Subtract from the amount computed pursuant to paragraph (c) of this section, an amount computed by multiplying the hundredweight of milk specified in § 1008.71(e) (2) by the weighted average price;

(e) Divide the amount computed pursuant to paragraph (d) of this section by the total hundredweight of base milk of producers included pursuant to these computations; and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the uniform price for base milk of 3.5 percent butterfat content received from producers.

13. Section 1008.74 is revised to read as follows:

§ 1008.74 Location differentials to producers and on nonpool milk.

(a) The uniform price to be paid for producer milk and the uniform price to be paid for base milk received at a pool plant or caused to be delivered to a pool plant pursuant to § 1008.63 shall be reduced according to the location of the pool plant at the rates set forth in § 1008.53; and

(b) For purposes of computations pursuant to §§ 1008.82 and 1008.83 the weighted average price shall be reduced at the rates set forth in § 1008.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant from which the milk was received.

14. Section 1008.82 is revised to read as follows:

§ 1008.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

(a) The net pool obligation computed pursuant to § 1008.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1008.71 and 1008.72 adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price computed pursuant to § 1008.71 adjusted by the producer butterfat differential pursuant to § 1008.73 and the location differential on nonpool milk pursuant to § 1008.74(b) with respect to other source milk for which values are computed pursuant to § 1008.70 (e) and (f).

15. Section 1008.83 is revised to read as follows:

§ 1008.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1008.82(b) exceeds the amount computed pursuant to § 1008.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

16. Section 1008.86 is revised to read as follows:

§ 1008.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 1008.12(c), (b) milk received from a cooperative association as a handler pursuant to § 1008.12(c), (c) other source milk allocated to Class I pursuant to § 1008.46 (a) (3) and (7) (i) and the corresponding steps of § 1008.46(b), and (d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1009—MILK IN THE CLARKSBURG, WEST VIRGINIA, MARKETING AREA

1. Section 1009.6 is revised to read as follows:

§ 1009.6 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority having jurisdiction in the marketing area, and whose milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant (except an other order plant defined pursuant to § 1009.11) for his account any day during the months of March through July or on not more than 10 days (5 days in the case of every-other-day delivery) during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

2. Section 1009.11 is revised to read as follows:

§ 1009.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1009.12 is revised to read as follows:

§ 1009.12 Handler.

"Handler" means:

(a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1009.6;

(b) Any person in his capacity as the operator of one or more pool plants:

(c) A cooperative association with respect to Grade A milk it receives from dairy farmers in a tank truck, the operation of which is under the control of such cooperative association, and delivered in such tank truck to a pool plant: *Provided*, That such milk shall be deemed to have been received directly from producers at the location of the pool plant to which it is delivered by the tank truck;

(d) Any person in his capacity as the operator of a partially regulated distributing plant; or

(e) A producer-handler, or any person who operates an other order plant.

4. Section 1009.30 is revised to read as follows:

§ 1009.30 Reports of receipts and utilization.

On of before the 7th day after the end of each month each handler, except a handler as defined pursuant to § 1009.12 (e), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants and from a cooperative association as a handler pursuant to § 1009.12(c);

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) Milk caused to be moved from a producer's farm to a plant of another handler;

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the disposition of Class I milk outside the marketing area; and

(7) Such other information with respect to his receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

(b) Each handler specified in § 1009.12 (d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

5. Section 1009.31 is revised to read as follows:

§ 1009.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request;

(b) Each handler who receives milk from producers shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each of the months of May through August the aggregate quantity of base milk received for the preceding month;

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address; (ii) the total pounds of milk received from such producer, including for the months of April through July, the pounds of base milk; (iii) the days for which milk was received from such producer if less than the entire month; (iv) the average butterfat content of such milk; and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the day prior to diverting producer milk pursuant to § 1009.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted;

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

(d) Each handler who is the operator of a partially regulated distributing plant and who does not elect to make payments pursuant to § 1009.62(b), shall report for each such plant to the market administrator in the detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom Grade A milk was received, the following:

(1) His name and address;

(2) The total pounds of milk received from such dairy farmer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment to the dairy farmer, together with the price paid and the amount and nature of any deductions.

6. Section 1009.46 is revoked. Section 1009.41 is revised. Sections 1009.42, 1009.43, 1009.44, and 1009.45 are redesignated §§ 1009.43, 1009.44, 1009.45, and 1009.46, respectively, and a new § 1009.42 is added. The redesignated §§ 1009.44 and 1009.46 are revised. The text of §§ 1009.40 through 1009.46 which appear under the centerhead "Classification of Milk", as revised and redesignated, now read as follows:

CLASSIFICATION OF MILK

§ 1009.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1009.30 shall be classified each month pursuant to the provisions of §§ 1009.41 through 1009.46.

§ 1009.41 Classes of utilization.

Subject to the conditions set forth in §§ 1009.42 through 1009.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b) (4) and (5) of this section; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(3) Contained in inventories of fluid milk products on hand at the end of the month;

(4) Disposed of in bulk to any manufacturer of candy, soup or bakery products who does not dispose of milk in fluid form;

(5) Disposed of as skim milk and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1009.42(b) (1), but not to exceed the following: Two percent of producer milk (except that diverted pursuant to § 1009.6), milk received from a cooperative association for which it is a handler pursuant to § 1009.12(c), milk caused to be delivered to the plant pursuant to § 1009.63, milk received in bulk from other order plants and unregulated supply plants to be allocated pursuant to § 1009.46(a) (7) and the corresponding step in § 1009.46(b); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1009.42(b) (2).

§ 1009.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat contained in producer milk and other milk receipts specified in § 1009.41(b) (6); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1009.41(b) (6).

§ 1009.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified as Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1009.44 Transfers.

Skim milk and butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant (or from a cooperative association which is a handler pursuant to § 1009.12(c)) to the pool plant of another handler (including that milk which a handler causes to be delivered from a producer's farm to the pool plant of another handler pursuant to § 1009.63), unless Class II utilization is

mutually agreed upon and reported in writing to the market administrator by both transferor and transferee handlers on or before the 7th day after the end of the month within which such transfer occurred: *Provided*, That the classification of such transfer is subject to the following:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1009.46(a)(7) and the corresponding step in § 1009.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1009.46(a)(3) and the corresponding step in § 1009.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1009.46(a)(7) and the corresponding step in § 1009.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(c) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the Courthouse in Clarksburg, West Virginia;

(d) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located less than 250 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the Courthouse in Clarksburg, West Virginia, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1009.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant not an other order plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1009.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

§ 1009.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1009.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1009.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1009.45, the market administrator shall determine the classification of producer milk at all pool plants for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1009.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1009.12(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler:

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to paragraph (a)(4)(ii) of this section; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to paragraph (a)(4)(ii) of this section;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1009.12(c) according to the classification assigned pursuant to § 1009.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

7. Section 1009.53 is revised to read as follows:

§ 1009.53 Location adjustments to handlers.

(a) For milk received from producers or from a cooperative association as a handler pursuant to § 1009.12(c) at a pool plant (or caused to be delivered pursuant to § 1009.63 at such pool plant) located 60 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Clarksburg, West Virginia, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to paragraph (b) of this section or § 1009.70, the price computed pursuant to § 1009.51(a) shall be reduced at the rate set forth in the following schedule:

Distance from the City Hall of Clarksburg, West Virginia (miles):	*Rate per hundredweight (cents)*
60 but not more than 70	20
70 but not more than 80	22
80 but not more than 90	24
For each additional 10 miles or fraction thereof an additional	1

(b) For purposes of calculating such adjustment, transfers between pool plans and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1009.12(c), and the volume assigned as Class I to receipts from market pool other order plans and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

8. Section 1009.54 is revoked.

9. Section 1009.62 is revised to read as follows:

§ 1009.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operate a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1009.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1009.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1009.9 by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1009.9 by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

10. Section 1009.70 is revised to read as follows:

§ 1009.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1009.12 (a), (b) and (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1009.46(c), by the applicable class prices (adjusted pursuant to §§ 1009.52 and 1009.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1009.46(a)(9) and the corresponding step of § 1009.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1009.46(a)(5) and the corresponding step of § 1009.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1009.46(a)(3) and the corresponding step of § 1009.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1009.46(a)(7)(i) and the corresponding step of § 1009.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1009.46(a)(7)(iii) and the corresponding step of § 1009.46(b), at the applicable class prices adjusted pursuant to §§ 1009.52 and 1009.53

(a) at the location of the transferor plant, subject to the limitations pursuant to § 1009.53(b).

11. Section 1009.71 is revised to read as follows:

§ 1009.71 Computation of the weighted average and uniform prices.

For each month the market administrator shall compute the weighted average price and for each of the months of August through March the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1009.70 for all handlers who filed the reports prescribed by § 1009.30 for the month and who made the payments pursuant to §§ 1009.80 and 1009.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1009.74;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1009.73 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computation:

(1) The total hundredweight of producer milk included in these computations; and

(2) The total hundredweight for which values are computed pursuant to § 1009.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price" and shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers during each of the months of August through March.

12. Section 1009.72 is revised to read as follows:

§ 1009.72 Computation of uniform prices for base milk and excess milk.

For each of the months April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1009.71 (a) as follows:

(1) Multiply the hundredweight of excess milk not in excess of the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the hundredweight of excess milk not included in subparagraph (1) of this paragraph by the Class I milk price; and

(3) Add together the amounts resulting from the computation pursuant to subparagraphs (1) and (2) of this paragraph;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers.

(c) From the total of the amount resulting from the computations pursuant to § 1009.71 (a) through (d), subtract the total value of excess milk determined by multiplying the uniform price per hundredweight for excess milk obtained in paragraph (b) of this section, plus the per hundredweight amount subtracted pursuant to paragraph (b) of this section, by the hundredweight of excess milk;

(d) Subtract from the amount computed pursuant to paragraph (c) of this section, an amount computed by multiplying the hundredweight of milk specified in § 1009.71(e)(2) by the weighted average price;

(e) Divide the amount computed pursuant to paragraph (d) of this section by the total hundredweight of base milk of producers included pursuant to these computations; and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the uniform price for base milk of 3.5 percent butterfat content received from producers.

13. Section 1009.74 is revised to read as follows:

§ 1009.74 Location differentials to producers and on nonpool milk.

(a) The uniform price to be paid for producer milk and the uniform price to be paid for base milk received at a pool plant or caused to be delivered to a pool plant pursuant to § 1009.63 shall be reduced according to the location of the pool plant at the rates set forth in § 1009.53; and

(b) For purposes of computations pursuant to §§ 1009.82 and 1009.83 the weighted average price shall be reduced at the rates set forth in § 1009.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant from which the milk was received.

14. Section 1009.82 is revised to read as follows:

§ 1009.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue.

(a) The net pool obligation computed pursuant to § 1009.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1009.71 and 1009.72 adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price computed pursuant to § 1009.71 adjusted by the producer butterfat differential pursuant to § 1009.73 and the location differential on nonpool milk pursuant to § 1009.74(b) with respect to other source milk for which values are computed pursuant to § 1009.70(e) and (f).

15. Section 1009.83 is revised to read as follows:

§ 1009.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1009.82(b) exceeds the amount computed pursuant to § 1009.82 (a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

16. Section 1009.86 is revised to read as follows:

§ 1009.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 1009.12(c), (b) milk received from a cooperative association as a handler pursuant to § 1009.12(c), (c) other source milk allocated to Class I pursuant to § 1009.46(a)(3) and (7)(1) the corresponding steps of § 1009.46(b), and (d) Class I milk disposed of from a partially regulated distributing plan on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

1. In § 1011.10, paragraph (b) is revised, the period at the end of paragraph (d) is changed to a semicolon and a new paragraph (e) is added, to read as follows:

§ 1011.10 Handler.

* * * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * * *

(e) A producer-handler, or any person who operates an other order plant.

2. Section 1011.11 is revised to read as follows:

§ 1011.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the inspection requirements of a duly constituted health authority for distribution in the marketing area, and whose milk is (a) received at a pool plant, or (b) received by a cooperative association in its capacity as a handler pursuant to § 1011.10(d), or (c) diverted from a pool plant to a nonpool plant other than an other order plant or a plant of a producer-handler: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if diverted for the account of the operator of such plant, or at the location of the pool plant from which diverted if diverted for the account of a cooperative association.

3. New §§ 1011.18 and 1011.19 are added under the centerhead "Definitions" to read as follows:

§ 1011.18 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products approved for fluid consumption by the appropriate health authority (hereafter referred to as Grade A milk) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

§ 1011.19 Fluid milk product.

"Fluid milk product" means all milk, skim milk (including concentrated and reconstituted skim milk), buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except sterilized products in hermetically sealed containers, ice cream mix, and eggnog).

4. Section 1011.30 is revised to read as follows:

§ 1011.30 Reports of receipts and utilization.

(a) On or before the 6th day after the end of each month, each handler shall report to the market administrator, for each of his pool plants and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk and the aggregate quantities of base milk and excess milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1011.10(d);

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) The inventories of skim milk and butterfat in fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this part, including a separate statement of the disposition of Class I milk outside the marketing area; and

(6) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

(b) Each handler specified in § 1011.10 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk;

(c) On or before the 6th day after the end of each month, each cooperative association, with respect to milk for which it is a handler pursuant to § 1011.10 (c) or (d), shall report to the market administrator for such month, and for each accounting period elected in such month, in the detail and on forms prescribed by the market administrator, as follows:

(1) The quantities of skim milk and butterfat contained in receipts of producer milk; and

(2) The quantities of skim milk and butterfat contained in milk delivered to each pool plant and in the milk diverted to each nonpool plant.

(d) Each handler who submits reports on the basis of an accounting period of less than a month, as described in § 1011.35, shall submit a summary report of the same information for the entire month.

5. In § 1011.31, a new paragraph (c) is added to read as follows:

§ 1011.31 Other reports.

* * * * * *

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

6. Section 1011.32 is revised to read as follows:

§ 1011.32 Payroll reports.

On or before the 20th day of each month, each handler shall submit to the market administrator the following reports:

(a) Each handler who receives milk from producers shall submit his producer payroll for deliveries of milk for the preceding month for each of his pool plants which shall show:

(1) The name and address of each producer;

(2) The total pounds and the average butterfat test of milk received from such producer, including, for the months of April through July, the total pounds of base and excess milk;

(3) The days on which milk was received from such producer if less than a full month;

(4) The rate and net amount of payment to each producer; and

(5) The amount and nature of any deductions or charges involved in such payments.

(b) Each handler operating a partially regulated distributing plant, and who does not elect to make payments pursuant to § 1011.62(b), shall submit his dairy farmer payroll for deliveries of milk to the partially regulated distributing plant for the preceding month which shall show:

(1) The name and address of each dairy farmer;

(2) The total pounds and the average butterfat test of milk received from such dairy farmer;

(3) The rate and net amount of payment to each dairy farmer; and

(4) The amount and nature of any deduction or charges involved in such payments.

7. In § 1011.33, paragraph (d) is revised to read as follows:

§ 1011.33 Records and facilities.

* * * * * *

(d) Payments to producers or dairy farmers, including any deductions authorized by producers or dairy farmers, and disbursement of money so deducted.

8. Section 1011.41 is revised to read as follows:

§ 1011.41 Classes of utilization.

Subject to the conditions set forth in §§ 1011.42 through 1011.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products: *Provided*, That any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in fluid milk products which have been fortified with nonfat milk solids and which were excepted

from Class I milk pursuant to paragraph (a) (1) of this section;

(3) Contained in homogenized and chocolate milk disposed of for animal feed;

(4) Contained in (skim milk only) products disposed of for animal feed, other than those in (3) of this paragraph;

(5) Dumped (skim milk only) during the months of April, May, June or July: *Provided*, That the handler shall give the market administrator such advance notice of intention to dump as the market administrator may require;

(6) Contained in inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1011.42(c); and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1011.42(b) (2).

9. Section 1011.42 is revised to read as follows:

§ 1011.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat in the pool plant(s) of the handler;

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat contained in producer milk (except milk diverted pursuant to § 1011.11(c)), milk received from a cooperative association pursuant to § 1011.10(d), milk from other order plants and from unregulated supply plants to be allocated pursuant to § 1011.46(a) (7) and the corresponding step in § 1011.46(b), and (2) skim milk and butterfat in other source milk exclusive of that specified in subparagraph (1) of this paragraph; and

(c) Multiply the pounds of shrinkage in skim milk and butterfat, respectively, prorated pursuant to paragraph (b) (1) of this section not to exceed 2.0 percent of the pounds of skim milk and butterfat, respectively, in receipts described therein by the percentage of skim milk and butterfat, respectively, classified pursuant to § 1011.41(a) (1) and (2), and (b) (1) through (5) (excluding that in milk diverted pursuant to § 1011.11(c) and shrinkage determined pursuant to paragraph (a) of this section) which is in Class II milk. The resulting amount shall be the pounds of skim milk and butterfat assigned to Class II pursuant to § 1011.41(b) (7).

10. Section 1011.44 is revised to read as follows:

§ 1011.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1011.10(d) to a pool plant of another handler unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1011.30: *Provided*, That the classification of such transfer is subject to the following:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1011.46(a) (7) and the corresponding step in § 1011.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1011.46(a) (3) and the corresponding step in § 1011.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1011.46(a) (7) and the corresponding step of § 1011.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred as fluid milk or skim milk or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or the city limits of Kingsport, Tennessee;

(d) As Class I milk, if transferred as fluid milk or skim milk or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Hall of Bluefield, West Virginia, or from the city limits of Kingsport, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1011.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from market pool other order plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and market pool other order plants not regulated by such order; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk not to exceed the equivalent amount of skim milk and butterfat, respectively, actually utilized as Class II milk in the nonpool plant;

(e) As Class I milk if transferred from a pool plant in bulk form as cream to a nonpool plant not an other order plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims classification in Class II in his report;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat, respectively, was actually used as Class II milk in such transferee plant: *Provided*, That if the same Class II utilization of skim milk and butterfat in such transferee plant is claimed with respect to transfers of cream by other pool plants or other order plants, the skim milk and butterfat assigned to Class II pursuant to this paragraph shall not exceed the pro rata share of the skim milk and butterfat, respectively, received from all other pool plants or other order plants; and

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1011.46 is revised to read as follows:

§ 1011.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1011.45, the market administrator shall determine the classification of each handler's producer milk received at his pool plants as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1011.41(b) (7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 1011.10(d), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to paragraph (a) (4) (ii) of this section; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to paragraph (a) (4) (ii) of this section;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers or from a cooperative association in its capacity as a handler pursuant to § 1011.10(d) according to the classification assigned pursuant to § 1011.44 (a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1011.53 is revised to read as follows:

§ 1011.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 50 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the nearest of the City Halls in Bluefield, West Virginia; Welch, West Virginia; Harlan, Kentucky; the County Courthouse in Princeton, West Virginia; and the city limits of Kingsport, Tennessee, and assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to paragraph (b) of this section or § 1011.70, the price computed pursuant to § 1011.51(a) shall be reduced by 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to Class I disposition at the transferee plant after subtracting from Class I 95 percent of the sum of (1) receipts at such plant from producers and cooperative associations pursuant to § 1011.10(d) and (2) receipts assigned as Class I from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

13. Section 1011.62 is revoked. A new § 1011.62 is added to read as follows:

§ 1011.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1011.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1011.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1011.9(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1011.9(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfact content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

14. Section 1011.70 is revised to read as follows:

§ 1011.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler for milk received at his pool plants and of any cooperative association with respect to milk for which it is a handler pursuant to § 1011.10 (c) or (d) each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1011.46(c), by the applicable class

prices (adjusted pursuant to §§ 1011.52 and 1011.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1011.46(a)(9) and the corresponding step of § 1011.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1011.46(a)(5) and the corresponding step of § 1011.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1011.46(a)(3) and the corresponding step of § 1011.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1011.46(a)(7)(i) and the corresponding step of § 1011.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1011.46(a)(7)(iii) and the corresponding step of § 1011.40(b), at the applicable class prices adjusted pursuant to §§ 1011.52 and 1011.53(a) at the location of the transferor plant subject to the limitations pursuant to § 1011.53(b).

15. Section 1011.71 is revised to read as follows:

§ 1011.71 Computation of weighted average and uniform prices.

For each month the market administrator shall compute the weighted average price and for each of the months of August through March the uniform price per hundredweight of milk received as follows:

(a) Combine into one total the values computed pursuant to § 1011.70 for all handlers, except handlers defined pursuant to § 1011.10(b), who filed the reports prescribed by § 1011.30 for the month and who made the payments pursuant to §§ 1011.90 and 1011.94 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1011.92;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1011.91 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included under paragraph (a) of this section; and

(2) The total hundredweight for which values are computed pursuant to § 1011.70(e) and (f); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average" price, and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in each of the months of August through March.

16. Section 1011.72 is revised to read as follows:

§ 1011.72 Computation of uniform prices for base milk and excess milk.

For each of the months April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk each of 3.5 percent butterfat content received from producers as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1011.71(a) as follows:

(1) Multiply the hundredweight of excess milk not in excess of the total quantity of producer milk received by such handlers assigned to Class II milk by the price for Class II milk of 3.5 percent butterfat content;

(2) Multiply the hundredweight of excess milk not included in subparagraph (1) of this paragraph by the price for Class I milk of 3.5 percent butterfat content;

(3) Add together the amounts resulting from the computation pursuant to subparagraphs (1) and (2) of this paragraph; and

(4) Add any amount indicated pursuant to the proviso of paragraph (e) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content f.o.b. basing points;

(c) From the total of the amounts computed pursuant to paragraphs (a) through (d) in § 1011.71 subtract the total value of excess milk determined by multiplying the uniform price for excess milk obtained in paragraph (b) of this section by the hundredweight of excess milk;

(d) Subtract from the amount computed pursuant to paragraph (c) of this section, an amount computed by multiplying the hundredweight of milk specified in § 1011.71(e)(2) by the weighted average price;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk included in these computations: *Provided*, That if the resulting value is greater than an amount computed by multiplying the total hundredweight of such milk by the Class I price, such value in excess thereof shall be added to the value computed pursuant to paragraph (a) of this section but only to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated to the respective volumes of milk used in computing the base and excess prices; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section, the resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content, f.o.b. basing points.

17. Section 1011.92 is revised to read as follows:

§ 1011.92 Location differentials to producers and on nonpool milk.

(a) The uniform price to be paid for producer milk and the uniform price to be paid for base milk received at a pool plant shall be reduced according to the location of the pool plant, each at the rates set forth in § 1011.53; and

(b) For purposes of computations pursuant to §§ 1011.94 and 1011.95 the weighted average price shall be reduced at the rates set forth in § 1011.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant from which the milk was received.

18. Section 1011.93 is revised to read as follows:

§ 1011.93 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.62, 1011.94, and 1011.96 and out of which he shall make all payments pursuant to §§ 1011.95 and 1011.96: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

19. Section 1011.94 is revised to read as follows:

§ 1011.94 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1011.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1011.71 and 1011.72 adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price computed pursuant to § 1011.71 adjusted by the producer butterfat differential pursuant to § 1011.91 and the location differential on nonpool milk computed pursuant to § 1011.92(b) with respect to other source milk for which values are computed pursuant to § 1011.70 (e) and (f).

20. Section 1011.95 is revised to read as follows:

§ 1011.95 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.94(b) exceeds the amount computed pursuant to § 1011.94(a). The market administrator shall offset any payment due any handler against payments due from such handler.

21. Section 1011.98 is revised to read as follows:

§ 1011.98 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk and milk received from a cooperative association in its capacity as a handler pursuant to § 1011.10(d); (b) other source milk allocated to Class I pursuant to § 1011.46(a)(3) and (7)(i) and the corresponding step of § 1011.46(b); and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That if such handler elects two accounting periods within the month, the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. Section 1013.7 is revised to read as follows:

§ 1013.7 Producer.

"Producer" means any person, except a producer-handler, as defined in any order (including this part) issued pursuant to the Act, who produces milk (as described in § 1013.63) in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable to agencies of the United States Government located in the marketing area for fluid consumption), which milk is received at pool plant(s) on eight or more days during the month, or a person who was a producer during the preceding month from whom milk was received at pool plant(s) on eight or more days: *Provided*, That after December 31, 1960, the definition of "producer" shall not mean any person who during the month produces milk on, in, or by the use of the same milking barns or premises from which milk is delivered to a nonpool plant except milk diverted to such nonpool plant by a handler pursuant to § 1013.13.

2. Section 1013.12 is revised to read as follows:

§ 1013.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which skim milk and butterfat in the form of products designated as Class I milk pursuant to § 1013.41(a) in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which milk and skim milk eligible for distribution on routes in the marketing area are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. In § 1013.22, paragraph (j)(1) is revised to read as follows:

§ 1013.22 Duties.

* * * * * * *

(j) * * *

(1) The 5th day of each month, the Class I milk price computed pursuant to § 1013.50(a) and butterfat differential computed pursuant to § 1013.72, both for the current month, and the Class II milk price, Class III milk price and Class IV milk price computed pursuant to § 1013.50 (d), (e), and (f), respectively, and butterfat differential computed pursuant to § 1013.72, all for the preceding months; and

(2) The 11th day of each month, the uniform price computed pursuant to § 1013.71 and the producer butterfat differential all for the preceding months; and

4. In § 1013.31, a new paragraph (c) is added to read as follows:

§ 1013.31 Other reports.

* * * * * * *

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has made bulk shipments of skim milk and butterfat in the form of milk, skim milk, or cream to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of products shipped.

5. In § 1013.41, the introductory paragraph immediately preceding paragraph (a) and paragraphs (c) (3) and (4) are revised to read as follows:

§ 1013.41 Classes of utilization.

Subject to the conditions set forth in §§ 1013.42 through 1013.46, the classes of utilization shall be as follows:

* * * * * * *

(c) * * *

(3) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1013.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers, and from other order plants and unregulated supply plants to be allocated pursuant to § 1013.46(a)(7) and the corresponding step of § 1013.46(b); and

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1013.42(b)(2).

6. Sections 1013.42, 1013.43, 1013.44, and 1013.45 are redesignated §§ 1013.43, 1013.44, 1013.45, and 1013.46, respectively, and a new § 1013.42 is added to read as follows:

§ 1013.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, and from other order plants and unregulated supply plants to be allocated pursuant to § 1013.46(a)(7) and the corresponding step of § 1013.46(b); and (2) other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1013.44 is revised to read as follows:

§ 1013.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of milk products designated as Class I milk pursuant to § 1013.41(a), from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1013.46(a)(7) and the corresponding step of § 1013.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1013.46(a)(3), and the corresponding step of § 1013.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1013.46(a)(7)

and the corresponding step of § 1013.46 (b) the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent that would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 500 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in Boca Raton, Florida;

(c) As Class I milk, if transferred or diverted in bulk form as milk or skim milk to a nonpool plant that is not an other order plant, located not more than 500 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the main U.S. Post Office in Boca Raton, Florida, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1013.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the milk or skim milk so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk to the extent available and the remainder as Class II milk;

(d) As Class I milk, if transferred in bulk form as cream to a nonpool plant that is not an other order plant unless:

(1) The transferring handler claims classification as Class II milk;

(2) The handler gives the market administrator sufficient notice to allow him to verify the shipment;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the quantity transferred in excess of such actual use shall be classified as Class I milk; and

(e) In the class to which allocated under the terms of such other order, if transferred in the form of milk, skim milk, or cream to an other order plant. For this purpose, if the transferee order provides for two classes of utilization, allocation to a class consisting primarily of milk products in fluid form shall be classified as Class I, and milk allocated otherwise shall be classified as Class III. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class III (or comparable classes under such other order) to the extent of the Class III utilization available for such assignment.

8. Section 1013.46 is revised to read as follows:

§ 1013.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler for each month or other accounting period described in paragraph (d) of this section as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1013.41(c)(3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in the form of milk products designated as Class I or Class II milk pursuant to § 1013.41 (a) or (b), respectively, received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk (or Class II if so defined by this order), the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk as specified in § 1013.14(b);

(ii) Receipts of non-Grade A milk and skim milk;

(iii) Receipts of milk and skim milk from producer-handler plants; and

(iv) Other source milk received from dairy farmers;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III and/or Class II (beginning with Class III unless otherwise specified) but not in excess of such quantity or quantities:

(i) Receipts of milk and skim milk from an unregulated supply plant:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of milk and skim milk in bulk from an other order plant, if Class III or Class II utilization, respectively, was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of milk products in the form of products designated as Class I milk pursuant to § 1013.41(a) on hand at the beginning of the month or other accounting period: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk.

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of milk and skim milk from unregulated supply plants that were not subtracted pursuant to subdivision (4)(i) of this paragraph;

(ii) Receipts of milk and skim milk in bulk from market pool other order plants that were not subtracted pursuant to subdivision (4)(ii) of this paragraph;

(iii) Receipts of milk and skim milk in bulk from handler pool other order plants that were not subtracted pursuant to subdivision (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in the form of milk products designated as Class I milk pursuant to § 1013.41(a) from pool plants of other handlers according to the classification assigned pursuant to § 1013.44 (a);

(9) If the pounds of skim milk remaining in the various classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class; and

(d) A handler may account for receipts of milk, utilization of milk and classification of milk, at his plant, for periods within a month if he notifies the market administrator in writing of his intention to use such accounting period not later than the end of every accounting period.

9. Section 1013.51 is revised to read as follows:

§ 1013.51 Location adjustments to handlers.

(a) For milk received from producers at a pool plant 60 miles or more by shortest hard-surfaced highway distance, as determined by the market administrator, from the main U.S. Post Office in Boca Raton, Florida, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a Class I location adjustment is applicable, the Class I price computed pursuant to § 1013.50(a) shall be reduced by 13 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of milk and skim milk in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I pursuant to § 1013.46(a)(7) to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1013.52 is revoked and § 1013.53 is redesignated § 1013.52.

11. Section 1013.62 is revised to read as follows:

§ 1013.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1013.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1013.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1013.11(b) by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the comparable utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class III if allocated to such class (or comparable class) at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1013.11(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

12. Section 1013.70 is revised to read as follows:

§ 1013.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1013.46(c), by the applicable class prices (adjusted pursuant to § 1013.51);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1013.46(a)(9) and the corresponding step of § 1013.46(b) by the applicable class prices.

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding accounting period and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(5) and the corresponding step of § 1013.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1013.46(a)(3) and the corresponding step of § 1013.46(b);

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1013.46(a)(7)(i) and the corresponding step of § 1013.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts from handler pool other order plants subtracted from each class pursuant to § 1013.46(a)(7)(iii), and the corresponding step of § 1013.46(b), at the applicable class prices adjusted by the location adjustment credit pursuant to § 1013.51.

13. Section 1013.71 is revoked.

14. Section 1013.72 is redesignated § 1013.71 and is revised to read as follows:

§ 1013.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 for the month and who made the payments pursuant to §§ 1013.80 and 1013.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1013.73;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1013.70 (e) and (f); and

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. Section 1013.73 is redesignated § 1013.72.

16. Section 1013.74 is redesignated § 1013.73 and is revised to read as follows:

§ 1013.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1013.51; and

(b) For purposes of computations pursuant to §§ 1013.82 and 1013.83 the uniform price shall be adjusted at the rates set forth in § 1013.51 applicable at the location of the nonpool plant from which the milk was received.

17. Section 1013.75 is redesignated § 1013.74.

18. In §§ 1013.74(b) and 1013.80(a)(3), the reference to "§ 1013.72" is deleted and "§ 1013.71" is substituted therefor.

19. Section 1013.82 is revised to read as follows:

§ 1013.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or portion thereof that such payment is overdue: *And provided further*, That the requirement as to date of payment pursuant to this section shall be considered to have been met if the payment is made by mail postmarked not later than the required payment date:

(a) The net pool obligation computed pursuant to § 1013.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1013.80(a)(3); and

(2) The value at the uniform price pursuant to § 1013.71 at the location of the plant(s), from which received (not to less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1013.70 (e) and (f).

20. Section 1013.83 is revised to read as follows:

§ 1013.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1013.82(b) exceeds the amount computed pursuant to § 1013.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

21. Section 1013.86 is revised to read as follows:

§ 1013.86 Expense of administration.

(a) As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (1) producer milk (including such handler's own production), (2) other source milk allocated to Class I pursuant to § 1013.46(a)(3) and (7)(i) and the corresponding steps of § 1013.46(b), and (3) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) With respect to payments pursuant to paragraph (a) of this section, if a handler uses more than one accounting period in a month, the rate of payment per hundredweight for such handler shall be the rate for monthly accounting periods multiplied by the number of accounting periods in the month, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods.

PART 1016—MILK IN THE UPPER CHESAPEAKE BAY MARKETING AREA

1. In § 1016.2, paragraphs (e) and (g) are revised to read as follows:

§ 1016.2 Definitions of persons.

* * * * *

(e) "Producer" means any dairy farmer (except a dairy farmer for other markets or a producer-handler as defined in any order, including this part, issued pursuant to the Act) with respect to milk of his production which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), or which is diverted to a nonpool plant (except a plant of a producer-handler or a plant where such milk would be priced as producer milk subject to the provisions of another order issued pursuant to the Act) during any month(s) of March through September, or which is diverted during any month(s) of October through February to such a nonpool plant in accordance with the provisions of subparagraphs (1), (2), or (3) of this paragraph: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted: *And provided further*, That a handler shall notify a cooperative association prior to diverting milk of such cooperative's members during the month: *And provided also*, That if diversions by a cooperative association or other handler exceed the limits described in subparagraphs (1) or (2), respectively, of this paragraph, all diversions by such handler shall be subject to the limit of the number of days of diversion pursuant to subparagraph (3) of this paragraph:

(1) Diverted as the milk of a member of a cooperative association for the account of such association, if member milk so diverted does not exceed 15 percent of the total of such diverted milk and other milk of members of such cooperative association received at pool plants during the month;

(2) Diverted as the milk of a dairy farmer not a member of a cooperative association for the account of a handler not a cooperative association in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total of such diverted milk and other nonmember milk which is received at the pool plant during the month; or

(3) Diverted not more than 10 days (5 days in the case of every-other-day delivery) during the month, except that the definition of producer pursuant to this subparagraph shall not include any dairy farmer with respect to the milk of such farmer which is, during any month of the October through February period, delivered to nonpool plants on days in excess of the number of days specified in this subparagraph.

* * * * *

(g) "Handler" means: (1) Any person in his capacity as the operator of a pool plant; (2) a producer-handler or any person in his capacity as an operator of a partially regulated distributing plant or an other order plant; (3) a cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of paragraph (e) of this section from a pool plant for the account of such cooperative association; and (4) a cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of the cooperative association if the cooperative association has notified in writing the market administrator and the handler to whom the milk is delivered that it elects to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

2. In § 1016.3, paragraph (c) is revised to read as follows:

§ 1016.3 Definitions of plants.

* * * * *

(c) "Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(1) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(i) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(ii) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling:

(2) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units approved for fluid consumption in the marketing area are distributed on routes in the marketing area during the month;

(4) "Unregulated supply plant" means a nonpool plant other than an other order plant or a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. In § 1016.30, paragraph (c) is revoked and paragraph (b) is revised to read as follows:

§ 1016.30 Reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1016.2(g)(2) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that milk approved for fluid consumption by the appropriate health authority received from dairy farmers shall be reported in lieu of those in producer milk.

4. Section 1016.31 is revised to read as follows:

§ 1016.31 Other reports.

(a) Each pool handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer (and for each pool plant in the case of those pool handlers operating pool plants): (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction; and

(2) On or before the first day other source milk is received at his pool plant(s) in the form of any fluid milk product, his intention to receive such product and on and before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant location involved.

(c) Each pool handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1016.80(b) shall on or before the 11th day after the end of each month report to such cooperative association concerning each producer-member of such cooperative association from whom he received milk during the month as follows:

(1) The name, address and code number, if any;

(2) The total deliveries and the number of days on which delivery was made;

(3) The average butterfat test of the milk delivered; and

(4) The nature and amount of any deductions to be made in payments due such producer.

(d) Each pool handler dumping milk or milk products pursuant to § 1016.41(b)(3) shall give the market administrator during normal duty hours not less than three hours advance notice of intention to make such disposition and of the quantities of skim milk and butterfat involved.

(e) Each pool handler, in the case of any bulk tank load of milk of which partial loss occurs through accident in transit from farm(s) to plant of first receipt, shall report, within 24 hours following the accident, for each producer: (1) The quantity lost, and (2) the quantity of producer milk received computed pursuant to the terms set forth in § 1016.4(b).

(f) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

(g) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(h) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1016.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

5. In § 1016.41, paragraph (b) is revised to read as follows:

§ 1016.41 Classes of utilization.

* * * * *

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) and (3) of this section;

(2) Disposed of for livestock feed;

(3) In milk and milk products dumped, if the conditions of § 1016.31(d) are met by the handler;

(4) Contained in inventory of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 1016.42(b)(1) not to exceed the following:

(i) 2.0 percent of producer milk received at a pool plant by and for the account of the handler operating the plant; plus

(ii) 1.5 percent of milk received at a pool plant by the handler operating the plant from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), except that if the handler files with the market administrator notice that he is purchasing such milk on the basis of weights determined at the farm from farm tank measurements, and at butterfat tests based on samples taken at the farm, the applicable percentage shall be 2.0 percent; plus

(iii) 1.5 percent of milk received at a pool plant in bulk tank lots from other pool plants, and receipts which are to be allocated pursuant to § 1016.46(a)(7) and (8) and the corresponding steps in § 1016.46(b); less

(iv) 1.5 percent of milk disposed of in bulk tank lots from a pool plant to other plants; and plus

(v) 0.5 percent of producer milk received by a cooperative association for which it is a handler pursuant to § 1016.2(g)(4), unless the exception provided in subdivision (ii) of this subparagraph applies;

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1016.42(b)(2);

(7) Disposed of in bulk fluid form to manufacturing establishments which do not dispose of fluid milk products from the premises and which use such skim milk and butterfat in the manufacture of nondairy commercial food products including soup, candy and bakery products; and

(8) The weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1) of this section.

6. Section 1016.42 is revised to read as follows:

§ 1016.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in:

(1) Producer milk and other receipts of milk specified in § 1016.41(b)(5), and

(2) Other source milk exclusive of that specified in § 1016.41(b)(5).

7. Section 1016.44 is revised to read as follows:

§ 1016.44 Transfers.

Skim milk and butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or a cooperative association as a handler pursuant to § 1016.2(g)(4) to a pool plant, unless Class II utilization is indicated by the transferee and

transferor handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1016.30(a) for the month, subject to the conditions of subparagraphs (1) and (2) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1016.46(a)(8) and the corresponding step of § 1016.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1016.46(a)(3), and the corresponding step of § 1016.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the greatest possible Class I utilization to the producer milk at both plants; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1016.46(a)(7) and (8) and the corresponding steps of § 1016.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 300 miles or more from the City Hall in Baltimore, Maryland;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that that is neither an other order plant nor a producer-handler plant, located less than 300 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the City Hall in Baltimore, Maryland, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1016.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from market pool other order plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and market pool other order plants not regulated by such order;

(iii) The remaining skim milk and butterfat so transferred or diverted shall be Class II to the extent that an equivalent Class II utilization was available in such plant after the assignment of receipts at such plant pursuant to subdivisions (i) and (ii) of this subparagraph: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent utilization of skim milk and butterfat was not available the remaining pounds shall be classified as Class I;

(e) As Class I milk if transferred in packaged form to a nonpool plant that is not an other order plant; and

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1016.46 is revised to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1016.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1016.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not approved for fluid consumption by the appropriate health authority; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plants, and from dairy farmers who are not producers, to the extent that the total of such receipts are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) and in receipts in bulk from other order plants classified and priced pursuant to the applicable order; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant, and from dairy farmers who are not producers, remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant if classified and priced pursuant to the order regulating such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants (except from market pool other order plant(s) if not classified and priced pursuant to the order regulating such plant) that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of other source milk in the form of fluid milk products that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4) according to the classification assigned pursuant to § 1016.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1016.52 is revised to read as follows:

§ 1016.52 Location differentials to handlers.

(a) For that milk received from producers or from a cooperative association as a handler pursuant to § 1016.2(g)(4) at a pool plant located 75 miles or more from the nearer of the City Hall in Baltimore or the Courthouse in Salisbury, Maryland, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk assigned Class I location adjustment credit pursuant to paragraph (b) of this section or § 1016.70, the price specified in § 1016.50(a) shall be reduced 12 cents per hundredweight plus an additional 1.5 cents for each additional 10 miles or fraction thereof in excess of 75 miles:

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant which is in excess of the receipts at such plant as specified in subparagraphs (1), (2), and (3) of this paragraph, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply:

(1) Receipts from producers, and cooperative associations pursuant to § 1016.2(g)(4);

(2) Receipts assigned as Class I from market pool other order plants; and

(3) Receipts assigned as Class I from unregulated supply plants and from dairy farmers.

10. In § 1016.62, the section heading and the provisions therein are revised to read as follows:

§ 1016.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1016.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1016.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1016.3(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for milk approved by a duly constituted health authority for fluid disposition received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1016.3(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

11. Section 1016.70 is revised to read as follows:

§ 1016.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler who receives milk from producers during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1016.46(c), by the applicable class prices (adjusted pursuant to §§ 1016.51 and 1016.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1016.46(a)(10) and the corresponding step of § 1016.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1016.46(a)(5) and the corresponding step of § 1016.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with re-

spect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1016.46(a)(3) and the corresponding step of § 1016.46(b);

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) through (3) as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers and assigned Class I pursuant to § 1016.46(a)(8)(ii) and the corresponding step of § 1016.46(b);

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1016.46(a)(8)(ii) and the corresponding step of § 1016.46(b) adjusted for location of the nearest plants from which an equivalent volume of the types of receipts allocated pursuant to § 1016.46(a)(8)(ii) and the corresponding step of § 1016.46(b) was received.

(3) The value of skim milk and butterfat computed pursuant to subparagraph (2) of this paragraph shall be adjusted for location of the nearest unregulated supply plant(s), and market pool other order plant(s) (from which milk not classified and priced pursuant to the order regulating such plant(s) was received).

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1016.46(a)(7), and the corresponding step of § 1016.46(b), at the applicable class prices adjusted pursuant to §§ 1016.51 and 1016.52(a) at the location of the transferor plant subject to the limitations pursuant to § 1016.52(b); and

(g) Add or subtract, as the case may be, an amount necessary to correct errors ance in the producer-settlement fund; in the verification of reports of each handler in his receipts and utilization of skim milk and butterfat for previous months.

12. Section 1016.71 is revised to read as follows:

§ 1016.71 Computation of uniform and weighted average prices.

For each month the market administrator shall compute the weighted average price and for each of the months of July through February the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1016.70 for all handlers who filed the reports prescribed by § 1016.30 for the month and were not in default of payments pursuant to § 1016.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1016.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1016.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included under paragraph (a) of this section; and

(2) The total hundredweight for which values are computed pursuant to § 1016.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of July through February;

13. Section 1016.72 is revised to read as follows:

§ 1016.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to § 1016.71 (a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) From the amount resulting from the computations of § 1016.71 (a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1016.71(e)(2) by the weighted average price;

(d) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk for handlers included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk.

§ 1016.80 [Amendment]

14. In § 1016.80(a) the reference "§ 1016.72(c) through (e)" is changed to read "§ 1016.72(c) through (f)".

15. Section 1016.82 is revised to read as follows:

§ 1016.82 Location differentials to producers and on nonpool milk.

(a) In making payments to producers or to a cooperative association pursuant to § 1016.80(a) or (b) at the uniform price computed pursuant to § 1016.71 for milk received from producers during any month(s) of July through February and at the uniform price for base milk computed pursuant to § 1016.72 for base milk received from producers during any month(s) of March through June, a handler, with respect to all such milk received at a pool plant located 75 miles by the shortest highway distance from the nearer of the City Hall, Baltimore, Maryland; or the Courthouse, Salisbury, Maryland (as determined by the market administrator), and a cooperative association, with respect to all such milk received by it in its capacity as a handler pursuant to § 1016.2(g)(3) and (4), at the location of such plant, shall deduct 12 cents per hundredweight plus an additional 1.5 cents for each additional 10-mile distance, or fraction thereof, which such plant is located from such point.

(b) For purposes of computations pursuant to §§ 1016.84 and 1016.85 the weighted average price shall be reduced at the rates set forth in paragraph (a) of this section (not to be less than the value at the Class II price) applicable at the location of the nonpool plant(s) from which the milk was received.

16. Section 1016.84 is revised to read as follows:

§ 1016.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1016.70 for such handler;

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1016.71 and 1016.72 adjusted by producer butterfat and location differentials; and

(2) The value at the weighted average price(s) adjusted by the producer butterfat differential pursuant to § 1016.81 and the location differential on nonpool milk pursuant to § 1016.82(b) with respect to other source milk for which values are computed pursuant to § 1016.70 (e) and (f).

17. Section 1016.85 is revised to read as follows:

§ 1016.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any by which the amount computed pursuant to § 1016.84(b) exceeds the amount computed to § 1016.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

18. Section 1016.88 is revised to read as follows:

§ 1016.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), shall pay to the market administrator on or before the 18th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), (b) other source milk allocated to Class I pursuant to § 1016.46(a)(3) and (8)(ii) and the corresponding step of § 1016.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1016.89 [Amendment]

19. In the text of paragraph (a) in § 1016.89, the reference to "(a)" contained therein is changed to "(b)".

PART 1033—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

1. Section 1033.8 is revised to read as follows:

§ 1033.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk or cream acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label is shipped to a pool plant.

2. In § 1033.10, the introductory text is revised to read as follows:

§ 1033.10 Producer.

"Producer" means a dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk on a farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

3. Section 1033.11 is revised to read as follows:

§ 1033.11 Handler.

"Handler" means:

(a) Any person who operates (1) a pool plant; or (2) a partially regulated distributing plant;

(b) Any cooperative association with respect to the milk of any producer which is diverted by the cooperative association during the month; or

(c) A producer-handler, or any person who operates an other order plant.

4. Section 1033.31 is revised to read as follows:

§ 1033.31 Other reports.

(a) On or before the 10th day after the end of each month, each handler, except a producer-handler, who operates a partially regulated distributing plant shall report to the market administrator the information required of handlers operating pool plants pursuant to § 1033.30 substituting receipts from dairy farmers for receipts from producers.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

(d) On or before the 10th day after the end of the month each handler who operates a partially regulated distributing plant, except one who elects to make payments pursuant to § 1033.61(b), shall report to the market administrator on forms approved by the market administrator his dairy farmer payroll which shall show for each dairy farmer, the total pounds of milk received from him and the average butterfat content thereof and the net amount of the payment made to such dairy farmer together with the price, deductions and charges involved.

5. Section 1033.41 is revised to read as follows:

§ 1033.41 Classes of utilization.

Subject to the conditions set forth in §§ 1033.43 and 1033.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, other than those classified pursuant to paragraph (c)(2), (3) and (4) of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not accounted for as Class II milk or Class III milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, frozen desserts, ice cream and frozen dessert mixes (excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids), milk or skim milk and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, cottage cheese, and cultured mixtures of skim milk and butterfat to which cheese or any food substance other than a milk product has been added in an amount equal to at least three percent of the finished product and which contains butterfat equal to not more than 15 percent of the finished product; and

(2) Inventories of fluid milk products; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter, frozen cream, spray and roller process nonfat dry milk, milk solids, all cheese (other than cottage cheese), evaporated and condensed milk (or skim milk) either in bulk or hermetically sealed cans;

(2) Specifically accounted for as dumped, spilled or disposed of for animal feed;

(3) Disposed of in bulk as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1033.42(b)(1), but not in excess of two percent of such milk; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1033.42(b)(2).

6. Section 1033.42 is revised to read as follows:

§ 1033.42 Shrinkage.

The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively; and

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat, respectively, in producer milk (including producer milk physically received as diverted from another pool plant and excluding producer milk diverted to another pool plant), receipts in bulk fluid form from other order plants and unregulated supply plants, which are to be subtracted pursuant to § 1033.46(a)

(7) and (8), and the corresponding steps of § 1033.46(b); and (2) skim milk and butterfat in other source milk received in bulk fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1033.43 is revised to read as follows:

§ 1033.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1033.46(a) (8) and the corresponding step of § 1033.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1033.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1033.46(a) (7) and (8) and the corresponding steps of § 1033.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1033.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II or Class III milk, whichever is claimed: *Provided*, That an equivalent amount of skim milk and butterfat, respectively, was used at such nonpool plant in the classification(s) claimed. Any amounts in excess of the actual Class III use shall be assigned to Class II.

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for a different number of use classes than contained in this order, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II or Class III, whichever is more nearly similar to the class to which allocated in the other order. If for bulk shipments the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II or Class III (or comparable classes under such other order) to the extent of the Class II or Class III utilization available for such assignment.

8. Section 1033.46 is revised to read as follows:

§ 1033.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1033.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1033.41(c) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, beginning with the pounds of skim milk remaining in Class III:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II or Class III utilization, but not in excess of the pounds of skim milk remaining in Class II or Class III;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II and Class III which is in excess of the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk or Class III milk, if Class II or Class III utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1033.43(a); and

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1033.53 is revised to read as follows:

§ 1033.53 Location differentials to handlers.

(a) For that skim milk and butterfat in producer milk received at a pool plant located 30 or more miles by the shortest highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (1) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located less than 30 miles from the City Hall in Cincinnati, Ohio, or (2) otherwise disposed of as Class I or Class II milk at such plant or assigned Class I or Class II location adjustment credit pursuant to paragraph (c) of this section and other source milk for which a location adjustment credit is applicable, the prices specified in § 1033.51 subject to paragraph (b), shall be reduced at the rate set forth in the following schedule:

Distance from City Hall (miles):	*Rate per hundredweight (cents)*
30 but less than 40	6.0
40 but less than 50	8.0
50 but less than 60	10.0
For each additional 10 miles or fraction thereof an additional	1.5

(b) In the case of the transfers made under subparagraph (a) (1) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee plant the total skim milk and butterfat in producer milk physically received at such plant, and (2) shall be allowed to the transferee handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

(c) For purposes of calculating location adjustment credit, receipts of fluid milk products from handler pool other order plants shall be assigned Class I and Class II disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the volume assigned as Class I and Class II to receipts from market pool other order plants and unregulated supply plants such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1033.60 is revised to read as follows:

§ 1033.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1033.46(c), by the applicable class prices (adjusted pursuant to §§ 1033.52 and 1033.53);

(b) Add the amounts obtained from multiplying the pounds of overage deducted from each class pursuant to § 1033.46(a)(10) and the corresponding step of § 1033.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(5) and the corresponding step of § 1033.46(b);

(d) Add an amount equal to the difference between the value at the Class I price and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1033.46(a)(3) and the corresponding step of § 1033.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1033.46(a)(8)(ii) and the corresponding step of § 1033.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1033.46(a)(7) and the corresponding steps of § 1033.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1033.53(c).

11. Section 1033.61 is revised to read as follows:

§ 1033.61 Obligations of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 17th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1033.31 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1033.60 at such plant and at any other nonpool plant(s) which ships bulk fluid milk products to such plant and meets requirements equivalent to § 1033.7(c) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant on an other order plant shall be classified as Class III milk or its equivalent if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which ships bulk fluid milk products to such plant and meets requirements equivalent to § 1033.7(c), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class III price, whichever is higher.

12. Section 1033.63 is revised to read as follows:

§ 1033.63 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1033.60 for all handlers who filed the reports prescribed by § 1033.30 for the month and who made the payments pursuant to § 1033.72 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1033.75;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1033.74 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1033.60 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in subparagraph (e) (2) of this section by the weighted average price;

(h) Subtract from the remainder for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk by the following amounts: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(i) Add for each of the months of September, October, November, and December an amount computed by dividing by four the total amount of the obligated balance in the producer-settlement fund pursuant to § 1033.71 (b) on September 30 of such year;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

13. Section 1033.71 is revised to read as follows:

§ 1033.71 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1033.61 (a) and (b) and 1033.72 shall be deposited in this fund, and all payments made pursuant to § 1033.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 1033.63(h) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 1033.63 (i); and

(c) The difference between the amount added pursuant to § 1033.63(d) and the amount resulting from the subtraction pursuant to § 1033.63 (f) or (k) shall be deposited in, or withdrawn from, this fund, as the case may be.

14. Section 1033.72 is revised to read as follows:

§ 1033.72 Payments to producer-settlement fund.

On or before the 17th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1033.22 (i) (1) which shall consist of the amount specified in paragraph (a) of this section minus the amount of the credit in paragraph (b) of this section, less the amount paid out to each producer in accordance with § 1033.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll:

(a) The total of the net pool obligation computed pursuant to § 1033.60 for such handler;

(b) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1033.60 (e) and (f).

In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 1033.70 (inclusive of the deductions and charges authorized by § 1033.70) will not exceed the total value of the milk received from such producer.

15. Section 1033.75 is revised to read as follows:

§ 1033.75 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1033.53; and

(b) For purposes of computations pursuant to § 1033.72 the weighted average price shall be adjusted at the rates set forth in § 1033.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1033.76 is revised to read as follows:

§ 1033.76 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 17th day after the end of the month two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1033.46(a) (3) and § 1044.46(a) (3) (ii) and the corresponding steps of § 1033.46 (b), and (c) packaged Class I milk disposed of from partially regulated distributing plants on routes in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1034—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

1. Section 1034.11 is revised to read as follows:

§ 1034.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces, under a dairy farm inspection permit or equivalent certification issued by the appropriate health authority in the marketing area, milk which is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association during the months of April through July and on not more than one-third of the days of delivery during any other month: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at a pool plant.

2. Section 1034.12 is revised to read as follows:

§ 1034.12 Producer.

"Producer" means any person, other than a producer-handler as defined in

3. Section 1034.31 is revised to read as follows:

§ 1034.31 Other reports.

(a) Each producer-handler and each handler who operates a fluid milk plant not a pool plant shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 22nd day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for such month, which shall show, (1) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (2) the amount of payment to each producer and cooperative association, and (3) the nature and amount of the deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

(c) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

4. Section 1034.41 is revised to read as follows:

§ 1034.41 Classes of utilization.

Subject to the conditions set forth in § 1034.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, other than those classified pursuant to paragraphs (b) (2) and (b) (3), except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of and used for livestock feed; and skim milk dumped;

(3) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) of this section;

(4) Contained in inventory of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.45 (c) (1); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1034.45 (c) (2).

5. Section 1034.43 is revised to read as follows:

§ 1034.43 Transfers.

Skim milk or butterfat in the form of fluid milk product disposed of by a handler from a pool plant, including transfers or diversions by a cooperative association shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1034.46 (a) (7) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1034.46 (a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1034.46 (a) (6) and (7), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred, except in the form of cream in bulk, or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 100 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls in Dayton or Springfield, Ohio;

(d) As Class I milk, if transferred or diverted in bulk as any fluid milk products (in the case of cream the distance limitation shall not apply) to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 100 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls in Dayton or Springfield, Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1034.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of fluid milk products for such nonpool plant;

(ii) Class I utilization in excess of that assigned pursuant to subdivision (i) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of fluid milk products for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(c) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

(f) Other source milk caused by a cooperative association to be delivered from the plant of a person not a handler to the pool plant of a handler other than such cooperative association shall be considered as a transfer from the cooperative association to the handler if the cooperative association and the handler operating the pool plant to which such other source milk was caused by the cooperative association to be delivered both so indicate in their reports filed pursuant to § 1034.30.

6. Section 1034.45 is revised to read as follows:

§ 1034.45 Shrinkage.

Subject to paragraph (a) of this section, the quantities of skim milk and but-

terfat, respectively, at each pool plant to be classified as Class II milk pursuant to § 1034.41(b) (5) and (6) shall be computed as follows:

(a) If the sum of the quantities of skim milk and butterfat respectively, classified as Class I and Class II milk pursuant to §1034.41 (a) and (b) (1), (2), (3), and (4) equals or exceeds the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 1034.30, no skim milk or butterfat, respectively, shall be classified as Class II milk pursuant to § 1034.41(b) (5) and (6);

(b) Compute the total shrinkage of skim milk and butterfat; and

(c) Prorate the resulting amounts between the quantities specified in subparagraphs (1) and (2) of this paragraph. The amounts assigned to the quantities in subparagraph (1) of this paragraph shall not exceed 2.5 percent of such quantities and the amounts assigned to the other source milk included in subparagraph (2) of this paragraph shall equal the actual shrinkage allocated to these quantities.

(1) The receipts of producer milk at such plant less transfers of fluid milk products in bulk form to other pool plants; plus 60 percent of the fluid milk products transferred in bulk to other pool plants and plus 40 percent of the fluid milk products received in bulk from other pool plants and other order plants to be subtracted pursuant to § 1034.46 (a) (6) and (7) and the corresponding steps of § 1034.46(b); and

(2) Other source milk in the form of fluid milk products exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1034.46 is revised to read as follows:

§ 1034.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1034.44, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1034.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A milk;

(iii) Receipts of fluid milk products from producer-handlers or producer-handler plants under any Federal order;

(iv) Receipts of fluid milk products in bulk at a pool plant from a nonpool plant which is neither an other order plant nor a producer-handler plant;

(v) Receipts of fluid milk products in bulk from an other order plant, to the extent of the pounds of skim milk remaining in Class II, if Class II utilization was requested by the operator of such plant and the handler;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts, not subtracted pursuant to subparagraph (3) (v) of this paragraph, of fluid milk products in bulk from market pool other order plants, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler. Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at the other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which no adjustment has been made;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (3) (v) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1034.43;

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section, except the subtraction to be made pursuant to paragraph (a) (3) of this section shall be made starting with Class II butterfat used to produce butter; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Section 1034.60 is revised to read as follows:

§ 1034.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1034.46(c), by the applicable class prices (adjusted pursuant to § 1034.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1034.46(a)(9) and the corresponding step of § 1034.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1034.46(a)(4) and the corresponding step of § 1034.46(b);

(d) Subtract, for each hundredweight of butterfat in producer milk remaining in Class II milk and assigned to butterfat used to produce butter in a pool plant pursuant to § 1034.46(b) or is transferred or diverted from a pool plant to a nonpool plant in the form of fluid milk or cream and which butterfat is not in excess of the butterfat used to produce butter in such nonpool plant, less the receipts of butterfat at such plant from sources other than pool plants pursuant to this part and farmers who hold permits to supply Grade A milk, and who the market administrator determines constitute the regular source of supply for fluid milk products for such nonpool plant, the difference between the value computed for butterfat pursuant to § 1034.52(a) divided by .035 and the Chicago butter price multiplied by 120 less $5.00 for each of the months of March through August and less $3.60 for each of the other months of the year;

(e) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1034.46(a)(7) and the corresponding step of § 1034.46(b), at the applicable class prices adjusted for butterfat content; and

(f) Add or subtract, as the case may be, any amount necessary to correct any errors discovered by the market administrator in the verification of reports or payments of such handler for any previous month which result in payments due the producer-settlement fund or the handler.

9. Section 1034.62 is revised to read as follows:

§ 1034.62 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1034.60 for all handlers who filed the reports prescribed by §1034.30 for the month and who made the payments required pursuant to §§ 1034.70 through 1034.74 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (d) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1034.72 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1034.60(e);

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(f) For the months specified in paragraphs (g) and (h) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (e) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d) (2) of this section by the weighted average price;

(g) Subtract from the remainder for each of the months of April, May, June and July an amount computed by multiplying the total hundredweight of producer milk for such month by 20 cents in April, 35 cents in May and June, and 30 cents in July;

(h) Add for the month of September 20 percent of the obligated balance in the producer-settlement fund pursuant to § 1034.73(b) on August 31, immediately preceding, add for each of the months of October and November 30 percent of the fund and add for the month of December the remaining 20 percent of the fund;

(i) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(j) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

10. In § 1034.73 paragraphs (b) and (c) are revised to read as follows:

§ 1034.73 Producer-settlement fund.

* * * * *

(b) All amounts subtracted pursuant to § 1034.62(g) shall be deposited in this fund and shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1034.62(h); and

(c) The difference between the amount added pursuant to § 1034.62(c) and the total amounts resulting from the subtraction pursuant to § 1034.62 (e) or (j) shall be deposited in, or withdrawn from, this fund, as the case may be to effectuate § 1034.62 (c) and (e) or (j).

11. Section 1034.74 is revised to read as follows:

§ 1034.74 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1034.60 for such handler;

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1034.70; and

(2) The value at the weighted average price with respect to other source milk for which values are computed pursuant to § 1034.60(e).

12. Section 1034.75 is revised to read as follows:

§ 1034.75 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1034.74(b) exceeds the amount computed pursuant to § 1034.74(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 16th day after the end of any month, has not received full payment for such month from the market administrator pursuant to this section shall be deemed to be in violation of § 1034.70 if he reduces his payments per hundredweight thereunder by not more than the amount of the reduction in payment from the market administrator.

13. Section 1034.77 is revised to read as follows:

§ 1034.77 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk including such handler's own production, and (b) other source milk allocated to Class I pursuant to § 1034.46(a)(3) (i) through (iv) and the corresponding steps of § 1034.46(b).

PART 1035—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

1. Section 1035.11 is revised to read as follows:

§ 1035.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk, or cream acceptable to a local health authority for distribution in the marketing area under a Grade A label is shipped to a pool plant.

2. The introductory paragraph of § 1035.12 is revised to read as follows:

§ 1035.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and whose milk is:

3. Section 1035.14 is amended by adding paragraphs (c) and (d) which read as follows:

§ 1035.14 Handler.

* * * * *

(c) Any person who operates a partially regulated distributing plant; and

(d) A producer-handler, or any person who operates an other order plant.

4. Section 1035.31 is revised to read as follows:

§ 1035.31 Other reports.

(a) Each producer-handler shall report to the market administrator with respect to his receipts and utilization at such time and in such manner as the market administrator may request.

(b) Each handler specified in § 1035.14(c) who operates a partially regulated distributing plant shall report as required in § 1035.30, except that receipts of Grade A milk from and payments to dairy farmers shall be reported in lieu of such receipts from and payments to producers: *Provided*, That a handler

bulk at a pool plant from a nonpool plant

follows:

the payments required pursuant to

making payments pursuant to § 1035.63(b) need not report payments pursuant to § 1035.30(d) to dairy farmers.

(c) The operator of a pool plant shall notify the cooperative association of his intention to divert milk of its member-producers pursuant to § 1035.13(c) not less than 24 hours prior to such diversion.

(d) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. In § 1035.41, paragraphs (b) (6) and (7) are revised to read as follows:

§ 1035.41 Classes of utilization.

* * * * * * *

(b) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1035.42(c) (1), but not to exceed two percent of such milk; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1035.42(c) (2).

6. Section 1035.42 is revised to read as follows:

§ 1035.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler;

(b) To the receipts of milk directly from producers, add the producer milk diverted to such handler from pool plants of other handlers, plus the milk from other order plants and unregulated supply plants to be allocated pursuant to § 1035.46(a) (7) and the corresponding step of § 1035.46(b), and subtract producer milk diverted from such handler's plant to another pool plant; and

(c) Prorate the total shrinkage computed pursuant to paragraph (a) of this section between (1) the amount computed pursuant to paragraph (b) of this section, and (2) the skim milk and butterfat in other source milk in bulk fluid form exclusive of that specified in paragraph (b) of this section.

7. Section 1035.43 is revised to read as follows:

§ 1035.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred to the pool plant of another handler subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1035.46(a) (7) and the corresponding step of § 1035.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1035.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1035.46(a) (7) and the corresponding step of § 1035.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest highway distance as determined by the market administrator, from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1035.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1035.46 is revised to read as follows:

§ 1035.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1035.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1035.41(b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1035.43(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1035.53 is revised to read as follows:

§ 1035.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 80 miles by shortest highway distance as measured by the market administrator, from the nearer of the State Capitol in Columbus, Ohio, or the City Hall in Zanesville, Ohio, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment credit is applicable, the price computed pursuant to § 1035.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1035.60 is revised to read as follows:

§ 1035.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1035.46(c), by the applicable class prices (adjusted pursuant to §§ 1035.52 and 1035.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1035.46(a) (9) and the corresponding step of § 1035.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1035.46(a) (5) and the corresponding step of § 1035.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1035.46(a) (3) and the corresponding step of § 1035.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1035.46(a) (7) (i) and the corresponding step of § 1035.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1035.46(a) (7) (iii), and the corresponding step of §1035.46 (b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1045.53(b).

11. Section 1035.61 is revised to read as follows:

§ 1035.61 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1035.60 for all handlers who filed the reports prescribed by § 1035.30 for the month and who made the payments pursuant to §§ 1035.71 and 1035.72(c) for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1035.74;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1035.73 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1035.60 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e) (2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July an amount computed by multiplying the hundredweight of milk received from producers during the month by 35 cents;

(i) Add during each of the months of September, October and November, 20, 30, and 30 percent respectively and for December the balance of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

12. Section 1035.63 is revised to read as follows:

§ 1035.63 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1035.31 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1035.60 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1035.10(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets the requirements equivalent to § 1035.10(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

§ 1035.71 [Amendment]

13. Amend § 1035.71 by deleting the word "and" at the end of paragraph (a) thereof and adding at the end of such section the following: "and (c) the value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1035.60(e) and (f)"

14. Section 1035.74 is revised to read as follows:

§ 1035.74 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1035.53; and

(b) For purposes of computations pursuant to §1035.71(c) the weighted average price shall be adjusted at the rates set forth in § 1035.53 applicable at the location of the nonpool plant from which the milk was received.

15. Section 1035.76 is revised to read as follows:

§ 1035.76 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1035.46(a)(3) and § 1035.46(a)(7)(i) and the corresponding steps of § 1035.46(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1036—MILK IN THE NORTHEASTERN OHIO MARKETING AREA

1. In § 1036.6, paragraph (b) is revised and a new paragraph (d) is added to read as follows:

§ 1036.6 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(d) A producer-handler, or any person who operates an other order plant.

2. The introductory paragraph of § 1036.7 is revised to read as follows:

§ 1036.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, with respect to milk produced by him having the approval of the appropriate health authority in the marketing area for consumption as fluid milk which is:

3. Section 1036.9 is revised to read as follows:

§ 1036.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant", means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant", means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which milk, skim milk or cream acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label is shipped to a pool plant.

4. In § 1036.30, the introductory paragraph is revised to read as follows:

§ 1036.30 Reports of receipts and utilization.

On or before the 8th day after the end of the month each handler who operates a pool plant, each handler specified in § 1036.6(b) who operates a partially regulated distributing plant, except as he is exempt pursuant to §§ 1036.90 and 1036.91, and any cooperative association with respect to milk for which it is a handler pursuant to § 1036.6(c) shall report for the preceding month to the market administrator in detail and on forms prescribed by the market administrator as follows:

5. Section 1036.31 is revised to read as follows:

§ 1036.31 Other reports.

(a) Each producer-handler and each handler exempt pursuant to § 1036.90 or § 1036.91 shall make reports to the market adminstrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5a. In § 1036.32, the introductory text is revised to read as follows:

§ 1036.32 Payroll reports.

On or before the 25th day after the end of each month, each handler who received milk from producers, and each handler except a handler who elected at the time of reporting to make payments pursuant to § 1036.75(b) who operates a partially regulated distributing plant shall submit to the market administrator his producer payroll for the month (in the case of the handler operating the partially regulated distributing plant, his payroll for farmers delivering Grade A milk), which shall show:

6. In § 1036.41, paragraphs (c) (6) and (7) are revised to read as follows:

§ 1036.41 Classes of utilization.

* * * * *

(c) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1036.42(a)(1), but not to exceed the following: Two percent of milk received directly from producers, plus one and one-half percent of milk received in bulk tank lots from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1036.46(g) and the corresponding step of § 1036.47 less one and one-half percent of milk disposed of in bulk tank lots to pool plants of other handlers; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1036.42(a)(2).

7. In § 1036.42, paragraph (a) is revised to read as follows:

§ 1036.42 Shrinkage.

(a) If a handler has receipts of other source milk shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1036.41(c)(6); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1036.41(c)(6).

8. Section 1036.43 is revised to read as follows:

§ 1036.43 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant, including transfers or diversions made by a cooperative association shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred to a pool plant of another handler subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1036.46(g) and the corresponding step of § 1036.47;

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1036.46(c) and the corresponding step of § 1036.47, the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1036.46(g) and the corresponding step of § 1036.47, the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 265 miles by the shortest highway distance as determined by the market administrator, from the Public Square in Cleveland, Ohio;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 265 miles, by the shortest highway distance as determined by the market administrator, from the Public Square in Cleveland, Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1036.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II or Class III milk, whichever is claimed; and

(e) In the Class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II or Class III, whichever is more nearly similar to the class to which allocated in the other order. If, for bulk shipments, the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II or Class III (or comparable classes under such other order) to the extent of the Class II or Class III utilization available for such assignment.

9. Section 1036.46 is revised to read as follows:

§ 1036.46 Allocation of butterfat classified.

The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of butterfat in Class III the pounds of butterfat classified as Class III pursuant to § 1036.41(c)(6);

(b) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat in fluid milk products received in packaged form from other order plants as follows:

(1) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(2) From Class I milk, the remainder of such receipts;

(c) Subtract in the order specified below from the pounds of butterfat remaining in each class, in series beginning with Class III, the pounds of butterfat in each of the following:

(1) Other source milk in a form other than that of a fluid milk product;

(2) Receipts of fluid milk products made from non-Grade A milk; and

(3) Receipts of fluid milk products from producer-handler plants.

(d) Subtract, in the order specified below, beginning with the pounds of butterfat remaining in Class III but not in excess of such quantity:

(1) Receipts of fluid milk products from an unregulated supply plant:

(i) For which the handler requests Class II or Class III utilization; or

(ii) Which are in excess of the pounds of butterfat determined by multiplying the pounds of butterfat remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of butterfat in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(2) Receipts of fluid milk products in bulk from an other order plant, if Class

II or Class III utilization was requested by the operator of such plant and the handler;

(e) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class III, the pounds of butterfat in inventory of fluid milk products on hand at the beginning of the month;

(f) Add to the remaining pounds of butterfat in Class III milk the pounds subtracted pursuant to paragraph (a) of this section;

(g) Subtract from the pounds of butterfat remaining in each class, pro rata to such quantities, the pounds of butterfat in each of the following:

(1) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to (d)(1) of this section;

(2) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to (d)(2) of this section; and

(3) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to (d)(2) of this section;

(h) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1036.43(a); and

(i) If the pounds of butterfat remaining in both classes exceed the pounds of butterfat in producer milk, subtract such excess from the pounds of butterfat remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

10. Section 1036.55 is revised to read as follows:

§ 1036.55 Handler location adjustment.

For milk received from producers at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton or the City Hall in Ashtabula, Ohio, and which is either moved in fluid form to another pool plant or otherwise classified as Class I or Class II milk, and for other source milk for which a location adjustment credit is applicable, the respective class prices for Class I and Class II utilization pursuant to §§ 1036.51 and 1036.52 shall be reduced at the rate specified below for the location of such plant or reload point except that in no case shall the adjustment to Class II utilization exceed 30 cents per hundredweight. For purposes of this limitation with respect to Class II utilization separate assignments in sequence shall be made pursuant to paragraph (b)(1) and (2) of this section with respect to Class I and Class II so that location adjustments associated with Class II shall be allocated to the most distant plants to which assignments are made.

(a) With respect to milk classified as Class I or Class II utilization without movement as a fluid milk product in bulk form to another pool plant;

(b) For purposes of calculating this adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants allocated pursuant to § 1036.46(g)(3) and the corresponding step of § 1036.47 shall be assigned as follows:

(1) With respect to fluid milk products moved in bulk form to a pool plant described in § 1036.8(a) in a volume not in excess of that computed in accordance with the following assignment:

The volume by which an amount equal to 108 percent of Class I and Class II utilization at such transferee plant (including the volume assignable under the provisions of this subparagraph with respect to any transfers to a second such plant described in § 1036.8(a)), exceeds receipts of producer milk and the volume assigned as Class I and Class II to receipts from market pool other order plants and unregulated supply plants at such plant will be assigned in sequence to (i) receipts in the form of fluid milk from reload points considered to be a part of such plant's operations, and (ii) to other receipts of fluid milk products from pool plants, handler pool other order plants, or reload points in the sequence at which the least total adjustments would apply.

(2) With respect to fluid milk products moved in bulk to pool plants described in § 1036.8 (b), (c), or (d), in a volume not in excess of that by which 106 percent of the milk classified as Class I or Class II utilization without movement as a fluid milk product in bulk form to another pool plant plus that assignable to such plant pursuant to subparagraph (1) of this paragraph exceeds receipts of producer milk and the volume assigned as Class I and Class II to receipts from market pool other order plants and unregulated supply plants at such plant, such volume to be assignable to transferor plants in the sequence provided in subparagraph (1) of this paragraph;

(c) The rates of location adjustment credit shall be as follows, based on the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

Distance:	*Cents per hundredweight*
40.1–60 miles	13
60.1–70 miles	20

plus one cent per hundredweight for each 10 miles or fraction thereof in excess of 70 miles.

11. Section 1036.70 is revised to read as follows:

§ 1036.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1036.48, by the applicable class prices (adjusted pursuant to §§ 1036.54 and 1036.55);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1036.46(i) and the corresponding step of § 1036.47 by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the class price of the class from which subtracted for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1036.46(e) and the corresponding step of § 1036.47;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1036.46(c) and the corresponding step of § 1036.47;

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1036.46(g)(1) and the corresponding step of § 1036.47; and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1036.46(g)(3), and the corresponding steps of § 1036.47, at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1036.55.

12. Section 1036.71 is revised to read as follows:

§ 1036.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1036.70 for all handlers who filed the reports prescribed by § 1036.30 for the month and who made the payments pursuant to §§ 1036.80 and 1036.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1036.81;

(c) Add any amount paid into the producer-settlement fund and subtract any amount paid out of the producer-settlement fund pursuant to § 1036.88(a);

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1036.82 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1036.70 (e) and (f);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

13. Add as § 1036.75 the following:

§ 1036.75 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant, except as he is exempt pursuant to § 1036.91, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1036.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1036.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1036.8(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1036.8(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or the Class II price, whichever is greater.

14. Section 1036.81 is revised to read as follows:

§ 1036.81 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to paragraphs (a) and (b) of § 1036.80 a handler may deduct with respect to all milk received from producers at a pool plant or reload point which is located both 40 miles or more from the Public Square in Cleveland, Ohio, and also 27.5 miles or more from the nearer of the City Hall in Akron, the City Hall in Canton, or the City Hall in Ashtabula, Ohio, by the shortest highway distance as determined by the market administrator, at the rates specified in § 1036.55 based on the mileage measured from the Public Square in Cleveland, Ohio.

(b) For purposes of computations pursuant to §§ 1036.84 and 1036.85 the uniform price shall be adjusted at the rates set forth in § 1036.55 applicable at the location of the nonpool plant from which the milk was received.

15. Section 1036.83 is revised to read as follows:

§ 1036.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", into which he shall deposit all payments made pursuant to § 1036.75 and § 1036.84 and out of which he shall make all payments pursuant to § 1036.85.

16. Section 1036.84 is revised to read as follows:

§ 1036.84 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1036.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1036.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1036.70 (e) and (f).

17. Section 1036.85 is revised to read as follows:

§ 1036.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1036.84(b) exceeds the amount computed pursuant to § 1036.84(a) less any unpaid obligations of such handler to the market administrator pursuant to §§ 1036.84, 1036.86, 1036.87, or 1036.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

18. Section 1036.86 is revised to read as follows:

§ 1036.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1036.46(c) and § 1036.46 (g)(1) and the corresponding steps of § 1036.47, and (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants, except one exempt pursuant to §1036.91, that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1037—MILK IN THE NORTH CENTRAL, OHIO, MARKETING AREA

1. Section 1037.10 is revised to read as follows:

§ 1037.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provisions for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

2. Section 1037.11 is revised to read as follows:

§ 1037.11 Producer.

"Producer" means any person, other than a producer-handler as defined in

any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1037.12: *Provided*, That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the Act.

3. Section 1037.13 is revised to read as follows:

§ 1037.13 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which is diverted by it in accordance with the conditions set forth in § 1036.12; and

(d) A producer-handler, or any person who operates an other order plant.

4. Section 1037.31 is revised to read as follows:

§ 1037.31 Other reports.

(a) Each handler, who operates a pool plant, shall report to the market administrator in the detail and on the forms prescribed by the market administrator, on or before the 22nd day after the end of each month, his producer payroll for the month which shall show, (1) the name of each producer, (2) the pounds of producer milk received from each producer and the percentages of butterfat contained therein, (3) the amounts and dates of payments to each producer or cooperative association, and (4) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (3) of this paragraph;

(b) Each producer-handler and each handler pursuant to § 1037.80 shall report to the market administrator in the detail and on forms prescribed by the market administrator, at such time and in such manner as the market administrator may request;

(c) Each handler specified in § 1037.13 (b) who operates a partially regulated distributing plant shall report to the market administrator in the detail and on forms prescribed by the market administrator at such time and in such manner as the market administrator may request;

(d) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

5. Section 1037.41 is revised to read as follows:

§ 1037.41 Classes of utilization.

Subject to the conditions set forth in §§ 1037.43 and 1037.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (other than a livestock feed) except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat accounted for as:

(1) Used to produce a product other than a fluid milk product;

(2) Inventory of fluid milk products on hand at the end of the month;

(3) Disposed of and used for livestock feeding or skim milk dumped;

(4) The weight of skim milk in fluid milk products which is excepted from Class I pursuant to paragraph (a) (1) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1037.42(c) (1), but not to exceed the following: Two percent of the receipts of milk received directly from producers and from other order plants and unregulated supply plants which are to be subtracted pursuant to § 1037.46(a) (7) and the corresponding step of § 1037.46(b); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1037.42(c) (2).

6. Section 1037.42 is revised to read as follows:

§ 1037.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler;

(b) To the producer milk at such plant, add the producer milk diverted to such plant, and the receipts in bulk fluid form from other order plants and unregulated supply plants which are to be allocated pursuant to § 1037.46(a) (7) and subtract producer milk diverted from such plant to another pool plant; and

(c) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat computed pursuant to paragraph (b) of this section; and (2) skim milk and butterfat in other source milk received in the form of a fluid milk product in bulk, exclusive of that specified in § 1037.41 (b) (5).

7. Section 1037.43 is revised to read as follows:

§ 1037.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product in consumer packages to another pool plant;

(b) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (a) of this section, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1037.46(a) (7) and the corresponding step of § 1037.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1037.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1037.46(a) (7), and the corresponding step of (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(c) As Class I milk, if transferred from a pool plant to a producer-handler;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1037.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to a handler pool other order plant and pro rata to the average utilization, as estimated by the market administrator of the transferee order, of the milk included in the computation of the weighted average or uniform price for such month under the transferee order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If for bulk shipments the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment; and

(f) A handler operating a pool distributing plant may assign Class I milk to a supply plant(s) which was a pool plant and which transferred milk to such distributing plant during at least three of the months of September through December, immediately preceding, even though such milk is not transferred physically to such distributing plant during the current month: *Provided*, That the pounds of Class I milk to be designated as Class II milk in the distributing plant and the corresponding pounds of Class II milk to be designated as Class I milk in the supply plant for the month shall not result in a higher proportion of the total producer milk at such supply plant being classified as Class I milk than the proportion classified as Class I milk at such distributing plant during such month.

8. Section 1037.46 is revised to read as follows:

§ 1037.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1037.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1037.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1037.43 (a), (b), and (f); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1037.60 is revised to read as follows:

§ 1037.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler at each of his pool plants during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1037.46(c), by the applicable class prices (adjusted pursuant to §§ 1037.50(b) and 1037.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1037.46(a) (9) and the corresponding step of § 1037.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1037.46(a)(5) and the corresponding step of § 1037.46(b);

(d) In the case of pool distributing plants, add an amount computed by multiplying the hundredweight of Class I milk assigned to a supply plant(s) from such distributing plant pursuant to § 1037.43(f) by the difference between the Class I price at such distributing plant and the Class I price applicable at the respective supply plant;

(e) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from unregulated supply plants subtracted from each class pursuant to § 1037.46(a)(7)(ii) and the corresponding step of § 1037.46(b), at the applicable class prices adjusted for butterfat content which would apply at the location of such supply plant were it a pool plant;

(f) Adjust the resulting amount by the sum of money used in adjusting the uniform price for the previous month to the nearest cent, pursuant to § 1037.61(b) or § 1037.62(d); and

(g) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator.

10. Section 1037.61 is revised to read as follows:

§ 1037.61 Computation of uniform prices.

For each of the months of July through March, the market administrator shall compute for each pool plant a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at such pool plant as follows:

(a) To the amount computed pursuant to § 1037.60 add or subtract for each one-tenth percent that the average butterfat content of the milk specified in paragraph (b) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of such milk; and

(b) Divide the resulting amount by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1037.60(e). The result, adjusted to the nearest cent, shall be the uniform price for such handler.

11. Section 1037.62 is revised to read as follows:

§ 1037.62 Computation of prices for eligible and ineligible milk.

For each of the months of April, May and June, the market administrator shall compute for each pool plant a price for eligible milk and ineligible milk of 3.5 percent butterfat content as follows:

(a) Compute the value, subject to the conditions set forth in paragraph (b) of this section, of ineligible milk received at such pool plant by multiplying the hundredweight of such milk by the Class II price.

(b) Compute the value of eligible milk received at such pool plant by subtracting (1) the value obtained pursuant to paragraph (a) of this section, and (2) the value of skim milk and butterfat in receipts of fluid milk products for unregulated supply plants as computed pursuant to § 1037.60(e) from the value of milk of 3.5 percent butterfat content at such plant computed pursuant to § 1037.61: *Provided*, That if such resulting value is greater than an amount computed by multiplying the hundredweight of such eligible milk by the Class I price, such value in excess thereof shall be added to the value of ineligible milk computed pursuant to paragraph (a) of this section to the extent that the ineligible milk price shall not exceed the eligible milk price. Any remaining value shall be prorated between the hundredweight of eligible and ineligible milk;

(c) Divide the value obtained pursuant to paragraph (a) of this section by the hundredweight of ineligible milk. This result less any fraction of a cent shall be the price per hundredweight for ineligible milk of 3.5 percent butterfat content at such pool plant; and

(d) To the value for eligible milk computed pursuant to paragraph (b) of this section, add the value represented by any fraction of a cent subtracted pursuant to paragraph (c) of this section and divide by the hundredweight of eligible milk received. This result less any fraction of a cent per hundredweight shall be the price for eligible milk of 3.5 percent butterfat content at such pool plant.

12. Section 1037.73 is revised to read as follows:

§ 1037.73 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 18th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1037.46(a)(3) and § 1037.46(a)(7)(ii) and the corresponding steps of § 1037.46(b), and (c) packaged Class I milk disposed of from partially regulated distributing plants on routes in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. Section 1040.6 is revised to read as follows:

§ 1040.6 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association, with respect to milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to the pool plant to which it is delivered);

(d) A cooperative association with respect to milk customarily received at a pool plant which is diverted to a nonpool plant for the account of such association;

(e) Any person in his capacity as the operator of an other order plant; or

(f) A producer-handler.

2. Section 1040.7 is revised to read as follows:

§ 1040.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in conformity with the sanitation requirements for fluid milk of any duly constituted health authority, which is:

(a) * * *

(b) * * *

3. A new § 1040.18 is added to read as follows:

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant.

4. Section 1040.31 is revised to read as follows:

§ 1040.31 Other reports.

(a) * * *

(b) * * *

(c) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1040.41 is revised to read as follows:

§ 1040.41 Classes of utilization.

Subject to the conditions set forth in §§ 1040.43 and 1040.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Skim milk and butterfat disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(5) Skim milk and butterfat in frozen cream;

(6) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(7) Skim milk and butterfat, respectively, in shrinkage but not in excess of 2.0 percent of each of the following:

(i) Producer milk;

(ii) Receipts of fluid milk products subject to allocation pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b); and

(iii) Less fluid milk products transferred in bulk to other order plants; and

(8) Skim milk and butterfat, respectively, in shrinkage of other source milk assigned pursuant to § 1040.42(a)(2)(ii).

6. Section 1040.42 is revised to read as follows:

§1040.42 Shrinkage.

(a) The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(i) The net quantity of producer milk and other fluid milk products specified in § 1040.41(b)(7); and

(ii) Other source milk exclusive of that specified in § 1040.41(b)(7).

(b) Producer milk received at a supply plant and transferred in bulk from such plant to a distributing plant shall be subtracted from the producer milk receipts at the supply plant and added to the producer milk receipts at the distributing plant in computing shrinkage.

7. Section 1040.43 is revised to read as follows:

§ 1040.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (e) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1040.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in the form of cream in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the handler claims Class II utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York or New England;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1040.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association from its pool plant or in its capacity as a handler pursuant to § 1040.6(c). Such milk shall be excluded from producer milk to be classified as that of the cooperative association; and

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1040.46 is revised to read as follows:

§ 1040.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1040.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1040.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operators of both plants;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1040.43(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Sections 1040.47 and 1040.48 are revoked.

10. A new § 1040.54(e) is added to read as follows:

§ 1040.54 Location adjustments to handlers.

* * * * *

(e) For the purpose of computations pursuant to §§ 1040.60 and 1040.66 the Class I price shall be adjusted at the applicable rate set forth in this section.

11. Section 1040.60 is revised to read as follows:

§ 1040.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1040.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1040.46(a)(9) and the corresponding step of § 1040.46 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(5) and the corresponding step of § 1040.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(3) and the corresponding step of § 1040.46(b);

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(7)(i) and the corresponding step of § 1040.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1040.46(a)(7)(iii) and the corresponding step of § 1040.46(b).

12. Section 1040.61 is revised to read as follows:

§ 1040.61 Computation of the 3.5 percent value of all milk.

For each month the market administrator shall compute the 3.5 percent value of all milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 1040.60;

(b) Adding if the weighted average butterfat test of all milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1040.68 multiplied by 10;

(c) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.67; and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

13. Section 1040.62 is revised to read as follows:

§ 1040.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1040.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1040.60 (e) and (f); and

(b) Subtract not less than six nor more than seven cents from the price computed pursuant to paragraph (a) of this section.

14. That part of § 1040.63 preceding the schedule is revised to read as follows:

§ 1040.63 Adjusted uniform price.

For the purpose of payments pursuant to § 1040.70(c) the uniform price computed pursuant to § 1040.62 (less the amount obtained by dividing the values computed pursuant to § 1040.60 (e) and (f) by the total hundredweight of milk included in § 1040.62(a)(2)) shall be adjusted by deducting therefrom the applicable percentage specified below of the differences between the uniform price and the excess milk price, rounded to the nearest cent:

15. Section 1040.66 is revised to read as follows:

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1040.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1040.60 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1040.16(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1040.16(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class II price, whichever is higher.

16. Section 1040.67 is revised to read as follows:

§ 1040.67 Location differentials to producers and on nonpool milk.

(a) In making payments to producers or cooperative associations pursuant to § 1040.80 a handler may deduct with respect to base milk and milk to be paid for at the uniform price or adjusted uniform price the zone rate per hundredweight applicable pursuant to § 1040.54(a) for the location of the plant at which the milk was received, or if such plant is not located in a defined zone, the mileage rate applicable pursuant to § 1040.54(b).

(b) For purposes of computations pursuant to §§ 1040.82 and 1040.83 the uniform price shall be adjusted at the rates set forth in § 1040.54 applicable at the location of the nonpool plant from which the milk was received.

17. Section 1040.82 is revised to read as follows:

§ 1040.82 Payments to the producer-equalization fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1040.60 for such handler; and

(2) In the case of a handler pursuant to § 1040.6(c), the minimum amount due from other handlers pursuant to § 1040.80(c).

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform and excess milk prices specified in § 1040.80; and

(2) The value at the uniform price pursuant to § 1040.62 at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1040.60(e) and (f).

18. Section 1040.83 is revised to read as follows:

§ 1040.83 Payments out of the producer-equalization fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1040.82(b) exceeds the amount computed pursuant to § 1040.82(a). The market administrator shall offset any payment due any handler against payments due from such handler: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

19. Section 1040.84 is revised to read as follows:

§ 1040.84 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including milk of such handler's own production), (b) other source milk allocated to Class I pursuant to § 1040.46(a)(3) and (7)(i) and the corresponding steps of § 1040.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1040.9 [Amendment]

20. In § 1040.9 the reference to "§ 1040.43(d)" is deleted and "§ 1040.43(e)" is substituted therefor.

PART 1041—MILK IN THE TOLEDO, OHIO, MARKETING AREA

1. Section 1041.10 is revised to read as follows:

§ 1041.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

2. Section 1041.11 is revised to read as follows:

§ 1041.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1041.12.

3. Section 1041.13 is revised to read as follows:

§ 1041.13 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk diverted by it in accordance with the conditions set forth in § 1041.12; and

(d) A producer-handler, or any person who operates an other order plant.

4. Section 1041.31 is revised to read as follows:

§ 1041.31 Other reports.

(a) Each handler, who operates a pool plant, shall report to the market administrator in the detail and on the forms prescribed by the market administrator, on or before the 20th day after the end of each month, his producer payroll for the month which shall show (1) the

pounds of producer milk received from each producer and the percentages of butterfat contained therein, (2) the amounts and dates of payments to each producer or cooperative association, and (3) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph;

(b) Each producer-handler and each handler who operates a partially regulated distributing plant shall report to the market administrator in the detail and on forms prescribed by the market administrator, at such time and in such manner as the market administrator may request;

(c) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

5. Section 1041.41 is revised to read as follows:

§ 1041.41 Classes of utilization.

Subject to the conditions set forth in §§ 1041.43 through 1041.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (except livestock feed) except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat accounted for as:

(1) Used to produce a product other than a fluid milk product;

(2) Inventory of fluid milk products on hand at the end of the month;

(3) Disposed of for livestock feed;

(4) The weight of skim milk in fluid milk products which is excepted from Class I pursuant to paragraph (a) (1) of this section;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1041.42(b) (1), but not to exceed the following: Two percent of milk received directly from producers, and from other order plants and unregulated supply plants which is to be subtracted pursuant to § 1041.46(a) (7) and the corresponding step of § 1041.46(b); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1041.42(b) (2).

6. Section 1041.42 is revised to read as follows:

§ 1041.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts of milk directly from producers and from other order plants and unregulated supply plants which are to be subtracted pursuant to § 1041.46(a) (7); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1041.41(b) (5).

7. Section 1041.43 is revised to read as follows:

§ 1041.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product in consumer packages to another pool plant;

(b) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in bulk from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1041.46(a) (7) and the corresponding step of § 1041.46(b);

(2) If the transferor plant received during the month order source milk to be allocated pursuant to § 1041.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1041.46(a) (7), and the corresponding step of § 1041.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(c) As Class I milk, if transferred from a pool plant to a producer-handler;

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles by shortest highway distance as determined by the market administrator from the City Hall of Toledo, Ohio;

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator from the City Hall of Toledo, Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1041.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to a handler pool other order plant and pro rata to the average utilization, as estimated by the market administrator of the transferee order, of the milk included in the computation of the weighted average or uniform price for such month under the transferee order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment; and

(g) For the purposes of paragraphs (c) through (e) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonpool plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

8. Section 1041.46 is revised to read as follows:

§ 1041.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1041.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1041.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1041.43 (a) and (b); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1041.53 is revised to read as follows:

§ 1041.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 60 miles by the shortest highway distance as measured by the market administrator, from the City Hall in Toledo, Ohio, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1041.50(a) shall be reduced by 15 cents, plus two cents for each 15 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I milk to the extent that the gross Class I utilization at the transferee plant exceeds 95 percent of the receipts at such plant from producers, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1041.60 is revised to read as follows:

§ 1041.60 Computation of the net obligation of each handler.

The net obligation of each handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1041.46(c), by the applicable class prices (adjusted pursuant to §§ 1041.52 and 1041.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1041.46(a) (9) and the corresponding step of § 1041.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1041.46(a) (5) and the corresponding step of § 1041.46(b);

(d) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from unregulated supply plants subtracted from each class pursuant to § 1041.46(a) (7) (i) and the corresponding step of § 1041.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1041.53 (b); and

(e) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

11. Section 1041.61 is revised to read as follows:

§ 1041.61 Computation of uniform prices for handlers.

For each month the market administrator shall compute a uniform price for the milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1041.60 the total of the location differential deductions to be made pursuant to § 1041.73;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in paragraph (d) of this section received by such handler is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of such milk;

(c) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(d) Divide the resulting amount by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1041.60(d). The result, adjusted to the nearest cent, shall be the uniform price for such handler.

12. Section 1041.73 is revised to read as follows:

§ 1041.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1041.53; and

(b) For purposes of computations of the uniform price, receipts of milk from unregulated supply plants shall be subject to location adjustment at the rates

set forth in § 1041.53 applicable at the location of the unregulated supply plant.

13. Section 1041.74 is revised to read as follows:

§ 1041.74 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk, (b) other source milk allocated to Class I pursuant to § 1041.46(a)(3) and § 1041.46(a)(7)(i) and the corresponding steps of § 1041.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1042—MILK IN MUSKEGON, MICH., MARKETING AREA

1. Section 1042.8 is revised to read as follows:

§ 1042.8 Producer.

"Producer" means any dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, whose milk is delivered from his farm to a pool plant, or to any other plant by diversion from a pool plant for the account of a handler.

2. A new § 1042.16 is added to read as follows:

§ 1042.16 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. A new § 1042.17 is added to read as follows:

§ 1042.17 Distributing plant.

"Distributing plant" means a plant from which any fluid milk product approved by a duly constituted health authority for fluid consumption that is processed or packaged in such plant is disposed of during the month in the marketing area on routes.

4. A new § 1042.18 is added to read as follows:

§ 1042.18 Supply plant.

"Supply plant" means a plant from which milk conforming to the sanitation requirements of any duly constituted health authority for fluid consumption is shipped during the month to a pool plant.

5. A new § 1042.19 is added to read as follows:

§ 1042.19 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, and sweet or sour cream.

6. Section 1042.30 is revised to read as follows:

§ 1042.30 Reports of receipts and utilization.

* * * * *

(d) Each handler who operates a partially regulated distributing plant shall report as required in paragraphs (a), (b), and (c) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk.

7. Section 1042.31 is revised to read as follows:

§ 1042.31 Other reports.

* * * * *

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

8. Section 1042.41 is revised to read as follows:

§ 1042.41 Classes of utilization.

Subject to the conditions set forth in §§ 1042.42 and 1042.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk and sweet or sour cream, except as provided in paragraph (b) (2) and (3) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce ice cream, ice cream mix, cottage cheese, whole or skim condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, dried whole milk, nonfat dry milk or butter;

(2) Skim milk authorized by the market administrator to be dumped or accounted for as disposed of as livestock feed;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2.0 percent of milk received from producers;

(ii) Plus 2.0 percent of receipts of fluid milk products subject to allocation pursuant to § 1042.46(a)(7) and the corresponding step of § 1042.46(b); and

(iii) Less 2.0 percent of fluid milk products moved in bulk to other order plants; and

(6) Skim milk and butterfat in shrinkage allocated pursuant to § 1042.42(a)(2).

9. Section 1042.42(a) is revised to read as follows:

§ 1042.42 Shrinkage.

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler and prorate such shrinkage between:

(1) The net quantity of milk received from producers and other fluid milk products specified in § 1042.41(b)(5); and

(2) Other source milk exclusive of that specified in § 1042.41(b)(5).

* * * * *

10. Section 1042.43 is revised to read as follows:

§ 1042.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1042.46(a)(7) and the corresponding step of § 1042.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1042.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1042.46(a)(7) and the corresponding step of § 1042.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1042.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular source of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1042.46 is revised to read as follows:

§ 1042.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1042.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1042.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operators of both plants;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1042.43(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1042.47 is revoked.

13. Section 1042.60 is revised to read as follows:

§ 1042.60 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1042.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1042.61 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1042.6(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1042.6(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1042.63 at the same location or at the Class II price, whichever is higher.

14. Section 1042.61 is revised to read as follows:

§ 1042.61 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1042.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1042.46(a)(9) and the corresponding step of § 1042.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1042.46(a)(5) and the corresponding step of § 1042.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values of the skim milk and butterfat subtracted from Class I pursuant to § 1042.46(a)(3) and the corresponding step of § 1042.46(b);

(e) Add the value at the Class I price of the skim milk and butterfat subtracted from Class I pursuant to § 1042.46(a)(7)(i) and the corresponding step of § 1042.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1042.46(a)(7)(iii) and the corresponding step of § 1042.46(b).

15. Section 1042.63 is revised to read as follows:

§ 1042.63 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1042.62 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1042.61 (e) and (f); and

(b) Subtract not less than six nor more than seven cents from the price computed pursuant to paragraph (a) of this section.

16. Section 1042.83 is revised to read as follows:

§ 1042.83 Payments to the producer-equalization fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1042.61 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1042.80; and

(2) The value at the uniform price pursuant to § 1042.63 adjusted by the producer butterfat differential with respect to other source milk for which values are computed pursuant to § 1042.61 (e) and (f).

17. Section 1042.84 is revised to read as follows:

§ 1042.84 Payments out of the producer-equalization fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1042.83(b) exceeds the amount computed pursuant to § 1042.83(a) less any unpaid obligations of such handler to the market administrator pursuant to § 1042.83(a): *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments as soon as the necessary funds become available.

18. Section 1042.85 is revised to read as follows:

§ 1042.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1042.46(a) (3) and (7)(i) and the corresponding steps of § 1042.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

19. Section 1042.7 is revised to read as follows:

§ 1042.7 Handler.

"Handler" means:

(a) A person who operates a pool plant;

(b) A person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section, which is diverted to a non-handler for the account of the association;

(d) A person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(e) A producer-handler.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. Section 1043.10 is revised to read as follows:

§ 1043.10 Qualified dairy farmer.

"Qualified dairy farmer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for consumption in the marketing area in the form of a fluid milk product.

2. A new § 1043.18 is added to read as follows:

§ 1043.18 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant

and is neither an other order plant nor a producer-handler plant.

3. Section 1043.32 is revised to read as follows:

§ 1043.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

4. Section 1043.41 is revised to read as follows:

§ 1043.41 Classes of utilization.

Subject to the conditions set forth in §§ 1043.42 and 1043.43, the classes of utilization shall be:

(a) *Class I milk.* Class I milk shall be:

(1) Skim milk and butterfat disposed of for consumption in the form of fluid milk products, except as provided in paragraphs (b)(3) and (4) and (c)(2) of this section; and

(2) Skim milk and butterfat not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than those specified in paragraphs (a) or (c) of this section;

(2) Skim milk and butterfat disposed of as fluid cream;

(3) Skim milk represented by the nonfat solids added to a fluid milk product which is not in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(4) Skim milk and butterfat in fluid milk products and cream in inventory at the end of the month; and

(5) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 2.0 percent of receipts of fluid milk products subject to allocation pursuant to § 1043.46(a)(7) and the corresponding step of § 1043.46(b); and

(iii) Less 2.0 percent of fluid milk products transferred in bulk to other order plants; and

(c) *Class III milk.* Class III milk shall be:

(1) Skim milk and butterfat used to produce butter, dry milk (either whole or nonfat) or cheese in any form except cottage cheese;

(2) Skim milk and butterfat disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and

(3) Skim milk and butterfat in shrinkage of other source milk allocated pursuant to § 1043.42(a)(2).

5. Section 1043.42 is revised to read as follows:

§ 1043.42 Shrinkage.

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler and prorate such shrinkage between:

(1) The net quantity of producer milk and other fluid milk products specified in § 1043.41(b)(5); and

(2) Other source milk exclusive of that specified in § 1043.41(b)(5).

(b) * * *

6. Section 1043.43 is revised to read as follows:

§ 1043.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1043.46(a)(7) and the corresponding step of § 1043.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1043.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1043.46(a)(7) and the corresponding step of §1043.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1043.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk and Class III milk, in series beginning with Class II milk; and

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II or Class III (or comparable classes under such other order) to the extent of the Class II or Class III utilization available for such assignment.

7. Section 1043.46 is revised to read as follows:

§ 1043.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1043.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1043.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the

pounds of skim milk in fluid milk products and cream received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product or cream;

(ii) Receipts of fluid milk products and cream that are not approved by a duly constituted health authority for fluid consumption; and

(iii) Receipts of fluid milk products and cream from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III but not in excess of such quantity:

(i) Receipts of fluid milk products and cream from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products and cream in bulk from an other order plant, if Class II or Class III utilization was requested by the operators of both plants;

(5) Subtract from the pounds of skim milk remaining in Class I and Class II, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products and cream on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products and cream from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products and cream in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products and cream in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products and cream from other pool plants according to the classification assigned pursuant to § 1043.43(a);

(9) If the pounds of skim milk remaining in the various classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Sections 1043.47 and 1043.48 are revoked.

9. Section 1043.53 is revised to read as follows:

§ 1043.53 Location differentials to handlers.

For milk which is received from producers and other source milk (for which a location adjustment is applicable) at a plant located more than 90 miles but not more than 110 miles, by shortest highway distance, as determined by the market administrator, from the Court House in either Grayling or Manistee, whichever is closer, and utilized as Class I, the price shall be the price effective pursuant to § 1043.51(a), less 12 cents, and less 1 cent additional for each 20 miles or fraction thereof over 110 miles;

10. Section 1043.60 is revised to read as follows:

§ 1043.60 Computation of the net pool obligation of each pool handler.

he net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1043.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1043.46(a)(9) and the corresponding step of § 1043.46 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1043.46(a)(5) and the corresponding step of § 1043.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1043.46(a)(3) and the corresponding step of § 1043.46(b);

(e) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1043.46(a)(7)(i) and the corresponding step of § 1043.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1043.46(a)(7)(iii) and the corresponding step of § 1043.46(b).

11. Section 1043.61 is revised to read as follows:

§ 1043.61 Computation of uniform prices.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1043.60 for all handlers who filed the reports prescribed by § 1043.30 for the month and who made the payments pursuant to §§ 1043.70 and 1043.72 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1043.63;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (a) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1043.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1043.60 (e) and (f);

(f) Subtract not less than 6 cents nor more than 7 cents per hundredweight. The result shall be the uniform price.

12. Section 1043.63 is revised to read as follows:

§ 1043.63 Location differentials to producers and on nonpool milk.

The uniform price for milk received at a plant shall be reduced according to the location of such plant at the rates set forth in § 1043.53.

13. Section 1043.72 is revised to read as follows:

§ 1043.72 Payments to the producer-equalization fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1043.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1043.70; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1043.60 (e) and (f).

14. Section 1043.73 is revised to read as follows:

§ 1043.73 Payments out of the producer-equalization fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1043.72(b) exceeds the amount computed pursuant to § 1043.72(a) less any unpaid obligations of such handler to the market administrator pursuant to § 1043.72: *Provided*, That if the balance in the producer-equalization funds is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

15. Section 1043.74 is revised to read as follows:

§ 1043.74 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1043.46(a)(3) and (7)(i) and the corresponding steps of § 1043.46 (b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

16. Section 1043.84 is revised to read as follows:

§ 1043.84 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1043.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1043.60 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1043.8(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II or Class III price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1043.8(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1043.61 at the same location or at the Class II price, whichever is higher.

17. Section 1043.9 is revised to read as follows:

§ 1043.9 Handler.

"Handler" means:

(a) The operator of a pool plant(s) in his capacity as such;

(b) A person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant;

(d) A person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(e) A producer-handler.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. Section 1044.9 is revised to read as follows:

§ 1044.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant that is neither an other order plan nor a producer-handler plant.

2. Section 1044.10 is revised to read as follows:

§ 1044.10 Handler.

(a) Any person in his capacity as the operator of one or more fluid milk plants;

(b) Any person in his caapcity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to milk from producers which it causes to be diverted from a fluid milk plant to another plant for the account of such cooperative association;

(d) Any cooperative association, at its election, with respect to member milk delivered from the farm to the fluid milk plant of another handler in a tank truck operated by or under contract to the cooperative association. To elect this handler status, the market administrator must be notified prior to the first day of the month during which these deliveries will take place. Milk delivered pursuant to this paragraph is deemed to have been received at the location of the milk plant to which it is delivered;

(e) Any person in his capacity as the operator of an other order plant that would otherwise qualify as a fluid milk plant; or

(f) A producer-handler.

3. Section 1044.11 is revised to read as follows:

§ 1044.11 Producer.

"Producer" means a person, other than a producer-handler as defined in any order (including this part) who produces milk in conformity with the sanitation requirements for Grade A milk of any duly constituted health authority, or in conformity with the requirements of Michigan Act No. 169, Public Acts 1929, as amended which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from such plant for the account of a handler.

4. In § 1044.22(f), the reference "§ 1044.34" is deleted and "§ 1044.33" is substituted therefor.

5. Section 1044.30 is revised to read as follows:

§ 1044.30 Monthly reports of receipts and utilization.

On or before the 5th day (exclusive of Sundays and holidays) of each month, each handler shall report to the market administrator for the preceding month

in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler for each fluid milk plant shall report:

(1) The quantities of butterfat and skim milk contained in or represented by:

(i) Producer milk,

(ii) Fluid milk products received from other fluid milk plants,

(iii) Other source milk, and

(iv) Inventories of fluid milk products on hand at the end of each month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(3) Such other information with respect to sources and disposition as the market administrator may prescribe.

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk.

6. Section 1044.33 is revised to read as follows:

§ 1044.33 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler exempt pursuant to §§ 1044.81 or 1044.82 shall report to the market administrator his disposition of fluid milk products on routes within the marketing area at such time and in such manner as the market administrator shall prescribe.

(c) Each handler pursuant to § 1044.10(d) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 5th day of each month the quantities of skim milk and butterfat in producer milk delivered to each fluid milk plant in the preceding month.

(d) On or before the 2nd day of the following month, the handler operating each fluid milk plant that during the month has shipped fluid milk products in bulk to another order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1044.34 is revoked and §§ 1044.35 and 1044.36 are redesignated §§ 1044.34 and 1044.35, respectively.

8. Section 1044.41(b) is revised to read as follows:

§ 1044.41 Classes of utilization.

* * * * *

(b) * * *

(5) Skim milk and butterfat, respectively (except in milk diverted to a nonfluid milk plant pursuant to § 1044.14), in shrinkage but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1044.10(d);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1044.10(d): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from fluid milk plants of other handlers;

(iv) Plus 1.5 percent of receipts of fluid milk products subject to allocation pursuant to § 1044.46(a) (7) and (8) and the corresponding steps of § 1044.46(b); and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

(6) Skim milk and butterfat in shrinkage assigned pursuant to § 1044.42 (b)(2).

9. Section 1044.42 is revised to read as follows:

§ 1044.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts for each of his fluid milk plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each fluid milk plant; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1044.41(b)(5); and

(2) Other source milk exclusive of that specified in § 1044.41(b)(5).

10. Section 1044.43 is revised to read as follows:

§ 1044.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a fluid milk plant to another fluid milk plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1044.46(a)(8) and the corresponding step in § 1044.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1044.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1044.46(a) (7) and (8) and the corresponding steps of § 1044.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a fluid milk plant to a producer-handler or an exempt handler pursuant to § 1044.81;

(c) As Class I milk, if transferred or diverted in bulk to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1044.30 for the month within which such transaction occurred;

(2) The operator of such nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonfluid milk plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from fluid milk plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonfluid milk plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonfluid milk plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonfluid milk plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonfluid milk plant from all fluid milk and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to a handler pool other order plant and pro rata to the average utilization, as estimated by the market administrator of the transferee order, of the milk included in the computation of the weighted average of uniform price for such month under the transferee order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1044.46 is revised to read as follows:

§ 1044.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1044.45, the market administrator shall determine the classification of producer milk at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1044.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all fluid milk plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other fluid milk plant handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all fluid milk plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other fluid milk plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other fluid milk plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds substracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all fluid milk plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subpagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the fluid milk plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other fluid milk plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other fluid milk plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other fluid milk plants according to the classification assigned pursuant to § 1044.43(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Sections 1044.47 and 1044.48 are revoked.

13. In § 1044.52, the reference "§ 1044.48" is deleted and "§ 1044.46(c)" is substituted therefor.

14. Section 1044.53 is revised to read as follows:

§ 1044.53 Location adjustments to handlers.

(a) For producer milk and other source milk (for which a location adjustment is applicable) received at a plant located outside the marketing area, west of Lake Michigan and more than 50 miles from the nearer of the City Hall in Ironwood, Michigan, or the City Hall in Iron Mountain, Michigan, the applicable Zone 1 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(b) For producer milk and other source milk (for which a location adjustment is applicable) received at a plant located outside the marketing area, east of Lake Michigan, and more than 50 miles from the City Hall in St. Ignace, Michigan, the applicable Zone 2 price for Class I milk shall be reduced 10 cents, plus 2 cents for each 20 miles or fraction thereof in excess of 70 miles.

(c) Any distance used to determine location adjustments shall be the shortest hard surfaced highway distance as determined by the market administrator.

15. Section 1044.60 is revised to read as follows:

§ 1044.60 Computation of the net obligation of each handler.

The net obligation of each handler at fluid milk plant(s) shall be computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1044.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1044.46(a)(10) and the corresponding step of § 1044.46 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1044.46(a)(5) and the corresponding step of § 1044.46(b), or the hundredweight of skim milk and butter-

fat remaining in Class II after computations pursuant to § 1044.46(a)(5) and the corresponding step of § 1044.46(b) for the preceding month whichever is less;

(d) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1044.46(a)(8)(ii) and the corresponding step of § 1044.46(b); and

(e) Add or subtract, as the case may be, the amount necessary to correct errors in receipts or utilization for previous months as disclosed by audit by the market administrator.

16. Section 1044.61 is revised to read as follows:

§ 1044.61 Computation of uniform prices for handlers.

For each month the market administrator shall compute a uniform price for the milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1044.60 the total of the location differential deductions to be made pursuant to § 1044.63;

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in paragraph (e) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of such milk;

(c) Add the value of the handler's associated producer milk at the Class II price for milk of 3.5 percent butterfat content;

(d) Add if a deduction was made or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month, the amount of such adjustment; and

(e) Divide the resulting amount by the total hundredweight of the following:

(1) Producer milk;

(2) Associated producer milk; and

(3) Other source milk for which values are computed pursuant to § 1044.60(d). The result, adjusted to the nearest cent, shall be the uniform price for such handler.

17. Section 1044.71 is revised to read as follows:

§ 1044.71 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and (b) other source milk allocated to Class I pursuant to § 1044.46(a) (3) and (8) (ii) and the corresponding steps of § 1044.46(b).

18. In § 1044.80, the reference "§§ 1044.33, 1044.35, and 1044.36" is deleted and "§§ 1044.33, 1044.34 and 1044.35" is substituted therefor.

19. In § 1044.81, the reference "§§ 1044.34 through 1044.36" is deleted and "§§ 1044.33 through 1044.35" is substituted therefor.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. Section 1046.7 is revised to read as follows:

§ 1046.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act:

(a) Who produces milk on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institution or bases); and

(b) Whose milk so produced pursuant to paragraph (a) of this section is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) or diverted in accordance with the conditions set forth in § 1046.14.

2. In § 1046.8, paragraph (a) is revised and new paragraphs (d) and (e) are added to read as follows:

§ 1046.8 Handler.

* * * * *

(a) Any person in his capacity as the operator of a pool plant;

* * * * *

(d) Any person who operates a partially regulated distributing plant; and

(e) A producer-handler, or any person who operates an other order plant.

3. Section 1046.13 is revised to read as follows:

§ 1046.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

§ 1046.22 [Amendment]

4. In paragraphs (i) and (l) of § 1046.22, the reference "1046.61" is revoked.

5. In § 1046.30, paragraph (b) is revised to read as follows:

§ 1046.30 Reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1046.8(d) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of producer milk.

6. Section 1046.31 is revised to read as follows:

§ 1046.31 Payroll reports.

On or before the 20th day after the end of each month, each handler who received milk from producers or from a cooperative association of producers and each handler who is the operator of a partially regulated distributing plant and who does not elect to make payments pursuant to § 1046.62(b) shall submit to the market administrator for each of his plants his producer or dairy farmer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer, producer cooperative association or dairy farmer, and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer, producer cooperative association, or dairy farmer, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

7. In § 1046.32 a new paragraph (d) is added to read as follows:

§ 1046.32 Other reports.

* * * * *

(d) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

§ 1046.40 [Amendment]

8. In § 1046.40, the references "§§ 1046.30 and 1046.62" are changed to "§ 1046.30".

9. In § 1046.41, paragraphs (a)(1), (b)(7) and (8) are revised to read as follows:

§ 1046.41 Classes of utilization.

* * * * *

(a) * * *

(1) Disposed of in the form of a fluid milk product, except skim milk and butterfat disposed of in fluid form pursuant to paragraphs (b)(4) and (5) of this section: *Provided*, That fluid milk products which have been fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

* * * * *

(b) * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1046.42(b)(1), but not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk physically received at a pool plant; plus

(ii) One and one-half percent of skim milk and butterfat, respectively, in milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1046.8(c), except that if the handler operating such pool plant files notice with the market administrator on or before the date he submits his monthly report applicable to such milk pursuant to § 1046.30 that he is purchasing such milk on the basis of weights determined at the farm from farm bulk tank measurements the applicable percentage shall be two percent; plus

(iii) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk as a transfer from other pool plants, and milk received in bulk tank lots from other order plants and unregulated supply plants to be allocated pursuant to § 1046.46(a)(7) and (8) and the corresponding steps of § 1046.46(b); less

(iv) One and one-half percent of skim milk and butterfat, respectively, in fluid milk products transferred in bulk from a pool plant to other plants; and plus

(v) One-half of one percent of skim milk and butterfat, respectively, in producer milk received by a cooperative association in its capacity as a handler pursuant to § 1046.8(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1046.42(b)(2).

10. Section 1046.42 is revised to read as follows:

§ 1046.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each pool plant by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1046.41(a)(1) and as Class II milk pursuant to § 1046.41(b)(1) through (6) (subject to the provisions of §§ 1046.43 through 1046.45) from the receipts of skim milk and butterfat, respectively, required to be reported pursuant to § 1046.30; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1046.41(b)(7); and (2) skim milk and butterfat in other source milk received as fluid milk products in bulk, exclusive of that specified in § 1046.41(b)(7).

11. Section 1046.44 is revised to read as follows:

§ 1046.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization reported pursuant to § 1046.30 by the operator(s) of both plants, otherwise as Class I milk, if transferred from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) to another pool plant of the same handler or another handler unless Class II utilization is claimed by the transferee and transferor handlers in their reports pursuant to § 1046.30 for the month, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1046.46(a)(7) and (8) and the corresponding steps of § 1046.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) If a specified utilization of skim milk and butterfat transferred to a pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1046.8(c) is not claimed by both handlers pursuant to paragraph (a) of this section, such skim milk and butterfat shall be classified pro rata to the respective amounts remaining in each class at the pool plant of the receiving handler after making the assignment pursuant to § 1046.46(a)(8) and the corresponding step of § 1046.46(b) and after assignment of milk for which specified classification has been claimed by handlers pursuant to paragraph (a) of this section;

(c) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(d) As Class I milk, if transferred (in the form of milk, skim milk or cream) or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 airline miles or more as determined by the market administrator, from the nearer of the City Halls in either Louisville, Kentucky, or Evansville, Indiana.

(e) As Class I milk, if transferred (in the form of milk, skim milk or cream) or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant located less than 250 airline miles as determined by the market administrator, from the nearer of the City Halls in either Louisville, Kentucky, or Evansville, Indiana, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1046.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant: *Provided*, That if the nonpool plant disposed of cream in bulk such disposition shall be accounted for as Class II use if the handler claims classification of such cream as Class II, establishes that such cream was transferred without Grade A certification, each shipping container was tagged or labeled to show that the contents were for manufacturing use only, and the shipment of such cream was invoiced accordingly, and affords the market administrator at least 24 hours notice prior to shipment of such cream so that he may verify such shipment:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such

nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

12. Section 1046.46 is revised to read as follows:

§ 1046.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1046.45, the market administrator shall determine for each pool plant the classification of producer milk for each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1046.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from pool plants of other handlers, from a cooperative association as a handler pursuant to § 1046.8(c), and in bulk receipts from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association as a handler pursuant to § 1046.8(c) according to the classification assigned pursuant to § 1046.44 (a) or (b);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

13. Section 1046.53 is revised to read as follows:

§ 1046.53 Location differentials to handlers.

(a) For that milk received from producers or from a cooperative association in its capacity as a handler pursuant to § 1046.8(c) at a pool plant located at any point which is 85 miles or more from the City Hall in Evansville, Indiana, or Louisville, Lexington, Danville, Elizabethtown, or Madisonville, Kentucky, whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to paragraph (b) of this section or pursuant to § 1046.70, the price specified in § 1046.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the plant where such milk is received:

	Rate per hundredweight (cents)
Distance from City Hall:	
85 miles but less than 95 miles	15.0
For each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1046.8(c), and

the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, and such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

14. Section 1046.61 is revoked. Section 1046.63 is redesignated § 1046.61.

15. Section 1046.62 is revised to read as follows:

§ 1046.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1046.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1046.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1046.12 (b) and (c) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1046.12 (b) and (c) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a simflar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

16. Section 1046.70 is revised to read as follows:

§ 1046.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1046.8 (a), (b), and (c) during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1046.46(c), by the applicable class prices (adjusted pursuant to §§ 1046.52 and 1046.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1046.46(a)(10) and the corresponding step of § 1046.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.46(a)(5) and the corresponding step of § 1046.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1046.46(a)(3) and the corresponding step of § 1046.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1046.46(a)(8)(ii) and the corresponding step of § 1046.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1046.46(a)(7) and the corresponding step of § 1046.46(b), at the applicable class prices adjusted pursuant to §§ 1046.52 and 1046.53(a) at the location of the transferor plant subject to the limitations pursuant to § 1046.53(b).

17. Section 1046.71 is revised to read as follows:

§ 1046.71 Computation of weighted average and uniform prices.

For each month the market administrator shall compute the weighted average price and the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1046.70 for all handlers who filed the reports prescribed by § 1046.30 for the month and who are not in default of payments pursuant to § 1046.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1046.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1046.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1046.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July an amount equal to the hundredweight of producer milk included in these computations multiplied by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(i) Add during each of the months of September, October, November and December one-fourth of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers.

§ 1046.80 [Amendment]

18. In paragraph (b) of § 1046.80, the words "plus the per hundredweight payment provided by § 1046.85(b)" are revoked.

19. Section 1046.82 is revised to read as follows:

§ 1046.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be re-

duced according to the location of the pool plant at the rates set forth in § 1046.53; and

(b) For purposes of computations pursuant to §§ 1046.84 and 1046.85 the weighted average price shall be reduced at the rates set forth in § 1046.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant(s) from which the milk was received.

§ 1046.83 [Amendment]

20. In § 1046.83, the reference "1046.61" is revoked.

21. Section 1046.84 is revised to read as follows:

§ 1046.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1046.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price computed pursuant to § 1046.71 adjusted by the producer butterfat differential pursuant to § 1046.81 and the location differential on nonpool milk pursuant to § 1046.82(b) with respect to other source milk for which values are computed pursuant to § 1046.70 (e) and (f).

22. Section 1046.85 is revised to read as follows:

§ 1046.85 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1046.84(b) exceeds the amount computed pursuant to § 1046.84(a): *Provided*, That the market administrator shall offset any payment due any handler against payments due from such handler, and if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

23. Section 1046.88 is revised to read as follows:

§ 1046.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1046.8(c), shall pay to the market administrator on or before the 15th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1046.8 (c), (b) other source milk allocated to Class I pursuant to § 1046.46(a) (3) and (8) (ii) and the corresponding steps of § 1046.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1047—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

1. Section 1047.7 is revised to read as follows:

§ 1047.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who in compliance with the Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, which milk is received at a pool plant or is diverted pursuant to § 1047.14.

2. In § 1047.8, paragraph (b) is revised and a new paragraph (e) is added to read as follows:

§ 1047.8 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(e) A producer-handler, or any person who operates an other order plant.

3. Section 1047.13 is revised to read as follows:

§ 1047.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

4. Section 1047.30 is revised to read as follows:

§ 1047.30 Reports of receipts and utilization.

By mailing on or before the 6th day after the end of each month, or by delivery not later than the 8th day after the end of the month, each handler, except a producer-handler and a handler pursuant to § 1047.61, shall report to the market administrator for such month, in the detail and on the forms prescribed by the market administrator, as follows:

(a) For a pool handler, reporting separately for each of his pool plants, the report shall show the quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers, including receipts of the handler's own production;

(2) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants and a cooperative association which is a handler pursuant to § 1047.8(d);

(3) The quantities of skim milk and butterfat contained in other source milk, including milk which has been classified and priced under other Federal orders;

(b) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(c) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(d) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require; and

(e) A handler specified in § 1047.8(b) who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (d) of this section, in the detail and on the forms prescribed by the market administrator, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

5. In § 1047.31, paragraph (b) is revised to read as follows:

§ 1047.31 Payroll reports.

* * * * *

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1047.62(a) shall report to the market administrator on or before the 15th day after the end of the month for each dairy farmer from whom milk was received the same information as required pursuant to paragaph (a)(1) of this section.

6. Section 1047.32 is revised to read as follows:

§ 1047.32 Other reports.

(a) Each producer-handler and each handler pursuant to § 1047.61 shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1047.41 is revised to read as follows:

§ 1047.41 Classes of utilization.

Subject to the conditions set forth in §§ 1047.42 to 1047.47 the classes of utilization shall be as follows:

(a) *Class I.* Class I shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, other than those classified pursuant to paragraphs (b) (2), (3), (4), and (5) of this section, except that fluid milk products which have been fortified by the addition of milk solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) Not accounted for as Class II.

(b) *Class II.* Class II shall be:

(1) All skim milk and butterfat used to produce any product other than a fluid milk product;

(2) All skim milk and butterfat disposed of in bulk to commercial food processors and used in a food product;

(3) All skim milk authorized by the market administrator to be dumped and all skim milk and butterfat accounted for as disposed of for livestock feed;

(4) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section;

(5) The inventories of fluid milk products on hand at the end of the month;

(6) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1047.42(b)(2); and

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of the milk received at a pool plant directly from producers; plus

(ii) One and one-half percent of receipts from a cooperative association in farm bulk tanks, except that, if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) One and one-half percent of receipts in bulk tanks from other pool plants, from other order plants and unregulated supply plants to be allocated pursuant to subparagraphs (7) and (8) of § 1047.46(a) and the corresponding steps of § 1047.46(b); less

(iv) One and one-half percent of disposition in bulk tanks from pool plants to all other milk plants; and plus

(v) One-half percent of receipts of producer milk by a cooperative association with respect to milk delivered in farm bulk tanks, unless the exception provided in subdivision (ii) of this subparagraph applies.

8. Section 1047.42 is revised to read as follows:

§ 1047.42 Assignment of shrinkage.

The market administrator shall determine the assignment of shrinkage as follows:

(a) Determine the total shrinkage of skim milk and butterfat for each handler; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between milk received (1) directly from producers, from a cooperative association in its capacity as a handler, from other pool plants, from other order plants and unregulated supply plants to be allocated pursuant to subparagraphs (7) and (8) of § 1047.46(a) and the corresponding steps of § 1047.46(b), and (2) other source milk in fluid form, exclusive of that specified in § 1047.41(b)(7)(iii).

9. Section 1047.44 is revised to read as follows:

§ 1047.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of fluid milk products shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred to another pool plant, subject in either event to the following conditions;

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1047.46(a)(8) and the corresponding step of § 1047.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1047.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1047.46(a) (7) and (8) and the corresponding step of § 1047.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles by the shortest highway distance as determined by the market administrator, from the Allen County Courthouse in Fort Wayne, Indiana, except that cream so transferred may be classified as Class II if the handler:

(1) Claims classification as Class II; and

(2) Established that (i) such cream was transferred without Grade A certification, (ii) each container was tagged or labeled to show that the contents were for manufacturing use only (iii) the transfers of such cream was invoiced as suitable for manufacturing use only, and (iv) affords the market administrator at least 24 hours prior notice so that he may verify such shipment;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the Allen County Courthouse in Fort Wayne, Indiana, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1047.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this paragraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the trans-

feree order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If, for bulk shipments, the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1047.46 is revised to read as follows:

§ 1047.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1047.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1047.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1047.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1047.47 is revoked.

12. Section 1047.48 is revoked.

13. Section 1047.49 is revoked.

14. Section 1047.53 is revised to read as follows:

§ 1047.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant located 60 miles or more from the Allen County Courthouse, Fort Wayne, Indiana, by the shortest accessible highway distance as determined by the market administrator, and which is transferred to another pool plant as Class I milk and assigned Class I location adjustment credit pursuant to paragraph (b) of this section, or otherwise classified as Class I milk, and for other source milk for which a location adjustment credit is applicable the price specified in § 1047.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received:

Distance from Allen County Courthouse, Fort Wayne, Ind. (miles):	*Rate per hundredweight (cents)*
60 but less than 70	10.0
For each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1047.8(d), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

15. Section 1047.62 is revised to read as follows:

§ 1047.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 17th day after the end of the month either the amount calculated pursuant to paragraph (a) or the amount calculated pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, he shall receive payments and shall pay such amounts, as the case may be, as follows: *Provided*, That the option contained in this paragraph may be selected for the April through June period only if the operator of the partially regulated distributing plant elects to use this plan for all three of these months:

(1) On or before the 17th day after the end of the month, for the producer-settlement fund, any plus amount resulting from the following computation: *Provided*, That, except during April, May and June, such amount shall not exceed that specified in paragraph (a) of this section:

(i) The obligation that would have been computed pursuant to § 1047.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1047.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk: *Provided*, That for each of the months of April, May and June an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant shall be subtracted from the amount computed pursuant to this subdivision: *And provided further*, That during each of the months of September, October and November, an amount equal to one-third of the total amount paid to the producer-settlement fund by such handler pursuant to subparagraph (2) of this paragraph in the immediately preceding months of April, May and June shall be added to the amount computed pursuant to this subdivision;

(ii) Deduct the sum of the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1047.12(b); and any payments made for such month to the producer-settlement fund of another order issued pursuant to the Act due to the plant being a partially regulated distributing plant under such other order: *Provided*, That gross payments to dairy farmers to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 1047.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer: *And provided further*, That payments made to the producer-settlement fund of another order issued pursuant to the Act shall include any payments made pursuant to a provision in such order similar to subparagraph (2) of this paragraph;

(2) On or before the 17th day after the end of each of the months of April, May and June for the producer-settlement fund an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant; and

(3) On or before the 17th day after the end of each of the months of September, October and November, the market administrator shall pay from the producer-settlement fund to each handler pursuant to this paragraph an amount equal to one-third of the total amount received from such handler pursuant to subparagraph (2) of this paragraph during the immediately preceding months of April, May, and June: *Provided*, That if during any of the months of September, October and November the provisions of this paragraph are not applicable to such handler's plant, the market administrator shall in lieu of the payments pursuant to this subparagraph, include such moneys in the amounts added in computing the uniform price pursuant to § 1047.71(i).

16. Section 1047.63 is revoked.

17. Section 1047.70 is revised to read as follows:

§ 1047.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1047.46(c) by the applicable class prices (adjusted pursuant to §§ 1047.52 and 1047.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1047.46(a)(10) and the corresponding step of § 1047.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1047.46(a)(5) and the corresponding step of § 1047.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1047.46(a)(3) and the corresponding step of § 1047.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1047.46(a)(8)(ii) and the corresponding step of § 1047.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1047.46(a)(7) and the corresponding step of § 1047.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1047.53(b).

18. Section 1047.71 is revised to read as follows:

§ 1047.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1047.70 for all handlers who filed the reports prescribed by § 1047.30 for the month and who made the payments pursuant to § 1047.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1047.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1047.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1047.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be

the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract from the remainder during each of the months of April, May and June, an amount equal to eight percent of the Class I price multiplied by the total hundredweight of producer milk;

(i) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

19. Section 1047.73 is revised to read as follows:

§ 1047.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1047.53; and

(b) For purposes of computations pursuant to §§ 1047.82 and 1047.83 the weighted average price shall be adjusted at the rates set forth in § 1047.53 applicable at the location of the nonpool plant from which the milk was received.

20. Section 1047.81 is revised to read as follows:

§ 1047.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit the amounts subtracted pursuant to § 1047.71 (h) and appropriate payments made by handlers pursuant to § 1047.62, § 1047.82 and all appropriate payments pursuant to § 1047.84 and out of which he shall make payments pursuant to §§ 1047.62, 1047.83, and 1047.71(i) and all appropriate payments pursuant to § 1047.84.

21. Section 1047.82 is revised to read as follows:

§ 1047.82 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1047.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1047.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1047.70 (e) and (f).

22. Section 1047.83 is revised to read as follows:

§ 1047.83 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1047.82(b) exceeds the amount computed pursuant to § 1047.82(a). If at such time the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

23. Section 1047.86 is revised to read as follows:

§ 1047.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1047.46(a)(3) and § 1047.46(a)(8)(ii) and the corresponding steps of § 1047.46(b), and (c) packaged Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1048—MILK IN THE YOUNGSTOWN-WARREN, OHIO, MARKETING AREA

1. The introductory paragraph of § 1048.7 is revised to read as follows:

§ 1048.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

2. In § 1048.8, paragraph (a) is revised and a new paragraph (d) is added to read as follows:

§ 1048.8 Handler.

* * * * * *

(a) Any person in his capacity as the operator of a pool plant or a partially regulated distributing plant.

* * * * * *

(d) A producer-handler, or any person who operates an other order plant.

3. Section 1048.13 is revised to read as follows:

§ 1048.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling.

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

4. Section 1048.31 is revised to read as follows:

§ 1048.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 7th day after the end of each month, each handler, except a producer-handler, who operates a partially regulated distributing plant from which fluid milk products are disposed of during the month in the marketing area on routes shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall report the information required of handlers operating pool plants pursuant to § 1048.30 substituting receipts from dairy farmers for receipts from producers.

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Amend § 1048.32 by adding a new paragraph (c) to read as follows:

(c) On or before the 20th day after the end of each month each handler, except one electing at the time of reporting to make payments pursuant to § 1048.62(b), operating a partially regulated distributing plant shall submit to the market administrator his payroll for dairy farmers

delivering Grade A milk in the same detail as set forth in paragraph (a) of this section.

6. In § 1048.41, paragraphs (b)(6)(ii) and (7) are revised to read as follows:

§ 1048.41 Classes of utilization.

* * * * * *

(b)(6) * * *

(ii) One and one-half percent of that received in bulk tank lots from pool plants of other handlers (except that in cream) and from other order plants and unregulated supply plants to be allocated pursuant to § 1048.45(a) (7) and (8) and the corresponding steps of § 1048.45(b), plus

* * * * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1048.47(b)(1).

7. Section 1048.43 is revised to read as follows:

§ 1048.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount therefore remaining in such class in the transferee plant after computations pursuant to § 1048.45(a)(8) and the corresponding step of § 1048.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1048.45(a)(3) and the corresponding step of (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1048.45(a)(7) and (8) and the corresponding steps of § 1048.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) If the transfer is by a cooperative association, the skim milk and butterfat transferred shall be allocated pro rata to the quantity remaining in each class after making computations pursuant to § 1048.45(a)(1) through (8) and the corresponding steps of § 1048.45(b).

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles by the shortest highway distance as determined by the market administrator, from the nearer of the Courthouses of Youngstown or Warren, Ohio, except that cream so transferred may be classified as Class II if the following conditions are met:

(1) The transferor-handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the Courthouses in Youngstown or Warren, Ohio, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1048.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If, for bulk shipments, the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1048.45 is revised to read as follows:

§ 1048.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1048.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1048.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from

other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(ii) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants and from cooperative associations which are the handlers from the milk pursuant to § 1048.8 (c) according to the classification assigned pursuant to § 1048.43(a); and

(iii) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8a. Section 1048.46 is revoked.

9. Section 1048.47 is revised to read as follows:

§ 1048.47 Shrinkage.

The market administrator shall allocate shrinkage to each pool plant and to a cooperative association in its capacity as a handler pursuant to § 1048.8(c) as follows:

(a) Compute the total shrinkage of skim milk and buttterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between (1) skim milk and butterfat in receipts of fluid other source milk in bulk tank lots exclusive of that specified in § 1048.41(b)(6); and (2) skim milk and butterfat in producer milk (excluding diverted milk) and in bulk tank lots of fluid receipts from other pool plants, from other order plants and unregulated supply plants allocated pursuant to § 1048.45(a) (7) and (8) and the corresponding step of § 1048.45(b) and from cooperative associations in their capacity as handlers pursuant to § 1048.8(c).

10. Section 1048.53 is revised to read as follows:

§ 1048.53 Location differentials to handlers.

(a) For producer milk which is received at a pool plant located 50 miles or more from the County Courthouse in either Youngstown or Warren, Ohio, whichever is nearer by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1048.51(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1048.8(c), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1048.54 is revoked.

12. Section 1048.62 is revised to read as follows:

§ 1048.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1048.31 (b) to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1048.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1048.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1048.12(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants (except that deducted under a similar provision of another order issued pursuant to the Act);

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or the Class II price, whichever is higher.

13. Section 1048.70 is revised to read as follows:

§ 1048.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1048.45(c), by the applicable class prices (adjusted pursuant to §§ 1048.52 and 1048.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1048.45(a)(10) and the corresponding step of § 1048.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1048.45(a)(5) and the corresponding step of § 1048.45(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1048.45(a)(3) and the corresponding step of § 1048.45(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1048.45(a)(8)(ii) and the corresponding step of § 1048.45(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1048.45(a)(7), and the corresponding step of § 1048.45(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1048.53(b).

14. Section 1048.71 is revised to read as follows:

§ 1048.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1048.70 for all handlers who filed the reports prescribed by § 1048.30 for the month and who made the payments pursuant to §§ 1048.80 and 1048.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1048.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1048.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1048.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. Section 1048.73 is revised to read as follows:

§ 1048.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1048.53; and

(b) For purposes of computations pursuant to §§ 1048.82 and 1048.83 the uniform price shall be adjusted at the rates set forth in § 1048.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1048.81 [Amendment]

16. In § 1048.81 the designation "1048.62(a)" is changed to "1048.62 (a) and (b)".

17. Section 1048.82 is revised to read as follows:

§ 1048.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of

(1) The total of the net pool obligation computed pursuant to § 1048.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1048.80(c);

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1048.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1048.70 (e) and (f).

18. Section 1048.83 is revised to read as follows:

§ 1048.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1048.82(b) exceeds the amount computed pursuant to § 1048.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

19. Section 1048.86 is revised to read as follows:

§ 1048.86 Expense of administration.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator, four cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 1048.8(c); (b) milk received from a cooperative association as a handler pursuant to § 1048.8(c); (c) other source milk allocated to Class I pursuant to § 1048.45(a)(3) and § 1048.45(a)(8)(ii) and the corresponding steps of § 1048.45 (b); and (d) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1049—MILK IN THE INDIANAPOLIS, INDIANA, MARKETING AREA

1. Section 1049.7 is revised to read as follows:

§ 1049.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant directly from the farm of such producer or is caused to be diverted by a handler as producer milk pursuant to § 1049.14. "Producer" shall not include any person with respect to milk which is fully subject to pricing and pooling under another order issued pursuant to the Act.

2. Section 1049.8 is revised to read as follows:

§ 1049.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) A cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1049.14;

(c) Any person who operates a partially regulated distributing plant; or

(d) A producer-handler, or any person who operates an other order plant.

3. Section 1049.13 is revised to read as follows:

§ 1049.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

4. Section 1049.31 is revised to read as follows:

§ 1049.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 8th day after the end of each month, each handler who operates a partially regulated distributing plant shall report to the market administrator the quantities of skim milk and butterfat so disposed of, and shall report in the detail and on forms prescribed by the market administrator the information required of handlers operating pool plants pursuant to § 1049.30 substituting receipts from dairy farmers for receipts from producers.

(c) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. In § 1049.32, paragraph (b) is revised to read as follows:

§ 1049.32 Payroll reports.

* * * * *

(b) Each handler, except one who elects to make payments pursuant to § 1049.62(b), operating a partially regulated distributing plant shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received the same information as required from handlers operating pool plants pursuant to paragraph (a) of this section.

6. In § 1049.41, paragraph (b) (6) and (7) are revised to read as follows:

§ 1049.41 Classes of utilization.

* * * * *

(b) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1049.42(b) (2) and (3) not to exceed the following:

(i) Two percent of that physically received direct from producers' farms and by diversion from other pool plants; plus

(ii) One and one-half percent of that received by transfer from other pool plants in bulk (except bulk cream), from other order plants and unregulated supply plants to be allocated pursuant to § 1049.46(a) (7) and (8) and the corresponding steps of § 1049.46(b); less

(iii) One and one-half percent of that transferred in bulk to other plants (except bulk cream); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1049.42(b)(1).

7. Section 1049.42 is revised to read as follows:

§ 1049.42 Shrinkage.

The market administrator shall assign shrinkage to each handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Prorate the resulting amounts among (1) skim milk and butterfat in other source milk received in bulk fluid form, exclusive of that specified in § 1049.41(b)(6)(ii); (2) skim milk and butterfat in producer milk (excluding milk diverted to other plants pursuant to § 1049.14); and (3) skim milk and butterfat in bulk fluid receipts including diversions (except bulk cream) from other pool plants, from other order plants and unregulated supply plants to be allocated pursuant to § 1049.46(a) (7) and (8), and the corresponding steps of § 1049.46(b) in excess of transfers of bulk fluid milk products (except bulk cream) to other plants.

8. Section 1049.44 is revised to read as follows:

§ 1049.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted to another pool plant subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1049.46(a)(8) and the corresponding step of § 1049.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1049.46(a)(3), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1049.46(a)(7) and (8) and the corresponding steps of § 1049.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest highway distance as determined by the market administrator, from Monument Circle in Indianapolis, Indiana, except that cream so transferred may be classified as Class II if the following conditions are met:

(1) The transferor handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles, by the shortest highway distance as determined by the market administrator from Monument Circle in Indianapolis, Indiana, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1049.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred or diverted to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If for bulk shipments the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1049.46 is revised to read as follows:

§ 1049.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1049.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1049.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1049.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1049.53 is revised to read as follows:

§ 1049.53 Location differentials to handlers.

(a) For producer milk which is received at a pool plant 70 miles or more from Monument Circle in Indianapolis, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator and which milk is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for

other source milk for which a location adjustment credit is applicable, the price specified in § 1049.51(a) shall be reduced at a rate set forth in the following schedule.

Distance (miles):	Rate per hundredweight (cents)
70 but less than 80	10.0
For each additional 10 miles or fraction thereof	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the receipts at such plant from producers and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1049.62 which reads as follows is added:

§ 1049.62 Obligations of a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) and (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1049.31 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1049.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1049.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1049.12(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants (except that deducted under a similar provision of another order issued pursuant to the Act);

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk and the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is greater.

12. Section 1049.70 is revised to read as follows:

§ 1049.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1049.46(c), by the applicable class prices (adjusted pursuant to §§ 1049.52 and 1049.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1049.46(a)(10) and the corresponding step of § 1049.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1049.46(a)(5) and the corresponding step of § 1049.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1049.46(a)(3) and the corresponding step of § 1049.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1049.46(a)(8)(ii) and the corresponding step of § 1049.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1049.46(a)(7), and the corresponding step of § 1049.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1049.53(b).

13. Section 1049.71 is revised to read as follows:

§ 1049.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1049.70 for all handlers who filed the reports prescribed by § 1049.30 for the month and who made the payments pursuant to § 1049.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1049.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1049.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1049.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract from the remainder during each of the months of April through July an amount equal to eight percent of the Class I price multiplied by the total hundredweight of producer milk;

(i) Add during each of the months of September through December one-fourth of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

14. Section 1049.73 is revised to read as follows:

§ 1049.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received or which is deemed to have been received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1049.53; and

(b) For purposes of computations pursuant to §§ 1049.82 and 1049.83 the weighted average price shall be adjusted at the rates set forth in § 1049.53 applicable at the location of the nonpool plant from which the milk was received.

15. Section 1049.82 is revised to read as follows:

§ 1049.82 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1049.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1049.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1049.70 (e) and (f).

16. Section 1049.83 is revised to read as follows:

§ 1049.83 Payments out of the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1049.82(b) exceeds the amount computed pursuant to § 1049.82(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

17. Section 1049.86 is revised to read as follows:

§ 1049.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1049.46(a)(3) and § 1049.46(a)(8)(ii) and the corresponding steps of § 1049.46(b), and (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1090—MILK IN THE CHATTANOOGA, TENNESSEE, MARKETING AREA

1. Section 1090.6 is revised to read as follows:

§ 1090.6 Producer.

"Producer" means any approved dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk which is:

(a) Received during the month at a pool plant: *Provided*, That this definition shall not include any approved dairy farmer with respect to milk produced by him which is subject to the pricing and payment provisions of the order regulating the handling of milk in the Knoxville, Tennessee, marketing area (Part 1101 of this chapter); or

(b) Diverted from a pool plant by a handler to a nonpool plant not an other order plant for his account any day during the months of March through July or on not more than 10 days during any other month. The milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted.

2. Section 1090.8 is revised to read as follows:

§ 1090.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are shipped to a pool plant.

3. Section 1090.9 is revised to read as follows:

§ 1090.9 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more pool plants; (b) any person who operates a partially regulated distributing plant; (c) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1090.6; and (d) a producer-handler, or any person who operates an other order plant.

4. Section 1090.30 is revised to read as follows:

§ 1090.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the disposition of Class I milk outside the marketing area; and

(6) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

(b) Each handler specified in § 1090.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

5. Section 1090.31 is revised to read as follows:

§ 1090.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler who receives milk from producers shall report to the market administrator, in the detail and on forms prescribed by the market administrator:

(1) On or before the 6th day of each of the months of April through August, the aggregate quantity of base milk received at pool plant(s) for the preceding month;

(2) On or before the 20th day after the end of the month, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received at each pool plant from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment

to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the day prior to diverting producer milk pursuant to § 1090.6, his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted.

(c) Each handler who is the operator of a partially regulated distributing plant pursuant to § 1090.9(b), who does not elect to make payments pursuant to § 1090.62(b), shall report for each such plant to the market administrator, in the detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month, his dairy farmer payroll for such month which shall show for each dairy farmer:

(1) His name and address;

(2) The total pounds of milk received from such dairy farmer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment to the dairy farmer together with the price paid and the amount and nature of any deductions.

(d) On or before the 2nd day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

6. Sections 1090.40 and 1090.41 are revised. Sections 1090.42, 1090.43, 1090.44, and 1090.45 are redesignated §§ 1090.43, 1090.44, 1090.45, and 1090.46, respectively, and a new § 1090.42 is added. The redesignated §§ 1090.44 and 1090.46 are revised. The text of §§ 1090.40 through 1090.46 which appear under the centerhead "Classification of Milk", as revised and redesignated, now read as follows:

CLASSIFICATION OF MILK

§ 1090.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported for pool plants pursuant to § 1090.30 shall be classified each month pursuant to the provisions of §§ 1090.41 through 1090.46.

§ 1090.41 Classes of utilization.

Subject to the conditions set forth in §§ 1090.42 through 1090.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b)(4) of this section;

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Contained in inventories of fluid milk products on hand at the end of the month;

(4) Skim milk disposed of and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to §1090.42(b)(1), but not to exceed the following: Two percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1090.6), milk received in bulk from other order plants and from unregulated supply plants to be allocated pursuant to § 1090.46(a)(7) and the corresponding step in § 1090.46(b); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1090.42(b)(2).

§ 1090.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat contained in producer milk and other milk receipts specified in § 1090.41(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1090.41(b)(5).

§ 1090.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1090.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization reported pursuant to § 1090.30 by the operator(s) of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1090.46(a)(7) and the corresponding step in § 1090.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1090.46(a)(3), and the corresponding step in § 1090.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1090.46(a)(7) and the corresponding step of § 1090.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred in the form of milk or skim milk in bulk or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located 250 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Chattanooga, Tennessee;

(d) As Class I milk, if transferred in the form of milk or skim milk in bulk or diverted to a nonpool plant that is neither an other order plants nor a producer-handler plant, located less than 250 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Chattanooga, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1090.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and then next pro rata to receipts from market pool other order plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk not to exceed the equivalent amount of skim milk and butterfat, respectively, actually utilized as Class II milk in the nonpool plant.

(e) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant not an other order plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1090.30, (2) the handler attaches tags or labels to each container of such cream, bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That an equivalent amount of Class II utilization of skim milk and butterfat is determined to be available in such transferee plant.

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

§ 1090.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1090.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1090.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1090.45, the market administrator shall determine the classification of producer milk at all pool plants for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1090.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1090.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

7. Section 1090.53 is revised to read as follows:

§ 1090.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 65 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Chattanooga, Tennessee, and classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to paragraph (b) of this section or § 1090.70, the price computed pursuant to § 1090.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant, which is in excess of the sum of receipts at such plant from producers and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

8. Section 1090.54 is revoked.

9. Section 1090.62 is revised to read as follows:

§ 1090.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1090.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1090.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serve as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1090.7(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other

than a fluid milk product;

(7) and the corresponding step of be classified Class I milk unless, (i) the

order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1090.7(b) by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

10. Section 1090.70 is revised to read as follows:

§ 1090.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1090.9 (a) and (c) during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1090.46(c), by the applicable class prices (adjusted pursuant to §§ 1090.52 and 1090.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1090.46(a)(9) and the corresponding step of § 1090.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1090.46(a)(5) and the corresponding step of § 1090.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1090.46(a)(3) and the corresponding step of § 1090.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1090.46(a)(7)(i) and the corresponding step of § 1090.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1090.46(a)(7)(iii) and the corresponding steps of § 1090.46(b), at the applicable class prices adjusted pursuant to §§ 1090.52 and 1090.53(a) at the location of the transferor plant subject to the limitations pursuant to § 1090.53(b).

11. Section 1090.71 is revised to read as follows:

§ 1090.71 Computation of weighted average and uniform prices

For each month the market administrator shall compute the weighted average price and for each of the months of August through February, the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1090.70 for all handlers who filed the reports prescribed by § 1090.30 for the month and who made the payments pursuant to §§ 1090.80 and 1090.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1090.74;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1090.73 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included in paragraph (a) of this section; and

(2) The total hundredweight for which values are computed pursuant to § 1090.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in each of the months of August through February.

12. Section 1090.72 is revised to read as follows:

§ 1090.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the total value of excess milk for all handlers included in the computations pursuant to § 1090.71(a) as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) From the amount resulting from the computations of § 1090.71 (a) through (d), subtract an amount computed by multiplying the hundredweight of milk specified in § 1090.71(e)(2) by the weighted average price;

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

13. Section 1090.74 is revised to read as follows:

§ 1090.74 Location differentials to producers and on nonpool milk.

(a) The applicable uniform prices computed pursuant to §§ 1090.71 and 1090.72 to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant where such milk was received each at the rates set forth in § 1090.53; and

(b) For purposes of computations pursuant to §§ 1090.82 and 1090.83 the weighted average price shall be reduced at the rates set forth in § 1090.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant from which the milk was received.

14. Section 1090.82 is revised to read as follows:

§ 1090.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount,

if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1090.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices pursuant to §§ 1090.71 and 1090.72 adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price computed pursuant to § 1090.71 adjusted by the producer butterfat differential pursuant to § 1090.73 and the location differential on nonpool milk computed pursuant to § 1090.74(b) with respect to other source milk for which values are computed pursuant to § 1090.70 (e) and (f).

15. Section 1090.83 is revised to read as follows:

§ 1090.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1090.82(b) exceeds the amount computed pursuant to § 1090.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

16. Section 1090.86 is revised to read as follows:

§ 1090.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amounts as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1090.46(a)(3) and (7)(i) and the corresponding steps of § 1090.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

1. Section 1098.7 is revised to read as follows:

§ 1098.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority or produces milk acceptable for fluid consumption at Federal, State or municipal establishments within the marketing area, which milk is received at a pool plant or diverted from the farm directly to a nonpool plant not an other order plant for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of a handler operating such pool plant or at a pool plant at the location of the pool plant from which diverted if for the account of a cooperative association.

2. In § 1098.8, paragraph (a) is revised and new paragraphs (d) and (e) are added to read as follows:

§ 1098.8 Handler.

* * * * *

(a) Any person in his capacity as the operator of one or more pool plant(s);

* * * * *

(d) Any person who operates a partially regulated distributing plant; or

(e) A producer-handler, or any person who operates an other order plant.

3. Section 1098.12 is revised to read as follows:

§ 1098.12 Nonpool plant.

"Nonpool, plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than an other order plant or a producer-handler plant from which fluid milk products are shipped to a pool plant.

4. Section 1098.30 is revised to read as follows:

§ 1098.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler, except a handler as defined pursuant to § 1098.8(e), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in producer milk (showing separately such milk received from a cooperative association pursuant to § 1098.8(c)), except that a handler operating a partially regulated distributing plant shall report receipts of skim milk and butterfat in Grade A milk from dairy farmers in lieu of milk from producers;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a separate statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to his reports of receipts and utilization as the market administrator may prescribe.

5. Section 1098.31 is revised to read as follows:

§ 1098.31 Payroll reports.

(a) Each handler who operates a pool plant shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 6th day after the end of each month, for each producer from whom milk was received, (i) his name and address, (ii) the total pounds and butterfat content of milk received during the month, (iii) the total pounds of base milk and total pounds of excess milk for the month, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered;

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month, and the pounds of milk so received during said period from such producer; and

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1098.92(b) shall report to the market administrator on or before the 15th day after the end of the month for each dairy farmer from whom Grade A milk was received (1) his name and address, (2) the total pounds and butterfat content of milk received from such dairy farmer during the month, and (3) the amount of any deductions authorized in writing by such dairy farmer to be made from payments due for milk delivered.

6. Section 1098.32 is revised to read as follows:

§ 1098.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating

each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1098.41 is revised to read as follows:

§ 1098.41 Classes of utilization.

Subject to the conditions set forth in §§ 1098.42 through 1098.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b)(3) of this section;

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) In fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of and used for livestock feed, and skim milk dumped after prior notification to, and opportunity for verification by the market administrator;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1098.42(b)(1), but not to exceed the following: Two percent of skim milk and butterfat, respectively, received from producers (except that diverted pursuant to § 1098.7 and received from a cooperative for which the cooperative association is a handler pursuant to § 1098.8(c), plus 1½ percent of skim milk and butterfat, respectively, received in bulk tank lots from pool plants of other handlers and from other order plants and unregulated supply plants to be allocated pursuant to § 1098.46(a)(7) and the corresponding step in § 1098.46 (b), less 1½ percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to pool plants of other handlers and to other order plants and unregulated supply plants; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1098.42(b)(2).

8. Section 1098.42 is revised to read as follows:

§ 1098.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts specified pursuant to § 1098.41(b)(5); and (2) skim milk and butterfat in other source milk exclusive of that specified in § 1098.41(b)(5).

9. Section 1098.44 is revised to read as follows:

§ 1098.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or a cooperative association as a handler pursuant to § 1098.8(c) to a pool plant of another handler unless Class II utilization is indicated by the transferee and transferor handlers in their reports pursuant to § 1098.30 for the month, subject to the conditions of subparagraphs (1) and (2) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1098.46(a)(7) and the corresponding step of § 1098.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1098.46(a)(3) and the corresponding step of § 1098.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1098.46(a)(7) and the corresponding step of § 1098.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler plant;

(c) As Class I milk, if transferred in bulk as milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant located 250 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the State Capitol at Nashville, Tennessee;

(d) As Class I milk, if transferred in bulk as milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located less than 250 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the State Capitol at Nashville, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignments set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1098.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1098.46 is revised to read as follows:

§ 1098.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1098.45, the market administrator shall determine the classification of producer milk at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1098.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1098.8(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from a cooperative association in its capacity as a handler pursuant to § 1098.8(c) according to the classification assigned pursuant to § 1098.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1098.53 is revised to read as follows:

§ 1098.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located outside the State of Tennessee and 50 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the State Capitol at Nashville, Tennessee, and classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, and for other source milk assigned Class I location adjustment credit pursuant to paragraph (b) of this section or § 1098.70, the price computed pursuant to § 1098.51 (a) shall be reduced by 10.0 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 70 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant which is in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1098.8(c), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1098.70 is revised to read as follows:

§ 1098.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1098.8 (a), (b), and (c) during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to §1098.46(c), by the applicable class prices (adjusted pursuant to §§ 1098.52 and 1098.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1098.46(a)(9) and the corresponding step of § 1098.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1098.46(a)(5) and the corresponding step of § 1098.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1098.46(a)(3) and the corresponding step of § 1098.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1098.46(a)(7)(i) and the corresponding step of § 1098.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1098.46(a)(7)(iii) and the corresponding steps of § 1098.46 (b), at the applicable class prices adjusted pursuant to §§ 1098.52 and 1098.53 (a) at the location of the transferor plant subject to the limitations pursuant to § 1098.53(b).

13. Section 1098.71 is revised to read as follows:

§ 1098.71 Computation of uniform and weighted average prices.

For each month the market administrator shall compute the weighted average price and for each of the months of August through February the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1098.70 for all handlers who filed the reports prescribed by § 1098.30 for the month and who are not in default of payments pursuant to § 1098.81;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1098.83(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1098.83 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included in paragraph (a) of this section; and

(2) The total hundredweight for which values are computed pursuant to § 1098.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of August through February.

14. Section 1098.72 is revised to read as follows:

§ 1098.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1098.30, and who are not in default of payments pursuant to § 1098.81 as follows: (1) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price, (2) multiply the remaining quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) From the amount resulting from the computations pursuant to § 1098.71 (a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1098.71(e) (2) by the weighted average price;

(d) Subtract from the value determined pursuant to paragraph (c) of this section, the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk;

(e) Divide the amount calculated pursuant to paragraph (d) of this section by the total hundredweight of base milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section, the resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

15. Section 1098.81 is revised to read as follows:

§ 1098.81 Payments to market administrator.

(a) On or before the 25th day of each month each handler receiving milk from producers, except a cooperative association, shall pay to the market administrator for deposit into the producer-settlement fund an amount of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month;

(b) On or before the 12th day after the end of each month, each handler shall pay to the market administrator for deposit into the producer-settlement fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 1098.70 less: (1) Payments made pursuant to paragraph (a) of this section for such month, (2) an amount computed by multiplying the quantities of receipts specified in § 1098.70 (e) and (f) by the weighted average price computed pursuant to § 1098.71 adjusted by the producer butterfat differential pursuant to § 1098.83 (a) and the location differential on nonpool milk pursuant to § 1098.83(c), and (3) proper deductions authorized in writing by producers from whom such handler received milk.

16. In § 1098.83, the section heading and paragraphs (b) and (c) are revised to read as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

* * * * *

(b) In making payments to producers pursuant to § 1098.82(b), the uniform price pursuant to § 1098.71 and the uniform base price pursuant to § 1098.72 for producer milk received at a pool plant shall be reduced according to the location of the pool plant, each at the rates set forth in § 1098.53; and

(c) For purposes of computations pursuant to § 1098.81(b) the weighted average price shall be reduced at the rates set forth in § 1098.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant(s) from which the milk was received.

17. Section 1098.85 is revised to read as follows:

§ 1098.85. Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts during the month of: (a) producer milk (including such handler's own production and excluding milk received by a cooperative association in its capacity as a handler pursuant to § 1098.8(c)), (b) milk received from a cooperative association pursuant to § 1098.8(c), (c) other source milk allocated to Class I pursuant to § 1098.46 (a) (3) and (7) (i) and the corresponding steps of § 1098.46(b), and (d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

18. Section 1098.92 is revised to read as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1098.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1098.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1098.11(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1098.11(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

PART 1101—MILK IN THE KNOXVILLE, TENNESSEE, MARKETING AREA

1. Section 1101.10 is revised to read as follows:

§ 1101.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant from which fluid milk products are shipped to a pool plant.

2. Section 1101.11 is revised to read as follows:

§ 1101.11 Handler.

"Handler" means (a) any person in his capacity as the operator of one or more pool plants, (b) any person who operates a partially regulated distributing plant, (c) a cooperative association with respect to milk diverted for its account pursuant to § 1101.12; or (d) a producer-handler or any person who operates an other order plant.

3. Section 1101.12 is revised to read as follows:

§ 1101.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant: *Provided*, That if such milk is diverted for his account by a handler from a pool plant to a nonpool plant, not an other order plant (except an other order plant fully subject to the provisions of Part 1090 regulating the handling of milk in the Chattanooga, Tennessee, marketing area), (a) any day during the months of March through August, or (b) on not more than 10 days during the month in any of the other months of the year, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted.

4. A new § 1101.17 is added under the centerhead "Definitions" to read as follows:

§ 1101.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any cream product except frozen cream and ice cream mix.

5. Section 1101.30 is revised to read as follows:

§ 1101.30 Reports of receipts and utilization.

(a) On or before the 6th day after the end of each month each handler shall report for each pool plant for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and butterfat contained in producer milk including for the months of April through August a statement of the aggregate quantity of base milk;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(3) The quantities of skim milk and butterfat contained in other source milk;

(4) Inventories of fluid milk products on hand at the beginning and end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(6) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe;

(b) Each handler specified in § 1101.11 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

6. In § 1101.31, paragraph (b) is revised and new paragraphs (c) and (d) are added to read as follows:

§ 1101.31 Other reports.

* * * * *

(b) Each handler receiving milk from producers shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(i) The total pounds of milk received from such producer or cooperative association, including, for the months of April through August, the total pounds of base and excess milk;

(ii) The days on which milk was received from such producer, if less than a full month;

(iii) The average butterfat content of such milk; and

(iv) The net amount of such handler's payment, to each producer or cooperative association, together with the price paid and the amount and nature of any deductions; and

(2) On or before the first day other source milk is received in the form of fluid milk products at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product.

(c) Each handler who is the operator of a partially regulated distributing plant pursuant to § 1101.11(b) and who does not elect to make payments as required pursuant to § 1101.92(b), shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his plants his dairy farmer payroll for such month which shall show for each dairy farmer:

(1) His name and address;

(2) The total pounds of milk received from such dairy farmer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, to each dairy farmer, together with the price paid and the amount and nature of any deductions;

(d) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1101.41 is revised to read as follows:

§ 1101.41 Classes of utilization.

Subject to the conditions set forth in §§ 1101.42 through 1101.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from the plant in the form of fluid milk products except:

(i) Any product fortified with added milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unfortified product of the same butterfat content; and

(ii) Products classified pursuant to paragraph (b) (3) of this section;

(2) In inventory of fluid milk products designated as Class I milk pursuant to subparagraph (1) of this paragraph; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any item other than those specified in paragraph (a) of this section;

(2) In fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(3) Disposed of and used for livestock feed or skim milk dumped after prior notification to, and opportunity for verification by the market administrator;

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1101.42(c); and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1101.42(b)(2).

8. Section 1101.42 is revised to read as follows:

§ 1101.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat in the pool plant(s) of the handler;

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat contained in producer milk (except milk diverted pursuant to § 1101.12), milk received in bulk from other order plants and from unregulated supply plants to be allocated pursuant to § 1101.46(a)(8) and the corresponding steps in § 1101.46(b); and (2) skim milk and butterfat in other source milk, exclusive of that specified in subparagraph (1) of this paragraph; and

(c) Multiply the pounds of shrinkage in skim milk and butterfat, respectively, prorated pursuant to paragraph (b)(1) of this section not to exceed 2.5 percent of the pounds of skim milk and butterfat, respectively, in receipts described therein by the percentage of skim milk and butterfat classified pursuant to § 1101.41(a) and (b)(1) through (3) which is in Class II milk. The resulting amount shall be the pounds of skim milk and butterfat assigned to Class II milk pursuant to § 1101.11(b)(4).

9. Section 1101.44 is revised to read as follows:

§ 1101.44 Transfers.

Skim milk and butterfat in the form of a fluid milk product shall be classified:

(a) As Class I milk if transferred or diverted by a handler from a pool plant to a pool plant of another handler in the form of fluid milk products unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1101.30: *Provided*, That the classification of such transfer is subject to the following:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1101.46(a)(8) and the corresponding step in § 1101.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 11.01.46(a)(4) and the corresponding step in § 1101.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1101.46(a)(8) and the corresponding step of § 1101.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from pool plant to a producer-handler plant;

(c) As Class I milk, if transferred in bulk in the form of milk, skim milk or cream or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1101.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from market pool other order plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and then pro rata to receipts from pool plants and market pool other order plants not regulated by such order; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk not to exceed the equivalent amount of skim milk and butterfat, respectively, actually utilized as Class II milk in the nonpool plant: *Provided*, That if the transferee nonpool plant disposes of fluid cream to another nonpool plant such cream shall be classified as Class II milk if the requirements of subparagraphs (1) and (2) are met and the availability of Class II use is determined pursuant to this subdivision as applied to the second transferee plant.

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant, or diverted to an other order plant fully subject to the provisions of Part 1090 regulating the handling of milk in the Chattanooga, Tennessee, marketing area. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1101.46 is revised to read as follows:

§ 1101.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1101.45, the market administrator shall determine the classification of producer milk at all pool plants for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1101.41(b)(4);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred during the month to such nonpool plant whichever is less;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class I milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant except the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class I, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (2) and (5)(ii) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1101.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1101.53 is revised to read as follows:

§ 1101.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 50 miles or more by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Knoxville, Tennessee, and classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, or for other source milk for which a location adjustment is applicable pursuant to paragraph (b) of this section or § 1101.70, the price computed pursuant to § 1101.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned to that Class I disposition at the transferee plant, which is in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply;

13. Section 1101.70 is revised to read as follows:

§ 1101.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler defined pursuant to § 1101.11 (a) and (c) during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1101.46(c), by the applicable class prices (adjusted pursuant to §§ 1101.52 and 1101.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1101.46(a)(10) and the corresponding step of § 1101.46(b) by the applicable class prices;

(c) Add or subtract, as the case may be, an amount necessary to adjust for errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1101.46(a)(4) and the corresponding step of § 1101.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1101.46(a)(8)(i) and the corresponding step of § 1101.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1101.46(a)(8)(iii) and the corresponding step of § 1101.46(b), at the applicable class prices adjusted pursuant to §§ 1101.52 and 1101.53(a) at the location of the transferor plant(s) subject to the limitations pursuant to § 1101.53(b).

14. Section 1101.71 is revised to read as follows:

§ 1101.71 Computation of weighted average and uniform prices.

For each month the market administrator shall compute the weighted average price and for each of the months of September through March the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1101.70 for all handlers who filed the reports prescribed by § 1101.30 for the month and who are not in default of payments pursuant to §§ 1101.80 and 1101.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1101.85(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1101.85(a) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included in paragraph (a) of this section; and

(2) The total hundredweight for which values are computed pursuant to § 1101.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price" and shall be the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers in each of the months of September through March.

15. Section 1101.72 is revised to read as follows:

§ 1101.72 Computation of uniform prices for base milk and excess milk.

For each of the months of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the total value of excess milk for all handlers included in the computations pursuant to § 1101.71(a) as follows:

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk for such handlers by the Class II milk price;

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I milk price; and

(3) Add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(c) From the amount resulting from the computations of § 1101.71 (a) through (d) subtract an amount computed by multiplying the hundredweight of milk specified in § 1101.71(e)(2) by the weighted average price;

(d) Subtract from the amount computed pursuant to paragraph (c) of this section the total value of excess milk, determined by multiplying the uniform

price for excess milk determined pursuant to paragraph (b) of this section by the hundredweight of excess milk;

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price per hundredweight for base milk of 3.5 percent butterfat content f.o.b. market.

16. Section 1101.82 is revised to read as follows:

§ 1101.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of

The net pool obligation computed pursuant to § 1101.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1101.71 and 1101.72 adjusted by the producer butterfat and location differentials pursuant to § 1101.85; and

(2) The value at the weighted average price computed pursuant to § 1101.71 adjusted by the producer butterfat differential pursuant to § 1101.85(a) and the location differential on nonpool milk pursuant to § 101.85(b) with respect to other source milk for which values are computed pursuant to § 1101.70 (e) and (f).

17. Section 1101.83 is revised to read as follows:

§ 1101.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1101.82(b) exceeds the amount computed pursuant to § 1101.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

18. Paragraph (b) in § 1101.85 is revised to read as follows:

§ 1101.85 Butterfat and location differentials to producers.

* * * * *

(b) *Location differential to producers and on nonpool milk.* (1) The applicable uniform price computed pursuant to § 1101.71 and the uniform base price computed pursuant to § 1101.72 to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1101.53; and

(2) For purposes of computations pursuant to §§ 1101.82 and 1101.83 the weighted average price shall be reduced at the rates set forth in § 1101.53 (not to be less than the value at the Class II price) applicable at the location of the nonpool plant from which the milk was received.

19. Section 1101.87 is revised to read as follows:

§ 1101.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1101.46 (a) (4) and (8) (i) and the corresponding steps of § 1101.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

20. Section 1101.92 is revised to read as follows:

§ 1101.92 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1101.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1101.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1101.9 (b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the transferor plant(s) and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1101.9 by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

21. Section 1101.93 is revoked.

Signed at Washington, D.C., on January 23, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-1057; Filed, Feb. 6, 1964; 9:00 a.m.]

Pages 2101-2202

PART III

FEDERAL REGISTER

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Washington, Friday, February 7, 1964

Department of Agriculture

Agricultural Marketing Service

Handling of Milk in Certain Marketing Areas

Chicago, Ill., etc.; Recommended Decision

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1030–1032, 1038, 1039, 1045, 1050, 1051, 1061–1064, 1067–1070, 1078, 1079, 1094, 1096, 1097, 1099, 1102, 1103, 1105, 1107, 1108]

HANDLING OF MILK IN CERTAIN MARKETING AREAS; CHICAGO, ILL., ETC.

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Docket No. and Marketing area	*7 CFR Part*
AO–101–A27, Chicago, Ill	1030
AO–170–A14, South Bend-LaPorte-Elkhart, Ind	1031
AO–313–A3–RO1, Suburban St. Louis	1032
AO–194–A8, Rock River Valley	1038
AO–212–A14, Milwaukee, Wis	1039
AO–334–A5, Northeastern Wisconsin	1045
AO–339–RO1, Central Illinois	1050
AO–329–A1, Madison, Wis	1051
AO–327–A2, St. Joseph, Mo	1061
AO–10–A28, St. Louis, Mo	1062
AO–105–A14–RO1, Quad Cities-Dubuque	1063
AO–23–A24, Greater Kansas City	1064
AO–222–A12, Ozarks	1067
AO–178–A14, Minneapolis-St. Paul, Minn	1068
AO–153–A9, Duluth-Superior	1069
AO–229–A8, Cedar Rapids-Iowa City	1070
AO–272–A3, North Central Iowa	1078
AO–295–A4, Des Moines, Iowa	1079
AO–103–A21, New Orleans, La	1094
AO–257–A9, Northern Louisiana	1096
AO–219–A11, Memphis, Tenn	1097
AO–183–A9, Paducah, Ky	1099
AO–237–A7, Fort Smith, Ark	1102
AO–252–A8–RO1, Central Mississippi	1103
AO–297–A4, Mississippi Delta	1105
AO–304–A4–RO1, Mississippi Gulf Coast	1107
AO–243–A9, Central Arkansas	1108

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary Statement

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was held at St. Louis, Missouri, on January 8–11, 1963, pursuant to notice thereof which was issued December 20, 1962 (27 F.R. 12773). For the Suburban St. Louis, Central Illinois, Quad Cities-Dubuque, Southern Mississippi (Central Mississippi and Mississippi Gulf Coast) markets, the January 8–11 hearing constituted a reopening of prior hearings on which a proposed order (Central Illinois) or proposed order amendments have been issued. These situations are later discussed under Section III.

The material issue on the record of the hearing relates to the marketing of milk in each of such regulated markets or its supply system from sources not fully regulated under the respective order. This broad issue is subdivided on the basis of the source of such milk and the manner of entry into the following more specific issues:

1. The integration into the regulatory plan of each of the orders of milk not subject to classified pricing under any Federal order which is:

(a) Disposed of as Class I milk directly on routes in the marketing area of such order; or

(b) Received at a plant fully regulated by such order;

2. The application of the regulatory plan of each of the Federal orders to milk regulated under another Federal order which is:

(a) Disposed of directly on routes in the regulated marketing area; or

(b) Received at a fully regulated plant; and

3. Incidental and corollary changes in order provisions.

The Supreme Court of the United States issued on June 4, 1962, its decision in the case of Lehigh Valley Cooperative Farms, Inc., et al., v. United States et al. (hereinafter called the Lehigh decision), invalidating certain applications of the "compensatory payment" provisions of the New York-New Jersey Federal milk order. Official notice is taken of such decision.

Until recently a majority of all Federal milk orders with market pooling contained "compensatory payment" provisions which might be considered applicable in parallel circumstances. By notice issued November 9, 1962, and subsequent suspension actions effective January 1, 1963, with respect to 50 milk orders and March 1, 1963, with respect to 13 additional milk orders, certain provisions of this nature were deleted from all milk orders.

Prior to the Lehigh decision many of these orders prescribed specific, but varied, financial obligations to the pool on milk received from "unregulated plants"[1] at regulated plants or distributed in the marketing area on routes from unregulated plant. Most orders provided that unregulated milk received at regulated plants be assigned to surplus uses to the extent of such uses at the receiving plant. On unregulated milk which could not be assigned a surplus class use a compensatory payment into the pool fund was required. Some orders provided, however, the alternative that the unregulated plant operator with route distribution in the marketing area could pay into the pool (producer-settlement fund) the difference between his payments to dairy farmers and the total value of his milk classified and computed according to the class price provisions of the order. In short, the unregulated plant operator had the choice with respect to route distribution of paying a compensatory payment on the sales actually made in the marketing area or of paying for his milk (by paying his dairy farmers and/or the pool) the same amount of money as if his plant were fully regulated.

With the issuance of the Lehigh decision it was recognized that certain prescribed obligations were subject to legal doubt. The suspensions were made in the compensatory payment provisions of the orders to minimize the legal questions. These suspension orders removed compensatory payments on unregulated milk (both bulk and route distribution) classified as Class I where the rate of payment provided was comparable to that invalidated by the Lehigh decision and no other option was available to handlers.

The consequence of this action in the South Bend-Laporte-Elkhart and Minneapolis-St. Paul orders was to remove all financial obligation on the part of an unregulated plant on any route distribution in the respective marketing areas. In certain other orders involved in this hearing the suspension reduced the maximum obligation on route sales of unregulated milk from the difference between the Class I price and the surplus milk price to the difference between the Class I price and the order blend price. No change was made in the case of 10 orders which provided for handler election of a compensatory payment at the difference between the Class I price and the surplus milk price on market area Class I sales, or payment to the pool of any amount by which the classified use value of milk receipts at such plant exceeded actual payments to dairy farmers regularly delivering to such plant.

The suspension action removed all payment obligations on bulk unregulated milk (not including in most instances[2] reconstituted milk products) but retained the assignment to surplus class uses to the extent of such uses. In those orders where a payment rate equal to the difference between the Class I price and the blend price was provided in some months, such rate was extended to all months.

Late in November 1962 opportunity was afforded all parties interested in 76 milk orders to submit proposals with respect to the subject of this hearing. Since the problem of reappraising order provisions in light of the Lehigh decision related to all Federal milk orders, a regional hearing was scheduled to provide opportunity, for simultaneous consideration of this problem affecting a substantial number of orders. Proposals relating to one or more of the 27 milk orders listed above were received from 59 parties (26 proprietary handlers, 29 cooperative associations or federations of such associations, 2 trade associations, and 2 State agencies). To expedite the purposes of the hearing the specific proposals received were summarized, for purposes of the hearing notice, into major categories each relating to a general type of transaction involving milk not subject to full regulation under the order to be amended.

As previously stated, the hearing dealt generally with two broad subjects: (1) The treatment to be accorded unregulated milk distributed in a regulated market or received at a regulated plant from a plant not regulated by any Federal milk order, and (2) the treatment of milk distributed in a Federally-regulated market or received at a Federally-regulated plant from a plant subject to another Federal order. Section I of this decision is concerned with the problem of integrating milk from unregulated sources into the regulatory plan for each market. Section II deals with problems of assignment to classes of fluid milk products moved between Federally-regulated markets. Section III of the decision discusses incidental and necessary changes in order provisions related to order revisions based upon the findings and conclusions in Sections I and II.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

I. *Unregulated milk.* Although varied nomenclature is applied in the several orders in defining the separate categories of milk, it will be convenient here to use the general terms "unregulated milk" or "unregulated plant" to describe the general category of transactions which involves milk or plants which are not subject to Federal regulation[3] in any way except for the particular shipment or distribution which enters the orbit of such regulation.

(a) *General basis for order revision.* Milk orders are issued under authority of the Agricultural Marketing Agreement Act of 1937, as amended, primarily for the purpose of establishing and maintaining orderly marketing conditions in the sale of milk by producers to milk handlers. Consumers are to be assured adequate and dependable supplies of milk for which producers are to receive minimum prices related to factors that affect the supply and demand for milk for the regulated marketing area. The basic framework of each order includes a classified price plan, with minimum prices for each class of use, and a pooling system which distributes among producers the values of milk in the various classes.

Under the classified price plan classes of use are established and a different minimum price is established for each class. By this means handlers are required to pay for the milk received from producers in accordance with the use made of it. In most of the milk orders under consideration two classes of use are established. Class I milk usually includes milk used for fluid consumption in the forms for which milk supplies must meet inspection requirements of health authorities. Class II milk then includes all milk used in manufacturing (surplus) uses. In some orders surplus uses are divided into two or more classes. A higher minimum price is established for Class I milk than for the surplus class or classes.

The classified price system is vital to achievement of the goal of orderly marketing. Under it each handler pays for the milk he receives from producers in accordance with the uses he makes of the milk. The uniform minimum prices established by classes, which are subject to various adjustments, such as for butterfat content of milk used in each class and for the location at which the milk is received from producers, assure equity among handlers. Since milk is priced in accordance with its value in each use, it is economically feasible for handlers to accept, under usual circumstances, all milk delivered by producers and thereby to maintain adequate reserves of milk so that the public will be assured of dependable supplies of milk at all times.

Subject to the various adjustments provided by the Act, the pooling systems of the orders provide a uniform, or weighted average, price, based on class values at minimum order prices, to be paid producers. The Act authorizes this average price to be computed (a) for each handler, to be paid the producers supplying such handler (individual-handler pool); or (b) for all handlers in the market, to be paid all producers in the market regardless of the use made of their milk by the handler to whom they deliver (market pool). Under market pools handlers pay into or draw out of an "equalization" fund the amount by which the classified use value of their milk exceeds or is less than the amount to be paid producers at the uniform price.

Because producers delivering milk to market pool markets may obtain the same uniform prices irrespective of the particular utilization as Class I or surplus milk of the handler to whom they deliver, it is not necessary for the producers to shift among handlers in order to obtain the best price. This accommodates the orderly and efficient utilization of the necessary surplus supply and returns to all producers an equitable share of the returns from the total sales of Class I and surplus milk in the market. All producers thus share the burden of the surplus for the market.

In a substantial majority of markets under Federal regulation market pools are used. The uniform sharing of the market average utilization promotes orderly marketing under a wider variety of conditions than does individual-handler pooling. Market pools now are provided in 23 of the 27 orders involved in this hearing.

In these market pool orders some form of minimum performance requirement is established to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing—by being included in the pool—in the market average utilization of Class I milk. Such distinction is necessary or else the proceeds of the higher Class I price could be dissipated by including in the pool milk primarily acquired for manufacturing purposes without any obligation on the handler to make milk available for the fluid needs of the market. Unless adequate standards of marketing performance are provided which will determine which milk and plants will participate fully in the marketwide pool funds, the uniform pool price of the market could be depressed to the point that the Class I price would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without being higher than economically necessary.

In this connection it should be noted that the higher prices applicable to Class I milk (which are necessary to assure the consuming public of adequate and dependable supplies of milk) are passed on to the public. It is essential, therefore, in order to share in these funds that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The pool plant performance requirements (particularly those applying to bulk shipments of milk) are essential provisions of a milk order if it is to attain this statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that most serves the public interest. The marketing performance distinctions also serve to minimize the effects of regulation on handlers whose sales operations are primarily in other markets by exempting them from full price and pooling regulation of the orders.

Typical pool plant standards are designed to recognize the separate functions of "distributing plants" which process and package fluid milk products and dispose of them for fluid consumption to wholesale and retail outlets or through plant stores, and of "supply plants" which may function solely for assembly of bulk milk to be shipped to distributing plants. For distributing[4] plants, pool plant standards normally require that a substantial portion of the plant's receipts during the current month be sold for fluid consumption and that a smaller but significant proportion be sold in the order marketing area. Supply plant standards provide year-round pooling for plants with substantial shipments of fluid milk to pool distributing plants in the season of short supply, and also provide for pooling on the basis of volume of shipments in the current month. Plants meeting these requirements establish themselves as an integral part of the fluid milk supply system for the marketing area.

[1] Defined below.

[2] In some orders where the obligation on unregulated receipts of nonfluid milk products could not be distinguished in the suspension action from the obligation on fluid milk products the obligation on nonfluid milk products was also removed.

[3] Plants which may be subject to some State minimum price regulation are also included in the category of "unregulated Plants".

[4] Some orders use difference nomenclature in referring to distributing and supply plants.

1963, pursuant to notice thereof which

[1] Defined below.

milk products was also removed.

established to distinguish between those

in referring to distributing and supply plants.

While order nomenclature varies somewhat, such distributing and supply plants are usually referred to as "pool plants". Generally, any plant, wherever located, may become a pool plant if it meets the marketing performance standards which at any time are equal for all plants performing the same function. In short, the pool plant provisions are an essential means of assuring the regulated market of adequate and dependable supplies of milk.

It should be emphasized that the pool plant performance standards do not impede the shipment of milk to regulated markets. Quite the contrary, they require milk to be shipped to the market in order to share in the pool funds. They achieve this necessary result by precluding the sharing in the pool funds of plants which do not ship milk in accordance with the prescribed standards. They are thus the opposite of a barrier to the shipment of milk to the market.

Since milk may enter a Federal order market from plants and under conditions which do not meet the pool plant performance standards, milk not regulated by any Federal order may be sold in these order markets. One such way is by direct route distribution of some packaged fluid milk in the marketing area from an unregulated plant. Another is by supplying unregulated milk, either in bulk or packaged form, to pool plants and for such milk to be used by the pool plant for its fluid business. Other sources of unpriced fluid milk products available to handlers fully regulated by an order are from the surpluses of producer-handlers, whose milk is not priced under these Federal orders, and from nonfluid products such as nonfat dry milk, condensed milk or skim milk or butter used to reconstitute fluid milk products.

When such unregulated milk is sold for fluid use in a Federal order market in competition with milk priced and pooled under the order, means for integrating it into the regulatory scheme must be provided. A plant that is not fully regulated (in contrast to one that is) is not required to account for all of its disposition of milk at the established class prices, to return minimum uniform prices to its producers, or to have its records audited, etc. Such plants thus normally would have competitive advantage over fully regulated plants in the disposition of higher value Class I milk in regulated marketing areas. Unless some method is provided for removing such a competitive advantage when unpriced milk is used for Class I sales in a regulated marketing area, inequities would exist among handlers in the sale of milk in regulated markets. This would obviously have such disruptive effects as to negate completely the purposes sought to be achieved by the milk orders pursuant to the basic statute.

As a result of the suspension actions taken because of uncertainties resulting from the Lehigh decision, unregulated milk may now enter many of these order markets under circumstances which tend to disrupt orderly marketing. The compensatory payment provisions suspended from these orders were intended to remove the competitive advantage attached to such unregulated milk. While the Supreme Court ruled that a compensatory payment on nonpool milk as applied in the circumstances involving the New York-New Jersey order was inconsistent with the terms of the Act, the Court recognized, however, that because of the manner in which Federal orders function, "it is quite obvious that under certain circumstances some regulation of such milk may be necessary".

One way to minimize the quantities of unregulated milk entering marketing areas would be to establish pool plant provisions which reduce the degree of marketing performance required. But this would vitiate the effectiveness of the orders in inducing adequate supplies of milk at order prices or would unnecessarily involve in total regulation handlers who distribute only small quantities of milk in the regulated marketing areas. Either of these consequences would render more difficult the attainment of the ends sought by the statute. Consideration is confined, therefore, to remedies involving obligations imposed on the unregulated milk entering the marketing area or its regulated supply system which is unregulated in light of current pool plants performance standards.

There is no way to treat unregulated milk equally with regulated milk other than to regulate it fully at the level of first receipt from producers. This is the stage of the marketing system at which minimum order prices apply. The prices paid farmers for any particular lot, or shipment, of milk cannot be distinguished from those paid for other uses; indeed the average price paid for all milk received at an unregulated plant has significance when compared to the minimum class prices of an order only as the utilization of all such milk is known. Short of full regulation, the treatment of unregulated milk can at best only approach equality of treatment with regulated milk.

The extent to which unregulated milk may have competitive advantage over regulated milk varies substantially, depending upon the individual circumstances affecting the operation of the plant receiving the unregulated milk. On the basis of this record affecting 27 markets, only provisions applicable to the general situations common to all such markets can be adopted. Should there be need in any market for more detailed treatment of unregulated milk from specific types of sources, such matters may be considered further in individual market hearings.

(b) *Packaged route sales from unregulated distributing plants.* This portion of the decision deals with the regulatory treatment of milk distributed on routes in 22 Federally-regulated marketing areas from plants not fully regulated by any Federal order ("fringe" distributors). Three orders (Milwaukee, North Central Iowa, and Memphis), which provide for individual-handler pooling prescribe certain volume exemptions which if not exceeded result in freedom from regulation. The Fort Smith (providing individual-handler pooling) and the Chicago orders prescribe full regulation for any plant having route distribution in the marketing area.

Two basic proposals were made at the hearing for amending the several market pool orders to minimize, within the Lehigh decision, the competitive advantage which unregulated distributing plants have over pool plants with respect to sales of milk within regulated markets. These were:

1. Payment to the pool of the difference between the Class I price and the order blend price on in-area route distribution in excess of offsetting Federal order Class I purchases; or, in the alternative, payment to the pool of the Class I price less the order blend price or actual cost, whichever is less.

2. Payment to the pool of any amount by which the classified-use value of total milk receipts exceeds actual payments to dairy farmers ("Wichita option"); or, per various proposals, by payment on the volume of milk distributed in the marketing area of (a) the difference between the order Class I and Class II prices, (b) the difference between the order Class I and blend prices, or (c) the difference between the order Class I price and actual cost of the milk.

The majority of witnesses supported a "Wichita" plan[5] with an option of a pool payment at the difference between the order Class I and Class II prices on marketing area sales in excess of any "offsetting" Federal order Class I purchases. It was their position that marketing area route sales by a nonpool plant were the alternative to an otherwise Class II disposition, and that, accordingly, a Class II value represented the appropriate credit on such sales. Other witnesses questioned the legality of such a credit and supported a credit of the market blend price. In general, however, the latter witnesses recognized the probability that their proposal could not be expected to neutralize fully the advantages in the use of unregulated milk and suggested the likelihood of the need for further hearings to consider full regulation of now unregulated plants with route distribution in regulated marketing areas.

The evidence at the hearing clearly established the varied circumstances under which unregulated milk may enter the regulated markets as route sales from unregulated plants. Both proponents and other witnesses appearing at the hearing obviously were hampered in developing proposals because of the uncertainty as to the treatment of other source milk which would be legally acceptable under the Lehigh decision. The need for order amendments which would maintain the effectiveness of the classified pricing and pooling plans which are the basic tools of regulation was of course stressed by all proponents.

[5] The various Wichita plans proposed would provide for a showing (by one means or another) that milk in a "fringe" distributor's unregulated plant has been paid for in accordance with the minimum price provisions of a Federal milk order or for the choice of various pool payments by the "fringe" distributor.

The orders should be amended to provide that the unregulated distributor who disposes of milk on routes in a regulated marketing area should be accorded the following choices as a means of integrating his milk into the general regulatory scheme so that such milk will not have an unduly disruptive effect upon the regulation:

(a) He should be allowed to show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated. This amount may be paid entirely to his dairy farmers or may be paid in part to his dairy farmers and in part to pool funds of regulated markets;

(b) He may show that he has purchased Class I milk priced under some market pool order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a pool payment on the quantity of Class I sales made in the regulated market at a rate equal to the difference between the Class I price and the blend price for such regulated market; or

(d) Any combination of (b) and (c).

Distributing plants with route distribution in a regulated market may not meet the pool plant performance standards fixed by the particular order either because of insufficient route sales in the regulated marketing area or because too large a proportion of the milk receipts are utilized for Class II purposes. However, it is usually for the former reason that such plants fail to qualify because generally distributing-type plants use a high proportion of their receipts in Class I.

Ideally, marketing area boundaries are drawn to encompass that territory where the same handlers compete with each other for route (Class I) sales and to eliminate the incidence of overlapping sales area with unregulated handlers. Improvements in refrigeration, transportation and packaging, however, have encouraged expansion of sales areas to such an extent that it is difficult in any region to delineate an area which wholly accomplishes these objectives. Even if such a delineation were initially possible it inevitably must be only a temporary situation. Milk distributors are interested in selling milk and hence continue to expand their businesses geographically to increase efficiency and opportunity for profit.

This presents no particular problem under the order program with respect to the fully regulated handler since he is required to pay for his producer milk receipts on a classified use basis at the specified minimum order prices regardless of where his milk is sold. For each additional unit of Class I sales he makes he must pay the higher Class I price, whether such sales are made in or outside the marketing area. He cannot use milk bought at the lower surplus class price to expand his sales in either the regulated market or in other markets. He must report all receipts and utilization of milk and the payments made to producers, and maintain records which will substantiate such reports on audit. The butterfat tests upon which he pays producers likewise are subject to verification. He must pay his pro rata share of cost of administration of the order.

The otherwise unregulated distributor is in a substantially different situation, however. He is not required, in the manner of regulated handlers, to purchase his milk on a classified use basis and to pay his dairy farmers any particular minimum price. Normally, he pays a "flat" price without regard to utilization of the milk. The flat price which such a dealer pays is usually at a level which, in relation to competitive conditions in his area of procurement, will obtain sufficient milk for his needs. A dealer who competes with Federal order handlers for his supply is, in effect, in competition with the Federal order blend and usually may procure his supply for an equivalent price. The operator of the unregulated plant thus is in a position to obtain his Class I milk for sale in a regulated market at less than the handler, who is fully regulated by the Federal order.

A means must, therefore, be found which insofar as it is practical to do so will minimize the advantage which an unregulated distributor has with respect to the sale of unregulated milk within a regulated area. The options which it is concluded should be accorded the unregulated "fringe" distributor, taken in combination, are designed to achieve this end.

If the unregulated handler elects to show that he has complied with option (a) above, it will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler, for in fact he has paid for all his milk as if he were fully regulated. Such an option accords the unregulated handler competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I whether inside or outside the marketing area at the Class I price established by the order. So also under this option will the unregulated handler show that he has paid the Class I price on all his sales of Class I both inside and outside the area. To the extent that the unregulated handler has surplus over his fluid milk sales he will likewise show that he has paid the surplus price established by the order which is the same price as the regulated handler pays for his surplus milk. This option provides a meaningful determination of actual pay prices of milk for the unregulated handler based upon comparison with order values.

As earlier stated, this option has been provided in many of the orders previously. Many distributors of unregulated milk in regulated markets have found that using this option is advantageous. This option will particularly accommodate "fringe" distributors who, because of State regulation of milk prices, pay their dairy farm suppliers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. If for one reason or another, and particularly for competitive reasons, the fringe distributor necessarily pays for his milk supply as much as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk will assure that the regulatory plan has been protected.

Some witnesses contended that the operator of an unregulated distributing plant who paid his dairy farmers the full classified use value of milk according to order prices should, nevertheless, pay into the pool fund an amount equal to his sales in the regulated area times the difference between the applicable Class I and blend prices. As previously indicated, the unregulated distributing plant is one which is not sufficiently associated with the regulated market to be eligible for pooling, i.e., to share its sales with regulated plants for the purpose of computing a uniform price to farmers. Such unregulated plants may have Class I sales in excess of the average of the regulated market or they may have a smaller percentage of Class I sales. In either case they need not pay into the pool fund if their payments to dairy farmers are at least equal to the classified use value of milk purchased from such farmers. If this opportunity to make payment to such plant's dairy farmers rather than into the pool fund presents a marketing problem, the standards for pool participation may be reexamined at a later hearing.

The second option—to purchase milk for his marketing area needs from a source fully regulated under a market pool order—also affords the distributor of unregulated milk an opportunity to sell in a regulated area on a basis of competitive equity with respect to such sales. The equivalent of the milk which he distributes in the marketing area would be fully regulated Class I milk. Presumbably, he would purchase it on the same basis as any other handler who purchases milk for Class I sales within the regulated market. Again, since the milk would be fully regulated under some market pool order, it would afford adequate protection to the regulatory plan.

Under this option purchases must be limited to those made from plants subject to market pool orders. In the findings set out below with reference to provisions dealing with inter-order transfers of milk, a distinction is made between milk received from a market pool market and from an individual-handler pool market. These findings show that under certain circumstances milk received in a market pool market from an individual-handler pool market may have disruptive marketing consequences and that, therefore, special provisions must be adopted with reference to milk from individual-handler pool markets. The conditions described in these findings with reference to milk from individual-handler pool markets are also the basis upon which it is necessary to exclude receipts of milk from individual-handler pool markets under option (b) and, to provide under this option that only purchases of milk

from market pool orders may be used to satisfy the option.

Under certain conditions option (c) also would afford to the fringe distributor competitive equity with respect to his sales within the regulated marketing area, and would protect the order from harmful economic consequences. The rate of payment is computed as the difference between the Class I price and the blend price of the market for the month when the sale is made. This rate is a constant for any given location and butterfat test of milk. In essence, the option fixes a value of the sale at the Class I price and assumes payment to his dairy farmer suppliers at the blend price of the market. It also assumes that all milk purchased by the distributor is for Class I use, i.e., that the distributor has no surplus, or reserve, supply.

If the distributor of unregulated milk actually pays as much as the blend price to his dairy farmers and if the milk distributed in the regulated marketing area is not in fact surplus to his normal operations, the payment of a Class I price minus blend obligation on his sales in the marketing area usually will tend to protect the regulation. In the case of regular, everyday distribution of about the same quantities of milk in a regulated area by a distributor of unregulated milk, the supply of milk for such sales normally would be acquired on a regular basis and would not be milk surplus to other fluid operations. In view of the other options afforded the operator of the unregulated distributing plant it may be expected that this option will be selected in those situations in which it is to his advantage. This rate of payment is discussed more fully in connection with receipts of unregulated bulk milk at fully regulated plants.

When the cost (that is to say the opportunity cost) of Class I milk disposed of in the marketing area by unregulated distributors is not less than the blend price established under the order, this payment will result in substantial equity between pool handlers and unregulated distributors. If the cost of such milk is less than the order blend price (either because of a less than blend price payment to dairy farmers or because the milk is actually surplus to the regular operation of the plant), an advantage will be accorded such unregulated distributors relative to fully regulated handlers. Apropos of the latter situation, there was evidence in the hearing record that some unregulated distributors do not in fact pay, and do not need to pay, as much as the blend price for their milk. Also as to some of the regulated markets at least, unregulated distributors sometimes have opportunity to distribute in fluid form milk which is surplus to their normal operations. For example, opportunities exist to obtain contracts for the furnishing of Class I milk to military installations and to other facilities which purchase milk on short-range contracts. These contracts sometimes may be fulfilled with milk which is the surplus of a normal fluid milk operation not under the regulatory program. Where distinct basis can be shown in the evidence of subsequent hearings for determining that the unregulated milk carries only a surplus value, a payment which will accurately reflect this condition undoubtedly will be necessary to insure fully the integrity of the classified price and pooling plan.

It is concluded, therefore, that each of the respective orders under consideration (Milwaukee, North Central Iowa, Memphis, Fort Smith and Chicago excepted) should be amended to provide that the unregulated distributor with route disposition in the marketing area in excess of minimum exception, but insufficient for full regulation, be afforded the above-stated options. In the case of 12 orders this procedure reduces the amount of the optional compensatory payment computed at the difference between the Class I price and the surplus milk price which is presently provided for with respect to the unregulated distributor's marketing area Class I sales. In light of the Lehigh decision, it is concluded that the evidence on this record is not sufficiently definitive to justify continuation of the larger payment under these orders.

(c) *Milk received at regulated plants from unregulated plants.* When unregulated milk is received by a regulated handler at his regulated plant, provision must be made for its allocation to the total available classification of the regulated plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I. This discussion will consider, for these regulatory purposes, receipts at regulated plants from unregulated plants of fluid milk products which are eligible for distribution in fluid form.

Receipts at a regulated plant from an unregulated plant may be in either bulk or packaged form. The provisions of virtually all the 27 orders now "down-allocate" (i.e., assign to classes in sequence beginning with lowest-priced class) such receipts from unregulated plants whether packaged or in bulk. The Chicago order is a specific exception to this procedure. However, proposals considered at a hearing held in Chicago on May 23–29, 1963, would make extensive changes in the provisions of that order, including revised pooling standards. Revision of the pooling standards could substantially affect the actual or potential quantities of unregulated milk available to pool plants. A separate decision on the Chicago order will be issued at an early date, combining the issues of the May 1963 hearing and the issues considered at the January 8–11, 1963, St. Louis hearing as they relate to the Chicago order. Accordingly, this portion of this decision (as well as the discussion under heading (*d*) *Producer-handler surplus, reconstituted milk, non-Grade A milk*) relates only to the 26 other orders under consideration at the St. Louis hearing.

A variety of proposals relating to receipts at pool plants of milk from unregulated plants was presented at the hearing. The numerous proposals for continuing to "down-allocate" such receipts call also for various rates of pool payments on the portions of fluid milk products from such sources which are allocated to Class I. These rates include: The Class I price less Class II price; Class I price less "actual cost" of unregulated milk; Class I price less uniform price; Class I price less Class II price or actual cost, whichever is less; Class I price less uniform price or actual cost, whichever is less; or two or more of such rates in combination. In orders with more than two classes, the lowest classification price (as being more representative of the cost of milk for manufacturing) would be used instead of the Class II price.

The respective proponents of "actual cost" and "surplus" credits to the handler pointed to situations where milk which now is surplus in regulated plants may become disassociated from regulation and thereby be made available to regulated handlers on an unregulated basis. Prices for such milk were described as about equal to the farm price of milk of manufacturing grade. They also indicated the various sources of Grade A milk presently being received at manufacturing-type plants which is available to regulated handlers. It was shown that to give a regulated handler who purchases such milk a credit greater than its actual utilization value, which in some instances would be as low as the surplus value, would provide him significant price advantage over regulated competitors who purchase only producer milk. However, for reasons later set out, this rate is not adopted for general use.

There were several proponents of a rate of payment based on the difference between the Class I price established by the respective order and an ascertained cost of the quantity of unregulated milk disposed of as Class I milk in a regulated market. The different proponents of this approach referred to two different means of ascertaining cost, both of which have serious shortcomings in measuring a rate of payment to be applied uniformly to all purchases of unregulated milk.

One cost approach would be to ascertain the price which the unregulated plant charged the pool handler for a shipment of milk. The inherent weakness in this approach is the community of interest between buyer and seller which would lead to concealment of the facts of the transaction in order to lessen any payment rate. If the transaction were between two units of one company, obviously a simple adjustment in bookkeeping could be used to avoid any payment. In order to be sure that the reported price was the true price at which the transaction took place, a most detailed audit of the financial records of both plants would be necessary. Tracing through the myriad records of both plants to verify a transaction which would probably represent a mere fraction of the business at either plant would be very costly in relation to the volume of milk involved.

Moreover, of course, the transfer of milk between fully regulated handlers involves the application of handling charges by the first handler. Hence, a fully regulated handler normally cannot purchase milk from another handler at the order minimum prices. Likewise, with respect to purchases of unregulated milk it is not appropriate to take a cost figure which includes handling charges and profits of the unregulated first receiver of the milk.

The second approach to the Class I price minus ascertained cost is to go back in determining the cost of milk, to the average pay prices (in contrast to the classified use value) paid to dairy farmer suppliers of the unregulated plant. However, the average price paid to dairy farmers for milk delivered in a specified period which is not based upon the class prices under the Federal order will not be representative of the cost of a quantity of milk sold in a regulated market where a classified price plan operates.

For example, a cooperative association may sell half of its milk in an unregulated fluid milk market for $5.00 per hundredweight a price equal to the minimum Class I price set by the order, and sell half of its milk for manufacturing at $3.00 per hundredweight. The cooperative returns a blend price to its members of $4.00 per hundredweight. The cooperative can enhance returns to its members by marketing the milk going into manufacturing for any price in excess of $3.00. Suppose the cooperative finds a buyer in a Federal milk market (where the Class I price is $5.00 per hundredweight) who will pay $3.50 for such milk for use as Class I. The 50-cent higher price for its surplus milk would permit the cooperative to pay $4.25 to members for all milk. Under this proposal, the cooperative's pay price of $4.25 would be its "cost" of milk. The buyer would make a compensatory payment of $0.75 per hundredweight (the difference between the Class I price ($5.00) and the cooperative's "cost" of $4.25). The handler's total obligation for the Class I milk would be $4.25 ($3.50 plus $0.75). Both parties to this transaction would, of course, gain an advantage. But obviously, the milk order would not be protected for milk could enter the regulated market for Class I sales at less than the Class I price.

Certain other proposals would have the effect of treating a pool plant's receipts from an unregulated plant in the same manner as producer milk received at a pool plant, i.e., the unregulated milk would be charged for (or debited) in the same manner as for producer milk at the receiving plant and the handler would be credited for the unregulated milk at the market blend price. This proposal was suggested as the means for dealing with several sources of milk, both unregulated and regulated. It is referred to as "repooling" and is dealt with more completely under the finding on bulk receipts of milk from other Federal marketwide pool orders. Proponents of this plan stated it would provide more equitable treatment between pool milk and unregulated milk and would provide a means whereby handlers would be able to secure unregulated milk without excessive penalty when milk was needed in the market. They also indicated that additional supplies would not attach permanently to the pool unless the nonpool plant met the order's pooling standards. The proponent failed to take into account, however, that unregulated milk simply is not subject to the same obligations as apply to regulated milk and that treating only one portion of a plant's output in a manner equal to regulated milk would not adequately protect the regulatory plan.

Another proposal would take into account the type of plant from which unregulated milk was received. It provided that if the unregulated plant did not process or package fluid milk products, receipts from it at a regulated plant would be charged at its classification value under the order and credited at the uniform (blend) price or actual cost, whichever is lower. Another proposal would apply the same treatment whether or not the shipping plant processes or packages fluid milk products. Another proposal was to prorate the receipts of unregulated milk to all uses at the pool plant and to employ the uniform price as the proper credit to the handler with respect to milk so assigned to Class I use. This rate of payment is included in the provisions adopted, and will be discussed in connection with such provisions.

In connection with various other options, it was also proposed that the Wichita plan option of showing that the use value of milk had been paid be provided for integrating into the regulatory scheme bulk milk received at regulated plants. This provision should not be adopted, however.

The conditions which are relevant to sales of packaged milk by "fringe" distributors (who are accorded this option) on the one hand and the receipt of bulk milk from unregulated plants at regulated plants on the other are significantly different. With respect to packaged milk sales by "fringe" distributors, the milk is in the form of Class I products, it is usually a regular and continuing delivery and the "fringe" distributor remains under continuing regulation. Hence, he maintains on a continuing basis the records necessary to ascertaining his sales and receipts of milk and payments to dairy farm suppliers. In contrast, bulk deliveries from unregulated plants have no inherent distinction as either Class I milk or surplus milk. Often the presumption would be valid that bulk milk is the surplus of some unregulated fluid market. Bulk sales are usually intermittent and often unanticipated (if they were not so, they would normally become fully regulated). Because of the intermittent or unanticipated nature of such shipments and because shipment to a regulated market could be only a very small part of the total milk at the unregulated plant, there would be administrative difficulty in ascertaining that all milk has been accounted for in accordance with the provisions of the Federal order. For these reasons, it would be inappropriate to provide with respect to bulk shipments for the option included in the Wichita plan of simply showing that the utilization value of the milk has been returned to the dairy farmers who supply the unregulated milk. Even when a fringe distributor disposes of bulk milk to a fully regulated plant it should be subject to the same allocation and payment to the pool as other unregulated milk in bulk, as later discussed. The amount of such payment would be credited, however, the same as payments to dairy farmers in showing that the use value of his milk had been paid under the option available to him as a fringe distributor.

The orders should continue to provide that fluid milk products moved from an unregulated plant to a regulated plant shall be classified in a manufacturing class utilization if so reported by the operator of the regulated plant. Milk may be purchased by a regulated plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When milk from an unregulated plant is moved to a regulated plant for manfacturing use, the orders presently accommodate this situation by providing that such milk may be allocated to the lowest price class utilization in the regulated plant. This treatment of unregulated milk received at regulated plants should be maintained to encourage the orderly disposal of surplus milk and efficient operation of manufacturing facilities at such plants. Ready access to the manufacturing facilities of regulated plants provides an important service to the unregulated plant operator who has excess milk supplies over and above any fluid milk sales or milk in excess of amounts which can be handled through his own plant facilities. When manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

The orders should be amended further to provide that (within limits) unregulated milk received at a regulated plant which is not specifically designated for manufacturing use should be assigned a classification which is pro rata to priced milk received by the operator of such plant. This is provided because classification of bulk milk cannot be determined on the basis of its inherent characteristics as either Class I (i.e., in bottles) or as surplus (i.e., as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with priced milk (within limits) it is treated the same for classification purposes as if it were fully regulated milk.

A limit must be placed on the amount of unregulated milk which may share fully a classification assignment with priced milk, however. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to a regulatory plan. Handlers often obtain unregulated milk simply because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk

adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses and this milk would share in his Class I utilization while an equal volume of regulated milk was assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with priced milk is such that when 20 percent of all milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. While for price-making purposes a reserve of milk on a marketwide basis more or less than 20 percent above fluid requirements may be required depending upon seasonal and other considerations, an individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not normally need unregulated milk in amounts which will increase his reserve supply above 20 percent of his Class I sales in any given month. Whenever a handler has a milk supply such that more than 20 percent of the intake of his plants is in Class II, no need exists for such unregulated milk in terms of furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the over-all utilization of the handler (rather than the utilization at a single plant) shall be used. This is necessary for the same reasons which are set forth later in this decision with respect to receipts of milk from plants regulated by other orders with market pools. Payment at the difference between the Class I and blend price should be made by the receiving handler into the pool fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both fully regulated (pool) and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with pool milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not as clear, i.e., what subtrahend should be used in such a payment formula. There is considerable evidence in the record to the effect that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would not give complete assurance that such milk would not be disposed for fluid use in the marketing area at an unwarranted price advantage over producer milk similarly utilized. Much of the milk from unregulated plants commonly is purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased is processed in the unregulated plant or is disposed of for local distribution from such a plant as fluid milk for other markets, such a plant will experience the same operational problems of daily and seasonal excesses as do regulated plants.

This frequently leaves excess milk at such plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value. In such circumstances, the operator of such a nonpool plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the marketing area or its supply system at any price higher than the surplus, or Class II, value and thereby obtain a competitive advantage for such milk over producer milk. Pool handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the pool essentially at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

It is concluded, however, on this record and at this time and in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in any of these markets actually had only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the marketing order blend price, both as adjusted by the same butterfat and location adjustments applicable under the order to fully pooled and priced producer milk similarly situated, delivered and used. Although the use of the blend price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If it appears that such payment is not protecting the regulatory plan, then on the basis of specific evidence another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum blended price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such blend price on all pool milk classified as Class I because of its fluid use in the marketing area. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of pool milk. If the handler buys pool milk at a price in excess of the blend price, he receives no credit for this excess payment in accounting to the fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the blend price. Both the pool milk and the unrefulated milk therefore should be credited at only the blend price in accounting to the pool.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a Federally regulated handler. The allowance of a credit to milk from unregulated plants used as Class I by the regulated handler at the blend price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the blend price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full blend price to him.

The order must contain provisions of this kind which adequately relate to the total scheme of regulation milk received by regulated handlers which is not subject to pooling. Otherwise, the very existence of an order with its market pooling concept may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area in this way of milk from unregulated sources which is not subject to full regulation.

A number of States have programs for establishing prices payable to dairy farmers for milk delivered to processors. These programs generally provide for classification of milk for pricing purposes and for the distribution of returns to dairy farmers on an individual-handler utilization basis. Most of the States do not attempt to apply their pricing to bulk milk which is disposed of outside specifically regulated marketing areas. As a consequence, milk which is surplus of a State regulated fluid milk operation may become available for distribution within a Federally regulated marketing area for Class I use. Because the evidence on this matter referred to potential sources of such milk rather than to actual sources, a pool payment at the difference between the blend price and the Class I price rather than at the difference between the Class I price and the Class II price is concluded to be appropriate at this time.

There may be instances also where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as bulk Class I in a Federally regulated market. The method of assignment and rate of pool payment applicable to other unregulated

milk must also be applied to this source of "unregulated" milk for the same reasons previously set forth even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the blend price established by the Federal order.

The proposed treatment of bulk milk received at a pool plant from unregulated sources necessarily differs from the treatment to be accorded milk which is regulated under the terms of another Federal order.

Under the plan here propsed for bulk unregulated milk, such milk will be assigned within limits pro rata to the regulated milk of each handler. A payment into the pool will be made at the difference between the Class I price and the blend price for the market where the pool plant is regulated on that quantity assigned to Class I. No rebate will be made on the milk assigned to Class II. This method is necessary to protect the regulation from the undermining effects of unregulated milk. If a rebate were to be made on unregulated bulk milk assigned to Class II, the order itself would provide a subsidy which would encourage the introduction of surplus unregulated milk into the regulated system. Moreover, there is no assurance as to the prices paid, or the opportunity cost of, unregulated milk when it is received at a regulated plant. Consequently, the problem with unregulated milk is not to assure equality of treatment with regulated milk for this is, in any event, impossible except as unregulated milk may become fully regulated.

On the other hand, the problem of dealing with regulated milk from other orders is one of assuring complementary treatment of milk under both orders. Thus the different measures which apply to the unregulated and regulated milk are based on the different problems which each presents for the regulatory program.

(d) *Producer-handler surplus, reconstituted milk, non-Grade A milk.* Certain milk by its very nature must be treated as surplus when received at pool plants regulated by these Federal orders and it therefore must be assigned a surplus value. One such source is milk received, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing quality (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, therefore, a pool payment at the difference between the Class I price and the surplus price must be required of the receiving handler when such milk is allocated to Class I, following "down-allocation" to the extent it can be absorbed in lower priced uses.

Under the present Federal orders in each of these markets, the producer-handler is essentially exempt from regulation. He retains for himself the full return from his sale of milk on routes in competition with pool handlers. That is to say, his Class I sales are not pooled along with those of all producers whose milk is sold by pool handlers. Producer-handlers generally are engaged only in a Class I milk operation and normally do not maintain facilities for processing manufactured milk products. But from time to time, and particularly during the flush months, they (along with producers generally) produce milk in excess of their Class I needs. This is surplus milk and it must be disposed of through some outlet other than the producer-handler's regular facilities. Such milk is available for Class I use at pool plants, and, in view of the producer-handler's limited capacity for utilizing surplus, may be obtained by pool handlers at prices approximating the order surplus class price.

The exemption of the producer-handler Class I sales from market equalization is based on the principle that the producer-handler will accept the lower returns from his own surplus. Hence, it would not be appropriate to allow the receiving handler credit from the pool at more than a surplus price for any milk he receives from the producer-handler. In individual-handler pool markets, this is achieved by down-allocation of the milk. In market pool markets, if milk received at a pool plant from a producer-handler is, in any event, assigned to the pool plant's Class I disposition, the pool handler should be obligated to pay to the producer-settlement fund at the rate which is the difference between the Class I price and the surplus class price. Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers (and hence the basis for the exemption of producer-handlers from pricing and pooling) depends upon the producer-handler assuming himself the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price (either market or handler) for such surplus. Also, as long as the producer-handler has the advantage of enjoying the full benefit of his own Class I sales customarily made on his own distirbution routes, without pooling them with sales of producer milk, he should not also receive Class I benefit from a pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Obviously, surplus milk purchased from producer-handlers operating under another order has the same potential for creating disorderly marketing as surplus from producer-handlers operating under the same order and, consequently, no distinction in treatment for such milk should be provided.

The orders should provide therefore that milk received from producer-handlers at a pool plant should first be assigned to surplus milk at the pool plant and if any is then assigned to Class I, a payment at the Class I-surplus price difference should be applied. Such rate of payment on receipts by Federally-regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Missouri, and Fall River, Massachusetts), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest-priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[7]

A surplus value likewise is properly assigned to reconstituted milk (the result of combining, for instance, nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under each of these Federal orders. Since the milk used to produce these products is originally priced at surplus, or manufacturing, milk values, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure price parity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in such reconstitution, since similar costs would be incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific

[7] Official notice is taken that such payment was provided for in these orders in accordance with the provisions of section 8c of the Agricultural Adjustment Act of 1933, as amended on August 24, 1935, which provisions were renumbered as section 608c upon enactment of the Agricultural Marketing Agreement Act of 1937, on June 3, 1937.

7 U.S.C. section 672, which contains the codified language of section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

from unregulated plants commonly is milk classified as Class I because of its payment applicable to other unregulated return from his sale of milk on routes from producer-handlers was ratified by acts are expressly ratified, legalized, and confirmed."

demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products. Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased by the addition of water.

In 13 of the orders (including that proposed for the Central Illinois order) for which amendments were considered at this hearing, the essential difference in the economic value of milk solids used to fortify fluid milk products versus solids used for reconstitution is recognized. Based on the record of prior hearings, recommended decisions have been issued to recognize this distinction in the Suburban St. Louis and Mississippi Delta orders and in the consolidated order for the Central Mississippi and Mississippi Gulf Coast marketing areas. This is usually accomplished by classifying as Class I the volume actually disposed of as either reconstituted or fortified milk. With respect to reconstituted milk, the skim milk equivalent of the solids used are thus accounted for in Class I; with respect to fortified milk, Class I accountability is limited to that which would apply to an equal volume of unmodified product, and the skim milk equivalent of the added solids is classified as surplus. The Class I and surplus uses of nonfat milk solids should likewise be distinguished in the ten orders (South Bend-LaPorte-Elkhart, St. Louis, Quad Cities-Dubuque, Ozarks, Minneapolis-St. Paul, Duluth-Superior, Cedar Rapids-Iowa City, Des Moines, North Central Iowa, and Paducah) which now classify the entire fluid skim milk equivalent of fortified fluid milk products in Class I. The notice of hearing provided for the consideration of assignment of various types of receipts to classified utilization. In the case of fortified products under these orders, the volume by which Class I sales are increased unquestionably relates to the nonfluid products used for fortification. Such products could be assigned first to this Class I volume and then to the surplus class of use. The same result can be obtained by limiting the Class I charge on fortified products to that which would be made for an equal volume of unfortified products. Nonfluid products, then, will be uniformly assigned first to the surplus class, with a pool payment at the difference between the Class I and surplus prices on any amount thereof assigned to Class I. Limitation of the Class I volume as described above avoids any payment with respect to use in fortification.

Milk of manufacturing quality is not usually eligible for fluid (Class I) uses under the requirements of the health authorities in the respective markets. In certain dual-purpose plants, however, such milk could find its way into Class I in the regulated plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this quality of milk. Receipts at a pool plant of manufacturing quality milk therefore should be assigned first to use in the surplus class. But should any manufacturing quality milk be assigned to Class I, a pool payment at the difference between the Class I and the surplus price likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk.

Milk received at handler pool order plants from unregulated plants. The findings made elsewhere in this decision in connection with prescribing the allocation of milk received from an unregulated plant at a regulated plant are equally applicable under market pool and handler pool orders. It is not necessary, however, to provide for compensatory payments in the handler pool orders on such receipts from unregulated plants which are allocated to Class I. This is because a plant becomes fully regulated under individual-handler pool orders by shipping a relatively minor portion of its milk to a regulated plant. Because very little unregulated milk can be received in such markets the effectiveness of regulation under individual-handler pool orders is adequately insured without pool payments.

II. *Milk received from plants under other Federal orders.* This section of the decision deals with the regulatory treatment to be given under each of the orders to fluid milk products, both packaged and in bulk, which, in rather limited quantities, are received in the respective market from plants regulated by other Federal orders. Such fluid milk products may enter the regulated market for use or disposition either directly on wholesale or retail routes extending from the plant in the first market where the milk was processed, or through plants regulated by the local order. When such fluid milk products are received at locally-regulated plants, the regulatory problem is primarily one of allocating such receipts in relation to producer milk at such plants under the milk classification plan.

For reasons previously stated it is contemplated that a separate decision on the Chicago order, containing the issues of a May 1963 hearing and issues applicable to the Chicago order at the January 8–11, 1963, St. Louis hearing, will be issued at an early date. Accordingly, recommendations set forth in this portion of this decision are not applicable to the Chicago order except insofar as conforming changes in that order are required to effectuate the recommended changes in the transfer provision of other Federal orders.

At the present time the Chicago order provides that interorder receipts be assigned in the comparable class in which classified under the transferor order and interorder shipments are classified as Class I to the extent of Class I utilization in the transferee plant. Under the conclusions hereinafter set forth interorder transfers would be classified under the originating order on the basis of assignment under the transferor order. To implement such conclusions it is necessary in the case of packaged transfers, to amend the Chicago order in the identical manner in which the other orders are amended. In the case of bulk interorder receipts provision is made for a pro rata assignment at the same step in the allocation procedure at which such receipts are presently assigned to provide a specific classification to be passed back to the originating market. In addition the classification of interorder shipments would be based on assignment under the transferee order rather than the Class I classification as presently provided.

Sales of regulated milk, bulk or packaged, from one Federal market to another are small in relation to all regulated Class I sales. In the aggregate, route sales are the largest category of intermarket movements, but based on October 1961 data (the month for which data were available in the record) they constitute, for all such markets, only 3.3 percent of all regulated packaged disposition. Intermarket sales of bulk milk to plants represent only 1.5 percent, and intermarket plant sales of packaged milk are only 0.3 of one percent, of all packaged disposition.

(a) *Route disposition of packaged fluid milk products.* For the markets hereunder consideration route sales represent a significantly greater proportion of interorder movements than for Federal orders generally. Notwithstanding in the majority of the markets here covered the amounts involved tend to be relatively small.

During October 1961 seven markets (Minneapolis-St. Paul, New Orleans, Northern Louisiana, Milwaukee, Chicago, Duluth-Superior and Cedar Rapids-Iowa City) had no interorder receipts or interorder receipts which constituted less than one percent of the route distribution of locally regulated handlers. Of the remaining 18 markets (statistics were not available for Madison and Central Illinois is not yet under regulation) only St. Louis had significant receipts from other Federal orders as bulk milk. Otherwise route sales were the only significant form of interorder receipts. For seven of these markets (Northeastern Wisconsin, South Bend-LaPorte-Elkhart, Surburban St. Louis, Quad Cities-Dubuque, Mississippi Delta, Central Mississippi and Fort Smith) the volume of interorder route sales was in excess of 10 percent but less than 20 percent of the total packaged disposition of locally regulated handlers. In Rockford-Freeport (now Rock River Valley) interorder route sales actually exceeded the total packaged disposition of local handlers.

A number of proposals dealing with intermarket movements of fluid milk products under Federal regulation were introduced at the hearing.

Most proponents advocated making no change in the present method employed under the several orders hereunder consideration of permitting route sales of packaged fluid milk products originating from fully regulated plants under another Federal order to remain free of price obligation in the transferee market. There were no specific proposals offered for changing the existing procedure.

The present procedure for treating intermarket route sales in the markets hereunder consideration, which is proposed to be continued, returns the full Class I price to producers in the market of origin, which market both furnishes the milk and carries the reserve supply associated with the sale. Such procedure treats the milk, for classification and minimum (order) pricing purposes, in the same manner as it would be treated if sold by the handler on routes in the market of origin or to route outlets in an unregulated area.

All the costs associated with the preparation of the milk for this highest value, or Class I market, including processing, packaging, and intermarket transportation, have been incurred upon arrival of the fluid product in the second marketing area. This has been an important consideration underlying general recognition within the industry that fluid milk placed in consumer packages is intended for, and as a practical matter is used (except for minor quantities in route returns) in, the Class I market.

It is concluded that the procedure for pricing intermarket route distribution of packaged Class I milk only in the market where it is received from producers and packaged has promoted orderly marketing and should be continued. In all cases the transferee-market order should impose only the obligation of a report to the market administrator.

(b) *Plant receipts of packaged fluid milk products.* Packaged fluid milk products may be moved also from a regulated plant under one order to a regulated plant under another order from which it then is distributed on wholesale or retail routes. Such movements require a method of class assignment or allocation under the order for the second, or receiving, market as part of the procedure for determining the class utilization of producer milk priced by such order. Several of the hearing proposals dealt with the treatment to be given to the class assignment, or allocation of such packaged products.

One proposal, widely supported at the hearing would allocate packaged interplant transfers to Class I in both the shipping and receiving markets. A variation of this proposal would provide a "surplus" allowance for route returns ranging between two to five percent of the shipment. Under both proposals the milk would be priced in the shipping market.

Several proponents would allocate packaged intermarket shipments to Class II if the same product item was packaged in the same type container in the transferee plant. A variation of this proposal would pool those receipts in the receiving market. Still another proposal would provide a Class I classification only to the extent that an equivalent back shipment of bulk or packaged Class I milk occurred between the two markets. Under all proposals similar classification treatment would be applied in both the receiving and shipping markets.

The quantity of packaged fluid milk products moved from plants regulated under one order to plants regulated under another are much smaller than intermarket route sales. In only three markets (Suburban St. Louis, 2.7 percent, North Central Iowa, 2.4 percent and Cedar Rapids-Iowa City, 0.7 percent) were plant receipts of packaged milk as much as one-half of one percent of the total route disposition of local handlers. Interplant movements usually are made to avoid installing duplicate processing equipment in nearby plants. Most of the orders here under consideration "down-allocate" packaged milk so moved on an interplant basis. It is possible that "down-allocating" such packaged receipts in October 1961 may have been a deterrent in some markets to such movements, if moved long distances, or if priced as Class I milk in the market of origin.

Whether such movements are great or small, the essential character of fluid milk products moved in packaged form between regulated markets is the same whether the shipment comes to rest at a milk plant or moves directly on routes to consumers. Indeed, a handler can avoid the plant receipt by providing storage facilities at a location other than his milk plant. It is undesirable and unnecessary to encourage the development of marketing facilities with no purpose other than to avoid the regulation.

The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant) of 98 percent of packaged fluid milk products moved through a plant in the second market. The remaining 2 percent should be assigned to the surplus class. This will provide essentially the same classification and pricing treatment to such milk as is applied to the quantities moved on an intermarket basis for direct route disposition. While not all markets supported an assignment to the lowest price class of a small allowance for route returns, it was argued by some proponents that such an allowance would be a safeguard against the possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the second market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of two percent for such returns, which must fall into surplus use, should be included in order to avoid such over-assignment in Class I.

It is concluded, therefore, that the allocation provisions in each of the orders here under consideration should be amended to provide that packaged Class I products received at a regulated (pool) plant in the transferee-market which are fully classified and priced as Class I milk under any other Federal order shall be assigned in the receiving plant as follows: (1) 98 percent of such packaged receipts to Class I milk, and (2) 2 percent of such packaged receipts to the lowest-priced class utilization. Such assignment procedure should be employed whether the milk originates in a market with a market pool or individual-handler pools.

(c) *Receipts of fluid milk products in bulk.* The classification and assignment of bulk fluid milk products moved between regulated markets likewise requires appropriate modification to insure more equitable application of regulation in each market with respect to all milk entering the market whether from producers, from sources not regulated under Federal orders, or supplied from milk classified and priced under some other order issued pursuant to the Act. Such methods of assignment should distinguish between bulk shipments which originate at a plant under a market pool order and at plants under an order with individual-handler pools.

With respect to intermarket shipments of fluid milk products in bulk, most proponents advocated permitting a "surplus" classification (usually termed Class II milk) under both orders whenever the parties involved agree that the shipment is for manufacturing use in the second market. They said this would aid the orderly disposition of surplus milk especially in markets which have little or no manufacturing facilities and in light of the agreed classification such milk obviously is transferred only for manufacturing purposes. It, therefore, should be classified as surplus under both orders.

There was widespread support also for identical classification treatment in both the shipping and receiving markets of any and all intermarket transfers but the proposals for obtaining identical classification varied. One proposal would give the receiving handler the options of classifying interorder bulk shipments (a) prorata on the marketwide utilization, (b) prorata on the receiving handler's utilization, or (c) on any combination of Class I and surplus he might elect.

Another proposal would allocate first to the surplus class use in the receiving plant, bulk receipts from other Federal orders. Other proposals would (1) classify the transfer on the basis of the classification provisions of the shipping order, (2) provide for classification by agreement and (3) provide a Class I classification up to the amount of offsetting Class I movements from the receiving market.

A number of proposals would provide for pooling the shipment in the receiving market. The milk would be assigned prorata to the utilization of the receiving plant. The receiving handler would be obligated to the pool for the classified use value of the milk and would be credited with the higher of the uniform prices in the receiving or shipping market. The shipping handler would account for the milk on the classification reflected by the receiving market's uniform price. A variation of this proposal would have the shipping handler account for the milk on the basis of the classification reflected by the receiving market's uniform price or the actual price received f.o.b. shipping plant, whichever was less.

Other proponents would provide for classification in the shipping market of

interorder bulk shipments on the basis of the marketwide utilization percentages of the receiving market and at the shipping market's class prices with the receiving market handler being charged the classified use value of the milk and receiving a blend price credit. A counter proposal would allocate bulk interorder movements prorata with producer milk in the receiving plant (transferee-market) and classify and price the transfer on this utilization in the market of origin.

The present orders in these markets provide a variety of methods by which bulk milk is classified on transfer to another regulated market. To be aware of the current basis for classifying intermarket movements, it is necessary to know how the milk is treated for classification purposes in the originating market as well as in the receiving market. For example, bulk milk shipped on an interplant basis from one regulated market to another may be classified under the order in the transferor market in accordance with assigned classification under the order of the receiving market as in the case of the Northern Louisiana, Memphis, New Orleans and the Mississippi orders. Under the South Bend-LaPorte-Elkhart, Northeastern Wisconsin, St. Joseph, and Paducah orders, however, such bulk shipment would be classified in the lowest-priced class to the extent equivalent uses were available in the receiving plants against which to assign the shipment. The proposed Central Illinois order would provide a Class I classification on such shipment unless allocated to another class under the transferee order. The Chicago order provides that bulk shipments of milk to an other Federal plant shall be Class I up to the extent of such use in the transferee plant. Under the remaining fifteen orders milk transferred to nonpool plants within specified distances (including plants under other orders) is classified as Class I milk unless used in the lowest-priced class is claimed and can be proved. If milk is transferred to a nonpool plant located more than a stated distance from the marketing area such milk automatically is classified as Class I milk.

As a transferee market, each of the orders other than Chicago, South Bend-LaPorte-Elkhart, Minneapolis-St. Paul, North Central Iowa and Fort Smith, currently allocate the bulk shipment from another regulated market to the lowest-priced class to the extent total use in such class will absorb the receipt (following the allocation of unregulated milk), even in cases where the originating market order classified the entire shipment as Class I milk. Certain of these orders provide for the allocation of milk classified and priced as Class I in the originating market following the allocation of receipts not so classified and priced. The Chicago order provides that the receipt be subtracted from the comparable class in which classified under the transferor order. The other four orders allocate other source receipts to the lowest available use class, making no distinction between unregulated and federally regulated milk. The Minneapolis-St. Paul order provides in addition, however, that if any other source milk is assigned to Class I, such assignment first shall be made to receipts from other Federal order plants.

As markets and the order program widen, bringing individual regulations closer together, such a variety of methods for classification and assignment in current use in transferor and transferee-markets obviously cannot achieve the important objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way intermarket shipments of regulated milk.

(1) *Surplus classification by agreement.* The orders should provide (as most of them in effect do provide) for assignment to the surplus class under each order of bulk milk received from another order plant when the respective handlers agree to such classification and so report to the market administrators. Milk is frequently transferred from one regulated market to another for intended manufacturing use. The manufacturing facilities available in the regulated transferee-market may be the best available facilities to absorb the disposition of another market's surplus. The wide coverage of the milk order program over the nation results inevitably in important manufacturing facilities being regulated as pool plants under market orders. In order to permit the maximum use of manufactured facilities in these regulated markets, handlers in transferee-markets should be permitted classification in the lowest-priced use when they receive bulk milk on agreement for manufacturing. In such instances, a higher classification would result only when it was found, on verification, that some portion had not been made into manufactured products, and therefore would be reclassified in accordance with use in a different class. The orders should be amended accordingly.

(2) *Application to bulk receipts from market pool orders.* As to milk imports from other regulated markets which may not be so classified by agreement, a decision is necessary on the inclusion in the several orders of an acceptable method of classification assignment in the transferee-market, and on the appropriate classification to be returned to producers in the shipping market's pool. The earlier portions of this decision set forth a plan for appropriately integrating unregulated milk into the regulatory scheme in each market. This plan recognizes that there should be no "trade barrier" to the sale of unregulated milk in regulated markets. By the same token, free flow of milk among markets cannot be a principle to be applied to unregulated milk on entry into a regulated market and not be applied to milk under regulation, especially when there is no danger of regulatory impairment in the receiving market from regulated milk which already is priced and pooled under the same statutory standards.

The various hearing proposals earlier set forth had as their main purpose to eliminate the effects of down allocation. Although these proposals varied somewhat, they would eliminate situations where milk would be classified as Class I in the shipping market but assigned to Class II in the receiving market by providing the same classification for milk in both markets.

One proposal, supported by a number of cooperatives, would provide for the so-called "repooling" of all intermarket shipments (in bulk or packaged). This proposal was referred to earlier in its application to receipts of unregulated milk. Although this measure was suggested for dealing with a number of sources of milk (both unregulated and from other orders), the main emphasis was on its application to receipts of bulk milk from other order plants. For that reason we deal with it at this point. Nevertheless, the consequences which would follow from its adoption for bulk milk from other order plants would also follow on packaged shipments from other orders, if it were applied to such shipments.

Essentially, this proposal in its application to bulk milk would price and pool in the receiving market, at order prices for that market, all such milk from a plant subject to another order. A credit would be allowed the handler who received the milk on the basis of the blend price in the receiving market.

Proponents stated that the repooling proposal would promote equity in pricing among handlers, in that all milk would enter the marketing area on the basis of prices applicable to that specific area. They said also that equity in pooling would be provided. It was pointed out that the blend price of the receiving market is the instrument provided by the order to attract an adequate supply of milk for the market, and that the blend price credit proposed with respect to milk from other orders would offer the same incentive for other order milk as is offered for producer milk. In fact, the principal virtue claimed for the repooling proposal was that it would treat milk from other orders exactly the same as local producer milk.

In effect, the repooling provisions would assign to any shipment between order markets to which the provision applied the marketwide utilization as Class I and surplus of the market of receipt. Hence, if a receiving market during a particular month had a utilization of 60 percent of all its milk in Class I and 40 percent as surplus, then any such shipment to any handler from another order market would arbitrarily be assigned a utilization of 60 percent Class I and 40 percent surplus. A handler who was purchasing milk from another order solely for use as Class I thus would have the milk classified 60 percent Class I and 40 percent surplus. The receiving handler would make a pool payment in his own market to account for the difference between his own utilization value and the marketwide utilization (blend value) which had been assigned to the shipment. The assigned utilization would be passed back to the market of origin and accounted for by the shipping handler.

Class I prices normally vary from market to market by approximately the

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cost of transporting milk[1] from other Federal order markets which act as alternative sources of supply. The structure of prices is a natural consequence of the application of the supply-demand pricing standard of the statute to Class I prices in individual markets. Thus, a handler who needs milk for Class I use may purchase such milk from another lower-priced market which stands as an alternative source of supply and his cost for such milk will be approximately the same as if he had purchased locally regulated milk.

Surplus prices, however, are generally at about the same level in all markets. Therefore, the cost of surplus milk purchased by a handler from another market is greater than for local milk by the cost of transportation from the other market. In the case of the handler in the market with 40 percent surplus who purchases milk needed for Class I use from another market, his actual cost of milk under the repooling proposal would be the Class I price plus the cost of transporting the 40 percent which would be classified as surplus.

The repooling provision therefore would burden a shipment to the degree that a Class II assignment is applied. Since the marketwide utilization must be assigned to such a shipment, there is no way by which a handler may avoid this burden. This would act as a deterrent to the movement of milk between markets.

The repooling provision also would have the effect of returning to the producers regularly supplying the market of receipt the differential income between the blend price of the market and the Class I price on all receipts of milk from other orders assigned to Class I. Thus, even though regular producers do not furnish all the milk for Class I use in their own market, they nevertheless would receive the income benefit from all of the Class I sales. In such a situation, they would be relieved of the economic incentive of adjusting their own terms of sale in order to gain the benefits of Class I sales in their own market. The isolation from competitive incentives which thereby would result could encourage the maintenance of misaligned Class I prices among Federal order markets.

The repooling provision would thus interfere with the effective application of the supply-demand pricing standards of the statute. For these standards depend for their effective application on the free flow of milk from all sources in response to price incentives. Inhibiting unduly the flow of milk from any regulated source would mitigate the effectiveness of supply responses upon price levels in regulated markets. Indeed, the minor deterrent to intermarket transfers of bulk milk which are presently occasioned by Class I assignment in the shipping market and then Class II assignment in the transferee market is inconsequential as compared to the repooling proposal. This is so because, under present provisions, the transferee handler can avoid Class II assignment of such receipts by arranging his milk plant operations so that he has little, if any, Class II milk. He cannot, of course, control the Class II milk use in the entire market, which would influence his cost of milk under the repooling proposal.

The adoption of the repooling provision only with regard to bulk interorder shipments could have very inequitable consequences. For instance, under such a provision a handler with his plant located in a particular marketing area would be at a disadvantage in obtaining milk in bulk form from another lower-priced Federal order market. Meanwhile, such handler might be in competition with a handler whose routes extended from a lower-priced market into his own marketing area. In these circumstances, the first handler would be placed in a very inequitable position. If the local handler may obtain bulk milk from the other market on reasonably equal terms to meet the competition of the bottled milk from the other market, such inequity is avoided.

In addition, the repooling provision could be inequitable to the producers of other Federal order markets with market pools. Normally, the producers in each such market carry the economic burden associated with providing adequate reserves of milk for all Class I sales. Consequently, they share in the burden of providing such reserve supplies in their own market. If the milk is to be repooled when sent to the second market, the producers who supplied the milk would then share additionally in the burden of supplying reserve milk in the second market. Finally, of course, if the repooling provision were to result, as it appears likely that it would, in misalignment of prices among markets, then the public would be treated inequitably and the establishment of prices at levels which are in the public interest would not be achieved.

The problem which the repooling proposal was designed to deal with appears actually to be of little consequence. The orders have generally provided that under specified circumstances, which each handler could control for himself, bulk milk could be transferred between Federal order markets without significant deterrent. Indeed, the recommended provisions simply apply to all interorder shipments of bulk milk, the same conditions as are available to handlers under present provisions if handlers meet the prescribed circumstances. Despite the fact that handlers could receive bulk milk from other order markets without significant deterrent, only insignificant quantities of milk were transferred.

In all the Federal milk orders (except New York-New Jersey) taken together the average receipts of bulk milk from other order plants in relation to Class I sales in October 1961 were less than two percent. In 19 of the 27 markets involved in this hearing, e.g., Chicago, Minneapolis-St. Paul, St. Joseph, Ozarks, Kansas City, Central Mississippi, Central Arkansas, and New Orleans, no bulk milk was received from other order plants during that month (or the amount was 0.1 percent or less). Less than one percent of total packaged sales of milk by local handlers was received in bulk form in the markets of Northeastern Wisconsin, Milwaukee, Quad Cities-Dubuque and Memphis. Only in the Des Moines (1.3) and St. Louis (4.9) markets did receipts of bulk milk from other order plants exceed one percent of packaged Class I sales of local handlers. (Statistics were not available for the Madison, Wisconsin market and the Central Illinois order has not been promulgated.) Thus, although bulk milk could have been transferred freely among order markets very little of it actually was transferred.

The fairest and most feasible method of allocating the milk in the receiving market is to prorate the milk over the classes of utilization of the receiving handler. This gives the same allocated use to an interorder shipment as is given to producer milk at the plant(s) of the handler who uses it. If the receiving handler uses a relatively high proportion of his milk receipts in Class I, the milk obtained from a plant regulated under another order will be assigned on a prorata basis primarily to Class I. On the other hand, if the handler already has large quantities of milk in excess of his Class I sales, additional receipts from other order plants under the prorata allocation will be proportionately assigned to Class II and the receiving handler will be required to pay the cost of transporting such milk.

Most often imported milk will be received by a handler who operates a single plant. In such cases the milk would be prorated to the particular plant's utilization. In some instances, of course, the milk may be received at the bottling plant of a multiple-plant handler. Utilization at such plant is likely to be higher than the handler's total utilization at all his pool plants. It is possible that the handler would have supplies at his other pool plants which would be placed in lower-priced uses while milk was brought in from other regulated markets. If the milk imported by a multiple-plant handler is prorated only to the receiving plant's utilization, such proration could reduce the handler's percentage of producer milk in Class I in his system to a greater extent than if proration were applied over the whole system.

Prorating the bulk receipts from market pool orders to the handler's system utilization will prevent a handler with more than one plant, with plentiful supplies available to him, from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona fide need for Class I use. Therefore, it is concluded that equitable treatment to producers in both the transferee and transferor markets can be achieved by returning to the transferor market the pro rata assignment of such milk to the receiving handler's utilization at all his pool plants combined. Handler-wide proration is provided at the present time in a majority of these orders. In some orders, however, allocation is on a plant-by-plant basis. As to the latter orders provision is made herein that the allocation of bulk receipts from

[1] Such prices normally are lowest in the North Central dairy region and increase toward the West, South and East.

ward the West, South and East.

cent of total packaged sales of milk by

the latter orders provision is made herein that the allocation of bulk receipts from

other market pool orders at a plant shall be at the average utilization of the handler's plant system, irrespective of individual plant accounting for other purposes of the regulation.

Provision is also made to the effect that handlers receiving milk to be prorated (as receipts from other orders or from unregulated plants) may not transfer such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the orders so provide it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

The provisions made for dealing with bulk receipts of milk from other market pool order plants are such that, on the one hand, producers in local market areas are protected against arbitrary or inequitable allocations of milk from other Federal order markets by the safeguards inherent in handlerwide allocation and allocation of transfers of other order milk on the basis of second or subsequent handler use. On the other hand, the allocation accorded to milk from other order plants will depend upon each handler's utilization of milk. The particular allocation w hich is given to such receipts will, therefore, be within the control of each individual-handler. Hence, the orders themselves will impose no deterrent to the shipment of interorder milk. Obviously, however, a handler's own operations will deter the utilization of local producer milk in Class II at any time the handler is importing milk from other order markets. The provisions, therefore, are those which will carry out the intent of the Act with regard to not placing any trade barriers in the way of milk movements and will most effectively comport with the supply-demand pricing standards of the statute. They are also the most equitable provisions with respect to the interests of local producers versus other order market producers.

Situations may arise where plants subject to different Federal orders ship bulk milk back and forth during the same month (i.e., each plant ships bulk milk to the other plant). As a matter of convenience, market administrators should consider only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant. Since the classification of this milk in the transferor market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

In connection with the proposal to compensate the transferee-market for any difference in its Class I price over the Class I price of the shipping market, certain witnesses alleged that differences in Class I prices, particularly where varying seasonal price structures are found, could provide sufficient advantage that handlers under one order will be encouraged to seek outlets in the other regulated markets. As previously stated, any such occurrence should be approached fundamentally as a price alignment matter rather than as part of a plan to provide equitable classification and assignment for milk entering a particular market from various sources.

(3) *Application to bulk receipts from individual-handler pool orders.* While most proponents made no distinction between receipts of bulk milk from individual-handler pool markets as compared to bulk milk from market pool markets for allocation purposes, several witnesses recognized that identical treatment of both market pool and individual-handler pool receipts could provide an individual-handler pool market the opportunity to shift the burden of its surplus to a market pool. One proponent, representing a substantial cooperative association, contended that regulation under individual-handler pooling may not be effective in determining the disposition of milk at less than order prices. It was his position that the requirement of the Act that a cooperative association may not sell milk to any handler at less than the order prices is ineffective because the only loss to the cooperative for violation of this requirement is loss of the privilege of reblending proceeds from sales in all markets. Consequently a cooperative which assumes responsibility for handling a market's reserve supply has a considerable incentive to dispose of such milk at any price which will move the milk and provide greater returns to its members than when disposed of for manufacturing uses.

A representative of a cooperative association operating plants under both a marketwide and individual-handler pool order indicated that the plant regulated under the individual-handler pool regularly ships bulk milk to the marketwide pool plant.

Even though milk is subject to full minimum price regulation under individual-handler pool orders, nevertheless, special competitive circumstances develop when milk from an individual-handler pool market is introduced into a market pool market which circumstances do not develop in connection with shipments from other market pool markets. Under the individual-handler pool regulation, the handler does not have any obligation to a market pool fund and pays to his producers the entire amount of the obligation for the milk he receives. Competitive situations may exist within the procurement area which impel the handler to maintain as high a uniform price as he reasonably can. In normally competitive supply situations, therefore, a handler in an individual-handler pool market who, for reasons of his own, carries a reserve over and above his Class I needs will be under competitive pressure to find additional Class I outlets by making out-of-market shipments. There could be an advantage to the handler in accepting a return in the other market less than the Class I price plus his handling costs, since this would enable him to return to his producers a higher blend price than if he used the same milk in manufacturing.

Moreover, in the case of a cooperative association in its capacity as a handler or as the operator of a fluid processing and distributing milk plant under an individual-handler pool order, other special circumstances also provide the incentive to make shipments to other markets. The Agricultural Marketing Agreement Act recognizes the right of any qualified cooperative association to return the proceeds from the sale of milk in all markets to its members. Although, under this provision of the statute, a cooperative may not sell milk to handlers at less than the class prices specified in the order, no similar requirement applies with respect to the sale of milk to nonhandlers. If a cooperative association accumulates quantities of milk beyond those that it can sell readily at normal prices, a special incentive arises for the cooperative to find some outlet where this excess may be disposed of at any price above its manufacturing value. It is especially advantageous if the outlets for this additional milk are outside the cooperative's major market or area of disposal. This situation is different from that of a cooperative association which is a handler in a market pool, since the latter must share with the pool the returns it receives for its Class I disposition. If a cooperative in a market pool reduces its selling prices below its total cost of milk (i.e. Class I prices plus handling charges) this would lower its returns below the market average, and would impair the cooperative's ability to hold its membership.

An objective of the defined qualifications of regulated plants in an individual-handler pool market is to assure orderly marketing through full regulation of all handlers doing business in the marketing area. With this objective the marketing performance requirements for regulated status ordinarily will be lower than in most market pool orders where consideration must be given also to whether the plant is predominantly engaged in handling milk for the fluid market, whether its inclusion in a pool would tend to dissipate returns from the market's Class I disposition to sources of milk intended primarily for manufacturing, and whether handlers doing the principal portion of their fluid milk business elsewhere might be relieved of the full obligations required of pool handlers.[9]

[9] For example, a plant qualifies for full regulation under the Fort Smith milk order by disposing of any volume of fluid milk products (no matter how small) in the marketing area either on routes or to other regulated plants. A plant qualifies as a distributing plant under the Milwaukee Federal order by distributing on routes, on eight days or more during the month, any volume of approved fluid milk products. Also, a plant would qualify as a supply plant during August through November by shipping eight days to other distributing plants. During the months of December through July any shipment to a distributing plant qualifies a plant as a supply plant.

Under the North Central Iowa order a plant may qualify as a supply plant by shipping any volume of approved fluid milk products to a distributing plant a minimum of ten days during the month in September through November and five days during other months of the year. A greater degree of association with the market is required for a plant to qualify as a regulated distributing plant—fluid distribution on routes in the market area of a minimum of 1000 pounds per day, or at least 15 percent of the plant's receipts of approved milk. Under the Memphis order a plant may qualify for full regulation by distributing in the marketing area at least 1000 pounds per day or 5 percent of its receipts of approved milk, or by shipping to regulated distributing plants 70,000 pounds of milk during the month some of which is allocated to Class I use.

In recognition of the different character of the markets to which the different pooling methods apply, the market performance standards for full regulation under the two types of orders differ in the manner described. The effect of these differences in standards must be taken into account in dealing with the problem of intermarket shipments. Under these standards plants may become regulated on the basis of a lesser degree of market performance in an individual-handler pool market, but they may, nevertheless, engage in shipping bulk milk in more substantial volume to regulated plants under market pool orders with the disruptive effects which have been described.

In view of the particular circumstances affecting milk shipped from individual-handler pool markets, the assignment of such milk received at a regulated market pool plant should be handled in a manner which assures such receipts will not impair orderly marketing. Bulk milk received at a plant subject to a market pool order from a plant subject to an individual-handler pool order should be assigned pro rata to the receiving handler's class utilization at the same stage in allocation as other order market pool milk unless such receipts are designated specifically for manufacturing use. Unlike receipts from market pool markets, however, the receiving handler should be obligated for such milk at the minimum class prices of the receiving market for utilization so assigned, less the market's minimum uniform price, both adjusted for the location of the plant from which received. The shipping handler (in the individual-handler pool market) should be obligated to his producers for such milk at the market average utilization in the market pool market to which it was shipped. By reducing the incentive to supply milk under conditions which upset the principles of market pooling, this manner of dividing the proceeds from such sales will promote and maintain orderly marketing.

This provision treats bulk milk from other Federal orders with individual-handler pooling slightly differently than bulk milk from unregulated sources. This is appropriate because bulk milk from other Federal orders is fully accounted for and priced under the other Federal order whereas unregulated bulk milk is not so accounted for or fully priced.

As in the case of receipts from plants under other market pool orders, and for similar reasons, receipts of bulk milk from individual-handler pool markets should be assigned to the surplus class, if both the shipping and receiving handlers report the milk as moved for manufacturing use. If, in any instance, the quantity designated for manufacturing use exceeds the surplus class utilization, the remaining receipts then should be assigned to Class I (or next higher class). In such case, the receiving handler would be obligated to the market pool for such remaining quantity at the Class I price and be credited thereon at the market blend. The shipping handler would be accountable to his producers at the prorata utilization of the receiving market on the portion so assigned to Class I.

(d) *Classification in the shipping market.* To further accomplish the objectives outlined under the preceding headings of this section, milk regulated under a Federal order which is disposed of in another Federal order market should receive classification treatment in the transferor-market identical with that it receives under the transferee-market order.

The present transfer "out" provisions in the several orders under review were discussed previously in this decision. Obviously, such provisions as they apply in the respective markets will not comport, in all cases, with the intent of this decision regarding the assignments to be given in the receiving market to interorder receipts of milk. The interplant transfer provisions in each of the orders therefore should be amended as necessary to provide that when milk (either bulk or packaged) is transferred to a plant subject to another Federal order, the classification of such milk in the transferor-market will be based upon assignment in the market where used. The transferor-handler should account for this milk to his pool, or in individual-handler pool markets to his producers, however, at the class prices of the shipping market.

Such procedure will avoid the possibility of "double" payment on milk transferred between regulated markets and will return to producers of the shipping market the prices of their own market on the transferred milk. It should achieve a coordinated classification and assignment plan for the various orders irrespective of which market is a transferor or transferee market, and therefore should be adopted.

III. *Incidental and corollary revisions.* Certain incidental and corollary changes in order provisions, set forth below, are necessary to carry out the objectives of the revised provisions previously discussed.

(a) *Shrinkage.* The allocation pro rata to classes of use herein provided for certain specified unregulated milk and other order milk received at pool plants makes it appropriate to limit the volume of such milk that may be classified in the surplus class as unaccounted for milk (shrinkage). Under the pro rata allocation method such milk will share equally with producer milk in any Class I volume computed because of shrinkage in excess of established limits. No shrinkage limit is provided on unpriced milk that is allocated first to the surplus class, since this allocation insures assignment of such milk to the same class as that in which unaccounted for milk assigned to it is classified.

(b) *Inventory reclassification.* In those orders in which inventories of fluid milk products are classified in the surplus class, and allocated to the next month's utilization in series beginning with that class, provision is made for an inventory reclassification charge at the difference between the surplus class price of the month in which classified and the Class I price of the following month on any such inventory thus assigned to Class I utilization in the following month. The assignment provisions herein adopted insure that any such milk thus assigned to the surplus class the preceding month will either have been so assigned pro rata with producer milk, or is milk which by its very nature is surplus milk. Furthermore, any other order milk so assigned will have been priced at the comparable surplus class in the order of origin. The charge provided therefore appropriately reflects the change in value resulting from the inventory reclassification.

(c) The January hearing in St. Louis was a reopened hearing on several orders. A previous hearing was held at Jackson, Mississippi, on July 10–13, 1962, on proposals to merge the Mississippi Gulf Coast and Central Mississippi orders under a single "Southern Mississippi" order. A recommended decision on this matter was recently issued recommending the merging of the two orders. The decision did not deal with the matters further considered at the St. Louis hearing. The proposed order language for the newly designated "Southern Mississippi" order hereinafter set forth is intended to implement the conclusions of the previous recommended decision as well as the conclusions of this decision. Interested parties will file exceptions to the two decisions simultaneously. It is contemplated that a single final decision incorporating the findings and conclusions of the two recommended decisions will be issued following review of exceptions.

(d) A hearing was held in January 1962 on a proposed order for Central Illinois and proposed amendments to the Suburban St. Louis and Quad Cities-Dubuque orders and a recommended decision based on such hearing was issued November 13, 1962. Following review of exceptions a revised recommended decision was prepared and is being issued concurrently with this decision. That decision, however, does not cover the issues considered in this decision. As in the case of the "Southern Mississippi" order it is contemplated that, following review of exceptions to the two decisions, one final decision will be issued.

(e) In June 1963 a joint hearing was held on the St. Louis, Ozarks, and Suburban St. Louis orders to consider: (1) Merger of the St. Louis and Ozarks or-

any difference in its Class I price over the

ments. There could be an advantage to

plants. During the months of Decembe

of which is allocated to Class I use.

the surplus class as unaccounted for

Merger of the St. Louis and Ozarks or-

ders; (2) transferring part of the Suburban St. Louis marketing area to the St. Louis marketing area; (3) expansion of each of the respective marketing areas; and (4) other miscellaneous order changes. At that hearing no testimony was presented by interested parties with respect to the matters considered at the January St. Louis hearing on which the findings of this decision are based. Interested parties stated that they were adopting their January testimony on these matters and any order amendments issued as a result of the January hearing would be equally appropriate under the merged and/or extended orders.

(f) *Administrative assessments on unregulated milk.* The Act provides that each handler shall pay his pro rata share (as approved by the Secretary for the particular order) of the cost of administration of the order. As has been previously indicated, each of the orders other than Chicago prescribe specific standards for pooling above a minimum which permits pool exemption. With certain specified exceptions, operators of plants not meeting such standards would, under the recommendations hereinbefore set forth, be required on election to make specified payments to the pool on route distribution in the marketing area in excess of offsetting Federal order Class I purchases or otherwise pay to the pool and/or to dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a pool plant).

The market administrator in administering an order as it applies to the nonpool route distributor must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of the nonpool distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated, or pool, handler; i.e., the privilege of pool participation and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make compensatory payment, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of their milk (computed at order prices), it has in the past, on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler. On the basis of the present record, however, there is reason to believe that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to use the pool payment provision. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should in the future be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area, irrespective of whether the pool payment option is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the pool handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the pool handler should be responsible for payment of the administrative assessment and for obligations to the producer-settlement fund with respect to such unregulated milk.

(g) *Reporting Requirements.* Additional reports are required for the computation of certain obligations to be established in accordance with the conclusions set forth elsewhere in this decision. Operators of partially regulated distributing plants whose obligations are to be determined from comparison of the classified use value of their milk with payments to dairy farmers (Wichita option) must report their receipts, utilization and payments on the same basis as fully regulated handlers. Such reports are now included in orders using this option, and are added to all other market pool orders.

Handlers shipping bulk milk to plants regulated under other orders are required to report to the market administrator of their order on or before the 2nd day of the following month information which will identify the receiver. Thereafter, communication between market administrators will establish the classification assigned to such milk in the receiving market on the basis of reports presently required under the order for that market. Administrative direction will be issued to market administrators with respect to details of such communication and notification to the shipper concerning the classification upon which his obligation is computed in the shipping market.

(h) *Application of location differentials.* In the application of compensatory payments on unregulated milk at the difference between the Class I and blend prices, such prices are computed at the location of the plant from which the milk is either distributed in the marketing area or is received at a regulated plant. Blend prices are usually adjusted for location at the same rate as Class I prices while surplus class prices do not usually vary by location. At far distant points the blend price may be less than the surplus price. Provision is made that in no case shall the credit given be less than the surplus class price.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

At the hearing, an interested party attempted to place in evidence certain data relating to the cost of producing milk. The hearing examiner excluded such data from the record. In his brief, the interested party urged that the same data be considered a part of the record. For the reasons stated by the hearing examiner at the hearing, the hearing examiner's action is hereby sustained.

General Findings

The findings and determinations hereinafter set forth are supplementay and in addition to the findings and determinations previously made in connection with the issuance of each of the respective orders and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended Marketing Agreements and Orders Amending the Orders

The following orders amending the orders as amended regulating the handling of milk in the specified marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. In the case of the Central Mississippi Gulf Coast marketing areas (to be newly designated as "Southern Mississippi

Marketing Area"), the order language as set forth implements the foregoing conclusions as well as the conclusions set forth in the recommended decision issued January 20, 1964. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

1. The proviso in § 1030.40(a) is revised to read as follows:

§ 1030.40 Basis of classification.

* * * * *

(a) Any milk moved as milk or skim milk in fluid form from a regulated plant to a plant at which the handling of milk is subject to pricing and payment under any marketing agreement or order issued pursuant to the Act for any other fluid milk marketing area shall be classified in the class to which allocated on the basis of receipts and utilization reported for the month under the other order. For this purpose, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I and cream allocated to such class classified as Class II; allocations to other class uses shall be classified as Class III. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrator, such allocation shall be to Class III (or comparable classes under such other order) to the extent of the Class III utilization available for such assignment. If this paragraph is applicable, then paragraphs (b), (c), (d), and (e) of this section do not apply.

§ 1030.43 [Amendment]

2. In the proviso of § 1030.43(b), delete the reference to "(a)".

3. Section 1030.45(d) is revised to read as follows:

§ 1030.45 Allocation of classified milk.

* * * * *

(d) Subtract from the pounds in each class in the order specified below:

(1) From Class III milk, the lesser of the remaining pounds or two percent of receipts of packaged milk and milk products from plants subject to the pricing and pooling provisions of another order issued pursuant to the Act. Any remaining pounds of such receipts shall be subtracted from Class I (Class II if so defined by this order);

(2) From Class III milk, but not in excess of the remaining pounds, receipts in bulk of milk and milk products from plants subject to the pricing and pooling provisions of another order issued pursuant to the Act, if Class III utilization was requested by the operators of both plants; and

(3) From the remaining pounds in each class, pro rata to such quantities, receipts in bulk of milk and milk products from plants subject to the pricing and pooling provisions of another order issued pursuant to the Act that were not subtracted pursuant to subparagraph (2) of this paragraph;

PART 1031—MILK IN SOUTH BEND-LAPORTE-ELKHART, IND., MARKETING AREA

1. Section 1031.11 is revised to read as follows:

§ 1031.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant.

2. Section 1031.12 is revised to read as follows:

§ 1031.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk eligible for sale in fluid form as Grade A milk within the marketing area which is either (a) received from the farm at a pool plant(s), or (b) caused to be temporarily diverted by the handler for his account from a pool plant to a nonpool plant: *Provided*, That such diverted milk shall be deemed to be received by such handler at the location of the pool plant from which it was diverted.

3. Section 1031.15 is revised to read as follows:

§ 1031.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s);

(b) Any cooperative association with respect to producer milk caused to be delivered for the account of such association from the farms of producers to the pool plant(s) of another handler(s) and milk customarily received as producer milk at a pool plant which is diverted by such association for its account to a nonpool plant;

(c) Any person who operates a partially regulated distributing plant;

(d) Any person in his capacity as the operator of an other order plant; or

(e) A producer-handler.

4. A new § 1031.18 is added to read as follows:

§ 1031.18 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, flavored milk drink, buttermilk, cream (sweet or sour) and any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product) fluid or frozen concentrated milk, flavored milk, flavored milk drink not sterilized and eggnog.

5. In § 1031.30, paragraph (b) is revised to read as follows:

§ 1031.30 Monthly reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1031.15 (c) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

6. Section 1031.31 is revised to read as follows:

§ 1031.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 25th day of each month, each handler shall submit to the market administrator his producer payroll for the preceding month which shall show for each producer and cooperative association:

(1) The total pounds of milk delivered with the average butterfat test thereof, and

(2) The net amount of the payment to each producer and each cooperative association, together with the prices, deductions and charges involved.

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1031.41 is revised to read as follows:

§ 1031.41 Classes of utilization.

* * * * *

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of (except as provided in paragraph (c) (1), (4) and (5) of this

section) in the form of milk, skim milk, flavored milk, flavored milk drink and buttermilk;

(2) Disposed of as cream (sweet or sour) and any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product);

(3) Disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; and

(4) Not specifically accounted for as any item named in this paragraph or as Class II milk or as Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat:

(1) Disposed of in bulk in the form of milk, skim milk, buttermilk and cream to any manufacturer of candy, soup or bakery products and used in such products;

(2) In condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors;

(3) Disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk;

(4) Dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk;

(5) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product prior to such addition;

(6) Disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3), in paragraph (b), and in subparagraphs (1) through (5) of this paragraph;

(7) Contained in monthly inventory variations;

(8) In shrinkage but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 2.0 percent of fluid milk products subject to allocation pursuant to § 1031.46(a)(6) and the corresponding step of § 1031.46(b); and

(iii) Less 2.0 percent of fluid milk products transferred in bulk to other order plants; and

(9) In shrinkage assigned pursuant to § 1031.42(b)(2).

8. Section 1031.42 is revised to read as follows:

§ 1031.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of the skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1031.41(c)(8); and

(2) Other source milk exclusive of that specified in § 1031.41(c)(8).

9. Section 1031.44 is revised to read as follows:

§ 1031.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1031.46(a)(6) and the corresponding step of § 1031.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1031.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1031.46(a)(6) and the corresponding step of § 1031.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1031.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitutes regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk and Class III milk, in series beginning with Class III milk;

(d) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association from its pool plant or in its capacity as a handler pursuant to § 1031.15(b). Such milk shall be excluded from producer milk to be classified as that of the cooperative association; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II or Class III. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II or Class III (or comparable classes under such other order) to the extent of all Class II or Class III utilization available for such assignment.

10. Section 1031.46 is revised to read as follows:

§ 1031.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1031.45, the market administrator shall determine the classification of milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk classified as Class III pursuant to § 1031.41(c)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk or Class II milk, in sequence beginning with Class III, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II or Class III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II or Class III utilization was requested by the operators of both plants;

(5) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subpargaraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1031.44(a);

(8) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

11. Section 1031.56 is revised to read as follows:

§ 1031.56 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) received at a plant or reload point located at least 55 miles but not more than 60 miles by shortest highway distance as measured by the market administrator, from the St. Joseph County Courthouse, South Bend, Indiana, shall be reduced by 10 cents, plus 1.6 cents for each 10 miles or fraction thereof that such plant or reload point is located more than 60 miles from the St. Joseph County Courthouse, South Bend, Indiana;

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants and handler pool other order plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of receipts at such plant from producers and handlers pursuant to § 1031.15(b) and that assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant beginning with the plant nearest the St. Joseph County Courthouse in South Bend, Indiana.

12. Section 1031.70 is revised to read as follows:

§ 1031.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association) in each class, as computed pursuant to § 1031.46, by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1031.46(a)(8) and the corresponding step of § 1031.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class III price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1031.46(a)(3) and the corresponding step of § 1031.46(b);

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1031.46(a)(6)(i) and the corresponding step of § 1031.46(b); and

(e) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1031.46(a)(6)(iii) and the corresponding step of § 1031.46(b).

13. Section 1031.71 is revised to read as follows:

§ 1031.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1031.70 for all handlers who filed the reports prescribed by § 1031.30 for the month and who made the payments pursuant to § 1031.83 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1031.81(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (a) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1031.81(a) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1031.70 (d) and (e);

(f) Subtract not less than four cents nor more than five cents per hundredweight.

14. A new § 1031.72 is added to read as follows:

§ 1031.72 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month, the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1031.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1031.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1031.10(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II or

Class III prices if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1031.10(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1031.71 at the same location or at the Class III price, whichever is higher.

15. Section 1031.81(b) is revised to read as follows:

§ 1031.81 Producer butterfat and location differentials to producers and on nonpool milk.

* * * * *

(b) The uniform price for milk received at a plant shall be reduced according to the location of the plant at the rates set forth in § 1031.56.

§ 1031.82 [Amendment]

In § 1031.82 the reference to "§ 1031.83" is deleted and "§§ 1031.72 and 1031.83" is substituted therefor.

17. Section 1031.83 is revised to read as follows:

§ 1031.83 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 1031.80(b), each cooperative association shall pay to the market administrator on or before the 16th day after the end of the month, the amount by which the utilization value of such milk is greater than the value computed at the uniform price:

(a) The net pool obligation computed pursuant to § 1031.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1031.70 (d) and (e).

18. Section 1031.84 is revised to read as follows:

§ 1031.84 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1031.83(b) exceeds the amount computed pursuant to § 1031.83 (a). The market administrator shall offset any payment due any handler against payments due from such handler: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 1031.80(b), the market administrator shall pay to such cooperative association on or before the 17th day after the end of the month, the amount by which the utilization value of such milk is less than the value computed at the uniform price: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

19. Section 1031.85 is revised to read as follows:

§ 1031.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1031.46(a)(3) and (6)(i) and the corresponding steps of § 1031.46(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

1. Section 1032.7 is revised to read as follows:

§ 1032.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who, in compliance with the Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products within the marketing area or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1032.14.

2. In § 1032.8, paragraph (b) is revised and a new paragraph (e) is added to read as follows:

§ 1032.8 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(e) A producer-handler, or any person who operates an other order plant.

3. Section 1032.13 is revised to read as follows:

§ 1032.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

4. Section 1032.30 is revised to read as follows:

§ 1032.30 Reports of receipts and utilization.

Not later than the 8th day after the end of the month, each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler operating a pool plant(s) shall report for each pool plant(s) and a cooperative association which is a handler pursuant to § 1032.8 (c) or (d) shall likewise report the quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers, including receipts of the handler's own production;

(2) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants and from a cooperative association which is a handler pursuant to § 1032.8(d);

(3) The quantities of skim milk and butterfat contained in other source milk, including milk which has been classified and priced under other Federal orders;

(4) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of disposition of Class I milk outside the marketing area;

(6) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and

(7) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require; and

(b) Each handler specified in § 1032.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

5. In § 1032.31 paragraph (b) is revised to read as follows:

§ 1032.31 Payroll reports.

* * * * *

(b) Each handler operating a partially regulated distributing plant who does not elect to make payments as required pursuant to § 1032.62(b) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

6. Section 1032.32 is revised to read as follows:

§ 1032.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. In § 1032.41, paragraph (b)(7) and (8) is revised to read as follows:

§ 1032.41 Classes of utilization.

* * * * *

(b) * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1032.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers, plus one and one-half percent of milk received in bulk tank lots from pool plants of other handlers, and from other order plants and unregulated supply plants to be allocated pursuant to subparagraphs (7) and (8) of § 1032.46(a) and the corresponding steps of § 1032.46(b), plus one and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1032.8(d), (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent) less one and one-half percent of milk disposed of in bulk tank lots to plants of other handlers and to nonpool plants (except when the preceding exception hereof applies and the milk is diverted, the applicable percentage shall be two percent); and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1032.42(b)(2).

8. Section 1032.42 is revised to read as follows:

§ 1032.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat, respectively, in the amounts of receipts used in the computations pursuant to § 1032.41(b)(7); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1032.41(b)(7).

9. Section 1032.44 is revised to read as follows:

§ 1032.44 Transfers.

Skim milk and butterfat disposed of by a handler, including a cooperative association in its capacity as a handler pursuant to § 1032.8 (c) and (d) shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1032.46(a)(8) and the corresponding step of (b). If a specified utilization is not claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1032.8 (d), shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1032.46(a)(8) and the corresponding step of § 1032.46 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1032.46(a)(3) and the corresponding step of (b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1032.46(a)(7) or (8) and the corresponding step of (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 450 miles by shortest highway distance as determined by the market administrator, from the City Hall of Vandalia, Illinois, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 450 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Vandalia, Illinois, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1032.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regu-

pursuant to § 1031.10 for such handler, and

ments of a duly constituted health au-

products received from other pool plants

paragraphs (7) and (8) of § 1032.46(a) and

tion to such other source milk; and

market pool other order plants not regu-

lated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If for bulk shipments the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or to comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1032.46 is revised to read as follows:

§ 1032.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1032.45, the market administrator shall determine the classification of producer milk at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified in Class I pursuant to § 1032.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and cooperative associations according to the classification assigned pursuant to § 1032.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1032.53 is revised to read as follows:

§ 1032.53 Location adjustments to handlers.

(a) For milk received from producers and for other source milk for which a location adjustment credit is applicable which is received at a pool plant located outside the marketing area and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I, the price specified in § 1032.51(a)(1) shall be reduced 7.5 cents, plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 60 miles from the County Courthouse in Vandalia, Illinois, by shortest accessible highway distance as determined by the market administrator; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant and from producers and cooperative associations pursuant to § 1032.8(d), and the volume assigned as Class I to receipts from market pool other order plants and unregulated

supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. A new § 1032.62 is added to read as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1032.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1032.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1032.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such pool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant which serves as a supply plant and meets requirements equivalent to § 1032.12(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

13. Section 1032.70 is revised to read as follows:

§ 1032.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1032.46(c), by the applicable class prices (adjusted pursuant to §§ 1032.52 and 1032.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1032.46(a)(10) and the corresponding step of § 1032.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat substracted from Class I pursuant to § 1032.46(a)(5) and the corresponding step of § 1032.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1032.46(a)(3) and the corresponding step of § 1032.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1032.46(a)(8)(ii) and the corresponding step of § 1032.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1032.46(a)(7) and the corresponding step of § 1032.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1032.53(b).

14. Section 1032.71 is revised to read as follows:

§ 1032.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at plants located in the "base zone" as follows:

(a) Combine into one total the values computed pursuant to § 1032.70 for all handlers who filed the reports prescribed by § 1032.30 for the month and who made the payments pursuant to §§ 1032.80 and 1032.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1032.73 plus the amount obtained by multiplying by five cents the total hundredweight of producer milk received at plants in the northern zone;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1032.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1032.70(e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July, an amount equal to 10 cents per hundredweight on the total hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add during each of the months of October, November, and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. Section 1032.73 is revised to read as follows:

§ 1032.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1032.53; and

(b) For purposes of computations pursuant to §§ 1032.82 and 1032.83 the weighted average price shall be adjusted at the rates set forth in § 1032.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1032.81 is revised to read as follows:

§ 1032.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to §§ 1032.62 (a) and (b), 1032.82 and 1032.84 and out of which he shall make all payments pur-

suant to §§ 1032.83 and 1032.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

17. Section 1032.82 is revised to read as follows:

§ 1032.82 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section.

(a) The total of the net pool obligation computed pursuant to § 1032.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1032.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1032.70 (e) and (f): *Provided*, That the applicable weighted average price shall be reduced five cents if the other source milk is received from a plant(s) in the northern zone.

18. Section 1032.83 is revised to read as follows:

§ 1032.83 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1032.82(b) exceeds the amount computed pursuant to § 1032.82(a). The market administrator shall offset any payment due any handler against payments due from such handler. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

19. Section 1032.86 is revised to read as follows:

§ 1032.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 20th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1032.46 (a) (3) and § 1032.46(a) (8) (ii) and the corresponding steps of § 1032.46 (b), and (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

1. Section 1038.12 is revised to read as follows:

§ 1038.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

2. Section 1038.13 is revised to read as follows:

§ 1038.13 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant; or

(b) A partially regulated distributing plant.

3. Section 1038.16 is revised to read as follows:

§ 1038.16 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant.

4. Section 1038.21 is redesignated § 1038.19.

5. In § 1038.32(f) the reference to "§ 1038.64" is deleted and "§ 1038.63" is substituted therefor.

6. Section 1038.36 is revised to read as follows:

§ 1038.36 Other reports.

* * * * * * *

(c) Each handler pursuant to § 1038.14(a), (b) and (c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 25th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(d) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1038.41(b)(6) is revised to read as follows:

§ 1038.41 Classes of utilization.

* * * * * * *

(b) * * *

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant pursuant to § 1038.17) in shrinkage but not in excess of:

(i) 2.0 percent of producer milk except that received from a handler pursuant to § 1038.14(c);

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1038.14(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants;

(iv) Plus 1.5 percent of receipts of fluid milk products subject to allocation pursuant to § 1038.46(a) (7) and (8) and the corresponding steps of § 1038.46(b); and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

8. Section 1038.42 is revised to read as follows:

§ 1038.42 Shrinkage.

* * * * * * *

(b) * * *

(1) The net quantity of producer milk and other fluid milk products specified in § 1038.41(b) (6); and

(2) Other source milk exclusive of that specified in § 1038.41(b) (6).

9. Section 1038.44 is revised to read as follows:

§ 1038.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1038.46(a)(8) and the corresponding step of § 1038.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1038.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1038.46(a) (7) and (8) and the corresponding steps of § 1038.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is not an other order plant and is more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Janesville, Wisconsin and Sterling, Illinois;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Janesville, Wisconsin and Sterling, Illinois unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1038.35 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to recipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1038.46 is revised to read as follows:

§ 1038.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1038.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1038.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph; and

during the month at such plant from pool plants and other order plants.

roll for such month which shall show for each producer:

putations pursuant to § 1038.46(a)(8)

from producer-handler plants;

graph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1038.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1038.47 [Revocation]

11. Section 1038.47 is revoked.

12. Section 1038.53 is revised to read as follows:

§ 1038.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a milk plant 115 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area;

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants and handler pool other order plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Chicago, Illinois.

§ 1038.55 [Revocation]

13. Section 1038.55 is revoked.

14. Section 1038.60 is revised to read as follows:

§ 1038.60 Computation of the net pool obligation for each pool plant.

The net pool obligation for each pool plant during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1038.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1038.46(a)(10) and the corresponding step of § 1038.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1038.46(a)(5) and the corresponding step of § 1038.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1038.46(a)(3) and the corresponding step of § 1038.46(b);

(e) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1038.46(a)(8)(ii) and the corresponding step of § 1038.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1038.46(a)(7) and the corresponding step of § 1038.46(b).

15. Section 1038.61(b) is revised to read as follows:

§ 1038.61 Computation of aggregate value used to determine uniform prices.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount computed by multiplying such difference by the butterfat differential computed pursuant to § 1038.71 and multiplying the result by the total hundredweight of such milk;

16. Section 1038.62 is revised to read as follows:

§ 1038.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1038.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1038.60 (e) and (f); and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

17. Section 1038.64 is redesignated § 1038.63 and is revised to read as follows:

§ 1038.63 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1038.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1038.60 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1038.11(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1038.11(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1038.62 at the same location or at the Class II price, whichever is higher.

§ 1038.64 [Redesignation]

18. Section 1038.65 is redesignated § 1038.64.

19. Section 1038.72 is revised to read as follows:

§ 1038.72 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant 115 miles or more from the Chicago City Hall shall be decreased two cents for each 15 miles or fraction thereof that such plant is more than 100 miles from the Chicago City Hall, as determined by the market administrator: *Provided*, That the differential pursuant to this section shall not be more than 12 cents at plants in the marketing area.

(b) For purposes of computations pursuant to §§ 1038.74 and 1038.75 the uniform price shall be adjusted at the rates set forth in § 1038.53 applicable at the location of the nonpool plant from which the milk was received.

20. Section 1038.74 is revised to read as follows:

§ 1038.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1038.60 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1038.60 (e) and (f).

21. Section 1038.75 is revised to read as follows:

§ 1038.75 Payments from the producer-settlement fund.

On or before the 16th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1038.74(b) exceeds the amount computed pursuant to § 1038.60: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

22. Section 1038.78 is revised to read as follows:

§ 1038.78 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1038.46(a)(3) and (8)(ii) and the corresponding steps of § 1038.46(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1038.73 [Amendment]

23. In § 1038.73, the reference to "§ 1038.64" is deleted and "§ 1038.63" is substituted therefor.

24. In § 1038.14, "or" is deleted from the end of paragraph (b), a semicolon is substituted for the period at the end of paragraph (c), and new paragraphs (d) and (e) are added to read as follows:

§ 1038.14 Handler.

* * * * *

(d) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant, or

(e) A producer-handler.

25. The introductory text of § 1038.35 is revised to read as follows:

§ 1038.35 Reports of receipts and utilization.

On or before the 8th day after the end of each month, each handler pursuant to § 1038.14 (a) and (b) shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

1. Section 1039.7 is revised to read as follows:

§ 1039.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

2. Section 1039.11 is revised to read as follows:

§ 1039.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. Section 1039.12 is revised to read as follows:

§ 1039.12 Handler.

(a) Any person in his capacity as the operator of a pool plant,

(b) Any person in his capacity as the operator of a partially regulated distributing plant,

(c) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant, or

(d) A producer-handler.

4. Section 1039.30 is revised to read as follows:

§ 1039.30 Monthly reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler pursuant to § 1039.12 (a) and (b) shall report to the market administrator for such month, in detail and on forms prescribed by the market administrator as follows:

(a) Each handler for each pool plant shall report:

(1) The quantities of skim milk and butterfat contained in or represented by:

(i) Producer milk (including for the months of March through June the aggregate amount of base and excess milk),

(ii) Fluid milk products received from pool plants,

(iii) Other source milk,

(iv) Milk diverted to nonpool plants pursuant to § 1039.14, and

(v) Inventories of fluid milk products on hand at the beginning and end of the month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(3) Such other information with respect to the receipts and utilization of skim milk and butterfat as the market administrator may prescribe.

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk.

5. Section 1039.31 is revised to read as follows:

§ 1039.31 Other reports.

* * * * *

(b) Each handler pursuant to § 1039.12(a) shall report to the market

administrator in detail and on forms prescribed by the market administrator, on or before the 19th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from each producer (including for the months of March through June the total pounds of base and excess milk) and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(c) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

6. Section 1039.41(b) is revised to read as follows:

§ 1039.41 Classes of utilization.

* * * * * * *

(b) * * *

(6) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 1.5 percent of fluid milk products in bulk received by transfer or diversion from pool plants;

(iii) Plus 1.5 percent of receipts of fluid milk products subject to allocation pursuant to §1039.46(a) (7) and (8) and the corresponding steps of § 1039.46(b); and

(iv) Less 1.5 percent of fluid milk products in bulk transferred or diverted to other plants; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1039.42(b)(2).

7. Section 1039.42 is revised to read as follows:

§ 1039.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts for each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1039.41(b)(6); and

(2) Other source milk exclusive of that specified in § 1039.41(b)(6).

8. Section 1039.44 is revised to read as follows:

§ 1039.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1039.46(a)(3) and the corresponding step in § 1039.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1039.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1039.46(a)(7) and (8) and the corresponding steps of § 1039.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is not an other order plant and is outside the State of Wisconsin or more than 150 miles, by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is within the State of Wisconsin or not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the City Hall of Milwaukee, Wisconsin, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagrph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1039.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to a handler pool other order plant and pro rata to the average utilization, as estimated by the market administrator of the transferee order, of the milk included in the computation of the weighted average or uniform price for such month under the transferee order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1039.46 is revised to read as follows:

§ 1039.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1039.45, the market administrator shall determine the classification of producer milk at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1039.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph;

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1039.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1039.53 is revised to read as follows:

§ 1039.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant less than 70 miles from the City Hall in Chicago, Illinois, as determined by the market administrator, shall be increased 4 cents and at a plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator; and

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Chicago, Illinois.

11. Section 1039.60 is revised to read as follows:

§ 1039.60 Computation of the net obligation of each handler.

The net obligation of each handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1039.46(c), by the applicable class prices;

(b) Add the amounts obtained from multiplying the overage deducted pursuant to § 1039.46(a)(10) and the corresponding step of § 1039.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1039.46(a)(5) and the corresponding step of § 1039.46(b), or the hundredweight of skim milk and butterfat remaining in Class II after computations pursuant to § 1039.46(a)(5) and the corresponding step of § 1039.46(b) for the preceding month, whichever is less;

(d) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1039.46(a)(8)(ii) and the corresponding step of § 1039.46(b); and

(e) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

12. Section 1039.61 is revised to read as follows:

§ 1039.61 Computation of uniform prices for handlers.

For each month the market administrator shall compute a uniform price for the milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1039.60 the total of the location differential deductions to be made pursuant to § 1039.72;

(b) Subtract the total of the location differential additions to be made pursuant to § 1039.72;

(c) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in paragraph (e) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of such milk;

(d) Add if a deduction was made or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month, the amount of such adjustment; and

(e) Divide the resulting amount by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1039.60(d). The result, adjusted to the nearest cent, shall be the uniform price for such handler.

§ 1039.62 [Amendment]

13. In § 1039.62(d), "all" is deleted and "producer" is substituted therefor.

14. Section 1039.72(c) is revised to read as follows:

§ 1039.72 Location differentials to producers and on nonpool milk.

* * * * *

(c) For purposes of computations of the uniform price, receipts of milk from unregulated supply plants shall be subject to location adjustment at the rates set forth in § 1039.53 applicable at the location of the unregulated supply plant.

15. Section 1039.75 is revised to read as follows:

§ 1039.75 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), and (b) other source milk allocated to Class I pursuant to § 1039.46(a) (3) and (8) (ii) and the corresponding steps of § 1039.46(b).

PART 1045—MILK IN NORTHEASTERN WISCONSIN MARKETING AREA

1. Section 1045.7 is revised to read as follows:

§ 1045.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces Grade A milk in conformity with the sanitation requirements of a duly constituted health authority, whose milk is received at a pool plant.

2. Section 1045.11 is revised to read as follows:

§ 1045.11 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant;

(d) A person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant; or

(e) A producer-handler.

3. A new § 1045.17 is added to read as follows:

§ 1045.17 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an other order plant, the plant of an exempt handler pursuant to § 1045.81 or a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

§ 1045.18 [Redesignation]

4. Section 1045.19 is redesignated § 1045.18.

§ 1045.22 [Amendment]

5. In § 1045.22(i)(2), the reference "§ 1045.64" is deleted and "§ 1045.63" is substituted therefor.

6. In § 1045.30, paragraphs (b) and (c) are redesignated (c) and (d), respectively, and a new paragraph (b) is added to read as follows:

§ 1045.30 Reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1045.11(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk;

7. Section 1045.32 is revised to read as follows:

§ 1045.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

8. Section 1045.41(b)(5) is revised to read as follows:

§ 1045.41 Classes of utilization.

* * * * *

(b) * * *

(5) Skim milk and butterfat, respectively, in shrinkage but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 2.0 percent of receipts of fluid milk products subject to allocation pursuant to § 1045.46(a)(7) and the corresponding step of § 1045.46(b); and

(iii) Less 2.0 percent of fluid milk products transferred in bulk to other order plants; and

9. Section 1045.42 is revised to read as follows:

§ 1045.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of the skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1045.41(b)(5); and

(2) Other source milk exclusive of that specified in § 1045.41(b)(5).

10. Section 1045.43 is revised to read as follows:

§ 1045.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computation pursuant to § 1045.46(a)(7) and the corresponding step of § 1045.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1045.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1045.46(a)(7) and the corresponding step of § 1045.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler or to an exempt handler pursuant to § 1045.81;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant or the plant of an exempt handler, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1045.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1045.46 is revised to read as follows:

§ 1045.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1045.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1045.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operators of both plants;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1045.43(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§§ 1045.47, 1045.48 [Revocations]

12. Sections 1045.47 and 1045.48 are revoked.

13. Section 1045.60 is revised to read as follows:

§ 1045.60 Computation of the net pool obligation of each handler.

The net pool obligation of each handler in his capacity as the operator of a pool plant or a handler pursuant to § 1045.11(c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1045.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1045.46(a)(9) and the corresponding step of § 1045.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1045.46(a)(5) and the corresponding step of § 1045.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1045.46(a)(3) and the corresponding step of § 1045.46(b);

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent

volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1045.46(a)(7)(i) and the corresponding step of § 1045.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1045.46(a)(7)(iii) and the corresponding step of § 1045.46(b).

14. Section 1045.61 (b) and (c) is revised to read as follows:

§ 1045.61 Computation of aggregate value used to determine uniform price.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values specified in paragraph (a) of this section is less or more, respectively, than 3.5 percent, the amount computed by multiplying such difference by the butterfat differential computed pursuant to § 1045.63 and multiplying the result by the total hundredweight of such milk;

(c) Subtract the aggregate of the values of the applicable location adjustments pursuant to § 1045.64; and

15. Section 1045.62 is revised to read as follows:

§ 1045.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1045.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1045.60 (e) and (f); and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§§ 1045.63 and 1045.65 [Redesignations]

16. Sections 1045.64, 1045.65 and 1045.66 are redesignated §§ 1045.63, 1045.64 and 1045.65, respectively, and § 1045.64 is revised to read as follows:

§ 1045.64 Location differentials to producers and on nonpool milk.

The uniform price pursuant to § 1045.62 shall be increased 10 cents for milk received at a plant in the Wisconsin counties of Florence, Forest, Marinette, Oneida or in the State of Michigan.

§ 1045.70 [Amendment]

17. In § 1045.70 the references to "§§ 1045.64" and "1045.65" are deleted and "§§ 1045.63" and "1045.64", respectively, are substituted therefor.

§ 1045.71 [Amendment]

18. In § 1045.71 the reference to "1045.83 (a)(1) and (b)(1)" is deleted and "1045.83" is substituted therefor.

19. Section 1045.72 is revised to read as follows:

§ 1045.72 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The net pool obligation computed pursuant to § 1045.60 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1045.60 (e) and (f).

20. Section 1045.73 is revised to read as follows:

§ 1045.73 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1045.72(b) exceeds the amount computed pursuant to § 1045.72 (a). If the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

21. Section 1045.74 is revised to read as follows:

§ 1045.74 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1045.46(a)(3) and (7)(i) and the corresponding steps of § 1045.46 (b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

22. Section 1045.83 is revised to read as follows:

§ 1045.83 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1045.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1045.60 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1045.10(b) shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and of the respective order at the uniform price if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant which serves as a supply plant and meets requirements equivalent to § 1045.10(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amount of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1045.62 at the same location or at the Class II price, whichever is higher.

23. The introductory text of § 1045.31 is revised to read as follows:

§ 1045.31 Payroll reports.

On or before the 25th day of each month each handler pursuant to § 1045.11 (a), (b) and (c) shall report his producer or dairy farmer payroll for each plant for the preceding month which shall show:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. Section 1050.7 is revised to read as follows:

§ 1050.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who, in compliance with the Grade A inspection requirements of a duly constituted health authority, produces milk for distribution as fluid milk products or produces milk acceptable for fluid consumption at Federal, State or municipal institutions, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1050.14.

2. In § 1050.8, paragraph (b) is revised and a new paragraph (e) is added to read as follows:

§ 1050.8 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(e) A producer-handler, or any person who operates an other order plant.

3. Section 1050.13 is revised to read as follows:

§ 1050.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

4. Section 1050.30 is revised to read as follows:

§ 1050.30 Reports of receipts and utilization.

Not later than the 8th day after the end of the month, each handler shall report to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler operating a pool plant(s) shall report for each pool plant(s) and a cooperative association which is a handler pursuant to § 1050.8 (c) or (d) shall likewise report the quantities of skim milk and butterfat contained in:

(1) Receipts of milk from producers, including receipts of the handler's own production;

(2) The quantities of skim milk and butterfat contained in milk and milk products received from other pool plants and from a cooperative association which is a handler pursuant to § 1050.8(d);

(3) The quantities of skim milk and butterfat contained in other source milk, including milk which has been classified and priced under other Federal orders;

(4) The inventories of skim milk and butterfat on hand at the beginning and the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported by this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(6) The name and address of each producer from whom milk was received with statements showing dates on which such producer started shipping and the date on which milk shipments stopped; and

(7) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require; and

(b) Each handler specified in § 1050.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

5. Section 1050.31(b) is revised to read as follows:

§ 1050.31 Payroll reports.

* * * * *

(b) Each handler operating a partially regulated distributing plant (except a handler making payments pursuant to § 1050.62(b)) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received, the same information as required pursuant to paragraph (a) of this section.

6. Section 1050.32 is revised to read as follows:

§ 1050.32 Other reports.

(a) Each producer-handler and each handler pursuant to § 1050.61 shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. In § 1050.41, paragraph (b) (7) and (8) is revised to read as follows:

§ 1050.41 Classes of utilization.

* * * * *

(b) * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1050.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers, plus one and one-half percent of milk received in bulk tank lots from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1050.46(a) (7) and (8) and the corresponding steps of § 1050.46(b), plus one and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1050.8(d) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentages shall be two percent), less one and one-half percent of milk disposed of in bulk tank lots to plants of other handlers and to nonpool plants (except when the preceding exception hereof applies and the milk is diverted, the applicable percentage shall be two percent); and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1050.42(b)(2).

8. Section 1050.42 is revised to read as follows:

§ 1050.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat, respectively, in the receipts used in the computations pursuant to § 1050.41(b)(7); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1050.41(b)(7).

9. Section 1050.44 is revised to read as follows.

§ 1050.44 Transfers.

Skim milk and butterfat disposed of by a handler, including a cooperative association in its capacity as a handler pursuant to § 1050.8 (c) and (d), to another plant shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1050.46(a)(8) and the corresponding step of § 1050.46 (b). If a specified utilization is not claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1050.8(d), shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computation pursuant to § 1050.46(a)(8) and the corresponding step of § 1050.46 (b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.46(a)(3) and the corresponding step of (b), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1050.46(a) (7) and (8) and the corresponding steps of (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 450 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Peoria, Illinois, except that cream so transferred may be classified as Class II if the handler claims Class II use and establishes that such cream was transferred to a nonpool plant without Grade A certification and that each container was labeled or tagged to indicate that the contents were for manufacturing use and that the shipment was so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 450 miles, by the shortest highway distance as determined by the market administrator, from the City Hall of Peoria, Illinois, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1050.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred or diverted to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1050.46 is revised to read as follows:

§ 1050.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1050.45, the market administrator shall determine the classification of producer milk at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1050.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and cooperative associations according to the classification assigned pursuant to § 1050.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1050.53 is revised to read as follows:

§ 1050.53 Location adjustments to handlers.

(a) For milk from producers and for other source milk for which a location adjustment credit is applicable which is received at a pool plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Marshall, Woodward, Livingston, Ford and Iroquois, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I pursuant to this section, or otherwise classified as Class I, the price specified in § 1050.51(a) shall be reduced 7.5 cents if such plant is 50 or more miles by the shortest accessible highway distance, as determined by the market administrator from the City Hall in Peoria, Illinois, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant only to the extent that 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1050.9(d), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. A new § 1050.62 is added to read as follows:

§ 1050.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1050.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1050.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1050.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets the requirements equivalent to § 1050.12(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

13. Section 1050.70 is revised to read as follows:

§ 1050.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1050.46(c), by the applicable class prices (adjusted pursuant to §§ 1050.52 and 1050.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1050.46(a)(10) and the corresponding step of § 1050.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1050.46(a)(5) and the corresponding step of § 1050.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1050.46(a)(3) and the corresponding step of § 1050.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1050.46(a)(8)(ii) and the corresponding step of § 1050.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1050.46(a)(7) and the corresponding step of § 1050.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1050.53(b).

14. Section 1050.71 is revised to read as follows:

§ 1050.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content which is received from producers at pool plants at which no location adjustments are applicable as follows:

(a) Combine into one total the values computed pursuant to § 1050.70 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made the payments pursuant to §§ 1050.80 and 1050.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1050.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1050.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1050.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July, an amount equal to 10 cents per hundredweight on the total hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add during each of the months of October, November and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. Section 1050.73 is revised to read as follows:

§ 1050.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1050.53; and

(b) For purposes of computations pursuant to §§ 1050.82 and 1050.83 the weighted average price shall be adjusted at the rates set forth in § 1050.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1050.81 is revised to read as follows:

§ 1050.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to §§ 1050.62 (a) and (b), 1050.82, and 1050.84 and out of which he shall make all payments pursuant to §§ 1050.83 and 1050.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

17. Section 1050.82 is revised to read as follows:

§ 1050.82 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section;

(a) The total of the net pool obligation computed pursuant to § 1050.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1050.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1050.70 (e) and (f).

18. Section 1050.83 is revised to read as follows:

§ 1050.83 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1050.82(b) exceeds the amount computed pursuant to § 1050.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

19. Section 1050.86 is revised to read as follows:

§ 1050.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 20th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1050.46(a)(3) and § 1050.46(a)(8) (ii) and the corresponding steps of § 1050.46 (b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1051—MILK IN MADISON, WISCONSIN, MARKETING AREA

1. Section 1051.7 is revised to read as follows:

§ 1051.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act or a dairy farmer whose milk is received at a plant of a state educational institution during the month, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

2. Section 1051.10 is revised to read as follows:

§ 1051.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A partially regulated distributing plant.

3. Section 1051.12 is revised to read as follows:

§ 1051.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

4. Section 1051.36 is revised to read as follows:

§ 1051.36 Other reports.

* * * * * *

(c) Each handler pursuant to § 1051.36 (a), (b) and (c) shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer:

(1) His identity;

(2) The quantity of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

(d) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1051.41(b)(6) is revised to read as follows:

§ 1051.41 Classes of utilization.

* * * * * *

(b) * * *

(6) Skim milk and butterfat, respectively (except in milk diverted to a nonpool plant pursuant to § 1051.15), in shrinkage but not in excess of:

(i) 2.0 percent of producer milk (except that received from a handler pursuant to § 1051.13(c));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1051.13(c): *Provided*, That if the handler receiving such producer milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2.0 percent;

(iii) Plus 1.5 percent of bulk fluid milk products from pool plants;

(iv) Plus 1.5 percent of fluid milk products subject to allocation pursuant to § 1051.46(a) (7) and (8) and the corresponding steps of § 1051.46(b); and

(v) Less 1.5 percent of bulk fluid milk products transferred to other plants; and

6. Section 1051.42 is revised to read as follows:

§ 1051.42 Shrinkage.

* * * * * *

(b) * * *

(1) The net quantity of producer milk and other fluid milk products specified in § 1051.41(b)(6).

(2) Other source milk exclusive of that specified in § 1051.41(b)(6).

§ 1051.41(b)(6); and

7. Section 1051.44 is revised to read as follows:

§ 1051.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1051.46(a)(8) and the corresponding step of § 1051.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1051.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1051.46(a) (7) and (8) and the corresponding steps of § 1051.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is not an other order plant and is more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of LaCrosse and Madison, Wisconsin;

(d) As Class I if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of LaCrosse and Madison, Wisconsin, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1051.35 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1051.46 is revised to read as follows:

§ 1051.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1051.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1051.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I), at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1051.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in produced milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1051.47 [Revocation]

9. Section 1051.47 is revoked.

10. Section 1051.53 is revised to read as follows:

§ 1051.53 Location differentials to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant less than 70 miles from the Chicago City Hall shall be increased 4 cents and at a fluid milk plant 145 miles or more from the Chicago City Hall shall be decreased 2 cents for each 15 miles or fraction thereof that such plant is more than 130 miles from the Chicago City Hall, as determined by the market administrator; *Provided*, That the differential pursuant to this section shall be not more than 8 cents at a plant in the marketing area; and

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants and handler pool other order plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment shall be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the City Hall in Chicago, Illinois.

§ 1051.55 [Revocation]

11. Section 1051.55 is revoked.

12. Section 1051.60 is revised to read as follows:

§ 1051.60 Computation of the net pool obligation for each pool plant.

The net pool obligation for each pool plant during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1051.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1051.46(a)(10) and the corresponding step of § 1051.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1051.46(a)(5) and the corresponding step of § 1051.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1051.46(a)(3) and the corresponding step of § 1051.46(b);

(e) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1051.46(a)(8)(ii) and the corresponding step of § 1051.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1051.46(a)(7) and the corresponding step of § 1051.46(b).

13. Section 1051.61 (b), (c) and (d) is revised to read as follows:

§ 1051.61 Computation of aggregate value used to determine uniform prices.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential pursuant to § 1051.71 and multiplying the result by the total hundredweight of such milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1051.72;

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1051.72; and

14. Section 1051.62 is revised to read as follows:

§ 1051.62 Computation of uniform price.

For each month, the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1051.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1051.60 (e) and (f); and

(b) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (a) of this section.

§ 1051.63 [Amendment]

15. In § 1051.63(d), "all" is deleted and "producer" is substituted therefor.

16. Section 1051.64 is revised to read as follows:

§ 1051.64 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant (except the plant of a state educational institution) shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1051.35 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1051.60 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1051.11(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1051.11(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1051.62 at the same location or at the Class II price, whichever is higher.

17. Section 1051.72 is revised to read as follows:

§ 1051.72 Location differentials to producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1051.74 and 1051.75, the uniform price shall be adjusted at the rates set forth in § 1051.53 applicable at the location of the nonpool plant from which the milk was received.

18. Section 1051.74 is revised to read as follows:

§ 1051.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1051.60 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1051.70; and

(2) The value at the uniform price pursuant to § 1051.62 applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1051.60 (e) and (f).

19. Section 1051.75 is revised to read as follows:

§ 1051.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1051.74(b) exceeds the amount computed pursuant to § 1051.60.

20. Section 1051.78 is revised to read as follows:

§ 1051.78 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1051.46 (a) (3) and (8)(ii) and the corresponding steps of § 1051.46 (b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

21. In § 1051.13, "or" is deleted from the end of paragraph (b), a comma is substituted for the period at the end of paragraph (c), and new paragraphs (d) and (e) are added to read as follows:

§ 1051.13 Handler.

* * * * *

(d) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant, or

(e) A producer-handler.

22. The introductory text of § 1051.35 is revised to read as follows:

§ 1051.35 Report of receipts and utilization.

On or before the 7th day after the end of each month, each handler pursuant to § 1951.13 (a) and (b) shall report to the market administrator for such month, reporting separately for each fluid milk plant, in detail and on forms prescribed by the market administrator:

PART 1061—MILK IN ST. JOSEPH, MISSOURI, MARKETING AREA

1. Section 1061.7 is revised to read as follows:

§ 1061.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, or a person who is a producer on the same milk under the terms of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1061.14.

2. In § 1061.8, paragraph (a) is revised and paragraphs (d) and (e) are added to read as follows:

§ 1061.8 Handler.

* * * * * *

(a) Any person in his capacity as the operator of a pool plant;

* * * * * *

(d) Any person who operates a partially regulated distributing plant; and

(e) A producer-handler, any person who operates a supply plant which is not a pool plant, or any person who operates another order plant.

3. Section 1061.13 is revised to read as follows:

§ 1061.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products derived from approved milk are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products derived from approved milk are moved during the month to a pool plant qualified pursuant to § 1061.12 and which is not an other order plant nor a producer-handler plant.

4. In § 1061.30, paragraph (e) is added to read as follows:

§ 1061.30 Reports of receipts and utilization.

* * * * * * *

(e) Each handler specified in § 1061.8 (d) who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (d) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers.

5. Section 1061.32 is revised to read as follows:

§ 1061.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

6. In § 1061.41, subdivision (iii) of paragraph (b)(6) is revised to read as follows:

§ 1061.41 Classes of utilization.

* * * * * * *

(b) * * *

(6) * * *

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1061.46(a)(7) and the corresponding step of § 1061.46 (b), and from cooperative associations pursuant to § 1061.8(c), unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

7. In § 1061.42, subparagraph (b)(2) is revised to read as follows:

§ 1061.42 Shrinkage.

* * * * * * *

(b) * * *

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products, exclusive of that specified in § 1061.41 (b)(6).

8. Section 1061.44 is revised to read as follows:

§ 1061.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants or by the handler pursuant to § 1061.8(c) and the plant operator, otherwise as Class I milk, if transferred or diverted in bulk fluid form from a pool plant or from a handler pursuant to § 1061.8(c) to the pool plant of another handler, except as provided in paragraph (d) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned in either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1061.46(a)(7) and the corresponding step of § 1061.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1061.46(a)(3) and the corresponding step of § 1061.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1061.46(a)(7) and the corresponding step of § 1061.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1061.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) If a specified utilization is not claimed by both handlers, subject to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1061.8(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1061.46(a)(8) and the corresponding step of (b); and

(e) In the class to which allocated under the terms of the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and the transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1061.46 is revised to read as follows:

§ 1061.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1061.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1061.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1061.8(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1061.44(a);

(9) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1061.44(d).

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1061.47 [Revocation]

10. Section 1061.47 is revoked.

11. Section 1061.53 is revised to read as follows:

§ 1061.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 50 miles by shortest highway distance as measured by the market administrator, from the nearer of the City Halls in St. Joseph, Missouri, and Sabetha, Kansas, and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1061.51(a) shall be reduced by 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) For purposes of calculating such adjustment, bulk transfers between pool plants and fluid milk products received in bulk from handler pool other order plants shall be assigned to the Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1061.8(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1061.54 [Revocation]

12. Section 1061.54 is revoked.

13. Section 1061.61 is revised to read as follows:

§ 1061.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1061.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1061.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1061.12(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1061.12(b) by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area; and

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

14. Section 1061.70 is revised to read as follows:

§ 1061.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

less

verification; and

suant to § 1061.45, the market adminis-

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1061.46(e), by the applicable class prices (adjusted pursuant to §§ 1061.52 and 1061.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1061.46(a)(10) and the corresponding step of § 1061.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(5) and the corresponding step of § 1061.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1061.46(a)(3) and the corresponding step of § 1061.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1061.46(a)(7)(i) and the corresponding step of § 1061.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1061.46(a)(7)(iii) and the corresponding step of § 1061.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1061.53.

15. Section 1061.71 is revised to read as follows:

§ 1061.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1061.70 for all handlers who filed the reports prescribed by § 1061.30 for the month and who made the payments pursuant to §§ 1061.80 and 1061.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1061.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1061.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1061.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

16. Section 1061.73 is revised to read as follows:

§ 1061.73 Location differentials to producers and on nonpool milk.

(a) In making payments to producers for milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, there shall be deducted 10 cents per hundredweight of milk for distances of more than 50 but not more than 60 miles, plus an additional one and one-half cents for each additional 10 miles or fraction thereof in excess of 60 miles.

(b) For purposes of computations pursuant to §§ 1061.82 and 1061.83 the uniform price shall be adjusted at the rates set forth in § 1061.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1061.81 [Amendment]

17. In § 1061.81 the designations "1061.61 (a)(1) and (b)(1)" are changed to "1061.61 (a) and (b)".

18. Section 1061.82 is revised to read as follows:

§ 1061.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1061.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1061.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1061.70 (e) and (f).

19. Section 1061.83 is revised to read as follows:

§ 1061.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1061.82(b) exceeds the amount computed pursuant to § 1061.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payment and shall compute such payments as soon as the necessary funds are available.

20. Section 1061.86 is revised to read as follows:

§ 1061.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk received by a pool plant operator (including such handler's own production), (b) milk received from a cooperative association as a handler pursuant to § 1061.8(c), (c) producer milk of a cooperative association handler pursuant to § 1061.8 (b) and (c) except that transferred or diverted to a pool plant operator, (d) other source milk allocated to Class I pursuant to § 1061.46(a)(3) and (7)(i) and the corresponding steps of § 1061.46 (b), and (e) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plants from pool plants and other order plants.

PART 1062—MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

1. Section 1062.7 is revised to read as follows:

§ 1062.7 Producer.

"Producer" means any person, other than a dairy farmer for other markets or a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1062.14.

§ 1062.10 [Amendment]

2. In § 1062.10 the references to "§ 1062.12(c)" are revised whenever they appear to "§ 1062.12(d)".

3. Section 1062.11 is revised to read as follows:

§ 1062.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or,

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated city plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated country plant" means a nonpool plant that is a country plant and is not an other order plant nor a producer-handler plant.

4. Section 1062.12 is revised to read as follows:

§ 1062.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a partially regulated city plant;

(c) Any cooperative association with respect to milk from producers diverted for its account from a pool plant to a nonpool plant;

(d) Any cooperative association with respect to the milk of its members which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association, prior to assuming the function as the handler furnishes written notice to the market administrator and to the handler to whose plant the milk is delivered, that it will be the handler for the milk. The written notice shall specify the day on which and the period for which the cooperative association shall assume the function of handler. Milk so delivered shall be deemed to have been received by the cooperative association at the pool plant to which it is delivered; and

(e) A producer-handler, or any person who operates an other order plant.

5. Section 1068.14 is revised to read as follows:

§ 1062.14 Producer milk.

"Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant from producers, or from a cooperative association in its capacity as a handler pursuant to § 1062.12(d), or (b) diverted from a pool plant to a nonpool plant which is not a pool plant under the terms of another order issued pursuant to the Act:

(1) By a cooperative association in its capacity as a handler pursuant to § 1062.12(c) any number of days during the months of March through July or for a period not in excess of 16 days' production during each of the months of August through February; or

(2) By a handler who operates a pool plant any number of days during the months of March through July: *Provided*, That milk so diverted pursuant to subparagraphs (1) and (2) of this paragraph shall be deemed to have been received at the plant from which diverted, except that milk diverted from a pool city plant to a nonpool plant located more than 110 airline miles from the City Hall in St. Louis and which is located in the surplus disposal area designated in § 1062.43(c)(1) shall be deemed to have been received at a pool plant at the same location as the nonpool plant to which diverted.

§§ 1062.25–1062.27 [Redesignations]

6. The provisions contained in §§1062.20 through 1062.22 under centerhead "Market Administrator" are renumbered as §§ 1062.25 through 1062.27 and a new §1062.20 is added to read as follows:

§ 1062.20 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, fortified milk or skim milk, reconstituted milk or skim milk, cream (sweet or sour) and mixtures of milk, skim milk or cream (except frozen dessert mixes, eggnog, aerated cream, sterilized products in hermetically sealed containers, and cultured sour mixtures to which cheese or another food substance other than a milk product has been added and which contain not more than 15 percent butterfat).

7. Section 1062.30 is revised to read as follows:

§ 1062.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month each handler for each of his pool plants, and each association in its capacity as a handler pursuant to § 1062.12 (c) and (d) shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator;

(1) The quantities of skim milk and butterfat contained in:

(i) Producer milk;

(ii) Milk in the form of Class I products received from pool plants;

(iii) Other source milk;

(2) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1062.14;

(3) The quantities of skim milk and butterfat contained in inventories of Class I products on hand at the beginning and end of the month;

(4) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including a separate statement of the disposition of Class I milk outside the marketing area;

(5) The name and address of each producer from whom milk was not received during the previous month, and the date on which milk was first received from such producer;

(6) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer; and

(7) Such other information with respect to receipts and utilization of skim milk and butterfat as the market administrator may prescribe; and

(b) Each handler specified in § 1062.12 (b) who operates a partially regulated city plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

8. Section 1062.31 is revised to read as follows:

§ 1062.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

9. Section 1062.32 is revised to read as follows:

§ 1062.32 Reports of milk received from producers.

(a) On or before the 25th day of each month, each handler pursuant to § 1062.12(b), shall report to the market administrator, on forms approved by the market administrator his producer payroll, which shall show the total pounds of milk received from each producer during the first 15 days of such month;

(b) On or before the 20th day after the end of each month each handler, except a handler pursuant to § 1062.12 (b), shall report to the market administrator for such month on forms approved by the market administrator, his producer payroll, which shall show for each producer from whom milk was received;

(1) The total pounds and butterfat content of milk received from such producer;

(2) The price and the total amount paid for milk received from such producer, together with the amount and nature of any deduction; and

(3) The amount and nature of payments made pursuant to §§ 1062.80 and 1062.86.

(c) Each handler operating a partially regulated city plant who does not elect to make payments as required pursuant to § 1062.62(b) shall report to the market administrator on or before the 20th day after the end of the month for each dairy farmer from whom milk was received the same information as required in paragraph (b) (1) and (2) of this section.

10. Section 1062.41 is revised to read as follows:

§ 1062.41 Classes of utilization.

Subject to the conditions set forth in §§ 1062.42 and 1062.43, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified

product of the same butterfat content); and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Accounted for and used to produce any product other than those specified as Class I in paragraph (a)(1) of this section;

(2) In inventory of products designated as Class I milk in paragraph (a) of this section on hand at the end of the month;

(3) The weight of skim milk in fortified fluid milk products which is expected from Class I pursuant to paragraph (a)(1) of this section;

(4) In shrinkage of skim milk and butterfat, respectively, but not to exceed the following: Two percent of milk received from dairy farmers exclusive of that diverted pursuant to § 1062.14, plus one and one-half percent of milk received in bulk tank lots from pool plants of other handlers and from other order plants and unregulated country plants to be allocated pursuant to § 1062.45(a)(7) and the corresponding step of § 1062.45(b), less one and one-half percent of milk disposed of in bulk tank lots to plants of other handlers and to nonpool plants (exclusive of milk diverted pursuant to § 1062.7); and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1062.46(b)(2).

11. Section 1062.43 is revised to read as follows:

§ 1062.43 Transfers.

Skim milk and butterfat transferred or diverted as any product designated in § 1062.20 from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1062.12 (c) and (d) shall be classified as follows:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1062.45(a)(7) and the corresponding step of § 1062.45(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1062.45(a)(3) and the corresponding step of § 1062.45(b) the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk;

(3) If the transferor handler received during month other source milk to be allocated pursuant to § 1062.45(a)(7) and the corresponding step of § 1062.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant; and

(4) If the transfer is by a cooperative association, the skim milk and butterfat so transferred shall be allocated pro rata to each class in the proportion remaining after the subtraction pursuant to § 1062.45(a)(7) and the corresponding step of § 1062.45(b);

(b) As Class I milk, if transferred to a producer-handler;

(c) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (f) of this section) if moved to a nonpool plant which is not an other order plant or the plant of a producer-handler unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment set forth in subparagraph (4) of this paragraph:

(1) The transferee plant is located within 110 airline miles from the City Hall in St. Louis, Missouri, or in the State of Missouri south of the Missouri River or in Fulton County, Arkansas;

(2) The transferor-handler claims classification of such skim milk and butterfat in Class II in his report submitted pursuant to § 1062.30;

(3) The operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat received in any form at such plant, which are made available if requested by the market administrator for the purpose of verification;

(4) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(d) As Class I milk (except that contained in cream which is moved to a nonpool plant pursuant to paragraph (f) of this section) if moved in bulk to a nonpool plant that is neither an other order plant nor the plant of a producer-handler and which is not located within that portion of the State of Missouri south of the Missouri River nor within Fulton County, Arkansas, and is more than 110 airline miles from the City Hall in St. Louis, Missouri;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If, for bulk shipments, the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment; and

(f) As Class II milk if moved in fluid form as cream to a nonpool plant which is neither an other order plant nor a producer-handler plant and which is not located within the area specified in paragraph (c)(1) of this section; if the following conditions are met:

(1) The transferor handler establishes that such cream was transferred without Grade A certification;

(2) The shipment was invoiced accordingly; and

(3) The market administrator was given sufficient notice to allow him to verify the conditions of shipment.

§ 1062.44 [Amendment]

12. The section references contained in § 1062.44 are revised as follows: "§ 1062.12(c)" is revised to read "§ 1062.12(d)" and "§ 1062.12(b)" is revised to read "§ 1062.12(c)".

13. Section 1062.45 is revised to read as follows:

§ 1062.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1062.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1062.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated country plant and from dairy farmers for other markets:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated country plants and from dairy farmers for other markets that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants and cooperative associations according to the classification assigned pursuant to § 1062.43(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. The provision formerly contained in § 1062.46 is now included in § 1062.45(c) and § 1062.46 is deleted. A new § 1062.46 which reads as follows is added:

§ 1062.46 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively used in the computations pursuant to § 1062.41(b)(4); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1062.41(b)(4).

15. Section 1062.52 is revised to read as follows:

§ 1062.52 Location adjustments to handlers.

(a) For producer milk which is received at a pool plant located more than 30 airline miles from the City Hall in St. Louis, Missouri, which is classified as Class I milk, and for other source milk for which a location adjustment credit is applicable, the price specified in § 1062.51(a) shall be reduced at the rate set forth in the following schedule:

Distance (miles):	*Rate per hundredweight (cents)*
More than 30 but not more than 40 miles	16
For each additional 10 miles or fraction thereof an additional	1

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of the receipts at such plant from producers and cooperative associations pursuant to § 1062.12(d), and the volume assigned as Class I to receipts from market pool other order plants and unregulated country plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1062.53 [Amendment]

15a. In the introductory text preceding paragraph (a) of § 1062.53 the reference to "§ 1062.46" is changed to "§ 1062.45(c)".

§ 1062.55 [Revocation]

16. Section 1062.55 is revoked.

17. Section 1062.62 is revised to read as follows:

§ 1062.62 Obligations of handler operating a partially regulated city plant.

Each handler who operates a partially regulated city plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects at the time of reporting pursuant to § 1062.30 to pay amounts computed pursuant to paragraph (b) of this section;

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1062.70 at such plant and at any other nonpool plant(s) which serves as a country plant(s) for such plant and meets requirements equivalent to § 1062.10(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be ducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant which serves as a country plant and meets requirements equivalent to § 1062.10(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated city plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated city plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

18. Section 1062.70 is revised to read as follows:

§ 1062.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1062.45(c), by the applicable class prices (adjusted pursuant to §§ 1062.52 and 1062.53);

(b) Add the amount obtained from multiplying the pounds of overage de-

ducted from each class pursuant to § 1062.45(a)(9) and the corresponding step of § 1062.45(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1062.45(a)(5) and the corresponding step of § 1062.45(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1062.45(a)(3) and the corresponding step of § 1062.45(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1062.45(a)(7)(i) and the corresponding step of § 1062.45(b); and

(f) Add the value of the skim milk and butterfat respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1062.45(a)(7)(iii), and the corresponding steps of § 1062.45(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1062.52.

19. Section 1062.71 is revised to read as follows:

§ 1062.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1062.70 for all handlers who filed the reports prescribed by § 1062.30 for the month and who made the payments pursuant to § 1062.80 and § 1062.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1062.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1062.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1062.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July an amount equal to 10 cents per hundredweight on the total amount of producer milk included in these computations, to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (i) of this section;

(i) Add during each of the months of October, November and December one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

20. Section 1062.82 is revised to read as follows:

§ 1062.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1062.52; and

(b) For purposes of computations pursuant to §§ 1062.84 and 1062.85 the weighted average price shall be adjusted at the rates set forth in § 1062.52 applicable at the location of the nonpool plant from which the milk was received.

21. Section 1062.84 is revised to read as follows:

§ 1062.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1062.70 for such handler.

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1062.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1062.70 (e) and (f).

22. Section 1062.85 is revised to read as follows:

§ 1062.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1062.84(b) exceeds the amount computed pursuant to § 1062.84(a), less any unpaid balances due the market administrator from such handler pursuant to §§ 1062.84, 1062.86, 1062.87, or 1062.88: *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available.

23. Section 1062.87 is revised to read as follows:

§ 1062.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month two and one-half cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1062.45(a)(3) and (7)(i) and the corresponding steps of § 1062.45(b), and (c) Class I milk disposed of on routes in the marketing area from partially regulated city plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. Section 1063.7 is revised to read as follows:

§ 1063.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant.

2. Section 1063.11 is revised to read as follows:

§ 1063.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Produced-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. In § 1063.12, a new paragraph (d) is added and reads as follows:

§ 1063.12 Handler.

* * * * * *

(d) Any person who operates a partially regulated distributing plant.

4. Section 1063.31 is revised to read as follows:

§ 1063.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request;

(b) Each handler specified in § 1063.12 (d) who operates a partially regulated distributing plant shall report as required in § 1063.30, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1063.41 is revised to read as follows:

§ 1063.41 Classes of utilization.

Subject to the conditions set forth in § 1063.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2) and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of to wholesale bakeries, candy manufacturers, soup companies, or for livestock feed;

(3) Contained in inventory of fluid milk products on hand at the end of the month;

(4) Skim milk dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping;

(5) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(6) In shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1063.14) and from other order plants and unregulated supply plants to be allocated pursuant to § 1063.46(a)(7) and the corresponding step of § 1063.46(b), but not in excess of two percent of such receipts of skim milk and butterfat, respectively; and

(7) In shrinkage assigned pursuant to § 1063.42(b)(2).

6. In § 1063.42, paragraph (b) is revised to read as follows:

§ 1063.42 Shrinkage.

* * * * * *

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) receipts of producer milk and from other order plants and unregulated supply plants to be allocated pursuant to § 1063.46(a)(7) and the corresponding step of § 1063.46(b); and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1063.44 is revised to read as follows:

§ 1063.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1063.46(a)(7) and the corresponding step of § 1063.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1063.46(a)(3) and the corresponding step of § 1063.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1063.46(a)(7) and the corresponding step of § 1063.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest highway distance as determined by the market administrator, from the City Hall of Rock Island, Illinois;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles, by the shortest highway distance as determined by the market administrator, from the City Hall of Rock Island, Illinois, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1063.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded fluid milk products disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the trans-

feree order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1063.46 is revised to read as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1063.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1063.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1063.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1063.52 is revised to read as follows:

§ 1063.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 70 miles or more by shortest hard-surfaced highway distance as measured by the market administrator, from the City Hall in Rock Island, Illinois, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1063.50(a) shall be reduced by 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1063.62 is revised to read as follows:

§ 1063.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1063.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1063.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1063.10(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1063.10(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

§ 1063.63 [Revocation]

11. Section 1063.63 is revoked.

12. Section 1063.70 is revised to read as follows:

§ 1063.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1063.46(c), by the applicable class prices (adjusted pursuant to §§ 1063.51 and 1063.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1063.46(a)(9) and the corresponding step of § 1063.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1063.46(a)(5) and the corresponding step of § 1063.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1063.46(a)(3) and the corresponding step of § 1063.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1063.46(a)(7)(i) and the corresponding step of § 1063.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1063.46(a)(7)(iii) and the corresponding step of § 1063.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1063.52(b).

13. In § 1063.71, paragraph (b) is revised to read as follows:

§ 1063.71 Computation of aggregate value used to determine uniform price.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1063.72(a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

14. Section 1063.72 is revised to read as follows:

§ 1063.72 Computation of weighted average price.

For each month the market administrator shall compute a weighted average price for milk of 3.5 percent butterfat content f.o.b. Rock Island, Illinois, as follows:

(a) Divide the aggregate value computed pursuant to § 1063.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1063.70 (e) and (f); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and except for the months of March through June, shall be the uniform price for milk received from producers.

15. In § 1063.73, paragraph (d) is revised to read as follows:

§ 1063.73 Computation of uniform price for base milk and excess milk.

* * * * *

(d) From the aggregate value of all milk obtained in § 1063.71 subtract the following:

(1) An amount computed by multiplying the hundredweight of milk specified in § 1063.72(a)(2) by the weighted average price; and

(2) The value of excess milk pursuant to paragraph (c) of this section; and

16. Section 1063.82 is revised to read as follows:

§ 1063.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk pursuant to § 1063.72 and the uniform price for base milk pursuant to § 1063.73 for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1063.52; and

(b) For purposes of computations pursuant to §§ 1063.84 and 1063.85 the weighted average price shall be adjusted at the rates set forth in § 1063.52 applicable at the location of the nonpool plant from which the milk was received.

17. Section 1063.84 is revised to read as follows:

§ 1063.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to §1063.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1063.80; and

(2) The value at the weighted average price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1063.70 (e) and (f).

18. Section 1063.85 is revised to read as follows:

§ 1063.85 Payment out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1063.84(b) exceeds the amount computed pursuant to § 1063.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1063.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

19. Section 1063.87 is revised to read as follows:

§ 1063.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1063.46(a)(3) and (7)(i) and the corresponding steps of § 1063.46 (b) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. Section 1064.7 is revised to read as follows:

§ 1064.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who (a) produces milk under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be used for consumption as Grade A milk in the marketing area which: (1) Is received at a pool plant, or (2) is caused to be diverted during any of the months of January through August or to the extent of not more than 16 days' production during the months of September through December, from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. Milk diverted pursuant to paragraph (a)(2) of this section shall be considered as having

skim milk in Class II milk the pounds ment would apply.

been received at the plant from which it is diverted.

2. In § 1064.11, paragraph (b) is revised and paragraph (f) is added to read as follows:

§ 1064.11 Handler.

* * * * * *

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

* * * * * *

(f) A producer-handler, or any person who operates an other order plant.

3. Section 1064.19 is revised to read as follows:

§ 1064.19 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool approved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool approved plant from which milk is shipped during the month to a pool plant qualified pursuant to § 1064.10 and which is not an other order plant nor a producer-handler plant.

4. In § 1064.30, the introductory text is revised and paragraph (h) is added as follows:

§ 1064.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

* * * * * *

(h) Each handler specified in § 1064.11 (b) who operates a partially regulated distributing plant shall report as required in § 1064.31 and in paragraphs (a) through (g) of this section, with receipts of Grade A milk from dairy farmers reported in lieu of receipts from producers, except that quantities of base milk and excess milk need not be reported.

4a. In § 1064.31, the reference "§ 1064.61(a)" is changed to "§ 1064.61(b)."

5. In § 1064.32, paragraph (a) is revised and paragraph (d) is added as follows:

§ 1064.32 Other reports.

(a) Each producer-handler and each handler making payments pursuant to § 1064.61(b) shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

* * * * * *

(d) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

6. In § 1064.41(b), subparagraphs (6) (ii) and (7) are revised to read as follows:

§ 1064.41 Classes of utilization.

* * * * * *

(b) * * *

(6) * * *

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk tank lots from other pool plants, and from other order plants and unregulated supply plants to be allocated pursuant to § 1064.46(a)(7) and the corresponding step of § 1064.46(b); plus

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1064.42(b)(2).

7. In § 1964.42, paragraph (b) is revised to read as follows:

§ 1064.42 Shrinkage.

* * * * * *

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 1064.11 (c) and (d) and in bulk tanks from pool plants of other handlers, and from other order plants and unregulated supply plants to be allocated pursuant to § 1064.46(a)(7) and the corresponding step of § 1064.46 (b); and (2) skim milk and butterfat in other source milk exclusive of that other source milk specified in subparagraph (1) of this paragraph.

8. Section 1064.44 is revised to read as follows:

§ 1064.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred or by the handler pursuant to § 1064.11 (c) and (d) and the plant operator, otherwise as Class I milk, if transferred in bulk to the pool plant of another handler subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1064.46(a)(7) and the corresponding step of § 1064.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1064.46(a)(3), and the corresponding step of § 1064.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1064.46(a)(7) and the corresponding step of § 1064.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Missouri; Manhattan, Kansas; or Emporia, Kansas, except that cream so transferred may be classified as Class II, subject to such verification of alternate utilization as the market administrator

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Missouri; Manhattan, Kansas; or Emporia, Kansas, except that cream so transferred may be classified as Class II, subject to such verification of alternate utilization as the market administrator may make, if notice is given to the market administrator prior to shipment and each container is labeled or tagged with a certificate by the transferor that such cream is sold as Grade C cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk or cream to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Kansas City, Missouri; Manhattan, Kansas; or Emporia, Kansas; unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the

assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1064.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph the same conditions of audit, classification, and allocation shall apply.

(e) In the class to which allocated under the terms of the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1064.46 is revised to read as follows:

§ 1064.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1064.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1064.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1064.11(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1064.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1064.53 is revised to read as follows:

§ 1064.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 50 miles by shortest highway distance as measured by the market administrator, from the nearest of the City Halls in Kansas City, Missouri, and Lawrence, Topeka, Manhattan, Council Grove and Emporia, Kansas, which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which location adjustments are applicable, the price computed pursuant to § 1064.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, by 16 cents if such plant is located 60 to 80 miles from such City Hall, and by an additional one cent for each 10 miles or fraction thereof that such distance exceeds 80 miles.

(b) For purposes of calculating such adjustment, bulk transfers between pool plants and fluid milk products received in bulk from handler pool other order plants shall be assigned to the Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to [1064.11 (c) and (d), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1064.61 is revised to read as follows:

§ 1064.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except a handler exempt pursuant to § 1064.60 shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1064.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1064.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1064.10(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1064.10(b), by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

12. Section 1064.70 is revised to read as follows:

§ 1064.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1064.46(c), by the applicable class prices (adjusted pursuant to §§ 1064.52 and 1064.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1064.46(a)(9) and the corresponding step of § 1064.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a)(5) and the corresponding step of § 1064.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1064.46(a)(3) and the corresponding step of § 1064.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1064.46(a)(7)(i) and the corresponding step of § 1064.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1064.46(a)(7)(iii) and the corresponding step of § 1064.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1064.53.

13. Section 1064.71 is revised to read as follows:

§ 1064.71 Computation of uniform prices.

For each month the market administrator shall compute the "uniform price" per hundredweight of milk received from producers (or "weighted average price") as follows:

(a) Combine into one total the values computed pursuant to § 1064.70 for all handlers who filed the reports prescribed by § 1064.30 for the month and who made the payments pursuant to §§ 1064.80 and 1064.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1064.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1064.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1064.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and for the months August through January shall be the "uniform price" for milk received from producers;.

14. Section 1064.72 is revised to read as follows:

§ 1064.72 Computation of uniform prices for base milk and excess milk.

For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Subtract from the amount resulting from the computations made pursuant to paragraphs (a) through (d) of § 1064.71 an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of § 1064.71 by the weighted average price;

(b) Compute the total value of excess milk by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts;

(c) Divide the total value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat received from producers;

(d) Subtract the value of excess milk obtained in paragraph (b) of this section from the aggregate value of milk obtained in paragraph (a) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(e) Divide the amount obtained in paragraph (d) of this section by the total hundredweight of base milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content received from producers at pool plants, f.o.b. marketing area.

15. Section 1064.81 is revised to read as follows:

§ 1064.81 Location differentials to producers and on nonpool milk.

(a) The uniform price and the base price for producer milk received at a pool plant or diverted from a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1064.53; and

(b) For purposes of computations pursuant to §§ 1064.84 and 1064.85 the weighted average price shall be adjusted at the rates set forth in § 1064.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1064.83 is revised to read as follows:

§ 1064.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all funds received pursuant to paragraph (a) of this section and out of which he shall make all payments required pursuant to paragraph (b) of this section.

(a) Payments made by handlers pursuant to § 1064.61 (a) and (b), and §§ 1064.84 and 1064.86.

(b) Payments due handlers pursuant to §§ 1064.85 and 1064.86: *Provided*, That payments due any handler shall be offset by payments due from such handler pursuant to §§ 1064.61, 1064.84, 1064.86, 1064.87 and 1064.88.

17. Section 1064.84 is revised to read as follows:

§ 1064.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1064.70 for such handler; and

(b) The sum of:

(1) The amount required to be paid producers by such handler pursuant to § 1064.80 before deductions authorized by the producer or for marketing services pursuant to § 1064.87; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1064.70 (e) and (f).

18. Section 1064.85 is revised to read as follows:

§ 1064.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1064.84(b) exceeds the amount computed pursuant to § 1064.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

19. Section 1064.88 is revised to read as follows:

§ 1064.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month two cents per hundredweight, or such lesser amount as the Secretary may prescribe, of (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1064.46(a)(3) and (7)(i) and the corresponding steps of § 1064.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant except by a handler exempt pursuant to § 1064.60 on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1067—MILK IN OZARKS MARKETING AREA

1. Section 1067.7 is revised to read as follows:

§ 1067.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a dairy farm permit issued by a health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area or acceptable to agencies of the United States Government for fluid consumption in its institutions or bases in the marketing area which is (a) delivered from the farm to a pool plant, or (b) caused to be diverted from the farm to a nonpool plant (providing such nonpool plant is not subject to the classification and pricing provisions of another order issued pursuant to the Act) during any of the months of February through July, or to the extent of not more than 10 days' production during any of the months of August through January for the account of a handler. Milk so diverted shall be deemed to have been received at the pool plant from which diverted.

2. In § 1067.8, paragraph (a) is revised and a new paragraph (d) is added to read as follows:

§ 1067.8 Handler.

* * * * *

(a) Any person in his capacity as the operator of (1) a pool plant, or (2) a partially regulated distributing plant;

* * * * *

(d) A producer-handler, or any person who operates an other order plant.

3. Section 1067.12 is revised to read as follows:

§ 1067.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

4. A new § 1067.17, is added to read as follows:

§ 1067.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and mixtures of fresh milk, skim milk and cream (except aerated cream, ice cream mix or eggnog).

5. In § 1067.30, the introductory paragraph is revised to read as follows:

§ 1067.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month each handler who operates a pool plant and each cooperative association in its capacity as a handler pursuant to § 1067.8 (b) and (c) shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information. Each handler specified in § 1067.8(a)(2) who operates a partially regulated distributing plant shall report the same information except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk:

§ 1067.31 [Amendment]

6. In § 1067.31 the reference in the introductory paragraph to "§ 1067.61(a)" is changed to "1067.61(b)".

7. Section 1067.32 is revised to read as follows:

§ 1067.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location

of such plant, the identity of the plant operator, and the identity of product shipped.

8. Section 1067.41 is revised to read as follows:

§ 1067.41 Classes of utilization.

Subject to the conditions set forth in §§ 1067.43 and 1067.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section. Fluid milk products which have been fortified by the addition of nonfat solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content.

(2) Not specifically accounted for as Class II.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified as Class I in paragraph (a) of this section;

(2) In inventory of products designated as Class I milk in § 1067.41(a) on hand at the end of the month;

(3) Contained in that portion of fluid milk products which have been fortified by the addition of nonfat solids and which are not classified as Class I milk pursuant to paragraph (a) of this section;

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1067.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers (except producer milk diverted in producer cans to a nonpool plant pursuant to §1067.7) and from a cooperative association which is the handler for such milk pursuant to § 1067.8(b), plus one and one-half percent of milk received in bulk tank lots from pool plants of other handlers, from other order plants and unregulated supply plants, which is to be allocated pursuant to § 1067.46(a)(7) and the corresponding step of § 1067.46(b), less one and one-half percent of milk disposed of in bulk tank lots to pool plants of other handlers; and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1067.42(b)(2).

9. In § 1067.42, paragraph (b) is revised to read as follows:

§ 1067.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 1067.8(b), in bulk tanks from pool plants of other handlers, from other order plants and unregulated supply plants allocated pursuant to § 1067.46(a)(7) and the corresponding step of § 1067.46(b); and (2) the receipts of skim milk and butterfat in other source milk except that specified in subparagraph (1) of this paragraph.

10. Section 1067.44 is revised to read as follows:

§ 1067.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1067.46(a)(7) and the corresponding step of § 1067.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1067.46(a)(3), and the corresponding step of § 1067.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1067.46(a)(7) and the corresponding step of (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 100 miles by the shortest highway distance as determined by the market administrator, from the nearest point in the marketing area except that cream so transferred may be classified as Class II if:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 1067.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 100 miles, by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1067.30 for the month within which such transaction occurred;

(2) The operator for such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply of Grade A milk for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1067.46 is revised to read as follows:

§ 1067.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1067.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1067.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1067.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1067.53 is revised to read as follows:

§ 1067.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located outside the marketing area, and for other source milk for which a location adjustment credit is applicable, the Class I price for such milk shall be 1.5 cents less per hundredweight for each 10 miles or fraction thereof that such plant is from the nearest point in the marketing area than the Class I price. For the purpose of this section, the distance which a plant is from the nearest place in the marketing area shall be the shortest highway distance as determined by the market administrator.

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1067.8(b), and the volume assigned as Class I to receipts from market pool other order plants (and unregulated supply plants), such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

13. Section 1067.61 is revised to read as follows:

§ 1067.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1067.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed at such plant pursuant to § 1067.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1067.11(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computations, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets the requirements equivalent to § 1067.11(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area:

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

14. Section 1067.70 is revised to read as follows:

§ 1067.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1067.46(c), by the applicable class prices (adjusted pursuant to §§ 1067.52 and 1067.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1067.46(a)(9) and the corresponding

step of § 1067.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1067.46(a)(5) and the corresponding step of § 1067.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1067.46(a)(3) and the corresponding step of § 1067.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1067.46(a)(7)(i) and the corresponding step of § 1067.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1067.46(a)(7)(iii) and the corresponding steps of § 1067.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1067.53(b).

15. Section 1067.71 is revised to read as follows:

§ 1067.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1067.70 for all handlers who filed the reports prescribed by § 1067.30 for the month and who made the payments pursuant to §§ 1067.80 and 1067.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1067.82 (a) and (c) and subtract an amount equal to the total payments to be made pursuant to § 1067.82(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1067.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk;

(2) The total hundredweight for which values are computed pursuant to § 1067.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May, June and July an amount equal to ten cents per hundredweight on the total amount of producer milk included in these computations to be retained in the producer-settlement fund and disbursed according to the provisions of paragraph (j) of this section;

(i) Add during each of the months of October, November and December, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

16. Section 1067.82 is revised by changing the heading thereof and adding a new paragraph (c) to read as follows:

§ 1067.82 Location differentials to producers and on nonpool milk.

* * * * * *

(c) For purposes of computations pursuant to §§ 1067.84 and 1067.85 the weighted average price shall be adjusted at the rates set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received.

17. Section 1067.84 is revised to read as follows:

§ 1067.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue. Such payment shall be considered to be overdue on the 15th day after the end of the month to which the obligation applies:

(a) The total of the net pool obligation computed pursuant to § 1067.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1067.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1067.70 (e) and (f).

18. Section 1067.85 is revised to read as follows:

§ 1067.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1067.84(b) exceeds the amount computed pursuant to § 1067.84(a): *Provided*, That if the unobligated balance in the producer-settlement fund is insufficient to make full payment to all handlers entitled to payment pursuant to this paragraph, the market administrator shall reduce such payments at a uniform rate and shall complete such payments as soon as the appropriate funds are available: *And provided further*, That the market administrator may deduct from payments due handlers pursuant to this section any unpaid balance due the market administrator from such handler pursuant to §§ 1067.84, 1067.86, 1067.87(a) and 1067.88.

19. Section 1067.88 is revised to read as follows:

§ 1067.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1067.46(a)(3) and (7)(i) and the corresponding steps of § 1067.46 (b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

1. Section 1068.10 is revised to read as follows:

§ 1068.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products eligible for sale as Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant.

2. Section 1068.11 is revised to read as follows:

§ 1068.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Received from the farm at a pool plant; or

(b) Moved in accordance with the conditions of § 1068.44(c)(2) but allotted to a pool plant by listing on the payroll report of such plant pursuant to § 1068.32, which milk shall be deemed to be received at such pool plant: *Provided*, That any such person whose milk is received from the farm at a pool plant during any portion of the period July through October, inclusive, but subsequently in such four-month period is received at a nonpool plant (except as provided above in this paragraph) shall not regain status as a producer prior to the next July 1.

3. Section 1068.13 is revised to read as follows:

§ 1068.13 Handler.

* * * * * *

(a) * * *

(b) Any person in his capacity as the operator of a partially regulated distributing plant. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for use on its own premises or to its own facilities;

(c) Any person in his capacity as the operator of an other order plant; or

(d) A producer-handler.

4. Section 1068.16 is revised to read as follows:

§ 1068.16 Other source milk.

"Other source milk" means all skim milk and butterfat:

(a) Other than that contained in producer milk or received from a pool plant(s); and

(b) Contained in products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, converted into, or combined with another product in the plant during the month.

5. A new § 1068.19 is added to read as follows:

§ 1068.19 Fluid milk product.

"Fluid milk product" means milk, skim milk, concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream).

6. Section 1068.30 is revised to read as follows:

§ 1068.30 Reports of receipts and utilization.

* * * * * *

(b) Each handler specified in § 1068.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

7. Section 1068.31 is revised to read as follows:

§ 1068.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

8. Section 1068.41 (a) and (b) is revised to read as follows:

§ 1068.41 Classes of utilization.

* * * * * *

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in fluid form (except as provided in paragraph (b) (3) and (4) of this section) as milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any such item disposed of as animal feed and sterilized milk, cream or milk drinks in metal containers hermetically sealed), cream (sweet or sour), including "Smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream;

(2) In shrinkage of:

(i) Producer milk;

(ii) Plus receipts of fluid milk products subject to allocation pursuant to § 1068.46(a)(4) and the corresponding step of § 1068.46(b); and

(iii) Less fluid milk products transferred to other order plants; and

(3) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section;

(2) Skim milk and butterfat stored in a public cold storage warehouse as frozen cream;

(3) Skim milk and butterfat contained in any item included under paragraph (a) of this section disposed of as animal feed;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such addition; and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1068.42(b)(2).

9. Section 1068.42 is revised to read as follows:

§ 1068.42 Shrinkage.

* * * * * *

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in:

(1) The net quantity of producer milk and other fluid milk products specified in § 1068.41(a)(2); and

(2) Other source milk exclusive of that specified in § 1068.41(a)(2).

10. Section 1068.44 is revised to read as follows:

§ 1068.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1068.46(a)(4) and the corresponding step of § 1068.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1068.46(a)(2), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1068.46(a)(4) and the corresponding step of § 1068.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if moved to a nonpool plant by a cooperative association directly from the farm of the producer and the nonpool plant is one from which milk is disposed of in fluid form on routes;

(d) As Class I milk, if transferred to a nonpool plant that is neither an other order plant nor a producer-handler plant and is located more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota;

which values are computed pursuant to § 1067.70 (e) and (f);

ducer milk at the applicable uniform price specified in § 1067.80; and

(2) "Handler pool other order plant" which means a plant subject to full regu-

Follows:

tion;

University Avenue in St. Paul, Minnesota;

(e) As Class I milk, if transferred in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant and is not more than 100 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1068.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1068.46 is revised to read as follows:

§ 1068.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1068.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(3) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operators of both plants;

(4) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (3) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (3) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (3) (ii) of this paragraph;

(5) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1068.44(a);

(6) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1068.55 is revised to read as follows:

§ 1068.55 Location differential to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 1068.63 [Redesignation]

13. Section 1068.63 is revoked and § 1068.64 is redesignated § 1068.63.

14. A new § 1068.64 is added to read as follows:

§ 1068.64 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1068.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1068.70 at such plant and at any other nonpool plant(s) which serves as a supply

plant(s) for such plant and meets requirements equivalent to § 1068.9(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant and meets requirements equivalent to § 1068.9(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1068.71 at the same location or at the Class II price, whichever is higher.

15. Section 1068.70 is revised to read as follows:

§ 1068.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class (including any such milk caused to be delivered to such handler from the farms of producers for the account of a cooperative association), as computed pursuant to § 1068.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1068.46(a)(6) and the corresponding step of § 1068.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(2) and the corresponding step of § 1068.46(b);

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(4)(i) and the coresponding step of § 1068.46(b); and

(e) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1068.46(a)(4)(iii) and the corresponding step of § 1068.46(b).

16. Section 1068.71 is revised to read as follows:

§ 1068.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Combine into one total the values computed pursuant to § 1068.70 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to §§ 1068.80 and 1068.84 for the preceding month;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1068.81 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the total value of the location differentials computed pursuant to § 1068.82;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1068.70(d) and (e);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

17. Section 1068.72(a) is revised to read as follows:

§ 1068.72 Computation of uniform price for base milk.

* * * * *

(a) Make the same computations required pursuant to § 1068.71(a) through (d) for producer milk only;

18. Section 1068.82 is revised to read as follows:

§ 1068.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80(b) and (c) for milk received at a pool plant, each handler shall deduct from the applicable price payable to such producers the amount indicated below for the distance that such pool plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. Such deduction shall be based on the airline mileage as computed by the market administrator:

Location of Plant and Amount of Deduction

Miles:	Cents
0 to 15	0
15 to 20	8
20 to 30	10
30 to 40	12
40 to 50	14
50 to 60	15
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

(b) For the purpose of computations pursuant to §§ 1068.84 and 1068.85, the uniform price shall be adjusted at the rates set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received.

§ 1068.83 [Amendment]

19. In § 1068.83 the reference "§§ 1068.84 and 1068.86" is deleted and "§§ 1068.64, 1068.84 and 1068.86" is substituted therefor.

20. Section 1068.84 is revised to read as follows:

§ 1068.84 Payments to the producer-settlement fund.

On or before the 16th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That payment made by a cooperative association as a handler pursuant to this paragraph with respect to milk transferred to another handler from the pool plant of such cooperative association or caused to be delivered to such handler from the farms of producers for the account of such cooperative association shall not relieve the transferee handler of any obligation on any such milk which is due the cooperative association, or otherwise due pursuant to §§ 1068.80 through 1068.92, inclusive:

(a) The net pool obligation computed pursuant to § 1068.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1068.80; and

(2) The value at the uniform price pursuant to § 1068.71 applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1068.70 (d) and (e).

21. Section 1068.85 is revised to read as follows:

§ 1068.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay, subject to the proviso of § 1068.83, to each handler the amount, if any, by which the amount computed pursuant to § 1068.84(b) exceeds the amount computed pursuant to § 1068.84(a).

22. Section 1068.90 is revised to read as follows:

§ 1068.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1068.46(a) (2) and (4) (i) and the corresponding steps of § 1068.46(b), and (c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1069—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

1. Section 1069.8 is revised to read as follows:

§ 1069.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

2. Section 1069.10 is revised to read as follows:

§ 1069.10 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of, or acceptable to, a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association. Milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

3. A new § 1069.16 is added to read as follows:

§ 1069.16 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is pasteurized or packaged and disposed of during the month in the marketing area on routes.

4. A new § 1069.17 is added to read as follows:

§ 1069.17 Supply plant.

"Supply plant" means a plant from which Grade A milk is shipped during the month to a pool plant.

5. The introductory text of § 1069.30 is revised to read as follows:

§ 1069.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler pursuant to § 1069.9 (a), (c) and (d) shall report to the market administrator, with respect to each plant, in the detail and on forms prescribed by the market administrator as follows:

6. Section 1069.32 is revised to read as follows:

§ 1069.32 Other reports.

(a) Each handler operating a pool plant, each producer-handler and each handler pursuant to § 1069.9(b) shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

7. Section 1069.41 is revised to read as follows.

§ 1069.41 Classes of utilization.

Subject to conditions set forth in § 1069.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (2) and (3) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of as livestock feed or skim milk dumped, subject to prior notification to and inspection (at his discretion) by the market administrator;

(3) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat, respectively (except milk diverted to a nonpool plant pursuant to § 1069.10), in shrinkage, but not in excess of:

(i) 2.0 percent of producer milk;

(ii) Plus 1.5 percent of bulk fluid milk products received from a handler pursuant to § 1069.9(d);

(iii) Plus 1.5 percent of bulk fluid milk products received from pools plants;

(iv) Plus 1.5 percent of fluid milk products subject to allocation pursuant to § 1069.46(a) (7) and the corresponding step of § 1069.46(b); and

(v) Less 1.5 percent of bulk fluid milk products transferred to pool plants and to other order plants;

(6) Skim milk and butterfat in shrinkage allocated pursuant to § 1069.42 (b) (2).

8. Section 1069.42(b) (1) and (2) is revised to read as follows:

§ 1069.42 Shrinkage.

(b) • • •

(1) In the net quantity of producer milk and other fluid milk products specified in § 1069.41(b) (5); and

(2) In other source milk exclusive of that specified in § 1069.41(b) (5).

9. Section 1069.44 is revised to read as follows:

§ 1069.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1069.46(a) (7) and the corresponding step in § 1069.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1069.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1069.46(a) (7) and the corresponding step of § 1069.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles, by the shortest highway distance as determined by the market administrator, from the Courthouse in Duluth, Minnesota;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the Courthouse in Duluth, Minnesota, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1069.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1069.46 is revised to read as follows:

§ 1069.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1069.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1069.41(b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity;

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) the sum of the pounds of skim milk in producer milk, receipts from a handler pursuant to § 1069.9(d), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operators of both plants;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1069.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1069.53 is revised to read as follows:

§ 1069.53 Location differentials to handlers.

(a) For producer milk and other source milk (for which a location adjustment is applicable) which is received at a plant located more than 55 miles by the shortest highway distance, as determined by the market administrator, from the Courthouse at Duluth, Minnesota, or Ashland, Wisconsin, whichever is closer, and which is classified as Class I milk, the prices computed pursuant to § 1069.51(a) shall be reduced by 8 cents if such plant is located more than 55 miles but not more than 65 miles from such courthouse and by an additional 1.3 cents for each 10 miles or fraction thereof that such distance exceeds 65 miles; and

(b) For the purpose of calculating location differentials, receipts of fluid milk products from pool plants and handler pool other order plants shall be assigned any remainder of Class I milk at the transferee plant that is in excess of the sum of producer milk receipts at such plant and that assigned as Class I to

receipts from market pool other order plants and unregulated supply plants. Such assignment shall be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1069.62 is revised to read as follows:

§ 1069.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1069.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1069.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1069.7(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such plant(s) to a pool plant or an other order plant shall be valued at the Class II price if allocated to such class at the pool plant or other order plant and at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1069.7(b) and (ii) and payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1069.71 at the same location or at the Class II price, whichever is higher.

13. Section 1069.70 is revised to read as follows:

§ 1069.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1069.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1069.46(a)(9) and the corresponding step of § 1069.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1069.46(a)(3) and the corresponding step of § 1069.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1069.46(a)(3) and the corresponding step of § 1069.46(b);

(e) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1069.46(a)(7)(i) and the corresponding step of 1069.46(b); and

(f) Add the value at the applicable class prices of the skim milk and butterfat subtracted from each class pursuant to § 1069.46(a)(7)(iii) and the corresponding step of § 1069.46(b).

14. Section 1069.71 is revised to read as follows:

§ 1069.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1069.70 for all handlers who filed the reports prescribed by § 1069.30 for the month and who made the payments pursuant to §§ 1069.80 and 1069.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1069.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1069.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1069.70 (e) and (f); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price".

15. Section 1069.81 is revised to read as follows:

§ 1069.81 Location differential to producers and on nonpool milk.

(a) For milk which is received at a pool plant located more than 55 miles but not more than 65 miles by shortest highway distance, as determined by the market administrator, from the Courthouse at Duluth, Minnesota, or at Ashland, Wisconsin, which ever is closer, there should be deducted 8 cents per hundredweight and an additional 1.3 cents should be deducted for each 10 miles or fraction thereof that such distance exceeds 65 miles; and

(b) For purposes of computations pursuant to §§ 1069.84 and 1069.85 the uniform price shall be adjusted at the rates set forth in § 1069.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1069.84 is revised to read as follows:

§ 1069.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The net pool obligation computed pursuant to § 1069.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price; and

(2) The value at the uniform price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1069.70 (e) and (f).

17. Section 1069.85 is revised to read as follows:

§ 1069.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1069.84(b) exceeds the amount computed pursuant to § 1069.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments required by this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

18. Section 1069.88 is revised to read as follows:

§ 1069.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1069.46(a)(3) and (7)(i) and the corresponding steps of § 1069.46(b), and (c) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

19. Section 1069.9 is revised to read as follows:

§ 1069.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant.

(b) Any person who operates a partially regulated distributing plant.

(c) Any cooperative association with respect to the milk of producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association.

(d) Any cooperative association which chooses to report as a handler with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association. Such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered.

(e) Any person in his capacity as the operator of an other order plant that is either a distributing plant or a supply plant.

(f) A producer-handler.

20. The introductory text of § 1069.31 is revised to read as follows:

§ 1069.31 Payroll reports.

On or before the 25th day of each month, each handler shall submit to the market administrator his producer payroll for receipts during the preceding month which shall show:

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. Section 1070.7 is revised to read as follows:

§ 1070.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant.

2. Section 1070.11 is revised to read as follows:

§ 1070.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant," which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. In § 1070.12, paragraph (a) is revised and new paragraphs (c) and (d) are added to read as follows:

§ 1070.12 Handler.

* * * * *

(a) Any person in his capacity as the operator of one or more pool plants;

* * * * *

(c) Any person who operates a partially regulated distributing plant; and

(d) A producer-handler, or any person who operates an other order plant.

4. In § 1070.31, new paragraphs (c) (d) are added and read as follows:

§ 1070.31 Other reports.

* * * * *

(c) Each handler specified in § 1070.12 (c) who operates a partially regulated distributing plant shall report as required in § 1070.30 and, if payment is made pursuant to § 1070.62(a) as required in pargaraph (b) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

(d) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1070.41 is revised to read as follows:

§ 1070.41 Classes of utilization.

Subject to the conditions set forth in § 1070.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventory of fluid milk products on hand at the end of the month;

(3) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1) of this section;

(4) In shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1070.14) and from other order plants and unregulated supply plants to be allocated pursuant to § 1070.46(a)(7) and the corresponding step of § 1070.46(b), but not in excess of two percent of such receipts of skim milk and butterfat, respectively; and

(5) In shrinkage assigned pursuant to § 1070.42(b)(2).

6. In § 1070.42, paragraph (b) is revised to read as follows:

§ 1070.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) receipts of producer milk and from other order plants and unregulated supply plants to be allocated pursuant to § 1070.46(a)(7) and the corresponding step of § 1070.46(b); and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1070.44 is revised to read as follows:

§ 1070.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1070.46(a)(7) and the corresponding step of § 1070.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1070.46(a)(3) and the corresponding step of § 1070.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1070.46(a)(7) and the corresponding step of § 1070.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Cedar Rapids and Iowa City, Iowa;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Cedar Rapids and Iowa City, Iowa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1070.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant for all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1070.46 is revised to read as follows:

§ 1070.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1070.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1070.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1070.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1070.52 is revised to read as follows:

§ 1070.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 50 miles or more by shortest hard-surfaced highway distance as measured by the market administrator, from the nearer of the City Halls in Cedar Rapids and Iowa City, Iowa, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1070.50(a) shall be reduced by 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 65 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1070.62 is revised to read as follows:

§ 1070.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1070.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1070.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1070.10(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1070.10(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

§ 1070.63 [Revocation]

11. Section 1070.63 is revoked.

12. Section 1070.70 is revised to read as follows:

§ 1070.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1070.46(c), by the applicable class prices (adjusted pursuant to §§ 1070.51 and 1070.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1070.46(a)(9) and the corresponding step of § 1070.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1070.46(a)(5) and the corresponding step of § 1070.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1070.46(a)(3) and the corresponding step of § 1070.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1070.46(a)(7)(i) and the corresponding step of § 1070.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1070.46(a)(7)(iii) and the corresponding step of § 1070.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1070.52(b).

13. Section 1070.71 is revised to read as follows:

§ 1070.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f.o.b. pool plants located within 50 miles of the City Hall of Cedar Rapids or Iowa City, Iowa, as follows:

(a) Combine into one total the values computed pursuant to § 1070.70 for all handlers who filed the reports prescribed by § 1070.30 for the month and who made the payments pursuant to § 1070.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1070.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1070.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1070.70 (e) and (f); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

14. Section 1070.82 is revised to read as follows:

§ 1070.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1070.52; and

(b) For purposes of computations pursuant to §§ 1070.84 and 1070.85 the uniform price shall be adjusted at the rates set forth in § 1070.52 applicable at the location of the nonpool plant from which the milk was received.

15. Section 1070.84 is revised to read as follows:

§ 1070.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1070.70 for such handler; and

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1070.80; and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which

values are computed pursuant to § 1070.70 (e) and (f).

16. Section 1070.85 is revised to read as follows:

§ 1070.85 Payments out of the producer-settlement fund.

On or before the 12th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1070.84(b) exceeds the amount computed pursuant to § 1070.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1070.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

17. Section 1070.87 is revised to read as follows:

§ 1070.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1070.46(a) (3) and (7) (i) and the corresponding steps of § 1070.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. Section 1078.7 is revised to read as follows:

§ 1078.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of the operator of the pool plant (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March.

2. In § 1078.10, paragraph (b) is revised to read as follows:

§ 1078.10 Pool plant.

* * * * *

(b) A supply plant for the month in which shipments of milk, skim milk or cream are made to distributing plants which are pool plants on not less than 10 days in any of the months of September, October, and November and on not less than 5 days in other months: *Provided*, That a supply plant which was not a pool plant for each of the immediately preceding months of September, October, and November shall not be a pool plant for any month during which none of the milk, skim milk or cream from such plant would be allocated to Class I milk pursuant to the procedure specified in § 1078.46(a) (3) and the corresponding step of § 1078.46(b) at a distributing plant which is a pool plant.

3. Section 1078.11 is revised to read as follows:

§ 1078.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

4. In § 1078.31, a new paragraph (c) is added and reads as follows:

§ 1078.31 Other reports.

* * * * *

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1078.41 is revised to read as follows:

§ 1078.41 Classes of utilization.

Subject to the conditions set forth in § 1078.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product, except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventory of fluid milk products on hand at the end of the month;

(3) Which is excepted from Class I pursuant to paragraph (a) (1) of this section;

(4) In shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1078.7) and receipts of fluid milk products in bulk from other order plants and unregulated supply plants to be allocated pursuant to § 1078.46(a) (7) and the corresponding step of § 1078.46(b); and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1078.42(b) (2).

6. In § 1078.42, paragraph (b) is revised to read as follows:

§ 1078.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between the skim milk and butterfat contained in: (1) Receipts of producer milk and from other order plants and unregulated supply plants to be allocated pursuant to § 1078.46(a) (7) and the corresponding step of § 1078.46(b); and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1078.44 is revised to read as follows:

§ 1078.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1078.46(a) (7) and the corresponding step of § 1078.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1078.46(a) (3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1078.46(a) (7) and the corresponding step of § 1078.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other

source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the City Halls of Waterloo, Mason City, Fort Dodge and Marshalltown, Iowa;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the City Halls of Waterloo, Mason City, Fort Dodge and Marshalltown, Iowa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1078.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to a handler pool other order plant, and pro rata to the average utilization, as estimated by the market administrator of the transferee order, of the milk included in the computation of the weighted average or uniform price for such month under the transferee order, if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1078.46 is revised to read as follows:

§ 1078.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1078.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1078.41(b) (4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1078.44(a); and

(9) If the pounds of skim milk remaining in each class exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. In § 1078.70, paragraph (e) is revised to read as follows:

§ 1078.70 Computation of the net obligation of each handler.

* * * * *

(e) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1078.46(a) (4) and the corresponding step of § 1078.46(b), or the hundredweight of skim milk and butterfat remaining in Class II after computations pursuant to § 1078.46(a) (5) and the corresponding step of § 1078.46(b) for the preceding month, whichever is less;

10. Section 1078.85 is revised to read as follows:

§ 1078.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1078.46 (a) (3) and (7) (i) and the corresponding steps of § 1078.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. Section 1079.7 is revised to read as follows:

§ 1079.7 Approved dairy farmer.

"Approved dairy farmer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant.

2. Section 1079.11 is revised to read as follows:

§ 1079.11 Approved plant.

"Approved plant" means a pool plant or a partially regulated distributing plant which is not a pool plant.

3. Section 1079.13 is revised to read as follows:

§ 1079.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

4. Section 1079.31 is revised to read as follows:

§ 1079.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler or one making payment pursuant to § 1079.62(b), shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants (or partially regulated distributing plants) his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer, including for the months of March through June the total pounds of base and excess milk;

(iii) The number of days if less than the entire month, for which milk was received from such producer;

(iv) The average butterfat content of such milk; and

(v) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1079.41 is revised to read as follows:

§ 1079.41 Classes of utilization.

Subject to the conditions set forth in § 1079.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b)(2) of this section; and

(2) Not accounted for as Class II milk:

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping;

(3) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Skim milk and butterfat in shrinkage allocated to receipts of approved milk, and from other order plants and unregulated supply plants to be allocated pursuant to § 1079.46(a) (7) and (8) and the corresponding steps of § 1079.46(b), but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and

(6) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1079.42(b)(2).

6. In § 1079.42, paragraph (b) is revised to read as follows:

§ 1079.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts of approved milk, and from other order plants and unregulated supply plants to be allocated pursuant to § 1079.46(a) (7) and (8) and the corresponding steps of § 1079.46(b); and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1079.44 is revised to read as follows:

§ 1079.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1079.46(a)(8) and the corresponding step of § 1079.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1079.46(a) (7) and (8) and the corresponding steps of § 1079.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from an approved plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from an approved plant to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa;

(d) As Class I milk, if transferred or diverted from an approved plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1079.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators, such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1079.46 is revised to read as follows:

§ 1079.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1079.45, the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1079.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A milk;

(iii) Receipts of fluid milk products from producer-handlers or producer-handler plants under any Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utiliza-

tion of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1079.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1079.52 is revised to read as follows:

§ 1079.52 Location differentials to handlers.

(a) For approved milk received at an approved plant located 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator, from the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa, Iowa; and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50 shall be reduced by 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant of approved milk, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1079.62 is revised to read as follows:

§ 1079.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 15th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1079.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1079.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1079.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1079.12(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

§ 1079.63 [Revocation]

11. Section 1079.63 is revoked.

12. Section 1079.70 is revised to read as follows:

§ 1079.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1079.46(c), by the applicable class prices (adjusted pursuant to §§ 1079.51 and 1079.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1079.46(a)(10) and the corresponding step of § 1079.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(5) and the corresponding step of § 1079.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1079.46(a)(3) and the corresponding step of § 1079.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1079.46(a)(8)(ii) and the corresponding step of § 1079.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1079.46(a)(7) and the corresponding step of § 1079.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1079.52(b).

13. In § 1079.71, paragraph (b) is revised to read as follows:

§ 1079.71 Computation of aggregate value used to determine uniform price.

* * * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1079.72(a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

14. Section 1079.72 is revised to read as follows:

§ 1079.72 Computation of weighted average price.

For each month the market administrator shall compute a weighted average price for milk of 3.5 percent butterfat content, f.o.b. pool plants located within the base zone, as follows:

(a) Divide the aggregate value computed pursuant to § 1079.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1079.70(e) and (f); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", and, except for the months of March through June, shall be the uniform price for milk received from producers.

15. In § 1079.73, paragraph (d) is revised to read as follows:

§ 1079.73 Computation of uniform price for base milk and excess milk.

* * * * *

(d) From the aggregate value of all milk obtained in § 1079.71 subtract the following:

(1) An amount computed by multiplying the hundredweight of milk specified in § 1079.72(a)(2) by the weighted average price; and

(2) The value of excess milk pursuant to paragraph (c) of this section; and

§ 1079.80 [Amendment]

16. In § 1079.80 the reference in the introductory text of paragraph (a) "paragraph (c)" is changed to "paragraph (b)", paragraph (b) is revoked, and paragraphs (c) and (d) are redesignated (b) and (c).

17. In § 1079.82, a new paragraph (c) is added and reads as follows:

§ 1079.82 Location differentials to producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1079.84 and 1079.85 the weighted average price shall be adjusted at the rates set forth in § 1079.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1079.83 [Amendment]

18. In § 1079.83 the reference "1079.80," is revoked.

19. Section 1079.84 is revised to read as follows:

§ 1079.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1079.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1079.80 of such handler for producer milk received during the month; and

(2) The value at the weighted average price applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1079.70(e) and (f).

20. Section 1079.85 is revised to read as follows:

§ 1079.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1079.84(b) exceeds the amount computed pursuant to § 1079.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1079.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

21. Section 1079.88 is revised to read as follows:

§ 1079.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1079.46(a)(3) and (8)(ii) and the corresponding steps of § 1079.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. Section 1094.11 is revised to read as follows:

§ 1094.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

2. In § 1094.14, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1094.14 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part), who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted:

3. In § 1094.12, paragraph (b) is revised and a new paragraph (e) is added to read as follows:

§ 1094.12 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant; or

* * * * *

(e) A producer-handler, or any person who operates an other order plant.

4. Section 1094.30 is revised to read as follows:

§ 1094.30 Reports of receipts and utilization.

On or before the 5th day of each month each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 1094.12 (c) or (d) shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk, and for each month of the base-operating period, the total quantities of base and excess milk received;

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 1094.12(d);

(3) Fluid milk products received from other pool plants;

(4) Other source milk;

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(6) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including a separate statement with respect to Class I milk disposed of inside the marketing area; and

(7) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe.

(b) Each handler specified in § 1094.12(b) who operates a partially regulated distributing plant shall report in the same manner as required in paragraph (a) of this section with respect to all receipts and utilization, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and base and excess milk.

5. In § 1094.31, the section heading and paragraph (c) are revised. The section heading and paragraph (c) now read as follows:

§ 1094.31 Payroll reports.

* * * * *

(c) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1094.62(b) shall report to the market administrator on or before the 20th day after the end of the month his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk received;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

6. Section 1094.32 is revised to read as follows:

§ 1094.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler who operates an other order plant with disposition of fluid milk products on routes in the marketing area shall report such disposition to the market administrator on or before the 7th day after the end of each month.

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

7. In § 1094.41(b), subparagraph (6) is revised and a new subparagraph (7) is added to read as follows:

§ 1094.41 Classes of utilization.

* * * * *

(b) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1094.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers plus 1½ percent of milk received in bulk from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1094.46(a)(7) and the corresponding step of § 1094.46(b), plus 1½ percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1094.12(d), less 1½ percent of milk disposed of in bulk to plants of other handlers and to nonpool plants; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1094.42(b)(2).

§§ 1094.43 and 1094.44 [Redesignations]

8. Sections 1094.42 and 1094.43 are renumbered and redesignated as §§ 1094.43 and 1094.44, respectively. A new § 1094.42 is added to read as follows:

§ 1094.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1094.46(a)(7) and the corresponding step of § 1094.46(b), from a cooperative association which is the handler for such milk pursuant to § 1094.12(d) and (2) other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

9. Section 1094.44 (formerly § 1094.43) is revised to read as follows:

§ 1094.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant (including milk transferred by a cooperative association in its capacity as a handler pursuant to § 1094.12(d)) to:

(a) The pool plant of another handler, except as provided in paragraph (f) of this section, shall be classified at the utilization indicated by the operators of both plants, otherwise as Class I milk, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1094.46(a)(7) and the corresponding step of § 1094.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1094.46(a)(3) and the corresponding step of § 1094.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1094.46(a)(7) and the corresponding step of § 1094.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) A nonpool plant (except pursuant to paragraph (d) of this section) located more than 350 miles by the shortest highway distance from the City Hall in New Orleans, Louisiana, as determined by the market administrator, shall be Class I milk unless claimed and transferred in the form of cream in bulk to such a nonpool plant which does not dispose of milk or cream for consumption in fluid form;

(d) An other order plant, shall be classified in the class to which allocated under the terms of such other order. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment; and

(e) A nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall in New Orleans shall be classified as Class I, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1094.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator and are adequate for verification of the Class II usage claimed; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order;

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants, classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification;

(iv) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the Class II utilization remaining in the nonpool plant after deducting from such Class II utilization the sum of the skim milk and butterfat, respectively, in fluid milk products in opening inventory, in receipts of nonfluid milk products which are used to produce any product other than a fluid milk product in the plant during the month, and in non-Grade A receipts at the nonpool plant: *Provided*, That fluid cream transfers from such nonpool plant to a second nonpool plant meeting the conditions of subparagraph (2) of this paragraph and which is neither an other order plant nor a producer-handler plant shall be classified as Class II milk in an amount not in excess of Class II (pursuant to § 1094.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which are neither other order plants nor producer-handler plants and which do not dispose of milk or cream in consumer packages for consumption in fluid form; and

(v) Any remaining skim milk and butterfat in the quantities transferred to the nonpool plant shall be Class I.

(f) Unless a different utilization is claimed by both handlers pursuant to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association in its capacity as the operator of a pool plant or a handler pursuant to § 1094.12(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such months at the pool plant of the receiving handler after the computations pursuant to § 1094.46(a)(8) and the corresponding step of § 1094.46(b).

10. Section 1094.46 is revised to read as follows:

§ 1094.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1094.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1094.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1094.12(d) and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from a cooperative association as a handler pursuant to § 1094.12(d), according to the classification assigned pursuant to § 1094.44(a); and

(9) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1094.44(b); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§§ 1094.47, 1094.48 [Revocations]

10a. Sections 1094.47 and 1094.48 are revoked.

11. Section 1094.53 is revised to read as follows:

§ 1094.53 Location differentials to handlers.

(a) For that milk which is received from producers or from a cooperative association as a handler pursuant to § 1094.12(d) at a pool plant more than 50 miles by shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana, and utilized as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1094.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

	Rate per hundredweight (cents)
Zones measured from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma, Louisiana (miles):	
More than 50 but not more than 60	13.5
Each additional 10 miles or fraction thereof	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) For (1) milk received from producers at a pool plant more than 50 miles, by the shortest toll-free highway distance, as determined by the market administrator, from the nearer of the City Hall in New Orleans or the Terrebonne Parish Courthouse, Houma, Louisiana, and classified as Class II and (2) for milk received from producers at a pool plant 50 miles or less from the basing points in New Orleans for Houma and classified as Class II pursuant to § 1094.41(b)(3), (4), and (6) shall be reduced by 13.5 cents.

(d) The market administrator shall determine and publicly announce the zone location of each plant of each han-

der according to the shortest toll-free highway distance between such plant and the City Hall in New Orleans or the Terrebonne Parish Courthouse in Houma. The market administrator shall notify the handler on or before the first day of any month in which a change in a plant location zone will apply.

§ 1094.54 [Revocation]

12. Section 1094.54 is revoked.

13. Section 1094.62 is revised to read as follows:

§ 1094.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1094.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1094.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1094.10(b) by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1094.10(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

14. In § 1094.63, the introductory text just preceding paragraph (a) is revised to read as follows:

§ 1094.63 Plants subject to other Federal orders.

The handler operating a plant specified in paragraphs (a) or (b) of this section shall be exempt from all provisions of this part except §§ 1094.32, 1094.34 and 1094.35.

15. Section 1094.70 is revised to read as follows:

§ 1094.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1094.48, by the applicable class prices (adjusted pursuant to §§ 1094.52 and 1094.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1094.46(a)(10) and the corresponding step of § 1094.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1094.46(a)(5) and the corresponding step of § 1094.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1094.46(a)(3) and the corresponding step of § 1094.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1094.46(a)(7)(i) and the corresponding step of § 1094.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1094.46(a)(7)(iii), and the corresponding step of § 1094.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1094.53.

16. Section 1094.71 is revised to read as follows:

§ 1094.71 Computation of the 3.5 percent value of all milk.

For each month, the market administrator shall compute the 3.5 percent value of all milk specified in § 1094.72, as follows:

(a) Combine into one total the individual values of milk of all handlers computed pursuant to § 1094.70 except those of handlers who failed to make payments required pursuant to § 1094.80 through § 1094.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1094.76;

(c) Subtract, if the average butterfat content of the milk specified in § 1094.72 is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1094.75 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

17. Section 1094.72 is revised to read as follows:

§ 1094.72 Weighted average and uniform price.

For each month the market administrator shall make the following computation:

(a) Divide the amount computed pursuant to paragraphs (a) through (d) in § 1094.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to § 1094.71(a); and

(2) The total hundredweight for which values are computed pursuant to § 1094.70 (e) and (f);

(b) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and also the "uniform price" per hundredweight for milk of 3.5 percent butterfat received from producers in the months of August through January;

18. Section 1094.73 is revised to read as follows:

§ 1094.73 Uniform excess milk price.

For each of the months of February through July the market administrator shall compute the uniform price for excess milk containing 3.5 percent butterfat as follows:

(a) Multiply the hundredweight of excess milk not in excess of the total quantity of Class II milk represented by the values included in § 1094.71(a) by the price for 3.5 percent Class II milk pursuant to § 1094.51(b);

(b) Multiply the hundredweight of any excess milk not included in the computation described in paragraph (a) of this section by the price for 3.5 percent Class I utilization pursuant to § 1094.51 (a); and

(c) Combine into one total the values computed pursuant to paragraphs (a) and (b) of this section, divide by the hundredweight of excess milk and round to the nearest cent.

19. Section 1094.74 is revised to read as follows:

§ 1094.74 Uniform base milk price.

For each of the months of February through July the market administrator shall compute the uniform price for base milk containing 3.5 percent butterfat received from producers as follows:

(a) Multiply the total pounds of excess milk by the excess price for the month;

(b) Subtract the total value arrived at in paragraph (a) of this section from the total 3.5 percent value of all producer milk arrived at in § 1094.71;

(c) From the amount resulting from the computations pursuant to paragraph (b) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in § 1094.72(a)(2) by the weighted average price

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price per hundredweight for base milk of 3.5 percent butterfat received from producers.

20. Section 1094.76 is revised to read as follows:

§ 1094.76 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk and the uniform price for base milk received at a pool plant shall be reduced according to the location of the pool plant, each at the rates set forth in § 1094.53(a);

(b) The uniform price for excess milk received from producers at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1094.53(c); and

(c) For purposes of computations pursuant to §§ 1094.82 and 1094.83 the weighted average price shall be adjusted at the rates set forth in § 1094.53(a) applicable at the location of the nonpool plant from which the milk was received.

21. In § 1094.77, the introductory text preceding paragraph (a), and paragraph (c) are revised to read as follows:

§ 1094.77 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler receiving milk from producers, who submitted the report(s) prescribed in § 1094.30, at his last known address a statement showing:

* * * * * *

(c) The weighted average and uniform price(s) computed pursuant to §§ 1094.72 through 1094.74 and the butterfat differential computed pursuant to § 1094.75;

22. Section 1094.82 is revised to read as follows:

§ 1094.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1094.70 for such handlers; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices computed pursuant to §§ 1094.72 and 1094.73 adjusted by the producer butterfat and location differentials; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1094.70 (e) and (f).

23. Section 1094.83 is revised to read as follows:

§ 1094.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1094.82(b) exceeds the amount computed pursuant to § 1094.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

24. Section 1094.86 is revised to read as follows:

§ 1094.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may, from time-to-time, prescribe, to be announced by the market administrator on or before the 11th day after the end of such month, with respect to all skim milk and butterfat received by such handler in (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1094.46(a)(3) and (7)(i) and the corresponding steps of § 1094.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

25. Section 1094.90 is revised to read as follows:

§ 1094.90 Base-operating period.

The base-operating period shall be the months of February through July.

26. Section 1094.91 is revised to read as follows:

§ 1094.91 Base-forming period.

The base-forming period shall be the months of September through January immediately preceding the base-operating period.

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.7 the introductory text is revised to read as follows:

§ 1096.7 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant or by a cooperative association pursuant to § 1096.8(d), or is diverted to a nonpool plant other than the plant of a producer-handler during any month(s) of February through August or in accordance with the provisions of paragraph (a), (b), or (c) of this section during any month of September through January: *Provided*, That the milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted: *Provided further*, That if a handler diverting milk pursuant to paragraph (b) or (c) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (a) of this section: *And provided further*, That if a handler diverting milk pursuant to paragraph (a) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

2. In § 1096.8, paragraph (b) is revised and new paragraphs (e) and (f) are added, to read as follows:

§ 1096.8 Handler.

* * * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * * *

(e) Any person in his capacity as the operator of a nonpool supply plant; and

(f) A producer-handler, or any person who operates an other order plant.

3. In § 1096.8 the word "and" appearing after the semicolon in paragraph (c) of this section is deleted. Also, the period appearing at the end of the last sentence in paragraph (d) of this section is deleted and a semicolon followed by the word "and" is substituted therefor.

4. Section 1096.21 is added and reads as follows:

§ 1096.21 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The fol-

lowing categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant during the month, but which is neither an other plant nor a producer-handler plant.

5. In § 1096.30, paragraphs (b) and (c) are revised to read as follows:

§ 1096.30 Reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1096.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

6. In § 1096.31, the introductory text and paragraph (a) are revised to read as follows:

§ 1096.31 Payroll reports.

On or before the 20th day of each month each handler (other than a producer-handler) who is the operator of a pool plant or who is the operator of a partially regulated distributing plant and does not elect to make payment pursuant to § 1096.62(b) at the regular time for reporting pursuant to § 1096.30(b), for each of his plants, and each cooperative association, with respect to milk for which it is the handler pursuant to § 1096.8 (c) or (d), shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month which shall show:

(a) The name and, if not previously reported, address of each producer (dairy farmers in the case of a partially regulated distributing plant pursuant to § 1096.62(a));

7. Section 1096.32 is revised to read as follows:

§ 1096.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

(c) Each handler, who causes milk to be diverted for his account directly from a producer's farm to a nonpool plant, shall prior to such diversion report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the name of the plant to which such milk is to be diverted.

8. In § 1096.41, paragraphs (b) (5) (ii) and (iv) are revised to read as follows:

§ 1096.41 Classes of utilization.

* * * * *

(b) * * *

(5) * * *

(ii) 1.5 percent of bulk receipts of milk from other pool plants, from other order plants and unregulated supply plants to be allocated pursuant to § 1096.46(a) (7) and (8) and the corresponding steps of § 1096.46(b), and from cooperative associations in their capacity as handlers pursuant to § 1096.8(d) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1096.8 (d) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less

* * * * *

(iv) Shrinkage on other source milk determined pursuant to § 1096.42(b)(2);

9. Section 1096.42 is revised to read as follows:

§ 1096.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, from other pool plants, from cooperative associations pursuant to § 1096.8(d), and from other order plants and unregulated supply plants to be allocated pursuant to § 1096.46(a) (7) and (8) and the corresponding steps of § 1096.46(b), and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

10. Section 1096.44 is revised to read as follows:

§ 1096.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1096.46(a)(8) and the corresponding step of § 1096.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1096.46(a)(3) and the corresponding step of § 1096.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1096.46(a) (7) and (8) and the corresponding steps of § 1096.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the City Halls of Minden or Monroe, Louisiana;

(d) Except as provided in paragraph (c) of this section, as Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1096.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1096.46 is revised to read as follows:

§ 1096.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1096.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1096.41(b)(5) (i) through (iii);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such hander, after any deductions purusant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from cooperative associations which are handlers pursuant to § 1096.8(d) according to the classification assigned pursuant to § 1096.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1096.53 is revised to read as follows:

§ 1096.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 50 but not more than 60 miles by shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the City Halls in Minden or Monroe, Louisiana, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1096.51(a) shall be reduced by 12 cents, plus one cent for each 10 miles or frac-

of such receipts;

plants that were not subtracted pur-

plus one cent for each 10 miles or frac-

tion thereof that such distance exceeds 60 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1096.8(d), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

13. Section 1096.62 is revised to read as follows:

§ 1096.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1096.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1096.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1096.13(b) by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or an other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1096.13(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

§ 1096.63 [Revocation]

14. Section 1096.63 is revoked.

15. Section 1096.70 is revised to read as follows:

§ 1096.70 Computation of the net pool obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (f) of this section for each of his pool plants and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1096.46(c), by the applicable class prices (adjusted pursuant to §§ 1096.52 and 1096.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1096.46(a)(10) and the corresponding step of § 1096.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(5) and the corresponding step of § 1096.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1096.46(a)(3) and the corresponding step of § 1096.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1096.46(a)(8)(ii) and the corresponding step of § 1096.46(b); and

(f) Add the value of the skim milk and butterfat, respectively in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1096.46(a)(7) and the corresponding step of § 1096.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1096.53.

16. In § 1096.71, the introductory text of this section and paragraphs (b) and (c) are revised to read as follows:

§ 1096.71 Computation of aggregate value used to determine uniform prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 3.5 percent butterfat content as follows:

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk included in paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential determined pursuant to § 1096.74 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1096.75; and

17. Section 1096.72 is revised to read as follows:

§ 1096.72 Computation of weighted average price and uniform price.

For each month the market administrator shall compute the weighted average price per hundredweight for all milk of 3.5 percent butterfat content as follows:

(a) Divide the aggregate value computed pursuant to § 1096.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1096.70 (e) and (f);

(b) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price", and, except for the months of February through July, shall be the "uniform price" for producer milk.

18. In § 1096.73, paragraph (b)(1) is revised to read as follows:

§ 1096.73 Computation of uniform prices for base milk and for excess milk.

* * * * *

(b)(1) From the aggregate value of all milk obtained in § 1096.71 subtract the following:

(i) An amount computed by multiplying the hundredweight of milk specified in § 1096.72(a)(2) by the weighted average price; and

(ii) An amount computed by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

19. Section 1096.75 is revised to read as follows:

§ 1096.75 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at or diverted from a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1096.53; and

(b) For purposes of computations pursuant to §§ 1096.82 and 1096.83 the weighted average price shall be adjusted at the rates set forth in § 1096.53 applicable at the location of the nonpool plant from which the milk was received.

20. Section 1096.82 is revised to read as follows:

§ 1096.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1096.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1096.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1096.70 (e) and (f).

21. Section 1096.83 is revised to read as follows:

§ 1096.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1096.82(b) exceeds the amount computed pursuant to § 1096.82(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

22. Section 1096.86 is revised to read as follows:

§ 1096.86 Expense of administration.

As his pro rata share of the expense of administration of this part each handler, except a producer-handler, shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe as follows:

(a) Each pool handler with respect to (1) all receipts of producer milk including such handler's own production, and (2) other source milk allocated to Class I pursuant to § 1096.46(a)(3) and (8)(ii) and the corresponding steps of § 1096.46(b);

(b) Each cooperative association in its capacity as a handler on producer milk diverted to a nonpool plant for the account of such association or received by such association pursuant to § 1096.8(d); and

(c) Each handler operating a partially regulated distributing plant with respect to Class I milk disposed of from such plant on routes in the marketing area that exceeds Class I milk received during the month at the partially regulated distributing plant from pool plants and other order plants.

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. Section 1097.9 is revised to read as follows:

§ 1097.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which Class I milk in consumer-type packages or dispenser units is distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant from which Grade A fluid milk products are moved during the month to a fluid milk plant and which is not an other order plant nor a producer-handler plant.

2. The introductory text of § 1097.11 is revised to read as follows:

§ 1097.11 Producer.

"Producer" means any person except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is:

* * * * *

3. In § 1097.30, paragraph (f) is added as follows:

§ 1097.30 Reports of receipts and utilization.

* * * * *

(f) Each handler who operates a partially regulated distributing plant shall report as required in this section except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk.

4. Section 1097.31 is revised by adding paragraph (c) as follows:

§ 1097.31 Other reports.

* * * * *

(c) On or before the 2d day of the following month, each handler operating a fluid milk plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

5. In § 1097.41(b)(5), subdivision (ii) is revised to read as follows:

§ 1097.41 Classes of utilization.

* * * * *

(b) * * *

(5) * * *

(ii) One and one-half percent of milk received in bulk tank lots from fluid milk plants of other handlers, from cooperative associations which are handlers pursuant to § 1097.10(c), and from other order plants and unregulated supply plants to be allocated pursuant to § 1097.46(a)(7) and the corresponding step of § 1097.46(b); less

6. In § 1097.42(b), subparagraph (1) is revised to read as follows:

§ 1097.42 Shrinkage.

* * * * *

(b) * * *

(1) The pounds of skim milk and butterfat in other source milk received in the form of fluid milk products exclusive of that specified in § 1097.41(b)(5); and

* * * * *

7. Section 1097.44 is revised to read as follows:

§ 1097.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a fluid milk plant to the fluid milk plant of another handler, except as provided in paragraph (e) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1097.46(a)(7) and the corresponding step of § 1097.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1097.46(a)(3) and the corresponding step of § 1097.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1097.46(a)(7) and the corresponding step of § 1097.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a fluid milk plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, located more than 225 miles by the shortest highway distance (open to commercial truck traffic) as determined by the market administrator, from the City Hall in Memphis, Tennessee;

(d) As Class I milk, if transferred or diverted in bulk to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, located not more than 225 miles, by the shortest highway distance as determined by the market administrator, from the City Hall in Memphis, Tennessee, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1097.30 for the month within which such transaction occurred;

(2) The operator of such nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonfluid milk plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from fluid milk plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonfluid milk plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonfluid milk plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonfluid milk plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonfluid milk plant from all fluid milk plants and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As producer milk in the transferee plant, if transferred as bulk milk to the fluid milk plant of another handler by a cooperative in its capacity as a handler pursuant to § 1097.10(c): and

(f) In the class to which allocated under the terms of such other order, if transferred to a handler pool other order plant, and pro rata to the class uses reflected in the uniform or weighted average price computed for the month under such other order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1097.46 is revised to read as follows:

§ 1097.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1097.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1097.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, from cooperative associations which are handlers pursuant to § 1097.10(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other fluid milk plants according to the classification assigned pursuant to § 1097.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1097.53 [Amendment]

9. In § 1097.53, the reference "§ 1097.46(a) (1), (2), (3), (4) and (5)," is changed to "§ 1097.46(a) (1) through (7),"

10. In § 1097.70, paragraph (e) is revised to read as follows:

§ 1097.70 Net obligation of handlers.

* * * * *

(e) Add an amount computed by multiplying by the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I price for the curent month the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1097.46(a)(5) and the corresponding step of § 1097.46(b);

* * * * *

11. Section 1097.97 is revised to read as follows:

§ 1097.97 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) receipts of milk at fluid milk plants from producers (including that classified pursuant to § 1097.44(e) and such handler's own production), (b) other source milk allocated to Class I pursuant to § 1097.46(a) (3) and (7) (i) and the corresponding steps of § 1097.46(b), (c) receipts of milk for which a cooperative association is the handler pursuant to § 1097.10(c) in excess of that specified in paragraph (a) of this section, and (d) receipts of milk for which a cooperative association is a handler pursuant to § 1097.10(b).

PART 1099—MILK IN PADUCAH, KENTUCKY, MARKETING AREA

1. Section 1099.9 is revised to read as follows:

§ 1099.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant," which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant," which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is not an other order plant nor a producer-handler plant.

2. Section 1099.10 is revised to read as follows:

§ 1099.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) A producer-handler or any person who operates an other order plant;

(d) A cooperative association qualified pursuant to § 1099.87(b) with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant; or

(e) A cooperative association which chooses to report as a handler with respect to milk which is delivered to the pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. Milk handled under this paragraph (e) shall be allocated pro rata to each class in the same proportion as all producer milk in the receiving plant under the allocations pursuant to § 1099.45 (a) and (b).

Milk handled by a cooperative association pursuant to paragraph (d) of this section shall be deemed to have been received at a pool plant at a location identical with that from which diverted and that under paragraph (e) of this section at the pool plant to which delivered.

3. Section 1099.11 is revised to read as follows:

§ 1099.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler (unless such nonpool plant is subject to the classification and pricing provisions of another order issued pursuant to the Act): *Provided*, That for any of the delivery periods of September through January no milk so diverted shall be deemed to have been so received at a pool plant from a producer if production of more than 10 days is diverted to a nonpool plant during such delivery period.

3a. A new § 1099.16 is added to read as follows:

§ 1099.16 Fluid milk product.

"Fluid milk product" means milk, buttermilk, milk drinks (whether plain or flavored) and cream.

4. In § 1099.30, the introductory paragraph is revised to read as follows:

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator. Each handler specified in § 1099.10(b) who operates a partially regulated distributing plant shall report the same information except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk:

4a. Section 1099.31 is revised to read as follows:

§ 1099.31 Reports of payments to producers.

On or before the 20th day after the end of each month, each handler, except a producer-handler and a handler making payments pursuant to § 1099.62(b), shall report to the market administrator, on forms approved by the market administrator, his producer payroll for such month which shall show for each producer (a) the total pounds of milk received from such producer with the average butterfat content thereof, (b) the net amount of the payment made to such producer together with the price, deductions, and charges involved, and (c) the amount and nature of any payments made pursuant to § 1099.84.

5. Section 1099.32 is revised to read as follows:

§ 1099.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request and shall permit the market administrator to verify such reports.

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

6. Section 1099.41 is revised to read as follows:

§ 1099.41 Classes of utilization.

The classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) and (3) of this section. Fluid milk products which have been fortified by the addition of milk solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; and

(2) All milk, skim milk and cream not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product;

(2) Contained in inventory of fluid milk products on hand at the end of the month;

(3) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a)(1) of this section; and

(4) In shrinkage of skim milk and butterfat, respectively, but not to exceed the following:

(i) Two percent of milk received from producers (except milk diverted pursuant to § 1099.11), from other order plants and unregulated supply plants which is to be allocated pursuant to § 1099.45(a)(7) and the corresponding step of § 1099.45(b); and

(ii) In shrinkage of skim milk and butterfat, in other source milk except that included in subdivision (i) of this subparagraph: *Provided*, That such shrinkage shall be assigned pro rata to the amounts used in the computations

pursuant to subdivision (i) of this subparagraph and this subdivision.

7. Section 1099.43 is revised to read as follows:

§ 1099.43 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1099.45 (a)(7) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1099.45(a)(3) and the corresponding step of § 1099.45 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1099.45(a)(7) and the corresponding step of § 1099.45 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1099.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1099.45 is revised to read as follows:

§ 1099.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1099.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1099.41(b)(4)(i);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants.

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to (a)(4)(ii) of this section; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to (a)(4)(ii) of this section;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1099.43(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

9. Section 1099.53 is revised to read as follows:

§ 1099.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 40 miles by shortest highway distance as measured by the market administrator, from the nearest County Courthouse in any of the counties included in the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment credit is applicable, the price computed pursuant to § 1099.51(a) shall be reduced by 7.5 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 50 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of the receipts at such plant from producers and cooperative associations pursuant to § 1099.10(e), and the volume assigned as Class I to receipts from market pool other order plants (and unregulated supply plants) such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1099.62 is revised to read as follows:

§ 1099.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1099.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1099.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets the requirements equivalent to § 1099.8(b) by shipment to such plant shall be determined as though such plant(s) were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets the requirements equivalent to § 1099.8(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the applicable uniform price or the Class II price, whichever is the higher.

11. Section 1099.70 is revised to read as follows:

§ 1099.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1099.46, by the applicable class prices (adjusted pursuant to §§ 1099.52 and 1099.53);

(b) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1099.45(a)(5) and the corresponding step of § 1099.45(b);

(c) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1099.45(a)(9) and the corresponding step of § 1099.45(b) by the applicable class prices;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to the skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1099.45(a)(3) and the corresponding step of § 1099.45(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1099.45(a)(7)(i) and the corresponding step of § 1099.45(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1099.45(a)(7)(iii), and the corresponding steps of § 1099.45(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1099.53 (b).

12. Section 1099.71 is revised to read as follows:

§ 1099.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1099.70 for all handlers who filed the reports prescribed by § 1099.30 for the month and who made the payments pursuant to §§ 1099.80 and 1099.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1099.86;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1099.85 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1099.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

13. Section 1099.82 is revised to read as follows:

§ 1099.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1099.70 for such handler;

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1099.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1099.70 (e) and (f).

14. Section 1099.83 is revised to read as follows:

§ 1099.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1099.82(b) ex-

market administrator determines consti-

in each of the following:

ceeds the amount computed pursuant to § 1099.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

15. Section 1099.86 is revised to read as follows:

§ 1099.86 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which it is diverted at the rates set forth in § 1099.53; and

(b) For purposes of computations pursuant to §§ 1099.82 and 1099.83 the uniform price shall be adjusted at the rates set forth in § 1099.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1099.88 is revised to read as follows:

§ 1099.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1099.45(a) (3) and (7) (i) and the corresponding steps of § 1099.45(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. Section 1102.7 is revised to read as follows:

§ 1102.7 Approved plant.

"Approved plant" means any milk plant, except the plant of a producer-handler or a plant exempt pursuant to § 1102.61, approved by any health authority having jurisdiction in the marketing area from which fluid milk products are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

2. Section 1102.8 is revised to read as follows:

§ 1102.8 Unapproved plant.

"Unapproved plant" means any milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means an unapproved plant which is not an other order plant nor a producer-handler plant and from which fluid milk products eligible for distribution in the marketing area for fluid consumption are moved during the month to an approved plant.

3. In § 1102.9 paragraph (a) is revised to read as follows:

§ 1102.9 Handler.

* * * * *

(a) Any person in his capacity as the operator of a milk plant approved by any health authority having jurisdiction in the marketing area from which fluid milk products are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores);

4. In § 1102.10, the text preceding the proviso is revised to read as follows:

§ 1102.10 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk which is received at an approved plant:

5. Section 1102.11 is revised to read as follows:

§ 1102.11 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler directly from producers.

6. Section 1102.12 is revised to read as follows:

§ 1102.12 Other source milk.

"Other source milk" means all skim milk and butterfat other than that contained in producer milk or received from other approved plants.

7. Section 1102.13 is revised to read as follows:

§ 1102.13 Producer-handler.

"Producer-handler" means any person who (a) produces milk, and (b) operates a milk plant approved by any health authority having jurisdiction in the marketing area from which fluid milk products for fluid consumption are disposed of in the marketing area on wholesale or retail routes (including plant stores), and (c) receives no milk from producers.

8. Section 1102.16 is added to read as follows:

§ 1102.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix).

9. In § 1102.32, paragraph (b) is added as follows:

§ 1102.32 Other reports.

* * * * *

(b) On or before the 2d day of the following month, each handler operating an approved plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

10. In § 1102.41, paragraph (a) and subparagraphs (3) and (4) of paragraph (b) are revised to read as follows:

§ 1102.41 Classes of utilization.

* * * * *

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of a fluid milk product, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) * * *

(3) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1102.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers, plus two percent of milk received in bulk tank lots from other handlers and from other order plants and unregulated supply plants to be allocated pursuant to §1102.46(a)(6) and the corresponding step of § 1102.46(b);

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1102.42(b)(2), and

11. In § 1102.42, paragraph (b) is revised to read as follows:

§ 1102.42 Shrinkage.

* * * * *

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in milk from producers, and in bulk tank lots from other handlers, from other order plants and from unregulated supply plants to be allocated pursuant to § 1102.46(a)(6) and (2) skim milk and butterfat in other source milk exclusive of that specified in § 1102.41(b)(3).

12. Section 1102.44 is revised to read as follows:

§ 1102.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred;

otherwise as Class I milk, if transferred or diverted from an approved plant to the approved plant of another handler subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1102.46(a)(6) and the corresponding step of § 1102.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1102.46(a)(3), and the corresponding step of § 1102.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1102.46(a)(6) and the corresponding step of § 1102.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted from an approved plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to an unapproved plant that is neither an other order plant nor a producer-handler plant, located more than 185 miles by the shortest highway distance as determined by the market administrator from the approved plant from which transferred or diverted, except that cream so transferred without Grade A certification may be classified as Class II; and

(d) As Class I milk, if transferred or diverted in bulk to an unapproved plant that is neither an other order plant nor a producer-handler plant, located not more than 185 miles by the shortest highway distance as determined by the market administrator from the approved plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1102.30 for the month within which such transaction occurred;

(2) The operator of such unapproved plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such unapproved plant;

(i) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such unapproved plant;

(ii) Class I utilization in excess of that assigned pursuant to subdivision (i) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such unapproved plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such unapproved plant from all approved and other order plants; and

(iii) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated under the terms of such other order, if transferred to a handler pool other order plant and pro rata to the class uses reflected in the uniform or weighted average price computed for the month under such other order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

13. Section 1102.46 is revised to read as follows:

§ 1102.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1102.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1102.41(b)(3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants.

(4) Subtract in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from approved plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1102.44(a);

(8) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. Section 1102.84 is revised to read as follows:

§ 1102.84 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with re-

spect to (a) producer milk (including such handler's own production), and (b) other source milk allocated to Class I pursuant to § 1102.46(a) (3) and (6) (i) and the corresponding steps of § 1102.46 (b).

PART 1103—MILK IN SOUTHERN MISSISSIPPI MARKETING AREA

Parts 1103 and 1107 are revised into a new part 1103 reading as follows:

DEFINITIONS

§ 1103.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1103.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1103.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1103.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1103.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1103.6 Southern Mississippi Marketing Area.

"Southern Mississippi marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the counties of Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Pearl River, Perry, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, and Wayne, all in the State of Mississippi, including all territory within such boundaries occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments.

§ 1103.7 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to wholesale or retail outlets (including any delivery by a vendor, from a plant store or through a vending machine) other than a delivery to a plant.

§ 1103.8 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products are received and/or processed or packaged: *Provided*, That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1103.9 Distributing plant.

"Distributing plant" means a plant from which fluid milk products, eligible for distribution under a Grade A label, are disposed of during the month as route disposition in the marketing area.

§ 1103.10 Supply plant.

"Supply plant" means a plant from which fluid milk products, eligible for distribution under a Grade A label, are moved during the month to a distributing plant.

§ 1103.11 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than the plant of a producer-handler, from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers is disposed of during the month as route disposition unless the volume so disposed of in the marketing area is either less than 20 percent of its total Class I route disposition or less than 4300 pounds on a daily average;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition or a daily average of 4300 pounds, whichever is less: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

(c) A nondistributing plant, which is operated by a cooperative association and which does not meet the shipping requirements of paragraph (b) of this section in any month in which the volume of milk received at pool distributing plants directly from member producers of such cooperative association is not less than 60 percent of the total pounds of such association's member producer milk received by all pool handlers during the month, except that on written request for nonpool status for any month, made to the market administrator prior to the beginning of such month, the plant shall be a nonpool plant for the month and for each of the succeeding 11 months in which it does not qualify as a pool plant pursuant to paragraph (b) of this section.

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant" which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

§ 1103.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1103.15;

(d) Any person in his capacity as the operator of a nonpool supply plant; and

(e) A producer-handler, or any person who operates an other order plant.

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose only source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided*, That such person furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce his own farm production and the operation of the plant are each the personal enterprise and the personal risk of such person.

§ 1103.15 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to paragraphs (a) through (e) of this section: *Provided*, That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted and: *Provided further*, That if a handler diverting milk pursuant to paragraph (d) or (e), diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) and: *Provided also*, That if a handler diverting milk pursuant to paragraph (b) or (c), diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

(a) Diverted by the operator of a pool plant to another pool plant;

(b) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August: *Provided*, That this diversion privilege shall be applicable only to the milk of those dairy farmers who held producer status throughout the entire two immediately preceding months, except that only for the purpose of determining eligibility for diversion during any month of December through August, a dairy farmer who was in noncompliance with the Grade A requirements of a duly constituted health authority during any part of the two immediately preceding months shall be considered to have maintained producer status during the period of such noncompliance;

(c) Diverted to a nonpool plant(s) (except a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) for not more than 10 days' production during any month of September through November except that this paragraph shall not be applicable if (1) in the case of a cooperative association, all of the diversions of milk of member producers by such cooperative association during the month fall within the limits prescribed in paragraph (d) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (e) of this section;

(d) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a member of a cooperative association for the account of such association if the amount of milk so diverted does not exceed 15 percent of the volume of Grade A milk from all producer members of such cooperative association received at pool plants during such month; or

(e) Diverted during any month of September through November to a nonpool plant(s) (except a nonpool plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as milk of a producer who is not a member of a cooperative as association by a handler in his capacity as the operator of a pool plant from which the quantity of milk of nonmember producers so diverted does not exceed 15 percent of the total Grade A receipts of milk at such plant from nonmember producers.

§ 1103.16 Producer milk.

"Producer milk" means only the skim milk or butterfat contained in milk (a) received at a pool plant(s) directly from producers, or (b) diverted in accordance with the provisions of § 1103.15 from a pool plant to another pool plant or to a nonpool plant.

§ 1103.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except (1) such products which are received from other pool plants, (2) producer milk, and (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month or for which other utilization or disposition is not established.

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including concentrated and reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, and sterilized products contained in hermetically sealed containers): *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

§ 1103.19 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-acre bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1103.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1103.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary, complaints of violations;

(c) To make rules and regulations necessary to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1103.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon, satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1103.95, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1103.94) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the

Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 1103.51(a) and the Class I butterfat differential computed pursuant to § 1103.52(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 1103.51(b) and the Class II butterfat differential computed pursuant to § 1103.52(b), both for the previous month;

(2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1103.71, and the butterfat differential computed pursuant to § 1103.91; and

(3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1103.72, and the butterfat differential computed pursuant to § 1103.91;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association, which was used in each class by each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by each handler;

(k) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(l) On or before the 12th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1103.30, at his last known address, a statement showing any of the applicable following values:

(1) The amount and value of his producer milk in each class and the totals thereof;

(2) For the months of March through July, the amounts of his base milk and excess milk, respectively; and

(3) The amounts to be paid by such handler pursuant to §§ 1103.62, 1103.93, 1103.94, 1103.95, 1103.97 and 1103.99 and the amount due such handler pursuant to §§ 1103.93 and 1103.98:

REPORTS, RECORDS, AND FACILITIES

§ 1103.30 Reports of receipts and utilization.

(a) On or before the 8th day after the end of each month each handler, for each of his pool plants, and each cooperative association which is a handler pursuant to § 1103.13(c) shall deliver to the market administrator a report in the detail and on the form prescribed by the market administrator showing the following:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk, including such handler's own production, and for the months of March through July, the aggregate of base and excess milk;

(ii) Receipts of fluid milk products from other pool plants;

(iii) Receipts of other source milk; and

(iv) Inventories of fluid milk products on hand at the beginning and at the end of such month;

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route dispositions of fluid milk products outside the marketing area;

(3) Such other information with respect to sources and utilization of skim milk and butterfat as the market administrator may prescribe;

(b) Each handler specified in § 1103.13(b) who operates a partially regulated distributing plant, shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk;

(c) Except as provided in paragraph (b) of this section and § 1103.32, each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) Each pool handler, with respect to fluid milk products disposed of for animal feed, shall report to the market administrator such information and at such time as the market administrator may require.

§ 1103.31 Payroll reports.

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 1103.13(c) shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name;

(2) The daily and total pounds of milk received from such producer and for the base-operating months of March through July the total pounds of base and excess milk;

(3) The number of days on which milk was received from such producer;

(4) The average butterfat content of such milk; and

(5) The net amount of such handler's payment, the price paid and the amount and nature of any deductions;

(b) Each handler who received producer milk for which payment is to be made to a cooperative association pursuant to § 1103.90(c) shall report to such cooperative association with respect to each such producer, as follows:

(1) On or before the 20th day of each month, the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month;

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions; and

(c) On or before the 20th day after the end of the month each handler (other than a producer-handler or one described in § 1103.61) operating a partially regulated distributing plant except one who elects at the time of reporting pursuant to § 1103.30 to make payments pursuant to § 1103.62(b) shall report his payments to dairy farmers qualified to be producers as if such plant were a pool plant; showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 1103.32 Other reports.

(a) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of the product shipped.

§ 1103.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1103.34 Retention of records.

All books and records required under this Part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month, to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specific books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1103.40 Skim milk and butterfat to be classified.

All skim milk and butterfat required to be reported pursuant to § 1103.30 shall be classified pursuant to the provisions of §§ 1103.41 through 1103.46.

§ 1103.41 Classes of utilization.

Subject to the conditions set forth in §§ 1103.42 through 1103.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b)(2), and (3) of this section; and

(2) Not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all the skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in skim milk dumped, provided that the market administrator is notified in advance and given opportunity to verify such dumping;

(3) Disposed of for livestock feed if the conditions of § 1103.30(d) are met;

(4) Contained in inventory of fluid milk products on hand at the end of the month;

(5) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant as follows:

(i) Two percent of receipts of skim milk and butterfat directly from producers (excluding milk diverted pursuant to § 1103.15); plus

(ii) 1.5 percent of milk received in bulk from other pool plants, and from other order plants and unregulated supply plants to be allocated pursuant to § 1103.46(a) (7) and (8) and the corresponding steps of § 1103.46(b); less

(iii) 1.5 percent of bulk transfers to other pool plants and to nonpool plants; plus

(iv) Shrinkage on other source milk determined pursuant to § 1103.42(b)(2); and

(6) Skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I pursuant to paragraph (a) of this section by virtue of the proviso of § 1103.18.

§ 1103.42 Shrinkage on other source milk.

The market administrator shall determine shrinkage on other source milk for each pool plant of a handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in:

(1) Receipts from producers, from other pool plants, from other order plants and unregulated supply plants to be allocated pursuant to § 1103.46(a)(7) and (8) and the corresponding steps of § 1103.46(b); and

(2) Other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

§ 1103.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1103.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1103.46(a)(8) and the corresponding steps of § 1103.46(b);

(2) If the transferor plant received during the month, other source milk to be allocated pursuant to § 1103.46(a)(3) the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1103.46(a)(7) and (8) and the corresponding steps of § 1103.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted to the plant of a producer-handler;

(c) As Class I milk if diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant located more than 200 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the New State Capitol in Jackson or the County Courthouse in Gulfport, Mississippi;

(d) Except as specified in paragraph (c) of this section, as Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1103.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator and are adequate for verification of the Class II usage claimed; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order;

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants, classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification;

(iv) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the Class II utilization remaining in the nonpool plant after deducting from such Class II utilization the sum of the skim milk and butterfat, respectively, in fluid milk products in opening inventory, in receipts of nonfluid milk products which are used to produce any product other than a fluid milk product in the plant during the month, and in non-Grade A receipts at the nonpool plant: *Provided*, That fluid cream transfers from such nonpool plant to a second nonpool plant meeting the conditions of subparagraph (2) of this paragraph and which is neither an other order plant nor a producer-handler plant shall be classified as Class II milk in an amount not in excess of Class II (pursuant to § 1103.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which are neither other order plants nor producer-handler plants and which do not dispose

of milk or cream in consumer packages for consumption in fluid form; and

(v) Any remaining skim milk and butterfat in the quantities transferred to the nonpool plant shall be Class I.

(e) Under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operator of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

§ 1103.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization of each handler submitted pursuant to this part and shall compute the total pounds of skim milk and butterfat, respectively, in each class at each pool plant of such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1103.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1103.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1103.41(b)(5)(i) through (iii);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such reciepts; and

(ii) From Class I milk, the remainder of such recipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1103.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1103.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department of Agriculture for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1103.51 Class prices.

Subject to the provisions of §§ 1103.52 and 1103.53, the minimum prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The minimum Class I milk price shall be the basic formula price for the preceding month, plus $2.15 during the months of March through July and $2.35 in all other months, subject to a supply-demand adjustment of not more than 45 cents calculated for each month pursuant to subparagraphs (1) through (5) of this paragraph: *Provided*, That during the first twelve months of this amended order the adjustment shall not exceed 25 cents;

(1) Divide the total receipts of producer milk by the total volume of Class I milk (excluding interhandler transfers and any intermarket transfers that would result in the same milk being accounted for the second time as Class I milk) under this part and Part 1105 (regulating the handling of milk in the Mississippi Delta marketing area) in each of the following periods and round to one-tenth of one percent:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the second preceding month; and

(iii) The two-month period ending with the second preceding month and the same period of each of the two preceding years.

(2) Divide the utilization percentage for the three two-month periods computed pursuant to subparagraph (1)(iii) of this paragraph by the utilization percentage for the two-year period computed pursuant to subparagraph (1)(i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained; and

(iii) Multiply the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph;

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2)(iii) of this paragraph by 132.2;

(4) Subtract from the current utilization percentage computed pursuant to subparagraph (1)(ii) the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. This result is the "deviation percentage"; and

(5) Compute the number of cents which is one times the plus or minus deviation, as the case may be, computed pursuant to subparagraph (4) of this paragraph, and decrease or increase, respectively, the Class I price by such amount: *Provided*, That if such adjustment varies from that for the preceding month by less than 5 cents, the supply-demand adjustment for the preceding month shall be the supply-demand adjustment for the current month.

(b) *Class II milk price.* The Class II milk price shall be the lesser of the following prices:

(1) The basic formula price for the months of August through February and the basic formula price less 10 cents in all other months; or

(2) The Class II milk price established pursuant to § 1094.51(b) of this chapter regulating the handling of milk in the New Orleans, Louisiana, marketing area.

§ 1103.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1103.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.12; and

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.11.

§ 1103.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1103.51(a) shall be reduced at the following rates (where mileage determinations are applicable these distances shall be determined by the market administrator by applying the shortest hard-surfaced highway distance open to commercial truck traffic):

Location:	Rate per Hundredweight (Cents)
(1) For milk received at a pool plant located in the following Mississippi counties: Adams, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, Hinds, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Madison, Marion, Neshoba, Newton, Perry, Rankin, Scott, Simpson, Smith, Walthall, Warren and Wayne	10.0
(2) For milk received at a pool plant located outside the marketing area and in the State of Mississippi beyond the northern boundary of the marketing area but less than 30 miles north of the U.S. Highway No. 82	26.0
(3) Except as provided in subparagraph (2) of this paragraph, for milk received at a pool plant located outside the marketing area and,	
(i) More than 60 but not more than 160 miles from the Courthouse in Gulfport or Pascagoula, Mississippi, whichever is nearer	10.0
(ii) For each additional 10 miles or fraction thereof, an additional	1.5

and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1103.54 Use of equivalent prices.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Application of Provisions

§ 1103.60 Producer-handler.

Sections 1103.42 to 1103.46, 1103.50 to 1103.54, 1103.61, 1103.62, 1103.70 to 1103.72, 1103.80 to 1103.83, and 1103.90 to 1103.99 shall not apply to a producer-handler.

§ 1103.61 Plants subject to other Federal orders.

The provisions of this part shall not apply to a plant specified in paragraph (a), (b) or (c) of this section except that the operator thereof, with respect to receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month as route dispositions in such other Federal order marketing area than was disposed of as route dispositions in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order with marketwide pooling on the basis of distribution in such other marketing area and from which, the Secretary determines, a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order with marketwide pooling and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

§ 1103.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1103.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1103.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to

remaining in Class II:

receipts of fluid milk products from un- 1 milk (excluding inter-handler

the butter price for the month by 0.11. handler.

and meets requirements equivalent to

§ 1103.11(b) shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or an other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or an other order plant and be valued at the weighted average price of the respective order, if so allocated to Class I milk; and

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1103.11(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant; and

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

DETERMINATION OF PRICES TO PRODUCERS

§ 1103.70 Computation of the net pool obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (g) of this section for each of his pool plants, and adding together the resulting totals (except that for the first month of the effective date of this order a credit shall be allowed at each pool plant of those handlers previously regulated by the Central Mississippi order in an amount computed by multiplying the difference between the Class I and Class II price of the Central Mississippi order for the preceding month by the hundredweight of skim milk and butterfat contained in opening inventory):

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1103.46(c), by the applicable class prices (adjusted pursuant to §§ 1103.52 and 1103.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1103.46(a)(10) and the corresponding step of § 1103.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(5) and the corresponding step of § 1103.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1103.46(a)(3) and the corresponding step of § 1103.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(8)(ii) and the corresponding step of § 1103.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1103.46(a)(7) and the corresponding step of § 1103.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1103.53.

§ 1103.71 Computation of the weighted average price and uniform price.

For each month the market administrator shall compute the weighted average price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1103.70 for all handlers specified in § 1103.13 (a) and (c) who filed reports prescribed by § 1103.30, and who made payments pursuant to § 1103.90 and § 1103.97 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the variation in the average butterfat content of such milk from 3.5 percent by the butterfat differential computed pursuant to § 1103.91, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made for location differentials pursuant to § 1103.92;

(d) Add not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1103.70 (e) and (f); and

(f) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price", and, except for the months of March through July, shall be the "uniform price" for milk received from producers.

§ 1103.72 Computation of uniform prices for base milk and for excess milk.

For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(a) *Excess milk price.* (1) Assign the total hundredweight of excess milk, received by all pool handlers whose receipts are included in the computation pursuant to § 1103.71 to producer milk in each class in series beginning with Class II;

(2) Multiply the pounds of excess milk assigned to each class pursuant to subparagraph (1) of this paragraph by the applicable class price and add the resulting totals;

(3) Add the amount of any adjustment applicable pursuant to the proviso of subparagraph (b)(2) of this section; and

(4) Divide the resulting total by the hundredweight of excess milk and round to the nearest cent. The result shall be the "uniform price for excess milk"; and

(b) *Base milk price.* (1) From the aggregate value of all milk obtained in § 1103.71 (a) through (d) subtract the following:

(i) An amount computed by multiplying the hundredweight of milk specified in § 1103.71(e)(2) by the weighted average price; and

(ii) An amount computed by multiplying the hundredweight of excess milk determined pursuant to paragraph (a) of this section by the uniform price for excess milk;

(2) Divide the result by the total hundredweight of base milk received by all pool handlers whose receipts are included in the computation pursuant to § 1103.71: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (3) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to paragraph (a) of this section, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(3) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the "uniform price for base milk".

BASE RATING

§ 1103.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days; or

(b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.81 Computation of base.

The base of each producer to be applied during the months of March through July shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the daily base of such producer by the number of days production delivered by such producer to handlers during the month.

§ 1103.82 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to the producer for whose account milk is received at a pool plant during the months of September through January and to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base-forming period, but which qualifies as a pool plant during any of the months of March through July, bases shall be assigned on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the base-forming period; and

(b) An entire base shall be transferred by the market administrator to another person upon receipt of an application form, approved by the market administrator, and signed by the base-holder(s), or his heirs, and by the person to whom such base is transferred subject to the following conditions:

(1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base-forming period and dividing the total by the larger of:

(i) 120 days; or

(ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base-forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).

§ 1103.83 Announcement of established bases.

On or before March 1 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by such producer.

PAYMENTS

§ 1103.90 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 1103.71 or § 1103.72 adjusted by the producer butterfat differential computed pursuant to § 1103.91, subject to the location adjustment to producers pursuant to § 1103.92, and less the following amounts: (1) The payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 1103.94, and (3) any proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1103.98 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the last day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received from such producer during the first 15 days of the month at not less than the Class II price for 3.5 percent milk for the preceding month;

(c) To a cooperative association which has filed request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the date, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 1103.94, together with a description of the respective deduction; and

(6) The net amount of payment to the producer;

(e) To a cooperative association for milk received from such association in its capacity as a handler as follows:

(1) On or before the 26th day of each month an amount equal to not less than the Class II price for 3.5 percent milk for the preceding month multiplied by the hundredweight of milk received from such association during the first 15 days of the current month; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the utilization value of such milk computed at the applicable class prices less amounts paid pursuant to subparagraph (1) of this paragraph.

§ 1103.91 Producer butterfat differential.

In making payments pursuant to § 1103.90, the uniform price(s) shall be increased or decreased for each one-tenth of one percent that the butterfat content in milk received from each producer is above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials pursuant to § 1103.52 weighted by the pounds of butterfat in producer milk in each class, rounded to the nearest one-tenth cent.

§ 1103.92 Location differential to producers and on nonpool milk.

(a) In making payment to producers pursuant to § 1103.90, the uniform price pursuant to § 1103.71 and the uniform price for base milk pursuant to § 1103.72 to be paid for milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 1103.53; and

(b) For purposes of computations pursuant to §§ 1103.97 and 1103.98 the weighted average price shall be adjusted at the rates set forth in § 1103.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1103.93 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and pay-

ment thereof shall be made on or before the next date for making payments set forth under which such error occurred.

§ 1103.94 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 1103.90(a), shall deduct 7 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of the milk for producers who are not receiving such services from a cooperative association. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to such cooperative association.

§ 1103.95 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1103.46(a) (3) and (8)(ii) and the corresponding steps of § 1103.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant as route dispositions in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1103.96 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1103.62, 1103.93 and 1103.97, and out of which he shall make all payments pursuant to §§ 1103.93 and 1103.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1103.97 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1103.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1103.90; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1103.70 (e) and (f).

§ 1103.98 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1103.97(b) exceeds the amount computed pursuant to § 1103.97(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall compute such payments as soon as the appropriate funds are available.

§ 1103.99 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1103.62, 1103.93, 1103.94(a), 1103.95, 1103.97 or 1103.98 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

§ 1103.100 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1103.105 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1103.106.

§ 1103.106 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1103.107 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1103.108 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 1103.109 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1103.110 Separability of provisions.

If any provision of this part, or its application to any persons or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

PART 1105—MILK IN MISSISSIPPI DELTA MARKETING AREA

1. Section 1105.11 is revised to read as follows:

§ 1105.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

2. Section 1105.12 is revised to read as follows:

§ 1105.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant(s); or

(b) Any person who operates a partially regulated distributing plant; or

(c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1105.15; or

(d) A producer-handler, or any person who operates an other order plant.

3. Section 1105.14 is revised to read as follows:

§ 1105.14 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 1105.15.

4. In § 1105.30 the introductory text of this section through paragraph (a)(1) is revised to read as follows:

§ 1105.30 Reports of receipts and utilization.

On or before the 6th day of each month each handler who operates a pool plant(s), each handler, other than a producer-handler, who operates a partially regulated distributing plant, and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers and for the months of March through July the total quantity of base and excess milk. In lieu thereof, the operator of a partially regulated distributing plant shall report aggregate receipts from dairy farmers who would be producers if such plant were a pool plant;

5. In § 1105.31, paragraph (c) is revised and a new paragraph (d) is added to read as follows:

§ 1105.31 Other reports.

* * * * * *

(c) On or before the 20th day after the end of the month each handler operating a partially regulated distributing plant who does not elect at the regular time of reporting pursuant to § 1105.30 to make payments pursuant to § 1105.62(b) shall report his payments to dairy farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer:

(1) The pounds of milk;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment to such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

(d) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

6. In § 1105.41, subparagraphs (b) (3) and (4) are revised to read as follows:

§ 1105.41 Classes of utilization.

* * * * * *

(b) * * *

(3) The shrinkage assigned pursuant to § 1105.42(b)(1) but not in excess of 2 percent of receipts of skim milk and butterfat directly from producers, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products from pool plants of other handlers and from other order plants and unregulated supply plants to be allocated pursuant to § 1105.46(a)(7) and the corresponding step of § 1105.46(b), less 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products to pool plants of other handlers;

(4) The shrinkage of other source milk assigned pursuant to § 1105.42(b)(2);

7. Section 1105.42 is revised to read as follows:

§ 1105.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1105.46(a)(7) and the corresponding step of § 1105.46(b); and (2) other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

8. Section 1105.44 is revised to read as follows:

§ 1105.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified at the utilization indicated by the operator of both plants otherwise as Class I, subject in either event to the following conditions:

(1) The skim milk and butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1105.46(a)(7) and the corresponding step of § 1105.46(b);

(2) If the transferor plant received during the month other source milk to

On or before the 12th day after the end of the month each handler shall pay

ducer(s) or association of producers, or if the obligation is payable to the market

section, the market administrator, or

are moved to a pool plant during the

thereof; and

(2) If the transferor plant received during the month other source milk to

be allocated pursuant to § 1105.46(a)(3) and the corresponding step of § 1105.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1105.46(a)(7) and the corresponding step of § 1105.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) A plant operated by a producer-handler shall be Class I milk;

(c) An other order plant shall be classified in the class to which allocated under the terms of such other order. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

(d) A nonpool plant that is neither an other order plant nor a producer-handler plant shall be classified as Class I milk unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1105.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator and are adequate for the verification of the Class II usage claimed; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order;

(iii) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the skim milk and butterfat in transfers of milk, skim milk, and cream in bulk from the nonpool plant to pool plants, classified as if it were a direct transfer pursuant to paragraph (a) of this section from one pool plant to another pool plant with Class II utilization indicated: *Provided*, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing or such Class I classification;

(iv) Remaining quantities of skim milk and butterfat transferred to the nonpool plant shall be assigned next to the Class II utilization remaining in the nonpool plant after deducting from such Class II utilization the sum of the skim milk and butterfat, respectively, in fluid milk products in opening inventory, in receipts of nonfluid milk products which are used to produce any product other than a fluid milk product in the plant during the month, and in non-Grade A receipts at the nonpool plant: *Provided*, That fluid cream transfers from such nonpool plant to a second nonpool plant meeting the conditions of subparagraph (2) of this paragraph and which is neither an other order plant nor a producer-handler plant shall be classified as Class II milk in an amount not in excess of Class II (pursuant to § 1105.41(b)(1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which are neither other order plants nor producer-handler plants and which do not dispose of milk or cream in consumer packages for consumption in fluid form; and

(v) Any remaining skim milk and butterfat in the quantities transferred to the nonpool plant shall be Class I.

9. Section 1105.46 is revised to read as follows:

§ 1105.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1105.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1105.41(b)(3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1105.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant

to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§§ 1105.47 and 1105.48 [Revocations]

10. Sections 1105.47 and 1105.48 are revoked.

11. Section 1105.52 is revised to read as follows:

§ 1105.52 Location adjustment to handlers.

(a) For milk received from producers at a pool plant located 30 miles or more north of U.S. Highway No. 82 and within the State of Mississippi, by shortest highway distance open to commercial truck traffic, as determined by the market administrator, or at a pool plant located outside the State of Mississippi and 30 miles or more by shortest highway distance open to commercial truck traffic, as determined by the market administrator, from the nearer of the City Halls at Greenville or Columbus, Mississippi, and which is classified as Class I, and for other source milk for which a Class I location adjustment is applicable, the prices determined pursuant to § 1105.50 (a) shall be reduced 7.5 cents, plus an additional 1.5 cents for each 10 miles that such distance exceeds 40 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1105.53 [Revocation]

12. Section 1105.53 is revoked.

§ 1105.54 [Redesignation]

13. Section 1105.54 is redesignated as § 1105.53.

14. Section 1105.62 is revised to read as follows:

§ 1105.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1105.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1105.70 at the partially regulated distributing plant and at any other nonpool plant(s) which

serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1105.10(b) by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1105.10(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

15. Section 1105.70 is revised to read as follows:

§ 1105.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1105.46(c), by the applicable class prices (adjusted pursuant to §§ 1105.51 and 1105.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1105.46(a)(9) and the corresponding step of § 1105.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1105.46(a)(5) and the corresponding step of § 1105.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1105.46(a)(3) and the corresponding step of § 1105.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1105.46(a)(7)(i) and the corresponding steps of § 1105.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1105.46(a)(7)(iii), and the corresponding step of § 1105.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1105.53.

16. Section 1105.71 is revised to read as follows:

§ 1105.71 Computation of the 3.5 percent value of all milk.

For each month, the market administrator shall compute the 3.5 percent value of milk, as follows:

(a) Combine into one total the individual value of milk computed pursuant to § 1105.70 for all handlers, except those who failed to make payments required pursuant to §§ 1105.90 and 1105.95 for the preceding month;

(b) Add, if the weighted average butterfat test of all milk represented in paragraph (a) of this section is less than 3.5 percent, or subtract if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1105.75 multiplied by 10.

(c) Add the total of the values of the applicable location adjustments pursuant to § 1105.76; and

(d) Add not less than one-half of the unobligated balance in the producer-settlement fund.

17. Section 1105.72 is revised to read as follows:

§ 1105.72 Weighted average and uniform price.

For each month the weighted average price, and, except for the months of March through July, the uniform price per hundredweight for all milk containing 3.5 percent butterfat received at pool plants (before location adjustments) shall be computed as follows:

(a) Divide the amount computed pursuant to § 1105.71 by the sum of the

following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1105.70(e) and (f); and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1105.73 [Amendment]

18. In § 1105.73(b) the designation "§ 1105(a)" is changed to "§ 1105.50(a)".

19. In § 1105.74, paragraph (b) is revised to read as follows:

§ 1105.74 Uniform base milk price.

* * * * *

(b) From the aggregate value determined pursuant to § 1105.71 subtract the following:

(i) An amount computed by multiplying the hundredweight of milk specified in § 1105.72(a)(2) by the weighted average price; and

(ii) The value of excess milk determined pursuant to paragraph (a) of this section;

20. Section 1105.76 is revised to read as follows:

§ 1105.76 Location differentials to producers and on nonpool milk.

(a) In making payments to producers and cooperative associations, a handler may deduct from applicable uniform prices with respect to all milk received from producers at the handler's pool plant the amount per hundredweight applicable to the plant as set forth in § 1105.52.

(b) For purposes of computations pursuant to §§ 1105.95 and 1105.96 the weighted average price shall be adjusted at the rates set forth in § 1105.52 applicable at the location of the nonpool plant from which the milk was received.

21. Section 1105.93 is revised to read as follows:

§ 1105.93 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1105.46(a)(3) and (7)(i) and the corresponding steps of § 1105.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

22. Section 1105.95 is revised to read as follows:

§ 1105.95 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1105.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1105.90; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1105.70(e) and (f).

23. Section 1105.96 is revised to read as follows:

§ 1105.96 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1105.95(b) exceeds the amount computed pursuant to § 1105.95(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight of producer milk and shall complete such payments as soon as the appropriate funds are available.

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.6 is revised to read as follows:

§ 1108.6 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of February through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received at a pool plant at the location of the plant from which diverted.

2. Section 1108.11 is revised to read as follows:

§ 1108.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an approved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are shipped during the month to a pool plant qualified pursuant to § 1108.10 and which is not an other order plant nor a producer-handler plant.

3. In § 1108.30, paragraph (c) is added to read as follows:

§ 1108.30 Reports of receipts and utilization.

* * * * *

(c) Each handler who operates a partially regulated distributing plant shall report as required in § 1108.31(b)(2) and (4) and paragraphs (a) and (b) of this section, with receipts in Grade A milk from dairy farmers reported in lieu of those in producer milk, except that quantities of base milk and excess milk need not be reported.

4. Section 1108.31 is revised to read as follows:

§ 1108.31 Other reports.

(a) Each producer-handler and each handler making payments pursuant to § 1108.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler, except a producer-handler and a handler making payments pursuant to § 1108.62(b), shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 7th day of each month of March through August 1964 and April through August thereafter, for each producer for the previous month:

(i) His name and address or other appropriate identification;

(ii) The total pounds of milk and butterfat received from such producer;

(iii) The location at which such milk was received; and

(iv) The number of days on which milk was received from such producer;

(2) On or before the 20th day after the end of the month, for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer, including for the months of February through July 1964 and March through July thereafter, the pounds of base milk;

(iii) The days for which milk was received from such producer, if less than the entire month;

(iv) The average butterfat content of such milk; and

(v) The net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(3) On or before the day prior to diverting producer milk pursuant to § 1108.6 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted; and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

5. In § 1108.41(b)(5), subdivision (iii) is revised to read as follows:

§ 1108.41 Classes of utilization.

* * * * *

(b) * * *

(5) * * *

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1108.46(a)(7) and the corresponding step of § 1108.46(b), and from cooperative associations pursuant to § 1108.12(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

* * * * *

6. In § 1108.42(b), subparagraph (2) is revised to read as follows:

§ 1108.42 Shrinkage.

* * * * *

(b) * * *

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products, exclusive of that specified in § 1108.41(b)(5).

7. Section 1108.44 is revised to read as follows:

§ 1108.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, or by the handler pursuant to § 1108.12(c) and the plant operator, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, or if received at a pool plant from a handler pursuant to § 1108.12(c), except as provided in paragraph (f) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1108.46(a)(7) and the corresponding step of § 1108.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1108.46(a)(3) and the corresponding step of § 1108.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1108.46(a)(7) and the corresponding step of § 1108.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the plant from which transferred or diverted;

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant that is neither an other order plant nor a producer-handler plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1108.30, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) such cream is not disposed of by the transferee plant under Grade A label.

(e) As Class I milk, if transferred or diverted in the form of bulk milk or skim milk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1108.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(f) If a specified utilization is not claimed by both handlers, subject to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 1108.12(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 1108.46(a)(8) and the corresponding step of § 1108.46(b); and

(g) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrator such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1108.46 is revised to read as follows:

§ 1108.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1108.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1108.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative associations as handlers pursuant to § 1108.12(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1108.44(a);

(9) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1108.44(f); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1108.53 is revised to read as follows:

§ 1108.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 60 miles by shortest highway distance as measured by the market administrator, from the nearer of the County Courthouse in Arkadelphia, Arkansas, or the State Capitol in Little Rock, Arkansas, which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1108.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is from the respective buildings designated above; and

(b) For purposes of calculating such adjustment, transfers of fluid milk products between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1108.12(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1108.54 [Revocation]

10. Section 1108.54 is revoked.

11. Section 1108.62 is revised to read as follows:

§ 1108.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1108.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1108.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1108.9 by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1108.9 by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of an other order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

12. Section 1108.70 is revised to read as follows:

§ 1108.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1108.46(c), by the applicable class prices (adjusted pursuant to §§ 1108.52 and 1108.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1108.46(a)(10) and the corresponding step of § 1108.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1108.46(a)(5) and the corresponding step of § 1108.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk substracted from Class I pursuant to § 1108.46(a)(3) and the corresponding step of § 1108.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1108.46(a)(7)(i) and the corresponding step of § 1108.46(b); and

(f) Add the value of the skim milk and butterfat, respectively in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1108.46(a)(7)(iii) and the corresponding step of § 1108.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1108.53.

13. Section 1108.71 is revised to read as follows:

§ 1108.71 Computation of the uniform price.

For each month the market administrator shall compute the uniform price (or weighted average price) per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1108.70 for all handlers who filed the reports prescribed by § 1108.30 for the month and who made the payments pursuant to §§ 1108.80 and 1108.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1108.74;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1108.73 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1108.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months of February through July 1964 and March through July thereafter, shall be the "uniform price" for milk received from producers.

14. Section 1108.72 is revised to read as follows:

§ 1108.72 Computation of uniform prices for base milk and excess milk.

For each of the months of February through July 1964 and March through July thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Subtract from the amount resulting from the computations made pursuant to § 1108.71(a) through (d) an amount computed by multiplying the hundredweight of milk specified in § 1108.71(e)(2) by the weighted average price;

(b) Compute the aggregate value of excess milk as follows:

(1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk of handlers included in these computations by the Class II milk price;

(2) Multiply any additional hundredweight of such milk by the Class I price; and

(3) Add together the resulting amounts;

(c) Divide the aggregate value of excess milk obtained in paragraph (b) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract four cents. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers;

(d) Subtract an amount determined by multiplying the uniform price obtained in paragraph (c) of this section, plus four cents, times the hundredweight of excess milk from the aggregate value of milk obtained in paragraph (a) of this section;

(e) Divide the result obtained in paragraph (d) of this section by the total hundredweight of base milk of handlers included in these computations; and

(f) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for base milk of 3.5 percent butterfat content f.o.b. market.

15. Section 1108.74 is revised to read as follows:

§ 1108.74 Location differentials to producers and on nonpool milk.

(a) The applicable uniform prices to be paid for producer milk received at a pool plant located 60 miles or more from the County Courthouse in Arkadelphia, Arkansas, or the State Capital in Little Rock, Arkansas, whichever is nearer by the shortest highway distance, as determined by the market administrator, shall be reduced according to the distance of the plant from the respective buildings designated above at the rate of 1.5 cents for each 10 miles or residual fraction thereof; and

(b) For purposes of computations pursuant to §§ 1108.82 and 1108.83 the weighted average price shall be adjusted at the rates set forth in § 1108.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1108.82 is revised to read as follows:

§ 1108.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1108.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1108.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1108.70 (e) and (f).

17. Section 1108.83 is revised to read as follows:

§ 1108.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1108.82(b) exceeds the amount computed pursuant to § 1108.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

18. Section 1108.86 is revised to read as follows:

§ 1108.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk received by a cooperative association as a handler pursuant to § 1108.12(c), except that transferred to another handler operating a pool plant, (b) producer milk of a handler operating a pool plant (including such handler's own production),

plus milk received from a cooperative association as a handler pursuant to § 1108.12(c), (c) other source milk allocated to Class I pursuant to § 1108.46(a) (3) and (7)(i) and the corresponding steps of § 1108.46(b), and (d) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

Signed at Washington, D.C., on January 23, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-1058; Filed, Feb. 6, 1964; 9:00 a.m.]

Pages 2203–2298

PART IV

FEDERAL REGISTER

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Washington, Friday, February 7, 1964

Department of Agriculture

Agricultural Marketing Service

Handling of Milk in Certain Marketing Areas

Nebraska-Western Iowa, etc.; Recommended Decision

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1065, 1066, 1071–1076, 1104, 1106, 1120, 1125–1138]

HANDLING OF MILK IN NEBRASKA-WESTERN IOWA, ETC.

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and Orders

Docket No. and Marketing Area	*7 CFR Part*
AO–86–A15, Nebraska-Western Iowa	1065
AO–122–A10, Sioux City, Iowa	1066
AO–227–A12–RO1, Neosho Valley	1071
AO–235–A5, Sioux Falls-Mitchel	1072
AO–173–A15, Wichita, Kans	1073
AO–249–A5, Southwest Kansas	1074
AO–248–A4, Black Hills, S. Dak	1075
AO–260–A5, Eastern South Dakota	1076
AO–292–A3, Red River Valley	1104
AO–210–A15, Oklahoma Metropolitan	1106
AO–328–A2, Lubbock-Plainview, Tex	1120
AO–226–A9, Puget Sound, Wash	1125
AO–231–A20, North Texas	1126
AO–232–A12, San Antonio, Tex	1127
AO–238–A14, Central West Texas	1128
AO–256–A8, Austin-Waco, Tex	1129
AO–259–A9, Corpus Christi, Tex	1130
AO–271–A6, Central Arizona	1131
AO–262–A9, Texas Panhandle	1132
AO–275–A10, Inland Empire	1133
AO–301–A3–RO1, Western Colorado	1134
AO–300–A5–RO2, Colorado Springs-Pueblo	1135
AO–309–A5, Great Basin	1136
AO–326–A2–RO2, Eastern Colorado	1137
AO–335–A1, Rio Grande Valley	1138

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in each of the marketing areas heretofore specified.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary Statement

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, were held at Denver, Colorado, on January 14–18, 1963, pursuant to notice thereof which was issued December 20, 1962 (27 F.R. 12775). For the Neosho Valley, Western Colorado, Colorado Springs-Pueblo and Eastern Colorado markets, the January 14–18 hearing constituted a reopening of prior hearings on which proposed order amendments had been issued. These situations are later discussed under Section III.

The material issue on the record of the hearing relates to the marketing of milk in each of such regulated markets or its supply system from sources not fully regulated under the respective order. This broad issue is subdivided on the basis of the source of such milk and the manner of entry into the following more specific issues:

1. The integration into the regulatory plan of each of the orders of milk not subject to classified pricing under any Federal order which is:

(a) Disposed of as Class I milk directly on routes in the marketing area of such order; or

(b) Received at a plant fully regulated by such order;

2. The application of the regulatory plan of each of the Federal orders to milk regulated under another Federal order which is:

(a) Disposed of directly on routes in the regulated marketing area; or

(b) Received at a fully regulated plant; and

3. Incidental and corollary changes in order provisions.

The Supreme Court of the United States issued on June 4, 1962, its decision in the case of Lehigh Valley Cooperative Farmers, Inc., et al., vs United States et al. (hereinafter called the Lehigh decision), invalidating certain applications of the "compensatory payment" provisions of the New York-New Jersey Federal milk order. Official notice is taken of such decision.

Until recently a majority of all Federal milk orders with market pooling contained "compensatory payment" provisions which might be considered applicable in parallel circumstances. By notice issued November 9, 1962, and subsequent suspension actions effective January 1, 1963, with respect to 50 milk orders and March 1, 1963, with respect to 13 additional milk orders, certain provisions of this nature were deleted from all milk orders.

Prior to the Lehigh decision many of these orders prescribed specific, but varied, financial obligations to the pool on milk received from "unregulated plants"[1] at regulated plants or distributed in the marketing area on routes from unregulated plants. Most orders provided that unregulated milk received at regulated plants be assigned to surplus uses to the extent of such uses at the receiving plant. On unregulated milk which could not be assigned a surplus class use a compensatory payment into the pool fund was required. Some orders provided, however, the alternative that the unregulated plant operator with route distribution in the marketing area could pay into the pool (producer-settlement fund) the difference between his payments to dairy farmers and the total value of his milk classified and computed according to the class price provisions of the order. In short, the unregulated plant operator had the choice with respect to route distribution of paying a compensatory payment on the sales actually made in the marketing area or of paying for his milk (by paying his dairy farmer and/or the pool) the same amount of money as if his plant were fully regulated.

With the issuance of the Lehigh decision it was recognized that certain prescribed obligations were subject to legal doubt. The suspensions were made in the compensatory payment provisions of the orders to minimize the legal questions. These suspension orders removed compensatory payments on unregulated milk (both bulk and route distribution) classified as Class I where the rate of payment provided was comparable to that invalidated by the Lehigh decision and no other option was available to handlers.

The consequence of this action in the Oklahoma Metropolitan, Sioux Falls-Mitchell, Puget Sound and Neosho Valley orders was to remove all financial obligation on the part of an unregulated plant on any route distribution in the respective marketing areas. In certain other orders involved in this hearing the suspension reduced the maximum obligation on route sales of unregulated milk from the difference between the Class I price and the surplus milk price to the difference between the Class I price and the order blend price. No change was made in the case of 10 orders which provided for handler election of a compensatory payment at the difference between the Class I price and the surplus milk price on market area Class I sales, or payment to the pool of any amount by which the classified use value of milk receipts at such plant exceeded actual payments to dairy farmers regularly delivering to such plant.

The suspension action removed all payment obligations on bulk unregulated milk (not including in most instances[2] reconstituted milk products) but retained the assignment to surplus class uses to the extent of such uses. In those orders where a payment rate equal to the difference between the Class I price and the blend price was provided in some months, such rate was extended to all months.

Late in November 1962 opportunity was afforded all parties interested in 76 milk orders to submit proposals with respect to the subject of this hearing. Since the problem of reappraising order provisions in light of the Lehigh decision related to all Federal milk orders, a regional hearing was scheduled to provide opportunity, for simultaneous consideration of this problem affecting a substantial number of orders. Proposals relating to one or more of the 25 milk orders listed above were received from 62 parties (33 proprietary handlers, 23 cooperative associations or federations of such associations, 2 trade associations, and 4 state agencies). To expedite the purposes of the hearing the specific proposals received were summarized, for purposes of the hearing notice, into major categories each relating to a genera' type of transaction involving milk not

[1] Defined below.

[2] In some orders where the obligation on unregulated receipts of nonfluid milk products could not be distinguished in the suspension action from the obligation on fluid milk products, the obligation on nonfluid milk products was also removed.

subject to full regulation under the order to be amended.

As previously stated, the hearing dealt generally with two broad subjects: (1) the treatment to be accorded unregulated milk distributed in a regulated market or received at a regulated plant from a plant not regulated by any Federal milk order, and (2) the treatment of milk distributed in a Federally-regulated market or received at a Federally regulated plant from a plant subject to another Federal order. Section I of this decision is concerned with the problem of integrating milk from unregulated sources into the regulatory plan for each market. Section II deals with problems of assignment to classes of fluid milk products moved between Federally-regulated markets. Section III of the decision discusses incidental and necessary changes in order provisions related to order revisions based upon the findings and conclusions in Sections I and II.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

I. *Unregulated milk.* Although varied nomenclature is applied in the several orders in defining the separate categories of milk, it will be convenient here to use the general terms "unregulated milk" or "unregulated plant" to describe the general category of transactions which involves milk or plants which are not subject to Federal regulation[3] in any way except for the particular shipment or distribution which enters the orbit of such regulation.

(a) *General basis for order revision.* Milk orders are issued under authority of the Agricultural Marketing Agreement Act of 1937, as amended, primarily for the purpose of establishing and maintaining orderly marketing conditions in the sale of milk by producers to milk handlers. Consumers are to be assured adequate and dependable supplies of milk for which producers are to receive minimum prices related to factors that affect the supply and demand for milk for the regulated marketing area. The basic framework of each order includes a classified price plan, with minimum prices for each class or use, and a pooling system which distributes among producers the values of milk in the various classes.

Under the classified price plan classes of use are established and a different minimum price is established for each class. By this means handlers are required to pay for the milk received from producers in accordance with the use made of it. In most of the milk orders under consideration two classes of use are established. Class I milk usually includes milk used for fluid consumption in the forms for which milk supplies must meet inspection requirements of health authorities. Class II milk then includes all milk used in manufacturing (surplus) uses. In some orders surplus uses are divided into two or more classes. A higher minimum price is established for Class I milk than for the surplus class or classes.

The classified price system is vital to achievement of the goal of orderly marketing. Under it each handler pays for the milk he receives from producers in accordance with the uses he makes of the milk. The uniform minimum prices established by classes, which are subject to various adjustments, such as for butterfat content of milk used in each class and for the location at which the milk is received from producers, assure equity among handlers. Since milk is priced in accordance with its value in each use, it is economically feasible for handlers to accept, under usual circumstances, all milk delivered by producers and thereby to maintain adequate reserves of milk so that the public will be assured of dependable supplies of milk at all times.

Subject to the various adjustments provided by the Act, the pooling systems of the orders provide a uniform, or weighted average, price, based on class values at minimum order prices, to be paid producers. The Act authorizes this average price to be computed (a) for each handler, to be paid the producers supplying such handler (individual-handler pool); or (b) for all handlers in the market, to be paid all producers in the market regardless of the use made of their milk by the handler to whom they deliver (market pool). Under market pools handlers pay into or draw out of an "equalization" fund the amount by which the classified use value of their milk exceeds or is less than the amount to be paid producers at the uniform price.

Because producers delivering milk to market pool markets may obtain the same uniform prices irrespective of the particular utilization as Class I or surplus milk of the handler to whom they deliver, it is not necessary for the producers to shift among handlers in order to obtain the best price. This accommodates the orderly and efficient utilization of the necessary surplus supply and returns to all producers an equitable share of the returns from the total sales of Class I and surplus milk in the market. All producers thus share the burden of the surplus for the market.

In a substantial majority of markets under Federal regulation market pools are used. The uniform sharing of the market average utilization promotes orderly marketing under a wider variety of conditions than does individual-handler pooling. Market pools now are provided in 22 of the 24 orders involved in this hearing.

In these market pool orders some form of minimum performance requirement is established to distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants which do not serve the market in a way, or to a degree, that warrants their sharing—by being included in the pool—in the market average utilization of Class I milk. Such distinction is necessary or else the proceeds of the higher Class I price could be dissipated by including in the pool milk primarily acquired for manufacturing purposes without any obligation on the handler to make milk available for the fluid needs of the market. Unless adequate standards of marketing performance are provided which will determine which milk and plants will participate fully in the market pool funds, the uniform pool price of the market could be depressed to the point that the Class I price would not serve its function of attracting an adequate supply of milk for the fluid needs of the market without being higher than economically necessary.

In this connection it should be noted that the higher prices applicable to Class I milk (which are necessary to assure the consuming public of adequate and dependable supplies of milk) are passed on to the public. It is essential, therefore, in order to share in these funds that plant operators perform marketing functions (i.e., deliver milk to market in specified amounts or proportions) which contribute to providing adequate and dependable market supplies. The pool plant performance requirements (particularly those applying to bulk shipments of milk) are essential provisions of a milk order if it is to attain this statutory purpose of assuring adequate supplies of milk in the most economical manner and in a way that most serves the public interest. The marketing performance distinctions also serve to minimize the effects of regulation on handlers whose sales operations are primarily in other markets by exempting them from full price and pooling regulation of the orders.

Typical pool plant standards are designed to recognize the separate functions of "distributing plants" which process and package fluid milk products and dispose of them for fluid consumption to wholesale and retail outlets or through plant stores, and of "supply plants" which may function solely for assembly of bulk milk to be shipped to distributing plants. For distributing[4] plants, pool plant standards normally require that a substantial portion of the plant's receipts during the current month be sold for fluid consumption and that a smaller but significant proportion be sold in the order marketing area. Supply plant standards provide year-round pooling for plants with substantial shipments of fluid milk to pool distributing plants in the season of short supply, and also provide for pooling on the basis of volume of shipments in the current month. Plants meeting these requirements establish themselves as an integral part of the fluid milk supply system for the marketing area.

While order nomenclature varies somewhat, such distributing and supply plants are usually referred to as "pool plants". Generally, any plant, wherever located, may become a pool plant if it meets the marketing performance standards which at any time are equal for all plants performing the same function. In short, the pool plant provisions are an essential means of assuring the regulated market of adequate and dependable supplies of milk. It should be em-

[3] Plants which may be subject to some State minimum price regulation are also included in the category of "unregulated plants".

[4] Some orders use different nomenclature in referring to distributing and supply plants.

phasized that the pool plant performance standards do not impede the shipment of milk to regulated markets. Quite the contrary, they require milk to be shipped to the market in order to share in the pool funds. They achieve this necessary result by precluding the sharing in the pool funds of plants which do not ship milk in accordance with the prescribed standards. They are thus the opposite of a barrier to the shipment of milk to the market.

Since milk may enter a Federal order market from plants and under conditions which do not meet the pool plant performance standards, milk not regulated by any Federal order may be sold in these order markets. One such way is by direct route distribution of some packaged fluid milk in the marketing area from an unregulated plant. Another is by supplying unregulated milk, either in bulk or packaged form, to pool plants and for such milk to be used by the pool plant for its fluid business. Other sources of unpriced fluid milk products available to handlers fully regulated by an order are from the surpluses of producer-handlers, whose milk is not priced under these Federal orders, and from nonfluid products such as nonfat dry milk, condensed milk or skim milk or butter used to reconstitute fluid milk products.

When such unregulated milk is sold for fluid use in a Federal order market in competition with milk priced and pooled under the order, means for integrating it into the regulatory scheme must be provided. A plant that is not fully regulated (in contrast to one that is) is not required to account for all of its disposition of milk at the established class prices, to return minimum uniform prices to its producers, or to have its records audited, etc. Such plants thus normally would have a competitive advantage over fully regulated plants in the disposition of higher value Class I milk in regulated marketing areas. Unless some method is provided for removing such a competitive advantage when unpriced milk is used for Class I sales in a regulated marketing area, inequities would exist among handlers in the sale of milk in regulated markets. This would obviously have such disruptive effects as to negate completely the purposes sought to be achieved by the milk orders pursuant to the basic statute.

As a result of the suspension actions taken because of uncertainties resulting from the Lehigh decision, unregulated milk may now enter many of these order markets under circumstances which tend to disrupt orderly marketing. The compensatory payment provisions suspended from these orders were intended to remove the competitive advantage attached to such unregulated milk. While the Supreme Court ruled that a compensatory payment on nonpool milk as applied in the circumstances involving the New York-New Jersey order was inconsistent with the terms of the Act, the Court recognized, however, that because of the manner in which Federal orders function, "it is quite obvious that under certain circumstances some regulation of such milk may be necesary".

One way to minimize the quantities of unregulated milk entering marketing areas would be to establish pool plant provisions which reduce the degree of marketing performance required. But this would vitiate the effectiveness of the orders in inducing adequate supplies of milk at order prices or would unnecessarily involve in total regulation handlers who distribute only small quantities of milk in the regulated marketing areas. Either of these consequences would render more difficult the attainment of the ends sought by the statute. Consideration is confined, therefore, to remedies involving obligations imposed on the unregulated milk entering the marketing area or its regulated supply system which is unregulated in light of current pool plant performance standards.

There is no way to treat unregulated milk equally with regulated milk other than to regulate it fully at the level of first receipt from producers. This is the stage of the marketing system at which minimum order prices apply. The prices paid farmers for any particular lot, or shipment, of milk cannot be distinguished from those paid for other uses; indeed the average price paid for all milk received at an unregulated plant has significance when compared to the minimum class prices of an order only as the utilization of all such milk is known. Short of full regulation, the treatment of unregulated milk can at best only approach equality of treatment with regulated milk.

The extent to which unregulated milk may have competitive advantage over regulated milk varies substantially, depending upon the individual circumstances affecting the operation of the plant receiving the unregulated milk. On the basis of this record affecting 25 markets, only provisions applicable to the general situations common to all such markets can be adopted. Should there be need in any market for more detailed treatment of unregulated milk from specific types of sources, such matters may be considered further in individual market hearings.

(b) *Packaged route sales from unregulated distributing plants.* This portion of the decision deals with the regulatory treatment of milk distributed on routes in the Federally regulated marketing area from a plant not fully regulated by any Federal order ("fringe" distributor).

Two basic proposals were made at the hearing for amending the several market pool orders to minimize, within the Lehigh decision, the competitive advantage which unregulated distributing plants have over pool plants with respect to sales of milk within regulated markets. These were:

1. Payment to the pool of the difference between the Class I price and the order blend price on in-area route distribution in excess of offsetting Federal order Class I purchases; or, in the alternative, payment to the pool of the Class I price less the order blend price or actual cost, whichever is less.

2. Payment to the pool of any amount by which the classified-use value of total milk receipts exceeds actual payments to dairy farmers ("Wichita option"); or, per various proposals, by payment on the volume of milk distributed in the marketing area of (a) the difference between the order Class I and Class II prices, (b) the difference between the order Class I and blend prices, or (c) the difference between the order Class I price and actual cost of the milk.

The majority of witnesses supported a "Wichita" plan [5] with an option of a pool payment at the difference between the order Class I and Class II prices on marketing area sales in excess of any "offsetting" Federal order Class I purchases. It was their position that marketing area route sales by a nonpool plant were the alternative to an otherwise Class II disposition, and that, accordingly, a Class II value represented the appropriate credit on such sales. Other witnesses questioned the legality of such a credit and supported a credit of the market blend price. In general, however, the latter witnesses recognized the probability that their proposal could not be expected to neutralize fully the advantages in the use of unregulated milk and suggested the likelihood of the need for further hearings to consider full regulation of now unregulated plants with route distribution in regulated marketing areas.

The evidence at the hearing clearly established the varied circumstances under which unregulated milk may enter the 25 regulated markets as route sales from unregulated plants. Both proponents and other witnesses appearing at the hearing obviously were hampered in developing proposals because of the uncertainty as to the treatment of other source milk which would be legally acceptable under the Lehigh decision. The need for order amendments which would maintain the effectiveness of the classified pricing and pooling plans which are the basic tools of regulation was of course stressed by all proponents.

The orders should be amended to provide that the unregulated distributor who disposes of milk on routes in a regulated marketing area should be accorded the following choices as a means of integrating his milk into the general regulatory scheme so that such milk will not have an unduly disruptive effect upon the regulation:

(a) He should be allowed to show that payment for his total dairy farm supply has been at least as much as if his plant were fully regulated. This amount may be paid entirely to his dairy farmers or may be paid in part to his dairy farmers and in part to pool funds of regulated markets;

(b) He may show that he has purchased Class I milk priced under some market pool order in an amount at least equivalent to his total Class I sales within the regulated area;

(c) He may make a pool payment on the quantity of Class I sales made in

[5] The various Wichita plans proposed would provide for a showing (by one means or another) that milk in a "fringe" distributor's unregulated plant has been paid for in accordance with the minimum price provisions of a Federal milk order or for the choice of various pool payments by the "fringe" distributor.

the regulated market at a rate equal to the difference between the Class I price and the blend price for such regulated market; or

(d) Any combination of (b) and (c).

Distributing plants with route distribution in a regulated market may not meet the pool plant performance standards fixed by the particular order either because of insufficient route sales in the regulated marketing area or because too large a proportion of the milk receipts are utilized for Class II purposes. However, it is usually for the former reason that such plants fail to qualify because generally distributing-type plants use a high proportion of their receipts in Class I.

Ideally, marketing area boundaries are drawn to encompass that territory where the same handlers compete with each other for route (Class I) sales and to eliminate the incidence of overlapping sales area with unregulated handlers. Improvements in refrigeration, transportation and packaging, however, have encouraged expansion of sales areas to such an extent that it is difficult in any region to delineate an area which wholly accomplishes these objectives. Even if such a delineation were initially possible it inevitably must be only a temporary situation. Milk distributors are interested in selling milk and hence continue to expand their businesses geographically to increase efficiency and opportunity for profit.

This presents no particular problem under the order program with respect to the fully regulated handler since he is required to pay for his producer milk receipts on a classified use basis at the specified minimum order prices regardless of where his milk is sold. For each additional unit of Class I sales he makes he must pay the higher Class I price, whether such sales are made in or outside the marketing area. He cannot use milk bought at the lower surplus class price to expand his sales in either the regulated market or in other markets. He must report all receipts and utilization of milk and the payments made to producers, and maintain records which will substantiate such reports on audit. The butterfat tests upon which he pays producers likewise are subject to verification. He must pay his pro rata share of cost of administration of the order.

The otherwise unregulated distributor is in a substantially different situation, however. He is not required, in the manner of regulated handlers, to purchase his milk on a classified use basis and to pay his dairy farmers any particular minimum price. Normally, he pays a "flat" price without regard to utilization of the milk. The flat price which such a dealer pays is usually at a level which, in relation to competitive conditions in his area of procurement, will obtain sufficient milk for his needs. A dealer who competes with Federal order handlers for his supply is, in effect, in competition with the Federal order blend and usually may procure his supply for an equivalent price. The operator of the unregulated plant thus is in a position to obtain his Class I milk for sale in a regulated market at less than the handler who is fully regulated by the Federal order.

A means must, therefore, be found which insofar as it is practical to do so will minimize the advantage which an unregulated distributor has with respect to the sale of unregulated milk within a regulated area. The options which it is concluded should be accorded the unregulated "fringe" distributor taken in combination are designed to achieve this end.

If the unregulated handler elects to show that he has complied with option (a) above, it will be clearly evident that he has paid at least as much for his Class I sales as a fully regulated handler, for in fact he has paid for all his milk as if he were fully regulated. Such an option accords the unregulated handler competitive parity with respect to his minimum class prices with regulated handlers. The regulated handler is required to pay for all his milk sold as Class I whether inside or outside the marketing area at the Class I price established by the order. So also under this option will the unregulated handler show that he has paid the Class I price on all his sales of Class I both inside and outside the area. To the extent that the unregulated handler has surplus over his fluid milk sales he will likewise show that he has paid the surplus price established by the order which is the same price as the regulated handler pays for his surplus milk. This option provides a meaningful determination of actual pay prices of milk for the unregulated handler based upon comparison with order values.

As earlier stated, this option has been provided in many of the orders previously. Many distributors of unregulated milk in regulated markets have found that using this option is advantageous. This option will particularly accommodate "fringe" distributors who, because of State regulation of milk prices, pay their dairy farm suppliers at least the minimum prices required by the order regulating the handling of milk in the Federal order marketing area where they distribute milk. If for one reason or another, and particularly for competitive reasons, the fringe distributor necessarily pays for his milk supply as much as if he were fully regulated, this option gives him an opportunity to distribute milk in regulated areas without incurring any additional financial obligations on such milk as the result of the order. At the same time, the fact that he has paid full class prices for his milk will assure that the regulatory plan has been protected.

Some witnesses contended that the operator of an unregulated distributing plant who paid his dairy farmers the full classified use value of milk according to order prices should, nevertheless, pay into the pool fund an amount equal to his sales in the regulated area times the difference between the applicable Class I and blend prices. As previously indicated, the unregulated distributing plant is one which is not sufficiently associated with the regulated market to be eligible for pooling, i.e., to share its sales with regulated plants for the purpose of computing a uniform price to farmers. Such unregulated plants may have Class I sales in excess of the average of the regulated market or they may have a smaller percentage of Class I sales. In either case they need not pay into the pool fund if their payments to dairy farmers are at least equal to the classified use value of milk purchased from such farmers. If this opportunity to make payment to such plant's dairy farmers rather than into the pool fund presents a marketing problem, the standards for pool participation may be reexamined at a later hearing.

The second option—to purchase milk for his marketing area needs from a source fully regulated under a market pool order—also affords the distrbutor of unregulated milk an opportunity to sell in a regulated area on a basis of competitive equity with respect to such sales.

The equivalent of the milk which he distributes in the marketing area would be fully regulated Class I milk. Presumably, he would purchase it on the same basis as any other handler who purchases milk for Class I sales within the regulated market. Again, since the milk would be fully regulated under some market pool order, it would afford adequate protection to the regulatory plan.

Under this option purchases must be limited to those made from plants subject to market pool orders. In the findings set out below with reference to provisions dealing with inter-order transfers of milk, a distinction is made between milk received from a market pool market and from an individual-handler pool market. These findings show that under certain circumstances milk received in a market pool market from an individual-handler pool market may have disruptive marketing consequences and that, therefore, special provisions must be adopted with reference to milk from individual-handler pool markets. The conditions described in these findings with reference to milk from individual-handler pool markets are also the basis upon which it is necessary to exclude receipts of milk from individual-handler pool markets under option (b) and, to provide under this option that only purchases of milk from market pool orders may be used to satisfy the option.

Under certain conditions option (c) also would afford to the fringe distributor competitive equity with respect to his sales within the regulated marketing area, and would protect the order from harmful economic consequences. The rate of payment is computed as the difference between the Class I price and the blend price of the market for the month when the sale is made. This rate is a constant for any given location and butterfat test of milk. In essence, the option fixes a value of the sale at the Class I price and assumes payment to his dairy farmer suppliers at the blend price of the market. It also assumes that all milk purchased by the distributor is for Class I use, i.e., that the distributor has no surplus, or reserve, supply.

If the distributor of unregulated milk actually pays as much as the blend price to his dairy farmers and if the milk distributed in the regulated marketing area is not in fact surplus to his normal op-

erations, the payment of a Class I price minus blend obligation on his sales in the marketing area usually will tend to protect the regulation. In the case of regular, everyday distribution of about the same quantities of milk in a regulated area by a distributor of unregulated milk, the supply of milk for such sales normally would be acquired on a regular basis and would not be milk surplus to other fluid operations. In view of the other options afforded the operator of the unregulated distributing plant it may be expected that this opinion will be selected in those situations in which it is to his advantage. This rate of payment is discussed more fully in connection with receipts of unregulated bulk milk at fully regulated plants.

When the cost (that is to say the opportunity cost) of Class I milk disposed of in the marketing area by unregulated distributors is not less than the blend price established under the order, this payment will result in substantial equity between pool handlers and unregulated distributors. If the cost of such milk is less than the order blend price (either because of a less than blend price payment to dairy farmers or because the milk is actually surplus to the regular operation of the plant), an advantage will be accorded such unregulated distributors relative to fully regulated handlers. Apropos of the latter situation, there was evidence in the hearing record that some unregulated distributors do not in fact pay, and do not need to pay, as much as the blend price for their milk. Also, as to some of the regulated markets at least, unregulated distributors sometimes have opportunity to distribute in fluid form milk which is surplus to their normal operations. For example, opportunities exist to obtain contracts for the furnishing of Class I milk to military installations and to other facilities which purchase milk on short-range contracts. These contracts sometimes may be fulfilled with milk which is the surplus of a normal fluid milk operation not under the regulatory program. Where distinct basis can be shown in the evidence of subsequent hearings for determining that the unregulated milk carries only a surplus value, a payment which will accurately reflect this condition undoubtedly will be necessary to insure fully the integrity of the classified price and pooling plan.

It is concluded, therefore, that each of the respective orders under consideration (North Texas, Southwest Kansas, Austin-Waco, and Corpus Christi excepted) should be amended to provide that the unregulated distributor with route disposition in the marketing area in excess of minimum exemption, but insufficient for full regulation, be afforded the above-stated options. In the case of 9 orders * this procedure reduces the amount of the optional compensatory payment computed at the difference between the Class I price and the surplus milk price which is presently provided for with respect to the unregulated distributor's marketing area Class I sales. In light of the Lehigh decision, it is concluded that the evidence on this record is not sufficiently definitive to justify continuation of the larger payment under these orders.

(c) *Milk received at regulated plants from unregulated plants.* When unregulated milk is received by a regulated handler at his regulated plant, provision must be made for its allocation to the total available classification of the regulated plant, and for providing an appropriate rate of payment to the producer-settlement fund on any such milk allocated to Class I. This discussion will consider, for these regulatory purposes, receipts at regulated plants from unregulated plants of fluid milk products which are eligible for distribution in fluid form.

Receipts at a regulated plant from an unregulated plant may be in either bulk or packaged form. The provisions of virtually all the 25 orders now "down-allocate" (i.e., assign to classes in sequence beginning with lowest priced class) such receipts from unregulated plants whether packaged or in bulk.

A variety of proposals relating to receipts at pool plants of milk from unregulated plants was presented at the hearing. The numerous proposals for continuing to "down-allocate" such receipts call also for various rates of pool payments on the portions of fluid milk products from such sources which are allocated to Class I. These rates include: The Class I price less Class II price; Class I price less "actual cost" of unregulated milk; Class I price less uniform price; Class I price less Class II price or actual cost, whichever is less; Class I price less uniform price or actual cost, whichever is less; or two or more of such rates in combination. In orders with more than two classes, the lowest classification price (as being more representative of the cost of milk for manufacturing) would be used instead of the Class II price.

The respective proponents of "actual cost" and "surplus" credits to the handler pointed to situations where milk which now is surplus in regulated plants may become disassociated from regulation and thereby be made available to regulated handlers on an unregulated basis. Prices for such milk were described as about equal to the farm price of milk of manufacturing grade. They also indicated the various sources of Grade A milk presently being received at manufacturing-type plants which is available to regulated handlers. It was shown that to give a regulated handler who purchases such milk a credit greater than its actual utilization value, which in some instances would be as low as the surplus value, would provide him significant price advantage over regulated competitors who purchase only producer milk. However, for reasons later set out, this rate is not adopted for general use.

There were several proponents of a rate of payment based on the difference between the Class I price established by the respective order and an ascertained cost of the quantity of unregulated milk disposed of as Class I milk in a regulated market. The different proponents of this approach referred to two different means of ascertaining cost, both of which have serious shortcomings in measuring a rate of payment to be applied uniformly to all purchases of unregulated milk.

One cost approach would be to ascertain the price which the unregulated plant charged the pool handler for a shipment of milk. The inherent weakness in this approach is the community of interest between buyer and seller which could lead to concealment of the facts of the transaction in order to lessen any payment rate. If the transaction were between two units of one company, obviously a simple adjustment in bookkeeping could be used to avoid any payment. In order to be sure that the reported price was the true price at which the transaction took place, a most detailed audit of the financial records of both plants would be necessary. Tracing through the myriad records of both plants to verify a transaction which would probably represent a mere fraction of the business at either plant would be very costly in relation to the volume of milk involved.

Moreover, of course, the transfer of milk between fully regulated handlers involves the application of handling charges by the first handler. Hence, a fully regulated handler normally cannot purchase milk from another handler at the order minimum prices. Likewise, with respect to purchases of unregulated milk, it is not appropriate to take a cost figure which includes handling charges and profits of the unregulated first receiver of the milk.

The second approach to the Class I price minus ascertained cost is to go back, in determining the cost of milk, to the average pay prices (in contrast to the classified use value) paid to dairy farmer suppliers of the unregulated plant. However, the average price paid to dairy farmers for milk delivered in a specified period which is not based upon the class prices under the Federal order will not be representative of the cost of a quantity of milk sold in a regulated market where a classified price plan operates.

For example, a cooperative association may sell half of its milk in an unregulated fluid milk market for $5.00 per hundredweight, a price equal to the minimum Class I price set by the order, and sell half of its milk for manufacturing at $3.00 per hundredweight. The cooperative returns a blend price to its members of $4.00 per hundredweight. The cooperative can enhance returns to its members by marketing the milk going into manufacturing for any price in excess of $3.00. Suppose the cooperative finds a buyer in a Federal milk market (where the Class I price is $5.00 per hundredweight) who will pay $3.50 for such milk for use as Class I. The 50-cent higher price for its surplus milk would permit the cooperative to pay $4.25 to members for all milk. Under this proposal, the cooperative's pay price of $4.25 would be its "cost" of milk. The buyer would make a compensatory payment of $0.75 per hundredweight (the difference between the Class I price ($5.00) and the cooperative's "cost" of $4.25). The handler's total obligation for the Class I milk would be $4.25 ($3.50 plus $0.75). Both parties to this transaction would, of course, gain an advantage. But obviously, the milk order would not be protected for milk could enter the regulated market for Class I sales at less than the Class I price.

Certain other proposals would have the effect of treating a pool plant's receipts from an unregulated plant in the same manner as producer milk received at a pool plant, i.e., the unregulated milk would be charged for (or debited) in the same manner as for producer milk at the receiving plant and the handler would be credited for the unregulated milk at the market blend price. This proposal was suggested as the means for dealing with several sources of milk, both unregulated and regulated. It is referred to as "repooling" and is dealt with more completely under the finding on bulk receipts of milk from other Federal marketwide pool orders. Proponents of this plan stated it would provide more equitable treatment between pool milk and unregulated milk and would provide a means whereby handlers would be able to secure unregulated milk without excessive penalty when milk was needed in the market. They also indicated that additional supplies would not attach permanently to the pool unless the non-pool plant met the order's pooling standards. The proponent failed to take into account, however, that unregulated milk simply is not subject to the same obligations as apply to regulated milk and that treating only one portion of a plant's output in a manner equal to regulated milk would not adequately protect the regulatory plan.

Another proposal would take into account the type of plant from which unregulated milk was received. It provided that if the unregulated plant did not process or package fluid milk products, receipts from it at a regulated plant would be charged at its classification value under the order and credited at the uniform (blend) price or actual cost, whichever is lower. Another proposal would apply the same treatment whether or not the shipping plant processes or packages fluid milk products. Another proposal was to prorate the receipts of unregulated milk to all uses at the pool plant and to employ the uniform price as the proper credit to the handler with respect to milk so assigned to Class I use. This rate of payment is included in the provisions adopted, and will be discussed in connection with such provisions.

In connection with various other options, it was also proposed that the Wichita plan option of showing that the use value of milk had been paid be provided for integrating into the regulatory scheme bulk milk received at regulated plants. This provision should not be adopted, however.

The conditions which are relevant to sales of packaged milk by "fringe" distributors (who are accorded this option) on the one hand and the receipt of bulk milk from unregulated plants at regulated plants on the other are significantly different. With respect to packaged milk sales by "fringe" distributors, the milk is in the form of Class I products, it is usually a regular and continuing delivery and the "fringe" distributor remains under continuing regulation. Hence, he maintains on a continuing basis the records necessary to ascertaining his sales and receipts of milk and payments to dairy farm suppliers. In contrast, bulk deliveries from unregulated plants have no inherent distinction as either Class I milk or surplus milk. Often the presumption would be valid that bulk milk is the surplus of some unregulated fluid market. Bulk sales are usually intermittent and often unanticipated (if they were not so, they would normally become fully regulated). Because of the intermittent or unanticipated nature of such shipments and because shipment to a regulated market could be only a very small part of the total milk at the unregulated plant, there would be administrative difficulty in ascertaining that all milk has been accounted for in accordance with the provisions of the Federal order. For these reasons, it would be inappropriate to provide with respect to bulk shipments for the option included in the Wichita plan of simply showing that the utilization value of the milk has been returned to the dairy farmers who supply the unregulated milk. Even when a fringe distributor disposes of bulk milk to a fully regulated plant it should be subject to the same allocation and payment to the pool as other unregulated milk in bulk, as later discussed. The amount of such payment would be credited, however, the same as payments to dairy farmers in showing that the use value of his milk has been paid under the option available to him as a fringe distributor.

The orders should continue to provide that fluid milk products moved from an unregulated plant to a regulated plant shall be classified in a manufacturing class utilization if so reported by the operator of the regulated plant. Milk may be purchased by a regulated plant operator from an unregulated plant either for use in his manufacturing operation or in connection with his Class I requirements. When milk from an unregulated plant is moved to a regulated plant for manufacturing use, the orders presently accommodate this situation by providing that such milk may be allocated to the lowest price class utilization in the regulated plant. This treatment of unregulated milk received at regulated plants should be maintained to encourage the orderly disposal of surplus milk and efficient operation of manufacturing facilities at such plants. Ready access to the manufacturing facilities of regulated plants provides an important service to the unregulated plant operator who has excess milk supplies over and above any fluid milk sales or milk in excess of amounts which can be handled through his own plant facilities. When manufacturing utilization in a regulated plant is insufficient for the assignment of all fluid milk products from unregulated plants to the agreed manufacturing use, the remainder, of course, must be allocated to Class I.

The orders should be amended further to provide that (within limits) unregulated milk received at a regulated plant which is not specifically designated for manufacturing use should be assigned a classification which is pro rata to priced milk received by the operator of such plant. This is provided because classification of bulk milk cannot be determinded on the basis of its inherent characteristics as either Class I (i.e. in bottles) or as surplus (i.e. as in manufactured products). Its classification depends upon its utilization by the handler who receives it. Unless the regulated handler accepts the milk for Class II use, a method must be provided for assigning the unregulated bulk milk to classes of use. By assigning it pro rata with priced milk (within limits) it is treated the same for classification purposes as if it were fully regulated milk.

A limit must be placed on the amount of unregulated milk which may share fully a classification assignment with priced milk, however. The receipt of unregulated milk in a regulated handler's operation is always a source of danger to a regulatory plan. Handlers often obtain unregulated milk simply because it is a cheaper source of supply than regulated milk. Unless some limitation is placed on the volume of unregulated milk that may be prorated, a handler with a supply of regulated milk adequate for his Class I requirements could acquire cheaper unregulated milk to increase his manufacturing uses and this milk would share in his Class I utilization while an equal volume of regulated milk was assigned to the expanded surplus use. This would impair the effectiveness of the regulation.

The limit placed on the amount of unregulated milk to be assigned pro rata with priced milk is such that when 20 percent of all milk in the handler's plants is assigned to Class II, all additional unregulated milk will then be assigned to Class II. While for price-making purposes a reserve of milk on a marketwide basis more or less than 20 percent above fluid requirements may be required depending upon seasonal and other considerations, an individual handler associated with a regulated fluid market (whose main purpose is to furnish Class I milk to the market) will not normally need unregulated milk in amounts which will increase his reserve supply above 20 percent of his Class I sales in any given month. Whenever a handler has a milk supply such that more than 20 percent of the intake of his plants is in Class II, no need exists for such unregulated milk in terms of furnishing a regulated Class I market. Even though a situation could conceivably arise where, because of the disruption of normal supplies, a handler receives milk from unregulated sources in excess of the quantities that may be prorated, the attainment of effective regulation nevertheless requires the imposition of this limit.

It is provided that in assigning unregulated bulk milk for purposes of classification, the overall utilization of the handler (rather than the utilization at a single plant) shall be used. This is necessary for the same reasons which are set forth later in this decision with respect to receipts of milk from plants regulated by other orders with market pools. Payment at the difference between the Class

* Colorado Springs-Pueblo order amended May 1, 1963, to eliminate compensatory payment.

I and blend price should be made by the receiving handler into the pool fund on the portion of unregulated milk which is assigned to Class I through proration. There can be no question that the Class I price basically should apply to both fully regulated (pool) and unregulated milk used in a fully regulated plant as Class I milk. To attribute any different valuation on the unregulated milk would automatically result in inequity as compared with pool milk similarly utilized.

Although there is no room for doubt as to the need to attribute a Class I value for any milk so utilized (the minuend), the proper credit to be allowed to milk from unregulated plants is not as clear, i.e., what subtrahend should be used in such a payment formula. There is considerable evidence in the record to the effect that in many situations a payment at any lesser rate than the difference between the Class I minimum price and the value of such milk as surplus would not give complete assurance that such milk would not be disposed for fluid use in the marketing area at an unwarranted price advantage over producer milk similarly utilized. Much of the milk from unregulated plants commonly is purchased from dairy farmers on a flat price basis without regard to use classification. Although most of the milk so purchased is processed in the unregulated plant or is disposed of for local distribution from such a plant as fluid milk for other markets, such a plant will experience the same operational problems of daily and seasonal excesses as do regulated plants.

This frequently leaves excess milk at such plants which is truly surplus to the normal fluid needs of those plants. This situation is accentuated at certain times of the year when there are characteristic seasonal increases in the production of milk without corresponding increases in the demand for milk. If it were not for the sale in the regulated market, such milk would have no higher value to the plant operator than its surplus value. In such circumstances, the operator of such a nonpool plant, including the fringe distributor, has great incentive to "dump" his surplus milk into the marketing area or its supply system at any price higher than the surplus, or Class II, value and thereby obtain a competitive advantage for such milk over producer milk. Pool handlers cannot similarly convert otherwise surplus Class II milk into Class I utilization without accounting to the pool essentially at the full difference between these two utilizations, i.e., they account at Class I rather than Class II. There would then appear to be substantial justification for the same rate of charge against milk from unregulated plants obtained and used in similar circumstances.

It is concluded, however, on this record and at this time and in the light of the decision of the Supreme Court in the Lehigh Valley case, and because of the administrative difficulty in determining whether particular milk from an unregulated plant utilized as Class I in any of these markets actually had only a surplus value or cost at source, that the charge should be limited to the difference between the Class I price and the marketing order blend price, both as adjusted by the same butterfat and location adjustments applicable under the order to fully pooled and priced producer milk similarly situated, delivered and used. Although the use of the blend price as the subtrahend will not assure complete removal of the minimum price advantage which may exist for some milk for the reasons just stated, it nevertheless will serve to minimize this advantage in such cases, and generally should be an equitable means of providing a reasonable measure of protection to the regulatory plan. If it appears that such payment is not protecting the regulatory plan, then on the basis of specific evidence another rate of payment or another plan will need to be devised.

As a means of carrying out the equalization provided by market pooling, regulated handlers are required to pay this minimum blended price to their own producers and, in addition, are required to pay to the producer-settlement fund the full difference between the Class I price and such blend price on all pool milk classified as Class I because of its fluid use in the marketing area. Unregulated milk similarly used as Class I milk by a regulated handler likewise should carry a payment to the producer-settlement fund at least at the same rate as that required of pool milk. If the handler buys pool milk at a price in excess of the blend price, he receives no credit for this excess payment in accounting to the fund. Neither should he receive credit for any amount paid for unregulated milk in excess of the blend price. Both the pool milk and the unregulated milk therefore should be credited at only the blend price in accounting to the pool.

These payments are not unfair or burdensome to the dairy farmer supplying the unregulated plant, whose milk is used as Class I milk by a Federally regulated handler. The allowance of a credit to milk from unregulated plants used as Class I by the regulated handler at the blend price level will provide opportunity to the unregulated plant operator to pay his dairy farmers at least the blend price on these Class I sales. The order cannot, of course, guarantee to the dairy farmer that his purchaser in fact will pay this full blend price to him.

The order must contain provisions of this kind which adequately relate to the total scheme of regulation milk received by regulated handlers which is not subject to pooling. Otherwise, the very existence of an order with its market pooling concept may establish the condition which makes impractical the attainment of the regulatory objective of stabilizing the market in the manner prescribed by the statute. Consequently, the Secretary must protect, to the extent consistent with the Act, the regulatory plan in any marketing area against defeat or impairment because of the introduction into the marketing area in this way of milk from unregulated sources which is not subject to full regulation.

A number of States have programs for establishing prices payable to dairy farmers for milk delivered to processors. These programs generally provide for classification of milk for pricing purposes and for the distribution of returns to dairy farmers on an individual-handler utilization basis. Most of the States do not attempt to apply their pricing to bulk milk which is disposed of outside specifically regulated marketing areas. As a consequence, milk which is surplus of a State regulated fluid milk operation may become available for distribution within a Federally regulated marketing area for Class I use. Because the evidence on this matter referred to potential sources of such milk rather than to actual sources, a pool payment at the difference between the blend price and the Class I price rather than at the difference between the Class I price and the Class II price is concluded to be appropriate at this time.

There may be instances also where a distributor is subject to State milk control and pays the State minimum price on all of his receipts of milk including some that is assigned as bulk Class I in a Federally regulated market. The method of assignment and rate of pool payment applicable to other unregulated milk must also be applied to this source of "unregulated" milk for the same reasons previously set forth even though the State regulated distributor may have paid a price for the Class I milk disposed of in the Federal order market that was higher than the blend price established by the Federal order.

The proposed treatment of bulk milk received at a pool plant from unregulated sources necessarily differs from the treatment to be accorded milk which is regulated under the terms of another Federal order.

Under the plan here proposed for bulk unregulated milk, such milk will be assigned within limits pro rata to the regulated milk of each handler. A payment into the pool will be made at the difference between the Class I price and the blend price for the market where the pool plant is regulated on that quantity assigned to Class I. No rebate will be made on the milk assigned to class II. This method is necessary to protect the regulation from the undermining effects of unregulated milk. If a rebate were to be made on unregulated bulk milk assigned to Class II, the order itself would provide a subsidy which would encourage the introduction of surplus unregulated milk into the regulated system. Moreover, there is no assurance as to the prices paid, or the opportunity cost of, unregulated milk when it is received at a regulated plant. Consequently, the problem with unregulated milk is not to assure equality of treatment with regulated milk for this is, in any event, impossible except as unregulated milk may become fully regulated.

On the other hand, the problem of dealing with regulated milk from other orders is one of assuring complementary treatment of milk under both orders. Thus, the different measures which apply to the unregulated and regulated milk are based on the different problems which each presents for the regulatory program.

(d) *Producer-handler surplus, reconstituted milk, non-Grade A milk.* Certain milk by its very nature must be treated as surplus when received at pool plants regulated by these Federal orders and it therefore must be assigned a surplus value. One such source is milk received, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form or manufactured dairy products, such as fluid skim milk made by the addition of water to nonfat dry milk. Still another source is milk of manufacturing quality (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, therefore, a pool payment at the difference between the Class I price and the surplus price must be required of the receiving handler when such milk is allocated to Class I, following "down allocation" to the extent it can be absorbed in lower priced uses.

Under the present Federal orders in each of these markets, the producer-handler is essentially exempt from regulation. He retains for himself the full return from his sale of milk on routes in competition with pool handlers. That is to say, his Class I sales are not pooled along with those of all producers whose milk is sold by pool handlers. Producer-handlers generally are engaged only in a Class I milk operation and normally do not maintain facilities for processing manufactured milk products. But from time to time, and particularly during the flush months, they (along with producers generally) produce milk in excess of their Class I needs. This is surplus milk and it must be disposed of through some outlet other than the producer-handler's regular facilities. Such milk is available for Class I use at pool plants, and, in view of the producer-handler's limited capacity for utilizing surplus, may be obtained by pool handlers at prices approximating the order surplus class price.

The exemption of the producer-handler Class I sales from market equalization is based on the principle that the producer-handler will accept the lower returns from his own surplus. Hence, it would not be appropriate to allow the receiving handler credit from the pool at more than a surplus price for any milk he receives from the producer-handler. In individual-handler pool markets, this is achieved by down-allocation of the milk. In marketwide pool markets, if milk received at a pool plant from a producer-handler is, in any event, assigned to the pool plant's Class I disposition, the pool handler should be obligated to pay to the producer-settlement fund at the rate which is the difference between the Class I price and the surplus class price. Inasmuch as a producer-handler's appropriate competitive relationship with other handlers and with other producers (and hence the basis for the exemption of producer-handlers from pricing and pooling) depends upon the producer-handler assuming himself the burden of his own surplus, an equitable relationship among the several groups would not be achieved if a producer-handler were allowed to dispose of his surplus and obtain the uniform price (either market or handler) for such surplus. Also, as long as the producer-handler has the advantage of enjoying the full benefit of his own Class I sales customarily made on his own distribution routes, without pooling them with sales of producer milk, he should not also receive Class I benefit from a pool, at the expense of producers, for any of his milk which he is unable to sell in such way. Obviously, surplus milk purchased from producer-handlers operating under another order has the same potential for creating disorderly marketing as surplus from producer-handlers operating under the same order and, consequently, no distinction in treatment for such milk should be provided.

The orders should provide therefore that milk received from producer-handlers at a pool plant should first be assigned to surplus milk at the pool plant and if any is then assigned to Class I, a payment at the Class I-surplus price difference should be applied. Such rate of payment on receipts by Federally-regulated handlers of milk from producer-handlers was ratified by Congress at the time provisions of the Agricultural Adjustment Act of 1933, as amended in 1935, authorizing the issuance of milk orders, were reenacted by the passage of the Agricultural Marketing Agreement Act of 1937. During the period between August 24, 1935, and June 3, 1937, the effective date of the latter Act, six Federal milk orders were issued under such Agricultural Adjustment Act. Two of such milk orders (Greater Kansas City, Missouri, and Fall River, Massachusetts), placed in effect during this period, contained provisions requiring handlers who used bulk milk received from producer-handlers in other than the lowest-priced classification to pay the difference between the class use price and the lowest class (surplus) price for such milk as part of the handler's total obligation for milk. Such payment was distributed, together with the classified value of producer milk of the handler, through the market pool.[1]

[1] Official notice is taken that such payment was provided for in these orders in accordance with the provisions of section 8c of the Agricultural Adjustment Act of 1933, as amended on August 24, 1935, which provisions were renumbered as section 608c upon enactment of the Agricultural Marketing Agreement Act of 1937 on June 3, 1937. 7 U.S.C. section 672, which contains the codified language of section 4 of the Agricultural Marketing Agreement Act of 1937, as amended, states in paragraph (a) "Nothing in this Act shall be construed as invalidating any marketing agreement, license, or order, or any regulation relating to or any provision of, or any act of the Secretary of Agriculture in connection with any such agreement, license or order which has been executed, issued, approved, or done under sections 601–608, 608a, 608b, 608c, 608d–612, 613, 614–619, 620, 623, 624 of this title, but such marketing agreements, licenses, orders, regulations, provisions, and acts are expressly ratified, legalized, and confirmed."

A surplus value likewise is properly assigned to reconstituted milk (the result of combining, for instance, nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under each of these Federal orders. Since the milk used to produce these products is originally priced at surplus, or manufacturing, milk values, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure price parity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in such reconstitution, since similar costs would be incurred in processing producer milk into such products.

Nonfat dry milk and condensed milk also may be added to fluid milk products to increase the nonfat solids content thus making so-called "fortified" fluid milk products. The incentive for handlers to use nonfat milk solids to fortify fluid milk products arises from the specific demands of consumers. The increased emphasis on low-fat diets and the high nutritional value of nonfat solids in relation to their weight have contributed to the increased demand for added nonfat solids in fluid milk products. Such products are distinguished from reconstituted products, however, in that the resulting volume of fluid product is not increased by the addition of water.

In 19 of the orders for which amendments were considered at this hearing, the essential difference in the economic value of milk solids used to fortify fluid milk products versus solids used for reconstitution is recognized. This is usually accomplished by classifying as Class I the volume actually disposed of as either reconstituted or fortified milk. With respect to reconstituted milk, the skim milk equivalent of the solids used are thus accounted for in Class I; with respect to fortified milk, Class I accountability is limited to that which would apply to an equal volume of unmodified product, and the skim milk equivalent of the added solids is classified as surplus. The Class I and surplus uses of nonfat milk solids likewise should be distinguished in the six orders (Sioux City, Sioux Falls-Mitchell, Black Hills, Eastern South Dakota, Puget Sound and Great Basin) which now classify the entire fluid skim milk equivalent of fortified fluid milk products in Class I.

One witness at the hearing opposed any change in classification of such products on the ground that classification of milk was not an issue raised by the hearing notice. The notice of hearing stated, however, that "Whether or not the specific proposals listed herein so specify, the consideration thereof may involve order provisions covering assignment of various types of receipts to classified utilization." In the case of fortified products under these orders, the volume by which Class I sales are increased unquestionably relates to the nonfluid products used for fortification.

Such products could be assigned first to this Class I volume and then to the surplus class of use. The same result can be obtained by limiting the Class I charge on fortified products to that which would be made for an equal volume of unfortified products. Nonfluid products, then, will be uniformly assigned first to the surplus class, with a pool payment at the difference between the Class I and surplus prices on any amount thereof assigned to Class I. Limitation of the Class I volume as described above avoids any payment with respect to use in fortification.

Milk of manufacturing quality is not usually eligible for fluid (Class I) uses under the requirements of the health authorities in the respective markets. In certain dual-purpose plants, however, such milk could find its way into Class I in the regulated plant. The appropriate value which attaches to such milk is the surplus price because such price accurately reflects its value as manufacturing milk only. The manufacturing value is the price which processors pay for this quality of milk. Receipts at a pool plant of manufacturing quality milk therefore should be assigned first to use in the surplus class. But should any manufacturing quality milk be assigned to Class I, a pool payment at the difference between the Class I and the surplus price likewise would be necessary to remove the competitive advantage this milk would have in relation to producer milk.

Milk received at handler pool order plants from unregulated plants. The findings made elsewhere in this decision in connection with prescribing the allocation of milk received from an unregulated plant at a regulated plant are equally applicable under market pool and handler pool orders. It is not necessary, however, to provide for compensatory payments in the handler pool orders on such receipts from unregulated plants which are allocated to Class I. This is because a plant becomes fully regulated under individual handler pool orders by shipping a relatively minor portion of its milk to a regulated plant. Because very little unregulated milk can be received in such markets the effectiveness of regulation under individual handler pool orders is adequately insured without pool payments.

II. *Milk received from plants under other Federal orders.* This section of the decision deals with the regulatory treatment to be given under each of the orders to fluid milk products, both packaged and in bulk, which, in rather limited quantities, are received in the respective market from plants regulated by other Federal orders. Such fluid milk products may enter the regulated market for use or disposition either directly on wholesale or retail routes extending from the plant in the first market where the milk was processed, or through plants regulated by the local order. When such fluid milk products are received at locally-regulated plants, the regulatory problem is primarily one of allocating such receipts in relation to producer milk at such plants under the milk classification plan.

Sales of regulated milk, bulk or packaged, from one Federal market to another are small in relation to all regulated Class I sales. In the aggregate, route sales are the largest category of intermarket movements, but based on October 1961 data (the month for which data were available in the record) they constitute, for all such markets, only 3.3 percent of all regulated packaged disposition. Intermarket sales of bulk milk to plants represent only 1.5 percent, and intermarket plant sales of packaged milk are only 0.3 of one percent, of all packaged disposition.

Even though in-area route sales generally represent the most significant category of intermarket movements, in the majority of the markets here covered the amounts involved tend to be relatively small. In seven of the 22 such markets for which data were available in October 1961, intermarket receipts on routes were either nonexistent or less than 1 percent of all packaged disposition by local handlers. In six additional markets such receipts on routes amounted to less than 10 percent of packaged disposition of local handlers. In the remaining nine markets, the percentage of in-area route sales from other markets varied from 11.5 of packaged disposition of Sioux City handlers to 47 percent of packaged disposition of Austin-Waco handlers. The Austin-Waco market is located in central Texas and is surrounded, except on the east, by other Federal order markets.

(a) *Route disposition of packaged fluid milk products.* A number of proposals dealing with intermarket movements of packaged fluid milk products under Federal regulation were introduced at the hearing.

Most proponents advocated making no change in the present method employed under the individual orders or permitting route sales of packaged fluid milk products originating in another Federal market to remain free of price obligation in the transferee market. One proposal, however, would price and pool all packaged fluid products in the market where disposed of directly on routes. Under this plan, the milk would be charged into the receiving market's pool at the Class I price and the shipping handler would account to the shipping market pool at the blend price of the receiving market, adjusted to his location, for the quantity of sales in the receiving market. This is the "repooling" provision previously referred to, detailed descussion of which is deferred until the findings made relative to receipts of bulk milk from other order plants. A variation of the repooling proposal was that the pool charge in the shipping market on the sale should be the higher of the uniform prices of the two orders adjusted to the location of the shipping plant. For reasons later given, such proposal is not an appropriate method of treating intermarket packaged sales on routes.

Another proposal provided simply for payment on such intermarket shipments of any plus difference in Class I prices (second market over market of origin) into the second market's pool. Thus, the milk always would be priced at the higher of the Class I prices in the two markets. The establishment of uniformity by this means would provide complete price protection to the producers in the receiving market even in cases where the imported milk was available at lower prices determined under the same statutory pricing standards.

From the viewpoint of the importing market there would be no price problem if the shipping market's Class I price were the higher. However, bringing about close price alignment for all regulated milk sold within a given marketing area is not a matter to be solved in all cases by insulating the importing market against the competition of milk which is reasonably priced even though at a lower level, which is the effect this proposal would achieve. Problems concerning intermarket Class I price levels and relationships may have broad implications. The present hearing did not open, of course, for review the factors to be considered in establishing and relating Class I price levels, seasonally or otherwise, for any of the regulated markets involved. Also, there are alternative methods, such as modification of pool plant criteria or revision of marketing areas, which, under certain circumstances, might also be proper vehicles for bringing about greater uniformity in the application of regulation where milk from more than one market is involved. Such methods likewise were not open for consideration at this hearing. In any case, however, most of the orders currently provide that a plant must be pooled in the market where its Class I sales are greatest. Thus, in virtually all cases, the market importing milk from another regulated market already is assured that milk priced under the other order may not be disposed of on an unlimited basis without coming under the pricing and pooling provisions of the local regulation.

The present procedure for treating intermarket route sales in most of the 25 markets which does not apply any additional obligation (except to report them) on route sales from plants subject to other Federal orders should be continued and extended to all such markets.

Except for Neosho Valley and Puget Sound, each of the 25 orders under review currently provides that packaged fluid milk priced as Class I milk under another Federal order and disposed of directly on wholesale or retail routes inside the marketing area shall be entirely free of price obligation under the latter order. The Neosho Valley order currently requires a payment on milk disposed of on routes in the marketing area from another Federal order at the difference in class prices, if the Neosho Valley Class I price is higher. The Puget Sound order does not contain any provision to exempt plants subject to other Federal orders.

The effect of the provision adopted is to return the full Class I price to the producers in the market of origin, which market both furnishes the milk and carries the reserve supply associated with the sale. Such procedure treats the milk in the same manner as if it were sold by the handler on routes in the market of origin. Except for limited support given the proposal to "repool" all packaged

milk in the transferee-market, most witnesses at the hearing advocated continuance of present procedure as to route sales. The fact that all the costs associated with the preparation of the milk for this highest-value, or Class I market, including processing, packaging and intermarket transportation, have been incurred prior to arrival of the fluid product in the second marketing area has been an important consideration underlying general recognition within the industry that fluid milk placed in consumer packages is intended for, and as a practical matter is used (except for minor quantities in route returns) in, the Class I market.

It is concluded, therefore, that the procedure for pricing intermarket route distribution of packaged Class I milk only in the market where it is received from producers and packaged has promoted orderly marketing and should be continued in the 23 orders; also that the Neosho Valley and Puget Sound orders should be amended to include similar provisions. In all cases, the transferee-market order should impose only the obligation of a report to the market administrator.

(b) *Plant receipts of packaged fluid milk products.* Packaged fluid milk products may be moved also from a regulated plant under one order to a regulated plant under another order from which they are distributed on wholesale or retail routes. Such movements require a method of class assignment or allocation under the order for the second, or receiving, market as part of the procedure for determining the class utilization of producer milk priced by such order. Several of the hearing proposals dealt with the treatment to be given to the class assignment, or allocation, of such packaged products.

Several proponents advocated allocation of packaged interplant transfers to Class I in both the shipping and receiving markets, with a "surplus" allowance for route returns ranging between 2 to 5 percent of the shipment. The milk would be priced in the shipping market. They pointed out that if such sales were made on routes rather than to another plant there should be no further regulation.

A variation of this proposal would restrict its application to those cases in which the same product item was not packaged in the same type container in the plant where received.

Under another proposal, such transfers between plants would be classified as Class I under both orders, but the receiving handler would pay the difference in Class I values into the producer-settlement fund of the shipping market if the order's minimum Class I price in such market were lower. Other variations offered would allocate packaged receipts pro rata to the receiving plant's utilization, or "repool" such sales in the receiving market. Under all such proposals similar classification treatment would be applied in both the receiving and shipping markets.

The quantity of packaged fluid milk products moved from plants regulated under one order to plants regulated under another are much smaller than intermarket route sales. In only one market, Eastern South Dakota, did plant receipts of packaged milk from other markets exceed 2 percent of the market's total packaged disposition by locally-regulated handlers. Interplant movements usually are made to avoid installing duplicate processing equipment in nearby plants. Twenty-two of the present orders "down-allocate" packaged milk so moved on an interplant basis. It is possible that "down-allocating" such packaged receipts in October 1961 may have been a deterrent in some markets to such movements, if moved long distances, or if priced as Class I milk in the market of origin.

Whether such movements are great or small, the essential character of fluid milk products moved in packaged form between regulated markets is the same whether the shipment comes to rest at a milk plant or moves directly on routes to consumers. Indeed, a handler can avoid the plant receipt by providing storage facilities at a location other than his milk plant. It is undesirable and unnecessary to encourage the development of marketing facilities with no purpose other than to avoid the regulation.

The order should provide for the assignment to Class I (i.e., to be deducted from gross Class I milk in the receiving plant of 98% of packaged fluid milk products moved through a plant in the second market. The remaining 2 percent should be assigned to the surplus class. This will provide essentially the same classification and pricing treatment to such milk as is applied to the quantities moved on an intermarket basis for direct route disposition. While not all markets supported an assignment to the lowest price class of a small allowance for route returns, it was argued by some proponents that such an allowance would be a safeguard against the possible "over-assignment" of milk to Class I in the originating market (i.e., the assignment to such market of a transferred quantity which is greater, from a practical standpoint, than normally can be disposed of as Class I in the second market). Since it is reasonable to expect some route returns will be associated with intermarket transfers just as there are in connection with milk locally processed in the receiving market, a small allowance of two percent for such returns, which must fall into surplus use, should be included in order to avoid such over-assignment in Class I.

It is concluded, therefore, that the allocation provisions in the 25 orders should be amended to provide that packaged Class I products received at a regulated (pool) plant in the transferee-market which are fully classified and priced as Class I milk under any other Federal order shall be assigned in the receiving plant as follows: (1) 98 percent of such packaged receipts to Class I milk, and (2) 2 percent of such packaged receipts to the lowest-priced class utilization. Such assignment procedure should be employed whether the milk originates in a market with a market pool or individual-handler pools.

(c) *Receipts of fluid milk products in bulk.* The classification and assignment of bulk fluid milk products moved between regulated markets likewise requires appropriate modification to insure more equitable application of regulation in each market with respect to all milk entering the market whether from producers, from sources not regulated under Federal orders, or supplied from milk classified and priced under some other order issued pursuant to the Act. Such methods of assignment should distinguish between bulk shipments which originate at a plant under a market pool order and at plants under an order with individual-handler pools.

With respect to intermarket shipments of fluid milk products in *bulk*, most proponents advocated permitting a "surplus" classification (usually termed Class II milk) under both orders whenever the parties involved agree that the shipment is for manufacturing use in the second market. They said this would aid the orderly disposition of surplus milk especially in markets which have little or no manufacturing facilities and in light of the agreed classification such milk obviously is transferred only for manufacturing purposes. It, therefore, should be classified as surplus under both orders.

There was widespread support also for identical classification treatment in both the shipping and receiving markets of any and all intermarket transfers but the proposals for obtaining identical classification varied. One proposal would give the receiving handler the options of classifying interorder bulk shipments (a) pro rata on the marketwide utilization, (b) pro rata on the receiving handler's utilization, or (c) on any combination of Class I and surplus he might elect.

Another proposal would allocate to the surplus class in the receiving plant any and all bulk receipts which originate at a distributing plant fully regulated under another order. Other proponents would allocate bulk receipts to the surplus class first if from orders employing individual-handler pools but pro rata on the receiving plant's utilization if from a market pool order. A limit on shrinkage prorated to other source milk in bulk also was proposed for the stated purpose of making an equitable assignment of shrinkage on interorder milk.

It was proposed further that classification in the receiving plant be computed on the basis of the marketwide class utilization percentages of the receiving market; and that the shipping handler, in accounting to producers in the shipping market, be charged at the receiving market's uniform (blend) price adjusted to his plant location. A variation of this proposal would make the charge in the shipping market the higher of the uniform prices of the two orders adjusted to the location of the shipping plant. A counter proposal would allocate bulk interorder movements pro rata with producer milk in the receiving plant (transferee-market) and classify and price the transfer on this utilization in the market of origin.

The present orders in these markets provide a variety of methods by which bulk milk is classified on transfer to an-

other regulated market. To be aware of the current basis for classifying intermarket movements, it is necessary to know how the milk is treated for classification purposes in the *originating* market as well as in the *receiving* market. For example, bulk milk shipped on an interplant basis from one regulated market to another may be classified under the order in the transferor market in accordance with assigned classification under the order of the receiving market as in the Lubbock-Plainview order. Under the Puget Sound and Inland Empire orders, however, such bulk shipment would be classified in the lowest-priced class to the extent equivalent uses were available in the receiving plants against which to assign the shipment. Twenty-two of these orders specify that bulk milk transferred to nonpool plants (including plants under other orders) shall be classified as Class I milk unless use in the lowest-priced class is claimed and can be proved (14 of these orders further provide, however, that if milk is transferred to a nonpool plant located more than a stated distance from the marketing area, such milk automatically shall be Class I milk).

As a transferee-market most of the 25 markets under review currently allocate the bulk shipment from another regulated market to the lowest-priced class to the extent total use in such class will absorb the receipt (following the allocation of unregulated milk), even in cases where the originating market order classifies the entire shipment as Class I milk.

As markets and the order program widen, bringing individual regulations closer together, such a variety of methods for classification and assignment in current use in transferor and transferee-markets obviously cannot achieve the important objective of appropriately integrating into the respective regulatory schemes in a uniform and consistent way inter-market shipments of regulated milk.

(1) *Surplus classification by agreement.* The orders should provide (as most of them in effect do provide) for assignment to the surplus class under each order of bulk milk received from another order plant when the respective handlers agree to such classification and so report to the market administrators. Milk is frequently transferred from one regulated market to another for intended manufacturing use. The manufacturing facilities available in the regulated transferee-market may be the best available facilities to absorb the disposition of another market's surplus. The wide coverage of the milk order program over the nation results inevitably in important manufacturing facilities being regulated as pool plants under market orders. In order to permit the maximum use of manufactured facilities in these regulated markets, handlers in transferee-markets should be permitted classification in the lowest-priced use when they receive bulk milk on agreement for manufacturing. In such instances a higher classification would result only when it was found, on verification, that some portion had not been made into manufactured products, and therefore would be reclassified in accordance with use in a different class. The orders should be amended accordingly.

(2) *Application to bulk receipts from market pool orders.* As to milk imports from other regulated markets which may not be so classified by agreement, a decision is necessary on the inclusion in the several orders of an acceptable method of classification assignment in the transferee-market, and on the appropriate classification to be returned to producers in the shipping market's pool. The earlier portions of this decision set forth a plan for appropriately integrating unregulated milk into the regulatory scheme in each market. This plan recognizes that there should be no "trade barrier" to the sale of unregulated milk in regulated markets. By the same token, free flow of milk among markets cannot be a principle to be applied to unregulated milk on entry into a regulated market and not be applied to milk under regulation, especially when there is no danger of regulatory impairment in the receiving market from regulated milk which already is priced and pooled under the same statutory standards.

The various hearing proposals earlier set forth had as their main purpose to eliminate the effects of down allocation. Although these proposals varied somewhat, they would eliminate situations where milk would be classified as Class I in the shipping market but assigned to Class II in the receiving market by providing the same classification for milk in both markets.

One proposal, supported by a number of cooperatives, would provide for the so-called "repooling" of all intermarket shipments (in bulk or packaged). This proposal was referred to earlier in its application to receipts of unregulated milk and to intermarket packaged milk movements. Although this measure was suggested for dealing with a number of sources of milk (both unregulated and from other orders), the main emphasis was on its application to receipts of bulk milk from other order plants. For that reason we deal with it at this point. Nevertheless, the consequences which would follow from its adoption for bulk milk from other order plants would also follow on packaged shipments from other orders, if it were applied to such shipments.

Essentially, this proposal in its application to bulk milk would price and pool in the receiving market, at order prices for that market, all such milk from a plant subject to another order. A credit would be allowed the handler who received the milk on the basis of the blend price in the receiving market.

Proponents stated that the repooling proposal would promote equity in pricing among handlers, in that all milk would enter the marketing area on the basis of prices applicable to that specific area. They said also that equity in pooling would be provided. It was pointed out that the blend price of the receiving market is the instrument provided by the order to attract an adequate supply of milk for the market, and that the blend price credit proposed with respect to milk from other orders would offer the same incentive for other order milk as is offered for producer milk. In fact, the principal virtue claimed for the repooling proposal was that it would treat milk from other orders exactly the same as local producer milk.

In effect, the repooling provisions would assign to any shipment between order markets to which the provision applied the marketwide utilization as Class I and surplus of the market of receipt. Hence, if a receiving market during a particular month had a utilization of 60 percent of all its milk in Class I and 40 percent as surplus, then any such shipment to any handler from another order market would arbitrarily be assigned a utilization of 60 percent Class I and 40 percent surplus. A handler who was purchasing milk from another order solely for use as Class I thus would have the milk classified 60 percent Class I and 40 percent surplus. The receiving handler would make a pool payment in his own market to account for the difference between his own utilization value and the marketwide utilization (blend value) which had been assigned to the shipment. The assigned utilization would be passed back to the market of origin and accounted for by the shipping handler.

Class I prices normally vary from market to market by approximately the cost of transporting milk[1] from other Federal order markets which act as alternative sources of supply. The structure of prices is a natural consequence of the application of the supply-demand pricing standard of the statute to Class I prices in individual markets. Thus, a handler who needs milk for Class I use may purchase such milk from another lower-priced market which stands as an alternative source of supply and his cost for such milk will be approximately the same as if he had purchased locally regulated milk.

Surplus prices, however, are generally at about the same level in all markets. Therefore, the cost of surplus milk purchased by a handler from another market is greater than for local milk by the cost of transportation from the other market. In the case of the handler in the market with 40 percent surplus who purchases milk needed for Class I use from another market, his actual cost of milk under the repooling proposal would be the Class I price plus the cost of transporting the 40 percent which would be classified as surplus.

The repooling provision therefore would burden a shipment to the degree that a Class II assignment is applied. Since the marketwide utilization must be assigned to such a shipment, there is no way by which a handler may avoid this burden. This would act as a deterrent to the movement of milk between markets.

The repooling provision also would have the effect of returning to the producers regularly supplying the market of receipt the differential income between the blend price of the market and the Class I price on all receipts of milk from

[1] Such prices normally are lowest in the North Central dairy region and increase toward the West, South and East.

other orders assigned to Class I. Thus, even though regular producers do not furnish all the milk for Class I use in their own market, they nevertheless would receive the income benefit from all of the Class I sales. In such a situation, they would be relieved of the economic incentive of adjusting their own terms of sale in order to gain the benefits of Class I sales in their own market. The isolation from competitive incentives which thereby would result could encourage the maintenance of misaligned Class I prices among Federal order markets.

The repooling provision would thus interfere with the effective application of the supply-demand pricing standards of the statute. For these standards depend for their effective application on the free flow of milk from all sources in response to price incentives. Inhibiting unduly the flow of milk from any regulated source would mitigate the effectiveness of supply responses upon price levels in regulated markets. Indeed, the minor deterrent to inter-market transfers of bulk milk which are presently occasioned by Class I assignment in the shipping market and then Class II assignment in the transferee market is inconsequential as compared to the repooling proposal. This is so because, under present provisions, the transferee handler can avoid Class II assignment of such receipts by arranging his milk plant operations so that he has little, if any, Class II milk. He cannot, of course, control the Class II milk use in the entire market, which would influence his cost of milk under the repooling proposal.

The adoption of the repooling provision only with regard to bulk interorder shipments could have very inequitable consequences. For instance, under such a provision a handler with his plant located in a particular marketing area would be at a disadvantage in obtaining milk in bulk form from another lower-priced Federal order market. Meanwhile such handler might be in competition with a handler whose routes extended from a lower-priced market into his own marketing area. In these circumstances, the first handler would be placed in a very inequitable position. If the local handler may obtain bulk milk from the other market on reasonably equal terms to meet the competition of the bottled milk from the other market, such inequity is avoided.

In addition, the repooling provision could be inequitable to the producers of other Federal order markets with market pools. Normally, the producers in each such market carry the economic burden associated with providing adequate reserves of milk for all Class I sales. Consequently, they share in the burden of providing such reserve supplies in their own market. If the milk is to be repooled when sent to the second market, the producers who supplied the milk would then share additionally in the burden of supplying reserve milk in the second market. Finally, of course, if the repooling provision were to result, as it appears likely that it would, in misalignment of prices among markets, then the public would be treated inequitably and the establishment of prices at levels which are in the public interest would not be achieved.

The problem which the repooling proposal was designed to deal with appears actually to be of little consequence. The orders have generally provided that under specified circumstances, which each handler could control for himself, bulk milk could be transferred between Federal order markets without significant deterrent. Indeed, the recommended provisions simply apply to all interorder shipments of bulk milk, the same conditions as are available to handlers under present provisions if handlers meet the prescribed circumstances. Despite the fact that handlers could receive bulk milk from other order markets without significant deterrent, only insignificant quantities of milk were transferred. In all the Federal milk orders (except New York-New Jersey) taken together the average receipts of bulk milk from other order plants in relation to Class I sales in October 1961 were less than two percent. In 18 of the 25 markets involved in this hearing, e.g., Oklahoma Metropolitan, Southwest Kansas, Central West Texas, Eastern Colorado, Nebraska-Western Iowa, Great Basin, and Puget Sound, no bulk milk was received from other order plants during that month (or the amount was 0.1 percent or less). Less than two percent of total packaged sales of milk by local handlers was received in bulk form in the markets of San Antonio and Western Colorado. Only in the Red River Valley market did bulk milk received from other order plants exceed five percent of packaged Class I sales of local handlers. Thus, although bulk milk could have been transferred freely among order markets very little of it actually was transferred.

The fairest and most feasible method of allocating the milk in the receiving market is to prorate the milk over the classes of utilization of the receiving handler. This gives the same allocated use to an interorder shipment as is given to producer milk at the plant(s) of the handler who uses it. If the receiving handler uses a relatively high proportion of his milk receipts in Class I, the milk obtained from a plant regulated under another order will be assigned on a prorata basis primarily to Class I. On the other hand, if the handler already has large quantities of milk in excess of his Class I sales, additional receipts from other order plants under the prorata allocation will be proportionately assigned to Class II and the receiving handler will be required to pay the cost of transporting such milk.

Most often imported milk will be received by a handler who operates a single plant. In such cases the milk would be prorated to the particular plant's utilization. In some instances, of course, the milk may be received at the bottling plant of a multiple-plant handler. Utilization at such plant is likely to be higher than the handler's total utilization at all his pool plants. It is possible that the handler would have supplies at his other pool plants which would be placed in lower-priced uses while milk was brought in from other regulated markets. If the milk imported by a multiple-plant handler is prorated only to the receiving plant's utilization, such proration could reduce the handler's percentage of producer milk in Class I in his system to a greater extent than if proration were applied over the whole system.

Prorating the bulk receipts from market pool orders to the handler's system utilization will prevent a handler with more than one plant, with plentiful supplies available to him, from discriminating against either his own producers or those supplying the other Federal order market by importing milk not serving a bona-fide need for Class I use. Therefore, it is concluded that equitable treatment to producers in both the transferee and transferor markets can be achieved by returning to the transferor market the pro rata assignment of such milk to the receiving handler's utilization at all his pool plants combined. Handler-wide proration is provided at the present time in a majority of these orders. In some orders, however, allocation is on a plant-by-plant basis. As to the latter orders provision is made herein that the allocation of bulk receipts from other market pool orders at a plant shall be at the average utilization of the handler's plant system, irrespective of individual plant accounting for other purposes of the regulation.

Provision is also made to the effect that handlers receiving milk to be prorated (as receipts from other orders or from unregulated plants) may not transfer such milk to regulated plants of other handlers at a utilization higher than would have resulted from a direct receipt at the second plant. Unless the orders so provide it would be possible to use a plant with high Class I utilization as a conduit for receiving milk from plants subject to other orders and avoid the allocation provisions of the order which apply to milk received directly from other orders and from unregulated plants.

The provisions made for dealing with bulk receipts of milk from other market pool order plants are such that, on the one hand, producers in local market areas are protected against arbitrary or inequitable allocations of milk from other Federal order markets by the safeguards inherent in handlerwide allocation and allocation of transfers of other order milk on the basis of second or subsequent handler use. On the other hand, the allocation accorded to milk from other order plants will depend upon each handler's utilization of milk. The particular allocation which is given to such receipts will, therefore, be within the control of each individual handler. Hence, the orders themselves will impose no deterrent to the shipment of interorder milk. Obviously, however, a handler's own operations will deter the utilization of local producer milk in Class II at any time the handler is importing milk from other order markets. The provisions, therefore, are those which will carry out the intent of the Act with regard to not placing any trade barriers in the way of milk movements and will most effectively comport with the supply-demand pricing standards of the statute. They are also the most equitable provisions with re-

spect to the interests of local producers versus other order market producers.

Situations may arise where plants subject to different Federal orders ship bulk milk back and forth during the same month (i.e., each plant ships bulk milk to the other plant). As a matter of convenience, market administrators should consider only transfers of milk between two plants which are not offset by an equal quantity of milk received from the second plant. Since the classification of this milk in the transferor market is based upon its allocation in the receiving market, only the net difference in transferred quantities (in terms of butterfat and skim milk separately as may be necessary) need be allocated in the receiving market. Otherwise, from a mechanical standpoint, neither market could allocate receipts of milk to classes until all milk had been classified, including the shipment to the other market.

In connection with the proposal to compensate the transferee-market for any difference in its Class I price over the Class I price of the shipping market, certain witnesses alleged that differences in Class I prices, particularly where varying seasonal price structures are found, could provide sufficient advantage that handlers under one order will be encouraged to seek outlets in the other regulated markets. As previously stated, any such occurrence should be approached fundamentally as a price alignment matter rather than as part of a plan to provide equitable classification and assignment for milk entering a particular market from various sources.

(3) *Application to bulk receipts from individual-handler pool orders.* Certain proponents would allocate milk received from an individual-handler pool market first to the surplus class for the purpose of preventing an individual-handler pool market from shifting the burden of its surplus to a market pool. While such a plan of allocation is not appropriate for reasons discussed below, it is indeed necessary to treat milk from an individual-handler pool market somewhat differently from milk from another market pool order.

Even though milk is subject to full minimum price regulation under individual handler pool orders, nevertheless, special competitive circumstances develop when milk from an individual-handler pool market is introduced into a market pool market which circumstances do not develop in connection with shipments from other market pool markets. Under the individual-handler pool regulation, the handler does not have any obligation to a market pool fund and pays to his producers the entire amount of the obligation for the milk he receives. Competitive situations may exist within the procurement area which impel the handler to maintain as high a uniform price as he reasonably can. In normally competitive supply situations, therefore, a handler in an individual-handler pool market who, for reasons of his own, carries a reserve over and above his Class I needs will be under competitive pressure to find additional Class I outlets by making out-of-market shipments. There could be an advantage to the handler in accepting a return in the other market less than the Class I price plus his handling costs, since this would enable him to return to his producers a higher blend price than if he used the same milk in manufacturing.

Moreover, in the case of a cooperative association in its capacity as a handler or as the operator of a fluid processing and distributing milk plant under an individual-handler pool order, other special circumstances also provide the incentive to make shipments to other markets. The Agricultural Marketing Agreement Act recognizes the right of any qualified cooperative association to return the proceeds from the sale of milk in all markets to its members. Although, under this provision of the statute, a cooperative may not sell milk to handlers at less than the class prices specified in the order, no similar requirement applies with respect to the sale of milk to nonhandlers. If a cooperative association accumulates quantities of milk beyond those that it can sell readily at normal prices, a special incentive arises for the cooperative to find some outlet where this excess may be disposed of at any price above its manufacturing value. It is especially advantageous if the outlets for this additional milk are outside the cooperative's major market or area of disposal. This situation is different from that of a cooperative association which is a handler in a market pool, since the latter must share with the pool the returns it receives for its Class I disposition. If a cooperative in a market pool reduces its selling prices below its total cost of milk (i.e., Class I prices plus handling charges) this would lower its returns below the market average, and would impair the cooperative's ability to hold its membership.

An objective of the defined qualifications of regulated plants in an individual-handler pool market is to assure orderly marketing through full regulation of all handlers doing business in the marketing area. With this objective the marketing performance requirements for regulated status ordinarily will be lower than in most market pool orders where consideration must be given also to whether the plant is predominantly engaged in handling milk for the fluid market, whether its inclusion in a pool would tend to dissipate returns from the market's Class I disposition to sources of milk intended primarily for manufacturing, and whether handlers doing the principal portion of their fluid milk business elsewhere might be relieved of the full obligations required of pool handlers.[9]

In recognition of the different character of the markets to which the different pooling methods apply, the market performance standards for full regulation under the two types of orders differ in the manner described. The effect of these differences in standards must be taken into account in dealing with the problem of intermarket shipments. Under these standards plants may become regulated on the basis of a lesser degree of market performance in an individual-handler pool market, but they may, nevertheless, engage in shipping bulk milk in more substantial volume to regulated plants under market pool orders with the disruptive effects which have been described.

In view of the particular circumstances affecting milk shipped from individual-handler pool markets, the assignment of such milk received at a regulated market pool plant should be handled in a manner which assures such receipts will not impair orderly marketing. Bulk milk received at a plant subject to a market pool order from a plant subject to an individual-handler pool order should be assigned pro rata to the receiving handler's class utilization at the same stage in allocation as other order market pool milk unless such receipts are designated specifically for manufacturing use. Unlike receipts from market pool markets, however, the receiving handler should be obligated for such milk at the minimum class prices of the receiving market for utilization so assigned, less the market's minimum uniform price, both adjusted for the location of the plant from which received. The shipping handler (in the individual-handler pool market) should be obligated to his producers for such milk at the market average utilization value in the market pool market to which it was shipped. By reducing the incentive to supply milk under conditions which upset the principles of market pooling, this manner of dividing the proceeds from such sales will promote and maintain orderly marketing.

This provision treats bulk milk from other Federal orders with individual-handler pooling slightly differently than bulk milk from unregulated sources. This is appropriate because bulk milk from other Federal orders is fully accounted for and priced under the other Federal order whereas unregulated bulk milk is no so accounted for or fully priced.

The proposal to assign all receipts from individual-handler pool markets to the surplus class should not be adopted. Such procedure would treat this source of regulated milk less favorably than the procedure adopted with respect to milk from unregulated plants. As in the case of receipts from plants under other market pool orders, and for similar reasons, receipts of bulk milk from individual-handler pool markets should be assigned to the surplus class, however, if both the shipping and receiving handlers report the milk as moved for manufacturing use. If, in any instance, the quantity designated for manufacturing use exceeds the surplus class utilization, the remaining receipts then should be assigned to Class I (or next higher class). In such a case, the receiving handler would be obligated to the market pool for such remaining quantity at the Class I price and be credited thereon at the market blend. The shipping handler would be accountable to his producers at the pro rata utilization of the receiving market on the portion so assigned to Class I.

(d) *Classification in the shipping market.* To further accomplish the objectives outlined under the preceding headings of this section, milk regulated under a Federal order which is disposed of in another Federal order market should receive classification treatment in the transferor-market identical with that it receives under the transferee-market order.

The present transfer "out" provisions in the several orders under review were described previously in this decision. Obviously, such provisions as they apply in the respective markets will not comport, in all cases, with the intent of this decision regarding the assignments to be given in the receiving market to inter-order receipts of milk. The interplant transfer provisions in each of the orders therefore should be amended as necessary to provide that when milk (either bulk or packaged) is transferred to a plant subject to another Federal order, the classification of such milk in the transferor market will be based upon assignment in the market where used. The transferor-handler should account for this milk to his pool, or in individual-handler pool markets to his producers, however, at the class prices of the shipping market.

Such procedure will avoid the possibility of "double" payment on milk transferred between regulated markets and will return to producers of the shipping market the prices of their own market on the transferred milk. It should achieve a coordinated classification and assignment plan for the various orders irrespective of which market is a transferor or transferee market, and therefore should be adopted.

III. *Incidental and corollary revisions.* Certain incidental and corollary changes in order provisions, set forth below, are necessary to carry out the objectives of the revised provisions previously discussed.

(a) *Shrinkage.* The allocation pro rata to classes of use herein provided for certain specified unregulated milk and other order milk received at pool plants makes it appropriate to limit the volume of such milk that may be classified in the surplus class as unaccounted for milk (shrinkage). Under the pro rata allocation method such milk will share equally with producer milk in any Class I volume computed because of shrinkage in excess of established limits. No shrinkage limit is provided on unpriced milk that is allocated first to the surplus class, since this allocation insures assignment of such milk to the same class as that in which unaccounted for milk assigned to it is classified.

(b) *Inventory reclassification.* In those orders in which inventories of fluid milk products are classified in the surplus class, and allocated to the next month's utilization in series beginning with that class, provision is made for an inventory reclassification charge at the difference between the surplus class price of the month in which classified and the Class I price of the following month on any such inventory thus assigned to Class I utilization in the following month. The assignment provisions herein adopted insure that any such milk thus assigned to the surplus class the preceding month will either have been so assigned pro rata with producer milk, or is milk which by its very nature is surplus milk. Furthermore, any other order milk so assigned will have been priced at the comparable surplus class in the order of origin. The charge provided therefore appropriately reflects the change in value resulting from the inventory reclassification.

(c) The January hearing in Denver was a reopened hearing on various orders. A previous hearing was held on the Neosho Valley order February 27–28, 1962, and a recommended decision based on such hearing was issued August 3, 1962 (27 F.R. 7887). Certain order provisions proposed in the August recommended decision are modified to conform with the recommendations contained in this decision as well as certain order provisions now in effect. These modifications deal with the "nonpool plant", "handler", and "producer" definitions and the sections pertaining to reports of receipts and utilization, payroll reports, other reports, classes of utilization, shrinkage, obligation of handlers operating nonpool distributing plants, and expense of administration. It is planned that this decision and other changes provided for in the previously issued recommended decision will be combined into a single final decision, after appropriate revision, if necessary, based upon exceptions filed to each of the recommended decisions.

(d) A hearing was held on the Western Colorado order August 7–8, 1962, and a recommended decision based on such hearing was issued February 15, 1963 (28 F.R. 1653). Certain order provisions contained in the February recommended decision are modified to conform with the recommendations contained in this decision. Such modifications relate to the "nonpool plant" and "producer" definitions and the sections pertaining to payroll reports, reports of receipts and utilization, classes of utilization, shrinkage, transfers, allocation, location adjustments to handlers and producers, computation of net pool obligation, computation of uniform prices, producer-settlement fund and expense of administration. The February decision provides for marketwide pooling and the present decision has been drafted to conform with marketwide pooling. It is planned that this decision and the other provisions of the February decision not modified by this decision will be included in a single final decision after appropriate revision, if necessary, based on exceptions filed to each of the recommended decisions.

(e) A recommended decision on the Colorado Springs-Pueblo and Eastern Colorado orders was issued January 10, 1963 (28 F.R. 371). Such recommended decision dealt with proposals on the allocation of packaged Class I milk received from an Eastern Colorado pool plant by a Colorado Springs-Pueblo order handler. However, a final decision, issued March 18, 1963 (28 F.R. 2815), deferred specific action on the proposals relating to allocation, pending consideration in the present decision. The provisions included in this decision modify the findings with respect to the allocation provisions proposed in the January recommended decision.

(f) *Administrative assessments on unregulated milk.* The Act provides that each handler shall pay his prorata share (as approved by the Secretary for the particular order) of the cost of administration of the order. As has been previously indicated, each of the orders other than North Texas prescribe specific standards for pooling above a minimum which permits pool exemption. With certain specified exceptions, operators of plants not meeting such standards (Austin-Waco, Corpus Christi, and Southwest Kansas) would, under the recommendations hereinbefore set forth, be required on election to make specified payments to the pool on route distribution in the marketing area in excess of offsetting Federal order Class I purchases or otherwise pay to the pool and/or to dairy farmers, an amount not less than the full classified use value of receipts (computed as though such plant were a pool plant).

The market administrator in administering an order as it applies to the nonpool route distributor must incur expenses in essentially the same manner as in applying the order to pool handlers. Partial regulation (as prescribed) of the nonpool distributor does not, however, provide the same benefits to such handler as accrue to the fully regulated, or pool, handler; i.e., the privilege of pool participation and assurance of uniform price payments to his dairy farmers. If the nonpool route distributor elects to make compensatory payment, the expenses incurred by the market administrator in administering the terms of the order on such handler are nominal and payment of the administrative assessment on his in-area sales reasonably would constitute his pro rata share of administrative expense.

In the situation where such a distributor for any reason actually pays his dairy farmers the full use value of their milk (computed at order prices), it has

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[9] For example, a Corpus Christi distributing plant can qualify with route sales of not less than 300 pounds per day or 3 percent of total receipts. For Austin-Waco, Texas, the route sales can be as little as 500 pounds per day or 5 percent of dairy farmer receipts.

At present a Western Colorado distributing plant can qualify on any volume (no matter how small) of route sales in the marketing area. A recommended decision already issued would establish a market pool for the Western Colorado market, however, and, if adopted, a pool distributing plant would be required to have at least 20 percent of its total Class I disposition in the regulated marketing area.

Under the Corpus Christi order a "supply plant" qualifies by shipping any volume of fluid milk products to regulated distributing plants during the months February through July and a daily average minimum of 5,000 pounds of milk equivalent during other months of the year. A supply plant can qualify under the Austin-Waco order by shipping four or more days or a minimum of 3,300 pounds per day during February through July, and on 10 or more days or a minimum of 6,300 pounds per day during the other months unless the requirements for regulatory status were met during February through July.

in the past, on the basis of substantial record evidence in promulgation hearings, been found necessary in many areas to require payment by such distributor of an administrative assessment on his total receipts of milk in order to defray the costs of complete plant auditing to verify the utilization and payments as claimed. In large measure, such a distributor's operations are more comparable to those of a fully regulated handler and such assessment is substantially the same as for a fully regulated handler. On the basis of the present record, however, there is reason to believe that in some instances such an assessment might make possible a financial obligation under the order in excess of his total obligation through the alternative of electing to use the pool payment provision. From the financial standpoint such a situation provides little practical alternative to such handler but to pay the required pool payment. In order to give more meaningful effect to the choice of an alternative, the pro rata share of the administrative expense of the order should in the future be the regular assessment rate applied to such milk as is actually disposed of as Class I in the regulated area, irrespective of whether the pool payment option is elected by the unregulated distributor.

In the case of unregulated milk which enters the market through a fully regulated plant for Class I use, it is the pool handler who utilizes the unregulated milk and who must report to the market administrator the receipt and use of such milk as well as on all other milk received and utilized. Also, the receipts and utilization of all milk at his plant are subject to verification by the market administrator. It is concluded, therefore, that the pool handler should be responsible for payment of the administrative assessment and for obligations to the producer-settlement fund with respect to such unregulated milk.

(g) *Reporting Requirements.* Additional reports are required for the computation of certain obligations to be established in accordance with the conclusions set forth elsewhere in this decision. Operators of partially regulated distributing plants whose obligations are to be determined from comparison of the classified use value of their milk with payments to dairy farmers (Wichita option) must report their receipts, utilization and payments on the same basis as fully regulated handlers. Such reports are now included in orders using this option, and are added to all other market pool orders.

Handlers shipping bulk milk to plants regulated under other orders are required to report to the market administrator of their order on or before the 2d day of the following month information which will identify the receiver. Thereafter, communication between market administrators will establish the classification assigned to such milk in the receiving market on the basis of reports presently required under the order for that market. Administrative direction will be issued to market administrators with respect to details of such communication and notification to the shipper concerning the classification upon which his obligation is computed in the shipping market.

(h) *Application of location differentials.* In the application of compensatory payments on unregulated milk at the difference between the Class I and blend prices, such prices are computed at the location of the plant from which the milk is either distributed in the marketing area or is received at a regulated plant. Blend prices are usually adjusted for location at the same rate as Class I prices while surplus class prices do not usually vary by location. At far distant points the blend price may be less than the surplus price. Provision is made that in no case shall the credit given be less than the surplus class price.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the respective orders and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended Marketing Agreements and Orders Amending the Orders

The following orders amending the orders as amended regulating the handling of milk in the specified marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.7 is revised to read as follows:

§ 1065.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1065.14.

2. In § 1065.8, paragraph (b) is revised and a new paragraph (e) is added to read as follows:

§ 1065.8 Handler.

* * * * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * * * *

(e) A producer-handler, or any person who operates an other order plant.

3. Section 1065.13 is revised to read as follows:

§ 1065.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

4. In § 1065.30, paragraph (b) is revised to read as follows:

§ 1065.30 Reports of receipts and utilization.

* * * * * * *

(b) Each handler specified in § 1065.8 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

5. In § 1065.32, the present text is designated paragraph (a) and a new paragraph (b) is added to read as follows:

§ 1065.32 Other reports.

* * * * * * *

(b) On or before the 2d day of the following month, the handler operating each pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

6. In § 1065.41, paragraph (b) (7) and (8) is revised to read as follows:

§ 1065.41 Classes of utilization.

* * * * * * *

(b) * * *

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b) (1), but not to exceed the following: Two percent of milk received directly from producers, plus 1½ percent of milk received in bulk tank lots from pool plants of other handlers, and from other order plants and unregulated supply plants to be allocated pursuant to § 1065.46(a) (7) and the corresponding step of § 1065.46(b), plus 1½ percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1065.8(d) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent), less 1½ percent of milk disposed of in bulk tank lots to plants of other handlers and to nonpool plants (except when the preceding exception hereof applies, the applicable percentage shall be two percent); and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1065.42(b) (2).

7. Section 1065.42 is revised to read as follows:

§ 1065.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1065.41(b) (7); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1065.41(b) (7).

8. Section 1065.44 is revised to read as follows:

§ 1065.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (e) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1065.46(a) (7) and the corresponding step of § 1065.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a) (3) and the corresponding step of § 1065.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1065.46(a) (7) and the corresponding step of § 1065.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Omaha or North Platte, Nebraska, and more than 50 miles from the pool plant from which transferred or diverted, except that cream so transferred may be classified as Class II if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Omaha or North Platte, Nebraska, or within 50 miles of the pool plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1065.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association from its pool plant or in its capacity as a handler pursuant to § 1065.8(d). Such milk shall be excluded from producer milk to be classified as that of the cooperative association; and

(f) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts

and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1065.46 is revised to read as follows:

§ 1065.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1065.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1065.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1065.44(a); and

(9) In the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1065.53 is revised to read as follows:

§ 1065.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located more than 80 miles by shortest highway distance as measured by the market administrator, from the nearest of the City Halls in Columbus, Grand Island, Lincoln, North Platte and Omaha, Nebraska, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1065.51(a) shall be reduced by 12 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1065.8(d), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1065.62 is revised to read as follows:

§ 1065.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1065.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1065.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements eqivalent to § 1065.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1065.12(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

12. Section 1065.63 is revoked.

13. Section 1065.70 is revised to read as follows:

§ 1065.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1065.46(c), by the applicable class prices (adjusted pursuant to §§ 1065.52 and 1065.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1065.46(a)(9) and the corresponding step of § 1065.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(5) and the corresponding step of § 1065.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1065.46(a)(3) and the corresponding step of § 1065.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1065.46(a)(7)(i) and the corresponding step of § 1065.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1065.46(a)(7)(iii) and the corresponding step of § 1065.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1065.53(b).

14. Section 1065.71 is revised to read as follows:

§ 1065.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1065.70 for all handlers who filed the reports prescribed by § 1065.30 for the month and who made the payments pursuant to §§ 1065.80 and 1065.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1065.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1065.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1065.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May and June, an amount equal to eight percent of the remainder;

(i) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. Section 1065.73 is revised to read as follows:

§ 1065.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of such nonpool plant, each at the rates set forth in § 1065.53; and

(b) For purposes of computations pursuant to §§ 1065.82 and 1065.83 the weighted average price shall be adjusted at the rates set forth in § 1065.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1065.81 [Amendment]

16. In § 1065.81 the designations "1065.62(a)(1) and (b)(1)" are changed to "1065.62(a) and (b)".

17. Section 1065.82 is revised to read as follows:

§ 1065.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1065.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1065.80(d);

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1065.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1065.70 (e) and (f).

18. Section 1065.83 is revised to read as follows:

§ 1065.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1065.82(b) exceeds the amount computed pursuant to § 1065.82(a). The market administrator shall offset any payment due any handler against payments due from such handler.

19. Section 1065.86 is revised to read as follows:

§ 1065.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month three cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including that classified pursuant to § 1065.44(e)) and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1065.46(a) (3) and (7)(i) and the corresponding steps of § 1065.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1066—MILK IN THE SIOUX CITY, IOWA, MARKETING AREA

1. Section 1066.6 is revised to read as follows:

§ 1066.6 Handler.

"Handler" means (a) any person in his capacity as the operator of a pool plant, (b) any person who operates a partially regulated distributing plant, (c) a cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association, and milk so diverted shall be deemed to have been received by the cooperative association at a pool plant, and (d) a producer-handler, or any person who operates an other order plant.

2. Section 1066.8 is revised to read as follows:

§ 1066.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the delivery period.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which Grade A milk products in bulk are received at a pool plant during the delivery period.

3. Section 1066.11 is revised to read as follows:

§ 1066.11 Producer milk.

"Producer milk" means any skim milk or butterfat produced by a producer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, which is received by a handler directly from producers.

4. Section 1066.12 is revised to read as follows:

§ 1066.12 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

5. A new § 1066.17 is added and reads as follows:

§ 1066.17 Fluid milk product.

"Fluid milk product" means skim milk, buttermilk, flavored milk and flavored milk drinks, cream, either sweet or sour (including any mixture of skim milk and butterfat containing more than 6 percent butterfat except mixes for frozen desserts and ice cream), aerated cream and eggnog.

6. In § 1066.30, paragraph (a) is revised to read as follows:

§ 1066.30 Delivery period reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in producer milk (including milk of his own production), receipts from other handlers, and other source milk;

7. Section 1066.32 is revised to read as follows:

§ 1066.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler who operates a partially regulated distributing plant shall report as required pursuant to § 1066.30 and, unless his obligation is to be computed pursuant to § 1066.57(b), pursuant to § 1066.33, except that receipts of Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

(c) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

8. Section 1066.41 is revised to read as follows:

§ 1066.41 Classes of utilization.

Subject to the conditions set forth in §§ 1066.43, 1066.44, and 1066.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except that any such product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content, and (2) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used for animal feed or excluded from Class I milk by the limitation with respect to volumes of products fortified with added solids, (2) used to produce any milk product other than a fluid milk product, (3) in actual plant shrinkage up to, but not in excess of, 2 percent of the total receipts to skim milk or butterfat in producer milk and in bulk from other order plants and unregulated supply plants, if subject to allocation pursuant to § 1066.46 (a)(6) and the corresponding step of § 1066.46(b), and (4) in actual plant shrinkage of other source milk assigned pursuant to § 1066.42(b)(2).

9. In § 1066.42, paragraph (b) is revised to read as follows:

§ 1066.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk and receipts in bulk from other order plants and unregulated supply plants, subject to allocation pursuant to § 1066.46(a)(6) and the corresponding step of § 1066.46(b); and (2) other source milk, exclusive of that specified in subparagraph (1) of this paragraph.

10. Section 1066.43 is revised to read as follows:

§ 1066.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1066.46(a)(6) and the corresponding step of § 1066.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1066.46(a)(3) and the corresponding step of § 1066.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such receipts; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1066.46(a)(6) and the corresponding step of § 1066.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1066.30 for the delivery period within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Disposition from such nonpool plant on routes in Federal order marketing areas does not exceed the amounts assigned as follows:

(i) Any such Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the milk, skim milk or cream so transferred or diverted from pool plants;

(ii) Any such Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order; and

(iii) The remaining skim milk and butterfat so transferred or diverted from pool plants shall be classified as Class II milk if Class II utilization at such nonpool plant equals or exceeds such remainder plus receipts from other order plants not previously assigned; otherwise a pro rata share of the remainder shall be Class I milk; and

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1066.46 is revised to read as follows:

§ 1066.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1066.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1066.41(b)(3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1066.43(a); and

(8) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage"; and

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

12. Section 1066.57 is revised to read as follows:

§ 1066.57 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1066.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1066.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price, subtract its value at the weighted average price.

13. Section 1066.60 is revised to read as follows:

§ 1066.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each delivery period shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1066.46, by the applicable class prices and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1066.46(a)(8) and the corresponding step of § 1066.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1066.46(a)(3) and the corresponding step of § 1066.46(b);

(d) Add an amount equal to the value at the Class I price, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1066.46(a)(6)(i) and the corresponding step of § 1066.46(b); and

(e) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1066.46(a)(6)(iii) and the corresponding step of § 1066.46 (b).

14. Section 1066.61 is revised to read as follows:

§ 1066.61 Computation of uniform prices.

For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1066.60 for all handlers who filed the reports prescribed by § 1066.30 for the month and who made the payments pursuant to §§ 1066.65 and 1066.69 for the preceding delivery period;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (d) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1066.66 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1066.60 (d) and (e);

(e) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "weighted average price", and, except for the months specified below, shall be the uniform price for milk received from producers;

(f) For the months of April, May and June, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (d)(2) of this section by the weighted average price;

(g) Subtract for each of the delivery periods of April, May and June an amount equal to 8 percent of the resulting sum, such amount to be retained in the producer-settlement fund for the purpose specified in § 1066.70 (b) and (c);

(h) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(i) Subtract not less than four cents nor more than five cents per hundredweight for the purposes of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

15. Section 1066.69 is revised to read as follows:

§ 1066.69 Payments to the producer-settlement fund.

On or before the 10th day after the end of each delivery period each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1066.60 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1066.65; and

(2) The value at the weighted average price applicable with respect to other source milk for which values are computed pursuant to § 1066.60 (d) and (e).

16. In § 1066.70, paragraph (a) is revised to read as follows, and in paragraph (b) the designation "§ 1066.61(b)" is changed to "§ 1066.61(g)":

§ 1066.70 Payments out of the producer-settlement fund.

(a) On or before the 11th day after the end of each delivery period the market administrator shall pay to each handler, the amount, if any, by which the amount computed pursuant to § 1066.69 (b) exceeds the amount computed pursuant to § 1066.69(a).

17. Section 1066.72 is revised to read as follows:

§ 1066.72 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1066.46 (a) (3) and (6)(i), and the corresponding steps of § 1066.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

The recommended amendments to Part 1071 include related recommended provisions which were incorporated in the recommended decision with respect to the Neosho Valley milk order which was issued by the Assistant Secretary, August 3, 1962 (27 F.R. 7887—F.R. Doc. 62-7953).

1. Section 1071.7 is revised to read as follows:

§ 1071.7 Pool plant.

"Pool plant" means any milk plant described in paragraph (a) or (b) of this section, which is approved by the appropriate health authority having jurisdiction in the marketing area, except the plant of a producer-handler or a plant exempt pursuant to § 1071.61.

(a) Any plant, hereinafter referred to as a "distributing pool plant" from which:

(1) During the current delivery period there is distributed as Class I milk on routes in the marketing area, an amount equal to 10 percent or more of such plant's Grade A receipts from dairy farmers as specified in subparagraph (2) of this paragraph; and

(i) During the current delivery period there is disposed of as Class I milk an amount not less than an applicable percentage of such plant's Grade A receipts as specified in subparagraph (2) of this paragraph as follows: (a) April through August, 30 percent; and (b) September through March, 45 percent; or

(ii) During five of the six immediately preceding delivery periods, such plant was a pool plant by virtue of meeting the specifications pursuant to subdivision (i) of this subparagraph; and

(2) The Grade A receipts from dairy farmers to be used in calculating the percentages specified in subparagraph (1) of this paragraph, for each plant shall include all receipts of Grade A milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1071.9(c)(3) subject to the following provisions:

(i) Milk diverted to another plant for the account of the operator of the plant from which the milk was diverted shall be included in the receipts of the plant from which diverted for the purposes of this section, if the milk is claimed as diverted on the report of the diverting handler filed for the month pursuant to § 1071.30 (if such claim is made by the diverting handler, milk so diverted shall be excluded from the receipts of the plant to which diverted); and

(ii) Milk received at a plant operated by a cooperative association from another cooperative association acting as a handler pursuant to § 1071.9(c)(2) shall be excluded from the cooperative association's plant receipts for the purposes of this section.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which during the delivery period no less than 50 percent of the Grade A milk received from dairy farmers is shipped to a plant(s) described in paragraph (a) of this section: *Provided*, That if such plant is a pool plant during each of the months of September through March it shall be designated as a pool plant in the next succeeding months of April through August, unless the market administrator is requested by means of written application on or before the 7th day after the end of the month that the plant should not be a pool plant. All plants described in this subparagraph which are operated by one handler may be considered as a unit, upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and the notice of any change in designation, shall be furnished on or before the 7th day following the month to which the notice applies. In any of the months of April through August a unit shall not contain plants which were not qualified as pool plants either individually or as members of another unit, during each of the previous months of September through March.

2. Section 1071.8 is revised to read as follows:

§ 1071.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products qualified for distribution as Grade A are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which Grade A fluid milk products are moved during the month to a pool plant qualified pursuant to § 1071.7 and which is neither an other order plant nor a producer-handler plant.

3. Section 1071.9 is revised to read as follows:

§ 1071.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant; or

(b) Any person in his capacity as the operator of a partially regulated distributing plant, or of a nonpool plant from which Class I milk is distributed in the marketing area on routes; and

(c) Any cooperative association, with respect to milk of its member producers:

(1) Which it causes to be diverted to a nonpool plant for the account of such association;

(2) Delivered for its account to the pool plant of another cooperative association; and

(3) For which it elects to report as a handler and which is delivered to the pool plant(s) of another handler in a tank truck owned, operated, or controlled by such association.

4. Section 1071.10 is redesignated § 1071.11 and a new § 1071.10 is inserted as follows:

§ 1071.10 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a dairy farm permit or rating issued by the appropriate health authority having jurisdiction in the marketing area over the production of milk disposed of for consumption as Grade A milk whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant in accordance with the provisions of § 1071.12.

5. Sections 1071.11 and 1071.12 are redesignated §§ 1071.13 and 1071.14 and § 1071.12 is inserted as follows:

§ 1071.12 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) as follows:

(a) For a handler operating a pool plant, producer milk shall include:

(1) Milk received directly from producers' farms (including such handler's own farm production) at such pool plant, except milk for which a cooperative association is the handler pursuant to § 1071.9(c); and

(2) Milk diverted by such pool plant operator to a nonpool plant pursuant to paragraph (c) of this section.

(b) For a cooperative association in its capacity as a handler pursuant to § 1071.9, producer milk shall include:

(1) Milk received directly from producers' farms for its account at pool plants (such milk shall be considered as having been received by the cooperative association at the plant to which it is delivered and then transferred to the plant operator); and

(2) Milk diverted for its account to nonpool plants pursuant to paragraph (c) of this section.

(c) Milk diverted from producers' farms to a nonpool plant for the account of a pool plant operator or the account of a cooperative association shall be considered as diverted by the handler for whose account it was diverted, if the diverting handler claimed the diversion on his report for the month filed pursuant to § 1071.30 and the milk was not received at a plant of a producer-handler or a plant at which milk is priced and pooled under the provisions of another Federal order issued pursuant to the Act. Milk diverted shall be considered as received at the pool plant from which it was diverted for the purpose of determining applicable location differentials.

6. The section as redesignated § 1071.13 is revised to read as follows:

§ 1071.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) Producer milk; (2) receipts from other pool plants and from cooperative associations as handlers pursuant to § 1071.9(c)(2) and (3); and

(b) Any nonfluid milk product which is reprocessed or converted to another product in the plant during the month.

7. Add § 1071.15 as follows:

§ 1071.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any Class I milk product, other than a delivery to a pool plant or nonpool plant.

7a. Add § 1071.16 as follows:

§ 1071.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, and any mixture (except bulk ice cream mix, eggnog and aerated cream) of cream and milk or skim milk.

8. Section 1071.30 is revised to read as follows:

§ 1071.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk;

(2) Milk and milk products received from other pool plants and from a cooperative association which is a handler pursuant to § 1071.9(c);

(3) Other source milk; and

(4) Inventories on hand at the beginning and the end of the delivery period;

(b) The utilization of all skim milk and butterfat required to be reported by this section;

(c) Such other information with respect to the receipts and utilization of milk and milk products as the market administrator may require; and

(d) Each handler specified in § 1071.9 (b) who operates a partially regulated distributing plant shall report as required in paragraphs (a) through (c) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of producer milk.

9. Section 1071.31 is revised to read as follows:

§ 1071.31 Payroll reports.

(a) On or before the 20th day of each delivery period each handler who operates a pool plant(s) and each handler who operates a partially regulated distributing plant and has not requested to make payments pursuant to § 1071.62(b) shall submit to the market administrator his producer payroll for the preceding delivery period which shall show (1) the total pounds of milk received from each producer or cooperative association, and the total pounds of butterfat contained in such milk; (2) the net amount of such handler's payment to each producer or cooperative association; and (3) the nature and amount of any deductions or charges involved in such payments.

(b) Each handler making payments pursuant to § 1071.62(a) shall report the information required pursuant to this section substituting receipts from diary farmers for receipts from producers.

10. In § 1071.32, paragraph (a) is revised and paragraph (c) is added as follows:

§ 1071.32 Other reports.

(a) Each producer-handler, each handler operating a nonpool plant other than a handler required to report pur-

suant to §§ 1071.30 and 1071.31, and each handler required to report pursuant to § 1071.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) * * *

(c) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

11. Section 1071.33(a) is revised to read as follows:

§ 1071.33 Records and facilities.

* * * * *

(a) The receipts and utilization of all skim milk and butterfat in producer milk and all other skim milk and butterfat in milk and milk products handled during the month and in inventories at the beginning and end of the month.

12. Section 1071.41 is revised to read as follows:

§ 1071.41 Classes of utilization.

Subject to the conditions set forth in § 1071.43 and § 1071.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including reconstituted skim milk) except those classified pursuant to paragraph (b)(2) of this section; or

(2) In inventory in the form of fluid milk products at the end of the delivery period; or

(3) Not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) In shrinkage of milk received directly from producers and from a cooperative association which is a handler pursuant to § 1071.9(c) (2) or (3) that is not in excess of two percent (five percent with respect to skim milk during the months of April, May and June), plus 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, received in bulk from pool plants and from other order plants and unregulated supply plants to be allocated pursuant to § 1071.46(a)(7) and the corresponding step of § 1071.46(b), less 1.5 percent (4.5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, transferred in bulk to pool plants; and

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1071.42(b)(2).

13. Section 1071.42 is revised to read as follows:

§ 1071.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat, respectively, in amounts equal to 50 times the maximum amount that may be computed pursuant to § 1071.41(b)(3); and (2) skim milk and butterfat in other source milk in the form of fluid milk products, exclusive of that specified in § 1071.41(b)(3).

14. Section 1071.44 is revised to read as follows:

§ 1071.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, otherwise as Class I milk, if transferred from a handler pursuant to § 1071.9(c) to a pool plant or from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1071.46(a)(7) and the corresponding step of § 1071.46(b);

(2) If the transferor plant received during the months other source milk to be allocated pursuant to § 1071.46(a)(4) and the corresponding step of § 1071.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1071.46(a)(7) and the corresponding step of § 1071.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles by the shortest highway distance as determined by the market administrator, from the Square at Chanute, Kansas, and cream so transferred shall be classified as Class II;

(d) Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the Square at Chanute, Kansas, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1071.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated under the terms of the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

15. Section 1071.46 is revised to read as follows:

§ 1071.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1071.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1071.41(b)(3);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the pounds of skim milk remaining in Class I the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1071.9(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (5)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1071.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

16. Section 1071.53 is revised to read as follows:

§ 1071.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 50 miles by shortest highway distance as measured by the market administrator, from the nearest of the City Halls in Joplin or Nevada, Missouri, or Chanute or Independence, Kansas, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1071.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall and by an additional two cents for each 15 miles or fraction thereof that such distance exceeds 60 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and fluid milk products received in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1071.9(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

17. Section 1071.61 is revised to read as follows:

§ 1071.61 Handlers subject to other orders.

In the case of any handler (as defined in this section) who the Secretary determines disposed of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act, or who otherwise is determined pursuant to the provisions of another milk marketing agreement or order to be subject to the pricing and payment provisions of such agreement or order, the provisions of this order shall not apply except that the handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports by the market administrator pursuant to § 1071.33.

18. Section 1071.62 is revised to read as follows:

§ 1071.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1071.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1071.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1071.7(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1071.7(b) by shipment to the partially regulated distributing plant, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

19. Section 1071.70 is revised to read as follows:

§ 1071.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class as computed pursuant to § 1071.46(c), by the applicable class prices (adjusted pursuant to §§ 1071.52 and 1071.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1071.46(a)(9) and the corresponding step of § 1071.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1071.46(a)(4) and the corresponding step of § 1071.46(b);

(d) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1071.46(a)(7)(i) and the corresponding step of § 1071.46(b); and

(e) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1071.46(a)(7)(iii) and the corresponding step of § 1071.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1071.53.

20. Section 1071.71 is revised to read as follows:

§ 1071.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1071.70 for all handlers who filed the reports prescribed by § 1071.30 for the month and who made the payments pursuant to §§ 1071.90 and 1071.93 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1071.91;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1071.91 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1071.70 (d) and (e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

21. In § 1071.90(c) the reference "§ 1071.8(d)" is changed to "§ 1071.9(c) (2) and (3)".

22. In § 1071.91, paragraph (b) is revised to read as follows:

§ 1071.91 Producer butterfat and location differentials.

* * * * *

(b) *Location differential.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Joplin or Nevada, Missouri, or Chanute or Independence, Kansas, whichever is closest, there shall be deducted 10 cents per hundredweight of milk if such plant is located more than 50 miles but not more than 60 miles from such City Hall and an additional 2.0 cents for each 15 miles or fraction thereof that such distance exceeds 60 miles. For purposes of computations pursuant to §§ 1071.93 and 1071.94 the uniform price shall be adjusted at the rates set forth in § 1071.53 applicable at the location of the nonpool plant from which the milk was received.

23. In § 1071.92 the reference "§ 1071.62(b)" is changed to "§ 1071.62", and the reference "§ 1071.61(c)(2)" is revoked.

24. Section 1071.93 is revised to read as follows:

§ 1071.93 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1071.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices pursuant to § 1071.90; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1071.70 (d) and (e).

25. Section 1071.94 is revised to read as follows:

§ 1071.94 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1071.93(b) exceeds the amount computed pursuant to § 1071.93(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

26. Section 1071.97 is revised to read as follows:

§ 1071.97 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk received by a pool plant operator (including such handler's own production), (b) milk received from a cooperative association as a handler pursuant to § 1071.9(c) (2) and (3), (c) producer milk of a cooperative association as a handler pursuant to § 1071.9(c)(1), (d) other source milk allocated to Class I pursuant to § 1071.46 (a) (4) and (7)(i) and the corresponding steps of § 1071.46(b), and (e) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1072—MILK IN THE SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

1. Section 1072.8 is revised to read as follows:

§ 1072.8 Unapproved plant.

"Unapproved plant" means any milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the delivery period.

(d) "Unregulated supply plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, but from which Grade A fluid milk products in bulk are moved to an approved plant during the delivery period.

2. In § 1072.9, paragraph (b) is revised and a new paragraph (d) is added to read as follows:

§ 1072.9 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(d) A producer-handler, or any person who operates an other order plant.

3. Section 1072.11 is revised to read as follows:

§ 1072.11 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer-handler, as defined in this part or any other order issued pursuant to the Act, which is received by a handler directly from producers.

4. Section 1072.12 is revised to read as follows:

§ 1072.12 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from approved plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

5. A new § 1072.16 is added and reads as follows:

§ 1072.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts).

6. Section 1072.30 is revised to read as follows:

§ 1072.30 Delivery period reports of receipts and utilization.

(a) On or before the 6th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, and all other source milk received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) Each handler specified in § 1072.9 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section and unless his obligation is to be computed pursuant to § 1072.55(b), pursuant to § 1072.31, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

7. Section 1072.32 is revised to read as follows:

§ 1072.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, each handler operating an approved plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

8. Section 1072.41 is revised to read as follows:

§ 1072.41 Classes of utilization.

Subject to the conditions set forth in §§ 1072.43 and 1072.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product, except that any such product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content, (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk, and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be (1) all skim milk and butterfat (i) used to produce any milk product other than a fluid milk product, (ii) in shrinkage not in excess of two percent of the total receipts of skim milk and butterfat in producer milk, other than that received from other handlers, and in bulk from other order plants and unregulated supply plants to be allocated pursuant to § 1072.46(a)(6) and the corresponding step of § 1072.46(b), (iii) in shrinkage in other source milk assigned pursuant to § 1072.42(b)(2), and (iv) in inventory variation; and (2) all skim milk which is dumped, disposed of as livestock feed or excluded from Class I milk by the limitation with respect to volume of products fortified with added solids: *Provided*, That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk.

9. In § 1072.42, paragraph (b) is revised to read as follows:

§ 1072.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between (1) receipts of skim milk and butterfat contained in producer milk, and receipts from other order plants and unregulated supply plants to be allocated pursuant to § 1072.46(a)(6) and the corresponding step of § 1072.46(b), (ii) in shrinkage in other source milk assigned pursuant to § 1072.42(b)(2), and (iv) in inventory variation; and (2) all skim milk which is dumped, disposed of as livestock feed or excluded from Class I milk by the limitation with respect to volume of products fortified with added solids: *Provided*, That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk.

10. Section 1072.43 is revised to read as follows:

§ 1072.43 Transfers.

Skim milk or butterfat disposed of from an approved plant shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of a fluid milk product to an approved plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1072.46(a)(6) and the corresponding step of § 1072.46(b);

(2) If the transferor handler received during the delivery period other source milk to be allocated pursuant to § 1072.46 (a)(3) and the corresponding step of § 1072.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such receipts; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1072.46(a)(6) and the corresponding step of § 1072.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to an unapproved plant that is neither an other order plant nor a producer-handler plant located in the marketing area or not more than 100 miles

by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification;

(3) Disposition from such unapproved plant on routes in Federal order marketing areas does not exceed the amount assigned to such transferred milk or skim milk as follows:

(i) Any such Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the milk or skim milk so transferred or diverted from approved plants;

(ii) Any such Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and next pro rata to receipts from pool plants and market pool other order plants not regulated by such order;

(4) The remaining skim milk and butterfat so transferred or diverted from pool plants shall be classified as Class II milk if Class II utilization at such nonpool plant equals or exceeds such remainder plus receipts from other order plants not previously assigned; otherwise a pro rata share of the remainder shall be Class I milk;

(d) As Class I milk if transferred in bulk form as cream to an unapproved plant that is neither an other order plant nor a producer-handler plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 1072.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification;

(4) Disposition from such unapproved plant on routes in Federal marketing areas does not exceed the volume assigned to such transferred cream by the procedure specified in subparagraph (c)(3) of this section; and

(5) Not less than an amount of skim milk and butterfat equivalent to that remaining was actually used as Class II milk in such buyer's plant; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

11. Section 1072.46 is revised to read as follows:

§ 1072.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1072.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1072.41(b)(1)(ii);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from market pool other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1072.43(a); and

(8) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

12. Section 1072.55 is revised to read as follows:

§ 1072.55 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1072.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1072.60 at such plant shall be determined as though such plant were an approved plant. For purposes of such computation, receipts at such unapproved plant from an approved plant or an other order plant shall be assigned to the utilization at which classified at the approved plant or other order plant and transfers from such unapproved plant to an approved plant or an other order plant shall be classified as Class II milk if allocated to such class at the approved plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from approved plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price subtract its value at the uniform price.

13. Section 1072.60 is revised to read as follows:

§ 1072.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1072.46(c), by the applicable class prices (adjusted pursuant to § 1072.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1072.46(a)(8) and the corresponding step of § 1072.46(b) by the applicable class prices;

(c) Add an amount equal to the difference between the value at the applicable Class I price and the value at the applicable Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1072.46(a)(3) and the corresponding step of § 1072.46(b);

(d) Add an amount equal to the value at the Class I price, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1072.46(a)(6)(i) and the corresponding step of § 1072.46(b); and

(e) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1072.46(a)(6)(iii) and the corresponding step of § 1072.46(b), at the applicable class prices adjusted for butterfat content.

14. Section 1072.61 is revised to read as follows:

§ 1072.61 Computation of uniform prices.

For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1072.60 for all handlers who filed the reports prescribed by § 1072.30 and who made the payments required pursuant to §§ 1072.65 and 1072.69 for the preceding delivery period;

(b) Subtract, if the average butterfat content of the milk specified in paragraph (d) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1072.66 and multiplying the result by the total hundredweight of such milk;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1072.60(d) and (e); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

15. Section 1072.69 is revised to read as follows:

§ 1072.69 Payments to the producer-settlement fund.

On or before the 10th day after the end of each delivery period each handler who operates an approved plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1072.60 for such handler;

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1072.65; and

(2) The value at the uniform price subject to the butterfat differential computed pursuant to § 1072.66 with respect to other source milk for which values are computed pursuant to § 1072.60 (d) and (e).

16. Section 1072.70 is revised to read as follows:

§ 1072.70 Payments out of the producer-settlement fund.

On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the amount computed pursuant to § 1072.69(b) exceeds the amount computed pursuant to § 1072.69 (a).

17. Section 1072.72 is revised to read as follows:

§ 1072.72 Expense of administration.

As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1072.46(a)(3) and (6)(i), and the corresponding steps of § 1072.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant or on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. Section 1073.8 is revised to read as follows:

§ 1073.8 Producer.

"Producer" means any approved dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, whose milk is (a) received at a pool plant, or (b) caused to be diverted from a pool plant by a handler to a nonpool plant for the account of such handler. Milk so diverted shall have been deemed to have been received at the pool plant from which it was diverted.

2. Section 1073.17 is added as follows:

§ 1073.17 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool approved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products qualified for distribution as Grade A are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool approved plant from which Grade A fluid milk products are shipped during the month to a pool plant qualified pursuant to § 1073.10 and which is neither an other order plant nor a producer-handler plant.

3. In § 1073.30, paragraph (f) is redesignated (g) and a new paragraph (f) is inserted as follows:

§ 1073.30 Reports of receipts and utilization.

• • • • • •

(f) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

4. In § 1073.41, paragraph (c) (6) (ii) and (7) is revised to read as follows:

§ 1073.41 Classes of utilization.

• • • • • •

(c) • • •
(6) • • •

(ii) Plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk lots from pool plants of other handlers, from other order plants and unregulated supply plants to be allocated to § 1073.46(a) (7) and the corresponding step of § 1073.46(b), or received directly from cooperative associations pursuant to § 1073.11(c) unless two percent shrinkage is assigned pursuant to (i) of this subparagraph;

• • • • • •

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1073.42(b) (2).

5. In § 1073.42(b) (1) subdivisions (iv) and (v) are added and § 1073.42(b) (2) is revised as follows:

§ 1073.42 Shrinkage.

• • • • • •

(b) • • •
(1) • • •

(iv) Received from other order plants to be allocated pursuant to § 1073.46(a) (7) and the corresponding step of § 1073.46(b); and

(v) Received in bulk lots from unregulated supply plants to be allocated pursuant to § 1073.46(a) (7) and the corresponding step of § 1073.46(b); and

(2) The receipts of skim milk and butterfat in other source milk received in the form of bulk fluid milk products exclusive of other source milk specified in subparagraph (1) of this paragraph.

6. Section 1073.44 is revised to read as follows:

§ 1073.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month in which such transaction occurred, otherwise as Class I milk, if transferred from a handler pursuant to § 1073.11 (c) or (d) to a pool plant or from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1073.46(a) (7) and the corresponding step of § 1073.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1073.46(a) (3) and the corresponding step of § 1073.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1073.46(a) (7) and the corresponding step of § 1073.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 250 miles, by the shortest highway distance as determined by the market administrator, from the pool plant from which transferred or diverted, except that cream so transferred may be classified as Class III if prior notice is given to the market administrator and each container is labeled by the transferor as "Grade C" cream for manufacturing only;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 250 miles, by the shortest highway distance as determined by the market administrator, from the pool plant from which transferred or diverted, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1073.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk.

(e) In the class to which allocated under the terms of the other order, if transferred to an other order plant. For this purpose, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class III. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class III (or comparable classes under such other order) to the extent of the Class III utilization available for such assignment.

(f) If any skim milk or butterfat is transferred to a second plant under paragraph (d) of this section the same conditions of audit, classification and allocation shall apply.

7. Section 1073.46 is revised to read as follows:

§ 1073.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1073.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1073.41(c) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III (then Class II), but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1073.11(c) or (d), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class III (or Class II) utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1073.44(a);

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Section 1073.53 is revised to read as follows:

§ 1073.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 70 miles by shortest highway distance as measured by the market administrator, from the Courthouse at Wichita, Kansas, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1073.51(a) shall be reduced by 12 cents if such plant is located more than 70 but not more than 80 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1073.11(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

9. Section 1073.62 is revised to read as follows:

§ 1073.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) and (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1073.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1073.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1073.10 (c) or (d) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1073.10 (c) or (d) by shipment to the partially regulated distributing plant, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

10. Section 1073.70 is revised to read as follows:

§ 1073.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1073.46(c), by the applicable class prices (adjusted pursuant to §§ 1073.52 and 1073.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1073.46(a) (9) and the corresponding step of § 1073.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1073.46(a) (5) and the corresponding step of § 1073.46(b);

(d) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the hundredweight of skim

milk and butterfat subtracted from Class II pursuant to § 1073.46(a)(5) and the corresponding step of § 1073.46(b);

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1073.46(a)(3) and the corresponding step of § 1073.46(b);

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1073.46(a)(7)(i) and the corresponding step of § 1073.46(b); and

(g) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1073.46(a)(7)(iii) and the corresponding step of § 1073.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1073.53.

11. Section 1073.71 is revised to read as follows:

§ 1073.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1073.70 for all handlers who filed the reports prescribed by § 1073.30 for the month and who made the payments pursuant to §§ 1073.80 and 1073.83 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1073.81(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1073.81(a) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1073.70 (f) and (g); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

12. In § 1073.81, paragraph (b) is revised as follows:

§ 1073.81 Producer butterfat differential and location differentials to producers and on nonpool milk.

* * * * *

(b) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1073.53. For purposes of computations pursuant to §§ 1073.83 and 1073.84 the uniform price shall be adjusted at the rates set forth in § 1073.53 applicable at the location of the nonpool plant from which the milk was received.

13. Section 1073.83 is revised to read as follows:

§ 1073.83 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1073.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1073.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1073.70 (f) and (g).

14. Section 1073.84 is revised to read as follows:

§ 1073.84 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1073.83(b) exceeds the amount computed pursuant to § 1073.83(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

15. Section 1073.87 is revised to read as follows:

§ 1073.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 12th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1073.46(a)(3) and (7)(i) and the corresponding steps of § 1073.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1074—MILK IN SOUTHWEST KANSAS MARKETING AREA

1. Section 1074.8 is revised to read as follows:

§ 1074.8 Unapproved plant.

"Unapproved plant" means any milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means an unapproved plant from which Grade A fluid milk products are moved during the month to an approved plant and which is not an other order plant nor a producer-handler plant.

2. Section 1074.10(a) is revised to read as follows:

§ 1074.10 Producer.

(a) "Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a dairy farm permit or rating for the production of milk to be disposed of as Grade A milk issued by the appropriate health authority of a municipality in the marketing area or by the State of Kansas and whose milk is received at an approved plant.

3. Section 1074.11 is revised to read as follows:

§ 1074.11 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler directly from producers.

4. Section 1074.12 is revised to read as follows:

§ 1074.12 Other source milk.

"Other source milk" means all skim milk and butterfat other than that contained in producer milk and receipts from other approved plants.

5. Section 1074.13 is revised to read as follows:

§ 1074.13 Producer-handler.

"Producer-handler" means any person who, with the approval of any health authority having jurisdiction in the marketing area, disposes of all or a portion of his own farm milk production as Class I milk in the marketing area, but who receives no milk from producers.

6. Section 1074.15 is added to read as follows:

§ 1074.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except eggnog, aerated cream, bulk ice cream mix and cream frozen and stored).

7. In § 1074.30, paragraph (d) is revised to read as follows:

§ 1074.30 Reports of receipts and utilization.

* * * * *

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

* * * * *

8. In § 1074.32, paragraph (c) is added to read as follows:

§ 1074.32 Other Reports.

* * * * *

(c) On or before the 2d day of the following month, each handler operating an approved plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

9. Section 1074.41 is revised to read as follows:

§ 1074.41 Classes of utilization.

Subject to the conditions set forth in §§ 1074.42 through 1074.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except as classified pursuant to paragraph (b)(2) of this section; and

(2) Not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) In cream frozen and stored;

(4) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1074.42(b)(1), but not in excess of 2 percent (5 percent with respect to skim milk during the months of April, May, and June) of milk received directly from producers and from handlers pursuant to § 1074.9(d), plus 1½ percent (4.5 percent with respect to skim milk during the months of April, May, and June) of skim milk and butterfat received in bulk from approved plants of other handlers and from other order plants and unregulated supply plants to be allocated pursuant to § 1074.46(a)(7) and the corresponding step of § 1074.46(b), less 1½ percent (4.5 percent with respect to skim milk during the months of April, May, and June) of skim milk and butterfat disposed of in bulk to approved plants of other handlers; and

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1074.42(b)(2); and

(6) Contained in inventory of fluid milk products on hand at the end of the month.

10. Section 1074.42 is revised to read as follows:

§ 1074.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in the net receipts specified in § 1074.41(b)(4); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1074.41(b)(4). For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such skim milk and butterfat was diverted, and excluded from receipts of the diverting handler.

11. In § 1074.43, paragraph (b) is revoked.

12. Section 1074.44 is revised to read as follows:

§ 1074.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated by both handlers in writing to the market administrator on or before the 7th day after the end of the month in which such transaction occurred, otherwise as Class I milk, if transferred or diverted from an approved plant or from a handler pursuant to § 1074.9(d) to the approved plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1074.46(a)(7) and the corresponding step of § 1074.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1074.46(a)(3) and the corresponding step of § 1074.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1074.46(a)(7) and the corresponding step of § 1074.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted from an approved plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of bulk milk or skim milk to an unapproved plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest highway distance as determined by the market administrator, from the Courthouse at Dodge City, Kansas;

(d) As Class I milk, if transferred to an unapproved plant that is neither an other order plant nor a producer-handler plant in the form of cream under Grade A certification, or unless the handler claims Class II classification and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only and that the shipment was so invoiced.

(e) As Class I milk, if transferred or diverted in the form of bulk milk or skim milk to an unapproved plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles, by the shortest highway distance as determined by the market administrator, from the Courthouse at Dodge City, Kansas, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1074.30 for the month within which such transaction occurred;

(2) The operator of such unapproved plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such unapproved plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from approved plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such unapproved plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act

shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from approved plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such unapproved plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such unapproved plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such unapproved plant from all approved and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(f) In the class to which allocated under the terms of the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

13. Section 1074.46 is revised to read as follows:

§ 1074.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1074.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1074.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other approved plants, from cooperative handlers pursuant to § 1074.9(d), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from approved plants of other handlers and from other handlers pursuant to § 1074.9(d) according to the classification assigned pursuant to § 1074.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. Section 1074.53 is revised to read as follows:

§ 1074.53 Location adjustments to handlers.

(a) For milk received from producers at an approved plant located more than 100 miles by shortest highway distance as measured by the market administrator, from the Court house in Dodge City, Kansas, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1074.51(a) shall be reduced by 7.5 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles; and

(b) For purposes of calculating such adjustment, transfers between approved plants and fluid milk products received in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to §1074.9(d), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

15. Section 1074.70 is revised to read as follows:

§ 1074.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1074.46(c), by the applicable class prices (adjusted pursuant to §§ 1074.52 and 1074.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1074.46(a)(9) and the corresponding step of § 1074.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1074.46(a)(5) and the corresponding step of § 1074.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1074.46(a)(3) and the corresponding step of § 1074.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unapproved plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1074.46(a)(7)(i) and the corresponding step of § 1074.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of

fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1074.46(a)(7)(iii) and the corresponding step of § 1074.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1074.53.

16. Section 1074.71 is revised to read as follows:

§ 1074.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1074.70 for all handlers who filed the reports prescribed by § 1074.30 for the month and who made the payments pursuant to §§ 1074.80 and 1074.83 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1074.81(b);

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1074.81(a) and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1074.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk of 3.5 percent butterfat content received from producers.

17. In § 1074.81, the heading is changed and paragraph (b) is revised to read as follows:

§ 1074.81 Producer butterfat differentials and location differentials to producers and on nonproducer milk.

* * * * *

(b) The uniform price for producer milk received at an approved plant shall be reduced according to the location of the approved plant, at the rates set forth in § 1074.53. For purposes of computations pursuant to §§ 1074.83 and 1074.84 the uniform price shall be adjusted at the rates set forth in § 1074.53 applicable at the location of the unapproved plant from which the milk was received.

18. Section 1074.83 is revised to read as follows:

§ 1074.83 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1074.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1074.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1074.70 (e) and (f).

19. Section 1074.84 is revised to read as follows:

§ 1074.84 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1074.83(b) exceeds the amount computed pursuant to § 1074.83(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

20. Section 1074.88 is revised to read as follows:

§ 1074.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), and (b) other source milk allocated to Class I pursuant to § 1074.46(a)(3) and (7)(i) and the corresponding steps of § 1074.46 (b).

PART 1075—MILK IN THE BLACK HILLS, SOUTH DAKOTA, MARKETING AREA

1. Section 1075.7 is revised to read as follows:

§ 1075.7 Approved dairy farmer.

"Approved dairy farmer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

2. Section 1075.11 is revised to read as follows:

§ 1075.11 Approved plant.

"Approved plant" means a pool plant or a partially regulated distributing plant.

3. Section 1075.13 is revised to read as follows:

§ 1075.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

4. In §1075.31, the introductory text of paragraph (b) is revised and a new paragraph (c) is added and reads as follows:

§ 1075.31 Other reports.

* * * * *

(b) Each handler, except a producer-handler or one making payment pursuant to § 1075.62(b), shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his pool plants (or partially regulated distributing plants) his producer payroll for such month which shall show for each producer:

(c) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. Section 1075.41 is revised to read as follows:

§ 1075.41 Classes of utilization.

Subject to the conditions set forth in § 1075.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2) and (3) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of and used for livestock feed;

(3) Contained in skim milk dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping;

(4) Contained in inventory of fluid milk products on hand at the end of the month;

(5) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a) (1) (i) of this section;

(6) In shrinkage allocated to receipts of approved milk (except milk diverted to a nonpool plant pursuant to § 1075.7), and from other order plants and unregulated supply plants to be allocated pursuant to § 1075.46(a) (7) and (8) and the corresponding steps of § 1075.46(b); but not in excess of two percent of such receipts of skim milk and butterfat, respectively; and

(7) In shrinkage assigned pursuant to § 1075.42(b)(2).

6. In § 1075.42, paragraph (b) is revised to read as follows:

§ 1075.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts of approved milk, and from other order plants and unregulated supply plants to be allocated pursuant to § 1075.46(a) (7) and (8) and the corresponding steps of § 1075.46(b); and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1075.44 is revised to read as follows:

§ 1075.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1075.46(a)(8) and the corresponding step of § 1075.46(b); and

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1075.46(a)(3) and the corresponding step of § 1075.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1075.46(a) (7) and (8) and the corresponding steps of §1075.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from an approved plant in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1075.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from the pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1075.46 is revised to read as follows:

§ 1075.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1075.45, the market administrator shall determine the classification of milk received at each plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1075.41(b)(6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1075.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1075.53 is revised to read as follows:

§ 1075.53 Location differentials to handlers.

(a) For approved milk received at an approved plant located 100 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearest of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota; and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1075.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant of approved milk, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1075.62 is revised to read as follows:

§ 1075.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1075.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1075.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1075.12(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

11. Section 1075.63 is revoked.

12. Section 1075.70 is revised to read as follows:

§ 1075.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for milk received at each pool plant during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1075.46(c), by the applicable class prices (adjusted pursuant to §§ 1075.52 and 1075.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1075.46(a)(10) and the corresponding step of § 1075.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1075.46(a)(5) and the corresponding step of § 1075.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with

respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1075.46(a)(3) and the corresponding step of § 1075.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1075.46(a)(8)(ii) and the corresponding step of § 1075.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1075.46(a)(7) and the corresponding step of § 1075.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1075.53(b).

13. In § 1075.71, paragraph (b) is revised to read as follows:

§ 1075.71 Computation of aggregate value used to determine uniform price.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1075.72 (a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

14. Section 1075.72 is revised to read as follows:

§ 1075.72 Computation of weighted average price.

For each month the market administrator shall compute a weighted average price for milk of 3.5 percent butterfat content f.o.b. pool plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota; as follows:

(a) Divide the aggregate value computed pursuant to § 1075.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1075.70 (e) and (f); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price" and except for the months of January through June, shall be the uniform price for milk received from producers.

15. In § 1075.73, paragraph (b) is revised to read as follows:

§ 1075.73 Computation of uniform price for base milk.

* * * * *

(b) From the aggregate value of all milk obtained in § 1075.71 subtract the following:

(1) The amount computed by multiplying the hundredweight of milk specified in § 1075.72(a)(2) by the weighted average price; and

(2) The amount computed by multiplying the hundredweight of excess milk by the price for Class II milk of 3.5 percent butterfat content;

16. In § 1075.80, the reference in the introductory text of paragraph (a) to "paragraph (c)" is changed to "paragraph (b)", paragraph (b) is revoked, and paragraph (c) is redesignated (b).

17. Section 1075.82 is revised to read as follows:

§ 1075.82 Location differentials to producers and on nonpool milk.

(a) The uniform prices for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1075.53; and

(b) For purposes of computations pursuant to §§ 1075.84 and 1075.85 the weighted average price shall be adjusted at the rates set forth in § 1075.53 applicable at the location of the nonpool plant from which the milk was received.

18. In § 1075.83 the reference "1075.80," is revoked.

19. Section 1075.84 is revised to read as follows:

§ 1075.84 Payments to the producer-settlement fund.

On or before the 10th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1075.70 for such handler; and

(b) The sum of

(1) The amount of the obligation pursuant to § 1075.80 of each handler for producer milk received during the month; and

(2) The value at the weighted average price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1075.70 (e) and (f).

20. Section 1075.85 is revised to read as follows:

§ 1075.85 Payments out of the producer-settlement fund.

On or before the 10th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1075.84(b) exceeds the amount computed pursuant to § 1075.84 (a).

21. Section 1075.88 is revised to read as follows:

§ 1075.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk, (b) other source milk allocated to Class I pursuant to § 1075.46(a)(3) and (8)(ii) and the corresponding steps of § 1075.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.7 is revised to read as follows:

§ 1076.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant.

2. Section 1076.11 is revised to read as follows:

§ 1076.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is a supply plant and is neither an other order plant nor a producer-handler plant.

3. Section 1076.12 is revised to read as follows:

§ 1076.12 Handler.

"Handler" means: (a) Any person in his capacity as the operator of one or more pool plants, (b) any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant, (c) any person who operates a partially regulated distributing plant, or (d) a producer-handler, or any person who operates an other order plant.

4. Section 1076.31 is revised to read as follows:

§ 1076.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler specified in § 1076.12 (c) who operates a partially regulated distributing plant shall report as required in § 1076.30 and if payment is made pursuant to § 1076.62(a) as required in subparagraph (c)(1) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk;

(c) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer including for the months of March through June, the total pounds of base and excess milk;

(iii) The number of days, if less than the entire month, for which milk was received from such producer;

(iv) The average butterfat content of such milk; and

(v) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) Prior to his diversion of producer milk to a nonpool plant, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted; and

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

(d) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

5. Section 1076.41 is revised to read as follows:

§ 1076.41 Classes of utilization.

Subject to the conditions set forth in § 1076.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except that any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in inventory of fluid milk products on hand at the end of the month;

(3) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1) of this section;

(4) In shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1076.14), and from other order plants and unregulated supply plants to be allocated pursuant to § 1076.46(a)(7) and (8) and the corresponding steps of § 1076.46(b); but not in excess of two percent of such receipts of butterfat, two percent of such receipts of skim milk in the months of July through February and five percent of such receipts of skim milk in the months of March through June; and

(5) In shrinkage assigned pursuant to § 1076.42(b)(2).

6. In § 1076.42, paragraph (b) is revised to read as follows:

§ 1076.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts of producer milk, and from other order plants and unregulated supply plants to be allocated pursuant to § 1076.46(a)(7) and (8) and the corresponding steps of § 1076.46(b); and (2) other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1076.44 is revised to read as follows:

§ 1076.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1076.46(a)(8) and the corresponding step of § 1076.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1076.46(a)(3) and the corresponding step of § 1076.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1076.46(a)(7) and (8) and the corresponding steps of § 1076.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent that would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 150 miles by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1076.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization (except in ungraded cream disposed of for manufacturing uses) in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1076.46 is revised to read as follows:

§ 1076.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1076.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1076.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract successively from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A milk;

(iii) Receipts of fluid milk products from producer-handlers or producer-handler plants under any Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) the pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1076.44(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1076.53 is revised to read as follows:

§ 1076.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 100 miles or more by shortest hard-surfaced highway distance as measured by the market administrator, from the nearest of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1076.51(a) shall be reduced by 15 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers, and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1076.62 is revised to read as follows:

§ 1076.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1076.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1076.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1076.10(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1076.10(b) and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

11. Section 1076.63 is revoked.

12. Section 1076.70 is revised to read as follows:

§ 1076.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1076.46(c), by the applicable class prices (adjusted pursuant to §§ 1076.52 and 1076.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1076.46(a)(10) and the corresponding step of § 1076.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1076.46(a)(5) and the corresponding step of § 1076.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1076.46(a)(3) and the corresponding step of § 1076.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1076.46(a)(8)(ii) and the corresponding step of § 1076.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1076.46(a)(7) and the corresponding step of § 1076.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1076.53(b).

13. In § 1076.71, paragraph (b) is revised to read as follows:

§ 1076.71 Computation of aggregate value used to determine uniform price.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of the milk specified in § 1076.72(a) is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such milk;

14. Section 1076.72 is revised to read as follows:

§ 1076.72 Computation of weighted average price.

For each month the market administrator shall compute a uniform price for all milk of 3.5 percent butterfat content f.o.b. pool plants located within 100 miles of the Post Offices of Aberdeen, Huron, and Watertown, South Dakota, as follows:

(a) Divide the aggregate value computed pursuant to § 1076.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 7076.70 (e) and (f); and

(b) Subtract not less than four cents nor more than five cents from the price computed pursuant to paragraph (a) of this section. The result shall be known as the "weighted average price", except for the months of March through June, shall be the uniform price for all milk received from producers.

15. In § 1076.73, paragraph (d) is revised to read as follows:

§ 1076.73 Computation of uniform price for base milk and excess milk.

* * * * *

(d) From the aggregate value of all milk obtained in § 1076.71 subtract the following:

(1) An amount computed by multiplying the hundredweight of milk specified in § 1076.72(a)(2) by the weighted average price; and

(2) The value of excess milk pursuant to paragraph (b) of this section; and

16. Section 1076.82 is revised to read as follows:

§ 1076.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk pursuant to § 1076.72 and the uniform price for base milk pursuant to § 1076.73 for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1076.53; and

(b) For purposes of computations pursuant to §§ 1076.84 and 1076.85 the weighted average price shall be adjusted at the rates set forth in § 1076.53 applicable at the location of the nonpool plant from which the milk was received.

17. Section 1076.84 is revised to read as follows:

§ 1076.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue:

(a) The total of the net pool obligation computed pursuant to § 1076.70 for such handler;

(b) The sum of

(1) The amount of the obligation pursuant to § 1076.80 for such handler for producer milk received during the month; and

(2) The value at the weighted average price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1076.70 (e) and (f).

18. Section 1076.85 is revised to read as follows:

§ 1076.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1076.84(a) exceeds the amount computed pursuant to § 1076.84(b) exceeds the amount computed pursuant to § 1076.84(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pur-

suant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 1076.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

19. Section 1076.87 is revised to read as follows:

§ 1076.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1076.46 (a) (3) and (8) (ii) and the corresponding steps of § 1076.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. The introductory text of § 1104.6 is revised to read as follows:

§ 1104.6 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the requirements specified in paragraphs (a) or (b) of this section, and whose milk is received directly from the farm at a pool plant, or is diverted as producer milk pursuant to § 1104.63.

2. Section 1104.10 is revised to read as follows:

§ 1104.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products approved by a duly constituted health authority for consumption as Grade A milk are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products approved by a duly constituted health authority for consumption as Grade A milk are moved during the month to a pool plant qualified pursuant to § 1104.9 and which is not an other order plant nor a producer-handler plant.

3. In § 1104.11, paragraph (b) is revised and paragraph (d) is added to read as follows:

§ 1104.11 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(d) A producer-handler, or any person who operates an other order plant.

4. In § 1104.30 paragraph (g) is redesignated (h) and a new paragraph (g) is added as follows:

§ 1104.30 Reports of receipts and utilization.

* * * * *

(g) Each handler specified in § 1104.11 (b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

5. In § 1104.31, the introductory text preceding paragraph (a) is revised as follows:

§ 1104.31 Reports of payments to producers.

On or before the 20th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1104.62(b) shall submit to the market administrator his producer payroll (dairy farmer payroll in the case of a handler making payments pursuant to § 1104.62(a)) for deliveries in the preceding month showing:

6. In § 1104.32 paragraph (c) is added as follows:

§ 1104.32 Other reports.

* * * * *

(c) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

7. In § 1104.41, paragraph (b) (5) and (6) is revised to read as follows:

§ 1104.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1104.42(b)(1), but not to exceed two percent of skim milk and butterfat in milk received directly from producers (not including diverted milk), and in bulk from other order plants and unregulated supply plants to be allocated pursuant to § 1104.46(a)(7) and the corresponding step of § 1104.46(b); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1104.42(b)(2).

8. Section 1104.42 is revised to read as follows:

§ 1104.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, in each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts specified in § 1104.41(b)(5); and (2) skim milk and butterfat in other source milk received in fluid form exclusive of that specified in § 1104.41 (b)(5).

9. Section 1104.44 is revised to read as follows:

§ 1104.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the month in which the transaction occurred, otherwise as Class I milk, if transferred or diverted from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1104.46(a)(7) and the corresponding step of § 1104.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1104.46(a)(3) and the corresponding step of § 1104.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1104.46(a)(7) and the corresponding step of § 1104.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 miles by the shortest highway distance as determined by the market administrator, from the City Hall in Wichita Falls, Texas, except that cream so transferred may be classified as Class II if the handler claims Class II classification, establishes the fact that such cream was transferred without Grade A certification, each container was labeled to show that contents were for use only in manufacturing, the shipment was invoiced accordingly and the market administrator was given sufficient notice to allow him to verify the shipment;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the City Hall in Wichita Falls, Texas, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1104.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1104.46 is revised to read as follows:

§ 1104.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1104.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1104.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1104.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1104.52 is revised to read as follows:

§ 1104.52 Location adjustments to handlers.

(a) For milk received from producers and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, at a pool plant located outside the State of Texas the price computed pursuant to § 1104.50 shall be reduced by 5 cents, plus an additional 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is more than 100 miles by shortest highway distance as measured by the market administrator, from the City Hall in Wichita Falls, Texas.

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned to Class I

plant" means a nonpool plant, except an

butterfat, respectively, assigned pur-

ministrator, from the City Hall

disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1104.53 is revoked.

13. Section 1104.62 is revised to read as follows:

§ 1104.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1104.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1104.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1104.8 by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1104.8 by shipment to the partially regulated distributing plant, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price applicable to milk used in the manufacture of butter, American cheese or nonfat dry milk).

14. Section 1104.70 is revised to read as follows:

§ 1104.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1104.46(c), by the applicable class prices (adjusted pursuant to §§ 1104.51 and 1104.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1104.46(a)(9) and the corresponding step of § 1104.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1104.46(a)(5) and the corresponding step of § 1104.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1104.46(a)(3) and the corresponding step of § 1104.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1104.46(a)(7)(i) and the corresponding step of § 1104.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1104.46(a)(7)(iii) and the corresponding step of § 1104.46 (b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1104.52; and

(g) The Class II price referred to in this section is the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk.

15. Section 1104.71 is revised to read as follows:

§ 1104.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price (or weighted average price) per hundredweight of milk received as follows:

(a) Combine into one total the values computed pursuant to § 1104.70 for all handlers who filed the reports prescribed by § 1104.30 for the month and who made the payments pursuant to §§ 1104.80 and 1104.82 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1104.74;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1104.73 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1104.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The results shall be the "weighted average price", and, except for the months March through June, shall be the "uniform price" for milk received from producers.

16. In § 1104.72, paragraph (c) is revised to read as follows:

§ 1104.72 Computation of uniform prices for base and excess milk.

* * * * *

(c) Subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of § 1104.71 an amount computed by multiplying the hundredweight of milk specified in § 1104.71(e)(2) by the weighted average price, then subtract the total value of excess milk obtained in paragraph (a) of this section and adjust by any amount needed to round the uniform price for excess milk to the nearest cent;

17. Section 1104.74 is revised to read as follows:

§ 1104.74 Location differentials to producers and on nonpool milk.

In making payments to producers pursuant to § 1104.80, for the months of July through February, each handler may deduct, for each hundredweight of milk, and for the months of March through June for each hundredweight of base milk received from producers at a pool plant which is located outside the State of Texas, 5 cents per hundredweight plus an additional 1.5 cents for each 10 miles or fraction thereof that such plant is more than 100 miles from

the City Hall in Wichita Falls, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator. For the purpose of computations pursuant to §§ 1104.82 and 1104.83 the weighted average price shall be adjusted at the rates set forth in § 1104.52 applicable at the location of the nonpool plant from which the milk was received.

18. Section 1104.82 is revised to read as follows:

§ 1104.82 Payments to the producer-settlement fund.

On or before the 13th day after the the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The total of the net pool obligation computed pursuant to § 1104.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1104.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1104.70 (e) and (f).

19. Section 1104.83 is revised to read as follows:

§ 1104.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1104.84(b) exceeds the amount computed pursuant to § 1104.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

20. Section 1104.86 is revised to read as follows:

§ 1104.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1104.46(a) (3) and (7)(i) and the corresponding steps of § 1104.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. Section 1106.10 is revised to read as follows:

§ 1106.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provisions for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products approved by a duly constituted health authority for consumption as Grade A milk are distributed on routes in the marketing area in consumer-type packages or dispenser units during the month.

(d) "Unregulated supply plant" means a nonpool plant, except an other order plant or a producer-handler plant, from which fluid milk products approved by a duly constituted health authority for consumption as Grade A milk are moved during the month to a pool plant qualified pursuant to § 1106.9.

2. In § 1106.11, paragraph (b) is revised and paragraph (e) is added to read as follows:

§ 1106.11 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(e) A producer-handler, or any person who operates an other order plant.

3. In § 1106.12, the first sentence is revised as follows:

§ 1106.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who under a dairy farm permit, authorization, or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted state or municipal health authority or by an agency of the Federal Government located in the marketing area, produces milk which is received at a pool plant directly from the farm of such person. * * *

3a. Section 1106.13 is revised to read as follows:

§ 1106.13 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler at a pool plant including that diverted pursuant to § 1106.12.

4. In § 1106.30, paragraph (g) is redesignated (h) and a new paragraph (g) is added as follows:

§ 1106.30 Reports of receipts and utilization.

* * * * *

(g) Each handler specified in § 1106.11 (b) who operates a partially regulated distributing plant shall report as required in this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

5. In § 1106.31, the introductory text preceding paragraph (a) is revised as follows:

§ 1106.31 Reports of payments to producers.

On or before the 20th day of the month each handler except a producer-handler or a handler making payments pursuant to § 1106.62(b) shall submit to the market administrator his producer payroll (dairy farmer payroll in the case of a handler making payments pursuant to § 1106.62(a)) for deliveries in the preceding month which shall show:

* * * * *

6. In § 1106.32, paragraph (c) is added as follows:

§ 1106.32 Other reports.

* * * * *

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

7. In § 1106.41, paragraph (b)(5) and (6) is revised to read as follows:

§ 1106.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1106.42(b)(1), but not to exceed the following: Two percent of producer milk received directly from producers' farms, plus 1½ percent of milk, skim milk and cream received in bulk from pool plants of other handlers, and from other order plants and unregulated supply plants to be allocated pursuant to § 1106.46(a)(7) and the corresponding step of § 1106.46 (b), less 1½ percent of milk, skim milk and cream disposed of in bulk to pool plants of other handlers; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1106.42(b)(2).

8. Section 1106.42 is revised to read as follows:

§ 1106.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, in each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in net receipts specified in § 1106.41(b)(5); and (2) skim milk and butterfat in bulk other source milk, exclusive of that specified in § 1106.41(b)(5).

8a. Section 1106.43(b) is revised to read as follows:

§ 1106.43 Responsibility of handlers and reclassification of milk.

* * * * *

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original form or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous accounting period pursuant to § 1106.41(b)(7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 1106.46(a)(5).

9. Section 1106.44 is revised to read as follows:

§ 1106.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month in which the transaction occurred, otherwise as Class I milk, if transferred in bulk or diverted from a pool plant to the pool plant of another handler subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1106.46(a)(7) and the corresponding step of § 1106.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1106.46(a)(3) and the corresponding step of § 1106.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1106.46(a)(7) and the corresponding step of § 1106.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if transferred in bulk in the form of cream to a nonpool plant that is neither an other order plant nor a producer-handler plant located more than 300 miles from the City Hall in either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was tagged or labeled to show that contents were only for manufacturing use, the shipment was invoiced accordingly, and the market administrator was given sufficient notice to allow him to verify the shipment;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1106.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1106.46 is revised to read as follows:

§ 1106.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1106.45, the market administrator shall determine the classification of producer milk and overage for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1106.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph.

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers according to the classification assigned pursuant to § 1106.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1106.53 is revised to read as follows:

§ 1106.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located 50 or more miles from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator, and classified as Class I milk or assigned location adjustment credit pursuant to paragraph (b) of this section, and for other source milk to which a location adjustment is applicable, the prices specified in § 1106.51(a) shall be subject to a location adjustment credit computed as follows:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus one cent for each additional 15 miles or fraction thereof in excess of 240 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the sum of receipts at such plant from producers and cooperative associations pursuant to § 1106.11(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1106.55 is revoked.

13. Section 1106.62 is revised to read as follows:

§ 1106.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1106.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1106.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1106.8 by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1106.8 by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk).

14. Section 1106.70 is revised to read as follows:

§ 1106.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1106.46(c), by the applicable class prices (adjusted pursuant to §§ 1106.52 and 1106.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1106.46(a)(9) and the corresponding step of § 1106.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1106.46(a)(5) and the corresponding step of § 1106.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1106.46(a)(3) and the corresponding step of § 1106.46(b);

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1106.46(a)(7)(i) and the corresponding step of § 1106.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1106.46(a)(7)(iii), and the corresponding step of § 1106.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1106.53.

(g) The Class II price referred to in this section is the Class II price applicable to milk used in the manufacture of American cheese, butter and nonfat dry milk.

15. Section 1106.72 is revised to read as follows:

§ 1106.72 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 1106.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1106.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers;

16. Section 1106.81 is revised to read as follows:

§ 1106.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1106.53; and

(b) For purposes of computations pursuant to §§ 1106.84 and 1106.85 the uniform price shall be adjusted at the rates set forth in § 1106.53 applicable at the location of the nonpool plant from which the milk was received.

17. Section 1106.84 is revised to read as follows:

§ 1106.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1106.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1106.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1106.70 (e) and (f).

18. Section 1106.85 is revised to read as follows:

§ 1106.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler including a cooperative association which is a handler the amount, if any, by which the amount computed pursuant to § 1106.84(b) exceeds the amount computed pursuant to § 1106.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

19. Section 1106.88 is revised to read as follows:

§ 1106.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1106.46(a) (3) (i) and (7) (i) and the corresponding steps of § 1106.46 (b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That with respect to payments pursuant to this paragraph, for each handler using two accounting periods in a month, the rate of payment shall be twice the rate for monthly accounting periods, or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting period.

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. Section 1120.13 is revised to read as follows:

§ 1120.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means any nonpool plant from which fluid milk products eligible for distributing in the marketing area under a Grade A label are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

2. Section 1120.14 is revised to read as follows:

§ 1120.14 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant either directly or by a cooperative association in its capacity as a handler pursuant to § 1120.17 (c) (2), or (b) diverted from a pool plant to a nonpool plant (other than the plant of a producer-handler) for the account of either the operator of the pool plant or a cooperative association:

(1) Any day during the months of March through June; and

(2) Not more than 15 days' production during any month of July through February: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted.

3. In § 1120.17, the period appearing at the end of the sentence in paragraph (c) of this section is deleted and a semicolon followed by the word "and" is substituted therefor.

4. In § 1120.17, paragraph (b) is revised and two new paragraphs (d) and (e) are added to read as follows:

§ 1120.17 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(d) Any person in his capacity as the operator of a nonpool supply plant; and

(e) A producer-handler, or any person who operates an other order plant.

5. In § 1120.30, paragraphs (b) and (c) are revised to read as follows:

§ 1120.30 Reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1120.17 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each handler operating a nonpool supply plant shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

6. In § 1120.31, new paragraphs (b), (c), and (d) are added to read as follows:

§ 1120.31 Other reports.

* * * * *

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(c) Each handler specified in § 1120.17 (b) who operates a partially regulated distributing plant and does not elect at the time of reporting pursuant to § 1120.30(a) to pay amounts computed pursuant to § 1120.62(b) shall report as required in paragraph (a) (1) of this section, except that payments for Grade A milk received at such plant from dairy farmers shall be reported in lieu of payments to producers.

(d) On or before the 2d day of the following month, each handler operating a pool plant, and each cooperative association in its capacity as a handler pursuant to § 1120.14(c) (1), that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

7. In § 1120.41, paragraph (b) (6) (ii) and (iv) is revised to read as follows:

§ 1120.41 Classes of utilization.

* * * * *

(b) * * *

(6) * * *

(ii) 1.5 percent of bulk receipts from other pool plants, from other order plants and unregulated supply plants to be allocated pursuant to § 1120.46(a) (7) and (8) and the corresponding steps of § 1120.46(b), and from cooperative associations in their capacity as handlers pursuant to § 1120.17(c) (2) except that where the handler is purchasing milk from a cooperative association in its capacity as a handler pursuant to § 1120.17 (c) (2) and files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of farm drawn samples and weights determined at the farm, the applicable percentage on such milk shall be 2.0 percent; less

* * * * *

(iv) Shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1120.42(b) (2); and

8. Section 1120.42 is revised to read as follows:

§ 1120.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, from other pool plants, from cooperative associations pursuant to § 1120.17(c) (2), and from other order plants and unregulated supply plants to be allocated pursuant to §1120.46(a) (7) and (8) and the corresponding steps of § 1120.46(b), and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

9. Section 1120.44 is revised to read as follows:

§ 1120.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1120.46(a) (8) and the corresponding step of § 1120.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1120.46(a) (3), and the corresponding step of § 1120.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1120.46(a) (7) and (8) and the corresponding steps of § 1120.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk except as provided in paragraph (e) of this section, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall at Lubbock, Texas;

(d) As Class I milk except as provided in paragraph (e) of this section, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall at Lubbock, Texas, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1120.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As Class II milk if transferred to a nonpool plant in the form of cream if the handler establishes that such cream was transferred without Grade A certification, that each container was labeled or tagged to indicate that the contents were ungraded products suitable for manufacturing use only, and that the shipment was so invoiced; and

(f) In the class to which allocated under the terms of such other order, if transferred or diverted to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1120.46 is revised to read as follows:

§ 1120.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1120.45, the market administrator shall determine the classification of producer milk received at each pool plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

puted pursuant to § 1106.84(a). If the ing area during the month.

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1120.41(b)(6)(i) through (iii);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1120.17(c), and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association(s) in its capacity as a handler pursuant to § 1120.17(c)(2) according to the classification assigned pursuant to § 1120.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1120.52 is revised to read as follows:

§ 1120.52 Location adjustments to handlers.

(a) For producer milk which is received at a pool plant located either outside of the State of Texas, or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall, and Childress and 100 miles or more from the City Hall, Lubbock, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I pursuant to the proviso of this section or otherwise classified as Class I milk, and for other source milk for which a location adjustment is applicable, the price specified in § 1120.50(a) shall be reduced at the rate set forth in the following table according to the location of the plant where such milk is received:

Miles from Lubbock City Hall:	*Rate per hundredweight (cents)*
100 miles but less than 110 miles	10
For each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1120.17(c)(2) and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1120.53 is revoked.

13. Section 1120.54 is redesignated as § 1120.53.

14. Section 1120.62 is revised to read as follows:

§ 1120.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1120.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1120.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1120.12(b) by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or an other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1120.12(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

15. Section 1120.63 is revised to read as follows:

§ 1120.63 State institutions.

A State owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Milk received at a pool plant from such institutions shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

16. Section 1120.70 is revised to read as follows:

§ 1120.70 Computation of the net pool obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (f) of this section for each of his pool plants, and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1120.46(c), by the applicable class prices (adjusted pursuant to §§ 1120.51 and 1120.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1120.46(a)(10) and the corresponding step of § 1120.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(5) and the corresponding step of § 1120.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1120.46(a)(3) and the corresponding step of § 1120.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1120.46(a)(8)(ii) and the corresponding step of § 1120.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1120.46(a)(7), and the corresponding step of § 1120.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1120.52.

17. Section 1120.71 is revised to read as follows:

§ 1120.71 Computation of aggregate value used to determine uniform price(s).

For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight of all milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1120.70 for all pool handlers who made the reports prescribed in § 1120.30(a) for such month, except those in default of payments required pursuant to §§ 1120.80 and 1120.82 for the preceding month;

(b) Subtract, if the weighted average butterfat content of milk in paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 1120.74 and multiplying the resulting figures by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deduction to be made for location differentials pursuant to § 1120.75; and

(d) Add an amount equal to not less than one-half the unobligated balance on hand in the producer-settlement fund.

18. Section 1120.72 is revised to read as follows:

§ 1120.72 Computation of weighted average price and uniform price.

For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat content, as follows:

(a) Divide the aggregate value computed pursuant to § 1120.71 by the sum of the following for all handlers included in such computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1120.70 (e) and (f); and

(b) Subtract not less than four cents nor more than five cents. The result shall be the "weighted average price", and except for the months of March through June shall be the "uniform price" for producer milk.

19. In § 1120.73, paragraph (b)(1) is revised to read as follows:

§ 1120.73 Computation of uniform prices for base and excess milk.

* * * * *

(b)(1) From the aggregate value of all milk obtained in § 1120.71, subtract the following:

(i) An amount computed by multiplying the hundredweight of milk specified in § 1120.72(a)(2) by the weighted average price; and

(ii) The value of excess milk determined pursuant to paragraph (a) of this section;

20. Section 1120.75 is revised to read as follows:

§ 1120.75 Location differentials to producers and on nonpool milk.

(a) The uniform price determined pursuant to § 1120.72 and the uniform price for base milk determined pursuant to § 1120.73 to be paid for milk which is received from producers at pool plants located either outside the State of Texas or within the State but north of the counties of Parmer, Castro, Swisher, Briscoe, Hall, and Childress and 100 miles or more from the City Hall of Lubbock, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the table contained in § 1120.52 according to the location of the pool plant at which such milk was received from producers; and

(b) For purposes of computations pursuant to §§ 1120.82 and 1120.83 the weighted average price shall be adjusted at the rates set forth in § 1120.52 applicable at the location of the nonpool plant from which the milk was received.

21. Section 1120.82 is revised to read as follows:

§ 1120.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section

exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1120.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1120.80; and

(2) The value at the weighted average price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1120.70 (e) and (f).

22. Section 1120.83 is revised to read as follows:

§ 1120.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1120.82(b) exceeds the amount computed pursuant to § 1120.82 (a). If at such time the balance in the producer-settlement fund is insufficient to make all payments due pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

23. Section 1120.86 is revised to read as follows:

§ 1120.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler, except a cooperative association in its capacity as a handler pursuant to § 1120.17(c)(2), shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1120.17 (c)(2), (b) other source milk allocated to Class I pursuant to § 1120.46 (a) (3) and (8)(ii) and the corresponding steps of § 1120.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That if a handler elects pursuant to § 1120.34 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rates as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. Section 1125.10 is revised to read as follows:

§ 1125.10 Nonpool plant.

"Nonpool plant" means any plant other than a fluid milk plant or a country plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month more than 3,400 pounds of fluid milk products are disposed of to any place or establishment in the marketing area, other than a plant.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which fluid milk products qualified for consumption as fluid milk are moved to a fluid milk plant or country plant during the month.

2. Section 1125.11 is revised to read as follows:

§ 1125.11 Fluid milk product.

"Fluid milk product" means skim milk or butterfat in any of the forms specified in § 1125.41(a).

3. Section 1125.12 is revised to read as follows:

§ 1125.12 Producer.

"Producer" means any person engaged in the production of milk, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

4. Section 1125.13 is revised to read as follows:

§ 1125.13 Producer milk.

"Produced milk" or "milk received from producers" means milk qualified as described in § 1125.12, other than that produced by a producer-handler as defined in any order (including this part) issued pursuant to the Act, which either is received directly from a farm at a fluid milk plant or country plant, or is caused to be diverted by a handler for his account from such plant to a nonpool plant: *Provided*, That any such milk diverted to a nonpool plant shall be deemed to have been received by the diverting handler at the location of the plant to which it was diverted.

5. In § 1125.15, paragraph (a) is revised to read as follows:

§ 1125.15 Handler.

"Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant, a partially regulated distributing plant or as a producer-handler: *Provided*, That this paragraph shall not be deemed to include any such person with respect to fluid milk products disposed of to a military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

6. Section 1125.16 is revised to read as follows:

§ 1125.16 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month more than 3,400 pounds of fluid milk products are disposed of to any place or establishment within the marketing area other than a plant, and who has been so designated by the market administrator upon his determination that all of the requirements of § 1125.102 have been met, and that none of the conditions therein for cancellation of such designation exists. All designations shall remain in effect until cancelled pursuant to § 1125.102 (d). The Department of Institutions, State of Washington, shall be producer-handler exempt from the provisions of §§ 1125.102 (other than paragraph (g) thereof), 1125.30, and 1125.32 with respect to milk of its own production and receipts from fluid milk plants and country plants processed or received for consumption in state institutions and with respect to movements of milk to or from a fluid milk plant or country plant.

7. In § 1125.22, the introductory text of paragraph (j)(1), paragraph (j)(1)(ii) and (iv), paragraph (j)(2), and paragraph (k)(2) are revised to read as follows:

§ 1125.22 Duties.

* * * * * * *

(j) * * *

(1) Each handler whose net pool obligation is computed pursuant to § 1125.70 of:

* * * * * * *

(ii) The amount of any charge made pursuant to § 1125.70 (b), (c), (d), (e), or (f);

* * * * * * *

(iv) The total of the amounts specified in § 1125.84(b);

* * * * * * *

(2) Each handler whose obligation is computed pursuant to § 1125.104(b), of the pounds of milk on which payment is required to be made and the amounts due the producer-settlement fund and pursuant to § 1125.88 from such handler.

(k) * * *

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72 and the butterfat differentials computed pursuant to § 1125.82 each applicable to milk received during the preceding month; and

8. Section 1125.32 is revised to read as follows:

§ 1125.32 Other reports.

(a) Each handler who operates a partially regulated distributing plant shall report as required in § 1125.30 and, unless his obligation is to be computed pursuant to § 1125.104(b), as required in § 1125.31, except that, in lieu of producer milk, receipts from dairy farmers of milk qualified for disposition in fluid form and payments for such milk shall be reported.

(b) Each handler who operates an other order plant with disposition of fluid milk products on routes in the marketing area shall report such disposition to the market administrator on or before the 7th day after the end of each month.

(c) On or before the 2d day of the following month, each handler operating a fluid milk plant or country plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

(d) At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under § 1125.30 as may be requested by the market administrator with respect to milk and milk products handled by him.

9. In § 1125.41, paragraph (b) (4) and (5) is revised to read as follows:

§ 1125.41 Classes of utilization.

* * * * * * *

(b) * * *

(4) In actual shrinkage of producer milk, receipts from other order plants and unregulated supply plants subject to allocation pursuant to § 1125.46(a) (6) and (7) and the corresponding steps of § 1125.46(b), but not in excess of two percent of the quantities of skim milk and butterfat, respectively, in such milk; and

(5) In actual shrinkage of other source milk computed pursuant to § 1125.42(b) (2).

10. In § 1125.42, paragraph (b) is revised to read as follows:

§ 1125.42 Shrinkage.

* * * * * * *

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among:

(1) Producer milk plus receipts from other order plants and unregulated supply plants subject to allocation pursuant to § 1125.46(a) (6) and (7) and the corresponding steps of § 1125.46(b);

(2) Other source milk, exclusive of that specified in subparagraph (1) of this paragraph; and

(3) Receipts from other handlers.

Provided, That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

11. In § 1125.44, the introductory text, the introduction text of paragraph (a), and paragraphs (b)(1) and (c)(3) are revised to read as follows:

§ 1125.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c) of this section, as fluid milk products from a fluid milk plant or country plant shall be assigned (separately) to each class in the following manner:

(a) To a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant after computation pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b), subject to the following provisions:

* * * * * * *

(b) * * *

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after computations pursuant to § 1125.46(a)(7) and the corresponding step of § 1125.46(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

* * * * * * *

(c) * * *

(3) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and the transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

12. Section 1125.45 is revised to read as follows:

§ 1125.45 Computation of the quantity of skim milk and butterfat in each class.

For each plant of each handler the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat at such plant in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from milk or skim milk, are utilized by such handler for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

13. A new § 1125.46 is added to read as follows:

§ 1125.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1125.45, the market administrator shall determine the classification of producer milk received at each fluid milk plant or country plant of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1125.41(b)(4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A milk;

(iii) Receipts of fluid milk products from producer-handler plants under any Federal order; and

(iv) Subtract, if the total pounds of skim milk in all classes pursuant to § 1125.45 exceeds the total pounds of skim milk reported pursuant to § 1125.30 (a), (b), and (c), from the remaining pounds of skim milk in each class in series beginning with Class II, the amount determined by prorating such excess between the pounds of skim milk subtracted pursuant to (i) through (iii) of this subparagraph (3) and the remaining receipts;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all fluid milk and country plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from fluid milk and country plants of other handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at

other than a fluid milk plant or a country plant shall direct a volume equivalent to the skim

vised to read as follows:

differentials computed pursuant

this plant is of all such receipts remaining at all fluid milk and country plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other fluid milk and country plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all fluid milk and country plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the fluid milk or country plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other fluid milk and country plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other plant of such handler at which such adjustment can be made.

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other fluid milk plants or country plants according to the classification assigned pursuant to § 1125.44;

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

14. Section 1125.70 is revised to read as follows:

§ 1125.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, at each fluid milk plant or country plant as computed pursuant to § 1125.46(c), by the applicable class prices (adjusted pursuant to §§ 1125.52, 1125.53, and 1125.54), and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.46(a) (9) and the corresponding step of § 1125.46(b) by the applicable class prices. In case overage occurs in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and an amount equal to the value of overage allocated to the transferred quantity at the applicable class price shall also be added;

(c) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the fluid milk or country plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1125.46(a) (3) and the corresponding step of § 1125.46 (b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1125.46(a) (7) (ii) and the corresponding step of § 1125.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1125.46(a) (6) and the corresponding step of § 1125.46(b), at the applicable class prices adjusted for butterfat content and subject to a location adjustment credit at the location of the nonpool plant on the lesser of the amount allocated to Class I or the amount that would have been allocated to Class I if such other order plant(s) had been country plants pursuant to § 1125.44(a) (2) (x).

15. Section 1125.71 is revised to read as follows:

§ 1125.71 Computation of weighted average price for all milk.

For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat as follows:

(a) Combine into one total the values computed pursuant to § 1125.70 for all handlers who made the reports prescribed in § 1125.30 and who made the payments pursuant to § 1125.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 1125.81(a) (1) and on nonpool milk pursuant to § 1125.81(b);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 1125.81 (a) (2);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of base milk and nonpool milk varies from 3.5 percent by the butterfat differential computed for base milk pursuant to § 1125.82 and multiplying the resulting figure by the total hundredweight of such milk, and an amount computed by multiplying the amount by which the average butterfat content of excess milk varies from 3.5 percent by the butterfat differential for excess milk computed pursuant to § 1125.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Divide the resulting amount by the sum of the following for all handlers included in such computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1125.70 (e) and (f); and

(g) Subtract not less than four cents but less than five cents from the price computed pursuant to paragraph (f) of this section. The result shall be known as the "weighted average price for all milk".

16. A new § 1125.72 is added and reads as follows:

§ 1125.72 Computation of uniform prices for base milk and excess milk.

For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5 percent content received from producers as follows:

(a) From the net amount computed pursuant to § 1125.71 (a) through (e) subtract the following:

(1) The amount computed my multiplying the hundredweight of milk specified in § 1125.71(f) (2) by the weighted average price for all milk; and

(2) The amount computed by multiplying the hundredweight of excess milk by the Class II price for 3.5 percent milk, rounded to the nearest one-tenth cent: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 3.5 percent milk) plus four cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(b) Divide the net amount obtained in paragraph (a) of this section by the total hundredweight of base milk and subtract not less than four cents but less than five cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content; and

(c) Divide the amount obtained in subparagraph (a) (2) of this section plus any amount subtracted pursuant to the proviso of paragraph (a) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

17. Section 1125.81 is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a) and subject to the application of § 1125.13 the following adjustments for location are applicable:

(1) Deductions may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 1125.53.

(2) Twenty-five cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap, Mason or Pierce; and

(b) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 applicable at the location of the nonpool plant from which the milk was received.

18. Section 1125.83 is revised to read as follows:

§ 1125.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to § 1125.84 and § 1125.104 and out of which he shall make all payments to handlers pursuant to § 1125.85.

19. Section 1125.84 is revised to read as follows:

§ 1125.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month, during which the milk was received, each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1125.70 for such handler;

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1125.80; and

(2) The value at the weighted average price for all milk applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) adjusted for butterfat content by the butterfat differential for base milk, with respect to other source milk for which values are computed pursuant to § 1125.70 (e) and (f).

20. Section 1125.85 is revised to read as follows:

§ 1125.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, during which the milk was received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1125.84(b) exceeds the amount computed pursuant to § 1125.84(a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 1125.84, 1125.86, 1125.87, and 1125.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

21. Section 1125.88 is revised to read as follows:

§ 1125.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1125.46(a) (3) and (7) (ii) and the corresponding steps of § 1125.46 (b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant disposed of to any place or establishment within the marketing area other than a plant that exceeds Class I milk received during the month at such plant from fluid milk plants, country plants, and other order plants.

22. New §§ 1125.103 and 1125.104 are added and read as follows:

§ 1125.103 Plants subject to other Federal orders.

Except for §§ 1125.32 through 1125.34 the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A fluid milk plant or a country plant from which a lesser volume of fluid milk products is disposed of in the Puget Sound marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order; and

(b) Any country plant for any portion of the period of January through September, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 1125.104 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1125.32 (a) to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1125.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1125.9 (a) or (b) by shipment to such plant shall be determined as though such plants were fluid milk or country plants. For purposes of such computation, receipts at such nonpool plant(s) from a fluid milk or country plant or from an other order plant shall be assigned to the utilization at which classified at the fluid milk or country plant or other order plant and transfers from such nonpool plant(s) to a fluid milk or country plant or an other order plant shall be classified as Class II milk if allocated to such class at the fluid milk or country plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1125.9 (a) or (b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk to any place or establishment within the marketing area other than a plant;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from fluid milk plants, country plants, and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one

total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. Section 1126.11 is revised to read as follows:

§ 1126.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plants" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

2. In § 1126.12, paragraph (c) is revised to read as follows:

§ 1126.12 Handler.

* * * * *

(c) Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler if (1) during the same month such cooperative association is a handler pursuant to paragraph (a) or (b) of this section with respect to any milk of such producer, and (2) such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative association at the location of the pool plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such pool plant for the purpose of § 1126.41(b)(5) and § 1126.42, the proviso in § 1126.53 and § 1126.97; and

3. In § 1126.12(d) the following section reference and word "1126.46(a)(5) and" are revoked.

4. Section 1126.13 is revised to read as follows:

§ 1126.13 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool plant: *Provided*, That if such milk is diverted by a handler for his account from a pool plant to a nonpool plant any day during the months of January through July and on not more than half the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

5. In § 1126.32, a new paragraph (d) is added to read as follows:

§ 1126.32 Other reports.

* * * * *

(d) On or before the 2nd day of the following month, each handler operating a pool plant, and each cooperative association in its capacity as a handler pursuant to § 1126.12(c), that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of produce shipped.

6. In § 1126.41, paragraph (b)(5) is revised to read as follows:

§ 1126.41 Classes of utilization.

* * * * *

(b) * * *

(5) In actual shrinkage at each plant in (i) receipts of milk of producers in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat physically received from producers' farms by the operator of a pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form at a pool plant from both producers and other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d)) and which are not disposed of in bulk as milk in fluid form to the pool plant of another handler, plus one and one-half percent of the total pounds of skim milk and butterfat in milk received in bulk from other order plants and unregulated supply plants and allocated pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b), and (ii) receipts of skim milk and butterfat contained in other source milk assigned pursuant to § 1126.42(b)(2);

7. Section 1126.42 is revised to read as follows:

§ 1126.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between (1) the total of the pounds of skim milk and butterfat physically received from producers at a pool plant by the operator of such pool plant, plus the pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d)), plus the pounds of skim milk and butterfat in milk received in bulk from other order plants and unregulated supply plants allocated pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b), and (2) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products, exclusive of that specified in subparagraph (1) of this paragraph.

8. Section 1126.43 is revised to read as follows:

§ 1126.43 Responsibility of handlers.

All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

9. Section 1126.44 is revised to read as follows:

§ 1126.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred (or diverted for not more than seven days during the month) in the form of fluid milk products from a pool plant to the pool plant of another handler, other than a producer-handler, subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1126.46(a)(3) and the corresponding step of § 1126.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk: *Provided*, That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1126.46(a)(7) and (8) and the corresponding steps of § 1126.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of bulk fluid milk products from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located (1) outside the marketing area, and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton, and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee, and Wood in the State of Texas; Carter, Cleveland, Comanche, Grady, Murray, and Muskogee in the State of Oklahoma; and Benton, Franklin, Sebastian, and Scott in the State of Arkansas;

(d) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located inside the marketing area or inside any of the counties named in paragraph (c) of this section, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1126.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, that is neither an other order plant nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and is located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced; and

(g) In the class to which allocated under the terms of such other order, if transferred or diverted in the form of fluid milk products to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1126.46 is revised to read as follows:

§ 1126.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1126.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1126.41(b)(5)(i);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk in receipts from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1126.12 (c) and (d) and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

4. Section 1126.13 is revised to read as follows:

cate shrinkage over a handler's receipts as follows:

receipts shall not be classified as Class I

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month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association(s) in its capacity as a handler pursuant to § 1126.12 (c) and (d) according to the classification assigned pursuant to § 1126.44(a); and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1126.53 is revised to read as follows:

§ 1126.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1126.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas City Hall be shortest hard-surfaced highway distance, as determined by the market administrator; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1126.12 (c) and (d), plus the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1126.55 is revoked.

13. Section 1126.70 is revised to read as follows:

§ 1126.70 Computation of the net pool obligation of each pool handler.

For each month, the market administrator shall compute the obligation of each pool handler by making the computations provided in paragraphs (a) through (f) of this section for each of his pool plants, and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1126.46(c), by the applicable class prices (adjusted pursuant to §§ 1126.52 and 1126.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1126.46(a)(10) and the corresponding step of § 1126.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(5) and the corresponding step of § 1126.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1126.46(a)(3) and the corresponding step of § 1126.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1126.46(a)(8)(ii) and the corresponding step of § 1126.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1126.46(a)(7) and the corresponding step of § 1126.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1126.53.

14. In § 1126.71, the introductory text of this section and paragraph (d) are revised to read as follows:

§ 1126.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

* * * * * *

(d) Add the aggregate of the values of the location differentials pursuant to § 1126.91(b).

15. Section 1126.72 is revised to read as follows:

§ 1126.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1126.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1126.70 (e) and (f); and

(b) Subtract not less than four cents nor more than five cents.

15a. In § 1126.90 paragraph (b) change the phrase "4 percent" to read "3.5 percent".

16. In § 1126.91, paragraph (b) is revised to read as follows:

§ 1126.91 Butterfat differentials and location differentials to producers and on nonpool milk.

* * * * * *

(b) *Location adjustments.* (1) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is distant from the City Hall in Dallas.

(2) For purposes of computations pursuant to §§ 1126.93 and 1126.94, the uniform price shall be adjusted at the rates set forth in § 1126.53 applicable at the location of the nonpool plant from which the milk was received.

17. Section 1126.93 is revised to read as follows:

§ 1126.93 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1126.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1126.90; and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1126.70 (e) and (f).

18. Section 1126.94 is revised to read as follows:

§ 1126.94 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1126.93(b) exceeds the amount computed pursuant to § 1126.93(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: *And provided further*, That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator for such handler pursuant to §§ 1126.93, 1126.95, 1126.96 or 1126.97.

19. Section 1126.97 is revised to read as follows:

§ 1126.97 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including such handler's own production) and (b) other source milk allocated to Class I pursuant to § 1126.46(a) (3) and (8) (ii) and the corresponding steps of § 1126.46 (b).

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. Section 1127.9 is revised to read as follows:

§ 1127.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

2. Section 1127.11 is revised to read as follows:

§ 1127.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any other order issued pursuant to the Act, who produces milk, (a) under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk, issued by an appropriate health authority having jurisdiction in the marketing area or by another health authority whose certification is accepted by such health authority, or (b) which is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases located in the marketing area; which is received directly from the farm at a pool plant or diverted from a pool plant to a nonpool plant for the account of a cooperative association: *Provided*, That if the days of production of such person for which milk is diverted exceed one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversion. This definition shall not include any person with respect to milk produced by him which is received by a handler partially exempt, pursuant to § 1127.60, nor shall it include a dairy farmer during the months of March through June, if milk from the same dairy farmer (or farm) was received at a nonpool plant operated by the same handler, as other than producer milk, on more than half the days of delivery during the preceding months of July through February.

3. Sections 1127.32 and 1127.33 are redesignated as §§ 1127.33 and 1127.34, respectively, and a new § 1127.32 is added to read as follows:

§ 1127.32 Other reports.

(a) Each handler who operates a partially regulated distributing plant shall report pursuant to § 1127.30 and pursuant to § 1127.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1127.30 to pay amounts computed pursuant to § 1127.61(b), except that receipts of Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

(b) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

4. In § 1127.41, paragraph (b)(3) is revised to read as follows:

§ 1127.41 Classes of utilization.

* * * * * *

(b) * * *

(3) In actual shrinkage at each plant in (i) receipts of producer milk in an amount not to exceed one-half of one percent of the total receipts of skim milk and butterfat received from producers at the pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk received at a pool plant from producers and in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 1127.10(d)) and which is not disposed of in bulk as milk in fluid form to another pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk received in bulk from other order plants and unregulated supply plants to be allocated pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46 (b), and (ii) receipts of other source milk assigned pursuant to § 1127.42(b)(2).

5. Section 1127.42 is revised to read as follows:

§ 1127.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, from other pool plants, from cooperative associations pursuant to § 1127.10(d), and from other order plants and unregulated supply plants allocated pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46(b); and (2) in receipts of other source milk in fluid form exclusive of that specified in subparagraph (1) of this paragraph.

6. Section 1127.44 is revised to read as follows:

§ 1127.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another han-

dler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1127.46(a)(4), and the corresponding step of § 1127.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1127.46(a)(7) and the corresponding step of § 1127.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1127.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(c) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment; and

(d) As Class II milk, if transferred subject to verification by the market administrator to a wholesale food manufacturing establishment which has no Class I disposition of skim milk or butterfat.

7. Section 1127.46 is revised to read as follows:

§ 1127.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1127.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in fluid milk products which were on hand at the beginning of the month;

(2) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1127.41(b)(3)(i);

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A), but not in excess of such quantity or quantities:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests such utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, receipts from a cooperative association in its capacity as a handler pursuant to § 1127.10(d) and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (2) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subdivision (5)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subdivision (5)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subdivision (5)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1127.44(a); and

(9) If the pounds of skim milk remaining in the three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II–A. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

8. Section 1127.54 is revised to read as follows:

§ 1127.54 Location adjustment credit to handlers.

(a) For milk which is received from producers at a pool plant located more than 50 miles from the City Hall in San Antonio, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator and which is classified as Class I milk, and for other source milk for which a location adjustment is applicable, the price specified in § 1127.51 shall be reduced 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is distant from the City Hall in San Antonio, Texas;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1127.10(d), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

9. In § 1127.60, the introductory text is revised to read as follows:

§ 1127.60 Handlers subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a) or (b) of this section except that the operator thereof shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

10. Section 1127.61 is revised to read as follows:

§ 1127.61 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1127.30, to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1127.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1127.7 by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II or Class II–A if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1127.7 by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

11. Section 1127.65 is revoked.

12. Section 1127.70 is revised to read as follows:

§ 1127.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1127.46(c), by the applicable class prices (adjusted pursuant to §§ 1127.53 and 1127.54);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1127.46(a)(9) and the corresponding step of § 1127.46(b), by the applicable class prices;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1127.46(a)(4) and the corresponding step of § 1127.46(b);

(d) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1127.46(a)(7)(i) and the corresponding step of § 1127.46(b); and

(e) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1127.46(a)(7)(iii), and the corresponding step of § 1127.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1127.54.

13. Section 1127.71 is revised to read as follows:

§ 1127.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk as follows:

(a) Combine into one total the values computed pursuant to § 1127.70 for all handlers who filed the reports prescribed by § 1127.30 for the month and who made the payments pursuant to §§ 1127.80 and 1127.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1127.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1127.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1127.70(d) and (e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

14. Section 1127.82 is revised to read as follows:

§ 1127.82 Location differentials to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1127.80 for that milk which is received from producers at a pool plant located more than 50 miles from the City Hall in San Antonio, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator, the handler may deduct an amount equal to not more than 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is distant from the City Hall in San Antonio, Texas.

(b) For purposes of computations pursuant to §§ 1127.84 and 1127.85 the uni-

form price shall be adjusted at the rates set forth in § 1127.54 applicable at the location of the nonpool plant from which the milk was received.

15. Section 1127.84 is revised to read as follows:

§ 1127.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1127.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1127.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1127.70 (d) and (e).

16. Section 1127.85 is revised to read as follows:

§ 1127.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the amount computed pursuant to § 1127.84(b) exceeds the amount computed pursuant to § 1127.84(a).

17. Section 1127.88 is revised to read as follows:

§ 1127.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) skim milk and butterfat received from producers (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1127.46(a) (4) and (7) (1) and the corresponding steps of § 1127.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. Section 1128.8 is revised to read as follows:

§ 1128.8 Unapproved plant.

"Unapproved plant" means any milk receiving, manufacturing or processing plant other than an approved plant. The following categories of unapproved plant are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an unapproved plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means an unapproved plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to an approved plant during the month but which is neither an other order plant nor a producer-handler plant.

2. In § 1128.10, the introductory text is revised to read as follows:

§ 1128.10 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act:

3. Section 1128.13 is revised to read as follows:

§ 1128.13 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a milk plant approved by and under the routine inspection of the appropriate health authority from which fluid milk products labeled Grade A in consumer-type packages are disposed of in the marketing area on routes and whose only source of supply of milk is his own farm production and transfers from approved plants.

4. A new § 1128.15 is added to read as follows:

§ 1128.15 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, sour cream and sour cream products under a Grade A label, and any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk: *Provided*, That when any such product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

5. Section 1128.32 is revised to read as follows:

§ 1128.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler who operates a partially regulated distributing plant shall report pursuant to § 1128.30 and pursuant to § 1128.31 in the event that such handler does not elect at the regular time of reporting pursuant to § 1128.30 to pay amounts computed pursuant to § 1128.62(b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

(c) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

(d) On or before the 2nd day of the following month, each handler operating an approved plant, and each cooperative association in its capacity as a handler pursuant to § 1128.9(c), that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of products shipped.

6. Section 1128.41 is revised to read as follows:

§ 1128.41 Classes of utilization.

Subject to the conditions set forth in §§ 1128.43 and 1128.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) of this section; and

(2) Not specifically accounted for as Class II or Class II–A milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk or Class II–A pursuant to paragraphs (a) (1) and (c) of this section, respectively;

(2) Disposed of for livestock feed;

(3) In actual shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts directly from producers (excluding milk diverted pursuant to § 1128.10(c)); plus

(ii) 1.5 percent of bulk receipts of milk from other approved plants from other order plants and unregulated supply plants to be allocated pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b), and from each cooperative association in its capacity as a handler pursuant to § 1128.9(c), (except that if the handler operating the approved plant files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of the butterfat tests of individual farm drawn samples and weights determined at the farm, the applicable percentage shall be two percent); less

(iii) 1.5 percent of bulk transfers of milk from an approved plant to other milk plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights and tests, as provided in subdivision (ii) of this subparagraph (3) the applicable percentage shall be 2.0); plus

(iv) Shrinkage in other source milk assigned pursuant to § 1128.42(b)(2);

(4) Contained in inventory of fluid milk products on hand at the end of the month; and

(5) Contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) (1) of this section by virtue of the proviso of § 1128.15.

(c) Class II–A milk shall be all skim milk and butterfat used to produce Cheddar cheese.

7. Section 1128.42 is revised to read as follows:

§ 1128.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) receipts from producers, from other approved plants, from cooperative associations pursuant to § 1128.9(c), and from other order plants and unregulated supply plants to be allocated pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b), and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

8. Section 1128.44 is revised to read as follows:

§ 1128.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred or diverted from an approved plant to the approved plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to each class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1128.46(a)(3) and the corresponding step of § 1128.46(b), the skim milk and butterfat so transferred shall be classified so as to allocated the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1128.46(a)(7) and (8) and the corresponding steps of § 1128.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from an approved plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to an unapproved plant that is neither an other order plant nor a producer-handler plant, located more than 300 miles distant by the shortest highway distance as determined by the market administrator except that cream without Grade A certification so transferred shall be classified as Class II;

(d) As Class I milk, if transferred or diverted in bulk to an unapproved plant that is neither an other order plant nor a producer-handler plant, located not more than 300 miles distant by the shortest highway distance as determined by the market administrator and from which fluid milk is disposed of on wholesale or retail routes, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1128.30 for the month within which such transaction occurred;

(2) The operator of such unapproved plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such unapproved plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from approved plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such unapproved plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from approved plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such unapproved plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such unapproved plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such unapproved plant from all approved and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) As Class II milk if transferred or diverted to an unapproved plant located not more than 300 miles distant by the shortest highway distance from which fluid milk is not disposed of on wholesale or retail routes, except that if diverted or transferred in the form of milk to such unapproved plant which manufactures American Cheddar cheese such milk shall be classified as Class II–A milk: *Provided*, That if receipts of milk at such transferee plant are greater than the amount of milk used in the production of American Cheddar cheese during the month, the market administrator shall assign the Class II–A usage in the transferee plants, first to the milk received at such plant from dairy farmers and unapproved plants, and then pro rata to all milk transferred or diverted to such cheese plant from approved plants.

(f) In the class to which allocated under the terms of such other order, if transferred or diverted to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1128.46 is revised to read as follows:

§ 1128.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1128.45, the market administrator shall determine the classification of producer milk received at each approved plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1128.41(b)(3) (i) through (iii).

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with the lowest priced class, the pounds of skim milk in each of the following:

(i) Other source milk in the form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II–A and Class II (beginning with Class II–A):

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in such classes, respectively;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all approved plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other approved plants and from a cooperative association in its capacity as a handler pursuant to § 1128.9(c), and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all approved plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II–A and Class II which is in excess of the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II–A and Class II, respectively, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other approved plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other approved plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II–A and Class II milk, respectively, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were notsubtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all approved plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the approved plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other approved plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other approved plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other approved plants and from a cooperative association(s) in its capacity as a handler pursuant to § 1128.9(c) according to the classification assigned pursuant to § 1128.44(a); and

(10) If the pounds of skim milk remaining in the three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with the lowest priced class. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. In § 1128.53, the introductory text is revised and a new paragraph (d) is added, to read as follows:

§ 1128.53 Location adjustment to handlers.

For producer milk classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraphs (c) or (d) of this section and for other source milk for which location adjustments are applicable, the price set forth in § 1128.50 shall be subject to the following adjustments.

* * * * *

(d) For purposes of calculating such adjustment, transfers between approved plants (except those operated by the same handler) and receipts of fluid milk products in bulk from handler pool order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1128.9(c), and the pounds assigned as Class I to receipts from market pool other order plants, and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1128.62 is revised to read as follows:

§ 1128.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1128.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1128.70 at the partially regulated distributing plant and at any other unapproved plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1128.7(a)(2) by shipments to the partially regulated distributing plant shall be determined as though such plants were approved plants. For purposes of such computation, receipts at such unapproved plant(s) from an approved plant or an other order plant shall be assigned to the utilization at which classified at the approved plant or other order plant and transfers from such unapproved plant(s) to an approved plant or an other order plant shall be classified as Class II or Class II–A if allocated to such class at the approved plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1128.7(a)(2) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from approved plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the unapproved plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

12. Section 1128.70 is revised to read as follows:

§ 1128.70 Computation of each handler's pool obligation.

For each month, the market administrator shall compute the obligation of each handler operating an approved plant by making the computations provided in paragraphs (a) through (f) of this section for each of his approved plants, and adding together the resulting totals:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1126.46(c), by the applicable class prices (adjusted pursuant to §§ 1128.52 and 1128.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1128.46(a)(10) and the corresponding step of § 1128.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1128.46(a)(5) and the corresponding step of § 1126.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the approved plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1128.46(a)(3) and the corresponding step of § 1128.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unapproved plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1128.46(a)(8)(ii) and the corresponding step of § 1128.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts from handler pool other order plants subtracted from each class pursuant to § 1128.46(a)(7) and the corresponding step of § 1128.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1128.53.

13. In § 1128.71, the introductory text of this section and paragraph (b) are revised to read as follows:

§ 1128.71 Computation of aggregate value used to determine price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

* * * * *

(b) Subtract the aggregate of the values of all plus location adjustments pursuant to § 1128.91, and add the aggregate of the values of all such minus adjustments;

14. Section 1128.72 is revised to read as follows:

§ 1128.72 Computation of uniform price for all milk.

For each month the market administrator shall compute the uniform price per hundredweight for all milk of 3.5 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 1128.71 by the sum of the following for all handlers included in such computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1128.70 (e) and (f); and

(b) Subtract not less than 4 cents nor more than 5 cents.

15. Section 1128.91 is revised to read as follows:

§ 1128.91 Location adjustments to producers.

(a) In making payments to producers pursuant to § 1128.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 1128.72:

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 15 cents; and

(2) For milk received from producers at an approved plant located (i) east of the 103d principal meridian, (ii) more than 180 highway miles from the United States Post Office in Midland, Texas, and, also (iii) at the following distances from the United States Post Office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 105	20
105 miles or more	25

(b) For purposes of computations pursuant to §§ 1128.94 and 1128.95 the uniform price for all milk shall be adjusted at the rates set forth in § 1128.53, applicable at the location of the unapproved plant from which the milk was received.

16. In § 1128.93, the designation "1128.62(b)" is changed to "1128.62".

17. Section 1128.94 is revised to read as follows:

§ 1128.94 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1128.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1128.90; and

(2) The value at the uniform price for all milk applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1128.70 (e) and (f).

18. Section 1128.95 is revised to read as follows:

§ 1128.95 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the amount computed pursuant to § 1128.94(b) exceeds the amount computed pursuant to § 1128.94(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

19. Section 1128.98 is revised to read as follows:

§ 1128.98 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1128.9(c), (b) other source milk allocated to Class I pursuant to § 1128.46(a)(3) and (8)(ii) and the corresponding steps of § 1128.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from approved plants and other order plants.

PART 1129—MILK IN AUSTIN-WACO MARKETING AREA

1. Section 1129.11 is revised to read as follows:

§ 1129.11 Nonfluid milk plant.

"Nonfluid milk plant" means any milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in fluid form labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a fluid milk plant during the month, but which is neither an other order plant nor a producer-handler plant.

2. Section 1129.15 is revised to read as follows:

§ 1129.15 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is:

(a) Received at a fluid milk plant; or

(b) Diverted for his account by the operator of a fluid milk plant or cooperative association from such plant to a nonfluid milk plant during the period January through July and on not more than one-third of the days of delivery through December: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

3. Redesignate §§ 1129.20, 1129.21, and 1129.22 as §§ 1129.25, 1129.26 and 1129.27, respectively, and add a new § 1129.20 under definitions to read as follows:

§ 1129.20 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream mix, or other frozen mixes, evaporated or condensed milk and any milk product contained in hermetically sealed containers): *Provided*, That when nonfat milk solids are added for fortification the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content.

4. In § 1129.32, a new paragraph (c) is added to read as follows:

§ 1129.32 Other reports.

* * * * *

(c) On or before the 2d day of the following month, each handler operating a fluid milk plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

5. Section 1129.41, is revised to read as follows:

§ 1129.41 Classes of utilization.

Subject to the conditions set forth in §§ 1129.43 and 1129.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (b) (2) of this section; and

(2) Not accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of fluid milk products on hand at the end of the month;

(4) In shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk, and receipts from other order plants and unregulated supply plants to be allocated pursuant to § 1129.46(a) (7) and the corresponding step of § 1129.46(b);

(5) In shrinkage assigned pursuant to § 1129.42(b) (2); and

(6) In skim milk contained in any fortified fluid milk product in excess of the pounds of skim milk in such product classified as Class I milk pursuant to paragraph (a) (1) of this section.

6. In § 1129.42, paragraph (b) is revised to read as follows:

§ 1129.42 Shrinkage.

* * * * *

(b) Prorate the resulting amounts between:

(1) Receipts of skim milk and butterfat contained in producer milk and receipts from other order plants and unregulated supply plants to be allocated pursuant to § 1129.46(a) (7) and the corresponding step of § 1129.46(b); and

(2) Skim milk and butterfat in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1129.44 is revised to read as follows:

§ 1129.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified: *Provided*, That the percentage of the total quantities of skim milk and butterfat, respectively, in products thus transferred and assigned to Class I milk shall not be greater than the percentage of skim milk and butterfat in producer milk classified as Class I milk in the plant of the transferee handler:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a fluid milk plant to the fluid milk plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1129.46(a) (7) and the corresponding step of § 1129.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1129.46(a) (3) and the corresponding step of § 1129.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1129.46(a) (7) and the corresponding step of § 1129.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a fluid milk plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, located more than 400 miles distant by the shortest highway distance as determined by the market administrator;

(d) As Class I milk, if transferred or diverted in bulk to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, located not more than 400 miles distant by the shortest highway distance as determined by the market administrator, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1129.30 for the month within which such transaction occurred;

(2) The operator of such nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonfluid milk plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from fluid milk plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonfluid milk plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonfluid milk plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonfluid milk plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonfluid milk plant from all fluid milk plants and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated under the terms of such other order, if transferred to a handler pool other order plant, and pro rata to the class uses reflected in the uniform or weighted average price computed for the month under such other order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1129.46 is revised to read as follows:

§ 1129.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1129.45, the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1129.41(b) (4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1129.13 (b) (2) and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subdivision (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subdivision (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subdivision (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from fluid milk plants of other handlers and from a cooperative association in its capacity as a handler pursuant to § 1129.13(b) (2), according to the classification assigned pursuant to § 1129.44 (a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk each class.

9. Section 1129.70 is revised to read as follows:

§ 1129.70 Computation of the net obligation of each handler.

The net obligation of each handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1129.46(c), by the applicable class prices (adjusted pursuant to §§ 1129.52 and 1129.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1129.46(a) (9) and the corresponding step of § 1129.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1129.46(a) (5) and the corresponding step of § 1129.46(b);

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

10. In § 1129.71 paragraph (a) is revised to read as follows:

§ 1129.71 Computation of aggregate value used to determine uniform prices.

* * * * *

(a) Add to the amount computed pursuant to § 1129.70 the total of the location differential deductions to be made pursuant to § 1129.92;

11. Section 1129.95 is revised to read as follows:

§ 1129.95 Expense of administration.

As his pro rata share of the expense of administration of the order, each

handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1129.46(a) (3) and (7) (i) and the corresponding steps of § 1129.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area Class I milk received during the month at such plant from fluid milk plants and other order plants.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. Section 1130.7 is revised to read as follows:

§ 1130.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a fluid milk plant or by a cooperative association pursuant to §1130.8(d) or is diverted to a nonfluid milk plant in accordance with the provisions of § 1130.16.

2. In §1130.8, paragraph (b) is revised and a new paragraph (f) is added to read as follows:

§ 1130.8 Handler

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(f) A producer-handler, or any person who operates an other order plant.

3. Section 1130.15 is revised to read as follows:

§ 1130.15 Nonfluid milk plant.

"Nonfluid milk plant" means a marketing equalization plant and any milk receiving, manufacturing or processing plant other than a fluid milk plant. The following categories of nonfluid milk plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this plant" means a nonfluid milk plant

(c) "Partially regulated distributing plant" means a non-fluid milk plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonfluid milk plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a fluid milk plant or to a market equalization plant during the month, but which is neither an other order plant nor a producer-handler plant.

4. Section 1130.32 is revised to read as follows:

§ 1130.32 Other reports.

(a) Each producer-handler and each cooperative association in its capacity as the operator of a market equalization plant shall make reports to the market administrator at such time and in such manner as the market administrator shall request;

(b) Each handler specified in § 1130.8(b) who operates a partially regulated distributing plant shall report as required in § 1130.30, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk;

(c) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonfluid milk plant (other than a market equalization plant) shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted; and

(d) On or before the 2nd day of the following month, each handler operating a fluid milk plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

5. In § 1130.41, paragraph (b) (6) and (7) is revised to read as follows:

§ 1130.41 Classes of utilization.

* * * * *

(b) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1130.42(b) (1), but not to exceed the amounts calculated for each fluid milk plant and for each cooperative association in its capacity as a handler pursuant to § 1130.8(d) as follows: Two percent of milk received directly from producers, plus one and one-half percent of milk received in bulk tank lots from fluid milk plants of other handlers, from other order plants and unregulated supply plants to be allocated pursuant to § 1130.46(a) (7) and the corresponding step of § 1130.46(b), plus one and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1130.8(d) (except that if the handler operating the fluid milk plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights determined by bulk tank calibrations, the applicable percentage shall be two percent), less one and one-half percent of milk disposed of in bulk tank lots to plants (except when the preceding exception hereof applies, the applicable percentage shall be two percent); and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1130.42(b) (2).

6. Section 1130.42 is revised to read as follows:

§ 1130.42 Shrinkage.

The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for such plant; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained (1) in receipts from producers, from fluid milk plants of other handlers, from cooperative associations pursuant to § 1130.8(d), and from other order plants and unregulated supply plants to be allocated pursuant to § 1130.46(a) (7) and the corresponding step of § 1130.46 (b), and (2) in other source milk in fluid form, exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1130.44 is revised to read as follows:

§ 1130.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a fluid milk plant pursuant to § 1130.13(a), a market equalization plant, or by a cooperative association in its capacity as a handler pursuant to § 1130.8(d) to the fluid milk plant of another handler subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1130.46(a) (7) and the corresponding step of § 1130.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1130.46(a) (3) and the corresponding step of § 1130.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1130.46(a) (7) and the corresponding step of § 1130.46 (b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) In accordance with the provisions of paragraph (a) of this section if transferred in the form of a fluid milk product from a fluid milk plant pursuant to § 1130.13(b) to a fluid milk plant pursuant to § 1130.13(a): *Provided*, That the percentage of such skim milk and butterfat, respectively, classified as Class I milk shall not exceed the percentage of skim milk and butterfat, respectively, in producer milk of the transferee handler classified as Class I milk;

(c) As Class I milk, if transferred from a fluid milk plant, a cooperative association as a handler pursuant to § 1130.8(d), or a market equalization plant to the plant of a producer-handler;

(d) As Class I milk, if transferred or diverted in bulk to a nonfluid milk plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1130.30 for the month within which such transaction occurred;

(2) The operator of such nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonfluid milk plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from fluid milk plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonfluid milk plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonfluid milk plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonfluid milk plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonfluid milk plant from all fluid milk plants and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) Pro rata to each class in accordance with the total utilization of milk at the market equalization plant when transferred or diverted in the form of milk, skim milk or cream to such plant from a fluid milk plant or by a cooperative association in its capacity as a handler pursuant to § 1130.8(c); and

(f) In the class to which allocated under the terms of such other order, if transferred to a handler pool other order plant, and pro rata to the class uses reflected in the uniform or weighted average price computed for the month under such other order if transferred to a market pool other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1130.46 is revised to read as follows:

§ 1130.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1130.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1130.41(b) (6);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from fluid milk plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1132.8(d) and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to paragraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to paragraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to paragraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from fluid milk plants of other handlers and from handlers pursuant to § 1130.8(d) or as an operator of a market equalization plant according to the classification assigned pursuant to § 1130.44(a);

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage" and for purposes of computing the handler's obligation pursuant to §§ 1130.70 and 1130.73 shall be prorated to producer milk and receipts from a cooperative association in its capacity as a handler pursuant to § 1130.8(d).

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section;

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. In § 1130.70, paragraph (c) is revised to read as follows:

§ 1130.70 Obligation of a handler for producer milk.

* * * * *

(c) Add an amount computed as follows:

(1) Determine the pounds of skim milk and butterfat in inventory subtracted from Class I milk pursuant to § 1130.46(a)(5) and the corresponding step of § 1130.46(b);

(2) Prorate the resulting amounts between the skim milk and butterfat contained in receipts of (i) producer milk and (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1130.8(d) and as the operator of a market equalization plant; and

(3) Multiply the hundredweight of skim milk and butterfat assigned pursuant to subparagraph (2)(i) of this paragraph by the difference between the Class I price for the current month and the Class II price in the preceding month by the appropriate butterfat differentials;

10. In § 1130.73 paragraph (c) is revised to read as follows:

§ 1130.73 Obligation of a handler for milk received from a cooperative association.

* * * * *

(c) Add an amount obtained by multiplying the hundredweight of skim milk and butterfat assigned pursuant to § 1130.70(c)(2)(ii) by the difference between the Class I price for the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

11. Section 1130.85 is revised to read as follows:

§ 1130.85 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler except a cooperative association in its capacity as a handler pursuant to § 1130.8(d) shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including such handler's own production) and receipts from a cooperative association in its capacity as a handler pursuant to § 1130.8(d), (b) other source milk allocated to Class I pursuant to § 1130.46(a)(3) and (7)(i) and the corresponding steps of § 1130.46(b); and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from fluid milk plants and other order plants.

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. The introductory text of § 1131.7 is revised to read as follows:

§ 1131.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk pursuant to the requirements specified in paragraph (a) or (b) of this section, and whose milk is received directly from the farm at a pool plant, or is diverted as producer milk pursuant to § 1131.13:

2. Section 1131.9 is revised to read as follows:

§ 1131.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which Grade A fluid milk products are moved during the month to a pool plant and which is not an other order plant nor a producer-handler plant.

3. In § 1131.10, paragraph (a) is revised and paragraphs (d) and (e) are added as follows:

§ 1131.10 Handler.

* * * * *

(a) Any person in his capacity as the operator of a pool plant;

* * * * *

(d) Any person who operates a partially regulated distributing plant; or

(e) A producer-handler, or any person who operates an other order plant.

4. In § 1131.30 the introductory text is revised and paragraph (c) is added as follows:

§ 1131.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month each handler shall report for each of his pool plants and each of his plants specified in § 1131.10(d), and each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1131.10 (b) or (c), for such month in the detail and on forms prescribed by the market administrator as follows:

* * * * *

(c) Each handler who operates a partially regulated distributing plant shall report as required in paragraphs (a) and (b) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk.

5. In § 1131.31 paragraph (b) is revised and paragraph (c) is added to read as follows:

§ 1131.31 Other reports.

* * * * *

(b) Each handler, except a producer-handler or a handler making payment pursuant to § 1131.62(b), shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any authorized deductions;

(2) On or before the 20th day after the end of the month, the payments made to a cooperative association pursuant to § 1131.80(d);

(3) On or before the day prior to diverting producer milk pursuant to § 1131.7 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted;

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe; and

(5) Each handler who operates a partially regulated distributing plant shall report as required in this paragraph except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk.

(c) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator and the identity of the product shipped.

6. In § 1131.41(c), subparagraphs (5) and (6) are revised and (7) is added as follows:

§ 1131.41 Classes of utilization.

* * * * *

(c) * * *

(5) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1131.13(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1131.10(c), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers and from other order plants and unregulated supply plants to be allocated pursuant to § 1131.46(a)(7) and the corresponding step of § 1131.46(b); less

(iv) 1.5 percent of disposition in bulk tank lots from pool plants to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 1131.10(c), unless the exception provided in subdivision (ii) of this subparagraph applies; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1131.42(b)(2); and

(7) In nonfluid milk products used to produce cottage cheese.

7. Sections 1131.42, 1131.43, 1131.44 and 1131.45 are renumbered respectively §§ 1131.43, 1131.44, 1131.45 and 1131.46 and a new § 1131.42 is inserted as follows:

§ 1131.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in the amounts computed pursuant to § 1131.41(c)(5); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1131.41(c)(5).

8. Renumbered § 1131.44 is revised to read as follows:

§ 1131.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (f) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1131.46(a)(7) and the corresponding step of § 1131.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1131.46(a)(3) and the corresponding step of § 1131.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I (then Class II) utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1131.46(a)(7) and the corresponding step of § 1131.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in consumer packages to a nonpool plant that is not an other order plant;

(d) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located outside the marketing area and outside Imperial County, California, except that cream so transferred may be classified as Class III if prior notice is given to the market administrator, each container is labeled by the transferor as "Grade C cream for manufacturing only", and such shipment is so invoiced;

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is inside the marketing area or in Imperial County, California, and that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1131.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk.

(f) Unless a different utilization is claimed by both handlers, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler pursuant to § 1131.10(c) or which operates a pool plant described in § 1131.8(c) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computations pursuant to § 1131.46(a)(8) and the corresponding step of (b).

(g) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class III. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II or Class III (or comparable classes under such other order) to the extent of the Class II or Class III utilization available for such assignment.

9. Renumbered § 1131.46 is revised to read as follows:

§ 1131.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1131.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1131.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class III (then Class II), but not in excess of such quantity, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants, from cooperative handlers pursuant to § 1131.10(c), and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from another order plant, if Class III (or Class II) utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1131.44(a);

(9) Subtract, pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 1131.44(f);

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1131.53 is revised to read as follows:

§ 1131.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located outside Pima County and more than 30 miles by shortest highway distance as measured by the market administrator, from the nearer of the Courthouses in Maricopa and Graham Counties, Arizona, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1131.51(a) shall be reduced by 10 cents if such plant is located not more than 130 miles from the nearer courthouse and by an additional cent for each 10 miles or fraction thereof that such distance exceeds 130 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts as such plant from producers and cooperative associations pursuant to § 1131.10(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) For other source milk to which a location adjustment is applicable and for milk received from producers at a plant located in Pima County and which is classified as Class I milk, the price computed pursuant to § 1131.51(a) shall be increased 30 cents.

11. Section 1131.62 is revised to read as follows:

§ 1131.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except one from which less than an average of 600 pounds per day of Class I milk is disposed of on a route(s) in the marketing area shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1131.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1131.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1131.8 (b) and (c) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1131.8 (b) and (c) by shipment to the partially regulated distributing plant, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class III price).

12. Section 1131.70 is revised to read as follows:

§ 1131.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1131.46(c), by the applicable class prices (adjusted pursuant to §§ 1131.52 and 1131.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1131.46(a)(10) and the corresponding step of § 1131.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1131.46(a)(5) and the corresponding step of § 1131.46(b);

(d) Add the amount obtained by multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1131.46(a)(5) and the corresponding step of § 1131.46(b);

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1131.46(a)(3) and the corresponding step of § 1131.46(b);

(f) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1131.46(a)(7)(i) and the corresponding step of § 1131.46(b); and

(g) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1131.46(a)(7)(iii) and the corresponding step of § 1131.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1131.53.

13. Section 1131.71 is revised to read as follows:

§ 1131.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1131.70 for all handlers who filed the reports prescribed by § 1131.30 for the month and who made the payments pursuant to §§ 1131.80 and 1131.82 for the preceding month;

(b) Add an amount equal to the total value of the minus location differentials and subtract an amount equal to the plus location differentials computed pursuant to § 1131.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1131.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1131.70 (f) and (g);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

14. Section 1131.73 is revised to read as follows:

§ 1131.73 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be adjusted according to the location of the pool plant, at the rates set forth in § 1131.53; and

(b) For purposes of computations pursuant to §§ 1131.82 and 1131.83 the uniform price shall be adjusted at the rates set forth in § 1131.53 applicable at the location of the nonpool plant from which the milk was received.

15. Section 1131.82 is revised to read as follows:

§ 1131.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1131.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1131.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1131.70 (f) and (g).

16. Section 1131.83 is revised to read as follows:

§ 1131.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1131.82(b) exceeds the amount computed pursuant to § 1131.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

17. Section 1131.86 is revised to read as follows:

§ 1131.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1131.46(a)(3) and (7)(i) and the corresponding steps of § 1131.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. Section 1132.7 is revised to read as follows:

§ 1132.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of March through June and (2) on not more than 15 days during any of the months of July through February: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

2. Section 1132.11 is revised to read as follows:

§ 1132.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for a distribution in the marketing area under a Grade A label are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

3. In § 1132.30 the introductory text of this section is revised to read as follows:

§ 1132.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler in his capacity as the operator of a pool plant(s) and each cooperative association, with respect to milk for which it is a handler pursuant to § 1132.12 (b) or (c) shall report for such month to the market administrator in detail and on forms prescribed by the market administrator;

4. In § 1132.31, new paragraphs (c) and (d) are added to read as follows:

§ 1132.31 Other reports.

* * * * *

(c) Each handler operating a partially regulated distributing plant shall report pursuant to § 1132.30 and pursuant to § 1132.31(b)(1) in the event that such handler does not elect at the regular time of reporting pursuant to § 1132.30 to pay amounts computed pursuant to § 1132.62(b), except that receipts in Grade A milk from dairy farmers and payments to such dairy farmers shall be reported in lieu of receipts from and payments to producers.

(d) On or before the 2nd day of the following month, each handler operating a pool plant, and each cooperative association in its capacity as a handler pursuant to § 1132.12(b), that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such other order plant, the identity of its plant operator, and the identity of product shipped.

5. In § 1132.41, paragraph (b)(5) is revised and a new paragraph (b)(6) is added to read as follows:

§ 1132.41 Classes of utilization.

* * * * *

(b) * * *

(5) In shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 1132.7) and receipts from other order plants and unregulated supply plants allocated pursuant to § 1132.46(a)(7) and the corresponding step of § 1132.46(b), but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively: *Provided*, That with respect to milk for which a cooperative association is the handler pursuant to § 1132.12(c), shrinkage incurred shall be allocated to the cooperative association in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat in such milk and the pool plant to which it is delivered for processing shall be allocated shrinkage incurred in an amount not to exceed one and one-half percent of the total pounds of skim milk and butterfat in such milk; and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1132.42(b)(2).

6. Section 1132.42 is revised to read as follows:

§ 1132.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between the skim milk and butterfat contained in (1) Receipts of producer milk, and from other order plants and unregulated supply plants to be allocated pursuant to § 1132.46(a)(7) and the corresponding step of § 1132.46(b), and (2) in other source milk in fluid form exclusive of that specified in subparagraph (1) of this paragraph.

7. Section 1132.44 is revised to read as follows:

§ 1132.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1132.46(a)(7) and the corresponding step of § 1132.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1132.46(a)(3) and the corresponding step of § 1132.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1132.46(a)(7) and the corresponding step of § 1132.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 350 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 350 miles, by the shortest highway distance as determined by the market administrator, from the nearest point in the marketing area, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1132.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) In the class to which allocated under the terms of such other order, if transferred or diverted to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1132.46 is revised to read as follows:

§ 1132.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1132.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1132.41(b)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I milk) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from pool plants of other handlers, receipts from a cooperative association in its capacity as a handler pursuant to § 1132.12(c) and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1132.44(a); and

(9) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1132.53 is revised to read as follows:

§ 1132.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to paragraph (b) of this section, or otherwise classified as Class I milk, and for other source milk for which a location adjustment is applicable, the price specified in § 1132.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the plant where such milk is received:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	15.0
For each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1132.12(c), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1132.55 is revoked.

11. Section 1132.62 is revised to read as follows:

§ 1132.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1132.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1132.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1132.10(b) by shipments to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk;

(2) From this obligation there will be deducted the gross payments made by the operator of a partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1132.10(b) by shipments to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as folows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

12. Section 1132.63 is revoked.

13. Section 1132.70 is revised to read as follows:

§ 1132.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1132.46(c), by the applicable class prices (adjusted pursuant to §§ 1132.52 and 1132.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1132.46(a)(9) and the corresponding step of § 1132.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1132.46(a)(5) and the corresponding step of § 1132.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1132.46(a)(3) and the corresponding step of § 1132.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to §1132.46(a)(7)(i) and the corresponding step of § 1132.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1132.46(a)(7)(iii) and the corresponding step of § 1132.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1132.53.

14. In § 1132.71, paragraph (b) is revised to read as follows:

§ 1132.71 Computation of aggregate value used to determine uniform prices.

* * * * *

(b) Add or subtract for each one-tenth percent that the average butterfat content of milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of such milk.

15. Section 1132.72 is revised to read as follows:

§ 1132.72 Computation of weighted average price and uniform price.

For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat content f.o.b. pool plants located within 100 miles of the City Hall of Amarillo, Texas, as follows:

(a) Divide the aggregate value computed pursuant to § 1132.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1132.70 (e) and (f);

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The result shall be the "weighted average price", and, except for the months of March through June, shall be the "uniform price" for producer milk.

16. In § 1132.73, paragraph (d) is revised to read as follows:

§ 1132.73 Computation of uniform prices for base milk and excess milk.

* * * * *

(d) From the aggregate value of all milk obtained in § 1132.71 subtract the following:

(1) An amount computed by multiplying the hundredweight of milk specified in § 1132.72(a)(2) by the weighted average price; and

(2) The value of excess milk determined pursuant to paragraph (b) of this section; and

17. Section 1132.82 is revised to read as follows:

§ 1132.82 Location differentials to producers and on nonpool milk.

(a) In making payment pursuant to § 1132.80 the uniform price pursuant to § 1132.72 and the uniform price for base milk pursuant to § 1132.73 to be paid for milk which is received from producers at a pool plant located 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	15.0
For each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of computations pursuant to §§ 1132.84 and 1132.85 the weighted average price shall be adjusted at the rates set forth in § 1132.53 applicable at the location of the nonpool plant from which the milk was received.

18. Section 1132.84 is revised to read as follows:

§ 1132.84 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1132.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1132.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1132.70 (e) and (f).

19. Section 1132.85 is revised to read as follows:

§ 1132.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1132.84(b), exceeds the amount computed pursuant to § 1132.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the appropriate funds are available.

20. Section 1132.88 is revised to read as follows:

§ 1132.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1132.46(a)(3) and (7)(i) and the corresponding steps of § 1132.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month as such plant from pool plants and other order plants.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. Section 1133.9 is revised to read as follows:

§ 1133.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that forwards fluid milk products during the month to a pool plant, but is neither an other order plant nor a producer-handler plant.

2. Section 1133.11 is revised to read as follows:

§ 1133.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1133.12.

3. In § 1133.15, paragraph (b) is revised and a new paragraph (e) is added to read as follows:

§ 1135.15 Handler.

* * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * *

(e) A producer-handler, or any person who operates an other order plant.

4. In § 1133.30, paragraph (b) is revised to read as follows:

§ 1133.30 Reports of receipts and utilization.

* * * * *

(b) Each handler specified in § 1133.15(b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

5. In § 1133.32, a new paragraph (c) is added and reads as follows:

§ 1133.32 Other reports.

* * * * *

(c) On or before the 2nd day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

6. In § 1133.41(c), subparagraphs (5)(iii) and (6) are revised to read as follows:

§ 1133.41 Classes of utilization.

* * * * *

(c) * * *

(5) * * *

(iii) 1.5 percent of receipts in bulk tank lots from pool plants of other handlers, and from other order plants and unregulated supply plants to be allocated pursuant to § 1133.46(a)(7) and the corresponding step of § 1133.46(b); less

(iv) * * *

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1133.42(b)(2).

7. Section 1133.42 is revised to read as follows:

§ 1133.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1133.41(c)(5); and (2) skim milk and butterfat in other source milk in fluid form, exclusive of that specified in § 1133.41(c)(5).

8. Section 1133.44 is revised to read as follows:

§ 1133.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (d) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1133.46(a)(7) and the corresponding step of § 1133.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1133.46(a)(7) and the corresponding step of § 1133.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1133.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Class II utilization shall next be assigned to remaining receipts in the sequence provided in subdivision (iii) of this subparagraph (3). To the extent that neither Class I nor Class II utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk;

(d) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1133.15(c)(2) or (d). Such milk shall be excluded from producer milk to be classified as that of the cooperative association; and

(e) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to Class II under the other

order shall be classified as Class III milk. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators such allocation shall be to Class III (or comparable classes under such other order) to the extent of the Class III utilization available for such assignment.

9. Section 1133.46 is revised to read as follows:

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1133.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1133.44(a); and

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1133.53 is revised to read as follows:

§ 1133.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 90 miles by shortest highway distance as measured by the market administrator, from the City Hall in Spokane, Washington, and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1133.51(a) shall be reduced by two cents for each 10 miles or fraction thereof, up to 200 miles and one cent for each 10 miles or fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such plant to the City Hall, Spokane, Washington; and

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1133.15(c)(2) and (d), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1133.62 is revised to read as follows:

§ 1133.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1133.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1133.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1133.8(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1133.8(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class II price).

12. Section 1133.63 is revised to read as follows:

§ 1133.63 State institutions.

A state owned and operated institution or establishment which processes or packages milk distributed solely on its premises or those of other state institutions or establishments shall be exempt from all provisions of this part. Milk received from such institutions at pool plants shall be treated as other source milk received from a producer-handler and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

13. Section 1133.70 is revised to read as follows:

§ 1133.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1133.46(c), by the applicable class prices (adjusted pursuant to §§ 1133.52 and 1133.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1133.46(a)(9) and the corresponding step of § 1133.46(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The pounds of skim milk and butterfat subtracted from Class II milk pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b) for the current month; or

(ii) The pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1133.46(a)(7)(iii) and the corresponding step of § 1133.46(b) for the preceding month, less the pounds used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1133.46(a)(3) and the corresponding step of §1133.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(7)(i) and the corresponding step of § 1133.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1133.46(a)(7)(iii) and the corresponding step of § 1133.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1133.53(b); and

(g) Add or subtract the amount necessary to correct errors disclosed by the verification of reports of receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

14. Section 1133.71 is revised to read as follows:

§ 1133.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1133.70 for all handlers who filed the reports prescribed by § 1133.30 for the month and who made the payments pursuant to § 1133.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1133.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1133.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1133.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May and June, an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(i) Add during each of the months of September, October and November, one-third of the total amount substracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. Section 1133.81 is revised to read as follows:

§ 1133.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1133.53; and

(b) For purposes of computations pursuant to §§ 1133.84 and 1133.85 the weighted average price shall be adjusted at the rates set forth in § 1133.53 applicable at the location of the nonpool plant from which the milk was received.

16. In § 1133.83 the designations "1133.62 (a)(1) and (b)(1)" are changed to "1133.62 (a) and (b)".

17. Section 1133.84 is revised to read as follows:

§ 1133.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of

(1) The total of the net pool obligation computed pursuant to § 1133.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1133.80(d);

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1133.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1133.70 (e) and (f).

18. Section 1133.85 is revised to read as follows:

§ 1133.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1133.84(b) exceeds the amount computed pursuant to § 1133.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall com-

plete such payments as soon as the funds are available.

19. Section 1133.88 is revised to read as follows:

§ 1133.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including that classified pursuant to § 1133.44(d)) and such handler's own production, (b) other source milk allocated to Class I pursuant to § 1133.46(a) (3) and (7) (i) and (ii) and the corresponding steps of § 1133.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

The recommended amendments to Part 1134 are incorporated in the recommended decision with respect to the Western Colorado milk order which was issued by the Assistant Secretary, February 15, 1963 (28 F.R. 1653—F.R. Doc. 63-1938).

1. Section 1134.10 is revised to read as follows:

§ 1134.10 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is not an other order plant nor a producer-handler plant and from which Grade A fluid milk products are moved during the month to a pool plant qualified pursuant to § 1134.9.

2. The introductory text of § 1134.12 is revised to read as follows:

§ 1134.12 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, or a dairy farmer with respect to milk which qualifies as producer milk under another Federal order issued pursuant to the Act, who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

3. In § 1134.31, the introductory text preceding paragraph (a) is revised to read as follows:

§ 1134.31 Payroll reports.

On or before the 23d day of each month each handler, except a handler making payments pursuant to § 1134.62 (b), for each of his pool plants and each cooperative association which is a handler pursuant to § 1134.11(b) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

* * * * *

4. In § 1134.32, paragraph (b) is revised and paragraph (c) is added as follows:

§ 1134.32 Reports of receipts and utilization.

* * * * *

(b) Each handler who operates a partially regulated distributing plant shall report as required in §§ 1134.30 and 1134.31, except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

5. In § 1134.41, paragraph (b) (7) (ii) and (iii) is revised to read as follows:

§ 1134.41 Classes of utilization.

* * * * *

(b) * * *

(7) * * *

(ii) 1.5 percent of receipts of milk in bulk tank lots from other pool plants and from other order plants and unregulated supply plants to be allocated pursuant to § 1134.46(a) (7) and (8) and the corresponding steps of § 1134.46(b); less

(iii) 1.5 percent of milk disposed of in bulk tank lots to other milk plants; and

6. In § 1134.42 paragraph (b) (1) is revised to read as follows:

§ 1134.42 Shrinkage.

* * * * *

(b) * * *

(1) The pounds of skim milk and butterfat in other source milk received in bulk in the form of fluid milk products, exclusive of that specified in § 1134.41 (b) (7); and

7. Section 1134.44 is revised to read as follows:

§ 1134.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants, on or before the 7th day after the end of the month within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1134.46(a) (8) and the corresponding step of § 1134.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1134.46(a) (3) and the corresponding step of § 1134.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1134.46(a) (7) and (8) and the corresponding steps of § 1134.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in consumer packages to a nonpool plant that is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1134.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains boxes and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market

pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this subparagraph, the same conditions of audit, classification and allocation shall apply.

(e) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrator such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

8. Section 1134.46 is revised to read as follows and §§ 1134.47 and 1134.48 are revoked:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1134.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1134.41(b) (7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1134.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. Section 1134.52 is revised to read as follows:

§ 1134.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 100 miles by shortest highway distance as measured by the market administrator, from the Courthouse in Grand Junction, Colorado, and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which location adjustments are applicable, the price computed pursuant

to § 1134.51(a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products in bulk from handler pool other order plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

10. Section 1134.62 is added to read as follows:

§ 1134.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except one exempt pursuant to § 1134.61(a) shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraphs (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1134.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1134.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1134.9(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant of an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1134.9(b) by shipment to the partially regulated distributing plant, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

11. Section 1134.70 is revised to read as follows:

§ 1134.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to §1134.46(c), by the applicable class prices (adjusted pursuant to §§ 1134.52 and 1134.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1134.46(a)(10) and the corresponding step of § 1134.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1134.46(a)(5) and the corresponding step of § 1134.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1134.46(a)(3) and the corresponding step of § 1134.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1134.46(a)(8)(ii) and the corresponding step of § 1134.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1134.46(a)(7) and the corresponding step of § 1134.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1134.52.

12. Section 1134.71 is revised to read as follows:

§ 1134.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1134.70 for all handlers who filed the reports prescribed by § 1134.30 for the month and who made the payments pursuant to §§ 1134.80 and 1134.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1134.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1134.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to §1134.70(e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

13. Section 1134.81 is revised to read as follows:

§ 1134.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1134.52; and

(b) For purposes of computations pursuant to §§ 1134.84 and 1134.85 the uniform price shall be adjusted at the rates set forth in § 1134.52 applicable at the location of the nonpool plant from which the milk was received.

14. Section 1134.83 is revised to read as follows:

§ 1134.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1134.62, 1134.84 and 1134.86 and out of which he shall make all payments pursuant to §§ 1134.85 and 1134.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

15. Section 1134.84 is revised to read as follows:

§ 1134.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1134.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1134.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1134.70(e) and (f).

16. Section 1134.85 is revised to read as follows:

§ 1134.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1134.84(b) exceeds the amount computed pursuant to § 1134.84(a). If at such time the balance of the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

17. Section 1134.88 is revised to read as follows:

§ 1134.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1134.46(a) (3) and (8)(ii) and the corresponding steps of § 1134.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1135—MILK IN COLORADO SPRINGS-PUEBLO MARKETING AREA

1. Section 1135.8 is revised to read as follows:

§ 1135.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is not an other order plant nor a producer-handler plant and from which Grade A fluid milk products are moved during the month to a pool plant qualified pursuant to § 1135.7.

2. In § 1135.10, the introductory text is revised to read as follows:

§ 1135.10 Producer.

"Producer" means any person (other than a producer-handler as defined in any order, including this part, issued pursuant to the Act, or a dairy farmer with respect to milk delivered to a pool plant which qualifies as producer milk under another Federal order) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

3. In § 1135.30, the introductory text is revised and paragraph (g) is added as follows:

§ 1135.30 Reports of receipts and utilization.

On or before the 8th day after the end of each delivery period, each handler except a producer-handler shall report for each of his plants to the market administrator in detail and on forms prescribed by the market administrator as follows:

* * * * *

(g) Each handler who operates a partially regulated distributing plant shall report as required in this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk.

4. In § 1135.31, the introductory text is revised and paragraph (d) is added as follows:

§ 1135.31 Payroll reports.

On or before the 23d day of each delivery period each handler, except a producer-handler or a handler making payments pursuant to § 1135.62(b), for each of his pool plants and partially regulated distributing plants and each cooperative association which is a handler pursuant to § 1135.9 (c) or (d) shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show:

* * * * *

(d) Each handler who operates a partially regulated distributing plant shall report as required in this section except that receipts of milk from and payments to dairy farmers shall be reported in lieu of receipts from and payments to producers.

5. In § 1135.32, paragraph (b) is revised to read as follows:

§ 1135.32 Other reports.

* * * * *

(b) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

6. Section 1135.40 is revised as follows:

§ 1135.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 1135.30 and 1135.32 shall be classified pursuant to the provisions of §§ 1135.41 to 1135.46.

7. In § 1135.41, paragraph (b)(7)(iii) and (8) is revised to read as follows:

§ 1135.41 Classes of utilization.

* * * * *

(b) * * *

(7) * * *

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants and from other order plants and unregulated supply plants to be allocated pursuant to § 1135.46(a) (7) and (8) and the corresponding steps of § 1135.46(b); less

* * * * *

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1135.42(b)(2).

8. Section 1135.42 is revised to read as follows:

§ 1135.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1135.41(b)(7); and (2) skim milk and butterfat in other source milk exclusive of that specified in § 1135.41(b)(7).

9. Section 1135.44 is revised to read as follows:

§ 1135.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk prod-

uct from a pool plant by the operator of the pool plant or by a cooperative association in its capacity as a handler pursuant to § 1135.9(d) shall be classified:

(a) At the utilization indicated by both handlers, otherwise as Class I milk, if transferred to the pool plant of another handler, except as provided in paragraph (f) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1135.46(a)(8) and the corresponding step of § 1135.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1135.46(a)(3) and the corresponding step of § 1135.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1135.46(a)(7) and (8) and the corresponding steps of § 1135.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted to a nonpool plant that is neither an other order plant nor a producer-handler plant, located more than 200 miles by the shortest highway distance as determined by the market administrator, from the El Paso County Courthouse, but not located in Cache or Weber Counties, Utah;

(d) As Class I milk if transferred in consumer packages to a nonpool plant that is not an other order plant;

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the El Paso County Courthouse, or which is located in Cache or Weber Counties, Utah, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1135.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply.

(f) If a specified utilization is not claimed by both handlers, subject to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler for such milk pursuant to § 1135.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month at the pool plant(s) of the receiving handler after the computation pursuant to § 1135.46(a)(9) and the corresponding step of § 1135.46(b).

(g) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1135.46 is revised to read as follows:

§ 1135.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1135.45, the market administrator shall determine the classification of producer milk for each handler at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1135.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(*c*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from cooperative association handlers pursuant to § 1135.9(d) according to the classification assigned pursuant to § 1135.44(a);

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from cooperative association handlers pursuant to § 1135.9(d) according to the classification assigned pursuant to § 1135.44(f); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1135.52 is revised to read as follows:

§ 1135.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located more than 170 miles by shortest highway distance as measured by the market administrator, from the El Paso County Courthouse in Colorado Springs which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk to which location adjustments are applicable the price computed pursuant to § 1135.51(a) shall be reduced by 27 cents if such plant is located more than 170 miles but not more than 180 miles from such Courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 180 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants and fluid milk products received in bulk from handler pool other order plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1135.9(d), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1135.62 is added to read as follows:

§ 1135.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant except one exempt pursuant to § 1135.61(a) shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1135.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1135.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1135.7(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1135.7(b) by shipment to the partially regulated distributing plant, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

13. Section 1135.70 is revised to read as follows:

§ 1135.70 Computation of the net pool obligation of each pool handler.

The net obligation of each pool handler for each pool plant during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1135.46(c), by the applicable class prices (adjusted pursuant to §§ 1135.52 and 1135.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1135.46(a)(11) and the corresponding step of § 1135.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the

Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1135.46(a)(5) and the corresponding step of § 1135.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1135.46(a)(3) and the corresponding step of § 1135.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1135.46(a)(8)(ii) and the corresponding step of § 1135.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of finid milk products from handler pool other order plants subtracted from each class pursuant to § 1135.46(a)(7) and the corresponding step of § 1135.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1135.52.

14. Section 1135.71 is revised to read as follows:

§ 1135.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1135.70 for all handlers who filed the reports prescribed by § 1135.30 for the month and who made the payments pursuant to §§ 1135.80 and 1135.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1135.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1135.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1135.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 170-mile zone.

15. Section 1135.81 is revised to read as follows:

§ 1135.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of such nonpool plant, each at the rates set forth in § 1135.52; and

(b) For purposes of computations pursuant to §§ 1135.84 and 1135.85 the uniform price shall be adjusted at the rates set forth in § 1135.52 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1135.84 is revised to read as follows:

§ 1135.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1135.70 for such handler;

(b) The sum of:

(1) The amount owed by such handler for producer milk at the applicable uniform prices specified in § 1135.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1135.70 (e) and (f).

17. Section 1135.85 is revised to read as follows:

§ 1135.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1135.84(b) exceeds the amount computed pursuant to § 1135.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

18. Section 1135.88 is revised to read as follows:

§ 1135.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1135.46(a) (3) and (8)(ii) and the corresponding steps of § 1135.46 (b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. Section 1136.7 is revised to read as follows:

§ 1136.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a dairy farmer who during the current month qualifies as a producer or a producer-handler under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant on one or more days during the month.

2. In § 1136.9, paragraph (a) is revised to read as follows:

§ 1136.9 Handler.

* * * * *

(a) Any person in his capacity as the operator of one or more (1) pool plants, (2) partially regulated distributing plants, or (3) other approved plants described in § 1136.10(a);

3. Section 1136.12 is revised to read as follows:

§ 1136.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant" which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means an approved plant that is neither an other order plant, a producer-handler plant, nor a plant described in the second proviso of § 1136.11(a) from which fluid milk products in consumer-type packages or dispenser units are distributed (other than to a pool plant) on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is an approved plant described in § 1136.10(b), and is neither an other order plant nor a producer-handler plant.

4. Section 1136.31 is revised to read as follows:

§ 1136.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) Each handler who operates an other order plant with disposition of fluid milk products on routes in the marketing area, or a plant exempt pursuant to the second proviso of § 1136.11(a), shall report such disposition to the market administrator on or before the 7th day after the end of each month.

(c) Each handler operating a partially regulated distributing plant shall report as required pursuant to § 1136.30 except that receipts from dairy farmers of milk qualified for fluid consumption shall be reported in lieu of producer milk, and aggregate quantities of base milk and excess milk need not be reported.

(d) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of product shipped.

5. In § 1136.32 the introductory text preceding paragraph (a) and the introductory text of paragraph (a) are revised to read as follows:

§ 1136.32 Payroll reports.

Each handler, except one exempt pursuant to § 1136.61, one making payment pursuant to § 1136.62(b), or one exempt pursuant to the second proviso of § 1136.11(a) shall report to the market administrator as follows:

(a) On or before the 20th day after the end of the month his producer payroll (or in the case of a handler making payments pursuant to § 1136.62(a) the payroll for dairy farmers delivering milk qualified for fluid consumption) for that month, which shall show for each producer (or dairy farmer):

6. Section 1136.41 is revised to read as follows:

§ 1136.41 Classes of utilization.

Subject to the conditions set forth in § 1136.42 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat;

(1) Disposed of from a plant in the form of fluid milk products except:

(i) Those disposed of from a pool plant to another pool plant of the same handler;

(ii) Those classified pursuant to paragraph (c) (3) and (4) of this section; and

(iii) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese;

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of for livestock feed (skim milk portion only);

(4) Dumped (skim milk portion only) if with the prior approval of the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1136.45(b)(1), but not to exceed the following: Two percent of producer milk (except diverted milk), plus 1½ percent of milk received in bulk tank lots from pool plants of other handlers and from other order plants and unregulated supply plants to be allocated pursuant to § 1136.44(a)(7) and the corresponding step of § 1136.44(b), plus 1½ percent of milk received from a cooperative association which is the handler for such milk pursuant to § 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent), less 1½ percent of milk disposed of in bulk tank lots to pool plants of other handlers (except when the preceding exception hereof applies, the applicable percentage shall be two percent);

(6) In shrinkage assigned pursuant to § 1136.45(b)(2);

(7) Used to produce frozen cream; and

(8) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(iii) of this section.

7. Section 1136.42 is revised to read as follows:

§ 1136.42 Transfers.

Skim milk and butterfat transferred from the pool plant of a handler or by a cooperative association in its capacity as a handler pursuant to § 1136.9(c), including diverted milk, shall be classified as follows:

(a) If transferred to a pool plant of another handler as fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 1136.30 subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1136.44(a)(7) and the corresponding step of § 1136.44(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(3) and the corresponding step of § 1136.44(b), the skim milk and butterfat so transferred shall be classified so as to allocate the lowest possible classification to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1136.44(a)(7) and the corresponding step of § 1136.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) If transferred to the plant of a producer-handler or to a plant described in the second proviso of § 1136.11(a) in the form of fluid milk products shall be classified as Class I milk; and

(c) If transferred in bulk form as milk, skim milk, or cream to a nonpool plant which is neither an other order plant nor a producer-handler plant, shall be classified as Class I milk unless the requirements of subparagraphs (1), (2) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (4) of this paragraph:

(1) The transferee plant is located less than 525 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance as determined by the market administrator;

(2) The transferring handler requests classification pursuant to the assignment set forth in subparagraph (4) of this paragraph in his report submitted to the market administrator pursuant to § 1136.30 for the month within which such transaction occurred;

(3) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any such Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred of diverted from pool plants, next pro rata to receipts from market pool other order plants, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(ii) Any such Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from

dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act; and

(iv) Class II utilization shall next be assigned to remaining receipts in the sequence provided in subdivision (iii) of this subparagraph (4). Skim milk and butterfat transferred from pool plants to which neither Class I nor Class II utilization has been assigned pursuant to this subparagraph shall be classified as Class III milk; and

(d) In the class to which allocated on the basis of receipts and utilization reported for the month under the other order, if transferred to an other order plant. For this purpose, if the transferee order provides for only two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, milk allocated to Class II under the other order shall be classified as Class III milk. If the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with their respective market administrators, such allocation shall be to Class III (or comparable classes under such other order) to the extent of the Class III utilization available for such assignment.

8. Section 1136.44 is revised to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1136.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products not qualified for fluid consumption;

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Classes II and III but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II or Class III utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk (excluding shrinkage classified as Class I) by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in each of the following:

(i) Receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(ii) Receipts of fluid milk products in bulk from market pool other order plants that were not substracted pursuant to subparagraph (4)(ii) of this paragraph; and

(iii) Receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(ii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers and from a cooperative association which is the handler for that milk pursuant to § 1136.9(c) according to the classification assigned pursuant to § 1136.42(a);

(9) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

9. In § 1136.45, paragraph (b) is revised to read as follows:

§ 1136.45 Shrinkage.

* * * * * *

(b) For each handler prorate the resulting amounts between (1) the pounds of skim milk and butterfat in producer milk (excluding diverted milk), receipts in bulk from other handlers, from other order plants and from unregulated supply plants to be allocated pursuant to § 1136.44(a)(7) and the corresponding step of § 1136.44(b), and (2) in other source milk received in bulk form as fluid milk products, exclusive of that specified in subparagraph (1) of this paragraph.

10. Section 1136.53 is revised to read as follows:

§ 1136.53 Location differentials to handlers.

(a) For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1136.9(c) to a pool plant and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.50(a) shall be reduced at the rate in the rate in the following schedule:

	Rate per hundredweight (cents)
Distance (miles):	
100 but not more than 110	15.0
For each additional 10 miles or fraction thereof in excess of 110	1.5

Such distance to be measured from the plant to the nearest of the City Halls in Ogden, Price, Richfield, or Vernal, all in Utah, or Elko, Nevada;

(b) For purposes of calculating such adjustment, transfers between pool plants and receipts of fluid milk products from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plants from producers and cooperative associations pursuant to § 1136.9(c), and the volume assigned as Class I to receipts from market pool other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

11. Section 1136.62 is revised to read as follows:

§ 1136.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1136.31(c) to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1136.70 at such plant and at any other nonpool plant(s) which serves as a supply plant(s) for such plant and meets requirements equivalent to § 1136.11(b) by shipment to such plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1136.11(b), and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes (other than to a pool plant) in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price).

12. Section 1136.63 is revoked.

13. Section 1136.70 is revised to read as follows:

§ 1136.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1136.44(c), by the applicable class prices (adjusted pursuant to §§ 1136.52 and 1136.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1136.44(a)(9) and the corresponding step of § 1136.44(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1136.44(a)(5) and the corresponding step of § 1136.44(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1136.44(a)(5) and the corresponding step of § 1136.44(b) for the current month; or

(ii) The hundredweight of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1136.44(a)(7)(iii) and the corresponding step of § 1136.44(b) for the preceding month, less the hundredweight used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1136.44(a)(3) and the corresponding step of § 1136.44(b);

(e) Add an amount equal to the value of the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1136.44(a)(7)(i) and the corresponding step of § 1136.44(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1136.44(a)(7)(iii) and the corresponding step of § 1136.44(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1136.53(b).

14. Section 1136.71 is revised to read as follows:

§ 1136.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform prices per hundredweight of all milk, of base milk and of excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1136.70 for all handlers who filed the reports prescribed by § 1136.30 for the month and who are not in default of payments pursuant to § 1136.82;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1136.73;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1136.72 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1136.70(e) and (f);

(f) Subtract not less than five cents nor more than six cents per hundredweight. The result shall be known as the "weighted average price";

(g) From the amount resulting from computations pursuant to paragraphs (a) through (d) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Compute the total value on a 3.5 percent butterfat basis of excess milk included in these computations by assigning such milk in series beginning with the lowest priced utilization, multiplying the quantity so assigned to each use classification by the applicable class price, and adding together the resulting amounts;

(i) Divide the total value of excess milk obtained in paragraph (h) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk received from producers;

(j) Subtract the value of excess milk obtained in paragraph (h) of this section from the aggregate value of milk obtained in paragraph (g) of this section and adjust by an amount involved in adjusting the uniform price of excess milk to the nearest cent;

(k) Divide the amount obtained in paragraph (j) of this section by the total hundredweight of base milk included in these computations; and

(l) Subtract not less than five cents nor more than six cents from the rate pursuant to paragraph (k) of this section. The resulting figure shall be the uniform price for base milk.

15. Section 1136.73 is revised to read as follows:

§ 1136.73 Location differentials to producers and on nonpool milk.

(a) The uniform prices to be paid for base milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1136.53; and

(b) For purposes of computations pursuant to §§ 1136.82 and 1136.83 the weighted average price shall be adjusted at the rates set forth in § 1136.53 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1136.82 is revised to read as follows:

§ 1136.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1136.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk specified in § 1136.80(b)(2) at the applicable uniform prices; and

(2) The value at the weighted average price applicable at location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which values are computed pursuant to § 1136.70 (e) and (f).

17. Section 1136.83 is revised to read as follows:

§ 1136.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount specified in § 1136.82(b) exceeds the amount specified in § 1136.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

18. Section 1136.86 is revised to read as follows:

§ 1136.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1136.44 (a) (3) and (7)(i) and the corresponding steps of § 1136.44(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. Section 1137.8 is revised to read as follows:

§ 1137.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant which is not an other order plant or a producer-handler plant and from which Grade A fluid milk products are moved during the month to a pool plant qualified pursuant to § 1137.7.

2. In § 1137.9 paragraph (b) is revised and paragraph (e) is added to read as follows:

§ 1137.9 Handler.

* * * * * *

(b) Any person who operates a partially regulated distributing plant;

* * * * * *

(e) A producer-handler, or any person who operates an other order plant.

3. The introductory text of § 1137.10 is revised to read as follows:

§ 1137.10 Producer.

"Producer" means any person (other than a producer-handler as defined in any order, including this part, issued pursuant to the Act, or a dairy farmer with respect to milk which qualifies as producer milk under another Federal order issued pursuant to the Act) who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

4. In § 1137.30, the introductory text is revised as follows:

§ 1137.30 Reports of receipts and utilization.

By mailing on or before the 5th day after the end of each month, or by delivery not later than the 7th day after the end of the month, each handler except a producer-handler shall report for each of his plants to the market administrator in the detail and on forms prescribed by the market administrator as follows:

5. In § 1137.31, paragraph (d) is added as follows:

§ 1137.31 Payroll reports.

* * * * * *

(d) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1137.62(a) shall report as required in this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers.

6. Section 1137.32 is revised to read as follows:

§ 1137.32 Other reports.

(a) Each producer-handler and each handler required to report pursuant to § 1137.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

7. In § 1137.41, paragraph (b)(7)(iii) and (8) is revised to read as follows:

§ 1137.41 Classes of utilization.

* * * * * *

(b) * * *

(7) * * *

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants and from other order plants and unregulated supply plants to be allocated pursuant to § 1137.46(a)(7) and (8) and the corresponding steps of § 1137.46(b); less

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1137.42(b)(2).

8. Section 1137.42 is revised to read as follows:

§ 1137.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1137.41(b)(7); and (2) skim milk and butterfat in other source milk in the form of fluid milk products exclusive of that specified in § 1137.41(b)(7).

9. Section 1137.44 is revised to read as follows:

§ 1137.44 Transfers.

Skim milk and butterfat disposed of in the form of a fluid milk product by a handler including a handler pursuant to § 1137.9(c) and (d) either by transfers or diversions, shall be classified as follows:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in bulk from a pool plant to another pool plant except as provided in paragraph (e) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1137.46(a)(8) and the corresponding step of § 1137.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1137.46(a)(3) and the corresponding step of § 1137.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1137.46(a)(7) and (8) and the corresponding steps of § 1137.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located outside of Cache or Weber County, Utah, or more than 200 miles by the shortest highway distance as determined by the market administrator, from the County Courthouse in Denver County, Colorado, except that cream so transferred may be classified as Class II if prior notice is given to the market administrator, each container is labeled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, located in Cache or Weber County, Utah, or not more than 200 miles, by the shortest highway distance as determined by the market administrator, from Denver County, Colorado, Courthouse; unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1137.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(e) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler of such milk pursuant to § 1137.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month in the pool plant of the receiving handler after the computation pursuant to § 1137.46(a)(9) and the corresponding step of § 1137.46(b).

(f) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

10. Section 1137.46 is revised to read as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine the classification of producer milk for each handler at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1137.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products; and

(iii) Receipts of fluid milk products from producer-handler plants;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (ii) (c) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at the other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which no adjustment has been made;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1137.44(a);

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from cooperative association handlers pursuant to § 1137.9(d) according to the classification assigned pursuant to § 1137.44 (e);

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

11. Section 1137.52 is revised to read as follows:

§ 1137.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located more than 50 miles by shortest highway distance as measured by the market administrator, from the County Courthouse in Denver, Colorado, but not located in El Paso County, Colorado, and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1137.51(a) shall be reduced by 10 cents if such plant is located more than 50 but not more than 75 miles from such courthouse, and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculating such adjustment, transfers between pool plants and fluild milk products received in bulk from handler pool other order plants shall be assigned to Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1137.9(d), and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignments to be made first to tranferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1137.62 is revised to read as follows:

§ 1137.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1137.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1137.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1137.7(b), by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1137.7(b) by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

13. Section 1137.70 is revised to read as follows:

§ 1137.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1137.46(c), by the applicable class prices (adjusted pursuant to §§ 1137.52 and 1137.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1137.46(a)(11) and the corresponding step of § 1137.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1137.46(a)(5) and the corresponding step of § 1137.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1137.46(a)(3) and the corresponding step of § 1137.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1137.46(a)(8)(ii) and the corresponding step of § 1137.46(b);

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1137.46(a)(7) and the corresponding step of § 1137.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1137.52.

14. Section 1137.71 is revised to read as follows:

§ 1137.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1137.70 for all handlers who filed the reports prescribed by § 1137.30 for the month and who made the payments pursuant to §§ 1137.80 and 1137.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1137.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1137.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1137.70 (e) and (f);

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 50-mile zone.

15. Section 1137.81 is revised to read as follows:

§ 1137.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of such nonpool plant, each at the rates set forth in § 1137.52; and

(b) For purposes of computations pursuant to §§ 1137.84 and 1137.85 the uniform price shall be adjusted at the rates set forth in § 1137.52 applicable at the location of the nonpool plant from which the milk was received.

16. In § 1137.82 the reference "§ 1137.52" is changed to "§ 1137.53".

17. Section 1137.84 is revised to read as follows:

§ 1137.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1137.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1137.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1137.70 (e) and (f).

18. Section 1137.85 is revised to read as follows:

§ 1137.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1137.84(b) exceeds the amount computed pursuant to § 1137.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

19. Section 1137.88 is revised to read as follows:

§ 1137.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production), (b) other source milk allocated to Class I pursuant to § 1137.46(a)(3) and the corresponding steps of § 1137.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.7 the introductory text preceding paragraph (a) is revised as follows:

§ 1138.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

* * * * * *

2. Section 1138.11 is revised to read as follows:

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, and may be either:

(1) "Market pool other order plant", which means a plant subject to full regulation under another Federal order with provision for marketwide pooling; or

(2) "Handler pool other order plant", which means a plant subject to full regulation under another Federal order with provision for handler pooling.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant qualified pursuant to § 1138.10 and which is not an other order plant nor a producer-handler plant.

3. In § 1138.30, the introductory text and paragraph (h) are revised to read as follows:

§ 1138.30 Reports of receipts and utilization.

On or before the 8th day after the end of each month each cooperative association which is a handler pursuant to § 1138.9(b), each handler who operates pool plant(s) and each handler who operates a partially regulated distributing plant shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

* * * * * *

(h) Each handler who operates a partially regulated distributing plant shall report to the market administrator the information required pursuant to this section substituting receipts from dairy farmers for receipts from producers.

4. In § 1138.31 the references "§ 1138.62(b)" are changed to "§ 1138.62(a)."

5. Section 1138.32 is revised to read as follows:

§ 1138.32 Other reports.

(a) Each producer-handler and each handler required to report pursuant to § 1138.61 shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

(b) On or before the 2d day of the following month, each handler operating a pool plant that during the month has shipped fluid milk products in bulk to an other order plant shall report to the market administrator the location of such plant, the identity of the plant operator, and the identity of the product shipped.

6. In § 1138.41, paragraph (b) (7) (ii) and (8) is revised to read as follows:

§ 1138.41 Classes of utilization.

* * * * * *

(b) * * *

(7) * * *

(ii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants and from other order plants and unregulated supply plants to be allocated pursuant to § 1138.46(a) (7) and (8) and the corresponding steps of § 1138.46(b); less

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1138.42(b)(2).

7. In § 1138.42 paragraph (b)(2) is revised to read as follows:

§ 1138.42 Shrinkage.

* * * * * *

(b) * * *

(2) The pounds of skim milk and butterfat in other source milk exclusive of that specified in § 1138.41(b)(7).

8. Section 1138.44 is revised to read as follows:

§ 1138.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day after the end of the delivery period within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1138.46(a)(8) and the corresponding step of § 1138.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b) the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1138.46(a) (7) and (8) and the corresponding steps of § 1138.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in consumer packages to a nonpool plant which is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1138.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from market pool other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and market pool other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

(e) In the class to which allocated under the terms of such other order, if transferred to an other order plant. For this purpose, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II. With respect to bulk transfers, if the operators of both the transferor and transferee plant so request in the reports of receipts and utilization filed with the respective market administrators such allocation shall be to Class II (or comparable classes under such other order) to the extent of the Class II utilization available for such assignment.

9. Section 1138.46 is revised to read as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1138.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class as follows:

(i) From Class I milk, the pounds of skim milk that were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(ii) From Class II milk, with respect to the pounds of skim milk in fluid milk products received in packaged form from other order plants, the lesser of the pounds remaining or two percent of such receipts; and

(iii) From Class I milk, the remainder of the receipts specified in subdivision (ii) of this subparagraph;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of non-Grade A fluid milk products;

(iii) Receipts of fluid milk products from producer-handler plants except that subtracted pursuant to subdivision (2) (i) of this paragraph;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of shrinkage classified as Class I) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler.

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products in bulk from handler pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler:

(i) The pounds of skim milk in receipts of fluid milk products in bulk from market pool other order plants that were not subtracted pursuant to subparagraph (4)(iii) of this paragraph; and

(ii) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph.

Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1138.44;

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

10. Section 1138.47 is revoked.

11. Section 1138.52 is revised to read as follows:

§ 1138.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 100 miles by the shortest highway distance, as determined by the market administrator, from the County Courthouses in Bernalillo and Santa Fe Counties, New Mexico, and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents if such plant is located more than 100 miles but not more than 110 miles from the Courthouse in El Paso, Texas, and by an additional cent for each 10 miles or fraction thereof that such distance calculated from the Bernalillo or Santa Fe County Courthouse, whichever is nearer, exceeds 110 miles: *Provided*, That if a rate similarly calculated from the El Paso County Courthouse minus 10 cents is a lower rate, such lower rate shall apply;

(b) For milk received from producers at a plant located within 100 miles by the shortest highway distance as determined by the market administrator from the El Paso County Courthouse and which is classified as Class I milk and for other source milk to which this location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be increased 10 cents;

(c) For purposes of calculating such adjustment, bulk transfers of fluid milk products between pool plants and receipts of fluid milk products in bulk form from handler pool other order plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from market pool other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

12. Section 1138.62 is revised to read as follows:

§ 1138.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month the lesser of the amounts calculated pursuant to paragraph (a) or (b) of this section, unless the handler elects, at the time of reporting pursuant to § 1138.30 to pay amounts computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) The obligation that would have been computed pursuant to § 1138.70 at the partially regulated distributing plant and at any other nonpool plant(s) which serves as a supply plant(s) for the partially regulated distributing plant and meets requirements equivalent to § 1138.10(b) by shipment to the partially regulated distributing plant shall be determined as though such plants were pool plants. For purposes of such computation, receipts at such nonpool plant(s) from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant(s) to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by the operator of the partially regulated distributing plant for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a plant(s) which serves as a supply plant(s) and meets requirements equivalent to § 1138.10(b) by shipment to the partially regulated distributing plant and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and market pool other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

13. Section 1138.70 is revised to read as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1138.46(c), by the applicable class prices (adjusted pursuant to §§ 1138.52 and 1138.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1138.46(a)(10) and the corresponding step of § 1138.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(8)(ii) and the corresponding step of § 1138.46(b); and

(f) Add the value of the skim milk and butterfat, respectively, in receipts of fluid milk products from handler pool other order plants subtracted from each class pursuant to § 1138.46(a)(7) and the corresponding step of § 1138.46(b), at the applicable class prices adjusted for butterfat content and subject to location adjustment credit pursuant to § 1138.52.

14. Section 1138.71 is revised to read as follows:

§ 1138.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for all handlers who filed the reports prescribed by § 1138.30 for the month and who made the payments pursuant to §§ 1138.80 and 1138.84 for the preceding month;

(b) Add an amount equal to the sum of the deductions for location differentials computed pursuant to § 1138.81;

(c) Subtract an amount equal to the sum of the amounts to be added for location differentials computed pursuant to § 1138.81;

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1138.82 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which values are computed pursuant to § 1138.70 (e) and (f);

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

15. In § 1138.81, paragraph (c) is added as follows:

§ 1138.81 Location differentials to producers and on nonpool milk.

* * * * *

(c) For purposes of computations pursuant to §§ 1138.84 and 1138.85 the uniform price shall be adjusted at the rates set forth in § 1138.52 applicable at the location of the nonpool plant from which the milk was received.

16. Section 1138.84 is revised to read as follows:

§ 1138.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1138.70 for such handler; and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1138.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1138.70 (e) and (f).

17. Section 1138.85 is revised to read as follows:

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1138.84(b) exceeds the amount computed pursuant to § 1138.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

18. Section 1138.88 is revised to read as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1138.46(a)(3) and (8)(ii) and the corresponding steps of § 1138.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

Signed at Washington, D.C., on January 23, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (6) of paragraph (k) of § 213.3304 is amended as set out below.

§ 213.3304 **Department of State.**

* * * * *

(k) *Bureau of Inter-American Affairs.* * * *

(6) Deputy Assistant Secretary (Social Development).

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1291; Filed, Feb. 7, 1964; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (14) of paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 **Department of the Interior.**

(a) *Office of the Secretary.* * * *

(14) One Assistant to the Secretary.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1289; Filed, Feb. 7, 1964; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Effective upon publication in the FEDERAL REGISTER, paragraphs (e), (j), (n) and (o) of § 213.3332 are revoked and paragraph (k) is amended as set out below.

§ 213.3332 **Small Business Administration.**

* * * * *

(k) Director, Office of Procurement Services.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1290; Filed, Feb. 7, 1964; 8:49 a.m.]

PART 352—REEMPLOYMENT RIGHTS

Subpart C—Detail and Transfer of Federal Employees to International Organizations

ELIGIBILITY FOR TRANSFER

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 352.307 is amended as set out below.

§ 352.307 **Eligibility for transfer.**

An employee, as defined in section 2 of the Act, is eligible for transfer to an international organization with the rights provided for in, and in accordance with, the Act and this subpart, except the following:

(a) A Presidential appointee (other than a postmaster or a Foreign Service officer), regardless of whether his appointment was made by and with the advise and consent of the Senate.

* * * * *

(Sec. 5, 72 Stat. 961; 5 U.S.C. 2334; E.O. 10804, 24 F.R. 1147, 3 CFR, 1959 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1292; Filed, Feb. 7, 1964; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

REAPPORTIONMENT OF RELEASED ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to provide that a release shall not be accepted where the farm owner has filed a written objection prior to the release, that allotments may be released for one year only by the operator and not the owner and that allotments pooled for farms acquired by an agency having the right of eminent domain may be released only by the displaced owner. The amendment also provides that written requests for reapportionment of released allotments shall be required in all cases and to make mandatory the establishment of standards and guidelines by the State committee applicable to such reapportionment.

(b) Since applications for reapportionment of released allotments are now being filed, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041) are amended as follows:

Section 722.213 (a) (3) and (b) (1) and (3) of the regulations is amended to read as follows:

§ 722.213 **Release and reapportionment of cotton allotments.**

(a) *Conditions under which farm allotments cannot be released.* * * *

(3) The allotment for any farm for which the farm owner has filed a written objection at the Office of the County Committee prior to the release.

(b) *Allotments which may be released and reapportioned*—(1) *Release of allotments for the current year only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for the current year for an old cotton farm, which will not be used may be voluntarily released in writing to the county committee by the farm operator by the applicable closing date, except that allotments pooled for farms acquired by an agency having the right of eminent domain may be released only by the displaced owner. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

* * * * *

(3) *Reapportionment of allotments.* (i) The State committee shall establish standards and guidelines to assure uniform application of the basic factors of past acreages of cotton, land, labor and equipment available for the production of cotton; crop rotation practices; and soil and other physical facilities affecting the production of cotton, required to be considered under section 344(m)(2) of the act in the reapportionment of re-

leased allotments to farms. Such standards and guidelines shall be subject to review and approval by the deputy administrator.

(ii) A written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm.

(iii) Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable pursuant to the approved standards and guidelines issued by the State committee under this subparagraph (3): *Provided*, That any allotment released from a farm which is covered in whole or in part by a contract under the conservation programs or for which an application for such contract is pending, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties.

* * * * *

(Secs. 344, 375; 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 5, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-1280; Filed, Feb. 7, 1964; 8:48 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton

RELEASE AND REAPPORTIONMENT OF ELS COTTON ALLOTMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to provide that a release shall not be accepted where the farm owner has filed a written objection prior to the release, that allotments may be released for one year only by the operator and not the owner and that allotments pooled for farms acquired by an agency having the right of eminent domain may be released only by the displaced owner. The amendment also provides that written request for reapportionment of released allotments shall be required in all cases and to make mandatory the establishment of standards and guidelines by the State committee applicable to such reapportionment.

(b) Since applications for reapportionment of released allotments are now being filed it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the FEDERAL REGISTER.

The acreage allotment regulations for the 1964 and succeeding crops of extra long staple cotton (28 F.R. 11034) are amended as follows:

Section 722.313(a)(3) and (b) (1) and (3) of the regulations is amended to read as follows:

§ 722.313 Release and reapportionment of ELS cotton allotments.

(a) Conditions under which farm allotments cannot be released. * * *

(3) The allotment for any farm for which the farm owner has filed a written objection at the Office of the County Committee prior to the release.

(b) *Allotments which may be released and reapportioned*—(1) *Release of allotments for the current year only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for the current year for an old ELS cotton farm, which will not be used may be voluntarily released in writing to the county committee by the farm operator by the applicable closing date, except that allotments pooled for farms acquired by an agency having the right of eminant domain may be released only by the displaced owner. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

* * * * *

(3) *Reapportionment of allotments.* (i) The State committee shall establish standards and guidelines to secure uniform application of the basic factors of past acreages of ELS cotton, land, labor and equipment available for the production of ELS cotton; crop rotation practices; and soil and other physical facilities affecting the production of ELS cotton, required to be considered under section 344(m)(2) of the act in the reapportionment of released allotments to farms. Such standards and guidelines shall be subject to review and approval by the deputy administrator.

(ii) A written request by the farm operator or owner shall be made to the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm.

(iii) Released allotments may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county in amounts determined by the county committee to be fair and reasonable pursuant to the approved standards and guidelines issued by the State committee under this subparagraph (3): *Provided*, That any allotment released from a farm which is covered in whole or in part by a contract under the conservation programs or for which an application for such contract is pending, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties.

* * * * *

(Secs. 344, 375; 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 5, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-1279; Filed, Feb. 7, 1964; 8:48 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 775—FEED GRAINS

Subpart—1963 Feed Grain Program Regulations

COUNTY AVERAGE YIELDS AND RATE

Section 775.228 of the 1963 Feed Grain Program Regulations, 28 F.R. 4282, is hereby amended by adding county average yields and county rates for additional counties, as follows:

§ 775.228 County average yields and county rates.

* * * * *

1963 FEED GRAIN PROGRAM

County 1959-60 adjusted average yield per acre and rate per bushel used in determining county diversion payments

County	Barley		Corn		Grain sorghum	
	1959-60 adjusted average yield (bushels)	Rate (dollars)	1959-60 adjusted average yield (bushels)	Rate (dollars)	1959-60 adjusted average yield (bushels)	Rate (dollars)
GEORGIA						
Bulloch	30.0	1.05				
OHIO						
Cuyahoga	37.5	0.99				

(Sec. 16(g), 76 Stat. 612, 16 U.S.C. 590p(g); secs. 105(c)(5) and 105(c)(6), 76 Stat. 612, 7 U.S.C. 1441 note)

Effective. Date of publication.

Signed at Washington, D.C., this 5th day of February 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-1281; Filed, Feb. 7, 1964; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 35]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.408 Grapefruit Regulation 35.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 4, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 10, 1964, and ending at 12:01 a.m., e.s.t., March 2, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, except pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than 3 15/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 5, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1322; Filed, Feb. 7, 1964; 8:50 a.m.]

[Orange Reg. 34]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.409 Orange Regulation 34.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 4, 1964; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges

will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 10, 1964, and ending at 12:01 a.m., e.s.t., March 2, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{4}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{4}/_{16}$ inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 5, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1324; Filed, Feb. 7, 1964; 8:50 a.m.]

[Tangelo Reg. 19]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.410 Tangelo Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of tangelos, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangelos; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 4, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., February 10, 1964, and ending at 12:01 a.m., e.s.t., July 31, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 5, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1325; Filed, Feb. 7, 1964; 8:50 a.m.]

[Navel Orange Reg. 50]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.350 Navel Orange Regulation 50.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 6, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 9, 1964, and ending at 12:01 a.m., P.s.t., February 16, 1964, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: 425,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 7, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1374; Filed, Feb. 7, 1964; 11:20 a.m.]

[Lemon Reg. 96]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.396 Lemon Regulation 96.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 4, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 9, 1964, and ending at 12:01 a.m., P.s.t., February 16, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 153,450 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 6, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1323; Filed, Feb. 7, 1964; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

ADVANCE RATES OF TYPES 32 AND 46

Set forth below are schedules of advance rates, by grades, for the 1963 crop of types 32 and 46 tobacco under the tobacco loan program published August 7, 1963 (28 F.R. 8019).

§ 1464.1551 1963 Crop—Maryland Tobacco, Type 32, Advance Schedule.[1]

(Dollars per hundred pounds, farm sales weight)

Grade	Advance rate	Grade	Advance rate	Grade	Advance rate
B1F	76.12	T4K	31.12	X1F	73.12
B2F	74.12	T5K	25.12	X2F	60.12
B3F	70.12	T4G	26.12	X3F	64.12
B4F	66.12	T5G	23.12	X4F	54.12
B5F	55.12	C1L	81.12	X5F	39.12
B1R	60.12	C2L	79.12	X3R	53.12
B2R	56.12	C3L	74.12	X4R	40.12
B3R	49.12	C4L	68.12	X5R	29.12
B4R	40.12	C5L	63.12	X3V	62.12
B5R	31.12	C1F	82.12	X4V	39.12
B3V	53.12	C2F	80.12	X5V	29.12
B4V	44.12	C3F	75.12	X3K	44.12
B5V	34.12	C4F	72.12	X4K	35.12
B3D	82.12	C5F	66.12	X5K	26.12
B4D	27.12	C3R	70.12	X4D	28.12
B5D	25.12	C4R	66.12	X5D	24.12
B3K	41.12	C5R	52.12	X4G	36.12
B4K	38.12	C3V	66.12	X5G	24.12
B5K	30.12	C4V	55.12	P3L	48.12
B3G	30.12	C5V	30.12	P4L	38.12
B4G	26.12	C4D	40.12	P5L	26.12
B5G	23.12	C5D	30.12	P3F	48.12
T3F	62.12	C3K	52.12	P4F	38.12
T4F	54.12	C4K	47.12	P5F	25.12
T5F	39.12	C5K	37.12	P4R	28.12
T3R	42.12	C4G	33.12	P5R	24.12
T4R	36.12	C5G	25.12	N1L	22.12
T5R	27.12	X1L	73.12	N1R	22.12
T4V	35.12	X2L	69.12	N1F	23.12
T5V	27.12	X3L	64.12	N1G	22.12
T4D	26.12	X4L	53.12		
T5D	24.12	X5L	36.12		

[1] The advance rate for each grade of any tobacco classified as type 32b will be 75 percent, rounded to the nearest dollar, of the rate designated for such grade of regular type 32 tobacco. Tobacco graded N2 (second quality nondescript), scrap, No-G (no grade), "W" (doubtful keeping order), or "U" (unsound) will not be accepted. Only the original producer is eligible to receive advances. The cooperative associations through which price support is made available are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs.

§ 1464.1552 1963 Crop—Puerto Rican Tobacco, Type 46, Advance Schedule.[2]

(Dollars per hundred pounds, farm sales weight)

Grade		Advance rate
C1F	Price block I	38.5
C1P		
X1P		
X1F	Price block II	26.5
X1S		
X2P		
X2F	Price block III	18.0
X2T		
X2S		
N	Price block IV	13.0

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Effective date. Date of signature.

Signed at Washington, D.C., on February 5, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-1282; Filed, Feb. 7, 1964; 8:49 a.m.]

[2] The cooperative associations through which price support is made available to growers are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling cost. Tobacco is eligible for advances only if consigned by the original producer. No advance is authorized for scrap or tobacco designated as "No-G".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10540) stating that the Federal Aviation Agency (FAA) proposed to alter the Ponca City, Okla., control zone, designate the Ponca City transition area and revoke the Ponca City control area extension.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America concurred with the action proposed providing that existing instrument approach procedures are not derogated. The minor changes necessary do not derogate the approach procedures.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Ponca City, Okla., control zone is amended to read:

Ponca City, Okla.

Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36°43'40" N., longitude 97°05'50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension: Ponca City, Okla.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Ponca City, Okla.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36°43'40" N., longitude 97°05'50" W.); within 2 miles each side of the Ponca City VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an 8-mile radius of the Ponca City Municipal Airport; within 8 miles SE and 5 miles NW of the 225° bearing from the Ponca City RBN, extending from the 8-mile radius area to 13 miles SW of the RBN; within 8 miles SW and 5 miles NE of the Ponca City VORTAC 289° radial, extending from the 8-mile radius area to 13 miles NW of the VORTAC, and within 8 miles W and 5 miles E of the 359° bearing from the Ponca City RBN, extending from the RBN to 16 miles N of the RBN.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1249; Filed, Feb. 7, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-149]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the description of the Sioux City, Iowa, control zone.

The Sioux City control zone is presently designated, in part, with reference to the Sioux City radio range. The Federal Aviation Agency has scheduled the conversion of this facility to a radio beacon on or about March 5, 1964. The action taken herein reflects this facility conversion.

Since the change effected by this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.171 (29 F.R. 1101) is amended as follows:

In the Sioux City, Iowa, control zone, "within 2 miles either side of the Sioux City RR S course, extending from the 5-mile radius zone to 8 miles S of the RR;" is deleted and "within 2 miles each side of the Sioux City RBN 163° bearing, extending from the 5-mile radius zone to 8 miles S of the RBN;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., March 5, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1250; Filed, Feb. 7, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Areas, and Revocation of Control Area Extension

On August 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 8414) stating that the Federal Aviation Agency proposed to alter the Bluefield, W. Va., control zone, designate the Bluefield and Beckley, W. Va., transition areas and revoke the Bluefield, W. Va., control area extension.

Interested persons have been afforded an opportunity to participate in the rule-making through submission of comments and consideration has been given to all relevant matter presented.

Comments were received from the Air Transport Association of America (ATA) and the Aircraft Owners and Pilots Association (AOPA).

The ATA concurred with the actions proposed in the notice. The AOPA recommended that the portion of the Bluefield transition area beyond the immediate vicinity of the Mercer County Airport be designated to extend upward from 5,000 feet MSL with the provision that no point extend below 1,200 feet above the surface. It is the FAA's opinion that AOPA's recommendation would create a patchwork pattern of varying controlled airspace with both MSL and above the surface floors that would be of doubtful benefit to VFR pilots. The AOPA's recommendation would also materially increase the amount of transition area required with a floor of 700 feet above the surface and cause the loss of the existing 5,000-foot cardinal altitude on Victor Airway 35 and the holding patterns associated with this airway at Paynesville and Madison and also on the portion of Victor Airway 59 north of the Beckley VOR. Therefore, action is taken herein to alter, designate and revoke controlled airspace in the Beckley/Bluefield terminal area as proposed in the notice.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Bluefield, W. Va., control zone is amended to read:

Bluefield, W. Va.

Within a 5-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37°17'45" N., longitude 81°12'30" W.), within 2 miles each side of the Bluefield VOR 047° radial, extending from the 5-mile radius zone to 4.5 miles NE of the VOR, and within 2 miles each side of the Bluefield VOR 267° radial, extending from the 5-mile radius zone to 15 miles W of the VOR.

2. In § 71.165 (29 F.R. 1073) the Bluefield, W. Va., control area extension is revoked.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

a. Bluefield, W. Va.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37°17'45" N., longitude 81°12'30" W.), within 2 miles each side of the Bluefield VOR 267° radial, extending from the 8-mile radius area to 22 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°02'00" N., longitude 82°15'00" W.; to latitude 38°14'00" N., longitude 80°35'00" W.; to latitude 37°10'00" N., longitude 80°51'30" W.; to latitude 37°05'00" N., longitude 82°10'00" W.; to the point of beginning.

b. Beckley, W. Va.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Raleigh County Memorial Airport, Beckley, W. Va. (latitude 37°47'10" N., longitude 81°07'25" W.), and within 2 miles each side of the Beckley VOR 130° and 154° radials, extending from the 7-mile radius area to 13 miles SE of the VOR.

These amendments shall become effective 001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1251; Filed, Feb. 7, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Areas

On October 11, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10925) stating that the Federal Aviation Agency proposed to alter the Zanesville, Ohio, control zone and designate transition areas at Zanesville and Coshocton, Ohio.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Zanesville, Ohio, control zone is amended to read:

Zanesville, Ohio.

Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville (latitude 39°59'10" N., longitude 81°59'00" W.).

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

a. Zanesville, Ohio.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 7-mile radius area to 8 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 7-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°53'15" N., longitude 81°03'15" W.; to latitude 39°43'00" N., longitude 81°18'00" W.; to latitude 39°40'00" N., longitude 81°20'00" W.; to latitude 39°40'00" N., longitude 82°00'00" W.; to latitude 39°52'25" N., longitude 82°13'00" W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the INT of the Imperial, Pa., VORTAC 249° radial and the arc of a 60-mile radius circle centered on the Imperial VORTAC; thence via this arc to the point of beginning.

b. Coshocton, Ohio.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Universal-Cyclops Airport (latitude 40°12'15" N., longitude 81°52'55" W.), and within 2 miles each side of the Zanesville VOR 002° radial, extending from the 6-mile radius area to 12 miles N of the VOR.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1252; Filed, Feb. 7, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone; Designation of Transition Area, and Revocation of Control Area Extension

On October 2, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10581) stating that the Federal Aviation Agency proposed to alter the Findlay, Ohio, control zone; revoke the Findlay control area extension, and designate the Findlay transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable. The Air Transport Association of America (ATA), while concurring with the actions proposed, requested that the transition area be modified to accommodate proposed instrument approach and transition procedures now being considered for Lake Central Airlines' use at Findlay. The FAA has determined that the transition area, as proposed, will be sufficient to contain the proposed procedures.

The substance of the proposed amendments having been published, and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Findlay, Ohio, control zone is amended to read:

Findlay, Ohio.

Within a 5-mile radius of the Findlay Airport (latitude 41°00'55" N., longitude 83°40'15" W.); within 2 miles each side of the Findlay VOR 046° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the Findlay RBN 178° bearing, extending from the 5-mile radius zone to 8 miles S of the RBN; excluding the portion within a 1-mile radius of the Lutz Airport (latitude 40°57'40" N., longitude 83°35'45" W.).

2. Section 71.181 (29 F.R. 1160) is amended by adding the following transition area:

Findlay, Ohio.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Findlay Airport (latitude 41°00'55" N., longitude 83°40'15" W.); within 5 miles W and 8 miles E of the Findlay RBN 178° bearing, extending from the RBN to 12 miles S of the RBN; within 2 miles each side of the Findlay VOR 226° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°51'00" N., longitude 84°00'00" W.; to latitude 41°18'00" N., longitude 84°07'00" W.; to latitude 41°11'00" N., longitude 83°19'00" W.; to latitude 40°50'00" N., longitude 83°30'00" W.; to the point of beginning.

3. In § 71.165 (29 F.R. 1073), the Findlay, Ohio, control area extension is revoked.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1253; Filed, Feb. 7, 1964; 8:46 a.m.]

[Airspace Docket No. 63-PC-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10542) stating that the Federal Aviation Agency proposed to alter the Kahului, Hawaii, control zone, revoke the Kahului control area extension, and designate the Kahului transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comments were received from the Aircraft Owners and Pilots Association (AOPA). The AOPA concurred with the proposal; however, they suggested that the control zone extension based on the north course of the Maui radio range be terminated 12 miles from the airport in lieu of the radio range.

With regard to the comment received from AOPA, the FAA has determined that the control zone extension based on the Maui radio range north course could be shortened from the radio range to 3 miles north of the radio range without adversely affecting the prescribed instrument approach procedures to the Kahului Airport. This would result in the extension terminating 14½ miles from the airport. Such action is taken herein.

The substance of the proposed amendments having been published and for reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101) the Kahului, Hawaii, control zone is amended to read:

Kahului, Hawaii.

Within a 5-mile radius of Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.); within 2 miles each side of the Maui, Hawaii, RR N course, extending from the 5-mile radius zone to 3 miles N of the RR; within 2 miles each side of the Maui VOR 038° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR, and within 2 miles each side of the extended centerline of runway 2, extending from the 5-mile radius zone to 10 miles SW of the SW end of runway 2.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the Kahului, Hawaii, control area extension.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Kahului, Hawaii.

That airspace extending upward from 700 feet above the surface bounded on the SW by a line 2 miles SW of and parallel to the Maui VOR 331° radial, on the N by a 7-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.), on the SE by a line 2 miles SE of and parallel to the Maui VOR 061° radial, and on the S by the arc of a 5-mile radius circle centered on the Kahului Airport; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Kahului Airport, extending clockwise from V-6 NW of Kahului to V-6 NE of Kahului, and that airspace E of Kahului bounded on the N by a line 8 miles N of and parallel to the Maui VOR 080° radial on the S by V-6, extending from the 30-mile radius area to 45 miles E of the VOR.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1254; Filed, Feb. 7, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On October 31, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11637) stating that the Federal Aviation Agency proposed to alter the San Antonio, Tex. (Stinson Field), control zone.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, the following action is taken:

In § 71.171 (29 F.R. 1101) the San Antonio, Tex. (Stinson Field), control zone is amended to read:

San Antonio, Tex. (Stinson Field).

Within a 3-mile radius of Stinson Field (latitude 29°20'15" N., longitude 98°28'20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1255; Filed, Feb. 7, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Designation of Transition Area

On October 25, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11457) stating that the Federal Aviation Agency proposed to alter the Walla Walla, Wash., control zone and designate the Walla Walla transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Walla Walla, Wash., control zone is amended to read:

Walla Walla, Wash.

Within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), and within 2 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR.

2. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Walla Walla, Wash.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Walla Walla VOR 355° radial, extending from the arc of a 5-mile radius circle centered on the Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.) to 8 miles N of the VOR; within 2 miles each side of the Walla Walla RBN 015° bearing, extending from the arc of a 5-mile radius circle centered on the Walla Walla Airport to 8 miles N of the RBN, and within 2 miles NW and 5 miles SE of the Walla Walla VOR 040° radial, extending from the arc of a 5-mile radius circle centered on the Walla Walla Airport to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 12 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, and within 6 miles SE and 9 miles NW of the Pendleton, Oreg., VOR 025° radial, extending from 33 miles NE to 61 miles NE of the VOR, excluding the portion within the Pendleton transition area.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1256; Filed, Feb. 7, 1964; 8:46 a.m.]

[Airspace Docket No. 63-SW-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9954) stating that the Federal Aviation Agency proposed to designate a transition area at Stillwater, Okla.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the notice, § 71.181 (29 F.R. 1160) is amended by adding the following:

Stillwater, Okla.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Searcy Field, Stillwater, Okla. (latitude 36°09'30" N., longitude 97°05'05" W.), and within 5 miles E and 8 miles W of the 359° bearing from the airport, extending from the airport to 12 miles N.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1257; Filed, Feb. 7, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2076; Amdt. 683]

PART 507—AIRWORTHINESS DIRECTIVES

Champion Model 7 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring that the spring loaded air door be made inoperative on Champion Model 7 Series aircraft was published in 28 F.R. 12629.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CHAMPION. Applies to all Models 7GCB, 7GCBA, 7KC and all Models 7GC, 7GCA and 7HC Series aircraft using the 4-1099 airscoop box with elliptical Fram air filter.

Compliance required within 50 hours' time in service after the effective date of this AD unless already accomplished.

As a result of several cases of engine power loss due to the carburetor alternate air door being sucked into the engine, make the spring loaded alternate air door inoperative by one of the following:

(1) Locking the door in the closed position by installing a 0.040 x ½ x 4½ 5052-H34 aluminum strap or equivalent across the door and attach with two AN 515-8-6 screws and AN 365-832 nuts; or

(2) Removing the entire door assembly and covering the opening with a 0.040 x 4 x 4 5052-H34 aluminum patch or equivalent. Attach the patch with eight AN 470AD3-4 rivets evenly spaced.

(Champion Service Letter No. 59 covers the same subject.)

This amendment shall become effective March 9, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1247; Filed, Feb. 7, 1964; 8:45 a.m.]

[Reg. Docket No. 2077; Amdt. 682]

PART 507—AIRWORTHINESS DIRECTIVES

Macchi Models AL.60 and AL.60B Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and, if necessary, replacement of the fuel selector valve on Macchi Models AL.60 and AL.60B aircraft was published in 28 F.R. 12629.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

MACCHI. Applies to aircraft Model AL.60 Serial Numbers 6/6148, 7/6149, 8/6150, 9/6154, 10/6155, 11/6156, 13/6158, 14/6159, and Model AL.60B aircraft Serial Numbers 5/6147, 16/6161, 17/6162, 18/6163, 19/6164, 20/6165, 21/6166, 24/6169, 26/6170, 31/6211, 32/6212, 33/6213, 34/6214, 39/6219, 40/6220, 41/6221, 50/6230. Compliance required as indicated.

Fuel selector valves in service have been found with defective internal "O" rings and a spring of insufficient strength. This has resulted in internal leaks through the fuel selector valve when in the closed position.

(a) In order to determine whether an internal leak exists in the fuel selector valve make the following inspection within the next 10 hours' time in service after the effective date of this AD.

(1) Operate the engine at maximum r.p.m. on ground.

(2) Set the fuel selector valve to the off position.

(3) If the engine does not stop within 15 seconds the fuel selector valve is defective and must be replaced, before further flight, with a modified fuel selector valve designated as 67106-1.

(Macchi Service Bulletin No. 7 dated August 23, 1963, covers the same subject.)

This amendment shall become effective March 9, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1248; Filed, Feb. 7, 1964; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56106]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Request and Accounting for Overtime Services

Under the present regulations, whenever a customs employee performing reimbursable customs overtime services obtains a cash deposit as security for the payment of overtime services from the party-in-interest, it is necessary to prepare a receipt on customs Form 5111-A or B, as well as a customs Form 3853, Request for Overtime Services of Customs Officers and Employees. The customs regulations are amended to provide for the use of customs Form 5111-A or B for the request for overtime services as well as the receipt for the cash deposit thereby eliminating the need for customs Form 3853 in such cases.

Section 24.16(c)(2) is amended by adding the following at the end of the subparagraph:

§ 24.16 Overtime services; overtime compensation; rate of compensation.

* * * * * *

(c) * * *

(2) * * * Where the security is a cash deposit, the receipt on customs Form 5111-A or B may be properly inscribed to make it serve as a combined receipt for cash deposit in lieu of bond and request for overtime services, in lieu of filing a request for overtime services on customs Form 3853. The inscription shall read as follows:

REQUEST FOR OVERTIME SERVICES

Permit No. _____

I hereby request overtime services on _____, 19__, at _____ a.m. p.m. in connection with the entry of my aircraft (vessel).

_____
(Pilot, Owner, or Person in Charge)

* * * * * *

(R.S. 161, as amended, 251, secs. 450, 451, 452, 624, 46 Stat. 715, as amended, 750; 5 U.S.C. 22, 19 U.S.C. 66, 1450, 1451, 1452, 1624)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: January 30, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1271; Filed, Feb. 7, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

ANTIBIOTICS FOR GROWTH PROMOTION AND FEED EFFICIENCY

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1141) filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant data, has concluded that the food additive regulations (21 CFR 121.225) should be amended to provide the conditions under which penicillin may be safely used in swine feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.225 is amended by adding to paragraph (a)(3) the new subdivision (viii) as follows:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

* * * * * *

(a) *Procaine penicillin.* * * *

(3) * * *

(viii) In the feed of swine in an amount not less than 10 grams of peni-

cillin nor more than 50 grams of penicillin per ton of finished feed.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 3, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64-1265; Filed, Feb. 7, 1964; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Exemptions From Labeling Requirements

Pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under the authority vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), the regulations for the enforcement of this act are amended by changing § 191.63(a) (8), (9) (introduction to subparagraph), (11) (introduction to subparagraph), and (13) to provide for exempting certain household products containing turpentine, toluene, and xylene from the labeling requirements of section 3(b) of the act and § 191.7(b)(3) of the regulations thereunder:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

* * * * *

(a) * * *

(8) Containers of paste shoe waxes, paste auto waxes, and paste furniture and floor waxes containing toluene (also known as toluol), xylene (also known as xylol), petroleum distillates and/or turpentine in the concentrations described in § 191.7(a)(4) and (6) are exempt from the labeling requirements of § 191.7(b)(3)(ii) and (5) if the viscosity of such products is sufficiently high that they will not flow from their opened containers when inverted for 5 minutes at a temperature of 80° Fahrenheit.

(9) Felt-tip ink-marking devices are exempt from the labeling requirements of section 2(p)(1) of the act and § 191.7(b)(3)(ii) of these regulations insofar as such requirements would be necessary because the ink contained therein is a toxic substance as defined in § 191.1(f)(1); and/or because the ink contains 10 percent or more of toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates as defined in § 191.7(a)(4): *Provided*, That:

* * * * *

(11) Packages containing polishing or cleaning products which consist of a carrier of solid particulate or fibrous composition and which contain toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates in the concentrations described in § 191.7(a)(4) are exempt from the labeling requirements of § 191.7(b)(3)(ii), provided that such toluene, xylene, or petroleum distillate is fully absorbed by the solid, semisolid, or fibrous carrier and cannot be expressed therefrom with any reasonably foreseeable conditions of manipulation.

* * * * *

(13) Containers of liquid and semisolid substances such as viscous-type paints, varnishes, lacquers, roof coatings, rubber-vulcanizing preparations, floor-covering adhesives, glazing compounds, and other viscous products containing toluene (also known as toluol), xylene (also known as xylol), or petroleum distillates in concentrations described in § 191.7(a)(4) are exempt from the labeling requirements of § 191.7(b)(3)(ii) insofar as that paragraph applies to such toluene, xylene, or petroleum distillates; *Provided*, That the viscosity of the substance, or of any liquid that may separate or be present in the container, is not less than 150 Saybolt Universal Seconds at 100° F.

Notice and public procedure and delayed effective date are not necessary in this instance, since the amendments relax certain requirements, and the Commissioner finds that it is not necessary for the protection of the public health and safety to require the special label statements listed in § 191.7(b)(3)(ii) and (5) for the products involved.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: January 31, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1266; Filed, Feb. 7, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 155—INDUSTRIAL PERSONNEL ACCESS AUTHORIZATION REVIEW REGULATION

Miscellaneous Amendments

Part 155 has been amended as follows: E.O. 10909 has been added to the "Authority:"; § 155.1-6(a) has been revised; and § 155.4 has been revised by (1) amendment to § 155.4-1, (2) the addition of a new § 155.4-10, and (3) the renumbering of present § 155.4-10 to § 155.4-11. The revised portions of Part 155 now read as follows:

AUTHORITY: The provisions of this Part 155 issued under R.S. 161, sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 22, 171a. E.O. 10501, Nov. 5, 1953, 18 F.R. 7049; 3 CFR (1953 Supp.) 115; E.O. 10865, Feb. 20, 1960, 25 F.R. 1583, as amended by E.O. 10909, Jan. 17, 1961, 26 F.R. 508.

§ 155.1-6 Scope of program.

(a) Except as provided in subparagraph (4) of this paragraph the procedures established in this Part 155 shall be applicable to cases in which the applicant is eligible under the Armed Forces Industrial Security Regulation for consideration as to the granting or continuing of an access authorization and in addition thereto:

(1) A Department of Defense agency or activity has recommended that an access authorization of a contractor or contractor employee be denied or revoked;

(2) A Department of Defense agency or activity has denied or withdrawn a temporary access authorization from an individual, other than a foreign national, who falls within such categories as may be established under this subparagraph;

(3) A Department of Defense agency or activity has recommended that an access authorization of a contractor employee be suspended for a period of one year where there has been a serious and willful violation of security regulations; or

(4) Action is requested by the Secretary of Defense, or the Secretary of any military department or the Administrator concerned.

* * * * *

§ 155.4-1 Emergency action.

Department of Defense activities or agencies may not make a final determination denying or revoking an authorization for access. In exceptional cases the Secretary, Under Secretary, or an Assistant Secretary of the military department concerned may suspend an authorization previously granted to an individual (but not to a facility) when, in the opinion of the authorized official, the individual's continued access to classified information, pending action by the Screening Board, would constitute an immediate threat to the national interest. In those cases where there is significant evidence of espionage, emergency suspension action may be taken by an authorized, qualified subordinate.

§ 155.4-10 One year suspension to protect classified defense information.

(a) In any case involving a serious and willful violation of security regulations, the Screening Board, irrespective of whether its determination under § 155.4-3(d) or (e), is to grant, continue, deny, revoke, or limit access authorization, may determine that any access authorization previously granted to the applicant should be suspended for a period of one year, upon a finding that under all the circumstances in the case, in order to protect classified defense information, such a suspension is warranted, and if it so finds it shall set out in writing its reasons therefor. The Director shall forward these reasons and a copy of this Part 155 to the applicant and shall inform him of the status of his access authorization pending a final determination.

(b) Where the applicant within fifteen days does not give notice of intent to contest the suspension provided by paragraph (a) of this section, the Director shall order that suspension into effect. Where applicant contests that suspension, it shall not be ordered into effect until a final determination has been reached, which determination shall be made by the Boards and pursuant to the procedures provided for by this part in so far as applicable, this determination to proceed simultaneously with the consideration of any other issues outstanding against the applicant under the provisions of this part.

(c) Subject to §§ 155.4-5(a)(7) and 155.4-7(d), including reasonable notice and opportunity to be heard, the Field Board may recommend or the Central Board may determine that the applicant's access authorization be granted or continued in effect, that it be suspended for a period of one year, or that it be finally denied, revoked, or limited, irrespective of any recommendation or determination made by a preceding Board or Boards. Determinations under this section that the applicant's access authorization should be suspended for a period of one year shall be announced by the Director.

(d) Upon expiration of the one year suspension, the applicant must reapply for reinstatement of his access authorization and complete the necessary forms for this purpose.

§ 155.4-11 Authority of the Secretary of Defense, and the Administrators, Federal Aviation Agency and National Aeronautics and Space Administration.

* * * * *

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64-1246; Filed, Feb. 7, 1964; 8:45 a.m.]

Proposed Rule Making

DELAWARE RIVER BASIN COMMISSION

[18 CFR Ch. III]

PRACTICE AND PROCEDURE

Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the Delaware River Basin Commission on February 21, 1964. The subject of the hearing will be proposed rules of practice and procedure relating to the admission of projects into the Commission's Comprehensive Plan and annual Water Resources Program, and to the administration of section 3.8 of the Delaware River Basin Compact.

The public hearing will be held in the Assembly Chamber of the New Jersey Legislature in the State House on West State Street in Trenton. The hearing will begin at 10:30 a.m.

The draft of proposed rules of practice and procedure on which the public hearing will be held was released to the public on February 4, 1964. Copies may be examined at the Commission's offices and will be mailed to interested parties upon request.

The Commission will receive written comments on the proposed rules of practice and procedure at the public hearing or prior thereto. Persons or organizations wishing to testify at the public hearing are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

FEBRUARY 4, 1964.

[F.R. Doc. 64-1235; Filed, Feb. 7, 1964; 9:02 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 62-WE-63]

CONTROL ZONE

Notice of Withdrawal of Proposed Rule Making

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 62-WE-63 on March 22, 1963 (28 F.R. 2861), it was stated that the Federal Aviation Agency (FAA) proposed to designate a part-time control zone at Visalia, Calif.

Subsequent to the publication of the notice, it has been determined that due to lease problems associated with the proposed location of the Visalia VOR, the commissioning date has been delayed for an indefinite period. Accordingly, the notice is being withdrawn, and a new proposal will be issued at an appropriate time in the future.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 62-WE-63 is withdrawn.

(Section 307(a) of the Federal Aviation Agency Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1260; Filed, Feb. 7, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-LAX-1]

CONTROL ZONES, CONTROL AREA EXTENSIONS AND TRANSITION AREA

Proposed Alteration, Revocation and Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The following controlled airspace is presently designated in the greater Tucson, Ariz., terminal area:

1. The Tucson (Davis-Monthan AFB) control zone is designated within a 5-mile radius of Davis-Monthan AFB, and within a 1-mile radius of Downtown Tucson Airport, excluding the portion southwest of a line extending from latitude 32°11'16" N., longitude 110°57'58" W., to latitude 32°05'45" N., longitude 110°51'40" W.

2. The Tucson (Tucson Municipal) control zone is designated within a 5-mile radius of Tucson Municipal Airport, excluding that portion northeast of a line extending from latitude 32°11'16" N., longitude 110°57'58" W., to latitude 32°05'45" N., longitude 110°51'40" W.

3. The Tucson (A) control area extension is designated that airspace south of Tucson bounded on the north by Victor 105, on the northeast by Victor 66, and on the south and west by Victor 202; the airspace southwest of Tucson within a 30-mile radius of the Tucson radio beacon extending clockwise from Victor 202 to Victor 105; the airspace west of Tucson within a 36-mile radius of the Tucson radio beacon extending clockwise from the 256° True bearing from the Tucson radio beacon to Victor 105; and the airspace northwest of Tucson bounded on the northwest by Victor 66 and on the south and west by V-105.

4. The Tucson (B) control area extension is designated as that airspace northeast of Tucson bounded on the north by Victor 94, on the southeast by Victor 202 and on the south and southwest by Victor 16.

5. The Mescal, Ariz., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the Tucson, Ariz., VORTAC 121° True radial, extending from 18 miles southeast to 50 miles southeast of the VORTAC, excluding the portion within R-2303.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the greater Tucson area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the following airspace actions:

1. Alter the Tucson (Davis-Monthan AFB) control zone by redesignating it as that airspace within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.), excluding the portion subtended by a chord drawn between the points of intersection of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles southwest and 2.5 miles northeast of the Davis-Monthan ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

2. Alter the Tucson (Tucson International Airport) control zone by redesignating it as that airspace within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'35" W.); within 2 miles each side of the Tucson VORTAC 273° True radial, extending from the 5-mile radius zone to 14 miles west of the VORTAC, and within 2 miles each side of the extended centerline of runway 12L, extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of runway 12L, excluding the portion subtended by a chord drawn between the points of intersection of the Tucson International 5-mile radius zone with the Davis-Monthan AFB 5-mile radius zone.

3. Revoke the Tucson (A) and (B) control area extensions and the Mescal, Ariz., transition area and designate the Tucson transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'35" W.); within 3 miles northeast and 13 miles southwest of the Tucson VORTAC 138° True radial, extending from the 10-mile radius area to 9 miles southeast of the VORTAC, and within 9 miles southwest and 1 mile northeast of the Tucson VORTAC 318° True radial, extending from the 10-mile radius area to 22 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at

Latitude 32°33'00" N., longitude 111°45'-00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; to latitude 32°35'00" N., longitude 110°52'00" W.; to latitude 32°23'-00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., 110°00'00" W.; to latitude 31°-39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning, excluding the portion within R-2303. The floors of the airways that traverse the transition area would automatically coincide with the floor of the transition area.

The actions proposed herein would, in part, increase the size of the Tucson International and Davis-Monthan AFB control zones by the addition of control zone extensions west and southeast of Davis-Monthan and southeast of Tucson International. These extensions would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures at Davis-Monthan and Tucson International Airports.

The portion of the proposed Tucson transition area with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach, departure and radar vectoring procedures conducted beyond the limits of the proposed Tucson International and Davis-Monthan AFB control zones and below the floor of the proposed 1,200-foot floor area. The floor of controlled airspace beyond the proposed 700-foot floor area would be raised from 700 to 1,200 feet above the surface in the major portion of the area proposed for designation as transition area.

The controlled airspace released would become available for other aeronautical purposes. The portions of controlled airspace retained together with the additional portions proposed for designation herein would provide protection for aircraft executing prescribed holding, approach, missed approach, radar and departure procedures within the Greater Tucson terminal area.

Certain minor revisions to prescribed instrument procedures would accompany the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, Post Office Box 45018, Los Angeles, Calif., 90045.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, Post Office Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW. Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1261; Filed, Feb. 7, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 3091]

UNIVERSAL (TEMCO) MODELS D-16 AND D-16A AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Universal (Temco) Models D-16 and D-16A aircraft. Several instances of cracks have occurred in the nose gear support braces and channel drag supports. To correct this unsafe condition, this AD requires inspection of the nose gear support braces and channel drag brace supports and replacement with new parts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 9, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

UNIVERSAL. Applies to all Temco Models D-16 and D-16A aircraft.

Compliance required within 50 hours' time in service after the effective date of this AD.

As a result of instances of cracking of nose gear support braces (Navion P/N 145-34161) and channel drag brace supports (Navion P/N 145-34204) installed on D-16 and D-16A aircraft, accomplish the following:

(a) On D-16 aircraft, visually inspect Navion P/N 145-34161 for cracks. If cracks are found, replace cracked part with a new part of the same number. In all cases, add Temco P/N 5531A cap nose gear drag brace or FAA-approved equivalent, and replace Navion P/N 145-34204 with Universal P/N TN 5980A or FAA-approved equivalent. Perform this rework in accordance with Temco Drawing TN 5505 or FAA approved equivalent.

(b) On D-16A aircraft, replace Navion P/N 145-34204 with Universal P/N TN 5980A or FAA-approved equivalent.

(Universal Aircraft Service Bulletin No. 14 covers the same subject.)

Issued in Washington, D.C., on January 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1259; Filed, Feb. 7, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order 107–58; CGFR 64–7]

COMMANDANT, U.S. COAST GUARD

Delegation of Authority

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under Public Law 88–163, approved October 30, 1963, concerning exceptions to the rules of navigation for vessels.

With the exception of prescribing applicable rules and regulations, the Commandant may assign the functions transferred for performance by subordinates in the Coast Guard.

Dated: January 29, 1964.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–1272; Filed, Feb. 7, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 072171]

ALABAMA

Notice of Filing of Plat of Survey; Survey Group 30

FEBRUARY 3, 1964.

The Plats of Surveys of the islands located in Coosa River described below will be officially filed in this office effective 10 a.m. on March 9, 1964.

HUNTSVILLE MERIDIAN, ALABAMA

ETOWAH COUNTY

T. 11 S., R. 7 E.,
Sec. 2, lot 1 containing 4.20 acres;
Sec. 11, lot 1 containing 2.98 acres;
Sec. 16, lot 1 containing 0.91 acres;
Sec. 22, lot 1 containing 2.33 acres;
Sec. 36, lot 1 containing 3.60 acres.
Total 14.02 acres.

T. 12 S., R. 6 E.,
Sec. 25, lot 1 containing 16.82 acres.

TALLADEGA AND SHELBY COUNTIES

T. 19 S., R. 3 E.,
Sec. 6, lot 1 containing 19.01 acres;
Sec. 7, lot 1 containing 8.88 acres;
Sec. 17, lot 1 containing 7.09 acres;
Sec. 20, lot 1 containing 10.81 acres.
Total 45.79 acres.

Plats approved November 21, 1963.

T. 20 S., R. 2 E.,
Sec. 13, lot 1 containing 2.20 acres;
Sec. 24, lot 1 containing 5.58 acres; lot 2 containing 0.29 acres.
Total 8.07 acres.

T. 20 S., R. 3 E.,
Sec. 18, lot 1 containing 10.25 acres.

Plat approved December 17, 1963.

T. 21 S., R. 2 E.,
Sec. 6, lot 1 containing 0.20 acres;
Sec. 7, lot 1 containing 1.00 acres;
Sec. 7, lot 2 containing 0.70 acres;
Sec. 7, lot 3 containing 1.80 acres;
Sec. 7, lot 4 containing 0.09 acres;
Sec. 7, lot 5 containing 2.14 acres;
Sec. 8, lot 1 containing 0.04 acres; lot 2 containing 0.50 acres.
Total 6.47 acres.

Plat approved April 11, 1963.

The areas above described contain in the aggregate 101.42 acres.

The surveys represented by the plats were initiated as an administrative measure to meet the proposed withdrawal, BLM 043309, Federal Power Commission, for the Alabama Power Company Project No. 2146 of certain unsurveyed and unappropriated islands in the Coosa River not heretofore included in the surveys shown upon the plat approved January 1836.

On May 21, 1908, by order of the Commissioner, General Land Office (now Director, Bureau of Land Management) at the request of the Secretary of War, all public lands in the subdivisions or fractional tracts of the townships in Alabama bordering upon the Coosa River and all such lands embraced in islands situated in the river in the township were temporarily withdrawn from all forms of disposition until otherwise directed for the improvement of the navigation of the river.

The islands' formation are in all regards similar to the opposing mainland, with an elevation ranging from 2 to 20 feet above mean-high-tide. The islands are of sandy-clayey loam. Each supports a heavy growth of mature timber ranging in size from 4 to 34 inches in diameter.

The character of each of the islands and the timber growth thereon attest to their existence in 1819 when Alabama gained statehood and at all times since. They are, therefore, held to be public land.

The islands are well over 50 percent upland in character within the interpretation of the Swamp Land Act.

Upon the effective date hereof, the lands recited herein will be subject to valid existing rights and equitable claims subject to allowance and confirmation. The land will not be subject to application, petition, location, selection or to any other appropriation under any other public land law, including the Mining and Mineral Leasing Laws, unless and until a further order is issued by a duly authorized official of the Bureau of Land Management.

All inquiries relating to the lands should be directed to the Bureau of Land Management, Division of Field Services, Washington, D.C., 20240.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64–1274; Filed, Feb. 7, 1964; 8:48 a.m.]

ALASKA

Small Tract Classification Order No. 92; Cancellation

Correction

In F.R. Doc. 64–1161, appearing at page 1811 of the issue for Thursday, February 6, 1964, the bracket in the heading should be deleted.

U.S. STUDY COMMISSION, SOUTHEAST RIVER BASINS

TERMINATION OF COMMISSION

Notice is hereby given that, in accordance with the provisions of Public Law 85–850 (72 Stat. 1090), the U.S. Study Commission, Southeast River Basins, submitted its final report to the President on September 24, 1963 and terminated its activities on December 23, 1963.

Notice of the establishment of the Commission was published in the FEDERAL REGISTER of December 9, 1959 (24 F.R. 9957).

The General Services Administration has been designated to make appropriate disposition of all property and records of the Commission, except financial assets and related records.

The Department of the Treasury has been designated to take possession of the financial assets of the Commission and to liquidate the Commission's financial affairs.

J. W. WOODRUFF, Jr.,
Chairman.

[F.R. Doc. 64–1275; Filed, Feb. 7, 1964; 8:48 am.]

DEPARTMENT OF COMMERCE

Bureau of the Census

REPORT ON SHIPMENTS TO, OR RECEIPTS FOR WORK DONE, FOR FEDERAL GOVERNMENT AGENCIES AND THEIR CONTRACTORS AND SUPPLIERS IN 1963

Notice of Consideration for Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a survey, under the authority of Title 13, United States Code, sections 181, 224, and 225, requesting manufacturers to report the value of products shipped to the Federal Government or their contractors and receipts for services performed for the Federal Government or its contractors during 1963.

The data have significant application to the needs of the public. They will provide important information on the impact of Federal procurement on various industries and on the economy of States, Standard Metropolitan Statistical Areas, and other geographic regions. The data requested in this survey are not publicly available from nongovernmental or other governmental sources.

The survey will be conducted on a sample basis covering selected industries as a supplement to the Annual Survey of Manufactures which for 1963 is additionally considered a part of the 1963 Census of Manufactures as provided for by Title 13, United States Code, section 131. The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of the survey will receive consideration if submitted in writing to the Director within 30 days after the date of this publication.

A. ROSS ECKLER,
Acting Director,
Bureau of the Census.

[F.R. Doc. 64–1245; Filed, Feb. 7, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1, the following table lists the establishments operated under Federal inspection under the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), which were officially reported on January 1, 1964, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time, as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	(*)	(*)				
Do.	2AG	(*)					
Do.	2AT	(*)		(*)		(*)	
Do.	2AU	(*)					
Do.	2B	(*)	(*)			(*)	
Do.	2C	(*)		(*)		(*)	
Do.	2H	(*)	(*)				
Do.	2HT	(*)					
Do.	2LT	(*)					
Do.	2SI	(*)					
Do.	2SA			(*)	(*)		
Do.	2SD	(*)				(*)	
Do.	2WN	(*)	(*)				
Swift and Co.	3A	(*)	(*)	(*)		(*)	
Do.	3AC	(*)					
Do.	3AE	(*)	(*)				
Do.	3AF	(*)					
Do.	3AN	(*)	(*)			(*)	
Do.	3AW	(*)					
Do.	3B	(*)		(*)		(*)	
Do.	3C	(*)					
Do.	3CC	(*)					
Do.	3D	(*)		(*)			
Do.	3E	(*)	(*)			(*)	
Do.	3F	(*)		(*)			
Do.	3FF	(*)			(*)	(*)	
Do.	3H	(*)	(*)				
Do.	3K	(*)		(*)			
Do.	3L	(*)				(*)	
Do.	3N	(*)	(*)				
Do.	3NN	(*)		(*)		(*)	
Do.	3R	(*)	(*)				
Do.	3S					(*)	
Do.	3T	(*)	(*)	(*)	(*)		
Do.	3UU	(*)	(*)			(*)	
Do.	3W	(*)					
Do.	3Y	(*)					
Do.	3Z	(*)	(*)				
Lykes Bros., Inc.	8	(*)				(*)	
Do.	8B	(*)					
Pauly Packing Co., Inc.	10	(*)	(*)				
Hygrade Food Products Corp.	12	(*)		(*)		(*)	
Do.	12A	(*)					
Do.	12C	(*)					
Do.	12D	(*)				(*)	
Do.	12G	(*)					
Do.	12P	(*)				(*)	
Mickelberrys Food Products Co.	16					(*)	
John Morrell and Co.	17	(*)				(*)	
Do.	17A	(*)				(*)	
Do.	17D	(*)		(*)		(*)	
Do.	17E	(*)				(*)	
C. Finkbeiner, Inc.	18	(*)				(*)	
The Cudahy Packing Co.	19	(*)				(*)	
Do.	19E	(*)	(*)			(*)	
Wilson and Co., Inc.	20A	(*)				(*)	
Do.	20N	(*)	(*)	(*)		(*)	
Do.	20Q	(*)	(*)			(*)	
Do.	20U			(*)			
Do.	20Y	(*)	(*)	(*)		(*)	
Swift and Co.	23	(*)		(*)			
Brander Meat Co.	25	(*)	(*)	(*)			
The Sperry and Barnes Co.	27C					(*)	
Patrick Cudahy, Inc.	28						
Kreinberg and Krasny, Inc.	30	(*)					
Roegelein Provision Co.	32	(*)	(*)			(*)	
Do.	32A	(*)	(*)				
Valleydale Packers, Inc.	34	(*)	(*)	(*)		(*)	
Kenton Packing Co.	36	(*)					
Pocomoke Provision Co.	39	(*)	(*)	(*)			
Armour and Co.	40	(*)				(*)	
Sunnyland Packing Co.	43	(*)				(*)	
Stark Wetzel and Co., Inc.	44	(*)					
Do.	44A					(*)	
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Consolidated Dressed Beef Co., Inc.	47	(*)					
Lackawanna Beef and Provision Co.	49	(*)					
Midwestern Beef, Inc.	53	(*)					
Sunnyland Packing Co. of Alabama	56	(*)				(*)	
Glover Packing Co. of Amarillo	60	(*)					
Do.	60A			(*)	(*)	(*)	
Selkirk Realty Co.	65					(*)	
Somerville Packing Co.	66					(*)	
The Quaker Oats Co.	67E						(*)
Meat Quality Laboratory	68	(*)	(*)	(*)		(*)	
Auburn University	71	(*)					
Minch's Wholesale Meats, Inc.	72	(*)	(*)	(*)		(*)	
Brown Thompson and Son	73			(*)		(*)	
Eastern Packing Co.	74E						(*)
Armour and Co.	75	(*)	(*)	(*)	(*)		
The Eckert Packing Co.	79	(*)				(*)	
City Packing Co.	80	(*)	(*)				
The Cudahy Packing Co.	81	(*)				(*)	
Hill Packing Co.	83E						(*)
Edgar Packing Co.	84		(*)				
Excel Packing Co., Inc.	86	(*)					
Utica Veal Co.	88	(*)					
The E. Kahns Sons Co.	89	(*)	(*)	(*)		(*)	
Hygrade Food Products Corp.	90	(*)					
Sugardale Provision Co.	92	(*)				(*)	
Sbonya Packing Co.	93	(*)	(*)	(*)	(*)		
Samuels and Co., Inc.	94			(*)			
The Val Decker Packing Co.	95	(*)	(*)	(*)		(*)	
Central Packing Co., Inc.	96	(*)					
John Engelhorn and Sons	97					(*)	
A. Kochs Sons	98	(*)	(*)				
Armour and Co.	100	(*)		(*)			
Liberty Packing Co.	101	(*)	(*)				
I. Kaplan, Inc.	102	(*)					
Swift and Co.	104	(*)				(*)	
J. Lynn Cornwell, Inc.	107	(*)				(*)	

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Contris Packing Co., Inc.	110						
Wilson and Co., Inc.	111		(*)				
Hoffman Packing Co., Inc.	112						
Morris Packing Co.	113						
Acme Markets, Inc.	114						
Agar Packing Co.	262B						
West Coast Meat Co., Inc.	115		(*)				
Marbeder Packing Co., Inc.	121						
E. J. Arobe and Sons, Inc.	122						
Arbogast and Bastian Co.	123						
The H. H. Meyer Packing Co.	290						
San Jose Meat Co.	291		(*)				
Sioux City Dressed Pork, Inc.	292						
Mid Packing Co.	292A		(*)				
Quality Meat and Sons, Inc.	293						
Waldock Packing Co.	294						
Great Falls Meat Co.	301						
Commercial Packing Co., Inc.	302						
Union Packing Co.	303						
Do.	303A						
Do.	303B						
Star Provision Co.	306						
Star Packing Co.	307						
Joel E. Harrell and Son, Inc.	309						
New York State College of Agriculture	310						
Swift and Co.	311						
Wahoo Packing Co.	312						
De Kalb Packing Co.	314						
K. Shaw, Inc.	315						
Armour and Co.	177						
Montrose Beef Co.	180		(*)				
R. L. Zeigler, Inc.	181						
The Nath Packing Co.	184						
Do.	186C						
Do.	186P						
Seattle Packing Co.	191		(*)				
Krey Packing Co.	192						
John Morrell and Co.	196						
Hynes Packing Co.	197		(*)				
United Fryer and Stillman, Inc.	198						
George A. Hormel and Co.	199						
Do.	199A						
Do.	199D		(*)				
Do.	199H						
Do.	199I						
Do.	199N						
Waldin Packing Co.	200						
Ends Packing Co., Inc.	202						
National Packing Co., Inc.	204		(*)				
Heinz Riverside Abattoir, Inc.	208						
S. Adams Packing Co.	210						
Penn Packing Co.	211		(*)				
Elburn Packing Co.	212						
Kenosha Packing Co.	213		(*)				
Fred Dold & Sons Packing Co.	213C						
Lincoln Meat Co., Inc.	217						
York Packing Co., Inc.	220						
Gwaltney, Inc.	221A						
Armour and Co.	222		(*)				
De Jong Packing Co.	223						
Hygrade Food Products Corp.	224						
Do.	224B		(*)		(*)		
Gold Merit Packing Co., Inc.	232						
Wahl Schilling and Co., Inc.	233						
Animal Husbandry Department.	236						
Raskin Packing Co.	237						
Armour and Co. of Georgia, Inc.	238						
P. D. and J. Meats	240		(*)				
Clougherty Packing Co.	241						
Greenwood Packing Plant	242		(*)				
I. Klayman and Co.	243						
Do.	243A						
John Morrell and Co.	244						
Harget Realty Corp.	247						
Federal Packing Co., Inc.	249		(*)				
Frosty Morn Meats	250						
Prairie Packing Co.	253						
Sellers Dressed Beef, Inc.	257		(*)				
The Jones Dairy Farm	262						
Do.	263						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Star Provision Co.	626						
Big Foot Packing Co., Inc.	627						
Hygrade Meat Co.	630		(*)	(*)		(*)	
Gerstel Meat Co.	632						
Ebner Bros. Packers	633		(*)			(*)	
Auburn Packing Co., Inc.	636			(*)			
Ross Packing Co.	643						
Bird Provision Co.	644					(*)	
Spencer Packing Co.	645		(*)	(*)			
John Morrell and Co., Inc	649						
Wilson and Co., Inc	653		(*)				
Milwaukee Dressed Beef Co.	654						
Wilson and Co., Inc	655		(*)				
Bauma Bologna, Inc.	657			(*)			
St. Louis Dressed Beef Co.	659						
Quality Meat Packing Co.	660						
Quality Packing Corp.	661		(*)			(*)	
Western Meat Packers, Inc.	662						
Globe Packing Co.	663			(*)			
Webber Sausage Co., Inc.	665					(*)	
Crown Packing Co.	666						
Scottsbluff Packing Co.	667			(*)			
Nebraska Beef Co.	668						
E. S. Redfern and Sons, Inc.	671				(*)		
Swift and Co.	672			(*)			
Union Packing Co.	673		(*)				
Tiseele Meat Packing Co.	674						
Cavinese Packing Co.	675						
Jacob Bauer Sons, Inc.	676						
Colville Meats, Inc.	678		(*)				
Hess Davis Packing Co., Inc.	680						
Caldwell Packing Co., Inc.	682						
Nations Brothers Packing Co., Inc.	684						
The William Fookes Sons Co.	685				(*)		
The Sucher Packing Co.	689						
Pierce Packing Co.	691						
Bryan Meat Co.	692		(*)			(*)	
Animal Husbandry Department.	694			(*)	(*)		
Kramer Beef Co.	695						
Carter Packing Co.	698		(*)			(*)	
Dana Packing Co.	703						
Central Nebraska Packing Co.	713E						
Farmers Packing Co., Inc.	716						(*)
Armour and Co.	717		(*)	(*)			
Swift and Co.	726					(*)	
Roode Packing Co., Inc.	729						
Vogt Packing Co.	730						
Frosty Morn Meats	731		(*)			(*)	
Western Packing Co.	732						
The Quaker Oats Co.	732B						(*)
Ohio Packing Co., Inc.	734						
The Jacob Schlachters Sons Co.	739					(*)	
Mid-State Meat Co.	741						
Pioneer Boneless Beef Co.	742					(*)	
Howard Pancero and Co.	747						
Jack Miller	749						
Monroe Farmers Cooperative Packing Co.	753					(*)	
Seitz Packing Co., Inc.	756A						
Philadelphia Dressed Beef Co.	758					(*)	
The American Meat Packing Corp.	760						
Schlacks Packing Co., Inc.	761						
Kent Packing Co.	767					(*)	
Sheridan Meat Co., Inc.	768						
Earl C. Gibbs, Inc.	770		(*)	(*)			
Oadwell Martin Meat Co.	773						
Modern Meat Packing Co.	774						
Atlas Packing Co.	776						
The Cudahy Packing Co.	779					(*)	
Dyrm Dressed Meat Packing Co.	780			(*)	(*)		
Dyrm Packing Co.	781						
Granite State Packing Co.	785		(*)	(*)		(*)	
Auburn Packing Co., Inc	788						
Baumm Meat Packing	792		(*)				
Western Iowa Pork	806			(*)		(*)	
The G. Erhardt Sons, Inc.	810						
Golding Packing Co., Inc.	811		(*)	(*)			

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Lone Star Packing Co.	433						
Schaefer Packing Co.	436		(*)				
Omaha Dressed Beef Co., Inc.	441						
Del Curto Meat Co.	445			(*)			
Peerless Packing Co., Inc.	448						
Rosenthal Packing Co. of Paris	451						
Jewett Packing Corp.	456						
Swift and Co.	459						
Morris Hilkin and Sons, Inc.	460						
Pioneer Boneless Beef, Inc.	461						
Lancaster Packing Co.	462		(*)				
Litvak Packing Co.	465						
Bozwar Packing Co.	467						
Corn Husker Packing Co.	468		(*)				
Kent Packing Co.	471						
Iowa Pork Co., Inc.	472						
Armour and Co.	477						
Eldridge Packing Co., Inc.	478						
Middletown Beef Co., Inc.	483						
St. Cloud Meat Packing Co.	485						
East Tennessee Packing Co.	487						
Memphis Livestock Feeders Association, Inc.	488						
Nebraska Beef Co.	489						
Goldring Packing Co., Inc.	490						
Mid State Meat Packers, Inc	494						
Columbus Packing Co.	497						
Heim Brothers Packing Co., Inc	499						
Greenlee Packing Co.	501						
Swift and Co.	503						
Grunenfelder Packing Co.	506						
Armour and Co.	509						
The Hull and Dillon Packing Co.	510						
Shen Valley Meat Packers, Inc.	511						
Capitol Packing Co.	513						
Butchers Food Service, Inc	515						
Mid State Meat Co.	517						
Illinois Packing Co.	521						
Pearl Packing Co., Inc	524						
Armour and Co.	528						
Omaha Packing Co., Inc.	529						
Roanoke Packing Co., Inc	532						
Roanoke Packing Co., Inc.	535						
Oscar Mayer and Co., Inc.	537						
Do.	537C						
Midwest Packing Co.	538						
Wholesale Cooperative Meat Dealers Association	541		(*)	(*)			
Greenhill Packing Corp.	542						
United Meat Packers, Inc.	545						
Pride Packing Co., Inc.	546						
Pluta Packing Co.	550						
Salter Packing Co.	551						
Black Hills Packing Co.	554						
Mid South Packers, Inc.	557						
The Cudahy Packing Co.	559						
Dold and Son Packing Co.	560						
Packerland Packing Co., Inc.	562						
John Morrell and Co.	564						
Texas Meat Packers, Inc.	565						
Elmer Bender and Son, Inc.	569						
Forest City Packing Co., Inc.	571						
Peerless Packing Co., Inc.	575						
Armour and Co. of Kansas, Inc.	576						
Kingsford Packing Co., Inc.	581						
Coffeyville Packing Co., Inc.	583						
Dawson-Baker Packing Co., Inc.	588						
Swift and Co.	591						
Swift and Co. Packers, Inc.	592						
San Antonio Packing Co.	606						
Swift and Co.	608						
Eastern Oregon Meat Co., Inc	611						
National Tea Co.	613						
Donner Packing Co.	614						
Kummer Meat Co., Inc.	616						
Hygrade Food Products Corp.	617						
Hill Packing Co.	618						
Empire Packing Co.	622						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Lone Star Packing Co.	433						
Schaefer Packing Co.	436		(*)				
Omaha Dressed Beef Co., Inc.	441						
Del Curto Meat Co.	445			(*)			
Peerless Packing Co., Inc.	448						
Rosenthal Packing Co. of Paris	451						
Jewett Packing Corp.	456						
Swift and Co.	459						
Morris Hilkin and Sons, Inc.	460						
Pioneer Boneless Beef, Inc.	461						
Lancaster Packing Co.	462		(*)				
Litvak Packing Co.	465						
Bozwar Packing Co.	467						
Corn Husker Packing Co.	468		(*)				
Kent Packing Co.	471						
Iowa Pork Co., Inc.	472						
Armour and Co.	477						
Eldridge Packing Co., Inc.	478						
Middletown Beef Co., Inc.	483						
St. Cloud Meat Packing Co.	485						
East Tennessee Packing Co.	487						
Memphis Livestock Feeders Association, Inc.	488						
Nebraska Beef Co.	489						
Goldring Packing Co., Inc.	490						
Mid State Meat Packers, Inc	494						
Columbus Packing Co.	497						
Heim Brothers Packing Co., Inc	499						
Greenlee Packing Co.	501						
Swift and Co.	503						
Grunenfelder Packing Co.	506						
Armour and Co.	509						
The Hull and Dillon Packing Co.	510						
Shen Valley Meat Packers, Inc.	511						
Capitol Packing Co.	513						
Butchers Food Service, Inc	515						
Mid State Meat Co.	517						
Illinois Packing Co.	521						
Pearl Packing Co., Inc	524						
Armour and Co.	528						
Omaha Packing Co., Inc.	529						
Roanoke Packing Co., Inc	532						
Roanoke Packing Co., Inc.	535						
Oscar Mayer and Co., Inc.	537						
Do.	537C						
Midwest Packing Co.	538						
Wholesale Cooperative Meat Dealers Association	541		(*)	(*)			
Greenhill Packing Corp.	542						
United Meat Packers, Inc.	545						
Pride Packing Co., Inc.	546						
Pluta Packing Co.	550						
Salter Packing Co.	551						
Black Hills Packing Co.	554						
Mid South Packers, Inc.	557						
The Cudahy Packing Co.	559						
Dold and Son Packing Co.	560						
Packerland Packing Co., Inc.	562						
John Morrell and Co.	564						
Texas Meat Packers, Inc.	565						
Elmer Bender and Son, Inc.	569						
Forest City Packing Co., Inc.	571						
Peerless Packing Co., Inc.	575						
Armour and Co. of Kansas, Inc.	576						
Kingsford Packing Co., Inc.	581						
Coffeyville Packing Co., Inc.	583						
Dawson-Baker Packing Co., Inc.	588						
Swift and Co.	591						
Swift and Co. Packers, Inc.	592						
San Antonio Packing Co.	606						
Swift and Co.	608						
Eastern Oregon Meat Co., Inc	611						
National Tea Co.	613						
Donner Packing Co.	614						
Kummer Meat Co., Inc.	616						
Hygrade Food Products Corp.	617						
Hill Packing Co.	618						
Empire Packing Co.	622						

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
William H. Peters, Inc.	813	○					
Rochester Independent Packer, Inc.	817	○					
J. H. Routh Packing Co.	818					(*)	
Henry Meyers Sons, Inc.	822	○	(*)				
Penford Packing Co.	827	○					
Bristol Packing Co.	828	○	(*)			(*)	
Berchems Meat Co.	830	○					
White Packing Co., Inc.	835	○	(*)	(*)		(*)	
John Morrell and Co.	836	○					
Nat Burning Packing Co. of Arkansas	837B	○				(*)	
Frederick County Products, Inc.	838	○	○	(*)			
Herman Kreuper's Sons, Inc.	839	○					
Realfoot Packing Co.	840	○	○			(*)	
G. Bartusch Packing Co.	843	○					
Arena Dressed Beef Co.	853	○					
Sioux City Dressed Beef Co.	857	○					
Siouxland Dressed Beef Co.	857F	○		(*)			
Needham Packing Corporation of Montana	857G	○					
Jordan Meat and Livestock Co., Inc.	858	○	(*)	(*)	(*)	(*)	
Sam McDaniel and Sons, Inc.	859	○					
Wells and Davies, Inc.	860	○	(*)			(*)	
Sierra Meat Co.	862	○					
Tennessee Dressed Beef Co.	865	○					
Gunsberg Beef Co.	867	○					
Genesee Packing Co.	868	○					
Hardy and Co., Inc.	869	○					
Santa Ana Packing Co.	874	○	(*)				
Pahler Packing Corp.	880	○					
Vermont Dressed Beef Co., Inc.	883	○					
Alco Packing Co.	885	○	(*)	(*)			
Walden Packing Co., Inc.	886	○					
William Davies Co., Inc.	888A	○				(*)	
O'Neill Packing Co.	889	○					
City Packing Co.	891	○	(*)				
Sambol Packing Co.	892	○					
Tobin Packing Co., Inc.	893	○				(*)	
Vernon Calhoun Packing Co.	897	○					
Meats, Inc.	899	○	○				
Sigman Meat Co., Inc.	901	○	○				
Kanes Dressed Beef	907	○					
Hoosier Veterinary Laboratories, Inc.	912					(*)	
Chiapetti Packing Co.	916			(*)			
National Meat Packers, Inc.	917	○					
B. Constantino and Sons Co.	918	○	○				
Valleydale Packers Inc. of Bristol	922	○				(*)	
South Philadelphia Willowbrook, Inc.	923	○	○				
Wisconsin Packing Co.	924	○					
Peoples Packing Co.	925	○					
Kerber Packing Co.	929	○	(*)	(*)	(*)	(*)	
Tuproff Packing Co.	931	○					
McKenney Meat Co.	932	○	(*)				
E. B. Manning and Son	934	○					
Vols Packing Co.	938	○					
Cappellino Abattoir, Inc.	939	○					
Gentner Packing Co., Inc.	941	○					
Deltrich Meat Packers, Inc.	944	○				(*)	
Whitehall Packing Co.	946	○	○				
M. Briser and Co.	948	○					
Joe Doctorman and Son Packing Co., Inc.	949	○	(*)	(*)			
Armour and Co.	956	○				(*)	
Reliable Packing Co.	959	○				(*)	
Greater Omaha Packing Co., Inc.	960	○	○				
Virginia Packing Co., Inc.	963	○	○	(*)			
Earl Flick Wholesale Meats, Inc.	965	○					
T. L. Lay Packing Co.	967	○				(*)	
Monfort Packing Co.	969	○		(*)			
Hawaii Meat Co., Ltd.	970	○	○				
Perlin Packing Co., Inc.	974	○	(*)	(*)			
National Food Stores, Inc.	981	○					
Reitz Meat Products Co.	983	○				(*)	
Hospers Packing Co.	985	○					
Everett C. Horlein and Son, Inc.	988	○					
Sunflower Packing Co., Inc.	992	○					
Johnson Meat Products Co., Inc.	994	○				(*)	
Klaere of Kentucky, Inc.	995	○	(*)	(*)			
Do.	995A					(*)	
Do.	995C					(*)	
Valley Meat Co.	1009	○	○	○			
The Home Pride Provisions, Inc.	1029	○	○	○	(*)	(*)	
Armour and Co.	1065	○	○				
Landy Packing Co.	1171	○					
The Harris Packing Co.	1175					(*)	
Wayne Packing Co.	1303	○					
The Rath Packing Co.	1307	○	○				
A. F. Moyer and Sons, Inc.	1311	○	○	(*)			
McCabe Packing Plant	1312	○					
Swift and Co.	1315	○				(*)	
Nebraska Iowa Dressed Beef Co.	1318	○					
Stevens Meat Co., Inc.	1485	○	(*)				

Done at Washington, D.C., this 5th day of February 1964.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-1328; Filed, Feb. 7, 1964; 8:50 a.m.]

Commodity Credit Corporation

STORAGE OF COTTON

Extension of Date for Submission of Data

Commodity Credit Corporation announced on December 10, 1963 (28 F.R. 13373) that a series of hearings were to be held to review certain questions relating to CCC's cotton storage policies, procedures, and rates and that written views and recommendations, as well as statements supplementing evidence presented at the hearings could be presented not later than February 15, 1964 to the Secretary, Commodity Credit Corporation, Room 203-W, Administration Building, 14th Street and Independence Avenue SW., Washington, D.C., 20250.

At the request of interested parties, the final date for submission of written views and recommendations has been extended to February 25, 1964.

(Sec. 4, 5, 62 Stat. 1070, as amended)

Done at Washington, D.C., this 5th day of February 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64-1283; Filed, Feb. 7, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATOMIC ENERGY COMMISSION

Notice of Filing of Petition Regarding Food Additive Gamma Radiation

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1297) has been filed by the United States Atomic Energy Commission, Washington, D.C., 20545, proposing the issuance of a regulation to provide for the safe use of the following packaging materials that have been subjected to a dose of irradiation not to exceed 1 megarad from gamma radiation used in the processing of packaged food in accordance with regulations under Subpart G of the food additive regulations (21 CFR Part 121):

Cellophane.
Glassine paper.
Paraffin and microcrylstalline wax-coated paperboard.
Polyolefin films produced from polypropylene, polyethylene, or ethylene-alkene-1 copolymers.
Polystyrene.
Rubber hydrochloride film.
Vinylidene chloride-vinyl chloride copolymer film.

Dated: February 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1267; Filed, Feb. 7, 1964; 8:48 a.m.]

FORT DODGE LABORATORIES, INC.

Notice of Filing of Petition Regarding Food Additives Dihydrostreptomycin, Chlorhexidine Dihydrochloride, and Phthalylsulfathiazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 356) has been filed by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa, proposing the issuance of a regulation to provide for the safe use of dihydrostreptomycin, chlorhexidine dihydrochloride, and phthalylsulfathiazole, as follows:

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Dihydrostreptomycin	120 mg.	Chlorhexidine + Phthalylsulfathiazole.	500 mg. 1,000 mg.	In tablets or suspension for oral ingestion by calves; total daily dose per 100 lb. body weight for 5 days; withdraw 3 days before slaughter; as dihydrostreptomycin sulfate and chlorhexidine dihydrochloride.	Treatment of bacterial scours in calves.

Dated: February 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1268; Filed, Feb. 7, 1964; 8:48 a.m.]

INTERNATIONAL VERMOUTH INSTITUTE ET AL.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1318) has been filed by International Vermouth Institute, c/o Buchman & Buchman, 292 Madison Avenue, New York 17, New York; Federazione Italiana Industrie, Vini & Liquori, c/o Buchman & Buchman, 292 Madison Avenue, New York 17, New York; and Wine Institute, National Press Building, Washington, D.C., proposing the issuance of a regulation to provide for the safe use of natural flavors (to include spices, seasonings, flavorings (leaves, roots, barks, berries), essential oils, oleoresins, and natural extractives including distillates) in alcoholic beverages, as follows:

Agaric, white.
Althea (marshmallow) flowers and root.
Arnica flower extract.
Artemisia (wormwood), to contain no more than 10 parts per million of thujone.
Artichoke (leaves).
Benzoin gum (resin).
Blackberry, bark, extract.
Blessedthistle (holly thistle) herb, herb extract, solid, and herb oil.
Buckbean leaves extract.
Calamus (sweetflag), calamus root, and calamus oil.
Calumba, calumba root, and calumba extract.
Camphor laurel tree, camphor, Japanese oil, white and camphor leaves and oil.
Cascara, cascara bark and bitterless extract.
Cassie absolute.
Catechu, black, extract and powder.
Centaury, centaury minor (centaurium herb).
Cherry-laurel water (laurocerasus water).
Chirata (chiretta, East Indian balmony) and chirata herb extract.
Cinchona bark (Peruvian bark).
Costmary.
Cubeb and cubeb oil.
Currant (black) buds, absolute; buds, extract, solid; and leaves.
Dittany (fraxinella).
Dittany of Crete.
Elder tree leaves.
Elecampane root, root extract, and root oil.
Galanga, greater.
Gambir (catechu, pale).
Gentian and gentian root extract.
Gentian, stemless, and gentian root.
Germander (chamaedrus), germander extract and extract, solid.
Germander, golden.
Guaiac gum extract, wood extract and wood oil.
Iceland moss.
Imperatoria (masterwort) and imperatoria root.
Iva (musk yarrow).
Lemon-verbena
Linden leaves.
Lovage, lovage extract and oil.
Maidenhair fern.
Mullein flowers.
Myrrh gum and oil.
Myrtle.
Oak chips, extract.
Oak (English) wood.
Oak moss absolute (mousse de chine) and extract Evernia prunastri (L.) Ach. (true oak moss).
Orris root, extract orris concrete, liquid.
Pansy.
Peach leaves.
Pennyroyal (European) and pennyroyal (European) oil.
Pine, needle, dwarf, oil.
Pine, pumilio.
Pine (white) bark, bark oil, bark extract, solid.
Poplar buds.
Quassia, quassia extract chips, chips extract, bark extract.
Quillaia, extract (soap bark extract, china bark extract).
Rhatanyroot and rhatany extract.
Rhubarb extract and rhubarb root.
Rhubarb, garden, root.
Roselle (jamaica sorrel).
St. Johns-wort.
Sandalwood (East Indian sandalwood), sandalwood extract, sandalwood extract solid, sandalwood oil.
Senna, Alexandrian.
Serpentaria (Virginia snakeroot).
Simaruba (Orinoco bark).
Tolu balsam and extract and gum.
Valerian root, root extract and oil.
Veronica.
Vervain, European.
Violet, Swiss.
Walnut hull, extract, walnut leaves, extract; walnut husks and walnuts, green.
Yarrow herb and root.

Dated: February 3, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulation.

[F.R. Doc. 64-1269; Filed Feb. 7, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14868; Order E-20440]

LAKE CENTRAL AIRLINES, INC.

Order Expanding Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1964.

Lake Central Airlines, Inc., "Use It or Lose It" and route alignment investigation; Docket No. 14868.

On November 12, 1963, by Order E-20182, the Board instituted the instant proceeding to determine the need for continued air service to certain cities and certain segments[1] presently authorized for service by the certificate of public convenience and necessity of Lake Central Airlines, Inc. (Lake Central) and to realign the route segments described in that certificate.[2] The order also directed Lake Central to submit to the Board passenger origination data identified by flight and segment number for the most recent twelve months for certain cities which are authorized for service on more than one segment and which may have failed to originate the minimum number of passengers required under the Board's "use it or lose it" policy on one or more of the segments. The cities are: Kokomo-Logansport-Peru, Indiana (Kokomo), authorized for service on segments 1, 2, 3, and 6; Mansfield, Ohio, on segments 4, 6, and 15; Marion, Indiana, on segments 3 and 6; Elkins, West Virginia, on segments 12 and 14; and Lima, Ohio, on segments 6 and 8. During the twelve months ended March 31, 1963, the total passengers originated per day at these points on all segments were:[3] Kokomo, 10.49; Mansfield, 15.51; Marion, 5.90; Elkins, 6.91; and Lima, 12.92.

The data furnished by Lake Central covering the twelve months ended October 31, 1963, show that the traffic originated was less than five passengers per day for each of the above-named points over at least one segment with the exception of Mansfield (Appendix A).[4] Appendix B[4] to this order shows that Mansfield received no service on segment 15 during the twelve-month period. Since that segment is already in issue as a result of substandard loads, and since the point has enplaned more than the minimum traffic on segments 4 and 6 (Appendices A and B), the previously determined scope of the proceeding will

[1] Columbus and Richmond, Indiana; Findlay and Portsmouth, Ohio; Jackson, Michigan; Martinsburg, West Virginia; segment 3, between Marion, Indiana, and Cincinnati, Ohio; segment 7(a) between Bloomington, Indiana, and Indianapolis, Indiana; segment 7(b) between Bloomington and Cincinnati; and segment 15.

[2] Various pleadings have been filed in this case, dealing with objections to the show cause order, the scope of the issues, and similar matters. These are not treated in this order and will be disposed of at an appropriate time.

[3] Order E-20182, supra, App. A.

[4] Filed as part of the original document.

be adequate to resolve all issues concerning Lake Central's authority to serve Mansfield.

Appendix A is the data as supplied by Lake Central in response to our directive. In Appendix B we have reconstructed that information by relating the flight direction to the segment authority held by the carrier. For example, Elkins is authorized for service on segments 12 and 14 and Flight 474 operates over both segments. It is routed over segment 14 from Baltimore to Elkins, over segments 14 and 13 from Elkins to Clarksburg, and over segment 12 from Clarksburg to Charleston. Those passengers originating at Elkins on Flight 474 are destined, for the most part, for Charleston, a city which may only be reached pursuant to segment 12 authority.[5]

While the difference in classification of the flights by segment in the two appendices leads to somewhat different figures for passengers enplanements at the several points and on the various segments,[6] there is no difference in the cities to be added for "use it or lose it" issues, with the exception of Kokomo. Appendix A shows 2.4 originating passengers per day at Kokomo on segment 2, whereas Appendix B shows 7.7 passengers per day. On the basis of the carrier's distribution of Kokomo traffic by segment, the point would be placed in issue on all four segments, but on the basis of our distribution, Kokomo will be placed in issue on segments 1, 3, and 6, and not on segment 2.

On the basis of the available information relating to passenger enplanements by segments we find that during the twelve months ended October 31, 1963, Lake Central boarded fewer than five passengers per day at several points on certain segments and that the investigation in Docket 14868 should be expanded to include the issues of whether those cities should continue to be served on those segments. The cities and segments are: Lima, on segment 8; Marion, on segments 3 and 6; Kokomo, on segments 1, 3, and 6; and Elkins, on segments 12 and 14.

Accordingly, it is ordered:

1. That the investigation in Docket 14868 be and it hereby is expanded to determine whether the public convenience and necessity require:

a. The suspension of Lake Central's certificate insofar as it authorizes the carrier to serve Lima, Ohio, on segment 8, Marion, Indiana, on segments 3 and 6, Kokomo-Logansport-Peru, Indiana, on segments 1, 3, and 6, and Elkins, West Virginia, on segments 12 and 14;

b. The alteration, amendment, or modification of Lake Central's certificate in such manner as to delete Lima, Ohio, on segment 8, Marion, Indiana, on segments 3 and 6, Kokomo-Logansport-Peru, Indiana, on segments 1, 3, and 6, and Elkins, West Virginia, on segments 12 and 14; and

2. That a copy of this order shall be served on all persons made parties to this proceeding by Order E-20182.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1278; Filed, Feb. 7, 1964; 8:48 a.m.]

[5] Similarly, Appendix B classifies the following flights differently from Appendix A: for Lima, Flight 956 is classified as relating to segment 8, and Flight 110, as relating to segment 6; for Kokomo, Flight 115 is classified as relating to segment 6, Flight 516 as relating to segment 2, and Flight 110 as relating to segment 2.

[6] For Marion on segments 3 and 6, the results are the same in both Appendices.

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SW-1]

H. S. ANDERSON TRUCKING CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SW-OE-5172) to determine its effect upon the safe and efficient utilization of navigable airspace.

The H. S. Anderson Trucking Company, Port Arthur, Texas, proposes to construct a radio antenna structure near Port Arthur, Texas, at latitude 29°55'28'' north, longitude 93°57'52'' west. The overall height of the structure would be 310 feet above mean sea level (304 feet above ground).

The proposed structure would be located approximately 2.8 miles southeast of the Jefferson County Airport, Beaumont, Texas. It would exceed the standards for determining hazards to air navigation in § 77.23(a)(2) of the Federal Aviation Regulations by 104 feet since it would be more than 200 feet high within a control zone.

The aeronautical study disclosed that the structure would require an increase from 400 feet to 600 feet in the straight-in and circling minimum altitudes for AL-521-ILS-RWY 29 (back course) instrument approach procedure.

The preferred inbound routing to the Jefferson County Airport for aircraft from the east is via VOR Federal airway No. 20 South to the Marsh, Texas, Intersection, thence via the back course procedure. Groves, Texas, Intersection is the final approach fix for this procedure. The study disclosed that the proposed structure would be located between the Groves Intersection and the airport. It would not be possible to relocate the intersection between the proposed structure and the airport without requiring an excessive rate of descent for aircraft executing this procedure.

The study further disclosed that there were 2,794 instrument approaches to the Jefferson County Airport during Fiscal Year 1963. Of this number, approximately 20 percent or 559 were ILS back course procedures. It was also disclosed that a significant number of these were conducted when the ceiling was less than 600 feet. Under these circumstances, it has been determined that the increase in minimums would require a substantial number of aircraft to make a full VOR or ILS procedure thus adding considerably to the length of time for each approach. This requisite would have a substantial adverse effect on such aeronautical operations by creating additional traffic delays.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations at the Jefferson County Airport and that procedures could not be altered to accommodate the structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on January 30, 1964.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-1262; Filed, Feb. 7, 1964; 8:47 a.m.]

[OE Docket No. 64-SO-2]

COLQUITT BROADCASTING CO.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3194) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Colquitt Broadcasting Company, Moultrie, Georgia, proposes to construct a guyed radio antenna structure near Moultrie, Georgia, at latitude 31°10'12'' north, longitude 83°44'52'' west. The overall height of the proposed structure would be 618 feet above mean sea level (328 feet above ground).

The proposed structure would be located approximately 13,891 feet northwest of the northwest end of Runway 14/32 of Spence Air Base, Moultrie, Georgia. It would be approximately 1,578 feet southwest of the extended runway centerline. At this location, it would exceed the standards for determining hazards to air navigation as defined in §§ 77.27(a) and 77.25(b)(1) of the Federal Aviation Regulations by 58 feet and 75 feet respectively.

The aeronautical study disclosed that Spence Air Base is an auxiliary training field to Moody Air Force Base, Valdosta, Georgia. The Air Force proposes to use Spence Air Base in the near future in its undergraduate pilot training program. The proposed flight training will consist of practice landings and low approaches, using T38 (Talon) aircraft. An essential part of this training will consist of VFR approaches made without the use of flaps. In executing this type of an approach, the normal procedure is to make a long, flat, power-on approach. The "roll out" on final is normally executed approximately 1½ to 2½ miles from the landing end of the runway at an altitude of 300 feet above ground. When runway 14 is in use, such a procedure would place the aircraft in proximity to the proposed structure at an altitude below its proposed height.

The Air Force expects to have a mean average of 88 student training sorties daily. The number of approaches in which flaps will not be used will vary as the student progresses. Early in the training period, the number may be 30 percent of the patterns flown. The number will decrease as experience is gained. The overall percentage will be approximately 5 percent.

Based upon the aeronautical study, it is the finding of the Agency that the type of aeronautical operation proposed by the Air Force for Spence Air Base would result in high performance aircraft, piloted by student pilots, operating in dangerous proximity to the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on January 31, 1964.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-1263; Filed, Feb. 7, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14321—14328; FCC 64M-99]

BLACK HILLS VIDEO CORP.

Order Scheduling Prehearing Conference

In re applications of Black Hills Video Corporation, Docket No. 14321, File No. 223-C1-R-61, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14322, File No. 361-C1-ML-61, for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14323, File No. 338-C1-R-61, for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Service at Davy, Texas; Docket No. 14324, File No. 752-C1-R-61, for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado; Docket No. 14325, File No. 753-C1-R-61, for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska; Docket No. 14326, File No. 754-C1-R-61, for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska; Docket No. 14327, File No. 755-C1-R-61, for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming; Docket No. 14328, File No. 756-C1-R-61, for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota.

It is ordered, This 3d day of February 1964 on the Hearing Examiner's own motion that a further prehearing conference shall be held herein on February 12, 1964, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: February 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1285; Filed, Feb. 7, 1964; 8:49 a.m.]

[Docket No. 15309]

VERNIE WAYNE KINNEMAN

Order To Show Cause

In the matter of Vernie Wayne Kinneman, Compton, California, Docket No. 15309; order to show cause why there should not be revoked the license for radio Station KFA-4590 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated December 5, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 12, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 31st day of January 1964, pursuant to section 312 (a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by Certified Mail—Return receipt requested to licensee at his last known address of 1826 East Palmer, Compton, California.

Released: February 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1286; Filed, Feb. 7, 1964; 8:49 a.m.]

[Docket Nos. 15254, 15255; FCC 64M-101]

ULTRAVISION BROADCASTING CO. ET AL.

Order Continuing Prehearing Conference

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

The Hearing Examiner has under consideration a motion filed January 31, 1964, on behalf of each of the above-entitled applicants requesting that the prehearing conference presently scheduled to be held on February 5, 1964, be continued to February 19, 1964.

The applicants desire the additional time in order to engage in informal conferences with the view of exploring the possibility of entering into stipulations prior to the hearing conference, and to respond to certain pleadings which have already been filed.

It appears that the granting of the requested postponement will not of itself result in a change in any of the other procedural dates previously specified. Counsel for the Chief, Broadcast Bureau has consented to immediate favorable consideration of this motion. Good cause for granting the motion has been shown.

It is ordered, This the 4th day of February 1964, that the motion to postpone the prehearing conference is granted and the prehearing conference previously scheduled for February 5, 1964, is continued to February 19, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: February 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1287; Filed, Feb. 7, 1964; 8:49 a.m.]

[Docket No. 15310]

VEGAS GARAGE

Order To Show Cause

In the matter of Harvey C. Thompson d/b as Vegas Garage, Las Vegas, Nevada, Docket No. 15310; order to show cause why there should not be revoked the license for Radio Station KEJ-2000 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, That, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated November 1, 1963, alleging violation of § 19.61(a) and (f) (now § 95.81 (a) and (f)) of the Commission's rules.

It further appearing, That said licensee did not reply to such communication or to a follow-up letter dated December 2, 1963, also mailed to the licensee at his address of record; and

It further appearing, That, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, That the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 31st day of January 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 817 South Main Street, Las Vegas, Nevada.

Released: February 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1288; Filed, Feb. 7, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP61-21]

MISSISSIPPI RIVER FUEL CORP.

Order Approving Presiding Examiner's Continuance of Hearing

FEBRUARY 3, 1964.

By order issued December 16, 1963 prescribing hearing procedure herein, Mississippi River Fuel Corporation (Fuel) was directed to file its prepared testimony and supporting exhibits on or before January 7, 1964, with subsequent dates set for this purpose for the Commission staff and interveners. It also directed that a pre-hearing conference be convened on January 29, 1964.

On November 19, 1963, Fuel, by telegram, requested a 60-day continuance from January 7, 1964 for the filing of its case and for a similar continuance of all other dates fixed by the aforesaid order of the Commission.

The Examiner granted a 10-day extension to all parties for the filing of prepared testimony and exhibits and directed that a pre-hearing conference be convened on January 15, 1964.

At the aforementioned pre-hearing conference held on January 15, 1964, it was agreed and stipulated by and between the parties participating that they would exchange basic cost figures and data, Fuel and Staff to file and serve their data on or before February 7, 1964, and the interveners to file and serve their data on or before February 14, 1964.

After allowing for a sufficient time to study the data aforesaid it was agreed by the said parties, and approved by the Presiding Examiner, that further pre-hearing conference herein be convened on March 11, 1964, such extension being for a period in excess of 30 days.

The Commission finds. In view of the foregoing, the recess in excess of 30 days granted by the Presiding Examiner to March 11, 1964 should be approved.

The Commission orders. The extension of the pre-hearing conference for a period in excess of the 30 days by the Presiding Examiner to March 11, 1964 is hereby approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1264; Filed, Feb. 7, 1964; 8:47 a.m.]

[Docket No. RP64-16]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 5, 1964.

Take notice that pursuant to Federal Power Commission Order No. 257, issued November 6, 1962 (27 F.R. 11001), on January 31, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) filed proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, under the provisions of section 4(e) of the Natural Gas Act, to become effective on March 17, 1964. The newly proposed changes reflect increased rates and charges in Rate Schedules G-1, G-2, IOR-1, and IOR-2. The total proposed increase in rates and charges amount to approximately $853,000 based on actual sales during the twelve month period ending September 30, 1963.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before February 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1361; Filed, Feb. 7, 1964; 10:20 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38793: *Iron or steel articles to Owensboro, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2702), for interested rail carriers. Rates on iron or steel angles, plates, sheets and structural braces, brackets, forms, posts, shoes, struts or separators, in carloads, from points in Pittsburgh, Pa., District, also Steubenville and Yorkville, Ohio, Follansbee and Weirton, W. Va., to Owensboro, Ky.

Grounds for relief: Barge competition.

Tariff: Supplement 30 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-262.

FSA No. 38794: *Liquefied chlorine gas to Palatka, Fla.* Filed by O. W. South, Jr., agent (No. A4447), for interested rail carriers. Rates on liquefied chlorine gas, in tank car loads, from Redstone Arsenal, Ala., to Palatka, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 115 to Southern Freight Association, agent, tariff I.C.C. S-194.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1276; Filed, Feb. 7, 1964; 8:48 a.m.]

[Notice No. 938]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 5, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66418. Corrected Notice.[1] By order of January 9, 1964 the Transfer Board approved the transfer to Bassco Drayage, Inc., Berkeley, Calif., applicant in No. MC 120753 (Sub-No. 1), BOR-99 filed in the name of Millen L. Simpson, Florence A. Simpson, Executrix, John W. Ashford, William D. Sorensen and Gordon H. Ball, a partnership, doing business as Bassco Drayage, Berkeley, Calif., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206 (a)(1) of the Act, supported by California Certificate No. 61108, authorizing the transportation of (a) construction, mining and logging machinery, equipment, materials and supplies; and (b) commodities which by reason of size, weight or bulk require special equipment or handling, and materials parts or supplies that are appurtenant to or a necessary part of such commodities, between all points on or within 25 miles of the following routes: U.S. 101 and 101 Bypass between Garberville and Salinas; State 1 between Leggett Valley and Monterey; State 9 and 17 between Oakland and Santa Cruz; U.S. 40 and 40-Alternate between San Francisco and the California-Nevada State line; U.S. 50 between San Francisco and the California-Nevada State line; U.S. 99, 99-E and 99-W between Red Bluff and Fresno; State 36 between Red Bluff and Johnstonville; U.S. 395 between Johnstonville and the California-Nevada State line and between the California-Nevada State line and Independence; State 20 between Calpella and junction with U.S. 40 near Cisco; State 128 between State Highway 1 near Albion and Winters; State 12 between Santa Rosa and San Andreas; State 29 between Upper Lake and Vallejo; State 16 between State 20, near Wilbur Springs and Drytown; State 32 between Orland and State 36 near Childs Meadow; unnumbered highway between U.S. Highway 40-A, near Honcut, to junction with State 89, near Quincy, via La Porte and Nelson Point; State 89 between State 36 near Chester and U.S. 395 near Coleville; State 49 between Sattley and Mariposa; State 4 between U.S. 40, near Pinole and State 89 near Markleeville; State 88 between Stockton and Woodfords; State 24 between Oakland and Marysville; State 108 between Sonora and U.S. 395 near Fales Hot Spring; State 120 between U.S. 50, near Lathrop and Lee Vining; State 140 between State 33, near Gustine, and Yosemite; State 41 between Fresno and Yosemite; State 33 between U.S. 50, near Tracy and Mendota; State 152 between Watsonville and Califa; State 180 between Mendota and Cedar Grove; State 168 between State 41, near Pinedale, and Lake Florence; unnumbered highway paralleling north fork of Kings River between State Highway 180, near Centerville, and Balch Camp; State 132 between Vernalis and Coulterville; State 37 and 48 between U.S. 101, near Ignacio and Vallejo; and State 45 between Knight's Landing and State 32, near Hamilton City. Conditions: Applicants shall transport no shipment subject to a minimum weight of 10,000 pounds or less or subject to a rate applicable to a shipment of 10,000 pounds or less to, from or between; points on U.S. 50 between Placerville and the California-Nevada State line; points on State 89 between U.S. 40 and 50; and points on U.S. 395 between Independence and the California-Nevada State line. Daniel W. Baker, 625 Market Street, San Francisco 5, Calif., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1277; Filed, Feb. 7, 1964; 8:48 a.m.]

[1] The notice being corrected did not include the latter portion of the operating rights described.

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VOLUME 29 NUMBER 29

Washington, Tuesday, February 11, 1964

THE UNIVERSITY OF MICHIGAN
FEB 19 1964
MAIN READING ROOM

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Just Released

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3573

NATIONAL POISON PREVENTION WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS untold numbers of innocent children, who are too young and inexperienced to comprehend their peril, are needlessly and thoughtlessly exposed to grave injury or even death as a result of the careless or negligent handling, storage, and disposal by adults of potentially poisonous medicines and household products; and

WHEREAS, each year, approximately one-half million of these young children consume medicines which are not intended for their use and swallow a variety of household products that are not intended for human consumption; and

WHEREAS most of those medicines and household products are non-toxic and beneficial to mankind when properly used but are potentially poisonous when misused; and

WHEREAS a significant number of serious injuries and deaths can be averted if adults will but exercise greater caution and consideration when handling or storing such items and when disposing of them so as to assure that those items are kept out of the reach of young children; and

WHEREAS, by a joint resolution approved September 26, 1961 (75 Stat. 681), the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 15, 1964, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and organizations interested in child safety, to participate actively in programs designed to promote better protection against accidental poisonings.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of February in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-1400; Filed, Feb. 10, 1964; 10:02 a.m.]

There are no restrictions on the republication of material appearing in the

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

ENTRY INTO GUAM

Pursuant to the authority conferred by the proviso in the Fruit and Vegetable Notice of Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) and § 319.56–2 of the regulations supplemental to said quarantine (7 CFR 319.56–2), under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), § 319.56a (d) of the administrative instructions appearing as 7 CFR 319.56a(d) is hereby amended to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

* * * * * * *

(d) Coconuts with husks are not approved for entry into Guam from the Trust Territory under § 319.56.

* * * * * * *

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

This amendment shall become effective February 11th, 1964.

This amendment limits the prohibition on the movement of coconuts from the Trust Territory into Guam to coconuts with husks. Coconuts without husks are admissible under the amendment. Recent typhoons have destroyed the coconut crop on Guam, and the Government of Guam desires to secure coconuts from the Trust Territory. Such movement is without pest risk if the husks are removed.

In order to be of maximum benefit to importers in Guam, the amendment should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 6th day of February 1964.

[SEAL] W. H. WHEELER,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 64–1350; Filed, Feb. 10, 1964; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 776—WHEAT STABILIZATION PROGRAM

Subpart—1963 Wheat Stabilization Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1963 Wheat Stabilization Program, 27 F.R. 12430, are hereby amended as follows:

1. Section 776.106(a)(2) is amended by changing the last sentence thereof to read as follows:

§ 776.106 Approved conservation uses for diverted acreage.

(a) * * *

(2) * * * Wheat or barley may be used as a cover crop only when destroyed by natural causes, plowed down as green manure, destroyed by mechanical means, or clipped and left on the land prior to harvest.

* * * * * * *

2. Section 776.107(d) is amended by changing the date "November 1, 1963" in the first sentence thereof to "October 1, 1963."

3. Section 776.107(f) is amended by adding at the end thereof the following new sentence:

§ 776.107 Designation and use of diverted acreage.

(f) * * * The diverted acreage may also be devoted to a non-agricultural use in the fall of 1963 provided such land is devoted to an approved conservation use through September 30.

* * * * * * *

4. Section 776.109(b) is amended by changing subparagraph (6) to (7) and adding the following new subparagraph (6):

§ 776.109 Normal conserving acreage.

(b) * * *

(6) Small grains seeded alone and cut for hay not later than the date referred to in paragraph (c) of this section in areas determined by the State committee to be adversely affected by severe drought conditions.

* * * * * * *

5. Section 776.109(c)(1) is amended by changing the word "An" in the first sentence thereof to "an" and inserting immediately before such word the following: "Except as provided in § 776.109(b)(6),".

6. Section 776.111(g) is amended by deleting the words "guar and" in subparagraph (1) and changing subparagraph (2) to read as follows: "30 per centum of the payment rate per acre otherwise applicable to the farm in the case of land devoted to castor beans and guar, and,".

7. Section 776.118(g) is amended by changing the second sentence thereof to read as follows: "The amount of the price support payment shall be determined by multiplying the 1963 acreage of wheat as defined in the regulations governing the Wheat Marketing Quota for 1961 and subsequent years, plus any acreage of wheat determined to have been planted for harvest within the permitted acreage which is destroyed prior to harvest, by the price support payment rate per acre determined in accordance with § 776.111(h): *Provided*, That no price support payment shall be made with respect to any acreage which is designated as diverted acreage, counted toward meeting the conserving base requirement, or used as underplanted acreage to remove from storage wheat from any previous crop which was stored in order to postpone or avoid payment of a marketing quota penalty."

8. Section 776.118(b) is amended by changing subparagraph (3) to read as follows: "the total conserving acreage on the farm (including diverted acreage devoted to crops planted in lieu of conservation uses) is less than the sum of the conserving base and the intended diverted acres under this program and the Feed Grain Program by more than (*a*), in case the sum of the conserving base and the intended diverted acres is 20 acres or less, the largest of 1 acre, the sum of the tolerances applicable to the intended diverted acres under subparagraph (1) of this paragraph (b) and § 775.220(b)(1) of the regulations governing the Feed Grain Program, or 10 percent of the sum of the conserving base and the intended diverted acres, and (*b*), in case the sum of the conserving base and the intended diverted acres is over 20 acres, the largest of 2 acres, the sum of the tolerances applicable to the intended diverted acres under subparagraph (1) of this paragraph (b) and § 775.220(b)(1) of the regulations governing the Feed Grain Program, or 5 percent of the sum of the conserving base and the intended diverted acres: *Provided*, That the county committee, with the approval of a representative of the State committee, may make payment to the extent of the acreage eligible for payment under paragraph (c) of this section with respect to a farm not meeting the requirements of subparagraphs (1) and (3) of this paragraph (b) if the farm operator establishes that, because of the small size of the deficiency and the unavailability of recent measurements of field acreages on the farm, he had no reason to believe

that the designated acreage was less than the acreage intended to be diverted or that the total conserving acreage was less than the sum of the conserving base and the intended diverted acres, and all additional acreage on the farm (including any wheat and other unharvested crops) eligible for such purposes at the time the operator receives a Form ASCS–590 (Notice of Acreage) is designated as diverted acreage or is counted toward meeting the conserving base requirement, and there is still insufficient acreage to comply with the requirements of subparagraphs (1) and (3) of this paragraph (b)."

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 6, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64–1352; Filed, Feb. 10, 1964; 8:52 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 868.16]

PART 868—SUGARCANE; VIRGIN ISLANDS

Wage Rates, 1964

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 22, 1963, the following determination is hereby issued.

§ 868.16 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1964.

(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1964 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this section in the FEDERAL REGISTER not less than the following:

(i) *Basic time rates.* The basic rate per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker:	Basic rates per hour
A—Operator of mechanical loaders	$0.90
B—Operator of tractors and trucks	.75
C—Chemical sprayers	.70
D—All others	.65

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for tractor operators in Class B of subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed six work-weeks and: *Provided further,* That the producer shall file with the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico (herein referred to as Area Office), a certified statement containing the names of all such workers, the hourly wage rate paid to each, and the period each was employed as a learner or as an apprentice.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency, the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the producer shall file with the Area Office, a certified statement containing the names of all such workers, the hourly wage rates paid to each, and the nature of the handicap of each such worker.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 40 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Proof of compliance.* The producer shall, upon request, furnish the Area Office acceptable and adequate proof which satisfies such office that all workers have been paid in accordance with the requirements of this section.

(c) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(d) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms may be obtained by writing to the Caribbean Area Agricultural Stabilization and Conservation Service Office, Santurce, Puerto Rico. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and county Operations, his decision shall be binding on all parties insofar as payment under the act is concerned.

Statement of bases and considerations. (a) *General.* The foregoing determination establishes the minimum wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1964 as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among the various producing areas.

(c) *1964 wage determination.* This determination increases the minimum wage rates for each operation 15 cents per hour over the rates established by the 1963 determination. Other provisions of the 1963 determination remain unchanged.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 22, 1963, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1964. A representative of the Virgin Islands Corporation, which is owned by the Federal Government and is the largest producer of sugarcane in the Virgin Islands, recommended that the minimum wage rate for each classification of workers be increased 10 cents per hour. The witness stated that the continued shortage of agricultural laborers again forced the Corporation to import substantial numbers of British West Indian laborers for cultivating and harvesting sugarcane; that most of the harvesting operation was done on a piecework basis which resulted in considerably higher hourly wages than the required minimums; that the Corporation pays the air fare of the alien workers from their homes to St. Croix, and also furnishes them housing; and that favorable weather and high sugar prices resulted in a profitable operation in 1963.

The representative of one of the larger independent producers recommended that the minimum wage rate for each worker classification for which a rate is established be increased 10 cents per hour. The witness testified that they imported workers from the British West Indies; that out of a total labor force of from 60 to 65 for the harvest season, only two were local workers; and that the recommendation for a wage increase was based upon the fact that there had been general wage increases for all classes of workers on the Island, that there had been increases in the cost of living, and that sugar prices had increased and they believed the higher sugar prices would continue during the coming year.

Consideration has been given to the testimony presented at the hearing, to the economic position of sugarcane producers, and to other pertinent factors. The returns, costs, and profits for the sugarcane producing operations of the Corporation and of independent producers, obtained by field study in prior years, have been recast in terms of prospective price and production conditions for the 1964 crop. The analysis indicates that under favorable weather conditions the production of sugarcane is profitable, but that substantial losses are incurred in years when weather conditions are unfavorable. Profits on 1963-crop sugarcane were the highest on record for both the Corporation and independent producers. Present prospects indicate another profitable crop in 1964. The increase in the minimum rates established in this determination are fair and reasonable and are within the producers' ability to pay.

Sugarcane cutters and other unskilled workers are employed on a piecework basis while skilled workers usually are employed on an hourly rate basis. Data submitted by the Virgin Islands Corporation for 1963 indicate that average earnings of unskilled workers employed on a piecework basis, ranged from $0.50 to $1.00 per hour for production and cultivation work and from $0.50 to $1.59 for harvest work. Rates paid by the Corporation to workers employed on an hourly basis ranged from $0.90 to $1.10 for operators of mechanical loaders, $0.70 to $0.90 for tractor drivers, and $0.75 to $0.90 for truck drivers.

After consideration of the pertinent factors involved, the rates established in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929, as amended; 7 U.S.C. Sup. 1131, as amended)

Signed at Washington, D.C., on February 6, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64–1351; Filed, Feb. 10, 1964; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Disposition by Handlers

Notice was published in the FEDERAL REGISTER (28 F.R. 12870, 13505) that there were under consideration proposals to revise paragraph (e)(1) of § 993.150 of Subpart—Administrative Rules and Regulations (7 CFR Part 993) by amending the procedures prescribed in that paragraph for the disposition of substandard prunes by handlers, and by altering the text of that paragraph. The subpart is operative pursuant to the amended marketing agreement and Order No. 993 (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The time for the receipt of written data, views, or arguments pertaining to the proposals expired 5:30 p.m., e.s.t., January 3, 1964 (28 F.R. 12870; 13505); and written comments were received from the Prune Administrative Committee recommending simplification of the proposed procedures.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Committee, and other available information, it is hereby found that the amendment, as hereinafter set forth, of the administrative rules and regulations is in accordance with the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Therefore, paragraph (e)(1) of § 993.150 of Subpart—Administrative Rules and Regulations is hereby amended by revising it to read as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(e) *Prunes which fail to meet minimum standards*—(1) *Committee's approval of disposition*—(i) *General.* Those defective prunes accumulated by a handler by removing them from standard or substandard prunes, and those prunes received or held by a handler which fail to meet the applicable minimum standards and are held for disposition without removal of defective prunes in excess of maximum tolerances, may only be used, if within the tolerances prescribed in § 993.97 II. C. (1), (2), and (3), for prune products, or if any such tolerances are exceeded and any live infestation corrected by fumigation, for non-human consumption or be destroyed. In order to insure that all such prunes are shipped or otherwise disposed of in accordance with § 993.50(e), no handler shall during any crop year ship or otherwise make final disposition of any such prunes, other than prune waste subject to daily non-human disposition for sanitation purposes, unless prior thereto he had obtained during that crop year (except as otherwise provided in subdivision (iii) of this subparagraph) the Committee's approval of his application to do so.

(ii) *Application for approval.* The handler's application to ship or otherwise make final disposition of any such prunes shall be submitted on Form PAC 2.2 "Application for Permission to Dispose of Substandard Prunes". If the prunes are for shipment, the application shall set forth: (*a*) The name and address of the handler's vendee and the name and address of the consignee whether the same as or different from the vendee; (*b*) the particular use to be made of the prunes; (*c*) if such use is to be by a person other than the handler's vendee or the consignee, the name and address of such user; and (*d*) the crop year or the period within, or the portion of, the crop year during which shipments are to be made. When the use or the name and address of the consignee or user are not known by the handler, the handler shall arrange for the submission of such information to the Committee. If use is to be by the handler, the application shall so indicate and shall set forth all applicable information. Each application for shipment shall be limited to the handler's vendee and the consignee if different from the vendee, and to a specific user and use, and may be open as to quantity: *Provided,* That, when the use or name and address of the user are not known by the handler, the application shall include the quantity of prunes to be shipped and be limited to that quantity. Each application for final disposition for a particular use by the handler shall be limited to such handler and use.

(iii) *Approval of applications.* The Committee's approval of a handler's application shall be transmitted to the handler on Form PAC 2.3 "Permission to Dispose of Substandard Prunes". In approving an application, the Committee shall specify the crop year, or the period within or the portion of the crop year, for which the approval is granted: *Provided*, That, the Committee may approve in July any such application that is submitted during that month by the handler for shipment or other final disposition of the prunes covered thereby in the succeeding crop year. When the use or the name and address of the user or consignee are not known to the handler, the Committee shall not approve the application until it has been informed as to such use and user and consignee of the prunes.

(iv) *Disapproval of applications; or revocation of approved applications.* In acting on an application, the Committee may disapprove the application when: (a) The application does not conform with the requirements of subdivision (ii) of this subparagraph; (b) the Committee has cause to believe that the prunes covered by the application will not be shipped or disposed of in accordance with the application; or (c) the handler, or any of the parties involved in the proposed shipment or disposition, had shipped or made other disposition of prunes covered by a previously approved application inconsistent with that application. The Committee may for cause revoke a handler's previously approved application if he ships or makes other disposition inconsistent with such application. Whenever a user uses prunes inconsistent with an approved application, the Committee may for cause revoke such application, and such other approved applications applicable to such user as the Committee deems necessary to assure that the prunes covered by such applications will not be used in a manner inconsistent with those applications or the order. The Committee shall notify the handler in writing of each disapproval and each revocation.

(v) *Evidence of non-human disposition.* Whenever defective or substandard prunes or prune waste are shipped to or otherwise disposed of in non-human consumption outlets, or destroyed, the handler shall furnish the Committee with a copy of the shipping document or other documentary evidence of the disposition as may be satisfactory to the Committee and at such times as the Committee may direct.

(vi) *Books and records.* Each handler who ships or otherwise disposes of defective or substandard prunes or prune waste shall make available for examination by the Committee, at his business office at any reasonable time during business hours, copies of all applicable purchase orders, sales contracts, or disposition documents, together with any further information which the Committee may deem necessary or desirable to enable it to determine whether such prunes or prune waste have been or will likely be utilized as authorized.

* * * * *

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)), and for making this action effective at the time hereinafter set forth in that: (1) The provisions as to handler applications and Committee approvals thereof to dispose of substandard prunes simplify the current procedures for the submission and approval of such applications; (2) for certain dispositions, handlers would be required to submit only one application, and obtain approval thereof, during a crop year; (3) the amendment relieves restrictions on handlers, and the simplified procedures should be made available to handlers as soon as practicable; and (4) no advance preparation by handlers is required to comply with this amendment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 5, 1964, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 64-1326; Filed, Feb. 10, 1964; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 531—DETERMINATIONS UNDER AND INTERPRETATIONS OF SECTION 3(m) OF THE FAIR LABOR STANDARDS ACT

Subpart C—Interpretations

EXAMPLES

Pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby revise the examples contained in 29 CFR 531.36 and 531.37 in the light of the $1.25 an hour minimum wage rate now in effect under the Act.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

1. Paragraph (a) of 29 CFR 531.36 is amended to read as follows:

§ 531.36 Nonovertime workweeks.

(a) When no overtime is worked by the employee, section 3(m) and this part apply only to the applicable minimum wage for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of $1.25 an hour in a situation when that rate is the applicable minimum wage and is paid $50 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at $4, no consideration need be given to the question of whether such facilities meet the requirements of section 3(m) and this part, since the employee has received in cash the applicable minimum wage of $1.25 an hour for all hours worked. Similarly, where an employee is employed at a rate of $1.45 an hour and during a particular workweek works 40 hours for which he is paid $50 in cash, the employer having deducted $8 from his wages for facilities furnished, whether such deduction meets the requirements of section 3(m) and Subpart B of this part need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of $1.25 an hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, provided the prices charged do not exceed the "reasonable cost" of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the "reasonable cost" of the facilities) below the required minimum. Accordingly, in a situation when $1.25 an hour is the applicable minimum wage, if an employer employed at a rate of $1.30 an hour works 40 hours in a workweek and is paid only $40 in cash, $12 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3(m) and this part to determine if the employee has received the minimum of $50 (40 hours×$1.25) in cash or in facilities which may be legitimately included in "wages" payable under the Act. The same would be true where an employee is furnished the facilities in addition to a cash wage of $40 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least $10 the requirements of the Act are met. Cf. Southern Pacific Co. v. Joint Council Dining Car Employees, 165 F. (2d) 26 (C.A. 9).

* * * * *

2. Section 531.37 of 29 CFR Part 531 is amended to read as follows:

§ 531.37 Overtime workweeks.

(a) Section 7 requires that the employee receive compensation for overtime hours at "a rate not less than one and one-half times the regular rate at which he is employed". When overtime is worked by an employee who receives the whole or part of his wage in facilities and it becomes necessary to determine the portion of his wages represented by facilities, all such facilities must be measured by the requirements of section 3(m) and Subpart B of this part. It is the Administrator's opinion that deductions may be made, however, on the same basis in an overtime workweek as in nonovertime workweeks (see § 531.36), if their purpose and effect are not to evade the overtime requirements of the Act or other law, providing the amount deducted does not exceed the amount which could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek. For example, in a situation where $1.25 an hour is the applicable minimum wage, if an employee is employed at a rate of $1.30 an hour (5 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite caps, miners' lamps, or other articles which are not "facilities" within the meaning of the Act, is 40 times 5 cents or $2 (see § 531.36). Deductions in excess of this amount for such articles are illegal in overtime workweeks as well as in nonovertime workweeks. There is no limit on the amount which may be deducted for "board, lodging, or other facilities" in overtime workweeks (as in workweeks when no overtime is worked), provided that these deductions are made only for the "reasonable cost" of the items furnished. When such items are furnished at a profit, the amount of the profit (plus the full amount of any deductions for articles which are not facilities) may not exceed $2 in the example heretofore used in this paragraph. These principles assume a situation where bona fide deductions are made for particular items in accordance with the agreement or understanding of the parties. If the situation is solely one of refusal or failure to pay the full amount of wages required by section 7, these principles have no application. Deductions made only in overtime workweeks, or increases in the prices charged for articles or services during overtime workweeks will be scrutinized to determine whether they are manipulations to evade the overtime requirements of the Act.

(b) Where deductions are made for board, lodging, or other facilities, the regular rate of pay is arrived at on the basis of the stipulated wage before any deductions have been made. Where such facilities are customarily furnished as addition to a cash wage, the reasonable cost of the facilities to the employer must be considered as part of the employee's regular rate of pay. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803. Thus, suppose an employee, employed at a cash rate of $1.25 an hour, works 48 hours during a particular workweek. If, in addition, he is furnished board, lodging, or other facilities valued at $18, but whose "reasonable cost" is $12.00, the $12.00 must be added to his cash straight-time pay of $60.00 ($1.25 ×48 hours) in determining the regular rate of pay on which his overtime compensation is to be calculated. The regular rate then becomes $1.50 an hour ([$60.00+$12.20=$72]÷[48 hours] =$1.50 an hour). In a situation where section 7(a) of the Act is applicable, the employee is thus entitled to receive a total of $78 for the week. ([40 hours×$1.50 =$60]+[18 hours×$2.25=$18]). In addition to the straight-time pay of $60.00 in cash and $12.00 in facilities, extra compensation of $6 in cash for the eight overtime hours must, therefore, be paid by the employer, to meet the requirements of the Act.

(52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.)

Signed at Washington, D.C., this 4th day of February 1964.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 64-1320; Filed, Feb. 10, 1964; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56105]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Geographical Jurisdiction of Customs Agency Service Suboffices

Regional realignment suggested by a Treasury Task Force survey of the Customs Agency Service included referral of all investigative matters direct to customs agents in charge instead of to supervising customs agents. In order to facilitate direct referral of customs investigative matters to customs agents in charge of suboffices which will conduct the investigations instead of to supervising customs agents responsible for broad regional supervision, § 1.5 of the Customs regulations is amended as follows to show the geographical jurisdiction of the suboffices within each Customs Agency Service region:

§ 1.5 Customs Agency Service regions.

Customs Agency Service regions and areas under the jurisdiction of all headquarters and suboffices are as follows:

Region No.	Headquarters	Geographical jurisdiction (Customs collection districts and foreign countries)	Suboffice headquarters	Geographical jurisdiction
1	Supervising Customs Agent, New York.	1 (Maine and New Hampshire). 2 (Vermont). 4 (Massachusetts). 5 (Rhode Island). 6 (Connecticut). 7 (St. Lawrence). 8 (Rochester). 9 (Buffalo). 10 (New York). 11 (Philadelphia). 12 (Pittsburgh). 13 (Maryland). 14 (Virginia) and that part of the Dominion of Canada lying east of 81° west longitude.	Customs Agent in Charge, New York.	The southeastern part of the State of New York, bounded by and including the counties of Otsego, Montgomery, Fulton, Saratoga and Rensselaer. The northern part of the State of New Jersey, bounded by and including the counties of Warren, Morris, Somerset, and Middlesex. Connecticut, west of a straight line (running north and south) midway between Bridgeport and New Haven.
			Customs Agent in Charge, Philadelphia.	The State of Pennsylvania (excluding Erie County); the State of Delaware; that part of New Jersey south of and including the counties of Hunterton, Mercer, and Monmouth.
			Customs Agent in Charge, Baltimore.	The State of Maryland except that part south of Highway 4 to the Chesapeake Bay.
			Customs Agent in Charge, Washington, D.C.	Metropolitan Washington, D.C., bounded on the north by Interstate Highway 495; that part of Maryland south of Highway 4 to the Chesapeake Bay; that part of Virginia north of an imaginary line drawn from the Potomac River due west through Fredericksburg to the West Virginia boundary; and all the State of West Virginia.
			Customs Agent in Charge, Norfolk.	The State of Virginia except that part north of an imaginary line drawn from the Potomac River due west through Fredericksburg to the West Virginia boundary.
			Customs Agent in Charge, Boston.	The State of Massachusetts, the State of Rhode Island, and that part of the State of Connecticut east of a straight line (running north and south) midway between Bridgeport and New Haven.
			Customs Agent in Charge, Ogdensburg.	The northern part of the State of New York, bounded by and including the counties of Jefferson, Lewis, Herkimer, Hamilton, Warren, and Washington.
			Customs Agent in Charge, Buffalo.	That part of the State of New York bounded by and including the counties of Oswego, Oneida, Madison, Chenango, and Broome.
			Customs Agent in Charge, Portland, Maine.	New Hampshire (excluding Coos County), and the southeastern part of Maine (south of U.S. Highway 2 and west of Maine Highway 7).
			Customs Agent in Charge, Houlton, Maine.	That part of the State of Maine north of U.S. Highway 2 and west of Maine Highway 7.
			Customs Agent in Charge, St. Albans, Vt.	Vermont, and Coos County, N.H.
			Senior Customs Representative, Montreal, Canada.	That part of Canada east of 81° west longitude.

Region No.	Headquarters	Geographical jurisdiction (Customs collection districts and foreign countries)	Suboffice headquarters	Geographical jurisdiction
2	Supervising Customs Agent, Miami.	15 (North Carolina). 16 (South Carolina). 17 (Georgia). 18 (Florida). 19 (Mobile). 20 (New Orleans). 43 (Tennessee). 49 (Puerto Rico). 51 (Virgin Islands) the Republic of Cuba, the Republic of Haiti, and the Dominican Republic.	Customs Agent in Charge, Wilmington.	The State of North Carolina.
			Customs Agent in Charge, Charleston.	The State of South Carolina.
			Customs Agent in Charge, Savannah.	The State of Georgia (including the City of Brunswick) except the area south of a line drawn from Brunswick along U.S. Route 84 to Waycross and Route 82 to the Alabama border.
			Customs Agent in Charge, Jacksonville.	That part of the State of Georgia extending south of a line drawn from Brunswick along U.S. Route 84 to Waycross and along Route 82 to the Alabama border. Northern Florida east of the Apalachicola River and bounded on the south by a line drawn from Cedar Key to Ocala to Daytona Beach.
			Customs Agent in Charge, Tampa.	That portion of Florida south of a line from Cedar Key to Ocala to Daytona Beach and north of a line from Naples to Sebring to Melbourne.
			Customs Agent in Charge, Miami.	All the remainder of the State of Florida south of a line from Naples to Sebring to Melbourne but not including the Florida Keys.
			Customs Agent, Key West.	All the area covered by the Florida Keys.
			Customs Agent in Charge, Mobile.	All the area in the Alabama Collection District and that portion of Tennessee east of the western crossing of the Tennessee River. Northern Florida west of the Apalachicola River.
			Customs Agent in Charge, New Orleans.	All the States of Louisiana (except that portion included in Sabine District No. 21); Mississippi (except that portion included in Collection District No. 19); and Arkansas. That portion of Tennessee west of the western crossing of the Tennessee River.
			Customs Agent in Charge, San Juan.	The island of Puerto Rico.
			Customs Agent in Charge, Virgin Islands.	All of the Virgin Islands.
3	Supervising Customs Agent, Houston, Tex.	21 (Sabine). 22 (Galveston). 23 (Laredo). 24 (El Paso). 45 (St. Louis, that part comprising the State of Oklahoma). 47 (Colorado, except the State of Wyoming). 50 (New Mexico) the Republic of Mexico.	Customs Agent in Charge, Brownsville.	The counties of Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Refugio, and Jim Wells.
			Customs Agent in Charge, Eagle Pass.	That part of the State of Texas east of the Pecos River, south of 33° north latitude, and west of 99° west longitude with the exception of Gillespie, Kerr, Bandera, Medina, Frio, La Salle, Webb, and Zapata Counties.
			Customs Agent in Charge, El Paso.	The States of New Mexico and Colorado; that part of Oklahoma west of 100° west longitude; that part of the State of Texas lying west of the Pecos River, and the part of Texas north of 33° north latitude and west of 99° west longitude.
			Customs Agent in Charge, Houston.	All of the State of Oklahoma east of 100° west longitude and that part of Galveston Collection District (22) lying west of Galveston Bay, the Trinity River and 96° west longitude, with the exception of Refugio, San Patricio and Nueces Counties.
			Customs Agent in Charge, Laredo.	The counties of Starr, Jim Hogg, Zapata, Webb, Duval, McMullen and La Salle.
			Customs Agent in Charge, McAllen.	The counties of Brooks and Hidalgo.
			Senior Customs Representative, Mexico City.	The Republic of Mexico.
			Customs Agent in Charge, Port Arthur.	Cameron and Calcasieu Parishes in the State of Louisiana and that part of the State of Texas lying east of Galveston Bay, the Trinity River and 96° west longitude.
			Customs Agent in Charge, San Antonio.	Kerr, Bandera, Medina, and Frio Counties and other parts of Texas lying north of 28° north latitude and between 97° and 99° west longitude with the exception of La Salle, McMullen, San Patricio, Refugio and Tarrant Counties.

Region No.	Headquarters	Geographical jurisdiction (Customs collection districts and foreign countries)	Suboffice headquarters	Geographical jurisdiction
4	Supervising Customs Agent, Chicago, Ill.	33 (Montana and Idaho). 34 (Dakota). 35 (Minnesota). 36 (Duluth and Superior). 37 (Wisconsin). 38 (Michigan). 39 (Chicago). 40 (Indiana). 41 (Ohio). 42 (Kentucky). 45 (St. Louis, except the State of Oklahoma). 47 (Colorado, that part comprising the state of Wyoming) that part of the Dominion of Canada lying between 81° W and 117° W, longitude.	Customs Agent in Charge, Chicago.	Collection Districts 40, 42, 39 except for the State of Nebraska, and that part of Collection District 37 lying south of Route U.S. 10 from Manitowoc west to the Wisconsin-Minnesota boundary; and that part of Collection District 35 lying south of a line drawn west from the junction of Route U.S. 10 Minnesota-Wisconsin to Olivia, Minnesota, and east of Route 71 from Olivia, Minnesota, south to the Minnesota-Iowa boundary.
			Customs Agent in Charge, Cleveland.	Collection District 41.
			Customs Agent in Charge, Detroit.	State of Michigan except that part lying west of Route 41 extending from Escanaba to Marquette.
			Customs Agent in Charge, Duluth.	Route U.S. 71 from International Falls, Minnesota; south to the junction of U.S. 71 and U.S. 212 (near Olivia, Minn.); east on U.S. 212 to U.S. 10, including Minneapolis-St. Paul, and continuing east on U.S. 10 to Manitowoc, Wis.
			Customs Agent in Charge, Havre.	Collection District 31 (Idaho and Montana) and Wyoming.
			Customs Agent in Charge, Pembina.	Collection District 34 (North and South Dakota) and that part of Minnesota lying west of Route U.S. 71 from International Falls, Minn., to the Minnesota-Iowa boundary.
			Customs Agent in Charge, St. Louis.	State of Nebraska and Collection District 45 except for the State of Oklahoma.
5	Supervising Customs Agent, Los Angeles.	25 (San Diego). 26 (Arizona). 27 (Los Angeles). 28 (San Francisco). 29 (Oregon). 30 (Washington). 31 (Alaska). 32 (Hawaii). and that part of the Dominion of Canada lying west of 117° west longitude.	Customs Agent in Charge, Calexico.	That part of District No. 25 and District No. 26, composed of Imperial County, Calif., and Yuma County, Ariz.
			Customs Agent in Charge, San Diego.	All of Collection District No. 25, with the exception of Imperial County.
			Customs Agent in Charge, Nogales.	All of Collection District No. 26 with the exception of Yuma County.
			Customs Agent in Charge, Los Angeles.	All of Collection District No. 27.
			Customs Agent in Charge, San Francisco.	All of Collection District No. 28.
			Customs Agent in Charge, Portland, Oreg.	All of Collection District No. 29.
			Customs Agent in Charge, Seattle.	All of Collection District No. 30.
			Customs Agent in Charge, Anchorage.	All of Collection District No. 31.
			Customs Agent in Charge, Honolulu.	All of Collection District No. 32.
6	Regional Customs Representative, Rome, Italy.	Europe, Africa, and the Near East.	Regional Customs Representative, Rome, Italy.	Spain, Portugal, Italy, Switzerland, all the Middle East and Iron Curtain countries, Africa.
			Senior Customs Representative, London, England.	British Isles and Ireland.
			Senior Customs Representative, Paris, France.	France, Luxemburg, Monaco, Belgium (technical investigations).
			Senior Customs Representative, Frankfurt, Germany.	The Netherlands, Denmark, Norway, Sweden, Finland, Germany, Austria, Liechtenstein, Belgium (nontechnical investigations).
7	Regional Customs Representative, Tokyo, Japan.	All of Far East (including Australia).	Regional Customs Representative, Tokyo, Japan.	All of Far East, including Australia, except Hong Kong, Macao, and Taiwan.
			Senior Customs Representative, Hong Kong, B.C.C.	Hong Kong, Macao, and Taiwan.

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL]

PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: January 30, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1270; Filed, Feb. 10, 1964; 8:45 a.m.]

[T.D. 56107]

NAVIGATION AND CUSTOMS FEES

Miscellaneous Amendments

It has been determined that certain navigation and customs fees are no longer adequate to recover the cost of services provided. Since the services provided are of the type described in 5 U.S.C. 140 as intended by Congress to be self-sustaining to the fullest extent possible, the following navigation and customs fees are being increased as indicated:

(1) For registering a house flag or funnel mark, or both, of a vessel, from $35 to $40;

(2) For recording a trademark, trade name, or copyright, from $75 to $90;

(3) For recording a renewal or change of ownership of a trademark or copyright, from $35 to $40;

(4) For designating a common carrier as a carrier of customs bonded merchandise, from $45 to $50;

(5) For the establishment of a customs bonded warehouse from $65 to $75;

(6) For issuing a customs cartage or lighterage license, from $45 to $50;

(7) For receiving application for, giving the examination for, and issuing a customhouse broker's license, from $100 to $150;

Accordingly, the Customs Regulations are amended as follows:

PART 3—DOCUMENTATION OF VESSELS

Section 3.62 is amended by substituting "$40" for "$35" in the first sentence.

(Sec. 501, 65 Stat. 290, 5 U.S.C. 140)

PART 11—PACKING AND STAMPING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Section 11.15(a) is amended by substituting "$90" for "$75" in the second sentence.

Section 11.16 is amended by substituting "$90" for "$75" in the second sentence.

Section 11.19(a)(1) is amended by substituting "$90" for "$75" in the second sentence.

Section 11.19(a)(2) is amended by substituting "$90" for "$75" in the third sentence.

(R.S. 161, as amended, 251; 5 U.S.C. 22, 19 U.S.C. 66)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Section 18.1(c) is amended by substituting "$50" for "$45" in the first sentence.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Section 19.2(a) is amended by substituting "$75" for "$65" in the first sentence.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, 5 U.S.C. 22, 19 U.S.C. 66, 1624)

PART 21—CARTAGE AND LIGHTERAGE

Section 21.1(a) is amended by substituting "$50" for "$45" in the third sentence.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Section 24.12(a)(1)(i) is amended by substituting "$90" for "$75" and "$40" for "$35".

Section 24.12(a)(1)(ii) is amended by substituting "$50" for "$45".

Section 24.12(a)(1)(iii) is amended by substituting "$75" for "$65".

Section 24.12(a)(1)(iv) is amended by substituting "$50" for "$45".

Section 24.12(a)(1)(v) is amended by deleting "$100" and substituting, "$150 except that a refund of $75 will be made to an applicant failing to pass the examination required by § 31.4(c)".

(R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759, 5 U.S.C. 22, 140, 19 U.S.C. 66, 1624)

PART 31—CUSTOMHOUSE BROKERS

Section 31.4(a) is amended by substituting "$150" for "$100" in the second sentence, and adding the following as the third sentence. "If an applicant fails to pass the examination required by paragraph (c), he shall receive a refund of $75."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

Notice of the issuance of the foregoing amendments was published in the FEDERAL REGISTER of December 21, 1963, 28 F.R. 13938, pursuant to section 4 of the Administrative Procedure Act. (5 U.S.C. 1003). No data, views, or arguments were received and the amendments set forth above are hereby adopted.

The amendments are not retroactive and shall be effective only on applications received on or after the effective date thereof.

These amendments shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: January 30, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1341; Filed, Feb. 10, 1964; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-EA-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On October 25, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11458) stating that the Federal Aviation Agency proposed to revoke the south alternate segment of VOR Federal airway No. 12 from Dayton, Ohio, to Appleton, Ohio.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. No comments were received regarding the proposed amendment.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows: In V-12 "and also an S alternate via INT of Dayton 099° and Appleton 244° radials" is deleted.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1295; Filed, Feb. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway

On October 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11019) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 1645.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

The substance of the proposed amendment having been published and for the reason stated in the notice, the following action is taken: In § 71.143 (29 F.R. 1049) V-1645 is revoked.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1296; Filed, Feb. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Reporting Points

The purpose of these amendments to §§ 71.203, 71.205 and 71.207 is to designate the Sault Ste. Marie, Michigan, VOR as a low, intermediate and high altitude reporting point.

Air traffic control requirements with regard to specific reporting points periodically change due to modifications to operating procedures and airway configurations. Recent changes of this nature require that the Sault Ste. Marie VOR be designated as a reporting point. Therefore, action is being taken herein to effect this designation.

As these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since is it necessary that sufficient time be allowed to permit necessary changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

For the reasons stated above, the following actions are taken:

1. In the text of § 71.203 (29 F.R. 1211) "Sault Ste. Marie, Mich.," is added.
2. In the text of § 71.205 (29 F.R. 1218) "Sault Ste. Marie, Mich." is added.
3. In the text of § 71.207 (29 F.R. 1223) "Sault Ste. Marie, Mich." is added.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1297; Filed, Feb. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Segments of Federal Airways and Reporting Points

On November 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11826) stating that the Federal Aviation Agency proposed to revoke the segments of VOR Federal airways Nos. 298 and 1722 from Casper, Wyo., to Sioux Falls, S. Dak.; revoke Smithwick, S. Dak., and Winner, S. Dak., as intermediate altitude reporting points and Winner as a low altitude reporting point.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

In V-298 "Casper, Wyo.; Smithwick, S. Dak.; Winner, S. Dak.; to Sioux Falls, S. Dak. The airspace within R-6101 is excluded." is deleted and "to Casper, Wyo." is substituted therefor.

2. In § 71.143 (29 F.R. 1049) "V-1722 Casper, Wyo.; Smithwick, S. Dak.; Winner, S. Dak.; Sioux Falls, S. Dak." is deleted.

3. In the text of § 71.203 (29 F.R. 1211) "Winner, S. Dak." is deleted.

4. In the text of § 71.205 (29 F.R. 1218) "Smithwick, S. Dak.; V-1722" and "Winner, S. Dak." are deleted.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1298; Filed, Feb. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segments

On November 6, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11826) stating that the Federal Aviation Agency (FAA) proposed to revoke the north alternate segments of VOR Federal airways Nos. 112 and 182 from Portland, Oreg., to The Dalles, Oreg.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows:

1. In V-112 ", including an N alternate" is deleted.

2. In V-182 ", including an N alternate" is deleted.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1299; Filed, Feb. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Airway Segments

On November 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12100) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations by revoking the segments of VOR Federal airway No. 8 south alternate between Bryce Canyon, Utah, and Hanksville, Utah, between Hanksville and Grand Junction, Colo., and between Grand Junction and Kremmling, Colo.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America in commenting on the notice, offered no objection to the revocation of the segments of Victor 8 south alternate between Bryce Canyon and Hanksville and between Grand Junction and Kremmling. However, they did object to the revocation of the segment of Victor 8 south alternate between Hanksville and Grand Junction. The portion of this south alternate between Grand Junction and its intersection with the La Sal, Colo., VOR 329° True radial is used for protection of Frontier Air Lines flights en route from Grand Junction to Grand County Airport, Moab, Utah. Revocation of this segment of the south alternate would deprive Frontier Air Lines of air traffic service on this segment of their route between Grand Junction and Moab. Accordingly, action is taken herein to revoke only the segments of Victor 8 south alternate from Bryce Canyon to Hanksville and from Grand Junction to Kremmling. Retention of the segment of Victor 8 south alternate between Hanksville and Grand Junction will be the subject of further review and its disposition the subject of separate rule making action. No other comments on the notice were received.

In consideration of the foregoing, the following action is taken:

Section 71.123 (29 F.R. 1009) is amended as follows: In V-8 "Hanksville, Utah, including an S alternate; Grand Junction, Colo.; including an S alternate; to Kremmling, Colo., including an S alternate." is deleted and "Hanksville, Utah; Grand Junction, Colo., including an S alternate; to Kremmling, Colo." is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1300; Filed, Feb. 10, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On November 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12101) stating that the Federal Aviation Agency proposed to amend Part 71 [New] of the Federal Aviation Regulations by revoking a segment of VOR Federal airway No. 257 west alternate from the intersection of Malad City, Idaho, 179° and Ogden, Utah, 276° True radials via the intersection of Salt Lake City, Utah, 320° and Malad City 200° True radials, to Malad City.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following action is taken:

Section 71.123 (29 F.R. 1009) is amended as follows: In V-257 "Malad City, including a W alternate from INT of Malad City 179° and Ogden, Utah, 276° radials via INT of Salt Lake City, Utah, 320° and Malad City 200° radials;" is deleted and "Malad City;" is substituted therefor.

This amendment shall become effective 0001 EST, April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1301; Filed, Feb. 10, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-126]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway

The purpose of this amendment to § 71.123 of the Federal Aviation Regulations is to realign VOR Federal airway No. 121 from Roseburg, Oregon, via the Milo, Oregon Intersection (intersection of the Roseburg 127° and the Medford, Oregon, 352° True radials) to Medford.

The present alignment of Victor 121 is direct, coinciding with a segment of the west alternate of VOR Federal airway No. 23 between these two terminals. The realignment of Victor 121 via the Milo Intersection will provide a lower MEA between Roseburg and Medford and will provide a better transition procedure to the Medford ILS for aircraft proceeding from Roseburg to Medford.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, the following change is made:

In § 71.123 (29 F.R. 1009) V-121 "via Roseburg, Oreg.;" is deleted and "via INT of Medford 352° and Roseburg, Oreg., 127° radials; Roseburg;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 28, 1964.

H. B. HELSTROM,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 64-1302; Filed, Feb. 10, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3095; Amdt. 684]

PART 507—AIRWORTHINESS DIRECTIVES

Navion D, E, F, and G Aircraft

There have been several instances of loose rivets found in the outer wing panel of Navion aircraft. To correct this unsafe condition, an airworthiness directive is being issued to require inspection and replacement of loose rivets.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

NAVION. Applies to all Navion D, E, F, and G aircraft, Serial Numbers NAV-4-2 and up.

Compliance required within 10 hours' time in service after the effective date of this AD and thereafter within every 100 hours' time in service.

(a) Visually inspect wing outboard of Wing Stations 130 (outboard edge of flap) for loose rivets. Replace loose rivets with the next larger size. Where this is impractical due to edge distance, interference, etc., install a protruding head rivet of the same diameter located between the loose rivet and the next adjacent rivet.

(b) Install 4 AD 4 protruding head rivets both top and bottom skin equally spaced between the last 5 rivets in stringer No. 3. This is at the front tip tank attachment.

(c) This inspection is no longer necessary if the skin with flush rivets is replaced with new skin of equivalent strength and protruding head rivets of the original size are used. Other modifications must be approved by a Regional FAA Engineering and Manufacturing Branch.

(Navion Service Letter No. 85 covers this same subject.)

This amendment shall become effective February 17, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 5, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1303; Filed, Feb. 10, 1964; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER F—COLOR OF TITLE AND RIPARIAN CLAIMS

[Circular No. 2132]

PART 140—GENERAL REGULATIONS GOVERNING COLOR OF TITLE CLAIMS

Acreage Limitations

The purpose of this amendment is to rephrase the provisions concerning acreage limitations to reflect the interpretation by the Department and the Congress that the Color of Title Act limits a claim to 160 acres (House Report No. 2217, 84th Cong., 2d Sess.; Senate Report No. 2366, 84th Cong., 2d Sess.), and to cite the statutory authority of the Secretary to select the subdivisions to be patented where a claim is in excess of 160 acres.

These rules relate to agency procedure and are not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the changes being made merely remove an ambiguous statement, replacing it with a more clearly worded provision. Accordingly, these rules shall become effective upon the date of publication in the FEDERAL REGISTER.

Section 140.10 is amended to read as follows:

§ 140.10 Acreage limitations.

The maximum area for which patent may be issued for any claim under the act is 160 acres. Where an area held under a claim or color of title is in excess of 160 acres, the Secretary has authority under the act to determine what particular subdivisions, not exceeding 160 acres, may be patented.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 4, 1964.

[F.R. Doc. 64-1317; Filed, Feb. 10, 1964; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th General Rev. of Export Regs., Amdt. 76]

PART 371—GENERAL LICENSES

Commodities Subject to General License GHK or GLSA

Section 371.51 *Supplement 1; Commodities subject to General License GHK or GLSA* is amended in the following respects:

1. The following entry is substituted for the entry on the list:

Commodity description	Schedule B No.	Symbol
Zirconium ores and concentrates; and zirconium metal and alloys in crude form, scrap, and semifabricated forms, containing less than 50 percent zirconium, except magnesium-based alloys containing 0.4 percent or more zirconium	66497-66520	H

2. The following entries are substituted for the single entry under Schedule B Nos. 70170-70180:

Commodity Description	Schedule B No.	Symbol
Batteries, dry, multiple cell, except flashlight	70170	H
Other dry and wet cell batteries, except those having either of the following characteristics: (a) primary cells possessing a means of activation and having an open circuit storage life in the unactivated condition, at a temperature of 21° C. (70° F.) for 10 years or more, or (b) primary cells capable of operating at temperatures from below minus 25° C. to above plus 55° C., including cells and cell assemblies (other than dry cells) possessing self-contained heaters	70180	H

This amendment shall become effective February 6, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control

[F.R. Doc. 64-1294; Filed, Feb. 10, 1964; 8:45 a.m.]

[9th General Rev. of Export Regs.; Amdt. 75]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Miscellaneous Amendments

1. Section 373.6 *Commodities exported for exhibition* is amended to read as follows:

§ 373.6 Commodities exported for exhibition, demonstration or testing purposes.

(a) *Applicability.* These provisions apply to the exportation of a commodity requiring a validated export license, where the exportation is for the purpose of display at a trade fair or other exhibition, or for demonstration, or testing, provided that the exporter retains title to the commodity, and intends to return the commodity to the United States, forward it to another trade fair, exhibition, demonstration or testing site, or sell it abroad to a yet undetermined purchaser during or after the trade fair, exhibition or test. The term "testing" as used in this section includes the testing of the commodity being exported from the United States as well as the use of the commodity being exported in testing other commodities (e.g., instruments and/or equipment exported for testing aircraft engines).

(b) *Submission of application.* An application for an export license covering an exportation described in paragraph (a) of this section need not be supported by an Ultimate Consignee Purchaser Statement (§ 373.65), an Import Certificate (§ 373.2), a Yugoslav End-Use Certificate (§ 373.70), a Swiss Blue Import Certificate (§ 373.67), or any other documentation issued by either the consignee or the country of ultimate destination. Instead the license application shall include the following certification in the space entitled "Additional Information" or on an attachment thereto.

The commodities described on this application are to be exported for display at (official name of trade fair or exhibition) or for (demonstration or testing) to be held at (street address, city and country) and returned to the United States at the conclusion of such (display, demonstration or testing). If these commodities are not returned to the United States at the end of the (trade fair) (exhibition) (demonstration) (test) they will not be [displayed, demonstrated, tested) or otherwise disposed of without prior written authorization from the Office of Export Control.

In addition, since the applicant retains title to the commodities he shall be shown on the license application as the ultimate consignee, in care of the person who will have custody of the commodities abroad.

(c) *Return of commodities to the United States.* Where the commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in a Subgroup A country or Poland (including Danzig), the applicant shall notify the Office of Export Control in writing of the case number shown on the related United States validated export license, the customs import entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any port of the commodities were returned to the United States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification shall be sent for each partial return until the entire shipment described on the related United States validated export license is returned.

(d) *Commodities not returned to the United States.* If it is decided that the commodities are no longer intended to be returned to the United States, the required request made to the Office of Export Control for authorization to dispose of the commodities shall be made by letter, setting forth the proposed disposition, the license number, the case number, the ultimate destination, the commodity description, the Schedule B number of the commodity, the quantity and value, as well as the name, address, and identity of each party to the transaction. In addition, except where the request is for permission to display the commodities at another trade fair or exhibition, or to transfer the commodities to another destination for demonstration or testing, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination. The Office of Export Control will validate and issue Form IA-L-196, Authorization to Dispose of Commodities Exported for Exhibition, Demonstration or Testing Purposes, for approved requests. If it is subsequently desired to make any other use or disposition of the commodities not authorized by the validated Form IA-L-196, an amendment of the form shall be requested by means of a letter to the Office of Export Control containing the same information and documentation as that described above.

§ 373.70 [Amended]

2. Section 373.70 *Yugoslavia* is amended by substituting "Federal Economic Chamber" for "Federal Chamber for Foreign Trade" in paragraph (a), and amending Note 2 following paragraph (e) to read as follows:

2. *End-Use Certificates.* Foreign consignees may obtain these certificates from Yugoslav Federal Economic Chamber, Knez Mihailova 10, Belgrade.

This amendment shall become effective as of January 30, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-1293; Filed, Feb. 10, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8583]

PART 13—PROHIBITED TRADE PRACTICES

Conrich, Ltd. and Richard Weinstein

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-40 *Federal Trade Commission Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68)

[Cease and desist order, Conrich, Ltd. et al., New York, N.Y., Docket 8583, Jan. 17, 1964]

In the Matter of Conrich, Ltd., a Corporation, and Richard Weinstein, Individually and as an Officer of Said Corporation

Order requiring New York City jobbers of wool products to cease violating the Wool Products Labeling Act and the Federal Trade Commission Act by labeling and invoicing as "100% Cashmere", fabrics which contained substantially different fibers and quantities of fibers, and failing to disclose on fabric labels the true generic content of the fibers present and the percentage thereof.

The order to cease and desist is as follows:

It is ordered, That respondent Conrich, Ltd., a corporation, and its officers, and Richard Weinstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939:

And, it is further ordered, That respondents Conrich, Ltd., a corporation, and its officers, and Richard Weinstein, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fabrics or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

By "Decision of the Commission", etc., order requiring report of compliance is as follows:

It is ordered, That respondents Conrich, Ltd., a corporation, and Richard Weinstein, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the adopted initial decision.

Issued: January 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1314; Filed, Feb. 10, 1964; 8:47 a.m.]

[Docket No. C-680]

PART 13—PROHIBITED TRADE PRACTICES

Abraham Raben et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing prod-

ucts falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70(e) *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Abraham Raben et al. trading as Furs by Raben of Clayton, Clayton, Mo., Docket C–680, Jan. 15, 1964]

In the Matter of Abraham Raben, Also Known as Al Raben, as Al Raben, an Individual Trading as Furs by Raben of Clayton

Consent order requiring a manufacturing furrier in Clayton, Mo., to cease violating the Fur Products Labeling Act by labeling, invoicing and advertising which showed the United States as the country of origin of imported furs, falsely identified furs with respect to the name of the prodcing animal; failed to show the true animal name of furs and the country of origin of imports, to disclose when furs were artificially colored and to give the registered identification of the manufacturer or distributor, and to use the terms "Persian Lamb" and "natural" as required; by failing to keep adequate records as a basis for pricing claims; by substituting non-conforming labels for those originally affixed; and by failing in other respects to comply with provisions of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Abraham Raben, otherwise known as Al Raben, an individual, trading as Furs by Raben of Clayton, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Falsely or deceptively labeling or otherwise identifying any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

5. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

7. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

8. Failing to disclose on labels that fur products are composed in whole or in substantial part of paws, tails bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

9. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarters inches by two and three-quarters inches.

10. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

11. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

12. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

13. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Misrepresenting in any manner, directly or by implication, the country of origin of the fur contained in fur products.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

5. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

6. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

7. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

8. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

9. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Sets forth the name or names of any animal or animals other than the name of the animal producing the furs contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

3. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That Abraham Raben, also known as Al Raben, an individual trading as Furs by Raben of Clayton, or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products

pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondent herein shall, within sixthy (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 15, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–1315; Filed, Feb. 10, 1964; 8:47 a.m.]

[Docket No. 8553]

PART 13—PROHIBITED TRADE PRACTICES

Samuel Scheff et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Samuel Scheff et al., doing business as Burmax Sales Company, New York, N.Y., Docket 8553, Jan. 15, 1964]

In the Matter of Samuel Scheff and Burton H. Scheff, Individually and as Copartners, Doing Business as Burmax Sales Company

Order requiring New York City distributors of nonrubber combs to retailers to cease stamping the combs as "Rubber" and "Rubber-Resin", and using those terms and "Hard Rubber" on boxes, invoices, and in advertising material.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondent Burton H. Scheff, individually, and as a surviving partner of Burmax Sales Company, and under any other name or names, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of combs designed for use on human hair, do forthwith cease and desist from:

1. Using the word "rubber" or any other word of similar import or meaning, alone, or in combination with any other word or words, to designate, describe or refer to such combs which are not in fact made entirely of vulcanized hard rubber;

2. Representing in any manner that said combs are rubber or hard rubber or are made of rubber or hard rubber unless they are in fact made of vulcanized hard rubber.

It is further ordered, That this complaint be, and it hereby is, dismissed as to Samuel Scheff, deceased.

It is further ordered, That respondent Burton H. Scheff shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist set forth herein.

Issued: January 15, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–1316; Filed, Feb. 10, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

CLAIM OF RIGHT; COMPUTATION AND RESTORATION OF TAX

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

APPENDIX (PROPOSED REGULATIONS)

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1341 of the Internal Revenue Code of 1954 to section 5 of the Act of October 23, 1962 (Public Law 87–863, 76 Stat. 1142), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1341 is amended by adding new paragraphs (4) and (5) at the end of section 1341(b) and by revising the historical note. These added and revised provisions read as follows:

§ 1.1341 Statutory provisions; computation of tax where taxpayer restores substantial amount held under claim of right.

Sec. 1341. *Computation of tax where taxpayer restores substantial amount held under claim of right.* • • •

(b) *Special rules.* • • •

(4) For purposes of determining whether paragraph (4) or paragraph (5) of subsection (a) applies—

(A) In any case where the deduction referred to in paragraph (4) of subsection (a) results in a net operating loss, such loss shall, for purposes of computing the tax for the taxable year under such paragraph (4), be carried back to the same extent and in the same manner as is provided under section 172; and

(B) In any case where the exclusion referred to in paragraph (5)(B) of subsection (a) results in a net operating loss or capital loss for the prior taxable year (or years), such loss shall, for purposes of computing the decrease in tax for the prior taxable year (or years) under such paragraph (5)(B), be carried back and carried over to the same extent and in the same manner as is provided under section 172 or section 1212, except that no carryover beyond the taxable year shall be taken into account.

(5) For purposes of this chapter, the net operating loss described in paragraph (4)(A) of this subsection, or the net operating loss or capital loss described in paragraph (4)(B) of this subsection, as the case may be, shall (after the application of paragraph (4) or (5)(B) of subsection (a) for the taxable year) be taken into account under section 172 or 1212 for taxable years after the taxable year to the same extent and in the same manner as—

(A) A net operating loss sustained for the taxable year, if paragraph (4) of subsection (a) applied, or

(B) A net operating loss or capital loss sustained for the prior taxable year (or years), if paragraph (5)(B) of subsection (a) applied.

[Sec. 1341 as amended by sec. 60, Technical Amendments Act 1958 (72 Stat. 1647); sec. 5, Act of Oct. 23, 1962 (Pub. Law 87–863, 76 Stat. 1142)]

PAR. 2. Section 1.1341–1 is amended by adding a new subdivision (iii) at the end of paragraph (b)(1), by revising subparagraph (2) of paragraph (b), by adding a new subparagraph (4) at the end of paragraph (b), by revising paragraph (d)(1), by revising paragraph (d)(4)(i) and (ii), by adding a new example (5) to paragraph (d)(4)(iii), and by revising paragraph (i). These revised and added provisions read as follows:

§ 1.1341–1 Restoration of amounts received or accrued under claim of right.

• • • • •

(b) *Determination of tax.* (1) • • •

(iii) For purposes of computing, under section 1341(a)(4) and subdivision (i) of this subparagraph, the tax for a taxable year beginning after December 31, 1961, if the deduction of the amount of the restoration results in a net operating loss for the taxable year of restoration, such net operating loss shall, pursuant to section 1341(b)(4)(A), be carried back to the same extent and in the same manner as is provided under section 172 (relating to the net operating loss deduction) and the regulations thereunder. If the aggregate decrease in tax for the taxable year (or years) to which such net operating loss is carried back is greater than the excess of—

(a) The amount of decrease in tax for a prior taxable year (or years) computed under section 1341(a)(5)(B), over

(b) The tax for the taxable year computed under section 1341(a)(5)(A), the tax imposed for the taxable year under chapter 1 shall be the tax determined under section 1341(a)(4) and subdivision (i) of this subparagraph. If the tax imposed for the taxable year is determined under section 1341(a)(4) and subdivision (i) of this subparagraph, the decrease in tax for the taxable year (or years) to which the net operating loss is carried back shall be an overpayment of tax for the taxable year (or years) to which the net operating loss is carried back and shall be refunded or credited as an overpayment for such taxable year (or years). See section 6511(d)(2), relating to special period of limitation with respect to net operating loss carrybacks.

(2) Except as otherwise provided in section 1341(b)(4)(B) and paragraph (d)(1)(ii) and (4)(ii) of this section, if the taxpayer computes his tax for the taxable year under the provisions of section 1341(a)(5) and subparagraph (1)(ii) of this paragraph, the amount of the restoration shall not be taken into account in computing taxable income or loss for the taxable year, including the computation of any net operating loss carryback or carryover or any capital loss carryover. However, the amount of such restoration shall be taken into account in adjusting earnings and profits for the current taxable year.

• • • • •

(4) After it has been determined whether the tax imposed for a taxable year of restoration beginning after December 31, 1961, shall be computed under the provisions of section 1341(a)(4) or under the provisions of section 1341(a)(5), the net operating loss, if any, which remains after the application of section 1341(b)(4)(A) or the net operating loss or capital loss, if any, which remains after the application of section 1341(b)(4)(B) shall be taken into account in accordance with the following rules—

(i) If it is determined that section 1341(a)(4) and subparagraph (1)(i) of this paragraph apply, then that portion, if any, of the net operating loss for the taxable year which remains after the application of section 1341(b)(4)(A) and subparagraph (1)(iii) of this paragraph shall be taken into account under section 172 for taxable years subsequent to the taxable year of restoration to the same extent and in the same manner as a net operating loss substained in such taxable year of restoration. Thus, if the net operating loss for the taxable year of restoration (computed with the deduction referred to in section 1341(a)(4)) exceeds the taxable income (computed with the modifications prescribed in section 172) for the taxable year (or years) to which it is carried back, such excess shall be available as a carryover to taxable years subsequent to the taxable year of restoration.

(ii) If it is determined that section 1341(a)(5) and subparagraph (1)(ii) of this paragraph apply, then that portion, if any, of a net operating loss or capital loss which remains after the application of section 1341(b)(4)(B) and paragraph (d)(4) of this section shall be taken into account under section 172 or section 1212, as the case may be, for taxable years subsequent to the taxable year of restoration to the same extent and in the same manner as a net operating loss or capital loss substained in the prior taxable year (or years). For example, if the net operating loss for the prior taxable year (computed with the exclusion referred to in section 1341(a)(5)(B)) exceeds the taxable income (computed with the modifications prescribed in section 172) for prior taxable years to which such net operating loss is carried back or carried over (including for this purpose the taxable year of restoration), such excess shall be available as a carryover to taxable years subsequent to the taxable year of restoration in accordance with the rules prescribed in section 172 which are applicable to such prior taxable year (or years).

• • • • •

(d) *Determination of decrease in tax for prior taxable years.*—(1) *Prior taxable years.* (i) Except as otherwise provided in subdivision (ii) of this subparagraph, the prior taxable year (or years) referred to in paragraph (b) of this section is the year (or years) in which the item to which the deduction is attributable was included in gross income under a claim of right and, in addition, any other prior taxable year (or years) the tax for which will be affected by the exclusion from gross income in such prior taxable year (or years) of such income.

(ii) For purposes of applying section 1341(b)(4)(B) in computing the amount of the decrease referred to in paragraph (b)(1)(ii) of this section for any taxable year beginning after December 31, 1961, the term "prior taxable year (or years)" includes the taxable year of restoration. Under section 1341(b)(4)(B), for taxable years of restoration beginning after December 31, 1961, in any case where the exclusion referred to in section 1341(a)(5)(B) and paragraph (b)(1)(ii) of this section results in a net operating loss or capital loss for the prior taxable year (or years), such loss shall, for purposes of computing the decrease in tax for the prior taxable year (or years) under such section 1341(a)(5)(B) and such paragraph (b)(1)(ii) of this section, be carried back and carried over to the same extent and in the same manner as is provided under section 172 (relating to the net operating loss deduction) or section 1212 (relating to capital loss carryover), except that no carryover beyond the taxable year shall be taken into account. See subparagraph (4) of this paragraph for rules relating to the computation of the amount of decrease in tax.

• • • • •

(4) *Computation of amount of decrease in tax.* (i) In computing the amount of decrease in tax for a prior taxable year (or years) resulting from the exclusion from gross income of the income included under a claim of right, there must first be ascertained the amount of tax previously determined for the taxpayer for such prior taxable year (or years). The tax previously determined shall be the sum of the amounts shown by the taxpayer on his return or returns, plus any amounts which have been previously assessed (or collected without assessment) as deficiencies or which appropriately should be assessed or collected, reduced by the amount of any refunds or credits which have previously been made or which appropriately should be made. For taxable years beginning after December 31, 1961, if the provisions of section 1341(b)(4)(B) are applicable, the tax previously determined shall include the tax for the taxable year of restoration computed without taking the deduction for the amount of the restoration into account. After the tax previously determined has been ascertained, a recomputation must then be made to determine the decrease in tax, if any, resulting from the exclusion from gross income of all or that portion of the income included under a claim of right to which the deduction otherwise allowable in the taxable year is attributable.

(ii) No item other than the exclusion of the income previously included under a claim of right shall be considered in computing the amount of decrease in tax if reconsideration of such other item is prevented by the operation of any provision of the internal revenue laws or any other rule of law. However, if the amounts of other items in the return are dependent upon the amount of adjusted gross income, taxable income, or net income (such as charitable contributions, foreign tax credit, deductions for depletion, and net operating loss), appropriate adjustment shall be made as part of the computation of the decrease in tax. For the purpose of determining the decrease in tax for the prior taxable year (or years) which would result from the exclusion from gross income of the item included under a claim of right, the exclusion of such item shall be given effect not only in the prior taxable year in which it was included in gross income but in all other prior taxable years (including the taxable year of restoration if such year begins after December 31, 1961, and section 1341(b)(4)(B) applies, see subparagraph (1)(ii) of this paragraph) affected by the inclusion of the item (for example, prior taxable years affected by a net operating loss carryback or carryover or capital loss carryover).

(iii) The rules provided in this subparagraph may be illustrated as follows:

• • • • •

Example (5). (a) *Facts.* For the taxable year 1959, a corporation reporting income on the calendar year basis had taxable income of $20,000 on which it paid a tax of $6,000. Included in gross income for such year was $100,000 received under a claim of right as royalties. For each of its taxable years 1956, 1957, 1958, 1960, 1961, and 1962, the corporation had taxable income of $10,000 on which it paid tax of $3,000 for each year. In 1963, the corporation returns the entire amount of $100,000 of the royalties. In such taxable year the corporation has taxable income of $25,000 (without taking the deduction of $100,000 into account), and has a net operating loss of $75,000 (taking the deduction of $100,000 into account). In determining whether section 1341(a)(4) or section 1341(a)(5) applies, the corporation will compute the lesser amount of tax referred to in section 1341(a) by applying the rules provided in section 1341(b)(4).

(b) *Tax under section 1341(a)(4) and (b)(4)(A).* The net operating loss of $75,000 for 1963 (taking into account the deduction of $100,000) is carried back to the three taxable years (1960, 1961, and 1962) in the manner provided under section 172. For purposes of this example it is assumed that no modifications under section 172 are necessary. Since the aggregate taxable income for such three taxable years is only $30,000 the entire taxable income for such years is eliminated by the carryback, and the corporation would be entitled to a refund of the tax for such years in the aggregate amount of $9,000. (In addition, the remaining $45,000 of the net operating loss for 1963 would be available as a carryover to taxable years after the taxable year (1963) to the extent and in the manner provided by section 172.)

(c) *Tax under section 1341(a)(5) and (b)(4)(B).* The tax for the taxable year (1963) on $25,000 of taxable income (computed without the deduction of $100,000) is $7,500. The exclusion of $100,000 from gross income for the taxable year 1959 (the year in which the item was included) results in a net operating loss of $80,000 for such year ($20,000 taxable income minus the $100,000 exclusion, no adjustments under section 172 being necessary), thus decreasing the tax for such year by the entire amount of $6,000 paid. The resulting net operating loss of $80,000 for 1959 is available as a carryback to 1956, 1957, and 1958, and as a carryover to 1960, 1961, 1962, and 1963. For purposes of this example it is assumed that no modifications under section 172 are necessary. Since the aggregate taxable income for such taxable years is $85,000, all except $5,000 of the 1963 taxable income is eliminated by such carryback and carryover. The tax on such remaining $5,000 of taxable income for 1963 is $1,500, thus decreasing the tax determined for such year by $6,000 ($7,500 minus $1,500). Under section 1341(a)(5) and (b)(4)(B), the decrease in tax for the prior taxable years exceeds the tax for the taxable year of restoration computed without the deduction of the amount of the restoration by $22,500, computed as follows:

Tax for taxable year 1963 (on taxable income of $25,000 without the deduction)			$7,500
Decrease in tax for prior taxable years:			
Due to exclusion (1959)		$6,000	
Due to net operating loss carryback:			
1956	$3,000		
1957	3,000		
1958	3,000		
		9,000	
Due to net operating loss carryover:			
1960	$3,000		
1961	3,000		
1962	3,000		
1963	6,000		
		15,000	
			30,000
Excess of the decrease in tax for the prior taxable years over the tax for taxable year 1963 ($30,000 less $7,500 tax for the taxable year)			22,500

(d) *Application of section 1341(a)(4) or section 1341(a)(5).* Since the computation under section 1341(a)(4) and (b)(4)(A) results in an available refund of only $9,000 tax for the taxable years to which the net operating loss for 1963 is carried back, and since the computation under section 1341(a)(5) and (b)(4)(B) results in an overpay-

amount of tax previously determined whether section 1341(a)(4) or section (a)(5) and (b)(4)(B) results in an overpay-

ment of $22,500, it is determined that section 1341(a)(5) applies. Accordingly, the $22,500 is treated as having been paid on the last day prescribed by law for the payment of tax for 1963 and is available as a refund.

* * * * *

(l) *Refunds.* If the decrease in tax for the prior taxable year (or years) determined under section 1341(a)(5)(B) and paragraph (b)(1)(ii) of this section exceeds the tax imposed by chapter 1 of the Code for the taxable year computed without the deduction, and for taxable years beginning after December 31, 1961, if such excess is greater than the decrease in tax for the taxable year (or years) to which the net operating loss described in section 1341(b)(4)(A) and paragraph (b)(1)(iii) of this section is carried back, such excess shall be considered to be a payment of tax for the taxable year of restoration. Such payment is deemed to have been made on the last day prescribed by law for the payment of tax for the taxable year and shall be refunded or credited in the same manner as if it were an overpayment of tax for such taxable year. However, no interest shall be allowed or paid if such an excess results from the application of section 1341(a)(5)(B) in the case of a deduction described in paragraph (f)(3) of this section (relating to payments or repayments pursuant to price redetermination). If the tax for the taxable year of restoration is computed under section 1341(a)(4) and results in a decrease in tax for the taxable year (or years) to which a net operating loss described in section 1341(b)(4)(A) is carried back, see paragraph (b)(1)(iii) of this section.

[F.R. Doc. 64-1333; Filed, Feb. 10, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 14]

[Bureau of Mines Schedule 21B]

FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

Requirements for Investigation, Testing, and Certification

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sections 2 and 5 of the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. secs. 3, 7), as amended, it is proposed to revise the regulations issued as Part 14 of Title 30, Code of Federal Regulations.

The purpose of the proposed revision is to: (1) Extend certification of approval to respirators designed to protect against dusts, fumes, or mists that are significantly more toxic than lead; (2) permit certification of combinations of dispersoid-filter and other types of respirators; (3) revise current test requirements to improve accuracy and speed of testing; and (4) revise the fees to reflect increased costs of testing.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C., 20240, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

JOHN M. KELLEY,
Assistant Secretary of the Interior.

FEBRUARY 5, 1964.

Part 14 of Title 30 is revised to read as follows:

Subpart A—General Provisions

Sec.
14.1 Purpose.
14.2 Definitions.
14.3 Consultation.
14.4 Types of respirators for which certificates of approval will be issued.
14.5 Applications.
14.6 Fees.
14.7 Date for conducting tests.
14.8 Conduct of investigations, tests, and demonstrations.
14.9 Certificates of approval.
14.10 Approval labels or markings.
14.11 Material required for record.
14.12 Changes after certification.
14.13 Withdrawal of certification.

Subpart B—Respirator Requirements

14.20 Design and construction.
14.21 Component parts.
14.22 Containers and markings.
14.23 Facepiece.
14.24 Materials of construction.
14.25 Control of filtering characteristics.

Subpart C—Test Requirements

14.30 Facepiece tests.
14.31 Mechanical filter tests.
14.32 Tests of complete respirator.

AUTHORITY: The provisions of this Part 14 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 14.1 Purpose.

The regulations in this part set forth the requirements for certification of respirators designed to remove particulate matter from inhaled air as permissible for use in atmospheres that are contaminated with certain dusts, fumes, or mists, or combinations thereof; procedures for applying for such certification; and fees.

§ 14.2 Definitions.

As used in this part—

(a) "Permissible," as applied to a dust, fume, or mist respirator, means that the respirator conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the respirator has met the requirements of this part for a dust, fume, or mist respirator and authorizing the use and attachment of an official approval label or marking so indicating.

(d) "Respirator" means a completely assembled device designed to provide respiratory protection against atmospheres that are contaminated with dusts, fumes, or mists, or combinations thereof.

(e) "Applicant" means an individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of a respirator, and seeks a certificate of approval thereof.

(f) "TLV" means the most recent Threshold Limit Value adopted by the American Conference of Governmental Industrial Hygienists.

(g) "MPC" means Maximum Permissible Concentration recommended by the National Committee on Radiation Protection in the National Bureau of Standards Handbook 69 or in the most recent revision thereof.

(h) "DOP" means a homogeneous liquid aerosol, with a median diameter of 0.3, micron, generated by vaporization and condensation of dioctyl phthalate.

(i) "Decontamination factor" means the ratio of the concentration of dust, fume, or mist present in the ambient atmosphere to the concentration of dust, fume, or mist within the facepiece while the respirator is being worn.

§ 14.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau of Mines facility at 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, and discuss with qualified Bureau personnel proposed designs of respirators to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 14.4 Types of respirators for which certificates of approval will be issued.

(a) Certificates of approval will be issued only for completely assembled respirators. Certificates will not be issued for component parts or subassemblies.

(b) As regards their design and approval, respirators governed by the requirements of this part are subdivided into the following classes, according to the type of particulate matter against which they are designed to protect:

(1) Respirators for dusts (i) having a TLV not less than 0.1 milligram per cubic meter, including but not limited to arsenic, cadmium, chromium, lead, and manganese; or (ii) pneumoconiosis-producing and nuisance dusts having a TLV not less than 2.5 million particles per cubic foot, including but not limited to aluminum, asbestos, coal flour, iron ore, and free silica, resulting principally from the disintegration of a solid, such as the dust clouds produced in various processes of mining, quarrying, and tunneling, and in various industrial operations, such as grinding, crushing, and general processing of minerals and other materials.

(2) Respirators for fumes of various metals having a TLV not less than 0.1 milligram per cubic meter, including but not limited to aluminum, antimony, arsenic, cadmium, chromium, copper, iron, lead, magnesium, manganese, mercury (except mercury vapor), and zinc, resulting from sublimation or condensation of their respective vapors, or from the chemical reaction between their respective vapors and gases.

(3) Respirators for mists of materials having a TLV not less than 0.1 milligram per cubic meter, as produced by spray coating with vitreous enamels, chromic-acid mist as produced in chromium plating, and other mists of materials whose liquid vehicle does not produce harmful gases or vapors.

(4) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, including but not limited to lithium hydride and beryllium, or exceeding the MPC for radionuclides; and where the contaminant concentration is known not to exceed 10 times the TLV or MPC (decontamination factor of 10).

(5) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides; and where the contaminant concentration is known not to exceed 100 times the TLV or MPC (decontamination factor of 100).

(6) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides; and where the contaminant concentration is known not to exceed 1,000 times the TLV or MPC (decontamination factor of 1,000).

(7) Respirators for various combinations of the preceding types of particulate matter.

(8) Respirators that are a combination of mechanical filter and other type(s).

§ 14.5 Applications.

(a) Investigation or testing, including retesting of equipment that has been previously tested and disapproved, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by all prescribed drawings, specifications, and related materials, and accompanied by a check, bank draft, or money order payable to the United States Bureau of Mines, to cover the fees. The application, all related matters, and all correspondence concerning it shall be sent to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

(b) When an application is submitted that requires less work than is required for a complete investigation, the fee will be in proportion to the work involved. If the applicant is unable to determine the fee for such work, upon his request the Bureau will notify the applicant of the fee to be submitted with the application. Any surplus will be refunded to the applicant.

(c) The application shall state that the respirator has met the requirements of Subpart B and of Subpart C, §§ 14.30, 14.31, paragraphs (a) and (b) of § 14.32, and subparagraphs (2), (3), and (4) of paragraph (c) of § 14.32, when tested by the applicant or his testing agency. Two copies of the results of the applicant's inspections and tests shall accompany the application.

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the respirator and to disclose its materials and the dimensions of all its parts. Specifications shall be given for materials, component parts, and subassemblies.

(e) The application shall state the purpose of the respirator, giving the types and specific kinds of atmospheric contaminants against which it is designed to provide respiratory protection.

(f) The application shall state that the respirator is completely developed and shall further state that the applicant believes the design and materials are suitable for a finished, marketable product.

(g) The application shall describe the nature of the filter material and how each lot will be sampled and tested to maintain its protective qualities before it is used in the applicant's respirator. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment and control-test records, and to interview the personnel who conduct the control tests in order to satisfy the Bureau that a proper procedure is being followed to insure the safety of the wearer of the respirator for the protective service, as stated in the application.

(h) When the Bureau notifies the applicant that the application has been accepted, it will also notify him as to the number of completely assembled respirators, together with the number of filters and other parts, that will be required for testing. All materials required for testing shall be delivered (charges prepaid) to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

§ 14.6 Fees.

The following fees are charged for inspecting and testing filter-type dust, fume, or mist respirators. The fees pertain to complete respirators unless otherwise stated.

(a) Pneumoconiosis-producing and nuisance dusts:	
(1) Single-use filter	$290
(2) Reusable filter	355
(b) Dusts having a TLV not less than 0.1 milligram per cubic meter:	
(1) Single-use filter	320
(2) Reusable filter	415
(c) Pneumoconiosis-producing and nuisance dusts and dusts having a TLV not less than 0.1 milligram per cubic meter:	
(1) Single-use filter	355
(2) Reusable filter	505
(d) Pneumoconiosis-producing and nuisance mists and chromic-acid mist	355
(e) Pneumoconiosis-producing and nuisance dusts and mists, and chromic-acid mist	385
(f) Dusts having a TLV not less than 0.1 milligram per cubic meter, pneumoconiosis-producing and nuisance mists, and chromic-acid mist	415
(g) Pneumoconiosis-producing and nuisance dusts and mists, dusts having a TLV not less than 0.1 milligram per cubic meter, and chromic-acid mist	445
(h) Facepiece only for respirators (a) through (g)	75
(i) Fumes of metals having a TLV not less than 0.1 milligram per cubic meter	370
(j) Dusts and fumes of metals having a TLV not less than 0.1 milligram per cubic meter, and pneumoconiosis-producing and nuisance dusts	460
(k) Dusts and fumes of metals having a TLV not less than 0.1 milligram per cubic meter, pneumoconiosis-producing dusts and mists, and chromic-acid mist	$555
(l) Facepiece only for respirators (i) through (k)	90
(m) Dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides	540
(n) All dusts, fumes, and mists	785
(o) Facepiece only for respirators (m) and (n)	360
(p) Additional examinations and tests of respirator in connection with other tests, per man-day	40
(q) Fees for testing unusually complicated equipment, for unusual tests, for tests not included in this list, or for tests required for extensions of certification, will be charged to cover the actual costs, as determined in advance by the Bureau. The applicant will be notified, and the fee shall be paid before the tests are begun.	

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant such part of the fee not required as compensation for its services.

§ 14.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for investigation and testing when more than one application is pending, and the applicant will be notified of the date on which investigation and testing will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

§ 14.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification, nor shall it disclose the results of analyses of materials, or any details of the applicant's drawings, specifications, and related material. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 14.9 Certificates of approval.

(a) Upon completion of the investigation and testing of a respirator, the the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certifi-

cate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, resulting in disapproval, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the respirator upon which the certificate of approval is based. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau relating to the respirator which has received a certificate of approval. The approved drawings and specifications shall be adhered to exactly in production of the certified respirator for commercial purposes. In addition, the applicant shall keep records of the control of filter materials, as stated in paragraph (g) of § 14.5.

§ 14.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by photographs of designs for approval labels—one for the complete respirator and one for the filter unit. The labels shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

Permissible respirator for ----------
(Applicable type of dispersoid)
U.S. Bureau of Mines Approval No. ------
Issued to ----------
(Name of applicant)
Approved for respiratory protection against the inhalation of ----------
(Applicable type of dispersoid)
The approved assembly consists of BM------ facepiece and BM------ filter.

(b) Appropriate instructions and caution statements on the use and limitations of the respirator shall be included on the approval label(s).

(c) The label for the respirator shall be reproduced legibly on the outside of each respirator container. The label for the filter shall be reproduced legibly on the outside of each container of extra filters.

(d) The facepiece shall be marked in a permanent, legible manner with the appropriate approval number. Each filter shall be marked with the appropriate approval number and with the type or types of dispersoid covered by the approval.

(e) Full-scale designs or reproductions of approval labels and markings, and a sketch or description of their position shall be submitted for approval before final adoption to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

(f) Use of the Bureau's approval label obligates the applicant to whom the certificate of approval was issued to maintain the quality of the complete respirator and to guarantee that the complete respirator is manufactured and assembled according to the drawings and specifications upon which the certificate of approval was based. Use of the approval label or markings is authorized only on respirators that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 14.11 Material required for record.

(a) The Bureau reserves the right to retain as part of the permanent record of the investigation, a complete respirator or any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and at his expense on written shipping instructions to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver a complete unit free of charge to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

§ 14.12 Changes after certification.

If an applicant desires to change any feature of a certified respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications and related material(s), as in the case of the original application.

(b) The application and accompanying material(s) will be examined by the Bureau to determine whether testing of the modified respirator or components will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the respirator. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 14.13 Withdrawal of certification.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued under this part.

Subpart B—Respirator Requirements

§ 14.20 Design and construction.

The Bureau will investigate or test only a respirator that, in its opinion, is constructed of suitable materials, evidences good workmanship, and is designed on sound scientific principles. Adequacy of design and construction will be determined with regard to the following factors: Kind and durability of materials; durability of construction; practicability of use by the wearer, such as freedom of movement, field of vision, fit of facepiece, and lack of discomfort; and performance characteristics during investigation and testing, including physiological effects on the wearer of the respirator. Since all possible designs, arrangements, or combinations of materials and components cannot be foreseen, the Bureau reserves the right to omit any test(s) or part of any test(s) described in Subpart C, or to modify such test(s), or to perform other test(s) not specifically stated, in order to obtain substantially the same information and to provide the same degree or safety as the tests described in Subpart C. The Bureau will notify the applicant accordingly.

§ 14.21 Component parts.

All component parts of a respirator shall be designed, constructed, and fitted in such manner that they will not create a hazard to the wearer of the equipment. Filters and other parts of short life shall be easily replaceable and after such replacement the tightness of the entire respirator shall be fully restored to protect the wearer against inward leakage of dusts, fumes, or mists.

§ 14.22 Containers and markings.

(a) A substantial, durable container shall be provided for each respirator to protect it when not in use. The respirator and its container shall be marked distinctly with the name of the applicant, and the type, letter, or number by which the respirator is commonly known.

(b) Filter units shall be protected by approved containers.

§ 14.23 Facepiece.

(a) Each facepiece shall be constructed so as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. A full facepiece shall permit the wearer's use of corrective spectacles without affecting the overall efficiency of the respirator. A half-mask facepiece shall not interfere with the wearer's use of protective goggles or corrective spectacles.

(b) Respirators for dusts, fumes, and mists having a TLV not less than 0.1 milligram per cubic meter: Each respirator shall be provided with an exhalation valve(s). The use of an inhalation valve(s) is desirable, but optional.

(c) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides: Each respirator shall be provided with an exhalation valve(s) and an inhalation valve(s). The exhalation valve(s) shall be protected against damage or external influence, and shall be provided with a dead-air space or other means designed to prevent inward leakage of contaminated air during the inhalation phase of the breathing cycle.

(d) Coverings of cloth or other material for the face-contacting portion of the face cushion, approved as part of a respirator that is designed for respiratory protection against dusts, fumes, or mists, shall pass the complete facepiece tests for the particular type of respirator.

(e) The head harness shall be adjustable and replaceable.

§ 14.24 Materials of construction.

(a) All parts of the respirator, especially rubber or plastic, that are in direct contact with portions of the wearer's body shall be of nonirritating composition.

(b) All materials used in the construction of facepieces shall be of a composition that will withstand repeated disinfection or decontamination by methods that are recommended by the applicant and are acceptable to the Bureau. The accepted methods for disinfection or decontamination shall be described in the instructions supplied by the applicant for maintaining his device.

§ 14.25 Control of filtering characteristics.

(a) *Filters designed for protection against dusts, fumes, and mists having a TLV not less than 0.1 milligram per cubic meter.* To maintain the quality of protection that is required by this part, each lot of filter materials produced or obtained by an applicant shall have been adequately sampled and tested for filtering and resistance characteristics before being used in approved respirators.

(b) *Filters designed for protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides.* Before marketing, each filter unit shall be tested by the applicant against a concentration of 100 micrograms of DOP per liter of air, at 32 liters per minute flow rate for a period of 5 to 10 seconds. The penetration shall not exceed 0.05 percent. Where filters are to be used only in pairs, the flow rate shall be 16 liters per minute through each filter unit. Where threaded cartridge-type filters are used, the threads of each cartridge shall be examined for defects that may prevent correct sealing of the cartridge in the cartridge holder. Cartridges shall be packaged to prevent damage to threads and sealing surfaces.

Subpart C—Test Requirements

§ 14.30 Facepiece tests.

(a) *Pressure-tightness test (applicable to all respirators designed for respiratory protection against dusts, fumes, and mists).* The complete respirator shall be fitted to the faces of 15 to 20 persons having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these test subjects, the exhalation valve and the inhalation port or ports shall be held closed, and each subject shall exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and the subject's face shall be evidence of satisfactory fit of the facepiece.

(b) *Coal-dust-tightness test (applicable to respirators designed for respiratory protection against dusts and mists having a TLV not less than 0.1 milligram per cubic meter).* Three test subjects, having full, average, and lean facial features, shall wear the repirators with suitable eye protection while a high concentration of finely divided bituminous coal dust (through 200-mesh) is blown gently into their breathing zones for a minimum of three minutes. At the end of this period, the excess dust shall be removed from the periphery of each facepiece, after which the facepiece shall be carefully removed from the face of each subject. To meet the requirements of this test for each of the three test subjects, the following shall not show appreciably more black particulate matter than was observed before the test: The forced nasal discharge, as shown on a white cloth; the sputum and the nasal cavities, when examined with the aid of a speculum and illumination; and that part of the face covered by the facepiece of the respirator.

(c) *Isoamyl-acetate-tightness test (additional test applicable only to respirators designed for respiratory protection against fumes of various metals having a TLV not less than 0.1 milligram per cubic meter).* The respirator shall be modified in such a manner that all of the air that normally would be inhaled through the inhalation ports is drawn through an efficient activated charcoal-filled canister, or cartridge(s), without interference with the face-contacting portion of the facepiece. Modified in this manner, the facepiece shall be worn by 15 to 20 persons for at least two minutes each in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air. To meet the requirements of this test, the odor of isoamyl acetate shall not be detected by the subjects while wearing the modified respirator in the test atmosphere.

§ 14.31 Mechanical filter tests.

(a) *Silica-dust tests of respirators designed for respiratory protection against pneumoconiosis-producing and nuisance dusts*—(1) *Single-use filters.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

Relative humidity—20–80 percent.
Room temperature—approximately 25° C.
Rate of continuous air flow—32 liters per minute.
Test suspension—not less than 50 nor more than 60 milligrams of flint (99+ percent free silica) per cubic meter of air. The flint shall be ground to pass 99+ percent through a 325-mesh sieve. The particle-sized distribution of the test suspension shall have a geometric mean of 0.4 to 0.6 micron, and the standard geometric deviation shall not exceed 1.96.
Duration of sampling period—90 minutes for each respirator.

Tested under these conditions, the total amount of unretained test suspension shall not exceed a total of 4.5 milligrams for the three respirators nor more than 2 milligrams for any single respirator.

(2) *Reusable filters.* Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subparagraph (1) of this paragraph. Each filter element shall be tested three times—once as received, once after cleaning, and once after recleaning. Three respirators shall be tested. The applicant's instructions for cleaning the filter element will be followed once for each of the three tests.

Tested under these conditions, the amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single test.

(c) *Lead-fume test for respirators designed for respiratory protection against fumes of metals having a TLV not less than 0.1 milligram per cubic meter.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

Relative humidity—20–80 percent.
Room temperature—approximately 25° C.
Rate of continuous air flow—32 liters per minute.
Test suspension—not less than 15 nor more than 20 milligrams of freshly generated lead-oxide fume, calculated as lead (Pb), per cubic meter of air. The fume shall be generated by impinging an oxygen-gas flame on molten lead.
Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period.

Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams of lead for any single respirator.

(b) *Lead-dust tests for respirators designed for respiratory protection against dusts having a TLV not less than 0.1 milligram per cubic meter*—(1) *Single-use filters.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

Relative humidity—20–80 percent.
Room temperature—approximately 25° C.
Rate of continuous air flow—32 liters per minute.
Test suspension—not less than 15 nor more than 20 milligrams of lead (Pb) per cubic meter of air in a test suspension of National Lead Company's Negative Battery Mixture No. 111–R, which has the following approximate composition: Litharge, 75 percent; free metallic lead, 25 percent; carbon black, blanc fixe, and organic matter for expander purposes, 0.25–0.3 percent. The particle size distribution of the test suspension shall have a geometric mean of 0.4 to 0.6 micron, and the standard geometric deviation shall not exceed 1.96.
Duration of sampling period—90 minutes for each respirator.

Treated under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single respirator.

(2) *Reusable filters.* Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subparagraph (1) of this paragraph. Each filter element shall be tested three times—once as received, once after cleaning, and once after recleaning. Three respirators shall be tested. The applicant's instructions for cleaning the filter element will be followed once for each of the three tests.

Tested under these conditions, the amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single test.

(c) *Lead-fume test for respirators designed for respiratory protection against fumes of metals having a TLV not less than 0.1 milligram per cubic meter.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

Relative humidity—20–80 percent.
Room temperature—approximately 25° C.
Rate of continuous air flow—32 liters per minute.
Test suspension—not less than 15 nor more than 20 milligrams of freshly generated lead-oxide fume, calculated as lead (Pb), per cubic meter of air. The fume shall be generated by impinging an oxygen-gas flame on molten lead.
Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period.

Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams of lead for any single respirator.

(d) *Chromic-acid-mist test for respirators designed for respiratory protection against pneumoconiosis-producing and nuisance mists and chromic-acid mist.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

Room temperature—approximately 25° C.
Rate of continuous air flow—32 liters per minute.

Test suspension—not less than 15 nor more than 20 milligrams of chromic-acid mist per cubic meter of air, which is analyzed and calculated as chromic anhydride (CrO_3), produced by electrolyzing an aqueous solution of chromic acid containing 200–500 grams of chromic anhydride per liter.

Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period.

Tested under these conditions, the total amount of unretained chromic acid, which is analyzed and calculated as chromic anhydride (CrO_3), shall not exceed 1 milligram for any single respirator.

(e) *Tests for respirators designed for respiratory protection against more than one type of dispersoid.* Respirators designed for respiratory protection against more than one type of dispersoid (dust, fume, or mist) shall comply with all the requirements of this part, which pertain to the specific types of dispersoids involved.

(f) *Respirators with characteristics of a combination of mechanical-filter and another type(s).* When a respirator has the characteristics of a combination of mechanical-filter and another type(s), it shall meet the specific requirements of this part, as well as the requirements of any other part(s) which might be germane.

§ 14.32 Tests of complete respirator.

(a) *Resistance to air flow (applicable to all dust, fume, and mist respirators).* The resistance to flow of air of a complete respirator on inhalation and on exhalation shall be determined on a mechanical apparatus before and after the tests are conducted, as described in § 14.31 and paragraph (c) of this section. The continuous rate of air flow shall be 85 liters per minute. The resistance to inhalation shall not exceed 50 millimeters of water-column height, and the resistance to exhalation shall not exceed 25 millimeters of water-column height.

(b) *Isoamyl-acetate-tightness test for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides, but where the contaminant concentration is known not to exceed 10 times the TLV or MPC.* (1) The applicant shall provide a charcoal-filled canister or cartridge(s) of a size and resistance similar to the filter unit(s), with connectors which can be attached to the facepiece in the same manner as the filter unit. The canister or cartridge will be used in place of the filter unit, and 20 persons each shall wear the modified facepiece for 5 minutes in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air. The following work schedule shall be observed by each subject in the test chamber:

(i) Two minutes walking, nodding, and shaking head in normal movements.

(ii) Three minutes exercising and running "in place."

To meet the requirements of this test, the facepiece shall be capable of adjustment, according to the applicant's instructions, to each subject's face, so that the odor of isoamyl acetate is not detectable by any test subject.

(2) Isoamyl-acetate-tightness test for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides, but where the contaminant concentration is known not to exceed 100 or 1,000 times the TLV or MPC. The applicant shall provide a charcoal-filled canister or cartridge(s) of a size and resistance similar to the filter unit(s), with connectors for attaching to the facepiece in the same manner as the filter unit. The canister or cartridge will be used in place of the filter unit, and 20 persons each shall wear the modified facepiece for 5 minutes in a test chamber containing 1,000 parts (by volume) of isoamyl-acetate vapor per million parts of air. The following work schedule shall be observed by each subject in the test chamber:

(i) Two minutes walking, talking, nodding, and shaking head in normal movements.

(ii) Three minutes exercising and running "in place."

To meet the requirements of this test, the facepiece shall be capable of adjustment, according to the applicant's instructions, to each test subject's face, so that the odor of isoamyl acetate is not detectable by any test subject.

(c) *Special tests for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or exceeding the MPC for radionuclides.* Three complete respirators with their filters properly mounted shall be visually inspected to detect obvious defects. A probe to permit sampling the air within the respirator facepiece shall be attached without impairing the overall efficiency of the respirator or its serviceability (excepting subparagraphs (3) and (4) of this paragraph).

(1) *Uranine-chamber tests.* The following test shall be made on three respirators: The complete respirator shall be sealed in an airtight manner to a head form which is so constructed that the air can be drawn through it from within the facepiece of the respirator. The head form, with respirator attached, shall be placed in a test chamber through which is flowing an aerosol containing not less than 1 nor more than 2 milligrams of uranine per cubic meter of air. The particle-size distribution of the test suspension shall have a geometric mean of 0.2 micron and the standard geometric deviation shall not exceed 1.96. The aerosol shall be drawn into and expelled through the respirator by a breathing machine that simulates human breathing at the rate of 32 liters per minute with 18 inhalation-exhalation cycles per minute. Samples of the atmosphere within the facepiece shall be taken during the inhalation phase of the breathing cycle.

To meet the requirements of the above test, the respirator shall perform in accordance with the following tolerances:

Where the contaminant concentration does not exceed the TLV or MPC by a factor of:	Maximum allowable penetration for a single respirator—percentage of ambient concentration	Maximum allowable penetration for average of three tests—percentage of ambient concentration
(i) 10	1	0.5
(ii) 100	1	0.5
(iii) 1,000	0.1	0.05

(2) *DOP man tests and chamber tests.* (i) Each of three complete respirators shall be worn by six different persons (totalling 18 wearings) utilized as test subjects. Each respirator shall be modified by inserting a sample probe through the facepiece at a place which avoids distortion of the facepiece fit. Each test subject shall enter a test chamber in which air, containing approximately 100 micrograms of DOP per liter, is flowing. While in the chamber, each test subject shall perform the following work schedule of exercises, with air samples being taken continuously at a rate of 8 liters per minute. Facial movements, 2 minutes; talking, 1 minute; and running "in place," 2 minutes.

(ii) The respirator with the highest DOP penetration of the three tested according to subparagraph (i) of this paragraph shall be worn by three different persons for two hours each while the following tests are performed in a chamber concentration of 100 micrograms of DOP per liter of air.

0–15 minutes: Each test subject shall be seated and a sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute; the sample will be compared with the chamber concentration. If excessive leakage is detected, the subject shall leave the chamber and a stream of DOP shall be directed at the respirator to determine the source(s) of leakage. If the leakage can be corrected by facepiece adjustment or cleaning, the subject shall return to the chamber for completion of the first 15 minutes of this test.

15–60 minutes: Each test subject shall leave the chamber and carry on normal activities without adjusting or removing the facepiece.

60–75 minutes: Each test subject shall return to the chamber that contains the test aerosol of DOP. A sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute. During this period the test subject shall engage in the following activities and the percentage of leakage shall be determined: Cough*, turn his head from side to side, smile*, frown*, recite the alphabet loudly*, talk*, breathe shallowly and deeply.

NOTE: For respirators where the contaminant concentration does not exceed 10 times the TLV or MPC, the test subject will not engage in the activities indicated with an asterisk(*).

75–105 minutes: Each test subject shall engage in normal activities outside the chamber.

105–120 minutes: Each test subject shall reenter the chamber and the routine for the 60–75 minute period shall be repeated.

To meet the requirements of subparagraphs (i) and (ii) of this subparagraph, a respirator shall perform in accordance with the following tolerances:

Where the contaminant concentration does not exceed the TLV or MPC by a factor of:	Maximum allowable penetration for a single respirator—percentage of ambient concentration	Maximum allowable penetration for average of all tests—percentage of ambient concentration
(a) 10	1	0.5
(b) 100	1	0.5
(c) 1,000	0.1	0.05

If a respirator allows leakages exceeding these values at the face-to-respirator seal, but otherwise can be adjusted, according to the applicant's instructions, to meet the requirements prescribed for the respirator, it shall be considered as meeting the requirements of this test.

(3) *DOP filter tests.* All filter units shall be tested in an atmospheric concentration of 100 micrograms of DOP per liter of air at continuous flow rates of 32 and 85 liters per minute for a period of 5 to 10 seconds. Where filters are to be used in pairs, the flow rates shall be 16 and 42.5 liters per minute, respectively, through a single filter. The filter shall be mounted on a connector in the same manner as used on the respirator. The total leakage for the connector and filter shall not exceed 0.05 percent of the ambient DOP concentration at either flow rate.

(4) *Silica-dust-loading test.* Three respirators shall be tested as described in subparagraph (1) of paragraph (a) of § 14.31 and paragraph (a) of this section.

[F.R. Doc. 64–1319; Filed, Feb. 10, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1033 etc.]

[Docket No. AO–166–A28 etc.]

MILK IN CERTAIN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Docket No.	Marketing area
1033	AO–166–A28	Cincinnati, Ohio.
1034	AO–175–A19	Dayton-Springfield, Ohio.
1035	AO–176–A18	Columbus, Ohio.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Stratford House, 330 West First Street, Dayton, Ohio beginning at 10:00 a.m., e.s.t., on February 17, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the above designated marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal relates to the seasonal incentive plans, commonly referred to as the "Louisville Plan", used in the three markets to adjust blended (uniform) prices to producers on a seasonal basis.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Miami Valley Milk Producers Association, Central Ohio Cooperative Milk Producers Association, Inc., Cincinnati Milk Sales Association, Inc.:

Proposal No. 1. Amend the uniform price computation provisions of each of the above orders as such provisions relate to the "fall production incentive plan" so as to provide, under the three orders, uniform rates of accumulation ("take-out") of 20, 25, 25 and 20 cents per hundredweight of producer milk for the months of April, May, June and July, respectively, and a uniform rate of division of such funds accumulated in each market ("pay-back") among market producers through the uniform price at the rates of 20, 30, 30 and 20 percent thereof, respectively, for the months of September, October, November and December.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be procured from the offices of the market administrators listed below, or may be there inspected:

519 Main Street, Cincinnati, Ohio, 45201.
434 Third National Bank Building, Dayton, Ohio, 45402.
Hartman Building, Room 505, 79 East State Street, Columbus, Ohio, 43215.

Signed at Washington, D.C., on February 5, 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64–1327; Filed, Feb. 10, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 1]

[Notice 64–7; Docket No. 3096]

TRANSFER OF TYPE CERTIFICATES, AND LICENSING AGREEMENTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend § 1.14 of Part 1 of the Civil Air Regulations to define the responsibilities of the holder of a type certificate upon a transfer of it to a third person or a grant by him of authority to a third person to exercise privileges under it. In addition, it is proposed to amend § 1.10–1 to require that all applications for type certificates be submitted to appropriate FAA regional offices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 13, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 1.14 provides that, when the holder of a type certificate transfers it or makes it available to a third person by licensing agreement, or when a licensing agreement terminates, he is required to notify the Administrator immediately.

Several problems have arisen under the present language of the rule. First, it is not clear what information the transferor or licensor must include in the notice. The FAA needs to know the name and address of a transferee, in order to administer efficiently the rules relating to the privileges and responsibilities of type certificate holders. Similarly, the FAA needs to know the extent of the authority granted to a licensee, in order to act upon changes in type design submitted by him. It is proposed to amend the rule to require this information. Second, the language of the present rule that the grantor shall "immediately notify the Administrator" has led to confusion and has caused delays because varying interpretations have been made as to what "immediately" means, and where specifically the notification should be sent. To avoid this confusion and delay, it is proposed to amend the rule further by requiring that notification be sent to the appropriate FAA regional office within 30 days after the transaction, specifying its date, or within 30 days after the termination of a licensing agreement.

Since action on all type certificates is taken at the FAA regional offices, it is proposed to amend § 1.10–1 to provide for submission to the appropriate regional office of applications for type certificates for engines and propellers, as well as for aircraft.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, it is proposed to amend Part 1 of the Civil Air Regulations as follows:

1. By amending § 1.10–1 (b) and (c) (1) to read:

§ 1.10–1 Application for type certificate (FAA rules which apply to § 1.10).

• • • • •

(b) *Application for an engine type certificate, Form FAA–312.* This application shall be submitted in duplicate, together with preliminary technical data as required by Part 13 of this chapter, to the appropriate FAA regional office.

(c) *Application for a propeller type certificate, Form FAA–312.* (1) This application, together with Form ACA–335, Propeller Supplement to Application for Type Certificate, shall be submitted in duplicate to the appropriate FAA regional office.

• • • • •

2. By amending § 1.14 to read:

§ 1.14 Transfers and licensing agreements.

The holder of a type certificate may transfer it to a third person, or grant to a third person or persons authority to exercise privileges under it by licensing agreement. Within 30 days after the transfer of a certificate or execution of a licensing agreement the transferor or licensor shall notify the appropriate FAA regional office in writing. The notification shall state the name and address of the transferee or licensee, date of the transaction, and, in the case of a licensing agreement, extent of authority granted the licensee. The licensor shall notify the appropriate FAA regional office of the termination of a licensing agreement within 30 days after the termination. The provisions of § 1.13 shall be complied with.

Issued in Washington, D.C., on February 5, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–1313; Filed, Feb. 10, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–95]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 19 is designated in part from Socorro, N. Mex., via the intersection of the Socorro 015° and the Albuquerque, N. Mex., 160° True radials to Albuquerque, including a west alternate from Socorro via the intersection of the Socorro 333° and the Albuquerque 210° True radials to Albuquerque.

The Federal Aviation Agency is considering redesignating V–19 from Socorro direct to Albuquerque with a west alternate segment from Socorro to Albuquerque via the intersection of the Socorro 343° and the Albuquerque 199° True radials; and a east alternate segment from Socorro to Albuquerque via the intersection of the Socorro 015° and the Albuquerque 160° True radials. The redesignation of V–19 direct between Socorro and Albuquerque would provide a shorter route for aircraft overflying Socorro and Albuquerque. The redesignated west alternate and proposed east alternate segments would be utilized as departure and arrival routes for Albuquerque terminal air traffic.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1304; Filed, Feb. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–108]

FEDERAL AIRWAYS

Proposed Designation and Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of VOR Federal airway No. 212 from San Antonio, Tex., via the intersection of San Antonio 074° and College Station, Tex., 202° True radials (Round Top Intersection); College Station; Lufkin, Tex., Alexandria, La., to McComb, Miss. The width of this airway would be expanded in graduated steps of 1 mile for every 5 nautical miles from 45 nautical miles from San Antonio to 80 nautical miles from San Antonio thence 18 miles wide to Round Top Intersection. VOR Federal airway No. 222 is designated in part from San Antonio via the intersection of Austin, Tex., 109° and College Station 202° true radials (Round Top Intersection); to Houston, Tex.

Victor 212 as proposed herein would overlie the segment of Victor 222 between San Antonio and Round Top Intersection. Accordingly, it is proposed to increase the width of this segment of Victor 222 in the same manner as that proposed for Victor 212.

The designation of Victor 212 as proposed herein would provide a route for VOR-equipped aircraft operating between Lufkin and McComb and would reduce the present airway mileage between San Antonio and Lufkin and permit flights between these terminals to bypass the Houston terminal area. The increased width of Victors 212 and 222 as proposed herein would provide additional protection for aircraft operating along these airway segments when more than 45 nautical miles from San Antonio.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1305; Filed, Feb. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–122]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

A segment of VOR Federal airway No. 62 extends from Zuni, N. Mex., via the intersection of the Zuni 066° and the Santa Fe, N. Mex., 268° True radials to the Cactus, N. Mex., Intersection (intersection of Albuquerque 329° and Santa Fe 268° radials). The FAA's latest IFR peak day airway traffic survey shows a total of 3 aircraft movements on this segment of Victor 62. Therefore, it appears that the retention of this portion of the airway is unjustified as an assignment of airspace and the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1306; Filed, Feb. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–129]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 83 is designated in part from Taos, N. Mex., to Alamosa, Colo., and from Pueblo, Colo., to Colorado Springs, Colo. VOR Federal airway No. 210 is designated in part from Alamosa, Colo., via the intersection of the Alamosa 075° and the Pueblo 203° true radials to Pueblo.

The FAA is considering the following airspace actions:

1. Extend V–83 airway from Alamosa via the intersection of the Alamosa 075° and the Pueblo 203° True radials to Pueblo.

2. Redesignate V–210 airway segment from Alamosa via the intersection of the Alamosa 075° and the Lamar, Colo., 250° True radials to Lamar.

The proposed extension of V–83 from Alamosa to Pueblo would replace the segment of V–210 presently designated between these points. The redesignation of V–210 from Alamosa to Lamar would provide a new airway segment for air traffic operating direct between these points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1307; Filed, Feb. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–WE–124]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 263 is designated in part as a common airway segment with VOR Federal airway No. 169 between Hugo, Colo., and Thurman, Colo. The FAA is considering redesignating this segment of V–263 from Hugo direct to Kiowa, Colo., at which point it would terminate. This airway redesignation would provide a route between Hugo and Kiowa which would be utilized to bypass air traffic in the Pueblo, Colo., and Colorado Springs, Colo., terminal areas. In addition, this airway would be utilized by air traffic to avoid the more severe weather which frequently prevails along the eastern slope of the Rocky Mountains and would provide for a lower minimum en route altitude.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Dock-

et, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1308; Filed, Feb. 10, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-119]

FEDERAL AIRWAY AND CONTROL AREA EXTENSION

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 62 is designated in part from Lubbock, Tex., via the intersection of Lubbock 101° and Abilene, Tex., 327° True radials, to Abilene. The Abilene control area extension is bounded in part by Victor 62.

The Federal Aviation Agency is considering the alteration of Victor 62 by designating it direct from Lubbock to Abilene. This would reduce the airway mileage between these points by approximately 9 nautical miles. The direct alignment of this airway would traverse Reese 3 Intensive Student Jet Training Area which has a floor of 12,000 feet MSL. Accordingly, IFR traffic operating along this segment of Victor 62 could not utilize altitudes above 11,000 feet MSL when Reese 3 Intensive Student Jet Training Area is in use. Concurrently with the alteration of Victor 62 as proposed herein, it is proposed to alter the Abilene control area extension by substituting a line 5 miles north of and parallel to the Lubbock VOR 101° True radial and a line 5 miles northeast of and parallel to the Abilene VOR 327° True radial for Victor 62 in the control area description. This would retain the present configuration of the Abilene control area extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Forth Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1309; Filed, Feb. 10, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-119]

FEDERAL AIRWAY

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Air Transport Association of America has submitted a proposal for the designation of a VOR airway from South Bend, Ind., via Kalamazoo, Michigan, to Grand Rapids, Michigan. The FAA has modified the proposed alignment from Kalamazoo to Grand Rapids via Orangeville, Michigan, Intersection to make the proposal compatible with Grand Rapids terminal area traffic flow.

These terminals are certified aircarrier stops and under Agency Airway Planning Standard No. 2 dated September 1960, qualify for a connecting airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures, Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1310; Filed, Feb. 10, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-121]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 76 is designated in part from San Angelo, Tex., via Llano, Tex., to Austin, Tex., with a north alternate segment from San Angelo via Lometa, Tex., to Austin. The FAA's latest IFR peak day airway traffic survey shows a total of two aircraft movements for V-76N between San Angelo and Lometa and no aircraft movements from Lometa to Austin. Therefore, it appears that the retention of this north alternate of V-76 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the

Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1311; Filed, Feb. 10, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-120]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 514 is designated from Tobe, Colo., via Garden City, Kans., to Russell, Kans. The Federal Aviation Agency is considering revoking the segment of this airway from Tobe to Russell. The latest Federal Aviation Agency IFR peak day airway traffic survey for Victor 514 shows no aircraft movements between Tobe and Garden City and three aircraft movements between Garden City and Russell. Therefore, it appears that this segment of Victor 514 is unjustified as an assignment of airspace and that it may be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 4, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1312; Filed, Feb. 10, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-1]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted, or terminated, as described in this document, during the period from September 27, 1963, to November 20, 1963 (List Nos. 24-63 and 25-63). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 63 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/7/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective November 4, 1963. (It is an extension of Approval No. 160.002/7/1 dated December 31, 1958.)

Approval No. 160.002/55/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Florida, effective November 4, 1963. (It is an extension of Approval No. 160.002/55/1 dated December 31, 1958.)

Approval No. 160.002/56/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by International Cushion Co., 1110 Northeast Eighth Avenue, Fort Lauderdale, Florida, effective November 4, 1963. (It is an extension of Approval No. 160.002/56/1 dated December 31, 1958.)

Approval No. 160.002/65/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Virginia, and 12th and Graham Streets, Emporia, Kansas, effective November 4, 1963. (It is an extension of Approval No. 160.002/65/1 dated December 31, 1958.)

Approval No. 160.002/70/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.002/70/0 dated December 31, 1958, to show change in address of manufacturer.)

Approval No. 160.002/71/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.002/71/0 dated December 31, 1958, to show change in address of manufacturer.)

Approval No. 160.002/72/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Peoples Co., 712 Buffington Street, Huntington, West Virginia, effective November 4, 1963. (It is an extension of Approval No. 160.002/72/0 dated December 31, 1958.)

Approval No. 160.002/73/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Peoples Co., 712 Buffington Street, Huntington, West Virginia, effective November 4, 1963. (It is an extension of Approval No. 160.002/73/0 dated December 31, 1958.)

Approval No. 160.002/74/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Billy Boy Products, Inc., Quincy, Michigan, effective November 4, 1963. (It is an extension of Approval No. 160.002/74/0 dated December 31, 1958.)

Approval No. 160.002/75/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Billy Boy Products, Inc., Quincy, Michigan, effective November 4, 1963. (It is an extension of Approval No. 160.002/75/0 dated December 31, 1958.)

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/15/0, Model 42, adult balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.004/15/0 dated April 10, 1962, to show change in address of manufacturer.)

Approval No. 160.004/16/0, Model 46, child balsa wood life preserver, U.S.C.G. Specification Subpart 160.004, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.004/16/0 dated April 10, 1962, to show change in address of manufacturer.)

LIFE FLOATS

Approval No. 160.027/34/0, 9.0' x 5.08' (13" diameter body section) rectangular hollow aluminum life float, 25-person capacity, dwg. No. 3348 dated May 15, 1951, revised September 30, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 31, 1963. (It is an extension of Approval No. 160.027/34/0 dated December 15, 1958.)

DAVITS

Approval No. 160.032/141/0, Gravity davit, type GD, size 40, approved for a maximum working load of 12,000 pounds per set (6,000 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. G1501-1 dated May 29, 1953, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 31, 1963. (It is an extension of Approval No. 160.032/141/0 dated December 15, 1958.)

LIFEBOATS

Approval No. 160.035/50/1, 24.0' x 8.63' x 3.88' aluminum, motor-propelled (gasoline) lifeboat (Class B), 43-person capacity, identified by construction and arrangement dwg. No. 80188 dated April 1, 1958, and revised September 4, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 31, 1963. (It is an extension of Approval No. 160.035/50/1 dated December 31, 1958.)

Approval No. 160.035/59/2, 28.0' x 9.79' x 4.13' steel, motor-propelled (gasoline) lifeboat without radio cabin (Class B), 64-person capacity, identified by construction and arrangement dwg. No. 2413 dated April 29, 1953, and revised August 14, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 31, 1963. (It is an extension of Approval No. 160.035/59/2 dated December 31, 1958.)

Approval No. 160.035/359/0, 24.0' x 8.0' x 3.58' steel, hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 80124 dated October 20, 1956, and revised September 30, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 31, 1963. (It is an extension of Approval No. 160.035/359/0 dated December 31, 1958.)

Approval No. 160.035/380/0, 24.0' x 8.0' x 3.58' aluminum, motor-propelled (gasoline) lifeboat (Class B), 38-person capacity, identified by construction and arrangement dwg. No. 80193 dated November 29, 1957, and revised September 17, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective October 31, 1963. (It is an extension of Approval No. 160.035/380/0 dated December 31, 1958.)

Approval No. 160.035/436/0, 24.0' x 7.25' x 3.25' steel, motor-propelled (diesel) lifeboat, 30-person capacity, identified by construction and arrangement drawing No. 24-14C Rev. A dated October 31, 1963, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective November 15, 1963.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/312/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.047/312/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/313/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.047/313/0 dated June 21, 1960, to show change in address of manufacturer.)

Approval No. 160.047/314/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.047/314/0 dated June 21, 1960, to show change in address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/18/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.048/18/0 dated September 29, 1960, to show change in address of manufacturer.)

Approval No. 160.048/36/0, Group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago 7, Illinois, effective November 8, 1963. (It supersedes Approval No. 160.048/36/0 dated December 20, 1960, to show change in address of manufacturer.)

Approval No. 160.048/226/0, Special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. 160.048-7(c)-1 dated July 23, 1963, Rev. 1 dated November 6, 1963, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, effective November 7, 1963.

Approval No. 160.048/227/0, Special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, Schoellkopf dwg. No. 160.048-7(c)-1 dated July 23, 1963, Rev. 1 dated November 6, 1963, manufactured by Buddy Schoellkopf Products, Inc., 8200 Sovereign Row, Dallas 7, Texas, for Belknap Hardware & Mfg. Co., 111 East Main Street, Louisville 2, Kentucky, effective November 7, 1963.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/6/0, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.049/6/0 dated September 29, 1960, to show change in address of manufacturer.)

Approval No. 160.049/58/0, Special approval for P/N BSC-10, 15" x 15" x 4⅜" (cored) rectangular unicellular vinyl-dipped plastic foam buoyant cushion, dwg. No. 5334-X dated November 4, 1963, manufactured by Carlon Rubber Products Company, One New Haven Avenue, Derby, Connecticut, effective November 19, 1963.

Approval No. 160.049/59/0, Special approval for Model "Bulldog B," 15" x 15" x 4⅜" (cored) rectangular unicellular vinyl-dipped plastic foam buoyant cushion, Carlon dwg. No. 5334-X dated November 4, 1963, manufactured by Carlon Rubber Products Company, One New Haven Avenue, Derby, Connecticut, for Bulldog Marine Products, Inc., 5825 S. Western Avenue, Chicago 36, Illinois (Plant: Griffith, Indiana), effective November 19, 1963.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/116/1, Type II, Model UPA, adult unicellular plastic foam buoyant vest, dwg. No. 122061 (sheets 1 and 2), Rev. 1 dated June 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective November 20, 1963. (It supersedes Appróval No. 160.052/116/0 dated March 27, 1961, to show change in construction.)

Approval No. 160.052/117/1, Type II, Model UPM, child medium unicellular plastic foam buoyant vest, dwg. No. 122061 (sheets 1 and 3), Rev. 1 dated June 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective November 20, 1963. (It supersedes Approval No. 160.052/117/0 dated March 27, 1961, to show change in construction.)

Approval No. 160.052/118/0, Type II, Model UPS, child small unicellular plastic foam buoyant vest, dwg. No. 122061 (sheets 1 and 4), Rev. 1 dated June 24, 1963, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective November 20, 1963. (It supersedes Approval No. 160.052/118/0 dated March 27, 1961, to show change in construction.)

Approval No. 160.052/140/0, Type II, Model 390, adult unicellular plastic foam buoyant vest, dwg. LP 39012 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Model 390, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.052/140/0 dated September 12, 1961, to show change in address of manufacturer.)

Approval No. 160.052/141/0, Type II, Model 391, child medium unicellular plastic foam buoyant vest, dwg. LP 39012 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Model 391, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.052/141/0 dated September 12, 1961, to show change in address of manufacturer.)

Approval No. 160.052/142/0, Type II, Model 392, child small unicellular plastic foam buoyant vest, dwg. LP 39012 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Model 392, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, effective November 8, 1963. (It supersedes Approval No. 160.052/142/0 dated September 12, 1961, to show change in address of manufacturer.)

Approval No. 160.052/266/0, Type II, Model 75–L, adult unicellular plastic foam buoyant vest, dwg. No. 3 and Bill of Materials dated July 7, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, for Seamac Corporation, 1505 Pere Marquette Building, New Orleans 12, Louisiana, effective October 30, 1963.

Approval No. 160.052/267/0, Type II, Model 75–M, child medium unicellular plastic foam buoyant vest, dwg. No. 2 and Bill of Materials dated July 7, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, for Seamac Corporation, 1505 Pere Marquette Building, New Orleans 12, Louisiana, effective October 30, 1963.

Approval No. 160.052/268/0, Type II, Model 75–S, child small unicellular plastic foam buoyant vest, dwg. No. 1 and Bill of Materials dated July 7, 1963, manufactured by Jones & Yandell Division, American Tent Company, P.O. Box 270, Canton, Mississippi, for Seamac Corporation, 1505 Pere Marquette Building, New Orleans 12, Louisiana, effective October 30, 1963.

Approval No. 160.052/270/0, Type II, Model No. 500, adult unicellular plastic foam buoyant vest, Iowa Fibre dwg. Nos. CP–1 dated March 8, 1961, Rev. 1 dated June 24, 1963, and CP–0 dated March 13, 1961, Rev. 1 dated June 24, 1963, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa, effective November 7, 1963.

Approval No. 160.052/271/0, Type II, Model No. 501, child medium unicellular plastic foam buoyant vest, Iowa Fibre dwg. Nos. CP–2 dated March 10, 1961, Rev. 1 dated June 24, 1963, and CP–0 dated March 13, 1961, Rev. 1 dated June 24, 1963, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa, effective November 7, 1963.

Approval No. 160.052/272/0, Type II, Model No. 502, child small unicellular plastic foam buoyant vest, Iowa Fibre dwg. Nos. CP–0 and CP–3 dated March 13, 1961, Rev. 1 dated March 24, 1963, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines 17, Iowa, for Hawkeye Sporting Goods Co., P.O. Box 613, Des Moines, Iowa, effective November 7, 1963.

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/9/1, Model F–91X, watertight and explosion-proof flashlight, Types I and II, size No. 3 (3-cell), identified by assembly dwg. No. D–1636 dated June 3, 1955, manufactured by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, New York, effective November 4, 1963. (It supersedes Approval No. 161.008/9/0 dated June 14, 1962.)

Approval No. 161.008/10/1, Model F–81X, watertight and explosion-proof flashlight, Types I and II, size No. 2 (2-cell), identified by assembly dwg. No. D–1636 dated June 3, 1955, manufactured by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, New York, effective November 4, 1963. (It supersedes Approval No. 161.008/10/0 dated June 14, 1962.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/193/0, Style HNP–MS–25 drum pilot safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/193/0 dated December 31, 1958.)

Approval No. 162.001/195/0, Style HNP–MS–35 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/195/0 dated December 31, 1958.)

Approval No. 162.001/196/0, Style HNP–MS–26 drum pilot safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 750° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/196/0 dated December 31, 1958.)

Approval No. 162.001/197/0, Style HNP–MS–36–6 drum pilot safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/197/0 dated December 31, 1958.)

Approval No. 162.001/198/0, Style HNP–MS–36 drum pilot safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/198/0 dated December 31, 1958.)

Approval No. 162.001/199/0, Style HNP–MS–27 drum pilot safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/199/0 dated December 31, 1958.)

Approval No. 162.001/200/0, Style HNP–MS–37–6 drum pilot safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/200/0 dated December 31, 1958.)

Approval No. 162.001/201/0, Style HNP–MS–37 drum pilot safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/201/0 dated December 31, 1958.)

Approval No. 162.001/202/0, Style HNP–MS–28 drum pilot safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 160.001/202/0 dated December 31, 1958.)

Approval No. 162.001/203/0, Style HNP–MS–38–6 drum pilot safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/203/0 dated December 31, 1958.)

Approval No. 162.001/204/0, Style HNP–MS–38 drum pilot safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1,000° F., dwg. No. D–40015–2, issued August 14, 1958, approved for size 1½", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/204/0 dated December 31, 1958.)

Approval No. 162.001/205/0, Style HNB–MS–25 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 650° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/205/0 dated December 31, 1958.)

Approval No. 162.001/206/0, Style HNB–MS–35–6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/206/0 dated December 31, 1958.)

Approval No. 162.001/207/0, Style HNB–MS–35 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 650° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/207/0 dated December 31, 1958.)

Approval No. 162.001/208/0, Style HNB–MS–26 drum pilot actuated safety valve, carbon steel body, maximum pressure of 600 p.s.i., maximum temperature 750° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/208/0 dated December 31, 1958.)

Approval No. 162.001/209/0, Style HNB–MS–36–6 drum pilot actuated safety valve, carbon steel body, maximum pressure of 850 p.s.i., maximum temperature 750° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/209/0 dated December 31, 1958.)

Approval No. 162.001/210/0, Style HNB–MS–36 drum pilot actuated safety valve, carbon steel body, maximum pressure of 900 p.s.i., maximum temperature 750° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/210/0 dated December 31, 1958.)

Approval No. 162.001/211/0, Style HNB–MS–27 drum pilot actuated safety valve, alloy steel body, maximum pressure of 600 p.s.i., maximum temperature 900° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", and 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/211/0 dated December 31, 1958.)

Approval No. 162.001/212/0, Style HNB–MS–37–6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 700 p.s.i., maximum temperature 900° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/212/0 dated December 31, 1958.)

Approval No. 162.001/213/0, Style HNB–MS–37 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 900° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/213/0 dated December 31, 1958.)

Approval No. 162.001/214/0, Style HNB–MS–28 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/214/0 dated December 31, 1958.)

Approval No. 162.001/215/0, Style HNB–MS–38–6 drum pilot actuated safety valve, alloy steel body, maximum pressure of 535 p.s.i., maximum temperature 1,000° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/215/0 dated December 31, 1958.)

Approval No. 162.001/216/0, Style HNB–MS–38 drum pilot actuated safety valve, alloy steel body, maximum pressure of 900 p.s.i., maximum temperature 1,000° F., dwg. No. D–39897–2, issued August 14, 1958, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve and Gage Co., Wrentham, Massachusetts, effective November 8, 1963. (It is an extension of Approval No. 162.001/216/0 dated December 31, 1958.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/89/0, Bendix Model No. B–175–24 backfire flame arrester for carburetors, for carburetor throat opening 2.628". Flame arrester must be clamped to carburetor throat, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Michigan, effective November 20, 1963. Similar to approved Models B–175–22, B–175–23, B–175–26, but with throat flange clamped in lieu of center securing bolt. Materials unchanged. No new tests performed.

Approval No. 162.015/90/0, Bendix Model No. B175–25 backfire flame arrester for carburetors, for carburetor throat opening 2.315". Flame arrester must be clamped to carburetor throat, manufactured by The Bendix Corporation, Zenith Carburetor Division, 696 Hart Avenue, Detroit 14, Michigan, effective November 20, 1963. Similar to approved Models B–175–22, B–175–23, B–175–26, but with throat flange clamped in lieu of center securing bolt. Materials unchanged. No new tests performed.

DECK COVERINGS

Approval No. 164.006/50/0, "O'Neill's Insulating Underlayment," perlite aggregate oxychloride cement deck covering, identical to that described in E. H. O'Neill Floors Co. letter dated October 29, 1963, approved for use without other insulating material as meeting Class A–60 requirements in a 1-inch thickness, manufactured by E. H. O'Neill Floors Co., 2525 South 50th Avenue, Chicago 50, Illinois, effective October 31, 1963.

BULKHEAD PANELS

Approval No. 164.008/31/0, "MARINWAL–A" hollow steel, asbestos board core, bulkhead panel meeting Class B–15 requirements in a 2¼" thickness with two ¼" asbestos millboard inserts, as described in National Bureau of Standards Test Report No. TG10230–16:FP3227 and identified by dwg. No. J–042, revision 1 dated August 20, 1952, manufactured by Martin-Parry Marine Corp., 415 Madison Avenue, New York 17, New York, effective October 31, 1963. (It is an extension of Approval No. 164.008/31/0 dated December 15, 1958.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/53/0, "Fiberglas AT–410, AT–415, and AT–420" fibrous insulation type incombustible material similar to that described in National Bureau of Standards Test Report No. TG-10210–2031:FP3465 dated August 15, 1958, approved in a density of ½, ¾, and 1-pound per cubic foot respectively for the Fiberglas AT–410, AT–415, and AT–420, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio, effective October 30, 1963. (It is an extension of Approval No. 164.009/53/0 dated December 31, 1958.)

Approval No. 164.009/76/0, "Pabco 'Precision Molded' Caltemp" asbestos-hydrous calcium silicate type, indentical to that described in Fibreboard Paper Products Corp. letter dated October 15, 1963, approved in densities of 11.5 to 12.5 pounds per cubic foot, Plant: Industrial Products Division, Emeryville, California, manufactured by Fibreboard Paper Products Corp., P.O. Box 4331, Oakland 23, California, effective October 30, 1963.

Approval No. 164.009/77/0, "Pabco 'Precision Molded' Super Caltemp", asbestos-hydrous calcium silicate type, identical to that described in Fibreboard Paper Products Corp. letter dated October 15, 1963, approved in densities from 11.5 to 12.5 pounds per cubic foot, Plant: Industrial Products Division, Emeryville, California, manufactured by Fibreboard Paper Products Corp., P.O. Box 4331, Oakland 23, California, effective October 30, 1963.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS OR MATERIALS

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Termination of Approval No. 160.026/31/0, Container for emergency drinking water, dwg. No. R-0620-T and specification dated July 2, 1958, manufactured by Pennsylvania Processors, Inc., 26 North Sixth Street, Lewisburg, Pennsylvania, effective September 27, 1963. (Approval No. 160.026/31/0 terminated because manufacturer is no longer in business.)

DAVITS

Termination of Approval No. 160.032/129/1, Gravity davit, type 20-70, approved for a maximum working load of 20,500 pounds per set (10,250 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. DG-301-1, revision C dated August 15, 1952, former location: Point Pleasant Beach, New Jersey; manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, New Jersey, effective September 27, 1963. (Expiration and termination of Approval No. 160.032/129/1 dated September 27, 1958. Item no longer manufactured.)

Dated: January 30, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-1340; Filed, Feb. 10, 1964; 8:49 a.m.]

Office of the Secretary

[AA 643.3-C]

WELDED STANDARD STEEL PIPE FROM WEST GERMANY

Fair Value Determination

FEBRUARY 3, 1964.

A complaint was received that welded standard steel pipe from West Germany was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that this case be closed on the basis of no sales at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The investigation in this case covered the period specified in a complaint received by the Treasury Department. The results of this investigation, considered in the light of the Antidumping Act, 1921, and the regulations thereunder, do not afford a basis for determining sales at less than fair value. The complainant has also indicated that under existing circumstances it desires to withdraw its complaint.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary
of the Treasury.

[F.R. Doc. 64-1342; Filed, Feb. 10, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order dated December 24, 1953 (19 F.R. 74), as amended, is further amended as follows:

Section 800 is amended by adding thereto the following subsection:

f. Designation of marketing administrators and committees administering marketing agreement and order programs.

Subsection (a)(3) of section 801 is deleted.

Done at Washington, D.C., this February 5, 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1329; Filed, Feb. 10, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 3, 1964.

The Department of the Army has filed an application, Serial Number Montana 063302(SD) for the withdrawal of the lands described below, from all forms of appropriation, except from the mining and mineral leasing laws. The applicant desires the land for use in connection with the construction, operation, and maintenance of the Fort Randall Dam and Lake Francis Case Project, South Dakota.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana, 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 104 N., R. 72 W.,
Sec. 26, Lot 1.

The area described totals 0.70 acre.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-1318; Filed, Feb. 10, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20454]

TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of February 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket No. 13777, Agreement C.A.B. 17280, R-52, R-53 and R-54.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth below:

Agreement C.A.B. 17280	IATA Memorandum	Commodity Item	Rates
R-52	TC1/Rates 1897.	4401	35 cents per kilogram; minimum weight, 45 kilograms; Panama City to Miami.
R-53	TC1/Rates 1896.	4121	35 cents per kilogram; minimum weight, 45 kilograms; between Miami and Panama City.
R-54	TC1/Rates 1895.	4120	Do.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-52, R-53, and R-54, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1337; Filed, Feb. 10, 1964; 8:49 a.m.]

[Docket No. 14945; Order E-20455]

JOINT TRAFFIC CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of February 1964.

In the matter of agreements adopted by Joint Traffic Conference 1-2 of the International Air Transport Association relating to cargo rates; Docket No. 14945, Agreement C.A.B. 17479.[1]

There has been filed with the Board pursuant to section 412a of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Joint Traffic Conference 1-2 of the International Air Transport Association (IATA) adopted at meetings held in December 1963. The agreement has been assigned the above-designated C.A.B. agreement number.

By Order E-20339 the Board approved transatlantic cargo rate resolutions, adopted at the Miami meetings, marked for early effectiveness. With the exception of Resolution 045c, 507, and 512b, this order covers the balance of the cargo rate resolutions adopted at Miami. Other than specific commodity rate resolutions, the agreement revalidates with a limited number of amendments currently effective resolutions for a one-year period of effectiveness through March 31, 1965.

Insofar as specific commodity rates are concerned, the agreement names additional rates and amends rates under existing descriptions; cancels certain items and rates; amends descriptions; and names rates under commodity descriptions not now in effect, including clams, oysters, scallops, cheese, fur scraps, perfume, and toilet water. Equal specific commodity rates have been established in both directions on many items where previously only westbound rates applied. Many additional commodities, through inclusion in broadened commodity groups, will be afforded substantially reduced rates; these include: chemicals, blankets, carpets, textile articles, electrical appliances designed for other that household use, imitation jewelry, and plastic ornamental articles. High volume developmental rates for many commodity groups have been canceled while for those remaining the rates have been slightly reduced. In addition, rates have been reduced from 30 to 45 percent on auto parts, adding machines, typewriters, cash registers, electrical appliances, machines, and household goods.

The Board, acting pursuant to sections 102, 204(a), 412, and 414 of the Act, makes the following findings:

1. The Board finds that, on the basis of all facts presently known, the following resolutions contained in Agreement C.A.B. 17479 do not affect air transportation within the meaning of the Act:

C.A.B. No.	IATA No.	Title
R-21	JT12(31)590n	Specific Commodity Rates South Atlantic—Revalidation and Amending.

2. The Board does not find the following resolutions contained in Agreement C.A.B. 17479 to be adverse to the public interest or in violation of the Act:

C.A.B. No.	IATA No.	Title
R-8	JT12(31)001c	Special Effectiveness.
R-9	JT12(31)002	Standard Revalidation insofar as it relates to the following resolutions: 045 —Charters. 501 —Minimum Charges. 502 —Low Density Cargo. 503 —Charges in Relation to Value. 508 —Charges for Stalls. 511a—Live Animals Other Than Monkeys and Primates. 512c—Charges for Preparation of Air Waybill. 570 —Quantity Discount. 596 —Newspapers and Periodicals.
R-10	JT12(31)003	Standard Reission.
R-11	JT12(31)014b	Construction Rule for Cargo Rates—Revalidating and Amending.
R-14	JT12(31)521	Use of Containers and Pallets—Amending.
R-15	JT12(31)554a	North Atlantic General Cargo Rates.
R-16	JT12(31)554b	Mid-Atlantic General Cargo Rates.
R-17	JT12(31)554c	South Atlantic General Cargo Rates.
R-18	JT12(31)590	Commodity Rates Board Atlantic—Revalidating and Amending.
R-19	JT12(31)590k	Specific Commodity Rates—North Atlantic Revalidating and Amending.
R-20	JT12(31)590m	Specific Commodity Rates—Mid-Atlantic Revalidating and Amending.

Accordingly, it is ordered, That

1. Jurisdiction over that portion of Agreement C.A.B. 17479 set forth in finding paragraph 1 above is disclaimed.

2. Action on that portion of Agreement C.A.B. 17479 set forth in finding paragraph 2 above is deferred with a view toward eventual approval. The approval of C.A.B. 17479, R-8 through R-11, and R-14 through R-20, which revalidates and/or amends and adopts various resolutions shall be subject to the same conditions as previously imposed by the Board.

Any air carrier party to the agreement, or any interested person, may within 10 days from the date of service of this order submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's proposed approval. An original and nineteen copies of the statements should be filed with the Board's Docket Section. If no protest is received within 10 days from the date of service of this order or, if, in the Board's judgment, such protests as are received do not require reconsideration of its position, the Board will, by subsequent order, make final the action proposed herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1338; Filed, Feb. 10, 1964; 8:49 a.m.]

[1] C.A.B. 17479, R-8, R-9 (Resolution 002, Standard Revalidation Resolution excluding that portion concerning resolution 507), R-10, R-11, and R-14 through R-21.

[Docket No. 5713 etc.]

PIEDMONT CASE; NORFOLK-NORTH PROPOSALS

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held on February 11, 1964, is hereby postponed to February 18, 1964, to be held at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Ave-

nues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 5, 1964.

[SEAL] WALTER W. BEYAN,
Hearing Examiner.

[F.R. Doc. 64-1339; Filed, Feb. 10, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15316]

MICHAEL J. MARSHALL

Order To Show Cause

In the matter of Michael J. Marshall, Rochester, New York, Docket No. 15316; order to show cause why there should not be revoked the license for Radio Station 20Q4153 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, That, on or about December 6, 1961, December 22, 1962, June 4, 1963, and November 9, 1963, the licensee used Citizens radio station 20Q-4153 for the transmission of communications to units of other Citizens radio stations other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61 (a)) of the Commission's rules; and

It further appearing, That, on or about December 6, 1961, December 22, 1962, June 4, 1963, and November 9, 1963, the communications between Citizens radio station 20Q4153 and other Citizens radio stations were not restricted to five consecutive minutes, in violation of § 95.81 (f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, That, on or about December 6, 1961, December 22, 1962, June 4, 1963, and November 9, 1963, the licensee failed to observe a silent period of two minutes following the communications between Citizens radio station 20Q4153 and other Citizens radio stations, in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, That, on or about December 6, 1961, December 22, 1962, and November 9, 1963, the licensee failed to identify the transmissions from Citizens radio station 20Q4153 by the call sign assigned to such station at the beginning and termination of each communication, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, That, in view of the foregoing, the licensee has repeatedly violated §§ 95.81 (a), (f) and 95.87 of the Commission's rules; and

It further appearing, That the violations of §§ 95.81(a) and 95.87 of the Commission's rules occurring on November 9, 1963, and the related facts, create apparent liability by the respondent to monetary forfeitures totalling $300 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules, and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 6th day of February 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that the licensee show cause why the license for the above-captioned radio station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested—Air Mail to the licensee at his last known address of 180 Turpin Street, Rochester, New York.

Released: February 6, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1346; Filed, Feb. 10, 1964; 8:50 a.m.]

[Docket No. 15247; FCC 64M-104]

FRANKLIN BROADCASTING CO. ET AL.

Memorandum of Ruling Continuing Hearing

In re application of Franklin Broadcasting Company (Transferor), William F. Johns, Sr., and William F. Johns, Jr. (Transferees), Docket No. 15247, File No. BTC-4303; for transfer of control of WLOD, Inc., licensee of Station WLOD, Pompano Beach, Florida.

This will formalize oral ruling made on the record of this proceeding at a prehearing conference held on February 4, 1964, continuing date of hearing from February 24, 1964, to April 6, 1964.

So ordered, this 5th day of February 1964.

Released: February 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1343; Filed, Feb. 10, 1964; 8:50 a.m.]

[Docket Nos. 15111, 15112; FCC 64M-94]

HOLSTON BROADCASTING CORP. AND C. M. TAYLOR

Order Continuing Hearing

In re applications of Holston Broadcasting Corporation, Elizabethton, Tennessee, Docket No. 15111, File No. BP-15012; C. M. Taylor, Blountville, Tennessee, Docket No. 15112, File No. BP-15115; for construction permits.

The Hearing Examiner having under consideration a petition for extension of time filed on January 27, 1964 by Holston Broadcasting Corporation;

It appearing, That a schedule has heretofore been established at a prehearing conference whereby the parties were to specify any witnesses desired for cross-examination on the date of February 10 and that the hearing was to commence on February 17, 1964; and

It further appearing, That due to the press of other business and to schedule conflicts on the part of other counsel it is now desirable to change these dates as follows: Notification of witnesses—March 10; Commencement of hearing—March 16, 1964; and

It further appearing, That all counsel have concurred in the foregoing request:

It is ordered, This 30th day of January 1964, that the comencement of hearing is continued from February 17 to March 16, 1964.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1344; Filed, Feb. 10, 1964; 8:50 a.m.]

[Docket Nos. 14411, 14412; FCC 64M-102]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of J. R. Earnest and John A. Flache, d/b as La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP-14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP-15073; for construction permits.

It is ordered, This 5th day of February 1964, with the consent of all interested parties, that Charles J. Frederick, in lieu of Herbert Sharfman, shall serve as presiding officer in the remand proceeding ordered herein by the Commission's Review Board (FCC 63R-550; Mimeo. No. 44826), and, in accordance with the Board's direction, he shall prepare and issue a Supplemental Initial Decision encompassing "findings and conclusions on all aspects of the issues" based upon the entire record of the hearing proceeding heretofore held and upon the record of the remand proceeding. *And, it is further ordered*, That a prehearing conference herein will be convened in the Offices of the Commission, Washington, D.C., on February 14, 1964, at 9:00 a.m.

Released: February 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1345; Filed, Feb. 10, 1964; 8:50 a.m.]

[Docket No. 14841; FCC 64M-95]

VERNE M. MILLER

Memorandum of Rulings and Procedural Statement

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

This document will serve to publicize certain rulings made by the Hearing Examiner at the Second Further Prehearing Conference held on January 27, 1964, as well as to apprise all parties of the other procedural matters mentioned below.

At the further prehearing conference of January 27th, the Hearing Examiner granted an oral motion of counsel for the applicant that the exchange date for applicant's proposed exhibits be extended, nunc pro tunc, from January 6 to January 13, 1964.

The Hearing Examiner ordered, with consent of the parties present, that a further prehearing conference be convened at the offices of the Commission in Washington, D.C., on February 26, 1964 (at 2:00 p.m.). Discussion at the January 27th prehearing conference indicated that consideration would be given to holding at an early date an informal engineering conference among the parties in Washington, D.C., at a time and place to be arranged by counsel for the applicant and with notification thereof given to other parties by him.

Since there is some likelihood that the applicant's engineer will prepare additional data requested by other parties and exchange further exhibits for submission at the hearing, the Examiner indicated at the January 27th conference that the indefinite extension of the date for exchange of rebuttal exhibits and other procedural dates, ordered in the "Order for Second Prehearing Conference" (FCC 64M-74), released January 23, 1964, will remain in effect at least until some date to be determined at, or subsequent to, the next prehearing conference on February 26, 1964. In the meantime, the Examiner will not rule on the KSUE letter request of January 20, 1964, that the rebuttal exchange date be extended to some time in May. However, KSUE and other respondent parties are hereby advised that they are not required to exchange rebuttal exhibits until a date to be fixed when the Examiner rules on the KSUE extension request.

As announced at the recent prehearing conference, the letters written to the Hearing Examiner by the respondent licensee of Station KSUE under dates of January 7, January 20 and January 23, 1964, have been turned over to the Commission's docket section for filing in the official docket (No. 14841) in this proceeding.

It should be noted also that subsequent to the further prehearing conference on January 27th, the Hearing Examiner received from Mr. James E. McKahan, owner of respondent Station KSUE, the original and copies of a proposed KSUE exhibit. As a courtesy to the sender, some copies of the exhibit have been turned over to counsel for the other parties, with the remaining copies being held in the Examiner's custody until such time as KSUE calls for them. However, Mr. McKahan is hereby admonished that, in the future, copies of all other KSUE proposed exhibits are to be served by him directly on other parties, and that he will be expected to comply strictly with the Commission's procedural requirements with regard to the filing and service of pleadings and other procedural matters. Moreover, it is emphasized that the Hearing Examiner should not be expected to perform the functions of counsel on behalf of a respondent party. In this connection, KSUE is hereby informed that no evidence was introduced at the January 27th prehearing conference, and that it will be necessary for this party to offer its proposed rebuttal exhibits in evidence, subject to objection by other parties, when the evidentiary hearing is held on the date to be set at, or after the February 26, 1964 conference.

In accordance with the aforementioned rulings; *It is ordered*, This 31st day of January 1964 that:

(a) The date for exchange of applicant's exhibits is extended, nunc pro tunc, from January 6 to January 13, 1964; and

(b) A further prehearing conference of all parties, or their counsel, will be held in the offices of the Commission at Washington, D.C., on February 26, 1964, at 2:00 p.m.

Released: January 31, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1347; Filed, Feb. 10, 1964; 8:51 a.m.]

[Docket Nos. 15212, 15213; FCC 64R-56]

TVUE ASSOCIATES, INC., AND UNITED ARTISTS BROADCASTING, INC.

Memorandum Opinion and Order Amending Issues

In re applications of TVue Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT-3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT-3166; for construction permits for new television broadcast stations.

1. By order, FCC 63-1022, released November 5, 1963, the Commission designated the instant applications for comparative hearing. United Artists requests[1] the addition of the following issue: "To determine whether TVue Associates, Inc., in view of its proposals as to staff and operating expenses is qualified to operate its station in the manner proposed by its application."

2. The issue requested is, in effect, a request for an issue as to the adequacy of staffing coupled with an issue as to the sufficiency of funds. The designation order, supra, contains a provision empowering the Hearing Examiner to add a sufficiency of funds issue. In Sands Broadcasting Corp., FCC 61-1162, 22 RR 161 (1961)[2] the Commission held under similar circumstances that the sufficiency of funds portion of such a requested issue would be denied as being directed to the wrong forum, while the staffing portion was granted. We will likewise deny the sufficiency of funds portion of the instant requested issue. In so doing it is noted that this action will not preclude petitioner from addressing a request for such an issue, alone, to the Hearing Examiner.

3. TVue's application indicates that it will telecast 71 hours per week and that 44 percent of its programing will be live. To effectuate such operation the application lists the following staff:

General Manager—Charles F. Macy.
Program Director—to be selected.
*Program-Research Assistant—to be selected.
2 Announcers—MC's—to be selected.
*Religious Program Consultant—Elmer C. Gardner.
*Women's Activities Consultant—Audrey Jones Beck.
*Community Affairs Consultant—Ray O. Beach, Jr.
Traffic-Copy Girl—to be selected.
Salesman—to be selected.
3 Engineers—to be selected.

*Asterisks indicate proposed part-time positions. Such additional part-time help as is needed will be hired * * *

4. Petitioner contends that the nine full-time employees plus an unspecified number of part-time employees would be inadequate to operate the proposed television station for 71 hours per week where 44 percent of the programing will be live. Petitioner alleges that only one presently operating station in the country has televised as high a percentage of local live programing as that proposed by TVue. This is Station KCOP-TV, Los Angeles, with 47.8 percent local live programing and, at its latest renewal, in 1962, the staff of such station was shown to have a total of 117 employees. Petitioner, noting that the proposed part-time consultants are also stockholders of the applicant, cites Community Telecasting Corp., FCC 62-523, 24 RR 1 (1962), for the holding that stockholder-consultants without prior broadcast experience (and TVue's application does not indicate that the above proposed consultants have such experience) cannot be considered as contributing to the operating efficiency of the station. Petitioner also cites KWEN Broadcasting Company, FCC 62-654, 23 RR 900 (1962), and Bootheel Broadcasting Company, FCC 62R-45, 24 RR 292 (1962), in support of its contention that the Commission, under similar circumstances involving proposals with substantial percentages of live programing, has added an adequacy of staff issue.

5. In its opposition TVue contends that the nine full-time employees as aided

[1] The Review Board has before it for consideration the following timely filed pleadings: Motion to enlarge issues, filed November 26, 1963 by United Artists Broadcasting, Inc.; Opposition, filed Dec. 20, 1963 by TVue Associates, Inc.; Broadcast Bureau's Opposition, filed Dec. 20, 1963; and Reply by petitioner, filed Jan. 10, 1964.

[2] Petitioner cites Birney Imes, Jr., 17 RR 419 (1959) as authority for use of the specific issue requested. The Sands case, supra, is a later case.

by consultants and an unspecified number of part-time help will be adequate to effectuate its proposed programing. TVue points out that while three first class engineers are proposed only one or more is required to be on duty at one time since the studio and transmitter site will be at the same location. This will permit one of the engineers to operate the master control and another to act as cameraman during live programs or to assume other duties. However, if necessary, TVue would hire part-time technical assistants.[2] TVue further contends that, because of its proposal to telecast fifty second segments broken by ten seconds of commercials each minute of most of each broadcast day, it will be "a simple matter for two announcer-master of ceremonies to perform all of the on-camera duties." This will require each to be on-camera alone a total of no more than three hours of each of the six days per broadcast week in addition to the times when both are required to be on-camera together. Thus, both announcers can, because of TVue's plan to alternate seven minutes of live programing with eight minutes of recorded programing, prepare for the live segments during the recorded portions. The program preparation will also be handled by the general manager, the traffic-copy girl, the program director, the part-time research assistant and the stockholder consultants. TVue maintains that its plan for automating the recorded portions of its programing plus much of the accounting and statistical reporting functions will obviate the need for a separate projectionist, for someone to perform switching operations, and for the programing director to oversee this aspect, since the card punching and other tasks incident to the automatic telecasting can be handled primarily by the traffic-copy girl. No mention is made of how (barring sickness of personnel), office duties, paper work, preparation and coordination of the automated procedures,[4] and reception of guests for the live portions will be arranged, how such guests will be obtained, or the extent to which the salesman will be available for these duties in addition to soliciting advertising copy for portions of the approximately 3,100 commercial spot announcements per week. No indication is further given of the source of the copy for the two editorials to be broadcast each of the 71 hours per week, nor how they will be prepared.

6. In sum, under ordinary circumstances nine full-time television employees, even as supplemented by an unspecified number of part-time help,[5] would, in view of the hours proposed, raise a question as to the adequacy of the proposed staff to effectuate TVue's programing. However, a case cannot be decided alone on the basis of number of employees and hours of telecasting. In this instance it appears that the advantages of automation, although of the most advanced type, may to some extent be offset by the interrupted form of broadcasting proposed and the large percentage of anticipated live programing, however commendable. In view of the fact that, apart from the general manager, adequate information has not been submitted as to full-time personnel, and because of the novelty and complexity of the proposed programing, calling for varied and sometimes unrelated functions by the employees within brief and limited periods of time, we cannot determine on the basis alone of the presentation made in TVue's application (and in its opposition to the instant motion) whether its staffing will in fact be adequate to effectuate its plan under the circumstances set forth therein.[6] In addition, applicant gives no indication that its proposed unique and complex operation has been tested as a coordinated system by any of the methods available for testing automated systems, such as development of a model. We feel that additional inquiry is called for to afford TVue an opportunity for more extensive presentation of evidence under the conditions of an evidentiary hearing before a final determination on this question can be arrived at with any reasonable degree of certitude.

Accordingly, it is ordered, This 3d day of February 1964, that the motion to enlarge issues, filed November 26, 1963, by United Artists Broadcasting, Inc. is granted to the extent indicated herein and in all other respects denied: *And it is further ordered*, That the following issue be added to the designated issues: "To determine whether TVue Associates, Inc., in view of its proposal as to staff, is qualified to operate its station in the manner proposed in its application."

Released: February 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1348; Filed, Feb. 10, 1964; 8:51 a.m.]

[2] TVue adds that it can also, if necessary, hire experienced cameramen at an hourly rate from a local photographic laboratory.

[4] Attachment 1 to the opposition of TVue, a letter from an IBM executive to TVue, indicates that more than one person full-time may be needed to operate "the IBM equipment in configuration."

[5] See KWEN Broadcasting Co., FCC 62-654, 23 RR 900, where the issue was added, although the application provided that the full-time employees would be "augmented by part-time employees as needed," because of "the limited full-time staff which is proposed, together with the uncertainty as to the extent to which part-time employees will be used."

[6] The Broadcast Bureau in opposing the motion contends that the underlying premise of petitioner's motion is that the specialized type of programing TVue proposes will require more staff-time than conventional programing. While the Bureau would deny the request for failure to advance material facts tending to show that this is a correct conclusion, and while TVue asserts on the contrary that such programing will reduce personnel requirements, we cannot conclude, because of lack of information concerning the practice, what the effect of its implementation might entail as to personnel requirements.

[Docket Nos. 15204-15207; FCC 64R-55]

WHDH, INC. (WHDH-TV) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of WHDH, Inc. (WHDH-TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT-530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT-3164; Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT-3170; Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT-3171; for construction permits for new VHF television broadcast stations.

1. Before the Review Board for consideration is a petition to enlarge issues, filed by Charles River Civic Television, Inc. (Charles).[1] The petition requests that two issues be added as to Greater Boston TV Co., Inc. (Greater Boston): one to determine what steps Greater Boston has taken to discover the programing needs of the Boston community, and the other to determine the availability of Greater Boston's site.

2. Charles alleges that Greater Boston's programing proposal is virtually identical to the present programing of existing Station WHDH-TV, and that this demonstrates that Greater Boston has taken no steps to determine Boston's programing needs. The Broadcast Bureau opposes Charles' request, asserting that evidence as to proposed programing is encompassed within the standard comparative issue, and therefore a "disqualifying" programing issue is not needed. In addition, the Bureau asserts that long residence and civic participation can be a method of gaining knowledge of a community's needs, and that Greater Boston has this factor in its favor. Finally, the Bureau contends that the fact that Greater Boston's proposed programing is similar to that of an existing licensee does not show a lack of awareness of Boston's needs where, as here, the proposal is not patterned after the programing used in a different community. See Community Service Broadcasters, Inc., FCC 62-15, 22 RR 814 (1962).

3. Greater Boston has not shown that it has independently ascertained Boston's programing needs or made an independent evaluation of the type of programing which would best fulfill those needs. While the arguments that the Bureau puts forward concerning residence, etc., are relevant to the problems before us, the conflicting inferences which may be drawn from the factual allegations made by the parties can fairly be resolved only on the basis of an evidentiary record. In addition, Greater Boston has filed no responsive pleading in answer to Charles' assertions. Therefore, an issue as to Greater Boston's proposed programing will be added.

[1] The pleadings before the Board are: petition to enlarge issues, filed Nov. 18, 1963, by Charles; Broadcast Bureau's comments, filed Dec. 9, 1963; and reply, filed December 19, 1963, by Charles.

4. Charles' second allegation as to Greater Boston concerns the latter's proposed antenna site. Greater Boston proposes to use WHDH-TV's present site. Charles alleges that Greater Boston does not have the necessary reasonable assurance that the site will be available. Greater Boston has merely made an offer to WHDH, Inc. for the existing site. WHDH, Inc. has not responded to this offer, and Charles contends that these facts do not show a reasonable assurance that the site will be available. The Broadcast Bureau opposes Charles' request, stating that no new facts are alleged to show that the site is not available, and that "it is reasonable to assume that an existing site would be available to a successor licensee." L. B. Wilson, Incorporated, FCC 63R-58, 24 RR 1018 (1963), is cited for the latter proposition. However, the Wilson case is quite different from this one. In that case, the applicant had obtained the permission of the existing licensee to specify its site in the application. In this case, the licensee (WHDH, Inc.) has said nothing. Further, in the Wilson case the applicant proposed an alternative site in the same antenna farm. Here, Greater Boston proposes only the one site. Under these circumstances, and in view of the fact that Greater Boston has filed no responsive pleading indicating any arrangement it might have with WHDH, Inc., an issue will be added to determine whether Greater Boston has reasonable assurance of being able to secure its proposed antenna site.

Accordingly, it is ordered, This 3d day of February 1964, that the petition to enlarge issues, filed November 18, 1963, by Charles River Civic Television, Inc. is granted; and the issues in this proceeding are enlarged by the addition of the following issues:

To determine what efforts have been made by Greater Boston TV Co., Inc. to ascertain the programing needs and interests of the area its application proposes to serve and the manner in which it proposes to meet such needs and interests.

To determine whether Greater Boston TV Co., Inc. has reasonable assurance of being able to secure its proposed antenna site.

Released: February 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1349; Filed, Feb. 10, 1964; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24 SF-2981]

BLUE HAVEN POOLS

Order Vacating Temporary Suspension Order

FEBRUARY 5, 1964.

Blue Haven Pools (issuer), 11933 Vose Street, North Hollywood, California, and Norman Udkoff, Harold Udkoff, Leon Zisfain and Jack A. Berg, as selling stockholders, filed, on November 1, 1961, with the San Francisco Regional Office a notification on Form 1-A, an offering circular relating to an offering of 35,000 shares, on behalf of issuer, and 20,000 shares, on behalf of the selling stockholders, of issuer's $1.00 par value common capital stock at $4.00 per share, for an aggregate offering price of $220,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Pacific Coast Securities Company, a California corporation, was named as underwriter.

On September 18, 1963, the Commission issued an order temporarily suspending issuer's Regulation A exemption, stating that it had reason to believe that issuer had filed a false report of sales on Form 2-A and had not filed a revised offering circular required by Rule 256(e) of Regulation A. At the request of issuer, a hearing was held on this matter on November 13, 1963.

On January 10, 1964, the issuer filed an Offer of Settlement, pursuant to Rule 8 of the Commission's rules of practice, in which the issuer offers to file an amended report of sales on Form 2-A correcting certain inaccurate information contained in the original report dated April 30, 1962. Additionally, the issuer has repurchased certain of its common stock to insure that said stock will not be offered in violation of the Commission's rules. On the basis of this action the issuer requests that the Commission vacate the temporary suspension order.

The Division of Corporation Finance and the San Francisco Regional Office have recommended that the issuer's Offer of Settlement be accepted.

Therefore, having considered issuer's Offer of Settlement and the record in these proceedings and it appearing that it is not in the public interest that the temporary suspension of Blue Haven Pools' Regulation A exemption be made permanent,

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the temporary order of suspension, entered in these proceedings on September 18, 1963, be and it hereby is vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1336; Filed, Feb. 10, 1964; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 452]

ALABAMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of January 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Shelby County in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about January 24, 1964.

Offices

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Georgia.

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Alabama.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1964.

Dated: January 28, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-1321; Filed, Feb. 10, 1964; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER THE LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Announcement of ITAC Actions and Restraint Levels

FEBRUARY 4, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

Renewal of restraint actions. On January 27, 1964, the Interagency Textile Administrative Committee announced that, under Article 3 and Annex B of the Long-Term Arrangement, the United States had renewed restraints with respect to exports from Yugoslavia in Categories 9, 22, 26, 48 and 49 effective January 3, 1964, for a further twelve-month period.

New actions. On January 27, 1964, the Interagency Textile Administrative Committee announced that, under Article 3 of the Long-Term Arrangement, discussions were continuing with the governments of several countries concerning the restraint of certain exports of cotton textiles and cotton textile products which are causing or threatening to cause disruption in the United States market as follows:

Country:	Category
Argentina	1
Brazil	9
Mexico	22
Pakistan	22
Philippines	(1)
Trinidad and Tobago	26 and 61

[1] 39, 45, 62, 69 and 63 (T.S.U.S.A. Nos. 380.-0363 and 382.0877 only).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-1334; Filed, Feb. 10, 1964; 8:49 a.m.]

TARIFF COMMISSION

[AA1921-34]

PEAT MOSS FROM CANADA

Notice of Postponement of Hearing

Notice is hereby given by the United States Tariff Commission that the hearing ordered to be held on February 25, 1964, in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to Peat Moss from Canada, is postponed until 10 a.m. on March 16, 1964.

Issued: February 6, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-1335; Filed, Feb. 10, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 939]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 6, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66473. By order of February 4, 1964, the Transfer Board approved the transfer to Benny DeFazio, Jr., 1028 Springbrook Avenue, Moosic, Pa., of permit in No. MC 118570, issued January 13, 1960, to Andrew E. Funk, doing business as Carryall, 1010 Elmira Street, White Haven, Pa., authorizing the transportation of: Cinders, screenings, and slag, from points in Foster and Hazle Townships (Luzerne County), Pa., to Lyndhurst and East Orange, N.J.

No. MC-FC 66500. By order of February 4, 1964, the Transfer Board approved the transfer to Charles R. Walker, Salem, Mo., of the operating rights issued by the Commission April 8, 1941, under Certificate in No. MC 95510, to K. J. Sellers, Salem, Mo., authorizing the transportation, over irregular routes, of livestock and live poultry, from Hobson, Mo., and points within 10 miles of Hobson, to East St. Louis, Ill., and fertilizer and feeds, from East St. Louis to the above-specified origin points. Dorman L. Steelman, Elmer Building, Salem, Mo., 65560, attorney for applicants.

No. MC-FC 66506. By order of February 4, 1964, the Transfer Board approved the transfer of Inco Express, Inc., Seattle, Wash., of the operating rights in Certificate in No. MC 119639 (Sub-No. 1) issued by the Commission November 7, 1961, to Victor Di Pietro, doing business as Incoronata Express, Seattle, Wash., authorizing the transportation, over irregular routes, of shakes, shingles, and trim, from points in Grays Harbor, Lewis, Clallam, Snohomish, and Skagit Counties, Wash., to points in California, Arizona, and Nevada, George R. LaBissoniere, 333 Central Building, Seattle 4, Wash., attorney for applicants.

No. MC-FC 66515. By order of February 4, 1964, the Transfer Board approved the transfer to Robert John Pierce, doing business as Pierce Van Lines, 800 Franklin Street, Trenton, N.J., of the operating rights in Certificate in No. MC 29018, issued by the Commission June 12, 1959, to Joseph P. Pierce, doing business as Pierce Van Lines, 800 Franklin Street, Trenton, N.J., authorizing the transportation, over irregular routes, of household goods, between Trenton, N.J., and points in New Jersey and Pennsylvania within 10 miles of Trenton, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC-FC 66571. By order of February 4, 1964, the Transfer Board approved the transfer to Ed Wellestat, Inc., Chicago, Ill., of the operating rights in Certificates in Nos. MC 102327 and MC 102327 (Sub No. 2), issued by the Commission April 19, 1954, and November 22, 1954, respectively, to E. Ford Baggerly, Herman E. Ridley and Charles E. Nolan, a partnership, doing business as Wilhelm Van Service, Benton, Ill., authorizing the transportation, over irregular routes, of race horses, show horses, and polo ponies, and in the same vehicle therewith, stable supplies and equipment used in their care and exhibition, and the personal effects of their attendants, trainers and exhibitors, between Chicago, Ill., and Omaha, Nebr., on the one hand, and, on the other, Denver, Colo., and points within 15 miles thereof, and points in Kansas and Oklahoma; and between points in Oklahoma, on the one hand, and, on the other, points in Arkansas and Louisiana, and of livestock, other than ordinary livestock, personal effects of their attendants, and supplies and equipment used in the care and/or exhibition of such animals, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Mack Stephenson, 922 First National Bank Building, Springfield, Ill., attorney for applicants.

No. MC-FC 66587. By order of February 4, 1964, the Transfer Board approved the transfer to Roger Sitterly and Son, Inc., Greenfield, Mass., of the Certificate in No. MC 109460 (Sub-No. 1), issued December 17, 1948, to Roger R. Sitterly, Greenfield, Mass., authorizing the transportation of: Forest products, between Greenfield, Mass., on the one hand, and, on the other, points in Cheshire County, N.H. and Windson County, Vt.; and household goods, between points as specified in Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Felix J. Cerrato, 31 Federal Street, Greenfield, Mass., attorney for applicants.

No. MC-FC 66592. By order entered February 4, 1964, the Transfer Board approved the transfer to Jericho Motor Express, Inc., Cherry Hill, N.J., of Certificate in No. MC 116118, issued November 28, 1956, to Jerome J. Cohen, doing business as Jericho Motor Express, Cherry Hill, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Burlington, and Camden Counties, N.J., as specified. George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J., Practitioner for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-1332; Filed, Feb. 10, 1964; 8:49 a.m.]

[No. 34373]

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES

Investigation

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of January A.D. 1964.

It appearing, that in Ex Parte No. 212, Increased Freight Rates, 1958, 302 I.C.C. 665 and 304 I.C.C. 269, and Ex Parte No. 223, Increased Freight Rates, 1960, 311 I.C.C. 373, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that petitions dated December 13, 1963, and January 16, 1964, have been filed on behalf of the St. Louis Southwestern Railway Company, The American Short Line Railroad Association, and common carriers by railroad operating to, from, and between points in the State of Arkansas, averring that the Arkansas Commerce Commission has refused to authorize or permit increases in rates and charges on commodities moving in intrastate commerce corresponding to the increases authorized by the Commission in the proceedings listed above on interstate traffic as more fully described in said reports;

It further appearing, that petitioners allege that the failure of the Arkansas Commerce Commission to permit the increases in rates and charges on intrastate traffic, referred to in the preceding paragraph, causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against, and undue burden on, interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petitions rates and charges made or imposed by authority of the State of Arkansas:

It is ordered, That in response to the said petitions, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the said rates and charges of the common carriers by railroad, or any of them, operating in the State of Arkansas for the intrastate transportation of commodities as described in the reports listed above, made or imposed by authority of the State of Arkansas, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed above, any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against, or undue burden on, interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Arkansas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of Arkansas be notified of the proceeding by sending copies of this order and of said petitions by certified mail to the Governor of the said State and to the Arkansas Commerce Commission at Little Rock, Arkansas;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-1330; Filed, Feb. 10, 1964; 8:48 a.m.]

[No. 34354]

GENERAL MOTOR LINES, INC.

Iron and Steel Articles From Wilmington, N.C., to Points in North Carolina; Investigation Regarding Rates

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 30th day of January A.D. 1964.

Upon consideration of a petition and supplement thereto filed November 4, 1963, of General Motor Lines, Inc., requesting the institution of an investigation by the Commission into rates applicable on certain truckload movements from Wilmington, N.C., to points in North Carolina, and the petition of the North Carolina Utilities Commission, filed November 4, 1963, for leave to intervene in support thereof, and

It appearing, that the petitioner, a common carrier by motor vehicle, may have been, and may be, transporting shipments of various commodities in interstate and foreign commerce between Wilmington and other points in North Carolina, for which it has been, and is, charging and collecting compensation different from the rates and charges specified therefor in effective tariffs on file with this Commission, in violation of section 217(b) of the Interstate Commerce Act;

It is ordered, That, under the authority of section 204(c) of said Act, an investigation be, and it is hereby, instituted into and concerning the practices in connection with the involved movements, with a view to determining the lawfulness thereof, and to issuing such orders and taking such other and further action as the facts and circumstances may appear to warrant;

It is further ordered, That the petitioning carrier, General Motor Lines, Inc., be, and it is hereby, made a respondent to this proceeding, that the North Carolina Utilities Commission, be, and it is hereby, granted leave to appear as an intervenor; that a copy of this order be served upon said respondent and intervenor, and that notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of this Commission and by filing a copy with the Director, Office of Federal Register;

It is further ordered, That the Bureau of Inquiry and Compliance of this Commission be, and it is hereby, authorized and directed to participate in this proceeding;

And it is further ordered, That this proceeding be assigned for oral hearing at Wilmington, N.C., at a time and place to be hereafter fixed.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-1331; Filed, Feb. 10, 1964; 8:48 a.m.]

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Washington, Wednesday, February 12, 1964

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FEB 19 1964
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Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3063; Amdt. 360]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of E crs; 064° Outbnd, 246° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 246°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing GL–LFR, climb to 3000′ on W crs (246°) Galena LFR within 20 miles.
CAUTION: Higher terrain N of final approach crs. Make all turns to S side of final approach crs.

City, Galena; State, Alaska; Airport Name, Galena; Elev., 152′; Fac. Class., SBRAZ; Ident., GL; Procedure No. 1, Amdt. 10; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 9; Dated, 26 Oct. 63

HLN–VOR	HN–LFR	Direct	8000	T-d	500–2	500–2	500–2
Winston FM	HN–LFR (final)*	Direct	7300	T-n	800–2	800–2	800–2
				C-d	3000–2	3000–2	3000–2
				C-n	3000–3	3000–3	3000–3
				A-d	3300–2	3300–2	3300–2
				A-n	3300–3	3300–3	3300–3

Procedure turn E side SE crs, 100° Outbnd, 280° Inbnd, 8000′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 7300′.
Crs and distance, facility to airport, 246°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing HN LFR, make right climbing turn to SE crs, climb to 8000′ within 10 miles of HN–LFR.
Other change: Deletes transition from McDonald Pass FM.
MSA: NE 10,900′, SW 10,800′, SE 11,400′, NW 10,300′.
*Maintain at least 8500′ until 1.2 miles past Winston FM.

City, Helena; State, Mont.; Airport Name, Helena County-City; Elev., 3873′; Fac. Class., SBMRAZ; Ident., HN; Procedure No. 1, Amdt. 8; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 7; Dated, 18 Mar. 61

PROCEDURE CANCELLED EFFECTIVE 22 FEB. 64.

City, Lacrosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., SBRAZ; Ident., LE; Procedure No. 1, Amdt. 8; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 7; Dated, 29 Sept. 62

				T-d*	500–2	500–2	500–2
				C-d*	700–2	700–2	700–2
				A-d*	800–2	800–2	800–2

Procedure turn S side SW crs, 178° Outbnd, 358° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to Seadrome, 358°—13.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Sitka LFR, turn left and climb to 1700′ on SW crs Sitka LFR within 13 miles.
CAUTION: High terrain E of NE crs within 9.5 miles Sitka LFR. High terrain N of NW crs within 13 miles Sitka LFR.
*Night operations not authorized.

City, Sitka; State, Alaska; Airport Name, Sitka Harbor (Seaplane); Elev., 0′; Fac. Class., SBRAZ; Ident., S1T; Procedure No. 1, Amdt. 7; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 6; Dated, 14 Dec. 63

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2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Weaverville Int	ABN RBn	Direct	6000	T-dn*	800-1	800-1	800-1
Asheville VOR	ABN RBn	Direct	6000	C-d**	1500-2	1500-2	1500-2
Broad River RBn	ABN RBn	Direct	6000	C-n	NA	NA	NA
Owen Int	ABN RBn	Direct	6000	S-dn-16	1200-1	1200-1	1200-1
				A-d	1500-2	1500-2	1500-2
				A-n	NA	NA	NA

Procedure turn E side of crs, 340° Outbnd, 160° Inbnd, 5500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4200′.
Crs and distance, facility to airport, 160°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing ABN RBn, climb to 5500′ on crs of 162° to Broad River RBn. Hold SE, 1-minute right turns.
*IFR departure procedures: Takeoffs to the N will comply with missed approach procedure when climbing to altitude. Takeoffs to the S will climb on crs of 162° over the OM and continue on crs of 162° to Broad River RBn. Upon reaching 5000′ or higher as directed by ATC, continue climb on crs.
**CAUTION: Terrain rises rapidly 2.0 miles W of airport. All maneuvering for circling approach must be accomplished E of airport. Abrupt changes in terrain adjacent to procedure areas. During periods of thunderstorm activity, station passage (ABN RBn) will be additionally identified as passing the AVL VOR R-296. Final approach from holding pattern not authorized. Procedure turn required.

City, Asheville; State, N.C.; Airport Name, Asheville Municipal; Elev., 2161′; Fac. Class., MHW; Ident., ABN; Procedure No. 2, Amdt. 2; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 1; Dated, 25 May 63

				T-dn	300-1	NA	NA
				C-dn	700-1	NA	NA
				A-dn	1000-2	NA	NA
				If Lima Int* received the following minimum applies:			
				S-dn-16	700-1	NA	NA

Radar vectoring approved in accordance with approved Philadelphia radar patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.#
Crs and distance, facility to airport, 158°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing PH LOM, make a left climbing turn to 2100′, returning to the LOM. Hold W 1-minute right turns, Inbnd crs, 085°.
#Descent to 1000′ authorized if Lima Int received.
*Lima Int: Int ESR VOR R-104 and 338° bearing from PH LOM.

City, Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23′; Fac. Class., LOM; Ident., PH; Procedure No. 1, Amdt. 4; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 3; Dated, 29 June 63

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-22	600-1	600-1	600-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ELD RBn, climb to 1800′ on crs 225° within 20 miles.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277′; Fac. Class., BMH; Ident., ELD; Procedure No. 1, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 30 June 62

Litchfield VOR	JXN-RBn	Direct	2700	T-dn	300-1	300-1	200-½
Brooklyn Int	JXN-RBn	Direct	2400	C-dn	500-1	500-1	500-1½
Leslie Int	JXN-RBn	Direct	2400	S-dn-13	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				When aircraft equipped with ADF and VOR and Grove Int* received, following minimums apply:			
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1

Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2400′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs 1500′.*
Crs and distance, Grove Int* to airport 135°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of JXN-RBn climb to 2400′ on crs 135° and return to JXN RBn.
Other change: Deletes transitions from Manchester Int, Leslie Int, and transitions based on LFR facilities.
Grove Int: Int 315° bearing from JXN-RBn and LFD R-087.

City, Jackson; State, Mich.; Airport Name, Reynolds Municipal; Elev., 1000′; Fac. Class., BMH; Ident., JXN; Procedure No. 1, Amdt. 9; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 8; Dated, 20 Mar. 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ODI VOR	LSE RBn	Direct	2700	T-d	*400-1	*400-1	#400-1
				T-n	*400-1½	*400-1½	#400-1½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 301° Outbnd, 121° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs 1800′.
Crs and distance, facility to airport 142°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing RBn, make immediate right climbing turn to RBn, then continue climb to 2700′ on 301° bearing from RBn within 10 miles.
NOTES: Final approach from holding pattern at RBn not authorized. Procedure turn required. When weather is below 800-2 aircraft departing Runways 3, 13, 18, 21, right below 1000′ beyond 2 miles of airport is prohibited between radials 040° and 270°, inclusive of the LSE VOR.
*300-1 authorized on Runways 31 and 36.
#200-½ authorized on Runways 31 and 36.

City, La Crosse; State, Wis.; Airport Name, La Crosse Municipal; Elev., 653′; Fac. Class., SBH; Ident., LSE; Procedure No. 1, Amdt. Orig.; Eff. Date, 22 Feb. 64

Lafayette VOR	LFE RBn	Direct	2300	T-dn**#	300-1	300-1	200-½
Westpoint VOR	LFE RBn	Direct	2300	C-dn	700-1	700-1	700-1½
Linden Int	LFE RBn	Direct	2300	S-dn-10	700-1	700-1	700-1
Roseville Int	LFE RBn	Direct	2300	A-dn	800-2	800-2	800-2
Stockwell Int	LFR RBn	Direct	2300	The following minimums apply for aircraft equipped with VOR and ADF, and Hill Int* identified:			
				S-dn-10	400-1	400-1	400-1
				C-dn	600-1	600-1	600-1½

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1900′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs 1300′.
Crs and distance, Hill Int* to airport, 095°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LFE RBn, make climbing right turn to 2300′ and proceed Inbnd to EPT-VOR on R-037 or, when directed by ATC, make right turn climbing to 2300′ on heading of 140° and return to LFE RBn.
NOTES: Aircraft departing Runway 10 eastbound, climb to 1800′ on heading 140°. Runway 5 departures eastbound, climb to 1800′ on runway heading before proceeding on crs.
*Hill Int: Int 275° bearing from LFE RBn and EPT R-005.
**CAUTION: 1305′ tower 3.6 miles ESE of airport, directly in line with Runway 10.
#300-1 required for Runway 5.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605′; Fac. Class., MHW; Ident., LFE; Procedure No. 1, Amdt. 5; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 4; Dated, 31 Aug. 63

ILA VOR	MYV RBn	Direct	2500	T-dn	300-1	300-1	200-½
Yuba Int	MYV RBn	Direct	2000	C-dn	500-1	500-1	500-1½**
Grimes Int	MYV RBn	Direct	2000	A-dn	800-2	800-2	800-2

Procedure turn W side of final approach crs, 140° Outbnd, 320° Inbnd, 1500′ within 10 miles. Not authorized beyond 10 miles.
Procedure turn W side of crs to provide separation from Beale AFB traffic.
Minimum altitude over facility on final approach, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing MYV RBn, climb to 2000′ on crs 324° from MYV RBn within 20 miles.
CAUTION: 250′ tower 2.9 miles N of airport.
MSA: 350°–220°—4700′, 220°–165°—1800′, 165°–255°—2100′, 255°–350°—3200′.

City, Marysville; State, Calif.; Airport Name, Yuba County; Elev., 63′; Fac. Class., BMH; Ident., MYV; Procedure No. 1, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 26 Aug. 61

Live Oak Int	MYV RBn (final)	Direct	800	T-dn	300-1	300-1	200-½
ILA VOR	MYV RBn	Direct	2500	C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 324° Outbnd, 144° Inbnd, 1300′ within 10 miles.
Procedure turn E side of crs, high terrain W.
Minimum altitude over facility, 800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing MYV RBn, turn right, climb to 2000′ on crs of 324° within 20 miles of MYV RBn.
CAUTION: 250′ tower 2.9 miles N of airport.
MSA: 350°–120°—4700′, 120°–165°—1800′, 165°–255°—2100′, 255°–350°—3200′.

City, Marysville; State, Calif.; Airport Name, Yuba County; Elev., 63′; Fac. Class., BMH; Ident MYV; Procedure No. 2, Amdt. 1; Eff Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

Arcola Int	MTO RBn	Direct	2400	T-dn	300-1	300-1	200-½
Casey Int	MTO RBn	Direct	2500	C-dn	600-1	600-1	600-1½
				S-dn-6	600-1	600-1	600-1
				A-dn*	NA	NA	NA
				The following minimums apply if Etna Int# received:			
				C-dn	400-1	500-1	500-1½
				S-dn-6	400-1	400-1	400-1

Procedure turn E side of crs, 225° Outbnd, 045° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Facility on airport.
Crs and distance, Etna Int# to airport, 045°—3.5 miles. Etna Int# to RBn 3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MTO RBn, climb to 2300′ on crs of 045°, turn right and return to MTO RBn, hold SW, Inbnd crs 045°, right turns.
NOTES: No weather available. Private facility operated by Coles County Airport authority.
*Alternate minimums of 800-2 authorized for air carriers with approved weather service.
#Etna Int: Int MTO RBn 225° bearing and DEC R-124.

City, Mattoon; State, Ill.; Airport Name, Coles County Memorial; Elev., 721′; Fac. Class., HW (private facility); Ident., MTO; Procedure No. 1, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 2 Nov. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED EFFECTIVE 22 FEB. 64.							
City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203'; Fac. Class., LOM; Ident., LX; Procedure No. 3, Amdt. Orig.; Eff. Date, 2 Feb. 63							
SHR VOR	SHR RBn	Direct	6200	T-d	400-1	400-1	400-1
Ucross FM	Sheridan FM	Direct	5900	T-n	400-2	400-2	400-2
Sheridan FM	Sheridan RBn (final)	Direct	5100	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 117° Outbnd, 297° Inbnd, 6200' within 10 miles.
Minimum altitude over facility on final approach crs, 5100'.*
Crs and distance, facility to airport, 297°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.4 miles after passing SHR RBn, climb to 8000' on bearing 297° from SHR RBn Outbnd within 20 miles or, when directed by ATC, climb to 8000' on the SHR VOR R-295 within 20 miles.
CAUTION: High terrain to SE and SW.
*Descent below 5700' not authorized until Sheridan FM is positively identified.

City, Sheridan; State, Wyo.; Airport Name, Sheridan-County; Elev., 4021'; Fac. Class., BH; Ident., SHR; Procedure No. 1, Amdt. 2; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 1; Dated, 8 June 63

Syracuse VOR	Syracuse RBn	Direct	2000	T-dn*	300-1	300-1	200-½
Lakeport Int	Syracuse RBn	Direct	2000	C-d	700-1	700-1	700-1½
Weedsport Int	Syracuse RBn (final)	Direct	2000	C-n	700-2	700-2	700-2
Plainville Int	Syracuse RBn (final)	Direct	2000	S-d-10	600-1	600-1	600-1
				S-n-10	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 280° Outbnd, 100° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 100°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SYR RBn, climb to 2000' direct to SY LOM. Hold E of SY LOM, 278° Inbnd, 1-minute right turns.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
CAUTION: 536' antenna 1.1 miles S of approach end of Runway 28.
*600-1 required for takeoff on Runway 14.

City, Syracuse; State, N.Y.; Airport Name, Hancock; Elev., 421'; Fac. Class., SBII; Ident., SYR; Procedure No. 2, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 16 Nov. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	300-1
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				S-dn-2	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 203° Outbnd, 023° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 023°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing BWG VOR, make a climbing right turn to 2500'. Return to BWG VOR. Hold S, 1-minute, right turns, 023° Inbnd.
AIR CARRIER NOTES: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions. No reduction in takeoff minimums authorized.
Other change: Deletes transition from Bowling Green LFR.

City, Bowling Green; State, Ky.; Airport Name, Bowling Green-Warren County; Elev., 539'; Fac. Class., BVOR; Ident., BWG; Procedure No. 1, Amdt. 3; Eff. Date, 22 Feb 64; Sup. Amdt. No. 2; Dated, 3 Dec. 60

				T-dn	300-1	300-1	200-½
				C-dn	2000-3	2000-3	2000-3
				A-dn	2000-3	2000-3	2000-3

Procedure turn E side of crs, 197° Outbnd, 017° Inbnd, 6200' within 10 miles.
Minimum altitude over facility on final approach crs, 6200'.
Crs and distance, facility to airport, 017°—18.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing CDR-VOR, make left turn, climb to 6300', return to CDR-VOR.
CAUTION: 4853' tower located 2.0 miles NE of CDR VOR.
MSA: 000°–090°—8600', 090°–180°—8600', 180°–270°—7300', 270°–360°—7100'.

City, Chadron; State, Nebr.; Airport Name, Chadron Municipal; Elev., 3296'; Fac. Class., BVOR; Ident., CDR; Procedure No. 1, Amdt. 5; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 4; Dated, 2 Nov. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CYS LOM	CYS VOR	Direct	7900	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 015° Outbnd, 195° Inbnd, 7900' within 10 miles.
Minimum altitude over facility on final approach crs, 7200'.
Crs and distance, facility to airport, 195°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CYS VOR, climb to 8000' on R-195 within 10 miles of CYS VOR.
NOTES: (1) Final approach from holding pattern at VOR not authorized. (2) Procedure turn required.
Other change: Deletes transition from CYS LFR.

City, Cheyenne; State, Wyo.; Airport Name, Cheyenne Municipal; Elev., 6156'; Fac. Class., BVORTAC; Ident., CYS; Procedure No. 1, Amdt. 4; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 1; Dated, 15 Feb. 54

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 232°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing ELD VOR climb to 1800' on R-226 ELD VOR within 20 miles.
Other change: Deletes transition from Hampton Int.
*Do not descend below 1500' until well established on final approach radial.

City, El Dorado; State, Ark.; Airport Name, Goodwin Field; Elev., 277'; Fac. Class., BVOR; Ident., ELD; Procedure No. 1, Amdt. 2; Eff. Date, 22 Feb. 64; Sup. Amdt No. 1; Dated, 22 Dec. 62

GL-LFR	GAL-VOR	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 045° Outbnd, 225° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 245°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing GAL-VOR, turn left, climb to 2500' on R-045 GAL-VOR.

City, Galena; State, Alaska; Airport Name, Galena; Elev., 152'; Fac. Class., H-VOR; Ident., GAL; Procedure No. 1, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

Chapel Int**	LAF VOR (final)	Direct	1800	T-dn*	300-1	300-1	200-½
				C-d	1000-1	1000-1	1000-1½
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				Following minimums apply for dual VOR equipped aircraft and Battle Int# identified:			
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of final approach crs, 323° Outbnd, 143° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 143°—10.6 miles; Battle Int# to airport, 143°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.6 miles after passing LAF VOR or 3.4 miles after passing Battle Int#, climb to 2300' on LAF VOR R-143 and return to LAF VOR.
NOTE: Aircraft departing Runway 10 eastbound climb to 1800' on heading 140°. Runway 5 departures eastbound climb to 1800' on runway heading before proceeding on crs.
CAUTION: 1305' tower 3.6 miles ESE of airport directly in line with Runway 10.
*300-1 required for Runway 5.
**Chapel Int: LAF R-312 and DNV R-037.
#Battle Int: INT LAF VOR R-143 and EPT VOR R-019.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605'; Fac. Class., BVORTAC; Ident., LAF; Procedure No. 1, Amdt. 9; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 8; Dated, 31 Aug. 63

				T-dn*	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-5	700-1	700-1	700-1
				S-n-5	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				Following minimums apply for dual VOR equipped aircraft and Wabash Int# identified:			
				C-dn	800-1	800-1	800-1½
				S-dn-5	800-1	800-1	800-1

Procedure turn S side of crs, 217° Outbnd, 037° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 037°—9.4 miles Wabash Int# to airport, 037°—4.4 miles.
Minimum altitude after passing Wabash Int# on final approach crs, 1100'.
Crs and distance after passing Wabash Int# to airport, 037°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing EPT VOR or 4.4 miles after passing Wabash Int#, climb to 2300' on EPT R-037 and return to EPT VOR.
NOTE: Aircraft departing Runway 10 eastbound climb to 1800' on heading 140°. Runway 5 departures eastbound climb to 1800' on runway heading before proceeding on crs.
CAUTION: 1305' tower 3.6 miles ESE of airport directly in line with Runway 10.
AIR CARRIER NOTE: Sliding scale authorized on Runways 10–28 only.
*300-1 required for Runway 5.
#Wabash Int: INT EPT VOR R-037 and LAF R-163.

City, Lafayette; State, Ind.; Airport Name, Purdue University; Elev., 605'; Fac. Class., BVORTAC; Ident., EPT; Procedure No. 2, Amdt. 7; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 6; Dated, 31 Aug. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Fort Sill Int	LAW VOR	Direct	2600	T-dn	300–1	300–1	200–½
Apache Int	LAW VOR	Direct	2600	C-dn*	400–1	500–1	500–1½
Duncan VOR	LAW VOR	Direct	2600	S-dn-35*	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 167° Outbnd, 347° Inbnd, 2300′ within 10 miles. Nonstandard due ATC.
Minimum altitude over LAW VOR on final approach crs, 2200′.
Crs and distance, facility to airport, 354°—8.8 miles; abeam PFL RBn to airport, 354°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing LAW–VOR, or 2.3 miles after passing PFL RBn, turn right, climb to 2600′ and return to LAW–VOR on R–005 or, when directed by ATC, climb to 3500′ on LAW–VOR R–352 and proceed to Apache Int.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: 1423′ tower 4 miles SE; 1644′ tower 5 miles ESE; 1800′ terrain 3.6 miles NW of airport.
*If RBn or Z marker not received, descent below 1900′ not authorized and minimum is 700–2.

City, Lawton (Fort Sill); State, Okla.; Airport Name, Post AAF; Elev., 1187′; Fac. Class., BVOR; Ident., LAW; Procedure No. 1, Amdt. 3; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 2; Dated, 6 Oct. 62

				T-d	300–1	NA	NA
				C-d	700–1	NA	NA
				A-d	NA	NA	NA

Procedure turn W side of crs, 015° Outbnd, 195° Inbnd, 1800′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 195°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing DAS–VOR, climb to 1800′, turn right and return to VOR.
CAUTION: Turf runway, soft when wet. 4′ fence at approach end Runway 16. 60′ power lines at approach end Runway 34. 4′ fence 50′ from E edge of runway. 100′ obstruction SW corner of airport.
NOTES: 1. Procedure not authorized for air carrier. 2. No weather service. Unicom available. 3. Procedure not authorized for night operations.

City, Liberty; State, Tex.; Airport Name, Liberty Air Service; Elev., 70′; Fac. Class., L-BVOR; Ident., DAS; Procedure No. 1, Amdt. Orig.; Eff. Date, 22 Feb. 64

				T-dn	300–2	300–2	300–2
				C-dn	600–2	600–2	600–2
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 168° Outbnd, 348° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 348°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing MLC VOR, climb to 2200′ on crs of 348° within 20 miles.
CAUTION: 1040′ hill, 1 mile NW of airport.
AIR CARRIER NOTE: Sliding scale not authorized, no reduction in minimum for local condition or on cargo and ferry flights.

City, McAlester; State, Okla.; Airport Name, McAlester Municipal; Elev., 770′; Fac. Class., BVORTAC; Ident., MLC; Procedure No. 1, Amdt. 6; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 5; Dated, 4 Jan. 64

				T-dn	300–1	NA	NA
				C-dn	500–1½	NA	NA
				S-dn-9	500–1½	NA	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 086°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing COL–VOR, make a right climbing turn to 1900′ and return to COL–VOR. Hold W, 1-minute right turns, Inbnd crs 086°.

City, Red Bank; State, N.J.; Airport Name, Red Bank; Elev., 80′; Fac. Class., BVOR–DME; Ident., COL; Procedure No. 1; Amdt. 2; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 1; Dated, 7 Sept. 63

				T-d	400–1	400–1	400–1
				T-n	400–2	400–2	400–2
				C-dn	800–1	800–1	800–1½
				S-dn-13	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 302° Outbnd, 122° Inbnd, 7000′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 5700′.
Crs and distance, facility to airport, 122°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing VOR, climb to 8000′ on R-121 within 20 miles.
CAUTION: High terrain S and W. 5400′ terrain approximately 12 miles NW of VOR.
NOTE: All turns to be made on N side of crs; high terrain to the S.

City, Sheridan; State, Wyo.; Airport Name, Sheridan County; Elev., 4021′; Fac. Class., BVORTAC; Ident., SHR; Procedure No. 1, Amdt. 3; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 2; Dated, 13 May 61

Ucross FM	Sheridan FM (final)	Direct	5900	T-dn	400–1	400–1	400–1
				C-dn*	800–1	800–1	800–1½
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 121° Outbnd, 301° Inbnd, 6500′ within 10 miles of Sheridan FM.
Minimum altitude over Sheridan FM on final approach crs, 6700′.
Crs and distance, Sheridan FM to airport, 300°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles of Sheridan FM, climb straight ahead to SHR–VOR and climb to 8000′ on R–295 within 20 miles.
NOTE: High terrain S and W, all turns E side of crs.
*If Sheridan FM not received, minimum of 1700′ applies.

City, Sheridan; State, Wyo.; Airport Name, Sheridan County; Elev., 4021′; Fac. Class., BVORTAC; Ident., SHR; Procedure No. 2, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 27 May 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SIT LFR	BKA VOR	Direct	5300	T-d*	500–2	500–2	500–2
				C-d*	700–2	700–2	700–2
				A-d*	800–2	800–2	800–2

Procedure turn S side of crs, 178° Outbnd, 358° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to Seadrome, 001°—13.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished **within 3.0 miles after passing BKA VOR, turn left, climbing to 1700′ on R–178 within 13 miles.
CAUTION: High terrain E of R–358 within 9.5 miles of VOR. Mount Edgecumbe 3274′ 13 miles N of VOR.
*Night operations not authorized.
**R–001 unusable beyond 3 miles at 700′ due to extreme roughness.

City, Sitka; State, Alaska; Airport Name, Sitka Harbor (Seaplane); Elev., 0′; Fac. Class., BVOR; Ident., BKA; Procedure No. 1, Amdt. 2; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 1; Dated, 14 Dec. 63

Bay Int	LAX VOR (final)	Direct	3000	T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1½
				A-dn	1000–2	1000–2	1000–2

Radar vectoring utilizing Los Angeles radar authorized in accordance with approved patterns.
Procedure turn S side of crs, 285° Outbnd, 105° Inbnd, 3800′ within 10 miles.
Minimum altitude over LAX VOR on final approach crs, 3000′; over Redondo Int, 1300′.
Crs and distance, Redondo Int to airport, 135°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing Redondo Int, make immediate left climbing turn to heading 090°, climb to 1500′, turn left to intercept LGB R–272, climb to 2000′ at Hermosa Int.

City, Torrance; State, Calif.; Airport Name, Torrance Municipal; Elev., 95′; Fac. Class., H–BVOR–DME; Ident., LAX; Procedure No. 1, Amdt. 3; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 2; Dated, 11 Jan. 64

4. By amending the following instrument landing system procedures prescribed in §97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED EFFECTIVE 22 FEB. 64.

City, Billings; State, Mont.; Airport Name, Logan; Elev., 3606′; Fac. Class., ILS; Ident., I–BIL; Procedure No. ILS–27, Amdt. Orig.; Eff. Date, 3 Aug. 63

Medford LFR	MF LOM	Direct	6500	T-dn	300–1	300–1	200–½
Medford VOR	MF LOM	Direct	6500	C-dn	700–1	700–1	700–1½
Gold Hill Int	MF LOM	Direct	6500	S-dn-14	200–½	200–½	200–½
Klamath Junction Int	MF LOM	Direct	8000	A-dn	1000–2	1000–2	1000–2
Talent Int	MF LOM	Direct	8000				
15-Mile DME fix and N crs MFR Loc	Evans Creek FM (final)	Direct	*6500				

Procedure turn E side N crs, 319° Outbnd, 139° Inbnd, 6500′ within 10 miles of Evans Creek FM.
Minimum altitude at glide slope int Inbnd; 6000′.
Altitude of glide slope and distance to approach end of runway at Evans Creek 6000′—14.6 miles; at OM 2860′—4.7 miles; at MM 1550′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate climbing right turn, climbing to 6500′ direct to MF LOM, thence continue climb in a 1-minute right turn holding pattern S of MF LOM on the localizer crs.
NOTES: 1. Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. 2. When authorized by ATC, DME may be used between R–215 MFR VOR clockwise to R–347 MFR VOR within 15 miles at 6500′ to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
*Descent on glide slope to cross Evans Creek FM at 6000′ is authorized.

City, Medford; State, Oreg.; Airport Name, Medford Municipal; Elev., 1330′; Fac. Class., ILS; Ident., I–MFR; Procedure No. ILS–14, Amdt. 5; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 4; Dated, 13 Oct. 62

				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-10L	400–¾	400–¾	400–¾
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Radar vectoring required.
Minimum altitude over facility on final approach crs 2700′.
Crs and distance, facility to airport 097°—4.3 miles.
No glide slope. Minimum altitude over OM on final approach crs, 2700′.
Distance to approach end of runway at OM 4.3 miles; at MM 0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing OM, climb to 3000′ on 102° crs to GP LOM, hold E, 1-minute right turns, 277° Inbnd.
Front crs approach only. No glide slope.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203′; Fac. Class., ILS; Ident., I–LXB; Procedure No. ILS–10L, Amdt. Orig.; Eff Date, 22 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Syracuse VOR	Syracuse RBn	Direct	2000	T–dn*	300–1	300–1	200–½
Lakeport Int	Syracuse RBn	Direct	2000	C–dn	700–1	700–1	700–1½
Weedsport Int	Syracuse RBn (final)	Direct	2000	S–dn–10°*	400–1	400–1	400–1
Plainville Int	Syracuse RBn (final)	Direct	2000	A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 278° Outbnd, 098° Inbnd, 2000′ within 10 miles.
Minimum altitude over SYR RBn on final approach crs, 2000′; over Liverpool Int, 1000′.
No glide slope. Crs and distance, SYR RBn to airport, 098°—6.7 miles, Liverpool Int to airport, 098°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SYR RBn (3.4 miles after Liverpool Int), climb straight ahead to 2000′ to SY LOM. Hold E of SY LOM, 278° Inbnd, 1-minute right turns.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
CAUTION: 836′ antenna 1.1 miles S of approach end of Runway 28.
*600–1 required for takeoff on Runway 14.
**Descent below 1000′ not authorized for aircraft not equipped for simultaneous reception of VOR and ILS.

City, Syracuse; State, N.Y.; Airport Name, Hancock; Elev., 421′; Fac. Class., ILS; Ident., I–SYR; Procedure No. ILS–10 (Back course), Amdt. 8; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 7; Dated, 23 Nov. 63

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
345°	215°	Within: 20 miles	2000	T–dn	300–1	300–1	#200–½
215°	345°	20 miles	2500	C–dn	400–1	500–1	500–1½
				S–dn–30L	400–1	400–1	400–1
				S–dn–12R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of radio towers 1680′ 23 miles WNW, 2049′ 9 miles NW and 1056′ 14 miles N.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on NW crs ILS (305°) within 20 miles or, when directed by ATC, turn right, climb to 2200′, proceed direct to VOR.
#All aircraft are restricted to 300–1 minimum for takeoff on Runways 3–21, 16L–34R, and 12L–30R.

City, Austin; State, Tex.; Airport Name, Mueller Municipal; Elev., 631′; Fac. Class. and Ident., Austin Radar; Procedure No. 1, Amdt. 2; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 1; Dated, 12 Jan. 63

		Within:		Surveillance approaches			
000°	200°	30 miles	5000	T–dn%**	300–1	300–1	200–½
200°	000°	30 miles	4000	C–dn#	500–1	500–1	500–1½
				S–dn–29–11	400–1	400–1	400–1
				S–dn–27R–9L	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
				Precision approach			
				S–dn–29°*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar transitions and vectoring utilizing Oakland Radar authorized in accordance with approved radar patterns and sector altitudes.
Runway 27R: Proceed direct to OAK VOR climbing to 3000′ on OAK VOR R–313 to Richmond Int.
Runway 29: Climb to 1000′ on heading 203°, then turn right to intercept OAK VOR R–313, climbing to 3000′ to Richmond Int.
Runway 11: Proceed direct to the IN LOM, climbing to 2500′ in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Runway 9L: Proceed direct to the IN LOM, climbing to 2500′ in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Alternate missed approach for:
Runways 27R and 29: Turn left, proceed direct to IN LOM, climbing to 2500′ in a 1-minute holding pattern NW of LOM (120° Inbnd), left turns.
Runways 9L and 11: Turn right to intercept the OAK VOR R–313 climbing to 3000′ to Richmond Int.
%300–1 required Runway 33.
*Runway visual range 2600′ also authorized for landing on Runway 29; providing all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flasher, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 206′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 29 in lieu of 200–½ when 200–½ is authorized, providing high-intensity runway lights are operational.

City, Oakland; State, Calif.; Airport Name, Metropolitan Oakland International; Elev., 10′; Fac. Class. and Ident., Oakland Radar; Procedure No. 1, Amdt. 9; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 8; Dated, 8 Feb. 64

PROCEDURE CANCELLED EFFECTIVE 22 FEB. 64.

City, Rapid City; State, S. Dak.; Airport Name, Municipal; Elev., 3181′; Fac. Class. and Ident., Ellsworth AFB Radar; Procedure No. 1, Amdt. 2; Eff. Date, 27 Oct. 62; Sup. Amdt. No. 1; Dated, 24 Feb. 62

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes: From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
														Surveillance approach			
000	360	20	3000											T–dn#	300–1	300–1	200–½
000	240			25	3000	30	4000	40	5000					C–dn	500–1	500–1	500–1½
240	360			25	4000									S–dn@	500–1	500–1	500–1
														S–dn–10L	400–1	400–1	400–1
														A–dn	800–2	800–2	800–2
														Precision approach			
														S–dn–28L*	200–½	200–½	200–½
														A–dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 5, 10R, 10L, 14: Climb to 3000′ within 10 miles and proceed to GP LOM, hold E right turn, 1-minute pattern, 277° Inbnd. Runways 23, 28R, 28L, 32: Climb to 3000′ within 10 miles and proceed to Clinton RBn. Hold W, right turn, 1-minute pattern, 097° Inbnd.
CAUTION: Runway 28R approach: Fluorescent street light alined with Runway 28R and terminating approximately ¾ mile from runway end. Can be mistaken for runway lights.
*Runway visual range 2600′ also authorized for landing on Runway 28L providing all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers and outer compass locator are operating satisfactorily. Descent below 1403′ shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600′ also authorized for takeoff on Runway 28L when 200–½ is authorized, providing high-intensity runway lights are operational.
@All runways except 10L.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203′; Fac. Class. and Ident., Pittsburgh Radar; Procedure No. 1, Amdt. 6; Eff. Date, 22 Feb. 64; Sup. Amdt. No. 5; Dated, 6 July 63

000	360	15	1600											Surveillance approach			
305	275	15–25	1600											T–dn	300–1	300–1	200–½
275	305	15–25	2200											C–dn	500–1	500–1	500–1½
														A–dn	800–2	800–2	800–2

Radar azimuths are clockwise with distance and altitudes based on antenna located at Hunter AFB.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 0.0 mile radar fix, climb to 1500′ and proceed direct to the Savannah VOR or, when directed by ATC, climb to 1700′ and proceed direct to the Savannah LOM.
NOTE: Minimum radar vectoring altitude 1500′ authorized within 6-mile radius of Travis Field. Aircraft on radar vector to Travis Field in a sector from 170° clockwise to 110° from Travis Field may descend to 600′ after passing 5-mile radar fix to Travis Field.
Other change: Deletes straight-in minimum.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class. and Ident., Hunter AFB Radar; Procedure No. 1, Amdt. 1; Eff. Date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 30 Nov. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on January 17, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–651; Filed, Feb. 11, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3016; Amdt. 685]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt Read Model PR–G1 Glider

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the wood bulkhead for deterioration and repair or replacement if deterioration is found on Pratt Read Model PR–G1 gliders was published in 28 F.R. 13942.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT READ. Applies to all Model PR–G1 Gliders.
Compliance required as indicated.
Due to a deteriorating condition of the wood structure supporting the aft elevator bellcrank, resulting in loss of elevator control, accomplish the following within 25 hours' time in service after the effective date of this AD unless already accomplished within the last 75 hours' time in service, and at intervals thereafter not to exceed 100 hours' time in service from the last inspection, or one year, whichever occurs first.
(a) Remove the stabilizer and elevators and any other obstructing structure necessary to gain access to the aft internal fuselage area (tail cone section).
(b) With the use of a light and mirror, visually inspect for deterioration both the front and rear side of the wood bulkhead in the vicinity of its support of the aft elevator bellcrank.
(c) If indications of deterioration of the wood structure are found, repair that bulkhead in accordance with an FAA approved repair before further flight, or replace with a part having the same part number, or an FAA approved equivalent before further flight.

NOTE: After installation of a new or repaired bulkhead, it should be ascertained that the elevator is functioning properly throughout the entire range.

This amendment shall become effective March 13, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 5, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1356; Filed, Feb. 11, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 539—CONVERSIONS BETWEEN PAY SYSTEMS

Rate of Basic Compensation in Conversion Actions

Effective upon publication in the FEDERAL REGISTER, the introductory paragraph of § 539.203 is amended as set out below.

§ 539.203 Rate of basic compensation in conversion actions.

When an employee occupies a position not subject to the Classification Act and the employee and his position are initially brought under the act pursuant to a reorganization plan or other legislation, an Executive order, a decision of the Commission under section 203 of the act, or an action by a department under authority of § 511.202 of this chapter, the department shall determine the employee's rate of basic compensation as follows:

* * * * *

(Sec. 1101, 63 Stat. 971, sec. 802(d) as added by sec. 604(b), 76 Stat. 848; 5 U.S.C. 1072, 1132(d))

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-1375; Filed, Feb. 11, 1964; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson and Lincoln;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconada, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-De-Baca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Cumberland;

(9) All counties in Virginia except Augusta;

(10) All counties in Wisconsin except Saint Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Kentucky and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesota: Jackson and Lincoln;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-De Baca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following county in Virginia: Augusta;

(10) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(11) The following county in Wisconsin: Saint Croix.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add the county of Morrill in the State of Nebraska to the list of infected and eradication areas and delete such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such County.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under Section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of February 1964.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 64-1398; Filed, Feb. 11, 1964; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-691]

PART 13—PROHIBITED TRADE PRACTICES

Associated Sewing Supply Co., and Russell Hamilton

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15–30 *Connections or arrangements with others;* § 13.15–278 *Time in business;* § 13.155 *Prices;* § 13.155–10 *Bait;* § 13.155–40 *Exaggerated as regular and customary;* § 13.157 *Prize contests;* § 13.235 *Source or origin;* § 13.235–50 *Maker or seller, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Associated Sewing Supply Co., et al., St. Paul, Minn., Docket C-691, Jan. 21, 1964]

In the Matter of Associated Sewing Supply Co., a Corporation, and Russell Hamilton, Individually and as an Officer of Said Corporation

Consent order requiring retailers of sewing machines in St. Paul, Minn., to cease, in direct mail and other advertising and through statements of their salesmen, making "bait" offers to sell repossessed machines which were not bona fide, representing falsely that machines would be awarded as prizes to contest winners or given free to a selected person on condition that he purchase a cabinet for it at their wholesale price; misrepresenting the manufacturers of their machines, and representing them as affiliated with a well known company; representing sale prices falsely as reduced from purported regular prices; and falsely representing their length of time in business.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Associated Sewing Supply Co., a corporation, and its officers, and Russell Hamilton, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Discouraging the purchase of, or disparaging, any merchandise or services which are advertised or offered for sale.

3. Representing, directly or indirectly, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell said merchandise or services.

4. Representing, directly or indirectly, that sewing machines offered for sale by respondents are made or manufactured by any person, firm or corporation other than the true manufacturer.

5. Representing, directly or indirectly, that respondents, or any business company or organization owned or controlled by them, is affiliated or associated with any other business company or organization with which the respondents are not actually associated or affiliated.

6. Representing, directly or indirectly, that:

(a) Any amount is respondents' usual and customary retail price of merchandise when it is in excess of the price or prices at which such merchandise is usually and customarily sold by respondents at retail in the recent, regular course of their business.

(b) Any saving from respondents' usual and customary retail price is afforded to the purchasers of respondents' merchandise unless the price at which it is offered constitutes a reduction from the price or prices at which said merchandise has been usually and customarily sold by respondents in the recent, regular course of their business.

7. Misrepresenting, by means of comparative prices, or in any other manner, the savings available to purchasers of respondents' merchandise.

8. Representing, directly or indirectly, that respondents had been in the sewing machine business prior to the year 1955.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1368; Filed, Feb. 11, 1964; 8:46 a.m.]

[Docket 6557 o.]

PART 13—PROHIBITED TRADE PRACTICES

Brillo Manufacturing Co., Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Brillo Manufacturing Company, Inc., Brooklyn 1, N.Y., Docket 6557, Jan. 17, 1964.]

Order requiring the largest producer of steel wool and steel wool products in the United States, accounting in 1954 for 50 percent of the total of approximately $20,000,000.00 of sales for household use and 30 percent of the total of $4,500,000.00 for industrial use—to divest itself absolutely, within one year, of all the assets, properties, rights and privileges, tangible and intangible, relating to the sale of industrial steel wool—including patents, trademarks, trade names and customers' lists—acquired by it as a result of the acquisition in 1955 of the stock, assets and business of the fourth ranking producer of household steel wool, but excluding from the order the plant and fixed assets of the acquired company; requiring that it refrain for five years from selling industrial steel wool to customers of the acquired company except as it served them in 1955; and requiring that it not manufacture industrial steel wool on the acquired premises except for such amounts as might be a by-product of the manufacture of household steel wool products, all as in the order below specified.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Brillo Manufacturing Company, Inc., a corporation, and its officers, directors, agents, representatives and employees, and its successors and assigns, within one year from service hereof shall divest itself absolutely, in good faith, of all assets, properties, rights and privileges, tangible and intangible, of The Williams Company relating to the sale of industrial steel wool, including patents, trademarks, trade names, and customers' lists, acquired by said respondent as a result of its acquisition of the stock of The Williams Company, but excluding the Williams plant, machinery, equipment and other, fixed assets.

It is further ordered, That in such divestment no property above mentioned

to be divested shall be sold or transferred, directly or indirectly to anyone, who at the time of the divestiture is a stockholder, officer, director, employee or agent of, or otherwise directly or indirectly connected with, or under the control or influence of, respondent or any of respondent's subsidiaries or affiliated companies.

It is further ordered, That from and after the effective date of such divestiture, respondent shall refrain, for a period of five (5) years, from selling industrial steel wool to customers of The Williams Company, excepting that respondent may continue to sell industrial steel wool to any customer it served in common with Williams as of July 5, 1955, providing the maximum unit annual quantity sold to each such common customer does not exceed the total unit quantity which respondent sold to it in the twelve months immediately preceding July 5, 1955.

It is further ordered, That from and after the effective date of such divestiture, respondent shall cease and desist from manufacturing industrial steel wool on the premises acquired from The Williams Company, except such amounts of industrial steel wool as may be incidental or a by-product of the manufacture of household steel wool products on such premises, and which are not suitable for conversion into household form.

It is further ordered, That as used herein the term "industrial steel wool" means steel wool of all grades and finished forms produced for sale to industrial users; the term "household steel wool" means steel wool and steel wool products other than industrial steel wool, and includes all steel wool products produced and sold for use by householders.

It is further ordered, That respondent shall, within ninety (90) days from the date of service upon it of this order, submit, in writing, for the consideration and approval of the Commission, its plans for compliance with this order, including the date within which compliance can be effected.

Issued: January 17, 1964.

By the Commission, Commissioner Anderson concurring in the result and Commissioner MacIntyre not concurring.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1369; Filed, Feb. 11, 1964; 8:46 a.m.]

[Docket C-692]

PART 13—PROHIBITED TRADE PRACTICES

Cartwright's Town House, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification;* § 13.523 *Textile fiber products tags or identification;* § 13.525 *Wool products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act;* § 13.1212-80 *Textile Fiber Products Identification Act;* § 13.1212-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1852-70 *Textile Fiber Products Identification Act;* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 68, 69f, 70) [Cease and desist order, Cartwright's Town House, Inc., et al., Rome, Ga., Docket C-692, Jan. 21, 1964]

In the Matter of Carwright's Town House, Inc., a Corporation Trading as The Town House, Inc. and Joyce R. Lovell, Individually and as Manager of The Town House, Inc.

Consent order requiring the operators of a ladies specialty shop in Rome, Ga., to cease violating the Textile Fiber Products Identification Act, the Wool Products Labeling Act and the Fur Products Labeling Act by failing to label and invoice products as required by the applicable Act and removing labels or other identification prior to ultimate sale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Cartwright's Town House, Inc., a corporation trading as The Town House, Inc., or under any other trade name, and its officers, and Joyce R. Lovell, individually and as manager of The Town House, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents Cartwright's Town House, Inc., a corporation, trading as The Town House, Inc., or under any other trade name and its officers, and Joyce R. Lovell, individually and as manager of The Town House, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, causing or participating in the removal of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer.

It is further ordered, That respondents Cartwright's Town House, Inc., a corporation, trading as The Town House, Inc., or under any other trade name, and its officers, and Joyce R. Lovell, individually and as manager of The Town House, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the offering for sale, sale, transportation or delivery for shipment, in commerce of any wool product as "wool product" and "commerce" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from failing to securely affix to or place on each product, a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Cartwright's Town House, Inc., a corporation, trading as The Town House, Inc., or under any other trade name, and its officers, and Joyce R. Lovell, individually and as manager of The Town House, Inc., and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, causing or participating in the removal of any stamp, tag, label, or other means of identification affixed to any wool product subject to the provisions of the Wool Products Labeling Act of 1939 with intent to violate the provisions of the said Act.

It is further ordered, That respondents Cartwright's Town House, Inc., a corporation, trading as The Town House, Inc., or under any other trade name, and its officers, and Joyce R. Lovell, individually and as manager of The Town House, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, advertising, transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce; as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondents Cartwright's Town House, Inc., a corporation, trading as The Town House, Inc., or under any other trade name, and its officers, and Joyce R. Lovell, individually and as manager of The Town House, Inc., and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing, or causing or participating in the removal of, prior to the time any fur product subject to the provisions of the Fur Products Labeling Act is sold and delivered to the ultimate consumer, any label required by the said Act to be affixed to such fur product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1370; Filed, Feb. 11, 1964; 8:46 a.m.]

[Docket C-690]

PART 13—PROHIBITED TRADE PRACTICES

Halsam Products Co.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content.* Subpart—Misbranding or mislabeling: § 13.1200 *Content.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Halsam Products Company, Chicago, Ill., Docket C-690, Jan. 21, 1964]

Consent order requiring a Chicago distributor of toys and related products to cease representing falsely in pictorial representations in labeling and in advertisements in catalogs that its product "American Logs" included a ridge pole and roof planks which were grooved, and that from the component parts in the containers there might be made a western cabin as pictured.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Halsam Products Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of toys or related products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Representing, by use of any illustration or depiction purporting to illustrate, depict or demonstrate any toy or related product, or the preformance thereof, or representing in any other manner, directly or by implication, that any toy or related product contains a component or performs in any manner not in accordance with fact.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1371; Filed, Feb. 11, 1964; 8:46 a.m.]

[Docket C-685 etc.]

PART 13—PROHIBITED TRADE PRACTICES

S. Shamash & Sons, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist orders: S. Shamash & Sons, Inc., et al., Docket C-685; Walter Strassburger & Co., Inc., et al., Docket C-686; Kabat Textile Corporation et al., Docket C-687; New York Sankyo Seiko Co., Ltd., et al., Docket C-688; and The Schwarzenbach Huber Co., Inc., et al., Docket C-689, New York, N.Y., Jan. 21, 1964]

In the Matters of: S. Shamash & Sons, Inc., a Corporation, and Jack Shamash, Individually and as an Officer of Said Corporation; Walter Strassburger & Co., Inc., a Corporation, and Walter Strassburger, Individually and as an Officer of Said Corporation; Kabat Textile Corporation, a Corporation, and Milton J. Adelman, Individually and as an Officer of Said Corporation; New York Sankyo Seiko Co., Ltd., a Corporation, and Takizo Miki, Takamori Kono, Tamotsu Ohara, Individually and as Officers of Said Corporation; The Schwarzenbach Huber Co., Inc., a Corporation, and Robert Schwarzenbach, Walter J. Braun, Kurt O. Trueb, Jerold P. Elden, Michael F. Kopec, and Samuel I. Mandel, Individually and as Officers of Said Corporation

Consent order requiring 5 corporate importers and distributors of imported fabrics in New York City to cease violating the Flammable Fabrics Act by importing and/or selling in commerce fabrics so highly flammable as to be dangerous when worn.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That each respondent named in the above-captioned proceedings, and its officers, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce, any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

Provided, however, That nothing contained herein shall affect any rights afforded to the respondents by Section 11 of the Flammable Fabrics Act.

II. *It is further ordered,* That respondents hereinbefore named furnish to the Federal Trade Commission within 5 days after service of this order a special report which:

(a) Contains a list of the names and addresses of all of the corporate respondents' customers to whom shipments were made, since July 1, 1963, of fabric style AK 777 and/or quality 745 or 748 and/or of any other fabric which under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

(b) Shows that respondents have notified in writing the customers of the corporate respondent to whom any of the shipments referred to in subparagraph (a) above were made, as to the questionable flammable nature of the fabrics contained in such shipments.

(c) Contains copies of the aforesaid notification to each of the customers referred to in subparagraph (a) and copies of any and all responses to the aforesaid notification.

III. *It is further ordered,* That respondents shall forward to the Commission, within two (2) days after receipt thereof, copies of any and all responses to the notification required by Subparagraph (c) of Paragraph II above which are received by respondents after the due date of the aforesaid special report.

IV. *It is further ordered,* That the respondents herein shall, within five (5) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with Paragraph I of this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1372; Filed, Feb. 11, 1964; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOODS

PART 121—FOOD ADDITIVES

Calcium Disodium Ethylenediaminetetraacetate, Disodium Ethylenediaminetetraacetate; Order Affecting Nomenclature and Listing as Optional Ingredients of Mayonnaise, French Dressing, and Salad Dressing

A notice of proposed rule making in the above-referenced matters was published in the FEDERAL REGISTER of October 12, 1963 (28 F.R. 10976, 10977) setting forth proposals by Corn Products Company, 717 Fifth Avenue, New York, New York, and by the Kraft Foods Division of National Dairy Products Corporation, 500 Peshtigo Court, Chicago, Illinois, to amend the standards of identity for mayonnaise, french dressing, and salad dressing, to provide for the optional use of the preservatives calcium disodium ethylenediaminetetraacetate and disodium ethylenediaminetetraacetate. The notice also included certain proposed amendments to the food additive regulations to recognize the now commonly used names of the additives involved.

On the basis of the relevant information available, and giving consideration to the comments filed, it is concluded that it will promote honesty and fair dealing in the interests of consumers to adopt the amendments proposed. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 409 (d), 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948, 1787; 21 U.S.C. 341, 348(d), 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), *It is ordered*:

A. That the standards of identity for mayonnaise, french dressing, and salad dressing (21 CFR 25.1, 25.2, 25.3) be amended as set forth below:

1. Section 25.1 is amended as follows:

a. Paragraph (a) is amended by inserting therein after subparagraph (5), and preceding the sentence "Mayonnaise may be mixed * * *," a new sentence reading as follows.

§ 25.1 Mayonnaise, mayonnaise dressing; identity; label statement of optional ingredients.

(a) * * *
(5) * * *

Mayonnaise may contain one or both of the optional ingredients specified in paragraph (d) of this section, subject to the conditions prescribed in that paragraph. * * *

b. A new paragraph (d) is added and the present paragraph designation (d) is changed to (e), so that as modified paragraphs (d) and (e) read as follows:

(d) Mayonnaise may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetetraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(e) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "citric acid added" or "with added citric acid."

(2) If mayonnaise contains calcium disodium EDTA or disodium EDTA or both, the label shall bear the statement "_____ added to protect flavor" or "_____ added as a preservative," the blank being filled in with the words "calcium disodium EDTA" or "disodium EDTA" or both, as appropriate.

(3) Wherever the name "mayonnaise" or "mayonnaise dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 25.2 [Amendment]

2. Section 25.2 *French dressing* * * * is amended as follows:

a. Paragraph (a) is amended by inserting a new sentence: "French dressing may contain one or both of the optional ingredients specified in paragraph (d) of this section, subject to the conditions prescribed in that paragraph", preceding the sentence "French dressing may be mixed * * *."

b. A new paragraph (d) is added, and the present paragraph designation (d) is changed to (e), so that as modified paragraphs (d) and (e) read as follows:

(d) French dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetetraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(e) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "citric acid added" or "with added citric acid." When an optional emulsifying ingredient as provided in paragraph (c) (1) of this section is used, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the common name or names of the emulsifying ingredient of mixture of emulsifying ingredients used, as specified in paragraph (c) (1) of this section; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegetable gums" if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "with added citric acid and sodium carboxymethylcellulose."

(2) If french dressing contains calcium disodium EDTA or disodium EDTA or both, the label shall bear the statement "_____ added to protect flavor" or "_____ added as a preservative," the blank being filled in with the words "calcium disodium EDTA" or "disodium EDTA" or both, as appropriate.

(3) Wherever the name "french dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this paragraph, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 25.3 [Amendment]

3. Section 25.3 *Salad dressing* * * * is amended as follows:

a. Paragraph (a) is amended by inserting therein a new sentence "Salad dressing may contain one or both of the optional ingredients specified in paragraph (e) of this section, subject to the conditions prescribed in that paragraph", preceding the sentence "Salad dressing may be mixed * * *".

b. A new paragraph (e) is added and the present paragraph designation (e) is changed to (f), so that as modified paragraphs (e) and (f) read as follows:

(e) Salad dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetetraacetate), singly or in combination. The quantity of such added ingredient or combination or does not exceed 75 parts per million by weight of the finished food.

(f) (1) When the additional optional acidifying ingredient as provided in paragraph (b) (1) of this section is used, the label shall bear the statement "citric acid added" or "with added citric acid." When an optional emulsifying ingredient as provided in paragraph (d) of this section is used, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in paragraph (d) of this section; or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegetable gums," if two or more such vegetable gums are used. Label statements specified in this paragraph for declaring the presence of optional ingredients may be combined, as for example, "with added citric acid and sodium carboxymethylcellulose."

(2) If salad dressing contains calcium disodium EDTA or disodium EDTA or both the label shall bear the statement "_____ added to protect flavor" or "_____ added as a preservative," the blank being filled in with the words "calcium disodium EDTA" or "disodium EDTA" or both, as appropriate.

(3) Wherever the name "salad dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this paragraph showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

B. The amendments to Part 121 are adopted as proposed.

1. Section 121.1017 is amended by changing the section heading, the introduction to the section, the table in paragraph (b) (2), and paragraph (d) to read as set forth below:

§ 121.1017 Calcium disodium EDTA.

The food additive calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) may be safely used in designated foods for the purposes and in accordance with the conditions prescribed, as follows:

* * * * * *

(b) * * *
(2) * * *

Food	Limitation (parts per million)	Use
Dressings, nonstandardized	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

(d) In the standardized foods listed in paragraph (b) of this section, the additives are used only in compliance with the applicable standards of identity for such foods.

2. Section 121.1056 is amended by changing the section heading, and the tabulations in paragraph (b) (1) and (2) to read as set forth below, and by adding thereto a new paragraph (d), as follows:

§ 121.1056 Disodium EDTA.

* * * * * *

(b) * * *
(1) * * *

Food	Limitation (parts per million)	Use
Aqueous multivitamin preparations	150	With iron salts as a stabilizer for vitamin B_{12} in liquid multivitamin preparations.
Canned kidney beans	165	Preservative.
Dressings, nonstandardized	75	Do.
French dressing	75	Do.
Frozen white potatoes including cut potatoes	100	Promote color retention.
Mayonnaise	75	Preservative.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

(2) * * *

Food	Limitation (parts per million)	Use
Dressings, nonstandardized	75	Preservative.
French dressing	75	Do.
Mayonnaise	75	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.

* * * * * *

(d) In the standardized foods listed in paragraph (b) (1) and (2) of this section the additives are used only in compliance with the applicable standards of identity for such foods.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 409(d), 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948, 1787; 21 U.S.C. 341, 348(d), 371)

Dated: February 6, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1386; Filed, Feb. 11, 1964; 8:48 a.m.]

PART 45—OLEOMARGARINE, MARGARINE; DEFINITIONS AND STANDARDS OF IDENTITY

Oleomargarine; Order Amending Identity Standard To Permit Calcium Disodium Ethylenediaminetetraacetate as Optional Preservative Ingredient

In the matter of amending the standard of identity for oleomargarine by listing calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) in an amount not exceeding 75 parts per million by weight as an optional flavor-preserving ingredient:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of October 12, 1963 (28 F.R. 10977). In consideration of the information furnished in the petition and other relevant information available, it is concluded that the standard of identity for oleomargarine should be amended to list calcium disodium EDTA as a permitted optional ingredient.

The proposal provided that the calcium disodium EDTA would be added by incorporating it in the milk ingredient used. The identity standard includes a provision for making oleomargarine without a milk ingredient. It is concluded that the amendment should be worded so as not to limit the use of calcium disodium EDTA to the oleomargarine made with a milk ingredient. This purpose can be achieved by omitting the phrase "incorporated in the milk ingredient used."

It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for oleomargarine as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs (21 U.S.C. 90; 29 F.R. 471), *It is ordered*, That § 45.1 *Oleomargarine, margarine* * * * (21 CFR 45.1; 28 F.R. 7473) be amended by adding to paragraph (a) (3) a new subdivision (xii), and by adding to paragraph (b) (1), at the end of the list of labeling requirements a new item, as set forth below:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

(a) * * *
(3) * * *

(xii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate), in an amount not to exceed 75 parts per million by weight of the finished oleomargarine.

(b) (1) * * *

Subparagraph (3) (xii)—"Calcium disodium EDTA added to protect flavor" or "Calcium disodium EDTA added as a preservative."

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied

by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: February 6, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1387; Filed, Feb. 11, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1245) filed by Nopco Chemical Company, 60 Park Place, Newark 1, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polyethylene glycol 200 as a component of paper and paperboard intended for use in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.2571 *Components of paper and paperboard in contact with dry food* is amended by inserting alphabetically in the "List of substances" in paragraph (b) the following new item:

§ 121.2571 Components of paper and paperboard in contact with dry food.

(b) * * *.

List of substances:	*Limitations*
Polyethylene glycol 200	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 6, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1388; Filed, Feb. 11, 1964; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Hudson River, N.Y.; Raccoon Creek, N.J.; Kissimmee River, Fla.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.60 is hereby amended prescribing a new paragraph (p-1) designating a special anchorage area on the west side of the Hudson River, at the United States Military Academy, West Point, New York, wherein vessels not more than 65 feet in length when at anchor shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.60 Port of New York and Vicinity.

* * * * *

(p-1) *Hudson River, at West Point.* That portion of the waters of the westerly side of the Hudson River, adjacent to the United States Military Academy, shoreward of a line connecting the extreme northwest corner of the south dock with a projection of land located approximately 1,575 feet north thereof.

* * * * *

[Regs., Jan. 29, 1964, 1507-32 (Hudson River, N.Y.)—ENG CW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.225 governing the operation of bridges across navigable waters in the State of New Jersey where constant attendance of draw tenders is not required is hereby amended to include a new paragraph (f) (16-a), the Pennsylvania-Reading Seashore Lines railroad drawbridge across Raccoon Creek, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) *The bridges to which this section applies, and the regulations applicable in each case, are as follows:*

* * * * *

(16-a) Raccoon Creek; Pennsylvania-Reading Seashore Lines railroad bridge at Bridgeport. At least four hours' advance notice required for opening this bridge during January, February and December between 10:00 p.m. and 6:00 a.m. on regular weekdays and at all times on Saturdays, Sundays and national holidays during these months.

[Regs., Jan. 29, 1964, 1507-32 (Raccoon Creek, N.J.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.170c is hereby prescribed to govern the operation of locks on Kissimmee River, between Lake Tohopekaliga and Lake Okeechobee, Fla., effective for structure S-61, 30 days after publication in the FEDERAL REGISTER, and for structures S-65, S-65D and S-65E upon completion of construction, as follows:

§ 207.170c Kissimmee River, Navigation locks between Lake Tohopekaliga and Lake Okeechobee, Fla.; use, administration and navigation.

(a) The owner of or agency controlling the locks shall be required to open the navigation locks upon demand for passage of vessels during the following hours and periods:

LOCKS S-61, S-65, AND S-65E

Mon. through Fri.	All year	7:00 a.m. to 6.00 p.m.
Sat. and Sun.	1 Mar. through 31 Oct.	5:30 a.m. to 7:30 p.m.
Sat. and Sun.	1 Nov. through 28 Feb.	5:30 a.m. to 6:30 p.m.

LOCK S-65D

Mon. through Fri.	All year	8:00 a.m. to 5:00 p.m.
Sat. and Sun.	1 Mar. through 31 Oct.	5:30 a.m. to 7:30 p.m.
Sat. and Sun.	1 Nov. through 28 Feb.	5:30 a.m. to 6:30 p.m.

(b) The owner of or agency controlling the locks shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, at each side of the locks indicating the nature of the regulations of this section.

[Regs., Jan. 29, 1964, 1507-32 (Kissimmee River, Fla.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-1355; Filed, Feb. 11, 1964; 8:45 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14185; FCC 64-70]

FM BROADCAST RULES; ALLOCATION AND TECHNICAL STANDARDS

Third Further Notice of Proposed Rule Making

1. On August 1, 1963, the Commission released its "Third Report, Memorandum Opinion and Order" in this proceeding (FCC 63-735), 23 Pike and Fischer, R.R. 1859. In the "Third Report", we adopted a table of assignments for future FM stations and we lifted the partial "freeze" which had been imposed during prior phases of the rule making. We also stated that further notices of rule making would be issued to deal with the problem of power increases for existing "short-spaced" FM stations, the question of assignments in Hawaii, Guam, Puerto Rico, the Virgin Islands, and Alaska, and certain other matters pertaining to the educational channels. The purpose of the present notice is to set forth proposed rules concerning power increases for existing stations and to propose specific tables of assignments for Alaska, Hawaii, Puerto Rico, and the territories. A final notice of rule making, to be issued in the near future, will contain proposed new rules concerning the educational channels.

HAWAII, ALASKA, PUERTO RICO AND THE TERRITORIES

2. Appendix A set forth below contains proposed assignment tables for Hawaii, Alaska, Puerto Rico, and the Territories. In constructing these tables, Hawaii, Alaska, and Guam have been considered as located in Zone II.[1] The tentative tables for Puerto Rico and the Virgin Islands, however, have been developed on the basis of Zone I spacings—in view of the existing concentration of assignments in the area—and § 3.205 of the rules would be amended to reflect this fact. It should be noted that only 30 channels were available for assignments in Hawaii and only 40 channels in Alaska, the rest having been preempted for government and other uses. Nevertheless, the proposed tables for Alaska and Hawaii are not entirely "saturated" (except for the Honolulu area), and possibilities for additional assignments exist if they should be needed in the future. The proposed assignments for Alaska are, of course, subject to coordination with Canadian authorities.

3. As in our table of assignments for the conterminous States, all existing stations have been included on their present channels. We do not intend to bring about any wholesale modification of existing facilities, although this does not preclude the possibility of limited channel shifts if the comments filed should indicate this to be in the public interest.[2] Since the proposed tables are tentative and subject to continuing study by the Commission's staff, parties supporting specific new proposed assignments should present their views as well as parties opposing assignments or seeking additional or changed assignments. Parties seeking additional assignments at any particular location should propose specific channels in their comments and should include an engineering showing indicating that the proposed channel or channels would comply with mileage separation requirements for the Zone involved.

EXISTING SHORT-SPACED STATIONS

4. In adopting and reaffirming the mileage separation requirements now contained in § 3.207 of the Commission's rules, we recognized that a majority of the FM stations existing prior to our rule making would be "short-spaced" with respect to at least one other existing station.[3] We noted that many of these existing stations had been "squeezed in" at such short spacings that they barely protected the 1 mv/m contour of some other station and that, in these cases, further improvement of facilities would have been impossible even under the old FM rules. We also noted, however, that many other existing stations were only moderately short-spaced under the new rules and that a substantial proportion of these stations could have increased facilities to at least some degree under the old rules. In the "Third Report", we announced that we intended to work out additional rules which would allow as many stations in the latter category as possible to increase facilities to some degree. Such increases are necessary, we believe, to improve FM service available to the public—particularly in the more congested areas of Zone I—and to obtain a greater degree of competitive equality between existing stations.[4]

5. We present, in the paragraphs to follow, two alternative plans which would allow short-spaced stations to improve their facilities. Before setting forth the two major alternatives, however, we wish to point out again, as we did in the "Third Report", that a limited number of existing stations may be able to resolve short-spacing problems by requesting individual frequency changes or interrelated frequency changes. In the "Third Report" and in several subsequent orders in this proceeding, we have already modified the licenses of a number of existing stations so as to eliminate short-spacing problems. We will continue to give further consideration to requests of this nature. Where a proposed change or series of changes would eliminate all short-spacing problems, would create no new problems, and would not require the deletion of any existing or proposed assignment, the requested change or changes will, in all uncontested cases, be granted. Similarly, where a proposed change or series of changes would substantially improve one or more short spacings—even if the shortages were not entirely eliminated—and no new problems would be created, it is most probable that we would be prepared to modify the table of assignments and the licenses involved. Finally, we do not preclude the possibility that a series of channel changes might be approved even if a slight worsening of the position of one or more stations would be involved. In such a case, however, it would be necessary for the parties requesting the changes to show that there would be a marked net improvement in the overall assignment picture. We will treat requests for site changes for existing short-spaced stations in a similar manner. We do not propose to modify existing or proposed assignments so as to create a short-spaced station or assignment where none existed before.

ALTERNATIVE ONE: GENERAL HORIZONTAL INCREASE

6. As a first alternative, we request comments as to the merits, demerits, and net worth of a plan by which all short-spaced stations would be given authority to increase facilities to the maximum for their class. Were such a rule to be adopted, any station could increase to the maximum upon demonstration of its legal, financial, and technical qualifications. No showings as to interference caused or received would be required, nor would a claim of interference by any existing station be recognized as grounds for denial of an application seeking an increase in facilities.[5] Therefore, any ex-

[1] Consistent with present § 3.205(b) of the Commission's rules.

[2] We effected a limited number of channel shifts and license modifications in the "Third Report" and subsequent documents. Usually these shifts were made at the request of the licensees involved, or with the consent of the licensees, although "show cause" proceedings were necessary in a few cases.

[3] Since no new short-spaced assignments were made in the FM table adopted by the "Third Report", the short-spacing problem is one confined exclusively to stations authorized prior to August 1, 1962. After that date, no applications were granted which did not conform to the mileage separations adopted by the Commission in its "First Report and Order", in this Docket (FCC 62-866), 23 Pike and Fischer RR. 1801.

[4] In the more congested areas of Zone I, where the greatest number of short-spaced assignments exist, it was not possible to make a substantial number of new Class B assignments. Therefore, the majority of problems involving competitive inequality already existed prior to the adoption of the new FM rules and were in no way created by the new rules.

[5] The question of power increases for existing short-spaced stations was raised in several petitions for reconsideration of the "First Report and Order" in this Docket. In the "Third Report, Memorandum Opinion

isting FM licensee believing that its operation might be adversely affected by grant of a power increase to another FM station should submit comments in this proceeding discussing both the general merits of the proposed rules and the potential effect on the respondent's station of applications filed pursuant to the proposed rules.

7. The major benefits and drawbacks of a rule authorizing all stations to increase power to the maximum for their class are readily apparent, although the proportionate weight that each should be assigned is not. The chief advantages of a horizontal increase are three. First, since no station would be prevented by rule from increasing to maximum facilities for its class, there would ultimately be a high degree of competitive equality among stations of the same class in the same Zone.[6] Second, it appears likely that, on an overall basis, more people would gain new service or improved service and fewer people would lose service than under any other plan for improving the facilities of existing stations.[7] Finally, a horizontal increase plan would be far less burdensome to effectuate for both the Commission and applicants seeking power increases than any other system.

8. On the other hand, a rule authorizing all stations to increase power to the maximum may work a serious hardship on a licensee who cannot afford to increase facilities at the same time as one or more other stations toward whom the licensee's station is badly short-spaced. (See footnote 7.) Moreover, even when all stations in a chain linked together by short-spacing problems increase simultaneously to maximum facilities, stations having the largest existing facilities prior to the increase may well lose interference-free service area in the direction of other short-spaced stations having very limited facilities prior to the increase.[8] Finally, Class A stations seriously short-spaced to first adjacent channel Class B or C stations may lose substantial "interference-free" service area even when there is a simultaneous increase to maximum facilities, particularly if the Class B or C station operated with extremely limited facilities prior to the increase.[9]

9. In filing comments regarding this first alternative proposal, parties should supply as much specific data as possible, indicating the effects that this plan would have in general, and in specific cases. Any showing which sets forth the potential effect of the proposed rule on a particular station should also indicate the effect upon any other facilities toward whom short-spacings exist. Parties commenting should also feel free to suggest modifications of this plan—e.g., required directionalization toward short-spaced Class A stations by stations of a higher class, or, required proportional power increases by extremely short-spaced stations of presently disproportionate facilities. If appropriate, the Commission will adopt some variation of the plan here presented without further notice of rule making.[10] This could include spacings below which no increases would be permitted or horizontal increases to values below the present maximums.

ALTERNATIVE TWO: PROTECTION OF A SPECIFIED CONTOUR PLUS SIMULTANEOUS INCREASES BY MUTUAL AGREEMENT

10. As an alternative to the horizontal increase plan, we invite comments on two other concurrent methods by which short-spaced stations would be authorized to increase power to some degree. The first of these methods, which could be of only limited applicability, would be the authorization of simultaneous power increases by linked groups of short-spaced stations by mutual agreement. Under this method, stations linked together in a relatively small "chain" by short-spacing problems could work out their own mutually advantageous plan for increasing facilities and then submit appropriate applications to the Commission. If all stations in the chain were of the same class and of relatively equal facilities, it would usually be in the interests of all the stations to increase power to the maximum for their class. Where the stations are of different classes or extremely disproportionate in existing facilities, proportional power increases or the use of directional antennas (see paragraph 13, infra), may be in order. In any event, it should be recognized that the potential benefits of this plan are severely limited by the necessity of reaching some agreement among the licensees involved. Where only two or three stations are involved in the short-spacing chain, this may not be too difficult. Unfortunately, however, a majority of short-spaced stations in Zone I are linked together in chains of considerably greater length.

11. As a second method, which would not require agreement among the licensees involved, we propose a modified version of the protected contour system in use prior to adoption of the new FM rules. Under this plan, most existing stations would be permitted to increase facilities to about the same degree as would have been possible under the old rules. The plan would be applied as a "go-no go" system and would work, in general as set forth in the following paragraph.

12. Table I in Appendix B shows the distance to the 1 mv/m contour for various antenna heights above average terrain and for various powers. The remaining tables in Appendix B show the distances to the various interfering contours (co-channel, adjacent channel, and second and third adjacent channels) also for various antenna heights and powers. Antenna heights are read to the nearest 100 feet[11] and the powers are interpolated to the tenth of a db. These tables would be used in the following manner. The station seeking an increase would first find the distance from the transmitter site of the station to which it is short and the 1 mv/m contour of that station. It would then subtract this distance from the separation between the two stations. Next, it would proceed to the appropriate table showing interfering contours for the channel separation involved. Then, entering this table at the antenna height proposed and moving across to the distance to its interfering contour the permitted power would be read from the top of the table. For example, assume two co-channel stations, both in Zone I and both Class B, are located 85 miles apart and one seeks a power increase. Let us assume that one station operates with 5 kw and antenna height of 200 feet. The other station seeking the increase operates with 1 kw and 200 feet antenna height. In order to find out what power would be permitted the latter station, the distance to the protected contour of the former is determined from Table I. For a power of 5 kw (7 dbk) and 200 feet we see that the distance is 13.3 miles. Since the stations are co-channel, use is made of Table II for determining the authorized power for the second station. Entering the table at 200 feet and moving over to a distance of 71.7 miles (85 minus 13.3) and interpolating we get an authorized power of 12.4 dbk or 17 kw. In no case, of course, would facilities in excess of those authorized for the class of station be permitted. The same procedure would be used for stations on adjacent channels.

13. Use of the tables described above would be combined with the permissive use of directional antennas to reduce radiation in the direction of short-spaced stations. Since these directional antennas would be used for protection purposes for stations spaced below the new minimums, there may be need for suitable reference antennas in order to demonstrate that the antenna is functioning as proposed and offering the needed protection to the pertinent stations. We propose the use of such a reference antenna only where the ratio of the maximum to minimum radiation exceeds 10 db. The maximum ratio authorized remains 15 db, the same as for directional antennas used by stations meeting the separation requirements. The powers permitted for short-spaced stations as obtained from the tables are for radiation on a direct line between the stations. These may be increased on either side, but in no event is the increase to be in excess of 2 db for any 10 degrees azimuth.[12]

14. The tables would be utilized with two additional provisos. When a submaximum station desires to increase power and is short-spaced to another station of the same class which operates with even smaller facilities than the station desiring the increase, the larger station must assume that the smaller station has facilities equal to its own for the purpose of determining protection requirements. The purpose of this proviso would be to preserve an opportunity for the smaller station to obtain a more equal degree of increase, should it desire to do so in the future. Secondly, no station increasing facilities would be required to protect an existing "super-maximum" station to distances greater than 40 miles or 65 miles, for Class B and C stations, respectively.[13]

15. As applied in typical short-spacing situations, the proposed rules would produce the following results:

(a) No station would be permitted to increase facilities beyond the maximum for the class of station involved. Existing super-power facilities would be restricted to their present facilities.

(b) Where Station X just protects the 1 mv/m contour of Station Y, the former would be permitted no increase in facilities without directionalization—unless mutual agreement was reached between the two stations and all others in the particular "short-spacing" chain.

(c) If Station X has equal or smaller facilities than Station Y of the same class, X may increase its facilities until it just protects the 1 mv/m contour of Y, as shown by the tables in Appendix B.

(d) If Station X has larger facilities than Station Y of the same class, X must assume that Y has facilities equal to its own and may increase facilities until it just protects the 1 mv/m contour resulting from Y's assumed facilities, as shown by the tables in Appendix B.

(e) If Class B Station X is short-spaced to an existing super-maximum station of the same class, X must protect the super-maximum station to its actual 1 mv/m contour or 40 miles, whichever is less.

16. It is important to note that application of the system proposed will not work to the advantage of the "station applying first" to the extent that might be expected. This is best illustrated by a typical example: Assume that co-channel Class B stations X and Y are separated by only 100 miles and that both now operate with an antenna height of 250 feet and a power of 5 kw. If X applies for an increase in power now and Y does not, X may, without directionalization, increase power to 39.8 kw (16 dbk). If Y should later seek a power increase, it must protect the new 1 mv/m contour of X. Under the Tables, without directionalization, Y may increase power to 22.4 kw (13.5 dbk). The interference-free contour of X would extend 24 miles toward Y and the interference-free contour of Y would extend 20 miles toward X. Thus, X obtains a small advantage in seeking its increase in power first, but Y still retains substantial potential to increase its own facilities.

17. Our remarks in paragraph 9, supra, apply equally to comments with respect to this second alternative plan.

18. Authority for the adoption of the rules proposed above is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 27, 1964, and reply comments on or before April 10, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

20. In accordance with the provisions of § 1.419(b) of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission.

Adopted: January 29, 1964.

Released: February 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[14]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

Proposed Tables of Assignments for Alaska, Hawaii, Puerto Rico, Virgin Islands, and Guam:

ALASKA

ZONE II

	Channel No.
Anchorage	263, 267, 271, 288A
College	285A
Cordova	265A
Fairbanks	262, 266
Juneau	282, 286
Ketchikan	290, 294
Nome	262
Seward	276A
Sitka	284

HAWAII

ZONE II

Hilo, Hawaii	246, 250
Kealakekua, Hawaii	221A
Honolulu, Oahu	226, 230, 234, 238, 248
Kailua, Oahu	242
Waipahu, Oahu	222
Lihue, Kauai	224A, 228A
Makawao, Maui	232A
Wailuka, Maui	236

GUAM

ZONE II

Agana	230, 234

PUERTO RICO

ZONE I

Adjuntas	275
Aguadilla	225, 262
Arecibo	293, 297
Bayamon	234, 264
Caguas	277
Coamo	223
Fajardo	243
Guayama	295
Humacao	299
Isabella	268
Manati	245
Mayaguez	231, 248, 256
Ponce	227, 270, 281
Rio Piedras	239
San German	236
San Juan	229, 253, 260, 273, 284, 289
Utuado	286
Yauco	241

VIRGIN ISLANDS

ZONE I

	Channel No.
Charlotte Amalie	232, 237, 250
Christiansted	258, 266, 291

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and Order", we noted specifically that this question was being left open. Therefore, the only rights that short-spaced existing stations may claim under Section 316 of the Communications Act (with respect to each other), are to protection of the 1 mv/m contour—the generally recognized standard prior to institution of proceedings in this Docket. In the event that an existing station would suffer interference within its 1 mv/m contour from a power increase of another existing station (see paragraph 12, infra, and Appendix "B" for methods of prediction), the power increase would be made effective immediately only if (a) the consent of the existing station receiving interference were obtained, or (b) the license of the interfered-with station had been renewed since the adoption of these proposed rules. In all other cases where interference would be caused within the 1 mv/m contour of an existing station by an increase in the facilities of another existing station, the effective date of the authorization for increased facilities will be postponed until termination of the current license period for the interfered-with station. At that point, no rights to an adjudicatory hearing under Section 316 of the Communications Act would accrue. Transcontinent Television Corp. v. F.C.C., 113 U.S. App. D.C. 384, 308 F. 2d 339 (1962), The Goodwill Stations, Inc. v. F.C.C., —— U.S. App. D.C. ——, —— F. 2d —— (Case No. 17498, decided October 31, 1963).

[6] Of course, all stations of the same class would not have precisely equal service areas since the limit of interference-free service toward another short-spaced station would be determined by the extent of the short-spacing.

[7] When two short-spaced stations operating with relatively equal submaximum facilities increase power to the maximum, each station keeps the same "interference-free" service contour in the direction of the other station, the area within which the stations render acceptable service extends further in other directions, and signal intensity within the old service contour increases. When two short-spaced stations increase facilities disproportionately, or one station does not increase at all, one station will lose some of its present service area and the other will gain. Total gains should, however, exceed total losses in most instances.

[8] As an example, assume that two co-channel Class B stations are only 100 miles apart. Station A now operates with a power of 20 kilowatts and an antenna height of 250 feet and Station B now operates with one kilowatt and 250 feet. Station A now has an "interference-free" service radius of 34 miles toward B and Station B now has an "interference-free" service radius of 12 miles toward A. If both stations increase power to 50 kilowatts, each will have an "interference-free" service radius of 22 miles toward the other—a loss of 12 miles for A. Of course Station A will increase its effective service radius in other directions where no short-spacings exist.

[9] The extent of this problem is not so great as might be expected since the number of existing Class A stations short-spaced to Class B or C stations is relatively low and the short-spacings are not, in most of these cases, extreme.

[10] Section 4(a) of the Administrative Procedure Act, 5 U.S.C. § 1003, requires that notice of rule making include only "the terms or substance of the proposed rule or a description of the subjects and issues involved".

[11] For heights below 500 feet they will be read to the nearest 50 feet. The final table will have entries for every 50 feet up to 500, 100 feet up to 2,000 and 200 feet above 2,000.

[12] We wish to emphasize that this permissive use of directional antennas represents no departure from the assignment principles adopted in connection with the table of assignments. We will entertain no petitions to assign channels to communities at less than standard spacings with required use of directional antennas. Use of directional antennas under the limited circumstances described here is solely for the purpose of permitting existing stations which were licensed under previous rules to increase their facilities and improve the service they are rendering to the public. The basic principles and allocation plan adopted in the "Third Report" remain our objectives for the FM broadcasting service.

[13] Insofar as application of these proposed rules would result in interference within the 1 mv/m contour of any existing station, our comments in footnote 5, supra, would apply.

[14] Statement of Commissioner Bartley, concurring in part and dissenting in part, filed as part of original document.

most instances.

involved".

will have entries for every 50 feet up to 500, 100 feet up to 2,000 and 200 feet above 2,000.

for the FM broadcasting service.

apply.

filed as part of original document.

APPENDIX B

TABLE I

DISTANCE IN MILES FROM AN FM TRANSMITTER TO ITS 60 DBU (1 MV/M) CONTOUR FOR VARIOUS HEIGHTS AND POWERS

AHAAT in Ft.	Power in dbk																			
	−20	−18	−16	−14	−12	−10	−8	−6	−4	−2	0	2	4	6	8	10	12	14	16	18	20
3,400	11	13	15	17.5	20	22.5	27	30	34	37	40.5	45	49	53	57	60	64	65	65	65	65
3,200	11	13.2	14.5	16.5	19.5	22	25	28.5	32	35	39	42.5	47	50.5	55	59	62	64	65	65	65
3,000	10.5	12	14	16	19	21.5	24.5	28	31	34	38	41	45	49.5	53	57	60	64	65	65	65
2,800	10	11.5	13.5	15.7	18	20.5	24	26.5	30	33	36	40	44	48	51	55	59	62	64	65	65
2,600	9.7	11.5	13	15	17	20	22.5	25.5	29	32	35	39	42	46	49.5	53	56	59	63	64	65
2,400	9.4	11	12.5	14	16	19	21.5	24.5	28	30.5	34	37	40	44	47.5	51	55	59	61	64	65
2,200	9.2	10.8	12	13.5	15.5	18	20.5	23.5	26	29	32	35	39	42	45.5	49	52	55.5	59.5	62	65
2,000	9	10.2	11.7	13.1	15	17	20	22	25	28	30	33.5	37	40	44	46.5	50.5	54	57.5	60.5	64
1,900	8.7	10	11.2	12.7	14.5	16.5	19	21.5	24.5	27	29.5	33	35.5	39	43.5	45.5	49.5	52.5	55.5	59.5	62
1,800	8.5	9.7	11	12.6	14	16	18	20.5	23.5	25.5	29	31.5	35	38.5	43	44.5	48.5	51.5	55	59	61.5
1,700	8.3	9.2	10.5	11.6	13.8	15.5	17.3	20	22.5	25	28	30	33	37	40	43	48.5	50	53	57.5	60
1,600	8.1	9	10.3	11.5	13.2	15	17.1	19.2	21.5	24	26.5	29.5	32.5	35.5	39	42	45	49	51.5	55	58.5
1,500	8	9	10	11.4	13	14.9	16.9	18.6	21	23	26	28.5	31.5	35	38	40.5	44	47	50.1	54	57.5
1,400	7.8	8.9	9.7	11.2	12.5	14	16.2	18	20	22	25	27.5	30	33	36	40	43	46	48.5	52	55.5
1,300	7.2	8.2	9.3	10.5	12	13.8	15.5	17.5	19	21.5	24	26.5	29	32.5	35	39	41.5	45	47.5	51	54
1,200	7	7.8	9	10	11.5	13	15	17	18	21	23	25.5	28	31	34	37.5	40	44	46	49	52
1,100	6.8	7.6	8.5	9.5	11	12.5	14.5	16	17.1	20	22	24.5	26.5	29.5	32	35	38	41	44.5	47	50
1,000	6.4	7.2	8	9	10.2	12	14	15.6	17	19	21	23	25.5	28	31	34	36.5	40	43	45.5	49
900	6.2	6.8	7.6	8.8	9.7	11.2	13	14.5	16.4	18	20	22	24.5	26	29	32	35	38	40.5	44	47
800	5.8	6.5	7.3	8.2	9.2	10.3	12	13.5	15.2	17	18.5	20.5	22	25	27.5	30	33	36	39	41.5	45
700	5.4	6.2	7	7.8	8.6	9.7	10.5	13	14	16	17	19.2	21	24	26	28.5	31	33	36	39	42.5
600	5	5.7	6.5	7.1	8	9	9.8	11.8	12.3	14.5	16	18	19.7	21.5	24	26	29	32	35	26.5	40
500	4.6	5	5.8	6.6	7.3	8.2	9	10	12	13.2	14.5	16.1	17.9	20	22	24.5	27	29.5	31.5	35	37
450	4.2	4.8	5.5	6.2	7.0	7.8	8.6	9.6	10.5	12.5	14.0	15.2	17.0	19.0	20.5	23.0	25.4	28	30	33	36
400	4	4.6	5.1	5.9	6.6	7.4	8.2	9	10	11.8	12.5	14.5	16	17.8	19.8	21.5	24.5	26.5	29	31.5	35
380	3.8	4.2	4.8	5.3	6.1	7.0	7.8	8.6	9.5	10.3	11.0	14.0	15	16.8	18.5	20.2	23	25	27.5	30	33
360	3.6	4	4.5	5	5.7	6.2	7.2	8	8.3	10	10.5	12.6	14	15.6	17	19	21	23	25.5	28	30.5
340	3.2	3.7	4.0	4.6	5.1	5.9	6.7	7.3	8.0	8.9	9.9	10.6	12.5	14.0	15.8	17.8	19	21.5	24	26	28
320	2.9	3.3	3.7	4.1	4.7	5.1	5.9	6.6	7.4	8.1	9	10	11.3	12.5	14	15.5	17.5	19.5	21.5	24	26
150	2.5	2.8	3.2	3.6	4.0	4.5	5.0	5.7	6.4	7.1	7.9	8.8	9.7	10.8	12	14.0	15.2	17.0	19	21	24
100	2	2.3	2.7	2.9	3.2	3.8	4.1	4.7	5.2	5.9	6.5	7.4	8.2	9	10	11.2	12.9	14.5	16.2	18.1	20.2

TABLE II

DISTANCE IN MILES FROM AN FM TRANSMITTER TO ITS 40 DBU (100 UV/M) CONTOUR FOR VARIOUS HEIGHTS AND POWERS

AHAAT in Ft.	Power in dbk																			
	−20	−18	−16	−14	−12	−10	−8	−6	−4	−2	0	2	4	6	8	10	12	14	16	18	20
3,400	47	51.5	55	60	65	69.5	75	77.5	82	87	91.5	96	100	103	107.5	110.5	114	117.5	121	126	130
3,200	45	49	54	58	63	67.5	72	76	80	86	90	93	97	100.5	106	109	112	116	119	123	128
3,000	43	48	52	56	60.5	65	70	73	77.5	82	86	91	95	98.5	103	107	110	113	116.5	120	125
2,800	42	46.5	50	54.5	59	63	67.5	71	75	80	84	88	93	96	100	105	108	111.5	114	118	123
2,600	40	45	48.5	52	56	60.5	65	69	73	77	81.5	85	90	94	98	102	106	110	113	116	120
2,400	38	42	46	50	54.5	58	63	67	70	75	79	83	88	91.5	95	98.5	103	107	111	114.5	118
2,200	36	40	44.5	48	52	56.5	60	65	68	72	76	80	85	90	93	96	100	105	109	112	116
2,000	35	38	42	46	50	53	57	61.5	65	69.5	73.5	78	81.5	86	90	94	98	102	106	110.5	114
1,900	33	37	40.5	45	48	52	55.5	60	64	68	72	76	80	84.5	89	92.5	96	100	105	110	113
1,800	32	36	40	43	47	51	55	58	63	66	70	75	78.5	82.5	87	91.5	95	98.5	103	108	112
1,700	31	35	38	42	45.5	50	53	57	61	65.5	69	73	77	81	85	90	93	97	102	107	111
1,600	30	33.5	37	40.5	44.5	48	52	55.5	60	63	67	71	75	80	83.5	89	92	96	101	105	110.5
1,500	28.5	32	35.5	38.5	43	46	50	54	58	61.5	65	70	73	77.5	82	86	91	95	100	104.5	110
1,400	28	31	34.5	38	41.6	45	48.5	52	56	60	63	67.5	71.5	75	80	84.6	90	93.5	98	103	109
1,300	26	30	33	36	40	43	47	50.5	55	58	62	65	70	73.5	78	83	87.5	92	97	102	108
1,200	25	28	31.5	35	38	41.5	45	49	53	56.5	60	63	67.5	71.5	75.5	80.5	85	91	95	101.5	106
1,100	24.5	27	30	32.5	36	40	43	47	51	55	58	61.5	65	69	73	78	83.5	89	93	98.5	103.5	106.5
1,000	23	24.5	28	31.5	34.5	38	41	45	48.5	52	55.5	59	63	67	71	76.5	82	87.5	93	100	105.5
900	21.5	24	26.5	29.5	32	35.5	38.5	42	46	50	53.5	57.5	61	65	70	74	80	85.5	92	99	105
800	20	22	25	28	30.5	33	36.5	40	43	48	51.5	55	58.5	63	68	74	80	85	92	99	105
700	18.5	21	23	26	28.5	31.5	34	38	41.6	45	49	53	57	61	66.5	72	78	85	91	98	105
600	17.5	19	21.5	24	26.5	29	32	35	38.5	42	45.5	50	55	59.5	64	70	77	84	90	97	105
500	16	17.6	19.2	21.5	24	26.5	29.5	32	35	38.5	43	47	51.5	57	63	68.5	75	82	89	98.5	104.5
480	15	16.5	18.5	20	23	25	28	30.5	34	37.5	41	45	50.5	56	62	68	74	81	89	98.5	104
460	14	16	17.5	19	21.5	24.5	27	29	32	36.5	40	44.5	49	55.5	61	67	74.5	80	88	96.5	103.5
440	13	15	16.5	18	20	22.5	25	28	30.5	34.5	38	42.5	48	54	60	66	73	80	87.5	95	103
420	12	13	15	17	18.5	21	23	26.5	28.5	32	36	40.5	45.5	52	58	65	72	79	87	95	102.5
400	10.5	12	14	16.5	17	19	21.5	24.5	27	30	34	39	44.5	50	57	63.5	70	78	86	94	102
300	9	10.5	12	14	15.5	17.5	19	22	24.5	28	31.5	35	42	48	55	62	70.5	77	85	93	101
150	7.9	9.7	9.7	12	13	15	17.5	19.5	22	25	29.5	34	40	46	53	60	67	75	84	91	100
100	6.6	7.6	8.2	9	10.5	12.5	14.4	16.2	18.5	21	25	30	36.5	43	50	57	65	73	82	90.5	

TABLE III

DISTANCE IN MILES FROM AN FM TRANSMITTER TO ITS 54 DBU (0.5 MV/M) CONTOUR FOR VARIOUS HEIGHTS AND POWERS

AHAAT in Ft.	Power in dbk																			
	−20	−18	−16	−14	−12	−10	−8	−6	−4	−2	0	2	4	6	8	10	12	14	16	18	20
3,400	20	22	25.5	30	34	38	42	47.5	51.5	55	60	65	69.5	78	78	82	87	91.5	95	100	113.5
3,200	19	22	25	29	32.5	37	40.5	45	50	53.5	58.5	63	67	71	75	80	85	90	95	97	100.5
3,000	18.5	21.5	24.5	28	31.5	35	40	43	48	52	56.5	60.5	65	69.5	73	77.5	82	86.5	91.5	95	96.5
2,800	18	20.5	23	27	30	33.5	38	42	45.5	50	54.5	58.5	63	67	71	75	80	84	89	93	96
2,600	17.5	20	22	26.5	29	32	36	40	44.5	48.5	52	56	60	65	69	73	77	81.5	85.5	90	94
2,400	17	19	21.5	24.5	28	31	35	38.5	42	46	50.5	54.5	58.5	62	67	70.5	75	78.7	83	88	92
2,200	16	18.2	20	23	26.5	29	32.5	36.5	40	44.5	48	52	55.5	60	65	68	72	76.5	80	85	90
2,000	15	17.4	19	22	25	28	31	35	38	42	45.5	50	53	57	61.5	65	69.5	73.7	78	82	86
1,900	15	17	18.5	21.5	24.5	27	30	33.5	37.5	40.5	45	48.5	52	55.5	60	64	68	72	76	80	85
1,800	14	16	18	20.5	23	26.5	29	32.5	36	40	43	47.5	51	55	58.5	62.5	66	70	75	79	83
1,700	13.5	15.5	17.5	20	22.5	25	28	31.5	35	38	42	45.5	50	53	57	60.5	65	69	71.5	77	81
1,600	13	15	17	19	21.5	24.5	27	30	33	36.5	40.5	44	46	52	55.5	60	63	67	71	75	80
1,500	12.5	14.6	16.5	18.5	21	23.5	26.5	28.5	32	35.5	39.5	43	46.5	50	54.5	58	61.5	65	69.5	73	78
1,400	12	14	16	18	20	23	25	28	30.5	34.5	38	41.5	45	48.5	52.5	56	60	63	67	71.5	76
1,300	11.5	13.4	15.5	17	19	21.5	23.5	27	30	32.5	36	40	43	47	50.5	54.5	58	61.5	65	70	72.5
1,200	11	12	14.5	16.5	18.5	20.5	23	25.5	28	31	35	38	41.7	45	48.5	52.5	56	60	63	67	71.5
1,100	10	12	13.5	15.5	17.5	19.5	21.5	24.5	26.5	30	33	36.5	40	43	47	50.5	54.5	58	61.5	65	70
1,000	9.1	11.5	13	15	17	18.5	20.5	23	25.5	28	31.2	34.5	38	41	45	48	52	56	58.5	63	68
900	8.7	10.5	12	14	16	18	19.5	21.5	24.5	27	29.6	32.5	35.5	38.5	42.5	46	50	54	57	60.5	65
800	8.2	9.2	11.5	13	15	16.5	18	20	22	25	28	30.5	33.5	37	40	43	47.5	52	55	58.5	63.5
700	7.7	8.7	10.5	12	14	15.5	17	18.5	21	23	26	28.5	32	35	38	41	45	49	53	56.5	63
600	7.2	8	9	11	12	14	15.5	17.5	19	21.5	24	26.5	28.7	32	35	38	42	45.5	50	55	60
500	6.5	7.3	8.2	9	11	12.5	14	16	17.5	19	22	24	27	29	32.5	35.5	38.5	43	47	52	57
480	5.6	6.6	7.3	8.3	9.5	11	12.5	14	16	17.5	19	22	24.5	27	29.5	32	35.5	40	43.5	49.5	55
460	5	5.7	6.5	7.2	8	8.7	10.5	12	13.5	15	17	18.5	21	23.5	26.5	28.5	32	35.5	40	45.4	52
440	4	4.6	5.2	5.7	6.5	7.3	8.2	9	11	12	13.7	15.5	17.5	19	22	24.5	28	31.5	35	42	48
420	2.8	3.2	3.7	4.1	4.6	5.2	5.8	6.6	7.4	8.2	9	10.7	12.5	14	16	18.2	21.5	25	30	35.5	45

TABLE IV

DISTANCE IN MILES FROM AN FM TRANSMITTER TO ITS 80 DBU (10 MV/M) CONTOUR FOR VARIOUS HEIGHTS AND POWERS

AHAAT in Ft.	Power in dbk																			
	−20	−18	−16	−14	−12	−10	−8	−6	−4	−2	0	2	4	6	8	10	12	14	16	18	20
3,400	1.3	1.8	2.1	2.6	3.2	4.0	4.8	6.0	7.3	9	12.5	15	18	20	23	26.5	30	34	38	42	46.5
3,200	1.3	1.8	2.1	2.6	3.2	4.0	4.8	6.0	7.3	8.8	12	15	17	19	22	25	29	32.5	36.5	40.5	45
3,000	1.3	1.8	2.1	2.6	3.2	4.0	4.8	6.0	7.1	8.5	11.5	14.5	17	18.5	21.5	24.5	28	31.5	35	40	43
2,800	1.3	1.8	2.1	2.5	3.2	4.0	4.8	5.9	7.1	8.4	11.3	14	16	18	20	23	26.5	30	34	38	41.5
2,600	1.3	1.8	2.1	2.5	3.2	4.0	4.7	5.8	7.0	8.1	11	13	15.5	17.5	19.6	22	25.5	29	32	35.5	40
2,400	1.3	1.8	2.1	2.6	3.2	3.9	4.7	5.7	7.0	8.1	10.5	12.5	15	17	19	21.5	24.5	27.5	30.5	35	38.5
2,200	1.3	1.8	2.1	2.5	3.2	3.8	4.7	5.6	6.8	8	10	12	14.5	16.5	18	20	23	26.5	29.5	32.5	36.5
2,000	1.3	1.8	2.0	2.5	3.1	3.8	4.6	5.4	6.7	7.8	9	11.5	13.5	15	17.5	19.5	21.5	25	28	31	35
1,900	1.3	1.8	2.0	2.5	3.0	3.7	4.6	5.3	6.5	7.7	9	11	13	14.8	17	19	21	24.5	27	30	34
1,800	1.3	1.8	2.0	2.5	3.0	3.7	4.5	5.3	6.3	7.6	8.7	10.5	12.5	14.5	16.5	18.5	20.5	23	26	29	32.5
1,700	1.3	1.8	2.0	2.4	2.9	3.6	4.4	5.2	6.1	7.3	8.4	10	12	14	15.5	18	20	22	25	28	31
1,600	1.2	1.7	2.0	2.3	2.9	3.6	4.3	5.1	6	7.0	8.1	9.2	11.8	13.5	15	17.5	19	21.5	24.5	27	30
1,500	1.2	1.7	2.0	2.3	2.8	3.6	4.2	5.0	5.9	7.0	8.0	9.0	11	13	14.5	17	18.5	20.5	23	26	29
1,400	1.2	1.7	1.9	2.3	2.8	3.5	4.2	5.0	5.7	6.7	7.7	8.7	10.5	12	14	16	18	20	22	25	28
1,300	1.2	1.7	1.9	2.2	2.7	3.4	4.1	4.8	5.6	6.4	7.4	8.3	10	11.5	13	15	17	19	21.5	24	26.5
1,200	1.2	1.7	1.8	2.2	2.7	3.3	4.0	4.7	5.4	6.2	7.1	8	9.2	11	12.5	14.5	16.5	18	20.5	23	25.5
1,100	1.2	1.7	1.8	2.2	2.7	3.2	3.9	4.6	5.2	6	6.8	7.8	8.7	10.2	11.5	14	15.5	17.5	19.5	22	24.5
1,000	1.2	1.6	1.8	2.2	2.6	3.1	3.8	4.4	5	5.8	6.4	7.2	8.2	9.2	11	13	15	17	18.5	20.5	23
900	1.2	1.6	1.7	2.1	2.6	3	3.7	4.2	4.8	5.6	6.2	7.0	7.8	8.8	10.5	12	14	16	18	19	22
800	1.2	1.5	1.7	2.1	2.5	2.9	3.4	3.9	4.6	5.1	6.0	6.7	7.4	8.3	9.3	11.5	13	15	16.5	18	20
700	1.2	1.5	1.7	2.0	2.4	2.8	3.2	3.7	4.2	4.8	5.5	6.3	7.0	7.8	8.8	10	12	13.5	15.5	17	18.5
600	1.2	1.4	1.7	1.9	2.3	2.7	3.0	3.4	3.8	4.5	5.0	5.8	6.5	7.2	8	9.0	10.5	12.5	14	15.5	17.5
500	1.1	1.4	1.6	1.8	2.1	2.5	2.8	3.2	3.6	4	4.6	5.2	6	6.7	7.5	8.2	9.2	11	12.5	14.5	15.5
480	1.0	1.3	1.5	1.7	2.0	2.2	2.6	2.8	3.2	3.7	4.1	4.7	5.2	6.0	6.7	7.5	8.2	9.1	11	12.5	14.5
460	0.9	1.2	1.3	1.5	1.8	1.9	2.2	2.6	2.8	3.2	3.6	4	4.5	5.0	5.8	6.2	7.2	7.8	8.9	10.5	12
440	0.8	1.0	1.2	1.3	1.5	1.7	1.8	2	2.3	2.6	3.0	3.3	3.8	4.2	4.7	5.2	6.0	6.7	7.5	8.2	9.0
420	0.5	0.6	0.8	0.9	1.0	1.2	1.3	1.5	1.7	1.9	2.0	2.3	2.7	3.0	3.3	3.7	4.2	4.7	5.2	6.0	6.8

TABLE V

DISTANCE IN MILES FROM AN FM TRANSMITTER TO ITS 100 DBU (100 MV/M) CONTOUR FOR VARIOUS HEIGHTS AND POWERS

AHAAT in Ft.	Power in dbk																			
	−20	−18	−16	−4	−12	−10	−8	−6	−4	−2	0	2	4	6	8	10	12	14	16	18	20
3,400						0.5	0.6	0.7	0.8	1.1	1.4	1.8	2.1	2.7	3.2	4.1	4.8	6.0	7.3	10	12.5
3,200						0.5	0.6	0.7	0.8	1.1	1.4	1.8	2.1	2.7	3.2	4.1	4.8	6.0	7.2	9.0	12
3,000						0.5	0.6	0.7	0.8	1.1	1.4	1.8	2.1	2.7	3.2	4.1	4.8	5.9	7.2	8.5	11.5
2,800						0.5	0.6	0.7	0.8	1.1	1.4	1.8	2.1	2.7	3.2	4.0	4.7	5.8	7.1	8.4	11
2,600						0.5	0.6	0.7	0.8	1.1	1.4	1.8	2.1	2.7	3.2	4.0	4.7	5.7	7.0	8.3	10.5
2,400						0.5	0.6	0.7	0.8	1.1	1.3	1.8	2.1	2.7	3.2	3.9	4.6	5.6	7.0	8.2	10.2
2,200						0.5	0.6	0.7	0.8	1.1	1.3	1.8	2.1	2.6	3.2	3.9	4.6	5.6	6.9	8.0	10
2,000						0.5	0.6	0.7	0.8	1.1	1.3	1.8	2.1	2.6	3.1	3.8	4.6	5.5	6.7	7.9	9.9
1,900						0.5	0.6	0.7	0.8	1.1	1.3	1.8	2.0	2.6	3.1	3.8	4.6	5.3	6.5	7.7	8.8
1,800						0.5	0.6	0.7	0.8	1.1	1.3	1.8	2.0	2.6	3.0	3.7	4.5	5.2	6.3	7.5	8.6
1,700						0.5	0.6	0.7	0.8	1.1	1.3	1.8	2.0	2.6	3.0	3.7	4.5	5.2	6.2	7.2	8.3
1,600						0.5	0.6	0.7	0.8	1.0	1.3	1.8	2.0	2.5	2.9	3.6	4.4	5.1	6.0	7.1	8.1
1,500						0.5	0.6	0.7	0.8	1.0	1.3	1.8	2.0	2.4	2.8	3.5	4.3	5.0	5.9	7.0	8.0
1,400						0.5	0.6	0.7	0.8	1.0	1.3	1.8	2.0	2.3	2.8	3.5	4.2	4.9	5.7	6.7	7.6
1,300						0.5	0.6	0.7	0.8	1.0	1.2	1.7	1.9	2.2	2.8	3.4	4.1	4.8	5.6	6.3	7.3
1,200						0.5	0.6	0.7

[F.R. Doc. 64-1284; Filed, Feb. 11, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN ACTIVITIES

In order to provide for the performance of certain functions relating to price support loan and purchase transactions, farm storage facility and drying equipment loans, sales of Commodity Credit Corporation commodities locally, and execution of certain other documents in connection with Commodity Credit Corporation activities, delegations of authority are provided below pursuant to authority vested in me by the Bylaws of Commodity Credit Corporation. The delegations of authority contained herein shall supersede any delegations of authority which are inconsistent therewith.

The authority herein delegated shall be exercised in conformity with the Bylaws of Commodity Credit Corporation and applicable programs, policies, and regulations.

Definitions. The term "CCC" shall mean Commodity Credit Corporation.

The term "ASCS" shall mean Agricultural Stabilization and Conservation Service.

The term "ASC" shall mean Agricultural Stabilization and Conservation.

The term "chairman" shall refer to the chairman or acting chairman of any ASC county committee.

The term "county committee member" shall refer to any member of an ASC county committee.

The term "manager" shall mean the ASCS county office manager or acting manager.

The term "other employee" shall mean any employee of an ASCS county office other than the manager or acting manager.

General. The manager and other employees to whom the authority is redelegated in writing by the manager, may sign or countersign CCC drafts or CCC certificates properly issued pursuant to any program administered by the ASCS in which the use of such drafts or certificates is prescribed.

Commodity loan and purchase programs. A county committee member, the manager and other employees to whom authority is redelegated in writing by the manager may approve price support documents for CCC. Such documents may include but are not limited to the application for price support, the farm storage note and chattel mortgage, the farm storage loan worksheet, the warehouse storage note, authorization for removal of farm stored collateral and settlement documents. He may also execute releases or otherwise obtain the release of record of chattel mortgages made to CCC to secure loans on agricultural commodities upon payment in full of the loan involved. He may execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to releasing a mortgage of record.

Farm storage facility and drying equipment loan program. (1) The chairman may (a) approve on behalf of CCC the sale or conveyance by the borrower of farm storage facilities or other property securing a loan made pursuant to the regulations issued by CCC and ASCS governing the making of loans, and (b) execute on behalf of CCC assumption agreements under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness with respect to such sale and conveyance.

(2) The chairman may (a) approve on behalf of CCC the sale of drying equipment securing a loan made pursuant to the regulations issued by CCC and ASCS governing the making of loans, and (b) sign on behalf of CCC assumption agreements under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness with respect to such sale.

(3) The chairman or manager may, upon payment of the obligation involved, execute such release, quit claim, conveyance or reconveyance, as necessary to obtain the release of record of security instruments made to or assigned to CCC or under which CCC is beneficiary which secure loans made to purchase or construct farm storage facilities or loans made to finance the purchase of drying equipment for farm commodities.

(4) The chairman or manager may execute a release on behalf of CCC on any severance agreement executed in connection with any farm storage facility or drying equipment loan after such loan has been paid in full.

(5) The chairman or manager may execute statements, certificates, affidavits, or other documents as required by any State statute with regard to the status of any mortgage or deed of trust and with regard to any indebtedness.

(6) Where extension affidavits are required by State statute, the chairman or manager may execute sworn statements showing total payments made on the debt and the amount remaining unpaid and the debt or part thereof still due CCC and certify that CCC does thereby extend the lien and the mortgage for a definite period of time.

(7) The chairman or manager may execute any other instruments which may be required by State statute in connection with maintenance of liens relating to real or personal property mortgages or deeds of trust.

(8) The action of any chairman or manager which has been heretofore taken on behalf of CCC to comply with the provisions of any statute requiring the filing of statements, extension affidavits, or other documents relating to real and personal property mortgages or deeds of trust is hereby ratified.

(9) The manager or other employee designated by him, may upon his determination that a mortgage has been satisfied, execute indemnity agreements on behalf of CCC where any county recording officer deems such indemnity agreement necessary to release a mortgage of record.

Sales of CCC commodities locally. (1) The chairman or manager may make local sales of agricultural commodities, other than seeds, owned by CCC and execute any documents in connection with such sale.

CCC bin storage operations. (1) The chairman may execute real estate leases on behalf of and in the name of CCC as determined by the ASC county committee to be necessary in connection with the CCC storage program.

(2) The chairman may execute leases of CCC-owned storage structures not currently needed for storage of CCC-owned grain.

(3) The chairman may execute contracts on behalf of and in the name of CCC for site preparation and maintenance work, electrical services, repair, and operation of property and equipment, handling, transportation and maintenance of commodities, and procurement of supplies and materials in connection with the CCC storage program.

(4) The chairman may, upon receipt of prior written authorization, sell CCC-owned storage structures, equipment, and materials.

Revocation of delegation of authority. Delegations of authority published May 3, 1956 (21 F.R. 2957), as amended on May 23, 1957 (22 F.R. 3643) and July 24, 1959 (24 F.R. 5946) are hereby revoked. All designations of other employees pursuant thereto shall remain in effect until revoked in writing by the manager or until the employee is separated from his position in the office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Signed at Washington, D.C., on February 7, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-1399; Filed, Feb. 11, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Cellulose Acetate Propionate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1296) has been filed by American Cyanamid Company, P.O. Box 400, Princeton, New Jersey, proposing that paragraph (b)(2) of § 121.2578 *Hot-melt strippable coatings* be amended by inserting alphabetically in the "List of substances" a new item "Cellulose acetate propionate."

Dated: February 5, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1389; Filed, Feb. 11, 1964; 8:49 a.m.]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical Ferbam

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations, E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, has withdrawn its petition published in the FEDERAL REGISTER of February 28, 1963 (28 F.R. 1879), proposing the establishment of a tolerance for residues of the fungicide ferbam (ferric dimethyldithiocarbamate), calculated as zinc ethylenebisdithiocarbamate, in or on grapefruit and oranges.

The withdrawal of this petition is without prejudice to a future filing.

Dated: February 6, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1390; Filed, Feb. 11, 1964; 8:49 a.m.]

MERCK AND CO., INC.

Notice of Filing of Petition Regarding Food Additives Procaine Penicillin, Dihydrostreptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1315) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of procaine penicillin-dihydrostreptomycin solution with vitamin A for treatment of urinary-tract infections, pneumonia, abscesses, infected wounds and peritonitis, and combating secondary infections associated with diseases such as shipping fever in cattle, calves, swine, lambs, and sheep and mastitis in cattle.

Dated: February 6, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1391; Filed, Feb. 11, 1964; 8:49 a.m.]

NATIONAL ASSOCIATION OF CHEWING GUM MANUFACTURERS

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1301) has been filed by the National Association of Chewing Gum Manufacturers, 100 East 42d Street, New York, New York, 10017, proposing the amendment of § 121.1059 to provide for the safe use in chewing gum base of pentaerythritol ester of wood rosin, glycerin ester of partially dimerized rosin, glycerin ester of wood rosin, methyl ester of rosin (partially hydrogenated) and pentaerythritol ester of partially hydrogenated wood rosin. This proposal supplements that filed as FAP 224, 26 F.R. 1640, February 24, 1961.

Dated: February 5, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1392; Filed, Feb. 11, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20456]

TRAFFIC CONFERENCES OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of February 1964.

An agreement adopted by the Traffic Conferences of the International Air Transport Association relating to rates; Docket 13777, Agreement C.A.B. 17561, R-2.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement conforms special rates for valuable cargo applicable between Conference 1 and the Far East via the Atlantic and Pacific with those applicable on the North Atlantic.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolutions JT31(Mail 91)595 and JT123(Mail 349)595, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act: *Accordingly, it is ordered,* That: Agreement C.A.B. 17561, R-2, be and hereby is approved.

Any air carrier party to the agreement, or any interested person may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1393; Filed, Feb. 11, 1964; 8:49 a.m.]

[Docket No. 14642]

PUERTO RICO-VIRGIN ISLANDS SERVICE CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference scheduled to be held in this proceeding on February 18, 1964, is hereby postponed and is rescheduled to begin on February 25, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 7, 1964.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 64-1394; Filed, Feb. 11, 1964; 8:49 a.m.]

[Docket No. 12895]

UNITED STATES-CARIBBEAN-SOUTH AMERICA INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the further prehearing conference scheduled to be held in this proceeding on February 19, 1964, is hereby postponed and is rescheduled to begin on February 26, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 7, 1964.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 64-1395; Filed, Feb. 11, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-3]

CONSUMERS PUBLIC POWER DISTRICT AND HALLAM NUCLEAR POWER FACILITY

Notice of Issuance of Operating Authorization

Please take notice that no request for formal hearing having been filed follow-

of CCC where any county recording of-

deeds of trust is hereby ratified.

409(b)(5), 72 Stat. 1780, 21 U.S.C.

8:49 a.m.]

taining reasons deemed appropriate, to-

formal hearing having been filed follow-

ing publication of Notice of Proposed Issuance in the FEDERAL REGISTER on January 4, 1964 (29 F.R. 114), pursuant to § 115.40 (10 CFR Part 115), the Atomic Energy Commission has issued Operating Authorization No. DPRA–1 to Consumers Public Power District to use and operate the Hallam Nuclear Power Facility at powers up to 256 megawatts (thermal). The authorization was issued substantially in the form set forth in the Notice of Proposed Issuance except that a change has been made in paragraph 1. to reflect the fact that part of the facility is owned by Consumers Public Power District and proposed paragraph 4.D.(2) has been deleted since the report of changes to the facility will be included in the monthly report required by paragraph 4.D.(3).

Dated at Bethesda, Md., this 5th day of February 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64–1354; Filed, Feb. 11, 1964; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List 51; FCC 64–89]

STATION WOI

Standard Broadcast Application Ready and Available for Processing

FEBRUARY 7, 1964.

The Commission, in order to avoid the possibility of a repetitious hearing, by the Memorandum Opinion and Order of October 24, 1963 (FCC 63–977) waived the proviso of Note 1 to § 3.25 (now § 73.25) of the rules which precluded the acceptance of applications for 640 kc operation at Ames, Iowa between 6:00 a.m. c.s.t., and local sunrise prior to a decision in Docket No. 11290. By Order of February 5, 1964, the Commission waived the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (see note to § 1.571 of the rules), in order that the application listed below might be accepted for filing. Accordingly, notice is hereby given that on March 17, 1964, the following application:

WOI, Ames Iowa, Iowa State University of Science and Technology, has: Special Service Authorization to operate additional hours from 6:00 a.m. to local sunrise c.s.t., with 1 kw on 640 kc, req: 640 kc, 1 kw (6:00 a.m. to local sunrise c.s.t),

will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the rules, an application, in order to be considered with this application, or with any other application on file by the close of business on March 16, 1964, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by whichever date is earlier: (a) The close of business on March 16, 1964; or (b) the earlier effective cut-off date which this application or any conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 to the extent necessary to permit the acceptance of applications specifying substantially the same facilities requested by Iowa State University of Science and Technology.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1397; Filed, Feb. 11, 1964; 8:49 a.m.]

[List 52; FCC 64–91]

STATION KEOS

Standard Broadcast Application Ready and Available for Processing

FEBRUARY 7, 1964.

The following application is mutually exclusive with the application for renewal of license of Station KVNA, Flagstaff, Arizona. Thus, in order to expedite action on this application, the Commission, on motion of Plateau Broadcasting, Inc., waived § 1.571(c) of the rules and the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1963 (see note to § 1.571 of the Commission's rules) in order that the application hereinafter described may be placed at the top of the processing line. Accordingly, notice is hereby given that on March 17, 1964, the following application:

KEOS, Flagstaff, Arizona, Plateau Broadcasting, Inc., has: 1290 kc, 1 kw, day, Class III, req: 690 kc, 500 w, 1 kw–LS, DA–N, U, Class II,

will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on March 16, 1964, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on March 16, 1964; or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The Commission hereby waives the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (see note to § 1.571 of the Commission's rules), to the extent necessary to permit the acceptance of applications specifying substantially the same facilities requested by Plateau Broadcasting, Inc.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1396; Filed, Feb. 11, 1964; 8:49 a.m.]

[1] Commissioner Loevinger absent.

FEDERAL MARITIME COMMISSION

[Docket No. 1169]

AMERICAN EXPORT LINES, INC. AND ZIM ISRAEL NAVIGATION CO. LTD.

Order of Investigation Regarding Pooling Agreement

On August 2, 1963, American Export Lines, Inc. and Zim Israel Navigation Co., Ltd. filed with the Federal Maritime Commission an agreement designated No. 9233 for approval. The agreement would establish a freight revenue pool both eastbound and westbound between North Atlantic ports of the United States and ports in Israel.

The Commission has considered Agreement No. 9233 and is of the opinion that it warrants investigation. Therefore, the Commission, pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, hereby institutes an investigation to determine whether Agreement No. 9233 should be approved, disapproved, or modified.

American Export Lines, Inc. and Zim Israel Navigation Co., Ltd. are hereby made respondents in this proceeding, and the matter is assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner. A copy of this order shall be served upon the respondents and published in the FEDERAL REGISTER.

Persons, other than respondents, who desire to become parties to this proceeding and to participate herein shall promptly notify the Secretary, Federal Maritime Commission, Washington, D.C., 20573 and shall file with the Secretary a petition for leave to intervene in accord with rule 5(n) of the Commission's rules of practice and procedure on or before February 25, 1964.

All future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By order of the Federal Maritime Commission, February 4, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64–1383; Filed, Feb. 11, 1964; 8:48 a.m.]

MARYLAND PORT AUTHORITY ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T–91, between the Maryland Port Authority (Port), and the County Commissioners of Dorchester County and The Commissioners of Cambridge (Lessees), provides for a fifty (50) year lease of certain pier and terminal property in Cambridge, Maryland, to be operated by Lessees as a general steampship terminal. As rental therefor Lessees agree that Port will receive annually all gross receipts less certain operating expenses, fees, etc. All fees and charges assessed and collected by Lessees will be subject to the approval of the Port.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

FEBRUARY 7, 1964.

[F.R. Doc. 64–1384; Filed, Feb. 11, 1964; 8:48 a.m.]

OCEANIC STEAMSHIP CO. AND AMERICAN PRESIDENT LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9294–1 between The Oceanic Steamship Company and American President Lines, Ltd., provides that Agreement 9294 shall become effective February 23, 1964, or upon the date it is approved by the Federal Maritime Commission and the Maritime Administration, or notice is received that such approval is not required, whichever is later.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 7, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–1385; Filed, Feb. 11, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64–584 etc.]

W. P. CARR ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

FEBRUARY 5, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64–584	W. P. Carr, 6700 Forest Lane, Dallas 30, Tex.	1	7	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	$3,359	1–13–64	[2] 2–13–64	[3] 2–14–64	[4] 11.2104	[5][6] 12.2295	RI64–382
RI64–585	Standard Oil Co. of Texas, a division of California Oil Co., P.O. Box 1249, Houston, Tex., 77001. Attn: Mr. C. W. Procter.	33	2	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	67	1–13–64	[7] 2–13–64	[3] 2–14–64	[4] 11.2529	[5][6] 12.2758	RI64–60
	Standard Oil Co. of Texas, a division of California Oil Co.	44	2	El Paso Natural Gas Co. (Escrito-Gallup Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	2,573	1–13–64	[7] 2–13–64	[3] 2–14–64	[4] 11.2104	[5][6] 12.2295	RI64–60
RI64–586	E. J. Dunigan, Jr., P.O. Box 261, Pampa, Tex.	1	2	El Paso Natural Gas Co. (Doughty Lease, Beckham County, Okla.) (Oklahoma "Other" Area).	700	1–14–64	[2] 2–14–64	[3] 2–15–64	12.0	[6] 13.0	----------

[2] The stated effective date is the 1st day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 15.025 psia.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[7] The stated effective date is the effective date requested by Respondent.
[8] Pressure base is 14.65 psia.

[1] Does not consolidate for hearing or dispose of the several matters herein.

W. P. Carr (Carr) requests waiver of notice to make his proposed rate increase effective as of January 1, 1964. E. J. Dunigan, Jr. (Dunigan), requests a retroactive effective date of January 1, 1963, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Carr and Dunigan's rate filings and such requests are denied.

The proposed rate increases of Carr and the Standard Oil Company of Texas, a Division of California Oil Company (Standard) (Supplements No. 2 to Standard's FPC Gas Rate Schedules Nos. 33 and 44, respectively), reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. Since the proposed rate increases reflect tax reimbursement, the suspension period for each may be shortened to one day from the date shown in the above "Effective Date" column.

The buyer, El Paso Natural Gas Company (El Paso) has protested the rate increases filed by Carr and Standard. El Paso questions the right of these producers under their tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of .55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least .55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of .55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Carr and Standard shall concern themselves with the contractual basis for the producers' rate filings which El Paso has protested.

Carr and Standard's proposed increased rates are below the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended, but are suspended because of El Paso's protest with respect to the tax reimbursement.

The basic contract of Dunigan was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61–1, as amended, and the proposed rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, that Dunigan's rate filing should be suspended for one day from February 14, 1964, the date of expiration of the required statutory notice.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Carr and Standard's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rate and charge contained in Dunigan's proposed rate filing, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for Carr and Standard's proposed rate filings which El Paso has protested, and the statutory lawfulness of the rate and charge contained in Dunigan's proposed rate supplement.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 25, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1357; Filed, Feb. 11, 1964; 8:45 a.m.]

[Docket No. RP64–5]

CHICAGO DISTRICT PIPELINE CO.

Order Approving Presiding Examiner's Continuance of Hearing

FEBRUARY 4, 1964.

By Commission order issued October 31, 1963, Commission staff and interveners, proposing to present evidence herein, were required to file and serve testimony and exhibits on December 20, 1963, and on January 8, 1964, respectively, upon the Presiding Examiner and all parties herein. A pre-hearing conference was directed to be convened on January 15, 1964.

The aforesaid pre-hearing conference was held on January 15, 1964, and the Presiding Examiner, at the request of staff and the parties, set the following dates, subject to the approval of the Commission:

January 22, 1964. Certain data to be submitted to staff by the three distributor interveners.

February 4, 1964. Staff to mail its prepared testimony and exhibits concerning cost allocation, rate form, rate design and its revised cost of service.

February 18, 1964. Interveners to mail their prepared testimony and exhibits on cost allocation, rate form, and rate design, and on the revised cost-of-service study.

February 27, 1964. Second pre-hearing conference.

The Commission finds. In view of the foregoing, the recess in excess of 30 days granted by the Presiding Examiner to February 27, 1964 should be approved.

The Commission orders. The extension of the pre-hearing conference for a period in excess of 30 days by the Presiding Examiner to February 27, 1964 is hereby approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1359; Filed, Feb. 11, 1964; 8:45 a.m.]

[Docket No. RI64–225 etc.][1]

A. G. HILL ET AL.

Order Amending Orders Providing for Hearings on and Suspension of Proposed Changes in Rate, and Allowing Rate Changes To Become Effective Subject to Refund

FEBRUARY 5, 1964.

Proposed increased rates of the producers involved here were suspended until April 1, 1964, or later, in some instances. These proposed rates exceed the applicable area rate ceilings for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), but do not exceed the applicable area rate levels for initial rates as contained therein. All of the gas sales contracts involved in these rate schedules were entered into after the issuance of the Policy Statement.[2] Under the circumstances we consider it appropriate to shorten the suspension periods and to permit the proposed rates to become effective as of the date of issuance of this order as hereinafter provided.

The pertinent data are as follows:

[1] Additional proceedings involved in this order are listed in the body of the order. This order does not provide for the consolidation for hearings or disposition of the matters covered herein, nor should it be so construed.

[2] All of the rate increases here are periodic increases provided for in the original contracts.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Date order issued
RI64–225 [1]	A. G. Hill et al	4	2	10–24–63
RI64–233	Southwest Natural Production Co. et al	17	4	10–24–63
RI64–262 [2]	Southwest Gas Producing Co., Inc. et al	18	3	10–30–63
RI64–316 [2]	General American Oil Co. of Texas (Operator), et al	65	2	11–20–63
		66	2	
RI64–318	The Preston Oil Co	27	2	11–20–63
RI64–427	J. F. Merrick (Operator) et al	4	1	12–20–63
RI64–461	Socony Mobil Oil, Co., Inc. (Operator) et al	313	7	12–26–63
RI64–466 [2]	Mountain States Natural Gas Corp	6	2	12–26–63
RI64–501	Piedra Corp	1	2	12–31–63

[1] Consolidated with the Area Rate Proceeding, Docket Nos. AR64–2, et al., by order issued November 27, 1963.
[2] This proceeding also relates to other rate schedules not involved in this order.

The Commission finds. The suspension order in the above-designated proceedings should be amended and the proposed rates permitted to become effective subject to refund as of the date of issuance of this order, as hereinafter ordered.

The Commission orders:

(A) The suspension orders issued in the above-designated proceedings, are hereby amended by changing the date in the "Date Suspended Until" column with respect to the above-designated supplements to the date of issuance of this order.

(B) The above-designated rate supplements shall become effective subject to refund on the date of issuance of this order, if within 20 days from the date of issuance of this order, each respondent shall execute and file in its respective proceeding an agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) In all other respects, the orders issued in the above-designated proceedings shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1360; Filed, Feb. 11, 1964; 8:45 a.m.]

[Docket No. RI64–363 etc.]

LAKELAND PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate; Correction

JANUARY 22, 1964.

Lakeland Petroleum Corporation (Operator), et al., Docket Nos. RI64–363 et al.; Ashland Oil & Refining Company, Docket No. RI64–372.

In the order providing for hearing on and suspension of proposed change in rate, issued December 4, 1963 and published in the FEDERAL REGISTER December 13, 1963 (F.R. Doc. 63–12783; 28 F.R. 13515–13518), under column headed "Purchaser and Producing Area", after Docket No. RI–64–372, Ashland Oil & Refining Company, delete all reference to "Texas, R.R. District No. 10" and substitute "Oklahoma, Oklahoma Panhandle Area" in lieu thereof.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1362; Filed, Feb. 11, 1964; 8:45 a.m.]

[Docket No. G–11821 etc.]

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 3, 1964.

Marathon Oil Company, and other applicants listed herein, Docket Nos. G–11821, et al.; E. W. Mudge, Jr. (Operator), et al., Docket No. CI64–776.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued January 14, 1964 and published in the FEDERAL REGISTER January 21, 1964 (F.R. Doc. 64–503; 29 F.R. 510), in column 4 of the chart, after Docket No. CI64–776 change price to read "6.25 cents" in lieu of "4.0 cents".

In view of the foregoing correction an extension is granted to and including February 24, 1964 within which to file protests or petitions to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10).

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1363; Filed, Feb. 11, 1964; 8:45 a.m.]

[Docket No. G–4720 etc.]

RESERVE OIL AND GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 4, 1964.

Reserve Oil and Gas Company (successor to Producing Properties, Inc.), et al., Docket Nos. G–4720, et al.; San Jacinto Oil and Gas Company (successor to Humble Oil & Refining Company), Docket No. CI64–458.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued October 22, 1963 and published in the FEDERAL REGISTER October 26, 1963 (F.R. Doc. 63–11304; 28 F.R. 11493), in column 4 of the chart, after Docket No. CI64–458 change price to read "10.0 cents" in lieu of "17.2295 cents".

In view of the foregoing correction an extension is granted to and including February 25, 1964 within which to file protests or petitions to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10).

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1364; Filed, Feb. 11, 1964; 8:46 a.m.]

[Docket No. G–10289 etc.]

PUBCO PETROLEUM CORP. ET AL.

Notice of Applications, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 3, 1964.

Pubco Petroleum Corporation, and other applicants listed herein, Docket Nos. G–10289 et al.; Jewel Osborn, Docket No. CI64–805; Betty Osborn Biedenharn, Docket No. CI64–806; Osborn-Barrett Petroleum, Inc., Docket No. CI64–807; W. B. Osborn, Jr., Docket No. CI64–808.

In the notice of applications, abandonment of service and petitions to amend certificates, issued January 21, 1964 and published in the FEDERAL REGISTER January 28, 1964 (F.R. Doc. 64–759; 29 F.R. 1425), in column 4 of the chart, after Docket Nos. CI64–805, CI–64–806, CI64–807 and CI64–808, change the prices for the following purchasers under each Docket Number to read as follows:

Colorado Interstate Gas Company—"11.0 cents" in lieu of "10.7194 cents".

Cities Service Gas Company—"10.7194 cents" in lieu of "11.0 cents".

In view of the foregoing correction an extension is granted to and including February 24, 1964 within which to file protests or petitions to intervene with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10).

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1365; Filed, Feb. 11, 1964; 8:46 a.m.]

[Docket No. G–2671, etc.]

J. CLEO THOMPSON ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

JANUARY 31, 1964.

J. Cleo Thompson, et al. (successor to Joe Blalock, et al.), and other applicants listed herein, Docket Nos. G–2671 et al.; McWood Corporation (Operator) (successor to Tower Oil & Gas Company of Texas), Docket No. CI62–193.

In the notice of applications for certificates, abandonment of service and peti-

tions to amend certificates, issued January 28, 1964 and published in the FEDERAL REGISTER February 4, 1964 (F.R. Doc. 64-1049; 29 F.R. 1706), in column 4 of the chart, after Docket No. CI62-193 change price to read "12.0 cents" in lieu of "20.0 cents".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1367; Filed, Feb. 11, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-5669]

HONORA, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 6, 1964.

I. Honora, Ltd. (Honora), 42 West 48th Street, New York, N.Y., is a New York corporation located at 42 West 48th Street, New York, New York. On November 29, 1961, Honora filed a notification pursuant to Regulation A in connection with a proposed offering of 76,500 shares of its common stock (10 cents par value) at $3.75 per share, for an aggregate proposed offering of $286,875. The notification was subsequently amended to provide for an offering of 68,500 shares at $4 per share for an aggregate proposed offering of $274,000. Sunshine Securities, Inc., was named as the underwriter, but on August 10, 1962, it withdrew from the proposed offering.

II. The Commission has reason to believe that Honora, its officers, directors, and promoters have failed to cooperate with the Commission. The Commission's staff has made repeated attempts to secure amendments to the notification or, in the alternative, a withdrawal of the notification. Despite these efforts, Honora has refused to amend or withdraw the notification.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the presentation and consideration of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1373; Filed, Feb. 11, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-4333]

PETITION FOR INTERPRETATION OF POWDERED MILK UNDER THE TRANSPORTATION ACT OF 1958

FEBRUARY 7, 1964.

Petitioner: Cossitt Motor Express, Inc., 63 West Kendrick Ave., Hamilton, N.Y. By petition filed November 12, 1963, petitioner requests the Commission to make an official ruling as to the possibility that "Casein", regardless of use, is a Dry Milk Solid, and exempt from regulation.

Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1376; Filed, Feb. 11, 1964; 8:47 a.m.]

[Notice 291]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 7, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 2900 (Deviation No. 11), RYDER TRUCK LINES, INC., Post Office Box 2408, Jacksonville, Fla., filed January 29, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Atlanta, Ga., and Charlotte, N.C., over Interstate Highway 85, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Atlanta over U.S. Highway 23 to Cornelia, Ga., thence over U.S. Highway 123 to Greenville, S.C., thence over U.S. Highway 29 to Charlotte; from Atlanta, over U.S. Highway 29 to Charlotte; and from Atlanta over U.S. Highway 29 to Athens, Ga., thence over Georgia and South Carolina Highway 72 to Rock Hill, S.C., thence over U.S. Highway 21 to Charlotte, and return over the same routes.

No. MC 69833 (Deviation No. 10) (Canceling Deviation No. 6) ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids 7, Mich., filed January 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From Columbus, Ohio over Interstate Highway 70 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Interstate Highway 94, and thence over Interstate Highway 94 to Chicago. Also, Interstate Highway 465 from junction Interstate Highway 70 to junction Interstate Highway 65, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, thence over alternate U.S. Highway 30 (formerly U.S. Highway 330) to junction U.S. Highway 45, thence over U.S. Highway 45 to junction St. Charles Road and thence over St. Charles Road to Villa Park, Ill., and return over the same route.

No. MC 108449 (Deviation No. 1), INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn., filed January 31, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From the Minnesota-Wisconsin State line over Interstate Highways 94 and 90 to Chicago, (B) from the Minnesota-Wisconsin State line near La-Crosse, Wis., over Interstate Highway 90 to the Wisconsin-Illinois State line near Beloit, Wis., and (C) from the Minnesota-Wisconsin State line near Hudson, Wis., over Interstate Highway 94 to the Illinois-Wisconsin State line near Kenosha, Wis., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis over U.S. Highway 12 to Madison, Wis., thence over U.S. Highway 18 to Milwaukee, Wis., thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC 108449 (Deviation No. 2), INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn., filed January 31, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mauston, Wis., over Wisconsin Highway 82 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Interstate Highway 90, and thence over Interstate Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Mauston over U.S. Highway 12 to Chicago, and return over the same route.

No. MC 108449 (Deviation No. 3), INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn., filed January 31, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From St. Paul, Minn., over U.S. Highway 61 to La Crosse, Wis., thence over U.S. Highway 14 to Middleton, Wis., (B) from Minneapolis, Minn., over U.S. Highway 52 to Dubuque, Iowa, thence over U.S. Highway 20 to Marengo, Ill., thence over Illinois Highway 176 to Wauconda, Ill., thence over U.S. Highway 12 to Chicago, Ill., (C) from Minneapolis, Minn., over Minnesota Highway 55 to Hastings, Minn., (D) from St. Paul, Minn., over Minnesota Highway 56 to junction Minnesota Highway 55 and (E) from La Crosse, Wis. over U.S. Highway 16 to Tomah, Wis., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis over U.S. Highway 12 to Madison, Wis., thence over U.S. Highway 18 to Milwaukee, Wis., thence over U.S. Highway 41 to Chicago, and return over the same route.

No. MC 1515 (Deviation No. 150) (Canceling MC 1510), letter dated June 4, 1957) GREYHOUND LINES, INC. (Central Greyhound Lines), 1740 Main Street, Kansas City 8, Mo., filed January 26, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Fort Worth, Tex., over the Fort Worth-Dallas Turnpike to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 80 via Weatherford, and Ranger, Tex., to Abilene, Tex., and return over the same route.

No. MC 1515 (Deviation No. 151) (Canceling MC 1510, letter dated November 4, 1955), GREYHOUND LINES, INC. (Central Greyhound Lines), 1740 Main Street, Kansas City 8, Mo., filed January 26, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Garland, Tex., over County Highway Forest Lane to junction County Highway 560, thence over County Highway 560 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the passengers over pertinent service route as follows: From Greenville, Tex., over Texas Highway 24 to Farmersville, Tex., thence over Texas Highway 78 via Garland, Tex., to Dallas, Tex., and return over the same route.

No. MC 1515 (Deviation No. 152) (Canceling MC 1510 Deviation No. 2), GREYHOUND LINES, INC. (Central Greyhound Lines), 1740 Main Street, Kansas City 8, Mo., filed January 26, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Colorado Springs, Colo., over U.S. Highway 85 (Interstate Highway 25) to junction Colorado Highway 27, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 87 to junction U.S. Highway 85, thence over U.S. Highway 85 to junction unnumbered highway near Castle Rock, Colo., thence over unnumbered highway via Castle Rock, to junction U.S. Highway 85, thence over U.S. Highway 85 to junction unnumbered highway near French, N. Mex., and return over the same route.

No. MC 1515 (Deviation No. 153), GREYHOUND LINES, INC. (Canceling MC 1510, letter dated April 16, 1957) (Central Greyhound Lines), 1740 Main Street, Kansas City 8, Mo., filed January 26, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction unnumbered highway and U.S. Highway 66 over U.S. Highway 66 to junction County Highway AB, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent route as follows: From junction U.S. Highway 66 and unnumbered highway near Waynesville, Mo., over unnumbered highway via Waynesville to junction U.S. Highway 66, thence over U.S. Highway 66 to Buckhorn, Mo., thence over Missouri Highway 17 to junction County Highway AB, thence over County Highway AB to junction U.S. Highway 66, at or near Hazelgreen, Mo., and return over the same route.

No. MC 1515 (Deviation No. 154) (Canceling Deviation No. 99), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 E. Short Street, Lexington, Ky., filed January 24, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage*, over deviation routes as follows: (A) From junction Interstate Highway 40 and U.S. Highway 70, near Union, Tenn., over Interstate Highway 40 to junction U.S. Highway 70, at a point approximately two (2) miles north of Gilmore, Tenn., thence from said junction over Interstate Highway 40 to Memphis, Tenn., (B) from junction Interstate Highway 40 and U.S. Highway 70 over U.S. Highway 70 to Jackson, Tenn., (C) from Jackson over Tennessee Highway 20 to junction Interstate Highway 40, (D) from junction U.S. Highway 70 and Interstate Highway 40 over U.S. Highway 70 to Brownsville, Tenn., (E) from Brownsville over Tennessee Highway 76 to junction Interstate Highway 40, and (F) from junction Interstate Highway 40 and Tennessee Highway 59 over Tennessee Highway 59 to Braden, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the passengers over a pertinent service route as follows: From Memphis over U.S. Highway 70 via Brownsville, Jackson, Dickson, Tenn., and White Bluff, Tenn., to Nashville, Tenn., and return over the same route.

No. MC 1515 (Deviation No. 155) GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed January 31, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Passengers and their baggage* over a deviation route as follows: From junction Wisconsin Highway 55 and U.S. Highway 41, over U.S. Highway 41 to junction Wisconsin Highway 175, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Milwaukee over U.S. Highway 41 to junction Wisconsin Highway 175 (formerly U.S. Highway 41), thence over Wisconsin Highway 175 via Menomonee Falls, Richfield, Slinger, Theresa, and Byron, Wis., to Fond du Lac, Wis., thence over unnumbered highway (formerly

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 149) (Canceling MC 1510 Deviation No. 3) GREYHOUND LINES, INC. (Central Greyhound Lines), 1740 Main Street, Kansas City 8, Mo., filed January 26, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: From junction U.S. Highway 85 and New Mexico Highway 422, north of Algodones, N. Mex., over New Mexico Highway 422 to junction U.S. Highway 85, north of Albuquerque, N. Mex., also, from junction U.S. Highway 85 and New Mexico Highway 44 over New Mexico Highway 44 to junction New Mexico Highway 422, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From a point near Rowe, N. Mex., over unnumbered highway via Pecos, N. Mex., to junction U.S. Highway 85 at a point southeast of Glorieta, N. Mex., thence over U.S. Highway 85 to Albuquerque, and return over the same route.

U.S. Highway 41) via North Fond du Lac and Van Dyne, Wis., to junction U.S. Highway 45 (formerly U.S. Highway 41), thence over U.S. Highway 45 via Oshkosh, Wis., to junction Wisconsin Highway 114 (formerly U.S. Highway 41), thence over Wisconsin Highway 114 to junction Wisconsin Highway 47, thence over Wisconsin Highway 47 to Appleton, Wis., and from Green Bay over U.S. Highway 41 to junction Wisconsin Highway 55, thence over Wisconsin Highway 55 to Kaukauna, Wis., thence over Wisconsin Highway 96 (formerly County Road V) to Appleton, Wis., thence over Wisconsin Highway 47 to Manasha, Wis., thence over Wisconsin Highway 114 to Neenah, Wis., and return over the same routes.

No. MC 1515 (Deviation No. 156) GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 E. Short Street, Lexington, Ky., filed January 31, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: (A) From junction Old U.S. Highway 41 and New U.S. Highway 41 as a point approximately two miles north of Madisonville, Ky., thence over New U.S. Highway 41 to junction Old U.S. Highway 41 approximately two miles south of Nortonville, Ky., (B) from junction New U.S. Highway 41 and Kentucky Highway 281, over Kentucky Highway 281 to junction Old U.S. Highway 41, (C) from junction New U.S. Highway 41 and Kentucky Highway 85, over Kentucky Highway 85 to junction Old U.S. Highway 41, (D) from junction New U.S. Highway 41 and Kentucky Highway 813, over Kentucky Highway 813 to junction Old U.S. Highway 41, (E) from junction New U.S. Highway 41 and the Western Kentucky Turnpike over the Western Kentucky Turnpike to junction Old U.S. Highway 41, and (F) from junction New U.S. Highway 41 and U.S. Highway 62 over U.S. Highway 62 to junction Old U.S. Highway 41, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: from Evansville over U.S. Highway 41 via Hopkinsville, Ky., Springfield and Goodlettsville, Tenn., to Nashville (also from Hopkinsville over alternate U.S. Highway 41 to Nashville), and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1378; Filed, Feb. 11, 1964; 8:47 a.m.]

[Notice 598]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 7, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 (49 CFR 1.247) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A; MOTOR CARRIERS OF PROPERTY

No. MC 104654 (Sub-No. 134), filed January 29, 1964. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 297, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Illinois.

NOTE: Applicant states the proposed operations will involve shipments having prior movement by rail or water.

HEARING: February 20, 1964, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 103880 (Sub-No. 305), filed February 5, 1964. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin.

HEARING: February 27, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 116273 (Sub-No. 20), filed January 31, 1964. Applicant: D. & L TRANSPORT, INC., 3800 South Laramie Avenue, Chicago, Ill. Applicant's attorney: Carl J. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and points within five (5) miles thereof, to points in the United States east of the Mississippi River, and to points in Louisiana and Texas.

HEARING: February 19, 1964, at the Federal Building, Lansing, Mich., before Examiner A. Lane Cricher.

No. MC 124070 (Sub-No. 6), filed February 5, 1964. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Howell Ellis, Suite 616 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin, and *damaged and rejected shipments* on return.

HEARING: February 27, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

SECTION B; MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 29), filed December 23, 1963. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Iowa, Kansas, and Missouri, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, and *damaged or rejected shipments thereof*, on return.

HEARING: March 25, 1964 at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 3804 (Sub-No. 3), filed December 23, 1963. Applicant: WILSON TRANSFER COMPANY, INC., 712 West Airline Avenue, Gastonia, N.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials, including sweepings, scrap, threads, and bagging and cotton* in bales and bags, between points in North Carolina, Virginia, Tennessee, South Carolina, Georgia, Alabama, and Mississippi.

HEARING: April 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

No. MC 31389 (Sub-No. 58), filed December 30, 1963. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl acetate emulsion*, in bulk, in premounted rubber shipping containers, from Charlotte, N.C., to Chicago, Ill.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 32358 (Sub-No. 6), filed December 18, 1963. Applicant: LOUIE FRANCO RODRIGUEZ, doing business as SWEET TRUCKING COMPANY, 22500 South Alameda, Long Beach 10, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, on specially constructed roller-bed equipment, and *lumber roof trusses*, on equipment specially designed for transporting such trusses, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Clark County, Nev.

HEARING: March 24, 1964, at the Federal Building, Los Angeles, Calif., before Joint Board No. 78, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 52709 (Sub-No. 230), filed November 15, 1963. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid starch*, in bulk, in tank vehicles, from Columbus, Ohio, to points in California.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 61396 (Sub-No. 103), filed December 26, 1963. Applicant: HERMAN BROS. INC., 2501 No. 11th Street, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Iowa, Kansas, and Missouri, and *returned and rejected shipments*, on return.

HEARING: March 25, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 73165 (Sub-No. 179), filed December 16, 1963. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, including, but not limited to, *valves, fire hydrants* and *pipe*, and *pipe fittings* and *parts* and *accessories thereof*, from points in Alabama, to points in Arkansas, Oklahoma, and points in Louisiana west of the Mississippi River.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 75866 (Sub-No. 2), filed December 23, 1963. Applicant: JOHN TOM BROWN, doing business as J. T. BROWN DRAYAGE COMPANY, 52 O'Highland Avenue, Greenville, S.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials, including sweepings, scrap, threads and bagging and cotton*, in bales and bags, between points in South Carolina, North Carolina, Georgia, Virginia, Alabama, and Tennessee.

HEARING: April 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

No. MC 76478 (Sub-No. 8), filed December 23, 1963. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Caernarvon Township, Berks County, Pa., to points in Chester County, Pa.

HEARING: March 25, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before William R. Tyers.

No. MC 95540 (Sub-No. 556), filed October 18, 1963. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas, to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

HEARING: March 31, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner James O'D. Moran.

No. MC 96412 (Sub-No. 2), filed December 23, 1963. Applicant: JACOB M. MOUCHET, doing business as COTTON TRANSPORT COMPANY, 511 Spruce Street, Charlotte, N.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials, including sweeping, scrap, threads, and bagging and cotton* in bales and bags, between points in North Carolina, South Carolina, Virginia, Tennessee, Georgia, and Alabama.

HEARING: April 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

No. MC 105750 (Sub-No. 5), filed December 2, 1963. Applicant: S. D'ANTONI, INC., 1333 Jefferson Highway, New Orleans 21, La. Applicant's attorney: Clarence Rareshide, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring compounds, bottler's flavoring compounds, beverage preparations, glass tumblers, bung closures and beverages*, flavored and phosphated, from New Orleans, La., to Belzoni, Biloxi, Ocean Springs, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected shipments*, on return.

HEARING: April 6, 1964, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 107403 (Sub-No. 517), filed December 20, 1963. Applicant: E. BROOKE MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles or in containers, from Ironton, Ohio, to points in Indiana, Kentucky, Pennsylvania, and West Virginia.

NOTE: Common control may be involved.

HEARING: March 24, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 107678 (Sub-No. 33), filed November 1, 1962. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane, Post Office Box 9698, Houston 15, Tex. Applicant's attorney: Joe G. Fender, 2035 Norfolk Street, Houston 6, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which, because of size, weight, or other physical characteristics, require the use of special equipment, rigging or handling, together with *parts and attachments thereto* when moving in connection therewith, and *contractor's equipment, machinery, materials and supplies*, (1) between points in Louisiana, New Mexico, and Texas, (2) between points in Alabama, Florida, Georgia, and Mississippi, (3) between points in Colorado, Kansas, Oklahoma, and Texas, (4) between points in Louisiana, New Mexico, and Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Tennessee, and (5) between points in Colorado, Kansas, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arizona, Idaho, Iowa, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: April 8, 1964, at the Texas State Hotel, Houston, Tex., before Examiner Richard H. Roberts.

No. MC 109584 (Sub-No. 118), filed November 15, 1963. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, in tank vehicles, from Henderson, Nev., to points in Imperial, Riverside, and Shasta Counties, Calif.

NOTE: Common control may be involved.

HEARING: March 25, 1964, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 110098 (Sub-No. 38), filed December 31, 1963. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A, Box 7249, San Antonio 7, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Texas, to points in Colorado, Montana, Nevada, North Dakota, South Dakota, and Wyoming.

HEARING: April 13, 1964, at the Granado Hotel, San Antonio, Tex., before Examiner Richard H. Roberts.

No. MC 110525 (Sub-No. 621), filed December 9, 1963. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A.

Jaskiewcz, Esq., Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles and in containers, from Ironton, Ohio, to points in Indiana, Kentucky, Pennsylvania, and West Virginia.

HEARING: March 24, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 111434 (Sub-No. 52), filed November 26, 1963. Applicant: DON WARD, INC., Post Office Box 1488, Durango, Colo. Mailing address: 241 West 56th Avenue, Denver, Colo. Applicant's attorney: J. Albert Sebald, Equitable Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feeds and concentrates* and *poultry feeds and concentrates* (except molasses in bulk); *clay and clay products; bentonite; limestone and limestone products;* and *lime and lime products* between points in New Mexico, Utah, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Iowa, and *rejected shipments* on return.

HEARING: March 24, 1964, at the New Customs House, Denver, Colo., before Examiner John S. Messer.

No. MC 113267 (Sub-No. 119), filed December 9, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pineapples, and cocoanuts*, when in mixed shipments with bananas, from New Orleans, La., Gulfport, Miss., and Mobile, Ala., to points in the United States (except Pensacola, Fla., Montgomery, Ala., Atlanta, Ga., and points within 15 miles of Atlanta, and points in New Hampshire, Rhode Island, Alaska, Hawaii, Pennsylvania, Maine, Vermont, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia).

NOTE: Common control may be involved.

HEARING: April 7, 1964, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 114725 (Sub-No. 12), filed December 30, 1963. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk in tank vehicles, from Nebraska City, Nebr., to points in Kansas, Iowa, and Missouri.

HEARING: March 25, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 115840 (Sub-No. 8), filed December 16, 1963. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Applicant's attorney: Donald L. Morris, 937 Bank for Savings Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, including, but not limited to, valves, fire hydrants and parts and accessories thereof, and pipe and pipe fittings*, from points in Alabama, to points in Arkansas, Oklahoma, and points in Louisiana west of the Mississippi River.

HEARING: April 6, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 116077 (Sub-No. 152), filed November 21, 1963. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper, sugar* and *mineral mixtures*, in packages in mixed shipments with salt and salt products, from Avery Island, Weeks Island, Jefferson Island, Anse La Butte, La., and points in St. Mary's Parish, La., to points in Arkansas, Louisiana, Mississippi, and Texas.

NOTE: Applicant states it seeks no duplicating authority. It presently holds authority in MC 116077 Sub 101 to transport salt from all the origin points here involved to all the destinations involved. The purpose of this application is to add authority to transport small shipments of pepper, sugar and mineral mixtures, in packages, when moving with shipments of salt.

HEARING: April 6, 1964, at the Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner Richard H. Roberts.

No. MC 116459 (Sub-No. 34), filed October 28, 1963. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Chattanooga 5, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, between points in Tennessee, Georgia, Alabama, Virginia, North Carolina, and Kentucky.

NOTE: Common control may be involved.

HEARING: April 3, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner James O'D. Moran.

No. MC 118130 (Sub-No. 11), filed November 22, 1963. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 740 North Houston Street, Forth Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Forth Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconuts and pineapples*, in mixed shipments with bananas from points in Louisiana to points in Louisiana, Texas, New Mexico, Arizona, Colorado, California, Oklahoma, Missouri, Nebraska, Kansas, Minnesota, Utah, Iowa, Arkansas, Illinois, Indiana, Michigan, and Wisconsin and *exempt commodities* on return.

HEARING: April 3, 1964, at the Federal Office Building, 701 Loyola Avenue, New Orleans, Louisiana, before Examiner Richard H. Roberts.

MC 119778 (Sub-No. 63), filed December 30, 1963. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, (1) between points in Georgia; (2) between points in Alabama; (3) between points in Mississippi; and (4) between points in Tennessee.

HEARING: April 9, 1964, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner James O'D. Moran.

No. MC 124337 (Sub-No. 4), filed October 3, 1963. Applicant: ADVANCE BOAT MOVERS, 1544 Placentia Avenue, Newport Beach, Calif. Applicant's attorney: Donald Murchison, 211 South Beverly Drive, Allen Paris Building, Suite 211, Beverly Hills, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats requiring special handling and special low boy equipment*, between points in California, on the one hand, and, on the other, points in Arizona, California, Connecticut, Florida, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, and Washington.

HEARING: March 26, 1964, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 124344 (Sub-No. 2) (REPUBLICATION), filed September 29, 1963, published FEDERAL REGISTER issue of October 23, 1963, and republished, this issue. Applicant: ROBERT M. COLGAN, doing business as RED SEAL TRUCKING, Post Office Box 753, Huntington, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. By application filed September 29, 1963, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle over irregular routes, of (1) milk products, milk by-products, and fruit juices, fruit drinks, and fruit segments, in containers, in vehicles equipped with temperature control devices, form Milwaukee, Wis., to points in Indiana on and north of U.S. Highway 36, including points on and within three (3) miles of said highway; and (2) ice cream, ice cream mix, ice milk, sherbet, water ices and vegetable-fat frozen desserts, in containers, in mechanically refrigerated vehicles, and ice cream novelties, including water ice bars, fudge bars, ice cream bars, ice cream cups, ice cream sandwiches, ice cream bake rolls, ice cream pies, and articles of a like nature, in containers, in mechanically refrigerated vehicles, from Hamilton, Ohio, to Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., and empty containers or other such incidental facilities used in transporting the above described commodities, in (1) and (2) above, on return. The application was referred to Examiner Frank J. Mahoney for hearing and the recommendation of an appropriate order thereon. Hearing was held on December 10, 1963 at Indianapolis, Ind. At the hearing the examiner allowed an amendment which broadened the scope of the application so as to include transportation of the commodities set forth in (2) above from *Huntington, Ind., to Hazard, Ky.* A Report and Order, served December 27, 1963, which became effective January 27, 1964, finds that applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with Sealtest Foods Division of National Dairy Products Corporation at New York, N.Y., of (1) *milk products, milk by-products, fruit juices, fruit drinks and fruit segments*, in containers, from Milwaukee, Wis., to points in Indiana on, north and within 3 miles of U.S. Highway No. 36; and (2) *milk products, milk by-products, ice cream, ice cream mix*, and *frozen confections*, in containers (a) from Hamilton, Ohio, to Elkhart, Evansville, Hammond, Huntington, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind., and (b) Huntington, Ind., to Hazard, Ky., over irregular routes, will be consistent with the public interest and the national transportation policy; and that an appropriate permit should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein, provided that no protest and petition for further hearing is received during such period.

No. MC 125018 (Sub-No. 1) (AMENDMENT), filed November 27, 1963, published in FEDERAL REGISTER issue of January 15, 1964, amended February 5, 1964, and republished as amended this issue. Applicant: TENNESSEE TRUCK LINES, INC., R.D. No. 2, Dandridge, Tenn. Applicant's attorneys: Jerome Ackerman, Union Trust Building, Washington 5, D.C., and Joseph A. McAfee, Park National Bank Building, Knoxville 11, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods and animal foods*, from the site of Bush Brothers & Company's plants located in Chestaut Hill, and Clinton, Tenn., and Augusta, Wis., and from the site of Bush Brothers & Company subsidiary or affiliated plants: Blytheville Canning Company, Inc., located at Blytheville, Ark., Shiocton Kraut, Inc., located at Shiocton, Wis., New Era Canning Company, located at New Era, Mich., and Bush Brothers of North Carolina, located at Hendersonville, N.C., and from the site of Bush Brothers & Company's warehouses located in Anderson, Cocke, Greene, Hancock, Jefferson, Sevier, and Knox Counties, Tenn., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Alabama, Mississippi, Tennessee, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, Michigan, Wisconsin, Minnesota, New York, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, Colorado, Delaware, North Dakota, South Dakota, New Jersey, and the District of Columbia, and (2) *Canned goods and animal foods, cans, materials, equipment and supplies for the production of cans, seeds, fertilizer; and materials, equipment and supplies used in the growing, production, canning, packaging and distribution of canned goods and animal foods*, from points in the destination states named in (1) above, to the origin points named in (1) above.

NOTE: Applicant states that all of the foregoing transportation service will be performed under a continuing contract or contracts with Bush Brothers & Company and its affiliates. It is further noted the proposed service is principally intended to supplant present movements in private carriage. The purpose of this republication is to show the location of the Bush Brothers & Company's plant at Clinton, Tenn., omitted in previous publication, and to indicate new hearing information, set forth below.

HEARING: February 18, 1964, at the Supreme Court Room of the Tennessee Supreme Court, Knoxville, Tenn., before Examiner Edith H. Cockrill.

No. MC 125895, filed December 23, 1963. Applicant: N. A. SIMS, doing business as SIMS TRANSFER COMPANY, 145 Alice Street, Spartanburg, S.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials, including sweepings, scrap, threads, and bagging* and *cotton*, in bales and bags, between points in North Carolina, South Carolina, Alabama, Georgia, and Tennessee.

NOTE: Applicant holds contract carrier authority in MC 112977 and Subs thereto; therefore dual operations may be involved.

HEARING: April 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

No. MC 125910, filed December 30, 1963. Applicant: CUSTOM TRANSPORT, INC., 407 South Edwards Street, Lincolnton, N.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials, including sweepings, scrap, thread, and bagging, and cotton* in bags and bales between points in North Carolina, Virginia, Tennessee, South Carolina, Georgia, Alabama, Arkansas, and Mississippi.

HEARING: April 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

No. MC 125911, filed December 30, 1963. Applicant: W. A. JARRETT AND JAMES F. JARRETT, a partnership, doing business as JARRETT & SON, Post Office Box 847, Spartanburg, S.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials*, including *sweepings, scrap, threads*, and *bagging* and *cotton*, in bags and bales, between points in Virginia, North Carolina, South Carolina, Tennessee, and Georgia.

HEARING: April 12, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

MOTOR CARRIERS OF PASSENGERS

No. MC 29854 (Sub-No. 26), filed November 22, 1963. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers from the Borough of Richmond, N.Y., over Goethals Bridge to Richmond Street, in Elizabeth, N.J., over Richmond Street to Trenton Avenue, Trenton Avenue to New Jersey Turnpike Interchange 13, over Interchange and New Jersey Turnpike to Interchange 16 in Secaucus, N.J., over Interchange to New Jersey Highway 3, over New Jersey Highway 3 and via Lincoln Tunnel to New York, N.Y., and return over the same route to Interchange 13 in Elizabeth, N.J., over Interchange to Trenton Avenue, over Trenton Avenue to Bayway, over Bayway to Goethals Bridge, over Goethals Bridge to Borough of Richmond, N.Y., serving no intermediate points in New Jersey.

NOTE: Common control may be involved.

HEARING: February 17, 1964, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner James A. McKiel.

NOTICE OF FILING OF PETITIONS

No. MC 29643 and No. MC 29643 (Sub-No. 4) (PETITION FOR INTERPRETATION OF CERTIFICATE IN MC 29643 AND TO DISMISS APPLICATION FOR EXTENSION OF CERTIFICATE IN MC 29643 SUB 4), filed January 17, 1964. Petitioner: WALSH TRUCKING SERVICE, INC., 2 Talcott Street, Massena, N.Y. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Petitioner holds a Certificate dated May 25, 1950, to conduct operations as a motor carrier as follows: IRREGULAR ROUTES: Aluminum and aluminum products, from Massena, N.Y., and points and places within five miles of Massena to points and places in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, Vermont, and those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. General Commodities, except livestock, and except dangerous explosives, household goods as defined in *Practices of*

Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, from Albany and New York, N.Y., and points and places in New Jersey to Massena, N.Y., and points and places in New York, within 50 miles of Massena. Commodities used in the manufacture, packing and shipping of aluminum and aluminum products, from points and places in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, those in New York, except Albany and New York, N.Y., and those in the Pennsylvania territory above-specified, to Massena, N.Y., and points and places within five miles of Massena. Return with no transportation for compensation, except as otherwise authorized." By the instant petition, petitioner seeks that its certificate be interpreted without further proceedings to apply from or to, as the case may be, the Town of Massena where the certificate reads "Massena." Out of an abundance of caution, petitioner also filed an extension application, concurrently with the filing of this petition, assigned No. MC 29643 (Sub-No. 4), published FEDERAL REGISTER, issue of January 29, 1964. Petitioner also requests that this application be dismissed without further proceedings because it now holds all of the authority sought. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 77424 (SUPPLEMENTAL PETITION FOR MODIFICATION OF CERTIFICATE), filed January 22, 1964. Petitioner: WENHAM TRANSPORTATION, INC., Cleveland, Ohio. Petitioner's attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C. By petition dated November 21, 1963, published FEDERAL REGISTER, issue of December 11, 1963, petitioner requested the Commission to redescribe its Certificate MC 77424, wherein it is authorized to transport general commodities, with certain exceptions, in Michigan by substituting for that part of its description "and those in Michigan south of U.S. Highway 16, including points and places on the indicated portions of the highway specified" the description set forth therein. Since the filing of the petition dated November 21, 1963, petitioner has had occasion to reexamine the route description in Michigan and it has been determined that numerous communities would be eliminated under the description proposed which may now be served by petitioner. By the instant supplemental petition, petitioner requests that the petition of November 21, 1963, be modified and amended by the following redescription of the area in Michigan which it may serve as a common carrier in Certificate MC 77424 as follows: "and those in Michigan south of a line beginning at Detroit and extending along Interstate Highway 96 to junction Michigan Highway 43; thence along Michigan Highway 43 to Lansing, Mich.; thence along Business Route 96 to junction Interstate Highway 96; thence along Interstate Highway 96 to Grand Rapids, Mich., and thence along Interstate Highway 196 to Muskegon, Mich., including points and places on the indicated portions of the highways specified, and those points and places one mile north of the highway specified." Any person or persons desiring to participate in this proceeding may within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 83539 Sub Nos. 12, 20, 66, 82, 93, 102 and MC 109770 now leased under authority issued in MC-F-7115 (PETITION FOR INTERPRETATION OF CERTIFICATES), filed January 13, 1964. Petitioner: C & H TRANSPORTATION CO., INC., Dallas, Tex. Petitioner's attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City, Okla., 73102. Petitioner is authorized in MC 83539 (Sub-No. 12), in part to transport: "commodities, the transportation of which, because of their size or weight, requires the use of special equipment, and parts thereof when moving in connection with such commodities, over irregular routes, between Wichita, Kansas, on the one hand, and, on the other points in Missouri, Nebraska, Colorado, and those in Texas on and north of U.S. Highway 80; in MC-83539 Sub 20, in part, to transport "commodities, the transportation of which because of size or weight requires the use of special equipment, from points in Ohio to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized"; in MC-83539 Sub 66, in part, to transport commodities other than those described above, the transportation of which because of their size or weight, requires the use of special equipment or handling, and parts thereof, when moving in connection with such commodities. Between points in Kansas and Oklahoma, on the one hand, and, on the other, points in Oregon and Washington;" and in MC 109770 MC-F-7115—Lease Partial Section 210a(b) to transport heavy or cumbersome commodities, which because of size or weight, require the use of special equipment, between Seagraves, Texas, and points in Texas within 250 miles of Seagraves and those in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75 beyond such 250 mile radius, including points on the indicated portions of the highways specified on the one hand, and, on the other, points in Arizona." By the instant petition, petitioner seeks to have the above operating rights interpreted as authorizing within the specified territory, the transportation of: "Glass, plate, not framed, bent or leaded; Glass, rolled, plain, figured or wired, not bent; Glazing units, glass, not in sash; Glass doors, with or without fittings; Glass, automobile, cut to shape." Any persons or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 116710 and Subs 4, 6, 7, and 10 (PETITION TO AMEND PERMITS), dated January 21, 1964. Petitioner: MISSISSIPPI CHEMICAL EXPRESS, INC., Post Office Box 1634, South Hattiesburg, Miss. Petitioner's attorney: Warren Woods, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Petitioner, a contract carrier, holds Permit No. MC 116710, wherein it is authorized to transport, "Virgin sulphuric acid, in bulk, in tank vehicles, from Le Moyne, Ala., and Baton Rouge, La., to Pontiac, Miss.; and molten sulphur, in bulk, in tank vehicles, from Pontiac, Miss., to Le Moyne, Ala.; spent sulphuric acid, in bulk, in tank vehicles, from Pontiac, Miss., to Baton Rouge, La. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Pontiac Refining Corporation, of Pontiac, Miss., Consolidated Chemical Industries, of Le Moyne, Ala., and Baton Rouge, La." In No. MC 116710 Sub-4 it is authorized to transport: "Liquid sulphur dioxide, in bulk, in tank vehicles, from the site of the plant of Consolidated Chemical Industries, at Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Stauffer Chemical Company, Consolidated Chemical Industries Division, of Houston, Tex." In No. MC 116710 Sub-6 it is authorized to transport: "Molten sulphur, in bulk, in tank vehicles, from Pontiac, Miss., to Baton Rouge, La., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Consolidated Chemical Industries Division of Stauffer Chemical Company, of Houston, Tex., and Pontiac Eastern Corporation, of Corpus Christi, Tex." In No. MC 116710 Sub-7 it is authorized to transport "liquid sulphur dioxide, in bulk, in tank vehicles, from the plant site of Stauffer Chemical Company, Consolidated Chemical Industries Division in Baton Rouge, La., to points in Illinois, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Stauffer Chemical Company, Consolidated Chemical Industries Division, Houston, Tex." In No. MC 116710 Sub-10 it is authorized to transport "liquid sulphur dioxide, in bulk, in tank vehicles, from the site of the plant of Stauffer Chemical Company, Consolidated Chemical Industries Division, at Baton Rouge, La., to points in New Mexico, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Stauffer Chemical Company, Consolidated Chemical Industries Division, of Houston, Tex." By the instant petition, petitioner requests that its Permits be amended (1) by substituting for the name of Pontiac Refining Corporation wherever such name appears the name *Mississippi Gulf Refining Company;* and (2) by substituting for the name Consolidated Chemical Industries and/or Stauffer Chemical Company, Consolidated Chemical Industries Division, of Houston, Tex., wherever such names appear, the name *Stauffer Chemical Company, Consolidated Chemical Division.* Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 43269 (Sub-No. 49) (AMENDMENT), filed June 26, 1963, published in FEDERAL REGISTER issue July 17, 1963, amended January 30, 1964, and republished as amended this issue. Applicant: WELLS CARGO, INC., 1775 East Fourth Street, Reno, Nev. Applicant's attorney: Bruce R. Geernaert, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except used household goods and personal effects; automobiles, trucks and buses, new and used; livestock and sheep camp outfits; commodities requiring special refrigeration or temperature control; liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank vehicles; commodities in bulk in dump or hopper trucks; commodities when transported in motor vehicles equipped for mechanical mixing in transit; and, fresh fruits, fresh vegetables and berries), (1) between the San Francisco Territory, Calif., as defined in Note 1, and the Los Angeles Territory, Calif., as defined in Note 2, over the following routes: (a) between San Francisco and Los Angeles, over U.S. Highway 101, serving the intermediate points of Madrone, Morgan Hill, San Martin and Gilroy, Calif., (b) between San Francisco and Los Angeles, from San Francisco over U.S. Highway 101 Bypass to junction U.S. Highway 101, at or near San Jose, Calif., thence over U.S. Highway 101 to Los Angeles, and return over the same route, serving the intermediate points named in (a), (c) between San Francisco and Los Angeles, from San Francisco over U.S. Highway 101 to junction U.S. Highway 101 Alternate, at or near El Rio, Calif., thence over U.S. Highway 101 Alternate to Los Angeles, and return over the same route, serving the intermediate points named in (a) and (b), and, (d) between San Francisco and Los Angeles, from San Francisco over U.S. Highway 50 to junction U.S. Highway 99, at or near Stockton, Calif., thence over U.S. Highway 99 to Los Angeles, and return over the same route, serving no intermediate points, and, (2) between Gilroy, Calif., and junction California Highway 152 and U.S. Highway 99, from Gilroy over California Highway 152 to junction U.S. Highway 99, and return over the same route, serving no intermediate points.

NOTE 1: San Francisco Territory includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point one (1) mile west of U.S. Highway 101; southerly along an imaginary line one (1) mile west of and paralleling U.S. Highway 101 to its intersection with the corporate boundary of the City of San Jose; southerly, easterly and northerly along said corporate boundary to its intersection with California Highway 17; northerly along California Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to the point of beginning.

NOTE 2: Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northeasterly along Sunset Boulevard to California Highway 7; northerly along California Highway 7 to California Highway 118; northeasterly along California Highway 118 through and including the city of San Fernanado; continuing northeasterly and southeasterly along California Highway 118 to and including the city of Pasadena; easterly along U.S. Highway 66 to California Highway 19; southerly along California Highway 19 to Lower Azusa Road; easterly on Lower Azusa Road to its intersection with the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to California Highway 26; westerly along California Highway 26 to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to California Highway 19; southerly along California Highway 19 to its intersection with U.S. Highway 101 Alternate at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101 Alternate; thence northerly along an imaginary line to the point of beginning.

NOTE 3: This application is a matter directly related to MC-F 8487, published July 10, 1963.

NOTE 4: The purpose of this republication is to set forth more clearly the commodity description and to show specific routes involved in the proposed operations.

No. MC 97006 (Sub-No. 4), filed January 28, 1964. Applicant: HOWARD'S EXPRESS, INC., East North Street, Geneva, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over (A) regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities which require special equipment, commodities in bulk, commodities of unusual value, and Classes A and B explosives), (1) between Gowanda, N.Y., and Buffalo, N.Y.; (a) between Gowanda, N.Y., and Buffalo, N.Y., over U.S. Highway 62, serving no intermediate points; (b) from Gowanda over U.S. Highway 62 to Collins, thence over New York Highway 39 to junction of New York Highways 39 and 16, and thence over New York Highway 16 to Buffalo, and return over the same route, serving the intermediate points of Big Tree, Blasdell, Chaffee, Collins, Collins Center, East Aurora, Ebenezer, Eden, Eden Valley, Hamburg, Holland, Lackawanna, Lawtons, Morton Corners, North Collins, Protection, Sardinia, South Wales, Springbrook, Springville, and Wales; (2) between Buffalo, N.Y., and Rochester, N.Y.; (a) from Buffalo over New York Highway 5 to Batavia, thence over New York Highway 33 to Rochester, and return over the same route, serving no intermediate points; (b) from Buffalo over New York Highway 263 to Lockport, thence over New York Highway 31 to Rochester, and also from Lockport over New York Highway 31 to Medina, thence over New York Highway 63 to Ridgeway, thence over U.S. Highway 104 to Rochester, and return over the same routes, serving the intermediate points of Albion, Brockport, Childs, Churchville, Clarence, Clarkson, Eggertsville, Egypt, Fancher, Gaines, Garland, Greece, Holley, Medina, Millersport, Murray, Oak Orchard, North Chili, Parma Corners, Ridgeway, Snyder (Erie County), Spencerport, Wallington, West Greece, and Williamsonville;

(3) between Rochester, N.Y., and Red Creek, N.Y., over New York Highway 104, serving the intermediate points of Alton, Resort, Sodus, Union Hill, Webster, West Webster, Williamson, and Wolcott; (4) between Rochester, N.Y., and Savannah, N.Y., over New York Highway 31, serving the intermediate points of Clyde, Lock Berlin, Lyons, Macedon, Newark, Palmyra, and Pittsford; (5) between Rochester, N.Y., and Syracuse, N.Y.; from Rochester over New York Highway 31 to Pittsford, thence over New York Highway 96 to Waterloo, thence over New York Highway 5 to Syracuse, and return over the same route, serving the intermediate points of Aloquin, Auburn, Camillus, Canandaigua, East Bloomfield, Elbridge, Fayetteville, Flint, Geneva, Manchester, Phelps, Seneca Falls, Sennett, Sheldrake Springs, Victor,

Waterloo, West Bloomfield, and West Junius; (6) from Utica, N.Y., to Penn Yan, N.Y.; from Utica over New York Highway 49 to Rome, thence over New York Highway 365 to junction with New York Highway 5, thence over New York Highway 5 to Geneva, thence over New York Highway 14 to junction with New York Highway 54, thence over New York Highway 54 to Penn Yan, or over New York Highway 14 A to Penn Yan, serving all intermediate points in Oneida, Onondaga, and Cayuga Counties and the off-route points of Cayuga, Lee Center, Marcellus, Marcy, Mottville, Skaneateles, Skaneateles Falls, and Solvay; (7) between Williamson, N.Y., and Naples, N.Y., over New York Highway 21, serving the intermediate points of Academy, Bristol Springs, Canandaigua, Chapin, Cheshire, Manchester, Marion, Palmyra, Shortsville, Williamson, and Woodville; (8) between Canandaigua, N.Y., and Waterloo, N.Y., over New York Highway 5, serving the intermediate points of Flint and Geneva; (9) between Geneva, N.Y., and Naples, N.Y., over New York Highway 245, serving the intermediate points of Gorham, Middlesex, Rushville, and Stanley;

(10) between Sodus Point, N.Y., and Elmira, N.Y.; (a) from Sodus Point over New York Highway 14 to Elmira, and return over the same route, serving no intermediate points; (b) from Sodus Point over New York Highway 14 to Geneva, thence over New York Highway 14A to Penn Yan, thence over New York Highways 54 or 54A to Hammondsport, thence over New York Highway 54 to Bath, thence over U.S. Highway 15 to Painted Post, thence over New York Highway 17 to East Corning, thence over New York Highway 17 or 17E to Elmira, and return over the same routes, serving no intermediate points; (c) from Sodus Point over New York Highway 14 to Dresden, thence over New York Highway 54 to Penn Yan and thence over highways directly above to Elmira, and return over the same route, serving the intermediate points of Alloway, Alton, Bath, Benton Center, Bluff Point, Branchport, Coopers Plains, Corning, Crosby, Curtis, Dresden, Elmira Heights, Geneva, Hall, Hammondsport, Hermitage, Horseheads, Keuka, Lakemont, Lyons, Millport, Montour Falls, Painted Post, Penn Yan, Pine Valley, Savona, South Sodus, Starkey, Watkins Glen, and West Junius; (11) between Wolcott, N.Y., and Corning, N.Y., over New York Highway 414, serving the intermediate points of Caywood, Fayette, Hector, Lodi, Ovid, Savannah, Seneca Falls, South Butler, Valois, Watkins Glen, and Wolcott; (12) between Waterloo, N.Y., and Ithaca, N.Y., over New York Highway 96, serving the intermediate points of Covert, Interlaken, Jacksonville, Ovid, Romulus, and Trumansburg; (13) between Geneva, N.Y., and Interlaken, N.Y.; from Geneva over New York Highway 5 to junction of New York Highway 96A, thence over New York Highway 96A to Interlaken, and return over the same route, serving the intermediate points of Lodi, Ovid, Sampson, Sheldrake Springs, West Fayette, and Willard;

(14) between Auburn, N.Y., and Horseheads, N.Y.; from Auburn over New York Highway 34 to Ithaca, thence over New York Highway 13 to Horseheads, and return over the same route, serving the intermediate points of Fleming, Genoa, Ithaca, Newfield, North Lansing, Scipio, South Lansing, Sullivanville, and Venice Center; (15) between Ithaca, N.Y., and New York, N.Y.; from Ithaca over New York Highway 96B to Candor, thence over New York Highway 96 to Owego, also from Ithaca over New York Highway 13 to junction with New York Highway 34, thence over New York Highway 34 to junction with New York Highway 17, thence over New York Highway 17 to Owego, thence over New York Highways 17 or 17C to Binghamton, thence over New York Highway 17 to Suffern, thence over New York Highway 59 to junction with New York Thruway near Nyack, thence over New York Thruway to junction with New York Highway 9 near Tarrytown, thence over the New York Highway 9 to New York, N.Y., and return over the same route, except as to service between termini points this route service at intermediate points is restricted to service between the intermediate points of Apalachin, Barton, Campville, Candor, Catatonk, Danby, Lockwood, North Spencer, Owego, Smithboro, Spencer, Tioga Center, West Danby, Willseyville, on the one hand, and, on the other, New York, N.Y.

NOTE: Applicant states that service is authorized from, to, and between all intermediate points having no place names on all routes, except as specifically restricted therein and the following off-route points: Adams Basin, Akron, Akron Junction, Alden, Alden Center, Allens Hill, Amherst, Angola, Armour, Ashwood, Athol Springs, Barnard, Barre Center, Bay View, Beechwood (Monroe County), Bellevue, Bellona, *Berkshire, Bilsborrow, Blakeley, Border City, Boston, Bowmansville, Brant, Brice, Brighton, Bristol, Bristol Center, Brixment, Brookdale, *Brooktondale, Carlton, *Caroline, *Caroline Center, Carnegie, Cayuga, Charlotte, Cheektowaga, Chili, Chili Center, Chili Junction, Chili Station, Clarence Center, Clarendon, Clarksburg, Clifton (Monroe County), Clifton Heights, Clifton Springs, Colden, Coldwater, Collamer (Monroe County), Crittenden, Delwood, Depew, Derby, Doyle, Dundee, *Dryden, Eagle Harbor, *East Berkshire, East Clarence, East Concord, East Eden, East Hamburg, East Lancaster, East Palmyra, East Penfield, East Rochester, East Shelby, East Williamson, Eden Center, Ellicott, *Ellis, Elma, Elmgrove, *Enfield, *Etna, Fairport, Farmington, Farnham, Fishers, *Flemingsville, Forest Lawn, *Freeville, Furnaceville, Garbutt, Gardenville, Gates, Genesee Junction, Getzville, Glenwood (Erie County), Golah, Grand Island, Griffins Mills, Groton, Guyanoga, Gypsum, *Halsey Valley, Hamlin, Harris Road, Hayts Corners, Henrietta, Hilton, Himrod, Holcomb, Honeoye, Honeoye Falls, Hopewell Center, Hornell, Hulberton, Industry, Ionia, Irondequoit, Jamison Road, Jeddo, *Jenksville, Jewettville, Joy, Kellogg, Kendall (Orleans County), Kenmore, Kenyonville, Knowlesville, Kuckville, *Lake Ridge, Lakeside (Wayne County), Lake View, Lancaster, Langford, *Lansingville, *Lounsberry, *Ludlowville, Lyndonville, Macedon Center, Manitou Beach, Maplewood, Marcellus, Marilla, *McLean, Mendon, Mendon Center, Mertensia, *Meyers, Millers, Milligrove, Millville, Milo Mills, Mortimer, Morton, Mottville, Mumford, *Newark Valley, New Oregon, Niagara Junction, *Nichols, North Bloomfield, North Boston, North Evans, North Greece, North Hamlin, North Rose, North Rush, Oaks Corners, Odessa, Ontario, Ontario Center, Orchard Park, Orleans, Paddleforks, Parma Center, Patchin, Penfield, *Peruville, Phelps Junction, Point Breeze, Point Pleasant, *Pony Hollow, Porterville, Port Gibson, Preemption, Pultneyville, Reeds Corners, Riches Corners, Richmond Mills, *Richford, Ridgeland, Rochester Junction, Rock Beach, Rose, Roseland, Rush, Sawyer, Scottsville, Scranton, Sea Breeze, Seneca Castle, Shaleton, Shelby, Skaneateles, Skaneateles Falls, *Slaterville Springs, Sloan, Sodus Center, Solvay, South Bloomfield, South Bristol, *Speedsville, Summerville, Swormville, Terminal, Tonowanda, Town Line (Erie County), Town Line (Wayne County), Transit, Tyrone, *Varna, Vincent, Wadsworth, Wales Center, Walker, Walworth, Wanakah, Water Valley, *Waverly, Wayne, Wayne Center, *Weltonville, Wende, West Alden, West Barre, West Chili, *West Dryden, West Falls, *West Groton, West Henrietta, West Kendall, Weston, West Rush, West Shelby, West Walworth, Wheatland, Winchester, Windsor Beach, Wolcottsburg, Woodlawn, Wyandale, Yates (Erie County), and Yates (Orleans County), N.Y.

Restriction: Off-route points preceded by an asterisk apply only between those points on the one hand, and, on the other, New York, N.Y. (B) Over irregular routes transporting: (1) *General commodities* (except household goods as defined by the Commission, commodities which require special equipment, commodities in bulk, commodities of unusual value, and Classes A and B explosives), from Geneva, N.Y., to Binghamton, N.Y.; (2) *ladders, scaffolds, and portable housing sections*, (a) from points in Tioga County, N.Y., to points in Albany, Broome, Cayuga, Chemung, Cortland, Monroe, Onondaga, Seneca, Tioga, and Tompkins Counties, N.Y.; (b) from points in Tompkins Tioga County, N.Y.

NOTE: This is a matter directly related to MC-F 8665, published in FEDERAL REGISTER, issue of February 5, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8667. Authority sought for control by NORTH AMERICAN VAN LINES, INC., Lincoln Highway and Meyer Road, Post Office Box 988, Fort Wayne, Ind., of CONTINENTAL VAN LINES, INC., 1009 North 21st Street, Birmingham, Ala., and for acquisition by RICHARD H. BURESH, of Cedar Rapids, Iowa, JACOB R. CECIL, of Lorain, Ohio, IDA L. GARVEY and CYRIL P. GARVEY, of Buffalo, N.Y., RICHARD L. HILLING, of Richmond, Ind., GAIL MARKS, of Cambridge, Ohio, JAMES A. NEVIL, of San Francisco, Calif., ALEX RAFFERTY, JR., MICHAEL J. RAFFERTY, and HARRY R. RAFFERTY, of Highland Park, Ill., CHARLES WEAVER and GRACE WEAVER, of Steelton, Pa., CHARLES J. WILSON, of Buffalo, N.Y., WILLIAM H. WILSON, of Buffalo, N.Y., and EDWARD F. SIMARD, of Fall River, Mass., of control of CONTINENTAL VAN LINES, INC., through the acquisition by NORTH AMERICAN VAN LINES, INC. Applicants' attorney: Martin A. Weissert, Post Office Box 988, Fort Wayne, Ind. Operating rights sought to be controlled: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier* over irregular routes, from points in New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, Virginia, Louisiana, Mississippi, Kentucky, Ohio, Indiana, Illinois, and Missouri, to points in Georgia, Alabama, South Carolina, North Carolina, Florida, and Tennessee, from points in Alabama, and Georgia, south of U.S. Highway 80, to points in New York, New Jersey, Pennsylvania, Maryland, Virginia, Louisiana, Mississippi, Kentucky, Ohio, Indiana, Illinois, Missouri, and the District of Columbia, between points in Alabama and Georgia, on and south of U.S. Highway 80, on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina, and Tennessee, between points in Alabama and Georgia, on and north of U.S. Highway 80, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Missouri, between points in Georgia, and Alabama, on the one hand, and, on the other, points in Connecticut, Delaware, Alabama, Texas, and Michigan, between points in Georgia and Alabama, on the one hand, and, on the other, points in Arkansas; *new furniture* and *new and used pianos*, between Atlanta, Ga., and Birmingham, Ala., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Louisiana, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Connecticut, Delaware, Alabama, Texas, Michigan, Arkansas, and the District of Columbia. NORTH AMERICAN VAN LINES, INC., is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Application for authority under section 214 was filed in conjunction with the application under section 5, in Finance Docket No. 22960.

No. MC-F-8668. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y., of BROWN'S EXPRESS, INC., 1595 East Street, Pittsfield, Mass., and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of BROWN'S EXPRESS, INC., through the acquisition by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED. Applicants' attorney: Leonard A. Jaskiewicz, Dow, Lohnes and Albertson, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Springfield, Mass., and Albany, N.Y., between Pittsfield, Mass., and Williamstown and Sheffield, Mass., serving all intermediate points in Massachusetts; serving the intermediate and off-route points within ten miles of Albany, N.Y., and the off-route points in Berkshire County, Mass.; between Springfield, Mass., and Athol, Mass., and between Albany, N.Y., and Glens Falls, N.Y., serving all intermediate and certain off-route points; between Northampton, Mass., and Boston, Mass., serving certain intermediate and off-route points, over two alternate routes for operating convenience only; *New furniture*, over irregular routes, from Arlington, Vt., to points in Berkshire, Hampden, Hampshire, and Franklin Counties, Mass.; *fertilizer*, from South Deerfield, Mass., to Warren, R.I., points in Vermont, those in that part of New York south of a line beginning at the Massachusetts-New York State line, and extending through Cherryplain, N.Y., to Albany, and east of the Hudson River, and points in certain counties in Connecticut, and from Bridgeport, New Haven, Hartford, Portland, and East Windsor, Conn., to South Deerfield, Mass.; *bone, hoof, horn and vegetable meal, and tankage*, from New York, N.Y., and points within ten miles thereof, to Leominster and South Deerfield, Mass., and points in Hartford County, Conn.; *lime and limestone products*, from New Haven Junction and Winooski, Vt., and Canaan, Conn., to points in Hampden, Hampshire, and Franklin Counties, Mass.; *agricultural commodities*, from points in Hampshire and Franklin Counties, Mass., to Providence, R.I., Philadelphia, Pa., points in Connecticut, points in New Jersey, within 25 miles of New York, N.Y., and those in New York east of a line beginning at Oswego, N.Y., and extending south to Waverly, N.Y., and from Boston, Mass., to Springfield, Mass., Providence, R.I., New York, N.Y., and points in New York within ten miles of New York, N.Y., and points in Connecticut; *burlap bags*, from Philadelphia, Pa., Jersey City, N.J., and New York, N.Y., to South Deerfield, Mass. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8669. Authority sought for merger into RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y., of the operating rights and property of JOHN VOGEL, INC., Route 9W, Glenmont, N.Y., and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of such rights and property through the transaction. Applicants' attorney: Leonard A. Jaskiewicz, Dow, Lohnes and Albertson, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Albany, N.Y., and Newark, N.J., serving the intermediate and off-route points of New York, N.Y., those within 20 miles of Albany, N.Y., those in New Jersey within 15 miles of Newark, N.J., and those in New York within 15 miles of New York, N.Y., without restriction; and all intermediate points on, and all off-route points within 5 miles of that portion of U.S. Highway 9 on and north of New York Highway 52 and south of Albany, N.Y., restricted to the transportation of shipments moving to or from Albany and points within 20 miles thereof; between Albany, N.Y., and Newark, N.J., serving all intermediate points on, and all off-route points within 5 miles of, that portion of U.S. Highway 9W on and north of New York Highway 52 and south of Albany, N.Y., restricted to the transportation of shipments moving to or from Albany, and points within 20 miles thereof; between Newark, N.J., and Philadelphia, Pa., serving all intermediate and certain off-route points; between Gloversville, N.Y., and Albany, N.Y., between Gloversville, N.Y., and Speculator, N.Y., between Caroga Lake, N.Y., and Rockwood, N.Y., between Albany, N.Y., and Waterford, N.Y., from Johnstown, N.Y., to Scotia, N.Y., from Fonda, N.Y., to Little Falls, N.Y., from Little Falls, N.Y., to Johnstown, N.Y., between North Adams, Mass., and Manchester, Vt., and between North Adams, Mass., and South Shaftsbury, Vt., serving all intermediate points and certain off-route points on the above described routes, with the restriction that the regular route operating rights may not be joined or tacked with carrier's irregular-route authority to and from points in Rensselaer County, N.Y., for the purpose of performing through operations between points on such regular routes, on the one hand, and, on the other, points on carrier's regular routes west and south of Albany, N.Y.; *general commodities*, with the above exceptions, over irregular routes between New York, N.Y., and points in New Jersey within 30 miles of City Hall, New York, N.Y., on the one hand, and, on the other, Albany, Saugerties, and Schenectady, N.Y., between Albany, N.Y., on the one hand, and, on the other, points within 20 miles of Albany, between points in Albany County, N.Y., on the one hand, and, on the other, points in Rensselaer County, N.Y., between Rensselaer County, N.Y., on the one hand, and, on the other, points in Saratoga County, N.Y., and from points in Rensselaer County, N.Y., to points in Washington County, N.Y.; *lumber*, from Albany and New York, N.Y., to points in New York, Massachusetts, and Connecticut within 100 miles of Albany and New York, N.Y., respectively, with the restriction that service is not authorized from New York, N.Y., to Middletown, N.Y. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

NOTE: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, controls JOHN

VOGEL, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-7051, on March 20, 1962.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1379; Filed, Feb. 11, 1964; 8:47 a.m.]

[Notice 940]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 7, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66385. By order of February 4, 1964, The Transfer Board approved the transfer to Roscoe L. Couch, doing business as Roscoe's Freight Line, Enid, Okla., of the "claimed grandfather" rights of Herman O. Icke, doing business as L. & H. Freight Lines, Enid, Okla., in No. MC 120359 (Sub-No. 2); authorizing certain service in Oklahoma. H. L. Gasaway, 212 Bass Building, P.O. Box 1108, Enid, Okla., attorney for applicants.

No. MC-FC 66482. By order of February 4, 1964, the Transfer Board approved the transfer of Certificate of Registration No. MC 98297 Sub No. 1, issued November 4, 1963, evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by the Certificate of Public Convenience and Necessity No. 1324-MC dated April 21, 1954, issued by the Illinois Commerce Commission, from Joseph Jonkouski, doing business as Illinois Bee-Line Express, Chicago, Ill., to Illinois Bee-Line Express, Inc., Chicago, Ill. Robert H. Levy, Levy & Andrin, 105 West Adams Street, Chicago, Ill., attorneys for applicants.

No. MC-FC 66512. By order of February 4, 1964, the Transfer Board approved the transfer to Rodney Stewart and Troy Stewart, a partnership, doing business as Fred Stewart Company, Box 659, 129 South Clay Street, Magnolia, Ark., of the operating rights issued by the Commission January 25, 1960 and February 15, 1963, respectively, under Certificates Nos. MC 24583 and MC 24583 (Sub-No. 3), to Fred Stewart, Cordelia Stewart, Rodney Stewart and Troy Stewart, a partnership, doing business as Fred Stewart Company, Magnolia, Ark., authorizing the transportation of: Machinery, equipment, materials, and supplies used in connection with natural gas and petroleum and their products, and machinery, equipment, materials and supplies used in the operation thereof, between points in Arkansas, Louisiana and Texas; between Memphis, Tenn., and points in Mississippi; between Memphis, Tenn. and points in Mississippi, on the one hand, and, on the other, points in Arkansas, Louisiana and Texas; between points in Oklahoma, Kansas and Texas; wooden structural forms and hardware necessary for their installation, from points in Columbia County, Ark., to points in Texas, Oklahoma, Kansas, Kentucky, Tennessee, Alabama, Mississippi and Louisiana.

No. MC-FC 66552. By order of February 4, 1964, the Transfer Board approved the transfer to G. H. Harnum, Inc., Cambridge, Mass., of the operating rights in Certificate in No. MC 87451, issued October 17, 1949, to Walter C. Berry, West Hanover, Mass., authorizing the transportation, over irregular routes, of machinery, boilers, tanks, boats, and steel and cast-iron pipe and piles, from Boston, Mass., and points in Massachusetts within five miles of Boston, to points in Massachusetts within 50 miles of Boston, with no transportation for compensation on return. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., and William J. Lippman, 1824 R Street NW., Washington, D.C., 20009, attorneys for applicants.

No. MC-FC 66560. By order of February 4, 1964, the Transfer Board approved the transfer to Margaret Berwick, doing business as Creede Bus & Freight Line, Del Norte, Colo., of the operating rights claimed in No. MC 97716 (Sub-No. 1), under the "grandfather clause" of section 206(a)(7)(b), Interstate Commerce Act by A. J. Berwick, doing business as Creede Bus & Freight Line, Del Norte, Colo., and the substituting of transferee as applicant for a Certificate of Registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Colorado Public Utilities Commission certificate in No. 2132. Elizabeth A. Conour, Del Norte, Colo., attorney for applicants.

No. MC-FC 66597. By order of February 4, 1964, the Transfer Board approved the transfer to J. N. Ziegler, Inc., Ardmore, Pa., of the Certificate in No. MC 61973, issued March 21, 1952, to John Nicholas Ziegler and M. L. Ziegler, a partnership, doing business as John Nicholas Ziegler, Ardmore, Pa., authorizing the transportation of: Building materials and road building materials, between points in Philadelphia, Montgomery, Delaware, Chester, and Bucks Counties, Pa., those in Cecil County, Md., those in New Castle County, Del., and those in New Jersey within 40 miles of Philadelphia; and top soil, from points in Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pa., to Atlantic City, N.J. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., attorney for applicants.

No. MC-FC 66618. By order of February 4, 1964, the Transfer Board approved the transfer of the Certificate of Registration No. MC 56732 (Sub-No. 1), dated January 10, 1964, issued in the name of Alfred E. Briggs and Louis H. Guerrieri, a partnership, doing business as Briggs Motor Express, Framingham, Mass., to Briggs Motor Express, Inc., Framingham, Mass., covering the transportation of the commodities named therein between specified points in Massachusetts. George C. O'Brien, attorney at law, 33 Broad Street, Boston 9, Mass.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1382; Filed, Feb. 11, 1964; 8:48 a.m.]

[No. MC-C-4367]

PETITION FOR DETERMINATION OF JURISDICTION OVER MOTOR CARRIER OPERATIONS AND INTERPRETATION

FEBRUARY 7, 1964.

Petition for determination of the Commission's jurisdiction over motor carrier operations, and interpretation under commercial zone and terminal areas Ex Parte MC-37.

Petitioners: Vel-Mar Freight Lines, Inc., Post Office Box 42, Hidalgo, Tex.; G. Arrendondo Transfer Company, Inc., 1220 Santa Rita Avenue, Laredo, Tex.; Isauro Gutierrez, 2019 Lincoln Street, Laredo, Tex.; F. A. Quesada, 902 Santa Maria Avenue, Laredo, Tex.; Joe C. Trevino, 420 Market Street, Laredo, Tex.; Petitioners' attorneys: Rogers Kelley, Post Office Box 390, Edinburg, Tex. and Carlos Castillon, Laredo, Tex. Petitioners, other than Vel-Mar Freight Lines, Inc., are authorized to operate generally as motor carriers of property between Laredo, Tex., and points on the boundary between the United States and Mexico, at or near Laredo, Tex. Vel-Mar Freight Lines, Inc., is authorized to operate generally as a motor common carrier of property between McAllen, Tex., and the boundary between the United States and Mexico, at or near Hidalgo, Tex., a distance of approximately fifteen (15) miles. Hidalgo, Tex., is located approximately one hundred forty-five (145) miles southeast of Laredo, Tex. By the instant petition, petitioners request that the Commission enter into an investigation as to the Commission's jurisdiction over motor carrier operations (a) between Laredo, Tex., and points on the boundary between the United States and Mexico, at or near Laredo, and (b) between McAllen, Tex., and points on the boundary between the United States and Mexico, at or near Hidalgo, Tex., and after making such an investigation find, that the motor carrier operations of petitioners, and of other for-hire motor carriers operating between the said points, are subject to all of the provisions of Part II of the Interstate Commerce Act, and that such operations are subject to regulation by, and to the jurisdiction of the Interstate Commerce Commission, particularly with respect to sections 206, 215, and 217 of such Act.

Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a part to this proceeding by filing

representations supporting or opposing the relief sought by petitioner.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1377; Filed, Feb. 11, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 7, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket Nos. MC-16, MC-1628 and MC-3279, filed January 21, 1964. Applicant: LEWISBURG TRANSFER COMPANY, INC., Post Office Box 21, Lewisburg, Tenn. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Between junction Tennessee Highways 11 and 16, at or near Triune, Tenn., and Nashville, Tenn., via Tennessee Highway 11, as an alternate route, for operating convenience only, in connection with applicant's authorized intrastate operations, between Tullahoma and Nashville, Tenn.

HEARING: February 27, 1964, at 9:30 a.m., in the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-2706 Sub 1, filed January 23, 1964. Applicant: WILLIAM HAYES LINES, INC., Hartman Drive, Lebanon, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except household goods, explosives and commodities requiring special equipment), from Nashville, Tenn., over Tennessee Highway 100 to Henderson, Tenn., and over Tennessee Highway 20 from Parsons, Tenn., to Lexington, Tenn., thence over Tennessee Highways 22, 22-A and 104 to their junctions with Tennessee Highway 100, and return over said routes, serving all intermediate points on said routes west of the Tennessee River.

HEARING: March 3, 1964, at 9:30 a.m., in the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4616, filed January 23, 1964. Applicant: JOHN M. CHAPMAN, doing business as NATCHEZ MOTOR EXPRESS, 508 Leeanne Drive, Nashville, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except explosives, household goods and commodities requiring special equipment), from Nashville, Tenn., over Tennessee Highway 100 to junction Tennessee Highway 15, thence over Tennessee Highway 15 through Whiteville, Tenn., to Somerville, Tenn., thence over Tennessee Highway 76 to junction Tennessee Highway 57, thence over Tennessee Highway 57 to Collierville, Tenn., also over Tennessee Highway 57 to junction Tennessee Highway 125, thence over Tennessee Highway 125 to Bolivar, Tenn.; also from junction Tennessee Highways 18 and 18A with Tennessee Highway 57 over Tennessee Highways 18 and 18A to junction Tennessee Highway 100; also, from Bolivar, Tenn., over Tennessee Highway 15 to junction Tennessee Highway 100; also, from junction Tennessee Highway 138 and Tennessee Highway 18 over Tennessee Highway 138 to junction Tennessee Highway 100, and return, serving all intermediate points west of Henderson, Tenn.

HEARING: March 10, 1964, at 9:30 a.m., in the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1381; Filed, Feb. 11, 1964; 8:48 a.m.]

[Notice 599]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 7, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 703 (Sub-No. 13), filed January 29, 1964. Applicant: HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, Ill. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, sand, stone, coal, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the new plant site and warehouse of General Electric Company, Lamp Division, located at Ravenna, Ohio, as an off-route point in connection with applicant's authorized regular-route operations between Chicago, Ill. and Cleveland, Ohio.

No. MC 1827 (Sub-No. 43), filed January 30, 1964. Applicant: K. W. McKEE INCORPORATED, 2811 Highway 55, St. Paul, Minn., 55118. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Author-

[1] Copies of § 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and tractors, and parts and attachments therefor* when moving in the same vehicle therewith, in secondary movements, in truckaway service, from Fargo, N. Dak., to points in North Dakota, South Dakota, and Wyoming; and *damaged, defective, and returned automobiles, trucks, and tractors* on return.

NOTE: Applicant states that the proposed operation is to be limited to a transportation service to be performed under a continuing contract or contracts with Ford Motor Company, of Dearborn, Mich. It is further noted that common control may be involved.

No. MC 7673 (Sub-No. 4), filed January 24, 1964. Applicant: EUGENE E. BOOS, doing business as BOOS APPLIANCE AND HARDWARE CO., Highland, Kans. Applicant's attorney: Carll V. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Everest, Kans., and points within 5 miles thereof, to points in Missouri, Iowa, Illinois, Nebraska, Colorado, Arkansas, Tennessee, North Carolina, and Mississippi, and *damaged and rejected shipments* on return.

No. MC 10761 (Sub-No. 151), filed January 23, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and dairy products* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from the plant site of Swift & Co., at or near Grand Island, Nebr., to points in Maine, New Hampshire, and Vermont, with no tacking privileges, (2) from the plant site of Swift & Co., at or near Grand Island, Nebr. to Omaha, Nebr., and (3) over a regular route: serving the plant site of Swift & Co., at or near Grand Island, Nebr., as an off-route point in connection with applicant's regular-route operations in MC 10761 and subs thereto in the States of Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and Wisconsin, and *returned and rejected shipments*, on return.

No. MC 10672 (Sub-No. 7), filed January 31, 1964. Applicant: BAHR GRAIN COMPANY, a corporation, Barneston, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* in bag and in bulk from Montpelier, Iowa and points within 5 miles thereof, to points in Kansas and Nebraska and *damaged and rejected shipments* on return.

No. MC 11207 (Sub-No. 220), filed January 27, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer and plywood, native wood*, and *boards*, building, wall and insulation, from Flora and Laurel, Miss., and Stockton, Ala., to Jefferson City, Greeneville, and Johnson City, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 11207 (Sub-No. 221), filed January 31, 1964. Applicant: DEATON TRUCK LINE, INC., 3409 Tenth Avenue North, Birmingham, Ala. Applicant's attorney: D. H. Markstein, Jr., 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Chalmette, La., to points in Alabama, Arkansas, Florida, Georgia, and Mississippi.

No. MC 19778 (Sub-No. 61), filed January 28, 1964. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transmission line towers and commodities* used, or useful, in the erection, construction and maintenance of a power transmission line, (1) between Sioux Falls, S. Dak., and Sioux City, Iowa, on the one hand, and, on the other, points in Lyon, Plymouth, Sioux, and Woodbury Counties, Iowa, and (2) between Sioux City, Iowa, on the one hand, and, on the other, points in Minnehaha County, S. Dak.

NOTE: Common control may be involved.

No. MC 19778 (Sub-No. 62), filed January 30, 1964. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill., 60606. Applicant's attorney: Robert F. Munsell, Room 868, 516 West Jackson Boulevard, Chicago, Ill., 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products, calcium carbonate, and mineral filler* in bulk and in bags between points on the rail lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. in South Dakota on the one hand, and, on the other, points in South Dakota.

NOTE: Applicant states it is a wholly owned subsidiary of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

No. MC 21684 (Sub-No. 19), filed December 23, 1963. Applicant: CHARLES E. DANBURY, INC., Williamsburg, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, *trailer chassis, and accessories and equipment therefor*, in or attached to the transported trailers, in initial movements, in truckaway service, from the plant site of Pullman, Incorporated (Trailmobile Division), located in Montgomery County, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *used, damaged and rejected shipments of the above described commodities*, on return.

NOTE: Applicant states the proposed operations will be under a continuing contract, or contracts with Pullman, Incorporated (Trailmobile Division).

No. MC 30605 (Sub-No. 135), filed January 29, 1964. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Shattuck, Okla., and the junction of U.S. Highways 283 and 60, six miles west of Arnett, Okla., over U.S. Highway 283, serving no intermediate points.

NOTE: Applicant states that service is to be subject to the following restrictions: The service performed by carrier shall be limited solely to that which is auxiliary to, or supplemental of, train service of The Atchison, Topeka and Santa Fe Railway Company. The carrier shall not render service to or from, or interchange traffic at, any point not a station on said railroad. No shipments shall be transported by carrier between Wichita, Kans., and Lubbock, Tex., or through or to, or from, more than one of said points. All contractual arrangements between carrier and said railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions may be imposed as the Commission, in the future, may find necessary in order to insure that carrier's service shall be auxiliary to, or supplemental of, train service of the said railroad. It is further noted that the purpose of this application is to change to regular route authority the applicant's presently held authority ("alternate route for operating convenience only").

No. MC 30844 (Sub-No. 138), filed January 22, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meatpacking houses*, as described in the Appendix to the report in *Descriptions of Motor Carrier Certificates — Packing house Products*, 61 M.C.C. 209 and 766, from Grand Island, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC 35541 (Sub-No. 13), filed January 30, 1964. Applicant: MORTON SCHNEIDER, doing business as MORTON TRANSFER, Fourth and Maury Streets, Richmond, Va. Applicant's attorney: Henry E. Ketner, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and livestock), in vehicles equipped with mechanical refrigeration, on less-than-truckload traffic, (1) from Newport News, Va., to Norfolk, Va., and (2) from Newport News, Va., Norfolk, Va., and Richmond, Va., to points in North Carolina located on and east of U.S. Highway 1, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return in (1) and (2) above.

NOTE: Applicant states that no duplicating authority is sought. It is further noted that the proposed operations will be restricted to shipments of 5,000 pounds or less, from one consignor to one consignee.

No. MC 35628 (Sub-No. 255), filed January 19, 1964. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Southwest, Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Sealtanks containing liquid plastics*, from North Tonawanda, N.Y., to Providence, R.I., and Middleton and Milwaukee, Wis.

No. MC 38435 (Sub-No. 3), filed January 20, 1964. Applicant: INTERURBAN AUTO FREIGHT COMPANY, INC., 523 Puyallup Avenue, Tacoma 2, Wash. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and those injurious or contaminating to other lading), (1) between Tacoma and Longmire, Wash., over Washington Highway 5 via La Grande and Elbe, Wash., (2) between Elbe and Mossyrock, Wash., over Washington Highway 5 via Morton and Riffe, Wash., (3) between Mossyrock and Kosmos, Wash., over Washington Highway 5 via Riffe, and (4) between Elbe and Ohanapecosh, Wash., over Washington Highway 5 via Morton, Riffe and Kosmos, Wash., serving all intermediate points.

No. MC 50069 (Sub-No. 285), filed January 24, 1964. Applicant: REFINERS TRANSPORT AND TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer, ammonium nitrate fertilizer* and *potash*, in bulk, from Reynolds, Ind., and points within two (2) miles thereof, to points in Illinois, Michigan, and Ohio.

No. MC 50069 (Sub-No. 286), filed January 24, 1964. Applicant: REFINERS TRANSPORT AND TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Wayne County, Mich., to points in Indiana and Ohio.

No. MC 50069 (Sub-No. 287), filed January 24, 1964. Applicant: REFINERS TRANSPORT AND TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, from Waukegan, Ill., and points within five miles thereof to points in Indiana, Ohio, Michigan, New York, Louisiana, Georgia, Delaware, North Carolina, and South Carolina.

No. MC 59211 (Sub-No. 1), filed January 27, 1964. Applicant: GREAT GEE DISTRIBUTORS, INC., Constable Hook Road, Bayonne, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Bayonne, N.J., to points in Connecticut on and west of U.S. Highway 5 and *returned and rejected shipments* on return.

No. MC 61592 (Sub-No. 18), filed January 29, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Val M. Higgins, 1,000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm equipment, agricultural machinery and agricultural implements*, from Bradford, Ill., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming, and *damaged, returned and rejected shipments* of the commodities specified above to be transported on return.

No. MC 61979 (Sub-No. 9), filed January 26, 1964. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are manufactured, processed, sold or dealt in by dealers, distributors or manufacturers of chemicals and related items, and materials, supplies, and equipment used by such persons*, between the plant site of the Philadelphia Quartz Company located at or near Rahway, N.J., on the one hand, and, on the other, points in Fairfield, and New Haven Counties, Conn., points in Duchess, Putnam, Westchester, Orange, Rockland, Ulster, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., and *return shipments*, of the commodities specified above, on return.

NOTE: Applicant states the proposed service will be under contract with Philadelphia Quartz Company, and no duplicating authority sought

No. MC 66531 (Sub-No. 2), filed January 27, 1964. Applicant: INTERSTATE GROCERY DISTRIBUTION SYSTEM, INC., 44 Barrow Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are handled, sold or dealt in by grocery stores, and *paper and paper articles* from New York, N.Y., to points in Bergen, Monmouth, Passaic, Essex, Hudson, Union, Middlesex, and Morris Counties, N.J.

No. MC 68980 (Sub-No. 4), filed January 30, 1964. Applicant: CHECKER EXPRESS CO., a corporation, 960 West Montana Street, Milwaukee 15, Wis. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of The Godfrey Company at Waukesha, Wis., as an off-route point in connection with applicant's regular route operations between Milwaukee, Wis., and Chicago, Ill.

No. MC 95540 (Sub-No. 568) (AMENDMENT), filed January 27, 1964, published February 6, 1964 issue of FEDERAL REGISTER, and republished, as amended, this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Henry and Weakley Counties, Tenn., and points in Tippah and Attala Counties, Miss., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved. The purpose of this republication is to show that the application was amended by adding Attala County, Miss., as part of the origin territory.

No. MC 97631 (Sub-No. 3), filed January 30, 1964. Applicant: ROBINA

EWING, doing business as EWING'S TRANSFER, 12th and Hyatt Streets, Chester, Pa. Applicant's attorney: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia 3, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Delaware County, Pa., and points in Philadelphia County, Pa.

No. MC 98749 (Sub-No. 18), filed January 27, 1964. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Ryder at Eastman Road, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper vehicles, between Longview, Tex., on the one hand, and, on the other, points in Arkansas, Kansas, and Oklahoma.

No. MC 103051 (Sub-No. 166), filed January 28, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Allied Chemical Corporation, located in Screven County, Ga., to points in South Carolina.

No. MC 103926 (Sub-No. 11), filed January 30, 1964. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, 3881 Bankhead Highway NW., Atlanta, Ga., 30318. Applicant's attorney: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, between points in Georgia and Alabama.

No. MC 104149 (Sub-No. 172), filed January 24, 1964. Applicant: OSBORNE TRUCK LINE, INC., 520 North 31st Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles (including but not limited to valves, fire hydrants and parts and accessories thereof), pipe and pipe fittings*, from Birmingham, Gadsden, Alabama City, Montgomery, Decatur, Tuscaloosa, Mobile, and Huntsville, Ala., and points within ten (10) miles of each thereof, to points in Louisiana west of the Mississippi River, points in Oklahoma, and points in Arkansas west of a line beginning at the Arkansas-Louisiana State line, and extending along U.S. Highway 65 to Little Rock, Ark., and thence along U.S. Highway 67, to the Arkansas-Missouri State line, and points in Arkansas east of the aforesaid line in Crittenden, St. Francis, Lee, Phillips, and Desha Counties, and only *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

No. MC 107515 (Sub-No. 468), filed January 28, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 214–217 Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Biscuits*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Texas and Arkansas.

NOTE: Common control may be involved.

No. MC 109478 (Sub-No. 74), filed January 31, 1964. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank trucks, from Fredonia, N.J., to Birmingham, Ala.

NOTE: Common control may be involved.

No. MC 110193 (Sub-No. 59), filed January 29, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meatpacking houses*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from the plant site of Swift and Company at or near Grand Island, Nebr., to points in Connecticut, Delaware, Indiana, Maryland, Massachusetts, Maine, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 110393 (Sub-No. 15), filed January 24, 1964. Applicant: FRIGID FOOD EXPRESS, INCORPORATED, 4205 Camp Ground Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings*, from Trenton, N.J., to points in Kentucky and Tennessee and Evansville, Ind. (2) *plumbing fixtures*, from Camden, N.J., to points in Kentucky and Tennessee, and Evansville, Ind., and (3) *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities in (1) and (2), on return.

No. MC 110698 (Sub-No. 266), filed January 27, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8413, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Texas, Virginia, and West Virginia.

NOTE: Common control may be involved.

No. MC 110698 (Sub-No. 267), filed January 30, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8413, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Savannah, Ga., to points in Illinois, Minnesota, Ohio, Texas, and Wisconsin.

NOTE: Common control may be involved.

No. MC 111687 (Sub-No. 14), filed January 27, 1964. Applicant: BENJAMIN H. RUEGSEGGER, Route No. 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Sheboygan, Wis., to Saginaw, Mich., and (2) from LaCrosse, Wis., to Saginaw and Bay City, Mich., and *empty used malt beverage containers*, on return.

No. MC 111862 (Sub-No. 10), filed January 29, 1964. Applicant: HENNES TRUCK CO., a corporation, 320 South 19th Street, Milwaukee 3, Wis. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland and mortar) in bulk, in packages and in bags, from the plant site of Louisville Cement Company in Cincinnati, Ohio, to points in Indiana, Kentucky, and Ohio.

NOTE: Common control may be involved.

No. MC 113362 (Sub-No. 35), filed January 29, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses, as described in Appendix I, Ex Parte MC–45, from the plant site of Geo. A. Hormel & Co., located at Austin, Minn., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, and those in Pennsylvania on and east of U.S. Highway 15.

NOTE: Applicant states the proposed service will be restricted to traffic originating at said plant site.

No. MC 113666 (Sub-No. 16), filed January 22, 1964. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* and *refractory materials* from Detroit, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, and New York and *materials used in the production of refractory products and refractory materials* on return, and (2) *materials used in the production of refractory products and refactory materials* from points in Ohio to Tarentum, Pa.

No. MC 114194 (Sub-No. 67), filed January 27, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable fats and oil products*, from Cincinnati, Ohio, to St. Louis, Mo.

No. MC 114408 (Sub-No. 3), filed January 29, 1964. Applicant: W. E. BEST, INC., Box 445, Pioneer, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, limestone, lime, gravel, dirt and bituminous concrete*, in bulk, in dump vehicles, from points in Paulding County, Ohio, to points in Steuben, De Kalb, Lagrange, and Noble Counties, Ind.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract or contracts with the France Stone Company, Toledo, Ohio.

No. MC 115181 (Sub-No. 6), filed January 27, 1964. Applicant: HAROLD M. FELTY, INC., R.D. No. 1, Pine Grove, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid fertilizer in bulk in tank vehicles), from Hagerstown, Md., to Milton (Northumberland County), Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *damaged and rejected shipments* thereof, on return.

No. MC 115331 (Sub-No. 67), filed January 30, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Nebraska City, Nebr., to points in Iowa, Kansas, and Missouri.

No. MC 115594 (Sub-No. 8), filed January 23, 1964. Applicant: HOLLOWAY MOTOR EXPRESS, INC., Post Office Box 2337, E. Gadsden, Ala. Applicant's attorney: R. J. Reynolds, Jr., Suite 403 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and ingredients thereof*, from Verona, Mo., to Knoxville, Tenn., and *damaged* and *rejected shipments* on return.

No. MC 116544 (Sub-No. 50), filed January 29, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorneys: Harry Ross, Warner Building, Washington 4, D.C., and Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids; dessert materials, beverage preparations and confectioneries; flour and pancake mixes, cake mixes, dry; dairy products; dietary products, liquid; milk and cream substitutes; and cream and milk, liquid, in hermetically sealed containers*, from points in Minnesota and Wisconsin to points in Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Missouri, Nebraska, Iowa, and Kansas.

No. MC 117509 (Sub-No. 15), filed January 30, 1964. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 8944 Granbury Circle, St. Louis, Mo. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, and jointing materials, affixed and unaffixed to clay products*, from St. Louis, Mo., to points in Illinois, Indiana, Ohio, Michigan, Iowa, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Oklahoma, Nebraska, and Minnesota, and *clay products and equipment, materials and supplies used or useful in the manufacturing, packaging, transporting, and distributing of clay products*, on return.

No. MC 117883 (Sub-No. 33), filed January 29, 1964. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 118142 (Sub-No. 16), filed January 30, 1964. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. Applicant's attorney: James F. Miller, 7501 Mission Road (N13), Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meatpacking houses*, as described by the Commission in 61 M.C.C. 209 and 766, from points in Sedgwick County, Kans., to points in Arizona and California.

No. MC 118159 (Sub-No. 14), filed January 27, 1964. Applicant EVERETT LOWRANCE, 4916 Jefferson Highway (Post Office Box 10216), New Orleans 21, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stale bread*, from Nashville, Tenn., to New Orleans, La.

No. MC 118196 (Sub-No. 14), filed January 30, 1964. Applicant: RAYE & COMPANY TRANSPORTS, INC., Hiway 71 North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids, dessert materials, beverage preparations and confectioneries, flour and pancake mixes, cake mixes*, dry; *dairy products; dietary products*, liquid; *milk and cream substitutes;* and *cream and milk;* liquid, in hermetically sealed containers, from points in Minnesota and Wisconsin, to points in Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Missouri, Nebraska, Iowa, and Kansas.

No. MC 119268 (Sub-No. 26), filed January 27, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles* and *textile products*, made of natural or synthetic fibres, metallic yarn, or mixtures thereof, *metallic yarn, rugs, carpeting products* and *manufactured textile products*, from points in Alabama, Georgia and Tennessee to points in Idaho, Oregon, Utah, and Washington.

No. MC 119741 (Sub-No. 6), filed January 31, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from the plant site of Libby, McNeill & Libby located at or near Darien, Wis., to points in Illinois, Iowa, Nebraska, Kansas, and Missouri.

No. MC 119829 (Sub-No. 10), filed January 23, 1964. Applicant: F. J. EGNER & SON, INC., Post Office Box 216, West Richfield, Ohio. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, between points in Wayne County, Mich., on the one hand, and, on the other, points in Ohio and Indiana.

No. MC 123048 (Sub-No. 35), filed January 29, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractor and tractor attachments* (except truck tractors and except commodities requiring the use of special equipment or special handling), (1) from Detroit, Mich., to points in Wisconsin, on and south of U.S. Highway 10 and on and east of U.S. Highway 51, and (2) between the manufacturing or distribution locations of Massey-Ferguson, Inc., located at or near Detroit, Mich., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, located on

the St. Clair and Detroit Rivers (foreign commerce only).

No. MC 123408 (Sub-No. 11), filed January 27, 1964. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such businesses, between Elizabeth, N.J., on the one hand, and, on the other, points in Columbia, Albany, Rensselaer, and Greene Counties, N.Y., points in New Haven, Middlesex, Fairfield, and Litchfield Counties, Conn., points in Pike, Wayne, Lackawanna, Luzerne, Monroe, Carbon, Schuylkill, Dauphin, Lebanon, Lancaster, and York Counties, Pa.

NOTE: Applicant states the proposed service shall be under contract with Wakefern Food Corporation.

No. MC 124004 (Sub-No. 2) (AMENDMENT), filed January 3, 1964, published in FEDERAL REGISTER issue of January 29, 1964, amended January 31, 1964, and republished as amended this issue. Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, in dump vehicles, from Nassau, Orange, Rockland, Westchester, and Suffolk Counties, N.Y., to Sussex, Bergen, Passaic, Morris, Essex, Union, Somerset, and Hudson Counties, N.J., and (2) *magnetite ore*, in bulk, and in bags, from Mount Hope, N.J., to points in Pennsylvania, Virginia, West Virginia, and Kentucky.

NOTE: The purpose of this republication is to add part (2) above.

No. MC 124078 (Sub-No. 99), filed January 27, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* from Montpelier, Iowa, and points within 5 miles thereof to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832; therefore dual operations may be involved.

No. MC 124154 (Sub-No. 2), filed January 30, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626 Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from points in Decatur County, Ga., to points in Jefferson, Leon, Wakulla, Gadsden, Liberty, Jackson, Calhoun, and Bay Counties, Fla. and Barbour, Dale, Henry, Houston, and Geneva Counties, Ala.

No. MC 124170 (Sub-No. 7), filed January 28, 1964. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. Applicant's attorney: Eugene C. Ewald Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Coldwater, Mich., to Maspeth, Long Island, and New York, N.Y., Newark, N.J., Springfield and Westwood, Mass., Toledo and Solon, Ohio, Landover, Md., and Yeadon, Pa.

No. MC 124236 (Sub-No. 14), filed January 31, 1964. Applicant: CHEMICAL EXPRESS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 2420 Republic National Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda briquettes*, in bulk, in dump type trailers, from Dallas, Tex., to Mobile, Ala., Brian, La., and Little Rock and Crossett, Ark.

No. MC 124813 (Sub-No. 7), filed January 31, 1964. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's attorney: J. Max Harding, Box 2026, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* in bag and in bulk, from Montpelier, Iowa, and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, and *damaged or rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct contract carrier operations in Permit No. MC 118468; therefore, dual operations may be involved.

No. MC 124908 (Sub-No. 3), filed January 31, 1964. Applicant: IRON & METAL TRUCKING SERVICE, INC., 23131 Gardner, Oak Park, Mich., 48237. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alloy free short shovelling turnings*, in bulk, in dump vehicles from Detroit, Mich., to Defiance, Ohio.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with David J. Joseph Company.

No. MC 125479 (Sub-No. 1), filed January 27, 1964. Applicant: JOSEPH A. KORNACKER, doing business as KORNACKER TRUCKING CO., 3050 West 10th Street, Waukegan, Ill. Applicant's attorney: Albert A. Andrin, 105 West Adams Street., Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Arlington Heights, Ill., and *malt beverage containers and bottles*, on return.

No. MC 125708 (Sub-No. 2), filed January 27, 1964. Applicant: HUGH MAJOR, 150 Sinclair Street, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, between points in Madison County, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Mississippi, Missouri, and Ohio.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116434 and Subs thereunder; therefore dual operation may be involved.

No. MC 125795 (Sub-No. 1), filed January 29, 1964. Applicant: CUMBERLAND TRANSPORT INC., 213 Randolph Avenue, Fayetteville, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Putt Putt golf course and archery materials and supplies* used in the manufacture thereof, and *empty containers or other such incidental facilities* (not specified), between Fayetteville, N.C., on the one hand, and on the other, points in the United States (except Hawaii and Alaska).

No. MC 125808, filed January 30, 1964. Applicant: AAACON DRIVERS EXCHANGE, INC., 147 West 42d Street, New York, N.Y., 10036. Applicant's attorney: Alvin Altman, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles in driveaway service*, (1) from points in Connecticut, New Jersey and New York, to points in the United States (except Alaska and Hawaii), (2) from points in Arizona, California and Nevada, to points in the United States (except Alaska and Hawaii), and (3) from points in Florida, to points in Connecticut, New Jersey, and New York.

NOTE: A Motion to Dismiss accompanied this application.

No. MC 125918 (CORRECTION), filed January 2, 1964, published in FEDERAL REGISTER issue January 29, 1964, and republished as corrected this issue. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, clay, cinder and cement products*, other than in bulk, on flat bed trailers, (1) from Winslow, N.J., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, and Lehigh Counties, Pa., and points in Delaware: (2) from Columbus and Alliance, Ohio, Washington, D.C., and Charleston and Martinsburg, W. Va., to points in Chester, Montgomery, Bucks, Delaware, Lancaster, Berks, and Lehigh Counties, Pa., and Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Diener Brick Co., Collingswood, N.J. The purpose of this republication is to change the authority sought to contract carrier in lieu of common carrier as previously shown.

No. MC 125940, filed January 17, 1964. Applicant: M. L. HOLLOWAY, doing business as HOLLOWAY SUPPLY, Wedowee Street, Bowdon, Ga. Applicant's attorney: R. J. Reynolds, Jr., 403 11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from points in Gordon County, Ga., to points in Alabama within a radius of twenty-five (25) miles of Bowdon, Ga.

No. MC 125943, filed January 15, 1964. Applicant: ALLSTATE AUTO SHIPPERS, INC., 1132 15th Street, Miami Beach, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles under their own power*, between Miami, Fla., on the one hand, and, on the other, New York City, N.Y., Newark, N.J., Philadelphia, Pa., and Washington, D.C.

No. MC 125948, filed January 20, 1964. Applicant: ZANE RINEHULS, R.F.D. 1, Keating Summit, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Potter County, Pa., west of Pennsylvania Highway 44, in Cameron and Elk Counties, Pa., east of U.S. Highway 219, and McKean County, Pa., to points in New York, and *rejected shipments* on return.

No. MC 125956, filed January 24, 1964. Applicant: JOHNSON BROTHERS TRUCKING COMPANY, a corporation, 516 Valley Drive SE., Vienna, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building material, sand and gravel*, between Herndon, Va., and points in Maryland, Virginia, and Washington, D.C.

No. MC 125957, filed January 27, 1964. Applicant: BALL MOVING & STORAGE, LTD., West Third Street, Box 801, Oliver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between October 20 and May 1 inclusive of each year, transporting: *Canned apple juice*, from the port of entry on the International Boundary line between the United States and Canada at or near Oroville, Wash., to Oroville, Wash.

NOTE: Applicant states that the distance between the port of entry and Oroville, Wash. is approximately four (4) miles on U.S. Highway 97.

No. MC 125958, filed January 27, 1964. Applicant: COASTWAYS TRANSPORTATION, INC., 37 Preston Court, Brooklyn, N.Y. Applicant's attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive chemicals, lighter fluid, and seat covers*, from Brooklyn, N.Y., to points in Ohio, Wisconsin, Illinois, Indiana, Michigan, Kentucky, New York, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Virginia, Maryland, Delaware, and the District of Columbia.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Banner Manufacturing Co., Inc.

No. MC 125959, filed January 27, 1964. Applicant: FABAR TERMINAL & TRANSPORTATION CO., INC., 204 Monroe Street, Brooklyn, N.Y. Applicant's attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, other than in bulk in tank vehicles, from the plant site of the Sapolin Paint, Inc., located at Brooklyn, N.Y., to Linden, N.J.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Sapolin Paint, Inc., Brooklyn, N.Y.

No. MC 125960, filed January 27, 1964. Applicant: ROLAND A. MONDLOCH, doing business as MONDLOCH TRANSFER, 440 North First Street, New Richmond, Wis. Applicant's attorney: Joseph W. Hughes, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and business equipment* for persons changing their residences or places of business, between points in St. Croix and Polk Counties, Wis., and points in Washington, Dakota, Ramsey, Anoka, and Hennepin Counties, Minn.

No. MC 125961, filed January 27, 1964. Applicant: MAC'S FUEL, INC., Route 2, Box 270, Vancouver, Wash. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood shavings* and *hog fuel* from points in Columbia, Multnomah, and Clackamas Counties, Oreg., to points in Cowlitz and Clark Counties, Wash., and *rejected shipments* on return.

No. MC 125962, filed January 27, 1964. Applicant: DAN W. READY, JR. AND JOHNNY C. READY, doing business as D. W. READY & SONS, a partnership, Post Office Box 547, Monticello, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure treated wood products*, from the plant site of Mississippi Wood Preserving Company, located one half mile north of Brookhaven, Miss., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, Ohio, and Tennessee.

NOTE: Applicant states that the above transportation will be performed under a continuing contract with Mississippi Wood Preserving Company, a Mississippi corporation, Brookhaven, Miss.

No. MC 125964, filed January 29, 1964. Applicant: IVAN K. SILVERTHORN, 39 West Main Street, Leola, Pa. Applicant's attorney: Robert B. Einhorn, 1540–47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products*, from Omaha, Nebr., to Atlantic City, N.J.

NOTE: A Motion to Dismiss this application was filed at the same time.

No. MC 125965, filed January 29, 1964. Applicant: MAURICE A. MORGE, doing business as MORGE TRUCKING, 2740 Dexter Street, Terre Haute, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Parke County, Ind., to points in Illinois, Iowa, Wisconsin, Missouri, Michigan, Ohio, and Kentucky and *refused, rejected and damaged shipments* and *empty pallets* and *dunnage* on return.

No. MC 125966, filed January 29, 1964. Applicant: DRAZIC TRUCK SERVICE, INC., 498 State Route 7, Steubenville, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial rolls, or rollers*, loose or in open cradles, between Three Rivers, Mich., on the one hand, and, on the other, Canton, Louisville, Steubenville, Toronto, Warren, Yorkville, and Youngstown, Ohio, Aliquippa, Allenport, Ambridge, Beaver Falls, Brackenridge, Butler, Clairton, Connellsville, Dravosburg, Duquesne, Greensburg, Homestead, Jeannette, Leechburg, Midland, Monessen, New Castle, New Kensington, Pittsburgh, Sharon, Vandergrift, Washington, and Zelienople, Pa., and Beechbottom, Clarksburg, Fairmont, Follansbee, Weirton, Wellsburg, and Wheeling, W. Va.

NOTE: Applicant states that the proposed service will be under a continuing contract with Dayco Corporation.

No. MC 125970, filed January 30, 1964. Applicant: GERODAN TRUCKING & WAREHOUSING CORP., 15 Moore Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Christmas decorations, Christmas trees, and plastic toys*, from piers in New York Harbor, N.Y., to points in Hudson, Bergen, Essex, Passaic, Union, Morris, Middlesex, Somerset, and Monmouth Counties, N.J.

NOTE: Applicant states the proposed service will be under continuing contract with Noel Decorations and subsidiaries.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 48), filed December 31, 1963. Applicant: LINCOLN TRANSIT CO., INC., U.S. 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transport-

ing: *Passengers and their baggage, express,* and *newspapers,* in the same vehicle with passengers, between points in Brick Township, N.J., and Lakehurst, N.J.; from junction Ocean City Road 549 and New Jersey Highway 70 in Brick Township, thence along New Jersey Highway 70 to junction New Jersey Highway 37 in Lakehurst, and return over the same route, serving all intermediate points and the access roads to and from the New Jersey Garden State Parkway at Interchange 88.

No. MC 125742 (Sub-No. 1), filed January 28, 1964. Applicant: STEPHEN P. TOTH, doing business as TOTH BROS. TRANSPORT CO., Box 37, Easton, Conn. Applicant's attorney: Charles M. Needle, Suite 809, City Trust Building, 955 Main Street, Bridgeport, Conn., 06603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers,* in round-trip operations, beginning and ending at Easton, Redding, Trumbull, Fairfield, and Bridgeport, Conn., and extending to the site of the New York World's Fair, in the Borough of Queens, N.Y.

NOTE: Applicant states the above proposed operations will involve the transportation of school children only.

No. MC 125927, filed January 6, 1964. Applicant: EDDIE THOMAS DELOATCH, doing business as DELEATCH BUS SERVICE, Route 2, Box 80–A, Conway, N.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: Passengers, between Conway, N.C., and the site of the Newport News, Va., Ship Yard; from Conway over U.S. Highway 158 to Murfreesboro, N.C., thence over U.S. Highway 258 to junction of U.S. Highway 258 and Virginia Highway 189, thence over Virginia Highway 189 to Holland, Va., thence over U.S. Highway 58 to Suffolk, Va., thence over city streets in Suffolk and Norfolk, Va., to Newport News Ship Yard, and return over the same route, serving all intermediate points in North Carolina.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12892, filed January 24, 1964. Applicant: NORMAN CHARLES BRINKE, 27600 Southwest 197 Avenue, Homestead, Fla. For a license (BMC 4) to engage in operations as a *broker* at Homestead, Fla., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *General commodities,* between points in Florida, on the one hand, and, on the other, points in the United States.

MOTOR CARRIERS OF PASSENGERS

No. MC 75007 (Sub-No. 1) (CORRECTION), filed January 10, 1964, published FEDERAL REGISTER issued January 29, 1964, and republished as corrected this issue. Applicant: COLPITTS TOURIST CO. INC., 262 Washington Street, Boston, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree 84, Mass. For a license (BMC 5) to engage in operations as a *broker* at Boston, Mass., in arranging for transportation, by motor vehicle, in interstate or foreign commerce of *passengers and their baggage,* in special and chartered operations, between points in the United States, including Alaska and Hawaii.

NOTE: The purpose of the republication is to correctly show the description of authority sought.

WATER CARRIERS OF PASSENGERS

No. W–1195, filed December 27, 1963 (UNITED FRUIT COMPANY COMMON CARRIER APPLICATION). Applicant: United Fruit Company, 30 St. James Avenue, Boston 16, Mass. Application for certificate as a *common carrier* by water, covering a new operation, to transport *passengers,* the year round, (1) between New York, N.Y. (and/or Weehawken, N.J.) on the one hand and San Francisco (and/or Los Angeles, Calif.) and Seattle, Wash., on the other, on basis of one voyage per week in each direction, (2) between New Orleans, La., and Los Angeles, Calif., on basis of approximately fifteen voyages per year in each direction.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 69), filed January 29, 1964. Applicant: WILSON STORAGE AND TRANSFER CO., a corporation, Post Office Box 756, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, and commodities in bulk), serving Gettysburg, S. Dak., as an off-route point in connection with applicant's regular-route operations.

No. MC 50069 (Sub-No. 288), filed January 29, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastics,* in bulk, in tank and hopper vehicles, from Lake Zurich, Ill., and points within five (5) miles thereof, to points in Iowa, Wisconsin, Minnesota, Michigan, Missouri, Ohio, Pennsylvania, Indiana, New York, New Jersey, and West Virginia.

No. MC 55236 (Sub-No. 81), filed January 29, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydroflousilicic acid,* in bulk, in tank vehicles, from Mason City, Iowa, to Chicago, Chicago Heights, and Peoria, Ill., Kalamazoo, Mich., Milwaukee, Wis., Minneapolis, and St. Paul, Minn.

No. MC 102616 (Sub-No. 742), filed January 23, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, between the plant site of American Cyanamid Company located at Marietta, Ohio, and the plant site of American Cyanamid Company located at Willow Island, W. Va.

No. MC 102616 (Sub-No. 743), filed January 29, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sodium hydrosulfite AWC,* in bulk, in tank or hopper type pressurized vehicles, from Carlstadt, N.J., to Petrolia, Pa.

No. MC 110525 (Sub-No. 634), filed January 27, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Jet fuel,* in bulk, in tank vehicles, from McKees Rocks, Pa., to White Sulphur Springs, W. Va.

No. MC 110525 (Sub-No. 635), filed January 30, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid alum,* in bulk, in tank vehicles, from the plant site of Allied Chemical Corp. at Cleveland, Ohio, to Sharon and Erie, Pa.

No. MC 112801 (Sub-No. 8), filed January 29, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago 50, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid,* in bulk, in tank vehicles, from Mason City, Iowa, to Chicago, Peoria, and Chicago Heights, Ill., Kalamazoo, Mich., Milwaukee, Wis., and Minneapolis-St. Paul, Minn.

No. MC 113642 (Sub-No. 14), filed January 27, 1964. Applicant: JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cheese,* from Horse Cave, Ky., to Attalla, Ala., and Booneville, Miss.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–1380; Filed, Feb. 11, 1964; 8:47 a.m.]

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Washington, Thursday, February 13, 1964

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Volume 76

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[87th Cong., 2d Sess.]

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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

General State Authority of Commonwealth of Pennsylvania Serial Bonds, 19th Series

§ 1.132 General State Authority of the Commonwealth of Pennsylvania Serial Bonds, 19th Series.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $50,000,000 General State Authority of the Commonwealth of Pennsylvania Serial Bonds, 19th Series, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Ruling.* Following the principles applied in our decision of July 3, 1963, 12 CFR 1.125, that the Eighteenth Series of these bonds were eligible for purchase, dealing in, underwriting and unlimited holding by National Banks, it is our conclusion that the Bonds of the General State Authority of the Commonwealth of Pennsylvania, Nineteenth Series, are eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks.

Dated: February 6, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-1402; Filed, Feb. 12, 1964; 8:45 a.m.]

PART 1—INVESTMENT SECURITIES REGULATION

State of Israel Bonds

§ 1.133 State of Israel Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the 4 percent Dollar Bonds of the State of Israel, Second Development Issue, are eligible for investment by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* Israel's economic development and its record of payments are sufficent to support a determination by a bank that the State of Israel is and will be able to perform its obligations. Such a determination must, however, be based to a substantial extent upon estimates believed to be reliable. For this reason and because of the limitations on the transfer and marketability of the bonds, holdings will be subject to the limitations of § 1.6(b).

(c) *Ruling.* It is our conclusion that the 4 percent Dollar Bonds of the State of Israel, Second Development Issue, are eligible for purchase by National Banks within the limitations of Paragraph Seventh of 12 U.S.C. 24 and of § 1.6(b). Accordingly, a bank's holdings of these bonds and of other securities subject to the limitations of § 1.6(b) may not exceed in the aggregate five percent of the bank's capital and surplus.

Dated: February 6, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-1401; Filed, Feb. 12, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-AL-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone and Transition Area

On October 11, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10924) stating that the Federal Aviation Agency proposed to alter the Northway, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Northway, Alaska, control zone is amended to read:

Northway, Alaska.
Within a 5-mile radius of Northway Airport (latitute 62°57' N., longitude 141°55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

2. In § 71.181 (29 F.R. 1160), the Northway, Alaska, transition area is amended to read:

Northway, Alaska.
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 7, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1403; Filed, Feb. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zones and Designation of Transition Areas

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12938) stating that the Federal Aviation Agency (FAA) proposed to alter the Wilmington, Del., Willow Grove, Pa., North Philadelphia, Pa., and Trenton, N.J., control zones, and to designate three transition areas in the vicinity of Philadelphia, Pa.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published, and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the following actions are taken:

a. The Wilmington, Del., control zone is amended to read:

Within a 5-mile radius of the Greater Wilmington Airport (latitude 39°40'40" N., longitude 75°36'25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC.

b. The Willow Grove, Pa., control zone is amended to read:

Within a 5-mile radius of Willow Grove NAS (latitude 40°12'00" N., longitude 75°08'55" W.); within a 5-mile radius of Johnsville NAS (latitude 40°11'55" N., longitude 75°04'00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Johnsville NAS TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Johnsville NAS TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Johnsville NAS with the North Philadelphia, Pa., control zone.

c. The North Philadelphia, Pa., control zone is amended to read:

Within a 5-mile radius of North Philadelphia Airport (latitude 40°04'45" N.,

longitude 75°00'35" W.); within 2 miles each side of the North Philadelphia VOR 039° radial, extending from the 5-mile radius zone to 6 miles NE of the VOR; within 2 miles each side of the 048° bearing from the North Philadelphia RBN, extending from the 5-mile radius zone to 6 miles NE of the RBN, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.

d. The Trenton, N.J., control zone is amended to read:

Within a 5-mile radius of Mercer County Airport, Trenton, N.J. (latitude 40°16'33" N., longitude 74°48'55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.), and excluding the portion within the Willow Grove, Pa., control zone.

2. a. Section 71.181 (29 F.R. 1160) is amended by adding the following transition areas:

Philadelphia, Pa.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport (latitude 39°52'30" N., longitude 75°14'20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N.J., Airport (latitude 39°47'40" N., longitude 75°20'25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N.J., VOR 350° radial, extending from the VOR to 10 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°30'00" N., longitude 75°20'30" W., to latitude 40°30'00" N., longitude 75°00'00" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°50'00" N., longitude 76°19'40" W., to latitude 39°50'00" N., longitude 75°44'00" W., to latitude 40°05'00" N., longitude 75°44'00" W., to latitude 40°05'00" N., longitude 75°25'40" W., to latitude 40°07'00" N., longitude 75°22'00" W., to point of beginning excluding the portion within 8 miles W and 5 miles E of the 328° bearing from latitude 39°25'02" N., longitude 75°08'07" W., extending from latitude 39°25'02" N., longitude 75°08'07" W., to 12 miles NW.

b. *North Philadelphia, Pa.*

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40°07'33" N., longitude 75°17'08" W.), extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40°04'45" N., longitude 75°00'35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N.J. (latitude 40°16'33" N., longitude 74°48'55" W.), and including that airspace beginning at latitude 40°17'40" N., longitude 75°21'15" W., to latitude 40°24'10" N., longitude 75°09'20" W., to latitude 40°18'10" N., longitude 75°03'50" W., to latitude 40°22'05" N., longitude 74°52'00" W., to latitude 40°10'30" N., longitude 74°48'00" W., to latitude 40°07'30" N., longitude 74°53'30" W., to latitude 40°02'40" N., longitude 75°08'00" W., to latitude 40°04'30" N., longitude 75°18'50" W., to latitude 40°07'00" N., longitude 75°22'00" W., to point of beginning.

c. *Wilmington, Del.*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39°40'40" N., longitude 75°36'25" W.); within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 7, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1404; Filed, Feb. 12, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

Correction

In F.R. Doc. 64-1215, appearing in the issue for Friday, February 7, 1964, at page 1843 make the following change in line 13 of the description for Bakersfield, California, in § 71.181: The reference to "latitude 35°50'00"" should read "latitude 35°05'00"".

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4665, etc.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

The Securities and Exchange Commission has adopted a number of rule changes to clarify and bring up to date its incorporation by reference rules under the Securities Act of 1933, the Securities Exchange Act of 1934, the Holding Company Act of 1935, the Trust Indenture Act of 1939, and the Investment Company Act of 1940.

Incorporation by reference in general in filing with the Commission is governed by Rule 24 (17 CFR 201.24) of the revised rules of practice, adopted in 1960, particularly paragraph (a) thereof. Rule 24 when effective was intended to, and did supersede any provisions of any rules then in effect inconsistent with the limitations and policy expressed by Rule 24. Paragraph (a) of Rule 24 reads as follows:

(a) *Requirements.* Where rules, regulations, or instructions to forms permit incorporation by reference, a document may be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another file which incorporates it by reference. No document which has been on file with the Commission for a period of more than 10 years may be incorporated by reference in a current filing except basic documents as designated under paragraph (b) of this rule.

The rule changes now adopted by the Commission clarify the relationship between the rules under the various Acts and Rule 24 of the rules of practice. The text of the Commission's action follows:

I. Section 230.412 (Rule 412 under the Securities Act of 1933) is amended by inserting after the word "reference" the words "shall be subject to the limitations of § 201.24 of this chapter and".

II. Section 230.447 (Rule 447 under the Securities Act of 1933) is amended by inserting after the word "may" in paragraph (a) a comma and the words, "subject to the limitations of § 201.24 of this chapter,".

III. Section 240.12b-32 (Rule 12b-32 under the Securities Exchange Act of 1934) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words, "subject to the limitations of § 201.24 of this chapter,".

IV. Section 240.12b-35 (Rule 12b-35 under the Securities Exchange Act of 1934) is amended by inserting after the word "shall" in the first sentence of paragraph (e) a comma and the words, "subject to the limitations of § 201.24 of this chapter,".

V. Section 250.22 (Rule 22 under the Public Utility Holding Company Act of 1935) is amended by inserting in the first sentence of paragraph (b), after the word "may", a comma and the words "subject to the limitations of § 201.24 of this chapter,".

VI. Section 260.7a-29 (Rule 7a-29 under the Trust Indenture Act of 1939) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words "subject to the limitations of § 201.24 of this chapter,".

VII. Section 270.0-4 (Rule 0-4 under the Investment Company Act of 1940) is amended by inserting after the word "may" in the first sentence of paragraph (b) a comma and the words "subject to the limitations of § 201.24 of this chapter,".

VIII. Section 270.8b-32 (Rule 8b-32 under the Investment Company Act of 1940) is amended by inserting after the word "may" in the first sentence of paragraph (a) a comma and the words "subject to the limitations of § 201.24 of this chapter,".

As so amended, the sections read as follows:

§ 230.412 Form of and limitation upon incorporation by reference.

Material incorporated by reference shall be subject to the limitations of § 201.24 of this chapter and shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the registration statement where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

§ 230.447 Incorporation of exhibits by reference.

(a) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any registration statement.

* * * * * *

§ 240.12b-32 Incorporation of exhibits by reference.

(a) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any application or report filed with the Commission by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any application or report filed with the exchange by the same or any other person.

* * * * * *

§ 240.12b-35 Use of registration statement under Securities Act of 1933.

* * * * * *

(e) In copies of the application filed with the Commission the registrant shall, subject to § 201.24 of this chapter, incorporate by reference the registration statement referred to in paragraph (a) (1) of this section and any reports required by paragraph (b) of this section which are on file with the Commission. If such registration statement or any such annual report incorporates by reference any financial statements or exhibits required by the appropriate form which are on file with the Commission but are not on file with the exchange, copies of the application filed with the exchange shall include copies of such financial statements or exhibits. Section 240.12b-36 shall apply to financial statements filed as a part of, or incorporated by reference in, applications for registration filed pursuant to this rule.

* * * * * *

§ 250.22 Applications and declarations.

* * * * * *

(b) *Incorporation by reference.* If any information required to be filed in any application or declaration is contained in any document previously or concurrently filed with the Commission pursuant to any Act administered by it, the application or declaration may, subject to the limitations of § 201.24 of this chapter, incorporate such information by exact and specific reference to the filing in which it was physically filed. The Commission may refuse to permit incorporation by reference in any instance where, in its opinion, such incorporation is confusing, misleading or inadequate.

* * * * * *

§ 260.7a-29 Incorporation of exhibits as such.

(a) Any exhibit or part thereof previously or concurrently filed with the Commission pursuant to any Act administered by the Commission, may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any application, statement or report filed with the Commission by the same or any other person. Any exhibit or part thereof so filed with a trustee pursuant to the Trust Indenture Act of 1939 may be incorporated by reference as an exhibit to any report filed with such trustee pursuant to section 314(a) of that Act by the same or any other person.

* * * * * *

§ 270.0-4 Incorporation by reference.

(a) A registered investment company may, subject to the limitations of § 201.24 of this chapter, incorporate by reference as an exhibit, in any registration statement, application or report filed with the Commission, any document or part thereof previously or concurrently filed with the Commission pursuant to any act administered by the Commission. The incorporation may be made whether the matter incorporated was filed by such registered company or any other person. If any modification has occurred in the text of any such document since the filing thereof, the company shall file with the reference a statement containing the text of any such modification and the date thereof. If the number of copies of any document previously or concurrently filed with the Commission is less than the number required to be filed with the registration statement, application or report which incorporates such document, the company shall file therewith as many additional copies of the document as may be necessary to meet the requirements of the registration statement, application or report.

(b) A registered investment company may, subject to the limitations of § 201.24 of this chapter, incorporate by reference, in any registration statement, application or report filed with the Commission, any financial statement or part thereof previously or concurrently filed with the Commission pursuant to any act administered by the Commission, if it substantially conforms to the requirements of the form on which such registration statement, application or report is filed. The incorporation may be made whether the matter incorporated was filed by such registered company or any other person. If a certificate of an independent public accountant or accountants is required to accompany a financial statement in any registration statement, application or report, the incorporation by reference of a certificate previously or concurrently filed will not be deemed a compliance with such requirements unless the written consent of the accountant or accountants to such incorporation is filed with the registration statement, application or report.

* * * * * *

§ 270.8b-32 Incorporation of exhibits by reference.

(a) Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of § 201.24 of this chapter, be incorporated by reference as an exhibit to any registration statement or report filed with the Commission by the same or any other person.

* * * * * *

(Sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s; secs. 13, 15(d) and 23(a), 48 Stat. 894, 895, 901, as amended, 15 U.S.C. 78m, 78o and 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; secs. 305, 307, 314 and 319, 53 Stat. 1154, 1156, 1167, and 1173, as amended, 15 U.S.C. 77ddd, 77ggg, 77nnn, and 77sss, and secs. 38 and 39, 54 Stat. 841, 15 U.S.C. 80a-37 and 80a-38)

The Commission finds that the foregoing action merely clarifies existing rules of the Commission, and their application imposes no new substantive requirements upon any member of the public. Accordingly, the rule-making notice and public comment procedures specified by section 4 of the Administrative Procedure Act are deemed unnecessary.

The Commission's action is effective immediately.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1405; Filed, Feb. 12, 1964; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

Section 207.32 is amended to read as follows:

§ 207.32 Eligibility of refinancing transactions.

Notwithstanding the eligibility requirements of this subpart, a mortgage given to refinance an existing mortgage insured under sections 220, 221, 608 or 908 of the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(a) The principal of the new mortgage shall not exceed the lowest of these amounts:

(1) The original principal amount of the existing insured mortgage.

(2) The unpaid principal amount of the existing insured mortgage, to which may be added—

(i) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(ii) The costs, as determined by the Commissioner, of capital improvements, upgrading or additions required to be made to the propery.

(iii) Loan closing charges.

(3) 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(b) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determines that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

In § 213.45 paragraph (d) is amended to read as follows:

§ 213.45 Eligibility of miscellaneous type mortgages.

* * * * *

(d) Notwithstanding the eligibility requirements of this subpart, a mortgage given to refinance an existing mortgage insured under section 220, 221, 608, or 908 of the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(1) The principal of the new mortgage shall not exceed the lowest of these amounts:

(i) The original principal amount of the existing insured mortgage.

(ii) The unpaid principal amount of the existing insured mortgage, to which may be added—

(a) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(b) The costs, as determined by the Commissioner, of capital improvements, upgrading or additions required to be made to the property.

(c) Loan closing charges.

(iii) 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(2) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determines that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.535 paragraph (a) is amended to read as follows:

§ 221.535 Supervision applicable to investor sponsor mortgagors.

(a) *Investor sponsor equity.* The builder's and sponsor's profit and risk allowance or builder's fee and such further amount as the Commissioner may determine, shall be held by the mortgagee in an escrow and shall not be paid to the investor sponsor unless the project is transferred to a cooperative mortgagor within two years from the date of completion. In the event of default or failure to transfer the project to a cooperative mortgagor within the two-year period, the escrow shall be applied against the mortgage or in such other manner as the Commissioner may direct. The amount of the escrow, together with any other equity of the investor sponsor mortgagor approved by the Commissioner, shall be deemed to be the equity of the investor sponsor mortgagor for purposes of determining its operations as a limited dividend corporation.

* * * * *

In § 221.560 paragraph (a) is amended to read as follows:

§ 221.560 Eligibility of refinanced mortgages.

(a) Notwithstanding the eligibility requirements of this subpart, a mortgage given to refinance an existing mortgage insured under section 220, 221, 608, or 908 of the Act may be insured under this subpart pursuant to section 223(a)(7) of the Act. The new mortgage shall be limited in amount and in term as follows:

(1) The principal of the new mortgage shall not exceed the lowest of these amounts:

(i) The original principal amount of the existing insured mortgage.

(ii) The unpaid principal amount of the existing insured mortgage, to which may be added—

(a) The outstanding indebtedness incurred in connection with capital improvements made to the property which are acceptable to the Commissioner.

(b) The costs, as determined by the Commissioner, of improvements, upgrading or additions required to be made to the property.

(c) Loan closing charges.

(iii) The Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property, except for general or limited dividend corporation mortgagors when the amount shall not exceed 90 percent of the Commissioner's estimate of the value of the property after completion of the repairs, improvements or additions to the property.

(2) The term of the new mortgage shall not exceed the unexpired term of the existing mortgage, except that it may have a term of not more than 12 years in excess of the unexpired term of the existing mortgage in any case in which the Commissioner determined that the insurance of the mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

Issued at Washington, D.C., February 7, 1964.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-1438; Filed, Feb. 12, 1964; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

John Redmond, Albeni Falls, Alvin R. Bush and Chief Joseph Reservoir Areas

The Secretary of the Army having determined that the use of John Redmond Reservoir Area, Grand (Neosho) River, Kansas; Albeni Falls Reservoir Area, Pend Oreille River, Idaho; Alvin R. Bush Reservoir Area, Kettle Creek, Pennsylvania; and Chief Joseph Reservoir Area, Columbia River, Washington, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195).

1. Reservoir areas are added to § 311.1, as follows:

§ 311.1 Areas covered.

* * * * *

KANSAS

* * * * *

John Redmond Reservoir Area, Grand (Neosho) River.

IDAHO

* * * * *

Albeni Falls Reservoir Area, Pend Oreille River.

PENNSYLVANIA

* * * * *

Alvin R. Bush Reservoir Area, Kettle Creek.

WASHINGTON

Chief Joseph Reservoir Area, Columbia River.

2. Paragraph (b) of § 311.3 is revised to read as follows:

§ 311.3 Boats and other vessels, private.

* * * * *

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating a boat or other vessel on the reservoir for any one period longer than three days except for the reservoirs listed in this paragraph. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

IDAHO

Albeni Falls Reservoir Area, Pend Oreille River.

WASHINGTON

Chief Joseph Reservoir Area, Columbia River.

* * * * *

3. Reservoir areas are added to § 311.6 (b), as follows:

§ 311.6 Hunting and Fishing.

* * * * *

(b) * * *

PENNSYLVANIA

Alvin R. Bush Reservoir Area, Kettle Creek.

* * * * *

[Regs., 29 January 1964, ENGCW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-1407; Filed, Feb. 12, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3324]

[Anchorage 043400]

ALASKA

Withdrawing Lands Under Jurisdiction of Bureau of Land Management for Protection of Public Recreation Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to existing valid rights, the following-described public lands are hereby withdrawn under jurisdiction of the Bureau of Land Management, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and reserved for use as public recreation areas and for preservation of public recreation values:

LAKE GEORGE AREA

Beginning at Point No. 1, common with M.C. Corner No. 4, U.S. Survey No. 3290, Tract B, thence South 7 chains to Corner No. 3, U.S. Survey No. 3290, Tract B, thence continuing South 13 chains to Point No. 2, the point of beginning; thence;

Southeasterly 15 miles, approximately, parallel with the South Bank of the Knik River (a strip ¼ mile wide) to a point opposite foot of Knik Glacier;

Southerly 7 miles, approximately, continuing in a southerly direction paralleling the river drainage from Lake George (continuing a strip ¼ mile wide) to a point opposite outlet of Lake George;

Southwesterly 8 miles, approximately, paralleling west side of Lake George (continuing a strip ¼ mile wide) to southwest inlet of Lake George.

Containing approximately 4,800 acres.

JOHN A. CARVER, JR.,
Assistant Secretary
of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1408; Filed, Feb. 12, 1964; 8:45 a.m.]

[Public Land Order 3325]

ALASKA

Withdrawal of Public Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to existing valid rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, and reserved under jurisdiction of the Bureau of Land Management for the preservation of public recreation values:

[Anchorage 042637]

Hanagita Lake-Chitina Area

Beginning at a point on north shore of outlet of Hanagita Lake located approximately latitude 61°16'30" N., longitude 143°47' W. (10" DBH W. Spruce, yellow tagged); thence N. 45°00' E., 4 chains to Corner No. 1; N. 45°00' W., 10 chains to Corner No. 2; S. 45°00' W., 5 chains to N. side of Hanagita Creek; continuing crossing creek S. 45°00' W., 4.75 chains to Corner No. 3; S. 45°-00' E., 10 chains to Corner No. 4 located on shore of lake; N. 45°00' E., approximately 5 chains along shore of lake to creek; continuing N. 45°00' E. 1 chain to point of beginning.

Containing approximately 10 acres.

[Anchorage 037066]

[Anchorage 041391]

COPPER RIVER MERIDIAN

Miles Lake-Copper River Area

T. 14 S., R. 4 E. (Unsurveyed)

Sec. 7, That portion of the SW¼ and the SE¼ lying south of the Copper River;
Sec. 8, That portion of the SW¼ lying south of the Copper River;
Sec. 17, NW¼;
Sec. 18, NE¼, SW¼, E½NW¼ and that portion of the E½W½NW¼ lying east of the Copper River.

The same area can be described by metes and bounds as follows:

The point of beginning is located in the center of the Copper River Highway on the south bank of the Copper River at the point where the Copper River Highway crosses the Copper River; thence approximately 9,900 feet in a southwesterly direction along the mean high water line of the left bank of the Copper River to Corner 2;
East approximately 1980' to Corner 3;
North approximately 2640' to Corner 4;
East approximately 5280' to Corner 5;
North approximately 1584' to Corner 6; located on the shoreline of Miles Lake;
Northwesterly, following the shoreline of Miles Lake and the Copper River approximately 4,818' to the point of beginning.

Containing approximately 765 acres.

JOHN A. CARVER, JR.,
Assistant Secretary
of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1409; Filed, Feb. 12, 1964; 8:45 a.m.]

[Public Land Order 3326]

[Utah 88617]

UTAH

Partly Revoking Public Water Reserves Nos. 81, 82 and 107

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (35 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of November 26, 1921, creating Public Water Reserve No. 81, as construed by Interpretation No. 16 of February 28, 1925, the Executive Order of April 4, 1922, creating Public Water Reserve No. 82 and the Executive Order of April 17, 1926, creating Public Water Reserve No. 107, are hereby revoked so far as they affect the following described lands:

SALT LAKE MERIDIAN

PUBLIC WATER RESERVE NO. 81

T. 16 S., R. 26 E.,
Sec. 6, lot 1.
Containing approximately 40 acres.

PUBLIC WATER RESERVE NO. 82

T. 17 S., R. 21 E.,
Sec. 15, SW¼SW¼;
Sec. 22, N½NW¼;
Sec. 24, SW¼NW¼, SE¼SW¼ and SW¼SE¼;
Sec. 25, NE¼NW¼.
Containing approximately 280 acres.

PUBLIC WATER RESERVE NO. 107

T. 16 S., R. 22 E.,
Sec. 23, NE¼SE¼.
Containing approximately 40 acres.

The areas described aggregate approximately 360 acres.

2. Until 10:00 a.m. on August 7, 1964 the State of Utah shall have a preferred right of application to select the lands as provided by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). On and after that date and hour the lands shall become subject to application, petition, location, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State, received at or prior to 10:00 a.m. on August 7, 1964, shall be considered as simultaneously filed at that time.

3. The lands have been open to applications and offers under the mineral leasing laws and to location under the mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals after 10:00 a.m. on August 7, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1410; Filed, Feb. 12, 1964; 8:46 a.m.]

[Public Land Order 3327]

[Washington 04937]

WASHINGTON

Modification of Public Land Order No. 3012 and Power Site Classification No. 378

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), it is ordered as follows:

Public Land Order No. 3012 of April 8, 1963, which withdrew lands for use of the Army in connection with the John Day Lock and Dam Project, and the order of the Geological Survey of February 10, 1948, creating Power Site Classification No. 378, are hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, United States Revised Statutes (43 U.S.C. 932), to the State of Washington Highway Commission as to the portions of the following-described land delineated on a map filed by the Highway Commission in the Bureau of Land Management in Washington 04937, subject to the conditions prescribed by the Federal Power Commission in DA-194-Washington, issued December 30, 1963.

WILLAMETTE MERIDIAN

T. 4 N., R. 22 E.,
Sec. 32, NW¼NE¼.
Containing 40 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1411; Filed, Feb. 12, 1964; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

St. Marks National Wildlife Refuge, Florida

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks Nation Wildlife Regue, Florida, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 44,000 acres or 80 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, bream, pickerel, and other minor species permitted by State regulations.

(b) Open season: St. Marks and Wakulla Units—May 1, 1964, through October 15, 1964. Certain described areas of the Panacea Unit north and south of State Highway 372—March 1, through October 15, 1964. The Panacea Unit area south of State Highway 372, to remain open through December 31, 1964. One hour before sunrise to one hour after sunset.

(c) Daily creel limits: Largemouth bass—10, pickerel—15, bream—35, and other creel limits for minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live baits permitted.

(2) Rowboats, canoes, other floating devices without motors which meet State Boats must be removed from the refuge at the close of each day's legal fishing hours.

(3) Trot lines as permitted by the State for sport fishing are allowed, except that lines shall be taken up prior to closing hour of fishing daily.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) No fires are permitted by fishermen except at designated areas.

(3) A Federal permit is not required to enter the public fishing area.

(4) The provisions of this special regulation are effective to January 1, 1965.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 5, 1964.

[F.R. Doc. 64-1413; Filed, Feb. 12, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Cold Springs National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cold Springs National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,550 acres, is delineated on maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Washington, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 20, 1964, through April 19, 1965, except closed from September 15, 1964, to the next day following the closing date of the migratory waterfowl hunting season or until December 31, 1964, whichever shall be the later date.

(2) Boats without motors only may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to April 20, 1965.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 3, 1964.

[F.R. Doc. 64-1414; Filed, Feb. 12, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

McKay Creek National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the McKay Creek National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 660 acres, is delineated on maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Washington, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 07208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge is as follows: Waters above dam—Open entire year except closed during migratory waterfowl hunting season. Waters below dam—April 1 through October 31, 1964.

(2) Boats with motors may be used for fishing from April 1 through September 30, 1964, only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 31, 1965.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 3, 1964.

[F.R. Doc. 64-1415; Filed, Feb. 12, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Coast Guard

[46 CFR Part 45]

[CGFR 64-11]

MIDSUMMER SEASONAL LOAD LINES FOR GREAT LAKES

Public Hearing on Spring Extension

1. The Merchant Marine Council will hold a public hearing on Monday, March 23, 1964, commencing at 9:30 a.m., in the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C., for the purpose of receiving comments, views, and data on the proposed changes in the navigation and vessel inspection rules and regulations. The first 14 items containing these proposals are described in detail in the Merchant Marine Council Public Hearing Agenda (CG-249), dated March 23, 1964, and generally described in a notice of proposed rulemaking published in the FEDERAL REGISTER of January 30, 1964, 29 F.R. 1572. The 15th item is described in detail in a notice of proposed rule-making published in the FEDERAL REGISTER of February 1, 1964, 29 F.R. 1646.

2. This document contains another proposal which will be considered by the Merchant Marine Council at the public hearing on March 23, 1964, and is identified as "Item XVI—Midsummer Seasonal Load Lines for Great Lakes." Initial oceanographic studies now available, which are a part of an extensive study program on factors affecting the safe design and loading of Great Lakes ships, as well as previous operating experience, taken together, are considered to support the proposed extension of the present midsummer season so that it may begin on May 1st instead of on May 16th. Accordingly, it is proposed to amend § 45.01-75(a) by changing the date from "May 16" to "May 1" in the last sentence, and § 45.01-75(c) by changing the date from "May 15" to "April 30" in the last sentence. It is also proposed to make these amendments effective on May 1, 1964.

3. Each person or organization who desires to submit comments, data or views in connection with the proposed amendments set forth in this document should submit them in duplicate so that they will be received by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D.C., 20226, prior to March 20, 1964. Comments, data or views may be presented orally or in writing at the public hearing before the Merchant Marine Council on March 23, 1964. In order to insure consideration of comments and to facilitate checking and recording, it is preferred that each comment regarding a section or paragraph of the proposed regulations be submitted on Coast Guard Form CG-3287, copies of which were attached to the Agenda (CG-249) and may be reproduced or copies may be obtained from the Coast Guard. However, each comment should show the subject, the section or paragraph number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter.

ITEM XVI—MIDSUMMER SEASONAL LOAD LINES FOR GREAT LAKES

4. It is proposed to change the beginning date of the midsummer seasonal load lines to "May 1" by amending § 45.01-75 (a) and (c) to read as follows:

SUBCHAPTER E—LOAD LINES

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

Subpart 45.01—Administration

§ 45.01-75 Seasonal load lines.

(a) For load line purposes there is hereby established for the Great Lakes a winter, intermediate, summer, and for tankers and cargo vessels (see §§ 45.01-15 and 45.01-17) a midsummer season, and load lines applicable to each season are established by the regulations in this part. The winter season shall be that period from November 1 through April 15 of the next year, the intermediate seasons from April 16 through April 30, and from October 1 through October 31, and the summer season from May 1 through September 30. The midsummer season shall be the portion of the summer season from May 1 through September 15 which shall be applicable only in those cases where midsummer season load lines are permitted. (All dates are inclusive.)

* * * * *

(c) When engaged on voyages between the limits of Toledo Harbor and Port Huron, Michigan, cargo and tank vessels above 300 feet in length may load to their intermediate marks between October 1 and April 30, inclusive. Such vessels above 400 feet in length may load to their summer marks between September 16 and April 30, inclusive.

5. The authority to prescribe regulations governing load lines for merchant vessels on the Great Lakes is in the Coastwise Load Line Act of 1935, as amended (sec. 2, 49 Stat. 888, as amended, 46 U.S.C. 88a). The delegations of authority for the Commandant, U.S. Coast Guard, to prescribe regulations are in Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167-48, October 19, 1962, 27 F.R. 10504.

Dated: February 7, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64-1444; Filed, Feb. 12, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 34]

ADMINISTRATION OF PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 3, 1956 (70 Stat. 986; 25 U.S.C. 309), it is proposed to amend 25 CFR Part 34 as set forth below. The purpose of these amendments is to incorporate in the Code of Federal Regulations the amendments to Public Law 959 as provided by Public Law 88-230, 88th Congress, S. 1868 (77 Stat. 471), approved December 23, 1963.

The amendment to Public Law 959 by Public Law 88-230 enables Indian students to enroll in a nurses' training program in accredited schools for a thirty-six month period. All other vocational training programs will continue to be limited to twenty-four months as approved in the present Public Law 959. The purpose in extending the time for the training of nurses is to allow Indian students sufficient time to earn certificates as registered nurses.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 34.1 is amended to read as follows:

§ 34.1 Scope of the vocational training program.

The vocational training program provides for vocational counseling or guidance, institutional training in any vocational or trade school, as provided in § 34.5, apprenticeship and on-the-job training, for a period not exceeding twenty-four months, and for nurses' training, for periods that do not exceed thirty-six months.

Section 34.5 is amended to read as follows:

§ 34.5 Approval of courses for vocational training at institutions.

A course of vocational training at any institution, public or private, offering vocational training, or with any school of nursing offering a three-year course of study leading to a diploma in nursing which is accredited by a recognized body or bodies approved for such purpose by the Secretary, except sectarian schools

restricted by the act of March 2, 1917 (25 U.S.C. 278), may be approved; *Provided:*

(a) The institution is accredited by a recognized national or regional accrediting association; or,

(b) The institution is approved for training by a State agency authorized to make such approvals; and,

(c) It is determined that there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1434; Filed, Feb. 12, 1964; 8:48 a.m.]

National Park Service

[36 CFR Part 7]

FORT JEFFERSON NATIONAL MONUMENT, FLORIDA

Fishing and Anchoring; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region, Order No. 3 (21 F.R. 1493), as amended, it is proposed to amend § 7.27 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to enlarge the area wherein commercial fishing is prohibited and designate the area by more visible markers, and to control boat anchorage in the harbor at Fort Jefferson.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraphs (a)(4) and (b) of § 7.27 are amended to read as follows:

§ 7.27 Fort Jefferson National Monument.

(a) *Fishing.* * * *

(4) Commercial fishing or shrimping or the taking of fish for the purpose of sale is prohibited in the area of the National Monument described as follows:

Beginning at Pulaski Shoal Light at latitude 24°41'36" N., longitude 82°46'23" W., thence on a straight line to a point at latitude 24°38'00" N., longitude 82°48'00" W.; thence on a straight line to buoy "N2" at latitude 24°37'23" N., longitude 82°49'48" W.; thence in a straight line to a buoy "C1" at latitude 24°35'35" N., longitude 82°52'19" W.; thence in a straight line to buoy "N8" at latitude 24°35'07" N., longitude 82°54'07" W.; thence in a straight line to a buoy "N2" at latitude 24°35'06" N., longitude 82°55'53" W.; thence in a straight line to a buoy "N10" at latitude 24°36'39" N., longitude 82°52'27" W.; thence in a straight line to a point at latitude 24°40'57" N., longitude 82°54'16" W.; thence in a straight line to a point at latitude 24°41'50" N., longitude 82°53'10" W.; thence in a straight line to a point at latitude 24°42'22" N., longitude 82°51'50" W.; thence in a straight line to a point at latitude 24°42'53" N., longitude 82°49'34" W.; thence in a straight line to a point at latitude 24°42'44" N., longitude 82°48'20" W.; and thence in a straight line to the point of beginning at Pulaski Shoal Light.

* * * * *

(b) *Designated anchorage.* All vessels entering Tortugas Harbor in the vicinity of Garden Key shall anchor only in the designated anchorage area of Bird Key Harbor southwest of Garden Key, which is designated Anchorage Area 202.190 on U.S. Coast and Geodetic Survey Chart No. 585, except that passenger-carrying vessels and yachts carrying visitors to historic Fort Jefferson may discharge passengers at the main docking area of Garden Key and may moor to the piers and anchor in the channel, harbor, or lagoons in the vicinity of Garden Key for not more than an eight hour period between sunrise and sunset by permission from the Superintendent or his representative.

STANLEY C. JOSEPH,
Superintendent,
Fort Jefferson National Monument.

[F.R. Doc. 64-1437; Filed, Feb. 12, 1964; 8:48 a.m.]

Bureau of Land Management

[43 CFR Part 161]

GRAZING DISTRICT ADVISORY BOARDS

Authorization for Establishment; Number of Members; Qualifications; Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934, as amended July 14, 1939 (48 Stat. 1270, 53 Stat. 1002; 43 U.S.C. 315o-1), it is proposed to amend paragraphs (a), (b), and (c) of 43 CFR 161.13 as set forth below. The purpose of these amendments is to provide for greater continuity and flexibility of advisory board membership and to remove the fiscal year provision for term of appointment which is no longer required by Presidential Directive.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (a), (b), and (c) of § 161.13 are amended to read as follows:

§ 161.13 Grazing District Advisory Boards.

(a) *Authorization for establishment; number of members; qualifications.* The State Director shall fix the number of members to be recommended by election for appointment to the advisory board in each district, such number to be not less than five nor more than twelve, exclusive of a wildlife representative who will not be recommended by election but shall be selected directly by the State Director. The State Director may fix the number of district advisers to be recommended by election as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be recommended by election from each voting precinct, or both, provided that the free-use licensees in each district shall be entitled to recommend one representative who shall be a free-use licensee. All district advisers, except the wildlife representative, shall be electors qualified to vote in the particular election. If a district is divided into precincts an adviser representing a precinct shall qualify in the precinct in the same manner as in the district.

(b) *Election; time and place; the general procedures.* All district advisers, except wildlife representatives, shall be recommended by election in the manner provided in this section, and in the General Procedures for Grazing District Advisory Board Elections as approved by the Director, Bureau of Land Management, and published in the FEDERAL REGISTER. An election to recommend district advisers for appointments for each grazing district will be held within 90 days after the publication in the FEDERAL REGISTER of the order establishing the grazing district. Persons recommended by election for appointment at the first election after establishment of a grazing district or at the first election during the 1964 calendar year may be recommended for appointment and annual reappointment for a maximum period of three consecutive years, or the District Manager may divide the group, by lot, as evenly as possible into three groups to be considered as being recommended for appointment or reappointment for one year, two consecutive years, or three consecutive years respectively. Thereafter, elections will be held annually, for each group whose term of recommendation for appointment has expired, in accordance with the options set forth in the General Procedures for Grazing District Advisory Board Elections.

(c) *Appointment; term of office; removal; vacancies.* A person recommended by election for appointment as district adviser shall assume office only after he has been appointed by the State Director and has taken the oath of office. The State Director may, in his discretion, appoint those in group 1 for a period not to exceed 365 days; those in group 2 for an initial period of 365 days and thereafter a subsequent like period; and those in group 3 for an initial period of 365 days and thereafter two successive like periods. The State Director may remove any district adviser from office because of failure to discharge his duties, loss of any of his qualifications to hold the office, or in the public interest. Upon a vacancy occurring in the office of the district adviser other than a wildlife representative by

reason of resignation, removal, disqualification, or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the District Manager, shall be transmitted to the State Director for consideration. A person selected to fill a vacancy shall be appointed for the remainder of the unexpired 365-day period, after which a person shall be recommended by election for the balance of the period of recommendation at the next regular election.

* * * * *

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1412; Filed, Feb. 12, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15330; FCC 64-101]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Pascagoula, Miss.; Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Pascagoula, Mississippi); Docket No. 15330, RM-539.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed on November 26, 1963, by Crest Broadcasting Co., Inc., licensee of Station WPMP(AM). The petitioner requests the assignment of FM Channel 255 to Pascagoula, Mississippi.

3. Pascagoula, Mississippi, with a population of 17,155, is located in Jackson County. That county's population according to the 1960 U.S. Census is 55,522. Pascagoula presently has only petitioner's station WPMP(AM) (1 kw daytime only) licensed in it. A construction permit has been granted for the use of FM Channel 285A, assigned to Pascagoula, at Moss Point, Mississippi (BPH-4149).

4. In support of petitioner's request for a Class C FM assignment to serve the Pascagoula area of Mississippi, petitioner points out that the area is presently without either AM or FM local nighttime service.[1] It states that the station it desires to put on the air (a wide coverage unlimited hour operation) would not only provide a normal information service to the area at nighttime and early morning hours but that in addition the station would be able to provide the strategic service, throughout the day and night, of broadcasting vital Civil Defense and storm bulletins. There are a number of vital defense construction projects in the area. Pascagoula is located in the tropical storm belt which means that it is subject to frequent and sudden disastrous hurricanes and storms. Petitioner indicates that if the channel in question is assigned to Pascagoula and it is granted a license to operate the station the FM facility will to some degree have individual programming and not be used merely to duplicate the programming of its present AM outlet in Pascagoula (WPMP). It is maintained that the proposed assignment can be made in full conformance with the Commission's minimum mileage separation requirements without deleting any other assignments.

[1] The community does receive a degree of nighttime service from WWL located in New Orleans, Louisiana, 104 miles distant.

5. The Commission is of the view that it is in the public interest that rule making proceedings should be instituted in respect to the proposal so as to permit all interested parties to submit their views and other relevant data.

City	Channel No. Present	Proposed
Pascagoula, Miss.	285A	255, 285A

6. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before March 6, 1964, and reply comments on or before March 16, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 5, 1964.

Released: February 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1445; Filed, Feb. 12, 1964; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 67]

PHONOGRAPH RECORD INDUSTRY

Notice of Hearing and of Opportunity To Present Views, Suggestions, and Other Pertinent Comment in a Proceeding for Promulgation of Trade Practice Rules

A trade practice conference proceeding for the Phonograph Record Industry has been authorized by the Federal Trade Commission, to be held under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner.

A hearing will be held at 10 a.m., e.s.t., on Friday, March 13, 1964, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington D.C., 20580, to afford to all persons, firms, corporations, organizations, or other parties who may be affected by or have an interest in the establishment of trade practice rules for this industry the opportunity to present to the Commission their views, including such information, suggestions or comment as they may desire to submit. Written comment may be submitted by letter, memorandum, brief or other communication filed with the Commission not later than March 13, 1964.

Copies of proposed rules, consisting of rules suggested by industry members and rules which Commission staff feel should be considered, have been made available and may be obtained upon request to the Commission. Interested parties may suggest additional rules for consideration, either before or during the hearing.

After due consideration of all matters presented, in writing or orally, it is contemplated that the Commission will proceed to final action with respect to promulgation of trade practice rules for this industry.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, processing, sale or distribution of phonograph records, magnetic tapes, and similar devices upon which sound is recorded and accessories therefor such as phonograph needles.

This proceeding is directed to the elimination and prevention of acts and practices deemed violative of statutes administered by the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart F, of the Commission's procedure and rules of practice, 28 F.R. 7083-84 (July 11, 1963).

The rules presented for written comment and for discussion at the hearing are concerned with the following subjects:

SECTION I

1—Prohibited Discriminatory Prices, Rebates, Discounts, etc.
2—Prohibited Advertising or Promotional Allowances, or Services or Facilities.
3—Inducing or Receiving an Illegal Discrimination in Price, Advertising or Promotional Allowances, or Services or Facilities.
4—Prohibited Brokerage and Commissions.

SECTION II

5—Prohibited Forms of Trade Restraints (Unlawful Price Fixing, etc.).
6—Tie-In Sales: Coercing Purchase of One Product as a Prerequisite to the Purchase of Other Products.
7—Exclusive Dealing.
8—Lifting of Stocks.
9—Inducing Breach of Contract.
10—Unlawful Interference with Competitors' Purchases or Sales.
11—Defamation of Competitors or False Disparagement of Their Products.
12—Push Money.
13—Commercial Bribery.
14—Prohibited Sales Below Cost.

15—Consignment Distribution, "Guaranteed Sales," and Extended "Dating" Distribution (Unauthorized Shipment).
16—Aiding or Abetting Use of Unfair Trade Practices.

SECTION III

17—Misuse of "Stereo" and "Stereophonic," Etc.
18—Deception as to Performing Artist.
19—Deception as to Contents of Recording.
20—Deception Involving Re-Issues, New Titles and Date of Origination.
21—Cancellation of Membership in Commercial Club or Membership Organizations.
22—Composition and Playing Life of Phonograph Needles.
23—Foreign Origin Deception.
24—Misrepresenting Products as Conforming to Standard.
25—Misrepresentation as to Character of Business.
26—Deceptive Use of Trade or Corporate Names, Trade-Marks, etc.
27—Passing Off Through Imitation or Simulation of Trade-Marks, Trade Names, etc.
28—False Invoicing.
29—Substitution of Products.
30—Guarantees, Warranties, etc.
31—Use of the Word "Free."
32—Misuse of Terms "Close-Outs," "Discontinued Lines," "Special Bargains," etc.
33—Fictitious or Deceptive Pricing.
34—Misbranding, Misrepresentation, and Deceptive Selling Methods.

Issued: February 12, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1441; Filed, Feb. 12, 1964; 8:49 a.m.]

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS IDENTIFICATION

Notice of Proposed Rule Making

Pursuant to the provisions of section 4 of the Administrative Procedure Act, and in consideration of an application filed by Rohn & Haas Company, Philadelphia, Pennsylvania, for a generic name for its manufactured fiber "Orofil", which application is a matter of the public record in this proceeding, notice is hereby given all interested parties that the Federal Trade Commission will on the 7th day of April 1964, at 10 o'clock a.m., e.s.t., at Room 532, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., in the City of Washington, District of Columbia, give consideration to an amendment of § 303.7 of Part 303 of the rules and regulations under the Textile Fiber Products Identification Act.

Interested parties may participate by submitting in writing on or before such date, their views, arguments, or other pertinent data to the Federal Trade Commission, Washington, D.C., 20580 or they may be given orally at such time. Any party wishing to submit further views, arguments, or data in response to that submitted as a result of this notice or at the hearing may do so in writing at any time within thirty days after such hearing is closed.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 7(c) of the Textile Fiber Products Identification Act (72 Stat. 1717; 15 U.S.C. 70) "to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement."

The matters to be considered are a reexamination of the definition of the manufactured fiber "rubber", as contained in paragraph (j) of § 303.7 of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purpose of further defining and identifying various categories of manufactured fibers falling within the aforesaid definition and with the purpose of determining whether or not separate generic names should be established for any of the manufactured fibers falling within the aforesaid definition of "rubber" and the establishment of separate names for any manufactured fibers presently falling within the aforesaid definition if it is determined that such separate generic names should be established for such fibers in pursuance of the provisions of section 7(c) of the Textile Fiber Products Identification Act.

Such hearing will include consideration of hydrocarbon, nitrile and chloroprene fibers which the Commission is tentatively advised fall within the present definition of "rubber" and which the Commission has been advised may be referred to or described as follows:

1. Hydrocarbon—a manufactured fiber in which the fiber-forming substance is a hydrocarbon rubber such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes with hydrocarbons, or copolymers of olefins in which less than 85 percent by weight is derived from a single olefin unit.

2. Nitrile—a manufactured fiber in which the fiber-forming substance is a copolymer of acrylonitrile and a diene (such as butadiene) composed of not more than 50 percent but at least 10 percent by weight of acrylonitrile units $(-CH_2-\underset{\underset{CN}{|}}{CH}-)$.

3. Chloroprene—a manufactured fiber in which the fiber-forming substance is a polychloroprene or a copolymer of chloroprene in which at least 35 percent by weight of the fiber-forming substance is composed of chloroprene units $(-CH_2-\underset{\underset{Cl}{|}}{C}=CH_2-)$.

Such hearing will also include a reexamination of the definitions of the various manufactured fibers as contained in § 303.7 of Part 303, rules and regulations under the Textile Fiber Products Identification Act, for the purpose of ascertaining whether or not any of such fibers fall within the present definition of "rubber" as contained in said § 303.7 or within any revised definitions for fibers presently falling within such definitions as may be established pursuant to this hearing. Such hearing will further encompass any necessary amendment to the definitions of any of the various manufactured fibers defined in said § 303.7 as may be necessary to delineate the proper categories of such fibers.

Issued: February 12, 1964.

By direction of the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1433; Filed, Feb. 12, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 33]

ASSISTANT ADMINISTRATOR FOR DEVELOPMENT FINANCE AND PRIVATE ENTERPRISE

Delegation of Authority Regarding Investment Surveys

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate to the Assistant Administrator for Development Finance and Private Enterprise the authority contained in section 231 of the Foreign Assistance Act of 1961, to:

1. Participate in financing surveys of investment opportunities, and

2. Make the determinations and exercise the functions provided for by the cited section.

The authority delegated herein may be redelegated and shall be exercised in accordance with agency policies, regulations and procedures.

Reference herein to any Act shall be deemed to be references to such Act as amended from time to time.

Delegation of Authority No. 20 from the Administrator of A.I.D. dated October 31, 1962 is hereby revoked.

This Delegation of Authority shall be effective immediately.

Dated: February 3, 1964.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-1443; Filed, Feb. 12, 1964; 8:49 a.m.]

POST OFFICE DEPARTMENT

UNIFORM QUALITY CONTROL PROGRAM

Notice of Agreement With U.S. Army Natick Laboratories, Natick, Mass.

As part of the Post Office Department's efforts to improve the quality of uniforms for postal employees, an agreement has been entered into with the U.S. Army Natick Laboratories, Natick, Massachusetts, December 27, 1963, for the establishment of a Post Office Uniform Quality Control Program.

The purpose of this program is to improve the appearance and quality of postal uniforms and to assure that the items purchased and worn by uniform personnel are equal to or better than the minimum requirements of the Department's applicable specifications.

Eventually all postal uniforms items sold to Post Office personnel will have affixed to them a certificate label indicating that the items were produced from certified materials and manufactured under a Certificate issued by the Post Office Department.

The Army Uniform Quality Control Office, acting on behalf of the Post Office Department, will perform the following functions for the textile and garment industries supplying fabric and uniform items to postal personnel:

a. Prepare specifications for all materials used in items of Post Office uniforms, and for each Post Office uniform item.

b. Conduct a technical evaluation of fabrics and items of the Post Office uniform which are to be supplied by textile manufacturers, custom tailors, uniform tailors, and others serving as suppliers to Post Office Department personnel.

c. Based upon this technical evaluation, notify the Post Office Department that the particular material or item conforms to the minimum requirements of the appropriate specification and has been approved.

d. Provide guidance and information to interested manufacturers regarding specifications for Post Office uniforms and additions or changes to any Post Office uniform items by publishing periodic bulletins to the textile and garment industries.

e. Make periodic liaison visits to certified firms to insure that items of Post Office uniform being manufactured are equal in quality to the samples for which certification was originally granted.

f. Furnish upon request copies of specifications, purchase descriptions, patterns, or other information pertaining to the various uniform items.

The Compensation Division, Bureau of Personnel, has been designated by the Postmaster General to conduct the program and establish pointers for accomplishment of design, development and specifications for uniform quality control.

The general requirements and procedures for certification testing, and placement on a qualified manufacturer's list will be published in the FEDERAL REGISTER at a later date after proper specifications and standards for uniform items are established.

In the meantime, further information regarding the procedures for obtaining certificates under the Post Office uniform quality program may be obtained from the Uniform Quality Control Office, U.S. Army Natick Laboratories, Natick, Massachusetts.

(R.S. 161, as amended; 39 Stat. 1064, as amended, 68 Stat. 1114, as amended, 5 U.S.C. 22, 2131-2133, 31 U.S.C. 686, 39 U.S. Code 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1493; Filed, Feb. 12, 1964; 9:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order No. 87]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 684, dated August 28, 1961 (26 F.R. 8216), I hereby classify the following described public lands, totaling approximately 126.28 acres in Yavapai County, Arizona, as suitable for disposal under the provisions of the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 6 W.,
Sec. 26, SW¼NW¼, N½S½SW¼SW¼, SE¼SW¼;
Sec. 27, Lot 1.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to disposal under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to bid under public auction procedure.

4. There are no preference right applications as provided for by 43 CFR 257.5.

5. This order revokes that part of Classification Order No. 20 of August 8, 1950 (15 F.R. 5410) which reserved the N½S½SW¼SW¼ of Section 26, Township 10 N., Range 6 W., Gila and Salt River Meridian, as an administrative stock driveway.

Dated: February 6, 1964.

FRED J. WEILER,
State Director.

[F.R. Doc. 64-1416; Filed, Feb. 12, 1964; 8:47 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 5, 1964.

Notice of an application Serial No. Anchorage 042637, for withdrawal and reservation of lands was published as F.R. Doc. No. 59-8674, on page 8384-8385 of the issue for October 15, 1959. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., on March 15, 1964, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

TALKEETNA AREA

T. 26 N., R. 5 W., Seward Meridian (unsurveyed).
Sec. 26, that land above mean high water of the Susitna River and attached to the mainland which, when surveyed will be: SE¼NE¼ E½SE¼.
Containing approximately 25 acres.

CHINA POOT LAKE-KACHEMAK BAY AREA

From the point where the south fork of the major tributary stream enters China Poot Lake at approximate latitude 59°32'12" N., longitude 151°11'10" W., as determined from the U.S.G.S. Seldovia (C-4) Quadrangle; thence southerly along the shore line about 30 feet to the point of beginning, thence 330 feet N., 45° E.; 1,320 feet N., 45° W.; 330 feet, about S. 45° W., to a point on the shore line; 1,320 feet, approximately, southeasterly along the shore line to point of beginning.
Containing approximately 10 acres.

CROOKED LAKE

T. 17 N., R. 14 W., Seward Meridian
Sec. 32, lots 47 and 48.
Containing 13.58 acres.

EAST PAPOOSE LAKE

T. 17 N., R. 4 W., Seward Meridian
Sec. 30, lot 19.
Containing 21.77 acres.

WEST PAPOOSE LAKE

T. 17 N., R. 4 W., Seward Meridian
Sec. 30, lots 28 and 29.
Containing 10.72 acres.

The areas described aggregate approximately 81.00 acres.

JAMES W. SCOTT,
District Manager.

[F.R. Doc. 64-1435; Filed, Feb. 12, 1964; 8:48 a.m.]

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Schedule of Grazing Fees, 1964

Notice is hereby given, in accordance with Departmental regulations (43 CFR 161.8), of the schedule of fees for the grazing year beginning March 1, 1964, and ending February 28, 1965, for grazing use of the Federal range, including LU (Land Utilization) land within grazing districts, authorized pursuant to section 3 of the Taylor Grazing Act.

The fees for range use are the equivalent of a specified percentage of the average prices paid per pound of beef and lamb in the Western markets for calendar year 1963, rounded to the nearest whole cent. It is determined that such average price is 20 cents based on marketing data furnished by the U.S. Department of Agriculture.

For use of the Federal range including all LU land, except as otherwise herein provided, the fees for the 1964-65 grazing year shall be the equivalent of 150 percent of the average prices of beef and lamb (20 cents) or 30 cents per animal unit month of forage of which 20 cents is the grazing fee and 10 cents is the range improvement fee which shall be credited to the range improvement fund.

Exceptions to the above rates are herein provided for certain LU land in order to continue the basis of fees that has heretofore been established under the provisions of the Bankhead-Jones Farm Tenant Act of July 22, 1937. Such exceptions, together with the applicable schedule, are as follows:

Arizona. For the Cienega Area (865 acres) transferred to the Department of the Interior by E.O. 10322, the fees are equivalent to 495 percent of the average prices of beef and lamb (20 cents) or 99 cents per animal unit month of forage of which 20 cents is the grazing fee and 79 cents is the range improvement fee which shall be credited to the range improvement fund.

Colorado. For the Great Divide Project transferred to the Department of the Interior by E.O. 10046, the fees are equivalent to 245 percent of the average prices of beef and lamb (20 cents) or 49 cents per animal unit month of forage of which 20 cents is the grazing fee and 29 cents is the range improvement fee which shall be credited to the range improvement fund.

Montana. For all LU land within the State of Montana transferred to the Department of the Interior by E. O. 10787, the fees are the equivalent to 260 percent of the average prices of beef and lamb (20 cents) or 52 cents per animal unit month of forage of which 20 cents is the grazing fee and 32 cents is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

New Mexico. For the Hope Project transferred to the Department of the Interior by E.O. 10787, the fees are equivalent to 205 percent of the average prices of beef and lamb (20 cents) or 41 cents per animal unit month of forage of which 20 cents is the grazing fee and 21 cents is the range improvement fee which shall be credited to the range improvement fund. Twenty-five percent of the grazing fee shall be paid to the counties within which the fee was collected pursuant to the requirements of E.O. 10787.

No fees will be charged for livestock under 6 months of age.

For the purpose of establishing charges for grazing use, one animal unit month shall be considered equivalent to grazing use by one cow, 5 sheep, or 0.5 of one horse for one month (one horse for one month equals 2 AUM's).

A minimum charge of $10 will be made on all regular licenses and permits, and on non-renewable licenses.

Billings shall be issued in accordance with the rates prescribed in this notice.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1436; Filed, Feb. 12, 1964; 8:48 a.m.]

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain South Dakota Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668-668d), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 7, 1964, through May 31, 1964, in South Dakota subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the counties of Butte and Harding.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1439; Filed, Feb. 12, 1964; 8:48 a.m.]

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Wyoming Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668-668d), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from February 7, 1964, through June 30, 1964, in Wyoming subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the counties of Campbell, Carbon, Crook, Weston, Natrona, and Big Horn.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1440; Filed, Feb. 12, 1964; 8:49 a.m.]

Office of the Secretary

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) FMC Corp., Howe Sound Co., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., West Coast Airlines, Pacific Power & Light Co., Utah Power & Light Co.
(3) None.
(4) None.

This statement is made as of February 3, 1964.

Dated: February 3, 1964.

GLENN J. HALL.

[F.R. Doc. 64-1417; Filed, Feb. 12, 1964; 8:47 a.m.]

LEWIS W. LENGNICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Sold Eli Lily, sold Long's Drugs.
(3) No change.
(4) No change.

This statement is made as of January 29, 1964.

Dated: January 29, 1964.

LEWIS W. LENGNICK.

[F.R. Doc. 64-1418; Filed, Feb. 12, 1964; 8:47 a.m.]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of to date.

Dated: January 21, 1964.

JULIO A. NEGRONI.

[F.R. Doc. 64-1419; Filed, Feb. 12, 1964; 8:47 a.m.]

RAFAEL R. RAMÍREZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This amendment is made as of January 24, 1964.

Dated: January 24, 1964.

RAFAEL R. RAMÍREZ.

[F.R. Doc. 64-1420; Filed, Feb. 12, 1964; 8:47 a.m.]

ROBERT R. REND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) None.
(2) The Montana Power Co., American Telephone & Telegraph Co., Investors Mutual Inc., General Motors, E. I. Dupont Co.
(3) None.
(4) None.

This statement is made as of January 1, 1964.

Dated: January 20, 1964.

ROBERT R. REND.

[F.R. Doc. 64-1421; Filed, Feb. 12, 1964; 8:48 a.m.]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 28, 1964.

Dated: January 28, 1964.

LEROY J. SCHULTZ.

[F.R. Doc. 64-1422; Filed, Feb. 12, 1964; 8:48 a.m.]

RAYMOND V. SELANDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 28, 1964.

Dated: January 28, 1964.

RAYMOND V. SELANDER.

[F.R. Doc. 64-1423; Filed, Feb. 12, 1964; 8:48 a.m.]

CARL H. WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 20, 1964.

Dated: January 21, 1964.

CARL H. WILLIAMS.

[F.R. Doc. 64-1424; Filed, Feb. 12, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL CREDIT INSURANCE FUND; FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, paragraph (a) in section 1401 of the Secretary's Order dated August 27, 1963 (28 F.R. 9676), hereby is amended to increase the authority of the Farmers Home Administration to issue notes to the Secretary of the Treasury in order to obtain cash for the Agricultural Credit Insurance Fund, and to read as follows:

Sec. 1401. *Reservations.* (a) Making and issuing notes to the Secretary of the Treasury for the purposes of the Agricultural Credit Insurance Fund as authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1929), and Title V of the Housing Act of 1949 (42 U.S.C. 1484, 1485 (b)), and requesting advances of funds evidenced by said notes and any similar notes executed under prior authorities (including 7 U.S.C. 1005b(j), 1005c(b), 1006e(a), 16 U.S.C. 590x-3(d)); where such notes or requests for advances thereunder would cause the aggregate outstanding unpaid principal balances thereon to exceed $135,000,000, or to exceed $25,000,000 thereof for domestic farm labor housing, or $10,000,000 thereof for rental housing for elderly persons and families.

Done at Washington, D.C., this 6th day of February 1964.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 64-1429; Filed, Feb. 12, 1964; 8:48 a.m.]

COLORADO AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the herinafter-named counties in the States of Colorado and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Alamosa.	Rio Grande.
Conejos.	Saguache.
Costilla.	

NORTH DAKOTA

McKenzie.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 7th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1430; Filed, Feb. 12, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E-20459]

JOINT CONFERENCE OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of February 1964.

An agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17022, R-10.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590a—Specific Commodity Rates.

The agreement, adopted pursuant to unprotested notices to the carriers, names an additional specific commodity rate as follows:

Item 2102—Cloth exclusively in bales, bolts or pieces not further processed or manufactured.
Rate: 152 cents per kilogram, minimum weight 500 kilograms, from Bombay, Calcutta, Delhi, and Madras to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17022, R-10, is approved: *Provided,* That such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1442; Filed, Feb. 12, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15331]

U.S. COAST GUARD AUXILIARY DIVISION XX

Order To Show Cause

In the matter of U.S. Coast Guard Auxiliary Division XX Denver, Colorado, Docket No. 15331; order to show cause why there should not be revoked the license for Radio Station 15W2126 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to section 308(b) of the Communications Act of 1934, as amended, the above-named licensee was requested to furnish information concerning the subject radio station in communications dated April 3, May 29, and June 27, 1963, and sent to the licensee's address of record, but no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated section 308(b) of the Communications Act of 1934, as amended, and § 1.76 (now § 1.89) of the Commission's rules;

It is ordered, This 7th day of February 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at the address of record at Room 100, Old Customs House, Denver, Colorado.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1453; Filed, Feb. 12, 1964; 8:50 a.m.]

[Docket No. 15317; FCC 64-85]

CHARLES L. HAMILTON, SR., AND MILDRED B. HAMILTON (KBAB)

Order Designating Application for Hearing on Stated Issues

In re application of Charles L. Hamilton, Sr. and Mildred B. Hamilton (KBAB) Indianola, Iowa, Docket No. 15317, File No. BMP-10047; has 1490 kc, 100 w, U, Class IV, requests 1490 kc, 250 w, 500 w-LS, U, Class IV, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission having under consideration the above-captioned and described application; a petition to deny the application, filed by Western Broadcasting Company, Inc., licensee of standard broadcast station KRIB, Mason City, Iowa; and other documents subsequent and related thereto;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. According to data submitted by the applicant, its proposal would cause daytime interference within the service area of Station KLEE, Ottumwa, Iowa, involving 2,091 persons, and would cause interference within the daytime service area of Station KRIB, Mason City, Iowa, involving 5,652 persons. On August 24, 1963, Western Broadcasting Company, Inc., licensee of Station KRIB, filed a Petition to Deny this application on the basis that the loss of service due to the indicated interference would not be in the public interest.

2. The amount of population lost due to interference received daytime raises a question as to whether KBAB is adequately separated from co-channel stations for operation with increased nighttime power as proposed. The intent of our rules is that this question be resolved on the basis of whether the degree of interference received daytime would be excessive pursuant to § 73.28(d)(3) assuming that Station KBAB and all co-channel stations operate daytime with power not exceeding 250 watts and utilize nondirectional antennas. Issue No. 3, infra, is to be construed in light of the foregoing conditions.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KBAB and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Station KBAB would cause objectionable daytime interference to Stations KLEE, Ottumwa, Iowa and KRIB, Mason, City, Iowa, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing stations would affect more than 10 percent of the population within the normally protected daytime primary service area (250w) in contravention of § 73.28(d)(3) of the rules, and, if so, whether circumstances exist which would warrant a waiver of this section to permit the proposed increase in nighttime power.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, with respect to all of the issues set forth above, the burden of proceeding with the introduction of evidence and the burden of proof shall be on the applicant.

It is further ordered, That, the Petition to Deny filed by Western Broadcasting Company, Inc., as amended is granted to the extent indicated herein and is denied in all other respects.

It is further ordered, That, WPFA Radio, Inc., and Western Broadcasting Company, Inc., licensees of Stations KLEE and KRIB, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Permittee shall accept such interference as may be imposed by other existing 100 or 250 watt Class IV stations in the event they are subsequently authorized to increase power, respectively, to 500 watts or 1 kilowatt.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1447; Filed, Feb. 12, 1964; 8:49 a.m.]

[Docket Nos. 14597, 15203; FCC 64R-64]

KWEN BROADCASTING CO. AND WOODLAND BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Felix Joynt and James Joynt, d/b as KWEN Broadcasting Company, Port Arthur, Texas, Docket No. 14597, File No. BP-13627; Woodland Broadcasting Company, Inc., Vidor, Texas, Docket No. 15203, File No. BP-15973; for construction permits.

1. The Board has before it a petition to delete an issue and a petition for enlargement of issues, both filed on November 21, 1963, by KWEN Broadcasting Company (KWEN); a petition to delete an issue, filed on the same date by Woodland Broadcasting Company, Inc. (Woodland); and other related pleadings timely filed.

KWEN's petition to delete an issue. 2. KWEN requests deletion of the following issue:

> 2. To determine whether a grant of the instant proposal of KWEN Broadcasting Company would be in contravention of § 73.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations.

In support of its request, which is unopposed, KWEN points out that originally its application was designated for consolidated hearing with that of Vidor Broadcasting Co., Inc.[1] Because Felix and James Joynt, co-owners of KWEN, owned Station KWLD, Liberty, Texas, and a grant of the KWEN application would have involved an overlap of the 0.5 mv/m contours, a § 73.35(a) issue was included. Thereafter, the Vidor application was dismissed,[2] and the KWEN application designated for hearing with the Woodland application, filed pursuant to § 1.525(b)(4) of the rules.[3] The overlap issue was carried forward notwithstanding the fact that in March 1962, KWEN amended its original application to show that the Joynts had disposed of their interest in Station KWLD.[4] Thus, the Commission inadvertently designated this issue on the basis of a misapprehension of the current facts. The issue will therefore be deleted.

[1] Memorandum Opinion and Order, released April 12, 1962 (FCC 62-393).

[2] Memorandum Opinion and Order released August 30, 1963 (FCC 63R-403).

[3] Memorandum Opinion and Order released October 29, 1963 (FCC 63-965).

[4] See application BAL-4449, granted March 15, 1962.

KWEN's petition to enlarge issues. 3. KWEN seeks the addition of the following issues:

1. To determine whether the operation proposed by Woodland Broadcasting Company is in violation of §§ 73.24(h) and 73.187 of the Commission's rules.

2. To determine whether Woodland Broadcasting Company is financially qualified to construct and operate the station proposed.

3. To determine whether adequate revenues are available to Woodland to support its proposed station economically.

The request for Issue 1, supra, is based on a calculation of maximum permissible radiation of signal from Vidor, Texas, toward Station WLAC at Nashville, Tennessee. According to petitioner, Woodland may radiate a signal of 181.7 mv/m on the azimuth of 46°; whereas Woodland proposes to radiate a signal of 182.5 mv/m. Petitioner thus argues that Woodland would violate the Commission's rules. The Bureau in its opposition points out that the magnitude of the violation is a fraction of one millivolt and is marginal, and that if the strength of the signal were to be reduced to 180 mv/m, coverage of Woodland would be virtually unaffected. Woodland in its opposition does not dispute petitioner's contention but urges that in the event of a grant of its application, a conditional clause be appended to the construction permit.

4. The Board is of the view that no useful purpose would be served to include the requested issue concerning the violation of the provisions of §§ 73.24(h) and 73.187 of the rules. Thus, the request to add this issue will be denied. However, in the event the Woodland application is approved, a conditional clause will be incorporated into the construction permit limiting the signal to be radiated by Woodland to 180 mv/m at one mile.

5. Issue 2, supra, seeks a determination of Woodland's financial qualifications. Woodland relies on available funds of $41,956 to cover the cost of construction and initial operation. KWEN questions three of the sources of these funds: $1,000 of existing capital; $5,000 of new capital; and $25,000 of loans from banks or others.[5] First, KWEN alleges that Woodland's balance sheet (Exhibit 3A) does not show $1,000 of current assets over current liabilities; that Woodland is now operating at a loss; and that this information was concealed by showing the net income of Woodland's stockholders in Exhibit 3B instead of the net income of Woodland itself as the application requires. Second, KWEN asserts that Jerry Johnson and Gerald R. Proctor have each subscribed to purchase 250 shares of stock at $10 per share; that this is the $5,000 of new capital Woodland relies on; and that the financial statements of Johnson and Proctor do not show how they can meet their respective $2,500 commitments. Third, KWEN states that the $25,000 loan is represented by a letter from the American National Bank of Beaumont (Exhibit 4); that the letter says the obligation must be personally endorsed by Johnson and Proctor and secured by stocks; that the value of both men's stock is only $19,000; and that the application nowhere shows whether Johnson knows or has agreed to endorse the note and pledge his stocks. Woodland and the Broadcast Bureau oppose the addition of this issue. Woodland's sole substantive rebuttal is that $1,000 was paid to its Washington attorneys in August, 1963. The Bureau disagrees with KWEN's interpretation of the existing facts and asserts that no new facts have been alleged.

6. As far as the $1,000 existing capital is concerned, Woodland's balance sheet does not show the ready availability of $1,000, but Woodland has already produced this sum, although the source of the money is not shown. The $5,000 commitment from Johnson and Proctor is in some doubt. Johnson is fully capable of paying his $2,500, but Proctor's financial condition is not shown to be liquid enough. His current liabilities are greater than his cash by $714 and the only other current asset is $3,100 of notes receivable which are not identified or shown to be liquid. Lastly, KWEN's assertion that Johnson and Proctor do not have enough stocks to secure the $25,000 bank loan is merely an indulgence in supposition. The bank only requests the loan to be "secured to this bank's satisfaction." The possibility of insufficient security, standing alone, does not form a basis for doubting the source.[6] Thus, of Woodland's proposed $41,956 of funds, a maximum of $3,500 is put in doubt by KWEN. In view of the fact that Woodland's cost of construction and initial operation is $35,389.35, which is more than $5,500 less than available funds, KWEN's request for a financial qualifications issue will be denied.

7. KWEN's last request is to add an issue to inquire into the adequacy of revenues available to Woodland. The basis for this allegation is that Woodland's designated community, Vidor, Texas, is a small unincorporated area for which no wholesale and retail data has been published; that Woodland has no business experience in Vidor "that would lend credence" to its estimate of $50,000 of revenue in the first year of operation; and that Woodland should therefore have to show that its estimate is realistic.

8. As the Broadcast Bureau points out, KWEN has put forward no factual allegations to support its assertion. The Commission has accepted Woodland's estimate, and KWEN has shown no reason to rule otherwise. Therefore, the issue will not be added.

Woodland's petition to delete an issue. 9. Woodland seeks deletion of the following issue:

> 3. To determine the manner in which the application of the Woodland Broadcasting Company was prepared, whether information and exhibits therein are accurate and whether the method employed in the preparation of the application reflects adversely on the qualifications of the Woodland Broadcasting Company or any of its principals.

10. The issue was designated initially by the Commission on the basis of a letter from J. G. Rountree, the engineer for Vidor Broadcasting Co., Inc., the dismissed applicant, supra.[7] Woodland asserts that the issue should not have been included, contending essentially that Rountree has no legal standing since as a result of the dismissal of the Vidor application, he can claim neither an interference nor an economic interest sufficient to constitute him a party in interest; that he did not comply with the Commission requirements in order to be so designated; that in any event, his complaint is merely in the form of a signed letter not verified in accordance with the Commission requirements as set forth in § 1.52 of the rules; and that in the final analysis, the fact that Woodland may have used Rountree's exhibits does not violate any law or rule, and any such use should not reflect on Woodland's qualifications as a licensee.

11. As is evident from Woodland's allegations, which are summarized in the preceding paragraph, Woodland does not contend that the issue in question was designated as a consequence of a mistake of fact. Instead, it argues legal and policy considerations. Such considerations do not support a request for the deletion of a hearing issue.[8]

Accordingly, it is ordered, This 6th day of February 1964, That the petition to delete an issue, filed November 21, 1963, by KWEN Broadcasting Company, is granted; and that Issue No. 2 in the Order of Designation (FCC 63-985 is deleted; and

It is further ordered, That the petition to enlarge issues, filed November 21, 1963, by KWEN Broadcasting Company is denied; however, in the event of a grant of the application of Woodland Broadcasting Company, Inc., the construction permit shall contain a condition that the signal to be radiated from the station authorized under the said permit shall not exceed 180 mv/m at one mile; and

It is further ordered, That the petition to delete an issue, filed November 21, 1963,

[5] Woodland's other $10,956 will come from credit and deferred payments.

[6] See United Electronics Laboratories, Inc., FCC 60-484, 20 RR 21 (1960).

[7] "It further appearing, That, by letter of July 18, 1963, J. G. Rountree, consulting engineer of Austin, Texas, who prepared the engineering portion of the application of the Vidor Broadcasting Company, Inc., alleged that Gerald R. Proctor, president and principal stockholder of the Woodland Broadcasting Company, has plagiarized certain exhibits prepared by Rountree for the Vidor application and used said exhibits in support of the Woodland application, and challenges the accuracy of certain exhibits; that Woodland has not denied the allegations of Rountree; that therefore, an issue will be included to permit a determination in the hearing ordered below of the manner in which the application of the Woodland Broadcasting Company was prepared, whether information and exhibits therein are accurate, and whether the method employed in the preparation of the application reflects adversely on the qualifications of the Woodland Broadcasting Company or any of its principals;"

[8] Veterans Broadcasting Co., Inc., FCC 62-131, 22 RR 949 (1962).

by Woodland Broadcasting Company, Inc., is denied.

Released: February 7, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F. R. Doc. 64-1448; Filed, Feb. 12, 1964; 8:49 a.m.]

[Docket No. 15198; FCC 64M-109]

LAKE VALLEY BROADCASTERS, INC.

Order Regarding Procedural Dates

In re application of Lake Valley Broadcasters, Inc., Crystal Lake, Illinois, Docket No. 15193, File No. BP-15509; for construction permit.

On the basis of discussions held at the hearing conference today: *It is ordered*, This 7th day of February 1964, that further hearing will be held in this proceeding beginning March 25, 1964, in Washington, D.C., and that the following dates shall govern the preparation for hearing: February 21 for the exchange of applicants' written material; March 16, for the exchange of rebuttal written material. *It is further ordered*, That additional signal strength measurements, to be useable by any party for any purpose in this proceeding, will have to be taken and exchanged with the other parties no later than March 16.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1449; Filed, Feb. 12, 1964; 8:49 a.m.]

[Docket Nos. 15319, 15320; FCC 64-87]

MARIETTA BROADCASTING CO., INC. (WBIE) AND COBB COUNTY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Marietta Broadcasting Company, Inc. (WBIT), Marietta, Georgia, Docket No. 15319, File No. BP-15405, has 1050 kc, 500 w, Day, Class II, requests 1080 kc, 10 kw, DA-Day, Class II; Sheridan W. Pruett and Charles M. Erhard, Jr., d/b as Cobb County Broadcasting Company, Marietta, Georgia, Docket No. 15320, File No. BP-15443, requests 1090 kc, 1 kw, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964.

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate as proposed; that Marietta Broadcasting Company, Inc., is financially qualified, but that it cannot be determined whether Cobb County Broadcasting Company is financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The proposals are mutually exclusive.

2. It cannot be determined whether Sheridan W. Pruett and Charles M. Erhard, Jr., will have sufficient funds available to construct and meet initial operating expenses (for a three-month period) of the proposed facility. Commission records disclose that Pruett and Erhard have commitments in addition to the subject application which will require cash expenditures. One commitment is to expend $20,250 for the construction of a new standard broadcast facility at Sutton, West Virginia (BP-15201). (Granted July 24, 1963.) The other is to spend $13,250 for a power increase of Station WPME, Punxsutawney, Pennsylvania (BP-14022, Docket No. 14634, granted April 11, 1963). If these commitments are fulfilled, it would appear that Pruett's and Erhard's cash resources will be reduced to an amount insufficient to meet the needs of their proposed operation. Under these circumstances, it cannot be determined that Cobb County Broadcasting Company is financially qualified.

3. The aerial site photograph submitted with the Cobb County Broadcasting Company proposal is not sufficiently clear and does not show sufficient detail to permit a determination as to whether the proposed site is satisfactory.

It further appearing, that, Cobb County Broadcasting Company indicates that on the basis of a soil conductivity value of 2 mmhos/m, as indicated by Figure M-3 of the rules, the proposed 25 mv/m contour will cover the business district of Marietta, Georgia; but, that, no field intensity measurement data have been submitted to establish that the conductivity over the relatively short path involved is essentially the same as indicated by Figure M-3; and, that, Commission study indicates 25 mv/m coverage of the business area as required by § 73.188(b)(1) of the rules would not be achieved if the conductivity should be only slightly lower than the Figure M-3 value of 2 mmhos/m; and

It further appearing that a substantial question exists as to whether the proposal of Marietta Broadcasting Company, Inc., is designed to serve principally Atlanta, Georgia and its urbanized area, rather than Marietta, Georgia, and that this should be explored under Issue No. 6; and

It further appearing, that, in the event of a grant of the proposal of the Cobb County Broadcasting Company, the construction permit shall be conditioned on acceptance of interference that may result from a subsequent grant of the application of the Carroll Broadcasting Company (BP-12545), Carrollton, Georgia; and

It further appearing, that, in the event of a grant of the proposal of the Marietta Broadcasting Company, Inc., the construction permit shall be conditioned on acceptance of interference that may result from a subsequent grant of the application of WFLI, Inc. (BMP-8439), Lookout Mountain, Tennessee; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Cobb County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WBIE and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Cobb County Broadcasting Company will provide coverage of the city sought to be served as required by § 73.188(b)(1) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether Sheridan W. Pruett and Charles M. Erhard, Jr. are financially qualified to construct and operate their proposed station.

5. To determine whether the transmitter site proposed by Cobb County Broadcasting Company is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programing services proposed in each of the applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, any grant of the proposals in this proceeding, prior to a final decision in Docket No. 14419, will be conditioned as follows:

Pending a final Decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of Cobb County Broadcasting Company, the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the Carroll Broadcasting Company application (BP-12545), Carrollton, Georgia.

It is further ordered, That, in the event of a grant of the application of the Marietta Broadcasting Company, Inc., the construction permit shall contain a condition that the permittee shall accept any interference that may result in the event of a subsequent grant of the application of WFLI, Inc. (BMP-8439), Lookout Mountain, Tennessee.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R Doc. 64-1450; Filed, Feb. 12, 1964; 8:49 a.m.]

[Docket No. 15318; FCC 64-86]

MIDDLESEX BROADCASTING CO. (WCNX)

Order Designating Application for Hearing on Stated Issues

In re application of The Middlesex Broadcasting Company (WCNX), Middletown, Connecticut, Docket No. 15318, File No. BP-14055, has 1150 kc, 500 w, Day, requests 1150 kc, 1 kw, Day, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate Station WCNX as proposed but that the proposed operation of WCNX would cause interference to Station WCOP, Boston, Massachusetts (1150 kc, 5 kw, DA-2, U); and

It further appearing, that, by letter of October 24, 1960, the licensee of Station WCOP requested that the WCNX application be designated for hearing; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCNX and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WCNX would cause objectionable interference to Station WCOP, Boston, Massachusetts, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the Plough Broadcasting Company, Inc., licensee of Station WCOP, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221 (c) and (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further order, That the applicant herein, shall, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1451; Filed, Feb. 12, 1964; 8:50 a.m.]

[Docket No. 15321; FCC 64-92]

PEPINO BROADCASTERS, INC.

Order Designating Application for Hearing on Stated Issues

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 5th day of February 1964;

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File No. BP-14253, requests 1460kc, 500w, U, for construction permit.

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate the proposed station but that Felix Bonnet Velez, an officer, director and 25 percent stockholder of the applicant corporation, also has a one-third interest in the licensee of standard broadcast Station WNIK, Arecibo, Puerto Rico; and that the proposed station would serve a portion of the service area of WNIK which appears to be substantial within the meaning of § 73.35(a) of the Commission's rules on multiple ownership; and

It further appearing that the Commission is unable, on the basis of the information before it, to determine that a grant of the instant application would serve the public interest, convenience and necessity and is of the opinion that the application must be designated for hearing to determine whether a grant of the application would be in contravention of § 73.35(a) of the Commission's rules and that in reaching this

[1] Dissenting Statement of Robert T. Bartley filed as part of original document.

determination it is appropriate to consider the size, extent and location of (e) of the Commission's rules, in person or by an attorney, shall, within twenty the areas served; the extent of the overlap involved; the number of persons residing within the overlap area; the classes of stations involved; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 73.35(a) of the Commission's rules.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal would be in contravention of the provisions of § 73.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1452; Filed, Feb. 12, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. CP63-12, CP63-13]

MISSISSIPPI RIVER TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

Notice of Date of Hearing

FEBRUARY 7, 1964.

On November 16, 1962, the Commission issued a notice consolidating the above-captioned applications and setting a date for formal hearing. On March 12, 1963, upon request of the Applicants, the Commission issued a notice of continuance of the date for formal hearing until further notice.

Take notice that a hearing will be held on March 2, 1964, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1426; Filed, Feb. 12, 1964; 8:48 a.m.]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

Order Postponing Hearing

FEBRUARY 6, 1964.

Pursuant to the Commission's order issued December 27, 1963, a prehearing conference was held in San Francisco, California, in the above-entitled proceedings. The Presiding Hearing Examiner's report issued January 17, 1964, states that he had ordered the following schedule over the objection of the parties who requested a longer extension of time:

1. Service of the prepared direct testimony of each of the parties to be served on or before March 16, 1964.

2. Commencement of the hearing on March 31, 1964.

3. All motions to strike and objection to the testimony to be filed in writing with the Presiding Examiner on or before March 25, 1964.

The Presiding Examiner also reported that progress was made toward resolution of the issues by agreement. By allowing more than 30 days extension of time the parties are given the opportunity to further explore ways and means of coming to an agreement, which would avoid the necessity of a hearing.

The Commission finds. It is in the public interest to postpone the hearing to March 31, 1964.

The Commission orders. The action of the Presiding Examiner postponing the the hearing to March 31, 1964, in this proceeding is approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1427; Filed, Feb. 12, 1964; 8:48 a.m.]

[Docket No. RI64-587 etc.]

W. P. CARR ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 5, 1964.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-587	W. P. Carr, 6700 Forest Lane, Dallas 30, Tex.	2	12	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	$1,930	1-13-64	[3] 2-13-64	7-13-64	[4] [5] 13.2295	[4] [6] 14.2486	RI-64-382
RI64-588	International Oil & Gas Corp., 826 Petroleum Club Building, Denver, Colo., 80202.	1	4	El Paso Natural Gas Co. (Aztec and South Blanco Pictured Cliffs, Blanco Mesa Verde and Basin Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	572	1- 6-64	[3] 2- 6-64	----------	[7] 11.0	[7] [8] 12.0495	----------
	Do			do	409	1- 6-64	[3] 2- 6-64	7- 6-64	[5] [9] 13.0	[6] [9] 14.0	----------
	Do			do	555	1- 6-64	[3] 2- 6-64	7- 6-64	[5] [9] 13.0 10.7008	[6] [9] 14.0 11.7199	----------
RI64-589	Phillips Petroleum Co., Bartlesville, Okla. Attn: Mr. W. B. Gant.	89	11	Northern Natural Gas Co. (Jal Field, Lea County, N. Mex.) (Permian Basin Area).	4,760	1-13-64	[3] 2-13-64	7-13-64	[10] 14.65	[11] 15.65	----------

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-474	H. H. Phillips, et al., Milam Building, San Antonio, Tex.	1	[12] 1 to 3	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex.) (San Juan Basin Area and La Plata and Archuleta Counties, Colo.).	$27	1-13-64	2-13-64	[12] 6- 2-64	[4] 12.0	[3] [4] 14.0	----------
RI64-590	Schermerhorn Oil Corp. (Operator), et al., P.O. Box 237 Tulsa, Okla.	6	2	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	284	1-16-64	[13] 2-16-64	7-16-64	[14] 10.5	[4] [14] [15] 11.7118	----------
RI64-591	Standard Oil Co. of Texas, a Division of California Oil Co., P.O. Box 1249, Houston, Tex., 77001. Attn: Mr. C. W. Procter.	37	3	El Paso Natural Gas Co. (Bisti Lower Gallup Field, East Bisti Unit, San Juan County, N. Mex.) (San Juan Basin Area).	1,852	1-13-64	[13] 2-13-64	7-13-64	[4] 13.2486	[3] [4] 14.2678	RI64-60
	Standard Oil Co. of Texas, a Division of California Oil Company.	45	2	Valley Gas Transmission, Inc. (East Alta Mesa Field, Brooks County, Tex.) (R.R. Dis. No. 4).	1,347	1-13-64	[13] 2-13-64	7-13-64	[16] 14.0	[3] [16] [17] 15.0	----------
RI-64-592	Nor-Mac-Burns Co. P.O. Box 266, Torrance, Calif.	1	3	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Oklahoma-Panhandle Area).	[18] 135	1-20-64	[13] 2- 1-64	8- 1-64	[19] 16.0	[20] [21] [22] 17.0	G-17293
RI64-593	MacDonald, Burns and Norris No. 2, P.O. Box 266, Torrance, Calif.	1	3	do	[18] 2,259	1-20-64	[13] 2- 1-64	8- 1-64	[20] 16.0	[20] [21] [22] 17.0	G-17292
RI64-594	Northern Pump Co., Agent (Operator), et al., Columbia Heights Post Office, Minneapolis 21, Minn.	36	3	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	474	1-16-64	[13] 2-16-64	7-16-64	[23] 11.0	[20] [21] [23] 13.5	----------
RI64-595	John B. Hawley, Jr., c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	3	4	Colorado Interstate Gas Co. (Hugoton Field, Grant County, Kans.).	2,114	1-15-64	[13] 2-15-64	7-15-64	[23] 12.5	[3] [21] [23] 13.5	G-18101
RI64-596	G. A. Kane, c/o Northern Pump Co., Columbia Heights Post Office, Minneapolis 21, Minn.	2	4	Colorado Interstate Gas Co. (Hugoton Field, Haskell and Seward Counties, Kans.).	142	1-15-64	[13] 2-15-64	7-15-64	[23] 12.5	[3] [21] [23] 13.5	G-18105
RI64-597	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	177	1	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	45	1-17-64	[3] 2-17-64	7-17-64	[23] 12.5	[3] [21] [23] 13.5	----------
RI64-598	Helmerich & Payne, Inc. (Operator), et al., Utica at 21st Street, Tulsa, Okla.	19	16	Colorado Interstate Gas Co. (Hugoton Field, Kans.).	93,650	1-20-64	[13] 2-20-64	7-20-64	[23] 11.5	[20] [21] [23] 13.5	----------
RI64-599	Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex., 77001.	170	2	Transcontinental Gas Pipe Line Corp. (San Miguel Creek and Dilworth Fields, McMullen County, Tex.) (R.R. Dist. No. 1).	32,365	1-13-64	[13] 3-10-64	8-10-64	[10] 14.1800	[3] [10] [15] 15.2025	----------
RI64-600	The Atlantic Refining Co., P.O. Box 2819, Dallas, Tex., 75221.	32	8	Tennessee Gas Transmission Co. (South Hyatt Field, Tyler County, Tex.) (R.R. Dist. No. 3).	4,969	1-20-64	[3] 2-20-64	7-20-64	[20] [24] 16.16947	[14] [17] [20] [24] 19.33333	G-17121
	The Atlantic Refining Co.	124	5	Tennessee Gas Transmission Co. (Magnet-Withers Field, Wharton County, Tex.) (R.R. Dist. No. 3).	17,505	1-20-64	[3] 2-20-64	7-20-64	[20] 16.16947	[14] [17] [20] [24] 19.33333	G-17291
	The Atlantic Refining Co.	162	3	Tennessee Gas Transmission Co. (Cologne Field, Victoria County, Tex.) (R.R. Dist. No. 2).	1,948	1-20-64	[3] 2-20-64	7-20-64	[20] [24] 15.33333	[14] [17] [20] [24] 18.0	G-17365

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[7] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[8] For gas produced from Pictured Cliffs Formation.
[9] For gas produced from Mesa Verde Formation.
[10] For gas produced from Dakota Formation.
[11] Termination date of suspension period in Docket No. RI64-474.
[12] Adds remaining "et al" party to previous Notice of Change (Supplement No. 3).
[13] Effective date requested by Respondent.
[14] Pressure base is 14.65 psia.
[15] Subject to reduction of 0.4875 cent per Mcf for compression of low pressure gas (below 600 psig.).
[16] Subject to downward Btu adjustment below 1,000 Btu's.
[17] As shown by filing.
[18] Renegotiated rate increase.
[19] Subject to upward and downward Btu adjustment based on 1,000 Btu's (net rate is 12.592 cents per Mcf before increase and 13.379 cents per Mcf after increase for 787 Btu gas, shown in filing).
[20] Subject to upward and downward Btu adjustment based on 1,000 Btu (net rate is 12.704 cents per Mcf before increase and 13.498 cents per Mcf after increase for 794 Btu gas, shown in filing).
[21] Subject to downward Btu adjustment based on 950 Btu (net rate is 9.10105 cents per Mcf before increase and 11.16947 cents per Mcf after increase for 786 Btu gas, shown in filing).
[22] Two-step periodic rate increase.
[23] Subject to downward Btu adjustment.
[24] Subject to downward Btu adjustment based on 950 Btu (net rate is 10.5263 cents per Mcf before increase and 11.3684 cents per Mcf after increase for 800 Btu gas, shown in filing).
[25] Favored-nation rate increase.
[26] Subject to upward and downward Btu adjustment based on 1,000 Btu (net rate is 11.247 cents per Mcf before increase and 13.203 cents per Mcf after increased based on 978 Btu gas, shown in filing).
[27] Redetermined rate increase.
[28] Rates subject to deduction of buyer's system-wide charge of 0.21931 cent per Mcf for non-dehydrated gas.
[29] Non-dehydrated gas delivered by buyer.
[30] Rate includes a dehydration allowance of 0.21931 cent paid by buyer for dehydrated gas delivered by seller.

W. P. Carr (Carr), H. H. Phillips, et al., Sunray DX Oil Company and The Atlantic Refining Company request an effective date of January 1, 1964, for their proposed rate increases. International Oil & Gas Corporation requests an effective date of February 1, 1964, and Phillips Petroleum Company requests a retroactive effective date of December 1, 1963, for their proposed rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increases of Carr and the Standard Oil Company of Texas, a Division of California Oil Company (Standard) (Supplement No. 3 to Standard's FPC Gas Rate Schedule No. 37), reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was in-

creased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso), has protested these producers' rate filings. El Paso questions the right of Carr and Standard under their tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein with respect to Carr and Standard's rate filings shall concern themselves with the contractual basis of the proposed rate increases.

With respect to the rate increases filed by Phillips Petroleum Company and Schermerhorn Oil Corporation (Operator), et al., the gas is sour and must be processed for removal of excess sulphur. The proposed rates already exceed the Permian Basin Area ceiling for increased rates and the addition of the sweetening costs amounts to a further excess over the ceiling price.

The rate filing of H. H. Phillips, et al. (Phillips), was submitted to replace a previous filing which did not include the interests of the "et al." parties. The instant filing includes such interests. The previous filing submitted on December 2, 1963, was suspended by the Commission's order issued December 26, 1963, in Docket No. RI64-474 until June 2, 1964. We believe it to be in the public interest to permit Phillips to substitute the instant rate filing of January 13, 1964, for the rate filing of December 2, 1963, now under suspension in Docket No. RI64-474. Under the circumstances, the suspension period for Phillips' rate filing may be shortened to terminate concurrently with the suspension period (June 2, 1964) in said docket.

International Oil & Gas Corporation's (International) proposed rate increase, from 11.0 cents per Mcf to 12.0495 cents, for gas produced from the Pictured Cliffs Formation is below the ceiling for increased rates in the San Juan Basin Area and should be accepted for filing as hereinafter ordered to be effective as of February 6, 1964.

With the exception of the increased rate filed by International for gas produced from the Pictured Cliffs Formation, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the 12.0495 cents per Mcf rate contained in Supplement No. 4 to International's FPC Gas Rate Schedule No. 1 should be accepted for filing and permitted to become effective as of February 6, 1964, the date of expiration of the required statutory notice.

(2) Except for the increased rate set forth in (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis of Carr and Standard's proposed rate filings which El Paso has protested, as set forth above, as well as the statutory lawfulness of all of the producers' rate filings, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The 12.0495 cents per Mcf rate contained in Supplement No. 4 to International's FPC Gas Rate Schedule No. 1 is hereby accepted for filing and permitted to become effective as of February 6, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of the proposed rate filings of Carr and Standard (Supplement No. 3 to Standard's FPC Gas Rate Schedule No. 37) which El Paso has protested, and the statutory lawfulness of the producers' proposed increased rates and charges contained in the above-designated supplements, with the exception of the increased rate set forth in paragraph (A) above.

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(D) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 25, 1964.

By the Commission. Commissioner Woodward not participating in the suspension of the filings in Docket No. RI64-588, International Oil & Gas Corporation and in Docket No. RI64-474, H. H. Phillips, et al.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1358; Filed, Feb. 12, 1964; 8:45 a.m.]

[Docket No. CP64-18]

PANHANDLE EASTERN PIPE LINE CO.

Notice Fixing Date of Hearing

FEBRUARY 6, 1964.

Take notice that the hearing in the above-entitled proceeding scheduled by notice issued September 4, 1963, and published in the FEDERAL REGISTER on September 11, 1963 (28 F.R. 9891), to be held in Washington, D.C., on October 3, 1963, and postponed to a date to be later fixed by notice issued September 30, 1963, and published in the FEDERAL REGISTER on October 5, 1963 (28 F.R. 10760), is hereby scheduled to commence in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on March 17, 1964, at 10:00 a.m., e.s.t.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1426; Filed, Feb. 12, 1964; 8:48 a.m.]

[Docket No. G-10995 etc.]

SKELLY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 4, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 2, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-10995 C 1-22-64	Skelly Oil Co.	El Paso Natural Gas Co., Anderson "B" Unit, Rio Arriba County, N. Mex.	13.0	15.025
G-17353 E 1-22-64	George L. Buckles (successor to A. E. Eppenauer, Operator).	El Paso Natural Gas Co., acreage in Southeast Lea County, N. Mex.	6.5	14.65
CI61-894 E 1-22-64	Pigott Oil & Gas Co. (successor to Wayne No. 1).	Equitable Gas Co., Central Dist., Doddridge County, W. Va.	25.0	15.325
CI61-1102 C 1-29-64	Sun Oil Co. (Mid-Continent Division).	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	15.0	14.65
CI62-1554 [1] 11-26-63	Moran Bros., Inc. (Operator), et al. (formerly Frank Storm Associates (Operator), et al.).	El Paso Natural Gas Co., acreage in Gray County, Tex.	12.0	14.65
CI64-91 C 1-29-64	Petroleum Promotions, Inc.	Hope Natural Gas Co., Freemans Creek Dist., Lewis County, W. Va.	25.0	15.325
CI64-302 C 1-23-64	Joseph E. Seagram & Sons, Inc. (Operator), et al.	Phillips Petroleum Co., South King Mountain Field, Upton County, Tex.	12.0	14.65
CI64-531 A 1-23-64	Tarpon Management Co. (Operator).	Trunkline Gas Co., acreage in Hidalgo County, Tex.	12.696	14.65
CI64-532 B 1-23-64	Associated Oil & Gas Co.	Trunkline Gas Co., Salem Field, Victoria County, Tex.	(?)	
CI64-533 B 1-23-64	do.	Banquete Gas Co., Spartan Field, San Patricio County, Tex.	(?)	
CI64-534 A 1-23-64	Union Oil Co. of California.	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	15.0	14.65
CI64-535 A 1-23-64	Sunray DX Oil Co.	do.	15.0	14.65
CI64-536 A 1-24-64	The Superior Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Hamilton County, Kans.	12.5	14.65
CI64-537 A 1-24-64	The Atlantic Refining Co.	South Texas Natural Gas Gathering Co., Schmidt Field, Hidalgo County, Tex.	16.0	14.65
CI64-538 A 1-24-64	Paul M. Haygood.	Northern Natural Gas Co., acreage in Ochiltree and Lipscomb Counties, Tex.	17.0	14.65
CI64-539 B 1-13-64	Amerada Petroleum Corp.	Cities Service Gas Co., acreage in Barber County, Kans.	(?)	
CI64-540 A 1-28-64	Tomco Oil Co.	Amata Gas Corp., Morales Field, Jackson County, Tex.	11.0	14.65
CI64-541 A 1-27-64	St. Clair Oil Co.	Equitable Gas Co., Collins Settlement and Skin Creek Dists., Lewis County, W. Va.	25.0	15.325
CI64-543 A 1-27-64	Union Oil Co. of California.	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	17.0	14.65
CI64-544 A 1-27-64	John Franks (Operator), et al.	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	16.0	15.025
CI64-545 B 1-27-64	Producing Properties, Inc. (Operator), et al.	Texas Eastern Transmission Corp., Jennie Bell Field, DeWitt County, Tex.	(?)	
CI64-546 B 1-27-64	Sinclair Oil & Gas Co.	Cities Service Gas Co., Guymon-Hugoton Field, Beaver County, Okla.	(?)	
CI64-547 A 1-29-64	Southwest Petroleum Management Corp. (Operator).	Texas Eastern Transmission Corp., East Melrose Field and West Weesatche Field, Goliad County, Tex.	12.0	14.65
CI64-548 A 1-28-64	Roscoe Dingess, Jr.	United Fuel Gas Co., Duval Dist., Lincoln County, W. Va.	22.0	15.325
CI64-549 A 1-29-64	C. L. Kingsbury, et al.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
CI64-550 A 1-29-64	Reed Gas Co.	Hope Natural Gas Co., Union Dist., Clay County, W. Va.	25.0	15.325
CI64-551 A 1-29-64	Mutual Oil Company, et al.	Hope Natural Gas Co., Clay Dist., Harrison County, W. Va.	25.0	15.325
CI64-552 A 1-29-64	Keillor & Clark.	Hope Natural Gas Co., DeKalb Dist., Gilmer County, W. Va.	25.0	15.325
CI64-553 A 1-29-64	J. C. Baker Oil & Gas Co.	Hope Natural Gas Co., Murphy Dist., Ritchie County, W. Va.	25.0	15.325
CI64-554 A 1-29-64	Allen & Co.	Hope Natural Gas Co., Washington Dist., Calhoun County, W. Va.	25.0	15.325
CI64-555 A 1-29-64	M. & R. Producing Co.	Hope Natural Gas Co., Spencer Dist., Roane County, W. Va.	25.0	15.325
CI64-556 A 1-28-64	Hadal Oil & Gas Corp. (Successor to The Pure Oil Company) (Partial Succession).	United Fuel Gas Co., acreage in Clay County, W. Va.	16.0	15.325
CI64-557 A 1-29-64	Blanco Oil Co.	Texas Eastern Transmission Corp., Sal Del Rey Field, Hidalgo County, Tex.	[2]14.6	14.65
CI64-558 A 1-24-64	Tenneco Oil Co. (Operator), et al.	El Paso Natural Gas Co., Monahans Field, Ward County, Tex.	14.189	14.65

Filing Code:
A—Initial Service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

[1] Amendment filed to reflect change in operator and redesignate rate schedule to read Moran Bros., Inc. (Operator), et al. in lieu of Frank Storm Associates (Operator), et al.
[2] By letter agreement dated Jan. 17, 1964, the purchaser agreed to buy up to 1,500 Mcf per day of "surplus gas" at 12.0 cents per Mcf, making the total sale 2,500 Mcf per day at a weighted average price of 12.8 cents per Mcf.
[3] Depleted.

[F.R. Doc. 64-1366; Filed, Feb. 12, 1964; 8:45 a.m.]

[Docket No. RP64-9]

CITIES SERVICE GAS CO.

Order Granting Motion for Extension of Time and Modifying Procedural Dates

FEBRUARY 6, 1964.

On February 5, 1964, the Staff filed a motion herein requesting the Commission to extend the time within which to serve its prepared testimony and exhibits to February 28, 1964 and to extend all other presently prescribed procedural dates.

By order issued November 22, 1963,[1] the Commission suspended proposed rate increases filed by Cities Service Gas Company, ordered a public hearing thereon and established procedural dates.

In support of its motion, Staff stated that, due to the complexity of this proceeding, it will be unable to serve its testimony and exhibits on the prescribed date.

The Commission finds. Good cause exists for granting Staff's motion filed herein on February 5, 1964, and for modifying the order issued herein on November 22, 1963, as hereinafter ordered.

The Commission orders:

(A) The Staff's motion filed herein on February 5, 1964, is hereby granted.

(B) The order issued herein on November 22, 1963, is hereby modified as follows:

1. The dates for filing testimony and exhibits and service thereof upon the Presiding Examiner and all parties are as follows: Staff, on or before February 28, 1964; Interveners, on or before March 17, 1964.

2. The prehearing conference set by ordering paragraph (D) shall convene on March 24, 1964.

(C) In all other respects, the order issued herein on November 22, 1963, shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[1] Order Providing For Hearing and Suspending Proposed Tariff Sheets.

[F.R. Doc. 64-1425; Filed, Feb. 12, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 10, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38795: *Liquid caustic soda from Newark, N.J.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2701), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from Newark, N.J., to Englewood and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 42 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-334.

FSA No. 38796: *Liquid caustic soda to Danville, Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2703), for interested rail carriers. Rates on liquid caustic soda, in tank-car loads, from points in Michigan, New York, Ohio, and West Virginia, also Edgewood, Maryland, and Newark, N.J., to Danville, Va.

Grounds for relief: Market competition.

Tariffs: Supplements 126 and 42 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

FSA No. 38797: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 53), for itself and interested carriers. Rates on cement compound, building or floor, dry and iron borings, ground, not powdered, in carloads, from Buffalo, N.Y., to Fresno, Los Angeles, Sacramento, and San Francisco, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 44 to Sea-Land Service, Inc., tariff I.C.C. 14.

FSA No. 38798: *Fresh meats and packinghouse products to southern territory.* Filed by Western Trunk Line Committee, agent (No. A-2348), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from specified points in western trunk-line and Illinois Freight Association territories, to points in southern territory.

Grounds for relief: Carrier competition.

Tariffs: Supplement 2 to Western Trunk Line Committee, agent, tariff I.C.C. A-4518 and Illinois Freight Association, agent, tariff I.C.C. 1036.

FSA No. 38799: *Substituted service—WP for Ashworth Transfer, Inc., Et Al.* Filed by Ashworth Transfer, Inc., (No. 4), for itself and interested carriers. Rates on iron or steel pipe, loaded in highway trailers and transported on railroad flat cars, between Salt Lake City, Utah, on the one hand, and Elko, Reno, and Winnemucca, Nev., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 38800: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 235), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38801: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 236), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38802: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 237), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38803: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 238), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38804: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 239), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38805: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 240), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middlewest, and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

FSA No. 38806: *Grain and grain products to California points.* Filed by Pacific Southcoast Freight Bureau, agent (No. 247), for interested rail carriers. Rates on grain, grain products, and related articles, in carloads, from points in Montana, to points in California.

Grounds for relief: Unregulated truck competition.

Tariff: Supplement 149 to Pacific Southcoast Freight Bureau, agent, tariff I.C.C. 1577.

FSA No. 38807: *Returned empty steel containers between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8504), for interested rail carriers. Rates on returned empty steel containers, as described in the application, in carloads, between points in southwestern territory, also Natchez, Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 7 to Southwestern Freight Bureau, agent, tariff I.C.C. 4559.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-1431; Filed, Feb. 12, 1964; 8:48 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 164]

LEHIGH VALLEY RAILROAD

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, the Lehigh Valley Railroad, account of labor difficulties, is unable to transport traffic offered it for movement to The Central Railroad Company of New Jersey at Packerton Junction, Pennsylvania, destined Pier 18, New York Harbor.

It is ordered, That

(a) *Rerouting traffic.* The Lehigh Valley Railroad, being unable to transport traffic offered it for movement to The Central Railroad Company of New Jersey at Packerton Junction, Pennsylvania, destined Pier 18, New York, account of labor difficulties, is hereby authorized to divert and reroute such traffic to the Reading Company at Manville, New Jersey, for delivery at Port Reading, New Jersey. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:00 p.m., February 7, 1964.

(g) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 7, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 64-1432; Filed, Feb. 12, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2361, 7-2362]

SHERWIN-WILLIAMS CO. AND G. D. SEARLE & CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1964.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Sherwin-Williams Co., FILE 7-2361.
G. D. Searle & Co., FILE 7-2362.

Upon receipt of a request, on or before February 24, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1406; Filed, Feb. 12, 1964; 8:45 a.m.]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Exclusion and Maximum Stipend

1. Effective February 14, 1964, the following item is added to paragraph (b) of section 511.201 as set out below.

§ 511.201 Exclusions.

* * * * * *

(b) * * *

Speech pathology and audiology students, Department of Health, Education, and Welfare, approved postgraduate training during program for a graduate degree.

(Sec. 2, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Effective February 14, 1964, the following item is added to paragraph (a) of section 534.202 as set out below.

§ 534.202 Maximum stipends.

(a) * * *

Speech pathology and audiology students, Department of Health, Education, and Welfare, approved postgraduate training during program for a graduate degree, no stipend other than any maintenance provided.

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1482; Filed, Feb. 13, 1964; 8:48 a.m.]

PART 591—ALLOWANCES AND DIFFERENTIALS PAYABLE IN NONFOREIGN AREAS

Revocation of Amendment

The amendment to § 591.202 proposed to be effective on the first pay period after April 1, 1964, which appeared in the FEDERAL REGISTER published January 17, 1964, at page 429, is hereby revoked. This revocation will allow the present § 591.202 to remain in effect.

(Sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10,000, 13 F.R. 5453, 3 CFR, 1943–48 Comp., p. 792; E.O. 10636, 20 F.R. 7025, 3 CFR, 1954–58 Comp., p. 268)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1483; Filed, Feb. 13, 1964; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Private Bank

§ 204.109 Private bank a "bank" under section 19, paragraph 11, of the Act.

(a) In connection with the matters covered in §§ 210.102 and 215.105 of this subchapter (Reg. J and Reg. O), the Board was asked whether, in computing its required reserves under section 19, paragraph 11, of the Federal Reserve Act (12 U.S.C. 465), a member bank may deduct any balance due from a private bank of the kind involved in those paragraphs. The statute provides that:

In estimating the reserve balances required by this Act, member banks may deduct from the amount of their gross demand deposits the amounts of balances due from other banks (except Federal reserve banks and foreign banks) and cash items in process of collection payable immediately upon presentation in the United States, within the meaning of these terms as defined by the Board of Governors of the Federal Reserve System.

(b) The Board regards this question as governed by its views in §§ 210.102 and 215.105. Accordingly, as the term "other banks" in the statute includes such private banks, balances due therefrom may be deducted in accordance with the provisions of section 19, paragraph 11, of the Act.

(c) These views of the Board supersede the interpretation referring to private banks published at 1935 Federal Reserve Bulletin 108 and any other interpretations to the extent that they conflict with these views, and to that extenta such interpretations are hereby revoked.

(Interprets or applies 12 U.S.C. 465)

Dated at Washington, D.C., this 30th day of January 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64–1474; Filed, Feb. 13, 1964; 8:47 a.m.]

[Reg. J]

PART 210—CHECK CLEARING AND COLLECTION

Domestic Branch of Foreign Bank; Private Bank; Interpretations

§ 210.101 Domestic branch of foreign bank a "nonmember clearing bank".

(a) The Board has been asked whether a branch in this country of a foreign bank is a "nonmember bank" within the meaning of section 13, paragraph 1, of the Federal Reserve Act (12 U.S.C. 342) and, therefore, an institution of the kind for which a Federal Reserve Bank may open and maintain a nonmember clearing account pursuant to the statute.

(b) According to the information before the Board, the foreign bank is an incorporated commercial banking institution. The branch is licensed by the bank supervisory authority of the State in which it is located. The business of the branch does not appear to differ essentially from that usually conducted by a commercial bank; and, under the law of the State, the branch is subject to regulation and supervision comparable in important respects to that applicable to State-chartered banks.

(c) The Board has concluded that such a branch, being a "bank" within the definition of that term in section 1, paragraph 2, of the Act (12 U.S.C. 221), but ineligible for membership in the Federal Reserve System under section 9 of the Act (12 U.S.C. 321), is a "nonmember bank" to which nonmember clearing privilages may be made available in the discretion of the Federal Reserve Bank of the district pursuant to section 13, paragraph 1, of the Act.

§ 210.102 Private bank a "nonmember clearing bank".

(a) In connection with the matters covered under §§ 210.101 and 215.104 of this subchapter (Reg. J and Reg. O), the Board has been asked whether a private bank, as described below, may be properly regarded as a "nonmember bank" within the meaning of section 13, paragraph 1, of the Federal Reserve Act (12 U.S.C. 342) and, therefore, as a bank of the kind for which a Federal Reserve Bank may open and maintain a nonmember clearing account pursuant to the statute.

(b) Private banks are unincorporated and, therefore, ineligible for membership in the Federal Reserve System under section 9 of the Federal Reserve Act (12 U.S.C. 321). The private bank with respect to which the question arose operates pursuant to authority in the law of the State of its location, conducts a banking business similar to that of incorporated commerical banks, and maintains required reserves pursuant to State law. Such private bank is examined periodically by and submits reports of condition to the State authority responsible for its supervision pursuant to the law of the State wherein it maintains banking offices. It seems clear that the private bank conforms to the policy and terms set forth by Congress for engaging in the banking business, whether by individuals, firms, corporations, or other organizations, in section 21(a)(2) of the Banking Act of 1933, as amended (12 U.S.C. 378).

(c) The Board is of the opinion that, in view of the foregoing and in the light

of its conclusion in § 210.101, any such private bank constitutes a "bank" within the definition of that term in section 1, paragraph 2, of the Federal Reserve Act (12 U.S.C. 221) and a "nonmember bank" under the language of section 13, paragraph 1, of the Act. Accordingly, a Federal Reserve Bank, in its discretion, may make available to any such private bank in the district nonmember clearing privileges as described in the statute.

(d) These views of the Board supersede the interpretation regarding private banks published at 1917 Federal Reserve Bulletin 693 and any other interpretations to the extent that they conflict with these views, and to that extent such interpretations are hereby revoked.

(Interprets or applies 12 U.S.C. 342)

Dated at Washington, D.C., this 30th day of January 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1475; Filed, Feb. 13, 1964; 8:47 a.m.]

[Reg. M]

PART 213—FOREIGN BRANCHES OF NATIONAL BANKS

Loans to Executive Officers; Interpretation

§ 213.101 Loans to executive officers of foreign branches of national and State member banks.

For text of this interpretation, see § 215.103 of this subchapter.

(Interprets or applies 12 U.S.C. 604a)

Dated at Washington, D.C., this 3d day of February 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1476; Filed, Feb. 13, 1964; 8:47 a.m.]

[Reg. O]

PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Foreign Branches

§ 215.103 Loans to executive officers of foreign branches of national and State member banks.

(a) Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) provides, with certain exceptions, that "no executive officer of any member bank shall borrow from or otherwise become indebted to any member bank of which he is an executive officer, and no member bank shall make any loan or extend credit in any other manner to any of its own executive officers * * *." Pursuant to the authority conferred by the ninth paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 604a), which was added to that section by the Act of August 15, 1962 (Public Law 87-588), the Board of Governors in § 213.4(f) of this subchapter (Regulation M) has, subject to certain conditions, authorized foreign branches of national banks to make home loans of $20,000 or less to their executive officers. The question has arisen whether foreign branches of State member banks would violate section 22(g) by extending credit to their executive officers to the same extent and subject to the same conditions as foreign branches of national banks. A separate but related question is whether executive officers of foreign branches of national (and State member) banks may borrow from their respective branches as envisaged by § 213.4(f).

(b) It is manifest that in enacting section 22(g) Congress intended that identical rules regarding loans to executive officers should apply to both national and State member banks. Moreover, the legislative history of the ninth paragraph of section 25 (Act of August 15, 1962) clearly establishes that Congress did not intend thereby to confer upon national banks any special advantages vis-a-vis State member banks. This Congressional intent is further evidenced by the provision regarding establishment of branches in the third paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 321) that "nothing herein contained shall prevent any State member bank from establishing and operating branches in the United States or any dependency or insular possession thereof or in any foreign country, on the same terms and conditions and subject to the same limitations and restrictions as are applicable to the establishment of branches by national banks * * *."

(c) On the basis of the foregoing considerations, the Board of Governors is of the opinion that foreign branches of State member banks would not violate section 22(g) by extending credit to their executive officers subject to the same restrictions and conditions as apply to foreign branches of national banks under § 213.4(f) of this subchapter. The Board also believes that it would not violate section 22(g) for an executive officer of a foreign branch of a national or State member bank to borrow from such branch to the same extent to which the branch may extend him credit.

(Interprets or applies 12 U.S.C. 375a)

Dated at Washington, D.C., this 3d day of February 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1477; Filed, Feb. 13, 1964; 8:48 a.m.]

PART 215—LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS

Domestic Branch of Foreign Bank; Private Bank

§ 215.104 Domestic branch of foreign bank a "bank" under section 22(g) of the Act.

(a) The Board has been asked whether a branch in this country of a foreign bank, such as the one involved under § 210.101 of this subchapter (Reg. J) falls within the term "any bank" in the second sentence of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a), which requires an executive officer of a member bank to report to that bank any indebtedness owed by him to "any bank" other than the member bank.

(b) The Board is of the view that, for reasons similar to those determinative of the matter set forth in § 210.101, such a branch clearly is within the words "any bank" in section 22(g) of the Act, and that, accordingly, any indebtedness of an executive officer of a member bank to any such branch must be reported as required by the statute.

§ 215.105 Private bank a "bank" under section 22(g) of the Act.

(a) The Board has received an inquiry related to the matters covered under §§ 215.104 and 210.102 of this subchapter (Reg. O and Reg. J). The question is whether a private bank, such as the one involved in § 210.102, comes within the term "any bank" in the second sentence of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a). That statute requires any executive officer of a member bank to report to that bank any indebtedness owed by him to "any bank" other than the member bank.

(b) The Board's view is that any indebtedness of an executive officer of a member bank to any such private bank must be reported as required by the aforementioned provision of section 22(g) of the Act since, as indicated in § 210.102, the private bank clearly is within the words "any bank" as used in the statute.

(c) These views of the Board supersede any other previous interpretations to the extent that they conflict with these views, and to that extent such interpretations are hereby revoked.

(Interprets or applies 12 U.S.C. 375a)

Dated at Washington, D.C., this 30th day of January 1964.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1478; Filed, Feb. 13, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3328]

[New Mexico 0338732]

NEW MEXICO

Withdrawing Lands for Indian School Purposes; Kimbeto School Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral leasing laws, and reserved for use of the Bureau of Indian Affairs, Department of the Interior, for Indian school purposes, provided, that, the lands shall be subject to leasing under the mineral leasing laws for their oil and gas deposits, but no part of the surface of the lands shall be used in connection with prospecting, mining, and removal of the oil and gas:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 8 W.,
Sec. 31, lots 1 and 2.

Containing 80.28 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1458; Filed, Feb. 13, 1964; 8:45 a.m.]

[Public Land Order 3329]

[ELM 075068]

MICHIGAN

Adding Lands to the Hiawatha National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Michigan are hereby added to and made a part of the Hiawatha National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 41 N., R. 17 W.,
Sec. 28, SW¼SW¼;
Sec. 29, lot 1 (E½SE¼).
T. 44 N., R. 17 W.,
Sec. 5, SE¼SE¼.

The areas described aggregate approximately 132 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1459; Filed, Feb. 13, 1964; 8:45 a.m.]

[Public Land Order 3330]

[Riverside 02062]

CALIFORNIA

Withdrawing Public Lands for Reclamation Purposes

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, for use of the Bureau of Reclamation in connection with the Coachella Valley County Water District, All American Canal System:

SAN BERNARDINO

T. 6 S., R. 6 E.,
Sec. 24, W½, SW¼SE¼ and lot 4.

The areas described contain approximately 402 acres.

2. The lands will continue to be administered by the Bureau of Land Management until such time as they are needed for project purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1479; Filed, Feb. 13, 1964; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. 77]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 377—TIME LIMIT (TL) LICENSE

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Miscellaneous Amendments

§ 370.2 [Amended]

1. Section 370.2 *Prohibited exportations*, paragraph (a) *General provisions*, subparagraph (1) is amended by adding the phrase "and walnut logs, bolts, and hewn timber, Schedule B No. 40040" between "Schedule B No. 16190" and the material in parentheses.

§ 371.51 [Amended]

2. Section 371.51 *Supplement 1; Commodities subject to General License GHK or GLSA* is amended by revising the Schedule B Nos. for the entry for "Hardwood logs, bolts, and hewn timber" to read 40045-40098".

3. Part 373 is amended by adding a new § 373.29 to read as follows:

§ 373.29 Walnut logs, bolts, and hewn timber.

(a) *Purpose.* (1) The purpose of the regulation set forth in this § 373.29 is to conserve the rapidly diminishing supply of United States walnut timber by restricting the export of walnut logs which are in short supply. These export controls are coupled with steps taken by the government and industry to also reduce the consumption of walnut logs domestically.

(2) The export quota established herein represents a proportionate share of the anticipated total consumption for the next year, and is intended to maintain the same ratio of exports to domestic use as the average for 1961 and 1962. The continuance in effect of these export controls after February 13, 1965 will be contingent upon the domestic consumption being reduced to approximately 15,000,000 board feet during the first year of controls.

(b) *Scope.* Walnut logs, bolts, and hewn timber, Schedule B No. 40040, will be licensed in accordance with the provisions of this section.

(c) *Establishment of export licensing quota.* An annual export licensing quota of 7,300,000 board feet, Doyle Scale, has been established. Of this quantity, 3,285,000 board feet, Doyle Scale, has been set aside for the licensing period February 14, 1964 through June 30, 1964. This quantity will be divided among the various countries in proportion to the amounts of this commodity exported from the United States to each country during the calendar years 1961, 1962, and 1963.

(d) *Application filing period.* Applications for validated licenses against the February-June 1964 export quota shall be filed beginning February 14, 1964 through March 12, 1964.

(e) *Completion of Application.* Each application for export license shall be completed in accordance with the procedures set forth in § 372.5(a)(4) of this chapter. In setting forth the quantity of board feet, Doyle Scale, on the application, the applicant is required to state on the application that the quantity is in Doyle Scale.

(f) *Issuance of license based on past participation in exports.* (1) A base period of the calendar years 1961, 1962, and 1963 has been established for the purpose of distributing the quota equitably among exporters. Validated licenses will be granted to those applicants who have participated in the exportation of this commodity during the base period in proportion to the extent of their exportations during this period. However, a small proportion of the quota will be reserved for exporters who have no record of participation during the base period.

(2) Each applicant for a validated export license is required to submit a signed statement showing annual total exports in board feet, Doyle Scale, shipped in the exporter's name, i.e., for his own account, to each foreign country during each of the calendar years 1961, 1962, and 1963. This statement shall be submitted either prior to or together with the applicant's first application and be addressed to the U.S. Department of Commerce, Office of Export Control, Attention BIC-7320, Washington, D.C., 20230. Subsequent applications for licenses are not required to be accompanied by this statement.

NOTE: See § 379.3(e)(6) of this chapter for reporting the net quantity on Shipper's Export Declarations covering shipments of walnut logs, bolts, and hewn timber.

§ 377.2 [Amended]

4. Section 377.2 *Commodities subject to TL license* is amended by adding the following:

(c) Walnut logs, bolts, and hewn timber, Schedule B No. 40040.

§ 379.3 [Amended]

5. Section 379.3 *Presentation of Shipper's Export Declaration*, paragraph (e) *Special requirements* is amended by adding a new subparagraph (6) to read as follows:

(6) In addition to entering the net quantity of board feet in Scribner Scale in item 14 of the Shipper's Export Declaration, the exporter shall enter in item 10 the net quantity in board feet, Doyle Scale.

§ 379.10 [Amended]

6. The Note following § 379.10(c) (1) is amended to read as follows:

Shipments to Canada. The provisions of this § 379.10(c) are inapplicable to any exportation intended for consumption in Canada, except shipments of beet or cane sugar, and walnut logs, bolts, and hewn timber, since all other exportations require neither a general nor a validated license. However, these provisions are applicable to shipments of any commodities through Canada to other foreign countries.

§ 380.2 [Amended]

7. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (3) *Amendment requests on which field offices may not take action* is amended by adding a new (viii) to read as follows:

(viii) Requests to amend or extend a license covering the exportation of walnut logs, bolts, and hewn timber, Schedule B No. 40040.

This amendment shall become effective February 14, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-1574; Filed, Feb. 13, 1964; 5:09 p.m.]

[9th Gen. Rev. of Export Regs., Amdt. P.L. 43]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Additions to List

Section 399.1 *Positive list of commodities* is amended by adding the following commodities:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
40040	Walnut logs, bolts, and hewn timber	Board feet Doyle scale.	AGRI	[1] None	[2] RO	

[1] Walnut logs, bolts, and hewn timber may be exported to Group O countries other than Cuba under the provisions of General License GLV provided the net value of any single shipment does not exceed $500. (See § 371.10(d)(2) of this chapter.)

[2] A validated export license is required for any exportation of walnut logs, bolts, and hewn timber to Canada regardless of the value of the shipment.

This amendment shall become effective February 14, 1964, except that any shipment which was on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., February 14, 1964, may be exported under the previous general license provisions up to and including February 29, 1964. Any such shipment not laden aboard the exporting carrier on or before February 29, 1964 requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-1575; Filed, Feb. 13, 1964; 5:09 p.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-693]

PART 13—PROHIBITED TRADE PRACTICES

American Service, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* § 13.15-80 *Government connection;* § 13.60 *Earnings and profits;* § 13.85 *Government approval, action, connection or standards;* § 13.85-15 *Civil Service Commission connections or recognition;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Service, Inc., et al., Milwaukee, Wis., Docket C-693, Jan. 21, 1964]

In the Matter of American Service, Inc., a Corporation, and Robert Runte and Dennis Lee Roberts, Individually and as Officers of Said Corporation

Consent order requiring Milwaukee, Wis., sellers of a correspondence course to cease representing falsely in advertisements in the "Help Wanted" or "Job Opportunities" columns of newspapers, that specific positions described and a large number of other law enforcement positions were immediately available to qualified applicants, at starting salaries of $6,900 a year, that respondents were affiliated with Government agencies and the United States Civil Service Commission, along with other false representations, as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents American Service, Inc., a corporation, and its officers, and Robert Runte and Dennis Lee Roberts, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a course of instruction or any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising in any manner or using any sales presentation which does not clearly, conspicuously and specifically disclose the nature of the business with respect to which the advertisement or presentation is made and the identity of the product or service which is being sold.

2. Representing, directly or by implication, that:

(a) Employment is being offered unless such employment is in fact being offered.

(b) Any employment opportunity exists, or is expected to exist, without disclosing the nature of the position, the identity of the prospective employer, the specific location of the employment, the salary which is being offered or which is expected to be offered, as well as any consideration with respect to age, sex, physical condition, education, training, veterans' status, marital status or other factor which would tend to materially reduce the number or class of persons who might reasonably expect to obtain such employment.

(c) Any person, product, service or business is affiliated with or endorsed, approved or accredited by any person, firm, organization, government or government agency without specifically disclosing the nature and extent of the affiliation, endorsement, approval or accreditation.

(d) Any person, product, service or business is affiliated with or endorsed, approved or accredited by the United States Civil Service Commission.

(e) Enrollment in respondents' course of instruction is limited or restricted to persons who may reasonably expect to obtain employment in any position or class of positions.

(f) Any of the respondents or any of their agents are qualified, by virtue of special training or otherwise, to determine whether or not any person possesses the requirements necessary to obtain employment in any position.

(g) Any opinion or recommendation with respect to the enrollment of any person is conditioned upon or influenced by a frank or unbiased determinatfon that respondents' course of instruction will be of substantial assistance to such person in obtaining employment.

(h) Any test administered by respondents or any of their agents provides a reliable indication that any person will be substantially benefited in obtaining employment as a result of respondents' course of instruction.

(i) Respondents offer more than one course of instruction, or that respondents' course of instruction encompasses the body of knowledge of any particular occupational field, as distinguished from a course in general examination preparation, or that any study material is furnished unless the nature and extent of the materials which are actually furnished are fully and specifically disclosed.

(j) Civil Service employees are never laid-off, or otherwise misrepresenting the job security of civil service employees.

(k) Respondents furnish specific information regarding the location, terms or conditions of employment of any available position unless in every instance such information is actually furnished.

(l) Respondents' course will usually or customarily enable graduates to pass an examination which they would otherwise fail, or that any improvement in the grade or score that any particular person may reasonably expect to achieve as a result of respondents' course is greater than the true such improvement.

(m) Civil Service examinations are tricky or that special preparation is ordinarily required to pass a civil service examination.

(n) Any person has completed respondents' course of instruction, unless such person was a bona fide enrollee who did in fact complete respondents' course.

(o) The time of respondents' agent is limited or that prospects who do not enroll at the time of his visit must forego indefinitely the opportunity to enroll.

(p) Any person other than the enrollee or the husband, wife or legal guardian of an enrollee is customarily expected to sign a contract of enrollment.

(q) Respondents are nationally famous or are considered leaders in the field of law enforcement instruction or any other type of instruction.

(r) Respondents receive any information regarding civil service positions which is not generally available.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1454; Filed, Feb. 13, 1964; 8:45 a.m.]

[Docket 6966 o.]

PART 13—PROHIBITED TRADE PRACTICES

Exquisite Form Brassiere, Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses; Discriminating in price under Sec. 2, Clayton Act*—Furnishing services or facilities for processing, handling, etc. under 2(e): § 13.835 *Demonstrators.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Exquisite Form Brassiere, Inc., New York, N.Y., Docket 6966, Jan. 20, 1964]

Order—following remand by the court and reconsideration by the Commission, as directed, of previously rejected evidence in support of section 2(b), Clayton Act, defense—reinstating the desist order of Oct. 31, 1960, which required an industry leader in the manufacture and sale of brassieres, with principal office in New York City, to cease discriminating in price between competing customers in violation of sections 2(d) and 2(e) of the Clayton Act by paying advertising allowances and furnishing "stylists" to certain large retailer customers while not making either service available on proportionally equal terms to competing smaller customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Exquisite Form Brassiere, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in or in connection with the sale of brassieres in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Paying, or contracting to pay to or for the benefit of any customer, and advertising allowance, push money or anything of value as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of respondent's products, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products;

2. Discriminating, directly or indirectly among competing purchasers of its products, by contracting to furnish, furnishing, or contributing to the furnishing of the services of stylists or any other services or facilities connected with the processing, handling, sale or offering for sale of respondent's products, to any purchaser from respondent of such products bought for resale, unless such services or facilities are offered and otherwise made available on proportionally equal terms to all purchasers competing in the distribution or resale of such products.

It is further ordered, That respondent, Exquisite Form Brassiere, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 20, 1964.

By the Commission, Commissioners Anderson and Elman concurring in the result.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1455; Filed, Feb. 13, 1964; 8:45 a.m.]

[Docket C-694]

PART 13—PROHIBITED TRADE PRACTICES

Wm. H. Wise & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed or reused product being new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wm. H. Wise & Co., Inc., New York, N.Y., Docket C-694, Jan. 22, 1964]

Consent order requiring a New York City distributor to retail dealers and directly to the public of electric tools and a volume entitled "Wise Garden Encyclopedia" to cease representing falsely in advertising in periodicals and otherwise that said encylopedia was newly revised and brought up to date, with a "complete new supplement" and included latest developments and methods in garden and lawn care, when it had undergone no general revision since its original publication; and to cease representing falsely that its portable electric jigsaw was "guaranted for a full year" when limitations on the guarantee were not disclosed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Wm. H. Wise & Co., Inc., a corporation, and its officers, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale

and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the Wise Garden Encyclopedia or any other books or publications, and of portable electric saws or any other products, do forthwith cease and desist from representing, directly or by implication:

1. That the Wise Garden Encyclopedia has been revised when in fact said book has not undergone any material revision and is the same or substantially the same volume previously sold and offered for sale by respondent.

2. That the Wise Garden Encyclopedia contains a new supplement when in fact such supplement is the same or substantially the same supplement previously included with the said garden encyclopedia.

3. That the Wise Garden Encyclopedia contains information as to the latest developments and methods in gardening and lawn care when in fact said book does not contain such information.

4. That any article of merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: January 22, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1456; Filed, Feb. 13, 1964; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 14—Department of the Interior

PART 14-1—GENERAL

Assignment of Identification Code Numbers

The purpose of this amendment is to conform the regulations with the organization titles of Administrative Management Order No. 5, and to assign a code number for the Bureau of Outdoor Recreation.

Since these amendments are made because of a change in the internal organization of the Department, notice and public procedures thereon are deemed unnecessary and the amendments shall become effective upon publication in the FEDERAL REGISTER.

The present text of § 14—1.107-1(b) is amended to read as follows:

§ 14-1.107-1 Numbering.

* * * * * *

(b) Similarly, procedure and instructions which may be issued by the bureaus and offices of the Department of the Interior will be identified by alphabetical designations immediately following the Departmental Code (14), as illustrated below:

14A	Office of the Secretary.
14B	Office of Management Operations.
14C	Bureau of Commercial Fisheries.
14D	Bureau of Sport Fisheries and Wildlife.
14E	Bureau of Mines.
14F	Geological Survey.
14G	Office of Coal Research.
14I	Bureau of Indian Affairs.
14J	Bureau of Land Management.
14K	National Park Service.
14L	Office of Territories.
14M	Alaska Railroad.
14N	Bureau of Outdoor Recreation.
14R	Office of Saline Water.
14S	Bureau of Reclamation.
14T	Bonneville Power Administration.
14U	Southeastern Power Administration.
14W	Southwestern Power Administration.

D. OTIS BEASLEY, *Assistant Secretary of the Interior.*

FEBRUARY 10, 1964.

[F.R. Doc. 64-1457; Filed, Feb. 13, 1964; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 1]

BATHING, SANITATION, MUFFLER CUT-OUTS AND BOATING

General Rules and Regulations

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Part 1 of Title 36, Code of Federal Regulations, as is set forth below. The purposes of these amendments are to establish uniform regulations pertaining to water-use activities and to assure their Servicewide application; to consolidate duplicate general regulations; to delete obsolete and imprecise regulations in the light of current policy to permit maximum use of water resources in the National Parks consistent with overall objectives; to parallel United States Coast Guard regulations applicable to navigable waters; to conserve and protect National Park values; and to provide for the health, safety, and welfare of persons and property.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (c) of § 1.6, paragraphs (h) and (i) of § 1.7, and paragarph (b) of § 1.50 are deleted in their entirety.

Paragraphs (a), (b), and (c) of § 1.59 are revised in their entirety to read as follows, and new paragraphs (d) through (r) are added thereto:

§ 1.59 Boating.

The following rules and regulations in this section apply to all vessels of every type and description operated in and/or on the waters of parks and monuments. In addition thereto, there are also United States Coast Guard regulations found in Titles 33 and 46 of the Code of Federal Regulations which are applicable on navigable waters of the United States.

(a) *Definitions.* (1) "Vessel" includes every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. This definition includes but is not limited to the following: Boat, motorboat, houseboat, rowboat, powerboat, jet boat, fishing boat, tow boat, flatboat, sailboat, cruiser, motor vessel, ship, barge, scow, tug, floating cabana, party boat, charter boat, ferry boat, canoe, raft, or any buoyant device permitting or capable of permitting free flotation.

(2) "Motorboat" means any vessel propelled by machinery (including steam) of 65 feet or less in length, whether or not such machinery is the principal source of power.

(3) "Motor vessel" means any vessel propelled by machinery (except steam) over 65 feet in length, whether or not such machinery is the principal source of power.

(4) "Sailboat or sail vessel" means any vessel propelled solely by wind effect on the sail.

(5) "Machinery" includes an inboard or outboard engine and any other type of motor or mechanical device capable of propelling a vessel.

(6) "Length" refers to the overall length of the hull extending from end to end over the deck, excluding sheer, measured in a straight line from the foremost part to the aftermost part of a vessel and parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in the measurement. Length shall be stated in feet and inches.

(7) "Operator" refers to the person who operates and/or has charge of the navigation or use of a vessel.

(8) "Owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(9) "Point" means eleven and one-quarter degress of arc.

(10) "Visible" means visible on a dark night with a clear atmosphere.

(11) "Underway" means not at anchor or made fast to the shore or aground.

(12) "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.

(13) A "boating accident" includes but is not limited to: capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.

(14) "Person" means an individual, partnership, firm, corporation, association or other entity.

(15) "Navigable waters of the United States", as used in these rules and regulations, shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States, or to or from foreign nations. A stream which otherwise conforms with the above definition would not change its navigable character because of the existence of natural or artificial obstructions such as falls, shallows, rapids, dams, or bridges. Statutory declarations by Congress and decisions pronounced by the Federal courts as to the navigability of specific waters are binding.

(16) "Port" means the left side of a vessel, looking from the stern toward the bow.

(17) "Starboard" means the right side of a vessel, looking from the stern toward the bow.

(18) "Stern" means the aft or rear end of a vessel.

(19) "Bow" means the forward part of a vessel.

(20) "Hand-propelled vessel" means any vessel which is propelled by human muscular effort, which includes but not limited to oars, paddles, or other contrivances, and upon which no mechanical propulsion device such as electric motor, steam, or internal combustion engine or sail is used for the operation of such vessel.

(21) "Privately-owned vessel" means any vessel other than one owned by or engaged in the official business of the Federal Government, or a State or any political subdivision thereof.

(b) *Permits.* The launching or operating of any motorboat on waters which are not directly accessible by a designated public road is prohibited. In all other cases the Superintendent may, by the posting of appropriate signs, require the issuance of a permit before any vessel is placed in or operated on the waters. He may also, consistent with regulations in this section, specify conditions of such permit. The permit must be carried within the vessel at all times and shall be exhibited upon request of any authorized person.

(c) *Numbering.* (1) No vessels, except those specifically exempt herein, which are propelled by machinery of more than ten horsepower shall be allowed to operate in or on the waters unless such vessels have been documented by the Bureau of Customs, numbered by the United States Coast Guard, or numbered by a State having a numbering system approved by the United States Coast Guard. Such vessels shall be properly identified, and the required valid documents or certificates or number shall be carried on board.

(2) The following vessels are exempt from the requirements of this paragraph: Foreign vessels temporarily using waters of the United States, State and Municipal vessels, vessels used exclusively for racing, and vessels operating under a valid temporary Certificate of Number.

(d) *Motorboat classifications.* Motorboats subject to the provisions of these sections shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. 16 feet or over, but less than 26 feet in length.

Class 2. 26 feet or over, but less than 40 feet in length.

tions, or disregard of conditions outlined.

injured and/or to the owner of any

Class 3. 40 feet or over, but not more than 65 feet in length.

(e) *Lights required.* (1) Every motorboat when underway from sunset to sunrise shall carry and exhibit the following lights, and during such time no other light which may be mistaken for those prescribed shall be exhibited:

(i) Every motorboat of Classes A and 1 shall carry the following lights:

(*a*) *First.* A bright white light aft to show all around the horizon.

(*b*) *Second.* A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard (right) and red to port (left), so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(ii) Every motorboat of Classes 2 and 3 shall carry the following lights:

(*a*) *First.* A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(*b*) *Second.* A bright white light aft to show all around the horizon and higher than the white light forward.

(*c*) *Third.* On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(iii) Every white light heretofore prescribed in this subparagraph shall be of such character as to be visible at a distance of at least two miles, and every colored light shall be of such character as to be visible at a distance of one mile.

(2) Any motorboat may carry and exhibit the lights required by the Act of October 11, 1951 (65 Stat. 406–420), as amended (33 U.S.C. 143–147d), in lieu of the lights prescribed in paragraph (e) above.

(3) All other vessels shall display the lights prescribed by "Statutory Rules of the Road" (33 U.S.C. 143–147d; 151–232; 241–295; and 303–356), which include but are not limited to the following requirements for sailboats and hand-propelled vessels:

(i) Sailboats when propelled by sail alone shall exhibit the following lights: On the starboard side a green light, and on the port side a red light, so constructed as to show an unbroken light over an arc of the horizon from dead ahead to two points abaft the beam. Such vessels shall also carry at the stern a 12-point white light so fixed as to throw the light six points from aft on each side of the vessel; or in a small vessel if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, such vessel shall carry ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avert collision. Sailboats less than 40 feet in length may carry a combined light in lieu of separate side lights.

(ii) All hand-propelled vessels operated between sunset and sunrise shall have ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avoid collision.

(iii) All vessels at anchor between sunset and sunrise, unless anchored at a designated site, shall carry forward or where it can best be seen a bright white light to show all around the horizon and visible for one mile.

(f) *Life-saving equipment required.* (1) All motor vessels shall carry a United States Coast Guard approved life preserver for each person on board, and such vessels carrying passengers for hire shall also be provided with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(2) Motorboats when carrying passengers for hire shall be provided with a United States Coast Guard approved life preserver for each person on board, and with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(3) Motorboats of Class 3 not carrying passengers for hire shall carry a United States Coast Guard approved life preserver or ring life buoy for each person aboard.

(4) All other vessels not heretofore included in this paragraph shall carry a United States Coast Guard approved life preserver, ring life buoy, buoyant vest, or buoyant cushion for each person aboard.

(5) Life-saving devices required on all vessels shall be in good and serviceable condition, and shall be so placed as to be readily accessible: Except that any person less than 14 years of age shall, at all times when on deck while the vessel is underway, wear a life preserver or buoyant vest approved by the United States Coast Guard.

(g) *Signaling devices.* Motorboats shall be provided with an efficient whistle and/or other sound producing device as set forth below:

Class of motorboat	*Type of device*
A	None.
1	Mouth, hand, or power operated whistle or other sound producing mechanical device, capable of producing a blast of two seconds or more duration, and audible for at least one-half mile.
2	Hand or power operated horn or whistle capable of producing a blast of two seconds or more duration, and audible for at least one mile; and a bell.
3	Power operated horn or whistle capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile; and a bell.

(h) *Flame arrestors.* Each carburetor of every gasoline engine except outboard motors installed in a vessel shall be equipped with an efficient flame arrestor approved by the United States Coast Guard.

(i) *Ventilation.* All vessels which use fuel having a flashpoint of 110 degrees F. or less shall be equipped with at least two ventilators fitted with cowls, or their equivalent, for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove inflammable or explosive gases. *Provided, however,* That such vessels so constructed as to have the greater portion of the bilges under the engine and fuel tanks open and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

(j) *Fire extinguishers.* All motorboats shall carry at least the minimum number of hand portable fire extinguishers approved by the United States Coast Guard, as set forth below, except that motorboats of Classes A and 1 of open construction which are propelled by outboard motors but are not carrying passengers for hire need not carry such fire extinguishers:

Class of motorboat	Minimum number of B–I hand portable fire extinguishers required (However, one B–II hand portable fire extinguisher may be substituted for two B–I hand portable fire extinguishers)	
	No fixed fire extinguishing system in machinery spaces	Fixed fire extinguishing system in machinery spaces
A	1	0
1	1	0
2	2	1
3	3	2

Examples of minimum size graduations for some of the typical hand portable fire extinguishers are set forth below:

Classification		Foam (gallons)	Carbon dioxide (gallons)	Dry chemical (pounds)
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

(k) *Commercial operations.* (1) Vessels subject to United States Coast Guard inspection and certification shall not be operated on navigable waters of the United States unless the vessel has a valid certificate of inspection issued by the United States Coast Guard.

(2) In all waters, the operator of any vessel engaged in commerce including a vessel carrying passengers for hire must have a valid operator permit issued by the Superintendent or his authorized representative, following presentation of a valid United States Coast Guard operator's license or other adequate evidence of competency by the applicant. On vessels to be operated on navigable waters of the United States, the only acceptable evidence of competency will be a valid United States Coast Guard operator's license. Violation of regulations, or disregard of conditions outlined, by the permittee or other person under the direction or control of the permittee, will constitute cause for the cancellation of the permit.

(3) The use of liquified petroleum gases and gasoline for cooking, heating, or lighting is prohibited on vessels carrying passengers for hire.

(4) No vessel carrying passengers for hire or reward may be used upon the waters until and unless all safety equipment, as described above, has undergone an inspection by the Superintendent or other authorized officer at intervals not to exceed twelve months, and such equipment has been found to be acceptable by the examining officer.

(l) *Rules of the Road.* "The Statutory Rules of the Road," supra, which have been enacted by the Congress to prevent collision of vessels, must be observed by operators of vessels which are subject to these regulations in this part. The following subparagraphs outline specific requirements set forth in these rules:

(1) In narrow channels, when it is safe and practicable, every vessel shall keep to the right of the middle of the channel.

(2) When vessels are approaching each other head on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and speed so that the wake of each will not endanger the other.

(3) When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken vessel. The overtaken vessel shall maintain its course and speed until the overtaking vessel has safely passed. An overtaking situation shall exist whenever a vessel approaches another from any direction more than two points abaft the beam of the other vessel.

(4) A crossing situation shall exist when two vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another. In a crossing situation, the vessel which has the other on her own port (left) side shall hold her course and speed; and the vessel which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.

(5) Any vessel propelled by machinery shall keep clear of any vessel under sail or being propelled by oars or paddles.

(6) Safe and prudent speed shall be maintained in docking, fishing and/or buoyed areas so as not to endanger persons, vessels, or other property.

(m) *Accidents.* (1) In case of collision, accident, fire or other casualty, the operator shall render such assistance as may be practicable and necessary to other persons affected. He shall also give in writing his name, address, and identification of his vessel to any person injured and/or to the owner of any property damaged.

(2) A report of collision, accident, fire or other casualty that results in property damage or any personal injury or death to any person must be made by each operator of the vessels involved to the Superintendent or his authorized representative as soon as possible, and in any event within 24 hours. This report does not relieve the responsibility of making boating accident reports as may be required by States and/or the United States Coast Guard.

(n) *Prohibited operations.* (1) No operator or person in charge of any vessel shall operate or knowingly permit any other person to operate a vessel in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person or property. Violations of the "Statutory Rules of the Road," supra, shall constitute prima facie evidence of negligent operation.

(2) The operator of a vessel shall not permit any person to ride on the gunwales, transom, or on the decking over the bow while the vessel is underway, unless the vessel is adequately equipped with rails or guards.

(3) No operator or person in charge of any vessel shall operate or knowingly permit any other person to operate a vessel while such person is under the influence of intoxicants or narcotic drugs.

(4) No privately-owned vessel shall be used to carry passengers for hire, or be used in any other commercial operation, unless written authorization has been granted in accordance with § 1.31.

(5) The towing of water skis, surfboards, and similar devices by vessels is prohibited, unless specifically permitted by the Superintendent through the posting of signs setting forth the body of water and delineated portion thereof: *Provided, however,* That the following conditions will be required where such activity is permitted:

(i) Towing only permitted from sunrise to sunset.

(ii) There must be two competent persons in the vessel with one, in addition to the operator, in a position to observe the progress of the person or persons being towed.

(iii) The turning direction of all skiing and towing of skiers shall be counterclockwise.

(iv) Water skiers shall wear a life-saving device: *Provided, however,* That skiers wearing a device which is not approved by the United States Coast Guard must have such approved life-saving device readily available in the towing vessel.

(v) Such activity shall not be permitted within 500 feet of harbors, swimming beaches and mooring areas, or within 100 feet of any person swimming or diving.

(6) Swimming from vessels while underway is prohibited.

(7) The operation of a vessel, other than a hand-propelled vessel, by a person under the age of 14 years is prohibited unless such person is accompanied by another at least 18 years of age who is experienced in the operation of such vessel.

(8) No vessel shall be operated within an area delineated by a line of white buoys, having a horizontal international orange stripe at the top and bottom and an international orange diamond with cross on the white portions of the buoy, or between a line of such buoys and the nearest shore.

(9) No vessel propelled by machinery shall be operated within 500 feet of any bathing area designated by white floats and white float lines, except within a marked channel designated in a similar manner, in which instance slow speed shall be maintained.

(10) No vessel propelled by machinery shall be operated within 100 feet of any diver's marker, designated by a square-shaped flag containing a white diagonal stripe on a red field.

(11) No vessel shall be operated in excess of five miles per hour within designated harbors or in any area delineated by a line of white buoys, having a horizontal international orange stripe at the top and bottom and an international orange circle with a black "5 MPH" therein on the white portions of the buoy, or between a line of such buoys and the nearest shore.

(12) No operator or person in charge of a vessel shall at any time attach a vessel to or interfere with any marker, navigational buoy or other navigational aid.

(13) No person shall operate any vessel in a manner which shall unreasonably interfere with other vessels or with free and proper navigation of the waterways. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(14) Every vessel which is propelled on the waters by an internal combustion engine shall be equipped with a muffler so constructed as to prevent any intense or prolonged noise in the operation of such vessel, and the said muffler shall not be removed, cut down, or put out of operation for any purpose. Nothing contained in this subparagraph shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes, so long as these methods of silencing the exhaust are effective.

(15) No vessel shall be left unattended, outside of designated mooring or beaching areas, for a period in excess of 24 hours without the prior written permission of the Superintendent.

(16) No person shall stay overnight on a vessel moored in a designated mooring area unless written permission is first obtained from the Superintendent.

(17) No vessel primarily designed for and/or used as floating living quarters, commonly referred to as a "houseboat", shall be permitted on the waters of any park or monument: Except, that this subparagraph shall not apply to Everglades or Virgin Islands National Parks, or Fort Jefferson National Monument.

(18) Vessels equipped with a propeller above the water line, commonly referred to as an "airboat", are prohibited: Ex-

Paragraph (a) of § 2.1 is amended to

whether or not such machinery is the

(19) "Bow" means the forward part of

cept, that this prohibition shall not apply to Everglades National Park.

(19) No vessel 40 feet or more in length shall be placed in or operated on the waters: Except, that this prohibition shall not apply to concession-operated sightseeing vessels or to the waters of Isle Royale and Everglades National Parks, Katmai and Glacier Bay National Monuments, and Cape Cod and Cape Hatteras National Seashores.

(20) Boat trailer wheels shall not be removed from axles, except for making repairs.

(21) No log boom, pier, dock, fence, pile, anchorage, raft, or other obstruction shall be installed in the waters.

(22) The provisions of this section shall not apply to vessels operated for official use by any agency of the United States, or of the States in which the waters are situated.

(o) *Restricted waters.* (1) No vessel shall be operated on any waters which are zoned and/or marked as migratory bird waters, or for fish cultural or wildlife uses.

(2) No vessel shall approach any dam or other engineering works closer than the limits posted with appropriate signs and/or markers.

(3) The Superintendent may close or otherwise restrict the use of any body of water when necessary to protect life or property, or for other emergency. Such restricted area shall be defined, whenever practicable, by signs and/or markers and shall be designated on a map, copies of which shall be conspicuously posted at places such as public docks and launching sites.

(4) The Superintendent may, by the posting of appropriate signs, restrict the loading, unloading and/or mooring of privately owned vessels at Government-owned docks, piers and floats.

(5) Camping on or from vessels at any one location, either in a single or combined separate periods, may be restricted to 7 days upon the posting of appropriate signs by the Superintendent.

(6) Vessels in violation of any provision of this section shall be subject to removal from the waters by the Superintendent or his authorized representative; the expense of removal and storage to be the liability of the owner or other person in charge of any such vessel.

(p) *Other safety requirements.* (1) All vessels, except motorboats of Classes 2 and 3 and motor vessels, shall be equipped with oars or paddles while underway.

(2) No vessel, while underway, shall carry more than a safe capacity load in persons and/or total weight, taking into consideration water and weather conditions. Except with respect to passenger carrying vessels inspected by the United States Coast Guard which have listed in the "Certificate of Inspection" the passenger loading capacity, the Superintendent shall consider hull configuration and intended use when determining the total number of persons and total weight permitted on a vessel.

(3) All vessels shall carry a suitable bailing bucket, in addition to whatever bilge pumps or automatic bailing devices with which the vessel may be equipped.

(4) All vessels, except those capable of being safely beached, shall be equipped with an anchor and line of sufficient weight and length to securely anchor such vessel.

(q) *Water sanitation.* (1) No fish, offal, bottles, cans, rubbish or other refuse shall be discarded or otherwise disposed in the waters.

(2) All vessels operating on the waters shall have a waste receptacle aboard in which all rubbish and refuse shall be deposited. Receptacles shall only be emptied in facilities provided at docks or other specified places.

(3) No persons shall launch, moor, dock, use or operate any vessel which contains a sanitary system capable of discharging toilet or galley wastes into the waters, unless such system has been removed, sealed, or made to drain into a portable tank for disposal on shore.

(r) *Inspections.* The Superintendent or his authorized representative may at any time board any vessel while afloat or underway to examine documents, licenses, and/or permits relating to operation of the vessel and to inspect such vessel to determine compliance with regulations.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1460; Filed, Feb. 13, 1964; 8:46 a.m.]

[36 CFR Part 2]

NATIONAL RECREATION AREAS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Part 2 of Title 3, Code of Federal Regulations, as is set forth below. The purposes of these amendments are to establish uniform regulations pertaining to water-use activities and to assure their Servicewide application; to consolidate general regulations; to delete obsolete and imprecise regulations in the light of current policy to permit maximum use of water resources in the National Recreation and Related Areas consistent with overall objectives; to parallel United States Coast Guard regulations applicable to navigable waters; to conserve and protect the natural, historic, and scientific values; and to provide for the health, safety, and welfare of persons and property.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (a) of § 2.1 is amended to read as follows:

§ 2.1 General provisions.

(a) The regulations in this part shall be applicable to the following National Recreation and Related Areas:

* * * * *

Paragraphs (g), (h), and (i) of § 2.2, paragraph (d) of § 2.3, paragraph (b) of § 2.7, paragraphs (a) and (e) of § 2.11, and paragraph (b) of § 2.12 are deleted in their entirety.

Section 2.15 is deleted in its entirety.

§ 2.15 Accidents. [Deleted]

Sections 2.21 and 2.22 are deleted in their entirety.

§ 2.21 Houseboats. [Deleted]

§ 2.22 Vessels, private. [Deleted]

Sections 2.24 through 2.27 are deleted in their entirety.

§ 2.24 Restricted waters. [Deleted]

§ 2.25 Speed of waterborne vessels. [Deleted]

§ 2.26 Obstructions. [Deleted]

§ 2.27 Compliance with Federal laws and regulations. [Deleted]

Sections 2.34 and 2.35 are deleted in their entirety.

§ 2.34 Water skiing. [Deleted]

§ 2.35 Navigation of waterways. [Deleted]

* * * * *

Sections 2.37 and 2.38 are deleted in their entirety.

§ 2.37 Overnight accommodations. [Deleted]

§ 2.38 Muffler cut-outs. [Deleted]

Section 2.40 is deleted in its entirety.

§ 2.40 Use of Government-owned docks, piers and floats. [Deleted]

A new section is added to Part 2, to read as follows:

§ 2.41 Boating.

The following rules and regulations apply to all vessels of every type and description operated in and/or on the waters of National Recreation and Related Areas. In addition thereto, there are also United States Coast Guard regulations found in Titles 33 and 46 of the Code of Federal Regulations which are applicable on navigable waters of the United States.

(a) *Definitions.* (1) "Vessel" includes every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. This definition includes but is not limited to the following: Boat, motorboat, houseboat, rowboat, powerboat, jet boat, fishing boat, towboat, flatboat, sailboat, cruiser, motor vessel, ship, barge, scow, tug, floating cabana, party boat, charter boat, ferry boat, canoe, raft, or any buoyant device permitting or capable of permitting free flotation.

(2) "Motorboat" means any vessel propelled by machinery (including steam) of 65 feet or less in length, whether or not such machinery is the principal source of power.

(3) "Motor vessel" means any vessel propelled by machinery (except steam) over 65 feet in length, whether or not such machinery is the principal source of power.

(4) "Sailboat or sail vessel" means any vessel propelled solely by wind effect on the sail.

(5) "Machinery" includes an inboard or outboard engine and any other type of motor or mechanical device capable of propelling a vessel.

(6) "Length" refers to the overall length of the hull extending from end to end over the deck, excluding sheer, measured in a straight line from the foremost part to the aftermost part of a vessel and parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in the measurement. Length shall be stated in feet and inches.

(7) "Operator" refers to the person who operates and/or has charge of the navigation or use of a vessel.

(8) "Owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(9) "Point" means eleven and one-quarter degrees of arc.

(10) "Visible" means visible on a dark night with a clear atmosphere.

(11) "Underway" means not at anchor or made fast to the shore or aground.

(12) "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.

(13) A "boating accident" includes but is not limited to: capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.

(14) "Person" means an individual, partnership, firm, corporation, association or other entity.

(15) "Navigable waters of the United States", as used in these rules and regulations, shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States, or to or from foreign nations. A stream which otherwise conforms with the above definition would not change its navigable character because of the existence of natural or artificial obstructions such as falls, shallows, rapids, dams, or bridges. Statutory declarations by Congress and decisions pronounced by the Federal courts as to the navigability of specific waters are binding.

(16) "Port" means the left side of a vessel, looking from the stern toward the bow.

(17) "Starboard" means the right side of a vessel, looking from the stern toward the bow.

(18) "Stern" means the aft or rear end of a vessel.

(19) "Bow" means the forward part of a vessel.

(20) "Hand-propelled vessel" means any vessel which is propelled by human muscular effort, which includes but not limited to oars, paddles, or other contrivances, and upon which no mechanical propulsion device such as electric motor, steam, or internal combustion engine or sail is used for the operation of such vessel.

(21) "Privately owned vessel" means any vessel other than one owned by or engaged in the official business of the Federal Government, or a State or any political subdivision thereof.

(b) *Permits.* The launching or operating of any motorboat on waters which are not directly accessible by a designated public road is prohibited unless written permission is first obtained from the Superintendent. In all other cases the Superintendent may, by the posting of appropriate signs, require the issuance of a permit before any vessel is placed in or operated upon the waters. He may also, consistent with regulations in this section, specify conditions of such permit. The permit must be carried within the vessel at all times and shall be exhibited upon request of any authorized person.

(c) *Numbering.* (1) No vessels, except those specifically exempt herein, which are propelled by machinery of more than ten horsepower shall be allowed to operate in or on the waters of any area unless such vessels have been documented by the Bureau of Customs, numbered by the United States Coast Guard, or numbered by a State having a numbering system approved by the United States Coast Guard. Such vessels shall be properly identified, and the required valid documents or certificates of number shall be carried on board.

(2) The following vessels are exempt from the requirements of this paragraph: Foreign vessels temporarily using waters of the United States, State and Municipal vessels, vessels used exclusively for racing, and vessels operating under a valid temporary Certificate of Number.

(d) *Motorboat classifications.* Motorboats subject to the provisions of these regulations shall be divided into four classes as follows:

Class A. Less than 16 feet in length.
Class 1. 16 feet or over, but less than 26 feet in length.
Class 2. 26 feet or over, but less than 40 feet in length.
Class 3. 40 feet or over, but not more than 65 feet in length.

(e) *Lights required.* (1) Every motorboat when underway from sunset to sunrise shall carry and exhibit the following lights, and during such time no other light which may be mistaken for those prescribed shall be exhibited:

(i) Every motorboat of Classes A and 1 shall carry the following lights:

(*a*) *First.* A bright white light aft to show all around the horizon.

(*b*) *Second.* A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard (right) and red to port (left), so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(ii) Every motorboat of Classes 2 and 3 shall carry the following lights:

(*a*) *First.* A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(*b*) *Second.* A bright white light aft to show all around the horizon and higher than the white light forward.

(*c*) *Third.* On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(iii) Every white light heretofore prescribed in this subparagraph shall be of such character as to be visible at a distance of at least two miles, and every colored light shall be of such character as to be visible at a distance of one mile.

(2) Any motorboat may carry and exhibit the lights required by the Act of October 11, 1951 (65 Stat. 406–420), as amended (33 U.S.C. 143–147d), in lieu of the lights prescribed in paragraph (e) above.

(3) Sailboats and hand-propelled vessels shall display the lights prescribed by "Statutory Rules of the Road" (33 U.S.C. 143–147d; 151–232; 241–295; and 303–356), which include but are not limited to the following requirements for sailboats and hand-propelled vessels:

(i) Sailboats when propelled by sail alone shall exhibit the following lights: On the starboard side a green light, and on the port side a red light, so constructed as to show an unbroken light over an arc of the horizon from dead ahead to two points abaft the beam. Such vessels shall also carry at the stern a 12-point white light so fixed as to throw the light six points from aft on each side of the vessel; or in a small vessel if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, such vessel shall carry ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avert collision. Sailboats less than 40 feet in length may carry a combined light in lieu of separate side lights.

(ii) All hand-propelled vessels operated between sunset and sunrise shall have ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avoid collision.

(iii) All vessels at anchor between sunset and sunrise, unless anchored at a

designated site, shall carry forward or where it can best be seen a bright white light to show all around the horizon and visible for one mile.

(f) *Lifesaving equipment required.* (1) All motor vessels shall carry a United States Coast Guard approved life preserver for each person on board, and such vessels carrying passengers for hire shall also be provided with an additional member of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(2) Motorboats when carrying passengers for hire shall be provided with a United States Coast Guard approved life preserver for each person on board, and with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(3) Motorboats of Class 3 not carrying passengers for hire shall carry a United States Coast Guard approved life preserver or ring life buoy for each person aboard.

(4) All other vessels not heretofore included in this paragraph shall carry a United States Coast Guard approved life preserver, ring life buoy, buoyant vest, or buoyant cushion for each person aboard.

(5) Lifesaving devices required on all vessels shall be in good and serviceable condition, and shall be so placed as to be readily accessible: Except that any person less than 14 years of age shall, at all times when on deck while the vessel is underway, wear a life preserver or buoyant vest approved by the United States Coast Guard.

(g) *Signaling devices.* Motorboats shall be provided with an efficient whistle and/or other sound producing device as set forth below:

Class of motorboat	*Type of device*
A	None.
1	Mouth, hand, or power operated whistle or other sound producing mechanical device, capable of producing a blast of two seconds or more duration, and audible for at least one-half mile.
2	Hand or power operated horn or whistle, capable of producing a blast of two seconds or more duration, and audible for at least one mile; and a bell.
3	Power operated horn or whistle capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile; and a bell.

(h) *Flame arrestors.* Each carburetor of every gasoline engine except outboard motors installed in a vessel shall be equipped with an efficient flame arrestor approved by the United States Coast Guard.

(i) *Ventilation.* All vessels which use fuel having a flashpoint of 110 degrees F. or less shall be equipped with at least two ventilators fitted with cowls, or their equivalent, for the purpose of properly and efficiently ventilating the bilges of every engine and fuel tank compartment in order to remove inflammable or explosive gases. *Provided however,* That such vessels so constructed as to have the greater portion of the bilges under the engine and fuel tanks open and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

(j) *Fire extinguishers.* All motorboats shall carry at least the minimum number of hand portable fire extinguishers approved by the United States Coast Guard, as set forth below, except that motorboats of Classes A and 1 of open construction which are propelled by outboard motors but are not carrying passengers for hire need not carry such fire extinguishers:

Class of motorboat	Minimum number of B–I hand portable fire extinguishers required (However, one B–II hand portable fire extinguisher may be substituted for two B–I hand portable fire extinguishers)	
	No fixed fire extinguishing system in machinery spaces	Fixed fire extinguishing system in machinery spaces
A	1	0
1	1	0
2	2	1
3	3	2

Examples of minimum size graduations for some of the typical hand portable fire extinguishers are set forth below:

Classification		Foam (gallons)	Carbon dioxide (gallons)	Dry chemical (pounds)
Type	Size			
B	I	1¼	4	2
B	II	2½	15	10
B	III	12	35	20

(k) *Commercial operations.* (1) Vessels subject to United States Coast Guard inspection and certification shall not be operated on navigable waters of the United States unless the vessel has a valid certificate of inspection issued by the United States Coast Guard.

(2) In all waters, the operator of any vessel engaged in commerce including a vessel carrying passengers for hire must have a valid operator permit issued by the Superintendent or his authorized representative, following presentation of a valid United States Coast Guard operator's license or other adequate evidence of competency by the applicant. On vessels to be operated on navigable waters of the United States, the only acceptable evidence of competency will be a valid United States Coast Guard operator's license. Violation of regulations, or disregard of conditions outlined, by the permittee or other person under the direction or control of the permittee, will constitute cause for the cancellation of the permit.

(3) The use of liquefied petroleum gases and gasoline for cooking, heating, or lighting is prohibited on vessels carrying passengers for hire.

(4) No vessel carrying passengers for hire or reward may be used upon the waters until and unless all safety equipment, as described above, has undergone an inspection by the Superintendent or other authorized officer at intervals not to exceed twelve months, and such equipment has been found to be acceptable by the examining officer.

(l) *Rules of the Road.* The Statutory Rules of the Road, supra, which have been enacted by the Congress to prevent collision of vessels, must be observed by operators of vessels which are subject to the regulations in this part. The following subparagraphs outline specific requirements set forth in these rules:

(1) In narrow channels, when it is safe and practicable, every vessel shall keep to the right of the middle of the channel.

(2) When vessels are approaching each other head on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and speed so that the wake of each will not endanger the other.

(3) When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken vessel. The overtaken vessel shall maintain its course and speed until the overtaking vessel has safely passed. An overtaking situation shall exist whenever a vessel approaches another from any direction more than two points abaft the beam of the other vessel.

(4) A crossing situation shall exist when two vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another. In a crossing situation, the vessel which has the other on her own port (left) side shall hold her course and speed; and the vessel which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.

(5) Any vessel propelled by machinery shall keep clear of any vessel under sail or being propelled by oars or paddles.

(6) Safe and prudent speed shall be maintained in docking, fishing and/or buoyed areas so as not to endanger persons, vessels, or other property.

(m) *Accidents.* (1) In case of collision, accident, fire or other casualty, the operator shall render such assistance as may be practicable and necessary to other persons affected. He shall also give in writing his name, address, and identification of his vessel to any person injured and/or to the owner of any property damaged.

(2) A report of collision, accident, fire or other casualty that results in property damage or any personal injury or death to any person must be made by each operator of the vessels involved to the Superintendent or his authorized representative as soon as possible, and in any event within 24 hours. This report does not relieve the responsibility of making boating accident reports as may be required by States and/or the United States Coast Guard.

(n) *Prohibited operations.* (1) No operator or person in charge of any vessel shall operate or knowingly permit any other person to operate a vessel

in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person or property. Violations of the "Statutory Rules of the Road," supra, shall constitute prima facie evidence of negligent operation.

(2) The operator of a vessel shall not permit any person to ride on the gunwales, transom, or on the decking over the bow while the vessel is underway, unless the vessel is adequately equipped with rails or guards.

(3) No operator or person in charge of any vessel shall operate or knowingly permit any other person to operate a vessel while such person is under the influence of intoxicants or narcotic drugs.

(4) No privately owned vessel shall be used to carry passengers for hire, or be used in any other commercial operation, unless written authorization has been granted in accordance with § 1.31 of this chapter.

(5) The Superintendent may, by the posting of appropriate signs setting forth the body of water and delineated portion thereof, permit the towing of water skis, surfboards and similar devices only under the following conditions:

(i) Towing only permitted from sunrise to sunset.

(ii) There must be two competent persons in the vessel with one, in addition to the operator, in a position to observe the progress of the person or persons being towed.

(iii) The turning direction of all skiing and towing of skiers shall be counterclockwise.

(iv) Water skiers shall wear a lifesaving device: *Provided, however,* That skiers wearing a device which is not approved by the United States Coast Guard must have such approved lifesaving device readily available in the towing vessel.

(v) Such activity shall not be permitted within 500 feet of harbors, swimming beaches and mooring areas, or within 100 feet of any person swimming or diving.

(6) Swimming from vessels while underway is prohibited.

(7) The operation of a vessel, other than a hand-propelled vessel, by a person under the age of 14 years is prohibited unless such person is accompanied by another at least 18 years of age who is experienced in the operation of such vessel.

(8) No vessel shall be operated within an area delineated by a line of white buoys, having a horizontal international orange stripe at the top and bottom and an international orange diamond with cross on the white portions of the buoy, or between a line of such buoys and the nearest shore.

(9) No vessel propelled by machinery shall be operated within 500 feet of any bathing area designated by white floats and white float lines, except within a marked channel designated in a similar manner, in which instance slow speed shall be maintained.

(10) No vessel propelled by machinery shall be operated within 100 feet of any diver's marker, designated by a square-shaped flag containing a white diagonal stripe on a red field.

(11) No vessel shall be operated in excess of five miles per hour within designated harbors or in any area delineated by a line of white buoys, having a horizontal international orange stripe at the top and bottom and an international orange circle with a black "5 MPH" therein on the white portions of the buoy, or between a line of such buoys and the nearest shore.

(12) No operator or person in charge of a vessel shall at any time attach a vessel to or interfere with any marker, navigational buoy or other navigational aid.

(13) No person shall operate any vessel in a manner which shall unreasonably interfere with other vessels or with free and proper navigation of the waterways. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(14) Every vessel which is propelled on the waters by an internal combustion engine shall be equipped with a muffler so constructed as to prevent any intense or prolonged noise in the operation of such vessel, and the said muffler shall not be removed, cut down, or put out of operation for any purpose whatever, except upon authorization of the Superintendent during periods of regattas. Nothing contained in this subparagraph shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes, so long as these methods of silencing the exhaust are effective.

(15) No vessel shall be left unattended, outside of designated mooring or beaching areas, for a period in excess of 24 hours without the prior written permission of the Superintendent.

(16) No person shall stay overnight on a vessel moored in a designated mooring area unless written permission is first obtained from the Superintendent.

(17) Vessels equipped with a propeller above the water line, commonly referred to as an "airboat", are prohibited.

(18) No vessel more than 65 feet in length shall be placed in or operated on the waters: Except, that this prohibition shall not apply to concessioner-operated sightseeing vessels.

(19) Boat trailer wheels shall not be removed from axles, except for making repairs.

(20) No log boom, pier, dock, fence, pile, anchorage, raft, or other obstruction shall be installed in the waters without written permission of the Superintendent designating the location and manner of its installation.

(21) The provisions of this section shall not apply to vessels operated for official use by any agency of the United States, or of the States in which the waters are situated.

(o) *Restricted waters.* (1) No vessel shall be operated on any waters which are zoned and/or marked as migratory bird waters, or for fish cultural or wildlife uses.

(2) No vessel shall approach any dam or other engineering works closer than the limits posted with appropriate signs and/or markers.

(3) The Superintendent may close or otherwise restrict the use of any body of water when necessary to protect life or property, or for other emergency. Such restricted area shall be defined, whenever practicable, by signs and/or markers and shall be designated on a map, copies of which shall be conspicuously posted at places such as public docks and launching sites.

(4) The Superintendent may, by the posting of appropriate signs, restrict the loading, unloading and/or mooring of privately owned vessels at Government-owned docks, piers and floats.

(5) Camping on or from vessels at any one location, either in a single or combined separate periods, may be restricted to 7 days upon the posting of appropriate signs by the Superintendent.

(6) Vessels in violation of any provision in this section shall be subject to removal from the waters by the Superintendent or his authorized representative; the expense of removal and storage to be the liability of the owner or other person in charge of any such vessel.

(p) *Other safety requirements.* (1) All vessels, except motorboats of Classes 2 and 3 and motor vessels, shall be equiped with oars or paddles while underway.

(2) No vessel, while underway, shall carry more than a safe capacity load in persons and/or total weight, taking into consideration water and weather conditions. Except with respect to passenger carrying vessels inspected by the United States Coast Guard which have listed in the "Certificate of Inspection" the passenger loading capacity, the Superintendent shall consider hull configuration and intended use when determining the total number of persons and total weight permitted on a vessel.

(3) All vessels shall carry a suitable bailing bucket, in addition to whatever bilge pumps or automatic bailing devices with which the vessel may be equipped.

(4) All vessels, except those capable of being safely beached, shall be equipped with an anchor and line of sufficient weight and length to securely anchor such vessel.

(q) *Water sanitation.* (1) No fish, offal, bottles, cans, rubbish or other refuse shall be discarded or otherwise disposed in the waters.

(2) All vessels operating on the waters shall have a waste receptacle aboard in which all rubbish and refuse shall be deposited. Receptacles shall only be emptied in facilities provided at docks or other specified places.

(3) No person shall launch, moor, dock, use or operate any vessel which contains a sanitary system capable of discharging toilet or galley wastes into the waters, unless such system has been removed, sealed, or made to drain into a portable tank for disposal on shore.

(r) *Inspections.* The Superintendent or his authorized representative may at

any time board any vessel while afloat or underway to examine documents, licenses, and/or permits relating to operation of the vessel and to inspect such vessel to determine compliance with regulations.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1461; Filed, Feb. 13, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1003, 1005, 1008, 1009, 1011, 1013, 1016, 1033–1037, 1040–1044, 1046–1049, 1090, 1098, 1101]

[Docket No. AO-293-A7 etc.]

HANDLING OF MILK IN CERTAIN MARKETING AREAS; WASHINGTON, D.C., ET AL.

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Docket No.	Marketing area
1008	AO-293-A7	Washington, D.C.
1005	AO-177-A21-RO1	Tri-State.
1008	AO-268-A7	Greater Wheeling, W. Va.
1009	AO-268-A7	Clarksburg, W. Va.
1011	AO-251-A5	Appalachian.
1013	AO-295-A6	Southeastern Florida.
1016	AO-312-A4	Upper Chesapeake Bay.
1033	AO-166-A27	Greater Cincinnati.
1034	AO-175-A17	Dayton-Springfield, Ohio.
1035	AO-176-A16	Columbus, Ohio.
1036	AO-179-A23	Northeastern Ohio.
1037	AO-197-A8	North Central Ohio.
1040	AO-226-A13-RO1	Southern Michigan.
1041	AO-72-A26	Toledo, Ohio.
1042	AO-240-A5-RO1	Muskegon, Mich.
1043	AO-247-A6-RO1	Upstate Michigan.
1044	AO-299-A5	Michigan Upper Peninsula.
1046	AO-123-A26	Louisville-Lexington-Evansville.
1047	AO-33-A27	Fort Wayne, Ind.
1048	AO-325-A3	Greater Youngstown-Warren.
1049	AO-319-A1-RO1	Indianapolis, Ind.
1090	AO-366-A4	Chattanooga, Tenn.
1098	AO-194-A19	Nashville, Tenn.
1101	AO-196-A11	Knoxville, Tenn.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified, which was issued January 23, 1964 (29 F.R. 2001), is hereby extended to March 10, 1964.

Dated: February 11, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1484; Filed, Feb. 13, 1964; 8:48 a.m.]

[7 CFR Parts 1030–1032, 1038, 1039, 1045, 1050, 1051, 1061–1064, 1067–1070, 1078, 1079, 1094, 1096, 1097, 1099, 1102, 1103, 1105, 1107, 1108]

[Docket No. AO-101-A27]

HANDLING OF MILK IN CERTAIN MARKETING AREAS; CHICAGO, ILL., ET AL.

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Docket No.	Marketing area
1030	AO-101-A27	Chicago, Illinois.
1031	AO-170-A14	South Bend-LaPorte-Elkhart, Ind.
1032	AO-313-A3-RO1	Suburban St. Louis.
1038	AO-194-A8	Rock River Valley.
1039	AO-212-A14	Milwaukee, Wisconsin.
1045	AO-634-A6	Northeastern Wisconsin.
1050	AO-339-RO1	Central Illinois.
1051	AO-329-A1	Madison, Wis.
1061	AO-327-A2	St. Joseph, Mo.
1062	AO-10-A28	St. Louis, Mo.
1063	AO-105-A14-RO1	Quad Cities-Dubuque.
1064	AO-23-A24	Greater Kansas City.
1067	AO-222-A12	Ozarks.
1068	AO-178-A14	Minneapolis-St. Paul, Minn.
1069	AO-153-A9	Duluth-Superior.
1070	AO-220-A8	Cedar Rapids-Iowa City.
1078	AO-272-A3	North Central Iowa.
1079	AO-295-A4	Des Moines, Iowa.
1094	AO-103-A21	New Orleans, La.
1096	AO-257-A9	Northern Louisiana.
1097	AO-219-A11	Memphis, Tenn.,
1099	AO-183-A9	Paducah, Ky.,
1102	AO-237-A7	Fort Smith, Ark.
1103	AO-252-A8-RO1	Central Mississippi.
1105	AO-297-A4	Mississippi Delta.
1107	AO-304-A4-RO1	Mississippi Gulf Coast.
1108	AO-243-A9	Central Arkansas.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified, which was issued January 23, 1964 (29 F.R. 2101), is hereby extended to March 10, 1964.

Dated: February 11, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1485; Filed, Feb. 13, 1964; 8:48 a.m.]

[7 CFR Parts 1032, 1050, 1063]

[Docket Nos. AO-339, AO-313-A3, AO-105-A14]

MILK IN CENTRAL ILLINOIS, SUBURBAN ST. LOUIS AND QUAD CITIES-DUBUQUE MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Revised Recommended Decision on Proposed Marketing Agreement and Order and Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the revised recommended decision with respect to the proposed marketing agreement and order regulating the handling of milk in the Central Illinois marketing area and the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Suburban St. Louis and Quad Cities-Dubuque marketing areas, which was issued January 20 1964 (29 F.R. 1529), is hereby extended to March 10, 1964.

Dated: February 11, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1486; Filed, Feb. 13, 1964; 8:48 a.m.]

[7 CFR Part 1035]

[Docket No. AO-176-A15]

MILK IN COLUMBUS, OHIO, MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Columbus, Ohio, marketing area, which was issued January 20, 1964 (29 F.R. 1389), is hereby extended to March 10, 1964.

Dated: February 11, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1487; Filed, Feb. 13, 1964; 8:48 a.m.]

[7 CFR Parts 1065, 1066, 1071–1076, 1104, 1106, 1120, 1125–1138]

[Docket No. AO-88-A15]

HANDLING OF MILK IN CERTAIN MARKETING AREAS; NEBRASKA-WESTERN IOWA, ET AL.

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Docket No.	Marketing area
1065	AO-86-A15	Nebraska-Western Iowa.
1066	AO-122-A10	Sioux City, Iowa.
1071	AO-227-A12-RO1	Neosho Valley.
1072	AO-235-A5	Sioux Falls-Mitchell.
1073	AO-173-A15	Wichita, Kans.
1074	AO-249-A5	Southwest Kansas.
1075	AO-248-A4	Black Hills, South Dakota.
1076	AO-260-A5	Eastern South Dakota.
1104	AO-298-A3	Red River Valley.
1106	AO-210-A15	Oklahoma Metropolitan.
1120	AO-328-A2	Lubbock-Plainview, Tex.
1125	AO-226-A9	Puget Sound, Wash.
1126	AO-231-A20	North Texas.
1127	AO-222-A12	San Antonio, Tex.
1128	AO-238-A14	Central West Texas.
1129	AO-256-A8	Austin-Waco, Tex.
1130	AO-259-A9	Corpus Christi, Tex.
1131	AO-271-A6	Central Arizona.
1132	AO-262-A9	Texas Panhandle.
1133	AO-275-A10	Inland Empire.
1134	AO-301-A3-RO1	Western Colorado.
1135	AO-300-A5-RO2	Colorado Springs-Pueblo.
1136	AO-309-A5	Great Basin.
1137	AO-326-A2-RO2	Eastern Colorado.
1138	AO-335-A1	Rio Grande Valley.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified, which was issued January 23, 1964 (29 F.R. 2203), is hereby extended to March 10, 1964.

Dated: February 11, 1964, Washington, D.C.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1488; Filed, Feb. 13, 1964; 8:49 a.m.]

[7 CFR Parts 1103, 1105, 1107]

[Docket Nos. AO-252-A8, AO-297-A3, AO-304-A2, AO-304-A4]

MILK IN CENTRAL MISSISSIPPI AND MISSISSIPPI GULF COAST MARKETING AREAS (TO BE NEWLY DESIGNATED AS "SOUTHERN MISSISSIPPI MARKETING AREA") AND MISSISSIPPI DELTA MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Central Mississippi, Mississippi Gulf Coast, and Mississippi Delta marketing areas, which was issued January 20, 1964 (29 F.R. 1403), is hereby extended to March 10, 1964.

Signed at Washington, D.C., on February 11, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1489; Filed, Feb. 13, 1964; 8:49 a.m.]

[7 CFR Parts 1008, 1009, 1031, 1035, 1036, 1040–1043, 1047–1049, 1062, 1066, 1067, 1072, 1075, 1090, 1096, 1098, 1101, 1120, 1125, 1126, 1128–1135, 1137–1138]

MILK IN CERTAIN MARKETING AREAS

Notice of Proposed Termination of Certain Provisions of the Orders

Marketing Areas	*7 CFR Parts*
Greater Wheeling, W. Va	1008
Clarksburg, W. Va	1009
South Bend-LaPorte-Elkhart, Ind	1031
Columbus, Ohio	1035
Northeastern Ohio	1036
Southern Michigan	1040
Toledo, Ohio	1041
Muskegon, Mich	1042
Upstate Michigan	1043
Fort Wayne, Ind	1047
Greater Youngstown-Warren	1048
Indianapolis, Ind	1049
St. Louis, Mo	1062
Sioux City, Iowa	1066
Ozarks	1067
Sioux Falls-Mitchell, S. Dak	1072
Black Hills, S. Dak	1075
Chattanooga, Tenn	1090
Northern Louisiana	1096
Nashville, Tenn	1098
Knoxville, Tenn	1101
Lubbock-Plainview, Tex	1120
Puget Sound, Wash	1125
North Texas	1126
Central West Texas	1128
Austin-Waco, Tex	1129
Corpus Christi, Tex	1130
Central Arizona	1131
Texas Panhandle	1132
Inland Empire	1133
Western Colorado	1134
Colorado Springs-Pueblo	1135
Eastern Colorado	1137
Rio Grande Valley	1138

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the orders regulating the handling of milk in the above designated marketing areas is being considered.

The provisions which are proposed to be terminated are those which average the carlot price per pound of roller process nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area with such price for spray process nonfat dry milk solids in the computation of a formula price for milk of the class or classes specified below for each of the respective orders. The effect of the proposed termination would be to use only the price for spray process solids in such computations.

The Dairy and Poultry Market News has announced that this roller process price quotation will be discontinued following release of the February 1964 price. Data for this price series has been secured through reports to the Statistical Reporting Service by manufacturers and publication has been in the market news reports of the Agricultural Marketing Service.

For the months of May–December 1963, the price reported for roller process nonfat dry milk has averaged .16 cents per pound less than that for spray process. Elimination of the roller process price from the formula price computations would have affected the average price computed under each of the orders by less than one-cent per hundredweight. For the months of November and December the roller process price exceeded the spray process price by .03 and .07 cents per pound, respectively.

The specific provisions proposed to be terminated are:

PART 1008—MILK IN THE GREATER WHEELING MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1008.51(b)(2)(ii), the provisions:

(1) "the arithmetical average of",

(ii) From the average of the carlot

(2) "and roller",

(2) From the weighted average of car-

The termination of

In § 1008.51(b)(3)(ii) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".
The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1009—MILK IN THE CLARKSBURG MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1009.51(b)(3)(ii) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".
The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1031—MILK IN THE SOUTH BEND—LA PORTE-ELKHART MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1031.54(b)(2) the provisions:
(1) "the arithmetical average of".
(2) The "s" in the word "averages".
(3) "and roller".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2

PART 1035—MILK IN THE COLUMBUS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II, Class III and Class IV pricing formulas:
In § 1035.18 the provisions:
(1) "the arithmetical average of".
(2) The "s" in the word "averages".
(3) "and roller".
The termination of such provisions would result in the text reading as follows:

§ 1035.18 Nonfat dry milk price.

"Nonfat dry milk price" means the weighted average of the carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

PART 1036—MILK IN THE NORTHEASTERN OHIO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:
In § 1036.52(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1040.52(b) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".
The termination of such provisions would result in the text reading as follows:

(b) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

PART 1041—MILK IN THE TOLEDO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1041.50(b)(2)(ii) the provisions:
(1) The word "arithmetical" wherever it appears.
(2) "and roller".
The termination of such provisions would result in the text reading as follows:

(ii) From the average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray process, f.o.b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f.o.b. manufacturing plants, there shall be used for the purpose of this computation the average of the carlot prices thereof delivered to Chicago, Ill., as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

PART 1042—MILK IN THE MUSKEGON MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1042.52(b) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".
The termination of such provisions would result in the text reading as follows:

(b) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply by 8.2.

PART 1043—MILK IN THE UPSTATE MICHIGAN MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:
In § 1043.51(b)(2)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".
The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1047—MILK IN THE FT. WAYNE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1047.51(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".

(3) "and roller".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of the carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month to the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1048—MILK IN THE GREATER YOUNGSTOWN-WARREN MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1048.50(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and then multiply by 8.2.

PART 1049—MILK IN THE INDIANAPOLIS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1049.51(b)(2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

PART 1062—MILK IN THE ST. LOUIS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1062.50(b)(2) the provisions:
(1) "and roller".
(2) "respectively,".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5.5 cents and multiply by 7.0.

PART 1066—MILK IN THE SIOUX CITY MARKETING AREA

The following provision relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1066.51(b)(2) the provision "and roller" appearing as a part of the phrase "nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. manufacturing plants in the Chicago area".

PART 1067—MILK IN THE OZARKS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1067.50(b)(2) the provisions:
(1) "and roller".
(2) "respectively,"
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, subtract 5.5 cents and multiply by 7.0.

PART 1072—MILK IN THE SIOUX FALLS-MITCHELL MARKETING AREA

The following provision relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1072.51(b)(2) the provision "and roller" appearing as a part of the phrase "nonfat dry milk solids, spray and roller process, for human consumption, f.o.b. manufacturing plants in the Chicago area".

PART 1075—MILK IN THE BLACK HILLS MARKETING AREA

The following provision relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In the proviso of § 1075.51(b)(2) the provision "and roller".

PART 1090—MILK IN THE CHATTANOOGA MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1090.51(b)(2) the provisions:
(1) "arithmetical".
(2) "and roller".
The termination of such provisions would result in the text reading as follows:

(2) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.8 and add to such sum 3¾ cents for each full one-half cent that the average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1096.51(b)(2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) "and roller".
(3) "respectively,".
The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1098—MILK IN THE NASHVILLE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1098.51(b)(3)(ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".
The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of the carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month through the 25th day of the current month, as published by the Department, subtract 5 cents and multiply by 7.5.

PART 1101—MILK IN THE KNOXVILLE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:
In § 1101.51(b)(4)(ii) the provisions:
(1) "arithmetical".
(2) "and roller".
The termination of such provisions would result in the text reading as follows:

(ii) From the average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. Chicago area manufacturing plants, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1120.50(b) (2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1125—MILK IN THE PUGET SOUND MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1125.51(b) (2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

PART 1126—MILK IN THE NORTH TEXAS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1126.51(b) (1) (ii) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.16.

PART 1128—MILK IN THE CENTRAL WEST TEXAS MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1128.51(a) (2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

PART 1129—MILK IN THE AUSTIN-WACO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1129.51(a) (2) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

PART 1130—MILK IN THE CORPUS CHRISTI MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1130.50(b) (1) (ii) the provisions:
(1) "the simple average as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture deduct 5.5 cents and multiply by 8.16.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:

In § 1131.51(c) (2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1132.51(b) (2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 5.5 cents and multiply by 8.16.

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II and Class III pricing formulas:

In § 1133.51(c) (2) the provisions:
(1) "the simple average of".
(2) The "s" in the word "averages".
(3) "and roller".

The termination of such provisions would result in the text reading as follows:

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1134.51(b) (2) (ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1135—MILK IN THE COLORADO SPRINGS-PUEBLO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1135.51(b) (1) (ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1137.51(b) (1) (ii) the provisions:
(1) "the simple average, as computed by the market administrator, of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,".

The termination of such provisions would result in the text reading as follows:

(ii) From the weighted average of carlot prices per pound of nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

The following provisions relating to the use of roller process nonfat dry milk prices in the Class II pricing formula:

In § 1138.51(b) (2) the provisions:
(1) "the simple average as computed by the market administrator of".
(2) The "s" in the word "averages".
(3) "and roller".
(4) "respectively,"

The termination of such provisions would result in the text reading as follows:

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply the remainder by 8.16.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C. on February 11, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F. R. Doc. 64-1446; Filed, Feb. 13, 1964; 8:45 a.m.]

[7 CFR Part 1126]

[Docket No. AO-231-A22]

MILK IN THE NORTH TEXAS MARKETING AREA

Decision and Order To Terminate Proceedings on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Tex., on August 14–15, 1963, pursuant to notice thereof issued on July 30, 1963 (28 F.R. 7911).

Upon the basis of the evidence introduce at the hearing and the record thereof, the Assistant Secretary on November 8, 1963 (28 F.R. 12129); F.R. Doc. 63-11959) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (28 F.R. 12129; F.R. Doc. 63-11959) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Revision in the level of Class I price; and

2. An increase in the Class II price at pool distributing plants located in Dallas and Tarrant Counties, Texas.

Findings and conclusions. A recommended decision containing findings and conclusions on Issue No. 1 was issued September 16, 1963 (28 F.R. 10212) and a final decision on September 26, 1963 (28 F.R. 10521).

The following findings and conclusions on the remaining material issue (No. 2) are based on evidence presented at the hearing and the record thereof:

2. *Class II milk price.* No change should be made in the Class II pricing provisions on the basis of this record.

Since April 1961, the North Texas Class II price, for the months of July through March has been the higher of the butter-powder formula price (which reflects prices reported at Chicago for butter and nonfat dry milk) or the Cheddar cheese formula price (which reflects prices paid per pound of Cheddar cheese at Wisconsin primary markets). In all other months, the Class II price is the higher of the butter-powder formula price, less 14 cents, or the Cheddar cheese formula price. Since the inception of the present Class II pricing provisions, the Cheddar cheese formula price has never been effective in determining the Class II price. Consequently, the Class II price has continuously reflected competitive market prices for nonfat dry milk f.o.b. plants in the Chicago area and butter at Chicago. Under the terms of the order the Class II prices are applicable to milk used to produce ice cream, cottage cheese, unsweetened condensed skim milk, eggnog, sour cream, Cheddar cheese, butter, nonfat dry milk, milk sold for animal feed; inventories of fluid milk products on hand at the end of the month; allowable shrinkage and milk products used for fortification.

North Texas Producers Association proposed a 15-cent increase in the price of milk utilized as Class II at pool plants located in Dallas and Tarrant Counties, Texas. In support of their position proponents advanced Alfred Weber's theory of economic location (i.e., that location of manufacturing industries is determined by the ratio between the weight of the localized material and the weight of the product) and Von Thunen's theory of the location of agricultural enterprises (i.e., that concentric zones of production would be established around a metropolitan city with the most bulky and highly perishable products being produced closest to the city and the less perishable products in outer zones). Proponents contend that the present structure of the North Texas market is in conflict with these theories in that handlers have concentrated their man-

ufacturing operations in their city processing plants and producers are required to deliver milk to such plants for both Class I and Class II uses, whereas milk for other than fluid uses might more economically be moved to plants in the production area for manufacturing uses. Proponents further contend that such manufacturing outlets are available in the production area and that producers incur additional hauling costs approximating 15 cents per hundredweight in delivering milk to city plants rather than to plants in the production area. They take the position that because handlers demand producer milk for Class II use, producers should be compensated for the additional transportation costs in delivering such milk to city plants.

Handlers in Dallas and Fort Worth generally opposed any change in the Class II price level contending that a price increase as requested would place them at a competition disadvantage in relation to North Texas handlers with plants outside of Dallas and Tarrant Counties and in relation to handlers in adjacent markets with which they compete.

While the structure of the North Texas market seemingly conflicts with the "ideal" market structure, producers contend that this is the result of operating decisions on the part of regulated handlers. They suggest that all of the milk produced within 80 miles of Dallas and Fort Worth is needed to fulfill the Class I requirements of the market and that milk produced beyond that distance could be moved to nearby country manufacturing plants at a transportation saving approximating 15 cents per hundredweight based on the application of a transportation rate of 1.5 cents for each ten miles of distance. Because city-based handlers require milk for Class II use at their city plants, proponents hold that such handlers should pay to producers the additional transportation cost involved.

Notwithstanding proponents' position, there was no showing that the 15-cent Class II price increase requested for milk received at plants in Dallas and Tarrant Counties is in any substantial way related to actual transportation costs. Producer milk generally moves to market via contract haulers at negotiated rates. While there are differences in hauling rates as among producers which in some measure reflect differences in length of haul, the established rate for any producer is largely a composite rate reflecting the average hauling distance for all producers. Milk produced in the southern part of the milkshed near Dallas and Fort Worth is not necessarily always moved to such points but may be routed to manufacturing plants in the northern portion of the milkshed at the same time that milk produced in the proximity of such manufacturing plants is delivered to Dallas and Fort Worth handlers.

Even if the requested 15-cent increase actually reflected the additional cost of moving milk to Dallas and Fort Worth plants, there is no way under the order whereby the money could be returned to the producers whose milk was involved. Under the location differential provisions of the order all producers delivering to plants within 110 miles of the City Hall of Dallas, Texas, receive the same uniform price. In excess of 90 percent of the producer milk on the market is received at plants at which no location differential is applicable. Only one plant, a receiving station, located at Monett, Missouri, is subject to a location differential.

While proponents recognize that the requested 15-cent price increase would be shared by all producers rather than only by the producers whose milk was moved to the city for Class II use, they indicated their willingness to share the increase and pointed out that the North Texas Producers Association represents the preponderance of producers (in excess of 80 percent) and carries essentially all of the reserve supply of the market. Notwithstanding, any price increase based on additional transportation cost should of necessity accrue only to producers whose milk is subject to such additional transportation.

Most of the milk moved to fluid processing plants in Dallas and Tarrant Counties for Class II use is disposed of in ice cream and cottage cheese. During the period 1952 through 1962, Class II usage of producer milk at such plants has increased from 42 million pounds to almost 115 million pounds annually.

If handlers demand local producer milk for specified Class II usage and a higher pricing would not result in a loss of market for producer milk, there is no economic reason for denying a higher pricing. However, such higher pricing should necessarily be applied uniformly to all handlers. This higher pricing if restricted to only handlers with plants located in Dallas and Tarrant Counties, could place such handlers at a competitive disadvantage with order handlers whose plants are located outside of such counties and who also manufacture ice cream and/or cottage cheese. The notice of hearing would not permit extension of any Class II price adjustment to plants located outside of Dallas and Tarrant Counties and accordingly, no change in the level of Class II pricing appropriately can be made on the basis of this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination order. It is hereby found and determined on the basis of the findings and conclusions and rulings with respect to the remaining material issue (No 2) of this proceeding that the proceedings with respect to proposed amendment to the tentative marketing agreement and to the order is hereby terminated.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 11, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-1490; Filed, Feb. 13, 1964; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

VALENCIA PEANUTS

Notice of Proposed Determinations To Be Made With Respect to Supply for 1964–65 Marketing Year

Pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of Valencia type peanuts for the 1964–65 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c) of the Act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1964–65 marketing year will be insufficient to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All written submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 11, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-1492; Filed, Feb. 13, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 11 [NEW]]

[Reg. Doc. No. 4003; Notice 64-9]

ASSIGNMENT OF NAVIGABLE AIRSPACE

Notice of Proposed Rule Making

The Federal Aviation Agency is considering a proposal to amend the Agency's General Rule-Making Procedures to authorize FAA Regional Directors to issue regulations assigning the navigable airspace.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 16, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

At present, the Air Traffic Service in Washington, D.C., issues all notices and rules pertaining to airspace designations appearing in Parts 71, 73, and 75 [New] of the Federal Aviation Regulations. Under the delegation of authority proposed herein, Regional Directors would assume responsibility for the designation of restricted areas and the assignment of controlled airspace for terminal area operations. The Air Traffic Service would retain the responsibility for the issuance of airspace regulations designating airspace for en route operations. Of course, airspace problems frequently call for rule-making action effecting simultaneous changes to several categories of airspace designations. Where strict adherence to the division of responsibilities outlined above would require the presentation of a regulatory action in two separate dockets and impair intelligent participation by interested persons in the rule-making process, or result in the publication of a second docket only to deal with a minor amendment ancillary to the main action, Regional Offices would issue a docket encompassing all of the necessary airspace actions. However, the Air Traffic Service would handle general revisions of Parts 71, 73, and 75, and all changes to Subpart A of Parts 71 and 75, and Subparts A and B of Part 73.

In some cases, restricted areas or controlled airspace for terminal areas may extend into airspace over two FAA Regions. If revisions to this airspace are needed, the Regional Office responsible for the largest portion of the airspace under consideration would publish the appropriate rule-making actions after coordination is completed with the other affected region.

In consideration of the foregoing, it is proposed to amend Subpart D of Part 11 of the Federal Aviation Regulations as hereinafter set forth.

1. Section 11.61(c) is amended to read as follows:

(c) For the purposes of this subpart, "Director" means the Director, Air Traffic Service, a Regional Director, or any person to whom the Director, Air Traffic Service, or the Regional Director has delegated his authority in the matter concerned, except that a Regional Director may not issue a notice or rule relating to—

(1) Subpart A of Parts 71 and 75, Subparts A and B of Parts 73, or Subpart F of Part 77 [New] of this chapter, or

(2) Airspace designations in Parts 71, 73, and 75 [New] of this chapter, other than those relating to restricted areas or controlled airspace for terminal areas.

However, subparagraph (2) of this paragraph does not apply to any case that requires a consolidated presentation of airspace actions to assure intelligent participation in the rule-making process by interested persons, or to avoid the separate publication of minor amendments ancillary to another action.

2. The following new paragraph (d) is added at the end of § 11.61:

(d) For the purposes of this subpart, "General Counsel" means the General Counsel, or a Regional Counsel, or any person to whom the General Counsel or Regional Counsel has delegated his authority in the matter concerned.

3. Section 11.63(a) is amended by striking out the words "a Regional Assistant Administrator or".

4. Section 11.69(a) is amended to read as follows:

(a) After the closing date for submitting written comments on a notice or, if a hearing is held, after the hearing, the Office having substantive responsibility for the subject involved studies the entire matter of a proposed rule or order. That Office and the Office of the General Counsel prepare an appropriate rule, order, or notice of denial, subject to the approval of the General Counsel as to form and legality. The rule, order, or notice of denial is then submitted, with the recommendations of the head of the Office concerned and the General Counsel, to the Director for his action.

5. Section 11.69(b) is amended by striking out the words "by the Administrator" and inserting the words "by the Director" in place thereof.

6. Section 11.75(a) is amended by striking out the words "Director of the Air Traffic Service" and inserting the word "Director" in place thereof.

These amendments are proposed under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on February 12, 1964.

JAMES B. MINOR,
Acting General Counsel.

[F.R. Doc. 64-1532; Filed, Feb. 13, 1964; 8:50 a.m.]

AMERICAN MAIL LINE LTD., AND

D.C., 20573, or may inspect a copy at the

[Docket No. RI64-524 etc.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 2]

HOPEWELL VILLAGE NATIONAL HISTORIC SITE, PENNSYLVANIA

Foreman III, Maintenance and Construction

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment or Services.

1. *Foreman III, Maintenance and Construction.* The Foreman III, Maintenance and Construction, may issue purchase orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8624), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 3 (22 F.R. 7615))

Dated: January 22, 1964.

BENJAMIN J. ZERBEY,
Superintendent.

[F.R. Doc. 64-1462; Filed, Feb. 13, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

NEW YORK PRODUCE EXCHANGE

Board of Trade Designated as Contract Market Under Commodity Exchange Act

Notice is hereby given that under the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1-17a), the New York Produce Exchange, of New York, New York, was designated as a contract market for cottonseed meal under the provisions of said Act on February 11, 1964, effective on said date.

Done at Washington, D.C., this 11th day of February 1964.

ALEX C. CALDWELL,
Administrator.

[F.R. Doc. 64-1491; Filed, Feb. 13, 1964; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 1, 1964.

Dated: February 3, 1964.

FRANK R. BAILEY.

[F.R. Doc. 64-1480; Filed, Feb. 13, 1964; 8:48 a.m.]

JAMES A. BRANDT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: General Dynamics Corp., Republic Steel Co.
B. Additions: Lamson Corp., U.S. Steel Corp.

This statement is made as of January 27, 1964.

Dated: January 27, 1964.

JAMES A. BRANDT.

[F.R. Doc. 64-1481; Filed, Feb. 13, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1139]

SOUTH ATLANTIC AND CARIBBEAN LINE, INC.

Discontinuance of Proceedings Regarding Rate Changes in the Puerto Rico/South Atlantic Trade

By the Original Order in Docket No. 1139 served September 12, 1963, the Commission instituted an investigation into and concerning the lawfulness of certain tariff amendments stated in South Atlantic and Caribbean Line, Inc. Freight Tariff No. 6, FMC-F No. 6 applying from Puerto Rico to Florida, and suspended said tariff amendments to and including January 3, 1964. On October 30, 1963, the Commission granted South Atlantic and Caribbean Line, Inc. special permission authority to amend the suspended matter on statutory notice and by order dated November 12, 1963, placed any rates filed pursuant to such permission under investigation in this proceeding. Subsequently the amended rates were filed. The new tariff filings appear to have eliminated the matter which caused the Commission to institute the investigation and the Commission now is of the opinion that no reason exists for continuing the proceeding.

Now therefore it is ordered, That the investigation of South Atlantic and Caribbean Line, Inc. tariff provisions instituted under the Original Order, and as amended by First Supplemental Order in Docket No. 1139, be and it is hereby discontinued;

It is further ordered, That a copy of this Order shall be forthwith served upon the respondent herein; and that this order shall be published in the FEDERAL REGISTER.

By the Commission, February 4, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-1472; Filed, Feb. 13, 1964; 8:47 a.m.]

[Docket No. 1164]

TMT TRAILER FERRY INC.

Vacation of Suspension and Discontinuance of Proceeding Regarding Increased Rates on Empty Wooden Barrels

By order dated December 5, 1963, the Commission entered into an investigation concerning the lawfulness of increased rates on empty wooden barrels stated in TMT Trailer Ferry Inc. (C. Gordon Anderson, Trustee) Freight Tariff FMC-F No. 3 (Trailer Marine Transportation (TMT), Inc., Series) and suspended the operation of said rates to and including April 5, 1964. Upon further consideration of the matter in the light of a petition filed by the respondent on December 10, 1963, requesting that the order of suspension be vacated, and of a reply thereto filed by the protestant, the Commonwealth of Puerto Rico on December 18, 1963, the Commission is of the opinion that the rates are not unduly burdensome on the Puerto Rican rum industry nor unjust, unreasonable or otherwise unlawful in violation of the Shipping Act, 1916 or the Intercoastal Shipping Act, 1933.

Now therefore it is ordered, That the said order of December 5, 1963 be, and it is hereby, vacated and set aside, and the proceeding be discontinued;

It is further ordered, That a copy of this order shall be filed with the said tariff in the Bureau of Domestic Regulation, Federal Maritime Commission; be served upon the respondent and protestant herein; and published in the FEDERAL REGISTER.

By the Commission, December 27, 1963.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64-1473; Filed, Feb. 13, 1964; 8:47 a.m.]

AMERICAN MAIL LINE LTD., AND BURMA FIVE STAR LINE LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9304 between the American Mail Line Ltd., and Burma Five Star Line Ltd. provides for a through billing arrangement for cargo transported in the trade from U.S. Pacific Coast ports to ports in Burma with transhipment at Yokohama or Kobe, Japan in accordance with terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1470; Filed, Feb. 13, 1964; 8:47 a.m.]

BLACK DIAMOND STEAMSHIP CORP. ET AL.

Notice of Filing of Agreement

Black Diamond Steamship Corp., Compagnie Maritime Belge/Compagnie Maritime Congolaise, Cosmopolitan Line, Hamburg-Amerika Linie, Moore-McCormack Lines, Inc., Norddeutscher Lloyd, Holland-Amerika Lijn, United States Lines Company and Meyer Line.

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 9306, between the above-named carriers, provides for the establishment of a freight pool to govern the division of net freight revenue earned by the parties in the trades between U.S. North Atlantic ports and ports in Belgium, Holland and Germany (excluding German Baltic ports), on terms and conditions set forth therein.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 10, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1471; Filed, Feb. 13, 1964; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-336 etc.]

ATLANTIC REFINING CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate; Correction

FEBRUARY 5, 1964.

The Atlantic Refining Company, et al., Docket No. RI64-336, et al.; George Austin Brady, et al., d/b/a Brady Compressing Company, Docket No. RI64-348.

In the order providing for hearing on and suspension of proposed change in rate, issued November 29, 1963, and published in the FEDERAL REGISTER December 10, 1963 (F.R. Doc. 63-12663; 28 F.R. 13379), in the chart, after Docket No. RI64-348, George Austin Brady, et al., d/b/a Brady Compressing Company, delete all reference to Supplement No. 1 and substitute Supplement No. 2 in lieu thereof.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1465; Field, Feb. 13, 1964; 8:46 a.m.]

[Docket No. RI64-358]

BROOKHAVEN OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 5, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 29, 1963, and published in the FEDERAL REGISTER December 10, 1963 (F.R. Doc. 63-12664; 28 FR-13381), in the extreme left column, first paragraph under the chart, change "tax reimbursement" to "a periodic increase" in lines 2 and 8.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1466; Filed, Feb. 13, 1964; 8:46 a.m.]

[Docket No. RI64-524 etc.]

KAY KIMBELL OIL PROPERTIES, ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 5, 1964.

Kay Kimbell Oil Properties (Operator), et al., Docket No. RI64-524, et al.; E. P. Campbell (Operator), et al., Docket No. RI64-527.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 10, 1964, and published in the FEDERAL REGISTER January 22, 1964 (F.R. Doc. 64-499; 29 F.R. 535), in the chart after Docket No. RI64-527, E. P. Campbell (Operator), et al., change Respondent's address from P.O. Box 1540, Fort Worth, Texas, to read 1603 Broadway, Lubbock, Texas.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1467; Filed, Feb. 13, 1964; 8:47 a.m.]

OFFICE OF EMERGENCY PLANNING

INTERDEPARTMENT RADIO ADVISORY COMMITTEE

Delegation of Authority

1. By authority of Executive Order 10995 of February 16, 1962, as amended, pending the appointment and qualification of the Director of Telecommunications Management and action by him in the premises, the Interdepartment Radio Advisory Committee will report to the Chief, Frequency Management Division, Office of Emergency Planning, and is hereby authorized, subject to his approval, to assign frequencies to Government radio stations and classes of stations on an interim basis.

2. This order and delegation supersedes that dated February 16, 1962 (27 F.R. 1864) and shall take effect as of February 2, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-1468; Filed, Feb. 13, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

FEBRUARY 10, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the Ameri-

can Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period February 11, 1964, through February 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1463; Filed, Feb. 13, 1964; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Summarily Suspending Trading

FEBRUARY 10, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, this order to be effective for the period February 11, 1964, through February 21, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1464; Filed, Feb. 13, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 941]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 11, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66213. By order of February 7, 1964, the Transfer Board approved the transfer to A A A Moving & Storage Co., Inc., Philadelphia 42, Pa., of Certificate No. MC 76360, issued March 1, 1954, to Sidney Vaksman and Albert Waxman, a partnership, doing business a A A A Moving and Storage Co., Philadelphia, Pa., authorizing the transportation of household goods, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19119, attorney for applicants.

No. MC-FC 66355. By order of February 7, 1964, the Transfer Board approved the transfer to Taylor Heavy Hauling, Inc., South Bend, Ind., of the operating rights in certificate in No. MC 43123, issued by the Commission February 15, 1961, to Rediehs Transportation Company, Inc., Hinsdale, Ill., authorizing the transportation, over irregular routes, of tractors and parts, between Springfield, Ill., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as defined by the Commission, except those in Indiana. Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind., attorney for applicants.

No. MC-FC 66400. By order of February 7, 1964, the Transfer Board approved the transfer to Walter F. Peters, doing business as Peters Truck Lines, Yreka, Calif., of the operating rights claimed in No. MC 99710 (Sub-No. 5) under the "grandfather" clause of Section 206(a)(7)(b), Interstate Commerce Act by Walter F. Peters and Myron D. Peters, a partnership, doing business as Peters Truck Lines, Yreka, Calif., and the substitution of transferee as applicant for a certificate of registration from this Commission corresponding to the grant of intrastate authority to transferor issued by the California Public Utilities Commission. Frank Loughran, Berol, Loughran & Geernsert, 100 Bush Street, San Francisco 4, Calif., attorneys for transferee.

No. MC-FC 66490. By order of February 7, 1964, the Transfer Board approved the transfer to James P. Higgins, doing business as Higgins' Express, Greenes Hill, Post Office Box 392, Blue Hill, Maine, of certificate in No. MC 72352, issued December 15, 1960, to Leslie A. Linscott, doing business as Dodge Express, 28 Chapel Street, Ellsworth, Maine, and of his application in No. MC 72352 (Sub-No. 2) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the act supported by Maine Certificate No. 36, authorizing the transportation under the certificate in No. MC 72352, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Ellsworth, Maine, and Sargentville, Maine, and under its filing in No. MC 72352 (Sub-No. 1), authorizing the transportation of freight to and from Ellsworth, Surry, Blue Hill, Blue Hill Falls, South Blue Hill, North Brooklin, Brooklin, West Brooklin, Sedgwick, North Sedgwick, and Sargentville, only insofar as operations do not duplicate those granted in said certificate in No. MC 72352.

No. MC-FC 66569. By order of February 7, 1964, the Transfer Board approved the transfer to Custom Towing, Inc., Spokane, Wash., of the operating rights in certificate in No. MC 112570, issued November 14, 1961, to Robert Benesch, doing business as Coronet Towing Service, Spokane, Wash., authorizing the transportation, over irregular routes, of: Wrecked and disabled motor vehicles, and recovered, stolen, or repossessed vehicles, between Spokane, Wash., on the one hand, and, on the other, points in Idaho, and specified points in Montana, and Washington, including named ports of entry between the U.S. and Canada. Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash., 99201, attorney for applicants.

No. MC-FC 66582. By order of February 7, 1964, the Transfer Board approved the transfer to Tuttle's Cape Cod Express, Inc., Chatham, Mass., of certificates in Nos. MC 11714 and MC 11714 (Sub-No. 1), issued January 11, 1952, and August 30, 1941, to J. Lewis Tuttle, doing business as Tuttle's Cape Cod Express, Chatham, Mass., authorizing the transportation of lumber and forest products, over irregular routes, from Portsmouth, R.I., to Chatham, Orleans, and Wellfleet, Mass.; and household goods, over irregular routes, between Chatham, Mass., and points within 25 miles of Chatham, on the one hand, and, on the other, points in Connecticut, New York, and Rhode Island. Francis E. Barrett, 25 Bryant Avenue, East Milton 86, Mass., attorney for applicants.

No. MC-FC 66586. By order of February 7, 1964 the Transfer Board approved the transfer to Robert B. Metz, New Middletown, Ohio, of permit in No. MC 1407, issued June 30, 1941, to O. B. Metz, authorizing the transportation of building and road construction materials, over irregular routes, from Darlington and Hillsville, Pa., and points within 5 miles of Darlington and Hillsville, to points in Columbiana, Mahoning, and Trumbull Counties, Ohio. Robert S. Munn, 520 Youngstown-Poland Road, Struthers, Ohio, attorney for applicants.

No. MC-FC 66598. By order of February 7, 1964, the Transfer Board approved the transfer to The Blue Diamond Company, a corporation, Baltimore, Md., of the operating rights in certificates in Nos. MC 113106 (Sub No. 2), MC 113106 (Sub No. 3), MC 113106 (Sub No. 8), MC 113106 (Sub No. 10), and MC 113106 (Sub No. 12), issued in the name of transferor on specified dates, authorizing the transportation, over irregular routes, of: Commodities of a general commodity nature, between points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. M. Bruce Morgan, 804 Warner Building, 13th and East Streets NW., Washington 4, D.C., attorney for applicants.

No. MC-FC 66621. By order of February 7, 1964, the Transfer Board approved the transfer to Joseph Kowalchuk, doing business as Joe Parkway, Shrub Oak, N.Y., of the operating rights issued by the Commission February 16, 1953, to Philip Lerch, Shrub Oak, N.Y., under certificate in No. MC 113196, authorizing the transportation of homing pigeons, in crates, and, in connection with such shipments, supplies and equipment used in the care of such pigeons, over irregular routes, from New York, N.Y., and points in Fairfield County, Conn., and Westchester County, N.Y., to Wilmington, Del., Aberdeen, Md., Washington, D.C., Charlottesville and Danville, Va., Salisbury, N.C., and points in New Jersey; and empty pigeon crates and other incidental facilities used in the transportation of pigeons from the above-specified destination points to the above-specified origin points. Bert Collins and Morton E. Kiel, 140 Cedar Street, New York 6, N.Y., practitioners for applicants.

No. MC-FC 66623. By order of February 7, 1964, the Transfer Board approved the transfer to Fulton Motor Service, Inc., Chicago, Ill., of the operating rights in permit in No. MC 38899, issued May 4, 1949, to Joseph Campagna and Katherine M. Campagna, doing business as Fulton Motor Service, Chicago, Ill., authorizing the transportation, over irregular routes, of: Fresh meats, and their products, produce, and dairy products, between Chicago, Ill., and specified portions of Illinois, Indiana, and Wisconsin. Julian I. Silvertrust, One North La Salle St., Chicago, Ill., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1469; Filed, Feb. 13, 1964; 8:47 a.m.]

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UNITED STATES STATUTES AT LARGE

Containing

THE CANAL ZONE CODE

Enacted as Public Law 87–845 during the Second Session of the Eighty-seventh Congress (1962)

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Title 3—THE PRESIDENT

Proclamation 3574

NATIONAL SAFE BOATING WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS recreational boating has become a leading outdoor activity for millions of Americans who enjoy this healthful and relaxing use of leisure time; and

WHEREAS education of the boating public in safe practices contributes to the enjoyment of the sport and reduces the likelihood of accidents; and

WHEREAS continuing cooperation between organizations and individuals interested in boating is necessary to insure safe boating throughout the year; and

WHEREAS the Congress of the United States, in recognizing the need for emphasis on boating safety, by a joint resolution, approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA, do hereby designate the week beginning June 28, 1964, as National Safe Boating Week.

In furtherance of the objectives of this proclamation, I strongly urge that all individuals, boating organizations, the boating industry, and Government agencies, both State and Federal, dedicated to safer recreational boating, publicize and observe National Safe Boating Week, and extend their effort throughout the year.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to join in the observance of this Week in order to draw nationwide attention to the importance of safety in recreational boating.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of February in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64–1617; Filed, Feb. 14, 1964; 10:35 a.m.]

Executive Order 11141

DECLARING A PUBLIC POLICY AGAINST DISCRIMINATION ON THE BASIS OF AGE

WHEREAS the principle of equal employment opportunity is now an established policy of our Government and applies equally to all who wish to work and are capable of doing so; and

WHEREAS discrimination in employment because of age, except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, is inconsistent with that principle and with the social and economic objectives of our society; and

WHEREAS older workers are an indispensable source of productivity and experience which our Nation can ill afford to lose; and

WHEREAS President Kennedy, mindful that maximum national growth depends on the utilization of all manpower resources, issued a memorandum on March 14, 1963, reaffirming the policy of the Executive Branch of the Government of hiring and promoting employees on the basis of merit alone and emphasizing the need to assure that older people are not discriminated against because of their age and receive fair and full consideration for employment and advancement in Federal employment; and

WHEREAS, to encourage and hasten the acceptance of the principle of equal employment opportunity for older persons by all sectors of the economy, private and public, the Federal Government can and should provide maximum leadership in this regard by adopting that principle as an express policy of the Federal Government not only with respect to Federal employees but also with respect to persons employed by contractors and subcontractors engaged in the performance of Federal contracts:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States and as President of the United States, I hereby declare that it is the policy of the Executive Branch of the Government that (1) contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, and (2) that contractors and subcontractors, or persons acting on their behalf, shall not specify, in solicitations or advertisements for employees to work on Government contracts, a maximum age limit for such employment unless the specified maximum age limit is based upon a *bona fide* occupational qualification, retirement plan, or statutory requirement. The head of each department and agency shall take appropriate action to enunciate this policy, and to this end the Federal Procurement Regulations and the Armed Services Procurement Regulation shall be amended by the insertion therein of a statement giving continuous notice of the existence of the policy declared by this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 12, 1964.

[F.R. Doc. 64-1599; Filed, Feb. 13, 1964; 3:05 p.m.]

Executive Order 11142

PRESCRIBING REGULATIONS GOVERNING THE ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance of not more than five cents a mile to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence. The payment of mileage allowances and reimbursement for ferry fares, and bridge, road, and tunnel tolls in connection with vocational rehabilitation or counseling, or upon termination of examination, treatment, or care may be made prior to completion of such travel.

SEC. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified in Sections 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

SEC. 4. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

SEC. 5. Executive Order No. 10810 of April 22, 1959, and Executive Order No. 10881 of July 6, 1960, are hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 12, 1964.

[F.R. Doc. 64-1600; Filed, Feb. 13, 1964; 3:06 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Red Tart Pitted Cherries [1]

A proposal to revise the United States Standards for Grades of Canned Red Tart Pitted Cherries was published in the FEDERAL REGISTER of May 10, 1963 (28 F.R. 4718). In consideration of comments and suggestions received indicating a need of further study by the producing industry, a notice providing an extension of time, until December 15, 1963, for the consideration of written data, views or arguments concerning the proposal of May 10, 1963, was published in the FEDERAL REGISTER of July 3, 1963 (28 F.R. 6835).

Further study concerning the proposal was made by the Department and the producing industry during the 1963 packing season. Additional data concerning the pitting of cherries tended to substantiate the conclusions made by the Department prior to the proposal of May 10, 1963.

Statement of consideration leading to the revised standards. As a result of further study and in consideration of industry comments the number of score points assigned to the factor of "character" has been decreased from 40 points to 30 points. The points allocated to the factor "freedom from defects" has been increased from 20 points to 30 points. The definition of a "pit" is retained as in the current standards. There are no other substantive changes in these revised standards from those proposed on May 10, 1963. Some slight modification of wording is included for purposes of clarification.

The specific changes in the revised standards from those currently in effect are:

(1) Reduced tolerance for pits in Grade A from one pit for each 20 ounces of net contents to an average of one pit for each 40 ounces of drained cherries, with a limitation as to the number of pits permitted in any one sample unit;

(2) Realigned score points to allow 10 points for each grade to conform to current practice in most other U.S. grade standards for processed fruits and vegetables; and

(3) Scoring freedom from pits separately from other defects.

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Red Tart Cherries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

IDENTITY AND GRADES

Sec.
52.771 Identity.
52.772 Grades of canned red tart pitted cherries.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.773 Designations of liquid media and Brix measurements.
52.774 Recommended fill of container.
52.775 Recommended drained weight.

FACTORS OF QUALITY

52.776 Ascertaining the grade of a sample unit.
52.777 Ascertaining the rating for each factor which is scored.
52.778 Color.
52.779 Freedom from pits.
52.780 Freedom from defects.
52.781 Character.

LOT COMPLIANCE

52.782 Ascertaining the grade of a lot.

SCORE SHEET

52.783 Score sheet for canned red tart pitted cherries.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

IDENTITY AND GRADES

§ 52.771 Identity.

"Canned red tart pitted cherries" means the canned product prepared from mature pitted cherries of the red sour varietal group (Prunus cerasus), as such product is defined in the standard of identity for canned cherries (21 CFR 27.30), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.772 Grades of canned red tart pitted cherries.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned red tart pitted cherries that (1) possess a good color; (2) are practically free from pits; (3) are practically free from defects; (4) have a good character; (5) possess a normal flavor; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Canned cherries of this grade may contain not more than 5 percent, by count, of cherries that are less than 5/16 inch in diameter.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of canned red tart pitted cherries that (1) possess a fairly good color; (2) are fairly free from pits; (3) are fairly free from defects; (4) have a fairly good character; (5) possess a normal flavor; and (6) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart. There is no size requirement for canned red tart pitted cherries of this grade.

(c) "Substandard" is the quality of canned red tart pitted cherries that fail to meet any requirement of "U.S. Grade C."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.773 Designations of liquid media and Brix measurements.

"Cut-out" requirements for packing media are not incorporated in the grades of the finished product since sirup or any other packing medium, as such, is not a factor of quality for the purpose of these grades. Canned red tart pitted cherries are packed in the optional packing media referred to in the aforesaid standard of identity for canned cherries and such packing media include, but are not limited to, the following, which have the indicated "cut-out" Brix measurement:

Designation of liquid media	*Brix measurement*
"Extra heavy sirup"	28° or more but less than 45°.
"Heavy sirup"	22° or more but less than 28°.
"Light sirup"	18° or more but less than 22°.
"Slightly sweetened water"	Less than 18°.
"Water" (water or any mixture of water and cherry juice).	

§ 52.774 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned red tart pitted cherries be filled as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.775 Recommended drained weight.

The drained weight recommendations in Table No. I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned red tart pitted cherries is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used

for containers larger than the No. 3 size can.

TABLE No. I—RECOMMENDED DRAINED WEIGHTS

Container size or designation	Overall dimensions		Packed in water	Packed in any syrup or "slightly sweetened water"
	Width	Height		
Number	*Inches*	*Inches*	*Ounces*	*Ounces*
303	3 1/16	4 1/16	11.0	10.2
303 cylinder	3 1/16	5 1/16	14.4	13.1
2	3 1/16	4 1/16	13.5	12.7
10	6 1/16	7	74.0	70.2

FACTORS OF QUALITY

§ 52.776 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned red tart pitted cherries is ascertained by considering the flavor of the product and the requirement for size (in U.S. Grade A) which is not scored; the ratings for the factors of color, freedom from pits, freedom from defects, and character which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
Color	20
Freedom from pits	20
Freedom from defects	30
Character	30
Total score	100

(c) *Definition of normal flavor.* "Normal flavor" means that the flavor is characteristic of canned red tart pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.777 Ascertaining the rating for each factor which is scored.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.778 Color.

(a) (*A*) *classification.* Canned red tart pitted cherries that possess a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform color that is bright and typical of canned red tart pitted cherries which have been properly prepared and properly processed from properly ripened cherries.

(b) (*C*) *classification.* If the canned red tart pitted cherries possess a fairly good color a score of 16 or 17 points may be given. Canned red tart pitted cherries that fail into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a fairly uniform color, typical of canned red tart pitted cherries which have been properly prepared and properly processed and which color may range from a brownish cast to mottled shades of brown.

(c) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.779 Freedom from pits.

(a) *General.* The factor of freedom from pits concerns the degree of freedom from pits and pit fragments.

(b) *Definitions.* (1) A "pit," for the purposes of the allowances in this section, is a whole cherry pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that have been drained of packing medium by the method prescribed in this subpart.

(c) (*A*) *classification.* Canned red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table No. II of this subpart.

(d) (*C*) *classification.* If the canned red tart pitted cherries are fairly free from pits a score of 16 or 17 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). Canned red tart pitted cherries are "fairly free from pits" if the number of pits (as defined) does not exceed the allowances for this classification as set forth in Table II of this subpart.

(e) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE No. II—MAXIMUM PITS PERMITTED

Grade	In any 20 ounces of drained cherries used for this determination	In total sample used for this determination (accumulated sample units)
A	2 pits (as defined). This same allowance applies to any market container of less than 20 ounces of drained cherries.	1 pit (as defined) for each 40 ounces of drained cherries.
C	3 pits or more [1]	1 pit (as defined) for each 20 ounces of drained cherries.

[1] Sample units falling into this classification for this reason may be considered as "deviants" with respect to Grade A and allowed in accordance with section 52.782, ascertaining the grade of a lot.

§ 52.780 Freedom from defects.

(a) *General.* The factor of freedom of defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate blemished area materially affects the appearance of the cherry. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(5) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Canned red tart pitted cherries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (2) not more than a total of 10 percent, by count, of the cherries are mutilated cherries, blemished cherries, and seriously blemished cherries; and (3) not more than 4 percent, by count, of all the cherries are seriously blemished.

(c) (*C*) *classification.* If the canned red tart pitted cherries are fairly free from defects, a score of 24 to 26 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 20 ounces of net contents; and (2) not more than a total of 20 percent, by count, of cherries that are mutilated, blemished, and seriously blemished cherries of which not more than 15 percent, by count, of all cherries are blemished and/or seriously blemished.

(d) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.781 Character.

(a) *General.* The factor of character refers to the degree of ripeness and the physical characteristics of the flesh of the cherries.

(b) (*A*) *classification.* Canned red tart pitted cherries that have a good character may be given a score of 27 to 30 points. "Good character" means a firm, fleshy texture, typical of canned red tart pitted cherries which have been properly prepared and properly processed from properly ripened cherries.

(c) (*C*) *classification.* If the canned red tart pitted cherries have a fairly good character, a score of 24 to 26 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means a fairly firm or fairly fleshy texture but not soft, tough, very thin-fleshed, or feathery.

(d) (*SStd.*) *classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.782 Ascertaining the grade of a lot.

The grade of a lot of canned red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.783 Score sheet for canned red tart pitted cherries.

Size and kind of container_____
Container mark or identification_____
Label_____
Net weight (ounces)_____
Vacuum (inches)_____
Drained weight (ounces)_____
Sirup designation (extra heavy, heavy, etc.)_____
Brix measurement_____
Size [2]_____

Factors	Score points	
Color	20	(A) 18–20 (C) [1] 16–17 (SStd.) [1] 0–15
Freedom from pits	20	(A) 18–20 (C) [1] 16–17 (SStd.) [1] 0–15
Freedom from defects	30	(A) 27–30 (C) [1] 24–26 (SStd.) [1] 0–23
Character	30	(A) 27–30 (C) [1] 24–26 (SStd.) [1] 0–23
Total score	100	

Normal flavor_____
Grade_____

[1] Indicates limiting rule.
[2] See size limitation for U.S. Grade A or U.S. Fancy only.

The United States Standards for Grades of Canned Red Tart Pitted Cherries (which is the sixth issue) contained in the subpart shall become effective on June 15, 1964, and thereupon will supersede the United States Standards for Grades of Canned Red Tart Pitted Cherries which have been in effect since June 23, 1949.

Dated: February 11, 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 64-1534; Filed, Feb. 14, 1964; 8:48 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Red Tart Pitted Cherries [1]

A proposal to revise the United States Standards for Grades of Frozen Red Tart Pitted Cherries was published in the FEDERAL REGISTER of May 10, 1963 (28 F.R. 4720). In consideration of comments and suggestions received indicating a need of further study by the producing industry, a notice providing an extension of time, until December 15, 1963, for the consideration of written data, views or arguments concerning the proposal of May 10, 1963, was published in the FEDERAL REGISTER of July 3, 1963 (28 F.R. 6835).

Further study concerning the proposal was made by the Department and the producing industry during the 1963 packing season. Additional data concerning the pitting of cherries tended to substantiate the conclusions made by the Department prior to the proposal of May 10, 1963.

Statement of consideration leading to the revised standards. There are no substantive changes in these revised standards from those proposed on May 10, 1963. Some slight modification of wording is included for purposes of clarification and the definition of a "pit" remains the same as in the current standards.

The specific changes in the revised standards from those currently in effect are:

(1) Reduced tolerance for pits in Grade A from one pit for each 20 ounces to an average of one pit for each 40 ounces with a limitation as to the number of pits permitted in any one sample unit;

(2) Realigned score points to allow 10 points for each grade to conform to current practice in most other U.S. grade standards for processed fruits and vegetables; and

(3) Scoring freedom from pits separately from other defects.

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Red Tart Cherries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

PRODUCT DESCRIPTION AND GRADES

Sec.
52.801 Product description.
52.802 Grades of frozen red tart pitted cherries.

FACTORS OF QUALITY

52.803 Ascertaining the grade of a sample unit.
52.804 Ascertaining the rating for each factor.
52.805 Color.
52.806 Freedom from pits.
52.807 Freedom from defects.
52.808 Character.

LOT COMPLIANCE

52.809 Ascertaining the grade of a lot.

SCORE SHEET

52.810 Score sheet for frozen red tart pitted cherries.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.801 Product description.

Frozen red tart pitted cherries are prepared from properly ripened fruit of the cherry tree of the red sour varietal group (Prunus cerasus); are washed, pitted, and sorted; are properly drained before filling; may be packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.802 Grades of frozen red tart pitted cherries.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen red tart pitted cherries that (1) possess a good red color; (2) are practically free from pits; (3) are practically free from defects; (4) have a good character; (5) possess a normal flavor; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Pitted cherries of this grade may contain not more than 5 percent, by count, of cherries that are less than 9/16 inch in diameter.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of frozen red tart pitted cherries that (1) possess a reasonably good red color; (2) are fairly free from pits; (3) are fairly free from defects; (4) have a fairly good character; (5) possess a normal flavor; and (6) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart. There is no size requirement for cherries of this grade.

(c) "Substandard" is the quality of frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C.

FACTORS OF QUALITY

§ 52.803 Ascertaining the grade of a sample unit.

(a) The grade of frozen red tart pitted cherries is determined immediately

after thawing to the extent that the cherries may be separated easily and the cherries are free from ice and solidified packing media. The grade is determined by considering in addition to the requirements of the respective grade (including the requirement for size in U.S. Grade A) the respective ratings of the factors of color, pits, absence of defects, the total score, and the limiting rules which may be applicable.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	30
Freedom from pits	20
Freedom from defects	20
Character	30
Total score	100

(c) "Normal flavor" means that the flavor is characteristic of frozen red tart pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.804 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.805 Color.

(a) *(A) classification.* Frozen red tart pitted cherries that possess a good red color may be given a score of 27 to 30 points. "Good red color" means that the frozen cherries possess a color that is bright and typical of properly ripened cherries and that is reasonably uniform in that not more than 15 percent, by count, of cherries vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of undercolored cherries.

(b) *(C) classification.* If the frozen red tart pitted cherries possess a reasonably good red color, a score of 24 to 26 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Reasonably good red color" means that the frozen cherries possess a color that is reasonably bright and typical of properly ripened cherries and that is fairly uniform in that not more than 25 percent, by count, of cherries vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of undercolored cherries.

(c) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.806 Freedom from pits.

(a) *General.* The factor of freedom from pits concerns the degree of freedom from pits and pit fragments.

(b) *Definitions.* (1) A "pit" for the purpose of the allowances in this subpart is a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that are substantially free from any adhering sirup, sugar or other packing medium.

(c) *(A) classification.* Frozen red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table I of this section.

(d) *(C) classification.* If the frozen red tart pitted cherries are fairly free from pits a score of 16 or 17 may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in table I of this section.

(e) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirement of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score of the product (this is a limiting rule).

TABLE NO. I—MAXIMUM PITS PERMITTED

Grade	In any 20 ounces of drained cherries used for this determination	In total sample used for this determination (accumulated sample units)
A	2 pits (as defined). This same allowance applies to any market container of less than 20 ounces of drained cherries.	1 pit (as defined) for each 40 ounces of drained cherries.
C	3 pits or more [1]	1 pit (as defined) for each 20 ounces of drained cherries.

[1] A sample unit falling into this classification for this reason may be considered as a "deviant" with respect to grade A and allowed in accordance with § 52.809, ascertaining the grade of a lot.

§ 52.807 Freedom from defects.

(a) *General.* The factor of freedom from defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate area covered by the blemishes exceeds the area of a circle 3/32 inch in diameter and the appearance of the cherry is materially affected by such blemishes. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(5) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Frozen red tart pitted cherries that are practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (2) not more than a total of 10 percent, by count, of the cherries are mutilated cherries, blemished cherries, and seriously blemished cherries; and (3) not more than 4 percent, by count, of all the cherries are seriously blemished.

(c) *(C) classification.* If the frozen red tart pitted cherries are fairly free from defects, a score of 16 or 17 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 20-ounces of net contents; and (2) not more than a total of 20 percent, by count, of cherries that are mutilated, blemished, and seriously blemished cherries of which not more than 15 percent, by count, of all cherries are blemished and or seriously blemished.

(d) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.808 Character.

(a) *General.* The factor of character refers to the degree of ripeness of the cherries and the physical characteristics of the flesh of the cherries.

(b) *(A) classification.* Frozen red tart pitted cherries that have a good character may be given a score of 27 to 30 points. "Good character" means a firm, fleshy texture, typical of frozen red tart pitted cherries which have been properly prepared and properly processed from properly ripened cherries.

(c) *(C) classification.* If the frozen red tart pitted cherries have a fairly good character, a score of 24 to 26 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries are fairly firm, fairly fleshy texture but are not soft, tough, very thin-fleshed, or leathery in character.

(d) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.809 Ascertaining the grade of a lot.

The grade of a lot of frozen red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.810 Score sheet for frozen red tart pitted cherries.

Size and kind of container _____
Container mark or identification _____
Label (style of pack, ratio of fruit to sugar, etc., if shown) _____
Net weight (ounces) _____
Size [1] _____

Factors		Score points
Color	30	(A) 27–30; (C) [2] 24–26; (SStd.) [2] 0–23
Freedom from pits	20	(A) 18–20; (C) [2] 16–17; (SStd.) [2] 0–15
Freedom from defects	20	(A) 18–20; (C) [2] 16–17; (SStd.) [2] 0–15
Character	30	(A) 27–30; (C) [2] 24–26; (SStd.) [2] 0–23
Total score	100	

Normal flavor _____
Grade _____

[1] See size limitation for U.S. Grade A, only.
[2] Indicates limiting rule.

The United States Standards for Grades of Frozen Red Tart Pitted Cherries (which is the third issue) contained in the subpart shall become effective on June 15, 1964, and thereupon will supersede the United States Standards for Grades of Frozen Red Tart Pitted Cherries which have been in effect since June 18, 1949.

Dated: February 11, 1964.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 64–1535; Filed, Feb. 14, 1964; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1964 and 1965 Feed Grain Programs, 29 F.R. 590, are amended as follows:

1. Section 775.302(q)(2) is amended by changing the corn and grain sorghum disposal dates as follows:

MINNESOTA

August 1: All counties.

NORTH CAROLINA

July 15: All counties.

TENNESSEE

August 15: All counties.

2. Section 775.310 is amended by changing the last sentence thereof to read as follows: "The number of acres of wheat produced in the current year in excess of the wheat allotment for the farm (but not to exceed the acres of feed wheat included in the total feed grain base) shall be considered an acreage of feed grains."

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 11, 1964.

H. D. GODFREY,
Administrator, ASCS.

[F.R. Doc. 64–1537; Filed, Feb. 14, 1964; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 51]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.351 Navel Orange Regulation 51.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 16, 1964, and ending at 12:01 a.m., P.s.t., February 23, 1964, are hereby fixed as follows:

(i) District 1: 725,000 cartons;
(ii) District 2: 425,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 14, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1620; Filed, Feb. 14, 1964; 11:30 a.m.]

[Lemon Reg. 96, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.396 (Lemon Regulation 96, 29 F.R. 2305) are hereby amended to read as follows:

§ 910.396 Lemon Regulation 96.

* * * * * * *

(b) * * *

(1) * * *

(ii) District 2: 199,950 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 13, 1954.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1585; Filed, Feb. 14, 1964; 8:52 a.m.]

[Lemon Reg. 97]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.397 Lemon Regulation 97.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 16, 1964, and ending at 12:01 a.m., P.s.t., February 23, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 162,750 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 13, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1586; Filed, Feb. 14, 1964; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2, Amdt. 1]

PART 120—LOAN POLICY

Disaster Loans and Guarantees

Public Law 88–264, approved February 5, 1964, broadened the scope of SBA's economic disaster programs for small business concerns by adding other major disasters to the previously authorized excessive rainfall and drought disaster programs. It also created a new disaster program to assist small business concerns suffering substantial economic injury from an inability to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes. This amendment revises the SBA Loan Policy in accord with the new law.

The Loan Policy Regulation, Revision 2 (13 CFR Part 120, 28 F.R. 6675) is hereby amended by deleting § 120.3 in its entirety and substituting the following in lieu thereof:

§ 120.3 Disaster loans and guarantees.

(a) *Scope of disaster assistance.* Financial assistance for disaster relief will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster or business displacement. Such financial assistance will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters or business displacement. Financial assistance may be extended:

(1) To rehabilitate or replace property damaged or lost as a result of disasters declared by SBA, declarations of which are published in the FEDERAL REGISTER, except that such financial assistance may not be used to rehabilitate or replace personal recreation or vacation homes, cabins or similar facilities. However, if the property is primarily rental property which is an important source of income for the owner, a rehabilitation loan will be considered (Physical-Loss Disaster Assistance);

(2) To a small-business concern located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture or his designee, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(3) To assist in reestablishing the business of a small-business concern which has been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government, if SBA determines that the concern has suffered substantial economic injury as a result of such displacement, except that such financial assistance may not be made for replacement or rehabilitation of homes or apartment houses (Displaced Business Disaster Assistance); and

(4) To a small-business concern to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(b)(1) *Limitations on assistance.* Farmers, stockmen, and others engaged primarily in agricultural activities are not small-business concerns and, therefore, are ineligible for disaster assistance through SBA programs, except that, where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance, such parties shall be eligible for Physical-Loss Disaster Assistance.

(2) Religious, eleemosynary, and nonprofit organizations are not small-business concerns and, therefore, ineligible for assistance except for Physical-Loss Disaster Assistance.

(3) Disaster assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss; it will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible where, for example, their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster or after approval of a federally aided project, or where the property to be rehabilitated has been acquired after the disaster.

(4) If SBA determines that funds are otherwise available without undue hardship to a disaster victim, its principal owners, shareholders or stockholders, SBA may require that such funds be expended prior to the expenditure of Federal funds.

(c)(1) *Interest.* Interest on SBA's share of financial assistance, excluding loans under the Displaced Business Disaster Assistance program, shall be at the rate of 3 percent per annum. Where a disaster loan is made for the acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the borrower, the interest rate on the entire loan shall be at the rate of 3 percent per annum. Where a participating institution's share of an immediate participation loan represents complete conversion of a predisaster loan made by such institution the interest rate on the participating institution's share may be at a rate accepted as reasonable by SBA.

(2) Interest on SBA's share of financial assistance made under the Displaced Business Disaster program shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended.

(d) *Maturities.* The maximum maturity, including renewals and extensions, for disaster loans shall not exceed 20 years.

(e) *Participation limitations.* SBA's share of immediate participation disaster loans shall not exceed 90 percent of the loan. In guaranteed disaster loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(f) *Service fees.* No service fees shall be charged on disaster loans.

EUGENE P. FOLEY,
Administrator.

FEBRUARY 7, 1964.

[F.R. Doc. 64–1544; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–PC–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9950) stating that the Federal Aviation Agency (FAA) proposed to alter the Midway Island control zone, revoke the Midway Island control area extension and designate the Midway Island transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

Subsequent to the publication of the notice, the FAA found that during publication, the coordinates for NAS Midway were, in part, erroneously stated as longitude 177°22'00" W. instead of longitude 177°23'00" W. Accordingly, the corrected coordinate is stated herein.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Midway Island control zone is amended to read:

Midway Island.

Within a 5-mile radius of NAS Midway (latitude 28°12'00" N., longitude 177°23'00" W.); within 2 miles each side of the Midway RBN 244° bearing, extending from the 5-mile radius zone to 11 miles SW of the RBN; within 2 miles each side of the Midway TACAN 232° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within 2 miles each side of the Midway TACAN 168° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension:

Midway Island.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Midway Island.

That airspace extending upward from 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28°12'00" N., longitude 177°23'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 10, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1494; Filed, Feb. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63–CE–113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segments

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12626) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke VOR Federal airway No. 13 west alternate from Neosho, Mo., to Butler, Mo., VOR Federal airway No. 71 west alternate from Springfield, Mo., to Butler, Mo., VOR Federal airway No. 132 south alternate from Chanute, Kans., to Springfield and VOR Federal airway No. 205 west alternate from Springfield to Blue Springs, Mo.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, the following actions are taken:

Section 71.123 (29 F.R. 1009) is amended as follows:

1. In V–13 "Butler, Mo., including a W alternate;" is deleted and "Butler, Mo.;" is substituted therefor.

2. In V–71 "Butler, Mo., including a W alternate via INT Springfield 301° and Butler 178° radials;" is deleted and "Butler, Mo.;" is substituted therefor.

3. In V–132 all after "Springfield, Mo., 276° radials;" is deleted and "to Springfield." is substituted therefor.

4. In V–205 "via Blue Springs, Mo., including a W alternate via INT of Springfield 316° and Blue Springs 178° radials;" is deleted and "via Blue Springs, Mo.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1495; Filed, Feb. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Reporting Points

The purpose of these amendments to §§ 71.209, 71.211, 71.213 and 71.215 of the Federal Aviation Regulations is to include geographical coordinates in the descriptions of certain off-shore reporting points.

It has been the practice of aeronautical chart producers to print on aeronautical charts, geographical coordinates for certain off-shore reporting points even though they were not included in the description. Since the Federal Aviation Agency has not established official coordinates for these reporting points, the possibility exists that various chart producers would print different coordinates for a reporting point. The increased use of Doppler navigation devices by aircraft operating on the routes having such reporting points, makes evident the desirability of establishing and publishing official geographical coordinates. Therefore, action is being taken herein to include geographical coordinates in the descriptions of these off-shore reporting points.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit changes to be made on aeronautical charts, these amendments shall become effective more than 30 days after publication.

For the reasons stated above, the following actions are taken:

1. In § 71.209 (27 F.R. 220–172, November 10, 1962, 27 F.R. 12210, 28 F.R. 721, 28 F.R. 12612, 29 F.R. 133) the following changes are made.

a. In Albacore INT: "RBN." is deleted and "RBN, at latitude 27°22′ N., longitude 95°14′ W." is substituted therefor.

b. In Bass INT: "Area." is deleted and "Area, at latitude 34°26′ N., longitude 73°51′ W." is substituted therefor.

c. In Brim INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 91°13′ W." is substituted therefor.

d. In Catfish INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 90°58′ W." is substituted therefor.

e. In Dolphin INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 90°02′ W." is substituted therefor.

f. In Ear Shell INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 93°56′ W." is substituted therefor.

g. In Eel INT: "area." is deleted and "area, at latitude 42°02′ N., longitude 68° 00′ W." is substituted therefor.

h. In Flatfish INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 89°34′ W." is substituted therefor.

i. In Hard Head INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 92°45′ W." is substituted therefor.

j. In Shad INT: "area." is deleted and "area, at latitude 37°43′ N., longitude 73°00′ W." is substituted therefor.

k. In Smelt INT: "area." is deleted and "area, at latitude 31°58′ N., longitude 77°09′ W." is substituted therefor.

l. In Trout INT: "area." is deleted and "area, at latitude 30°23′ N., longitude 77°90′ W." is substituted therefor.

m. In Tuna INT: "area." is deleted and "area, at latitude 38°55′ N., longitude 72°07′ W." is substituted therefor.

n. In Viperfish INT: "RBN." is deleted and "RBN, at latitude 28°14′ N., longitude 88°51′ N." is substituted therefor.

2. In § 71.211 (27 F.R. 220–174, November 10, 1962, 28 F.R. 11727) the following changes are made:

a. In Domestic Annette INT: "route." is deleted and "route, at Lat. 54°15′ N, Long. 133°39′ W." is substituted therefor.

b. In Domestic Gustavus INT: "route." is deleted and "route, at Lat. 56°58′ N, Long. 139°24′ W." is substituted therefor.

c. In Domestic Sitka INT: "route." is deleted and "route, at Lat. 55°43′ N, Long. 136°34′ W." is substituted therefor.

d. In Domestic Yakutat INT: "route." is deleted and "route, at Lat. 57°54′ N, Long. 141°44′ W." is substituted therefor.

e. In Granite INT: "Area." is deleted and "Area, at Lat. 58°43′ N, Long. 148°14′ W." is substituted therefor.

f. In Marble INT: "Area." is deleted and "Area, at Lat. 57°29′ N, Long. 150°30′ W." is substituted therefor.

3. In § 71.213 (27 F.R. 220–175, November 10, 1962, 28 F.R. 11727) the following changes are made:

a. In Domestic Sitka INT: "route." is deleted and "route, at Lat. 55°43′ N, Long. 136°34′ W." is substituted therefor.

b. In Domestic Yakutat INT: "route." is deleted and "route, at Lat. 57°54′ N, Long. 141°44′ W." is substituted therefor.

4. In § 71.215 (27 F.R. 220–176, November 10, 1962, 28 F.R. 843, 28 F.R. 9428) the following changes are made:

a. In Dogwood INT: "W." is deleted and "W, at latitude 21°56′00″ N." is substituted therefor.

b. In Shark INT: "radials." is deleted and "radials, at latitude 22°31′ N., longitude 156°05′ W." is substituted therefor.

c. In Skipjack INT: "radials." is deleted and "radials, at latitude 20°28′ N., longitude 154° 03′ W." is substituted therefor.

d. In South Honolulu INT: "radials," is deleted and "radials, at latitude 19°43′ N., longitude 158°00′ W." is substituted therefor.

e. In South Port Allen INT: "radials." is deleted and "radials, at latitude 20°46′ N., longitude 159°29′ W." is substituted therefor.

f. In Sunrise INT: "radials." is deleted and "radials, at latitude 22°06′ N., longitude 155°46′ W." is substituted therefor.

g. In Swordfish INT: "radials." is deleted and "radials, at latitude 21°18′ N., longitude 159°32′ W." is substituted therefor.

h. In Tuna INT: "radials." is deleted and "radials, at latitude 21°47′ N., longitude 155°32′ W." is substituted therefor.

i. In Vanda INT: "W." is deleted and "W, at latitude 22°24′00″ N." is substituted therefor.

These amendments shall become effective at 0001 e.s.t., April 30, 1964.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 7, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1496; Filed, Feb. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Transition Area

On November 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12669) stating that the Federal Aviation Agency proposed to alter the Malad City, Idaho, transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reasons stated in the Notice, the following action is taken:

In § 71.181 (29 F.R. 1160), the Malad City, Idaho, transition area is amended to read:

Malad City, Idaho.
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

This amendment shall became effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1497; Filed, Feb. 14, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8473 o.]

PART 13—PROHIBITED TRADE PRACTICES

Motorola, Inc.

Subpart—Advertising falsely or misleadingly § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170–12 *Auxiliary, improving, or supplementary;* § 13.170–30 *Durability or permanence;* § 13.280 *Unique nature or advantages.* (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Motorola, Inc., Chicago, Ill., Docket 8473, Jan. 14, 1964]

Order requiring a Chicago distributor of radio and television sets and replacement parts therefor to cease misrepresenting the capabilities, durability and superiority to competing products, of its radio and television sets as in the order below specifically set out.

The order to cease and desist is as follows:

It is ordered, That respondent, Motorola, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of radio sets, television sets and replacement parts therefor in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That its Model 8 x 26 radio set or any substantially similar receiver has 9 times more capability than other receivers to select a desired radio station or that any of its receivers have selectivity in excess of the true facts.

(b) That its Model 8 x 26 radio set or any substantially similar receiver has the power output of a 10 tube radio or that any of its receivers has a power output in excess of the true facts.

(c) That its Models 8 x 26, L12 and L14 radio sets or any substantially similar receivers play for hundreds of hours on low priced batteries or that any of its receivers play on batteries for any number of hours in excess of the true facts.

(d) That the chassis or audio system contained in its Model L14 radio set or that any substantially similar chassis or audio system contained in any of its receivers is revolutionary or new or that any of its chassis or audio systems that are in general use in the radio industry are revolutionary or new.

(e) That its sentry system eliminates 3 out of 4 service calls or that any of its protective devices will reduce the necessity for repairs of receivers in excess of the true facts.

(f) That its sentry system triples TV life expectancy or that any of its protective devices prevent receiver failures for periods in excess of the true facts.

(g) That its picture tubes last 10 times longer than comparable picture tubes or that any of its picture tubes are constructed to last for periods in excess of the true facts.

(h) That its Custom-Matic Tuner or any substantially similar mechanism will not require fine tuning or that any of its tuners is the first tuner specifically designed for remote control.

(i) That any of its tuners is the only tuner to turn out a stronger signal than the one it picks up.

(j) That all or any of its receivers have picture power or video drive in excess of the true facts.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as modified herein.

Issued: January 14, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1513; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket 6557 o.]

PART 13—PROHIBITED TRADE PRACTICES

Wilson Chemical Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.80 *Free test or trial.* Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Threatening suits, not in good faith: [1] § 13.2264 *Delinquent debt collection.*[2] (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wilson Chemical Company, Inc., et al., Tyrone Pa., Docket 6557, Jan. 14, 1964]

In the Matter of Wilson Chemical Company, Inc., a Corporation, and George C. Wilson, III, Charles A. Wilson, and Sarah A. Hooker, Individually and as Officers and Directors of Said Corporation, and Sally Ann Wilson and Michael B. Wilson, Individually and as Directors of Said Corporation, and All of Said Individuals as Partners Trading and Doing Business as Wilson Chemical Company, and J. McClellan Davis, an Individual

Order requiring sellers in Tyrone, Pa., of their "White Cloverine Brand Salve" to sales agents and others for resale, to cease representing falsely—in advertising in comic books of national circulation to which children were attracted and by return of replies to which they unknowingly ordered merchandise for resale—by such statements as "Genuine Nickel Silver Ring Absolutely Free", "Yours Free . . . Real Foreign Coins", that merchandise was sent free and without obligation; using threats of legal action and other intimidation to induce payment for quantities of their salve sent to those replying; and using letterheads and statements of an associated attorney which represented falsely that he was attempting to effect cash settlements of asserted delinquent accounts; and requiring said attorney to cease using aforesaid threats of legal proceedings not in good faith and aiding and abetting such use by the other respondents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Chemical Company, Inc., a corporation, and its officers, and respondent George C. Wilson, III, individually and as an officer of said corporation, and respondents Charles A. Wilson, Sarah A. Hooker, Sally Ann Wilson and Michael B. Wilson as officers or directors of said corporation, and respondents George C. Wilson, III, Charles A. Wilson, Sarah A. Hooker, Sally Ann Wilson and Michael B. Wilson, individually and as partners trading under the name of Wilson Chemical Company, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product, "White Cloverine Brand Salve," or any other merchandise, do forthwith cease and desist from:

1. Representing as free or without cost any article of merchandise, the obtaining of which is contingent upon the purchase of other merchandise or the performance of some service, unless the terms and conditions upon which such article may be obtained are clearly and conspicuously set forth in immediate conjunction with such representation.

2. Representing, directly or indirectly, or by implication, that any merchandise offered for the purpose of obtaining sales agents is offered for any other purpose.

3. Using threats of legal action and other forms of coercion and intimidation to induce persons to accept and pay for merchandise which is sent to them as the result of advertisements in violation of paragraphs 1 and 2, above.

4. Using threats of legal proceedings in an attempt to gain payment of accounts, when in fact legal proceedings are not to be employed as a collection device.

5. Using correspondence which represents that some person or organization other than the aforementioned respondents is engaged in attempting to effect a cash settlement of an individual's asserted delinquent account.

It is further ordered, That individual respondent J. McClellan Davis, his representatives, agents, and employees, directly or indirectly, in conection with the offering for sale, sale or distribution of a preparation designated "White Cloverine Brand Salve" or any other products of the respondent Wilson Chemical Company, Inc., or the other individual respondents herein, do forthwith cease and desist from:

1. Using threats of legal action and other forms of coercion and intimidation to induce persons to accept and pay for merchandise which is sent to them as the result of advertisements which are in violation of paragraphs 1 and 2, above.

2. Using threats of legal proceedings in an attempt to gain payment of accounts, when in fact legal proceedings are not to be employed as a collection device.

3. Permitting, aiding, or abetting the other respondents herein in the violation of paragraph 5, above.

By "Final Order", etc., further order requiring report compliance is as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 14, 1964.

[1] Amended.
[2] New.

By the Commission, Commissioner Elman did not participate in the consideration or decision of this case.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1514; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket 8530 c.]

PART 13—PROHIBITED TRADE PRACTICES

Ideal Toy Corp.

Subpart—Advertising falsely or misleadingly: § 13.142 *Operation.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ideal Toy Corporation, Hollis, N.Y., Docket 8530, Jan. 20, 1964]

Order requiring a distributor of toys in Hollis, N.Y., to cease representing falsely by means of television commercials that its toy "Robot Commando" would perform acts as directed by vocal commands, including moving forward, turning, firing a "missile" and firing a "rocket".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Ideal Toy Corporation, a corporation, and its officers, representatives, employees, successors and assigns, directly or under any name or through any corporate or other device, in connection with the offering for sale, sale and distribution of toys, in commerce, shall forthwith cease and desist from:

Stating, implying, or otherwise representing, by words, pictures, depictions, demonstrations or any combination thereof, or otherwise, that any toy performs in any manner not in accordance with fact.

Respondent shall, within sixty (60) days after service of this order upon it, file with the Commission a written report setting forth in detail the manner and form of its compliance with the terms of the order.

Issued: January 20, 1964.

By the Commission, Commissioner Anderson not participating for the reason he did not hear oral argument.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1512; Filed, Feb. 14, 1964; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-16—PROCUREMENT FORMS

Subpart 5-16.8—Miscellaneous Forms

Subpart 5-16.8 is amended to delete § 5-16.853 *Identical bid report for procurement.*

[1] New.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: February 10, 1964.

LAWSON B. KNOTT, JR., *Acting Administrator of General Services.*

[F.R. Doc. 64-1549; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4666]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guides for Preparation and Filing of Registration Statements

In accordance with its practice of publishing its views to assist issuers, their counsel, accountants and others participating in the preparation of registration statements, the Securities and Exchange Commission is publishing the following policies and practices of its Division of Corporation Finance in the administration of the Securities Act of 1933. It is expected that the publication of these policies and practices will not only be of assistance to registrants, their counsel and accountants in the preparation of registration statements, but also that it will relieve the staff of the Commission of the necessity for commenting on these matters in respect of such statements.

These policies have been generally followed by the Division with respect to the disclosures required by the Act and the rules and regulations promulgated thereunder. Some of the policies may be incorporated later in the rules or forms. Until such time, the policies are subject to change as experience or unique factual situations require. These policies do not purport to furnish a complete guide for the preparation of registration statements and additional policies may be published from time to time.

The terms in the following policies and practices have the same meaning as those prescribed in the Act and the rules and regulations promulgated thereunder, including the forms and instructions thereto, unless the context requires otherwise. References to items of Form S-1 also shall be deemed to include references to similar items of related forms where applicable.

1. Indemnification.
2. Finders.
3. Over-the-counter trading in capital stock purchase warrants.
4. Absence of established trading market.
5. Options issued to underwriters and others.
6. Original issue discount of debt securities.
7. Underwriters' compensation from conversion of funds into foreign currency.
8. Enforceability of civil liabilities under the Act against foreign persons.
9. Use of proceeds to registrant.
10. Statement of dividend policy.
11. Current financial statements and related data.
12. Names of customers and competitors.
13. Extractive reserves.
14. Liabilities of shareholders to laborers, servants, or employees under State law.
15. Annual reports to security holders.
16. Executive committee.
17. Voluminous and verbose prospectuses.
18. Introductory statements.
19. Dating of prospectuses.
20. Pictorial representations in prospectuses.
21. Promoters.
22. Identification of members of board of directors selected by underwriters.
23. Expenses of issuance and distribution.
24. Permits or licenses to issue securities required by certain States.
25. Reports or memoranda concerning the registrant.
26. Distribution of the preliminary prospectus.
27. Representations from selling stockholders.
28. Securities Act exemption for shares subject to options.
29. Registration of options and stock issued or sold to underwriters.
30. Revision of prospectuses where a company and its employee plan have different fiscal years.
31. Disclosure of confidential material to other government agencies.
32. Mailing of amended preliminary prospectuses to regional offices.

1. *Indemnification.* If the underwriting agreement contains a provision pursuant to which the registrant indemnifies the underwriter and persons in control of the underwriter with respect to certain civil liabilities, including liabilities under the Act, a brief description of such provision of the underwriting agreement may be furnished in the response to Item 2 rather than on the facing page. (This represents a change from previous practice.)

Disclosure should be made in the prospectus of insurance indemnifying against liabilities arising under the Act, including the source of premium payments.

2. *Finders.* The last sentence of Instruction 1 to Item 1 of Form S-1 requires appropriate disclosure on the cover page of the prospectus of any finder's fees or similar payments. Such disclosure should identify the finder and the nature of any relationship between him and the registrant, its officers, directors, promoters, principal stockholders and underwriters (including in each case, affiliates or associates thereof). Consideration should be given to all relevant circumstances in determining whether participation of the finder in the issuance and sale of the securities being offered is sufficient to constitute the finder an "underwriter" within the definition of that term in section 2(11) of the Act. Ordinarily a finder whose principal function is to introduce a registrant to an underwriter for a cash fee, need not be identified as an "underwriter". If a finder receives securities for his services, the securities should be registered. Whenever the finder is deemed to be an underwriter by reason of the receipt of securities for services, or otherwise, he should be identified as such in the prospectus.

3. *Over-the-counter trading in capital stock purchase warrants.* Disputes have arisen between investors and brokers in connection with trading in capital stock purchase warrants in situations where the warrants confer the right to purchase more or less than one share of stock. It is understood that under the policy of the National Association of Securities Dealers, Inc., warrants are quoted and transactions therein are effected on the basis of the right to purchase one share of stock. In order that investors may not be misled and the disputes between the investors and brokers may be avoided, the cover page of the prospectus should contain an appropriate disclosure to the effect that the warrants will be quoted and traded on the basis of the right to purchase one share of the registrant's capital stock at the price stipulated in the warrant, even though the warrant confers the right to purchase more or less than one share and only whole warrants are transferable and exercisable.

4. *Absence of established trading market.* If there is no established trading market for the securities to be offered pursuant to the registration statement, the prospectus should so state in a prominent place, unless it is evident that no such market exists.

5. *Options issued to underwriters and others.* Certain disclosures in addition to those required by Item 18 of Form S-1, Options to Purchase Securities, should be made in the prospectus if a material amount of options has been or is to be issued to promoters, underwriters, principal shareholders, officers, or directors (except "restricted stock options" as defined by section 421 of the Internal Revenue Code of 1954). These additional disclosures ordinarily include the following: That for the life of the options the option holders are given at nominal cost the opportunity to profit from a rise in the market for the capital stock of the issuer with a resulting dilution in the interest of stockholders; that the issuer presently has no need for additional working capital in excess of the amount to be realized under the present offering; that for the life of the options, the issuer might be deprived of favorable opportunities to procure additional equity capital, if it should be needed for the purpose of the business; and that the holders of such options might be expected to exercise them at a time when the issuer would, in all likelihood, be able to obtain equity capital, if it needed capital then, by sale of a new offering on terms more favorable than those provided for by the options.

Information regarding options issued to underwriters should be disclosed briefly in a note to the discount column of the underwriting table on the cover page of the prospectus together with a statement to the effect that any excess of the price received by the underwriters for the options or for the underlying stock over the price received by the issuer may be deemed additional underwriting commission. The note should also refer to a statement elsewhere in the prospectus which sets forth the information specified in the preceding paragraph and that required by Item 18 of Form S-1.

In the case of the issuance to the above described persons of debt securities with options or with conversion privileges prior to or in connection with the underwriting, the foregoing disclosures should also be made where applicable.

6. *Original issue discount of debt securities.* Where debt securities are to be offered at a price below the par or face value thereof, or where a debt security is sold in a package with another security and the allocation of the sale price between the two securities may have the effect of offering the debt security at a price below its par or face value, the "discount" should be disclosed in the prospectus. The possible effect on the investor of the "original issue discount" provision of Section 1232 of the Internal Revenue Code should also be disclosed in the prospectus. If the provisions of Section 1232 are not deemed to be applicable, the registrant should so advise the staff at the time of filing the registration statement.

7. *Underwriters' compensation from conversion of funds into foreign currency.* If the underwriting compensation may be materially increased through the conversion of United States currency into foreign currency, appropriate disclosure should be made on the facing page of the prospectus in response to Item 1 of Form S-1.

8. *Enforceability of civil liabilities under the Act against foreign persons.* In a registration statement of a foreign private registrant, the forepart of the prospectus should clearly state how the enforcement by investors of civil liabilities under the Act may be affected by the fact that the registrant is located in a foreign country, that certain of its officers and directors are residents of a foreign country, that certain underwriters or experts named in the registration statement are residents of a foreign country, and that all or a substantial portion of the assets of the registrant and of said persons are located outside the United States. Such disclosures should indicate: whether investors will be able to effect service of process within the United States upon such persons; whether investors will be able to enforce against such persons judgments obtained in United States courts predicated upon the civil liability provisions of the Act; whether the appropriate foreign courts would enforce judgments of United States courts obtained in actions against such persons predicated upon the civil liability provisions of the Act, and whether the appropriate foreign courts would enforce, in original actions, liabilities against such persons predicated solely upon the Act. If any portions of such disclosures are stated to be based upon an opinion of counsel, such counsel should be named in the prospectus and an appropriate manually-signed consent to the use of such name and opinion should be included in the registration statement.

9. *Use of proceeds to registrant.* Inclusion in a prospectus of a statement that management reserves the right to change the use of proceeds may give rise to a question as to whether the disclosures made in response to Item 3 of Form S-1 are bona fide. However, such reservation is permissible if its inclusion is due to certain contingencies which are adequately discussed in the prospectus in terms of an alternative use of proceeds to be followed in the event that the contingencies arise.

10. *Statement of dividend policy.* Generally, objection will be made to a projection of future dividends in the prospectus. Objection ordinarily will not be made to a statement in the prospectus as to the policy of the board of directors of the registrant to declare dividends on a stated periodic basis, or that it will be the policy of the board of directors to declare as dividends a specified percentage of profits, provided no projection of dollar amounts is given and a further statement is made to the effect that there is no assurance as to future dividends since they are dependent upon earnings, the financial condition of the registrant and other factors. However, there is no objection to the registrant's stating the amount of dividends to be paid for the next succeeding dividend period where the dividend has been declared.

Where a registrant has a record of paying no dividends although earnings indicate an ability to do so, the registrant should consider the question of its intention to pay cash dividends in the foreseeable future, and if no such intention exists, a statement of that fact should be set forth in the prospectus.

11. *Current financial statements and related data.* The following is furnished as a guide for determining the need for "updating" financial statements and related data in registration statements under the Act and is a reaffirmation of the policies stated in Securities Act Release No. 4475, dated April 13, 1962 (published in the FEDERAL REGISTER of April 26, 1962, 27 F.R. 3990).

(a) *Financial statements*—(1) *Form S-1.* Registrants presently subject to the reporting requirements of the Securities Exchange Act of 1934 and unlisted companies with a substantial record of earnings which publish financial information on a regular basis, should be prepared to add later information as to sales and net income in a paragraph following the summary of earnings when such later information has been published or is to be published in an interim report prior to the effective date of the filing. Whether or not such a report is published, later sales and net income information on current and comparable prior year bases should be included in paragraph form when an adverse trend is shown. Such disclosure is necessary regardless of the certified or non-certified status of the financial statements in the prospectus. It should be understood that when a fiscal year ends within 90 days prior to the date of filing and certified financial statements for the year are normally available for publication before the proposed effective date, such statements should be substituted for the interim statements in the registration statement as originally filed.

Companies registering for the first time with no previous record of publishing information, but with an estab-

lished record of earnings and in a sound financial condition, should be prepared to furnish the above data compared with a similar period of the preceding year, if the amendment when effective would otherwise include data over four months old.

New registrants with no established record of earnings and old registrants currently showing losses or a weak financial condition should not only furnish the above data but be prepared to bring the financial statements up to the latest practicable date not more than 90 days prior to filing the amendment upon which it is expected the filing will become effective. If delay carries the date beyond the close of the fiscal year and by applying due diligence the registrant and its independent accountant can have an audit completed prior to the planned effective date, certified statements for the fiscal year should be substituted for interim statements whether or not the interim financial statements have been certified.

When later interim financial statements are to be furnished to supplement either fiscal year or interim statements which have been certified, the later statements would in the usual case be unaudited. However, when numerous or involved financial transactions have been effected since the date of the financial statements furnished or it is recognized that unusual conditions affect the determination of earnings, the Commission has indicated that later financial statements may be requested on a certified basis as a condition to acceleration under section 8(a) of the Act.

(2) *Forms S–2 and S–3.* All financial statements on these forms are required to be certified. In all cases of extended delay later statements should be prepared so that at the expected effective date the statements are not over four months old.

(3) *Forms S–4, S–5 and S–6.* Wherever practicable, filings on these forms should be scheduled so that interim statements other than mid-year will not be necessary.

(4) *Forms S–8 and S–9.* In cases of unusual delay of effectiveness of the registration statement, consideration should be given to presenting such later financial data, including interim earnings, when such information has been published or issued to stockholders.

(5) *Form S–11.* Principles set forth above for Form S–1 should be applied to filings on this form as appropriate.

(b) *Financial data* Volume statistics, loss experience in insurance companies, bad debt and collection experience in finance, real estate and small loan companies, backlog and similar data should be brought up to date when later financial statements are furnished.

12. *Names of customers and competitors.* Item 9(b) of Form S–1 requires certain disclosures as to the nature of the market for the registrant's products or services and as to the registrant's competitive position in the industry. In connection with these disclosures the names of either customers or competitors are not required in the usual case. If the registrant voluntarily includes such names, no objection is ordinarily raised unless in the particular case the effect of including such names is misleading. If a substantial part of the business of an issuer is dependent upon a single customer, the loss of which would have a materially adverse effect on the registrant, the name of the customer and other material facts with respect to the relationship and the importance of the business to the registrant should be included.

13. *Extractive reserves.* Instruction 2 to Item 1 of Form S–1 requires that registrants engaged in extractive operations include in their prospectus, where appropriate, the quantitative amount of their reserves. If appropriate, the current market price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas or tons of ore.

14. *Liabilities of shareholders to laborers, servants, or employees under State law.* Statutes of several of the states impose joint and several liability on corporate shareholders for labor debts (i.e., debts, wages, and salaries due and owing to employees by the corporation). The potential liabilities imposed on shareholders by these statutes should be appropriately disclosed in the prospectus unless such disclosures would be immaterial because it is unlikely that the liability would be asserted due to the financial resources of the registrant.

15. *Annual reports to security holders.* The prospectus should disclose whether or not annual reports of the registrant will be furnished to security holders and whether or not such reports will contain certified financial statements. The nature and frequency of other reports to be issued by the registrant also should be disclosed. However, this disclosure is not required in the case of registrants required to send annual reports containing certified financial statements to security holders pursuant to the statutes or regulations administered by the Commission or pursuant to a listing agreement with a national securities exchange.

16. *Executive committee.* If the registrant has an executive committee, the members thereof should be indicated by a footnote or other appropriate means in connection with the disclosures required by Item 16 of Form S–1.

17. *Voluminous and verbose prospectuses.* Prospectuses are sometimes difficult to read and to understand. Registrants have been encouraged to reduce the size of the prospectus by careful organization of the material, appropriate arrangement and subordination of information, use of tables and the avoidance of prolix or technical expression and unnecessary detail. In this connection, attention is directed to Rule 460(f), 17 CFR 230.460(f).

Material on the cover page of the prospectus should be as brief as possible with an appropriate cross reference to more complete information elsewhere in the prospectus, particularly where the underwriters receive multiple benefits that cannot be completely described on the cover page.

18. *Introductory statements.* In many instances the securities to be offered are of a highly speculative nature. The speculative nature may be due to such factors as an absence of operating history of the registrant, an absence of profitable operations in recent periods, the financial position of the registrant or the nature of the business in which the registrant is engaged or proposes to engage. In such instances, and particularly where a lengthy prospectus cannot be avoided, there should be set forth immediately following the cover page of the prospectus a carefully organized series of short, concise paragraphs summarizing the principal factors which make the offering speculative with references to other parts of the prospectus where complete information with respect to such factors is set forth.

19. *Dating of prospectuses.* The date of the prospectus required by Rules 423 and 433, 17 CFR 230.423 and 230.433, should be on the cover page.

20. *Pictorial representations in prospectuses.* Ordinarily, photographic reproductions of principal properties or important products in prospectuses are permissible where they do not create a misleading impression. However, artists' architects' or engineers' conceptions or renderings may be misleading in that there is no assurance of completion of the structure or because of lack of accuracy of the conception or rendering.

21. *Promoters.* The term "promoters" is defined in Rule 405, 17 CFR 230.405, and used in various forms. All persons coming within the definition of the term "promoters" may be referred to as "founders" or "organizers" or some other term provided the term used is reasonably descriptive of their activities and the information called for by the form as to such persons is disclosed.

22. *Identification of members of board of directors selected by underwriters.* As indicated in Securities Act Release No. 4475, dated April 13, 1962, published in the FEDERAL REGISTER of April 26, 1962, 27 F.R. 3990, the Commission has refused to accelerate the effective date of a registration statement where an underwriter has the right to designate a director and the person has not been designated but when designated may be a director, officer, partner, employee or affiliate of the underwriter. If the person to be designated will not be so related to the underwriter and the underwriter is not otherwise in a position to identify such person, then the prospectus should contain a representation so stating.

23. *Expenses of issuance and distribution.* In accordance with the usual practice, the total of the expenses which are itemized in Item 23 of Form S–1 should be set forth in a note to the net proceeds column of the underwriting table on the cover page of the prospectus.

24. *Permits or licenses to issue securities required by certain states.* It is understood that California and several other states require that a permit be obtained for the issuance of securities by any registrant organized under the laws of the state or having connections with the state such as the location of its principal place of business or having shareholders in the state. If a registrant may be required to obtain a permit or license in any such state, the opinion of counsel as to the legality of the securities to be registered, filed as an exhibit pursuant to Instruction 6 of the Instructions as to Exhibits of Form S–1, should state whether such a permit or license has been or will be obtained and, if not, the effect of such failure upon the legality of the securities and other legal consequences of failure to obtain such a permit or license, i.e., possible civil liability for recovery of the purchase price of the securities.

25. *Reports or memoranda concerning the registrant.* If, within the past twelve months, any engineering, management or similar report or memorandum relating to broad aspects of the business, operations or products of the registrant has been prepared for or by the registrant, any security holder named in answer to Item 19(a) of Form S–1, or any principal underwriter of the securities being registered, or if any report or memorandum has been prepared for external use by the registrant or a principal underwriter in connection with the proposed offering, such report or memorandum should be furnished to the Division as supplemental information prior to any pre-filing conference or, if none, at the time of filing the registration statement. There also should be furnished at the same time a description as to the actual or proposed use and distribution of such report or memorandum. Such description should identify each class of persons who have received or will receive the report or memorandum, and state the number of copies distributed to each such class. If no such report or memorandum has been prepared, the Division should be so informed in writing at the time the report or memorandum would otherwise have been submitted.

26. *Distribution of the preliminary prospectus.* Rule 460, 17 CFR 230.460, provides in substance that, in ruling upon requests for acceleration of the effective date of a registration statement, the Commission will consider whether an adequate distribution of the preliminary prospectus to underwriters and dealers who it is reasonably anticipated will participate in the proposed offering has been made a reasonable time in advance of the anticipated effective date of the registration statement. Accordingly, in each applicable case, the registrant should furnish to the Division, prior to or at the time of filing a request for acceleration pursuant to Rule 461, 17 CFR 230.461, the following information with respect to the extent of the distribution of the preliminary prospectus: (1) The dates of distribution; (2) the number of prospective underwriters and dealers to whom they were furnished; (3) the number of prospectuses so distributed; and (4) the number of prospectuses distributed to others, identifying them in general terms.

Distribution of preliminary prospectuses to dealers is not ordinarily a condition for acceleration in the case of offerings of securities to stockholders by subscription rights or otherwise, unless it is contemplated that the distribution will be made through dealers and the underwriters intend to make the offering during the stockholders' subscription period, in which case copies of the preliminary prospectus must be distributed to dealers prior to the effective date of the registration statement in the same fashion as is required in the case of other offerings through underwriters. Where the underwriters do not intend to offer the securities during the stockholders' subscription period, distribution to dealers of the preliminary prospectus is not required.

27. *Representations from selling stockholders.* When outstanding securities are registered to cover a proposed offering for the account of selling security holders, the registrant should forward to the Division a statement from each selling security holder (or in the case of a large group of selling security holders, from the principal members of the group) setting forth the reason or reasons for the sale of such securities. The statement should also contain a representation that such person is familiar with the registration statement and should set forth any material adverse information known to the selling security holder with regard to current and prospective operations of the registrant not disclosed in the prospectus (or a negative representation to such effect, if applicable).

28. *Securities Act exemption for shares subject to options.* Registrants with employee stock option plans who have not registered the underlying stock should inform the Division by letter as supplemental information at the time of filing a registration statement covering securities of the same or other classes whether it is intended to register stock to be issued upon the exercise of the options. If registration is not contemplated, information specifying the exemption from the registration requirements intended to be relied upon and the pertinent facts supporting such claim should be submitted unless already supplied in Item 26 of Form S–1. Such information submitted should include: the approximate number of persons who may be eligible to receive options under the plan; their positions with the registrant and their general salary classification; the extent to which they meet the standards of S.E.C. v. Ralston Purina Co., 346 U.S. 119 (1953); and the nature of any restrictions on transfer and investment representations required. In addition, if any purchasers of option stock have resold or transferred their shares, the circumstances of such dispositions, consistent with the claimed exemption, should be explained by the registrant in its letter. If no such dispositions have occurred, it should be so stated.

29. *Registration of options and stock issued or sold to underwriters.* As stated in Securities Act Release No. 3210, dated April 9, 1947, published in the FEDERAL REGISTER of April 18, 1947, 12 F.R. 2513, options and the stock to be issued upon exercise thereof which are issued to underwriters in connection with a registered public offering are to be considered part of the same offering as that being registered. Accordingly, such options and the stock subject thereto are required to be registered along with the securities to be offered to the public, notwithstanding that it is represented that such options have been acquired for investment and not with a view to distribution.

Where the options are granted by some person other than the issuer, at or about the time of the proposed registered offering, the same registration requirements will apply, and the registration statement should be signed by such persons as issuers of the options. Although registration of non-transferable options will not be required, the underlying stock should be registered as aforesaid.

The same procedure should be followed with respect to stock sold to underwriters in connection with an underwriting.

In such cases, the registration statement should include an appropriate undertaking similar to the following:

> The registrant undertakes with respect to ------ shares issued (or to be issued) to underwriters, that (1) any prospectus revised to show the terms of offering of such shares (other than a transaction on a national securities exchange), and (2) any prospectus revised to comply with the requirements of section 10(a)(3) of the Securities Act of 1933, will be filed as a post-effective amendment to the registration statement prior to any offering thereof; and that the effective date of each such amendment shall be deemed the effective date of the registration statement with respect to securities sold after such amendment shall have become effective.

No exemption to the foregoing registration requirement exists where the options are not exercisable until some future date, unless substantially later than the proposed effective date of the registration statement.

30. *Revision of prospectuses where a company and its employee plan have different fiscal years.* Where securities are registered under the Act for offering pursuant to an employee stock purchase, savings or similar plan, and the interests in the plan constitute a separate security, such interests are also required to be registered and appropriate financial statements of the plan must be included in the prospectus. In a number of these cases the fiscal year of the plan ends on a date different from that of the employer company, so that information with respect to the plan may become out of date for the purpose of section 10(a)(3) of the Act prior to that relating to the company, or vice versa. The question has been raised whether the prospectus may continue to be used until up-to-date financial statements and other information is available for both the plan and the company.

In such a case after information with respect to the plan or the employer company becomes out of date it is not permissible to continue using a prospectus which does not contain the required up-to-date information. However, a registrant may file a post-effective amendment to the registration statement containing the required information and after the amendment becomes effective may continue to use the old prospectus with the up-to-date financial statements and other information attached, until the prospectus must be revised to in-

clude up-to-date financial statements and other information with respect to the plan or the employer company, as the case may be. A copy of the prospectus with up-to-date information attached need not be furnished to existing participants in the plan who have previously received a copy of the prospectus and who are otherwise furnished with a copy of such up-to-date information, provided the prospectus contains a statement to the effect that such financial statements are to be deemed to be incorporated therein by reference for all purposes of the Act and the rules and regulations thereunder.

31. *Disclosure of confidential material to other government agencies.* Rule 485 under the Act, 17 CFR 230.485, provides the procedure to be followed by registrants who request the Commission to accord confidential treatment to a contract (or portion thereof) on the grounds that public disclosure would impair the value of the contract and is not necessary for the protection of investors. In an application for such confidential treatment of a material contract or portion thereof, the applicant should state whether or not the applicant is willing to permit the disclosure of the contract to other governmental bodies. Such permission is one factor which will be considered by the Commission in ruling on the application.

32. *Mailing of amended preliminary prospectuses to regional offices.* Unmarked copies of the preliminary prospectus contained in any material amendment to the registration statement should be sent to the Commission's regional offices located at 105 W. Adams Street, Chicago, Illinois, 60603, and 225 Broadway, New York, New York, 10007.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 7, 1964.

[F.R. Doc. 64-1515; Filed, Feb. 14, 1964; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

[Order No. 276-A; Docket No. R-226]

Chapter I—Federal Power Commission

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report Forms Prescribed for Electric Utilities and Licensees and Natural Gas Companies

FEBRUARY 11, 1964.

By order issued December 18, 1963, we prescribed, among other things, new schedules entitled "Expenditures for Certain Civic, Political and Related Activities" to be included in the annual reports (FPC Forms Nos. 1 and 2) required to be filed by electric utilities, licensees, and natural gas companies. Inadvertently we failed to include therein the required related amendment of the regulations to provide for the new schedules.

The Commission orders:

Amend §§ 141.1(d) and 260.1(c), Chapter I of Title 18 of the Code of Federal Regulations, by inserting, to immediately precede the line "Common Utility Plant" appearing in each, a line reading "Expenditures for Certain Civic, Political and Related Activities". As amended §§ 141.1(d) and 260.1(c) read as follows:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * *

(d) * * *

* * * * *

Expenditures for certain civic, political and related activities.

* * * * *

§ 260.2 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) * * *

* * * * *

Expenditures for certain civic, political and related activities.

* * * * *

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1520; Filed, Feb. 14, 1964; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Miscellaneous Indian Irrigation Projects in Arizona, Nevada, Oregon

There was published in the FEDERAL REGISTER on September 7, 1963 (28 F.R. 9824) a notice of intention to amend § 221.105, *Charges*, Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against irrigable lands of miscellaneous Indian irrigation projects in Arizona, Nevada, and Oregon, by raising the annual per acre assessment rate for non-Indian owned lands and for Indian owned lands leased to non-Indians at Duck Valley and Pyramid Lake Indian Irrigation Projects, Nevada. Interested persons were given an opportunity to submit their comments, suggestions, or objections with respect to the proposed amendments to the Phoenix Area Director, Bureau of Indian Affairs, Phoenix, Arizona, within 30 days of publication of this notice in the FEDERAL REGISTER. No written communications were received.

Section 221.105 is hereby amended to read as follows:

§ 221.105 Charges.

Pursuant to the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered under the respective irrigation systems of the projects listed in this section are hereby fixed in the following amounts for non-Indian owned lands, Indian owned lands leased to non-Indians, and Indian owned and operated lands, for the calendar year 1963 and for each succeeding calendar year thereafter until further notice:

ANNUAL PER ACRE ASSESSMENT

Project	Non-Indian owned land	Indian owned land leased to non-Indians	Indian owned and operated land
Duck Valley:			
Subjugated lands	$3.40	$3.40	$3.40
Native hay lands	3.40	3.40	1.00
Pyramid Lake	8.50	8.50	.50
San Carlos Reservation	16.00	16.00	5.50
Warm Springs	2.00	2.00	0

W. WADE HEAD, *Area Director.*

[F.R. Doc. 64-1545; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart B—Definition of Terms

§ 1001.201-3 [Deleted]

Delete § 1001.201-3.

Subpart L—Specifications, Plans, and Drawings

Revise § 1001.1207 to read as follows:

§ 1001.1207 Alternate articles or qualities.

Alternate bids may be used where the Government wishes to have a certain quality of work done or items delivered, but the cost of such work or items may be so high that the Government's interest will require procurement of a lesser quality.

Subpart M is revised to read as follows:

Subpart M—Transportation

Sec.

1001.1301 General.
1001.1305 Delivery terms.
1001.1305-2 F.o.b. origin or destination.
1001.1305-3 F.o.b. destination.
1001.1305-4 F.o.b. origin.
1001.1306 Consignment and marketing instructions.
1001.1309 Volume shipments within the United States.
1001.1313 Transportation rates and related costs.

AUTHORITY: The provisions of this Subpart M issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

§ 1001.1301 General.

In the Air Force, traffic management advice is provided by transportation officers.

§ 1001.1305 Delivery terms.

§ 1001.1305-2 F.o.b. origin or destination.

Prior to issuing an IFB, RFP, or RFQ for central procurement supplies, an AFLC Form 354 Transportation Data (PR or MIPR), will be prepared and the data so furnished will be considered in solicitations.

§ 1001.1305-3 F.o.b. destination.

When supplies are to be delivered "f.o.b. destination" the following will appear in the schedule:

F.o.b. destination: Supplies shall be shipped direct by the contractor to the specified destination(s) at the expense of the contractor.

§ 1001.1305-4 F.o.b. origin.

This section is mandatory for all procurement activities.

(a) *Small purchases (except petty cash).* If a small purchase covers a shipment of 20,000 pounds or more to a single destination, the procedures in paragraph (b) of this section will be followed. Shipment will not be authorized by prepaid parcel post unless an emergency condition exists and time required to furnish U.S. Government mailing indicia would cause an undue delay.

(1) If the shipment does not qualify for a GBL, the following will be included in the written solicitation or discussed in the oral solicitation:

"F.o.b." contractors plant _____
(City) (State)

Shipping instructions will be contained in the order issued by the Government. Please furnish the following:

Shipment may be made by U.S. Postal Service. Request U.S. Government mailing indicia be furnished with the order.

Shipment cannot be made by parcel post. Request order authorize shipment by prepaid freight with charges billed as a separate item on the invoice.

The information requested may be changed to meet the needs of specific purchase actions such as pick up by Government vehicle or prepaid parcel post with charges to be shown as a separate item on invoice.

(2) The order or contract will contain one of the following provisions:

(i) *When shipment will be by postal service.*

Ship by U.S. Postal Service. U.S. Government mailing indicia is attached which requires no postage.

(ii) *For shipments other than postal service.*

Ship by prepaid freight and bill charges as a separate item on invoice. Copy of paid freight bill or commercial bill of lading marked Prepaid will be attached to invoice if transportation charges are in excess of $25.

Ship via _____[1]/_____ most economical method.

[1](Use appropriate statement.) The statement may be amended to cover specific purchases such as furnishing addresses of destinations subsequent to issuance of order, or pick up by government vehicle.

(b) *Other purchases.* The clauses in §§ 1007.4004 and 1007.4050 of this subchapter will be used according to the instructions contained therein. If base procurement activities do not desire to use these clauses, an appropriate provision will be included in the contract schedule. When a purchase in excess of $2,500 does not justify the issuance of a GBL, the procedures in paragraph (a) of this section may be used. The contracting officer will obtain the advice of a transportation officer if necessary. When the clause in § 1007.4004 of this subchapter is used, the following will appear in the schedule:

(1) F.o.b. carrier's equipment at the plant or plants at _____, at which
(City and State)
such supplies are to be finally inspected and accepted.

(2) F.o.b. _____ which is
(City and State)
the nearest point or points that carrier service is available to the plant or plants at which final inspection and acceptance are to be accomplished.

§ 1001.1306 Consignment and marketing instructions.

(a) All information on shipping addresses (except on GFAE and GFAE-type items) that is supplied with a purchase request (PR), a military interdepartmental purchase request (MIPR), or other document serving as an authorization for procurement, will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

(b) Shipping instructions for GFAE and GFAE-type items will not be incorporated in the contract, but all information on shipping addresses will be incorporated in the shipping instruction verbatim from the AFPI Form 44, Request for Issuance of Shipping Instructions, that is processed according to §§ 1054.1503 and 1054.1505 of this subchapter.

(c) The contract, purchase order, or delivery order number will be made a part of each shipping address as shown in the example below. This will expedite identification of shipments received by a consignee:

Transportation Officer,
MOAMA, Brookley AFB, Ala.
Marked for:
AFD 2010, FSC 6740
Contract AF33(600)—40019.

(d) Transportation appropriation data that is supplied with a MIPR or other document serving as an authorization for procurement will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

§ 1001.1309 Volume shipments within the United States.

See paragraph 201004b, AFM 75-2, for definition of volume shipments (movements).

§ 1001.1313 Transportation rates and related costs.

AFPI Form 28A, Transportation Data (IFB or RFP). To enable the evaluation of competitive bids to assist in routing shipments, each IFB or RFP which provides for delivery other than f.o.b. specified destinations will include AFPI Form 28A.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

1. In § 1002.407-9(b) revise subparagraph (2)(i)(e) as follows:

§ 1002.407-9 Protests against award.

* * * * *

(b) * * *

(2) * * * (i) * * *

(e) Current status of award or contract: If award has been made, indicate if performance has commenced, shipment or delivery has been made, award action has been suspended or stop work order issued.

2. Revise § 1002.408-1 to read as follows:

§ 1002.408-1 Unclassified awards.

(a) Generally, unsuccessful bidders should be notified in writing that their bid was not accepted. Determination of the means of notifying unsuccessful bidders that their bid was not accepted is at the discretion of the contracting officer. Such determination should be based on the contracting officers evaluation of the economies of form post cards or form letters versus the goodwill derived from personal letters. When form letters and personal letters are used, they should be similar to the following:

Gentlemen: Receipt is acknowledged of your bid in response to our Invitation for Bid No. _____. This is to inform you that award was made to: Contractor _____ City _____ State _____ Item No. _____ Price _____. The interest shown by your firm in submitting a bid is appreciated. However, we are unable to award you a contract in this instance.

Very truly yours,

_____
(Contracting Officer)

(b) In case, when an inquiry is made, the letter is addressed to an unsuccessful bidder who is lower in price than the successful bidder due to rejection of the lower bid on the basis of a negative pre-award survey (facility capability report), the last paragraph will read as follows:

The interest shown by your firm in submitting a bid is appreciated; however, we are unable to award you a contract in this instance due to a negative pre-award survey (facility capability report) on your firm with respect to this procurement. Basis for the negative survey report cannot be provided to you by the undersigned but may be obtained from the chief of the activity that performed the survey, located at _____ (here insert name and address of the CMD or AFPRO).

(c) When unsuccessful bidders are notified orally that their bid was not accepted, a memorandum to this effect

setting forth date, place, and individual notified will be placed in the contract file.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

1. Revise §§ 1003.101–50(c)(2) and 1003.101–51, to read as follows:

§ 1003.101–50 Requests for proposals.

* * * * * *

(c) * * *

(2) Requirements which do not meet the criteria of subparagraph (1) of this paragraph, a minimum time of 30 days will normally be allowed for submission of proposals. When a period of less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production (or comparable level at APRE and APRFE) at AFLC activities, directors or deputy directors of procurement or comparable level) at AFSC activities and OAR, or the chief or deputy chief of base procurement offices. AFSC, OAR, or AFLC AMA directors of procurement and production may redelegate this authority to positions not lower than two levels above the contracting officer. The contract file will be documented accordingly.

§ 1003.101–51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation. In every case, the contracting officer will again verify the requirement within 20 days prior to final execution of the contract for the Government and will document the record accordingly.

§§ 1003.104, 1003.105 [Deleted]

2. Delete §§ 1003.104 and 1003.105.

Subpart B—Circumstances Permitting Negotiation

§ 1003.211–2 [Deleted]

1. Delete § 1003.211–2.

2. Delete present § 1003.211–50 and insert the following therefor:

§ 1003.211–50 Sample format and justification.

(a) Following are sample formats acceptable for determinations and findings under 10 U.S.C. 2304(a)(11). The first format is for individual determinations and findings. The second format is for class determinations and findings.

DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority to Negotiate Contract

I hereby find that this procurement is for (set forth description of work to be accomplished and enough specific facts and circumstances to justify the specific determination to be made). (This is a follow on procurement action which was originally placed through competition.)[1]

I hereby determine that the proposed procurement is for (experimental) (developmental) (or research) work (and for furnishing of property for development and test)[2] and is required in the interest of national defense.

I further determine that the use of formal advertising would be impractical because (set forth the basic reason only).

Upon the basis of the determinations and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(11).
(2)

DEPARTMENT OF THE AIR FORCE

DETERMINATIONS AND FINDINGS

Authority to Negotiate Contract

This procurement will consist of one or more contracts for (set forth cursory description only) ----------

I hereby find that the proposed contracts are for the procurement of (set forth description of work to be accomplished and specific facts and circumstances to justify determination to be made) ----------

I hereby determine that the proposed contracts are for (experimental) (developmental) (research) work (or for making or furnishing of property for experiment, test, development, or research)[2] and are required in the interest of national defense.

I further determine that the use of formal advertising would be impractical because (set forth specific reasons). It is to be understood, however, that this determination and findings will not be used to avoid procurement by formal advertising for items which can be procured by that method without impairing the program.

Upon the basis of the determinations and findings above, I hereby authorize the negotiation of contracts for this procurement pursuant to 10 U.S.C. 2304(a)(11). This class determination shall remain in effect until June 30, ----[3].

[1] This statement will be added if applicable.

[2] Use the word or words "experimental," "developmental," "research," or "furnishing of property for development and test," which properly describe the work to be done.

[3] Each class determination and findings will specify an effective period which will normally not exceed one year.

(i) For easy identification the lower right hand side of the D&F will contain the purchase request number or other identifying nomenclature. (e.g., project number or weapon system number.)

(ii) To relieve undue administrative processing, minimize delays to important major weapon system programs, and to provide for more operational flexibility, class determinations and findings, instead of individual determinations and findings, may be used across the entire exploratory development program or for each major research and development program when there is a good likelihood that more than one contract will be issued during a period (normally not to exceed one fiscal year) in furtherance of such program. The number of individual requests for determinations and findings that will be required should the request for class determinations and findings be disapproved will be noted in the letter of transmittal. Basic criteria which must be met in grouping effort into a class determination and findings package are:

(*a*) The overall program area should be controlled by a "single point of strong technical management."

(*b*) There should be a major thread of common technical effort to be undertaken, preferably administered through a single organization.

(*c*) In addition to being sufficiently definitive to determine that negotiation is, indeed, required, the total effort covered must also be specific enough to insure that only that effort which has been defined is included in the broad authorization.

(*d*) The total proposed effort described for authorization must fall within the available resources and conform to previous program decisions.

(b)(1) Determinations and findings for research and development will be identified within two categories: (i) Those for basic or applied research and advanced technology, and (ii) those for research and development programs leading to future operational systems of AF inventory equipment. The information in subparagraph (2) of this paragraph will be set forth in narrative form in letter of transmittal requesting determinations and findings under 10 U.S.C. 2304(a)(11) for both Category A and B programs.

(2) *General.* (i) Complete description of proposed effort in terms readily understandable by a layman: This will include an explanation of whether proposed procurement is for research, development, or experimental work, the manufacture or furnishing of supplies for experimentation, development, research, or test, or for a combination of two or more of the foregoing. Further, if the proposed procurement covers manufacturing methods, in whole or in part, specific mention will be made of this fact. In addition, where applicable, statements responsive to the following questions will be required:

(*a*) Is this an isolated task or part of a whole balanced program?

(*b*) What is the end result of this effort—does it have a specific use, or is its purpose to acquire general knowledge?

(*c*) How will the results of this task be applied ?

(*d*) Does the current level of technology support the feasibility of this further effort?

(*e*) To what degree has this proposed effort been coordinated with other interested AF activities—with other agencies?

(ii) When supplies are to be procured for the purpose of service testing, the need for the specific quantities involved must be clearly explained and justified.

(iii) Estimated dollar amount of procurement.

(iv) Purchase Request number, citation of funds to be obligated, program structure, project and task number as may be applicable.

(v) Set forth the desired contract placement date and type of contract contemplated. (Note restriction on use of CPFF type of contracts in § 3.405–5(c)(1) of this title.)

(vi) Reasons for negotiation must be explained, substantiated and support the further determination made in the determinations and findings. (Reasons should be compatible with type of contract contemplated.)

(vii) Set forth the source to be awarded the procurement, if known, or the potential sources to whom the procurement may be awarded. The statement that a segment of industry will be solicited is not acceptable. Class requests listing more than 15 sources will give the criteria to be used in selection of source, for individual procurement thereunder. (e.g., 10 of the most qualified sources will be solicited for each procurement, etc.)

(viii) If sole source, state reason why other sources cannot be considered.

(ix) If initial sole source, state whether based on solicited or unsolicited proposal. Why?

(x) If initial sole source and the information is readily attainable, state who financed the effort which put the proposed contractor in sole source position. (Contractor or Government.)

(xi) If follow-on procurement is with the same source:

(*a*) Give a brief statement regarding the presence or absence of previous competition which led to the original selection of the proposed contractor. (Presence of previous competition will be noted on the D&F by inclusion of statement shown in sample format.)

(*b*) Are there other sources with comparable experience and facilities?

(*c*) What would be the extent and impact, including loss of time, on duplicating this source's experience and facilities?

(*d*) Are there any other reasons why it is necessary to continue with incumbent?

(3) *Additional information required for Category B Programs.* (i) What plans are being made to advertise or compete the end item in the future? If none, why?

(*a*) What are the target dates for above?

(*b*) Do we intend to obtain rights to all the data needed for effective procurement of the end item?

(*c*) Do we or will we have title to any useful special tooling developed?

3. Revise §§ 1003.212–50(b)(5), 1003.213–4, 1003.213–50(b), and 1003.214–50 to read as follows:

§ 1003.212–50 Format and justification.

* * * * * *

(b) * * *

(5) Statement that except for security classification the procurement would have been effected by formal advertising or by negotiation pursuant to section 10 U.S.C. 2304(a), whichever of these two methods of procurement is applicable.

§ 1003.213–4 Record and reports.

The Directorate of Procurement Policy, DCS/S&L (AFSPPB), Hq USAF, will maintain on a current basis a master list of items for which determinations and findings have been made under this authority.

§ 1003.213–50 Format and justification.

* * * * * *

(b) Application:

(1) Except as noted in subparagraph (6) of this paragraph, requests for procurement standardization action may be initiated by an individual organization, through appropriate channels, to the Directorate of Supply and Services, Hq USAF (AFSSSDB).

(2) The Directorate of Supply and Services will forward the request to the office of primary responsibility for recommendations on disposition and priority rating to be placed on the item of equipment involved. Recommendations or standardization action with appropriate rating will then be forwarded by the Director of Supply and Services to Air Force Departmental Standardization Office (AFSPDPD).

(3) In arriving at its decision, Hq USAF will apply the criteria and requirements of § 3.213–2 of this title. If it is decided that standardization is warranted, AFSPDPD will forward its recommendations, supported by substantiating data, in quadruplicate, to Hq USAF (AFSSSDB) for coordination with the office of primary responsibility and subsequent submission to the Secretary of the Air Force or his designated representative for findings and determinations.

(4) To facilitate processing, each request will be limited to a single item of supply or group of related items.

(5) In transmitting AF initiated Military Interdepartmental Purchase Requests (MIPRs) requiring procurement of specific technical commercial-type items of equipment for reasons of standardization, the initiating activity will attach a copy of the approved determination to standardize, signed by the Assistant Secretary of the Air Force (Materiel).

* * * * * *

§ 1003.214–50 Format and justification.

(a) * * *

* * * * * *

2. Authority to Negotiate for Spare Parts (exclude when not applicable). The authority herein granted to negotiate for spare parts is limited to those spare parts which are determined, not later than 90 days prior to the scheduled acceptance of the last article under the contract, to be necessary to support the end items being procured under authority of this determination and findings and are not identical to parts previously procured by the Air Force on other than the contract to which this determination and finding is applicable.

* * * * * *

4. Include a statement substantially as follows: Based on the findings above made, I hereby determine that the proposed procurement is for technical or special property requiring (a substantial initial investment) (an extended period of preparation for manufacture)[1] and that formal advertising (would result in additional cost to the Government by reason of duplication of investment) (would result in duplication of necessary preparation already made and would unduly delay procurement).[1]

* * * * * *

(b) * * *

(1) * * *

(v) Where duplication of an extended period of preparation for manufacture is relied upon as a basis or the basis for satisfying the legal requirement, it must be clearly demonstrated that the undue delay created by the use of formal advertising would be prejudicial to the AF mission. Where corrective action for the future is indicated such will be discussed under Category 2 below. In addition, the analysis for use of this reason will include the following:

* * * * * *

(2) * * *

(ii) Efforts to establish competitive sources and what impediments must be overcome to develop a competitive posture. (For example: There are many cases where future requirements for an item which is the subject of the request for determinations and findings can be procured competitively if it were possible to live with the procurement lead time of inexperienced but qualified producers. Generally, in this situation funding limitation is the impediment to be overcome and corrective action as shown in subdivision (v) of this subparagraph will be taken.)

* * * * * *

(v) To alert requiring, programing, and procuring activities to bring about an earlier release of future years buying programs and funds therefor, the following information will be acquired and furnished with each D&F request for items which could be competitively procured if it were possible to live with the procurement lead time of a qualified but inexperienced producer:

FORMAT

For information to accompany transmittal letters forwarding Determinations and Findings under 10 U.S.C. 2304(a)(14) for requirements to be procured from a sole source but which can be completed if program release is earlier.

(a) D&F No. (To be assigned by AFSPMPO–1). Description.
(b) FY–19 Leadtime (mos.) Required Release Date to Compete.
Units ------ Other Producer -------

Dollars ----- Present Producer ---- ----
FY–19 Leadtime (mos.) Required Release Date to Compete.
Units ------ Other Producer ---------

Dollars ------
(c) Date(s) Requiring Activity questioned on future requirements ----------
Date(s) Requiring Activity submitted future requirements ----------
Name(s) of Requiring Activity ---------
(Program Designation or Organization).
(d) Date the Programing Activity notified of required Program Release date.

(e) Other pertinent information:

The above information as to all known future year requirements will be obtained from the requiring activities at the time the D&F is prepared. These requirements will, in turn, be converted into the required program release dates and submitted to the programming activity for their information and action.

(vi) Digest examples:

* * * * * *

§ 1003.215–51 [Amended]

3. In § 1003.215–51 paragraph 3 is deleted and paragraphs 4 and 5 are redesignated paragraphs 3 and 4.

4. Add new § 1003.211–3 as follows:

§ 1003.211–3 Limitation.

This authority will not be used for such quantities and kinds of equipment, supplies, parts, or accessories for experiment, development, research, or test as can be appropriately advertised. However, such equipment, supplies, and materials as are necessary to support performance of laboratory research, are required on a priority basis, may be procured under this authority if requested and substantiated by the Director of the using laboratory.

Subpart C is revised to read as follows:

Subpart C—Determinations and Findings

Sec.

1003.301 Nature of determinations and findings.
1003.303 Determinations and findings below the Secretarial level.
1003.305 Forms of determinations and findings.
1003.306 Procedure with respect to determinations and findings.

AUTHORITY: The provisions of this Subpart C issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.301 Nature of determinations and findings.

(a) The policy of the Department of the Air Force is to make class determinations for a period normally not to exceed one year. In requesting class determinations and findings, the supporting information will be as detailed as the supporting information required for an individual determinations and findings under the particular section of the Act involved. In addition, the principal items of CFE as defined and within the purview of AFR 70–9 (System Procurement) to be developed by or incorporated in the production end item by the contractor(s) will be itemized and explained. When the determinations and findings covers a weapon or support system, the major subsystems only will be itemized. When it covers a major subsystem, the major CFE equipments and components will be itemized. CFE items which are not within the scope of the approved determinations and findings will be listed in the letter forwarding the signed determinations and findings.

(b) Determinations and findings signed by the Secretary of the Air Force do not in any instance constitute program or project approval. Authority to negotiate is limited, except for those procurements specifically exempt from provisions of DOD Directive 7200.4, to that portion of the procurement or program which is currently authorized at the time of negotiation or within the FY of the issuance of the determinations and findings, whichever is later. To the extent required by § 1003.306(e), subsequent negotiations which result in increasing the scope of the contract will be covered by additional determinations and findings.

(c) Determinations and findings will in all cases be dated at the time of signature.

§ 1003.303 Determinations and findings below the Secretarial level.

The authority to make determinations and findings under § 3.303(a) of this title is limited to Head of the Procuring Activity, AFSC/AFLC.

§ 1003.305 Forms of determinations and findings.

(a) *Advance payment findings.* See § 163.60, Subpart D, Part 163 of this title.

(b) *Determinations and findings; method of contracting.* Determinations and findings with respect to the use of a cost type contract, a cost-plus-a-fixed-fee contract (including those providing for incentive adjustment of fee), or a fixed-price contract which includes special incentive provisions for redetermination of the fixed fee will be forwarded by letter to the appropriate authorized official (see § 1003.303) for signature. The above type determinations and findings will be prepared in substantially the following format.

DEPARTMENT OF THE AIR FORCE
DETERMINATIONS AND FINDINGS
Authorization for Type of Contract

The Department of the Air Force proposes to use _____ for the procurement
(See Note 1)
of _____ at an estimated cost of
(See Note 2)
$_____.
(See Note 3)
I hereby find that _____.
(See Note 4)

[1] Upon the basis of findings set forth above, I hereby determine pursuant to 10 U.S.C. 2306(c) that _____ and I hereby
(See Note 5)
authorize the use of said contract.

Notes referred to in preceding format are as follows:

NOTE 1. Identify the type of contract proposed to be used.

NOTE 2. Insert the description of the supplies or services sufficiently to identify items being purchased.

NOTE 3. State the amount in round figures—even hundreds or thousand of dollars.

NOTE 4. Insert facts concerning reasons for use of the particular type of contract. Before preparing the findings and determinations, the buyer will decide on what ground to rest the proposed use of one of the subject type of contracts, viz: that: (1) Such a method of contracting is likely to be less costly than other methods, or (2) it is impracticable to secure supplies (or services) of the kind or quality required without the use of the proposed type of contract. The selection of a reason to be stated in the "findings" paragraph will depend on the grounds on which the use of the contract is to be based. The following examples are suggested reasons which would be considered adequate to support the specified determination and the use of the indicated type of contract:

(a) For the use of a fixed-price incentive-type contract because it is likely to be less costly and more rewarding to both Government and contractor:

The nature of the work to be performed is such that there is a possibility of achieving superior weapons, or improved production techniques leading to a reduction of estimated labor or material costs. The use of an incentive type contract will assure the contractor of being rewarded for superior performance or of participation in any savings resulting from reduction in costs and he will make every effort to increase performance and reduce costs.

(b) For use of cost-plus-incentive-fee contract featuring a performance, cost and/or delivery incentive because it is likely to be less costly and most rewarding to both Government and contractor:

The work is for (breadboard or mock-up models) (services or evaluation testing) or (first production)[1] and the uncertainties involved in contract performance are so great as to preclude use of a fixed price incentive arrangement. Use of a cost-plus-incentive-fee type of contract will assure the contractor of being rewarded for (improved performance), (reduction in costs), and/or (improved delivery)[1] giving him the incentive to exert increased diligence in his performance.

(c) For the use of cost (as distinguished from cost-plus-a-fixed-fee) type of contract because it is likely to be less costly:

The contractor will perform the service described above at (cost) or (a predetermined portion of cost), whereas the use of a fixed price incentive, cost plus incentive fee, or cost-plus-a-fixed-fee contract will require that the Government pay, in addition, a profit or fee.

(d) For use of cost-plus-a-fixed-fee contract because it is impracticable to contract on any other basis:

The work is for (research), (preliminary explorations) or (studies)[1] where the level of contractor effort is unknown. The work specifications cannot be defined precisely and the uncertainties involved in contractor performance are of such magnitude that there is no possibility to establish a firm price or an incentive arrangement at any time during the life of the contract; or, This procurement represents a continuation of work now in process under Contract No. ____ which has been conducted upon a cost (cost-plus-a-fixed-fee) basis. The present procurement is so closely related to the work under the above-mentioned contract that it would not be feasible to segregate operations and divide applicable costs.[1]

NOTE 5. Insert the applicable kind of determination, such as:

(a) That the use of (type of contract) is likely to be less costly.

(b) That the use of (type of contract) is likely to be less costly and most rewarding to both Government and contractor.

(c) That it is impracticable to secure supplies (or services) of the kind or quality required without the use of (type of contract).

[1] Use the statement most applicable to the work to be performed.

§ 1003.306 Procedure with respect to determinations and findings.

(a) *Contracting officer's determinations and findings; negotiated contracts.* There is no approved format for individual determinations and findings with respect to the negotiation of contracts under the authority of §§ 3.202, 3.207 and 3.208 of this title, but those set forth for the Secretarial determinations and findings may be used as a guide.

(b) *Approval of determinations and findings; negotiated contracts.* Determinations and findings required under §§ 3.202–3, 3.207–3, 3.208–3, 3.210–3, and 3.211–3 of this title for procurements under $100,000 require contracting officer's signatures and will be subject to the following written approvals:

(1) Hq AFSC, AFSC centers and divisions, and AFLC field procurement activities, Director or Deputy Director of Procurement: This authority may be redelegated not below one level above the contracting officer for procurements initially estimated to be in excess of $50,000 but not in excess of $350,000.

(2) Purchasing activities other than those stated in subparagraph (1) of this paragraph: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(3) Limitation: No person will exercise the authority redelegated in this paragraph if he is the contracting officer in the procurement involved. This limitation does not apply to SPOs at ASD (or comparable organizations) where the chief of the SPO is the only contracting officer appointed for such SPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the SPO and no further approval of such determination and findings will be required. In the case of procurements under § 3.211 of this title with more than one phase, in which the total estimated cost is over $100,000 but which are partially financed by amount of $100,000, or less, the total estimated cost will determine the need for a determinations and findings to be made by the Secretary.

(d) *Procedure for Secretarial determinations and findings.* (1) Determinations and findings authorizing negotiation under 10 U.S.C. 2304(a) (11) and (14) will be prepared and processed as soon as the procurement program becomes reasonably firm, i.e., at least 3 months and preferably, but not more than, 6 months prior to estimated contract placement date. Since, in certain situations, this will require submission of determinations and findings prior to receipt of Purchase Authorizations and Requests, the supporting documentation will recite the total estimated quantities, scope of services, or effort expected to be procured and will set forth the procurement plan and the assumptions on which it is based.

(2) Determinations and findings will be prepared on plain bond paper, undated, and without signature block. An original and 10 copies will be submitted with a letter of transmittal containing complete justification for the determinations and findings.

(3) The letter transmitting a determinations and findings to the Secretary is an important document which will be responsive to the requirements imposed by the individual determinations involved. In addition, the letter of transmittal will reference previous determinations and findings, if any, authorizing negotiation for the same item during the past two fiscal years and will state the required contract placement date for the current request.

(4) Letters of transmittal will be submitted in an original and five copies and for 10 U.S.C. 2304(a)(11) determinations and findings may be signed by the Director or Deputy Director of Procurement or by the Director of Research and Development Contracting. Letters of transmittal for 10 U.S.C. 2304(a)(12) through 10 U.S.C. 2304(a)(16) determinations and findings will be signed by the Commander or Deputy Commander of the initiating activity. They will be forwarded to Hq USAF (AFSPPCA) through the following channels:

(i) AFLC activities—AFLC (MCPC).
(ii) AFSC activities—AFSC (SCK).
(iii) OAR activities—OAR (RRMK).
(iv) Other major commands—AFLC (MCPC).

(e) *Quantitative change in requirements.* Whenever a quantitative increase in the requirement or scope of effort over that recited in the justification for a Secretarial determinations and findings occurs prior to or after the execution of the contract, the following policies will govern:

(1) In determinations and findings authorizing negotiation for research and development, the scope of the effort to be incorporated in the contract will not exceed the scope of effort recited in the original request. However, minor modifications within the stated scope of the work are authorized.

(2) Secretarial determinations and findings authorizing negotiation under 10 U.S.C. 2304(a)(14) will be considered to authorize increase in quantities for the configuration changes in items provided the net result does not invalidate the basis for the original determinations and findings nor constitute a basic change in the procurement. In any event, if the aggregate increase in quantities exceeds 50 percent or if any quantity is to be added to an existing contract not within the fiscal year in which the determinations and findings was prepared, an amendment to the determinations and findings must be obtained. Such can be obtained by a message to Hq USAF (AFSPPCA) setting forth the new quantity and either a statement that the factors cited to justify the original submission have not altered or a brief explanation of any significant changes in these factors.

(3) If a change in requirements exceeds the limitations authorized in this paragraph, the procurement will not be consummated until a new determinations and findings covering the increase has been obtained according to prescribed procedures.

(f) *Cancellation.* If total requirements are cancelled or if a signed Secretarial determinations and findings is cancelled or not used for any other reason, Hq USAF (AFSPPCA) will be so notified through the same channels prescribed for submission of requests for determinations and findings. This notification will be made immediately after deciding that the determinations and findings will not be needed; and the determinations and findings will be marked "cancelled" and placed, together with a copy of the letter of notification, in the cancelled PR/MIPR case file.

Subpart F—Small Purchases

1. The following Note is added immediately under the Subpart heading, as follows:

NOTE: Wherever AF Form 385 (Cash Purchase Receipt) or Standard Form 44 (Order, Invoice, Voucher) are designated to be used, DD Form 1155 (Order for Supplies and Services) May 1963, may be used.

2. In § 1003.604–4(a) revise subparagraph (1) to read as follows:

§ 1003.604–4 Delivery of cash purchases by suppliers.

(a) * * *

(1) The total cost of each purchase, including delivery and c.o.d. charges must be $100 or less. ($250 or less for emergency purchases.)

PART 1007—CONTRACT CLAUSES

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

Revise § 1007.3706–3 to read as follows:

§ 1007.3706–3 Rates for service.

(a) Insert the following clause in contracts if the rates to be paid are those prescribed by a regulatory body and it is intended to pay such rates as changed from time to time by the regulatory body:

* * * * *

(b) Insert the following clause when any of the following conditions exist: (1) Rates are not subject to regulation by any Federal, state, or local regulatory agency, or (2) the contractor also acts as the local regulatory agency and its decisions are not subject to review by a higher regulatory agency, or (3) there is a regulatory agency, but the negotiation of special rates for governmental agencies is permitted by such regulatory agency.

* * * * *

(c) Where the Contractor is a Rural Electrical Cooperative and the rates to be paid have been negotiated and are not those established by a regulatory agency, the following clause will be used:

* * * * *

Subpart NN—Special Clauses

1. Revise §§ 1007.4014, 1007.4038 and 1007.4041 to read as follows:

§ 1007.4014 Certificate of conformance.

The following clause will be incorporated into central procurement supply and services contracts according to § 1014.204–50 of this subchapter and § 14.204 of this title unless exempted by other provisions of this subchapter. The clause may be incorporated into base procurement contracts according to § 1014.204–51 of this subchapter provided the first phrase ending with the word "accepted" is revised to read: "The supplies or services to be furnished hereunder shall be accepted." When the clause is incorporated into the contract utilizing DD Form 1155, either central or base procurement, the portions of the clause inclosed in brackets will be omitted. Omission of portion in brackets is required because the DD Form 1155 does not include either of the contract clauses mentioned therein. When this clause is incorporated into a base procurement contract, the Certificate of Conformance will be attached to or entered on the invoice. When the clause is incorporated into a central procurement contract utilizing DD Form 1155, the Certificate will be attached to or entered on the DD Form 250. The central pro-

curement PCO will use the language in alternate paragraph (a) when items are Government standard, Air Force approved industrial specification, commercial standard and catalogued, and like items which do not require technical inspection at origin, or when the procurement is for $2,500 or less.

CERTIFICATE OF CONFORMANCE (SEPT. 1963)

(a) [Notwithstanding (a) of the clause hereof entitled "Inspection" or "Inspection of Supplies and Correction of Defects," as the case may be], any of the supplies or services to be furnished hereunder may be accepted without prior Government inspection upon receipt of a Certificate of Conformance of the contractor attached to (an invoice or a DD Form 250 as applicable) for supplies or services reading substantially as follows, provided the contractor has been notified by the Inspection Activity that the Certificate is appropriate: (Alternate)

(a) [Notwithstanding (a) of the clause hereof, entitled "Inspection" or "Inspection of Supplies and Correction of Defects," as the case may be], the Government will accept any of the supplies or services to be furnished hereunder without prior Government inspection upon receipt of a Certificate of Conformance of the contractor attached to a (DD Form 1155 or DD Form 250, as applicable) for supplies or services, reading substantially as follows:

I hereby certify that I did, on the _____ (Date)
of _____ 19--, ship via _____
(Month) (Name of Carrier)
on _____, in
(Bill of Lading No., Receipt, etc.)
accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract Number _____,
(Insert contract number)
that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications or _____ called
(Complete the services)
for by Contract Number _____
(Insert contract number)
item _____ and that such
(Insert item number)
services were in the quantity and of the quality called for, and were in all respects in accord with the applicable specifications. This statement is furnished to support payment of the attached invoice.

* * * * *

Five copies of the Certificate of Conformance will be attached to copies of the DD Form 1155 or DD Form 250 which are provided the Air Force Accounting and Finance Officer paying the contract.

§ 1007.4038 Price warranty.

The price warranty clause, while not applicable to advertised procurements, may be used in any negotiated fixed-price contract. This clause is suitable for use in contracts for commercial items, or where a cost breakdown of a contractor's costs is not available or not persuasive. For contracts containing escalation provisions, see § 1003.404–3 of this subchapter.

PRICE WARRANTY

The Contractor warrants that the prices of the items set forth herein do not exceed those charged by the Contractor to any other customer purchasing the same items in like or comparable quantities.

§ 1007.4041 Descriptive identification data to be furnished by Government suppliers.

* * * * *

DESCRIPTIVE IDENTIFICATION DATA TO BE FURNISHED BY GOVERNMENT SUPPLIERS (OCT. 1963)

(a) In items No. _____, the contractor shall furnish item identification data in accordance with MIL–D–26715 (USAF) as in effect on the date of this contract. This service is included as an item in the contract schedule. Such data shall be delivered to the Government in accordance with the time cycles contained in the specification. No deliveries shall be made on these items until the contractor receives notification of the appropriate stock numbers or the contract has been amended to include these stock numbers. Any delay on the part of the Government to adhere to the time cycle set forth in the specification shall be considered an excusable delay within the meaning of the clause of this contract entitled "Default" or "Excusable Delays." Any such excusable delay will automatically extend the delivery schedule by the time of the delay.

[DATE DELETED]

* * * * *

2. In § 1007.4028, add new Note 3 immediately preceding paragraph (b), as follows:

§ 1007.4028 Estimated requirements.

* * * * *

ESTIMATED REQUIREMENTS (JAN. 1963)

* * * * *

(3) When it is contemplated that the procedures in § 1003.653 of this subchapter will be used in placing requirements against the contract, action will be taken to annotate the "Alterations in Contract" clause to require deletion (ii) of Paragraph (b).

* * * * *

3. Add new § 1007.4068 as follows:

§ 1007.4068 Purchase of crude rubber.

The following clause will be inserted in all contracts for aircraft tires. In addition, any contract for aircraft, under which the aircraft contractor is to furnish tires, will contain a provision which requires the contractor to insert the same clause in any subcontract for aircraft tires:

PURCHASE OF CRUDE RUBBER (NOV. 1963)

The Contractor shall purchase from the General Services Administration, either directly or through a dealer, during the life of this contract, such quantity of crude natural rubber as equals the quantity of natural rubber contained in the tires to be delivered under this contract. Each order for rubber placed with the General Services Administration pursuant to this clause shall state that it has been placed in accordance with the provisions of this clause and shall identify this contract by number and name of issuing activity. The price to be paid for such rubber shall be the same as that charged by the General Services Administration on its concurrent commercial sales of like quality. Rubber purchased pursuant to this clause may be used in any manner the contractor desires and need not be earmarked in any way after delivery to the Contractor.

PART 1012—LABOR

Subpart H—Nondiscrimination in Employment

Revise §§ 1012.806–1 and 1012.806–4 to read as follows:

§ 1012.806–1 General.

* * * * *

(d) The AF Equal Employment Opportunity Program functions through the contract administration function structure within the Deputy Chief of Staff, Procurement and Production, Hq AFSC, and utilizes the CMR and CMD to accomplish the EEO requirement.

(e) The CMR commanders and the CMD chiefs as well as the DCS/Procurement and Production, Hq AFSC, have been designated as DCCOs.

* * * * *

§ 1012.806–4 Compliance reports.

(a) No implementation.

(b) The contracting officer will furnish the contractors a sufficient number of report forms (Standard Forms 40 and 40a) to satisfy the requirements of § 12.806–4(a) of this title. Contracting officers may requisition required forms through normal AF distribution channels.

* * * * *

(d) Compliance reports required by § 12.806–4(d) of this title and requested by the contracting officer will be submitted to Hq USAF (AFSPPBA) through AFSC (SCKM).

(e) Statements required by § 12.806–4(e) of this title will be submitted to Hq USAF (AFSPPBA) through AFSC (SCKM).

* * * * *

(g) * * *

(4) The contracting officer will furnish the contractors a sufficient supply of SF 41 to satisfy the reporting requirements for the prime and its subcontractors. Contracting officers may requisition required forms through normal AF distribution channels. Requests for supplies of SF 41 will not be made directly to the President's Committee.

* * * * *

Part 1014 is revised to read as follows:

PART 1014—INSPECTION AND ACCEPTANCE

Sec.
1014.000 Scope of part.

Subpart A—Inspection

1014.102 Activities responsible for inspection.
1014.105 Places of inspection.
1014.106 Inspection of small purchases ($2,500 or less).

Subpart B—Acceptance

1014.204 Responsibility for acceptance.
1014.204–50 Central procurements.
1014.204–51 Base procurement.

AUTHORITY: The provisions of this Part 1014 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1014.000 Scope of part.

This part sets forth general policy and basic requirements for the inspection and acceptance of supplies and services.

Subpart A—Inspection

§ 1014.102 Activities responsible for inspection.

(a) AFSC for the United States, Canada, Caribbean Area, Bahama Islands, Bermuda, Ascension Islands, Greenland and Iceland, and AFLC for overseas and remaining geographical areas are responsible for assuring the accomplishment within the Air Force of the procurement quality control objectives of the Department of Defense.

(b) AFSC and AFLC within their above assigned geographical areas of responsibilities will normally accomplish inspection and acceptance functions at contractor's facilities. Where contractors are to perform work or services at AF installations, the technical and inspection capabilities of such installations will be used to the fullest extent practicable for accomplishing these functions. (For example, see TO 00–25–199, Administrative Use and Support of Contractor Field Retrofit Teams).

§ 1014.105 Places of inspection.

To aid in determining points of inspection and acceptance according to §§ 14.105, 14.106, 14.203 of this title and § 1001.1302 of this subchapter, the procuring and quality control (inspection) activities will collaborate in establishing categories of supplies appropriate for source of destination inspection and acceptance. Unless there are compelling reasons, there will be only one inspection of material. Where preservation, packaging, packing, and shipping are accomplished at a point other than where the supplies are to be manufactured, the material must be inspected at the point of manufacture. If it is desired that the packaging be inspected at the point where the packaging is accomplished this should be so stated in the contract. Normally the point(s) of inspection and acceptance will be specified in the contract by using one of the following options:

(a) Inspection and acceptance at
_____
(Insert contractor's plant or other source location(s))
(b) Inspection and acceptance at
_____
(Insert the destination point(s))
(c) Inspection at
_____
(Insert the source location(s))
with acceptance at
_____
(Insert the destination point(s))
(d) Inspection at
_____
(Insert the destination(s))
with acceptance at
_____
(Insert the source(s))
(e) Inspection and acceptance of material will be at
_____
(Insert contractor's plant(s) or other source location(s))
Inspection and acceptance of the preservation, packaging, and shipping of the above material will be at
_____
(Insert packaging sub-contractor plant(s) or location)

Options (a) and (b) will be most commonly used. Option (c) may be used, for example, where the contractor furnishes supplies requiring source inspection and also performs work, such as installation, at destination which requires further inspection prior to acceptance. The inspection at source will be complete as to the performance of work required of the contractor at that location and normally should not be duplicated at destination. Option (d) may be used in those instances where it is in the Government's interest for acceptance to precede inspection. Where option (e) is used, final inspection and acceptance will be considered to have been accomplished at the packaging subcontractor's plant(s) or location(s).

§ 1014.106 Inspection of small purchases ($2,500 or less).

(a) Where inspection at source is required a special provision will be inserted in the "schedule" section of the DD Form 1155, Purchase Order or Blanket Purchase Agreement, to so state.

(b) The PCO will incorporate the Certificate of Conformance clause in § 1007.4014 of this subchapter with alternate paragraph (a) into central procurement contracts for small purchases ($2,500 and under) in all instances except where inspection is required.

Subpart B—Acceptance

§ 1014.204 Responsibility for acceptance.

§ 1014.204–50 Central procurements.

All central procurement contracts for supplies or services, except those of $2,500 or less will include the appropriate clause in § 1007.4014 of this subchapter "Certificate of Conformance." The determination as to the use of contractor's certificate of conformance will be made by the quality control representative of the administering activity on the basis of experience, knowledge, and optimum utilization of quality control effort, except in those cases where the DD Form 1155 has directed the use of the certificate of conformance by the contractor pursuant to § 1014.106 of this subchapter.

§ 1014.204–51 Base procurement.

The clause in § 1007.4014 of this subchapter, "Certificate of Conformance," may be included in base procurement contracts when the contracting officer has determined that inspection prior to acceptance is unnecessary, the f.o.b. point and point of acceptance are specified as source and one of the following conditions exists:

(a) Delivery will be made directly from the contractor to an accountable supply officer at a destination other than the procuring base.

(b) Delivery will be made to a POE, APOE, or APO for shipment to an oversea activity.

(c) Supplies or services are being procured by an oversea activity and the shipment must cross an international border.

PART 1016—PROCUREMENT FORMS

Subpart C—Purchase and Delivery Order Forms

1. The following Note is added immediately under the Subpart heading, as follows:

NOTE: Wherever AF Form 385 (Cash Purchase Receipt) or Standard Form 44 (Order, Invoice, Voucher), are designated to be used, DD Form 1155 (Order for Supplies and Services) May 1963, may be used.

2. Revise §§ 1016.303–1(a)(1)(ii) and 1016.303–2(b)(5) to read as follows:

§ 1016.303–1 General.

(a)(1) * * *

(ii) When the DD Form 1155 is used the evidence of receipt may be indicated by completing the receiving portion of the Form or by use of DD Form 250. If the DD Form 1155 is used as the receiving report when utilizing the Certificate of Conformance (§§ 1007.4014, 1014.204–50 and 1014.204–51 of this subchapter), only the block marked "Accepted" will be checked and the words "and conforms to contract" deleted.

* * * * *

§ 1016.303–2 Conditions for use.

* * * * *

(b) * * *

(5) When DD Form 1155 is used for central procurement of supplies the appropriate clause in § 1007.4014 of this subchapter, "Certificate of Conformance," will be added (also see § 1014.106 of this subchapter).

PART 1054—CONTRACT ADMINISTRATION

Subpart O—Preparation and Issuance of Shipping Instructions

Revise §§ 1054.1502 through 1054.1504 and 1054.1506 (a) and (e) to read as follows:

§ 1054.1502 Application.

(a) * * *

(4) Call-type or open contracts.

* * * * *

(b) * * *

(1) * * *

(i) Original shipping instructions, if not contained in this contract, and amendments to existing shipping instructions for material on this contract may be issued directly to contractor by (unit code) of applicable Navy Bureau and Navy Office).

* * * * *

(3) Shipping instructions for complete aircraft, missile and target drones (excluding guided aircraft rockets) in Federal Supply Class 1410, 1510, 1520, and 1550, as listed in Appendix 9, AFLCR 23–1, will be issued by the Aerospace Division (MCSC), Directorate of Supply, Hq AFLC, directly to AF plant representative office.

* * * * *

§ 1054.1503 Responsibilities.

• • • • •

(b) *Contracts executed at AMAs.* Designated contracting officers will issue original and amended shipping instructions (except amended shipping instructions referred to in paragraph (d) of this section on (1) Contracts executed at prime AMAs, (2) contracts assigned for complete buying responsibility, and (3) other AFSC ASD executed contracts as specifically directed by ASWGDE.

(c) *Contracts executed by AFSC BSD and AFSC ESD.* (1) For property for which the directorate of materiel management, AFLC AMA has distribution and storage responsibility:

• • • • •

(d) *Administrative contracting officers of certain AFPROs.* Administrative contracting officers of the following listed AFPROs are authorized to: (1) Issue amended shipping instructions upon receipt of AFPI Form 44, Request for Issuance of Shipping Instructions, from inventory manager on other aircraft-missile contracts, AMA executed contracts, and/or contracts assigned for complete buying and/or shipping instructions responsibility, (2) make whatever changes are deemed necessary in the AFPI Form 44 before issuing the shipping instructions, and (3) notify requester of changes made.

• • • • •

§ 1054.1504 Shipping instruction activities.

• • • • •

(c) Amended shipping instructions against open or call type contracts will quote applicable production list or call numbers.

• • • • •

(g) Changes in packaging will be incorporated into shipping instructions by: (1) Transferring the pertinent packaging data to an AFPI 71–163 (reproducible master) and indicating in the shipping instructions that packing and packaging will be according to attached AFPI 71–163 or (2) including the pertinent detail onto the shipping instruction master, appropriately identified as "Packing" and "Packaging." When AFPI 71–163 (reproducible master) is used, all copies of shipping instructions distributed will have attached the appropriate packing and packaging instructions.

(i) The opinion stated by the packaging control officer as to increase and/or decrease in packaging costs of the contract will be suitably annotated on copies of the shipping instructions which are routed to the administrative contracting officer and on the record copy.

• • • • •

§ 1054.1506 Initiators of AFPI Form 44.

(a) When original or amended shipping instructions are required to be issued, initiators of procurement or activities responsible for property distribution will carefully prepare AFPI Form 44, "Request for Issuance of Shipping Instructions," in duplicate and direct it as necessary to comply with § 1054.1503. Where urgency requires, shipping instructions may be requested by telephone or electrically transmitted messages. If requested by telephone, a confirming AFPI Form 44 will be forwarded to the shipping instruction activity within 25 hours. Electrically transmitted requests will state "Request Shipping Instructions" or "Amended Shipping Instructions" and be arranged in paragraph form, each paragraph prefixed by the same number as the equivalent block on AFPI Form 44.

• • • • •

(e) When distribution is controlled by directorate of materiel management, AMA, each AFPI Form 44, initiated to request amended shipping instructions, will:

• • • • •

PART 1057—REPORTS

Subpart L—Contractor Estimate of Provisioning Fund Requirements

Revise §§ 1057.1201, 1057.1202 and 1057.1204 to read as follows:

§ 1057.1201 Applicability of subpart.

(a) The provisions of this subpart are applicable to all directorates of materiel management (D/MM) having provisioning monitorship over AF and MAP contracts and over AF and MAP equities in contracts of other departments and to all activities having administrative responsibilities for such contracts.

(b) Reports will be submitted on active production contracts containing AF and MAP funds for the provisioning of spares, spare parts, and aerospace ground equipment (AGE) upon determination of needs and on an "as called for" basis only, not to exceed one report per month.

(c) The D/MM having provisioning monitorship over the contract may call for reporting on contracts, provided both of the following conditions exist:

(1) Items of provisioned spares, spare parts, tools, test equipment, and aerospace ground equipment on the contract total more than $100,000.

(2) It will take more than 120 days from date of contract to completely define all the item requirements.

§ 1057.1202 Responsibilities.

(a) The D/MM requiring the report will:

(1) Initiate AFPI Form 73, Report of Provisioning Fund Requirements, according to § 1057.1203 (a) through (i). A sufficient number of copies will be prepared to provide one copy for the ACO, one copy for the contractor, and to afford distribution to project/program officers who will require the data to accomplish necessary management of the individual funds projects/programs involved. The copy should reach the ACO no later than the 25th calendar day of the month the report is to cover.

(b) The ACO will assure completion of the report and will be responsible for effecting distribution.

§ 1057.1204 BOB approval.

Bureau of the Budget Approval No. 21–RO58.4 is assigned, expiration date January 31, 1964.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 35, Oct. 31, 1963. AFPC Nos. 91, Nov. 5, 1963; 93, Nov. 19, 1963; 94, Nov. 20, 1963; 97, Nov. 27, 1963]

By the order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–1548; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2135]

PART 192—OIL AND GAS LEASES

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Miscellaneous Amendments

On page 10883 of the FEDERAL REGISTER of October 10, 1963, there was published a proposal to amend 43 CFR 192.42, 192.43 and 200.8.

The primary purpose of the proposed amendments was to facilitate the processing of oil and gas lease offers simultaneously filed pursuant to the regulations in 43 CFR 192.43.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. After consideration of all of the comments and suggestions received during that period the following changes and modifications were made in the proposed amendments. The proposal to amend paragraph g(2) of § 192.42 has been revoked. The proposal to establish leasing units under § 192.43(b) has been retained but this section has been clarified by insertion of the phrase "In accordance with paragraph (c) of this section." Section 192.43(c) has been modified to provide that an entry card on Form 4–1164 will constitute an applicant's offer to lease a numbered leasing unit rather than require that such a card accompany an offer on the standard offer to lease and lease form as was originally proposed. Sections 192.42(a) and 200.8(a) have been clarified to make it clear that the use of an entry card is limited to simultaneous filings of oil and gas lease offers under § 192.43. This was accomplished by inserting the phrase, "Except as provided in § 192.43," at the beginning of these respective sections. A new subparagraph (3) has been added to § 192.43 (c) providing for the earning and depositing of advance rentals of the successful drawee.

The amendments are hereby adopted as set forth below and shall become effective at the beginning of the 60th calendar day following publication in the FEDERAL REGISTER.

1. Paragraphs (a), (b), (c), (e)(1), and (4)(i), and (g)(1) of § 192.42 are amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

(a) Except as provided in § 192.43, to obtain a noncompetitive lease an offer to accept such lease must be made on Form 4–1158. "Offer to lease and lease for oil and gas," or on unofficial copies of that form in current use: *Provided,* That the copies are exact reproductions of one page of both sides of the official approved one page form and are without additions, omissions or other changes or advertising. Form 4–1158 or a valid reproduction of the official form will also constitute the lease when signed by the Manager of the Land Office.

(b) Five copies of Form 4–1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States for which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D.C.[1] For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) If there is any variation in the land descriptions among the five Forms 4–1158, the copy showing the date and time of receipt in the land office will control.

• • • • •

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, even though the offer should be rejected or withdrawn in whole or in part.

• • • • •

(4)(i) If the offer is signed by an attorney in fact or agent, it shall be accompanied by separate statements over the signatures of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them or with any other person, either oral or written, by which the attorney in fact or agent or such other person has received or is to receive any interest in the lease when issued, including royalty interest or interest in any operating agreement under the lease, giving full details of the agreement or understanding if it is a verbal one. The statement must be accompanied by a copy of any such written agreement or understanding. If such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers including options for such leases or interests therein exceed 246,080 acres in any one State, of which no more than 200,000 acres may be held under option, or exceeds the permissible acreage in Alaska as set forth in § 192.3(a). The statement by the principal (offeror) may be filed within 15 days after the filing of the offer. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership), or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

• • • • •

(g)(1) Except as provided in subparagraph (2) of this paragraph, an offer which is not filed in accordance with the regulations in this part will be rejected and will afford the offeror no priority.

• • • • •

2. Paragraphs (b) and (c) of § 192.43 are amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

• • • • •

(b) On the third Monday of each month, or the first working day thereafter, if the land office is not officially open on the third Monday, there will be posted on the bulletin board in each land office a list of the lands in leases which expired, were cancelled, were relinquished in whole or in part, or which terminated, together with a notice stating that such lands will become subject to the simultaneous filings of lease offers, in accordance with paragraph (c) of this section, from the time of such posting until 10 a.m. on the fifth working day thereafter. The posted list will describe the lands by leasing units identified by parcel numbers, which will be supplemented by a description of the lands in accordance with § 192.42a, i.e., by subdivision, section, township and range if the lands are surveyed or officially protracted, or if unsurveyed, by metes and bounds. The leasing units will be established to coincide to the extent possible with the lands in an expired, cancelled, relinquished or terminated lease except that where two or more such leases were contiguous and contained a total of 640 acres or less, they may be consolidated into one leasing unit.

(c) Offers to lease such designated leasing units by parcel numbers must be submitted on a "Simultaneous Oil and Gas Entry Card" (Form 4–1664) signed and fully executed by the applicant or his duly authorized agent in his behalf. The entry card will constitute the applicant's offer to lease the numbered leasing unit by participating in the drawing to determine the successful drawee. By signing and submitting the entry card, the applicant agrees that he will be bound to a lease on Form 4–1158 for the described parcel if such a lease is issued to him as a result of the drawing. Only one entry card will be drawn for each numbered leasing unit.

(1) Only one complete leasing unit, identified by parcel number may be included in one entry card. Lands not on the posted list may not be included therein.

(2) The entry card must be accompanied by separate remittances covering the filing fee of $10 and the first year's advance rental. The advance rental must be paid by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid by a similar remittance or by uncertified check.

(3) Upon determination of the successful drawee for a particular leasing unit, the first year's rental will not be returnable and will be earned and deposited in the United States Treasury upon execution of the lease in behalf of the United States. However, if an applicant withdraws his entry card prior to the drawing or if his offer to lease is rejected, the advance rental will be returned to him, and if the successful drawee is unqualified to receive the lease, the lands in the numbered leasing unit for which such entry card was submitted shall be included in a simultaneous filing drawing procedure to be held during the next or a following month thereafter. Unsuccessful drawees will be notified accordingly by the return of their respective entry cards.

• • • • •

§ 192.44 [Deleted]

3. Section 192.44 is deleted.

4. Paragraphs (a), (b), and (d) of § 200.8 are amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

(a) Except as provided in § 192.43 of this chapter, to obtain a noncompetitive oil and gas lease of an existing mineral interest whether the Government's interest be whole or fractional, an offer to lease must be made on Form 4–1196, "Offer to Lease and Lease for Oil and Gas; Noncompetitive Acquired Lands" or unofficial copies of that form in current use: *Provided,* That the copies are exact reproductions of one page of both sides of the official approved one-page form and are without additions, omissions or other changes or advertising. Form 4–1196, or a valid reproduction, will also constitute the lease, when signed by the authorized signing officer of the Bureau of Land Management.

(b) Seven copies of Form 4–1196, or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that offers for lands or deposits in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Santa Fe, New Mexico. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

• • • • •

[1] Offers for lands or minerals deposits in the following States should be filed at the land office named: North Dakota or South Dakota, land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma, at Santa Fe, New Mexico.

(d) Except as provided in § 192.42 (g)(2) of this chapter an offer which is not filed in accordance with the applicable regulations in Part 193 of this chapter or in this part will be rejected and will afford the applicant no priority.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 12, 1964.

[F.R. Doc. 64-1560; Filed, Feb. 14, 1964; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 146, 146a, 146b, 146c, 146e]

INFECTION IN CHICKENS

Proposed Nomenclature Change; Extension of Time for Filing Comments

In the matter of nomenclature change with regard to *Mycoplasma gallisepticum* infection in chickens:

The notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of January 1, 1964 (29 F.R. 15), and granted a period of 30 days for the filing of comments. The Commissioner of Food and Drugs has received a request for an extension of time for filing comments. Good reason therefor appearing, the time for filing comments in this matter is extended to March 1, 1964.

This action is taken pursuant to sections 409(d) and 701(e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055 as amended; 72 Stat. 1787; 21 U.S.C. 357(d), 371(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: February 10, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1546; Filed, Feb. 14, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SW-1]

CONTROL ZONE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Alexandria, La. (Esler Field) control zone is designated within a 5-mile radius of Esler Field and within 2 miles either side of the 327° True bearing from the Esler Field radio beacon extending from the 5-mile radius zone to the radio beacon.

The Federal Aviation Agency has under consideration the alteration of the Esler Field control zone by revoking the control zone extension based on the 327° True bearing from the Esler Field radio beacon and designating an extension within 2 miles either side of the newly installed Esler Field VOR (latitude 31°-6'512" N., longitude 92°19'18" W.) 338° True radial extending from the 5-mile radius zone to 8 miles northwest of the VOR.

This would provide protection for aircraft executing prescribed instrument approach and departure procedures at Esler Field based on the Esler VOR and would eliminate the extension based on the Esler Field radio beacon which is to be decommissioned. Further review of the controlled airspace requirements in the Alexandria, La., area will be accomplished under the CAR Amendments 60-21/60-29 implementation program.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1499; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-144]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 169 extends in part from Smithwick, S. Dak., to Rapid City, S. Dak. The Agency has under consideration the extension of this airway from Rapid City via Dupree, S. Dak., to Bismarck, N. Dak. Rapid City and Bismarck are certified air carrier stops. Under Agency Airway Planning Standard No. 2 dated September 1960, these two terminals qualify for a connecting airway. The alignment of the proposed extension of Victor 169 via Dupree would be to provide adequate navigational guidance along the proposed extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1500; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-146]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 170 is designated in part from Nodine, Minn., to Dells, Wis. The Federal Aviation Agency is considering the designation of an additional segment of Victor 170 from Sioux Falls, S. Dak., via Worthington, Minn., intersection of Worthington 090° and Mankato, Minn., 212° True radials; Mankato to Farmington, Minn. This action would provide a connecting airway between the permanently scheduled aircarrier stops of Sioux Falls, Worthington, Fairmont, Minn., Mankato and Farmington.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1501; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-147]

FEDERAL AIRWAYS

Proposed Alteration and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 2 is designated in part from Helena, Mont., via the intersection of Helena 119° and Bozeman, Mont., 338° True radials; Bozeman; intersection of Bozeman 157° and Livingston, Mont., 261° True radials; to Livingston. VOR Federal airway No. 86 is designated in part from Whitehall, Mont., to Bozeman. VOR Federal airway No. 127 is designated from Livingston, via the intersection of Livingston 323° and Helena 119° True radials; to Helena.

The FAA is considering the following airspace actions:

1. Redesignate V-2 airway segment from Helena via the intersection of Helena 119° and Livingston 323° True radials; to Livingston.

2. Extend V-86 airway from Bozeman via the intersection of Bozeman 157° and Livingston 261° True radials; to Livingston.

3. Revoke V-127 airway from Livingston to Helena.

This proposed realignment of V-2, extension of V-86 and revocation of V-127 would provide better route continuity for air traffic operating between Helena and Livingston and from Bozeman to Livingston. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements for the airway segment between Helena and Bozeman. Therefore, it appears that the retention of this airway segment is unjustified as continued assignment of airspace. The segment of V-127 between Helena and Livingston would be replaced by the realigned segment of V-2.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1502; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-83]

FEDERAL AIRWAYS, SEGMENTS, AND TRANSITION AREA

Alteration, Revocation, and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airways Nos. 97 and 843 are designated in part from Albany, Ga., via the intersection of Albany 350° and Atlanta, Ga., 179° True radials; to Atlanta, including an east alternate to Victor 97 via the intersection of Albany 010° and Atlanta 164° True radials. VOR Federal airway No. 243 west alternate is designated in part from Vienna, Ga., to Atlanta via the intersection of Vienna 286° and Atlanta 164° True radials.

The Federal Aviation Agency is considering the realignment of Victors 97 and 843 direct between Albany and Atlanta. It is also proposed to revoke the segment of Victor 97 east alternate between Albany and Atlanta and to revoke the segment of Victor 243 west alternate between Vienna and Atlanta. The realignment of Victors 97 and 843 as proposed would improve air navigation and reduce the route mileage between Atlanta and Albany. The latest Federal Aviation Agency IFR peak day airway traffic survey for these alternate airway segments shows a maximum of one aircraft movement between Albany and Atlanta and no aircraft movements between Vienna and Atlanta. Therefore, it would appear that these segments of Victor 97 east alternate and Victor 243 west alternate are unjustified as assignments of airspace and that they could be revoked. The revocation of the segments of Victor 97 east alternate and Victor 243 west alternate as proposed herein, would revoke controlled airspace now utilized for radar vectors of aircraft arriving at Atlanta from the south and departing from Atlanta for points south. Therefore, to retain this controlled airspace, it is proposed to designate the Junction City, Ga., transition area as that airspace extending upward from 1,200 feet AG within that area bounded on the east by the arc of a circle 35 miles in radius centered on the Macon, Ga., VORTAC, on the southeast by VOR Federal airway No. 35 west alternate, on the south by VOR Federal airway No. 70, on the west by realigned Victor 97 and on the north by the arc of a circle 50 miles in radius centered on the Atlanta Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1503; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-88]

FEDERAL AIRWAYS, TRANSITION AREA, AND REPORTING POINT

Proposed Alteration and Revocation

Notice is here given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 12 extends in part from Needles, Calif., via the intersection of the Needles 077° and the Drake, Ariz., 274° True radials, Drake, to Winslow, Ariz., including a south alternate from Needles via Prescott, Ariz., and the intersection of the Prescott 095° and the Winslow 248° True radials to Winslow. An east alternate of VOR Federal airway No. 105 extends in part from Prescott via Drake to Peach Springs, Ariz. VOR Federal airway No. 257 extends in part from Prescott via Drake to the intersection of the Drake 002° and the Tuba City, Ariz., 258° True radials and from the Kanosh, Utah, Intersection (intersection of the Delta, Utah, 174° and the Milford, Utah, 051° True radials) to Delta. Drake is designated as a reporting point. A portion of the Prescott transition area includes the area within 10 miles north and seven miles south of the Drake 082° and 262° True radials, extending from nine miles west to 20 miles east of Drake.

The FAA has under consideration the following alterations to the airways and transition area described above:

1. Revoke Victor 12 south and realign Victor 12 from Needles to Prescott (using the present alignment of this segment of Victor 12 south) and direct from Prescott to Winslow.

2. Realign Victor 105 east from Prescott via the intersection of the Prescott 319° and the Peach Springs 134° True radials to Peach Springs.

3. Realign Victor 257 from Prescott northward and extend this airway direct to Bryce Canyon, Utah, thence via the intersection of the Bryce Canyon 338° and the Delta 186° True radials to Delta. This proposal will eliminate the present segment of Victor 257 from Kanosh Intersection to Delta. This airway would be expanded beginning at 45 nautical miles from Prescott in graduated steps of one mile for every five nautical miles in length to 75 nautical miles from Prescott, thence 17 miles wide to 75 nautical miles from Bryce Canyon, thence decreasing in width of one mile for every five nautical miles in length to 45 nautical miles from Bryce Canyon.

4. Revoke Drake as a reporting point.

5. Revoke the portion of the Prescott transition area described above (in the vicinity of the Drake VOR).

The alteration of these airways in the vicinity of Prescott would permit the elimination of the Drake VOR. The alteration of Victor 257 and its extension to Bryce Canyon would provide an underlying low altitude airway for transition to and from the intermediate airway over this route. The expansion in width of this altered and extended segment of Victor 257 would provide adequate controlled airspace for aircraft operating along the airway while at a distance greater than 45 nautical miles from either facility. The extension of V-257 from Bryce Canyon to Delta would provide for airway continuity from Prescott to Salt Lake City, Utah. The elimination of the Drake facility from the airway structure would obviate its use as a reporting point and the portion of the transition area utilized for holding pattern airspace based on this facility.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1504; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-143]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 63 extends in part from Burlington, Iowa, to the Charlotte, Iowa, Intersection. The FAA's latest IFR peak day airway traffic survey shows two aircraft movements on this portion of the airway. Therefore, it appears that the retention of this segment of Victor 63 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation. The revocation of this segment of Victor 63 will necessitate a change in the boundary description of the Moline, Ill., control area extension. This would be accomplished by substituting for Victor 63 a line five miles east of and parallel to the Burlington 005° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal

docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1505; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-145]

FEDERAL AIRWAY SEGMENT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering the alteration of Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 13 is designated in part from Grantsburg, Wis., to Duluth, Minn. The Federal Aviation Agency is considering the designation of a standard east alternate to this segment of Victor 13. This would improve air traffic service in the Duluth terminal area by providing means of reducing the requirement for off-course climb-out and low altitude restrictions in the separation of traffic operating between Grantsburg and Duluth.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Pocedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1506; Filed Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-79]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 18 includes a south alternate airway extending from Allendale, S.C., to Charleston, S.C., via the intersection of the Allendale 117° and the Charleston 262° True radials. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this south alternate of Victor 18 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1507; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-85]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 152 north alternate is designated in part from Orlando, Fla., to Daytona Beach, Fla. The latest Federal Aviation Agency IFR peak day airway traffic survey for this airway segment shows no aircraft movements between Orlando and Daytona Beach. It would appear, therefore, that this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency is considering revoking the segment of Victor 152 north alternate between Orlando and Daytona Beach.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1508; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-86]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering

an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 154 includes a north alternate airway extending from Lotts Intersection, Ga., to Savannah, Ga. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this north alternate of Victor 154 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1509; Filed, Feb. 14, 1964; 8:47 a.m.]

[14 CFR Parts 71 [New], 75 [New]]

[Airspace Docket No. 63-WE-64]

JET ROUTES AND REPORTING POINT

Proposed Alteration and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 6 is presently designated in part from the Hector, Calif., VORTAC via the Prescott, Ariz., VORTAC; the Grants, N. Mex., VOR; the Albuquerque, N. Mex., VORTAC; to the Amarillo, Tex., VORTAC. The FAA has under consideration the realignment of this segment of J-6 from the Hector VORTAC via the Needles, Calif., VORTAC; the Prescott VORTAC; the Winslow, Ariz., VORTAC; the Albuquerque VORTAC; the Tucumcari, N. Mex., VOR; to the Amarillo VORTAC.

Jet Route No. 78 is presently designated in part from the Prescott VORTAC via the Albuquerque VORTAC to the Amarillo VORTAC. The FAA has under consideration the alteration of this segment of J-78 from the Prescott VORTAC via the Winslow VORTAC; the Albuquerque VORTAC; the Tucumcari VOR; to the Amarillo VORTAC.

Such action would provide more precise navigational guidance on J-6 and J-78 and would permit the use of flight levels 240 to 270, inclusive, between Prescott and Albuquerque. These flight levels are not usable presently due to lack of continuous navigational signal coverage.

There would be no requirement for the designation of the Needles VORTAC, the Winslow VORTAC, or the Tucumcari VOR as compulsory reporting points. Additionally, the Prescott VORTAC would be revoked as a compulsory reporting point on J-6 and J-78.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1510; Filed, Feb. 14, 1964; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Doc. No. 1964]

AIRWORTHINESS DIRECTIVE

Lycoming VO-540 Series Engines

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lycoming Model VO-540 Series engines. In the notice of proposed rule making published in 28 F.R. 10361, regulatory docket No. 1964, it was proposed to require replacement of the connecting rod bolt P/N 71087 and modification of the connecting rod P/N 71947 in certain Lycoming Model VO-540 Series engines. Subsequent to issuance of the proposal, new failure data received by the Agency revealed that the connecting rods are also failing in the forked section at the crankshaft end of the rod. Therefore, the original proposal is hereby withdrawn and a new airworthiness directive is being proposed which includes inspection prior to modification of the connecting rods.

A comment received on the initial proposed rule making questioned why a compliance time of 600 hours was permitted since bolt failures had occurred on engines with less than 600 hours' time in service. The low time failures of the bolts have been attributed to quality items which have since been eliminated and the time of compliance as originally proposed is considered satisfactory.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 16, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Pt. 507), by adding the following airworthiness directive:

LYCOMING. Applies to VO-540 Series engines with Serial Numbers 101-43 through 724-43, 727-43 through 743-43, 747-43 and 753-43, except remanufactured engines shipped from Lycoming after October 20, 1962.

Compliance required as indicated.

To preclude the possibility of connecting rod P/N 71947 failure, the inspection and modification set forth in paragraph (c) shall be accomplished at the times specified in paragraphs (a) and (b).

(a) On engines which, as of the effective date of this AD, have less than 550 hours' time in service since new or since overhaul, compliance with (c) is required at 600 hours' time in service.

(b) On engines which, as of the effective date of this AD, have 550 or more hours' time in service since new or since overhaul, compliance with (c) is required within the next 50 hours' time in service after the effective date of this AD.

(c) The following shall be accomplished in accordance with the instructions contained in the latest revision of Lycoming Service Bulletin No. 296.

(1) Inspect each connecting rod P/N 71947 for galling on the surface facing the bearing insert.

(2) If there is any evidence of galling, the entire rod assembly shall be replaced.

(3) If there is no evidence of galling, modify the connecting rod P/N 71947 and replace connecting rod bolt P/N 71087 with new stretch bolt P/N 74033 and nut P/N 72796.

Issued in Washington, D.C. on February 7, 1964.

W. H. WEEKS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-1511; Filed, Feb. 14, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 15329; FCC 64-98]

USE OF AUTOMATIC RELAY STATIONS WITH REMOTE PICKUP BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 74, Subpart D of the Commission rules and regulations to provide for the use of automatic relay stations with remote pickup broadcast stations; Docket No. 15329, RM-323.

1. When using remote broadcast pickup transmitters for on-the-spot coverage of news events or other broadcast programs, broadcasters often find that the portable or mobile transmitters must operate from unfavorable transmitting locations. The use of other remote pickup broadcast stations to relay the signals is sometimes employed. However, under our present rules, such relay stations must be attended by a qualified operator when being used for this purpose. On April 2, 1962, New Mexico Broadcasting Company, Inc., licensee of Station KGGM, Albuquerque, New Mexico, filed a petition to amend the remote pickup broadcast rules so that automatic, unattended relay stations could be authorized.

2. While we have recognized the need for automatic relay stations in the remote pickup service, we have been concerned about the hazard of harmful interference to other remote pickup stations. Individual broadcasters are not granted exclusive frequency assignments for remote pickup operation and when the use of a particular frequency is contemplated, the operator in charge of the remote pickup unit is expected to monitor the frequency on which operation is to be conducted before turning the transmitter on to be sure that it is not in use by some other broadcaster. This concern over inadvertent interruption of a program in progress is warranted because "live" broadcast material which is lost due to interference is often unrecoverable. An unattended, automatic relay transmitter could be turned on by the signals of a remote pickup transmitter at some other location where the operator would not be aware that the frequency on which the relay transmitter operates, was in use.

3. In an effort to overcome this drawback, we have held discussions with various broadcasters and have come up with a possible solution to the problem. It involves the use of a "lock-out" device which will not permit the automatic relay transmitter to be turned on if there is another signal on the frequency used by the relay transmitter. In simple terms, a receiver located at the site of the automatic relay transmitter would be connected to the transmitting antenna and tuned to the frequency on which the automatic relay transmitter operates. If it detected another signal on the frequency it would actuate a holding device that would prevent the automatic relay transmitter from being turned on. Of course, the system would be designed so that the relay transmitters own signals would not actuate the holding device.

4. If such a technique is feasible, it removes one of the major objections to automatic relay operation. We realize that the system may not be absolutely fool-proof but it would reduce the hazard of interference to manageable proportions. That leaves only the problem of designing the automatic relay station so that it will not be actuated by signals of other licensees. In recent years, a number of selective calling systems have been developed which could be used to prevent the transmitter from being turned on accidentally.

5. Some frequencies for remote pickup operation are likely to be in relatively short supply in many parts of the country and we have been concerned somewhat with the fact that at least two frequencies are required for automatic relay operation. One is used by the remote pickup base or mobile station originating the transmission and the other is needed by the automatic relay station to relay the transmission. The lower remote pickup frequencies are quite heavily loaded and some are shared with other services. Therefore, we believe that automatic relay station operation should be confined to the less heavily loaded 450-451 Mc/s and 455-456 Mc/s bands.

6. In the light of the foregoing, we find that there is sufficient merit in the proposal to warrant the initiation of rule making. The necessary amendments to the rules are proposed below.

7. Accordingly, it is proposed to amend Part 74 of the Commission rules as set forth below. Pursuant to applicable procedures set out in § 1.415 of Commission rules, interested parties may submit comments on or before March 20, 1964, and replies to such comments on or before March 30, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. Authority for the adoption of the rules proposed herein is contained in sections 4(i) and 303 (a), (b), (c), (e), and (r) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 5, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. It is proposed to amend § 74.401 by inserting the following new definition in the appropriate alphabetical sequence:

§ 74.401 Definitions.

* * * * * * *

Automatic mobile relay station. A remote pickup broadcast base designed to be actuated automatically and operated for the purpose of relaying mobile communications of a common licensee.

* * * * * * *

2. It is proposed to amend § 74.431 by adding the following new paragraph (i):

§ 74.431 Permissible service.

* * * * * * *

(i) Remote pickup broadcast base stations authorized to operate as automatic mobile relay stations may be used to relay any authorized transmissions of other remote pickup base and mobile stations operated by the same licensee. The relay may be made either directly to the intended destination or via other attended base and mobile stations.

3. It is proposed to amend § 74.432(d) by adding the following new subparagraph (5):

[1] Commissioner Loevinger absent.

§ 74.432 Licensing requirements.

* * * * * * *

(d) * * *

(5) Base stations may be authorized at suitable locations to operate as automatic relay stations. Such operation will be authorized only on frequencies in Group N of § 74.402(a). A single licensee may be authorized to use more than one automatic mobile relay station. However, each licensee will be limited to the use of a single frequency in Group N. The priorities of § 74.403(b) apply to the operation of automatic mobile relay stations. Base stations operated as automatic mobile relay stations shall comply with the requirements of § 74.438.

4. It is proposed to add a new § 74.438 to read as follows:

§ 74.438 Special requirements for automatic relay stations.

An automatic relay station installation shall include a Monitor Receiver, a Control Unit, and one or more Relay Receivers.

(a) Monitor Receiver: A receiver tuned to the frequency assigned to the automatic relay station and connected to the transmitting antenna used by the automatic relay station shall be in operation at the automatic relay station site at all times when the relay transmitter is capable of being turned on automatically. The Monitor Receiver shall comply with the following requirements:

(1) The receiver shall be equipped with a control circuit which will prevent the relay transmitter from being turned on automatically whenever a signal other than the signal of the relay transmitter is being received.

(2) The sensitivity of the Monitor Receiver shall be such that a signal of 2 microvolts or more across the antenna input terminals will actuate the "lock-out" control which prevents the transmitter from being turned on automatically.

(3) The "lock-out" control shall be so designed that if the Monitor Receiver is inoperative the relay transmitter cannot be turned on automatically.

(b) Control Unit: The Control Unit may be an integral part of the Relay Receiver or may be a separate unit into which the output of one or more Relay Receivers is fed. The Control Unit shall meet the following requirements:

(1) The Control Unit shall be so designed that it will turn the relay transmitter on only upon receipt of a predetermined coded signal consisting of at least two tones which may be transmitted either simultaneously or sequentially, or a series of at least three dissimilar pulse combinations transmitted sequentially.

(2) The Control Unit shall be capable of turning the transmitter off upon receipt of an appropriate signal. The complexity of the signal used to turn off the relay transmitter is left to the discretion of the licensee.

(3) The Control Unit shall also be designed so that the absence of a signal from the Relay Receiver either due to cessation of operation of the station being relayed or failure of the Relay Receiver or Control Unit, will automatically place the relay transmitter in an inoperative condition. A suitable time-delay factor may be incorporated to prevent actuation of the automatic cut-off due to momentary failures of the incoming signals.

(c) *Relay Receiver:* One or more receivers tuned to frequencies used by the stations which are to be relayed by the automatic relay station, may be installed at the automatic relay station site. The receivers shall be installed so that they will turn the relay transmitter on and off only through the Control Unit. The choice of receivers and receiving antennas is left to the discretion of the licensee.

(d) The automatic relay station may accomplish the retransmission of the incoming signals by simple heterodyne frequency conversion or by modulating the transmitter with aural signals obtained by demodulation of the incoming signal. If the relay transmitter is to be modulated with such aural signals the transmitter or the receiver or both shall be equipped with automatic controls which will prevent overmodulation of the relay transmitter.

(e) The transmitting apparatus and control equipment shall be adequately protected against tampering by unauthorized persons.

(f) An application for authority to construct an automatic relay station shall include a satisfactory showing as to the manner of compliance with the requirements of this section.

5. It is proposed to amend § 74.464 by adding a new paragraph (a) (3) to read as follows:

§ 74.464 Station and operator licenses; posting of.

(a) * * *

(3) If the station is authorized to operate as an automatic relay station and is operated at an unattended site, the call sign and location of the associated broadcast station together with the legend "Automatic Relay Station" shall be displayed at the relay transmitter site on the transmitter housing or antenna supporting structure so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee. The original of the station license and any other instrument of authorization or individual order, shall be kept in the files of the associated broadcast station so as to be available for inspection upon request of any authorized representative of the Commission.

* * * * * * *

6. It is proposed to amend § 74.465(b) to read as follows:

§ 74.465 Operator requirements.

* * * * * * *

(b) Automatic relay stations authorized pursuant to the provisions of § 74.432(d)(5) may be operated unattended. The licensee shall provide for periodic inspection and testing of the equipment to insure proper operation. In cases where a remote pickup broadcast mobile station is taken to the scene of an event to be broadcast and the operator-reporter wishes to leave the location of the transmitter in order to move about freely at the scene with a hand-carried or pack-carried transmitter in order to conduct interviews, obtain a better vantage point to view the scene or otherwise more effectively cover the event, the mobile station may be operated as a temporarily unattended automatic relay station subject to the following conditions:

(1) The input power to the plate of the final radio frequency amplifier of the hand-carried or pack-carried transmitter shall not exceed 1 watt.

(2) The unattended transmitter shall be so equipped that it will be activated by the carrier of the hand-carried or pack-carried transmitter and will transmit only when relaying the transmissions of the hand-carried or pack-carried transmitter or when relaying the transmissions of an associated base station operating on the same frequency as the hand-carried or pack-carried transmitter and directed to the operator-reporter at the scene of the event.

(3) Unless the operator-reporter is equipped to monitor continuously the frequency on which the unattended transmitter operates, while moving about at the scene of the event, he shall observe the frequency before leaving the location of the mobile transmitter to ascertain whether it is in use so as to avoid interference to other users.

7. It is proposed to amend § 74.482 to read as follows:

§ 74.482 Station identification.

(a) Except for stations licensed pursuant to the provisions of § 74.437, each remote pickup broadcast base and mobile station will be assigned an individual call sign. This call sign shall be transmitted over the transmitter to which it is assigned, at the beginning and end of each period of operation. A period of operation may consist of a single continuous transmission or a series of intermittent transmissions related to the broadcast of a single event.

(b) In cases where a period of operation is of more than one hour duration, identification of the remote pickup stations participating in the operation shall be accomplished either by the transmission of the call signs assigned to the individual transmitters or identification of the associated broadcast station.

(c) In cases where an automatic relay station is a part of the circuit, the call sign of the relay transmitter may be transmitted automatically by the relay transmitter or by the remote pickup broadcast or mobile station that actuates the automatic relay station.

[F.R. Doc. 64-1550; Filed, Feb. 14, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-256]

ELECTRIC UTILITIES AND NATURAL GAS COMPANIES

Annual Reporting of Research and Development Activities

FEBRUARY 11, 1964

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that it is proposed to amend, effective for the reporting year 1963, the Commission's Annual Report Form No. 1, prescribed by § 141.1 for use by public utilities and licensees, and Annual Report Form No. 2, prescribed by § 260.1 for use by natural gas companies.

2. Each report form would be amended by the addition of a new schedule, appended hereto,[1] entitled "Research and Development Activities" relating respectively to electric utility and natural gas research and development performed by the reporting company or in conjunction with others. In the event such schedules are prescribed, §§ 141.1(d) and 260.1(c) would be amended to include in the lists of schedules those paragraphs containing the titles of the new schedules.

3. The schedules are designed primarily to obtain information as to the general nature of research projects rather than merely aggregate research expenditures and the accounting therefor. The Commission believes that such information, while still maintained in a form which should avoid unnecessary public disclosure of business secrets, should substantially enhance its ability to stay abreast of developments in the two important industries over which Congress has given it regulatory responsibility.

4. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before March 16, 1964, data, views and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

5. These amendments to the Commission's annual report forms are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 304, 309 and 311 thereof (49 Stat. 855, 858, 859; 116 U.S.C. 825c, 825h, 825j) and the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o).

[1] Filed as part of the original document.

6. In consideration of the foregoing, it is proposed to amend the Commission's Annual Report FPC Form No. 1 and FPC Form No. 2, prescribed, respectively, by § 141.1 and § 260.1, Chapter I of Title 18 of the Code of Federal Regulations, by adding to each a new schedule entitled "Research and Development Activities". The two schedules proposed to be added are appended hereto,[1] marked Appendix A and Appendix B, respectively.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1521; Filed, Feb. 14, 1964; 8:47 a.m.]

[18 CFR Part 260]

[Docket No. R-257]

NATURAL GAS COMPANIES

Emergency Planning; Annual Reports of System Flow Diagrams

FEBRUARY 12, 1964.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to require the annual filing by natural gas pipeline companies of system flow diagrams reflecting the maximum daily deliveries of which a company's transportation facilities would be capable of achieving under the most favorable conditions.

2. On November 27, 1963, the Commission following formal rulemaking proceedings in Docket No. R-247, issued its Order No. 274 (28 F.R. 12866), amending our rules with respect to certain defense-related plans or activities of the natural gas industry believed to be required by our defense emergency planning role pursuant to the provisions of Executive Order 11095. The present proposal is a further development of such planning and, like the earlier effort, stems from discussions held in the Emergency Advisory Committee for Natural Gas established by the Department of the Interior pursuant to its responsibilities under the Executive Order.

3. Since natural gas provides approximately one-third of the nation's energy requirement, information with respect to the location and capacity of the facilities used in its transportation is of vital significance to the defense-planning program. The amendment here being proposed would provide a method to obtain the needed information.

4. Any interested person may submit to the Federal Power Commission on or before March 24, 1964, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine copies of any such submittals should be filed.

5. This amendment to the Commission's Regulations is proposed to be issued pursuant to section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 717o), and in furtherance of the objectives of Executive Order 11095.

6. For the reasons set forth above, it is proposed to amend Part 260, Statements and Reports, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 260.8 to read as follows:

§ 260.8 System flow diagrams.

(a) Each Class A and Class B natural gas pipeline company shall file with the Commission on or before February 1 of each year twelve (12) copies of a system flow diagram reflecting the maximum daily deliveries of which the company's facilities in existence on December 31 of the prior year would be capable of achieving under the most favorable conditions.

(b) The diagram shall show:

(1) Diameter, wall thickness and length of pipe installed.

(2) Size, type and number of installed compressor units, horsepower utilized, volume of gas used as fuel suction and discharge pressures, compression ratio and volumes compressed.

(3) Pressure and volumes of gas at the mainline inlet and outlet connections at each compressor station.

(4) Pressure and volumes of gas at each intake and takeoff point.

(c) The diagram shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and setting forth:

(1) Assumptions, bases, formulae, and methods used in development and preparation of the diagrams and accompanying data.

(2) A description of the pipe and fittings installed specifying the diameter, wall thickness, yield point, ultimate tensile strength and method of fabrication.

(3) Where lines are looped, the length and size of the pipe in each loop.

(4) Type, capacity (seasonal and daily) and location of each natural gas storage field or facility, and of each dehydration, desulphurization, natural gas liquefaction, hydrocarbon extraction or other similar plant or facility directly attached to the applicant's system, indicating which of such plants are owned or operated by applicant and which by others, giving their names and addresses.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1533; Filed, Feb. 14, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

SEABOARD CITIZENS NATIONAL BANK OF NORFOLK AND FARMERS BANK OF HOLLAND, INC.

Decision Granting Application To Merge

On November 27, 1963, the $90 million Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, and the $2.5 million Farmers Bank of Holland, Incorporated, Holland, Virginia, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On January 24, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64-1572; Filed, Feb. 14, 1964; 8:52 a.m.]

WESTERN PENNSYLVANIA NATIONAL BANK AND BEAVER COUNTY TRUST CO.

Decision Granting Application To Consolidate

On November 26, 1963, the $556.7 million Western Pennsylvania National Bank, McKeesport, Pennsylvania, and the $8.6 million Beaver County Trust Company, New Brighton, Pennsylvania, applied to the Comptroller of the Currency for permission to consolidate under the charter and title of the former.

On January 24, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64-1573; Filed, Feb. 14, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

WASHAKIE PUBLIC DOMAIN ALLOTMENTS AND YAKIMA INDIAN RESERVATION

Transfer of Land Records to Portland Area Office

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to the Washakie Public Domain Allotments in the State of Utah, and to trust or restricted Indian-owned land on the Yakima Indian Reservation, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 NE. Holliday Street, Portland, Oregon.

Effective February 10, 1964, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

FEBRUARY 11, 1964.

[F.R. Doc. 64-1530; Filed, Feb. 14, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH APPLES

Notice of Purchase Program EMP 32a

In order to encourage the domestic consumption of apples by diverting them from the normal channels of trade and commerce in accordance with Section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture will purchase fresh apples of the 1963 crop, grown in the United States. Although the program is not restricted to any one State, it is expected that purchases will center principally in Washington State where the industry is experiencing the most difficulty in marketing its record crop of last fall.

The Agricultural Marketing Service will distribute the apples for use in school lunch programs and other eligible outlets. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh apples are contained in Announcement FV-346 issued by the Department on February 7, 1964. The amount to be purchased will depend upon quantities and prices offered and the ability of outlets to use the apples without waste.

Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: February 12, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1571; Filed, Feb. 14, 1964; 8:52 a.m.]

ASSOCIATE ADMINISTRATOR ET AL.

Delegation of Authority

Pursuant to authority (28 F.R. 11647) delegated to the Administrator of the Agricultural Marketing Service, the Associate Administrator and the Deputy Administrators of the Agricultural Marketing Service are hereby delegated authority to make the determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and which are considered confidential under such Act or the regulations of the Department.

No delegation made herein shall preclude the Administrator of the Agricultural Marketing Service from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Administrator.

Done at Washington, D.C., this 12th day of February 1964.

S. R. SMITH,
Administrator.

[F.R. Doc. 64-1536; Filed, Feb. 14, 1964; 8:48 a.m.]

Office of the Secretary

OKLAHOMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Craig County, Oklahoma, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1538; Filed, Feb. 14, 1964; 8:49 a.m.]

PENNSYLVANIA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Con-

solidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Pennsylvania natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Bucks.	Delaware.
Cameron.	Luzerne.
Crawford.	Montgomery.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1539; Filed, Feb. 14, 1964; 8:49 a.m.]

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Reeves County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of February 1964.

ORVILLE L. FREEMAN,
Secretary

[F.R. Doc. 64-1540; Filed, Feb. 14, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from October 16, 1963 to January 15, 1964, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1963, published on July 2, 1963 in 28 F.R. 6792, as amended by two lists, one of license actions taken from April 16, 1963 through July 15, 1963, published on August 7, 1963 in 28 F.R. 8050, and one of license actions taken from July 16, 1963 through October 15, 1963, published on November 14, 1963 in 28 F.R. 12141.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Pioneer Blood Service, Inc., Brooklyn, N.Y.	278	12- 3-63
Fairfax Hospital Blood Bank, Falls Church, Va.	365	12- 4-63
Southwest Blood Banks, Inc., Scottsdale, Ariz.	183	12-18-63
Scott County Medical Society Blood Bank, Inc., Davenport, Iowa.	366	1-10-64

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Reagent Red Blood Cells (Human)	Philadelphia Serum Exchange	139	10-17-63
Radio-Iodinated (I^{131}) Serum Albumin (Human).	Nuclear Consultants Corp.	281	11- 8-63
Radio-Iodinated (I^{131}) Serum Albumin (Human).	E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories.	32	11-13-63
Single Donor Plasma (Human)	Metro Blood Service, Inc.	332	11-26-63
Single Donor Plasma (Human)	Western Pennsylvania Blood Center, Inc.	276	11-29-63
Citrated Whole Blood (Human)	Fairfax Hospital Blood Bank	365	12- 4-63
Fibrinogen with Antihemophilic Factor (Human).	Merck Sharp & Dohme, division of Merck & Co., Inc.	2	12-18-63
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.	Parke, Davis and Co.	1	12-20-63
Anti-Rh Typing Serum, Anti-rh' (Anti-C)	National Bio Serums, Inc.	349	12-27-63
Single Donor Plasma (Human)	University of Cincinnati Blood Transfusion Service.	235	1- 8-64
Heparinized Whole Blood (Human)	Dallas Blood Bank	333	1- 8-64
Packed Red Blood Cells (Human)	do.		
Packed Red Blood Cells (Human)	Blood Bank, N.C., Memorial Hospital, University of North Carolina.	314	1- 9-64
Citrated Whole Blood (Human)	Scott County Medical Society Blood Bank, Inc.	366	1-10-64
Single Donor Plasma (Human)	do.		

[1] Omitted from 28 F.R. 12141.

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Brooklyn Donor Center, Inc., Brooklyn, N.Y.	278	12- 3-63
Southwest Blood Banks, Inc., Phoenix, Ariz.	183	12-18-63

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Anti-Rh Typing Serum, Anti-Rh$_0$ (Anti-CD).	Bureau of Laboratories, New York City Department of Health.	14	11-18-63
Diphtheria Toxoid Aluminum Phosphate Adsorbed.	do.		
Normal Horse Serum	do.		
Tetanus Antitoxin	do.		
Tetanus Toxoid	do.		
Anti-A Blood Grouping Serum	Blood Bank of the Alameda Contra Costa Medical Association.	191	11-13-63
Anti-B Blood Grouping Serum	do.		
Bacterial Antigen with Antihistaminic	Merck Sharp & Dohme, division of Merck & Co., Inc.	2	1- 9-64

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 64-1547; Filed, Feb. 14, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15334]

JERRY STEPHEN AUTRY

Order To Show Cause

In the matter of Jerry Stephen Autry, Atlanta, Georgia, Docket No. 15334; order to show cause why there should not be revoked the license for Radio Station 6W1592 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated November 22, 1963, alleging violation of §§ 19.36(a), 19.61 (a) and (f), and 19.62 (now §§ 95.51(a), 95.81 (a) and (f), and 95.87) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 9, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order;

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 1055 Rosehaven Terrace, Atlanta 10, Georgia.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1553; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15332]

RICHARD B. ELLWOOD

Order To Show Cause

In the matter of Richard B. Ellwood, Garden Grove, California, Docket No. 15332; order to show cause why there should not be revoked the license for Radio Station KFA-9030 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of a Citizens (Class D) radio station licensed to Richard B. Ellwood, authorized from May 10, 1963, to November 29, 1963, under the call sign KFA-2742 and after November 29, 1963, under the call sign KFA-9030;

It appearing, that, on September 12, 1963, October 6 and 12, 1963, and December 1 and 21, 1963, the licensee's Citizens radio station was operated with excessive frequency deviation, in violation of § 95.45 (formerly § 19.33) of the Commission's rules; and

It further appearing, that, on September 18, 1963, October 6, 23, and 27, 1963, and November 10, 1963, the licensee's Citizens radio station was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that, on September 18, 1963, and October 6, 1963, the licensee's Citizens radio station, while engaged in communication with units of other Citizens radio stations, participated in the exchange of communications which exceeded five consecutive minutes in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that, on September 18, 1963, and October 6, 23, and 27, 1963, the licensee's Citizens radio station was operated without transmitting its authorized call sign at the beginning and end of communications, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.45, 95.81(a), and 95.81(f) and 95.87 of the Commission's rules; and

It further appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notices of violation, dated September 13 and 27, 1963, and October 7, 1963, requiring explanatory responses, were served upon the licensee at his address of record, but that no responses were made thereto by the licensee; and

It further appearing, that, in view of the foregoing failures to reply, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the foregoing violations of § 95.45 of the Commission's rules and the related facts create apparent liability by the licensee to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subjects the license of the above-captioned radio station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 10th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 328 North Orchard, Fullerton, California.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1556; Filed, Feb. 14, 1964; 8:49 a.m.]

not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 12726 Buaro Avenue, Apartment A, Garden Grove, California.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1555; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15268]

DONALD M. GODDARD

Order To Show Cause

In the matter of Donald M. Goddard, Fullerton, California, Docket No. 15268, order to show cause why there should not be revoked the license for Radio Station 11W8599 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation mailed on June 5, 1963, alleging violation of § 19.33 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to follow-up letters dated August 7 and October 1, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the lincensee has repeatedly violated § 1.89 of the Commission's rules; and

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 328 North Orchard, Fullerton, California.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1556; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15337]

H & H PROPERTY MAINTENANCE, INC.

Order To Show Cause

In the matter of H & H Property Maintenance, Inc., West Hollywood, Florida, Docket No. 15337, order to show cause why there should not be revoked the license for Radio Station KDI-2737 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 10, 1963, alleging violation of § 19.83 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 5, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 11th day of February 1964, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 1009 S.W. 58th Avenue, West Hollywood, Florida.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1558; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15335]

ALBERT S. HOLT

Order To Show Cause

In the matter of Albert S. Holt, Compton, California, Docket No. 15335, order to show cause why there should not be revoked the license for Radio Station KEJ-3522 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 23, 1963, alleging violation of §§ 19.61(a) and 19.62 (now §§ 95.81(a) and 95.87) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 22, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 11th day of February 1964, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail - Return Receipt Requested to licensee at his last known address of 407 West Magnolia Street, Compton 4, California.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1560; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15311]

THOMAS J. HUGHES

Order To Show Cause

In the matter of Thomas J. Hughes, Boston, Massachusetts, Docket No. 15311, order to show cause why there should not be revoked the license for Citizens Radio Station KDB-1335.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration certain alleged violations in the operation of Citizens radio station KDB-1335;

It appearing, that, on or about December 6, 1963, the licensee willfully transmitted, by means of the captioned radio station, communications containing obscene, indecent, or profane language, in violation of Title 18, United States Code, section 1464; and

It further appearing, that, on or about December 6, 1963, the licensee willfully used the captioned radio station for the transmission of communications to units of other Citizens radio stations which were not necessary for the exchange of substantive messages related to the business or personal affairs of the individuals concerned, in violation of § 95.81(a) of the Commission's rules; and

It further appearing, that, based on the usage made of the captioned radio station by the licensee on December 6, 1963, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it;

It is ordered, This 11th day of February 1964, pursuant to section 312(a) (2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at his last known address of 22 Darlington Street, Boston, Massachusetts.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1561; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15336]

EARL L. JOHNSON

Order To Show Cause

In the matter of Earl L. Johnson, Baltimore, Maryland, Docket No. 15336; order to show cause why there should not be revoked the license for Radio Station KCG-0478 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated October 29, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 25, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 11th day of February 1964, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order;

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 511 Cherry Hill Road, Baltimore, Maryland, 21225.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1563; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15333]

HENRY QUINN ET AL.

Show Cause Order

In the matter of cease and desist order to be directed to Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., 209 Broad Street, Edenton, North Carolina; Docket No. 15333.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. sec. 312), §§ 0.111(f) and 0.311(a) (4) of the rules of the Federal Communications Commission (28 F.R. 12397, 12406) to Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., 209 Broad Street, Edenton, North Carolina, hereinafter referred to as Community Publishing, to cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission;

It appearing, that Community Publishing operates in its plant at 209 Broad Street, Edenton, North Carolina certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies allocated for use by authorized radio services, and

It further appearing, that said industrial heating equipment is subject to the provisions of Part 18 of the Commission's rules (28 F.R. 12533 et seq.); and

It further appearing, that the above facts have been called to the attention of Community Publishing by the Commission, both orally and in writing, and that Community Publishing has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished.

It is ordered, This 7th day of February 1964, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. sec. 312), and §§ 0.111(f) and 0.311(a)(4) of the rules of the Federal Communications Commission (28 F.R. 12397, 12406) that Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., show cause why there should not be issued an order commanding them to cease and desist from operating industrial heating equipment in violation of the provisions of Part 18 of the Commission's rules. That is: the said Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., their agents, employees, privies, assigns, successors in interest, or other parties acting in concert with them shall cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission;

And it is further ordered, That a hearing in this matter be held before a Commission hearing examiner and at a time and place to be designated by subsequent order but in no event less than 30 days from the receipt of this order to determine whether said cease and desist order should be issued, and that Community Publishing is herewith called upon to appear at this hearing and give evidence upon the matters specified herein:

And it is further ordered, Pursuant to § 1.91 of the rules, that Community Publishing is directed to file with the Commission within 30 days of receipt of this Order a written appearance in triplicate, stating that Community Publishing will appear and present evidence on the matters specified in this Order. If Community Publishing does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this Order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Community Publishing believes that a cease and desist Order should not issue:

And it is further ordered, That failure of said Community Publishing timely to respond to this Order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing:

And it is furthered ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to Community Publishing Company at 209 Broad Street, Edenton, North Carolina.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1554; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket Nos. 15299, 15300]

ROBERT L. GREAIGE ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert L. Greaige and Roderick C. Maxson d/b as Great Northern Broadcasting System, Traverse City, Michigan, Requests: 101.9 mc, #270; 100 kw; 483.75 ft., Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Requests: 101.9 mc, #270; 38.2 kw; 715 ft., Docket No. 15300; File No. BPH-4079; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on February 10, 1964;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to con-

struct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the FM broadcast station as proposed.

(b) The proposals of each with respect to the management and operation of the FM broacast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (30) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1557; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15317; FCC 64M-112]

CHARLES L. HAMILTON, SR., AND MILDRED B. HAMILTON (KBAB)

Order Scheduling Hearing

In re application of Charles L. Hamilton, Sr., and Mildred B. Hamilton (KBAB), Indianola, Iowa, Docket No. 15317, File No. BMP-10047, for construction permit.

It is ordered, This 10th day of February 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 31, 1964, in Washington, D.C. *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 2, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1559; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket Nos. 15323-15325; FCC 64-96]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS, ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 44, Boston, Massachusetts; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) United Artists Broadcasting, Inc., a new corporation, is a wholly-owned subsidiary of, and is completely controlled by, United Artists Corporation, a distributor of motion picture films. United Artists Corporation has been involved in numerous antitrust actions, including a major civil antitrust suit brought by the United States in which United Artists Corporation was adjudged to be in violation of laws of the United States. Notwithstanding the fact that the applicant herein did not exist at the time of the above-mentioned violation, under the circumstances here presented the Commission must look behind the corporate veil of United Artists Broadcasting, Inc., and notice the character of the parent corporation (Mansfield Journal Co. v. Federal Communications Commission, 180 F. 2d, at page 37). Pursuant to its policy as expressed in its "Report on Uniform Policy as to Violation by Applicants of Laws of United States: (Docket No. 9572, 1 RR [Part Three] Page 91:495-503, April, 1951), the Commission must determine, in the light of the past history of the parent corporation, whether the applicant has the requisite qualifications to be a broadcast licensee.

(b) United Artists Corporation is a publicly-owned corporation having approximately 7,000 stockholders representing ownership of 1,803,542 shares of voting stock. The applicant states that it has determined, by means of a sample survey, that less than 25 percent of its outstanding stock is owned by persons not citizens of the United States. Since the basis for this conclusion has not been adequately disclosed, it cannot be determined that the said survey is statistically valid. An issue is necessary, therefore, to determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

(c) It appears that a significant portion of the voting stock of United Artists Corporation is owned by holding companies, nominees, or others for and on behalf of persons unknown. Under these circumstances, it is not possible to determine whether, as stockholders, such nominal or beneficial owners have broadcast interests which, considered in connection with the application of United Artists Broadcasting, Inc., would be inconsistent with the multiple ownership provisions of the Commission's rules. It must be determined, therefore, whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

(d) Integrated Communication Systems, Inc., owns 73.5 percent of the issued stock of the applicant, Integrated Communication Systems, Inc. of Massachusetts, but no information has been furnished as to the nature of the business of the parent corporation. It cannot be determined, therefore, what effect, if any, such business may have on the ability of the applicant to construct, own and operate a television broadcast station in the public interest.

(e) The application of Integrated Communication Systems, Inc. of Massachusetts shows that Meyer Gasner is the owner of 3 percent of the stock of the applicant corporation, but no information has been furnished as to his citizenship, business, or broadcast interests, if any. An issue to elicit such information will, accordingly, be specified.

(f) Based on the information contained in the application of Integrated Communication Systems, Inc., of Massachusetts, cash in the amount of approximately $218,000 will be required for the construction and initial operation of the proposed station. The applicant's plan of financing calls for the use of existing capital of approximately $5,000 and loans from eight stockholders, totalling $219,000. The applicant, however, appears to have available to it existing capital of approximately $2,200 and loans totalling $144,000 from six stockholders who appear to be financially qualified to meet their commitments. Stockholders Meyer Gasner and Harold L. Turobiner have not shown current and liquid assets in excess of liabilities in sufficient amount to meet their commitments. It cannot be determined, therefore, that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue specified in connection herewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

(g) WGBH Educational Foundation proposes to locate its main studio at the same location as the present studios of Television Broadcast Station WGH-TV, which are located outside the corporate limits of the City of Boston. It must be determined, therefore, whether a grant of the application would be consistent with the provisions of § 73.513(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(h) Based on the information contained in the application of WGBH Educational Foundation, cash in the amount of approximately $270,000 will be required for the construction and initial operation of the proposed station. The applicant's plan for financing calls for the use of existing capital of $95,000, donations of $42,000 and a Federal grant of $133,000 from the Department of Health, Education, and Welfare. It appears, however, that the applicant has not received approval by the Department of Health, Education, and Welfare for a Federal grant. It further appears that the applicant, having applied for a commercial channel, rather than for a channel reserved for noncommercial educational use, may not be eligible for a Federal grant under the applicable rules of the Department of Health, Education, and Welfare. It cannot be determined, therefore, that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue specified in connection herewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

It further appearing, that, except as indicated above, Integrated Communication Systems, Inc. of Massachusetts is legally, technically, and otherwise qualified to construct, own and operate the proposed television broadcast station; and that, except as indicated above, United Artists Broadcasting, Inc., is technically and financially qualified to construct, own and operate the proposed television broadcast station; and that, except as indicated above, WGBH Educational Foundation is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that WGBH Educational Foundation filed a petition for rule making (RM-356) on August 15, 1962, requesting the reservation of Channel 44 in Boston for noncommercial educational use, and on May 15, 1963, filed an informal objection pursuant to § 1.587 of the Commission's rules, requesting that action on the applications of Integrated Communication Systems, Inc., of Massachusetts and United Artists Broadcasting, Inc., be deferred pending determination by the Commission of the said rule making proceeding. Oppositions to the objection were filed by Integrated and United Artists and WGBH Educational Foundation filed a reply to the oppositions. On October 28, 1963, the Commission released a "Further Notice of Proposed Rule Making" in Docket No. 14229 (FCC 63-975) proposing a revised allocation plan of UHF channels which would add new assignments to the present Table of Assignments. This proposal contemplates, inter alia, the assignment of Channel *25 to Boston for noncommercial educational use and the retention of Channel 44 for commercial use. The Commission has stated, in its "Further Notice of Proposed Rule Making" in Docket No. 14229, that petitions for UHF assignments now pending (such as that filed by WGBH Educational Foundation in RM-356) will be treated as comments in that proceeding. On January 2, 1964, the three applicants herein filed a "Joint Statement" urging the addition of Channel 25 to Boston as a commercial channel, and the reservation of Channel 44 for noncommercial educational use. In view of the fact that the proposed rule making proceeding could result in the substitution of another UHF commercial channel in Boston in lieu of Channel 44, or otherwise operate to make Channel 44 unavailable for commercial use in Boston, the Commission is of the opinion that a grant of any of the instant applications must be made subject to the condition that the Commission may, without further proceedings, substitute for Channel 44 such other commercial channel as may be assigned to Boston, Massachusetts, instead of Channel 44, in the rule making proceeding proposed in Docket No. 14229. In view of the "Joint Statement" filed herein, it appears that WGBH's objection is now moot and will, accordingly, be denied.

It further appearing, that the applications of United Artists Broadcasting, Inc., for construction permits for new television broadcast stations in Houston, Texas, and Cleveland, Ohio, have previously been designated for hearing with mutually exclusive applications; that the question as to its basic qualifications to be a licensee is in issue in those proceedings as well as in the instant proceeding; that all of the parties to the three proceedings have previously indicated their acceptance of the procedure whereby the same Examiner will preside in all three proceedings; that it would be conducive to the efficient dispatch of the Commission's business for this common basic qualifications issue relative to United Artists Broadcasting, Inc., to be heard at one time with all of the parties to the three proceedings participating.

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Integrated Communication Systems, Inc. of Massachusetts, United Artists Broadcasting, Inc., and WGBH Educational Foundation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in the light of the past conduct of United Artists Corporation, whether United Artists Broadcasting, Inc., has the requisite qualifications to be a licensee of a television broadcast station.

2. To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

3. To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

4. To determine the nature of the business of Integrated Communication Systems, Inc., and the effect, if any, which the said business may have on the ability of the applicant to construct, own and operate a television broadcast station in the public interest.

5. To determine, the citizenship, business, and broadcast interest, if any, of Meyer Gasner.

6. To determine whether Integrated Communication Systems, Inc. of Massachusetts is financially qualified to construct, own and operate the proposed television broadcast station.

7. To determine whether a grant of the application of WGBH Educational Foundation would be consistent with the provisions of § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether WGBH Educational Foundation is financially qualified to construct, own and operate the proposed television broadcast station.

9. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, such grant shall be made subject to the condition that the Commission may, without further proceedings, specify operation by the permittee on such other commercial channel as may be assigned to Boston, Massachusetts, in lieu of Channel 44, in the Rule Making proceeding proposed in Docket No. 14229:

And it is further ordered, That the informal objection filed herein by WGBH Educational Foundation is denied as moot:

And it is further ordered, That, with respect to the common basic qualifications issue relative to United Artists Broadcasting, Inc., this issue is hereby consolidated to the extent that all of the parties are to participate in the presentation of evidence before the Hearing Examiner and that the evidence adduced under this consolidated issue is to be considered and evaluated in the Initial Decision to be issued in all three proceedings.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

It is further ordered, That, to avail themselves of the opportunity to be heard, Integrated Communication Systems, Inc., of Massachusetts, United Artists Broadcasting, Inc., and WGBH Educational Foundation, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1562; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket Nos. 15269, 15270; FCC 64M-116]

MEREDITH COLON JOHNSTON (WECP) AND WILLIAM HOWARD COLE (WHOC)

Order Regarding Procedural Dates

In re applications of Meredith Colon Johnston (WECP), Carthage, Mississippi, Docket No. 15269, File No. BP-15088; William Howard Cole (WHOC), Philadelphia, Mississippi, Docket No. 15270, File No. BP-15231; for construction permits.

Pursuant to agreements reached at a prehearing conference held on February 10, 1964: *It is ordered*, This 10th day of February 1964, that the following schedule of procedural steps shall be effected on the dates specified:

February 19, 1964, Johnston will notify other parties of station location coordinates.
March 19, 1964, Hearing will be held on issues 7 and 8.
April 1, 1964, Exchange of direct presentations addressed to issues 1 to 6.
April 15, 1964, Informal Engineering Conference.
April 22, 1964, Parties' direct presentations will not be altered after this date.
April 27, 1964, Hearing on issues 1 to 6.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1564; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket Nos. 15319, 15320; FCC 64M-114]

MARIETTA BROADCASTING CO., INC. (WBIE) AND COBB COUNTY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Marietta Broadcasting Company, Inc. (WBIE), Marietta, Georgia, Docket No. 15319, File No. BP-15405; Sheridan W. Pruett and Charles M. Erhard, Jr., d/b as Cobb County Broadcasting Company, Marietta Georgia, Docket No. 15320, File No. BP-15443; for construction permits.

It is ordered, This 10th day of February 1964, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 6, 1964, in Washington, D.C. *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 2, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1565; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15318; FCC 64M-113]

MIDDLESEX BROADCASTING CO. (WCNX)

Order Scheduling Hearing

In re application of The Middlesex Broadcasting Company (WCNX), Middletown, Connecticut, Docket No. 15318, File No. BP-14055; for construction permit.

It is ordered, This 10th day of February 1964, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1964, in Washington, D.C. *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 9, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1566; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15321; FCC 64M-115]

PEPINO BROADCASTERS, INC.

Order Scheduling Hearing

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File No. BP-14253; for construction permit.

It is ordered, This 10th day of February 1964, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 2, 1964, in Washington, D.C. *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 12, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1567; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15135; FCC 64R-70]

RAUL SANTIAGO ROMAN

Memorandum Opinion and Order Amending Issues

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

1. The Broadcast Bureau requests (1) that the issues in this proceeding be enlarged to include a determination as to whether the application filed in 1961 by the applicant herein, for permission to transfer control of Station WMNT, Manati, Puerto Rico, contained omissions of material facts; and (2) that the record be reopened so that evidence pertaining to the requested issue may be adduced. The applicant (Roman) and respondent (Arecibo) raise no objections to the inclusion of the issue, but each seeks alternative methods by which the facts may be ascertained.[1]

2. Raul Santiago Roman and his wife Zaida Santos Rivera owned 50 percent of the stock in the licensee corporation of Station WMNT. On July 8 and 10, 1961, each respectively signed an application for transfer of control thereof to Efrain Archilla-Roig, Pedro Collazo-Barbosa, Luis G. Estades and Ernesto Archilla-Rivera;[2] the applications were filed with the Commission on July 24, 1961; and approval granted on August 11, 1961. During the course of the hearing herein, which took place on December 9 and 10, 1963, it appeared that the actual transfer occurred prior to August 11, 1961, although the exact date could not be determined because of the vagueness of the testimony of Roman and Archilla.

3. The Bureau urges that the substantial question as to whether the transfer was effectuated prior to the Commission consent in violation of section 310(b) of the Act would reflect upon Roman's qualifications as a broadcast licensee, and that the appropriate issue should be added. The Bureau points out that although the record contains some testimony which would be relevant to the requested issue, further evidence is essential in order that the matter may be fully explored through the hearing process and therefore asks that the record be reopened. As indicated previously, neither Arecibo nor Roman questions the need for the inclusion of an issue. Arecibo contends, however, that the information may readily be made available through stipulation and therefore opposes the reopening of the record. Roman bases his agreement to the enlargement of the issues "upon understandings of counsel and the Examiner that every effort would be made to develop such additional facts as may be pertinent through stipulation or by interrogatory procedure * * *"

4. In view of the foregoing, the issues will be enlarged to permit a determination of the question of the possibility of an unauthorized transfer with respect to Station WMNT.[3] It is not for the Review Board to determine whether the evidence relevant to the added issue can be developed by stipulation, or whether testimony will be required. Hence, the Review Board will not specify the manner in which this evidence may be developed before the Hearing Examiner.

Accordingly, it is ordered, This 7th day of February 1964, That the Petition to Enlarge Issues and Reopen the Record, filed by the Broadcast Bureau on January 2, 1964, is granted to the extent indicated herein; that the following issue is added: "To determine whether prior to August 11, 1961, Raul Santiago Roman and Zaida Santos Rivera transferred their interest and/or relinquished negative control of Station WMNT without receiving prior Commission consent in contravention of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder and, if so, the facts and circumstances relating to such relinquishment."

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1568; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket Nos. 15312—15315; FCC 64-72]

ALAN H. ROSENSON ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Alan H. Rosenson, d/b as All-Florida Communications Company, Docket No. 15312, File No. 2437-C2-MP-63, for modification of a construction permit for station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Benjamin Cutler, Docket No. 15313, File No. 3320-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida; Abe Schonfeld, d/b as Tel-Car, Docket No. 15314, File No. 3536-C2-P-63, for a construction permit for station KIB527 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Professional Radio Service Corporation, Docket No. 15315, File No. 5080-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida.

1. The Commission has before it (1) an application by Alan H. Rosenson, d/b as All-Florida Communications Company (All-Florida) for a modified construction permit to change the facilities (now authorized to construct a one-way FM signaling service on 35.22 Mc/s) of station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida, in order to render such one-way FM signaling service on 43.22 Mc/s covering a larger area, with a change from AM and FM operations on a single channel (35.22 Mc/s) to separate operations on two channels (AM on 35.22 Mc/s and FM on 43.22 Mc/s); (2) an application by Benjamin Cutler (Cutler) for a construction permit to establish a new one-way signaling service on the frequency 43.22 Mc/s in the Domestic Public Land Mobile Radio Service at Miami, Florida; (3) an application by Abe Schonfeld, d/b as Tel-Car (Tel-Car) for a construction permit to modify the facilities of station KIB527, now providing two-way communications service in the Domestic Public Land Mobile Radio Service at Miami, Florida, by changing its operating frequencies from 454.35 Mc/s (base) and 459.35 Mc/s (mobile) to 152.18 Mc/s (base) and 158.64 Mc/s (mobile); (4) an application from Professional Radio Service Corporation (Professional) for a construction permit to establish new two-way and one-way communications services on the base station frequency 152.18 Mc/s and for authorization to operate mobile transmitters on several Miscellaneous Common Carrier mobile frequencies in the Domestic Public Land Mobile Radio Service at Miami, Florida; (5) a Petition to Deny Application of Professional, filed September 5, 1963 by All-Florida, licensee of stations KIN643 and KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; (6) an Opposition to Petition to Deny Application, filed by Professional on September 12, 1963; (7) A Reply to Opposition to Petition to Deny, filed by All-Florida on September 27, 1963; (8) A Motion to Strike Petition to Deny and Reply to Opposition, filed by Professional on October 1, 1963; (9) an Opposition to Motion to Strike Petition to Deny and Reply to Opposition, filed by All-Florida on October 8, 1963; and (10) a Reply to the Opposition to Motion to Strike, filed by Professional on October 10, 1963.

2. All-Florida and Cutler are each seeking to establish one-way communications service of the voice type on 43.22 Mc/s at Miami, Florida. It appears that the proximity of the proposed base station locations make these applications mutually exclusive, by reason of potential electrical interference, and that with respect to each other a comparative hearing is necessary to determine whether a grant to either of the applicants would serve the public interest, convenience and necessity.

3. Tel-Car and Professional are each seeking to establish a two-way communications service on the frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile) at Miami, Florida. It appears that these applications are mutually exclusive, by reason of potential electrical interference, and that a comparative hearing is necessary to determine whether a grant to either of these applicants would serve the public interest, convenience and necessity.

4. Professional, in addition to its proposed two-way communications service, proposes one-way communications service at Miami, Florida. It appears that the Professional, All-Florida and Cutler applications are economically competitive and raise substantial questions of public need for additional one-way service in the subject area, thereby establishing the necessity for a consolidated proceeding which will resolve all the apparent conflicts posed by the four applications.

Petition to deny. 5. All-Florida alleges that it is furnishing the identical one-way and two-way communications serv-

[1] Before the Review Board for consideration are: (1) petition to enlarge issues and reopen record, filed by the Broadcast Bureau on Jan. 2, 1964; (2) qualified opposition filed by Arecibo Broadcasting Corporation, Inc., on Jan. 10, 1964; (3) opposition filed by Raul Santiago Roman, on Jan. 15, 1964; (4) reply filed by the Broadcast Bureau, on Jan. 21, 1964; and (5) comments filed by Raul Santiago Roman on Jan. 28, 1964.

[2] Since the other 50 percent of the stock was owned by Efrain Archilla-Roig and Pedro Collazo-Barbosa, the transfer constituted a relinquishment of negative control and a gain of positive control by Efrain Archilla-Roig and his father, Ernesto Archilla-Rivera, as a family group.

[3] The issue as added incorporates the information sought by the Bureau in its moving petition and the position taken by Roman in his "Comments."

ices proposed by Professional and that it has the capacity to serve additional customers and therefore there is no need or demand for the proposed service. All-Florida further alleges that Professional intends to provide a common carrier service of limited character-performing functions mainly for doctors and allied enterprises. It is also alleged that Professional's functions are to be supervised by a busy physician; that the service will be associated with the Medical Service Bureau, which provides a telephone answering service to doctors and hospitals; and that the intention is to "expand a monopoly" in this area of communications (telephone answering services) at the expense of regularly authorized common carriers.

Opposition to petition to deny. 6. Professional submits that the petition to deny should be dismissed as defective on its face in that it is not supported by an affidavit of a person having personal knowledge of the material facts alleged, as required by § 21.27(c) of the Commission's rules and section 309(d)(1) of the Communications Act of 1934, as amended. Professional further alleges that the petition and supporting affidavit do not contain sufficient specific allegations of fact to show that All-Florida is a party in interest or to show that a grant of such application would be prima facie inconsistent with section 309(a) of the Communications Act. Professional denies that All-Florida has the capacity to serve the public need for one-way signaling service, pointing to the pending application to modify All-Florida's license for station KIN645 and charging that such application is inconsistent with its statement in the petition concerning the adequacy of existing facilities. Further, Professional alleges that it has made a survey which establishes the inadequacy of the existing services, in terms of existing and potential need as well as type of signaling or general communications services offered,[1] and that All-Florida's receiving units and service have been of poor quality.

7. Professional denies that the proposed services are limited to doctors, dentists, hospitals, ambulance services and allied medical enterprises, except to the extent that the priority provisions of § 21.512 of the rules so require. Professional argues that other segments of the public want its proposed services and that it intends to solicit business from the public generally, as evidenced by the fact that its survey of need in the subject area was not limited to doctors and allied enterprises. Further, Professional states that it has no written agreement with the Medical Service Bureau, that it does not anticipate such an agreement, and that the said Bureau will have no control over the proposed operation. Professional also asserts that supervision of its prospective operations will be assumed by its several corporate officers and does not depend on the availability of Dr. Baker, a practicing physician.

[1] All-Florida's one-way services do not include combined selective signaling and voice communications or message relay services, as proposed by Professional.

Reply to opposition to petition to deny. 8. All-Florida claims that the affidavit attached to its Petition to Deny does contain sufficient factual allegations which are based upon the affiant's own knowledge. It further claims that it has standing to protest because each of the three transmitters proposed by Professional's application is located within several hundred yards of one of All-Florida's transmitters so that they will serve substantially the same area; that Professional's service is aimed primarily at doctors who constitute a large part of All-Florida's clientele; and that of the three types of service proposed by Professional, two are now offered by All-Florida's stations (two-way mobile service and one-way signaling without voice). All-Florida alleges that its existing one-way and two-way stations have substantial unused capacity and that other existing stations in Miami likewise have unused capacity.

9. All-Florida further alleges that the existing need for one-way selective signaling with voice message service will be met by its pending application (File No. 2437–C2–MP–63), but will not be satisfactorily met by the Professional proposal which would cram three distinct services on one frequency (152.18 Mc/s) and would result in a degradation of service.

10. All-Florida also challenges the validity of the survey referred to in Professional's application because Professional fails to disclose the methods used and the persons involved in the alleged compilation of data. It dismisses Professional's argument that its service is needed because of the area's rapid growth in population as irrelevent in view of substantial unused capacity of existing stations offering like services. All-Florida claims that the conclusion that its services are inadequate is refuted by the substantial customer acceptance it has achieved and by the fact that its signal is superior to that which is proposed by Professional. In other respects the Reply is argumentative and devoted to details which may be submitted as evidence in an evidentiary proceeding.

Motion to strike petition to deny and reply to opposition. 11. Professional alleges in its motion to strike that neither the petition to deny nor the reply to opposition to petition to deny is supported by an affidavit of a person with personal knowledge of the stated facts, as required by section 309(d)(1) of the Communications Act of 1934, as amended, and by § 21.27(c) of the Commission's rules. It is also claimed that the affidavit filed in support of the petition to deny contains many statements obviously not within the personal knowledge of the affiant and contains statements labeled as "opinion", "belief" and "knowledge and belief". It is further alleged that the statement attached to the reply to opposition to petition to deny is supported only by a statement asserted to be on the basis of "knowledge and belief". It is also claimed that since few, if any, of the material matters in the petition to deny can conceivably be based on personal knowledge and since the affidavit attached to the reply states that it is based on "knowledge and belief", the Commission should not be required to speculate on which, if any, matters are based upon personal knowledge.

Opposition to motion to strike petition to deny and reply to opposition. 12. All-Florida opposes the motion to strike because Professional did not get Commission authorization to file an additional pleading pursuant to § 1.13(c) (now §1.45(c)) of the Commission's rules. Other argumentative statements are contained in this pleading relating to the sufficiency of the affidavit attached to the reply to opposition so far as the personal knowledge requirements of the statute are concerned. Although Professional filed "A Reply to the Opposition to Motion to Strike", no authority for such pleading was requested or authorized. (See § 1.45(c) of the rules.)

Disposition. 13. All-Florida is an established common carrier radio licensee offering one-way and two-way signaling service generally in the Miami area and has pending an application (hereinabove cited) to expand its one-way communications service in the same general area to be covered by Professional's proposal. All-Florida alleged that Professional's proposed services will be in direct competition with its existing and proposed services. We find and conclude that All-Florida is a party in interest within the meaning of section 309 of the Act; that All-Florida has raised a substantial question of fact with respect to the proposal by professional; and that All-Florida has substantiated its allegations by essentially proper affidavits manifestly based on the personal knowledge of the affiant. Said affidavits state basic facts within the personal knowledge of affiant and go on to state ultimate facts based thereon. However on page 3 of the affidavit supporting the Petition to Deny it is alleged: "Affiant's station as well as the two competing licensees in Miami are already in severe competition with each other, and to affiant's knowledge and belief, all of the existing licensees are operating well below capacity and are accommodating all demands for service." Said affidavit goes on to say that Professional's proposed service would in no way fulfill a public need which cannot be met by the three existing licensees. The above quoted conclusory statements are obviously not based upon the personal knowledge of the affiant and are therefore denied any further consideration in this matter.

14. We find that the applications of All-Florida and Cutler are mutually exclusive by reason of potential electrical interference and that, with respect to each other, a comparative hearing is necessary to determine which, if any, of these proposals would serve the public interest, convenience and necessity. Similarly, we find that the applications of Tel-Car and Professional are mutually exclusive by reason of potential electrical interference and that, with respect to each other, a comparative hearing is necessary to determine which, if any, of these proposals would serve the public interest, convenience and necessity.

15. Since All-Florida and Cutler are each seeking to establish new one-way communications services and Professional's proposal includes a one-way communications service, the application of Professional is economically competitive with the applications of All-Florida and Cutler. Furthermore, we find that a resolution of the economic conflict between All-Florida or Cutler and Professional, and the facts adduced on the public need for additional one-way service in the area may affect the ultimate choice between the competing two-way applications of Professional and Tel-Car. Inasmuch as the said applicants seek to serve the same general area, the possibility of wasteful duplication of common carrier facilities is raised by the conflicting allegations of said applicants regarding demand for the new services proposed by Professional. Therefore, a consolidated proceeding which will resolve all the apparent conflicts posed by the four applications is required.

16. Professional's proposal is associated with a telephone answering service that apparently limits its present services to the medical profession and allied fields. It is therefore necessary to determine whether the establishment of the services proposed by Professional, on frequencies allocated to common carriers, are designed to satisfy a general public need or the need of a special class of potential subscribers and, in the light of the public need that may be shown, whether the possibility of specialization by Professional will serve the public convenience or necessity. To that extent, the Petition to Deny Application of Professional raises a substantial question of fact concerning the need for a new service that may be limited or specialized and appropriate evidence relating thereto may be submitted under the issues covering public need. So far as All-Florida's contention that it has sufficient capacity on its existing facilities is concerned, we must assume that such statements are modified by its own assumption that its application herein will be granted. Of course, any such determination must await the outcome of the instant proceedings.

17. Professional's motion to strike is largely an attempt to reargue a position previously taken in the opposition to petition, which we have considered in connection with that pleading, and is defective because of Professional's failure to obtain Commission authorization to file an additional pleading pursuant to § 1.45(c) (formerly § 1.13(c) of the Commission's rules.) It is not entitled to consideration. Publix Television Corporation, FCC 59–641. Therefore, the responsive and dependent pleadings are rendered moot.

18. It appears that § 21.504 of the rules and regulations of this Commission describe a median field strength contour of 37 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in two-way communications service, and that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50,50) and interference (F50,10) contours of the facilities involved in this proceeding.

19. It also appears that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way communications service, and that the Commission's Report No. T.R.R. 3.3.1, entitled "Service Field Intensity Required For Radio Paging Service At 40 Mc/s" which constitutes a proper basis for establishing the location of such service (F50,50) and interference (F50, 10) contours of the facilities involved herein, using the radio wave propagation charts for TV channel 2 (contained in Part 73 of the Commission's rules and the Commission's Sixth Report and Order in Docket Nos. 8736, et al) adjusted downward in field strength by 6 decibels, to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30-foot height for which the charts are drawn.

20. We find that except for the matters placed in issue herein, all applicants are financially, legally, technically and otherwise qualified to render the services they have proposed.

21. Accordingly, in view of our determinations in paragraphs 13–20:

It is ordered, That the Motion to Strike Petition to Deny and Reply to Opposition is denied; that the captioned applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine whether any harmful co-channel electrical interference would result from simultaneous operations on 43.22 Mc/s by All-Florida and Cutler, and if so, whether such interference would be intolerable or undesirable.

(b) To determine whether any harmful co-channel electrical interference would result from simultaneous operations on 152.18 Mc/s and 158.64 Mc/s by Tel-Car and Professional, and if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the nature and extent of the services proposed by All-Florida, Cutler, Tel-Car and Professional, respectively, in Miami and Miami Beach, Florida, including rates, charges, practices, classifications, personnel, regulations and facilities pertaining thereto.

(d) To determine, on a comparative basis, the areas and population that All-Florida, Cutler and Professional propose to serve within their respective 43 dbu contours, based upon the standards set forth in paragraph 19 above; and to determine the need for the proposed service in these areas.

(e) To determine, on a comparative basis, the areas and population that Tel-Car and Professional propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 18 above; and to determine the need for the proposed service in these areas.

(f) To determine the areas and populations that are served by stations KIN643 and KIN645 within their respective 43 dbu and 37 dbu contours, based upon the standards set forth in paragraphs 18 and 19 above; and to determine their capacity for rendering additional service of the kind proposed by other applicants herein within the said reliable service areas.

(g) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of one or more of the captioned applications and the terms or conditions which should attach thereto.

22. *It is further ordered*, That the burden of proof on issues (a), (b), (c), (d), (e) and (g) is placed upon the applicants so far as their respective applications are affected; and the burden of proof on issue (f) is placed upon All-Florida.

23. *It is further ordered*, That any applicant desiring to participate herein, shall file its notice of appearance on or before the time specified in § 1.221 of our rules.

Adopted: February 5, 1964.

Released: February 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1551; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket Nos. 15312–15315; FCC 64M–111]

ALAN H. ROSENSON ET AL.

Order Scheduling Hearing

In re applications of Alan H. Rosenson, d/b as All-Florida Communications Company, Docket No. 15312, File No. 2437–C2–MP–63, for modification of a construction permit for station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Benjamin Cutler, Docket No. 15313, File No. 3320–C2–P–63; for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida; Abe Schonfeld, d/b as Tel-Car, Docket No. 15314, File No. 3536–C2–P–63, for a construction permit for station KIB527 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Professional Radio Service Corporation, Docket No. 15315, File No. 5080–C2–P–63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida.

It is ordered, This 10th day of February 1964, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 2, 1964, in Washington, D.C.:

And, it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., March 4, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1552; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15322; FCC 64-95]

SPARTAN RADIOCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Spartan Radiocasting Company, Asheville, North Carolina, Docket No. 15322, File No. BPTTV-1996; for construction permit for new Television Broadcast Translator Station.

1. The Commission has before it for consideration the above-captioned application for a construction permit for a new VHF television broadcast translator station on Output Channel 9 to serve Asheville, North Carolina, filed June 26, 1963, by Spartan Radiocasting Company (Spartan), licensee of Station WSPA-TV, Channel 7 (CBS), Spartanburg, South Carolina. Spartan proposes that the translator rebroadcast Station WSPA-TV in Asheville, North Carolina.

2. In an exhibit attached to this application, which seeks to justify this proposal, the applicant alleged as follows: that Station WSPA-TV is not providing satisfactory service to Asheville from its new site on Hogback Mountain; that Asheville actually receives service from Station WLOS-TV, Channel 13 (ABC), Asheville; Station WISE-TV, Channel 62 (NBC), Asheville and Station WFBC-TV, Channel 4 (NBC), Greenville, South Carolina; that this limits Asheville to the program service of only two of the three networks; that since Station WISE-TV has extremely limited live programing, Asheville in effect receives live programing from only two stations; that Station WSPA-TV is under a heavy competitive handicap since its chief competitors, Stations WLOS-TV and WFBC-TV, serve the three principal cities in the area—Asheville, Greenville and Spartanburg—while it can serve only Greenville and Spartanburg; that § 74.732(d) of the rules[1] should not be considered applicable since Asheville is already intermixed by the VHF signals of Stations WLOS-TV and WFBC-TV; that Station WISE-TV could not be significantly affected since its programing consists almost wholly of NBC network programs, most of which are carried by Station WFBC-TV; that the licensee of Station WISE-TV not only does not object to this proposal but is willing to cooperate by making its tower available for the proposed translator; that Asheville is located within the Grade A contour of Station WJHL-TV, Channel 11 (ABC, CBS), Johnson City, Tennessee, but that no question is presented under § 74.734(e)(2) of the rules[2] since Asheville is within Station WSPA-TV's predicted principal city contour and that, in any event, Station WJHL-TV does not deliver service to Asheville.

3. The Commission appreciates Spartan's interest in furnishing a "fill-in" translator service to Asheville and would have no reason for hesitation in approving the proposal if it contemplated the use of a UHF translator. Since, however, the proposal is for a VHF translator, the Commission believes that a substantial policy question is presented. Asheville is one of the relatively few communities in the United States which has had an operating UHF television broadcast station for an extended period of time. As a result, it must be presumed that a significant number of persons in and around Asheville have already invested in the additional equipment required to receive UHF signals. This being the case, it may further be presumed that all-channel receiver sales, resulting from the all-channel receiver legislation, will rapidly bring Asheville to a level of set conversion which could either attract applicants for new commercial UHF television broadcast stations in Asheville,[3] or persuade the licensee of Station WISE-TV of the feasibility of expanding its programing.

4. The Commission is keenly aware of its responsibility to encourage expanded use of the UHF and, consistent with this responsibility, the Commission believes that every effort must be made to protect areas such as Asheville which appear, for whatever reason, to offer a heightened potential for the future expansion of UHF. Thus, on the basis of the information presently available to it, suggesting the likelihood that grant of the present application could retard future development of UHF service in the Asheville area, the Commission is unable to conclude that a grant of the present application would serve the public interest, convenience and necessity. In reaching this decision for these reasons, it should be clear that the Commission is not attempting mechanically to apply § 74.732 (d) of the rules but is, instead, concerned only with the long term disadvantages it fears could result from a grant of this application.

5. In view of the foregoing, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Spartan Radiocasting Company is designated for hearing at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine whether a grant of the above-captioned application would retard the development of UHF television in and about Asheville, North Carolina.

2. To determine in view of the evidence adduced pursuant to the foregoing issue whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 of the rules.

Adopted: February 5, 1964.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1569; Filed, Feb. 14, 1964; 8:52 a.m.]

[1] Section 74.732(d) of the rules provides that, "A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF services is justified."

[2] Section 74.734(e)(2) of the rules provides that, a VHF translator will not be granted to a television station licensee "Where the proposed VHF translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast stations: *Provided, however,* That this will not preclude the authorization of a VHF translator intended to improve reception of the parent station's signal to any community, any part of the corporate limits of which is within the principal city service contour of such station."

[3] Channel 78 is now assigned to Asheville for commercial use and the Commission has proposed to add Channel 72. Further Notice of Proposed Rule Making, Docket No. 14229, FCC 63-975.

[Docket Nos. 15326—15328; FCC 64-97]

SPRINGFIELD TELEVISION BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Springfield Television Broadcasting Corporation, Toledo, Ohio, Docket No. 15326, File No. BPCT-3157; D. H. Overmyer, Toledo, Ohio, Docket No. 15327, File No. BPCT-3173; Producers, Inc., Toledo, Ohio, Docket No. 15328, File No. BPCT-3178; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 79, Toledo, Ohio; and

It appearing, That the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, That the following matters are to be considered in connection with the issues specified below:

(a) Based on the information contained in the application of Springfield Television Broadcasting Corporation, cash in an amount in excess of $392,000 will be required for the construction and initial operation of the proposed station. The precise amount of cash necessary cannot be determined since the applicant has made no provision for the costs of legal and engineering fees, installation, freight, miscellaneous costs, and contingencies. The applicant's plan for financing relies upon existing capital of approximately $85,400, an offer by the firm of Kinsley and Adams to form an underwriting group, and a proposed bank loan from Third National Bank. The offer of Kinsley and Adams, however, is not a commitment to furnish funds, and the letter from Third National Bank does not constitute a commitment to furnish any specific sum of money upon any specific terms. It further appears that the applicant will require funds in connection with applications which it has pending involving television broadcast stations WONE-TV (BAPCT-335), WRLP (BPCT-3199) and WWOR (BPCT-3120), the requirements for all four of the pending applications aggregating in excess of $1,216,000. To finance the costs of all four of its sending applications, including those which have been granted but construction of which has not been completed, the applicant appears to have available to it a total of approximately $571,000. No profits will be available from existing operations since total estimated expenses exceed total estimated revenues by more than $185,000. Accordingly, it cannot be determined that the applicant is financially qualified.

(b) The application of Springfield Television Broadcasting Corporation fails to disclose any information concerning its plans for staffing the proposed station. It must be determined, therefore, the manner in which the applicant will staff the proposed station.

(c) Springfield Television Broadcasting Corporation is incorporated under the laws of the Commonwealth of Massachusetts. No showing has been made, however, that the applicant is authorized to do business in the State of Ohio. Accordingly, it cannot be determined that the applicant is legally qualified.

(d) Springfield Television Broadcasting Corporation has failed to disclose the policy which it proposes to pursue with respect to making time available for the discussion of public issues. Accordingly, the applicant's policy in this respect must be ascertained.

(e) The application of D. H. Overmyer shows that the applicant proposes to locate his main studio at a point outside the corporate limits of the City of Toledo, Ohio. It must be determined, therefore, whether a grant of the application would be consistent with the provisions of § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(f) Based on information contained in the application of Producers, Inc., cash in the amount of approximately $525,000 will be required for the construction and initial operation of the proposed station. The applicant has submitted a letter from Polaris, Inc., purporting to be a commitment to lend the applicant $500,000, but the said letter is not supported by a financial statement of Polaris, Inc., showing the availability of current and liquid assets in excess of liabilities in amount sufficient to fulfill its said commitment. Additionally, the financial statement furnished by the applicant shows current liabilities in excess of current and liquid assets. It cannot be determined, therefore, that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue to be specified in connection therewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

(g) Producers, Inc., is incorporated under the laws of the State of Indiana. No showing has been made, however, that the applicant is authorized to do business in the State of Ohio. It cannot be determined, therefore, that the applicant is legally qualified.

It further appearing, that, except as indicated above, Springfield Television Broadcasting Corporation is technically and otherwise qualified to construct, own and operate the proposed station; and, except as indicated above, D. H. Overmyer is legally, technically, financially and otherwise qualified to construct, own and operate the proposed station; and, except as indicated above, Producers, Inc., is technically and otherwise qualified to construct, own and operate the proposed station; and

It further appearing, that Midwest Program on Airborne Television Instruction, Inc. (MPATI) filed a Petition for Rule Making (RM-407) requesting the deletion of Channel 79 from Toledo, Ohio, and the substitution of channel 62 in lieu thereof. On October 28, 1963, the Commission released a "Further Notice of Proposed Rule Making" in Docket No. 14229 (FCC 63-975) proposing a revised allocation plan of UHF channels which would add new assignments to the present Table of Assignments. The Commission has stated therein that petitions for UHF assignments now pending (such as that filed by MPATI in RM-407) will be treated as comments in that proceeding. In view of the fact that the proposed Rule Making proceeding in Docket No. 14229 could result in the substitution of another UHF channel in Toledo, Ohio, in lieu of Channel 79, the Commission is of the opinion that a grant of any of the instant applications must be made subject to the condition that the Commission may, without further proceedings, substitute for Channel 79 such other commercial channel as may be assigned to Toledo, Ohio, instead of Channel 79, in the Rule Making proceeding proposed in Docket No. 14229; and

It further appearing, that the Detroit Public Schools, Detroit, Michigan, has filed an informal objection for the Commission's consideration pursuant to § 1.587 of the Commission's rules, expressing concern that, in the event of a grant of any of these applications, there may be interference with signals transmitted by Television Translator Stations W79AE and W83AB in Detroit, which rebroadcast on Channels 79 and 83 the programs broadcast by Midwest Program on Airborne Instruction, Inc. (MPATI), and further stating that interference is likely to result with signals transmitted by the MPATI aircraft. Authorization for the operation of Television Translator Station W79AE was granted August 1, 1962 (BPTT-712), to Purdue University, and an assignment of the license to MPATI was granted March 14, 1963 (BALTT-23). The said license was made subject to the following condition: "That this authorization shall cease to be effective and operation of the translator station shall be terminated coincident with the commencement of operation of a duly authorized TV station on Channel 79 at Toledo, Ohio, or at any other location involving separations from the translator station less than those required by § 4.702 of the Commission's rules."

Since the authorization for operation of the translator stations will thus become inoperative upon the commencement of broadcasting by the permittee of any grant which may be made herein, no interference problem will be presented for the Commission's consideration with respect thereto. Concerning possible interference with the signals transmitted by the MPATI aircraft, the authorization for Experimental Airborne Television Station KS2XGD (including both the main transmitter and the alternate main transmitter) was granted to Purdue University on June 9, 1961 (BLEX-95 for the main transmitter and BLEX-96 for the alternate main transmitter), subject to, inter alia, the following condition: "3. Authorization of this experimental program on the stated television frequencies shall not preclude Commission consideration of applications specifying any facility contained in the Commission's Table of Assignments (§ 3.606) which might be in conflict with the operation herein specified."

No showing has been made that operation on Channel 79, Toledo, would cause interference with the signals transmitted by MPATI aircraft on Channel 76. The Commission's rules require a separation of twenty miles between Channels 76 and 79 because of the "intermodulation" taboo. Inasmuch as there is a separation of approximately 130 miles between the MPATI Channel 76 and the proposed Toledo operations on Channel 79, it does not appear that the proposed operations on Channel 79 could affect reception of the MPATI signals in the Toledo area. Accordingly, no issue with respect thereto appears warranted.

It further appearing, that Polaris Corporation, owner of 100 percent of the

stock of Producers, Inc., is presently in violation of the numerical restrictions of the Commission's multiple ownership rules by virtue of the broadcast interests of its subsidiaries and stockholders in seven VHF television broadcast stations (WTVW – TV, Evansville, Indiana; KEND–TV, Fargo, North Dakota; KCND–TV, Pembina, North Dakota; KNOX–TV, Grand Forks, North Dakota; WTIC–TV, Hartford, Connecticut; WDSM–TV, Superior, Wisconsin; and WRGB–TV, Schenectady, New York); that the Commission, in consenting to the transfer of control of Radio Station KOME, Tulsa, Oklahoma, from Franklin Broadcasting Company to Producers, Inc. (FCC 63–1147, December 4, 1963), made the grant upon condition that Producers, Inc., demonstrate compliance with the Commission's multiple ownership rules; that the Commission has afforded the applicant reasonable time within which to bring itself into compliance with such rules; that, however, unless Polaris Corporation demonstrates, prior to the closing of the record in this proceeding, that it is in compliance with such rules, it will be disqualified in this proceeding; and

It further appearing, that the multiple ownership interests of Producers, Inc., and Springfield Television Broadcasting Corporation can be explored within the framework of comparative issue "8(a)" herein; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above captioned applications of Springfield Television Broadcasting Corporation, D. H. Overmyer, and Producers, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Springfield Television Broadcasting Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine the manner in which Springfield Television Broadcasting Corporation will, in the event of a grant of its application, staff the proposed television broadcast station.

3. To determine whether Springfield Television Broadcasting Corporation is legally qualified to construct, own and operate the proposed television broadcast station.

4. To determine the policy which Springfield Television Broadcasting Corporation will pursue with respect to making time available for the discussion of public issues, in the event of a grant of its application.

5. To determine whether the instant proposal of D. H. Overmyer is in compliance with § 73.613(a) of the Commission's Rules with repect to location of the main studio and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether Producers, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

7. To determine whether Producers, Inc., is legally qualified to construct, own and operate the proposed television broadcast station.

8. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, such grant shall be made subject to the condition that the Commission may, without further proceedings, specify operation by the permitee on such other commercial channel as may be assigned to Toledo, Ohio, in lieu of Channel 79, in the Rule Making proceeding proposed in Docket No. 14229:

And it is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable asurance that the proposals set forth in the application will be effectuated."

It is further ordered, That, to avail themselves of the opportunity to be heard, Springfield Television Broadcasting Corporation, D. H. Overmyer, and Producers, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commision's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1570; Filed, Feb. 14, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64–394, etc.]

BETA DEVELOPMENT CO. ET AL.

Hearings on and Suspension of Proposed Changes in Rates, Correction

FEBRUARY 6, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 19, 1963 and published in the FEDERAL REGISTER December 27, 1963 (F.R. Doc. 63–13353; 28 FR–14346–14348), after the conclusion of the Finding paragraph (D), insert the heading *"The Commission orders:"* and include thereunder the following ordering paragraph (A) which was inadvertently omitted:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of Continental's proposed rate filing which El Paso has protested, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate supplements.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–1522; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket No. G–16530 etc.]

JAMES M. FORGOTSON ET AL.

Applications for Certificates and Petitions To Amend Certificates; Correction

FEBRUARY 10, 1964.

In the notice of applications for certificates and petitions to amend certificates, issued January 31, 1964 and published in the FEDERAL REGISTER February 7, 1964 (F.R. Doc. 64–1222; 29 F.R. 1856), in chart, after "Initial price per Mcf" add footnote "'Prices include all applicable tax reimbursement."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–1523; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket Nos. CP61–45, CP63–292]

INDIANA NATURAL GAS CORP.

Notice of Application, Consolidation, and Date of Hearing

FEBRUARY 11, 1964.

Take notice that Indiana Natural Gas Corporation, an Indiana corporation (Applicant), having its principal place of business in Paoli, Indiana, filed on April 29, 1963, an application (Docket No. CP63–292), and on May 16, 1963, and on June 27, 1963, supplements thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct, and to sell and deliver to Applicant natural gas for resale to the public in the towns of French Lick and West Baden Springs, Indiana, and vicinity, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate distribution systems in said towns, which are contiguous, at an initial cost of $106,612 and amounting to $125,776 in the fifth year of construction. Applicant does not propose construction of any transmission facilities, since, it states, Texas Eastern's pipeline is located within the corporate limits of French Lick and also within Applicant's service area.

Applicant estimates its natural gas requirements for French Lick and West Baden Springs as follows:

Year	Peak day (Mcf)	Annual (Mcf)
1	1,994	152,460
2	2,098	160,301
3	2,173	165,646

Applicant proposes to finance its construction by the sale of 6¼ percent first morgage sinking fund notes in the amount of $325,000, which covers financing of all properties of Applicant including the proposed construction in Docket No. CP61–45. The financing also includes the sale of 50,000 shares of Applicant's no par common stock.

Notice of application and date of hearing was issued in Docket No. CP61–45 by the Secretary of the Commission on November 9, 1961, and published in the FEDERAL REGISTER on November 18, 1961 (26 F.R. 10817). Thereafter, on November 22, 1961, notice was issued postponing the hearing scheduled for December 20, 1961, to a date to be thereafter fixed by further notice. Said notice of postponement was published in the FEDERAL REGISTER on November 30, 1961 (26 F.R. 11310).

These related matters should be heard upon a consolidated record and are hereby consolidated for hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 17, 1964, at 10:00 a.m. e.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–1524; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket No. RI64–601]

LARIO OIL & GAS CO.

Order Accepting Agreement and Rate Filing Providing for Hearing on and Suspension of Proposed Change in Rate

FEBRUARY 7, 1964.

On January 9, 1964, Lario Oil & Gas Company (Lario) [1] tendered for filing a proposed renegotiated rate decrease from 11.0 cents to 8.0 cents per Mcf at 14.65 p.s.i.a. to reflect the change from high to low pressure operation and lower pressure delivery requirement.[2] The proposed decrease in rate relates to Lario's jurisdictional sales of natural gas to Lone Star Gas Company from the Katie Field, Garvin County, Oklahoma (Oklahoma "Other" Area) and has been designated as Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9.

On the same date, January 9, 1964, Lario tendered for filing a proposed favored-nation rate increase from the above 8.0 cents to 12.35 cents per Mcf, amounting to an annual increase of $640, covering the sale of low pressure gas under the aforementioned Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9.

The subject filing was previously submitted on November 26, 1963, but was rejected on the basis that the rate schedule did not include the agreement dated June 29, 1954, which provides for the "favored-nation" increase. In resubmitting the instant filing, Lario has included the previously missing agreement. Lario contends that the subject missing agreement was filed by its predecessor, The Globe Oil & Refining Company, under a letter of transmittal dated September 27, 1954, and requests that the previous rejection letter be revoked. A search of the Commission's files fails to substantiate Lario's claim. Moreover, the letter advising Lario's predecessor of the acceptance of its rate filing does not include the "missing" document. Under the circumstances, we believe that Lario's request for revocation of our letter dated December 20, 1963, rejecting the notice of change filed November 26, 1963, should be denied.

Lario's proposed favored-nation rate increase of 12.35 cents per Mcf for low pressure gas exceeds the increased ceiling of 11.0 cents per Mcf for the Oklahoma "Other" Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, P. 2, § 2.56) and should be suspended.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has not been shown for revoking our letter dated December 20, 1963, rejecting the notice of change filed November 26, 1963, and Lario's request for revocation of such letter should be denied.

(2) Good cause has been shown for accepting for filing the 8.0 cents per Mcf rate decrease contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9, for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act with respect thereto and for permitting such rate decrease to become effective as of February 8, 1964.

(3) The Agreement dated June 29, 1954, designated as Supplement No. 4 to Lario's FPC Gas Rate Schedule No. 9 should be accepted for filing to become effective as of February 9, 1964, thirty days after filing.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that the 12.35 cents per Mcf rate contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Lario's request for revocation of our letter dated December 20, 1963, rejecting the notice of change filed November 26, 1963, is hereby denied.

(B) The 30-day notice requirement provided in section 4(d) of the Natural Gas Act is hereby waived with respect to the 8.0 cents per Mcf decrease contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9 and such rate decrease is hereby accepted for filing and permitted to become effective as of February 8, 1964.

(C) The Agreement dated June 29, 1954, designated as Supplement No. 4 to Lario's FPC Gas Rate Schedule No. 9, is hereby accepted for filing and permitted to become effective as of February 9, 1964.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed 12.35 cents per Mcf rate and charge contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9.

(E) Pending a hearing and decision thereon, the 12.35 cents per Mcf favored-

[1] Address is: 301 South Market Street, Wichita 2, Kansas.

[2] Delivery pressure requirement reduced from 800 p.s.i.g. to 75 p.s.i.g.

nation rate increase contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9 is hereby suspended and the use thereof deferred until July 9, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(F) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(G) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1525; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 11, 1964.

Take notice that on January 29, 1964, Montana-Dakota Utilities Co. (Applicant), incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal place of business at Minneapolis, Minnesota, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amounts of electric energy which Applicant is presently authorized to transmit from the United States to Canada.

By Commission order issued November 14, 1961, in the above docket, Applicant was authorized to transmit electric energy from the United States to Canada in amounts not to exceed 666,000 kwh per annum at a maximum transmission rate of 230 kw at North Portal, Saskatchewan, 60,600 kwh per annum at a maximum transmission rate of 20 kw at Northgate, Saskatchewan, 24,300 kwh per annum at a maximum transmission rate of 10 kw at Elmore, Saskatchewan, and 28,700 kwh per annum at a maximum transmission rate of 12 kw at Marienthal, Saskatchewan. Applicant now seeks authorization to transmit up to 800,000 kwh per annum at a maximum rate of 250 kw at North Portal, up to 81,000 kwh per annum at a maximum rate of 30 kw at Northgate, up to 43,000 kwh per annum at a maximum rate of 20 kw at Elmore and up to 42,000 kwh per annum at a maximum rate of 15 kw at Marienthal.

The amounts of electric energy which Applicant proposes to export, like those amounts presently exported pursuant to the aforementioned authorization, are to be transmitted to Canada from the State of North Dakota over certain facilities specified in a Presidential Permit signed by the President of the United States on May 18, 1942, and released to Applicant concurrently with the issuance of Commission order issued July 21, 1942, all in the above docket.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 2, 1964 file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1526; Filed, Feb. 14, 1964; 8:48 a.m.]

[Project No. 2310]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Amendment of License

FEBRUARY 7, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company, of San Francisco, California, for amendment of its license for Project No. 2310 located on South Yuba and Bear River and tributaries in Nevada and Placer Counties, California, near the cities of Auburn, Colfax, Grass Valley and Nevada City, and affecting lands of the United States within the Tahoe National Forest and other lands of the United States.

The application seeks to include in the license certain constructed project facilities not presently included in the license for the project and certain unconstructed project facilities, consisting of the following:

CONSTRUCTED FACILITIES

Lake Van Norden—an earth-fill dam located on the South Yuba River, a spillway located at the left abutment, a reservoir with an area of about 382 acres and a storage capacity of about 5,261 acre-feet and a controlled outlet under the dam; Kidd Lake—an earth and rock-fill dam, located on a tributary of South Yuba River, a spillway located at the left abutment, a reservoir with an area of about 86 acres, and a storage capacity of about 1,505 acre-feet and a controlled outlet under the dam; Kelly Lake—an earth-fill dam located on North Fork Creek, a spillway located at the left abutment, a reservoir with an area of about 28 acres and a storage capacity of about 376 acre-feet and a controlled outlet under the dam; Bear River Diversion—a concrete gravity overflow dam of cyclopean rubble masonry located on the Bear River with water being diverted into the Bear River Canal; Dutch Flat Tunnel—a tunnel, which diverts water from Drum Afterbay to Dutch Flat Penstock, about 4.13 miles long and a nominal rated capacity of about 475 cubic feet per second; Bear River Canal—a canal about 22.64 miles long, consisting of 20.56 miles of ditch, 0.76 of a mile of flume, and 1.32 miles of tunnel, diverting water from the Bear River Diversion to the vicinity of Christian Valley and has a nominal rated capacity of 475 cubic feet per second; Dutch Flat Penstock—a welded steel pipe about 3,640 feet long which conveys water from Dutch Flat Tunnel to Dutch Flat powerhouse; Dutch Flat Powerhouse—a powerhouse located on the Bear River containing one 29,000 horsepower turbine direct connected to a 27,500-kva 0.8 PF (22,000 kilowatt) generator, step-up transformers and switching facilities; Drum-Summit 110-kv Transmission Lines—two single circuit 110-kv wood-pole lines extending about 27.09 and 28.06 miles, respectively, from Drum Powerhouse to a connection with Sierra Pacific Power Company's system in the vicinity of licensee's Summit Metering Station; Drum-Spaulding-Summit 60-kv Transmission Lines—a single-circuit 60-kv wood-pole line extending about 9.33 miles from Drum Powerhouse to Spaulding Powerhouse No. 1, where it connects with another single-circuit 60-kv wood-pole line which extends about 19.57 miles to a connection with Sierra Pacific Power Company's system near the licensee's Summit Metering Station; Drum-Halsey Junction 110-kv Transmission Lines—two 110-kv circuits extending about 22.5 miles from the Drum Powerhouse to a junction with the licensee's transmission system at its Halsey Junction Switching Station with the first 12.6 miles on single-circuit steel towers and the last 9.9 miles on double-circuit steel towers; Dutch Flat-Halsey Junction 110-kv Transmission Line—a 110-kv line extending about 19.23 miles from the Dutch Flat Powerhouse to a junction with the licensee's interconnected transmission system at its Halsey Junction Switching Station with the first 7.74 miles being on single-circuit steel towers and the last 11.49 miles being on double-circuit steel towers; and Drum-Colfax Junction 60-kv Transmission Line—a single-circuit 60-kv transmission line extending about 15.46 miles from the Drum Powerhouse to a junction with licensee's interconnected transmission system at Colfax Junction about 1.1 miles northerly from licensee's Colfax Substation.

UNCONSTRUCTED FACILITIES

Drum-Dutch Flat 110-kv Transmission Line—a single-circuit 110-kv transmission line extending about 5.5 miles from the Drum Powerhouse to the Dutch Flat Powerhouse; Dutch Flat No. 2 110-kv Tap Line—a single circuit 110-kv tap line extending about ½ mile from Nevada Irrigation District's Dutch Flat No. 2 Powerhouse of Project No. 2266 to licensee's Drum-Halsey Junction 110-kv transmission lines; and Chicago Park-Halsey Junction 110-kv Transmission Line—a single-circuit 110-kv transmission line extending about 14 miles from Nevada Irrigation District's proposed Chicago Park powerhouse of Project No. 2266 to the licensee's Halsey Junction Switching Station.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 6, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1527; Filed, Feb. 14, 1964; 8:48 a.m.]

[Docket No. RI64-602]

WARREN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

FEBRUARY 7, 1964.

On January 10, 1964, Warren Petroleum Corporation (Operator)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated January 7, 1964.
Purchaser and producing area: High Plains Natural Gas Company (McLean (Sitter) Gas Plant, Wheeler County, Texas) (R. R. District No. 10).
Rate Schedule designation: Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29.
Effective date: February 14, 1964.[2]
Amount of annual increase: $77,000.
Effective rate: 10.0 cents per Mcf.
Proposed rate: 17.0 cents per Mcf.[3]
Pressure base: 14.65 psia.

Warren Petroleum Corporation (Operator) (Warren) proposed increased rate and charge exceeds the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29 is hereby suspended and the use thereof deferred until July 14, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 25, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1529; Filed, Feb. 14, 1964; 8:48 a.m.]

[1] Address is: P.O. Box 1589, Tulsa, Oklahoma.
[2] The stated effective date is the effective date requested by Respondent.
[3] Unilateral rate increase. Basic contract expired under its own terms on December 1, 1963.

[Docket No. G-7004 etc.]

PENNZOIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

FEBRUARY 11, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 9, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-7004 11-18-63	Pennzoil Co.[1] (formerly South Penn Oil Co.).	Hope Natural Gas Co., acreage in various counties, W. Va.	25.0	15.025
		Equitable Gas Co., acreage in Braxton and Gilmer Counties, W. Va.	16.0	15.325
G-7109 C 1-30-64	The Pure Oil Co	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	9.0	14.65
G-7412 12-26-63	Pennzoil Co.[1] (formerly South Penn Oil Co.).	United Natural Gas Co., acreage in McKean County, Pa.	25.0	14.73
G-7413 12-26-63	do	do	[2] 34.0	14.73
G-7414 12-26-63	do	do	[2] 34.0	14.73
G-7415 12-26-63	do	do	[2] 34.0	14.73
G-7416 12-26-63	do	do	[2] 34.0	14.73
G-7417 12-26-63	do	do	[2] 34.0	14.73
G-7418 12-26-63	do	do	[2] 34.0	14.73
G-8313 E 2-5-64	West Virginia Development Co. (successor to Bernard F. Rinehart, et al.).	Hope Natural Gas Co., Jefferson District, Pleasants County, W. Va.	20.0	15.325
G-8314 E 2-5-64	do	do	20.0	15.325
G-8315 E 2-5-64	do	do	20.0	15.325
G-12576 E 2-3-64	Logue and Patterson (successor to Slade, Inc., et al.).	Texas Eastern Transmission Corp., Enke Field, Goliad County, Tex.	13.8733	14.65
G-12912 E 1-29-64	Norristown Gas Co., et al. (successor to Jules G. Franks, et al.)	Hope Natural Gas Co., Sherman District, Calhoun County, W. Va.	20.0	15.325
G-15533 E 1-27-64	Jake L. Hamon (Operator), et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al.).	Lone Star Gas Co., East Aylesworth Field, Bryan County, Okla.	11.0	14.65
G-18610 E 1-29-64	Norristown Gas Co., et al. (successor to J. G. Franks, et al.).	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	20.0	15.325
CI60-475 C 1-30-64	Belco Petroleum Corp	El Paso Natural Gas Co., acreage in Lincoln and Sublette Counties, Wyo.	15.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI60-661 [2] 1-30-64	Continental Oil Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Major and Dewey Counties, Okla.	18.0	14.65
CI61-465 C-A-E 2-5-64	David Law (successor to Ridgedale Oil & Gas Co., Inc.).	Hope Natural Gas Co., Courthouse District, Lewis County, W. Va.	25.0	15.325
CI61-550 D 1-29-64	Lario Oil & Gas Co.	Cities Service Gas Co., Axline Lease, Barber County, Kans.	Depleted	
CI61-619 C 1-30-64	Skelly Oil Co.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	18.0	14.65
CI61-945 11-12-63	Pennzoil Co.[1] (formerly South Penn Oil Co.).	Carnegie Natural Gas Co., acreage in Doddridge and Tyler Counties, W. Va.	20.0	15.025
CI62-923 E 1-30-64	Duquesne Kentucky Gas Co. (successor to Duquesne Natural Gas Co.).	United Fuel Gas Co., acreage in eastern Lawrence County, Ky.	22.0	15.325
CI62-1184 [3] 1-27-64	Sinclair Oil & Gas Co. (Operator), et al.	Arkansas Louisiana Gas Co., acreage in Latimer County, Okla.	15.0	14.65
CI63-672 E 2-3-64	Arthur N. Rupe, d.b.a. Artex Oil Co. (successor to Standard Oil and Gas, Inc.).	Equitable Gas Co., Collins Settlement and Courthouse Districts, Lewis County, W. Va.	25.0	15.325
CI63-1468 [4] A 6-3-63	Pan American Petroleum Corp. (partial succession).	Tennessee Gas Transmission Co., LaSal Vieja Field, Willacy County, Tex.	[5] 12.12268	14.65
CI64-187 C 2-3-64	Skelly Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Hamilton County, Kans.	12.5	14.65
CI64-324 E 2-5-64	Edward Lee Dolly (successor to Dan W. Hardman, et al., d.b.a. Hardman Drilling Co.).	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	25.0	15.325
CI64-365 C 1-29-64	Falcon Seaboard Drilling Co. (Operator), et al.	Northern Natural Gas Co., Kiowa Creek, Lipscomb County, Tex.	17.0 [6]	14.65
CI64-520 A 1-29-64	John Franks (Operator), et al.	Arkansas Louisiana Gas Co., Chenier Field, Ouachita Parish, La.	16.333	15.025
CI64-699 A 1-30-64	Northern Natural Gas Producing Co.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI64-861 A 1-30-64	American Petrofina Co. of Texas.	El Paso Natural Gas Co., Gallegos Canyon Unit, San Juan County, N. Mex.	12.0	15.025
CI64-862 B 1-30-64	R. S. Barnwell, Jr. (Operator).	Arkansas Louisiana Gas Co., Bellevue Gas Field, Bossier Parish, La.	Depleted	
CI64-863 A 1-30-64	Beard Oil Co.	Lone Star Gas Co., East Doyle Area, Stephens County, Okla.	15.0	14.65
CI64-864 B 1-30-64	W. J. Newman	Kentucky-West Virginia Gas Co., acreage in Floyd County, Ky.	Depleted	
CI64-865 A 1-30-64	Tex-Star Oil & Gas Corp.	El Paso Natural Gas Co., Martinez Unit, La Plata County, Colo.	14.0	15.025
CI64-866 A 1-31-64	Texaco Inc.	Colorado Interstate Gas Co., Patrick Draw-Desert Springs Area, Sweetwater County, Wyo.	14.5	14.65
CI64-867 A 2-3-64	W. A. Morel (Operator and Agent), et al. (partial succession).	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	[6] 11.0	14.65
CI64-868 A 2-3-64	Odessa Natural Gasoline Co.	Northern Natural Gas Co., Lipscomb Tonkawa Field, Lipscomb County, Tex.	17.0	14.65
CI64-869 A 2-3-64	Southwest Petroleum Management Corp. (Operator).	Texas Eastern Transmission Corp., West Weeatche Field, Goliad County, Tex.	10.0	14.65
CI64-870 B 2-3-64	Philip Lemon, et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Uneconomical	
CI64-871 B 2-3-64	Phillips Petroleum Co.	Texas Eastern Transmission Corp., Brysch Unit, West George West Field, Live Oak County, Tex.	Depleted	
CI64-872 A 2-3-64	Humble Oil & Refining Co.	Colorado Interstate Gas Co., Patrick Draw Field, Sweetwater County, Wyo.	14.5	14.65
CI64-873 A 2-3-64	Crystal Oil and Land Co.	United Gas Pipe Line Co., acreage in Bossier Parish, La.	12.8252	15.025
CI64-874 A 2-5-64	Francis Cain	Cabot Corp., Center District, Calhoun County, W. Va.	15.2	15.325
CI64-875 A 2-5-64	Sunray DX Oil Co.	Arkansas Louisiana Gas Co., North Enid Field, Garfield County, Okla.	12.0	14.65
CI64-876 B 2-6-64	Bobby M. Burns	Kansas-Nebraska Natural Gas Co., Inc., acreage in Morgan County, Colo.	Declined in pressure	
CI64-877 A 2-4-64	Chesley Pruet	Southern Natural Gas Co., acreage in Walthall County, Miss.	21.5	15.025

[1] Applicant filed notice of change in corporate name.
[2] Price is 20.0 cents per Mcf for months of May through October.
[3] Amendment to certificate filed to add interest of coowner.
[4] Application previously noticed, on Oct. 8, 1963, in Phillips Petroleum Company, et al.—Docket Nos. G-3491, et al., at an erroneous price.
[5] 12.12268 cents per Mcf is the last unsuspended rate of predecessor. Applicant proposes to succeed to rate increases up to 17.24347 cents per Mcf which have been filed and are now being collected subject to refund in Docket Nos. G-22001 and RI61-123.
[6] The initial price was increased to 17.2295 cents per Mcf pursuant to amendatory agreement dated Oct. 26, 1959, but was suspended by the Commission on April 20, 1960, in Docket No. RI60-276.

[F.R. Doc. 64-1528; Filed, Feb. 14, 1964; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

H. C. TURNER, JR.

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Turner Construction Company—New York—Chairman, President, Director
Provident Tradesmens Bank and Trust Co—Philadelphia, Penna.—Director
Liberty Mutual Insurance Co., Boston, Mass.—Director
Colonial Williamsburg, Inc., Williamsburg, Virginia—Trustee.

Securities:	Shares
Astec Oil & Gas Company	249
Babcock & Wilcox	350
Bendix Aviation Corp	77
British American Oil Co	100
Calgary & Edmonton	300
Clevite, Inc	50
Dillingham Corporation	100
Dominion Tar & Chemical Co., Ltd	250
E. I. du Pont de Nemours	40
General Motors Corp	15
Johns Manville Corporation	100
Kern County Land Co	50
Perkin-Elmer Corporation	100
Standard Oil Company of California	155
Standard Oil Company of New Jersey	100
Texaco, Inc	134
Tex-Star Oil & Gas Corp	200
H. I. Thompson Fiber Glass	200
United States Rubber	60

This amends statement previously published June 21, 1963 (28 F.R. 6417).

Dated: December 4, 1963.

H. C. TURNER, Jr.

[F.R. Doc. 64-1531; Filed, Feb. 14, 1964; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

RHODE ISLAND HOSPITAL TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of Rhode Island Hospital Trust Company for approval of acquisition of assets of Wickford Savings Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Rhode Island Hospital Trust Company, Providence, Rhode Island, a member bank of the Federal Reserve system, for the Board's prior approval of its acquisition of assets of Wickford Savings Bank, Wickford, Rhode Island.

As an incident to such application, Rhode Island Hospital Trust Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the present location of Wickford Savings Bank. Notice of the proposed acquisition of assets, in form approved by the Board of Governors, has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant material, including the reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and establishment of a branch shall not be consummated (a) within seven calendar days following the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C. this 10th day of February 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-1519; Filed, Feb. 14, 1964; 8:47 a.m.]

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

COMPLIANCE REPORT

Notice of Revision of Standard Form 40, and Extension of Time for Filing

All contractors and subcontractors who are subject to the reporting requirements of Executive Order 10925 requiring the use of Standard Form 40 (Compliance Report) of the President's Committee on Equal Employment Opportunity are hereby advised that Standard Form 40 is being revised to conform to the provisions of Executive Order 10925 of March 6, 1961 (26 F.R. 1977) as amended by Executive Order 11114 of June 22, 1963 (28 F.R. 6485). Contractors and subcontractors shall not use the present Standard Form 40 (dated December 1961) for filing compliance reports. Instead the revised Standard Form 40 shall be used. It is expected that the revised Standard Form 40 will be available on or about March 1, 1964. Annual compliance reports normally due on March 31 shall be filed within 60 days after the revised Standard Form 40 becomes available. All other compliance reports shall be filed in accordance with the instructions attached to the form.

HOBART TAYLOR, Jr., *Executive Vice Chairman.*

[F.R. Doc. 64-1616; Filed, Feb. 14, 1964; 10:22 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston.
[2] Voting for this action: Unanimous, with all members present.

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2977]

ALAN-RANDAL CO., INC.

Notice and Order for Hearing

FEBRUARY 11, 1964.

I. Alan-Randal Co., Inc. (issuer), 11608–11622 Ventura Blvd., Studio City, California, a California corporation, filed with the San Francisco Regional Office on October 27, 1961, a notification on Form 1–A and an offering circular, relating to a proposed offering of 120,000 shares of its $1.00 par value common stock at $2.50 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 15, 1964, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 9, 1964, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters set forth in section II of the Commission's order dated January 15, 1964, which temporarily suspended the Regulation A exemption of Alan-Randal Co., Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Alan-Randal Co., Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before March 5, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1516; Filed, Feb. 14, 1964; 8:47 a.m.]

[File No. 2-7313]

AMERICAN INSURANCE CO.

Notice of Application for Exemption

FEBRUARY 11, 1964.

Notice is hereby given that The American Insurance Company, a corporation organized under the laws of New Jersey ("issuer"), has filed an application pursuant to Rule 15d–20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d–20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

On December 8, 1947, Registrant's Registration Statement (File No. 2–7313) Form S–1 covering an offering of 662,504 shares of capital stock, par value $2.50, was declared effective.

The application represents with respect to the request for exemption that: all of the outstanding securities of Registrant are held of record and consist of 4,200,708 shares of capital stock of which 4,198,397 shares are held by Fireman's Fund Insurance Company, a California corporation, and the remaining 2,311 shares are held by forty-seven shareholders.

The application alleges that the filing of further reports required by section 15(d) of the Act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors. The Registrant intends to make available to its remaining stockholders its annual financial statements containing a balance sheet and an earnings statement.

Notice is further given that an order granting the application upon such terms

and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 16, 1964, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 10, 1964, at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1517; Filed, Feb. 14, 1964; 8:47 a.m.]

[File No. 24SF-2941]

AUTOMATA INTERNATIONAL, INC.

Notice and Order for Hearing

FEBRUARY 11, 1964.

I. Automata International, Inc. (issuer), 5369 West Pico, Los Angeles, California, a California corporation, filed with the San Francisco Regional Office on August 22, 1961, a notification on Form 1-A and an offering circular, relating to a proposed offering of 300,000 shares of its no par value common stock at $1.00 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 15, 1964, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 10, 1964, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters set forth in Section II of the Commission's order dated January 15, 1964, which temporarily suspended the Regulation A exemption of Automata International, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under Sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Automata International, Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before March 6, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1518; Filed, Feb. 14, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 12, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38808: *Iron or steel bars to points in Minnesota.* Filed by Western Trunk Line Committee, agent (No. A-2349), for interested rail carriers. Rates on iron or steel bars, in carloads, from Alton, Chicago, and Chicago group points, East St. Louis, Federal, and Indian Oaks, Ill., also Gary, Ind., to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Western Trunk Line Committee, agent, tariff I.C.C. A-4271.

FSA No. 38809: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 241), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38810: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 242), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38811: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 243), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38812: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 244), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38813: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 245), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38814: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 246), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38815: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 247), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38816: *Petroleum and petroleum products between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 495), for interested rail carriers. Rates on petroleum and petroleum products, in tank car loads, from, to and between points in Texas.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 32 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

FSA No. 38817: *Petroleum and petroleum products to WTL and IFA territories.* Filed by Southwestern Freight Bureau, agent (No. B-8505), for interested rail carriers. Rates on petroleum and petroleum products, in tank car loads, from points in Southwestern and midcontinent territories, to points in Western trunk-line and Illinois Freight Association territories.

Grounds for relief: Carrier competition.

Tariffs: Supplements 101, 331, and 3 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4410, 4279 and 4557, respectively.

FSA No. 38818: *Bituminous coal to Notre Dame, Ind.* Filed by Illinois Freight Association, agent (No. 225), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum of 1,000 tons of 2,000 pounds per shipment, from mine origins in Illinois and western Kentucky, to Notre Dame, Ind.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 81 to Baltimore and Ohio Railroad Company tariff I.C.C. 3179, and other schedules listed in the application.

FSA No. 38819: *Grains to points in Colorado and Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-8502), for interested rail carriers. Rates on barley, corn (not pop corn), oats, sorghum grains, rye, also hominy feeds, in carloads, from points in New Mexico, Oklahoma, and Texas, to points in Colorado and Wyoming.

Grounds for relief: Unregulated motortruck competition.

Tariffs: Supplement 9 to Southwestern Freight Bureau, agent, tariff I.C.C. 4516 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1541; Filed, Feb. 14, 1964; 8:49 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 164-A]

LEHIGH VALLEY RAILROAD

Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 164 (Lehigh Valley Railroad) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 164, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:30 a.m., February 12, 1964.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., February 11, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-1542; Filed, Feb. 14, 1964; 8:49 a.m.]

[Rev. S. O. No. 562; Taylor's I.C.C. Order No. 165]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, The Central Railroad Company of New Jersey, because of the independent tugboat operators strike, is unable to transport traffic routed to Pier 18, New York Harbor on its line.

It is ordered, That:

(a) Rerouting traffic: The Central Railroad Company of New Jersey and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:30 p.m., February 12, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., February 29, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 11, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-1543; Filed, Feb. 14, 1964; 8:49 a.m.]

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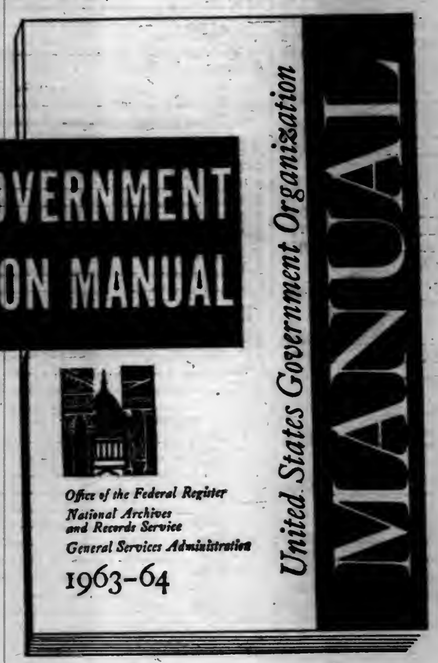
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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Order Amending Standards of Identity for Certain Cheeses To Permit Optional Addition of Sorbic Acid and Salts of Sorbic Acid To Retard Mold Growth

In the matter of amending the definitions and standards of identity for parmesan cheese, reggiano cheese, romano cheese, asiago medium cheese, asiago old cheese, hard cheeses, and hard grating cheeses (21 CFR 19.595, 19.610, 19.620, 19.625, 19.650, 19.680) to permit the optional use of the antimycotic agents sorbic acid, potassium sorbate, and sodium sorbate under certain prescribed conditions.

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of October 22, 1963 (28 F.R. 11279, 11459). Therefore, on the basis of the relevant information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendments proposed. Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), *It is ordered*, That the standards of identity for the cheeses specified be amended as follows:

1. Section 19.595 *Parmesan cheese, reggiano cheese* * * * is amended by inserting therein a new paragraph (d) and by redesignating old paragraph (d) as (e). As amended, the affected portions of this section read as follows:

§ 19.595 Parmesan cheese, reggiano cheese; identity; label statement of optional ingredients.

* * * * *

(d) Parmesan cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these.

(e) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) If parmesan cheese in sliced or cut form contains an optional mold-inhibiting ingredient as provided for in paragraph (d) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

2. Section 19.610 *Romano cheese* * * * is amended by inserting therein a new paragraph (d) and by redesignating old paragraphs (d) and (e) as (e) and (f), respectively. As amended, the affected portions of this section read as follows:

§ 19.610 Romano cheese; identity; label statement of optional ingredients.

* * * * *

(d) Romano cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these.

(e) When romano cheese is made solely from cow's milk, the name of such cheese is "Romano cheese made from cow's milk," and may be preceded by the word "Vaccino" (or "Vacchino"); when made solely from sheep's milk, the name is "Romano cheese made from sheep's milk," and may be preceded by the word "Pecorina"; when made solely from goat's milk, the name is "Romano cheese made from goat's milk," and may be preceded by the word "Caprino"; and when a mixture of two or all of the milks specified in this section is used, the name of the cheese is "Romano cheese made from _____," the blank being filled in with the names of the milks used, in order of predominance by weight.

(f) (1) If the milk used is bleached, the label shall bear the statement "Milk bleached with benzoyl peroxide."

(2) If romano cheese in sliced or cut form contains an optional mold-inhibiting ingredient as provided for in paragraph (d) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

3. Section 19.620 is amended by changing the heading and text of the section to read as follows:

§ 19.620 Asiago medium cheese; identity; label statement of optional ingredients.

Asiago medium cheese conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 35 percent moisture, its solids contain not less than 45 percent of milk fat, and it is cured for not less than 6 months.

4. Section 19.625 is amended by changing the heading and text of the section to read as follows:

§ 19.625 Asiago old cheese; identity; label statement of optional ingredients.

Asiago old cheese conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 32 percent moisture, its solids contain not less than 42 percent of milk fat, and it is cured for not less than 1 year.

5. Section 19.650 is amended by changing the section heading, by adding a new paragraph (d) and redesignating old paragraphs (d) and (e) as (e) and (f), respectively. As amended, the affected portions of this section read as follows:

§ 19.650 Hard cheeses; identity; label statement of optional ingredients.

* * * * *

(d) Hard cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these.

(e) The name of each hard cheese for which a definition and standard of identity is prescribed by this section is "Hard cheese," preceded or followed by:

(1) The specific common or usual name of such hard cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized, therefor, an arbitrary of fanciful name that is not false or misleading in any particular.

(f) (1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If hard cheeses in sliced or cut form contain an optional mold-inhibiting ingredient as provided for in para-

graph (d) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

6. Section 19.680 *Hard grating cheeses* * * * is amended by inserting therein a new paragraph (d) and by redesignating old paragraphs (d) and (e) as (e) and (f), respectively. As amended, the affected portions of this section read as follows:

§ 19.680 Hard grating cheeses; identity; label statement of optional ingredients.

* * * * *

(d) Hard grating cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid, potassium sorbate, sodium sorbate, or any combination of two or more of these.

(e) The name of each hard grating cheese for which a definition and standard of identity is prescribed by this section is "Hard grating cheese," preceded or followed by:

(1) The specific common or usual name of such hard grating cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name that is not false or misleading in any particular.

(f) (1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If hard grating cheeses in sliced or cut form contain an optional mold-inhibiting ingredient as provided for in paragraph (d) of this section, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the common name or names of the mold-inhibiting ingredient or ingredients used.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Any person who will be adversely affected by the foregoing order may within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: February 12, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1601; Filed, Feb. 17, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATING

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1210) filed by Jones-Dabney Company, Division of Devoe and Raynolds Company, Inc., P.O. Box 8248, Station E, Louisville, Kentucky, 40208, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of tetraethylenepentamine reacted with equimolar quantities of natural fatty acids as a catalyst for epoxy resins used in the production of resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), paragraph (b)(3)(viii)(*b*) of § 121.2514 *Resinous and polymeric coatings* is amended by inserting alphabetically therein the following new item: "Tetraethylenepentamine reacted with equimolar quantities of natural fatty acids."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 12, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1602; Filed, Feb. 17, 1964; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.505]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to accord exchange visitors the same treatment accorded other nonimmigrants with regard to retention of quota registration priority, to permit consular officers to remove from existing quota waiting lists the names of aliens who do not have a serious intention of immigrating to the United States and to provide for the restoration of an alien's original priority date where he has maintained a continuing intention to immigrate and was unable to meet the requirements for retention on the quota waiting list because of reasons beyond his control.

1. Section 42.63 is amended to read as follows:

§ 42.63 Aliens not to be registered.

(a) The name of an alien in the United States, other than one who is the beneficiary of a first preference quota petition, shall not be entered on a quota waiting list if he (1) has been admitted into the United States as a nonimmigrant and has willfully violated his nonimmigrant status, or (2) is in the United States in violation of the immigration laws.

(b) An alien, including one who is the beneficiary of a second, third or fourth preference quota petition who has been denied registration under paragraph (a) of this section and who has maintained a continuing intention to immigrate into the United States may, upon his application, be registered on a quota waiting list with a priority not antedating the date of his departure from the United States.

* * * * *

2. Section 42.66 is amended to read as follows:

§ 42.66 Cancellation of registration.

(a) Except as provided in paragraph (b) of this section, the registration of a quota immigrant shall be cancelled under any of the following circumstances: (1) The registrant is issued an immigrant visa; (2) The registrant is refused a visa; (3) The registrant was erroneously registered; (4) The registant dies; (5) The registrant abandons his intention to immigrate to the United States; (6) The registrant fails to respond within sixty days to a notification that his name has been reached on the quota waiting list; (7) The registrant responds within sixty days to a notification that his name has been reached on the quota waiting list but indicates that he is unwilling or unable to immigrate to the United States at this time; (8) The registrant, if admitted into the United States as a nonimmigrant, willfully violates his nonimmigrant status; or (9) The registrant enters or remains in the United States in violation of the immigration laws.

(b) The priority of registration established by the filing date of a petition approved to accord first preference quota status under the provisions of section 203(a)(1) of the Act shall not be cancelled unless the petition according first preference status is revoked by the Immigration and Naturalization Service, or, if it has expired, the Service has refused to revalidate it.

3. Section 42.67 is amended to read as follows:

§ 42.67 Reinstatement of priority and new registration following cancellation.

(a) *Reinstatement.* An alien whose registration has been cancelled under the provisions of paragraph (a) of § 42.66, in the absence of evidence that he has abandoned his intention to immigrate to the United States, may be accorded his original priority on the quota waiting list in the following circumstances: (1) The alien's name has been removed from the quota waiting list under paragraph (a)(1) of § 42.66 and he fails to use the immigrant visa for reasons beyond his control and he makes application for another visa in the quota year immediately following the quota year in which the visa was originally issued; (2) The alien's name has been removed from the quota waiting list under paragraph (a)(2) of § 42.66 and he makes application for a visa within two years from the date the visa was refused, the ground of ineligibility having been overcome; (3) The alien's name has been removed from the quota waiting list under paragraph (a)(6) of § 42.66 and within two years of the date his name was removed he establishes to the satisfaction of the consular officer that his failure to respond was for reasons beyond his control, and he presents all of the documentation required to qualify for a visa; (4) The alien's name has been removed from the quota waiting list under paragraph (a)(7) of § 42.66 and within two years of the date his name was removed he applies for a visa and presents all of the required documentation; or (5) The alien has failed to meet the time limitations specified in the preceding subparagraphs, but the principal officer or, at a diplomatic mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General, determines that the alien has maintained a continuing intention to immigrate to the United States and that his failure to apply or furnish required documentation within the prescribed period of time was for reasons beyond his control.

(b) *New registration following cancellation.* An alien whose name has been removed from the quota waiting list under paragraph (a) (8) or (9) of § 42.66 who has maintained a continuing intention to immigrate may, upon application, be granted a priority on the quota waiting list which does not antedate the date of his departure from the United States.

Effective date: The amendments to the regulations contained in this order shall become effective on publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: February 10, 1964.

CHARLES H. MACE,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 64-1591; Filed, Feb. 17, 1964; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

Miscellaneous Amendments

On page 8250 of the FEDERAL REGISTER of August 10, 1963, there was published a notice of intention to amend §§ 131.8, 131.12, and 131.18 of Title 25, Code of Federal Regulations. The purposes of the amendments are: (1) To provide 99-year leasing authority for land on reservations where such authority has been granted by acts of Congress as set forth in the regulations; (2) to set forth an interpretation by this Department as to when leases for farming purposes may be made for periods of not to exceed 25 years under section 1 of the Act of August 9, 1955 (69 Stat. 539; 25 U.S.C. 415); and (3) to include provisions governing encumbrances of a lessee's interest for the purposes of borrowing capital for the development and improvement of the leased premises and for assignment of the leasehold interest without further approval by the Department under certain circumstances as stated in the regulation.

Interested persons were given an opportunity to submit their comments, suggestions or objections in writing on the proposed amendments within thirty days from the date of publication of the notice in the FEDERAL REGISTER. During the thirty-day period, no comments, suggestions or objections were received. However, after giving the matter further consideration, certain changes have been found to be necessary. These changes are as follows:

1. In § 131.8, change the second sentence to read as set forth below.

The purpose of this change is to eliminate a possible ambiguous construction of §§ 131.8 and 131.5(b) (1) and (2) to require a rental adjustment in leases authorized to be made for a nominal rental.

2. In proposed § 131.8(a), after "the Southern Ute Reservation, Colo.;" insert "the Fort Mojave Reservation, Calif., Ariz. and Nev.;". Ninety-nine year leasing authority for the Fort Mojave Reservation was made available by Public Law 88-167, dated November 4, 1963.

3. Proposed § 131.12(a) is changed by deleting the words "(b) and (c)" and substituting therefor "(b), (c), and (d)" and by adding new paragraph (d) to § 131.12.

The purpose of this amendment is to permit the approval of leases designed to provide housing for Indians without securing a Secretarial waiver in each case where leases in the form negotiated with housing agencies of the United States and approved by the Secretary are used. These forms provide that the lender or the United States, when it makes, insures or guarantees a loan, may assign the lease without consent or approval after it has acquired the leasehold used as security by foreclosure or otherwise. In certain instances these forms also permit the lessee to assign the lease without approval, since the housing agencies insisted that this right exist before they would make, guarantee or insure a loan.

4. In the third sentence of the proposed § 131.12(d), delete "for a period not to extend beyond the term of the encumbrance," and substitute a comma therefor between the words "lease" and "provided,". The language deleted is too restrictive and may seriously hamper the development of leased land.

5. Section 131.14 *Violation of lease* is amended to read as set forth below.

The purpose of this amendment is also to permit the approval of leases designed to provide housing for Indians without securing a Secretarial waiver in each case where leases in the form negotiated with housing agencies of the United States and approved by the Secretary are used. These forms provide that the lease cannot be cancelled or terminated during the period that a loan, loan insurance or loan guarantee is in effect without the approval of the lender or the agency of the United States which has made, insured or guaranteed the loan.

Changes numbered 1, 3, and 5 herein were not included in the proposed rule making publication. Change No. 1, is not a substantive change but is merely for clarification purposes.

Change No. 3 deals with leases of tribal land for purposes of providing housing for Indians under Federal housing pro-

grams. This change contains substantially the same provisions as are found in § 131.12(c) of the proposal published as rule making with minor deviation to cover this particular type of lease.

Change No. 5 also deals with leases of tribal land for purposes of providing housing for Indians under Federal programs.

With these changes, the regulations will cover the provisions that have been approved by the Department and affected Federal agencies regarding this type of lease. The making of these provisions regulatory will permit approval of such leases by field officials of the Bureau of Indian Affairs, thus avoiding the need of obtaining Secretarial approval in each case. As several Indian tribes are anxious to begin urgently needed housing projects under Federal programs without delay, it has been determined that notice and public procedure on these changes are impracticable.

The proposed amendments to the regulations with the changes mentioned above are hereby adopted and are set forth below.

Because these amendments will greatly assist in clarifying the leasing authorities as well as resolve certain existing problems by authorizing greater latitude by the approving officer thereby eliminating delays in processing leases to approval, it has been determined that it is in the best interest of the Indians and the public to make these authorities immediately available. Therefore, the amendments shall become effective on the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 12, 1964.

1. The introductory text and paragraphs (a) and (b) of § 131.8 are amended to read as follows:

§ 131.8 Duration of leases.

Leases granted or approved under this part shall be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the owner consistent with prudent management and conservation practices, and except as otherwise provided in this part shall not exceed the number of years provided for in this section. Except for those leases authorized by § 131.5(b) (1) and (2), unless the consideration for the lease is based primarily on percentages of income produced by the land, the lease shall provide for periodic review, at not less than five-year intervals, of the equities involved. Such review shall give consideration to the economic conditions at the time, exclusive of improvement or development required by the contract or the contribution value of such improvements. Any adjustments of rental resulting from such review may be made by the Secretary where he has the authority to grant leases, otherwise the adjustment must be made with the written concurrence of the owners and the approval of the Secretary.

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed twenty-five years, except such leases of land on the Dania Reservation, Fla.; the Navajo Reservation, Ariz., N. Mex., and Utah; the Palm Springs Reservation, Calif.; the Southern Ute Reservation, Colo.; the Fort Mojave Reservation, Calif., Ariz. and Nev.; and land on the Colorado River Reservation, Ariz. and Calif., as stated in § 131.18(a); which leases may be made for terms of not to exceed ninety-nine years.

(b) Leases may be made for 25 years for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops. To determine whether a long term lease is justified, it is necessary to give consideration to the nature of the crop to be grown, including the feasibility of growing the proposed crop. The amount or substantiality of the investment, as well as the necessity of such an investment in order to grow the proposed crop, are also elements to consider in evaluating the term of the proposed lease.

* * * * *

2. Section 131.12 is amended to revise paragraph (a) and add new paragraphs (c) and (d):

§ 131.12 Subleases and assignments.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a sublease, assignment, amendment or encumbrance of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties to such lease or permit, including the surety or sureties.

* * * * *

(c) With the consent of the Secretary, the lease may contain provisions authorizing the lessee to encumber his leasehold interest in the premises for the purpose of borrowing capital for the development and improvement of the leased premises. The encumbrance instrument, must be approved by the Secretary. If a sale or foreclosure under the approved encumbrance occurs and the encumbrancer is the purchaser, he may assign the leasehold without the approval of the Secretary or the consent of the other parties to the lease, provided, however, that the assignee accepts and agrees in writing to be bound by all the terms and conditions of the lease. If the purchaser is a party other than the encumbrancer, approval by the Secretary of any assignment will be required, and such purchaser will be bound by the terms of the lease and will assume in writing all the obligations thereunder.

(d) With the consent of the Secretary, leases of tribal land to individual members of the tribe or to tribal housing authorities may contain provisions permitting the assignment of the lease without further consent or approval where a lending institution or an agency of the United States makes, insures or guarantees a loan to an individual member of the tribe or to a tribal housing authority for the purpose of providing funds for the construction of housing for Indians on the leased premises; provided, the leasehold has been pledged as security for the loan and the lender has obtained the leasehold by foreclosure or otherwise. Such leases may with the consent of the Secretary also contain provisions permitting the lessee to assign the lease without further consent or approval.

3. Section 131.14 is amended to read as follows:

§ 131.14 Violation of lease.

Upon a showing satisfactory to the Secretary that there has been a violation of the lease or the regulations in this part, the lessee shall be served with written notice setting forth in detail the nature of the alleged violation and allowing him ten days from the date of receipt of notice in which to show cause why the lease should not be cancelled. The surety or sureties shall be sent a copy of each such notice. If within the ten-day period, it is determined that the breach may be corrected and the lessee agrees to take the necessary corrective measures, he will be given an opportunity to carry out such measures and shall be given a reasonable time within which to take corrective action to cure the breach. If the lessee fails within such reasonable time to correct the breach or to furnish satisfactory reasons why the lease should not be cancelled, the lessee shall forthwith be notified in writing of the cancellation of the lease and demands shall be made for payment of all obligations and for possession of the premises. The notice of cancellation shall inform the lessee of his right to appeal pursuant to Part 2 of this chapter. Where breach of contract can be satisfied by the payment of damages, the Secretary may approve the damage settlement between the parties to the lease, or where the Secretary has granted the lease, he may accept the damage settlement. With the consent of the Secretary, leases of tribal land to individual members of the tribe or to tribal housing authorities for the purpose of providing lands on which housing for Indians is to be constructed, may contain a provision prohibiting the cancellation or termination of the lease during the period that a loan, loan insurance, or loan guarantee is in effect without the approval of the lender or the agency of the United States which has made, insured or guaranteed the loan for the construction of housing on the leased premises.

4. Section 131.18(a) is amended to read as follows:

§ 131.18 Colorado River Reservation.

(a) The Secretary may lease any unassigned lands on the Colorado River Reservation, Ariz. and Calif., for such uses and terms as are authorized by the regulations in this Part 131. This authority does not extend to any lands lying west of the present course of the Colorado River and south of section 25 of township 2 south, range 23 east, San Bernardino base and meridian, Calif. Lands on this reservation heretofore assigned to individual Indians may be leased by the holders of the assignments

in accordance with the regulations in this part.

* * * * *

[F.R. Doc. 64-1576; Filed, Feb. 17, 1964; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—APPLICATIONS AND ENTRIES

[Circular No. 2133]

PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

Use of Certified Mail; When Mailing Requirements Are Met

The purpose of this amendment is to incorporate into the regulations the principle that the requirement for mailing is met when the communication has been mailed to the last address of record of the addressee, regardless of whether it is received. This principle has been enunciated in Departmental decisions.

These rules relate to agency procedure or practice and are not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the amendment incorporates an established principle into the regulations.

This amendment shall become effective on publication in the FEDERAL REGISTER.

The caption of § 101.19 is revised, the existing paragraph is designated as (a) and new paragraphs (b) and (c) are added as follows:

§ 101.19 Use of certified mail; when mailing requirements are met.

* * * * *

(b) Where the regulations in this chapter provide for communication by mail by the authorized officer, the requirement for mailing is met when the communication, addressed to the addressee at his last address of record in the appropriate office of the Bureau of Land Management, is deposited in the mail.

(c) Where the authorized officer uses the mails to send a notice or other communication not provided for by Subchapter P of this Title to any person entitled to such a communication under the regulations of this chapter, that person will be deemed to have received the communication if it was delivered to his last address of record in the appropriate office of the Bureau of Land Management, regardless of whether it was in fact received by him. An offer of delivery which cannot be consummated at such last address of record because the addressee had moved therefrom without leaving a forwarding address or because delivery was refused or because no such address exists will meet the requirements of this section where the attempt to deliver is substantiated by post office authorities.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 12, 1964.

[F.R. Doc. 64-1578; Filed, Feb. 17, 1964; 8:45 a.m.]

SUBCHAPTER F—COLOR TITLE AND RIPARIAN CLAIMS

[Circular No. 2134]

PART 140—GENERAL REGULATIONS GOVERNING COLOR OF TITLE CLAIMS

Classes of Claims

The purpose of this amendment is to incorporate into the regulations the rules that color of title claims initiated while the land was withdrawn or reserved for Federal purposes and claims based on occupancy with knowledge that the land was owned by the United States are not valid claims under the act of December 22, 1928 (45 Stat. 1069), as amended by the act of July 28, 1953 (67 Stat. 227; 43 U.S.C. 1068, 1068a).

These rules involve matters relating to public property and are not required by law to be published as proposed rule-making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, it is deemed unnecessary in this instance because the changes being made merely incorporate into the regulations principles already announced in Departmental decisions such as Roland W. Getchell et al., A-29147 (February 28, 1963) and Walter G. Kreuter, A-29065 (October 22, 1962). Accordingly, these rules shall become effective upon the date of publication in the FEDERAL REGISTER.

Section 140.3 is amended to read as follows:

§ 140.3 Classes of claims.

(a) The claims recognized by the act will be referred to in this part as claims of class 1, and claims of class 2. A claim of class 1 is one which has been held in good faith and in peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color of title for more than 20 years, on which valuable improvements have been placed, or on which some part of the land has been reduced to cultivation. A claim of class 2 is one which has been held in good faith and in peaceful, adverse possession by a claimant, his ancestors or grantors, under claim or color of title for the period commencing not later than January 1, 1901, to the date of application, during which time they have paid taxes levied on the land by State and local governmental units.

(b) A claim is not held in good faith where held with knowledge that the land is owned by the United States. A claim is not held in peaceful, adverse possession where it was initiated while the land was withdrawn or reserved for Federal purposes.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 12, 1964.

[F.R. Doc. 64-1579; Filed, Feb. 17, 1964; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte No. MC-30]

PART 170—COMMERCIAL ZONES

Cincinnati, Ohio, Commercial Zone

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 11th day of February A.D. 1964.

It appearing, that by petition filed July 8, 1963, Northern Kentucky Industrial Foundation, Inc., Covington-Kenton-Boone Chamber of Commerce, Kentucky Department of Commerce, Kentucky State Chamber of Commerce, and Cincinnati Chamber of Commerce seek an extension of the limits of the zone adjacent to and commercially a part of Cincinnati, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from points beyond the zone, is partially exempt from certain requirements of the Interstate Commerce Act under the provisions of section 203(b)(8) thereof, as previously defined in 26 M.C.C. 49, 41 M.C.C. 227, 46 M.C.C. 733, and the Commission's order of February 21, 1963, so as to include that area of Kentucky starting from the Kenton-Boone County line southeast of the point of interchange between Donaldson Road (Kentucky Highway 236) and Interstate Highway 75 and following said Interstate Highway 75 southeast and southward to a point directly west of Devon, Boone County, Ky., thence by a straight line eastward and northeastward to and over Richardson Road and Turkeyfoot Road (Kentucky Highway 1303) in Kenton County, Ky., to the southern boundary of Edgewood, Kenton County, Ky.;

It further appearing, that by petition filed June 27, 1963, the Cincinnati Chamber of Commerce seeks a redefinition of the above-described Cincinnati commercial zone so as to clarify the boundaries of the Ohio portion of that zone in light of changes which have been made in certain townships within the presently existing zone and to enlarge the Ohio portion of the zone to a very limited degree;

It further appearing, that hearing on the above-described petitions was held before Examiner William J. Cave on Monday, December 9, 1963, in Cincinnati, and continued to a later date to be determined by the Commission;

It further appearing, that by letter of January 27, 1964, Huey Motor Express

and Robert O'Nan, doing business as O'Nan Transportation Company, the sole interveners in opposition to the proposed extension of the Kentucky portion of the zone, withdrew their opposition to the petition, and that there is no opposition to the proposed redefinition of the Ohio portion of the zone;

It further appearing, that by a verified statement of fact filed February 6, 1964, petitioners submitted additional evidence in support of extension of the Kentucky portion of the zone, and indicated their willingness to amend their petition to restrict the territory sought to include only that area hereafter described;

Wherefore, and good cause appearing therefor:

It is ordered, That the verified statement be, and it is hereby, accepted in the record herein, and that the record in the above-entitled proceeding be, and it is hereby, closed.

It further appearing, that due and timely execution of the Commission's functions requires the omission of an examiner's report and recommended order in the above-entitled proceeding;

And it further appearing, that investigation of the matters and things involved in said petitions has been made;

It is ordered, That the above-entitled proceeding be, and it is hereby, reopened for further consideration;

Wherefore, and good cause appearing therefor:

We find, that the zone adjacent to and commercially a part of Cincinnati, Ohio, as contemplated by section 203(b) (8) of the Interstate Commerce Act, should be modified to include those areas described in the next succeeding paragraph herein:

It is ordered, That the order entered in this proceeding on February 21, 1963 (49 CFR 170.7), be, and it is hereby, vacated and set aside and the following revision hereby substituted in lieu thereof:

§ 170.7 Cincinnati, Ohio.

The zone adjacent to, and commercially a part of, Cincinnati, Ohio, and contiguous municipalities in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203(b) of the act is hereby defined to include the following:

Addyston, Ohio.	Mariemont, Ohio.
Cheviot, Ohio.	North Bend, Ohio.
Cincinnati, Ohio.	Norwood, Ohio.
Cleves, Ohio.	St. Bernard, Ohio.
Elmwood Place, Ohio.	Covington, Ky.
Fairfax, Ohio.	Newport, Ky.

That part of Ohio bounded by a line commencing at the intersection of the Colerain-Springfield Township line and corporate limits of Cincinnati, Ohio, and extending along said township line in a northerly direction to its intersection with the Butler-Hamilton County line, thence in an easterly direction along said county line to its intersection with Ohio Highway 4, thence in a northerly direction along Ohio Highway 4 to its intersection with Mulhauser Road, thence in an easterly direction along said road to the terminus thereof west of the tracks of the Pennsylvania Railroad, thence continuing in an easterly direction in a straight line to Allen Road, thence along the latter to the junction thereof with U.S. Highway 25, thence in a southerly direction along U.S. Highway 25 to the Butler-Hamilton County line, thence along the said county line and the Warren-Hamilton County line in an easterly direction to the Symmes-Sycamore Township line, thence in a southerly direction along the Symmes-Sycamore Township line to its intersection with the Columbia Township line, thence in a westerly direction along the Sycamore-Columbia Township line of Madeira Township, thence in a clockwise direction around the boundary of Madeira Township to the Sycamore-Columbia Township line, thence in a westerly direction along said township line to Silverton Township, thence in a southerly direction along the Silverton-Columbia Township line to the Cincinnati corporate limits, thence in a southerly direction along said corporate limits to junction with Red Bank Road, thence in a southerly direction over Red Bank Road to the Cincinnati corporate limits.

That part of Kenton County, Ky., lying on and north of a line commencing at the intersection of the Kenton-Boone County line and Dixie Highway (U.S. Highways 25 and 42), and extending over said highway to the corporate limits of Covington, Ky., including communities on the described line.

That part of Campbell County, Ky., lying on and north of a line commencing at the south corporate limits of Newport, Ky., and extending along Licking Pike (Kentucky Highway 9) to junction with Johns Hill Road, thence along Johns Hill Road to junction with Alexandria Pike (U.S. Highway 27), thence northward along Alexandria Pike to junction with River Road (Kentucky Highway 445), thence over the latter to the Ohio River, including communities on the described line.

That part of Boone County, Ky., bounded by a line beginning at the Boone-Kenton County line west of Erlanger, Ky., and extending in a northwesterly direction along Donaldson Highway to the Kenton County Airport, thence clockwise around the outer perimeter of said airport to the northern tip thereof, thence in a northeasterly direction along Kentucky Highway 1334 to junction with Kentucky Highway 20, and thence along the latter to the Boone-Kenton County line.

That part of Boone and Kenton Counties, Ky., bounded by a line commencing at the intersection of U.S. Highway 42 and the Boone-Kenton County line and extending in a southwesterly direction along said highway to junction Interstate Highway 75, thence in a southerly direction along Interstate Highway 75 to a point 2 miles south of the Florence, Ky., corporate limits, thence in a straight line in a northeasterly direction to Richardson Road, thence in an easterly direction over Richardson Road to junction with Kentucky State Route 1303 (Turkeyfoot Road), thence in a northerly direction over Kentucky State Route 1303 to the southern boundary of Edgewood, Kenton County, Ky.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective 30 days from the date of service hereof, and continue in effect until further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1587; Filed, Feb. 17, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BANK OF WORCESTER AND NATIONAL COMMERCIAL BANK AND TRUST CO.

Notice of Decision Granting Application To Merge

On October 24, 1963, the $436 million National Commercial Bank and Trust Company, Albany, N.Y., and the $2.9 million Bank of Worcester, Worcester, N.Y., applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On January 17, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 64-1594; Filed, Feb. 17, 1964; 8:47 a.m.]

DANVERS NATIONAL BANK AND SECURITY TRUST CO.

Notice of Decision Granting Application To Consolidate

On November 21, 1963, the $9.9 million Danvers National Bank, Danvers, Mass., and the $30.9 million Security Trust Company, Lynn, Mass., applied to the Comptroller of the Currency for permission to consolidate under the charter of the former with the title, "The Security-Danvers National Bank."

On January 24, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 64-1595; Filed, Feb. 17, 1964; 8:47 a.m.]

FARMERS & MERCHANTS NATIONAL BANK OF WILLIAMSBURG AND FIRST NATIONAL BANK OF CLAYSBURG

Notice of Decision Granting Application To Merge

On November 19, 1963, the $9.2 million First National Bank of Claysburg, Claysburg, Pa., and the $2 million Farmers & Merchants National Bank of Williamsburg, Williamsburg, Pa., applied to the Comptroller of the Currency for permission to merge under the charter of the former and with the title "The Central Pennsylvania National Bank of Claysburg."

On January 20, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 64-1596; Filed, Feb. 17, 1964; 8:47 a.m.]

FIRST NATIONAL BANK OF LACONA AND MERCHANTS NATIONAL BANK AND TRUST COMPANY OF SYRACUSE

Notice of Decision Granting Application To Merge

On November 26, 1963, the $127.7 million Merchants National Bank and Trust Company of Syracuse, Syracuse, N.Y., and the $3.4 million First National Bank of Lacona, Lacona, N.Y., applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On January 24, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 64-1597; Filed, Feb. 17, 1964; 8:47 a.m.]

NATIONAL BANK OF COMMERCE OF HOUSTON AND TEXAS NATIONAL BANK OF HOUSTON

Notice of Decision Granting Application To Consolidate

On September 9, 1963, the $519.9 million National Bank of Commerce of Houston, Houston, Tex., and the $340.7 million Texas National Bank of Houston, Houston, Tex., applied to the Comptroller of the Currency for permission to consolidate under the charter of the former and with the title "Texas National Bank of Commerce of Houston".

On January 13, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH, *Administrative Assistant to the Comptroller of the Currency.*

[F.R. Doc. 64-1598; Filed, Feb. 17, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NEVADA AND UTAH

Transfer of Land Records for Certain Public Domain Allotments to Phoenix Area Office

In accordance with 25 CFR 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order No. 2508 (26 F.R. 11395), notice is hereby given that the official custody of all source title documents and land records pertaining to the Duck Valley Public Domain Allotments in the States of Nevada and Idaho, Duckwater Public Domain Allotments in the State of Nevada, Fort McDermitt Public Domain Allotments in the State of Nevada, Goshute Public Domain Allotments in the States of Nevada and Utah, Las Vagas Public Domain Allotments in the State of Nevada, Miscellaneous Nevada Public Domain Allotments in the State of Nevada, Reno-Sparks Public Domain Allotments in the State of Nevada, Ruby Valley Public Domain Allotments in the State of Nevada, Skull Valley Public Domain Allotments in the State of Utah, Summit Lake Public Domain Allotments in the State of Nevada, Washoe (Pinenut) Public Domain Allotments in the State of Nevada, Winnemucca Public Domain Allotments in the State of Nevada and Yomba Public Domain Allotments in the State of Nevada have been transferred from the city of Washington, D.C., to the Phoenix Area Office, Bureau of Indian Affairs, 124 West Thomas Road, Phoenix, Ariz.

Effective February 10, 1964, the Phoenix Area Office will be the office for the maintenance of such records.

JOHN O. CROW, *Deputy Commissioner.*

FEBRUARY 11, 1964.

[F.R. Doc. 64-1577; Filed, Feb. 17, 1964; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 26]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 7, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government

policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP

	Gross tonnage
Total—all flags (195 ships)	1,457,124
British (63 ships)	533,313
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
*Ardsirod	7,025
Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,866
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
*Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Mulberry Hill	7,121
Newgate	6,743
Newlane	7,043
Oak Hill	7,189
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,368
Ruthy Ann	7,361
Santa Granda	7,229
Shienfoon	7,127
Silverforce	8,058
**Silverlake (now Jalaganga—Indian flag)	8,058
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
*Streatham Hill	7,130
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,378
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	6,414
Zela M	7,237

*Added to Report No. 25 appearing in the FEDERAL REGISTER issue of January 31, 1964.
**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
Greek (44 ships)	246,103
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stellos II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag.	
Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	16,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (45 ships)	299,384
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,864
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
*Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,262
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftrio	7,176
Malou	7,145

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
Lebanese—Continued	
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Pansgos	7,133
Parmarina	6,721
Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanrilas	10,051
Italian (7 ships)	52,464
Achille	6,950
Airone	6,969
Annalisa	2,479
Aspromonte	7,154
Nazareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (11 ships)	73,365
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
*Huta Ostrowiec	7,175
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,268
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica	7,145
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Spanish (4 ships)	6,563
Castillo Ampudia	3,566
Escorpion	999
Sierra Madre	999
Sierra Maria	999

FLAG OF REGISTRY AND NAME OF SHIP—Con.

	Gross tonnage
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Indian:	
**Jalaganga (trip to Cuba under ex-name, Silverlake—British flag).	
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Greek (8 ships):	
Despoina	5,006
Echaris	7,249
Eftychia	7,223
Kostis	7,264
Maria de Lourdes	7,219
Maria Santa	7,217
Polyxeni	7,143
Vassiliki (Tanker)	10,507
Italian (1 ship):	
Cannaregio	7,184

b. Previous reports:

Flag of registry:	Number of ships
British	6
Danish	1
German (West)	1
Greek	6
Italian	2
Japanese	1
Norwegian	2

SEC. 3. The ships listed in Sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 7, 1964:

Flag of registry	Number of trips										
	1963								1964		
	Jan.–Mar.	Apr.–June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Total
British	21	45	14	11	8	10	12	12	12		145
Greek	18	37	17	7	8	8	2	2	1	2	102
Lebanese	3	25	8	3	4	10	5	6	5	1	70
Norwegian	6	3	1	2	1			1	2		16
Italian	3	7	2	2		1	1		1		17
Yugoslav	4	2	1	1	2		2		1		13
Spanish	2		1	1	1		1	2			8
Danish	1										1
Finnish		1									1
French						5	1		2		8
German (West)		1									1
Japanese	1										1
Moroccan	1	1	1	1	1	2	1	1			9
Swedish		2		1							3
Subtotal	60	124	45	29	30	32	24	26	22	3	395
Polish	4	6	1	1		2	3	1	1		19
Grand total	64	130	46	30	30	34	27	27	23	3	414

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: February 12, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64–1657; Filed, Feb. 17, 1964; 10:20 a.m.]

Office of the Secretary

[Dept. Order 171, Rev.; Amdt. 1]

AREA REDEVELOPMENT ADMINISTRATION

Organization and Functions

The material appearing at 28 F.R. 12635–12636 of November 27, 1963, is amended as follows:

The organization and Function Supplement to Department Order No. 171 (Revised) of November 7, 1963 is hereby amended as follows:

1. Section 2.01 4 is amended to read:

SEC. 2. *Organization.*

4. Office of Operations:

Community Services Division.
Federal Procurement Division.
Management Assistance Division.

Regional Divisions:

Northeast Division.
Lake States Division.
Appalachian Division.
Northwest Division.
Southeast Division.
Southwest Division.

2. Section 2.01 5 is amended to delete "Management Assistance Division."

3. Section 6 is amended to read:

SEC. 6. *Functions of the Office of Operations.* .01 The Office of Operations shall:

1. Administer programs to stimulate and assist communities and businesses on area redevelopment matters;

2. Encourage Federal procurement in redevelopment areas, and coordinate efforts to ease the impact of the relocation of Federal field installations;

3. Direct activities of Field Coordinators who represent the Administration in various field locations;

4. Coordinate activities of delegate agencies and Area Redevelopment Administration offices in connection with the preparation of economic development programs and the review of assistance proposals submitted by applicants:

5. Recommend to the Administrator the approval or disapproval of assistance applications; and

6. Provide management assistance to recipients of Area Redevelopment Administration loans and/or grants where there is evidence of financial difficulty and recommend appropriate action to alleviate or eliminate the unfavorable situation.

.02 The Office of Operations shall comprise the Community Services Division, Federal Procurement Division, Management Assistance Division, Northeast Division, Lake States Division, Appalachian Division, and Northwest Division, Southeast Division, and Southwest Division.

4. Section 7.01 1 is amended to read:

SEC. 7. *Functions of the Office of Administration and Finance.* .01 The Office of Administration and Finance shall:

1. Assist the Administrator in formulating financial assistance policies and criteria, review and make recommendations on financial aspects of loan or grant applications, and monitor financial operations of active loan and grant projects;

2. Be responsible for administrative issuances, statistics and reports, program analysis, budgeting, accounting, auditing, personnel management, and administrative services;

3. Establish and promulgate financial assistance policies, programs, and standards;

4. Recommend to the Administrator the financing of assistance projects and, as indicated, suggest alternative methods of financing for various projects;

5. Develop and promulgate administrative and management policies, programs, and standards; and

6. Provide for continuing progress reporting and program evaluation.

5. Section 7.02 is amended to delete "and Management Assistance Division."

Effective date: February 4, 1964.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 64-1589; Filed, Feb. 17, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1323) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, proposing that the list of substances in paragraph (c)(5) of § 121.2520 *Adhesives* be amended by inserting alphabetically in the list of monomers under the item "Polymers: Homopolymers and copolymers * * *," the new monomer "Triallyl cyanurate."

Dated: February 10, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1584; Filed, Feb. 17, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Order No. E-20469]

AMERICAN AIRLINES, INC., ET AL.

Order Regarding Tariff Commodity Descriptions for Specific Commodity Rates

An agreement filed pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended, involving American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc. (also operating as Northwest Orient Airlines), Riddle Airlines, Inc., The Slick Corporation (also operating as Slick Airways) Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1964.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended, and Part 261 of the Board's Economic Regulations, an amendment to the previously approved Agreement CAB 14766[1] between various air carriers embodying a system of uniform tariff commodity descriptions for the purpose of providing appropriate specific commodity descriptions for tariff use.

Agreement CAB 14766-A6 sets forth a revised list of commodity descriptions proposed for use in lieu of the list of descriptions in the previously approved agreement. The majority of descriptions in the revised list were also included as acceptable commodity descriptions in the prior agreement. The remainder are either minor modifications of such descriptions or entirely new descriptions.

The proposed amendment indicates a further endeavor toward the use of commodity descriptions which are not inconsistent with the Board's Economic Regulations.

The Board, acting pursuant to sections 102, 204(a), 412, and 414, of the Federal Aviation Act of 1958, as amended, does not find Agreement CAB 14766-A6 to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 14766-A6 is hereby approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1603; Filed, Feb. 17, 1964; 8:48 a.m.]

[Docket No. 13777; Order No. E-20466]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Charges for Golfing Equipment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1964.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated C.A.B. Agreement number.

The agreement permits the introduction of a reduced baggage rate for golfing equipment within Traffic Conference 3.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution 300 (Mail 163) 311d, which is incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17577, be and hereby is approved.

[1] Approved by Order No. E-16658 dated Apr. 13, 1961.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1604; Filed, Feb. 17, 1964; 8:48 a.m.]

[Docket No. 13890; Order No. E-20468]

STANDARD AIRWAYS INC.

Order of Immediate Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1964.

Pursuant to Order E-18883, dated October 5, 1962, Standard Airways, Inc. (Standard) was awarded an interim certificate to engage in supplemental air transportation pursuant to Public Law 87-528, pending disposition of its applications for certificates of public convenience and necessity under section 401(d)(3) of the Federal Aviation Act of 1958, as amended (Act).

Section 401(n) of the Act gives the Board express statutory authority to impose certain requirements upon supplemental carriers that will assure the public of financially responsible and safe transportation. Maintenance of liability insurance, in such amount as prescribed by the Board, is made mandatory, as well as the requirement that the carrier be, and continue to be, fit, willing and able to perform the services authorized, and to conform to the provisions of the Act and the requirements thereunder. The foregoing requirements were expressly attached as conditions to the authority granted Standard in its interim certificate.

Recent developments have convinced the Board that the carrier is no longer financially fit within the meaning of the statute, and that immediate action is required to suspend its operating authority. The carrier's financial condition has been deteriorating for some time. As a result of delinquencies in payment of its obligations to its creditors, the carrier in September 1963 undertook to negotiate a composition and extension program applicable to payment of past due obligations with its unsecured creditors. This agreement provided for full payment of all claims under $250.00 each and payment of all other amounts at the rate of 5 percent a month. However, the carrier was apparently unable to meet the 5 percent monthly payments, and defaulted on the agreement. In addition, on January 31, 1964, the Board was advised that Standard's liability insurance had been canceled.[2] On the same day, the carrier voluntarily ceased all flight operations, including operations under a contract with the Navy Department, pursuant to which Standard was obligated to provide services through March 1964.[3] Finally, on February 4, 1964, the carrier filed a voluntary petition under Chapter XI of the Chandler Act, 11 U.S.C. 501, seeking corporate reorganization, the appointment of a receiver, and an agreement with creditors regarding its debts. In these circumstances, it is evident that Standard is no longer financially fit.[4]

Pursuant to the provisions of sections 401(n)(1), 401(n)(4), and 401(n)(5) of the Act, Part IV, subparagraphs 6-8 of Standard's interim certificate, and Rule 1012 of the Board's Procedural Regulations, the Board finds that Standard is not fit, willing, and able properly to perform the transportation authorized by its interim certificate. The Board further finds that the failure of Standard to comply with the provisions of section 401(n) and Part IV, subparagraphs 6 and 7 of its interim certificate requires, in the interest of the rights, welfare and safety of the public, immediate suspension of Standard's interim operating certificate, as amended, for supplemental air transportation for a period of 30 days.[5]

Accordingly, it is ordered:

1. That the interim certificate, as amended, to engage in supplemental air transportation issued to Standard Airways, Inc., is suspended immediately for a period of 30 days;

[1] Section 401(n)(1) of the Act provides, in pertinent part: "No certificate to engage in supplemental air transportation * * * shall be issued or remain in effect unless the * * * supplemental air carrier * * * complies with regulations or orders issued by the Board governing the filing and approval of policies of insurance, in the amount prescribed by the Board, conditioned to pay, within the amount of such insurance, amounts for which * * * such supplemental air carrier may become liable for bodily injuries to or the death of any person, or for loss of or damage to property of others, resulting from the negligent operation or maintenance of aircraft under such certificate * * *."

[2] Thereafter, effective midnight Jan. 31, 1964, the Federal Aviation Agency suspended the carrier's operating certificate because of questions as to the carrier's financial fitness.

[3] Section 401(n)(4) provides: "The requirement that each applicant for a certificate to engage in supplemental air transportation must be found to be fit, willing, and able properly to perform the transportation covered by his application and to conform to the provisions of this Act, and the rules, regulations, and requirements of the Board under this Act, shall be a continuing requirement applicable to each supplemental air carrier with respect to the transportation authorized by, and currently furnished or proposed to be furnished under, such carrier's certificate. The Board shall by order, entered after notice and hearing, modify, suspend, or revoke such certificate, in whole or in part, for failure of such carrier (A) to comply with the continuing requirement that such carrier be so fit, willing, and able, or (B) to file such reports as the Board may deem necessary to determine whether such carrier is so fit, willing, and able."

[4] Standard's currently effective certificate was issued pursuant to Order E-19436, dated Mar. 29, 1963.

2. That this order shall constitute a complaint instituting a formal economic proceeding on which a hearing shall be held to determine whether Standard's interim certificate, as amended, should be modified, suspended, or revoked for failure to comply with section 401(n) of the Act and the terms, conditions, and limitations of its interim certificate;

3. That Standard Airways, Inc., and the Bureau of Economic Regulation of the Civil Aeronautics Board are hereby made parties to the proceeding;

4. That Standard is directed to answer this order within seven days of service thereof pursuant to Rule 1013 of the Board's Procedural Regulations;

5. That in case of Standard's failure to file and serve an answer to the order within the time and in the manner prescribed, the right to all further procedural steps before final decision, including hearing, briefs, and recommended and tentative decisions, shall be deemed waived, and the Board will proceed immediately to disposition of the case; and

6. That a copy of this order be served upon the carrier by certified mail at its last known address, and be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1605; Filed, Feb. 17, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

GREECE-TURKEY-SYRIA AREA WESTBOUND TOBACCO CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8350-3 between the member lines of the Greece-Turkey-Syria Area Westbound Tobacco Conference, modifies the approved agreement of that conference (Agreement 8350, as amended), which covers the establishment and maintenance of rates, charges and practices for the transportation of tobacco westbound from Greek, Turkish and Syrian ports to ports of the United States (Wilmington, North Carolina/Portland, Maine Range). This modification provides for the inclusion in the conference agreement of a system of self policing, in accordance with General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 12, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1592; Filed, Feb. 17, 1964; 8:46 a.m.]

NORTH ATLANTIC ISRAEL EASTBOUND FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8220-1 between the member lines of the North Atlantic Israel Freight Conference, modifies the approved agreement of that conference (Agreement 8220), which covers the establishment and maintenance of rates, charges and practices on cargo in the trade eastbound from North Atlantic ports of the United States, Hampton Roads/Maine Range, to all ports in Israel on the Mediterranean, either direct or via transhipment. This modification provides for the inclusion in the conference agreement of a system of self policing, in accordance with General Order 7.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 12, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1593; Filed, Feb. 17, 1964; 8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Limitation on Entry or Withdrawal From Warehouse

FEBRUARY 12, 1964.

There is published below a letter dated February 11, 1964, from the Chairman of

the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, authorizing entry of an additional 7,000 dozen cotton textile products in Category 59, produced or manufactured in the Philippines, for the twelve-month period beginning May 31, 1963, and ending May 30, 1964. The original directive concerning entry of these goods appeared in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., February 11, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements and amends my letted to you of August 14, 1963, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), regarding restraints on imports of cotton textile products in Category 59, produced or manufactured in the Philippines. In that letter you were directed to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 59 in excess of 43,000 dozen for the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

The United States Government has now agreed to allow entry of an additional 7,000 dozen in Category 59, effective May 31, 1963, which would raise to 50,000 dozen the level of restraint for the twelve-month period beginning May 31, 1963.

Accordingly, you are directed to increase to 50,000 dozen the amount of cotton textile products in Category 59, produced or manufactured in the Philippines, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

A detailed description of Category 59 was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

All other directives given in the letter referred to above remain unchanged, except as otherwise amended.

This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-1590; Filed, Feb. 17, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 453]

OREGON

Declaration of Disaster Area

Whereas, it has been reported that during the month of January 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Lincoln County in the State of Oregon;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent there, suffered damage or destruction resulting from rain, landslide and accompanying conditions occurring on or about January 29, 1964.

Offices:

Small Business Administration Regional Office,
506 Second Avenue,
Seattle 4, Wash.

Small Business Administration Branch Office,
921 Southwest Washington,
Portland, Oreg.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1964.

Dated: February 3, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-1581; Filed, Feb. 17, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-15177]

TERMINAL TOWER CO.

Notice of Application for Exemption

FEBRUARY 12, 1964.

Notice is hereby given that The Terminal Tower Company, an Ohio corporation (Applicant), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 (Act) for an order exempting it from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission upon application and subject to appropriate terms and conditions to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all of its Applicant's outstanding securities are held of record, as therein defined, and the number of such record holders does not exceed 50 persons and that the filing of such reports is not necessary in the public interest or for the protection of investors.

The Applicant states in its application and attached "Certified List of Holders of Record January 6, 1964" that it has an aggregate of 24 security holders of record and that it has 303,000 shares of Common Stock outstanding which are held by 22 holders of record. Of this amount, 300,680 shares, representing 99.23 percent of the total outstanding, are held by four corporations which are affiliates of officers and directors of the Company. The Applicant has undertaken to furnish all record holders of its Common Stock copies of its annual report containing a balance sheet, a statement of income and deficit from operations and a statement of transactions affecting other paid in capital reported upon by independent public accountants.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 17, 1964 unless prior thereto a hearing is ordered by the Commission. Any interested person may not later than March 10, 1964, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1582; Filed, Feb. 17, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 942]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 13, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65510. By order of February 7, 1964, the Transfer Board approved the transfer to LeRoy Britt, doing business as Britt Trucking Co., Spray, Oreg., of certificate in No. MC 123588, issued November 24, 1961, to Benjamin Barr Groff, doing business as Barr Groff Trucking, Prineville, Oreg., authorizing the transportation of: Wood chips, from Spray, Oreg., to Wallula, Wash. William F. White, 1200 Jackson Tower, Portland 5, Oreg., attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1588; Filed, Feb. 17, 1964; 8:46 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Mushrooms for Processing [1]

On October 30, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11548) regarding the issuance of United States Standards for Grades of Mushrooms for Processing (7 CFR, §§ 51.3435–51.3449).

Statement of considerations leading to the issuance of the grade standards. Following publication of the proposed standards under notice of proposed rule making a number of recommendations were received from representatives of the mushroom processing industry and from individual processors. Among these was a recommendation that scaling be referred to as feathering since the latter is the term which the industry applies to this defect. This change is made in the grade requirements in §§ 51.3435 and 51.3436 as well as in the definitions of damage and serious damage in §§ 51.3447 and 51.3448 which have been reworded.

NOTE: Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

It was also recommended that disease spots be excluded from the U.S. No. 1 grade instead of requiring only that mushrooms be free from damage by other disease. Appropriate changes are made in both grades, §§ 51.3435 and 51.3436, and a definition of serious damage by disease spots added to § 51.3448.

There were also recommendations that a smaller minimum diameter be provided and that a maximum diameter requirement be added. It is not believed that these are necessary since the grades state that unless otherwise specified each mushroom cap is not less than one-half inch in diameter. This provision gives contracting parties the option of specifying some other minimum diameter, or a maximum diameter, or a minimum and a maximum diameter, in accordance with their particular needs.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Mushrooms for Processing are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] These standards apply only to the cultivated mushroom Agaricus Campestris.

GRADES

Sec.
51.3435 U.S. No. 1.
51.3436 U.S. No. 2.

CULLS

51.3437 Culls.

CULL MATERIAL

51.3438 Cull material.

DEFINITIONS

51.3439 Similar varietal characteristics.
51.3440 Fairly well shaped.
51.3441 Tender.
51.3442 Soft.
51.3443 Mushroom cap.
51.3444 Whole mushroom.
51.3445 Usable piece.
51.3446 Usable portion of stem.
51.3447 Damage.
51.3448 Serious damage.
51.3449 Diameter.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3435 U.S. No. 1.

(a) (1) "U.S. No. 1" consists of fresh mushroom caps or, when so specified, whole mushrooms of similar varietal characteristics which are not soft, which are at least fairly well shaped, tender, and are free from decay, disease spots and insects and free from damage caused by insects, bruising, discoloration, feathering or other means.

(2) Size: Unless otherwise specified, each mushroom cap is not less than one-half inch in diameter.

§ 51.3436 U.S. No. 2.

(b) (1) "U.S. No. 2" consists of fresh mushroom caps, whole mushrooms, usable pieces, and the usable portions of the stems of mushrooms of similar varietal characteristics which are tender, are free from decay and insects and free from damage caused by insects and free from serious damage caused by disease spots, bruising, discoloration, feathering or other means.

(2) Size: Unless otherwise specified, each mushroom cap is not less than one-half inch in diameter.

CULLS

§ 51.3437 Culls.

"Culls" consist of fresh whole mushrooms, mushroom caps, pieces and stems of mushrooms which fail to meet the requirements of the U.S. No. 2 grade.

CULL MATERIAL

§ 51.3438 Cull material.

"Cull material" means the root end of the stem with or without adhering caked dirt, loose dirt and other foreign material or extraneous material.

DEFINITIONS

§ 51.3439 Similar varietal characteristics.

"Similar varietal characteristics" means that the mushrooms are of the same general color. Those of white color shall not be mixed in the same container with cream or brown mushrooms.

§ 51.3440 Fairly well shaped.

"Fairly well shaped" means that the mushroom cap is not flattened, scalloped, indented or otherwise deformed to an extent that materially detracts from the appearance or the processing quality.

§ 51.3441 Tender.

"Tender" means the flesh of the cap and stem is not fibrous, rubbery or stringy.

§ 51.3442 Soft.

"Soft" means that the mushroom cap is more than slightly indented or concave; or the veil is stretched or open and has a cottony appearance.

§ 51.3443 Mushroom cap.

"Mushroom cap" means the round crown or top part of the mushroom, which may include a relatively short portion of the stem.

§ 51.3444 Whole mushroom.

"Whole mushroom" means the mushroom cap with the usable portion of the stem attached.

§ 51.3445 Usable piece.

"Usable piece" means a piece of cap or stem which is not seriously damaged.

§ 51.3446 Usable portion of stem.

"Usable portion of stem" consists of that portion of the stem remaining after the cap and root end have been removed.

§ 51.3447 Damage.

"Damage" means any specific defect described in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the edible or processing quality of the mushrooms. The following specific defects shall be considered damage:

(a) Bruising, when more than 5 percent of the surface of the mushroom cap is materially flattened, ragged or skinned;

(b) Discoloration, when more than 5 percent of the aggregate surface of the mushroom cap is affected by discoloration which distinctly contrasts with the normal color of the mushroom;

(c) Mushrooms showing evidence of insect feeding; and,

(d) Feathering, when materially affecting the appearance of white mushroom caps and when raised and affecting more than 5 percent of the surface of cream or brown mushroom caps.

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§ 51.3448 Serious damage.

"Serious damage" means any specific defect described in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which renders the mushroom cap, whole mushroom or detached stem unsuitable for processing. The following specific defects shall be considered as serious damage:

(a) Bruising, when more than 20 percent of the surface of the mushroom cap is distinctly flattened, ragged or skinned;

(b) Discoloration, when more than 20 percent of the aggregate surface of the mushroom cap is badly discolored;

(c) Disease spots, when affecting more than 10 percent of the cap surface; and,

(d) Feathering, when hard, rough separations of the flesh affect more than 20 percent of the surface of cream or brown mushroom caps.

§ 51.3449 Diameter.

"Diameter" means the greatest dimension of the cap measured at right angles to the stem.

The United States Standards for Grades of Mushrooms for Processing contained in this subpart shall become effective April 1, 1964.

Dated: February 14, 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 64-1642; Filed, Feb. 18, 1964; 8:49 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act:

In § 1136.7 the provision "or a dairy farmer who during the current month qualifies as a producer under another Federal milk order".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action is necessary to facilitate the movement of milk directly from the farms of dairy farmers who are producers under this order to handlers regulated under nearby Federal orders where supplemental outside supplies have been required. The present order provides that milk of any producer pooled under another Federal order for part of a month cannot be pooled under this order for the remainder of the month. The Central Arizona order requires that milk received directly from farms be pooled under that order. This termination will permit such milk to be pooled under the Great Basin order during the portion of the month when it is not pooled under the Central Arizona order.

The original purpose of this provision was to permit surplus producer milk from the Western Colorado order to move directly from farms to a Great Basin pool plant for manufacturing use without qualifying as producer milk under the Great Basin order. No such movements have occurred in over a year, nor are any likely in the foreseeable future from any other orders.

(4) This termination action is based on the request of Weber Central Dairy Association, Federated Milk Producers Association and Hi-Land Dairyman's Association who represent more than 95 percent of the producers supplying the market. Handlers of a majority of the Class I sales in the market have indicated they do not oppose this action.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 13, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64-1621; Filed, Feb. 18, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 4002; Amdt. 93-2]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS [NEW]

Subpart B—New York International Airport Traffic Area

On December 24, 1963, the New York International Airport was renamed the John F. Kennedy International Airport in honor of our late President.

The purpose of this amendment to the Federal Aviation regulations is to change the name of the New York International Airport to the John F. Kennedy International Airport wherever it appears in Part 93 [New].

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made to aeronautical publications, this amendment will be come effective more than 30 days after publication.

In consideration of the foregoing, Part 93 [New] of the Federal Aviation Regulations (14 CFR Part 93) is amended as follows:

1. By striking out the words "New York International Airport" wherever they appear in Subpart B and inserting the words "John F. Kennedy International Airport" in place thereof.

This amendment becomes effective April 2, 1964. It is issued under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on February 10, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-1606; Filed, Feb. 18, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-398A]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND OF FOREIGN AIR CARRIERS

Effectiveness of Amendments Requiring Improved Notice of Warsaw Convention Limit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of February 1964.

By Regulation ER-398, adopted January 3, 1964, and published at 29 F.R. 177, the Board postponed from February 1, 1964, to March 1, 1964, the effective date of certain amendments to Part 221 adopted October 31, 1963, ER-395, and published at 28 F.R. 11775, requiring improved notice by the carriers of the Warsaw Convention limit on liability to passengers. The postponement was granted to enable any carriers desiring to waive the limit of liability to petition for amendment of the rule to relieve them of the burden of giving the notice. It was specified that any such petitions should be submitted to the Board by January 24, 1964.

None of the documents filed in response to ER-398 expressed an intention by any carrier to waive the limit, and no carrier has requested amendment of the rule on grounds of such a waiver. Accordingly, no changes will be made at this time in the amendments to Part 221 contained in ER-395, and such amendments will become effective on March 1, 1964.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(e), 403 and 411, 72 Stat. 754, 758 and 769; 49 U.S.C. 1371, 1373 and 1381)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1656; Filed, Feb. 18, 1964; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2072; Amdt. 686]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of cabin sidewall air baffle modification and metal grill on Boeing Models 707 and 720 Series aircraft was published in 28 F.R. 12629.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Several airlines have indicated their intention to accomplish their own modifications in lieu of that provided in the Boeing service bulletins. The AD as written provides for accepting these on the basis of equivalent designs, and some operators have already made such FAA-approved installations.

Some of the airlines suggested longer compliance times, up to 7,000 hours; but, in checking the major overhaul periods, it is considered that the time from the effective date of the AD is adequate. Already 1,000 hours has elapsed since the AD was proposed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required within 5,000 hours' service time after the effective date of this AD.

Fires have occurred in the cabin lower sidewall panels in the return air system. In order to reduce the possibility of fire damage, the fire protection properties of the installation shall be improved as follows:

Install the lower sidewall modifications, including flame resistant insulation, fire stop air baffles, and metal grills, in accordance with Boeing Service Bulletins Nos. 1807 (R-1), 1807 (R-1) A, 1861, and 1868, as applicable, or FAA-approved equivalent.

(Boeing Service Bulletins Nos. 1807 (R-1), 1807 (R-1) A, 1861, and 1868 cover this subject.)

This amendment shall become effective March 20, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423.)

Issued in Washington, D.C., on February 12, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-1607; Filed, Feb. 18, 1964; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Pteroylglutamic Acid (Folic Acid) in Foods for Special Dietary Use and as a Drug

In order to reflect developments since it was originally issued in the FEDERAL REGISTER of August 27, 1960 (25 F.R. 8224), the statement of policy § 3.42 *Status of folic acid in foods for special dietary use and as a drug* is revised to read as set forth below, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471):

§ 3.42 Status of pteroylglutamic acid (folic acid) in foods for special dietary use and as a drug.

(a) Pteroylglutamic acid (folic acid) for food use is regarded as a food additive, subject to the provisions of section 409 of the Federal Food, Drug, and Cosmetic Act. As provided by § 121.1134 of this chapter which became effective July 20, 1963, pteroylglutamic acid (folic acid) may be safely used as a component of dietary supplements, provided the directions for use are such that, when followed, daily ingestion will not exceed 0.1 milligram of the additive.

(b) Preparations supplying over 0.1 milligram of pteroylglutamic acid (folic acid) in the daily dosage recommended or suggested may be marketed only as drugs for use under medical supervision. Among other things, these drugs must be labeled with the statement "Caution: Federal law prohibits dispensing without prescription," and their labeling must bear adequate information for their use by physicians, including information about the possible harmful effect of administering pteroylglutamic acid (folic acid) to patients who may have pernicious anemia.

(c) Because preparations represented or intended for drug use and supplying 0.1 milligram or less of pteroylglutamic acid (folic acid) in the daily dosage recommended or suggested may also supply other active ingredients, each such preparation should be considered on an individual basis to establish its status under the Federal Food, Drug, and Cosmetic Act.

(Secs. 403(j), 409, 502(f), (j), 701(a), 52 Stat. 1048, 1051, 1055; 72 Stat. 1785; 21 U.S.C. 343(j), 348, 352(f), (j), 371(a))

Dated: February 13, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1634; Filed, Feb. 18, 1964; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTES FOR CERTAIN SPECIFIED FOOD ADDITIVES

As provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121.90, 121.91) are amended as set forth below:

1. Section 121.90 *Further extensions of effective date of statute for certain specified food additives as direct additives to food* is amended in the following respects:

a. By adding thereto in alphabetical order, under the headings indicated, the following items being reinserted from previous extension lists:

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
• • •	• • •	• • •	• • •
Ethyl myristate	• • •	June 30, 1964	• • •
• • •	• • •	• • •	• • •
Iso-eugenol acetate	• • •	June 30, 1964	• • •
• • •	• • •	• • •	• • •

FLAVORING SUBSTANCES AND NATURAL SUBSTANCES USED IN CONJUNCTION WITH FLAVORS

• • •	• • •	• • •	• • •
Fir, Siberian; *Abies sibirica* Ledeb.		June 30, 1964	
Fir, silver, oil; *Abies alba* Mill		June 30, 1964	
• • •	• • •	• • •	• • •
Maple (mountain) bark and bark extract, solid; *Acer spicatum* Lam.		June 30, 1964	
• • •	• • •	• • •	• • •

MISCELLANEOUS

• • •	• • •	• • •	• • •
Polyethylene glycol 400 through 6,000	Component of coatings and binders in tableted food.	June 30, 1964	
• • •	• • •	• • •	• • •

b. By extending the effective date of the following items listed under "Flavoring Substances and Natural * * *" from January 1, 1964, to June 30, 1964, and by deleting the requirement for a progress report: "Maple (mountain) extract, solid; *Acer spicatum* Lam."

c. By extending the effective date of the following miscellaneous items from January 1, 1964, to June 30, 1964, and by deleting the requirement for a progress report:

Butoxypolyethylene - polypropylene glycol (mol. wt. 3600–4200).
Disodium cyanodithioimidocarbonate.
Disodium ethylenediamine tetraacetate.
Ethylenediamine.
Polyoxyethylene glycol esters of mixed fatty acids * * *.
Potassium N-methyldithiocarbamate.
Sodium methyl sulfate.

2. Section 121.91 *Further extensions of effective date of statute for certain specified food additives as indirect additives to food* is amended in the following respects:

a. By extending the effective date of the following items from January 1, 1964, to June 30, 1964, and by deleting the requirement for a progress report:

Bromides, inorganic.
Isobutylene isoprene copolymer.
Polyisobutylene.
Polyethylene, oxidized * * *.

b. By adding thereto in alphabetical order the following item being reinserted from previous extension lists:

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
Dialkyl (C_7–C_{18}) dimethyl ammonium chloride.	Flocculating agent in manufacture of silica and silicate pigments used in food packaging.	June 30, 1964	
* * *	* * *	* * *	* * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the food additives amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions of the food-processing industry.

Effective date. This order shall become effective on the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: February 13, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64–1635; Filed, Feb. 18, 1964; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 9th Rev., Amdt. 1]

PART 309—VESSEL VALUES FOR WAR RISK INSURANCE

Vessel Data Forms

Paragraphs (b) and (c) of § 309.8 are hereby amended to read as follows:

§ 309.8 Vessel data forms.

* * * * * *

(b) *Vessels of 1500 gross tons or more.* Vessel data for all vessels of 1500 gross tons or more shall be submitted on Form MA–510.

(c) *Vessels under 1500 gross tons.* Vessel data for all vessels under 1500 gross tons shall be submitted on Form MA–511.

* * * * * *

Effective date. The foregoing shall be effective as of March 23, 1964.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1289)

Dated: February 12, 1964.

L. C. HOFFMANN,
Chairman, Ship Valuation Committee.

[F.R. Doc. 64–1623; Filed, Feb. 18, 1964; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[RM–564; FCC 64–111]

PART 15—RADIO FREQUENCY DEVICES

Radiation Interference Limits

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of February 1964;

The Commission, having under consideration § 15.72(a) of its rules and regulations and in particular the proviso therein permitting operation of UHF television receivers with a field strength of 1000 uv/m at 100 feet until April 30, 1964; and a petition for rule amendment; received January 31, 1964, from Electronic Industries Association for extension of such authority until April 30, 1965; and

It appearing, that, no evidence has been brought to the attention of the Commission substantiating or supporting a need for a return to the 500 uv/m limit, at this time; and

It further appearing, that, the "state of the art" in regard to controlling oscillator radiation on frequencies between 470 and 1000 Mc/s from television receivers, though gradually improving, requires further investigation and research; and

It further appearing, that, commencing May 1, 1964, all television receivers manufactured on or after that date for sale or resale in interstate commerce to the general public must be equipped with a UHF tuner; and that a strict adherence to the 500 uv/m limitation might interfere with the ability of television receiver manufacturers to convert to the exclusive manufacture of all-channel receivers required on May 1, 1964; and

It further appearing, that, the proposed amendment merely extends an existing provision and is in the circumstances believed by the Commission, based upon its knowledge and experience in this area, to be of such nature as to make notice and public procedure unnecessary; and

It further appearing, that, since the amendment herein imposes no new requirements, but rather relieves an existing requirement, the amendment may be effective without publication as provided in section 4(c) of the Administrative Procedures Act; and

It further appearing, that, the amendment adopted herein is issued pursuant to authority contained in section 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, the EIA petition is granted, that the limit for radiation from television receivers in the band 470–1000 Mc/s be temporarily increased until April 30, 1965 from 500 uv/m to 1000 uv/m, and that the Commission's Rules, Part 15 are amended, effective April 30, 1964, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released, February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 15.63, the last entry in the table in paragraph (a) is amended and a new paragraph (c) is added as follows:

§ 15.63 Radiation interference limits.

(a) * * *

Frequency of radiation (Mc/s)	Field strength (uv/m)
* * *	* * *
470–1000	500 (see paragraph (c) below).

* * * * *

(c) For television broadcast receivers, the limit 500 uv/m is temporarily increased to 1000 uv/m until April 30, 1965.

2. Section 15.72(a)(2) is amended to read as follows:

§ 15.72 Date when certification is required.

(a) *For television broadcast receivers.* * * *

(2) UHF television broadcast receivers manufactured after December 31, 1957, shall comply with the certification requirements with respect to radiation of radio frequency energy.

* * * * *

[F.R. Doc. 64–1643; Filed, Feb. 18, 1964; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Annual Report of Carriers of Passengers Other Than Class I Carriers

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of November A.D. 1963.

It appearing, that the matter of annual reports of motor carriers of passengers other than Class I carriers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule making procedures under section 4(a) of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.4 of the order dated November 29, 1961, in the matter of Motor Carrier Annual Report Form E (other than Class I carriers of passengers) be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.4 be, and it is hereby, modified and amended to read as follows:

§ 205.4 Annual reports of carriers of passengers other than Class I carriers.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all motor carriers of passengers other than Class I carriers, as defined in 49 CFR 181.02–1, viz., carriers having gross operating revenues (including interstate and intrastate) of less than $200,000 annually from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form E[1] (passenger), which is attached to and made a part of this section. Such report shall be filed in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before April 30 of the year following the year to which it relates.

[1] Filed as part of the original document.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304, interpret or apply Sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order and of motor carrier Annual Report Form E (passenger) shall be served on all motor carriers of passengers (other than Class I carriers of passengers) and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–1625; Filed, Feb. 18, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 18]

MEAT INSPECTION

Proposed Use of Citric Acid or Sodium Citrate

Correction

In F.R. Doc. 64-1034 appearing in the issue for Saturday, February 1, 1964, at page 1057, § 18.7(s)(2) should read as set forth below:

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, ascorbic acid, erythorbic acid, sodium ascorbate or sodium erythorbate or a combination of one of these with citric acid or sodium citrate may be used in the preparation of cooked, cured, comminuted meat food products in an amount not to exceed three-fourths ounce of ascorbic acid or erythorbic acid or a mixture of one of these with citric acid or sodium citrate, or seven-eighths ounce of sodium ascorbate or sodium erythorbate or a mixture of one of these with citric acid or sodium citrate, for each 100 pounds of fresh meat or meat by-product. A solution containing not more than 10 percent ascorbic acid, erythorbic acid, sodium ascorbate or sodium erythorbate in water or brine may be applied to the outer surface of sliced and unsliced cured pork and beef product and cured comminuted meat food products prior to packaging. The use of such solutions shall not result in the addition of a significant amount of moisture to the product.

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-53]

CONTROL ZONE AND TRANSITION AREA

Alteration of Proposed Description

In a notice of proposed rule making published in the FEDERAL REGISTER on December 10, 1963 (28 F.R. 13368) it was stated that the Federal Aviation Agency proposed to alter the Augusta, Ga., control zone and the Macon, Ga., transition area, revoke the Augusta, Ga., control area extension and designate the Augusta transition area.

Subsequent to the publication of the notice, the FAA initiated action to establish an additional instrument approach capability to Bush Field, Augusta, Ga., based on the 348° True bearing from the Augusta ILS middle marker locator (LMM). Therefore, in order to provide protection for aircraft utilizing this approach procedure, it is proposed that an extension based on the 348° True bearing from the Augusta LMM extending from the Augusta 5-mile radius zone to 7 miles north of the LMM be added to the proposed description of the Augusta control zone. In order to provide for the protection of aircraft utilizing this approach procedure beyond the lateral limits of the proposed Augusta control zone it is also proposed that an extension within 2 miles each side of the 348° True bearing from the Augusta LMM extending from the Augusta LMM to 18 miles north of the LMM be added to the description of the portion of the proposed Augusta transition area with a floor 700 feet above the surface.

In order to provide interested persons time to adequately evaluate this proposal, as modified, and an opportunity to submit additional written data, views or arguments, the date for filing such material is extended to 30 days after the date of publication in the FEDERAL REGISTER of this supplemental notice. Communications should be submitted in triplicate to the Director, Southern Region, Attention: Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 11, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1608; Filed, Feb. 18, 1964; 8:45 a.m.]

[14 CFR Part 99 [New]]

[Notice 64-8; Docket No. 4001]

DISTANT EARLY WARNING IDENTIFICATION ZONE BOUNDARIES, ALASKA

Proposed Alteration

The Federal Aviation Agency has under consideration a proposal to amend Part 99 of the Federal Aviation Regulations to alter the boundary of the Alaskan DEWIZ.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 16, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 99.47 of the Federal Aviation Regulations describes the Alaskan Distant Early Warning Identification Zone (DEWIZ) as follows:

The area bounded by a line 73°00′ N., 141°00′ W.; 69°50′ N., 141°00′ W.; 71°18′ N., 156°44′ W.; 68°53′ N., 166°16′ W.; 63°17′ N., 168°42′ W.; 58°39′ N., 162°03′ W.; 54°00′ N., 169°00′ W.; 52°00′ N., 169°00′ W.; 56°34′ N., 154°10′ W.; 59°28′ N., 146°18′ W.; 59°30′ N., 139°30′ W.; 57°00′ N., 139°30′ W.; 52°00′ N., 153°00′ W.; 50°00′ N., 174°00′ W.; 60°00′ N., 174°10′ W.; 61°45′ N., 177°00′ W.; 65°00′ N., 169°00′ W.; 73°00′ N., 169°00′ W.; 73°00′ N., 141°00′ W. (point of beginning).

The FAA proposes a partial realignment of the Alaskan DEWIZ, which would reduce the frequency of flight progress reports and estimates by adjusting the DEWIZ boundary to coordinates compatible with normal over-water reporting points. The change would result in the expansion of portions of the western and southern boundaries of the DEWIZ.

In the Anchorage area, over-water pilots are required to report each five degrees, latitude or longitude, ending in either zero or five. The DEWIZ boundary on the heavier-travelled air routes does not fall upon these latitudes or longitudes. This requires the pilot to provide estimate and position reports for two places, instead of one. The proposed change would reduce pilot and controller workload. The DEWIZ boundaries were originally established based strictly on military requirements for identification with no regard for normal ATC reporting points. The Department of Defense has advised that the proposed change would be consistent with the requirements of national defense.

In consideration of the foregoing, it is proposed to amend § 99.47 [New] of the Federal Aviation Regulations to read as follows:

§ 99.47 Alaskan DEWIZ.

The area bounded by a line 73°00′ N., 141°00′ W.; 69°50′ N., 141°00′ W.; 71°18′ N., 156°44′ W.; 68°53′ N., 166°16′ W.; 63°17′ N., 168°42′ W.; 58°39′ N., 162°03′ W.; 54°00′ N., 169°00′ W.; 52°00′ N., 169°00′ W.; 56°34′ N., 154°10′ W.; 59°28′ N., 146°18′ W.; 59°30′ N., 139°30′ W.; 57°00′ N., 139°30′ W.; 50°00′ N., 157°00′ W.; 50°00′ N., 175°00′ W.; 60°00′ N., 175°00′ W.; 61°45′ N., 177°00′ W.; 65°00′ N., 169°00′ W.; 73°00′ N., 169°00′ W.; 73°00′ N., 141°00′ W. (point of beginning).

This amendment is proposed under the authority of sections 307, 1110 and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, 1522) and Executive Order 10854.

Issued in Washington, D.C. on February 7, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-1609; Filed, Feb. 18, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 4004]

BOEING MODELS 707 AND 720 SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an Airworthiness Directive for Boeing Models 707 and 720 Series aircraft equipped with JT3D turbo fan engines. This directive requires modification of the thrust reverser directional control valve cam and rocker arm assemblies in the throttle control system. Instances of snap action closing of the throttles to the idle position have resulted in momentary overtravel of the thrust reverser actuating cam sufficient to cause actuation of the thrust reverser directional control valve and subsequent extension of both the fan and primary thrust reversers to the reverse thrust position. It is considered necessary in the interest of safety to modify the cam system to allow rapid throttle action without the subsequent danger of possible unwanted reverse thrust in one or more engines.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 2[illegible], 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft equipped with Pratt & Whitney JT3D-1, -3, or -3B engines. Compliance required as indicated.

To prevent inadvertent inflight reversals caused by snap action closing of the throttles to the idle position accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, unless already accomplished, rerig the throttle control system in accordance with Boeing Service Letter 6-7161-4-6112 dated September 30, 1963.

(b) Within 2,500 hours' time in service after the effective date of this AD, unless already accomplished, accomplish the following:

(1) Inspect the strut mounted bracket in accordance with Service Bulletin No. 1659 (R-1) to determine what bracket assembly part number is installed on each airplane reverser installation.

(2) Modify the cam rocker arm, P/N 69-10814, in accordance with Boeing Service Bulletin No. 1931 or an FAA approved equivalent. This modification shall be accomplished prior to or concurrent with the thrust reverser directional control valve cam modification required in paragraph (b)(3). Installation of a modified cam with an unmodified cam rocker arm is prohibited because of operational incompatibility and subsequent possible interference.

(3) Modify the thrust reverser directional control valve cam assembly, P/N's 65-18225-1, -2, -3 or 65-27438-3, in accordance with Boeing Service Bulletin No. 1931 or an FAA approved equivalent. Models 707 and 720 fan engine airplanes may have any one of or a combination of the thrust reverser directional control valve cam assembly part numbers listed above. Interchangeability of these directional control valve cam assemblies with strut mounted brackets and fan reverser followup cams are as follows:

(i) Cam assemblies P/N's 65-18225-2, -3 and 65-27438-3, all reworked per Service Bulletin No. 1931 must be used with bracket assembly P/N's 65-11882-2 or -4 or with bracket assembly 65-11882 reworked per Service Bulletin No. 1659(R-1).

(ii) Cam assembly P/N 65-18225-1 reworked per Service Bulletin No. 1931 must be used with bracket P/N's 65-11882-2, -4 or 65-11882 reworked per Service Bulletin No. 1659(R-1).

(iii) Cam assemblies P/N 65-27438-3 reworked per Service Bulletin 1931 shall be used with fan reverser followup cams P/N's 65-27437-1 or 66-16560-1.

(i) Cam assemblies P/N's 65-18225-1, -2 or -3 reworked per Service Bulletin 1931 shall be used with fan reverser followup cam P/N's 65-11826-3 or -7.

(c) Approval of any equivalent means shall be processed through the Engineering and Manufacturing Branch, FAA Western Region, Los Angeles, California.

(Boeing Service Bulletins Nos. 1659(R-1) and 1931 cover this subject.)

Issued in Washington, D.C., on February 12, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-1610; Filed, Feb. 18, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

WASHINGTON, D.C., COMMERCIAL ZONE

Proposed Redefinition

FEBRUARY 14, 1964.

Redefinition of the Washington, D.C., commercial zone heretofore defined in Ex Parte No. MC-7, Washington, D.C., Commercial Zone, 3 M.C.C. 243, 48 M.C.C. 460, 54 M.C.C. 797.

Petitioners:
Security Storage Co. of Washington.
Human Sciences Research, Inc.
Champion Press.
Commercial Services Co., Inc.
Westgate Corp.

Petitioners' attorneys:
Russell S. Bernhard and Harold E. Mesirow,
1625 K Street NW.,
Washington 6, D.C.

Upon consideration of a petition of Security Storage Company of Washington, and others, filed February 6, 1964, for reopening of this proceeding and redefinition of the zone adjacent to and commercially a part of Washington, D.C., within the meaning of section 203(b)(8) of the Interstate Commerce Act, which was last defined on September 18, 1952, reported at 54 M.C.C. 797 (49 CFR 170.4), the Interstate Commerce Commission, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), hereby gives notice that revision of the present zone boundaries from Virginia Highway 7 at Tyson's Corner, Va., to Ash Grove Road at Lewinsville, Va., as set forth in 49 CFR 170.4, is under consideration.

Commencing at the junction of Virginia Highways 7 and 650, the affected portion of the boundary now reads as follows:

• • • thence northwesterly over Virginia Highway 7 to Tysons Corner, Va., thence northeasterly along Ash Grove Road (Virginia Highway 694), to Jones Corners, Va., • • •

The boundary revision proposed by the petition reads:

• • • thence northwesterly along Virginia Highway 7 to its junction with the Dulles Airport Access Road, thence easterly along the Dulles Airport Access Road to its junction with the Capital Beltway (Interstate Highway 495), thence north along the Capital Beltway to its junction with Ash Grove Road (Virginia Highway 694), thence northwesterly along Ash Grove Road (Virginia Highway 694), to Jones Corner, Va., • • •

The effect of the revision would be to include in the zone a 2 square mile area immediately north of Tyson's Corner, Va., contiguous to the present zone, and bounded by Leesburg Pike, Dulles Airport Access Road, and Dolley Madison Highway. Transportation by motor vehicle wholly within such zone would be exempt from regulation under certain provisions of the Interstate Commerce Act, including the requirement that certificates of public convenience and necessity be obtained.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Washington, D.C., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments, shall be filed with the Commission on or before March 23, 1964.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1626; Filed, Feb. 18, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56112]

UNITED STATES STEEL CORP.; INTERCOASTAL FLEET

Registration of House Flag

FEBRUARY 13, 1964.

The Commissioner of Customs by virtue of the the authority vested in him and in accordance with § 3.81(a), Customs Regulations (19 CFR 3.81(a)), has registered the house flag of the United States Steel Corporation (Intercoastal Fleet), described below:

House flag. The house flag is in the shape of a burgee or fishtail with the sides of the fly parallel. The hoist is 3 feet in height; the fly is 5 feet. Superimposed on the center of a blue field is a white circle, the outside diameter of which is 28 inches and the inside diameter 24 inches. Centered in the circle are the letters "USS" in white. The letters are 10 inches in height and 5½ inches in width with the middle letter lower than the others.

Colored scale replica drawings of the house flag described above are on file with Office of the Federal Register, National Archives and Records Service.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 64-1640; Filed, Feb. 18, 1964; 8:49 a.m.]

Comptroller of the Currency

HARRISBURG NATIONAL BANK AND TRUST CO. AND FIRST NATIONAL BANK OF NEW BLOOMFIELD

Notice of Decision Granting Application To Merge

On December 2, 1963, the $126 million Harrisburg National Bank and Trust Company, Harrisburg, Pennsylvania, and the $4.6 million First National Bank of New Bloomfield, New Bloomfield, Pennsylvania, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On February 12, 1964, the comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 13, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64-1638; Filed, Feb. 18, 1964; 8:48 a.m.]

OLD NATIONAL BANK OF WASHINGTON, SPOKANE, AND FIRST NATIONAL BANK OF PULLMAN

Notice of Decision Granting Application To Merge

On December 11, 1963, the $186.7 million Old National Bank of Washington, Spokane, Spokane, Washington, and the $14.5 million First National Bank of Pullman, Pullman, Washington applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On February 12, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 13, 1964.

A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64-1639; Filed, Feb. 18, 1964; 8:48 a.m.]

Office of the Secretary

[T.D. Order 150-59]

REDESIGNATION OF INTERNAL REVENUE REGIONS AND REGIONAL SERVICE CENTERS

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 7621 of the Internal Revenue Code of 1954, as amended, and Executive Order 10289, approved September 17, 1951, made applicable to the Internal Revenue Code of 1954 by Executive Order 10574, approved November 5, 1954, it is hereby ordered:

1. *Redesignation of regions.* The titles of the Internal Revenue regions and the offices of the Regional Commissioners of Internal Revenue, as provided by Treasury Department Order No. 150-58, dated May 17, 1963, are modified as follows:

Previous title	*New title*
Atlanta	Southeast.
Boston	Northeast.
Chicago	Midwest.
Cincinnati	Central.
Dallas	Southwest.
New York City	New York.
Philadelphia	Mid-Atlantic.
San Francisco	Western.

2. *Redesignation of regional service centers.* Each of the regional service centers established to assist the Internal Revenue regions in the performance of their assigned duties shall be identified by the name of the principal city in or near which the center is located, as determined by the Commissioner of Internal Revenue.

3. *Effective date.* The provisions of this Order shall be effective immediately except that the Commissioner of Internal Revenue is authorized to make provision for the use of existing forms, letterheads, stamps, seals, and other identifying materials until they can be replaced in an economical and orderly fashion.

4. Treasury Department Order No. 150-58 dated May 17, 1963, and Treasury Decision 6698 dated December 20, 1963, are modified to the extent that they are in conflict with this Order.

Dated: February 11, 1964.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-1641; Filed, Feb. 18, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF OREGON AND WASHINGTON

Oil and Gas Lease Offer

FEBRUARY 11, 1964.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Bureau of Land Management, Pacific Coast Outer Continental Shelf Office, Bartlett Building, Room 1130, 215 West 7th Street, Los Angeles, California, 90014, will be received on or before October 1, 1964, at 9:00 a.m., P.d.t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the States of Oregon and Washington. Bids may be delivered in person to the Office of the Manager between 8:00 a.m., P.d.t., and 9:00 a.m., P.d.t., October 1, 1964. Bids will be opened at 10:00 a.m., P.d.t., October 1, 1964, in the Los Angeles Room of the Statler Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, California.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn unless the modification or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 4-1255 (September 1963)). Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder for each tract will be required to pay the remainder of the bid and the first year's rental of $3 per acre and furnish an acceptable surety bond as provided in 43 CFR 201.51 prior to the issuance of each lease.

All leases resulting from this offering will contain the following stipulation: Upon order of the Commander, Western Sea Frontier, U.S. Navy, when in his opinion the interests of national security would so require, the lessee agrees to temporarily suspend operations. This suspension would preclude the use of drilling and such associated machinery and equipment which the Commander, Western Sea Frontier, considers would generate interference that would temporarily impede defense activities. Such order shall be for a period not to exceed 72 hours unless specifically extended by the Secretary of Defense. During such period personnel and equipment may remain in place. Communications and normal producing operations may continue, if so determined by the Commander, Western Sea Frontier.

Copies of the lease agreement (Form 4-1255 (September 1963)) with the special stipulation to be incorporated in the lease agreement may be obtained from the above-listed Manager, or the Director, Bureau of Land Management, Washington, D.C., 20240.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $5 per acre or fraction thereof will be considered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than full tract, as listed below, will be considered. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Oregon (or Washington) (insert number of tract), not to be opened until 10:00 a.m., P.d.t., October 1, 1964." The right is reserved to reject any or all bids even though the bid may exceed the minimum referred to previously.

The tracts offered for bid are as follows:

OREGON
OFFICIAL LEASING MAP, OREGON MAP NO. 1
(Approved May 3, 1963; Revised June 6, 1963)
Tillamook Area

Tract No.	Block	Description	Acreage
Ore-1	42N 66W	All	5,760
Ore-2	42N 67W	do	5,760
Ore-3	43N 66W	do	5,760
Ore-4	43N 67W	do	5,760
Ore-5	44N 66W	do	5,760
Ore-6	44N 67W	do	5,760
Ore-7	45N 66W	do	5,760
Ore-8	45N 66W	do	5,760
Ore-9	45N 67W	do	5,760
Ore-10	46N 65W	do	5,760
Ore-11	46N 66W	do	5,760
Ore-12	46N 67W	do	5,760
Ore-13	50N 63W	do	5,760
Ore-14	50N 64W	do	5,760
Ore-15	50N 65W	do	5,760
Ore-16	57N 63W	do	5,760
Ore-17	57N 64W	do	5,760
Ore-18	57N 65W	do	5,760
Ore-19	58N 63W	do	5,760
Ore-20	58N 64W	do	5,760
Ore-21	58N 65W	do	5,760
Ore-22	59N 63W	do	5,760
Ore-23	59N 64W	do	5,760
Ore-24	59N 65W	do	5,760

OREGON
OFFICIAL LEASING MAP, OREGON MAP NO. 2
(Approved May 3, 1963; Revised November 1, 1963)
Newport Area

Tract No.	Block	Description	Acreage
Ore-25	13N 64W	All	5,534.35
Ore-26	13N 65W	do	5,524.62
Ore-27	13N 66W	do	5,514.76
Ore-28	13N 67W	do	5,504.74
Ore-29	13N 68W	do	5,494.56
Ore-30	13N 69W	do	5,484.23
Ore-31	13N 70W	do	5,473.75
Ore-32	13N 71W	do	5,463.12
Ore-33	14N 64W	do	5,760
Ore-34	14N 65W	do	5,760
Ore-35	14N 66W	do	5,760
Ore-36	14N 67W	do	5,760
Ore-37	14N 68W	do	5,760
Ore-38	14N 69W	do	5,760
Ore-39	14N 70W	do	5,760
Ore-40	14N 71W	do	5,760
Ore-41	15N 64W	do	5,760
Ore-42	15N 65W	do	5,760
Ore-43	15N 66W	do	5,760
Ore-44	15N 67W	do	5,760
Ore-45	16N 66W	do	5,760
Ore-46	16N 64W	do	5,760
Ore-47	16N 65W	do	5,760
Ore-48	16N 66W	do	5,760
Ore-49	16N 67W	do	5,760
Ore-50	16N 68W	do	5,760
Ore-51	19N 65W	do	5,760
Ore-52	19N 66W	do	5,760
Ore-53	19N 67W	do	5,760
Ore-54	20N 65W	do	5,760
Ore-55	20N 66W	do	5,760
Ore-56	20N 67W	do	5,760
Ore-57	21N 65W	do	5,760
Ore-58	21N 66W	do	5,760
Ore-59	21N 67W	do	5,760
Ore-60	22N 65W	do	5,760
Ore-61	22N 66W	do	5,760
Ore-62	22N 67W	do	5,760
Ore-63	23N 65W	do	5,760
Ore-64	23N 66W	do	5,760
Ore-65	23N 67W	do	5,760
Ore-66	24N 65W	do	5,760
Ore-67	24N 66W	do	5,760
Ore-68	24N 67W	do	5,760
Ore-69	28N 61W	do	5,760
Ore-70	28N 62W	do	5,760
Ore-71	28N 63W	do	5,760
Ore-72	28N 64W	do	5,760
Ore-73	29N 61W	do	5,760
Ore-74	29N 62W	do	5,760
Ore-75	29N 63W	do	5,760
Ore-76	29N 64W	do	5,760
Ore-77	30N 61W	do	5,760
Ore-78	30N 62W	do	5,760
Ore-79	30N 63W	do	5,760
Ore-80	30N 64W	do	5,760
Ore-81	31N 61W	do	5,760
Ore-82	31N 62W	do	5,760
Ore-83	31N 63W	do	5,760
Ore-84	31N 64W	do	5,760
Ore-85	32N 61W	do	5,760
Ore-86	32N 62W	do	5,760
Ore-87	32N 63W	do	5,760
Ore-88	32N 64W	do	5,760
Ore-89	33N 61W	do	5,760
Ore-90	33N 62W	do	5,760
Ore-91	33N 63W	do	5,760

OREGON
OFFICIAL LEASING MAP, OREGON MAP NO. 3
(Approved May 3, 1963)
Coos Bay Area

Tract No.	Block	Description	Acreage
Ore-92	36N 65W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Oregon.	2,730
Ore-93	36N 66W	All	5,760
Ore-94	37N 67W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Oregon.	720
Ore-95	37N 68W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Oregon.	5,680
Ore-96	37N 69W	All	5,760
Ore-97	38N 67W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Oregon.	1,450

OREGON
OFFICIAL LEASING MAP, OREGON MAP NO. 2
(Approved May 3, 1963)
Coos Bay Area

Tract No.	Block	Description	Acreage
Ore-98	38N 68W	All	5,760
Ore-99	38N 69W	do	5,760
Ore-100	39N 67W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Oregon.	2,140
Ore-101	39N 68W	All	5,760
Ore-102	39N 69W	do	5,760
Ore-103	52N 64W	do	5,760
Ore-104	52N 65W	do	5,760
Ore-105	52N 66W	do	5,760
Ore-106	52N 67W	do	5,760
Ore-107	53N 64W	do	5,760
Ore-108	53N 65W	do	5,760
Ore-109	53N 66W	do	5,760
Ore-110	53N 67W	do	5,760
Ore-111	54N 64W	do	5,760
Ore-112	54N 65W	do	5,760
Ore-113	54N 66W	do	5,760
Ore-114	54N 67W	do	5,760
Ore-115	55N 64W	do	5,760
Ore-116	55N 65W	do	5,760
Ore-117	55N 66W	do	5,760
Ore-118	55N 67W	do	5,760
Ore-119	55N 68W	do	5,760
Ore-120	56N 69W	do	5,760
Ore-121	56N 70W	do	5,760
Ore-122	56N 71W	do	5,760
Ore-123	56N 64W	do	5,760
Ore-124	56N 65W	do	5,760
Ore-125	56N 66W	do	5,760
Ore-126	56N 67W	do	5,760
Ore-127	56N 68W	do	5,760
Ore-128	56N 69W	do	5,760
Ore-129	56N 70W	do	5,760
Ore-130	56N 71W	do	5,760
Ore-131	57N 64W	do	5,760
Ore-132	57N 65W	do	5,760
Ore-133	57N 66W	do	5,760
Ore-134	57N 67W	do	5,760
Ore-135	57N 68W	do	5,760
Ore-136	57N 69W	do	5,760
Ore-137	57N 70W	do	5,760
Ore-138	57N 71W	do	5,760
Ore-139	58N 64W	do	5,760
Ore-140	58N 65W	do	5,760
Ore-141	58N 66W	do	5,760
Ore-142	58N 67W	do	5,760
Ore-143	58N 68W	do	5,760
Ore-144	58N 69W	do	5,760
Ore-145	58N 70W	do	5,760
Ore-146	58N 71W	do	5,760

OREGON
OFFICIAL LEASING MAP, OREGON MAP NO. 4
(Approved May 3, 1963)
Rogue River Area

Tract No.	Block	Description	Acreage
Ore-147	35N 68W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Oregon.	1,820
Ore-148	35N 69W	All	5,760
Ore-149	35N 70W	do	5,760

WASHINGTON
OFFICIAL LEASING MAP, WASHINGTON MAP NO. 1
(Approved May 3, 1963)
Cape Flattery Area

Tract No.	Block	Description	Acreage
Wash-1	10N 56W 10N 57W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	2,950
Wash-2	11N 57W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	3,200
Wash-3	11N 58W	All	5,760
Wash-4	12N 61W	do	5,760
Wash-5	17N 62W	do	5,760
Wash-6	18N 61W	do	5,760
Wash-7	18N 62W	do	5,760
Wash-8	19N 61W	do	5,760

WASHINGTON

OFFICIAL LEASING MAP, WASHINGTON MAP NO. 1

(Approved May 2, 1963)

Cape Flattery Area

Tract No.	Block	Description	Acreage
Wash-9	18N 62W	All	5,760
Wash-10	20N 61W	do	5,760
Wash-11	20N 62W	do	5,760
Wash-12	21N 61W	do	5,760
Wash-13	21N 62W	do	5,760

WASHINGTON

OFFICIAL LEASING MAP, WASHINGTON MAP NO. 2

(Approved May 2, 1963)

Copalis Beach Area

Tract No.	Block	Description	Acreage
Wash-14	{34N 58W / 34N 59W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	5,660
Wash-15	34N 60W	All	5,760
Wash-16	34N 61W	do	5,760
Wash-17	34N 62W	do	5,760
Wash-18	36N 59W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	5,760
Wash-19	35N 60W	All	5,760
Wash-20	35N 61W	do	5,760
Wash-21	35N 62W	do	5,760
Wash-22	36N 59W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	5,220
Wash-23	36N 60W	All	5,760
Wash-24	36N 61W	do	5,760
Wash-25	36N 62W	do	5,760
Wash-26	37N 60W	do	5,760
Wash-27	37N 61W	do	5,760
Wash-28	37N 62W	do	5,760
Wash-29	{39N 59W / 39N 60W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	5,290
Wash-30	39N 61W	All	5,760
Wash-31	39N 62W	do	5,760
Wash-32	40N 59W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	450
Wash-33	40N 60W	All	5,760
Wash-34	40N 61W	do	5,760
Wash-35	40N 62W	do	5,760
Wash-36	41N 59W	All that portion lying seaward of a line 3 geographical miles distant from the coast line of Washington.	630
Wash-37	41N 60W	All	5,760
Wash-38	41N 61W	do	5,760
Wash-39	41N 62W	All	5,760
Wash-40	45N 61W	do	5,760
Wash-41	45N 62W	do	5,760
Wash-42	45N 63W	do	5,760
Wash-43	45N 64W	do	5,760
Wash-44	45N 65W	do	5,760
Wash-45	46N 63W	do	5,760
Wash-46	46N 64W	do	5,760
Wash-47	46N 65W	do	5,760

Official Outer Continental Shelf leasing maps consisting of a set off Oregon, designated as Maps Nos. 1, 2, 3 and 4, and a set off Washington, designated as Maps Nos. 1 and 2 can be purchased for one dollar per set from Manager, Bureau of Land Management, Pacific Coast Outer Continental Shelf Office, Bartlett Building, Room 1130, 215 West 7th Street, Los Angeles, California, 90014, or the Director, Bureau of Land Management, Washington, D.C., 20240.

Bidders are requested to submit their bids in the following form:

Manager,
Pacific Coast Outer Continental Shelf Office,
Bureau of Land Management,
Department of the Interior,
Los Angeles, Calif.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area ---------- Official Leasing Map No. ----------

Tract No. ---------- *Total Amount Bid* ----------

Amount per Acre ---------- *Amount Submitted With Bid* ----------

---------- (Signature)

---------- (Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

CHARLES H. L. STODDARD,
Director,
Bureau of Land Management.

Approved:

JAMES K. CARR,
Under Secretary, Department of the Interior.

[F.R. Doc. 64-1618; Filed, Feb. 18, 1964; 8:45 a.m.]

ALASKA

Cancelling Certain Small Tract Classification Orders

FEBRUARY 12, 1964.

1. Pursuant to the authority redelegated to me from Bureau Order 684, dated August 28, 1961 (26 F.R. 6215) as amended by the Alaska State Director in section 3, Delegation of Authority (28 F.R. 294) dated January 9, 1963, the following Small Tract Classification Orders are hereby cancelled as to the lands embraced thereby:

Small Tract Classification Order No. 15, as amended. 2. Small Tract Classification Order No. 15 of November 2, 1949 (F.R. Doc. 49-9158), as amended by the general amendment of February 19, 1957, which classified the following lands for lease and sale for home and cabin sites under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C., 682a), as amended:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 19, SE¼NE¼;
Sec. 20, E½NW¼, SW¼NW¼.

Containing approximately 160 acres.

Small Tract Classification Order No. 16, as amended. 3. Small Tract Classification Order No. 16 of November 2, 1949 (F.R. Doc. 49-9157), as amended by the general amendment of February 19, 1957, which classified the following lands for lease and sale for home and cabin sites under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 7, lots 3 and 6.

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 13, lots 4 and 6;
Sec. 14, lots 3, 4 and 5;
Sec. 23, lot 5.

Containing 277.49 acres.

Small Tract Classification Order No. 20, as amended. 4. Small Tract Classification Order No. 20 of March 23, 1950 (F.R. DOC. 2642), as amended by the general amendment of February 19, 1957, and as modified by the partial cancellation order of April 26, 1960 (F.R. DOC. 60-4012), which classified the following lands for lease and sale for home and cabin sites under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C., 682a), as amended:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 17, SW¼NW¼ and N½SW¼;
Sec. 19, lot 4 and E½SW¼.

Containing 269.33 acres.

Small Tract Classification Order No. 26, as amended. 5. Small Tract Classification Order No. 26 of July 18, 1950 (F.R. Doc. 50-6607), as amended by the general amendment of February 19, 1957, which classified the following lands for lease and sale for home and cabin sites under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 7, lot 2 except that portion if described in terms of a normal subdivision would be: SE¼SW¼SW¼NW¼ and NE¼NW¼NW¼SW¼.

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 13, lot 2, except that portion if described in terms of normal subdivision would be: NE¼NW¼SW¼NW¼ and NW¼NE¼NW¼NE¼;
Sec. 14, lot 2, except that portion if described in terms of a normal subdivision would be: S½SE¼SW¼NE¼ and NE¼SE¼SW¼NE¼;
Sec. 14, SE¼NW¼.

Containing approximately 148.66 acres.

6. This order will take effect as soon as published in the FEDERAL REGISTER. Cancellation of these classification orders does not affect valid existing rights as to the lands embraced thereby.

PEDRO DENTON,
Acting Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64-1624; Filed, Feb. 18, 1964; 8:46 a.m.]

[Classification 120]

ALASKA

Small Tract Classification; Corrected Land Description

FEBRUARY 11, 1964.

F.R. Doc. 63-12926 appearing in the issue for December 13, 1963 is hereby corrected as follows:

Paragraph 1 containing description of the land classified by the order is hereby corrected so that portion reading:

SEWARD MERIDIAN

T. 17 S., R. 47 W.,
Sec. 2, portions of Lot 1 described as: S½NE¼NE¼NE¼ (excluding that portion within U.S. Survey 2368), N½NW¼NE¼NE¼NE¼, N½SW¼NE¼NE¼, SE¼NE¼NE¼.

will read:

SEWARD MERIDIAN

T. 17 S., R. 47 W.,
Sec. 2, portions of Lot 1 described as: S½NE¼NE¼NE¼ (excluding that portion within U.S. Survey 2368), NW¼NE¼NE¼, and SE¼NE¼NE¼.

GEORGE R. SCHMIDT,
Chief, Branch of Lands and Minerals Operations.

[F.R. Doc. 64-1622; Filed, Feb. 18, 1964; 8:46 a.m.]

[Classification No. C3-3]

CALIFORNIA

Small Tract Classification, Amendment

FEBRUARY 6, 1964.

1. Effective immediately, paragraph 1 of F.R. Doc. 64-967, appearing on page 1624 of the issue for January 31, 1964, is hereby amended to include the following-described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 32: E½ of Lot 76, that portion of Lot 128 lying North and West of the centerline of Lower Springs Road, and the S½ of Lot 125.
T. 31 N., R. 5 W.,
Sec. 5: S½SW¼ of Lot 4, N½SW¼NE¼ of Lot 5 and NW¼SW¼SW¼NW¼.

VIRGIL L. BOTTINI,
District Manager.

[F.R. Doc. 64-1615; Filed, Feb. 18, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15018]

PACIFIC WESTERN AIRLINES LTD.

Notice of Hearing

Application of Pacific Western Airlines Ltd. for a foreign air carrier permit issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to engage in foreign air carrier transportation between Canada and the United States of America.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on February 25, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., February 13, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-1637; Filed, Feb. 18, 1964; 8:48 a.m.]

[Docket No. 14875, etc.]

SERVICE TO HURON, SOUTH DAKOTA

Notice of Prehearing Conference

Pursuant to instructions from the Board notice is hereby given that a prehearing conference is assigned to be held in connection with the above-entitled proceeding on February 26, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Robert L. Park.

This case will include Docket 14875 insofar as it seeks suspension of Western Airlines, Inc., at Huron, South Dakota, pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, and the application of North Central Airlines, Inc., in Docket 14950 for an amendment of its certificate to authorize service between Pierre, South Dakota, and Huron, South Dakota.

Dated at Washington, D.C., February 13, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-1637; Filed, Feb. 18, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15338]

SIDNEY C. KARNEKE

Order To Show Cause

In the matter of Sidney C. Karneke, Sacramento, California, order to show cause why there should not be revoked the license for Radio Station KFD-5199 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official notice of violation dated December 17, 1963, alleging violation of §§ 19.61 (a), (c), and (f) (now §§ 95.81 (a), (c), and (f)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 31, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 12th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 2311 "N" Street, Apartment B, Sacramento, California.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1650; Filed, Feb. 18, 1964; 8:50 a.m.]

[Docket No. 15271; FCC 63M-117]

AMERICAN COLONIAL BROADCASTING CORP.

Order Continuing Hearing

In re application of American Colonial Broadcasting Corporation, Ponce, Puerto Rico, Docket No. 15271, File No. BPCT-3104; for construction permit to change transmitter site and antenna height above average terrain of Station WSUR-TV, Channel 9, Ponce, Puerto Rico.

The Hearing Examiner having under consideration a change of date for commencement of hearing;

It appearing, that a conference was held on February 11, 1964, at which time problems in connection with the adduction of evidence were discussed together with other matters; and

It further appearing, that the currently established date for commencement of hearing of March 11 will not be feasible so that a change must be made;

It is ordered, This 11th day of February, 1964, that the date for commence-

ment of hearing is changed from March 11 to April 21, 1964.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1644; Filed, Feb. 18, 1964; 8:49 a.m.]

[Docket No. 14321-14326; FCC 64M-122]

BLACK HILLS VIDEO CORP.

Order Continuing Hearing

In re application, of Black Hills Video Corporation, Docket No. 14321, File No. 223-C1-R-61, for renewal of the license for Station KAR42, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14322, File No. 361-C1-ML-61, for modification of license to cover a construction permit for additional facilities for Station KAR42 in the Domestic Public Point-to-Point Microwave Radio Service at Fredericktown, Missouri; Docket No. 14323, File No. 338-C1-R-61, for renewal of the license for Station KKU98, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Davy, Texas; Docket No. 14324, File No. 752-C1-R-61, for renewal of the license for Station KAP22, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Weld County, Colorado; Docket No. 14325, File No. 753-C1-R-61, for renewal of the license for Station KAP23, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Mitchell, Nebraska; Docket No. 14326, File No. 754-C1-R-61, for renewal of the license for Station KAP25, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Crawford, Nebraska; Docket No. 14327, File No. 755-C1-R-61, for renewal of the license for Station KOY47, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Albin, Wyoming; Docket No. 14328, File No. 756-C1-R-61, for renewal of the license for Station KAQ88, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Custer, South Dakota.

The hearing conference in the above-entitled matter having been held on February 12, 1964, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

It is ordered, This 12th day of February 1964 that:

(1) The direct cases of the parties shall be presented by written sworn exhibits with preliminary drafts thereof to be exchanged among the parties on March 11, 1964;

(2) Requests for additional information shall be made on or before March 16, 1964;

(3) All exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on March 25, 1964;

(4) Notification of witnesses to be called for cross-examination and of underlying data desired for purposes of cross-examination shall be given on or before April 1, 1964, with all data desired in advance of commencement of the evidentiary phases of the proceeding to be so specified;

It is further ordered, That the hearing herein presently scheduled to commence on March 10, 1964, is continued to April 20, 1964 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1645; Filed, Feb. 18, 1964; 8:49 a.m.]

[Docket Nos. 15303, 15304]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Cascade Broadcasting Company, Yakima, Washington, requests: 107.3 mc, No. 297, 29.3 kw; 903 feet, Docket No. 15303, File No. BPH-4072; David Zander Pugsley TR/AS Sunset Broadcasting Company (KNDX-FM), Yakima, Washington, has: 106.3 mc, No. 292, 890 w; 125 feet, requests: 107.3 mc, No. 297, 31 kw; 150 feet, Docket No. 15304, File No. BPH-4180; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on February 10, 1964;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective proposed 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations within the proposed 1 mv/m contour of the Cascade Broadcasting Company, the areas and populations therein which would be served by the proposed station and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine the area and population within the proposed 1 mv/m contour of Station KNDX-FM, the areas and populations which would gain or lose FM broadcast service resulting from the operation of KNDX-FM as proposed and the availability of other FM services (at least 1 mv/m) to such proposed service area.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations or fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: February 12, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1646; Filed, Feb. 18, 1964; 8:49 a.m.]

[Docket Nos. 15303, 15304; FCC 64M-129]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Scheduling Hearing

In re applications of Cascade Broadcasting Company, Yakima, Washington, Docket No. 15303, File No. BPH-4072; David Zander Pugsley tr/as Sunset Broadcasting Company (KNDX-FM), Yakima, Washington, Docket No. 15304, File No. BPH-4180; for construction permits.

It is ordered, This 13th day of February, 1964, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 8, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 9, 1964.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1647; Filed, Feb. 18, 1964; 8:49 a.m.]

[Docket Nos. 15299, 15300; FCC 64M-128]

GREAT NORTHERN BROADCASTING SYSTEM AND MIDWESTERN BROADCASTING CO.

Order Scheduling Hearing

In re applications of Robert L. Greaige and Roderick C. Maxson d/b as Great Northern Broadcasting System, Traverse City, Michigan, Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Docket No. 15300, File No. BPH-4079; for Construction permits.

It is ordered, This 13th day of February, 1964, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 7, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m. March 9, 1964.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1648; Filed, Feb. 18, 1964; 8:49 a.m.]

[Docket Nos. 15323-15325; FCC 64M-120]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS, ET AL.

Order Scheduling Hearing

In re applications of Integrated communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

It is ordered, This 10th day of February 1964, that Sol Schildhause shall serve as presiding officer in the above-entitled proceeding; that the hearings in the proceeding shall be held in the Offices of the Commission, Washington, D.C., commencing April 20, 1964; and that a prehearing conference shall be convened in the offices of the Commission, Washington, D.C., on February 26, 1964.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1649; Filed, Feb. 18, 1964; 8:49 a.m.]

[Docket No. 15135; FCC 64M-127]

RAUL SANTIAGO ROMAN

Order Scheduling Prehearing Conference

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

The Hearing Examiner having under consideration the memorandum opinion and order of the Review Board enlarging the issues in the above-entitled proceeding, released February 11, 1964 (FCC 64R-70);

It is ordered, On the Hearing Examiner's own motion, this 13th day of February 1964, that a prehearing conference, for the purpose of prescribing procedural ground rules for the conduct of the further hearing upon the added issue, is hereby scheduled to convene at the Commission's offices, Washington, D.C., at 10 a.m., Wednesday, February 19, 1964, and that all parties, by themselves or by counsel, are directed to attend; and

It is ordered further, That the parties will be prepared particularly to discuss, and hopefully, to agree upon, reasonable formulae for effective evidential presentation under the new issue at an early date, which is also to be established, if possible, by stipulation.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1651; Filed, Feb. 18, 1964; 8:50 a.m.]

[Docket No. 15276; FCC 64M-126]

CHARLES A. SEAMAN

Order Scheduling Prehearing Conference

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, for a general class amateur operator license.

It is ordered, This 12th day of February, 1964, on the Hearing Examiner's own motion, that a prehearing conference in the above-entitled proceeding will be held at 10:00 a.m., February 26, 1964, at the offices of the Commission in Washington, D.C.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1652; Filed, Feb. 18, 1964; 8:50 a.m.]

[Docket No. 15322; FCC 64M-119]

SPARTAN RADIOCASTING CO.

Order Scheduling Hearing

In re application of Spartan Radiocasting Company, Asheville, North Carolina, Docket No. 15322, File No. BPTTV-1996; for construction permit for new television broadcast translator station.

It is ordered, This 10th day of February 1964, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 31, 1964, in Washington, D.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 5, 1964.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1653; Filed, Feb. 18, 1964; 8:50 a.m.]

[Docket Nos. 15326-15328; FCC 64M-121]

SPRINGFIELD TELEVISION BROADCASTING CORP. ET AL.

Order Scheduling Hearing

In re applications of Springfield Television Broadcasting Corporation, Toledo, Ohio, Docket No. 15326, File No. BPCT-3157; D. H. Overmyer, Toledo, Ohio, Docket No. 15327, File No. BPCT-3173; Producers, Inc., Toledo, Ohio, Docket No. 15328, File No. BPCT-3178; for construction permits for new television broadcast stations.

It is ordered, This 10th day of February 1964, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m., April 20, 1964, in Washington, D.C.; that the initial prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., March 11, 1964, in Washington, D.C.; and that counsel for all parties to the proceeding, at the time of their appearance at this conference, will be prepared to discuss to the fullest extent applicable, in the light of the governing issues, all of the pertinent points enumerated in § 1.251

of the Commission's rules of practice and procedure.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1654; Filed, Feb. 18, 1964; 8:50 a.m.]

[Docket No. 15248-15250; FCC 64M-123]

UNITED ARTISTS BROADCASTING INC. ET AL.

Order Scheduling Prehearing Conference

In re applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT-3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT-3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243; for construction permits for new television broadcast stations.

At prehearing conference today all parties agreed to undertake a written case presentation and to meet informally with each other with a view to arriving at various agreements and stipulations looking to order in the conduct of the proceeding. Further prehearing conference will be held in this matter on February 24, 1964, and the hearing is rescheduled from March 16 to May 25, 1964.

So ordered, This 12th day of February, 1964.

Released: February 13, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1655; Filed, Feb. 18, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CARIB WIDE FORWARDING CO. ET AL.

Independent Ocean Freight Forwarder Applications

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)),

GRANDFATHER APPLICANTS

NAME AND ADDRESS

Carib Wide Forwarding Co., No. 772, 1795 Coral Way, Miami, Fla., 33145, revoked January 9, 1964.
Carlsen, H. R., No. 478, 26 Broadway, New York, N.Y., 10004, revoked January 8, 1964.
Casado, Ramon P., No. 50, 358 Broadway, New York 13, N.Y., revoked January 9, 1964.
Cueva Co., Inc., No. 177, 535 Gravier Street, New Orleans 12, La., revoked January 9, 1964.
Export Transportation Co., No. 207 (Isidor Greenberg, d/b/a), 350 Fifth Avenue, New York 36, N.Y., revoked January 9, 1964.
Fraser & Hansen Ltd., No. 679, 150 California Street, San Francisco 11, Calif., revoked January 9, 1964.
Interport (USA) Inc., No. 685, 700 Montgomery Street, San Francisco 11, Calif., revoked January 9, 1964.
Kuhne, Inc., Walter E., No. 758, 11 Broadway, New York 4, N.Y., revoked January 9, 1964.
Mercantile Freight Forwarders, Inc., No. 884, 6 State Street, New York 4, N.Y., revoked January 9, 1964.
Myca Shipping Co., No. 650, 1317 North Fourth Street, McAllen, Tex., 78501, revoked January 9, 1964.
Rogers Company, I. F., No. 543 (Maria J. Gonzales, d/b/a), 15 Moore Street, New York, N.Y., 10004, revoked January 17, 1964.
Santos & Co., Inc., E. L., No. 555, 7 Water Street, New York, N.Y., 10004, revoked January 17, 1964.
Sea-Land-Air Shipping Co., No. 698 (George Zambrana, d/b/a), 204 Franklin Street, New York 13, N.Y., revoked January 9, 1964.
Sutherland International Despatch, Inc., No. 711, 370 Lexington Avenue, New York 17, N.Y., revoked January 9, 1964.
Williams Forwarding Co., Inc., No. 612, 1497 Broadway, New York 17, N.Y., revoked January 8, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

NAME AND ADDRESS

All American Foreign Freight Forwarding Co., (Stanley J. Hope, d/b/a), 702 Stevenson Lane, Baltimore, Md., Stanley J. Hope, owner.
Crystal Shipping Co. (George A Grech, d/b/a), 17 State Street, New York, N.Y., George A. Grech, owner.
Gladish & Associates (Stephen Gladish, d/b/a), 1319 Second Avenue, Seattle, Wash., 98101, Stephen Gladish, owner.
Trans Atlantic Shipping Co., Ltd., 29 Broadway, New York, N.Y., 10004, Blooma Zadeh, President, Leonard Arnold, Vice President, Galo Pineda, Secretary/Treasurer.

Notice is hereby given of changes in the following application for independent ocean freight forwarder licenses to the following applicants, pursuant to section 44, Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

NON-GRANDFATHER APPLICANTS

Lann Greene Forwarding Co., Inc., 55 Laight Street, New York, N.Y., withdrawn January 27, 1964.
Panaco Shipping Corp., 521 Fifth Avenue, New York, N.Y., denied January 10, 1964.

Dated: February 11, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1632; Filed, Feb. 18, 1964; 8:48 a.m.]

JAVA PACIFIC RATE AGREEMENT ET AL.

Notice of Filing of Agreements Pursuant to General Order 7, Self-Policing Systems

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 191-4, between the member lines of the Java Pacific Rate Agreement;

Agreement No. 192-3, between the member lines of the Deli-Pacific Rate Agreement;

Agreement No. 7190-3, between the member lines of the Deli/New York Rate Agreement.

The above agreements modify the self-policing provisions of the respective conferences.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1633; Filed, Feb. 18, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 2409, 2410]

CALAVERAS COUNTY WATER DISTRICT AND TUOLUMNE COUNTY WATER DISTRICT NO. 2

Order Consolidating Proceedings, Fixing Hearing and Prescribing Procedure

FEBRUARY 12, 1964.

On September 9, 1963, Calaveras County Water District, (Calaveras) a municipal corporation, of San Andreas, California, filed an application for license under the Federal Power Act for a proposed hydroelectric development (Project No. 2409), to be located on North Fork Stanislaus River and Highland and Beaver Creeks in California, the project facilities to be located in Alpine, Calaveras and Tuolumne Counties, California, affecting lands of the United States within Stanislaus National Forest. The proposed project would consist of the enlargement of the existing Spicer Meadow reservoir of Project No. 2019 (under license to Pacific Gas and Electric Co.) and the development of a series of reservoirs and powerhouses on the North Fork Stanislaus River. The project would initially provide 294,000 acre-feet of storage and develop 3,021 feet of head at two powerhouses having a total installed capacity of 165,000 kw. Ultimately, the project would provide 352,000 acre-feet of storage and develop 5445 feet of head at four powerhouses having a total installed capacity of 321,000 kw.

On September 13, 1963, Tuolumne County Water District No. 2 (Tuolumne), a municipal corporation, of Sonora, California, filed an application for a license under the Federal Power Act for a proposed hydroelectric development (Project No. 2410), to be located on North Fork Stanislaus River, the project facilities to be located in Alpine and Tuolumne Counties, California, affecting lands of the United States within the Stanislaus National Forest. The North Fork-Middle Fork Project No. 2410 would also include enlargement of Spicer Meadow reservoir; in addition, it would include several new powerhouses with associated tunnels and the use or enlargement of existing developments on the Middle Fork Stanislaus River. The project would initially provide 164,000 acre-feet of storage and develop 3,539 feet of head at three powerhouses having a total installed capacity of 87,600 kw. Ultimately, the project would provide 326,000 acre-feet of storage and develop 8050 feet of head at six powerhouses having a total installed capacity of 232,600 kw. The ultimate plan includes two reservoirs and two powerhouses on the North Fork Stanislaus River.

The proposed projects are in conflict with each other, in their proposed usage of the flow of North Fork Stanislaus River, and in the proposed development and use of Spicer Reservoir.

Tuolumne has intervened against the granting of a license for Calaveras' Project No. 2409, and the latter District has in turn intervened against Tuolumne's Project No. 2410. In addition, the State of California, Department of Fish and Game and the Pacific Gas and Electric Company have been permitted to intervene with respect to both applications.

The Commission, in issuing the license for Pacific Gas and Electric's Project No. 2019 recognized the need for further development of the Stanislaus River watershed, and expressly reserved the right to grant another license authorizing an applicant, alone or jointly with the licensee of Project No. 2019, to raise the dams and increase the storage capacity of any or all of the licensed reservoirs.

The Commission finds: It is desirable and in the public interest to consolidate these two matters for the purpose of a public hearing and to hold such a hearing respecting the matters involved and the issues presented by the two applications.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in Washington, D.C., on August 18, 1964, at 10 a.m. (e.d.s.t.) in a hearing room of the Federal Power Commission respecting the matters involved in and the issues presented by the applications for license for Project Nos. 2409 and 2410.

(B) The following procedure is prescribed:

(1) A prehearing conference will be held on March 3, 1964, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, before the Presiding Examiner.

(2) The parties, including Commission staff, shall file their direct testimony and exhibits by May 15, 1964.

(3) The parties, including Commission staff, shall file their rebuttal testimony and exhibits by July 10, 1964.

(4) No exhibits (except those of which official notice may properly be taken) shall contain narrative material other than brief explanatory notes, and all exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(5) Any motions to strike any part of the prepared testimony and exhibits shall be filed by July 28, 1964, and answers thereto shall be filed by August 10, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1612; Filed, Feb. 18, 1964; 8:45 a.m.]

[Docket No. CP64-156]

EL PASO NATURAL GAS CO.

Notice of Application

FEBRUARY 12, 1964.

Take notice that on January 7, 1964, El Paso Natural Gas Company ("El Paso"), a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas 79999, filed in Docket No. CP64-156 an application pursuant to section 7(b) of the Natural Gas Act, as amended, for permission and approval to abandon by sale approximately 1.3 miles of 4½" O.D. pipeline, extending from the South Cowden Gasoline Plant of Inland Natural Gasoline ("Inland") located in Ector County, Texas, to a point of connection with El Paso's 20" O.D. Sweetie Peck-Goldsmith line, and a purchase meter station located at the outlet of the said plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that, by use of the above facilities, El Paso is currently purchasing residue gas from Inland at the outlet of Inland's South Cowden Plant under the terms of a residue gas purchase agreement dated June 26, 1956. The application further states that due to a decline in the volumes of gas available to Inland for processing at its South Cowden Plant, Inland proposes to discontinue the sale of gas to El Paso and the parties have agreed to terminate the agreement of June 25, 1956.

Upon cessation of deliveries of gas by Inland to El Paso, the facilities installed by El Paso to receive such gas will no longer be required. El Paso proposes to sell such facilities to E. G. Rodman, an individual, upon receipt of the requested abandonment authorization. The total consideration payable by E. G. Rodman for the facilities will be the original cost thereof less accrued depreciation as of the date of conveyance. As of December 31, 1963, the original cost less accrued depreciation was $13,766.75.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1613; Filed, Feb. 18, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-1267]

SOUTHWEST FACTORIES, INC.

Order Vacating Temporary Suspension Order

FEBRUARY 13, 1964.

Southwest Factories, Inc. (issuer), 1432 West Main Street, Oklahoma City, Oklahoma, filed a notification on Form 1-A and offering circular on October 10, 1961, for the purpose of obtaining an exemption from registration pursuant to section 3(b) of the Securities Act of 1933, as amended, and to Regulation A promulgated thereunder. The Commission issued an order temporarily suspending the exemption of the issuer on October 18, 1962. The issuer requested a hearing which was postponed pending reorganization proceedings.

A plan of reorganization of the issuer under Chapter X of the Bankruptcy Act was confirmed on April 18, 1963, by order of the United States District Court for the Western District of Oklahoma, and the plan has since been consummated.

It appears that a hearing to determine whether to vacate or make permanent the temporary suspension order is not necessary under the circumstances and that it is not in the public interest and for the protection of investors that said order be made permanent.

It is therefore ordered, That the order dated October 18, 1963, temporarily suspending respondent's exemption under Regulation A be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1611; Filed, Feb. 18, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 202]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 14, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

No. MC 151 (Deviation No. 4), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind., filed February 6, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) from Indianapolis, Ind., over Interstate Highway 74 to Danville, Ill., and (B) from Champaign, Ill., over Interstate Highway 74 to Peoria, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Indianapolis over U.S. Highway 36 to Chrisman, Ill., thence over U.S. Highway 150 to Danville, and, from Champaign over U.S. Highway 150 to Peoria, and return over the same routes.

No. MC 29910 (Deviation No. 5), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., filed February 3, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 70 and Interstate Highway 55, over Interstate Highway 55 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction U.S. Highway 67, at or near Bald Knob, Ark., thence over U.S. Highways 64 and 67 to junction said highways near Beebe, Ark., thence over U.S. Highway 64 to Conway, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 to Little Rock, Ark., thence over U.S. Highway 65 to Conway, and return over the same route.

No. MC 29964 (Deviation No. 2) COCHRANE TRANSPORTATION COMPANY, 1622 Commerce Road, Richmond 6, Va., filed February 4, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over bypass connecting with Interstate Highway 95 thence over Interstate Highway 95 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hopewell, Va., over Virginia Highway 10 to junction U.S. Highway 1, via Richmond, Va., thence over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 32474 (Deviation No. 5), (Canceling unnumbered deviation notice filed April 26, 1957), KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo 6, Ohio, filed February 7, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to junction U.S. Highway 24, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Toledo over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, Mich., and return over the same route.

No. MC 40235 (Deviation No. 3) I.R.C & D. MOTOR FREIGHT, INC., 128 South Second Street, Richmond, Inc., filed February 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80 thence over Interstate Highway 80 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver over U.S. Highway 85 to Greeley, Ohio, thence over U.S. Highway 33, thence over U.S. Highway 33 to Decatur, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Eaton, Ohio, thence over U.S. Highway 127 to Hamilton, Ohio, thence over Ohio Highway 4 to Cincinnati; from Cincinnati over U.S. Highway 52 to Indianapolis, Ohio from Cincinnati over Ohio Highway 4 to Hamilton, Ohio, thence over U.S. Highway 127 to Eaton, thence over U.S. Highway 35 to Dayton; from Cincinnati over U.S. Highway 25 to Dayton; and from Dayton over U.S. Highway 35 to Richmond, Ind., and thence over U.S. Highway 27 to Decatur, and return over the same routes.

No. MC 40235 (Deviation No. 4), I.R.C. & D. MOTOR FREIGHT, INC., 128 South Second Street, Richmond, Ind., filed February 6, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Indianapolis, Ind., over Interstate Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Dayton, Ohio, (B) from Indianapolis over Interstate Highway 69 to Fort Wayne, Ind., and (C) from junction Interstate Highways 74 and 275 (near Cincinnati, Ohio) over Interstate Highway 275 to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Dayton; from Indianapolis over U.S. Highway 36 to junction Indiana Highway 38, thence over Indiana Highway 38 to junction Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Muncie, Ind., thence over Indiana Highway 67 to Portland, Ind., thence over U.S. Highway 27 to Fort Wayne; and, from Indianapolis over U.S. Highway 40 to junction U.S. Highway 35, thence over U.S. Highway 35 to Eaton, Ohio, thence over U.S. Highway 127 to Hamilton, Ohio, thence over Ohio Highway 4 to Cincinnati, and return over the same routes.

No. MC 52709 (Deviation No. 13), RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216, filed February 3, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Denver over U.S. Highway 85 to Greeley, Ohio, thence over U.S. Highway 34 to Brush, Colo., thence over U.S. Highway 6 via Sterling, Colo., and Hastings, Nebr., to Omaha, Nebr., and, from Omaha over U.S. Highway 6 to junction unnumbered highway (formerly U.S. Highway 6), thence over unnumbered highway via Brooklyn, Carnforth and Victor, Iowa, to junction U.S. Highway 6, thence over U.S. Highway 6 via Marengo, Iowa, to Moline, Ill., thence over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to LaMoille, Ill., thence return over U.S. Highway 34 to junction Illinois Highway 92, thence continue over U.S. Highway 34 to junction unnumbered highway (formerly U.S. Highway 34) near Earlville, Ill., thence over unnumbered highway via Earlville, to junction U.S. Highway 34, thence over U.S. Highway 34 to junction unnumbered highway (formerly U.S. Highway 34), near Leland, Ill., thence over unnumbered highway via Leland to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same route.

No. MC 123268 (Deviation No. 2), STEVENS EXPRESS, INC., 1125 East 3d Street, Post Office Box 92, Hutchinson, Kans., filed February 5, 1964. Attorney James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Salina, Kans., over Interstate Highway 70 to Topeka, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Salina via Chapman and Abilene, Kans., over Kansas Highway 206 (formerly U.S. Highway 40) to Junction City, thence via Ogden and Fort Riley, Kans., over Kansas Highway 18 to Manhattan, Kans., thence over U.S. Highway 24 to junction unnumbered highway, near Topeka, thence over said unnumbered highway to Topeka, and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC-1515 (Deviation No. 146) (Cancelling MC-1504) (Deviation Nos. 1 and 3) (CORRECTION), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed January 20, 1964. Previous notice published in the February 6, 1964 issue of the FEDERAL REGISTER was in error in describing the proposed deviation route. The correct deviation route as now proposed is as follows: from Winston-Salem, N.C., over Interstate Highway 40 to Greensboro, N.C., and return over the same route, for operating convenience only.

No. MC 1515 (Deviation No. 157), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed February 5, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Passengers and their baggage*, over deviation routes as follows: (A) From Monteagle, Tenn., over Interstate Highway 24 to junction U.S. Highway 41 6.4 miles south of Hillsboro, Tenn., and (B) from Pelham, Tenn., over Tennessee Highway 50 to junction Interstate Highway 24, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Murfreesboro, Tenn., over U.S. Highway 41 to Chattanooga, Tenn., and return over the same route.

No. MC 1515 (Deviation No. 158), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City 8, Mo., filed February 7, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction U.S. Highways 63 and 66 over U.S. Highway 66 to junction unnumbered highway, west of Rolla, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63, thence over U.S. Highway 63 to Rolla, thence over unnumbered highway to junction U.S. Highway 66, and return over the same route.

No. MC 1515 (Deviation No. 159), GREYHOUND LINES, INC., (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed February 7, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: from junction U.S. Highway 66 and unnumbered highway, east of Bourbon, Mo., over U.S. Highway 66 to junction unnumbered highway, west of Fanning, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: from St. Louis, Mo., over U.S. Highway 66 to junction Missouri Highway 100, at or near Gray Summit, Mo., thence over U.S. Highway 66 to junction unnumbered highway, at or near Bourbon, Mo., thence over unnumbered highway via Bourbon, Cuba, and Fanning, Mo., to junction U.S. Highway 66, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1627; Filed, Feb. 18, 1964; 8:47 a.m.]

[Notice No. 600]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 14, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 (49 CFR 1.247) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 261), filed February 10, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron 10, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value Classes A and B explosives, livestock, household goods as defined by the commission, commodities in bulk, and those requiring special equipment), serving Odenton, Md., as an off-route point in connection with applicant's authorized regular-route operations between Washington, D.C., and Baltimore, Md.

NOTE: Common control may be involved.

HEARING: March 3, 1964, in Room 709, U.S. Appraisers' Stores Building, Bay and Lombard Streets, Baltimore, Md., before Joint Board No. 112.

No. MC 42261 (Sub-No. 80), filed February 11, 1964. Applicant: LANGER TRANSPORT CORP., Route 1, foot of Danforth Avenue., Jersey City, N.J. Applicant's attorney: William C. Mitchell, Jr., 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., located at Avon Lake, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 56388 (Sub-No. 30), filed February 11, 1964. Applicant: HAHN TRANSPORTATION, INC., New Market, Md. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of Plantation Oil Line Co. of Atlanta, at or near Newington, Va., to points in Virginia, West Virginia, Maryland, and the District of Columbia.

HEARING: March 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 107403 (Sub-No. 534), filed February 5, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin.

NOTE: Common control may be involved.

HEARING: February 27, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 116273 (Sub-No. 21), filed January 31, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero 50, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, and Wisconsin.

HEARING: February 27, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 138), filed August 29, 1963. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston 21, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank vehicles, from Brian, La., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New Jersey, Michigan, Wisconsin, Minnesota, Colorado, Wyoming, and Montana.

NOTE: Common control may be involved.

HEARING: April 14, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 5948 (Sub-No. 5), filed April 1, 1963. Applicant: D. & C. TRANSPORTATION CO., INC., 30 Stainton Avenue, Dayton, Ohio. Applicant's attorney: William V. Blake, 123 Glencoe Road, Columbus 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Xenia, Ohio, and Jamestown and Bowersville, Ohio, (1) from Xenia to junction Ohio Highway 72, via Jasper road through New Jasper; (2) from junction Jasper road and Waynesville-Jamestown road, via Waynesville-Jamestown road to Jamestown; and (3) from Jamestown to Bowersville via Ohio Highway 72 and return over the same routes serving the intermediate point of New Jasper, in (1) above.

HEARING: April 3, 1964, at New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 10761 (Sub-No. 149), filed November 18, 1963. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Churubusco, Ind., as an off-route point in connection with applicant's presently authorized regular-route operations between Chicago, Ill., and Lima, Ohio.

HEARING: April 6, 1964, in Room 906, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 15473 (Sub-No. 15), filed December 23, 1963. Applicant: BEST TRUCK LINES, INC., 321 North Main, Ottawa, Kans. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Ottawa, and Lawrence, Kans., from Ottawa, over U.S. Highway 59 to Lawrence, and return over the same route, serving no intermediate or off-route points.

HEARING: April 2, 1964, at the Hotel Pick-Kansan, Topeka, Kansas, before Joint Board No. 52.

No. MC 18535 (Sub-No. 41), filed December 13, 1963. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, Post Office Box 377, St. Matthews, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in bunches and boxes, from Gulfport, Miss., to Raleigh, N.C., and Columbia, S.C.

HEARING: April 3, 1964, at the U.S. Courtrooms, Columbia, S.C., before Chief Hearing Examiner James C. Cheseldine.

No. MC 19227 (Sub-No. 81), filed December 5, 1963. Applicant: LEONARD BROS. TRANSFER, INC., 2595, Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioners, air coolers, air heaters, air humidifiers and dehumidifiers, cooling and freezing machines, hot air furnaces*, and *parts and equipment* therefor from points in York County, Pa., to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, and Texas.

HEARING: April 6, 1964, at the Dupont Plaza Hotel, Miami, Fla., before Chief Examiner James C. Cheseldine.

No. MC 22195 (Sub-No. 97), filed December 12, 1963. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Davison and Hanson Counties, S. Dak., to points in North Dakota, Montana, Wyoming, Nebraska, Iowa, and Minnesota, and *rejected shipments*, on return.

HEARING: March 9, 1964, in Room B–29, Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 22195 (Sub-No. 98), filed December 13, 1963. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Beadle County, S. Dak., to points in North Dakota, Montana, Wyoming, Nebraska, Iowa, and Minnesota, and *rejected shipments* on return.

HEARING: March 9, 1964, in Room B–29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 23942 (Sub-No. 12), filed November 29, 1963. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. Applicant's attorney: Richard D. Sanborn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with usual restrictions that service is limited to that which is auxiliary to, or supplemental of, rail service of the Atlantic Coast Line Railroad Company, between Marion, S.C., and Conway, S.C.; from Marion over U.S. Highway 501 via Aynor, S.C., to Conway, and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route authority, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: April 7, 1964, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 177.

No. MC 23942 (Sub-No. 13), filed November 29, 1963. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. Applicant's attorney: Richard D. Sanborn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Augusta, Ga. and Spartanburg, S.C., from Augusta north over Georgia Highway 28 to the Georgia-South Carolina State line, thence over South Carolina Highway 28 through McCormick, S.C., to junction South Carolina Highway 10, thence over South Carolina Highway 10 through Troy, S.C., to junction U.S. Highway 221, thence over U.S. Highway 221 through Greenwood and Laurens, S.C., to Spartanburg, S.C., and return over the same route, and (a) between McCormick and Bradley, S.C., from McCormick over U.S. Highway 221 to Bradley, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, to be used in connection with (1); (2) between Laurens and Greenville, S.C., from Laurens north over South Carolina Highway 14 through Gray Court and Fountain Inn, S.C., to Mauldin, S.C., thence over U.S. Highway 276 to Greenville, and return over the same route, and (a) between junction U.S. Highway 221 and South Carolina Highway 92 near Enoree, S.C., and Gray Court, S.C., from junction U.S. Highway 221 and South Carolina 92, thence over South Carolina Highway 92 to Gray Court, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, to be used in connection with (2), and (b) between Woodruff and Fountain Inn, S.C., from Woodruff over South Carolina Highway 418 to Fountain Inn, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, to be used in connection with (2); (3) between McCormick and Anderson, S.C., from McCormick north over South Carolina Highway 28, to junction South Carolina Highway 81 near Bordeaux, S.C., thence over South Carolina Highway 81 through Calhoun Falls and Iva, S.C., to Anderson, S.C., and return over the same route, and (a) between Anderson and Spartanburg, S.C., from Anderson over U.S. Highway 29 through Greenville to Spartanburg, and return over the same route serving no intermediate points as an alternate route for operating convenience only, to be used in connection with (1), (2) and (3); (4) between Augusta, Ga., and Port Royal, S.C., from Augusta south over Georgia Highway 28 to the Georgia-South Carolina State line near Beech Island, S.C., thence over South Carolina Highway 28 through Barnwell and Allendale, S.C., to Yemesee, S.C., thence over U.S. Highway 21 to Beaufort, S.C., thence over South Carolina Highway 281 to Port Royal, and return over the same route, and (5) between Beech Island and Jackson, SC., from Beech Island south over South Carolina Highway 125 to Jackson, and return over the same route, and (a) between Jackson, S.C., and junction unnumbered highway and South Carolina Highway 28, from Jackson over unnumbered highway to junction South Carolina Highway 28, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, to be used in connection with (5).

NOTE: Applicant states it proposes to serve all intermediate points in (1), (2), (3), (4) and (5) above, that are stations on the Atlantic Coast Line Railroad. It is further noted that the above proposed operations will be limited to a transportation service which will be auxiliary to, or supplemental of, rail service of the Atlantic Coast Line Railroad Company. Applicant suggests that a keypoint be made at Augusta, Ga., on shipments *not* having an immediately prior or immediately subsequent movement by rail or water. Common control may be involved.

HEARING: April 7, 1964, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 131.

No. MC 23942 (Sub-No. 14), filed November 29, 1963. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Manning, S.C., and Santee, S.C.: from Manning, over U.S. Highway 301, to Summerton, S.C., thence over U.S. Highway 15 to Santee, and (2) between Paxville and Santee: From Paxville, over U.S. Highway 15 to Summerton, thence to Santee, and return over the same routes, serving all points that are stations on the Atlantic Coast Line Railroad.

NOTE: Common control may be involved.

HEARING: April 7, 1964, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 177.

No. MC 29566 (Sub-No. 84), filed December 9, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing-houses*, as described in Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (restricted against any transportation in bulk or tank vehicles), from Kansas City, Kans., to Springfield, Mo., and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: April 7, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Joint Board No. 36.

No. MC 30844 (Sub-No. 132), filed October 30, 1963. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hastings, Nebr., to points in Illinois, Indiana, and Ohio.

HEARING: March 31, 1964, in Room 2401, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Wm. N. Culbertson.

No. MC 42261 (Sub-No. 79), filed December 18, 1963. Applicant: LANGER TRANSPORT CORP., Route 1, foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Elsen, 140 Cedar Street, New York 6, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from Palmesville, Ohio, to Skaneateles Falls, N.Y.

HEARING: March 23, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 44300 (Sub-No. 11), filed October 14, 1963. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Wyandotte, Mich., to Mason City, W. Va., and points in Ohio.

HEARING: April 8, 1964, at the Federal Building, Lansing, Mich., before Joint Board No. 244, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 45657 (Sub-No. 41), filed December 18, 1963. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue., St. Louis 15, Mo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between junction Arkansas Highway 17 and U.S. Highway 70 and Little Rock, Ark.; from junction Arkansas Highway 17 and U.S. Highway 70 over U.S. Highway 70 to Little Rock, and return over the same route, serving no intermediate points, to be used as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations; (2) between Little Rock, Ark., and Pine Bluff, Ark.; from Little Rock over U.S. Highway 65 to Pine Bluff, and return over the same route, serving no intermediate points, to be used as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that the proposed operation is to be subject to the following restrictions: The route between Little Rock and Pine Bluff may not be utilized for the transportation of traffic (a) originating or interchanged at Pine Bluff destined to Little Rock, and (b) originating or interchanged at Little Rock destined to Pine Bluff.

HEARING: April 3, 1964, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 50002 (Sub-No. 39), filed November 18, 1963. Applicant: T. CLARENCE BRIDGE & HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (including, but not restricted to anhydrous ammonia, aqua ammonia, urea solution, fertilizer ammoniated solutions, nitrogen fertilizer solutions and other fertilizer solutions) in bulk, from Fremont, Nebr., and points within 10 miles thereof, to points in Iowa, Missouri, Kansas, Colorado, and Wyoming, and *rejected shipments*, on return.

HEARING: March 31, 1964, in Room 2401, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Wm. N. Culbertson.

No. MC 50002 (Sub-No. 40), filed December 10, 1963. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrer*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, including, but not restricted to, *anhydrous ammonia, fertilizer ingredients and fertilizer solutions*, in bulk, from points in Texas on and west of U.S. Highway 83 and on and north of U.S. Highway 80, to points in Oklahoma, Kansas, Colorado, Wyoming, Nebraska, and Missouri, and *rejected shipments*, on return.

HEARING: April 13, 1964, at the Lassen Terrace Motor Hotel, Wichita, Kansas, before Examiner Jerry F. Laughlin.

No. MC 52704 (Sub-No. 41), filed December 18, 1963. Applicant: GLENN McCLENDON CO., INC., Lafayette, Ala. Applicant's attorney: D. H. Markstein, Jr., 818–821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Chalmette, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

HEARING: March 31, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 55236 (Sub-No. 77), filed October 9, 1963. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: Robert Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions* in bulk, in tank vehicles, from Marseilles, Ill., and points within 5 miles thereof, to points in Indiana, Illinois, Kentucky, Michigan, Minnesota, Ohio, Iowa, Missouri, and Wisconsin.

HEARING: April 16, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 67450 (Sub-No. 5), filed October 4, 1963. Applicant: PETERLIN CARTAGE CO., 9651 South Ewing Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, sold and distributed by persons engaged in the manufacture, processing, and milling of grain products*, other than commodities in bulk in tank vehicles, from Chicago and West Chicago, Ill., to points in Indiana, Ohio, and the lower peninsula of Michigan.

HEARING: March 31, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Samuel C. Shoup.

No. MC 76032 (Sub-No. 183), filed October 25, 1963. Applicant: NAVAJO FREIGHT LINES, INC., 1025 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, heavy machinery, livestock, fresh fish, coal, ore, sand, gravel, and household goods as defined by the Commission), between Kansas City, Mo., and junction U.S. Highway 36 and Missouri Highway 15 at or near Shelbina, Mo.: from Kansas City over U.S. Highway 24 to junction Missouri Highway 15 at or near Paris, Mo., thence over Missouri Highway 15 to junction U.S. Highway 36 and Missouri Highway 15 at or near Shelbina, and return over the same route serving no intermediate points and serving junction U.S. Highway 36 and Missouri Highway 15 for joinder purposes only as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved.

HEARING: April 14, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 36.

No. MC 78400 (Sub-No. 19), filed August 30, 1963. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Post Office Box 102, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, not in tank vehicles, from Kansas City, Kans., to points in Franklin, Osage, Phelps, Crawford, Gasconade, and Maries Counties, Mo.

HEARING: April 13, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 36.

No. MC 78400 (Sub-No. 20), filed September 5, 1963. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Post Office Box 102, Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Kansas City, Kans., and Japan, Mo., from Kansas City over city streets to Kansas City, Mo., thence over U.S. Highway 50 to junction Franklin County Highway H, at or near Gerald, Mo., thence over Franklin County Highway H to Japan, and return over the same route, serving no intermediate points.

HEARING: April 14, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 36.

No. MC 61955 (Sub-No. 6), filed October 16, 1963. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Rd., Kansas City, Mo. Applicant's attorney: William B. Jensen, 914 Commerce Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe, fittings and jointing materials*, from points in the Kansas City, Mo., Commercial Zone, to points in Iowa.

HEARING: April 7, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Joint Board No. 55.

No. MC 82808 (Sub-No. 5), filed November 18, 1963. Applicant: LEWIS R. HUNT AND C. L. HUNT, a partnership, doing business as HUNT AND SON, Holden, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), OVER REGULAR ROUTES,

(1) between Kansas City, Mo., and Shawnee Mound, Mo.; (a) from Kansas City over U.S. Highway 50 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden and Post Oak, Mo., and the off-route points of Kingsville, Leeton, and Centerview, Mo., and (b) AS AN ALTERNATE ROUTE:

From Kansas City over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, (2) between Kansas City, Mo. and Shawnee Mound, Mo., (a) from Kansas City over U.S. Highway 50 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Warrensburg and the off-route point of Knob Noster, Mo., and (b) AS AN ALTERNATE ROUTE:

From Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, and (4) between St. Louis, Mo. and Shawnee Mound, Mo., (a) from St. Louis over U.S. Highway 50 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Warrensburg and Knob Noster, Mo., and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, and (4) between St. Louis, Mo. and Shawnee Mound, Mo., (a) from St. Louis over U.S. Highway 50 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Warrensburg and Knob Noster, Mo., and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden, Warrensburg, Post Oak, Chilhowee, and Knob Noster and the off-route points of Kingsville, Centerview, and Leeton, and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, (3) between St. Louis, Mo., and Shawnee, Mo., (a) from St. Louis over U.S. Highway 50 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden, Warrensburg, Post Oak, Chilhowee, and Knob Noster and the off-route points of Kingsville, Centerview, and Leeton, and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, (3) between St. Louis, Mo., and Shawnee, Mo., (a) from St. Louis over U.S. Highway 50 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden, Warrensburg, Post Oak, Chilhowee, and Knob Noster and the off-route points of Kingsville, Centerview, and Leeton, and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Warrensburg and Knob Noster, Mo., and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden, Warrensburg, Post Oak, Chilhowee, and Knob Noster and the off-route points of Kingsville, Centerview, and Leeton, and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden, Warrensburg, Post Oak, Chilhowee, and Knob Noster and the off-route points of Kingsville, Centerview, and Leeton, and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction U.S. Highway 50, thence over U.S. Highway 50 to Knob Noster, thence returning over U.S. Highway 50 to junction Missouri Highway 58, thence over Missouri Highway 58 to Kingsville, thence returning over Missouri Highway 58 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to Leeton, thence returning over Missouri Highway 2 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Warrensburg and Knob Noster, Mo., and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, (3) between St. Louis, Mo., and Shawnee, Mo., (a) from St. Louis over U.S. Highway 50 to junction Missouri Highway 131, thence over Missouri Highway 131 to junction Missouri Highway 2, thence over Missouri Highway 2 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Holden, Warrensburg, Post Oak, Chilhowee, and Knob Noster and the off-route points of Kingsville, Centerview, and Leeton, and (b) AS AN ALTERNATE ROUTE:

From St. Louis over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to Shawnee Mound, and return over the same route, serving the intermediate points of Warrensburg and Knob Noster, Mo.,

HEARING: April 7, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 9, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 107496 (Sub-No. 298), filed November 7, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, from Marseilles, Ill., and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin, and Kentucky.

NOTE: Common control may be involved.

HEARING: April 16, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 107496 (Sub-No. 301), filed November 29, 1963. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends thereof*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Nebraska, Missouri, and Minnesota.

NOTE: Common control may be involved.

HEARING: April 7, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Wm. N. Culbertson.

No. MC 108120 (Sub-No. 8) (AMENDMENT) filed November 15, 1963, published in FEDERAL REGISTER issue February 5, 1964, and republished as amended this issue. Applicant: KENNEDY MOTOR LINES, INC., 215 43d Street, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory furniture, appliances, equipment and parts thereof*, crated and uncrated, when moving in mixed shipments in the same vehicle, from Carle Place (Mineola), Hicksville, Farmingdale, and New York, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Louisiana.

NOTE: The purpose of this republication is to add New York, N.Y., as an origin point.

HEARING: To remain as assigned March 19, 1964, at 346 Broadway, New York, N.Y., before Examiner John B. Mealy.

No. MC 108207 (Sub-No. 117), filed August 14, 1963. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, foodstuffs, confections and confectionery products*, in mechanically refrigerated vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, and Memphis, Tenn.

HEARING: March 31, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Jerry F. Laughlin.

No. MC 108207 (Sub-No. 123), filed September 26,1963. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food preparations*, from Mattawan, Mich., and Chicago, Ill., to points in Iowa, Kansas, Nebraska, and Missouri. RESTRICTION: The proposed service at Chicago, Ill., will be restricted to the completion of loading of a through trailer originating shipments at Mattawan, Mich., and en route to one or more of the destination states herein named.

HEARING: April 9, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 108207 (Sub-No. 129), filed November 29, 1963. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, foodstuffs, confections, and confectionery products*, from Dallas, Tex., commercial zone to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Memphis, Tenn.

HEARING: April 13, 1964, at the Baker Hotel, Dallas, Tex., before Examiner Leo A. Riegel.

No. MC 109210 (Sub-No. 137), filed December 3, 1963. Applicant: CRANEL B. HERNDON, Box 605, Hampton, S.C. Applicant's representative: Charles R. Greenwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment materials and supplies*, used in the conduct of a door manufacturing company, from Varnville, S.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Massachusetts, Maryland, Maine, Michigan, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Texas, Vermont, Virginia, West Virginia, Wisconsin, Florida.

HEARING: April 2, 1964, at the U.S. Courtrooms, Columbia, S.C., before Chief Hearing Examiner James C. Cheseldine.

No. MC 109478 (Sub-No. 70), filed October 30, 1963. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends of corn syrup*, in bulk, in tank vehicles, from Roby, Ind., to North East, Pa.

NOTE: Common control may be involved.

HEARING: April 1, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 308, or, if the Joint Board waives its right to participate, before Examiner Laurence E. Masoner.

No. MC 109749 (Sub-No. 24), filed November 13, 1963. Applicant: GAIL W. DAHL and FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Street, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, Sections A, B, C, and D, 61 M.C.C. 209, from Omaha, Nebr., to points in Idaho and Malheur County, Oreg.

NOTE: Applicant states that the proposed service is to be limited to a transportation service to be performed under continuing contract with Wilson and Company, Omaha, Nebr. Common control may be involved.

HEARING: April 1, 1964, in Room 2401, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Wm. N. Culbertson.

No. MC 109947 (Sub-No. 30), filed September 19, 1963. Applicant: WARSAW TRUCKING CO., INC., Warsaw, Ind. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Church furniture*, uncrated, from the plant site of Endicott Church Furniture, Inc., located at or near Warsaw, Ind., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, and *lumber and wood carvings and wood and metal church seats, and parts* thereof, on return.

NOTE: The proposed operation will be conducted under a continuing contract or contracts with Endicott Church Furniture, Inc., Warsaw, Ind. Applicant holds common carrier authority under MC-123294; therefore, dual operations may be involved. Applicant states that "in the event that contract carrier authority should be inconsistent with the public interest because of the common carrier authority held by applicant, it is requested that common carrier authority be granted herein limited to the plant site of Endicott Church Furniture, Inc., located at Warsaw, Ind."

HEARING: April 13, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 110354 (Sub-No. 8), filed November 21, 1963. Applicant: V. KAP TRUCKING, INC., Post Office Box 706, Painesville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chlorine*, in containers from Painesville, Ohio and points within (5) five miles thereof to that part of Pennsylvania east of a line extending from the New York-Pennsylvania State line over U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, and on and west of a line beginning at the New York-Pennsylvania State line over U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, including points on the indicated portions of highways named, and *empty containers or other such incidental facilities*, used in transporting the above described commodity on return.

NOTE: Applicant states that the proposed operation will be for the account of Diamond Alkali Company, Cleveland, Ohio.

HEARING: March 31, 1964, at New Post Office Building, Columbus, Ohio, before Examiner Laurence E. Masoner.

No. MC 111812 (Sub-No. 225), filed October 7, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, as described in Appendix I, sections A, B, and C in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Teton County, Wyo., points in Malheur County, Oreg., points in Idaho (except Pocatello, Burley and Boise), and West Yellowstone, Mont.

NOTE: Common control may be involved.

HEARING: April 1, 1964, in Room 2401, New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner Wm. N. Culbertson.

No. MC 111862 (Sub-No. 9), filed December 23, 1963. Applicant: HENNES TRUCKING CO., a corporation, 320 South 19th Street, Milwaukee 3, Wis. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (portland and mortar), in bulk, in packages and in bags, from the plant site of Dundee Cement Company located in Monroe County, Mich., to points in Illinois, Ohio, and Indiana.

NOTE: Common control may be involved.

HEARING: March 24, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry M. Shooman.

No. MC 112617 (Sub-No. 167), filed December 26, 1963. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, portland and masonry*, in bulk and in bags, (1) from Decatur, Ala., to points in Alabama, Georgia, Kentucky, North Carolina on and west of U.S. Highway 21, Mississippi, South Carolina on and west of U.S. Highway 21, and Tennessee, and (2) from Louisville, Ky., to points in Kentucky, Indiana, Ohio, Tennessee, and West Virginia on and west of Interstate Highway 77.

HEARING: March 26, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 113828 (Sub-No. 52), filed November 8, 1963. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue NW., Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, lime products, limestone and limestone products*, between points in Virginia, restricted to shipments having a prior movement by rail.

HEARING: March 31, 1964, at the Federal Building, 400 North 8th Street, Richmond, Va., before Joint Board No. 108.

No. MC 113908 (Sub-No. 129), filed October 6, 1963. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, 706 West Tampa Street, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kansas City, Mo.-Kans., Commercial Zone to points in Iowa, Nebraska, Minnesota, Colorado, Utah, and Louisiana.

NOTE: Applicant states that it does not seek to duplicate any existing authority held by it.

HEARING: April 8, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 114239 (Sub-No. 10), filed September 16, 1963. Applicant: GENNIE FARRIS, doing business as FARRIS TRUCK LINE, Faucett, Mo. Applicant's attorney: Carl V. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, feed ingredients and supplements, and flour in bags* when moving in mixed loads with shipments of feed, from Kansas City, Mo.-Kans., Commercial Zone (as defined by the Commission) to points in Kansas, Nebraska, Colorado, Wyoming, New Mexico, South Dakota, and Oklahoma, and *rejected, damaged and exempt shipments* on return.

NOTE: Applicant states that the proposed transportation will be under a continuing contract with Albers Milling Company, Kansas City, Mo.

HEARING: April 6, 1964, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 114533 (Sub-No. 77), filed October 8, 1963. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film, and materials and supplies used in connection with commercial and television motion pictures), between Detroit, Mich., on the one hand, and on the other, points in Ohio.

HEARING: April 9, 1964, at the Federal Building, Lansing Mich., before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 115056 (Sub-No. 14), filed September 20, 1963. Applicant: BUNDY TRUCK LINE, INC., Gatesville, N.C. Applicant's attorney: Jno C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood and veneer), from Snell, Laurel, Richmond, Cologne, Dewitt, Pendleton, and Buckner, Va., to Edenton, N.C., and *refused, rejected and damaged shipments*, on return.

HEARING: April 1, 1964, at the Federal Building, 400 North 8th Street, Richmond, Va., before Joint Board No. 7.

No. MC 115160 (Sub-No. 3), filed December 16, 1963. Applicant: B. L. LAWRENCE, doing business as LAWRENCE TRANSPORTATION CO., Tioga, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment, materials and supplies and commodities which because of their size and weight require the use of special equipment*, between points in that part of Minnesota west of U.S. Highway 71 and points in North Dakota.

HEARING: April 14, 1964, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 115311 (Sub-No. 41), filed December 4, 1963. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products;* and (2) *pepper, sugar and mineral mixtures* when moving in mixed shipments with salt and salt products, from Columbus, Ga., and points within 10 miles thereof, to points in Georgia, Florida, and Alabama.

HEARING: April 15, 1964, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 99.

No. MC 115856 (Sub-No. 7), filed September 16, 1963. Applicant: TRANSPORT DELIVERY COMPANY, a corporation, Thompson Building, Tulsa, Okla. Applicant's attorney: John E.

Burruss, Jr., Central Trust Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from the terminal of the Triangle Refining Company, located at La Grange, Mo., to points in Illinois on and west of U.S. Highway 51, and to points in Iowa on and south of U.S. Highway 20, and only *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: April 15, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 46.

No. MC 116043 (Sub-No. 2), filed December 20, 1963. Applicant: HAYMAKER'S SECURITY STORAGE & TRANSFER CORPORATION, 1621 Shenandoah Avenue, NW., Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Roanoke County, Va.

HEARING: March 31, 1964, at the Federal Building, 400 North 8th Street, Richmond, Va., before Joint Board No. 108.

No. MC 116317 (Sub-No. 28), filed November 4, 1963. Applicant: FEASTER TRUCKING SERVICE, INC., Claflin, Kans. Applicant's representative: H. V. Eskelin, Post Office Box 2028, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from the plant site of Cloud Ceramics, located about seven miles southeast of Concordia, Kans., to points in that part of Iowa on and east of a line formed by the western boundaries of Dickinson, Clay, Buena Vista, Sac, and Carroll Counties, Iowa, and on and north of a line formed by the southern boundaries of Carroll, Greene, Boone, Story, Marshall, Tama, Benton, Linn, Jones, and Jackson Counties, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: April 2, 1964, at the Hotel Pick-Kansan, Topeka, Kansas, before Joint Board No. 139.

No. MC 117344 (Sub-No. 110), filed September 9, 1963. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: April 2, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 117534 (Sub-No. 1), filed December 2, 1963. Applicant: FLOYD BARBER, 17039 Lincoln, East Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1300 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Cleveland, Columbus and points within 20 miles of Columbus, Mansfield, Marion, Nelsonville, Newark, and Wellsville, Ohio, and from Pittsburgh and Somerset, Pa., to Detroit, Mich., and points within 25 miles of Detroit, and *rejected and damaged shipments* on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract or contracts with Mercer Brick Company, of Dearborn, Mich.

HEARING: April 15, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 117765 (Sub-No. 15), filed December 26, 1963. Applicant: HAHN TRUCK LINE, INC., 19 Kansas Avenue, South Hutchinson, Kans. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* dry, *fertilizer compounds*, dry, *fertilizer ingredients*, dry, and *urea*, dry, in bags and in bulk, from points in Oklahoma to points in Iowa, Kansas, Minnesota, Nebraska, South Dakota, Illinois, Missouri, North Dakota, and Wisconsin, and *rejected and refused shipments*, on return.

HEARING: April 10, 1964, at the Federal Building, 200 Northwest 4th, Oklahoma City, Okla., before Examiner Leo A. Riegel.

No. MC 118457 (Sub-No. 2), filed November 20, 1963. Applicant: THOMAS W. ROBBINS and RAYMOND S. PULDA, doing business as ROBBINS DISTRIBUTING COMPANY, 1113 Grand Avenue, Racine, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* between Chicago, Ill., and Waukesha, Wis., and *damaged or returned shipments of frozen foods*, on return.

HEARING: April 7, 1964, at the U.S. Courtrooms, Madison, Wis., before Joint Board No. 17.

No. MC 118971 (Sub-No. 5), filed October 3, 1963. Applicant: EKLUND BROTHERS TRANSPORT, INC., Watford City, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt water and fresh water*, in bulk, in tank vehicles between points in North Dakota, Montana, and South Dakota.

HEARING: April 15, 1964, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 124.

No. MC 119031 (Sub-No. 1), filed December 18, 1963. Applicant: NEWSOM TRANSPORTS, INC., 1503 West 10th Street, Roanoke Rapids, N.C. Applicant's attorney: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between Bellwood, Va., and 10 miles thereof on the one hand, and on the other, points in Halifax, Northampton counties and the Town of Littleton, N.C.

NOTE: This transportation is to be restricted solely to the account of Newsom Oil Company, Inc. which is under common control and ownership with the applicant.

HEARING: April 2, 1964, at the Heart of Raleigh Motel, 227 East Edenton Street, Raleigh, N.C., before Joint Board No. 7.

No. MC 119873 (Sub-No. 4), filed December 20, 1963. Applicant: FRANCIA AND FRANCIA, INC., 164 West Main Street, Monongahela, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, other than when moving in containers, from points in New York, Massachusetts, Rhode Island, and Connecticut to Monongahela, Pa.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Monongahela Iron and Metal Co.

HEARING: March 24, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 123048 (Sub-No. 28), filed September 30, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery and utility trailers* from Glenbeulah, Wis., to points in Illinois, Indiana, Michigan, Pennsylvania, New York, Kentucky, and Ohio, and *rejected shipments*, on return.

HEARING: April 15, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Laurence E. Masoner.

No. MC 124034 (Sub-No. 21), filed December 23, 1963. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete structural elements*, from Somerville, N.J., and points within 5 miles thereof, to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: March 26, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 124078 (Sub-No. 89), filed December 11, 1963. Applicant: SCHWERMAN TRUCKING CO., a corporation, 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Bonner Springs, Kans., and points within 5 miles thereof, to points in Missouri, Nebraska, and Kansas.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832 and Subs thereunder; therefore dual operations may be involved. It is further noted that common control may be involved.

HEARING: April 10, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Joint Board No. 140.

No. MC 124078 (Sub-No. 90), filed December 11, 1963. Applicant: SCHWERMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, from Kansas City, Mo., to points in Kansas and Missouri.

NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a contract carrier in Certificate MC 113832, therefore dual operations may be involved.

HEARING: April 10, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Joint Board No. 36.

No. MC 124105 (Sub-No. 12), filed December 26, 1963. Applicant: BAGGETT BULK TRANSPORT, INC., 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, (1) from Decatur, Ala., to points in Alabama, Georgia, Kentucky, North Carolina on and west of U.S. Highway 21, Mississippi, South Carolina on and west of U.S. Highway 21, and Tennessee, and (2) from Louisville, Ky., to points in Indiana, Kentucky, Ohio, Tennessee, and West Virginia on and west of U.S. Highway 77. Common control may be involved.

HEARING: March 26, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 124123 (Sub-No. 15), filed December 26, 1963. Applicant SCHWERMAN TRUCKING CO. OF ILL., INC. 620 South 29 Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer materials*, from Fulton, Ill., to points in Iowa, Wisconsin, and Illinois.

NOTE: Common control may be involved.

HEARING: April 2, 1964, at the Midland Hotel, Chicago, Ill., before Joint Board No. 111.

No. MC 124170 (Sub-No. 3), filed November 7, 1963. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, Mich. Applicant's attorney: Eugene C. Ewald, Suite 1700, One Woodward Avenue, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, from Detroit, Mich., to Media, Kimberton, Williamsport, Steelton, Reading, Bellwood, Milton, and Stroudsburg, Pa., Baltimore and Salisbury, Md., Smithfield, Salem, and Bristol, Va., Trenton, N.J., and Wilmington and Georgetown, Del.

HEARING: April 14, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 124379 (Sub-No. 2), filed December 23, 1963. Applicant: WEBSTER McGIFFEN, doing business as MILK DELIVERY SERVICE, Rural Route 3, Vincennes, Ind. Applicant's Attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except poultry, dead, dressed, and rabbits, dead), and *milk and cream mixtures, liquid dietary foods, fruit segments, ice cream mix, orange juice, fruit juice drinks*, and *cottage cheese*, in containers, from Louisville, Ky., to points in that part of Indiana north of Indiana Highway 18 and on and south of Indiana Highway 14, and *returned products*, from the destination points described above to Louisville, Ky.

HEARING: April 10, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 155, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 124511 (Sub-No. 2), filed October 30, 1963. Applicant: JOHN F. OLIVER, Post Office Box 233, Mexico, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, in bulk, in specialized vehicles, from Mexico, Mo., to a barge terminal located at or near Louisiana, Mo., on traffic destined to out-of-state points.

HEARING: April 17, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 179.

No. MC 124671 (Sub-No. 1), filed December 12, 1963. Applicant: JOHN KLEFFNER, Brinktown, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, animal feed ingredients, and fertilizers*, in bags, from East St. Louis, Ill., to Argyle, Mo.

HEARING: April 16, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124813 (Sub-No. 5), filed December 23, 1963. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bran, middlings, and linseed meal*, from Minneapolis, Minn., to points in Iowa (except Eagle Grove and Fort Dodge), (2) *Feed and feed ingredients* (except liquids, in bulk in tank vehicles), from Muscatine, Iowa, to points in Indiana, and (3) *feed ingredients* (except liquids, in bulk in tank vehicles), from Eagle Grove, Iowa, to points in Montana, North Dakota, South Dakota, and that part of Illinois south of U.S. Highway 24 and west of U.S. Highway 51, and from Terre Haute, Ind., to Eagle Grove, Iowa.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118468 and Subs thereunder; therefore dual operations may be involved.

HEARING: April 8, 1964, in Room 401, Old Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Examiner Wm. N. Culbertson.

No. MC 125117 (Sub-No. 2), filed December 6, 1963. Applicant: CLAUDE HAYES, doing business as BROWNING TRUCK LINE, Ohio and Washington Streets, Clinton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kansas City, Kans., and Windsor, Mo., from Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 50 to junction bypass U.S. Highway 71, thence over bypass U.S. Highway 71 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 52, thence over Missouri Highway 52 to Windsor, and return over the same route, serving all intermediate points and the off-route points of Clinton and Calhoun, Mo.

HEARING: April 9, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Joint Board No. 36.

No. MC 125220 (Sub-No. 1), filed December 9, 1963. Applicant: ROBERT EADES AND EDWARD EADES, a partnership, doing business as EADES TRUCKING, 6500 Dixie Highway, Florence, Ky. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk products, milk by-products, and fruit juices, fruit drinks, and fruit segments*, in containers, from the plant or plants of Sealtest Foods Division, National Dairy Products Corporation, at Cincinnati, Ohio, to points in Kentucky located east of a line beginning at the Kentucky-Indiana State line and extending over U.S. Highway 421 to junction U.S. Highway 127, at or

near Frankfort, Ky., thence over U.S. Highway 127 to the Kentucky-Tennessee State line, including points on and within three (3) miles of said highways.

HEARING: April 9, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 125378 (Sub-No. 2), filed October 2, 1963. Applicant: MICHAEL VALIHORA, 2930 Tourangeau Road, Windsor, Ontario, Canada. Applicant's attorney: James P. Tryand, 115 Park Street, Chelsea, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco tying machinery and parts thereof*, in truck loads on flat bed equipment, from the Port of Entry on the International Boundary line between the United States and Canada located at Detroit, Mich., to points in Virginia, North Carolina, South Carolina, and Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, on return.

NOTE: Applicant states the proposed transportation will be for the account of Volta Welders, Ltd.

HEARING: April 13, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 126430 (Sub-No. 1), filed December 10, 1963. Applicant: CLAUDE W. WAGNER, McHenry, Md. Applicant's attorney: James J. Doherty, 432 West Pratt Street, Baltimore 1, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by retail grocery stores*, between points in Fayette, Westmoreland, Allegheny, and Washington Counties, Pa., Garrett and Allegany Counties, Md., and Preston and Mineral Counties, W. Va., (2) *lumber and lumber products*, between points in Garrett and Allegany Counties, Md., on the one hand, and, on the other, points in North Carolina, Tennessee, and South Carolina, and (3) *fertilizer and barn cleaning powder*, between points in York County, Pa. on the one hand, and, on the other, points in Garrett and Allegany Counties, Md.

HEARING: March 23, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 125521 (Sub-No. 2), filed August 21, 1963. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Grand Rapids, Mich. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., and South Bend, Ind., to Bowling Green, Ohio, and points within 3 miles thereof, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Cross Distributing, Inc.

HEARING: April 16, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 125636, filed July 12, 1963. Applicant: IRWIN REITEN AND GLADYS REITEN, doing business as REITEN IMPLEMENT COMPANY, Petersburg, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Duluth, Minn., and Superior, Wis., to points in Nelson, Walsh, and Ramsey Counties, N. Dak., and *exempt commodities, and incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: April 15, 1964, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 219.

No. MC 125669, filed September 12, 1963. Applicant: WILLIAM A. GARRETSON, Route No. 1, De Soto, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including but not limited to *lumber, electrical parts, plumbing, beauty shop supplies, hardware supplies, fertilizer, notions and clothing*, between De Soto, Kans., and points in Johnson, Douglas, Wyandotte, and Leavenworth Counties, Kans., on the one hand, and, on the other, Kansas City, Mo., and points in Jackson, Clay, Platte, Johnson, and Cass Counties, Mo.

HEARING: April 6, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Joint Board No. 36.

No. MC 125684 (Sub-No. 2), filed December 4, 1963. Applicant: ARNOLD KUEHL, Rural Route No. 1, Davenport, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: (1) *Feed and farm supplies*, and (2) *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between Galesburg, Ill., and Pleasant Valley, Iowa, from Galesburg over U.S. Highway 150 to junction U.S. Highway 67, thence over U.S. Highway 67 to Pleasant Valley, and return over the same route, serving all intermediate points and the off-route point of Lynn Center, Ill.

HEARING: April 10, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54, or, if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 125711 (Sub-No. 1), filed October 4, 1963. Applicant: PETER RODRIGUEZ, 4869 Joyfield Road, Frankfort, Mich. Applicant's attorney: Ronald R. Pentecost, 1400 Michigan National Tower, Lansing, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from the plant site of Sawyer Fruit, Vegetable and Cold Storage, Co., located in Bear Lake Township (Manistee County), Mich., to points in the Commercial Zones of Richmond and Williamsburg, Va., Milwaukee, Wis., Pittsburgh, Altoona, Pottstown, and Harrisburg, Pa., Toledo, Canton, and Cleveland, Ohio, Duluth, St. Paul and Minneapolis, Minn., Fargo, N. Dak., Hammond, Ind., Chicago, Peoria, and Springfield, Ill., Knoxville and Dayton, Tenn., and St. Louis and Kansas City, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: April 6, 1964, at the Federal Building, Lansing, Mich., before Examiner Samuel C. Shoup.

No. MC 125719, filed September 30, 1963. Applicant: BOB R. QUEENER, Rural Route No. 3, Box 308, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from Joplin, Mo., to Kansas City and Springfield, Mo., Rogers, Ark., and Tulsa and Miami, Okla.

HEARING: April 7, 1964, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 125770 (Sub-No. 1) filed December 20, 1963. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel office furniture and equipment*, crated and uncrated, from Newark, N.J., to Baltimore and Bengies, Md., Buffalo and Lackawanna, N.Y., Albany and Dorsaga, Ga., Shelby, Ohio, Chicago, Ill., Boston and Hingham, Mass., Philadelphia, Pa., and points in the District of Columbia, (2) *materials, supplies* and equipment used in the manufacturing of the above described commodities, from Sparrows Point, Md., Chicago, Ill., Lackawanna, N.Y., and Morrisville (Bucks County), Pa., to Newark, N.J., and (3) *returned, damaged and rejected shipments* of (1) and (2) above, on return.

NOTE: Applicant states the proposed operations will be restricted to a transportation service to be performed under a continuing contract or contracts with Hillside Metal Products, Inc.

HEARING: April 2, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 125781, filed October 31, 1963. Applicant: ALBERT JAMES, doing business as JAMES TRUCKING CO., 633 East Atherton Road, Flint, Mich. Applicant's attorney: Ronald R. Pentecost, 1400 Michigan National Tower, Lansing, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from points in Ohio to points in the lower peninsula of Michigan, and *empty containers or other such incidental facilities*, (not specified) used in transporting brick, on return.

NOTE: Applicant states the proposed transportation will be for Perkins Supply Co., a Michigan corporation of Flint, Mich., and Grand Blanc Cement Products, Inc., a Michigan corporation of Grand Blanc, Mich.

HEARING: April 10, 1964, at the Federal Building, Lansing, Mich., before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 125786, filed October 31, 1963. Applicant: AMSTUTZ TRUCKING CO., a corporation, Rural Route No. 2, Stowell Road, Dundee, Mich. Applicant's attorney: Donald K. Tyler, 1905–1910 Dime Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Dundee, Mich., to points in Illinois, Indiana, Missouri, Nebraska, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, Kentucky, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected materials*, on return.

HEARING: April 13, 1964, at the Detroit Statler Hilton Hotel, Detroit, Mich., before Examiner Samuel C. Shoup.

No. MC 125803 (Sub-No. 2), filed November 29, 1963. Applicant: JEREMIAH L. HOWARD, 1036 East Downey Avenue, Flint, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Ohio, Indiana, and Illinois, to points in the lower Peninsula of Michigan on and north of a line extending from Ludington, Mich., over U.S. Highway 10 to junction with U.S. Highway 27, thence over U.S. Highway 27 to junction with Michigan Highway 21, thence over Michigan Highway 21 to junction with Michigan Highway 47, thence over Michigan Highway 47 to junction with U.S. Highway 16, thence over U.S. Highway 16, to junction with Michigan Highway 59, thence over Michigan Highway 59 to Lake St. Clair.

NOTE: Applicant states the proposed service "to be under contract with Grand Blanc Cement Products Company."

HEARING: April 7, 1964, at the Federal Building, Lansing, Mich., before Examiner Samuel C. Shoup.

No. MC 125804 (Sub-No. 2), filed December 16, 1963. Applicant: KLEYSEN'S CARTAGE CO. LTD., a corporation, 420 MacDonald Road, Fort Garry Post Office, Winnipeg 9, Manitoba, Canada. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in bulk and in bags, from the port of entry on the international boundary line between the United States and Canada, located near Pembina, N. Dak., to points in North Dakota and Minnesota.

HEARING: April 13, 1964, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 125810, filed November 12, 1963. Applicant: K. M. BAKER, JR., INC., Lovingston (Nelson County), Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough hickory dimension and ski billets, and sawdust* (for export), (1) from the site of Phillips Hickory Plant, approximately one-fourth mile from Woods Mill, Va., to Newport News and Norfolk, Va., and (2) from the same origin point as above to Baltimore, Md.

HEARING: April 1, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 226.

No. MC 125815, filed November 15, 1963. Applicant: JOSEPH J. MIHELIC, doing business as MIHELIC TRUCKING, G–4234 Corunna Road, Flint 4, Mich. Applicant's attorney: Walter F. Jones, Jr., 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Fort Wayne, Ind., to points in Genesee County, Mich., and to points in Illinois on and east of U.S. Highway 51, and *empty bottles and containers*, on return.

NOTE: Applicant states that the proposed operations will be under a continuing contract with Flint Beverage Distributors, a division of Mihelic Distributors, Inc., Flint 4, Mich., and Danville Falstaff Distributors, Inc., Danville, Ill.

HEARING: April 8, 1964, in Room 908, Indiana Public Service Commission, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 73, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 125829, filed November 20, 1963. Applicant: D & M CORPORATION, 5555 North Meridian Street, Indianapolis, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, and mascots* (animal pacifier stable companions), between points in Indiana, Kentucky, and Illinois.

HEARING: April 9, 1964, at the Indiana Public Service Commission, Room 908, New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate before Examiner Laurence E. Masoner.

No. MC 125835, filed November 26, 1963. Applicant: DEWEY OWEN, doing business as KG SERVICE, 1423 West Jefferson, Detroit, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, materials, supplies, and other commodities used in or useful in connection with the operation of a retail department store*, from Detroit, Mich., to Pontiac, Mich., and *rejected and damaged shipments of the commodities specified*, on return.

NOTE: Applicant states the proposed service will be performed under a continuing contract or contracts with the S. S. Kresge Company.

HEARING: April 8, 1964, at the Federal Building, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 125842, filed November 26, 1963. Applicant: WALTER FLOWERS, 1001 North Oneida Street, Appleton, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 N. Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages and advertising matter*, (1) from Chicago, Ill., (a) to Brillion, Wis., under a continuing contract with Hendricks Beverage of Brillion, Wis., and (b) to Appleton, Wis., under a continuing contract with Mid City Beer Depot, Appleton, Wis., and (2) from Houghton, Mich., (a) to Brillion, Wis., under a continuing contract with Hendricks Beverage of Brillion, Wis., (b) to Menasha, Wis., under a continuing contract with Baer Beverage, Inc., Menasha, Wis., and (c) to Fond du Lac, Wis., under a continuing contract with Al Franke Distributing Company, Fond du Lac, Wis.

NOTE: Applicant states he proposes to transport empty containers and other incidental facilities (not specified) used in transporting the above-described commodities and advertising material, on return.

HEARING: April 8, 1964, at the U.S. Courtrooms, Madison, Wis., before Joint Board No. 162.

No. MC 125855, filed November 29, 1963. Applicant: WALTER V. COVERT, 2444 Pattie Street, Wichita, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feeds*, from Wichita, Hutchinson, Buhler, and Inman, Kans., to points in Missouri and Arkansas.

HEARING: April 3, 1964, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 154.

No. MC 125857, filed November 29, 1963. Applicant: HARVEY M. MINTEN, doing business as Minten Trucking Service, Route 2, Black Creek, Wis. Applicant's attorney: Hugh Nelson, 111 South Memorial Drive, Appleton, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Chicago, Chicago Heights, and Streator, Ill., to points in Brown, Calumet and Outagamie Counties, Wis., and *exempt commodities*, on return.

NOTE: Applicant states it seeks authority to transport for the following: Kauers Seed Farms, Kaukauna, Wis., Center Valley Coop, Black Creek, Wis., Ticler Farms, Black Creek, Wis., and Art Finnel, Denmark, Wis.

HEARING: April 6, 1964, at the U.S. Courtrooms, Madison, Wis., before Joint Board No. 17.

No. MC 125871, filed December 2, 1963. Applicant: CHESTER FRY AND MARIE E. FRY, doing business as FRY TRUCKING, Wilton Junction, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50316. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral feed supplements, trace mineral premix, livestock insecticides and*

remedies, and farm disinfectants, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with the Corn King Co., of Cedar Rapids, Iowa.

HEARING: April 6, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Wm. N. Culbertson.

No. MC 125688, filed December 16, 1963. Applicant: HOOSIER POINT TRUCK SALES, INC., Corner U.S. Highways 24 and 13, Wabash, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden cabinets* and (2) *counter tops, plastic drawers and mirrors and other accessories to wooden cabinets*, from Andrews, Ind., to points in Alabama, Arkansas, California, the District of Columbia, Georgia, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin and (3) *lumber and plywood* used in the manufacture of wooden cabinets from Centerville, Ala., Jamestown, N.Y., and Emporia, Va., to Andrews, Ind. and *empty containers or other such incidental facilities* used in transporting the above-described commodities on return.

HEARING: April 8, 1964, in Room 908, Indiana Public Service Commission., New State Office Building, 100 North Senate Avenue, Indianapolis, Ind., before Examiner Laurence E. Masoner.

No. MC 125891, filed December 17, 1963. Applicant: HARVEY BRODY, HARRY STARR AND ARNOLD SHAPIRO, a partnership, doing business as AQUA GARMENT EXPRESS, 2079 Hudson Boulevard, Jersey City, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing bags, furniture, chair pads, hangers, plastic articles other than cellulose*, expanded or sponge, *advertising materials and supplies*, loose or in packages, from the plant site of the Protex Products Company, Inc., located at Kearny, N.J., to New York, N.Y., and (2) *advertising materials and supplies*, from New York, N.Y., to the plant site of the Protex Products Company, Inc., located at Kearny, N.J.

HEARING: March 23, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 125911 (CORRECTION), filed December 30, 1963, published FEDERAL REGISTER, issue of February 12, 1964, and republished as corrected this issue. Applicant: W. A. JARRETT AND JAMES F. JARRETT, a partnership, doing business as JARRETT & SON, Post Office Box 847, Spartanburg, S.C. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile waste materials*, including *sweepings, scrap, threads*, and *bagging* and *cotton*, in bags and bales, between points in Virginia, North Carolina, South Carolina, Tennessee, and Georgia.

NOTE: The purpose of this correction is to show the correct hearing date, April 13, 1964, as shown below in lieu of April 12, 1964, as shown in previous publication.

HEARING: April 13, 1964, at the New Queen Charlotte Hotel, Charlotte, N.C., before Examiner James O'D. Moran.

MOTOR CARRIERS OF PASSENGERS

No. MC 29623 (Sub-No. 26), filed November 21, 1963. Applicant: SOUTHEASTERN STAGES, INC., 457 Piedmont Avenue NE., Atlanta, Ga., 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction U.S. Highways 52 and 78 and South Carolina Highway 642 and the West Gate of the Charleston Air Force Base, S.C., from junction U.S. Highways 52 and 78 and South Carolina Highway 642, thence over South Carolina Highway 642 to junction unnumbered County Highway, thence over unnumbered County Highway to the West Gate of the Charleston Air Force Base, S.C., serving only the Charleston Air Force Base.

NOTE: Applicant states in MC 29623, it is authorized to service the East Gate of the Charleston Air Force Base, in connection with its regular-route operations between Charleston, S.C. and Augusta, Ga. By this instant application, it seeks to reroute some of its trips, thereby establishing a through route, which will serve both the East and West Gates of the Charleston Air Force Base.

HEARING: April 6, 1964, at the U.S. Courtrooms, Columbia, S.C., before Joint Board No. 177.

No. MC 44770 (Sub-No. 10), filed December 30, 1963. Applicant: ZEPHYR LINES, INC., 501 North Seventh Street, Minneapolis 5, Minn. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between St. Paul, Minn., and Durand, Wis.; from St. Paul over U.S. Highway 12 and Interstate Highway 94 to their junction with Wisconsin Highway 35, thence over Wisconsin Highway 35 to Ellsworth, Wis., thence over U.S. Highway 10 to Durand, and return over the same route, serving all intermediate points and the off-route point of Hudson, Wis., (2) between Minneapolis and Hutchinson, Minn.; from Minneapolis over U.S. Highway 12 to Wayzata, Minn., thence over Hennepin County Highway 15 to Mound, Minn.; thence over Hennepin County Highway 110 to junction Minnesota Highway 7, thence over Minnesota Highway 7 to Hutchinson, and return over the same route, serving all intermediate points and the off-route points of Mayer, New Germany and Lester Prairie, Minn., (3) between Minneapolis and Mora, Minn.; from Minneapolis over Minnesota Highway 65 to Mora, and return over the same route, serving all intermediate points and the off-route point of Isanti, Minn.

NOTE: Applicant states the proposed service is proposed to substitute for the identical service (except between Ellsworth and Durand, Wis.) for that now performed by the Greyhound Corporation. Greyhound Corporation has indicated it will surrender such duplicating authority. The service proposed is conditional upon such surrender and abandonment of duplicating authority by the Greyhound Corporation.

HEARING: April 10, 1964, in Room B-29, Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 61616 (Sub-No. 67), filed October 28, 1963. Applicant: MIDWEST BUSLINES, INC., 433 West Washington, North Little Rock, Ark. Applicant's attorney: Warren A. Goff, 315 Continental Avenue, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, newspapers, and express*, in the same vehicle with passengers, between the junction of Missouri Highway 13 and county road "N", 1 mile west of Humansville, Mo., and junction Missouri Highways 13 and 32, 2 miles west of Bolivar, Mo., over Missouri Highway 13 as relocated, as an alternate route for operating convenience, serving no intermediate points.

NOTE: Common control may be involved.

HEARING: April 17, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 179.

No. MC 116397 (Sub-No. 2), filed December 23, 1963. Applicant: ALFRED WALLEN, doing business as MISSOURI SOUTHERN COACHES, 215 East Wayne Street, Ironton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, and newspapers*, in the same vehicle with passengers, (A) to operate from the junction of U.S. Bypass Highway 67 (Linbergh Boulevard) and U.S. Interstate Highway 55; from the junction of U.S. Bypass Highway 67 and U.S. Interstate Highway 55, over U.S. Interstate Highway 55 to St. Louis, Mo., and return over the same route, serving no intermediate points; (B) to operate between the junction of Missouri Highway 21 and U.S. Bypass Highway 67 (Concord Village) and South County Shopping Center, at or near junction U.S. Bypass Highway 67 and U.S. Interstate Highway 55; from the junction of Missouri Highway 21 and U.S. Bypass Highway 67 to South County Shopping Center, which route applicant is presently authorized to traverse, but on which he is not authorized to pick up or discharge passengers; (C) to abandon and discontinue all operations between Mehlville, Mo., and St. Louis, Mo. over U.S. Highway 67, which route applicant is authorized to traverse, but on which he is not authorized to pick up or discharge passengers; (D) to operate between the junction of Missouri Highways 21 and 49 and the junction of Missouri Highways 21 and 34; from the junction of Missouri Highways 21 and 49, over Missouri Highway 21 to the junction of Missouri Highway 34, and return over the same route, serving all intermediate points; (E) to abandon and discontinue service over Missouri Highway 34 between Piedmont, Mo., and junction of Missouri Highways 21 and 34; (F) to serve all intermediate points between South County Shopping Center, located at or near junction of U.S. Bypass Highway 67 and U.S. Interstate Highway 55 and Van Buren, Mo., including those two named points.

HEARING: April 16, 1964, at the Post Office Building, Jefferson City, Mo., before Joint Board No. 135.

No. MC 124023 (Sub-No. 1), filed December 13, 1963. Applicant: MIDWEST TRANSPORTATION, INC., 1003 West Second Street, Ames, Iowa. Applicant's attorney: Don N. Kersten, 200 Snell Building, Fort Dodge, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in school and church group charter trips, between points in the City of Ames, Iowa, on the one hand, and, on the other, points in Illinois, Missouri, Minnesota, Wisconsin, Kansas, and Nebraska.

HEARING: April 8, 1964, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Wm. N. Culbertson.

NOTICE OF FILING OF PETITIONS

No. MC 303 (Sub-No. 9) (PETITION TO AMEND PERMIT TO SUBSTITUTE NEW CONTRACTING SHIPPER), filed January 30, 1964. Petitioner: DOVER TRUCKING CO., Post Office Box 285, Dover, N.J. Petitioner is authorized by virtue of Permit No. MC 303 (Sub-No. 9), dated March 2, 1960, to transport, over irregular routes: Component parts of special ordnance equipment, component parts of radar and under water sound devices, component parts of missile and missile handling equipment for aircraft carriers, and component parts of special machinery manufactured to customers specification, between Dover, N.J., on the one hand, and, on the other, points in Vermont, New Hampshire, New York, Pennsylvania, Maryland, and Virginia within 250 miles of Dover, N.J., and points in New Jersey, Rhode Island, Connecticut, Massachusetts, and the District of Columbia. This permit carries a restriction limiting its transportation service on the commodities described herein to continuing contracts with the McKiernan-Terry Corporation. By the instant petition, petitioner states that the McKiernan-Terry Corporation has discontinued its operation at Dover, N.J., and has sold its manufacturing facilities and has authorized the manufacturing and distributing of these products to the MKT Corporation, Dover, N.J. Petitioner requests that the Commission substitute the MKT Corporation, Dover, N.J., in lieu of the McKiernan-Terry Corporation. Any person or persons desiring to traverse, but on which he is not authorized to pick up or discharge passengers; to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 102885 (PETITION FOR WAIVER OF RULE 1.101(e) OF THE GENERAL RULES OF PRACTICE TO PERMIT FILING OF ACCOMPANYING PETITION AND FOR MODIFICATION OF CERTIFICATE ISSUED ON FEBRUARY 29, 1956, AND FOR REOPENING OF "GRANDFATHER PROCEEDING"), filed February 6, 1964. Petitioner: MATTHEW SANTANGELO, ALFONSO SANTANGELO and CATHERINE SANTANGELO doing business as CHARLES SANTANGELO & SONS, 725 High Street, Norristown, Pa., Petitioner's attorney: Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102. Petitioner is authorized in Certificate No. MC 102885, issued February 29, 1956 to transport, as a common carrier, by motor vehicle, in interstate commerce, over irregular routes: Road building materials, between Howellville, Pa., and points within twenty-five (25) miles of Howellville, on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey, acquired from petitioner's predecessor in No. MC 71200 transfer proceeding MC-FC-58744. By the instant petition, petitioner states that it, and all of its predecessors operated under the said rights in the transportation of commodities of the type used as "road building materials" without restriction to the intended use of such materials. Petitioner prays that the "Grandfather Proceedings" in MC-71200 be reopened, and its Certificate be amended so that the commodity description would read: "crushed stone, earth, sand and road building materials." Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 67226 (Sub-No. 8), filed February 6, 1964. Applicant: THE BALTIMORE MOTOR COACH COMPANY, a corporation, 619 West Biddle Street, Baltimore, Md. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, during racetrack seasons of each year at Charles Town, W. Va., race tracks, (1) between Frederick, Md., and the race tracks at Charles Town, W. Va., over U.S. Highway 340, serving no intermediate points, and (2) between Baltimore, Md. and Shenandoah Downs Race Track at Charles Town, W. Va., from Baltimore over U.S. Highway 40 to Frederick, Md., thence over U.S. Highway 340 to Charles Town, and return over the same route, serving the intermediate point of Frederick, Md.

NOTE: This is a matter directly related to MC-F 8671, published this issue.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8670. Authority sought for purchase by GEORGE A. TAYLOR, INC., 244 Spring Street, Avon, N.Y., of a portion of the operating rights of CONTRACT SERVICE, INC., Souderton, Pa., and for acquisition by GEORGE A. TAYLOR, also of Avon, of control of such rights through the purchase. Applicants' attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Operating rights sought to be transferred: *Gypsum products, plaster retarder, plaster accelerator, plasterboard joint system, tape, and wallboard*, as a *common carrier*, over irregular routes, from Caledonia, N.Y., to points in New Jersey, and points in that part of Pennsylvania on and east of U.S. Highway 15. Vendee is authorized to operate as a *contract carrier* in New York, Pennsylvania, Ohio and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8672. Authority sought for purchase by MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 15th and Malden Lane, Joplin, Mo., of a portion of the operating rights of BRYANT TRUCK LINE, INCORPORATED, 1819 St. Louis Street, Springfield, Mo., and for acquisition by W. L. GEHRS, JR., BETTY JO GEHRS, both of 1505 Malden Lane, Joplin, Mo., and W. L. GEHRS, SR., 612 Glenview, Joplin, Mo., of control of such rights through the purchase. Applicants' attorney: Rolland V. Cox, 1032 Landers Building, Springfield, Mo. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between El Dorado Springs, Mo., and Kansas City, Mo., serving the intermediate point of Dederick, Mo., and all intermediate and off-route points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, between Bolivar, Mo., and El Dorado Springs, Mo., between Springfield, Mo., and Clinton, Mo., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Kansas, Arkansas, Missouri, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8673. Authority sought for purchase by ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio, of the operating rights and certain property of (1) ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, 21111 Chagrin Boulevard,

Cleveland 22, Ohio, (2) ANCHOR MOTOR FREIGHT, N.Y. CORP., 21111 Chagrin Boulevard, Cleveland 22, Ohio, and (3) ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, 21111 Chagrin Boulevard, Cleveland 22, Ohio, and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of Cleveland 22, Ohio, of control of such rights and property through the purchase. Additionally, it is proposed that in exchange for the operating rights and properties sought to be purchased, vendee will transfer 1,000 shares of stock to the three vendor corporations. Applicants' attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be transferred: (1) *New automobiles, new trucks, new chassis, automobile parts,* and *automobile show equipment,* restricted to initial movements, in truckaway and driveaway service, as a *contract carrier* over irregular routes, from places of manufacture and assembly in Buffalo, N.Y., to points in Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, West Virginia, and that part of Ohio, north of U.S. Highway 40 and east of Ohio Highway 13, including points on the indicated portions of the highways specified, from places of manufacture and assembly in Norwood, Ohio, to points in Indiana, Kentucky, Ohio, and West Virginia, from places of manufacture and assembly in Baltimore, Md., to points in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia; *Automobiles, trucks, chassis, automobile parts,* and *automobile show equipment,* new, used, unfinished, or wrecked, restricted to secondary movements, between all points described above; *automobiles,* new and used, finished and unfinished and *automobile chassis,* in initial movements, in driveaway and truckaway service, and *automobile parts and accessories,* moving at the same time and with the vehicle of which they are a part and on which they are to be installed, from the plant site of Buick-Oldsmobile-Pontiac Assembly Division of General Motors Corporation located within 2 miles of Wilmington, Del., to points in Kentucky and Ohio; *automotive vehicles, chassis,* and *trailers,* new, finished or unfinished in initial movements, in driveaway and truckaway service, *automotive vehicles, chassis,* and *trailers* used or wrecked, *bodies, cabs,* and *show equipment or paraphernalia,* from Baltimore, Md., to points in Tennessee: *automotive vehicles, chassis, bodies, cabs,* and *trailers,* new, used, finished, unfinished, or wrecked, *automobile parts, tools,* and *accessories,* when moving in connection with automotive vehicles, chassis, bodies, cabs, and trailers, and *automobile show equipment or paraphernalia,* in initial movements, by driveaway and truckaway service, from assembly plants at points in Delaware within 2 miles of Wilmington, Del., but not including Wilmington, to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia;

Automotive vehicles, chassis, bodies, cabs and *trailers,* new, used, finished, unfinished, or wrecked, *automobile parts, tools and accessories,* moving in connection with the above specified commodities, *chassis, bodies, cabs,* and *trailers,* and *show equipment or paraphernalia,* restricted to initial movements, in driveaway and truckaway service, from Norwood, Ohio, to points in Delaware, Illinois, Maryland, Michigan, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and the District of Columbia, from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, South Carolina, and Vermont; *automotive vehicles, chassis,* bodies, cabs, and *trailers,* new, used, finished, unfinished, or wrecked, *automobile parts, tools and accessories,* moving in connection with the above-specified commodities, *chassis, bodies, cabs,* and *trailers,* and *show equipment or paraphernalia,* restricted to secondary movements, in driveaway and truckaway service, between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; *automotive vehicles* (except trailers), and *chassis,* in initial movements, in driveaway and truckaway service, from the plant sites of Chevrolet Motor Division of General Motors Corporation, at or near Baltimore, Md., to points in Florida and Georgia; *automotive vehicles* (except trailers) and *chassis,* in secondary movements, in driveaway and truckaway service, between Baltimore, Md., on the one hand, and, on the other, points in Florida and Georgia; *automotive vehicles bodies and cabs,* and *automobile parts, tools, accessories, show equipment and paraphernalia,* restricted against the transportation of automobile parts other than those moving with the vehicles on which they are to be installed, between points in Florida and Georgia, between Baltimore, Md., on the one hand, and, on the other, points in Florida and Georgia, with the following restriction applying to the four commodity descriptions immediately above:

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with General Motors Corporation, of Detroit, Mich.; *new automobiles,* and *new trucks,* in initial movements, in driveaway and truckaway service, from the plant site of General Motors Corporation Assembly Division, located at or near Wilmington, Del., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, RESTRICTION: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with General Motors Corporation, of Detroit, Mich., and the authority granted herein shall be subject to the right of the Commission, which is expressly reserved to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act;

(2) *New automobiles, trucks, bodies, and chassis, and automobile parts and accessories* (when part of the original equipment of new vehicles), by truckaway and driveaway methods, in initial movements, as a *contract carrier,* over irregular routes, from Tarrytown, N.Y. and Linden, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; *new, used, and unfinished automobiles, trucks, bodies;* and *chassis,* and *automobile parts and accessories* (when part of the original equipment of new vehicles) by truckaway and driveaway methods, in secondary or subsequent movements, between all points in the immediately above-described destination territory;

New automobiles, trucks, bodies, and *chassis,* and *automobile parts and accessories,* when moving as part of the original equipment of new vehicles, also being transported, in initial movements by truckaway and driveaway methods, from Framingham, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Pennsylvania; *new automobiles* and *new trucks,* in initial movements, in driveaway and truckaway service, from Framingham, Mass., to points in Maryland, Delaware, Virginia, Ohio, West Virginia, and the District of Columbia, RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Chevrolet Motor Division of General Motors Corporation, of Detroit, Mich.; *new automobiles,* and *new trucks,* in initial movements, in driveaway and truckaway service, from Linden, N.J., to points in Kentucky, North Carolina, Ohio, South Carolina, Virginia, and West Virginia, RESTRICTION: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the General Motors Corporation, of Detroit, Mich., and the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act;

(3) *Automobiles, trucks, chassis,* new, finished, unfinished, and *all other automotive vehicles, automobile parts, tools* and *accessories* and *show equipment and paraphernalia,* in initial movements, in truckaway and driveaway service, as a *contract carrier,* over irregular routes, from places of manufacture and assembly in Flint, Mich., to points in Michigan, Ohio, Indiana, Pennsylvania, and West Virginia; *automobiles, trucks, chassis,* new, used, finished, unfinished, or wrecked and *all other automotive vehicles, automobile parts, tools and accessories,* and *show equipment and paraphernalia,* in secondary movements, in truckaway and driveaway service, between points in Michigan, Ohio, Indiana, Pennsylvania, and West Virginia; *automobiles, trucks, chassis,* new, used, finished unfinished, or wrecked, *automobile parts, tools and accessories,* moving in connection with the above-specified commodities, *chassis, bodies, cabs,* and *trailers,* and *show equipment or paraphernalia,* restricted to initial movements, in driveaway and truckaway service, from Flint, Mich., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia; *the above-specified commodities,* restricted to secondary movements, in driveaway and truckaway service, between points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia;

Products of manufacturers of automotive vehicles, when such articles are transported for purposes of exhibition and display, and not for sale, and *related exhibits, displays, and show paraphernalia,* between points in the United States. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8674. Authority sought for purchase by HUSBY TRUCKING SERVICE, INC., Post Office Box 238, Menomonie, Wis., of the operating rights and property of WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Post Office Box 238, Menomonie, Wis., and for acquisition by WILLIAM E. HUSBY, also of Menomonie, Wis., of control of such rights and property through the purchase. Applicants' representative: Robert E. Swanson, 364 Griggs Midway Building, 1821 University Avenue, St. Paul 4, Minn., 55104. Operating rights sought to be transferred: *Coffee beans,* as a *common carrier* over irregular routes, from New York, N.Y., to Minneapolis, Minn.; *cocoa beans,* from New York, N.Y., to Milwaukee, Wis.; *frozen berries,* from Seattle, Wash., to Chicago, Ill.; and *dry fertilizer,* from the plant sites of (1) the International Minerals and Chemicals Corp. located at Chicago Heights, Ill., and (2) Smith Douglas, Inc., located at Streator, Ill., to points in that part of Wisconsin on and north of U.S. Highway 16 and west of the western boundaries of Adams, Wood, Marathon, Lincoln, Oneida, and Vilas Counties, Wis. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8675. Authority sought for purchase by WHEATON VAN LINES, INC., 2525 East 56th Street, Post Office Box 55191, Indianapolis, Ind., of a portion of the operating rights of MERCHANTS TRANSFER AND STORAGE COMPANY, INC., c/o Mrs. Margaret G. Stout, Sheridan Inn, Sheridan, Wyoming, and for acquisition by E. S. WHEATON AND MARJORIE A. WHEATON, both of Indianapolis, Ind., of control of such rights through the purchase. Applicants' attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington 6, D.C. Operating rights sought to be transferred: *Household goods,* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, as a *common carrier* over irregular routes, between Sheridan, Wyo., on the one hand, and, on the other, points in Nebraska, Colorado, South Dakota, Montana, Oklahoma, Texas, Utah, and Minnesota, between points in Wyoming within 50 miles of Sheridan, including Sheridan, on the one hand, and, on the other, points in Idaho, North Dakota, Iowa, and Kansas. Vendee is authorized to operate as a *common carrier* in Arkansas, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Wisconsin, Colorado, Florida, Kansas, Alabama, Delaware, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, New Hampshire, Maine, Vermont, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8676. Authority sought for purchase by VALLETTA MOTOR TRUCKING CO., INC., 200 North Main Street, Vestal, N.Y., of the operating rights of KORETZ BROTHERS EXPRESS, INC., 210 North Cary Street, Brockton, Mass., and for acquisition by Mary C. Sheridan, also of Vestal, N.Y., of control of such rights through the purchase. Applicants' attorneys: Martin Werner, 2 West 45th Street, New York 36, N.Y., and Theodore E. Shasta, 1 Court Street, Boston, Mass. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Brockton, Mass., and Lynn, Mass., serving all intermediate points; *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Brockton, Holbrook, Braintree, Quincy, Milton, Boston, and Chelsea, Mass. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Pennsylvania, and New Jersey. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8671. Authority sought for purchase by THE BALTIMORE MOTOR COACH COMPANY, 619 West Biddle Street, Baltimore 1, Md., of a portion of the operating rights and certain property of POTOMAC MOTOR LINES, INC., 119 West Franklin Street, Hagerstown, Md., and for acquisition by PHILIP P. RESTIVO, 8347 Liberty Road, Baltimore 7, Md., JOSEPH F. RESTIVO, 2203 Dalewood Road, Timoneum, Md., and MARION E. RESTIVO, 4120 Colby Road, Baltimore 8, Md., of control of such rights and property through the purchase. Applicants' attorneys: James E. Wilson and Edward G. Villalon, 716 Perpetual Building, Washington 4, D.C., Edward Pierson, Central Savings Bank Building, Baltimore 2, Md., and L. C. Major, Jr., 2001 Massachusetts Avenue N.W., Washington 6, D.C. Operating rights sought to be transferred: Passengers and their baggage, in special operations, limited to the transportation of passengers traveling between Baltimore, Md., and Charles Town, W. Va., during the racing seasons of each year at Charles Town race track, as a *common carrier,* over a regular route, between Baltimore, Md., and Frederick, Md. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, New Jersey, Pennsylvania, New York, Virginia, West Virginia, North Carolina, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: To be handled concurrently with No. MC–67226 Sub-8.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64–1628; Filed, Feb. 18, 1964; 8:47 a.m.]

[Notice No. 601]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 14, 1964.

Section A.—The following publications are governed by the new Special Rule 1.247 (47 CFR 1.247) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B.—The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made avail-

able at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

SECTION A

MOTOR CARRIERS OF PROPERTY

No. MC 29647 (Sub-No. 31), filed February 5, 1964. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Fairfax County, Va., to points in Maryland, Pennsylvania, and West Virginia.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111812 (Sub-No. 231) (AMENDMENT), filed January 16, 1964, and published FEDERAL REGISTER issue February 5, 1964, amended February 7, 1964, and republished as amended this issue. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 474, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr.

NOTE: The purpose of this republication is to include the additional destination states to those shown in previous publication as follows: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Delaware, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Michigan (lower peninsula only), Ohio, Virginia, West Virginia, District of Columbia, Idaho, Montana, Arizona, California, Nevada, and Utah.

HEARING: Remains as assigned, March 23, 1964, at the Midland Hotel, Chicago, Illinois, before Examiner Raymond V. Sar.

No. MC 119170 (Sub-No. 4), filed February 10, 1964. Applicant: REEFER TRANSIT LINES, INC., 1413 West Pershing Road, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from the plant site of Armour and Company located at or near Worthington, Minn., to points in Missouri, Kansas, Nebraska, Iowa, New York, New Jersey, Pennsylvania, Ohio, and Wheeling, W. Va., and points within twenty-five (25) miles thereof.

NOTE: Applicant states the proposed service is restricted to the transportation of shipments originating at the plant site specified above.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119268 (Sub-No. 27), filed February 12, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company, located at or near Worthington, Minn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, and *exempt commodities* on return.

NOTE: Applicant states that the proposed service is to be restricted against tacking or interlining at the point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119697 (Sub-No. 7), filed February 10, 1964. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 71 M.C.C. 209, and 766, from the plant site of Armour and Company located at or near Worthington, Minn., to points in Illinois, Indiana, and Ohio.

NOTE: Applicant states the proposed service is restricted to the transportation of shipments originating at the plant site specified above.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119741 (Sub-No. 7), filed February 7, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and 766, from the plant site of Armour and Company located at or near Worthington, Minn., to points in Missouri, Kansas, Nebraska, Iowa, New York, New Jersey, Pennsylvania, Ohio, and Wheeling, W. Va., and points within twenty-five (25) miles thereof.

NOTE: Applicant states the proposed service is restricted to the transportation of shipments originating at the plant site specified above.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119792 (Sub-No. 11), filed February 10, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company, located at or near Worthington, Minn., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the plant site of Armour & Company, located at or near Worthington, Minn.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119816 (Sub-No. 3), filed February 12, 1964. Applicant: FLEETLINE, INC., 1964 Oakdale Avenue, West St. Paul, Minn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company at or near Worthington, Minn., to points in Illinois, Iowa, Nebraska, Kansas, and Missouri.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119792 (Sub-No. 11), filed February 10, 1964. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Company located at or near Worthington, Minn., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the plant site of Armour & Company, located at or near Worthington, Minn.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 125368 (Sub-No. 3), filed February 10, 1964. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant of Armour and Company at or near Worthington, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, West Virginia, and Delaware.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 111442 and Subs thereunder, therefore dual operations may be involved.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 125949 (Sub-No. 1), filed January 24, 1964. Applicant: MOLNER TRANSPORT, INC., 304 South Kane Street, Baltimore 24, Md. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Colonial Pipe Line Terminals, located in Fairfax County, Va., to points in West Virginia and Pennsylvania.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

SECTION B

MOTOR CARRIERS OF PROPERTY

No. MC 104960 (Sub-No. 31), filed June 3, 1963. Applicant: MOTOR FUEL CARRIERS, INC., 404 Elm Avenue (Post Office Box 2288), Panama City, Fla. Applicant's attorney: James S. Wilson, Jr., Wilson Building, Paris, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including naphtha*, but excluding all other acids and chemicals, in bulk, in tank vehicles, from Colonial Pipe Line Company terminals located in Alabama and Georgia to points in Alabama, Florida, South Carolina, and Georgia, and *returned and rejected shipments*, on return.

HEARING: April 6, 1964, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 111138 (Sub-No. 38) (AMENDMENT), filed October 28, 1963, published FEDERAL REGISTER issue of February 5, 1964, and republished as amended this issue. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Post Office Box 459, Storm Lake, Iowa. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from the plant site of Armour and Company, at or near Worthington, Minn., to points in Washington, Oregon, Idaho, Montana, Utah, Arizona, California, Nevada, Colorado, New Mexico, and Wyoming. Restriction: Authority sought is limited to shipments originating at the said plant site and further restricted against tacking at origin.

NOTE: The purpose of this republication is to include Colorado, New Mexico, and Wyoming as destination States.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1629; Filed, Feb. 18, 1964; 8:47 a.m.]

[Notice No. 943]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 14, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66554. By order of February 13, 1964, the Transfer Board approved the transfer to Brada-Miller Freight System, Inc., Indiana corporation, 1200 South Home, Kokomo, Ind., of Certificates Nos. MC 29079, MC 29079 (Sub-No. 10) and MC 29079 (Sub-No. 13), issued March 13, 1962, March 13, 1962, and May 15, 1963, respectively, to Brada-Miller Freight System, Inc., Michigan corporation, 1200 South Home, Kokomo, Ind., authorizing the transportation of: Metal and metal products, automobile parts, roofing and roofing materials, between Saginaw, Mich., and Detroit, Mich., between Pontiac, Mich., and junction U.S. Highways 24 and 25, between Lansing, Mich., and Toledo, Ohio, and between Grand Rapids, Mich., and Detroit, Mich., serving specified intermediate and off-route points; iron, steel, and iron and steel products, from Detroit, Dearborn, Ecorse, Hamtramck, Highland Park, and the plant site of the Kelsey-Hayes Company at Romulus and River Rouge, Mich., Newport and Ashland, Ky., Chicago, Ill., and points in Ohio, to points as specified Illinois, Indiana, Michigan, and Ohio, and between Warren, Youngstown, Akron, Marion and Defiance, Ohio, on the one hand and, on the other points as specified in Michigan and Ohio; iron and steel products, between Kokomo, Ind., and points within 50 miles thereof, on the one hand, and, on the other, Erie, Pa.; iron and steel articles, from Gibraltar, Mich., Ashland and Newport, Ky., and points in Ohio, except Toledo, to points as specified in Michigan, Illinois, Indiana and Ohio, and between the site of the Ford Motor Company plant at Chicago Heights, Ill., and points in Michigan; jute carpet lining, cotton batts, rubber mats, and automobile running boards, between Willoughby and Cleveland, Ohio, Plymouth and Detroit, Mich., and points within 3 miles of Detroit; sugar from points in Michigan on and south of Michigan Highway 21, to points in Ohio; prefabricated buildings, complete, knocked down, or in sections, from Terre Haute, Ind., to points as specified in Michigan and Ohio; beans, from points in the lower peninsula of Michigan as specified, to points in Indiana as excepted; composition building slabs, loose or individually packaged, from North Judson, Ind., to points as specified in Illinois, Ohio, Missouri, Kentucky, and Michigan; and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Portage, Ind., Kokomo, Ind., and points within 50 miles of Kokomo, on the one hand, and, on the other, points as specified in Kentucky, Missouri, Ohio, Illinois, Indiana and Michigan, and serving the site of the plant of the Ford Motor Company at the intersection of 23-mile Road and Mound Road, Macomb County, Mich., as an off-route point in connection with authorized regular route operations to and from Detroit, Mich. Jack Goodman, 39 South La Salle Street, Chicago 3, Ill., attorney for applicants.

No. MC-FC 66572. By order of February 11, 1964, the Transfer Board approved the transfer to Hudson Express, Inc., Boston, Mass., applicant in No. MC 56803 (Sub-No. 1), BOR-99 filed in the name of Samuel Taplin, Brookline, Mass., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Massachusetts Certificate No. 1117, authorizing transportation of property anywhere in the Commonwealth of Massachusetts. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., attorney for applicants.

No. MC-FC 66632. By order of February 11, 1964, the Transfer Board approved the transfer to Dusablon Trucking Service, Inc., Centerville, Iowa, of the operating rights in Certificate Nos. MC 123604 and MC 123604 (Sub-No. 3) issued December 4, 1961 and August 7, 1962, to Alfred R. Dusablon, doing business as Dusablon Trucking Service, Centerville, Iowa, authorizing the transportation, over irregular routes, of: Haydite, and soybean meal, from and to specified points in Iowa, Illinois, and Missouri. Stephen Robinson, 412 Equitable Building, Des Moines, Iowa, 50309, attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1631; Filed, Feb. 18, 1964; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 573 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

The Arrow Co., 407 South Main Street, Lewistown, Pa.; effective 2-1-64 to 1-31-65 (boys' sport shirts and ladies' blouses).

Berwick Shirt Co., Inc., 10th and Pine Streets, Berwick, Pa.; effective 1-30-64 to 1-29-65 (men's sport shirts).

Biltmore Manufacturing Co., a division of Kellwood Co., Asheville, N.C.; effective 2-2-64 to 2-2-65. Learners may not be employed at special minimum wage rates in the production of skirts (women's dungarees, slacks, pedal pushers, and shorts).

Custom Sportswear, Inc., 10th and Spring Streets, Reading, Pa.; effective 2-1-64 to 1-31-65 (men's, women's, and children's shirts).

Ely & Walker Factory, Paragould, Ark.; effective 2-8-64 to 2-4-65 (boys' sport shirts).

The Enro Shirt Co., Inc., 138 Center Street, Madisonville, Ky.; effective 2-1-64 to 1-31-65 (sport shirts).

The H. W. Gossard Co., Sullivan, Ind.; effective 2-9-64 to 2-8-65 (women's foundation garments).

The H. W. Gossard Co., Ishpeming, Mich.; effective 2-9-64 to 2-8-65 (ladies' foundation garments).

Hebron Pants Factory, Hebron, Md.; effective 2-4-64 to 2-3-65 (men's work pants).

F. Jacobson and Sons, Inc., 127 Arch Street, Albany, N.Y.; effective 2-9-64 to 2-1-65 (men's dress and sport shirts).

M. & G. Sportswear, Inc., 18 Martine Street, Fall River, Mass.; effective 2-12-64 to 2-11-65 (children's outerwear jackets and sportswear).

Martin Manufacturing Co., Inc., 202 North Broadway, Martin, Tenn.; effective 1-30-64 to 1-29-65 (men's shirts and outerwear jackets).

Publix Shirt Corp., Hazleton, Pa.; effective 1-30-64 to 1-29-65 (men's and boys' dress and sport shirts).

Reidbord Bros. Co., Wilson Lane, Elkins, W. Va.; effective 1-30-64 to 1-29-65 (men's and boys' casual pants).

The Salisbury Co., 110 East Second Street, Salisbury, Mo.; effective 2-12-64 to 2-11-65 (men's and young men's dress trousers and slacks).

A. J. Schneierson & Son, Inc., Bandleman, N.C.; effective 1-27-64 to 1-16-65 (ladies' slips and dresses) (replacement certificate).

Shamrock of Dublin, Ltd., 404 Dellam Road, Dublin, Ga.; effective 1-30-64 to 1-29-65 (men's and boys' semi-dress slacks).

Smith Bros. Manufacturing Co., 524 Howard Street, Carthage, Mo.; effective 2-3-64 to 2-2-65 (men's denim overalls, jackets, jeans, and work pants).

Smith Bros. Manufacturing Co., Neosho, Mo.; effective 2-3-64 to 2-2-65 (men's work and casual pants and ladies' jeans).

Smith Bros. Manufacturing Co., Webb City, Mo.; effective 2-3-64 to 2-2-65 (men's work shirts and ladies' blouses).

Solomon Bros. Co., Thomasville, Ala.; effective 1-30-64 to 1-29-65 (men's sport shirts).

Sturgis Clothing Co., Sixth and Main Streets, Sturgis, Ky.; effective 2-1-64 to 1-31-65 (men's single pants).

I. Taitel & Son, Drew, Miss.; effective 1-31-64 to 1-30-65 (men's and boys' outerwear jackets and pants).

Twin City Manufacturing Co., Twin City, Ga.; effective 2-14-64 to 2-13-65 (men's dress and sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Betty Blythe Originals Corp., Asheville Highway, Canton, N.C.; effective 1-31-64 to 1-30-65; 5 learners. Learners may not be employed at special minimum wages in the production of ladies' suits (children's dresses).

Culpeper Industries, Inc., Post Office Box 72, Culpeper, Va.; effective 2-1-64 to 1-31-65; 10 learners (women's slacks and outerwear jackets).

M & H Dress Co., 410 Washington Street, Jermyn, Pa.; effective 1-30-64 to 1-29-65; 5 learners (ladies' dresses).

Solomon Bros. Co., Thomaston, Ala.; effective 1-30-64 to 1-29-65; 10 learners (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Alamo Shirt Co., Inc., Alamo, Ga.; effective 1-31-64 to 7-30-64; 10 learners (men's sport shirts).

The Arrow Co., 18th and Penn Streets, Huntingdon, Pa.; effective 1-29-64 to 7-28-64; 60 learners (men's sport shirts).

Culpeper Industries, Inc., Post Office Box 72, Culpeper, Va.; effective 2-1-64 to 7-31-64; 10 learners (women's slacks and outerwear jackets).

Ely & Walker, a division of Burlington Ind., Inc., Heber Springs, Ark.; effective 2-12-64 to 8-11-64; 50 learners (boys' sport shirts).

Glamorise Foundations, Inc., 161-163 West Water Street, Muncy, Pa.; effective 1-29-64 to 7-28-64; 40 learners (women's brassieres).

Reidbord Bros. Co., Wilson Lane, Elkins, W. Va.; effective 1-30-64 to 7-29-64; 50 learners (men's and boys' casual pants).

Shamrock of Dublin, Ltd., 404 Dellam Road, Dublin, Ga.; effective 1-30-64 to 7-29-64; 120 learners (men's and boys' semi-dress slacks).

Henry I. Siegel Co., Inc., Tiptonville, Tenn.; effective 2-3-64 to 8-2-64; 50 learners. Learners may not be employed at special minimum wage rates in the production of sport coats of suit type construction (men's and boys' unlined outerwear jackets).

Tompkinsville Manufacturing Co., Tompkinsville, Ky.; effective 2-3-64 to 8-2-64; 40 learners (men's cotton pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Louisville Glove Co., Inc., 404-408 East Burnett Avenue, Louisville, Ky.; effective 2-3-64 to 2-4-65; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 1-29-64 to 7-28-64; 10 learners for plant expansion purposes (leather palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Belmont Hosiery Mills, Inc., Belmont, N.C.; effective 2-1-64 to 1-31-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Burlington, N.C.; effective 2-14-64 to 2-13-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Ashland Knitting Mills, Inc., Front and Chestnut Streets, Ashland, Pa.; effective 1-24-64 to 1-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' boys', misses', and ladies' cotton knit underwear).

Ellwood Knitting Mills, Inc., 1110 Mecklen Lane, 911 Lawrence Avenue, Ellwood City, Pa; effective 1-24-64 to 1-23-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters and swim trunks).

Hazelhurst Manufacturing Co., Inc., 202 Gill Street, Hazelhurst, Ga; effective 2-14-64 to 2-13-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and children's underwear).

Royal Manufacturing Co., Inc., Crawfordville, Ga.; effective 2-7-64 to 2-6-65; 5 learners for normal labor turnover purposes (men's and boys' underwear).

A. J. Schneierson & Son, Inc., Randleman, N.C.; effective 1-27-64 to 1-16-65; 5 percent of the total number of factory production workers engaged in the production of slips of knitted fabric for normal labor turnover purposes (ladies' slips—knitted) (replacement certificate).

Tazewell Textiles, Inc., Tazewell, Tenn.; effective 1-31-64 to 7-30-64; 60 learners for plant expansion purposes (men's and boys' knitted athletic shirts, tee shirts, and briefs).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are indicated.

Sabana Grande Manufacturing Corp., Post Office Box 354, Sabana Grande, P.R.; effective 1-23-64 to 7-22-64; 123 learners for plant expansion purposes, in the occupations of: (1) looper for a learning period of 960 hours at the rates of 68 cents an hour for the first 480 hours and 74 cents an hour for the remaining 480 hours; (2) mender for a learning period of 720 hours at the rates of 68 cents an hour for the first 360 hours and 74 cents an hour for the remaining 360 hours; and (3) knitter; examiner and inspector, each for a learning period of 240 hours at the rate of 68 cents an hour (ladies' seamless hosiery).

Swan Hook and Eye Corp., Km. 66.8, Road Number 2, Post Office Box 693, Arecibo, P.R.; effective 1-20-64 to 7-19-64; 40 learners for plant expansion purposes, in the occupations of: (1) metal former; sewing machine operator; cloth winder; tape winder; nickel plater, each for a learning period of 480 hours at the rates of 78 cents an hour for the first 240 hours and 91 cents an hour for the remaining 240 hours; and (2) inspector for a learning period of 160 hours at the rate of 78 cents an hour (hook and eye tape).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 7th day of February 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-1583; Filed, Feb. 17, 1964; 8:45 a.m.]

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Washington, Thursday, February 20, 1964

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Volume 76

UNITED STATES STATUTES AT LARGE

[87th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1962, Reorganization Plan No. 2 of 1962, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Official Grain Standards of the United States for Wheat, Change in Effective Date of Revision

On January 25, 1964 pursuant to the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71–87), there was published in the FEDERAL REGISTER (29 F.R. 1309) a revision of the Official Grain Standards of the United States for Wheat to become effective May 1, 1964. Comments have been received from Governmental Agencies and trade groups recommending a change in the effective date. In view of the comments, and under the authority of said Act, the effective date of the revised Official Grain Standards of the United States for Wheat is hereby changed from May 1, 1964 to June 1, 1964.

It appears that public rule making procedure with respect to the change in effective date would not make additional information available to this Department. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the change in effective date are unnecessary and impracticable.

Done at Washington, D.C., this 17th day of February 1964.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 64–1693; Filed, Feb. 19, 1964; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Industry Employment Size Standards; Correction

In F.R. Doc. 64–8, appearing on page 86 of the issue for Saturday, January 4, 1964, the following corrections are made:

1. In § 121.3–8(f)(3), which appeared on page 90, the word "warehousing" should have appeared immediately following the words "truck (local and long distance),"

2. In § 121.3–10(e)(1) which appeared on page 91, the word "not" should have appeared immediately preceding the words "have net worth" so that clause (ii), as corrected, will read "(ii) it does not have net worth in excess of $2½ million."

3. In Schedule A, Employment Size Standards for Concerns Primarily Engaged in Manufacturing, which appeared on pages 91 and 92, the entry for Census classification Code 3536, Hoists, industrial cranes, and monorail systems, should have been "500" instead of "50."

4. In Schedule B, Industry Employment Size Standards for the Purpose of Government Procurement, which appeared on pages 94 and 95, the footnote symbol "4" should have appeared immediately following the title to Industry No. 3722—Aircraft engines and engine parts, so that the line reads as follows: "3722—Aircraft engines and engine parts 4–1000."

Dated: February 13, 1964.

SAMUEL S. SOLOMON,
Director,
Size Standards Division.

[F.R. Doc. 64–1658; Filed, Feb. 19, 1964; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64–AL–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways, Controlled Airspace and Reporting Point

Blue Federal airway No. 27 is designated in part from the King Salmon, Alaska, radio range, via the Bethel, Alaska, radio range, to the Nome, Alaska, radio range. Red Federal airway No. 39 is designated in part from the Bethel radio range to the Aniak, Alaska, radio range. Control 1483 is designated via a bearing from the Bethel radio range. The Fluke Intersection is designated in part via a bearing from the Bethel radio range. The Bethel radio range is designated as an Alaskan low and high altitude reporting point. The Federal Aviation Agency is relocating the Bethel radio range to a new site at latitude 60°48′ N., longitude 161°52′ W., due to excessive flood damage at its present site. The Agency is considering the conversion of this facility to a nondirectional radio beacon.

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to alter Blue 27, Red 39, Control 1483 and Fluke Intersection via the relocated facility or bearings therefrom, to substitute radio beacon for radio range in the description of Bethel as a low and high altitude reporting point, and to move the Fluke Intersection approximately 30 miles eastward for air traffic control purposes.

Since this change is minor in nature and imposes no undue burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, the following actions are taken:

1. Section 71.107 (29 F.R. 1007) is amended as follows:

In R–39 "Bethel, Alaska, RR" is deleted and "Bethel, Alaska, RBN" is substituted therefor.

2. Section 71.109 (29 F.R. 1008) is amended as follows:

In B–27 "Bethel, Alaska, RR;" is deleted and "Bethel, Alaska, RBN;" is substituted therefor.

3. Section 71.163 (29 F.R. 1068) is amended as follows:

Control 1483 is amended to read:

Control 1483.

That airspace within 5 miles each side of the 237° bearing from the Bethel, Alaska, RBN, extending from the RBN to the E boundary of the Anchorage Oceanic Control area, and between lines diverging at a 5° angle from the 237° bearing extending from the Bethel RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2,000 feet MSL outside the United States.

4. Section 71.211 (29 F.R. 1228) is amended as follows:

a. "Bethel, Alaska, RR" is deleted and "Bethel, Alaska, RBN" is substituted therefor.

b. Fluke INT is amended to read:

Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.

5. Section 71.213 (29 F.R. 1229) is amended as follows:

a. "Bethel, Alaska, RR" is deleted and "Bethel, Alaska, RBN" is substituted therefor.

b. Fluke INT is amended to read:

Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Issued in Washington, D.C., on February 13, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1659; Filed, Feb. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-LAX-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airway; Correction

On December 28, 1963, there was published in the FEDERAL REGISTER (28 F.R. 14420) an amendment to § 71.143 of the Federal Aviation Regulations, altering intermediate altitude Federal airway V-1750. Subsequent to the publication it was noted that the Thermal, Calif., VORTAC 354° true radial was not deleted from the description as intended. Therefore, action is taken herein to reflect this deletion.

Since this amendment is editorial in nature and imposes no additional burden on any person, the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Item No. 2 of Airspace Docket No. 63-LAX-14 (28 F.R. 14420) is hereby changed to read as follows:

2. In the text of V-1750 in § 71.143 (27 F.R. 220-38, November 10, 1962, 28 F.R. 6873) "Thermal 354° radials, thence INT Ontario 091° Blythe, Calif., 288° radials; Blythe." is deleted and "Blythe, Calif., 284° radials; thence Blythe." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 13, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1660; Filed, Feb. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Area and Reporting Points

On November 27, 1963, there was published in the FEDERAL REGISTER (28 F.R. 12612) an amendment to Part 71 [New] of the Federal Aviation Regulations which altered Control 1447 and redesignated the Brim and Catfish Intersections. This amendment was to be effective January 9, 1964.

On January 7, 1964, F.R. Doc. 64-165 was published in the FEDERAL REGISTER (29 F.R. 133) and in part extended the effective date of this amendment to March 5, 1964.

As a result of coordination of these actions with the government of Mexico, and at the request of that government, action is taken herein to further postpone the effective date of Airspace Docket No. 63-WA-45 until April 2, 1964.

Since more than 30 days will elapse from the time of publication of this amendment to this new effective date, this action is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, F.R. Doc. 64-165 is altered by changing the effective date from March 5, 1964, to April 2, 1964.

(Sec. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 13, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1661; Filed, Feb. 19, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 73—SPECIAL USE AIRSPACE [NEW]

Revocation of Restricted Area

The purpose of these amendments to §§ 73.53 and 71.151 of the Federal Aviation Regulations is to revoke Restricted Area R-5307, Cherry Point, North Carolina.

Restricted Area R-5307 is presently designated from "Flight level 350 to flight level 550" during the hours of "Sunset to sunrise", and is a joint use area. The Washington ARTC Center is the controlling agency and the Commanding General, Marine Corps Air Station, Cherry Point, N.C., is the using agency.

The using agency of R-5307 has advised this area is no longer required and the area may be revoked. Accordingly, such action is taken herein and R-5307 is also deleted from the continental control area.

Since these amendments reduce a burden on the public, compliance with the notice, public procedure and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon public publication.

In consideration of the foregoing, the following actions are taken:

1. In § 73.53 North Carolina (29 F.R. 1269, January 24, 1964), R-5307, Cherry Point, N.C., is revoked.

2. In § 71.151 (29 F.R. 1067, January 24, 1964), "R-5307, Cherry Point, N.C." is deleted.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 12, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-1662; Filed, Feb. 19, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 3094; Amdt. 687]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on February 4, 1964, and made effective immediately because of the safety emergency involved as to all known United States operators of Boeing Models 707 and 720 Series aircraft. The directive requires inspection of both stabilizer center section rear spar upper attach fittings for cracks and replacement of any parts found cracked.

Since it was found that immediate corrective action was required in the interest of safety, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Boeing Models 707 and 720 Series aircraft by individual telegrams dated February 4, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

BOEING. Applies to all airplanes listed in Boeing Service Bulletin No. 942 on which Service Bulletin No. 942 has not been accomplished.

Compliance required at the next terminal where adequate facilities and personnel are available but not to exceed 30 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Boeing Alert Service Bulletin No. 1967 dated January 31, 1964.

Inspect both stabilizer center section rear spar upper attach fittings visually for cracks. Inspect all visible areas of the lug area (left and right side). Use a mirror to inspect outboard edge of lug that is sandwiched between lugs of mating part. Replace any center section having cracked parts before further flight.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated February 4, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 13, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1663; Filed, Feb. 19, 1964; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER A—MISCELLANEOUS REGULATIONS

PART 365—MOBILE TRADE FAIRS

The following new part is added, relating to extension of assistance under the Mobile Trade Fairs Act[1] (sec. 212(B) Public Law 87-839; sec. 1, 76 Stat. 1074; 46 U.S.C. 1122b).

§ 365.1 Requests for assistance by mobile trade fair operators.

(a) *Financial assistance; kinds of expenses defrayed.* Expenses which will be defrayed by the Department of Commerce under the financial assistance provisions of the Mobile Trade Fairs Act will be limited to the following:

(1) Expenses relating to the entrance and clearance of foreign ports of entry insofar as these expenses are directly attributable to the mobile trade fair project.

(2) Advertising expenses incurred in the foreign country or countries for the purpose of attracting visitors to the mobile trade fair, except that no part of the money may be spent for the purpose of entertaining.

(3) Exhibit space and facilities in the foreign country or countries and related exhibit expenses.

(4) Transportation in the foreign country or countries and related services.

(b) *Submission of requests; allocation of funds*—(1) *Where and when.* Requests for assistance by mobile trade fair operators under the Act should be submitted to the Office of International Trade Promotion, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C., 20230. Prompt submission of requests for financial assistance is desirable.

(2) *Funds.* No funds for financial assistance will be allocated by the Department prior to March 2, 1964, in order to provide time for all interested persons to make their intentions and plans known.

(c) *Requests for financial assistance; information required.* Requests for financial assistance must contain a description of each proposal for a mobile trade fair project for which assistance under the Act is requested. The description must be in sufficient detail to enable the Department of Commerce to make the required determination under the Act, as to economy and effectiveness in promoting export sales. It must (1) identify the operator of the proposed project, including the names of all principals; and (2) describe the operation of the project, including the proposed types of products to be displayed, the proposed itinerary (including dates and ports or other commercial centers at which these displays will occur), the means of transportation, other details of the display arrangements (including the physical characteristics, personnel scheduled to be in attendance, support to be secured locally, the moving or static nature of individual display segments, a description of available display space, and the basis on which that display space is being made available to participants), the mechanics of the operation; and (3) state the proposed cost to the Government, itemized for each exhibit site by categories of expense.

(d) *Evaluation of requests.* The Department will evaluate each request for assistance in terms of its economy to the Government and its anticipated effectiveness in promoting export sales. The evaluation will be based on the following factors:

(1) Demonstrated effectiveness of previous mobile trade fairs, if any, carried on by the same operators.

(2) Demonstrated effectiveness of the exhibit techniques being employed.

(3) The possibility of selling the product categories intended to be displayed in the markets in which they are going to be displayed.

(4) The reasonableness of the proposed costs to the Government.

(5) The total units of exposure to be achieved by the mobile trade fair project (total units of exposure being defined as the proposed number of exhibits multiplied by the total number of exhibit days at the exhibition sites included in the itinerary).

(6) The capacity of the operator to assure successful completion of the proposed project.

(e) *Extension of assistance.* Where the proposal covered by a request for assistance is adjudged an economical and effective means of promoting export sales, a contract will be negotiated with the operator on the basis of the proposal, containing appropriate provisions for disbursement, accounting, insurance, adjustments in the light of changed circumstances, and other relevant factors.

The foregoing procedures involve the extension of grants and benefits and are therefore exempt from the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003).

EUGENE M. BRADERMAN,
Director, Bureau of International Commerce.

[F.R. Doc. 64-1675; Filed, Feb. 19, 1964; 8:47 a.m.]

[1] The Act provides, in part: "Sec. 212(B) (a) The Secretary of Commerce shall encourage and promote the development and use of mobile trade fairs which are designed to show and sell the products of United States business and agriculture at foreign ports and at other commercial centers throughout the world where the operators of the mobile trade fairs exclusively use United States flag vessels and aircraft in the transportation of their exhibits.

"(b) The Secretary of Commerce is authorized to provide to the operator or operators of such mobile trade fairs technical assistance and support as well as financial assistance for the purpose of defraying certain expenses incurred abroad, when the Secretary determines that such operations provide an economical and effective means of promoting export sales."

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-697]

PART 13—PROHIBITED TRADE PRACTICES

Crown Furs Inc., and David M. Weiss

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155-70 *Percentage savings.* Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(a) *Maker;* § 13.1900-40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Crown Furs Inc., et al., New York, N.Y., Docket C-697, Jan. 28, 1964]

In the Matter of Crown Furs Inc., a Corporation, and David M. Weiss, Individually and as an Officer of Said Corporation

Consent order requiring retail furriers in New York City to cease violating the Fur Products Labeling Act by failing to show the true animal name of furs and to use the term "natural" where required in labeling, invoicing and advertising; to show when fur was artificially colored and the country of origin of imported furs in invoicing and advertising; to identify the manufacturer, etc., on labels; by advertising fur products falsely as offered at "Savings of ⅓ to ½ and More", and failing to keep adequate records as a basis for pricing claims; by substituting nonconforming labels for those originally affixed to fur products; and by failing to comply in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Crown Furs, Inc., a corporation, and its officers, and David M. Weiss, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur

which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

3. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarters inches by two and three-quarters inches.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information on labels affixed to fur products.

6. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

10. Failing to set forth on labels the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Misrepresenting in any manner, directly or by implication, the country of origin of the fur contained in fur products.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

7. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

5. Represents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated when the prices of such fur products are not reduced to afford to purchasers the percentage of savings stated.

6. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

7. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That respondents Crown Fur, Inc., a corporation, and its officers, and David M. Weiss, individually and as an officer of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1678; Filed, Feb. 19, 1964; 8:47 a.m.]

[Docket No. C-696]

PART 13—PROHIBITED TRADE PRACTICES

Niresk Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service;* § 13.170-30 *Durability or permanence.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Niresk Industries, Inc., et al., Chicago, Ill., Docket C-696, Jan. 28, 1964]

In the Matter of Niresk Industries, Inc., a Corporation, and Bernice Stone Kahn, and Robert Kahn, Individually and Officers of Said Corporation, and Robert Kahn & Associates, Inc., a Corporation

Consent order requiring Chicago sellers of chrome plated steel flatware to the public to cease representing falsely in advertising in magazines that the flatware had a coating of silver, had a permanent finish, and would not rust or stain, when it was actually plated with chromium and the coating was not permanent but might wear or be scratched off, thus exposing the steel underneath which might rust or stain.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Alliance of Television and Electronic Service Associations, a corporation, its officers, representatives, agents, and members of its board of directors, the members of said National Alliance of Television and Electronic Service Associations, their agents, representatives and employees; Television and Electronic Service Association, Inc., a corporation, its officers, representatives, and agents, the members of said Television and Electronic Service Association, their agents, representatives or employees; Frank J. Moch; Ralph H. Woertendyke; Alphonse Benoit, Jr.; Valery Metoyer; Oliver Davis; Don Beno; and Harold Juelich, directly or indirectly; individually and as representatives of all members of National Alliance of Television and Electronic Service Associations, or as members, officers or directors of other respondents, or through any corporate or other device, in connection with the repair, purchase or sale or with or in connection with the offer to repair, purchase or sell or distribute television, radio and electronic devices, equipment or component parts thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any planned common course of action, understanding, agreement or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices or things:

(1) Refusing, threatening refusal, or attempting to obtain the refusal of persons engaged in the repair and servicing of television, radio or electronic devices or equipment, to purchase from any manufacturer, distributor or wholesaler who sells or distributes such devices or equipment or component parts thereof to part-time repairmen or directly to consumers.

(2) Refusing, threatening refusal, or attempting to obtain the refusal of persons engaged in the repair and servicing of television, radio or electronic devices or equipment, to purchase from manufacturers or distributors who offer warranties or service on such devices or equipment.

(3) Inducing, influencing or entering into agreement with, wholesalers or distributors of television, radio or electronic devices and equipment or component parts thereof to refuse to sell to part-time repairmen or to any competitors of respondents.

(4) Inducing, persuading, coercing or attempting to induce, persuade or coerce any manufacturer, distributor or wholesaler to confine or limit the offering for sale, distribution or sale of television, radio or electronic devices, equipment or components parts thereof, to repairmen who are members of NATESA, including members of NATESA Affiliates, or to those who conform to any standard established by any of respondents.

(5) Utilizing the offices of any local, state or national association, or the officers, directors or members thereof, to do or perform or to aid or abet in doing or performing anything prohibited by any provision of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 22, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1679; Filed, Feb. 19, 1964; 8:47 a.m.]

[Docket No. C-695]

PART 13—PROHIBITED TRADE PRACTICES

National Alliance of Television and Electronic Service Associations et al.

Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies;* § 13.410 *To eliminate competition in conspirators' goods;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Cutting off supplies or service: § 13.617 *Inducing suppliers to refuse to sell to competitors.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Alliance of Television and Electronic Service Associations (Chicago, Ill.) et al., Docket C-695, Jan. 22, 1964]

In the Matter of National Alliance of Television and Electronic Service Associations, a Corporation; Its Officers, Directors, Members of the Executive Council, and Members; Frank J. Moch, Individually and as Executive Director; and Ralph H. Woertendyke, Alphonse Benoit, Jr., Valery Metoyer, Individually, as Members of and as Representatives of all the Members of Respondent National Alliance of Television and Electronic Service Association, Inc., a Corporation; and its Members; Oliver Davis, Don Beno, and Harold Juelich, Individually, as Members of and as Representatives of all the Members of Television and Electronic Service Association, Inc.

Consent order requiring a national association of television repair men and its members, including 100 local or state association "Affiliate" members and individual servicemen who were "Associate" members, to cease suppressing competition in the repair and service of television and other electronic devices and in the distribution of parts and components used, therein, through concertedly refusing to purchase from suppliers who sold directly to consumers or part-time servicemen or who offered warranties or service upon devices, equipment and parts so sold; inducing, and entering into agreements with, suppliers to refuse to sell to part-time servicemen; and using their "Affiliate" members as instrumentalities to monopolize trade and lessen competition in the repair and servicing of television, radio and electronic devices and equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Niresk Industries, Inc., a corporation, and its officers, and Bernice Stone Kahn and Robert Kahn, individually and as officers of said corporation, and Robert Kahn & Associates, Inc., a corporation, and its officers, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of chrome plated flatware, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication:

a. That chrome plated flatware, or any other product of similar composition, has a coating or plating of silver.

b. That the coating or plating of chrome plated flatware, or any other product of similar composition, is permanent.

c. That chrome plated flatware, or any other product of similar composition, will not rust or stain.

(2) Misrepresenting, in any manner, the quality composition, method of construction, durability, corrosion resistance, or performance characteristics of any product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1680; Filed, Feb. 19, 1964; 8:47 a.m.]

[Docket No. C-698]

PART 13—PROHIBITED TRADE PRACTICES

Jack Sommers and Jay-Thorpe, Inc.

Subpart—Advertising falsely or misleadingly: § 13.130 *Manufacture or preparation;* § 13.130-20 *Fur Products Labeling Act;* § 13.180 *Quantity;* § 13.180-30 *In stock;* § 13.235 *Source or origin;* § 13.235-50 *Maker or seller,* etc.; § 13.235-50(a) *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1590-30 *Fur Products Labeling Act;* § 13.1745 *Source or origin;* § 13.1745-70 *Place;* § 13.1745-70(c) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865-40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900-40 *Fur Products Labeling Act;* § 13.1900-40(b) *Place.*

[1] New.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist, order, Jack Sommers, New York, N.Y., Docket C-698, Jan. 28, 1964]

In the Matter of Jack Sommers, Individually and as a Former Officer of Jay-Thorpe Inc., a Dissolved Corporation

Consent order requiring the former president of a dissolved corporation which had sold furs at retail in New York City, to cease violating the Fur Products Labeling Act by failing in invoicing and advertising to show the true animal name of the fur used in fur products and to use the term "natural" for furs that were not bleached or dyed; failing to show, on invoices, when furs were artificially colored and the country of origin of imported furs, and using the term "Broadtail" improperly; invoicing furs falsely with regard to the name of the producing animal and naming the United States as the country of origin of imported furs; in newspaper advertising, falsely representing fur products on sale as part of the regular stock of Jay-Thorpe and as "Over $500,000 Worth"; and failing to keep adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jack Sommers individually and as a former officer of Jay-Thorpe Inc., a dissolved corporation and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Misrepresenting in any manner, directly or by implication, the country of origin of the fur contained in fur products.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

7. Failing to set forth on invoices the item number or mark assigned to fur products.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Misrepresents in any manner that any fur product is a part of the stock or collection of any person or firm.

4. Misrepresents in any manner, the quantity of fur products or the retail price of any fur product or aggregate price of fur products offered for sale.

C. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1681; Filed, Feb. 19, 1964; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56114]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

FEBRUARY 12, 1964.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the geographical limits of the customs port of entry of Niagara Falls, New York, in Customs Collection District No. 9 (Buffalo), comprising the territory within the corporate limits of Niagara Falls and Lewiston, New York (T.D. 43982), are extended to include the customs inspection station located on interstate Route 190 where this highway crosses the Niagara River over the Lewiston Bridge in Lewiston township, all the territory within the boundaries of Niagara township, and that part of Wheatfield township which lies within the boundaries of the Niagara Falls Municipal Airport. All of the aforementoned townships are located within Niagara County, New York.

Section 1.1(c) of the Customs Regulations is amended by deleting "(including Lewiston) (E.O. 5320, Apr. 7, 1930)" after "Niagara Falls" in the column headed "Ports of Entry" in District No. 9 (Buffalo); and by adding "(including Lewiston (E.O. 5320, Apr. 7, 1930), and territory described in T.D. 56114)" after "Niagara Falls" in the column headed "Ports of Entry" in District No. 9 (Buffalo).

Notice of the proposed extension of the limits of the customs port of entry of Niagara Falls, New York, was published in the FEDERAL REGISTER on December 14, 1963 (28 F.R. 13548), pursuant to section 4 of the Administrative Procedure Act. No objections were received.

The extension of the port limits of Niagara Falls, New York, is effective upon publication of this Treasury decision in the FEDERAL REGISTER. This action is based upon a determination that there exists a sufficient need to justify such an extension of the port limits in order to provide for convenient compliance with customs requirements. It is, therefore, desirable to make the extended area of customs services available to the public as soon as possible, and to dispense with the delayed effective date provision of section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)).

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec 624, 46 Stat 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-1682; Filed, Feb. 19, 1964; 8:48 a.m.]

[T.D. 56115]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Ports of Entry

FEBRUARY 12, 1964.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), Port Lavaca and Point Comfort, in the State of Texas, are designated a customs port of entry, to be known as Port Lavaca-Point Comfort, in Customs Collection District No. 22 (Galveston), effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER. The geographical boundaries of the port will be as follows: Beginning at Magnolia Beach, Calhoun County, Texas, westerly about 6.35 miles to a point (28°33.7' latitude, 96°39.6' longitude); then northerly about 7.4 miles to a point (28°40.8' latitude, 96°39.6' longitude), thence easterly about 8.5 miles to a point (28°40.8' latitude, 96°30' longitude), then southwesterly about 7.7 miles to the point of beginning (28°33.7' latitude, 96°32.4' longitude).

Section 1.1(c) of the Customs Regulations is amended by adding "Port Lavaca-Point Comfort, Texas (T.D. 56115)" after "*Houston (including territory described in T.D. 54409)" in the column headed "Ports of Entry" in District No. 22 (Galveston).

Notice of the proposed designation of Port Lavaca-Point Comfort, Texas, as a customs port of entry was published in the FEDERAL REGISTER on December 28, 1963 (28 F.R. 14430), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No objections were received.

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 64-1683; Filed, Feb. 19, 1964; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

Criteria for Payment of Compensation

The Department of Labor Appropriation Act, 1964 (77 Stat. 224, 229), in providing an appropriation for compensation benefits payable in accordance with section 42 of the Act of September 7, 1916, as amended (39 Stat. 750, as amended; 5 U.S.C. 793), provided further that for the compensation benefits payable from the appropriation, the authority under section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended; 5 U.S.C. 783), to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made. A comparable provision was contained in the Department of Labor Appropriation Acts for 1960 (72 Stat. 339, 342), 1961 (74 Stat. 755, 759), 1962 (75 Stat. 589, 594), and 1963 (76 Stat. 361, 366). A regulation implementing the special provision contained in these Acts was published in the FEDERAL REGISTER on September 23, 1959 (24 F.R. 7638), on October 29, 1960 (25 F.R. 10429), on November 8, 1961 (26 F.R. 10509), and on September 21, 1962 (27 F.R. 9383). A further extension of that regulation is timely, indicating that it applies to compensation benefits payable from the appropriation made under the Department of Labor Appropriation Act, 1964.

Therefore, pursuant to section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended, 5 U.S.C. 783), the Department of Labor Appropriation Act, 1964 (77 Stat. 224, 229), Reorganization Plan No. 19 of 1950 (15 F.R. 3178, 64 Stat. 1271), and General Order No. 46 of the Secretary of Labor (15 F.R. 3290, 20 CFR 25.5 is hereby revised to read as follows:

§ 25.5 Applicable criteria.

(a) The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of the injury or death for which claim is made:

(1) Appropriate certification by the Federal employing establishment, or;

(2) An Armed Services casualty or medical record, or;

(3) Verification of the employment and casualty by military personnel, or;

(4) Recommendation of an Armed Services "Claim Service" based on investigations conducted by it.

(b) This section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1964.

(77 Stat. 228)

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 10th day of February 1964.

WILLIAM MCCAULEY, *Director, Bureau of Employees' Compensation.*

[F.R. Doc. 64-1664; Filed, Feb. 19, 1964; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6704]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Investment of Earnings of a Controlled Foreign Corporation in United States Property

On April 11, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 3541) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 956 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment containing the regulations under section 956 is hereby adopted, subject to the changes set forth below, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such corporations end:

PARAGRAPH 1. Section 1.956-1, as set forth in the notice of proposed rule making, is changed by revising paragraphs (a), (b), (c), (d), and (e) (1).

PAR. 2. Section 1.956-2, as set forth in the notice of proposed rule making, is changed by revising paragraphs (b)(1), (c), and (d).

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN, *Commissioner of Internal Revenue.*

Approved: February 14, 1964.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 956 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended to include the following new sections, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

TAX BASED ON INCOME FROM SOURCES WITHIN OR WITHOUT THE UNITED STATES

INCOME FROM SOURCES WITHOUT THE UNITED STATES

Controlled Foreign Corporations

§ 1.956 Statutory provisions; investment of earnings in United States property.

SEC. 956. *Investment of earnings in United States property*—(a) *General rules.* For purposes of this subpart—

(1) *Amount of investment.* The amount of earnings of a controlled foreign corporation invested in United States property at the close of any taxable year is the aggregate amount of such property held, directly or indirectly, by the controlled foreign corporation at the close of the taxable year, to the extent such amount would have constituted a dividend (determined after the application of section 955(a)) if it had been distributed.

(2) *Pro rata share of increase for year.* In the case of any United States shareholder, the pro rata share of the increase for any taxable year in the earnings of a controlled foreign corporation invested in United States property is the amount determined by subtracting his pro rata share of—

(A) The amount determined under paragraph (1) for the close of the preceding taxable year, reduced by amounts paid during such preceding taxable year to which section 959(c)(1) applies, from

(B) The amount determined under paragraph (1) for the close of the taxable year.

The determinations under subparagraphs (A) and (B) shall be made on the basis of stock owned (within the meaning of section 958(a)) by such United States shareholder on the last day during the taxable year on which the foreign corporation is a controlled foreign corporation.

(3) *Amount attributable to property.* The amount taken into account under paragraph (1) or (2) with respect to any property shall be its adjusted basis, reduced by any liability to which the property is subject.

(b) *United States property defined*—(1) *In general.* For purposes of subsection (a), the term "United States property" means any property acquired after December 31, 1962, which is—

(A) Tangible property located in the United States;

(B) Stock of a domestic corporation;

(C) An obligation of a United States person; or

(D) Any right to the use in the United States of—

(i) A patent or copyright,

(ii) An invention, model, or design (whether or not patented),

(iii) A secret formula or process, or

(iv) Any other similar property right,

which is acquired or developed by the controlled foreign corporation for use in the United States.

(2) *Exceptions.* For purposes of subsection (a), the term "United States property" does not include—

(A) Obligations of the United States, money, or deposits with persons carrying on the banking business;

(B) Property located in the United States which is purchased in the United States for export to, or use in, foreign countries;

(C) Any obligation of a United States person arising in connection with the sale or processing of property if the amount of such obligation outstanding at no time during the taxable year exceeds the amount which would be ordinary and necessary to carry on the trade or business of both the other party to the sale or processing transaction and the United States person had the sale or processing transaction been made between unrelated persons;

(D) Any aircraft, railroad rolling stock, vessel, motor vehicle, or container used in the transportation of persons or property in foreign commerce and used predominantly outside the United States;

(E) An amount of assets of an insurance company equivalent to the unearned premiums or reserves ordinary and necessary for the proper conduct of its insurance business attributable to contracts which are not contracts described in section 953(a)(1); and

(F) An amount of assets of the controlled foreign corporation equal to the earnings and profits accumulated after December 31, 1962, and excluded from subpart F income under section 952(b).

(c) *Pledges and guarantees.* For purposes of subsection (a), a controlled foreign corporation shall, under regulations prescribed by the Secretary or his delegate, be considered as holding an obligation of a United States person if such controlled foreign corporation is a pledgor or guarantor of such obligation.

[Sec. 956 as added by sec. 12(a), Revenue Act of 1962 (76 Stat. 1006)]

§ 1.956–1 Shareholder's pro rata share of a controlled foreign corporation's increase in earnings invested in United States property.

(a) *In general.* Section 956(a)(1) and paragraph (b) of this section provide rules for determining the amount of a controlled foreign corporation's earnings invested in United States property at the close of any taxable year. Such amount is the aggregate amount invested in United States property to the extent such amount would have constituted a dividend if it had been distributed on such date. Subject to the provisions of section 951(a)(4) and the regulations thereunder, a United States shareholder of a controlled foreign corporation is required to include in his gross income his pro rata share, as determined in accordance with paragraph (c) of this section, of the controlled foreign corporation's increase for any taxable year in earnings invested in United States property but only to the extent such share is not excludable from his gross income under the provisions of section 959(a)(2) and the regulations thereunder.

(b) *Amount of a controlled foreign corporation's investment of earnings in United States property*—(1) *Dividend limitation.* The amount of a controlled foreign corporation's earnings invested at the close of its taxable year in United States property is the aggregate amount of such property held, directly or indirectly, by such corporation at the close of its taxable year to the extent such amount would have constituted a dividend under section 316 and §§ 1.316–1 and 1.316–2 (determined after the application of section 955(a)) if it had been distributed on such closing day. For purposes of this subparagraph, the determination of whether an amount would have constituted a dividend if distributed shall be made without regard to the provisions of section 959(d) and the regulations thereunder.

(2) *Treatment of earnings and profits.* For purposes of making the determination under subparagraph (1) of this paragraph as to whether an amount of investment would have constituted a dividend if distributed at the close of any taxable year of a controlled foreign corporation, earnings and profits of the controlled foreign corporation shall be considered not to include any amounts which are attributable to—

(i) Amounts which are, or have been, included in the gross income of a United States shareholder of such controlled foreign corporation under section 951(a) (other than an amount included in the gross income of a United States shareholder under section 951(a)(1)(B) for the taxable year) and have not been distributed; or

(ii) Amounts described in section 959(b) which are, or have been, included in the gross income of a United States shareholder of another controlled foreign corporation under section 951(a) and which are distributed through a chain of ownership described in section 958(a) to the controlled foreign corporation with respect to which such determination is being made.

The rules of this subparagraph apply only in determining the limitation on a controlled foreign corporation's increase in earnings invested in United States property. See section 959 and the regulations thereunder for limitations on the exclusion from gross income of previously taxed earnings and profits.

(3) *Treatment of certain investments of earnings in United States property.* For purposes of subparagraph (1) of this paragraph, a controlled foreign corporation will be considered to hold indirectly the investments in United States property held on its behalf by a trustee or a nominee or by any other foreign corporation which is created or availed of by the controlled foreign corporation principally for the purpose of holding United States property, if such other foreign corporation is controlled by the controlled foreign corporation.

(c) *Shareholder's pro rata share of increase*—(1) *General rule.* A United States shareholder's pro rata share of a controlled foreign corporation's increase for any taxable year in earnings invested in United States property is the amount determined by subtracting the shareholder's pro rata share of—

(i) The controlled foreign corporation's earnings invested in United States property at the close of its preceding taxable year, as determined under paragraph (b) of this section, reduced by amounts paid by such corporation during such preceding taxable year to which section 959(c)(1) and the regulations thereunder apply, from his pro rata share of

(ii) The controlled foreign corporation's earnings invested in United States property at the close of its current taxable year, as determined under paragraph (b) of this section.

(2) *Illustration.* The application of this paragraph may be illustrated by the following examples:

Example (1). A is a United States shareholder and direct owner of 60 percent of the only class of stock of R Corporation, a controlled foreign corporation during the entire period here involved. Both A and R Corporation use the calendar year as a taxable year. Corporation R's aggregate investment in United States property on December 31, 1964, which would constitute a dividend (as determined under paragraph (b) of this section) if distributed on such date is $150,000. During the taxable year 1964, R Corporation distributed $50,000 to which section 959(c)(1) applies. Corporation R's aggregate investment in United States property on December 31, 1965, is $250,000; and R Corporation's current and accumulated earnings and profits on such date (determined as provided in paragraph (b) of this section) are $225,000. A's pro rata share of R Corporation's increase for 1965 in earnings invested in United States property is $75,000, determined as follows:

(i) Aggregate investment in United States property on Dec. 31, 1965	$250,000
(ii) Current and accumulated earnings and profits on Dec. 31, 1965	225,000
(iii) Amount of earnings invested in United States property on Dec. 31, 1965, which would constitute a dividend if distributed on such date (lesser of item (i) or item (ii))	$225,000
(iv) Aggregate investment in United states property on Dec. 31, 1964, which would constitute a dividend if distributed on such date	$150,000
Less: Amounts distributed during 1964 to which sec. 959(c)(1) applies	50,000
	100,000
(v) R Corporation's increase for 1965 in earnings invested in United States property (item (iii) minus item (iv))	125,000
(vi) A's pro rata share of R Corporation's increase for 1965 in earnings invested in United States property (item (v) times 60 percent)	75,000

Example (2). The facts are the same as in example (1), except that R Corporation's current and accumulated earnings and profits on December 31, 1965, are $100,000 instead of $225,000. Accordingly, even through R Corporation's aggregate investment in United States property on December 31, 1965, of $250,000 exceeds the net amount ($100,000) taken into account under subparagraph (1)(i) of this paragraph as of December 31, 1964, by $150,000, there is no increase for taxable year 1965 in earnings invested in United States property because of the dividend limitation of paragraph (b)(1) of this section. Corporation R's aggregate investment in United States property on December 31, 1966, is unchanged ($250,000) Corporation R's current and accumulated earnings and profits on December 31, 1966, are $175,000, and, as a consequence, its aggregate investment in United States property which would constitute a dividend if distributed on that date is $175,000. Corporation R pays no amount during 1965 to which section 959(c)(1) applies. Corporation R's increase for the taxable year 1966 in earnings invested in United States property is $75,000, and A's pro rata share of that amount is $45,000 ($75,000 times 60 percent).

(d) *Date and basis of determinations.* The determinations made under paragraph (c)(1)(i) of this section with respect to the close of the preceding taxable year of a controlled foreign corporation and under paragraph (c)(1)(ii) with respect to the close of the current taxable year of such controlled foreign corporation, for purposes of determining the United States shareholder's pro rata share of such corporation's increased investment of earnings in United States property for the current taxable year, shall be made as of the last day of the current taxable year of such corporation but on the basis of stock owned, within the meaning of section 958(a) and the regulations thereunder, by such United States shareholder on the last day of the current taxable year of the foreign corporation on which such corporation is a controlled foreign corporation. See the last sentence of section 956(a)(2). The application of this paragraph may be illustrated from the following example:

Example. Domestic corporation M owns 60 percent of the only class of stock of A Corporation, a controlled foreign corporation during the entire period here involved. Both M Corporation and A Corporation use the calendar year as a taxable year. Corporation A's investment of earnings in United States property at the close of the taxable year 1963 is $100,000, as determined under paragraph (b) of this section, and M Corporation includes its pro rata share of such amount ($60,000) in gross income for its taxable year 1963. On June 1, 1964, M Corporation acquires an additional 25 percent of A Corporation's outstanding stock from a person who is not a United States person as defined in section 957(d). Corporation A's investment of earnings in United States property at the close of the taxable year 1964, as determined under paragraph (b) of this section, is unchanged ($100,000). Corporation A pays no amount during 1963 to which section 959(c)(1) applies. Corporation M is not required, by reason of the acquisition in 1964 of A Corporation's stock, to include an additional amount in its gross income with respect to A Corporation's investment of earnings in United States property even though the earnings invested in United States property by A Corporation attributable to the stock acquired by M Corporation were not previously taxed. The determination made under paragraph (c)(1)(i) of this section as well as the determination made under paragraph (c)(1)(ii) of this section with respect to A Corporation's investment for 1964 of earnings in United States property are made on the basis of stock owned by M Corporation (85 percent) at the close of 1964.

(e) *Amount attributable to property*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph, for purposes of paragraph (b)(1) of this section the amount taken into account with respect to any United States property shall be its adjusted basis, as of the applicable determination date, reduced by any liability (other than a liability described in subparagraph (3) of this paragraph) to which such property is subject on such date. To be taken into account under this subparagraph, a liability must constitute a specific charge against the property involved. Thus, a liability evidenced by an open account or a liability secured only by the general credit of the controlled foreign corporation will not be taken into account. On the other hand, if a liability constitutes a specific charge against several items of property and cannot definitely be allocated to any single item of property, the liability shall be apportioned against each of such items of property in that ratio which the adjusted basis of such item on the applicable determination date bears to the adjusted basis of all such items at such time. A liability in excess of the adjusted basis of the property which is subject to such liability shall not be taken into account for the purpose of reducing the adjusted basis of other property which is not subject to such liability.

(2) *Rule for pledges and guarantees.* For purposes of this section the amount taken into account with respect to any pledge or guarantee described in paragraph (c)(1) of § 1.956–2 shall be the unpaid principal amount on the applicable determination date of the obligation with respect to which the controlled foreign corporation is a pledgor or guarantor.

(3) *Excluded charges.* For purposes of subparagraph (1) of this paragraph, a specific charge created with respect to any item of property principally for the purpose of artificially increasing or decreasing the amount of a controlled foreign corporation's investment of earnings in United States property will not be recognized; whether a specific charge is created principally for such purpose will depend upon all the facts and circumstances of each case. One of the factors that will be considered in making such a determination with respect to a loan is whether the loan is from a related person, as defined in section 954(d)(3) and paragraph (e) of § 1.954–1.

(4) *Statement required.* If for purposes of this section a United States shareholder of a controlled foreign corporation reduces the adjusted basis of property which constitutes United States property on the ground that such property is subject to a liability, he shall attach to his return a statement setting forth the adjusted basis of the property before the reduction and the amount and nature of the reduction.

§ 1.956–2 Definition of United States property.

(a) *Included property*—(1) *In general.* For purposes of section 956(a) and § 1.956–1, United States property is (except as provided in paragraph (b) of this section) any property acquired (within the meaning of paragraph (d)(1) of this section) by a foreign corporation (whether or not a controlled foreign corporation at the time) during any taxable year of such foreign corporation beginning after December 31, 1962, which is—

(i) Tangible property (real or personal) located in the United States;

(ii) Stock of a domestic corporation;

(iii) An obligation (as defined in paragraph (d)(2) of this section) of a United States person (as defined in section 957(d)); or

(iv) Any right to the use in the United States of—

(*a*) A patent or copyright,

(*b*) An invention, model, or design (whether or not patented),

(*c*) A secret formula or process, or

(*d*) Any other similar property right, which is acquired or developed by the foreign corporation for use in the United States by any person. Whether a right described in this subdivision has been acquired or developed for use in the United States by any person is to be determined from all the facts and circumstances of each case. As a general rule, a right actually used principally in the United States will be considered to have been acquired or developed for use in the United States in the absence of affirmative evidence showing that the right was not so acquired or developed for such use.

(2) *Illustrations.* The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). Foreign corporation R uses as a taxable year a fiscal year ending on

June 30. Corporation R acquires on June 1, 1963, and holds on June 30, 1963, $100,000 of tangible property (not described in section 956(b)(2)) located in the United States. Corporation R's aggregate investment in United States property at the close of its taxable year ending June 30, 1963, is zero since the property which is acquired on June 1, 1963, is not acquired during a taxable year of R Corporation beginning after December 31, 1962. Assuming no change in R Corporation's aggregate investment in United States property during its taxable year ending June 30, 1964, R Corporation's increase in earnings invested in United States property for such taxable year is zero.

Example (2). Foreign corporation S uses the calendar year as a taxable year and is a controlled foreign corporation for its entire taxable year 1965. Corporation S is not a controlled foreign corporation at any time during its taxable years 1963 and 1964. Corporation S owns on December 31, 1964, $100,000 of tangible property (not described in section 956(b)(2)) located in the United States which it acquires during taxable years beginning after December 31, 1962. Corporation S's aggregate investment in United States property on December 31, 1964, is $100,000. Corporation S's current and accumulated earnings and profits (determined as provided in paragraph (b) of §1.956–1) as of December 31, 1964, are in excess of $100,000. Assuming no change in S Corporation's aggregate investment in United States property during its taxable year 1965, S Corporation's increase in earnings invested in United States property for such taxable year is zero.

Example (3). Foreign corporation T uses the calendar year as a taxable year and is a controlled foreign corporaton for its entire taxable years 1963, 1964, and 1965. At December 31, 1964, T Corporation's investment in United States property is $100,000. Corporation T is not a controlled foreign corporation at any time during its taxable year 1965 in which it acquires $25,000 of tangible property (not described in section 956(b)(2)) located in the United States. On December 31, 1965, T Corporation holds the United States property of $100,000 which it held on December 31, 1964, and, in addition, the United States property acquired in 1965. Corporation T's aggregate investment in United States property at December 31, 1965, is $125,000. Corporation T's current and accumulated earnings and profits (determined as provided in paragraph (b) of §1.956–1) as of December 31, 1965, are in excess of $125,000, and T Corporation pays no amount during 1965 to which section 959(c)(1) applies. Assuming no change in T Corporation's aggregate investment in United States property during its taxable year 1966, T Corporation's increase in earnings invested in United States property for such taxable year is zero.

(b) *Exceptions*—(1) *Excluded property.* For purposes of section 956(a) and paragraph (a) of this section, United States property does not include the following types of property held by a foreign corporation:

(i) Obligations of the United States.

(ii) Money.

(iii) Deposits with persons carrying on the banking business.

(iv) Property located in the United States which is purchased in the United States for export to, or use in, foreign countries. For purposes of this subdivision, property to be used outside the United States will be considered property to be used in a foreign country. Whether property is of a type described in this subdivision is to be determined from all the facts and circumstances in each case. Property which constitutes export trade assets within the meaning of section 971(c)(2) and paragraph (c)(3) of §1.971–1 will be considered property of a type described in this subdivision.

(v) Any obligation (as defined in paragraph (d)(2) of this section) of a United States person (as defined in section 957(d)) arising in connection with the sale or processing of property if the amount of such obligation outstanding at any time during the taxable year of the foreign corporation does not exceed an amount which is ordinary and necessary to carry on the trade or business of both the other party to the sale or processing transaction and the United States person, or, if the sale or processing transaction occurs between related persons, would be ordinary and necessary to carry on the trade or business of both the other party to the sale or processing transaction and the United States person if such persons were unrelated persons. Whether the amount of an obligation described in this subdivision is ordinary and necessary is to be determined from all the facts and circumstances in each case.

(vi) Any aircraft, railroad rolling stock, vessel, motor vehicle, or container used in the transportation of persons or property in foreign commerce and used predominantly outside the United States. Whether transportation property described in this subdivision is used in foreign commerce and predominantly outside the United States is to be determined from all the facts and circumstances in each case. As a general rule, such transportation property will be considered to be used predominantly outside the United States if 70 percent or more of the miles traversed (during the taxable year at the close of which a determination is made under section 956(a)(2)) in the use of such property are traversed outside the United States or if such property is located outside the United States 70 percent of the time during such taxable year.

(vii) An amount of assets described in paragraph (a) of this section of an insurance company equivalent to the unearned premiums or reserves which are ordinary and necessary for the proper conduct of that part of its insurance business which is attributable to contracts other than those described in section 953(a)(1) and the regulations thereunder. For purposes of this subdivision, a reserve will be considered ordinary and necessary for the proper conduct of an insurance business if, under the principles of paragraph (c) of §1.953–4, such reserve would qualify as a reserve required by law. See paragraph (d)(3) of §1.954–2 for determining, for purposes of this subdivision, the meaning of insurance company and of unearned premiums.

(viii) An amount of—

(*a*) A controlled foreign corporation's assets described in paragraph (a) of this section equivalent to its earnings and profits which are accumulated after December 31, 1962, and are attributable to items of income described in section 952(b) and the regulations thereunder, reduced by the amount of

(*b*) The earnings and profits of such corporation which are applied in a taxable year of such corporation beginning after December 31, 1962, to discharge a liability on property, but only if the liability was in existence at the close of such corporation's taxable year immediately preceding its first taxable year beginning after December 31, 1962, and the property would have been United States property if it had been acquired by such corporation immediately before such discharge.

For purposes of this subdivision, distributions made by such corporation for any taxable year shall be considered first made out of earnings and profits for such year other than earnings and profits referred to in (*a*) of this subdivision.

(2) *Statement required.* If a United States shareholder of a controlled foreign corporation excludes any property from the United States property of such controlled foreign corporation on the ground that section 956(b)(2) applies to such excluded property, he shall attach to his return a statement setting forth, by categories described in paragraph (a)(1) of this section, the amount of United States property of the controlled foreign corporation and, by categories described in subparagraph (1) of this paragraph, the amount of such property which is excluded

(c) *Treatment of pledges and guarantees*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph, any obligation (as defined in paragraph (d)(2) of this section) of a United States person (as defined in section 957(d)) with respect to which a controlled foreign corporation is a pledgor or guarantor shall be considered for purposes of section 956(a) and paragraph (a) of this section to be United States property held by such controlled foreign corporation. The application of this subparagraph may be illustrated by the following examples:

Example (1). A, a United States person, borrows $100,000 from a bank in foreign country X on December 31, 1964. On the same date controlled foreign corporation R pledges its assets as security for A's performance of his obligation to repay such loan. The place at which or manner in which A uses the money is not material. For purposes of paragraph (b) of §1.956–1, R Corporation will be considered to hold A's obligation to repay the bank $100,000, and, under the provisions of paragraph (e)(2) of §1.956–1, the amount taken into account in computing R Corporation's aggregate investment in United States property on December 31, 1964, is the unpaid principal amount of the obligation on that date ($100,000).

Example (2). The facts are the same as in example (1), except that R Corporation participates in the transaction, not by pledging its assets as security for A's performance of his obligation to repay the loan, but by agreeing to buy for $100,000 at maturity the note representing A's obligation if A does not repay the loan. Separate arrangements are made with respect to the payment of the interest on the loan. The agreement of R Corporation to buy the note constitutes a guarantee of A's obligation. For purposes of paragraph (b) of §1.956–1, R Corporation will be considered to hold A's obligation to repay the bank $100,000, and, under the provisions of paragraph (e)(2) of §1.956–1, the amount taken into account in computing R Corporation's aggregate investment in United States property on December 31, 1964, is the unpaid principal amount of the obligation on that date ($100,000).

(2) *Special rule for certain conduit financing arrangements.* The rule contained in subparagraph (1) of this paragraph shall not apply to a pledge or a guarantee by a controlled foreign corporation to secure the obligation of a United States person if such United States person is a mere conduit in a financing arrangement. Whether the United States person is a mere conduit in a financing arrangement will depend upon all the facts and circumstances in each case. A United States person will be considered a mere conduit in a financing arrangement in a case in which a controlled foreign corporation pledges stock of its subsidiary corporation, which is also a controlled foreign corporation, to secure the obligation of such United States person, where the following conditions are satisfied:

(i) Such United States person is a domestic corporation which is not engaged in the active conduct of a trade or business and has no substantial assets other than those arising out of its relending of the funds borrowed by it on such obligation to the controlled foreign corporation whose stock is pledged; and

(ii) The assets of such United States person are at all times substantially offset by its obligation to the lender.

(d) *Definitions*—(1) *Meaning of "acquired"*—(i) *Applicable rules.* For purposes of paragraph (a) of this section—

(*a*) Property shall be considered acquired by a foreign corporation when such corporation acquires an adjusted basis in the property;

(*b*) Property which is an obligation of a United States person with respect to which a controlled foreign corporation is a pledgor or guarantor (within the meaning of paragraph (c)(1) of this section) shall be considered acquired when such corporation assumes liability as a pledgor or guarantor; and

(*c*) Property shall not be considered acquired by a foreign corporation if—

(*1*) Such property is acquired in a transaction in which gain or loss would not be recognized under this chapter to such corporation if such corporation were a domestic corporation;

(*2*) The basis of the property acquired by the foreign corporation is the same as the basis of the property exchanged by such corporation; and

(*3*) The property exchanged by the foreign corporation was not United States property (as defined in paragraph (a)(1) of this section) but would have been such property if it had been acquired by such corporation immediately before such exchange.

(ii) *Illustrations.* The application of this subparagraph may be illustrated by the following examples:

Example (1). Foreign corporation R uses the calendar year as a taxable year and acquires before January 1, 1963, stock of domestic corporation M having as to R Corporation an adjusted basis of $10,000. The stock of M Corporation is not United States property of R Corporation on December 31, 1962, since it is not acquired in a taxable year of R Corporation beginning on or after January 1, 1963. On June 30, 1963, R Corporation sells the M Corporation stock for $15,000 in cash and expends such amount in acquiring stock of domestic corporation N which has as to R Corporation an adjusted basis of $15,000. For purposes of determining R Corporation's aggregate investment in United States property on December 31, 1963, R Corporation has, by virtue of acquiring the stock of N Corporation, acquired $15,000 of United States property.

Example (2). Foreign corporation S, a controlled foreign corporation for the entire period here involved, uses the calendar year as a taxable year and purchases for $100,000 on December 31, 1963, tangible property (not described in section 956(b)(2)) located in the United States and having a remaining estimated useful life of 10 years, subject to a mortgage of $80,000 payable in 5 annual installments. The property constitutes United States property as of December 31, 1963, and the amount taken into account for purposes of determining the aggregate amount of S Corporation's investment in United States property under paragraph (b) of §1.956–1 is $20,000. No depreciation is sustained with respect to the property during the taxable year 1963. During the taxable year 1964, S Corporation pays $16,000 on the mortgage and sustains $10,000 of depreciation with respect to the property. As of December 31, 1964, the amount taken into account with respect to the property for purposes of determining the aggregate amount of S Corporation's investment in United States property under paragraph (b) of §1.956–1 is $26,000, computed as follows:

Cost of property		$100,000
Less: Reserve for depreciation		10,000
Adjusted basis of property		90,000
Less: Liability to which property is subject:		
Gross amount of mortgage	$80,000	
Payment during 1964	16,000	
		64,000
Amount taken into account (12–31–64)		26,000

Example (3). Controlled foreign corporation T uses the calendar year as a taxable year and acquires on December 31, 1963, $10,000 of United States property not described in section 956(b)(2); no depreciation is sustained with respect to the property during 1963. Corporation T's current and accumulated earnings and profits (determined as provided in paragraph (b) of §1.956–1) as of December 31, 1963, are in excess of $10,000, and T Corporation's United States shareholders include in their gross income under section 951(a)(1)(B) their pro rata share of T Corporation's increase ($10,000) for 1963 in earnings invested in United States property. On January 1, 1964, T Corporation acquires an additional $10,000 of United States property not described in section 956(b)(2). Each of the two items of property has an estimated useful life of 5 years, and T Corporation sustains $4,000 of depreciation with respect to such properties during its taxable year 1964. Corporation T's current and accumulated earnings and profits as of December 31, 1964, exceed $16,000, determined as provided in paragraph (b) of §1.956–1. Corporation T pays no amounts during 1963 to which section 959(c)(1) applies. Corporation T's investment of earnings in United States property at December 31, 1964, is $16,000, and its increase for 1964 in earnings invested in United States property is $6,000.

Example (4). Foreign corporation U uses the calendar year as a taxable year and acquires before January 1, 1963, stock in domestic corporation M having as to U Corporation an adjusted basis of $10,000. On December 1, 1964, pursuant to a statutory merger described in section 368(a)(1), M Corporation merges into domestic corporation N, and U Corporation receives on such date one share of stock in N Corporation, the surviving corporation, for each share of stock it held in M Corporation. Pursuant to section 354 no gain or loss is recognized to U Corporation, and pursuant to section 358 the basis of the property received (stock of N Corporation) is the same as that of the property exchanged (stock of M Corporation). Corporation U is not considered for purposes of section 956 to have acquired United States property by reason of its receipt of the stock in N Corporation.

Example (5). The facts are the same as in example (4), except that U Corporation acquires the stock of M Corporation on February 1, 1963, rather than before January 1, 1963. For purposes of determining U Corporation's aggregate investment in United States property on December 31, 1963, U Corporation has, by virtue of acquiring the stock of M Corporation, acquired $10,000 of United States property. Corporation U pays no amount during 1963 to which section 959(c)(1) applies. The reorganization and resulting acquisition on December 1, 1964, by U Corporation of N Corporation's stock also represents an acquisition of United States property; however, assuming no other change in U Corporation's aggregate investment in United States property during 1964, U Corporation's increase for such year in earnings invested in United States property is zero.

(2) *Obligation defined.* For purposes of paragraphs (a)(1)(iii) and (b)(1)(v) of this section, the term "obligation" includes any bond, note, debenture, certificate, bill receivable, account receivable, note receivable, open account, or other indebtedness, whether or not issued at a discount and whether or not bearing interest, except that such term shall not include—

(i) Any indebtedness arising out of the involuntary conversion of property which is not United States property within the meaning of paragraph (a)(1) of this section, or

(ii) Any indebtedness (other than an indebtedness arising in connection with the sale or processing of property) which—

(*a*) Is collected within one year from the time it is incurred, or

(*b*) Matures within one year from the time it is incurred but is not collected within such period solely by reason of the inability or unwillingness of the debtor to make payment within such period.

For purposes of (b) of this subdivision, a failure to collect an indebtedness within the one-year period will not be attributed to inability or unwillingess on the part of the debtor to make payment unless it is clearly established that the creditor has made reasonable efforts to collect such indebtedness within such period. See paragraph (b)(1)(v) of this section for the exclusion from United States property of obligations arising in connection with the sale or processing of property where such obligations are ordinary and necessary as to amount.

[F.R. Doc. 64–1678; Filed, Feb. 19, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Sport fishing on the Malheur National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to fishing. This open area, comprising 200 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 25 through October 31, 1964.

(2) Boats without motors may be used on Krumbo Reservoir only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1. 1964.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 12, 1964.

[F.R. Doc. 64-1665; Filed, Feb. 19, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Wildlife Refuges in South Carolina, Georgia, Tennessee, and Mississippi

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, South Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,000 acres or 25 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass; rockfish; bream; crappie; catfish; and other minor species permitted by State regulations.

(b) Open season: April 1, 1964, to October 15, 1964. Daylight hours only.

(c) Daily creel Limits: Bass and/or rockfish—10 (singular or in aggregate), not more than 25 other game fish. Other minor species as permitted by State regulations. No size or weight limit limitations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits permitted.

(2) Rowboats, canoes, and other floating devices without motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 16, 1964.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 400 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass; crappie; bream; catfish; and other minor species permitted by State regulations.

(b) Open season: April 1, 1964, to October 15, 1964. Daylight hours only.

(c) Daily creel Limits: Black bass—15; bream—50; crappie—40. Other minor species as permitted by State regulations. Total aggregate of all species may not exceed 50 fish. No size or weight limitations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits (except live minnows) permitted.

(2) Rowboats, canoes, and other floating devices permitted. Boats with motors prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 16, 1964.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 9,092 acres or 92 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, bluegill, and other minor species as permitted by State regulations.

(b) Open season: February 16, 1964, through October 23, 1964. Daylight hours only.

(c) Daily creel limits: Largemouth bass—10; no limit on other species.

(d) Methods of fishing:

(1) Hook and line, live and artificial baits permitted.

(2) Boats with outboard motors and inboard motors of not more than six (6) horsepower may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 24, 1964.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tennessee, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 750 acres or 41 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth bass, crappie, bluegill, and other minor species as permitted by State regulations.

(b) Open season: March 16, 1964, through September 30, 1964. Sunrise to sunset.

(c) Daily creel limits: Largemouth bass—10; no limit on other species.

(d) Methods of fishing:

(1) Pole and line, artificial and live baits permitted.

(2) Boats with outboard motors and inboard motors of not more than six (6) horsepower may be used.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 1,277 acres or 3 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta 23, Georgia. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass; bream; crappie; catfish; and other minor species permitted by State regulations.

(b) Open season: March 1, 1964, to October 31, 1964. Daylight hours only.

(c) Daily creel limits: Largemouth black bass—15; bream—50; crappie—30; aggregate daily limit of all kinds shall not exceed 75 per day.

(d) Methods of fishing:

(1) Pole and line, artificial baits and lures, trot lines, grappling in accordance with State regulations. Snag lines prohibited.

(2) Boats and motors permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A daily permit ($0.50) is required by the Mississippi State Game and Fish Commission to fish in Bluff Lake and tail waters of the spillways.

(3) No permit is required in Betts Pond and Keaton Tower Pond, Parker Slough and Pete Slough and that portion of Cypress Creek, Oktoc Creek, and Noxubee River within the refuge not covered by (2) above.

(4) A Federal permit is not required to enter the public fishing area.

(5) The provisions of this special regulation are effective to November 1, 1964.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Sport fishing on the Yazoo National Wildlife Refuge, Mississippi, is suspended for the 1964 season.

The fishing area has been renovated and will be restocked soon. Tentative plans are to open the area to fishing in the spring of 1965.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 11, 1964.

[F.R. Doc. 64-1666; Filed, Feb. 19, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Little Pend Oreille National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

WASHINGTON

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Sport fishing on the Little Pend Oreille National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to fishing. This open area, comprising 100 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 19 through October 31, 1964, except for Bayley Lake which will be open April 19 through May 31, 1964.

(2) Boats without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1, 1964.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 12, 1964.

[F.R. Doc. 64-1667; Filed, Feb. 19, 1964; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 76]

HOG CHOLERA, AND OTHER COMMUNICABLE SWINE DISEASES

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture proposes to amend the regulations relating to hog cholera and other communicable swine diseases (9 CFR Part 76) pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134–134h), in the following respects:

1. Section 76.1 would be amended by adding the following definition:

(y) *Farm of origin.* A farm where the swine to be shipped interstate were born and which has not been used within the past six months to assemble, buy, or sell swine brought in from other sources.

2. The heading of § 76.2 and paragraphs (a) and (f) of said section would be amended to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

(a) Notice is hereby given that hog cholera exists in swine in each State except those designated in paragraphs (f) and (g) of this section.

* * * * *

(f) Notice is herby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States:

Nevada, Vermont, and Wyoming.

3. A new paragraph (g) would be added to § 76.2 to read as follows:

(g) (1) Notice is hereby given that a period of more than one year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than one year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States:

(2) There are no States presently designated as hog cholera free States under the regulations in this part.

4. That portion of the last sentence of § 76.6(c) and (d) immediately following the semicolon would be amended to read:

(c) * * *; except that such movement may not be made into States designated in § 76.2(f) or (g).

(d) * * *; except that such movement may not be made into States designated in § 76.2(f) or (g).

5. Section 76.7 would be amended to read:

§ 76.7 Movement to recognized slaughtering centers, licensed establishments, approved feed lots, public stockyards, or approved stockyards or livestock markets.

Swine not known to be affected with or exposed to hog cholera may be moved interstate as indicated below and shall not be diverted en route for any other purpose:

(a) To a recognized slaughtering center for immediate slaughter, or

(b) To a licensed establishment as defined in § 101.1(q) of this chapter or a feed lot approved by the Director of the Animal Inspection and Quarantine Division for biologics production, or

(c) To a public stockyard, or to an approved stockyard or livestock market: *Provided, however,* That feeder or breeder swine not officially vaccinated prior to movement under the provisions of § 76.9 (a) or § 76.10(b) may not be moved interstate to such a stockyard or livestock market except that such swine may be moved interstate from a farm of origin to a public stockyard or approved stockyard or livestock market located in a State adjacent to the State in which the farm of origin is located.

6. Section 76.8 would be amended to read as follows:

§ 76.8 Interstate movement of swine for feeding, breeding or exhibition purposes prohibited, except as provided.

No swine shall be moved interstate for feeding, breeding, or exhibition purposes, except as provided in §§ 76.7, 76.9 and 76.10.[1]

7. Section 76.9(a) (3) would be amended to read:

(3) The swine, upon such inspection, are found to be free from the symptoms of hog cholera and in a healthy condition, and are treated in accordance with the provisions of paragraph (b) of this section in a public stockyard by a veterinarian under Division supervision, or in an approved stockyard or livestock market by an accredited veterinarian, in a portion of the yard or market set aside for that purpose: *Provided, however,* That swine officially vaccinated prior to inspection in accordance with the provisions of § 76.10(b)(1), (2), or (3), and so identified, and suckling pigs under 8 weeks of age nursing officially vaccinated sows are not required to be so treated but are subject to the other provisions of paragraph (a) of this section; and

8. Section 76.10 would be amended to read:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes.

Swine not known to be affected with or exposed to hog cholera may be moved interstate for feeding, breeding, or exhibition purposes if:

(a) The swine have not been treated with antihog cholera serum alone or antibody concentrate alone; and

(b) The swine are officially vaccinated in accordance with the provisions of subparagraph (1), (2), or (3) of this paragraph, and are permanently identified as official vaccinates by individual eartag or other proper individual identification; or the swine meet the requirements of subparagraph (4) of this paragraph:

(1) The swine are officially vaccinated not less than 21 days nor more than one year prior to shipment with modified live virus vaccine prepared under license from the Secretary of Agriculture and administered as recommended on the product label by the licensed manufacturer;

(2) The swine are officially vaccinated within 21 days prior to shipment with the simultaneous inoculation of modified live virus vaccine prepared under license from the Secretary of Agriculture and a minimum of 15 cc. of antihog cholera serum or 7.5 cc. of antibody concentrate, prepared under such a license, with the dosage of such vaccine to be that recommended on the product label by the licensed manufacturer: *Provided, however,* That the swine so vaccinated are moved interstate only from the farm of origin;

(3) The swine are officially vaccinated not less than 21 days nor more than six months prior to shipment with killed or inactivated hog cholera vaccine prepared under license from the Secretary of Agriculture[2] with the dosage of such vaccine to be that recommended on the product label by the licensed manufacturer;

(4) The swine shipped are moved interstate from the farm of origin, and all swine on such farm at the time of the shipment have been located on such farm for not less than 21 days; and the swine shipped are moved without contact with other swine en route, to a farm of destination in a State, the laws, rules, and regulations[4] of which provide for segregation or quarantine of the imported swine for a period of not less than 21 days; and the swine are accompanied by a permit from the appropriate official of the State of destination; and

(c) In any case under paragraph (b) of this section, the swine shall be accompanied by a health certificate issued by a State or Federal inspector or an accredited veterinarian specifying the permanent and individual identification of the swine, and showing the consignee and consignor, and a record of official vaccination when applicable, and that the swine are apparently free from and have not been exposed to hog cholera and other contagious, infectious, or communicable diseases. For swine moved under paragraph (b)(2) of this section, the certificate shall also state that the swine were officially vaccinated within 21 days of shipment and are moved interstate from the farm where they were born and that such farm has not been used within the past six months to assemble, buy, or sell swine brought in from other sources. For swine shipped under paragraph (b)(4) of this section, the certificate shall also state that the swine are moved interstate from the farm of origin where they were born; that such farm has not been used within the past six months to assemble, buy, or sell swine brought in from other sources; and that all swine on the farm at the time of such shipment had been located on such farm for not less than 21 days prior to shipment. A copy of the certificate shall be forwarded to the appropriate livestock sanitary official of the State of destination.

The primary purposes of the proposed amendments are to designate certain States as hog cholera eradication States and provide for the designation of hog cholera free States; to limit the interstate movement of swine from assembly points other than public stockyards and approved stockyards or livestock markets; and to regulate the interstate movement of certain unvaccinated swine to approved stockyards or public stockyards.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of February 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64–1674; Filed, Feb. 19, 1964; 8:47 a.m.]

[1] In each instance the regulations of the State of destination should be consulted before shipments are made.

[2] A period of at least 21 days is required for the development of immunity following the administration of killed or inactivated hog cholera vaccine; therefore, this product may be used only for swine that have not been exposed to hog cholera and will not be in contact with other herds, or in transit, for at least 21 days following administration.

[4] In each instance, the regulations of the State of destination should be consulted before shipments are made.

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–LAX–11]

FEDERAL AIRWAYS AND REPORTING POINT

Proposed Alteration and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 8 has a north alternate presently designated from Long Beach, Calif., to Mormon Mesa, Nev., via the intersection of Long Beach 024°, Los Angeles, Calif., 061° and Daggett, Calif., 234° True radials (Hawkins Intersection); Daggett (14 miles wide from Hawkins Intersection to 60 nautical miles from Daggett, 13 miles wide from 60 to 55 nautical miles from Daggett, 12 miles wide from 55 to 50 nautical miles from Daggett, 11 miles wide from 50 to 45 nautical miles from Daggett). VOR Federal airway No. 210 extends in part from Los Angeles, Calif., via the intersection of the Los Angeles 061° and the Daggett, Calif., 234° True radials (Hawkins Intersection), intersection of the Daggett 234° and the Hector, Calif., 265° True radials (14 miles wide from Hawkins Intersection to 60 nautical miles from Daggett, 13 miles wide from 60 to 55 nautical miles from Daggett, 12 miles wide from 55 to 50 nautical miles from Daggett, 11 miles wide from 50 to 45 nautical miles from Daggett); to Hector. VOR Federal airway No. 1547 presently extends in part from Los Angeles, Calif., 12 miles wide via the intersection of the Los Angeles 061°, and Daggett, Calif., 234° True radials; thence 16 miles wide intersection of the Ontario, Calif., 342°, Daggett 234° True radials; 14 miles wide intersection of the Ontario 004°, Daggett 234° True radials; 12 miles wide Daggett; 10 miles wide Las Vegas, Nev.; intersection Las Vegas 045°, Mormon Mesa, Nev., 227° True radials; to Mormon Mesa. VOR Federal airway No. 1549 extends in part from Los Angeles, Calif., 12 miles wide via the intersection of Los Angeles 061°, Daggett, Calif., 234° True radials; thence 16 miles wide intersection Ontario, Calif., 342° and Daggett 234° True radials; 14 miles wide intersection Ontario 004°, Daggett 234° radials 12 miles wide to Daggett. VOR Federal airway No. 1752 extends in part from Los Angeles, Calif., 12 miles wide via intersection Los Angeles 061° Pomona, Calif., 269° radials; 8 miles wide to Pomona.

The Federal Aviation Agency proposes the following actions to these airways.

1. Realign V–8 north alternate from Long Beach, Calif., via Pomona, Calif., Daggett, Calif.; Las Vegas; to Mormon Mesa.

2. Realign V–210 from Los Angeles, Calif., via the intersection of the Los Angeles 083° and the Pomona, Calif., 240° True radials; Pomona; intersection of the Daggett, Calif., 228° and the Hector, Calif., 265° True radials; to Hector.

3. Realign V–1547 from Los Angeles, Calif., 10-mile wide airway via the intersection of the Los Angeles 083° and the Pomona, Calif., 240° True radials; Pomona; Daggett, Calif., Las Vegas, Nev., to Mormon Mesa, Nev.

4. Realign V–1549 from Los Angeles; 8-mile wide airway via intersection of the Los Angeles 061° and Pomona, Calif., 269° True radials; Pomona; thence as a 10-mile wide airway to Daggett.

5. Realign V–1752 from Los Angeles, 8-mile wide airway via the intersection of the Los Angeles 061° and Pomona, 269° True radials to Pomona.

6. In addition to the above, two new low altitude VOR airways would be designated. One from Ontario, Calif., via Pomona to Fillmore, Calif., and another from Pomona to Palmdale, Calif.

7. The Pomona, Calif., VOR would be designated as a domestic VOR reporting point on V–8N, V–210, V–1547 and V–1549 for southbound traffic.

These actions would provide more precise course guidance and facilitate transitions between the low and intermediate altitude airway structure by aligning these airways via the Pomona VOR.

The proposed new airways would increase the flexibility of the airway system in the Ontario, Calif., and the Norton and March Air Force Base areas.

The designation of Pomona as a reporting point for additional airways would be for air traffic control purposes.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Branch, Federal Aviation Agency, Western Region Area Office, P.O. Box 45018, Los Angeles, California, 90045. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch, Western Region Area Office, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Branch Chief, Western Region Area Office.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 12, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1668; Filed, Feb. 19, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SO–27]

FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is consider-

ing amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway Nos. 51 and 819 extend in part from Crossville, Tenn., via New Hope, Ky., to Louisville, Ky., including an east alternate of Victor 51 from the Bakerton, Ky., intersection via the Liberty, Ky., intersection to Louisville. VOR Federal airway Nos. 140 and 830 extend in part from Nashville, Tenn., to London, Ky., including a north alternate of Victor 140 from Nashville via the Freedom, Ky., intersection to London and also a south alternate of Victor 140 from Nashville via the Crawford, Tenn., intersection to London. VOR Federal airway No. 887 extends in part from London to Nashville. VOR Federal airway No. 16 includes a north alternate from Nashville via the Hickman, Tenn., intersection to Crossville. Intermediate VOR Federal airway No. 1540 extends in part from Nashville to London. Intermediate VOR Federal airway No. 1739 extends in part from Crossville via the intersection of the Crossville 343° and the Bowling Green, Ky., 073° True radials to Louisville.

The FAA is commissioning a new VOR in the vicinity of Highway, Tenn. (latitude 36°35'04" N., longitude 85°10'00" W.) on or about March 5, 1964. The Agency has under consideration the following actions predicated on this new facility.

1. Realign Victors 140,830 and 1540 from Nashville via the new Highway VOR to London.

2. Realign Victor 140 south as a standard alternate from Nashville to Highway and realign Victor 140 north from Nashville via the intersection of the Nashville 044° and the London 258° True radials to London.

3. Realign Victor 887 from London via Highway to Nashville.

4. Realign Victors 51, 819, and 1739 from Crossville via Highway to Louisville.

5. Realign Victor 51 east from Highway via the intersection of Highway 011° and the Louisville 148° True radials, to Louisville and designate Victor 51 west from Highway via the intersection of Highway 333° and the New Hope 165° True radials, New Hope, to Louisville.

6. Realign Victor 16 north from Nashville via the intersection of the Nashville 081° and the Crossville 301° True radials to Crossville.

The realignment of these airways via the new Highway facility will improve the navigational guidance over the segments of the airways concerned. The realignment of 140 north would provide for the proper divergence from the main airway at the London facility. The realignment of Victor 51 east, Victor 140 south, and the designation of Victor 51 west would provide for improved traffic control service in this area. The realignment of Victor 16 north would provide conformity with the Nashville segment of the realigned Victor 140 south.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 12, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1668; Filed, Feb. 19, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-91]

FEDERAL AIRWAY SEGMENTS, REPORTING POINT AND CONTROL AREA EXTENSION

Proposed Alteration, Revocation, and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 22 is designated in part from Marianna, Fla., via the intersection of Marianna 141° and Tallahassee, Fla., 267° True radials; Tallahassee; to Taylor, Fla., including a north alternate from Marianna to the intersection of Tallahassee 090° and Cross City, Fla., 325° True radials, via the intersection of Marianna 093° and Albany, Ga., 160° True radials, excluding the airspace between the main and this alternate airway, and also a north alternate from Taylor to Jacksonville, Fla., via the intersection of Taylor 065° and Jacksonville 289° True radials. VOR Federal airways Nos. 35 and 97 are designated in part from Tallahassee via the intersection of Tallahassee 353° and Albany 176° True radials; to Albany, including an east alternate to Victor 35 from Tallahassee to Albany via the intersection of Tallahassee 008° and Albany 160° True radials. VOR Federal airways Nos. 7, 35, and 97 east alternate are designated in part from Cross City via the intersection of Cross City 310° and Tallahassee 137° True radials; to Tallahassee. VOR Federal airways Nos. 159 west alternate and 843 are designated in part from Cross City via the intersection of Cross City 325° and Albany 160° True radials; to Albany. VOR Federal airway No. 159 is designated in part from Gainesville, Fla., via the intersection of Gainesville 308° and Albany 160° True radials; to Albany.

The Federal Aviation Agency is considering the following actions:

1. Realign Victor 22 from Marianna via the intersection of the Marianna 096° True radial and the 294° True radial of a VOR to be installed about May 28, 1964, in the vicinity of Greenville, Fla., at approximately latitude 30°33'04" N., longitude 83°46'27" W.; Greenville; direct to Taylor (8 miles wide from Greenville to 18 nautical miles from Greenville) including a south alternate from Marianna to Greenville via the intersection of Marianna 141° and Tallahassee 272° True radials and Tallahassee.

2. Realign Victor 35 from Cross City via the intersection of Cross City 311° and Tallahassee 137° True radials; Tallahassee; to Albany.

3. Realign Victor 97 from Tallahassee direct to Albany, and Victor 97 east alternate from Cross City to Tallahassee via the intersection of Cross City 311° and Tallahassee 137° True radials.

4. Realign Victor 7 from Cross City via the intersection of Cross City 311° and Tallahassee 137° True radials; to Tallahassee.

5. Realign Victor 159 from Gainesville direct to Greenville; direct to Albany, and the segment of Victor 159 west alternate from Cross City direct to Greenville.

6. Realign Victor 843 from Cross City, direct Greenville direct to Albany.

7. Revoke the segment of Victor 35 east alternate from Tallahassee to Albany.

8. Revoke the segments of Victor 22 north alternate from Marianna to Greenville Intersection and from Taylor to Jacksonville.

9. Designate the Greenville VOR as a reporting point.

The realignment of Victors 22, 159, 159 west alternate and 843 as proposed herein would provide better navigational guidance between Tallahassee and Taylor and between Cross City/Gainesville and Albany and provide lower minimum en route altitudes north and south of Greenville. Victor 159 west alternate would not be continued from Greenville to Albany since this segment would coincide with Victor 159 between these points. The realignment of Victors 22 and 22 south alternate between Marianna and Greenville would permit routing of traffic around the Tallahassee terminal area at lower minimum en route altitudes. The realignment of Victors 7, 35 and 97 east alternate between Cross City and Tallahassee would place the intersection of the Cross City and Tallahassee radials used to describe these airway segments nearer to the midpoint between these facilities. The realignment of Victors 35 and 97 as proposed herein would reduce the airway mileage between Tallahassee and Albany and improve air navigation by aligning this segment as a direct airway. The reduced width of Victor 22 would permit simultaneous operations along this airway and within the adjacent Moody I intensive Student Jet Training Area. The latest Federal Aviation Agency IFR peak day airway traffic survey for the segments of Victors 22 north alternate and 35 east alternate proposed for revocation herein show no aircraft movements on the segments between Marianna and Greenville Intersection and between Tallahassee and Albany and a maximum of one aircraft movement on the segment between Taylor and Jacksonville. Therefore, it appears that these alternate airway segments are unjustified as assignments of airspace and that they could be revoked. Designation of the Greenville VOR as a reporting point would assist air traffic control by providing an additional identification point for flights along Victors 22, 159, 159 west alternate and 843.

The Tallahassee control area extension is bounded in part by Victors 22 north alternate and 159 west alternate. The Valdosta, Ga., control area extension is bounded in part by Victors 35 and 22. The Taylor transition area is bounded in part by Victors 22 and 159. The Albany, Ga., transition area is bounded in part by Victor 35. Concurrently with the airway actions proposed herein, it is proposed to substitute Victor 22 for Victor 22 north alternate in the description of the Tallahassee control area extension. The boundary of this control area extension predicated on Victor 159 west alternate would move automatically with the realigned airway. The boundaries of the Valdosta control area extension and the Taylor and Albany transition areas predicated on airways proposed for realignment herein would move automatically with the realigned airways. Accordingly, no action regarding these segments of controlled airspace would be necessary. There would be no appreciable change in the overall amount of controlled airspace as a result of the altered control area extensions and transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 12, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1670; Filed, Feb. 19, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 4008]

AIRWORTHINESS DIRECTIVES

de Havilland Model DHC-2 "Beaver" Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for de Havilland Model DHC-2 "Beaver" aircraft. Cracks and corrosion have been found on the aileron mass balance weight arm, failure of which would result in flutter of the aileron. To correct this unsafe condition, this AD requires inspection of the aileron mass balance weight arm and replacement if cracks or corrosion are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 23, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DE HAVILLAND. Applies to all Model DHC-2 "Beaver" aircraft.

Compliance required as indicated.

As a result of cracks and corrosion found on the aileron mass balance weight arm C2WA151 and C2WA152 or C2WA127 and C2WA128, accomplish the following inspection within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 475 hours' time in service, and thereafter within 500 hours' time in service from the last inspection.

(a) Inspect the aileron mass balance weight arm on each aileron for cracks and corrosion, particularly around welds, using a dye penetrant and a 10-power magnifying glass, or an FAA approved equivalent inspection. Prior to inspection, remove all paint (using a paint solvent which will not have a deleterious effect upon the base metal), grease and dirt from all surfaces involved.

(b) If cracks or corrosion are found, replace the part with a new part of the same part number, or an equivalent, approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, or make a repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. This is to be accomplished before further flight, except that one flight may be made in accordance with the provisions of CAR 1.76 for the purpose of obtaining these repairs.

(de Havilland Engineering Bulletin Series "B", No. 17, dated November 20, 1959, available from de Havilland Aircraft of Canada, Ltd., Toronto, Canada, covers this same subject.)

Issued in Washington, D.C., on February 13, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1671; Filed, Feb. 19, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread, Enriched Bread, Raisin Bread; Rolls; Proposal To Permit Wheat Gluten as Optional Ingredient

Notice is given that Hercules Powder Company, Wilmington, Delaware, has filed a petition proposing that the standard of identity for bread (21 CFR 17.1) be amended to provide for using suitable wheat gluten in an amount not to exceed 2 parts for each 100 parts by weight of flour as an optional ingredient of bread baked in loaf form. In 1959, the standards for bakery products were amended to permit the use of up to four parts of suitable wheat gluten for each 100 parts by weight of flour in making rolls and buns, enriched rolls and buns, and raisin bread, rolls, and buns. At that time the need for using the gluten was based on its functional value in these particular forms of bakery products. The present petition is based on the need for minor adjustments of the gluten content when certain flours are being used in the continuous dough process for making bread in loaf form.

The particular changes in the standards proposed are:

1. It is proposed to amend § 17.1 *Bread, white bread* * * *:

Southern Region, Attn: Chief, Air Traf- from Tallahassee to Albany via the inter- these airway segments nearer to the mid-

a. By changing the fourth sentence of paragraph (a) to read: "Each such food is seasoned with salt, and in its preparation one or more of the optional ingredients specified in this paragraph and in paragraph (b) (2) of this section may be used."

b. By changing the first sentence of paragraph (b) (2) to read: "The optional ingredient referred to in paragraph (a) of this section is suitable wheat gluten, in a quantity not to exceed four parts for each 100 parts by weight of flour used to make rolls and buns, and in a quantity not to exceed two parts for each 100 parts by weight of flour used to make bread in loaf-form."

2. It is proposed to amend § 17.2 *Enriched bread and* * * * by redesignating the text of paragraph (b) (1) as paragraph (b) and by deleting paragraph (b) (2).

3. It is proposed to amend § 17.4 *Raisin bread and* * * * by changing paragraph (a) (6) to read:

(6) The optional ingredient specified in paragraph (b) (2) of § 17.1 may be used, in an amount not to exceed four parts for each 100 parts by weight of flour used for making raisin bread, raisin rolls, and raisin buns.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding the proposal published herein. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 12, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1676; Filed, Feb. 19, 1964; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 67]

PHONOGRAPH RECORD INDUSTRY

Designation of Supervising Commissioner for Proceeding for Promulgation of Trade Practice Rules

The Honorable John R. Reilly, Federal Trade Commissioner, has been designated supervising Commissioner of the trade practice conference proceeding for the Phonograph Record Industry, as authorized by the Federal Trade Commission and notice placed in the FEDERAL REGISTER on February 13, 1964 (29 F.R. 2428-29). Commissioner Reilly replaces the Honorable Sigurd Anderson, Federal Trade Commissioner, as supervising Commissioner for this proceeding.

A hearing on the establishment of trade practice rules for this industry will be held at 10:00 a.m., on Friday, March 13, 1964, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D.C.

Issued: February 19, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1687; Filed, Feb. 19, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 23]

GREATER NEW YORK MUTUAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

FEBRUARY 17, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6-13.

An underwriting limitation of $1,277,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

NEW YORK

Greater New York Mutual Insurance Company, New York, New York.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-1684; Filed, Feb. 19, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

February Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during February 1964 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, and flax.

The February list of commodities available is unchanged from January.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program for February 1964 are 4 percent for periods up to and including 12 months, and 4½ percent for periods from over 12 months up to a maximum of 36 months. All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program.

The following CCC-owned commodities are available for programing under Title IV, Public Law 480, private trade agreements: Wheat, corn, barley, rye, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programing. A list of all commodities available under this program, and current information on interest rates and other phases of the program are being sent separately to recipients of the CCC Monthly Sales List.

The following commodities are currently available for barter: Nonfat dry milk, butter, cheddar cheese, cotton, tobacco, wheat, corn, barley, and grain sorghum. This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate, CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor

exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled area of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirements for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule, 15 CFR § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in-store at storage location of products. Submission of offers: Submit offers to the Minneapolis ASCS Commodity Office.
Butter	Domestic, unrestricted use: Announced prices, under LD–29, as amended: 62.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 61.25 cents per pound—Washington, Oregon, and California. All other States 61.0 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD–35: Any butter offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD–29, as amended: 40.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 39.75 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under LD–35: Any cheese offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Wednesday at prices announced by press release in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD–29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound. Export: Competitive bid under LD–33, as amended, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices, under LD–35: Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to LD–33 will be offered for sale through the following Monday at prices announced by press releases in Washington each Tuesday.
Cotton, upland	Domestic, unrestricted use: Competitive bid under the terms and conditions of Announcement NO–C–16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. Export, CCC Sales for export: Competitive bid under the terms and conditions of Announcements CN–EX–18 Cotton Export Program—Sales (1963–64 Marketing Year), as amended, and NO–C–22 Sale of Upland Cotton (Cotton Export Program—1963–64 Marketing Year), as amended, and NO–C–24 Sale of Irregular Upland Cotton for Export. Export, CCC Barter and Credit Sales: Competitive bid under the terms and conditions of Announcements CN–EX–21 (Acquisition of Upland Cotton for Export Under Barter and Credit Sales Programs) and NO–C–22, (Sale of Upland Cotton (Cotton Export Program—1963–64 Marketing Year)), as amended.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements domestic grown extra long staple cotton will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. Export, CCC Sales for Export: Competitive bid under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown-Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton). Sales of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Barley, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of barley, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price-support loan rate for the class, grade and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price-support loan rate [2] (published price-support loan rate plus 14 cents per bushel) for the class, grade, and quality of the barley plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable barley as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents received by		Example of in-store [3] formula minimum prices for No. 2 or better barley (exrail or barge-in dollars)	
Truck	Rail or barge	Terminal	General sales price
12	7	Minneapolis, Minn. Kansas City, Mo.	$1.28 1.30

D. Availability information: For information on CCC barley sales and payment-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

See footnotes at end of table.

Commodity	Sales price or method of sale
Corn, bulk	Domestic and export—unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of corn, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which corn shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the corn, plus the amount shown in C below applicable to the storage point involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] (published price support loan rate plus 18 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C below, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production, applicable freight will be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per bushel).

Markup in cents in-store at		Example of in-store [3] formula minimum prices for No. 2 yellow corn (14 percent Mt. & 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
4	5½	Minneapolis, Minn. Chicago, Ill.	$1.38½ 1.57½

D. Availability information: For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales, and (2) under Announcement GR–308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Commodity	Sales price or method of sale
Barley, bulk (continued)	Export announcement sales: (1) Under Announcement GR–308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program. (2) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter, credit and other designated sales. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.
Grain sorghum, bulk	Domestic and export, unrestricted use: A. Redemption of domestic payment-in-kind certificates: [1] Such CCC dispositions of grain sorghum, as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1963 price support loan rate for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. B. General sales: [1] 1. Storable: Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1963 price support rate [2] (published price support loan rate plus 29 cents per hundredweight) for the class, grade and quality of the grain sorghum, plus the amount shown in C below applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates. 2. Nonstorable: Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC. C. Markups and Agricultural Act of 1949 formula price examples (per hundredweight).

Markup in cents received by		Examples of in-store [3] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
25	14	Kansas City, Mo.	$2.61

D. Availability information: For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Evanston, Kansas City, Minneapolis, Portland or Minneapolis ASCS grain office listed at end of table.

Export announcement sales:
(1) Under Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales, (2) under Announcement GR–308 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and (3) under Announcement GR–313, as amended, for wheat export payment-in-kind program. CCC reserves the right to determine the class, grade, quality, and quantity to be made available for the sales under these announcements. The statutory minimum price referred to in the price adjustment provisions of these export sales announcements is 105 percent of the applicable price support rate plus the adjustment referred to in subparagraph C above. Sale is made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.
Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of table.

Commodity	Sales price or method of sale					
Oats, bulk	Domestic and export:[1] Storable: Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the cost from point of production to the present point of storage will also be added.					
	Examples of per bushel formula minimum prices basis in-store					
	Per bushel markup received by		Terminal	Grade and class	Price	
	Production point	Other points				
	Cents 7	*Cents* 8½	Chicago,[3] Ill. Minneapolis,[3] Minn.	No. 2 (or better)	$0.90 .894	
	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices. Nonstorable (as available): At not less than the market price as determined through the ASCS county offices. At other locations through the ASCS grain offices listed at end of table. Export announcement sales: (1) Under Announcement GR-368 (Rev. Aug. 31, 1960) as amended for feed grain export payment-in-kind programs. (2) Under Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to approved CCC credit and other designated sales. Sale is at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit sales prices. Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.					
Wheat, bulk	Domestic and export:[1] unrestricted use: Storable: Price for such wheat determined by CCC, or, (c) the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1963 price support rate[2] for the class, grade, and quality of the wheat plus the amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to such formula price.					
	Per bushel markup received by		Examples of per bushel formula minimum prices basis in-store[2] ex-rail or barge			
	Truck	Rail or barge	Terminal	Class and grade	Price	
	Cents 13	*Cents* 7	Chicago Minneapolis Kansas City Portland	No. 1 HW No. 1 DNS No. 1 HW No. 1 SW	$2.28 2.24 2.25 2.17	
	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices. Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table. Export: (1) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that durum wheat GR-261 (Rev. 2, Jan. 9, 1961) for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961) as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.					
Wheat, bulk	Available: At bin sites through ASCS county offices. At other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices. Nonstorable (as available): At not less than market price as determined by CCC through the ASCS grain offices listed at end of table. Export: (1) Under Announcement GR-345 (Revised July 13, 1962) as amended, for export under the wheat export payment-in-kind program, except that durum wheat GR-261 (Rev. 2, Jan. 9, 1961) for specified offerings as announced and (3) under Announcement GR-261 (Rev. 2, Jan. 9, 1961) as amended) for export as wheat and under Announcement GR-262 (Rev. 2, Jan. 9, 1961) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Sales under the above announcements are made at the applicable export market price, as determined by CCC; export payment-in-kind rates are deducted from credit and barter sales prices.					
Flaxseed, bulk	Domestic, unrestricted use: Storable: Market price, basis in store,[1] but not less than the applicable 1963 support price for the class, grade, and quality of the grain plus 14½ cents per bushel, and plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.					
	Per bushel markup received by		Examples of minimum prices (exrail or barge)			
	Truck	Rail or barge	Terminal	Class and grade	Price	
	Cents 16	*Cents* 7	Minneapolis	No. 1	$3.34½	
Bushel	Nonstorable (as available): At not less than market price as determined by CCC through the Minneapolis Grain Merchandising ASCS office. Available: Through the Minneapolis Grain Merchandising ASCS office.					

See footnotes at end of table.

Commodity	Sales price or method of sale
Wheat, bulk (continued)	Export—Continued Available: Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices. (At Portland ASCS office, Hard Red Winter wheat with 12.0 percent or less protein will be available for barter or Title I, P.L. 480 transactions for export to Korea, Okinawa, and Formosa only.)
Peanuts, shelled or unshelled (Farmers' Stock) as available.	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (Revised Jan. 4, 1962), as amended.
Rice, rough	Domestic, unrestricted use: Market price but not less than 1963 loan rate plus 5 percent, plus 21 cents per hundredweight, basis in store. Export: As milled or brown under Announcement GR-369, Revision II, Rice Export Program—Payment-in-Kind, and under GR-379, Revision I, for approved credit sales. Price, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

[1] Such dispositions shall be for domestic unrestricted use or for export.
[2] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.
[5] Woodford County, Ill., origin.
[6] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 6930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0860.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: Capitol 6-3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington, and Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 529-2411.

Cotton Products and Export Operations Office, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 5, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105(c), 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on February 17, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-1694; Filed, Feb. 19, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CHEMICAL CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1326) has been filed by Monsanto Chemical Company, 800 North Lindbergh Boulevard, St. Louis 66, Missouri, proposing that in paragraph (b) of § 121.2566 *Antioxidants and/or stabilizers for polymers*, the words "film" and "films" be deleted wherever they occur in limitation 2 for each of the substances "4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol)" and "4,4'-Thiobis(6-*tert*-butyl-*m*-cresol)."

Dated: February 13, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1689; Filed, Feb. 19, 1964; 8:48 a.m.]

EMERY INDUSTRIES, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1268) has been filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati 2, Ohio, proposing that paragraph (c) of § 121.2531 *Surface lubricants used in the manufacture of metallic articles* be amended by inserting alphabetically in the list of substances the item "Polymerized fatty acids, C_{36} and C_{54}, derived from C_{18} unsaturated fatty acids."

Dated: February 13, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1688; Filed, Feb. 19, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64-603 etc.]

WILLIAM A. HUDSON ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 12, 1964.

William A. Hudson and Edward R. Hudson (Operator), et al. and other Respondents listed herein.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-603	William A. Hudson and Edward R. Hudson (Operator), et al., 1510 First National Bldg., Fort Worth 2, Tex.	2	3	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	$872	1-20-64	[2] 2-20-64	7-20-64	[3] 10.7008	[4] [5] 11.7199	
RI64-604	Caulkins Oil Co. (Operator) agent for Caulkins Producing Co., et al., 1130 First National Bank Bldg., Denver 2, Colo.	5	1	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,194	1-22-64	[2] 2-22-64	7-22-64	[6] 13.0	[5] [7] 14.0	
RI64-605	W. H. Hudson (Operator), et al., c/o J. B. Avant, 1126 Mercantile Securities Bldg., Dallas, Tex., 75201.	2	3	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	5,791	1-17-64	[2] 2-17-64	7-17-64	[6] 13.0	[5] [7] 14.0	
RI64-606	Caulkins Oil Co. (Operator), et al., 1130 First National Bank Bldg., Denver 2, Colo.	10	2	El Paso Natural Gas Co. (Dakota Formation, Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,194	1-23-64	[2] 2-23-64	7-23-64	[6] 13.0	[5] [7] 14.0	
RI64-607	Phillips Petroleum Co. (Operator), Bartlesville, Okla. Attn: Mr. W. B. Gaul.	18	36	Northern Natural Gas Co. (Puckett-Ellenburger Field, (Ellenburger Gas) Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	355,339	1-23-64	[2] 2-23-64	7-23-64	[8] [9] 16.1056	[4] [8] [9] 17.1152	
RI64-608	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	13	5	Lone Star Gas Co. (Katie Field, Garvin County, Okla.) (Oklahoma "Other" Area).	1,054	1-20-64	[2] 2-20-64	7-20-64	12.35	[10] [4] 13.175	RI61-85
	do	73	3	do	24	1-20-64	[2] 2-20-64	7-20-64	12.35	[10] [4] 13.175	RI61-85
	do	78	5	Lone Star Gas Co. (Katie and NW. Hoover Fields, Garvin County, Okla.) (Oklahoma "Other" Area).	409	1-20-64	[2] 2-20-64	7-20-64	12.35	[10] [4] 13.175	RI61-85
	do	224	4	Lone Star Gas Co. (Katie Field, Garvin County, Okla.) (Oklahoma "Other" Area).	10	1-20-64	[2] 2-20-64	7-20-64	12.35	[10] [4] 13.175	RI61-85
	do			do	12	1-20-64	[2] 2-20-64	7-20-64	12.35	[10] [4] 13.175	RI61-84
RI64-609	Socony Mobile Oil Co., Inc. (Operator), et al.	10	4	do	12	1-20-64	[2] 2-20-64	7-20-64	12.35	[10] [4] 13.175	RI61-84
RI64-610	Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.	8	3	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Panhandle Area).	230	1-23-64	[11] 3-21-64	8-21-64	[12] 17.4	[4] [13] 17.6	RI63-371
	do	15	3	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	182	1-23-64	[11] 3-22-64	8-22-64	17.2	[4] [6] 17.4	RI63-374
RI64-611	Edwin L. Cox (Operator), et al.	19	6	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area).	62	1-23-64	[11] 3-21-64	8-21-64	[12] 17.4	[4] [13] 17.6	RI63-370
RI64-612	Helmerich & Payne, Inc., 21st and Utica, Tulsa, Okla.	27	1	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	934	1-23-64	[11] 2-23-64	7-22-64	[12] 12.0	[4] [6] 13.5	
RI64-613	Southeastern Public Service Co. (Operator), et al., 70 Pine St., New York 5, N.Y.	4	2	Tennessee Gas Transmission Co. (East Bernard Area, Wharton County, Tex.) (R.R. District No. 3).	5,340	1-22-64	[11] 2-22-64	7-22-64	16.16947	[4] [13] 17.16947	
RI64-614	Forest Oil Corp., National Bank of Commerce Bldg., San Antonio 5, Tex.	13	2	Transcontinental Gas Pipe Line Corp. (San Miguel Creek Field, McMullen County, Tex.) (R.R. District No. 1).	19,745	1-22-64	[11] 3-10-64	8-10-64	14.189	[4] [14] 15.189	
RI64-615	Samedan Oil Corp. (Operator), et al., Post Office Box 909, Ardmore Okla., 73401.	13	6	United Gas Pipe Line Co. (Midland Field, Acadia Parish, La.).	3,102	1-24-64	[2] 2-24-64	7-24-64	[12] 22.25	[4] [15] 22.75	[16]

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Includes partial reimbursement for full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[5] Pressure base is 15.025 psia.
[6] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[7] Subject to 5.0 cents per Mcf deduction by buyer for processing and removal of carbon dioxide.
[8] For gas produced from Ellenburger Formation.
[9] Favored-nation rate increase.
[10] The stated effective date is the effective date required by Respondent.
[11] Subject to a downward Btu adjustment.
[12] Rate subject to dehydration charge of 0.2193¢ cent per Mcf deducted by buyer.
[13] Contract provides for tax reimbursement of 0.2025 cent. Producer's proposed increase reflects tax reimbursement of only 0.189 cent.
[14] Includes 1.75 cents per Mcf tax reimbursement.
[15] Rate in effect subject to refund, with interest, down to floor of 20.25 cents per Mcf in Docket No. C162-1028.

William A. Hudson and Edward R. Hudson (Operator), et al., and Phillips Petroleum Company (Operator) request an effective date of December 1, 1963, for their proposed rate increases. Caulkins Oil Company (Operator) Agent for Caulkins Producing Company, W. H. Hudson (Operator) et al., Caulkins Oil Company (Operator), et al., and Samedan Oil Corporation, et al., request an effective date of January 1, 1964, for their proposed rate filings. Socony Mobil Oil Company, Inc., and Socony Mobil Oil Company, Inc., (Operator), et al., request for their proposed rate filings an effective date of February 19, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-1614; Filed, Feb. 19, 1964; 8:45 a.m.]

ST. MICHAELS UTILITIES COMMISSION ET AL.

Order Approving Presiding Examiner's Continuance of Hearing

FEBRUARY 13, 1964.

St. Michaels Utilities Commission, and Commissioners of St. Michaels, Maryland v. The Eastern Shore Public Service Company of Maryland, Docket No. E-7114; Stockton Light and Power Company (of Maryland), and Stockton Light and Power Company (of Virginia) v. The Eastern Shore Public Service Company of Maryland, Docket No. E-7117; Delaware Power and Light Company, The Eastern Shore Public Service Company of Maryland, The Eastern Shore Public Service Company of Virginia, Docket No. E-7137.

On January 15, 1964, a prehearing conference was held in the above-entitled matter, pursuant to Commission order issued November 18, 1963. At that time staff stated that it would go forward with its direct case and suggested a date of March 23, 1964, for service of its direct testimony and exhibits. Respondents and intervener cooperatives requested a delay of from six to nine months after service of staff's presentation within which to prepare their cases. Complainant St. Michaels Utilities Commission and Commissioners of St. Michaels, Maryland, speaking also for complainant Stockton Light and Power Company of Maryland and Stockton Light and Power Company of Virginia, stated that the complainants would be prepared to serve their cases on April 6, 1964.

The Presiding Examiner set March 23, 1964, for service of staff's direct case, as requested, April 6, 1964, for service of complainants direct presentations, as requested, and directed respondents, intervenor cooperatives and all other intervenors to serve their direct cases on or before July 2, 1964, in order to avoid prejudice to any of the parties, including the City of St. Michaels and Stockton, both of which are complainants against respondent, The Eastern Shore Public Service Company of Maryland. The Presiding Examiner also directed that the hearing be reconvened on July 20, 1964, such extension being for a period in excess of 30 days. Other intervenors include the Public Service Commission of Maryland, Philadelphia Electric Company and Conowingo Power Company.[1]

The Commission finds. In view of the foregoing, the recess in excess of 30 days granted by the Presiding Examiner to July 20, 1964 should be approved.

The Commission orders. The extension of the pre-hearing conference for a period in excess of the 30 days by the Presiding Examiner to July 20, 1964, is hereby approved.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1685; Filed, Feb. 19, 1964; 8:48 a.m.]

[1] Counsel for the Rural Electrification Administration appeared, without having filed a formal intervention, and stated that if they sought to participate as a party, they would be prepared to file their case, if any, within the prescribed time schedule.

CIVIL AERONAUTICS BOARD

REOPENED SOUTHERN TRANSCONTINENTAL SERVICE CASE

[Docket No. 7984 etc.]

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 11, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order E-20129, dated October 28, 1963, the prehearing conference report served November 19, 1963, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 17, 1964.

[SEAL] ROBERT L. PARK, *Hearing Examiner.*

[F.R. Doc. 64-1692; Filed, Feb. 19, 1964; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Agreement No. 7707]

MATSON-ISTHMIAN JOINT FREIGHT SERVICE

Notice of Termination

Notice is hereby given that Agreement No. 7707-7 has been filed for approval under section 15 of the Shipping Act, 1916.

Agreement No. 7707, as amended, between Isthmian Lines, Inc., and Matson Navigation Company, provides for the operation of a joint cargo service between Atlantic and Gulf ports and the Hawaiian Islands, the pooling and apportionment of net revenue from the operation with accounting periods ending every June 30 and December 31, the fixing of freight rates in the trade, and termination thereof by either party on thirty days notice.

Agreement No. 7707-7 provides for termination of the arrangement effective on completion of all voyages thereunder which are en route on April 30, 1964, and that no new voyages will be made thereafter.

Interested parties may inspect this Agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington 25, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification.

Dated: February 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-1690; Filed, Feb. 19, 1964; 8:48 a.m.]

PACIFIC WESTBOUND CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 57-81 between the members of the Pacific Westbound Conference provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines members of the Conference, their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 14, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 64-1691; Filed, Feb. 19, 1964; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 454]

NEW YORK

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1964, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of New York;

Whereas, The Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act as amended may be received and considered by the Office below indicated from persons or firms whose property situated in the following county (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

County:
Sullivan (Fire occurring on February 3, 1964).

Office:
Small Business Administration Regional Office
42 Broadway
New York 4, N.Y.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1964.

Dated: February 6, 1964.

Ross D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-1672; Filed, Feb. 19, 1964; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-36]

TITANIUM DIOXIDE FROM JAPAN

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on February 14, 1964, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to titanium dioxide from Japan. Notice of the institution of this investigation was published in the FEDERAL REGISTER on January 29, 1964 (29 F.R. 1497).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.s.t., on March 23, 1964. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: February 17, 1964.

By order of the Commission:

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-1686; Filed, Feb. 19, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 602]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 14, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 704 (Sub-No. 24) (AMENDMENT), filed January 15, 1964, published in FEDERAL REGISTER issue February 6, 1964, and republished as amended this issue. Applicant: J. O. (RED) WILLETT PIPE LINE STRINGING CORPORATION, Monroe, La. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies* used in connection with the construction, operation, maintenance, servicing, repair and dismantling of pipelines, between points in the United States.

NOTE: The purpose of this republication is to broaden the territorial scope of the application by eliminating the phrase "except California," as previously published.

No. MC 4405 (Sub-No. 415), filed January 31, 1964. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and *parts, accessories and equipment therefor* moving in conjunction with such trailers and chassis, in initial movements in truckaway and driveaway service, from the plant site of Pullman, Incorporated (Trailmobile Division) located at West Point, Montgomery County, Pa., to points in the United States, including Alaska but excluding Hawaii, and (2) *tractors*, in secondary driveaway service only, when drawing trailers moving in initial driveaway service, from the plant site of Pullman, Incorporated (Trailmobile Division) located at West Point, Montgomery County, Pa., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

No. MC 9148 (Sub-No. 7), filed February 3, 1964. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Rushford, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII of *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in packages and containers, from Fall River, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, *damaged, refused and rejected shipments* and *empty pallets*, on return.

No. MC 11220 (Sub-No. 87), filed February 6, 1964. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Broken Bow Reservoir on Mountain Fork River, approximately 13 miles northeast of Broken Bow, Okla., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

No. MC 14252 (Sub-No. 20), filed February 3, 1964. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers, of Household Goods*, 17 M.G.C. 467, commodities in bulk and those requiring special equipment), between junction U.S. Highway 30S and County Road 171 at a point approximately two (2) miles east of Caledonia, Ohio and Martel, Ohio; from junction U.S. Highway 30S and County Road 171 in a northerly direction on County Road 171 for a distance of approximately three (3) miles to Martel, serving all intermediate points.

No. MC 17979 (Sub-No. 11), filed February 6, 1964. Applicant: MARTIN A. CROWLEY, doing business as MARTIN A. CROWLEY TRUCKING, 753 Central Avenue, Franklin, N.H. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast and pre-stressed concrete structural products*, from Auburn, Maine, to points in New Hampshire and *empty containers or other such incidental facilities* used in transporting the above described commodities and *refused, rejected* and *damaged shipments* on return.

NOTE: Applicant proposes to serve Structural Concrete Corporation from its Auburn, Maine, plant in the same manner as it now serves the company from its Franklin, N.H., plant under Certificate No. MC 17979, Sub. 8; and its Auburn, Maine, plant in Intrastate Maine transportation under Maine P.U.C. Permit X-5109.

No. MC 25798 (Sub-No. 112), filed February 6, 1964. Applicant: CLAY HYDER TRUCKING LINES, INC., 301 Highway North, Dade City, Fla. Applicant's attorney: Daniel B. Johnson, Suite 1250 Federal Building, 1815 H Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, frozen meats, smoked meats*, and *cured meats, syrup, flour, cheese* and *cheese products*, from Fort Atkinson, Wis., to points in North Carolina, South Carolina, Kentucky, Tennessee, West Virginia, Virginia, Georgia, Alabama, and Florida.

No. MC 30844 (Sub-No. 139), filed February 3, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in the Appendix I to the Report in *Descriptions in Motor Carrier Certificates, Packinghouse Products*, 61 M.C.C. 209 and 766, from Sidney, Nebr., to Milwaukee, Wis.

No. MC 52673 (Sub-No. 19), filed January 30, 1964. Applicant: FRED OLSON MOTOR SERVICE COMPANY, a corporation, 6022 West State Street, Milwaukee, Wis. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading serving the plant site of the Godfrey Company located at Waukesha, Wis., as an off-route point in connection with applicant's regular route operations between Milwaukee, Wis., and Chicago, Ill.

No. MC 52574 (Sub-No. 13), filed February 3, 1964. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N. J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and containers therefor*, from Irvington, N.J., to Wilmington, Del., Baltimore, Md., and Washington, D.C., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with Drake Bakeries, Division of the Borden Company.

No. MC 55236 (Sub-No. 82), filed February 3, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* (including dicalcium phosphate and phosphatic feed supplements), in bulk, in tank vehicles, from Montpelier, Iowa, and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 59367 (Sub-No. 12), filed January 31, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Eureka and Morton, Ill., to points in Iowa, (2) from Chicago, Ill., to Red Oak, Iowa, and (3) from Hartford, Wis., to Dubuque and Marshalltown, Iowa.

No. MC 59367 (Sub-No. 13), filed January 31, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant states the proposed operations will be restricted to traffic originating at Darien, Wis.

No. MC 64932 (Sub-No. 336), filed February 4, 1964. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, from points in Pike County, Mo., to points in Minnesota, Iowa, Nebraska, Oklahoma, Arkansas, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kansas, Kentucky, Tennessee, Ohio, South Dakota, Texas, Colorado, New Mexico, North Dakota, Louisiana, Mississippi, and Alabama.

No. MC 79695 (Sub-No. 25), filed February 9, 1964. Applicant: STEEL TRANSPORTATION CO., INC., 4000 Cline Avenue, East Chicago, Ind. Applicant's attorneys: David Axelrod, 39 South La Salle Street, Chicago 3, Ill., and Robert W. Loser, Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, fire clay, furnace and kiln lining, and high temperature bonding mortar*, from Goose Lake, Ill., to points in Iowa, Indiana, Michigan, Ohio, and Wisconsin.

No. MC 80430 (Sub-No. 108), filed January 31, 1964. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid resins and synthetic liquid plastics*, from North Tonowanda, N.Y., to points in Illinois, Iowa, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: Applicant states that the purpose of this application is to receive the right to transport the above-commodities in shipper-owned containers of the type manufactured under the trade name, "Sealdtank." Applicant proposes to use flat bed, open top or van trailers, whichever is appropriate in individual circumstances. Upon completion of the outbound movement of the loaded containers, the empty containers will be returned to the shipper at North Tonowanda, N.Y.

No. MC 95084 (Sub-No. 40), filed January 22, 1964. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 622, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *farm equipment, and iron and steel products*, between points in Iowa (except Bettendorf, Burlington, Charles City, Davenport, Des Moines, Dubuque, Ottumwa, Sioux City, and Waterloo, Iowa), on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

No. MC 95540 (Sub-No. 569), filed February 3, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Whitehall and Marshfield, Wis., to points in Louisiana.

NOTE: Applicant states that the proposed operations will be restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted against the transportation of hides. It is further noted that common control may be involved.

No. MC 95540 (Sub-No. 570), filed February 5, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, (1) from points in Decatur County, Ga. and Gadsden County, Fla., to points in Delaware, Illinois, Iowa, Kansas, Kentucky, Mary-

land, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Oklahoma, Pennsylvania, Texas, West Virginia, and Wisconsin, and (2) from points in Decatur, Grady, and Thomas Counties, Ga., and Gadsden County, Fla., to points in Arkansas, Colorado, Connecticut, Florida, Indiana, Louisiana, Massachusetts, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, and Washington, D.C.

NOTE: Common control may be involved.

No. MC 103051 (Sub-No. 167), filed February 6, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Georgia.

No. MC 103051 (Sub-No. 168), filed February 7, 1964. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except petroleum and petroleum products and vegetable oils), from points in Muscogee County, Ga., and Lee and Russell Counties, Ala., to points in Alabama, Georgia, and Florida (but excluding traffic from points in Alabama to points in Alabama).

No. MC 103378 (Sub-No. 283) (AMENDMENT), filed January 24, 1964, published in FEDERAL REGISTER issue February 6, 1964, amended February 10, 1964, and republished as amended this issue. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, and nitrogen solutions* in bulk, in tank vehicles, from points in Screven and Bulloch Counties, Ga., to points in South Carolina.

NOTE: The purpose of this republication is to show the addition of "nitrogen solutions" to the commodity description, and to show the addition of points in Bulloch County, Ga., to the origin territory.

No. MC 105457 (Sub-No. 51), filed November 13, 1963. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. Applicant's attorney: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods, as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading),

(1) between Greensboro and Winston-Salem, N.C., from Greensboro, over U.S. Highway 421 to Kernersville, thence over North Carolina Highway 150 to junction with Interstate Highway 40, thence over Interstate Highway to Winston-Salem, and return over the same route, serving all intermediate points, (2) between Friendship and High Point, N.C., from Friendship, over North Carolina Highway 68, to High Point, and return over the same route, serving all intermediate points, (3) between Greensboro and Asheboro, N.C., from Greensboro, over U.S. Highway 220 to Asheboro, and return over the same route, serving all intermediate points, (4) between Norlina and Weldon, N.C., from Norlina, over U.S. Highway 158 and U.S. Alternate Highway 158, to Weldon, and return over the same route, serving all intermediate points, (5) between junction U.S. Highway 1 and U.S. Highway 401 (located near Raleigh, N.C.) and Henderson, N.C., from junction U.S. Highway 1 and U.S. Highway 401, over U.S. Highway 401 to Ingleside, N.C., thence over North Carolina Highway 39 to Henderson, and return over the same route, serving all intermediate points,

(6) between Franklinton, and junction with U.S. Highway 401, located at or near Louisburg, N.C., from Franklinton, over North Carolina Highway 56 to junction with U.S. Highway 401, at or near Louisburg, N.C., and return over the same route, serving all intermediate points, (7) between Jackson and junction with U.S. Highway 158 located at or near Murfreesboro, N.C., from Jackson, over North Carolina Highway 305 to Rich Square, N.C., thence over U.S. Highway 258 to junction with U.S. Highway 158, at or near Murfreesboro, and return over the same route, serving all intermediate points, (8) between Lawrence, N.C., and junction with U.S. Highway 64 located at or near Princeville, N.C., from Lawrence, over U.S. Highway 258 to junction with U.S. Highway 64 at or near Princeville, N.C., and return over the same route, serving all intermediate points, (9) between the junction of North Carolina Highway 43 and North Carolina Highway 42, and Canetoe, N.C., from the junction of North Carolina Highway 43 and North Carolina Highway 42, thence over North Carolina Highway 42 to Canetoe, N.C., and return over the same route, serving all intermediate points, (10) between Faison and Warsaw, N.C., from Faison, over North Carolina Highway 403 to Clinton, thence over North Carolina Highway 24 to Warsaw, and return over the same route, serving all intermediate points,

(11) between Charlotte and junction with North Carolina Highway 87 located at or near Dublin, N.C., from Charlotte, over U.S. Highway 74 to Lumberton, thence over North Carolina Highway 41, to junction with North Carolina Highway 87 at or near Dublin, and return over the same route, serving all intermediate points, (12) between Bladenboro and junction with U.S. Highway 701, from Bladenboro, over North Carolina Highway 131 to junction with U.S. Highway 701, and return over the same route, serving all intermediate points, (13) between Tabor City and Fayetteville, N.C., from Tabor City, over U.S. Highway 701, to Elizabethtown, N.C., thence over North Carolina Highway 87 to Fayetteville, and return over the same route, serving all intermediate points, (14) between Tabor City, and Whiteville, N.C., from Tabor City, over North Carolina Highway 410, to Chadbourn, N.C., thence over U.S. Highway 74 to Whiteville, and return over the same route, serving all intermediate points, (15) between Fayetteville and Tabor City, N.C., from Fayetteville, over U.S. Highway 301 to Lumberton, thence over North Carolina Highway 41 to junction with North Carolina Highway 904, thence over North Carolina Highway 904 to Tabor City, and return over the same route, serving all intermediate points,

(16) between Laurinburg and Fayetteville, N.C., from Laurinburg, over U.S. Highway 401 to Fayetteville, and return over the same route, serving all intermediate points, and (17) from Lumberton, N.C., over North Carolina Highway 211 to Clarkton, N.C., and return over the same route, serving all intermediate points.

No. MC 107107 (Sub-No. 298), filed February 5, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food ingredients*, from Fort Atkinson, Wis., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE: Applicant states that no duplicating authority is sought.

No. MC 107403 (Sub-No. 535), filed February 7, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points on the Allegheny Pipeline Company or Texas Eastern Transmission Corporation (Little Big Inch Division) pipelines which pass near Greensburg, Pa., Watkins Glen, and Selkirk, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states the proposed service will be restricted in that all liquefied petroleum gas transported shall have previously moved in interstate commerce through the Allegheny Pipeline Company or Texas Eastern Transmission Corporation, (Little Big Inch Division) pipelines. NOTE: Common control may be involved.

No. MC 107871 (Sub-No. 26), filed February 4, 1964. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West (Post Office Box 1012), Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions*

and *asphalt cut-backs*, in bulk, in tank vehicles, from the village of Athens (Greene County), N.Y., to points in Berkshire County, Mass., and Litchfield County, Conn., and *contaminated, rejected and refused shipments*, on return.

No. MC 110193 (Sub-No. 58), filed January 3, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's representative: Walter J. Kobos (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (not frozen), to be transported in vehicles equipped with mechanical refrigeration, from points in Massachusetts to Syracuse, N.Y.

NOTE: Applicant states that the purpose of this application is for tacking and joinder with its existing authority in MC 110193 (Sub-No. 25), wherein applicant is authorized to conduct operations over irregular routes in the states of Illinois, Indiana, New York, Ohio, Pennsylvania, and Michigan.

No. MC 110420 (Sub-No. 363), filed February 5, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet, Burlington, Wis. Applicant's representative: E. R. Kershner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from points in Pike County, Mo., to points in Minnesota, Iowa, Nebraska, Oklahoma, Arkansas, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kansas, Kentucky, Tennessee, Ohio, South Dakota, Texas, Colorado, New Mexico, North Dakota, Louisiana, Mississippi, and Alabama.

NOTE: Common control may be involved.

No. MC 110525 (Sub-No. 639), filed February 6, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Bristol and Philadelphia, Pa., to points in California.

No. MC 110662 (Sub-No. 6), filed February 5, 1964. Applicant: KELLOGG TRUCKING COMPANY, INC., U.S. Highway 31, Speed, Ind. Applicant's attorney: Frank J. Dougherty, Jr., Kentucky Home Life Building, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bags and bulk, in dump vehicles, from points in Jefferson County, Ky., to points in Indiana, on and south of Indiana Highway 26.

NOTE: Applicant states the proposed service will be for the account of Cargill, Inc.

No. MC 111069 (Sub-No. 32), filed February 3, 1964. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Allentown, Pa., to points in Ohio.

No. MC 111238 (Sub-No. 8), filed February 7, 1964. Applicant: DOLLISON TRUCK LINES, INC., 1000 Pennsylvania Avenue, Charleston, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston 32, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magazines, periodicals and magazine parts and sections*, from Cincinnati, Ohio, to Ashland, Ky., Portsmouth, Ohio, and Parkersburg, W. Va., and (2) *magazines, periodicals and magazine parts and sections*, from Charleston, W. Va., to Huntington, Parkersburg, Beckley, Bluefield, Charleston, Logan, and Welch, W. Va., Ashland, Ky., and Portsmouth, Ohio.

No. MC 112582 (Sub-No. 22), filed February 5, 1964. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, 227 West Commerce Street, Chambersburg, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in North Carolina and South Carolina.

No. MC 112750 (Sub-No. 178), filed January 14, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Boston, Mass., on the one hand, and, on the other, Lawrence, Mass.

NOTE: Applicant states the proposed service will be under a continuing contract or contracts with Dynacolor Corporation. Common control may be involved.

No. MC 112750 (Sub-No. 181), filed January 31, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1626 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints*, (2) *complimentary replacement film*, (3) *incidental dealer handling supplies*, consisting of labels, envelopes and packaging materials, and (4) *advertising literature* moving herewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Philadelphia, Pa., on the one hand, and, on the other, Girardville, Pa.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Dynacolor Corporation. Common control may be involved.

No. MC 113271 (Sub-No. 19), filed February 7, 1964. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium sulphate*, also known as sodium sulfate or salt cake, in bulk, from ports of entry on the International Boundary line between the United States and Canada located in Montana to points in Missoula County, Mont., and *rejected shipments* on return. Common control may be involved.

No. MC 113434 (Sub-No. 14), filed February 7, 1964. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Muskegon, Mich., and points within five miles thereof, to points in the United States east of the Mississippi River, and to points in Louisiana and Texas.

No. MC 113861 (Sub-No. 8), filed February 5, 1964. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. Applicant's attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia* and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, points in that portion of Missouri on and east of U.S. Highway 65, and on and south of U.S. Highway 66, and points in Mississippi on and north of U.S. Highway 80 and (2) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Kentucky and points in that part of Alabama on and north of U.S. Highway 78 and *refused and rejected shipments* on return.

No. MC 113908 (Sub-No. 138), filed January 30, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Iowa, Kansas, and Missouri, and *damaged and rejected shipments* of the commodity specified above, on return.

No. MC 114045 (Sub-No. 129), filed February 3, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, from Pratt, Kans., to points in the United States (except Texas, Louisiana, Arkansas, Mississippi, New Mexico, Arizona, California, Hawaii, Alaska, and Memphis, Tenn.).

No. MC 114408 (Sub-No. 4), filed February 6, 1964. Applicant: W. E.

BEST, INC., Box 445, Pioneer, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials*, from Butler, Ind., to points in Michigan and Ohio.

NOTE: Applicant states the above described service will be performed under a continuing contract or contracts with Federal Fertilizer, Inc., Butler, Ind.

No. MC 114533 (Sub-No. 84), filed February 5, 1964. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eye glasses, frames, lenses, and parts thereof*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas.

No. MC 115215 (Sub-No. 3), filed February 3, 1964. Applicant: NEW TRUCK LINE, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, crates* and *hampers*, wooden, and *parts thereof*, from Perry, Fla., to points in Alabama, Arkansas, Louisiana, Mississippi, and Texas.

No. MC 115667 (Sub-No. 1), filed February 6, 1964. Applicant: ARROW TRANSFER CO. LTD., 2225 West 11th Avenue, Vancouver 9, British Columbia. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and machines (including tractors), iron, steel, cement, wire, cable, pipe, and rails, in lots of not less than 25,000 pounds*, between Portland, Oreg., and points in Washington (other than those in Clallam, Jefferson, Kitsap, and Mason Counties, Wash.), on the one hand, and on the other, ports of entry on the International Boundary line between the United States and Canada at Blaine and Lynden, Wash.

No. MC 115669 (Sub-No. 45), filed January 31, 1964. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, salt products* and *mineral mixtures*, in bulk, and (2) *salt, salt products, mineral mixtures*, and *pepper* (ground in packages) in mixed shipments of bulk and packages from points in Kansas to Kansas City, Mo.

No. MC 115669 (Sub-No. 46), filed February 3, 1964. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and mineral feed mixtures*, in bulk, in tank vehicles, and vehicles equipped with pneumatic unloading devices (1) from Lyons, Kans., to points in Wyoming, North Dakota, South Dakota, Minnesota, Arkansas, Oklahoma, Texas, and New Mexico (2) from Hutchinson, Kans. to points in Colorado, Wyoming, North Dakota, South Dakota, Minnesota, Arkansas, Oklahoma, Texas, New Mexico, and Nebraska and (3) from Kanopolis, Kans., to points in Colorado, Montana, Missouri, Arkansas, Oklahoma, Texas, New Mexico, Nebraska, and Iowa (except Ackley, Belmond, Buckingham, Des Moines, Galt, Hampton, Marshalltown, Roland, Sioux City, Walker, and Waverly).

No. MC 115786 (Sub-No. 4), filed February 3, 1964. Applicant: MATURA TRUCKING CORP., 11 Dunlop Drive, Parlin, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Italian food products*, (1) between South Hackensack, N.J., on the one hand, and on the other New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford, and New Haven Counties, Conn.; and (2) from piers in New York Harbor, N.Y., to points in New Jersey, Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and Fairfield, Hartford, and New Haven Counties, Conn.

NOTE: Applicant states that the proposed service is to be performed under continuing contract with Buitoni Food Corporation of South Hackensack, N.J. It is further noted that if the above authority is granted the carrier will surrender its authority in MC 115786 and MC 115786 (Sub-No. 2).

No. MC 116204 (Sub-No. 9), filed February 7, 1964. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: Robert H. Cowan, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Perlite products* (other than crude) and *mineral wool* in bags, batts and tubes, from points in Davidson County, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operations will be under contract with Chemrock Corporation. Applicant holds common carrier authority in MC 118883; therefore dual operations may be involved.

No. MC 116254 (Sub-No. 37), filed February 5, 1964. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except petroleum and petroleum products, and vegetable oils), from points in Muscogee County, Ga., and points in Lee and Russell Counties, Ala., to points in Alabama, Georgia, and Florida (but excluding traffic from any point in Alabama, to points in Alabama).

No. MC 117119 (Sub-No. 136), filed January 31, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Nebraska to points in Arkansas, Kansas, Oklahoma, Texas, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, and Kansas City, Mo.

No. MC 117344 (Sub-No. 117), filed February 3, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorneys: James R. Stiverson and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, resins, varnishes, surface coating compounds, and molding compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana.

No. MC 117344 (Sub-No. 118), filed February 5, 1964. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buffing, polishing, and abrasive compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Illinois and Indiana.

No. MC 117788 (Sub-No. 4), filed January 29, 1964. Applicant: DETROIT REFRIGERATED TRUCKING, INC., 99 East Canfield, Detroit, Mich. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, frozen meat and packinghouse products*, (1) from Detroit, Mich., to Georgetown and Wilmington, Del., Washington, D.C., Baltimore, Halethorpe, Landover, and Salisbury, Md., Camden, Linden, and Trenton, N.J., Elmsford and Mount Kisco, N.Y., Allentown, Altoona, Chester, Harrisburg, Kimberton, Media, Philadelphia, and Yeaden, Pa., Bristol, Norfolk, Richmond, Roanoke, Salem, and Smithfield, Va., (2) from Flint, Mich., to Fort Knox, Ky., Baltimore and Halethorpe, Md., Camden, Camp Monmouth, and Fort Dix., N.J., Allentown and Philadelphia, Pa., and Norfolk, Va., and (3) from Coldwater, Mich., to Washington, D.C., Baltimore, Halethorpe, and Landover, Md., Camden, N.J., and Philadelphia, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return.

No. MC 117815 (Sub-No. 19), filed January 31, 1964. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Iowa, Kansas, Missouri, Nebraska, and Illinois on and north of U.S. Highway 36, and restricted to traffic originating at Darien, Wis.

No. MC 117920 (Sub-No. 2), filed February 3, 1964. Applicant: W. M. TYNAN & COMPANY, INC., 76 Ninth Avenue, New York 11, N.Y. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa and cocoa products*, from New York, N.Y., to Bensonville, Ill.

No. MC 118272 (Sub-No. 13), filed January 30, 1964. Applicant: ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Missouri, and Kansas.

No. MC 119697 (Sub-No. 6), filed February 3, 1964. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill & Libby at or near Darien, Wis., to points in Indiana and Ohio.

No. MC 123048 (Sub-No. 36), filed January 30, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cylinders, steel, for shipping air, gases or liquids*, under pressure, new (other than coppered or nickeled), from Cambridge City, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the lower Peninsula of Michigan, and *rejected shipments of commodities* specified above, on return.

No. MC 125045 (Sub-No. 1), filed February 5, 1964. Applicant: SHERMAN MOLDE, doing business as MOLDE TRUCKING COMPANY, 955 11¼ Street SW., Rochester, Minn. Applicant's attorney: Richard E. White, 316 1st Avenue, SW., Rochester, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from Milwaukee, Wis., to Rochester, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodity on return.

No. MC 125546 (Sub-No. 1), filed February 6, 1964. Applicant: HOLLYWOOD SERVICE AND TOWING (1963) LTD., 7269 Curragh Street, Burnaby 1, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 2435 West 26th Avenue, Vancouver 9, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and contractor's portable camp buildings, house trailers, equipment and machinery*, between ports of entry on the International Boundary Line between the United States and Canada in Washington, Idaho, and Montana, on the one hand, and, on the other points in Washington, Oregon, California, Idaho, and Montana.

No. MC 125635 (Sub-No. 2), filed February 6, 1964. Applicant: ELLIOT YOUNG AND ARTHUR HOLLERUD, doing business as Y & H TRUCK LINES, Box 83, Lyle, Minn. Applicant's representative: Robert E. Swanson, Griggs Midway Building, 1821 University Avenue, St. Paul, Minn., 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, fresh and frozen, from Estherville, Iowa, to points in Minnesota on and south of a line beginning at the Minnesota-South Dakota border, along Minnesota Highway 117 to Wheaton, Minn., thence along Minnesota Highway 27 to Alexandria, Minn., thence along U.S. Highway 52 to St. Cloud, Minn., thence along Minnesota Highway 95 to the Minnesota-Wisconsin border.

NOTE: Applicant states that the proposed service is to be performed for the account of John Morrell & Co.

No. MC 125744 (Sub-No. 1), filed January 31, 1964. Applicant: ROBERT M. JONES AND RAYMOND F. BRAGUE, a partnership, doing business as JONES AND BRAGUE MINING CO., Blossburg, Pa. Applicant's attorney: Thomas A. Walrath, 7 Central Avenue, Wellsboro, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal* from Blossburg, Pa., to Syracuse, N.Y., (2) *scrap iron*, from Syracuse and Cortland, N.Y., to Blossburg, Pa., and (3) *sand*, from McConnellsville, N.Y., to Blossburg, Pa.

No. MC 125811 (Sub-No. 2), filed January 31, 1964. Applicant: NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla. Applicant's attorney: Monty Schumacher, Suite 693, 1375 Peachtree Street, NE., Atlanta, Ga., 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato chips* from Berwick, Pa., to West Palm Beach, Fort Lauderdale, and Miami, Fla.; (2) *potato chips and snack-type foods* from New York, N.Y., to West Palm Beach, Fort Lauderdale, and Miami, Fla.; (3) *crackers* from Long Island City, N.Y., to West Palm Beach, Fort Lauderdale, and Miami, Fla.; (4) *cookies* from Passaic, Elizabeth, and Clifton, N.J., to West Palm Beach, Fort Lauderdale, and Miami, Fla.; (5) *melba toast* from West New York, N.J., to West Palm Beach, Fort Lauderdale, and Miami, Fla.; (6) *pretzels and pretzel food novelties* from Reading, Pa., to West Palm Beach, Fort Lauderdale, and Miami, Fla.; and (7) *canned kosher-style foods* from Newark and Farmingdale, N.J., to West Palm Beach, Fort Lauderdale, and Miami, Fla. and *exempt commodities*, i.e. live plants and horticultural products on return.

NOTE: Applicant states the proposed operations will be for the account of Irving Fien.

No. MC 125832 (Sub-No. 1), filed February 6, 1964. Applicant: EDWARD H. HOPKINS, doing business as S & H TRUCKING, 1737 22d Street, Santa Monica, Calif. Applicant's representative: A. E. Norrbom, 2716 North Broadway, Post Office Box 32007, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Builders' hardware*, from Sterling, Ill., to points in California on and south of U.S. Highway 40 and *exempt commodities* on return.

No. MC 125852 (Sub-No. 2), filed February 3, 1964. Applicant: TAUBERT TRUCKING, INC., 5635 West Broadway, Minneapolis 28, Minn. Applicant's representative: Robert E. Swanson, Room 364, Griggs Midway Building, 1821 University Avenue, St. Paul 4, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed and feed ingredients*, in bags, in bulk or mixed, from Minneapolis and Savage, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin.

No. MC 125941 (AMENDMENT), filed January 17, 1964, published in FEDERAL REGISTER issue of February 6, 1964, and republished as amended, this issue. Applicant: H. J. JEFFRIES AND JACK SEAGRAVES, a partnership, doing business as J & S TRUCK LINE, 817 Southwest 37th Street, Oklahoma City 9, Okla. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas 24, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry, fertilizer materials*, and *feed grade urea*, in bags and in bulk, from Kerens, and points within 10 miles of Kerens, Gainesville, Pittsburg, and Vernon, Tex., to points in Arkansas, Louisiana, Nebraska, New Mexico, Oklahoma, Kansas, Missouri, and Colorado and *damaged and rejected shipments* on return.

NOTE: Applicant states the proposed operations will be under a continuing contract with Lone Star Producing Company—Chemical Division. Common control may be involved. The purpose of this republication is to delete Cameron as an origin point and add Arkansas, Louisiana, Nebraska, New Mexico, Kansas, Missouri, and Colorado as destination states.

No. MC 125950 (Sub-No. 1), filed February 6, 1964. Applicant: C. B. S. TRANSPORTATION, INC., Post Office Box 1139, Wilmington, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4,

D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable containers*, from Wilmington, N.C., to points in Florida, Georgia, South Carolina, and Virginia, and *returned and rejected shipments*, on return.

No. MC 125952, filed January 22, 1964. Applicant: INTERSTATE DISTRIBUTOR CO., a corporation, 8311 Durango SW., Tacoma, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery establishments*, from points in California, to Bellevue, Bellingham, and Port Angeles, Wash.

NOTE: Applicant states that the proposed operations will be performed for the account of American Wholesale Grocery Co. It is further noted that applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 117201; therefore dual operations may be involved.

No. MC 125973, filed January 31, 1964. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., Gary, Ind. Applicant's attorney: David Axelrod, 39 S. La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, salt and canned goods*, from Gary, Ind., to points in Illinois, Ohio, Michigan, and Pennsylvania.

NOTE: Applicant states the proposed operations will be pursuant to contract with The Indiana Wholesale Food Supply Corp., 911 Virginia Street, Gary, Ind.

No. MC 125974, filed February 3, 1964. Applicant: T & M TRUCKING CO., INC., 107 Russell Street, White Plains, N.Y. Applicant's attorney: Joseph P. Marcelle, 15 Park Row, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum die casting and steel products*, between Stratford, Conn., White Plains, N.Y., and Roselle and Newark, N.J.

No. MC 125977, filed February 3, 1964. Applicant: BEVERAGE TRANSPORT, INC., 19 Forest Street, East Haven, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, nonalcoholic, from the plant site of Cott Beverages, Inc., at New Haven, Conn., to Manchester, N.H., Boston, Fall River, Holyoke, New Bedford, Springfield, and Worcester, Mass., Providence, R.I., Perth Amboy and Redfield, N.J., and points in Nassau and Sullivan Counties and the New York commercial zone, N.Y.; and, (2) *materials, supplies, and equipment* used in the manufacture of nonalcoholic beverages, from points in the New York, N.Y., commercial zone and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., and Manchester, N.H., to the plant site of Cott Beverages, Inc. at New Haven, Conn.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Cott Beverages, Inc.

No. MC 125978, filed February 3, 1964. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., 132 Nassau Street, New York, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles*, with or without baggage, personal effects and pets, in a driveaway service, between points in New York, New Jersey, and Connecticut on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, the District of Columbia, and ports of entry on the international boundary lines between the United States and Canada and the United States and Mexico.

No. MC 125980, filed February 5, 1964. Applicant: EDWARD HOFFMAN, doing business as HOFFMAN'S FUEL SERVICE, Post Office Box 164, Bethel, Alaska. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk petroleum products, including fuel and furnace oil and gasoline*, in tank vehicles, from the port of Bethel, Alaska, to the site of the Bethel Air Force Station including the Bureau of Indian Affairs and White Alice facilities.

NOTE: Applicant states that the operations will be seasonal, during the period of June 1 to October 1, while the Kuskokwim River is open to navigation.

No. MC 125981, filed February 6, 1964. Applicant: PAUL H. COBB, doing business as COBB TRUCKING COMPANY, 120 East First Street, Lowell, N.C. Applicant's attorney: L. B. Hollowell, Post Office Box 995, 283 West Main Avenue, Gastonia, N.C., 28053. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, sand, gravel, dirt, plant mixed asphalt, concrete blocks, concrete pipe, concrete culvert pipe and related concrete products and agricultural lime*, from Lowell, N.C., to points in Cherokee, York, Lancaster, Chesterfield, Chester, Union, Greenville, and Spartanburg Counties, S.C., and points in Gaston, Cleveland, Rutherford, Catawba, Lincoln, Mecklenburg, Union, Stanly, Cabarrus, and Anson Counties, N.C., and (2) *stone, sand, gravel, plant mixed asphalt and agricultural lime*, from points of destination named above in (1), to point of origin named above in (1).

No. MC 125982, filed February 4, 1964. Applicant: LOUIS D. PERRET, III, doing business as A. & G. Transport Co., 650 South Galvez Street, New Orleans, La. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, as described in Appendix XI in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Natchez-Adams County Port, near Natchez, Miss., on the one hand, and, on the other, points in Louisiana on and south of U.S. Highway 190, and Beaumont and Port Arthur, Tex.

NOTE: Applicant states that the proposed operation is to be restricted to traffic having a prior or subsequent movement by water.

MOTOR CARRIERS OF PASSENGERS

No. MC 109736 (Sub-No. 17), filed February 6, 1964. Applicant: CAPITOL BUS COMPANY, a corporation, 4th and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Pottsville, Pa., and Hazleton, Pa., from Pottsville over U.S. Highway 209 to Tamaqua, Pa., thence over U.S. Highway 309 to Hazleton and return over the same route serving all intermediate points between Tamaqua and Hazelton, including Tamaqua.

No. MC 124457 (Sub-No. 2), filed February 3, 1964. Applicant: SECHELT MOTOR TRANSPORT LTD., Sechelt, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations beginning and ending at the ports of entry in Washington on the International Boundary between the United States and Canada and extending to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE: Applicant holds the identical authority in MC 124457 (Sub-No. 1) except for a restriction against traffic originating in the cities of Vancouver and New Westminster, British Columbia, Canada. The purpose of this application is to remove the above restriction.

No. MC 125569 (Sub-No. 7), filed February 3, 1964. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Harrisburg, Pa., and Marysville, Pa., from Harrisburg over city streets to bridges across the Susquehanna River, thence over bridges to U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 15, thence over U.S. Highways 11 and 15 to Marysville, and return over the same route, serving all intermediate points.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PROPERTY

No. MC 12894, filed February 6, 1964. Applicant: GABE W. LEWIS, 301 Logan Street (P.O. Box 1903), Laredo, Tex. For a license (BMC 4) to engage in operations as a *broker* at Laredo, Tex., in arranging for transportation, by motor vehicle in interstate or foreign commerce of *general commodities*, mostly *frozen strawberries and meat*, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 289), filed February 5, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid marine white gasoline*, in bulk, in tank vehicles, from Toledo, Ohio, to Louisville, Ky.

No. MC 98952 (Sub-No. 12), filed January 13, 1964. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2800 North Main Street, Decatur, Ill. Applicant's attorney: Gus T. Greanias, Suite 602 Millikin Building, Decatur, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compounds*, liquid, in bulk, in stainless steel tank vehicles, from Decatur, Ill., to St. Louis, Mo.

No. MC 107403 (Sub-No. 531), filed January 31, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Applicant's attorney: David A. Sutherland, 1120 Connecticut Avenue NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except those ordinarily transported in dump trucks), from the Valley Forge Terminal in Norristown, Pa., to points in Delaware, Maryland, Pennsylvania, Virginia, and those points in New Jersey south of New Jersey Highway 33.

NOTE: Applicant states that the proposed operation is to be subject to the restriction that all traffic transported shall have moved by rail to the Valley Forge Terminal.

No. MC 110420 (Sub-No. 362), filed February 3, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bulk, in tank and hopper-type vehicles, from Muscatine, Iowa, to Champaign, Ill., and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodity, on return.

NOTE: Common control may be involved.

No. MC 112497 (Sub-No. 220), filed February 6, 1964. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Baton Rouge, La., to New Orleans, La.

No. MC 115917 (Sub-No. 14), filed January 31, 1964. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 348, Crossnore, N.C. Applicant's attorney: Paul M. Daniell, Suite 214–217, Standard Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, *in mixed shipments with salt and salt products*, from Avery Island, La., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, and *exempt commodities*, on return.

No. MC 123233 (Sub-No. 9), filed February 5, 1964. Applicant: PROVOST CARTAGE, INC., 7725 Souligny, Montreal 5, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate*, in tank vehicles, from the port of entry on the International Boundary line between the United States and Canada, located at or near Trout River, N.Y., to Potsdam, N.Y., on traffic originating in the Province of Quebec, Canada, and *refused and rejected shipments* on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in MC 115111; therefore dual operations may be involved.

No. MC 124328 (Sub-No. 15), filed February 6, 1964. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partian (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin and securities*, between Minneapolis, Minn., and points in the upper peninsula of Michigan.

NOTE: Common control may be involved.

No. MC 125035 (Sub-No. 3), filed February 7, 1964. Applicant: RAY E. BROWN, doing business as RAY E. BROWN TRUCKING, 1132 55th Street NE., North Canton, Ohio. Applicant's attorney: Fred H. Zollinger, First National Bank Building, Canton, Ohio, 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream confections*, such as but not limited to *fudgesicles, popsicles, eskimo pies, ice cream bars, ice cream sandwiches, drum sticks and creamsicles*, from Wheeling, W. Va., to Glestown, Franklin, and Erie, Pa., and *empty containers or other incidental facilities, including the dollies upon which ice cream containers are loaded*, used in transporting the above described commodities, on return.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64–1630; Filed, Feb. 19, 1964; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 17, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG- AND SHORT-HAUL

FSA No. 38820: *Clay to points in New Mexico and Texas*. Filed by Southwestern Freight Bureau, agent (No. B–8507), for interested rail carriers. Rates on clay in carloads, from Belle Fourche, Deadwood, S. Dak., and points in Wyoming, to points in New Mexico and Texas.

Grounds for relief: Modified shortline distance formula and grouping.

Tariff: Supplement 10 to Southwestern Freight Bureau, agent, tariff I.C.C. 4423.

FSA No. 38821: *Blackstrap molasses to points in official territory*. Filed by O. W. South, Jr., agent (No. A4448), for interested rail carriers. Rates on blackstrap molasses, in tank-car loads, from Gulf, Florida and south Atlantic ports to points in official territory.

Grounds for relief: Port relationship and grouping.

Tariff: Supplement 208 to Southern Freight Association, agent, tariff I.C.C. S–87.

FSA No. 38822: *T.O.F.C. service—from and to Burris, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8506), for interested rail carriers. Rates on property moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars, between Burris, Tex., on the one hand, and points in official (not including Illinois) territory, on the other.

Grounds for relief: Grouping.

Tariffs: Supplements 230 and 9 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4380 and 4547, respectively.

FSA No. 38823: *T.O.F.C. service—from and to points in Southwestern Territory*. Filed by Southwestern Freight Bureau, agent (No. B–8508), for interested rail carriers. Rates on property moving on class and commodity rates loaded in or on trailers and transported on railroad flat cars, between points on the ACL RR in Alabama, Florida, Georgia, North Carolina and South Carolina, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Shortline distance formula and grouping.

Tariff: Supplement 51 to Southwestern Freight Bureau, agent, tariff I.C.C. 4511.

FSA No. 38824: *T.O.F.C. service—from and to points in Kansas and Missouri*. Filed by Southwestern Freight Bureau,

agent (No. B-8509), for interested rail carriers. Rates on paper and paper articles loaded in or on trailers and transported on railroad flat cars, between points in Kansas and Missouri, on the one hand, and points in southwestern territory, also Natchez, Miss., and Memphis, Tenn., on the other.

Grounds for relief: Shortline distance formula and grouping.

Tariff: Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4566.

FSA No. 38825: *Substituted Service—NYC&STL and CI for Contract Carriers, Inc.* Filed by Contract Carriers, Inc., (No. 1), for itself and interested rail carriers. Rates on shipping containers, viz: empty drums or containers, returned, loaded in box cars, from Anderson or Hammond, Ind., to St. Louis, Mo., on traffic originating at or destined to points beyond such points.

Grounds for relief: Motortruck competition.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1677; Filed, Feb. 19, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3080; Amdt. 361]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MLD–VOR	MD–FLR	Direct	10,000	T–dn	3500–3	3500–3	3500–3
				C–dn	3500–3	3500–3	3500–3
				A–dn	4000–4	4000–4	4000–4

Procedure turn S side W crs, 273° Outbnd, 093° Inbnd, 9500′ within 10 miles.
Minimum altitude over facility on final approach crs, 9000′.
Crs and distance, facility to airport, 130°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing MD–LFR, make right turn climbing to 11,000′ on W crs within 20 miles.
CAUTION: High terrain all quadrants.
City, Malad City; State, Idaho; Airport Name, Malad City; Elev., 4503′; Fac. Class., SBRAZ; Ident., MD; Procedure No. 1, Amdt. 5; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 4; Dated, 17 Nov. 62

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side NW crs, 337° Outbnd, 157° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 144°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing MV LFR, climb to 1700′ on SE crs within 10 miles, then reverse crs returning to MV LFR. Hold SE MV–LFR, 1-minute, right turns, Inbnd crs 324°.
NOTE: Night operations authorized on E–W and NW–SE runways only.
City, Millville; State, N.J.; Airport Name, Millville Municipal; Elev., 87′; Fac. Class., SBRAZ; Ident., MV; Procedure No. 1, Amdt. 8; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 7; Dated, 11 Aug. 62

SEA VOR	SJ LFR	Direct	2000	T–dn	300–1	300–1	200–½
Bainbridge LF Int	SJ LFR	Direct	2000	C–dn	500–1	500–1	500–1½
Elliott LF Int*	SJ LFR (final)	Direct	1500	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 297° Outbnd, 117° Inbnd, 2000′ within 10 miles.
Minimum altitude over Park RBn (SZ LOM) on final approach crs, 1500′; over SJ LFR, 1200′.
Crs and distance, facility to airport, 194°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing SJ LFR, climb to 2000′ direct to SE LOM, or when directed by ATC, climb to 2000′ on S crs SJ–LFR within 10 miles of SJ LFR.
CAUTION: Terrain and trees to 591′ immediately N and NE of airport.
Other changes: Deletes transitions from SZI RBn, TM LFR, SE LOM, and BF LOM.
*Elliott Int: Int 170° bearing from Boeing, Wash. LOM and NW crs Seattle LFR.
MSA: 000°–090°—6400′, 090°–180°–5500′, 180°–270°–2900′, 270°–360°—2000′.
City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 18; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 17; Dated, 26 Jan. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CLE RBn	LOM	Direct	3000	T-dn	300-1	300-1	200-½
CLE VOR	Louis Int (final)	Direct	3000	C-dn	400-1	500-1	500-1½
Vermilion Int	LOM	Via STG VOR R-309 and CLE ILS 5L SW crs.	3000	S-dn-5L & R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Mentor Int	LOM	Via CLE VOR R-072 and CLE ILS 5L Loc crs.	3000				
CLE VOR	LOM	Direct	3000				
Louis Int	LOM (final)	Direct	2200				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 054°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn to 3000′ on STG VOR R-260 intercept and proceed Outbnd on CXR R-285 to Crib Int, hold E 1-minute right turns.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792′; Fac. Class., LOM; Ident., CL; Procedure No. 1, Amdt. 6; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 5; Dated, 25 May 63

Mentor Int	Stadium RBn	Direct	3000	T-dn	300-1	300-1	200-½
Sharon Int	Stadium RBn	Via STG VOR R-183 and STG VOR R-036.	3000	C-d	700-1½	700-1½	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
CLE RBn	Stadium RBn	Direct	3000				
Vermilion Int	Stadium RBn	Via CLE RBn	3000				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn N side of crs, 054° Outbnd, 234° Inbnd, 3000′ within 10 miles of Stadium RBn.
Minimum altitude over facility on final approach crs, 3000′
Crs and distance, facility to airport, 234°—6.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.9 miles after passing SUM RBn, make right climbing turn to 3000′ direct to CLE VOR. Hold SW 1-minute right turns, 069° Inbnd.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792′; Fac. Class., MHW; Ident., SUM; Procedure No. 2, Amdt. 5; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 4; Dated, 25 May 63

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-25	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 063° Outbnd, 243° Inbnd, 3800′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 243°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing DUJ RBn, make a right climbing turn to 3800′, return to DUJ RBn. Hold NE 1-minute right turns, 243° Inbnd.

City, DuBois; State, Pa.; Airport Name, DuBois-Jefferson County; Elev., 1814′; Fac. Class., BH; Ident., DUJ; Procedure No. 1, Amdt. 4; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 3; Dated, 24 Aug. 63

Erie VOR	ER LOM (final)	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs 239° Outbnd, 059° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport 059°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing ER LOM, climb to 2300′ on 059° heading, make left turn, proceed to ER LOM. Hold SW ER LOM, right turns, 1-minute, 059° Inbnd.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732′; Fac. Class., LOM; Ident., ER; Procedure No. 2, Amdt. Orig.; Eff. Date, 29 Feb. 64

Ft Riley Int	FRI NDB	Direct	2900	T-dn	300-1	300-1	200-½
				C-dn#	600-1	600-1	600-1½
				A-dn	1600-3	1600-3	1600-3

Procedure turn E side of crs, 267° Outbnd, 027° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 031°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing FRI NDB, climb to 2900′ on a crs of 050° from the NDB within 15 miles.
CAUTION: Restricted area R-3602 adjacent to airport NW. Small arms firing range 2.4 miles.
NOTES: Final approach from holding pattern not authorized. Procedure turn required. Authorized for military use only except by prior arrangement.
#All circling approaches will be made to the E of the airport. See caution note.

City, Fort Riley; State, Kans.; Airport Name, Marshall AAF; Elev., 1062′; Fac. Class., MHW; Ident., FRI; Procedure No. 1, Amdt. 3; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 2; Dated, 26 Sept. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				S-dn-12*	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude over radar fix# on final approach crs, 1300′.
Crs and distance, radar fix# to airport, 129°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing radar fix, climb to 1700′ on 130° bearing from HOU RBn within 15 miles or, when directed by ATC, turn left, climb to 1600′ on 062° bearing from HOU RBn within 20 miles.
NOTES: Radar service required to execute this approach. Radar vectoring to be used to position aircraft on final approach within 15 miles of HOU RBn.
CAUTION: 1232′ tower approximately 9 miles SSE of HOU RBn.
Other change: Deletes transitions from Arcola VHF Int, HOU VOR, Fairbanks VHF Int, and HOU FM.
#Radar fix 5.1 miles on 311° bearing from HOU radar antenna.
*If radar fix not received, descent below 1300′ not authorized.

City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., SABH; Ident., HOU; Procedure No. 3, Amdt. 3; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 2; Dated, 11 May 63

IDA VOR	RBn	Direct	7100	T-dn	300-1	300-1	200-½
Rigby Int	RBn (final)	Direct	5400	C-dn	500-1	500-1	500-1½
				S-dn-20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 018° Outbnd, 198° Inbnd, 7100′ within 10 miles.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 198°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles climb to 7000′ on 195° crs, of IDA RBn within 10 miles.
Other change: Deletes transitions from St. Anthony Int and DBS VOR.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4738′; Fac. Class., SABHZ; Ident., IDA; Procedure No. 1, Amdt. 2; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 1; Dated, 21 July 62

OGG VOR	GG LMM	Direct	5000	T-dn#	300-1	300-1	200-½
MAU LFR	GG LMM	Direct	8000	C-dn	700-1	700-1	700-1½
MPH RBn	GG LMM	Direct	6000	S-dn-20	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Procedure turn NW side of crs 024° Outbnd, 204° Inbnd, 1500′ within 20 miles. Beyond 20 miles not authorized.
Minimum altitude over facility on final approach crs 800′.
Crs and distance, facility to airport 024°—0.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of GG LMM, turn left, climb to 3000′ on 360° crs from OGG LMM within 20 miles, reverse crs, climb to 6000′ over LMM, hold N on the 204° Inbnd crs right turns 1-minute.
CAUTION: 570′ tower, 4 miles W of airport.
#Takeoff minimum Runways 23, 20, and 17 are 600-1 and all aircraft must cross airport under VFR conditions prior to departing on crs.

City, Kahului Maui; State, Hawaii; Airport Name, Kahului; Elev., 59′; Fac. Class., MH(LMM); Ident., GG; Procedure No. 1, Amdt. Orig.; Eff. Date, 29 Feb. 64

Lexington VOR	LE LOM	Direct	2600	T-dn	300-1	300-1	200-½
Richmond Int	LE LOM	Direct	2600	C-dn	400-1	500-1	500-1½
Keene Int	LE LOM (final)	Direct	2000	S-dn-4	400-1	400-1	400-1
McAfee Int	LE LOM	Direct	2500	A-dn	800-2	800-2	800-2
Chaplin Int	Keene Int	Via R-264 LEX VOR.	2500				

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000′ within 10 miles (nonstandard due more favorable terrain).
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 042°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LE LOM, climb to 2800′ on crs 042° to the Fayette Int, hold N, 1-minute right turns, 222° Inbnd.

City, Lexington; State, Ky.; Airport Name, Blue Grass Field; Elev., 978′; Fac. Class., HW; Ident., LE; Procedure No. 1, Amdt. 4; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 3; Dated, 22 Sept. 62

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs 221° Outbnd, 041° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing PUK RBn, make a climbing left turn to 2000′ return to PUK RBn. Hold SW 1-minute right turns, 041° Inbnd.

City, Paducah; State, Ky.; Airport Name, Barkley Field; Elev., 407′; Fac. Class., BMH; Ident., PUK; Procedure No. 1, Amdt. 1; Eff. Date, 29 Feb. 64; Sup. Amdt. No. Orig.; Dated, 2 Sept. 61

PIR VOR	PIR RBn	Direct	3600	T-dn*	300-1	300-1	200-½
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-2
				S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N. side of crs, 089° Outbnd, 269° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 269°—2.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing RBn make left climbing turn to 4000′ on 241° bearing from the PIR RBn within 20 miles.
NOTES: Final approach from holding pattern not authorized. Procedure turn required.
MSA: 000°-360° 3400′.
*When weather is less than 400-1, aircraft taking off NW make left climbing turn to 2500′ on 241° bearing from PIR RBn.

City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., SBH; Ident., PIR; Procedure No. 1, Amdt. 1; Eff. Date, 29 Feb. 64; Sup. Amdt. No. Orig.; Dated, 26 Oct. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Dover Int	LOM	Direct	3000	T-dn*	300–1	300–1	200–½
TOP VOR	LOM	Direct	2500	C-dn	500–1	600–1	600–1½
				S-dn-13	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
				The following minimum applies for aircraft equipped with VOR after passing TOP-VOR R-230:			
				S-dn-13	400–1	400–1	400–1

Radar vectoring to final approach crs authorized.
Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2500′ within 10 miles of TOP RBn. Nonstandard due traffic.
Minimum altitude over TOP RBn on final approach crs, 2100′.
Crs and distance, TOP RBn to airport, 125°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing TOP RBn, climb to 2600′ on 125° crs within 15 miles or, when directed by ATC. (1) turn left, climbing to 2600′, proceed to TOP VOR; (2) turn left, climbing to 2500′ and return to TOP LOM.
NOTES: Aircraft executing missed approach may be radar controlled after being reidentified. Approach from holding pattern at TOP LOM not authorized. Procedure turn required.
*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.
City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880′; Fac. Class., MHW; Ident., TOP; Procedure No. 1, Amdt. 16; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 15; Dated, 3 Aug. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Sharon Int	Strongsville VOR	Direct	3000	T-dn	300–1	300–1	200–½
CLE VOR	Strongsville VOR	Direct	3000	C-dn	400–1	500–1	500–1½
Vermilion	Strongsville VOR	Direct	3000	S-dn-36L	400–1	400–1	400–1
Mentor Int	Strongsville VOR	Direct	3000	A-dn	800–2	800–2	800–2
Brunswick Int#	Strongsville VOR (final)	Direct	2200				
CLE RBn	Strongsville VOR	Direct	3000				

Radar transition and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 5 miles of Brunswick Int is required.
Procedure turn E side of crs, 195° Outbnd, 015° Inbnd, 3000′ within 10 miles of STG VOR.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 015°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing STG–VOR, make left climbing turn to 3000′ direct to CLE–VOR, hold SW 1-minute right turns, 069° Inbnd.
CAUTION: TV towers approximately 1970′ approximately 6 miles ESE of airport.
#Brunswick Int.: Int CLE VOR R–123 and Strongsville VOR R–195.
City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792′; Fac. Class., BVOR; Ident., STG; Procedure No. 1, Amdt. 5; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 4; Dated 25 May 63

Fort Riley Int	FRI VOR	Direct	2900	T-dn	300–1	300–1	200–½
				C-dn**	700–1	700–1	700–1½
				S-dn-4	700–1	700–1	700–1
				A-dn	1600–3	1600–3	1600–3

Procedure turn S side of crs, 213° Outbnd, 033° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 033°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VOR, climb to 2900′ on R–045 within 15 miles.
CAUTION: Restricted area R–3602 adjacent to airport NW. Small arms firing range 2.4 miles N.
NOTE: Authorized for military use only except by prior arrangement.
**All circling approaches will be made to the E of the airport. See caution note.
City, Fort Riley; State, Kans.; Airport Name, Marshall AAF; Elev., 1062′; Fac. Class., L-VOR; Ident., FRI; Procedure No. 1, Amdt. 1; Eff. Date, 29 Feb. 64; Sup. Amdt. No. Orig.; Dated, 6 Feb. 60

PROCEDURE CANCELLED, EFFECTIVE 29 FEB. 1964.
City, Houston; State, Tex.; Airport Name, International; Elev., 50′; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. 1, Amdt. 8; Eff. Date, 4 May 63; Sup. Amdt. No. 7; Dated, 7 Apr. 62

*When weather is less than 400–1, aircraft taking off NW make left climbing turn to 2500′ on 241° bearing from PIR RBn.
City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., SBH; Ident., PIR; Procedure No. 1, Amdt. 1; Eff. Date, 29 Feb. 64; Sup. Amdt. No. Orig.; Dated, 26 Oct. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
4-mile DME fix (R–107)	VOR (final)	Direct	1200	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 107° Outbnd, 287° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 287°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing MEM–VOR, climb to 1800′ on R–237 within 15 miles or, when directed by ATC, turn left and climb to 1900′ on R–220 within 15 miles.
NOTE: When authorized by ATC, DME may be used from R–055 through R–195 within 25 miles at 1900′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA: 000°–090°, 2300′; 090°–180°, 1700′; 180°–270°, 1700′; 270°–360°, 2300′.
*AIR CARRIER NOTE: Takeoff with less than 200–½ not authorized on Runway 14–32.
City, Memphis; State, Tenn.; Airport Name, Memphis Metropolitan; Elev., 331′; Fac. Class., BVORTAC; Ident., MEM; Procedure No. 1, Amdt. 15; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 14; Dated, 11 Jan. 64

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 041°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing PUK VOR, make a climbing left turn to 2000′, return to PUK VOR. Hold SW 1-minute right turns, 041° Inbnd.
City, Paducah; State, Ky.; Airport Name, Barkley Field; Elev., 407′; Fac. Class., BVOR; Ident., PUK; Procedure No. 1, Amdt. 4; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 3; Dated, 26 Aug. 61

PIR RBn	PIR VOR	Direct	3500	T-dn*	300–1	300–1	200–½
				C-d	400–1	500–1	500–1½
				C-n	400–1½	500–1½	500–2
				S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3200′.
Crs and distance, facility to airport, 255°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing PIR–VOR, climb to 4000′ on R–241 PIR–VOR within 20 miles.
MSA: 000°–360°, 3400′.
*When weather is less than 400–1 aircraft taking off NW make left climbing turn to 2500′ on R–241 prior to departing on crs.
City, Pierre; State, S. Dak.; Airport Name, Pierre Municipal; Elev., 1742′; Fac. Class., M–BVOR; Ident., PIR; Procedure No. 1, Amdt. 6; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 5; Dated, 26 Oct. 63

				T-dn	300–1	300–1	200–½
				C-dn	600–1	600–1	600–1½
				S-dn-22	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 210°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing TOP–VOR, climb to 2600′ on R–165 within 20 miles or, when directed by ATC, turn left, climb to 2600′ and return to TOP–VOR.
NOTES: Aircraft executing missed approach may be radar controlled after being reidentified. No reduction in two-engine or less takeoff minimums authorized with ILS inoperative.
Other change: Deletes transition from TOP RBn
City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880′; Fac. Class., BVORTAC; Ident., TOP; Procedure No. 1, Amdt. 6; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 5; Dated, 3 Aug. 63

Lee VHF Int	VLD–VOR	Direct	1800	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-d-36	400–1	400–1	NA
				S-n-36	NA	NA	NA
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 006°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing VLD–VOR, turn left, climb to 1800′ on R–346 within 20 miles of the VLD–VOR.
NOTE: No lights on Runway 12–30.
CAUTION: Air carrier night landing not authorized on Runway 35 and night takeoff not authorized on Runway 17. Unlighted trees 1000′ from approach end of Runway 35.
MSA: 000°–090°, 1500′; 090°–180°, 1500′; 180°–270°, 1600′; 270°–360°, 1600′.
City, Valdosta; State, Ga.; Airport Name, Valdosta Municipal; Elev., 204′; Fac. Class., BVOR; Ident., VLD; Procedure No. 1, Amdt. 11; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 10; Dated, 11 Jan. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
IDA RBn	VOR	Direct	6500	T-dn	300-1	300-1	200-½
Rigby Int	VOR	Direct	6200	C-dn	300-1	300-1	300-1½
				S-dn-2	300-1	300-1	400-1
				A-dn	300-2	300-2	300-2

Procedure turn W side crs, 208° Outbnd, 028° Inbnd, 6200' within 10 miles. Nonstandard due to high terrain E.
Minimum altitude over facility on final approach crs, 8200'.
Crs and distance, breakoff point to Runway 2, 020°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing IDA-VOR, climb to 7000' on R-012 within 10 miles.
Other changes: Deletes transitions from St. Anthony Int and DBS VOR.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4738'; Fac. Class., BVOR; Ident., IDA; Procedure No. TerVOR-2, Amdt. 6; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 5; Dated, 20 Apr. 63

IDA RBn	VOR	Direct	6500	T-dn	300-1	300-1	200-½
Rigby Int	IDA RBn (final)	Direct	5400	C-dn*	500-1	500-1	500-1½
				S-dn-20°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 012° Outbnd, 192° Inbnd, 6200' within 10 miles.
Minimum altitude over IDA RBn on final approach crs, 5400'; over VOR, 5100'.
Crs and distances, breakoff point to Runway 20, 200°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of IDA-VOR, climb to 7000' on R-195 IDA-VOR within 10 miles.
Other changes: Deletes transitions from St. Anthony Int and DBS-VOR.
*ADF or Z marker equipment required for descent below 5400'.

City, Idaho Falls; State, Idaho; Airport Name, Fanning Field; Elev., 4738'; Fac. Class., BVOR; Ident., IDA; Procedure No. TerVOR-20, Amdt. 3; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 2; Dated 21 July 1962

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR–DME) procedures prescribed in § 97.15 to read:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fairbanks VHF Int	4.5-mile DME fix (final)	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn*	400-1	500-1	500-1½
				A-dn*	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs 308° Outbnd, 128° Inbnd, 1800' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over 4.5-mile DME fix on final approach crs 1400'.
Course and distance, 4.5-mile DME fix to airport 128°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of HOU VOR, climb to 2200' on HOU VOR R-171 within 15 miles.
NOTE: Radar fix 5.1 miles on 311° bearing from HOU radar antenna may be used in lieu of 4.5-mile DME fix.
CAUTION: 1232' tower approximately 11 miles SSE of VOR.
*If neither 4.5-mile DME fix or radar fix received on final, descent below 1500' not authorized.

City, Houston; State, Texas; Airport Name, Houston International; Elev., 50'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 29 Feb. 64

8-mile fix R-123	OTM VOR	Direct	2400	T-dn	300-1	300-1	200-½
OTM VOR	4-mile fix R-303	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs 122° Outbnd, 302° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs 2400'.
Crs and distance, facility to airport 303°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.7-mile DME fix R-303, make right turn climb to 2600' and return to OTM VOR.
NOTE: When authorized by ATC, DME may be used via 8-mile DME arc at 2600' altitude between OTM R-015 clockwise to R-140 to position aircraft for final approach with the elimination of procedure turn.

City, Ottumwa; State, Iowa; Airport Name, Ottumwa Municipal; Elev., 845'; Fac. Class., BVORTAC; Ident., OTM; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 29 Feb. 64

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10-mile fix R-066	BFF VOR	Direct	5400	T-dn#	300-1	300-1	#200-½
BFF VOR	3-mile fix R-246	Direct	4500	C-dn	400-1	500-1	500-1½
				S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs 066° Outbnd, 246° Inbnd, 5600' within 10 miles.
Minimum altitude over facility on final approach crs 5400'.
Crs and distance, facility to airport 246°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.8-mile DME fix R-246 make right turn climbing to 5600. Return to BFF VOR.
NOTE: When authorized by ATC, DME may be used via 10-mile DME arc at 6100' altitude from all directions to position aircraft for final approach with the elimination of procedure turn.
CAUTION: 5144' tower 7.6 miles NW of airport.
#AIR CARRIER NOTE: 300-1 required Runway 23.
#IFR flight planned to SW, WSW, or NW after takeoff climb on heading 260° until 5000' before departing on crs.

City, Scottsbluff; State, Nebr.; Airport Name, Scottsbluff Municipal; Elev., 3965'; Fac. Class., BVORTAC; Ident., BFF; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. Date, 29 Feb. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CLE RBn	LOM	Direct	3000	T-dn**	300-1	300-1	200-½
CLE VOR	Louis Int (final)	Direct	3000	C-dn	400-1	500-1	500-1½
Vermilion Int	LOM	Via STG VOR R-309 and ILS 5L front crs.	3000	S-dn-5L%*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
Louis Int	LOM (final)	Direct	2200				
Mentor Int	LOM	Via CLE VOR R-072 and ILS 5L loc. crs.	3000				

Radar transitions and vectoring authorized in accordance with approved radar patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn S side of SW crs, 234° Outbnd, 054° Inbnd, 3000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2089'—3.9 miles; at MM, 1020'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 3000' on STG-VOR R-360, intercept and proceed Outbnd on CXR R-285 to Crib Int, hold E 1-minute right turns.
CAUTION: TV towers approximately 1970' approximately 6 miles ESE of airport.
*400-¼ required when glide slope not utilized.
%Runway visual range 2600' also authorized for landing on Runway 5L, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 989' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' also authorized for takeoff on Runway 5L in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-5L, Amdt. 23; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 22; Dated, 25 May 63

Mentor Int	Stadium RBn	Direct	3000	T-dn	300-1	300-1	200-½
Sharon Int	Stadium RBn	Via STG VOR R-183 and STG VOR R-036.	3000	C-dn#	400-1	500-1	500-1½
				S-dn-23R#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
CLE RBn	Stadium RBn	Direct	3000				
Vermilion Int	Stadium RBn	Via CLE RBn	3000				

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn N side NE crs, 054° Outbnd, 234° Inbnd, 3000' within 10 miles of Stadium RBn.
No glide slope or markers. Minimum altitude over Stadium RBn Inbnd final, 3000'. Minimum altitude 1500' after RBn Inbnd final until 4-mile radar fix received.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing radar fix or 6.9 miles after passing SUM RBn, make right climbing turn to 3000' direct to CLE VOR, hold SW 1-minute right turns, 069° Inbnd.
CAUTION: TV towers approximately 1970' approximately 6 miles ESE of airport.
NOTE: Four-mile radar fix not provided by ATC unless weather is 700-1½ or below.
When radar fix not available, 700-1½ minimums will apply.
*Descend to landing minimum after passing 4-mile radar fix.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-23R, Amdt. 14; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 13; Dated, 25 May 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Chagrin Falls Int	Brecksville RBn	Direct	3000	T–dn	300–1	300–1	200–½
Vermilion Int	Brecksville RBn	Via CLE RBn	3000	C–dn	400–1	500–1	500–1½
Sharon Int	Brecksville RBn	Via STG VOR R–183 and STG VOR R–061.	3000	S–dn–27°	300–⅝	300–⅝	300–⅝
				A–dn	600–2	600–2	600–2
Cleveland VOR	Brecksville RBn	Via CLE VOR R–064.	3000				
Mentor Int	Brecksville RBn	Direct	3000				

Radar transition and vectoring authorized in accordance with approved radar patterns. When used in lieu of a procedure turn, alignment on final approach heading within 10 miles of final approach fix is required.
Procedure turn N side of crs, 007° Outbnd, 277° Inbnd, 3000′ within 10 miles of Brecksville RBn.
Minimum altitude at glide slope interception Inbnd, 3000′.
Altitude of glide slope and distance to approach end of runway at OM, 2230′—4.4 miles; at MM, 1030′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing OM, make left climbing turn to 3000′ direct to CLE VOR, hold SW 1-minute right turns, 069° Inbnd.
CAUTION: TV towers approximately 6 miles ESE of airport, approximately 1970′.
*400–1 required when glide slope not utilized.
City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792′; Fac. Class., ILS; Ident., I–CEE; Procedure No. ILS–27, Amdt. 4; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 3; Dated, 14 Dec. 61

Justin Int	Keeler Int##	Direct	2000	T–dn	300–1	300–1	*200–½
Keller Int##	OM (final)	Direct	2000	C–dn	600–1	600–1	600–1½
Joshua Int	OM	Via FTW ILS	**2300	S–dn–179°	300–⅝	300–⅝	300–⅝
				A–dn	600–2	600–2	600–2

**Radar terminal area transition altitude 2000′ within 20 miles of radar site (Greater Southwest International Airport). Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1749′ TV tower 6 miles SE; 1679′ tower 7 miles SE; 2349′ TV tower 24 miles ESE of airport.
Radar vectoring may be used to position A/C for final approach within 5 miles N of RBn with elimination of procedure turn.
Procedure turn E side of crs 354° Outbnd, 174° Inbnd, 2000′ within 10 miles of OM. Beyond 10 miles not authorized.
Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs, 2000′.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM 2000′—3.5 miles, at MM 950′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on S crs ILS within 20 miles.
*300–1 required for takeoff Runways 9–27 and 13–31.
#600–¾ required when glide slope not utilized.
##Keller Int: Int of FTW ILS N CRS and EWX R–040 or GSW R–300—MAA to determine intersection, 8000′.
AIR CARRIER NOTE: Reduction in landing minimum not authorized on cargo or ferry flights.
CAUTION: 959′ grain elevator 1.5 miles N and 990′ grain elevator 1.9 miles N of airport.
City, Fort Worth; State, Tex.; Airport Name, Meacham Field; Elev., 692′; Fac. Class., ILS; Ident., I–FTW; Procedure No. ILS–17, Amdt. 14; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 13; Dated, 4 Jan. 64

LEX VOR	LE LOM	Direct	2600	T–dn	300–1	300–1	200–½
McAfee Int	LE LOM	Direct	2500	C–dn	400–1	500–1	500–1½
Richmond Int	LE LOM	Direct	2600	S–dn–4°	300–½	300–⅝	300–⅝
Chaplin Int	Keene Int	Via R–264 LEX VOR.	2500	A–dn	600–2	600–2	600–2
Keene Int	LE LOM (final)	Direct	2000				

Procedure turn N. side of crs, 222° Outbnd, 042° Inbnd, 2000′ within 10 miles (nonstandard due to more favorable terrain).
Minimum altitude at glide slope int Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM 2000′—3.5 miles, at MM 1190′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800′ on crs 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd, 042° Outbnd.
CAUTION: Glide slope point of touchdown approximately 1450′ in from approach end of runway.
*400–1 required when glide slope not utilized.
City, Lexington; State, Ky.; Airport Name, Blue Grass Field; Elev., 978′; Fac. Class., ILS; Ident., I–LEX; Procedure No. ILS–4, Amdt. 4; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 3; Dated, 22 Sept. 62

Bainbridge LF Int	Park RBn (LOM)	Direct	2000	T–dn##	300–1	300–1	200–
SJ LFR	Park RBn (LOM)	Direct	2000	C–dn	500–1	500–1	500–1½
SEA VOR	Park RBn (LOM)	Direct	2000	S–dn–167°##	300–⅛	200–½	200–½
PAE VOR	Park RBn (LOM)	Direct	2000	A–dn	600–2	600–2	600–2
Burton VHF Int	Park RBn (LOM)	Direct	2000				
Lofall VHF Int	Park RBn (LOM)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Final approach from holding pattern at Park RBn not authorized, procedure turn required.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of Runway at OM, 1700′—4.1 miles*; at MM, 644′—0.6 mile.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700′ direct to SE LOM. Continue climb on crs 158° Outbnd, 338° Inbnd within 10 miles of SE LOM or, when directed by ATC, turn right, climb to 2000′ on R–226 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591′ immediately N and NE of airport.
%400–1 required when glide slope not utilized.
*Distance indicated is to the displaced threshold.
#Runway visual range (RVR) 2600′ also authorized for landing on Runway 16, provided that all components of the high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 16 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.
City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I–SZI; Procedure No. ILS–16, Amdt. Orig.; Eff. Date, 29 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SJ LFR	SE LOM	Direct	2000	T–dn##	300–1	300–1	200–½
SEA VOR	SE LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Milton VHF Int	SE LOM (final)	Direct	1600	S–dn–344°%	200–½	200–½	200–½
Fairgrounds VHF Int*	SE LOM	Direct	2000	A–dn	600–2	600–2	600–2
Burton VHF Int	SE LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 156° Outbnd, 336° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1665′—4.0 miles; at MM, 500′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ direct to Park RBn. Continue climb on crs 336° Outbnd, 156° Inbnd within 10 miles Park RBn or, when directed by ATC, turn left, climb to 2000′ on R–226 SEA–VOR to Burton Int.
CAUTION: Terrain and trees to 591′ immediately N and NE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ direct to Park RBn (SZ LOM). Continue climb on crs 336° Outbnd, 156° Inbnd within 10 miles Park RBn (SZ LOM) or, when directed by ATC, turn left, climb to 2000′ on R–226 SEA VOR to Burton Int.
Other change: Deletes transition from Park RBn.
*Transition to Fairgrounds Int authorized from McChord AFB RBn on crs 020°, 2000′.
%400–1 required when glide slope not utilized.
#Runway visual range (RVR) 2600′ also authorized for landing on Runway 34, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 625′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 34 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.
MSA: 315°–045°, 2300′; 045°–135°, 5700′; 135°–225°, 3000′; 225°–315°, 3500′.
City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I–SEA; Procedure No. ILS–34, Amdt. 22; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 21; Dated, 25 July 63

Sioux Falls RBn	LOM	Direct	2700	T–dn*	300–1	300–1	200–½
Sioux Falls VOR	LOM	Direct	2700	C–dn	500–1	500–1	500–1½
Bestland Int¢	LOM	Direct	2700	S–dn–38°**	200–½	200–½	200–½
Lennox Int$	LOM	Direct	2700	A–dn	600–2	600–2	600–2

Procedure turn S side SW crs 206° Outbnd, 026° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope int Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2526′—3.7 miles; at MM, 1623′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on NE crs of ILS within 20 miles.
CAUTION: Tower 1626′ 1.5 miles NE of LOM.
*300–1 required for takeoff Runway 15.
#500–1 required when glide slope not utilized. **400–¾ authorized for aircraft equipped to receive ILS and VOR simultaneously and R–168 FSD, identified on final when glide slope not utilized.
¢Bestland Int.: Int FSD VOR R–160 and 115° bearing from FS LOM.
$Lennox Int.: Int FSD VOR R–222 and 267° bearing from FS LOM.
MSA: 000°–090°, 2800′; 090°–180°, 3400′; 180°–360°, 3000′.
City, Sioux Falls; State, S. Dak.; Airport Name, Foss Field; Elev., 1428′; Fac. Class., ILS; Ident., I–FSD; Procedure No. ILS–3, Amdt. 9; Eff. Date, 29 Feb. 64 or upon commissioning of approach lights; Sup. Amdt. No. 8; Dated, 11 Jan. 64

Dover Int	LOM	Direct	3000	T–dn	300–1	300–1	200–½
TOP VOR	LOM	Direct	2500	C–dn	500–1	500–1	500–1½
				S–dn–13°	300–⅝	300–⅝	300–⅝
				A–dn	600–2	600–2	600–2

Radar vectoring to final approach crs authorized.
Procedure turn N side of crs, 305° Outbnd, 125° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at LOM 2030′—3.9 miles; at MM 1078′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ on SE crs of ILS within 15 miles or, when directed by ATC, turn left, climbing to 2600′, proceed to TOP VOR or turn left, climbing to 2600′ and return to TOP LOM.
NOTES: Aircraft executing missed approach may be radar controlled after being reidentified. Approach from holding pattern at TOP LOM not authorized. Procedure turn required.
*400–¾ required when operating under the provisions of inoperative ILS components. No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.
City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880′; Fac. Class., ILS; Ident., I–TOP; Procedure No. ILS–13, Amdt. 17; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 16; Dated, 3 Aug. 63

TOP–OR	Powerhouse Int	Direct	2600	T–dn*	300–1	300–1	200–½
TOP LOM	Powerhouse Int	Direct	2600	C–dn	500–1	600–1	600–1½
				S–dn–31	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2600′ within 10 miles.
No glide slope.
Minimum altitude over Powerhouse Int on final approach crs, 1700′.
Crs and distance, Powerhouse Int to airport, 305°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing Powerhouse Int, climb to 2700′ on NW crs ILS within 20 miles or, when directed by ATC, turn right, proceed direct to TOP–VOR, climbing to 2600′.
NOTES: 1. Aircraft executing missed approach may be radar controlled after being reidentified. 2. Procedure authorized only for aircraft equipped to simultaneously receive ILS and VOR. 3. Approach from holding pattern at Powerhouse Int not authorized. Procedure turn required.
*No reduction in 2-engine or less takeoff minimums authorized with ILS inoperative.
City, Topeka; State, Kans.; Airport Name, Phillip Billard Municipal; Elev., 880′; Fac. Class., ILS; Ident., I–TOP; Procedure No. ILS–31, Amdt. 7; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 6; Dated, 3 Aug. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Shell Rock Int	LOM (final)	Direct	2300	T-dn	300–1	300–1	200–½
New Hartford Int	LOM	Direct	2300	C–dn	400–1	400–1	500–1⅛
Waverly Int	LOM	Direct	2300	S–dn–12°	200–½	200–½	200–½
ALO–VOR	LOM	Direct	2300	A–dn	600–2	600–2	600–2
Reinbeck Int	LOM	Direct	2300				

Procedure turn W side of crs, 308° Outbnd, 128° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300'.
Altitude of glide slope and distance to approach end of runway at LOM, 2239'—4.5 miles; at LMM, 1060'—0.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on the ALO–VOR R–094 within 20 miles or, when directed by ATC, (1) climb to 2500' on the ALO–VOR R–141 within 20 miles, (2) climb to 2500' on SE crs of ILS within 10 mile.
MSA: 000°–090°, 2300'; 090°–180°, 2100'; 180°–360°, 2400'.
*400–½ required when glide slope not utilized.

City, Waterloo; State, Iowa; Airport Name, Waterloo Municipal; Elev., 870'; Fac. Class., ILS; Ident., I–ALO; Procedure No. ILS–12, Amdt. 4; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 3; Dated, 30 Nov. 63

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
0°	360°	Within 30 miles	3000	Precision approach			
				S–dn–5L°	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
				Surveillance approach			
				T–dn@	300–1	300–1	200–½
				C/S–dn–all	400–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished runway 9: make left climbing turn to 3000' on STG–VOR R–360, intercept and proceed Outnbd on CXR–VOR R–285 to Crib Int. Hold E 1-minute, right turns. All other Runways, make climbing turn to 3000', direct to CLE VOR. Hold W 1-minute right turns, 098° Inbnd.
CAUTION: TV towers approximately 1970' approximately 6 miles ESE of airport.
*Runway visual range 2600' also authorized for landing on Runway 5L; providing all components of the PAR, high-intensity runway lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 980' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.
@Runway visual range 2600' also authorized for takeoff on Runway 5L when 200–½ is authorized, providing high intensity runway lights are operational.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 792'; Fac. Class. and Ident., Cleveland Radar; Procedure No. 1, Amdt. 11; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 10; Dated, 12 Jan. 63

All sectors	Radar site	Within 20 miles	3100	T–dn	300–1	300–1	**300–1
				#Precision approach			
				C–d*	600–1	600–1	600–1½
				C–n*	600–2	600–2	600–2
				S–d–4–22	400–1	400–1	400–1
				S–n–4	400–2	400–2	400–2
				S–n–22	500–2	500–2	500–2
				A–dn	1500–3	1500–3	1500–3
				#Surveillance approach			
				C–d*	600–1	600–1	600–1½
				C–n*	600–2	600–2	600–2
				S–d–4–22	600–1	600–1	600–1
				S–n–4–22	600–2	600–2	600–2
				A–dn	1500–3	1500–3	1500–3

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Rnwy 4: Turn right climbing to 3100' on 050° crs FRI NDB within 15 miles. Rnwy 22: Turn left climbing to 2100' on 050° crs FRI NDB within 15 miles.
NOTES: Authorized for military use only except by prior arrangement.
CAUTION: Restricted area R–3502 adjacent to airfield NW. Small arms firing ranges 2.4 miles N of airfield.
*Circling approaches will be made E of the airfield.
**Takeoff minimums 200–½ on Runway 22 only.
#CAUTION: On approach to Runway 4 do not descend below 2100' until radar advises passing 1736' tower 5.0 miles SW of airport.

City, Fort Riley; State, Kans.; Airport Name, Marshall U.S. AAF; Elev., 1062'; Fac. Class. and Ident., Marshall Radar; Procedure No. 1, Amdt. 2; Eff. Date, 29 Feb. 64; Sup. Amdt. No. 1; Dated, 19 Jan. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on January 23, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–907; Filed, Feb. 20, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 4014; Amdt. 689]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

As a result of a continuing investigation of the destruction of a Boeing 707 airplane, possibly due to an explosion of a fuel tank, an airworthiness directive is being issued as a precautionary measure to require the installation of bonded laminate panels of thin aluminum sheet and glass cloth scrim covering the upper and lower wing surfaces over the plan form area of the left- and right-hand fuel vent surge tanks of Boeing Models 707 and 720 Series aircraft. The purpose of this laminate is to provide increased armoring protection over the surge tanks to prevent penetration of the skin by lightning strikes. Laboratory tests have indicated that the present wing skin over the surge tanks is not sufficient to prevent penetration of the skin by a high energy lightning strike. A laminate of aluminum and glass cloth scrim provides sufficient additional armor type protection to prevent such penetration. Operators are to begin incorporation of the modification as soon as practicable, but in no event will they be permitted to exceed a maximum of 1,000 hours' time in service from the effective date of the AD.

As a situation exists which demands immediate adoption of this regulation in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as soon as the modification can be scheduled but not later than 1,000 hours' time in service after the effective date of this AD unless already accomplished. Within seven days after the effective date of this AD, each operator shall submit to his assigned FAA principal maintenance inspector for approval, a schedule for accomplishment of the modification.

To provide increased armoring protection of the wing skin over the fuel vent surge tanks against penetration by lightning strikes the following is required:

(a) Apply bonded laminate panels of 0.010 clad aluminum sheet and glass cloth scrim (approximately 20 by 36 inches) covering the upper and lower wing surfaces over the entire plan form area of the left and right-hand fuel vent surge tanks between the front and rear spars and from Wing Stations 939.312 to 959.312. Prepare wing surfaces and apply panels in accordance with Boeing Document D6–8191.

(b) The rework shall be done in accordance with Boeing Service Bulletin No. 1642 dated June 22, 1962, or an equivalent means approved by the Engineering and Manufacturing Branch, FAA Western Region, Los Angeles, California.

(Boeing Service Bulletin No. 1642 dated June 22, 1962, covers this same subject.)

This amendment shall become effective February 21, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 18, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1695; Filed, Feb. 20, 1964; 8:45 a.m.]

[Reg. Docket No. 3030; Amdt. 688]

PART 507—AIRWORTHINESS DIRECTIVES

General Dynamics Models 22, 22M, 30 and 30A Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the aileron trim gearbox assembly and rework or replacement on General Dynamics Models 22, 22M, 30, and 30A aircraft was published in 29 F.R. 108.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 22, 22M, 30 and 30A aircraft.

Compliance required as indicated.

To prevent slipping of the aileron trim tab dial assembly in relation to the cable drum within the aileron and rudder trim gearbox assembly; to insure that the gear teeth on the aileron trim tab dial gear are not damaged; and to ascertain that the inside rim of the aileron trim tab dial gear is not rubbing against the sides of the hub of the aileron and rudder trim gear box, accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 500 hours' time in service from the last check, perform an operational check (see Maintenance Manual) to determine that the aileron trim tab dial indicator and the aileron trim tab deflections correspond throughout the operational range and that the aileron trim tab control knob and dial work properly without evidence of binding or slippage. If there is any evidence that the aileron trim tab dial indicator and the aileron trim tab deflections do not correspond throughout the operational range or if there is any evidence of binding or slippage in the operation of the aileron trim tab control knob and dial, rework the aircraft per (b)(1) and (b)(2) before further flight. After compliance with paragraph (b) the checks required by this paragraph may be discontinued.

(b) Within 1,500 hours' time in service after the effective date of this AD unless the modification has already been accomplished:

(1) Pin the aileron trim drum shaft to the shaft gear and the aileron trim tab dial to the aileron trim tab gear per General Dynamics/Convair 880 Service Bulletin No. 27–27, 880M Service Bulletin No. 27–34, or 990 Service Bulletin No. 27–52, as applicable, or an FAA Western Region Engineering and Manufacturing Branch approved equivalent.

(2) Conduct a visual inspection of the aileron trim tab dial gear and hub of the support within the aileron and rudder trim gearbox assembly and if there is any evidence that the gear teeth on the aileron trim tab dial gear are damaged or there is any evidence that the inside of the rim of the aileron trim tab dial gear is rubbing the hub of the support, rework the hub of the support and replace any damaged aileron trim tab dial gear with a new gear in accordance with General Dynamics/Convair 880 Service Bulletin No. 27–70, 880M Service Bulletin No. 27–37 or 990 Service Bulletin No. 27–62, as applicable, or an FAA Western Region Engineering and Manufacturing Branch approved equivalent.

(General Dynamics/Convair 880 Service Bulletins Nos. 27–27 and 27–70, 880M Service Bulletins Nos. 27–34 and 27–37 and 990 Service Bulletins Nos. 27–52 and 27–62 cover this same subject.)

This amendment shall become effective March 23, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 17, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1697; Filed, Feb. 20, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 13]

PART 5—DETERMINATION OF PARITY PRICES

Alsike Clover Seed and Mustard Seed

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1–5.6) are amended as hereinafter specified in order to discontinue the calculation of parity prices for alsike clover seed and mustard seed.

1. In § 5.2, the paragraph under the centerhead "Seed Crops" is amended by deleting the words "alsike clover and "mustard".

2. In § 5.4, the paragraph under the centerhead "Seed Crops" is amended by deleting the words "alsike clover" and "mustard".

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 18th day of February 1964.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 64-1740; Filed, Feb. 20, 1964; 8:50 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 66]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended in the following respects:

1. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1964 crop year; and the portion of the table following paragraph (a) of § 401.3 of this chapter under the heading "Wheat" and pertaining to Idaho is amended effective beginning with the 1964 crop year. The amended portions read as follows:

§ 401.3 Application for insurance.

(a) * * *

(2) In counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Klamath and Linn Counties, Oregon, in Modoc and Siskiyou Counties, California, in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, in Cache County, Utah, and in Grant County, Washington, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is nonirrigated in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, and in Grant County, Washington, will not be insured:

* * * * *

(Closing dates)

WHEAT

Idaho:
Idaho County and all Idaho counties lying north thereof: October 31.
All Idaho counties lying south of Idaho County except Bingham, Canyon, Gooding, Jefferson, Jerome, Lincoln, Minidoka, and Twin Falls Counties: September 15.
Bingham, Canyon, Gooding, Jefferson, Jerome, Lincoln, Minidoka, and Twin Falls Counties: March 31.

2. That portion of the second sentence of paragraph (a) of § 401.3 of this chapter, beginning with "(2)" and ending with a colon, is amended, effective beginning with the 1965 crop year to read as follows:

§ 401.3 Application for insurance.

(a) * * *

(2) In counties where wheat is an insurable crop an application for insurance on wheat may be filed until the March 31 following the closing date in all counties in Montana, in any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table, in Klamath and Linn Counties, Oregon, in Modoc and Siskiyou Counties, California, in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, in Cache County, Utah, and in Adams, Franklin, and Grant Counties, Washington, but in any such case for the first wheat crop year of the contract, winter wheat in all of such counties and spring wheat planted on land which is nonirrigated in Bannock, Bonneville, Caribou, Cassia, Franklin, Fremont, and Madison Counties, Idaho, and in Adams, Franklin, and Grant Counties, Washington, will not be insured:

* * * * *

§ 401.32 [Amended]

3. Section 2 of the wheat endorsement shown in § 401.32 of this chapter is amended effective beginning with the 1964 crop year by adding two sentences at the end thereto reading as follows: "Insurance on winter wheat under the irrigated practice will not be provided to any insured during the 1964 crop year in Cache County, Utah. Insurance on spring planted wheat under the irrigated practice will not be provided for the 1964 crop year to insureds in Cache County, Utah, with a contract in force during the 1963 crop year or who file an application prior to February 25, 1964, unless such insureds elect prior to March 31, 1964, to include irrigated spring planted wheat as an insurable practice under the contract."

4. In subsection 8 of the wheat endorsement shown in § 401.32 of this chapter, the table at the end thereof is amended effective beginning with the 1964 crop year by amending the portion of the table pertaining to Idaho to read as follows:

State and county	Cancellation date	Termination date for indebtedness
Idaho:		
Idaho County and all Idaho counties lying north thereof	Mar. 15	Oct. 31
All Idaho counties lying south of Idaho County except Bingham, Canyon, Gooding, Jefferson, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Mar. 15	Sept. 15
Bingham, Canyon, Gooding, Jefferson, Jerome, Lincoln, Minidoka, and Twin Falls Counties	Dec. 31	Mar. 31

5. The second proviso of section 8 of the wheat endorsement shown in § 401.32 of this chapter is amended effective beginning with the 1965 crop year to read as follows:

And provided, further, That an insured may cancel his wheat crop insurance for any crop year any time prior to the December 31 following the cancellation date for that crop year in (1) any county in Montana and any county in North Dakota and South Dakota in which insurance is not limited to spring wheat only on the county actuarial table and in Modoc and Siskiyou Counties, California, if he does not have an interest in any winter wheat crop seeded for harvest in such county in that crop year, as determined by the Corporation, and (ii) any county in Idaho, Oregon, Utah, and Washington in which insurance is not limited to spring wheat only on the county actuarial table and a premium rate has been established on an irrigated basis, if he does not have an interest in any winter wheat crop seeded for harvest in such county in that crop year, as determined by the Corporation.

§ 401.17 [Amended]

6. Section 7 of the barley endorsement shown in § 401.17 of this chapter is amended, effective beginning with the 1965 crop year, by changing the period at the end of that portion of the section preceding the table to a colon and by adding the following to such portion:

And provided, further, That in any county in Idaho, Oregon, and Washington in which insurance is not limited to spring barley only on the county actuarial table and a premium rate has been established on an irrigated basis, an insured may cancel his barley crop insurance contract for any crop year any time prior to the December 31 following the cancellation date for that crop year, if he does not have an interest in any winter barley crop seeded for harvest in such county in that crop year as determined by the Corporation.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on February 14, 1963.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: February 18, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-1711; Filed, Feb. 20, 1964; 8:46 a.m.]

[Amdt. 67]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEAS; CANNING AND FREEZING

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1964 crop year for canning and freezing peas in the following respects:

§ 401.3 [Amended]

1. The portion of the table following paragraph (a) of § 401.3 of this chapter under the heading "Canning and Freezing Peas" is amended effective beginning with the 1964 crop year for canning and freezing peas to read as follows:

(Closing dates)

CANNING AND FREEZING PEAS

Minnesota and Wisconsin---------- Apr. 15
All other States---------- Mar. 1

2. The headnote and that portion published in § 401.38 preceding section 1 of the canning and freezing pea endorsement is amended effective beginning with the 1964 crop year to read as follows:

§ 401.38 The canning and freezing pea endorsement (applicable in all states except Minnesota and Wisconsin).

The provisions of this canning and freezing pea endorsement, which shall be applicable in all states except Minnesota and Wisconsin, are as follows:

* * * * *

3. The headnote and that portion published in § 401.41 preceding section 1 of the canning and freezing pea endorsement is amended effective beginning with the 1964 crop year to read as follows:

§ 401.41 The canning and freezing pea endorsement (applicable only in Minnesota and Wisconsin).

The provisions of this canning and freezing pea endorsement (applicable only in the States of Minnesota and Wisconsin) for the 1964 and succeeding crop years are as follows:

* * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on February 14, 1964.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Corp Insurance Corporation.

Approved: February 18, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-1712; Filed, Feb. 20, 1964; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Navel Orange Reg. 52]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.352 Navel Orange Regulation 52.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 19, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 23, 1964, and ending at 12:01 a.m., P.s.t., March 1, 1964, are hereby fixed as follows:

(i) District 1: 725,000 cartons;
(ii) District 2: 425,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1803; Filed, Feb. 20, 1964; 11:32 a.m.]

[Valencia Orange Reg. 69]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.369 Valencia Orange Regulation 69.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 23, 1964, and ending at 12:01 a.m., P.s.t., January 31, 1965, no handler shall handle any Valencia oranges grown in District 3 which are a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except, that not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter: *Provided,* That in addition to such tolerance each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges, which are smaller than 2.32 inches in

diameter but not smaller than 2.20 inches in diameter, except not to exceed 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.32 inches in diameter, equal to, but not in excess of, 10 percent of (i) the weekly allotment issued to such handler when volume regulation is in effect, or (ii) 10 percent of the weekly volume handled by such handler when volume regulation is not in effect.

(2) As used in this section, "handle," "handler," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1741; Filed, Feb. 20, 1964; 8:50 a.m.]

[Valencia Orange Reg. 70]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.370 Valencia Orange Regulation 70.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 19, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 23, 1964, and ending at 12:01 a.m., P.s.t., March 1, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 65,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1804; Filed, Feb. 20, 1964; 11:32 a.m.]

[Grapefruit Reg. 15]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.315 Grapefruit Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on February 13, 1964, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended section is based were received by the Fruit Branch on February 18, 1964; information regarding the provisions of the section recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 23, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, no handler shall handle:

(i) From the State of California or the State of Arizona to any point outside thereof any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2: *Provided,* That any such grapefruit may have scars to the extent permitted by the U.S. No. 3 grade: *Provided further,* That, included in the tolerances for defects permitted by such grade not more than 5 percent, by count, shall be allowed for grapefruit having peel more than one inch in thickness at the stem end, measured from the flesh to the highest point of the peel; or

(ii) From the State of California or the State of Arizona to any point in Zone 1 or Zone 2 any grapefruit, grown as aforesaid, which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(iii) From the State of California or the State of Arizona to any point in Zone 3 any grapefruit, grown as aforesaid, which measure less than $3^{8}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{8}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," and "Zone 3" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 19, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1805; Filed, Feb. 20, 1964; 11:32 a.m.]

[Lemon Reg. 98]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.398 Lemon Regulation 98.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 23, 1964, and ending at 12:01 a.m., P.s.t., March 1, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 19, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1774; Filed, Feb. 20, 1964; 8:51 a.m.]

[Lime Reg. 6, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 24, 1964. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 6 (29 F.R. 470) and, unless sooner terminated, will continue to be so regulated until May 1, 1964; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to February 24, 1964, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on February 11, 1964, held to consider recommendations for regulation; the provisions of this amendment are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective as hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) (2) (ii) of § 911.306 (Lime Regulation 6; 29 F.R. 470) are hereby amended to read as follows:

§ 911.306 Lime Regulation 6.

* * * * * * *

(b) * * *

(2) * * *

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties)

which are smaller than 2.32 inches in

which do not grade at least U.S. No. 2, Turning; or

* * * * *

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., February 24, 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1742; Filed, Feb. 20, 1964; 8:50 a.m.]

[Lime Reg. 1, Amdt. 8]

PART 944—FRUITS; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.200 (Lime Regulation 1; 27 F.R. 3797, 5734, 6923, 11219; 28 F.R. 347, 5638, 12702, 13928) are hereby amended to read as follows:

§ 944.200 Lime Regulation No. 1.

(a) On and after 12:01 a.m., e.s.t., February 28, 1964, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. No. 2, Turning; and

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Amendment 1 to Lime Regulation 6 (§ 911.308), which becomes effective February 24, 1964; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to such regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, February 18, 1964, to become effective at 12:01 a.m., e.s.t., February 28, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1743; Filed, Feb. 20, 1964; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Form Prescribed for Lessors to Railroads

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of February A.D. 1964.

The matter of annual reports from lessors to railroad companies being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That the order of February 1, 1963, in the matter of Railroad Lessor Company Annual Report Form E, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.14, be, and it is hereby, modified and amended to read as follows:

§ 120.14 Form prescribed for lessors to railroads.

Commencing with the year ended December 31, 1963, and for subsequent years thereafter, until further order, all lessors to railroad companies subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form E, Railroad Lessor Companies, which is attached hereto and made a part of this section. Such annual reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form E shall be served on all lessors to railroad companies subject to the provisions of section 20, part I, of the Interstate Commerce Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–1734; Filed, Feb. 20, 1964; 8:49 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 205—REPORTS OF MOTOR CARRIERS

Annual Reports of Class I Carriers of Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of February A.D. 1964.

The matter of annual reports of Class I motor carriers of property being under further consideration, and the changes to be made by this order being reductions and minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1 of the order of December 18, 1962, in the matter of Motor Carrier Annual Report Form A (Class I Carriers of Property), be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.1 be, and is hereby, modified and amended to read as follows:

§ 205.1 Annual reports of Class I carriers of property.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all Class I motor carriers of property, as described in 49 CFR 182.01–1, viz., carriers with average annual gross operating revenues (including interstate and intrastate) of $1,000,000 or more, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form A (Property), which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423 on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

It is further ordered, That copies of this order and of Motor Carrier Annual Report Form A (Property) shall be served on all Class I motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–1735; Filed, Feb. 20, 1964; 8:49 a.m.]

PART 205—REPORTS OF MOTOR CARRIERS

Annual Reports of Class II Carriers of Property

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of February A.D. 1964.

The matter of annual reports of Class II motor carriers of property being under further consideration, and the changes to be made by this order being reductions and minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.1a of the order of December 18, 1962, in the matter of Motor Carrier Annual Report Form B (Class II Carriers of Property), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.1a be modified and amended to read as follows:

§ 205.1a Annual reports of Class II carriers of property.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all Class II motor carriers of property, as described in 49 CFR 182.01–1, viz., carriers with average annual gross operating revenues (including interstate and intrastate) of $200,000 but less than $1,000,000, from property motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form B (Property), which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423 on or before March 31 of the year following the year of which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That copies of this order and of Motor Carrier Annual Report Form B (Property) shall be served on all Class II motor carriers of property subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–1736; Filed, Feb. 20, 1964; 8:49 a.m.]

PART 205—REPORTS OF MOTOR CARRIERS

Annual Reports of Class I Carriers of Passengers

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 14th day of February A.D., 1964.

The matter of annual reports of Class I motor carriers of passengers being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 205.3a of the order of December 13, 1962, in the matter of Motor Carrier Annual Report Form D (Class I Motor Carriers of Passengers), be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 205.3a be modified and amended to read as follows:

§ 205.3a Annual reports of Class I carriers of passengers.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all Class I motor carriers of passengers, as defined in 49 CFR 181.02–1, viz., carriers with average annual gross operating revenues (including interstate and intrastate) of $200,000 or more, from passenger motor carrier operations, are required to file annual reports in accordance with Motor Carrier Annual Report Form D (Passenger) which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423 on or before March 31 of the year following the year to which it relates.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

And it is further ordered, That a copy of this order and of Motor Carrier Annual Report Form D (Passenger) shall be served on all Class I motor Carriers of passengers subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–1737; Filed, Feb. 20, 1964; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64–125]

SCHEDULE OF FEES

Effective Date of Schedule of Application Filing Fees

March 17 to be effective date of FCC schedule of application filing fees (see §§ 1.1101–1.1119, 13.14, 13.15, 21.12, 23.13, 25.523, 61.153, 62.24, 63.52, 66.14, 73.17, 73.214, 73.514, 73.620, 73.710, 74.11, 81.49, 81.50, 83.53, 83.54, 85.25, 87.51, 87.53, 89.81, 89.83, 91.67, 91.68, 93.66, 93.67, 95.23, 95.25, 97.53, and 97.55):

The Commission's schedule of application filing fees will become effective March 17, 1964.

By order of February 13, 1964, the U.S. Court of Appeals for the Seventh Circuit denied a motion for interlocutory injunction pending disposition of a joint petition for review which was brought in the court to set aside the Commission's action in adopting the fee schedule. The order of the court also dissolved the 60-day temporary restraining order it had imposed on December 31, 1963.

In accordance with conditions contained in the court's order, all funds collected prior to final disposition of the petition for review will be held aside in a deposit fund account and provisions will be made by the Commission to return to the appropriate payors any fee which is found to be invalid by the court.

Applications submitted by mail and postmarked later than 12:00 midnight March 16, 1964, must be accompanied by the fees prescribed in the Commission's rules. No fees will be required to accompany applications postmarked prior to March 17, 1964, irrespective of the date on which the application actually arrives at the Commission, or any of its field offices.

Applications submitted by hand to the Commission, or to any of its field offices, subsequent to the close of normal working hours on March 16, 1964, must be accompanied by the fees prescribed in the Commission's rules.

Adopted: February 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1728; Filed, Feb. 20, 1964; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIX—Office of the Maritime Administrator, Department of Commerce

[General Order MA–TPM–1]

MA–TPM–1—RESTRICTIONS UPON THE TRANSFER, CHANGE IN USE, OR TERMS GOVERNING UTILIZATION OF PORT FACILITIES

It is deemed necessary during the existence of the unlimited national emergency and threat of war proclaimed by the President, by reason of the short supply of domestic port facilities, to regulate, allocate, and promote the availability, use, and distribution of port facilities for the preferential handling of civil defense and defense traffic; and for the maintenance of the essential civilian economy. In the formulation of this order, consultation with industry representatives, including trade association representatives, has been had and consideration has been given to their recommendations.

Accordingly, it is hereby ordered, That:

SEC.

1. Definitions.
2. Restrictions on transfers, changes in use, or terms governing utilization of port facilities.
3. Application for approval; place of filing; investigations; reference to Port Utilization Committee; disposition by Federal Port Controller; request for review; reference to Executive Council; disposition by Maritime Administrator, or his designee.
4. Exemptions.
5. Applicability.
6. Communications.
7. Effective Date.

AUTHORITY: The provisions of this MA–TPM–1 issued under 72 Stat. 1799; 23 F.R. 4991; 5 U.S.C. 133z–15 fn; as amended by P.L. 85–763, 72 Stat. 861, and E.O. 10773 (July 1, 1958; 23 F.R. 5061), as amended by E.O. 10782 (Sept. 6, 1958; 23 F.R. 6971); and E.O. 10999 (February 16, 1962; 62 F.R. 1805).

SECTION 1. *Definitions.* As used in this order, or in any order, regulation, or approval, issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department, agency, or corporation of the United States, any State, or any political, governmental, or legal entity.

(b) "Port facility" means any land, pier, wharf, dock, shed, warehouse, loading or unloading equipment, floating equipment or other structure or mechanical device used in connection with the transshipment of persons and property between domestic carriers and carriers engaged in coastwise, intercoastal, and overseas transportation, or with the handling, preservation, or storage of freight incidental to such transshipment.

(c) "Federal Port Controller" means the Maritime Administration Coast Director or the person appointed by the Maritime Administrator, or his designee, to act as local or area Federal Port Controller under his direction and supervision and upon his behalf in any designated port or group of ports.

(d) "Executive Council" means the advisory body to the Maritime Administrator, or his designee.

(e) "Port Utilization Committee" means the advisory body to the Federal Port Controller.

(f) "Transfer" means to sell, lease, trade, lend, give, relinquish title or possession to, or to physically transfer in any other way.

SEC. 2. *Restrictions on the transfers, changes in use or terms governing utilization of port facilities.* Except as otherwise provided in this order, and irrespective of the terms of any contract or other commitment:

(a) No person shall transfer, and no person shall accept transfer of, any port facility unless such transfer has been approved by the Federal Port Controller.

(b) No person shall use any port facility for any purpose or use other than that for which it was being used on the day preceding the effective date of this order, unless such change in purpose or use has been approved by the Federal Port Controller.

(c) No person shall change or alter the terms or conditions under which any port facility was being operated or used on the day preceding the effective date of this order, unless such change has been approved by the Federal Port Controller.

SEC. 3. *Application for approval; place of filing; investigation; reference to Port Utilization Committee; disposition by Federal Port Controller; request for review; reference to Executive Council; disposition by Maritime Administrator, or his designee.* (a) Application for approval of a transfer of, or change in use of, or change in terms governing utilization of, any port facility shall be in writing, and shall contain the following information:

(1) Name, address, and principal place of business of applicant;

(2) Specific description and location of port facility involved;

(3) Name, address, and principal place of business of owner and/or operator of such port facility;

(4) Present use of such port facility;

(5) Proposed use of port facility; and

(6) A statement of the reasons why such transfer, change in use, or change in terms, is in the interests of the war effort, national defense, or the maintenance of the essential civilian economy.

(b) The application shall be signed by the applicant or by any lawfully authorized agent or representative of the applicant who is familiar with the facts stated therein.

(c) The application and two clear copies thereof shall be filed in the office of the Federal Port Controller of the port in which the port facility is located for those ports listed in Appendix A to Maritime Administration Delegation Order MA–TPM–1, dated October 31, 1963. For all ports not listed in said Appendix A, said application and copies thereof shall be filed in the office of the Maritime Administration Coast Director for the coast on which the port is located, except that for Great Lakes ports, and ports of Alaska, Hawaii, Puerto Rico, and the Virgin Islands, said application and copies thereof shall be filed in the office of the Maritime Administrator, Official Headquarters.

(d) The Federal Port Controller may require the applicant to submit reasonable proof of statements made in support of the application, and may make such investigation as may be reasonably necessary for proper disposition of the application; and the Federal Port Controller shall not be required to make any disposition of the application unless and until such reasonable proof has been submitted; *Provided,* That the disposition of any such application by the Federal Port Controller shall not be delayed for more than 60 days from the date of the filing thereof for the purpose of completing any such investigation.

(e) Any application may be referred to the Port Utilization Committee by the Federal Port Controller on his own motion or on the request of any member of the Port Utilization Committee. In either case the advice and recommendations of the Port Utilization Committee shall be given careful consideration by the Federal Port Controller.

(f) The Federal Port Controller may approve the application in whole or in part when he deems the action covered by the application, to the extent approved, is in the interests of the war effort, national defense, or the maintenance of the essential civilian economy.

(g) Any applicant aggrieved by the action of the Federal Port Controller in disapproving in whole or in part his application may request, in writing, that such action be reviewed by the Maritime Administrator, or his designee. The written request shall contain a statement of the reasons why the action of the Federal Port Controller should be reversed or modified. Any written request for review of the action of a Federal Port Controller may be referred to the Executive Council by the Maritime Administrator, or his designee, on his own motion or on the request of any member of the Executive Council. In either case the advice and recommendations of the Executive Council shall be given careful consideration by the Maritime Administrator, or his designee. The Maritime Administrator, or his designee, will review the application on the record made before the Federal Port Controller and will dispose of the application on its merits in accordance with the standards hereinabove set forth.

SEC. 4. *Exemptions.* The provisions of this order shall not apply to any port facility owned by or organic to any agency or department of the United States as of the effective date of this order.

SEC. 5. *Applicability.* The provisions of this order shall be applicable to the

States of the United States, Puerto Rico and the Virgin Islands.

SEC. 6. *Communications.* Communications concerning thi sorder should refer to "Maritime Administration General Order MA–TPM–1", and should be addressed to the Maritime Administrator, Official Headquarters.

SEC. 7. *Effective date.* This order is effective during the existence of a state of civil defense emergency proclaimed by the President of the United States or by concurrent resolution of Congress and when so directed by or on behalf of the Maritime Administrator or in the absence of such specific direction immediately upon occurrence of a national emergency due to enemy attack.

Issued at Washington, D.C., this 31st day of October 1963.

J. W. GULICK,
Acting Maritime Administrator.

FEBRUARY 14, 1964.

[F.R. Doc. 64–1744; Filed, Feb. 20, 1964; 8:51 a.m.]

[Delegation Order MA–TPM–1]

MA–TPM–DEL. 1—APPOINTMENT OF FEDERAL PORT CONTROLLERS AND ACTING FEDERAL PORT CONTROLLERS; DELEGATIONS OF AUTHORITY

Pursuant to Executive Order 10902 of January 9, 1961; Executive Order 10999 of February 16, 1962; The National Plan for Civil Defense and Defense Mobilization (October 1958) and Annex 34 (National Transportation Plan) thereto; and Maritime Administration "Manual for the Emergency Utilization and Control of United States Ports" (April 1960):

It is hereby ordered, As follows:

1. Each person who, on the effective date hereof, holds a designation by the Secretary of Commerce as a member of the National Defense Executive Reserve—Port Unit and a national emergency assignment as a Federal Port Controller, is hereby appointed Federal Port Controller for his predesignated area of responsibility.

2. In port areas listed in Appendix A below, each person who, on the effective date hereof, is the duly appointed, qualified, and acting local public official holding the position designated in said Appendix A, or his successor in function, is hereby appointed acting Federal Port Controller for the ocean port or ports named therein and shall function unless or until relieved by a duly appointed and qualified Federal Port Controller. During any period of functioning as said acting Federal Port Controller, such person may, simultaneously therewith, continue to hold the position designated in said Appendix A.

3. There is hereby delegated to each Federal Port Controller or Acting Federal Port Controller appointed hereunder the authority to perform, within his area of responsibility, the duties and exercise the powers of the Maritime Administrator as they are set forth in Annex 1 (Outline Plan for Local Port Control in Time of National Emergency or War) to Maritime Administration "Manual for the Emergency Utilization and Control of United States Ports," (April 1960) and in Maritime Administration General Order MA–TPM–1 "Restrictions Upon the Transfer, Change in Use, or Terms Governing Utilization of Port Facilities", and as they may be set forth in any revision or amendment thereto or in any other Maritime Administration Order pertaining to the emergency utilization and control of United States ports.

4. This order is effective during the existence of a state of civil defense emergency proclaimed by the President of the United States or by concurrent resolution of Congress and when so directed by or on behalf of the Maritime Administrator or in the absence of such specific direction immediately upon occurrence of a national emergency due to enemy attack.

Issued at Washington, D.C., this 31st day of October 1963.

J. W. GULICK,
Acting Maritime Administrator.

FEBRUARY 14, 1964.

APPENDIX A (REVISED)

APPOINTMENT OF ACTING FEDERAL PORT CONTROLLERS

State	Ports	Acting Federal Port Controllers
Alabama	Mobile	Director, Alabama State Docks Department.
Alaska	Ketchikan	City Manager, City of Ketchikan.
	Kodiak	City Manager, City of Kodiak.
	Juneau	Mayor, City of Juneau.
	Sitka	Mayor, City of Sitka.
	Seward	Mayor, City of Seward.
	Anchorage	Port Manager, Port of Anchorage.
California	Los Angeles	General Manager, Los Angeles Board of Harbor Commissioners.[1]
	Long Beach	General Manager, Long Beach Board of Harbor Commissioners.
	San Francisco	Port Director, San Francisco Port Authority.[2]
	Oakland	Executive Director, Board of Port Commissioners, City of Oakland.
	Alameda	City Manager, City of Alameda.
	Richmond	Manager, General Affairs Division, Parr-Richmond Terminal Company.
	Redwood City	Port Director, Port of Redwood City.
	San Diego	Director, San Diego Unified Port District.
	Stockton	Port Director, Port of Stockton.
	Eureka	Secretary-Surveyor, State Board of Harbor Commissioners for Humboldt Bay.
Connecticut	New London	New London Harbormaster.
	New Haven	New Haven Harbormaster.
	Bridgeport	Bridgeport Harbormaster.
Delaware (see Pennsylvania).		
Florida	Jacksonville	Managing Director, Jacksonville Port Authority.
	Canaveral	General Manager, Canaveral Port Authority.
	Fort Pierce	Manager, Fort Pierce Port Authority.
	West Palm Beach	Port Director, Port of Palm Beach.
	Port Everglades	Port Manager, Broward County Port Authority.
	Miami	Port Director, Metropolitan Dade County Seaport Department.
	Tampa	Port Manager, Hillsborough County Port Authority.
	Port St. Joe	Chairman, Port St. Joe Port Authority.
	Panama City	Panama City Harbormaster.
	Pensacola	Port Director, Pensacola Port Authority.
Georgia	Savannah	Executive Director, Georgia Ports Authority.
	Brunswick	General Manager, Brunswick Port Authority.
Hawaii	All ports of Hawaii	Chief, Harbors Division, Department of Transportation, State of Hawaii.
Illinois	Chicago	Port Director, Department of the Port of Chicago, City of Chicago.
Louisiana	New Orleans	Director of the Port, Board of Commissioners of the Port of New Orleans.
	Baton Rouge	Executive Director, Greater Baton Rouge Port Commission.
	Lake Charles	Port Director, Port of Lake Charles, Lake Charles Harbor and Terminal District.
Maine	Portland-Searsport	General Manager, Maine Port Authority.
Maryland	Baltimore	Executive Director, Maryland Port Authority.
Massachusetts	Boston	Executive Director, Massachusetts Port Authority.
	New Bedford	Director, Department of Public Works, Division of Waterways, Commonwealth of Massachusetts.
	Fall River	Chairman, Fall River Port Authority.
Michigan	Detroit	Executive Director, Detroit-Wayne County Port Commission.
Minnesota	Duluth (including Superior, Wisconsin).	Port Director, Seaway Port Authority of Duluth.
Mississippi	Gulfport	Port Director, Gulfport State Port Authority.
New Jersey (See New York and Pennsylvania).		
New York	New York Harbor (Including New York and New Jersey areas thereof).	Executive Director, the Port of New York Authority.
	Albany	General Manager, Albany Port District Commission.
	Buffalo	Executive Director, Niagara Frontier Port Authority.
	Oswego	Executive Director, Port of Oswego Authority.
	Rochester	Port Director, Rochester-Monroe County Port Authority.
North Carolina	Wilmington	Operations Manager, North Carolina State Ports Authority—Wilmington.
	Morehead City	Operations Manager, North Carolina State Ports Authority—Morehead City.
Ohio	Cleveland	Director, Department of Port Control, City of Cleveland.
	Toledo	General Manager, Toledo-Lucas County Port Authority.

See footnotes at end of table.

APPENDIX A (REVISED)—Continued

APPOINTMENT OF ACTING FEDERAL PORT CONTROLLERS—continued

State	Ports	Acting Federal Port Controllers
Oregon	Portland	General Manager, The Commission of Public Docks, Portland, Oregon.[3]
	Astoria	Manager, Port of Astoria.
	Coos Bay	Manager, Port of Coos Bay.
Pennsylvania	Delaware River (Including Pennsylvania, New Jersey and Delaware).	Executive Director, Delaware River Port Authority.
	Erie	Port Director, Port Commission, City of Erie.
Puerto Rico	All ports of Puerto Rico	Executive Director, Commonwealth of Puerto Rico Port Authority.
Rhode Island	Providence	Port Agent, Department of Public Works, City of Providence.
South Carolina	Charleston	Operations Manager, South Carolina State Ports Authority.
	Georgetown	Local Manager, South Carolina State Ports Authority.
	Port Royal	Local Manager, South Carolina State Ports Authority.
Texas	Galveston-Texas City	Port Director, Galveston Wharves.
	Houston	General Manager, Harris County Houston Ship Channel Navigation District.
	Port Arthur	Executive Vice President, Port Arthur Chamber of Commerce.
	Orange	Port Director, Orange County Navigating and Port District.
	Beaumont	General Manager, Port of Beaumont Navigation District of Jefferson County.
	Corpus Christi	Port Director, Nueces County Navigation District Port of Corpus Christi.
	Freeport	General Manager, Brazos River Harbor Navigation District of Brazoria County.
	Brownsville	General Manager and Director of the Port, Brownsville Navigation District of Cameron County.
	Port Isabel	Director of the Port, Port Isabel-San Benito Navigation District of Cameron County.
Virginia	Hampton Roads	Executive Director, Virginia State Ports Authority.
	Richmond	Chairman, Port of Richmond Advisory Commission.
	Alexandria/Upper Potomac River.	Director of Planning and Urban Renewal, Planning Commission, City of Alexandria.
Virgin Islands	St. Thomas	Harbor Master, Department of Commerce Marine and Aviation Services. Government of the Virgin Islands of the United States.
Washington	Seattle	General Manager, Port of Seattle.[4]
	Port Angeles	Manager, Port of Port Angeles.
	Bellingham	Manager, Port of Bellingham.
	Anacortes	Manager, Port of Anacortes.
	Everett	Manager, Port of Everett.
	Tacoma	Terminal Division Manager, Port of Tacoma.
	Olympia	Manager, Port of Olympia.
	Willapa Harbor	Manager, Port of Willapa Harbor.
	Grays Harbor	Manager, Port of Grays Harbor.
	Vancouver	Manager, Port of Vancouver.
	Longview	Manager, Port of Longview.
Wisconsin	Milwaukee	Municipal Port Director, Board of Harbor Commissioners, City of Milwaukee.
	Green Bay	Port Director, Brown County Board of Harbor Commissioners.
	Superior (see Duluth, Minnesota).	

[1] Will function simultaneously as Acting Controller-in-Charge for the Los Angeles-Long Beach port complex.
[2] Will function simultaneously as Acting Controller-in-Charge for the San Francisco Bay port complex.
[3] Will function simultaneously as Acting Controller-in-Charge for the listed Columbia River ports and Vancouver and Longview, Washington, and Acting Federal Port Controller with respect to all other port facilities on the Columbia River.
[4] Will function simultaneously as Acting Controller-in-charge for the listed Puget Sound ports and Acting Federal Port Controller with respect to all other port facilities, on Puget Sound.

[F.R. Doc. 64-1745; Filed, Feb. 20, 1964; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1062]

MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the St. Louis, Missouri, marketing area is being considered for the month of February 1964.

The provisions proposed to be suspended are:

(1) In the opening paragraph of § 1062.10(b), the numeral "(1)," and "no less than 20 percent of", and

(2) Subparagraph (1) of § 1062.10(b) relating to shipping requirements for pooling of country plants.

This action has been requested by two major cooperative associations serving the market to maintain pool plant status for certain country plants for February 1964, and to facilitate the orderly disposition of the market's reserve supply of milk.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, not later than three days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

Signed at Washington, D.C., on February 18, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-1760; Filed, Feb. 20, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Doc. No. 1985]

LOCKHEED MODELS 188A AND 188C SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. In the notice of proposed rule making published in 28 F.R. 10494, Regulatory Docket No. 1985, it was proposed to require inspection of the upper wing planks on Lockheed Models 188A and 188C aircraft having 5,000 hours' time in service. Subsequent to issuance of the proposal, it was determined by metallurgical evaluation of crack areas, that the cracks were not of a fatigue nature and probably were caused by mishandling during manufacture or in service. It is believed that once a crack forms in the area evaluated, growth will continue from the inner to outer surface and in a spanwise direction as would a fatigue crack. The original proposal applied to all aircraft that had accumulated 5,000 hours' time in service. Since the cracks have been shown to be of other than fatigue origin, this AD must apply to all 188 A and C aircraft. The repetitive 3,000-hour interval inspection has been retained in the AD. It is felt that repetitive inspections totaling 6,000 hours will result in the detection of all damaged aircraft. Therefore, the initial proposal is hereby withdrawn and this new notice of proposed rule making is substituted therefore which is applicable to all Lockheed Models 188A and 188C Series aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 23, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 188A and 188C Series aircraft.

Compliance required as indicated.

Cracks have been detected in the upper wing planks on both the inboard and outboard sides of the nacelle where the inboard nacelle skate angles attach to the wing planks. As a result of these cracks, accomplish the following:

(a) Within the next 450 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 450 hours' time in service, externally inspect the wing planks in accordance with Section 2.A. of Lockheed Service Bulletin 88/SB-600 or FAA approved equivalent. The external inspections may be discontinued when the internal inspection program prescribed by (b) is initiated.

(b) Within the next 900 hours' time in service after the effective date of this AD, unless accomplished within 2,100 hours' time in service prior to the effective date of this AD, and thereafter at intervals not to exceed 3,000 hours' time in service, internally inspect the wing planks by X-ray or visual means in accordance with Section 2.B. of Lockheed Service Bulletin 88/SB-600 or FAA approved equivalent.

(c) Any cracks found during the accomplishment of (a) or (b) shall be repaired before further flight in accordance with the Lockheed Electra Structural Repair Manual, Section 57-2-1, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(d) The repetitive inspections of (b) may be discontinued for those aircraft which exhibit no signs of cracks 6,000 hours' time in service after the initial internal inspection is accomplished.

(e) For aircraft on which cracks are detected and repaired in accordance with (c), the repetitive inspections of (b) may be discontinued if no cracks are detected 6,000 hours' time in service after the repair is accomplished.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Alert Bulletin 88/SB-600 dated June 24, 1963, covers this same subject.)

Issued in Washington, D.C., on February 17, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1698; Filed, Feb. 20, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Doc. No. 4013]

SCHLEICHER MODELS KA-6 AND K-8 GLIDERS

Proposed Airworthiness Directive

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Schleicher Models Ka-6 and K-8 gliders. Cracks have been found in service on the airbrake push-pull rod, due to faulty welds. Similar faulty welds have also been found between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame. To correct this unsafe condition, this AD requires inspection of the joint fittings and the welds between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame, and replacement or modification if cracks are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 23, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

SCHLEICHER. Applies to Models Ka–6 and K–8 gliders.

Compliance required as indicated.

Cracks and faulty welds have been found at the joint fitting welded to the airbrake push-pull rod and in the weld between the bearing bracket for the airbrake flap cross shaft lever and the fuselage main frame.

(a) On Model Ka–6 all serial numbers up to and including Serial Number 6067 and Model K–8 all serial numbers up to and including Serial Number 8098, within 25 hours' time in service after the effective date of this AD, visually inspect for cracks in the joint fitting welded to the airbrake push and pull rod with at least a 3-power magnifying glass.

(1) If cracks are found at the fitting welded to the airbrake push-pull rod in either Models Ka–6 or K–8 gliders, replace the push-pull rod with a modified part as provided for in Schleicher Modification No. 7 dated September 13, 1962, for Model Ka–6 and Modification No. 9 dated September 13, 1962, for Model K–8 before further flight.

(2) If the inspection in (a) reveals no cracks, install the modified push-pull rod within 50 hours' time in service after the effective date of this AD.

(b) On Model K–8 all serial numbers up to and including Serial Number 8117, within 25 hours' time in service after the effective date of this AD, visually inspect with at least a 3-power magnifying glass, the welds between the bearing bracket for the airbrake flap cross shaft lever and fuselage main frame. If faulty welds or cracks in the weld are found, modify the bracket before further flight as provided for in Schleicher Modification No. 10 dated October 25, 1962.

(Schleicher Modification No. 7 for Model Ka–6, dated September 13, 1962, Modification No. 9 for Model K–8 dated September 13, 1962, and Modification No. 10 for Model K–8 dated October 25, 1962, pertain to this same subject.)

Issued in Washington, D.C., on February 17, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1699; Filed, Feb. 20, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 231, 292, 302]

[Docket No. 14979]

CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

Supplemental Notice of Proposed Rule Making

FEBRUARY 18, 1964.

The Board in 29 F.R. 612 and by circulation of a notice of proposed rule making, EDR–64 and PDR–23, dated January 20, 1964, gave notice that it had under consideration (a) revising Part 292 of the Board's Economic Regulations (14 CFR Part 292) as set out in the proposed rule thereto attached, (b) amending Part 231 of the Board's Economic Regulations (14 CFR Part 231) by adding a footnote to § 231.5(b) cross-referencing it to Part 292 and (c) amending Part 302 of the Board's Procedural Regulations (14 CFR Part 302) by amending § 302.1(a)(1) to clarify the applicability of Part 302 to Alaskan air carriers. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before February 24, 1964.

A request has been received from several of the Alaskan carriers that the time for filing such data, views or arguments be extended to March 9, 1964, in order that certain data and statistical information now in preparation may be obtained from Alaska for submission for the consideration of the Board. The undersigned finds that it is in the public interest that said data and statistical information be submitted, and that the date for the reception thereof be extended to March 9, 1964.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until March 9, 1964. All relevant matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324 and 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64–1761; Filed, Feb. 20, 1964; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 13, 1964.

Notice of an application Serial No. Sacramento 068417, filed by the United States Department of Agriculture, for withdrawal and reservation of lands was published in F.R. Doc. 62–2399 on Page 2387 of the issue for March 13, 1962, with a correction notice published in F.R. Doc. 62–3332 in the issue for April 5, 1962, Vol. 27, No. 67, Page 3297. The applicant agency has cancelled its application insofar at it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m., March 26, 1964, relieved of the segregative effect of the hereinbefore mentioned application. The lands terminated are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

State Highway 49, Roadside Zone

A strip of land 200 feet on each side of the centerline of California Highway No. 49 through the following legal subdivisions:

T. 18 N., R. 8 E.,
Sec. 33, SE¼SW¼.
T. 19 N., R. 8 E.,
Sec. 24, NE¼SE¼;
Sec. 25, SW¼SW¼.
T. 19 N., R. 9 E.,
Sec. 1, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 10, E½SW¼, N½SE¼, and SE¼SE¼;
Sec. 11, NE¼NE¼, S½NE¼, N½SW¼, and NW¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 15, NW¼;
Sec. 16, S½NE¼, SE¼NW¼, E½W½NW¼NW¼SW¼, E½NW¼NW¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼, NE¼SW¼, and N½SE¼;
Sec. 17, NW¼NE¼;
Sec. 18, S½ Lot 7, N½, Lot 8, N½NE¼, and SW¼NE¼;
Sec. 19, Lots 1, 2, and 6, S½ Lot 7, SW¼NE¼, and N½SE¼.
T. 19 N., R. 10 E.,
Sec. 4, Lot 3, and S½NW¼;
Sec. 5, S½SE¼NE¼, SW¼NE¼, S½NW¼, NW¼NW¼SW¼, W½NE¼NW¼SW¼, NW¼SE¼NW¼SW¼, and N½SW¼SE¼NW¼SW¼;
Sec. 6, Lots 5 and 6, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 20 N., R. 10 E.,
Sec. 33, Lots 1, 8, 15, 16, and 17;
Sec. 34, Lots 4, 5, 6, 7, 8, and 9, W½ Lot 10, and Lot 14;
Sec. 35, SE¼NE¼;
Sec. 36, S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 20 N., R. 11 E.,
Sec. 25, SE¼SW¼, and S½SE¼;
Sec. 26, S½SW¼;
Sec. 28, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 31, Lot 3, S½N½ Lot 5, S½ Lot 5, S½ Lot 8, Lot 12, and E½SE¼;
Sec. 32, S½NE¼, W½SW¼, and NW¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NE¼, and N½NW¼.
T. 20 N., R. 12 E.,
Sec. 1, Lot 1, SW¼SW¼, E½SW¼, and N½SE¼;
Sec. 10, SE¼SE¼;
Sec. 12, NW¼NW¼;
Sec. 22, Lots 2 and 7, NW¼NE¼, S½NE¼, and E½SE¼;
Sec. 27, Lot 6, NW¼NE¼ (except Pat. Min. Lot 78 and Pat. M.S. 5792A); NE¼NW¼ (except Pat. M.S. 5792A, M.S. 5792B, and Pat. Min. Lots 71 and 78); SW¼NW¼ (except Pat. Min. Lot 78); SE¼NW¼ (except Pat. Min. Lots 39, 71, and 78); and NW¼SW¼ (except Pat. Min. Lots 77 and 78);
Sec. 29, SW¼SW¼;
Sec. 30, Lot 4, N½NE¼SW¼, SW¼NE¼SW¼, N½SE¼NE¼SW¼, and SE¼SE¼;
Sec. 32, NW¼NE¼, and N½NW¼.
T. 20 N., R. 13 E.,
Sec. 1, NW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 4, S½SW¼;
Sec. 5, Lot 4, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 6, Lots 3 and 4;
Sec. 8, N½NE¼;
Sec. 9, N½NE¼;
Sec. 10, E½NE¼;
Sec. 11, N½NE¼, SW¼NE¼, S½SW¼NW¼, and SE¼NW¼.
T. 21 N., R. 13 E.,
Sec. 31, NW¼SE¼SW¼, SW¼SE¼SW¼, N½SW¼SE¼, and SE¼SE¼.

The areas to be eliminated within the roadside zone aggregate approximately 2,037 acres, more or less.

JOHN E. CLUTE,
Acting Manager, Land Office, Sacramento.

[F.R. Doc. 64–1717; Filed, Feb. 20, 1964; 8:46 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

FEBRUARY 14, 1964.

1. Plat of extension survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a.m. March 2, 1964.

SEWARD MERIDIAN

T. 11 N., R. 2 W.,
Sec. 4: Lots 1, 2, 3, 4, S½N½, SW¼, SE¼
Sec. 5: Lots 1, 2, 3, 4, S½N½, SW¼, SE¼
Sec. 7: Lots 1, 2, 3, 4, E½W½, NE¼, SE¼
Sec. 8: All
Sec. 9: All
Sec. 18: Lots 1, 2, 3, 4, E½W½, NE¼, SE¼

Containing 3,777.66 acres.

2. This land is located in the Chugach Mountains approximately 15 miles southeast of Anchorage, Alaska. Little Rabbit, Rabbit, and Potter Creeks flow northwesterly draining the sections. The soil varies from sandy loam, covered by vegetable mould in the low elevations, to bare rock and shale on the slopes. Undergrowth consists of alder clumps at the lower elevations.

3. Subject to any existing valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the above-described land is hereby opened to filing applications, selections and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Acting Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 2, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing. The lands will also be open to mining location at that date and hour.

4. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Acting Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska.

AL J. HOLLEY,
Acting Manager.

[F.R. Doc. 64–1706; Filed, Feb. 20, 1964; 8:45 a.m.]

GRAZING LEASE RENTALS

Supplementary Rate Schedules

FEBRUARY 17, 1964.

Pursuant to the provisions of 43 CFR 160.14, a notice was published on page 1742 of the FEDERAL REGISTER of February 22, 1963, which provided a revised grazing rental rate tabulation. This tabulation was developed on the basis of a value of 30 cents per animal unit month of forage. The rental rates specified shall continue to be in effect and shall be applicable to all land administered pursuant to section 15 of the Taylor Grazing Act with the following exception:

Wyoming.

For the Northeast LU (Land Utilization) Project the tabulation of rates shall be modified to reflect a value of 57 cents per animal unit month of forage. This will continue the basis of charges for this area that has heretofore been established under provisions of the Bankhead-Jones Farm Tenant Act of July 22, 1937.

Since this notice serves to continue the current level of charges it is effective immediately.

Twenty-five percent of all monies collected, when appropriated by Congress, shall be available for range improvements.

The minimum rental on a lease shall be $1 per annum. One cow or one-half horse or five sheep constitute one animal unit for the purpose of computation of grazing rentals.

CHARLES H. STODDARD,
Director,
Bureau of Land Management.

[F.R. Doc. 64-1707; Filed, Feb. 20, 1964; 8:46 a.m.]

Office of the Secretary

[Order No. 2843, Amdt. No. 1]

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Jurisdiction Over Certain Lands Transferred From Agriculture Department to Interior Department

Section 4(b) of Order 2843 is amended to change the word "Lakes" to "Lake" to read as follows:

SEC. 4. *Lands to be administered by the Bureau of Sport Fisheries.*

* * * * *

(b) Tierra Blanca Project (TX-LU-21), Randall County, containing approximately 7,677 acres. These lands will be administered as the Buffalo Lake National Wildlife Refuge.

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 15, 1964.

[F.R. Doc. 64-1718; Filed, Feb. 20, 1964; 8:47 a.m.]

CHARLES S. MITCHELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 8, 1964.

Dated: February 10, 1964.

CHARLES S. MITCHELL.

[F.R. Doc. 64-1710; Filed, Feb. 20, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Amdt. 4]

FEDERAL CROP INSURANCE CORPORATION

Organization, Functions and Procedures

Former Part 400, Chapter IV, Title 7 (7 CFR 1946 Supp. 400; 7 CFR 1947 Supp. 400) as amended (19 F.R. 5414), is hereby revised and amended in its entirety to read as follows:

SUBPART A—ORGANIZATION

Sec.
1. Creation.
2. Stock.
3. Management.
4. Board of Directors.
5. Offices of the Corporation.
6. Availability of information and records.
7. Delegations of authority affecting crop insurance contracts.

SUBPART B—FUNCTIONS AND PROCEDURES

8. Crops insured.

SUBPART A—ORGANIZATION

SECTION 1. Creation. The Federal Crop Insurance Corporation was created February 16, 1938, by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and is an agency within the United States Department of Agriculture.

SEC. 2. *Stock.* All capital stock of the Federal Crop Insurance Corporation is owned by the United States.

SEC. 3. *Management.* The management of the Federal Crop Insurance Corporation is vested in the Board of Directors, subject to the general supervision of the Secretary of Agriculture. The Manager of the Corporation is its chief executive officer, and he is appointed by and holds office at the pleasure of the Secretary of Agriculture. Under the general supervision of the Board, the Manager is responsible for the general direction and supervision of all activities of the Corporation.

SEC. 4. *Board of Directors.* The Federal Crop Insurance Act provides that the Board of Directors shall consist of the Manager of the Corporation, two other persons employed in the Department of Agriculture, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board is appointed by and holds office at the pleasure of the Secretary of Agriculture.

SEC. 5. *Offices of the Corporation*—(a) *Principal office.* The principal office of the Federal Crop Insurance Corporation is at Washington, D.C., 20250, in the South Agriculture Building. The principal office is composed of the Office of the Manager and six divisions.

(1) *Office of the Manager.* The Office of the Manager is composed of the Manager and his immediate staff, including a Deputy Manager. Within established policies and regulations, the Manager is responsible for the executive direction, coordination, and control of the Corporation's programs and activities, and the determination or approval of methods and procedures to be used.

(2) *Divisions.* The six divisions and the functions which they perform, within established policies and regulations and subject to the supervision of the Manager, are as follows:

(i) *Actuarial Division.* Formulates and advises management on actuarial policies of the Corporation; establishes insurance coverages and rates for crops insured; develops actuarial formulas and techniques for measuring insurance risks; devises methods for accumulating statistical data for actuarial analyses; develops and issues actuarial procedures, instructions and forms; provides technical and policy direction of field and Branch Office actuarial functions.

(ii) *Claims Management Division.* Plans, directs and coordinates loss adjustment work; devises and installs procedures, forms and techniques to effect uniform adjustment of losses; develops and installs programs for the selection, training and evaluation of field employees performing loss adjustment work; trains field supervisory personnel; conducts investigations of controversial claims and furnishes assistance to the Office of the General Counsel and U.S. Attorneys for defense of suits against the Corporation and for prosecution of suits by the Corporation.

(iii) *Program Development and Research Division.* Plans and revises insurance programs; develops regulations and provisions of insurance contracts; provides recommendations on expansion to additional crops and counties; prepares, coordinates, and issues operating procedures and forms for use at county, state and branch levels; directs continuing research and analysis of the Corporation's operations; develops and maintains cost of crop production information; coordinates material for presentation to Board of Directors; prepares annual report to Congress.

(iv) *Sales Management Division.* Develops and directs sales promotion and business maintenance plans, including preparation of educational materials and sales aids; establishes programs and standards for selection, training and evaluation of field sales personnel; trains area, state and district directors and sales trainers in training techniques and methods; establishes annual minimum business quotas by districts and devises reporting systems to permit a continous review and analysis of sales activities and progress.

(v) *Administrative Division.* Plans, directs, and performs the administrative management work of the Corporation, including personnel management, organization analyses, property, supply, and space management, and records and communications management.

(vi) *Budget and Finance Division.* Plans, directs, and coordinates the fiscal, budget, and accounting activities of the Corporation with respect to both capital and administrative funds; makes cost analyses; formulates premium collection policy and procedure.

(b) *Branch Office.* The Branch Office is located at 8930 Ward Parkway, Kansas City, Missouri, 64141. It is under the immediate supervision of the Branch Office Manager, who is under the direction of the Manager of the Corporation. This office is a national service office. It performs the accounting functions of the Corporation, including administrative and program cost accounts, develops statistical information on insurance programs, prepares premium notices, schedules indemnities for payment, receives and deposits premiums, prepares statistical and financial reports, cancels or adjusts debts under Public Law 518 (12 U.S.C. 1150 et seq.), and serves as the central supply and distribution center for forms and procedures.

(c) *Area Offices.* There are four area offices, each under the supervision of an Area Director. These Area Directors are directly responsible to the Manager for the operation of program functions, including sales, actuarial and loss adjustment, in the states comprising the areas. They are as follows:

1. North Central Area office at Room 203, U.S. Post Office and Courthouse, Springfield, Illinois, 62701, serving the states of Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

2. Southeast Area office at Unit M, Castle Park, Valdosta, Georgia, 31603, serving the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

3. Southwest Area office at Room 209, 121 South 4th Street, Manhattan, Kansas, 66502, serving the states of California, Colorado, Kansas, Missouri, New Mexico, Oklahoma, Texas, and Wyoming.

4. Northwest Area office at Suite 600, Provident Life Insurance Building, 316 North Fifth Street, Bismarck, North Dakota, 58501, serving the states of Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, and Washington.

(d) *State Offices.* There are 23 state offices serving 36 states in which crop insurance is presently offered. Each office is under the supervision of a State Director, who is responsible for the general administration of the statewide operations of sales, servicing and loss adjustment. The State Director is responsible for the work of the County Offices, and in this he is assisted by district directors and supervisors assigned to specified counties. District directors and/or crop insurance supervisors supervise the work of fieldmen, county office employees and sales agents. The State Offices, with the states which they serve, are as follows:

Alabama, Florida, Georgia: Room 733, Aronov Building, 474 South Court Street, Montgomery, Alabama, 36104.
California: 424 North Broadway, Fresno, California, 93701.
Colorado, Wyoming: Room 308, New Custom House Building, Denver, Colorado, 80202.
Illinois: Room 213, U.S. Post Office and Courthouse, Springfield, Illinois, 62701.
Indiana, Michigan: Room 422, Park Building, 611 North Park Avenue, Indianapolis, Indiana, 46204.
Iowa: Room 205, Federal Office Building, West Fifth and Court Streets, Des Moines, Iowa, 50309.
Kansas: 417 Humboldt, Manhattan, Kansas, 66502.
Minnesota: Room 1129, Post Office Building, St. Paul, Minnesota, 55101.
Mississippi, Arkansas, Louisiana: Room 610, Milner Building, 200 South Lamar Street, Jackson, Mississippi, 39201.
Missouri: 605 South Massachusetts Avenue, Sedalia, Missouri, 65302.
Montana: Room 414, Bank Electric Building, Lewistown, Montana, 59457.
Nebraska: Room 308, Post Office Building, Lincoln, Nebraska, 68508.
North Carolina: Room 322, 1330 St. Mary's Street Office Building, Raleigh, North Carolina, 27605.
North Dakota: 400 Universal Building, Fargo, North Dakota, 58102.
Ohio: Room 300, Bryson Building, 700 Bryden Road, Columbus, Ohio, 43215.
Oklahoma: Agricultural Center Office Building, Stillwater, Oklahoma, 74074.
South Carolina: Seventh Floor, Federal Office Building, 901 Sumter Street, Columbia, South Carolina, 29202.
South Dakota: 239 Wisconsin Avenue SW., Huron, South Dakota, 57350.
Tennessee, Kentucky: Room 518, U.S. Courthouse, Nashville, Tennessee, 37203.
Texas, New Mexico: USDA Building, College Station, Texas, 77841.
Virginia, Pennsylvania, Maryland: County Agriculture Building, Kenbridge, Virginia, 23944.
Washington, Idaho, Oregon, Utah: 845 Bon Marche Building, Spokane, Washington, 99201.
Wisconsin: 3536 University Avenue, Madison, Wisconsin, 53705.

(e) *County Offices.* Field offices serving one or more counties are established to administer the crop insurance program at the local level. Some of these offices are staffed by regular employees of the Corporation. Others are staffed by agents under contract with the Corporation. These offices are charged with the responsibility of selling and servicing crop insurance contracts. They receive and process applications for insurance, acreage reports, premiums, notices of loss, and notices of cancellation for crop insurance contracts. The county actuarial table, which shows the premium rates and coverages available and the insurable and uninsurable acreage in the county, is on file in the County Office and available for public inspection. Changes in insurance contracts to be effective for a coming crop year are also filed in the County Office and are available for public inspection. Forms, which are required to be used in connection with crop insurance contracts, may be obtained at the County Offices on request. The location of the office serving any county may be obtained from its state office.

SEC. 6. *Availability of information and records.* Any person desiring information with respect to crop insurance may request such information from the office for his county, from the State Director for his state, or from the Manager, Federal Crop Insurance Corporation, United States Department of Agriculture, Washington, D.C. 20250. Records of the Corporation, including those maintained in the field offices, are available for examination in accordance with the rules issued by the Secretary of Agriculture (7 CFR 1.1 et seq.).

SEC. 7. *Delegations of authority affecting crop insurance contracts.* The authority delegated by this section to act on behalf of the Corporation in matters affecting crop insurance contracts shall be exercised in accordance with established policies and procedures and subject to the supervision and direction of the Manager. This delegation of authority shall not preclude the Manager from exercising the same authority whenever he deems it necessary under the circumstances.

(a) *Delegations to State Directors.* Each State Director, in the state or states served by his office, is authorized to: accept or reject applications for crop insurance; cancel crop insurance contracts in accordance with their terms (but the voidance of a contract for the misrepresentation or fraud of an insured is reserved to the Manager); agree with an insured for the division of his insured acreage in a county into two or more insurance units, where a crop insurance endorsement so provides; agree to a transfer of interest in an insurance contract; approve or disapprove claims for indemnities, and make all determinations incidental thereto with respect to the production to be counted and the value thereof as provided in the policy and the various endorsements; determine the person to whom an indemnity should be paid, in the event of the death, incompetency or disappearance of the insured; determine the insured acreage and interest or declare the insured acreage to be zero where the insured fails to file an acreage report or files an acreage report which is found to be erroneous; and determine the time when the planting of an insured crop is generally completed in a county.

(b) *Delegation to fieldman.* The fieldman (sometimes known as "adjuster") assigned to make an inspection of insured acreage, after notice of loss and a request by the insured for consent to put such acreage to another use, is authorized to give such consent on behalf of the Corporation in accordance with the policy and the applicable endorsement.

SUBPART B—FUNCTIONS AND PROCEDURE

SEC. 8. *Crops insured.* (a) The Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.) authorizes the Corporation to insure crops against unavoidable losses on an experimental basis for the purpose of determining the most practical plan, terms, and conditions of insurance for agricultural commodities. Crop insurance may be offered each year in not to exceed 100 counties in addition to the number of counties in which such insurance was offered in the preceding

year. Insurance may be offered on not more than three agricultural commodities in addition to those previously insured each year, except that other agricultural commodities may be included in multiple crop insurance (insurance on two or more agricultural commodities under one contract with a producer). Insurance within the limitation set forth above is now offered on wheat, cotton, flax, corn, tobacco, dry edible beans, citrus, soybeans, barley, peaches, grain sorghum, oats, rice, raisins, peanuts, peas, potatoes, apples, cherries, tomatoes, safflower, and combined (multiple) crops.

(b) Regulations governing current insurance programs may be found in the FEDERAL REGISTER and in Title 7, Code of Federal Regulations, Parts 401 through 406.

Approved by the Board of Directors on February 14, 1964.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Issued this 18th day of February 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-1713; Filed, Feb. 20, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1319) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, proposing the issuance of a regulation to provide for the safe use of sodium dioctyl sulfosuccinate as an emulsifier and/or surface active agent in the manufacture of articles or components of articles intended for use in contact with food.

Dated: February 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1719; Filed, Feb. 20, 1964; 8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1269) has been filed by American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey, proposing the amendment of § 121.208(d) by changing the phrase "treatment of bacterial swine enteritis" in table 2, item 2, column "Indications for use" to read: treatment of bacterial *cholerasuis*." This amendment would serve only to identify the causative agent.

Dated: February 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1720; Filed, Feb. 20, 1964; 8:47 a.m.]

BETZ LABORATORIES, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1300) has been filed by Betz Laboratories, Inc., Gillingham and Worth Streets, Philadelphia 24, Pa., proposing that § 121.2505 *Slimicides* be amended as follows:

1. By inserting alphabetically in the list of slime-control substances in paragraph (c) the new item "Bis(trichloromethyl) sulfone."

2. By inserting alphabetically in the list of adjuvant substances in paragraph (d) the new item "*N,N*-Dimethylformamide."

Dated: February 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1721; Filed, Feb. 20, 1964; 8:48 a.m.]

GOODYEAR TIRE & RUBBER CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1333) has been filed by The Goodyear Tire & Rubber Company, Akron 16, Ohio, proposing that paragraph (c)(5) of § 121.2520 *Adhesives* be amended by inserting alphabetically in the list "Components of Adhesives" the following new items:

Alkylated (C_4 and/or C_8) phenols.
Butylated, styrenated cresols.
Diaryl-*p*-phenylenediamine, where the aryl group may be phenyl, tolyl, or xylyl.
Sodium dimethyldithiocarbamate.
Styrenated phenol.

Dated: February 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1722; Filed, Feb. 20, 1964; 8:48 a.m.]

WYANDOTTE CHEMICALS CORP.; RAYONIER, INC.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1289) has been filed jointly by Wyandotte Chemicals Corporation, 1609 Biddle Avenue, Wyandotte, Michigan, and Rayonier, Inc., 161 East 42d Street, New York 17, New York, proposing that § 121.2507 *Cellophane* be amended to provide for the use of polyoxypropylene-polyoxyethylene block polymers (molecular weight 1,900–9,000) as adjuvants employed during the processing of cellulose pulp used in the manufacture of food-packaging cellophane base sheet.

Dated: February 17, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1723; Filed, Feb. 20, 1964; 8:48 a.m.]

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Applications Accepted for Filing

Notice is hereby given that effective with this publication the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

Mohawk-Hudson Council on Educational Television, Inc., Riverside School, P.O. Box 17, Schenectady 5, New York, File No. 49, to expand and improve the facilities of the noncommercial educational television broadcasting station on channel 17, Schenectady, New York.

Washington State University, Pullman, Washington, File No. 50, to improve the facilities of the noncommercial educational television broadcasting station KWSC-TV operating on channel 10, Pullman, Washington.

Charlotte-Mecklenburg Board of Education, 720 East Fourth Street, Charlotte, North Carolina, 28202, File No. 51, for the establishment of a new noncommercial educational television broadcasting station on channel 42, Charlotte, North Carolina.

Board of Trustees, University of Alabama, Drawer B, University, Alabama, File No. 52, to expand the facilities of the University of Alabama, Production Center of the Alabama State Network.

Auburn University, Auburn, Alabama, File No. 53, to expand the facilities of the Auburn University, Production Center of the Alabama State Network.

University of Nebraska, 12th and R Streets, Lincoln 8, Nebraska, File No. 54, to improve the facilities of the noncommercial television broadcasting station KUON-TV, channel 12, Lincoln, Nebraska.

Nebraska Educational Television Commission, 12th and R Streets, Lincoln, Nebraska, File No. 55, for the establishment of a new noncommercial educational television broadcasting station on channel 3, Lexington, Nebraska.

South Central Educational Broadcasting Council, Hershey, Pennsylvania, File No. 56, for the establishment of a new noncommercial educational television broadcasting station on channel 65, Hershey, Pennsylvania.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 64-1724; Filed, Feb. 20, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-215]

AMERICAN RADIATOR & STANDARD SANITARY CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following the publication of notice of proposed action in the FEDERAL REGISTER on January 28, 1964 (29 F.R. 1423), the Atomic Energy Commission has issued License No. XR-49 to American Radiator & Standard Sanitary Corporation authorizing export of a nuclear reactor to Queen Mary College (University of London), London, England. The notice of proposed action described the reactor as a 10 watt, water-moderated, graphite-reflected Model UTR-B teaching and research nuclear reactor.

Dated at Bethesda, Md., this 13th day of February 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Assistant Director, Division of Licensing and Regulation.

[F.R. Doc. 64-1700; Filed, Feb. 20, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14875 etc.]

SERVICE TO HURON, S. DAK.

Notice of Postponement of Prehearing Conference

In accordance with the request of John P. Sauer, attorney for the Huron Chamber of Commerce, notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held February 26, 1964, is hereby postponed to March 3, 1964, to be held at 10 a.m. (e.s.t.) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., February 17, 1964.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 64-1746; Filed, Feb. 20, 1964; 8:51 a.m.]

[Docket No. SA-376]

ACCIDENT NEAR ELKTON, MD.

Notice of Hearing

In the matter of investigation of accident involving aircraft of United States Registry N 709PA, which occurred near Elkton, Maryland on December 8, 1963:

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1:30 p.m. (local time) on February 24, 1964, in the North Roof Garden of the Adelphia Hotel, Philadelphia, Pennsylvania.

Dated this 21st day of January 1964.

[SEAL] DONALD W. MADOLE,
Hearing Officer.

[F.R. Doc. 64-1798; Filed, Feb. 20, 1964; 10:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14318, 14319; FCC 64M-133]

COLUMBIA BASIN MICROWAVE CO.

Order Continuing Hearing

In re Applications of Columbia Basin Microwave Company: For renewal of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington, Docket No. 14318, File No. 1464-C1-R-61; for consent to assignment of the license for station KOY40, a facility in the Domestic Public Point-to-Point Microwave Radio Service at Ephrata, Washington from Patricia Hughes, d/b as Columbia Basin Microwave Company to Columbia Basin Microwave Company, Inc., Docket No. 14319, File No. 4082-C1-AL-61.

The Hearing Examiner having under consideration a motion for continuance filed February 12, 1964, by the above-entitled applicant requesting that the evidentiary hearing now scheduled for February 17, 1964, be postponed pending a further prehearing conference to be scheduled for February 18, 1964; and

It appearing that the postponement is needed to enable the applicant to comply with a Commission request for additional information and for the Commission to evalue the information when received; and

It further appearing that there are no objections to the immediate favorable consideration of the motion for continuance, and good cause for granting the same having been shown;

It is ordered, This the 13th day of February 1964, that the motion for continuance is granted and the evidentiary hearing in the above-entitled proceeding now scheduled for February 17, 1964, is postponed to a date to be specified at a further prehearing conference; and

It is further ordered, That a prehearing conference in the above-entitled proceeding will be held on Tuesday, February 18, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: February 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1731; Filed, Feb. 20, 1964; 8:49 a.m.]

[Docket Nos. 15260, 15261; FCC 64M-131]

COOSA VALLEY RADIO CO. AND ROME BROADCASTING CORP.

Order Continuing Hearing

In re applications of Coosa Valley Radio Company, Rome, Georgia, Docket No. 15260, File No. BPH-4108; Rome Broadcasting Corporation, Rome, Georgia, Docket No. 15261, File No. BPH-4136, for construction permits.

A prehearing conference in the above-entitled proceeding having been held as scheduled on February 13, 1964,

It is ordered, This 13th day of February 1964, that the procedural ground rules established at said conference are hereby approved and that the transcript thereof, incorporated herein by reference with the same force and effect as if set forth at length, shall control as to any question bearing on the established ground rules; and

It is further ordered, That the hearing herein, presently scheduled to commence on March 16, 1964, is continued to 10:00 a.m., April 13, 1964.

Released: February 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1708; Filed, Feb. 20, 1964; 8:46 a.m.]

[Docket Nos. 15225, 15226; FCC 64R-91]

GUADALUPE VALLEY TELECASTING CO., INC., AND VICTORIA TELEVISION

Memorandum Opinion and Order Amending Issues

In re applications of Guadalupe Valley Telecasting Co., Inc., Victoria, Texas, Docket No. 15225, File No. BPCT-3153; Marjorie S. Frels and Rubin S. Frels, d/b as Victoria Television, Victoria, Texas, Docket No. 15226, File No. BPCT-3163;

for construction permits for new television broadcast stations.

1. The Review Board has before it for consideration a petition to enlarge issues, filed by Marjorie S. Frels and Rubin S. Frels, d.b.a. Victoria Television (Frels) on December 26, 1963.[1]

2. By Commission Order (FCC 63–1086) released December 3, 1963, the applications of Frels and Guadalupe Valley Telecasting Co., Inc. (Guadalupe) for a new television broadcast station to operate on Channel 19, Victoria, Texas, were designated for consolidated hearing on various issues including the standard comparative issue. Frels now seeks the addition of issues to permit a comparison of the areas and populations to be served by the respective applicants. Attached to Frels' petition is an engineering study which shows differences in Grade A, Grade B, and City Grade coverage of the two proposals. Guadalupe has not filed an opposition to the petitioner's request. The Broadcast Bureau supports Frels' request but contends that reference to the City Grade signal should be deleted because the relevancy of such signal has not been shown.

3. In view of the alleged differences in coverage between the two proposals, the issues specified below are being added. See Publix Television Corp., FCC 59–646, 18 RR 771 (1959). The request for an issue concerning City Grade signal will be denied inasmuch as the principal city of Victoria would receive such signal from each of the applicants. See Cleveland Broadcasting, Inc., FCC 64R–41, released January 24, 1964; § 73.685(a) of the Commission's rules.

Accordingly, it is ordered, This 17th day of February 1964, That the petition to enlarge issues, filed December 26, 1963, by Marjorie S. Frels and Rubin S. Frels, d.b.a. Victoria Television, is granted to the extent indicated herein, and in all other respects denied, and the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations of the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under issues (a) and (b) above shall establish that either applicant will bring actual service to areas and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations.

Released: February 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1729; Filed, Feb. 20, 1964; 8:48 a.m.]

[1] Also before the Board are the Broadcast Bureau's comments, filed Jan. 6, 1964.

[Docket Nos. 14411, 14412; FCC 64M–194]

LA FIESTA BROADCASTING CO. AND MID-CITIES BROADCASTING CORP.

Order Scheduling Hearing

In re applications of J. R. Earnest and John A. Flache, d.b.a. La Fiesta Broadcasting Company, Lubbock, Texas, Docket No. 14411, File No. BP–14116; Mid-Cities Broadcasting Corporation, Lubbock, Texas, Docket No. 14412, File No. BP–15073; for construction permits.

As a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter: *It is ordered,* This 14th day of February 1964, that:

1. Exhibits shall be exchanged on or before April 15, 1964,

2. The names of witnesses or their possible alternates shall be exchanged on or before April 15, 1964.

3. Counsel shall participate in an informal conference, without reporter or the Hearing Examiner, on or about April 22, 1964, to discuss matters alluded to in the prehearing conference of today and which need not be repeated herein, and

4. The hearing, heretofore not scheduled, is hereby scheduled to commence at 10:00 a.m. on May 11, 1964, in the Commission's offices in Washington, D.C., or such other city as the Chief Hearing Examiner shall prescribe.

Released: February 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1732; Filed, Feb. 20, 1964; 8:49 a.m.]

[Docket Nos. 15212, 15213; FCC 64R–89]

TVUE ASSOCIATES, INC., AND UNITED ARTISTS BROADCASTING, INC.

Memorandum Opinion and Order Amending Issues

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT–3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT–3166; for construction permits for new television broadcast stations.

1. By Order, FCC 63–1022, released November 5, 1963, the Commission designated the instant applications for hearing on the following issues, among others: [1]

2. To determine the efforts made by TVUE Associates, Inc., to ascertain the needs and interests of the area it proposes to serve.

3. To determine whether the program proposal of TVUE Associates, Inc., is designed and would be expected to serve the needs and interests of the proposed service area.

TVUE Associates, Inc., now requests that the quoted issues be made applicable, as well, to United Artists. In support thereof, it alleges that United Artists proposes to operate from 1:30 p.m. to 7:00 p.m., Monday through Saturday, for 33 hours a week, and that over 20 hours a week or in excess of 60 percent of the total time will be devoted to feature length motion pictures or entertainment film.[2] It does not make any allegations that United Artists made no effort to ascertain the needs of Houston, or that the programing proposed by United Artists would not meet those needs. If the requested issues are not added as to United Artists, petitioner submits that these issues should, in all fairness, be deleted as to itself.

2. The inclusion in the designation Order of programing issues as to petitioner was prompted by the extremely unique character of petitioner's program proposals, viz., 50-second programs followed by 10-second commercial or noncommercial spot announcements throughout most of its operating hours. Such a radical departure from the usual type of programing warrants, in and of itself, an inquiry such as that called for by the designated issues. United Artists' programing proposals are not, in our judgment, so radically different from the current programing in the Houston area as to require an inquiry similar to that specified with respect to the petitioner's application. Thus, as is pointed out by the Broadcast Bureau, United Artists would devote 78.6 percent of its typical broadcast week to entertainment; the three existing Houston television stations devote 56.94 percent, 79.9 percent, and 80.8 percent, respectively, to entertainment. The fact that most of the entertainment proposed by United Artists consists of motion pictures is not a distinguishing feature.

3. Petitioner also requests that a legal qualification issue be added as to applicant United Artists Broadcasting, Inc., on the ground that the latter's application does not include sufficient information to permit a determination that at least 75 percent of the voting stock of the parent corporation, United Artists Corporation, is owned by United States citizens. The application shows that 25 percent of the applicant's outstanding stock is owned by the officers and directors of the parent corporation, and that all of these individuals are United States citizens. Of the remaining 75 percent, the application shows that approximately 14.5 percent is in the hands of investment houses which are holding such shares as nominees for investors having accounts with such firms. The application shows that 35 of the 7,000 stockholders have mailing addresses outside the United States, and that these 35 stockholders own two-tenths of one percent of the outstanding stock. The application also shows that at the applicant's request, its parent corporation's stock transfer agent sent letters to one hundred of the parent corporation's stockholders, selected at random, for information concerning their citizenship; all of the 93 who responded indicated that they were American citizens.

4. The Broadcast Bureau opposes the addition of a legal qualification issue, stating that it is its view that the applicant has made a reasonable showing that its ownership meets the requirements of section 310(a) of the Communications Act of 1934, as amended. United Artists also opposes the addition of a legal qualification issue, stating that "Obviously, a complete survey of the citizenship of all 7,000 stockholders is an impossible burden", and that "for many years, the Commission has consistently accepted the type of showing made by United Artists in applications of publicly-held corporations", citing Westinghouse Radio Stations, Inc., 10 RR 878, 951–954 (1955).

5. What United Artists regards as an "impossible burden" was not so regarded by Aviation Corp., which sent letters to all of its 40,000 stockholders inquiring of their citizenship. See Powel Crosley, Jr., 11 FCC 1, 3 RR 6 (1945). Paramount Pictures Corporation undertook a similar survey by having its stock transfer agent make inquiry of all of its stockholders concerning their citizenship. ABC-Paramount Merger Case, 8 RR 541, 580 (1953). Neither of these cases implies, however, that a survey of all stockholders is essential. In Westinghouse Radio Stations, Inc., supra, cited by United Artists in its opposition, a survey of all stockholders was not undertaken; yet the Commission determined that Westinghouse was legally qualified. In that case, however, a far more sophisticated sampling was undertaken (see paragraph 88 of the findings) than has been undertaken by United Artists. For example, there was a "preselection" of all stockholders holding more than one-half of one percent of the stock and inquiries were made of each of them to determine their citizenship. Such preselection was regarded as essential so that no sampling error would attach to groups which represent more than one-half of one percent of the total outstanding stock. In addition, the remaining stockholders were classified into various groupings, e.g., individuals, banks, nominees, etc., and each of these groups was assigned a certain number of shares to be sampled; the number assigned was in proportion to the total number of shares held by each group. Other refinements, which need not be detailed, were employed in selecting the persons to whom inquiries would be sent. On the basis of a record made in an evidentiary hearing, the Commission concluded that at least 75 percent of Westinghouse's outstanding stock was owned by United States citizens. In WKAT, Inc., 10 RR 471 (1954), the Commission found insufficient a showing that at least 99 percent of the stockholders had domestic mailing addresses, and it concluded that "Public Service should be required to submit proof concerning the citizenship of the stockholders of National Airlines."

6. The information made available by United Artists is insufficient to permit a determination that it is legally qualified to be a licensee of the Commission. Although United Artists contends that the Commission "has consistently accepted" the type of showing it has made, it cites no authority which supports that contention. In Powel Crosley, Jr., ABC-Paramount Merger and Westinghouse Radio Stations, Inc., supra, the showings were substantially more extensive than that made by United Artists. In the one case in which the Commission determined that an insufficient showing had been made, WKAT, Inc., supra, the showing was weaker than that made by United Artists. In view of the requirement of section 310(a) of the Communications Act of 1934, as amended, we think it is incumbent upon United Artists to make a showing which provides a reasonable basis for determining the percentage of its stock that is held by American citizens. This can be done either by using the methods employed in Powel Crosley, Jr. and ABC-Paramount Merger Case, or the methods employed in Westinghouse Radio Stations, Inc. In the event United Artists employs the sampling method, it should show the precise basis for selecting its samples, and be in a position to demonstrate that the method it used was designed to avoid sampling errors and would reach a representative cross-section of the stockholders.[3]

7. In Integrated Communications Systems, Inc. of Massachusetts, cited in footnote 3, the Commission also designated an issue to determine whether a grant of United Artists' application would be consistent with the multiple ownership rule (§ 73.636). The reason for the inclusion of such issue was the fact that a "significant portion of the voting stock of United Artists Corporation is owned by holding companies, nominees, or others, for and on behalf of persons unknown." These reasons apply with equal force in the instant proceeding, and the Review Board will, therefore, on its own motion, add an issue to determine whether a grant of United Artists' application would be consistent with § 73.636 of the rules.

Accordingly, it is ordered, This 17th day of February 1964, that the motion to modify, delete and enlarge issues, filed November 26, 1963, by TVue Associates, Inc., is denied except to the extent that the hearing issues set forth below are added;

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

Released: February 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1730; Filed, Feb. 20, 1964; 8:48 a.m.]

[1] The Review Board has before it for consideration the following pleadings: Motion to modify, delete, and enlarge issues, filed Nov. 26, 1963, by TVUE Associates, Inc.; Opposition, filed Dec. 20, 1963, by United Artists Broadcasting, Inc.; Broadcast Bureau's opposition, filed Dec. 20, 1963; and Reply by petitioner, filed Jan. 10, 1964.

[2] Petitioner also notes that United Artists has filed applications for construction permits for television stations at Cleveland, Ohio, and Boston, Massachusetts, and that such applications propose to devote more than 40 percent of their broadcast time to feature films. Petitioner makes no claim that the three United Artists proposals are otherwise similar.

[3] Subsequent to the filing of the petition under consideration herein, the Commission, in Integrated Communications System, Inc. of Massachusetts, FCC 64–96, released Feb. 12, 1964, indicated that it was not satisfied with the statistical validity of the survey on which United Artists relied for its representation that a grant of its operation would be consistent with Section 310(a)(5) of the Communications Act of 1934, as amended. The Commission, therefore, designated an issue like the first of the two issues which we are adding herein.

[Docket No. 15339; FCC 64–121]

JAMES E. WALLEY (KAOR)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of James E. Walley (KAOR), Oroville, California, Docket No. 15339, File No. BP–15814, has 1340 kc, 250 w, U, Class IV, requests 1340 kc, 250 w, 1 kw–LS, U, Class IV; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a "Petition to Deny" filed July 8, 1963, by Kelly Broadcasting Co., licensee of Station KCRA, Sacramento, California (KCRA, hereinafter); and (c) an "Opposition to Petition to Deny" filed July 22, 1963 by James E. Walley (applicant, hereinafter).

2. KCRA alleges that the applicant's proposal would cause objectionable interference (20 kc removed) to its existing operation in an area of 11.6 square miles affecting 2,587 persons or 0.25 percent of the population within the normally protected primary service area. Accordingly, we find that KCRA is a "party in interest" within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended. National Broadcasting Company, Inc., (KOA) v. F.C.C., 319 U.S. 239 (1943).

3. Based on its attached engineering affidavit, KCRA further alleges a violation of § 3.37 (now § 73.37) of the Commission's rules in that the proposed 25 mv/m contour of the applicant would overlap its 2 mv/m contour. KCRA concedes that the Commission, in granting the construction permit for the applicant's present facilities, waived the aforementioned rule. However, it is asserted that the extent of the overlap would be increased and that the special circumstances then prevailing have changed, thereby eliminating the justification for the waiver.

4. In opposition, the applicant acknowledges that the proposal would cause additional interference to KCRA's existing operation but claims that it is de minimis. With respect to the alleged vio-

lation of § 73.37, the applicant points out that KCRA's own expert witness, in a previous hearing, testified that the interference to KCRA would properly be described as ordinary adjacent channel interference—1:30 desired to undesired signal ratio under § 73.182 of the rules—and that the type of interference proscribed by § 73.37 resulting from the nonselectivity of broadcast receivers, external and internal cross-modulation, would not occur. The applicant concludes that the proposal would cause adjacent channel interference in an area surrounding its own transmitter located some 61 miles from KCRA; that it would in no way "create a new type of interference . . . of the kind which § 73.37 was designed to prevent"; and, in this regard, that there is no evidence of complaints from listeners. The applicant cites Bridgeport Broadcasting Co., 28 FCC 464 (1960) as an instance where the Commission allowed a power increase in the face of existing 2 and 25 mv/m overlap.

5. The Commission finds that the proposal would, in fact, cause additional interference to the existing operation of KCRA, which, although slight, would result in an indirect modification of KCRA's license. Accordingly, the application will be designated for hearing and the licensee of KCRA made a party to the proceeding. We will also include a § 73.37 issue. Although no engineering data have been submitted to show that interference due to non-selectivity of receivers or cross-modulation would occur, we find that neither the Act nor the rules promulgated thereunder require such a showing. KCRA, in its engineering exhibit has delineated the extent to which the area of overlap would increase and, at this juncture, nothing further is required. Where specific facts have been alleged showing a violation of § 73.37 we will not, prior to hearing, impose on KCRA the additional burden of demonstrating that the proposal would cause the type of harm which the rule was designed to preclude. While it is true that power increases have been permitted in the face of existing 2 and 25 mv/m overlap,[1] the Commission has always given interested parties the opportunity to be heard in an evidentiary hearing.[2]

6. In addition to the interference noted in paragraph 5 above, it appears that the applicant's proposal would cause objectionable adjacent channel interference to the existing operation of Station KAHR, Redding, California. Accordingly, an issue with respect thereto will be included and the licensee of Station KAHR will be made a party to the proceeding ordered below.

7. It also appears that the proposed operation of Station KAOR involves mutual interference with the proposal of Bay Shore Broadcasting Company, File No. BP–14113, for a new station in Hayward, California. The KAOR application was not timely filed with the Bay Shore proposal and for that reason was not consolidated with the latter in hearing, Docket No. 14644. Accordingly, the Bay Shore Broadcasting Company will be made a party to this proceeding.

In view of the foregoing, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KAOR and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KAOR would cause objectionable interference to Stations KCRA and KAHR, Sacramento and Redding, California, respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of Station KAOR would cause objectionable interference to the proposal, File No. BP–14113, of the Bay Shore Broadcasting Company, for a new station at Hayward, California, or any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of Station KAOR would violate § 73.37 of the Commission's rules with respect to 2 and 25 mv/m overlap with Station KCRA and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That the Petition to Deny filed July 8, 1963, by Kelly Broadcasting Co., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That Nina N. Kelly, Robert E. Kelly, and Jon S. Kelly, d.b.a. Kelly Broadcasting Co., High Fidelity Stations, Inc., licensees of Stations KCRA and KAHR, respectively, and Bay Shore Broadcasting Company, applicant for a new station at Hayward, California, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the above-captioned application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

Permittee shall submit with the application for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 12, 1964.

Released: February 14, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1709; Filed, Feb. 20, 1964; 8:46 a.m.]

[Docket No. 15339; FCC 64M–135]

JAMES E. WALLEY (KAOR)

Order Scheduling Hearing

In re application of James E. Walley (KAOR), Oroville, California, Docket No. 15339, File No. BP–15814; for construction permit.

It is ordered, This 17th day of February 1964, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 16, 1964, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 10, 1964.

Released: February 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1733; Filed, Feb. 20, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. 8005–4, between American Export Lines, Inc., American Stevedores, Inc., Bay Ridge Operating Company, et al., modifies approved Agreement No. 8005, as amended, which provides (1) for establishment and maintenance of rates, charges, classifications, rules, regulations and practices with respect to services of loading and unloading of cargo onto and from trucks, lighters, and barges in the Port of Greater New York and vicinity and (2) for the fixing of free time and demurrage, rates and charges only in the trades not covered by an approved section 15 agreement. The purpose of the modification is to amend Agreement No. 8005, as amended, by providing for (1) a clarification of the Conference's tariff-publishing authority for loading and unloading lighters; (2) authorization of a tariff for free time and demurrage on export cargo; (3) authorization of a tariff for sorting of import cargo; (4) providing for abstention from any conference tariff except the truck loading/unloading tariff.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

FEBRUARY 18, 1964.

[F.R. Doc. 64–1725; Filed, Feb. 20, 1964; 8:48 a.m.]

C. A. HARTNETT ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916, (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

These agreements are non-exclusive cooperative working arrangements under which one party may perform freight forwarding services for the other.

Agreement No. FF–1378 between C. A. Hartnett, Boston, Massachusetts, and Davies, Turner & Co., New York, New York, is an arrangement whereby C. A. Hartnett performs certain freight forwarding activities for Davies, Turner & Co. using the name and letterhead of Davies, Turner & Co. In return C. A. Hartnett receives 66⅔ percent of the gross fee earned.

Agreement No. FF–1376 between I. C. Harris & Co., party (a) and Dorf International, Inc. of Michigan, party (b), both of Detroit, Mich., is an arrangement whereunder party (a) will receive and process the mail of party (b), entering and clearing merchandise, showing party (b) as Importer of Record and forwarding in the name of party (b). I. C. Harris & Co. will receive 80 percent of gross fees, less usual expenses.

Agreement No. FF–1377 between Geo. Wm. Rueff, Inc., New Orleans, Louisiana, party (a) and J. W. Hampton, Jr. & Co., Inc., New Orleans, Louisiana, party (b), is an arrangement whereby party (b) will pay rent for space in office of party (a) and party (b) will have its own phone. The forwarding work of party (b) will be done by party (a). Party (b) will pay a weekly retainer to party (a) and also a share of yearly net profit.

Agreement No. FF–1391 between J. P. Harle Forwarding Co., Houston, Texas, and Krennerich & Harle, Inc., New Orleans, Louisiana, is an arrangement whereunder the companies complete forwarding functions for each other. Forwarding and service fees will be divided as agreed. Ocean freight compensation will also be divided as agreed. The companies will participate in advertising and promotion work and share costs thereof. J. P. Harle Forwarding Co. will keep books for Krennerich & Harle, Inc., and receive reimbursement for same. The companies may lend each other personnel and be reimbursed accordingly.

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, N.Y., 10006.
180 New Montgomery Street, San Francisco, Calif., 94105.
Federal Office Building South, 600 South Street—Room 835 (P.O. Box 30550), New Orleans, La., 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: February 18, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–1726; Filed, Feb. 20, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

COLORADO

Lands Withdrawn in Project No. 400; Finding and Order; Correction

OCTOBER 21, 1963.

In the finding and order under section 24 of the Federal Power Act, issued August 1, 1963 and published in the FEDERAL REGISTER August 31, 1963 (F.R. Doc. 63–9395; 28 F.R. 9657–58), make the following corrections in the extreme left column, at top of page 9658:

Delete:

T. 38 N., R. 9 W.,
Sec. 1, lot 2.
T. 39 N., R. 9 W.,
Sec. 36, NE¼SW¼.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–1703; Filed, Feb. 20, 1964; 8:45 a.m.]

[Docket No. E–7148]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

FEBRUARY 14, 1964.

Take notice that on February 7, 1964, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Northwestern Public Service Company (Applicant), incorporated under the laws of the State of Delaware and qualified as a foreign corporation to do business in the State of South Dakota and as a domesticated corporation in the State of Nebraska, seeking an order authorizing the issuance of an additional 236,474 shares of common stock, par value $7 per share to be issued pro rata to existing holders of capital stock of the Applicant. According to the application, Applicant proposes (1) to increase the number of authorized shares of its common stock from 800,000 shares to 1,500,000 shares and the par value thereof from $3 to $7 per share, and (2) to split its 709,423 shares of outstanding common stock on a four-for-three basis by reclassifying the presently outstanding common stock so that each share thereof will be changed into one and one-third shares of common stock of the par value of $7 per share.

According to the Applicant, the change in the reclassification and split of the Company's common stock will be accomplished by an amendment to its certificate of incorporation to be submitted to the vote of the common stockholders at its annual meeting on April 21, 1964. The application states that if the amendment is approved by holders of a majority of outstanding common stock, and the necessary regulatory authorizations have been obtained, the proposed amendment will become effective upon the filing and recording of a certificate of amendment of certificate of incorporation in accordance with Delaware law on or about April 22, 1964, and the certificates evidencing the additional shares will be issued as soon as practicable thereafter.

According to the Applicant, the amendment will increase the aggregate par value of the outstanding common stock in the amount of $4,493,010. The proposed amendment to the certificate of incorporation provides that this increase will be effected by transferring to the common stock capital account the sum of $64,614 from the Company's Miscellaneous paid-in capital account and the balance of $4,428,396 from the premium on stock account.

[1] Bridgeport Broadcasting, supra.

[2] Raritan Valley Broadcasting Co., Inc. (WCTC), 22 R.R. 653.

Any person desiring to be heard or make any protest with respect to said application should on or before the 12th day of March, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the rules of practice and procedure of the Commission (CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1704; Filed, Feb. 20, 1964; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE PHILIPPINES

Limitation on Entry or Withdrawal From Warehouse

FEBRUARY 18, 1964.

There is published below a letter dated February 18, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, authorizing entry of an additional 145,000 pounds of cotton textile products in Category 63, produced or manufactured in the Philippines, for the twelve-month period beginning May 31, 1963, and ending May 30, 1964. Other directives concerning entry of these goods appeared in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), on October 24, 1963 (28 F.R. 11436), on January 14, 1964 (29 F.R. 334), and on January 28, 1964 (29 F.R. 1427).

JAMES S. LOVE, Jr.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE
Washington 25, D.C., February 18, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: This letter supplements and amends my letter to you of August 14, 1963, published in the FEDERAL REGISTER on August 27, 1963 (28 F.R. 9399), of October 21, 1963, published in the FEDERAL REGISTER on October 24, 1963 (28 F.R. 11436), of January 6, 1964, published in the FEDERAL REGISTER on January 14, 1964 (29 F.R. 334), and of January 22, 1964, published in the FEDERAL REGISTER on January 28, 1964 (29 F.R. 1427), regarding restraints on imports of cotton textile products in Category 63, produced or manufactured in the Philippines. In those letters you were directed to prohibit entry for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only) in excess of 555,000 pounds for the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

The United States Government has now agreed to allow entry of an additional 145,000 pounds in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only), effective May 31, 1963, which would raise to 700,000 pounds the level of restraint for the twelve-month period beginning May 31, 1963.

Accordingly, you are directed to increase to 700,000 pounds the amount of cotton textile products in Category 63 (T.S.U.S.A. Nos. 382.03 77 and 380.03 63 only), produced or manufactured in the Philippines, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period beginning May 31, 1963, and extending through May 30, 1964.

A detailed description of Category 63 was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

All other directives given in the letters referred to above remain unchanged.

This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

FRANKLIN D. ROOSEVELT, Jr.,
Acting Secretary of Commerce, and Acting Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-1727; Filed, Feb. 20, 1964; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

WILLIAM F. SCHNITZLER

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last statement published September 24, 1963 (28 F.R. 10369).

Dated: November 18, 1963.

WILLIAM F. SCHNITZLER.

[F.R. Doc. 64-1705; Filed, Feb. 20, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4191]

ALLEGHENY POWER SYSTEM, INC.

Notice of Proposed Intrasystem Capital Contribution

FEBRUARY 17, 1964.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York, 10022, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

Allegheny proposes to make a cash capital contribution of $500,000 to its wholly-owned subsidiary company, Cumberland Valley Electric Company ("Cumberland"), which in turn will pay, at maturity (March 19, 1964), its unsecured promissory note in the face amount of $500,000 payable to Allegheny.

The proposed contribution will be credited to the capital surplus of Cumberland and will have the effect of converting its short-term debt into common stock equity.

The expense to be incurred in connection with the proposed transaction is estimated not to exceed $500.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 10, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the amended declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1701; Filed, Feb. 20, 1964; 8:45 a.m.]

[File No. 70-4190]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Filing Regarding Issue and Sale of Promissory Notes by Subsidiary Companies to Banks and/or Holding Company

FEBRUARY 17, 1964.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by New England Electric System ("NEES"), 441 Stuart Street, Boston 16, Massachusetts, a registered holding company, and certain of its public-utility subsidiary companies ("the borrowing companies"), namely, Central Massachusetts Gas Company ("Central Mass."),

Granite State Electric Company ("Granite"), Lawrence Gas Company ("Lawrence"), Lynn Gas Company ("Lynn Gas"), Mystic Valley Gas Company ("Mystic Valley"), North Shore Gas Company ("North Shore"), Northampton Gas Light Company ("Northampton Gas"), Norwood Gas Company ("Norwood"), and Wachusett Gas Company ("Wachusett"). NEES and the borrowing companies have designated sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rules 42(b)(2), 45(b)(1), and 50(a)(2) thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration for a statement of the transactions therein proposed, which are summarized as follows:

The borrowing companies propose to issue, from time to time through December 31, 1964, unsecured promissory notes to banks and/or to NEES in an aggregate face amount not to exceed $22,225,000 at any one time outstanding. Shown below for each of the borrowing companies is the maximum face amount of notes to be issued and outstanding at any one time, to the designated banks and/or to NEES.

Borrowing company	Banks	Banks or NEES
Central Mass.	[1] $1,330,000	
Granite		[3] $3,300,000
Lawrence	[2] 3,055,000	
Lynn Gas	[2] 1,800,000	
Mystic Valley	[1] 6,250,000	
North Shore	[1] 2,720,000	
Northampton Gas		[3] 1,060,000
Norwood		[3] 1,400,000
Wachusett	[1] 1,310,000	
	16,465,000	5,760,000

[1] First National City Bank, New York, N.Y.
[2] The First National Bank of Boston, Mass.
[3] NEES only.

At January 1, 1964, the borrowing companies had outstanding an aggregate of $18,790,000 face amount of notes due to banks and/or to NEES. The proceeds from the proposed borrowings will be used by the respective borrowing companies to pay such notes at or before the maturity thereof and to provide new money for construction expenditures or to reimburse its treasury therefor.

NEES also proposes to acquire, from time to time through December 31, 1964, unsecured promissory notes from its subsidiary companies, Massachusetts Electric Company ("Mass Electric") and New England Power Company ("NEPCO"), to evidence loans to these companies in a face amount not exceeding an aggregate of $3,000,000 at any one time outstanding for each company. The filing states that such notes will be issued pursuant to the exemption afforded by the first sentence of Section 6(b) of the Act.

The notes to be issued by the borrowing companies, as well as by Mass Electric and NEPCO, will bear interest not exceeding the prime rate (presently 4½ percent per annum) in effect at the time of issuance; will mature in less than one year from the date of issuance and in any event on or prior to March 31, 1965; and will be prepayable at any time, in whole or in part, without premium.

The borrowing companies, as well as Mass Electric and NEPCO, may prepay their notes to banks, in whole or in part, with borrowings from NEES, or vice versa. Any note issued to NEES for such prepayment of a note to a bank will bear interest at the prime rate or the interest rate on the note being prepaid, whichever is lower, but at the prime rate after the maturity date of the note being prepaid. In the case of a note issued to a bank for such prepayment of a note to NEES, if the interest rate on the new note being issued exceeds that of the note being prepaid, NEES will credit the company involved with an amount equal to the difference between such interest payments for the period from the date of the issuance of such new note to the maturity date of the note being prepaid.

In the event of any permanent financing by any of the borrowing companies, the proceeds therefrom, in excess of amounts used for refunding other securities at par or the principal amount thereof, will be applied to payment of its short-term note indebtedness then outstanding, and the maximum of short-term note indebtedness to be outstanding at any one time proposed herein will be reduced by the amount of such payment.

Incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company. The cost will not exceed an estimated $400 for each applicant-declarant.

The filing states that appropriate action has been taken by the Public Utilities Commission of New Hampshire with respect to the notes proposed to be issued by Granite and that no further action by any commission, other than this Commission, is necessary to carry out the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1702; Filed, Feb. 20, 1964; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[No. MSVAR 8]

WILLIAM SPENCER AND SON CORP.

Order Granting Variation

Name and address of applicant. Pursuant to section 41(d) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended, 33 U.S.C. 941(d)) and the provisions of 29 CFR 1504.5 and 1507.6, a variation from particular provisions of 29 CFR Part 1504 is hereby granted to William Spencer and Son Corporation, 19 Rector Street, New York 6, New York.

Provisions of 29 CFR Part 1504 varied. The provision of 29 CFR 1504.93(a)(1) requiring the making of tests to determine that dangerous concentrations of carbon monoxide do not develop, is varied insofar as it is applicable to the company's operations aboard covered lighters at steamship and other terminals in the Port of New York, subject to the stated conditions herein.

Condition of variation. Testing of the atmosphere for carbon monoxide content in covered lighters at the Port of New York in which internal combustion engines are being used in the operations of William Spencer and Son Corporation, is not required when all of the following conditions are met:

(1) The internal combustion engine powered lift trucks or other vehicles are being run on and off the lighter with each successive load.

(2) All doors and, where possible, other openings on the covered lighter are open to provide free natural ventilation.

(3) The length of the operation involving the use of internal combustion engines on the lighter does not exceed two hours.

This variation is conditioned on the facts that the large number of lighters worked at the same time at a number of locations creates a hardship in accomplishing the testing for carbon monoxide content, and that previous tests have indicated that under the conditions stated there is no danger of excessive carbon monoxide concentration.

Period of variation. The variation shall be effective until terminated. See 29 CFR 1507.11.

Signed at Washington, D.C., this 17th day of February 1964.

ARTHUR W. MOTLEY,
Director, Bureau of Labor Standards.

[F.R. Doc. 64-1716; Filed, Feb. 20, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 944]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 18, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66523. By order of February 13, 1964, the Transfer Board approved the transfer to Charles G. Benincasa, Rockville Centre, N.Y., of the operating rights issued by the Commission August 5, 1963, under certificate in No. MC 117696, to Louis Maiello, Flushing, N.Y., authorizing the transportation, over irregular routes, of homing pigeons, in seasonal operations, during the period extending from March 1 to October 15, of each year, from New York, N.Y., to Wilmington, Del., Bristol, Pa., and Woodbridge, Rahway, Elizabeth, Trenton, Princeton, and New Brunswick, N.J. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC–FC 66536. By order of February 13, 1964, the Transfer Board approved the transfer to Lester H. Warfel, Quarryville, Pa., of the operating rights in certificate in No. MC 44616, issued September 14, 1960 to Benjamin S. Warfel, Quarryville, Pa., authorizing the transportation, over irregular routes, of agricultural commodities, fertilizer and materials, oyster shells, feeds and merchandise dealt in by retail grocery and hardware stores, between Peach Bottom, Greene, Pen Hill, Hensel, and Texas, Pa., and Baltimore, Md. Bernard N. Gingerich, Quarryville, Pa., applicant's representative.

No. MC–FC 66596. By order of February 13, 1964, the Transfer Board approved the transfer to Rue O. Hough, Underwood, Iowa, of certificate in No. MC 102339 Sub 1, issued November 16, 1953, to Vern Bertelsen, Underwood, Iowa, authorizing the transportation of building materials, feeds, agricultural implements, and farm machinery and parts, over irregular routes, between Underwood, Iowa, and points within 15 miles of Underwood, on the one hand, and, on the other, Omaha, Nebr.

No. MC–FC 66601. By order of February 13, 1964, the Transfer Board approved the transfer to Gladys M. Brown, doing business as Lawrence & Mason Tours, Box 7705, Tonasket, Wash., of License No. MC 12683, issued February 16, 1959, to Gladys M. Lawrence and Susie S. Mason, a partnership, doing business as Lawrence & Mason Tours, West 1417 14th Avenue, Spokane, Wash., authorizing the brokerage operations in connection with transportation by motor vehicle of passengers and their baggage, in special and charter operations, in round-trip tours, beginning and ending at Spokane, Wash., and extending to points in the United States. Lawrence W. Thayer, 902 Paulsen Building, Spokane, Wash., 99201, attorney for applicants.

No. MC–FC 66606. By order of February 13, 1964, the Transfer Board approved the transfer to Sonny's Truck Repairs, Inc., Glenmont, New York, of Certificate No. MC 118632, issued October 30, 1959, to Irving A. Klink, doing business as Sonny's Garage, Glenmont, N.Y., authorizing the transportation over irregular routes of wrecked and disabled motor vehicles, in truckaway service, requiring the use of wrecker equipment, between points in Vermont, New Jersey, Massachusetts, and Connecticut, on the one hand, and, on the other, Syracuse, Glenmont, Albany, and New York, N.Y.; between points in New York, on the one hand, and, on the other, New York, N.Y.; between points in that part of New York, on, east, and south of a line beginning at the junction of the northern boundary line of New York, N.Y., and the Hudson River, and extending along the east bank of the Hudson River to Albany, N.Y., and thence along New York Highway 2 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Vermont, and points in that part of Connecticut and Massachusetts on and west of U.S. Highway 5; and between Albany, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 611 to Scranton, Pa., and thence along U.S. Highway 11 to the Pennsylvania-New York State line. John J. Brady, Jr., 75 State Street, Albany 7, N.Y., attorney for applicants.

No. MC–FC 66638. By order of February 14, 1964, the Transfer Board approved the transfer to Bost Truck Service, Inc, 1134 North 11th Street, Murphysboro, Ill., of the operating rights in certificate in No. MC 36854, issued March 6, 1958, to W. J. Bost and W. E. Bost, a partnership, doing business as Bost Truck Service, 1134 North 11th Street, Murphysboro, Ill., authorizing the transportation, over regular routes, of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between specified points in Illinois and Missouri.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–1738; Filed, Feb. 20, 1964; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 18, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38826: *Class and commodity rates from and to Lubec, Maine.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2704), for interested rail carriers. Rates on various commodities (except coal and coke and rates determined on basis of mileage scales applying from and to individual points), between Lubec, Me., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: New station.

FSA No. 38827: *Sheet steel to New Orleans, La.* Filed by Illinois Freight Association, agent (No. 229), for interested rail carriers. Rates on lithographed sheet steel, in carloads, from Chicago, Chicago Heights, and Joliet, Ill., to New Orleans, La.

Grounds for relief: Carrier competition.

Tariff: Supplement 3 to Illinois Freight Association, agent, tariff I.C.C. 1033.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–1739; Filed, Feb. 20, 1964; 8:50 a.m.]

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Washington, Tuesday, February 25, 1964

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DEPOSITED BY THE UNITED STATES OF AMERICA

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-WA-8]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On December 27, 1963, a final rule was published in the FEDERAL REGISTER (Airspace Docket No. 63-SW-99, 28 F.R. 14310), which became effective February 1, 1964, and redesignated the Fort Wingate, New Mexico, Restricted Area R-5114 from February 1, 1964, through March 1, 1964, to accommodate a series of off-range missile firings in support of an Army classified project.

The Department of the Air Force has advised the Federal Aviation Agency that the Army projects being carried out in R-5114 will not be completed by March 1, 1964. They have stated that an urgent military requirement exists for the continuation of this restricted area through March 15, 1964.

The Department of Defense has requested that a provision of the Administrative Procedure Act be followed, whereby the customary notice, public procedure, and 30-day effective date requirement be omitted for this extension in the time designation of R-5114. They advised that this extension would preclude a delay of five months in the engineering development phase of the Army projects.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and that notice and public procedure hereon are impractical and contrary to the public interest, and that good cause exists for making this amendment effective with less than 30 days' notice.

In consideration of the foregoing, effective immediately, the following action is taken: In § 73.51 *New Mexico* (28 F.R. 1267), Fort Wingate, New Mexico, Restricted Area R-5114: "Time of designation. Continuous, February 1, 1964, through March 1, 1964." is deleted, and "Time of designation. Continuous, February 1, 1964, through March 15, 1964." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 17, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64-1747; Filed, Feb. 24, 1964; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs.; Amdt. P.L. 44]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Revision of Export Regulations

Section 399.1 *Positive List of Commodities* is amended by adding the following commodity:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Miscellaneous commodities, n.e.c.					
99990	Cryogenic equipment as follows: (a) refrigerator types specially designed for use of liquefied gases as a coolant (for example, liquid gas refrigerators) capable of creating or maintaining temperatures below minus 130° C., or (b) other equipment capable of maintaining temperatures of below minus 130° C.; and specially fabricated parts, subassemblies, and accessories, n.e.c.[1] [2]	No.	FINP 7	100	RO	A E-8

[1] On or after Mar. 16, 1964, an import certificate (or a Hong Kong import license) will be required in support of a license application covering exports of these commodities to the countries specified in § 373.2 of this chapter.
[2] This commodity may be exported under the periodic requirements licensing procedure (see Part 376 of this chapter.

This amendment shall become effective as of January 30, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-1714; Filed, Feb. 24, 1964; 8:45 a.m.]

[9th Gen. Rev. of Export Regs.; Amdt. P.L. 45]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Revision of Export Regulations

Section 399.1 *Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Metal manufactures					
61944	Welding rods and wires, including brazing rods: Zirconium and zirconium alloy welding rods and wires containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.[1] [2]	Lb.	MINL 1	100	RO	A E-8
61976	Metal powders, except precious, n.e.c.: Magnesium alloy powders containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal).[1] [2]	Lb.	MINL 1	100	RO	A E-7
61987	Magnesium-based alloy powders containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal). (Report powders having chief value magnesium in 61976.)[1] [2]	Lb.	MINL 1	100	RO	A E-7

See footnotes at end of table.

Title 5—ADMINISTRATIVE

2. The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description of the revised entry:

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Metal manufactures					
61867	Metal powders, except precious, n.e.c.: Zirconium metal powders containing more than 50 percent zirconium in which the ratio of hafnium content to zirconium content is less than one part to 500 parts by weight. (10) [13]	Lb.	MINL 1	25	RO	A E-7
61867	Other zirconium alloy metal powders containing more than 50 percent zirconium by weight, together with 0.4 percent of hafnium content. (10) [3 13 14]	Lb.	MINL 2	25	RO	E-7
	Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)					
66487	Tungsten metal and alloys in crude forms (excluding scrap), except pressed-sintered forms weighing less than 20 pounds; and tungsten carbide. (1) [14]	Lb.	MINL 1	100	RO	A E-8
	Electrical machinery and apparatus					
70099	Electrical apparatus, n.e.c. and parts, n.e.c.: Electro-chemical device for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) fuel cells (including regenerative cells) i.e., cells for generating electric power, to which the consumable components are supplied from outside the cell; or (b) electrically rechargeable cells, hermetically sealed, designed to have a leakage rate of 10^{-4} c.c. per second of gas or less when tested under pressure differential of 2 atmospheres, or (c) primary cells possessing a means of activation and having an open circuit storage life in the unactivated state of 1 year or more, or (d) primary cells capable of operating at temperatures from below minus 55° C. to above plus 55° C. including cells and cell assemblies (other than dry cells), possessing self-contained heaters. (12) [13]	No.	ELME 7	None	RO	A
70099	Parts of articles specially fabricated for fuel cells and other electro-chemical devices for the conversion of chemical energy to electrical energy included on the Positive List under Schedule B Nos. 70140, 70180, and 70999. (12) [13]	----------	ELME 7	None	RO	A
70140	Electro-chemical device for the conversion of chemical energy to electrical energy, having any of the following characteristics: (a) fuel cells (including regenerative cells) i.e., cells for generating electric power, to which the consumable components are supplied from outside the cell; or (b) electrically rechargeable cells, hermetically sealed, designed to have a leakage rate of 10^{-4} c.c. per second of gas or less when tested under pressure differential of 2 atmospheres.	Cell	ELME 7	None	RO	A
70180	Electro-chemical device for the conversion of chemical energy to electrical energy having either of the following characteristics: (a) primary cells possessing a means of activation and having an open circuit storage life in the unactivated state of 1 year or more; or (b) primary cells capable of operating at temperatures from below minus 55° C. to above plus 55° C. including cells and cell assemblies (other than dry cells) possessing self-contained heaters.	No.	ELME 7	None	RO	A
	Industrial chemicals (exclusive of medicinal chemicals, U.S.P. and N.F.)					
83299	Organic chemicals except cyclic, n.e.c.: N-diethyl ethylene diamine (diethylamino ethylamine).	Lb.	ORGN 2	100	RO	

See footnotes at end of table.

[1] On or after Mar. 16, 1964, an import certificate (or a Hong Kong import license) will be required in support of a license application covering exports of these commodities to the countries specified in § 372.2 of this chapter.
[3] This commodity may be exported under the periodic requirements licensing procedure (see Part 370 of this chapter).

This item of the amendment shall become effective as of February 6, 1964.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Other industrial machines and parts					
	Pipe valves and parts:					
	Pipe valves, iron or steel, except automatic control or regulating:					
77450	Valves, cocks, or pressure regulators designed to operate at temperatures below 150° C.; or with all flow contact surfaces made of or lined with any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polytrifluorochloroethylene. (Give full specifications.) (2) [11]	No.	GIEQ 11	100	RO	A
	Pipe valves, brass, bronze, or other nonferrous metals, except automatic control or regulating:					
77455	Valves, cocks, or pressure regulators designed to operate at temperatures below minus 130 degrees C.; or with all flow contact surfaces made of or lined with any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polytrifluorochloroethylene. (Give full specifications.) (2) [11]	No.	GIEQ 11	100	RO	A
	Automatic control or regulating pipe valves, n.e.c.:					
77460	Automatic control valves or pressure regulators designed to operate at temperatures below minus 130° C.; or with all flow contact surfaces made of or lined with any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polytrifluorochloroethylene. (Give full specifications.) (2) [11]	No.	GIEQ 11	100	RO	A
	Pipe valves, n.e.c., and specially fabricated parts and accessories, n.e.c.:					
77465	Nonmetal valves, cocks, or pressure regulators designed to operate at temperatures below minus 130° C.; or with all flow contact surfaces made of or lined with any of the following materials: (a) 90 percent or more tantalum, titanium, or zirconium, either separately or combined, (b) 50 percent or more cobalt or molybdenum, either separately or combined, (c) polytetrafluoroethylene, or (d) polytrifluorochloroethylene. (Give full specifications.) (1) [11]	No.	GIEQ 11	100	RO	A
	Ordnance and pyrotechnics					
94745	Components and parts for small arms as follows: (a) all components and parts for the small arms included on the Positive List under Schedule B Nos. 94700 through 94722, and (b) components and parts, except barrels, cylinders and breech mechanisms, for other nonautomatic and semiautomatic small arms of .22 caliber and over. (Specify caliber of firearms for which parts and components will be used.) [14]	----------	FINP 5	50	RO	A

[2] The processing code is changed or related commodity group number is changed (see § 372.5(e) of this chapter).
[4] The symbol "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the import certificate delivery verification procedure (see § 373.2 of this chapter).
[10] The unit of quantity is changed.
[11] The commodity coverage is decreased.
[12] The commodity coverage is increased, effective Feb. 6, 1964.
[13] Two entries are substituted for an entry presently on the Positive List under this Schedule B number.
[14] A reporting requirement is added.
[15] The description is revised with no change in coverage.

This item of the amendment shall become effective as of January 30, 1964, unless otherwise specified in a footnote.

Shipments of commodities removed from general license to Country Group R or Country Group O destinations as a result of this amendment, which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m., February 6, 1964, may be exported under the previous general license provisions up to and including March 2, 1964. Any such shipment not laden aboard the exporting carrier on or before March 2, 1964, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64-1715; Filed, Feb. 24, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 213.3102 is amended as set out below.

§ 213.3102 Entire Executive Civil Service.

* * * * * *

(e) *Law clerk trainee positions.* Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-1766; Filed, Feb. 24, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Effective upon publication in the FEDERAL REGISTER, paragraph (s) of § 213.3102 is amended as set out below.

§ 213.3102 Entire Executive Civil Service.

* * * * * *

(s) Between June 1, 1964 and September 30, 1964, temporary positions in the Washington, D.C., Metropolitan area, involving performance of laboring work that requires primarily physical effort and no specific knowledges or skills when filled by persons certified by the Juvenile Delinquency Planning Board (Washington Action for Youth) under its program for the Washington, D.C. Metropolitan area. A person may not be employed under this authority (1) unless he has reached his 16th birthday; (2) for more than 700 hours; or (3) in a custodial laborer position.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-1767; Filed, Feb. 24, 1964; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Order, as amended. In § 970.304 (28 F.R. 11666, 12358; 29 F.R. 601) amend

The order to cease and desist, including further order requiring report of

subsections of section 5(a) of the Fur Products Labeling Act.

dise unless an added service charge was paid; and representing falsely that mat-

PART 213—EXCEPTED SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (p) of § 213.3304 as set out below.

§ 213.3304 Department of State.

* * * * *

(p) *Office of the Deputy Under Secretary for Administration.* * * *

(7) Director, Office for Special Representational Services.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1768; Filed, Feb. 24, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[970.304 Amdt. 3]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to the marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to increase returns to growers and thereby effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) South Texas carrots are now being, and have been, handled under regulations this season since November 3, 1963, (2) this amendment should become effective as soon as possible in order to maximize benefits to growers in light of present depressed market conditions, (3) sufficient time is allowed for preparation on the part of handlers and (4) the committee's recommendations have been publicized in the production area.

Order, as amended. In § 970.304 (28 F.R. 11666, 12358; 29 F.R. 601) amend subparagraph (b) (1) to read as follows:

§ 970.304 Limitation of shipments.

* * * * *

(b) *Sizing requirements*—(1) *Medium-to-large:* 7/8 inch minimum diameter to 1½ inches maximum diameter, 6 inches minimum length with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. et seq.)

Dated: February 20, 1964, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 64–1835; Filed, Feb. 24, 1964; 9:22 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Feed and Attendants for Animals in Quarantine

Pursuant to provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended (21 U.S.C. 102–105), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), Part 92 of Title 9 of the Code of Federal Regulations is hereby amended in the following respects:

1. Paragraph (c) of § 92.12 is deleted.
2. Paragraph (d) of § 92.12 is redesignated as paragraph (c) and amended to read:

§ 92.12 Feed and attendants for animals in quarantine.

* * * * *

(c) Amounts collected from importers for service rendered shall be deposited so as to be available for defraying the expenses involved in this service.

The amendment relieves certain restrictions and should be made effective promptly to be of maximum benefit to persons who may be affected by such restrictions. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; secs. 1–6, 11, 76 Stat. 129–132; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134–134f; 19 F.R. 74, as amended)

Done at Washington, D.C., this 18th day of February 1964.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 64–1762; Filed, Feb. 24, 1964; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–703]

PART 13—PROHIBITED TRADE PRACTICES

Feuer Fur Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–100 *Usual as reduced, special, etc.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1280 *Price;* § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70 (e) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Fur Products Labeling Act;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Feuer Fur Company, et al., Chicago, Ill., Docket C–703, Feb. 4, 1964]

In the Matter of Feuer Fur Company, a Corporation, and Sue Feuer, Harry Feuer and Igor Soble, Individually and as Officers of the Said Corporation

Consent order requiring manufacturing and retailing furriers in Chicago to cease violating the Fur Products Labeling Act by falsely representing prices of fur products as reduced in labeling and advertising; failing to give the true name of the animal producing certain furs and the country of origin of imported furs and to use the term "natural" for furs that were not artificially colored on invoices and in advertising; invoicing furs deceptively as to the name of the producing animal and invoicing imported furs as products of the United States; failing to maintain adequate records as a basis for pricing claims; and failing in other respects with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Feuer Fur Company, a corporation and its officers and Sue Feuer, Harry Feuer and Igor Soble, individually and as officers of said corporation and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce or the sale, advertising or offering for sale in commerce, or the transportation and distribution in commerce of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondents' products.

2. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of responednts' fur products are reduced.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth on the invoices pertaining to fur products the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

4. Misrepresenting in any manner, directly or by implication, the country of origin of the fur contained in fur products.

5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

D. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 4, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–1748; Filed, Feb. 24, 1964; 8:45 a.m.]

[Docket 7878c.]

PART 13—PROHIBITED TRADE PRACTICES

Filderman Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious guarantees;* § 13.155 *Prices;* § 13.155–5 *Additional charges unmentioned.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Filderman Corporation, et al., Washington, D.C., Docket 7878, Jan. 28, 1964]

In the Matter of Filderman Corporation, a Corporation, F F & G Corporation, a Corporation, and Wolfe Filderman and Dorrel Goldman, Individually and as Officers of Said Corporations, and Toma Furniture Inc., a Corporation, and Wolfe Filderman and Maynard E. Turow, Individually and as Officers of Said Corporation

Order requiring the operators of retail stores under the trade name of Todd's in the District of Columbia, Maryland, and Virginia, engaged in the sale of appliances and furniture to the public to cease advertising merchandise at certain prices but, after the sale was made at the advertised price, refusing to consummate the sale and deliver the merchandise unless an added service charge was paid; and representing falsely that mattresses and box springs were fully guaranteed when the guarantees contained undisclosed limitations.

The order to cease and desist, as modified, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Filderman Corporation, a corporation, and its officers, and Wolfe Filderman and Dorrel Goldman, individually and as officers of the said corporation, and respondents' agents, representatives and employees, directly or through any corporate device, in connection with the advertising, offering for sale, or sale of electrical appliances, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication: That any amount is the price of merchandise when an additional amount is required to be paid before the merchandise will be sold.

It is further ordered, That respondents Toma Furniture Inc., a corporation, and its officers, and Maynard E. Turow and Wolfe Filderman, individually and as officers of the said corporation, and respondents' agents, representatives and employees, directly or through any corporate device, in connection with the advertising, offering for sale, or sale of furniture, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, directly or by implication: That merchandise is guaranteed unless the extent and nature of the guarantee and the manner in which the guarantor will perform are clearly set forth.

It is further ordered, That the complaint be, and it hereby is, dismissed as to the F F & G Corporation, a corporation.

It is furthered ordered, That respondents named in the order to cease and desist shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

By the Commission, Commissioner Anderson not participating.

Issued: January 28, 1964.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–1749; Filed, Feb. 24, 1964; 8:45 a.m.]

[Docket 8596]

PART 13—PROHIBITED TRADE PRACTICES

Watchbands, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresenta-*

tion or deception; § 13.1055–50 *Preticketing merchandise misleadingly.* Misbranding or mislabeling: § 13.1280 *Price;* § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70(g) *Imported product or parts as domestic.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin;* § 13.1900–35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Watchbands, Inc., et al., North Attleboro, Mass., Docket 8596, Feb. 3, 1964]

In the Matter of Watchbands, Inc., a Corporation, and Charles H. Dolansky and John I. Mushey, Individually and as Officers of Said Corporation

Order requiring North Attleboro, Mass., distributors of metal expansion watch bands to manufacturers and distributor's of watches and to retailers for resale, to cease selling watch bands manufactured in whole or in part in Hong Kong or Japan with no disclosure of their foreign origin or with such statements imprinted on the packages as "Made in USA"; and to cease attaching to watchbands tickets bearing excessive fictitious prices, represented thereby as the usual retail selling prices.

The order to cease and desist is as follows:

It is ordered, That respondents Watchbands, Inc., a corporation, and its officers, and Charles H. Dolansky and John I. Mushey, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of watch bands or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing any such products which are substantially, or which contain a substantial part or parts, of foreign origin or fabrication without affirmatively disclosing the country or place of foreign origin or fabrication thereof on the products themselves, by marking or stamping on an exposed surface, or on a label or tag affixed thereto, of such degree of permanency as to remain thereon until consummation of consumer sale of the products, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the products.

2. Offering for sale, selling, or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part or parts thereof, on the front or face of such packaging, container, or display card, so positioned as to clearly have application to the product so packaged or mounted, and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product as so packaged or mounted.

3. Representing, directly or indirectly, in any manner or by any means, that their products are of domestic origin when said products or substantial portions thereof are of foreign origin.

4. The act or practice of preticketing merchandise at an indicated retail price when the indicated retail price is in excess of the generally prevailing retail price for such merchandise in the trade area or when there is no generally prevailing retail price for such merchandise in the trade area.

5. Placing in the hands of jobbers, retailers, dealers, and others, means and instrumentalities by and through which they may deceive and mislead the purchasing public concerning any merchandise in the respects set out above.

By "Decision of the Comimssion", etc., further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 3, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–1750; Filed, Feb. 24, 1964; 8:45 a.m.]

[Docket C–702]

PART 13—PROHIBITED TRADE PRACTICES

Yudofsky Furriers Inc. et al.

Advertising falsely or misleadingly: § 13.155 *Prices;* § 13.155–45 *Fictitious marking;* § 13.155–85 *Sales below cost.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Yudofsky Furriers Inc. et al., Louisville, Ky., Docket C–702, Jan. 28, 1964]

In the Matter of Yudofsky Furriers Inc., a Corporation, and Morris Yudofsky, Joseph Yudofsky, Ruth Yudofsky and Dorothy Yudofsky, Individually and as Officers of Said Corporation

Consent order requiring retail furriers in Louisville, Ky., to cease violating the Fur Products Labeling Act by affixing to fur products labels containing fictitious prices; by invoicing which failed to comply with requirements; by advertising in circulars distributed to prospective customers which misrepresented prices of fur products as "Below Our Cost"; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Yudofsky Furriers Inc., a corporation, and its officers, and Morris Yudofsky, Joseph Yudofsky, Ruth Yudofsky and Dorothy Yudofsky, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by falsely or deceptively labeling or otherwise identifying such products by any representation that any price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise so represented was usually and customarily sold at retail by the respondents unless such merchandise was in fact usually and customarily sold at retail at such price in the recent past.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

C. Failing to set forth on invoices the item number or mark assigned to fur products.

D. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of fur products and which:

1. Falsely or deceptively represents directly or by implication that the prices of fur products are "Below Our Cost".

2. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Represents, directly or by implication, that the price, when accompanied or unaccompanied by any descriptive language, was the price at which the merchandise advertised was usually and customarily sold at retail by the respondents unless such advertised merchandise was in fact usually and customarily sold at retail at such price by respondents in the recent past.

E. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64–1751; Filed, Feb. 24, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

DEFINITIONS AND INTERPRETATIONS; STAY OF EFFECTIVE DATE

In the matter of establishing definitions and interpretations applicable to regulations covering food additives permitted in animal feed or animal feed supplements:

After consideration of the comments and objections filed relative to the order published in the FEDERAL REGISTER of January 18, 1964 (29 F.R. 472), in the above-identified matter, the Commissioner of Food and Drugs, as provided in the Federal Food, Drug, and Cosmetic Act (sec. 409(e), 72 Stat. 1787; 21 U.S.C. 349(e)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), has concluded that the effective date of the order cited should be stayed pending further consideration of the comments filed; and it is therefore so ordered, effective as of February 19, 1964.

(Sec. 409(e), 72 Stat. 1787; 21 U.S.C. 349(e))

Dated: February 19, 1964.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 64–1775; Filed, Feb. 24, 1964; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

DIETHYLSTILBESTROL; ZINC BACITRACIN

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1213), filed by Commercial Solvents Corporation, Terre Haute, Indiana, and other relevant material, has concluded that § 121.241 should be amended to provide for the addition of zinc bacitracin to beef cattle feed containing diethylstilbestrol. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended as set forth below:

Section 121.241(b) is amended by inserting in the table a new item, as follows:

§ 121.241 Diethylstilbestrol.

* * * * *

(b) * * *

DIETHYLSTILBESTROL IN FEED

Principal ingredient	Mg. per head per day	Combined with—	Mg. per head per day	Limitations	Indications for use
1. * * *	* * *	* * *	* * *	* * *	* * *
c. Diethylstilbestrol	10	Bacitracin	35–70	For growing beef cattle; feed 35–70 mg. bacitracin and 10 mg. diethylstilbestrol per head per day from concentrates containing one of the following levels and bearing directions as shown:	Growth promotion and feed efficiency.

Mg. of diethylstilbestrol per pound of concentrate	Mg. of bacitracin per pound of concentrate	Feeding rate: Pounds of medicated ration per beef animal per day
0.5	1.8– 3.5	20.0
0.8	2.8– 5.6	12.5
1.0	3.5– 7.0	10.0
1.5	5.2–10.5	6.7
2.0	7.0–14.0	5.0
5.0	17.5–35.0	2.0
6.7	23.3–46.7	1.5
10.0	35.0–70.0	1.0

The following concentrate requires directions for mixing with other nonmedicated feed on a 1:1 basis before offering to animal:

20.0	70.0–140.0	0.5

Not to be fed to dairy or breeding cattle; withdraw 48 hours before slaughter; as zinc bacitracin.

* * * * *

(Sec. 409(c)(1), 72 Stat. 1786, as amended 76 Stat. 1785; 21 U.S.C. 348(c)(1))

2. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the Commissioner finds that animal feed containing a combination of zinc bacitracin and diethylstilbestrol is safe and efficacious for use in the amounts and under the conditions prescribed in § 121.241. Therefore, § 146.26(b) is amended by changing subparagraph (52) to read as follows:

§ 146.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

* * * * *

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the

issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507(c), 59 Stat. 463 as amended; 72 Stat. 1786 as amended; 21 U.S.C. 348(c)(1), 357(c))

Dated: February 19, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1764; Filed, Feb. 24, 1964; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3331]

[Washington 04991]

WASHINGTON

Modifying Water Power Withdrawals To Permit Grant of Right-of-Way

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-195-Washington, it is ordered as follows:

The Executive Order of July 2, 1910, creating Power Site Reserve No. 72, as modified by the Executive Order of July 10, 1913, and the Departmental order of June 22, 1925, establishing Power Site Classification No. 109, are hereby modified to the extent necessary to permit the granting of a highway right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to the Washington State Highway Commission for construction of a highway over the following-described lands not already occupied by virtue of rights acquired prior to withdrawal thereof for power purposes and as shown on a map on file with the Bureau of Land Management under Washington 04991, entitled "Primary State Highway No. 6, Ione to Metaline Falls", subject to the provisions of section 24 of the Federal Power Act and the regulations in 43 CFR Part 244:

WILLAMETTE MERIDIAN

T. 39 N., R. 43 E.,
Sec. 21, lots 6 and 7;
Sec. 32, lots 9 and 11.

Containing 87.07 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 17, 1964.

[F.R. Doc. 64-1752; Filed, Feb. 24, 1964; 8:46 a.m.]

[Public Land Order 3332]

[Anchorage 060021]

ALASKA

Partly Revoking Public Land Order No. 977 of June 23, 1954

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 977 of June 23, 1954, which partly revoked Public Land Order No. 487 of June 16, 1948, and which withdrew portions of the released lands under the jurisdiction of the Secretary of the Interior for various public purposes, is hereby revoked so far as it withdrew the following-described lands:

SEWARD MERIDIAN
KENAI PENINSULA

T. 3 N., R. 11 W.,
Sec. 30, lots 9 to 11, incl.
T. 2 N., R. 12 W.,
Sec. 2, S½SW¼NW¼;
Sec. 3, lot 7;
Sec. 4, lot 8.
T. 3 N., R. 12 W.,
Sec. 1, lot 4;
Sec. 2, lots 3, 11, 13, 14, 15, E½SE¼NW¼, SW¼SE¼NW¼, E½SE¼NW¼SE¼NW¼, NE¼NW¼SE¼NW¼, SE¼SW¼NW¼, W½SE¼NE¼SW¼NW¼, and W½SW¼;
Sec. 33, lot 2.

The areas described aggregate 400.92 acres.

2. Until 10:00 a.m. on May 18, 1964, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and Section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on May 18, 1964. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference right applications from the State received at or prior to 10:00 a.m. on May 18, 1964, shall be considered as simultaneously filed at that time.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m. on May 18, 1964.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 17, 1964.

[F.R. Doc. 64-1753; Filed, Feb. 24, 1964; 8:46 a.m.]

[Public Land Order 3333]

[Oregon 013792]

OREGON

Withdrawal for Forest Service Recreation Area and Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Deschutes National Forest are hereby withdrawn from prospecting, location, entry and purchase under the mining laws of the United States, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as a recreational area and administrative sites:

WILLAMETTE MERIDIAN

Riverside Guard Station and Campground Area

T. 13 S., R. 9 E.,
Sec. 15, NE¼SE¼.

Black Butte Lookout

T. 13 S., R. 9 E.,
Sec. 34, NE¼SE¼ and S½SE¼NE¼.

The areas described aggregate approximately 100 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 17, 1964.

[F.R. Doc. 64-1754; Filed, Feb. 24, 1964; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 11 [New]]

[Reg. Docket No. 4003; Notice 64-9]

ASSIGNMENT OF NAVIGABLE AIRSPACE

Supplemental Notice of Proposed Rule Making

The Federal Aviation Agency proposed in Notice 64-9, published in the FEDERAL REGISTER of February 14, 1964 (29 F.R. 2467), to amend Part 11 [New] of the Federal Aviation Regulations. In the proposed amendment to § 11.61(c), an error occurred in the citation of material in Part 73 [New]. Accordingly, Item 1 of Notice 64-9 is altered by striking out the words "Subparts A and B of Parts 73," and inserting the words "§§ 73.1 through 73.19 of Part 73," in place thereof.

(Section 307(a), 49 U.S.C. 1348)

Issued in Washington, D.C., on February 20, 1964.

NATHANIEL H. GOODRICH,
General Counsel.

[F.R. Doc. 64-1838; Filed, Feb. 24, 1964; 9:22 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

RECEIPT OF MINIMUM DISTRIBUTIONS BY DOMESTIC CORPORATIONS

Notice of Hearing on Proposed Regulations

Proposed regulations under section 963 of the Code, relating to receipt of minimum distributions by domestic corporations, and proposed regulations under sections 970 and 971 of the Code, relating to export trade corporations, were published in the FEDERAL REGISTER for December 20, 1963.

A public hearing on these two proposed regulations will be held on Tuesday, March 17, 1964, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: Technical Planning Division, Washington, D.C., 20224, by March 13, 1964.

[SEAL] MAURICE LEWIS,
Director, Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 64-1817; Filed, Feb. 24, 1964; 9:22 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 399]

[Economic Regulations Docket 14148]

CHARTER TRIPS AND SPECIAL SERVICES; STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rule Making

FEBRUARY 20, 1964.

The Board in 29 F.R. 1476 and by circulation of a supplemental notice of proposed rule making, EDR-48B and a notice of proposed rule making, PSDR-8, dated January 23, 1964, gave notice that it had under consideration (a) revising Part 207 of the Board's Economic Regulations as set out in the proposed rule thereto attached, (b) revising Part 399 of its Policy Statements as set out in the proposed rule thereto attached. Interested persons were invited to participate in these rule making proceedings by the submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before February 28, 1964. In addition all interested persons were invited to submit, on or before March 15, 1964, ten (10) copies of written data, views, or arguments pertaining solely to the communications to be filed on or before February 28, 1964.

Several requests have been received asking that the time for filing such data, views, or arguments be extended. It appears to the undersigned that good cause has been shown for extending the filing dates. The undersigned finds that it is in the public interest to extend the date for the filing of initial communications until March 9, 1964, and the date for filing reply communications until March 25, 1964.

Accordingly, pursuant to authority delegated under § 7.3C of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposals until March 9, 1964, and the date for submitting reply comments until March 25, 1964. All relevant matter in communications received on or before those dates will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958; 72 Stat. 743, 788; 49 U.S.C. 1324 and 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64-1834; Filed Feb. 24, 1964; 9:22 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 227]

INVALIDATION OF NONIMMIGRANT VISAS ISSUED TO CUBAN NATIONALS

Effective March 9, 1964 nonimmigrant visas issued to Cuban nationals before April 15, 1963 will be invalid unless they have been revalidated by a United States consular officer after March 1, 1964. This notice does not apply to G visas issued under the authority of section 101(a)(15)(G) of the Immigration and Nationality Act (66 Stat. 163).

ABBA P. SCHWARTZ,
Administrator, Bureau of Security and Consular Affairs.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1801; Filed, Feb. 24, 1964; 8:49 a.m.]

Agency for International Development

THOMAS A. DOOLEY FOUNDATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Thomas A. Dooley Foundation, Inc.
442 Post Street,
San Francisco, California.

Dated: February 7, 1964.

FRANK M. COFFIN,
Acting Administrator.

[F.R. Doc. 64-1758; Filed, Feb. 24, 1964; 8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BERTHA APPELT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimant, Claim No., Property, and Location

Bertha Appelt, Lossau bei Schleiz, Thuringen, East Germany; Claim No. 37669; Vesting Order No. 1669; $668.34 in the Treasury of the United States.

Executed at Washington, D.C., on February 18, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 64-1776; Filed, Feb. 24, 1964; 8:50 a.m.]

HERTA HOFFMANN

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Herta Hoffmann, 8951 Bertoldshofen Nr. 551/2, Uber Kaufbeuren Allgau, Germany; Claim No. 37669; Vesting Order No. 1669; $668.35 in the Treasury of the United States.

Executed at Washington, D.C., on February 18, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 64-1777; Filed, Feb. 24, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 2]

NEW MEXICO

Small Tract Classification

1. Pursuant to authority redelegated to me by the State Director as published in the FEDERAL REGISTER June 22, 1963 (28 F.R. 6468) as amended, I hereby classify the following-described public lands, totaling 5 acres in Sandoval County, New Mexico as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 16 N., R. 4 W.,
Sec. 11, W½NE¼NW¼SW¼.

2. Classification of the above-described land by this order segregates it from all appropriations, including locations under the mining laws and applications under mineral leasing laws.

3. The land is located approximately 35 miles south from Cuba and 75 miles northwest from Albuquerque. It is approximately 20 miles from New Mexico State Highway No. 44. The topography is smooth. The tract is located near the Chico Arroyo. Culinary water is available on the tract. The nearest schools, stores and other public facilities are available in the town of Cuba, 35 miles to the north. The soil is sandy, clay loam of shallow to medium depth. Native vegetation consists of sparse blue grama grass, galleta, snakeweed and cholla cactus. There is no evidence of mining claims, metallic or nonmetallic minerals.

4. The subject tract contains 5 acres in a rectangular shape. The appraised value of the tract is $2240, which includes $2000 for existing improvements placed on the land under section 4 permit of the Act of June 28, 1934. The improvements consist of corrals, cattle shelter and water well. The land, exclusive of improvements is appraised at $240. There is no reservation made for rights-of-way as none is needed.

Tract No.	Acres	Advance rental (1-year)	Appraised value
[1]	5	$25	$2240

[1] Under application from an individual having statutory preference.

5. Lease will be issued for a term of 3 years and will contain an option to purchase in accordance with 43 CFR 257.13. When the lessee has complied with the general terms and conditions of the lease, he will be permitted to purchase the tract at the price listed above providing that during the period of the lease, he constructs the improvements specified in paragraph 6.

6. The improvements required in the lease must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be suitable for year-round use, on a permanent foundation, and with a minimum of 500 square feet of floor space. The home must be built in a workmanlike manner out of attractive, properly finished materials. Adequate disposal and sanitary facilities must be installed.

7. Inquiries concerning this tract should be addressed to Manager, Land Office, Post Office Box 1449, Santa Fe, New Mexico.

CLAUDE A. MARTIN,
District Manager.

FEBRUARY 17, 1964.

[F.R. Doc. 64-1755; Filed, Feb. 24, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1258) has been filed by Union Carbide Corporation, Post Office Box 65, Tarrytown, New York, proposing that paragraph (b)(2) of § 121.2526 *Resinous and polymeric coatings for paper and paperboard* be amended by inserting alphabetically in the "List of substances" the item "Butadiene-styrene-acrylic acid copolymer."

Dated: February 18, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1765; Filed, Feb. 24, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777, Order E-20490]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of February 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17280, R-55, R-56 and R-57.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth below:

Agreement C.A.B. 17280	IATA memorandum	Commodity Item	Rates
R-55	TC1/Rates 1894.	0006	14 cents per kilogram; minimum weight, 500 kilograms; San Jose to Houston.
R-56	TC1/Rates 1904.	5700	35 cents per kilogram; minimum weight, 1000 kilograms; Rio de Janeiro to New York.
R-57	TC1/Rates 1905.	0810	25 cents per kilogram; minimum weight, 100 kilograms; Bogota to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17280, R-55, R-56, and R-57, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1770; Filed, Feb. 24, 1964; 8:48 a.m.]

[Docket No. 15018]

PACIFIC WESTERN AIRLINES LTD.

Notice of Cancellation of Hearing

Application of Pacific Western Airlines Ltd. for a foreign air carrier permit issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to engage in foreign air carrier transportation between Canada and the United States of America.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter now assigned to be held on February 25, 1964, is canceled.

Dated at Washington, D.C., February 18, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-1771; Filed, Feb. 24, 1964; 8:48 a.m.]

[Docket No. 14629]

SERVICE TO ANDERSON, SOUTH CAROLINA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 10, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., February 18, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-1772; Filed, Feb. 24, 1964; 8:48 a.m.]

[Docket No. 11614]

UNITED AIR LINES, INC.

Notice of Prehearing Conference

Application of United Air Lines, Inc., for amendment of its certificate of public convenience and necessity for route 34 so as to delete Harrisburg and Williamsport, Pennsylvania and Elmira-Corning, New York. See Order E-20446, February 5, 1964, C.A.B.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., February 18, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-1773; Filed, Feb. 24, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

MEMBERS OF AUSTRALIAN PASSENGER AGENCY COMMITTEE

Notice of Filing of Agreement

Notice is hereby given that the following-described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9309, between the members of the Australian Passenger Agency Committee, concerns an oral agreement which sets forth certain aims of the Committee in the establishment of agency commitments with travel agents solely located in Australia for the purpose of soliciting passenger transportation from Australia to the United States and many other points around the world. The agreement also contains specific prerequisites necessary to the appointment of travel agents, proposes procedures to be followed for handling the appointment of such agents and requires that each agent be bonded prior to appointment.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 19, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1769; Filed, Feb. 24, 1964; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CHEMICAL BANK NEW YORK TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of Chemical Bank New York Trust Company for approval of acquisition of assets of The Bensonhurst National Bank of Brooklyn in New York.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Chemical Bank New York Trust Company, New York, New York, a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of The Bensonhurst National Bank of Brooklyn in New York, Brooklyn, New York, and, as an incident thereto, Chemical Bank New York Trust Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment by that bank of branches at the locations of the main office and branch of The Bensonhurst National Bank of Brooklyn in New York. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board of Governors, has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and assumption of deposit liabilities and establishment of branches shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 17th day of February, 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1756; Filed, Feb. 24, 1964; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of New York. Dissenting Statements of Governors Robertson and Daane also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and Mitchell. Voting against this action: Governors Robertson and Daane.

CHEMICAL BANK NEW YORK TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Chemical Bank New York Trust Company for approval of merger with The First National Bank of Mount Vernon.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Chemical Bank New York Trust Company, New York, New York, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of Mount Vernon, Mount Vernon, New York, under the charter and title of the former. As an incident to the merger, the main office and three branches of The First National Bank of Mount Vernon would become branches of Chemical Bank New York Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger.

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 17th day of February, 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-1757; Filed, Feb. 24, 1964; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, Mitchell and Daane. Voting against this action: Governor Robertson.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 19, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38828: *Asphalt from Enid, Okla.* Filed by Southwestern Freight Bureau, agent (No. B-8510), for interested rail carriers. Rates on asphalt, petroleum road oil and petroleum wax tailings, in tank-car loads, from Enid, Okla., to points in western trunk-line and Illinois Freight Association territories.

Grounds for relief: Carrier competition.

Tariff: Supplement 332 to Southwestern Freight Bureau, agent, tariff I.C.C. 4279.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1763; Filed, Feb. 24, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 849.2 Rev., Supp. 4]

PART 849—DETERMINATION OF PREVENTED ACREAGE CREDIT

Approved Local Areas for 1962 Crop of Sugarbeets

§ 849.6 Approved local areas for the 1962 crop of sugarbeets.

For purposes of considering eligibility for prevented acreage credit, the respective Agricultural Stabilization and Conservation County Committees have determined with respect to the local producing areas listed herein that on ten percent or more of the sugarbeet farms in each area, or on ten percent or more of the total proportionate share acreage established for farms in each area, the planting of sugarbeets was prevented because of drought, flood, storm, freeze, disease or insects, or the planting or harvesting was prevented by other similar abnormal and uncontrollable conditions determined by the Deputy Administrator, State and County Operations, in accordance with § 849.2 of this chapter.

(a) *California.*

County and areas

Colusa: T. 13 N., R. 1 E.; T. 14 N., R. 3 W.

(b) *Michigan.*

County and areas

Arenac: Arenac, Whitney.
Genesee: Gaines, Mundy.
Gladwin: Billing, Tobacco.
Gratiot: Arcadia, Lafayette, Wheeler.
Huron: Bloomfield, Brookfield, Caseville, Chandler, Fairhaven, Grant, Lake, Lincoln, Oliver, Rubicon, Sand Beach, Sheridan, Sherman, Sigel.
Lapeer: Burnside, Goodland, Mayfield, Rich.
Macomb: Armada.
Midland: Hope.
Saginaw: Albee, Birch Run, Brant, Chesaning, Fremont, Kochville, Saginaw, Spaulding, St. Charles, Swan Creek, Taymouth, Thomas, Tittabawassee.
St. Clair: Berlin, Ft. Gratiot, Mussey, Port Huron.
Sanilac: Argyle, Bridgehampton, Buel, Custer, Delaware, Elk, Elmer, Flynn, Fremont, Lamotte, Lexington, Maple Valley, Marion, Marlette, Minden, Moore, Sanilac, Speaker, Washington, Watertown, Wheatland, Worth.
Shiawassee: New Haven, Owosso, Rush.
Tuscola: Akron, Almer, Arbela, Columbia, Elkland, Elmwood, Fairgrove, Gilford, Kingston, Millington, Watertown, Wisner.

(c) *Minnesota.*

County and areas

Clay: Alliance, Georgetown, Glyndon, Holy Cross, Kragnes, Kurtz, Morken, Moorhead, Oakport, Viding.

Faribault: Barber, Blue Earth, Minnesota Lake.
Marshall: Donnelly, Eagle Point, Sinnott, Vega.
Martin: Waverly.
Meeker: Cosmos.
Nicollet: West Newton.
Norman: Anthony, Halstad, Hegne, Hendrum, Lee, McDonaldsville, Mary, Shelly, Winchester.
Redwood: New Avon, Three Lakes.
Renville: Wellington.
Sibley: Cornish, Grafton, Moltke, Severence, Sibley.
West Polk: Andover, Fairfax, Fanny, Fisher, Hammond, Hubbard, Keystone, Lowell, Nesbit, Roome, Russia, Tynsid, Vineland.
Wilkin: Deerhorn, Wolverton.

(d) *Nebraska.*

County and areas

Kearney: T. 8 N., R. 15 W.; T. 7 N., R. 16 W.

(e) *North Dakota.*

County and areas

Cass: Addison, Casselton, Harmony, Harwood, Leonard, Normanna, Pleasant, Stanley, Warren, Wheatland.
Richland: Walcott.
Traill: Caledonia, Eldorado, Ervin, Herberg, Kelso, Lindaas.
Walsh: Acton, Farmington, Grafton, Pulaski.

(f) *South Dakota.*

County and areas

Beadle: T. 112, R. 61; T. 111, R. 63; T. 110, R. 61.
Butte: T. 8 N., R. 2 E.; T. 8 N., R. 3 E.; T. 8 N., R. 4 E.; T. 8 N., R. 5 E.; T. 8 N., R. 6 E.; T. 8 N., R. 7 E.; T. 9 N., R. 3 E.; T. 9 N., R. 4 E.
Hand: 30–158.
Meade: T. 7 N., R. 5 E.; T. 7 N., R. 6 E.
Spink: 114–64.

(g) *Utah.*

County and areas

Millard: B, D, E, G, H.
Salt Lake: D, F.
Sanpete: C, D, F, J, K, L, M, N.
Sevier: A, B, C.

(h) *Wyoming.*

County and areas

Goshen: T. 24 N., R. 62 W.; T. 25 N., R. 62 W.
Washakie: T. 45 N., R. 94 W.; T. 46 N., R. 93 W.; T. 47 N., R. 92 W.; T. 47 N., R. 93 W.; T. 48 N., R. 92 W.

Statement of bases and considerations. One of the conditions of eligibility of a sugarbeet producer for prevented acreage credit, as provided in § 849.2 is that the farm of such producer be located in a local producing area for which the Agricultural Stabilization and Conservation County Committee determines that the planting or harvesting of sugarbeets was adversely, seriously and generally affected by certain uncontrollable natural conditions on ten percent or more of the sugarbeet farms in the area or on ten percent or more of the total proportionate share acreage established for farms in the area.

The purpose of this supplement is to give notice that specific local producing areas have qualified under the requirements of § 849.2 with respect to the 1962 crop of sugarbeets.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Sec. 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on February 19, 1964.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1836; Filed, Feb. 25, 1964; 8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 97, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.397 (Lemon Regulation 97; 29 F.R. 2486) are hereby amended to read as follows:

(ii) District 2: 209,250 cartons.

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(Secs. 1–19, 48 Stat. 81, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1806; Filed, Feb. 25, 1964; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND RELATED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

These regulations supersede General Regulations Governing Price Support for the 1963 and Subsequent Crops (28 F.R. 2890) and amendments thereto with respect to 1964 and subsequent crops.

Sec.
1421.50 General statement.
1421.51 Administration.
1421.52 Eligible producers.
1421.53 Eligibility requirements.
1421.54 Miscellaneous requirements.
1421.55 Program availability, disbursement and maturity of loans.
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1421.57 Applicable forms.
1421.58 Warehouse receipts.
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1421.61 Interest rate.
1421.62 Transfer of producer's interest prohibited.
1421.63 Insurance on farm storage loans.
1421.64 Setoffs.
1421.65 Loss or damage to the commodity.
1421.66 Personal liability of the producer.
1421.67 Farm-storage loans.
1421.68 Release of the commodity under loan.
1421.69 Liquidation of farm-storage loans.
1421.70 Liquidation of warehouse-storage loans.
1421.71 Purchases from producers.
1421.72 Settlement.
1421.73 Foreclosure.
1421.74 Weed control laws.
1421.75 Handling payments and collection not exceeding $3.00.
1421.76 Definitions.
1421.77 Death, incompetency, or disappearance.
1421.78 ASCS commodity offices and Data Processing Center.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425).

§ 1421.50 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support loans and purchases for the 1964 crop and each subsequent crop of barley, corn, dry edible beans, flaxseed (except direct purchases under the Texas Flaxseed Purchase Program), grain sorghum, oats, rice, rye, soybeans, and wheat: *Provided, however*, That price support shall be made available for a commodity of a particular crop only if a supplement to this subpart is issued applicable to such crop. The regulations in this subpart shall also apply to other commodities to the extent specified in the regulations applicable to such commodity. Price support payment-in-kind regulations, where applicable, will be issued separately. An eligible producer is required as a condition precedent to a price support loan or purchase to obtain approval of an application filed with the county office. Farm storage loans will be evidenced by notes and secured by chattel mortgages on an eligible commodity in approved storage. Warehouse storage loans will be evidenced by note and loan agreements and secured by the pledge of warehouse receipts representing an eligible commodity in approved warehouse storage. On and after the purchase date for the commodity, the producer may sell to CCC any or all of his eligible commodity, which is not security for a price support loan, by delivering the commodity to CCC or by delivering warehouse receipts representing the commodity in approved warehouse storage. As used in these regulations, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

§ 1421.51 Administration.

(a) *Responsibility.* The Farmer Programs Division will administer the provisions of the regulations in this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field the regulations in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS commodity offices and the ASCS Data Processing Center.

(b) *Documents.* Any member of the county committee, the county office manager, or other employee of the county office designated by the county office manager to act in his behalf is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* County office managers, State and county committees, ASCS commodity offices, and the ASCS Data Processing Center do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(d) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart or (2) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

(e) *Executive Vice President, CCC.* No delegation herein to a State or county committee, an ASCS commodity office or the ASCS Data Processing Center shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, or an ASCS commodity office or the ASCS Data Processing Center.

§ 1421.52 Eligible producers.

(a) *Producer.* An eligible producer of a crop of a commodity shall be an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof producing such crop as landowner, landlord, tenant, or sharecropper, and in the case of rice, an irrigation company or other legal entity furnishing water for a share of the rice crop, which meets the requirements for eligibility for price support contained in the regulations in this subpart. In the case of dry edible beans, rice and soybeans, an approved cooperative marketing association which meets the requirements of the regulations in this subpart shall be deemed an eligible producer.

(b) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person he represents. Loan or purchase documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Joint loans.* Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if stored in the same farm-storage facility or, in the case of a warehouse storage loan if the warehouse receipt is issued jointly to such producers. If under a commodity supplement the price support rate is based on the county where the commodity is produced, the loan rate and the settlement rate shall be the lowest county rate which would have been used if the commodity had been stored in the county where produced and individual loans had been made to each producer. Each producer who obtains a joint loan will be jointly and severally liable for the obligations under the loan documents and under the regulations in this subpart.

(e) *Approval by State committee.* If a producer has been convicted of a criminal act, or has made a misrepresentation in connection with any price support program or has unlawfully disposed of any loan collateral or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged commodity or for other reasons, the producer may be denied price support until the State committee is satisfied that both he and the commodity offered for price support meet the eligibility requirements of the program and that CCC will be fully protected against any possible loss.

(f) *Warehouse-storage loans to warehousemen.* Warehouse-storage loans may be made to a warehouseman who in his capacity as a producer tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law.

§ 1421.53 Eligibility requirements.

(a) *Filing application.* A producer must file an application on a form prescribed by CCC no later than the final availability date specified in the applicable commodity supplement. Approval of an application by a representative of the county committee shall be a condition precedent to a producer's eligibility for price support through loans from and purchases by CCC.

(b) *Area of availability.* Except in the case of rice and wheat, price support shall be available to eligible producers on commodities produced in any area of the United States. Price support shall be available on wheat produced only in the commercial wheat producing area and on rice produced only in the continental United States. Commodities produced in violation of restrictive leases on federally owned land shall not be eligible for price support. Commodities produced on land which is owned by the Federal Government and which is occupied without a lease, permit, or other right of possession shall also be ineligible for price support.

(c) *Beneficial interest.* To be eligible for price support, the beneficial interest in the commodity must be in the producer tendering the commodity as security for a loan or for purchase and must always have been in him or in him and a former producer whom he succeeded before it was harvested. Commodities obtained through payment-in-kind certificates or by purchase shall not be eligible for price support. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-members who delivered the commodity to the association or its member associations or must always have been in them and former producers whom they succeeded before the commodity was harvested. Commodities acquired by a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the association or its member association do not retain the right to share proportionately in the proceeds from the marketing of the commodity as provided in the applicable supplement.

(d) *Succession of interest.* To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the commodity was produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farming unit on which the crop is produced shall not constitute succession.

(e) *Doubtful cases.* Any producer in doubt as to whether his interest in the commodity complies with the requirements of this section, before applying for price support, should make available to the county committee all pertinent information which will permit a determination to be made by CCC.

§ 1421.54 Miscellaneous requirements.

(a) *Revenue stamps.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law.

(b) *Execution of documents—other than producer.* Any legal entity which has an interest in storing, processing or merchandising the commodity for which price support is requested and any representative of such legal entity shall not be eligible to secure price support on such commodity as an agent for a producer through the use of a power of attorney, except that this provision shall not apply when the representative of such legal entity is serving in the capacity of farm manager for such producer.

§ 1421.55 Program availability, disbursement and maturity of loans.

(a) *Where to apply.* Application for price support should be made at the local ASCS county office. An approved cooperative marketing association must make application at the ASCS county office for the county in which the principal office of the association is located unless the State committee designates some other ASCS county office.

(b) *Disbursement of loans.* Disbursement of loans will be made to producers by ASCS county offices by means of loan drafts drawn on CCC or by credit to the producer's account. The producer shall not present the loan documents for disbursement unless the commodity covered by the mortgage or pledge is in existence. If the commodity was not in existence at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

(c) *Availability and maturity dates.* Availability and maturity dates applicable to loans or purchases will be specified in the annual commodity supplements to the regulations in this subpart, except that whenever the final date of availability or the maturity date falls on a nonwork day for ASCS county officers, the applicable final date shall be extended to include the next work day.

§ 1421.56 Approved storage.

(a) *Loans.* Loans will be made only on commodities in approved storage as defined below:

(1) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public warehouses), which is determined by a representative of the county committee to afford safe storage of the commodity.

(2) *Warehouse storage.* Approved warehouse storage shall consist of (i) a public warehouse for which a CCC storage agreement for the commodity is in effect and which is approved by CCC for price support purposes, and (ii) except in the case of dry edible beans and rice, a warehouse which is approved by CCC and operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which a custodian agreement is in effect. The term "Eastern common carrier" as used in the regulations in this subpart includes the Port of New York Authority. The warehouses described in subdivisions (i) and (ii) of this subparagraph are referred to in the regulations in this subpart as "approved warehouses". The names of approved warehouses may be obtained from ASCS commodity offices or from State and county offices.

(b) *Purchases.* Purchases will be made by CCC without regard to whether the commodity is in approved storage. However, warehouse receipts will be accepted in lieu of physical delivery of the commodity only if the warehouse receipts meet the requirements of § 1421.58 and have been issued by an approved warehouse.

§ 1421.57 Applicable forms.

The forms for use in connection with this program shall be as prescribed by CCC.

§ 1421.58 Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet all of the requirements of this section and any other requirements contained in the regulations in this subpart and in the applicable commodity supplement.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and except in the case of dry edible beans and rice, must represent a commodity which is deemed to be stored commingled. The receipts must be negotiable, must cover the eligible commodity ac-

tually in storage in the warehouse and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Where warehouseman is also owner.* If the receipt is issued for a commodity which is owned by the warehouseman, either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on his own commodity is not valid under State law, if the warehouseman elects to deliver the commodity to CCC for purchase, the warehouse receipt shall be issued in the name of CCC.

§ 1421.59 Liens.

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

§ 1421.60 Application fee and service charges.

(a) *Application fee.* A producer shall pay a fee of $3.00 for each application for price support. This application fee is not refundable.

(b) *Additional service charges.* A service charge, in addition to the application fee, shall be paid by producers and shall be based on the quantity of the commodity delivered to CCC. The rate will be set forth in applicable commodity supplements. In the case of farm-storage loans and purchases, such service charge will be paid at time of settlement. In the case of warehouse storage loans such service charge will be deducted from loan proceeds. The charge paid on any commodity redeemed (excluding the amount of the application fee) will be credited to the producer's account.

§ 1421.61 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.62 Transfer of producer's interest prohibited.

(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall anyone acquire such interest or right. Warehouse receipts shall be released only to the producer or to his authorized agent as provided in § 1421.68.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan, nor shall anyone acquire such interest or right. Subject to the provisions of § 1421.68, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county office on a form prescribed by CCC to remove a specified quantity of the commodity from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers or prospective purchasers at the ASCS county office.

§ 1421.63 Insurance on farm-storage loans.

CCC does not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 1421.64 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm-storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under these regulations, the amount due the producer, after deduction of service charges and amounts due prior lien holders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under the regulations in this subpart, after deduction of amounts payable on farm-storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title (23 F.R. 3757), to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1421.65 Loss or damage to the commodity.

The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loans and identity-preserved warehouse-storage loan, or for any loss in quality of the commodity placed under modified-commingled warehouse-storage loan. Notwithstanding the foregoing, any such loss occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed up to a quantity not in excess of that required to secure the outstanding loan (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damages as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer has given the county office immediate notice of such loss or damage; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 1421.66 Personal liability of the producer.

(a) *Fraud relating to farm-storage and warehouse-storage loans and unlawful dispositions.* The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the commodity by him shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the commodity, and for all costs which CCC would have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. If a producer has made any such fraudulent representation or any unlawful disposition, the amount for which he will be credited will be the market value of the commodity as determined by CCC on the date of delivery to or removal by CCC in the case of farm-storage loans, or the market value of the commodity at the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the commodity is sold by CCC in order to determine its market value. If the unlawful disposition of loan collateral is determined by CCC not to have been willful conversion, the value of the commodity or part thereof delivered to CCC or removed by CCC shall be the same as the settlement value for an eligible commodity acquired by CCC as provided in the applicable commodity supplement.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes, for any loss which CCC sustains upon the commodity delivered under the purchase. For the purpose of this program such loss shall be deemed to be the price paid to the producer on the commodity delivered under the purchase plus all costs sustained by CCC in connection with the commodity together with interest on such amounts, less the market value, as determined by CCC, of the commodity as of the close of the market on the date of delivery, or

the sales price if the commodity is sold in order to determine its market value.

(c) *Poisonous substances.* A producer shall be personally liable for any damages resulting from delivering to CCC a commodity containing mercurial compounds or other substances poisonous to man or animals or food commodities which are contaminated.

(d) *Overdisbursement.* If the amount disbursed under a loan or purchase exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 1421.67 Farm-storage loans.

(a) *Quantity for loans.* Farm-storage loans shall not be made on more than a percentage, as determined by the State committee, of the estimated quantity of the eligible commodity stored in approved farm storage, and covered by the chattel mortgage. Such percentage shall not exceed 85 percent in the case of ear corn and 90 percent in the case of all other commodities. The State committee's determination shall be on a State-wide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interests of CCC. Farm-storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the commodity in the bin, crib or lot in which the commodity on which the loan is made is stored.

(b) *Commingling eligible and ineligible production.* Except when stored in an approved warehouse, if a quantity of a commodity is commingled with a quantity of the commodity which is ineligible for price support, the entire quantity shall be ineligible for price support.

§ 1421.68 Release of the commodity under loan.

(a) *Obtaining release—farm-storage loan.* A producer shall not remove collateral covered by a chattel mortgage until he has received prior approval in writing from the county committee. A producer may at any time obtain release of all or part of the commodity remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the commodity released plus interest. CCC will permit removal of a quantity of the commodity from storage without any payment on the loan, if the principal amount outstanding on the loan does not exceed the maximum loan which may be obtained based on the quantity remaining in storage after removal of the quantity requested by the producer. When the proceeds of a sale of the commodity are needed to repay all or part of the loan see § 1421.62.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county office manager shall release the chattel mortgage.

(c) *Obtaining release, warehouse-storage loans.* The producer may arrange with the county office for release of all or part of the commodity under warehouse-storage loan on or prior to maturity by making payment of the amount of the loan with respect to the quantity of the commodity to be released plus interest. Each partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment of a warehouse-storage loan shall be released only to the producer-borrower or to his agent. If the producer has authorized another person to act as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of warehouse receipts by repayment. A person other than the producer who wishes to obtain the warehouse receipts redeemed by repayment of the loan shall sign a certification that he is acting solely as agent for the producer in the redemption of the loan collateral and that he has no right, title or interest in the loan collateral or in the equity of redemption other than in the capacity as agent for the producer.

§ 1421.69 Liquidation of farm-storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off his loan, reseal the commodity if a reseal program is authorized, or deliver to CCC a sufficient quantity of the eligible commodity having a price support value equal to the outstanding balance of the loan. Deliveries may be either of the identical commodity which is subject to the chattel mortgage or of other eligible commodity of the same kind and shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. Any quantity delivered in excess of the quantity necessary to settle the amount due on the loan may be sold to CCC under § 1421.71.

(b) *Notice to county office.* If the producer desires to deliver the commodity to CCC he should, prior to maturity, give the county office notice in writing of his intention to do so.

(c) *Commodity going out of condition.* If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and the the commodity cannot be satisfactorily conditioned by the producer and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 1421.65 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* If the farm is sold, there is a change of tenancy, the producer dies, or the commodity is going out of condition or is in danger of going out of condition, the commodity may be delivered before the maturity date of the loan upon prior approval by the county committee. The commodity may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made on the basis of the grade, quality and quantity delivered by the producer.

§ 1421.70 Liquidation of warehouse-storage loans.

If the producer does not repay his warehouse storage loan by maturity, CCC shall have the right to sell or acquire title to the commodity.

§ 1421.71 Purchases from producers.

(a) An eligible producer whose application for price support has been approved by CCC may sell to CCC any or all of the eligible commodity covered by the application, other than the quantity mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse-storage loan. The producer is not obligated, however, to sell any quantity of his commodity to CCC.

(b) A producer must advise the county office of his intention to sell within the period prescribed by the county office in a notice mailed to the producer, unless otherwise approved by a representative of the county committee.

(c) The producer must make delivery of the commodity within the period of time after the loan maturity date as specified in delivery instructions issued by the county office unless the county office determines that more time is needed for delivery. Delivery shall be made to the location specified in such instructions. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office warehouse receipts for the quantity of the commodity he elects to sell to CCC.

§ 1421.72 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases entered into pursuant to the regulations in this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. In the case of rice and dry edible beans, paragraphs (b), (c), (e), (f), (g), and (h) of this section shall not apply.

(b) *Warehouse storage.* Settlement for eligible commodities, acquired by CCC and stored in an approved warehouse, shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipts or accompanying documents, as applicable, issued by such warehouse.

(c) *Other than approved warehouse storage.* Settlement for commodities de-

livered from other than approved warehouse storage shall be based on the quality and quantity as shown on warehouse receipts and accompanying documents issued by an approved warehouse, or if applicable the quality and quantity as shown on a form prescribed by CCC for this purpose.

(d) *Ineligible commodity inadvertently accepted by CCC.* If an ineligible commodity is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC, but in no event more than the applicable support price. If CCC sells the commodity for the purpose of determining its market value, the settlement value shall be the lower of the sales price or the support price after applying applicable premiums and discounts. If a commodity is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, any sale by CCC shall be for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals. The provisions of § 1421.66 shall not be applicable to settlement on ineligible commodities where there has been a fraudulent representation on the part of the producer.

(e) *Compensation for hauling.* When a producer is directed by the county office to haul his commodity a greater distance than would have been necessary to make delivery to his customary delivery point, he will be allowed compensation (as determined by the ASC State Committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible commodity the additional distance: *Provided, however,* That in the case of barley, flaxseed, grain sorghum, rye and wheat if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, no compensation shall be allowed for hauling. The ASC State Committee, on all commodities, may in determining the rate of payment for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling.

(f) *Track-loading payment.* A track-loading payment of 3 cents per bushel (or 6 cents per hundredweight in the case of grain sorghum) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

(g) *Storage deduction for early delivery.* A deduction for storage shall be made from the settlement value of the commodity if the producer elects to deliver a farm-stored commodity under a price support loan to CCC prior to the maturity date of the loan or if the maturity date is accelerated by CCC and delivery is made prior to the latest maturity date originally applicable to the loan, except that no such deduction shall be made for any such early delivery (1) if the maturity date of the loan is accelerated solely for the convenience of CCC, or (2) if it is determined by CCC at the time of delivery that the commodity will be sold rather than stored, or (3) if the maturity date of the loan is accelerated under a general acceleration of producer loans in a particular area. Where applicable, the deduction for storage shall be made for the period from the date of delivery until the latest maturity date originally applicable to the loan in accordance with the schedule of deductions for warehouse charges as provided in the commodity supplement.

(h) *Warehouse-storage loans called prior to maturity.* A refund of warehouse-storage charges will be made by CCC to the producer if (1) the maturity date of a warehouse-storage loan is accelerated by CCC for reasons other than any wrongful act or omission on the part of the producer (2) storage charges have been deducted from the loan amount or prepaid by the producer for a period subsequent to the accelerated maturity date and (3) the period of the unearned storage can be determined by CCC. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be for the period of unearned storage and shall be computed at the lower of (1) the rate prepaid or (2) the rate under the applicable CCC storage agreement or the rate applicable to the Eastern common carrier involved. The amount to be refunded if storage charges were deducted from the loan rate, shall be the amount of the storage deduction less storage charges which have accrued on the commodity as of the accelerated maturity date of the loan.

(i) *Refund of prepaid handling charges.* If a warehouseman charges the producer for the receiving or the receiving and loading out charges on an eligible commodity in an approved warehouse, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable CCC Storage Agreement, provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. If an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on an eligible commodity, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges.

(j) *Payment of amount due producer.* If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer. Any payment due the producer on either a loan or purchase will be made by sight draft drawn on CCC by the county office.

(k) *Payment of deficiency by producer.* If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon shall be paid to CCC, except as provided in § 1421.65, and may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(l) *Storage payment where CCC is unable to take delivery.* A producer may be required to retain a commodity stored in other than an approved warehouse under loan or for sale to CCC for a period of 60 days after the maturity date without any cost to CCC. If CCC is unable to take delivery of the commodity within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the commodity to CCC: *Provided,* That in the case of sales to CCC a storage payment shall be paid a producer whose commodity is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the commodity to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment for grains shall be computed at the storage rates as shown in the applicable Uniform Grain Storage Agreement. The storage payment for dry edible beans or rice shall be computed at the rate for commodities stored on an identity preserved basis as shown in the schedule of rates in the applicable CCC Storage Agreement.

§ 1421.73 Foreclosure.

(a) *Removal from storage.* If the loan (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity, CCC may remove the commodity from storage, and assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and CCC may become the purchaser of the whole or any part of the commodity.

(b) *When CCC takes title to commodity.* Upon maturity and nonpayment of the producer's note, at CCC's election, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer, or to his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the mortgaged or pledged commodity exceeds the principal amount of the loan or (2) the amount by which the proceeds of sale exceed the loan indebtedness including interest and charges if the loan collateral is sold to third persons rather than CCC acquiring full title to such loan collateral.

(d) *Commodity sold at less than amount due on loan.* If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC plus interest on such difference. The amount of the deficiency may be setoff against any payment which would otherwise be due the producer under any other Agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 1421.74 Weed Control Laws.

Where the State committee determines that State, district, or county weed control laws, as administered, affect the commodity, the price support rate shall be reduced by the discount as shown in the applicable commodity supplement. The discount will not apply, however, if the producer furnishes a certification from the appropriate weed control official that the commodity complies with the weed control laws, or the storing warehouseman in the case of approved warehouse storage, furnishes a certification that the commodity complies with the weed control laws, and that he will save CCC harmless from loss or penalty. The certificate of the warehouseman shall be in substantially the following form:

CERTIFICATION

This is to certify that the commodity evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that if such commodity be taken over by CCC in settlement of a loan or be purchased by CCC the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the commodity was stored under the above warehouse receipt.

(Signature)

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§ 1421.75 Handling payments and collection not exceeding $3.00.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3.00 or less which are due the producer will be paid only upon his request. Deficiencies of $3.00 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1421.76 Definitions.

As used in these regulations, in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "person", "State committee", "State Executive Director", "county committee", "county office manager", and "farm", respectively, shall each have the same meaning as the definitions of such term in the regulations pertaining to Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Acreages, Part 719 of this title (23 F.R. 6731) and any amendments thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged commodity or the commodity offered for purchase, as determined under the provisions of the regulations in this subpart.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the commodity and otherwise protecting the interest in the loan collateral of CCC or the producer, including foreclosure costs.

(d) *Basic price support rate.* The term "basic price support rate" means the support rate for an applicable area, county, or terminal before adjustment for premiums and discounts.

(e) *County committee.* The term "county committee" as used herein shall mean only the committee and not its representative.

(f) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" as used herein shall mean a member of the county committee, the county office manager or a person designated by the county office manager to act in his behalf.

§ 1421.77 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, the payment of such sum shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in §§ 1472.1151 and 1472.1154 of this chapter (Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), 27 F.R. 933, February 1, 1962), upon proper application to the office of the county committee which made the loan or purchase.

§ 1421.78 ASCS Commodity Offices and Data Processing Center.

The ASCS Commodity Offices and the area served by them are as follows:

Evanston, Ill.; 2201 Howard Street, 60202: Connecticut, Delaware, Florida (except rice), Georgia, Illinois (except rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina (except rice), North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina (except rice), South Dakota, Tennessee (except rice), Vermont, Virginia, West Virginia, Wisconsin.

Kansas City, Mo.; 8930 Ward Parkway, Post Office Box 205, 64141: Alabama, Arizona, Arkansas, California, Colorado, Florida (rice only), Hawaii, Idaho, Illinois (rice only), Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina (rice only), Oregon, Oklahoma, South Carolina (rice only), Tennessee (rice only), Texas, Utah, Washington, Wyoming.

Accounting, recording and reporting for all States will be handled through the Data Processing Center, Kansas City, Missouri 64141, 8930 Ward Parkway, Post Office Box 205.

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 19, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-1807; Filed, Feb. 25, 1964; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (f) of § 213.3112 is amended as set out below.

§ 213.3112 Department of the Interior.

* * * * *

(f) *National Park Service.* (1) Park Ranger positions (general, naturalist, historian, and archeologist) at salaries equivalent to GS–5 or GS–4, and not to exceed 200 such positions at salaries equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. Employment under this subparagraph is limited to persons who meet the qualifications standards for each salary level which have been agreed upon by the Commission and the Department. These standards include as a minimum the following number of previous season's experience in the National Parks Service as a park ranger at a salary equivalent to the next lower grade:

(i) For IGS–7, 2 seasons at IGS–6 level;
(ii) For IGS–6, 2 seasons at IGS–5 level;
(iii) For IGS–5, 1 season at IGS–4 level.

Employment under this subparagraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the National Park Service under this subparagraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1828; Filed, Feb. 25, 1964; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order No. 313–64]

PART 3—BOARD OF IMMIGRATION APPEALS

Withdrawal of Appeals and Time of Submission of Records to the Board of Immigration Appeals by the Immigration and Naturalization Service

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, §§ 3.4 and 3.5 of the regulations relating to the Board of Immigration Appeals are hereby amended to read as follows:

§ 3.4 Withdrawal of appeal.

In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal thereof with the officer with whom the notice of appeal was filed. If the appeal has been taken by a trial attorney, such written withdrawal may be made by the district director or regional commissioner having administrative jurisdiction over the case or by the General Counsel. If the record in the case has not been forwarded to the Board on appeal in accordance with Section 3.5 the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Board and, if no decision in the case has been made on the appeal, the record shall be returned, and the initial decision shall be final to the same extent as though no appeal had been taken. If a decision on the appeal shall have been made by the Board in the case, further action shall be taken in accordance therewith. Departure from the United States of a person who is the subject of deportation proceedings subsequent to the taking of an appeal but prior to a decision thereon shall constitute a withdrawal of the appeal, and the initial decision in the case shall be final to the same extent as though no appeal had been taken.

§ 3.5 Forwarding of record on appeal.

If an appeal is taken from a decision, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the officer of the Service having administrative jurisdiction over the case upon timely receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs.

The amendments made by this order shall become effective on the date of publication of this order in the FEDERAL REGISTER.

The amendments made by this order are technical in nature and do not impair any substantive or procedural right of any individual. Therefore, compliance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), as to notice of proposed rule making and as to delayed effective date, is unnecessary.

Date: February 19, 1964.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 64–1812; Filed, Feb. 25, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–SO–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Revocation of Federal Airway and Jet Route; Alteration of Jet Route

On October 15, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11019) stating that the Federal Aviation Agency (FAA) was considering revoking Jet Route No. 57 and a segment of VOR Federal airway V–1509 and realignment of Jet Route No. 75.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 75.100 (29 F.R. 1287) Jet Route No. 57 (Raleigh-Durham to Charleston, W. Va.,) is revoked.

2. In § 75.100 (29 F.R. 1287) in the text of Jet Route No. 75 "Columbia; Gordonsville, Va.;" is deleted and "Columbia; Greensboro, N.C.; Gordonsville Va.;" is substituted therefor.

3. In § 71.143 (29 F.R. 1049) in the text of Victor airway 1509 "thence Pulaski, Va.; Parkersburg, W. Va.;" is revoked and "thence to Pulaski, Va. From Parkersburg, W. Va., via" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

Issued in Washington, D.C., on February 18, 1964.

(Sec. 307(a), 72 Stat. 749; U.S.C. 1348)

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1778; Filed, Feb. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 64–WA–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Reporting Points

The purpose of these amendments to §§ 71.203 and 71.205 of the Federal Aviation Regulations is to revoke the Barnegat, N.J., VOR, Coopersburg intersection, Millville, N.J., VOR and Thornhurst, Pa., VORTAC as reporting points.

Air traffic control requirements with regard to specific reporting points, periodically change due to modifications to operating procedures and airway configurations. Recent changes of this nature obviate the requirement for the Barnegat, N.J., Coopersburg intersection, Millville, N.J., and Thornhurst, Pa., reporting points. Therefore, action is being taken herein to effect their revocation.

As these amendments are procedural in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit necessary changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

For the reasons stated above, the following actions are taken:

1. In § 71.203 (29 F.R. 1211) "Barnegat, N.J.,", "Coopersburg INT: INT Allentown, Pa., 188°, East Texas, Pa., 102° radials.", and "Millville, N.J." are deleted.

2. In § 71.205 (29 F.R. 1218) "Thornhurst, Pa." is deleted.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1780; Filed, Feb. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63–WE–65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segment

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12627) stating that the Federal Aviation Agency proposed to revoke VOR Federal airway No. 2 north alternate from Ephrata, Wash, to Spokane, Wash.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, § 71.123 (29 F.R. 1009) is amended as follows:

In V–2 "Spokane, Wash., including an N alternate;" is deleted and "Spokane, Wash.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1781; Filed, Feb. 25, 1964; 8:45 a.m.]

[Airspace Docket No. 63–WE–74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airway Segments

On November 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12668) stating that the Federal Aviation Agency proposed to revoke the north alternate segments of VOR Federal airway No. 6 from Ogden, Utah, to Fort Bridger, Wyo., to Rock Springs, Wyo., to Cherokee, Wyo., to Medicine Bow, Wyo.

Interested persons have been afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009) is amended as follows:

In V–6 "Fort Bridger, Wyo., including an N alternate via INT of Ogden 052° and Fort Bridger 278° radials; Rock Springs, Wyo., including an N alternate via INT of Fort Bridger 064° and Rock Springs 284° radials; Cherokee, Wyo., including an N alternate via INT of Rock Springs 053° and Cherokee 286° radials; Medicine Bow, Wyo., including an N alternate;" is deleted and "Fort Bridger, Wyo.; Rock Springs, Wyo.; Cherokee, Wyo.; Medicine Bow, Wyo.:" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–1782; Filed, Feb. 25, 1964; 8:46 a.m.]

[Airspace Docket No. 63–CE–98]

PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

Designation of Jet Route

On November 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12102) stating that the Federal Aviation Agency proposed to designate a jet route from Atlanta, Ga., to Northbrook, Ill.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published, therefor for the reasons stated in the notice, § 75.100 (29 F.R. 1287) is amended by adding the following: Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.). From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 18, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R Doc 64–1783; Filed, Feb 25, 1964; 8:46 a.m.]

[Reg. Docket No. 4019]

[Special Federal Aviation Reg. No. 3]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Prohibition of Air Traffic Over and in Vicinity of Los Angeles and Bloomington, Calif.

On February 21 and 22, 1964, President Lyndon B. Johnson will be traveling in the Los Angeles and Bloomington, California, areas. In the course of this visit, the President will appear before large numbers of persons. The interest of the public in the President will thus result in substantial assemblages on the ground and the operation of numerous aircraft along the routes and in the vicinity of the places at which he will appear. In addition, the Federal agency responsible for the security of the President has requested that we take appropriate action for his safety and the safety of other persons present.

In order to provide appropriate safeguards for aircraft operations in the area and for persons and property on the ground, I have determined that a temporary restriction must be imposed on air traffic which will prohibit the operation of civil aircraft in the vicinity below 2,000 feet above the surface unless authorized by air traffic control. This authorization may be obtained most readily by pilots of aircraft operating under the Visual Flight Rules west of Longitude 118°00' West by contacting the Los Angeles International Airport Traffic Control Tower or the Santa Monica Airport Traffic Control Tower. Pilots operating VFR east of that Longitude should contact the Ontario International Airport Traffic Control Tower.

I have determined there exists a requirement for the immediate adoption of this regulation for the safety of air commerce. Therefore, I find it contrary to the public interest to comply with the notice and public procedure provisions of the Administrative Procedure Act and that good cause exists for making this regulation effective immediately.

In consideration of the foregoing, the following Special Federal Aviation Regulation is adopted:

(1) Unless otherwise authorized by air traffic control, no person may operate a civil aircraft below 2,000 feet above the surface of the following areas:

(a) During the period 0900 to 1300 P.s.t. on February 21, 1964, within one mile each side of the San Diego Freeway at Los Angeles from Century Boulevard to Sunset Boule-

yard; within two miles of the University of California at Los Angeles; and within one mile each side of a route along Wilshire Boulevard from the San Diego Freeway to Figueroa Street and then direct to the Downtown Los Angeles Freeway Interchange and then along the San Bernardino Freeway to the City of Bloomington, California.

(b) During the period 1300 to 1700 P.s.t. on February 22, 1964, within one mile each side of a route along the San Bernardino Freeway from Bloomington, California, to the Downtown Los Angeles Freeway Interchange and then direct to the Los Angeles International Airport.

(2) This regulation becomes effective immediately and expires at 1700 P.s.t., February 22, 1964.

This regulation is adopted under the authority of section 307 of the Federal Aviation Act of 1958, 49 U.S.C. 1348.

Issued in Washington, D.C., on February 19, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-1800; Filed, Feb. 25, 1964; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1506; Amdt. 71]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS AND APPLIANCES

FLEXIBLE FUEL AND OIL CELL MATERIAL—TSO–C80

This rule establishes the minimum performance standards for flexible fuel and oil cell liner material. It is based on the requirements contained in the Civil Air Regulations that flexible fuel and oil tank liners be of an approved or acceptable type. The substance of this rule was previously published in 27 F.R. 12141, as a notice of proposed rule making and circulated as Regulations of the Administrator Draft Release No. 62–50 dated November 30, 1962.

Interested persons have participated in the making of the amendment by submitting comments in response to the draft release. A complete record of the disposition of comments is available in the docket of this TSO on file with the Federal Aviation Agency, Washington, D.C. Pertinent recommendations, none of which increased the severity of the tests or procedures set forth in the draft release, have been incorporated into the performance standards.

Among the most significant changes incorporated into the proposed TSO dated November 30, 1962, as a result of pertinent recommendations received are the following:

The requirement for marking the weight per square foot of cell material (§ 514.86(b)(5) of the proposed TSO dated November 30, 1962) has been eliminated. It is felt that at this time there is not enough significance of the weight of the material per square foot to the end product to justify this requirement.

The FAA Standard for Flexible Fuel and Oil Cell Material dated October 15, 1962, has been amended in paragraph 4.0 to show items 1 and 2 as footnotes to Table 1 and paragraph 5.0 to state that each cell be subjected to an internal air pressure and to set out that alternate methods of checking leakage may be used if approved by the Administrator. Paragraph 7.1.4 relating to test pressure has been eliminated because it is felt that differential pressure testing is not required in this case since installation requirements provide that flexible cells will have a positive internal pressure at all times. Paragraph 7.1.5 test direction has been renumbered to 7.1.4. Paragraph 7.1.6 has been renumbered to 7.1.5 and minor editorial changes were made to improve clarity. Paragraph 8.0 relating to the stand test, has been revised to clarify intent and to be more consistent with the wording of paragraph 2.0.

It was suggested that the broad terminology "construction data" be deleted from § 514.86(c)(4) in favor of a listing of the specific data required because of the proprietary nature of some "construction data." The terminology has been accordingly amended to more clearly define the data which is required.

Other changes and additions to this TSO have been recommended. These have been carefully considered but have not been incorporated. These recommendations are discussed hereinafter.

It was suggested that in § 514.86(b) of the proposed TSO dated November 30, 1962, the words "tank liner" be inserted prior to the word "manufacturer" to more specifically define which "manufacturer" is being referred to. Subpart A § 514.0, Definition of Terms, clarifies this point by defining "manufacturer" as being the person who controls the design and quality of the article produced. It is believed that there should be no cause for confusion about this, therefore no change has been made.

Objection was raised to the data requirements in § 514.86(c) because the cell material manufacturer is required to supply recommended installation procedures and limitations. The Agency considers that this requirement is appropriate since the material manufacturer should be best qualified to make recommendations regarding the installation of his product.

It was recommended that a statement be made in the TSO to the effect that no installation requirements are intended. This is unnecessary as paragraph 1.0 clearly indicates that the TSO does not include installation requirements.

It was stated that paragraph 2.0, Scope, did not give recognition to the drape construction type of material. Drape construction type of material bears the hydrostatic loads, and is not within the scope of the proposed standard, therefore no change was made.

It was also recommended that paragraph 2.0, Scope, be reworded to emphasize that the TSO concerns itself with materials for fuel and oil cell and not end items made from these materials. Paragraph 1.0, Purpose, as indicated, clearly states the intent of the subject standard is to specify minimum requirements for material. It is not considered necessary to repeat this in paragraph 2.0.

It has been recommended that in paragraph 5.0, of the TSO on leakage, the fuel or oil cell should be fully supported externally and filled with five percent of volume of the test fuel to be used and subjected to an internal air pressure of between ½–¼ p.s.i. Long time experience in leakage testing has proven use of air as a test medium is far superior to the use of a fluid.

It was recommended that the slosh test in paragraph 7.1.3, Fluid Temperatures, be performed at a cold temperature. The standard provides for a "Low Temperature Leakage" soak test. The Agency knows of no data or information available that would substantiate the need for a cold slosh test.

It was suggested to remove from paragraph 7.1.6, Test Procedure, the requirement for installing representative fittings in the sample test cells, as a fitting test is implied. The reason for having the fittings installed is to check the compatibility of the material with the fitting connections and the reaction of the material to this combination during the testing of the cell material.

It was suggested that paragraph 11.1.1, Preparation of Test Specimens; paragraph 14.1, Gum Inner-Liner Strength; and paragraph 14.2, Fabric Inner-Liner Strength, be eliminated by having only one test sample of actual composite cell material required in paragraph 4.1(b). The sections have been retained because the tests are considered appropriate and necessary for consistency with present practices.

It was recommended that in paragraph 11.0, Permeability, the test be modified to exclude specifying fuel cell test fluid conforming to MIL. Spec. MIL–S–3136, Type III, or to relax the diffusion rate limit of 0.025 fluid ounces per square foot per 24-hour period if it was deemed necessary to retain this particular test fluid. The comments point out that the permeability values required are far more stringent than necessary and preclude the use of latest state of the art fuel cell constructions which could provide thousands of dollars of savings in the cost of fuel cells. A study of the possible fuel vapor hazard conditions in the spaces surrounding a tank shows that there is no practical method of determining what degree of diffusion could be tolerated with safety. The hazard conditions are affected by the great variations in cell enclosure construction, ventilation, and drainage provisions. The safety objective is to have the diffusion rate as low as practicable. Experience with modern fuel cell construction has shown that a diffusion rate of 0.025 fluid ounces per square foot per 24-hour period is practical and can be met. To relax this figure to allow a greater diffusion rate would likely be a compromise with safety.

It was recommended that in paragraph 17.0, Low Temperature Leakage, the test be made an installation test under the requirement of CAR's 3, 4b, 6, and 7. This is a test to determine that the properties of the cell material are adequate and will be satisfactory for most applications. It is therefore considered appropriate to have this test as part of the standard rather than an installation requirement.

It was suggested that the standard cover requirements for water/alcohol cell material. This proposal is not within the scope of this particular standard and, therefore, was not adopted.

It was recommended that an ozone resistance test should be added to the standard. An ozone test would only apply to liner materials that would be used in aircraft intended for operation at altitudes far greater than those at which current commercial aircraft are operating. Past experience with fuel cell materials has not indicated a need for ozone test requirements in the standard.

It was suggested that a low temperature flexing test be added. This would be an unduly severe test and one which service experience does not appear to justify.

It was also recommended to add a test for substantiating liner material resistance to fungus type contamination. This test requirement would cater to a condition generally unique to aircraft using kerosene type fuels, and would penalize the manufacturer of fuel cell material intended solely for use with aviation gasoline. At the present time there is no information to justify a specific requirement on fungus resistance.

It was suggested that the proposed standard requirements should not apply to CAR, Part 3, airplanes since the service experience of such aircraft has been satisfactory. CAR, Part 3 specifies that flexible fuel and oil tank liners shall be of an acceptable type. The proposed standard prescribes a method whereby the manufacturer can demonstrate that his product is acceptable.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended by adding § 514.86 as follows:

§ 514.86 Flexible fuel and oil cell material—TSO–C80.

(a) *Applicability.* Minimum performance standards are hereby established for flexible fuel and oil cell liner material. New types of flexible fuel and oil cell material manufactured after the effective date of this section for use in civil aircraft of the United States shall meet the standards specified in Federal Aviation Agency Standard, "Flexible Fuel and Oil Cell Material", dated August 1, 1963.[1]

(b) *Marking.* In lieu of the marking requirements of § 514.3(d), flexible fuel and oil cell material shall be legibly and permanently marked with the following information:

(1) Name and address of the manufacturer;

(2) Type of fluid for which approved, i.e. fuel, or MIL–L–6082 oil, or MIL–L–7808 oil;

(3) For oil cell material, the minimum and maximum temperature limit;

(4) For oil cell material, the oil-dilution suitability;

(5) Month and year manufactured; and

(6) Applicable Technical Standard Order (TSO) number.

(c) *Data requirements.* In accordance with the provisions of § 514.2, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's end product typical assembly instructions and limitations;

(2) Six copies of the recommended installation procedures, limitations, restrictions, or other conditions pertinent to a satisfactory installation;

(3) Six copies of the instructions for the inspection, repair and storage of material and/or cells including age limits on material, i.e. shelf life and service time;

(4) Six copies of the following descriptive information:

(i) Construction number and description (ply by ply) of the construction buildup complete with weight and gage of each ply,

(ii) Support means (type of fastener and locations),

(iii) Total weight per square foot of cell constructions, and

(iv) Total thickness of cell construction; and

(5) One copy of the manufacturer's test report.

Effective date. May 26, 1964.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on February 18, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-1784; Filed, Feb. 25, 1964; 8:46 a.m.]

[1] Copies may be obtained upon request addressed to Library Services Division, HQ–620, Federal Aviation Agency, Washington, D.C., 20553.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–699]

PART 13—PROHIBITED TRADE PRACTICES

Allied Stores Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards;* § 13.85–45 *Inspection.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly;* § 13.330–90 United States Government; § 13.330–90 (a) *Armed Services.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1215 *Government, official or other sanction.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Allied Stores Corporation (New York, N.Y.) et al., Docket C–699, Jan. 28, 1963]

In the Matter of Allied Stores Corporation, Allied Stores of New York, Inc., Stern Brothers, Inc., Genesco, Inc., and W. L. Douglas Shoe Company, Corporations

Consent order requiring a chain department store and its controlling corporations to cease representing falsely in newspaper advertisements that certain shoes they sold were manufactured for the United States Navy and in accordance with Navy specifications, were inspected and approved by Navy inspectors and were regulation Navy "officers shoes"; and requiring the manufacturers of said shoes to cease making the aforesaid misrepresentations by stamping on the shoes purported Navy specification and inspection numbers, the name of the purported Navy inspector and such statements as "U.S. Navy Last", and to cease making similar misrepresentations in advertising mats and proofs furnished to retailers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Allied Stores Corporation, Allied Stores of New York, Inc., Stern Brothers, Inc., Genesco, Inc., and W. L. Douglas Shoe Company, corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that said products are manufactured for the United States Navy, or for any other branch of the Armed Forces of the United States, or in accordance with the specifications of the said Navy or any other branch of the said armed forces unless said products have been manufactured for and in accordance with specifications of such branch of service.

2. Representing, directly or indirectly, that said products have been manufactured for or are in any other manner identified or connected with a designated organization or person which is not primarily engaged in commercial merchandising unless such products have been so manufactured and are in fact connected with such organization or person in the manner represented; or misrepresenting in any manner the specifications employed in the manufacture of such products so designated.

3. Representing, directly or indirectly, that such products have been inspected by United States Navy inspectors or that they have been approved as meeting United States Navy specifications when said products have not been so inspected or approved, or misrepresenting, in any manner, the kind or extent of the inspections or the approval accorded said products.

It is further ordered, That respondents Genesco, Inc., and W. L. Douglas Shoe Company, corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from furnishing or otherwise placing in the hands of retailers of said products, or others, any means or instrumentalities by or through which they may mislead and deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That respondents Allied Stores Corporation, Allied Stores of New York, Inc., and Stern Brothers, Inc., corporations, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of footwear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that said products are official or regulation United States Navy officers' shoes when said products have not been manufactured pursuant to and in accordance with terms of a contract with the United States Navy; or misrepresenting, in any manner the type, design or style of footwear which resembles in appearance or is identified or described as footwear manufactured for the Armed Forces of the United States.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1829; Filed, Feb. 25, 1964; 8:49 a.m.]

[Docket No. 8521]

PART 13—PROHIBITED TRADE PRACTICES

Windsor Pen Corp. and Morris Fink

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–(g) *Imported product or parts as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Windsor Pen Corporation et al., New York, N.Y., Docket 8521, Jan. 28, 1963]

In the Matter of Windsor Pen Corporation, a Corporation, and Morris Fink, Individually and as an Officer of Said Corporation

Order requiring a Brooklyn, N.Y., distributor of pen and desk sets to jobbers and distributors to cease placing the words "Made in U.S.A." and "Printed in U.S.A." on cards to which were attached by individual cellophane covers (1) a "Pen and Stapler Set", the stapler and staples in which were imported from Japan and the word "Japan" in small letters on the side of the stapler was not readily apparent, and (2) a "5-Piece Desk Set and Telephone Index" including a telephone index made in Japan, the word "Japan" on the bottom of which was hidden from view.

The order to cease and desist is as follows:

It is ordered, That respondents, Windsor Pen Corporation, a corporation, and its officers, and Morris Fink, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of pen and desk sets, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Made in U.S.A." or "Printed in U.S.A." or any other word or words of similar import or meaning, in connection with any such set or product which contains a substantial item or part made in Japan or in any other foreign country.

2. Representing in any other manner that any such set or product which contains a substantial item or part made in Japan or any other foreign country, is made in the United States.

3. "Offering for sale, selling, or distributing any such product packaged, or mounted in a container, or on a display card, without disclosing the country or place of foreign origin of the product, or substantial part thereof, on the front or face of such packaging, container, or display card, or on the product itself, so positioned as to clearly have application to the product so packaged or mounted and of such degree of permanency as to remain thereon until consummation of consumer sale of the product, and of such conspicuousness as to be likely observed and read by purchasers and prospective purchasers making casual inspection of the product, as so packaged and mounted, without opening the package, container or display card, as the case may be."

By "Final Order", further order requiring report of compliance is as follows:

It is further ordered, That respondents shall, within sixty (60) days of the service of this order upon them, file with the Commission a written report setting forth the manner and form of their compliance with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1830; Filed, Feb. 25, 1964; 8:49 a.m.]

[Docket No. C-700]

PART 13—PROHIBITED TRADE PRACTICES

S. Klein Department Stores, Inc., et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* § 13.1185–30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements;* § 13.1212–30 *Fur Products Labeling Act;* § 13.1255 *Manufacture or preparation;* § 13.1255–30 *Fur Products Labeling Act;* § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70(e) *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation;* § 13.1865–40 *Fur Products Labeling Act;* § 13.1900 *Source or origin;* § 13.1900–40 *Place;* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, S. Klein Department Stores, Inc., et al., New York, N.Y., Docket C-700, Jan. 28, 1964]

In the Matter of S. Klein Department Stores, Inc., a Corporation, S. Klein on the Square, Inc., a Corporation, S. Klein Fur Corporation, a Corporation, and Jay-Robert Fur Corporation, a Corporation

Consent order requiring associated retailers of fur products to cease violating the Fur Products Labeling Act by labeling and invoicing which failed to show the true name of animals producing certain furs, to disclose when furs were dyed or bleached, to show the country of origin of imported furs and failed to use the term "Persian Lamb" as required; by labeling which showed the country or origin of furs falsely as the United States and showed domestic furs falsely as imported; by invoicing which falsely identified the animal producing a fur and showed artificially colored fur as natural; by substituting non-conforming labels for those originally attached to fur products and by failing in other respects to comply with requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S. Klein Department Stores, Inc., a corporation, and its officers, S. Klein on the Square, Inc., a corporation, and its officers, S. Klein Fur Corporation, a corporation, and its officers, and Jay-Robert Fur Corporation, a corporation and its officers, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, of any fur product or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

4. Failing to set forth the term "Persian Lamb" on labels in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

6. Representing, directly or by implication on labels that the furs contained in fur products are domestic when such furs are imported.

7. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing directly or by implication on invoices that the fur contained in fur products is natural when such fur is pointed, bleached, dyed or otherwise artificially colored.

4. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated threunder in abbreviated form.

5. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

It is further ordered, That respondents, S. Klein Department Stores, Inc., a corporation, and its officers, S. Klein on the Square, Inc., a corporation, and its officers, S. Klein Fur Corporation, a corporation, and its officers and Jay-Robert Fur Corporation, a corporation, and its officers and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act, labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1831; Filed, Feb. 25, 1964; 8:49 a.m.]

[Docket No. C-701]

PART 13—PROHIBITED TRADE PRACTICES

Timely Clothes, Inc., and John P. Keane

Subpart—Advertising falsely or misleadingly: § 13.1325 *Source or origin;* § 13.1325–60 *Place;* § 13.1325–60(a) *Domestic products as imported.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* § 13.1055–50 *Pricticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin;* § 13.1325–70 *Place;* § 13.1325–70(k) *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Timely Clothes, Inc., et al., Rochester, N.Y., Docket C-701, Jan. 31, 1964]

In the Matter of Timely Clothes, Inc., a Corporation, and John P. Keane, Individually and as an Officer of Said Corporation

Consent order requiring Rochester, N.Y., manufacturers to cease violating the Wool Products Labeling Act and the Federal Trade Commission Act by falsely representing the fabric in men's suits to be imported from England by such statements on labels as "Imported Fabric Pound Sterling" together with a depiction of the symbol for the British pound sterling; and by making similar representations in magazine and other advertising.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Timely Clothes, Inc., a corporation, and its officers, and John P. Keane, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, sale, transportation, distribution, delivery for shipment, shipment or offering for sale in commerce of wool products, as the terms "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939 do forthwith cease and desist from:

Misbranding such wool products by:

A. Falsely or deceptively stamping, tagging, labeling or otherwise identifying any such woolen product by representing contrary to fact that such products or the fabrics contained therein are of British origin.

B. Representing on labels affixed to wool products through the use of the term "Pound Sterling" or the symbol of the British Pound Sterling or any words, terms, depictions, or symbols of similar import that the fabric contained in such products are of British origin when such fabric was not woven and manufactured in Great Britain.

It is further ordered, That respondents Timely Clothes Inc., a corporation, and its officers, and John P. Keane, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of men's suits or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

A. Representing contrary to fact that any of such products or the fabrics contained therein are of British origin.

B. Representing through the use of the term "Pound Sterling" or the symbol of the British Pound Sterling or through the use of any words, terms, depictions or symbols of similar import that the fabrics contained in its men's suits or other products are of British origin when such fabrics were not woven and manufactured in Great Britain.

C. Furnishing means and instrumentalities to others by and through which they may mislead the public in the manner or through the practices prohibited by this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 31, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1832; Filed, Feb. 25, 1964; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4669]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Exemptions

The Securities and Exchange Commission is publishing this release to alert the financial community, and particularly brokers and dealers, to the limitations of its Rule 154 under the Securities Act of 1933 (17 CFR 230.154).

General applicability of the rule. Section 4(2) of the Securities Act exempts from the registration and prospectus requirements of the Act "brokers' transactions, executed upon customers' orders * * * but not the solicitation of such orders." Rule 154 (§ 230.154 of this chapter) was adopted by the Commission to interpret and define various terms used in section 4(2) and to indicate more clearly the scope of the exemption for a broker offering or selling securities on behalf of a person in a control relationship to the issuer.

Paragraph (a) of the rule states that the term "brokers' transactions" in section 4(2) of the Act shall be deemed to include transactions by a broker acting as agent for a control person provided certain specified conditions are met. In substance, these conditions are that the buy order shall not be solicited and that the broker shall perform no more than the usual broker's functions, receive no more than the usual brokerage commission, and shall not be aware of circumstances indicating that the transactions are part of a distribution. However, the broker is at least obligated to question his customer to obtain facts which may indicate whether he is engaged in a distribution or is an underwriter.

No distribution will be involved if, under all the facts and circumstances, such transactions do not involve an amount "substantial in relation to the number of shares or units of the security outstanding and the aggregate volume of trading in such security." Assuming that there is no solicitation or other unusual function performed by the broker, as specified in the rule, trading transactions may be effectuated as contemplated by section 4(2) of the Act. In order to provide a ready guide for routine cases to distinguish trading from distributions, paragraph (b) of the rule defines the term "distribution" as not including a sale or series of sales of the security which, together with all other sales of securities of the same class by or on behalf of the same person within the preceding six months, in the case of a security traded only over the counter, do not exceed 1 percent of the outstanding shares or units of the security, and in the case of a security admitted to trading on an exchange, do not exceed the lesser of either 1 percent of the outstanding securities of the class, or the largest aggregate reported volume of trading on securities exchanges during any one week (Monday through Friday) within the four calendar weeks preceding the receipt of the sell order.

It is emphasized that Rule 154 (§ 230.154) and section 4(2) do not provide an exemption for brokers' transactions on behalf of an issuer, an underwriter for an issuer, or a person in a control relationship with the issuer who is engaged in a secondary distribution. Paragraph (b) of the rule, moreover, is not a guide for defining distributions in contexts not covered by the rule.

A broker's exemption only. Rule 154 (§ 230.154) does not and was not intended to provide an exemption from registration for the control person; it exempts only the selling broker's transaction, and only then when all the conditions of the rule are met, including the condition that the broker has no reason to believe that he is in fact an "underwriter" for a principal engaging in a distribution. It was not intended to impinge upon or negate the registration requirements for secondary distributions applicable to control persons, or other persons, who are underwriters[1] within the meaning of the Act or who without the knowledge of the broker or brokers relying on section 4(2) and Rule 154 (§ 230.154) are, in fact, engaged in a distribution of securities through the broker. The control person must find his own exemption for the sale of his securities if they are not offered and sold in compliance with the registration and prospectus requirements.[2]

Sales on behalf of the "same person". As already noted, Rule 154 (§ 230.154) is intended only to provide an exemption to brokers engaged essentially in trading transactions. Consequently, while Rule 154 (§ 230.154) provides a broker's exemption for a sale or series of sales by or on behalf of the "same person," in determining whether the total amount sold exceeds the aggregate amount specified in Rule 154(b) (§ 230.154(b)), consideration must be given not only to sales by the specified control person but also the question whether such sales are, or may be, a part of a distribution being effected by a group of closely related persons of which the particular individual is a member[3] (sometimes hereinafter referred to as "associate").[4] Rule 154 (§ 230.154) does not provide an exemption for portions of group distributions. If such a distribution is in progress, the offering by the group as a whole would have to be included in a single computation under Rule 154(b) (§ 230.154(b)), and if this exceeded the amount specified, it could make the exemption unavailable.

A related problem has arisen with respect to gifts of securities by control persons to charitable, scientific and educational organizations. Frequently, both the donor and donee can reasonably foresee that the purpose of such gift cannot be realized unless the securities are sold.[5] While Rule 154 (§ 230.154) has been interpreted to permit brokers acting for such organizations to avail themselves of the brokerage exemption under discussion, for the purpose of determining the number of shares or units which may be sold, the combined sales of the donor, his associates and the subject organization should not exceed the limitations set forth in Rule 154(b) (§ 230.154(b)). If total sales by the donor and his associates within the preceding six months have exhausted the limitations, then such exemption is not available.[6]

The six months' period. Rule 154(b) (§ 230.154(b)) by its terms requires the inclusion of all sales by the same person within the preceding six months in order to determine the amount of securities, if any, remaining which may be sold under the formula. In making this calculation, all transactions, including registered offerings and those which are exempt from registration should be included. Furthermore, a plan to effect a series of sales every six months cannot be considered in the category of routine trades but must be deemed a distribution beyond the confines of the rule.

Pledged securities. The decision of the Court of Appeals in the Guild Films[7] case makes it clear that when a lender accepts securities from a control person as collateral for a loan, the lender must comply with the registration and prospectus requirements of the Securities Act before he can sell the securities unless an exemption is available. The question, therefore, arises whether the broker for the pledgee, or the broker who is himself a lender, can avail himself of the exemption provided by Rule 154 (§ 230.154). Since a sale by the pledgee is for the purpose of fulfilling certain obligations of the pledgor, since the pledgee is obligated to remit to the pledgor receipts from such sale in excess of the amount of the obligation, and since the pledgee, in effect, stands in the shoes of and acts for the pledgor in selling the collateral, a broker may ordinarily effect sales as agent for both parties, if he takes into account other sales by the pledgor and his associates within the preceding six months, and otherwise complies with the rule. Prudence would dictate that a person making a loan secured by the pledge of "control" stock should also make inquiry at the time of pledge, as well as at the time of sale, as to any limitations upon the sale of such stock.

Sales by subsidiaries. Rule 154(a) (§ 230.154(a)) provides that "the term 'brokers' transactions' shall be deemed to include transactions by a broker acting as agent for the account of any person * * * controlled by * * * the issuer of the securities which are the subject of the transactions * * *." As already noted, however, the exemption is not available for a broker acting for the issuer. A question has been raised whether the brokerage exemption is available with respect to a proposed sale by a subsidiary of securities of its parent company. For all practical purposes in such a situation, if form is not permitted to obscure substance, the subsidiary and the issuer must be deemed to be the same entity and the exemption is therefore not available. The beneficial interest is in the parent, and section 4(2) is not available to the broker selling for the parent.

Solicitation of orders. Paragraphs (c) and (d) of Rule 154 (§ 230.154) state, respectively, that "the term 'solicitation of such orders' * * * shall be deemed to include the solicitation of an order to buy a security, but * * * not of an order to sell * * *." and that "where within the previous 60 days a dealer has made a written bid for a security or a written solicitation of an offer to sell such security, the term 'solicitation' in section 4(2) shall not be deemed to include an inquiry regarding the dealer's bid or solicitation."

Under paragraph (c) of this rule, a broker is free to solicit control persons to determine whether they wish to sell securities of the controlled company. However, if a broker-dealer is requested to act in a brokerage capacity with respect to securities owned by a control person at a time when such dealer is publishing or otherwise requesting offers to buy such security, he would, for the purpose of this rule, generally be deemed to be soliciting orders to buy and would, therefore, be ineligible to rely upon the brokerage exemption. In order to obviate the effect of any such activities, the broker-dealer would have to discontinue his appearance in the "sheets" and other forms of solicitation for a reasonable time before such a brokerage transaction could be executed.[8]

One problem which a broker seeking an exemption for a security traded only over the counter must consider is the extent of the market for such security. The addressing of inquiries to soliciting dealers is not deemed to be the solicitation of a prohibited buy order because of the 60-day written bid exclusion contained in paragraph (d) of the rule. Moreover, even if bids or requests for offers have appeared within the previous 60 days, a broker may not seek buyers among private investors or broker-dealers who have not appeared in the "sheets."

General. As has been emphasized in other releases discussing exemptions from the registration and prospectus requirements of the Securities Act, the terms of an exemption are to be strictly construed against the claimant who also has the burden of proving its availability.[9] In addition, persons receiving advice from the staff of the Commission that "no action" will be recommended if they proceed without registration in reliance upon the exemption should do so only with full realization that the staff's letter is based upon a represented statement of facts and that the tests so applied may not be proof against claims by purchasers of the security that registration should have been effected. Finally, the anti-fraud provisions under the various securities acts are applicable to the transactions notwithstanding the availability of an exemption from registration.

By the Commission.

FEBRUARY 17, 1964.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1785; Filed, Feb. 25, 1964; 8:46 a.m.]

[1] A person who purchases from a control person with a view to resale may be an underwriter and his broker may not rely on the rule.

[2] When an exemption is available to the selling stockholder, it is generally found in the first clause of section 4(1) of the Act which exempts "transactions by any person other than an issuer, underwriter, or dealer." See Sklatron Electronics and Television Corporation, 40 S.E.C. 236, 249-50 (1960). The Commission's long-standing position was set forth as early as March 13, 1934, when the Federal Trade Commission stated: "Apparently the exemption provided by section 4(2) of the Securities Act, applies only to the broker's part of a broker's transaction. It does not extend to the customer. Whether the customer is excused from complying with the requirements of section 5 depends upon his own status or upon the character of the transaction in which he himself is engaged."

[3] A comparable interpretation has long been applied to the definition of "issuer" in section 2(11) of the Act, insofar as control persons are concerned. Both in determining whether a particular person is in a control relationship with the issuer, and in determining whether a distribution is being made by control persons, the relationships and activities of such persons have been consistently taken into account.

[4] A similar problem exists under Rule 133 and Rule 254(a) (§§ 230.133 and 230.254(a)).

[5] In some such cases, the eleemosynary institutions involved may be deemed to be statutory underwriters within the meaning of section 2(11) of the Securities Act. See Letter of Chief Counsel, Division of Corporation Finance of the Commission, 1 CCH Fed. Sec. L Rep. § 2165.88 (August 8, 1962).

[6] Conversely, sales by such charitable recipient within the preceding six months should be taken into account when calculating the number of shares or units, if any, which a broker may sell on behalf of a customer who is a control person.

[7] S.E.C. v. Guild Films Company, Inc., 279 F. 2d 485 (2d Cir. 1960), cert. denied 364 U.S. 819 (1960).

[8] Sales by a broker in reliance on Rule 154 (§ 230.154) could involve a distribution for purposes of Rule 10b-6 under the Securities Exchange Act of 1934 (§ 240.10b-6 of this chapter) and, unless an exemption were available under that rule, bidding and purchasing activity would be prohibited by the rule until the distributions were completed.

[9] S.E.C. v. Ralston Purina Co., 346 U.S. 119, 126 (1953); S.E.C. v. Culpepper, 270 F. 2d 241, 246 (2d Cir. 1959); Gilligan, Will & Co. v. S.E.C., 267 F. 2d 461, 466 (2d Cir. 1959); S.E.C. v. Sunbeam Gold Mines Co., 95 F. 2d 699, 701 (9th Cir. 1938).

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In Part 200 in the Table of Contents a new § 200.100 is added to read as follows:

Sec.
§ 200.100 Closing clerk.

In § 200.95 paragraph (a) is amended to read as follows:

§ 200.95 Field Office Chiefs of Operations.

* * * * * *

(a) To execute regulatory agreements and to issue eligibility statements and commitments for insurance and to execute insurance contracts pursuant to such commitments, including mortgage insurance certificates.

* * * * * *

Part 200 is amended by adding a new § 200.100 as follows:

§ 200.100 Closing Clerk.

To the position of Closing Clerk and to each of them there is delegated the duty and function to execute in the name of the Commissioner, as authorized agent, mortgage insurance certificates under any home mortgage program.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., February 19, 1964.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 64-1847; Filed, Feb. 25, 1964; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Form Prescribed for Class II Railroads

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 18th day of February A.D. 1964.

The matter of annual reports of line-haul and switching and terminal railroad companies of Class II being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.12 of the order of January 18, 1963 in the matter of Railroad Annual Report Form C, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1963, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.12, be, and it is hereby, modified and amended to read as follows:

§ 120.12 Form prescribed for Class II railroads.

Commencing with reports for the year ended December 31, 1963, and thereafter, until further order, all line-haul and

switching and terminal railroad companies of Class II, as described in 49 CFR 126.1, viz., all carriers with average annual operating revenues of less than $3,000,000, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, which is attached to and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of Class II, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1818; Filed, Feb. 25, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-134]

PART 1—RULES OF PRACTICE AND PROCEDURE

Order Regarding Frequency Coordination, Canada

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission having under consideration § 1.955(b) and (c) of its rules and regulations concerning the coordination, prior to assignment, of certain radio frequencies with the Canadian Department of Transport; and

It appearing, that an agreement was concluded between the United States and Canada by an exchange of notes signed at Ottawa on October 24, 1962, entitled "Treaties and Other International Acts Series 5205—Telecommunication—Coordination and Use of Radio Frequencies Above 30 Megacycles per Second"; and

It further appearing, that TIAS 5205 incorporated Arrangement A, an agreement between the Department of Transport and the Commission, which revised the list of radio frequency bands, and exceptions, requiring coordination with the other country, thereby rendering obsolete the frequency data in § 1.955 (b) and (c); and

It further appearing, that § 1.955 should be amended to accurately reflect the provisions of TIAS 5205, that the necessary amendments are interpretative and editorial in nature, and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable;

It is ordered, Effective March 2, 1964, that § 1.955 (b) and (c) of the rules and regulations are amended as set forth below.

Released: February 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Section 1.955 (b) and (c) are amended to read as follows:

§ 1.955 Frequency coordination, Canada.

* * * * *

(b) The frequency bands are as follows:

Mc/s	*Mc/s*
30.56-32.00	75.40-76.00
33.00-34.00	150.80-174.00
35.00-36.00	450.00-464.725
37.00-38.00	465.275-470.00
39.00-40.00	942.00-960.00
42.00-46.60	1850.0-2200.0
47.00-49.80	3700.0-4200.0
72.00-74.60	5925.0-7125.0

Gc/s

10.55-13.25

(c) Due, however, to the nature of the service, proposed assignments on the following specific frequencies are not coordinated:

Mc/s	*Mc/s*
156.3	156.7
156.35	156.8
156.4	156.9
156.45	156.95
156.5	157.0 and 161.6
156.55	157.05
156.6	157.1
156.65	157.15

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 64-1839; Filed, Feb. 25, 1964; 8:50 a.m.]

[FCC 64-130]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Order Providing for Authorization of Dispatch Stations to Landline Carriers in Domestic Public Land Mobile Radio Service

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission having under consideration the amendment of § 21.501(b) of its rules to provide for the additional use of mobile frequencies for the purpose of establishing dispatch stations by specifically permitting common carriers engaged also in the business of affording public landline message telephone service to establish dispatch station facilities on a mobile frequency paired with an assigned base station frequency; and

It appearing, that the establishment of dispatch stations is presently authorized, without limitation as to the type of carrier, pursuant to § 21.519. The failure to specifically provide, in § 21.501(b) for the assignment of "mobile" frequencies to landline carriers for dispatch station purposes may have been inadvertent, or at least, when provisions for dispatch stations were promulgated (see 24 F.R. 8882) no justification for restricting their use to miscellaneous common carriers was stated or intended; and, to the extent that such clarification of our rules may be accomplished by this amendment of the subject section, the action herein removes an apparent limitation which prohibited landline carriers from establishing such facilities; and

It further appearing, that the rule amendment herein does not involve the reallocation or reassignment of any frequencies, and that the subject change merely clarifies the intended use of previously allocated frequencies, permitting their use by landline carriers in the same manner as heretofore permitted for miscellaneous common carriers; and

It further appearing, that notice and public procedure herein are unnecessary, and that the subject amendment is interpretive;

It is ordered, That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, § 21.501(b) of the Commission's rules is amended, as shown below, effective the 2d day of March 1964.

Released: February 20, 1964.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Section 21.501 of Part 21 of the rules is amended by changing the heading of the second column of the table of frequencies in paragraph (b) from *Mobile and auxiliary test station frequencies (Mc/s)* to *Mobile, dispatch, and auxiliary test station frequencies (Mc/s)*.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 64-1840; Filed, Feb. 25, 1964; 8:50 a.m.]

[1] Commissioner Loevinger absent.

[1] Commissioners Ford and Cox dissenting; Commissioner Loevinger absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO 269-A 3]

DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Notice of Hearing With Respect to Proposed Amendments of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Indio Chamber of Commerce Building, 82-503 Highway 111, Indio, California, beginning at 9:30 a.m., P.s.t., March 9, 1964, with respect to proposed amendments of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The Date Administrative Committee, the administrative agency established pursuant to the marketing agreement and order, as amended, for operations thereunder, has proposed the following amendments and has requested a hearing thereon:

1. In § 987.9 insert "or Imperial County" after the second occurrence of the word "production", and change the period at the end of the sentence to a colon and add *"Provided*, That the Committee, with the approval of the Secretary, may modify the exception as to storage only as to movement to any such storage as may be in counties (including San Bernardino County) adjoining the area of production."

2. After the first sentence of § 987.45 (a) insert the following sentence: "The withholding requirement shall not apply to dates certified for delivery directly to an excess supply removal program of the Secretary."

3. In the fourth sentence of § 987.45 (c): insert "prior to June 2 of the crop year" after the first occurrence of "certified"; delete "subsequently"; and insert "within the crop year" after "handled". In the fifth sentence of § 987.45(c) insert "such" preceding "dates certified". Add at the end of § 987.45(c) the following new sentence: "Dates so certified subsequent to June 1 of any crop year and not handled within such crop year shall be subject to the withholding percentage and the assessment obligation of the subsequent crop year in which handled."

4. In the first sentence of § 987.45(f) delete the section sign preceding "987.56" and in lieu thereof insert "§§ 987.55 and".

5. Give consideration to whether the marketing agreement and order should be amended so that dates exported to countries included in the trade demand will not be subject to withholding obligation.

6. Consider whether the marketing agreement and order should be amended so as to tend to encourage exports.

7. In § 987.55 revise the second and third sentences to read as follows: "The Committee, with the approval of the Secretary, may establish, by country or groups of countries, such special grade, size, container, or identification requirements for any variety of restricted or other dates for export as are deemed essential to the promotion of orderly marketing. Dates other than restricted dates may be disposed of in outlets prescribed pursuant to this section if they are inspected and certified as meeting the requirements for marketable dates or for export."

8. In the proviso of § 987.56 insert "or export outlets" after the first and second occurrence of the word "products". In the same proviso delete "substandard dates may be disposed of for use, or used, in such products." and substitute therefor "meeting any grade, size, container, or identification requirements which may be prescribed by the Committee with the approval of the Secretary, may be so disposed of or exported."

9. Delete the first sentence of § 987.72 (a) and substitute therefor the following: "Each handler shall pay to the Committee upon demand, on all dates he has certified as meeting the requirements for any marketable dates his pro rata share of all expenses which the Secretary finds are reasonable and are likely to be incurred by the Committee during each crop year. However, this requirement shall not include dates certified as meeting the requirements for marketable dates which a handler disposes of in outlets pursuant to § 987.56 nor those removed from assessment pursuant to § 987.45(c)."

10. In the last sentence of § 987.72(a) delete "the shipping weight" and substitute therefor "weight of such dates".

11. Consider and make such changes in the inspection and certification requirements of the marketing agreement and order as may be required by any changes which may result from the foregoing proposed amendments involving grade, size, container, or identification requirements.

12. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from this hearing.

Copies of this notice may be obtained from the Date Administrative Committee, 82-845 Miles Avenue, P.O. Box 764, Indio, California, or the Los Angeles Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Los Angeles, California, 90015.

Dated: February 20, 1964.

CLARENCE H. GIRARD, *Deputy Administrator, Regulatory Programs.*

[F.R. Doc. 64-1837; Filed, Feb. 25, 1964; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

EQUAL PAY ACT OF 1963

Proposed Records

In the August 24, 1963, issue of the FEDERAL REGISTER (28 F.R. 9357), there was published an invitation to submit both oral and written data, views, and argument with respect to the question of what records should be required to be kept pursuant to section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and 29 CFR Part 516, concerning the payment of wage differentials, which will be necessary or appropriate for the enforcement of the new equal pay provisions of the act when they become effective on June 11, 1964.

Having considered all relevant matter presented, I hereby propose to amend 29 CFR Part 516 as set forth below. Written data, views, and argument regarding the proposal may be filed with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D.C., 20210, on or before March 27, 1964.

1. The title, paragraph (a), and subparagraph (a)(4) of 29 CFR 516.2 would be amended to read as follows:

§ 516.2 Employees subject to minimum wage or minimum wage and overtime provisions; section 6 or sections 6 and 7(a) of the act.

(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the following information and data with respect to each and every employee to whom section 6 or both sections 6 and 7(a) of the act apply:

* * * * *

(4) Sex and occupation in which employed.

2. A new 29 CFR 516.29 would be established to read as follows:

§ 516.29 Employers of employees subject to the equal pay provisions of the act, as set forth in section 6(d).

Every employer of employees subject to the equal pay provisions of the act shall maintain and preserve all records required by the applicable sections of these regulations, and in addition, he shall preserve any records which he makes in the regular course of his business operation which relate to the payment of wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of pay practices or other matters which describe or explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment, and which may be pertinent to a determination whether such differential is based on a factor other than sex.

3. A new paragraph (d) would be added to 29 CFR 516.6 to read as follows:

§ 516.6 Records to be preserved two years.

* * * * *

(d) Each employer shall preserve for at least two years the records he makes of the kind described in § 516.29 which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.

Signed at Washington, D.C., this 19th day of February 1964.

CLARENCE E. LUNDQUIST,
Administrator.

[F.R. Doc. 64-1838; Filed, Feb. 25, 1964; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 24]

EXPORT INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

FEBRUARY 19, 1964.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $383,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1964. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

NEW YORK

Export Insurance Company, Houston, Texas.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-1826; Filed, Feb. 25, 1964; 8:49 a.m.]

[T.D. Order 167-59]

[CGFR 64-10]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

The Secretary of Defense, in a memorandum dated December 13th, 1963, delegated his authority under 12 U.S.C. 1748(e) with respect to the Coast Guard—concerning approval of military and civilian personnel for occupancy in housing provided by 12 U.S.C. 1748h–1—to the Secretary of the Treasury.

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), the aforementioned function is hereby redelegated to the Commandant, U.S. Coast Guard.

The Commandant may assign the function transferred for performance by subordinates in the Coast Guard.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

FEBRUARY 13, 1964.

[F.R. Doc. 64-1827; Filed, Feb. 25, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 13]

LANDS AND MINERALS

Redelegation of Authority With Respect to Specifically Designated Employees

FEBRUARY 18, 1964.

Order 1, as amended, is further amended by the addition of a new heading and section under Part 3 to read as follows:

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 3.16 *Oil and gas leases.* (a) The Superintendents, Blackfeet and Fort Peck Agencies, may approve oil and gas leases, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor pursuant to 25 CFR Parts 171 and 172.

(b) The authority conferred by Sec. 3.16(a) extends to and includes the approval of other appropriate administrative action required on all assignments of oil and gas leases now or hereafter in force on tribal or restricted allotted lands, bonds, and other instruments required in connection with such leases or assignments, and the acceptance of voluntary surrender of leases by lessees.

(c) The authority delegated in Sec. 3.16 (a) and (b) does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes.

(2) Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(3) Modification of any forms approved by the Commissioner of Indian Affairs.

(4) Approval of amendments to oil and gas leases or to assignments.

(5) Extension of time for drilling.

(6) Approval of instruments providing for the payment of overriding royalty.

(7) Approval of unit and communitization agreements.

(8) Assignment of separate horizons.

(9) Approval of the cancellation of oil and gas leases for violation of the terms thereof.

(10) Approval of well-spacing orders.

JOHN O. CROW,
Deputy Commissioner.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1793; Filed, Feb. 25, 1964; 8:46 a.m.]

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Offer

FEBRUARY 11, 1964.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. sec. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Bureau of Land Management, P.O. Box 53226, New Orleans, Louisiana, 70150, will be received until 9:30 a.m., c.s.t., on April 28, 1964, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Louisiana. Bids will be opened at 10:00 a.m., c.s.t., April 28, 1964, in the Conference Room, T–13028 Federal Office Building, New Orleans, Louisiana. On that day bids may be delivered in person to the Office of the Manager or the Conference Room, between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. No bids received either by mail or in person after 9:30 a.m., c.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21, and 201.22. Bids may not be modified or withdrawn, unless the modifications or withdrawals are received prior to the time fixed for filing of the bids. Bidders are warned against violation of section 1860, Title 18 U.S.C., prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in sec. 2(k) of the lease agreement (Form 4–1255, Sept. 1963). Bidders must submit with each bid one-fifth of the amount bid in cash, or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $10 per acre or fraction thereof. The successful bidder for each tract will be required to pay the remainder of the bid and the first year's rental of $10 per acre or fraction thereof, and furnish an acceptable surety bond as provided in 43 CFR 201.51 prior to issuance of each lease. The leases will be subject to terms and conditions of the agreement of October 12, 1956, between the United States and the State of Louisiana.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $25 per acre or fraction thereof will be considered. The United States Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana (insert number of tract), not to be opened until 10 a.m., c.s.t., April 28, 1964."

Official leasing maps in a set of 12, which contains the maps showing the tracts being offered for lease, can be purchased for one dollar per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, Louisiana, 70150, or Director, Bureau of Land Management, Washington, D.C., 20240. Copies of the lease agreement (Form 4–1255 (Sept. 1963)) also can be obtained from the above offices.

The tracts offered for bid are as follows:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954)

West Cameron Area

Tract No.	Block	Description	Acreage
La-1660	17	SE¼ (portion in Zone 2),[1]	2,022
	48	N½ (portion in Zone 2),[1]	
La-1661	21	SW¼SW¼	625
	44	NW¼NW¼	
La-1662	46	E½NE¼	625
La-1663	47	W½W½NE¼; W½NW¼SE¼	468.75
La-1664	60	NE¼NE¼	312.50

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954)

East Cameron Area

La-1665	11	NW¼	1,250
La-1666	11	W½SW¼	625

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Vermilion Area

La-1667	34	W½NW¼	625
La-1668	38	E½NE¼	625
La-1669	43	NW¼NW¼ (portion in Zone 2),[1]	10
La-1670	46	E½NE¼ (portion in Zone 2),[1]	521
La-1671	46	N½SW¼ (portion in Zone 2),[1]	42

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 5

(Approved June 8, 1954)

Ship Shoal Area

La-1672	13	S½SE¼	625
La-1673	14	S½S½	1,250
La-1674	15	All (portion in Zone 2),[1]	1,365

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 6

(Approved June 8, 1954; Revised July 22, 1954 and December 9, 1954)

South Timbalier Area

La-1675	26	N½NE¼	625
La-1676	28	NE¼	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Approved June 8, 1954)

West Delta Area

La-1677	20	SE¼SW¼; S½SE¼	937.50
La-1678	22	E½ (portion in Zone 2),[1]	1,209

See footnotes at end of table.

LOUISIANA—Continued

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954)

Main Pass Area

Tract No.	Block	Description	Acreage
La-1679	6	SE¼SE¼ (portion in Zone 2),[1]	1,063
	91	SW¼ (portion in Zone 2),[1]	
La-1680	7	N½; N½S½ (portion in Zone 2),[1]	2,910.64
	92	NW¼	
La-1681	42	W½	2,497.28
La-1682	48	N½NW¼SE¼	[2] 156.68
La-1683	57	NW¼SE¼	2,497.28
La-1684	58	S½	2,497.28
La-1685	65	N½ (portion in Zone 2),[1]	2,447

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 10

(Approved June 8, 1954; Revised July 22, 1954)

Breton Sound Area

La-1686	55	S½	[2] 2,497.28
La-1687	56	S½ (portion in Zone 2),[1]	2,468

[1] That portion in Zone 2, as that zone is defined in the agreement between the United States and the State of Louisiana, October 12, 1956. Until final determination of the State boundary has been made, the acreage assigned to each tract will be considered administratively to be the acreage of that tract.

[2] The District Engineer, U.S. Army Engineering District, New Orleans, has advised that portions of these tracts are crossed by the Mississippi River-Gulf Outlet Fairway which must be maintained free of obstructions for shipping. However, exploration and development of areas underlying fairways may be undertaken by directional drilling from surface locations outside fairway boundaries. The District Engineer should be consulted for the location of this area and other fairways or anchorage areas, including prolongations thereof, involving tracts offered at this sale on which operational restrictions have been imposed.

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management
Department of the Interior
T-9003 Federal Office Building
New Orleans, Louisiana, 70150

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area _____
Official Leasing Map No _____
Tract No _____
Total Amount Bid _____
Amount Per Acre _____
Amount Submitted with Bid _____

_____
(Signature)

_____
(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

CHARLES H. STODDARD,
Director,
Bureau of Land Management.

Approved:

JAMES K. CARR,
Under Secretary,
Department of the Interior.

[F.R. Doc. 64–1619; Filed, Feb. 25, 1964; 8:45 a.m.]

[Group 380]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964:

GILA AND SALT RIVER MERIDIAN

T. 3 N., R. 13 W.,
Secs. 1 to 35 inclusive.

The area described aggregates 22,266.75 acres of public land.

2. The lands described above vary from level to rolling. Most of the soil is sandy and gravelly.

3. All rights of the State of Arizona to sections 2, 16, and 32 have been conveyed to the United States.

4. The following described lands are the subject of an application for withdrawal for the Central Arizona Project, by the Bureau of Reclamation:

T. 3 N., R. 13 W.,
Sec. 7;
Secs. 13 to 20 inclusive;
Sec. 24;
Sec. 30.

Also, the lands described below are withdrawn for landing fields and air navigation by Secretary's Orders dated December 2, 1931 and April 4, 1941.

T. 3 N., R. 13 W.,
Sec. 21, S½SE¼;
Sec. 22, E½SW¼, SW¼SW¼, SW¼SE¼;
Sec. 25, S½;
Sec. 27, NW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 28, N½NE¼.

5. The following described lands are opened to petition, application and selections, as outlined in Paragraph 6 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

T. 3 N., R. 13 W.,
Secs. 1 to 6 inclusive;
Secs. 8 to 12 inclusive;
Sec. 21, N½, N½S½, S½SW¼;
Sec. 22, N½, NW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 23;
Sec. 25, N½;
Sec. 26;
Sec. 27, NE¼NE¼, S½NE¼, SW¼NW¼, S½;
Sec. 28, S½NE¼, NW¼, S½;
Sec. 29;
Secs. 31 to 35 inclusive.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 5 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown on the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

7. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64–1808; Filed, Feb. 25, 1964; 8:47 a.m.]

[Group 379]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964.

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 16 W.,
Secs. 3 to 36 inclusive.

The areas described aggregate 21,800.54 acres of public land.

2. The lands described above vary from level to rolling hills. Most of the soil is sandy, gravelly and rocky.

3. NE¼NE¼ sec. 3 was classified by the former State Supervisor as unsuitable for disposal under the public land laws due to the fact that the lands have been determined to be contaminated by high explosives. Also, no use of these lands will be permitted which would require disturbance of the surface.

4. The Bureau of Reclamation made application for withdrawal for the Central Arizona Project for the following described lands which are, therefore, not open to entry:

Sec. 3,
Sec. 4,
Sec. 5,
Sec. 6 E½,
Sec. 8,
Sec. 9,

Sec. 10,
Sec. 11,
Sec. 13,
Sec. 14,
Sec. 23 E½,
Sec. 24,
Sec. 25 N½.

5. All rights of the State of Arizona to sections 16, 32, 36 have been conveyed to the United States.

6. The following lands are opened to petition, application and selection, as outlined in paragraph 7 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

T. 7 N., R. 16 W.,
Sec. 6 W½,
Sec. 7,
Sec. 12,
Secs. 15 to 22 inclusive,
Sec. 23 W½,
Sec. 25 S½,
Secs. 26 to 36 inclusive.

7. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 6 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown on the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

8. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64—1809; Filed, Feb. 25, 1964; 8:47 a.m.]

[Group 379]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 13 W.,
Secs. 1 to 4 inclusive;
Secs. 8 to 36 inclusive.

The acres described aggregate 20,618.65 acres of public land.

2. The lands described above vary from level to rolling and mountainous. The soil is sandy, gravelly and rocky.

3. S½, SW¼NE¼ sec. 11, N½NE¼, NE¼NW¼ sec. 14 were classified by the former State Supervisor, June 22, 1959, as unsuitable for disposal under the public land laws as it had been determined the lands have been contaminated by high explosives. Also, no use of the lands will be permitted which would require disturbance of the surface.

4. All rights of the State of Arizona to sections 2, 16, 32, and 36 have been conveyed to the United States.

5. The following lands are opened to petition, application and selection, as outlined in paragraph 6 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

T. 7 N., R. 13 W.,
Secs. 1 to 4 inclusive;
Secs. 8 to 10 inclusive;
Sec. 11 NW¼, N½NE¼, SE¼NE¼;
Sec. 12;
Sec. 13;
Sec. 14 NW¼NW¼, S½N½, S½;
Secs. 15 to 36 inclusive.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 5 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws (except applications for Small Tracts), and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown on the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

7. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-1810; Filed, Feb. 25, 1964; 8:47 a.m.]

[Group 338]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., March 25, 1964:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 27 E.,
Sec. 6, lot 4;
Sec. 7, lots 3, 4, and 8, and SE¼SE¼;
Sec. 8, lots 1, 2, 3, 4, 5, and 6, N½SW¼ and SW¼SW¼;
Sec. 9, lots 1, 2, 6, and 7, E½SW¼, S½NE¼, and SE¼;
Sec. 10;
Sec. 11, lots 3 and 4, W½SE¼, and W½;
Sec. 13, NW¼ and S½;
Sec. 14, lot 1, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 15;
Sec. 22, N½ and SE¼;
Secs. 23 and 24;
Sec. 25, lots 1, 2, 3, and 4, S½N½, and SW¼;
Sec. 26, lots 1, 2, 3, and 4, S½N½, and SE¼.

The areas described aggregate 6,504.44 acres of public land.

2. The lands described vary from a nearly level to rolling and mountainous terrain strewn with boulders. The soil is mostly a gravelly, sandy clay lacking in humus.

3. The lands described in paragraph 1 are opened to petition, application and selection, as outlined in paragraph 4 below. No application for these lands will be allowed under the nonmineral public land laws, unless, or until, the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of petition, application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on March 25, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

ROY T. HELMANDOLLAR,
Manager.

[F.R. Doc. 64-1811; Filed, Feb. 25, 1964; 8:47 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on March 25, 1964:

FAIRBANKS MERIDIAN

T. 5 S., R. 8 W.,
Sec. 13, lots 1 to 4, inclusive, W½E½, W½;
Sec. 24, lots 1 to 4, inclusive, W½E½, W½;
Tract "A".

The areas described aggregate 5742.67 acres.

The lands are located approximately 96 miles southwest of Fairbanks, Alaska, and are traversed by the Nenana-McKinley Highway and the Alaska Railroad. The land is flat and nearly level, draining to the north, ranging from 375 to 425 feet in elevation. The soil is mostly poorly drained muskeg over permafrost in mixed sand and clay. Small to medium scattered spruce and tamarack cover most of the township, with large spruce and dense willow and alder along streams.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons have prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under paragraph (1) above presented prior to 10:00 a.m. on June 24, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal regulations.

4. Applications for these lands, which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska, 99701.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-1795; Filed, Feb. 25, 1964; 8:46 a.m.]

ALASKA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

FEBRUARY 18, 1964.

1. A plat of survey for the lands described below will be officially filed in the Fairbanks Land Office, Fairbanks, Alaska, effective at 10:00 a.m. on March 25, 1964:

FAIRBANKS MERIDIAN

T. 6 S., R. 8 W.,
Sec. 1, lots 1 to 4, inclusive;
Tract "A";
Sec. 21, SW¼;
Sec. 24, lots 1 to 4, inclusive, W½E½, W½;
Sec. 25, lots 1 to 4, inclusive, W½E½, W½;
Sec. 28;
Sec. 31, lots 1 to 4, inclusive, SE¼NE¼, E½SW¼;
Sec. 32;
Sec. 33;
Sec. 36, lots 1 to 4, inclusive, W½E½, W½.

The areas described aggregate 18,814.58 acres.

The lands are situated approximately 100 miles southwest of Fairbanks, Alaska, and are drained by the Seventeen-mile Slough, Lost Slough, Julius Creek and Glacier Creek. The Alaska Railroad traverses the township, and the Nenana-McKinley Highway traverses Sections 1, 25, and 36. The terrain consists of nearly level land sloping gently to the North, with elevation ranging from 425 to 500 feet. The land is generally marshy and unsuitable for agriculture. Soil is a peat-like muck overlying a mixture of silt and clay grading into coarse gravel. Timber consists of scattered small to medium spruce and tamarack.

2. Subject to any existing valid rights and the requirements of applicable law, the lands described in Paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public land laws and applications may be presented to the Manager mentioned below beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons have prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws other than those coming under paragraph (1) above presented prior to 10:00 a.m. on June 24, 1964, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. Persons claiming preference right based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

4. Applications for these lands, which shall be filed in the Land Office, at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the Homestead and Homesite Laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

5. Inquiries concerning these lands shall be addressed to the Manager, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska, 99701.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-1796; Filed, Feb. 25, 1964; 8:46 a.m.]

[W-0266519]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 18, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, serial number Wyoming 0266519, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The applicant desires the lands for flowage, construction, recreation, fishing and wildlife uses in connection with Yellowtail Reservoir, Yellowtail Unit, Lower Bighorn Division, Missouri River Basin Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyoming.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 55 N., R. 94 W.,
Sec. 9, lots 2 and 3.
T. 56 N., R. 94 W.,
Sec. 4, lots 1, 4, 5, 6, 7, 53-A, 53-B, 53-C and 53-D;
Sec. 9, lots 1 and 8;
Sec. 10, W½NW¼ and SW¼;
Sec. 15, lot 1;
Sec. 20, lot 4;
Sec. 22, lots 1, 5 and 6.
T. 57 N., R. 94 W.,
Sec. 4, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, N½S½, SE¼SW¼ and S½SE¼;
Sec. 7, lots 3, 4, 5, SE¼NW¼, E½SW¼ and SW¼SE¼;
Sec. 8, NE¼ and NE¼SE¼;
Sec. 9, N½, N½S½, SE¼SW¼ and S½SE¼;
Sec. 10, W½W½;
Sec. 15, W½NW¼;
Sec. 16, NE¼ and NE¼NW¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, SW¼NE¼, W½SE¼ and SE¼SE¼;
Sec. 19, lot 1, N½NE¼ and NE¼NW¼;
Sec. 20, NW¼NW¼;
Sec. 21, SW¼SW¼;
Sec. 28, NW¼NW¼;
Sec. 31, lots 1, 2 and NW¼NE¼;
Sec. 34, lot 8 and E½SE¼.
T. 58 N., R. 94 W.,
Sec. 19, lots 1, 2, 7, 8, S½NE¼ and SE¼;
Sec. 30, E½;
Sec. 31, SE¼NE¼, N½NE¼;
Sec. 32, W½W½.
T. 56 N., R. 95 W.,
Sec. 2, lots 1 and 2;
Sec. 3, lots 1 and 2.
T. 57 N., R. 95 W.,
Sec. 2;
Sec. 3, lot 1, S½NE¼ and SE¼;
Sec. 10, E½;
Sec. 11;
Sec. 12, S½NE¼, NW¼ and S½;
Sec. 13;
Sec. 14, E½ and NW¼;
Sec. 24, N½N½.
T. 58 N., R. 95 W.,
Sec. 23, lots 1, 2, S½NE¼ and N½SE¼;
Sec. 24, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼ and W½SE¼;
Sec. 25, W½NE¼, NW¼, N½SW¼ and NW¼SE¼;
Sec. 34, NE¼;
Sec. 35, N½NW¼, SW¼NW¼, S½SW¼ and SE¼.

The areas described aggregate 10,792.69 acres.

BURTON W. SILCOCK,
Acting State Director.

[F.R. Doc. 64-1797; Filed, Feb. 25, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

STATE OF UTAH DEPARTMENT OF FISH AND GAME

Notice of Filing of Petition Regarding Food Additive 2-Amino-5-Nitrothiazole

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec 409(b)(5), 72 Stat. 1786; 21 U.S.C.

348(b)(5)), notice is given that a petition (PAP 1328) has been filed by the State of Utah Department of Fish and Game, 1596 West North Temple, Salt Lake City 16, Utah, proposing the issuance of a regulation to provide for the safe use of 2-amino-5-nitrothiazole for the treatment of hexamitiasis in rainbow trout.

Dated: February 19, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1825; Filed, Feb. 25, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 12, set forth below, to Facility License No. R-28. The license authorizes the Regents of the University of Michigan ("the licensee") to operate the Ford Nuclear Reactor ("the reactor") located on the University's campus at Ann Arbor, Michigan. The license amendment, as requested by the licensee's application dated January 10, 1964, authorizes the licensee to increase the maximum excess reactivity of the reactor from the present value of 0.0268 to a maximum value of 0.035 in order to permit routine operation of the reactor at the authorized power level of 2,000 kilowatts (thermal).

The Commission has found that:

(1) Issuance of the amendment will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(2) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(3) Prior public notice of proposed issuance of this amendment is not required since the license amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this license amendment, see (1) a copy of the application dated January 10, 1964, and (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 14th day of February 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-28; Amdt. No. 12]

Facility License No. R-28, as amended, which authorizes the Regents of the University of Michigan (hereinafter "the University") to operate the Ford Nuclear Reactor (hereinafter "the reactor") on the University's campus at Ann Arbor, Michigan, is hereby further amended in accordance with the license application amendment dated January 10, 1964.

Subparagraph 4.a.(6) of License No. R-28 is amended in its entirety to read as follows:

4.a. *Operating Restrictions*

(6) The excess reactivity limitations for the reactor during operations both with and without a graphite reflector shall be as follows:

(a) A maximum overall total of 0.035 above cold, clean critical;

(b) A maximum total of 0.02 for all experiments; and

(c) A maximum total of 0.012 for experiments on any one face of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: February 14, 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-1787; Filed, Feb. 25, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14941 etc.]

FRONTIER EXCURSION FARES CASE

Notice of Hearing

In the matter of excursion fares between Phoenix/Tucson and Salt Lake City proposed by Frontier Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 19, 1964, at 10:00 a.m. (e.s.t.), in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 10, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 19, 1964.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 64-1799; Filed, Feb. 25, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 64-142]

PROCEDURE FOR CONSIDERING APPLICATIONS FOR FREQUENCY TO BE VACATED BY KRLA, PASADENA, CALIFORNIA

FEBRUARY 20, 1964.

On May 1, 1964, standard radio station KRLA, Pasadena, California, operating on 1110 kc will cease operation. The Commission will consider immediately new applications proposing to utilize the frequency of the deleted facility. Such applications, in order to receive consideration, must be accompanied either (1) by a showing of compliance with the provisions of the Interim Criteria to Govern Acceptance of Standard Broadcast Applications adopted May 10, 1962 (See Note to § 1.571 of the Commission's rules), or (2) by a request for waiver of the criteria and a showing in support of such request for waiver.

Notice is hereby given that any application for this frequency, in order to be considered with any other application tendered for filing with which it involves a conflict necessitating a hearing, must be substantially complete and tendered for filing at the offices of this Commission in Washington, D.C. together with one of the showings mentioned above, by the close of business on March 31, 1964.

Any party in interest desiring to file pleadings pursuant to section 309(d)(1) of the Communications Act of 1934, concerning any applications accepted for filing under this notice is directed to § 1.589(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleading. Notwithstanding the provisions of § 1.580(i), petitions to deny may be filed no later than 30 days after issuance of a public notice of the acceptance for filing of any application or applications tendered pursuant to this notice.

Adopted: February 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1843; Filed, Feb. 25, 1964; 8:51 a.m.]

[1] Commissioners Lee and Cox dissenting; Commissioner Loevinger absent.

[Canadian List No. 184]

ASSIGNMENT OF CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections

FEBRUARY 10, 1964.

Notification under the provisions of part III section 2 of the North American Regional Broadcasting Agreement: List of changes, proposed changes and corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power	Antenna	Schedule	Class	Expected date of commencement of operation
		540 Kc.				
CBT (now in operation on new frequency).	Grand Falls, Newfoundland.	10 kw	ND	U	II	
		630 Kc.				
CJET (now in operation with new daytime pattern).	Smiths Falls, Ontario	1 kw	DA-2	U	III	
		630 Kc.				
CHED (change in daytime pattern) (PO: 630 kc 10 kw DA-2).	Edmonton, Alberta	10 kw	DA-2	U	III	2-15-65.
		790 Kc.				
CBY (delete assignment—vide 990 kc).	Corner Brook, Newfoundland.	1 kw	ND	U	III	
		900 Kc.				
CJVI (change in site location) (PO: 900 kc 10 kw DA-1).	Victoria, British Columbia.	10 kw	DA-1	U	II	2-15-65.
		900 Kc.				
CKDH (PO: 1400 kc 0.25 kw ND).	Amherst, Nova Scotia	1 kw	DA-N	U	II	2-15-65.
		990 Kc.				
CBT (delete assignment—vide 540 kc).	Grand Falls, Newfoundland.	1 kw	ND	U	II	
		990 Kc.				
CBY (now in operation with increased power and change in frequency).	Corner Brook, Newfoundland.	10 kw	ND	U	II	
		1250 Kc.				
New (change in daytime pattern from that notified in List #181).	Steinbach, Manitoba	10 kw	*DA-2*	U	III	11-15-64.
		1340 Kc.				
CKOX (PO: 1340 kc 0.25 kw ND).	Woodstock, Ontario	1 kw D/0.25 kw N.	DA-D ND-N	U	IV	2-15-65.
		1400 Kc.				
CJFP (PO: 1400 kc 5 kw D/0.25 kw N ND).	Riviere du Loup, Province of Quebec.	10 kw D/0.25 kw N.	ND	U	IV	2-15-65.
		1460 Kc.				
CJBM (assignment of call letters—now in operation).	Causapecal, Province of Quebec.	1 kw D/0.25 kw N.	ND	U	IV	
		1470 Kc.				
CJQM (assignment of call letters—now in operation).	Winnipeg, Manitoba	5 kw	DA-1	U	III	
		1480 Kc.				
CBZ (assignment of call letters).	Fredericton, New Brunswick.	10 kw	DA-N	U	III	
		1500 Kc.				
New (change in location and mode of operation from that notified on List #181).	Duncan, British Columbia.	1 kw	*DA-1*	U	II	2-15-65.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1841; Filed, Feb. 25, 1964; 8:50 a.m.]

[Docket No. 15340]

DEKALB TAXICAB CO.

Order To Show Cause

In the matter of John T. Fichter and John T. Fichter, Jr d/b as Dekalb Taxicab Company, Decatur, Georgia, Docket No. 15340; order to show cause why there should not be revoked the license for Radio Station KIX-917 in the Taxicab Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated October 22, 1963, alleging violation of § 16.152(a) (now § 93.152 (a)) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 7, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 18th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to licensee at his last known address of 2077 North Decatur Road, Decatur, Georgia.

Released: February 18, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1842; Filed, Feb. 25, 1964; 8:51 a.m.]

[Docket No. 15323-15325; FCC 64M-142]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS ET AL.

Order Continuing Prehearing Conference

In re application of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325,

File No. BPCT-3277; for construction permits for new television broadcast stations.

Various parties to this proceeding have conflicting commitments for February 26. *Accordingly, it is ordered*, This 18th day of February 1964, that the prehearing conference now set for February 26 is rescheduled to March 12, 1964, at 10:00 a.m.

Released: February 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1845; Filed, Feb. 25, 1964; 8:51 a.m.]

[Docket No. 15135; FCC 64M-144]

RAUL SANTIAGO ROMAN

Order After Further Prehearing Conference

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

The Hearing Examiner having under consideration the proceedings during further prehearing conference in the above-entitled proceeding, held February 19, 1964:

It is ordered, This 19th day of February 1964, that a further hearing, limited to the issue added by Memorandum Opinion and Order of the Review Board, released February 11, 1964, (FCC 64R-70), is hereby scheduled to commence at 10 a.m., Friday, March 6, 1964, at the Commission's offices, Washington, D.C.

Released: February 19, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1846; Filed, Feb. 25, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

MEMBERS OF ADRIATIC/NORTH ATLANTIC FREIGHT POOL

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9060-1 between American Export Lines, Inc. and Jugoslavenska Linijska Plovidba, both members of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (Agreement 2846, as amended), modifies the basic Adriatic North Atlantic Range Freight Pool Agreement 9060 to provide (1) for dollar increases in loading charges at Venice and in discharging expenses at the ports of New York, Boston, Philadelphia and Baltimore, and (2) for readjustment for the 1964 pool period of the basic pool percentages allotted to the parties.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1813; Filed, Feb. 25, 1964; 8:47 a.m.]

COMPAGNIE GENERALE TRANSATLANTIQUE (FRENCH LINE) AND UNITED STATES LINES CO.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9307 between Compagnie Generale Transatlantique (French Line) and United States Lines Company, provides for the appointment by Compagnie Generale Transatlantique (French Line) of United States Lines Company as its general passenger agent in the Province of Ontario, Canada which appointment United States Lines Company accepts with respect to the vessels designated and operated by Compagnie Generale Transatlantique (French Line) in its various services. The agreement also provides the rates of compensation to be paid by Compagnie Generale Transatlantique (French Line) to United States Lines Company for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington 25, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington 25, D.C., within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1814; Filed, Feb. 25, 1964; 8:47 a.m.]

MATSON NAVIGATION COMPANY AND AMERICAN PRESIDENT LINES, LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9308 between Matson Navigation Company and American President Lines, Ltd., provides for the appointment by Matson Navigation Company of American President Lines, Ltd., as its general passenger agent in Japan, Hong Kong, The Philippines, and Malaysia, which appointment American President Lines, Ltd., accepts, with respect to the vessels designated and operated by Matson Navigation Company in its various services. The agreement also provides the rates of compensation to be paid by Matson Navigation Company to American President Lines, Ltd., for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: February 20, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1815; Filed, Feb. 25, 1964; 8:47 a.m.]

TRIANGLE FORWARDING CORP.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46 U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided between the parties as agreed.

Triangle Forwarding Corp., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Pistorino & Co., Inc., Boston, Mass.	FF-1331
J. K. Ebberwein, Savannah, Ga.	FF-1332
Chiarella & Grimes Forwarding Co., San Francisco, Calif.	FF-1333
Paul Sustek Co., Philadelphia, Pa.	FF-1393

Paul A. Boulo, Mobile, Alabama, is party to the following agreements, the terms of which are identical. The other parties are:

Dyson Shipping Co., Inc., New York, N.Y.	FF-1334
Meyer Shipping Co., New York, N.Y.	FF-1335
Arthur J. Fritz & Co., San Francisco, Calif.	FF-1336

York Shipping Corp., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Samuel Shapiro & Co., Inc., Baltimore, Md.	FF-1337
Norton & Ellis, Inc., Norfolk, Va.	FF-1338

Norton & Ellis of New York, Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Norton & Ellis, Inc., Norfolk, Va.	FF-1357
B. R. Anderson & Co., Seattle, Wash.	FF-1358

Inter-Maritime Forwarding Co., Inc., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Palmetto Shipping Co., Inc., Charleston, S.C.	FF-1360
Smith & Kelly Co., Savannah, Ga.	FF-1361

Air-Sea Forwarders, Inc., Los Angeles, California, is party to the following agreements, the terms of which are identical. The other parties are:

Skyline Shipping Corp., New York, N.Y.	FF-1369
Terra-Marine Shipping Co., San Francisco, Calif.	FF-1370
Pistorino & Co., Inc., Boston, Mass.	FF-1371

Fillette, Green & Co. of Tampa, Tampa, Florida, is party to the following agreements, the terms of which are identical. The other parties are:

Foreign Shipping Service Co., Inc., New York, N.Y.	FF-1380
Nordstrom Freighting Corp., New York, N.Y.	FF-1381
Mohegan International Corp., New York, N.Y.	FF-1389

The following agreements have similar terms:

Buchholz & Kuttruff, Inc. New Orleans, La., and Carmichael Forwarding Service, Los Angeles, Calif.	FF-1307
Wolf & Gerber, Inc., New York, N.Y., and Pistorino & Co., Inc., Boston, Mass.	FF-1341
Wolf & Gerber, Inc., New York, N.Y., and H. E. Schurig & Co., Inc., Beaumont, Tex.	FF-1329
Heemsoth-Kerner Corporation, New York, N.Y., and H. E. Schurig & Co., Galveston, Tex.	FF-1330
J. Berns, New York, New York, and John J. Moylan & Co., Los Angeles, Calif.	FF-1339
Dunnington & Arnold, Inc., New York, N.Y., and W. R. Zanes & Co. of La., Inc., New Orleans, La.	FF-1340
John S. James, Savannah, Ga., and J. R. Willever, Inc., Jersey City, N.J.	FF-1344
Penson & Co., New York, N.Y., and branch offices, and James A. Green, Jr. & Co., Kansas City, Mo.	FF-1346
Daniel F. Young, Inc., New York, N.Y., and H. E. Schurig & Co. of La., New Orleans, La.	FF-1348
H. E. Schurig & Co., Inc., Houston, Tex., and Rue Forwarding Co., New York, N.Y.	FF-1349
William H. Masson, Inc., Baltimore, Md., and James A. Green, Jr. & Co., Kansas City, Mo.	FF-1351
Fred P. Gaskell Co., Inc., New York, N.Y., and B. A. McKenzie & Co., Tacoma, Wash.	FF-1352
Carson M. Simon & Co., Philadelphia, Pa., and Fred P. Gaskell Co., Inc., New York, N.Y.	FF-1353
Samuel Shapiro & Co., Inc., Baltimore, Md., and A. F. Burstrom & Son, Inc., Detroit, Mich.	FF-1359
Universal Transcontinental Corp., New York, N.Y., and Anderson Shipping Co., Savannah, Ga.	FF-1362
Gulf Florida Terminal Co., Tampa, Fla., and Nordstrom Freighting Corp., New York, N.Y.	FF-1366
Stone Forwarding Co., Inc., Galveston, Houston, and Corpus Christi, Tex., and Jay International, Inc., Philadelphia, Pa.	FF-1367
R. F. Downing & Co., Inc., New York, N.Y., and Geo. William Rueff, Inc., New Orleans, La.	FF-1368
W. J. Byrnes & Co. of New York, Inc., New York, N.Y., and E. Sidney Stockwell Co., Inc., Boston, Mass.	FF-1379
Alberto Scott & Co., Inc., San Francisco, Calif., and W. D. Wall Traffic Service, San Jose, Calif.	FF-1383
J. P. Harle Forwarding Co., Houston, Tex., and John S. Connor, Inc., Baltimore, Md.	FF-1390
Premier Shipping Co., Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C.	FF-1392
Express Forwarding & Storage Co., Inc., New York, N.Y., and Footner & Co., Inc., Baltimore, Md.	FF-1394
Nolan Shipping Co., New Orleans, La., and Westland & Co., Inc. of San Francisco, San Francisco, Calif.	FF-1395
Seaport Shipping Co. (Seattle), Seattle, Wash., and George Ager Shipping Co., New York, N.Y.	FF-1397

Agreement No. FF-774 between Hudson Shipping Co., Inc., New York, New York, and Thornley & Pitt, Inc., San Francisco, California, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by Hudson Shipping Co., Inc.

Agreement No. FF-1342 between C. S. Green & Co., Inc., Chicago, Illinois, and T. D. Downing Co., Boston, Massachusetts, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1343 between C. S. Greene & Co., Inc., Chicago, Illinois, and John H. Faunce, Inc., Philadelphia, Pennsylvania, is an arrangement whereunder forwarding and service fees will be $7.50 per shipment. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1345 between Penson & Co., New York, New York, and Palmetto Shipping Co., Inc., Charleston, South Carolina, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1347 between Penson & Co., New York, New York, and Smith & Kelly Company, Savannah, Georgia, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1350 between Rue Forwarding Co., New York, New York, and Edmond Loeliger, Inc., New Orleans, Louisiana, is an arrangement whereunder Edmond Loeliger, Inc., may complete forwarding work for Rue Forwarding Co. Forwarding and service fees are subject to agreement. Ocean freight compensation will be divided equally.

Agreement No. FF-1354 between Win-Mar, Inc., New Orleans, Louisiana, and Seaway Forwarding Co., Cleveland, Ohio, is an arrangement whereunder forwarding and service fees will be divided: 75 percent for Win-Mar, Inc. and 25 percent for Seaway Forwarding Co. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1355 between Pan American Forwarders, Inc., New York, New York, and H. P. Lambert Co., Inc., New Orleans, Louisiana, is an arrangement whereunder forwarding and service fees will be retained by the party performing the service. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1356 between Pan American Forwarders, Inc., New York, New York, and N. D. Cunningham & Co., Inc., Mobile, Alabama, is an arrangement whereunder forwarding and service fees will be retained by the party performing the service. Ocean freight compensation will be divided one-third to N. D. Cunningham & Co., Inc., and two-thirds to Pan American Forwarders, Inc.

Agreement No. FF-1363 between Coastal Forwarders, Charleston, South Carolina, and M. J. Corbett & Co., Inc., New York, New York, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be retained by the originating forwarder.

Agreement No. FF-1328 between Terramar Shipping Co., Inc., New York, New York, and Mattoon & Co., New Orleans, Louisiana, is an arrangement whereunder Mattoon & Co. will perform the forwarding function and receive $5.50 per shipment and one-half of the ocean freight compensation. Also, Terramar Shipping Co. will reimburse Mattoon & Co. for any and all cash outlays on such shipments.

Agreement No. FF-1382 between Trio Shipping Co., New York, New York, and PAFCO Forwarders, Inc., Miami, Florida, is an arrangement whereunder forwarding and service fees will be divided as agreed. Ocean freight compensation will be divided equally (50 percent/50 percent).

Agreement No. FF-1396 between Lusk Shipping Co., Inc., New Orleans, Louisiana, and Robert M. McCoy, Jacksonville,

Florida, is an arrangement whereunder all forwarding work accomplished by Lusk Shipping Co., Inc. for Robert M. McCoy will be on the basis of earning 100 percent of the fee. In turn, Robert M. McCoy agrees to accomplish like services for Lusk Shipping Co., Inc. earning 100 percent of the fee. Ocean freight compensation will be divided equally (50 percent/50 percent).

Sunshine Forwarders, Inc., Jacksonville, Florida, is party to the following agreements, the terms of which are identical and provide that the ocean freight compensation will be divided equally (50 percent/50 percent). Forwarding and service fees will be as follows:

Bermuda and Nassau: $2.50.
All other countries:

To pass completed export declarations	$1.25
To pass completed bills of lading	$1.25
To prepare or complete and pass export declarations	$2.50
To prepare or complete and pass bills of lading	$2.50
Preparation of Consul documents	$5.00
Consular documents (at cost).	
Telephone calls, teletypes or telegrams (at cost).	

The other parties are:

International Shipping Corp., Miami, Fla	FF-1364
Acco Foreign Shipping, Inc., Miami, Fla	FF-1365
J. D. Smith Inter-Ocean, Inc., New York, N.Y	FF-1372
Traeger Shipping Corp., Miami, Fla	FF-1373
Export-Import Services, Inc., New York, N.Y	FF-1374
Triangle Forwarding Corp., New York, N.Y	FF-1375
Alliance Shipping Co., Inc., New York, N.Y	FF-1384
Cavalier Shipping Co., Inc., Norfolk, Va	FF-1385
Florida International Forwarders, Miami, Fla	FF-1386
Fillette, Green & Co., Inc., Pensacola, Fla	FF-1387
Leyden Shipping Corp., New York, N.Y	FF-1388
A. E. Nydegger & Co., Inc., New York, N.Y	FF-1396

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., or at the Commission's field offices at:

45 Broadway, New York, New York, 10006.
180 New Montgomery Street, San Francisco, California, 94105.
Federal Office Building South, 600 South Street—Room 835 (Post Office Box 30550), New Orleans, Louisiana, 70130.

They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 20, 1964.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-1816; Filed, Feb. 25, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1663]

SOUTHEASTERN PENNSYLVANIA DEVELOPMENT FUND

Notice of Filing of Application for Order

FEBRUARY 19, 1964.

Notice is hereby given that Southeastern Pennsylvania Development Fund ("Development Fund"), Philadelphia, Pennsylvania, a Pennsylvania corporation organized under the Pennsylvania Business Development Credit Corporation Law has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") and requests an order that for the purpose of section 3(c)(1) of the Act beneficial ownership by a company, other than a registered investment company, owning ten per centum or more of the outstanding voting securities of Development Fund shall be deemed to be beneficial ownership by one person if and so long as the value of all securities of Development Fund owned by such company does not exceed five per centum of the value of its total assets.

Development Fund represents that the Pennsylvania Development Credit Corporation Law has as its purpose, as part of an overall program, the encouragement of the location of new business in Pennsylvania and the expansion of existing business. The primary purpose of Development Fund is to provide money and credit to new and existing businesses in the Southeastern Pennsylvania area, comprising Philadelphia, Bucks, Chester, Delaware, and Montgomery counties, by means of secured or unsecured loans or advances to, or by the purchase of equity securities of, businesses unable to obtain desired financial assistance from financial institutions in the region.

The authorized capital of Development Fund is $1,500,000 represented by 150,000 shares of capital stock with a par value of $10 per share, which is to be sold to business organizations in the region. Development Fund will also obtain funds through term loans from financial institutions in the region pursuant to loan commitments, as contemplated by the Pennsylvania Business Development Credit Corporation Law. The offering of capital stock and the solicitation of lending agreements will be made to not more than 100 business organizations and financial institutions in the region. Development Fund represents in its application that the business organizations and financial institutions who will purchase such securities are sophisticated in security matters and will purchase the securities for investment only. Under the provisions of the Pennsylvania Business Development Credit Corporation Law, six of the fifteen members of the Board of Directors of Development Fund are elected by the shareholders, eight members by the financial institutions who are parties to loan agreements (with each such financial institution being given one vote for each $1,000 of loan obligation under its lending agreement with Development Fund), and the remaining Director is ex officio the Secretary of Commerce of the Commonwealth of Pennsylvania.

Development Fund anticipates that Philadelphia Electric Company will purchase $500,000 of Development Fund's common stock and thus would own one-third of its authorized capital stock. Development Fund also represents that it is possible that from time to time in the future other business organizations, through purchase of common stock or through loans made pursuant to lending agreements by financial institutions, would own 10% or more of its outstanding voting securities.

Section 3(c)(1) excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Beneficial ownership by a company is deemed to be beneficial ownership by one person except that if such company owns 10 per cent or more of the outstanding voting securities of the issuer, the beneficial ownership is deemed to be that of the holders of such company's outstanding securities.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Development Fund represents it will serve a function similar to that of small business investment companies and that the exemption requested would extend to it the definition of beneficial ownership which has been made available to small business investment companies through the adoption by the Commission of Rule 3c-2.

Notice is further given that any interested person may, not later than March 5, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1786; Filed, Feb. 25, 1964; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR64-1 etc.]

AREA RATE PROCEEDING ET AL.

Order Permitting Withdrawal of Suspended Increased Rate, Severing and Terminating Proceeding

FEBRUARY 18, 1964.

Area Rate Proceeding, Docket No. AR64-1; Richome Oil Company (operator), et al., Docket No. G-18165[1].

On March 3, 1959, Richome Oil Company (Operator), et al. (Richome) tendered for filing Supplement No. 10 to its FPC Gas Rate Schedule No. 1, proposing an increased rate to 12.17 cents per Mcf for its jurisdictional sales of natural gas to Colorado Interstate Gas Company from the West Panhandle Field, Moore County, Texas (Texas Railroad District No. 10). By order issued April 1, 1959, the Commission suspended the proposed increased rate until September 3, 1959. The suspended rate has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On January 14, 1964, Richome tendered for filing a proposed renegotiated rate increase from 9.0 cents to 11.0 cents per Mcf (amounting to $3,099 annually) for its jurisdictional sales of natural gas to Colorado Interstate Gas Company. Said filing has been designated as Supplement No. 14, to Richome's FPC Gas Rate Schedule No. 1 and accepted effective as of February 14, 1964. The 11 cents per Mcf rate supersedes the 12.17 cents per Mcf rate suspended in Docket No. G-18615. Accordingly, the proceeding in Docket No. G-18165 should be terminated.

The Commission finds: Good cause exists for considering Richome's above-designated suspended supplement to be withdrawn, for severing the proceeding in Docket No. G-18165 from the consolidated area rate proceeding in Docket No. AR64-1, and for terminating the proceeding in Docket No. G-18165.

The Commission orders:

(A) Supplement No. 10 to Richome's FPC Gas Rate Schedule No. 1 suspended in Docket No. G-18165 is considered to be withdrawn.

(B) The proceeding in Docket No. G-18165 is hereby severed from the consolidated area rate proceeding in Docket No. AR64-1.

(C) The proceeding in Docket No. G-18165 is hereby terminated as moot.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Docket No. G-18165 was consolidated with the Area Rate Proceeding (Hugoton-Anadarko Area) Docket No. AR64-1, by order issued on Nov. 27, 1963.

[F.R. Doc. 64-1789; Filed, Feb. 25, 1964; 8:46 a.m.]

[Docket No. E-7090]

ARKANSAS POWER & LIGHT CO.

Notice of Postponement of Hearing

FEBRUARY 18, 1964.

Upon consideration of the Motion for Postponement of Hearing filed on February 7, 1964 by Commission Staff Counsel in the above-designated matter, and the statement filed on February 13, 1964 by counsel for Arkansas Power & Light Company relating that the latter company and the Arkansas Public Service Commission have no objection to the granting thereof;

Notice is hereby given that the hearing in the above-designated matter presently scheduled to commence at 10:00 a.m. on February 20, 1964, is postponed to April 21, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1790; Filed, Feb. 25, 1964; 8:46 a.m.]

[Docket No. E-6515]

DETROIT EDISON CO.

Notice of Application

FEBRUARY 18, 1964.

Take notice that on February 14, 1964, the Detroit Edison Company (Applicant), incorporated under the laws of the State of New York and authorized to do business in the State of Michigan, with its principal place of business at Detroit, Michigan, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount of electric energy which Applicant is presently authorized to transmit from the United States to Canada, over overhead interconnecting transmission lines crossing the St. Clair River between Marysville, Michigan and Sarnia, Ontario.

By Commission order issued December 17, 1956, in the above docket, Applicant was authorized to transmit to the Hydro-Electric Power Commission of Ontario (Hydro) a maximum of 500,000,000 kilowatt hours of electric energy per year at a rate not to exceed 315,000 kwa. Applicant presently seeks authorization to increase to 1,000,000,000 kilowatt-hours the maximum amount of electric to be exported to Hydro annually at a maximum transmission rate of not to exceed 600,000 kva. All energy to be transmitted including the additional energy requested will be surplus energy, the amount being variable depending upon the load requirements of the customers of Hydro and on the surplus available on Applicant's system.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 10, 1964 file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1791; Filed, Feb. 25, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration No. 1]

SMOKED FISH FROM GREAT LAKES AREA

Diseased Products Disaster

Whereas, many small business firms are engaged in catching, processing and selling fish from the Great Lakes area; and

Whereas, the Food and Drug Administration on October 25, 1963, issued a statement warning the public of botulism in smoked fish from the Great Lakes area; and this warning was followed by a drastic reduction in consumption resulting in substantial economic injury to the Great Lakes fishing industry and to processors, distributors and retailers of smoked fish from the Great Lakes area; and

Whereas, the cause of the botulism was not known;

Now, therefore, as Administrator of the Small Business Administration, I hereby declare that the foregoing circumstances constitute a disaster within the meaning of section 7(b)(4) (Pub. Law 88-264) of the Small Business Act, as amended. Applications for disaster assistance will be received from small business concerns which have suffered substantial economic injury as a result thereof. Financial assistance, if found to be necessary or appropriate, will be extended to small business concerns determined by Small Business Administration to have suffered substantial economic injury as a result of this disaster. No applications under this Declaration shall be accepted subsequent to August 31, 1964.

EUGENE P. FOLEY,
Administrator.

FEBRUARY 6, 1964.

[F.R. Doc. 64-1788; Filed, Feb. 25, 1964; 8:46 a.m.]

TARIFF COMMISSION

[AA1921-37]

VITAL WHEAT GLUTEN FROM CANADA

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on February

19, 1964, ordered a public hearing to be held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to vital wheat gluten from Canada. Notice of the institution of this investigation was published in the FEDERAL REGISTER on February 7, 1964 (29 F.R. 1860).

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., at 10 a.m., e.s.t., on March 31, 1964. Interested parties desiring to appear and to be heard should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Because of the limited time available, oral presentations of interested parties and the questioning of witnesses may be limited as conditions necessitate.

Issued February 20, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-1802; Filed, Feb. 25, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 293]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 20, 1964.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 68), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio, 44309, filed February 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 22 and Pennsylvania Highway 17 over Pennsylvania Highway 17 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 22, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from junction U.S. Highway 22 and Pennsylvania Highway 17 over U.S. Highway 22, to junction U.S. Highway 11 and return over the same route.

No. MC 29555 (Deviation No. 6) BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul 13, Minn., filed January 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Chicago, Ill., over Interstate Highway 80 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Omaha over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 via Silvis, Ill., to junction U.S. Highway 34, thence over U.S. Highway 34, to Chicago, and return over the same route.

No. MC 29910 (Deviation No. 6), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., filed February 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highway 61 and Interstate Highway 40 approximately 1 mile north of West Memphis, Ark., thence over Interstate Highway 40 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between West Memphis, and Little Rock, Ark., over U.S. Highway 70.

No. MC 30204 (Deviation No. 7), HEMINGWAY TRANSPORT, INC., 438 Darmouth Street, New Bedford, Mass., filed February 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware, over bypass connection to Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Richmond, Va., over U.S. Highway 1 via Baltimore to New York, N.Y. (also from Baltimore, over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, also from Baltimore over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York), and return over the same route.

No. MC 59488 (Deviation No. 3), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Tex., filed February 13, 1964. Attorney: Lloyd M. Roach, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction U.S. Highways 61, 70 and Interstate Highway 55 in Arkansas over Interstate Highway 55 to junction U.S. Highway 61, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Memphis, Tenn., over U.S. Highway 61 to Blytheville, Ark., and return over the same route.

No. MC 65580 (Deviation No. 2), MUSHROOM TRANSPORTATION COMPANY, INC., 6921 Castor Avenue, Philadelphia, Pa., filed February 10, 1964. Representative: Joseph F. Cassidy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation routes as follows: from Baltimore, Md., over Interstate Highway 95 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over Pennsylvania Highway 43 (Schuylkill Expressway) to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Turnpike Northeast Extension, thence over Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 81, thence over Interstate Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 34, thence over New York Highway 34 to junction Interstate Highway 90 (New York Thruway), thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Baltimore over U.S. Highway 1 to Philadelphia, thence over U.S. Highway 309 to Wilkes-Barre, Pa., thence over U.S. Highway 11 to Syracuse, N.Y., thence over New York Highway 5 to Elbridge, N.Y., thence over New York Highway 31-C to Jordan, N.Y., thence over New York Highway 31 to Rochester, N.Y., thence over New York Highway 33 via Batavia, N.Y., to Buffalo (also from Syracuse over New York Highway 5 to Batavia, and thence to Buffalo as specified above), and return over the same routes.

No. MC 69116 (Deviation No. 20), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed February 13, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Detroit, Mich., over Interstate Highway 94 to Port Huron, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Detroit over U.S. Highway 25 to Port Huron, and return over the same route.

No. MC 75320 (Deviation No. 19), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Mo., filed February 10, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Interstate Highway 40 and U.S. Highway 61 approximately 1 mile north of West Memphis, Ark., over Interstate Highway 40 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service as follows: from Memphis over U.S. Highway 70 to Little Rock, and return over the same route.

No. MC 110191 (Deviation No. 2) TURNERS EXPRESS, INCORPORATION, 1300 Shelton Avenue, Norfolk, Va., filed January 29, 1964. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from junction Delaware Memorial Bridge and U.S. Highway 40 in Delaware over bypass connection to Interstate Highway 95, thence over Interstate Highway 95 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Baltimore, over U.S. Highway 40 to junction U.S. Highway 13, and return over the same route.

No. MC 111231 (Deviation No. 21), JONES TRUCK LINES, INC., 514 East Emma Avenue, Springdale, Ark., filed February 7, 1964. Representative: B. J. Wiseman, Springdale, Ark. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: from the junction Interstate Highway 40 and U.S. Highway 61, approximately 1 mile north of West Memphis, Ark., over Interstate Highway 40 to Little Rock, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between West Memphis, and Little Rock, Ark., over U.S. Highway 70.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 160), GREYHOUND LINES, INC. (Eastern Greyhound Lines), 1400 West Third Street, Cleveland, Ohio, 44113, filed February 10, 1964. Applicant proposed to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) from Richmond, Va., over Interstate Highway 95 to junction U.S. Highway 1, approximately 3 miles south of Fredericksburg, Va., (B) from junction Interstate Highway 95 and Virginia Highway 54 over Virginia Highway 54 to Ashland, Va., and (C) from junction Interstate Highway 95 and Virginia Highway 207 over Virginia Highway 207 (previously authorized) to Carmel Church, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: from Washington, D.C., over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 460 to Suffolk, Va., thence over U.S. Highway 58 to Norfolk, Va.; from Lee Hall, Va., over U.S. Highway 60 to junction Virginia Highway 174, thence over Virginia Highway 174 to junction Virginia Highway 238, thence return over Virginia Highway 174 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, and thence over U.S. Highway 360 to Brays, Va.; from Tappahannock, Va., over U.S. Highway 17 to Fredericksburg; from Richmond over Virginia Highway 5 to junction Virginia Highway 31, thence over Virginia Highway 31 to Williamsburg, Va., thence over Colonial Highway (formerly National Highway) to Yorktown, Va., thence over U.S. Highway 17 to junction Virginia Highway 168; from Fredericksburg over Alternate U.S. Highway 1 to Four Mile Fork, Va.; and from junction U.S. Highway 1 and Virginia Highway 207 over Virginia Highway 207 to junction 301, thence over U.S. Highway 301 to junction U.S. Highway 17, at or near Port Royal, Va., and return over the same routes.

No. MC 1515 (Deviation No. 161) (cancelling Deviation Nos. 88 and 107, GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed February 7, 1964. Applicant proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) from junction U.S. Highway 11 and Interstate Highway 59, one-half mile south of Nicholson, Miss., over Interstate Highway 59 to junction U.S. Highway 11, one-half mile north of Pearl River, La., (B) from Laurel, Miss. over Interstate Highway 59 to junction U.S. Highway 11, immediately south of Hattiesburg, Miss., (C) from junction U.S. Highway 49 and Interstate Highway 59 over U.S. Highway 49 to Hattiesburg, (D) from junction U.S. Highway 98 and Interstate Highway 59 over U.S. Highway 98 to Hattiesburg, and (E) from Meridian, Miss. over Interstate Highway 59 to junction U.S. Highway 11, near Toomsuba, Miss., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: from Birmingham, Ala. over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64-1820; Filed, Feb. 25, 1964; 8:48 a.m.]

[Notice No. 603]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 1964.

Section A. The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 561), filed February 7, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B. F. Goodrich Chemical Co., located at Avon Lake, Ohio, to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

HEARING: March 3, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 117119 (Sub-No. 140), filed February 18, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: March 31, 1964, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner James O'D. Moran.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 2232 (Sub-No. 6), filed December 23, 1963. Applicant: CREGER FREIGHT LINES, INC., Union Landing Road, Riverton, N.J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk,

commodities requiring special equipment, and those injurious or contaminating to other lading), between Philadelphia, Pa., and Bristol, Pa.: (1) from Philadelphia, over connecting bridges to Camden, N.J., thence over U.S. Highway 130 to Burlington, N.J., thence over the Burlington-Bristol Bridge to Bristol, Pa., and return over the same route serving no intermediate points, and (2) from Philadelphia, over U.S. Highway 13 to Bristol and return over the same route, serving no intermediate points.

HEARING: April 2, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

No. MC 10169 (Sub-No. 2), filed June 18, 1963. Applicant: HATCHER TRUCKING COMPANY, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Shenandoah Building, Suite 300, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Roanoke, Va., and Kenova, W. Va., from Roanoke, over U.S. Highways 11 and 460 to Radford, Va., thence over U.S. Highway 100 to U.S. Highway 219, to the West Virginia turnpike, thence over the West Virginia turnpike to Charleston, W. Va., thence over U.S. Highway 60 to Kenova, thence over U.S. Highway 60 to U.S. Highway 23, thence over U.S. Highway 23 to Ashland, Ky., thence over U.S. Highway 52 to Ironton, Ohio, thence over U.S. Highway 52 to Portsmouth, Ohio, and return over the same routes, serving all intermediate points and off-route points within 5 miles of Roanoke, and the off-route points of Bluefield, Princeton, Madison, Iaeger, Bradshaw, Coalwood, War, Welch, Gary, Pageton, Logan, and Williamson, W. Va.

NOTE: Applicant states it "agrees that all irregular routes in West Virginia now held by applicant and which duplicate the regular route rights and off-route points sought herein may be canceled upon the final granting of the certificate of the foregoing regular route and off-route points."

HEARING: April 20, 1964, at the U.S. Courtrooms, Huntington, W. Va., before Examiner Alton R. Smith.

No. MC 10655 (Sub-No. 8), filed November 6, 1963. Applicant: ROETHLISBERGER TRANSFER COMPANY, a corporation, Mohican Street, Shelby, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Shelby, Ohio, on the one hand, and on the other, Akron, Cincinnati, Cleveland, Columbus, Dayton, East Liverpool, Mansfield, West Richfield, Youngstown, and Zanesville, Ohio.

HEARING: April 10, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 13245 (Sub-No. 3), filed December 4, 1963. Applicant: EDWARD ZURCHER CO., INC., 707 Pitt Street, Pittsburgh 21, Pa. Applicant's attorney: Jerome Solomon, 1325 Grant Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, and *empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, between Pittsburgh, Pa., and points in Pennsylvania within fifty (50) miles of Pittsburgh, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50, and those in Ohio on and east of U.S. Highway 23.

HEARING: April 9, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 18535 (Sub-No. 35) (REPUBLICATION), filed November 26, 1962, published in FEDERAL REGISTER issue of January 23, 1963, and republished this issue. Applicant: O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, St. Matthews, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. By application filed November 26, 1962, applicant seeks authority to operate in interstate or foreign commerce, as a common carrier by motor vehicle, transporting lumber, native wood and veneer, rough dressed or precut, from points in Orangeburg County, S.C., to points in Virginia and Georgia, and Charleston, S.C. The application was referred to Hearing Examiner Schneider for hearing, which was held on July 22, 1963. A Report and Order was served August 20, 1963. Exceptions to the examiner's report and recommended order were filed by protestants, and applicant replied. A Report of the Commission, served February 17, 1964 finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of lumber (except veneer), native wood, rough, dressed or precut, from points in Orangeburg, S.C., to points in Georgia (except Savannah and Port Wentworth, Ga., which applicant is already authorized to serve); that applicant is fit, willing and able properly to perform such service and conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued, subject to the condition that issuance of a certificate will be withheld for a period of 30 days after republication of a corrected notice in the FEDERAL REGISTER of a description of the authority granted herein, during which time any interested party may file an appropriate pleading. As previously published in the FEDERAL REGISTER, the notice creates the impression that traffic to points in Georgia, Virginia, and to Charleston would be restricted to traffic destined for export. Although the application is somewhat ambiguous in this respect, the evidence clearly shows that applicant did not intend that traffic to Georgia and Virginia would be so restricted.

No. MC 19622 (Sub-No. 4) (AMENDMENT), filed November 12, 1963, published FEDERAL REGISTER issue February 5, 1964, and republished as amended, this issue. Applicant: ADOLPH J. FOURNIER, doing business as A. FOURNIER'S EXPRESS, West Spring Street, Windsor Locks, Conn. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between La Guardia and International Airports, New York, N.Y., Newark Airport, Newark, N.J., and Logan Airport, Boston, Mass., on the one hand, and, on the other, Bradley Field Airport, Windsor Locks, Conn., and points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn.

NOTE: Applicant states that the proposed operations will be restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air. It is further noted that the purpose of this republication is to add "and points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn."

HEARING: Remains as assigned March 23, 1964, at the Hotel Essex, Boston, Mass., before Examiner John B. Mealy.

No. MC 23939 (Sub-No. 151), filed December 9, 1963. Applicant: ASBURY TRANSPORTATION CO., a corporation, 2222 East 38th Street, Los Angeles 58, California. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen*, from points in Lake County, Ohio, to Argonne, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: April 10, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 29566 (Sub-No. 80), filed October 28, 1963. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: Vernon M. Masters, 1400 Kansas Avenue, Kansas City 5, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (restricted against any transportation in

bulk in tank vehicles), from Denison, Iowa, to Lincoln, Nebr., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: April 10, 1964, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 192, or, if the Joint Board waives its right to participate, before Examiner Wm. N. Culbertson.

No. MC 30160 (Sub-No. 3), filed December 6, 1963. Applicant: CARL W. PEER AND THEODORE E. PEER, doing business as PEER BROS. TRUCKING CO., Fairfield Avenue, Westfield, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough emery ore*, in bulk, from points in Cortland Township, N.Y., to Chester, Mass.

HEARING: April 2, 1964, at The Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 191.

No. MC 39443 (Sub-No. 18), filed December 5, 1963. Applicant: RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* between East St. Louis and Danville, Ill., on the one hand, and, on the other, Olathe, Kans.

HEARING: March 31, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 55236 (Sub-No. 78), filed November 8, 1963. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis. Applicant's attorney: R. H. Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerol (glycerin) crude and refined, coconut oil, coconut oil soap stock, liquid soap and inedible tallow, including fatty acids thereof*, in bulk, in tank vehicles, from the plant site of Armour & Co. Grocery Products Division plant at or near Aurora, Ill. and points within 5 miles thereof, to points in Indiana, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: April 6, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 58396 (Sub-No. 2), filed December 26, 1963. Applicant: FRANK'S EXPRESS, INCORPORATED, 92 Nonquit Street, West Haven, Conn. Applicant's attorney: John E. Fay, 25 Lafayette Street, Hartford, Conn., 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Connecticut.

HEARING: April 3, 1964, at The Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 227.

No. MC 60116 (Sub-No. 4), filed March 26, 1963. Applicant: WING'S EXPRESS, INC., 85 Railroad Avenue, Haverhill, Mass. Applicant's attorneys: Francis E. Barrett, Jr., Kenneth Johnson, 182 Forbes Building, Forbes Road (At South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving Bath, Maine, as an off-route point in connection with applicant's authorized regular route operations between Boston, Mass., and Augusta, Maine.

HEARING: April 13, 1964, at The State House, Augusta, Maine, before Joint Board No. 70.

No. MC 94880 (Sub-No. 3), filed December 24, 1963. Applicant: E. J. DAVIES, INC., 600 East 132d Street, Bronx, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundation forms, form ties, and related accessories, column clamps, and shores*, between New York, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE: Applicant states the proposed transportation service is to be performed under a continuing contract or contracts, with present contract shipper, Conver Steel & Wire Company, Inc., 600 East 132d Street, Bronx 54, N.Y.

HEARING: April 2, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

No. MC 95876 (Sub-No. 25), filed November 4, 1963. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble, slate and stone*, from points in Washington and Orange Counties, Vt., to points in Michigan, Indiana, Kentucky, and Ohio.

HEARING: April 7, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 106657 (Sub-No. 19), filed November 14, 1963. Applicant: MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, in bulk, in dump trucks, from Chicago Heights, Ill., to points in Wisconsin and Michigan.

HEARING: April 17, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LeVecchia.

No. MC 107403 (Sub-No. 516), filed November 27, 1963. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Lawrence, Licking, and Lucas Counties, Ohio, to points in Ohio.

HEARING: April 8, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 107871 (Sub-No. 24), filed December 11, 1963. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street, West (P.O. Box 1012), Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, (1) in bags and (2) in bulk in tank, hopper and dump type vehicles, from Dover, N.Y., to points in New York, New Jersey, Connecticut, and Pennsylvania.

HEARING: April 16, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 108329 (Sub-No. 4) (REPUBLICATION), filed May 20, 1963. Applicant: KATO THEATRE SERVICE, INC., Route No. 3, Elizabethtown, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. By application filed May 20, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of magazines and periodicals, from Indianapolis, Ind., and Cincinnati, Ohio, to points in Fayette, Warren, and McCraken Counties, Ky. The application was referred to Joint Board No. 208 for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 11, 1963, at Louisville, Ky. A Report and Order, served September 23, 1963, found that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of magazines and periodicals, from Indianapolis, Ind., and Cincinnati, Ohio, to Bowling Green, Lexington, and Paducah, Ky. Exceptions were filed to this Report and Order, and applicant replied. A corrected Decision and Order, served February 13, 1964, sets forth, in part, "that whereas the initial origin of a portion of the involved traffic is Chicago, Ill., or Dayton, Ohio, the application filed with the Commission, and the notice thereof published in the FEDERAL REGISTER reflect movement only from Indianapolis, Ind., and Cincinnati, Ohio,

which points are between Chicago and Dayton, on the one hand, and the destination territory, on the other;" • • • "that interested members of the public, other than the protestants herein, who relied upon the notice published in the FEDERAL REGISTER may have been misled and prejudiced by the omission of the information as to the original origins of the involved traffic, the inclusion of which would have alerted them of their interests in regard thereto." The Decision and Order also sets forth that the joint board recommended the granting to applicant of a certificate authorizing the operations described above, from Indianapolis, Ind., and Cincinnati, Ohio, to Bowling Green, Lexington and Paducah, Ky.; that the evidence considered in the light of the exceptions and reply thereto, does not warrant a result different from that reached by the joint board; that a statement of the authority granted herein together with the information as to initial origins of the involved traffic shall be published in the FEDERAL REGISTER in the form of a republication; that the issuance of a certificate shall be withheld until the lapse of 60 days from the date of such republication; and that during the first 30 days from the date of republication any proper party in interest may file an appropriate pleading.

No. MC 108392 (Sub-No. 2), filed October 14, 1963. Applicant: DISTRIBUTORS SERVICE COMPANY, INC., 30 Edgewood Park, Parkersburg, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504 Security Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Louisville, Ky., Detroit, Mich., Columbus, Ohio, and St. Louis, Mo., to New Martinsville, W. Va., (2) from Pittsburgh, Pa., and Akron, Ohio, to Sistersville, W. Va., (3) from Detroit, Mich., to Charleston, W. Va., and (4) from Milwaukee, Wis., Columbus and Akron, Ohio, Norristown, Pa., Peoria, Ill., Newark, N.J., St. Louis, Mo., Detroit, Mich., and Baltimore, Md., to Parkersburg, W. Va. and *empty containers or other such incidental facilities* used in transporting the commodities in (1), (2), (3), and (4) above, on return.

HEARING: April 13, 1964, in Room 3262 Third Floor, U.S. Courthouse and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Examiner Alton R. Smith.

No. MC 108449 (Sub-No. 168) (CORRECTION), filed August 29, 1963, published FEDERAL REGISTER issued of January 31, 1964, republished this issue as corrected. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. The purpose of this republication is to show that applicant's correct name is as above rather than "Indianhead Truck Lines" as previously published.

HEARING: Remains as assigned March 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Parks M. Low.

No. MC 106460 (Sub-No. 10), filed December 27, 1963. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 3901 West 12th Street, Sioux Falls, S. Dak. Applicant's attorney: Theodore Mead Bailey, Jr., 305 Northwest Security Bank Building, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the sites of the terminal outlet of the Kanab Pipeline Company's pipeline, located at or near Mitchell and Wolsey, S. Dak., to points in Iowa, Minnesota, Montana, North Dakota, Nebraska, and Wyoming, and *rejected shipments of the commodities* specified above, on return.

HEARING: March 9, 1964, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Raymond V. Sar.

No. MC 108676 (Sub-No. 13) (CLARIFICATION), filed December 13, 1963, published FEDERAL REGISTER issue of February 5, 1964, and clarified this issue. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville 17, Tenn. Applicant's atorney: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and concrete products*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, from points in Davidson County, Tenn., to points in Tennessee, Kentucky, and Alabama on and north of U.S. Highway 278.

NOTE: The purpose of this republication is to show that the above transportation will require the use of special equipment *or* special handling, inadvertently shown as requiring the use of special equipment *and* special handling.

HEARING: Remains as assigned March 11, 1964, at the Dinkler Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284.

No. MC 109672 (Sub-No. 8) (REPUBLICATION), filed August 6, 1963, published FEDERAL REGISTER, issue of August 21, 1963, and republished this issue. Applicant: BOYCE MOTOR LINES, INC., 800 South Main Street, Canandaigua, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse 2, N.Y. By application filed August 6, 1963, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, with certain exceptions, between Buffalo, N.Y., and the New York-New Jersey State line at or near Suffern, N.Y., from Buffalo over the New York State Thruway to the New York-New Jersey State line at or near Suffern, and return over the same route, serving no intermediate points, but serving Canandaigua as an off-route point, subject to the restriction that the authority granted herein and applicant's existing authority between the involved termini shall be construed as comprising only a single nonseparable operating right between such termini. A Supplemental Order, served January 30, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buffalo, N.Y., and New York, N.Y., from Buffalo over the New York State Thruway to Yonkers, N.Y., thence over Interstate Highway 87 to New York, N.Y., and return over the same route, serving no intermediate points on such route, but serving points in New Jersey within 30 miles of City Hall, New York, N.Y., as off-route points, and serving Canandaigua, N.Y., as an off-route point with service at the latter point restricted to the interchange of traffic only, subject to the further restriction that the authority granted herein and applicant's existing authority between the involved termini shall be construed as comprising only a single operating right not severable by sale or otherwise; and that an appropriate certificate should be issued, subject to the conditions described in the next succeeding paragraph herein. That because it is possible that other parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 110683 (Sub-No. 25), filed November 26, 1963. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VIRGINIA, Post Office Box 1000, Staunton, Va. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Charleston, W. Va., and Huntington, W. Va., (a) from Charleston, over U.S. Highway 60 to Huntington, and return over the same route, serving all intermediate points, (b) from Charleston over Interstate Highway 64 to Huntington, and return over the same route, serving all intermediate points, (2) between Charleston, and Point Pleasant, W. Va., from Charleston, over U.S. Highway 35 to Point Pleasant, and return over the same route, serving all intermediate points, (3) between Charleston, and Ravenswood, W. Va., from Charleston over U. S. Highway 21 to junction West Virginia Highway 56 (also from Charleston over U.S. Highway 21 to junction Interstate Highway 77, thence Interstate Highway 77 to Fairplain, W. Va., thence over U.S. Highway 21) to junction West Virginia Highway 56, thence over West Virginia Highway 56 to Ravenswood, and return over the same route serving all intermediate points, (4) between Huntington, and Ravenswood, W. Va., from Huntington over West Virginia Highway 2 to Ravenswood, and return over the same route, serving all intermediate points, and (5) between Point Pleasant, and Ripley, W. Va., from Point Pleasant over West Virginia Highway 62 to Mason, W. Va., thence over U.S. Highway 33 to Ripley, and return over the same route, serving all intermediate points, and at off-route points in West Virginia within (15) miles of Huntington, and at points within (5) miles of the routes named, and at Hamlin, W. Va.

NOTE: The applicant states (1) the proposed service is restricted to points in West Virginia, (2) the proposed service and that now held by applicant in MC-110683 authorizing the transportation of general commodities, with exceptions, between Bluefield, W. Va., on the one hand, and, on the other, points in West Virginia, to the extent the same points are indicated, shall be construed as comprising a single operating right and shall not be severable by sale or otherwise, and (3) applicant presently holds regular-route authorities extending from Charleston, W. Va., via Covington and Staunton, Harrisonburg, Winchester, Waynesboro, Charlottesville, and Arlington, Va., Washington, D.C., Baltimore, Md., Wilmington, Del., Philadelphia, Pa., Trenton, New Brunswick, and Newark, N.J., New York, N.Y., Meridan and Hartford, Conn., to Boston, Mass. The proposed service would extend its presently authorized regular route operations beyond Charleston, W. Va., to additional West Virginia points on the routes named. Applicant presently holds irregular-route operations between points on the extension routes named and, among other points, Staunton, Va., and presently conducts combination regular-route and irregular-route operations between points on the extension routes, on the one hand, and, on the other, its irregular-route points and irregular-route points served through regular-route gateways. In connection with this proposed service applicant makes some use of piggy-back substituted service to, and from Charleston, and Huntington, W. Va., and desires authority to continue service between these rail heads and the service points involved. It is further noted that common control may be involved.

HEARING: April 15, 1964, in Room 3262, Third Floor, U.S. Courthouse and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 111473 (Sub-No. 3), filed December 17, 1963. Applicant: INTERSTATE TRUCK LINE, INC., 11th and State Streets., Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, from Newville, Pa., to New York, N.Y., and (2) *materials and supplies used in the manufacture of wearing apparel*, from New York, N.Y., to Newville, Pa.

HEARING: April 2, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Lyle C. Farmer.

No. MC 111812 (Sub-No. 232), filed November 18, 1963. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in Appendix I to *Descriptions Case*, 61 M.C.C. 209 and 766, from Hawarden, Iowa, to points in Wisconsin.

HEARING: April 16, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 112750 (Sub-No. 170), filed November 20, 1963. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records and audit and accounting media of all kinds* (except plant removals) on behalf of Sealtest Foods Division of National Dairy Products Corporation, between Dubuque, Iowa, on the one hand, and, on the other, Chicago, Ill.

NOTE: Common control may be involved.

HEARING: April 15, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 113267 (Sub-No. 113), filed November 4, 1963. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Fred H. Figge, 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A, Appendix I, in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles mechanically temperature controlled, equipped with meat rails, from Taylorville, Ill., to points in Alabama, Arkansas, Georgia, Iowa, Louisiana, Kentucky, Mississippi, Tennessee, and Wisconsin.

NOTE: Applicant states the proposed service will be restricted against the transportation of commodities in bulk, in tank vehicles. It is further noted that common control may be involved.

HEARING: April 3, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 114019 (Sub-No. 110), filed November 4, 1963. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glycerine*, in bulk, in tank vehicles, from the site of the Armour Soap Manufacturing Plant at or near Aurora, Ill., to points in Michigan and Missouri, (2) *coconut oil coconut oil soap stock, liquid soap, inedible tallow*, including fatty acids thereof, in bulk, in tank vehicles, from the site of the Armour Soap Manufacturing Plant at or near Aurora, Ill., to points in Indiana, Michigan, Ohio, Missouri, Pennsylvania, and Wisconsin.

HEARING: April 6, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 114211 (Sub-No. 39), filed October 30, 1963. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Black Hawk County, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tank, stock and storage, sheet steel, and well casing*, from Larned, Kans., and Beatrice, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin, and (2) *agricultural implements, machinery and parts, windmills and parts, tanks, and towers*, from Beatrice, Nebr., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Texas, and Wisconsin, and *rejected shipments*, on return.

HEARING: April 9, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 114533 (Sub-No. 74), filed September 10, 1963. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, audit and accounting media, business papers and records*, between Oak Brook, Ill., on the one hand, and, on the other, Milwaukee, Wis., and Muskegon and Detroit, Mich.

HEARING: April 8, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 118610 (Sub-No. 5), filed November 6, 1963. Applicant: L & B EXPRESS, INC., P.O. Box 331, Frankfort, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (as described in Appendix V of 61 M.C.C. 209), except those which because of size or weight require special equipment, between points in Pennsylvania on and west of U.S. Highway 219, points in Ohio on and north of U.S. Highway 40 and on and east of U.S. Highway 21, and points in West Virginia on and north of U.S. Highway 50, on the one hand, and on

the other, points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

HEARING: March 31, 1964, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner Alton R. Smith.

No. MC 118776 (Sub-No. 7), filed November 4, 1963. Applicant: C. L. CONNORS, INC., P.O. Box 712, Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, from St. Paul, Minn., to Quincy, Ill., and Hannibal, Mo. (2) *Tanks*, from Quincy, Ill., to points in Iowa, Minnesota, Wisconsin, Indiana, Michigan, Missouri, Kansas, Arkansas, Kentucky, and Nebraska.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 124459; therefore dual operations may be involved.

HEARING: April 2, 1964, at the U.S. Courtrooms and Federal Building, before Examiner Louis G. LaVecchia.

No. MC 118899 (Sub-No. 2) (AMENDMENT), filed December 16, 1963, published FEDERAL REGISTER issue February 5, 1964, amended February 17, 1964, and republished as amended, this issue. Applicant: JOHN J. GERMENKO, GEORGE I. HALTER AND LARRY GERMENKO, doing business as BALTIMORE TANK LINES, Catonsville Junction, Catonsville 28, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the outlet of the Plantation Pipe Line Company, located at or near Newington, Va., to points in Virginia, West Virginia, District of Columbia and Maryland.

NOTE: The purpose of this republication is to show the correct name of the origin point.

HEARING: Remains as assigned March 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 119241 (Sub-No. 3) (AMENDMENT), filed October 18, 1963, published in FEDERAL REGISTER issue of February 5, 1964, amended February 12, 1964 and republished as amended this issue. Applicant: PCP TRANSPORTATION COMPANY, a corporation, 9500 South Norwalk Boulevard, Santa Fe Springs, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, and flue lining*, from Alberhill and Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, and (2) *sacked fire clay*, from Santa Fe Springs, Calif., to points in Arizona, Nevada, and the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission.

NOTE: Applicant states the proposed operation will be under a continuing contract with Pacific Clay Products. The purpose of this republication is to add Santa Fe Springs, Calif., as an origin point in (1) above.

HEARING: Remains as assigned March 10, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner John S. Messer.

No. MC 119320 (Sub-No. 1), filed December 9, 1963. Applicant: PILGRIM TRUCKING CORPORATION, 125 Bloomfield Avenue, Bloomfield, N.J. Applicant's representative: Fred Steigmann, 10 Park Place, Morristown, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), between points in Hudson, Bergen, Passaic, Essex, Union, Middlesex, Somerset, and Morris Counties, N.J.

NOTE: Applicant presently holds authority to operate between points in Essex, Hudson, Bergen, Passaic, and Union Counties, N.J. Duplicating authority will be eliminated.

HEARING: April 15, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 119483 (Sub-No. 1), filed November 22, 1963. Applicant: SOUTHERN TRANSPORTATION CORP., P.O. Box 536, Sulligent, Ala. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Slacks and walking shorts*, from Amory, Bruce, Caledonia, Gattman, Guntown, Hatley, and Plantersville, Miss., and Detroit, Sulligent, and Vernon, Ala., to points in Pennsylvania, Massachusetts, and the New York, N.Y., commercial zone, and New York, N.Y., Cleveland, Ohio, Eatonton and Bowden, Ga., Seneca, Williston, and Westminster, S.C., Baltimore and Hagerstown, Md., Dover, Newark, Newton, and New Brunswick, N.J., Woonsocket, R.I., and Chicago, Ill., and *empty used cartons*, from Chicago, Ill., to points of origin, (2) *finished piece goods, cloth, trimmings and other materials* such as, but not confined to, *zippers, buckles, waistbands, pocketing and thread, used in the manufacture of slacks and walking shorts*, (a) from points in North Carolina, South Carolina, Virginia, Georgia, New Jersey, Connecticut, Rhode Island, Massachusetts, and Pennsylvania and Cleveland, Ohio, Chicago, Ill., Bluefield, W. Va., Manchester, N.H., New York, N.Y., Wilmington, Del., and Baltimore and Hagerstown, Md., to points of origin in (1), (b) from Lanett, Opelika, and Pepperell, Ala., to Amory, Bruce, Caledonia, Gattman, Guntown, and Plantersville, Miss., and (c) from Sulligent, Ala., to New Bedford, Mass., (3) *pocket material*, from points of origin in (1), to points in the New York, N.Y., commercial zone, and (4) *damaged, rejected, returned or defective merchandise* described in (1), (2) and (3), on return.

NOTE: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract or contracts with the following: All-American Sportswear, Inc., Amory, Miss., Caledonia Manufacturing Co., Inc., Caledonia, Miss., Detroit Slacks, Inc., Detroit, Ala., Gattman Sportswear, Incorporated, Gattman, Miss., Glenn Manufacturing Company, Incorporated, Amory, Miss., Glenn Sales & Service Company, Incorporated, Amory, Miss., Glenn Slacks, Inc., Bruce, Miss., Guntown Slacks, Inc., Guntown, Miss., Hatley Sportswear, Inc., Amory, Miss., McCoy Manufacturing Co., Inc., Sulligent, Ala., Plantersville Sportswear, Inc., Plantersville, Miss., Tom and Huck Togs, Incorporated, Amory, Miss., and Vernon Manufacturing Co. Inc., Vernon, Ala. It is further noted that all of the above shippers are controlled through stock ownership by applicant's president and controlling owner. If the above authority is granted applicant will consent to concurrent cancellation of Permit No. MC 119483 which is completely embraced within the authority requested.

HEARING: April 14, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 119714 (Sub-No. 1), filed December 10, 1963. Applicant: MARTIN S. MARKS, doing business as M. S. MARKS, 453 West 19th Street, New York, N.Y. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages), between points in the Port of New York District as described in the Appendix to the order of the Commission, Division 4, in Ex Parte No. 140, *Determination of The Limits of New York Harbor and Harbors Contiguous thereto*, entered on March 26, 1941, on the one hand, and, on the other, Pennington, and Trenton, N.J.

NOTE: Common control may be involved.

HEARING: April 15, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 119767 (Sub-No. 9), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids, dessert materials, beverage preparations, confectioneries, flour pancake mixes, dry, dietary products, liquid, milk and cream substitutes, and cream and milk in hermetically sealed containers*, from Menomonie, Vesper, Astico, and Oconomowoc, Wis., to points in Michigan, Ohio, Missouri, Kansas, Nebraska, Iowa, North Dakota, and South Dakota.

NOTE: Common control may be involved.

HEARING: April 17, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 119767 (Sub-No. 10), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calument Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Minnesota and Wisconsin, to points in Ohio.

NOTE: Common control may be involved.

HEARING: April 13, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 119767 (Sub-No. 11), filed November 27, 1963. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calument Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. James and Madelia, Minn., to Xenia, Columbus, and Cleveland, Ohio, and Sharon and Pittsburgh, Pa.

HEARING: April 13, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 119777 (Sub-No. 21), filed November 12, 1963. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in Appendix V, 61 M.C.C. 209 (except those which because of size or weight require special equipment), between points in Pennsylvania on and west of U.S. Highway 219, points in Ohio on and north of U.S. Highway 40 and on and east of U.S. Highway 21, and points in West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

HEARING: March 31, 1964, at the Pittsburgh Hilton Hotel, Pittsburgh, Pa., before Examiner Alton R. Smith.

No. MC 119793 (Sub-No. 3) (CORRECTION), filed December 2, 1963, published FEDERAL REGISTER, issue of January 29, 1964, and republished this issue. Applicant: DEWEY L. WILFONG, doing business as D & W TRUCK LINES, 209 First Street, Parsons, W. Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C.

NOTE: The purpose of this republication is to correct the spelling of the origin point *Parsons, W. Va.*, inadvertently shown as Parson in previous publication.

HEARING: Remains as assigned March 5, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Bernard J. Hasson, Jr.

No. MC 119864 (Sub-No. 1), filed October 26, 1963. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26740 Eckel Road, Perrysburg, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and materials and supplies, used in the manufacture, sale and distribution thereof*, (1) between Lawrenceburg, Ind., on the one hand, and, on the other, points in the lower penninsula of Michigan, and Ohio (except Cincinnati, Ohio), and (2) between Streator, Ill., on the one hand, and, on the other, Toledo, and Cleveland, Ohio.

HEARING: April 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 123048 (Sub-No. 30), filed November 26, 1963. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements* (other than hand), (2) *farm machinery*, (3) *tractor attachments*, (4) *automatic feeding systems, barn cleaning machinery and equipment*, and (5) *parts and accessories when moving in mixed loads with the articles described in items (1), (2), (3)* and (4) restricted against the transportation of commodities requiring the use of special equipment and handling, from Vintin, Dubuque, and Sac City, Iowa, Omaha, and Columbus, Nebr., Glencoe, and Minneapolis, Minn., Olathe, Kans., Kansas City and Independence, Mo., Bloomington and Harvard, Ill., Chattanooga, Tenn., Columbia City, Ind., and Burr Oak, Mich., to points in Wisconsin, Illinois, and the Upper Peninsula of Michigan.

NOTE: Applicant states it will transport *rejected shipments*, on return.

HEARING: April 14, 1964, at the U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Examiner Louis G. LeVecchia.

No. MC 124125 (Sub-No. 1), filed December 11, 1963. Applicant: A. & P. EQUIPMENT & SUPPLY CORP., Morton Boulevard, Kingston, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Ulster, Orange, and Dutchess Counties, N.Y., to points in New Jersey, New York, and Connecticut, and *empty pallets and unused brick*, on return.

HEARING: April 16, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 125501 (Sub-No. 3), filed November 29, 1963. Applicant: DRIVE AWAY AUTO TRANSPORT, INC., 1583 Jerome Avenue, New York, Bronx 52, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in driveaway service, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, and the District of Columbia.

HEARING: April 17, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lyle C. Farmer.

No. MC 125749 filed October 14, 1963. Applicant: STOKES ENGINEERING & CONSTRUCTION CO., 702 West Pershing Road, Decatur, Ill. Applicant's attorney: Frank H. Byers, 614 East Pershing Road, Decatur, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass goods; meter yokes; meter covers; valves and parts; hydrants and parts; pipe, copper, cast iron, iron conduit, cast iron fittings; fountain fixtures; and restaurant fixtures*, between Decatur and Chicago, Ill., Minneapolis, Minn., Denver, Colo., Salt Lake City, Utah, Seattle, Wash., Los Angeles, Calif., Albuquerque, N. Mex., Detroit, Mich., Miami, Fla., and Indianapolis, Ind.

HEARING: April 3, 1964, at the U.S. Courtrooms and Federal Building, Springfield, Ill., before Examiner Louis G. LaVecchia.

No. MC 125785, filed October 31, 1963. Applicant: SATURN EXPRESS, INC., 605 South 14th Street, Box 2028, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baler and binder twine, baling and barbed wire*, (1) from New Orleans, La., and Houston, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, and (2) from Philadelphia, Pa., to points in Maine, New York, New Jersey, Pennsylvania, and Vermont.

NOTE: Applicant states all service will be performed under continuing contracts with Tractor Supply Co. and Dan H. Shield Cordage Co., Chicago, Ill.

HEARING: April 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Louis G. LaVecchia.

No. MC 125789, filed November 4, 1963. Applicant: ROBERT SLATKIN, doing business as WINDSOR WAREHOUSING CO., 1453 41st Street, North Bergen, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture*, from North Bergen, N.J., to points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y. and Philadelphia, Springfield, and King of Prussia, Pa., limited to deliveries to Korvette and My Baby Stores in the destination territory and further restricted to movements solely from Windsor Warehouse and railhead in North Bergen, N.J., of juvenile furniture which had hitherto been stored and processed under applicant's function as a warehouseman.

NOTE: Applicant states the proposed operation will be under continuing contracts with Hopkins Mfg. Co., Pride Products, Storkline Products and M.B. (My Baby) Jobbing Corp.

HEARING: April 9, 1964, at the Federal Building, Newark, N.Y., before Examiner Lyle C. Farmer.

No. MC 126836 (AMENDMENT), filed November 29, 1963, published FEDERAL REGISTER issue February 5, 1964, amended February 3, 1964, and republished as amended this issue. Applicant: WILLIAM O. EVANS, doing business as HIAWATHA TRANSFER, 207 Hickory Street, Red Wing, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, and boats up to 22 feet in length*, from points in Goodhue County, Minn., to points in Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: The purpose of this republication is to eliminate commodities and service as proposed in (2) of previous publication.

HEARING: Remains as assigned, March 13, 1964, at Room B-29, Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 125843, filed November 26, 1963. Applicant: KENNETH B. KAAR, doing business as KAAR SERVICE, 1821 N Street, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked motor vehicles, and parts therefor, with or without cargo, and replacement vehicles*, between points in Nebraska, Iowa, Kansas, Missouri, Minnesota, Colorado, Wyoming, North Dakota, South Dakota, and Illinois.

HEARING: March 10, 1964, at the Hotel Cornhusker, Lincoln, Nebr., before Examiner Henry A. Cockrum.

No. MC 125846, filed November 22, 1963. Applicant: McKIBBEN MOTOR SERVICE, INC., 415 John Street, Arlington Heights, Cincinnati, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C., 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Loveland, Ohio, and points in Ohio.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 32702 and Subs thereunder; therefore dual operations may be involved.

HEARING: April 6, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 125898, filed December 16, 1963. Applicant: O'BRIEN TRUCKING CO., INC., 201 Delores Terrace South, North Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), restricted to such commodities having an immediately prior or immediately subsequent movement by air, between Clarence E. Hancock Airport (located in Onondaga County, N.Y.), on the one hand, and, on the other, (1) points in Onondaga, Cayuga, Seneca, Wayne, Oswego, and Ontario Counties, N.Y. and (2) the following airports: New York International Airport (Nassau and Queens Counties, N.Y.); LaGuardia Airport (Queens County, N.Y.); The Greater Buffalo International Airport (Erie County, N.Y.); Rochester-Monroe County Airport (Monroe County, N.Y.); Oneida County Airport (Oneida County, N.Y.); Broome County Airport (Broome County, N.Y.); Chemung County Airport (Chemung County, N.Y.); Albany County Airport (Albany County, N.Y.); Watertown Airport (Jefferson County, N.Y.); Massena Airport (St. Lawrence County, N.Y.); Tompkins County Airport (Tompkins County, N.Y.); and Newark Airport (Essex County, N.J.).

HEARING: March 31, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 348), filed July 31, 1963. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, between points in Bridgewater Township, N.J., and points in Franklin Township, N.J.: from the junction of U.S. Highway 22 and Interstate Highway 287 in Bridgewater Township, over Interstate Highway 287 to the junction of Weston Canal Road in Franklin Township; and return over the same route, serving all intermediate points.

NOTE: Applicant seeks to join the above described route at the junction of U.S. Highway 22 and Interstate Highway 287, Bridgewater Township, N.J., with No. MC 3647 Sub 303.

HEARING: April 9, 1964, at the Federal Building, Newark, N.J., before Joint Board No. 119, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 96318 (Sub-No. 6), filed December 11, 1963. Applicant: YELLOW COACH LINES, INC., 19 Center Street, Pittsfield, Mass. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage*, and *effects* between Pittsfield, Mass., and Danbury, Conn., from Pittsfield over U.S. Highway 7 to Danbury, and return over the same route, serving all intermediate points.

HEARING: March 31, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 22.

No. MC 105704 (Sub-No. 6), filed December 12, 1963. Applicant: N. DALE LIGHTNER, doing business as LINCOLN BUS LINES, 10 Elm Avenue, Hanover, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, consisting of round-trip sightseeing or pleasure tours, beginning and ending at points in Adams, Cumberland, Dauphin, Franklin, and Lancaster Counties, Pa., and Carroll, Frederick, and Washington Counties, Md., and extending to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: April 1, 1964, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Lyle C. Farmer.

No. MC 108570 (Sub-No. 2) (AMENDMENT), filed October 1, 1963, published FEDERAL REGISTER issue October 16, 1963, amended December 18, 1963, and republished as amended this issue. Applicant: LITTEN & LITTEN MOTOR LINES, INC., Box 128, Route 1, Knoxville, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter or special operations, beginning and ending at Brunswick, Md., and points within twenty (20) miles thereof, and extending to points in Pennsylvania, New Jersey, New York, Maryland, Virginia, West Virginia, Delaware and the District of Columbia.

NOTE: The purpose of this republication is to add the destination point New York to those shown in previous publication.

HEARING: April 1, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 118926 (Sub-No. 1), filed December 12, 1963. Applicant: ASHLAND CITY LINES, INC., 628 East Main Street, Ashland, Ohio. Applicant's attorney: Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, (a) between Cleveland, and Mansfield, Ohio, from Cleveland, over city streets and U.S. Highway 42 through Parma, Middleburg Heights, Strongsville, Brunswick, Media, Lafayette, Lodi, West Salem, Ashland, and Five Points to Mansfield, and return over the same route, serving all intermediate points, (b) between Medina, and Wooster, Ohio, from Medina, over Ohio Highway 3 through Seville, Creston, Jackson, and Madisonburg to Wooster, and return over the same route, serving all intermediate points, (c) between Wooster and Ashland, Ohio, from Wooster, over U.S. Highway 250 through New Pittsburg and Rowsburg to Ashland, and return over the same route, serving all intermediate points.

HEARING: April 7, 1964, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 125875, filed December 9, 1963. Applicant: REAL TRANSIT CO., a corporation, 905 Bergen Avenue, Jersey City, N.J. Applicant's attorney: August W. Heckman, 297 Academy Street, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Blairstown, N.J., and Port of New York Authority Terminal at New York, N.Y., commencing in the township of Blairstown, in Warren County, at the intersection of Carhart Street and New Jersey Highway 94, thence along New Jersey Highway 94 to Newton in Sussex County, thence east on Park Place to U.S. Highway 206, thence along U.S. Highway 206 to the borough of Andover, thence along U.S. Highway 206 to the borough of Stanhope, thence south on Main Street in the borough of Stanhope to U.S. Highway 206, thence south on U.S. Highway 206 to Interstate Highway 80, thence east on Interstate Highway 80 to U.S. Highway 46 in Denville, thence east on U.S. Highway 46 to New Jersey Highway 3 in Clifton, thence east on New Jersey Highway 3 to the Lincoln Tunnel approach, thence via Lincoln Tunnel to the Port of New York Authority Terminal in New York City, and return over the same route, serving Newton, Andover, and Stanhope, N.J., as intermediate points.

NOTE: Applicant states that points east of the borough of Stanhope will be a closed-door operation. Interstate Highway 80 and Interstate Highway 280 east of the borough of Stanhope will be utilized as completion of construction permits.

HEARING: April 8, 1964, at the Federal Building, Newark, N.J., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner Lyle C. Farmer.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12885, filed October 18, 1963. Applicant: JOHN E. KNIPE, doing business as "KNIPE TOURS," 511 Edgemont Terrace, Martinsburg, W. Va., 25401. For a license (BMC 5) to engage in operations as a *broker* at Martinsburg, W. Va., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in groups, beginning and ending at Martinsburg, W. Va., and extending to points in the United States.

HEARING: April 14, 1964, in Room 3262, Third Floor, U.S. Courthouse and Federal Office Building, 500 Quarrier Street, Charleston, W. Va., before Joint Board No. 118, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 12889, filed December 23, 1963. Applicant: TRAVELS, INC., 194 Main Street, Middletown, Conn. Applicant's attorney: John L. Collins, 49 Pearl Street, Hartford, Conn., 06103. For a license (BMC 5) to engage in operations as a *broker* at Middletown, Middlesex County, Conn., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in special and charter operations, in round-trip, all-expense tours, beginning and ending at points in Middlesex County, Conn., and extending to points in the United States (except Hawaii).

HEARING: April 6, 1964, at the Hartford Statler Hilton, Hartford, Conn., before Joint Board No. 227.

No. MC 12890, filed December 31, 1963. Applicant: SKISPREE, INC., 6 West 28th Street, New York City, N.Y. Applicant's attorney: Harry J. Ruthoser, 305 Broadway, New York City 7, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York City, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage, skis and personal effects*, both as individuals and groups, in special and charter operations, in round-trip, all-expense tours, beginning and ending at New York City, N.Y., and extending to points in Connecticut, Massachusetts, New Hampshire, Maine, New York, New Jersey, and Delaware.

HEARING: April 3, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Lacy W. Hinely.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8678. Authority sought for purchase by A-P-A TRANSPORT CORPORATION, 2110 85th Street, North Bergen, N.J., of the operating rights of MARS EXPRESS, INC., 1375 Paterson Plank Road, Secaucus, N.J., and for acquisition by ARTHUR E. IMPERATORE, also of North Bergen, N.J., of control of such rights through the purchase. Applicants' attorneys: Zelby & Burstein, 160 Broadway, New York 38, N.Y., and Bowes & Millner, 1060 Broad Street, Newark 2, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Union, Hudson, Essex, and Bergen Counties, N.J., on the one hand, and, on the other, certain points in Connecticut, and New York; *waste paper* and *materials, machinery, and equipment* used in the manufacture of paper, paperboard, and paperboard products, from points in Bergen, Essex, Hudson, Mercer, Passaic, Somerset, Union, Middlesex, Monmouth, and Morris Counties, N.J., and those in the New York, N.Y., Commercial Zone as defined by the Commission, to points in Saratoga and Washington Counties, N.Y., between Newark, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission; *paper, paperboard, paperboard products*, and *machinery* used in the manufacture of paper, paperboard, and paperboard products, from points in Saratoga and Washington Counties, N.Y., to points in the next above-specified New Jersey counties, and those in the New York, N.Y., commercial zone as defined by the Commission, from Newark N.J., to points in New York in the New York, N.Y., commercial zone as defined by the Commission; *paper, paperboard*, and *paperboard products*, from points in Saratoga and Washington Counties, N.Y., to Torrington, Conn.; *paperboard* and *paperboard products*, from Victory Mills and Thomson, N.Y., to Hartford and New Haven, Conn., and Philadelphia and Reading, Pa.; *materials and supplies* used in the manufacture of paperboard and paperboard products, from Hartford and New Haven, Conn., and Philadelphia and Reading, Pa., to Victory Mills and Thomson, N.Y.; *machine parts* used in the manufacture of paper products, between Victory Mills and Thomson, N.Y., on the one hand, and, on the other, Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-8331 (WEISS TRUCKING CO., INC.—PURCHASE (PORTION)—HIGHWAY TRANSPORTATION CORP.), published in the January 9, 1963, issue of the FEDERAL REGISTER, on page 254. CORRECTION of the operating rights sought to be transferred published in the January 30, 1963, issue of the FEDERAL REGISTER, on page 894. Application filed February 10, 1964, for temporary authority under section 210a(b).

No. MC-F-8677. Authority sought for lease by EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, 216 Tremont Street, Boston 16, Mass., of a portion of the operating rights of TRAILWAYS OF NEW ENGLAND, INC., 1200 Eye Street NW., Washington, D.C. Applicants' attorney: Morris J. Levin, 1012 14th Street NW., Washington, D.C., 20005. Operating rights sought to be leased: Passengers and their baggage, and express, mail and newspapers in the same vehicle with passengers, with no seasonal restrictions, as a *common carrier* over regular routes, between Boston, Mass., and Lawrence, Mass., serving all intermediate points; passengers and their baggage, and express, and newspapers in the same vehicle with passengers, between Boston, Mass., and Rochester, N.H., serving all intermediate points. Lessee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, and New Hampshire. Ap-

plication has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1821; Filed, Feb. 25, 1964; 8:48 a.m.]

[Notice No. 604]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 20, 1964.

The following publications are governed by the new special rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 41404 (Sub-No. 43), filed February 17, 1964. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *commodities distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co. at or near Worthington, Minn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE: Applicant states the proposed operations will be restricted against (a) the transportation of such commodities in bulk or liquid form in tank vehicles, and (b) limited to shipments originating at the plant site of Armour & Co., and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 52709 (Sub-No. 234) (CORRECTION), filed December 13, 1963, published FEDERAL REGISTER, issue of February 5, 1964, and republished as corrected this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* as described in paragraphs A and C of appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, (1) serving the plant of Armour & Co., at or near Worthington, Minn., as an off-route point in connection with applicant's regular route operations between Fremont, Nebr., and Sioux City, Iowa; (2) from Sioux Falls, S. Dak., to points in Colorado; and (3) from Worthington, Minn., to Olympia, Seattle, and Tacoma, Wash., and Medford and Portland, Oreg.

NOTE: Common control may be involved. The purpose of this republication is to correct item (2) above.

HEARING: Remains as assigned March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 59367 (Sub-No. 14), filed February 10, 1964. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Co., located at or near Worthington, Minn., to points in Illinois, Iowa, and Wisconsin.

NOTE: Applicant states that the proposed service is to be restricted to shipments originating at the plant site of Armour & Co., at or near Worthington, Minn., restricted against tacking or joinder at origin, and further restricted against commodities in bulk, in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 102616 (Sub-No. 744), filed February 17, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the Colonial Pipe Line Company facilities and terminals located at points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 115180 (Sub-No. 9), filed February 17, 1964. Applicant: FELTS TRANSPORT CORPORATION, Railroad Avenue, Galax, Va. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, (1) from the pipeline terminals of the Plantation and Colonial Pipelines in Fairfax County, Va., and the City of Fairfax, Va., to points in Maryland, West Virginia, and the District of Columbia, and (2) from Roanoke, Va., and points within 10 miles thereof, to points in West Virginia and Tazewell and Buchanan Counties, Va.

HEARING: April 6, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 113678 (Sub-No. 70), filed February 16, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, from the plant site of Armour & Company at or near Worthington, Minn., to points in Colorado, Nebraska, and Cheyenne, Wyo.

NOTE: Applicant states the proposed service will be restricted against the transportation of commodities in bulk and in tank vehicles.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 115180 (Sub-No. 3), filed February 13, 1964. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the plant site of Armour & Co., at or near Worthington, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be restricted to shipments originating at the said plant site and further restricted against tacking at point of origin.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

No. MC 119767 (Sub-No. 19), filed February 17, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plant site of Armour and Company, located at or near Worthington, Minn., to points in Wisconsin, Illinois, Indiana, and Michigan.

NOTE: The proposed operations will be restricted to the transportation of shipments originating at the plant site of Armour and Company, located at or near Worthington, Minn., and further restricted against tacking at origin. It is further noted that common control may be involved.

HEARING: March 23, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Raymond V. Sar.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1822; Filed, Feb. 25, 1964; 8:48 a.m.]

[Notice No. 605]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 20, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of special rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 8948 (Sub-No. 53), filed February 10, 1964. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the intersection of U.S. Highway 63 and Arkansas Highway 14 located at or near Payneway, Ark., and the intersection of U.S. Highway 60 and U.S. Highway 65 approximately five (5) miles south of Springfield, Mo., from the intersection of U.S. Highway 63 and Arkansas Highway 14 located at or near Payneway, Ark., over U.S. Highway 63 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to its intersection with U.S. Highway 65, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Memphis, Tenn., and Springfield, Mo.

No. MC 11694 (Sub-No. 18), filed February 7, 1964. Applicant: WILLIAM D. BUIE, WILLIAM B. BUIE, ADMINISTRATOR, Post Office Box 482, Dillon, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., to Hammond, La., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 19416 (Sub-No. 13) (AMENDMENT), filed January 15, 1964, published in FEDERAL REGISTER issue of February 6, 1964, amended February 10, 1964 and republished, as amended, this issue. Applicant: DUNN BROS., INC., 801 Mercantile Securities Building, Post Office Box 5771, Dallas, Tex. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, maintenance, servicing, repair, or dismantling of pipelines, between points in the United States.

NOTE: The purpose of this republication is to broaden the territorial scope of the application by eliminating the phrase "except California," as previously published.

No. MC 25310 (Sub-No. 2), filed February 10, 1964. Applicant: PHILIP INGEGNERI, 245 Parkview Avenue, Bronxville, N.Y. Applicant's attorney: George Chernoff, 295 Madison Avenue, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice and apple cider*, in bottles in cartons, from New Haven, Conn., to New York, N.Y.

NOTE: Applicant is presently authorized to transport groceries from New York, N.Y., to points in Pennsylvania, New Jersey, Massachusetts, and Connecticut. Applicant states that the proposed service is to be performed for Krasdale Foods, Inc., Bronx, N.Y.

No. MC 32474 (Sub-No. 31), filed February 11, 1964. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 3131 Douglas Road, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plant site of Stauffer Chemical Co., located at the junction of Sutton and Green County Roads, as an off-route point in connection with applicant's authorized regular-route operations between Adrian, Mich., and Tecumseh, Mich.

No. MC 35835 (Sub-No. 17), filed February 10, 1964. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue SE., Independence, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, from Cedar Rapids, Iowa, to points in Arkansas, Kansas, Kentucky, Louisiana, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas.

No. MC 52458 (Sub-No. 184), filed February 7, 1964. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Animal, vegetable* and *fish oil, and blends thereof*, in bulk, in tank vehicles, from Boonton, N.J., to points in North Carolina, South Carolina, and Georgia.

No. MC 55236 (Sub-No. 79) (AMENDMENT), filed January 12, 1964, published FEDERAL REGISTER issue of January 29, 1964, amended February 10, 1964, and republished, as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, between points in Wisconsin, restricted to liquid and dry commodities, in bulk having a prior or subsequent movement via rail, water, and/or highway and further restricted to exclude cement.

NOTE: The purpose of this republication is to clarify the commodities proposed to be transported.

No. MC 69492 (Sub-No. 23), filed February 12, 1964. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and insecticides*, between Vandalia, Ill., and Clinton, Ky.

No. MC 93393 (Sub-No. 5), filed February 10, 1964. Applicant: EDWIN H. NELSON AND ALFRED S. NELSON doing business as NIGHTWAY TRANSPORTATION CO., 4106 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill & Libby at or near Darien, Wis., to points in Illinois and Indiana. Restriction: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the site of the plant of Libby, McNeill & Libby at or near Darien, Wis.

No. MC 94265 (Sub-No. 124), filed February 7, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Virginia, Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that no tacking or interline privileges are permitted at Darien, Wis. Common control may be involved.

No. MC 102567 (Sub-No. 93), filed February 3, 1964. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Joe E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate black liquor skimmings*, in bulk, in tank vehicles, from the plant site of International Paper Company located at or near Springhill, La., to the plant site of International Paper Company located approximately three (3) miles south of Natchez, Miss.

No. MC 102885 (Sub-No. 3), filed February 6, 1964. Applicant: MATTHEW SANTANGELO, ALFONSO SANTANGELO AND CATHERINE SANTANGELO, a partnership doing business as CHARLES SANTANGELO & SONS, 725 High Street, Norristown, Pa. Applicant's attorney: Morris J. Winokur, Suit 1920, Two Penn Center, Pennsylvania Boulevard at 15th, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand*, and *gravel*, between Howellville, Pa., and points within twenty-five (25) miles of Howellville, on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey.

No. MC 107064 (Sub-No. 35), filed February 7, 1964. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer solutions*, in bags and packages and in bulk, from points in Texas on and west of U.S. Highway 83 to points in Oklahoma, Kansas, Colorado, Wyoming, Nebraska, Missouri, and New Mexico.

No. MC 107496 (Sub-No. 307), filed February 7, 1964. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Palmyra, Mo., and points within ten (10) miles thereof, to points in Iowa and Illinois.

NOTE: Common control may be involved.

No. MC 108207 (Sub-No. 130), filed February 11, 1964. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Plymouth, Wis., to points in Texas.

No. MC 108912 (Sub-No. 6), filed February 10, 1964. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., 654 West 21st Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site of Libby, McNeill & Libby at or near Darien, Wis., to points in Ohio and Pennsylvania.

No. MC 109346 (Sub-No. 8) (AMENDMENT), filed January 15, 1964 published in FEDERAL REGISTER issue of January 29, 1964, and republished as amended, this issue. Applicant: J. L. COX & SON, INC., Raytown, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipeline machinery, equipment, materials, and supplies*, used in connection with the construction, operation, maintenance, servicing, repair or dismantling of pipelines, between points in the United States.

NOTE: The purpose of this republication is to broaden the territorial scope of the application by eliminating the phrase "except California," as previously published.

No. MC 109478 (Sub-No. 74) (CORRECTION), filed January 31, 1964, published FEDERAL REGISTER issue February 12, 1964, and republished as corrected this issue. Applicant: WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery Number 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa.

NOTE: The purpose of this republication is to show the origin point to be Fredonia, N.Y., in lieu of Predonia, N.J. as shown in previous publication.

No. MC 109430 (Sub-No. 10), filed February 10, 1964. Applicant: HEAVY DUTY HAULERS, INC., 6720 Davidson Road, Columbia, S.C. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts, road construction machinery, contractors equipment, structural and reinforcing steel, sheet steel and tank components, and articles which, because of weight or size, require special equipment*, between points in Richland, Lexington, Sumter, and Florence Counties, S.C., on the one hand, and, on the other, points in Ohio and West Virginia.

No. MC 110098 (Sub-No. 39), filed February 6, 1964. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Station A (Box 7249), San Antonio 7, Tex. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Arkansas, Kansas, Missouri, Oklahoma, Texas, and to New Orleans, La.

NOTE: Applicant states the proposed operations will be restricted against tacking with any authority presently held by applicant and further restricted against interlining at Darien, Wis.

No. MC 110193 (Sub-No. 60), filed February 10, 1964. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, Maine, New Hampshire, Pennsylvania, Maryland, and the District of Columbia.

NOTE: Applicant states that the proposed service is to be restricted against tacking with any authority now held by applicant and restricted further against interlining at Darien, Wis.

No. MC 112750 (Sub-No. 182), filed February 11, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Suite 301, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds* (except plant removals), between Milwaukee, Wis., on the one hand, and, on the other, Zion, Ill., (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes and packaging materials, and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Milwaukee, Wis., on the one hand, and, on the other, Des Plaines, Ill.

NOTE: Applicant states the proposed service in (1) and (2) above will be under contract with Statistical Tabulating Corporation, and Des Plaines Photo Service Incorporated, respectively. Common control may be involved.

No. MC 112750 (Sub-No. 183), filed February 11, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive and vehicle parts and supplies*, between Melrose Park, Ill., on the one hand, and, on the other points in Wisconsin, Indiana, and Iowa.

NOTE: Applicant states that the proposed service is to be restricted to packages weighing 50 pounds or less and having an overall dimension no greater than 7,000 cubic inches. Common control may be involved. Applicant further states that the proposed service will be performed for the Ford Division, Ford Motor Company.

No. MC 112801 (Sub-No. 9), filed February 11, 1964. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago 50, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions, and asphalt products*, in bulk, in tank vehicles, from Rock Falls, Ill., to points in Wisconsin.

No. MC 114389 (Sub-No. 6), filed December 23, 1963. Applicant: GALE B. ALEXANDER, Fremont, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, in shipper-owned trailers, from St. Paul, Minn., to Ottumwa, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service will be for the account of Mutt Harris Distributing Co.

No. MC 116063 (Sub-No. 38), filed February 10, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Post Office Box 7346, Ft. Worth, Tex., 76111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feather meal, poultry meal*, and *poultry fat*, in bulk, from Nacogdoches, Tex., to points in Arkansas, Louisiana, and Oklahoma, and *damaged and rejected shipments*, on return.

No. MC 117119 (Sub-No. 137), filed February 11, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Siloam Springs and Gentry, Ark., to points in Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

No. MC 117119 (Sub-No. 138), filed February 10, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (including fruit juices and vegetable juice and concentrates thereof), in mixed shipments with canned goods (including fruit juices and vegetable juices, and concentrates thereof, not frozen), (2) *frozen foods* (including fruit juices and vegetable juices and concentrates thereof), in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Act, (3) *canned goods* (including fruit juices and vegetable juices and concentrates thereof, not frozen), in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Act, (4) *canned goods*, (including fruit juices and vegetable juices and concentrates thereof, not frozen), and (5) *frozen foods* (including fruit juices and vegetable juices and concentrates), from points in California and Arizona to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming.

No. MC 117119 (Sub-No. 139), filed February 10, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Siloam Springs and Gentry, Ark., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

No. MC 118196 (Sub-No. 15), filed February 7, 1964. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Missouri, Arkansas, Oklahoma, and Kansas, to points in North Dakota and South Dakota.

No. MC 119741 (Sub-No. 3), filed February 10, 1964. Applicant: KIM FREIGHT LINES, INC., 4234 South Emerald Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour & Company, located at or near Emporia, Kans., to points in Illinois, Iowa, Nebraska, and Missouri.

NOTE: Applicant states that the authority sought herein is restricted to the transportation of shipments originating at the plant site of Armour & Company, located at or near Emporia, Kans.

No. MC 119778 (Sub-No. 65), filed February 10, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413–411 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except petroleum products), from Columbus, Ga., and points within ten (10) miles of Columbus, to points in Alabama, Florida, and Georgia.

NOTE: Common control may be involved.

No. MC 123405 (Sub-No. 9), filed February 11, 1964. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. Applicant's attorney: Christion V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled and otherwise packaged edible foodstuffs*, from points in Louisiana and Mississippi on and south of U.S. Highway 80 to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Rhode Island, Connecticut, Massachusetts, and the District of Columbia.

No. MC 123639 (Sub-No. 17), filed February 10, 1964. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in Iowa, Nebraska, Kansas and Missouri.

NOTE: Applicant states the above authority will be restricted to traffic originating at Darien, Wis.

No. MC 123993 (Sub-No. 1), filed February 10, 1964. Applicant: LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1009, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plant site of Cargill, Inc., located at Chalmette, La., to points in Arkansas, Alabama, Florida, Georgia, Mississippi, Louisiana, Texas, Tennessee, South Carolina, and North Carolina.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 41116 and Subs thereunder; therefore dual operations may be involved.

No. MC 124078 (Sub-No. 96), filed January 13, 1964. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611

South 28th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid commodities* (except paving asphalt from Portage, Wis., to points in Wisconsin within 200 miles of Portage), and (2) *dry commodities* (except cement having a prior movement by rail and/or water), between points in Wisconsin.

NOTE: Applicant states all traffic will be restricted to shipments having a prior or subsequent movement by rail, water, or truck. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 113832; therefore dual operations may be involved.

No. MC 124154 (Sub-No. 3), filed February 10, 1964. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 620 Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment or handling, between points in Dougherty County, Ga., and points in South Carolina.

No. MC 125562 (Sub-No. 1), filed February 3, 1964. Applicant: EDWIN S. LEHMAN & DENNIS D. LEHMAN, doing business as LEHMAN TRUCKING CO., a partnership, Box 103, Kidron, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, 55 Public Square, Cleveland, Ohio, 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum truck body kits*, knocked down, and *cabs and fabricated parts for construction machinery*, in shipper-owned trailers, from Kidron, Ohio, to Jamestown, Rochester, Albany, and Utica, N.Y., Philadelphia and Harrisburg, Pa., Kalamazoo, Mich., Louisville, Ky., Knoxville and Chattanoga, Tenn., Miami, Jacksonville, Tampa and Sarasota, Fla., Sylvester, Ga., Woonsocket, R. I., and the port of entry on the International Boundary line between the United States and Canada at or near Detroit, Mich., and *damaged and defective shipments* of the above described commodities, and *materials and supplies used in the manufacture of the above described commodities*, on return.

No. MC 125757 (Sub-No. 1), filed January 22, 1964. Applicant: R. S. HARVEY AND J. H. LOGSDON, a partnership, doing business as JO-JO'S GARAGE, U.S. Highway 41-A North, Clarkesville, Tenn. Applicant's attorney: Robert H. Cowan, Suit 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged and disabled motor vehicles and motor vehicles to be utilized for replacement of such wrecked, damaged and disabled motor vehicles*, using wrecker equipment only, between points in Montgomery, Robertson, Stewart, Cheatham and Houston Counties, Tenn., and points in Christian, Trigg, Todd and Logan Counties, Ky., on the one hand, and, on the other, points in Kentucky, Alabama, Illinois, Indiana, Missouri, Tennessee, Mississippi, and Georgia.

No. MC 125839 (Sub-No.1), filed February 7, 1964. Applicant: RAYMOND RAU, doing business as RAY'S TOWBAR SERVICE, 114 Fifth Avenue SW., Fargo, N. Dak. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, trucks, and truck-tractors*, in driveaway service, (1) from Fargo, N. Dak., to points in North Dakota, Montana, Wyoming, Idaho, Oregon, and Washington, and (2) from points in South Dakota, Minnesota, Iowa, Wisconsin, and Illinois to Fargo, N. Dak.

No. MC 125970 (AMENDMENT), filed January 20, 1964, published FEDERAL REGISTER issue February 12, 1964, amended February 13, 1964, and republished as amended this issue. Applicant: GERODAN TRUCKING & WAREHOUSE CORP., 15 Moore Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J.

NOTE: The purpose of this republication is to show that the applicant proposes to transport artificial Christmas trees, in lieu of Christmas trees, as shown in previous publication.

No. MC 125985, filed February 7, 1964. Applicant: AUTO DRIVEAWAY COMPANY, a corporation, 343 South Dearborn Street, Chicago, Ill. Applicant's attorneys: Robert R. Hendon, 4000 Tunlaw Road NW., Washington 7, D.C. and Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks, including baggage, sporting equipment and other personal effect of the owners thereof*, by driveaway movement, between points in the United States including Alaska, but excluding Hawaii.

NOTE: Applicant states that the authority sought is subject to the following restrictions: (1) No transportation of trucks having a capacity in excess of three-fourths (¾) ton shall be performed; and (2) no transportation shall be performed for or on behalf of manufacturers of trucks or automobiles.

No. MC 125992, filed February 7, 1964. Applicant: RICHARD WATSON, Rural Free Delivery No. 2, Ovid, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, fertilizer, fertilizer ingredients, seeds*, and *fence posts*, from Maumee, Ohio, to Ovid, Elsie, and Carland, Mich., and *exempt commodities*, on return.

No. MC 125994, filed February 6, 1964. Applicant: LEROY J. JOHNSON, Route 2, Box 740, Marysville, Wash. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, alfalfa meal* and *copra meal*, from points in California to points in Washington.

No. MC 125995, filed February 7, 1964. Applicant: ELWIN D. McCURRY, doing business as McCURRY FARM SUPPLY, Route No. 1, Fair Grove, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bags, blocks, and in bulk, from Hutchinson, Kans., to Fair Grove, Mo., and points in Dallas, Polk, Hickory, Webster, Laclede, and Christian Counties, Mo., (2) *fertilizer*, in bags and in bulk, from East St. Louis, Ill., to Fair Grove, Mo., and points in Dallas, Polk, Hickory, Webster, Laclede, and Christian Counties, Mo., and (3) *mill feed, bran, and shorts*, from Winfield, Kans., to Fair Grove, Mo., and points in Dallas, Polk, Hickory, Webster, Laclede, and Christian Counties, Mo.

NOTE: Applicant states that it will transport exempt commodities, on return.

No. MC 126000, filed February 10, 1964. Applicant: CHARLES SOJOURNER, doing business as SOJOURNER TRUCKING COMPANY, Crystal Springs, Miss. Applicant's attorney: Donald B. Morrison, Post Office Box 961, Jackson, Miss., 39204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furnishings, fixtures, and equipment used in school laboratories*, from the plant site of General Equipment Manufacturers, located in Crystal Springs, Miss., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Louisiana, Oklahoma, Tennessee, and Texas.

NOTE: Applicant states the proposed operations will be limited to a transportation service performed under a continuing contract with General Equipment Manufacturers, Crystal Springs, Miss.

MOTOR CARRIERS OF PASSENGERS

No. MC 116612 (Sub-No. 8), filed February 12, 1964. Applicant: BRACERO TRANSPORTATION COMPANY, INC., Post Office Box 476, Edinburg, Tex. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in Section 203 (a) (23) of the Interstate Commerce Act, and *their baggage*, in the same vehicle, between points in the United States (except Alaska and Hawaii).

NOTE: Duplication with present authority will be eliminated.

No. MC 125972, filed February 5, 1964. Applicant: FLEETWOOD AERO COACH COMPANY, a corporation, 18 Old Jug Court, Harrington Park, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, (1) between Suffern, N.Y., and La Guardia Airport and John F. Kennedy International Airport, New York City, N.Y., beginning at junction of Orange Avenue and Railroad Avenue, in Suffern, N.Y., over

Orange Avenue to New York-New Jersey State line where it becomes Franklin Turnpike, thence continuing over Franklin Turnpike to Mahwah-Ramsey boundary line where it becomes North Franklin Turnpike, thence continuing over North Franklin Turnpike to junction New Jersey Highway 17, in Ramsey, N.J., thence over New Jersey Highway 17 to junction Sheridan Avenue, in Waldwick, N.J.,

Thence over Sheridan Avenue to junction North Maple Avenue, in Hohokus, N.J., thence over North Maple Avenue to junction Franklin Avenue, in Ridgewood, N.J., thence over Franklin Avenue to junction Oak Street, thence over Oak Street to junction Van Neste Square, thence over Van Neste Square to junction Prospect Street, thence over Prospect Street to junction South Maple Avenue, thence over South Maple Avenue to the point where it becomes Maple Avenue, thence continuing over Maple Avenue to junction Rock Road, in Glen Rock, N.J., thence over Rock Road to junction Harding Plaza, thence over Harding Plaza to junction Rock Road, thence over Rock Road to junction Hamilton Avenue, thence over Hamilton Avenue to junction Harristown Road, thence over Harristown Road to junction Radburn Road,

Thence over Radburn Road to junction Plaza Road, thence over Plaza Road to the point where it becomes North Plaza Road in Fair Lawn, N.J., thence continuing over North Plaza Road to the point where it becomes South Plaza Road, thence continuing over South Plaza Road to junction access roads to New Jersey Highway 208, thence over access roads to New Jersey Highway 208, thence over New Jersey Highway 208 to junction New Jersey Highway 4, in Fair Lawn, N.J., thence over New Jersey Highway 4 to junction access roads to Teaneck Road in Teaneck, N.J., thence over access roads to Teaneck Road, thence over Teaneck Road to junction Cedar Lane, thence around Cedar Lane-Teaneck Road Circle over Teaneck Road to junction access roads to New Jersey Highway 4, thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to junction access roads to South Marginal Road, in Fort Lee, N.J.,

Thence over South Marginal Road to junction Center Avenue, thence over Center Avenue to junction Cross Street, thence over Center Avenue to junction access roads to the George Washington Bridge Plaza, thence over access roads to George Washington Bridge Plaza to the George Washington Bridge, thence over George Washington Bridge to New York City, N.Y., thence over city streets and highways to La Guardia Airport and John F. Kennedy International Airport in New York City, N.Y.; and return from John F. Kennedy International Airport and La Guardia Airport, New York City, N.Y., over city streets and highways to the George Washington Bridge, thence over the George Washington Bridge to George Washington Bridge Plaza, in Fort Lee, N.J.,

Thence over George Washington Bridge Plaza to access roads to Center Avenue, in Fort Lee, N.J., thence over access roads to Center Avenue, thence over Center Avenue to junction Cross Street, thence over Cross Street to junction access roads to George Washington Bridge Plaza, thence over access roads to George Washington Bridge Plaza, thence over George Washington Bridge Plaza to New Jersey Highway 4, thence over New Jersey Highway 4 to junction with access roads to Teaneck Road, in Teaneck, N.J., thence over access roads to Teaneck Road, thence over Teaneck Road to junction with Cedar Lane, thence around the Cedar Lane-Teaneck Road Circle and over Teaneck Road to junction access roads to New Jersey Highway 4, in Teaneck, N.J.,

Thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to junction access roads to Forest Avenue, in Paramus, N.J., thence over access roads to Forest Avenue, thence over Forest Avenue to Paramus-Maywood boundary line where it becomes Maywood Avenue, thence continuing over Maywood Avenue to junction Spring Valley Avenue, in Maywood, N.J., thence over Spring Valley Avenue to the Bergen Mall Shopping Center, thence from Bergen Mall Shopping Center over Spring Valley Road to junction access roads to New Jersey Highway 4, in Paramus, N.J., thence over access roads to New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 208, in Fair Lawn, N.J.,

Thence over New Jersey Highway 208 to junction access roads to Berdan Avenue in Fair Lawn, N.J., thence over access roads to Berdan Avenue, thence over Berdan Avenue to junction South Plaza Road, thence over South Plaza Road to the point where it becomes North Plaza Road, in Fair Lawn, N.J., thence continuing from said point to junction of Orange Avenue and Railroad Avenue, in Suffern, N.Y., as described above, serving all intermediate points; and,

(2) Between town of Clarkstown, N.Y., and La Guardia Airport and John F. Kennedy International Airport, New York City, N.Y., beginning at junction of New York Highway 59 and exit road from the New York State Thruway (Spring Valley Interchange No. 14), in the town of Clarkstown, N.Y., over New York Highway 59 to junction access roads to Old Nyack Turnpike, thence over access roads to Old Nyack Turnpike, thence over Old Nyack Turnpike to access roads to New York State Thruway (Spring Valley Interchange No. 14) thence over to New York State Thruway to exit roads to New York Highway 303 (West Nyack Interchange No. 12), thence over exit roads to New York Highway 303, thence over New York Highway 303 to junction Oak Tree Avenue, in Tappan, N.Y.,

Thence over Oak Tree Avenue to junction Main Street, thence over Main Street to New York-New Jersey State line where it becomes Tappan Road, thence continuing over Tappan Road to junction Schraalenburgh Road in Harrington Park, N.J., thence over Schraalenburgh Road to junction La Roche Avenue, thence over La Roche Avenue to junction Elm Street, thence over Elm Street to junction Schraalenburgh Road, thence over Schraalenburgh Road to junction Closter Road, thence over Closter Road to the point where it becomes Harrington Avenue, thence continuing over Harrington Avenue to junction Old Closter Dock Road, in Closter, N.J., thence over Old Closter Dock Road to junction Vervalen Street,

Thence over Vervalen Street to junction Piermont Road, thence over Piermont Road to junction Central Avenue, in Tenafly, N.J., thence over Central Avenue to junction West Railroad Avenue, thence over West Railroad Avenue to junction Jay Street, thence over Jay Street to junction Piermont Road, thence over Piermont Road to junction East Clinton Avenue, thence over East Clinton Avenue to junction Dean Drive, thence over Dean Drive to Tenafly-Englewood boundary line where it becomes Dean Street, thence continuing over Dean Street to junction Palisades Avenue, in Englewood, N.J., thence over Palisades Avenue to junction U.S. Highway 9W, in Englewood Cliffs, N.J., thence over U.S. Highway 9W to junction Cross Street, in Fort Lee, N.J., thence over Cross Street to junction Center Avenue, thence over Center Avenue to junction access roads to George Washington Bridge Plaza,

Thence over access roads to George Washington Bridge Plaza, thence over George Washington Bridge Plaza to the George Washington Bridge, thence over the George Washington Bridge to New York City, N.Y., thence over city streets and highways to La Guardia Airport and John F. Kennedy International Airport in New York City, N.Y., and return from John F. Kennedy International Airport and La Guardia Airport, New York City, N.Y., over city streets and highways to the George Washington Bridge, thence over the George Washington Bridge to George Washington Bridge Plaza, in Fort Lee, N.J., thence over George Washington Bridge Plaza to access roads to Center Avenue, in Fort Lee, N.J., thence over access roads to Center Avenue, thence over Center Avenue to junction Cross Street, thence over Cross Street to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction Palisades Avenue, in Englewood Cliffs, N.J.,

Thence over Palisades Avenue to junction Engle Street, in Englewood, N.J., thence over Engle Street to junction Westervelt Avenue, in Tenafly, N.J., thence over Westervelt Avenue to junction Huyler Avenue, thence over Huyler Avenue to junction Dean Drive, thence over Dean Drive to junction East Clinton Avenue, thence over East Clinton Avenue to junction Piermont Road, thence over Piermont Road to junction Hillside Avenue, thence over Hillside Avenue to junction Jay Street, thence over Jay Street to junction Piermont Road, thence over Piermont Road to junction Vervalen Street in Closter, N.J., thence over Vervalen Street to junction Old Closter Dock Road, thence over Old Closter Dock Road to junction Harrington Avenue,

Thence over Harrington Avenue to the point where it becomes Closter Road, thence continuing over Closter Road to junction Schraalenburgh Road, in Harrington Park, N.J., thence over Schraalenburgh Road to junction La Roche Avenue, thence over La Roche Avenue to junction Elm Street, thence over Elm Street to junction Schraalenburgh Road, thence over Schraalenburgh Road to junction Tappan Road, thence over Tappan Road to New Jersey-New York State line where it becomes Main Street, thence over Main Street to junction Oak Tree Avenue, in Tappan, N.Y.

Thence over Oak Tree Avenue to junction New York Highway 303, thence over New York Highway 303 to junction access roads to New York State Thruway (West Nyack Interchange No. 12), thence over access roads to New York State Thruway, thence over New York State Thruway to junction exit roads to New York Highway 59 (Spring Valley Interchange No. 14), thence over exit roads to New York Highway 59, in the Town of Clarkstown, N.Y., serving all intermediate points.

NOTE: Applicant states the above proposed operations will be subject to the following restrictions: (1) Limited to the transportation of not more than eleven (11) passengers in any one vehicle, not including the driver thereof; (2) no passengers shall be transported over the above described routes whose trip begins in Rockland County, N.Y., and ends in Bergen County, N.J., or whose trip begins in Bergen County, N.J., and ends in Rockland County, N.Y.; and (3) no passengers shall be picked up or discharged in New York City, N.Y., except at La Guardia Airport and John F. Kennedy International Airport.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 7576 (Sub-No. 5), filed February 4, 1964. Applicant: E. B. HARTER, doing business as C. L. WRIGHT TRUCKING, South Charleston, W. Va. Applicant's attorney: J. A. Bibby, Jr., Suite 504 Security Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Chlorine compressed gas* in one-ton cylinders, (1) from South Charleston, W. Va., to Louisa, Ky.; from South Charleston over U.S. Highway 60 to Catlettsburg, Ky., thence over U.S. Highway 23 to Big Sandy and Louisa, Ky., to the plant of the Kentucky Power Company and return over the same route serving no intermediate points, (2) from South Charleston, W. Va. to Beverly, Ohio; from South Charleston over U.S. Highway 21 to Parkersburg, W. Va., thence over U.S. Highway 21 to Marietta, Ohio, thence over U.S. Highway 60 to Beverly, Ohio, to the plant of the Interlake Iron Corp. and return over the same route serving no intermediate points and (3) *empty containers or other incidental facilities* used in transporting the above described commodities on return in (1) and (2) above.

No. MC 37926 (Sub-No. 14), filed February 10, 1964. Applicant: R. H. WRIGHT, INC., Main Street, Greensboro, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, milk products and ice cream mix*, in containers, from Greensboro, Md., to Eastville, Exmore, Fairfax, Cape Charles, Cedar Grove, Chincoteague, Manassas, and Tasley, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 119670 (Sub-No. 6), filed February 7, 1964. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati 32, Ohio. Applicant's attorney: Robert H. Kinker, 7th Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk in containers, from Ludington and Midland, Mich., to points in Washington County, Va., Walker County, Ga., and Tennessee and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

No. MC 120584 (Sub-No. 2), filed February 6, 1964. Applicant: SHEPHERD TRUCK LINE, INC., Post Office Box 481, Irvine, Ky. Applicant's attorney: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (1) between junction Kentucky Highways 52 and 977, at or near Waco, Ky., and the site of the Richmond Water and Gas Company pumping station, from junction Kentucky Highways 52 and 977 over Kentucky Highway 977 and access road to the site of the Richmond Water and Gas Company pumping station, and return over the same route, serving all intermediate points, and (2) between junction Kentucky Highways 52 and 977, at or near Waco, Ky., and Irvine and Ravenna, Ky., over Kentucky Highway 52, serving all intermediate points.

No. MC 125996, filed February 9, 1964. Applicant: JENSEN TRUCKING CO., INC., 807 Washington Street, Gothenburg, Nebr. Applicant's attorney: Duane W. Acklie, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bags and bulk, between points in Idaho, and Ontario, Oreg., on the one hand, and, on the other, points in Iowa, Minnesota, Missouri, Nebraska Wisconsin, and Ontario, Oreg.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub-No. 43), filed February 11, 1964. Applicant: SAFEWAY TRAILS, INC., 1200 I Street NW., Washington, D.C. Applicant's attorney: Julian P. Freret, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, (1) between Newark, Del., and junction of Interstate Highway 95 and Maryland Highway 279; from Newark over Delaware Highway 2 to the Maryland-Delaware State line, thence over Maryland Highway 279 to junction Interstate Highway 95, and return over the same route, serving all intermediate points, (2) between Newark, Del., and junction Interstate Highway 95 and Delaware Highway 896, over Delaware Highway 896, serving all intermediate points, and (3) between Newark, Del., and junction Interstate Highway 95 and Delaware Highway 273, over Delaware Highway 273, serving all intermediate points.

NOTE: Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1823; Filed, Feb. 25, 1964; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 20, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 32239, filed February 11, 1964. Applicant: HOWARD SEWELL, JR., doing business as SWELL MOTOR EXPRESS, 164 South Mulberry Street, Wilmington, Ohio. Applicant's attorney: Joe F. Asher, 50 West Broad Street, Columbus, Ohio. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, over regular routes, between Miamiville, Ohio, and Loveland, Ohio; from Miamiville over U.S. Highway 50 Bypass to junction Loveland Road, thence over Loveland Road to Loveland, and return over the same route.

HEARING: March 17, 1964, at 10:00 a.m., in the offices of the Public Utilities Commission of Ohio, 111 North High Street, Columbus, Ohio.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Ohio Public Utilities Commission, 111 North High Street, Columbus, Ohio, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1824; Filed, Feb. 25, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 20, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38829: *Liquid caustic soda from Geismar, La.* Filed by O. W. South, Jr., agent (No. A4449), for interested rail carriers. Rates on liquid caustic soda, in tank car loads, from Geismar, La., to Phelps and Rome, Ga., and Etowah, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 38830: *Pulpwood to Doctortown, Ga.* Filed by O. W. South, Jr., agent (No. A4450), for interested rail carriers. Rates on pulpwood, in carloads, from Covington and Madison, Ga., to Doctortown, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 115 to Southern Freight Association, agent, tariff I.C.C. S-86.

By the Commission

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1819; Filed, Feb. 25, 1964; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (26 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bali Bra Manufacturing Co., Inc., 2445 Bedford St., Johnstown, Pa.; effective 2-4-64 to 2-3-65 (ladies' brassieres).

Michael Berkowitz Co., Inc., Rural Delivery No. 2, Waynesburg, Pa.; effective 2-10-64 to 2-9-65 (ladies' pajamas).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-64 to 2-18-65 (men's work pants).

Carwood Manufacturing Co., Plant No. 1, Cornelia, Ga.; effective 2-19-64 to 2-18-65 (men's work and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-64 to 2-18-65 (men's and boys' pants).

Carwood Manufacturing Co., Plant No. 1, Monroe, Ga.; effective 2-19-64 to 2-18-65 (men's and boys' dungarees, pants, and work coats).

Columbia Manufacturing Co., P.O. Box 3823, Park Place Station, 124 Henry Street, Greenville, S.C.; effective 2-7-64 to 2-6-65 (men's and boys' pajamas).

Dublin Garment Co., Inc., Troup Street, Dublin, Ga.; effective 2-13-64 to 2-12-65 (men's sport shirts).

Elder Manufacturing Co., McLeansboro, Ill.; effective 2-7-64 to 2-6-65 (men's and boys' shirts).

Fairfield Manufacturing Co., Winnesboro, S.C.; effective 2-20-64 to 2-19-65 (ladies' cotton dresses).

F. Jacobson & Sons, Inc., Jay and River Streets, Troy, N.Y.; effective 2-8-64 to 2-7-65 (men's dress shirts).

F. Jacobson & Sons, Inc., E St. and Pennsylvania Avenue, York, Pa.; effective 2-3-64 to 2-2-65 (men's sport shirts).

W. Koury Co., 633 Chatham Street, Sanford, N.C.; effective 2-6-64 to 2-5-65 (men's and boys' pants and work and sport shirts).

Monleigh Garment Co., Yadkinville Road, Mocksville, N.C.; effective 2-6-64 to 2-5-65 (ladies' blouses and men's shirts).

Morgan Sportswear Co., Madison, Ga.; effective 2-13-64 to 2-12-65 (men's and boys' sport shirts).

Saluda Shirt Co., Inc., Saluda, S.C.; effective 2-8-64 to 2-7-65 (ladies' blouses).

Samsons Manufacturing Corp., Wilson, N.C.; effective 2-9-64 to 2-8-65 (men's dress shirts).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va.; effective 2-19-64 to 2-18-65 (ladies' woven underwear).

The Van Wert Manufacturing Co., Northeast Corner Main and Market Streets, Van Wert, Ohio; effective 2-4-64 to 2-3-65 (men's and boys' work and dress pants, utility jackets, and work shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., LeMars, Iowa; effective 2-13-64 to 2-12-65; 10 learners (men's denim dungarees).

Sportee Corp. of North Carolina, Tabor City, N.C.; effective 2-5-64 to 2-4-65; 10 learners. Learners may not be used at special minimum wages in the manufacture of skirts (ladies' and girls' shorts, pedal pushers, and blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Buckle Overall Co., Marshall, Tex.; effective 2-6-64 to 8-5-64; 50 learners (men's and women's denim jeans, leisure and work pants).

Bre-Co., Inc., Pittman's Corner, Irvington, Va.; effective 2-6-64 to 8-5-64; 25 learners (ladies' blouses).

The H. D. Lee Co., Inc., Boaz, Ala.; effective 2-7-64 to 8-6-64; 45 learners (men's work clothing).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Barber Hosiery Mills, Inc., 1078 South Main Street, Mount Airy, N.C.; effective 2-11-64 to 2-10-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Concord Seamless Knitting and Concord Hosiery Finishing Division, Concord, N.C.; effective 2-12-64 to 8-11-64; 40 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Eagle Knitting Mills, 507 South Second Street, Milwaukee, Wis.; effective 2-7-64 to 2-6-65; 5 percent of the total number of factory production workers for normal labor turnover (children's knit headwear and sweaters).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mt. Carmel, Pa.; effective 2-7-64 to 2-6-65; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Warner-Slimwear Lingerie, P.O. Box 457, Hemingway, S.C.; effective 2-15-64 to 8-14-64; 45 learners for plant expansion purposes (women's lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 14th day of February 1964.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 64-1794; Filed, Feb. 25, 1964; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, type of establishment and total number of employees of the establishment are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the Fair Labor Standards Act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is lesser, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

REGION III

R. Guinan & Co., 117 South Oak Street, Mount Carmel, Pa.; effective 1-28-64 to 9-2-64 (department store; 41 employees).

The New York Store, 238-244 High Street, Pottstown, Pa.; effective 1-23-64 to 9-2-64 (department store; 104 employees).

REGION IV

Allens Market, 302 East Main, Siloam Springs, Ark.; effective 1-29-64 to 9-2-64 (food store; 10 employees).

REGION V

G. C. Murphy Co., No. 434, 107-109 Main Street, Toledo, Ohio; effective 1-29-64 to 9-2-64 (variety store; 46 employees).

The Strouss-Hirshberg Co., 20 West Federal Street, Youngstown, Ohio; effective 1-28-64 to 9-2-64 (department store; 1,672 employees).

REGION VIII

Whittaker Grocery, No. 1, 5720 Northwest 39th Street, Oklahoma City, Okla.; effective 2-5-64 to 9-2-64 (food store; 62 employees).

REGION XI

Raylass Department Store, 835-841 Broad Street, Augusta, Ga.; effective 4-1-64 to 9-2-64 (department store; 34 employees).

Raylass Department Store, 112 Pendleton Street, Easley, S.C.; effective 1-16-64 to 9-2-64 (department store; 15 employees).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 cents an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below $1.00 an hour to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Ball's Super Market, Inc., No. 3, 2848 West 47th Street, Kansas City, Kans.; effective 1-8-64 to 9-2-64; shag boys; between 7.1 percent and 10 percent (food store; new store).

S. S. Kresge Co., No. 186, Manor Shopping Center, 1262 Millersville Pike, Lancaster, Pa.; effective 1-17-64 to 9-2-64; part-time saleladies; 10 percent for each month (variety store; 30 employees).

G. C. Murphy Co., No. 173, Hancock Shopping Center, East 41st Street at Interregional Highway, Austin, Tex.; effective 2-1-64 to 9-2-64; sales clerk, stock clerk, office clerk, janitor; 10 percent for each month (variety store; new store).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 14th day of February 1964.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 64-1759; Filed, Feb. 24, 1964; 8:46 a.m.]

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Washington, Thursday, February 27, 1964

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DEPOSITED BY THE UNITED STATES OF AMERICA

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3575

NATIONAL FARM SAFETY WEEK, 1964

By the President of the United States of America

A Proclamation

Notwithstanding the fact that hundreds of thousands of volunteer leaders and members of rural organizations actively participate in community, State, and national safety programs which have proved effective in reducing the number and rate of accidents among farm residents, accidents still cause thousands of deaths and nearly a million disabling injuries to farm people each year. This loss of human and economic resources causes a significant adverse impact upon the economy of the entire Nation and must be viewed as a matter of national concern.

I feel that the many public-spirited persons responsible for past and present farm safety efforts should be commended for their notable achievements and that these efforts should be given renewed public recognition and support. In addition, I urge that vigorous new efforts be made to eradicate, insofar as feasible, all of the reasonably foreseeable causes of farm and rural accidents. Accomplishment of that objective should be the goal of National Farm Safety Week, 1964.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call on the people of the Nation to observe the week beginning July 19, 1964, as National Farm Safety Week; and I urge all persons and organizations, particularly those working in agriculture, to unite in a strong and purposeful effort to reduce farm, home, and rural highway accidents to an irreducible minimum.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of February in the year of our Lord nineteen hundred and sixty-four, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64–1949; Filed, Feb. 26, 1964; 9:53 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, paragraph (e)(1) of § 213.3115 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1883; Filed, Feb. 26, 1964; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (a) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* * * *

(15) The Director, Office of Regional Administration.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1884; Filed, Feb. 26, 1964; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 10—FEDERAL LAND BANKS GENERALLY

Miscellaneous Amendments

In order to reflect a change in the Federal Land Bank Manual, Title 6 of the Code of Federal Regulations is amended by changing §§ 10.3 and 10.34(b) to read as follows:

§ 10.3 Same; farming corporations.

The term "person" includes a corporation engaged in farming operations. Loans may be made to such a corporation provided (a) more than one-half of its income is derived from farming operations, (b) one or more individuals owning a substantial portion of the outstanding stock of the corporation are engaged in farming operations in connection with the farm to be mortgaged as security for the loan, and (c) one or more individuals owning a substantial portion of the outstanding stock of the corporation assume personal liability for the loan. If acceptable to the bank, requirement (c) may be met by two or more of such individuals each assuming personal liability for a specified percentage of the loan, with the aggregate of such assumptions affording personal liability for 100 percent of the loan. Requirements (b) and (c) may be met by either the same or different individuals.

§ 10.34 Computing amount loanable to applicant.

* * * * * *

(b) *Individuals.* In determining the amount loanable to an individual, within such limitation, there shall be charged against his borrowing capacity the total unpaid principal of all indebtedness to any bank of the system which is secured by property presently owned or being acquired by him, either individually or jointly with others, or for which he is personally liable. The amount of any loan to a corporation engaged in farming operations shall be charged against the borrowing capacity of individual stockholders to the extent that they are personally liable for the loan to the corporation.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 64–1844; Filed, Feb. 26, 1964; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 36]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.411 Grapefruit Regulation 36.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 25, 1964, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing

agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 35 (§ 905.408; 29 F.R. 2303) is hereby terminated at 12:01 a.m., e.s.t., February 28, 1964.

(3) During the period beginning at 12:01 am., e.s.t., February 28, 1964, and ending at 12:01 am., e.s.t., March 16, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, except pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 1 Russet;

(ii) Any pink seedless grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russett;

(iii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 26, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1964; Filed, Feb. 26, 1964; 11:20 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 340—REVOCATION OF NATURALIZATION

Reports

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The headnote and second sentence of § 340.11 are amended so that § 340.11 will read as follows:

§ 340.11 Reports.

Whenever it appears that any grant of naturalization may have been illegally procured or procured by concealment of a material fact or by willful misrepresentation, the facts shall be reported to the district director having jurisdiction over the naturalized person's last known place of residence in the United States. If the district director is satisfied that a prima facie showing has been made that grounds for revocation exist, he shall report the facts in writing to the regional commissioner with a recommendation as to whether revocation proceedings should be instituted. If it appears that naturalization was procured in violation of section 1425 of Title 18 of the United States Code, the facts in regard thereto may be presented by the district director to the appropriate United States Attorney for possible criminal prosecution.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: February 24, 1964.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 64–1889; Filed, Feb. 26, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63–WE–83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Revocation of Federal Airways

On November 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12101) stating that the Federal Aviation Agency was considering amendments to Part 71 (New) of the Federal Aviation Regulations which would revoke VOR Federal airways Nos. 237 and 1619 from Needles, Calif., to Mormon Mesa, Nev.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America, in commenting on the notice, objected to the revocation of Victors 237 and 1619 between Needles and Willow Beach Intersection until such time as a suitable airway is designated between Needles and Las Vegas, Nev., as a substitute route for Bonanza Airlines in its operations between Phoenix, Ariz., and Las Vegas.

Bonanza Airlines operates between Phoenix and Las Vegas via a combination of Victors 105, 1545 and 1748. They have also been authorized direct route operations between Buckeye, Ariz., and Needles. With this direct route authorization and a combination of VOR Federal airways Nos. 135, 1545 and 1613 between Needles and Las Vegas, it would appear that an adequate substitute route is available between Phoenix and Las Vegas. In addition, the Federal Aviation Agency is presently considering a request from the Air Transport Association for a more direct airway between Needles and Las Vegas. No other comments were received.

In consideration of the foregoing, the following actions are taken:

1. In § 71.123 (29 F.R. 1009) V–237 is revoked.

2. In § 71.143 (29 F.R. 1049) V–1619 is revoked.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 19, 1964.

H. B. HELSTROM,
Acting Chief, Airspace, Regulations and Procedures Division.

[F.R. Doc. 64–1848; Filed, Feb. 26, 1964; 8:45 a.m.]

[Airspace Docket No. 63–SW–80]

PART 73—SPECIAL USE AIRSPACE [NEW]

Alteration of Restricted Area

On November 22, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12368) stating that the Federal Aviation Agency proposed to increase the altitude limits, time of use and change the using agency of Rabbit Island, La., Restricted Area R–3802.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published, therefore, for the reasons stated in the notice, the following action is taken:

In § 73.38 Louisiana (29 F.R. 1253), R–3802 Rabbit Island, La., is amended to read:

R–3802 Rabbit Island, La.

Boundary: A circular area with a three nmi radius centered on latitude 29°30'35" N., longitude 91°35'45" W.

Designated altitude: Surface to 12,000 feet MSL.

Time of designation: Continuous.

Using agency: Commanding Officer, Naval Air Station, New Orleans, Louisiana.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 19, 1964.

LEE E. WARREN,
Director, Air Traffic Service.

[F.R. Doc. 64–1849; Filed, Feb. 26, 1964; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 3090; Amdt. 362]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED EFFECTIVE 7 MAR. 1964.							
City, Melbourne; State, Fla.; Airport Name, Melbourne-Eau Gallie; Elev., 28'; Fac. Class., SBRAZ; Ident., MA; Procedure No. 1, Amdt. 10; Eff. Date, 8 June 63; Sup. Amdt. No. 9; Dated, 30 Sept. 61							
SEA VOR	SJ LFR	Direct	2000	T–dn	300–1	300–1	200–½
Bainbridge LF Int	SJ LFR	Direct	2000	C–dn	800–2	800–2	800–2
SE LOM	SJ LFR (final)	Direct	1200	A–dn	800–2	800–2	800–2

Radar vectoring using Seattle-Tacoma radar authorized in accordance with approved patterns.
Procedure turn E side of crs 176° Outbnd, 356° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 290°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing SJ–LFR, climb to 2000' direct to BF LOM or, when directed by ATC, climb to 2000' on NW crs SJ–LFR within 10 miles.
CAUTION: Obstructions to 600' 1.8 to 2.3 miles SW through W and E through SE of airport.
Other changes: Deletes transitions from Park RBn, Burton Int, TM LFR, and BF LOM.
MSA: 000°–090°—6400'; 090°–180°—5500'; 180°–270°—2900'; 270°–360°—2000'.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17'; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 18; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 17; Dated, 26 Jan. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Augusta VOR	LMM	Direct	2000	T–dn	300–1	300–1	200–½
Augusta RBn	LMM	Direct	2000	C–dn	600–1	600–1	600–1½
Shell Bluff Int	LMM	Direct	2000	S–dn–17	500–1	500–1	500–1
Trenton Int	Mid-Town Int* (final)	Direct	1500	A–dn	800–2	800–2	800–2
Mallard Int	Mid-Town Int* (final)	Direct	1500				
Clarice Int	Mid-Town Int* (final)	Direct	1500				

Procedure turn W side of crs 348° Outbnd, 168° Inbnd, 2000' within 10 miles.
Minimum altitude over Mid-Town Int* on final approach crs 1500'.
Crs and distance, Mid-Town Int* to airport 168°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Mid-Town Int*, or 0.0 mile after passing GS LMM, climb to 2000' on crs of 168° within 15 miles of AGS LMM, or when directed by ATC, turn right and climb to 2000' on 308° crs AGS RBn within 20 miles.
*Mid-Town Int 348° crs from GS LMM and R–123 AGS VOR or 067° crs from AGS RBn.
MSA: 000°–090°—2900'; 090°–180°—1900'; 180°–270°—1900'; 270°–360°—1900'.

City, Augusta; State, Ga.; Airport Name, Bush Field; Elev., 145'; Fac. Class., LMM; Ident., GS; Procedure No. 3, Amdt. Orig.; Eff. Date, 7 Mar. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Indianapolis VOR	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Shelbyville VOR	LOM	Direct	2400	C-dn	400-1	500-1	500-1½
Castleton Int	LOM	Direct	2400	S-dn-31	400-1	400-1	400-1
Quincy Int	LOM	Direct	2400	A-dn	800-2	800-2	800-2
Morgantown Int	LOM	Direct	2600				
Whiteland Int	LOM (final)	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 132° Outbnd, 312° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs 2400′.
Crs and distance, facility to airport 312°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing CO-LOM, climb to 2500′ and proceed direct to IND VOR or when directed by ATC, make left turn climbing to 2000′ and proceed direct to the IN LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., LOM; Ident., CO; Procedure No. 2, Amdt. 1; Eff. Date, 7 Mar. 64; Sup. Amdt. No. Orig.; Dated, 1 Feb. 64

PROCEDURE CANCELLED EFFECTIVE 7 MAR. 1964.

City, Melbourne; State, Fla.; Airport Name, Melbourne-Eau Gallie; Elev., 28′; Fac. Class., MHW; Ident., MLB; Procedure No. 1, Amdt. Orig.; Eff. Date, 31 Aug. 63 or upon commissioning of MLB RBn

MLB VOR	MEF RBn	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs 339° Outbnd, 159° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs 700′.
Crs and distance, facility to airport 159°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing MEF RBn, climb to 1500′ on crs of 159°, within 20 miles.
MSA: 000°–090°—1300′; 090°–180°—1300′; 180°–270°—1400′; 270°–360°—1500′.

City, Melbourne; State, Fla.; Airport Name, John F. Kennedy Memorial; Elev., 32′; Fac. Class., SBH; Ident., MEF; Procedure No. 1, Amdt. Orig.; Eff. Date, 7 Mar. 64

				T-d	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn N side of crs, 010° Outbnd, 190° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 190°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing MDO RBn, turn left and climb to 1500′ on 010° bearing from MDO RBn.
CAUTION: No control zone, weather available 1 hour prior notice (special observation) through Cordova radio. Local communications with Cordova radio. Night operations not authorized. Air carrier sliding scale not authorized. Altimeter setting not available.

City, Middleton Island; State, Alaska; Airport Name, Middleton Island; Elev., 87′; Fac. Class., SBHZ; Ident., MDO; Procedure No. 1, Amdt. 1; Eff. Date, 7 Mar. 64; Sup. Amdt. No. Orig.; Dated, 14 Jul. 62

Moline VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Muscatine Int*	Stockton Int**	Direct	2300	C-dn	600-1	600-1	600-1½
CVA VOR	LOM	Direct	2600	S-dn-9	600-1	600-1	600-1
Stockton Int**	LOM (final)	Direct	1900	A-dn	800-2	800-2	800-2
Buffalo Int	LOM	Direct	2300				
CID VOR	Muscatine Int*	Via CID VOR R-123.	2500				
IOW VOR	Muscatine Int*	Via IOW VOR R-093.	2300				

Procedure turn S side of W crs, 266° Outbnd, 086° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 086°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing ML LOM, climb to 2100′ on crs of 086° within 20 miles or, when directed by ATC, make right climbing turn to 2300′ and proceed to MLI VOR.
Other change: Deletes transition from Moline LFR.
*Muscatine Int: Int W crs MLI ILS, R-349 BRL-VOR, 266° bearing from ML LOM.
**Stockton Int: Int MLI VOR R-315 and bearing 266° from LOM or MLI ILS W crs.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590′; Fac. Class., LOM; Ident., ML; Procedure No. 1, Amdt. 10; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 9; Dated, 5 May 62

Nashville RBn	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Nashville VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Knob Int	LOM	Direct	2500	S-dn-2L	400-1	400-1	400-1
Franklin Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 106° Outbnd, 015° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 015°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, climb to 2500′ on crs of 015° within 20 miles of airport or, when directed by ATC, turn right, climb to 2500′ on 066° crs from BNA RBn within 20 miles.
MSA: 000°–090°—2300′; 090°–180°—2400′; 180°–270°—2500′; 270°–360°—3000′.

City, Nashville; State, Tenn.; Airport Name, Nashville, Metropolitan (Berry Field); Elev., 597′; Fac. Class., LOM (HW); Ident., BN; Procedure No. 1, Amdt. 13; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 12; Dated, 1 Sept. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ontario VOR	Edgemont LF Int*	Direct	4200	T-dn	300-1	300-1	200-½
Edgemont LF Int*	Colton RBn	Direct	4200	C-dn	500-1	500-1	500-1½
Colton RBn	LOM (final)	Direct	2800	S-dn-25	400-1	400-1	400-1
Moreno Int	Colton RBn	Direct	4200	A-dn	800-2	800-2	800-2

Radar vectoring utilizing March radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn in accordance with approved transitions.
Minimum altitude over Colton RBn on final approach crs, 4200′.
Crs and distance, facility to airport, 255°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 3000′ on crs of 255° within 14 miles of LOM.

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952′; Fac. Class., LOM; Ident., ON; Procedure No. 1, Amdt. 19; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 18; Dated, 26 Oct. 63

Savannah VOR	LOM	Direct	1700	T-dn	300-1	300-1	200-½
Marlow Int	LOM	Direct	1700	C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 272° Outbnd, 092° Inbnd, 1700′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to restricted area.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 092°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 1700′ on crs of 092° within 15 miles of the LOM or, when directed by ATC, turn left, climbing to 1500′ direct to SAV VOR.
MSA: 000°–090°—1400′; 090°–180°—1600′; 180°–270°—1300′; 270°–360°—2200′.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50′; Fac. Class., LOM; Ident., SA; Procedure No. 1, Amdt. 7; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 6; Dated, 30 Nov. 63

PAE VOR	BF LOM	Direct	2000	T-dn	300-1	300-1	200-½
SEA-VOR	BF LOM	Direct	2000	C-dn	800-2	800-2	800-2
SJ-LFR	BF LOM	Direct	2000	A-dn	800-2	800-2	800-2
Black Diamond VHF Int	BF LOM	Direct	3000				
Burton VHF Int	BF LOM	Direct	2000				
Lofall VHF Int	BF LOM	Direct	2000				
Bainbridge LF Int	BF LOM	Direct	1500				

Radar vectoring using Seattle-Tacoma radar authorized in accordance with approved patterns.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′; over LMM, 1300′.
Crs and distance, facility to airport, 128°—6.4; LMM to airport, 128°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.4 miles after passing BF LOM, climb to 2000′ direct to SJ-LFR, then turn left, continue direct to BF LOM or, when directed by ATC, climb to 2000′ direct to SJ-LFR, then turn right, continue direct to SE LOM.
CAUTION: Obstructions to 600′ 1.8 and 2.3 miles SW through W and E through SE of airport.
MSA: 045°–135°—5400′; 135°–225°—2000′; 225°–315°—5500′; 315°–045°—3700′.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., LOM; Ident., BF; Procedure No. 1, Amdt. 4; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 3; Dated, 23 Feb. 63

PAE VOR	Park RBn (SZ LOM)	Direct	2000	T-dn	300-1	300-1	200-½
Burton VHF Int	Park RBn (SZ LOM)	Direct	2000	C-dn	800-2	800-2	800-2
Black Diamond VHF Int	Park RBn (SZ LOM)	Direct	3000	A-dn	800-2	800-2	800-2
SJ-LFR	Park RBn (SZ LOM)	Direct	2000				
SEA-VOR	Park RBn (SZ LOM)	Direct	2000				
Bainbridge LF Int	Park RBn (SZ LOM)	Direct	2000				
Lofall VHF Int	Park RBn (SZ LOM)	Direct	2000				

Radar vectoring using Seattle-Tacoma radar authorized in accordance with approved patterns.
Procedure turn S side of crs, 114° Outbnd, 294° Inbnd, 2000′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over SJ-LFR/Z on final approach crs, 1400′; over Park RBn (SZ LOM) 800′.
Crs and distance, SJ-LFR/Z to airport 294°—2.1 miles. Park RBn (SZ LOM) on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing SJ-LFR/Z, climb to 2000′ on crs 291° within 10 miles of Park RBn (SZ LOM).
CAUTION: Obstructions to 600′ 1.8 to 2.3 miles SW through W and E through SE of airport.
MSA: 000°–135°—6200′; 135°–225°—3000′; 225°–270°—4700′; 270°–360°—4500′.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17′; Fac. Class., MHW; Ident., SZ; Procedure No. 2, Amdt. 4; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 3; Dated, 23 Feb. 63

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-d	500-1	500-1	500-1½
				C-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2
				If aircraft equipped with operating VOR and ADF receivers and Bradford RBn received, the following minimums apply:*			
				C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
				S-dn-32	400-1	400-1	400-1

Procedure turn E side of crs, 145° Outbnd, 325° Inbnd, 3900' within 10 miles.
Minimum altitude over facility on final approach crs, 2900' (2600° if radio beacon received).
Crs and distance, facility to airport, 325°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BFD-VOR, climb to 3400' on R-325 within 10 miles of Bradford VOR. Make climbing left turn, return to Bradford VOR at 4000'. Hold SE 1-minute left turns, Inbnd crs 325°.
*Maintain 2900' until after passing Bradford RBn.
MSA: 000°-360°—3600'.

City, Bradford; State, Pa.; Airport Name, Bradford-McKean County; Elev., 2142'; Fac. Class., BVOR; Ident., BFD; Procedure No. 1, Amdt. 6; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 5; Dated, 25 Jan. 64

				T-dn	300-1	300-1	
				C-d	500-1	500-1½	
				C-n	500-2	500-2	
				S-d-32	500-1	500-1	
				S-n-32	500-2	500-2	
				A-dn	800-2	800-2	

Procedure turn E side of crs 154° Outbnd 334° Inbnd 2200' within 10 miles.
Minimum altitude over facility on final approach crs 2200'.
Crs and distance facility to airport 334°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing CVA RBn make left climbing turn and return to the CVA VOR at 2200'.
Other change: Deletes transitions.

City, Clinton; State, Iowa; Airport Name, Clinton Municipal; Elev., 701'; Fac. Class., BVOR; Ident., CVA; Procedure No. 1, Amdt. 3; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 2; Dated, 6 Feb. 60

Columbus RBn	CSG-VOR	Direct	2200	T-dn	300-1	300-1	200-½
Columbus LOM	CSG VOR	Direct	2200	C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				If Feast Int# received, minimum becomes:			
				C-dn	500-1	500-1	500-1½

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 2200' within 10 miles.
Minimum altitude over CSG-VOR on final approach crs, 1700'; over Feast Int #, 1100'.*
Crs and distance, CSG-VOR to airport, 147°—6.8 miles; Feast Int # to airport, 147°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles after passing VOR, turn left, climb to 2200' and proceed to CSG VOR via R-147.
#Feast Int: Int CSG-VOR R-147 & 035° bearing to CS LOM.
*MSA, 25 Miles: 090°-090°—3400'; 090°-180°—3200'; 180°-270°—2000'; 270°-360°—2200'.

City, Columbus; State, Ga.; Airport Name, Muscogee County; Elev., 397'; Fac. Class., BVOR; Ident., CSG; Procedure No. 1, Amdt. 4; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 3; Dated, 20 July 63

Daytona Beach LOM	DAB-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-16	700-1	700-1	700-1
				S-n-16	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and ADF receivers and Chambers Int° identified, the following minimums are authorized:			
				C-dn	600-1	600-1	600-1½
				S-dn-16	600-1	600-1	600-1

Procedure turn W side of crs, 336° Outbnd, 156° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 156°—7.4 miles; Chambers Int ° to Airport 156°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing VOR, climb to 1500' on R-156 within 20 miles of DAB VOR.
°Chambers Int: Int DAB VOR R-156 and 030° bearing from DAB LOM.
MSA: 000°-090°—1100'; 090°-180°—1500'; 180°-270°—2100'; 270°-360°—1400'.

City, Daytona Beach; State, Fla.; Airport Name, Daytona Beach Municipal; Elev., 34'; Fac. Class., BVOR; Ident., DAB; Procedure No. 1, Amdt. 5; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 4; Dated, 11 May 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn$	NA	NA	NA
				Following minimum applies after passing the Merrifield Int:*			
				C-dn$	400-1	500-1	500-1½

Radar vectoring to final approach course authorized in accordance with approved patterns.
Procedure turn E side of crs, 134° Outbnd, 314° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'; over Merrifield Int°, 1500'.
Crs and distance, facility to airport, 314°—0.7 miles; Merrifield Int° to airport, 314°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing GFK VOR, make left climbing turn to 2400' and proceed to the GFK VOR.
$Alternate minimums 900-2 authorized for air carriers with weather reporting service at the airport.
*Merrifield Int: Int GFK R-314 and RDR R-060 or radar fix.
$Authorized only for aircraft with dual omni receivers operating simultaneously or Merrifield Int° identified by radar.
MSA: 000°-090°—2300'; 090°-180°—4100'; 180°-270°—4100'; 270°-360°—2300'.

City, Grand Forks; State, N. Dak.; Airport Name, Grand Forks International (New Airport); Elev., 842'; Fac. Class., L-BVOR; Ident., GFK; Procedure No. 1, Amdt.; Eff. Date, 7 Mar. 64; Sup. Amdt. No. Orig.; Dated, 21 Dec. 63

MDO BHZ	MDO VOR	Direct	2000	T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				S-d	NA	NA	NA
				A-d	NA	NA	NA

Procedure turn N side of crs 017° Outbnd, 197° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 016°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MDO VOR, turn left, climb to 1500' on R-017 MDO VOR within 15 miles.
CAUTION: No control zone, weather available 1 hour prior notice (special observation) through Cordova radio. Local communications with Cordova radio. Night operations not authorized. Air carrier sliding scale not authorized. Altimeter setting not available.

City, Middleton Island; State, Akaska; Airport Name, Middleton Island; Elev., 87'; Fac. Class., BVOR; Ident., MDO; Procedure No. 1, Amdt. 1; Eff. Date, 7 Mar. 64; Sup. Amdt. No. Orig.; Dated, 22 Apr. 61

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 095°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing PIA-VOR, make right turn climbing to 1800'. Return to Peoria VOR or, when directed by ATC, make left turn climbing to 2400', proceed to Bradley Int.
CAUTION: Unlighted high tension towers between facility and airport.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659'; Fac. Class., BVORTAC; Ident., PIA; Procedure No. 1, Amdt. 6; Eff. Date, 7 Mar. 64; Sup. Amdt No. 5; Dated, 14 Dec. 63

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				C-dn#	400-1	500-1	500-1½
				S-dn-12	500-1	500-1	500-1
				S-dn-12#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 114°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing RFD VOR, make left turn, climb to 2500' and proceed to RFD VOR or, when directed by ATC, make right turn, climb to 2100' and proceed to RF LOM
#After passing R-184 JVL on final approach crs Inbnd from facility, these minimums authorized only if aircraft is equipped with operating dual omni receivers.

City, Rockford; State, Ill.; Airport Name, Greater Rockford; Elev., 735'; Fac. Class., L-BVORTAC; Ident., RFD; Procedure No. 1, Amdt. 3; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 2; Dated, 7 Dec. 63

SAV LOM	SAV VOR	Direct	1600	T-dn	300-1	300-1	200-½
Burton Int	SAV VOR	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-23-27	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to Runway 27, 246°—4.3 miles; facility to Runway 23, 249°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing SAV VOR, make right turn, climb to 1700' on R-253 within 20 miles of SAV VOR.
CAUTION: Stack 265' 2 miles NE of airport.
NOTES: (1) Danger area 10 miles SW of airport. (2) When authorized by ATC, SAV DME may be used from R-350 clockwise through R-150 within 15 miles at 1500' to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA: 000°-090°—1400'; 090°-180°—1600'; 180°-270°—1700'; 270°-360°—1400'.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50'; Fac. Class., BVORTAC; Ident., SAV; Procedure No. 1, Amdt. 3; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 2; Dated, 17 Mar. 62

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 7 MAR. 1964.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR-14L, Amdt. 3; Eff. Date, 28 July 62; Sup. Amdt. No. 2; Dated, 2 June 62

PROCEDURE CANCELLED, EFFECTIVE 7 MAR. 1964.

City, Chicago; State, Ill.; Airport Name, O'Hare International; Elev., 666'; Fac. Class., VORTAC; Ident., ORD; Procedure No. TerVOR-32 R., Amdt. 1; Eff. Date, 19 May 62; Sup. Amdt. No. Orig.; Dated, 29 Aug. 59

Morey Int	TAX-VOR	Direct	2600	T-dn	300-1	300-1	200-½
Marshall Int	TAX-VOR	Direct	2600	C-dn	600-1	600-1	600-1½
MS LOM	TAX-VOR	Direct	2600	S-dn-31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				Following minimum applies if College Int received:			
				S-dn-31	500-1	500-1	500-1

Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 2300' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, breakoff point to approach end of Runway 31, 313°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX-VOR, climb to 2700' on R-311 within 10 miles.
NOTE: When weather is below 2000-2, aircraft departing SWBnd, flight below 2700' beyond 4 miles from airport is prohibited between radials 201 and 257, inclusive, of the TAX-VOR due to 2227' tower 9 miles SW of airport.

City, Madison; State, Wis.; Airport Name, Truax Field; Elev., 859'; Fac. Class., BVOR; Ident., TAX; Procedure No. TerVOR-31, Amdt. 2; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 1; Dated, 2 Nov. 63

Cleo Int	MKT VOR	Direct	2500	T-dn	300-1	300-1	*200-½
				C-d	600-1	700-1	700-1½
				C-n	600-2	700-2	700-2
				S-d-32	600-1	600-1	600-1
				S-n-32	600-2	600-2	600-2
				A-dn‡	NA	NA	NA

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MKT-VOR, make immediate left turn climbing to 2400' on R-142 within 10 miles.
NOTE: 122.1 receiver removed from MKT VOR to MSP FSS.
*300-1 required for all takeoffs on Runway 32.
‡800-2 authorized for air carriers with weather reporting at the airport.
MSA: 000°-090°—2800'; 090°-180°—2500'; 180°-270°—3200'; 270°-360°—2500'.

City, Mankato; State, Minn.; Airport Name, Mankato Municipal; Elev., 1005'; Fac. Class., BVOR; Ident., MKT; Procedure No. TerVOR-32, Amdt. 1; Eff. Date, 7 Mar. 64; Sup. Amdt. No. Orig.; Dated, 22 Sept. 62

MEF RBn	MLB-VOR	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-9	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 1500' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Facility on airport; break-off point to Runway 9, 087°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing MLB VOR, turn right and climb to 1500' on R-162 within 20 miles of MLB VOR.
MSA: 000°-090°—1300'; 090°-180°—1300'; 180°-270°—1400'; 270°-360°—1500'.

City, Melbourne; State, Fla.; Airport Name, John F. Kennedy Memorial; Elev., 32'; Fac. Class., BVOR; Ident., MLB; Procedure No. TerVOR-9, Amdt. 3; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 2; Dated, 31 Aug. 63

PROCEDURE CANCELLED EFFECTIVE 7 MAR. 1964.

City, Redding; State, Calif.; Airport Name, Redding Municipal; Elev., 500'; Fac. Class., BVOR; Ident., RDD; Procedure No. TerVOR R-168, Amdt, Orig.; Eff. Date, 20 July 63

Delta Int	RDD VOR	Direct	#6100	T-dn	300-1	300-1	200-½
Whitmore Int	RDD VOR	Direct	4000	C-dn	600-1	600-1	600-1½
RBL VOR	RDD VOR	Direct	3000	A-dn*	NA	NA	NA
Benton Int	RDD VOR	Direct	2500				

Procedure turn E side of crs 174° Outbnd, 354° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs 1100'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing RDD VOR, turn right, climbing to 2300' on RDD VOR R-174 within 15 miles.
NOTE: Final approach from holding pattern at RDD VOR not authorized, procedure turn required.
#Shuttle descent from 6100' to 4300' in a one-minute holding pattern, 354° Inbnd, right turns before commencing procedure turn.
*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at the airport.
MSA: 000°-090°—7100'; 090°-180°—4200'; 180°-270°—8000'; 270°-360°—5000'.

City, Redding; State, Calif.; Airport Name, Redding Municipal; Elev. 500'; Fac. Class., BVOR; Ident., RDD; Procedure No. TerVOR-34, Amdt. Orig.; Eff. Date, 7 Mar. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300-1	300-1	200-½
Hopewell VOR	RIC VOR	Direct	1700	C-dn	600-1	600-1	600-1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-33	600-1	600-1	600-1
Brown Int	RIC VOR (final)	Direct	600	A-dn	800-2	800-2	800-2
5.0-mile radar fix	RIC VOR (final)	Direct	600	If aircraft is equipped with VOR and ADF receivers and Brown Int or 5.0 mile radar fix received, the following minimum applies:			
				S-dn-33	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 138° Outbnd, 318° Inbnd, 1700' withing 10 miles.
Minimum altitude over Brown Int on final approach crs, 800'; over facility, 600'.
Crs and distance, breakoff point to approach end of runway, 334°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished within 0.0 mile of RIC VOR, climb to 2000' on R-318 of RIC VOR within 10 miles, return to RIC VOR. Hold SW 226° Outbnd, 040° Inbnd, 1-minute right turns.
NOTE: 5-mile radar fix may be used in lieu of Brown Int for 400-1 minimums.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167'; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-33, Amdt. 8; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 7; Dated, 7 Dec. 63

Bass Int*	Shad Int**	Direct	2000	T-dn	300-1	300-1	200-½
Pike Int***	Shad Int**	Direct	2000	S-dn-3	400-1	400-1	400-1
Saddle Int	Pike Int***	Direct	4000	C-dn	500-1	500-1	500-1½
Shad Int**	Breakwater Int¢ (final)	Direct	1500	A-dn‡	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved Los Angeles radar patterns.
Procedure turn N side of crs 216° Outbnd, 036° Inbnd, 2500' within 10 miles of Breakwater Int.¢
Minimum altitude over Breakwater Int¢ on final approach crs 1500'.
Crs and distance, Breakwater Int¢ to airport 036°—4.5 miles. Break-off point to runway, 036°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of SMO VOR, climb via R-041 to intercept LGB R-305 in right turn climb to Stadium Int at 2000'.
*Bass Int: Int LAX R-246 and VTU R-130.
**Shad Int: Int SMO R-216 and LAX R-246.
***Pike Int: Int LAX R-246 and FIM R-148.
¢Breakwater Int: Int SMO R-216 and LAX R-276.
‡Weather available 0700-2300.

City, Santa Monica; State, Calif.; Airport Name, Santa Monica Municipal; Elev., 175'; Fac. Class., VORW; Ident., SMO; Procedure No. TerVOR-3, Amdt. Orig.; Eff. Date, 7 Mar. 64

GCE RBn	Bowl Int*	Direct	3400	T-dn	300-1	300-1	200-½
DOW RBn	Bowl Int*	Direct	3000	C-dn	700-1	700-1	700-1½
POM VOR	San Gabriel Int%-	Direct	4500	A-dn‡	800-2	800-2	800-2
LGB VOR	San Gabriel Int%-	Direct	3000	If aircraft equipped with operating dual VOR or VOR and ADF receivers and Fox Int*** received, the following minimum applies:			
San Gabriel Int%	Bowl Int*	Direct	3000				
Bowl Int*	Tar Pit Int**	Direct	1900	C-dn	500-1	500-1	500-1½

Radar vectoring authorized in accordance with approved Los Angeles radar patterns.
Procedure turn not authorized.
Minimum altitude over Tar Pit Int** on final approach crs 1900'; over Fox Int*** 900'.
Crs and distance, Tar Pit Int** to airport 221°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of SMO VOR, climb via SMO R-235 to 2000' within 15 miles.
*Bowl Int: Int SMO R-041 and POM R-257 or 171° bearing from GCE RBn.
**Tar Pit Int: Int SMO R-041 and LAX R-009 or 325° bearing from LAX RBn.
***Fox Int: Int SMO R-041 and LAX R-357 or 306° bearing from LAX RBn.
%San Gabriel Int: Int POM R-257 and LGB R-339 or 353° bearing from DOW RBn.
‡Weather Service available 0700-2300.

City, Santa Monica; State, Calif.; Airport Name, Santa Monica Municipal; Elev., 175'; Fac. Class., VORW; Ident., SMO; Procedure No. TerVOR R-041, Amdt. Orig.; Eff. Date, 7 Mar. 64

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Florence Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Branch Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Byram Int	LOM	Direct	2000	S-dn-15	200-½	200-½	200-½
Trace Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Rankin Int	LOM	Direct	2000				
JAN VOR	LOM (final)	Direct	2000				

Procedure turn W side of crs 332° Outbnd, 152° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM 1936'—5.3 miles; at MM 506'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 2000' on JAN VOR R-163 within 20 miles.

City, Jackson; State, Miss.; Airport Name, Thompson Field; Elev., 345'; Fac. Class., ILS; Ident., I-JAN; Procedure No. ILS-15, Amdt. Orig.; Eff. Date, 7 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MKE RBn	LOM	Direct	2000	T-dn**	300–1	300–1	200–½
Big Bend Int	LOM	Direct	2300	C-dn	600–1	600–1	600–1½
Racine Int	LOM	Direct	2000	S-dn–1°$	200–½	200–½	200–½
Cardinal Int	LOM	Direct	2700	A-dn	600–2	600–2	600–2
MKE–VOR	LOM	Direct	2000				
Wind Lake Int	LOM	Direct	2300				
Horlick Int	LOM	Direct	2300				
Oakwood Int	LOM (final)	Direct	2000				
Franksville Int	Oakwood Int	Direct	2000				

Radar transitions authorized in accordance with approved patterns.
Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1877'—3.6 miles; at MM, 929'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' on 006° bearing from LMM and proceed direct to the Cardinal Int or, when directed by ATC, make left climbing turn to 2000' and intercept R–110 MKE–VOR and proceed to MKE–VOR.
*Runway visual range 2600' is also authorized for landing on Runway 1; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 902' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600' also authorized for takeoff on Runway 1 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.
$400–¾ required when glide slope not utilized.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 702'; Fac. Class., ILS; Ident., I–MKE; Procedure No. ILS–1, Amdt. 18; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 17; Dated, 14 Dec. 63

Moline VOR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Stockton Int**	LOM (final)	Direct	1900	C-dn	600–1	600–1	600–1½
Cordova VOR	LOM	Direct	2800	S-dn–9°	200–½	200–½	200–½
Buffalo Int	LOM	Direct	2300	A-dn	600–2	600–2	600–2
Muscatine Int$	Stockton Int**	Direct	2300				
Cordova VOR	Green River Int$	Direct	2300				
Green River Int$	LOM	Direct	2100				
CID VOR	Muscatine Int$$	Via CID VOR R–122.	2500				
IOW VOR	Muscatine Int$$	Via IOW VOR R–093.	2300				

Procedure turn S side W crs, 266° Outbnd, 086° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope int Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1807'—4.4 miles; at MM, 774'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100' on crs of 086° within 20 miles or, when directed by ATC, make right climbing turn to 2300' and proceed to MLI–VOR.
Other changes: Deletes transition from Moline LFR.
*600–1 required when glide slope inoperative.
**Stockton Int: Int MLI VOR R–315 and bearing 266° from LOM or MLI ILS W crs.
$Green River Int: Int E crs ILS and R–191 CVA VOR or MLI VOR R–052.
$$Muscatine Int: Int R–340 BRL VOR and 266° bearing from ML LOM or W crs MLI ILS.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590'; Fac. Class., ILS; Ident., I–MLI; Procedure No. ILS–9, Amdt. 10; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 9; Dated, 3 June 61

Cordova VOR	Green River Int*	Direct	2300	T-dn	300–1	300–1	200–½
Moline VOR	Green River Int*	Direct	2300	C-dn	600–1	600–1	600–1½
Cable Int$	Green River Int*	Direct	2800	S-dn–27	500–1	500–1	500–1
Polo VOR via PLL–VOR R–307	Donna Int**	Direct	2600	A-dn	800–2	800–2	800–2
Donna Int**	Green River Int* (final)	Direct	2300				

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300' within 10 miles of Green River Int.*
No glide slope or markers. Altitude over Green River Int* on final, 2300', bearing and distance to Runway 27, 266°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Green River Int,* climb to 1900' and proceed to ML LOM.
Green River Int: Int E crs ILS and R–191 CVA VOR or MLI VOR R–052.
**Donna Int: Int R–134 CVA–VOR and E crs ILS and PLL–VOR R–207.
$Cable Int: Int R–191 CVA VOR and R–130 MLI VOR.

City, Moline; State, Ill.; Airport Name, Quad-City; Elev., 590'; Fac. Class., ILS; Ident., I–MLI; Procedure No. ILS–27, Amdt. 5; Eff. Date, 7 Mar 64; Sup. Amdt. No. 4; Dated, 2 Sep. 61

Nashville RBn	LOM	Direct	2500	T-dn	300–1	300–1	200–½
Nashville VOR	LOM	Direct	2500	C-dn	400–1	500–1	500–1½
Knob Int	LOM	Direct	2500	S-dn–21°*	200–½	200–½	200–½
Franklin Int	LOM	Direct	2500	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 195° Outbnd, 015° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2100'—5.1 miles; at MM, 817'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500' on N crs ILS (015°) within 20 miles of airport or, when directed by ATC, turn right, climb to 2500' on 066° crs from BNA RBn within 20 miles.
*400–¾ required when glide slope not utilized.
MSA: 000°–090°—2300'; 090°–180°—2400'; 180°–270°—2500'; 270°–360°—3000'.

City, Nashville; State, Tenn.; Airport Name, Nashville Metropolitan; Elev., 597'; Fac. Class., ILS; Ident., I–BNA; Procedure No. ILS–2L, Amdt. 13; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 12; Dated, 1 Sep 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Ontario VOR	Edgemont LF Int	Direct	4200	T-dn	300–1	300–1	200–½
Edgemont LF Int	Colton RBn	Direct	4200	C-dn	500–1	500–1	500–1½
Colton RBn	LOM (final)	Direct	2800	S-dn–25	200–½	200–½	200–½
Moreno Int	Colton RBn	Direct	4200	A-dn	600–2	600–2	600–2

Radar vectoring utilizing March radar authorized in accordance with approved radar patterns.
Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn in accordance with approved transitions.
Altitude and distance to approach end of runway at Colton RBn, 4200'—10.8 miles; at OM, 2720'—5.9 miles; at MM, 1145'—0.6 mile. Descent to cross LOM at 2720' authorized after intercepting glide slope on localizer crs at minimum altitude, 2800'.
Glide slope on localizer crs at minimum altitude, 2820'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000' on W crs within 14.0 miles of ILS LOM.
Major change: Deletes missed approach point.

City, Ontario; State, Calif.; Airport Name, Ontario International; Elev., 952'; Fac. Class., ILS; Ident., I–ONT; Procedure No. ILS–25, Amdt. 20; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 19; Dated, 26 Oct. 63

PIA VOR	Norwood Int*	Direct	2300	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn–12	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs 303° Outbnd, 123° Inbnd, 2300' within 10 miles of Norwood Int.
Minimum altitude over Norwood Int* on final approach crs 1300'.
Crs and distance, Norwood Int* to airport 123°—2.4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing Norwood Int* climb to 1800' and proceed to PIA VOR or, when directed by ATC, climb to 2400' and proceed to Bradley Int.
NOTE: Procedure approved for dual omni equipped aircraft only (back crs approach).
CAUTION: Unlighted high tension towers 2.4 miles NW of airport.
*Norwood Int: Int NW crs PIA ILS, and R–063 PIA VOR.

City, Peoria; State, Ill.; Airport Name, Greater Peoria; Elev., 659'; Fac. Class., ILS (back crs); Ident., I–PIA; Procedure No. ILS–12, Amdt. 4; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 3; Dated, 14 Dec. 63

Marlow Int	LOM	Direct	1700	T-dn	300–1	300–1	200–½
SAV VOR	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
				S-dn–9°	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 272° Outbnd, 092° Inbnd, 1700' within 10 miles. Beyond 10 miles not authorized. Nonstandard due to restricted area.
Minimum altitude at glide slope interception Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1686'—5.7 miles; at MM, 219'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700' on the E crs of the ILS within 15 miles of the LOM or, when directed by ATC, turn left, climbing to 1500' direct to SAV VOR.
*400–¾ required when glide slope not utilized.
MSA: 000°–090°—1400'; 090°–180°—1600'; 180°–270°—1300'; 270°–360°—2200'.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50'; Fac. Class., ILS; Ident., I–SAV; Procedure No. ILS–9, Amdt. 8; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 7; Dated, 30 Nov. 63

SAV VOR	Gloria Int*	Direct	1500	T-dn	300–1	300–1	200–½
SAV LOM	Gloria Int*	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn–27	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs 092° Outbnd 272° Inbnd 1500' within 10 miles of Gloria Int*.
Minimum altitude over Gloria Int* on final approach crs 1200'.
Crs and distance Gloria Int* to airport 272°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Gloria Int, climb to 1700' on 272° crs of SAV ILS, proceeding direct to SAV LOM or when directed by ATC, make right turn, climbing to 1500', proceeding direct to SAV VOR.
*Gloria Int: Int. SAV ILS 092° crs and SAV VOR R–180.
MSA: 000°–090°—1400'; 090°–180°—1600'; 180°–270°—1700'; 270°–360°—1400'.

City, Savannah; State, Ga.; Airport Name, Travis Field; Elev., 50'; Fac. Class., ILS (back course); Ident., I–SAV; Procedure No. ILS–27, Amdt. 1; Eff. Date, 7 Mar. 64; Sup. Amdt. No. Orig.; Dated, 13 Oct. 62

PAE VOR	BF LOM	Direct	2100	T-dn	300–1	300–1	200–½
SJ–LFR	BF LOM	Direct	2100	C-dn	800–2	800–2	800–2
Black Diamond VHF Int	BF LOM	Direct	3000	S-dn–13°	500–¾	500–¾	500–¾
SEA–VOR	BF LOM	Direct	2100	A-dn	800–2	800–2	800–2
Burton VHF Int	BF LOM	Direct	2100				
Lofall VHF Int	BF LOM	Direct	2100				
Bainbridge LF Int	BF LOM (final)	Direct	2100				

Radar vectoring using Seattle-Tacoma radar authorized in accordance with approved patterns.
When used in lieu of procedure turn, radar alignment on final approach heading within 10 miles of LOM is required.
Procedure turn S side of crs, 308° Outbnd, 128° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2080'—6.4 miles; at MM, 500'—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing LMM or 6.4 miles after passing LOM, climb to 2100' direct to SJ–LFR, thence turn left, continue direct to BF LOM or, when directed by ATC, climb to 2000' direct to SJ–LFR, thence turn right, continue direct to SE LOM.
CAUTION: Localizer usable only 45° on either side of front crs. False crs indications possible in other areas. Obstructions to 600' 1.8 to 2.3 miles SW through W and E through SE of airport.
*700' required when glide slope not used.
*AIR CARRIER NOTE: Sliding scale not authorized.
MSA: 315°–020°—2100'; 020°–135°—6100'; 135°–225°—2500'; 225°–315°—4000'.

City, Seattle; State, Wash.; Airport Name, King County (Boeing Field); Elev., 17'; Fac. Class., ILS; Ident., I–BFI; Procedure No. ILS–13, Amdt. 6; Eff. Date, 7 Mar. 64; Sup. Amdt. No. 5; Dated, 28 Feb. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on January 31, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64-1258; Filed, Feb. 26, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4017; Amdt. 691]

PART 507—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft JT3C, JT3D, and JT4A Series Engines

There have been instances of Hamilton Standard JFC25 engine fuel control malfunctions which have resulted in serious damage to the Pratt & Whitney Aircraft turbojet engines. To preclude the possibility of damage to aircraft powered by Pratt & Whitney JT3C-7, JT3C-12, JT3D Series, and JT4A Series aircraft engines, an airworthiness directive is being issued to require overhaul of the engine fuel control throttle valve assemblies.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all JT3C-7, JT3C-12, and JT3D Series turbofan engines, and JT4A Series turbojet engines. Compliance required as indicated.

To preclude severe engine damage as the result of the engine fuel control throttle valve packing leakage, accomplish the following on all Hamilton Standard JFC25 engine fuel controls incorporating aluminum throttle valve assemblies.

(a) For throttle valve assemblies previously overhauled by the procedure described in (d) or engine fuel controls Serial Numbers 34550 and up, overhaul in accordance with (d) at every engine fuel control overhaul.

(b) For throttle valve assemblies previously overhauled with low burnish finish or unknown burnish finish packings P/N's 562026-28 and -29 and with the following new alumnium parts: Throttle valve piston, throttle valve rod and throttle valve lower cylinder, overhaul in accordance with (d) as follows:

(1) Overhaul throttle valve assemblies with 2,500 or more hours' time in service since last throttle valve assembly overhaul or since new, within the next 100 hours' time in service after the effective date of this AD and at every engine fuel control overhaul thereafter.

(2) Overhaul throttle valve assemblies with less than 2,500 hours' time in service since last throttle valve assembly overhaul or since new, prior to the accumulation of 2,600 hours' time in service since last throttle valve assembly overhaul or since new and at every engine fuel control overhaul thereafter.

(c) For throttle valve assemblies previously overhauled with low burnish, unknown burnish finish or high burnish finish packings, P/N's 562026-28 and -29 and any of the following used aluminum parts: throttle valve piston, throttle valve rod and throttle valve lower cylinder, overhaul in accordance with (d) as follows:

(1) Overhaul throttle valve assemblies with 1,100 or more hours' time in service since last throttle valve assembly overhaul, within the next 100 hours' time in service after the effective date of this AD and every engine fuel control overhaul thereafter.

(2) Overhaul throttle valve assemblies with less than 1,100 hours' time in service since last throttle valve assembly overhaul prior to the accumulation of 1,200 hours' time in service since last throttle valve assembly overhaul and at every engine fuel control overhaul thereafter.

(d) Replace the packings P/Ns 562026-28 and -29 with new high burnish finish packings, P/Ns 562026-28 and -29. In addition, replace the aluminum throttle valve piston, throttle valve rod, and throttle valve lower cylinder with a new aluminum throttle valve piston, throttle valve rod, and throttle valve lower cylinder. Conduct a complete fuel control calibration after incorporation of the new parts.

(e) Upon the request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Pratt & Whitney Aircraft telegraphic messages dated August 5 and 27, and October 30, 1963, to all JT3C-7, JT3C-12, JT3D Series, and JT4A Series operators cover this same subject.)

This amendment shall become effective February 25, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 19, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-1850; Filed, Feb. 26, 1964; 8:45 a.m.]

[Regulatory Docket No. 4016; Amdt. 690]

PART 507—AIRWORTHINESS DIRECTIVES

Universal (Globe) Model GC-1B Aircraft

Instances have been reported of the presence of internal corrosion in the tubular members of the engine mount on Universal (Globe) Model GC-1B aircraft. This corrosion, if allowed to continue, can cause failure of the engine mount and complete loss of the engine. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the engine mount members and replacement of any found damaged from internal corrosion.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

UNIVERSAL. Applies to all Globe Model GC-1B aircraft and their conversions with standard engine mount P/N 11-710-2520. Compliance required as indicated.

There have been instances of failure through internal corrosion of the upper left and right hand members of the engine mount assembly, the point of failure being just above the weld junction with the horizontal members of the engine mount. To preclude the possibility of further failures, which could result in the loss of the engine, accomplish the following inspection within 30 days from the effective date of this AD and thereafter at every periodic (annual) inspection.

(a) Examine the engine mount members for evidence of rust and/or "pin holing" by probing with an ice pick or an equivalent tool.

(b) If the tubular member appears solid from the inspection described in (a), remove the upper drive screw present in most engine mount legs, or drill a No. 37 size hole at this upper end of the engine mount member. Drill another No. 37 hole at the lower end of the member and check for the presence of rust, water or deterioration.

(c) Replace any engine mount member that has been found to be damaged from internal corrosion by welding in a new member of ⅞ x .035 inch 4130 steel heat treated to 85,000 p.s.i. yield. Drill No. 37 holes in each end of this new member. Fill any new or existing member with Lionoil (or equivalent slushing compound) and then drain. The No. 37 holes can be used for this purpose. After the slushing compound has been drained out of the member, plug the holes with drive screws, AN 535-4-3.

NOTE: No exact method exists in the field for measuring the wall thickness remaining at the lower end of the tube, or of determining the exact amount of wall deterioration through rusting, but a close visual inspection of the drilled hole coupled with the condition encountered (i.e., obvious presence of water or rust) will allow a reasonable judgment of the general condition. For example, after the hole is drilled, the presence of a heavy colloidal solution of rust in water would indicate the probability of serious deterioration. An air nozzle may be applied at the upper hole to facilitate the expelling of any moisture that may be present.

(Universal Aircraft Industries Customer Service Bulletin No. 38 covers this same subject.)

This amendment shall become effective February 25, 1964.

(Secs. 313(a), 601 and 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 19, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-1851; Filed, Feb. 26, 1964; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 through 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended to read, respectively, as follows:

§ 74.2 Designation of free and infected areas.

(a) Notice is hereby given that sheep in the following States, Territories, and District, or parts thereof as specified, are not known to be infected with scabies, and such States, Territories, District, and parts thereof, are hereby designated as free areas:

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virgin Islands of the United States, Washington, and Wyoming;

(2) The following counties in Illinois: Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) All counties in Kansas except Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) All counties in Minnesota except Jackson and Lincoln;

(5) The following counties in Missouri: Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) The following counties in Nebraska: Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) All counties in New Mexico except those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10; thence, running in a southerly and southeasterly direction along New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-DeBaca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) All counties in Pennsylvania except Cumberland;

(9) All counties in Virginia except Augusta and Highland;

(10) All counties in Wisconsin except Saint Croix.

(b) Notice is hereby given also that sheep scabies exists in all States and Territories and parts of States not designated as free areas in paragraph (a) of this section, and they are hereby designated as infected areas.

§ 74.3 Designation of eradication areas.

(a) Notice is hereby given that sheep in the following States, or parts thereof as specified, are being handled systematically to eradicate scabies in sheep, and such States, and parts thereof, are hereby designated as eradication areas:

(1) Iowa, Kentucky, Ohio, and Tennessee;

(2) All counties in Illinois except Bond, Clay, Clinton, Lawrence, Madison, Marion, and Richland; and all counties in the State of Illinois lying south thereof;

(3) The following counties in Kansas: Cloud, Ellsworth, Harper, Jewell, and Sedgewick;

(4) The following counties in Minnesota: Jackson and Lincoln;

(5) All counties in Missouri except Cole, Cooper, Franklin, Gasconade, Jackson, Lafayette, Moniteau, Osage, St. Louis, and Saline; and all counties in the State of Missouri lying south thereof;

(6) All counties in Nebraska except Arthur, Banner, Blaine, Brown, Chase, Cherry, Cheyenne, Deuel, Dundy, Garden, Grant, Hooker, Keith, Keya Paha, Kimball, Loup, Perkins, Rock, Scotts Bluff, Sheridan, and Thomas;

(7) The designated parts of the following counties in New Mexico: Those portions of Lincoln County and Socorro County lying within the area bounded by a line beginning at a point on U.S. Highway No. 54 where said highway crosses the Lincoln-Torrance County line at the town of Corona, New Mexico; and thence, running in a westerly direction along the Lincoln-Torrance County line and the Socorro-Torrance County line to New Mexico State Highway No. 10 to its intersection with U.S. Highway No. 54; thence, running in a southerly direction along U.S. Highway No. 54 to its intersection with U.S. Highway No. 380 at the town of Carrizozo, New Mexico; thence, running in a southeasterly direction along U.S. Highway No. 380 to its intersection with New Mexico State Highway No. 48 at the town of Capitan, New Mexico; thence, running in an easterly direction along New Mexico State Highway No. 48 to its intersection with the Lincoln-Chaves County line; thence, running northward along the Lincoln-Chaves County line and the Lincoln-De Baca County line to the northeast corner of Lincoln County; thence, running westerly along the Lincoln-Guadalupe County line to its intersection with the Lincoln-Torrance County line; thence, running southerly along the Lincoln-Torrance County line to the southeast corner of Torrance County; thence, running westerly along the Lincoln-Torrance County line to the point of beginning at the town of Corona, New Mexico;

(8) The following county in Pennsylvania: Cumberland;

(9) The following counties in Virginia: Augusta and Highland;

(10) The following counties in West Virginia: Berkeley, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Mercer, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Summers, Tucker, Upshur, and Webster;

(11) The following county in Wisconsin: Saint Croix.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126; 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments add the County of Highland in the State of Virginia to the list of infected and eradication areas and delete such county from the list of free areas as sheep scabies is known to exist therein. After the effective date of these amendments, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such county.

The amendments impose certain restrictions necessary to prevent the spread of scabies, a communicable disease of sheep, and must be made effective immediately in order to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th

Donough, McHenry, McLean, Macon, Ma-

Fayette, Franklin, Fulton, Gallia, Geauga,

areas because it has been determined

age customers to open and use credit ac-

usually and customarily sold at retail

Done at Washington, D.C., this 24th day of February 1964.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 64-1803; Filed, Feb. 26, 1964; 8:49 a.m.]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Covington, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. The entire State;

Iowa. Audubon, Boone, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Greene, Guthrie, Hamilton, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Wapello, Warren, Winnebago, Woodbury, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Handcock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fayette, Franklin, Fulton, Gallia, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Warren, Washington, Wayne, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Grant, Haskell, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, and Pushmataha Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties; and all of Lincoln County except that portion lying east of a line beginning at the southwest corner of Sublette County and running in a westerly direction to the Bear River Divide; thence, running in a southerly direction along the Bear River Divide to U.S. Highway 30; thence, running easterly along U.S. Highway 30 to its intersection with U.S. Highway 189; thence, running in a southerly direction along U.S. Highway 189 to the Uinta County line;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(l): Pike and Schuyler Counties in Illinois; McIntosh County in North Dakota; and Medina County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of February 1964.

E. E. SAULMON,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 64-1875; Filed, Feb. 26, 1964; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-704]

PART 13—PROHIBITED TRADE PRACTICES

Retailers Marketing Guild, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service;* § 13.170–96 *Waterproof, waterproofing, water-repellent.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Retailers Marketing Guild, Inc., et al., Chicago, Ill., Docket C-704, Feb. 5, 1964]

In the Matter of Retailers Marketing Guild, Inc., a Corporation, and Retailers Advertising Service, Inc., a Corporation, and Mayfair Purchasing, Incorporated, a Corporation, and Maurice D. Cramer, Alvin Levy, and George Ross, Individually and as Officers of Said Corporation

Consent order requiring three associated Chicago distributors of various articles of merchandise to cease such unfair practices as supplying credit furniture and jewelry stores with "traffic builders"—consisting of advertising brochures and proofs thereof, layouts and other advertising materials—to encourage customers to open and use credit accounts, which falsely represented excessive amounts to be the usual retail prices and their "Sale" prices to be reductions therefrom, and made various other misrepresentations concerning the comparative merits of their products, "free" gifts, guarantees, and waterproof and other properties, as in the order below indicated.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Retailers Marketing Guild, Inc., Retailers Advertising Service, Inc., Mayfair Purchasing, Incorporated, each a corporation, and their officers, and Maurice D. Cramer, Alvin Levy, and George Ross, individually and as officers of said corporate respondents, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the promotion or offering for sale, sale or distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or indirectly, that:

(1) Any amount described as "Regular" or words of similar import is the usual and customary price of merchandise when it is in excess of the price at which said merchandise was sold at retail by respondents' dealers in the recent regular course of their business.

(2) Any amount described as "made to sell For", "Not $_____ Not $_____ But Only $_____," * * *" or words of similar import, is the usual and customary retail price of merchandise when it is in excess of the generally, prevailing price or prices at which the merchandise is sold at retail in the trade area or areas where the representation is made.

(3) Any savings are afforded in the purchase of respondents' merchandise from respondents' retail dealers amounting to the difference between the stated retail selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which such merchandise has been usually and regularly sold at retail by respondents' retail dealers in the recent, regular course of their business or the price at which the merchandise is usually and customarily sold at retail in the trade area or areas where the representation is made.

(4) Any product of respondents is of a value comparable to any other product retailing at a higher price unless respondents' product is at least of like grade and quality in all material respects as the product with which it is compared and such other product is generally available for purchase at retail at the comparable price in the same trade area or areas where the representation is made.

(5) Any saving is afforded in the purchase of respondents' product as compared to the purchase of another product unless respondents' product is at least of like grade and quality in all material respects as the product with which it is compared and such other product is usually and customarily sold at retail at the comparable price in the same trade area or areas in which the representation is made.

(6) Any price is a sale or special price unless such price is a reduction from or lower than the price at which said merchandise was sold at retail by the respondents' retail dealers in the recent regular course of their business.

(7) Two sets of any merchandise are being offered for the usual price of one set unless the selling price for the two sets is the usual and customary retail price of respondents' retail dealers for the single set in the recent, regular course of their business.

(8) Merchandise is given free or without charge in connection with the purchase of other merchandise when the price charged for the merchandise purchased includes the price of the so-called free merchandise.

(9) Any merchandise offered for sale is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

(10) Any watches are waterproof, water resistant, shockproof or shock resistant unless said watches are waterproof, water resistant, shockproof or shock resistant in every respect without qualification or limitation.

(11) Any watches are waterproof, water resistant, shockproof or shock resistant under certain conditions or with certain qualifications or limitations unless such aforesaid conditions, qualifications, or limitations are clearly and conspicuously set forth in immediate conjunction with the terms "waterproof", "water resistant", "shockproof" or "shock resistant".

(12) Any watches contain a designated number of jewels, unless said watches actually contain the stated number of jewels, each and every one of which serves a purpose of protecting against wear from friction by providing a mechanical contact with a moving part at a point of wear.

B. Misrepresenting in any manner, directly or indirectly, the quantity, quality, or usual price of any merchandise.

C. Misrepresenting in any manner, directly or indirectly, the savings available to purchasers of respondents' merchandise or the amount by which the price of such merchandise has been reduced from the price at which it is usually and customarily sold at retail by respondents' retail dealers in the recent regular course of their business or from the generally prevailing price areas in the same trade area or areas in which the representation is made.

D. Furnishing or otherwise placing in the hands of distributors or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the

manner and form in which they have complied with this order.

Issued: February 5, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1852; Filed, Feb. 26, 1964; 8:45 a.m.]

[Docket No. 8367]

PART 13—PROHIBITED TRADE PRACTICES

State Paint Manufacturing Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services;* § 13.155 *Prices;* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–80 *Retail as cost, wholesale, discounted, etc.;* § 13.155–98 *Two-for-one sales.* Subpart—Misbranding or mislabeling: § 13.1220 *Guarantees.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, State Paint Manufacturing Company, Tampa, Fla., Docket 8367, Feb. 7, 1964]

In the Matter of State Paint Manufacturing Company, a Corporation, and Nick G. Palermo, Nick O. Palermo, and Mario P. Charbonier, Individually and as Officers of Said Corporation

Order requiring Tampa, Fla., paint manufacturers to cease representing falsely in newspaper advertising that a stated price was the usual retail or factory price and that a purchaser would receive a "free gallon with every gallon purchase" when the advertised price was the regular selling price for two cans; and to cease printing the words "Factory Guarantee" on labels attached to their paint products when the guarantee was limited by undisclosed conditions.

The order to cease and desist is as follows:

It is ordered, That respondents, State Paint Manufacturing Company, a corporation, and its officers, and Nick O. Palermo, and Mario P. Charbonier, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of paint, or any other product, do forthwith cease and desist from representing, directly or by implication:

1. That any amount is respondents' customary and usual retail price of any merchandise when said amount is in excess of the price at which such merchandise is customarily and usually sold by respondents at retail in the recent and regular course of business.

2. That any article of merchandise is being given free or as a gift or without cost or charge, when such is not the fact.

3. That any merchandise is sold or offered for sale at factory prices, when such is not the fact.

4. Representing that any product sold by respondents is guaranteed unless the terms and conditions of such guarantee and the manner and form in which the guarantor will perform are clearly and conspicuously set forth.

5. Representing in any manner that, by purchasing any of its merchandise, customers are afforded savings amounting to the difference between respondents' stated selling price and any higher price used for comparison with that selling price, unless the higher price used represents the price at which the merchandise is usually and customarily sold at retail in the trade area involved, or is the price at which such merchandise has been usually and regularly sold by respondents at retail in the recent, regular course of its business in the trade area involved.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Nick G. Palermo.

By "Decision of the Commission," etc., further order requiring report of compliance is as follows:

It is further ordered, That respondents State Paint Manufacturing Company, Nick O. Palermo and Mario P. Charbonier shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 7, 1964.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1853; Filed, Feb. 26, 1964; 8:45 a.m.]

[Docket C-696]

PART 13—PROHIBITED TRADE PRACTICES

Niresk Industries, Inc., et al.

Correction

The text of F.R. Doc. 64-1679 appearing in the issue for Thursday, February 20, 1964, at page 2596, should read as set forth below:

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Niresk Industries, Inc., et al., Chicago, Ill., Docket C-696, Jan. 28, 1964]

In the Matter of Niresk Industries, Inc., a Corporation, and Bernice Stone Kahn, and Robert Kahn, Individually and Officers of Said Corporation, and Robert Kahn & Associates, Inc., a Corporation

Consent order requiring Chicago sellers of chrome plated steel flatware to the public to cease representing falsely in advertising in magazines that the flatware had a coating of silver, had a permanent finish, and would not rust or stain, when it was actually plated with chromium and the coating was not permanent but might wear or be scratched off, thus exposing the steel underneath which might rust or stain.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Niresk Industries, Inc., a corporation, and its officers, and Bernice Stone Kahn and Robert Kahn, individually and as officers of said corporation, and Robert Kahn & Associates, Inc., a corporation, and its officers, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of chrome plated flatware, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication:

a. That chrome plated flatware, or any other product of similar composition, has a coating or plating of silver.

b. That the coating or plating of chrome plated flatware, or any other product of similar composition, is permanent.

c. That chrome plated flatware, or any other product of similar composition, will not rust or stain.

(2) Misrepresenting, in any manner, the quality composition, method of construction, durability, corrosion resistance, or performance characteristics of any product.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commision a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 28, 1964.

[Docket C-695]

PART 13—PROHIBITED TRADE PRACTICES

National Alliance of Television and Electronic Service Associations et al.

Correction

The text of F.R. Doc. 64-1680 appearing in the issue for Thursday, February 20, 1964, at page 2597, should read as set forth below:

Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies;* § 13.410 *To eliminate competition in conspirators' goods;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Cutting off supplies or service: § 13.617 *Inducing suppliers to refuse to sell to competitors.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Alliance of Television and Electronic Service Associations (Chicago, Ill.) et al., Docket C-695, Jan. 22, 1964]

In the Matter of National Alliance of Television and Electronic Service Associations, a Corporation; Its Officers, Directors, Members of the Executive Council, and Members; Frank J. Moch, Individually and as Executive Director; and Ralph H. Woertendyke, Alphonse Benoit, Jr., Valery Metoyer, Individually, as Members of and as Representatives of All the Members of Respondent National Alliance of Television and Electronic Service Association, Inc., a Corporation; and Its Members; Oliver Davis, Don Beno, and Harold Juelich, Individually, as Members of and as Representatives of All the Members of Television and Electronic Service Association, Inc.

Consent order requiring a national association of television repair men and its members, including 100 local or state association "Affiliate" members and individual servicemen who were "Associate" members, to cease suppressing competition in the repair and service of television and other electronic devices and in the distribution of parts and components used, therein, through concertedly refusing to purchase from suppliers who sold directly to consumers or part-time servicemen or who offered warranties or service upon devices, equipment and parts so sold; inducing, and entering into agreements with, suppliers to refuse to sell to part-time servicemen; and using their "Affiliate" members as instrumentalities to monopolize trade and lessen competition in the repair and servicing of television, radio and electronic devices and equipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Alliance of Television and Electronic Service Associations, a corporation, its officers, representatives, agents, and members of its board of directors, the members of said National Alliance of Television and Electronic Service Associations, their agents, representatives and employees; Television and Electronic Service Association, Inc., a corporation, its officers, representatives, and agents, the members of said Television and Electronic Service Association, their agents, representatives or employees; Frank J. Moch; Ralph H. Woertendyke; Alphonse Benoit, Jr.; Valery Metoyer; Oliver Davis; Don Beno; and Harold Juelich, directly or indirectly, individually and as representatives of all members of National Alliance of Television and Electronic Service Associations, or as members, officers or directors of other respondents, or through any corporate or other device, in connection with the repair, purchase or sale or with or in connection with the offer to repair, purchase or sell or distribute television, radio and electronic devices, equipment or component parts thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any planned common course of action, understanding, agreement or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices or things:

(1) Refusing, threatening refusal, or attempting to obtain the refusal of persons engaged in the repair and servicing of television, radio or electronic devices or equipment, to purchase from any manufacturer, distributor or wholesaler who sells or distributes such devices or equipment or component parts thereof to part-time repairmen or directly to consumers.

(2) Refusing, threatening refusal, or attempting to obtain the refusal of persons engaged in the repair and servicing of television, radio or electronic devices or equipment, to purchase from manufacturers or distributors who offer warranties or service on such devices or equipment.

(3) Inducing, influencing or entering into agreement with, wholesalers or distributors of television, radio or electronic devices and equipment or component parts thereof to refuse to sell to part-time repairmen or to any competitors of respondents.

(4) Inducing, persuading, coercing or attempting to induce, persuade or coerce any manufacturer, distributor or wholesaler to confine or limit the offering for sale, distribution or sale of television, radio or electronic devices, equipment or component parts thereof, to repairmen who are members of NATESA, including members of NATESA Affiliates, or to those who conform to any standard established by any of respondents.

(5) Utilizing the offices of any local, state or national association, or the officers, directors or members thereof, to do or perform or to aid or abet in doing or performing anything prohibited by any provision of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 22, 1964.

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

PART 707—DISTINCTIVE LIGHTS AUTHORIZED FOR SUBMARINES

Scope and purpose. For convenience of reference, the new parts codify current notices published heretofore in the FEDERAL REGISTER, i.e., navigational light waivers for certain classes and types of naval vessels (25 F.R. 5791, with amendments: 26 F.R. 11505, 27 F.R. 4394, 28 F.R. 4525, 8000) and the authorization of the display by U.S. naval submarines of distinctive lights (28 F.R. 9699).

1. Part 706 is inserted to read as follows:

Sec.
706.1 Purpose of regulations.
706.2 Certifications of the Secretary of the Navy under 33 U.S.C. 143a and 360.

AUTHORITY: The provisions of this Part 706 issued under sec. 1, 59 Stat. 590, sec. 2, 65 Stat. 407; 33 U.S.C. 143a, 360. Statutory provisions interpreted or applied are cited in the text.

CROSS-REFERENCE: For lights of Coast Guard vessels of special construction, see 33 CFR Part 135.

§ 706.1 Purpose of regulations.

(a) All ships are warned that, when U.S. naval vessels are met on the high seas or on navigable waters of the United States during periods when navigational lights may be displayed, certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U.S. Code sections 144 to 147d, and rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights, and the two white lights on even large naval vessels, such as some cruisers, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

(b) Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light signals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

(c) During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

(d) 33 U.S. Code, sections 143a and 360, provide that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules, and the Western River Rules, as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels, shall

[1] Commissioner Elman dissents for the reasons elaborated in his dissenting opinion in *Mary Carter Paint Company, Inc.,* Docket 8290, June 28, 1962.

Commissioner MacIntyre did not participate in this decision.

Commissioner Reilly did not participate in this decision for the reason he did not hear oral argument.

[1] New.

not apply to any vessel or class of vessels of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

(e) This part consolidates and codifies certificates of the Secretary of the Navy under 33 U.S.C. 143a and 360. It has been determined that, because of their construction, it is not possible for the classes or types of naval vessels listed in this part to comply with all of the requirements of the statutes enumerated in sections 143a and 360, Title 33, United States Code.

§ 706.2 Certifications of the Secretary of the Navy under 33 U.S.C. 143a and 360.

The Secretary of the Navy hereby finds and certifies that the classes or types of vessels listed in this section are naval vessels of special construction and that, with respect to the position of the navigation lights listed in this section, it is not possible to comply with the requirements of the statutes enumerated in sections 143a and 360 of Title 33, United States Code. The Secretary of the Navy further finds and certifies that the navigation lights listed in this section conform as closely as feasible to the applicable statutory requirements.

TABLE ONE

Vessel class or type	Distance in feet of the forward 20-point white light below minimum required height (based on requirements of International Rule 2(a)(iii))	Distance in feet below minimum required vertical separation between forward and after 20-point white lights (based on requirements of International Rule 2(a)(iii))	Ratio of horizontal to vertical separation of the two 20-point white lights (based on International Rule 2(a)(iii) which requires ratio of 3.0 to 1)	Minimum distance horizontally in feet between forward and after 20-point white lights
CRUISERS:				
CA (Heavy Cruiser)	None	None	0.9 or greater to 1	29 or greater.
CAG (Guided Missile Heavy Cruiser).				
CG(N) (Guided Missile Cruiser).				
CL (Light Cruiser)				
CLG (Guided Missile Light Cruiser).				
AIRCRAFT CARRIERS:				
T-AKV (MSTS Auxiliary Cargo Ship).	11 or less	2 or less	0.7 or greater to 1	20 or greater.
LPH (Amphibious Assault Ship).				
CVA (Attack Aircraft Carrier).				
CVS (ASW Support Aircraft Carrier).				
CC2 (Command Ship converted from aircraft carrier).	25	None	2.0 or greater to 1	30 or greater.
AUXILIARIES:				
ADG (Degaussing Vessel)	40 or less	3 or less	0.9 or greater to 1	19 or greater.
AG (Miscellaneous)				
AGB (Icebreaker)				
AGS (Surveying Ship)				
AKS (General Stores Issue Ship).				
AN (Net Laying Ship)				
APB (Self-Propelled Barracks Ship).				
ARSD (Salvage Lifting Vessel).				
AVB (Advanced Aviation Base Ship).				
AVM (Guided Missile Ship)				
AVP (Small Seaplane Tender)				
DESTROYERS:				
DD (Destroyer)	18 or less	3 or less	0.9 or greater to 1	17 or greater.
DDE (Escort Destroyer)				
DDG (Guided Missile Destroyer).				
DDR (Radar Picket Destroyer).				
DL (Frigate)				
DLG (Guided Missile Frigate).				
AMPHIBIOUS WARFARE VESSELS:				
APD (High Speed Transport)	40 or less	5 or less	1.0 or greater to 1	21 or greater.
IFS (Inshore Fire Support Ship)				
LSD (Dock Landing Ship)				
LST (Tank Landing Ship)				
LSM (Medium Landing Ship).				
PATROL VESSELS:				
DE (Escort Vessel)	17 or less	5 or less	1.0 or greater to 1	19 or greater.
DER (Radar Picket Escort Vessel)				
PC (Submarine Chaser)				
PCE (Escort)				
PCER (Rescue Escort)				
PC(H) (Hydrofoil Patrol Craft).	None	After white light not carried.		
MINE VESSELS:				
MHC (Minehunter Coastal)	16 or less	3 or less	0.6 or greater to 1	8 or greater.
MSF (Minesweeper Fleet)				
MSO (Minesweeper Ocean)				
SERVICE VESSELS:				
YG (Garbage Lighter Self-Propelled).	16 or less	5 or less	0.6 or greater to 1	12 or greater.
YV (Drone Aircraft Catapult Control Craft)				
Self-Propelled Crane (No hull classification)				

TABLE TWO

SUBMARINES

(a) One, 20-point white light is generally carried in the forward part of the vessel and will not be less than 15 feet above the hull. This light is visible over a maximum arc of 27 points, that is from right ahead to 5½ points (62 degrees) abaft the beam on either side.

(b) A second, 20-point or other white light is not installed.

(c) Side lights may be visible simultaneously across the bow. The side lights may also be visible 30 degrees abaft the beam.

(d) Not-under-command lights are not installed.

(e) The white light showing to the stern will be visible over a maximum arc of 23 points of the compass, that is from right astern to 11½ points (approximately 126 degrees) to either side. This light is not installed at the stern but may be located from 20 to 190 feet forward of the stern.

(f) The forward anchor light is carried at a height not less than 6 feet above the hull, and the after anchor light may be carried at a greater height.

NOTES

1. The after range light when carried by naval vessels is a 20-point white light as required by International Rule 2(a)(ii).

2. The arc of visibility of the after 20-point white light on certain heavy cruisers (CA) may be obstructed by as much as one point when viewed from ahead.

3. On aircraft carriers (CVA and CVS) and aircraft carrier types (LPH and T-AKV), the following additional variations exist:

a. The two 20-point white lights are located at a maximum distance of 89 feet to the left of the keel line when viewed from ahead. (This distance is measured perpendicularly from the keel line to the two white lights.)

b. The forward anchor lights are located at a maximum of 8 feet vertically below the uppermost continuous deck (two lights at the same level). These lights are located forward and on either side of the vessel.

c. The after anchor lights are located a maximum of 31 feet vertically below the uppermost continuous deck (two lights at the same level). These lights are located aft and on either side of the vessel.

4. On certain command ships (CC2 type converted from aircraft carrier hull), the following additional variations exist:

a. Towing lights, when displayed, will meet the requirements for vertical separation; however, the lower light will be located 3-9 feet above the hull.

b. 5 degrees of the arc of visibility of the range light is obstructed at a point commencing approximately 2½ points forward of the port beam.

c. The number and position of the forward and after anchor lights are the same as those of other classes of aircraft carriers herein described in Notes 3b and 3c of this section.

d. The lights mentioned in Table One with respect to CC2 type ships are located on the center or keel line.

e. The masthead light shall be carried at a height of 15 feet or more above the hull.

5. On certain utility landing craft (LCU) only one 20-point white light is installed and is located in the after part of the ship. Also in certain of these ships, the 20-point white light is located 11 feet or less to the left of the keel line when viewed from ahead.

6. On 94-feet aircraft rescue boats (no hull classification) and motor-torpedo boats (PT), the 20-point white light is located at a maximum of 14 feet below the required height (based on International Rule 2(a)(iii)).

7. On motor-torpedo boats (PT) the lower towing light is located at a maximum of 4 feet below the required height (based on International Rule 3(a)).

8. On hydrofoil patrol craft (PC(H) class):

a. The masthead and anchor lights shall be located on the centerline and two feet aft of the amidship point instead of in the forepart of such vessels.

b. The anchor light shall be carried at a height above the hull of more than 20 feet.

9. 57-feet minesweeping boats (MSB), 50-feet minesweepers (MS) and 36-feet minesweeping launches (MSL) when engaged in mine operations will carry the required day signals and underwater task lights (based on International Rule 4 (a) and (c)). However, the underwater task lights will be carried at a 3-feet separation on 36-feet minesweeping launches (MSL). Day shapes will be carried as follows:

36' MSL—15'' diameter shape—1 foot separation of shapes.

50' MS—15'' diameter shape—1 foot separation of shapes.

57' MSB—18'' diameter shape—4 feet separation of shapes.

10. On self-propelled crane (no hull classification) considerable reduction in the all around visibility of anchor lights exists. Two sets of "not under command" lights are installed, one set on either side of the superstructure (based on International Rule 4(a)).

11. Great Lakes—Naval vessels operating on the Great Lakes shall carry their navigational lights and shapes at the positions complying with the Regulations for Preventing Collisions at Sea, 1948, except as follows. For naval vessels under 150 feet in length requiring only one white light under the Regulations for Preventing Collisions at Sea, 1948, an additional all around white light will be carried which in some cases may be carried less than 50 feet abaft the forward light. In addition, the after white range light required by Rule 3(c), Great Lakes Rules, is a 20-point white light, so fixed as to show the light 10 points on each side of the vessel, that is, from right ahead to two points abaft the beam on either side. These vessels will, however, carry the white light stern light required by Rule 10, Regulations for Preventing Collisions at Sea, 1948, to light the vessels aft. At anchor these vessels will display in lieu of the two lights forward and two lights aft, Rule 9, Great Lakes Rule, a single all around white anchor light forward and a single all around white anchor light aft located in accordance with Rule 11 (a) and (b), Regulations for Preventing Collisions at Sea, 1948, as modified for aircraft carriers and aircraft carrier types by Note 3 above. Submarines will be lighted as provided by Table Two.

12. On guided missile destroyers, known as the DDG–2 Class, and on other destroyer-type vessels when engaged in towing vessels or objects exceeding 600 feet in length, the two lower of the three towing 20 point white lights will be separated from 3 feet to 15 feet vertically in lieu of the prescribed 6-foot separation.

2. Upon publication in the FEDERAL REGISTER, Part 706 supersedes the notice "Navigational Light Waivers for Certain Classes and Types of Naval Vessels—No. 22" (25 F.R. 5791) and the amendments thereto, numbered 22A thru 22D (26 F.R. 11505, 27 F.R. 4394, 28 F.R. 4525 and 28 F.R. 8000). Any future amendments will be published as amendments to Part 706 rather than as amendments to Light Waiver 22.

3. Part 707 is inserted to read as follows:

§ 707.1 Display of distinctive lights by submarines.

(a) In accordance with Rule 13(a) International Rules and Article 13, Inland Rules, the Secretary of the Navy has authorized the display of a distinctive light by U.S. Naval submarines in international waters and in the inland waters of the United States. The light will be exhibited in addition to the presently prescribed navigational lights for submarines.

(b) The normal navigational lights of submarines have been found to be easily mistaken for those of small vessels when in fact submarines are large deep draft vessels with limited maneuvering characteristics while they are on the surface. The newly authorized light is expected to promote safety at sea by assisting in the identification of submarines.

(c) United States submarines may therefore display an amber colored rotating light producing 90 flashes per minute visible all round the horizon at a distance of at least 3 miles, the light to be located approximately 6 feet above the masthead light.

(Sec. 1 (art. 13), 30 Stat. 99, sec. 6 (rule 13(a)), 65 Stat. 415; 33 U.S.C. 145k(a), 182)

4. Upon publication in the FEDERAL REGISTER, Part 707 supersedes the Notice "Distinctive Lights Authorized for U.S. Naval Submarines", published in the FEDERAL REGISTER of September 5, 1963 (28 F.R. 9699). Any future amendments will be published as amendment to Part 707 rather than as amendment to that notice.

Dated: February 19, 1964.

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

[F.R. Doc. 64-1854; Filed, Feb. 26, 1964; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 51—REGISTRY

PART 55—CERTIFICATES OF MAILING

PART 58—CERTIFIED MAIL

PART 61—MONEY ORDERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 51.6 paragraph (a) is amended to show that postal insurance coverage is not provided for official government mail. As so amended, paragraph (a) reads as follows:

§ 51.6 Registration without prepayment.

(a) *Official government mail.* Official mail of Government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 27.2 of this chapter. Postal insurance coverage is not provided.

NOTE: The corresponding Postal Manual section is 161.61.

II. In § 51.7 paragraph (g) is amended to show that the time mail is accepted may be placed on the receipt and post office record if requested by sender. As so amended, paragraph (g) reads as follows:

§ 51.7 Preparation for mailing.

(g) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. If requested to do so by the sender, the accepting postal employee will show on the mailing receipt and post office record the time the registered article was accepted for mailing. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued.

NOTE: The corresponding Postal Manual section is 161.77.

III. Section 55.5 is amended to provide for showing on certificates of mailing the time ordinary articles are mailed if requested by sender. As so amended, § 55.5 reads as follows:

§ 55.5 Payment and certification.

Mailers must fix uncanceled stamps or meter stamps to cover the fee for certificates of mailing. The stamps will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required on Form 3817. The postmark shows the genuineness of the certificate. The employees who check the mailings and postmark the stamps will initial the certificates issued on firm mailing bills or on special approved forms. If requested to do so by the sender, they will show on the certificates in ink the time the articles were mailed. Form 3606 for bulk mailings will be certified by the postmaster.

NOTE: The corresponding Postal Manual section is 165.5.

IV. In § 58.4 paragraphs (d)(4) and (e)(6) are amended to include the provisions of the foregoing revisions. As so amended, paragraphs (d)(4) and (e)(6) read as follows:

§ 58.4 Mailing.

(d) *How to mail.* * * *

(4) If a postmarked sender's receipt is desired, the sender must attach the certified mail sticker to the address side of the article and present the article and the completed coupon to the postal employee. If requested to do so, the postal employee will show on the receipt the time the article was accepted for mailing. If given to a rural carrier, he will return the postmarked receipt to the patron.

(e) *Firm mailing books.* * * *

(6) The accepting employee will count the items, receipt the bill for the total number, indicate time of mailing, if requested, and return the bill to the sender.

NOTE: The corresponding Postal Manual sections are 168.44d and 168.45f.

V. In Part 61, as amended by 28 F.R. 6645, 7832, and 10518, §§ 61.4 through 61.7 are redesignated and reorganized as §§ 61.6, 61.7, 61.4, and 61.8 respectively, and revised for the purpose of clarification; and a new § 61.5 is added to provide regulations covering requests for photostats of paid money orders. As so amended and added, §§ 61.4 through 61.8 read as follows:

§ 61.4 Inquiries.

(a) *Who may receive information.* Information about money order transactions may be given to purchaser, payee, or endorsee, or their agent, or to a representative of the Department. Compliance with requests from others must be authorized by Headquarters. (See §§ 4.3 and 4.4 of this chapter.

(b) *Inquiries regarding payment.* Postal employees shall handle as follows:

(1) *Orders issued on domestic form.* Send Form 6401 to the Money Order Audit Division. Do not accept until 60 days after the issue date of the money order.

(2) *Orders issued on international form.* Send Form 6684, Inquiry Concerning International Money Order Issued in the United States, to proper U.S. exchange office for order issued in the United States. Do not accept until 30 days after the issue date of the money order. When reply is received from the exchange office, enter the required information on Form 6860 Reply to Inquiry Concerning Payment of International Money Order, and forward it to the patron.

(3) *Orders issued by other countries.* Send all inquiries, applications for duplicates and requests for photostats of money orders issued in countries with which business is conducted on the domestic-international basis directly to the country of origin. See § 61.2(g) of this chapter.

§ 61.5 Requests for photostats of paid money orders.

A photostat of a paid money order will be furnished to the purchaser, payee or endorsee by the Money Audit Division upon payment of a charge of 30 cents. Form 6065, Request for Photo Copy of Money Order, shall be completed to show the name and address of the person or firm applying for the photostat. The photostat will be mailed directly to the applicant. The charge for the photostat shall be accounted for by affixing and canceling 30 cents in postage stamps on the back of Form 6065 to the left of the Money Order Audit Division address.

§ 61.6 Wrong payment.

(a) *Through error only.* If a money order intended for one person or firm is paid to another through error and without fraudulent intent and both parties live in the same city, the postal employee may recover the amount from the one wrongly paid and deliver it to the other. If impractical to settle in this manner, he shall report the case to the Money Order Audit Division for adjustment.

(b) *Through alleged fraud.* When improper payment is alleged, the postal employee shall obtain the photostat of the paid order for examination. No fee for the photostat of the money order is required in such case. If the claimant denies proper payment, he must complete Form 6337, Affidavit Relative to Alleged Wrong Payment of a Money Order, in duplicate. The postal employee shall send the two copies of the completed Form 6337 with the photostat of the paid order to the postal inspector in charge.

§ 61.7 Receipt and protection of blank money orders.

(a) *Receipt.* Issuing employees must check the serial numbers of forms when received. When a form is missing, record the serial number on a memorandum slip and place it in sequence in the post office stub file and report the facts to the Money Order Audit Division.

(b) *Protection.* Money order forms must be under protection of a lock when not in use. They must be given the best protection possible at night and when the office is closed. Where practicable, office dating stamps and money order control stamps should be placed in a locked receptacle when the office is closed. At sale window, keep blank money orders and rubber stamps out of reach of possible sneak thieves. Report any stolen money order forms immediately by telegraph or telephone to the postal inspector in charge and give the serial numbers of the stolen forms.

§ 61.8 Nonpostal money orders.

(a) Postmasters and employees shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money.

(b) Contract and rural stations shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money, unless specially authorized by the Assistant Postmaster General, Bureau of Finance.

NOTE: The corresponding Postal Manual sections are sections 171.4 through 171.8.

(R.S. 161, as amended, 5 U.S. Code 22, 39 U.S. Code 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1877; Filed, Feb. 26, 1964; 8:48 a.m.]

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

PART 112—RATES AND CONDITIONS FOR SPECIFIC CLASSES

PART 136—SPECIAL HANDLING

PART 137—RECALL AND CHANGE OF ADDRESS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 111.2, as amended by 28 F.R. 123, and 28 F.R. 5423, paragraph (d) is amended by adding a new subparagraph (6) to read as follows:

§ 111.2 Postage.

* * * * *

(d) *Mailing without postage.* * * *

(6) *Mail of Mrs. Jacqueline Bouvier Kennedy.* All mail bearing the written or facsimile signature of Mrs. Jacqueline Bouvier Kennedy and the words "Postage and Fees Paid" shall be given the service indicated on its cover, subject to the conditions indicated in subparagraph (2)(i) of this paragraph.

NOTE: The corresponding Postal Manual section is 221.246.

* * * * *

II. In § 112.4 *Printed matter*, as amended by 28 F.R. 123, 28 F.R. 2447, 28 F.R. 3652, 28 F.R. 5423, 28 F.R. 6645, and 28 F.R. 13936, make the following changes for the purpose of clarification:

In paragraph (e), amend subparagraphs (1), (3), (4)(iii), and (6) and (f) to read as follows:

§ 112.4 Printed matter.

* * * * *

(e) *Preparation and mailing*—(1) *Wrapping and closing.* Articles mailed at printed matter rates must not be sealed. Prints must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which can be easily untied. Articles of printed matter should not be prepared in such a manner as to allow other articles to slip into them. The following exceptional methods of preparation apply:

(i) Prints of the shape and consistency of a card, which may be mailed unfolded or folded only once, may be mailed without wrapper, envelope, or fastener.

(ii) Single copies of second-class or controlled circulation publications addressed for delivery in Canada, when tied in bundles or enclosed in wrapped packages as provided in subparagraph (4)(ii) and (iii) of this paragraph (limited to second-class only), need not be enclosed in wrappers or envelopes. (See subparagraph (2)(iv) of this paragraph as to marking.)

(iii) Use of steel bands or wire is permitted at the risk of the sender, except to the Union of Soviet Socialist Republics which objects to their use.

(iv) Envelopes having the main flap sealed and the side flap closed with a spot of glue are accepted at the risk of the sender, except to Switzerland which has objected to the use of this type of envelope.

* * * * *

(3) *Payment of postage.* (i) Postage on printed matter, other than second-class and controlled circulation publications mailed by the publisher or by a registered news agent under the conditions stated in subdivision (ii) of this subparagraph, must be paid by means of postage stamps, meter stamps, or permit imprints showing the amount of postage paid.

(ii) Postage on second-class and controlled circulations mailed by the publisher or by a registered news agent may be paid by means of postage stamps or meter stamps, or the postage charges may be paid in cash before the mailings are dispatched or from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, Computation of Second-Class or Controlled Circulation Postage, from reports filed by the publisher or news agent on Form 3542, Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed.

(iii) Canada only. When second-class publications addressed to Canada are bundled as prescribed in subparagraph (4)(iii) of this paragraph, postage may be computed subject to the following special conditions:

(iv) If a publisher or registered news agent prefers, he may pay posage on individually addressed copies of second-class and controlled circulation publications by reporting them on Form 3542, and pay postage on unaddressed copies to be mailed in bulk packages by affixing the appropriate postage to the wrappers of the packages.

(v) The postage on publications for which application for second-class or controlled circulation entry is pending must be paid at regular printed matter rates (see paragraph (a)(1)(i) of this section) on each individually addressed piece. The postage is paid by means of postage stamps, meter stamps, or by permit imprints showing the amount of postage paid. The rates stated in paragraph (a)(1)(iii) and (iv) of this section may not be applied until a publication has been approved for domestic second-class or controlled circulation entry; after such approval, no postage rebate will be allowed for copies mailed to other countries while the application was under consideration.

* * * * *

(4) *Mailing.* * * *

(iii) Except for second-class to Canada, individually addressed publications for one post office may not be bundled and addressed to the delivering post office in order to calculate the postage on the bulk weight of the bundle. Second-class publications addressed to the same post office in Canada may be enclosed in a wrapped bundle addressed to the postmaster at the office of destination, with a notation on the cover "Open and Distribute." See subparagraph (2)(iv) of this paragraph as to marking of the bundles and subparagraph (3)(iii) of this paragraph as to computation of postage.

* * * * *

(6) *Dutiable prints.* Prints known to be dutiable in the country to which they are addressed should have a green (customs) label, Form 2976, fixed to the address side of the article. (See § 111.4(a) of this chapter.)

NOTE: The corresponding Postal Manual sections are 222.451, 222.453, 222.454c, and 222.456.

(f) *Direct sacks of prints.* Ordinary (unregistered) packages of printed matter being mailed in quantity to one addressee may be transmitted in direct sacks under the following conditions:

(1) The minimum amount that may be mailed in a direct sack is 30 pounds; the maximum is 66 pounds (sack and contents).

(2) Each package enclosed in a direct sack must bear the name and address of the sender and addressee, and must not be sealed. It is recommended that senders endorse the words Postage Paid on each package enclosed in the sack. The packages need not conform to the weight limits and dimensions prescribed in paragraphs (b) and (c) of this section.

(3) The local post office will furnish the necessary string sacks as they are needed.

(4) An address tag or label showing the name and address of the mailer and of the addressee must be attached to the neck of the sack by means of heavy twine. This tag or label must be of substantial quality and must have reinforced eyelets to prevent it from being torn off. Postage is calculated only on the weight of the contents of the mail sack, and is paid by means of postage stamps or meter stamps affixed to the address tag or label. The post office will label the sack with the name of the country of destination in large letters and the name of the United States dispatching exchange office in small letters (for example "Great Britain—via New York") and send it to the exchange office for dispatch to destination.

(5) If a mailer has several sacks for the same addressee, the address tag on each sack must be marked with an identifying fractional number in the manner prescribed in § 121.7(b) of this chapter for group shipments of parcel post packages.

NOTE: The corresponding Postal Manual section is 222.46.

III. Section 136.1 is amended to show that special handling is available only for surface parcels. There is no advantage to be gained by a person paying for special handling for air parcels. As so amended, § 136.1 reads as follows:

§ 136.1 Availability.

The special handling service for domestic parcel post is available also for surface parcel post addressed to other countries. The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to postal union articles or to air parcels.

NOTE: The corresponding Postal Manual section is 246.1.

IV. Section 137.2 is amended to show use of new Form 2926 at first- and second-class post offices. As so amended § 137.2 reads as follows:

§ 137.2 How to apply.

If the article was mailed in a post office, station, or branch, make application there. If it was mailed in a street letterbox, apply at the main post office. The mailer must identify himself and submit a written request giving a complete description of the article and the date of mailing. Form 2926, Sender's Request for Recall or Change of Address of International Mail, may be used at first- and second-class post offices. A single request may be used for two or more articles which have been mailed together by the same sender to the same addressee, in which case only one fee is charged for post office processing of senders' requests, see § 137.6.

NOTE: The corresponding Postal Manual section is 247.2.

V. In § 137.3, paragraph (a) is amended for the purpose of clarification to read as follows:

§ 137.3 Services and fees.

(a) *Search at office of mailing.* If the article has not been dispatched from the immediate point of mailing, it may be returned or its address may be changed without charge. Otherwise a search can be made at the main post office or other concentration point, provided the mailer pays a fee of 13 cents, whether the search is successful or not. The post office will change the address without charge, but if the article is returned to the mailer, domestic postage will be charged except in the case of letters or post cards, which are returned free of postage. If the mailing office is also the dispatching exchange office, the conditions in paragraph (b) of this section will apply.

NOTE: The corresponding Postal Manual section is 247.31.

* * * * *

(R.S. 161, as amended, 5 U.S. Code 22, 39 U.S. Code 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1878; Filed, Feb. 26, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Colusa National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

Sport fishing on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to fishing. This open area, comprising 25 acres, is delineated on maps available at the refuge headquarters, Colusa, California, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all

applicable State regulations, subject to the following special conditions:

(1) The refuge is open to sport fishing the year round except during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1855; Filed, Feb. 26, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Delevan National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

DELEVAN NATIONAL WILDLIFE REFUGE

Sport fishing on the Delevan National Wildlife Refuge, California, is permitted only on the area designated by signs as open to fishing. This open area, comprising 30 acres, is delineated on maps available at the refuge headquarters, Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The refuge is open to sport fishing the year round except during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1856; Filed, Feb. 26, 1964; 8:45 a.m.]

PART 33—SPORT FISHING

Minidoka National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

MINIDOKA NATIONAL WILDLIFE REFUGE

Sport fishing on the Minidoka National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to fishing. This open area, comprising 14,000 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The refuge is open to sport fishing all year, except closed during the migratory waterfowl hunting season.

(2) Boats with or without motors may be used for fishing on designated areas, daylight hours only, April 1 through September 30, 1964.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to April 1, 1965.

FEBRUARY 14, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-1879; Filed, Feb. 26, 1964; 8:48 a.m.]

PART 33—SPORT FISHING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Sport fishing on the Deer Flat National Wildlife Refuge, Idaho, is permitted only on the area designated by signs as open to fishing. This open area, comprising 9,500 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the Lake Lowell Unit of the refuge shall be as follows: Upper one-third of Lake Lowell open from April 1 through September 30, 1964. Lower two-thirds of the Lake open to fishing year round, except closed during migratory waterfowl hunting season. The Snake River portion is open to year-round fishing.

(2) Boats with motors may be used for fishing as follows: Motorboats to be operated on Lake Lowell during daylight hours only. Boats with motors may be used on lower two-thirds of Lake Lowell from April 1 through September 30, 1964. Boats without motors may be used on lower two-thirds of lake throughout fishing season. Boats without motors permitted on upper one-third of lake from January 1 through September 30, 1964. In New York Canal, bank fishing only permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 20, 1964.

[F.R. Doc. 64-1857; Filed, Feb. 26, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Medicine Lake National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 750 acres, is delineated on maps available at the refuge headquarters, Medicine Lake, Montana, 59247, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from July 1 through September 15, 1964, and from November 15, 1964 through March 31, 1965.

(2) Boats with or without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to April 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 18, 1964.

[F.R. Doc. 64-1858; Filed, Feb. 26, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Pishkun National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PISHKUN NATIONAL WILDLIFE REFUGE

Sport fishing on the Pishkun National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,500 acres, is delineated on maps available at the refuge headquarters, Benton Lake National Wildlife Refuge, P.O. Box 2624, Great Falls, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Entire year except closed from September 8 through December 31, 1964.

(2) Boats with or without motors may be used on the East Pool during the fishing season. Boats prohibited on the West Pool.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 19, 1964.

[F.R. Doc. 64-1859; Filed, Feb. 26, 1964; 8:46 a.m.]

PART 33—SPORT FISHING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Columbia National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,400 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Sport fishing shall be permitted on the refuge as follows:

Waters open April 19 through August 15, 1964: Bobcat Creek and ponds, Coyote Creek and ponds, Canal Lake, Cattail Lake, Corral Lake, Falcon Lakes, Gadwall Lake, Goldeneye Lake, Hays Creek and ponds, Hampton Lakes, Herman Lake, Hourglass Lake, Hutchinson Lake, Lemna Lake, Mallard Lake, McMannaman Lake, Para Lake, Pillar Lake, Peacher Lake, Quail Lake, Royal Lake, Sage Lakes, Sago Lake, Shoveler Lake, Shiner Lake, Snipe Lake, and Widgeon Lake.

Waters open April 19 through July 15, 1964: Blythe Lake, Chukar Lake, and Scaup Lake.

Waters open April 19 through October 1, 1964: Lower Crab Creek within Management Units II, IV, and V, as posted.

Waters open July 12 through October 1, 1964: Lower Crab Creek within Management Units I and III, as posted.

Waters open October 25 through March 15, 1965: Halfmoon Lake and Morgan Lake.

Waters open year around: Potholes Canal, including Soda Lake, Long Lake, and Crescent Lake.

(2) The use of boats is permitted, except where posted otherwise, and only for the purpose of fishing designated Refuge waters. One outboard motor, not to exceed 10 hp on each boat, may be used except where posted otherwise. The use of racing crafts, hydroplanes, airthrust crafts or inboard motor boats is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to April 15, 1965.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 14, 1964.

[F.R. Doc. 64-1880; Filed, Feb. 26, 1964; 8:48 a.m.]

PART 33—SPORT FISHING

McNary National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

MCNARY NATIONAL WILDLIFE REFUGE

Sport fishing on the McNary National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to fishing. This open area, comprising 400 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 NE. Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 19 through October 31, 1964.

(2) The use of boats or floating devices of any description is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to November 1, 1964.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 14, 1964.

[F.R. Doc. 64-1881; Filed, Feb. 26, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

TRIBAL AND TRUST PATENT INDIAN LANDS OF SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Proposed Changes in Operation and Maintenance Charges

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of March 3, 1905 (33 Stat. 1081), August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583), March 7, 1928 (45 Stat. 210), August 9, 1937 (50 Stat. 577), and May 9, 1938 (52 Stat. 291–305), it is proposed to amend §§ 221.110, 221.112 and 221.113 of Part 221 of the Code of Federal Regulations, Title 25—Indians, as set forth below. The purpose of the amendment is to (1) change the basic assessment rate from $4.35 per acre per annum to $5.70 per acre per annum; (2) change the date the basic charges are payable from May 15 to April 1 of each year; and (3) provide for the payment of charges from revenue derived from farming operations on tribal and allotted lands conducted by the farming enterprise of the Gila River Indian Community.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.110, 221.112 and 221.113 are amended to read as follows:

§ 221.110 Basic charge.

Pursuant to the provisions of section 10 of the Act of March 3, 1905 (33 Stat. 1081) as amended and supplemented by the Acts of August 24, 1912 (37 Stat. 522), August 1, 1914 (38 Stat. 583, 25 U.S.C. 385), section 5 of the Act of June 7, 1924 (43 Stat. 476), March 7, 1928 (45 Stat. 210, Title 25 U.S.C. 387), and the Act of August 9, 1937 (50 Stat. 577) as amended by the Act of May 9, 1938 (52 Stat. 291–305), and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against the 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Arizona, and the basic rate assessed for the calendar year 1964 and the subsequent years unless changed by further order, is hereby fixed at $5.70 per acre. Such rate shall entitle each acre of land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for the 50,000 acres of Indian land will be payable as provided in § 221.111 to § 221.116 inclusive.

§ 221.112 Time and place of payment.

Basic charges shall become due on January 1 of each year and shall be payable on or before April 1; *Provided*, No water shall be delivered prior to the payment of said basic charge unless pursuant to law proper arrangements have been made for such payment. Payment for excess water as provided in § 221.111 shall be made at time of request for delivery thereof or previous to time of delivery. Payment of these assessments and charges shall be made at the office of the Superintendent of the Pima Indian Agency at Sacaton, Arizona.

§ 221.113 Alternate method of payment.

Payment of charges may be made from revenue derived from farming operations on tribal and allotted lands conducted by a farming enterprise of the Gila River Indian Community. Should the Gila River Indian Community farming operations not produce sufficient revenue to meet the charges fixed in §§ 221.110 and 221.111 the deficit shall be paid or otherwise satisfactorily provided for by the Indians, or from such other funds as may be made available therefor by law.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 20, 1964.

[F.R. Doc. 64–1861; Filed, Feb. 26, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 4018]

LOCKHEED MODELS 188A AND 188C SERIES AIRCRAFT

Proposed Airworthiness Directives

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. Several instances of cracks have occurred in the main landing gear actuator support fittings, due to fatigue. To correct this unsafe condition, this AD requires inspection of the main landing gear actuator support fittings and replacement of any found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 27, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) by adding the following airworthiness directive:

LOCKHEED. Applies to all Models 188A and 188C Series aircraft on which the main landing gear actuator support fitting, Lockheed P/N 800618, has accumulated more than 5,000 hours' time in service.

Compliance required as indicated.

To eliminate the possibility of jamming the main landing gear, accomplish the following:

(a) For operators maintaining records of landings, within 225 landings after the effective date of this AD, unless already accomplished within the last 775 landings, and thereafter at intervals not to exceed 1,000 landings, comply with (c). If a fitting is replaced in accordance with (d), the next inspection in accordance with (e) shall be accomplished within 5,225 landings from that time and at periodic intervals thereafter not to exceed 1,000 landings. Where past records of landings are unavailable, the number of landings prior to the effective date of this AD may be obtained by substituting one landing for each hour of time in service prior to the effective date of this AD.

(b) For operators not maintaining records of landings, within 225 hours' time in service after the effective date of this AD, unless already accomplished within the last 775 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service, comply with (c). If a fitting is replaced in accordance with (d), the next inspection in accordance with (c) shall be accomplished within 5,225 hours' time in service from that time and at periodic intervals thereafter not to exceed 1,000 hours' time in service.

(c) Inspect the aft end of the main landing gear actuator support fittings for fatigue cracks in accordance with Lockheed 88 Alert Service Bulletin No. 599A, Section 2.A through 2.C or an FAA-approved equivalent.

(d) Replace cracked actuator support fittings detected during the accomplishment of (c) before further flight in accordance with Section 2.E(1) through 2.E(10) of Lockheed 88 Alert Service Bulletin No. 599A and Section 2 of Lockheed Service Bulletin No. 538 or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

(e) Spar cap cracks and plank cracks detected during compliance with Section 2.E(4) of 88/SB–599A shall be repaired in accordance with the Lockheed Structural Repair Manual or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region, before further flight, except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished.

(f) The periodic inspections described in (a) and (b) may be discontinued when P/N 800618–3 is replaced by P/N 841275–101 and P/N 800618–4 is replaced by P/N 841275–102.

(g) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Alert Service Bulletins Nos. 88/SB–599A and 88/SB–538 cover this same subject.)

Issued in Washington, D.C., on February 19, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1860; Filed, Feb. 26, 1964; 8:46 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

RULES AND REGULATIONS UNDER FLAMMABLE FABRICS ACT

Notice of Determination Not To Promulgate Proposed Rule and Closing Rule Making Proceeding

On May 20, 1963, a notice of proposed rule making was issued by the Commission and published in the FEDERAL REGISTER on May 21, 1963. Such notice provided that the Commission would on June 12, 1963 at its offices in the City of Washington, District of Columbia, give consideration to an amendment of § 302.6 (Rule 6) of Part 302, Rules and Regulations under Flammable Fabrics Act (67 Stat. 112; 15 U.S.C. 1194) so as to delineate the applicability of the Flammable Fabrics Act to these infant blankets commonly known as "receiving blankets" and other blankets principally used to wrap or clothe an infant. Such notice provided that interested parties might participate by submitting in writing to the Commission on or before such date, their views, arguments or other pertinent data, and that such views, arguments or data could be given orally on such date. Such notice provided that further views, arguments or data in response to that submitted at the hearing could be submitted within fifteen days after such hearing was closed.

Pursuant to such notice, interested parties were afforded an opportunity to submit their views, arguments or other data in writing through July 12, 1963. Hearing on the proposed amendment was held on June 12, 1963, and at the time interested parties were afforded an opportunity to orally present their views, arguments and data in accordance with the notice.

At the commencement of such hearing it was announced pursuant to the direction of the Commission that the time for submission of further views, arguments and data after the close of the hearing had been extended for an additional 15 days after the close of the hearing or a total of 30 days after the close of such hearing.

By order dated July 12, 1963, and published in the FEDERAL REGISTER on July 18, 1963, the Commission further extended the time for interested parties to submit written data and views in such rule making proceeding to and including September 16, 1963.

After due consideration of the proposed amendment, together with all views, arguments or other data submitted the Commission concluded that the proposed amendment to § 302.6 (Rule 6) of Part 302, Rules and Regulations under the Flammable Fabrics Act was not to be promulgated and closed the rule making proceedings in the matter on the basis that a study of the legislative history and committee reports, as well as what the Commission has heard, indicated that at the time of the passage of the Flammable Fabrics Act, infant receiving blankets were not included within the definition of an article of wearing apparel, as defined in the Flammable Fabrics Act, and that if anything should be done on this matter it would necessitate an amendment of the basic Act by law.

Issued: February 26, 1964.

By direction of the Commission, Commissioner Elman dissenting.[1]

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64–1937; Filed, Feb. 26, 1964; 8:49 a.m.]

[1] Commissioner Elman's dissenting statement filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 20, 1964.

Notice of an application, Serial No. Fairbanks 028291, for withdrawal and reservation of lands was published as F.R. Doc. No. 62-9429 on page 9413 of the issue for Friday, September 21, 1962. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on Monday, March 16, 1964, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

KOTZEBUE, ALASKA

A 100 foot parcel of land situated approximately 2.5 miles south of the town of Kotzebue, Alaska, said land being 50 foot wide on each side of the following described line:

Commencing at Corner No. 6 of U.S. Survey No. 2082 as situated at latitude 66°53'45.1" N. and longitude 162°35'38.4" W.; thence S. 10°30' W., 16,800 feet to a point, said point being the most westerly corner of Public Land Order No. 863 dated February 3, 1953; thence N. 53°30' E., along the northwesterly line of said PLO 970 feet to a point; thence N. 22°15'16" W., 2,230 feet, more or less, to the true point of beginning; thence N. 55°00' E., 1,910 feet, more or less, to a point and containing 4.38 acres, more or less.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-1882; Filed, Feb. 26, 1964; 8:49 a.m.]

[Classification No. 496]

CALIFORNIA

Small Tract Classification; Amdt. No. 1

FEBRUARY 17, 1964.

Effective immediately, paragraph 4 of F.R. Doc. 57-894 appearing on pages 766 and 767 of the issue for February 7, 1957, is hereby amended to authorize rights-of-way reservation of 60 feet in width, for street and road purposes and for public utilities, along the North boundaries of the following described tracts:

SE¼NE¼SW¼NE¼
SW¼SW¼SE¼NE¼

Said order is further amended to include a right-of-way reservation of 60 feet in width, for street and road purposes and for public utilities, along the West boundaries of the following described tracts:

SE¼NE¼SW¼NE¼
NE¼SE¼SW¼NE¼

VIRGIL L. BOTTINI,
District Manager.

[F.R. Doc. 64-1873; Filed, Feb. 26, 1964; 8:47 a.m.]

[Serial No. Idaho 014120]

IDAHO

Notice of Correction of Proposed Withdrawal and Reservation of Lands and Partial Termination

FEBRUARY 19, 1964.

In F.R. Doc. 63-5764, appearing at page 5393 of the issue for May 30, 1963 the description of the Sheep Rock Overlook and Picnic Area is corrected to read as follows:

BOISE MERIDIAN, IDAHO

Sheep Rock Overlook and Picnic Area

T. 21 N., R. 3 W.,
Sec. 2, S½NE¼ of lot 5, N½SE¼ of lot 5, S½NW¼ of lot 6, N½SW¼ of lot 6, and SE¼ of lot 6.

The lands in the original notice, described as follows, will be at 10:00 a.m. on March 2, 1964, relieved of the segregative effect of the application pursuant to the regulations contained in 43 CFR Part 295:

T. 21 N., R. 3 W.,
Sec. 2, S½SW¼NE¼NW¼, S½SE¼NW¼NW¼, N½NE¼SW¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼.

ORVAL G. HADLEY,
Acting Land Office Manager.

[F.R. Doc. 64-1874; Filed, Feb. 26, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the followin; changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 30, 1964.

WALLACE H. ADAMSON,

FEBRUARY 11, 1964.

[F.R. Doc. 64-1891; Filed, Feb. 26, 1964; 8:49 a.m.]

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: Burroughs Corp., Detrex Chemical, Granite City Steel Corp., Pacific Gas & Electric, Pacific Northwest Bell Telephone, Radio Corp. of America.

B. Additions: Briggs Mfg. Co., American Zinc, Crown-Zellerbach.

This statement is made as of January 30, 1964.

ROBERT JOSEPH WILLIAMS.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1892; Filed, Feb. 26, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-154]

MARTIN-MARIETTA CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effected as of the date of issuance Amendment No. 3, set forth below, to License No. CX-18, as amended. The amendment authorizes Martin-Marietta Corporation to remove residual fuel entrained in the experimental loop of the Liquid Fluidized Bed Reactor (LFBR) at Middle River, Maryland, as described in the Corporation's application amendments dated December 2, 1963, and December 17, 1963.

The Commission has found that:

(1) The applications for amendment comply with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Removal of the residual fuel entrained in the experimental loop of the LFBR in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, and (2) the licensee's applications for license amendment dated December 2, 1963, and December 17, 1963, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 12th day of February 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-18; Amdt. No. 3]

License No. CX-18, as amended, issued to Martin-Marietta Corporation, is hereby further amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. CX-18, as amended, Martin-Marietta Corporation is authorized to remove residual fuel entrained in the experimental loop of the Liquid Fluidized Bed Reactor located at Middle River, Maryland, as described in the Corporation's application amendments dated December 2, 1963 and December 17, 1963.

2. This amendment is effective as of the date of issuance.

Date of issuance: February 12, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-1862; Filed, Feb. 26, 1964; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Change in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the list (29 F.R. 2315, February 8, 1964) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to Emery Land Company, establishment 561, and the reference to cattle with respect to such establishment are deleted. The reference to Hill Packing Company, establishment 623E, and the reference to horses with respect to such establishment are deleted. The reference to swine with respect to Idaho Meat Packers, establishment 46, is deleted. The reference to calves and sheep with respect to Wholesale Cooperative Meat Dealers Association, establishment 541, is deleted. The reference to calves with respect to Greendell Packing Corp., establishment 542, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2WF	(*)					
H. Graver Co.	103	(*)					
Iowa Packing Co.	245B	(*)					
Dunn Meat Packers, Inc.	348					(*)	
City Custom Packing Co., Inc.	387	(*)	(*)				
The Joseph N. Rice Co.	719					(*)	
Hibbs Packing Co.	825			(*)			
Clover Packing Co.	1005	(*)	(*)				
New Establishments Reporting: 8							
Hynes Packing Co.	197			(*)			
Watkins Packing Co.	200					(*)	
Melton Provision Co.	311						
Packerland Packing Co., Inc.	562		(*)				
San Antonio Packing Co.	602		(*)				
Armour and Co.	680		(*)				
The Jacob Schlachters Sons Co.	739			(*)			
Bauma Meat Packing	792						
Species Added: 8							

Done at Washington, D.C., this 24th day of February 1964.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-1894; Filed, Feb. 26, 1964; 8:49 a.m.]

Rural Electrification Administration

POWER SUPPLY SURVEYS

Approval of Loans for Generation or Transmission Facilities

Purpose. This notice sets forth REA policy with regard to power supply surveys and certifications thereto by the Administrator in relation to the approval of loans for generation or transmission facilities.

General. The terms and conditions of power supply arrangements are major and critical factors in the ability of REA borrowers to carry forward the rural electrification program. REA has the responsibility to assist borrowers in achieving the most advantageous power supply arrangements to accomplish the objectives of the Rural Electrification Act and, without prejudice to the accomplishment of these objectives, to conserve REA loan funds. REA will undertake power supply surveys to assure adequate review of existing and proposed power supply alternatives and to encourage closer cooperation between REA borrowers and other electric power suppliers.

Policy:

A. *Requests for power supply surveys.* Any REA borrower or potential borrower may request REA to make a survey of any specific power supply problem or its power supply needs. Such request shall provide a full description of existing power supply contracts and arrangements, a statement of any special problems and a general summary of power supply needs, copies of any proposals made by existing or other suppliers, and a summary of negotiations pertaining to current or anticipated problems and needs. Distribution-type systems should submit such request and information to the area office; power-type systems should submit such request and information to the Power Supply Division.

B. *Conduct of survey.* If the Administrator determines to undertake the requested power supply survey, the survey shall be so conducted as to provide an adequate review of the applicant's power supply problems and needs, existing or proposed power supply arrangements, if any, and such other potential power supply arrangements which, in the judgment of the Administrator, may contribute to the solution of those problems and needs. Where the Administrator finds existing or proposed contracts with power suppliers are unreasonable for purposes of the Rural Electrification Act, the supplier under such contracts or proposals will be advised wherein they are unreasonable, and REA will endeavor to have the contracts or proposals made reasonable. The REA borrower or potential borrower shall be made a party to any negotiations between REA and such power supplier. When necessary to avoid dilatory tactics or protracted delays, the Administrator shall advise the parties in such cases of a definite time limit for negotiations under the survey and a final cut-off date for all proposals which are to be considered in evaluation of loan applications related to the problems and needs covered by the survey.

C. *Requirement for consideration of loan application.* No loans for generation or transmission facilities will be made until a power supply survey has been completed by REA. No application for financing of generation or transmission facilities requiring a loan for either or both in an amount of more than $2 million will be accepted for consideration by REA unless (a) a power supply survey has been completed, or (b) it is determined by the Administrator that completion of the survey requires full review of proposed REA-financed generation or transmission facilities.

D. *Certification of loans for generation or transmission.* No loan for generation or transmission facilities will be made except in compliance with Bulletin 20-6, "Loans for Generation and

Transmission," dated May 31, 1961 (attached hereto), and upon certification by the Administrator to the Secretary of Agriculture that the loan has been approved after the completion of a power supply survey which shows that the loan is (a) needed to construct facilities to implement an existing contract or a proposed contract with the existing power supplier; or (b) needed to provide facilities or service for which there is no existing or proposed contract from any other power supplier; or (c) needed because existing and proposed contracts to provide the facilities or service to be financed were found to be unreasonable, each supplier involved was so advised, REA attempted to have such contracts made reasonable, and the existing or other proposed suppliers had failed or refused to do so within the time set by the Administrator. Loans for generation or transmission facilities of more than $2 million shall be similarly certified to the Comptroller General. They shall also be certified to the Senate and the House of Representatives of the United States, as directed by the respective bodies. Certification of each generation or transmission loan in excess of $2 million shall be accompanied by the following information:

1. The name and address of the applicant borrower and the date of the application.

2. Description and estimated cost of the proposed generation facilities. Indicate if the proposed facilities are the initial or additional unit or units of a plant comprised of one or more units.

3. Description and estimated cost of proposed transmission facilities, including any immediate or future plans to interconnect with other transmission systems.

4. Description of any long-range plans the applicant may have for construction of additional generation and transmission facilities and the estimated cost of the planned facilities.

5. Comparison of the estimated costs of generation by the applicant borrower with the cost of power available from existing suppliers, including the final offer by the private supplier including terms and conditions he offered to meet applicant's long-term energy needs.

6. Summary of the efforts made by the applicant and by REA to obtain the applicant's power and energy requirements from existing power suppliers and the reasons why such efforts have not been successful.

7. Explanation of the applicant's reasons for seeking an REA loan.

8. The amount of electric energy which the applicant will cease to purchase from present power suppliers upon construction of the generating plant for which REA financing is being sought.

9. Explanation of the extent to which the feasibility of the requested loan for generation and transmission facilities depends upon the use of a portion of the facilities by others (including Federal power marketing agencies).

10. Details of the applicant's plans to sell or otherwise make available any of the power and energy from the proposed generation facilities to others (including Federal power marketing agencies).

11. Names of State agencies and commissions having jurisdiction over the applicant borrowers.

Effective the 24th day of February 1964.

NORMAN M. CLAPP,
Administrator.

UNITED STATES DEPARTMENT OF AGRICULTURE

RURAL ELECTRIFICATION ADMINISTRATION

REA BULLETIN 20–6

MAY 31, 1961.

Subject: Loans for Generation and Transmission.

I. *Purpose.* The purpose of this Bulletin is to set forth Rural Electrification Administration loan policy concerning generation and transmission facilities.

II. *Policy.* The Rural Electrification Administration will make loans to finance the construction of generation and transmission facilities only under the following conditions:

A. Where no adequate and dependable source of power is available to meet the consumers' needs, or

B. Where the rates offered by existing power sources would result in a higher cost of power for the consumers than the cost from facilities financed by REA, or

C. Where generation and transmission facilities are necessary to protect the security and effectiveness of REA-financed systems.

This Bulletin supersedes REA Bulletin 20–6 dated January 30, 1957 and all other existing instructions in conflict with the provisions of this Bulletin.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 64–1895; Filed, Feb. 26, 1964; 8:49 a.m.]

Office of the Secretary

MISSOURI

Designation of Area for Emergecncy Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Christian and Greene Counties, Missouri, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–1896; Filed, Feb. 26, 1964; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[No. 1063 etc.]

HONG KONG-UNITED STATES ATLANTIC AND GULF TRADE ET AL.

Notice of Hearing

FEBRUARY 20, 1964.

Investigation of rates in the Hong Kong-United States Atlantic and Gulf Trade, No. 1063; American Export Lines, Inc., No. 1122 v. Thai Lines, Ltd. and Motorships, Inc., Special Docket Nos. 269–281, 283–289, 291–311, and 314–363; Tilton Textile Corporation et al. v. Thai Lines, Ltd.

Hearing in these consolidated proceedings will commence at 10:00 a.m., April 21, 1964, in Room 705, 45 Broadway, New York, New York. An initial decision or decisions will be issued.

JOHN MARSHALL,
Presiding Examiner.

[F.R. Doc. 64–1886; Filed, Feb. 26, 1964; 8:49 a.m.]

[No. 1063 etc.]

HONG KONG-UNITED STATES ATLANTIC AND GULF TRADE ET AL.

Ruling on Motion To Consolidate

FEBRUARY 20, 1964.

Investigation of rates in the Hong Kong-United States Atlantic and Gulf Trade, No. 1063; American Export Lines, Inc. v. Thai Lines, Ltd. and Motorships, Inc., No. 1122; Tilton Textile Corporation et al. v. Thai Lines, Ltd., Special Docket Nos. 269–281, 283–289, 291–311, and 314–363.

On February 6, 1964, Thai Lines, Ltd., respondent in each of the above proceedings, moved to consolidate the 91 referenced special docket proceedings with presently consolidated Docket Nos. 1083 and 1122. Respondents American President Lines, Ltd., et al. and Orient Overseas Line oppose this motion on the grounds that such consolidation (1) would unduly becloud, extend, and confuse the main issue in the investigation (No. 1083) and thus prolong the proceeding, and (2) would be contrary to the standards for joinder (consolidation) laid down by Rule 5(d) of the Commission's rules of practice and procedure.

Hearing Counsel and American Export Lines, in support of Thai Lines' motion, urge that the causes of action in the special docket proceedings arise from and are dependent upon findings which are within the issues of the investigation and the complaint proceeding. Hearing Counsel further urge that the "development of an evidentiary record in a consolidated proceeding will not require one additional question or one additional fact to be solicited that would not otherwise be educed pursuant to the mandate of the general investigation", and will not require additional preparation time. Failure to consolidate these proceedings, it is argued, will require a major duplication of effort.

For good cause shown, the above special docket proceedings are hereby consolidated, for purposes of hearing, with Docket Nos. 1083 and 1122, as previously consolidated. Under authority contained in Rule 1(f), the requirements prescribed by Rule 8(d) are hereby waived to the extent that service of documents, pleadings, etc. relating to the special docket proceedings need be only on Thai Lines, Ltd., as the common respondent and moving party. Copies of the petitions in the special docket proceedings need not be served on other parties. These are available for reference in the Commission's Docket Section. Moreover, the particular shipments in question are detailed, with minor exceptions, in Document A which was attached to Hearing Counsels' Application for Subpoena Duces Tecum, dated September 3, 1963, directed to Nils O. Seim, copies of which were furnished all parties.

JOHN MARSHALL,
Presiding Examiner.

[F.R. Doc. 64–1887; Filed, Feb. 26, 1964; 8:49 a.m.]

[Docket No. 1159]

EXPANSION OF PROCEEDING

In The Matter of Agreement No. 14–19, Clause 11 of Agreement No. 14–1 as Amended, and Clause 10 of Agreement 14–20.

On November 21, 1963, the Commission instituted an investigation of Agreement No. 14–19 and Clause 11 of Agreement No. 14–1 pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether the aforesaid Agreement and Clause should be approved, disapproved or modified;

On January 13, 1964, respondents filed with the Commission for approval Agreement No. 14–20, Clause 10 of which relates to matters embodied in Agreement 14–19 and Clause 11 of Agreement 14–1;

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, this proceeding be and it is hereby expanded to determine whether Clause 10 of Agreement No. 14–20 should be approved, disapproved, or modified.

It is further ordered, That all parties to the proceeding be duly notified of this order and notice thereof shall be published in the FEDERAL REGISTER.

By the Commission, February 18, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64–1888; Filed, Feb. 26, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–3821 etc.]

ESTATE OF R. MORGAN ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 18, 1964.

Estate of R. Morgan, deceased (successor to Rand Morgan) and other applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per mcf	Pressure base
G–3821 ..... E 2–10–64	Estate of R. Morgan, deceased (successor to Rand Morgan).	South-Tex Corp. and Tennessee Gas Transmission Co., Farenthold Field, Nueces and Jim Wells Counties, Tex.	16.02416	14.65
G–4445 ..... E 1–13–64	Petrolini Corp. (successor to Morehead Gas & Oil Co.).	United Fuel Gas Co., acreage in Lawrence County, Ky.	16.0	15.325
G–7247 ..... E 1–29–64	J. R. Butler & Co. (Operator), (successor to Butler-Johnson Service Corp., et al.).	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	9.6216	14.65
G–8003, et al ..... E 2–6–64	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	11.0	14.65
CI60–51	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	El Paso Natural Gas Co., acreage in Upton County, Tex.	7.0	14.65
CI60–249	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	11.0	14.65
CI60–550	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	Valley Gas Transmission, Inc., McNell Field, Live Oak County, Tex.	14.0	14.65
CI61–1652	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	Texas Eastern Transmission Corp., Midway Field, San Patricio County, Tex.	15.0	14.65
CI62–175	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	Northern Natural Gas Co., acreage in Crockett County, Tex.	16.0	14.65
CI63–1143	American Petrofina Co. of Texas (successor to American Petrofina, Inc.).	Texas Eastern Transmission Corp., acreage in Goliad County, Tex.	12.0	14.65
G–12133, et al ..... D 2–10–64	Amerada Petroleum Corp.	El Paso Natural Gas Co., Bagley-Upper Pennsylvanian Gas Formation, Lea County, N. Mex.	Uneconomical	
G–13284	Amerada Petroleum Corp.	do	Uneconomical	
CI62–322 ..... C 2–10–64	Gulf Oil Corp.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	13.0	14.65
CI62–887 ..... C 2–6–64	Southern Triangle Oil Co. Inc.	Hope Natural Gas Co., New Milton District, Doddridge County, W. Va.	25.0	15.325
CI63–20 ..... C 2–12–64	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co. acreage in LaFlore, Haskell and Latimer Counties, Okla.	15.0	14.65
CI63–126 ..... D 12–23–63	Prado Oil and Gas Co.	Natural Gas Pipeline Co. of America, East Camrick Field, Beaver County, Okla.	(3)	
CI63–234 ..... C 2–6–64	Socony Mobil Oil Co., Inc.	Arkansas Louisiana Gas Co., acreage in Latimer and LeFlore Counties, Okla.	15.0	14.65
CI63–1328 2–11–64	Big D Oil Co.[2] (formerly Thomason-Brooks Drilling Company, Inc.).	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	12.5252	15.025
CI64–49 ..... C 2–10–64	Walter Duncan	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI64–167 ..... D 1–27–64	Magness Petroleum Co. (Operator), et al.	Arkansas Louisiana Gas Co., Northeast Ames Field, Major County, Okla.	(3)	
CI64–842 [4] ..... A 1–27–64	Ames Gathering Co.	do	[5] 2.0	14.65
CI64–873 ..... B 2–6–64	Tenneco Corp. [6]	Lone Star Gas Co., Fox Graham Field, Carter County, Okla.	Depleted	
CI64–879 ..... B 2–6–64	do	Southern Natural Gas Co., Spider Field, DeSoto Parish, La.	Depleted	
CI64–880 ..... B 2–6–64	Paul E. Kahle, et al.	New York State Natural Gas Corp., acreage in Elk County, Pa.	Depleted	
CI64–881 ..... B 2–6–64	In re Gas Co.	Hope Natural Gas Co., DeKalb District, Gilmer County, W. Va.	Uneconomical	

Filing Code: A–Initial Service.
B–Abandonment.
C–Amendment to add acreage.
D–Amendment to delete acreage.
E–Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per mcf	Pressure base
CI64-883 A 2-6-64	The Superior Oil Co.	Colorado Interstate Gas Co., Wind River Basin Field, Fremont and Natrona Counties, Wyo.	15.0	14.65
CI64-883 A 2-6-64	Gulf Oil Corp.	Natural Gas Pipeline Co. of America, Ann-Mag Field, Brooks County, Tex.	16.0	14.65
CI64-884 A 2-6-64	Skelly Oil Co.	Lone Star Gas Co., acreage in Stephens County, Okla.	15.0	14.65
CI64-885 A 2-6-64	Sun Oil Co. (Mid-Continent Division).	Cities Service Gas Co. N. E. Waynoka Pool, Woods County, Okla.	13.0	14.65
CI64-886 A 2-10-64	R. T. Linger	Equitable Gas Co., Skin Creek & Buckhannon Districts, Lewis and Upshur Counties, W. Va.	25.0	15.325
CI64-887 A 2-10-64	Petroleum Resources, Inc.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64-888 A 2-10-64	McCall Drilling Co., Inc.	Hope Natural Gas Co., Skin Creek District, Lewis County, W. Va.	25.0	15.325
CI64-889 A 2-10-64	Queen Gas Company—Rohr #1.	Hope Natural Gas Co., Warren District, Upshur County, W. Va.	25.0	15.325
CI64-890 A 2-10-64	D & D Oil Co.	Hope Natural Gas Co., Washington District, Calhoun County, W. Va.	25.0	15.325
CI64-891 A 2-10-64	Sampson-Chenoweth Well #1	do	25.0	15.325
CI64-892 B 2-10-64	Amerada Petroleum Corp.	El Paso Natural Gas Co., Bagley Field, Lea County, N. Mex.	Uneconomical	
CI64-893 A 2-10-64	Bodcaw Co.	Texas Gas Transmission Corp., Cotton Valley Field, Webster Parish, La.	16.25	15.025
CI64-894 A 2-10-64	Curtis E. Calder, Jr., and N. Bruce Calder, d/b/a Horison Oil & Gas Co.	Northern Natural Gas Co., Hansford Field, Hansford County, Tex.	17.0	14.65
CI64-895 A 2-10-64	Phillips Petroleum Co.	Champlin Oil & Refining Co., Witcher Area, Logan County, Okla.	10.0	14.65
CI64-896 B 2-10-64	Shell Oil Co.	Phillips Petroleum Co., Fuhrman-Masobo Field, Andrews County, Tex.	Declined in pressure	
CI64-897 A 2-11-64	Neal Rudder, et al.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI64-898 A 2-11-64	R. G. Lawton	Hope Natural Gas Co., Grant District, Marion County, W. Va.	25.0	15.325
CI64-899 A 2-11-64	Quaker State Oil Refining Corp.	Hope Natural Gas Co., Mannington District, Marion County, W. Va.	25.0	15.325
CI64-900 A 2-11-64	B. & B. Oil & Gas Co., Inc.	Hope Natural Gas Co., Simpson District, Harrison County, W. Va.	25.0	15.325
CI64-901 A 2-11-64	Neal Rudder, et al.	Hope Natural Gas Co., New Milton District, Doddridge County, W. Va.	25.0	15.325
CI64-902 A 2-11-64	Delta Drilling Co. (Operator), et al.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	16.0	14.65
CI64-903 A 2-11-64	Pubco Petroleum Corp.	Colorado Interstate Gas Co., Patrick Draw Area Field, Sweetwater County, Wyo.	14.5	14.65
CI64-904 A 2-12-64	Glico Gas Co.	Hope Natural Gas Co., Center District, Gilmer County, W. Va.	25.0	15.325
CI64-905 A 2-12-64	Roy L. Warner, et al.	Hope Natural Gas Co., Banks District, Upshur County, W. Va.	25.0	15.325
CI64-906 A 2-12-64	E. G. Pence, et al.	Hope Natural Gas Co., Spencer District, Roane County, W. Va.	25.0	15.325
CI64-907 A 2-12-64	Bonner Gas Co.	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI64-908 A 2-12-64	L. B. Hern (Operator), et al.	Tennessee Gas Transmission Corp., Seven Sisters Field, Duval County, Tex.	17.24347	14.65
CI64-909 A 2-10-64	Parker Petroleum	Pennzoil Co., Union District, Ritchie County, W. Va.	15.0	15.325
CI64-910 A 2-12-64	Natol Petroleum Corp., et al.	United Gas Pipe Line Co., acreage in Pearl River County, Miss.	20.0	15.025
CI64-911 A 2-12-64	Union Oil Co. of Calif.	Northern Natural Gas Co., Northeast Ivanhoe Field, Laverne Area, Beaver County, Okla.	17.0	14.65

[1] Uneconomical to compress casinghead gas.
[2] Applicant filed Change in Corporate Name.
[3] Applicant seeks to abandon certain gathering facilities by sale to Ames Gathering Co.
[4] Ames proposes to acquire from Magness Petroleum Co., et al. certain natural gas gathering facilities heretofore authorized to Magness in Docket No. CI64-167.
[5] Transportation charges paid by Magness Petroleum Co. from its initial price of 15.0¢/Mcf.
[6] Tenneco Oil Co. succeeded to all interests of Tenneco Corp., and has heretofore filed with the Commission for authorization to continue service.

[F.R. Doc. 64-1792; Filed, Feb. 26, 1964; 8:45 a.m.]

[Docket No. CP64-151]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

FEBRUARY 20, 1964.

Take notice that on January 2, 1964, Arkansas Louisiana Gas Company (Applicant), Shreveport, Louisiana, filed an application pursuant to section 7(b) of the Natural Gas Act for authority to abandon by sale to J. C. Daniels approximately 35.5 miles of 10 to 20-inch pipeline in Gray and Wheeler Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant and J. C. Daniels have entered into an agreement, dated December 6, 1963, for the sale by Applicant of the above-described pipelines as well as Applicant's Twitty, Pitsch and Kellerville Compressor Stations located along said lines.[1] The subject facilities comprise the westernmost end of the so-called Maine Line System of the former Consolidated Gas Utilities Corporation which facilities Applicant was authorized to acquire and operate by Commission order issued July 27, 1960, in Docket No. CP60-79.

Applicant states that the pipelines herein proposed to be abandoned have for a period of time in excess of 2 years ceased to be utilized for the purpose for which they were built and formerly used, namely, transmission of gas supply; and, further, that their only present use is to supply eight residential rural customers. Applicant states that J. C. Daniels has agreed to continue natural gas service, without change for the time being in rates or conditions of service, to the eight rural customers. The application indicates that J. C. Daniels proposes to use the subject facilities in a gasoline plant operation in Texas.

Applicant will sell said facilities to J. C. Daniels for approximately $410,400. The application indicates that said facilities have an estimated net salvage value of $150,000.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petition to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1868; Filed, Feb. 26, 1964; 8:46 a.m.]

[1] By Commission order issued Dec. 2, 1963, in Docket No. CP63-952 Applicant was authorized to abandon, among other facilities, the Twitty, Pitsch, and Kellerville Compressor Stations.

[Docket Nos. CI64-237, CI64-269]

COASTAL STATES GAS PRODUCING CO.

Notice of Applications, Consolidation and Setting Date of Hearing

FEBRUARY 20, 1964.

Take notice that on August 21, 1963, Coastal States Gas Producing Company, Operator (Coastal) filed in Docket No. CI64-237 an application for permission and approval to abandon, pursuant to section 7(b) of the Natural Gas Act, its sale of gas to Trunkline Gas Company (Trunkline) as heretofore authorized in Docket No. G-14329, from reserves of gas located in Bee County, Texas.

Take further notice that on August 21, 1963, Coastal filed in Docket No. CI64-269 an application for permission and approval to abandon, pursuant to section 7(b) of the Act, its sale of gas to Trunkline as heretofore authorized in Docket Nos. G-16542, G-16935 and G-18838, from reserves located in San Patricio County, Texas.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7(b) of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1964, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of March, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1867; Filed, Feb. 26, 1964; 8:46 a.m.]

[Docket No. RI64-616]

FITZPATRICK DRILLING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 19, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 8, 1964.

By the Commission.[1]

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-616	Fitzpatrick Drilling Co. (Operator), et al., Wilson Tower Corpus Christi, Tex.	1	4	Coastal States Gas Producing Co.[3] (Peesta Creek Field, Bee County, Tex.) (R.R. District No. 2).	$3,317	1-22-64	[1] 3-7-64	[2] 3-8-64	11.0	[4] 11.2	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to one day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[5] Coastal States Gas Producing Co. resells the subject gas to Trunkline Gas Co under its Rate Schedule No. 8 at a currently effective rate of 14.75 cents per Mcf.

The proposed rate increase of Fitzpatrick Drilling Company (Operator), et al., (Fitzpatrick) from 11.0 cents to 11.2 cents per Mcf for gas sold to Coastal States Gas Producing Company (Coastal) from Texas Railroad District No. 2 is below the applicable area increased rate ceiling of 14.0 cents per Mcf. Coastal gathers the gas and resells it to Trunkline Gas Company under its FPC Gas Rate Schedule No. 8 at a rate of 14.75 cents per Mcf, which is in effect without refund obligation. Coastal has not, as yet, filed for a contractually authorized periodic increase of 1.0 cent to 15.75 cents per Mcf. We consider the area rate ceiling to be applicable to the sale of gas by Coastal after gathering. Accordingly, Fitzpatrick's proposed rate, although not in excess of the applicable increased rate ceiling for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56), should be suspended because the sales related thereto are considered to be for non-pipeline quality gas within the meaning of the policy statement. Under the circumstances presented here we think a one day suspension period would be appropriate.

[F.R. Doc. 64-1868; Filed, Feb. 26, 1964; 8:47 a.m.]

[Docket No. E-7150]

IOWA POWER AND LIGHT CO.

Notice of Application

FEBRUARY 19, 1964.

Take notice that on February 14, 1964, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Power and Light Company, (Applicant), a corporation organized under the laws of the State of Iowa and doing business in that State with its principal business office at Des Moines, Iowa, seeking an order authorizing the issuance of $10,000,000 principal amount of __ percent sinking fund debentures, series due 1989. Applicant proposes to issue the aforesaid Debentures under a proposed Debenture indenture to be dated as of April 1, 1964, to Continental Illinois National Bank & Trust Company, trustee. The debentures will bear interest at such rate as may be determined by competitive bidding and are to be dated April 1, 1964 (or such other date in the case of fully registered debentures as may be provided in said indenture), and to mature April 1, 1989.

Applicant states that the purposes of the issuance and sale of the debentures is to retire outstanding bank loans (estimated to total $4,000,000 on April 1, 1964) and to assist, together with funds internally generated, in financing a 1964 construction budget totalling $11,953,000. Major items in the 1964 budget

[1] Commissioner Ross not participating.

are $2,343,000 for a 125,000 kv generating unit at Des Moines Power Station No. 2, $1,050,000 for a plant modernization program (modernization and centralization of controls and instrumentation for three boilers and five turbines) at the same plant, and $1,000,000 for a high pressure gas main extension in Des Moines.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 6th day of March, file with the Federal Power Commission, Washington, D.C., 20426 petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1869; Filed, Feb. 26, 1964; 8:47 a.m.]

[Docket No. G-10995 etc.]

SKELLY OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

FEBRUARY 12, 1964.

Skelly Oil Company, and other applicants listed, Docket Nos. G-10995, et al.; Paul M. Haywood, Docket No. CI64-838; Roscoe Dingess, Jr., Docket No. CI64-848.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued February 4, 1964, and published in the FEDERAL REGISTER February 13, 1964 (F.R. Doc. 64-1366; 29 FR-2440), make the following corrections in the chart: After Docket No. CI64-838 change Applicant's name to read "Paul M. Haywood" in lieu of "Paul M. Haygood". After Docket No. CI64-848 change price to read 25.0 cents in lieu of 22.0 cents.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1870; Filed Feb. 26, 1964; 8:47 a.m.]

[Docket No. E-7114 etc.]

ST. MICHAELS UTILITIES COMMISSION ET AL.

Order Allowing Rate Schedule To Take Effect and Amending Order Instituting Investigation and Providing for Hearing

FEBRUARY 7, 1964.

St. Michaels Utilities Commission, and Commissioners of St. Michaels, Maryland v. The Eastern Shore Public Service Company of Maryland, Docket No. E-7114; Stockton Light and Power Company (of Maryland), and Stockton Light and Power Company (of Virginia) v. The Eastern Shore Public Service Company of Maryland, Docket No. E-7117; Delaware Power and Light Company, The Eastern Shore Public Service Company of Maryland, The Eastern Shore Public Service Company of Virginia, Docket No. E-7137.

This Commission by order issued November 13, 1963, instituted an investigation of all rate schedules of Delaware Power & Light Company (Delaware Power) subject to the jurisdiction of this Commission and ordered a hearing in the above-entitled proceeding as to their lawfulness. That hearing is currently in progress.

Delaware Power on January 10, 1964, tendered for filing pursuant to Section 205 of the Federal Power Act a rate schedule, tentatively designated in the files of the Commission as Delaware Power's Rate Schedule FPC No. 32, and requested that the proposed schedule be permitted to take effect as of January 10, 1964. Other rate schedules of Delaware Power for service to the City of Dover are currently under investigation in the Commission's current rate proceeding.

The proffered rate schedule embodies a contract under the terms of which Delaware Power agrees to provide the city of Dover, Delaware (Dover) with wholesale electric service up to 16,500 KW in the event of an emergency. In requesting the proposed effective date, Delaware Power stated that it has been informed by Dover that one of Dover's generating units needs extensive overhaul and that during the overhaul period the proposed emergency service would provide necessary back-up reserve for Dover's other generating sources.

From the foregoing circumstances, it appears that the requirements for the filing and posting of the proffered rate schedule not less than 30 days prior to the proposed effective date thereof may be waived without undue prejudice to the interests of those who might be affected under the provisions of the Federal Power Act, that the proffered rate schedule should be permitted to take effect as of January 10, 1964, and that the proffered rate schedule should be included among those rate schedules of Delaware Power currently under investigation, all in the manner hereinafter provided.

The Commission finds.

(1) Good cause has been shown that the 30 day notice period provided in section 205 of the Federal Power Act and § 35.3 of the Commission's regulations thereunder be waived with respect to Delaware Power's Rate Schedule FPC No. 32 and such rate schedule be allowed to take effect as of January 10, 1964.

(2) It is appropriate for purposes of the Federal Power Act, particularly sections 205 and 206 thereof, that the Commission's order issued November 18, 1963, in the above-entitled proceeding be amended to include in the list of rate schedules set forth on page 3 thereof and in paragraph (A) on page 5 thereof, Delaware Power's Rate Schedule FPC No. 32.

The Commission orders.

(A) The rate schedule as described above is hereby designated as Delaware Power's Rate Schedule FPC No. 32. The 30 day notice period provided in section 205 of the Federal Power Act and in § 35.3 of the Commission's regulations under the Federal Power Act is hereby waived with respect to Delaware Power's Rate Schedule FPC No. 32 and it is hereby allowed to take effect as of January 10, 1964.

(B) The issuance of this order shall constitute full notice of the filing and publication of the rate schedule in question insofar as its effective date is concerned.

(C) Nothing contained in this order shall be construed as a waiver in any other respect of the requirements of section 205 of the Federal Power Act or of the Commission's regulations under the Act; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the above-designated rate schedule; nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(D) The Commission's order issued November 18, 1963 in the above-entitled proceeding is hereby amended to include in the list of rate schedules on page 3 and in paragraph (A) thereof Delaware Power's Rate Schedule FPC No. 32.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in any proceeding now pending, or hereafter instituted, by or against Delaware Power.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1871; Filed, Feb. 26, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 14904; Order No. E-20498]

TRANS WORLD AIRLINES, INC.

Order Granting Extension of Temporary Suspension of Service

FEBRUARY 20, 1964.

By Order E-20334, January 3, 1964, Trans World Airlines, Inc. (TWA), was authorized to suspend service at Detroit, Michigan, on its international route, from January 20, 1964, until March 9, 1964.

On January 29, 1964, TWA filed an application pursuant to Part 205 of the Board's Economic Regulations requesting authority to continue the temporary suspension of service at Detroit on the international route through March 31, 1964.

In support of its application, TWA contends, inter alia, that since its reduced trans-Atlantic fares will be effective April 1, 1964, traffic generated at Detroit during the few weeks immediately preceding the fare reduction date will be low; that its operations at that point would be uneconomic; and that trans-Atlantic passengers to and from Detroit will continue to have satisfactory connecting services at New York during the extended suspension period.

No objections to TWA's application have been filed.

Pursuant to the authority duly delegated by the Board in Part 385 of the Board's organization regulations, it is found that the facts which justified the previous suspension of service at Detroit still exist; that the low generation of traffic anticipated at Detroit immediately preceding the effective date of TWA's reduced trans-Atlantic fares will result in an uneconomic operation for the carrier if it is compelled to reinstate the international service; and therefore a continuation of the service suspension through March 31, 1964 is in the public interest.

Accordingly, it is ordered, That:

1. Trans World Airlines, Inc., be and it hereby is authorized to suspend service at Detroit, Michigan, on its international route, from March 9, 1964, through March 31, 1964; and

2. That this order may be amended or revoked at any time, in the discretion of the Board, without hearing.

This order will be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-1890; Filed, Feb. 26, 1964; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1062]

MEDICAL SCIENCE FUND INTERNATIONAL INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 20, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Medical Science Fund International, Inc. ("Applicant"), 80 Pine Street, New York, New York, a Delaware corporation and a closed-end diversified management investment company, has ceased to be an investment company.

Applicant filed a Notification of Registration under the Act on July 21, 1963. Since that time the Applicant has not offered or sold its shares to the public, has no assets of any kind, and has not transacted any business.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 10, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1863; Filed, Feb. 26, 1964; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Summarily Suspending Trading

FEBRUARY 20, 1964.

In the matter of trading on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange in the common stock, 10 cents par value and trading on the American Stock Exchange in the 6 percent convertible subordinated debentures due September 1, 1976 of Continental Vending Machine Corporation.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period February 22, 1964, through March 2, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1864; Filed, Feb. 26, 1964; 8:46 a.m.]

[File No. 1-4722]

TASTEE FREEZ INDUSTRIES INC.

Order Summarily Suspending Trading

FEBRUARY 20, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period February 22, 1964, through March 2, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1865; Filed, Feb. 26, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38831: *Joint motor rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 342), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, from, to and between points in Middle west, Central States and Southwestern territories.

Grounds for relief: Motortruck competition.

Tariff: Supplement 11 to Middlewest Motor Freight Bureau agent, tariff MF-I.C.C. 417.

FSA No. 38832: *Lumber and related articles to Evansville and New Albany, Ind.* Filed by Southwestern Freight Bureau, agent (No. B-8511), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in Southwestern territory, to Evansville and New Albany, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 107 to Southwestern Freight Bureau, agent, tariff I.C.C. 4282.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-1876; Filed, Feb. 26, 1964; 8:48 a.m.]

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX B—LIST OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER

The Federal Register Act (44 U.S.C. 301–314) and the Administrative Procedure Act (5 U.S.C. 1001–1011) are the basic acts requiring or authorizing the publication of documents in the FEDERAL REGISTER. This appendix lists the acts contemplated by section 5(a)(3) of the Federal Register Act and hence requiring or authorizing such publication.

This table should be distinguished from the parallel tables of statutory authorities and rules in Chapter I of Title 2 of the Code of Federal Regulations. This table cites provisions relating to publication. Title 2 cites provisions relating to authority to prescribe.

This appendix lists the year when the statute was enacted, a brief description, and the citation to the U.S. Statutes at Large and United States Code at the time of enactment.

CAVEAT: This appendix is in the nature of an index. It does not have the effect of law, regulation, or ruling.

Description of Act	*Citation*
1936	
Ice Patrol	49 Stat. 1924; 46 U.S.C. 738d.
1938	
Philatelic Illustrations	52 Stat. 6; 18 U.S.C. 350.
Fair Labor Standards	52 Stat. 1064; 29 U.S.C. 208.
1939	
Reorganization	53 Stat. 564; 5 U.S.C. 133j.
Trust Indentures	53 Stat. 1173; 15 U.S.C. 77sss.
Federal Seed	53 Stat. 1285; 7 U.S.C. 1592.
1940	
Investment Company	54 Stat. 842; 15 U.S.C. 80a–38, 80a–39.
1941	
Reconstruction Finance Corp	55 Stat. 249; 15 U.S.C. 606b.
First War Powers	55 Stat. 838; 50 U.S.C. App. 601.
1942	
Emergency Price Control	56 Stat. 35; 50 U.S.C. App. 926.
Small Business Mobilization	56 Stat. 357; 50 U.S.C. App. 1112.
Service Flag and Lapel Button	56 Stat. 796; 36 U.S.C. 181.
1943	
War Shipping	57 Stat. 48; 46 U.S.C. 1128d, 1242, 50 U.S.C. App. 1271.
1944	
Internal Revenue Tax Relief	58 Stat. 55; 26 U.S.C. 722.
Price Administration	58 Stat. 151; 44 U.S.C. 305 note.
Contract Settlement	58 Stat. 651; 41 U.S.C. 104.
Surplus Property	58 Stat. 769; 50 U.S.C. App. 1618.
Emergency Price Control	58 Stat. 636, 637; 50 U.S.C. App. 902, 921.
1945	
Reorganization	59 Stat. 617; 5 U.S.C. 133y.
1946	
Merchant Ship Sales	60 Stat. 41; 50 U.S.C. App. 1736, 1738, 1742.
First War Powers	60 Stat. 50; 50 U.S.C. App. 619.
Strategic Materials	60 Stat. 597; 50 U.S.C. 98b.
Price Administration	60 Stat. 609 (no U.S.C.).
Surplus Property	60 Stat. 886 (no U.S.C.).
First War Powers	60 Stat. 926; 50 U.S.C. App. 620.
1947	
Fair Labor Standards	61 Stat 84; 29 U.S.C. 261.
Second Decontrol	61 Stat. 323; 50 U.S.C. App. 633 note.
Coal Mine Safety	61 Stat. 726; 30 U.S.C. 4f note.
Sugar Quota	61 Stat. 932; 7 U.S.C. 1153.
Price Control	61 Stat. 945; 50 U.S.C. App. 1912.

Description of Act	Citation
1954—Continued	
Wheat Control	68 Stat. 903; 7 U.S.C. 1335.
Atomic Energy	68 Stat. 938, 954; 42 U.S.C. 2135, 2233.
Narcotic Drugs	68 Stat. 1001; 26 U.S.C. 2554 (1939).
	68 Stat. 1008; 26 U.S.C. 4705 (1954).
Utah Indians	68 Stat. 1100, 1103; 25 U.S.C. 743, 744, 757.
Tax Relief	68A Stat. 755; 26 U.S.C. 6105.
1955	
Tariff Commission	69 Stat. 166; 19 U.S.C. 1364.
District of Columbia Redevelopment	69 Stat. 297; 40 U.S.C. 356a.
City of Refuge Park	69 Stat. 379; 16 U.S.C. 397a.
Homestead Recordation	69 Stat. 535; 43 U.S.C. 274 note.
Small Business Anti-Trust	69 Stat. 547; 15 U.S.C. 636.
Foreign Claims Settlement	69 Stat. 566, 572; 22 U.S.C. 1631g, 1641e.
W.O.C. Employees	69 Stat. 582; 50 U.S.C. App. 2160.
1956	
Theodore Roosevelt Park	70 Stat. 56; 16 U.S.C. 241e.
Sugar	70 Stat. 221; 7 U.S.C. 1101 note.
Arizona School Land	70 Stat. 256 (no U.S.C.).
Menominee Indians	70 Stat. 549 (no U.S.C.).
Oklahoma Indians	70 Stat. 893, 896; 25 U.S.C. 793, 803.
Food and Drug Standards	70 Stat. 919; 21 U.S.C. 371.
Oklahoma Indians	70 Stat. 938; 25 U.S.C. 826.
Virgin Islands Park	70 Stat. 941; 16 U.S.C. 398a.
Refrigerator Safety Reg	70 Stat. 953; 15 U.S.C. 1213.
Oklahoma Indians	70 Stat. 963; 25 U.S.C. 853.
Sale of land in Army areas	70 Stat. 1066; 16 U.S.C. 460f.
Trading with Enemy	70 Stat. 1073 (no U.S.C.).
Fish and Wildlife Service	70 Stat. 1130; 16 U.S.C. 742b.
1957	
Poultry Products	71 Stat. 443; 21 U.S.C. 454.
Atomic Energy	71 Stat. 579; 42 U.S.C. 2239.
1958	
Petrified Forest Park	72 Stat. 60; 16 U.S.C. 119.
Whitman Monument	72 Stat. 101; 16 U.S.C. 433k–1.
Reclamation	72 Stat. 152; 43 U.S.C. 1332.
Menominee Indians	72 Stat. 290; 25 U.S.C. 896.
Small Business	72 Stat. 388, 392, 394; 15 U.S.C. 636, 638, 640.
Aeronautics and space	72 Stat. 433; 10 U.S.C. 2302 note.
International Claims	72 Stat. 529; 22 U.S.C. 1642j.
Antidumping	72 Stat. 583; 19 U.S.C. 160.
Sequoia Park	72 Stat. 604; 16 U.S.C. 45a–3.
War Risk Insurance (Aviation)	72 Stat. 805; 49 U.S.C. 1540.
Klamath Indians	72 Stat. 817; 25 U.S.C. 564w–1.
Longshoremen's Compensation	72 Stat. 836; 33 U.S.C. 941.
Livestock Slaughter	72 Stat. 863; 7 U.S.C. 1904.
I.R.C. (Treasury seals)	72 Stat. 1667; 26 U.S.C. 7514.
Grand Portage Monument	72 Stat. 1763; 16 U.S.C. 450oo.
1959	
Edison Monument	73 Stat. 87; 16 U.S.C. 431 note.
Minute Man Park	73 Stat. 591; 16 U.S.C. 410t.
Catawba Indians	73 Stat. 592; 25 U.S.C. 931, 932.
Atomic Energy	73 Stat. 690; 42 U.S.C. 2021.
1960	
Narcotics	74 Stat. 57, 58, 60, 61; 26 U.S.C. 4731, 21 U.S.C. 503–505.
Sugar Act	74 Stat. 330; 7 U.S.C. 1158.

Description of Act	Citation
1946	
DeSoto National Memorial	62 Stat. 78; 16 U.S.C. 450dd–1.
Foreign Assistance	62 Stat. 138; 22 U.S.C. 1509.
GSA transfer of property	62 Stat. 241; 16 U.S.C. 667c.
National Defense	62 Stat. 259; 50 U.S.C. App. 1193.
Patents for Public Land	62 Stat. 476; 43 U.S.C. 15.
Fort Vancouver Monument	62 Stat. 532; 16 U.S.C. 450ff–1.
Chickamauga Park	62 Stat. 646; 16 U.S.C. 424a–3.
Philatelic Illustrations	62 Stat. 713; 18 U.S.C. 504.
Pensacola National Monument	62 Stat. 1221; 16 U.S.C. 450gg–1.
War Claims	62 Stat. 1240; 50 U.S.C. App. 2001.
1949	
Saint Croix National Monument	63 Stat. 158; 16 U.S.C. 460hh–1.
Reorganization	63 Stat. 206; 5 U.S.C. 133z–9.
Star mail routes	63 Stat. 680; 39 U.S.C. 470.
Petersburg National Park	63 Stat. 691; 16 U.S.C. 423a–1, 423a–2.
Fair Labor Standards	63 Stat. 910; 29 U.S.C. 208.
1950	
International Claims	64 Stat. 14; 22 U.S.C. 1623.
El Morro National Monument	64 Stat. 211 (no U.S.C.).
Chickamauga National Park	64 Stat. 408; 16 U.S.C. 424a–4.
Whaling Convention	64 Stat. 426; 16 U.S.C. 916k.
Merchant Marine	64 Stat. 776; 46 U.S.C. 1292.
Tuna Conventions	64 Stat. 778; 16 U.S.C. 955.
Defense Production	64 Stat. 799, 816; 50 U.S.C. App. 2072, 2158.
New York Indians	64 Stat. 845; 25 U.S.C. 233.
Grand Teton National Park	64 Stat. 849; 16 U.S.C. 406d–1.
Fort Caroline National Park	64 Stat. 897 (no U.S.C.).
Subversive Activities Control	64 Stat. 992, 996, 998; 50 U.S.C. 784, 788, 792.
Canal Zone	64 Stat. 1043; 2 Canal Zone Code 411.
1951	
War Risk Insurance	65 Stat. 68; 49 U.S.C. 720.
Defense Housing	65 Stat. 294; 42 U.S.C. 1591a.
Collisions at Sea	65 Stat. 406, 407; 33 U.S.C. 143, 143a.
Smithsonian Institution	65 Stat. 634; 40 U.S.C. 193r.
Delegation of Presidential authority	65 Stat. 713; 3 U.S.C. 301.
1952	
Badlands Monument	66 Stat. 65; 16 U.S.C. 441g.
Residential Credit Control	66 Stat. 306; 50 U.S.C. App. 2137.
Contract Settlement	66 Stat. 627; 41 U.S.C. 113 note.
1953	
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Interior and Agriculture exchange of lands	68 Stat. 271; 43 U.S.C. 1161 h1.
Fort Union Monument	68 Stat. 299; 16 U.S.C. 450kk–1.
Helium land entry	68 Stat. 715; 30 U.S.C. 529.
Klamath Indians	68 Stat. 718, 722; 25 U.S.C. 564b, 564q.
Oregon Indians	68 Stat. 724, 727; 25 U.S.C. 698, 703.
Texas Indians	68 Stat. 769; 25 U.S.C. 722.
Communism in Labor	68 Stat. 775; 50 U.S.C. 792a.
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Taxation	74 Stat. 1018; 26 U.S.C. 613 note.
1961	
Scotts Bluff Monument	75 Stat. 148 (no U.S.C.).
Cape Cod Monument	75 Stat. 284; 16 U.S.C. 459b–2, 459–4.
Rocky Mountain Park	75 Stat. 383; 16 U.S.C. 192b–7.
Fort Smith	75 Stat. 490; 16 U.S.C. 461 note.
Taxation	75 Stat. 674, 683; 26 U.S.C. 613 note.
1962	
Lincoln Boyhood Memorial	76 Stat. 9; U.S.C. 431 note.
Navajo Indian Trust	76 Stat. 96; 43 U.S.C. 615kk.
Sugar Act	76 Stat. 164; 7 U.S.C. 1132.
Theodore Roosevelt Historic Sites	76 Stat. 217; (no U.S.C.).
Small Business	76 Stat. 221; 15 U.S.C. 637a.
Foreign Claims Settlement	76 Stat. 387; (no U.S.C.).
Petersburg Battlefield	76 Stat. 403; 16 U.S.C. 423h–2.
Atomic Energy	76 Stat. 409; 42 U.S.C. 2239.
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Ponca Indians	76 Stat. 429; 25 U.S.C. 971.
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Wheat	76 Stat. 621; 7 U.S.C. 1336 note.
Padre Island Park	76 Stat. 651; 16 U.S.C. 459d–2.
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Tariff Commission	76 Stat. 885; 19 U.S.C. 1901.
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Foreign aid determination	77 Stat. 859; 22 U.S.C. 2370 note.

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 99]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.399 Lemon Regulation 99.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1964.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 1, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 25, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1946; Filed, Feb. 27, 1964; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 6—SPECIFICATIONS FOR HYDRAULIC BRAKE FLUIDS FOR USE IN MOTOR VEHICLES

Miscellaneous Amendments

Under authority of Public Law 87–637, approved September 5, 1962 (76 Stat. 437), the specifications for hydraulic brake fluids for use in motor vehicles, published in the FEDERAL REGISTER on July 31, 1963, are hereby amended effective immediately. The changes extend to October 1, 1964, the expiration date of the optional specifications published on December 4, 1962, and insert a minor editorial change in the test procedure of the specifications published July 31, 1963.

The introductory paragraph of Federal Register Document 63–8043 (28 F.R. 7773), which precedes the text of Part 6 is amended to read:

After giving adequate public notice on April 23, 1963, of a proposed change in specifications for hydraulic brake fluids for use in motor vehicles, published in the FEDERAL REGISTER on December 4, 1962, and after receiving and considering public comments, I hereby prescribe and publish the following modifications to the original specifications, under authority vested in the Secretary of Commerce by Public Law 87-637, approved September 5, 1962 (76 Stat. 437) and delegated to the Director, National Bureau of Standards under D.O. 90 (revised) dated January 30, 1964. These modifications are identical to those for types 70R1, 70R1 Arctic, and 70R3 hydraulic brake fluids in SAE Standard J70B dated May 1963 and published by the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y. These specifications are effective from July 31, 1963, and are mandatory after October 1, 1964. The specifications published on December 4, 1962, are optional until they expire on October 1, 1964.

Section 6.2 is amended to read:

§ 6.2 Scope and application.

Hydraulic brake fluid in commerce for use in motor vehicles operated on the highways within any State or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico shall comply with the requirements prescribed in §§ 6.3 and 6.4 for one or more of the following types when such type or types are marked on the label of the container or are identified by other means: SAE Type 70R1, SAE Type 70R1 Arctic, SAE Type 70R3. When the type is not indicated on the label of the container or otherwise or when the type indicated is not one of these three types, the hydraulic brake fluid shall comply with the requirements for SAE Type 70R1 prescribed in § 6.3. Until October 1, 1964, the requirements for SAE Type 70R1 and SAE Type 70R3 hydraulic brake fluid published in the FEDERAL REGISTER on December 4, 1962 are optional alternatives to the requirements prescribed in §§ 6.3 and 6.4.

The introductory paragraph of § 6.3 is amended to read:

§ 6.3 Requirements for SAE Type 70R1 and SAE Type 70R1 Arctic.

SAE Type 70R1 and SAE Type 70R1 Arctic hydraulic brake fluid shall meet the following requirements when tested in accordance with the designated procedures in SAE Standard J70b dated May 1963 and editorially revised December 1963 for SAE 70R1 and SAE 70R1 Arctic:

* * * * * *

The introductory paragraph of § 6.4 is amended to read:

§ 6.4 Requirements for SAE Type 70R3.

SAE Type 70R3 hydraulic brake fluid shall meet the following requirements when tested in accordance with the designated procedures in SAE Standard J70b dated May 1963 and editorially revised December 1963 for SAE 70R3:

* * * * * *

These amendments are effective immediately.

Done at Washington, D.C., this 24th day of February 1964.

A. V. ASTIN,
Director,
National Bureau of Standards.

[F.R. Doc. 64-1944; Filed, Feb. 27, 1964; 8:50 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs; Amdt. 78]

PART 385—EXPORTATION OF TECHNICAL DATA

General Licenses

Section 385.2 *General licenses*, paragraph (c) *General License GTDU; unpublished technical data*, subparagraph (3) is amended by adding a new (iii) to read as follows:

§ 385.2 General licenses.

* * * * * *

(c) *General License GTDU; unpublished technical data.* * * *

(3) * * *

(iii) Neutron generators employing the electrostatic acceleration of ions and designed for operation without an external vacuum system; and specially fabricated parts and accessories for such neutron generators; Schedule B No. 70999.

* * * * * *

This amendment shall become effective February 28, 1964.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 64-1936; Filed, Feb. 27, 1964; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Appeals

Sections 21.2309 and 21.3309 are revised to read as follows:

§ 21.2309 Appeals.

Determinations made on claims for education and training benefits under Chapter 33, Title 38, United States Code, are subject to appeal to the Board of Veterans Appeals. Appeals are governed by Part 19 of this chapter. Decisions respecting schools made under §§ 21.2208 (d) and 21.2209 are not appealable by the veteran, but are subject to the administrative reviews provided therein.

(72 Stat. 1114; 38 U.S.C. 210)

§ 21.3309 Appeals.

All questions respecting any adjudicatory determination under Chapter 35, Title 38, United States Code, are subject to appeal to the Board of Veterans Appeals. Appeals are governed by Part 19 of this chapter. Decisions respecting schools made under §§ 21.2208(d) and 21.2209 are not appealable by the parent, guardian or eligible person, but are subject to the administrative reviews provided therein.

(72 Stat. 1114, 1193, as amended; 38 U.S.C. 210, Ch. 35)

These VA Regulations are effective the date of approval.

Approved: February 24, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-1928; Filed, Feb. 27, 1964; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by Crucible Chemical Company, 5560 Northwest Highway, Chicago 30, Illinois, and other relevant material, has concluded that an amendment to § 121.1099 should issue to prescribe the conditions of use of polyoxyethylene 40 monostearate and silicon dioxide as components of defoaming agents which may be safely used in processing food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1099 is amended by adding alphabetically to the list of substances in paragraph (a)(2) the following new items:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Polyoxyethylene 40 monostearate	As defined in U.S.P. XVI.
* * *	* * *
Silicon dioxide	As defined in § 121.1058.

* * * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C., 348(c)(1))

Dated: February 24, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1922; Filed, Feb. 27, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NYLON RESINS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 773) filed by Organico S.A., 23 Avenue F. D. Roosevelt, Paris 8, France, and other relevant material, has concluded that the food additive regulations (21 CFR 121.2502) should be amended to provide for the use of nylon 11 resins in the production of articles intended for use in processing, handling, and packaging food. The Commissioner has further concluded that §§ 121.2503, 121.2504, and 121.2543 should be revoked and that the resins nylon 610, nylon 66/610, and nylon 6/66 should be included in revised § 121.2502. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended as set forth below:

1. Section 121.2502 is revised to read as follows:

§ 121.2502 Nylon resins.

The nylon resins listed in paragraph (a) of this section may be safely used to produce articles intended for use in processing, handling, and packaging food, subject to the provisions of this section:

(a) The nylon resins are manufactured as described in this paragraph so as to meet the specifications prescribed in paragraph (b) of this section when tested by the methods described in paragraph (c) of this section.

(1) Nylon 66 resins are manufactured by the condensation of hexamethylenediamine and adipic acid.

(2) Nylon 610 resins are manufactured by the condensation of hexamethylenediamine and sebacic acid.

(3) Nylon 66/610 resins are manufactured by the condensation of equal-weight mixtures of nylon 66 salts and nylon 610 salts.

(4) Nylon 6/66 resins are manufactured by the condensation and polymerization of mixtures of nylon 66 salts and *epsilon*-caprolactam under such conditions that the *epsilon*-caprolactam monomer content does not exceed 0.7 percent by weight of the finished nylon 6/66 resins.

(5) Nylon 11 resins are manufactured by the condensation of 11-aminoundecanoic acid.

(b) Specifications.

Nylon resins	Specific gravity	Melting point	Solubility in boiling 4.2*N* HCl	Maximum extractable fraction in selected solvents (expressed as percent by weight of resin)			
				Water	95 percent ethyl alcohol	ethyl acetate	Benzene
		Degrees F.		*Percent*	*Percent*	*Percent*	*Percent*
1 Nylon 66 resins	1.14±0.015	475-495	Dissolves in 1 hr.	1.5	1.5	0.2	0.2
2 Nylon 610 resins	1.09±0.015	405-425	Insoluble after 1 hr.	1.0	2.0	1.0	1.0
3 Nylon 66/610 resins	1.10±0.015	375-395	Dissolves in 1 hr.	1.5	2.0	1.0	1.0
4 Nylon 6/66 resins	1.13±0.015	440-460	do	2.0	2.0	1.5	1.5
5.1 Nylon 11 resins for use in articles intended for one-time use or repeated use in contact with food.	1.04±0.015	355-375	Insoluble after 1 hr.	0.05	0.05	0.02	0.02
5.2 Nylon 11 resins for use only in articles intended for repeated use in contact with food.	1.04±0.015	355-375	do	0.10	1.00	0.15	0.15

(c) Analytical methods. (1) *Specific gravity.* Specific gravity shall be determined by weighing a 1-gram to 5-gram sample first in air and then in freshly boiled distilled water at 23° C. ±2° C.

(2) *Melting point.* The melting point shall be determined as follows: Use a hot-stage apparatus. The use of crossed nicol prisms with a microscope hot stage and reading of the thermometer when the birefringence disappears increases the accuracy. If the crossed nicol apparatus is not available, use the lowest temperature at which the sample becomes transparent or the sharp edges or corners of the sample become rounded as the melting point. In case of doubt as to the onset of melting, the sample is prodded with a sharp instrument. If it sticks to the heating block, it is considered to have melted. If the melting point is low, dry the sample in an oven at 85° C. for 24 hours in a nitrogen atmosphere, then repeat the test.

(3) *Solubility in boiling 4.2N HCl.* The test shall be run on a sample approximately the size of a ⅛-inch cube in at least 25 milliliters of 4.2 normal hydrochloric acid.

(4) *Maximum extractable fraction in selected solvents.* The procedure for determining the maximum extractable fraction of the nylon resins in selected solvents is as follows:

(i) Film should be cut with ordinary scissors into pieces of a convenient size such as ¼-inch squares, for the extraction tests described in this section. The granules of nylon molding powders are in the proper form for the extraction tests. Samples of fabricated articles such as pipe, fittings, and other similar articles must be cut to approximately the size of the molding powder. This can be done conveniently by using a small-scale commercial plastics granulator and cutting the sample through a screen having ¼-inch mesh. Fine particles should be separated from the cut resin by screening through a 20-mesh screen. The material retained on the screen is suitable for the extraction tests.

(ii) The organic solvents must be of American Chemical Society analytical reagent grade; distilled water is used. Approximately 30 grams of the prepared sample is weighed to the nearest milligram. The weighed resin is transferred to a 500-milliliter round-bottom flask equipped with a reflux condenser. Approximately 300-milliliters of solvent is added to the flask and the contents refluxed gently for 8 hours with a heating mantle. The solvent is then filtered off immediately while still hot, using a Buchner funnel approximately 5 inches in diameter, a suction flask, and a hardened filter paper (Whatman No. 50 or equivalent). The paper is wet with the solvent and a slight suction applied just before starting the filtration. The resin is washed twice with approximately 100-milliliter portions of solvent and the combined filtrate and washings are reduced to approximately 25 milliliters by evaporation at reduced pressure (50 millimeters to 100 millimeters of mercury, absolute), heating as necessary. The contents of the flask are transferred to an evaporation dish (which has been held in a vacuum desiccator over anhydrous calcium sulfate until constant weight has been attained) and carefully evaporated to dryness. The weight of the solid residue is determined by difference after holding in a vacuum desic-

cator over anhydrous calcium sulfate until constant weight has been attained. The percent of solids extracted is calculated by dividing the weight of the solid residue by the weight of the sample and multiplying by 100.

§§ 121.2503, 121.2504, 121.2543 [Revoked]

2. Sections 121.2503, 121.2504, and 121.2543 are revoked.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 24, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1923; Filed, Feb. 27, 1964; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

SODIUM OXACILLIN TABLETS; EXPIRATION DATE

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for certification of penicillin and penicillin-containing drugs (21 CFR 146a.13) are amended as follows:

In § 146a.13 *Sodium oxacillin tablets*, paragraph (c)(1) is amended by changing the words "18 months after" to read "18 months, or 24 months after".

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: February 24, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1924; Filed, Feb. 27, 1964; 8:48 a.m.]

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Streptomycin (Dihydrostreptomycin) Sulfate Powder and Granules Oral Veterinary; Dihydrostreptomycin Hydrochloride Powder and Granules Oral Veterinary; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146b.115) are changed by amending § 146b.115 *Streptomycin sulfate powder oral veterinary* * * * in the following respects:

1. In paragraph (c)(1)(iv), the words "or 48 months" are changed to read "48 months, or 60 months".

2. In pargraph (f)(1), the words "than "than 48 months" are changed to read "than 60 months".

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied unless and until the manufacturer thereof has supplied adequate information regarding the articles involved.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: February 24, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1925; Filed, Feb. 27, 1964; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 106.504]

PART 41—VISAS; DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS; DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects to include necessary editorial changes:

1. The definition of the term "consular officer" appearing in § 41.1 is amended to read as follows:

§ 41.1 **Definitions.**

* * * * *

Consular officer. "Consular officer", as defined in section 101(a)(9) of the Act, shall include commissioned consular officers, the District Administrators of the Trust Territory of the Pacific Islands, the Director of the Visa Office of the Department and such other officers of the Department as he shall designate for the purpose of issuing nonimmigrant visas, but shall not include a consular agent, an attaché or assistant attaché.

* * * * *

2. Section 41.65 is amended to read as follows:

§ 41.65 **Exchange visitors.**

An alien shall be classifiable as an exchange visitor if he qualifies under the provisions of section 101(a)(15)(J) of the Act and establishes to the satisfaction of the consular officer that:

(a) He has been accepted to participate, and intends to participate, in an exchange-visitor program designated by the Department as evidenced by the presentation of a properly executed Form DSP-66 (Certificate of Eligibility for Exchange Visitor Status);

(b) He has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses;

(c) He has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected or the organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency; or that

(d) He is the spouse or minor child of such an exchange-visitor program participant.

3. Section 41.91(a)(1-6) is amended to read as follows:

§ 41.91 **Aliens ineligible to receive visas.**

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

* * * * *

(1-6) *Medical grounds of ineligibility.* A finding of a medical examiner of the United States Public Health Service, a contract location physician, or of a panel physician designated by the Foreign Service establishment in whose jurisdiction the examination is performed, with respect to the applicability of section 212(a)(1) through (6) of the Act shall be binding on the consular officer, except that the consular officer may refer for review to the appropriate office of the United States Public Health Service the finding of a contract location or panel physician in an individual case. In such case he may hold in abeyance his decision on the visa application pending the receipt of the review finding of the Public Health Service.

* * * * *

4. Section 41.113 is amended to read as follows:

§ 41.113 **Medical examination.**

(a) An alien shall be required to be medically examined if (1) he is an applicant for an exchange-visitor visa who does not qualify as a leader in a field of specialized knowledge or skill and who intends to remain in the United States for more than a brief period of time, (2) he is an applicant for a student visa who intends to remain in the United States for more than a brief period of time, (3) he is coming from an area which indicates that a medical examination is advisable, or (4) the consular officer has reason to believe that a medical examination would disclose that the alien is ineligible to receive a visa.

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required examination shall be conducted by a contract location physician or by a physician selected by the alien from a panel of physicians approved by the consular officer.

(c) The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

5. Section 41.124(e) is amended to read as follows:

§ 41.124 **Procedure in issuing visas.**

* * * * *

(e) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the word "Multiple" shall be inserted in the space provided in the visa stamp. Otherwise the appropriate number in word form shall be inserted. The date of issuance and the date of expiration of the visa shall be inserted at the proper places in the visa stamp and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952".

* * * * *

6. Section 42.60 is amended to read as follows:

§ 42.60 **Control of quotas by the Department.**

(a) For the purposes of section 203(a) of the Act and §§ 42.30 through 42.34 of this part, the quota for each quota area for each quota year shall be the quota as proclaimed by the President under section 201(b) or 202(e) of the Act, less the quota numbers which have been deducted from such quotas before the beginning of each quota year pursuant to section 19(c) of the Immigration Act of 1917, as amended, sections 211(d) and 244 of the Act, section 13 of the Act of September 11, 1957, as amended, and by reason of the enactment of private legislation.

(b) Centralized control of quotas shall be established in the Department. The Department will allocate quota numbers on a worldwide basis to consular officers abroad in accordance with the provisions of sections 201(c) and 203 of the Act.

(c) Section 211(d) of the Act is interpreted to permit a finding that if the quota to which an alien is chargeable has been exhausted for the fiscal year in which he applied for admission and for the next fiscal year, he may be charged to the appropriate quota for the fiscal year in which the notification of the amendment of his record of entry by the Immigration and Naturalization Service is received in the Department, or the fiscal year following the receipt of such notification.

(Sec. 202, 66 Stat. 177; 8 U.S.C. 1152)

7. Section 42.62(a) is amended to read as follows:

§ 42.62 **Quota waiting lists.**

(a) *Establishment of waiting lists.* Form FS-417 (Quota Waiting List Filler) or Forms FS-499A and FS-499B (Immigrant Visa Control Card), when maintained in accordance with appropriate Departmental instructions, shall be considered to constitute "quota waiting lists" within the meaning of section 203 of the Act. Separate quota waiting lists shall be maintained for each oversubscribed preference or nonpreference portion of each quota or subquota. Such lists shall show the priority date of registration within each of the preference or nonpreference classes. The lists shall be arranged so as to permit the transfer of the name of any applicant from one preference or nonpreference class to another without losing his original priority except that a registration priority acquired through the filing of a first preference quota petition as described in paragraph (b) of this section shall not, in itself, establish a registration priority in any other preference or nonpreference category. The name of each family member shall be listed separately under the quota for the quota area to which he is chargeable with appropriate cross references to members of the family who may be chargeable to other oversubscribed quotas. The provisions of section 202(a) of the Act shall be applied, if appropriate, when the turn of either spouse is reached on the quota waiting list. (For information regarding administrative waiting lists, see § 42.100.)

* * * * *

8. Section 42.91(a)(1-6)(i) is amended to read as follows:

§ 42.91 **Aliens ineligible to receive visas.**

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

* * * * *

(1-6) *Medical grounds of ineligibility.* (i) A finding of a medical examiner of the United States Public Health Service, of a contract location physician, or of a panel physician designated by the Foreign Service establishment in whose jurisdiction the examination is performed, with respect to the applicability of section 212(a)(1) through (6) of the Act shall be binding on the consular officer, except that the consular officer may refer for review to the appropriate office of the United States Public Health Service the finding of a contract location or panel physician in an individual case. In such case he may hold in abeyance his decision on the visa application pending the receipt of the review finding of the Public Health Service.

* * * * *

9. Section 42.111(e) is amended to read as follows:

§ 42.111 **Supporting documents.**

* * * * *

(e) *Photographs.* Each alien, regardless of age, shall furnish one unsigned and two signed photographs with his application for a visa. The photographs shall reflect a reasonable likeness of the alien at the time they are furnished, be one and one-half inches square, unmounted, show a full front view without head covering and be printed on a light background.

10. Section 42.113(b) is amended to read as follows:

§ 42.113 **Medical examination.**

* * * * *

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required examination shall be conducted by a contract location psysician or by a physician selected by the alien from a panel of physicians approved by the consular officer.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations herein involve foreign affairs functions of the United States.

Dated: February 7, 1964.

CHARLES H. MACE,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 64-1912; Filed, Feb. 27, 1964; 8:47 a.m.]

[Departmental Reg. 106.506]

PART 63—EXCHANGE-VISITOR PROGRAM

Miscellaneous Amendments

Part 63, Chapter I, Title 22 of the Code of Federal Regulations is being amended in the following respects: (1) To rescind the provision that the Department of State will notify consular officers of the sponsor, serial number, and nature and purpose of each designated Exchange-Visitor Program, since this information will henceforth appear on each Form DSP-66 issued; (2) to reflect the elimination of Form DSP-67, "Certificate of Eligibility for Program

Transfer of Exchange Visitors", and the revision of Form DSP–66 "Certificate of Eligibility for Exchange Visitor Status"; (3) to provide for a general limitation of stay of three years in the case of medical technologists, medical record librarians, X-ray technicians, and other Exchange-Visitor Program participants in similar categories; and (4) to provide for the documentation of accompanying dependent aliens of exchange visitors who are applying for extensions of stay.

1. Section 63.2(b)(3) is amended to read as follows:

§ 63.2 Application for Exchange-Visitor Program designation.

* * * * *

(b) * * *

(3) Provide any participant proposing to transfer to another Exchange-Visitor Program with a Form DSP–66 releasing him from the sponsor's program, but only if the releasing sponsor considers further Exchange-Visitor Program participation necessary or desirable.

2. Section 63.3(d) is amended to read as follows:

§ 63.3 Action on application for Exchange-Visitor Program designation.

* * * * *

(d) *Notification to the Immigration and Naturalization Service.* When a program has been designated as an Exchange-Visitor Pregram, the Department shall notify the Immigration and Naturalization Service of the sponsor, serial number, and nature and purpose of the program.

3. Paragraphs (b)(1)(iii), (c)(2) and (d) of § 63.5 are amended to read as follows:

§ 63.5 Applications for change of status to or from exchange visitor, for extensions, and for program transfers; general limitations of stay.

* * * * *

(b) *General limitations on stay of exchange visitors.* * * *

(1) * * *

(iii) Medical technologists, medical record librarians, medical record technicians, X-ray technicians, and other participants in similar categories—length of the approved training program plus a maximum of 18 months for practical experience, not exceeding a total of three years.

* * * * *

(c) *Application for extension of stay.* * * *

(2) A participant applying for an extension of stay shall present Form DSP–66 properly endorsed by the sponsor to show the time and terms of the extended stay for which application is made. As a general rule, applications for extensions of stay should be requested only for continuation of the activity for which the participant obtained status as an exchange visitor, not for a new activity. When the application, if approved, would extend the participant's stay beyond the limitation specified in (b) of this section, it must be strongly supported by the sponsor with evidence that there are exceptional circumstances or that additional time is required to complete highly specialized training, and that the participant's future intentions clearly involve his departure from the United States in accordance with the objectives of the Exchange-Visitor Program. If the applicant is accompanied by his immediate family, the sponsor should attach a statement to Form DSP–66 giving the name and relationship, place and date of birth, and nationality of each accompanying member of his immediate family.

* * * * *

(d) *Application for program transfer.* An application for permission to transfer from one designated Exchange-Visitor Program to another must be submitted to the District Director, Immigration and Naturalization Service, having administrative jurisdiction over the participant's place of temporary residence in the United States by the participant concerned between fifteen and thirty days before participation in the program to which he wishes to transfer is scheduled to begin. A participant applying for a program transfer shall present a duly executed Form DSP–66, Part I completed by the prospective sponsor and Part II by the releasing sponsor. Before granting the participant permission to transfer, the District Immigration and Naturalization Service Office concerned will request the views of the Department as to whether the best interests of the international exchange of persons will be served by the transfer in any case in which (1) the applicant is unable to present a Form DSP–66 with Part II duly executed by the current sponsor, (2) it appears that the transfer is solely or principally for the purpose of continuing the residence and employment of the participant in the United States, or (3) the officer cannot perceive clear progress toward a definite objective consistent with the intent and purpose of the Act.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: February 17, 1964.

W. J. CROCKETT,
Deputy Under Secretary for Administration.

[F.R. Doc. 64–1913; Filed, Feb. 27, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 105—RESERVE OFFICERS' TRAINING CORPS AND RELATED OFFICERS' TRAINING PROGRAMS

Discontinuance

Codification of Part 105—Reserve Officers' Training Corps and Related Officers' Training Programs is discontinued.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 64–1914; Filed, Feb. 27, 1964; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

PART 1003—PROCUREMENT BY NEGOTIATION

PART 1014—INSPECTION AND ACCEPTANCE

Correction

In F.R. Doc. 64–1548 appearing in the issue for Saturday, February 15, 1964, at page 2494, make the following changes:

1. Section 1003.211–50(b) should read as follows:

§ 1003.211–50 Sample format and justification.

* * * * *

(b) Determinations and findings for research and development will be identified within two categories: (A) Those for basic or applied research and advanced technology, and (B) those for research and development programs leading to future operational systems of AF inventory equipment. The information in subparagraph (1) of this paragraph will be set forth in narrative form in letter of transmittal requesting determinations and findings under 10 U.S.C. 2304(a)(11) for both Category A and B programs.

(1) *General.* (i) Complete description of proposed effort in terms readily understandable by a layman. This will include an explanation of whether proposed procurement is for research, development, or experimental work, the manufacture or furnishing of supplies for experimentation, development, research, or test, or for a combination of two or more of the foregoing. Further, if the proposed procurement covers manufacturing methods, in whole or in part, specific mention will be made of this fact. In addition, where applicable, statements responsive to the following questions will be required:

(a) Is this an isolated task or part of a whole balanced program?

(b) What is the end result of this effort—does it have a specific use, or is its purpose to acquire general knowledge?

(c) How will the results of this task be applied?

(d) Does the current level of technology support the feasibility of this further effort?

(e) To what degree has this proposed effort been coordinated with other interested AF activities—with other agencies?

(ii) When supplies are to be procured for the purpose of service testing, the need for the specific quantities involved must be clearly explained and justified.

(iii) Estimated dollar amount of procurement.

(iv) Purchase Request number, citation of funds to be obligated, program structure, project and task number as may be applicable.

(v) Set forth the desired contract placement date and type of contract contemplated. (Note restriction on use of CPFF type of contracts in § 3.405–5(c)(1) of this title.)

(vi) Reasons for negotiation must be explained, substantiated and support the further determination made in the determinations and findings. (Reasons should be compatible with type of contract contemplated.)

(vii) Set forth the source to be awarded the procurement, if known, or the potential sources to whom the procurement may be awarded. The statement that a segment of industry will be solicited is not acceptable. Class requests listing more than 15 sources will give the criteria to be used in selection of source, for individual procurement thereunder. (e.g., 10 of the most qualified sources will be solicited for each procurement, etc.)

(viii) If sole source, state reason why other sources cannot be considered.

(ix) If initial sole source, state whether based on solicited or unsolicited proposal. Why?

(x) If initial sole source and the information is readily attainable, state who financed the effort which put the proposed contractor in sole source position. (Contractor or Government.)

(xi) If follow-on procurement is with the same source:

(a) Give a brief statement regarding the presence or absence of previous competition which led to the original selection of the proposed contractor. (Presence of previous competition will be noted on the D&F by inclusion of statement shown in sample format.)

(b) Are there other sources with comparable experience and facilities?

(c) What would be the extent and impact, including loss of time, on duplicating this source's experience and facilities?

(d) Are there any other reasons why it is necessary to continue with incumbent?

(2) *Additional information required for Category B Programs.* (i) What plans are being made to advertise or compete the end item in the future? If none, why?

(a) What are the target dates for above?

(b) Do we intend to obtain rights to all the data needed for effective procurement of the end item?

(c) De we or will we have title to any useful special tooling developed?

2. In § 1014.105, page 2501, 2d column, line 2, following the word "packaging," insert "packing".

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3334]

[Oregon 09784]

OREGON

Opening Lands Under Section 24 of Federal Power Act; Power Site Reserves Nos. 79 and 265

1. In DA–500–Oregon, the Federal Power Commission determined that the value of the following-described lands withdrawn in Power Site Reserves Nos. 79 and 265 will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended:

WILLAMETTE MERIDIAN

T. 39 S., R. 23 E.,
Sec. 14, SW¼SW¼;
Sec. 23, S½NE¼ and N½NW¼;
Sec. 24, SW¼NW¼ and NW¼SW¼.

The areas described aggregate approximately 280 acres.

2. Until 10:00 a.m. on April 23, 1964, the State of Oregon has a preferred right of application for the lands for highway easement or for highway material site purposes as provided by section 24 of the Act of June 10, 1920, as amended May 28, 1948 (62 Stat. 275; 16 U.S.C. 818).

3. This order shall not otherwise be effective to change the status of the lands until 10:00 a.m. on April 23, 1964. At that time the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the requirements of applicable law, and the provisions of any existing withdrawals.

4. Any disposal of the lands described in this order shall be subject to the provisions of section 24 of the Federal Power Act, as specified by the Federal Power Commission in its determination.

5. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

6. The State of Oregon has waived the preference right of application granted by the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 24, 1964.

[F.R. Doc. 64–1915; Filed, Feb. 27, 1964; 8:47 a.m.]

[Public Land Order 3335]

[Washington 04758]

WASHINGTON

Withdrawal for Forest Service Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Okanogan National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites, recreation areas and campgrounds, as indicated:

WILLAMETTE MERIDIAN

OKANOGAN NATIONAL FOREST

Hart's Pass Campground

T. 37 N., R. 17 E., unsurveyed,
Sec. 12, N½NE¼SE¼.

Roads End Campground

T. 34 N., R. 18 E., unsurveyed,
Sec. 11, NW¼NW¼SW¼.

Rivers Bend Campground

T. 36 N., R. 18 E., unsurveyed,
Sec. 1, NE¼SW¼NW¼.

Rattlesnake Campground

T. 36 N., R. 18 E., unsurveyed,
Sec. 2, NW¼NW¼SE¼.

Ballard Campground

T. 37 N., R. 18 E., unsurveyed,
Sec. 36, SW¼SW¼SE¼.

Little Slate Creek Recreation Residence Area

T. 33 N., R. 19 E., unsurveyed,
Sec. 3, N½NE¼.

South Creek Campground

T. 34 N., R. 19 E., unsurveyed,
Sec. 19, SW¼NE¼NW¼.

Poplar Flat Campground

T. 34 N., R. 19 E., unsurveyed,
Sec. 29, W½SE¼NE¼, SW¼NE¼NE¼.

Mystery Campground

T. 34 N., R. 19 E., unsurveyed,
Sec. 34, SW¼NW¼SW¼.

Gate Creek Campground

T. 36 N., R. 19 E., unsurveyed,
Sec. 15, NW¼NE¼NW¼.

Early Winters Campground

T. 36 N., R. 19 E., unsurveyed,
Sec. 26, E½NW¼NW¼, W½NW¼NE¼NW¼.

War Creek Guard Station

T. 33 N., R. 20 E., unsurveyed,
Sec. 7, S½SE¼SW¼.

Wer Creek Campground

T. 33 N., R. 20 E., unsurveyed,
Sec. 18, N½NE¼NW¼.

Black Pine Lake Campground

T. 33 N., R. 20 E., unsurveyed,
Sec. 36, SE¼SE¼.

Crater Creek Campground

T. 31 N., R. 21 E., unsurveyed,
Sec. 4, SE¼NW¼NW¼.

Foggy Dew Campground and Administrative Site

T. 31 N., R. 21 E., unsurveyed,
Sec. 10, N½NE¼, NE¼NW¼.

Nice Campground

T. 36 N., R. 21 E.,
Sec. 9, NE¼NW¼SW¼.

Falls Creek Campground

T. 36 N., R. 21 E.,
Sec. 12, W½ lot 1.

Flat Forest Campground

T. 36 N., R. 21 E.,
Sec. 15, SW¼SW¼SE¼.

Buck Lake Campground

T. 36 N., R. 21 E.,
Sec. 22, S½SE¼NW¼, N½NE¼SW¼.

Memorial Campground

T. 36 N., R. 21 E.,
Sec. 35, W½ lot 3.

Honeymoon Campground

T. 37 N., R. 21 E., unsurveyed,
Sec. 19, E½SE¼NW¼.

Ruffed Grouse Campground

T. 37 N., R. 21 E., unsurveyed,
Sec. 30, SE¼NE¼SE¼.

Camp Four Campground

T. 37 N., R. 22 E., unsurveyed,
Sec. 7, E½SE¼SE¼.

Brevicomb Recreation Residence Area

T. 37 N., R. 22 E., unsurveyed,
Sec. 19, SW¼NE¼, NW¼SE¼.

Chewack Campground

T. 37 N., R. 22 E., unsurveyed,
Sec. 30, NE¼NE¼SW¼, NW¼NW¼SE¼, E½SE¼NW¼, W½SW¼NE¼.

Thirty-Mile Campground

T. 38 N., R. 22 E., unsurveyed,
Sec. 1, W½NE¼NE¼.

Lake Creek Campground

T. 38 N., R. 22 E., unsurveyed,
Sec. 30, SW¼SW¼SE¼.

J. R. Campground

T. 33 N., R. 23 E.,
Sec. 1, W½NE¼SW¼, E½NW¼SW¼.

Loup-Loup Ski Bowl

T. 33 N., R. 23 E.,
Sec. 1, W½ lot 4;
Sec. 2, lot 1, SE¼NE¼, N½NW¼SE¼.

Loup-Loup Campground

T. 33 N., R. 23 E.,
Sec. 1, W½ lot 3, E½ lot 4.

Lyda Campground

T. 34 N., R. 23 E.,
Sec. 24, SE¼SE¼SW¼.

Hidden Campground

T. 34 N., R. 23 E., unsurveyed,
Sec. 36, NE¼SW¼NW¼.

Loup-Loup Campground

T. 34 N., R. 23 E., unsurveyed,
Sec. 36, E½SW¼SW¼.

Wagon Camp Campground

T. 35 N., R. 23 E., unsurveyed,
Sec. 1, NE¼SW¼NE¼.

Tiffany Springs Campground

T. 37 N., R. 23 E.,
Sec. 16, NW¼SE¼SE¼.

Tiffany Meadows Campground

T. 37 N., R. 23 E.,
Sec. 21, S½NW¼SW¼.

Thirty-Mile Meadows Campground

T. 38 N., R. 23 E.,
Sec. 16, SE¼NE¼SE¼.

Long Swamp Campground

T. 39 N., R. 23 E.,
Sec. 27, N½NW¼NW¼.

State Road Cabin Campground

T. 35 N., R. 24 E.,
Sec. 34, SE¼SE¼NW¼.

Alder Campground

T. 36 N., R. 24 E.,
Sec. 14, NE¼NW¼SW¼.

Kerr Campground

T. 36 N., R. 24 E.,
Sec. 23, NE¼NE¼NW¼.

Oriole Campground

T. 36 N., R. 24 E.,
Sec. 25, SE¼NW¼NW¼.

Cottonwood Campground

T. 36 N., R. 24 E.,
Sec. 25, SE¼NW¼SE¼.

Salmon Meadows Campground

T. 37 N., R. 24 E.,
Sec. 32, SE¼NE¼SE¼;
Sec. 33, SW¼NW¼SW¼.

Salmon Meadows Recreation Residence Area

T. 37 N., R. 24 E.,
Sec. 33, N½NW¼SW¼.

Daisy Campground

T. 39 N., R. 24 E.,
Sec. 19, SE¼NW¼NE¼.

Sugarloaf Campground

T. 36 N., R. 25 E.,
Sec. 28, E½SW¼NE¼.

Crawfish Campground

T. 35 N., R. 29 E.,
Sec. 33, lot 1.

Lyman Lake Campground

T. 35 N., R. 30 E.,
Sec. 14, SE¼SE¼SE¼;
Sec. 24, lot 4.

Beaver Lake Campground

T. 39 N., R. 30 E.,
Sec. 25, lot 2.

Lost Lake Recreation Area

T. 39 N., R. 30 E.,
Sec. 28, lots 1 and 2, N½NW¼;
Sec. 29, E½NE¼NE¼, NE¼SE¼NE¼.

Sweat Creek Campground

T. 37 N., R. 31 E.,
Sec. 26, S½NE¼NE¼.

The areas described aggregate 1,444.05 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 24, 1964.

[F.R. Doc. 64-1916; Filed, Feb. 27, 1964; 8:47 a.m.]

[Public Land Order 3336]

WASHINGTON

Withdrawal for Forest Service Administrative Site, Recreation Areas and Campgrounds

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the minerals in the following-described national forest lands in the national forests hereafter named, are hereby withdrawn from prospecting, location, entry, and purchase under the mining but not from leasing under the mineral leasing laws of the United States in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites, recreation areas and campgrounds, as indicated:

[Washington 04282]

WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

Rock Island Recreation Area

T. 24 N., R. 15 E.,
Sec. 1, lots 3, 4, 5 and 6.

Soda Springs Recreation Area

T. 27 N., R. 15 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 3, S½SW¼SW¼ and SW¼SE¼SW¼ except patented MS-1298;
Sec. 4, S½SE¼SE¼;
Sec. 9, E½NE¼;
Sec. 10, W½NW¼ and W½E½NW¼ except patented MS-1297 and MS-1298.

The areas described aggregate approximately 404 acres.

[Washington 04808]

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Weatherwax Lookout

T. 21 N., R. 7 W.,
Sec. 4, SW¼ of lot 14.

East Fork Humptulips Campground

T. 21 N., R. 8 W.,
Sec. 7, W½SE¼NE¼ and SE¼SW¼NE¼.

West Fork Humptulips Work Center

T. 21 N., R. 9 W.,
Sec. 2, S½ of lot 6 and lot 11.

Dennie Ahl Lookout

T. 22 N., R. 5 W., partially unsurveyed,
Sec. 13, NW¼NW¼NW¼.

Dennie Ahl Seed Orchard

T. 22 N., R. 5 W.,
Sec. 24, lots 3, 4 and W½SE¼.

Spider Lake Recreation Area

T. 22 N., R. 6 W., unsurveyed,
Sec. 10, SE¼NW¼ and N½SW¼.

Anderson Butte Lookout

T. 22 N., R. 7 W.,
Sec. 22, SW¼NE¼NW¼.

Satsop Guard Station

T. 22 N., R. 7 W.,
Sec. 27, lot 2.

Quinault Natural Area

T. 22 N., R. 9 W., partially unsurveyed,
Sec. 5, W½NW¼;
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼, and SE¼NW¼.

T. 23 N., R. 9 W.,
Sec. 31, lots 1, 2, 3, 4, E½ W½, and E½;
Sec. 32, W½ and W½NE¼.

Neilton Point Relay Station

T. 22 N., R. 9 W.,
Sec. 9, SW¼SE¼.

Chester Ridge Lookout

T. 22 N., R. 9 W., partially unsurveyed,
Sec. 14, S½NE¼NW¼.

Quinault Recreation Area

T. 23 N., R. 9 W.,
Sec. 8, lot 6;
Sec. 9, lots 5, 6 and 7;
Sec. 16, lot 2, NE¼SE¼ and S½SE¼;
Sec. 20, lots 3, 4, 5, SE¼SW¼, SW¼SE¼, S½N½NW¼SE¼, S½NW¼SE¼, and E½E½SE¼;
Sec. 21, lots 1, 2, S½NW¼, NW¼NE¼, and NW¼SW¼;
Sec. 29, NW¼NE¼, NW¼SW¼ and NW¼;
Sec. 30, lots 1, 3, 4, SE¼NE¼, and SE¼.

Higley Peak Lookout

T. 23 N., R. 10 W.,
Sec. 1, SW¼SE¼NE¼.

Salmon River Work Center

T. 23 N., R. 11 W.,
Sec. 1, NE¼NW¼NW¼ and NW¼NE¼NW¼.

Lena Creek Campground

T. 24 N., R. 4 W., partially unsurveyed,
Sec. 2, S½SE¼NW¼ and N½NE¼SW¼.

Jefferson Lookout

T. 24 N., R. 4 W., unsurveyed,
Sec. 11, SW¼SW¼NE¼ and NW¼NW¼SE¼.

Elk Lake Campground

T. 24 N., R. 4 W., unsurveyed,
Sec. 13, NW¼NW¼SE¼, NE¼NE¼SW¼, SE¼SE¼NW¼, and SW¼SW¼NE¼.

Jefferson Lake Campground

T. 24 N., R. 4 W., unsurveyed,
Sec. 21, NW¼NE¼ and N½SW¼NE¼.

Webb Lookout

T. 25 N., R. 3 W., partially unsurveyed,
Sec. 35, NW¼SW¼NE¼ and NE¼SE¼NW¼.

Lena Lake Campground

T. 25 N., R. 4 W., unsurveyed,
Sec. 26, S½NE¼SW¼ and SE¼SW¼.

Corrigenda Ranger Station Administrative Site Addition

T. 26 N., R. 3 W.,
Sec. 24, NE¼SW¼SE¼ and W½SE¼SE¼.

Jupiter Lookout

T. 26 N., R. 3 W., unsurveyed,
Sec. 33, SE¼NW¼NE¼ and SW¼NE¼NE¼.

Falls View Campground

T. 27 N., R. 2 W., partially unsurveyed,
Sec. 33, E½SE¼NE¼;
Sec. 34, S½NW¼NW¼, N½SW¼NW¼ and SW¼SW¼NW¼.

Walker Mountain Lookout, Observation, and Picnic Site

T. 27 N., R. 2 W.,
Sec. 34, SE¼SE¼NE¼ and NE¼NE¼SE¼;
Sec. 35, SW¼SW¼NW¼, N½NW¼SW¼ and SE¼NW¼SW¼.

Upper Hoh Guard Station and Campground

T. 27 N., R. 11 W.,
Sec. 28, SW¼SW¼NW¼;
Sec. 29, lot 1 and SE¼SE¼NE¼.

Mt. Zion Lookout

T. 28 N., R. 3 W., unsurveyed,
Sec. 13, E½SW¼NW¼ and W½SE¼NW¼.

East Crossing Campground

T. 28 N., R. 3 W., unsurveyed,
Sec. 6, NW¼NE¼.
T. 29 N., R. 3 W., partially unsurveyed,
Sec. 31, SE¼SE¼.

Calawah Work Center

T. 28 N., R. 12 W.,
Sec. 6 lot 4.

Slab Campground

T. 29 N., R. 4 W., unsurveyed,
Sec. 33, E½SW¼NE¼.

Hyas Lookout

T. 29 N., R. 11 W., unsurveyed,
Sec. 33, N½NE¼NW¼.

Deep Creek Guard Station

T. 30 N., R. 11 W., partially unsurveyed,
Sec. 13, SE¼NE¼.

North Point Lookout, Observation, and Picnic Site

T. 30 N., R. 11 W., partially unsurveyed,
Sec. 23, SE¼NE¼.

Snider Ranger Station Administrative Site Addition

T. 30 N., R. 11 W.,
Sec. 28, NE¼SW¼NE¼ and SE¼NW¼SE¼.

The areas described aggregate approximately 3,963 acres.

[Washington 04809]

WILLAMETTE MERIDIAN

SNOQUALMIE NATIONAL FOREST

Rapid River Campground

T. 27 N., R. 12 E.,
Sec. 29, E½W½SE¼NW¼, E½SE¼NW¼, E½W½NE¼SW¼ and E½NE¼SW¼.

Mill Site Campground

T. 28 N., R. 11 E.,
Sec. 20, N½NE¼SE¼ and N½S½NE¼SE¼;
Sec. 21, N½N½NW¼SW¼ and N½NE¼NE¼SW¼.

The areas described aggregate approximately 105 acres.

The total area described in this order is 4,472 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 24, 1964.

[F.R. Doc. 64-1917; Filed, Feb. 27, 1964; 8:47 a.m.]

[Public Land Order 3337]

[BLM 072726]

ARKANSAS

Withdrawal for Recreation Area and Preservation and Development of a Natural Cave; Half Mile Cave

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described lands in the Ozark National Forest, Arkansas, are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service for utilization of the surface as a recreation area and for the preservation and development of a natural cave of scientific and public recreational values:

FIFTH PRINCIPAL MERIDIAN

T. 15 N., R. 11 W.,
Sec. 5, Fr'l NW¼ and W½SW¼;
Sec. 6, Fr'l E½, fr'l NW¼ and fr'l NE¼SW¼.
T. 16 N., R. 11 W.,
Sec. 32, SE¼SW¼.

The areas described aggregate 778.05 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 24, 1964.

[F.R. Doc. 64-1918; Filed, Feb. 27, 1964; 8:47 a.m.]

[Public Land Order 3338]

[Los Angeles 0165220]

CALIFORNIA

Withdrawal for Forest Service Administrative Sites, Public Service Sites, and for Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the minerals in the following-described national forest lands in the Los Padres National Forest are hereby withdrawn from prospecting, location, entry, and purchase under the mining laws of the United States, but not from leasing under the mineral leasing laws, in aid of programs of the Forest Service, Department of Agriculture, for utilization of the surface as administrative sites, public service sites, and for recreation areas:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 18 W.,
Sec. 6, SW¼W½ of lot 11;
Sec. 10, NE¼SW¼;
Sec. 22, E½NE¼SW¼;
Sec. 32, SW¼NW¼NW¼.
T. 7 N., R. 19 W.,
Sec. 7, SE¼NE¼;
Sec. 30, lot 3;
Sec. 33, SW¼SW¼NW¼.
T. 8 N., R. 19 W.,
Sec. 11, SW¼;
Sec. 14, NW¼.
T. 4 N., R. 20 W.,
Sec. 7, NE¼NE¼NW¼, and SE¼SE¼.
T. 6 N., R. 20 W.,
Sec. 31, NW¼ of lot 3, S½NE½, S½NW¼SE¼, and N½N½SE¼.
T. 7 N., R. 20 W.,
Sec. 25, NE¼SE¼;
Sec. 26, SW¼NE¼SW¼.
T. 8 N., R. 20 W.,
Sec. SW¼SW¼;
Sec. 14, SE¼SE¼SW¼, and S½SW¼SE¼;
Sec. 23, NE¼NE¼NW¼, and N½SW¼NE¼.
T. 9 N., R. 20 W.,
Sec. 32, S½NW¼NE¼, N½S½NE¼, and S½NE¼NE¼;
Sec. 33, N½SW¼NW¼, NW¼SE¼NW¼, and S½NW¼NW¼.

T. 4 N., R. 21 W.,
Sec. 11, SE¼NW¼NW¼, and NE¼SW¼NW¼.
T. 5 N., R. 21 W.,
Sec. 2, NE¼SE¼SE¼;
Sec. 5, NE¼E½ of lot 5.
T. 6 N., R. 21 W.,
Sec. 3, SW¼NW¼SW¼;
Sec. 4, lot 1, and S½SW¼NW¼;
Sec. 9, N½NW¼SW¼, NW¼NE¼SW¼, and S½SW¼NW¼;
Sec. 17, SE¼SW¼;
Sec. 36, SW¼NE¼SW¼.
T. 3 N., R. 21 W.,
Sec. 4, E½NE¼SW¼, and NE¼SE¼.
T. 9 N., R. 21 W.,
Sec. 23, S½SE¼SE¼;
Sec. 26, N½NE¼NE¼;
Sec. 34, S½SW¼, SW¼SE¼, E½SE¼SE¼, SE¼NE¼NE¼, and NE¼SE¼NE¼;
Sec. 35, SW¼NW¼NW¼, and NW¼SW¼SW¼.
T. 5 N., R. 22 W.,
Sec. 6, lots 6, 7, 9, 10 and 11.
T. 6 N., R. 22 W.,
Sec. 14, NW¼NW¼NE¼;
Sec. 25, NW¼NE¼NW¼, and NW¼NW¼SW¼;
Sec. 36, E½E½SW¼SW¼, and SW¼SE¼SW¼.
T. 9 N., R. 22 W.,
Sec. 15, E½SE¼;
Sec. 26, SW¼, and S½NW¼;
Sec. 27, E½SE¼, and SW¼SE¼.
T. 4 N., R. 23 W.,
Sec. 6, S½NE¼SE¼, N½SW¼SE¼, NW¼SE¼, and SE¼SE¼;
Sec. 7, lot 6.
T. 5 N., R. 23 W.,
Sec. 15, SW¼NE¼, NW¼SE¼, and E½SW¼;
Sec. 35, SW¼SW¼.
T. 6 N., R. 23 W.,
Sec. 3, NW¼NE¼SW¼;
Sec. 5, NE¼SW¼NE¼;
Sec. 18, NW¼ of lot 2, and NE¼NW¼SW¼;
Sec. 25, NE¼SW¼NE¼;
Sec. 36, E½SE¼.
T. 7 N., R. 23 W.,
Sec. 23, SW¼SE¼SW¼;
Sec. 27, NW¼NE¼NW¼;
Sec. 36, SW¼SW¼SE¼.
T. 9 N., R. 23 W.,
Sec. 9, NW¼SE¼NE¼SW¼, E½SE¼NE¼SW¼, and NE¼NE¼SW¼.
T. 5 N., R. 24 W.,
Sec. 12, SE¼SE¼SE¼;
Sec. 15, SE¼SE¼NW¼;
Sec. 21, N½SE¼NE¼SE¼, and S½NE¼NE¼SE¼.
T. 6 N., R. 24 W.,
Sec. 4, SW¼NE¼, S½NW¼, and W½SE¼;
Sec. 13, NE¼SE¼NE¼.
T. 7 N., R. 24 W.,
Sec. 3, lot 2.
T. 8 N., R. 24 W.,
Sec. 34, SE¼SW¼NW¼, NE¼SW¼, E½NW¼SW¼, and E½SE¼SW¼.
T. 9 N., R. 24 W.,
Sec. 19, lots 13, 15, and 24 to 30 inclusive.
T. 7 N., R. 26 W.,
Sec. 1, E½SW¼, and W½SE¼.
T. 8 N., R. 26 W.,
Sec. 33, NE¼NW¼, N½NE¼, and N½SE¼NE¼;
Sec. 34, N½SW¼NW¼, and S½NW¼NW¼.
T. 6 N., R. 27 W.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼;
Sec. 29, NW¼SW¼NW¼;
Sec. 31, W½ of lot 1, and W½ of lot 2.
T. 7 N., R. 27 W.,
Sec. 19, E½SE¼, and W½SW¼.
T. 9 N., R. 27 W.,
Sec. 6, lots 6, 7, and E½SW¼.
T. 10 N., R. 28 W.,
Sec. 17, W½W½;
Sec. 18, E½E½.
T. 6 N., R. 29 W.,
Sec. 32, SE¼SE¼SW¼.
T. 7 N., R. 29 W.,
Sec. 11, S½NW¼SW¼;
Sec. 15, SE¼NE¼SW¼.
T. 8 N., R. 29 W.,
Sec. 16, NW¼SE¼;
Sec. 20, S½NE¼;
Sec. 21, S½S½NW¼, N½N½SW¼, and S½NE¼SW¼;
Sec. 30, S½ of lot 3, lot 4, SW¼NE¼SW¼, and W½SE¼SW¼;
Sec. 31, lots 1 and 2;
Sec. 34, E½SW¼NE¼, SW¼SE¼NE¼, and NW¼NE¼SE¼.
T. 9 N., R. 29 W.,
Sec. 33, lot 4, and E½SE¼;
Sec. 34, NW¼SW¼SW¼, and SW¼NW¼SW¼.
T. 8 N., R. 30 W.,
Sec. 25, S½ of lot 3, S½SE¼SW¼, W½SE¼, SE¼SE¼, and NE¼SE¼;
Sec. 36, N½NE¼, and NE¼NW¼.
T. 10 N., R. 30 W.,
Sec. 6, lot 7;
Sec. 7, N½ of lot 1;
Sec. 31, lots 3, 4, and E½ SW¼.
T. 11 N., R. 30 W.,
Sec. 9, E½NE¼SE¼;
Sec. 10, N½NW¼SW¼.
T. 10 N., R. 31 W.,
Sec. 13, N½NW¼NW¼;
Sec. 14, NE¼NE¼NE¼;
Sec. 17, W½NW¼SE¼, and NE¼SW¼.
T. 11 N., R. 31 W.,
Sec. 23, NE¼NW¼;
Sec. 26, NE¼NW¼, NE¼SW¼, and S½SW¼.

The areas described aggregate 5,857.70 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

FEBRUARY 24, 1964.

[F.R. Doc. 64-1919; Filed, Feb. 27, 1964; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wild turkeys, gobblers only. The hunting of upland game species, as may be otherwise authorized by Kentucky State regulations, is prohibited.

(b) Open season: April 23, 25, and 27, 1964. Hunters will be permitted to enter the hunting area at 5:00 a.m. and must be out by 11:00 a.m. Total season kill limited to 25 gobblers.

(c) Daily bag limits: One wild turkey gobbler per hunter for the season. A successful hunter cannot assist any other hunter in taking a turkey.

(d) Methods of Hunting: Shotguns only, not larger than 12 gauge. Slugs prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. During the open season hours specified in (b) above, bobcats, woodchucks, grey foxes, crows and feral cats, which are not protected by State regulations, may be taken without limit on the area designated as open to hunting.

3. A successful hunter must check out at Refuge Headquarters or other designated station.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to April 28, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 28, 1964.

[F.R. Doc. 64-1929; Filed, Feb. 27, 1964; 8:49 a.m.]

PART 33—SPORT FISHING

Wildlife Refuges in Louisiana, Georgia, North Carolina and Virginia

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Louisiana, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 28,000 acres or 90 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass, yellow bass, white bass, crappie, and sunfish and other minor species as permitted by State regulations.

(b) Open season: March 15, 1964, through October 15, 1964. From 45 minutes before sunrise to 45 minutes after sunset.

(c) Daily creel limits: Black bass 15, yellow bass 25, white bass 25, crappie 50, sunfish 100. Other creel limits for minor species are as prescribed by State regulations.

(d) Methods of fishing:

(1) Rod and reel, pole and line, artificial and live baits permitted.

(2) Boats with outboard motors no larger than 7½ horsepower permitted in refuge impoundments. No size restrictions on motors in canals and streams.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) Entry to Lacassine Pool is restricted to the four roller-ways provided.

(3) Boats may not be left inside the Lacassine Pool overnight.

(4) Entry to fishing areas is restricted to waterways only.

(5) A Federal permit is not required to enter the public fishing area.

(6) The provisions of this special regulation are effective to October 16, 1964.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 8 acres or .0002 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Largemouth black bass, bream and other minor species as permitted under State regulations.

(b) Open season: March 1, 1964, through October 31, 1964. During daylight hours only.

(c) Daily creel limits: Largemouth black bass 15, bream 50; other species as permitted by State regulations. Total aggregate not more than 50 fish in one day.

(d) Methods of fishing:

(1) Pole and line, rod and reel, artificial and live bait (except live minnows) permitted.

(2) Row boats, canoes, and other floating devices permitted. Boats with motors prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to November 1, 1964.

NORTH CAROLINA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, North Carolina, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 570 acres or 5 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass (largemouth, smallmouth, Kentucky or spotted and striped); Eastern Pickerel (chain pickerel or jack); White Bass; Panfish (crappie, rock bass, bluegill, yellow perch, white perch, sunfish) and other minor species as permitted by State regulations.

(b) Open season: March 16, 1964, to and including October 14, 1964, except Corey's Ditch and the canal adjacent to the Knott's Island Causeway which are open through December 31, 1964.

(c) Daily creel limits: Bass (largemouth, smallmouth, spotted) 8 (in aggregate); Striped Bass 25; Eastern Pickerel, White Bass and Panfish no limit. Other minor species are as prescribed by State regulations.

(d) Methods of fishing: Pole and line, rod and reel, artificial and live baits permitted. The use of nets, trotlines and set hooks for the taking of game fish is prohibited. Boats and motors, without size limitations, permitted except in areas posted as closed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to January 1, 1965.

VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, Virginia, is permitted only on the areas designated by signs as open to fishing. This open area, comprising 150 acres or 18 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Georgia, 30323. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Bass (largemouth, smallmouth, Kentucky or spotted and striped); Eastern Pickerel (chain pickerel or jack); White Bass; Panfish (crappie, rock bass, bluegill, yellow perch, white perch, sunfish) and other minor species as permitted by State regulations.

(b) Open season: March 16, 1964, to and including October 14, 1964. Daylight hours only.

(c) Daily creel limits: Bass (largemouth, smallmouth, spotted, striped) 8 (in aggregate); White Bass 25; Eastern Pickerel 8; Panfish 25 (in aggregate). Other minor species as permitted by State regulations.

(d) Methods of fishing: Pole and line, rod and reel, artificial and live baits permitted. The use of nets, trotlines and set hooks for the taking of game fish is prohibited. Boats and motors, without size limitations, permitted in areas except posted as closed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 15, 1964.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-1920; Filed, Feb. 27, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

BREAD

Notice of Proposal To Amend Identity Standard To List Carrageenan (or Salts of) as Optional Ingredient

Notice is given that a petition has been filed by Marine Colloids, Inc., 24 State Street, New York 4, New York, proposing an amendment of the standard of identity for bread (21 CFR § 17.1) to permit the optional use of carrageenan or salts of carrageenan in an amount not to exceed 0.81 percent by weight of the nonfat milk solids used in the bread. Grounds set out in the petition to support the amendment requested are that carrageenan and the salts of carrageenan when used as proposed facilitate the addition of increased quantities of nonfat milk solids in bread, and that the addition of nonfat milk solids in bread is advantageous to consumers from considerations of nutrition, flavor, and texture. The proposed amendment is to add the following new sentence to the end of paragraph (a) (2) of § 17.1 *Bread, white bread, and rolls* * * *: "Whenever nonfat milk solids in any of the forms referred to in this subparagraph are used, carrageenan or salts of carrageenan (conforming to the requirements of §§ 121.1066 and 121.1067 of this chapter) may be used in a total quantity not in excess of 0.81 percent by weight of such nonfat milk solids."

Because of cross-references, adoption of the proposed amendment to the basic standard for bread (§ 17.1) would have the effect of making carrageenan and the salts of carrageenan permitted ingredients of enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2 to 17.5, inclusive).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 20, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1926; Filed, Feb. 27, 1964; 8:49 a.m.]

[21 CFR Part 130]

NEW DRUGS

Required Records and Reports

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701, 52 Stat. 1053, 1055 as amended; 59 Stat. 463 as amended; 21 U.S.C. 355, 357, 371) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), proposes to revise and amend certain portions of Part 130–New Drugs as set forth below, and hereby invites all interested persons to submit written views and comments regarding the proposed revision. Such views and comments should be submitted preferably in triplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

1. It is proposed to add to Part 130 the following new section:

§ 130.35 Records and reports on new drugs and antibiotics for use by man for which applications or certification forms 5 and 6 became effective or were approved prior to June 20, 1963.

(a) Each applicant holding a new-drug application or supplement for a drug for human use approved prior to June 20, 1963, and each person holding an approved form 5 or 6 for an antibiotic drug for human use prior to June 20, 1963, shall report the following information within 30 days from the effective date of this order:

(1) Whether the drug was marketed and whether it is currently marketed.

(2) If the drug was marketed and marketing has been discontinued, the date and reason for discontinuing its marketing.

(b) Each applicant holding a new-drug application or supplement for a drug for human use approved prior to June 20, 1963, and each person holding an approved form 5 or 6 for an antibiotic drug for human use prior to June 20, 1963, shall report the following information with respect to each drug currently marketed within 90 days from the effective date of this order:

(1) A copy of the label on the package of the drug and of the package insert or brochure bearing directions or information for use of the article.

(2) If the label, brochure, or package insert is not the same as the one in the effective or approved new-drug application and its supplements, if any, or in the approved form 5 or 6, the applicant shall also report what changes have been made and why they were made, and shall submit the data supporting such changes.

(3) The applicant shall review or cause to be reviewed the label, brochure, and package insert and shall submit a statement, signed by a responsible officer or employee, whether the label, brochure, or package insert fairly reflects the clinical experience reported to or otherwise received by the applicant.

(4) The applicant shall also review or cause to be reviewed the promotional material currently in use, including labeling and advertising, and shall submit a statement, signed by a responsible officer or employee, whether all such promotional material accords with the labeling in the approved or effective new-drug application and its supplements, if any, or in the approved antibiotic form 5 or 6. Copies of representative labeling and advertising shall be attached.

(5) If the promotional material is not in accord with the labeling in the approved or effective new-drug application and its supplements, if any, or in the approved form 5 or 6, the applicant shall report the differences, why they exist, and shall submit the data supporting any differences.

(6) If clinical experience reported to or otherwise received by the applicant or the promotional material currently in use indicates the need for change in claims for effectiveness or in side effects, warnings, or contraindications, the applicant shall submit a supplement proposing such changes in his application.

(7) If the clinical or other experience reported to or otherwise obtained by the applicant has revealed any information concerning any mix-up in the drug or its labeling with another article; any bacteriological or any significant chemical, physical, or other change or deterioration of the drug; or any failure of one or more batches to meet specifications established in the new-drug application or in the antibiotic regulations; any information concerning any unexpected side effect, injury, toxicity, or sensitivity reaction or any unexpected incidence or severity thereof, or any side effect, injury, toxicity, or sensitivity reaction which by kind or incidence is not fully disclosed in the labeling, whether or not determined to be attributable to the drug, this information shall be submitted as soon as the review reveals such facts. Such information shall include full reports of all available information with respect to any deaths associated with use of the drug, whether or not determined to be attributable to the drug.

(c) Such reports shall be addressed to the Secretary, Department of Health, Education, and Welfare, for the Commissioner of Food and Drugs, Washington, D.C., 20204, and shall be distinctly marked "New Drug (or Antibiotic) Report," together with the applicable new-drug application number or antibiotic account number on the envelope.

(d) Each such applicant shall assemble and maintain for inspection all records in his possession or available to him containing any of the kinds of information described in § 130.13(a).

(e) After the submission of the initial reports required by paragraphs (a) and (b) of this section, each such applicant shall, not later than each anniversary date of the effectiveness of the new-drug application or initial antibiotic form 5 or 6 approval, submit reports of the kinds required by § 130.13(b)(3).

(f) Each applicant shall continue to submit all information reported to or received by him of the kinds required by § 130.13(b) (1) and (2) as required in that section.

(g) Failure to make the reports required by paragraphs (a) and (b) of this section will be followed by written notice to the holder of the application and publication of such notice in the FEDERAL REGISTER, furnishing an opportunity for a hearing on a proposal to withdraw approval of the application. Any interested person who may be adversely affected by such an order may respond to such notice and avail himself of an opportunity to participate in such a hearing. This will allow any person distributing a drug that was covered by an application held by a person who did not make the required reports an opportunity to show cause why approval of the application should not be withdrawn and marketing of the drug discontinued.

(h) Reports showing that a new drug was not marketed or has been discontinued will be followed by publication in the FEDERAL REGISTER of a notice of a proposal to withdraw approval of such application, giving any interested person who would be adversely affected by such an order an opportunity to respond and avail himself of a hearing prior to the issuance of such order. This will allow any person distributing a new drug that was covered by an application held by a person who did not market the drug or who has abandoned marketing of the drug an opportunity to show cause why approval of the application should not be withdrawn and why marketing of the drug should not be discontinued.

(i) Exemptions from annual reporting will be considered on the basis of petitions therefor, giving reasons why annual reporting is not required to protect the public health. No exemption will be allowed from the reporting requirements of paragraph (f) of this section and of § 130.13(b) (1) and (2).

2. It is proposed to amend § 130.13 as follows:

a. By adding to paragraph (a) the following new subparagraph (6):

§ 130.13 Records and reports concerning experience on drugs for which an approval is in effect.

(a) * * *

(6) Information concerning the quantity of the drug distributed and used, in a manner and form that facilitates estimates of the incidence of any adverse effects reported to be associated with the use of the drug.

* * * * * *

b. By changing the second sentence in paragraph (b)(2)(i) to read: "'Unexpected' as used in this subdivision refers to conditions or developments not previously submitted as part of the new-drug application or not encountered during clinical trials of the drug, or conditions or developments occurring at a rate higher than shown by information previously submitted as part of the new-drug application, or than encountered during such clinical trials."

c. By adding to § 130.13 a new paragraph (g) reading as follows:

(g) The "applicant" required to establish and maintain records and make reports required by this section and under the regulations in § 130.35 includes any person whose name appears on the labeling of the drug as its manufacturer, packer, or distributor or who is engaged in the manufacturing, processing, packing, or labeling of the drug under an approval of the application or any supplement to it; *Provided, however,* That in order to avoid unnecessary duplication in the submission of reports any such applicant's obligation to submit a report may be met by its submission on his behalf, designated as such, by another person responsible for reporting.

3. It is proposed to change the third sentence in paragraph (a) of § 130.14 *Contents of notice of hearing* to read as follows: "The notice of hearing will be published in the FEDERAL REGISTER and will specify that the applicant has 30 days after issuance of the notice within which he is required to file a written appearance electing whether:".

Dated: February 25, 1964.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 64-1947; Filed, Feb. 27, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket No. 63-EA-77]

RESTRICTED AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 73 [New] and 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Department of the Army has requested the designation of a circular restricted area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W. The area would extend upward from the surface to 2,000 feet MSL and would replace the existing controlled firing area at the same location.

The area is proposed to accommodate the disposal of various types of loaded ammunition which has become unsafe through deterioration or obsolescence. The ammunition can be expected to burn without detonating, however, the possibility of uncontrolled detonation does exist. In such instance, flying fragments, rocks, etc., would not exceed an altitude of 1,830 feet MSL. The ceiling and visibility restrictions imposed by the existing controlled firing area tend to limit a more extensive and increased operational requirement which is programmed by the Department of the Army.

Establishment of this restricted area would not affect IFR traffic because minimum enroute altitudes for overlying airways Victor 34 and Victor 14 are 3,500 feet and 4,200 feet respectively.

If the proposed action is taken, § 73.52 would be amended by adding the following:

R-5207 Romulus, N.Y.
Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1815 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N.Y.

The restricted area would coincide with portions of low altitude Federal airways V-14 and V-34. Accordingly, it is proposed to amend their descriptions so as to exclude those portions which would lie within R-5207.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1899; Filed, Feb. 27, 1964; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-6]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 82 is presently designated in part from the Erie, Pa., VORTAC to the Albany, N.Y., VORTAC.

The FAA is proposing to alter this segment of J-82 by redesignating it from the Erie VORTAC via the Ithaca, N.Y., VOR to the Albany VORTAC. Such action would provide more precise navigational guidance on this segment of J-82 without increasing airway distance. There would be no requirement for the designation of the Ithaca VOR as a compulsory high altitude reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1900; Filed, Feb. 27, 1964; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-WE-128]

JET ROUTE

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 96 extends from the Seattle, Wash., VORTAC to the United States/Canadian Border toward the Kimberley, B.C., Canada, radio range. The Federal Aviation Agency is considering the revocation of J-96 because a gap in usable navigational signals exists between the Seattle VORTAC and the Kimberley radio range.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1901; Filed, Feb. 27, 1964; 8:45 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 63-WA-24]

JET ADVISORY AREA

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, which would extend the nonradar jet advisory area associated with jet route No. 38 to include flight levels 390 and 410.

In § 75.200 of the Federal Aviation Regulations Jet Route No. 38 jet advisory area is presently designated as:

Nonradar. From United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and FL 370 only.

The FAA proposes to designate Jet Route No. 38 jet advisory area as:

Nonradar. From United States/Canadian Border to the positive control area boundary NW of Duluth, Minn., at FL 310 and from FL 370 to FL 410, inclusive.

The increase in jet advisory area would provide additional flight levels where jet advisory service would be available.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. All communications recived within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Regulations and Procedures Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 20, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1902; Filed, Feb. 27, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Dockets 14997, 15002]

CERTIFICATED AIR CARRIERS

Reporting of Indebtedness Data; Supplemental Notice of Proposed Rule Making

FEBRUARY 26, 1964.

The Board, by publication in 29 F.R. 1658 and 29 F.R. 1737 and by circulation

of notices of proposed rule making (EDR-65 dated January 29, 1964 and EDR-66 dated January 30, 1964) gave notice that it had under consideration amendments to Part 241 of its Economic Regulations.

In the case of EDR-65 the Board proposed miscellaneous amendments to Part 241 to simplify, clarify and correct inadequacies in the reporting requirements thereof. In EDR-66 the Board proposed to require reporting of data concerning issues of long-term and short-term debt and major lease obligations.

Certain air carriers which would be substantially affected by the amendments have requested that the time for comments on both notices be extended from February 28 to March 20, 1964 in order that there may be more opportunity for study of the proposals. They state that their financial officers have been occupied in completing the accounting for the calendar year 1963. The year-end reports of the carriers for calendar 1963 are due to be filed with the Board by March 31. If the time for comment on the present notices is extended to March 20 as requested by the carriers, there will be insufficient time for the Board to consider and act on these comments and for the carriers to comply with any new requirement imposed by the Board before March 31. The undersigned finds that good cause has been shown for an extension of time for receipt of comments and an additional three weeks will be allowed. However, the grant of such additional time is without prejudice to the right of the Board in this proceeding to require the reporting of the subject matter covered by EDR-66 for the year 1963.

Accordingly, pursuant to authority delegated under section 7.3C of Public Notice No. PN-15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the proposed amendments to Part 241 until March 20, 1964. All relevant data and information received on or before that date will be considered by the Board before taking action on the proposed amendment. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958; 72 Stat. 743 and 766, 49 U.S.C. 1324 and 1377)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64-1974; Filed, Feb. 27, 1964; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Depredation Order]

DEPREDATING GOLDEN EAGLES

Order Permitting Taking to Seasonally Protect Domestic Livestock in Certain Montana Counties

Pursuant to authority in section 2 of the Act of June 8, 1940 (54 Stat. 250; 16 U.S.C. 668–668d), as amended, and in accordance with regulations under Part 11, Title 50, Code of Federal Regulations, the Secretary of the Interior has authorized the taking of golden eagles without a permit to seasonally protect domesticated livestock during the period from April 1, 1964 through June 30, 1964, in Montana, subject to the following conditions:

1. Golden eagles may be taken without a permit only for the protection of domesticated livestock and only by livestock owners and their agents.

2. Golden eagles may be taken by any suitable means or methods except by the use of poison or from aircraft.

3. Golden eagles or any parts thereof taken pursuant to this authorization may not be possessed, purchased, sold, traded, bartered, or offered for sale, trade, or barter.

4. Taking without a permit is authorized only in the following counties:

Silver Bow.	Powell.
Cascade.	Rosebud.
Yellowstone.	Deer Lodge.
Missoula.	Teton.
Lewis and Clark.	Stillwater.
Gallatin.	Treasure.
Flathead.	Sheridan.
Fergus.	Judith Basin.
Powder River.	Daniels.
Carbon.	Glacier.
Phillips.	Fallon.
Hill.	Sweet Grass.
Ravalli.	McCone.
Custer.	Carter.
Dawson.	Broadwater.
Roosevelt.	Wheatland.
Beaverhead.	Prairie.
Chouteau.	Granite.
Valley.	Meagher.
Toole.	Liberty.
Big Horn.	Park.
Musselshell.	Garfield.
Blaine.	Jefferson.
Madison.	Wibaux.
Pondera.	Golden Valley.
Richland.	Petroleum.

5. Any person taking golden eagles pursuant to this authorization must at all reasonable times, including during actual operations, permit any Federal or State game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 25, 1964.

[F.R. Doc. 64–1921; Filed, Feb. 27, 1964; 8:48 a.m.]

National Park Service

[Order No. 1]

STONES RIVER NATIONAL BATTLEFIELD, TENNESSEE

Administrative Assistant et al.; Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment or Services

1. *Administrative Assistant.* The Administrative Assistant, Stones River National Battlefield, may issue purchase orders not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

2. *Historian and Maintenanceman.* The Historian and Maintenanceman, Stones River National Battlefield, may issue purchase orders not in excess of $300 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1493))

Dated: February 4, 1964.

LAWRENCE W. QUIST,
Superintendent, Stones River National Battlefield.

[F.R. Doc. 64–1932; Filed, Feb. 27, 1964; 8:49 a.m.]

[Order No. 1]

PETERSBURG NATIONAL BATTLEFIELD

Park Ranger; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Park Ranger.* The Park Ranger may issue purchase orders not in excess of $300 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1439))

Dated: February 5, 1964.

JOHN T. WILLETT,
Superintendent, Petersburg National Battlefield.

[F.R. Doc. 64–1933; Filed, Feb. 27, 1964; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

LINCOLN NATIONAL BANK AND TRUST COMPANY OF CENTRAL NEW YORK AND FIRST NATIONAL BANK OF MINOA

Notice of Decision Granting Application To Merge

On December 6, 1963, the $160 million Lincoln National Bank and Trust Company of Central New York, Syracuse, New York, and the $6.3 million First National Bank of Minoa, Minoa, New York, applied to the Comptroller of the Currency for permission to merge under the charter and with the title of the former.

On February 17, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 25, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64–1930; Filed, Feb. 27, 1964; 8:49 a.m.]

Office of Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE AND CARPET WOOL

Importation from Countries Not in Authorized Trade Territory; Applications for Licenses

Reference is made to the December 18, 1963 notice regarding hair of certain animals, cotton and silk waste and carpet wool from certain countries not in the authorized trade territory. Licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the 1964 importation of these commodities produced in the U.S.S.R. or Outer Mongolia will be issued in the same aggregate quantities as in previous years. These quantities, based on 1946 through 1951 importations, are as follows:

	Pounds
Badger hair	200
Camel hair	610,000
Carpet wool	1,800,000
Cotton waste	4,550,000
Goat hair	610,000
Horse mane hair	660,000
Horse tail hair	70,000
Silk waste	435,000
Yak hair	525,000

Licenses will be issued to any person, and will not be limited to persons with a previous history of importation. The following conditions will apply:

(1) Applications must be filed before September 1, 1964 and must be accompanied by a copy of a firm contract with the seller subject only to the obtaining of the necessary license.

(2) No one applicant will be licensed to import more than 25 percent of the total quota for any one commodity. However, more than one contract can be entered into by any applicant, up to the 25 percent limit.

(3) Licenses will be non-transferable and imports may be made only in the name of and for the account of the licensee.

(4) The contract must provide for shipment from the U.S.S.R. If the contract is with a seller in a third country any license issued will require that the goods be shipped directly from the U.S.S.R. to the United States or, if not, that they remain in continuous carriers' custody during the entire period of transshipment.

Licenses will be valid until the date of shipment specified in the contract and will be extended to permit Customs entry and transactions under the letter of credit with respect to goods shipped pursuant to the contract.

Applications for licenses must be filed in duplicate on Form TFAC–1 with the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, 10045. Applications will be considered in the order in which they are received. Persons applying for a license to import more than one commodity should file a separate application for each such commodity.

Since for one reason or another some licenses may expire unused or the full quota of a commodity may not be aplied for by qualified applicants (i.e., by persons who have not reached the 25 percent limit) announcement will be made in the FEDERAL REGISTER on September 15, 1964 of any balances still available for licensing. At that time any person may apply for any portion of an available balance irrespective of the fact that he may have already received licenses to import as much as 25 percent of the quota. Applications for licenses filed after September 15, 1964 are subject to all conditions set forth above other than the 25 percent limit.

Additional information and license application forms may be obtained from the Federal Reserve Bank of New York or from the Office of Foreign Assets Control, Treasury Department, Washington, D.C., 20220.

[SEAL] MARGARET W. SCHWARTZ,
Director, Office of Foreign Assets Control.

[F.R. Doc. 64–1948; Filed, Feb. 27, 1964; 8:50 a.m.]

Office of the Secretary

[T.D. Order 167–60]

[CGFR 64–12]

COMMANDANT, U.S. COAST GUARD

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to authority delegated to me by Treasury Department Order No. 190 (Revision 2), there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary under 40 U.S.C. 319–319c, concerning the granting of easements on real property controlled by the Coast Guard.

The Commandant may assign the performance of these functions to subordinates in the Coast Guard.

Dated: February 17, 1964.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–1931; Filed, Feb. 27, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MEXICAN BORDER PORTS

Examination of Export Declarations

Under the provisions of section 4 of the Administrative Procedure Act, and no useful purpose being served by postponing the effective date of this Order because of the nature and effect of the Order, notice is hereby given that Department of Commerce Order No. 231, issued by the Acting Secretary of Commerce on April 2, 1942, Vol. 7, FEDERAL REGISTER, page 2586, is rescinded. Order No. 231 accorded the privilege of inspecting United States Shipper's Export Declarations to accredited officials of the Mexican Government at United States Customs ports along the United States-Mexican border.

Confidentiality of Shipper's Export Declarations is regulated by the provisions of section 6(c) of the Export Control Act, and § 30.91 of the Foreign Trade Statistics Regulations (applicable to all foreign governments alike) published in the FEDERAL REGISTER of March 16, 1963, 28 F.R. 2556, under the authority of Chapter 9 of Title 13, U.S.C. (76 Stat. 951).

This order is directed to be published in the FEDERAL REGISTER.

LUTHER H. HODGES,
Secretary of Commerce.

FEBRUARY 25, 1964.

[F.R. Doc. 64–1945; Filed, Feb. 27, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY INDUSTRIAL CHEMICALS

Notice of Filing of Petition Regarding Food Additive Disodium EDTA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1330) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corporation, P.O. Box 430, Yonkers, New York, proposing the amendment of § 121.1056(b)(1) to provide for the safe use of disodium EDTA as a color stabilizer in canned black-eye (black-eyed) peas at a level not to exceed 145 parts per million.

Dated: February 20, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–1927; Filed, Feb. 27, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115–2]

NORTH AMERICAN AVIATION, INC.

Piqua Nuclear Power Facility; Notice of Issuance of Amendment to Provisional Operating Authorization

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2, set forth below, to Provisional Operating Authorization No. DPRA–2. The amendment extends the authorization issued to North American Aviation, Inc., to operate the Piqua Nuclear Power Facility for an idditional 6-months' period to August 23, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) Operation of the reactor in accordance with the authorization, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Good cause for extending the expiration date of Provisional Operating Authorization No. DPRA–2 has been shown;

(4) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve sighificant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for amendment dated January 6, 1964, and (2) a related hazards analysis prepared by the Test and Power Reactor Safety Branch of the Division of Licensing and Regulation, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the

Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 20th day of February 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[Authorization No. DPRA-2; Amdt. No. 2]

1. Paragraph 5 of Provisional Operating Authorization No. DPRA-2, as amended, which authorizes North American Aviation, Inc., to operate the Piqua Nuclear Power Facility, located in the City of Piqua, Ohio, at thermal power levels up to 45.5 Mwt is hereby further amended to read as follows:

5. This authorization shall be effective August 23, 1962 and shall expire twenty-four months from the date of issuance unless extended for good cause shown, or upon the earlier issuance of a superseding authorization pursuant to further order of the Commission.

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Director, Division of Licensing and Regulation.

FEBRUARY 20, 1964.

[F.R. Doc. 64-1898; Filed, Feb. 27, 1964; 8:45 a.m.]

[Docket No. 50-217]

GENERAL DYNAMICS CORP.

Notice of Application for Utilization Facility Export License

Please take notice that General Dynamics Corporation, P.O. Box 608, San Diego, California, has submitted an application, dated December 20, 1963, for a license authorizing the export of a 30 kilowatt TRIGA Mark II nuclear reactor to The Johannes Gutenberg University at Mainz in the State of Rheinland-Pfalz, Federal Republic of Germany.

A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 20th day of February 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-1897; Filed, Feb. 27, 1964; 8:45 a.m.]

[Docket No. 50-199]

MANHATTAN COLLEGE CORP.

Notice of Proposed Issuance of Facility License

Notice is hereby given that unless within fifteen days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by Manhattan College Corporation ("Manhattan"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue a facility license substantially in the form set forth below. The proposed license would authorize Manhattan to operate a tank-type nuclear reactor at a maximum steady state power level of 0.1 watt (thermal) on the Manhattan College campus in New York City. Construction of the reactor was authorized by Construction Permit No. CPRR-75 issued August 27, 1963.

Prior to issuance of license the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-75.

The Commission has found that:

(1) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Manhattan is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

(4) Manhattan is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Manhattan is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended.

(5) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application dated June 19, 1962, and supplements thereto dated February 21, 1963, July 8, 1963, September 11, 1963, November 8, 1963, January 24, 1964, and February 5, 1964, (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, and (3) the Technical Specifications referred to as Appendix A to the proposed facility license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 20th day of February 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[Docket No. 50-199]

PROPOSED FACILITY LICENSE

1. This license applies to the tank-type nuclear reactor (known as the Manhattan College Zero Power Reactor (ZPR) and hereinafter referred to as ("the reactor") which is owned by Manhattan College Corporation (hereinafter "Manhattan"), located on the Manhattan College campus, and described in the application dated June 19, 1962, and supplements thereto dated February 21, 1963, July 8, 1963, and February 5, 1964 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses Manhattan College Corporation:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location on the Manhattan College campus in New York City;

B. Pursuant to the Act and Title 10 CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to 3.2 kilograms of uranium 235 as reactor fuel and up to 16 grams of plutonium encapsulated as a plutonium-beryllium neutron source for use in reactor startup; and

C. Pursuant to the Act and Title 10, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Manhattan shall not operate the reactor at steady state power levels in excess of 0.1 watt (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. Manhattan shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests and experiments.* Manhattan may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Manhattan shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility, including, without implied limitation, any possible unsafe condition arisng out of:

a. Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Manhattan shall report to the Commission in writing, within sixty (60) days, significant changes in plant organization and accident analyses, as described in the hazards summary report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, Manhattan shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Manhattan as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight September 30, 1973.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-1938; Filed, Feb. 27, 1964; 8:49 a.m.]

[Docket No. 50-5]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 12, set forth below, to Facility License No. R-2. The license, as previously amended, authorizes The Pennsylvania State University ("the licensee") to possess and operate the nuclear reactor located on the University's campus at University Park, Pennsylvania. The amendment authorizes the licensee to remove approximately 100 feet of the existing security fence surrounding their nuclear reactor facility and permanently relocate the fence approximately 10 feet out from its present location in accordance with the licensee's application for license amendment dated September 20, 1963.

The Commission has found that:

1. Operation of the reactor in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

2. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

3. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment see (1) the hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation and (2) the licensee's application for license amendment dated September 20, 1963, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 20th day of February 1964.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-2; Amdt. 12]

License No. R-2, as amended, which authorizes The Pennsylvania State University to possess and operate the nuclear reactor located on the University's campus at University Park, Pennsylvania, is hereby further amended as follows:

1. The Pennsylvania State University is authorized to remove approximately 100 feet of the existing security fence surrounding their nuclear reactor facility and permanently relocate the fence approximately 10 feet out from its present location in accordance with their application for license amendment dated September 20, 1963.

This amendment is effective as of the date of issuance.

Date of issuance: February 20, 1064.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 64-1939; Filed, Feb. 27, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11278 etc.; Order E-20503]

NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February 1964.

By Order E-15085, dated April 8, 1960, the Board instituted an investigation of the New York-San Juan cargo rates. By subsequent orders[1] various rate proposals in the New York-Puerto Rico market were consolidated with this proceeding.

Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American) have filed motions to expand the scope of the present investigation. Trans Caribbean Airways, Inc. (Trans Caribbean), Delta Air Lines, Inc. (Delta), ADD Air Freight Corporation (ADD), the Commonwealth of Puerto Rico, and Bureau Counsel have filed answers in part supporting and in part opposing said motions.

To the extent that the motions and answers may propose consideration of rates for air freight forwarders, such requests are without merit for the same reasons cited in our Order E-17186, dated July 18, 1961, for denying a similar motion.

Several of the parties urge that the investigation consider the lawfulness of rates to points in Puerto Rico other than San Juan. They also urge consideration of cargo rates between various domestic points and Puerto Rico points which when combined with lower domestic rates may undercut the direct New York-Puerto Rico rates. Specifically Eastern requests consideration of rates between points in the 48 contiguous States and points in Puerto Rico. Pan American and Bureau Counsel request consideration of rates between points on the eastern seaboard and points in Puerto Rico. Delta proposes expansion of the proceeding to include only Miami-San Juan rates insofar as they may be combined with New York-Miami rates to cover the transportation of New York-San Juan cargo. Bureau Counsel also proposes consideration of any single-factor rate between other domestic points and points in Puerto Rico which any party may challenge.

Certain rates between New York and Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, all of the points in Puerto Rico to which certificated service is provided, already are in issue. To the extent that rates between domestic points and points in Puerto Rico may be combined with domestic rates to undercut New York-Puerto Rico rates, they are germane to the issues of this proceeding. Rates between Miami, Washington, Baltimore, Philadelphia, Wilmington, and Newark, on the one hand, and points in Puerto Rico, on the other, in all probability would cover all of the rates which might fall in this category. However, it is contemplated that a rule of construction may be appropriate to maintain the integrity of any rate which may be established in this proceeding.

ADD requests that the Board grant authority for the direct scheduled air carriers, along with the indirect air carriers, to discuss and endeavor to arrive at a solution of the rate problem and to defer further procedural steps in this proceeding until a later date. Since July 8, 1960 (Order E-15521), the Board has recognized the existence of a potential rate war in the New York-Puerto Rico market. To date, a solution to the problem appears no more imminent. Rates suspended by Orders E-20354, dated January 13, 1964, and E-20419, dated January 30, 1964, will become effective upon the expiration of the statutory 180-day period unless action is

[1] E-15521, dated July 8, 1960; E-15851, dated Sept. 29, 1960; E-15997, dated Nov. 4, 1960; E-17856, dated Dec. 21, 1961; E-18086, dated Mar. 7, 1962; E-19679, dated June 13, 1963; E-19850, dated July 24, 1963; E-19894, dated Aug. 9, 1963; E-19905, dated Aug. 15, 1963; E-19986, dated Sept. 5, 1963; E-20354, dated Jan. 13, 1964; E-20419, dated Jan. 30, 1964.

completed before that time. In view of the serious nature of the situation, further delay of the proceeding cannot be permitted. There is nothing to prevent the parties to the investigation, however, from attempting to narrow or resolve the issues within the framework of the proceeding.

Accordingly, it is ordered, That the scope of this investigation be broadened to consider whether the rates, charges, and provisions, applicable to the transportation of air freight by direct scheduled air carriers between New York, Newark, Washington, Baltimore, Wilmington, Philadelphia, and Miami, on the one hand, and Arecibo, Mayaguez, Ponce, Ramey Field, and San Juan, on the other, are, or will be, unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions.

That the motions of Eastern Air Lines, Inc., and Pan American World Airways, Inc., and the answers thereto filed by Trans Caribbean Airways, Inc., Delta Air Lines, Inc., ADD Air Freight Corporation, the Commonwealth of Puerto Rico, and Bureau Counsel, except to the extent granted herein, be denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] — HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 64-1941; Filed, Feb. 27, 1964; 8:49 a.m.]

[Docket Nos. 14688, 14786]

SOCIEDAD AERONAUTICA MEDELLIN, S.A., AND SOCIEDAD AERONAUTICA DE MEDELLIN CONSOLIDADA, S.A., SAM

Notice of Oral Argument

Sociedad Aeronautica, Medellin, S.A., and Sociedad Aeronautica de Medellin Consolidada, S.A. SAM, Docket No. 14688, and Sociedad Aeronautica de Medellin Consolidada, S.A. SAM, Docket No. 14786.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on March 11, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 25, 1964.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 64-1942; Filed, Feb. 27, 1964; 8:50 a.m.]

[Docket No. 14855]

TRANSPORTES AEREOS BENIANOS, S.A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 9, 1964, at 10 a.m., e.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 14, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 20, 1964.

[SEAL] JOSEPH L. FITZMAURICE, *Hearing Examiner.*

[F.R. Doc. 64-1943; Filed, Feb. 27, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-163]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

FEBRUARY 20, 1964.

Take notice that on January 23, 1964, Humble Gas Transmission Company (Applicant), 1700 Commerce Building, New Orleans, Louisiana, filed in Docket No. CP64-163, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station in Adams County, Mississippi, for the sale of gas to Mississippi Gas Corporation for resale within a service area to the southeast of Natchez, Mississippi, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application shows that the initial estimated volume of 4,900 Mcf will be sold annually.

The proposed service will be rendered under Applicant's Rate Schedule G-1 of FPC Gas Tariff, Original Volume No. 1.

The application shows the estimated cost of the proposed facilities to be $1,555.00, which cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 13, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1907; Filed, Feb. 27, 1964; 8:46 a.m.]

[Docket Nos. RI64-617 etc.]

SUNRAY DX OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 19, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 8, 1964.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI64-617	Sunray DX Oil Co., P.O. Box 2039, Tulsa 2, Okla.	95	3	Northern Natural Gas Co. (Blinebry and Tubbs Field, Lea County, N. Mex.) (Permian Basin Area).	$10,171	1-27-64	[3] 4-7-64	9-7-64	[5] 10.7020	[3] [6] 11.7212	
	do	114	5	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Oklahoma-Panhandle Area).	93	1-27-64	[3] 3-21-64	8-21-64	[7] 17.2	[6] [7] 17.6	RI63-57.
	do	135	9	do	51	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-341.
	do	162	8	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).	72	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-341.
	do	165	7	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Oklahoma-Panhandle Area).	136	1-27-64	[3] 3-22-64	8-22-64	17.2	[3] 17.4	RI63-341.
	do	167	6	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Oklahoma-Panhandle Area).	48	1-27-64	[3] 2-27-64	7-27-64	[7] 17.4	[3] [7] 17.6	RI64-66.
	do	170	9	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).	31	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI64-341.
RI64-618	Clark & Cowden Production Co. (Operator), et al., 5551 Yale Boulevard, Dallas, Tex., 75206. Attn: Mr. C. Jack Wilson.	2	3	El Paso Natural Gas Co. (Rio Arriba County, N. Mex.) (San Juan Basin Area).	1,331	1-27-64	[3] 2-27-64	7-27-64	13.0	[3] [8] [10] 14.0577	
RI64-619	Phillips Petroleum Co., Bartlesville, Okla.	326	5	Natural Gas Pipeline Co. of America (Wise County, Tex.) (R.R. District No. 9).	11,310	1-22-64	[4] 2-22-64	7-22-64	[11] [12] 14.25	[8] [11] [12] 15.25	RI61-284.
RI64-620	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	220	9	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).	14	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-338.
	do	202	12	Panhandle Eastern Pipe Line Co. (Enns Area, Texas County, Okla.) (Oklahoma-Panhandle Area).	5,546	1-27-64	[3] 3-22-64	8-22-64	17.2	[3] 17.4	RI63-338.
	do	213	8	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Beaver County, Okla.) (Oklahoma-Panhandle Area).	35	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-331.
	do	215	7	do	114	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-338.
	do	227	7	do	22	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-338.
	do	229	7	do	3	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-338.
	do	242	8	do	233	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-338.
	do	253	5	do	231	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-338.
RI64-621	Humble Oil & Refining Co. (Operator), et al., P. O. Box 2180, Houston 1, Tex.	191	20	Natural Gas Pipeline Co. of America (Southeast Camrick Gasa Pool, Texas County, Okla.) (Oklhoma-Panhandle Area).	4,255	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-330.
	do	256	5	Natural Gas Pipeline Co. of America (Sager and Sims Unit, Beaver County, Okla.) (Oklahoma-Panhandle).	328	1-27-64	[3] 3-21-64	8-21-64	[7] 17.4	[3] [7] 17.6	RI63-339.

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 psia.
[4] Includes partial reimbursement for full 2.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[5] Two-step periodic rate increase.
[6] Subject to downward Btu adjustment.
[7] The stated effective date is the first day after expiration of the required statutory notice.
[8] Pressure base is 15.025 psia.
[10] Includes partial reimbursement for 0.55 percent increase in New Mexico Oil and Gas Emergency School Tax.
[11] Rate subject to upward and downward adjustment for Btu variation from 1,000 Btu and adjustment for pressure variation from 650 lbs. Btu content estimated at 1058.
[12] Rates includes 0.25-cent per Mcf for dehydration paid by buyer to the processor who processes the gas.

Clark & Cowden Production Company (Operator), et al., request an effective date of January 1, 1964, and Phillips Petroleum Company requests an effective date of December 27, 1963, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-1872; Filed, Feb. 27, 1964; 8:45 a.m.]

[Docket No. RP64-17]

CITIES SERVICE GAS CO.

Order Providing for Hearing and Prescribing Procedure

FEBRUARY 24, 1964.

On November 14, 1963, the Secretary of the Army (Army), petitioned this Commission for leave to intervene in Docket No. RP64-9, which involves the determination of just and reasonable rates for Cities Service Gas Company (Cities Service). By order issued this day, the Commission has granted this petition.

The petition alleges that the sales of natural gas by Cities Service to the Army at Fort Leavenworth, Kansas, constitute sales for resale, which are within the jurisdiction of this Commission. These sales have previously been regarded as nonjurisdictional direct sales by both the purchaser and the pipeline. The petition further alleges that the Kansas State Corporation Commission has refused to exercise jurisdiction over such sales.

Since September, 1963, the Army has unsuccessfully attempted to persuade Cities Service to make these sales under the wholesale rates prescribed in Cities Service's jurisdictional Rate Schedules F-2 and I-2. In its answer to the Army's petition for leave to intervene, Cities Service has reiterated its position that the sales involved are direct sales which are beyond the scope of this Commission's jurisdiction and, pursuant to § 1.7(c) of the rules of practice and procedure, has requested that the issue of the jurisdictional character of such sales be severed from Docket No. RP64-9 and decided by declaratory order in a separate proceeding. The Army joins in this request for the institution of a separate proceeding looking toward the issuance of a declaratory order.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a public hearing for the purpose of determining whether the sales of natural gas made by Cities Service to the Army at Ft. Leavenworth, Kansas are within the jurisdiction of this Commission; that this issue be severed from the issues to be decided in Docket No. RP64-9; and that a prehearing conference be convened for the purpose of clarifying and simplifying the jurisdictional problem here presented.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Section 15 thereunder, the rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date fixed by notice from the Presiding Examiner, as hereinafter provided, for the purpose of de-

termining whether the sales of natural gas made by Cities Service to the Army at Ft. Leavenworth, Kansas are within the jurisdiction of this Commission.

(B) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.s.t., on March 10, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of defining the issues, reaching an agreement and stipulation thereon and on any facts relevant to this matter, and, if necessary, to prescribe procedure for the hearing herein, giving effect to the Commission's intent that this matter be expedited.

(C) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure, §§ 1.18 and 1.37(f) (18 CFR 1.8, 1.37), on or before March 4, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1905; Filed, Feb. 27, 1964; 8:46 a.m.]

[Docket Nos. G–4653, etc.]

NETTIE ARMSTRONG ET AL.

Notice of Applications for Certificates, and Petitions To Amend Certificates [1]

FEBRUARY 24, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 23, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G–4653 E 12–16–63	Nettie Armstrong (successor to B. J. Crowley).	Cabot Corp., Sheridan District, Calhoun County, W. Va.	12.0	15.325
G–7670 C 2–17–64	Southern Union Gathering Co.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
G–11479 C 2–13–64	Pan American Petroleum Corp.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	9.0	14.65
G–12496 E 2–10–64	Rex Monahan (successor to Excelsior Oil Corp.).	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	16.0	14.65
G–15604 E 2–13–64	DST Exploration Corp. (successor to Hanley Co. (operator), et al.).	El Paso Natural Gas Co., acreage in Reagan County, Tex.	9.0	14.65
G–18776 E 2–19–64	Ralph L. Dunbar (successor to Robert J. Sipoha, et al., d.b.a. Eastern Interior Oil Co.).	Hope Natural Gas Co., Grant District, Ritchie County, W. Va.	20.0	15.325
G–19233 E 2–13–64	DST Exploration Corp. (successor to Sunac Petroleum Corp.—formerly Stekoll Petroleum Corp.).	El Paso Natural Gas Co., acreage in Midland and Upton Counties, Tex.	15.5	14.65
G–19719 C 2–17–64	Tidewater Oil Co.	Tennessee Gas Transmission Co., South Timbalier area, Bay Marchand Block 2 Field, Offshore Lafourche Parish, La.	19.0	15.025
CI60–352 E 2–14–64	Medallion Oil Co. (successor to Westates Petroleum Co. (operator), et al.).	Texas Eastern Transmission Corp., Rodessa Field, Marion County, Tex.	14.8	14.65
CI63–608 C 2–14–64	Oklahoma Natural Gas Co.	Michigan Wisconsin Pipe Line Co., West Quinlan Field, Woodward County, Okla.	17.0	14.65
CI63–783 C 2–13–64	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., acreage in Ouachita Parish, La.	18.33	15.025
CI63–1457 C 2–18–64	Apache Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
CI64–751 [2] A 12–30–63	Pan American Petroleum Corp. (partial succession).	El Paso Natural Gas Co., Ignacio Field, La Plata County, Colo.	12.0	15.025
CI64–912 A 2–13–64	Caroline Hunt Sands and Loyd B. Sands.	Northern Natural Gas Co., Weaber Unit, Beaver County, Okla.	17.0	14.65
CI64–913 A 2–13–64	Pan American Petroleum Corp.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	14.0	15.025
CI64–914 A 2–13–64	Vienna No. 1	Hope Natural Gas Co., Troy District, Gilmer County, W. Va.	25.0	15.325
CI64–915 A 2–14–64	Weipenn Gas Co., Inc.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI64–916 A 2–17–64	Ginther, Warren & Co.	Natural Gas Pipeline Co. of America, Ann-Mag Field, Brooks County, Tex.	16.0	14.65
CI64–917 A 2–17–64	Pan American Petroleum Corp.	Natural Gas Pipeline Co. of America, Boonesville Field, Jack County, Tex.	[3] 15.144	14.65
CI64–918 A 2–14–64	Phillips Petroleum Co.	ElPaso Natural Gas Co., Dumas Gasoline Plant, Panhandle Field, Moore County, Tex.	17.0	14.65
CI64–919 A 2–18–64	Laurel Oil and Gas Co.	Pennzoil Co., Spencer District, Roane County, W. Va.	15.0	15.325
CI64–920 A 2–18–64	Union Oil Co. of California.	Northern Natural Gas Co., Farnsworth Unit, Ochiltree County, Tex.	15.0	14.65
CI64–921 A 2–6–64	Union Pacific Railroad Co.	Colorado Interstate Gas Co., Patrick Draw Area, Sweetwater County, Wyo.	14.5	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[1] Application previously noticed on Jan. 9, 1964 in Docket Nos. G–3216, et al. at a rate of 13.0 cents, however applicant has amended the application by requesting a rate of 12.0 cents.

[2] Price is subject to BTU adjustment and in addition, buyer shall pay seller 0.25 cents per Mcf for the operation of dehydration facilities.

[F.R. Doc. 64–1903; Filed, Feb. 27, 1964; 8:46 a.m.]

[Docket No. G–4567 etc.]

BERT FIELDS ESTATE

Notice of Petition To Amend

FEBRUARY 20, 1964.

Bert Fields Estate, Docket Nos. G–4567, G–4568, G–4569, G–4570, G–4571, G–4572, G–11473, G–11614, G–13302, G–19601, CI61–422.

Take notice that on January 3, 1964, Bert Fields Estate (Petitioner) filed in the above-docketed proceedings a petition pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said proceedings to substitute Petitioner in lieu of Bert Fields, deceased, as certificate holder, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Protests, requests for hearing, or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Field and location	Purchaser	Initial price [1] per mcf and psia pressure base	Related rate schedule: Number	Related rate schedule: Supplement
G–4567	Bethany Field, Panola County, Tex.	United Gas Pipe Line Co.	10.8876 cents at 14.65 psia.	3 3 4 4	--- 1–7 --- 1–6
G–4568	Carthage Field, Panola County, Tex.	Arkansas Louisiana Gas Co.	12.5666 cents at 14.65 psia.	5 5	--- 1–8
G–4569	North Lansing Field, Harrison County, Tex.	do	12.5541 cents at 14.65 psia.	6 6	--- 1–10
G–4570	Sentell Field, Caddo and Bossier Parishes, La.	do	13.961 cents at 15.025 psia.	7 7	--- 1–8
G–4571	Carthage Field, Panola County, Tex.	Tennessee Gas Transmission Co.	13.6206 cents at 14.65 psia.	2 2	--- 1–5
G–4572	Waskom Field, Harrison County, Tex.	Arkansas Louisiana Gas Co.	11.7438 cents at 14.65 psia.	1 1	--- 1–11
G–11473	Waskom Field, Harrison and Panola Counties, Tex.	Texas Eastern Transmission Corp.	14.6 cents [2] at 14.65 psia.	9 9	--- 1–9
G–11614	Greenwood-Waskom Field, Caddo Parish, La.	do	15.8007 cents [2] at 15.025 psia.	8 8	--- 1–14
G–13302	Trebloc Field, Chickasaw Field, Miss.	do	17.0 cents at 15.025 psia.	10 10	--- 1–3
G–19601	Emperor Deep (Yates) Field, Winkler County, Tex.	West Texas Gathering Co.	11.5 cents [3] at 14.65 psia.	11 11	--- 1
CI61–422	South Blanco-Dakota Field, Rio Arriba County, N. Mex.	El Paso Natural Gas Co.	13.0 cents at 15.025 psia.	12 12	--- 1

[1] Rates include tax reimbursement.
[2] Rate of 15.6 cents per Mcf is suspended until Apr. 16, 1964, in Docket No. RI64–290.
[3] Rate of 16.8263 cents per Mcf is suspended until Apr. 16, 1964, in Docket No. RI64–290.
[4] Rate is in effect subject to refund in Docket No. RI63–366.

[F.R. Doc. 64–1904; Filed, Feb. 27, 1964; 8:46 a.m.]

[Docket No. RP63–8]

HOME GAS CO.

Order Designating Presiding Examiner and Fixing Date for Pre-Hearing Conference

FEBRUARY 24, 1964.

On February 27, 1963, Home Gas Company (Home) tendered for filing tariff sheets [1] comprising its proposed Rate Schedule CDS–EPR (Contract Demand Service—Elective Partial Requirements) which amended its FPC Gas Tariff, Third Revised Volume No. 1, to become effective April 1, 1963. The Commission, by order issued April 1, 1963, as modified by order issued May 1, 1963, suspended these proposed tariff revisions for a period of thirty days and ordered hearing thereon. They became effective on May 1, 1963, subject to refund with interest.

Rate Schedule CDS–EPR would be made available only to those customers of Home obtaining gas from other suppliers. Such partial requirements customers may also elect to take service under Home's Rate Schedule CDS–PR, filed February 25, 1963, in compliance with the Commission's Opinion No. 368, issued November 27, 1962, as modified by order issued January 25, 1963, Docket No. G–16402.[2] Neither schedule provides for a change in rate level.

The CDS–PR schedule provides for minimum monthly and annual commodity charges based upon 80 percent of the number of days' use of a PR customer's contract demand.[3] It further provides for a redetermination of such number of days' use if the Buyer's sales of gas for industrial purposes increase or decrease 10 percent or more.

On the other hand, the proposed CDS–EPR schedule provides for minimum monthly and annual commodity charges based upon 100 percent of the number of days' use of contract demand by partial requirements customers and does not provide for redetermination of such number of days' use to reflect changes in the Buyer's industrial sales.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that a prehearing conference be convened in this proceeding before a Presiding Examiner, hereinafter designated, for the purpose of defining the issues, arriving at a stipulation of noncontroverted facts, establishing dates for the service of testimony and exhibits and of considering such other matters as may be properly dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

The Commission orders:

(A) Presiding Examiner Howell Purdue, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose, shall preside at the hearing of this matter, pursuant to the Commission's rules of practice and procedure.

(B) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner herein designated, shall commence at 10:00 a.m., e.s.t., on March 11, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission, as set forth above.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1906; Filed, Feb. 27, 1964; 8:46 a.m.]

[1] Consisting of Original Sheets Nos. 17, 18, 19, 20, 20A and 20B and Second Revised Sheet No. 55.

[2] This case also involved the CDS–PR Rate Schedules of Atlantic Seaboard Corp. (Docket No. G–16401), Kentucky Gas Transmission Corp. (Docket No. G–16403) and Manufacturers Light and Heat Co. (Docket No. G–16404).

[3] The monthly number of days' use, as defined in Home's CDS–PR rate schedule, is determined by dividing the volume of gas taken in buyer's base month by the contract demand in the base month. The annual number of days' use is determined by dividing buyer's average annual volume of gas taken in the base period by the average contract demand in the base period. However, with respect to Home's PR customers, Orange and Rockland Utilities, Inc., and Central Hudson Gas and Electric Corp., Home was permitted, because of special circumstances, to negotiate the number of days' use in lieu of following the tariff definition, (order modifying and denying application for rehearing of Opinion No. 368, issued Jan. 25, 1963).

[Docket No. G–7149]

IOWA POWER AND LIGHT CO.

Notice of Application

FEBRUARY 24, 1964.

Take notice that on February 14, 1964, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Power and Light Company (Applicant), a corporation organized under the laws of the State of Iowa and doing business in that State with its principal business office at Des Moines, Iowa, seeking an order authorizing the issuance of an additional ½ share of its Common Stock for each share outstanding to holders of record on April 8, 1964. Applicant presently has authority to issue shares pursuant to an Employee Stock Purchase Plan and also seeks authority to increase by the same ratio, the number of shares it is authorized to issue under this plan. According to the Applicant, the "stock split" will increase the number of shares, will broaden the market for the Company's Common Stock, lowering the market price per share and making the stock more attractive to a larger number of investors, and thus will facilitate future common equity financing.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 13th day of March 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–1908; Filed, Feb. 27, 1964; 8:46 a.m.]

[Docket No. CP64-3]

TOWN GAS COMPANY OF ILLINOIS

Notice of Application

FEBRUARY 24, 1964.

Take notice that the Town Gas Company of Illinois (Applicant), P.O. Box 110, Virden, Illinois, filed an application on July 3, 1963, and supplements thereto on December 3 and 17, 1963, in Docket No. CP64-3, pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Company (Panhandle Eastern) to establish physical connection of its transmission facilities with the proposed facilities of, and to sell natural gas to Applicant for distribution and resale in the Village of Middletown, Illinois, and environs thereof, all as more fully set forth in the application, and supplements thereto, on file with the Commission, and open to public inspection.

Applicant proposes to construct and operate a distribution system in the Village of Middletown, as well as 7,637 feet of 4½-inch lateral transmission line connecting the proposed distribution system with the transmission facilities of Panhandle Eastern.

The application and supplements thereto show Applicant's third year peak day and annual natural gas requirements to be 217 Mcf and 26,124 Mcf, respectively.

The total estimated cost of the transmission and distribution facilities for the project is $114,682, of which $100,000 will be financed by the issuance of First Mortgage Bonds bearing 5¾ percent interest.

On January 7, 1964, Panhandle Eastern filed a revised answer to its original answer filed July 25, 1963, and stated it was able and willing to render the requested service to the Applicant.

Protest, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1909; Filed, Feb. 27, 1964; 8:46 a.m.]

[Docket Nos. G-19006, CI64-476]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Findings and Order After Statutory Hearing, Issuing Certificate of Public Convenience and Necessity, Adding Respondent in and Redesignating Rate Proceeding, and Accepting Successor's Agreement and Undertaking

FEBRUARY 20, 1964.

Union Oil Company of California and Ruth I. Penton and D. N. Penton, d.b.a. Penton and Penton, Docket No. G-19006[1]; Ruth I. Penton and D. N. Penton, d.b.a. Penton and Penton (Successor to Union Oil Company of California), Docket No. CI64-476.

On October 18, 1963, Ruth I. Penton and D. N. Penton, d.b.a. Penton and Penton (Applicants), filed in Docket No. CI64-476 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to United Gas Pipe Line Company for resale for ultimate public consumption from the Gordon Field, Beauregard Parish, Louisianna, all as more fully set forth in the application.

Applicants propose to sell natural gas from certain leases, as successors in interest to Union Oil Company of California, pursuant to a contract heretofore designated as Ruth I. Penton and D. N. Penton, d.b.a. Penton and Penton, FPC Gas Rate Schedule No. 2. The subject sale was initially authorized, among others, in Docket No. G-3711.

The effective rate under the predecessor's rate schedule, Union Oil Company of California FPC Gas Rate Schedule No. 30, is 20.25 cents per Mcf at 15.025 psia, inclusive of tax reimbursement, subject to refund in Docket No. G-19006. By an instrument filed November 14, 1963, styled as a Motion to Intervene, Penton and Penton request to be made parties respondent in the proceeding in Docket No. G-19000. Concurrently with the aforementioned motion, Penton and Penton filed an agreement and undertaking in said docket assuming liability to refund any portion of the increased rate found by the Commission not to be justified therein. The assignment of the producing properties to Penton and Penton is effective as of June 1, 1963.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the certificate application has been filed.

At a hearing held on February 13, 1964, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the application and exhibits thereto submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicants, Penton and Penton, will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of the service under the authorization hereinafter granted.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sale by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sale of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(4) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) Applicants should be added as respondents in the rate proceeding in Docket No. G-19006; said docket should be redesignated accordingly; and Applicants' agreement and undertaking should be accepted for filing.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued, upon the terms and conditions of this order, authorizing the sale by Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application and exhibits in this proceeding.

(B) The certificate granted in paragraph (A) above is not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. Nor shall the grant of the certificate aforesaid for service to the particular customer involved imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) Penton and Penton be and are hereby made parties respondent in the pending rate proceeding in Docket No. G-19006 insofar as said proceeding pertains to the sales made from the producing properties assigned to Penton and Penton by Union Oil Company of California, pursuant to Penton and Penton's FPC Gas Rate Schedule No. 2, effective as of June 1, 1963, and said proceeding is hereby redesignated accordingly.

(E) The agreement and undertaking submitted by Penton and Penton on November 14, 1963, in the proceeding in Docket No. G-19006, assuming the obligation to refund any portion of the increased rate collected by Penton and Penton found by the Commission in said proceeding not to be just and reasonable, insofar as the final determination in said proceeding is applicable to Penton and Penton, be and the same is hereby accepted for filing; and any such refunds shall bear interest at the rate of seven percent per annum.

(F) Penton and Penton shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings assuming refund obligations in Docket No. G-19006 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1910; Filed, Feb. 27, 1964; 8:47 a.m.]

[1] Consolidated with Docket No. AR61-2, et al.

[Docket No. CP64-170]

UNITED GAS PIPE LINE CO.

Notice of Application

FEBRUARY 24, 1964.

Take notice that on January 29, 1964, United Gas Pipe Line Company (Applicant) filed an application in Docket No. CP64-170 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following:

Construct 9.7 miles of 30-inch loop beginning at the end of the existing 30-inch loop in Section 52, Township 15 South, Range 15 East, Assumption Parish, Louisiana, and extending in a northwesterly direction parallel to said existing facilities 9.7 miles to the Napoleonville Compressor Station, Section 126, Township 13 South, Range 14 East, Assumption Parish, Louisiana;

all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the facilities described will increase the capacity of its pipe line system in the area described and such increased capacity will be used primarily to meet the requirements of its existing customers. Applicant estimates that the facilities will cost $1,705,320.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1911; Filed, Feb. 27, 1964; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 72]

EAGLE NEST NATIONAL FISH HATCHERY, COLFAX COUNTY, NEW MEXICO

Transfer of Property From United States to State of New Mexico

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated January 16, 1964, that property known as the Eagle Nest National Fish Hatchery, located in Colfax County, New Mexico, and more particularly described in that deed, has been transferred from the United States to the State of New Mexico.

2. The above-described property was transferred to the State of New Mexico for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: February 13, 1964.

WALTER C. MORELAND,
Assistant Commissioner for Real Property, Utilization and Disposal Service.

[F.R. Doc. 64-1940; Filed, Feb. 27, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 25, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38833: *Processed clay to Kerens, Tex.* Filed by O. W. South, Jr., agent (No. A4451), for interested rail carriers. Rates on processed clay, in carloads, from Attapulgus, Ga., and Crossley, Fla., and points taking same rates, to Kerens, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Southern Freight Association, agent, tariff I.C.C. S-206.

FSA No. 38834: *Woodpulp from Cedar Springs, Ga.* Filed by O. W. South, Jr., agent (No. A4452), for interested rail carriers. Rates on woodpulp, not powdered, in carloads, from Cedar Springs, Ga., to points in official (including Illinois) territories.

Grounds for relief: Market competition.

Tariff: Supplement 54 to Southern Freight Association, agent, tariff I.C.C. S-143.

FSA No. 38835: *Woodpulp from Cedar Springs, Ga.* Filed by O. W. South, Jr., agent (No. A4453), for interested rail carriers. Rates on woodpulp, not powdered, in carloads, from Cedar Springs, Ga., to points in western trunk-line territory.

Grounds for relief: Market competition.

Tariff: Supplement 54 to Southern Freight Association, agent, tariff I.C.C. S-143.

FSA No. 38836: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 496), for interested rail carriers. Rates on macaroni, noodles, spaghetti or vermicelli, in carloads, also dodecylbenzene sulfonic acid, in tank car loads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff: Supplement 10 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

FSA No. 38838: *Iron or steel bars from Kansas City, Mo.-Kans.* Filed by Western Trunk Line Committee, agent (No. A-2350), for and on behalf of Chicago, Rock Island and Pacific Railroad Company. Rates on iron or steel bars, in carloads, from Kansas City, Mo.-Kans., to Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 73 to Western Trunk Line Committee, agent, tariff I.C.C. A-4271.

FSA No. 38839: *Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, agent (No. 83), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on

the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 5 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF-I.C.C. 286.

AGGREGATE-OF-INTERMEDIATES

FSA No. 38837: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 497), for interested rail carriers. Rates on macaroni, noodles, spaghetti or vermicelli, and other commodities described in the application, in carloads and tank car loads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 10 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1934; Filed, Feb. 27, 1964; 8:49 a.m.]

[Notice No. 945]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 25, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66504. By order of February 20, 1964, the Transfer Board approved the transfer to Leon Ver Steeg, doing business as Ver Steeg Transfer, Orange City, Iowa, of certificate in No. MC 1285, issued by the Commission May 19, 1961, to Laurence J. Ver Steeg and Leon Dale Ver Steeg, a partnership, doing business as Ver Steeg Transfer and Feed, Orange City, Iowa, authorizing the transportation, over irregular routes, of livestock, grain, hay, and emigrant movables, between Sioux Center, Iowa, and points within 25 miles of Sioux Center, on the one hand, and, on the other points in South Dakota and Nebraska within 100 miles of Sioux Center, and agricultural implements and livestock feeds, from Sioux Falls, S. Dak., to Sioux Center, Iowa, and points within 25 miles of Sioux Center.

No. MC-FC 66529. By order of February 20, 1964, the Transfer Board approved the transfer to Speedway Van Lines, Inc., Warren, Mich., of the operating rights issued by the Commission February 2, 1962, under Certificate in No. MC 21357, to Willard D. Plumley and Marvin A. Wyzlic, a partnership, doing business as Plumley Moving, Royal Oak, Mich., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in Michigan within 125 miles of Detroit, Mich., including Detroit, on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Kentucky, Maryland Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, West Virginia, and Michigan points between the United States and the Dominion of Canada. Ramon S. Regan, 2255 Penobscot Building, Detroit, Mich., attorney for applicants.

No. MC-FC 66541. By order of February 20, 1964, the Transfer Board approved the transfer to Jack C. Turner doing business as Turner Towing Company, Tacoma, Washington, of Certificate in No. MC 117291, issued January 26, 1959, to Jack Turner and George Turner, a partnership, doing business as Turner Towing, Tacoma, Washington, authorizing the transportation of disabled motor vehicles, by use of wrecker equipment only, over irregular routes, from points in Pierce County, Wash., to the port of entry on the United States-Canada boundary line at or near Baline, Washington. Stanley R. King, 630 Rust Building, Tacoma, Wash., attorney for applicants.

No. MC-FC 66563. By order of February 20, 1964, the Transfer Board approved the transfer to Florence Sales Company, a corporation, Florence, S.C., of Certificate in No. MC 116180, issued December 3, 1962, to Warren Sales Co., Inc., Timmonsville, S.C., authorizing the transportation, over irregular routes, of lumber, except plywood and veneer, from points in Darlington and Florence Counties, S.C., to points in Delaware, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia. Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C., attorney for applicants.

No. MC-FC 66595. By order of February 20, 1964, the Transfer Board approved the transfer to Inter City Truck Transportation, Inc., 214 Gratiot Street, St. Louis, Mo., of certificate in No. MC 67098, issued by the Commission June 26, 1942, to L. J. Koeneman, doing business as Koeneman Motor Service, 214 Gratiot Street, St. Louis, Mo., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and plastic cement, flour, and salt, over irregular routes, from St. Louis, Mo., to Alton, Belleville, and Wood River, Ill.

No. MC-FC 66630. By order of February 20, 1964, the Transfer Board approved the transfer to E. H. Guerin, Inc., Cumberland Hill, R.I., of the operating rights issued by the Commission March 30, 1942, under Certificate in No. MC 39670, to Jules J. Guerin, doing business as J. J. Guerin Trucking Company, Woonsocket, R.I., authorizing the transportation, over regular routes, of General Commodities, excluding household goods, and other specified commodities, between Woonsocket, R.I., and Boston, Mass., and woolen and mohair products, silk, and rayon, and materials, supplies, machinery, and equipment, used in the manufacture and distribution of woolen and mohair products, over irregular routes, between Woonsocket and North Smithfield, R.I., on the one hand, and, on the other, Andover, Barre, Chelmsford, Fall River, Haverhill, Lawrence, Lowell, Northbridge, Palmer, Uxbridge, Weymouth, and Worcester, Mass., Hillsboro, Somersworth, and Suncock, N.H., and Broad Brook and Plainfield, Conn., and between Woonsocket and Providence, R.I. Russell B. Curnett, 36 Circuit Drive, Providence, R.I., 02905, Registered Practitioner for applicants. Lewis Z. Lavine, 65 Maine Street, Woonsocket, R.I., attorney for applicants.

No. MC-FC 66636. By order of February 20, 1964, the Transfer Board approved the transfer to Theodore Billert, doing business as Billert's Haulage, Brooklyn, N.Y., of the operating rights issued by the Commission September 19, 1961, under Permit No. MC 123307 to Minnie Billert and Theodore Billert, a partnership, doing business as Billerts Haulage, Rosedale, Long Island, N.Y., authorizing the transportation, over irregular routes, of cleaning, polishing, buffing, metal cutting, metal drawing, rust preventing, and rust and paint removing compounds and solutions, metal coatings, petroleum lubricants, and disinfectants, in containers, from the plant site of Oakite Products, Inc., at or near Metuchen, N.J., to New York, N.Y., and black strap molasses, in containers, from New York, N.Y., to the plant site of Oakite Products, Inc., at or near Metuchen, N.J. Borden, Skidell, Fleck & Steindler, 160-08 Jamaica Avenue, Jamaica 32, N.Y., attorneys for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1935; Filed, Feb. 27, 1964; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

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DEPOSITED BY THE UNITED STATES OF AMERICA

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.113 is revised and new §§ 1.113–1, 1.113–2, 1.115 are added, as follows:

§ 1.113 Code of conduct.

§ 1.113–1 Government personnel.

All governmental personnel engaged in procurement and related activities shall conduct business dealing with industry in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof.

§ 1.113–2 Organizational conflicts of interest.

(a) Department of Defense Directive 5500.10, promulgated June 1, 1963, Subject: Rules for the Avoidance of Organizational Conflicts of Interest, is set forth in Part 141 of this chapter.

(b) The Directive describes examples of various organizational conflicts of interest which might come into being and methods for avoidance of such conflicts. It provides that action must be taken to avoid placing a contractor in a position where his judgment might be biased or where he would have an unfair competitive advantage within the scope and intent of the rules. All prospective contractors in such situations will be advised of the extent of the applicability of these rules by a notice in solicitations and by a clause in resulting contracts. Such contract clause shall spell out the specific extent of any future restrictions on the contractor which are imposed by the contract. A standard form of notice for use in solicitations or contract clause is not prescribed in this subchapter since such notices in solicitations and contract clauses must be especially adapted to apply the principle of these rules to the specific facts of each contractual situation. The rules for avoidance of organizational conflict, as such, do not impose any contractual obligation on the contractor; such obligation is imposed only by the contract clause designed to carry out such rules. The contracting officer shall not impose restrictions on any contractor in reliance on these rules in the absence of a specific contractual agreement with that contractor. This, of course, does not require contract awards in circumstances that demonstrate a clear conflict of interests of a kind specifically not within the scope of the rules. The Military Departments and other Department of Defense Agencies will maintain a record of all such clauses incorporated in contracts and notices in solicitations for a period of time ending 30 June 1964.

§ 1.115 Noncollusive bids and proposals.

(a) In order to promote full and free competition for Government contracts, the following certification shall be included in all (1) invitations for bids and (2) requests for proposals or quotations (other than for small purchases made in accordance with Subpart F Part 3 of this chapter, and other than requests for technical proposals in connection with two-step formal advertising) involving firm fixed-price contracts and fixed-price contracts with escalation.

CERTIFICATION OF NONCOLLUSION (NOV. 1963)

(a) By submission of this bid or proposal, the bidder or offeror certifies in connection with this procurement that:

(1) The price in this bid or proposal has been independently arrived at without collusion with any other bidder or offeror or with any competitor;

(2) Unless otherwise required by law, the price in this bid or proposal has not been knowingly disclosed and will not be knowingly disclosed prior to opening, in the case of a bid, or prior to award, in the case of a proposal, directly or indirectly to any other bidder or offeror or to any competitor; and

(3) No attempt has been or will be made to induce any other person or firm to submit or not to submit a bid or proposal.

(b) The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification.

(c) This certification is not applicable to a foreign bidder or offeror submitting a bid or proposal for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A bid or proposal will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the bid or proposal will not be considered for award unless the bidder or offeror furnishes with the bid or proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that the disclosure was not made with collusive intent.

(b) The authority to make the determination described in paragraph (d) of the above certification shall not be delegated to an official below the level of the head of a procuring activity.

(c) When a certification is suspected of being false or there is indication of collusion, the matter shall be processed in accordance with § 1.111. For rejection of bids which are suspected of being collusive and for the negotiation of procurements subsequent to such rejection, see §§ 2.404–1(b)(7) and 3.215 of this chapter.

2. The last sentence of paragraph (a), § 1.314, is revised, and new §§ 1.322, 1.322–1, 1.322–2, 1.322–3 and 1.322–4 are added, to read as follows:

§ 1.314 Contracting officer's decision under the Disputes clause.

(a) • • •

Rule 4 of the Armed Services Board of Contract Appeals (§ 30.1 of this chapter) requires the contracting officer to advise the contractor of the Optional Accelerated Procedure of the Board (Rule 12) in appeals involving $5,000 or less.

• • • • • •

§ 1.322 Multi-year procurement.

§ 1.322–1 General.

(a) *Policy.* It is the policy of the Department of Defense that multi-year procurements be used to the maximum extent consistent with paragraphs (c) and (d) of this section. Advantages of this method include, for example:

(1) Lower costs;

(2) Enhancement of standardization;

(3) Reduction of administrative burden in the placement and administration of contracts;

(4) Production continuity;

(5) Stabilization of work forces; and

(6) Broadening the competitive base with opportunity for participation by firms not otherwise willing or able to compete for lesser quantities, particularly in cases where high startup costs are involved.

This method of procurement may be suitable for total small business set-asides. Therefore, in any procurement where both the total set-aside procedure and multi-year procedure are appropriate, both may be used.

(b) *Definition.* Multi-year procurement is a method for competitive contracting for known requirements for military supplies, in quantities not in excess of planned requirements for five years set forth in, or in support of, the Department of Defense Five Year Force Structure and Financial Program, even though the total funds ultimately to be obligated by the contract are not available to the contracting officer at the time of entering into the contract. Under this method, contract quantities are budgeted and accounted for in accordance with the program year in which each quantity is authorized.

(c) *Application.* Unless overriding disadvantages are evident, the multi-

year procurement method should be used when:

(1) Reduced unit prices can reasonably be anticipated over annual buys by reason of elimination of repetitive substantial startup costs, including such costs as preproduction engineering, special tooling, plant rearrangement, initial rework, initial spoilage, and pilot runs;

(2) Effective competition can be obtained;

(3) There are known requirements for the quantities involved;

(4) The design and specifications of the item are expected to remain relatively stable for the multi-year period; and

(5) Continuous production can be reasonably anticipated throughout the multi-year period.

(d) *Limitations.* Multi-year procurement shall not be used (1) when funds covering the procurement are limited by statute for obligation during the fiscal year in which the contract is executed, or (2) for quantities in excess of the planned requirements for five years set forth in, or in support of, the Department of Defense Five Year Force Structure and Financial Program.

§ 1.322–2 Procedure.

(a) Formal advertising, including two-step formal advertising, is the preferred method for use in multi-year procurement. In cases where the period of production is such that a contingency for labor and material costs is likely otherwise to be included in the multi-year contract price, the contracting officer should normally use a provision for price escalation.

(b) Solicitations shall include:

(1) A statement of the requirements, separately identified by bid or proposal item in the schedule, for—

(i) The first program year; and

(ii) The multi-year procurement including the quantities for each program year thereunder;

(2) A provision that a price must be submitted for the total requirements of the first program year;

(3) A provision that a price may be submitted for the multi-year procurement and if submitted such price must be for the total requirements of that procurement;

(4) A provision that the unit prices for like items in the multi-year requirements shall be the same for each program year's requirement;

(5) Criteria for comparing the lowest evaluated submission on the first program year's requirement against the lowest evaluated submission on the multi-year requirements (see § 1.322–3(b));

(6) A provision setting forth a separate cancellation ceiling (on a percentage basis) applicable to each program year subject to cancellation (see paragraph (c) of this section); and

(7) A prominently placed provision directing attention to the multi-year features of the solicitation, and to—

(i) The "Limitation of Price and Contractor Obligations" clause (see § 1.322–4(a)) which limits the payment obligation of the Government to the requirements of the first program year and to those of such succeeding program years as may be funded by the Government (see § 1.322–4(b));

(ii) The "Cancellation of Items" clause (see § 1.322–4(b)) which allows the Government to cancel the requirements for any or all program years subsequent to the first by a specific date, or within a specified period; and

(iii) The cancellation ceilings set forth in the schedule.

(c) The term "cancellation" as used in multi-year procurement refers only to the cancellation of the total requirements of one or more program years after the first. Such cancellation results from failure to provide additional funds for contract performance of the cancelled requirements. For each program year except the last, the contracting officer shall establish a cancellation ceiling applicable to the remaining program years subject to cancellation. Cancellation ceilings will be lower for each succeeding program year in that such ceilings must exclude all amounts allocable to items included in the prior program year requirements. Such ceilings shall be expressed in the schedule in percentages of the total multi-year contract price and shall apply to all bidders alike. In determining cancellation ceilings, the contracting officer must estimate reasonable preproduction and other nonrecurring costs applicable to and which normally would be amortized in all items to be furnished under the multi-year requirement. They include such items as plant rearrangement, special tooling, preproduction engineering, initial rework, initial spoilage, and pilot runs. There shall not be taken into account any amount for labor, materials, or other expense (except as indicated above) which might be incurred for production of the items subject to cancellation for each program year. The total estimate must then be compared with the best estimate of the procurement cost to arrive at a reasonable percentage figure. Cancellation dates for each program year's requirement shall be established with due regard for production lead time and the date by which funding therefor can reasonably be accomplished.

(d) Sufficient information to establish cancellation ceilings for inclusion in a solicitation may not be readily available. One means of obtaining such information is through a pre-bidding conference. Original cancellation ceilings may be revised when information developed after issuance of a solicitation discloses that such ceilings are not realistic. In the case of formal advertising, such changes must be by amendment of the invitation for bids prior to bid opening. In two-step formal advertising discussions conducted during the first step may indicate the need for revised ceilings in step two. Negotiations with offerors in a negotiated procurement may provide information requiring a change in cancellation ceilings for all offerors, prior to final negotiation and contract award.

(e) For each program year requirement, funds shall be obligated to cover the quantity of items to be delivered thereunder. In addition, funds equal to the applicable cancellation ceiling shall be committed. At the time the contractor is notified that funds are available for a succeeding program year's requirement, (1) funds shall be obligated to cover that requirement; (2) the commitment for cancellation for the prior program year shall be cancelled; and (3) funds under the then current program year shall be committed in an amount equal to the cancellation ceiling that then becomes applicable.

(f) In the event of a cancellation the contractor is entitled to payment as consideration therefor in accordance with the terms of the "Cancellation of Items" clause (see § 1.322–4(b)) in an amount not to exceed the cancellation ceiling.

(g) The schedule shall contain a provision limiting the payment obligation of the Government to a monetary amount there described as being available for contract performance. Such amount for the first program year requirements shall be inserted by the contracting officer upon award of the contract and shall be modified for successive program years upon availability of funds for such years. (See § 1.322–4(a).)

§ 1.322–3 Evaluation.

(a) Evaluation of offers in a multi-year procurement involves not only the determination of the lowest overall evaluated cost to the Government for both alternatives, the multi-year procurement and the first program year procurement; it also involves the comparison of the cost of buying the total requirement under a multi-year procurement with cost of buying the total requirement in successive independent procurements. All the factors to be considered for the various evaluations involved shall be set forth in the solicitation.

(b) The cancellation ceiling shall not be a factor for evaluation. Unless Government administrative costs incident to annual procurement methods and contract administration can be reasonably established and supported, they shall not be used as a factor for evaluation. When administrative costs are to be used in evaluation, the dollar amount to be used shall be stated in the solicitation.

(c) Delivery destinations may be unknown for certain quantities due to the extended duration of contract performance. In such cases, destinations shall be developed on the basis of best estimates; a definite place or places shall be designated in the solicitation as the point to which transportation costs will be computed (but only for the purpose of evaluating bids or proposals); and the solicitation shall contain the notice required under § 1.1305–5.

(d) When Government-owned tooling and facilities are authorized for use pursuant to § 13.102 of this chapter, such use may be on a rent-free basis and the solicitation shall provide for a method of evaluation designed to eliminate competitive advantage. The amount added for evaluation to each offeror's unit price for the first program year requirement shall also be added to his unit price for the multi-year requirements.

(e) In comparing prices for the first program year requirement against prices for multi-year requirements, the evaluated unit price for each item of the lowest evaluated offer received on the first program year alternative shall be multiplied by the total number of units of that item required by the multi-year alternative. The sum of these products, plus the dollar amount of any administrative costs of the Government which are to be used in the evaluation shall be compared against the total evaluated price of the lowest offer received for all items under the multi-year alternative. If the multi-year price is low, award shall be made on that basis; otherwise, award shall be made on the basis of the first program year alternative.

§ 1.322–4 Clauses.

The following clauses shall be included in all contracts under the multi-year procurement method.

(a) *Limitation of price and contractor obligations.*

LIMITATION OF PRICE AND CONTRACTOR OBLIGATIONS (NOV. 1963)

(a) This clause applies only in the event this contract is awarded on the alternative basis for award described in the Schedule as "Multi-Year Procurement".

(b) Funds are available for performance of this contract in the amount specifically described in the Schedule, as available for contract performance. The amount of funds so described at the time of award is not considered sufficient for the contract performance required by and described in the Schedule for any Program Year other than the First Program Year. Upon availability to the Contracting Officer of additional funds sufficient for performance of the full requirements for the next succeeding Program Year, the Contracting Officer shall, not later than the date specified in the Schedule, unless a later date is agreed to by the parties, so notify the Contractor in writing and the amount of funds described in the Schedule as available for contract performance shall be modified accordingly. This procedure shall apply for each successive Program Year.

(c) The Government is not obligated to the Contractor for contract performance in any monetary amount in excess of that described in the Schedule or modifications thereto, as available for contract performance.

(d) The Contractor is not obligated to incur costs for the performance required for any Program Year after the first unless and until he has been notified in writing by the Contracting Officer of an increase in availability of funds in accordance with paragraph (b) of this clause. If so notified, the Contractor's obligation shall be increased only to the extent contract performance is required for the additional Program Year for which funds have been made available.

(e) In the event of termination pursuant to the "Termination for Convenience of the Government" clause of this contract, the terms "total contract price" and "work under the contract" as used in that clause refer to the amount available for performance of this contract as provided for in this clause and to the work under program year requirements for which funds have been made available. In event of termination for default, the Government's rights under this contract shall apply to the entire multi-year requirements.

(f) Notification to the Contractor of an increase or decrease in the funds available for performance of this contract as a result of a clause other than this clause (e.g., exercise of an option for increased quantities or the "Changes" clause) shall not constitute the notification contemplated by paragraph (b) of this clause.

(b) *Cancellation of items.*

CANCELLATION OF ITEMS (NOV. 1963)

(a) This clause applies only in the event this contract is awarded on the alternative basis for award described in the Schedule as "Multi-Year Procurement".

(b) As used herein, the term "cancellation" means that the Government is cancelling, pursuant to this clause, its Program Year requirements for items as set forth in the Schedule for all Program Years subsequent to that in which notice of cancellation is provided. Such cancellation shall occur only if, within the time period specified in the Schedule, or such further time as may be agreed to, the Contracting Officer (i) notifies the Contractor that funds will not be available for contract performance for any subsequent Program Year; or (ii) fails to notify the Contractor that funds have been made available for performance of the Program Year requirement for the succeeding Program Year.

(c) Except for cancellation pursuant to this clause or for termination pursuant to the "Default" clause, any reduction by the Contracting Officer in the quantities called for under this contract shall be considered a termination in accordance with the "Termination for Convenience of the Government" clause of this contract.

(d) In the event of cancellation pursuant to this clause, the Contractor will be paid, as consideration therefor, a cancellation charge not to exceed the cancellation ceiling described and separately set forth in the Schedule as being applicable at the time of cancellation.

(e) The cancellation charge is intended to cover only expenses reasonably necessary for production which would have been equitably amortized in the unit prices for the entire quantity of the Multi-Year Procurement, but which, because of the cancellation, are therefore not so amortized. The cancellation charge shall be computed and claim therefor made as would be applicable under the "Termination for Convenience of the Government" clause of this contract, except that the cancellation charge shall not include any amount for:

(i) Labor, materials or other expenses incurred for production of the cancelled items; *provided*, that initial costs, preparatory expenses and other nonrecurring costs reasonably and necessarily incurred by the Contractor and its subcontractors, but exclusive of any costs allocable to the completed supplies paid or to be paid for at the unit price, may be included in such charge; and

(ii) Which payment has already been made to the Contractor; or

(iii) Anticipated profit on the cancelled items, or on the costs included in the cancellation charge.

Where options are otherwise authorized, multi-year contracts may include an appropriate "Option to Increase Quantities" clause in which the period for exercise of the option is limited to the date set forth in the contract schedule for notifying the contractor that funds are available for the requirements of the next succeeding program year. If such an option is included, the following paragraph (f) should be added to the clause set forth above:

(f) Any quantities added to the original contract quantities through exercise of the Government option in the "Option to Increase Quantities" clause of this contract shall be subtracted from what would otherwise be considered the quantity cancelled for the purpose of computing allowable cancellation charges.

3. Sections 1.601–3, 1.603, 1.604–1(c), 1.604–2 and 1.604–3 are revised to read as follows:

§ 1.601–3 Joint consolidated list.

By agreement among the Military Departments, the Department of the Army is responsible for the issuance of a joint consolidated list of firms and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited. The Joint Consolidated List shall be kept current by notices of additions or deletions and periodic reprinting. Each military department shall furnish, not later than the 5th of each month, to the Office of the Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General for Civil Law), an alphabetical list of the additions, deletions, or modifications to the Joint Consolidated List, containing the information set forth in § 1.601–2. Each military department shall be responsible for determining the number of copies of the joint consolidated list required and for distributing the list within the Department. The Department of the Army will furnish copies to the Assistant Secretary of Defense (Installations and Logistics).

§ 1.603 Grounds for listing and treatment to be accorded listed concerns.

(a) A firm or individual may be listed for any of several reasons. The particular reason for listing determines the consequences thereof. The various types of listing and the treatment to be accorded each type are set forth below:

Type A includes debarments in any of the following categories:

(1) Those listed by the Comptroller pursuant to section 3 of the Walsh-Healey Public Contracts Act (41 U.S.C. 37) for violating the requirements of that Act;

(2) Those listed by the Comptroller General pursuant to section 3 of the Davis-Bacon Act (40 U.S.C. 276a–2(a)) for violating the requirements of that Act; and

(3) Those which the Secretary concerned or his representatives has determined to debar for any of the causes and under all of the conditions set forth in § 1.604.

Contracts shall not be awarded to, nor bids or proposals solicited from, nor invitations for bids nor requests for proposals furnished to, concerns which are listed as Type A and which are debarred because of Walsh-Healey or Davis-Bacon violations (categories (1) and (2) above). The same rules apply with respect to Type A listings within category (3) above, unless the Secretary concerned or his representative determines it to be in the interest of the Government to make an exception for a particular procurement action, or unless the listing indicates that the debarment is not to apply to sales contracts or to procurement contracts (see § 1.606).

Type B includes concerns which the Secretary of Labor has determined to be ineligible because they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1(a) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(a)). Under that Act, procurement contracts in excess of $10,000 shall not be awarded to concerns under Type B listings for those materials, articles, or equipment with respect to which the concern has been found to be ineligible. However, contracts in any amount may be

awarded, and bids or proposals may be solicited, for commodities with respect to which the concern has not been declared ineligible. In connection with ineligibility under the Walsh-Healey Act (Type B listing only), the name of an individual may be listed as affiliated with an ineligible firm. This listing is intended only to prevent such individuals from evading ineligibility merely by changing their business names and addresses. It does not prohibit other firms in which such individuals have an interest, and which are qualified manufacturers or regular dealers from receiving contracts subject to the Walsh-Healey Public Contracts Act.

Type C includes concerns which the appropriate Secretary, pursuant to section 3(b) of the Buy American Act (41 U.S.C. 10b(b)), has found to have failed to comply with the "Buy American Act" clause required for construction contracts (see § 6.205 of this Chapter). Contracts for the construction, alteration, or repair of public buildings or public works in the United States or elsewhere shall not be awarded to concerns under Type C listings; nor shall bids or proposals for such work be solicited from such concerns. However, concerns under Type C listings may be awarded contracts and may be solicited for bids or proposals for other than the construction, alteration, or repair of public buildings or public works.

Type D includes concerns which the appropriate Secretary or his representative has determined to suspend under the conditions set forth in § 1.605. Concerns under Type D listings shall not be awarded contracts, nor solicited for bids or proposals, except where the Secretary concerned or his representative determines it to be in the best interest of the Government to make an exception for a particular procurement, or where the listing indicates that the suspension does not apply to sales contracts or procurement contracts (see § 1.606). Authority to permit exceptions in keeping with the foregoing has been given to the Assistant Judge Advocate General for Civil Law for the Army; the Chief of Naval Material for the Navy; the Deputy Chief of Staff, Systems and Logistics, for the Air Force; and the Counsel, for the Defense Supply Agency.

Type E includes concerns which have been reported by the Secretary of Labor to have violated labor standards provisions of any of the following statutes: Anti-Kickback Act (48 Stat. 948) as amended (40 U.S.C. 276c), Eight Hour Law (27 Stat. 340) as amended (40 U.S.C. 321–326), National Housing Act (53 Stat. 804) as amended (12 U.S.C. 1703), Hospital Survey and Construction Act (60 Stat. 1040), Federal Airport Act (60 Stat. 170) as amended (49 U.S.C. 1101), Housing Act of 1949 (63 Stat. 413) (42 U.S.C. 1441), School Survey and Construction Act of 1950 (64 Stat. 967) (20 U.S.C. 251), Federal Civil Defense Act of 1950 (64 Stat. 1245) as amended, Defense Housing and Community Facilities and Services Act of 1951 (65 Stat. 293) as amended (42 U.S.C. 1591), and Area Redevelopment Act of 1961 (75 Stat. 47). Concerns under Type E listings shall not be awarded contracts which are subject to any of the foregoing statutes.

Type F includes concerns which have been reported by the appropriate Secretary or the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity as ineligible for Government contracts for noncompliance with the Nondiscrimination in Employment clause. Concerns under Type F listing may not be awarded contracts or be solicited for bids.

(b) Administration of current contracts in all phases may be continued, notwithstanding the listing of a contractor, unless otherwise directed by the Secretary concerned or his representative. However, payment of all or part of funds due or to become due may be withheld when such action is determined to be in the best interest of the Government by the Secretary concerned or his representative.

(c) Where a listed concern is proposed as subcontractor, the contracting officer should decline to consent to subcontracting with such concern in any instance in which consent is required of the Government before the subcontract is made, unless it is determined to be in the best interest of the Government by the Secretary of the Department or his authorized represenative.

§ 1.604–1 Causes for debarment.

* * * * *

(c) For other cause of such serious and compelling nature, affecting responsibility as a Government contractor, as may be determined by the Secretary of the Department concerned to justify debarment.

* * * * *

§ 1.604–2 Period and scope of debarment.

(a) *Period of debarment.* All debarments shall be for a reasonable specified period of time, commensurate with the seriousness of the cause therefor. As a general rule, a period of debarment should not exceed three years. In the event debarment is preceded by suspension, consideration shall be given to such period of suspension in determining the period of debarment. Prior to the expiration of the debarment period, the Department or Agency which imposed the debarment should review all the facts and circumstances relating to the debarment. The debarment shall be removed at the expiration of the specified period unless on the basis of a new evaluation of current facts it is determined that debarment for an additional period is required in order to protect the Government's interests. When debarment for an additional period is considered necessary, notice of the proposed debarment shall be furnished to the individual or firm concerned in accordance with § 1.604–3. The debarment of an individual or firm may be modified by reducing the period thereof when the circumstances justify such action. With respect to debarment for violation of the nondiscrimination clause (Type F), the debarment shall be removed prior to the expiration of the debarment period by the Secretary who imposed the debarment upon receipt of satisfactory evidence that corrective action has been taken.

(b) *Scope of debarment.* (1) Debarment may include all known affiliates of a concern or individual. Business concerns are considered affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another or a third controls or has the power to control both.

(2) A decision to include known affiliates in a proposed debarment is an individual determination which must be made on a case by case basis.

(3) The fraud or criminal conduct of an individual may be imputed to the business firm with which he is connected when the impropriety involved was performed in the course of official duty or with the knowledge or approval of the business firm.

§ 1.604–3 Notice of debarment.

(a) The firm or individual and its known affiliates concerned shall be furnished with a written notice of the proposed debarment stating as a minimum (1) the fact that debarment is being considered, (2) the reasons for the proposed debarment, and (3) the period of time to be afforded to present information for consideration. Information in opposition to a proposed debarment may be presented in person, in writing, or through representation. The period of time to be afforded to present information for consideration shall be limited to 30 days unless the subject of the proposed debarment requests additional time. When no additional time is requested, the debarment determination, including notice to the firm or individual and known affiliates involved, shall be completed within 90 days. If the subject of the proposed debarment requests additional time to present information, the 90 day period shall be extended commensurately. When no suspension is in effect under § 1.605, the notice of proposed debarment shall state that no contracts will be awarded pending the debarment determination. If debarment is effected, the firm or individual shall be notified in writing within 10 days after determination of debarment has been made. This notice shall reference the earlier notice of proposed debarment; specify the reasons for debarment; state the period of debarment, including effective dates; and advise that the debarment is effective throughout the Department of Defense. If, following the notice of proposed debarment, a determination is made that debarment will not be effected, the firm or individual shall be notified in writing accordingly.

(b) Copies of the notice of debarment and of any removals from debarment prior to termination of the specified period shall be furnished to the General Services Administration.

4. Sections 1.605, 1.605–1, 1.605–2 and 1.605–4(a)(1) are revised to read as follows:

§ 1.605 Suspension of bidders.

Suspension of a contractor or bidder is a drastic action which must be based upon adequate evidence rather than mere accusation. In assessing adequate evidence, consideration should be given to how much credible information is available, its reasonableness in view of surrounding circumstances, corroboration or lack thereof as to important allegations, and inferences which may be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, inspection reports, and correspondence. Placing the name of an individual or firm on the consolidated list will be for the purpose of protecting the interest of the Government and not for punishment. The suspension of a bidder is an administrative determination which may be modified when determined to be in the interest of the Government.

§ 1.605–1 Causes and conditions under which departments may suspend contractors.

(a) The Secretary of a Department or his authorized representative may, in the interest of the Government, suspend a firm or individual:

(1) Suspected, upon adequate evidence, of—

(i) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;

(ii) Violation of the Federal antitrust statutes arising out of the submission of bids and proposals; or

(iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty, which seriously and directly affects the question of present responsibility as a Government contractor; or

(2) For other cause of such serious and compelling nature, affecting responsibility as a Government contractor, as may be determined by the Secretary of the Department concerned to justify suspension.

(b) Suspension of a firm or individual by the Secretary of a Department, or his authorized representative, shall operate to suspend such firm or individual throughout the Department of Defense.

§ 1.605–2 Period and scope of suspension.

(a) *Period of Suspension.* All suspensions shall be for a temporary period pending the completion of investigation and such legal proceedings as may ensue. In the event prosecutive action is not initiated by the Department of Justice within 12 months from the date of the notice of suspension, the suspension shall be terminated unless an Assistant Attorney General requests continuance of the suspension. If such a request is received, the suspension may be continued for an additional six months. Notice of the proposed removal of the suspension shall be given to the Department of Justice 30 days prior to the expiration of the 12 month period. In no event will a suspension continue beyond 18 months unless prosecutive action has been initiated within that period. When prosecutive action is initiated, the suspension may continue until the legal proceedings are completed. Upon removal of a suspension, consideration may be given to debarment in accordance with § 1.604.

(b) *Scope of suspension.* (1) Suspension may include all know affiliates of a concern or individual. Business concerns are considered affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another or a third party controls or has the power to control both.

(2) A decision to include known affiliates in a proposed suspension is an individual determination which must be made on a case by case basis.

(3) The fraud or criminal conduct of an individual may be imputed to the business firm with which he is connected when the impropriety involved was performed in the course of official duty, or with the knowledge or approval of the business firm.

§ 1.605–4 Notice of suspension.

(a) * * *

(1) That the suspension is based on information that the firm or individual has committed irregularities of a serious nature in business dealings with the Government or that the suspension is based on irregularities which seriously reflect on the propriety of further dealings of the firm or individual with the Government together with a description of the nature of those irregularities, in general terms, without disclosing the Government's evidence;

* * * * *

5. Sections 1.701–1, 1.701–4, 1.703, 1.706–5 (b) and (c) and 1.706–6 (c) and (d) are revised to read as follows:

§ 1.701–1 Small business concern.

(a) (1) *General Definition.* A small business concern is a concern that is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and with its affiliates, can further qualify under the criteria set forth in subparagraphs (2) and (3) of this paragraph. "Concern" means any business entity organized for profit with a place of business in the United States, its possessions or Puerto Rico, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of a procurement of a product classified into two or more industries with different size standards, the smallest of such size standards shall be used in determining a bidder's size status.

(2) *Industry small business size standards.* In addition to being independently owned and operated, and not dominant in the field of operation in which it is bidding on Government contracts, a small business concern in order to qualify as such must meet the criteria established for the industries set forth below. Annual sales or annual receipts, as used throughout this Part, means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(i) *Construction industries.* For construction, alteration, or repair (including painting and decorating), of buildings, bridges, roads, or other real property, the average annual receipts of the concern and its affiliates for its preceding three fiscal years must not exceed $7,500,000, except that if the concern is located in Alaska, such receipts must not exceed $9,375,000. For dredging, the average annual receipts of the concern and its affiliates for its preceding three fiscal years must not exceed $5,000,000, except that if the concern is located in Alaska, such receipts must not exceed $6,250,000.

(ii) *Manufacturing industries—(a) Food canning and preserving industry.* For food canning and preserving, the number of employees of the concern and its affiliates must not exceed 500 persons, exclusive of "agricultural labor" as defined in 26 U.S.C. 3306(k).

(b) *Petroleum industry.* For petroleum, other than lubricants and miscellaneous petroleum products, the number of employees of the concern and its affiliates must not exceed 1,000, and it must not have more than 30,000 barrels-per-day crude oil capacity from owned or leased facilities. ("Crude oil capacity" means the maximum daily average crude throughput of a refinery in complete operation with allowances for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.)

(c) *Manufacturing industries listed in § 1.701–4.* For a product classified within an industry listed in § 1.701–4, the number of employees of the concern and its affiliates must not exceed the small business size standard established therein for that industry.

(d) *Manufacturing industries not listed in § 1.701–4.* For a product classified within an industry not set forth in this section or in § 1.701–4, the number of employees of the concern and its affiliates must not exceed 500 persons.

(iii) *Nonmanufacturing industries.* For a product not manufactured by the concern submitting a bid or proposal, other than for a construction or service contract, the number of employees of that concern must not exceed 500 persons, and in the case of a procurement set aside for small business (see § 1.706) or involving equal low bids (see § 2.407–6 of this chapter), or otherwise involving the preferential treatment of small business, it must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns. However, if the goods to be furnished are wool, worsted, knitwear, duck, webbing, and thread (spinning and finishing), nonmanufacturers (dealers and converters), shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher.

(iv) *Service industries.* For services not elsewhere defined in this Section, the average annual sales or receipts of the concern and its affiliates for the preceding three fiscal years must not exceed $1 million ($1,250,000 if located in Alaska).

(v) *Transportation industries—(a) General.* Except as provided in 2 and 3 below, for passenger or freight transportation the number of employees of the concern and its affiliates must not exceed 500 persons.

(b) *Air transportation.* For air transportation, the number of employees of the concern and its affiliates must not exceed 1,000 persons.

(c) *Trucking or warehousing.* For trucking or warehousing, the annual receipts of the concern and its affiliates must not exceed $3,000,000, except that

if the concern is located in Alaska, such receipts must not exceed $3,750,000. No such concern, however, will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line, if (1) the concern's annual receipts have not exceeded $3,000,000 during its most recently completed fiscal year ($3,750,000 if located in Alaska), and (2) not more than fifty percent (50 percent) of such annual receipts are directly attributable to the concern's relationship with an interstate van line.

(vi) *Research, development or testing industries.* For research, development, or testing, which requires delivery of a manufactured product, a concern must (a) qualify as a small business manufacturer within the meaning of subdivision (ii) of this subparagraph for the industry in which the product is classified, or (b) qualify as a small business nonmanufacturer within the meaning of subdivision (iii) of this subparagraph. For research, development, or testing, which does not require delivery of a manufactured product, the number of employees of the concern and its affiliates must not exceed 500 persons.

(3) *Small business subcontractors.* In connection with subcontracts of $2,500 or less, any concern will be considered a small business concern if it, with its affiliates, employs not more than 500 employees. In connection with subcontracts exceeding $2,500, any concern shall be considered a small business concern if it qualifies as such under subparagraphs (1) and (2) of this paragraph.

(b) *Dominance in field of operations.* A concern "is not dominant in its field of operations" when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration is given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.

(c) *Affiliates.* Business concerns are affiliates of each other when either directly or indirectly (1) one concern controls or has the power to control the other, or (2) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships.

(d) *Number of employees.* In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or any other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(e) *Small business certificate.* A small business certificate is a certificate issued by SBA pursuant to the authority contained in sections 3 and 8(b)(6) of the Small Business Act certifying that the holder of the certificate is a small business concern for the purpose of Government procurement and in accordance with the terms of the certificate.

§ 1.701–4 Manufacturing industry employment size standards.

The Standard Industrial Classification Manual (and the 1963 Supplement thereto) index provides an alphabetic listing of products and the industry with which the product is associated, which includes references to the Classification Code set forth below.

MAJOR GROUP 19—ORDNANCE AND ACCESSORIES

Classification code	Industry	Employment size standard (number of employees) [1]
1925	Guided missiles and space vehicles, completely assembled	1000
1981	Tanks and tank components	1000
1951	Small arms	1000
1961	Small arms ammunition	1000

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

2032	Canned specialties	1000
2043	Cereal preparations	1000
2046	Wet corn milling	750
2052	Biscuit, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1000
2099	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750

MAJOR GROUP 21—TOBACCO MANUFACTURERS

2111	Cigarettes	1000

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

2211	Broad woven fabric mills, cotton	1000
2271	Woven carpets and rugs	750
2296	Tire cord and fabric	1000

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

2611	Pulp mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2654	Sanitary food containers	750
2661	Building paper and building board mills	750

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

2812	Alkalies and chlorine	1000
2813	Industrial gases	1000
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2816	Inorganic pigments	1000
2818	Industrial organic chemicals, not elsewhere classified	1000
2819	Industrial inorganic chemicals, not elsewhere classified	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2822	Synthetic rubber (vulcanizable elastomers)	1000
2823	Cellulose man-made fibers	1000
2824	Synthetic organic fibers, except cellulosic	1000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2841	Soap and other detergents, except specialty cleaners	750
2892	Explosives	750

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

2911	Petroleum refining [2]	1000
2952	Asphalt felts and coatings	750

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

3011	Tires and inner tubes	1000
3021	Rubber footwear	1000
3031	Reclaimed rubber	750

MAJOR GROUP 32—STONE, CLAY, AND GLASS PRODUCTS

3211	Flat glass	1000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, not elsewhere classified	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1000
3316	Cold rolled sheet, strip and bars	1000
3317	Steel pipe and tubes	1000
3331	Primary smelting and refining of copper	1000
3332	Primary smelting and refining of lead	1000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1000
3339	Primary smelting and refining of nonferrous metals, not elsewhere classified	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1000
3399	Primary metal industries, not elsewhere classified	750

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

3411	Metal cans	1000
3431	Enameled iron and metal sanitary ware	750

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1000
3519	Internal combustion engines, not elsewhere classified	1000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3571	Computing and accounting machines, including cash registers	1000
3572	Typewriters	1000
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES

3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1000
3633	Household laundry equipment	1000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus	750
3671	Radio and television receiving type electron tubes, except cathode ray	1000
3672	Cathode ray picture tubes	750
3673	Transmitting, industrial, and special purpose electron tubes	750
3692	Primary batteries, dry and wet	1000
3694	Electrical equipment for internal combustion engines	750

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

3717	Motor vehicles and parts [3]	1000
3721	Aircraft [4]	1000
3722	Aircraft engines and engine parts [4]	1000
3723	Aircraft propellers and propeller parts	1000
3729	Aircraft parts and auxiliary equipment, not elsewhere classified [4]	1000
3731	Ship building and repairing	1000
3741	Locomotives and parts	1000
3742	Railroad and street cars	750

See footnotes at end of table.

MAJOR GROUP 39—MISCELLANEOUS MANUFACTURING INDUSTRIES

Classification code	Industry	Employment size standard (number of employees) [1]
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 20,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations: "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance." "'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

§ 1.703 Determination of status as small business concern.

(a) Except as provided in paragraph (b) of this section, the contracting officer shall accept at face value for the particular procurement involved, a representation by the bidder or offeror that it is a small business concern (see § 1.701–1).

(b) Representation by a bidder or offeror that it is a small business concern shall be effective, even though questioned in accordance with the terms of this paragraph, unless the SBA, in response to such question and pursuant to the procedures in subparagraph (3) of this paragraph, determines that the bidder or offeror in question is not a small business concern. The controlling point in time for a determination concerning the size status of a questioned bidder or offeror shall be the date of award, except that no bidder or offeror shall be eligible for award as a small business concern unless he has in good faith represented himself as small business prior to the opening of bids or closing date for submission of offers (see § 2.405(b) of this chapter with respect to minor informalities and irregularities in bids).

(1) Any bidder or offeror may, prior to award, question the small business status of any apparently low bidder or offeror by sending a written protest to the contracting officer responsible for the particular procurement. Any contracting officer who receives such a protest or who wishes to question the small business status of a bidder or offeror himself shall forward such protest record (or submit a written protest) to the Small Business Administration regional office serving the area in which the protested concern is located. The Small Business Administration will promptly notify the contracting officer of the date of its receipt of any such protest and will advise the questioned bidder or offeror that his small business status is under review. The protest shall contain the basis for the protest together with specific detailed evidence supporting the protestant's claim that such bidder is not a small business. A protest received after award of a contract will not be considered a "protest" and will be returned to the sender with an explanation of why it could not be acted upon.

(2) A contracting officer may, prior to award, question the small business status of the apparently successful bidder or offeror by sending a written notice to the SBA regional office of the region in which the bidder or offeror has his principal place of business. Such notice shall contain a statement of the basis for questioning and of available supporting facts. SBA will promptly notify the contracting officer of the date such notice was received and will advise the bidder or offeror in question that his small business status is under review.

(3) SBA will determine the small business status of the questioned bidder or offeror and notify the contracting officer and the bidder or offeror of its decision. If the SBA determination is not received by the contracting officer within ten working days after SBA's receipt of the protest or notice questioning small business status, it shall be presumed that the questioned bidder or offeror is a small business concern. This presumption will not be used as a basis for making an award to the questioned bidder or offeror without first ascertaining when a size determination can be expected from SBA and, where practicable, waiting for such determination, unless further delay in award would be disadvantageous to the Government. Pending SBA determination or expiration of the ten-day period, whichever is earlier, procurement action shall be suspended provided that such ten-day suspension period shall not apply to any urgent procurement action which, as determined by the contracting officer, must, in order to protect the public interest, be awarded without delay and as to which he inserts in the contract file a statement signed by him justifying this determination.

§ 1.706–5 Total set-asides.

* * * * *

(b) Contracts for total small business set-asides may be entered into by conventional negotiation or by a special method of procurement known as "Small Business Restricted Advertising." The latter method shall be used wherever possible. Where multi-year procurement procedures are appropriate (see § 1.322), total set-asides may be made in connection therewith. Invitations for bids and requests for proposals shall be restricted to small business concerns. Small business restricted advertising, including awards thereunder, shall be conducted in the same way as prescribed for formal advertising in Part 2 of this chapter except that bids and awards shall be restricted to small business concerns. Bids received from firms which do not qualify as small business concerns shall be considered as nonresponsive and shall be rejected.

(c) In procurements involving total set-asides for small business, each invitation for bids or requests for proposals shall contain substantially the following notice, except that such notice may be modified to include the applicable specific small business definition.

NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE (NOV. 1963)

(a) *Restriction.* Bids or proposals under this procurement are solicited from small business concerns only and this procurement is to be awarded only to one or more small business concerns. This action is based on a determination by the contracting officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. Bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and shall be rejected.

(b) *Definition.* A "*small business concern*" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, § 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

§ 1.706–6 Partial set-asides.

* * * * *

(c) In advertised procurements involving partial set-asides for small business, each invitation for bids shall contain either substantially the following notice or the notice set forth in paragraph (d) of this section. The notice may be appropriately modified to include the applicable specific small business definition. In negotiated procurements whichever notice is used will be appropriately modified for use with request for proposals.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (NOV. 1963)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule has been set aside for award only to one or more small business concerns. Negotiations for award of this set-aside portion will be conducted only with responsible small business concerns who have submitted responsive bids on the non-set-aside portion at a unit price within 120 percent of the highest award made on the non-set-aside portion. Negotiations shall be conducted with such small business concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government

reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion. The partial set-aside of this procurement for small business concerns is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full productive capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair portion of Government procurement is placed with small business concerns.

(b) *Definitions.* (1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, § 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) A "labor surplus area" is a geographical area which is:

(i) Classified by the Department of Labor as an "Area of Substantial Labor Surplus" or as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and listed as such by that Department in conjunction with its publication "Area Labor Market Trends"; or

(ii) Not classified as in (i) above, but which is individually certified as an area of persistent or substantial labor surplus by the Department of Labor at the request of any prospective contractor.

(3) Labor surplus area concern includes—

(i) Persistent labor surplus area concerns which agree to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment"); and

(ii) Substantial labor surplus area concerns which agrees to perform or cause to be performed any contracts awarded to them as labor surplus area concerns substantially in "Areas of Substantial Labor Surplus".

A concern shall be deemed to perform a contract substantially in "Areas of Substantial and Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") if the cost that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas amount to more than 50 percent of the contract price. A concern shall be deemed to perform a contract substantially in "Areas of Substantial Labor Surplus" if the costs that it incurs on account of manufacturing or production (by itself or its first-tier subcontractors) in such areas or in "Areas of Substantial or Persistent Labor Surplus" (also called "Areas of Substantial and Persistent Unemployment") amount to more than 50 percent of the contract price.

(c) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform: *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(d) Where it is anticipated that bids may be received which appear designed to take unfair advantage of bona fide bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of that in paragraph (c) of this section.

NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (Nov. 1963)

(a) *General.* This procurement has been divided into two parts. All concerns, whether small business or not, may participate in accordance with customary procedures in that portion of this procurement herein called the "non-set-aside" portion. The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the items to be procured has been set aside for participation by small business concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this Notice. This apportionment is based on a determination by the Contracting Officer, alone or in conjunction with a representative of the Small Business Administration, that it is in the interest of maintaining or mobilizing the Nation's full production capacity, or in the interest of war or national defense programs, or in the interest of assuring that a fair proportion of Government procurement is placed with small business concerns. "Small business concern" is defined in paragraph (d) of this Notice.

(b) *Non-set-aside portion and award procedure.*

(1) A bidder which is not a small business concern shall submit a bid only for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of the procurement, should submit a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he must bid the entire quantity of the non-set-aside portion of the Item; and indicate such additional quantity of the Item as he desires by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the entire quantity of an Item under the non-set-aside portion. However, a small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion.

(c) *Set-aside portion and award procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. It will be made only to small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b)(2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one item.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with eligible concerns in the following order of priority:

Group 1. Small business concerns which are also persistent labor surplus area concerns.

Group 2. Small business concerns which are also substantial labor surplus area concerns.

Group 3. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiation for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one item.

(3) *Quantity.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity of the item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate quantities at different prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item, each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c)(1) above, and for the purpose of determining under (c)(2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate quantities at tie-in prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm with respect to the 120 percent limit of (c)(1) above, (ii) the priority status of the firm under (c)(2) above, and (iii) the highest unit price for awards under (c)(4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All-or-none bids.* Where a concern has submitted an "all-or-none" bid for more than one item and thereby has conditioned the Government's right to award any item upon its concurrent award or another item, the unit price for each Item on an "all-or-none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each item. In no event will a set-aside award be made for an Item to such bidder as a higher unit price than his "all-or-none" unit price for the Item on the non-set-aside portion.

(d) *Definitions.*

(1) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, Section 121.3–8). In addition to meeting these criteria; a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(2) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(3) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(e) *Identification of areas of performance.* Each bidder desiring to be considered for award as a small business labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, *Provided*, That he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a small business persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a small business substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-asde negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for indicating portion of set-aside quantity desired.* The quantity of each item which has been set aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by small business concerns, as provided in (b)(2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1 Item No.	2 Quantity Set-Aside	3 Portion of Set-Aside Quantity Desired

[The issuing office will identify by line item number the supplies being procured as to which a portion is set aside and will designate the quantity set aside for each such item. The portion of set-aside quantity desired column will be left blank for the bidder or offeror to fill in. Where the definition of a small business concern for a given industry, as prescribed by the Small Business Administration and promulgated within the Department of Defense, differs from that set forth in the notice above, the notice shall be appropriately modified to reflect such definition.]

* * * * *

6. Sections 1.707–3(b), 1.707–4(a), 1.707–5, 1.804–1(a) and 1.804–2(b) and (c) are revised to read as follows:

§ 1.707–3 Required clauses.

* * * * *

(b) The "Small Business Subcontracting Program" clause below shall be included in all contracts which may exceed $500,000, which contain the clause required by paragraph (a) of this section and which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities. Prime contractors who are to be awarded contracts that do not exceed $500,000 but which, in the opinion of the purchasing activity, offer substantial subcontracting possibilities, shall be urged to accept the clause.

SMALL BUSINESS SUBCONTRACTING PROGRAM (Nov. 1963)

(a) The Contractor agrees to establish and conduct a small business subcontracting program which will enable small business concerns to be considered fairly as subcontractors and suppliers under this contract. In this connection, the Contractor shall—

(1) Designate a liaison officer who will (i) maintain liaison with the Government on small business matters, (ii) supervise compliance with the "Utilization of Small Business Concerns" clause, and (iii) administer the Contractor's "Small Business Subcontracting Program."

(2) Provide adequate and timely consideration of the potentialities of small business concerns in all "make-or-buy" decisions.

(3) Assure that small business concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns. Where the Contractor's lists of potential small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern, (ii) procedures which have been adopted to comply with the policies set forth in this clause, and (iii) with respect to the letting of any subcontract (including purchase orders) exceeding $10,000, information substantially as follows:

(A) Whether the award went to large or small business.

(B) Whether less than three or more than two small business concerns were solicited.

(C) The reason for non-solicitation of small business if such was the case.

(D) The reason for small business failure to receive the award if such was the case when small business was solicited.

The records maintained in accordance with (iii) above may be in such form as the individual Contractor may determine, and the information shall be summarized quarterly and submitted by the purchasing department of each individual plant or division to the Contractor's cognizant small business liaison officer. Such quarterly summaries will be considered to be management records only and need not be submitted routinely to the Government; however, records maintained pursuant to this clause will be kept available for review.

(5) Notify the Contracting Officer before soliciting bids or quotations on any subcontract (including purchase orders) in excess of $10,000 if (i) no small business concern is to be solicited, and (ii) the Contracting Officer's consent to the subcontract (or ratification) is required by a "Subcontracts" clause in this contract. Such notice will state the Contractor's reasons for non-solicitation of small business concerns, and will be given as early in the procurement cycle as possible so that the Contracting Officer may give the Small Business Administration timely notice to permit SBA a reasonable period to suggest potentially qualified small business concerns through the Contracting Officer. In no case will the procurement action be held up when to do so would, in the Contractor's judgment, delay performance under the contract.

(6) Include the "Utilization of Small Business Concerns" clause in subcontracts which offer substantial small business subcontracting opportunities.

(7) Cooperate with the Contracting Officer in any studies and surveys of the Contractor's subcontracting procedures and practices that the Contracting Officer may from time to time conduct.

(8) Submit DD Form 1140–1 each month in accordance with instructions provided on the form, except that where the Contractor elects to report on a corporate rather than a plant basis, he may submit his reports to the Military Department having the responsibility for the Small Business Subcontracting Program at the corporate headquarters. The reporting requirements of this subparagraph (8) do not apply to Small Business Contractors or Small Business subcontractors.

(b) A "small business concern" is a concern that meets the pertinent criteria established by the SBA and set forth in paragraph 1–701 of the Armed Services Procurement Regulation.

(c) The Contractor agrees that, in the event he fails to comply with his contractual obligations concerning the small business subcontracting program, this contract may be terminated, in whole or in part, for default.

(d) The Contractor further agrees to insert, in any subcontract hereunder which is in excess of $500,000 and which contains the "Utilization of Small Business Concerns" clause, provisions which shall conform substantially to the language of this clause, including this paragraph (d), and to notify the Contracting Officer of the names of such subcontractors; except that the subcontractor will submit the DD Form 1140–1 reports to the Military Department having the responsibility for reviewing its Small Business Subcontracting Program. (A subcontractor may request advice from the nearest military purchasing or contract administration activity as to the Military Department to which he should submit his reports.)

§ 1.707–4 Responsibility for reviewing the subcontracting program.

(a) Only one Department shall be responsible for reviewing a contractor's Small Business Subcontracting Program. Subject to paragraph (b) of this section, such review shall be the responsibility of—

(1) The Department previously assigned specific contractors by the Director for Small Business Policy of the Department of Defense.

(2) If subparagraph (1) of this paragraph is inapplicable, the responsibility shall be assigned through cordinated action of the Director of Small Business Policy of the Department of Defense and the Small Business Advisors of the Departments.

* * * * * *

§ 1.707–5 Reports on DD Form 1140–1.

In connection with the submission of DD Form 1140–1 Reports under the "Small Business Subcontracting Program" clause, a subcontractor may contact the nearest military purchasing or contract administration activity and request advice as to the Department to which he should submit reports. The military purchasing or contract administration activity shall, through channels, submit such a request to the Small Business Advisor of the Department concerned. The Small Business Advisor shall submit it to the Director for Small Business Policy of the Department of Defense for his determination in coordination with the Small Business Advisors of the Departments.

§ 1.804–1 General.

(a) (1) In accordance with the policy set for the in §§ 1.802 and 1.803, a portion of each procurement shall be set aside for labor surplus area concerns if:

(i) The procurement is severable into two or more economic production runs or reasonable lots; and

(ii) One or more labor surplus area concerns are expected to have the technical competency and productive capacity to furnish a severable portion of the procurement at a reasonable price.

(2) In determining whether a proposed procurement is susceptible to division into two or more economic production runs or reasonable lots, consideration should be given to the following factors and any others deemed appropriate:

(i) Price and procurement history of the items,

(ii) Open industry capacity,

(iii) Startup cost including special tooling requirements,

(iv) Delivery schedule, and

(v) Nature of item and quantity being procured.

Before a portion or portions constituting more than 50 percent of the total requirement may be set aside, a determination must be made that there is a reasonable expectation the action proposed will not result in the payment of a price differential. The determination and supporting information will be made part of the contract file.

(3) In furtherance of the policy to assure that a fair proportion of procurements is placed with small business concerns, each labor surplus area set-aside shall provide that, in addition to labor surplus area concerns, small business concerns not performing in such areas are also eligible for participation in the set-aside for such quantities thereof as are not awarded to labor surplus area concerns. In this respect, see applicable provisions of § 1.804–2 (b) and (c) for notices to bidders or offerors, and § 1.804–2(d) for conduct of set-aside negotiations.

* * * * * *

§ 1.804–2 Set-aside procedures.

* * * * * *

(b) In advertised procurements involving set-asides pursuant to this Part, each invitation for bids shall contain either substantially the following notice or the notice set forth in paragraph (c) of this section. In negotiated procurements, whichever notice is used will be appropriately modified for use with requests for proposals. The appropriate notice shall be made a part of each contract under the set-aside portion of the procurement.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (NOV. 1963)

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) who have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(b) *Definitions.* (1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, Section 121.3–8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(c) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, *provided*, that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(c) Where it is anticipated that bids may be received which appear designed to take unfair advantage of bona fide bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of that in paragraph (b) of this section.

NOTICE OF LABOR SURPLUS AREA SET-ASIDE (NOV. 1963)

(a) *General.* This procurement has been divided into two parts. All concerns whether labor surplus area concerns or not, may participate in accordance with customary procedures in that portion of this procurement herein called the "non-set-aside" portion. The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the items to be procured has been set aside for participation (i) by labor surplus area concerns, and (ii) to a limited extent, by small business concerns which do not qualify as labor surplus area concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this Notice. Definitions of the following terms are set forth in paragraph (d) of this Notice.

(1) Labor Surplus Area
(2) Labor Surplus Area Concern
(3) Small Business Concern

(b) *Non-set-aside portion and award procedure.* (1) A bidder which is not a labor surplus area concern or a small business concern shall submit a bid *only* for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a labor surplus area concern or a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of procurement, should submit a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he *must* bid the *entire* quantity of the non-set-aside portion of the Item, and indicate such additional quantity of the Item as he desires by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the *entire* quantity of an Item under the non-set-aside portion. However, a labor surplus area or small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion.

(c) *Set-aside portion and award procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. It will be made only to labor surplus area or small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the labor surplus area or small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b) (2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices, (6) below when separate quantities are offered at tie-in prices, and (7) below when all-or-none bids are offered for more than one item.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.

Group 2. Other persistent labor surplus area concerns.

Group 3. Substantial labor surplus area concerns which are also small business concerns.

Group 4. Other substantial labor surplus area concerns.

Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bids. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(3) *Quantity.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern has not specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern has specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, less the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate quantities at different prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c) (1) above, and for the purpose of determining under (c) (2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate quantities at tie-in prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the

prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm, with respect to the 120 percent limit of (c)(1) above, (ii) the priority status of the firm under (c)(2) above, and (iii) the highest unit price for awards under (c)(4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All-or-none bids.* Where a concern has submitted an "all-or-none" bid for more than one Item and thereby has conditioned the Government's right to award any Item upon its concurrent award of another Item, the unit prices bid for each Item, on an "all-or-none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each Item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all-or-none" unit price bid for the Item on the non-set-aside portion.

(d) *Definitions.* (1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in regulations of the Small Business Administration (Code of Federal Regulations, Title 13, § 121.3-8). In addition to meeting these criteria, a manufacturer or a regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns: *Provided*, That this additional requirement does not apply in connection with construction or service contracts.

(e) *Identification of areas of performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, *provided*, that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiations will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for indicating portion of set-aside quantity desired.* The quantity of each item which has been set aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by labor surplus area concerns and small business concerns, as provided in (b)(2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the the non-set-aside quantity thereof. Whether or not a labor surplus concern or small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1 Item No.	2 Set-Aside Quantity	3 Portion of Set-Aside Quantity Desired

[The issuing office will identify by line item the supplies being procured as to which a portion is set aside and will designate the quantity set aside for each such Item. The quantity desired column will be left blank for the bidder or offeror to fill in.]

[End of Notice]

* * * * *

7. New § 1.1208 is added; § 1.1309 is revised; and new §§ 1.1314, 1.1314–1, and 1.1314–2 are added, to read as follows:

§ 1.1208 Procurement of used and reconditioned material and former Government surplus property.

(a) Generally, all supplies or components thereof, including former Government property, purchased by the military departments shall be new (not used or reconditioned, and not of such age or so deteriorated as to impair their usefulness or safety). However, the needs of the Government may sometimes be met, and economies effected, through the purchase of items which are not new. Solicitations and the resulting contracts shall include a clause, substantially as set forth below, except when the clause would serve no useful purpose. This clause is appropriate for use not only in supply contracts, but also in service contracts which may involve an incidental furnishing of parts, such as contracts for overhaul, maintenance or repair.

NEW MATERIAL (NOV. 1963)

Except as to any supplies and components which the Specification or Schedule specifically provides need not be new, the Contractor represents that the supplies and components including any former Government property identified in the "Government Surplus" clause of this contract to be provided under this contract are new (not used or reconditioned, and not of such age or so deteriorated as to impair their usefulness or safety). If at any time during the performance of this contract, the Contractor believes that the furnishing of supplies or components which are not new is necessary or desirable, he shall notify the Contracting Officer immediately, in writing, including the reasons therefor and proposing any consideration which will flow to the Government if authorization to use such supplies is granted.

(b) In all procurements in which the contracting officer has determined that supplies and components which are used or reconditioned but which fully comply with the specifications and other contract requirements are acceptable, the solicitation and resulting contract shall include provisions clearly indicating the supplies or components which need not be new, and details concerning their acceptability. In determining whether such supplies and components may be purchased, the following criteria shall be considered:

(1) Safety of persons or property;

(2) Final cost to the Government (including maintenance, inspection, testing, and useful life);

(3) Performance requirements; and

(4) Availability and cost of new supplies and components (for example, out-of-production items).

(c) Items previously sold as Government surplus shall not be accepted unless it is determined that the surplus property offered fully meets the applicable specifications and other contract requirements. In addition, care must be exercised to insure that the prices paid for such items are reasonable giving due consideration to overall cost savings to the Government without affecting quality. Where a contract calls for material to be furnished at cost, the allowable charge for any Government surplus properly furnished shall be the cost at which the contractor or his affiliate acquired the property.

(d) The solicitations and resulting contracts shall include a clause substantially as set forth below except when the clause would serve no useful purpose.

GOVERNMENT SURPLUS (NOV. 1963)

(a) In the event the bid or proposal is based on furnishing items or components which are former Government surplus property or residual inventory resulting from terminated Government contracts, a complete description of the items or components, quantity to be used, name of Government agency from which acquired, and date of acquisition shall be set forth below:

Notwithstanding any information provided in accordance with this provision, items furnished by the Contractor must comply in all respects with the specifications contained herein.

(b) Except as disclosed by the contractor in (a) above, no property of the type described herein shall be furnished under this contract unless approved in writing by the contracting officer.

§ 1.1309 Volume movements within the United States.

(a) Volume movement means the aggregate of one or more freight shipments to move during the contract period, amounting to or exceeding 10 carloads, 10 truckloads, or 200,000 pounds from one point of origin for delivery to one destination point or area.

(b) Contracting officers and contract administrators shall, after contract award and as soon as production schedules and planned destinations have been established, refer a copy of all contracts which will generate volume movements to the transportation office serving the purchasing activity. The transportation office shall review the contracts and report planned volume movement in accordance with the Military Traffic Management Regulation (AR 55–355, OPNAVINST 4600.8, AFM 75–2, and NAVMC 1175).

(c) Reporting of volume movements will permit a determination of the reasonableness of applicable current rates, and when appropriate, negotiation of adjusted or modified rates, in accordance with the regulation referred to in paragraph (b) of this section. Government traffic frequently possesses more favorable transportation characteristics (greater volume, heavier loading, less likelihood of damage, etc.) than commercial traffic. These favorable characteristics provide the basis for special adjustments of rates for Government traffic under provisions of Section 22 of the Interstate Commerce Act (49 U.S.C. 22).

§ 1.1314 Military Standard Transportation and Movement Procedures (MILSTAMP).

§ 1.1314–1 General.

The Joint MILSTAMP Regulation (AR 55–10, NAVEXOS P–2437, AFM 75–3, MCOP 4610.8, DSAR 4540.2) establishes uniform procedures and documents for the generation, documentation, communication and use of transportation information, thus providing the capability for control of shipments moving in the Department of Defense transportation system. The procedures established by the Joint MILSTAMP Regulation are mandatory upon all agencies shipping material, or arranging for the procurement and shipment of supplies by Government vendors and contractors, through the use of military controlled transport, commercial carriers under Government bills of lading, or through military transshipment facilities as defined in the Joint MILSTAMP Regulation.

§ 1.1314–2 Responsibilities.

Procurement activities are responsible for assuring compliance with the requirements of Joint MILSTAMP Regulation by vendors and contractors for all applicable shipments which are under their direction or control. This includes strict compliance with the requirements relating to documentation, marking, advance notification of shipment dates, and terminal clearances. Contracting officers shall include appropriate provisions in solicitations for supplies to assure compliance with MILSTAMP requirements, provided, however, that the obligation of the contractor shall be held to a minimum and Government contract administration activities (including transportation offices) shall provide the remaining support to satisfy the full MILSTAMP requirements.

8. New paragraph (g) is added to § 1.1401; §§ 1.1404, 1.1405.1, and 1.1405.2 are revised; §§ 1.1406, 1.1407 and 1.1408 are reserved; and new §§ 1.1409 and 1.1410 are added, as follows:

§ 1.1401 Definitions.

* * * * *

(g) "Foreign-flag vessel" means any vessel of foreign registry and includes vessels owned by United States citizens but registered in a nation other than the United States.

§ 1.1404 Procedures.

(a) Except for those supplies obtained for non-reimbursable contributions to foreign assistance programs for which the ocean transportation is to be provided by and at the expense of the recipient government, ocean transportation of supplies owned by the Government and in the possession of either a military department, or a contractor, or subcontractor of any tier, of a Military Department, will be provided by the Military Sea Transportation Service. Accordingly, any contract which may involve ocean transportation of property owned by the Government and in the possession of the contractor or any of his subcontractors (including any contract under which title to property may pass to the Government prior to shipment) shall include a provision, substantially as follows, requiring the shipment of such property only as directed by the contracting officer, who shall be guided by this subchapter and applicable departmental procedures.

OCEAN TRANSPORT OF GOVERNMENT-OWNED SUPPLIES (NOV. 1963)

The Contractor shall advise the Contracting Officer of any proposed transportation by ocean vessels of Government-owned property in the possession of the Contractor or his subcontractors (including property under which title will pass to the Government prior to such transportation). Such property shall subsequently be transported only on United States-flag vessels as directed by the Contracting Officer.

Upon receipt of advice from the contracting officer, the Military Sea Transportation Service shall take such action as may be necessary and practicable to assure proper utilization of Government vessels and private United States vessels in accordance with this subpart and applicable regulations. The Commander of the Military Sea Transportation Service or his designated representative is authorized to make any determination as to availability of United States-flag vessels required to assure such proper utilization.

(b)(1) Except as provided in subparagraph (2) of this paragraph, procuring activities shall include the following clause in any contract which may involve the ocean transportation of supplies of the type described in § 1.1402(a)(2) and (3).

EMPLOYMENT OF OCEAN-GOING VESSELS (JAN. 1958)

If ocean transportation is required after the date of award of this contract in delivering any of the supplies to be furnished hereunder, the Contractor, promptly after each shipment, shall furnish to the Contracting Officer one copy of the applicable ocean shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessel; provided, that the Contractor need not furnish such a document for any shipment of less than 120 measurement tons of dry cargo or less than 35 long tons of bulk liquid cargo; provided further, if this contract is an indefinite quantity contract or a requirements contract, the Contractor need furnish such documents only in connection with shipments made after the date of any delivery order requiring ocean transportation in delivering supplies thereunder.

Additional provisions concerning the vessels to be used may be inserted in accordance with departmental procedures.

(2) The contract shall include the following clause in lieu of the clause set forth in subparagraph (1) of this paragraph:

(i) When determined by the head of a procuring activity, or his designee, to be necessary to assure proper implementation of the policy expressed in § 1.1402; or

(ii) When the procuring activity has been instructed, pursuant to § 1.1405–2, that particular supplies of the type described in § 1.1402(a)(2) and (3) are to be carried exclusively in private United States vessels:

PREFERENCE FOR UNITED STATES-FLAG VESSELS (DEC. 1955)

(a) After the date of award of this contract, the Contractor shall employ privately owned United States-flag commercial vessels,

and no others, in the transportation by sea of any supplies to be furnished hereunder: *Provided, however*, That if such vessels are not available for timely shipment at fair and reasonable rates for such vessels, the Contractor shall so notify the Contracting Officer and request authorization to ship in foreign-flag vessels or designation of available United States-flag vessels. If the Contractor is authorized in writing by the Contracting Officer to ship such supplies in foreign-flag vessels, the contract price shall be equitably adjusted to reflect the difference in costs of shipping such supplies on privately owned United States-flag commercial vessels and foreign-flag vessels.

(b) Promptly after each shipment the Contractor shall furnish the Contracting Officer one copy of the applicable shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessels.

§ 1.1405 Responsibilities.

§ 1.1405–1 Contracting officer.

The contracting officer shall forward the applicable shipping document specified in the clauses set forth in § 1.1404 (b) (1) and (2) to the Department of the Navy (Commander, Military Sea Transportation Service, Attn: M–5), Washington, D.C., 20390, for shipments made under arrangements by the contractor or by a Government agency other than the Military Sea Transportation Service.

§ 1.1405–2 Department of the Navy.

(a) The Department of the Navy (MSTS) shall consolidate the data from the shipping documents forwarded by contracting officers and furnish quarterly reports to the Office of the Assistant Secretary of Defense (Installations and Logistics) reflecting such consolidated information.

(b) The Department of the Navy (MSTS) also shall furnish quarterly reports to the Office of the Assistant Secretary of Defense (Installations and Logistics) of tonnage for which transportation was arranged by the Military Sea Transportation Service.

(c) The reports required by paragraphs (a) and (b) of this section shall be separate and each in two parts. Part I shall include all tonnage subject to this paragraph except Military Assistance Program tonnage. Part II shall be limited to Military Assistance Program tonnage. Each report shall be prepared as set forth in paragraph (d) of this section showing the gross tonnage, by geographic areas of origin and destination, of all supplies (computed separately for dry bulk carriers, dry cargo liners and tankers) for which transportation has been arranged by the Military Sea Transportation Service for:

(1) Private United States vessels;

(2) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(3) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

(d) The reports required by paragraphs (a), (b), and (c) of this section shall be prepared as set forth herein.

REPORT OF CARRIAGE OF DEPARTMENT OF DEFENSE CARGO
for the Quarter ---------- to ----------

( ) Part I, Tonnage other than Military Assistance Program Tonnage
( ) Part II, Military Assistance Program Tonnage

CARRIER: ( ) Dry Bulk, in L/T; ( ) Dry Cargo Liner, in M/T; ( ) Tanker in L/T

From*	To*	Total	Private U.S. Vessels	Government Vessels		Foreign Flag Vessels	
				Used due to non-availability of private U.S. vessels	Other	Used due to non-availability of private U.S. vessels	Other

*Identify by Roman numeral corresponding to geographic areas listed in § 1.1403(a).

§ 1.1406 [Reserved]

§ 1.1407 [Reserved]

§ 1.1408 [Reserved]

§ 1.1409 Construction contracts.

It is the policy of the Department of Defense to require construction contractors, including subcontractors and suppliers, engaged in overseas work to utilize United States-flag vessels to the extent that such vessels are available at fair and reasonable rates for United States-flag vessels. This policy is applicable to any supplies, materials, or equipment shipped from the United States for either the performance of the work or for incorporation in the work. To carry out this policy, the following clause shall be included in any construction contract which may involve the ocean transportation of materials:

EMPLOYMENT OF OCEAN-GOING VESSELS BY CONSTRUCTION CONTRACTORS (NOV. 1963)

(a) If ocean transportation is required after the date of award of its contract to bring any supplies, materials, or equipment, to the construction site from the United States either for use in performance of or for incorporation in the work called for by this contract, United States-flag vessels shall be employed in such transportation to the extent such vessels are available at fair and reasonable rates for United States-flag vessels. The Contractor shall not make any shipment exceeding ten measurement tons (400 cubic feet) by other than a United States-flag vessel without notifying the Contracting Officer that United States-flag vessels are not available at fair and reasonable rates for such vessels and obtaining his permission to ship in other vessels. If such permission is granted, the contract price shall be equitably adjusted to reflect the difference in cost.

(b) The Contractor shall include the substance of this clause, including this paragraph (b), in each subcontract or purchase order hereunder which may involve the ocean transportation of construction supplies, materials, or equipment from the United States.

Upon request of the contracting officer, the Commander, MSTS, or his representative, will furnish advice as to the availability of United States-flag vessels for any particular shipment. These requirements shall not apply to Military Assistance Program projects, Agency for International Development projects, or to similar projects under the auspices of the Department of Defense where the recipient nation pays for or furnishes at least fifty percent of the transportation, in which event foreign-flag vessels may be used for not to exceed fifty percent of the gross tonnage for the project. The contracting officer shall comply with § 1.1402(b) relative to any Government-owned construction materials requiring ocean transportation.

§ 1.1410 Non-use of foreign-flag vessels engaged in Cuban trade.

(a) Supplies owned by or procured under any contract of a Department of Defense activity (including supplies for military assistance) will not be shipped from any United States port on a foreign-flag vessel which has called at a Cuban port on or after 1 January 1963, unless the Secretary of Commerce has made an exception applicable to such vessel.

(b) Procuring activities shall include the following clause in any contract which may involve the use of foreign-flag vessels in the ocean transportation from a United States port of supplies to be delivered under the contract or to be incorporated in supplies or other end product of the contract;

NON-USE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN TRADE (NOV. 1963)

(a) If, after the date of award, any supplies to be furnished or any materials to be incorporated in such supplies or in a construction project will require ocean transportation from the United States in the performance of this contract, the Contractor shall not use any foreign-flag vessel which the Maritime Commission has listed in the FEDERAL REGISTER as having called at a Cuban port on or after 1 January 1963 unless an exception has been made by the Secretary of Commerce.

(b) For purposes of this clause, the term "United States" includes the fifty States, Puerto Rico, possessions of the United States, and the District of Columbia.

(c) The Contractor shall include the substance of this clause, including this paragraph (c), in each subcontract or purchase order hereunder which may involve ocean transportation from the United States.

The contracting officer may refer any questions in connection with the above clause to Code M–34, Military Sea Transportation Service, Washington, D.C., 20390.

9. Sections 1.1503 and 1.1504 are revised; the heading of Subpart P is changed; and §§ 1.1601 and 1.1604 are revised, to read as follows:

§ 1.1503 Applicability.

(a) Option clauses may be included in contracts where increased requirements within the period of contract performance are foreseeable, or where continuing performance beyond the original period of contract performance may be in the best interest of the Government. Since options require offerors to guarantee prices for definite periods of time with no guarantee that orders will be placed, their improper use could result in prices which are unfair to either the Government or the contractor. Option clauses may require that option quantities be offered at prices no higher than those for the initial quantities or they may allow option quantities to be offered without such limitation as to price. When additional requirements are foreseeable and subsequent competition would be impracticable because of such factors as production lead time and delivery requirements, the use of options which require prices no higher than those for the initial quantities may be preferable to later negotiating a price with the contractor at a time when he is the only practical source. An option normally should not be used where it can reasonably be foreseen that (1) minimum economic production quantities will be procured at some future date, and (2) start-up costs, production lead time, and probable delivery requirements would not preclude adequate future competition.

(b) Option provisions and clauses shall not be included in contracts when—

(1) The supplies or services being purchased are readily available on the open market;

(2) The contractor would be required to incur undue risks: *e.g.*, the price or availability of necessary materials or labor is not reasonably foreseeable;

(3) An indefinite quantity contract or requirements contract is appropriate except that options for continuing performance may be used in such contracts;

(4) Market prices for the supplies or services involved are likely to change substantially; or

(5) The option quantities represent known firm requirements for which procurement funds are available.

§ 1.1504 Procedures.

(a) When a contract is to contain an option clause, the solicitation must contain an appropriate option provision. The contract shall limit the additional quantities of supplies or services which may be procured, or the duration of the period for which performance of the contract may be extended, under the option and will fix the period within which the option may be exercised. This period shall be set so as to afford the contractor adequate notice of the requirement for performance under the option but with respect to service contracts may extend beyond the contract completion date when exercise of the option would obligate funds not available in the fiscal year in which the contract would otherwise be completed. In fixing the period within which the option may be exercised, consideration shall be given to (1) necessary lead time in order to assure continuous production and (2) the time required for additional funding and other necessary approval action. The period specified for exercising the option shall in all cases be kept to a minimum. When a solicitation contains an option which requires the offering of additional quantities of supplies at unit prices no higher than those for the initial quantities, it shall provide that the option quantities shall not exceed 50 percent of the initial quantity. When unusual circumstances exist, however, the head of the procuring activity or his designee may approve a greater percentage or quantity. The quantities and the period under option and the period during which the option may be exercised shall be justified and documented by the contracting officer in the contract file.

(b) Solicitations containing option provisions generally shall state that evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity. However, where it is anticipated that the Government may elect to exercise the option at time of award, solicitation shall state that if the Government does so elect, evaluation will be on the basis of total quantity to be awarded, including the option quantity, but if the Government does not so elect, evaluation will be on the basis of the quantity to be awarded exclusive of the option quantity.

(c) Solicitations which allow the offer of option quantities at unit prices which differ from the unit prices for the basic contract quantities shall also state that varying prices may be offered for the option quantities depending on the quantities actually ordered and the date or dates when ordered.

(d) Where exercise of the option would result in increased quantities of supplies, the option may be expressed in terms of (1) percentage of specific contract line items, (2) a number of additional units of specific contract line items, or (3) additional numbered line items identified as the option quantity with the same nomenclature as line items initially included in the contract. Where exercise of the option would result in an increase in the performance of services by the contractor, the option may similarly be expressed in terms of percentages, increase in specific line items, or additional numbered line items, expressed in terms of the units of work initially used in the contract such as man hours, man years, square feet, pounds or tons handled. Where exercise of the option would result in an extension of duration of the contract, the option may be expressed in terms of an extended terminal date or of an additional time period, such as days, weeks, or months.

Subpart P—Novation Agreements and Change of Name Agreements

§ 1.1601 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or such part of his assets as is involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single department execution of novation agreements and change of name agreements affecting more than one department.

§ 1.1604 Novation agreements and change of name agreements affecting more than one department.

(a) When more than one department has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, a single agreement covering all such contracts will be executed by the department having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors. Such agreements shall be executed at a level no lower than that of a head of a procuring activity.

(b) The department processing a proposed novation agreement shall promptly provide notice of the proposed agreement, including a list of the contracts involved, to the other departments having contracts with the contractor concerned. Such notice shall be transmitted, as appropriate, to the following: The Directorate of Procurement, ASA (I & L), Department of the Army, Washington, D.C., 20310, Attn: Chief, Contracts Division; Department of the Navy, Office of Naval Material, Attn: M36, Washington, D.C., 20360; Department of the Air Force, Headquarters, Air Force Systems Command (SCMKP), Andrews Air Force Base, Md., 20331; Defense Supply Agency, Directorate of Procurement and Production, Washington, D.C., 22314. Within 30 days after receipt of such notice, the department may submit comments to the processing department, which shall be considered prior to execution of the proposed agreement. The absence of comment from a department within 30 days after its receipt of notice of a proposed novation agreement shall be construed as approval by that department.

(c) Where substantial alterations or additions to the formats set forth in §§ 1.1602(c) and 1.1603(b) are considered appropriate by the department processing the proposed agreement, that department shall coordinate the agreement with the other departments prior to execution. Any objections shall be resolved before the agreement is executed.

(d) Copies of executed novation agreements or change of name agreements shall be distributed by the processing department, or by the contractor if agreed to by him, to the other departments concerned (see paragraph (b) of this section for addresses) in the following quantities:

(1) 2 copies for each Department of the Army contract,

(2) 5 copies for each Department of the Navy contract,

(3) 5 copies for each Department of the Air Force contract, and

(4) 2 copies for each Defense Supply Agency contract.

(e) Novation agreements amending contracts for the storage of household goods entered into pursuant to Commercial Warehousing and Related Services for Household Goods of Military Personnel (DOD Regulation 4145.16–R) shall be forwarded by household goods field offices to the Chief of Support Services, Department of the Army, Attn: SPTS–SSW, Washington, D.C., 20315, for appropriate execution without regard to

the provisions of paragraphs (a) and (b) of this section.

10. Subpart Q is revised to read as follows:

Subpart Q—Value Engineering

Sec.

1.1701 Policy.
1.1702 Value engineering incentives.
1.1702–1 Description.
1.1702–2 Application.
1.1702–3 Limitations.
1.1703 Value engineering program requirements.
1.1703–1 Description.
1.1703–2 Application.
1.1703–3 Limitations.
1.1704 Data and technical information.
1.1705 Value engineering incentive clauses.
1.1705–1 Value engineering incentive clause for firm fixed-price contracts and fixed-price contracts providing for escalation.
1.1705–2 Value engineering incentive clause for fixed-price incentive contracts (firm targets).
1.1705–3 Value engineering incentive clause for fixed-price incentive contracts (successive targets).
1.1705–4 Value engineering incentive clause for fixed-price contracts providing for prospective price redetermination.
1.1705–5 Value engineering incentive clause for cost-plus-incentive-free contracts.
1.1706 Value engineering program requirement clauses.
1.1706–1 Value engineering program requirement clause for use in cost-plus-fixed-free contracts.
1.1706–2 Value engineering program requirement clause for use in cost-plus-incentive-fee contracts.
1.1706–3 Value engineering program requirement clause for use in fixed-price incentive (firm targets) contracts.
1.1706–4 Value engineering program requirement clause for use in fixed-price incentive (successive targets) contracts.
1.1706–5 Value engineering program requirement clause for use in fixed-price contracts other than fixed-price incentive contracts.

AUTHORITY: The provisions of this Subpart Q issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1.1701 Policy.

(a) *General.* Value engineering is concerned with elimination or modification of anything that contributes to the cost of an item but is not necessary to required performance, quality, maintainability, reliability, standardization, or interchangeability. Value engineering usually involves an organized effort directed at analyzing the function of an item with the purpose of achieving the required function at the lowest overall cost. As used in this subpart, "value engineering" means a cost reduction effort not required by any other provision of the contract. It is the policy of the Department of Defense to incorporate provisions which encourage or require value engineering in all contracts of sufficient size and duration to offer reasonable likelihood for cost reduction. Normally, however, this likelihood will not be present in contracts for construction, research, or exploratory development. Value engineering contract provisions are of two kinds:

(1) Value engineering incentives which provide for the contractor to share in cost reductions that ensue from change proposals he submits; and

(2) Value engineering program requirements which obligate the contractor to maintain value engineering efforts in accordance with an agreed program, and provide for limited contractor sharing in cost reductions ensuing from change proposals he submits.

(b) *Processing value engineering change proposals.* In order to realize the cost reduction potential of value engineering, it is imperative that value engineering change proposals be processed as expeditiously as possible.

§ 1.1702 Value engineering incentives.

§ 1.1702–1 Description.

Many types of contracts, when properly used, provide the contractor with an incentive to control and reduce costs while performing in accordance with specifications and other contract requirements. However, the practice of reducing the contract price (or fee, in the case of cost-reimbursement type contract) under the "Changes" clause tends to discourage contractors from submitting cost reduction proposals requiring a change to the specifications or other contract requirements even though such proposals could be beneficial to the Government. Therefore, the objective of a value engineering incentive provision is to encourage the contractor to develop and submit to the Government cost reduction proposals which involve changes in the contract specifications, purchase description, or statement of work. Such changes may include the elimination or modification of any requirements found to be in excess of actual needs regarding for, example, design, components, materials, material processes, tolerances, packaging requirements, or testing procedures and requirements. If the Government accepts a cost reduction proposal through issuance of a change order, the value engineering incentive provision provides for the Government and the contractor to share the resulting cost reduction in the proportion stipulated in the value engineering incentive provision.

§ 1.1702–2 Application.

(a) Except as limited by § 1.1702–3, a value engineering incentive provision shall be included in all advertised and negotiated procurements in excess of $100,000 unless (a) a value engineering program requirement is included in the contract in accordance with § 1.1703–2, or (b) the head of the procuring activity has determined that value engineering offers no potential for cost reduction, as, for example, where a particular contract or class of contracts is of insufficient duration to allow value engineering proposals to be processed, or where the item or class of items being procured is a commercial product whose design and cost are controlled by the commercial market. Value engineering incentive provisions also may be included in contracts of less than $100,000 at the discretion of the contracting officer.

(b) Contract clauses providing for value engineering incentives are set forth in § 1.1705.

(c) The precise extent to which the contractor should share in cost reductions must be tailored to the particular procurement. For advertised contracts, the percentage of contractor sharing shall be stated in the "Value Engineering Incentive" clause in the invitation for bids. For negotiated contracts, the percentage of contractor sharing shall be stated in the solicitation, although this percentage may be a subject of negotiation prior to award. In two-step formal advertising, although discussion of the appropriate percentage of contractor sharing is permissible in connection with the first step, a single percentage shall be stipulated in the invitation for bids that is issued at the beginning of the second step. In the case of firm fixed-price contracts, fixed-price contracts providing for escalation, and fixed-price contracts providing for prospective redetermination, the contractor's share in any cost reduction normally should be 50 percent and in no event greater than 75 percent. However, if such contracts are not awarded on the basis of adequate price competition, a contractor's share of less than 50 percent may be appropriate. In the case of an incentive type contract, if it is determined that reasonable certainty exists that cost savings can be accurately estimated, the contractor's share may be up to 50 percent; if such a certainty does not exist, his share should be in accordance with the maximum over-all cost incentive pattern of the contract.

(d) When a value engineering incentive is to be included in a contract that also will include performance incentives that might be affected by changed specifications resulting from value engineering, the contract should include an appropriate provision to permit equitable revisions to the performance incentive provisions in the event that a cost-reduction proposal is adopted which affects the basis for computing the performance incentive so substantially that the performance incentive provisions would be rendered fundamentally unreasonable, or entirely beyond that contemplated by the parties at the time the contract was entered into.

(e) Since the value engineering incentive clause does not require the contractor to perform value engineering, it is intended that the inclusion of the value engineering incentive clause in itself will not increase costs to the Government beyond those considered reasonable for the conduct of the contractor's business or the performance of the contract. Where cost analysis is required, cost allowability will be determined in accordance with normal application of the principles and the procedures provided in Part 15 of this chapter. Accordingly, where a contractor already has a value engineering program, the Government will bear a reasonable and allocable share of the cost of this program, but inordinate value engineering cost increases incurred solely because of inclusion of the clause shall not be allowed. Similarly, where a contractor does not have a value engineering program in existence, proper allocable costs of instituting a reasonable value engineering program are allowable.

§ 1.1702–3 Limitations.

Normally, value engineering incentive provisions shall not be included in procurements for construction, research, or exploratory development. In addition, with the exception of cost-plus-incentive fee contracts, value engineering incentive provisions shall not be included in cost-reimbursement type contracts; however, a value engineering program requirement shall be included if otherwise appropriate (see § 1.1703–2).

§ 1.1703 Value engineering program requirements.

§ 1.1703–1 Description.

A value engineering program requirement is a contract provision that obligates the contractor to engage in a program requiring a specified level of value engineering effort. It differs from a value engineering incentive in that the scope and level of effort required by the Government are specifically stated as an item of work in the contract schedule. It also differs in that benefits are expected to result not only from the development of specific cost reduction change proposals, but from a continuous value engineering effort by the contractor in all or selected phases of contract performance and from the submission to the Government of reports reflecting the results of such effort. The principal goal of a value engineering program requirement is to realize the potentialities of value engineering, insofar as practicable, at a time when it will do the most good, i.e., in the initial stages of the design-development-production cycle, so that specifications, production drawings and methods will reflect the full benefit of value engineering as early as possible. The particular value engineering program to be required should be tailored to the particular contract situation with a view toward this goal, and shall be set forth in the contract schedule as a line item. The "Value Engineering Program Requirement" clause provides for contractor sharing in savings ensuing from the adoption of resulting change proposals.

§ 1.1703–2 Application.

(a) Except as limited by § 1.1703–3, a value engineering program requirement shall be included in each cost-plus-fixed-fee contract in excess of $1,000,000, unless the head of the procuring activity has determined that the potential for cost reduction does not justify the effort involved in the establishment of a special value engineering program. In addition, a value engineering program requirement may be included in cost-plus-incentive fee contracts in excess of $1,000,000, if the contracting officer determines that the lack of a firm specification, precise purchase decription or detailed statement of work would be likely to render a value engineering incentive provision incapable of realizing the contract's potential for value engineering cost reduction. Under these same conditions, a value engineering program requirement may also be substituted for a value engineering incentive provision in a fixed-price type contract if approved by the head of the procuring activity or his designee. If a value engineering program requirement is otherwise applicable, it may be included in contracts of less than $1,000,000.

(b) Contract clauses providing for a value engineering program are set forth in § 1.1706.

(c) When a value engineering program requirement is included, the precise extent to which the contractor should share in cost reductions ensuing from the adoption of any acceptable change proposal must be tailored to the particular procurement situation. The percentage of contractor sharing shall be stated in the solicitation, although this percentage may be a subject of negotiation prior to award. In the case of firm fixed-price contracts, fixed-price contracts providing for escalation; and fixed-price contracts providing for prospective redetermination, the contractor's share shall in no event be greater than 25 percent. In the case of an incentive-type contract, if it is determined that reasonable certainty exist that cost savings can be accurately estimated, the contractor's share may be up to 25 percent; if such a certainty does not exist, his share should be in accordance with the maximum over-all cost incentive pattern of the contract. In the cast of cost-plus-fixed fee contracts, the contractor's share of the savings shall normally be 10 percent and shall not exceed this figure.

(d) When a value engineering program requirement is to be included in a contract that will also include performance incentives that might be affected by changed specifications resulting from value engineering, the contract should include an appropriate provision to permit equitable revisions to the performance incentive provisions in the event that a cost-reduction proposal is adopted which affects the basis for computing the performance incentive so substantially that the performance incentive provisions would be rendered fundamentally unreasonable, or entirely beyond that contemplated by the parties at the time the contract was entered into.

(e) Except to the extent that the price or estimated cost of a contract includes an amount specifically to cover a required value engineering program, the inclusion of a value engineering program requirement should not in itself increase costs to the Government beyond those considered reasonable for the conduct of the contractor's business or the performance of the contract. Where cost analysis is required, cost allowability will be determined in accordance with normal application of the principles and procedures provided in Part 15 of this chapter. Accordingly, when a contractor already has his own value engineering program, the Government will also bear a reasonable and allocable share of the cost of such program, to the extent not included in the cost of the value engineering program required by the contract. Inordinate value engineering cost increases in the contractor's own program, incurred solely because of inclusion in the contract of the value engineering program requirement, shall not be allowed. Similarly, when a contractor does not have his own value engineering program in existence, proper allocable costs of instituting a reasonable value engineering program to the extent not included in the program required by the contract are allowable.

§ 1.1703–3 Limitations.

Normally, value engineering program requirements shall not be included in procurements for construction, research, or exploratory development. A value engineering program requirement shall not be used in formally advertised contracts, and generally should not be used in negotiated contracts where award will be made solely on the basis of price competition.

§ 1.1704 Data and technical information.

A "Data" clause (see § 9.203 of this chapter) shall be included in all contracts containing value engineering provisions, except in the case of overseas contracts, in which case the "Technical Information" clause (see § 9.206 of this chapter) shall be included. Where a "Data" clause is included in a contract solely because of a value engineering provision, the following should be inserted immediately after the caption of the clause: "This clause applies only to data submitted to the Government in connection with a cost reduction proposal under the provisions of this contract regarding value engineering."

§ 1.1705 Value engineering incentive clauses.

If it is determined, in accordance with § 1.1702, to include a value engineering incentive provision in a contract, the applicable clause set forth below shall be used.

§ 1.1705–1 Value engineering incentive clause for firm fixed-price contracts and fixed-price contracts providing for escalation.

VALUE ENGINEERING INCENTIVE (AUG. 1963)

(a) This clause applies to cost reduction proposals initiated and developed by the Contractor for changing the drawings, designs, specifications, or other requirements of this contract. This clause does not, however, apply to any such proposal unless it is identified by the Contractor at the time of its submission to the Contracting Officer, as a proposal submitted pursuant to this clause. The cost reduction proposals contemplated are those that:

(i) Would result in less costly items than those specified herein without impairing any of their essential functions and characteristics such as service life, reliability, economy of operation, ease of maintenance, and necessary standardized features, and

(ii) Would require, in order to be applied to this contract, a change order to this contract.

(b) Cost reduction proposals as defined herein will be processed expeditiously and in the same manner as prescribed for any other proposal which would likewise necessitate issuance of a contract change order. As a minimum, the following information will be submitted by the Contractor with each proposal:

(i) A description of the difference between the existing contract requirement and the

§ 1.1705–4 Value engineering incentive

(i) Would result in less costly items than

(e) Cost reduction proposals submitted

research, or exploratory development.

cretion of the contracting officer.

a value engineering program in exist-

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cost increases in the contractor's own

the existing contract requirement and the

proposed change, and the comparative advantages and disadvantages of each;

(ii) An itemization of the requirements of the contract which must be changed if the proposal is adopted and a recommendation as to how to make each such change (e.g., suggested revision);

(iii) An estimate of the reduction in performance costs that will result from adoption of the proposal taking into account the costs of implementation by the Contractor, and the basis for the estimate;

(iv) A prediction of any effects the proposed change would have on other costs to the Government, such as Government-furnished property costs, costs of related items, and costs of maintenance and operation;

(v) A statement of the time by which a change order adopting the proposal must be issued so as to obtain the maximum cost reduction during the remainder of the contract, noting any effect on maintaining the contract delivery schedule; and

(vi) The dates of any previous submissions of the proposal, the numbers of any Government contracts under which submitted, and the previous actions by the Government, if known.

(c) The Government shall not be liable for any delay in acting upon, or for any failure to act upon, any proposal submitted pursuant to this clause. The decision of the Contracting Officer as to the acceptance of any such proposal under this contract shall be final and shall not be subject to the "Disputes" clause of this contract. Unless and until a change order applies such a proposal to this contract, the Contractor shall remain obligated to perform in accordance with its existing terms. The Contracting Officer may accept in whole or in part any cost reduction proposal submitted pursuant to this clause by issuing a change order which will identify the cost reduction proposal on which it is based.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted under this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. If the equitable adjustment involves a reduction in the contract price, it shall be established by determining the amount of the total estimated decrease in the Contractor's cost of performance resulting from the adoption of the cost reduction proposal, taking into account the cost of implementing the change by the Contractor, and reducing the contract price by ---------- percent (----%)* of such decrease. If the equitable adjustment involves an increase in the contract price, such increase shall be established under the "Changes" clause rather than under this paragraph (d). The resulting contract modification will state that it is made pursuant to this clause.

(e) Cost reduction proposals submitted under the provisions of any other contract also may be submitted under this contract for consideration pursuant to the terms of this clause.

(f) The Contractor may restrict the Government's right to use any sheet of a value engineering proposal or of the supporting data, submitted pursuant to this clause, in accordance with the terms of the following legend if it is marked on such sheet.

This data furnished pursuant to the value engineering incentive clause of contract ---------- shall not be disclosed outside the Government, or be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a value engineering proposal submitted under said clause. This restriction does not limit the Government's right to use information contained in this data if it is or has been obtained from another source, or is otherwise available, without limitations. If such a proposal is accepted by the Government by issuance is a change order under the "Changes" clause of said contract after the use of this data in such an evaluation, the Government shall have the right to duplicate, use, and disclose any data pertinent to the proposal as accepted, in any manner and for any purpose whatsoever, and have others so do.

After the issuance of a change order accepting a value engineering proposal, but not prior thereto, such proposal and the supporting data shall, for the sole purpose of supplementing the rights granted to the Government under this paragraph, be considered "Subject Data" within the meaning of the "Data" clause of this contract.

If the contract is to include a "Technical Information" clause rather than a "Data" clause, substitute "technical information" for "Subject Data" and "Technical Information" for "Data" in the last sentence of the clause above. See Subpart B, Part 9 of this chapter.

§ 1.1705–2 Value engineering incentive clause for fixed-price incentive contracts (firm targets).

For fixed-price incentive contracts (firm targets), insert the clause set forth in § 1.1705–1, modified by the susbtitution of the following paragraph (d) thereof:

(d) If a cost reduction proposal submitted pursuant to this clause and affecting any of the items described in paragraph (a) of the "Incentive Price Revision (Firm Target)" clause of this contract is accepted under this contract, an equitable adjustment in the total target price of such items and in any other affected provision of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. The equitable adjustment in such total target price shall be established by (i) determining the amount of the total estimated decrease in the Contractor's cost of performance resulting from adoption of the cost reduction proposal, taking into account the cost of implementing the change by the Contractor, and (ii) deducting the full amount of this estimated decrease from the total target cost and adding ------ percent (------ %)* of such amount to the total target profit relating to such items. The maximum dollar limit on the total final price of such items, which is expressed in said paragraph (a) as a percentage of the total target cost thereof, shall be increased by the total amount of any adjustments in the total target profit that have been established pursuant to this clause. If the equitable adjustment involves an increase in the contract price, such increase shall be established under the "Changes" clause rather than under this paragraph (d). The resulting contract modification will state that it is made pursuant to this clause.

§ 1.1705–3 Value engineering incentive clause for fixed-price incentive contracts (successive targets).

For fixed-price incentive (successive targets) contracts, insert the clause in § 1.1705–1, modified to substitute the following for paragraph (d) thereof:

(d) (1) If a cost reduction proposal submitted pursuant to this clause and affecting any of the items described in paragraph (a) of the "Incentive Price Revision (Successive Targets)" clause of this contract is accepted under this contract, an equitable adjustment in the total initial or firm target price of such items and in any other affected provision of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. Except as otherwise provided in paragraph (2) and (3) below the equitable adjustment in such total initial or firm target price shall be established by (i) determining the amount of the total estimated decrease in the Contractor's cost or performance resulting from adoption of the cost reduction proposal, taking into account the cost of implementing the change by the Contractor, and (ii) deducting the full amount of this estimated decrease from the initial or firm total target cost of such items (whichever is in effect at the time of adjustment), and adding ------ percent (------ %),* or such other percentage as may be applicable pursuant to paragraph (2) below, of such amount to the initial or firm target profit relating to such items (whichever is in effect at the time of adjustment). Except where a firm fixed-price has been established in accordance with paragraph (c) of said price revision clause, if such a cost reduction proposal is accepted under this contract either before or after the establishment of a firm profit adjustment formula in accordance with said paragraph (c), the maximum dollar limit on the total final price of such items, which is expressed in said paragraph (a) as a percentage of the total initial target cost thereof, shall be increased by the amount of any adjustments in the total initial or firm target profit (whichever is in effect at the time of adjustment), that have been established pursuant to this clause.

(2) If a cost reduction proposal submitted pursuant to this clause and affecting any of the items referred to in paragraph (1) above is accepted under this contract after the establishment of a firm fixed-price in accordance with paragraph (c) of the "Incentive Price Revision (Successive Targets)" clause of this contract, an equitable adjustment in the contract price and in any other affected provisions of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. If the equitable adjustment involves a reduction in the contract price, it shall be established by determining the amount of the total estimated decrease in the Contractor's cost of performance resulting from the adoption of the cost reduction proposal, taking into account the cost of implementing the change by the Contractor, and reducing the contract price by ------ percent (------ %)** of such decrease. If a firm profit adjustment formula is established in accordance with said paragraph (c), the percentage set forth in paragraph (1)(ii) above may be modified for application to cost reduction proposals, submitted pursuant to this clause and affecting any of the items referred to in paragraph (1) above, which are accepted under this contract after the establishment of said formula.

(3) If an equitable adjustment pursuant to paragraph (1) or (2) above should involve an increase in the contract price, such increase shall be established under the "Changes" clause rather than this paragraph (d). The resulting contract modification shall state that it was made pursuant to this clause.

* Insert the appropriate percentage, i.e., the contractor's share (see § 1.1702–2(c)).

** Insert the appropriate percentage, i.e., the Government's share (see § 1.1702–2(c)).

§ 1.1705–4 Value engineering incentive clause for fixed-price contracts providing for prospective price redetermination.

For fixed-price contracts providing for prospective price redetermination, insert the clause set forth in § 1.1705–1, modified by adding the following to the second sentence of paragraph (d) thereof:

Provided, That for any redetermination of price, under the "Price Redetermination" clause of this contract, having an effective date subsequent to the effective date of any change order issued pursuant to this clause, the redetermined price shall not be reduced as a consequence of such change order by more than ------ percent (------ %)* of the estimated decrease in that part of the Contractor's cost of performance that is attributable to the pertinent price redetermination period.

§ 1.1705–5 Value engineering incentive clause for cost-plus-incentive-fee contracts.

For cost-plus-incentive-fee contracts, insert the clause set forth in § 1.1705–1, modified to substitute the following paragraph (d) thereof:

(d) If a cost reduction proposal submitted pursuant to this clause is accepted, an equitable adjustment in target cost and fee and in any other affected provision of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. The equitable adjustment in target cost and fee shall be established by (i) determining the amount of the total estimated decrease in the Contractor's cost of performance resulting from adoption of the cost reduction proposal, taking into account the cost of implementing the change by the Contractor; and (ii) deducting the full amount of this estimated decrease from the target cost and adding ------ percent (------ %)** of such amount to the minimum, target and maximum fees. If the equitable adjustment involves an increase in the cost of performance of the contract, such increase shall be established under the "Changes" clause rather than under this paragraph (d). The resulting contract modification will state that it is made pursuant to this clause.

§ 1.1706 Value engineering program requirement clauses.

If it is determined in accordance with § 1.1703 to include a Value Engineering Program Requirement in a contract, the applicable clause of those set forth below shall be used.

§ 1.1706–1 Value engineering program requirement clause for use in cost-plus-fixed-fee contracts.

VALUE ENGINEERING PROGRAM REQUIREMENT (AUG. 1963)

(a) The Contractor shall engage in a value engineering program, and submit progress reports thereon, as specified in the Schedule. In addition, the Contractor shall submit any cost reduction change proposals resulting from the required program. This clause does not, however, apply to any such proposal unless it is identified by the Contractor at the time of its submission to the Contracting Officer, as a proposal submitted pursuant to this clause. The cost reduction change proposals contemplated by this clause are those that:

(i) Would result in less costly items than those specified herein without impairing any of their essential functions and characteristics, such as service life, reliability, economy of their essential functions and characteristics, such as standardized procedures; and

(ii) Would require, in order to be applied to this contract, a change order to this contract.

(b) Cost reduction proposals as defined herein will be processed expeditiously and in the same manner as prescribed for any other proposal which would likewise necessitate issuance of a contract change order. As a minimum, the following information will be submitted by the Contractor with each proposal:

(i) A description of the difference between the existing contract requirement and the proposed change, and the comparative advantages and disadvantages of each;

(ii) An itemization of the requirements of the contract which must be changed if the proposal is adopted and a recommendation as to how to make each such change (e.g., suggested revision);

(iii) An estimate of the reduction in performance costs that will result from adoption of the proposal taking into account the costs of implementation by the Contractor, and the basis for the estimate;

(iv) A prediction of any effects the proposed change would have on other costs to the Government, such as Government-furnished property costs, costs of related items and costs of maintenance and operation;

(v) A statement of the time by which a change order adopting the proposal must be issued so as to obtain the maximum cost reduction during the remainder of the contract, noting any effect on maintaining the contract delivery schedule; and

(vi) The dates of any previous submissions of the proposal, the numbers of any Government contracts under which submitted, and the previous actions by the Government, if known.

(c) The Government shall not be liable for any delay in acting upon, or for any failure to act upon, any proposal submitted pursuant to this clause. The decision of the Contracting Officer as to the acceptance of any such proposal under this contract shall be final and shall not be subject to the "Disputes" clause of this contract. Unless and until a change order applies such a proposal to this contract, the Contractor shall remain obligated to perform in accordance with its existing terms. The Contracting Officer may accept in whole or in part any cost reduction proposal submitted pursuant to this clause by issuing a change order which will identify the cost reduction proposal on which it is based.

(d) If a cost reduction proposal submitted pursuant to this clause is accepted under this contract, an equitable adjustment in the fixed fee and in any other affected provision of this contract shall be made in accordance with this clause and the "Changes" clause of this contract. If the adjustment involves a reduction in the cost of the contract, the equitable adjustment in the fixed fee shall be established by (i) determining the amount of the total estimated decrease in the Contractors cost of performance resulting from adoption of the cost reduction proposal, taking into account the cost of implementing the change by the Contractor; and (ii) adding ------ percent (------%)* of such amount to the fixed fee. If the equitable adjustment involves an increase in the cost of performance of the contract, such increase shall be established under the "Changes" clause rather than under this paragraph (d). The resulting contract modification will state that it is made pursuant to this clause.

(e) Cost reduction proposals submitted under the provisions of any other contract may also be submitted under this contract for consideration pursuant to the terms of this clause.

(f) Any progress reports submitted pursuant to (a) above, and any value engineering proposal, including supporting data, submitted pursuant to this clause shall constitute "Subject Data" under the "Data" clause of this contract, whether or not change orders or contract modifications result therefrom. Notwithstanding any other provisions of this contract, the Government shall have the unrestricted right to apply any data pertinent to any cost reduction proposal in any manner and for any purpose whatsoever unless the Contracting Officer specifically agrees otherwise in writing.

If the contract is to include a "Technical Information" clause rather than a "Data" clause, substitute "Technical Information" for "Subject Data" and "Technical Information" for "Data" in the first sentence of paragraph (f) of the clause above. See Subpart B, Part 9 of this chapter.

§ 1.1706–2 Value engineering program requirement clause for use in cost-plus-incentive-fee contracts.

For cost-plus-incentive-fee contracts, insert the clause set forth in § 1.1706–1 except that paragraph (d) shall be deleted and paragraph (d) as set forth under § 1.1705–5 substituted in lieu thereof. The percentages inserted in said paragraph (d) shall be in accordance with § 1.1703–2.

§ 1.1706–3 Value engineering program requirement clause for use in fixed-price incentive (firm targets) contracts.

For fixed-price incentive (firm targets) contracts, insert the clause set forth in § 1.1706–1 except that paragraph (d) shall be deleted and paragraph (d), as set forth under § 1.1705–2, substituted in lieu thereof. The percentages inserted in paragraph (d) shall be in accordance with § 1.1703–2.

§ 1.1706–4 Value engineering program requirement clause for use in fixed-price incentive (successive targets) contracts.

For fixed-price incentive (successive targets) contracts, insert the clause set forth in §1.1706–1 except that paragraph (d) shall be deleted and paragraphs (d) (1) and (2), as set forth under § 1.1705–3, substituted in lieu thereof. The percentages inserted in paragraph (d)(1) shall be in accordance with § 1.1703–2.

§ 1.1706–5 Value engineering program requirement clause for use in fixed-price contracts other than fixed-price incentive contracts.

For fixed-price contracts other than fixed-price incentive contracts, insert the clause set forth in § 1.1706–1 except that paragraph (d) shall be deleted and paragraph (d) of the clause set forth under § 1.1705–1 substituted in lieu thereof. The percentages inserted in said paragraph (d) shall be in accordance with § 1.1703–2. In addition, for fixed-price contracts providing for prospective redetermination, the following shall be added to the second sentence of said paragraph (d):

* Insert the appropriate percentage, i.e., the Government's share (see § 1.1702–2(c)).

** Insert the appropriate percentage, i.e., the contractor's share (see § 1.1703–2(c)).

Provided, That for any redetermination of price, under the "Price Redetermination" clause of this contract, having an effective date subsequent to the effective date of any change order issued pursuant to this clause, the redetermined price shall not be reduced as a consequence of such change order by more than _____ percent (____%)* of the estimated decrease in that part of the Contractor's cost of performance that is attributable to the pertinent price redetermination period.

*Insert the appropriate percentage, i.e., the Government's share (see § 1.1703–2).

PART 2—PROCUREMENT BY FORMAL ADVERTISING

11. In §2.102–1, paragraph (a) is revised; § 2.102–2 is revised; in § 2.201(a), revise subparagraph (31) and add new subparagraph (32), (33), (34), and (35); in § 2.201(b), add new subparagraphs (17) and (18); and revise § 2.403, as follows:

§ 2.102–1 General.

(a) Procurement shall be made by formal advertising pursuant to 10 U.S.C. 2304(a) whenever such method is feasible and practicable under the existing conditions and circumstances even though they would otherwise satisfy the requirements of Subpart B, Part 3 of this chapter. In accordance with this requirement, procurements shall generally be made by soliciting bids from all qualified sources of supplies or services deemed necessary by the contracting officer to assure full and free competition consistent with the procurement of the required supplies or services. Current lists of bidders shall be maintained by each purchasing office in accordance with § 2.205.

* * * * *

§ 2.102–2 Classified procurements.

Formal advertising shall be used for classified procurements *Provided*, After due consideration is given to security requirements in accordance with Departmental procedures, such method can be used without violating security requirements (see § 1.201–22 of this chapter). Otherwise, classified procurements will be negotiated pursuant to 10 U.S.C. 2304(a)(12) (see § 3.212 of this chapter) or other appropriate exception set forth in 10 U.S.C. 2304(a) (see Subpart B, Part 3 of this chapter).

§ 2.201 Preparation of invitation for bids.

* * * * *

(a) * * *

(31) If the contract is to involve construction work (subject to the Davis-Bacon Act) at Cape Canaveral or Patrick Air Force Base, or Merritt Island Launch Area, the Employee Compensation clause and Table of Employee Compensation (see § 12.403–5 of this chapter).

(32) In accordance with § 1.1208 of this chapter, a provision concerning the use of former Government surplus property.

(33) The Certification of Noncollusion as required by § 1.115 of this chapter.

(34) When MILSTAMP procedures are applicable to shipments of supplies, a provision setting forth the obligations of the contractor under such procedures (see § 1.1314 of this chapter).

(35) Pending revision of the invitation for bids forms, the following definitions of small business shall be substituted for the currently cited definitions:

Definition of small business. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

(b) * * *

(17) In accordance with § 1.1208 of this chapter, a provision concerning the use of new material.

(18) If the contract is for multi-year procurement, the provisions required by § 1.322–2(b) of this chapter.

* * * * *

§ 2.403 Recording of bids.

(a) The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation, shall be entered in an abstract or record which, except in the case of a classified procurement, shall be available for public inspection. When the items are too numerous to warrant the recording of all bids completely, an entry should be made of the opening date, invitation number, general description of the material, lot number, and the price bid. The record or abstract shall be completed as soon as practical after the bids have been opened, and, as soon as all bids have been opened and read, the bid opening officer shall so certify in the record or abstract. If the invitation for bids is canceled before the time set for bid opening, this shall be recorded, together with a statement of the number of bids invited and the number of bids received.

(b) A copy of the final abstract covering invitations for bids required to be publicized in the Commerce Business Daily shall be sent to the Small Business Advisory Service Center, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416, except in the case of procurements for coal or petroleum made by the Defense Petroleum Supply Center.

PART 3—PROCUREMENT BY NEGOTIATION

12. A new paragraph (v) is added to § 3.101; §§ 3.102(a) and 3.200 are revised; and paragraph (c) of § 3.201–2 is revoked, as follows:

§ 3.101 Negotiation as distinguished from formal advertising.

* * * * *

(v) Consideration of the rules for avoidance of organizational conflicts of interest (see § 1.113–2 and Part 141 of this chapter).

§ 3.102 General requirements for negotiation.

(a) Procurement shall be made by formal advertising pursuant to 10 U.S.C. 2304(a) whenever such method is feasible and practicable under the existing conditions and circumstances even though they would otherwise satisfy the requirements of Subpart B of this part.

* * * * *

§ 3.200 General.

Subject to the limitations set forth in Subpart A of this part and pursuant to the authority of 10 U.S.C. 2304(a), procurement may be effected by negotiation under any one of the exceptions ((1) through (17) of 10 U.S.C. 2304(a)) set forth in this Subpart, subject, in the case of construction contracts, to the further restrictions of 10 U.S.C. 2304(c) as set forth in § 3.218. Each negotiated contract shall contain a reference to the authority under which it was negotiated.

§ 3.201–2 Application.

* * * * *

(c) [Revoked]

13. Subparagraph (2) of § 3.303(a) is revised; § 3.306 is revised; § 3.404–6 is revoked; and paragraph (c) of § 3.404–7 is revised, as follows:

§ 3.303 Determinations and findings below the secretarial level.

(a) * * *

(2) Determinations and findings with respect to authority to enter into contracts by negotiation required §§ 3.202–3, 3.207–3, 3.208–3, 3.210–3 and 3.211–3; *Provided*, That under § 3.211–3 the basic contract or any single modification thereto does not obligate the Government to pay more than $100,000 (in a procurement under § 3.211, where it is known in advance that the scope of the contract will be expanded to include additional phases or where it is incrementally funded, the total estimated cost of all increments will be used as the basis for determining whether a determination and finding will be made at the Secretarial level or by the contracting officer);

* * * * *

§ 3.306 Procedure with respect to determinations and findings.

(a) Determinations and findings for authority to negotiate required by §§ 3.202, 3.207, 3.208, and 3.210 through 3.216 shall be signed by the appropriate official prior to issuance of a request for proposals or quotations. Any modifications of such determinations and findings subsequently found to be necessary will not require cancellation of the request for proposals or quotations, provided the determinations and findings as modified support negotiation under any one of the authorities cited in §§ 3.201 through 3.217. Where the facts continue to support the negotiation but under an exception for which a determination and findings is not required, cancellation of the determination and findings will not require cancellation of the request for proposals or quotations.

§ 3.404–6 Retroactive and prospective price redetermination at a stated time during performance. [Revoked]

§ 3.404–7 Retroactive price redetermination after completion.

* * * * *

(c) *Limitations.* This type of contract shall not be used unless the procurement is for research and development at an estimated cost of $100,000 or less, and

(1) The contractor's accounting system is adequate for price redetermination purposes;

(2) Reasonable assurance exists that price redetermination action will be taken promptly at the time specified;

(3) A ceiling price is established; and

(4) Written approval has been received from a level above the head of a procuring activity.

14. In § 3.501(b), subparagraphs (23) and (43) are revised and new subparagraphs (45), (46), (47), (48), and (49) are added; §§ 3.804–2 and 3.807–5 are revised; and new § 3.807–11 is added, as follows:

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(23) A provision for late proposals and modifications as set forth in § 3.804–2(d) (in the case of requests for quotations, the provision in § 3.804–2(d) will be appropriately modified) and, in addition, the following notice shall be prominently set forth in the request for proposals:

CAUTION—*Late Proposals.* See the special provision entitled "Late Proposals" which provides that late proposals and modifications sent through the mails ordinarily will be considered ONLY if timely mailed by registered mail, or by certified mail for which a postmarked receipt has been obtained.

* * * * *

(43) If the contract is to involve construction work (subject to the Davis-Bacon Act) at Cape Canaveral, Patrick Air Force Base, or Merritt Island Launch Area, the Employee Compensation clause and Table of Employee Compensation (see § 12.403–5 of this chapter);

* * * * *

(45) In accordance with § 1.1208 of this chapter, a provision concerning the use of new material except in the case of construction and a provision concerning the use of former Government surplus property;

(46) If a firm fixed-price contract or fixed-price contract with escalation is to be awarded, the Certification of Noncollusion as required by § 1.115 of this chapter;

(47) When MILSTAMP procedures are applicable to shipments of supplies, a provision setting forth the obligations of the contractor under such procedures (see § 1.1314 of this chapter);

(48) If the contract is for multi-year procurement, the provisions required by § 1.322–2(b) of this chapter; and

(49) Pending revision of forms used for soliciting proposals or quotations, the following definition of small business shall be substituted for the currently cited definition:

Definition of small business. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

§ 3.804–2 Late proposals and modifications.

(a) Proposals which are received in the office designated in the requests for proposals after the time specified for their submission are "Late Proposals." Late proposals shall not be considered for award, except under the circumstances set forth in § 2.303 of this chapter relating to late bids or where only one proposal is received. (For the purpose of applying the late bid rules to late proposals, unless a specific time for receipt of proposals is stated in the request for proposals, the time for such receipt shall be deemed to be the time for close of business of the office designated for receipt of proposals on the date stated in the request for proposals.) Notwithstanding the provisions of § 1.109 of this chapter, exceptions may be authorized only by the Secretary concerned, and only where consideration of a late proposal is of extreme importance to the Government, as for example where it offers some important technical or scientific breakthrough. To determine the possible existence of such extreme importance, notwithstanding § 2.303–7 of this chapter, all late proposals shall be opened prior to award and if not considered for award shall be returned to the offeror.

(b) In the exceptional circumstance where the Secretary concerned authorizes an exception from paragraph (a) of this section, the contracting officer shall resolicit all firms (including late offerors) which have submitted proposals and are determined to be capable of meeting current requirements. Such resolicitation shall specify a date for submission of new proposals and include the "Late Proposals" provisions set forth in paragraph (d) of this section.

(c) The normal revisions of proposals by selected offerors occuring during the usual conduct of negotiations with such offerors are not to be considered as late proposals but shall be handled in accordance with § 3.805–1(b).

(d) Written requests for proposals shall contain the following provisions:

LATE PROPOSALS (NOV. 1963)

(a) Proposals and modifications received at the office designated in the request for proposals after the close of business on the date set for receipt thereof (or after the time set for receipt if a particular time is specified) will not be considered unless:

(i) They are received before award is made; and either

(ii) They are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original receipt for certified mail has been obtained, or by telegraph; and, it is determined by the Government that late receipt was due solely to delay in the mails, or delay by the telegraph company, for which the offeror was not responsible; or

(iii) If submitted by mail or telegram, it is determined that the late receipt was due solely to mishandling by the Government after receipt at the Government installation; *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt at such installation (if readily available) within the control of such installation or of the post office serving it.

(b) Offerors using certified mail are cautioned to obtain a legibly postmarked, dated receipt for certified mail and retain it against the chance that the postmark thereon will be required as evidence that a late proposal was timely mailed. If the postmark on such receipt, or on the registered mail wrapper shows the hour of mailing as well as the date, the time of mailing shall be established accordingly; if it shows the date but not the hour, the time of mailing shall be deemed to be the last minute of the date shown, unless the offeror furnishes evidence from the post office of mailing which, (i) in the case of registered mail, establishes an earlier time; or (ii) in the case of certified mail where the receipt for certified mail identifies the post office station of mailing, establishes that the busines day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station. If any such receipt for certified mail does not show the date, the offer shall not be considered.

(e) Offerors submitting late proposals or modifications shall be notified in accordance with § 2.303–6 of this chapter, except that the notices provided for therein shall be appropriately modified to relate to the request for proposals and the proposal or modifications thereunder.

(f) The provisions of paragraphs (a) through (c) of this section are also applicable to late quotations. In the case of a request for quotations, the provision set forth in paragraph (d) of this section will be appropriately modified.

(g) Modifications of proposals (other than the normal revisions of proposals by selected offerors during the usual conduct of negotiations with such offerors) which are received in the office designated in the requests for proposals after the time specified for submission of proposals are "late modifications". Late modifications shall be subject to the rules applicable to late proposals set forth in this section. However, a modification received from an otherwise successful offeror which is favorable to the Government shall be considered at any time that such modification is received. The provisions of this section are also applicable to late modifications to quotations.

(h) The provisions of this section apply only to purchases in excess of $2,500.

§ 3.807–5 Defective cost or pricing data.

(a) Where any price to the Government, including profit or fee and including price adjustments, must be negotiated largely on the basis of cost or pricing data furnished by the contractor, it is essential that all data that might reasonably affect the price negotiations be disclosed and that such data be accurate, complete, and current (see §§ 3.807–3 and 3.807–4). If an agreed price includes amounts which can only be attributed to

erroneous or incomplete cost or pricing data, it is not a fair price and the resultant profits are not earned profits. Where negotiations are to be conducted on the basis of full disclosure, failure of one party to proceed on that basis undercuts full mutual assent to the price negotiated so that, in this sense, the price is not fully agreed to, and fairness warrants its adjustment. The clauses set forth in § 7.104–29 of this chapter are designed to give the Government in such a case an enforceable contract right to a price adjustment, that is, to a reduction in the price to what it demonstrably would have been if the contractor had not failed to disclose significant and reasonably available data or had not furnished defective data.

(b) Under 10 U.S.C. 2306(f) and the "Price Reduction for Defective Cost or Pricing Data" clauses set forth in § 7.104–29 of this chapter, the Government's right to reduce the prime contract price extends to cases where the prime contract price was increased by any significant sums because a subcontractor furnished defective cost or pricing data in connection with a subcontract where a certificate of cost or pricing data was or should have been furnished. These clauses also provide that the prime contractor and higher tier subcontractors shall include similar clauses in certain of their subcontracts to provide them with comparable rights to price reductions. In order to secure price reductions based on defective cost or pricing data furnished by a subcontractor, however, the Government, the prime contractor or higher tier subcontractor must be able to show that cost or pricing data furnished by subcontractors was, in fact defective. In some cases, as where the defective nature of a subcontractor's data is only disclosed by Government audit, the information necessary to support a reduction in prime contract and subcontractor prices may be available only from the Government. To the extent necessary to secure a prime contract price reduction, the contracting officer should make such necessary information available upon request, to the prime contractor or higher tier subcontractors; however, if the release of such information would compromise military security or disclose trade secrets or other confidential business information, it shall be made available only under conditions that will fully protect it from improper disclosure, as may be prescribed by: The Director of Procurement, the Office of the Assistant Secretary of the Army (Installations and Logistics), for the Army; the Office of Naval Material, for the Navy; the Office of the Assistant Secretary of the Air Force; and the Executive Director, Procurement and Production, for the Defense Supply Agency. Information made available pursuant to this section shall be limited to that used as the basis for the prime contract price reduction.

(c) Inasmuch as price reductions under the price reduction for defective cost or pricing data clauses may involve first- and lower-tier subcontractors as well as the prime contractor, the contracting officer should give the prime contractor reasonable advance notice before making a determination to reduce the contract price under such clauses, in order to afford the prime contractor an opportunity to take any action deemed advisable by him, particularly in connection with any subcontracts that may be involved.

§ 3.807–11 Overhead rate considerations.

(a) Indirect costs commonly known as overhead are defined and described in § 15.203 of this chapter. Criteria for treatment and application of indirect costs to contracts are also set forth in § 15.203 of this chapter.

(b) In order to assure a reasonable approximation and allocation of indirect costs on an equitable basis to individual contracts, negotiators shall utilize audited overhead data or negotiated overhead rates, where available, in connection with negotiation of contracts and shall not, unless authorized by the head of a procuring activity, seek preferential overhead rates.

(c) If there is any question with respect to audited overhead data or negotiated overhead rates, or if such are not available, the negotiator should normally avail himself of the advisory services of the cognizant Department of Defense auditor in consonance with § 3.809.

15. In § 3.903–1, the contract clause in paragraph (a) is revised; paragraph (f) of § 3.903–3 is revised; and in § 3.903–4(a), subparagraph (9) is revised, as follows:

§ 3.903–1 Contract clauses.

(a) • • •

SUBCONTRACTS (NOV. 1963)

(a) As used in this clause, the term "subcontract" includes purchase orders.

(b) Except as provided in paragraph (d) below, the Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract which—

(i) Is on a cost-plus-a-fee, time and material, or labor-hour basis and which would involve an estimated amount in excess of $10,000 including any fee; or

(ii) Is proposed to exceed $100,000; or

(iii) Is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed $100,000.

(c) The advance notification required by paragraph (b) above shall include:

(i) A description of the supplies or services to be called for by the subcontract;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(v) Identification of the type of contract to be used.

(d) Advance notifications of subcontracts, as required by paragraph (b) above, are not required for any subcontract (i) not on a cost-plus-a-fee, time and material, or labor-hour basis, if the Contracting Officer has in writing approved the Contractor's purchasing system and the subcontract is within the limitations of such approval, or (ii) consented to in writing by the Contracting Officer as a proposed subcontract prior to the execution of this contract.

(e) The Contractor shall not, without the prior written consent of the Contracting Officer, enter into any subcontract for which advance notification to the Contracting Officer is required by this clause: *Provided*, That, in his discretion, the Contracting Officer may ratify in writing any subcontract and such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(f) No consent by the Contracting Officer to any subcontract or any provisions thereof or approval of the Contractor's purchasing system shall be construed to be a determination of the acceptability of any subcontract price or of any amount paid under any subcontract or to relieve the Contractor of any responsibility for performing this contract, unless such approval or consent specifically provides otherwise.

(g) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

• • • • • •

§ 3.903–3 Approval of purchasing system.

• • • • • •

(f) In reviewing the contractor's purchasing system, particular attention should be paid to whether subcontracting is done competitively to the extent practical. This involves not only the question whether a sufficient number of sources is solicited, but also whether the contractor's subcontracting procedures provide all other elements of free and open competition, including adequate descriptions in solicitations of any factors to be evaluated and the basis for their evaluation, so that all offers may be evaluated on a common basis.

§ 3.903–4 Review of individual subcontracts.

(a) • • •

(9) The extent to which the prime contractor obtains assurance of the adequacy of the subcontractor's purchasing system.

• • • • •

PART 6—FOREIGN PURCHASES

16. Sections 6.704–1 and 6.704–2 are revised; § 6.704–3 is revoked; and a new Subpart I is added, as follows:

§ 6.704–1 General.

Military Assistance Program purchases authorized to be made outside the United States under the Foreign Assistance Act of 1961, as amended, are exempt (Executive Order No. 10784, dated October 1, 1958, as amended by Executive Order No. 10845, dated October 12, 1959) from the requirement for examination of records by the Comptroller General (10 U.S.C. 2313(b) and section 3(b), Public Law 85–804) in the following circumstances:

(a) Contracts with foreign contractors (including foreign governments) to be performed outside the United States; and

(b) Contracts, and amendments and modifications thereof, entered into pursuant to Public Law 85–804 (see § 17.501 of this chapter): *Provided*, That the Department concerned shall make a determination that it is impracticable to include the "Examination of Records" clause or to obtain compliance therewith; such determinations may be made by any officer or official authorized to approve contracts, and amendments and modifications thereof, pursuant to § 17.201 of this chapter.

Notwithstanding the exemption permitted above, the contracting officer shall, where practicable, include the "Examination of Records" clause in contracts covered in paragraph (a) of this section.

§ 6.704–2 Department of Defense audit and records.

Contracts exempted under § 6.704–1(a) from the requirement for examination of records by the Comptroller General shall nevertheless include the appropriate "Audit and Records" clause set forth in § 7.104–41 of this chapter in accordance with the requirements of that paragraph. When the clause in § 7.104–41(b) of this chapter is used, the words "the Comptroller General of the United States" shall be deleted from paragraph (b).

§ 6.704–3 Contracts with other foreign contractors. [Revoked]

Subpart I—Government-to-Government Agreements and Coordination With Overseas Commands

Sec.
6.901 Scope of subpart.
6.902 Government-to-Government agreements.
6.903 Coordination with overseas commands and activities.

AUTHORITY: The provisions of this Subpart I issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 6.901 Scope of subpart.

This subpart concerns the applicability of government-to-government agreements and coordination with overseas commands and activities in purchasing from foreign sources.

§ 6.902 Government-to-government agreements.

(a) Various treaties and executive agreements in effect between the United States and foreign governments, especially those with governments receiving military and economic aid under the Foreign Assistance Act of 1961, affect procurement in foreign countries. Particular attention should be given to the provisions in these agreements which pertain to purchase procedures, contract forms and clauses, taxes, patents, technical information, facilities, and other matters relating to procurement.

(b) Copies of government-to-government agreements are filed with the United States European Command (APO 128, New York) covering existing agreements in the United Kingdom of Great Britain, Western European countries, North Africa, and in the Middle East. Agreements with countries in the Pacific and Far East are filed with the United States Pacific Command (CINCPAC). Many of the agreements are compiled in the "United States Treaties and Other International Agreements" series (TIAS), which is published by the Department of State. Copies of this publication are normally available in overseas legal offices and United States diplomatic missions. In addition, Military Assistance Advisory Groups, Naval Missions, and Joint United States Military Aid Groups normally have copies of the agreements applicable to the countries concerned.

(c) In placing contracts with contractors outside the United States for performance outside the United States, contracting officers, including those in the United States, shall ascertain the existence and applicability of any government-to-government agreements and, subject to the provisions of § 1.109–4 of this chapter, shall comply with such agreements.

§ 6.903 Coordination with overseas commands and activities.

When it has been determined that a procurement will be made from a foreign source, overseas purchasing activities shall be utilized to the maximum practical extent. Purchasing activities not within the command jurisdiction of a unified or specified command, anticipating placement of contracts with foreign suppliers, shall maintain liaison with the appropriate component commander during pre-award negotiations and post-award administration. Where a procurement may result in a requirement for logistical support of contractor employees or additional government employees in an overseas location, the contracting officer shall insure that the contract file includes documentation reflecting specific advance approval for such commitment from the appropriate component commander.

PART 7—CONTRACT CLAUSES

17. In § 7.103–5, the introductory portion of paragraph (a) and the introductory portion of paragraph (c) are revised; §§ 7.104–1 and 7.104–19 are revised; and § 7.104–36 is revoked, as follows:

§ 7.103–5 Inspection.

(a) The following clause shall be inserted in all fixed-price supply contracts except fixed-price incentive contracts and contracts utilizing the clause in § 7.109–4.

• • • • • •

(c) The clause set forth in paragraph (a) of this section shall be included in contracts utilizing the clause in § 7.109–4 except that paragraph (b) shall be deleted and the following substituted:

• • • • • •

§ 7.104–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of § 12.403 of this chapter, insert the clauses entitled:

Davis-Bacon Act
Work Hours Act of 1962—Overtime Compensation
Apprentices
Payroll Records and Payrolls
Copeland ("Anti-Kickback") Act—Nonrebate of Wages
Withholding of Funds to Assure Wage Payment
Subcontracts—Termination
Employee Compensation—Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area

(b) In accordance with the requirements of § 6.204–5 of this chapter, insert the clause entitled "Buy American Act".

§ 7.104–19 Employment of ocean-going vessels—ocean transport of Government-owned supplies.

In accordance with the requirements of Subpart N, Part 1 of this chapter, insert one of the clauses set forth in § 1.1404 of this chapter, as appropriate.

§ 7.104–36 Preference for United States-flag vessels—employment of ocean-going vessels. [Revoked]

18. Sections 7.104–44, 7.104–45, and 7.104–46 are revised, and new §§ 7.104–47, 7.104–48, and 7.104–49 are added, as follows:

§ 7.104–44 Value engineering incentive.

In accordance with the requirements of § 1.1702 of this chapter, insert the applicable clause set forth in § 1.1705 of this chapter.

§ 7.104–45 Value engineering program requirement.

In accordance with the requirements of § 1.1703 of this chapter, insert the clause set forth in § 1.1706 of this chapter.

§ 7.104–46 Non-use of foreign-flag vessels engaged in Cuban trade.

In accordance with the requirements of § 1.1410 of this chapter, insert the clause set forth therein.

§ 7.104–47 Multi-year procurement.

In accordance with the requirements of § 1.322–4 of this chapter, insert the contract clauses set forth therein.

§ 7.104–48 New material.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

§ 7.104–49 Government surplus.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

19. Section 7.109–3 is revoked; the clause in § 7.203–8 is revised; §§ 7.204–1 and 7.204–17 are revised; and § 7.204–26 is revoked, as follows:

§ 7.109–3 Retroactive and prospective price redetermination at a stated time prior to completion. [Revoked]

§ 7.203–8 Subcontracts.

SUBCONTRACTS (NOV. 1963)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis and which

would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) Identification of the type of contract to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis. The Contracting Officer may in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing, approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7-108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

* * * * *

§ 7.204–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of § 12.403 of this chapter; insert the clauses entitled:

Davis-Bacon Act
Work Hours Act of 1962—Overtime Compensation
Apprentices
Payroll Records and Payrolls
Copeland ("Anti-Kickback") Act—Nonrebate of Wages
Withholding of Funds to Assure Wage Payment
Subcontracts—Termination
Employee Compensation—Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area

(b) In accordance with the requirements of § 6.204–5 of this chapter, insert the clause entitled Buy American Act.

§ 7.204–17 Employment of ocean-going vessels—ocean transport of Government-owned supplies.

In accordance with the requirements of Subpart N, Part 1 of this chapter, insert one of the clauses set forth in § 1.1404 of this chapter, as appropriate.

§ 7.204–26 Preference for United States—flag vessels—employment of ocean-going vessels. [Revoked]

20. Sections 7.204–32 and 7.204–33 are revised and new §§ 7.204–34, 7.204.35 and 7.204–36 are added, as follows:

§ 7.204–32 Value engineering program requirement.

In accordance with the requirements of § 1.1703 of this chapter, insert the clause set forth in § 1.1706 of this chapter.

§ 7.204–33 Non-use of foreign-flag vessels engaged in Cuban trade.

In accordance with the requirements of § 1.1410 of this chapter, insert the clause set forth therein.

§ 7.204–34 Multi-year procurement.

In accordance with the requirements of § 1.322–4 of this chapter, insert the contract clauses set forth therein.

§ 7.204–35 New material.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

§ 7.204–36 Government surplus.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

21. Sections 7.303–1, 7.303–31, 7.303–32 and 7.303–33 are revised and new §§ 7.303–34 and 7.303–35 are added, as follows:

§ 7.303–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of § 12.403 of this chapter, insert the clauses entitled:

Davis-Bacon Act
Work Hours Act of 1962—Overtime Compensation
Apprentices
Payroll Records and Payrolls
Copeland ("Anti-Kickback") Act—Nonrebate of Wages
Withholding of Funds to Assure Wage Payment
Subcontracts—Termination
Employee Compensation—Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area.

(b) In accordance with the requirements of § 6.204–5 of this chapter, insert the clause entitled Buy American Act.

§ 7.303–31 Value engineering incentive.

In accordance with the requirements of § 1.1702 of this chapter, insert the applicable clause set forth in § 1.1705 of this chapter.

§ 7.303–32 Value engineering program requirement.

In accordance with the requirements of § 1.1703 of this chapter, insert the clause set forth in § 1.1706 of this chapter.

§ 7.303–33 Non-use of foreign-flag vessels engaged in Cuban trade.

In accordance with the requirements of § 1.1410 of this chapter, insert the clause set forth therein.

§ 7.303–34 New material.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

§ 7.303–35 Government surplus.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

22. In § 7.402–3, the first sentence of paragraph (a) is revised and new paragraph (c) is added; in § 7.402–8, the clause in paragraph (a) is revised; and §§ 7.403–1, 7.403–27, 7.403–28, and 7.403–29 are revised, as follows:

§ 7.402–3 Allowable cost, fixed fee, and payment.

(a) Subject to the instructions set forth in paragraphs (b) and (c) of this section, insert the following clause.

* * * * *

(c) In the case of a contract involving an incentive fee, insert the clause in § 7.203–4(b) in lieu of the clause in paragraph (a) of this section, adhering to such instructions in paragraph (b) of this section as may be appropriate. When the clause in § 7.203–4(b) is used in a cost-reimbursement type research and development contract, the words "provisioning document or" may be deleted from paragraph (j) of the clause if inappropriate to the procurement.

§ 7.402–8 Subcontracts.

(a) * * *

SUBCONTRACTS (NOV. 1963)

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) In the case of a proposed subcontract which (i) is on a cost, cost-plus-a-fee, time and material, or labor-hour basis and which would involve an estimated amount in excess of $10,000, including any fee; or (ii) is proposed to exceed $100,000; or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000; the advance notification required by (a) above shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required, by other provisions of this contract, to be obtained from the subcontractor; and

(5) Identification of the type of contract to be used.

(c) The Contractor shall not, without the prior written consent of the Contracting Officer, place any subcontract which (i) is on a cost or cost-plus-a-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time and material or labor-hour basis, or (v) has experimental, developmental, or research work as one of its purposes. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above the Contractor may enter into subcontracts within (ii), or, if the subcontract is for special tooling, within (iii), of (c) above, without the prior written consent of the Contracting Officer if the Contracting Officer has, in writing approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

(h) The Contractor shall (i) insert in each price redetermination or incentive price revision subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7-108 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price types of subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract. The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

* * * * *

§ 7.403–1 Clauses for contracts involving construction work.

(a) In accordance with the requirements of § 12.403 of this chapter, insert the clauses entitled:

Davis-Bacon Act
Work Hours Act of 1962—Overtime Compensation
Apprentices
Payroll Records and Payrolls
Copeland ("Anti-kickback") Act—Nonrebate of Wages
Withholding of Funds To Assure Wage Payment
Subcontracts—Termination
Employee Compensation—Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area.

(b) In accordance with the requirements of § 6.204–5 of this chapter, insert the clause entitled Buy American Act.

§ 7.403–27 Value engineering incentive.

In accordance with the requirements of § 1.1702 of this chapter, insert the applicable clause set forth in § 1.1705 of this chapter.

§ 7.403–28 Value engineering program requirement.

In accordance with the requirements of § 1.1703 of this chapter, insert the clause set forth in § 1.1706 of this chapter.

§ 7.403–29 Non-use of foreign-flag vessels engaged in Cuban trade.

In accordance with the requirements of § 1.1410 of this chapter, insert the clause set forth therein.

23. New §§ 7.403–30 and 7.403–31 are added; § 7.602–23 is revised; and new § 7.603–22 is added, as follows:

§ 7.403–30 New material.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

§ 7.403–31 Government surplus.

In accordance with the requirements of § 1.1208 of this chapter, insert a clause such as is set forth therein.

§ 7.602–23 Labor standards provisions.

In accordance with the requirements of § 12.403 of this chapter, insert the clauses entitled:

Davis-Bacon Act
Work Hours Act of 1962—Overtime Compensation
Apprentices
Payroll Records and Payrolls
Copeland ("Anti-Kickback") Act
Withholding of Funds to Assure Wage Payment
Subcontracts—Termination
Employee Compensation—Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area.

§ 7.603–22 Employment of ocean-going vessels by construction contractors.

In accordance with the requirements of § 1.1409 of this chapter, insert the clause set forth therein.

PART 8—TERMINATION OF CONTRACTS

24. Sections 8.602–6(c) and 8.602–7 are revised to read as follows:

§ 8.602–6 Repurchase against contractor's account.

* * * * *

(c) If repurchase is effected at a price in excess of the price of the supplies terminated, the contracting officer shall make a written demand on the contractor for the total amount of such excess giving due consideration to any increases or decreases in other ascertainable costs such as transportation, discounts, etc., and shall take such other action as is required by Subpart F of Part 163 of this chapter, for collecting claims in favor of the Government.

§ 8.602–7 Other damages.

(a) If a contract is terminated for default or if a course of action in lieu of termination for default is followed (see § 8.602–4), the contracting officer shall take appropriate action in accordance with Subpart F of Part 163 of this chapter, for ascertainment and collection of any liquidated damages to which the Government may be entitled under the contract. Pursuant to the contract provisions for liquidated damages in § 7.105–5 of this chapter, such damages are in addition to any excess cost of reprocurement.

(b) If the Government has suffered any other ascertainable damages as a result of the contractor's default, the contracting officer, on the basis of legal advice, shall take appropriate action to assert the Government's claim for such damages in accordance with Subpart F of Part 163 of this chapter.

PART 9—PATENTS, DATA AND COPYRIGHTS

25. Section 9.111 is revised; new § 9.112 is added; and § 9.203 is revised, as follows:

§ 9.111 Adjustment of royalties.

(a) If the contracting officer believes that any royalties paid, or to be paid, under a contract or prospective contract are unreasonable or otherwise improper, he should promptly report the matter to personnel having cognizance of patent matters for the procuring activity concerned. Such personnel shall review the royalties thus reported and such royalties as are reported under § 9.110. In coordination with the contracting officer, such personnel shall:

(1) Take prompt action to protect the Government against payment of royalties on supplies or services (i) with respect to which the Government has a royalty-free license, or (ii) at a rate in excess of the rate at which the Government is licensed, or (iii) where the royalties in whole or in part constitute an improper charge;

(2) In appropriate cases enter into negotiation for a voluntary reduction of royalties.

(b) For guidance in evaluating information furnished pursuant to § 9.110 and to paragraph (a) of this section, see §§ 15.205–36 and 15.307–3 (ff) of this chapter. Also see § 15.107 of this chapter regarding advance understandings on particular cost items, including royalties.

§ 9.112 Refund of royalties.

When a fixed-price type contract is negotiated under circumstances which make it questionable whether or not substantial amounts of royalties will have to be paid by the contractor or his subcontractors, such royalties may be included in the target or contract price, with provision made in the contract that the Government will be reimbursed the amount of such royalties if they are not paid. Such circumstances might include, for instance, a pending anti-trust action by the Government, a pending private litigation challenging the validity of a patent or patents, or a prospective change in licensing assignments. The following clause may be used in firm fixed-price contracts in such circumstances. It should be appropriately modified for use in incentive contracts.

REFUND OF ROYALTIES (NOV. 1963)

(a) The contract price includes certain amounts for royalties payable by the contractor or subcontractors or both, which amounts have been reported to the Contracting Officer.

(b) The term "royalties", as used in this clause, refers to any payment or charge such as royalties, license fees, or the like for the use of, or rights in, patents or patent applications in connection with the performance of this contract or any subcontract hereunder.

(c) The Contractor shall furnish to the Contracting Officer, before final payment under this contract, a statement of royalties paid or required to be paid under this contract and subcontract hereunder.

(d) If the amount of royalties paid or required to be paid in connection with the performance of this contract or of any subcontract hereunder is less than the amount reported to the Contracting Officer during negotiation of the contract or subcontract, or any modification of either, the contract price shall be reduced to the extent of the decrease in royalties paid or required to be paid. Payment or credit to the Government shall be made as the Contracting Officer may direct.

(e) The substance of this clause, including this subparagraph (e), shall be included in any subcontract in which the amount of royalties reported during negotiation of the subcontract exceeds $250.

§ 9.203 Contract clauses—general.

In every contract in which data is specified to be delivered, insert the clause of § 9.203–1, except that this clause shall not be used in contracts (a) for the acquisition of existing works in accordance with § 9.205, (b) wherein the clause of § 9.204 is used in accordance with the provisions of §§ 9.204–2 and 9.204–3; or (c) to be performed outside the United States, its territories, or possessions or Puerto Rico where the clause of § 9.206 applies. The additional paragraphs of §§ 9.203–2, 9.203–3 and 9.203–4 will be added to the clause of § 9.203–1 in accordance with § 9.202 and the instructions contained in §§ 9.203–2, 9.203–3 and 9.203–4. With respect to contracts containing value engineering provisions, see § 1.1704 of this chapter.

PART 11—TAXES

26. Section 11.000 is revised; new § 11.100 is added; § 11.101–3 is revised; and in § 11.101–6, the introductory portion of paragraph (a) and all of paragraph (c) are revised to read as follows:

§ 11.000 Resolution of tax problems.

(a) The problems presented in connection with the administration of the tax aspects of a contract or transaction are widely varied. The right to immunity, exemption, refund, credit, or drawback depends upon the nature of the tax, the particular tax law, the party sought to be taxed, the items being procured, and the provisions of the contract. These problems are essentially legal; therefore, when questions arise, contracting officers shall request the assistance of counsel.

(b) It is desirable that uniform and consistent tax policies and procedures be maintained throughout the Department of Defense. Accordingly, negotiations will not be undertaken or directed by procuring activities with any taxing authority for the purpose of determining the validity or applicability of, or for obtaining exemption from or refund of, any tax, except with the approval of: Chief, Procurement Law Division, Office of the Judge Advocate General, for the Army; the General Counsel, for the Navy; The Judge Advocate General, Headquarters, USAF, for the Air Force; and The Counsel, for the Defense Supply Agency. In addition, where the constitutional immunity of the United States from State or local taxation may reasonably be in issue, contracting officer should discourage contractors having cost-reimbursement type contracts or fixed-price type contracts containing a tax escalation clause from undertaking independent negotiations with taxing authorities pending approval as indicated above.

§ 11.100 General.

This subpart deals with Federal taxes involved in the procurement of certain supplies and services. It is for the general information of Government personnel and does not purport to present the full scope of the applicable provisions of law and implementing regulations as they may be amended from time to time.

§ 11.101–3 Furs.

(a) A tax of 10 percent of the sales price is imposed upon the following articles sold at retail: articles made of fur on the hide or pelt, and articles of which such fur is the component of chief value, i.e., its value is more than three times that of the next most valuable component material. The tax is not imposed upon the sale of raw fur.

(b) If the fur on the hide or pelt is supplied to a dresser or dyer of fur skins or a manufacturer or repairer of fur articles who produces a taxable article for the use of the supplier of the fur, the transaction is deemed to be a sale at retail and is subject to the tax. The tax applicable to such a transaction is computed upon the fair retail market value of the finished article. Normally, the fair retail market value may be considered as the sales price at which the same or a similar finished article is sold by retailers generally in the ordinary course of retail trade.

§ 11.101–6 Special fuels.

(a) *Diesel fuel.* A tax at the indicated rates is imposed upon any liquid other than that taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–4), which is (1) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or (2) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid pursuant to subparagraph (1) of this section, as follows:

* * * * *

(c) *Procedures*—(1) *General.* The sale of diesel fuel to an owner, lessee, or other operator of a diesel-powered highway vehicle, or of special motor fuel to an owner, lessee, or other operator of a motor vehicle, motor boat, or airplane is considered as a taxable sale by the Internal Revenue Service only (i) if the liquid is delivered by the seller into the fuel supply tank of the vehicle, motor boat, or airplane, or (ii) where not so delivered, the purchaser indicates in writing to the seller prior to or at the time of the sale that the entire quantity of the liquid covered by the sale is for use by him for a taxable purpose as a fuel in such a vehicle, motor boat or airplane. If such a written statement is not furnished by the purchaser, he is liable for the tax at the applicable rate on that quantity of the liquid which is used by him as fuel in such a vehicle, motor boat or airplane, or which is sold by him in a taxable transaction.

(2) *Diesel fuel.* Within the departments, diesel fuel is the only product which could be taxable under paragraph (a) of this section. Diesel fuel shall be procured by the departments at a price exclusive of the tax on diesel fuel unless the contract under which such fuel is to be furnished requires the contractor to deliver it into the fuel supply tank of a diesel-powered highway vehicle. The activity of any department using diesel fuel in a diesel-powered highway vehicle, where the fuel had not been delivered by the contractor into the fuel supply tank of the vehicle and had therefore been procured tax free, shall be responsible for making payment of the tax, at the applicable rate, directly to the Internal Revenue Service. Such payment shall be made quarterly on TD Form 720 "Quarterly Federal Excise Tax Return". A Certificate of Export is not required to support a tax-free sale of diesel fuel exported to a foreign country or shipped to a possession of the United States or to Puerto Rico.

(3) *Special motor fuel (jet fuel).* The only product procured by the departments to which the tax under paragraph (b) of this section could apply is jet fuel. Benzol, benzene, naphtha, liquefied petroleum gas or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable as diesel fuel or as gasoline) is not used by the departments as a fuel for the propulsion of motor vehicles, motor boats or airplanes and, therefore, the procurement of these products by the departments would not be subject to the tax on special motor fuel. Moreover, none of these products is subject to the manufacturers excise tax on gasoline. The procurement of jet fuel by the departments, except on AF Form 15, shall be at a price exclusive of the tax on special motor fuels. The furnishing of a tax exemption certificate (vessel-of-war) is not required unless the contract under which such fuel is to be furnished requires the contractor to deliver it into the fuel supply tank of aircraft or unless such fuel meets the specification requirements of motor gasoline set forth in paragraph (A) of section 314.30 of Regulation 44 of the Internal Revenue Service. The contract price for jet fuel procured by any department shall not include an amount for manufacturers excise tax on gasoline used in the production of such fuel. (If the manufacturers excise tax on gasoline has been paid on any material used in the production of jet fuel, the manufacturer of the gasoline is entitled to a refund or credit of such tax.) Jet fuel procured on AF Form 15 shall be at a price inclusive of the tax on special motor fuels.

27. Sections 11.102–2, 11.102–4, 11.102–5, 11.102–11, and 11.103 are revised to read as follows:

§ 11.102–2 Motor vehicles.

(a) A tax at the rates indicated below is imposed upon the following articles (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(1) Chassis and bodies of trucks, buses, truck and bus trailers and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—10 percent; except that this tax does not apply to equipment designed for off-the-road use, such as certain military vehicles (including oxygen or bomb dollies), construction equipment, and equipment designed for use at mines, factories, railroad stations, and farms;

(2) Chassis and bodies of automobiles, and of trailers and semitrailers (other than house trailers) suitable for use with passenger automobiles—10 percent; and

(3) Parts or accessories—when sold separately from an automobile, truck, or other item taxable as indicated in subparagraphs (1) and (2) of this paragraph—8 percent. Parts or accessories are defined to include any article—

(i) The primary use of which is to improve, repair, replace or serve as a component part of a motor vehicle;

(ii) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(iii) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use. Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable motor vehicle are treated as parts or accessories whether or not primarily adapted for such use. However, the term "parts or accessories" does not include tires, inner tubes, or automobile radio and television receivers. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of any article whether or not such article is subject to a manufacturers excise tax. The contract price of supplies purchased by any department shall not include an amount for the manufacturers excise tax on automotive parts or accessories purchased for use in the manufacture of any article.

(b) Bodies are exempt from tax when sold by the manufacturer to a manufacturer of motor vehicles to be sold by the purchaser; however, a chassis manufacturer who purchases a body tax free is required to pay a tax on his sale of the completed vehicle as the manufacturer of both the chassis and the body. A manufacturer of motor vehicle chassis cannot sell such chassis tax free to manufacturers of motor vehicle bodies.

§ 11.102–4 Gasoline.

(a) *General.* A tax of 4 cents per gallon is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known as gasoline, including casinghead and natural gasoline, but excluding kerosene, gas oil, fuel oil, and any product taxable as a special motor fuel under section 4041 of the Internal Revenue Code (see § 11.101–6). The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

(b) *Procedure.* Products procured by the departments which are subject to the tax under paragraph (a) of this section include motor gasoline, clear unleaded gasoline, automotive combat gasoline, and aviation gasoline for reciprocating engines. The procurement of motor gasoline, clear unleaded gasoline and automotive combat gasoline shall be at a price inclusive of the tax unless the product is to be exported to a foreign country or shipped to a possession of the United States or to Puerto Rico, or is to be used as supplies for vessels, in which event the procedure in § 11.202(b) or (d) shall be followed. The procurement of aviation gasoline for reciprocating engines, if to be used for the propulsion of military aircraft and if not made on AF Form 15, shall be at a price exclusive of the tax under paragraph (a) of this section, and a vessel-of-war tax exemption certificate shall be furnished in accordance with § 11.202(d). The procurement of aviation gasoline which is not to be used for the propulsion of military aircraft or which is made on AF Form 15 shall be at a price inclusive of the tax on gasoline.

(c) *Refunds.* The ultimate purchaser of gasoline is entitled to a refund of 2 cents per gallon for gasoline used otherwise than as fuel in a highway vehicle, and in certain circumstances to fuel used in such a vehicle. However, activities of the Department of Defense will not apply for such refunds.

§ 11.102–5 Lubricating oils.

(a) A tax at the indicated rates is imposed upon the following classes of lubricating oils sold, other than to another manufacturer or producer for resale, by a manufacturer or producer (but not upon oil sold by an importer):

(1) Cutting oils, which means lubricating oils sold for use in cutting and machining operations on metals, including forging, drawing, rolling, shearing, punching, and stamping—3 cents per gallon; and

(2) Other lubricating oils, which means all oils, regardless of origin, which are sold for use as a lubricant or are suitable for use as a lubricant, but not synthetic materials which possess lubricating properties or, ordinarily, products commonly known as grease—6 cents per gallon. Certain other products are not considered to be lubricating oils, and accordingly are not subject to the tax. These include petrolatum, and fatty oils of vegetable, animal, fish and marine origin which in their natural state are not sold as lubricating oils.

(b) Where the manufacturer of lubricating oil sells such oil direct to a purchaser for use by him in cutting and machining operations on metals, the manufacturer, in order to establish the right to sell such oil subject to tax at the rate of 3 cents a gallon, must obtain from the purchaser a properly executed cutting oil certificate. The form set forth in § 11.501–4 shall be utilized. The requirement of a cutting oil certificate is waived in respect to sales of cutting oils which are (1) packaged in sealed containers of one gallon or less, labeled and sold for use only in cutting and machining operations on metals, or (2) determined by the Commissioner of Internal Revenue to be suitable for use as a lubricant only in cutting and machining operations on metal.

(c) An exemption is available for lubricating oils sold by a manufacturer directly to a purchaser who uses the oil for nonlubricating purposes. In apply-

ing this exemption, oils can be grouped into two classes:

(1) Those exempted if the manufacturer obtains an exemption certificate from the purchaser in the form set forth in § 11.501–3; and

(2) Those exempted without an exemption certificate (this second class includes crude neat's-foot oil, electrical transformer insulating oil, white oil, lubricating oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes, and lubricating oils suitable for use as a lubricant which the Commissioner of Internal Revenue determines is used almost exclusively for nonlubricating purposes).

With the exception of oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes, or which the Commissioner determines are used almost exclusively for nonlubricating purposes, oils of these classes may not be sold tax-free to dealers for resale even though it is known that the oil will be used for nonlubricating purposes. If, however, oil upon which a tax has been paid is used for nonlubricating purposes, the manufacturer is entitled to refund or credit, irrespective of whether the oil was sold directly to the consumer by the manufacturer or was sold through a dealer. A refund or credit is also allowed when lubricating oil, upon which the 6 cent per gallon tax has been paid, is used as a cutting oil taxable at 3 cents per gallon. When it is economically advantageous to do so, the exemption, refund, or credit for oil sold for use or used for nonlubricating purposes, and the refund or credit for lubricating oil used as cutting oil, shall be utilized by a tax exclusive purchase or by adjustment of the contract price.

§ 11.102–11 Firearms, shells, and cartridges.

(a) A tax is imposed at the rate of 10 percent upon pistols and revolvers; and at the rate of 11 percent on other firearms, shells, and cartridges sold by a manufacturer, producer, or importer. The tax does not attach when such articles are purchased with funds appropriated for the military departments.

(b) Chapter 53A of the Internal Revenue Code imposes a transfer tax and a tax on the manufacture of machine guns and certain other firearms. Transfer to, or manufacture for, the United States is specifically exempted.

(c) Clearly identified orders or contracts of a military department, signed by an authorized officer of such department, will be accepted in support of the exemption. In the absence of such orders or contracts, a statement signed by an authorized officer of a military department that the firearms, shells, or cartridges were purchased with funds appropriated for the military departments will be acceptable.

§ 11.103 Excise taxes on facilities and services.

Chapter 33 of the Internal Revenue Code imposes excise taxes on certain facilities and services, including admissions, dues, communications, certain transportation of persons by air, and safe deposit boxes. In general, the tax is based upon the amount paid for the service and is imposed upon the person paying for the service.

28. A new § 11.200 is added; §§ 11.201 and 11.202 are revised; and §§ 11.204 and 11.205 are revoked, as follows:

§ 11.200 Policy.

It is the policy of the Department of Defense to take maximum advantage of all exemptions from Federal excise taxes available to the United States and its contractors and to claim all refunds and credits which may be available to the United States and its contractors, except as otherwise provided in Subparts A and B of this part.

§ 11.201 Retailers excise taxes.

No retailers excise tax is imposed:

(a) On the sale of any article for the exclusive use of any State, any political subdivision thereof, or the District of Columbia, or, in the case of a tax on special fuels (see § 11.101–6), with respect to the use by any of the foregoing of any liquid as fuel;

(b) On the sale of any article for export or for shipment to a possession of the United States (which for the purpose of this exemption includes Puerto Rico), and in due course so exported or shipped—

(1) This exemption shall be utilized by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession if:

(i) The purchase is substantial, and

(ii) Exportation or shipment to a possession is intended to follow not more than six months after title passes to the Government.

(2) To qualify for the exemption of sales for export or for shipment to a possession:

(i) The supplies must be identified as having been sold by the manufacturer (if the tax is a manufacturers excise tax) or the retailer (if the tax is a retailers excise tax) for export or shipment to a possession. The words "for export or shipment to a possession" incorporated into or stamped on a contract or purchase order are acceptable to the Internal Revenue Service as evidence that the sale is for export or for shipment to a possession. In solicitations and contracts, the terms of which imply that the supplies will be either exported or shipped to a possession (e.g., delivery to a port of embarkation or special packing requirements for overseas shipment) where the purchase is not substantial and it is therefore desired to purchase on a Federal excise tax-inclusive basis, the solicitations and the contract should clearly state that proof of export certificates will not be issued.

(ii) The supplies must be exported or shipped to a possession in due course. Proof of export or shipment will be furnished to the contractor in the form set forth in § 11.501.

(c) On the sale of any article to retailers for resale. (Sales by the United States, or any agency or instrumentality thereof, are not exempt unless specifically made exempt by statute.);

(d) On the sale of special motor fuels for use or used in the propulsion of vessels of war or military aircraft of the type enumerated in § 11.202(d).

(e) On the sale of any article of a nonprofit educational organization for its exclusive use, or, in the case of a tax on special fuels (see § 11.101–6), with respect to the use by a nonprofit educational organization of any liquid as fuel.

§ 11.202 Manufacturers excise taxes.

No manufacturers excise tax is imposed:

(a) On the sale of any article for use by the purchaser for further manufacture or for resale to a second purchaser for use by such second purchaser in further manufacture (An article shall be treated as sold for use in further manufacture if sold for use by the purchaser as material in the manufacture or production of, or as a component part of, another taxable article to be manufactured or produced. In the case of automobile parts and accessories, radio or television components, or camera lens, it is not necessary that the produced article be a taxable article. This exemption does not apply to tires, inner tubes, or automobile radio or television receiving sets.);

(b) On the sale of any article for export, or for shipment to a possession of the United States (which for the purpose of this exemption includes Puerto Rico). This exemption shall be obtained only when the purchase is substantial and exportation or shipment to a possession is intended to follow not more than six months after title passes. For proper utilization of this exemption, see § 11.201 (b).

(c) On the sale of any article for resale to a second purchaser for export. If articles upon which a manufacturers excise tax has been paid are resold by a dealer for export, or for shipment to a possession, the manufacturer is entitled to a credit or refund of the tax paid. If it is economically advantageous to do so, this credit or refund shall be utilized by purchase from a dealer on a tax exclusive basis and execution of the required exemption certificate set forth in § 11.501–1.

(d) On sales of supplies for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, including aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof, and guided missiles and pilotless aircraft owned or chartered by the United States. This exemption and the exemption from the retailers excise tax on special motor fuels (see § 11.201 (d)) shall be utilized by purchasing on a tax-exclusive basis and furnishing the required exemption certificate (see § 11.501–2) only if:

(1) The purchase is substantial,

(2) The contracting officer determines at the time of the purchase that the supplies are intended for use in vessels of war or military aircraft, and

(3) The administrative burden of insuring that the supplies are used for exempt purposes does not make use of the exemption uneconomical. Administrative difficulties normally will not exist if the particular supply is suited exclusively for use in vessels or aircraft.

If supplies upon which a manufacturers excise tax has been paid are sold by a dealer for any of the exempt uses enumerated above, the manufacturer is entitled to a credit or refund of the tax paid. If it is economically advantageous to do so, this credit or refund shall be utilized by purchase from a dealer on a tax-exclusive basis and execution of the required exemption certificate set forth in § 11.501–2.

(e) On the sale of any article for the exclusive use of a State or local government; and

(f) On the sale of any article to a nonprofit educational organization for its exclusive use.

§ 11.204 Exemptions from other Federal taxes. [Revoked]

§ 11.205 Tax exemption forms. [Revoked]

29. A new § 11.300 is added; § 11.301 (c) is revised; § 11.302 is revoked; § 11.401 is revised; and in § 11.401–1, the introductory portion is revised to include paragraphs (a) and (b), the clause being designated as paragraph (c), as follows:

§ 11.300 General.

As used in this part, the term "State and local taxes" includes taxes of the several States, the District of Columbia, the possessions of the United States, Puerto Rico, and political subdivisions thereof.

§ 11.301 Applicability.

* * * * *

(c) Whenever there is any doubt as to the availability of the Government's immunity or exemption from any State or local tax, the matter shall be handled in accordance with § 11.000.

§ 11.302 Tax exemption forms. [Revoked]

§ 11.401 Fixed-price type contracts.

The clauses prescribed herein are for use in fixed-price type contracts except those to be performed entirely outside the United States, its possessions, and Puerto Rico.

§ 11.401–1 Advertised and certain negotiated contracts.

(a) *Use of clause.* Except as provided in § 11.401–4, the clause set forth in paragraph (c) of this section will be used in:

(1) All formally advertised contracts except construction contracts;

(2) All formally advertised construction contracts when the contract price may reasonably be expected to exceed $10,000;

(3) Negotiated fixed price type contracts in excess of $10,000 where the contracting officer is satisfied, because of competition or otherwise, that the contract price does not include any contingency for State and local taxes; and

(4) At the discretion of the contracting officer in negotiated fixed price type contracts in excess of $2,500 but not in excess of $10,000.

(b) *Description.* The clause provides that the contract price includes all applicable taxes. It provides for an increase or decrease in the contract price to compensate for changes in applicable Federal excise taxes or duties. It does not provide for any adjustment in the contract price to compensate for changes in State or local taxes.

(c) *Contract clause.*

* * * * *

30. In § 11.401–2, paragraph (a) is revised, paragraph (b) is redesignated as paragraph (d), and new paragraphs (b) and (c) are added; new §§ 11.401–3 and 11.401–4 are added; and in § 11.403–2, the introductory sentence and paragraphs (a) and (c) are revised, as follows:

§ 11.401–2 Certain negotiated contracts.

(a) Use of clause: Except as provided in § 11.401–4, the clause set forth in paragraph (d) of this section shall be used in all negotiated fixed-price contracts in excess of $10,000 when the contracting officer is not satisfied that the contract price excludes contingencies for State and local taxes.

(b) Description: The clause provides that the contract price includes all applicable Federal, State, and local taxes. It provides for an increase or decrease in the contract price to compensate for changes in Federal excise taxes or duties, and, with some exceptions, for changes in State and local taxes.

(c) If the clause set forth in paragraph (d) of this section is used and the contract price includes an estimated amount for anticipated taxes on completed supplies covered by the contract or on the contractor's possession of, interest in, or use of property, title to which is in the Government, the contracting officer shall (1) include in the contract file detailed information with regard thereto, and (2) insure that the contract price does not include taxes not allocable under § 15.205–41(a) of this chapter.

(d) Contract clause.

* * * * *

§ 11.401–3 Supplementary clause for possessions of the United States and Puerto Rico.

When a contract will be performed in whole or in part in a possession of the United States or in Puerto Rico, and either the clause set forth in § 11.401–1 or that in § 11.401–2 is used, the contract shall contain the following supplementary clause:

TAXES (NOV. 1963)

The term "local taxes" as used in the clause of this contract entitled "Federal, State, and Local Taxes" includes taxes imposed by a possession of the United States, and the Commonwealth of Puerto Rico.

§ 11.401–4 Matters requiring special consideration.

(a) A contract may, in accordance with paragraph (c) of this section, provide that the contract price include or exclude a specific tax, or require that the contractor take certain actions with regard to nonpayment, payment, protest or other treatment of a specific tax. Such special treatment may be required, for example, where the State or local tax law has been recently changed, where there is doubt as to the applicability or allocability of the tax, or where the applicability of the tax is being litigated.

(b) Special consideration should be accorded taxes assessed on the contractor's possession of, interest in, or use of Government-owned real or personal property. The following provision may be inserted in any contract under which the contractor has possession of property to which the Government has title on tax assessment date, pursuant to progress payment clauses or otherwise:

All property taxes assessed on the contractor's possession of, interest in, or use of property, title to which is in the Govment, are excluded from the contract price.

(c) The specific provisions described in paragraph (a) of this section and the additional clause set forth in paragraph (b) of this section shall be used only with the approval of the officials designated in § 11.000(b) except in the case of the Air Force, approval may be given by the Staff Judge Advocate of the Air Force Logistics Command.

(d) (1) Whether State or local taxes are applicable to a purchase of supplies by the Government may depend upon the place and terms of delivery. For example, if the legal incidence of a State tax is on the vendor, and performance of the contract and delivery to the Government are in that State, the tax may apply. If, however, the contract requires delivery to the Government outside that State, the tax may not apply because the transaction is in interstate commerce. The form of bill of lading used (i.e., Government bill, commercial bill, commercial bill convertible to Government bill at destination) may also affect the taxability of the transaction.

(2) Where a contract will be in a substantial amount, available alternative places and terms of delivery should be considered in the light of possible tax consequences.

(e) When Government property is furnished under a facilities contract, the contracting officer shall review the facilities contract when negotiating a subsequent supply contract to assure that the contractor is not reimbursed twice for the same taxes.

§ 11.403–2 Contract clause.

The appropriate one of the clauses set forth in paragraphs (a) through (d) of this section shall be used in accordance with § 11.403–1.

(a) Fixed-price type contracts to be performed in a foreign country (other than contracts with foreign governments).

TAXES (JUL. 1960)

(a) The contract price, including the prices in any subcontracts hereunder, does not include any tax or duty which the Government of the United States and the Government of ---------- have agreed shall not be applicable to expenditures made by the United States in ----------, or any tax or duty from which the Contractor, or any subcontractor hereunder, is exempt under

the laws of _____. If any such tax or duty has been included in the contract price, through error or otherwise, the contract price shall be correspondingly reduced.

(b) If for any reason after the contract date, the Contractor is relieved in whole or in part from the payment or the burden of any tax or duty included in the contract price, the contract price shall be correspondingly reduced.

* * * * * *

(c) Cost-reimbursement type contracts to be performed in a foreign country (other than contracts with foreign governments).

TAXES (JUL. 1960)

Any tax or duty from which the United States Government is exempt by agreement with the Government of _____, or from which the Contractor or any subcontractor hereunder is exempt under the laws of _____, shall not constitute an allowable cost under this contract.

* * * * * *

31. A new Subpart E is added, as follows:

Subpart E—Tax Exemption Forms

Sec.

11.500 General.
11.501 Federal excise taxes.
11.501–1 Certificate of export to a possession or to Puerto Rico.
11.501–2 Exemption certificate for supplies for vessels of war.
11.501–3 Exemption certificate for oil used for nonlubricating purposes.
11.501–4 Cutting oil certificate.
11.502 State and local taxes.
11.502–1 Types of evidence of exemption.
11.502–2 When evidence of exemption is to be furnished.

AUTHORITY: The provisions of this Subpart E issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 11.500 General.

(a) This subpart prescribes forms and procedures to provide evidence appropriate to establish exemption from Federal, State, and local taxes, and the form required to purchase cutting oil at the tax rate of three cents per gallon rather than six cents per gallon.

(b) Unless the contract otherwise requires, evidence of exemption shall not be issued if the amount of taxes on any one invoice or purchase is one dollar or less.

(c) With respect to the forms set out in §§ 11.501–2, 11.501–3 and 11.501–4, the Internal Revenue Service will accept one certificate covering all orders under a single contract for a specified period not exceeding four calendar quarters.

§ 11.501 Federal excise taxes.

The forms of certificates set forth in §§ 11.501–1 through 11.501–4 may be reproduced locally.

§ 11.501–1 Certificate of export to a possession or to Puerto Rico.

The following form of exemption certificate shall be used as proof of exportation or shipment to a possession or Puerto Rico, in accordance with §§ 11.201(b) and 11.202(b).

CERTIFICATE OF EXPORT

(For use by purchasers of articles for export or shipment to a possession under Sections 4056 and 4221(a)(2), Internal Revenue Code of 1954)

_____ 19--

_____
(Name of Contractor)

The undersigned does hereby certify that _____

_____
(Quantity and description of supplies)

which were purchased for export, or for shipment to a possession of the United States or to Puerto Rico, under Contract No. _____, were in fact exported to a foreign country, or shipped to a possession of the United States or to Puerto Rico, and a copy of the export bill of lading No. _____ or loading manifest No. _____ pursuant to which the supplies were shipped, is being retained in the files of _____

_____
(Official address of office)

_____
(Signature)

_____
(Title)

_____
(Address)

This certificate is not intended for use as proof in claiming drawback of import taxes.

§ 11.501–2 Exemption certificate for supplies for vessels of war.

The following form of exemption certificate shall be used in claiming an exemption for supplies for vessels of war (including aircraft), in accordance with §§ 11.201(d) and 11.202(d).

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels under Sections 4041(e) and 4221(a)(3), Internal Revenue Code of 1954)

_____ 19--

The undersigned hereby certifies that he is an authorized agent of the United States of America and that the article or articles specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of a foreign nation, including aircraft owned by the United States or by a foreign nation and constituting a part of the armed forces thereof.

The undersigned understands that if the article or articles are used for any purpose other than as stated in this certificate, or are resold or otherwise disposed of, the purchaser must report such fact to the manufacturer; or, in the case of special motor fuel, that if the fuel is sold or used otherwise than as stated in this certificate and for a taxable purpose specified in Section 4041(b) of the Internal Revenue Code, liability for the tax upon such sale or use will attach. The undersigned also understands that the purchaser must be prepared to establish by satisfactory evidence the purposes for which the article was used.

The fraudulent use of this certificate for the purpose of securing exemption from the payment or adjustment of taxes will subject the guilty party to a fine of not more than $10,000 or imprisonment for not more than five (5) years, or both, together with costs of prosecution.

_____
(Signature)

_____
(Title)

_____
(Address)

§ 11.501–3 Exemption certificate for oil used for nonlubricating purposes.

The following form of exemption certificate shall be used by the purchaser of lubricating oil for nonlubricating purposes, in accordance with § 11.102–5(c)(1).

CERTIFICATE OF NONLUBRICATING USE

(For use by purchaser of lubricating oil subject to tax under Section 4091, Internal Revenue Code of 1954, for use by purchaser for nonlubricating purposes)

_____ 19--

Contract:
Contract Period:
Contractor:
Product:
End Use:

The undersigned hereby certifies that he is an authorized agent of the United States of America and that the product being purchased under the contract identified above will not be used or resold for lubrication, but will be used for the purpose shown.

The undersigned understands that the purchaser must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon its use of the oil for a lubricating purpose, or upon its sale or other disposition of the oil, it is required to notify the manufacturer.

The fraudulent use of this certificate for the purpose of purchasing oil tax free will subject the guilty party to a fine of not more than $10,000, or imprisonment for not more than five (5) years, or both, together with the costs of prosecution.

_____
(Signature)

_____
(Title)

_____
(Address)

§ 11.501–4 Cutting oil certificate.

The following form of certificate shall be used by the purchaser of cutting oil, in accordance with § 11.102–5(b).

CUTTING OIL CERTIFICATE

(For use by purchaser of lubricating oil subject to tax under Section 4091 of the Internal Revenue Code of 1954, for use by purchaser in cutting and machining operations on metals)

_____ 19--

Contract:
Contract Period:
Contractor:
Product:
End Use:

The undersigned certifies that he is an authorized agent of the United States of America and that the oil covered by the contract identified above is purchased for the use indicated as a lubricant in cutting and machining operations on metals.

The undersigned understands that the purchaser must be prepared to establish by satisfactory evidence the actual use or disposition made of such oil, and that upon its use of the oil for a lubricating purpose other than in cutting and machining operations on metals, or upon its sale or other disposition of the oil, it is required to notify the manufacturer.

The fraudulent use of this certificate for the purpose of purchasing oil subject to tax at the rate of 3 cents a gallon, rather than 6 cents a gallon, will subject the guilty party to a fine of not more than $10,000, or imprisonment for not more than five (5) years, or both, together with the costs of prosecution.

_____
(Signature)

_____
(Title)

_____
(Address)

§ 11.502 State and local taxes.

§ 11.501–1 Types of evidence of exemption

Evidence appropriate to establish exemption or immunity from State or local taxes will vary depending upon the grounds of exemption or immunity claimed, the parties to the transaction, and the requirements of the taxing jurisdiction. Such evidence includes but is not limited to the following:

(a) U.S. Government Tax Exemption Certificate (Standard Form 1094);

(b) A copy of the contract or a portion thereof;

(c) Shipping documents indicating that shipments are in interstate or foreign commerce;

(d) A State or local form indicating that supplies or services are for the exclusive use of the United States; or

(e) Any other State or locally required form, certificate, or document to establish general or specific exemption.

§ 11.502–2 When evidence of exemption is to be furnished.

(a) Unless there does not exist any reasonable basis to sustain a claimed exemption, a contractor or vendor will be furnished evidence of exemption under a:

(1) Contract which contains the clause prescribed in either § 11.401–1 or § 11.401–2 in accordance with the terms of those clauses;

(2) Cost-reimbursement type contract at the request of the contractor or at the discretion of the contracting officer; or

(3) Contract or purchase order which contains no provision regarding taxes, at the request of the contractor or at the discretion of the contracting officer, if the contractor warrants that the contract price does not include the tax, or if he consents to a reduction in the contract price if the evidence of exemption is accepted by the taxing jurisdiction.

(b) In case of disagreement as to whether there exists a reasonable basis upon which to sustain exemption of any transaction, the matter should be resolved in accordance with § 11.000.

PART 12—LABOR

32. Sections 12.401(e) and 12.402 are revised and new §§ 12.402–1 and 12.402–2 are added, as follows:

§ 12.401 Statutes, regulations, and determination.

* * * * * *

(e) *Standard compensation at Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area.* The Project Stabilization Agreement for Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area is an agreement between contractors and labor unions designed to further the orderly and uninterrupted prosecution of construction work at Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area. The agreement applies to work subject to the Davis-Bacon Act that is performed at Cape Canaveral, Patrick Air Force Base, Merritt Island Launch Area, or, in some circumstances, elsewhere in Brevard County, Fla. The Deputy Secretary of Defense determined on September 21, 1962, pursuant to Public Law 85–804, that it is necessary in order to facilitate the national defense to include a clause in all contracts and modifications thereto, for the performance of construction work at the Cape Canaveral-Patrick Air Force Base complex, requiring all contractors and subcontractors performing such work to abide by the money provisions of the Project Stabilization Agreement (see § 12.403–5).

§ 12.402 Applicability.

§ 12.402–1 Construction contracts.

(a) The requirements of this subpart apply to contracts for construction, and the appropriate clauses set out in this subpart must be included in such contracts. A contract is for construction if it is solely or predominantly for construction, alteration, or repair (including painting and decorating) of a public building or public work.

(1) These requirements are applicable only if the construction work is, or reasonably can be foreseen to be, performed at a particular site, so that wage rates can be obtained for the locality.

(2) These requirements do not apply to contracts for the construction or repair of vessels, aircraft, or other kinds of personal property.

(3) These requirements do not apply to contracts requiring construction work which is so closely related to research, experiment, and development that it cannot be performed separately, or which is itself the subject of research, experiment, or development.

(4) These requirements are applicable to manufacture or fabrication of construction materials and components on the site by a construction contractor or subcontractor under a contract otherwise subject to these requirements, but are not applicable to manufacturing or furnishing of equipment, components, or other materials.

(b) Under such contracts for construction, the requirements apply only to work performed by mechanics and laborers at the site of the work.

(1) Mechanics and laborers are those working predominantly with their hands or with construction tools and equipment. The requirements do not apply to office workers, superintendents, technical engineers, or scientific workers, but they do apply to cooks, storekeepers, and working foremen. The requirements apply to mechanics and laborers whether they are employed by the prime contractors or by a subcontractor of any tier.

(2) The site of the work may include the sites of job headquarters, storage yards, prefabrication or assembly yards, quarries or borrow pits, batch plants, and similar facilities if they are set up for and serve exclusively the particular construction operation and are reasonably near the construction site. Transportation of materials, equipment, or personnel to and from the construction site by employees of construction contractors or subcontractors is covered by the requirements; however, such transportation by common carriers, material suppliers, or manufacturers is not subject to the requirements.

§ 12.402–2 Supply, service, maintenance, or other contracts involving construction.

(a) The requirements of this subpart do not ordinarily apply to supply, service, maintenance, research and development, or other nonconstruction contracts. However, contracts predominantly for nonconstruction work may also involve construction work. Construction items under such contracts are not exempted from the requirements of this subpart simply because the work is to be performed under a contract which also requires, for example, the furnishing of supplies. On the other hand, the circumstances that construction work is to be performed in support of other work such as manufacturing and furnishing of supplies may be such that under the particular facts the construction work may be so merged with nonconstruction activity, or may be so fragmented in terms of the locations or time spans in which it is to be performed, that it cannot be segregated as a separate contractual requirement for construction, alteration, or repair of a public building or public work. Generally, the requirements apply to, and the appropriate clauses in § 12.403–1 must be included in, a prime contract if:

(1) The contract contains specific requirements for substantial amounts of construction work, or it is ascertainable at the contract date that a substantial amount of construction work will be necessary for the performance of the contract; and

(2) Such construction work is physically or functionally separate from, and, as a practical matter, is capable of being performed on a segregated basis from, the other work required by the contract.

The word "substantial" relates to the type and quantity of construction work to be performed and not merely to the total value of construction work as compared to the total value of the contract.

(b) The standard clauses provide that they will be applicable to the contract work only to the extent that such work is subject to the labor standards statutes involved. Under contracts requiring substantial amounts of segregable construction work, only such segregable construction will be covered.

(1) For example, the requirements do not apply to installation and maintenance work incidental to the furnishing of supplies under a supply contract; however, if a substantial and segregable amount of construction work at the site is required, such as for installation of heavy generators and large refrigerators or for plant modification or rearrangement, the labor standards for construction contracts apply to the construction work at the site.

(2) Contracts for maintenance or service are not ordinarily subject to the requirements. Maintenance includes the routine, recurring type of work necessary to keep a facility in such condition that it may be continuously used at an established capacity and efficiency for its intended purpose. However, if such maintenance or service contracts call for substantial and segregable items of con-

struction, alteration, or repair, the labor standards provisions for construction contracts will be applicable to those items.

33. Section 12.403–5 and Subpart E are revised to read as follows:

§ 12.403–5 Contracts for work at Cape Canaveral, Patrick Air Force Base, and Merritt Island Launch Area.

The following clause shall be included in every construction contract (subject to the Davis-Bacon Act) for work to be performed at Cape Canaveral, Patrick Air Force Base, Merritt Island Launch Area, or in Brevard County, Fla., when such work is "directly upon the site of the work" at Cape Canaveral, Patrick Air Force Base, or Merritt Island Launch Area within the meaning of the Davis-Bacon Act.

EMPLOYEE COMPENSATION—CAPE CANAVERAL, PATRICK AIR FORCE BASE AND MERRITT ISLAND AREA (NOV. 1963)

(a) The Contractor shall pay to laborers and mechanics wages and other compensation, including but not limited to fringe benefits, overtime premiums, shift premiums, holiday pay, and travel pay, at the rates and in the amounts set forth in the attached Table of Employee Compensation and any amendments thereto. The Table, based upon the Project Stabilization Agreement for Cape Canaveral, Patrick Air Force Base and Merritt Island Launch Area, dated February 20, 1962, as amended August 1, 1962 including Schedule A thereof, may be revised to reflect amendments to that agreement which the Secretary or his authorized representative determines to be reasonable. The obligation of the Contractor to pay fringe benefits shall be discharged by making payments to a fund or funds established for the purpose of providing one or more fringe benefits; or by paying their monetary equivalent directly to the laborers and mechanics to whom such benefits are applicable; or by a combination of the foregoing.

(b) Amounts for wages, and other compensation of the kinds described in paragraph (a) above, which are in excess of the rates and amounts required by this contract will not be recognized in any contract negotiations or pricing actions under a fixed-price type contract, and will not be recognized as an allowable cost under any cost-reimbursement type contract.

(c) This clause applies to all work under this contract (including subcontracts) which:

(i) is covered by the Davis-Bacon Act; and

(ii) is performed (A) at Cape Canaveral, Patrick Air Force Base, or Merritt Island Launch Area, or (B) in Brevard County, Fla., and which, because of its relationship to work described in (A) above, is "directly upon the site of the work" at Patrick Air Force Base, Cape Canaveral or Merritt Island Launch Area within the meaning of the Davis-Bacon Act.

(d) (1) In the event of failure to pay any laborer or mechanic the compensation required by this clause, the Contracting Officer may suspend any payments to the Contractor, in whole or in part, until such violation has ceased. Furthermore, this contract may be terminated for default for breach of any requirement under this clause.

(2) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(e) The Contractor agrees to insert the substance of this clause, including this paragraph (e), in any subcontract for the performance of any work described in paragraph (c) hereof.

(f) The requirements of this clause are in addition to, and shall not relieve the Contractor of, any obligation imposed by any other clauses of this contract, including those entitled "Davis-Bacon Act", "Work Hours Act of 1962—Overtime Compensation", "Apprentices", "Payroll Records and Payrolls", "Copeland ('Anti-Kickback') Act", "Withholding of Funds to Assure Wage Payment", and "Subcontracts—Termination".

(g) The Contractor agrees to maintain payroll and personnel records during the course of work subject to this clause, and to preserve such records for a period of three years thereafter, for all laborers and mechanics performing such work. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, and the dates and hours of the day within which such work was performed, deductions made and amounts for wages and other compensation of the kinds described in paragraph (a) hereof. The Contractor agrees to make these records available for inspection by the Contracting Officer and will permit him to interview employees during working hours on the job.

A current Table of Employee Compensation shall also be included in contracts utilizing this clause. Because use of this clause is based on a determination pursuant to Public Law 85–804, the contracting officer shall cite such statute in an appropriate place in the contract and shall assure compliance with the requirements of § 17.206 of this chapter with respect to all contracts which include this clause.

Subpart E—U.S. Department of Labor Safety and Health Regulations for Ship Repairing and Shipbuilding

Sec.
12.501 Safety and health regulations.
12.502 Applicability.
12.503 Contract clause.
12.504 Administration and enforcement.

AUTHORITY: The provisions of this Subpart E issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 12.501 Safety and health regulations.

The Secretary of Labor has promulgated Safety and Health Regulations for Ship Repairing and Shipbuilding pursuant to the authority of Public Law 85–742, 72 Stat. 835 (approved August 23, 1958) amending section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941). These regulations are set forth in Title 29, Code of Federal Regulations, Subtitle A, Part 8 and Part 8a.

§ 12.502 Applicability.

These regulations apply to ship repair and shipbuilding or related work, as defined therein, performed within the Federal maritime jurisdiction on the navigable waters of the United States, including any dry dock or marine railway.

§ 12.503 Contract clause.

The Master Contract for the Repair and Alteration of Vessels (DD ASPR Form 731) includes a clause entitled "U.S. Department of Labor Safety and Health Regulations for Ship Repairing" directing the attention of the contractor to the applicability of these regulations. Similar clauses should be included in shipbuilding and ship conversion contracts.

§ 12.504 Administration and enforcement.

The responsibility for compliance with the U.S. Department of Labor Regulations is placed upon employers, any of whose employees are engaged in any ship repair, shipbuilding, or related employment aboard any vessel upon the navigable waters of the United States, including any dry dock or marine railway. Consequently, prime contractors or subcontractors, or both, may be responsible for compliance with these regulations. Insofar as the Government is concerned, the responsibility for the administration and enforcement of these regulations is with the U.S. Department of Labor. Contractors or employees who inquire concerning applicability or interpretation of the foregoing regulations shall be advised that rulings concerning such matters fall within the jurisdiction of the U.S. Department of Labor and shall be given the address of the appropriate field office of the Bureau of Labor Standards of the U.S. Department of Labor.

PART 13—GOVERNMENT PROPERTY

34. New §§ 13.507 and 13.508 are added, as follows:

§ 13.507 Government property clause for contracts with fixed-price and cost-reimbursement provisions.

The clause set forth in § 13.502 shall be inserted in all contracts which set forth a fixed price for a portion of the contract but also provide for reimbursement of the cost of certain materials, except that (a) the phrase "Government property" shall be substituted for the phrase "Government-furnished property" as the title of the clause and in subparagraphs (d) and (e) and in whichever paragraph (f) is used, and (b) subparagraph (c) thereof shall be deleted and replaced by the following:

(c) Title to the Government-furnished Property shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever occurs first. All Government-furnished Property, together with all property acquired by the Contractor title to which vests in the Government under this praagraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty. The Contractor shall comply with the provisions of the "Manual for Control of Government property in Possession of Contractors" (Appendix B, Armed Services Procurement Regulation) as in effect on the date of the contract, which Manual is hereby incorporated by reference and made a part of this contract.

§ 13.508 Government property clause for time and material type contracts.

The clause set forth in § 13.503 may be inserted in all time and material contracts except that:

(a) The phrase "estimated cost, fixed fee, or delivery or performance date, or all of them," appearing in paragraph (a) shall be deleted and the phrase "amount payable to the Contractor, or the delivery or performance date, or both," substituted therefor:

(b) Paragraph (f) (2) shall be deleted and paragraph (f) (2) of the clause set forth in § 13.502 substituted therefor, except that the phrase "Government-furnished property" shall be changed to read "Government property;" and

(c) Paragraph (i) shall be deleted, and paragraph (h) of the clause set forth in § 13.502 substituted therefor.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

35. Section 15.205–33 is revised, new paragraph (f) is added to § 15.205–46, and § 15.601 is revised, as follows:

§ 15.205–33 Recruitment costs.

(a) Subject to paragraph (b), (c), and (d) of this section, and *Provided*, That the size of the staff recruited and maintained is in keeping with workload requirements, costs of help-wanted advertising, operating costs of an employment office necessary to secure and maintain an adequate labor force, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the contractor uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

(b) In publications, costs of help-wanted advertising that (1) includes color, (2) includes advertising material for other than recruitment purposes, or (3) is excessive in size (taking into consideration recruitment purposes for which intended and normal business practices in this respect) are unallowable.

(c) Costs of (1) help-wanted advertising and (2) excessive salaries, fringe benefits and special emoluments that have been offered to prospective employees, designed to "pirate" personnel from another defense contractor, or in excess of the standard practices in the industry, are unallowable.

(d) Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost and the newly hired employee resigns for reasons within his control within 12 months after hire, the contractor shall be required to refund or credit such relocation costs to the Government.

§ 15.205–46 Travel costs.

* * * * * *

(f) *Air travel.* The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class accommodations are not reasonably available to meet necessary mission requirements, such as, where less than first-class accommodations would:

(1) Require circuitous routing,

(2) Require travel during unreasonable hours,

(3) Greatly increase the duration of the flight,

(4) Result in additional costs which would offset the transportation savings,

(5) Offer accommodations which are not reasonably adequate for the physical or medical needs of the traveler.

§ 15.601 Definition of fixed-price type contracts.

"Fixed-price type" contracts include, for purpose of this subpart, the following:

(a) Firm fixed-price contracts (§ 3.404–2 of this chapter),

(b) Fixed-price contracts with escalation (§ 3.404–3 of this chapter),

(c) Fixed-price contracts providing for the redetermination of price (§§ 3.404–5 and 3.404–7 of this chapter),

(d) Fixed-price incentive contracts (§ 3.404–4 of this chapter),

(e) Noncost-reimbursable portion of time and materials contracts (§ 3.406–1 of this chapter), and

(f) Labor-hour contracts (§ 3.406–2 of this chapter.

PART 16—PROCUREMENT FORMS

36. Sections 16.101–2 (a) and (b), 16.102–2(a), and 16.201–2 are revised; and in § 16.202(b)(2), subdivision (iv) is revised and new subdivision (xi) is added, as follows:

§ 16.101–2 Conditions for use.

(a) The Invitation for Bids (Standard Form 30), and the Schedule (Standard Form 31) shall be prepared in accordance with § 2.201 of this chapter. Bidders shall be requested to return only two signed copies of their bids.

(b) Standard Form 32 and any additional general provisions may be attached to each copy of the Invitation for Bids. Alternatively, one copy of Standard Form 32 and any additional general provisions need be furnished to each bidder, for retention, if such provisions are specifically incorporated by reference, including each form name, number and date, in Standard Form 30 or 31. Provisions which are inapplicable to a particular procurement, or to military procurements generally may be deleted by appropriate reference in an "Alterations in Contract" clause.

* * * * * *

§ 16.102–2 Conditions for use.

(a) The Invitation for Bids and Schedule portions of Standard Form 33 shall be prepared in accordance with § 2.201 of this chapter. Bidders shall be requested to return only three signed copies of their bids.

* * * * * *

§ 16.201–2 Conditions for use.

Standard Form 18 is authorized for use when it appears reasonably certain that the procurement will be consummated by (a) a fixed-price type contract involving extensive negotiation or, (b) a cost-reimbursement type contract. Standard Form 36 (Continuation Sheet), or DD Form 1155c (Continuation Sheet) may be used as required. Standard Form 18 may be used for negotiated procurements in excess of $2,500 and shall be used for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations (other than by telegram) of quotations are used (see § 3.603 of this chapter). Two copies of Standard Form 18 shall be sent to each prospective supplier and he shall be requested to return only one signed copy. A quotation submitted on this form is not to be construed as an offer which can be accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a supplier's quotation does not constitute a contract, but the purchase order is an offer by the Government to the supplier to buy certain goods or services upon specified terms and conditions.

§ 16.202 Negotiated contract forms (DD Forms 1261 and 1270).

* * * * * *

(b) *Short form negotiated supply and services contracts.* * * *

(2) * * *

(iv) When the contract is for the procurement of supplies and data or solely for data, one of the clauses set forth in §§ 9.203 through 9.206 of this chapter shall be added when required by the instructions contained in Subpart B, Part 9 of this chapter.

* * * * * *

(xi) The "New Material" and "Government Surplus" clauses (see § 1.1208 of this chapter) may be inserted in the Schedule.

* * * * * *

37. Paragraph (a) of § 16.203–2 is revised; in § 16.303–2(b), subparagraphs (2), (3), and (9) are revised and new subparagraph (10) is added; § 16.804 is revised; and § 16.804–1 is revoked, as follows:

§ 16.203–2 Conditions for use.

(a) DD Forms 746 and 746–1 (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies or services (other than personal) when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return only two signed copies of their proposals.

* * * * * *

§ 16.303–2 Conditions for use.

* * * * *

(b) *Use as a purchase order of not more than $2,500.* DD Form 1155 is authorized for negotiated purchases of not more than $2,500; *Provided:*

* * * * *

(2) No clauses covering the subject matter of any clause set forth in this subchapter, other than clauses set forth on the back of DD Form 1155, and clauses referred to in subparagraphs (3) through (9) of this paragraph and in paragraph (c) of this section, are to be used;

(3) When the contract is for the procurement of supplies and data or solely for data, one of the clauses set forth in §§ 9.203 through 9.206 of this chapter shall be added when required by the instructions contained in Subpart B, Part 9 of this chapter.

* * * * *

(9) The clauses set forth in § 1.1208 of this chapter may be used in accordance with the provisions of that section; and

(10) When the 1 April 1961 edition of the form is used for construction contracts of $2,000 or less for work within the United States, the clauses set forth in §§ 12.403–2 (b) and (c) and 12.403–4 of this chapter shall be added as appropriate; if later editions of the form are utilized, only the clause set forth in § 12.403–4 need be added when applicable.

* * * * *

§ 16.804 U.S. Government tax exemption certificate (standard form 1094).

Standard Form 1094 will be used in accordance with Subpart E, Part 11 of this chapter.

§ 16.804–1 Conditions for use. [Revoked]

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

38. In § 30.1, the portion under Part II—Rules, is revised to read as follows:

§ 30.1 Appendix A—Armed Services Board of Contract Appeals.

* * * * *

PART II—RULES

PREFACE TO RULES OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS

I. *Summary of pertinent charter provisions.* The Armed Services Board of Contract Appeals is the authorized representative of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force in hearing, considering, and determining as fully and finally as might each of the Secretaries:

(a) Appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Secretary of Defense or by a Secretary of a Military Department or their duly authorized representative or board; or

(b) Appeals by contractors taken pursuant to the provisions of any directive whereby the Secretary of Defense or the Secretary of a Military Department has granted a right of appeal not contained in the contract.

When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

When a contract requires the Secretary of Defense or the Secretary of a Military Department, personally to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals makes and submits findings and recommendations to the appropriate Secretary with respect thereto.

There are a number of divisions of the Armed Services Board of Contract Appeals established by the Chairman of the Board in such manner as to provide for the most effective and expeditious handling of appeals. Appeals are assigned to the divisions for decision without regard to the military department or other procuring agency which entered into the contract involved. Hearing may be held by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the Board provided that the Chairman and two Vice Chairmen jointly signify their approval of the decision. If a majority of the members of a division is unable to agree on a decision, or if the Chairman or one or more of the Vice Chairmen does not signify approval of the decision, determination of the appeal is by the Chairman and Vice Chairmen. A decision by a majority of those individuals then constitutes the decision of the Board.

On request of the appellant, an appeal involving $5,000 or less is decided as provided in the Optional Accelerated Procedure set forth in Rule 12 of the Board.

II. *Statement of purpose.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure just and inexpensive determination of appeals without unnecessary delay.

Preliminary procedures are available to encourage full disclosure of relevant and material facts and to discourage unwarranted surprise.

All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate Notices of Appearance have been filed with the Board.

Preliminary Procedures

1. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

2. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

3. *Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt, and the contractor will be furnished a copy of these rules.

4. *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Board and to the Government Trial Attorney copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(5) Such additional information as may be considered material.

Upon completion of the foregoing compilation, the contracting officer shall notify the appellant, provide him with a listing of its contents, and afford him an opportunity to examine the complete compilation at the office of the contracting officer, or at the office of the Board, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of the foregoing compilation, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

5. *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

6. *Pleadings.* (a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Recorder of the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the

Recorder of the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses of counterclaims, as appropriate. Upon receipt thereof, the Recorder shall serve a copy upon the appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall so be notified.

7. *Amendments of pleadings or record.* The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in Rule 4, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respect as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the Rule 4 documentation (which shall be deemed part of the pleadings for this purpose) it may be admitted within the proper scope of the appeal, *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

8. Upon receipt of respondent's answer or the notice referred in the last sentence of Rule 6(b), above, appellant shall advise whether he desires a hearing, as prescribed in Rules 17 through 25, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in Rule 11. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in Rule 12.

9. *Pre-hearing briefs.* Based on an examination of the documentation described in Rule 4, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit pre-hearing briefs in any case in which a hearing has been elected pursuant to Rule 8. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a pre-hearing brief to the Board. In any case where a pre-hearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

10. *Pre-hearing or pre-submission conference.* Whether the case is to be submitted pursuant to Rule 11, or heard pursuant to Rules 17 through 25, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board member or examiner in the presence of the parties, and this writing shall thereafter constitute part of the record.

11. *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to Rule 13. In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with Rules 18 and 23.

12. *Optional accelerated procedure.* Should an appeal involve $5,000 in amount or less, it may at the option of appellant be processed under this rule. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

13. *Setting of the record.* A case submitted on the record pursuant to Rule 11 shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

The Board record shall consist of documentation described in Rule 4, and any additional material, pleadings, pre-hearing briefs, record of pre-hearing or pre-submission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs, as may thereafter be developed pursuant to these rules.

This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

14. *Depositions* (a) *When depositions may be taken.* After an appeal has been docketed, the Board may, upon application of either party or upon agreement by the parties, permit the taking of the testimony of any person, by deposition upon oral examination or written interrogatories, for use as evidence in the appeal proceedings. Leave to take a deposition will not ordinarily be granted unless it appears that it is impracticable to present the deponent's testimony at the hearing of the appeal, or unless a hearing has been waived and the case submitted pursuant to Rule 11.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *By oral examinations.* When either party desires to take the testimony of any person by deposition upon oral examination, the moving party shall give the opposite party at least 15 days written notice of the time and place where such deposition is proposed to be taken; the name, address, and title of the person before whom it is proposed to be taken; and the name and address of the witness. This notice is unnecessary in any case where the deposition has been scheduled by mutual agreement. If the party so served finds it impracticable to appear at the taking of the deposition, in person or by counsel, he shall promptly so notify the moving party who shall make available to him a copy of the evidence given at the deposition. Within 15 days after receipt of such copy, the party so served may serve cross-interrogatories upon the moving party, and proceedings shall be had thereon as provided in the next succeeding subparagraph (d) herein.

(d) *By written interrogatories.* When either party desires to take the testimony of any person by deposition upon written interrogatories, the moving party shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name, address, and title of the person before whom the deposition is to be taken. Within 15 days thereafter, the party so served may serve cross-interrogatories upon the moving party. A copy of the notice and copies of all interrogatories served shall be delivered by the moving party to the person before whom the deposition is to be taken, and the latter shall proceed promptly to take the testimony of the witness in response to the interrogatories.

(e) *Form and return of deposition.* Each deposition should show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and he shall enclose the original deposition and exhibits in a sealed pre-paid package and forward same to the Recorder, Armed Services Board of Contract Appeals.

(f) *Introduction in evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such case it can, however, be utilized to contradict or impeach the testimony of the deponent as a witness. If the opportunity to be heard has been waived and the case submitted pursuant to Rule 11, the deposition shall be deemed to be part of the record before the Board.

15. *Interrogatories to parties; inspection of documents; admission of facts.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

16. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope registered, or certified, postage pre-paid, addressed to the party upon

whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

Hearings

17. *Where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request reasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

18. *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in Rule 11.

19. *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in Rule 11.

20. *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

21. *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

23. *Post-Hearing briefs.* Post-hearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member or examiner at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

Representation

26. *The appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, Commonwealth, Territory, or in the District of Columbia.

27. *The respondent.* Government counsel designated by the various departments to represent the departments, agencies, directorates, and bureaus cognizant of the disputes brought before the Board, may in accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

Decisions

28. Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board in Washington, D.C. In accordance with paragraph 3 of the Charter, decisions of the Board will be made upon the record, as described in Rule 13.

Motions for Reconsideration

29. A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

Dismissal Without Prejudice

30. In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

Effective Date and Applicability

31. These revised rules shall take effect on the first day of the month following the month in which they are approved by the Assistant Secretary of Defense (Installations and Logistics) and the Assistant Secretaries of the Military Departments responsible for procurement. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

Approved this 15th day of July 1963.

THOMAS D. MORRIS,
The Assistant Secretary of Defense (Installations and Logistics).

PAUL R. IGNATIUS,
The Assistant Secretary of the Army (Installations and Logistics).

KENNETH E. BELIEU,
The Assistant Secretary of the Navy (Installations and Logistics).

JOSEPH S. IMBRIE,
The Assistant Secretary of the Air Force (Materiel).

39. In § 30.2, item 207.3 is revised; and in 30.3, item 211.3 is revised, as follows:

§ 30.2 Appendix B—Manual for control of Government property in possession of contractors.

* * * * *

207.3 Joint physical inventories or selective examinations under paragraphs 207.1 and 207.2 of this section. (a) The property administrator may, at his discretion, require physical inventories to be taken jointly by his designated representatives and the contractor.

(b) In lieu of a joint physical inventory, selective examinations of an inventory by the contractor may be made when the property administrator determines that such procedure is more economical and will adequately protect the interest of the Government. When selective examinations are made, they must embrace a representative number of items in the account and must adequately cover, by class and price range, all Government property involved.

* * * * *

§ 30.3 Appendix C—Manual for control of Government property in possession of nonprofit research and development contractors.

* * * * *

211.3 Inventories and selective examinations by the property administrator. (a) The property administrator may, at his discretion, join with the contractor in the taking of any inventory required to be made by the contractor.

(b) The property administrator should make selective examinations of an inventory by the contractor when he determines that such procedure is necessary to protect the interests of the Government. When selective examinations are made, they must embrace a representative number of items in the account and must adequately cover, by class and price range, all Government property involved.

* * * * *

[Rev. 3, ASPR, Nov. 15, 1963] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 64–1953; Filed, Feb. 28, 1964; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

Revise § 1001.105(b) to read as follows:

§ 1001.105 Amendment of AFPI and ASPR.

* * * * *

(b) *Proposed amendment of ASPR.* Recommendations for amendment of ASPR will be submitted through channels, including AFLC (MCPO) or AFSC (SCK–2), as appropriate, according to command OPR assignments, to the appropriate Responsible Office, AFSPP, Hq USAF. Recommendations will include the complete rationale for the proposed amendment and the specific ASPR language proposed to achieve the desired objective. The OPR will review the recommendation, obtain the necessary coordination, and forward the proposal, with command comments, through command control office to Hq USAF.

Subpart B—Definition of Terms

§ 1001.201–72 [Amendment]

In § 1001.201–72 the second word, "Progress," is amended to read "process."

Subpart C—General Policies

§ 1001.354 [Deleted]

1. Delete § 1001.354.

2. In § 1001.365, revise paragraphs (c), (d), and (e) as follows:

§ 1001.365 Advance procurement planning.

* * * * *

(c) Advance procurement planning will be initially accomplished as early as possible, preferably in conjunction with planning for requirements entering the development phase with appropriate revisions and up-dating to be processed as the development phase progresses and work statements and specifications become firmly established. Such planning will result in:

* * * * *

(d) Consideration will be given, but not limited to, the following factors on an item-by-item basis as applicable:

* * * * *

(e) It will be necessary in the development of advance procurement planning to consider and evaluate information obtained from requirements, determination, programming, fiscal, engineering, production, supply, maintenance, contracting and administration sources. The advance procurement plan must be adequately coordinated so that reviewing and approving officials are satisfied that it represents a coordinated position. Any subsequent revisions of a major nature should return through the same review and approval cycle afforded the original plan.

* * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart F—Small Purchases

Revise § 1003.606–50(b) to read as follows:

§ 1003.606–50 Execution of requests against a blanket purchase agreement.

* * * * *

(b) An oral request (or informal written request) will be placed with the BPA holder. The request will be posted in the register maintained for each BPA to show as a minimum the date, request number, purchase request number, delivery date, dollar amount, OA number or funds chargeable, and number of line items. The heading of the register will show the name of vendor, contract number, and month and year. These registers will be maintained in duplicate. At the end of the month, the contracting officer will total the requests, sign the copy of the register, and forward it to accounting and finance for recording as obligations. The contracting officer will furnish a separate total for each OA or fund chargeable. The contracting officer will notify accounting and finance in writing when cancellations or changes are necessary subsequent to distribution of the monthly BPA register. The original copy of the register will be retained in the BPA file. The procurement office will enter necessary information on the TPR (AF Form 16) or a copy of the PR (AF Form 9, AFLC Form 379A, or other authorized form) and return to the initiator or appropriate receiving activity. When using informal written requests, central procurement activities may cite funds chargeable on the request and forward one copy to accounting and finance for recording obligations at the time the request is forwarded to the vendor, in lieu of maintaining and recording obligations from a duplicate register at the end of the month.

* * * * *

Subpart H—Price Negotiation Policies and Techniques

1. Add the following to paragraph (a) of § 1003.850–3 as follows:

§ 1003.850–3 Planning and coordination.

* * * * *

(a) * * * In situations where a complete analysis is not mandatory and only factual information is required, such information may be obtained by telephone if other means of communication would unduly delay the procurement action. All such telephone requests and responses will be confirmed in writing as soon as possible. Indiscriminate release of pricing information, by any means of communication, is prohibited.

* * * * *

2. Revise § 1003.850–4 to read as follows:

§ 1003.850–4 Packaging costs.

USAF Packaging Cost Standards, covering direct material costs and direct labor for all of the packaging and preservation methods in Specification MIL–P–116, Preservation, Methods of, are available to packaging specialists located in contract management activities (CMDs/AFPROs), AFSC divisions, and AFLC AMAs (Packaging Control Components). By referring to the Cost Standard, packaging specialists can develop independent estimates in these direct cost areas. These estimates can be a useful tool in the overall evaluation and analysis of contractor posed direct packaging costs, and will be requested whenever appropriate. Requests will include sufficient information to permit the packaging specialist to make a proper appraisal of packaging effort required. As a minimum, information about the size and quantity of items being procured, and the methods of packaging and preservation required, will be included. Where the number of different items being procured is so large as to preclude development of individual estimates by the packaging specialist, a sampling of items should be considered. Following development of his estimate, the packaging specialist is available for additional study or assistance as indicated.

Subpart I—Subcontracting Policies and Procedures

1. Revise § 1003.903–2 to read as follows:

§ 1003.903–2 Consent to subcontracts.

The ACO must check all approval requirements established by the prime contract. Clauses containing indemnity or "hold harmless" provisions which do not conform with standard provisions in ASPR or AFPI will not be approved for use in subcontracts unless approval is accomplished according to procedures in § 1015.205–16(b) of this subchapter.

(a) The provisions of Subpart F, Part 1001 of this subchapter, "Debarred, Ineligible, and Suspended Bidders," will be complied with in granting consent (§ 1.603(c) of this title).

(b) Situations involving the transfer of an active subcontract to another contract for performance will be handled according to instructions from higher authority, on a case-by-case basis.

(c) Where subcontracts for research and development are proposed to be placed with contractors located in the European area, the assistance and recommendations of the European Office, OAR, Brussels, Belgium, will be obtained regarding the subcontractor's capability of performance.

(d) With regard to prime contracts under the terms of which "data" (as defined in § 9.201(a) of this title) is to be furnished by the prime contractor to the Government, no clause of any subcontract thereunder will be consented to which by its terms has the effect of restricting whatever use the Government may make of such data under the terms of the prime contract.

(e) With respect to security requirements under classified subcontracts see AFR 205–4 and 205–1.

(f) The ACO will use the following terminology when granting consent to the placement of a subcontract or purchase order.

Consent is hereby given to the placement of subject proposed subcontract or purchase order, subject to the conditions of clauses (insert the numbers of the clauses of the prime contract entitled "Subcontracts" and "Responsibility of the Contractor for Subcontracts") of the prime contract and conditioned upon the information furnished by the contractor in support thereof. This consent shall in no way relieve the prime contractor of any obligations or responsibilities it may otherwise have under the contract or under law, shall not create any obligation of the Government to, or privity with, the subcontractor or vendor, and shall be without prejudice to any right or claim of the Government under the prime contract.

The use by ACO's of the above terminology is mandatory and no deviation is authorized without the prior written approval of Hq AFSC (SCKAA).

2. In § 1003.903–3 add a new paragraph (g); and in § 1003.903–4 add an introduction and new paragraph (a)(9), as follows:

§ 1003.903–3 Approval of purchasing system.

* * * * *

(g) The purchase methods analyst (PMA) in his evaluation of the contractor's purchasing system, should give particular attention to the area of subcontract management. He should insure that the sample of major subcontracts reviewed has been in existence for sufficient time to reflect the subcontract administration and management effort. The PMA should evaluate the contractor's method of measuring the efficiency and effectiveness of his major subcontractors in the following areas: cost, quality, delivery, quantity.

§ 1003.903–4 Review of individual subcontracts.

The following specific guidelines should be followed in addition to the review requirements in § 1003.903–2.

(a) * * *

(9) On the request of prime contractors, the ACO in coordination with the PMA will furnish the purchasing system approval status on major subcontractors where available indicating that the contractor's purchasing system is approved or nonapproved based on the volume and nature of business presently being performed for the Air Force. Prime contractors should be placed on notice of Purchasing System Reviews performed by the Air Force on major subcontracts to prevent duplication of effort. However, the prime contractor has the responsibility of determining the adequacy of the subcontractor's system to perform the particular subcontract.

* * * * *

§ 1003.903–50 [Deleted]

3. Delete § 1003.903–50.

§§ 1003.903–51—1003.903–54 [Redesignation]

4. Sections 1003.903–51 through 1003.903–54 are redesignated §§ 1003.903–50 through 1003.903–53.

5. Add new § 1003.903–54 as follows:

§ 1003.903–54 Use of audit personnel.

(a) Where the contracting officer's consent to subcontracts is required (see § 3.903 of this title and § 1003.903), the contractor will furnish complete justification for proposed subcontract awards, giving adequate information with respect to price and/or cost analysis accomplished, and the currency, completeness, and correctness of cost and/or pricing data obtained from the proposed subcontractors. In general the policies in § 3.809 of this title and § 1003.809, relating to the use of audit services (contractor or government) as a pricing aid, also apply to subcontract price and/or cost analysis. The use of audit services (contractor or government) in connection with price analysis does not necessarily imply a cost audit. The contractor may request government audit service, however, the authority to decide whether to provide government audit information to the contractor rests with the contracting officer. In line with this, the audit request should specify in detailed terms the areas of the subcontractor's proposals upon which audit efforts are desired and the end uses of the data gathered by the audit. If the request is not clear, it will be returned to the contractor for clarification. However, this requirement does not necessarily impose any limitation on the auditor as to the overall scope of the audit. A contractor's communication in connection with audit requests will be with his cognizant ACO. The ACO will be responsible for receiving the audit requirement and will forward the request to the audit activity located at, or responsible for, audit of the prime contractor's facility for processing according to departmental audit instructions.

(b) It is the responsibility of the contractor to use his own audit staff in connection with subcontract pricing or he may make use of audit information which is available to the ACO. In particular situations, as exemplified below, utilization of audit information supplied by government auditors is desirable and is encouraged to the fullest practicable extent when:

(1) The prime contractor has been refused access to the records and books of account by the subcontractor and all reasonable steps, including top management participation, has been taken to secure such information.

(2) The contractor (subcontractor) has been formally coordinated under the DOD Audit Coordination Program, or is being audited currently on an informal basis in connection with other existing prime or subcontracts.

(3) The subcontractor holds prime or subcontracts from two or more military departments or prime contractors and it would be more economical and provide consistent audit treatment and orderly audit administration.

(4) The prime contractor has a substantial or controlling financial interest in the subcontractor.

(5) The prime contractor has subcontracted, or plans to subcontract a substantial portion of his contract to one or to a very limited number of subcontractors. In these situations contractor utilization of government audit information is to the mutual interest of the contractor and the Government. It may be the most or only practicable method of obtaining essential information and will ordinarily insure consistent treatment of subcontractor's costs, reduce duplicate auditing, and eliminate or reduce costs which the contractors would otherwise incur in the performance of subcontract audits.

(c) Where the prime contractor is performing the audit of a subcontractor's records, the audit program and cost principles used and the working papers and audit report should be made available to the government auditor having audit responsibility for the prime contractor. If the government auditor considers the contractor's audit program or audit report lacking in any respect, he will immediately notify the contracting officer of the deficiencies so that questionable areas may be resolved. Where a subcontract contains a price redetermination or incentive-type clause, and where the Auditor General (or any other Department of Defense audit agency) has performed a previous audit of the subcontractor's records, the prime contractor's or upper tier subcontractor's auditors may, where appropriate, consult with such government audit personnel as to the adequacy of the subcontractor's accounting system, if such an appraisal has been previously accomplished, or on any other factual data available which may be released without compromising proprietary or security information.

(d) See § 1003.903–55(b) for procedures pertaining to requests for audit services arising in connection with subcontract pricing.

(e) See § 1054.2910 of this subchapter for procedures pertaining to request for audit services arising in connection with administration of cost-reimbursement type contracts.

6. Delete present § 1003.903–56 and insert the following therefor:

§ 1003.903–55 Use of price analyst personnel.

(a) ACOs will make full use of price analysts in reviewing subcontracts. In addition, where the contractor's purchasing system has been approved, price analysts should be used to make detailed investigations of selected individual subcontracts on the basis specified by the ACO.

(b) Pricing functions: The responsibility for subcontract pricing rests with the prime contractor. The prime ACO must insure that the prime is performing this management obligation effectively. He should require from the contractor complete justification of subcontract awards, with particular attention given where appropriate, to price and/or cost analysis, including audit

(see § 1003.903–54), and the currency, completeness, and correctness of cost and pricing data obtained from subcontractors (see § 3.903–4 of this title and § 1003.903–4).

(1) Where a prime contractor demonstrates to the satisfaction of the ACO, based on the submission of a completely documented subcontract file, it has effected a sound procurement and complied with all applicable requirements of Subpart I, Part 3 of this title and this subpart, the ACO may consent to the subcontract without requesting duplicative analyses. This approach also should be followed by ACOs performing Review and Analysis of Subcontracts.

(2) A government audit report is mandatory on all subcontract proposals exceeding $350,000 except when: (i) The subcontract amount is less than that stipulated for requiring consent of the ACO under the contractor's approved purchasing system, (ii) the type of subcontract does not require ACO's consent, (iii) multi-source proposals indicate the presence of effective competition and satisfactory past performance, or (iv) an audit has been performed by the prime contractor and deemed adequate by the government auditor located at the prime contractor's facility. Requests for government audit assistance may be included where the subcontract proposal is less than $350,000 if such assistance is considered desirable by the ACO. These procedures are equally applicable to all price revision actions. This, however, does not preclude the Auditor General (or any other cognizant Department of Defense Audit Agency) from performing such audit as he may consider necessary.

(3) Where a contractor advises its cognizant ACO that a subcontractor has refused to provide or give access to the contractor to cost data essential for negotiation purposes, and that all reasonable steps including top management participation, have been taken to secure such information from the subcontractor, the ACO will request an assist price analysis. Requests for an assist price analysis should be specific as to areas of analysis desired and type of information wanted. If an assist audit is also to be requested, the ACO will forward the request to the government auditor located at the prime contractor's facility for processing according to departmental audit instructions. When requests are made for both price analysis and audit, each request will indicate the need for a pre-analysis review meeting.

(4) When pre-analysis review is required as a result of receipt of requests for both price analysis and audit, the CMD/AFPRO and the cognizant military auditor will hold a pre-analysis review meeting. This meeting may be as formal or informal as desired. The procurement situation and the request for assistance will be discussed and a mutually agreeable approach to analysis determined. If, during pre-analysis review, it is agreed that pertinent information requested has been furnished in prior unclassified analysis and audit reports, that this information is still valid, and that neither the CMD/AFPRO nor the auditor can contribute any other significant information, the CMD/AFPRO representative will advise the requesting ACO accordingly. In such cases, he will: (i) Advise that a pre-analysis review was held with the auditor, (ii) reference the earlier reports and (iii) where the earlier reports were prepared for activities other than the requesting CMD/AFPRO, attach information copies.

(5) If an audit report is to be furnished according to subparagraphs (2), (3), and (4) of this paragraph, the audit report will clearly identify, and if possible, segregate that information which is determined to be proprietory. Such determinations will be made through joint auditor/ACO discussion with the audited subcontractor. During this process, every effort will be made to minimize the amount of information considered to be proprietory.

(6) The requested dates for submission of the report will be considered firm, if acceptable to the prime or upper tier auditor and approved by the ACO.

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

A new Subpart X is added as follows:

Subpart X—Contract Vehicle Maintenance

Sec.

1004.2400 Scope of subpart.
1004.2401 Applicability of subpart.
1004.2402 Contracts for vehicle maintenance.

AUTHORITY: The provisions of this Subpart X issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1004.2400 Scope of subpart.

This subpart contains instructions of special application to preparation of and procedures for contracts for vehicle maintenance.

§ 1004.2401 Applicability of subpart.

This subpart applies to all AF procuring activities.

§ 1004.2402 Contracts for vehicle maintenance.

(a) *General.* The contracting officer will select the type of contract which will afford maximum competition from qualified sources. Blanket delivery orders against these contracts will be issued quarterly according to § 1003.653 of this subchapter when indefinite delivery type contracts are used. Where two or more Government activities are in reasonably adjacent areas, consolidation of requirements will be considered as a means of obtaining better prices.

(b) *Work specification.* A work specification for the maintenance of general purpose, commercial and military type vehicles, USAF special purpose vehicles, Base Maintenance vehicles, and materials handling equipment is available from Hq WRAMA, Robins AFB, Georgia. Use of this work specification is mandatory upon AFLC activities, which must obtain prior approval from Hq AFLC (MCTEV); for deviations. Other major air commands may utilize it in Vehicle Maintenance Contracts or as a guide for the preparation of their own specifications.

(c) *Purchase requests.* Purchase Requests, initiated by the vehicle maintenance activity, will contain all information required by the contracting officer for procurement action. When funds certified must be replenished, the maintenance activity may request additional funds be added to the original purchase request or may initiate a new purchase request for this purpose.

(d) *Contract schedule.* The vehicle maintenance work specification, available from WRAMA, contains the minimum technical requirements for contractor compliance. The following items (which are not all inclusive) should be included, as appropriate, in the contract schedule:

(1) Designate, by job title and office, personnel authorized to inspect vehicles, inspect contractors completed work and certify to its acceptance, determine time standards when not listed in applicable time standards or technical orders, and other functions related to the vehicle maintenance activity.

(2) Facilities, equipment or supplies to be furnished to the contractor, if any.

(3) Procedures for reimbursement for parts and materials, when contractor furnished.

(4) Identification of specific time standard or rate manual to be used in computing the time required for each job.

(5) Provisions for supplying Government furnished parts when determined to be more economical than contractor furnished.

NOTE: Subpart I, Part 5 of this title, prescribes that the contracting officer may make arrangements for and authorize the contractor to utilize GSA sources for obtaining supplies and parts such as spark plugs, fuel and oil, batteries, sealed beam units, lamps, tires and tubes, anti-freeze, etc., at regular schedule prices.

(6) Provisions for bidding on a direct hourly rate sliding scale basis based on the total number of direct labor hours expended. Generally, the cost per hour will decrease as total hours of work required increases.

(7) Special hourly rates for unskilled labor.

(8) Fixed prices for tasks such as tire change, lubrication, battery charge, steam clean, tire repair, etc.

(9) Provisions that payment of overtime premium wage rates at increased cost to Government will not be authorized for the purpose of enabling the contractor to meet an established delivery schedule which he must meet under the terms and conditions of the contract.

(10) Provisions under which the contractor may perform required vehicle maintenance during other than normal duty hours.

(11) Provisions for on-the-spot emergency vehicle repairs, including terms, conditions and pricing procedures.

(12) Method of vehicle input and anticipated input rate.

(13) Contractor compliance with local security, safety and fire regulations.

(14) Contractor labor force requirement and work shifts.

(15) Contractor personnel qualifications.

(16) Contractor quality control.

(17) Government quality control.

(18) Government property.

(19) Contractor liability for damage to Government property.

(20) Contractor liability for damage to vehicles.

(21) Contractor liability for damage to personnel.

(22) Contractor liability for damage to facilities.

(23) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

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(252) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(253) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(254) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(255) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(256) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(257) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(258) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(259) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(260) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(261) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(262) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(263) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(264) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(265) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(266) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(267) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(268) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(269) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(270) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(271) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(272) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(273) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

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(285) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

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(322) Contractor liability for damage to vehicles, personnel and facilities of personnel.

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(324) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

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(335) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

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(341) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

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(343) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(344) Contractor liability for damage to vehicles, personnel and facilities of other contractors.

(345) Contractor liability for damage to vehicles, personnel and facilities of other Government activities.

(346) Contractor liability for damage to vehicles, personnel and facilities of personnel.

(347)

(15) Accumulation and disposal of salvage and scrap material.

(16) Responsibility for damage to vehicles during repair.

(17) Quality control provisions if general provisions are not considered adequate.

(18) Adequate protection to the Government and contractor against damages to third parties.

(19) Payment provisions.

(20) Facility housekeeping and maintenance.

(21) Provisions that any hourly or fixed price costs, not delineated in the contract (including rate manuals referenced therein) will be negotiated by the contracting officer. Job time standards, not so delineated, may be agreed upon between the government mobile equipment repair inspector and the contractor, however, where agreement cannot be reached the contracting officer will render a decision in writing.

(22) Provision that the contracting officer give prior approval for the contractor to use at government expense long distance calls, telegrams, or air transportation in expediting parts and materials to minimize out-of-commission time for emergency vehicles, when government furnished parts are to be furnished but are not available.

(e) and (f) [Reserved]

(g) *Payment procedures.* (1) The contractor, at prescribed intervals, will submit to the vehicle maintenance officer the following:

(i) Invoices—listing each work order by number, date and amount.

(ii) Work Orders—with completion and acceptance signature of mobile equipment repair inspector.

(iii) Other Documents—bills or invoices which identify cost to the contractor of contractor furnished spare parts or materials.

(2) The vehicle maintenance officer will prepare SF 1034 Public Voucher for Purchases and Services Other Than Personal, and forward with contractors invoice, work orders listed thereon, and other documents supporting payment, to the contracting officer.

(3) The contracting officer will review the documents, execute on SF 1034 the certificate that the account is correct and proper for payment, and forward to the accounting and finance officer for payment. The accounting and finance officer will compare the dollar amount of each completed order with dollar amount previously recorded as an obligation and adjust the obligated amounts as necessary.

PART 1007—CONTRACT CLAUSES

Subpart F—Clauses for Fixed Price Construction Contracts

In § 1007.650–18 revise first paragraph (a) and add new first paragraph (b). The remainder is unchanged, as follows:

§ 1007.650–18 Rates of wages.

SP 1–18 RATES OF WAGES (JULY 1962)

(a) In accordance with the requirements of Clause 1, Davis-Bacon Act (40 U.S.C. 276–a(7)), of Standard Form 19A of this contract, the minimum wages to be paid laborers and mechanics on this project, as most recently determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as set forth in Schedule "A," attached. The complete determination is incorporated in the contract specifications regardless of whether the Contractor will employ all of the classes of laborers and mechanics listed.

(b) Any class of laborers and mechanics not listed in Schedule "A," attached, which will be employed on this contract shall be classified or reclassified conformably to Schedule "A," attached, by mutual agreement between the Contractor and the class of labor concerned, subject to the prior approval of the Contracting Officer. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the Contracting Officer, shall be referred to the Secretary of Labor for final determination.

When construction work is to be accomplished at Patrick AFB and Cape Canaveral, or elsewhere in Brevard County as described in the clause in § 12.403–5(c) of this title, SP 1–18 should be changed to read as follows:

(a) • • •

(b) • • •

Subpart SS is revised to read as follows:

Subpart SS—Clauses for Fixed-Price Type Maintenance, Overhaul, and Modification Contracts

Sec.

1007.4500 Scope of subpart.
1007.4501 General.
1007.4502 Definition.
1007.4503 Required clauses.
1007.4503–1 Definitions.
1007.4503–2 Inspection.
1007.4503–3 Payments.
1007.4503–4 Termination for convenience of the Government.
1007.4503–5 Government furnished property.
1007.4504 Clauses to be used when applicable.
1007.4504–1 Special clauses.
1007.4504–2 Maintenance and parts coded CP.
1007.4504–3 Price reduction for defective cost or pricing data.
1007.4504–4 Audit and records.
1007.4504–5 Subcontractor cost and pricing data.
1007.4504–6 Examination of records.
1007.4505 Additional clauses.
1007.4505–1 Material inspection and receiving report.
1007.4505–2 Direct materials.
1007.4505–3 Limitation on Government's obligation.

AUTHORITY: The provisions of this Subpart SS issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1007.4500 Scope of subpart.

This subpart sets forth clauses for use in fixed-price type maintenance, overhaul, and modification contracts (other than purchase orders and DD Form 1270) including such fixed-price contracts providing for reimbursement for parts and materials.

§ 1007.4501 General.

The clauses and instructions for use set forth in Subpart A, Part 7 of this title and Subpart A of this part for application to fixed-price supply contracts, as modified or supplemented herein, are also applicable to contracts written under this subpart. Therefore, the clauses prescribed by Subpart A, Part 7 of this title and Subpart A of this part will be inserted according to the following instructions.

§ 1007.4502 Definition.

As used throughout this subpart the term "maintenance, overhaul, and modification contract" means any fixed-price contract for the maintenance, modification, reconditioning, rehabilitation, and repair of government property, except real property.

§ 1007.4503 Required clauses.

Insert the clauses appearing in § 1007.103 according to the instructions pertaining thereto, subject to the following.

§ 1007.4503–1 Definitions.

Insert the clause in § 7.103–1 of this title. Add the following definitions.

(d) The term "supplies" as used in this contract includes without limitation, the items mentioned in the clauses of this contract entitled "Inspection" and all work to be performed under this contract. (Nov. 1963)

(e) The term "Specifications" as used herein includes without limitation the statement of work to be performed upon government equipment being maintained, modified, reconditioned, rehabilitated, or repaired hereunder. (Nov. 1963)

§ 1007.4503–2 Inspection.

Insert § 7.103–5 of this title. If the contract provides for the separate reimbursement of direct materials on a cost basis, add the following paragraph (f).

(f) Acceptance of parts or materials acquired by the Contractor for the Government as provided in the Schedule for separate reimbursement may be deferred until final item inspection. Notwithstanding the provisions in paragraph (d) above, in the event of defects in the item due to such parts or materials furnished on a cost basis, the Government will pay the cost of replacement parts or materials, but the Contractor will bear the cost of installation. (Nov. 1963)

§ 1007.4503–3 Payments.

Insert § 7.103–7 of this title as paragraph (a). If the contractor is to be paid for parts and materials furnished on a cost basis as prescribed by § 1003.850–6(a) of this subchapter, add the following paragraphs (b) and (c).

(b) To the extent that the provisions of the Schedule provide for reimbursement of the contractor for the cost of parts and materials the Government shall pay to the contractor the cost of such parts and materials as determined by the Contracting Officer to be allowable in accordance with Part II Section XV of the Armed Services Procurement Regulation as in effect on the date of this contract, subject to such further definition and limitations as may be included in the schedule of this contract.

(1) Only the cost of direct materials as defined in the Schedule hereof shall be allowable.

(2) Once each month (or at more frequent intervals, if approved by the Contracting Officer), the Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost.

(3) Promptly after receipt of each invoice or voucher and statement of the cost the Government shall, except as otherwise provided in this contract, and subject to the provisions of (4) below, make payments thereon as provided by the Contracting Officer.

(4) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for over-payments, or increased for under-payments, on preceding invoices or vouchers.

(5) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (6) below), the Government shall promptly pay to the Contractor any balance of allowable cost, which has been withheld or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(6) The contractor agrees that any refunds, rebates, credits or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions—

(A) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided, that such claims are not known to the Contractor on the date of the execution of the release; and provided further that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by

reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(7) Any cost incurred by the Contractor for direct materials as defined in the Schedule of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the contractor at his expense or without cost to the Government. (Nov. 1963)

(c) To the extent that the contractor furnishes direct material under item

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(Refer to the item covering GFP which the Government fails to furnish)

the provisions of the foregoing paragraph (b) providing for reimbursement shall be inapplicable and the Contractor shall be paid for such direct material at prices negotiated between the Contractor and the Contracting Officer. These negotiations shall be conducted prior to commencing work on such direct material whenever practicable and in any event promptly and before delivery. Failure to agree upon a reasonable price for such parts and direct material shall be considered a question of fact and settled in accordance with the provisions of the clause of this contract entitled "Disputes." (Nov. 1963)

If the contractor is to be paid for parts at prices to be negotiated pursuant to the provisions of § 1003.850–6(b) of this subchapter, insert the following clause as paragraph (b), and make it applicable to all direct material which the Contractor may furnish under the contract. (Omit paragraph (c).)

(b) The price of direct materials to be furnished by the Contractor under Item(s) _____ hereof shall be negotiated between the Contractor and the Contracting Officer. These negotiations shall be conducted prior to commencing work on such direct material whenever practicable, and in any event promptly and before delivery. The Contractor shall be paid for such direct material at the prices so established in the manner provided in paragraph (a) above. Failure to agree upon a reasonable price for such parts and direct material shall be considered a question of fact, and subject to settlement in accordance with provisions of the clause of this contract entitled "Disputes." (Nov. 1963)

§ 1007.4503–4 Termination for convenience of the Government.

Insert § 8.701 of this title. Add the following paragraph if the contract provides for the reimbursement of parts and direct material on a cost reimbursement basis.

Notwithstanding the foregoing provisions of this clause no allowance for profit shall be made upon parts and direct materials to the extent that the contract provides that reimbursement for such parts and materials shall be upon a cost basis. (Nov. 1963)

§ 1007.4503–5 Government furnished property.

Insert the clause in § 13.502 of this title. Whenever any maintenance, overhaul, or modification contract is initiated, awarded, and administered at base level, as distinguished from AMA, the last sentence of paragraph (c) of this clause (whether or not modified by § 13.507 of this title) will be deleted. If the contract provides for the reimbursement for parts and direct materials on a cost basis, follow § 13.507 of this title, but limit applicability to cost reimbursement items.

§ 1007.4504 Clauses to be used when applicable.

The clauses appearing in § 7.104 of this title and § 1007.104 will be used according to the instructions pertaining thereto unless otherwise provided herein.

§ 1007.4504–1 Special clauses.

Insert applicable clauses of Subpart NN of this part according to the instructions therein. (e.g., §§ 1007.4013, 1007.4051, and 1007.4065.)

§ 1007.4504–2 Maintenance and parts coded CP.

Maintenance contracts, which provide that materials and parts coded CP (in Appendix B or otherwise) will be furnished by the Government to the contractor, and will contain a separate item in the Schedule under which the material the Government fails to furnish may be supplied by the contractor. The item should read substantially as follows:

Item • • • the Contractor shall furnish the supplies coded CP (Central Procurement) under Appendix B, attached hereto, to the extent the Government is unable to furnish same, provided the need for the Contractor to furnish such supplies is verified by the Contracting Officer. The cost of supplies so furnished shall be chargeable to this contract item, and Contractor's invoices or vouchers submitted for payment shall contain sufficient information to identify (the supplies furnished under this item). The estimated cost to the Government of the supplies to be furnished hereunder by the Contractor is $_____. (Oct. 1960)

Any clause used for this purpose must be adequate to assure that supplies furnished by the contractor as CP items can be distinguished and charged to this item rather than to those under which supplies coded LP will be furnished by the contractor. The method of listing the parts and determining prices or terms for reimbursement will be set forth elsewhere in the Schedule. In the case payment for such supplies is on a cost reimbursement basis insert in the ( ) the following: "the costs incurred in furnishing such supplies." The estimated cost to the Government will be obligated at the time of execution of the contract.

§ 1007.4504–3 Price reduction for defective cost or pricing data.

Insert the applicable clause of § 7.104–29 of this title according to instructions pertaining thereto, and if the contract provides for the reimbursement of direct materials on a cost reimbursement basis, insert in addition the clause required for cost reimbursement contracts but limit its application to the items being procured on such cost basis.

§1007.4504–4 Audit and records.

Insert the applicable clause of § 7.104–41 of this title according to instructions. If the contract provides for the reimbursement of direct materials on a cost

reimbursement basis, insert in addition the clause required for cost reimbursement contracts but limit its application to the items being procured on such cost basis.

§ 1007.4504–5 Subcontractor cost and pricing data.

Insert the applicable clause of § 7.104–42 of this title according to instructions pertaining thereto. If the contract provides for the reimbursement of direct materials on a cost reimbursement basis, insert in addition the clause required for cost reimbursement contracts but limit its application to the items being procured on such cost basis.

§ 1007.4504–6 Examination of records.

If a contract provides for reimbursement of direct materials on a cost basis, insert the clause in § 7.203–7 of this title and omit § 7.104–15 of this title, Examination of Records.

§ 1007.4505 Additional clauses.

Except as provided herein, the clauses appearing in § 7.105 of this title and § 1007.105 will be used according to the instructions pertaining thereto.

§ 1007.4505–1 Material inspection and receiving report.

The clauses in § 7.105–7 of this title and § 1007.4061 may be used in contracts written under this subpart.

§ 1007.4505–2 Direct materials.

If the contract provides for the separate payment or reimbursement for Direct Materials, include a definition of that term in the Schedule.

§ 1007.4505–3 Limitation on Government's obligation.

If the contract contains items for which funds have been provided on an estimated cost basis only, insert the following clause in the schedule:

LIMITATION ON GOVERNMENT'S OBLIGATION (JUL. 1963)

To the extent the Schedule sets forth an amount to cover the estimated cost to the Government for specified items, the Government shall not be obligated to pay the Contractor any amount in excess of the amount so set forth in the Schedule and the Contractor shall not be obligated to continue performance by virtue of which the Government's obligation hereunder would exceed the amount set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such amount has been increased and shall have specified in such notice a revised amount which shall thereupon constitute the estimated cost of performance of this contract insofar as the specified items are concerned. When and to the extent that the amount set forth in the Schedule has been increased, any expenses incurred by the Contractor in excess of such amount prior to the increase shall be allowable to the same extent as if such expenses had been incurred after such increase in such amount.

The Contractor shall notify the Government in writing at the earliest practicable time, whenever he believes that the cost he expects to incur within the succeeding thirty (30) days will exceed 85% of the amount stated in the schedule. The contractor will also notify the Government in writing at any other time if he expects the costs he will incur for items chargeable to such amount will be substantially greater or less than such amount. (Nov. 1963)

PART 1008—TERMINATION OF CONTRACTS

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

Revise §§ 1008.200–55(b) (3) and (4), and 1008.200–56 to read as follows:

§ 1008.200–55 AF contracts executed without termination clauses.

* * * * *

(b) * * *

(3) If the contractor declines to agree upon a termination of the contract in the manner set forth in subparagraph (2) of this paragraph, the contracting officer will submit the matter promptly for advice and instructions to the Contract Administration Division (SCKAA) Andrews AFB, Washington, D.C. Where time is of the essence, submission of the matter by telephone or telegram is authorized. SCKAA will advise the requesting officer whether the contract will be terminated. If termination is desired, SCKAA will furnish the requesting office with the type of termination notice to be sent to the contractor. In reviewing such matters, reviewing authorities should consider all factors, particularly: (i) Whether the termination, if effected, will constitute a breach of contract by the Government, (ii) what the dollar amount of a potential liability may amount to, and (iii) whether, when taken in perspective, the action will be economically beneficial to the Government.

(4) Where a contractor declines to agree upon a termination of the contract in the manner set forth herein in the case of contracts that come under the cognizance of major oversea commands, air attaches, AF foreign missions, APRE, and APRFE, the matter will be submitted for advice and instruction to the commanders, air attaches, or chiefs of AF foreign missions, or their designated representatives.

§ 1008.200–56 Prior clearance of significant terminations by Hq USAF.

(a) Because of existing Department of Defense directives and keen Congressional and community interest in contract terminations, the prior clearance of Hq USAF is required before any notice or any information concerning a significant proposed contract termination is released to a contractor. Coordination of the timing of the notice to the contractor, and release of information to Congress or the public is the responsibility of Hq USAF. These instructions apply to proposed terminations of contracts which will reduce contractor's operations substantially or employment involving 50 or more of the contractor's people except in a labor distressed area where a lesser number may be significant.

(b) The following information will be submitted to the appropriate office of primary responsibility of the contract requirements, Hq USAF through AFSC (SCKAA), Andrews AFB, Washington, D.C. Information copies will be furnished Hq USAF (AFSPPCB).

(1) Contract number, date, type of contract.

(2) Name of company.

(3) Nature of contract or end item.

(4) The reasons for the termination.

(5) Contract price of items terminated.

(6) Anticipated recoupments or need of additional funds.

(7) Anticipated use of recoupments.

(8) Total number of contractor employees involved.

(9) Statement on anticipated impact on the company and the community (identify). Identify area labor category, and whether contractor is large or small business.

(10) Efforts by the Air Force or other agencies to alleviate such impact.

(11) Total number of subcontractors involved as well as the impact in this area, if known.

(12) Total corollary contracts (for example, contract for engines required for a weapon system to be terminated) and impact in this area.

(13) Total dollar amount expended to date on each contract.

(14) Draft (unclassified) of suggested press release of information which would be in the best interest of the Air Force.

(c) Clearance will be requested as soon as possible, after decision has been made to terminate a contract. Pending receipt of clearance, information pertinent to the termination will require "For Official Use Only" handling unless a security clearance is required. The notification of proposed termination actions has been exempted for the assignment of a Reports Control Symbol by authority of paragraph 7c(3), AFR 174–1.

PART 1009—PATENTS, DATA, AND COPYRIGHTS

Subpart A—Patents

Revise § 1009.107–1(d) to read as follows:

§ 1009.107–1 Contracting officer's duties.

* * * * *

(d) In arriving at his decisions as to whether the title criteria of § 9.107–1(c) of this title apply and if said criteria reasonably apply, whether to request the deviation referred to in Assistant Secretary of Defense (I & L) memorandum of November 7, 1963, to insert the Patents Rights (License) clause in the contract (solicitation), the contracting officer should consult with the project engineer and his patent advisor. As an aid in obtaining information upon which to base his decisions, the check list set forth below may be used by contracting officers. Answers to each question on the check list must be supported by a brief narrative explanation. The check list with narrative explanation attached or similar documentation will be inserted in and become part of the contract file.

CHECKLIST AND DETERMINATION

(To be completed by Contracting Officer)

a. Does the proposed contract relate to a new technological field in which there is no significant nongovernmental experience and in which inventions arising out of the contract would be likely to dominate the field or be of critical significance? (Yes) (No)

b. Do the services of the contractor under the proposed contract largely consist of coordination and directing the work of others? (Yes) (No)

c. Is the proposed contract in a field directly relating to the health or safety of the public where the availability of the inventions for public use would not depend on patent incentives? (Yes) (No)

d. Does the proposed contract involve considerations similar to those of a, b, or c above? (Yes) (No)

e. If the answer to either a, b, c, or d is Yes, is there any reason why the use of the Patent Rights (Title) Clause is not in the best interests of the Government? (Yes) (No)

Having consulted the appropriate project engineer and patent advisor, I find that (none of) the Title criteria of ASPR 9–107.1 (c) apply and therefore the (Patent Rights License) (Patent Rights Title) clause should be included in the contract. (Nevertheless, inclusion of the Patent Rights Title clause is not in the best interest of the Government and I will process a request for deviation under ASPR 1–109.3 to use the Patent Rights License clause.)

(Signature of Contracting Officer)

PART 1012—LABOR

Subpart A—Basic Labor Policies

Revise § 1012.103–50(b)(2) to read as follows:

§ 1012.103–50 State labor standards.

* * * * *

(b) * * *

(2) Contracting officers may support application of contractor or suppliers when relaxation of State labor standards do not conflict with applicable Federal Labor Laws, such as Fair Labor Standards Act, Walsh-Healey Act, Davis-Bacon Act, Eight Hour Law, Work Hours Act of 1962, and when all of the following circumstances are present. In case of doubt, the matter will be submitted through the local staff judge advocate (and the Command Staff Judge Advocate) to the Staff Judge Advocate (SCJC), Hq AFSC, for advice. Matters having significant labor relations effect, including industrial manpower and working conditions will be coordinated with the appropriate AFSC labor relations office and the Labor Relations Division (SCMKL) Hq AFSC.

* * * * *

PART 1016—PROCUREMENT FORMS

Subpart E—Special Contract and Order Forms

Revise § 1016.505–2(a) to read as follows:

§ 1016.505–2 Agreements to recognize a successor in interest.

* * * * *

(a) If recognition of the voluntary assignment of a contract is determined to be consistent with the best interest of the Government, the agreement of the Government with the transferor and transferee, as prescribed in § 1.1602(c) of this title, will include an Approval clause as described in § 7.105–2 of this title. Such agreement will then be submitted through contract reviewing channels for review by the Office of the Procurement Committee (AFLC or AFSC, as appropriate).

* * * * *

PART 1054—CONTRACT ADMINISTRATION

Subpart A—Administration of AF Contracts by Contracting Officers

Revise § 1054.104(g), (j)(1), and (z)(1) to read as follows:

§ 1054.104 Matters of contract administration to be handled by Administrative Contracting Officers.

* * * * *

(g) Consent to subcontracts and purchase orders according to the provisions of the contract being administered. (See § 3.903 of this title and § 1003.903 of this subchapter.)

* * * * *

(j) * * *

(1) Approve contractor's accounting system for cost-reimbursement contracts and fixed-price contracts having redetermination clauses, according to existing directives when required by contract provisions.

* * * * *

(z) * * *

(1) Notify the contractor and other interested parties of the acceptance or rejection of First Articles where the contract contains a provision for First Article and/or preproduction sample approval. When the First Article or preproduction sample approval clause is incorporated in the contract any notification required therein, other than that of termination, will be accomplished by the ACO. The Government Laboratory responsible for conducting the required tests, or evaluation of test reports, will notify the ACO, through the PCO, of the acceptance or rejection of the item within 10 days after completion of test or evaluation. Upon receipt of such information, the ACO will immediately notify the contractor, the appropriate AMA (Due In Assets), or other interested persons.

* * * * *

Subpart B is revised to read as follows:

Subpart B—Secondary Administration of Prime Contracts and Review and Analysis of Subcontracts

Sec.

1054.200 Scope of subpart.
1054.201 Applicability of subpart.
1054.202 Definitions.
1054.203 Secondary administration.
1054.203–5 Intra-company transactions.
1054.204 Subcontract management by the prime contractor.
1054.204–1 General principles for review and analysis of subcontracts.
1054.204–2 Fixed-price type subcontracts.
1054.204–3 Cost type contracts.

AUTHORITY: The provisions of this Subpart B issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.200 Scope of subpart.

This subpart sets forth procedures to be followed in the delegation and performance of secondary administration of prime contracts and review and analysis of subcontracts.

§ 1054.201 Applicability of subpart.

This subpart applies to all AF commands concerned with the administration and management of AF central procurement contracts. (See § 1001.201–55 of this subchapter.)

§ 1054.202 Definitions.

(a) *Secondary administration (of prime contracts).* The administration of a portion of a prime contract being performed by a field office other than the office to which the prime contract is assigned for administration.

(b) *Review and analysis (of subcontracts).* The use of AF field office personnel to determine how well the prime contractor is managing his subcontractors.

(c) *Subcontract.* A portion of a prime contract being performed by other than the prime contractor. The term subcontract includes purchase orders.

(d) *Prime office.* The AF field office to which the prime contract is assigned for administration. It issues delegations for secondary administration of prime contracts and requests review and analysis, by other AF field offices, of the prime contractor's subcontract administration.

(e) *Receiving office.* The AF field office receiving delegations for secondary administration of prime contracts and requests for review and analysis of the prime contractor's administration of one or more subcontracts.

§ 1054.203 Secondary administration.

(a) The prime office has the responsibility for administration of an assigned prime contractor, including intra-comdiversity of work locations used by a prime contratcor, including intra-company transactions, it may become necessary to delegate various administrative functions to a receiving office.

(b) Normally delegations of certain administration functions will be made on cost reimbursement, fixed-price redeterminable, and incentive type prime contracts and may include: (1) Any part of an administrative contracting officer's responsibilities, (2) production, (3) quality control, (4) industrial property, (5) price analysis, and other functions. Delegations on straight fixed-price (SFP) prime contracts will be made only under extenuating circumstances when such action is in the best interest of the Government. (Appropriate secondary administration should be delegated on fixed-price contracts contemplating construction work subject to the Davis-Bacon Act where work is to be performed outside the geographical area covered by the prime office.)

§ 1054.203–5 Intra-company transactions.

Company intra-plant relationships vary within a contractor's organizational complex and from contractor to con-

tractor. In some contractor organizations there is uniformity thoughout all plants and divisions; in others there are varying degrees of uniformity. Where the procedures are the same, ACO approvals made at the prime plant level can be used for all divisions. In the plants where there is a dissimilarity in operations, it is difficult to arrive at firm, precise procedures that can be applied to inter-divisional work. Consequently, the ACO at the prime contractor's plant must assure that procedures are established within the contractor's purchasing policies and procedures wherein he will be notified promptly of inter-divisional work orders that will transfer a substantial portion of the work to be performed at another location. The notification will be accomplished by copies of the work order or other document which assigns the work to another plant or division. These documents should contain a clear and definite statement of work assigned, including specifications where applicable, estimated or actual costs, delivery dates, and any other pertinent information necessary to enable the prime ACO to determine whether or not secondary administration is required, and to what extent.

§ 1054.204 Subcontract management by the prime contractor.

(a) The prime contractor has the responsibility under the contract to manage his subcontract program; AF personnel are responsible for necessary review and analysis of how the contractor manages that program.

(b) It is AF policy to prohibit AF personnel becoming directly involved in subcontract administration except in unusual circumstances (for example, see § 1003.903–54(b) of this subchapter), and to use AF personnel only as necessary to review and analyze the prime contractor's administration of the subcontract.

§ 1054.204–1 General principles for review and analysis of subcontracts.

(a) Requests for review and analysis will normally be confined to evaluating the prime contractor's performance in managing his subcontractors, including his performance at subcontractors' locations. Observations will be made of the support, direction, and timeliness of actions provided by the prime contractor to his subcontractors, and a determination made of the manner of the subcontractor's performance and the confidence that can be placed in the subcontractor's performance and reports to the prime.

(b) A prime office may request the assistance of another AF office to check the prime contractor's performance at a subcontract location. Such requests will be specific (examples of the foregoing may include a requirement for government inspection of subcontracted supplies conducted according to DOD Instruction 4155.9, or to expedite critical materials). In those instances (e.g., see § 1003.903–54(b) of this subchapter) where AF assistance to a prime contractor is appropriate, the contractor's request for assistance will be channeled through the prime office in this manner.

§ 1054.204–2 Fixed-price type subcontracts.

Review and analysis will be conducted only when it is in the best interests of the Government. Review and analysis is not authorized on FFP, FPR, and FPI subcontracts except under the following conditions:

(a) The subcontract is major in terms of dollars (in excess of $1,000,000) and/or the end item, and the prime office considers it advisable to have review and analysis until it is assured that the subcontract is progressing satisfactorily.

(b) Review and analysis may be conducted on follow-on subcontracts having a dollar value less than $1,000,000.

(c) During the life of the subcontract, the Government has reason to believe the subcontract program is not being managed properly.

§ 1054.204–3 Cost type contracts.

As with fixed-price type subcontracts, review and analysis will be conducted on cost type contracts only when it is in the best interests of the Government. Such reviews are permissible under the following conditions:

(a) The prime contract specifically requires government personnel to perform prime contract administration functions at the subcontractor level.

(b) The prime office considers it necessary to have review and analysis until it is assured that the subcontract is progressing satisfactorily and both of the following conditions apply:

(1) The amount of the subcontract is in excess of $500,000.

(2) The period of performance of the subcontractor will exceed 12 months.

(c) Reviews may be made on concurrent subcontracts having a dollar value of less than $500,000.

(d) Regardless of dollar amount or period of performance, the Government has reason to believe the prime contractor is not properly managing the subcontract.

Subpart Z is revised to read as follows:

Subpart Z—Interim Refunds and Billing Prices for FP Incentive and Price Redetermination Contracts

Sec.

1054.2600 Scope of subpart.
1054.2601 Definitions.
1054.2602 Responsibilities.
1054.2603 Procedures.
1054.2603–1 Interim refunds.
1054.2603–2 Interim billing prices.
1054.2604 Clause for inclusion in supplemental agreement.
1054.2606 Pertinent considerations.

AUTHORITY: The provisions of this Subpart Z issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1054.2600 Scope of subpart.

This subpart applies to the administration of contracts with the Incentive Price Revision or Price Redetermination clauses, §§ 7.108 and 7.109 of this title and to the "Limitation on Payments" provision.

§ 1054.2601 Definitions.

(a) Interim refunds, as used herein, means the amount in cash or credit which the contractor tenders to the Government as an adjustment on deliveries made or services performed, in anticipation of final pricing.

(b) "Interim billing prices" are those established at intervals by mutual agreement between the Government and the contractor for future deliveries in anticipation of the final pricing provided for in the contract.

§ 1054.2602 Responsibilities.

The ACO is responsible:

(a) To assure that there is timely submission by the contractor of quarterly reports required by the "Limitation on Payments" provision of the Incentive Price Revision clauses and Price Redetermination clauses of the contract.

(b) To make prompt determination and collection of amounts due as interim refunds and promptly identify the appropriate contracts and accounting classification(s).

(c) To immediately issue the necessary documents deobligating the excess funds by Contract line item and accounting classification.

(d) To negotiate and definitize in a timely manner interim billing prices for future deliveries.

§ 1054.2603 Procedures.

(a) Each administrative activity will establish and maintain a register of all FPR/FPI contracts under its jurisdiction. The register will contain the following minimum data: Contract number and identity of the contractor; date of contract; due date and date of receipt of quarterly cost reports; the dates the interim refunds are requested and received; scheduled date for negotiation of interim billing prices; actual date of negotiations; date of supplemental agreement.

(b) ACO will systematically review all FPR and FPI contracts with contractor's quarterly cost reports immediately upon receipt of the reports. Each contract will be considered separately. The ACO will make maximum use of the services of the cost analyst and auditor in completing his review actions.

§ 1054.2603–1 Interim refunds.

(a) When the above review indicates interim refunds are due the Government, they will be expeditiously requested from the contractor on each contract. In no case will interim refunds due on one contract be consolidated with underbillings on another contract to establish a net adjustment for two or more contracts.

(b) Cash refunds (checks) are preferred to credit memoranda. Acceptance of credit memoranda, to be offset against future invoices, delays the release of excess funds and the realization of credits to applicable appropriations.

(c) Refunds will ordinarily be credited to the applicable contract funds and the necessary deobligation document processed independently of action to establish interim billing prices. In any event, processing of the refund and the deobligation documents will not be held up pending an agreement as to interim billing prices for future deliveries.

§ 1054.2603–2 Interim billing prices.

(a) As soon as possible, after he has completed review of the quarterly cost reports, the ACO will reach an agreement with the contractor on interim billing prices for future deliveries.

(b) When the interim billing price is agreed to by the contractor, the ACO will notify the accounting and finance officer so that payment of invoices will be made immediately at the reduced prices. Pending issuance of the supplemental agreement evidencing the interim billing prices, invoices will be annotated as follows: "This interim price reduction is tendered by the contractor and accepted by the Government without prejudice to the rights of either party in negotiation of the final price of subject contract."

(c) Subsequent to reaching the agreement with the contractor, the ACO will amend the contract by supplemental agreement to incorporate the revised billing price(s). The supplemental agreement will contain language similar to the clause in § 1054.2604. Contract modification number will be obtained from the buying activity.

§ 1054.2604 Clause for inclusion in supplemental agreement.

Pursuant to authority of clause ------ of this contract, the parties hereto agree to affect the following revised billing prices for items enumerated:

The adjusted billing price(s) agreed upon by the parties hereto are considered as interim prices for billing purposes and this revision is made without prejudice to the rights of either party in the negotiation of final prices for billing purposes and this revision is made without prejudice to the rights of either party in the negotiation of final prices of this contract.

§ 1054.2606 Pertinent considerations.

(a) When progress payments have been made on contracts on which interim refunds are made, the unliquidated progress payments balance will be adjusted as required by § 163.91, Subpart E, Part 163 of this title.

(b) Certain tax credits in connection with contract price refunds are permitted by section 1481 of the Internal Revenue Code of 1954 (and section 3806 of the Internal Revenue Code of 1939). The effect of these statutory tax credits will not be altered by the fact that the incentive or price redetermination clause in the contract does not contain provisions for deduction of tax credits. All incentive and price redetermination type contracts should be administered to allow the statutory tax eredit whenever applicable under the circumstances. Whenever there is a "gross excess" under those contract provisions, the tax credit will be allowed in partial settlement of the gross excess, and only the remainder of the excess, plus the refund due as a result of the reduction in price of the item, will be refunded by the contractor. Timely actions by the ACO prior to the filing of Federal Tax returns by the contractors may eliminate tax credit amounts.

(c) ACOs will not overlook the assistance and support available from the auditor. Access by the auditor to the accounting records of the contractor can make available to the ACO knowledge of conditions which would suggest that billing prices may be excessive as well as indications that refunds may be appropriate.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 36, Nov. 29, 1963; AFPC Nos. 101, Dec. 12, 1963; 102, Dec. 19, 1963]

By order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–1954; Filed, Feb. 28, 1964; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (d) of § 213.3310 is amended, subparagraph (12) is revoked, and subparagraphs (14) and (15) are added as set out below.

§ 213.3310 Department of Justice.

* * * * *

(d) *Anti-Trust Division.* * * *

(11) Chief, Public Counsel and Legislative Section.

* * * * *

(14) Second Assistant to the Assistant Attorney General.

(15) Director, Policy Planning.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–1979; Filed, Feb. 28, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 878.16]

PART 878—SUGARCANE, VIRGIN ISLANDS

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "Act"), after investigation and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 22, 1963, the following determination is hereby issued:

§ 878.16 Fair and reasonable prices for the 1964 crop of Virgin Islands sugarcane.

A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1964 crop grown by other producers and processed by him at rates not less than those determined in accordance with the following requirements, or at a combined rate of not less than the sum of the rates determined in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to a 96° basis.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter. Odd days at the end of the grinding season shall be included in the preceding period if less than 7 days and if 7 days or more shall constitute a separate settlement period.

(3) "Price of raw sugar" means the simple average of the daily spot quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 7 domestic contract (bulk sugar) for the settlement period, except that, if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F.o.b. mill price" means the price of raw sugar minus selling and delivery expenses actually incurred by the processor in marketing raw sugar of the 1964 crop.

(5) "Yield of raw sugar" means the quantity of raw sugar recovered per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample shall be taken of each producer's daily deliveries of sugarcane during the settlement period and ground by a laboratory power mill. The juice extracted therefrom shall be analyzed for Brix and sucrose content by standard methods of analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3B)F$, where:

R=Yield of raw sugar.
S=Sucrose content of the laboratory power mill juice obtained from the sugarcane of each producer.
B=Brix of the laboratory power mill juice obtained from the sugarcane of each producer.
F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula $(S-0.3B)$, and the number of hundredweights of sugarcane; and

(b) Divide the pounds of raw sugar, 96° basis, produced and estimated from all sugarcane received and tested during the settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor F.

(iii) In the event any sugarcane was not processed during the settlement period in which it was received and tested, the quantity of sugar produced during such period shall be increased by attributing to such sugarcane an estimated quantity determined by multiplying the number of tons of such unprocessed sugarcane by the average percentage of sugar, 96° basis, that was recovered from all sugarcane processed during such settlement period. The quantity of sugar so estimated shall be deducted from the sugar produced during the subsequent period.

(b) *Payment for sugarcane.* (1) The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f.o.b. mill price for that portion of the raw sugar determined by applying not less than the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
6.0	53.0
7.0	54.0
8.0	55.0
9.0	56.0
10.0	57.0
11.0	58.0
12.0	59.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor shall pay to the producer for each 100 pounds of sugarcane delivered an amount for molasses computed by applying the following applicable percentage to the product of 10 cents per gallon and the average number of gallons of blackstrap molasses produced per 100 pounds of sugarcane of the 1964 crop:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Delivery point and transportation allowances.* The price for sugarcane established by this section shall be applicable to sugarcane delivered to the mill. For each 100 pounds of sugarcane delivered to the mill the processor shall make an allowance to the producer for loading and transporting such sugarcane in an amount not less than one-half of the loading and transportation rate applicable to the 1963 crop. The rates and allowances shall be posted at the mill by the processor.

(d) *Reporting requirements.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico, for approval a certified statement itemizing the actual expenses deducted in determining the f.o.b. mill price of raw sugar.

(e) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this determination through any subterfuge or device whatsoever.

Statement of bases and considerations—(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1964 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay, under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1964 price determination.* This determination continues the provisions of the 1963 crop determination, except that the formula for computing the molasses payment to producers results in a price of 10 cents per gallon instead of 10.75 cents per gallon. This reflects the most recent 5-year average net proceeds received from sales of molasses by processors in Puerto Rico.

A public hearing was held in Christiansted, St. Croix, Virgin Islands on October 22, 1963, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1964 crop of sugarcane. The witness for the Virgin Islands Corporation stated that he had no recommendations to make for the 1964 crop determination. He stated that the Corporation paid producers a higher percentage share of the sugar recovered from 1963 crop sugarcane than required by the fair price determination; that settlement for the 1964 crop of sugarcane would be on the same basis; and that the payment to producers for molasses was based on the price specified in the 1963 crop determination, although the sales price realized by the Corporation was considerably higher. The witness stated that the combination of adequate rainfall and the higher sales price for raw sugar resulted in a net profit of about $98,000 on the combined sugarcane production and processing operations and that such profit was the best in the history of the Virgin Islands Corporation. Representatives of independent producers recommended that the 1964 crop determination adopt the same sugar sharing basis used by the Corporation to purchase 1963 crop cane from producers; that the molasses payment to producers be based on the actual net proceeds per gallon received by the Corporation from the sale of molasses; and that the rates on which the sugarcane hauling allowances to producers are based be increased 20 percent.

Consideration has been given to the recommendations made at the hearing, to the returns, costs, and profits of producing and processing sugarcane obtained by field study for prior years and recast to reflect prospective price and production conditions for the 1964 crop, and to other pertinent factors. Analysis of these data indicate that the sharing relationship provided in this determination is favorable to independent producers. Accordingly, the recommendation of producers that the 1964 crop determination adopt the higher percentage share used by the Corporation to purchase 1963 crop sugarcane has not been adopted.

The Virgin Islands Corporation is the largest producer and only processor of sugarcane in the Virgin Islands. Since its formation in 1949 the sugarcane growing operations of the Corporation have been profitable only for the 1956, 1957, 1959, 1961, and 1963 crops. The sugarcane processing operation, however, has never been profitable, and in years when the crop has been affected by drought the processing losses have been substantial. In 1957 and in 1963, the profit on sugarcane production was sufficient to offset the losses on sugarcane processing and only in these years has a profit been realized on the overall sugar operation of the Corporation.

The recommendation by representatives of producers that the molasses payment to producers be based on the actual net proceeds per gallon received by the Corporation has not been adopted. In recent years the determinations have provided that the molasses payment to producers was to be based on the most recent 5-year average net proceeds per gallon received by processors in Puerto Rico. This formula has resulted in stable returns to producers from molasses. Under present arrangements between the Corporation and the users of molasses the price is contingent upon importations from foreign countries, and if no molasses is imported the price must then be agreed upon or arbitrated. Accordingly, it is deemed desirable to continue a fixed price in the determination based upon the average net proceeds realized by processors in Puerto Rico where more competitive practices prevail.

The price determinations for a number of years have provided that the processor make allowances to producers equivalent to 50 percent of the commercial carrier rates for the loading of sugarcane at the farm and for its transportation to the mill. The allowance is applied to rates developed by the Virgin Islands Corporation which are related to the rates producers would have to pay a commercial carrier for such services. In 1961 representatives of growers and the Corporation negotiated a 20 percent increase in the loading and transportation rates. A representative of producers at the hearing stated that he proposed to suggest to the Corporation that further increases in the transportation rates be made since the cost of hiring trucks and the cost to producers if they hauled cane in their own trucks had risen substantially. The Corporation has indicated willingness to consider rate increases. Therefore, it is deemed equitable to rely upon negotiations between the parties and this determination continues the requirement that the processor make an allowance of not less than 50 percent of the rates applicable to the prior crop.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. 1131, as amended by Public Law 87-535 and Public Law 87-539)

Signed at Washington, D.C., on February 26, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-1981; Filed, Feb. 28, 1964; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 35]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.412 Orange Regulation 35.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of oranges as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 25, 1964; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; the provisions of the act require that the minimum standards of quality and maturity, as set forth herein, be made effective when the seasonal average price to growers for such oranges will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth, and at the commencement thereof, so as not to permit the unrestricted shipment thereafter of oranges as such unrestricted shipment would not be conducive to the orderly marketing of such oranges as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1178 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., March 2, 1964, and ending at 12:01 a.m., e.s.t., March 16, 1964, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2 1/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 9/16 inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 26, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64-1982; Filed, Feb. 28, 1964; 8:49 a.m.]

[Navel Orange Reg. 53]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.353 Navel Orange Regulation 53.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time

intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 1, 1964, and ending at 12:01 a.m., P.s.t., March 8, 1964, are hereby fixed as follows:

(i) District 1: 775,000 cartons;
(ii) District 2: 475,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2057; Filed, Feb. 28, 1964; 11:15 a.m.]

[Valencia Orange Reg. 71]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§908.371 Valencia Orange Regulation 71.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1964.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 1, 1964, and ending at 12:01 a.m., P.s.t., March 8, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 75,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2058; Filed, Feb. 28, 1964; 11:15 a.m.]

[Lemon Reg. 100]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.400 Lemon Regulation 100.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date

hereof. Such committee meeting was held on February 25, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 1, 1964, and ending at 12:01 a.m., P.s.t., March 8, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;
(ii) District 2: 209,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2008; Filed, Feb. 28, 1964; 8:51 a.m.]

[Grapefruit Reg. 6, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Miscellaneous Amendments

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 6, as amended (§ 944.102; 28 F.R. 9877, 29 F.R. 311, 1316), are hereby further amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., March 5, 1964, the importation of any grapefruit is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit, other than pink seedless grapefruit, shall grade at least U.S. No. 1 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(3) Pink seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 36 (§ 905.411); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, February 26, 1964, to become effective at 12:01 a.m., e.s.t., March 5, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–1983; Filed, Feb. 28, 1964; 8:49 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 3]

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

Miscellaneous Amendments

§ 1003.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision and the revised recommended decision of the Assistant Secretary were issued October 31, 1963 and December 31, 1963, respectively, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 29, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1964 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in

compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1003.50(a) (2) (i) is revised to read as follows:

§ 1003.50 Class prices.

* * * * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1964.

Signed at Washington, D.C., on February 25, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–1966; Filed, Feb. 28, 1964; 8:47 a.m.]

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Miscellaneous Amendments

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision and the revised recommended decision of the Assistant Secretary were issued October 31, 1963 and December 31, 1963, respectively, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 29, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1964, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least three-fourths of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The table in § 1004.50(a) (2) and (3) is revised to read as follows:

§ 1004.50 Class prices.

* * * * * * *

(a) * * *

(2) * * *

Formula index	1st quarter (Jan., Feb., Mar.)	2d quarter (Apr., May, June)	3d quarter (July, Aug., Sept.)	4th quarter (Oct., Nov., Dec.)
At least but less than: [1]				
80.0–82.0	4.60	4.00	4.60	4.60
83.5–85.8	4.80	4.20	4.80	4.80
87.6–89.6	5.00	4.40	5.00	5.00
91.4–93.4	5.20	4.60	5.20	5.20
95.2–97.2	5.40	4.80	5.40	5.40
99.0–101.0	5.60	5.00	5.60	5.60
102.8–104.8	5.80	5.20	5.80	5.80
106.6–108.6	6.00	5.40	6.00	6.00
110.4–112.4	6.20	5.60	6.20	6.20
114.2–116.2	6.40	5.80	6.40	6.40
118.0–120.0	6.60	6.00	6.60	6.60

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter (the price, less 15 cents, indicated for the first quarter for the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls) is greater than $2.60 over the simple average of prices of selected Midwestern condensaries as reported by the Department of Agriculture for the 12-month period ending with the second month preceding the quarter for milk of 3.5 percent butterfat, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price so adjusted which will be within such $2.60 variance;

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1964.

Signed at Washington, D.C., on February 25, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–1967; Filed, Feb. 28, 1964; 8:47 a.m.]

[Milk Order 16]

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Miscellaneous Amendments

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1964. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision and the revised recommended decision of the Assistant Secretary were issued October 31, 1963 and December 31, 1963, respectively, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued January 29, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1964 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1016.50(a) (2) (i) is revised to read as follows:

§ 1016.50 Class prices.

* * * * * * *

(a) * * *

(2) * * *

(i) Compute the annual equivalent of the Class I price for the same month under Order No. 4 for the Delaware Valley marketing area for milk testing 3.5 percent butterfat adjusted by subtracting 15 cents for the months of July through March and adding 45 cents for the months of April, May and June.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1964.

Signed at Washington, D.C., on February 25, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–1965; Filed, Feb. 28, 1964; 8:47 a.m.]

[Milk Order 1062]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of February 1964:

(1) In the opening paragraph of § 1062.10(b)—the numeral "(1)", and "no less than 20 percent of", and

(2) Subparagraph (1) of § 1062.10(b) relating to shipping requirements for pooling of country plants.

Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will enable cooperative associations to maintain pool plant status for certain country plants for the month of February 1964, and to facilitate the orderly disposition of the market's reserve supply of milk.

(4) Interested parties were afforded opportunity to file written views, data or arguments concerning this suspension (29 F.R. 2651). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of February 1964.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 26, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 64–1984; Filed, Feb. 28, 1964; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 4]

PART 123—DISASTER LOANS

Public Law 88–264, approved February 5, 1964, broadened the scope of SBA's economic disaster programs for small business concerns by adding other major disasters to the previously authorized excessive rainfall and drought disaster programs. It also created a new disaster program to assist small business concerns suffering substantial economic injury from an inability to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes. This revision changes the SBA Disaster Loan Regulations, as amended, in accord with the new law.

In addition, this revision omits material on eligibility appearing in the former § 123.2 since this material is now covered in § 120.3 of this chapter.

The Small Business Administration's Disaster Loan Regulation, Revision 3, as amended (13 CFR Part 123, 28 F.R. 7078 and 7469) is hereby revised by deleting Part 123 in its entirety and substituting the following in lieu thereof:

Sec.

123.0 Statutory provisions.
123.1 General.
123.2 Types of disaster loans.
123.3 Disaster Participation Agreement Program.
123.4 Purposes of loans.
123.5 Where to apply.
123.6 Amount of loan and interest rates.
123.7 Collateral.
123.8 Repayment.
123.9 Step-by-step procedure for disaster loan applicant.
123.10 Cooperation with American Red Cross.
123.11 Obtaining loan funds.
123.12 Administration of loans.
123.13 Extension of RFC loans.

AUTHORITY: The provisions of this Part 123 issued under Public Law 85–536, sec. 5, 72 Stat. 385.

§ 123.0 Statutory provisions.

Sec. 7. (a) * * *

(b) The Administration also is empowered—

(1) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods or other catastrophes; and

(2) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster and if such disaster constitutes—

"(A) a major disaster, as determined by the President under the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes', approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), or

"(B) a natural disaster, as determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961);".

"(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business, if the Administration determines that such concern has suffered substantial economic injury as a result of its displacement by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government; and

(4) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

No loan under this subsection, including renewals and extensions thereof, may be made for a period or periods exceeding twenty years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 3 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), the rate of interest on the Administration's share of such loan shall not be more than the higher of (a) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(c) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant to Reorganization Plan Numbered 2 of 1954, or Reorganization Plan Numbered 1 of 1957, for additional periods not to exceed ten years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans to victims of floods and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(2) To assist in reestablishing its business which has been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government, if SBA determines that the concern has suffered substantial economic injury as a result of such displacement (Displaced Business Disaster Assistance); and

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(c) Eligibility standards for Disaster Assistance programs are set forth in § 120.3 of Part 120 of this chapter.

(d) (1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) "Financial Institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans.

§ 123.2 Types of disaster loans.

Disaster loans may be made by SBA and financial institutions upon an immediate participation basis, upon a guaranteed loan basis or may be made directly by SBA alone.

(a) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA's participation shall not exceed 90 percent of the outstanding amount of the loan.

(b) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its Disaster Loan Guaranty Agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted for 90 days. Default as used in this subsection means non-payment of principal or interest when due.

§ 123.3 Disaster Participation Agreement Program.

(a) When a physical loss disaster of a widespread nature occurs and where considerable destruction is involved, all banks in the affected area are given the opportunity to enter into the Disaster Participation Agreement program.

(b) Under this program, the banks, using SBA application forms (filed in triplicate) process and disburse the loans without clearance through SBA except as to clearance for SBA statutory, regulatory, and policy requirements. These loans are all made on an immediate participation basis.

(c) In the case of loans of $20,000 and under, the share of the loan which SBA may be required to purchase shall not exceed 90 percent of the balance outstanding at the time of purchase. In the case of loans in excess of $20,000 but not more than $100,000, the share of the loan which SBA may be required to purchase shall not exceed 75 percent. Loans in excess of $100,000 are not subject to this Disaster Participation Agreement program.

(d) The general requirements with regard to these loans are the same as if they were made by SBA as direct disaster loans.

§ 123.4 Purposes of loans.

(a) *Physical-loss disaster assistance.* The purpose of these loans is to restore a victim's home or business property as nearly as possible to pre-disaster condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects. Funds may be used to replace destroyed or damaged inventory, machinery, or equipment. If it is necessary or desirable to construct a new home or new business facilities on a different site—for example, on higher ground because of possible future flood damage—the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property.

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small-business concerns from substantial economic injury sustained as a result of major disastors declared by the President or the Secretary of Agriculture. Loans may be used for working capital, to replenish inventories, and to pay financial obligations which the Borrower would have been able to pay had it not been for a loss of revenue resulting from the disaster.

(c) *Displaced business disaster assistance.* The purpose of these loans is to assist in re-establishing the business of small-business concerns which have been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government. These loans may be used to provide: (1) Working capital necessary to carry the concern until resumption of normal operations; (2) Replacement costs to owners of realty or improvements thereon less amounts received for indemnification of property previously located in the project area; (3) Purchase of machinery and equipment to upgrade the business in a new location where such upgrading is necessary; (4) Increases in the costs of fixed charges, such as rents, insurance, utility bills, for a reasonable period of time; or (5) For such other purposes deemed necessary and appropriate by SBA. Funds may not be provided to purchase realty or improvements thereon by displaced businesses which were lessees prior to their displacement, unless as lessees they had substantial obligations and rights of ownership. The policy of SBA as to nondiscrimination because of race, creed, color, or national origin in employment opportunities resulting from Federal Financial Assistance, and as specifically set forth in § 122.1 of this chapter shall apply to all applicants for Displaced Business Disaster Assistance in which construction contracts are involved.

(d) *Product disaster assistance.* The purpose of these loans is to assist small-business concerns to reestablish or continue their business when they have suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such products through natural or undetermined causes. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the Borrower would have been able to pay if it had not been for a loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or for the expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption.

(e) *Limitation on use of disaster assistance for debt repayment.* Loans made under SBA disaster assistance programs may not be used to repay bank loans. This exclusion shall not apply where a bank participates with SBA for an amount at least equal to its loan(s) to be refinanced with SBA disaster assistance. Nor shall this exclusion apply to the repayment of temporary bank loans determined by SBA to have been used to alleviate the disaster injury.

§ 123.5 Where to apply.

Applications (in duplicate) may be filed with the Regional, Branch, or Disaster Field Office if one has been established, in the area serving the disaster area. If a bank is participating, three copies of the application should be filed with the bank, the bank to send two copies to the SBA office. If a Disaster Field Office has been established, applications generally will be filed and processed there.

§ 123.6 Amount of loan and interest rates.

(a) There is no statutory limitation on the amount of a disaster loan. However, SBA's share or guaranteed percentage of any such loan shall not exceed the actual physical loss or economic injury suffered as a result of the disaster, except as may be permitted under § 123.4(c).

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing damaged or destroyed property will be considered by SBA in determining the amount of loan. The amount of money recovered from insurance or obtained from other relief sources, such as the American Red Cross, shall be deducted from the amount of the loss for which an SBA loan may be made. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

(c) Interest rates on disaster loans are set forth in Part 120 of this chapter.

§ 123.7 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any firm rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases, the same procedure will be used in evaluation of collateral for such loans as used for business loans, keeping in mind the urgency and emergency incident to a disaster loan.

§ 123.8 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than five months from the date of the note. The final maturity of the loan will be geared to the borrower's ability to pay but may not exceed the statutory limitation of twenty years.

(b) Except in connection with loans to borrowers whose income is received on an annual or seasonal basis, all loans shall be payable in equal monthly installments which will include principal and interest.

(c) Displaced business disaster loans may have more liberal repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the twelve months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

§ 123.9 Step-by-step procedure for disaster loan applicant.

(a) An applicant for Physical-Loss Disaster Assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property;

(2) Obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the three years preceding and make a profit and loss statement; and

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12-month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals; and

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past three previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral; and

(8) Furnish the "Applicant's Agreement of Compliance" (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property.

§ 123.10 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.11 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with the conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.12 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.13 Extension of RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness.

EUGENE P. FOLEY,
Administrator.

FEBRUARY 10, 1964.

[F.R. Doc. 64-1969; Filed, Feb. 28, 1964; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6705]

PART 177—INTERSTATE TRAFFIC IN FIREARMS AND AMMUNITION

Miscellaneous Amendments

In order to clarify the status of manufacturers and dealers licensed under the Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901 et seq.) who are indicted for a crime punishable by imprisonment for a term exceeding one year, and to provide for the continuation of operations by such manufacturers and dealers until a conviction under the indictment becomes final, the regulations in 26 CFR Part 177 are amended as follows:

1. Section 177.20 is amended by deleting the last sentence thereof as unnecessary since the subject matter is covered in § 177.80. As amended, § 177.20 reads as follows:

§ 177.20 General.

Licensing requirements under the Act are applicable to manufacturers, importers and dealers within the United States, or any possession (except the Canal Zone) under its control or jurisdiction, whose commercial operations include the transportation, shipment or receipt of firearms or ammunition in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250 as amended; 15 U.S.C. 902)

2. Section 177.31 is amended to clarify the status of manufacturers and dealers licensed under the Federal Firearms Act who are indicted for a crime punishable by imprisonment for a term exceeding one year, and to set forth the conditions under which such manufacturers and dealers may continue their operations until a conviction under such indictment becomes final. As amended, § 177.31 reads as follows:

§ 177.31 General.

A license shall not be issued in any case for a period of less than one year. A proper license shall entitle the person to whom issued to transport, ship and receive firearms or ammunition in interstate or foreign commerce, within the limitations of the Act (see subpart F), for a period of one year from the date of issuance, unless canceled as provided in § 177.30 or revoked as provided in § 177.43. Notwithstanding the provisions of § 177.84 or § 177.85, a licensed manufacturer or licensed dealer who is indicted during the term of his license for a crime punishable by imprisonment for a term exceeding one year may continue operations under his license until a conviction under the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date conviction thereunder becomes final, such manufacturer or dealer must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding one year. The provisions of § 177.83 shall not be construed as prohibiting the shipment of firearms and ammunition in interstate or foreign commerce to a manufacturer or a dealer continuing operations under his license pursuant to the provisions of this section.

(Sec. 3, 52 Stat. 1251; 15 U.S.C. 903)

3. Section 177.80 is amended to conform to the changes made in the provisions of § 177.31, and to make it clear that it is not unlawful for an indicted licensee operating pursuant to the provisions of that section to ship, transport, or receive firearms or ammunition in interstate or foreign commerce. As amended, § 177.80 reads as follows:

§ 177.80 License to operate.

It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of the Act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce. Further, it shall be unlawful for any licensed dealer or licensed manufacturer, who is a fugitive from justice or who has been finally convicted of a crime punishable by imprisonment for a term exceeding one year in any court, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce, or to cause any firearm or ammunition to be transported or shipped in interstate or foreign commerce.

(Sec. 2, 52 Stat. 1250 as amended; 15 U.S.C. 902)

Effective date. Because these amendments relieve restrictions now incorporated in the regulations, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act or subject to the effective date limitation of section 4(c) of that Act. The amendments shall become effective on the date of publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7 of the Federal Firearms Act (52 Stat. 1252; 15 U.S.C. 907).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: February 25, 1964.

James A. Reed,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-1973; Filed, Feb. 28, 1964; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Federally Assisted Construction Contracts; Nondiscrimination in Employment

A new centerhead and §§ 36.4390 through 36.4393 are added to read as follows:

FEDERALLY ASSISTED CONSTRUCTION CONTRACTS—NONDISCRIMINATION IN EMPLOYMENT—EXECUTIVE ORDERS 10925 AND 11114

Sec.
36.4390 Purpose.
36.4391 Applicability.
36.4392 Certification requirements.
36.4393 Complaint and hearing procedure.

AUTHORITY: The provisions of §§ 36.4390 to 36.4393 issued under 72 Stat. 1114; 38 U.S.C. 210.

§ 36.4390 Purpose.

Sections 36.4390 through 36.4393 are promulgated to achieve the aims of the applicable provisions of Executive Order 10925, as amended by Executive Order 11114, and the Regulations of the President's Committee on Equal Employment Opportunity with respect to federally assisted construction contracts.

§ 36.4391 Applicability.

(a) For the purposes of the home loan guaranty and insurance and direct loan programs of the Veterans Administration, the term "applicant for Federal assistance" or "applicant" in Part I of Executive Order 11114, shall mean the builder, sponsor or developer of land to be improved by such builder, sponsor or developer for the purpose of constructing housing thereon for sale to eligible veterans with financing which is to be guaranteed or insured or made under the provisions of Chapter 37, Title 38, United States Code, or the builder, sponsor or developer of housing to be constructed for sale to eligible veterans with financing which is to be guaranteed or insured or made under the provisions of Chapter 37, Title 38, United States Code.

(b) The provisions of Executive Order 10925, as amended, and Executive Order 11114 and the rules and regulations of the President's Committee on Equal Employment Opportunity are applicable to:

(1) Each Master Certificate of Reasonable Value or extension or modification thereof relating to proposed construction issued on or after July 22, 1963;

(2) Each individual Certificate of Reasonable Value or extension or modification thereof relating to proposed construction issued on or after July 22, 1963, except as provided in paragraph (c)(2) of this section;

(3) Each Special Conditions Letter or modification thereof issued on or after July 22, 1963, in respect to site approval of land to be improved by a builder, sponsor or developer for the construction of housing thereon;

(4) Each direct loan fund reservation commitment or extension thereof issued to builders on or after July 22, 1963;

(c) The provisions of Executive Order 10925, as amended, and Executive Order 11114 and the rules and regulations of the President's Committee on Equal Employment Opportunity are not applicable to:

(1) Grants under Chapter 21, Title 38, United States Code;

(2) Individual Certificates of Reasonable Value issued on or after July 22, 1963, if:

(i) The certificate relates to existing properties, either previously occupied or unoccupied; or

(ii) The certificate relates to proposed construction and

(a) a veteran was named in the request for appraisal, or

(b) a veteran contracted for the construction or purchase of the home prior to issuance of the certificate, or

(c) the property was listed in the Schedule of Reasonable Values on an outstanding Master Certificate of Reasonable Value issued prior to July 22, 1963;

(3) Any contract or subcontract for construction work not exceeding $10,000;

(4) Any other contract or subcontract which is exempted or excepted by the Regulations of the President's Committee on Equal Employment Opportunity.

§ 36.4392 Certification requirements.

In any case in which §§ 36.4390 through 36.4393 are applicable, as set forth in § 36.4391, no action will be taken by the Veterans Administration on any request for appraisal relating to proposed construction, site approval of land to be improved by a builder, sponsor or developer for the construction of housing thereon, or for a direct loan fund reservation commitment unless the builder, sponsor or developer has furnished the Veterans Administration a signed certification in form as follows:

To induce the Veterans Administration to act on any request submitted by or on behalf of the undersigned for site approval of land to be improved for the construction of housing thereon to be financed with loans guaranteed, insured or made by the Veterans Administration, or for establishment by the Veterans Administration of reasonable value relating to proposed construction or for direct loan fund reservation commitments, the undersigned hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the rules and regulations of the President's Committee on Equal Employment Opportunity relating to the land or housing included in its request to the Veterans Administration the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants wil receive consideration for employment without regard to race, creed, color or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and of the rules, regulations and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The contractor will furnish all information and reports required by Executive Order 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and by the rules, regulations and orders of the said Committe, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended by Executive Order 11114 of June 22, 1963, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order 10925 of March 6, 1961, as amended by Executive Order 1114 of June 22, 1963, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such directon by the agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Except in special cases and in subcontracts for the performance of construction work at the site of construction, the clause is not required to be inserted in subcontracts below the second tier. Subcontracts may incorporate by reference the equal opportunity clause.

The undersigned further agrees that it will be bound by the above equal opportunity clause in any federally assisted construction work which it performs itself other than through the permanent work force directly employed by an agency of government.

The undersigned agrees that it will cooperate actively with the administering agency and the President's Committee on Equal Employment Opportunity in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Committee, that it will furnish the administering agency and the Committee such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance. The undersigned further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11114 with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to Part III, Subpart D of Executive Order 10925 and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon the contractors and subcontractors by the administering agency or the Committee pursuant to Part III, Subpart D of Executive Order 10925.

In addition, the undersigned agrees that if it fails or refuses to comply with these undertakings such failure or refusal shall be a proper basis for cancellation by the Veterans Administration of any outstanding Master Certificates of Reasonable Value or individual Certificates of Reasonable Value relating to proposed construction, except in respect to cases in which an eligible veteran

has contracted to purchase a property included on such certificates, and for the rejection of future requests submitted by the undersigned or on his behalf for site approval, appraisal services, and direct loan fund reservation commitments until satisfactory assurance of future compliance has been received from the undersigned, and for referral of the case to the Department of Justice for appropriate legal proceedings.

§ 36.4393 Complaint and hearing procedure.

(a) Upon receipt of a written complaint signed by the complainant to the effect that any person, firm or entity has violated the undertakings referred to in § 36.4392, such person, firm or other entity shall be invited to discuss the matter in an informal hearing with the Manager or Director of the Veterans Administration regional office or center.

(b) If the existence of a violation is denied by the person, firm or other entity against which a complaint has been made, the Manager or Center Director or his designee shall conduct such inquiries and hearings as may be deemed appropriate for the purpose of ascertaining the facts.

(c) If it is found that the person, firm or other entity against which a complaint has been made has not violated the undertakings referred to in § 36.4392, the parties shall be so notified.

(d) If it is found that there has been a violation of the undertakings referred to in § 36.4392, the person, firm or other entity in violation shall be requested to attend a conference for the purpose of discussing the matter. Failure or refusal to attend such a conference shall be proper basis for the application of sanctions.

(e) The conference arranged for discussing a violation shall be conducted in an informal manner and shall have as its primary objective the elimination of the violation. If the violation is eliminated and satisfactory assurances are received that the person, firm or other entity in violation will comply with the undertakings pursuant to § 36.4392 in the future, the parties concerned shall be so notified.

(f) Failure or refusal to comply and give satisfactory assurances of future compliance with the equal employment opportunity requirements shall be proper basis for applying sanctions. The sanctions shall be applied in accordance with the provisions of Executive Orders 10925 and 11114, and the regulations of the President's Committee on Equal Employment Opportunity.

(g) Upon written application, a complainant or a person, firm or other entity against which a complaint has been filed may apply to the Chief Benefits Director for a review of the action taken by the Manager or Center Director. Upon receiving such application, the Chief Benefits Director may designate a representative or representatives to conduct an informal hearing and to make a report of findings. The Chief Benefits Director may, after a review of such report, modify or reverse an action taken by a Manager or Center Director.

(h) Reinstatement of restricted persons, firms or other entities shall be within the discretion of the Chief Benefits Director and under such terms as he may prescribe.

These VA Regulations are effective upon publication in the FEDERAL REGISTER.

Approved: February 25, 1964.

By direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64-1968; Filed, Feb. 28, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-126]

RENEWAL OF LICENSES IN THE SAFETY AND SPECIAL RADIO SERVICES

Miscellaneous Amendments to Chapter

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission having under consideration certain of its rules in Parts 1, 81, 83, 85, 87, 89, 91, 93, 97, and 99 which pertain to grants of renewal and/or renewal and modification of radio station licenses; and

It appearing, that, Public Law 87-439, approved April 27, 1962 (76 Stat. 58), amending section 307(e) of the Communications Act of 1934, as amended, authorizes the Commission to renew radio station licenses in the Safety and Special Radio Services more than 30 days prior to the expiration of the original license; and

It further apearing, that the rules governing these services should be amended to implement Public Law 87-439; and

It further appearing, that the amendments ordered herein are procedural in nature and would remove a restriction and hence the prior notice and effective date provisions of section 4 of the Administrative Procedure Act do not apply; and

It further appearing, that authority for adopting the amendments herein is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective March 18, 1964, that Parts 1, 81, 83, 85, 87, 89, 91, 93, 97, and 99, are amended as shown below.

Released: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

1. Section 1.926(c) is amended to read:

§ 1.926 Application for renewal of license.

* * * * *

(c) All applications for renewal of license must be made during the license term and should be filed within 90 days but not later than 30 days prior to the end of the license term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

2. Section 81.37 is amended to read:

§ 81.37 Renewal of license.

Application for renewal of station license shall be submitted on FCC 405-A. All applications for renewal of license must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

3. Section 81.39(a) (1) and (5) is amended to read:

§ 81.39 Applications filed concurrently.

(a) * * *

(1) Applications for modification of station license and for renewal of station license.

* * * * *

(5) Applications for renewal of station license and for consent to voluntary assignment or transfer of control of station license.

* * * * *

§ 81.66 [Deleted]

4. Section 81.66 is deleted in its entirety.

§ 81.67 [Deleted]

5. Section 81.67 is deleted in its entirety.

[1] Commissioners Bartley, Ford, and Loevinger absent.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

6. Section 83.34 is amended to read:

§ 83.34 Renewal of license.

All applications for renewal of license must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 83.65 [Deleted]

7. Section 83.65 is deleted in its entirety.

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

8. Section 85.65(b) is amended to read:

§ 85.65 Rules in other parts applicable.

* * * * *

(b) So far as they are consistent with this part, the following rule sections contained in Subpart C of Part 81 of this chapter shall apply to stations of the fixed service subject to this part: §§ 81.61, 81.62, 81.64, 81.69, 81.70, 81.71 (a) and (b) and 81.73. Section 81.63, except subparagraphs (1) and (2) of paragraph (b), shall apply to stations of the fixed service subject to this part.

PART 87—AVIATION SERVICES

9. Section 87.125 is amended to read:

§ 87.125 Application for renewal of license.

All applications for renewal of license must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

PART 89—PUBLIC SAFETY RADIO SERVICES

10. Section 89.59(g) is amended to read:

§ 89.59 Standard forms to be used.

* * * * *

(g) Application for renewal of station license shall be submitted on FCC 405-A. All applications for renewal must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

11. Section 91.56(g) is amended to read:

§ 91.56 Standard forms to be used.

* * * * *

(g) Application for renewal of station license shall be submitted on FCC 405-A. All applications for renewal must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

12. Section 93.56(f) is amended to read:

§ 93.56 Standard forms to be used.

* * * * *

(f) Application for renewal of station license shall be submitted on FCC 405-A. All applications for renewal must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

PART 97—AMATEUR RADIO SERVICE

13. In Section 97.13, paragraph (d) is amended and a new paragraph (e) is added to read:

§ 97.13 Renewal or modification of amateur operator license.

* * * * *

(d) Application for renewal and/or modification (change of address, etc.) of an amateur operator license shall be submitted on FCC Form 610 and shall be accompanied by the applicant's license. Application for renewal of unexpired licenses must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(e) If a license is allowed to expire, application for renewal may be made during a period of grace of one year after the expiration date. During this one year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of its expiration. Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's expired license.

14. Section 97.47 is amended to read as follows:

§ 97.47 Renewal and/or modification of amateur station license.

(a) Application for renewal and/or modification (change of address, etc.) of any station license shall be submitted on FCC Form 610. In every case the application shall be accompanied by the applicant's license. Applications for renewal of unexpired licenses must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of an unexpired license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) If a license is allowed to expire, application for renewal may be made during a period of grace of one year after the expiration date. During this one year period of grace, an expired license is not valid. A license renewed during the grace period will be dated currently and will not be backdated to the date of expiration. Application for renewal shall be submitted on FCC Form 610 and shall be accompanied by the applicant's expired license.

PART 99—DISASTER COMMUNICATIONS SERVICE

15. Section 99.11(d) is amended to read:

§ 99.11 Applications.

* * * * *

(d) Application for renewal of station license shall be submitted on FCC 405-A. All applications for renewal must be made during the license term and should be filed during the last 60 days of such term. In any case in which the licensee has, in accordance with the provisions of this chapter, made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

* * * * *

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 64-1988; Filed, Feb. 28, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 4000; Amdt. 363]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck RBn	LOM	Direct	3300	T-dn¢	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3300	C-d	400–1	500–1	500–1½
Lincoln Int**	LOM	Direct	3300	C-n	400–1½	500–1½	500–1½
Bell Int	LOM	Direct	3300	S-dn-30	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 miles.
Crs and distance, facility to airport, 306°—5.5 miles.
Minimum altitude over LOM Inbnd final, 3000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing BI LOM, climb to 3800′ on 261° bearing from BIS RBn or to 3800′ on R–262 BIS VOR within 20 miles or, when directed by ATC, make right climbing turn to 3800′ on R–336 BIS–VOR within 20 miles.
*200–1 required on Runways 2, 20, 35, and 17.
**Lincoln Int: Int BIS–VOR R–262 and 306° bearing from LOM.
¢When weather is below 1800–2 aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between radials 175° and 230° inclusive of the BIS VOR due to 3373′ tower 10 miles SSW of airport.
MSA: 000°–090°—3400′; 090°–180°—3300′; 180°–270°—4400′; 270°–360°—3400′.

City, Bismarck; State, N. Dak.; Airport Name, Bismarck Municipal; Elev., 1653′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 16; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 15; Dated, 18 Jan. 64

Bismarck VOR	Bismarck RBn	Direct	3400	T-dn¢	300–1	300–1	200–½
				C-d	500–1	500–1	500–1½
				C-n	500–1½	500–1½	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 072° Outbnd, 252° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 252°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing BIS RBn, climb to 3800′ on 252° bearing from BIS RBn within 20 miles.
NOTE: Final approach from holding pattern at RBn facility not authorized. Procedure turn required.
*300–1 required on Runways 2, 20, 35, and 17.
¢When weather is below 1800–2 aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between radials 175° and 230° inclusive of the BIS VOR due to 3373′ tower 10 miles SSW of airport.
MSA: 000°–090°—3400′; 090°–180°—3900′; 180°–270°—4400′; 270°–360°—3400′.

City, Bismarck; State, N. Dak.; Airport Name, Bismarck Municipal; Elev., 1653′; Fac. Class., BH; Ident., BIS; Procedure No. 2, Amdt. 1; Eff. Date, 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 1 June 63

Plattsburgh VOR	Causeway Int*	Direct	1800	T-dn	300–1	300–1	200–½
Causeway Int*	BT LOM (final)	Direct	1800	C-dn	600–1	600–1	600–1½
Burlington VOR	BT LOM	Direct	2700	S-dn-16	600–1	600–1	600–1
Huntington RBn	BT LOM	Direct	3600	A-dn	800–2	800–2	800–2
Keeseville Int	BT LOM	Direct	3100				

Radar vectoring authorized in accordance with approved patterns utilizing Burlington, Vt. radar.
Procedure turn N side of crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 146°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing BT LOM, make climbing right turn to 1800′ and proceed direct to BT LOM. Hold NW of BT LOM, 146° Inbound, 1-minute left turns.
NOTE: Southeastbound departures cross the BTV–VOR at 4000′ or above.
Other change: Deletes transition from Plattsburgh VOR to LOM.
*Causeway Int: Int PLB VOR R–180 and 146° bearing to BT LOM.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 8; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 7; Dated, 11 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Black Forest Int	CO LOM	Direct	8200	T-dn*	300–1	300–1	200–½
COS VOR	CO LOM	Direct	8200	C-dn	600–1	600–1	600–1½
Hanover Int	CO LOM	Direct	7300	S-dn-35	400–1	400–1	400–1
Pinon Int	Security Int	Direct	7300	A-dn	800–2	800–2	800–2
Security Int	Fountain Int**	Direct	7300				
Security Int	CO LOM	Direct	7300				
Fountain Int**	CO LOM (final)	Direct	7300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs 166° Outbnd, 346° Inbnd, 7300′ within 10 miles.%
Minimum altitude over facility on final approach crs, 7300′.
Crs and distance, facility to airport, 346°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CO LOM, make right climbing turn to 8000′ on crs 080° within 20 miles or, when directed by ATC, make right climbing turn, climb to 8000′ on R–075 PEF–VOR within 20 miles.
CAUTION: Sharply rising terrain W of airport. 7190′ tower 8 miles N of airport; 7923′ tower 14 miles N of airport.
%Procedure turn not authorized when R–260i in use.
*400–1 required for takeoff Runway 30 and 35 except when monitored by departure radar.
**Fountain Int: Int S crs COS ILS or 166° bearing from CO LOM and 275° bearing from Hanover RBn.
MSA: 180°–270°—14,400′; 270°–360°—16,100′; 360°–090°—9400′; 090°–180°—8300′.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., MHW; Ident., Co; Procedure No. 1, Amdt. 12; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 11; Dated, 9 Nov. 63

CMH RBn	CM LOM	Direct	2600	T-dn	300–1	300–1	200–½
APE–VOR	CM LOM	Direct	2600	C-dn	500–1	500–1	500–1½
				S-dn-28L	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 276°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing CM LOM, climb to 2500′, proceed to CB LOM, hold W 1-minute right turns, 096° Inbnd.
MSA: 000°–360°—2500′.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., LOM; Ident., CM; Procedure No. 1, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 7 July 62

APE–VOR	CB LOM	Direct	2500	T-dn	300–1	300–1	200–½
CM LOM	CB LOM	Direct	2500	C-dn	500–1	500–1	500–1½
Dublin Int	CB LOM	Direct	2500	S-dn-10R	500–1	500–1	500–1
Plain City Int	CB LOM	Direct	2500	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of CB LOM is required.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500′ within 10 miles of CB LOM.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 100°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing CB LOM, climb on a heading of 096° to 2600′ and proceed to CM LOM, hold E, 1-minute right turns, 276° Inbnd.
MSA: 000°–360°—2500′.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., LOM; Ident., CB; Procedure No. 2, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 7 July 62

Appleton VOR	CB LOM	Direct	2500	T-dn	300–1	300–1	200–½
CM LOM	CB LOM	Direct	2500	C-dn	500–1	500–1	500–1½
Dublin Int	CB LOM	Direct	2500	S-dn-10L	500–1	500–1	500–1
Plain City Int	CB LOM	Direct	2500	A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500′ within 10 miles of CB LOM.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 096°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing CB LOM, climb straight ahead to 2600′ and proceed direct to CM LOM, hold E, 1-minute right turns, 276° Inbnd.
MSA: 000°–360°—2500′.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., LOM; Ident., CB; Procedure No. 3, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 30 June 62

APE VOR	CMH RBn	Direct	2500	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N° side of crs, 257° Outbnd, 077° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 070°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.0 mile after passing CMH RBn, climb straight ahead to 2600′ and proceed direct to CM LOM and hold E, 1-minute right turn, 276° Inbnd.
*Nonstandard procedure turn due to traffic.
MSA: 000°–360°—2500′.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., BH; Ident., CMH; Procedure No. 4, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 15 Sept. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Enterprise RBn	LOR RBn	Direct	2000	T–dn	300–1	300–1	200–½
Cairns LOM (RBn)	LOR RBn	Direct	2000	C–dn	500–1	500–1	500–1½
Abbeville Int	LOR RBn	Direct	2000	A–dn	800–2	800–2	800–2
Dothan VOR	LOR RBn	Direct	2000				
Hartford Int	LOR RBn	Direct	2000				
Darlington Int	LOR RBn	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 239° Outbnd, 059° Inbnd, 1600′ within 10 miles. Nonstandard due traffic Cairns AAF.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 059°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing LOR RBn, turn right, climb to 2000′, proceed direct to Enterprise RBn.
NOTE: Authorized for military use only except by prior arrangement.
MSA: 000°–090°—1700′; 090°–180°—2000′; 180°–270°—1600′; 270°–360°—1700′.

City, Ft. Rucker; State, Ala.; Airport Name, Lowe AAF; Elev., 244′; Fac. Class., MHW; Ident., LOR; Procedure No. 1, Amdt. 1; Eff. Date, 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 14 Sept. 63

				T–d*	800–1	800–1	NA
				C–d	1000–1½	1000–1½	NA
				A–dn	NA	NA	NA

Procedure turn W side of crs, 048° Outbnd, 228° Inbnd, 3500′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 228°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing EFK RBn, make a left climbing turn. Return to Newport RBn. Climb to 3500′ in holding pattern. Hold NE, 228° Inbnd, 1-minute right turns.
NOTES: (1) Final approach from a holding pattern not authorized. Procedure turn required. (2) Facility must be monitored aurally during this procedure. (3) Facility operated by the State.
CAUTION: High terrain W of airport.
*IFR climbout procedure: Climb most direct route to RBn. Continue to climb to 3500′ in holding pattern, 228° Inbnd, 1-minute right turns. Minimum facility departure altitude 3500′.

City, Newport; State, Vt.; Airport Name, Municipal; Elev., 930′; Fac. Class., MHW; Ident., EFK; Procedure No. 1, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 2 Dec. 61

PROCEDURE CANCELLED EFFECTIVE 14 MAR. 1964.

City, Salt Lake City; State, Utah; Airport Name, L. O. Romney Field; Elev., 4226′; Fac. Class., BH; Ident., SLC; Procedure No. 1, Amdt. 1; Eff. Date, 18 Jan. 64; Sup. Amdt. No. Orig.; Dated, 15 June 63

				T–dn	2000–2	2000–2	2000–2
				C–dn	2000–2	2000–2	2000–2
				A–dn	2000–2	2000–2	2000–2

Procedure turn SW side of crs 198° Outbnd, 012° Inbnd, 6100′ within 10 miles. Beyond 10 miles not authorized., Nonstandard.
Minimum altitude over facility on final approach crs 4400′. Descend to 4400′ immediately after completion of procedure turn.
Crs and distance, facility to airport 034°—1.6 miles.
If visual contact not established upon descent to 4400′, turn left, climb to 10,000′ on crs 198° within 15 miles. All turns SW of crs 195°.
NOTE: Sliding scale not authorized.
CAUTION: Mountainous terrain all quadrants.

City, Summit; State, Alaska; Airport Name, Summit; Elev., 2409′; Fac. Class., SBRAZ; Ident., UMM; Procedure No. 1, Amdt. Orig.; Eff. Date, 14 Mar. 64

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lucas Int	BRT VOR	Direct	3300	T–dn	300–1	300–1	300–1
				C–dn	1000–2	1000–2	1000–2
				A–dn	NA	NA	NA

Radar vectoring authorized (radar site GSW). Radar vectoring may be utilized to position aircraft on final approach with elimination of procedure turn.
Procedure turn W side of crs 193° Outbnd, 013° Inbnd, 2500′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to ATC requirements.
Minimum altitude over facility on final approach crs 2500′.*
Crs and distance, facility to airport 344°—10.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing BRT VOR, turn left, proceed direct to the BRT VOR, climb to 2500′.
CAUTION: 2349′ towers 7.6 miles SE, 1449′ towers 8.0 miles NE, 1244′ tower 13.5 miles SE, 1743′ and 1649′ towers 10.3 miles NW of airport.
NOTES: (1) Pilots using this procedure are requested to cancel their IFR flight plan when landing at Arlington Airport is assured, or by commercial facilities as soon as practicable after landing. (2) No weather service at airport.
*Procedure not wholly contained within controlled airspace.
MSA: 000°–090°—3400′; 090°–180°—2300′; 180°–270°—2200′; 270°–360°—2800′.

City, Arlington; State, Tex.; Airport Name, Arlington Municipal; Elev., 630′; Fac. Class., M–BVOR; Ident., BRT; Procedure No. 1, Amdt. 1; Eff. Date 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 25 Jan. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bismarck RBn	BIS–VOR	Direct	3800	T–dn†	300–1	300–1	*200–½
				C–d	400–1	500–1	500–1½
				C–n	400–1½	500–1½	500–1½
				Adn	800–2	800–2	800–2

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 3800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 272°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing BIS–VOR, climb to 4000′ on R2-62 BIS–VOR within 20 miles or, when directed by ATC, make right climbing turn to 4000′ on R–336 BIS–VOR within 20 miles.
*300–1 required on Runways 2, 20, 35 and 17.
†When weather is below 1500–2 aircraft departing SWbnd, flight below 3900′ beyond 5 miles from airport is prohibited between radials 175° and 230° inclusive of the BIS–VOR due to 3373′ tower 10 miles SSW of airport.
MSA: 000°–090°—3400′; 090°–180°—3600′; 180°–270°—4400′; 270°–360°—3400′.

City, Bismarck; State, N. Dak.; Airport Name, Bismarck Municipal; Elev., 1653′; Fac. Class., BVOR; Ident., BIS; Procedure No. 1, Amdt. 6; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 5; Dated, 1 June 63

				T–dn	300–1	300–1	200–½
				C–d	400–1	500–1½	500–1½
				C–n	400–2	500–2	500–2
				S–dn–17	400–1	400–1	400–1
				A–dn	*NA	*NA	*NA

Procedure turn W side of crs 350° Outbnd, 170° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport 170°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing the BWD VOR, climb to 3200′ on BWD VOR R–150 within 20 miles.
CAUTION: 1605′ radio tower 2.2 miles SSW, and 2049′ radio tower 4.1 miles SW of airport.
*Weather service not available to general public.
*AIR CARRIER NOTE: 800–2 authorized for carriers having approval of their arrangements for weather service at this airport.

City, Brownwood; State, Tex.; Airport Name, Brownwood Municipal; Elev., 1391′; Fac. Class., L–BVOR; Ident., BWD; Procedure No. 1, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 9 Mar. 63

Huntington Rbn	Burlington VOR	Direct	3500	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns utilizing Burlington, Vt. radar.
Procedure turn W side of crs, 213° Outbnd, 033° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 033°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing BTV–VOR, make a left climbing turn and return to BTV–VOR at 2700′. Hold SW on R–213 BTV VOR, 1-minute left turns, 033° Inbnd crs.
NOTE: (1) Southeastbound departures cross the BTV–VOR at 4000′ or above. (2) Final approach from a holding pattern not authorized. Procedure turn required.

City, Burlington; State, Vt.; Airport Name, Burlington Municipal; Elev., 335′; Fac. Class., M–BVOR; Ident., BTV; Procedure No. 1, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 11 Aug. 62

Bennett Int	DEN VOR	Direct	7000	T–dn	300–1	300–1	200–½
Kiowa VOR	Watkins Int	Direct	7500	C–d	700–1	700–1	700–1½
Watkins Int	DEN VOR	Direct	7000	C–n	700–2	700–2	700–2
Derby Int	DEN VOR	Direct	7000	A–dn	800–2	800–2	800–2
Henderson Int	DEN VOR	Direct	7000	If aircraft is equipped with functioning ADF or DME receivers and Arsenal Int is received, the following minimum is authorized:			
Brighton Int	DEN VOR	Direct	7000				
Broomfield Int	DEN VOR	Direct	7000				
Englewood RBn (EGW)	DEN VOR	Direct	7000	C–dn	500–1	500–1	500–1½

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 031° Outbnd, 211° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 213°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing DEN VOR, climb to 8000′ on R–160 DEN VOR within 15 miles of DEN VOR or, when directed by ATC, left turn climbing to 7000′ direct to DEN VOR.
CAUTION: 5570′ tank 0.8 mile SE of DEN MM, 5521′ beacon 1.5 miles S of airport.
Other change: Deletes transition from DN LFR.
MSA: 180°–270°—12,100′; 270°–360°—10,700′; 360°–090°—7600′; 090°–180°—9000′.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., BVORTAC; Ident., DEN; Procedure No. 1, Amdt. 5; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 4; Dated, 18 May 63

Skipperville Int	HEY VOR	Direct	2000	T–dn	300–1		
Abbeville Int	HEY VOR	Direct	2000	C–dn	900–1		
Dothan VOR	HEY VOR	Direct	2000	S–dn	900–1		
Cairns LOM (RBn)	HEY VOR	Direct	2000	A–dn	900–2		
				If Ewell Int* received, minimums become:			
				C–dn	400–1		
				S–dn–17	400–1		
				A–dn	800–2		

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 355° Outbnd, 175° Inbnd, 2000′ within 10 miles.
Minimum altitude over Ewell Int* on final approach crs, 1200′; over facility, 800′.
Crs and distance, facility to airport, 175°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.1 miles after passing HEY VOR, turn left, climb to 1700′, return direct to HEY VOR.
NOTES: (1) Procedure authorized for rotary wing aircraft only. (2) Authorized for military use only except by prior arrangement.
*Ewell Int: Int HEY R–355 and DHN R–305.
MSA: 000°–090°—1900′; 090°–180°—2500′; 180°–270°—1600′; 270°–360°—1700′.

City, Ft. Rucker; State, Ala.; Airport Name, Hanchey AHP; Elev., 311′; Fac. Class., VOR; Ident., HEY; Procedure No.1, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 28 Dec. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	NA
				C–d	700–1	700–1	NA
				A–d	NA	NA	NA

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 140°—8.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.1 miles after passing EVV VOR, climb to 2000′ on R-140 within 10 miles of airport, make left turn and return to VOR.
CAUTION: No weather service available. Obtain EVV weather.

City, Henderson; State, Ky.; Airport Name, Henderson; Elev., 385′; Fac. Class., BVORTAC; Ident., EVV; Procedure No. 1, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 3 Mar. 63

				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–13	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 142°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing IND–VOR, climb to 3000′ on R-136 and proceed to Whiteland Int or, when directed by ATC, (1) climb to 3000′ on NE crs ILS and proceed to Castleton Int, (2) climb to 3000′ on SW crs ILS to R-205 IND–VOR and proceed to Wilbur Int.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., BVORTAC; Ident., IND; Procedure No. 1, Amdt. 12; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 11; Dated, 21 Sept. 63

Jacksonville RBn	JAX–VOR	Direct	2000	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–23 and 27	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to Runway 23, 250°—3.5 miles; facility to Runway 27, 243°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing JAX VOR, climb to 1600′ on R-260 within 15 miles of JAX VOR or, when directed by ATC, climb to 1600′ on R-274 within 20 miles* of JAX VOR.
NOTE: When authorized by ATC, JAX DME may be used from R-315 clockwise through R-175 within 15 miles at 1600′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
CAUTION: 194′ tank between VOR and airport.
*Restricted area 2903A and 2903D located 15 miles SW of JAX VOR.
MSA: 000°–090°—1200′; 090°–180°—1400′; 180°–270°—2100′; 270°–360°—1400′.

City, Jacksonville; State, Fla.; Airport Name, Imeson; Elev., 52′; Fac. Class., BVORTAC; Ident., JAX; Procedure No. 1, Amdt. 13; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 12; Dated, 28 Dec. 63

				T–dn	300–1	300–1	200–½
				C–d	700–1	700–1	700–1½
				C–n	700–2	700–2	800–2
				S–dn–31R	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn N side of crs, 115° Outbnd, 295° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 295°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MAW VOR, make right turn climbing to 1800′. Return to MAW VOR.
NOTE: Altimeter comparison settings should be obtained from Cape Girardeau, Mo., Blytheville, Ark., and Walnut Ridge, Ark., before execution of approach.

City, Malden; State, Mo.; Airport Name, Malden Municipal; Elev., 295′; Fac. Class., L–BVOR; Ident., MAW; Procedure No. 1, Amdt. 1; Eff. Date, 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 9 Sept. 61

				T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 298°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing MSS VOR, make right climbing turn to 2000′; return to Massena VOR. Hold on R-118 MSS VOR, 1-minute, right turns, 298° Inbnd crs.
CAUTION: 568′ tower (2.6 miles SW of airport).

City, Massena; State, N.Y.; Airport Name, Richards Field; Elev., 215′; Fac. Class., BVOR; Ident., MSS; Procedure No. 1, Amdt. 6; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 5; Dated, 25 Nov. 61

Lena Int*	HUF VOR (final)	Direct	1500	T–dn	300–1	300–1	200–½
Brazil Int**	HUF VOR (final)	Direct	1500	C–dn	400–1	500–1	500–1½
HUF–BH	HUF VOR	Direct	2000	S–dn–23	400–1	400–1	400–1
Clinton Int	HUF VOR	Direct	2200	A–dn	800–2	800–2	800–2
Spencer Int	HUF VOR	Direct	2200				

Procedure turn N side of final approach crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 229°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing HUF VOR, make climbing left turn to 2200′ and proceed direct to Lewis VOR or, when directed by ATC, make climbing right turn and return to HUF VOR, at 2000′.
*Lena Int: Int HUF VOR R-047 and LEU VOR R-017.
**Brazil Int: Int HUF VOR R-062 and LEU VOR R-022.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVOR; Ident., HUF; Procedure No. 1 Amdt. 3; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 2; Dated, 14 Sept. 63

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				S–dn–8	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000′ until passing Margaret Int.*
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, Margaret Int* to airport 095°—6.0 miles; breakoff point to runway 078°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FTY VOR, make right turn, climb to 3000′ and return to Margaret Int* via FTY R-275 or follow radar vector as directed by ATC.
NOTE: ATL approach control radar must also be in operation for vector to final approach crs.
CAUTION: Water tank 1218′ 1.8 miles WNW of airport.
Other change: Deletes transition from Margaret Int to Curlee Int.
*Margaret Int: Int FTY R-275 and ATL R-334 or 166° bearing from LSM RBn.
MSA: 000°–180°—4000′; 180°–270°—3700′; 270°–360°—3800′.

City, Atlanta; State, Ga.; Airport Name, Fulton County; Elev., 834′; Fac. Class., L–BVOR; Ident., FTY; Procedure No. TerVOR (R-275), Amdt. 5; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 4; Dated, 2 Nov. 63

AZO–VOR	BTL–VOR	Direct	2200	T–dn	300–1	300–1	200–½
LFD–VOR	BTL–VOR	Direct	2600	C–dn	500–1	500–1	500–1½
AZO–VOR	Fulton Int	Direct	2000	S–dn–4	500–1	500–1	500–1
Fulton Int	West Int (final)	Direct	1400	A–dn	800–2	800–2	800–2
LeRoy Int	BTL–VOR	Direct	2200	The following minimums apply for aircraft equipped with dual VOR and West Int* identified:			
				C–dn	400–1	500–1	500–1½
				S–dn–4	400–1	400–1	400–1

Procedure turn E side of crs, 216° Outbnd, 036° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.*
Facility on airport.
Crs and distance, West Int to VOR, 036°—3.9 miles.
Crs and distance, breakoff point to Runway 4, 044°—0.42 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, (1) climb to 3000′, proceed to Hickory Int via BTL R-341, or (2) climb on R-036 to 2400′, turn left, proceed to BTL VOR.

City, Battle Creek; State, Mich.; Airport Name, Kellogg; Elev., 941′; Fac. Class., L–BVORTAC; Ident., BTL; Procedure No. TerVOR-4, Amdt. 5; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 4; Dated, 30 Nov. 63

COS VOR	PEF VOR	Direct	8200	T–dn*	300–1	300–1	200–½
COS VOR	Wasson Int	Direct	8200	C–dn	600–1	600–1	600–1½
Edison Int	Creek Int	Direct	8000	S–dn–30	500–1	500–1	500–1
Creek Int	Antelope Int	Direct	8000	A–dn	800–2	800–2	800–2
Antelope Int	Wasson Int (final)	Direct	7500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 8000′ within 10 miles of Wasson Int.%
Minimum altitude over Wasson Int% on final approach crs, 7500′.
Crs and distance, Wasson Int to VOR, 276°—5.0 miles.
Crs and distance, breakoff point to approach end of runway, 301°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left climbing turn, climb to 8000′ on R-075 PEF VOR within 20 miles, or when directed by ATC make right climbing turn, climb to 8000′ on R-075 PEF VOR within 20 miles.
NOTES: Dual VOR equipment required for this procedure.
CAUTION: Sharply rising terrain W of airport. 7100′ tower 8.0 miles N of airport. 7923′ tower 14 miles N of airport.
Other change: Deletes transition from Midway Int.
%Final approach from holding pattern not authorized; procedure turn required.
*400–1 required for takeoff Runways 30 and 35 except when monitored by departure radar.
MSA: 180°–270°—16,100′; 270°–360°—14,400′; 360°–090°—9400′; 090°–180°—8300′.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., M–VORW; Ident., PEF; Procedure No. TerVOR–30, Amdt. 1; Eff. Date, 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 13 Oct. 62

HSV VOR	DCU VOR	Direct	2200	T–dn	300–1	300–1	300–1
MSL VOR	DCU VOR	Direct	2200	C–d	400–1	500–1	500–1½
Hartselle Int	DCU VOR	Direct	2200	C–n	600–2	600–2	600–2
				S–dn–18#	400–1	400–1	400–1
				A–dn*	800–2	800–2	800–2

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′;# over R-250 HSV VOR, 1200′.
Facility on airport; R-250 HSV VOR to airport, 3.8 miles.
Crs and distance, breakoff point to approach end of Runway 18, 176°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200′ on R-174 within 10 miles.
#If R-250 HSV–VOR not received, descent below 1200′ not authorized.
*Alternate minimums authorized for air carriers only; provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
MSA: 000°–090°—2500′; 090°–180°—2000′; 180°–270°—2300′; 270°–360°—2000′.

City, Decatur; State, Ala.; Airport Name, Pryor Field; Elev., 591′; Fac. Class., BVOR; Ident., DCU; Procedure No. TerVOR–18, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 9 Dec. 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
FMN VOR	DRO VOR	Direct	9500	T–dn	1000–1	1000–1	1000–2
				C–dn	1000–1	1000–1	1000–2
				A–dn	NA	NA	NA

Procedure turn S side of crs, 104° Outbnd, 284° Inbnd, 9500' within 10 miles.
Procedure turn nonstandard on account of terrain.
Minimum altitude over facility on final approach crs, 7700'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 9500' on R-104 within 10 miles.
NOTES: (1) Final approach from holding patterns at VOR not authorized; procedure turn required. (2) Communications with Denver Center below 7600' unreliable.
Other changes: Deletes note "Facility owned by city of Durango, Colo." Deletes alternate minimums.
MSA: 180°–270°—10,400'; 270°–360°—16,100'; 360°–090°—16,100'; 090°–180°—10,600'.

City, Durango; State, Colo.; Airport Name, La Plata Field; Elev., 6684'; Fac. Class., VORW; Ident., DRO; Procedure No. Ter VOR R-104, Amdt. 6; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 5; Dated, 4 Aug. 62

LeRoy Int	AZO–VOR	Direct	2400	T–dn	300–1	300–1	200–½
Lawton Int	AZO–VOR	Direct	2600	C–dn	700–1	700–1	700–1½
Centerville Int	AZO–VOR	Direct	2500	S–dn–17	700–1	700–1	700–1
Plainwell Int*	Tower Int** (final)	Direct	1900	A–dn##	800–2	800–2	800–2
BTL–VOR	AZO–VOR	Direct	2400	The following minimums apply for aircraft equipped with dual VOR's and Tower Int identified:			
GRR–VOR	AZO–VOR	Direct	2900				
PMM–VOR	AZO–VOR	Direct	2500	C–dn	400–1	500–1	500–1½
Cooper Int	AZO–VOR	Direct	2400	S–dn–17	400–1	400–1	400–1

Procedure turn W side of crs, 002° Outbnd, 182° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Facility on airport.
Crs and distance, Tower Int** to VOR, 182°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing AZO–VOR, make climbing right turn to 3000' and proceed to Cooper Int via AZO R–321 or, when directed by ATC, climb to 2400' on AZO R–182, turn right and return to AZO–VOR.
*Plainwell Int: Int AZO R–002 and BTL R–295.
**Tower Int: Int AZO R–002 and BTL R–260.
##Alternate minimums authorized only when AZO tower operational or for air carrier with weather reporting service. Tower operates 0700–2300 local time.

City, Kalamazoo; State, Mich.; Airport Name, Kalamazoo Municipal; Elev., 874'; Fac. Class., BVOR; Ident., AZO; Procedure No. TerVOR–17, Amdt. 5; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 4; Dated, 8 Feb. 64

				T–d	800–2	800–2	NA
				T–n	1400–2	1400–2	NA
				C–d	1600–2	1600–2	NA
				C–n	1600–3	1600–3	NA
				A–dn	2000–3	2000–3	NA
				If the MPV RBn or Fan marker is received inbound, the following minimums are authorized:			
				C–d	900–2	900–2	NA
				C–n	1600–3	1600–3	NA
				S–d–35	800–2	800–2	NA
				S–n–35	1600–3	1600–3	NA

Procedure turn W side of crs, 175° Outbnd, 355° Inbnd, 3900' within 10 miles.
Minimum altitude over facility on final approach crs 2767'; if MPV RBn or FM received, 1957'.
Facility on airport. Breakoff point to runway 247°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MPV VOR (or 5.8 miles after passing MPV RBn), climb straight ahead on MPV VOR R–355 to 2700' within 5.0 miles. Make right climbing turn to 3900' and return to MPV VOR. Hold S of MPV VOR on R–175, 1-minute left turns, 355° inbnd crs.
NOTES: Final approach from a holding pattern not authorized. Procedure turn required.
CAUTION: Do not descend below authorized minimums unless airport and landing runway are in clear view and the aircraft is positioned along runway centerline extended. High unlighted terrain W of airport. Critical obstructions SW of airport and on approach to Runway 35.

City, Montpelier; State, Vt.; Airport Name, Barre-Montpelier Municipal; Elev., 1157'; Fac. Class., L–BVOR; Ident., MPV; Procedure No. TerVOR–35, Amdt. 1; Eff. Date, 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 8 Dec. 62

				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–17	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs 006° Outbnd, 186° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance breakoff point to Runway 17, 170°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of HEZ VOR climb to 1800' on R–186 of HEZ VOR within 20 miles.
CAUTION NOTE: Tower 450', 2 miles WSW of airport.
MSA: 000°–090°—1900'; 090°–180°—1800'; 180°–270°—1700'; 270°–360°—1500'.

City, Natchez; State, Miss.; Airport Name, Hardy-Anders; Elev., 272'; Fac. Class., VOR; Ident., HEZ; Procedure No. TerVOR–17, Amdt. Orig.; Eff. Date, 14 Mar. 64

Bridgeport VOR	HVN VOR	Direct	1800	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–1	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach, 800'.
Crs and distance, breakoff point to approach end of runway, 016°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of HVN VOR, climb on R–025 to 1500' within 5 miles then make left climbing turn to 1900'.
Proceed direct to HVN VOR. Hold NE 1-minute left turns Inbnd crs 205°.
NOTES: Weather reporting by U.S. Weather Bureau 0700 to 1700 local time. Airport communication available on 122.8 from sunrise to sunset. No tower communication at airport. Contact Westchester approach control for ATC clearance. Medium intensity runway lights on all runways available upon prior request to airport manager.

City, New Haven; State, Conn.; Airport Name, Tweed-New Haven; Elev., 15'; Fac. Class., L–VORW; Ident., HVN; Procedure No. TerVOR–1, Amdt. 4; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 3; Dated, 28 Sept. 63

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lafayette Int	PV LOM or Greenwich Int* (final)	Direct	1600	T–dn	300–1	300–1	200–½
				C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2
				#After passing PV LOM or Greenwich Int,* the following minimums are authorized:			
				C–dn	600–1	600–1	600–1½
				S–dn–6	600–1	600–1	600–1

Radar vectoring by Quonset Point RATCC authorized in accordance with approved patterns.
Procedure turn W side of crs, 226° Outbnd, 046° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 856'.#
Crs and distance, PV LOM or Greenwich Int* to airport, 046°—5.4 miles VOR on airport. No centerline intercept provided to allow use of dual runways.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing PVD VOR or 5.4 miles after passing the PV LOM or Greenwich Int,* make climbing left turn to 2300' to Foster Int. Hold SW on R–057 ORW VOR, 1-minute left turns, or when directed by ATC, make a climbing left turn and return to the PV LOM or Greenwich Int* at 1700'. Hold SW, 046° Inbnd, 1-minute left turns.
CAUTION: 849' tower 4.5 miles N of airport.
NOTE: Procedure turn is conducted W to provide separation from traffic at Quonset Pt NAS, R.I.
*Greenwich Int: Int PVD VOR R–226 and NCO VOR R–326.

City, Providence; State, R.I.; Airport Name, Green; Elev., 56'; Fac. Class., BVOR; Ident., PVD; Procedure No. TerVOR–5, Amdt. 4; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 3; Dated, 2 Nov. 63

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Annette Island LFR	AN RBn	Direct	4000	T–dn*	300–1	300–1	200–½
Guard Island Int	AN RBn (final)	Direct	4000	C–dn*	500–1½	500–2	500–2
				S–dn–12¢	300–1½	300–1½	300–1½
				A–dn	600–2	600–2	600–2

Procedure turn E side of crs, 303° Outbnd, 123° Inbnd, 4000' within 10 miles of AN RBn. Nonstandard due to terrain.
Minimum altitude at glide slope interception Inbnd, 3700'.
Altitude of glide slope and distance to approach end of runway at AN RBn, 3521'—9.6 miles; at ANN LFR, 710'—1.6 miles; at MM, 358'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 4200' on 155° bearing from ANN LFR within 20 miles.
CAUTION: Glide slope angle set at 3.27° to obtain obstruction clearance. Terrain 1000' within 1.9 miles N through E. Davison Mountain 2882' 2.9 miles E, Tamgas Mountain 3591' 5.1 miles ENE of airport.
¢If glide slope inoperative, minima become 300–¾, descent below 519' not authorized until past ANN LFR.
*Runway 2–20: Night operation not authorized. Runway 2: T–d restricted to 600–1 due to high terrain N through E, 1000' within 2 miles. Make immediate left turn after takeoff.

City, Annette Island; State, Alaska; Airport Name, Annette Island; Elev., 119'; Fac. Class., ILS; Ident., I–ANN; Procedure No. ILS–12, Amdt. 7; Eff. Date, 14 Mar. 64; Sup. Amdt. No 6; Dated, 6 July 63

Bismarck RBN	LOM	Direct	3300	T–dn¢	300–1	300–1	*200–½
Bismarck VOR	LOM	Direct	3300	C–d	400–1	500–1	500–1½
Lincoln Int**	LOM	Direct	3300	C–n	400–1½	500–1½	500–1½
Bell Int***	LOM	Direct	3300	S–dn–30	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3300' within 10 miles.
Minimum altitude at glide slope interception Inbnd 3300'.
Altitude of glide slope and distance to approach end of runway at OM 3260'—5.8 miles; at MM 1830'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3800' on 261° bearing from BIS RBN or to 3800' on R–262 BIS–VOR within 20 miles or, when directed by ATC, make right climbing turn to 3900' on R–336 BIS–VOR within 20 miles.
*300–1 required on Runways 2, 20, 35 and 17.
**Lincoln Int: Int BIS–VOR R–262 and SE crs ILS.
***Bell Int: Int BIS–VOR R–117 and 072° bearing from LOM.
¢ When weather is below 1800–2 aircraft departing southwestbound, flight below 3900' beyond 5 miles from airport is prohibited between radials 175 and 230, inclusive of the BIS VOR due to 3373' tower 10 miles SSW of airport.

City, Bismarck; State, N. Dak.; Airport Name, Bismarck Municipal; Elev., 1653'; Fac. Class., ILS; Ident., I–BIS; Procedure No. ILS–30, Amdt. 17; Eff. Date., 14 Mar. 64; Sup. Amdt. No. 16; Dated, 8 Feb. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Plattsburg VOR	Causeway Int*	Direct	1800	T–dn	300–1	300–1	200–½
Causeway Int*	BT LOM (final)	Direct	1800	C–dn	600–1	600–1	600–1½
Burlington VOR	BT LOM	Direct	2700	S–dn–16#	300–¾	300–¾	300–¾
Huntington RBn	BT LOM	Direct	3500	A–dn	600–2	600–2	600–2
Keeseville Int	BT LOM	Direct	3100				

Radar vectoring authorized in accordance with approved patterns, utilizing Burlington, Vt., radar.
Procedure turn N side NW crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800′.
Altitude of glide slope and distance to approach end of runway at OM 1778′—4.9 miles, at MM 598′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 1800′ and proceed direct to Burlington LOM. Hold NW of LOM on Burlington ILS localizer crs, 146° Inbnd, 1-minute left turns.
NOTE: Southeastbound departures cross the BTV–VOR at 4000′ or above.
Other change: Deletes transition from Plattsburgh VOR to LOM.
400–1 required with glide slope inoperative.
*Causeway Int: Int PLB VOR R–180 and NW crs ILS.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., ILS; Ident., I–BTV; Procedure No. ILS–15, Amdt. 7; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 6; Dated, 11 Aug. 62

Vincent Int	Black Forest Int	Direct	9000	T–dn*	300–1	300–1	200–½
Black Forest Int	Fannin Int (final)	Direct	7500	C–dn	600–1	600–1	600–1½
COS VOR	Black Forest Int	Direct	9000	A–dn	800–2	800–2	800–2
CO LOM	Black Forest Int	Direct	8200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 346° Outbnd, 166° Inbnd, 9000′ within 10 miles of Black Forest Int. Nonstandard due to terrain.
Minimum altitude over Black Forest Int on final approach crs, 9000′; over Fannin Int on final approach crs, 7500′.
Crs and distance, Fannin Int to airport, 166°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing Fannin Int, make a left (E) climbing turn to 8000′ on crs 074° from LMM within 15 miles or, when directed by ATC, left climbing turn to 8000′ on COS VOR R–152 within 20 miles.
CAUTION: Sharply rising terrain W of airport; 7190′ tower 8.0 miles N of airport; 7923′ tower 14.0 miles N of airport.
Other change: Deletes transition from Spur Int.
*400–1 required for takeoff on Runways 30 and 35 except when monitored by departure radar.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I–COS; Procedure No. ILS–17, Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 25 Nov. 61

Black Forest Int	LOM	Direct	8200	T–dn#	300–1	300–1	200–½
Hanover Int	LOM	Direct	7300	C–dn	600–1	600–1	600–1½
Security Int	LOM	Direct	7300	S–dn–35	300–¾	300–¾	300–¾
Pinon Int	Security Int	Direct	7300	A–dn	600–2	600–2	600–2
Security Int	Fountain Int*	Direct	7300				
Fountain Int*	LOM (final)	Direct	7300				
COS–VOR	LOM	Direct	8200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side S crs, 166° Outbnd, 346° Inbnd, 7300′ within 10 miles.%
Minimum altitude at glide slope interception Inbnd, 7300′.
Altitude of glide slope and distance to approach end of runway at OM, 7240′—3.7 miles; at MM, 6320′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right climbing turn to 8000′ on crs 074° from LMM within 15 miles or, when directed by ATC, make right climbing turn and climb to 8000′ on COS–VOR R–152 within 20 miles of VOR.
CAUTION: 7190′ tower 8 miles N of airport; 7923′ tower 14 miles N of airport; sharply rising terrain W of airport.
% Procedure turn not authorized when R–2601 in use.
400–1 required for takeoff on Runways 30 and 35, except when monitored by departure radar.
*Fountain Int: Int S crs COS ILS or 166° bearing from CO LOM and 275° bearing from Hanover RBn.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I–COS; Procedure No. ILS–35, Amdt. 16; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 15; Dated, 9 Nov. 63

APE–VOR	CB LOM	Direct	2500	T–dn	300–1	300–1	200–½
Plain City Int	CB LOM	Direct	2500	C–dn	500–1	500–1	500–1½
CM LOM	CB LOM	Direct	2500	S–dn–10L*	200–½	200–½	200–½
Dublin Int	CB LOM	Direct	2500	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2495′—5.8 miles; at MM, 1028′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ and proceed direct to the CM LOM, hold E, 1-minute right turns, 276° Inbnd.
Other changes: Deletes transition from Hilliard FM and CMH LFR.
*500–¾ with glide slope inoperative.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., ILS; Ident., I–CBP; Procedure No. ILS–10L, Amdt. 1; Eff. Date, 14 Mar. 64; Sup. Amdt. No. Orig.; Dated, 1 July 61

CMH LOM	University Int*	Direct	2500	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–10R	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs 276° Outbnd, 096° Inbnd, 2500′ within 10 miles of University Int.
Minimum altitude over University Int* on final approach crs, 2500′.
Crs and distance, University Int* to airport, 096°—5.6 miles. No glide slope. Back crs approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing University Int,* climb straight ahead to 2600′ on E crs ILS to OM–LOM and hold E 1-minute right turns, 276° Inbnd.
*University Int: W crs CMH ILS and 186° bearing from CB LOM.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., ILS; Ident., I–CMH; Procedure No. ILS–(back crs) 10R, Amdt. 7; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 6; Dated, 10 Mar. 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Appleton VOR	E crs ILS (final)	Direct	2600	T–dn**	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–28L* %	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side E crs, 096° Outbnd, 276° Inbnd, 2600′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude at glide slope interception Inbnd 2600′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500′ and proceed to CB LOM. Hold W, 1-minute right turns, 096° Inbnd.
* When glide slope not utilized, 500–¾ will apply.
%Runway visual range (RVR) 2600′ also authorized for landing on Runway 28L, provided all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 1016′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 28L in lieu of 200–½ when 200–½ is authorized, providing high-intensity runway lights are operational.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., ILS; Ident., I–CMH; Procedure No. ILS–28L, Amdt. 11; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 10; Dated, 24 June 61

DEN VOR	LOM	Direct	7000	T–dn#	300–1	300–1	200–½
Broomfield Int	LOM	Direct	7000	C–dn	#400–1	500–1	800–1½
Derby Int	LOM	Direct	7000	S–dn–26L* %	200–½	200–½	200–½
Strasburg Int	LOM	Direct	7000	A–dn	600–2	600–2	600–2
Kiowa VOR	Watkins Int	Direct	7500				
Watkins Int	LOM (final)	Direct	7000				
Bennett Int	LOM	Direct	7000				
Brighton Int	LOM	Direct	7000				
Franktown Int	LOM	Direct	7000				
Englewood RBn	LOM	Direct	7000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of E crs, 076° Outbnd, 256° Inbnd, 7000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd 7000′.
Altitude of glide slope and distance to approach end of runway at OM, 6974′—5.5 miles; at MM, 5551′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climbing to 7000′ direct to DEN–VOR or, when directed by ATC, turn right and climb to 7000′ on the 345° bearing from DE LOM.
CAUTION: 5570′ tank 0.8 mile SE of DEN MM. 5521′ beacon 1.5 miles S of airport.
Other change: Deletes transition from Parker Int.
#500–1 required for circling S of airport due to obstructions (see caution note).
*400–1 required when glide slope not utilized.
%Runway visual range 2600′ also authorized for landing on Runway 26L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below 5531′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 26L in lieu of 200–½ when 200–½ is authorized; provided that high-intensity runway lights are operational

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I–DEN; Procedure No. ILS–26L, Amdt. 29; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 28; Dated 20 Apr. 63

De Pere Int*	LOM (final)	Direct	2200	T–dn	300–1	300–1	200–½
OSH VOR	De Pere Int*	Direct	2500	C–dn	400–1	500–1	500–1½
Pine Grove Int	LOM	Direct	3000	S–dn–6#	200–½	200–½	200–½
Wolf Int	LOM	Direct	2300	A–dn	600–2	600–2	600–2
Bear Creek Int	LOM	Direct	2300				
GRB VOR	LOM	Direct	2300				
Sherwood Int	LOM	Direct	2300				
Stadium Int	LOM	Direct	2300				
Waffle Int	LOM	Direct	2300				
Nicollet Int	LOM	Direct	3000				
Freedom Int**	LOM	Direct	2300				

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200′.
Altitude of glide slope and distance to approach end of runway at OM, 2138′—5.0 miles; at MM, 852′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left climbing turn to 2300′, proceed direct to LOM or, when directed by ATC, (1) make left climbing turn to 2300′, proceed direct to GRB–VOR or (2) climb to 2300′ on NE crs GRB ILS within 20 miles.
CAUTION: 2049′ tower 7 miles SE of airport, aircraft departing on Runway 18 which are southeast bound climb to 2500′ on runway heading before proceeding on crs. Aircraft departing Runway 12 which are southeast bound, turn left after takoff, climb to above 2500′ on a 075° magnetic bearing from the GR LOM before proceeding on crs.
*DePere Int: Int. OSH VOR–R–012 and SW crs ILS.
**Freedom Int: Int GRB VOR R–204 and SW crs ILS.
#400–¾ required when glide slope not utilized.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., ILS; Ident., I–GRB; Procedure No. ILS–6, Amdt. 4; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 3; Dated, 8 Feb. 64

IND VOR	LOM	Direct	2400	T–dn#	300–1	300–1	200–½
IND RBn	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
Shelbyville VOR	LOM	Via SHB–VOR R–276	2400	S–dn–4* **	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
Quincy Int	LOM (final)	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side SW crs, 224° Outbnd, 044° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude at glide slope int Inbnd, 1900′.
Altitude of glide slope and distance to approach end of runway at OM 1000–3.9 miles at MM 980–0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ and proceed via the NE crs ILS to R–293 SHB–VOR, then via R–293 to SHB–VOR or, when directed by ATC, (1) climb to 3000′ on NE crs ILS and proceed to Castleton Int; (2) make left turn, climb to 2500′ and proceed direct to IND–VOR.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
*400–¾ required when glide slope inoperative.
**Runway visual range 2600′ also authorized for landing on Runway 4, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 997′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600′ also authorized for takeoff on Runway 4 in lieu of 200–¾ when 200–½ is authorized, provided high-intensity runway lights are operational.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797′; Fac. Class., ILS; Ident., I–IND; Procedure No. ILS–4, Amdt. 9; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 8; Dated, 21 Sept. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Castleton Int	River Int (final)	Direct	2500	T-dn	300–1	300–1	200–½
IND VOR	River Int	Direct	2800	C-dn	400–1	500–1	500–1½
IND RBn	River Int	Direct	2800	S-dn-22	400–1	400–1	400–1
Quincy Int	River Int	Direct	2800	A-dn	800–2	800–2	800–2
Int NE crs ILS and R-005 SHB VOR	Castleton Int	Direct	2800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 044° Outbnd, 224° Inbnd, 2800' within 10 miles of River Int.
Minimum altitude over River Int Inbnd, 2500'.
Crs and distance, River Int to airport, 224°—5.6 miles.
No glide slope, outer marker, middle marker or approach lights.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing River Int, climb to 3000' on the SW crs ILS and proceed to Santa Int via the SW crs ILS and IND VOR R–169 or, when directed by ATC, climb to 3000' on SW crs ILS and proceed direct to Quincy Int, make right climbing turn to 2500' and proceed direct to IND VOR.
NOTES: 1. Aircraft executing missed approach may be radar controlled after radar identification. 2. This ILS procedure not authorized when radar is inoperative unless aircraft is equipped to receive VOR and ILS simultaneously.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797'; Fac. Class., ILS; Ident., I–IND; Procedure No. ILS–22, Amdt. 5; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 4; Dated, 11 May 63

LIT VOR	Stack Int*	Direct	1500	T-dn	300–1	300–1	**200–½
SW crs localizer	Stack Int*	Direct	1500	C-dn	500–1	600–1	600–1½
Radar vector to back crs	Stack Int* (final)	Direct	800	S-dn-22	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with current procedures. Radar may position aircraft on final approach crs within 5 miles of Stack Int* to eliminate a procedure turn.
Procedure turn S side of crs, 040° Outbnd, 220° Inbnd, 1500'# within 10 miles of Stack Int.*
Minimum altitude over Stack Int* on final approach crs, 800'.
Crs and distance, Stack Int* to airport, 220°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing Stack Int,* climb to 2000' on the localizer SW crs within 20 miles.
#Descent below 1500' not authorized until well established on localizer crs Inbnd.
*Stack Int: Int NE crs LIT localizer and R–345 LIT–VOR or 1.7–mile radar fix.
**300–1 required for takeoff on Runways 17, 35, 32.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., ILS; Ident., I–LIT; Procedure No. ILS–22 (back crs), Amdt. 2; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 1; Dated, 18 Aug. 62

Monroe VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 1600' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1187'—4.2 miles; at MM, 256'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing ML–LOM, climb to 1600' on NE crs ILS (038°) within 10 miles.

City, Monroe; State, La.; Airport Name, Selman; Elev., 79'; Fac. Class., ILS; Ident., I–MLU; Procedure No. ILS–4, Amdt. 4; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 3; Dated, 2 Nov. 63

Marion Int	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Rochester VOR	LOM	Direct	2000	C-dn**	500–1	600–1	600–1½
Fishers Int	LOM	Direct	2000	S-dn-28*	200–½	200–½	200–½
Fishers Int	ILS E crs (final)	Via crs 345°	2000	A-dn#	600–2	600–2	600–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 2000' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—4.5 miles; at MM, 780'**—0.5 mile; at RBn, 990'—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on R–298 ROC VOR. Turn left, return to VOR at 2000'. Hold W on R–298 ROC VOR, 1-minute right turns, 118° Inbnd.
NOTE: Glide slope provides approximately 153' clearance over smoke spire 756' located 3.2 miles W of the LOM.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
CAUTION: Multiple unshielded lights in final approach area.
*Circling minimums applicable with glide slope inoperative.
**Minimum altitude 1300' over MM with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimum of 800–2 applies.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560'; Fac. Class., ILS; Ident., I–ROC; Procedure No. ILS–28, Amdt. 11; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 10; Dated, 18 Aug. 62

SJ LFR	SE LOM	Direct	2000	T-dn##	300–1	300–1	200–½
SEA VOR	SE LOM	Direct	2000	C-dn	500–1	500–1	500–1½
Milton VHF Int	SE LOM (final)	Direct	1600	S-dn-34%#	200–½	200–½	200–½
Fairgrounds VHF Int*	SE LOM	Direct	2000	A-dn	600–2	600–2	600–2
Burton VHF Int	SE LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1535'—4.0 miles; at MM, 560'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' direct to Park RBn (SZ LOM). Continue climb on crs 338° Outbnd, 158° Inbnd, within 10 miles Park RBn (SZ LOM) or, when directed by ATC, turn left, climb to 2000' on R–225 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 591' immediately N and NE of airport.
Major change: Deletes MSA's.
*Transition to Fairgrounds Int authorized from McChord AFB RBn on crs 020°, 2000'.
%400–1 required when glide slope not utilized.
#Runway visual range (RVR) 2600' also authorized for landing on Runway 34, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 628' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600' also authorized for takeoff on Runway 34 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 428'; Fac. Class., ILS; Ident., I–SEA; Procedure No. ILS–34, Amdt. 23; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 22; Dated, 29 Feb. 64

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All sectors	Radar site	Within 10 miles	2500	Surveillance approach			
All sectors	Radar site	Within 25 miles	3000				
All sectors	Radar site	Within 40 miles	4000	T-dn	300–1	300–1	200–½
All sectors	Radar site	Within 50 miles	5000	C-dn*	500–1	500–1	500–1½
				C-dn**	600–1	600–1	600–1½
				S-dn*	500–1	500–1	500–1
				S-dn**	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 10R/L, 13, 5, 19, and 1: Climb to 2600' and proceed direct to CM LOM. Hold E within 10 miles, 276° Inbnd, 1-minute right turns. Runway 23, 28R/L and 31: Climb to 2500' and proceed direct to CB LOM. Hold W, 1-minute right turns, 096° Inbnd.
CAUTION: 1549' tower 7 miles WSW of airport.
*All runways except 5 and 1.
**Runways 5 and 1.
MSA: 000°–360°—2500'.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816'; Fac. Class. and Ident., Port Columbus Radar; Procedure No. 1, Amdt. 4; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 3; Dated, 6 Oct. 62

All directions		Within 20 miles	#2500	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-All	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
				Precision approach			
				T-dn**	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-4**	200–½	200–½	200–½
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, all runways: Climb to 3000' and proceed via R–285 of Shelbyville to Shelbyville VOR or, when directed by ATC, (1) climb to 3000' on NE crs ILS and proceed to Castleton Int; (2) climb to 2500' and proceed direct to IND–VOR.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
#2800' within 3 miles of two 1849' towers NE of airport; 2900' within 3 miles of 1852' tower E and NE of airport.
#Vectoring altitudes 2600' within 3–5 miles and 3100' within 3 miles of 2100' tower 20.5 miles SSE.
**Runway visual range 2600' also authorized for landing on Runway 4; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 997' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600' also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ is authorized, provided high-intensity runway lights are operational.

City, Indianapolis; State, Ind.; Airport Name, Weir Cook; Elev., 797'; Fac. Class. and Ident., Weir Cook Radar; Procedure No. 1, Amdt. 12; Eff. Date, 14 Mar. 64; Sup. Amdt. No. 11; Dated, 2 Nov. 63

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on February 10, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–1498; Filed, Feb. 28, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1929; Amdt. 692]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC–8 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the bogie beam assembly and repair or replacement of any found defective on Douglas Model DC–8 Series aircraft was published in 28 F.R. 9791.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment objected to the 6,000 hour compliance time for shot peening and recommended that this be changed to gear overhaul. The Agency agrees that this item may be omitted for bogie beams having nicks, scratches and impact dents up to 0.005 inch in depth, provided that the damaged surface is blended smooth and repainted before further flight. Accordingly, paragraph (b)(1) has been revised. The Agency, however, does not concur with the request to extend the 6,000 hour time limit to gear overhaul time for shot peening bogie beams having scratches and impact dents greater than 0.005 inch in depth, as specified in paragraph (b)(2) of the AD, since this limit could be as high as 12,000 hours' time in service. Provision is made for an extension in time for operators who submit substantiating data justifying the increase. The Agency also does not concur with the statement that shot peening in the field is difficult to control, since complete service information covering shot peening operations in service is outlined in DC–8 Service Bulletins Nos. 32–56 and 32–69 for other landing gear parts.

Another comment requested that the 920 hour repetitive inspection in paragraph (a) be changed to 1,000 hours.

Since the Agency believes that the requested increase will not compromise safety, paragraph (a) of the AD has been revised to incorporate this increase.

A comment stated that the note under paragraph (c) is too restrictive in that it appears to prevent the use of approved standard cleaners. Since this was not intended, the note has been revised to more clearly set out those cleaning materials specified for use in the DC–8 Overhaul Manual.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (CFR Part 507) is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Model DC–8 Series aircraft.

Compliance required as indicated.

There have been failures of the landing gear bogie beam due to cracking initiated by corrosion in an area where the bogie beam surface had been damaged. To preclude further failures of this type, accomplish the following on bogie beam assemblies, P/Ns 5760635, 5760630, or 5716469:

(a) Within 1,000 hours' time in service after the effective date of this AD for bogie beam assemblies having more than 1,000 hours' time in service as of the effective date of this AD, and prior to the accumulation of 2,000 hours' time in service for bogie beam assemblies having less than 1,000 hours' time in service as of the effective date of this AD, and thereafter at intervals not to exceed 1,000 hours' time in service, accomplish the inspection and rework outlined in (b).

(b) Conduct a thorough visual inspection of the bogie beam to detect any evidence of nicks, scratches, or impact dents. Replace bogie beams exhibiting such defects before further flight, unless the part is reworked before further flight in accordance with the following as applicable:

(1) Nicks, scratches, and impact dents up to 0.005 inch in depth must be blended smooth and repainted in accordance with (b)(4).

(2) Nicks, scratches, and impact dents greater than 0.005 inch in depth but not exceeding 0.030 inch, shall be blended smooth and repainted in accordance with (b)(4). The reworked area shall be shot peened prior to an accumulation of 6,000 hours' time in service after the rework. Accomplish shot peening as indicated in (b)(5).

(3) If bogie beam damage exceeds 0.030 inch in depth, any rework to remove such damage shall be accomplished in accordance with FAA approved Douglas rework procedures. Any other proposed rework shall be submitted to FAA Western Region, Attention: Chief, Engineering and Manufacturing Branch, for evaluation.

(4) The rework referred to in (b)(1) and (b)(2) shall be accomplished in accordance with DC–8 Overhaul Manual, Chapter 32–0, paragraphs (A), page 201 dated September 1, 1960, and (D), page 203 dated March 15, 1961, or FAA approved equivalent.

(5) Shot peening referred to in (b)(2) shall be accomplished in accordance with DC–8 Overhaul Manual, Chapter 13–3–2, paragraph 3(L), page 13, dated May 1, 1963, or FAA approved equivalent.

(c) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

NOTE: The cleaning methods specified in DC–8 Overhaul Manual, Chapter 13–1–1, paragraph (5), page 3 dated November 1, 1962, should be used in cleaning the landing gear bogie beam.

This amendment shall become effective March 30, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 20, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–1951; Filed, Feb. 26, 1964; 8:45 a.m.]

[Reg. Docket No. 3029; Amdt. 693]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA–22 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the upper bearings and replacement where necessary on Piper Model PA–22 Series aircraft was published in 29 F.R. 108.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Models PA–22, PA–22–108, PA–22–135, PA–22–150, and PA–22–160 aircraft, Serial Numbers 22–1 through 22–9848.

Compliance required within 25 hours' time in service after the effective date of this AD, unless already accomplished within the preceding 475 hours' time in service, and every 500 hours' time in service thereafter.

(a) Remove the oleo strut, clean the upper bearing, Piper P/N 452333, and inspect the bearing to determine that its loading groove is on the top side. Remove bearings installed with the loading grooves on the under side.

(b) Inspect removed bearings, P/N 452333, to insure that 59 balls are installed, no binding or sticking exists, and that the bearing is not worn to the point where the balls are easily dislodged through the loading groove. If any of these defects are found, replace the bearing before further flight.

(c) Whenever a bearing is removed, clean and inspect the bearing mounting area to insure that it is free of burrs, protrusions, wear or other conditions which could cause bearing misalinement with the strut. Correct deficiencies prior to reinstallation of bearing.

(d) Repack bearings, P/N 452333, with MIL–G–3278 type lubricant.

(e) Reinstall bearings, P/N 452333, with the ball loading groove on the upper side.

(f) When both a new type sealed bearing Piper P/N 452419, and a boot Piper P/N 14087–00, or FAA approved equivalents are incorporated on the aircraft, compliance with (a), (b), (d) and (e) is no longer required.

(Piper Service Letter No. 405, dated October 1, 1963, and Piper Service Memo. No. 73 pertain to this same subject.)

This amendment shall become effective March 30, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 20, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64–1952; Filed, Feb. 26, 1964; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 323—PUBLIC USE OF THE McNARY RESERVOIR AREA, OREGON AND WASHINGTON

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

McNary, The Dalles, Ice Harbor, and John Day Reservoir Areas

The rules and regulations governing public use of McNary Reservoir Area, Washington and Oregon, Part 323, prescribed pursuant to section 4 of the Flood Control Act of 1944, as amended (58 Stat. 889) and published in the FEDERAL REGISTER (18 F.R. 4911, August 18, 1953, and amended at 20 F.R. 4820, July 7, 1955), are rescinded. The Secretary of the Army having determined that the use of McNary, The Dalles, Ice Harbor and John Day Reservoir Areas by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195).

1. Paragraph (c) of § 326.1 is revised to read as follows:

§ 326.1 Areas covered.

* * * * *

(c) The areas covered by this part are:

ALABAMA

Columbia Reservoir Area, Chattahoochee River.
Walter F. George Reservoir Area, Chattahoochee River.

FLORIDA

Jim Woodruff Reservoir Area, Apalachicola River.

GEORGIA

Columbia Reservoir Area, Chattahoochee River.
Jim Woodruff Reservoir Area, Apalachicola River.
Walter F. George Reservoir Area, Chattahoochee River.

OREGON

John Day Reservoir Area, Columbia River.
McNary Reservoir Area, Columbia River.
The Dalles Reservoir Area, Columbia River.

WASHINGTON

Ice Harbor Reservoir Area, Snake River.
John Day Reservoir Area, Columbia River.
McNary Reservoir Area, Columbia River.
The Dalles Reservoir Area, Columbia River.

2. Paragraph (b) of § 326.3 is revised to read as follows:

§ 326.3 Boats, private.

* * * * *

(b) A permit shall be obtained from the District Engineer or his authorized representative for placing and operating any boat not exceeding 16 feet in length on the reservoirs for any one period longer than three days except for the reservoirs listed in this paragraph. No charge will be made for this permit. The permit shall be kept aboard the boat at all times that the boat is in operation in the reservoir.

OREGON

John Day Reservoir Area, Columbia River.
McNary Reservoir Area, Columbia River.
The Dalles Reservoir Area, Columbia River.

WASHINGTON

Ice Harbor Reservoir Area, Snake River.
John Day Reservoir Area, Columbia River.
McNary Reservoir Area, Columbia River.
The Dalles Reservoir Area, Columbia River.

* * * * *

[Regs., February 13, 1964, ENGCW–OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64–1955; Filed, Feb. 26, 1964; 8:46 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Doc. No. 4021; Notice 64-10]

C-46 NONTRANSPORT CATEGORY AIRPLANE CARGO-ONLY OPERATIONS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth to provide for the operation of C-46 nontransport category airplanes in cargo-only operations.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 15, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 42.61(b) of revised Part 42, as initially adopted by the Federal Aviation Agency, required airplanes certificated as a basic type after June 30, 1942, be certificated as transport category airplanes and meet the transport category airplane operating limitations prescribed in § 42.70. These requirements apply to cargo as well as passenger-carrying airplanes of more than 12,500 pounds maximum certificated takeoff weight.

Prior to the effective date of that part (November 11, 1963), operators of nontransport category C-46 type airplanes used in cargo operations petitioned the Administrator for relief from § 42.61(b) of revised Part 42 to permit the continued operation of such airplanes under the nontransport category cargo airplane requirements in effect prior to the revision of Part 42.

After consideration of the petitioners' contentions, Amendment 42-1, effective November 11, 1963 (28 F.R. 11058), amended Part 42 to permit the continued cargo-only operation of nontransport category C-46 airplanes until July 12, 1964. The amendment also permitted such airplanes to continue to be operated under the operating limitations prescribed in § 42.14-1(b) of the previous provisions of Part 42, until July 12, 1964. In the adoption of this amendment, the Agency stated that, "There appears to be adequate justification to postpone the effective date of § 42.61(b) of revised Part 42, as it applies to nontransport category C-46 cargo airplanes, in order to provide the Agency an opportunity to complete its evaluation of the C-46 cargo operations and conduct any necessary rule making action resulting from this evaluation."

In connection with the issuance of Amendment 42-1, operators of nontransport category C-46 type airplanes used in cargo-only operations also petitioned the FAA for relief from the special airworthiness requirements set forth in §§ 42.111 through 42.154 of the revised Part 42.

In the grant of the requested exemption until July 12, 1964, the Agency recognized the need for further evaluation of the special airworthiness requirements of §§ 42.111 through 42.154 for nontransport category C-46 airplanes as a necessary part of the evaluation referred to in Amendment 42-1.

In its evaluation of the nontransport category C-46 operations, the Agency reviewed the operational history of the C-46, including accident and incident reports, as compared with other types of air carrier airplanes. It also reviewed the C-46 airplane with respect to applicable airworthiness directives, C-46 engine reliability, history of C-46 engine fires and fire-extinguishing systems, C-46 engine operating temperatures, airplane operating rules in old Part 42 applicable to C-46 cargo-only operations, T-category certification and operating rules for C-46 airplanes, pilot training program for C-46 airplanes, single-engine operation at altitude, and other detailed matters concerning the C-46 airplane and its operation.

The Agency's review indicated that the C-46 airplane used in cargo-only operations can continue to be operated with reasonable safety without full compliance with the certification and operating requirements applicable to transport category airplanes. However, there is a need for improvement in the safety requirements over and above the applicable requirements in old Part 42 in the following areas:

(1) Engine cooling during one-engine-out operations,

(2) Engine fire protection,

(3) Compliance with airplane performance operating limitations applicable to nontransport category airplanes (§§ 42.90 through 42.94), and,

(4) Compliance with the special airworthiness requirements (§§ 42.111 through 42.154).

As a result of industry discussions, the major C-46 cargo operators submitted a program to the Agency which they believed would improve the nontransport C-46 cargo airplane and its operation. The Agency has carefully studied this program and has determined that it closely parallels the foregoing areas of improvements found by the Agency to be necessary in the interest of safety.

In regard to the areas of improvement in the safety requirements for C-46 nontransport category airplanes, the Agency considers the requirements set forth herein as the minimum for the continued use of the airplane in cargo-only operations.

(1) *Engine cooling.* In order to improve nontransport category C-46 engine cooling, the proposal requires that R2800-51-M1 or R2800-75-M1 engines or other engines acceptable to the Administrator, be installed. If engines other than those specified herein are used, the takeoff gross weight would be reduced to 45,000 pounds. Furthermore, approved high-capacity engine oil pumps and drive gears would have to be installed and the proposal would require that each engine be serviced with 25 gallons of oil prior to each flight.

(2) *Engine fire protection.* To improve engine fire protection, the proposal would require that an FAA approved shutoff system be installed for the hydraulic fluid supply lines to the cowl flap actuators located in each engine compartment. Also, that engine overboard breather lines extend to the trailing edge of the oil cooler air exit duct and that specified drain lines from the engine accessories actually reach into the scupper drain located in the lower cowling segment.

(3) *Performance operating limitations.* To provide improved C-46 performance operating limitations, it is proposed to require compliance with the nontransport category airplane operating limitations of § 42.90 utilizing the data and charts set forth in Appendix C hereof.

(4) *Special airworthiness requirements.* In order to provide the minimum standards of airworthiness for all C-46 nontransport category airplanes, it is proposed to require compliance with the special airworthiness requirements of §§ 42.111 through 42.154 of the revised Part 42 as specifically prescribed in this proposal for C-46 airplanes.

The requirements contained in items (1) and (2) of the preceding proposals are similar to the proposal submitted by the industry.

In regard to item (3), it is to be noted that the operators (NACA) submitted proposed performance limitations for the nontransport category C-46 similar to those in §§ 42.81, 42.83, and 42.84 of old Part 42. The nontransport category limitations were updated in the revised Part 42 to bring them in line with those set forth in Parts 40 and 41 and should be used instead of the limitations contained in the former provisions of Part 42. For example, there were changes in revised Part 42 updating the performance operating limitations for both takeoff and landing for nontransport category airplanes. With respect to takeoff, the factor for average runway gradient correction was changed from 1 percent to ½ percent. With respect to landing distances, revised Part 42 sets forth a 0.60 field length factor for intended destination and a 0.70 factor for alternate airports. Old Part 42 specified a 0.70 factor for both the intended destination and alternate.

For the proper and uniform application of these limitations, it is proposed herein to establish a new Appendix C to Part 42 which will include tables and charts applicable to the performance limitations of §§ 42.91, 42.92, 42.93, and 42.94. The appendix will include charts which may be used for takeoff and landing when the effective runway length has not been determined by the operator. In such case, a factor of 0.85 is used for takeoff, and a factor of 0.55 is used for landing. Appropriate charts have also been set forth in Appendix C which may be used to comply with the drift-down procedure authorization of § 42.92.

In regard to the special airworthiness requirements, § 42.110 of the revised part requires the nontransport category C-46 airplane to "comply with the requirements contained in §§ 42.111 through 42.154."

This section further provides:

> That, if the representative of the Administrator finds that in particular models of existing airplanes used in cargo service, literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objectives sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of the regulations of this part.

Under the foregoing provisions, FAA inspectors would be permitted under certain conditions to accept methods of compliance with the special airworthiness requirements for the C-46 nontransport cargo airplane which differ from those specified in §§ 42.111 through 42.154. However, to avoid any misunderstanding as to the application of these requirements to the nontransport category C-46, the proposal contains a specific correlation between the special airworthiness requirements and C-46 nontransport category airplanes. Where the correlation shows no difficulty in equating nontransport category C-46 airplanes with certain of the requirements, this is indicated by the statement that there is no change from the related requirement in Part 42. Conversely, where some difficulty may be encountered with the special airworthiness requirements, minimum acceptable means of compliance are set forth which will effectively accomplish the basic objectives of this part. Accordingly, comment, if any, to the minimum acceptable means of compliance should be included with the comments to the basic proposal. In light of comments received, any final determinations respecting the special airworthiness requirements will be issued as a part of a new Appendix C to Part 42 concurrent with the final rule.

Susceptibility of materials to fire. No change from the requirements in § 42.111.

Cabin interiors. C-46 crew compartments must meet all requirements of § 42.112 and, under the provisions of § 42.115, the door between the crew compartment and main cabin (cargo) compartment must be flame resistant.

Internal doors. Internal doors, including the crew to main cabin door, must meet the requirements of § 42.113.

Ventilation. Standard C-46 crew compartments meet the ventilation requirements of § 42.114 if a means of ventilation for controlling the flow of air is available between the crew compartment and main cabin.

Fire precautions. Compliance is required with all the provisions of § 42.115.

(a) In establishing compliance with this section, the C-46 main cabin may be considered as a Class A compartment if—

(1) The operator utilizes a standard system of cargo loading and tiedown that allows easy access in flight to all cargo in such compartment, and, such system is included in the appropriate portion of the operator's manual;

(2) An adequate barrier cable assembly or equivalent means is installed in the forward end of the cabin to prevent cargo damage to components and systems essential to safe operation of the airplanes.

(b) C-46 forward and aft baggage compartments must meet, as a minimum Class B requirements of this section or be placarded in a manner to preclude their use as cargo or baggage compartments.

Proof of compliance. (a) The demonstration of compliance required by § 42.116 is not required for C-46 airplanes in which—

(1) The main cabin conforms to Class A cargo compartment requirements of § 42.115; and

(2) Forward and aft baggage compartments conform to Class B requirements of § 42.115, or are placarded to preclude their use as cargo or baggage compartments.

Propeller deicing fluid. No change from the requirements of § 42.117. Isopropyl alcohol is a combustible fluid within the meaning of this section.

Pressure cross-feed arrangements, location of fuel tanks, and fuel system lines and fittings. C-46 fuel systems which conform to all applicable Curtiss design specifications and which comply with the FAA type certification requirements are in compliance with the provisions of §§ 42.118, 42.119, and 42.120.

Fuel lines and fittings in designated fire zones. No change from the requirements in § 42.121.

Fuel valves. Fuel valves must meet the requirements of § 42.122. Compliance can be established by showing that the fuel system conforms to all the applicable Curtiss design specifications, the FAA type certification requirements, and, in addition, has explosion-proof fuel booster pump electrical selector switches installed in lieu of the open contact type used originally.

Oil lines and fittings in designated fire zones. No change from the requirements in § 42.123.

Oil valves. C-46 oil shutoff valves must conform to the requirements of § 42.124. In addition, C-46 airplanes using Hamilton Standard propellers must provide, by use of stand pipes in the engine oil tanks or other approved means, a positive source of oil for feathering each propeller.

Oil system drains. The standard C-46 "Y" drains installed in the main oil inlet line for each engine are considered to meet the requirements of § 42.125.

Engine breather line. The standard C-46 engine breather line installation meets the requirements of § 42.126 if the lower breather lines actually extend to the trailing edge of the oil cooler air exit duct.

Firewalls and firewall construction. Compliance is required with the provisions of §§ 42.127 and 42.128. The following requirements must be met in order to show compliance with these sections:

(a) *Engine compartment.* The engine firewalls of the C-46 airplane must—

(1) Conform to type design, and all applicable airworthiness directives;

(2) Be constructed of stainless steel or approved equivalent; and

(3) Have fireproof shields over the fair-leads used for the engine control cables that pass through each firewall.

(b) *Combustion heater compartment.* C-46 airplanes must have a combustion heater fire extinguishing system which complies with AD-49-18-1 or an FAA approved equivalent.

Cowling. Standard C-46 engine cowling (cowling of aluminum construction employing stainless steel exhaust shrouds) which conforms to the type design and cowling configurations which conform to the C-46 transport category requirements meet the requirements of § 42.129.

Engine accessory section diaphragm. C-46 engine nacelles which conform to the C-46 transport category requirements meet the requirements of § 42.130. In accordance with the provisions of that section, a means of equivalent protection which does not require provision of a diaphragm to isolate the engine power section and exhaust system from the engine accessory compartment is the designation of the entire engine compartment forward of and including the firewall as a designated fire zone, and the installation of adequate fire detection and fire extinguishing systems which meet the requirements of § 42.136 and § 42.141 respectively in such zone.

Powerplant fire protection. C-46 engine compartments and combustion heater compartments are considered as designated fire zones within the meaning of § 42.131.

Flammable fluids—(a) *Engine compartment.* C-46 engine compartments which conform to their type design and which comply with all applicable airworthiness directives also meet the requirements of § 42.132.

(b) *Combustion heater compartment.* C-46 combustion heater compartments which conform to type design and meet all the requirements of AD-49-18-1 or an FAA approved equivalent also meet the requirements of § 42.132.

Shutoff means—(a) *Engine compartment.* C-46 engine compartments which comply with AD-62-10-2 or FAA approved equivalent also meet the requirements of § 42.133 applicable to engine compartments if, in addition, a means satisfactory to the Administrator is pro-

vided to shut off the flow of hydraulic fluid to the cowl flap cylinder in each engine nacelle. The shutoff means must be located aft of the engine firewall. Also, the operator's manual must include, in the emergency procedures portion, adequate instructions for proper operation of the additional shutoff means to assure correct sequential positioning of engine cowl flaps under emergency conditions.

(b) *Combustion heater compartment.* C–46 heater compartments which comply with paragraph (5) of AD–49–18–1 or FAA approved equivalent meet requirements of § 42.133 applicable to heater compartments if, in addition, a shutoff valve located above the main cabin floor level is installed in the alcohol supply line or lines between the alcohol supply tank and those alcohol pumps located under the main cabin floor.

Lines and fittings—(a) *Engine compartment.* C–46 engine compartments which comply with all applicable airworthiness directives including AD–62–10–2 by using FAA approved fire-resistant lines, hoses, and end fittings, and engine compartments which meet the C–46 transport category requirements, also meet the requirements of § 42.134.

(b) *Combustion heater compartments.* All lines, hoses, and end fittings, and couplings which carry fuel to the heaters and heater controls, must be of FAA approved fire-resistant construction.

Vent and drain lines—(a) *Engine compartment.* C–46 engine compartments meet the requirements of § 42.135 if—

(1) The compartments conform to type design and comply with all applicable airworthiness directives or FAA approved equivalent; and,

(2) Drain lines from supercharger case, engine-driven fuel pump, and engine-driven hydraulic pump reach into the scupper drain located in the lower cowling segment.

(b) *Combustion heater compartment.* C–46 heater compartments meet the requirements of § 42.135 if they conform to AD–49–18–1 or FAA approved equivalent.

Fire-extinguishing systems. (a) To meet the requirements of § 42.136, C–46 airplanes must have installed fire extinguishing systems to serve all designated fire zones. The fire-extinguishing systems, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide a minimum of one adequate discharge for each designated fire zone. Insofar as the engine compartment is concerned, the system shall be capable of protecting the entire compartment against the various types of fires likely to occur in the compartment.

(b) Fire-extinguishing systems which conform to the C–46 transport category requirements are considered to meet the requirements set forth in paragraph (a). Furthermore, fire-extinguishing systems for combustion heater compartments which conform to the requirements of AD–49–18–1 or an FAA approved equivalent are also considered to meet the requirements set forth in paragraph (a).

In addition, a fire-extinguishing system for C–46 airplanes may also be considered as meeting the adequacy requirement of paragraph (a), if it provides the same or equivalent protection to that demonstrated by the CAA in tests conducted in 1941 and 1942 using a CW–20 type engine nacelle (without diaphragm). These tests were conducted at the Bureau of Standards facilities in Washington, D.C., and copies of the test reports are available through the FAA Regional Engineering Offices. In evaluating any C–46 fire-extinguishing system with respect to the aforementioned CW–20 tests, the Agency would require data in a narrative form, utilizing drawings or photographs to show at least the following:

Installation of containers; installation and routing of plumbing; type, number, and location of outlets or nozzles; type, total volume, and distribution of extinguishing agent; length of time required for discharging; means for thermal relief, including type and location of discharge indicators; means of discharging, e.g., mechanical cutterheads, electric cartridge, or other method; and whether a one- or two-shot system is used; and if the latter is used, means of cross-feeding or otherwise selecting distribution of extinguishing agent; and types of materials used in makeup of plumbing.

The Agency is also aware that there are other types of fire-extinguishing systems that may also meet the requirements of paragraph (a) such as, high rate discharge (HRD) systems using agents such as bromotrifluoromethane, dibromodifluoromethane and chlorobromomethane (CB).

Fire-extinguishing agents, Extinguishing agent container pressure relief, Extinguishing agent container compartment temperature, and *Fire-extinguishing system materials.* No change from the requirements in §§ 42.137, 42.138, 42.139, 42.140.

Fire-detector systems. Compliance with the requirements of § 42.141 requires that C–46 fire detector systems conform to:

(a) AD–62–10–2 or FAA approved equivalent for engine compartments; and,

(b) AD–49–18–1 or FAA approved equivalent for combustion heater compartments.

Fire detectors. No change from the requirements of § 42.142.

Protection of other airplane components against fire. To meet the requirements of § 42.143, C–46 airplanes must:

(a) Comply with all the special airworthiness requirements of Part 42;

(b) Conform to the type design and all applicable airworthiness directives; and

(c) Be modified or have operational procedures established to provide additional fire protection for the wheel well door area aft of each engine compartment. The Agency considers it necessary to require additional fire protection for C–46 main wheel well compartments because of the in-flight drooping tendency of C–46 main wheel well doors. The drooping wheel well doors appreciably reduce fire protection by adversely exposing the wheel well areas to fires emanating from the engine compartments. Also, the condition is characteristic of C–46 airplanes; e.g., occurring each time the main landing gears are suspended by their up-latches. This is not correctable by normal rigging procedures. The Agency has not specified any one type of corrective action to meet the requirements of this paragraph. Corrective action may consist of operational procedures, or improvements in sealing of the main landing gear wheel well doors, or both.

Control of engine rotation. C–46 propeller feathering systems which conform to the type design and all applicable airworthiness directives meet the requirements of § 42.150.

Fuel system independence. C–46 fuel systems which conform to the type design and all applicable airworthiness directives also meet the requirements of § 42.151.

Induction system ice prevention. The C–46 carburetor anti-icing system meets the requirements of § 42.152 if the system conforms to the type design and all applicable airworthiness directives.

Carriage of cargo in passenger compartments. Section 42.153 is not applicable to nontransport category C–46 cargo airplanes.

Carriage of cargo in cargo compartments. A standard cargo loading and tiedown arrangement set forth in the operator's manual and found acceptable to the Administrator shall be used in complying with § 42.154. The standard "Logair" cargo loading configuration prescribed for C–46 airplanes meets the requirements of this section.

This proposal is subject to the FAA Recodification Program announced in Draft Release 61–25 (26 F.R. 10698). The final rule, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, it is proposed to amend Part 42 of the Civil Air Regulations, effective July 12, 1964, as hereinafter set forth;

1. By amending § 42.61 by adding a new paragraph (d) to read as follows:

(d) *C–46 cargo-only airplanes.* Notwithstanding the provisions of paragraph (b) of this section, a C–46 type airplane may be operated in cargo-only operations without certification in the transport category, if—

(1) It is certificated at a maximum gross takeoff weight not in excess of 48,000 pounds;

(2) It meets the requirements of § 42.90 using the performance data therefor specified in Appendix C of this part;

(3) It complies with the special airworthiness requirements as set forth in §§ 42.110 though 42.154 of this part, or in Appendix C;

(4) It is powered by a type and model engine specified in Appendix C of this part when certificated at a maximum gross takeoff weight in excess of 45,000 pounds;

(5) Each engine is equipped with an approved high-capacity oil pump and drive gears; and,

(6) Prior to each flight, each engine is serviced to a minimum of 25 gallons of oil.

2. By adding a new Appendix C to include the type of engines and special airworthiness requirements referred to herein and the performance data described below.

3. By making similar amendments to that proposed in items 1 and 2 to Parts 40 and 41.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on February 24, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

PERFORMANCE DATA

Performance data on Curtiss model C–46 airplane certificated for maximum weight of 45,000 and 48,000 pounds for cargo-only operations.

1. The following performance limitation data, applicable to the Curtiss model C–46 airplane for cargo-only operation, shall be used in determining compliance with §§ 42.91 through 42.94. These data are presented in the tables and figures of this Appendix.

TABLE 1—TAKEOFF LIMITATIONS

(a) Curtiss C–46 certificated for maximum weight of 45,000 pounds.

(1) "Effective length" of runway required when effective length is determined in accordance with section 42.5 (distance to accelerate to 93 knots TIAS and stop, with zero wind and zero (gradient). (Factor=1.00.)

Standard altitude in feet	Airplane weight in pounds		
	39,000	42,000	145,000
	Distance in feet		
S.L.	4,110	4,290	4,670
1,000	4,250	4,440	4,720
2,000	4,400	4,600	4,890
3,000	4,560	4,880	5,100
4,000	4,910	5,170	5,510
5,000	5,160	5,450	5,730
6,000	5,420	5,660	6,000
7,000	5,690	5,940	6,280
8,000	5,940	6,280	(1)

[1] Ref. Fig. 1(a)(2) for weight and distance for altitudes above 7,000'.

(2) Actual length of runway required when "effective length," considering obstacles, is not determined (distance to accelerate to 93 knots TIAS and stop, divided by the factor 0.85).

Standard altitude in feet	Airplane weight in pounds		
	42,000	44,000	46,000
	Distance in feet		
S.L.	3,870	3,990	4,190
1,000	3,990	4,120	4,320
2,000	4,140	4,260	4,470
3,000	4,290	4,420	4,630
4,000	4,450	4,580	4,800
5,000	4,610	4,750	4,980
6,000	4,780	4,920	5,160
7,000	4,950	5,100	5,350
8,000	5,130	5,280	5,540

[1] Ref. Fig. 1(b)(1) for weight and distance for altitudes above 6,000'.

(2) Actual length of runway required when "effective length," considering obstacles, is not determined (distance to accelerate to 93 knots TIAS and stop, divided by the factor 0.85).

Standard altitude in feet	Airplane weight in pounds		
	39,000	42,000	145,000
	Distance in feet		
S.L.	4,110	4,290	4,670
1,000	4,250	4,440	4,720
2,000	4,400	4,600	4,890
3,000	4,560	4,880	5,100
4,000	4,910	5,170	5,510
5,000	5,160	5,450	5,730
6,000	5,420	5,660	6,000
7,000	5,690	5,940	6,280
8,000	5,940	6,280	(1)

[1] Ref. Fig. 1(a)(2) for weight and distance for altitudes above 7,000'.

(b) Curtiss C–46 Certificated for maximum weight 48,000 pounds.

(1) "Effective length" of runway required when effective length is determined in accordance with section 42.5 (distance to accelerate to 93 knots TIAS and stop, with zero wind and zero gradient). (Factor=1.00)

Standard altitude in feet	Airplane weight in pounds		
	39,000	42,000	145,000
	Distance in feet		
S.L.	4,110	4,290	4,670
1,000	4,250	4,440	4,720
2,000	4,400	4,600	4,890
3,000	4,560	4,880	5,100
4,000	4,910	5,170	5,510
5,000	5,160	5,450	5,730
6,000	5,420	5,660	6,000
7,000	5,690	5,940	6,280
8,000	5,940	6,280	6,750

[1] Ref. Fig. 1(b)(1) for weight and distance for altitudes above 6,000'.

(2) Actual length of runway required when "effective length," considering obstacles, is not determined (distance to accelerate to 93 knots TIAS and stop, divided by the factor 0.85).

Standard altitude in feet	Airplane weight in pounds		
	39,000	42,000	145,000
	Distance in feet		
S.L.	4,830	5,060	5,570
1,000	5,000	5,290	5,740
2,000	5,170	5,410	6,100
3,000	5,470	5,740	6,470
4,000	5,770	6,080	6,830
5,000	6,070	6,410	7,200
6,000	6,380	6,740	7,570
7,000	6,690	7,070	(1)
8,000	6,990	7,410	(1)

[1] Ref. Fig. 1(b)(2) for weight and distance for altitudes above 6,000'.

TABLE 2—EN ROUTE LIMITATIONS

(a) Curtiss model C–46 certificated, for maximum weight of 45,000 pounds (based on a climb speed of 113 knots (TIAS)).

Weight (pounds)	Terrain clearance (feet) [1]	Blower setting
45,000	6,450	Low.
44,000	7,050	Do.
43,000	7,550	Do.
42,200	8,000	High.
41,000	9,600	Do.
40,000	11,000	Do.
39,000	12,300	Do.

[1] Highest altitude of terrain over which airplanes may be operated in compliance with § 42.92.

Ref. Fig. 2(a).

(b) Curtiss model C–46 certificated for maximum weight of 48,000 pounds or with

TABLE 3—LANDING LIMITATIONS

(a) Intended Destination.

"Effective length" of runway required for intended destination when effective length is determined in accordance with section 42.5 with zero wind and zero gradient.

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds. (0.60 factor.)

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots						
	40,000	V_{so}	42,000	V_{so}	44,000	V_{so}	45,000	V_{so}
	Distance in feet							
S.L.	4,320	86	4,520	88	4,700	90	4,800	91
1,000	4,440	86	4,620	88	4,890	90	4,930	91
2,000	4,550	86	4,750	88	4,990	90	5,100	91
3,000	4,670	86	4,880	88	5,200	90	5,190	91
4,000	4,920	86	5,140	88	5,290	90	5,420	91
5,000	5,040	86	5,270	88	5,600	90	5,600	91
6,000	5,170	86	5,410	88	5,650	90	5,700	91
7,000	5,310	86	5,560	88	5,800	90	5,900	91

[1] Steady approach speed through 60-foot height TIAS denoted by symbol V_{so}.

Ref. Fig. 3(a)(1).

(2) Curtiss model C–46 certificated for maximum weight of 48,000 pounds.[1] (0.60 factor.)

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots						
	42,000	V_{so}	44,000	V_{so}	46,000	V_{so}	48,000	V_{so}
	Distance in feet							
S.L.	3,870	80	3,990	82	4,190	84	4,740	88
1,000	3,990	80	4,120	82	4,320	84	4,880	88
2,000	4,140	80	4,260	82	4,470	84	4,920	88
3,000	4,290	80	4,420	82	4,630	84	5,110	88
4,000	4,450	80	4,580	82	4,800	84	5,220	88
5,000	4,610	80	4,750	82	4,980	84	4,440	88
6,000	4,780	80	4,920	82	5,160	84	4,660	88
7,000	4,950	80	5,100	82	5,350	84		
8,000	5,130	80	5,280	82	5,540	84		

[1] Steady approach speed through 60 height knots TIAS denoted by symbol V_{so}.

Ref. Fig. 3(a)(2).

[1] For use with Curtiss model C–46 airplanes when approved for this weight.

(b) Alternate Airports.

"Effective length" of runway required when effective length is determined in accordance with section 42.5 with zero wind and zero gradient.

(1) Curtiss model C-46 certificated for maximum weight of 45,000 pounds. (0.70 factor.)

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	40,000	V_{SR}	42,000	V_{SR}	44,000	V_{SR}	45,000	V_{SR}
	Distance in feet							
S.L.	3,700	86	3,860	88	4,030	90	4,110	91
1,000	3,800	86	3,960	88	4,140	90	4,220	91
2,000	3,900	86	4,070	88	4,250	90	4,340	91
3,000	4,000	86	4,180	88	4,360	90	4,450	91
4,000	4,110	86	4,290	88	4,470	90	4,560	91
5,000	4,210	86	4,400	88	4,590	90	4,680	91
6,000	4,330	86	4,510	88	4,710	90	4,800	91
7,000	4,430	86	4,630	88	4,840	90	4,930	91
8,000	4,550	86	4,750	88	4,970	90	5,060	91

[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{SR}.

Ref. Fig. 3(b)(1).

(2) Curtiss model C-46 certificated for maximum weight of 48,000 pounds.[1] (0.70 factor.)

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	42,000	V_{SR}	44,000	V_{SR}	46,000	V_{SR}	48,000	V_{SR}
	Distance in feet							
S.L.	2,890	80	3,000	82	3,110	84	3,220	86
1,000	2,960	80	3,070	82	3,180	84	3,280	86
2,000	3,040	80	3,150	82	3,260	84	3,360	86
3,000	3,110	80	3,220	82	3,340	84	3,440	86
4,000	3,180	80	3,300	82	3,410	84	3,520	86
5,000	3,260	80	3,380	82	3,500	84	3,610	86
6,000	3,330	80	3,460	82	3,580	84	3,700	86
7,000	3,420	80	3,540	82	3,670	84	3,800	86
8,000	3,500	80	3,630	82	3,760	84	3,900	86

[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{SR}.

Ref. Fig. 3(b)(2).

(c) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with section 42.5.

(1) Curtiss model C-46 certificated for maximum weight of 45,000 pounds. (0.55 factor.)

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	40,000	V_{SR}	42,000	V_{SR}	44,000	V_{SR}	45,000	V_{SR}
	Distance in feet							
S.L.	4,710	86	4,910	88	5,130	90	5,230	91
1,000	4,840	86	5,050	88	5,270	90	5,370	91
2,000	4,960	86	5,180	88	5,410	90	5,510	91
3,000	5,090	86	5,320	88	5,550	90	5,660	91
4,000	5,230	86	5,460	88	5,700	90	5,810	91
5,000	5,360	86	5,600	88	5,850	90	5,960	91
6,000	5,500	86	5,740	88	6,000	90	6,110	91
7,000	5,640	86	5,900	88	6,170	90	6,280	91
8,000	5,790	86	6,050	88	6,340	90	6,450	91

[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{SR}.

Ref. Fig. 3(c)(1).

[1] For use with Curtiss model C-46 airplanes when approved for this weight.

(2) Curtiss C-46 certificated for maximum weight of 48,000 pounds.[1] (0.55 factor.)

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in knots							
	42,000	V_{SR}	44,000	V_{SR}	46,000	V_{SR}	48,000	V_{SR}
	Distance in feet							
S.L.	3,680	80	3,820	82	3,960	84	4,090	86
1,000	3,770	80	3,910	82	4,050	84	4,180	86
2,000	3,860	80	4,000	82	4,140	84	4,280	86
3,000	3,960	80	4,090	82	4,240	84	4,380	86
4,000	4,050	80	4,190	82	4,340	84	4,490	86
5,000	4,150	80	4,290	82	4,450	84	4,600	86
6,000	4,240	80	4,400	82	4,560	84	4,710	86
7,000	4,350	80	4,510	82	4,670	84	4,840	86
8,000	4,450	80	4,620	82	4,790	84	4,960	86

[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol V_{SR}.

Ref. Fig. 3(c)(2).

CURTISS C-46 MODELS

Certificated for maximum weight of 45,000 pounds.
Takeoff limitation. Zero wind and zero gradient.
Based on effective takeoff length. (1.00 factor.)
CAR 42.91.

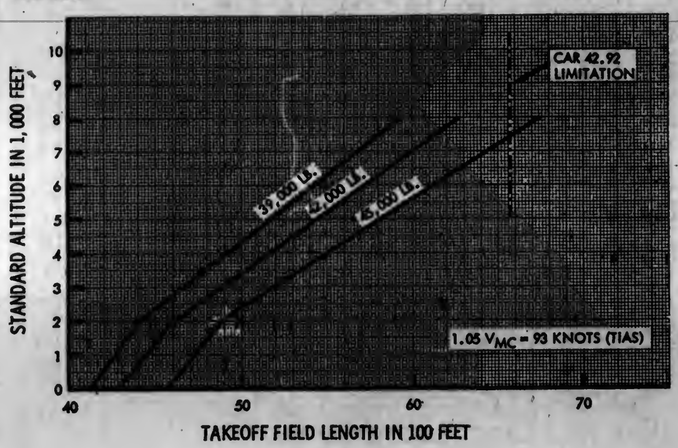
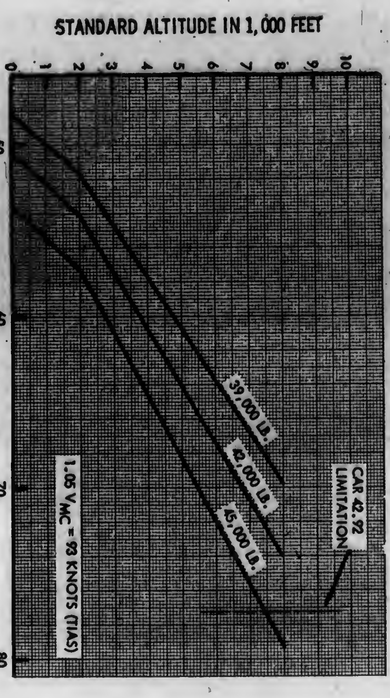


FIGURE 1(a)(1).

Reference Table 1(a)(1).

CURTISS C-46 MODELS

Certificated for maximum weight of 45,000 pounds.
Takeoff limitation. Zero wind and zero gradient.
Based on actual takeoff length when effective length is not determined. (0.85 factor.)

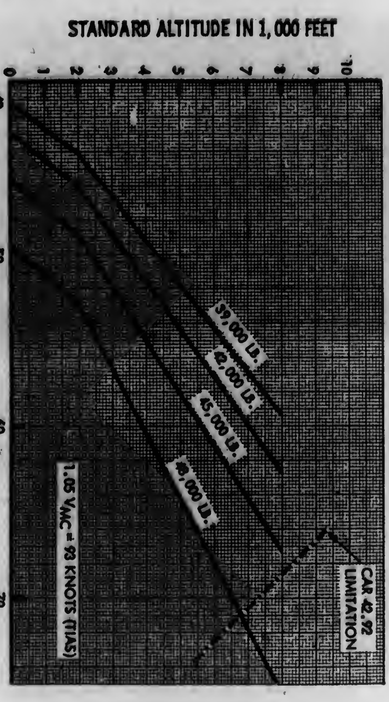


Reference Table 1(a)(2).

FIGURE 1(a)(2).

CURTISS C-46 MODELS

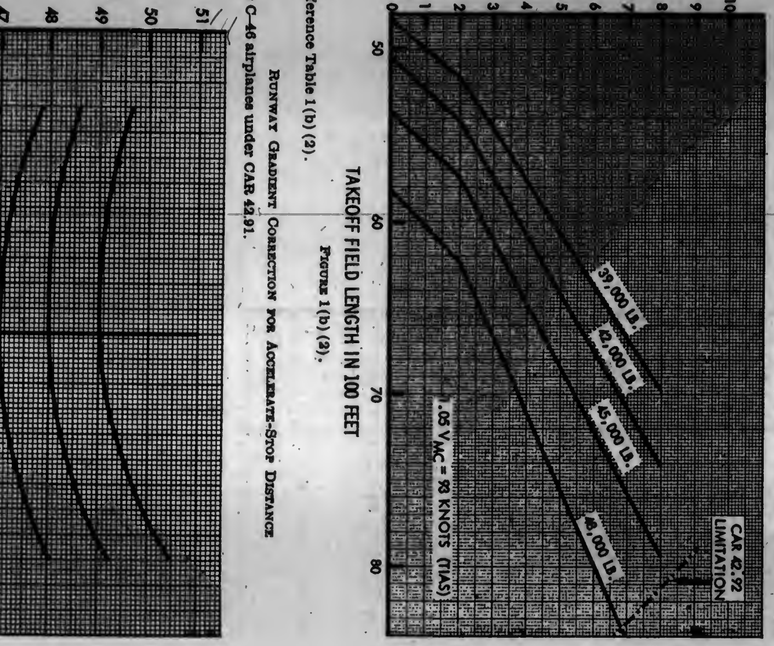
Certificated for maximum weight of 48,000 pounds.
Takeoff limitation. Zero wind and zero gradient.
Based on effective takeoff length. (1.00 factor.)
CAR 42.91.



Reference Table 1(b)(1).

FIGURE 1(b)(1).

Certificated for maximum weight of 48,000 pounds.
Takeoff limitation. Zero wind and zero gradient.
Based on actual takeoff length when effective length is not determined. (0.85 factor.)



Reference Table 1(b)(2).

FIGURE 1(b)(2).

RUNWAY GRADIENT CORRECTION FOR ACCELERATE-STOP DISTANCE

For C-46 airplanes under CAR 42.91.

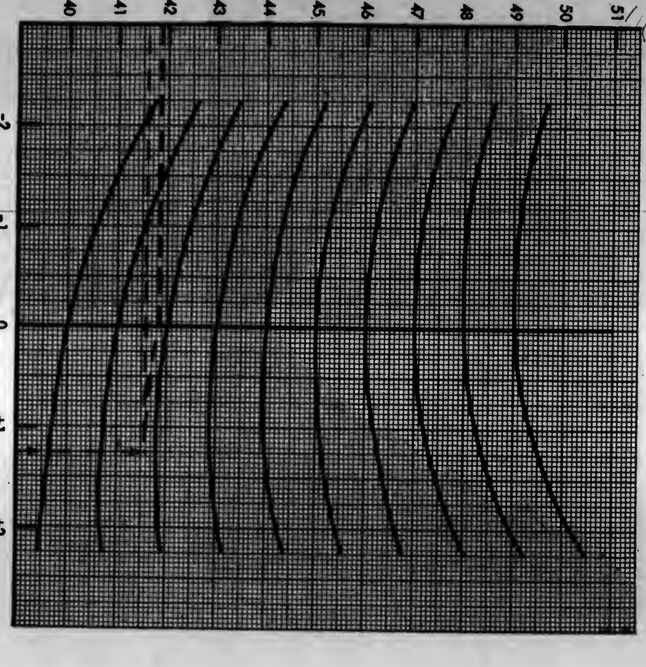


FIGURE 1(c).

January 27, 1964.

CURTISS C-46 MODELS

En route limitations—One engine inoperative.
CAR 42.92.

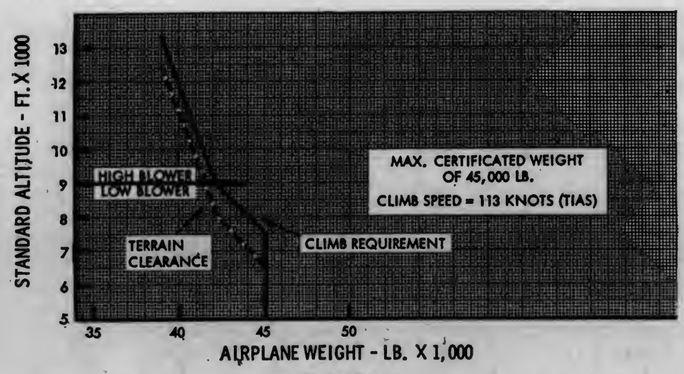


FIGURE 2(a).

Reference Table 2(a).

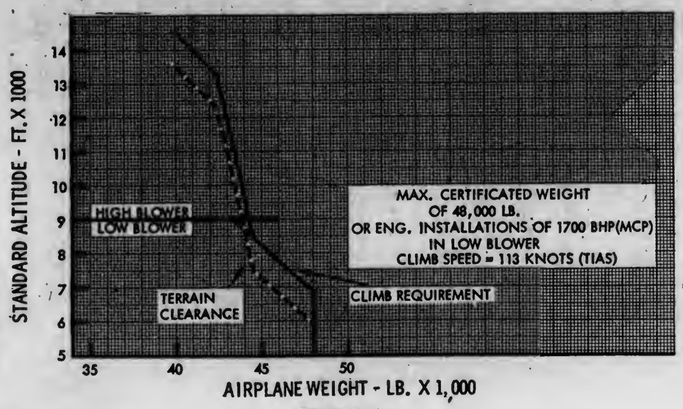


FIGURE 2(b).

Reference Table 2(b).

C-46 MAXIMUM CERTIFICATED WEIGHT 48,000 POUNDS

Drift-Down Chart CAR 42.92.
Single engine en route operation R2800-51 MI engines.
METO power on operating engine. T.I.A.S. = 130 mph or 112.7 knots.



FIGURE 2(c).

C-46 Maximum Certificated Weight 48,000 Pounds

En route climb summary.

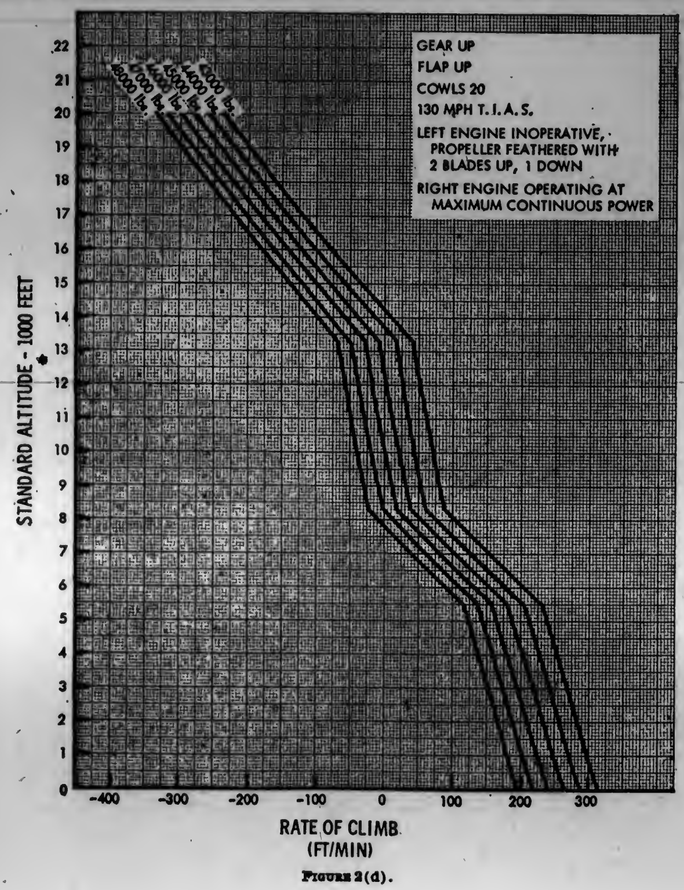


Figure 2(d).

Curtiss C-46 Models

Certificated for maximum weight of 45,000 pounds.
Landing limitations. Zero wind and zero gradient.
Based on effective landing length at intended destination. (0.60 factor.)
CAR 42.93.

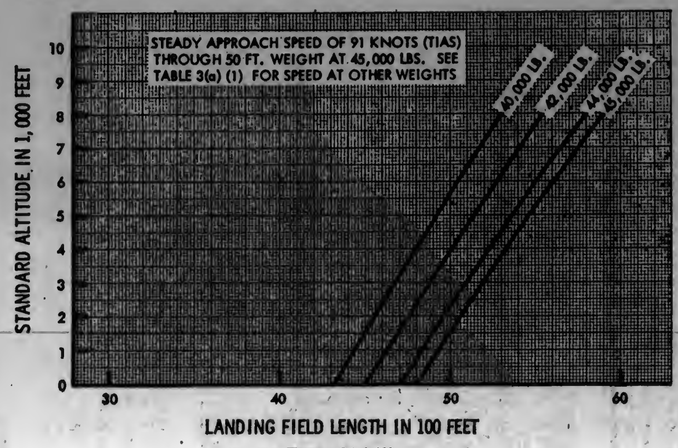


Figure 3(a)(1).

Curtiss C-46 Models

Certificated for maximum weight of 48,000 pounds.
Landing limitations. Zero wind and zero gradient.
Based on effective landing length at intended destination. (0.60 factor.)
CAR 42.93.

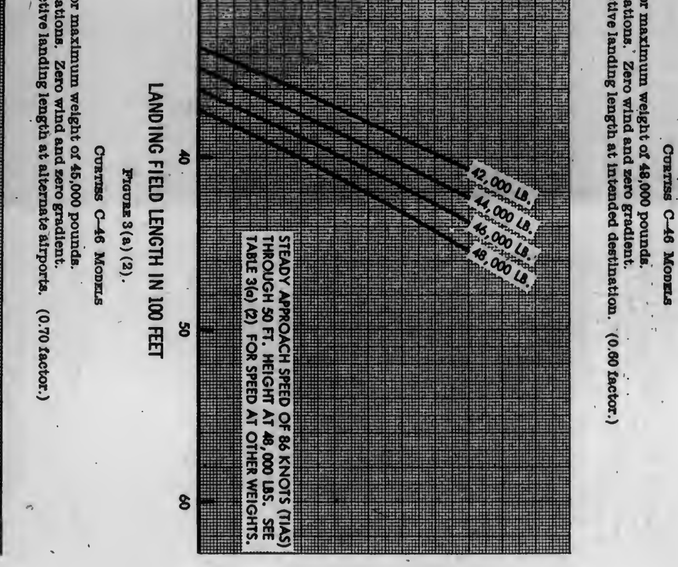


Figure 3(a)(2).

Curtiss C-46 Models

Certificated for maximum weight of 45,000 pounds.
Landing limitations. Zero wind and zero gradient.
Based on effective landing length at alternate airports. (0.70 factor.)
CAR 42.94.

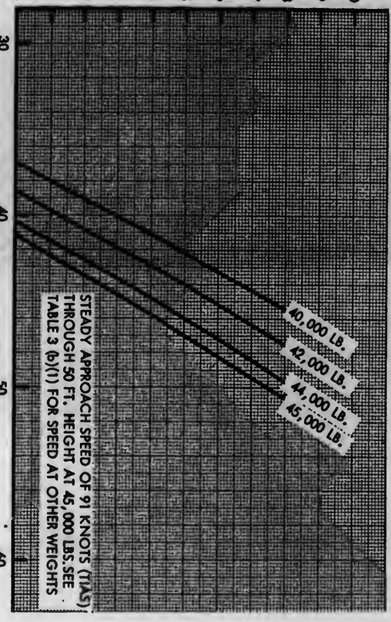


Figure 3(b)(1).

CURTISS C-46 MODELS

Certificated for maximum weight of 48,000 pounds.
Landing limitations. Zero wind and zero gradient.
Based on effective landing length at alternate airports. (0.70 factor.)
CAR 42.94.

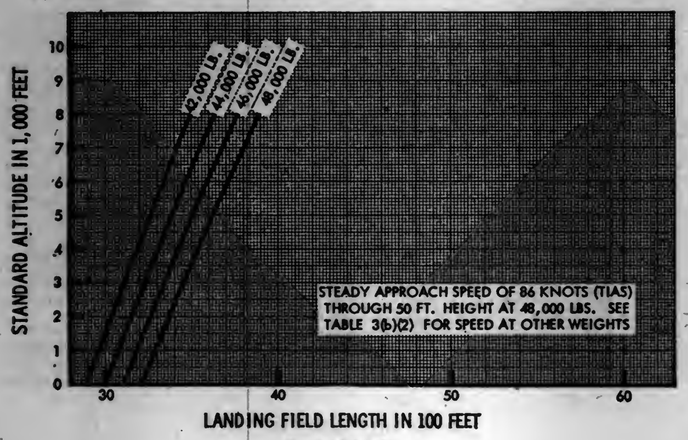


FIGURE 3(b)(2).

CURTISS C-46 MODELS

Certificated for maximum weight of 45,000 pounds.
Landing limitations. Zero wind and zero gradient.
Based on actual landing length when effective length is not determined. (0.55 factor.)

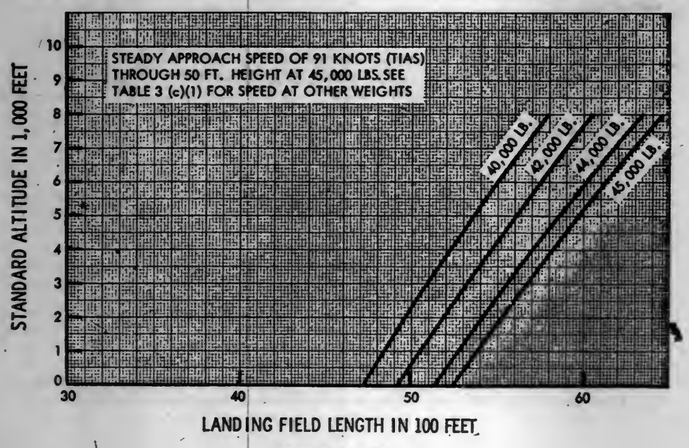


FIGURE 3(c)(1).

CURTISS C-46 MODELS

Certificated for maximum weight of 48,000 pounds.
Landing limitations. Zero wind and zero gradient.
Based on actual landing length when effective length is not determined. (0.55 factor.)

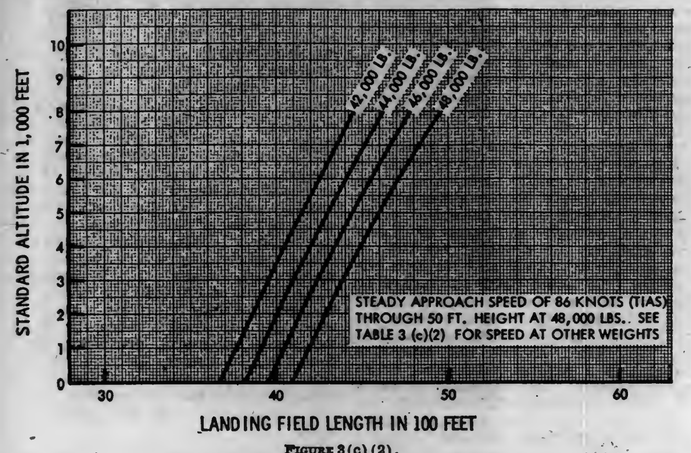


FIGURE 3(c)(2).

[F.R. Doc. 64-1885; Filed, Feb. 28, 1964; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

UNITED STATES SEDIMENT STANDARDS FOR MILK AND MILK PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the issuance as hereinafter proposed, of additions to the United States Sediment Standards for Milk and Milk Products, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposal to issue additional United States sediment standards for milk. Sediment testing of milk has been a measure of quality ever since milk has been processed in commercial plants. It has been used by industry in quality improvement work as well as by regulatory agencies as a basis for rejecting unsatisfactory milk. During the years many attempts have been made by various individuals, and regulatory agencies to standardize the methods and techniques. As a result, several different standard charts have been developed by the dairy industry, State and Federal agencies.

In November 1949, the U.S. Department of Agriculture promulgated United States Sediment Standards for Milk and Milk Products in an effort to develop more uniformity in regulatory and quality improvement work. (7 CFR § 58.-2726.) These standards have served a useful purpose and will continue to do so. However, there is a need for greater uniformity and wider acceptance of uniform standards. Also with the advent of farm bulk tanks the character of sediment in milk and methods of making the test have changed.

For these reasons the National Association of State Departments of Agriculture and others urged the U.S. Department of Agriculture to take the leadership in developing additional standards which could be used uniformly by Federal, State and local agencies as well as by the dairy industry.

After considerable work by the Dairy Division, Agricultural Marketing Service, a series of standard sediment discs were prepared and photographed. A meeting was called by the Department in February 1962, with representatives of several groups who were interested in the subject. Those present represented the National Association of State Departments of Agriculture, International Association of Milk, Food and Environmental Sanitarians, American Public Health Association, U.S. Food and Drug Administration, U.S. Public Health Service, and of the National dairy trade associations representing different segments of the dairy industry.

There was general agreement that more uniformity in sediment standards was desirable, that additional standards, particularly for bulk milk in tanks were needed, and that the U.S. Department of Agriculture should proceed to do further development work as proposed. This was done and another meeting was held by the group on May 23, 1963. At that meeting the group reached an agreement as to the character and quantities of sediment to show on each disc and the number of discs required to serve the needs of all agencies. The Dairy Division proposed that the Standards be published as U.S. Sediment Standards for Milk and Milk Products prepared in cooperation with the U.S. Food and Drug Administration and the American Public Health Association, for the purpose of obtaining the widest possible acceptance of the standards by all regulatory and service agencies and groups. The proposal was unanimously adopted.

All persons who desire to submit written data, views or arguments in connection with these proposed standards should file the same with the Chief, Standardization Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Federal Center Building, Hyattsville, Maryland, 20781, not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed additions to the Standards are as follows:

Subpart T—United States Sediment Standards for Milk and Milk Products

§ 58.2728 United States sediment standards for milk and milk products: six 1⅛" diameter filtering area (coarse sediment).[1]

(a) The standards contained in this section consist of six (6) sediment discs prepared as hereinafter indicated, each of which is numbered consecutively 0 to 5 representing one of the following amounts of sediment on a 1⅛" diameter filtering area.

0—0.0 mg.
1—0.5 mg.
2—1.5 mgs.
3—2.5 mgs.
4—3.0 mgs.
5—6.0 mgs.

(b) Each sediment disc was prepared from "coarse" sediment in accordance with the procedure set forth in paragraph 15.06 of "Standard Methods for the Examination of Dairy Products," Eleventh Edition 1960, published by the American Public Health Association, 1790 Broadway, New York, New York. To facilitate the use and availability of these standards, a composite photograph of the six (6) sediment discs is attached hereto and made a part hereof.

§ 58.2729 United States sediment standards for milk and milk products: three 1⅛" diameter filtering area (coarse sediment).[1]

The standards contained in this section are those most commonly used for the examination of raw milk by the "off-the-bottom method," and are the same three (3) sediment discs numbered as 1, 2 and 3 showing 0.5 mg., 1.5 mgs. and 2.5 mgs. of sediment, respectively, as designated in § 58.2728. To facilitate the use and availability of these standards, a composite photograph of these three (3) sediment discs is attached hereto and made a part hereof.

§ 58.2730 United States sediment standards for milk and milk products: six 0.40" diameter filtering area (fine sediment).[1]

(a) The standards contained in this section consist of six (6) sediment discs

[1] Filed as part of the original document.

prepared as hereinafter indicated, each of which is numbered 0 to 5 representing one of the following amounts of sediment on a 0.40 inch diameter filtering area and is equivalent to the respective amounts of sediment on the 1⅛ inch diameter filtering area as described in section 58.2728:

0—0.0 mg. (0.0 mg. equivalent)
1—0.0625 mg. (0.5 mg. equivalent).
2—0.1875 mg. (1.5 mgs. equivalent)
3—0.3125 mg. (2.5 mgs. equivalent)
4—0.3750 mg. (3.0 mgs. equivalent)
5—0.7500 mg. (6.0 mgs. equivalent)

(b) Each sediment disc was prepared from "fine" sediment in accordance with the procedure set forth in paragraph 15.07 of "Standard Methods for the Examination of Dairy Products," Eleventh Edition 1960. To facilitate the use and availability of these standards, a composite photograph of the six (6) sediment discs is attached hereto and made a part hereof.

§ 58.2731 United States sediment standards for milk and milk products; three 0.40" diameter filtering area (fine sediment).[1]

The standards contained in this section are those most commonly used for the examination of raw milk by the "stirred sample method" and are the same three (3) sediment discs numbered as 1, 2 and 3 showing 0.0625 mg., 0.1875 mg. and 0.3125 mg. of sediment, respectively, as designated in § 58.2730. To facilitate the use and availability of these standards, a composite photograph of these three (3) sediment discs is attached hereto and made a part hereof.

Copies of the photographs of any of the sediment standards may be obtained for a nominal fee from the Photography Division, Office of Information, U.S. Department of Agriculture, Washington, D.C., 20250.

Done at Washington, D.C., this 25th day of February 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-1985; Filed, Feb. 28, 1964; 8:48 a.m.]

[1] Filed as part of original document.

[7 CFR Part 81]

EXEMPTION OF CERTAIN HUMAN FOOD PRODUCTS WHICH CONTAIN POULTRY

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that a petition has been filed with this Department by a poultry soup manufacturer proposing that § 81.208 of the regulations (7 CFR 81.208) under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) be amended as indicated below, and the proposal is being considered in this Department. The petition proposed that § 81.208 of the regulations be amended so that the introductory paragraph and paragraph (a) would read as follows:

§ 81.208 Exemption of certain human food products which contain poultry.

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided*, That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(a) Any food product (in a consumer package) not otherwise provided for in this section, which (1) contains less than 10 percent cooked poultry skins, giblets, fat or meat (deboned white or dark poultry meat, or both), separately or in any combination; (2) contains less than 2 percent poultry meat; and (3) does not use the kind name (such as chicken or turkey) in the product name, does not otherwise purport to be a product for which the meat content is specified in § 81.134(c), and is not otherwise labeled in a manner misleading as to meat content. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product, when prepared in accordance with the serving directions on the consumer package.

This proposal would leave in the Department of Agriculture responsibility for regulating the labeling as to the product name and the poultry meat content of the otherwise exempted products.

Notice is further given that an alternative proposal, pursuant to the act, is also under consideration in the Department. This proposal would amend the introductory portion and paragraph (a) of § 81.208 to read as follows:

§ 81.208 Exemption of certain human food products which contain poultry.

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act, when the conditions set forth herein are met:

(a) Any food product (in a consumer package) not otherwise provided for in this section, which (1) contains less than 10 percent cooked poultry skins, giblets, fat or meat (deboned white or dark poultry meat, or both) separately or in any combination, and (2) contains less than two percent poultry meat. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared in accordance with the serving directions on the consumer package.

Under this proposal, regulatory authority, including responsibility for labeling and wholesomeness, with respect to the exempted products would be in the Department of Health, Education, and Welfare under the Federal Food, Drug and Cosmetic Act.

These proposals are related to the proposal published in the FEDERAL REGISTER (28 F.R. 11017) on October 15, 1963 to establish a minimum poultry meat content requirement for soup which contains poultry and bears an unqualified reference to the kind of poultry in the product name of the soup and which is a poultry product under the Act (i.e., not exempted by § 81.208). An oral public hearing is scheduled (28 F.R. 14432; 29 F.R. 530) to be held on the minimum poultry meat content proposal, beginning at 10:00 a.m., on March 23, 1964 in room 218-A, Administration Building, United States Department of Agriculture, 12th-14th Streets and Independence Avenue SW., Washington, D.C. The scope of this hearing is hereby extended to include consideration of the proposed amendments of § 81.208 of the regulations set forth above with respect to exemption of certain products containing poultry. Interested persons who wish to submit any data, views, or arguments with respect to the proposed amendments of § 81.208 may do so at the hearing, or they may file such data, views and arguments with the Chief, Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, not later than March 31, 1964.

Done at Washington, D.C., this 26th day of February 1964.

G. R. GRANGE,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 64-1986; Filed, Feb. 28, 1964; 8:48 a.m.]

[7 CFR Part 989]

[Docket No. AO 198-A 5]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendments of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900), notice is hereby given of a public hearing to be held in the tenth floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, California, beginning at 9:30 a.m., P.s.t., March 11, 1964, with respect to proposed amendments of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendments hereinafter set forth, and to any appropriate modifications thereof.

The Raisin Administrative Committee, the administrative agency established

pursuant to the marketing agreement, as amended, and order, as amended (hereinafter referred to as the marketing agreement and order), has proposed the following amendments and has requested a hearing thereon:

1. Amend § 989.14 and any other pertinent provisions of the marketing agreement and order so as to permit any producer to clean his raisins with water, and to otherwise recondition within limits his raisins without becoming a handler by reason of doing so.

2. Amend § 989.14 and any other pertinent provisions of the marketing agreement and order so as to permit groups of producers, acting cooperatively, to recondition their own raisins without becoming handlers to the same extent that any individual producer may do so without becoming a handler.

3. Amend §§ 989.14, 989.15, 989.17, 989.58, 989.80, and any other pertinent provisions of the marketing agreement and order so as to define a class of handlers who recondition raisins but do not acquire such raisins, and so as to specify which provisions of the marketing agreement and order, as proposed to be amended, shall apply to such handlers.

4. Amend § 989.15 by redesignating (c) thereof as (d) and by adding a new (c) to read: "(c) any person who ships or delivers off-grade raisins into non-normal outlets."

5. Delete § 989.52(c).

6. Revise § 989.58(a) to read as follows:

(a) *Regulation.* No handler shall acquire or receive natural condition raisins which fail to meet the minimum grade and condition standards as set forth in § 989.97 (Exhibit B) or as later changed and then in effect: *Provided*, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning pursuant to paragraph (e) of this section, and may receive off-grade raisins for the account of the committee: *And provided further*, That nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade and condition standards are not applicable or then in effect pursuant to this part.

7. Revise the first sentence of § 989.58 (d)(1) to read as follows: "Each handler shall cause an inspection and certification as to compliance with minimum grade and condition standards to be made of all natural condition raisins acquired or received by him, except with respect to: (i) An inter-plant or inter-handler transfer of free tonnage raisins as described in § 989.59(e); (ii) raisins received from a dehydrator which have previously been inspected pursuant to subparagraph (2) of this paragraph; (iii) any raisins for which minimum grade and condition standards are not then in effect; and (iv) off-grade raisins tendered for disposition as such."

8. Revise § 989.58(e) to read as follows:

(e) *Off-grade raisins.* (1) All off-grade raisins, unless disposed of by the producer on his premises or until successfully reconditioned, shall be, upon delivery, off-grade pool tonnage. Such off-grade pool (or pools if justified by tonnage of differing values) shall be separate from the surplus tonnage raisins resulting from applying the surplus percentage to standard raisins. No handler shall ship or deliver off-grade raisins to other than the committee or its designee(s) for reconditioning or disposition in appropriate outlets for such raisins. Off-grade raisins delivered to the committee or its designee(s) shall be disposed of by the committee in specified outlets and the proceeds returned pro rata, after deduction of committee costs, to equity holders: *Provided*, That with respect to off-grade lots determined to be reconditionable, the committee may enter into agreements with handlers as to reconditioning rates and practices and permit direct settlement with the producers by any handler executing such agreement. Notwithstanding the foregoing, any lot of off-grade raisins may, promptly after inspection and if unstemmed, be returned to the person tendering the raisins.

(2) Each handler shall, while holding any off-grade raisins, store them separate and apart from other raisins and the off-grade raisins shall be stored in accordance with disposition and reconditioning categories. The committee, with the approval of the Secretary, may prescribe rules and procedures for the storage of the raisins and compensation to handlers for functions set forth in § 989.66(f) when performed with respect to off-grade raisins.

(3) If a handler is to acquire the raisins after they are reconditioned, his obligation with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. If, after such reconditioning, such raisins meet the minimum standards but are no longer natural condition raisins, the handler who acquires such raisins shall meet his surplus and reserve tonnage obligations from natural condition standard raisins acquired by him. Any off-grade raisins (including stemmer waste and raisin offal) accumulated as a final residual by a handler in reconditioning raisins shall, during or after reconditioning has been completed, be disposed of by the handler, consistent with his reconditioning agreement with the committee.

(4) The committee shall establish, with the approval of the Secretary, such additional rules and procedures as may be necessary to insure adequate control of off-grade raisins, including, but not limited to, the reconditioning of off-grade raisins, the disposition and use of unsuccessfully reconditioned raisins, and the disposition and use of residual matter from reconditioning operations.

9. Consider whether the operation of the proposed off-grade raisin pool and its accompanying reconditioning provisions should be mandatory, or optional at the discretion of the committee and the Secretary, for each crop year, or any portion thereof, and, if optional, how the marketing agreement and order should be amended to provide for dealing with off-grade raisins in the absence of an off-grade pool.

10. Consider whether the proposed plan for an off-grade raisin pool is within the meaning of the provisions of § 989.61 and should be operative in above-parity situations.

11. Amend §§ 989.58(e)(4) and 989.66 (a) and (b), and any other pertinent provisions of the marketing agreement and order so as to authorize the committee to permit handlers to use raisins, in addition to standard natural condition raisins, in meeting their reserve and surplus tonnage obligations, and provide for prescribing the specifications for such additional raisins when so used and the conditions and safeguards applicable to such use.

12. Amend § 989.59(f) by revising the heading to read "Disposition of failing raisins." and by deleting the first sentence and substituting therefor the following two sentences: "Any failing raisins (including stemmer waste and raisin offal) accumulated by a handler by removing them from standard raisins or by the reconditioning of off-grade raisins and any raisins acquired as standard raisins by a handler which do not meet the applicable grade and condition standards for shipment or final disposition as raisins, shall be disposed of or marketed, without further inspection, in such non-normal outlets as the committee may prescribe, with the approval of the Secretary, for each category of off-grade material: *Provided*, That this shall not preclude a packer from recovering raisins from such accumulations or acquisitions. Any such failing raisins (including residual material such as stemmer waste and raisin offal), accumulated by a handler from reconditioning off-grade raisins, in excess of the industry-wide normal percentage of weight loss from processing of standard raisins, as determined for each varietal type by the committee with the approval of the Secretary, shall be off-grade pool tonnage if not already such."

13. Strike the period at the end of the first sentence of § 989.79 and add to such sentence "and for such other purposes as he determines to be appropriate."

14. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from this hearing.

Copies of this notice may be obtained from the field offices of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, either at 2082 Center Street, Room 416, Mercantile Building, Berkeley, California, 94704, or at 3525 East Tulare Street, Fresno, California, 93702, or at the offices of the Raisin Administrative Committee, 606 East Belmont Avenue, Fresno, California, 93720.

Dated: February 26, 1964.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 64-1987; Filed, Feb. 28, 1964; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 11, 21]

[Docket Nos. 14895, 15233; FCC 64-128]

MICROWAVE STATIONS TO RELAY TELEVISION SIGNALS TO COMMUNITY ANTENNA SYSTEMS

Notice of Proposed Rule Making

In the matters of amendment of Subpart L, Part 11, to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment to Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission has before it for consideration the motion for an extension of time for filing comments in the above-entitled proceedings, filed by the National Association of Microwave Common Carriers, Inc. (NAMCC). NAMCC asserts that it is a new association representing the group most directly involved in Docket No. 15233, and that the extension of time would enable it to file comprehensive comments which would be of material assistance to the Commission. Further, NAMCC alleges that the requested extension of time would have no adverse effects since no further grants are being made in these services, absent the voluntary acceptance of the proposed conditions by the applicants. Accordingly, NAMCC requests that the time for filing comments be extended from February 24, 1964 to April 28, 1964, and that the time for filing reply comments be extended from March 16, 1964 to May 28, 1964. The National Community Television Association, Inc. (NCTA) filed a petition in support of the motion by NAMCC. NCTA states that it will not be practicable to submit the very extensive data which it is preparing by February 24, 1964, particularly in view of the amount of time which counsel for the Association has had to devote to conferences with the Commission concerning proposed legislation affecting CATV systems.

The Commission has previously indicated its concern with obtaining complete and meaningful comments in these proceedings, as well as with receiving such comments at the earliest practicable date. Pending resolution of the important issues here involved, we have, in effect, a "freeze" on the grant of authorizations in these services. For only when an applicant agrees voluntarily to accept the proposed conditions will an authorization be granted. Further, as we have stated, this interim procedure "is not designed nor intended to hold hearings to resolve particular issues arising in the various factual situations since such issues, in our judgment, should be resolved only when the applicable policy guidelines have been established (i.e., when these rule-making proceedings have been concluded)." See footnote 7 of the Commission's notice in this proceeding. In these circumstances, we believe that the public interest requires us to expeditiously resolve the rule-making proceedings.

Based upon our consideration of all factors, we have therefore determined that the public interest would best be served by extending the date for filing comments to March 16, 1964 and the date for reply comments until April 6, 1964.

Accordingly it is ordered, That the date for filing comments in the above-entitled proceedings is extended to on or before March 25, 1964 and the date for filing reply comments is extended to on or before April 14, 1964.

Released: February 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1989; Filed, Feb. 28, 1964; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 15341 etc.; FCC 64-146]

(FM BROADCAST STATIONS), LAWRENCEVILLE, ILL., ET AL.

Table of Assignments

In the matter of amendment of § 73.202, Table of Assignments (FM Broadcast Stations), Lawrenceville, Ill.; Ishpeming and Marquette, Mich.; Beattyville, Ky.; Twenty-nine Palms and Apple Valley, Calif.; Farmville and New Bern, N.C.; Kingston and State College, Pa.; Junction City, Kansas; Grand Island and Superior, Nebr; Docket No. 15341, RM-546, RM-547, RM-548, RM-550, RM-510, RM-552, RM-557, RM-558.

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. The Commission has before it for consideration several petitions for rule making proposing amendments in the FM Table of Assignments as discussed below:

3. RM-510. Lawrenceville, Ill. On October 16, 1963, Lawrenceville Broadcasting Company, licensee of radio Station WAKO, Lawrenceville, Illinois, filed a petition requesting rule making so as to assign an FM channel to Lawrenceville, a community of 5,492 population and not now listed in the Table. As amended on January 21, 1964, this petition requests the assignment of Channel 276A without any other changes in the Table. Petitioner urges that Lawrenceville is an important trade, industrial and retail center for the entire county; that the assignment meets all the requirements of the rules; and that it will construct and operate an FM station in the area in the event the assignment is finalized.

4. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Lawrenceville, Ill.	----------	276A

5. RM-546. Ishpeming and Marquette, Mich. On December 9, 1963, Ishpeming Broadcasting Company, licensee of radio Station WJPD, Ishpeming, Michigan, filed a petition requesting the reassignment of Channels 222 and 239 from Marquette to Ishpeming and the reassignment of Channels 261A and 296A from Ishpeming to Marquette. Petitioner states that it wishes to establish a large FM station to serve the area and that moving the Class C assignments from Marquette to Ishpeming would permit a much larger area to be served.

6. The Commission is of the view that rule making should be instituted in the matter but does not believe that it would be warranted in proposing to remove both Class C assignments from Marquette since it's the larger of the two communities. It is therefore inviting comments on the following:

City	Channel No.	
	Present	Proposed
Ishpeming, Mich.	261A, 296A	222, 296A
Marquette, Mich.	222, 239	239, 261A

7. RM-547. Beattyville, Ky. On December 26, 1963, Forest Drake, prospective applicant for an FM station in Beattyville, filed a petition requesting the assignment of Channel 272A to this community. Petitioner submits that the proposal meets all the rules; that it would not preclude the assignment of a channel elsewhere; and that he will file an application for the assignment if made final.

8. The Commission is of the view that rule making should be instituted and invites comments on the following:

City	Channel No.	
	Present	Proposed
Beattyville, Ky.	----------	272A

9. RM-548. Twenty-nine Palms and Apple Valley, Calif. On December 30, 1963, Hi-Desert Broadcasting Corporation, permittee of FM Station KDHI on Channel 237A at Twenty-nine Palms, filed a petition requesting the assignment of Channel 239 to Twenty-nine Palms in lieu of Channel 237A and the substitution of Channel 272A for Channel 240A at Apple Valley. Petitioner also requests that the Commission order it to show cause why its permit should not be modified to specify Channel 239 in lieu of 237A. Petitioner urges that a Class B assignment is necessary to cover the area with its scattered rural population; that this area does not have a fulltime AM facility; that it would not be feasible to have each of the towns in the general area support a Class A station; and that the proposal is entirely feasible. It submits that the proposed change in Apple Valley is necessary in order to provide flexibility in selecting a site for the proposed Class B station.

10. The Commission is of the view that rule making should be instituted on the proposal made by petitioner. If it is determined that the amendments proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to the outstanding authorization for Station KDHI. We accordingly defer action on petitioner's request for the issuance of an Order to Show Cause. Comments are invited on the following:

City	Channel No.	
	Present	Proposed
Apple Valley, Calif.	240A	272A
Twenty-nine Palms, Calif.	237A	239

11. RM-550. Farmville and New Bern, N.C. On December 31, 1963, Farmville Broadcasting Company, licensee of radio Station WFAG, Farmville, filed a petition requesting the assignment of Channel 232A to Farmville by deleting it from New Bern and assigning Channel 252A to New Bern upon the deletion of Channel 253 from Grifton, North Carolina. The licensee of WITN-FM on Channel 253 at Grifton has an application on file with the Commission for a change in assignment and since Channel 253 is presently short-spaced, it will be removed from the Table of Assignments on the Commission's own motion in this proceeding.[1] Petitioner submits that Farmville, a community of 5,000 population does not have an FM assignment or a nighttime AM facility; that the proposed changes meet the requirements of the rules; and that it would provide a much needed broadcast service to the area.

12. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Farmville, N.C.	----------	232A
Grifton, N.C.	253	----------
New Bern, N.C.	232A	252A

13. RM-552. State College, Pa. On December 31, 1963, Suburban Broadcasting Corporation, licensee of radio Station WRSC, State College, Pennsylvania, filed a petition requesting the asignment of 244A to State College by substituting Channel 292A for 244A at Huntingdon. Petitioner points out that in the Third Report the Table of Assignments assigned both Channels 244A and 276A to State College; that subsequently Channel 244A was deleted from State College in order to replace Channel 224A by 244A in Huntingdon; that in another petition, RM-513, an interested party has suggested that Channel 244A be deleted from Huntingdon and that this would again make it available for State College. Petitioner urges that State College is a growing market, a leading educational center in Pennsylvania, that the total population of the area is 45,000 and therefore warrants the assignment of two Class A FM channels.

14. The Commission is of the view that the proposal warrants rule making and invites comments on the following:

City	Channel No.	
	Present	Proposed
Huntingdon, Pa.	244A	292A
State College, Pa.	276A	244A, 276A

15. RM-557 Kingston, Pa. On January 16, 1964, Leo Korlishin, prospective applicant for an FM station in Kingston, filed a petition requesting the assignment of Channel 276A to Kingston, without any other changes in the Table. Petitioner urges that although Kingston is near Wilkes-Barre and gets service from this and other cities, it does not have any broadcast facilities of its own; that it is a separate community of 20,261 persons, and that the proposed assignment meets all the rules.

16. The Commission believes that rule making should be instituted on the proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Kingston, Pa.	----------	276A

17. RM-558 Junction City, Kans. On January 20, 1964, Junction City Broadcasting Co., licensee of radio Station KJCK, Junction City, filed a petition requesting the assignment of Class C Channel 233 to Junction City by substituting Channel 268 for 233 at Grand Island and Channel 280A for 265A at Superior, Nebraska. Petitioner submits that there is no nighttime radio facility in all of Gaery, Morris or Clay Counties and that the only FM assignment in Junction City is a Class A channel. It urges that a Class C assignment is needed to adequately cover the area needing service; that it would provide nighttime service to the 18,700 persons in Junction City and the 22,000 persons in adjacent Ft. Riley; that the area is a large rural one not close to any metropolitan area; and that the proposal meets the requirements of the rules without depriving any community of an assignment.

18. The Commission is of the view that rule making should be instituted on this proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Junction City, Kans.	252A	233, 252A
Grand Island, Nebr.	233	268
Superior, Nebr.	265A	280A

19. In addition to the above proposals made by interested parties, we wish to make two changes in the Table of Assignments on our own motion. Channel 240A is assigned to Beloit, Wisconsin, but cannot be used there because of short-spacing with another assignment. Comments are therefore invited on the following proposal:

City	Channel No.	
	Present	Proposed
Beloit, Wis.	240A	237A

Channel 237A would have to utilize a site a few miles west of the city to meet the required spacing to Station WLIP-FM on Channel 236 at Kenosha, Wisconsin.

20. FM Station KAEI at Dallas, Texas, was authorized on Channel 238. However, on October 1, 1963, this authorization was deleted. Since Channel 238 at Dallas is very short-spaced with the same channel at Waco, Texas, it must be deleted from the Table. Comments are invited on the following:

City	Channel No.	
	Present	Proposed
Dallas, Tex.	223, 238, 250, 254, 262, 266, 275, 279, 283, 287	223, 250, 254, 262, 266, 275, 279, 283, 287

21. All of the assignments proposed herein which are within 250 miles of the U.S.-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

22. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

23. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 27, 1964, and reply comments on or before April 6, 1964. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

24. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention

[1] On Feb. 12, 1964 this application (BMPH-7403) to specify Channel 227 at Washington, N.C. in lieu of Channel 253 at Grifton, N.C. was granted by the Commission.

is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 19, 1964.

Released: February 24, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 64-1990; Filed, Feb. 28, 1964; 8:49 a.m.]

[2] Commissioner Loevinger absent.

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives Chlortetracycline, Neomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1114) has been filed by American Cyanamid Co., P.O. Box 400, Princeton, New Jersey, proposing amendments to the food additive regulations to provide for the safe use of a mastitis suspension, as follows:

1. By adding to § 121.249 *Food additives for use in milk-producing animals* a new paragraph (a)(3) as follows:

(a) • • •

(3)(i) It contains the following in each 6 milliliters of suspension:

Chlortetracycline equivalent (as the calcium salt)—200 mg.

Neomycin (as the sulfate)—100 mg.

(ii) Treat with 6 milliliters into each infected quarter after milking. A second treatment with 6 milliliters per quarter may be needed 24 hours later.

(iii) Milk taken from animal during treatment and for 84 hours after the latest treatment (7 milkings) must not be used for food.

2. By adding to § 121.1014 *Tolerances for residues of chlortetracycline* a new paragraph (e) as follows:

(e) Zero in milk.

Dated: February 25, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner For Regulations.

[F.R. Doc. 64-1971; Filed, Feb. 28, 1964; 8:47 a.m.]

HODAG CHEMICAL CORP.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1103) has been filed by Hodag Chemical Corporation, 7247 North Central Park Avenue, Skokie, Illinois, proposing the issuance of a regulation to provide for the safe use of methyl glucoside coconut oil ester to improve crystallization in the refining of sucrose.

Dated: February 25, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-1972; Filed, Feb. 28, 1964; 8:48 a.m.]

POST OFFICE DEPARTMENT

CITIZENS' STAMP ADVISORY COMMITTEE

Appointment of Members

The following is the text of Headquarters Circular 64-7, signed by the Postmaster General on February 11, 1964:

I. *Purpose.* To appoint a Post Office Department Citizens' Stamp Advisory Committee. This Committee will make available to the Post Office Department breadth of judgment and depth of experience in numerous areas of competence which influence the subject matter, character and beauty of postage stamps.

II. *Appointments to committee.* The following are hereby appointed as members of the Post Office Department Citizens' Stamp Advisory Committee to serve at the pleasure of the Postmaster General for a term not to exceed one year:

John Walker, Washington, D.C. (National Gallery of Art).
Norman Todhunter, West Redding, Conn.
Donald R. McLeod, Chevy Chase, Md. (Bureau of Engraving and Printing).
David Lidman, New York, N.Y.
Roger Kent, San Francisco, Calif.
John Maass, Philadelphia, Pa.
William N. Posner, Rochester, N.Y.

III. *Compensation and travel allowances.* A. Members of the Post Office Department Stamp Advisory Committee, in addition to such other reimbursable expenses as are authorized under the Standardized Government Travel Regulations, as amended, shall be allowed reimbursement for travel expenses and per diem at the rate of $16.00 a day in lieu of subsistence, when traveling in connection with their duties as members of the Post Office Department Stamp Advisory Committee. They shall be granted an allowance of 9 cents per mile for necessary official use of privately owned automobiles or airplanes when traveling in connection with their duties as members of such Committee. Approval of advantage to the Government, as required by law, shall be made either by the Postmaster General, the Deputy Postmaster General, or the Special Assistant to the Postmaster General. Members of the Committee who are appointed from private life shall be granted the allowance of $16.00 a day, in lieu of subsistence, for the time spent away from their homes in connection with their duties as members of the Post Office Department Stamp Advisory Committee. They also shall each receive compensation of $48.00 per day when engaged in duties as members of the Committee, including travel time to and from their homes or regular places of business.

B. No member of the Committee will receive personal benefit from payment for stamp designing.

IV. *Meetings of committee.* The Committee shall meet upon the request of the Postmaster General. Meetings shall be conducted in conformity with the regulations prescribed by Executive Order 11007 dated February 26, 1962.

This circular rescinds Headquarters Circular No. 61-11 (26 F.R. 3963).

(R.S. 161, as amended, sec. 15, 60 Stat. 810, as amended, 5 U.S.C. 22, 55a, 39 U.S.C. 501, 2504, 2505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1960; Filed, Feb. 28, 1964; 8:46 a.m.]

ASSISTANT POSTMASTER GENERAL, BUREAU OF OPERATIONS

Delegation of Authority

The following is the text of Headquarters Circular 64-6, signed by the Postmaster General on February 7, 1964, delegating authority to the Assistant Postmaster General, Bureau of Operations:

Pursuant to authority of section 309, Title 39 United States Code, authority, is hereby delegated to the Assistant Postmaster General, Bureau of Operations, to execute and perform in his own name and title all powers, functions and duties conferred by law upon the Postmaster General, including authority to modify, suspend or rescind orders, instructions and regulations which have heretofore, or which may hereafter be issued in the name of the Postmaster General, except that I do hereby reserve exclusive authority to modify, suspend or rescind all, or any part of, the authority delegated to the Assistant Postmaster General, Bureau of Operations, by this order.

The Assistant Postmaster General, Bureau of Operations, is hereby authorized to redelegate to any officer, employee or agency of the Post Office Department such of the powers, functions and duties delegated to him by this order.

Headquarters Circular 63-20 dated June 28, 1963 (28 F.R. 7040) is hereby revoked. All other prior delegations made by the Postmaster General and all redelegations of authority are to remain in full force and effect until changed by the order of the Postmaster General or the Assistant Postmaster General, Bureau of Operations.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64-1961; Filed, Feb. 28, 1964; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

Notice of Filing Protraction Diagrams (Unsurveyed Land)

FEBRUARY 24, 1964.

Notice is hereby given that effective April 15, 1964, the following protraction

diagrams are officially filed of record in the Wyoming Land Office, 2002 Capitol Avenue, Cheyenne, Wyoming. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only. Copies will be for sale at one dollar ($1.00) per sheet by The Division of Engineering, State Office, Bureau of Land Management, 2002 Capitol Avenue, Cheyenne, Wyoming, 82001.

6TH PRINCIPAL MERIDIAN

Approved September 4, 1963

Diagram No.:	Townships
1D	T. 56 N., R. 90 W.
	T. 57 N.,
	T. 58 N.,
	T. 57 N., R. 91 W.
	T. 58 N.,
	T. 57 N., R. 92 W.
	T. 58 N.,
	T. 56 N., R. 93 W.
	T. 57 N.,
	T. 58 N.,
1E	T. 53 N., R. 89 W.
	T. 54 N.,
	T. 58 N., R. 90 W.
	T. 54 N.,
1F	T. 51 N., R. 88 W.
	T. 52 N.,
7	T. 43 N., R. 116 W.
	T. 44 N.,
	T. 41 N., R. 117 W.
	T. 42 N.,
	T. 43 N.,
	T. 44 N.,
	T. 41 N., R. 118 W.
	T. 42 N.,
	T. 43 N.,
	T. 44 N.,
10	T. 44 N., R. 101 W.
	T. 44 N., R. 103 W.
	T. 44 N., R. 104 W.
14B	T. 33 N., R. 103 W.
	T. 33 N., R. 104 W.
	T. 34 N.,
	T. 33 N., R. 105 W.
	T. 34 N.,
	T. 35 N.

WIND RIVER MERIDIAN

14	T. 4 N., R. 5 W.
14A	T. 1 S., R. 5 W.
	T. 1 S., R. 6 W.
	T. 1 N., R. 5 W.
	T. 1 N., R. 6 W.
	T. 2 N., R. 5 W.
	T. 2 N., R. 6 W.

BURTON W. SILCOCK,
Assistant State Director.

Approved:

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 64-1962; Filed, Feb. 28, 1964; 8:46 a.m.]

National Park Service

[Order No. 4]

COLONIAL NATIONAL HISTORICAL PARK

Assistant Superintendent et al.; Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $50,000. for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 2. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $10,000. for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 3. *Procurement and Property Management Assistant.* The Procurement and Property Management Assistant may execute and approve contracts not in excess of $2,000. for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 4. *Revocation.* This order supersedes Colonial National Historical Park Order No. 3 (20 F.R. 5905), issued July 20, 1955, as amended.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 F.R. 1493))

Dated: February 10, 1964.

GEORGE F. EMERY,
Acting Superintendent,
Colonial National Historical Park.

[F.R. Doc. 64-1959; Filed, Feb. 28, 1964; 8:46 a.m.]

Office of the Secretary

RUSSELL V. KNAPP

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of today.

Dated: February 19, 1964.

RUSSELL V. KNAPP.

[F.R. Doc. 64-1963; Filed, Feb. 28, 1964; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10:00 a.m., local time, on April 1, 1964, in the Council Chambers, Room 101, Municipal Building, De Koven Drive, Middletown, Connecticut, to consider the application filed by Connecticut Yankee Atomic Power Company ("Connecticut Yankee"), Selden Street, Berlin, Connecticut, for a construction permit pursuant to section 104 b. of the Act to construct a pressurized light water reactor designed to operate at 1473 megawatts (thermal) to be located near Haddam, Connecticut.

The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Atomic Energy Commission (the Commission), consisting of Dr. Charles E. Winters, Cleveland, Ohio; Dr. Richard L. Doan, Tucson, Arizona; and Arthur W. Murphy, Esq., Chairman, New York, New York. The following issues will be considered at the hearing:

1. Whether the applicant has submitted sufficient information to provide reasonable assurance that a facility of the general type proposed in the application can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether there is reasonable assurance that the technical information omitted from and required to complete the application will be supplied;

3. Whether the applicant is technically qualified to design and construct the proposed facility;

4. Whether the applicant, pursuant to its request in amendment No. 4 to the application dated January 24, 1964, should be granted an interim exemption from the requirements of Part 50 that it demonstrate prior to the issuance of the construction permit that it is financially qualified to design and construct the proposed facility; and

5. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or the health and safety of the public.

The application for construction permit, the report of the Commission's Advisory Committee on Reactor Safeguards, and the application for exemption dated January 24, 1964, are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the ACRS report may be obtained by request to the Director of the Division of Licensing and Regulation, United States Atomic Energy Commission, Washington, D.C., 20545. Copies of the Hazards Analysis by the Regulatory Staff evaluating the application will be similarly available approximately twenty days prior to the date of hearing.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20545, not later than March 17, 1964, or, in the event of a postponement of the hearing date specified, at such time as the Licensing Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice," 10 CFR 2.

Answers to this Notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," shall be filed by the applicant on or before March 17, 1964.

Papers required to be filed with the Commission in this proceeding may be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the Office of the Secretary, United States Atomic Energy Commission, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Licensing Board, parties shall file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and fifteen conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 28th day of February 1964.

UNITED STATES ATOMIC ENERGY COMMISSION,
WOODFORD B. MCCOOL,
Secretary to the Commission.

[F.R. Doc. 64-2056; Filed, Feb. 28, 1964; 10:56 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14468]

DELTA AIR LINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC., INTERCHANGE AGREEMENT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on March 25, 1964, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 25, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-1975; Filed, Feb. 28, 1964; 8:48 a.m.]

[Docket No. 11278 etc.]

NEW YORK-SAN JUAN CARGO RATES INVESTIGATION

Notice of Prehearing Conference

Notice hereby is given that a prehearing conference in the above-entitled proceeding will be held on March 4, 1964, at 10:00 a.m., e.s.t., in Room 725, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 26, 1964.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 64-1976; Filed, Feb. 28, 1964; 8:48 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THERE IS DETERMINED TO BE A MANPOWER SHORTAGE

Notice of Cancellation of Listing

The Notice of Listing for the position of Education Specialist (Swahili Language), GS-1710-9, U.S. Army Language School, Presidio of Monterey, California, published in the FEDERAL REGISTER of November 3, 1961, page 10370, has been cancelled by the Commission effective February 17, 1964.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-1980; Filed, Feb. 28, 1964; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 17,830]

FEDERAL HOME LOAN BANKS OF SPOKANE AND SAN FRANCISCO

Postponement of Dates of Termination, Separation of Accounts and Transfer of Members

FEBRUARY 26, 1964.

Resolved, that in response to the request of the Board of Directors of the Federal Home Loan Bank of Spokane, as set forth in the minutes of their meeting of February 17, 1964, the effective date for the enactment of the provisions of Federal Home Loan Bank Board Resolution No. 17,677, dated December 31, 1963, governing the separation of accounts and the transfer of members from the Federal Home Loan Bank of San Francisco to the Federal Home Loan Bank of Spokane, is hereby postponed from March 1, 1964, to April 6, 1964.

Resolved further, that the effective date for the termination and closing of the Portland, Oregon, branch of the Federal Home Loan Bank of San Francisco as prescribed by said Resolution No. 17,677, is hereby postponed from the close of February 29, 1964, to the close of April 5, 1964.

Resolved further, that to give effect to the above postponements, said Resolution No. 17,677 is hereby amended by changing the date "February 29, 1964" as it appears in paragraph 6(g) to read "April 5, 1964", and by changing the date "March 1, 1964", as it appears in paragraphs 4, 6(a), 6(b), 6(c), 6(d), 6(e), 7, and in the fourth paragraph of Exhibit C to said resolution, to read "April 6, 1964".

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 64-2063; Filed, Feb. 28, 1964; 12:13 p.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15278-15281; FCC 64M-156]

FLOYD BYLER ET AL.

Order Continuing Hearing

In re applications of Floyd Byler, Urbana, Ohio, Docket No. 15278, File No. BPH-3348; Paul Dean Ford and J. T. Winchester, London, Ohio, Docket No. 15279, File No. BPH-3936; Charles H. Chamberlain, Urbana, Ohio, Docket No. 15280, File No. BPH-3993; The Brown Publishing Company, Urbana, Ohio, Docket No. 15281, File No. BPH-4138; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 24th day of February 1964, that the hearing presently scheduled to commence on March 16, 1964, is continued to April 20, 1964, at 10 a.m., in Washington, D.C.

Released: February 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1991; Filed, Feb. 28, 1964; 8:49 a.m.]

[Docket Nos. 12865, 12866; FCC 64M-163]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO-TV)

Order Continuing Prehearing Conference

In re applications of Chronicle Publishing Company (KRON-TV), San Francisco, California, Docket No. 12865, File No. BPCT-2168; American Broadcasting-Paramount Theatres, Inc. (KGO-TV), San Francisco, California, Docket No. 12866, File No. BPCT-2401; for construction permits.

It is ordered, This 25th day of February 1964, upon the Hearing Examiner's own motion, that the prehearing conference in the above-entitled proceeding now scheduled for 9:00 a.m., March 2, 1964, be and the same is hereby rescheduled for 2:00 p.m., March 2, 1964, in the Commission's Offices, Washington, D.C.

Released: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1992; Filed, Feb. 28, 1964; 8:49 a.m.]

[Docket Nos. 15265, 15266; FCC 64M–162]

COMMUNITY BROADCASTING SERVICE, INC., ET AL.

Order Following Prehearing Conference

In re applications of Community Broadcasting Service, Inc., Vineland, New Jersey, Docket No. 15265, File No. BPH–3949; Mortimer Hendrickson and Vivian Eliza Hendrickson, Vineland, New Jersey, Docket No. 15266, File No. BPH–4165; for construction permits.

The prehearing conference in the above-captioned proceeding having been held on February 25, 1964, and it appearing that certain agreements were reached therein which properly should be formalized in an order;

Accordingly, it is ordered, This 25th day of February 1964, that:

(1) Proposed exhibits of the respective applicants will be exchanged with counsel for the other parties (with copies to be supplied to the Hearing Examiner) by March 30, 1964; and

(2) The evidentiary hearing heretofore scheduled to commence on March 18, 1964, is postponed to April 14, 1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1993; Filed, Feb. 28, 1964; 8:49 a.m.]

[Docket Nos. 15323–15325; FCC 64M–155]

INTEGRATED COMMUNICATIONS SYSTEMS, INC., OF MASSACHUSETTS ET AL.

Order Continuing Prehearing Conference

In re applications of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT–3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT–3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT–3277; for construction permits for new television broadcast stations.

The interplay of developments in the three proceedings involving applications by United Artists Broadcasting Inc. for new television stations in Houston, Texas, Cleveland, Ohio, and Boston, Massachusetts requires the scheduling of a prehearing conference in which all parties in all of these proceedings may participate. The earliest date at which this can be accommodated is March 19, 1964. Under the circumstance, the prehearing conference now scheduled in the subject Boston proceeding for March 13 would serve no useful purpose.

Accordingly, it is ordered, This 24th day of February 1964, that the prehearing conference now scheduled for March 13 is rescheduled to March 19, 1964. Suitable accompanying orders will accomplish the necessaries for effecting on that date the joining of all parties in the three cities mentioned above.

Released: February 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1994; Filed, Feb. 28, 1964; 8:49 a.m.]

[Docket Nos. 15228–15230; FCC 64R–99]

TRI-STATE COMMUNICATIONS COMPANY AND TWO-WAY RADIO COMMUNICATIONS CO. OF KANSAS, INC.

Memorandum Opinion and Order Amending Issues

In re applications of Ralph Heng, d/b as Tri-State Communications Company, Liberal, Kansas, Docket No. 15228, File No. 356–C2–P–62, for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Liberal, Kansas; Two-Way Radio Communications Company of Kansas, Inc., Docket No. 15229, File No. 2549–C2–P–62, for a construction permit to add a second channel to the existing two-way common carrier station KAF–650 in the Domestic Public Land Mobile Radio Service in Liberal, Kansas; Docket No. 15230, File No. 10–C2–P–63, for a construction permit to change the location and equipment for the base station KAF–650 in the Domestic Public Land Mobile Radio Service in Liberal, Kansas.

1. The Review Board has before it for consideration a motion for enlargement of issues, filed December 30, 1963, by Two-Way Radio Communications Company of Kansas, Inc. (Two-Way), and related pleadings.[1] Two-Way urges that the issues be enlarged as against Ralph Heng, d/b as Tri-State Communications Company (Heng), to include the following issues in addition to those already included in the Commission's designation Order: To determine in the light of the evidence adduced on issues (c) and (d) whether Ralph Heng possesses the necessary character qualifications to be a licensee.[2]

To determine whether there have been repeated errors, inaccuracies, nondisclosures of material facts, and/or inadvertent statements in the above-captioned application, amendments thereto, pleadings, and prosecution of the application, and, if so, whether they reflect such negligence, carelessness, ineptness, or disregard of the Commission's processes that the Commission cannot rely upon the applicant to fulfill the duties and responsibilities of a licensee.

To determine the legal status of the applicant in application File No. 356–C2–P–62 and whether Ralph Heng d/b as Tri-State Communications Company or Tri-State Communications Company, Inc., is the real party in interest in that application.

2. The factual allegations underlying these requested issues were brought to the Commission's attention by Two-Way in (1) its reply to the opposition to its petition to deny Heng's application, filed November 22, 1961, and (2) its opposition to Heng's petition for grant without hearing, filed April 10, 1962. In brief, these facts are representations made by Heng in his Business Radio Service and Domestic Radio Service applications concerning the location of his radio tower; representations made by Heng in his Domestic Radio Service application concerning his financial and business affairs and the legal status of the applicant; and Heng's submission of purported affidavits in connection with his Domestic Radio Service application. Two-Way first asserts that if Heng did in fact misrepresent or withhold facts, such conduct would raise a question as to his character qualifications, and that the conclusionary public interest issue (e), does not contain "character issue" language. Next, Two-Way contends that if the evidence adduced does not warrant Heng's character disqualification, there should be an issue to determine whether Heng is so careless and inept that he "would not be an acceptable licensee." Finally, since there appears to be some question as to whether Heng or Tri-State Communications Company, Inc. is the real party in interest, Two-Way requests an issue directed to this end.

3. Heng, in his opposition, asserts that petitioner has made no new allegations, that the Commission has already fully considered the matters referred to in the preceding paragraph, that petitioner is really asking for a reconsideration of the Commission's Memorandum Opinion and Order, and that this is beyond the authority of the Review Board. Two-Way's reply takes issue with the latter argument, saying that "the Board's power to amend, modify, enlarge or delete issues necessarily carries with it the power to reconsider the Commission's order of designation."

4. There is no need to add either the requested character qualifications issue or the real party in interest issue. While the inclusion of such issues would not have been inappropriate under the circumstances of this case, the issues specified by the Commission permit an inquiry into the matters referred to by the petitioner, and the conclusionary public interest issue requires a determination as to whether in the light of the facts adduced under the issues specified by the Commission a grant would be in the public interest. This latter determination includes, of course, a consideration of any adverse character evidence adduced pursuant to the issues specified by the Commission.

5. The Board will, however, add the second of Two-Way's requested issues. Not until after the release of the Commission's designation Order in this proceeding was this type of issue framed for the first time. See Beamon Advertising, Incorporated, FCC 63R–467, 1 RR 2d 285 (1963). The facts alleged by petitioner support the addition of such an issue: e.g., Heng's construction of a tower at a site different from that used in his Business Service application; a five month delay in notifying the Commission of the latter fact even after his attention was drawn to it; repetition of his tower site location error in his Domestic Public Land application; submission by Heng of affidavits which may not have been sworn to by the signatories; and submission of almost identical balance sheets for Heng and a controlled corporation.

Accordingly, it is ordered, This 24th day of February 1964, that the petition to enlarge issues, filed December 30, 1963, by Two-Way Radio Communications Company of Kansas, Inc., is granted as indicated herein, and denied in all other respects; and the issues in this proceeding are enlarged by the addition of the following issue: To determine whether there have been repeated errors, inaccuracies, non-disclosures of material facts, and/or inadvertent statements in the Heng (Tri-State) application, amendments thereto, pleadings, and prosecution of the application, and, if so, whether they reflect such negligence, carelessness, ineptness, or disregard of the Commission's processes that the Commission can not rely upon the applicant to fulfill the duties and responsibilities of a licensee.

Released: February 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1995; Filed, Feb. 28, 1964; 8:50 a.m.]

[Docket Nos. 15212, 15213; FCC 64M–154]

TVUE ASSOCIATES, INC. AND UNITED ARTISTS BROADCASTING, INC.

Order Scheduling Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT–3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT–3166; for construction permits for new television broadcast stations.

It is deemed necessary that a prehearing conference be held among all of the participants in the proceedings involving applications by United Artists Broadcasting, Inc. for new stations in Houston, Texas, Cleveland, Ohio, and Boston, Massachusetts.

Accordingly, it is ordered, This 24th day of February 1964, that a further prehearing conference will be held in the subject Houston proceeding on March 19, 1964. Suitable accompanying orders will accomplish the necessaries for effecting on that date the joining of all parties in the three cities mentioned above.

Released: February 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1996; Filed, Feb. 28, 1964; 8:50 a.m.]

[Docket Nos. 15248–15250; FCC 64M–153]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT–3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT–3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT–3243; for construction permits for new television broadcast stations.

It is deemed necessary that a prehearing conference be held among all of the participants in the proceedings involving applications by United Artists Broadcasting Inc. for new stations in Houston, Texas, Cleveland, Ohio, and Boston, Massachusetts.

Accordingly, it is ordered, This 24th day of February 1964, that a further prehearing conference will be held in the subject Cleveland proceeding on March 19, 1964. Suitable accompanying orders will accomplish the necessaries for effecting on that date the joining of all parties in the three cities mentioned above.

Released: February 25, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1997; Filed, Feb. 28, 1964; 8:50 a.m.]

[Docket Nos. 15204–15207; FCC 64M–164]

WHDH INC. (WHDH–TV) ET AL.

Statement and Order After Further Prehearing Conference

In re Applications of WHDH, Inc. (WHDH–TV), Boston, Massachusetts, Docket No. 15204, File No. BRCT–530, for renewal of license; Charles River Civic Television, Inc., Boston, Massachusetts, Docket No. 15205, File No. BPCT–3164, Boston Broadcasters, Inc., Boston, Massachusetts, Docket No. 15206, File No. BPCT–3170, Greater Boston TV Co., Inc., Boston, Massachusetts, Docket No. 15207, File No. BPCT–3171, for construction permits for new VHF television broadcast stations.

At the further prehearing conference of February 24, 1964, the following new schedule was adopted as a result of a motion for continuance and extension by counsel for Greater Boston TV Co., Inc.:

Exchange of exhibits, March 23, 1964 (from March 2).

Further prehearing conference, April 9, 1964 at 10 a.m. (from March 12).

Hearing, Monday, April 13 (from March 23) at 10 a.m., in the offices of the Commission, Washington, D.C.

So ordered, This 25th day of February 1964.

Released: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–1998; Filed, Feb. 28, 1964; 8:51 a.m.]

[Docket No. 15342; 47756]

JIM D. ZAVAS

Order To Show Cause

In the matter of Jim D. Zavas, Lynwood, California, order to show cause why there should not be revoked the license for radio station KFA–4513 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 25, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 27, 1963, also mailed to the licensee at his address of record; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as

[1] (a) The enlargement petition filed by Community Broadcasting Service, Inc., on February 10, 1964, requesting the addition of a sufficiency of funds ("Evansville") issue with respect to the Hendrickson proposal, will not be considered by the Examiner until after the Review Board has ruled on Community's petition, filed the same date, for the inclusion of a general financial qualification issue with respect to Hendrickson.

(b) Counsel for the parties are to meet in an informal conference in advance of the March 30th exchange date for the purpose of formulating various stipulations. Arrangements as to time and place of such conference are to be made by mutual agreement of counsel, with the Examiner to be informally notified by March 10, 1964, through Bureau Counsel as to the arrangements effected.

[1] Also before the Board are: Opposition, filed January 14, 1964, by Ralph Heng; and reply, filed January 17, 1964, by Two-Way.

[2] Existing issue (c) is a misrepresentation issue relating, among other things, to Heng's legal status, and issue (d) requires a determination of the facts and circumstances under which Heng obtained certain affidavits.

[3] Board member Berkemeyer abstaining.

amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 25th day of February 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 3560 Josephine Street, Lynwood, California.

Released: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1999; Filed, Feb. 28, 1964; 8:51 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Announcement of Actions and Restraint Levels

FEBRUARY 25, 1964.

The purpose of this notice is to announce certain actions taken by the United States Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962.

Bilateral agreements. Pursuant to Article 4 of the Long-Term Arrangement, a bilateral agreement between the Philippines and the United States has been concluded. Discussions are continuing between the Governments of Portugal and the United States concerning bilateral arrangements on trade in cotton textiles.

In addition, consultations are now being held in Washington with representatives of the Government of India concerning trade in cotton textiles between the two countries. These talks are being undertaken pursuant to a recommendation by the GATT Cotton Textiles Committee at its meeting in Geneva in December 1963 that individual importing and exporting countries schedule regular periodic consultations on developments in their trade in cotton textiles.

Renewal of restraint actions. On February 17, 1964, the Interagency Textile Administrative Committee announced that, under Article 3 and Annex B of the Long-Term Arrangement, the United States had renewed restraints with respect to exports from Greece in Category 1, effective February 4, 1964, for a further twelve-month period.

New actions. On February 17, 1964, the Interagency Textile Administrative Committee announced that, under Article 3 of the Long-Term Arrangement, discussions were continuing with the governments of several countries concerning the restraint of certain exports of cotton textiles and cotton textile products which are causing or threatening to cause disruption in the United States market as follows:

Country:	*Category*
Argentina	1
Brazil	9
Mexico	22
Pakistan	22
Trinidad and Tobago	26 and 61

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

[F.R. Doc. 64-1977; Filed; Feb. 28, 1964; 8:48 a.m.]

COTTON TEXTILE PRODUCTS IN CATEGORY 9 PRODUCED OR MANUFACTURED IN PAKISTAN

FEBRUARY 26, 1964.

The United States Government, in furtherance of the objectives of, and under the terms of, the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, has informed the Government of Pakistan that it intends to renew the arrangements in effect between the two governments on the exports of cotton textiles to the United States in Category 9, produced or manufactured in Pakistan, during the twelve-month period beginning March 1, 1964.

There is published below a letter of February 26, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 9 produced or manufactured in Pakistan which may be entered, or withdrawn from warehouse, for consumption in the United States from March 1, 1964, through February 28, 1965, be limited to 11,400,000 square yards. In addition, the directive includes special instructions with respect to goods which had been imported into the United States prior to January 31, 1964 (see FEDERAL REGISTER dated January 15, 1964 (29 F.R. 371)).

JAMES S. LOVE, JR.,
Chairman, Interagency Textile Administrative Committee, and Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., February 26, 1964.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective March 1, 1964, and for the period extending through February 28, 1965, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 9, produced or manufactured in Pakistan, in excess of the following level of restraint:

Category:	*Level of restraint*
9	11,400,000 square yards

During the period beginning on March 1, 1964, and extending through March 4, 1964, you shall permit entry, under the terms of this directive, of only those cotton textiles in Category 9, produced or manufactured in Pakistan, which were imported into the United States, including merchandise deposited in a Foreign Trade Zone, prior to January 31, 1964. Thereafter, any cotton textiles in Category 9, produced or manufactured in Pakistan, may be entered subject to the directives set forth in this letter, regardless of the date on which such goods were exported to the United States from Pakistan or the date on which they were imported into the United States.

A detailed description of Category 9 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles from Pakistan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-1978; Filed, Feb. 28, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-640]

GREAT NORTHERN INVESTMENTS, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 24, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Great Northern Investments, Inc. ("applicant"), 9200 Wyzata Boulevard, Minneapolis, Minnesota, a Delaware corporation and a management closed-end non-diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant represents that a plan of complete liquidation of the company was unanimously approved by stockholders at a special meeting of stockholders which was held on June 9, 1959. Effective June 16, 1959, the corporation was dissolved pursuant to the General Corporation Law of the State of Delaware. Since June 16, 1959, there have been a total of three distributions to shareholders, including two distributions of cash amounting in the aggregate to $38 per share and one distribution of 0.838018 share of Guaranty Security Insurance Company for each outstanding share of applicant. As of January 27, 1964 the remaining undistributed assets of applicant consisted of a claim for refund of Minnesota income taxes in the approximate amount of $138,000, and cash in the amount of $84,622 on deposit with the First National Bank of Minneapolis. The funds on deposit with the bank, except such as are necessary to pay attorney's fees and other expenses, are being held solely for the purposes of distribution to the stockholders of applicant and the tax refund, if and when received, will be held for the same purposes. There are no security holders of applicant's stock who have not surrendered their holdings or who have not received any distribution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 16, 1964 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1956; Filed, Feb. 28, 1964; 8:46 a.m.]

[File No. 811-1113]

MEDICAL INDUSTRIES FUND, INC.

Notice of Filing of Application for an Order Declaring That the Company Has Ceased To Be an Investment Company

FEBRUARY 24, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Medical Industries Fund, Inc. ("Applicant"), 141 Dahlia Street, Denver, Colorado, a closed-end diversified management investment company, has ceased to be an investment company.

Applicant filed a Notification of Registration under the Act on October 23, 1961. Since that time the Applicant has not offered or sold its shares to the public, has no assets of any kind, and has not transacted any business.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 10, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by (affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1957; Filed, Feb. 28, 1964; 8:46 a.m.]

[File No. 7-2364]

TEKTRONIX, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 25, 1964.

In the matter of application of the Philadelphia-Baltimore-Washington stock exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Tektronix, Inc. ---------- File 7-2364

Upon receipt of a request, on or before March 13, 1964, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-1958; Filed, Feb. 28, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 946]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 26, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking recon-

sideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 65930. By order of February 24, 1964, the Transfer Board approved the transfer to Francis W. Pell, John F. Pell, Thomas H. Pell and Michael A. Pell, a partnership, doing business as Pell Bros. Motor Service, 2617 West Cermak Road, Chicago 8, Ill., of the operating rights claimed by Frank Pell, Francis W. Pell, Administrator, and John Pell and Francis Pell, a partnership, doing business as Pell Brothers Motor Freight, 2617 West Cermak Road, Chicago 8, Ill., under the "grandfather clause" of Section 206(a) (7) (b) in No. MC 20878 (Sub-No. 2) covering the movement of commodities in Illinois.

No. MC–FC 66537. By order of February 20, 1964, the Transfer Board approved the transfer to Sylvester Brown, Albert Grzesiak, Arthur Rindfleisch, Robert Voeltner, Otto Rindfleisch, Wilbert Facklum, Frank Rindfleisch, Ervin Ahles, James Roseth and Myron Koskey, a partnership, doing business as Associated Trucking Co., Mosinee, Wis., of the operating rights issued by the Commission under Certificate No. MC 113535 (Sub-No. 4), to A & W Trucking Co., Inc., Mosinee, Wis., authorizing the transportation, over irregular routes, of meat, meat products, meat byproducts, and articles distributed by meat packing houses from Madison and Mosinee, Wis., to Duluth, Minn., and empty containers used in transporting the above-specified commodities, from Duluth, Minn., to Madison and Mosinee, Wis. Walter H. Piehler, % Genrich, Terwilliger, Wakeen, Piehler & Conway, Security Building, 401 Fourth Street, Wausau, Wis., attorneys for applicants.

No. MC–FC 66548. By order of February 20, 1964, the Transfer Board approved the transfer to William Caruso, doing business as Ace Moving Company, Kingston, Pa., of portion of the operating rights issued by the Commission January 28, 1942, under Certificate in No. MC 48694 to Benjamin F. Rozelle, Scranton, Pa., authorizing the transportation of: Household goods, over irregular routes, between Scranton and points in Pennsylvania within 50 miles of Scranton, on the one hand, and, on the other, points in New York, New Jersey, Ohio, Michigan, Massachusetts, Maine, Rhode Island, Connecticut, and the District of Columbia. Sol Lubin, 21 South Franklin Street, Wilkes-Barre, Pa., attorney for applicants.

No. MC–FC 66652. By order of February 24, 1964, the Transfer Board approved the transfer to Warners Motor Express, Inc., West Country Club Road, Red Lion, Pa., of the operating rights issued by the Commission May 9, 1958, under Certificate in No. MC 60577 to York County Van Company, a corporation, 41 North Court, York, Pa., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between points in York County, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, Delaware, Virginia, West Virginia, the District of Columbia, and specified points in New York.

HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64-1970; Filed, Feb. 28, 1964; 8:47 a.m.]

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A cumulative checklist of CFR issuances for 1964 appears in the first issue of each month under Title 1.

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